City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final

Planning and Zoning Commission

Tuesday, March 24, 2020 | **6:00 PM** | **City Council Chambers**

630 East Hopkins St.

I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

EXECUTIVE SESSION

NOTE: The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.

IV. 30 Minute Citizen Comment Period

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of February 25, 2020.

2. PC-19-21_01 (High Branch Concept Plat) Consider a request by Mueller and Associates on behalf of Two Rivers Interests, to approve a Concept Plat consisting of approximately 205.284 acres, more or less, out of the Barnett O. Kane Survey located in the 1600 Block of Redwood Road. (A. Villalobos)

3. PC-19-49 (Whisper Industrial) Consider a request from Vigil & Associates on behalf of Whisper Master Community LP, for a Final Plat consisting of one lot that is approximately 18.41 acres +/-, on Futura Road, located within the Joel Miner Survey No. 321, Hays County, Texas. (W. Parrish)

4. PC-20-02 (Blanco Vista, Tract M-1) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 18.987 acres, more or less, out of the William Ward League Survey, Abstract 467, located east of Old Stagecoach Road and north of Trail Ridge Pass (A.Brake)

5. PC-20-08 (Whisper Mixed Use Subdivision Phase 1-A Final Plat) Consider a request by Vigil & Associates, on behalf of 135 Residential Development, L.L.C., to approve a Final Plat for 88.125 acres, more or less, out of the Joel Miner Survey, Abstract No. 321, generally located east of IH-35, west of Harris Hill Road. (A. Brake)

PUBLIC HEARINGS

6. ZC-20-04 (Mystic Canyon) Hold a public hearing and consider a request by Bill E. Couch, on behalf of Kali Kate Services Inc., for a zoning change from “FD” Future Development, “CC” Community Commercial, and “P” Public and Institutional to “SF-6” Single Family for approximately 5.217 aces, more or less, out of the Benjamin J. White, Thomas Forsith, Elijah Clark, and Robert H. Williams Surveys, generally located west of the intersection of Old Ranch Road 12 and Craddock Avenue. (T. Carpenter)

7. CUP-20-03 (Rollin’ Bowl) Hold a public hearing and consider a request from 99 Rollin’ Bowl Inc., for a renewal of a Conditional Use Permit for the sale of beer and wine for on-premise consumption, located at 1285 South IH 35 Suite 103. (W. Parrish)

8. CUP-20-08 (54th Street Restaurant & Bar) Hold a public hearing and consider a request by 54th Street Restaurant & Drafthouse for a renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 1303 South IH 35. (S. Caldwell)

9. CUP-20-07 (Toro Ramen & Poke Barn) Hold a public hearing and consider a request by Toro Tanaka for a renewal of a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 700 North LBJ Drive, Suite 114. (S. Caldwell)

10. CUP-20-05 (North Street Beer Bar) Hold a public hearing and consider a request by North Street Inc. for a renewal of a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 216 North Street (S. Caldwell)

11. CUP-20-06 (The Davenport) Hold a public hearing and consider a request by Stamper Family LLC for a new Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 194 South Guadalupe Street (S. Caldwell).

12. SCW-20-01 (Waterstone Warrants) Hold a public hearing and consider a request by Blake Reed, on behalf of TACK Development & LaSalle Holdings for 12 SmartCode Warrants that allow deviation from SmartCode (SC) Zoning for a +/- 648 acre site out of the William Hemphil Survey (A. Hernandez)

13. Hold a public hearing and consider a recommendation to the City Council regarding text amendments to the San Marcos Development Code to address recommendations from the Alcohol Conditional Use Permit Committee, the Housing Task Force, the Historic Preservation Commission, and recommendations from City staff concerning application processing and requirements, block perimeter standards, Certificate of Appropriateness appeals, Concept Plat applicability, right-of-way dimensional standards, building type definitions, Neighborhood Density District zoning regulations, Character District zoning regulations, a new Special Events Facility use, multifamily parking standards, accessory dwelling units, neighborhood transitions, durable building materials, detention and water quality requirements for plats of four residential lots or less, detention requirements outside the Urban Stormwater Management District, delineation of water quality and buffer zones, channel design for water quality zone reclamation, sensitive geologic feature protection zones, geological assessment waivers, and Qualified Watershed Protection Plan

applicability, and adoption of Appendix Q of the International Residential Code (S. Caldwell)

NON-CONSENT AGENDA

14. Election of the following officers:
   a. Planning and Zoning Commission Chair
   b. Planning and Zoning Commission Vice Chair

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:
_____

File #: ID#20-137, **Version:** 1

AGENDA CAPTION:
Consider approval of the minutes of the regular meeting of February 25, 2020.
Meeting date: March 24, 2020

Department: Planning & Zoning Commission

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.

☐ Core Services

☐ 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.

City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft
Planning and Zoning Commission

Tuesday, February 25, 2020 | **6:00 PM** | **City Council Chambers**

630 East Hopkins St.

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, February 25, 2020 in the City Council Chamber of the City of San Marcos, City Hall, 630 East Hopkins St., San Marcos, Texas.

II. Roll Call

Present 8 - Commissioner Jim Garber, Commissioner Mark Gleason, Commissioner Matthew Haverland, Commissioner Kate McCarty, Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, and Commissioner William Agnew

Excused 1 - Commissioner Mike Dillon

III. Chairperson's Opening Remarks

EXECUTIVE SESSION

IV. 30 Minute Citizen Comment Period

Shay Pfeifer spoke about items ZC-20-02 and ZC-20-05. She expressed concerns about the economic impact on property value, safety of the neighborhood, inegrity of SF-6 zoning, traffic, and the impact of the school which already had a high teacher to student ratio.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of January 28, 2020.

2. PC-18-40_03 (La Cima, Phase 2, Section A) Consider a request by Doucet & Associates, on behalf of Lazy Oaks Ranch, LP, to approve a Final Plat for 33.853 acres, more or less, out of the John Williams Survey, Abstract No. 490, and the William Smithson Survey, Abstract No. 419, generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive (A.Brake)

3. PC-19-34 (La Cima, Phase 2, Section B) Consider a request by Doucet & Associates, on behalf of Lazy Oaks Ranch, LP, to approve a Final Plat for 55.831 acres, more or less, out of the John Williams Survey, Abstract No. 490, the Patrick McGreal Survey, Abstract No. 308, and

the William Smithson Survey, Abstract No. 419, generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive (A.Brake)

4. PC-19-65 (Cottonwood Creek, Phase 3, Unit 4) Consider a request by Pape-Dawson Engineers, on behalf of Continental Homes of Texas LP, for approval of a Final Plat for approximately 12.945 acres, more or less, out of the Farnam Frye and J.F. Geister Surveys, located at the intersection of Rattler Road and Adler Way. (T. Carpenter)

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

For: 8 - Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore, Commissioner Kelsey and Commissioner Agnew

Against: 0

Excused: 1 - Commissioner Dillon

PUBLIC HEARINGS

5. ZC-20-03 (Sportsplex) Hold a public hearing and consider a request by Ed Theriot, on behalf of Outlet West Investors, Ltd., for a zoning change from “FD” Future Development and “GC,” General Commercial to “PA,” Planning Area District, for approximately 62.48 acres, more or less, out of the Edward Burleson Survey, generally located at the intersection of Commercial Loop and Gregsons Bend. (T. Carpenter)

Chair Garber opened the Public Hearing.

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

Ed Theriot, 5395 Hwy 183 N., Lockhart, TX, spoke in favor of the item. He mentioned there are other uses planned for the property that would compliment the Sportsplex, such as a residential mix, hotel and entertainment facilities.

Chair Garber closed the Public Hearing.

Discussion ensued.

A motion was made by Commissioner Kelsey, seconded by Commissioner Moore, that ZC-20-03 (Sportsplex) be approved. The motion carried by the following vote:

For: 8 - Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore, Commissioner Kelsey and Commissioner Agnew

Against: 0

Excused: 1 - Commissioner Dillon

6. ZC-20-04 (Mystic Canyon) Hold a public hearing and consider a request by Bill E. Couch, on behalf of Kali Kate Services Inc., for a zoning change from “FD” Future Development, to “SF-6” Single Family, for approximately 0.999 aces, more or less, out of the Benjamin J. White and Robert H. Williams Surveys, generally located near the intersection of Lancaster Street and Sunderland Cove. (T. Carpenter)

The item was postponed to a future meeting.

A motion was made by Commissioner Gleason, seconded by Commissioner McCarty, that ZC-20-04 (Mystic Canyon) be postponed. The motion carried by the following vote:

For: 7 - Commissioner Garber, Commissioner Gleason, Commissioner McCarty, Commissioner Rand, Commissioner Moore, Commissioner Kelsey and Commissioner Agnew

Against: 0

Recused: 1 - Commissioner Haverland

Excused: 1 - Commissioner Dillon

7. ZC-20-02 (Vantage 1) Hold a public hearing and consider a request by Vantage at San Marcos, on behalf of Mohnke Poor Farm, LLC, for a zoning change from “FD” Future Development to “CD-3” Character District 3, for approximately 12.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County, generally located north of the intersection of Highway 123 and Monterey Oak Drive. (W. Parrish)

Chair Garber opened the Public Hearing.

Will Parrish, Planner, gave an overview of the request.

Chris Weigand, applicant, 7334 Blano Rd., Ste. 200, San Antonio, TX, gave a presentation regarding the request.

William Selvege, 510 Brazoria Trl., expressed concerns about a proposed road that is going through the community. He said not many people knew about it, but that it will change traffic patterns. He also expressed safety and security concerns that the road may bring.

Bob Neuenfeldt, 418 Brazoria Trl., said that the map looks like it has three more cut-ins onto Hwy 123 before Old Bastrop Rd., and it looks like it's going to slow down traffic going north bound, which is concerning for him.

Chair Garber closed the Public Hearing.

Discussion ensued.

A motion was made by Commissioner Kelsey, seconded by Commissioner McCarty, that ZC-20-02 (Vantage 1) be recommended for denial. The motion failed by the following vote:

For:	3 -	Commissioner Gleason, Commissioner McCarty and Commissioner Kelsey
Against:	5 -	Commissioner Garber, Commissioner Haverland, Commissioner Rand, Commissioner Moore and Commissioner Agnew
Excused:	1 -	Commissioner Dillon

A motion was made by Commissioner Moore, seconded by Commissioner Gleason, that ZC-20-02 (Vantage 1) be recommended for approval. The motion carried by the following vote:

For:	5 -	Commissioner Garber, Commissioner Haverland, Commissioner Rand, Commissioner Moore and Commissioner Agnew
Against:	3 -	Commissioner Gleason, Commissioner McCarty and Commissioner Kelsey
Excused:	1 -	Commissioner Dillon

8. ZC-20-05 (Vantage 2) Hold a public hearing and consider a request by Vantage at San Marcos, on behalf of Mohnke Poor Farm, LLC, for a zoning change from “FD” Future Development to “CD-4” Character District 4, for approximately 18.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County, generally located north of the intersection of Highway 123 and Monterey Oak Drive. (W. Parrish)

Chair Garber opened the Public Hearing.

Will Parrish, Planner, gave an overview of the request.

Chris Weigand, applicant, 7334 Blanco Rd. Ste. 200, San Antonio, TX gave a presentation regarding the request.

Bob Neuenfeldt, 418 Brazoria Trl., said he understands the need for affordable housing, but has traffic concerns.

Barbara Selvege, 510 Brazoria Trl., said she doesn't see why more apartments are necessary. She said Hwy 123 cannot handle all of the traffic. She also expressed safety concerns for the children with the additional traffic. She said there's one middle school, and one high school that are already full with students.

Chair Garber closed the Public Hearing.

Discussion ensued.

A motion was made by Commissioner Gleason, seconded by Commissioner

Haverland, that ZC-20-05 (Vantage 2) be approved. The motion carried by the following vote:

For:	5 -	Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner Rand and Commissioner Moore
Against:	3 -	Commissioner McCarty, Commissioner Kelsey and Commissioner Agnew
Excused:	1 -	Commissioner Dillon

9. AC-20-01 (CD-4 Lot Width) Hold a public hearing and consider a request from Vantage at San Marcos for an Alternative Compliance to the maximum lot width requirements in Section 4.4.3.4 of the Development Code relating to a proposed apartment development located near the intersection of Old Bastrop Highway and Highway 123, Hays County, Texas. (W. Parrish)

Chair Garber opened the Public Hearing.

Will Parrish, Planner, gave an overview of the request.

Chris Weigand, applicant, 7334 Blanco Rd., Ste. 200, San Antonio, TX, gave a presentation regarding the request.

Chair Garber closed the Public Hearing.

Discussion ensued.

A motion was made by Commissioner Gleason, seconded by Commissioner McCarty, that AC-20-01 (CD-4 Lot Width) be approved with the following conditions: 1.) This Alternative Compliance applies to Apartment Building Types constructed on the subject property. All other Building Types shall follow the regulations outlined in the Development Code; 2.) There shall be no trash dumpsters located within 100 feet of any property line adjoining property zoned Character District-3 or property that is outside City Limits; 3.) Alternative Compliance is contingent on CD-4 zoning request approval; and 4.) This Alternative Compliance shall not expire. The motion carried by the following vote:

For:	7 -	Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore and Commissioner Kelsey
Against:	1 -	Commissioner Agnew
Excused:	1 -	Commissioner Dillon

10. AC-20-02 (Block Development in Excess of 50%) Hold a public hearing and consider a request from Vantage at San Marcos for an Alternative Compliance to the access and stub streets standards in Section 3.6.4.1(D)3 of the Development Code relating to a proposed apartment development located near the intersection of Old Bastrop Highway and Highway 123, Hays County, Texas. (W. Parrish)

Chair Garber opened the Public Hearing.

Will Parrish, Planner, gave an overview of the request.

Chris Weigand, applicant, 7334 Blano Rd., Ste. 200, San Antonio, TX, gave a presentation regarding the request.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Gleason, seconded by Commissioner Haverland, that AC-20-02 (Block Development in Excess of 50%) be approved with the following conditions: 1.) This Alternative Compliance is contingent approval of the CD-4 zoning change request being approved; and 2.) This Alternative Compliance shall not expire. The motion carried by the following vote:

For: 8 - Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore, Commissioner Kelsey and Commissioner Agnew

Against: 0

Excused: 1 - Commissioner Dillon

11. CUP-20-04 (Green Mesquite BBQ) Hold a public hearing and consider a request by Green Mesquite BBQ for a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 200 Springtown Way, Ste. 124. (W. Parrish).

Chair Garber opened the Public Hearing.

Will Parrish, Planner, gave an overview of the request.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner McCarty, seconded by Commissioner Gleason, that CUP-20-04 (Green Mesquite BBQ) be approved with the following conditions: 1.) Permit shall be valid for one (1) year, provided standards are met; 2.) There shall be no outdoor amplified music; 3.) The permit shall be effective upon the issuance of a Certificate of Occupancy. and 4.) The permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 8 - Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore, Commissioner Kelsey and Commissioner Agnew

Against: 0

Excused: 1 - Commissioner Dillon

V. Question and Answer Session with Press and Public.

There were no questions from the Press or Public.

VI. Adjournment

The meeting was adjourned at 9:12 p.m.

Notice of Assistance at the Public Meetings

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:
_____

File #: PC-19-21_01, Version: 1

AGENDA CAPTION:

PC-19-21_01 (High Branch Concept Plat) Consider a request by Mueller and Associates on behalf of Two Rivers Interests, to approve a Concept Plat consisting of approximately 205.284 acres, more or less, out of the Barnett O. Kane Survey located in the 1600 Block of Redwood Road. (A. Villalobos)
Meeting date: March 24, 2020

Department: Planning and Development Services Department

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):

☐ 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.

☐ Core Services

☒ Not Applicable

Master Plan:

Vision San Marcos - A River Runs Through Us

Background Information:

The subject property is approximately 205 acres located along Redwood Road. The property is proposed as a single-family subdivision on approximately 190 acres and as multifamily for approximately 15 acres along Redwood Road. The property was annexed and zoned in 2019. The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilitates through the site. Bluebonnet Electric Cooperative will provide electric service to this development.

Council Committee, Board/Commission Action:

n/a

Alternatives:

n/a

Recommendation:

Staff recommends **approval** of PC-19-21_01.

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Plat – Concept	High Branch Subdivision
PC-19-21_01	

Summary

Request:	Consideration of a Concept Plat for the use of single-family and multi-family uses.		
Applicant:	James Ingalls, P.E. Moeller and Associates 2021 SH 46 W., Ste 105 New Braunfels, TX 78132	**Property Owner:**	Lee Baker III Two Rivers Interests 301 Main Plaza, #385 New Braunfels, TX 78130
Parkland Required:	Reviewed at time of Preliminary Plat	**Utility Capacity:**	Adequate / By Developer
Accessed from:	Redwood Road	**New Street Names:**	Reviewed at time of Preliminary Plat

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:	1600 Block of Redwood Road		
Acreage:	205.284 +/- acres	**PDD/DA/Other:**	N/A
Existing Zoning:	Character District-3 (CD-3) and Character District-4 (CD-4)	**Preferred Scenario:**	Medical District Medium Intensity Zone and Low Intensity
Proposed Use:	Single-family and multi-family		
CONA Neighborhood:	N/A	**Sector:**	N/A

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Outside City Limits (ETJ) and Single Family-6 (SF-6)	Agricultural / Single-Family	Area of Stability / Existing Neighborhood
South of Property:	Outside City Limits (ETJ) and Single Family-6 (SF-6)	Agricultural / Single-Family / Commercial	Medium Intensity Zone / Existing Neighborhood
East of Property:	Outside City Limits (ETJ)	Agricultural	Area of Stability
West of Property:	Outside City Limits (ETJ)	Agricultural / Multi-Family	Medium Intensity Zone

Staff Recommendation

X	Approval as Submitted		Approval with Conditions / Alternate		Denial
Staff: Andrea Villalobos, AICP, CNU-A		**Title :** Senior Planner		**Date:** March 19, 2020	

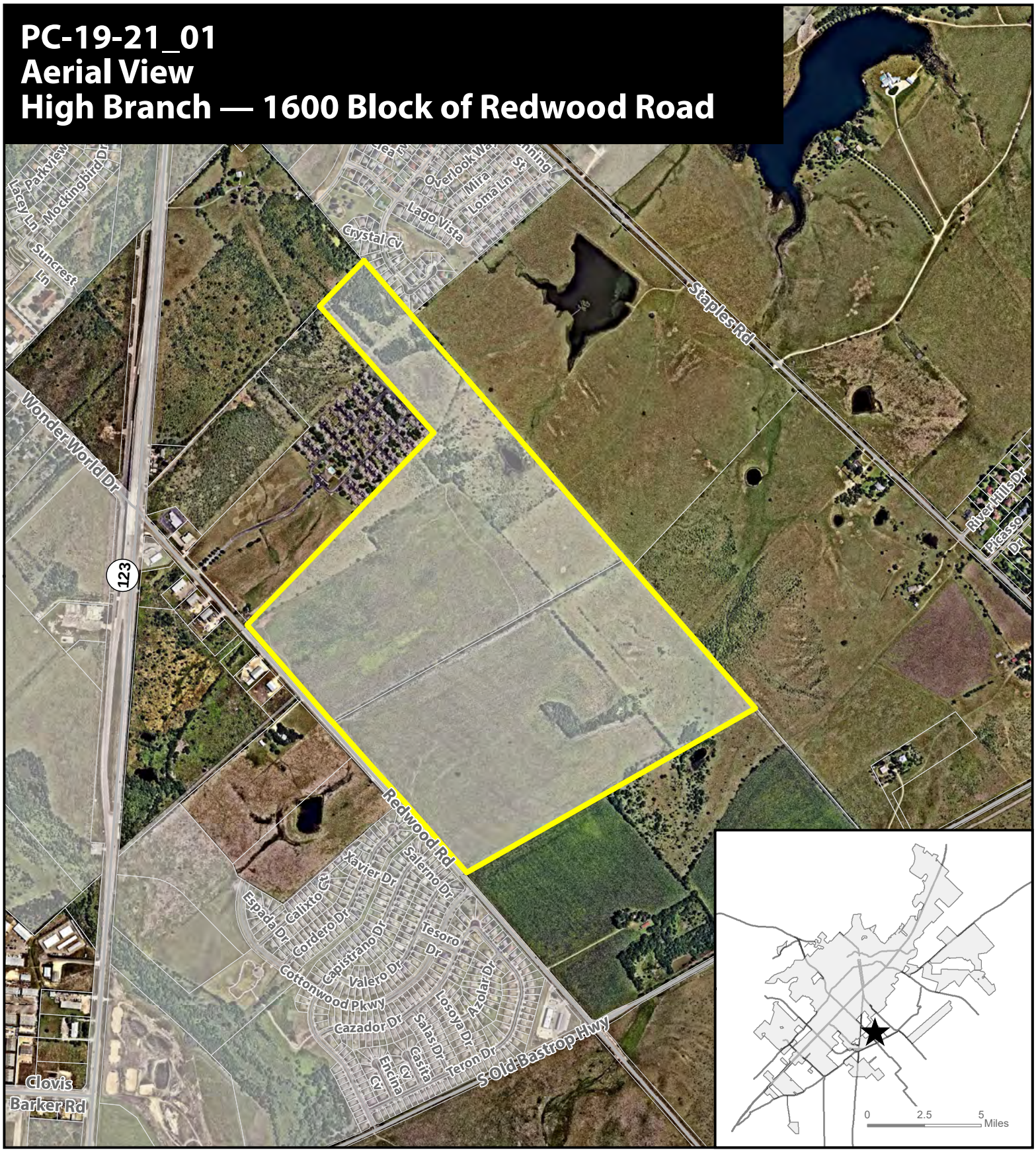
Plat – Concept	High Branch Subdivision
PC-19-21_01	

History
The subject property is proposed as a single-family subdivision on approximately 190 acres and as multifamily for approximately 15 acres along Redwood Road. The City of San Marcos will provide water and wastewater services at the site. The developer will be responsible for extending water and wastewater facilitates through the site. Bluebonnet Electric Cooperative will provide electric service to this development.
Additional Analysis
The location of individual lots, roadways and utility lines, and parkland facilities will be reviewed during the Preliminary Plat submittal.

Plat – Concept	High Branch Subdivision
PC-19-21_01	

Evaluation			Criteria for Approval (Sec.3.2.1.4)
Consistent	Inconsistent	Neutral	
X			The subdivision concept plat is consistent with all applicable standards and requirements for the property and any prior approvals listed in Section 3.2.1.2;
X			The proposed provision and configuration of roads, electric, water, wastewater, drainage and park facilities conform to the Comprehensive Plan and any approved City Master Plans or Capital Improvement Plans;
X			The proposed provision and configuration of roads, electric, water, wastewater, drainage and park facilities, and easements and rights-of-way are determined to be adequate to serve each phase of the development in accordance with Section 3.5.1.1;
X			The schedule of development is feasible and prudent, and assures that the proposed development shall progress to completion within the limits proposed;
X			The location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the subdivision concept plat; and
		N/A	Where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and is subject to an interlocal agreement under Tex. Loc. Gov't Code Ch. 242, the proposed subdivision concept plat meets any county standards to be applied under the agreement.

PC-19-21_01
Aerial View
High Branch — 1600 Block of Redwood Road



★ **Site Location**

Subject Property

Parcel

City Limit

N

0 625 1,250 2,500 Feet

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: 3/10/2020

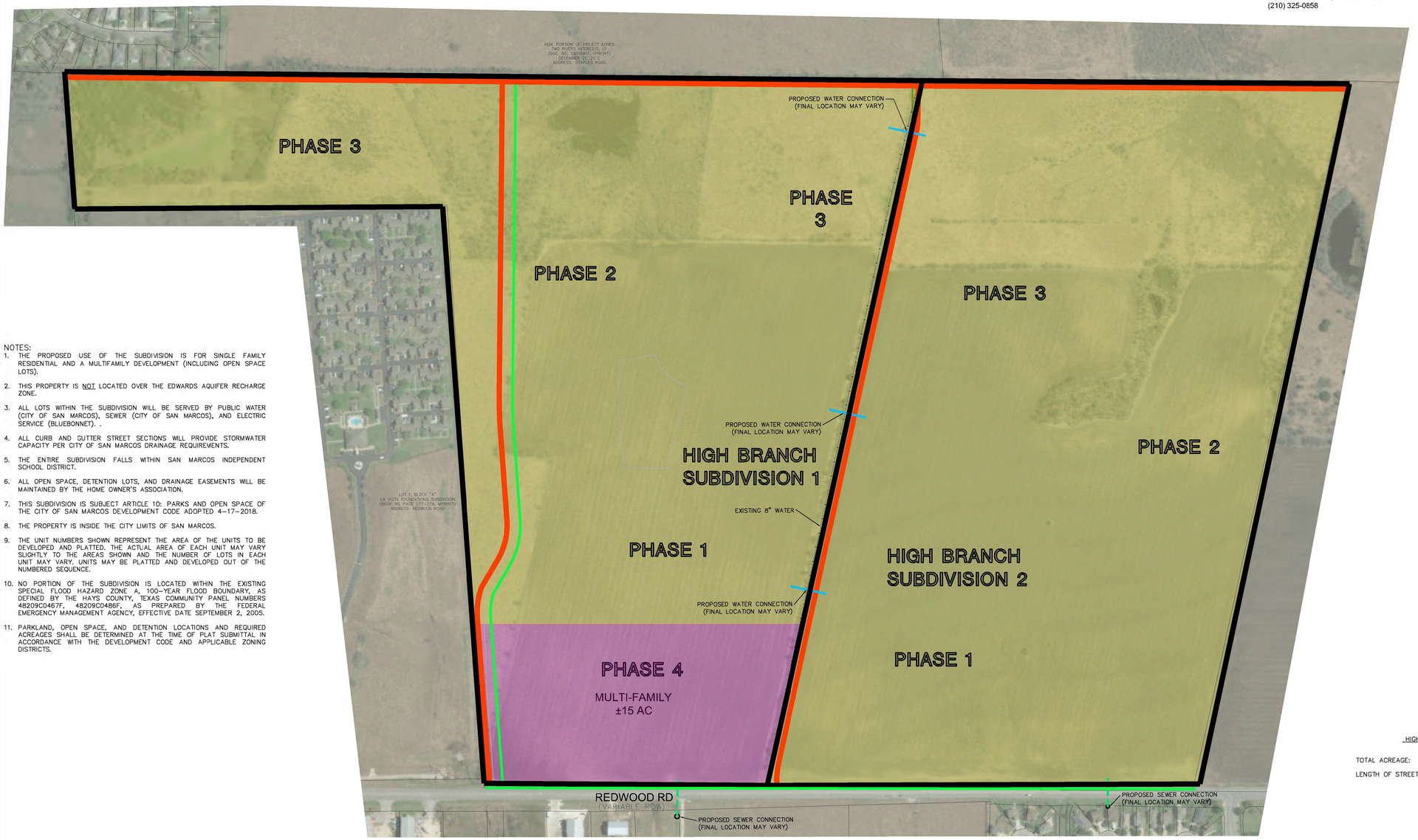
Document Path: X:_Planning Current\P&Z\2019 Staff Reports\PC\PC-19-21_01 High Branch (1) Concept Plat\GIS\PC-19-21_01 Aerial Map.mxd

HIGH BRANCH
CONCEPT PLAT

OWNER/DEVELOPER:
THREE RIVERS DEVELOPMENT LLC
attn: LEE BAKER III
301 MAIN PLAZA, #385
NEW BRAUNFELS, TX 78130
(830) 964-6400

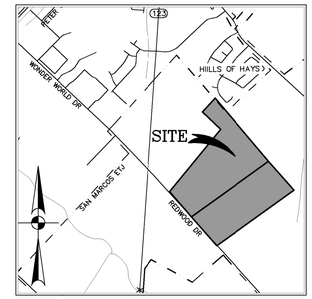
ENGINEER/SURVEYOR:
MOELLER & ASSOCIATES
JAMES INGALLS, P.E. - ENGINEER
2021 SH 46W. STE 105.
NEW BRAUNFELS, TX. 78130
(830) 358-7127

D.A. MAWYER LAND SURVEYING, INC.
DREW MAWYER, R.P.L.S. - SURVEYOR
5151 W. SH 45
NEW BRAUNFELS, TEXAS 78132
(210) 325-0858



NOTES:

1. THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL AND A MULTIFAMILY DEVELOPMENT (INCLUDING OPEN SPACE LOTS).
2. THIS PROPERTY IS NOT LOCATED OVER THE EDWARDS AQUIFER RECHARGE ZONE.
3. ALL LOTS WITHIN THE SUBDIVISION WILL BE SERVED BY PUBLIC WATER (CITY OF SAN MARCOS), SEWER (CITY OF SAN MARCOS), AND ELECTRIC SERVICE (BLUEBONNET). .
4. ALL CURB AND GUTTER STREET SECTIONS WILL PROVIDE STORMWATER CAPACITY PER CITY OF SAN MARCOS DRAINAGE REQUIREMENTS.
5. THE ENTIRE SUBDIVISION FALLS WITHIN SAN MARCOS INDEPENDENT SCHOOL DISTRICT.
6. ALL OPEN SPACE, DETENTION LOTS, AND DRAINAGE EASEMENTS WILL BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.
7. THIS SUBDIVISION IS SUBJECT ARTICLE 10: PARKS AND OPEN SPACE OF THE CITY OF SAN MARCOS DEVELOPMENT CODE ADOPTED 4-17-2018.
8. THE PROPERTY IS INSIDE THE CITY LIMITS OF SAN MARCOS.
9. THE UNIT NUMBERS SHOWN REPRESENT THE AREA OF THE UNITS TO BE DEVELOPED AND PLATTED. THE ACTUAL AREA OF EACH UNIT MAY VARY SLIGHTLY TO THE AREAS SHOWN AND THE NUMBER OF LOTS IN EACH UNIT MAY VARY. UNITS MAY BE PLATTED AND DEVELOPED OUT OF THE NUMBERED SEQUENCE.
10. NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE EXISTING SPECIAL FLOOD HAZARD ZONE A, 100-YEAR FLOOD BOUNDARY, AS DEFINED BY THE HAYS COUNTY, TEXAS COMMUNITY PANEL NUMBERS 48209C0467F, 48209C0486F, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE SEPTEMBER 2, 2005.
11. PARKLAND, OPEN SPACE, AND DETENTION LOCATIONS AND REQUIRED ACREAGES SHALL BE DETERMINED AT THE TIME OF PLAT SUBMITTAL IN ACCORDANCE WITH THE DEVELOPMENT CODE AND APPLICABLE ZONING DISTRICTS.



LOCATION MAP
SCALE: 1"=2,000'

0 200' 400'
SCALE: 1" = 200'

LEGEND

- SUBDIVISION BOUNDARY
- TMP ROADWAY
- TMP GREENWAY
- SINGLE FAMILY RESIDENTIAL
- MULTI-FAMILY

HIGH BRANCH SUBDIVISION 1 ACREAGE SUMMARY

TOTAL ACREAGE:	105.9 ACRES
LENGTH OF STREETS:	4.0 MILES

HIGH BRANCH SUBDIVISION 2 ACREAGE SUMMARY

TOTAL ACREAGE:	99.3 ACRES
LENGTH OF STREETS:	3.5 MILES

811 Know what's below. Call before you dig.

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF JAMES E. INGALLS, P.E. 105810 ON March 10, 2020. IT IS TO BE USED FOR BIDDING AND PERMITTING PURPOSES ONLY. NOT TO BE USED FOR CONSTRUCTION.

NO	DATE	ISSUES AND REVISIONS

MOELLER & ASSOCIATES
Engineering Solutions
2021 W SH46, STE 105, NEW BRAUNFELS, TX 78132
PH: 830-358-7127 www.mo-tx.com
TBPE FIRM F-13351

CONCEPT PLAT

HIGH BRANCH
THREE RIVERS DEVELOPMENT LLC
301 MAIN PLAZA #835
NEW BRAUNFELS, TX

SHEET
CP-1
OF 11

© COPYRIGHT 2017

PRELIMINARY SUBDIVISION PLAT, REPLAT OR CONCEPT PLAT APPLICATION

Updated: October, 2018

Case # PC-____-____-____

CONTACT INFORMATION

Applicant's Name	Moelller & Associates; James Ingalls, P.E.	Property Owner	Two Rivers Interests attn: Lee Baker III
Applicant's Mailing Address	2021 SH 46 W. , Ste. 105 New Braunfels, TX 78132	Owner's Mailing Address	301 Main Plaza, #385 New Braunfels, TX 78130
Applicant's Phone #	(830) 358-7127	Owner's Phone #	(830) 964-6400
Applicant's Email	plats@ma-tx.com	Owner's Email	leebaker3@gmail.com

PROPERTY INFORMATION

Proposed Subdivision Name: High Branch Subdivision 1

Subject Property Address or General Location: Redwood Rd

Acres: 205.2 **Tax ID #: R** 15908

Located in: ☐ **City Limits** ■ **Extraterritorial Jurisdiction (County)** Hays

DESCRIPTION OF REQUEST

Type of Plat: ☐ **Preliminary Subdivision Plat** ☐ **Replat** ■ **Concept Plat**

Proposed Number of Lots: 371 **Proposed Land Use:** Single Family Residential

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee $1,030 plus $100 per acre **Technology Fee $12** *MAXIMUM COST $2,512**

**Maximum Cost does not reflect specific / additional fees, as may be required for other plan review*

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

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: Concept Plan _____ Date: 2-5-19

Printed Name: JAMES INGALLS

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: 2-5-19

Printed Name: JAMES INGALLS

RECORDATION REQUIREMENTS***

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: $_____

☐ Tax Certificate, printed within 30 days of recordation date (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.

CHECKLIST FOR PRELIMINARY SUBDIVISION / DEVELOPMENT PLAT, REPLAT OR CONCEPT PLAT

	The following items are requested for consideration of this application. These and additional items may be required at the request of the Department	Comments
☒	Pre-application conference with staff is recommended Please call 512-393-8230 to schedule	
☒	Completed Application for Preliminary Subdivision, Replat or Concept Plat	
☒	Proof of record of ownership	*Recorded deed*
☒	Tax Receipt indicating that taxes were paid prior to January 31st of the current year. (Tax Certificates required prior to recordation)	Showing no taxes owed
☐	Names and addresses of property lien-holders (if applicable)	
☒	Watershed Protection Plan (must be approved prior to plat approval)	may be submitted concurrently
☒	Traffic Impact Analysis Worksheet	
☐	Public Improvement Construction Plan (must be approved prior to plat approval)	may be submitted concurrently
☒	Utility Service Acknowledgements (see following pages)	
☐	Notification Authorization	
☒	Property Owner Authorization	
☒	Application Filing Fee $1,030 + $50 per acre ($2,500 max) Technology Fee $12 Specific & Additional Fees as noted below	
☒	CAD file in grid for GIS integration. Projection: NAD 1983 StatePlane Texas South Central FIPS 4204 Feet	
☒	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 $173 • Replats which are not approved administratively have a maximum fee of $3,000	

	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, alleys, reservations, easements, railroad rights of way, etc. within, intersecting or contiguous with subdivision. • Location, dimension, name and description of all proposed streets, alleys, reservations, easements, proposed ROW's within subdivision, intersecting or contiguous with boundaries for forming boundaries. • List of proposed street names for all new streets, for City 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.	

****San Marcos Development Code Section 2.3.1.1(C): *"Every application accepted by the responsible official for filing shall be subject to a determination of completeness…the responsible official is not required to review an application unless it is complete…"***

AGENT AUTHORIZATION TO REPRESENT PROPERTY OWNER

I, Jim Smith (Two Rivers Interests LP) (owner) acknowledge that I am the rightful owner of the property located at Redwood Rd, San Marcos, TX 78666 (See attached survey) (address).

I hereby authorize JAMES INGALLS (agent name) to serve as my agent to file this application for CONCEPT PLAT (application type), and to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: _____ Date: 4-17-18

Printed Name: JIM SMITH

Signature of Agent: _____ Date: 4-17-18

Printed Name: JAMES INGALLS

To be completed by Staff: *Case #* _____-_____-_____

January 17, 2019

Moeller & Associates
Attn: Brittany Beisert, EIT
2021 SH 46W, Ste. 105
New Braunfels, TX 78132

RE: Installation of Underground Electric Distribution Facilities for
High Branch Subdivision.

Dear Mr. Beisert,

We have received your inquiry regarding electric service for the proposed **High Branch Subdivision** project located in Hays County and have determined that is in the certificated service territory of Bluebonnet Electric Cooperative, Inc., and we are therefore willing to provide electric service. Bluebonnet's promise to provide service is contingent upon the applicant fulfilling all the requirements of our Tariff including our Line Extension Policy. We look forward to working with you to provide the electric service this project requires. We need the following items satisfied before we can proceed with our design and cost estimate:

1. One set of blueline plans and a CAD (AutoCAD or MicroStation format) file for all construction activity on the entire project.

2. A 5' wide exclusive assignment (whose location is agreeable to us) for our facilities in a 10' wide Public Utility Easement or a 10' wide dedicated Bluebonnet Electric Cooperative easement. We request that you conduct a utility coordination meeting at which all utilities involved in your project attend and agree on their respective assignments.

3. Your proposed construction schedule for all phases of this project.

4. A Development Information Request Form for all facilities to be served in all phases of this project and/or a detailed electrical load analysis for all commercial facilities to be served in all phases of this project.

Please see the attached Bluebonnet Timeline Sheet for your project/job work progress and scheduling.

Bluebonnet Electric Cooperative shall at all times have complete ownership and control of any facilities we install and reserve the right to serve other customers from these facilities at any time.

Should you have any questions or need additional information, please give me a call at 888-622-2583, ext. 8527

Sincerely,

Bill Scoggins
Project Coordinator

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: Centerpoint Energy

Applicable Utility Service Code(s): A

Comments / Conditions: Service is available to the property, we would like to discuss terms to service the development with the developer/ builders.

Devin Kleinfelder - 830 481 8494

Signature of Gas Company Official: Devin Kleinfelder

Title: Senior Marketing Consultant Date: 1/3/2019

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: AT&T

Applicable Utility Service Code(s): C.

Comments / Conditions: AT&T is not a sevice provider in the area indicated for High Branch Unit 1 Or Unit 2.

Signature of Telephone Company Official: Gregory H. Bailey

Title: OSP Engineering Manager Date: 01/09/2018

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: City of San Marcos

Applicable Utility Service Code(s): A

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 connec to the City of San Marcos wastewater system.

Comments / Conditions: _____

Signature of Wastewater Official: _____

Title: Senior Engineer Date: 1/9/19

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: City of San Marcos

Applicable Utility Service Code(s): A

Comments / Conditions: _____

Signature of Water Official: _____

Title: Senior Engineer Date: 1/9/19

BOUNDARY SURVEY

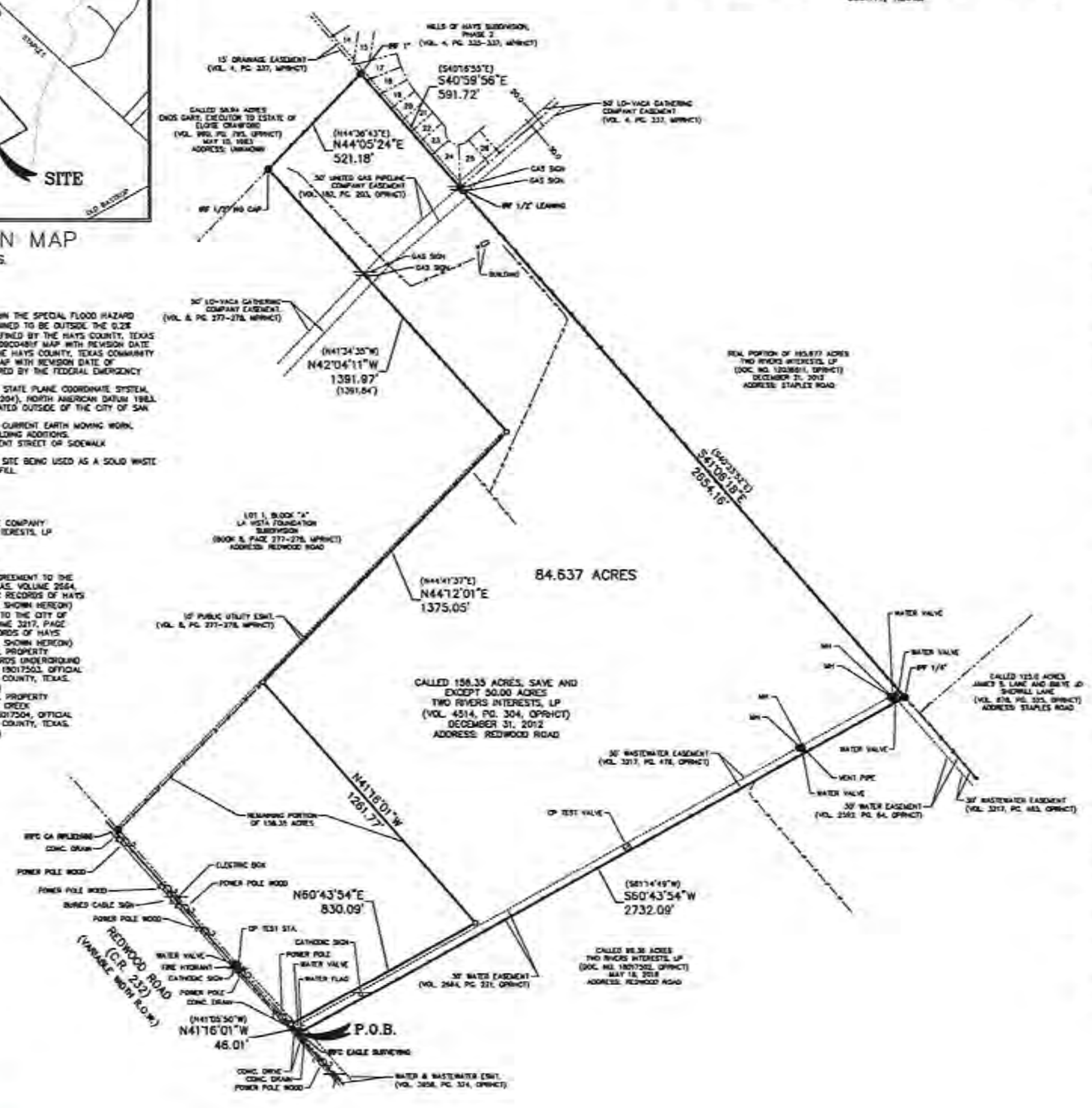
BEING 84.637 ACRES OF LAND OUT OF AND A PART OF THE BARNETTE O. KANE SURVEY, ABSTRACT NO. 281, IN HAYS COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN TRACT CALLED 156.350 ACRES OF LAND, SAVE AND EXCEPT 50.00 ACRES OF LAND, AS DESCRIBED IN THAT CERTAIN DEED CONVEYED TO TWO RIVERS INTERESTS, LP, AND RECORDED IN VOLUME 4514, PAGE 304, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

LOCATION MAP
N.T.S.

NOTES:
1. THE PROPERTY IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREAS: ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD), AS DEFINED BY THE HAYS COUNTY, TEXAS COMMUNITY PANEL NUMBER 48209C0481F MAP WITH REVISION DATE OF SEPTEMBER 2, 2005, AND THE HAYS COUNTY, TEXAS COMMUNITY PANEL NUMBER 48209C0483F MAP WITH REVISION DATE OF SEPTEMBER 2, 2005, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
2. BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.
3. THE SUBJECT PROPERTY IS LOCATED OUTSIDE OF THE CITY OF SAN MARCOS CITY LIMITS.
4. THERE IS NO EVIDENCE OF ANY CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
5. THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
6. THERE IS NO EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

TITLE COMMITMENT:
FIDELITY NATIONAL TITLE INSURANCE COMPANY
PROPOSED INSURED: TWO RIVERS INTERESTS, LP
GF# 00T409H0T
EFFECTIVE DATE: JULY 24, 2018

REFERENCES:
1. 10.(g.) WATERLINE EASEMENT AGREEMENT TO THE CITY OF SAN MARCOS, TEXAS, VOLUME 2664, PAGE 221, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (AFFECTS, SHOWN HEREON)
2. 10.(h.) WASTEWATER EASEMENT TO THE CITY OF SAN MARCOS, TEXAS, VOLUME 3217, PAGE 478, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (AFFECTS, SHOWN HEREON)
3. NOTICE TO PURCHASER OF REAL PROPERTY LOCATED WITHIN THE EDWARDS UNDERGROUND WATER DISTRICT, DOC. NO. 19017503, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (AFFECTS, NOT PLOTTABLE)
4. NOTICE TO PURCHASER OF REAL PROPERTY LOCATED WITHIN THE YORK CREEK IMPROVEMENT, DOC. NO. 18017504, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (AFFECTS, NOT PLOTTABLE)



SCALE: 1"=300'

LEGEND:

- ○ = ½" IRON PIN WITH CAP STAMPED "DAM #5348 PROP. COR." SET
- ● = ½" IRON PIN FOUND (UNLESS OTHERWISE NOTED)
- = LIGHT POLE
- △ = TELEPHONE PEDESTAL
- = FIRE HYDRANT
- = WATER METER
- = GAS VALVE
- = SANITARY SEWER MANHOLE
- = SIGN
- OPRHCT = OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- MPRHCT = MAP AND PLAT RECORDS OF HAYS COUNTY, TEXAS
- R.O.W. = RIGHT-OF-WAY
- ( ) = RECORD INFORMATION
- DRHCT = DEED RECORDS OF HAYS COUNTY, TEXAS
- —//— = BARBWIRE FENCE
- MH = MANHOLE

FIELD NOTE DESCRIPTION:

Being an 84.637 acre tract of land out of the Barnette O. Kane Survey, Abstract No. 281, in Hays County, Texas, and being out of the remaining portion of a called 106.35 acre tract of land, as conveyed to Two Rivers Interests, LP, and recorded in Volume 4514, Page 304, of the Official Public Records of Hays County, Texas, and said 84.637 acre tract of land being more particularly described as follows:

BEGINNING at a ½" iron pin with cap stamped "Eagle Surveying" found in the Northeasterly Right-of-Way (R.O.W.) line of Redwood Road (also known as C.R. 232) (a variable width R.O.W.), being the most Westerly corner of a called 99.36 acre tract of land, as conveyed to Two Rivers Interests, LP, and recorded in Document No. 18017502, of the Official Public Records of Hays County, Texas, and being the most Southerly corner of said remainder of 106.35 acre tract of land and this herein described tract of land;

THENCE with the Northeasterly R.O.W. line of said Redwood Road, same being the Southwesterly line of said remainder of 106.35 acre tract of land, N 41° 16' 01" W, a distance of 46.01 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northeasterly R.O.W. line of said Redwood Road, being in the Southwesterly line of said remainder of 106.35 acre tract of land and being the most Westerly Southwest corner of this herein described tract of land;

THENCE departing the Northeasterly R.O.W. line of said Redwood Road, and across and through said remainder of 106.35 acre tract of land, the following two courses:

N 60° 43' 54" E, a distance of 830.09 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for a Southerly interior corner;

N 41° 16' 01" W, a distance of 1,261.77 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in a Northwesterly line of said 106.35 acre tract of land, same being the Southeasterly line of Lot 1, Block "A", of La Vista Foundation Subdivision, as recorded in Volume 8, Page 277-278, of the Map and Plat Records of Hays County, Texas, and being a Westerly corner of this herein described tract of land;

THENCE with the common line between said remainder of 106.35 acre tract of land and said Lot 1, N 44° 12' 01" E, a distance of 1,375.05 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the most Easterly Northeast corner of said Lot 1, and being a Northwesterly interior corner of said remainder of 106.35 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said 106.35 acre tract of land and said Lot 1, N 42° 14' 11" W, a distance of 1,391.97 feet to a ½" iron pin found for the most Northerly corner of said Lot 1, being in the Southeasterly line of a called 58.94 acre tract of land, as conveyed to Enos Gary, executor of the estate of Elaine Crawford, and recorded in Volume 990, Page 795, of the Official Public Records of Hays County, Texas, and being the most Westerly Northwest corner of said 106.35 acre tract of land and this herein described tract of land;

THENCE with the common line between said 58.94 acre tract of land and said 106.35 acre tract of land, N 44° 05' 24" E, a distance of 521.18 feet to a 1" iron pin found for the most Easterly corner of said 58.94 acre tract of land, being in the Southwesterly line of Lot 17, Block 6, of the Hills of Hays Subdivision, Phase 2, as recorded in Volume 4, Page 337, of the Map and Plat Records of Hays County, Texas, and being the most Northerly corner of said 106.35 acre tract of land and this herein described tract of land;

THENCE with the Southwesterly line of the said Hills of Hays Subdivision, Phase 2, same being the Northeasterly line of said 106.35 acre tract of land, S 40° 59' 56" E, a distance of 591.72 feet to leaning ½" iron pin found for the most Southerly corner of Lots 24 and 25, of said Hills of Hays Subdivision, Phase 2, same being the most Westerly corner of the remaining portion of a called 195.677 acre tract of land, as conveyed to Two Rivers Interests, LP, and recorded in Document No. 12036811, of the Official Public Records of Hays County, Texas, and being a Northerly Northeast corner of said 106.35 acre tract of land and this herein described tract of land;

THENCE with the common line between said 106.35 acre tract of land and the remaining portion of said 195.677 acre tract of land, S 41° 06' 18" E, a distance of 2,654.16 feet to a ½" iron pin found in the Southwesterly line of the remaining portion of said 195.677 acre tract of land, being the most Northerly corner of the aforementioned 99.36 acre tract of land, and being the most Easterly Northeast corner of said 106.35 acre tract of land and this herein described tract of land;

THENCE with the common line between said remainder of 106.35 acre tract of land and said remainder of 99.36 acre tract of land, S 60° 43' 54" W, a distance of 2,732.09 feet to the POINT OF BEGINNING, and containing 84.637 acres of land, more or less.

STATE OF TEXAS
COUNTY OF COMAL

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

THIS ___ DAY OF __________ 2018

DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348

ADDRESS:
REDWOOD ROAD
SAN MARCOS, TX 78666

DAMAWYER

Drawing Name: C:\Users\Jeff\Dropbox (DAM Survey)\Jeff\WOC307- REDWOOD SHORY\WOC307- REDWOOD- BNDY REV080918.dwg User: Jeff Aug 15, 2018 - 8:43am

BOUNDARY SURVEY

BEING 65.865 ACRES OF LAND OUT OF AND A PART OF THE BARNETTE C. KANE SURVEY, ABSTRACT NO. 281, IN HAYS COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN TRACT CALLED 99.38 ACRES OF LAND, AS CONVEYED TO TWO RIVERS INTERESTS, LP., A TEXAS LIMITED PARTNERSHIP, AND RECORDED IN DOCUMENT NO. 18017301, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

LOCATION MAP
N.T.S.

SCALE: 1"=300'

REM. PORTION OF 123.677 ACRES
TWO RIVERS INTERESTS, LP
(DOC. NO. 17038691, OPRHCT)
DECEMBER 21, 2012
ADDRESS: STAPLES ROAD

CALLED 53.83 ACRES
TWO RIVERS INTERESTS, LP
(VOL. 4314, PG. 304, OPRHCT)
2008 DATE
ADDRESS: REDWOOD ROAD

30' WASTEWATER EASEMENT
(VOL. 3217, PG. 478, OPRHCT)

30' WATER EASEMENT
(VOL. 2982, PG. 84, OPRHCT)

20' WATER EASEMENT
(VOL. 2984, PG. 221, OPRHCT)

CALLED 123.0 ACRES
JAMES S. LANE AND BILTE JO SHERRILL LANE
(VOL. 878, PG. 335, OPRHCT)
ADDRESS: STAPLES ROAD

CALLED 99.38 ACRES
TWO RIVERS INTERESTS, LP
(DOC. NO. 18017301, OPRHCT)
MAY 18, 2018
ADDRESS: REDWOOD ROAD

CALLED 99.04 ACRES
TWO RIVERS INTERESTS, LP
(DOC. NO. 17038691, OPRHCT)
DECEMBER 21, 2012
ADDRESS: STAPLES ROAD

WATER AND WASTEWATER EASE.
(VOL. 3958, PG. 374, OPRHCT)

REDWOOD ROAD
(C.R. 232)
(VARIABLE WIDTH R.O.W.)

65.865 ACRES

N60°43'54"E
2732.09'

S41°15'44"E
1615.62'

S60°21'36"W
2332.56'

N41°52'39"W
1588.80'

S60°43'54"W
376.42'

N41°52'39"W
46.11'

WATER VALVE
MH
IRF 1/4"
NORT PIPE
CP TEST VALVE
CATHODIC SIGN
BWC EAGLE SURVEYING

LEGEND:

- ○ = 1" IRON PIN WITH CAP STAMPED "DAM 5340 PROP. COR." SET
- ● = 1" IRON PIN FOUND (UNLESS OTHERWISE NOTED)
- ☐ = LIGHT POLE
- △ = TELEPHONE PEDESTAL
- = FIRE HYDRANT
- = WATER METER
- = GAS VALVE
- = SANITARY SEWER MANHOLE
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- ( ) = RECORD INFORMATION
- DRHCT = DEED RECORDS OF HAYS COUNTY, TEXAS
- —— // —— = BARBWIRE FENCE
- MH = MANHOLE

NOTES:

1. THE PROPERTY IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREAS: ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD), AS DEFINED BY THE HAYS COUNTY, TEXAS COMMUNITY PANEL NUMBER 48209C0481F MAP WITH REVISION DATE OF SEPTEMBER 2, 2005, AND THE HAYS COUNTY, TEXAS COMMUNITY PANEL NUMBER 48209C0463F MAP WITH REVISION DATE OF SEPTEMBER 2, 2005, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
2. BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.
3. THE SUBJECT PROPERTY IS LOCATED OUTSIDE OF THE CITY OF SAN MARCOS CITY LIMITS.
4. THERE IS NO EVIDENCE OF ANY CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
5. THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
6. THERE IS NO EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

TITLE COMMITMENT:
FIDELITY NATIONAL TITLE INSURANCE COMPANY
PROPOSED INSURED: TWO RIVERS INTERESTS, LP
GF# 0074128ST
EFFECTIVE DATE: JULY 24, 2018

REFERENCES:

1. 10.(g) POTABLE WATER EASEMENT TO THE CITY OF SAN MARCOS, TEXAS, VOLUME 2592, PAGE 64, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (AFFECTS, SHOWN HEREON)
2. 10.(h) PUBLIC WATER AND WASTEWATER EASEMENT, VOLUME 3958, PAGE 373, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (AFFECTS, SHOWN HEREON)
3. 10.(i) TEMPORARY CONSTRUCTION EASEMENT TO THE CITY OF SAN MARCOS, VOLUME 3958, PAGE 363, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (DOES NOT AFFECT)
4. 10.(j) LAND LEASE AGREEMENT TO JANSEN FAMILY FARMS, INC. AS LESSEE TO TWO RIVERS INTERESTS, LP., DOCUMENT NO. 18017302, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (AFFECTS, NOT PLOTTABLE)
5. 10.(k) NOTICE TO PURCHASER OF REAL PROPERTY LOCATED WITHIN THE EDWARDS UNDERGROUND WATER DISTRICT, DOCUMENT NO. 18017303, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (AFFECTS, NOT PLOTTABLE)
6. 10.(L) NOTICE TO PURCHASER OF REAL PROPERTY LOCATED WITHIN THE YORK CREEK IMPROVEMENT, DOCUMENT NO. 18017304, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (AFFECTS, NOT PLOTTABLE)

ADDRESS:
REDWOOD ROAD
SAN MARCOS, TX 78666

D.A.MAWYER
LAND SURVEYING
[illegible]
NEW BRAUNFELS, TX 78132
[illegible]
DATE: [illegible]

STATE OF TEXAS
COUNTY OF COMAL

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

THIS ___ DAY OF _____ 2018

_____
[illegible]
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5340

Drawing Name: C:\Users\Jeff\Dropbox (DAM Survey)\job\JOB301- REDWOOD BUGBY\JOB301- REDWOOD- INDP REV06201B.dwg User: Jeff Aug 10, 2018 - 12:05pm

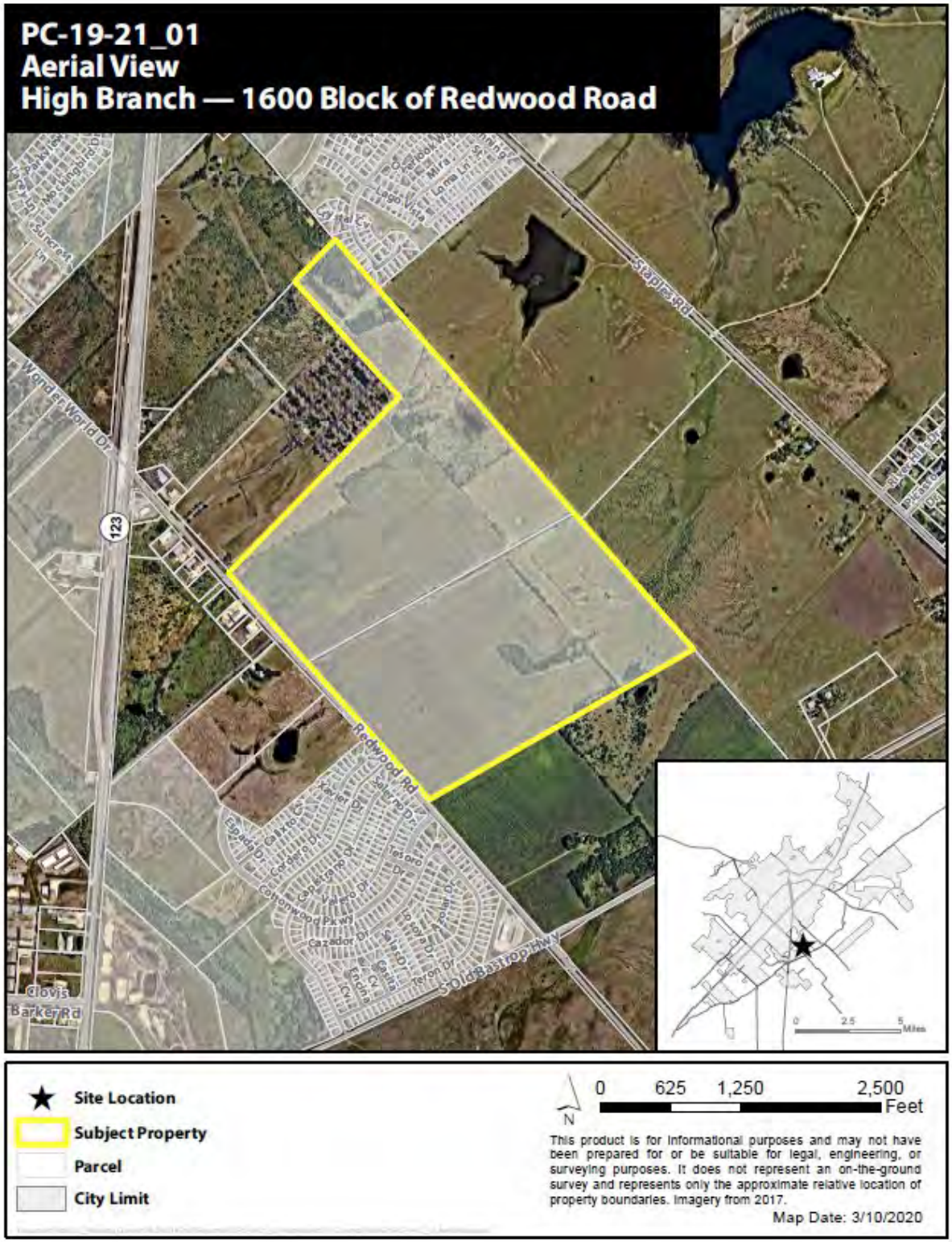
PC-19-21_01 (High Branch Concept Plat)

Consider a request by Moeller and Associates on behalf of Two Rivers Interests, to approve a Concept Plat consisting of approximately 205.284 acres, more or less, out of the Barnett O. Kane Survey located in the 1600 Block of Redwood Road. (A. Villalobos)

SAN MARCOS

Location:

- +/- 205 acres
- Single-family residential (190 acres) and multifamily residential (15 acres)
- Zoned and annexed in 2019



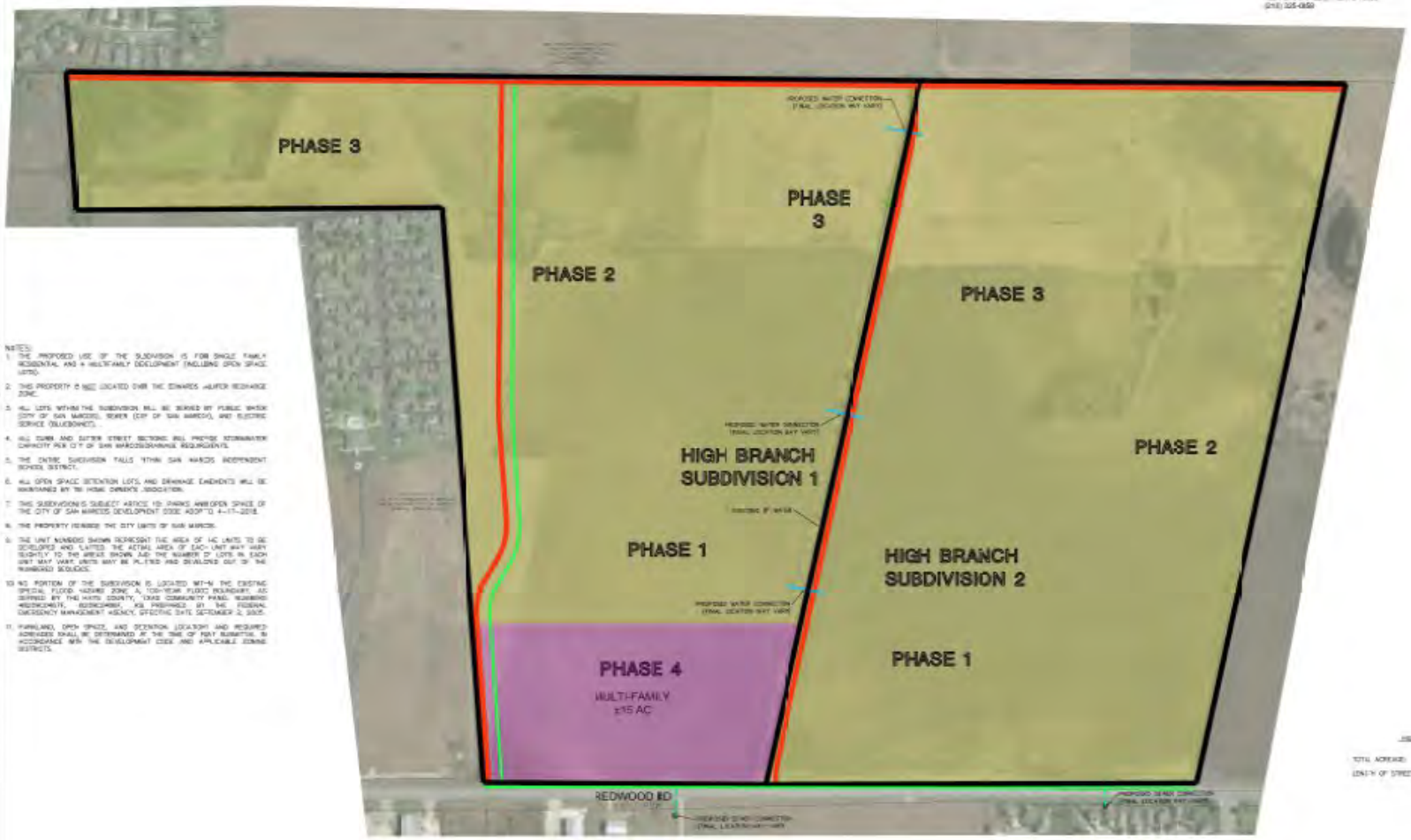
SAN MARCOS

HIGH BRANCH
CONCEPT PLAT

OWNER/DEVELOPER
THREE RIVERS DEVELOPMENT LLC
attn: LEE BAKER II
301 MAIN PLAZA, #302
NEW BRAUNFELS, TX 78130
(512) 964-6430

ENGINEER/SURVEYOR:
MOELLER & ASSOCIATES
JAMES INGALLS, P.E. - ENGINEER
2521 SH 46N, STE 105
NEW BRAUNFELS, TX 78130
(512) 358-7-27

D.A. MARTYR LAND SURVEYING, INC.
DREW MARTYR, R.P.L.S. - SURVEYOR
5701 W. 398B
NEW BRAUNFELS, TEXAS 78132
(210) 225-0650



LOCATION MAP

LEGEND

- SUBDIVISION BOUNDARY
- 50' ROADWAY
- 50' DRAINWAY
- SINGLE FAMILY RESIDENTIAL
- MULTI-FAMILY

NOTES:

1. THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL AND A MULTI-FAMILY DEVELOPMENT (INCLUDING OPEN SPACE LOTS).
2. THIS PROPERTY IS NOT LOCATED OVER THE EDWARDS AQUIFER RECHARGE ZONE.
3. ALL LOTS WITHIN THE SUBDIVISION WILL BE SERVED BY PUBLIC WATER (CITY OF SAN MARCOS), SEWER (CITY OF SAN MARCOS), AND ELECTRIC SERVICE (BLUEBONNET).
4. ALL OVER AND OUTER STREET SECTIONS WILL PROVIDE STORMWATER CAPACITY PER CITY OF SAN MARCOS DRAINAGE REQUIREMENTS.
5. THE ENTIRE SUBDIVISION FALLS WITHIN SAN MARCOS INDEPENDENT SCHOOL DISTRICT.
6. ALL OPEN SPACE DETENTION LOTS, AND DRAINAGE EASEMENTS WILL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION.
7. THIS SUBDIVISION IS SUBJECT ARTICLE 10: PARKS AND OPEN SPACE OF THE CITY OF SAN MARCOS DEVELOPMENT CODE ADOPTED 4-17-2018.
8. THE PROPERTY IS WITHIN THE CITY LIMITS OF SAN MARCOS.
9. THE UNIT NUMBERS SHOWN REPRESENT THE AREA OF 1AC UNITS TO BE DEVELOPED AND PLATTED. THE ACTUAL AREA OF EACH UNIT MAY VARY SLIGHTLY TO THE AREAS SHOWN AND THE NUMBER OF LOTS IN EACH UNIT MAY VARY. UNITS MAY BE PLATTED AND DEVELOPED OUT OF THE NUMBERED SEQUENCE.
10. NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE EXISTING SPECIAL FLOOD HAZARD ZONE A, 100-YEAR FLOOD BOUNDARY, AS DEFINED BY THE HAYS COUNTY, TEXAS COMMUNITY PANEL NUMBERS 48209C0405F, 48209C0410F, FIS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE SEPTEMBER 2, 2005.
11. PARKLAND, OPEN SPACE, AND DETENTION LOCATIONS AND REQUIRED ACREAGES SHALL BE DETERMINED AT THE TIME OF PLAT SUBMITTAL IN ACCORDANCE WITH THE DEVELOPMENT CODE AND APPLICABLE ZONING DISTRICTS.

HIGH BRANCH SUBDIVISION 1 ACREAGE SUMMARY

TOTAL ACREAGE:	105.8 ACRES
LENGTH OF STREETS:	4.0 MILES

HIGH BRANCH SUBDIVISION 2 ACREAGE SUMMARY

TOTAL ACREAGE:	84.3 ACRES
LENGTH OF STREETS:	3.0 MILES

811 Know what's below. Call before you dig.

NO	DATE	ISSUES AND REVISIONS

MOELLER & ASSOCIATES Engineering Solutions
2521 N. Sattler, STE. 105, NEW BRAUNFELS, TX 78130
PH: 830-387-1131 www.moeller-inc.com
TBPE F-10902-2300

CONCEPT PLAT

HIGH BRANCH
THREE RIVERS DEVELOPMENT LLC
301 E MAIN PLAZA #302
NEW BRAUNFELS, TX

SHEET CP-1 OF 1

Recommendation:

Staff has reviewed the request and recommends **approval** of PC-19-21_01

File #: PC-19-49, Version: 1

AGENDA CAPTION:

PC-19-49 (Whisper Industrial) Consider a request from Vigil & Associates on behalf of Whisper Master Community LP, for a Final Plat consisting of one lot that is approximately 18.41 acres +/-, on Futura Road, located within the Joel Miner Survey No. 321, Hays County, Texas. (W. Parrish)

Meeting date: March 24, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: NA
Account Number: NA
Funds Available: NA
Account Name: NA

Fiscal Note:

Prior Council Action: NA

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.

☐ Core Services

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

The property is subject to the Whisper PDD requirements, and consists of one lot that is approximately 18.41 acres more or less, as well as an additional public road.

At this time the property will be served with water and wastewater services by the City of San Marcos.

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 request and recommends **approval** as submitted.

Plat – Final	Whisper Industrial
PC-19-49	

Summary

Request:	Consideration of a Final Plat consisting of one lot and associated public improvements.		
Applicant:	Vigil & Associates 4005 Banister Lane Ste. 225 Austin, TX 78704	**Property Owner:**	Whisper Master Community LP 9811 S IH 35 Bldg. 3 Ste. 100 Austin, TX 78744
Parkland Required:	N/A	**Utility Capacity:**	By Developer
Accessed from:	Futura Road	**New Street Names:**	Flustern Road

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:	Futura Road		
Acreage:	18.41 acres +/-	**Planned Development District:**	N/A
Existing Zoning:	PDD	**Preferred Scenario:**	Employment Center
Proposed Use:	Commercial Buildings		
CONA Neighborhood:	N/A	**Sector:**	N/A

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	PDD	Vacant	Employment Center
South of Property:	PDD	Vacant	Employment Center
East of Property:	PDD	Vacant	Employment Center
West of Property:	PDD	Vacant	Employment Center

Staff Recommendation

X	Approval as Submitted		Approval with Conditions / Alternate		Denial
Staff: Will Parrish, CNU-A		**Title :** Planner		**Date:** October 18, 2019	

Plat – Final	Whisper Industrial
PC-19-49	

History

The property is subject to the Whisper PDD requirements, and consists of one lot that is approximately 18.41 acres more or less, as well as an additional public road.

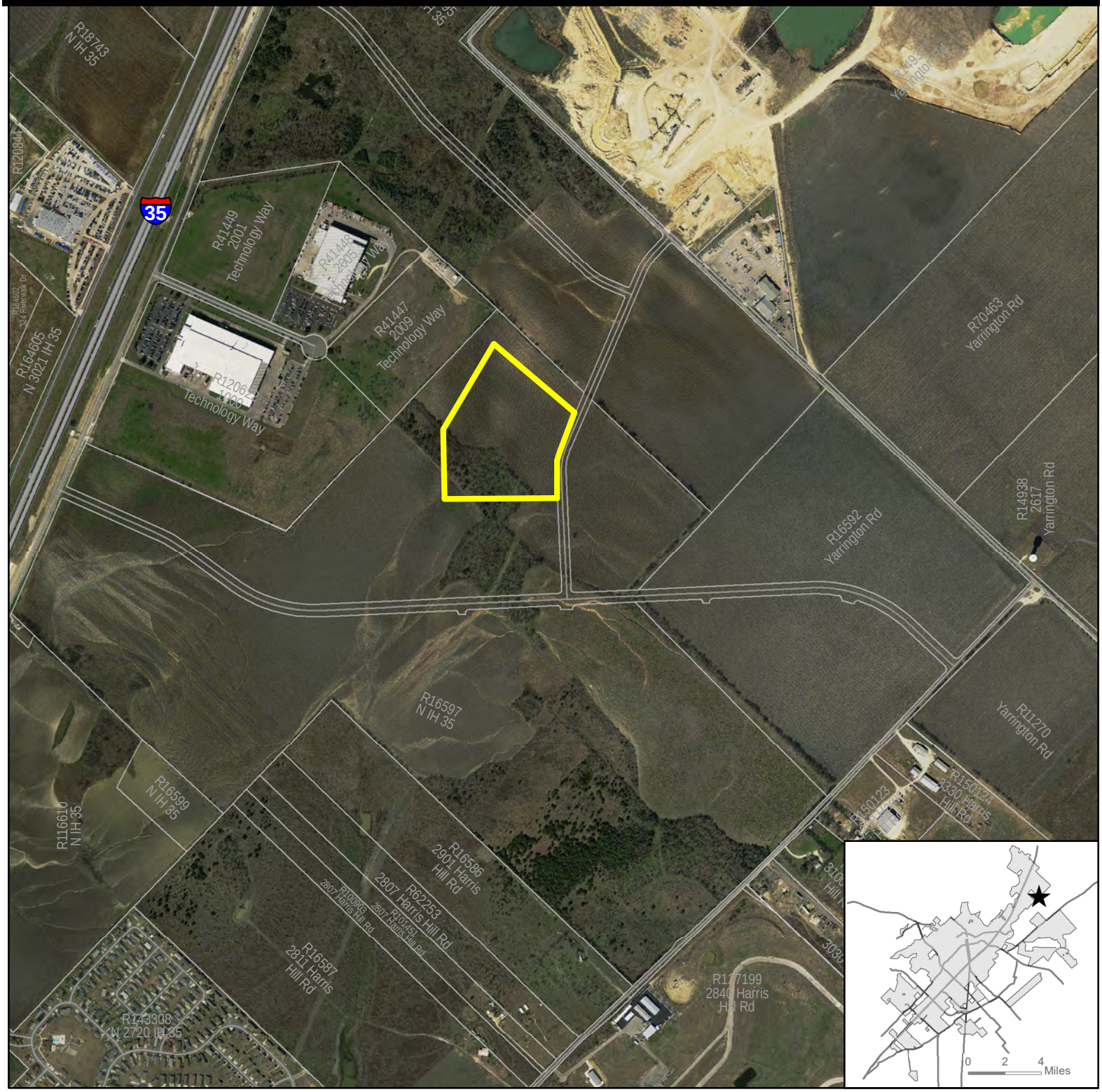
At this time the property will be served with water and wastewater services by the City of San Marcos.

Additional Analysis

The Public Improvements Construction Plan associated with this project has been approved by the Engineering Department.

Evaluation			Criteria for Approval (Sec.3.2.3.4)
Consistent	**Inconsistent**	**Neutral**	
		N/A	If no preliminary subdivision or development plat has been approved the criteria in Section 3.2.2.4 shall apply;
X			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;
X			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;
X			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;
X			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
		X	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.

PC-19-49
Location Map
Whisper Industrial



★ **Site Location**

Subject Property

Parcel

City Limit

N

0 550 1,100 2,200 Feet

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: 3/11/2020

Document Path: \\san_marcos\files\DeptShares\Planning & Dev\Planning_Planning Current\P&Z\2019 Staff Reports\PC\PC-19-49 Whisper Industrial\PC-20-08 Location Map.mxd

WHISPER INDUSTRIAL

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT WE, WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP, A TEXAS LIMITED LIABILITY COMPANY, BY AND THROUGH ROBERT W. McDONALD, III, MANAGER AS OWNER OF THE 504.853 ACRES OF LAND OUT OF THE JOEL MINER SURVEY NO. 321, HAYS COUNTY, TEXAS, BEING CONVEYED TO WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP BY DEED DATED JANUARY 5, 2016 AND RECORDED IN DOCUMENT NUMBER 2016–16000334 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 18.41 ACRES OF LAND TO BE KNOW AS "WHISPER INDUSTRIAL" IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS, ALLEYS AND EASEMENTS SHOWN THEREON FOR THE PURPOSES INDICATED.

WITNESS MY HAND THIS _____ DAY OF _____, 201___.

_____
ROBERT W. McDONALD, III, MANAGER
WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP
9811 SOUTH IH 35
BLDG. 3, SUITE 100
AUSTIN, TX. 78744

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ROBERT W. McDONALD III, MANAGER, WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP, OWNER, 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 PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 201___.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON: _____

STATE OF TEXAS
COUNTY OF _____
THAT I, FIRST UNITED BANK, THE LIEN HOLDER OF THE CERTAIN TRACTS OF LAND RECORDED IN DOCUMENT NUMBER 2016–16000334 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF 18.41 ACRES OF LAND SITUATED IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND DO HEREBY JOIN, APPROVE, AND CONSET TO THE DEDICATION TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, EASEMENTS AND ALL OTHER LANDS INTENDED FOR PUBLIC DEDICATION AS SHOWN HEREON.

FIRST UNITED BANK
9801 INDIANA AVENUE
LUBBOCK, TX. 79423

BY: MILES SEYBERT

_____
VICE PRESIDENT DATE

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED MILES SEYBERT , KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID MILES SEYBERT, FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 201___.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON: _____

APPROVED BY THE CITY OF SAN MARCOS PLANNING AND ZONING COMMISSION ON THE _____ DAY OF _____, 20__.

_____
JIM GARBER, CHAIRMAN DATE
PLANNING AND ZONING COMMISSION

_____
, RECORDING SECRETARY DATE

_____
SHANNON MATTINGLY, AICP, DATE
PLANNING AND DEVELOMENT SERVICES DIRECTOR

_____
ENGINEERING/CIP DATE

STATE OF TEXAS
COUNTY OF HAYS

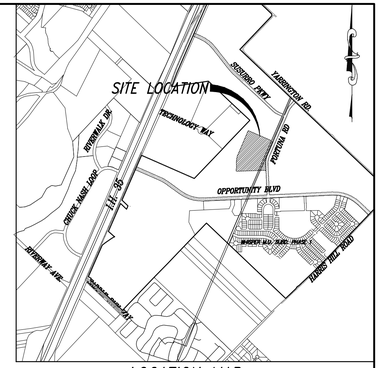
I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20___, AT _____ O'CLOCK __M., AND RECORDED ON THE _____ DAY OF _____, 20__, AT _____ O'CLOCK __M., IN THE PLAT RECORDS OF HAYS, COUNTY, TEXAS IN DOCUMENT NO. _____.

_____
ELAINE H. CARDENAS, COUNTY CLERK
HAYS COUNTY, TEXAS

NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE LDC AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

PLAT NOTES:

1. SIDEWALKS ARE REQUIRED ALONG ALL PERIMETER ROADWAYS.
2. NO PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE, THE EDWARDS AQUIFER TRANSITION ZONE OR THE SAN MARCOS RIVER CORRIDOR.
3. IMPROVEMENTS WITHIN DRAINAGE EASEMENTS WILL BE PRIVATELY MAINTAINED BY THE SUBJECT PROPERTY OWNER.
4. THIS PROPERTY IS SUBJECT TO ORDINANCE 2017–40, WHISPER DEVELOPMENT PROJECT PDD.
5. ALL OWNERS OF PRIVATE PROPERTY WITHIN THIS SUBDIVISION SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL DRAINAGE EASEMENTS, FACILITIES AND CONDITIONS UPON THEIR INDIVIDUAL PRIVATE PROPERTY.
6. LOTS 1 – 3 LAND USE CLASSIFICATION SHALL BE EMPLOYMENT CENTER (EC).



LOCATION MAP
SCALE: 1" = 2000'

KNOW ALL MEN BY THESE PRESENTS:

THAT I, TIMOTHY A. LENZ, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

_____
TIMOTHY A. LENZ, RPLS DATE

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4393
LENZ & ASSOCIATES, INC.
FIRM NO. 100290–00
4150 FREIDRICH LN. SUITE A–1
AUSTIN, TX 78744
TEL: (512) 443–1174

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 48209 C 0392 F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS, AND INCORPORATED AREAS, THIS SUBDIVISION IS WITHIN ZONE X.

_____
HERMANN VIGIL, P.E. DATE
4005 BANISTER LN
SUITE 225C
AUSTIN, TEXAS 78704
(512) 326–2667

LOT SUMMARY TABLE	
LOT TYPE	NUMBER OF LOTS
COMMERCIAL	3

WHISPER INDUSTRIAL

OWNER:	SURVEYOR	ENGINEER:	
WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	LENZ & ASSOCIATES, INC. FIRM NO. 100290–00 4150 FREIDRICH LN. SUITE A–1 AUSTIN, TX 78744 TEL: (512) 443–1174	VIGIL & ASSOCIATES 4005 BANNISTER LN, ST. 225C AUSTIN, TX 78704 TEL: (512) 326–2667 FIRM REG. #F–4768	DATE: 6/21/19 Sheet 1 of 2

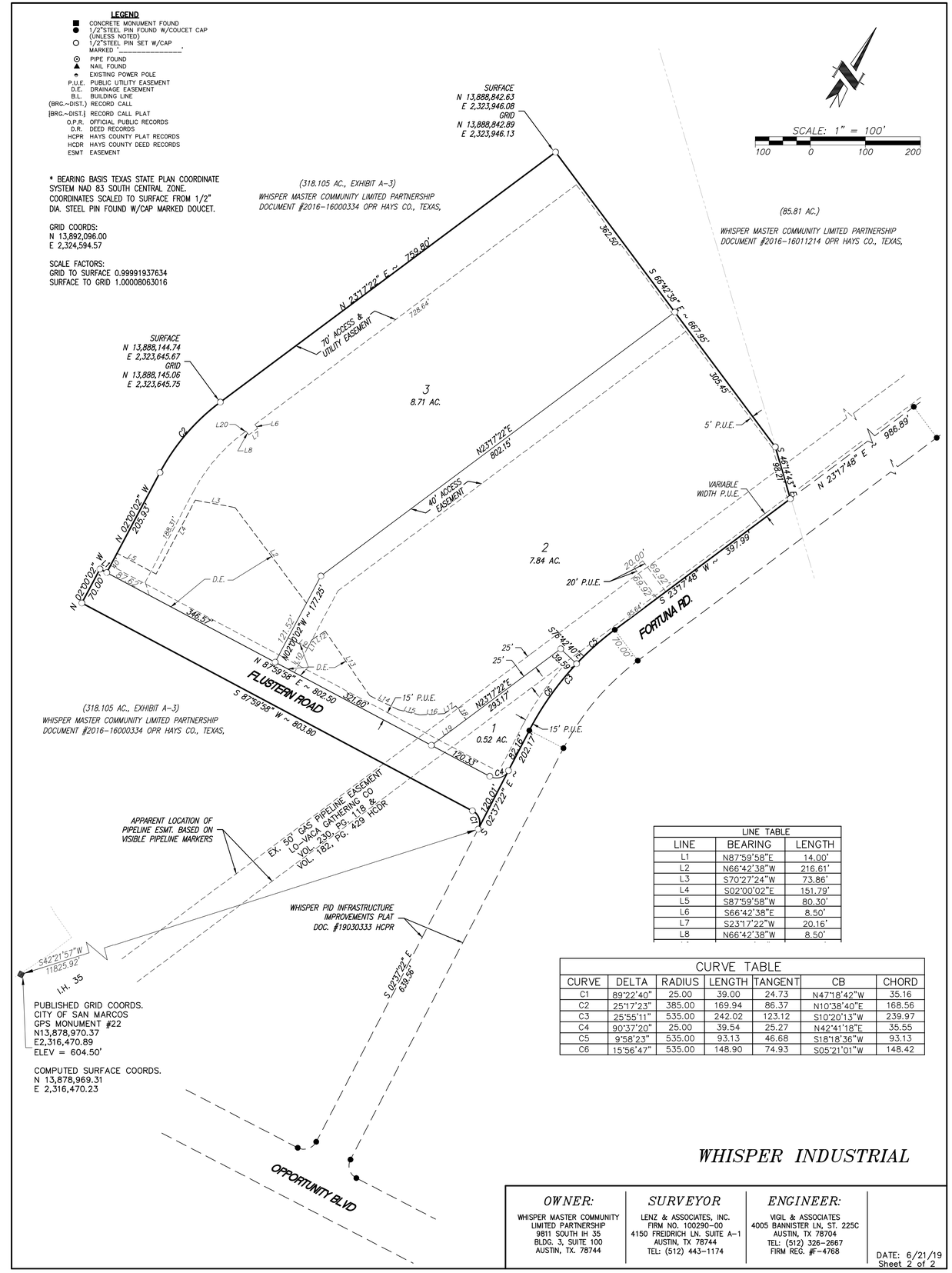
LEGEND

- ■ CONCRETE MONUMENT FOUND
- ● 1/2"STEEL PIN FOUND W/COUCET CAP (UNLESS NOTED)
- ○ 1/2"STEEL PIN SET W/CAP MARKED "_____"
- ⊙ PIPE FOUND
- ▲ NAIL FOUND
- EXISTING POWER POLE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- B.L. BUILDING LINE
- (BRG.–DIST.) RECORD CALL
- [BRG.–DIST.] RECORD CALL PLAT
- O.P.R. OFFICIAL PUBLIC RECORDS
- D.R. DEED RECORDS
- HCPR HAYS COUNTY PLAT RECORDS
- HCDR HAYS COUNTY DEED RECORDS
- ESMT EASEMENT

* BEARING BASIS TEXAS STATE PLAN COORDINATE SYSTEM NAD 83 SOUTH CENTRAL ZONE. COORDINATES SCALED TO SURFACE FROM 1/2" DIA. STEEL PIN FOUND W/CAP MARKED DOUCET.

GRID COORDS:
N 13,892,096.00
E 2,324,594.57

SCALE FACTORS:
GRID TO SURFACE 0.99991937634
SURFACE TO GRID 1.00008063016



PUBLISHED GRID COORDS.
CITY OF SAN MARCOS
GPS MONUMENT #22
N13,878,970.37
E2,316,470.89
ELEV = 604.50'

COMPUTED SURFACE COORDS.
N 13,878,969.31
E 2,316,470.23

LINE TABLE		
LINE	BEARING	LENGTH
L1	N87°59'58"E	14.00'
L2	N66°42'38"W	216.61'
L3	S70°27'24"W	73.86'
L4	S02°00'02"E	151.79'
L5	S87°59'58"W	80.30'
L6	S66°42'38"E	8.50'
L7	S23°17'22"W	20.16'
L8	N66°42'38"W	8.50'

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CB	CHORD
C1	89°22'40"	25.00	39.00	24.73	N47°18'42"W	35.16
C2	25°17'23"	385.00	169.94	86.37	N10°38'40"E	168.56
C3	25°55'11"	535.00	242.02	123.12	S10°20'13"W	239.97
C4	90°37'20"	25.00	39.54	25.27	N42°41'18"E	35.55
C5	9°58'23"	535.00	93.13	46.68	S18°18'36"W	93.13
C6	15°56'47"	535.00	148.90	74.93	S05°21'01"W	148.42

WHISPER INDUSTRIAL

OWNER:	SURVEYOR	ENGINEER:	
WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	LENZ & ASSOCIATES, INC. FIRM NO. 100290–00 4150 FREIDRICH LN. SUITE A–1 AUSTIN, TX 78744 TEL: (512) 443–1174	VIGIL & ASSOCIATES 4005 BANNISTER LN, ST. 225C AUSTIN, TX 78704 TEL: (512) 326–2667 FIRM REG. #F–4768	DATE: 6/21/19 Sheet 2 of 2

FINAL SUBDIVISION / DEVELOPMENT PLAT APPLICATION

Updated: October, 2018

Case # PC-____-____-_____

CONTACT INFORMATION

Applicant's Name	Hermann Vigil/Vigil & Assoc.	Property Owner	Whisper Master Community LP
Applicant's Mailing Address	4005 Banister Ln., Bldg C, St. 225 Austin, TX 78704	Owner's Mailing Address	9811 S IH35, Bldg 3, St. 100 Austin, TX 78744
Applicant's Phone #	512-326-2667	Owner's Phone #	512-695-3532
Applicant's Email	hermann@vigilandassoc.com	Owner's Email	rw4@cgminterests.com

PROPERTY INFORMATION

Proposed Subdivision Name: Whisper Industrial Phase 1

Subject Property Address or General Location: 2030 Yarrington Rd(approx 1800' south of Yarrington/Whisper PID Rd B intersection)

Acres: 18.41 ac. **Tax ID #: R**16597

Located in: ■ **City Limits** ☐ **Extraterritorial Jurisdiction (County)**

DESCRIPTION OF REQUEST

Type of Plat: ■ **Final Subdivision Plat** ☐ **Final Development Plat**

Current Number of Lots: 0 **Current Land Use:** agriculture

Proposed Number of Lots: 3 **Proposed Land Use:** office/warehouse

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee $1,288 plus $100 per acre **Technology Fee $12** ***MAXIMUM COST $2,512***

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

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: June 27, 2019

Printed Name: Hermann Vigil

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: June 27, 2019

Printed Name: Hermann Vigil

RECORDATION REQUIREMENTS***

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: $_____
- ☐ Tax Certificate, printed within 30 days of recordation date (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.

PROPERTY OWNER AUTHORIZATION

I, Whisper Master Com. LP (owner) acknowledge that I am the rightful owner of the property located at 2030 Yarrington Rd. (approx 1800' south of Yarrington/Whisper PID Rd. B intersection) (address).

I hereby authorize Hermann Vigil/Vigil & Assoc. (agent name) to file this application for Final Plat (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: _____ Date: 6/11/19

Manager

Printed Name: Robert W. McDonald III

Signature of Agent: _____ Date: 6/10/19

Printed Name: Hermann Vigil

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: Pedernales Electric Cooperative

Applicable Utility Service Code(s): _____

Comments / Conditions: Electric conduits are currently being installed, pending completetion and electric easements by developer.

Signature of Electric Company Official: _____

Title: Designer Date: 6/24/2019

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: Centerpoint Energy

Applicable Utility Service Code(s): A

Comments / Conditions: _____

Signature of Gas Company Official: Devin Kleinfelder

Title: Senior Marketing Consultant Date: 6/24/2019

Whisper Industrial

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: City of San Marcos

Applicable Utility Service Code(s): B

Comments / Conditions:

Signature of Water Official: Tony Sahm

Title: Water Dist Manager Date: 6-24-19

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: City of San Marcos

Applicable Utility Service Code(s): B

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 connec to the City of San Marcos wastewater system.

Comments / Conditions: Wastewater infrastructure to be constructed by development.

Signature of Wastewater Official: Lilayl Juarez

Title: Wastewater Collections Manager Date: August 1, 2019

****** Electronically Filed Document ******

Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2016-16000334
Recorded As : ELECTRONIC RECORDING

Recorded On:	**January 05, 2016**
Recorded At:	**03:11:28 pm**
Number of Pages:	**18**
Recording Fee:	**$90.00**

Parties:

Direct- TEXAS STATE OF
Indirect- WHISPER MASTER COMMUNITY LIMITE

Receipt Number:	**417602**
Processed By:	**Christina Rodriguez**

************** THIS PAGE IS PART OF THE INSTRUMENT **************

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

COUNTY COURT OF HAYS COUNTY, TEXAS

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Liz Q. Gonzalez, County Clerk

Corridor Title Co. GF# 13-00793-SN

NOTICE OF CONFIDENTIALITY: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORD: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

DEED WITHOUT WARRANTY

STATE OF TEXAS	§	**KNOW ALL BY THESE**
	§	
COUNTY OF HAYS	§	**PRESENTS:**

That the **STATE OF TEXAS,** for the use and benefit of the Permanent School Fund, by and through **GEORGE P. BUSH, COMMISSIONER OF THE TEXAS GENERAL LAND OFFICE AND CHAIRMAN OF THE SCHOOL LAND BOARD** ("Grantor"), by virtue of the authority vested by Texas Natural Resources Code § 51.012, for and in consideration of Ten and No/One-hundred Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, subject to the restrictions, reservations, exceptions and encumbrances hereinafter set forth, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto **WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP,** ("Grantee"), whose mailing address is 9811 S. Interstate 35, Ste. 100, Austin, Texas 78744-7901, the following real property: that certain approximately 505.853 acre tract of real property out of the Joel Miner Survey, Abstract No. 321, Hays County, Texas, and as more particularly described on Exhibits "A-1", "A-2", and "A-3," attached hereto (the "Property").

This conveyance is made subject to all covenants, conditions, reservations, restrictions, rights of way, easements and leases, if any, that are valid, in existence, and of record or visible and apparent upon the ground of the Property. All oil, gas and other minerals, mineral rights and royalties not previously retained, if any, are retained by Grantor, for the use and benefit of the Permanent School Fund. To the extent that Grantor owns any rights to such oil, gas and other minerals, Grantor waives the right to use the surface of the Property, including, without limitation, by directional drilling or pooling.

TO HAVE AND TO HOLD, subject to the covenants, conditions, reservations, restrictions, encumbrances and exceptions herein, the Property, together with all and singular the rights, improvements and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's successors and assigns forever, without express or implied warranty. **All warranties that might arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.**

Except as otherwise expressly provided herein, the covenants, reservations, restrictions, encumbrances and exceptions in this deed are perpetual and shall run with the land.

GRANTEE AGREES AND ACKNOWLEDGES THAT GRANTOR IS SELLING THE PROPERTY STRICTLY ON AN "AS IS, WHERE IS" BASIS, WITHOUT WARRANTY, EXPRESS OR IMPLIED, WITH ANY AND ALL LATENT AND PATENT DEFECTS. GRANTEE HAS INSPECTED THE PHYSICAL CONDITION OF THE PROPERTY, INCLUDING ALL IMPROVEMENTS THEREON, AND ACCEPTS TITLE TO THE SAME "AS IS" IN ITS EXISTING PHYSICAL CONDITION, AND ACCEPTS ANY LIABILITIES OR COSTS ARISING IN CONNECTION WITH THE CONDITION OF THE PROPERTY, INCLUDING, BUT NOT LIMITED TO ANY COSTS OR LIABILITIES PERTAINING TO ANY ENVIRONMENTAL CONDITION ON THE PROPERTY. GRANTEE IS NOT RELYING UPON ANY REPRESENTATION, WARRANTY, STATEMENT OR OTHER ASSERTION OF THE STATE OF TEXAS, AS GRANTOR, INCLUDING THE GENERAL LAND OFFICE, THE SCHOOL LAND BOARD, OR ANY OFFICIAL, AGENT, REPRESENTATIVE OR EMPLOYEE OF THE FOREGOING, WITH RESPECT TO THE PROPERTY'S CONDITION. GRANTEE IS RELYING SOLELY AND WHOLLY ON GRANTEE'S OWN EXAMINATION OF THE PROPERTY. THE STATE OF TEXAS AND ITS AGENCIES DISCLAIM ANY AND ALL EXPRESS OR IMPLIED WARRANTIES AND SPECIFICALLY MAKE NO WARRANTIES OF HABITABILITY, MERCHANTABILITY, SUITABILITY, FITNESS FOR ANY PURPOSE, OR ANY OTHER WARRANTY WHATSOEVER. GRANTEE IS PUT ON NOTICE THAT ANY PRIOR GRANT AND/OR ENCUMBRANCE MAY BE OF RECORD AND GRANTEE IS ADVISED TO EXAMINE ALL PUBLIC RECORDS AVAILABLE REGARDING THE PROPERTY.

Witness my hand and seal of office effective this the 30 day of December 2015.

[Signature page follows.]

The **STATE OF TEXAS** for the use and benefit of the Permanent School Fund.

DocuSigned by:

By: _____

GEORGE P. BUSH, COMMISSIONER,
TEXAS GENERAL LAND OFFICE AND
CHAIRMAN OF THE SCHOOL LAND BOARD

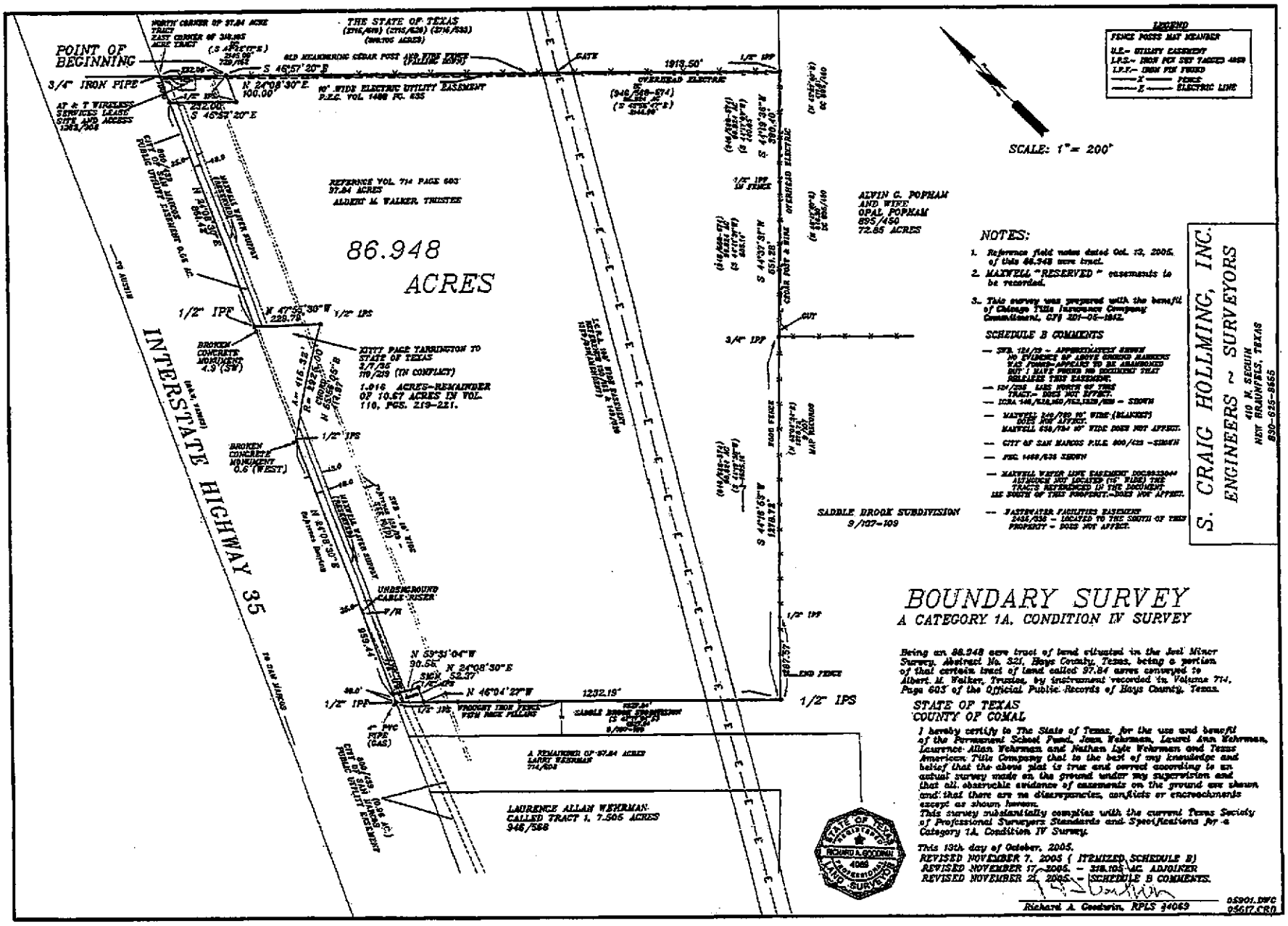
(Seal)

APPROVED:
Contents:
Legal Services:
Director:
General Counsel:
Exec.:

After recording return to:

NOTE TO COUNTY CLERK: PROPERTY CODE §12.006, COMBINED WITH GOVERNMENT CODE §2051.001, AUTHORIZES THE RECORDATION OF THIS INSTRUMENT WITHOUT ACKNOWLEDGMENT OR FURTHER PROOF OF THE SIGNATURE OF THE COMMISSIONER OF THE TEXAS GENERAL LAND OFFICE.

EXHIBIT A-1



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Doc-16000334 Bk- VI- Pg-5
DocuSign Envelope ID: F5C73C42-8DB0-4400-9F23-71E5885223C0

S. CRAIG HOLLMIG, INC.
CONSULTING ENGINEERS - SURVEYORS
[illegible]
NEW BRAUNFELS, TEXAS [illegible]

TEXAS SOCIETY OF PROFESSIONAL ENGINEERS
AMERICAN SOCIETY OF CIVIL ENGINEERS

TEXAS SURVEYORS ASSOCIATION
TELEPHONE: (830) 625-8555 • FAX: (830) 625-5666

WATER SYSTEMS • SEWER SYSTEMS • SUBDIVISIONS • LAND PLANNING • STREETS • DRAINAGE

FIELD NOTES
FOR
AN 86.948 ACRE TRACT

Being an 86.948 acre tract of land situated in the Joel Miner Survey, Abstract No. 321, Hays County, Texas, being a portion of that certain tract of land called 97.84 acres conveyed to Albert M. Walker, Trustee, by instrument recorded in Volume 714, Page 603 of the Official Public Records of Hays County, Texas, and all bearings referred to in this description are referenced to a bearing of N 24° 08' 30" E between monumentation found along the Easterly right-of-way line of Interstate Highway 35 (basis is taken from Texas State Highway Department Right-of-Way Map), said 86.948 acre tract of land surveyed under the supervision of Richard A. Goodwin, RPLS #4069, S. Craig Hollmig, Inc., and being more particularly described as follows:

BEGINNING: At a ½" iron pin set on the Northeasterly line of the above referenced 97.84 acre tract, same being a Southwesterly line of that certain tract now being a remainder of a 328.824 acre tract described in Volume 720, Page 152 of the Official Public Records of Hays County, Texas, said ½" iron pin set S 45° 57' 20" E 232.0 feet from a ¾" iron pipe found on the Easterly right-of-way line of Interstate Highway 35, for the North corner of the above referenced 97.84 acre tract, for a Northerly corner of this tract;

THENCE: Generally along an old meandering cedar post and wire fence (falling down), with a Southwesterly line of said 328.824 acre tract, the Northeasterly line of the above referenced 97.84 acre tract, S 45° 57' 20" E 1,913.50 feet to a ½" iron pin found for a Southwesterly corner of said 328.824 acre tract, situated on the Northwesterly line of a tract called 72.85 acres (Popham Tract), recorded in Volume 895, Page 450 of the Official Public Records of Hays County, Texas, for the East corner of the above referenced 97.84 acre tract, for the East corner of this tract;

THENCE: Generally with fence, along a Southeast line of the above referenced 97.84 acre tract, the Northwest line of said 72.85 acre tract, S 44° 19' 36" W 390.40 feet to a ½" iron pin found and S 44° 37' 31" W 551.28 feet to a ¾" iron pin found for the West corner of said 72.85 acre tract, same being the North corner of Saddle Brook Subdivision, a plat recorded in Volume 9, Pages 107-109 of the Map and Plat Records of Hays County, Texas, for a corner of this tract;

THENCE: Continuing along the Southeast line of the above referenced 97.84 acre tract, a Northwest line of said Saddle Brook Subdivision, generally along a wood fence, S 44°

16' 53" W 1,278.72 feet to a ½" iron pin set for an interior corner of Saddle Brook Subdivision, for the South corner of this tract;

THENCE: Entering the above referenced 97.84 acre tract, with a Northeasterly line of Saddle Brook Subdivision, N 46° 04' 27" W 1,232.19 feet to a ½" iron pin set on said Northeast line, for a Southwesterly corner of this tract;

THENCE: Leaving the Northeasterly line of Saddle Brook Subdivision, N 24° 08' 30" E 52.37 feet to a ½" iron pin set and N 59° 31' 04" W 90.55 feet to a ½" iron pin set on the Easterly right-of-way line of Interstate Highway 35, for a Southwest corner of this tract, being located N 24° 08' 30" E 30.0 feet from a ½" iron pin found for a corner of Saddle Brook Subdivision;

THENCE: Continuing with the Easterly right-of-way line of Interstate Highway 35, N 24° 08' 30" E 959.44 feet to a ½" iron pin set in the curving Southeast line of that certain 10.67 acre tract described in Deed from Kitty Page Yarrington to State of Texas, dated February 7, 1935, recorded in Volume 110, Page 219 of the Deed Records of Hays County, Texas, for a corner of this tract;

THENCE: Entering the above referenced 97.84 acre tract (which is in conflict with the 10.67 acre tract), with the Southeast line of said 10.67 acre tract, in a curve to the right, having a radius of 2,925.00 feet, an arc length of 415.32 feet, a central angle of 08° 08' 07", and a chord bearing and distance of N 55° 56' 05" E 414.97 feet to a ½" iron pin set for an interior corner of this tract;

THENCE: Continuing with the remainder of said 10.67 acre tract, N 47° 55' 30" W 229.79 feet to a ½" iron pin found on the Easterly right-of-way line of Interstate Highway 35, for a corner of this tract;

THENCE: Continuing with said Easterly right-of-way line, N 24° 08' 30" E 851.42 feet to a ½" iron pin set in same, for the most Northwesterly corner of this tract;

THENCE: Entering the above referenced 97.84 acre tract, S 45° 57' 20" E 232.00 feet to a ½" iron pin set for an interior corner of this tract and N 24° 08' 30" E 100.00 feet to the Point of Beginning and containing 86.948 acres of land, more or less.

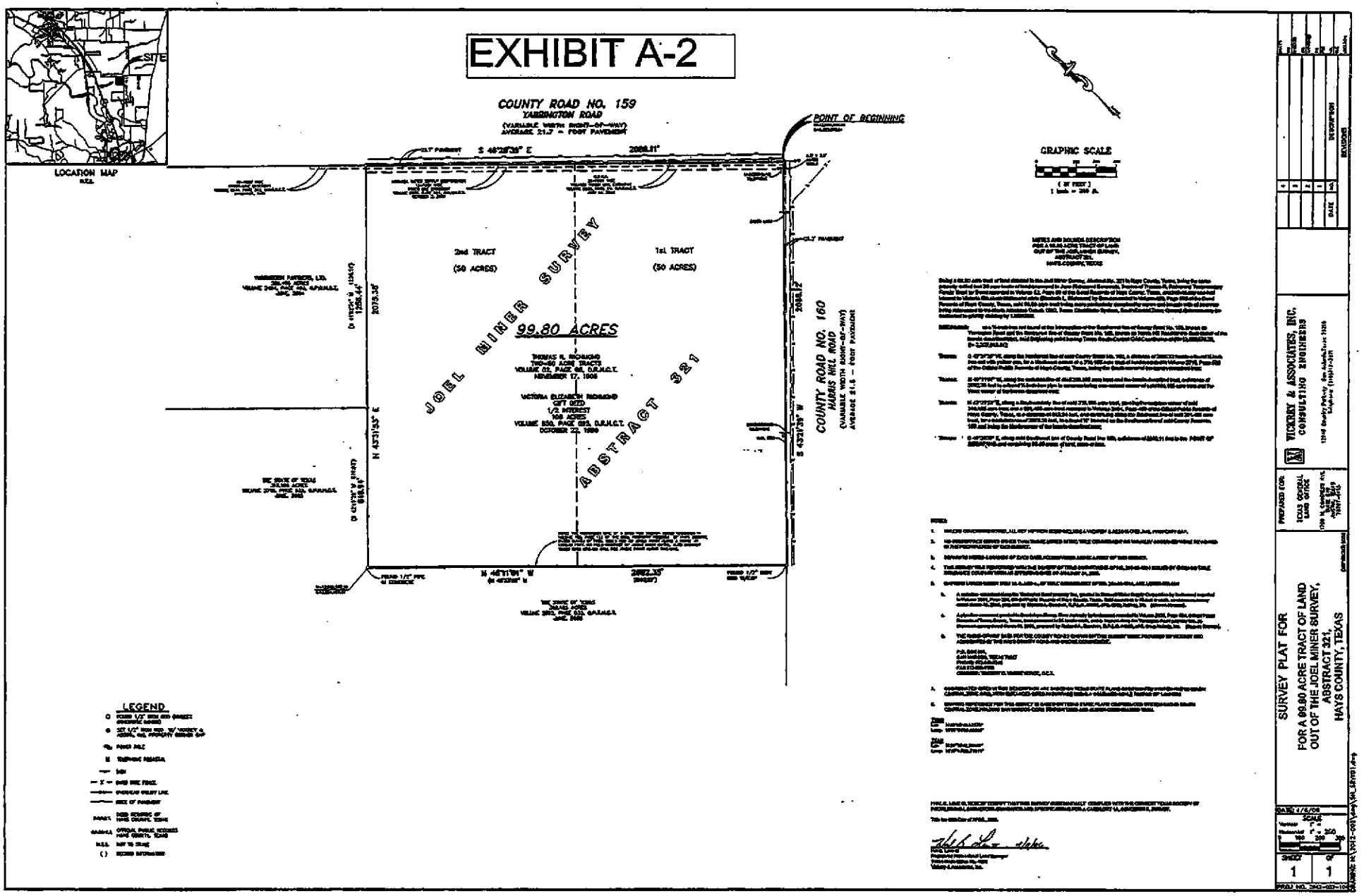
The foregoing field notes represent the results of an on-the-ground survey made under my supervision, October 13, 2005. Reference plat prepared this same date of this 86.948 acre tract.

STATE OF TEXAS
REGISTERED
RICHARD A. GOODWIN
4069
PROFESSIONAL
LAND SURVEYOR

Richard A. Goodwin, RPLS #4069

Job #05-901

EXHIBIT A-2



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Document ID: FSC73C42-3DB0-4400-9F23-71E5885223C0

VICKREY & ASSOCIATES, Inc.
CONSULTING ENGINEERS

METES AND BOUNDS DESCRIPTION
FOR A 99.80 ACRE TRACT OF LAND
OUT OF THE JOEL MINER SURVEY,
ABSTRACT 321,
HAYS COUNTY, TEXAS

Being a 99.80 acre tract of land situated in the Joel Miner Survey, Abstract No. 321 in Hays County, Texas, being the same property called two 50 acre tracts of land conveyed to Jane Richmond Benasutti, Trustee of Thomas R. Richmond Testamentary Family Trust by Deed recorded in Volume 52, Page 68 of the Deed Records of Hays County, Texas, and individually one-half interest to Victoria Elizabeth Richmond a/k/a Elizabeth L. Richmond by Deed recorded in Volume 850, Page 595 of the Deed Records of Hays County, Texas, said 99.80 acre tract being more particularly described by metes and bounds with all bearings being referenced to the North American Datum 1983, Texas Coordinate System, South Central Zone; Ground distances may be converted to grid by dividing by 1.0001700:

BEGINNING at a ½-inch iron rod found at the intersection of the Southwest line of County Road No. 159, known as Yarrington Road and the Northwest line of County Road No. 160, known as Harris Hill Road for the East corner of the herein described tract, said Beginning point having Texas South Central Grid Coordinates of (N=13,886,570.38, E= 2,327,818.81);

Thence: S 43°21'39" W, along the Northwest line of said County Road No. 160, a distance of 2086.12 feet to a found ½ inch iron rod with yellow cap, for a Northeast corner of a 318.105 acre tract of land recorded in Volume 2715, Page 533 of the Official Public Records of Hays County, Texas, being the South corner of the herein described tract;

Thence; N 46°11'01" W, along the common line of said 318.105 acre tract and the herein described tract, a distance of 2092.35 feet to a found ½ inch iron pipe in concrete being a re-entrant corner of said 318.105 acre tract and the West corner of the herein described tract;

Thence: N 43°31'53" E, along a Southeasterly line of said 318.105 acre tract, passing the common corner of said 318.105 acre tract and a 201.496 acre tract recorded in Volume 2494, Page 403 of the Official Public Records of Hays County, Texas, at a distance of 818.94 feet, and continuing along the Southeast line of said 201.496 acre tract, for a total distance of 2075.38 feet, to a found ½" iron rod on the Southwest line of said County Road No. 159 and being the North corner of the herein described tract;

Thence: S 46°28'39" E, along said Southwest line of County Road No. 159, a distance of 2086.11 feet to the POINT OF BEGINNING and containing 99.80 acres of land, more or less.

Note: Survey Plat of even date accompanies this legal description.

Hal B. Lane 4/11/06

Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Vickrey & Associates, Inc.

STATE OF TEXAS
REGISTERED
HAL B. LANE III
4690
PROFESSIONAL
LAND SURVEYOR

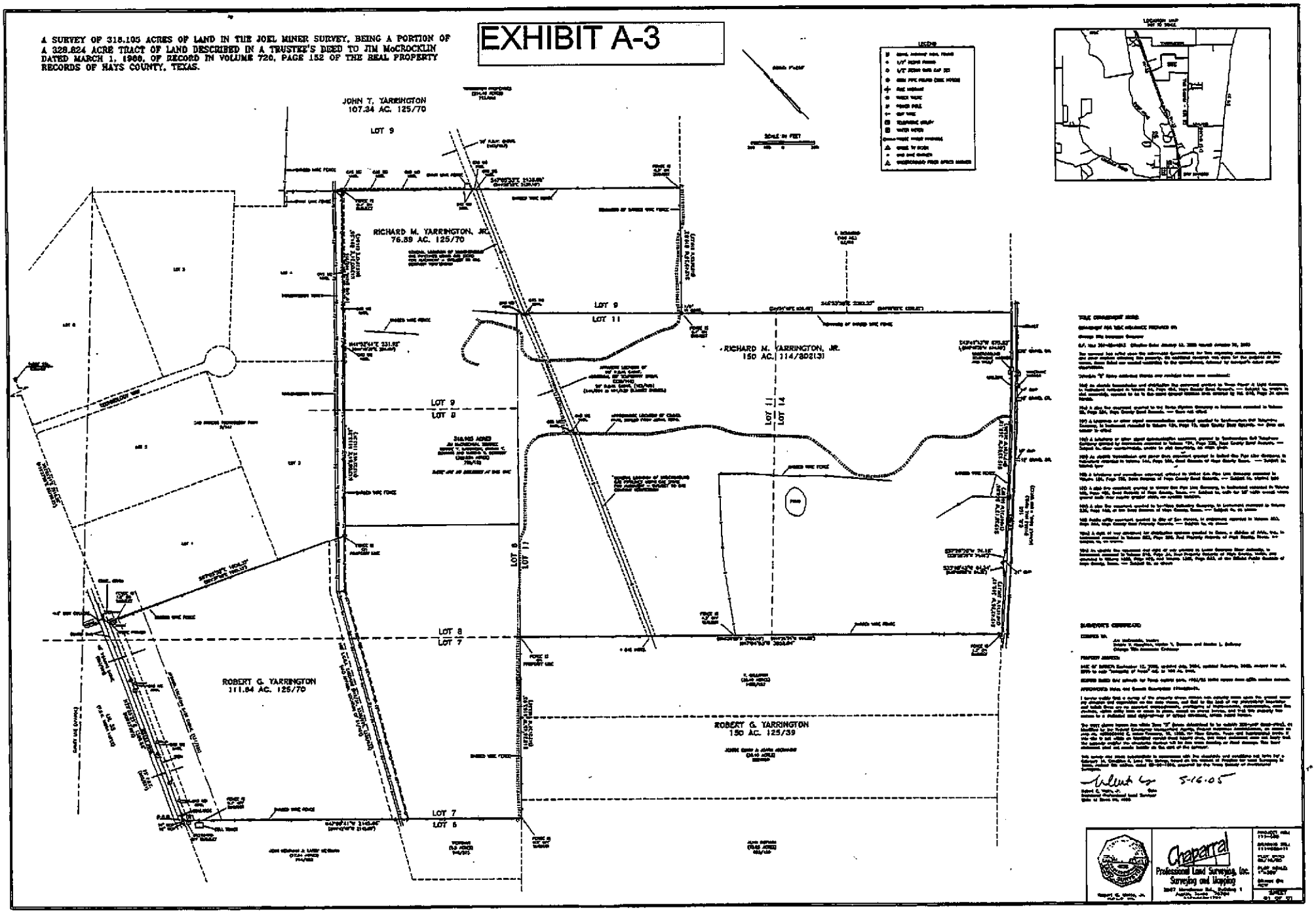
Job No. 2042-002-104
Hlgm 99.80 Acres 041106
April 6, 2006
April 11, 2006

N:\2042-002\M&B\99.80 Acres (FINAL) 041106.rtf

12940 Country Parkway • San Antonio, Texas 78216 • 210-349-3271 • FAX 210-349-2561

EXHIBIT A-3

A SURVEY OF 318.105 ACRES OF LAND IN THE JOEL MINER SURVEY, BEING A PORTION OF A 328.824 ACRE TRACT OF LAND DESCRIBED IN A TRUSTEE'S DEED TO JIM McCROCKLIN DATED MARCH 1, 1900, OF RECORD IN VOLUME 720, PAGE 152 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS.



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201-05-1013

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

318.105 ACRES
JOEL MINER SURVEY

A DESCRIPTION OF 318.105 ACRES IN THE JOEL MINER SURVEY, HAYS COUNTY, TEXAS, BEING A PORTION OF A 328.824 ACRE TRACT OF LAND DESCRIBED IN TRUSTEE'S DEED TO JIM McCROCKLIN, TRUSTEE, DATED MARCH 1, 1988, OF RECORD IN VOLUME 720, PAGE 152 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS; SAID 318.105 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" rebar found in the east right-of-way line of Interstate Highway 35 (right-of-way width varies) for the west corner of said 328.824 acre tract and the north corner of a 97.84 acre tract of land described in Volume 714, Page 603 of the Real Property Records of Hays County, Texas;

THENCE North 22°55'27" East, with the east right-of-way line of said IH-35 and the northwest line of the 328.824 acre tract, a distance of 1366.86 feet to a ½" rebar with cap set for the southwest corner of Lot 1, San Marcos Technology Park, a subdivision of record in Volume 5, Page 147 of the Plat Records of Hays County, Texas, from which a concrete highway monument found bears North 22°55'27" East, a distance of 2010.30 feet;

THENCE South 67°05'52" East, over and across the 328.824 acre tract with the southwest line of said San Marcos Technology Park, a distance of 1606.37 feet to a ½" rebar with cap set for an angle point in the north line of the 328.824 acre tract and the south corner of Lot 3, San Marcos Technology Park;

THENCE with the north line of the 328.824 acre tract and the southeast line of Lots 3 and 4, San Marcos Technology Park, the following three (3) courses:

1. North 43°06'54" East, a distance of 1113.31 feet to a ½" rebar found;
2. North 41°52'41" East, a distance of 231.92 feet to a ½" rebar found;
3. North 43°00'24" East, a distance of 894.28 feet to a ½" rebar found in the southwest line of a 214.40 acre tract of land described in Volume 773, Page 816 of the Real Property Records of Hays County, Texas, for the east corner of Lot 4, San Marcos Technology Park and the north corner of the 328.824 acre tract;

THENCE South 47°05'53" East, with the northeast line of the 328.824 acre tract

and the southwest line of said 214.40 acre tract, a distance of 2136.85 feet to a ½" rebar found for the south corner of the 214.40 acre tract and the northeast corner of the 328.824 acre tract and in the northwest line of a 100 acre tract of land described in Volume 52, Page 68 of the Deed Records of Hays County, Texas;

THENCE with the common line of the 328.824 acre tract and the said 100 acres, the following two (2) courses:

1. South 42°49'26" West, a distance of 819.02 feet to a ½" iron pipe found for the west corner of the 100.00 acre tract;

2. South 46°53'58" East, a distance of 2092.27 feet to a ½" rebar with cap set in the northwest right-of-way line of County Road 160 (Harris Hill Road, right-of-way width varies) for the easternmost corner of the 328.824 acre tract;

THENCE with the northwest right-of-way line of said C.R. 160 and the southeast line of the 328.824 acre tract, the following six (6) courses:

1. South 43°41'13" West, a distance of 675.23 feet to a ½" rebar with cap set;

2. South 45°13'02" West, a distance of 369.18 feet to a ½" rebar with cap set;

3. South 45°38'13" West, a distance of 508.86 feet to a ½" rebar with cap set;

4. South 57°29'20" West, a distance of 74.15 feet to a ½" rebar with cap set;

5. South 33°18'43" West, a distance of 64.34 feet to a ½" rebar with cap set;

6. South 45°42'28" West, a distance of 395.47 feet to a ½" rebar found for the south corner of the 328.824 acre tract and the east corner of a 36.40 acre tract of land described in Volume 1435, Page 407 of the Official Public Records of Hays County, Texas;

THENCE North 47°04'03" West, with a southwest line of the 328.824 acre tract and the northeast line of said 36.40 acre tract, a distance of 3052.04 feet to a ½" rebar found for the north corner of the 36.40 acre tract;

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THENCE South 42°56'45" West, with a southwest line of the 328.824 acre tract and the northwest line of the 36.40 acre tract, passing at a distance of 521.59 feet a ½" rebar found for the west corner of the 36.40 acre tract and the north corner of a 36.40 acre tract described in Document No. 9924088 of the Official Public Records of Hays County, Texas, for a total distance of 1163.93 feet to a ½" rebar found for the east corner of a 6.6 acre tract described in Volume 946, Page 575 of the Official Public Records of Hays County, Texas, being in the northwest line of a 72.85 acre tract described in Volume 895, Page 450 of the Official Public Records of Hays County, Texas;

THENCE North 47°09'41" West, with a southwest line of the 328.824 acre tract and the northeast lines of said 6.6 acre tract and said 97.84 acre tract, a distance of 2145.66 feet to the **POINT OF BEGINNING**, containing 318.105 acres of land, more or less.

Surveyed on the ground September 12, 2003. Attachments: survey drawing 111-005-T1. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA Control Network.

Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995

3-11-05

MINUTES
SCHOOL LAND BOARD MEETING
TUESDAY, OCTOBER 6, 2015

The School Land Board of the State of Texas met on Tuesday, October 6, 2015 at 10:00 A.M. in Room 170 and Room 172 of the Stephen F. Austin Building, Austin, Texas, with the following members present: George P. Bush, Chairman of the Board and Commissioner of the General Land Office; Anne Idsal, Chief Clerk of the General Land Office; Mark Havens, General Counsel; David Herrmann and Gil Burciaga, Board Members. Also present were Stephanie Crenshaw, Executive Secretary to the Board; Hector Valle and Aaron DeLeon, Executive Division; Tony Williams, Mark McAnally, David Wells, Alan McWilliams, David Pyle, Susan Sugarek, Amber Long, Russell Mary, Brian Carter, Robert Hatter, Daryl Morgan, Mary Barnstone, Susan Draughn, PSF Income Division; Ashley Healy, Dan Vaughn, Jeff Gordon, Scottie Aplin, Ken Mills, Marylee McKnight, Kalani Hawks and Nick Orman, Legal Services Division; Rusty Martin, Funds Management Division.

Chairman Bush called the meeting to order at 10:00 A.M.

Also present was Dustin Cox representing Harmony Public Schools.

Chairman Bush introduced Mr. Gilbert Burciaga who had recently been appointed to the Board by the Governor's office. Chairman Bush conducted the swearing in ceremony for Mr. Burciaga.

Motion was made by Mr. Herrmann and seconded by Mr. Chairman Bush to approve the minutes from the September 1, 2015 School Land Board Meeting. Mr. Burciaga abstained.

The consent agenda Item No. 3A was called upon for approval by Chairman Bush consisting of items No. **3,A-1,** Jetta Operating Company, Inc., Barstow State Unit 33-36, MF117335, A part of Pecos River is being pooled pursuant to Texas Natural Resource Code 52.076, Reeves and Ward Counties; **3,A-2**, Chesapeake Operating, Inc., Big Wells South Unit 13 DIM, MF117660, A part of Nueces River is being pooled pursuant to Texas Natural Resource Code 52.076, Dimmit County; **3,A-3,** EOG Resources, Inc., Zena Unit, MF110580, MF111071, MF110720, MF110721, MF110722, MF110723, MF110724, MF110725, MF110726, MF110727, MF111079, MF112396, MF113682, MF111927, MF115406, MF116096, MF115502, AND MF115405, Reeves County; **3,A-4**, EP Energy E&P Company, LP, Hixon Kinsel B Unit, MF117659, A part of Nueces River is being pooled pursuant to Texas Natural Resource Code 52.076, La Salle County; **3,A-5,** EOG Resources, Inc, Naylor Jones 100 Horizontal Unit, MF116198, MF116233, La Salle County; **3,A-6,** EOG Resources, Inc, Ginobili Horizontal Unit, MF116626, A part of Cibolo Creek is being pooled pursuant to Texas Natural Resource Code 52.076, Karnes County; **3,A-7,** MD America Energy, LLC, Wilson #5-H Unit, MF113758, A part of Navasota River is being pooled pursuant to Texas, Natural Resource Code 52.076, Brazos and Madison Counties; **3,A-8,** MD

America Energy, LLC, Wilson C #3-H Unit, MF113172, A part of Navasota River is being pooled pursuant to Texas Natural Resource Code 52.076, Brazos and Madison Counties; **3,A-9,** MD America Energy, LLC, Wilson #2H Unit, MF110423, A part of Navasota River is being pooled pursuant to Texas Natural Resource Code 52.076, Brazos and Madison Counties; **3,A-10,** Arabella Exploration, LLC, Locker State Unit, MF112041 and MF114596, Reeves County; **3,A-11,** Apache Corporation, Falcon State Unit, MF111285 and MF111286, Loving County; **3,A-12,** Cimarex Energy Co., Grisham State Unit, MF111340, MF111341, MF111342, MF111815, MF111893, MF111898, MF111899, MF111900, MF111927, MF111988, MF112039, MF112398, MF115319, MF115320, MF115321, MF115322, MF115323, MF115346, MF115405, MF115608, and MF115609, Reeves County; **3,A-13,** BHP Billiton Petroleum Properties (N.A.), LP, Raymore 57-T1-24 Unit, MF117663, A part of Pecos River is being pooled pursuant to Texas Natural Resource Code 52.076, Loving and Reeves Counties; **3,A-14,** Sequitur East Texas, LLC, Ferguson Prison Unit, MF108172, MF108173, MF108174, MF108175, MF108176, MF108177, MF108178, MF108179, MF108180, MF108181, MF117558, Madison County; **3,A-15,** Sequitur East Texas, LLC, Eastham State Prison Unit, MF108162, MF108163, MF108164, MF108165, MF108166, MF108167, MF108168, MF108169, MF108170, MF108171, MF111830, MF111848, MF111849, MF111850, MF083983, Houston and Madison Counties; **3,A-16,** Cimarex Energy Co., Blacktail 1-34 Unit, MF117710, A part of Pecos River is being pooled pursuant to Texas Natural Resource Code 52.076, Loving and Reeves Counties; **3,A-17,** Burlington Resources O&G Co. LP, Lackey Unit A C, MF113020 and MF113088, De Witt County; **3,A-18,** Devon Energy Production Company, L.P., Orellana C Unit, MF117605, Irion County; **3,A-19,** MD America Energy, LLC, Wilson 7H Unit, MF117709, A part of Navasota River is being pooled pursuant to Texas Natural Resource Code 52.076, Brazos and Madison Counties; **3,A-20,** Carrizo (Eagle Ford) LLC, Gilbert Luna B, MF117713, Parts of Interstate Highway 35 are being pooled pursuant to Texas Natural Resource Code 32.207, La Salle County; **3,A-21,** Statoil Texas Onshore Properties LLC, Kenrubylie, State Lease: MF117714, Parts of Highway 72 and FM 792 are being pooled pursuant to Texas Natural Resource Code 32.207, Karnes County. Motion was made by Mr. Herrmann and seconded by Mr. Burciaga to approve Items No. 3A, according to staff's recommendation, a copy of which is attached hereto as **Exhibit – A.** Chairman Bush abstained.

Consent agenda Item No. 3B, 3C, 3D, 3E and 3F was called upon consisting of Items No., **3,B-1,** Big Star Oil & Gas, LLC, 7.06 acres along I-20 TxDot Maintenance Facility in Section 42, Block 32, T-1-N, T.&P. Ry. Co. Survey, A-596, Howard County; **3,B-2,** XTO Energy Inc., 14.286 acres along I-20-B (f/k/a US-80) in Section 43, Block 33, H&T.C.Ry.Co. Survey, A-166, Ward County; **3,B-3,** Valence Operating Company, 8.035 acres along SH-15 in the J.M. Procella Survey, A-17, Smith County; 3,B-4, SEA Eagle Ford, LLC, 12.56 gross/ 3.14 net acres along SH-72 in the Mark Killey Survey, A-19, John Turner Survey, A-38, and Thomas Adams Survey, A-1, Live Oak County; **3,C-1,** MD America Energy, LLC, Production Sharing Agreement for the Wilson C 3-H Unit, Unit 5175, Brazos and Madison Counties; **3,C-2,** MD America Energy, LLC, Production Sharing Agreement for the Wilson 7-H Unit, Unit 7676, Brazos and Madison Counties; **3,C-3,** MD America Energy, LLC, Production Sharing Agreement for the Wilson #2-H

Unit, Unit 4624, Brazos and Madison Counties; **3,C-4**, MD America Energy, LLC, Production Sharing Agreement for the Wilson #5-H Unit, Unit 6690, Brazos and Madison Counties; **3,D-1**, CE850058 (Renewal), Twin Dolphins Homeowners Association, Corpus Christi Bay, Nueces County; **3,D-2**, CE20000239 (Renewal), Ridge Two Property Owners' Association, Inc., Copano Bay, Aransas County; **3,D-3**, CE20150108 (New), Bernard Acres Civic Club, Bernard Acres Creek, Brazoria County; **3,D-4**, CE20150114 (New), Way Point Landing Property Owners' Association, Turtle Bay, Matagorda County; **3,E-1**, CL950004 (Renewal), Armand Bayou Nature Center, Middle Bayou, Harris County; **3,F-1**, LC20150010 (New), Las Joyas SPI, LLC, Laguna Madre, Cameron County; **3,F-2**, LC950051 (Renewal), Port Bay Hunting and Fishing Club, Inc., Copano Bay, Aransas County; **3,F-3**, LC960013 (Renewal), St. Charles Bay Trailer Inn, Inc., St. Charles Bay, Aransas County; **3,F-4**, LC20050034 (Renewal), Seahorse Development Company, Drum Bay, Brazoria County; **3,F-5**, LC20150009 (New), Grangefield Development, LLC, Laguna Madre, Nueces County; **3,F-6**, LC20150023 (New), Bravado Enterprises, LLC, Aransas Bay, Aransas County; **3,F-7**, LC20150016 (New), South Padre Redevelopment Company, Laguna Madre, Cameron County; **3,F-8**, LC20000010 (Renewal), Kenneth Wayne Derrough, Copano Bay, Aransas County; **3,F-9**, LC950022 (Renewal), Thanh Van Nguyen dba St. Martin's Aquaculture, Matagorda Bay, Calhoun County. Motion was made by Mr. Herrmann and seconded by Chairman Bush to approve Items No. 3, B - F, according to staff's recommendation, a copy of which is attached hereto as **Exhibit – B**. Motion carried unanimously.

David Wells presenting information on Item No. 4, Consideration and action on applications for Commercial Easements on Coastal Public Lands: A. LC940068 (Amendment), Seafood Treasures Inc., Sabine Pass, Jefferson County. Motion was made by Mr. Herrmann and seconded by Mr. Chairman Bush to approve Item No. 4, according to staff's recommendation, a copy of which is attached hereto as **Exhibit – C**. Motion carried unanimously.

The School Land Board entered into Closed Session at 10:06 A.M. pursuant to Chapter 551, Subchapter D, Texas Government Code Section 551.07, relating to Item No Item No. **5**, consideration and possible action on a proposed refund for 150.33 acres erroneously deemed excess; BEX-3-7010 and BEX-3-6992 Dimmit County, Texas; Item No. **6**, consideration and possible action to approve a renewal of State Lease MF 104168 and appointment of New-Tex Operating, LLC as administrator of compensatory royalty pool; Item No. **7**, consideration and possible action to approve a release of claims under compensatory royalty agreement related to State Lease MF 065161; Item No. **8**, consideration and possible action on settlement negotiations for EOG Resources, Inc. (Benavides Family Mutual Trust) Audit Billing; Item No. **9**, consideration and possible action on an application to purchase Permanent School Fund land by direct sale, 341.02 acres, File No. 110780, Hemphill County, Texas; Item No. **10**, consideration and possible action on proposed disposition of Permanent School Fund land by direct sale, File Nos. 155395, 155347, and 155459 Hays County, Texas; Item No. **11**, consideration and possible action on proposed acquisition of approximately 310 acres associated with PSF Hudspeth 64K, File 155401, Hudspeth County, Texas and possible action regarding

pending or contemplated litigation and/or settlement offers, or to seek or receive attorney advice or counsel.

The School Land Board reconvened into Open Session at 10:48 A. M. No action was taken during Closed Session.

Nick Orman presented information on Item No. 5, consideration and possible action on a proposed refund for 150.33 acres erroneously deemed excess; BEX-3-7010 and BEX-3-6992 Dimmit County, Texas. Motion was made by Mr. Herrmann and seconded by Chairman Bush to approve Item No. 5 according to staff's recommendation. Staff recommends the approval of the Corrected Deed of Acquittance and issuance of a refund as being in the best interest of the State and/or the PSF. Motion carried unanimously.

Robert Hatter presented information on Item No. 6, consideration and possible action to approve a renewal of State Lease MF 104168 and appointment of New-Tex Operating, LLC as administrator of compensatory royalty pool. Motion was made by Mr. Herrmann and seconded by Chairman Bush to approve Item No. 6 according to staff's recommendation. Staff recommends that the School Land Board approve renewal of State Leas MF 104168 for a ten-year term, effective January 1, 2012 until January 1, 2022. Staff also recommends that the School Land Board name New Tex Operating, LLC as Pool Administrator of the Compensatory Royalty Pool. Motion carried unanimously.

Marylee McKnight presented information on Item No. 7, consideration and possible action to approve a release of claims under compensatory royalty agreement related to State Lease MF 065161. Motion was made by Mr. Herrmann and seconded by Chairman Bush to approve Item No. 7 according to staff's recommendation. Staff recommends that the School Land Board approve the release of ExxonMobil Corporation from any further obligations under the Compensatory Royalty Agreement. Motion carried unanimously.

Marylee McKnight presented information on Item No. 8, consideration and possible action on settlement negotiations for EOG Resources, Inc. (Benavides Family Mutual Trust) Audit Billing. No action was taken to continue settlement negotiations.

Amber Long presented information on Item No. 9, consideration and possible action on an application to purchase Permanent School Fund land by direct sale, 341.02 acres, File No. 110780, Hemphill County, Texas. Motion was made by Mr. Herrmann and seconded by Chairman Bush to approve Item No. 9 according to staff's recommendation. Staff recommends approval of the disposition of PSF land under the terms and exhibits, as presented as being in the best interest of the State and the PSF. Motion carried unanimously.

Russell May presented information on Item No. 10, consideration and possible action on proposed disposition of Permanent School Fund land by direct sale, File Nos. 155395, 155347, and 155459 Hays County, Texas. Motion was made by Mr. Herrmann

and seconded by Chairman Bush to approve Item No. 10 according to staff's recommendation. Staff recommends approving and re-instating the sales contract, funding $75,000 out of the sales proceeds, executes the lawsuit settlement agreement regarding the CCN and convey the subject PSF land under the terms and exhibits, and being in the best interest of the State and/or the PSF. Motion carried unanimously.

Russell May presented information on Item No. 11, consideration and possible action on proposed acquisition of approximately 310 acres associated with PSF Hudspeth 64K, File 155401, Hudspeth County, Texas. Motion was made by Mr. Herrmann and seconded by Chairman Bush to approve Item No. 11 according to staff's recommendation. Staff recommends the SLB approval of the acquisition of land located in Hudspeth County, Texas under the terms and exhibits, and being in the best interest of the State and/or the PSF. Motion carried unanimously.

There being no further business before the School Land Board, the meeting was adjourned at 10:51 A.M.

ATTEST:

Stephanie Crenshaw Executive Secretary to the Board

APPROVE:

George P. Bush, Commissioner of the General Land Office and Chairman of the Board

PC-19-49 (Whisper Industrial)

Consider a request from Vigil & Associates on behalf of Whisper Master Community LP. For a Final Plat consisting of one lot that is approximately 18.41 acres +/-, on Futura Road, located within the Joel Miner Survey No. 321, Hays County, Texas. (W. Parrish)

- +/- 18.41 acres
- Subject to Whisper PDD
- Located in a Employment Area as designated on the Preferred Scenario Map.

WHISPER INDUSTRIAL

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS: THAT WE, WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP, A TEXAS LIMITED LIABILITY COMPANY, BY AND THROUGH ROBERT W. McDONALD, III, MANAGER AS OWNER OF THE 304.853 ACRES OF LAND OUT OF THE ABEL MINER SURVEY NO. 321, HAYS COUNTY, TEXAS, BEING CONVEYED TO WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP BY DEED DATED JANUARY 5, 2016 AND RECORDED IN DOCUMENT NUMBER 2016-16000334 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 18.41 ACRES OF LAND, TO BE KNOW AS "WHISPER INDUSTRIAL" IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HEREIN PRIVIOUSLY GRANTED AND NOT RELEASED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS, ALLEYS AND EASEMENTS SHOWN THEREON FOR THE PURPOSES INDICATED.

WITNESS MY HAND THIS _____ DAY OF _____, 201____

_____
ROBERT W. McDONALD, III, MANAGER
WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP
9811 SOUTH IH 35
BLDG. 3, SUITE 100
AUSTIN, TX. 78744

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ROBERT W. McDONALD, III, MANAGER, WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP, OWNER, 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 PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 201____

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON: _____

STATE OF TEXAS
COUNTY OF _____

THAT I, FIRST UNITED BANK, THE LIEN HOLDER OF THE CERTAIN TRACTS OF LAND RECORDED IN DOCUMENT NUMBER 2015-16000334 OF THE OFFICIAL RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF 18.41 ACRES OF LAND SITUATED IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND DO HEREBY JOIN, APPROVE AND CONSENT TO THE DEDICATION TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, EASEMENTS, AND ALL OTHER LANDS INTENDED FOR PUBLIC DEDICATION AS SHOWN HEREON.

FIRST UNITED BANK
9501 INDIAN AVENUE
LUBBOCK, TX. 79423

BY: MILES SEVERT

_____
VICE PRESIDENT DATE

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED MILES SEVERT KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID MILES SEVERT, FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 201____

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON: _____

APPROVED BY THE CITY OF SAN MARCOS PLANNING AND ZONING COMMISSION ON THE _____ DAY OF _____, 20____

_____
JIM GARNER, CHAIRMAN DATE
PLANNING AND ZONING COMMISSION

_____
, RECORDING SECRETARY DATE

_____
SHANNON MATTHEWS, AICP DATE
PLANNING AND DEVELOPMENT SERVICES DIRECTOR

_____
ENGINEERING/CIP DATE

STATE OF TEXAS
COUNTY OF HAYS

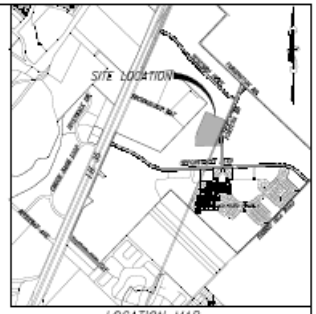
I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20____ AT _____ O'CLOCK ___M., AND RECORDED ON THE _____ DAY OF _____, 20____ AT _____ O'CLOCK ___M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN DOCUMENT NO. _____

_____
ELAINE H. CARDENAS, COUNTY CLERK
HAYS COUNTY, TEXAS

NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE LDC AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

PLAT NOTES:

1. SIDEWALKS ARE REQUIRED ALONG ALL PERIMETER ROADWAYS.
2. NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE, THE EDWARDS AQUIFER TRANSITION ZONE OR THE SAN MARCOS RIVER CORRIDOR.
3. IMPROVEMENTS WITHIN DRAINAGE EASEMENTS WILL BE PRIVATELY MAINTAINED BY THE SUBJECT PROPERTY OWNER.
4. THIS PROPERTY IS SUBJECT TO ORDINANCE 2011-40, WHISPER DEVELOPMENT PROJECT POD.
5. ALL OWNERS OF PRIVATE PROPERTY WITHIN THE SUBDIVISION SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL DRAINAGE EASEMENTS, FACILITIES AND CONTROLS UPON THEIR INDIVIDUAL PRIVATE PROPERTY.
6. LOTS 1 – 3 LAND USE CLASSIFICATION SHALL BE EMPLOYMENT CENTER (EC).



LOCATION MAP
SCALE: 1" = 2000'

KNOW ALL MEN BY THESE PRESENTS:

THAT I, TIMOTHY A. LENZ, RPLS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

_____
TIMOTHY A. LENZ, RPLS DATE

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4393
LENZ & ASSOCIATES, INC.
FIRM NO. 10029500
4150 FREDRICH LN. SUITE A-1
AUSTIN, TX 78744
TEL (512) 443-1174

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 48209 C 0392 F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS, AND INCORPORATED AREAS, THIS SUBDIVISION IS WITHIN ZONE X.

_____
HERMANN TRULL, PE DATE
4005 BANISTER LN
SUITE 225C
AUSTIN, TEXAS 78704
(512) 326-2667

LOT SUMMARY TABLE	
LOT TYPE	NUMBER OF LOTS
COMMERCIAL	3

WHISPER INDUSTRIAL

OWNER:	SURVEYOR	ENGINEER:	
WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	LENZ & ASSOCIATES, INC. FIRM NO. 10029500 4150 FREDRICH LN. SUITE A-1 AUSTIN, TX 78744 TEL (512) 443-1174	VEIL & ASSOCIATES 4005 BANISTER LN. ST. 225C AUSTIN, TX 78704 TEL (512) 326-2667 FIRM REG. #-4768	DATE: 6/21/19 Sheet 1 of 2

LEGEND

- SET 1/2" IRON MONUMENT FOUND
- SET 1/2" IRON MONUMENT FOUND W/CONCRETE CAP
- LOCATED IRON PIPE
- LOCATED PIN SET W/CAP MARKED
- FIRE FOUND
- NAIL FOUND
- EXISTING POWER POLE
- PUE PUBLIC UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- BL BUILDING LINE
- (BRG-DIST) RECORD CALL
- (BRG-DIST) RECORD CALL (PLAT)
- O.P.R. OFFICIAL PUBLIC RECORDS
- D.R. DEED RECORDS
- HCPR HAYS COUNTY PLAT RECORDS
- HCDR HAYS COUNTY DEED RECORDS
- EXIT EXHIBIT

BEARING BASE TEXAS STATE PLAN COORDINATE SYSTEM NAD 83 SOUTH CENTRAL ZONE
COORDINATES SCALED TO SURFACE FROM 1/2" DIA. STEEL PIN FOUND W/CAP MARKED DOUCET

GRID COORDS:
N 13,882,096.00
E 2,324,594.57

SCALE FACTORS:
GRID TO SURFACE 0.99991937634
SURFACE TO GRID 1.00008063016

SCALE: 1" = 100'
100 0 100 200

(318.105 AC, EXHIBIT A-3)
WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP
DOCUMENT #2016-16000334 OPR HAYS CO., TEXAS

(85.81 AC.)
WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP
DOCUMENT #2016-16011214 OPR HAYS CO., TEXAS

SURFACE
N 13,888,842.63
E 2,323,946.08
GRID
N 13,888,842.89
E 2,323,946.13

SURFACE
N 13,888,144.74
E 2,323,645.87
GRID
N 13,888,145.06
E 2,323,645.75

3
8.77 AC.

2
7.84 AC.

1
0.52 AC.

70' ACCESS & UTILITY EASEMENT

60' ACCESS EASEMENT

5' PUE

WATERLINE WITH PUE

20' PUE

15' PUE

FLUSTERN ROAD

FORTUNA RD.

OPPORTUNITY BLVD

(318.105 AC, EXHIBIT A-3)
WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP
DOCUMENT #2016-16000334 OPR HAYS CO., TEXAS

APPARENT LOCATION OF PIPELINE EAST, BASED ON VISIBLE PIPELINE MARKERS

EX. 50' EAC PIPELINE EASEMENT
LO-VACA GATHERING CO
VOL. 2351, PG. 118 &
VOL. 182, PG. 429 HCDR

WHISPER RD INFRASTRUCTURE IMPROVEMENTS PLAT
DOC. #19030231 HCPR

PUBLISHED GRID COORDS.
CITY OF SAN MARCOS
GPS MONUMENT #22
N13,878,970.37
E2,316,470.89
ELEV = 604.50'

COMPUTED SURFACE COORDS.
N 13,878,969.31
E 2,316,470.23

LINE TABLE		
LINE	BEARING	LENGTH
L1	N87°59'58"E	14.00'
L2	N66°42'38"W	216.61'
L3	S70°27'24"W	73.86'
L4	S02°00'02"E	151.79'
L5	S87°59'58"W	80.30'
L6	S66°42'38"E	8.50'
L7	S23°17'22"W	20.16'
L8	N66°42'38"W	8.50'

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CB	CHORD
C1	89°22'40"	25.00'	39.00'	24.73'	N47°18'42"W	35.16'
C2	25°17'23"	385.00'	169.94'	86.37'	N10°38'40"E	168.56'
C3	25°57'11"	535.00'	242.02'	123.12'	S10°20'13"W	239.97'
C4	90°37'20"	25.00'	39.54'	25.27'	N42°41'18"E	35.55'
C5	9°58'23"	535.00'	93.13'	46.68'	S18°18'36"W	93.13'
C6	15°58'43"	535.00'	148.90'	74.93'	S25°21'01"W	148.42'

WHISPER INDUSTRIAL

OWNER:	SURVEYOR	ENGINEER:	
WHISPER MASTER COMMUNITY LIMITED PARTNERSHIP 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	LENZ & ASSOCIATES, INC. FIRM NO. 10029500 4150 FREDRICH LN. SUITE A-1 AUSTIN, TX 78744 TEL (512) 443-1174	VEIL & ASSOCIATES 4005 BANISTER LN. ST. 225C AUSTIN, TX 78704 TEL (512) 326-2667 FIRM REG. #-4768	DATE: 6/21/19 Sheet 2 of 2

Recommendation:

Staff has reviewed the request and determined the request complies with the San Marcos Development Code and recommends **approval** of PC-19-49 as submitted.

File #: PC-20-02, Version: 1

AGENDA CAPTION:

PC-20-02 (Blanco Vista, Tract M-1) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 18.987 acres, more or less, out of the William Ward League Survey, Abstract 467, located east of Old Stagecoach Road and north of Trail Ridge Pass (A.Brake)

Meeting date: March 24, 2020

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: N/A

Comprehensive Plan Element (s):

☐ Economic Development

☐ Environment & Resource Protection

☐ Land Use

☐ Neighborhoods & Housing

☐ Parks, Public Spaces & Facilities

☐ Transportation

☐ Core Services

☒ Not Applicable

Master Plan: N/A

Background Information:

The subject property is part of the Blanco Vista Planned Development District and is within the single-family portion of the development. It provides for the development of 95 residential lots and two (2) open space and drainage easement lots. Three (3) new streets are proposed: Bodark Oak Way, Witchazel Way, and Chaste Tree Drive. An unnamed alley is also proposed and Brand Iron Drive is proposed to be extended. All lots are located above and outside of the limits of the Letter of Map Revision (LOMR) approved by FEMA in on April 24, 2017 (Case No. 17-06-1994A.) Elevation certificates for those homes will be required at the time of building permit. The site is part of the continued build-out of the Blanco Vista subdivision and the proposed plat is consistent with development in the PDD.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff has reviewed the request and determined the Final Plat meets all requirements of Section 3.2.3.4 of the Development Code and recommends **approval** of PC-20-02.

powered by Legistar™

Plat - Final	Blanco Vista
PC-20-02	Tract M-1

Summary

Request:	Consideration of a Final Plat with 95 single family lots and 2 open space and drainage easement lots.		
Applicant:	CSF Civil Group 3636 Executive Center Drive, Suite 209 Austin, TX 78731	**Property Owner:**	Brookfield Residential 11501 Alterra Parkway, Suite 100 Austin, TX 78758
Parkland Required:	Completed with initial phase of this project	**Utility Capacity:**	Adequate / By Developer
Accessed from:	Brand Iron Drive, Bodark Oak Way, Witchazel Way, and Chaste Tree Drive. Existing Brand Iron Drive will be extended.	**New Street Names:**	Bodark Oak Way, Witchazel Way, and Chaste Tree Drive. An unnamed Alley is also proposed.

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:	East of Old Stagecoach Road, north of Trail Ridge Pass		
Acreage:	18.987 acres	**PDD/DA/Other:**	Ord. # 2011-37; amended in Ord. # 2012-33
Existing Zoning:	Mixed Use	**Preferred Scenario:**	Area of Stability
Proposed Use:	Single Family		
CONA Neighborhood:	Blanco Vista	**Sector:**	7

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Mixed Use	Single Family	Area of Stability
South of Property:	Mixed Use	Single Family	Area of Stability
East of Property:	Mixed Use	Single Family	Area of Stability
West of Property:	Outside City Limits	Single Family	Area of Stability

Staff Recommendation

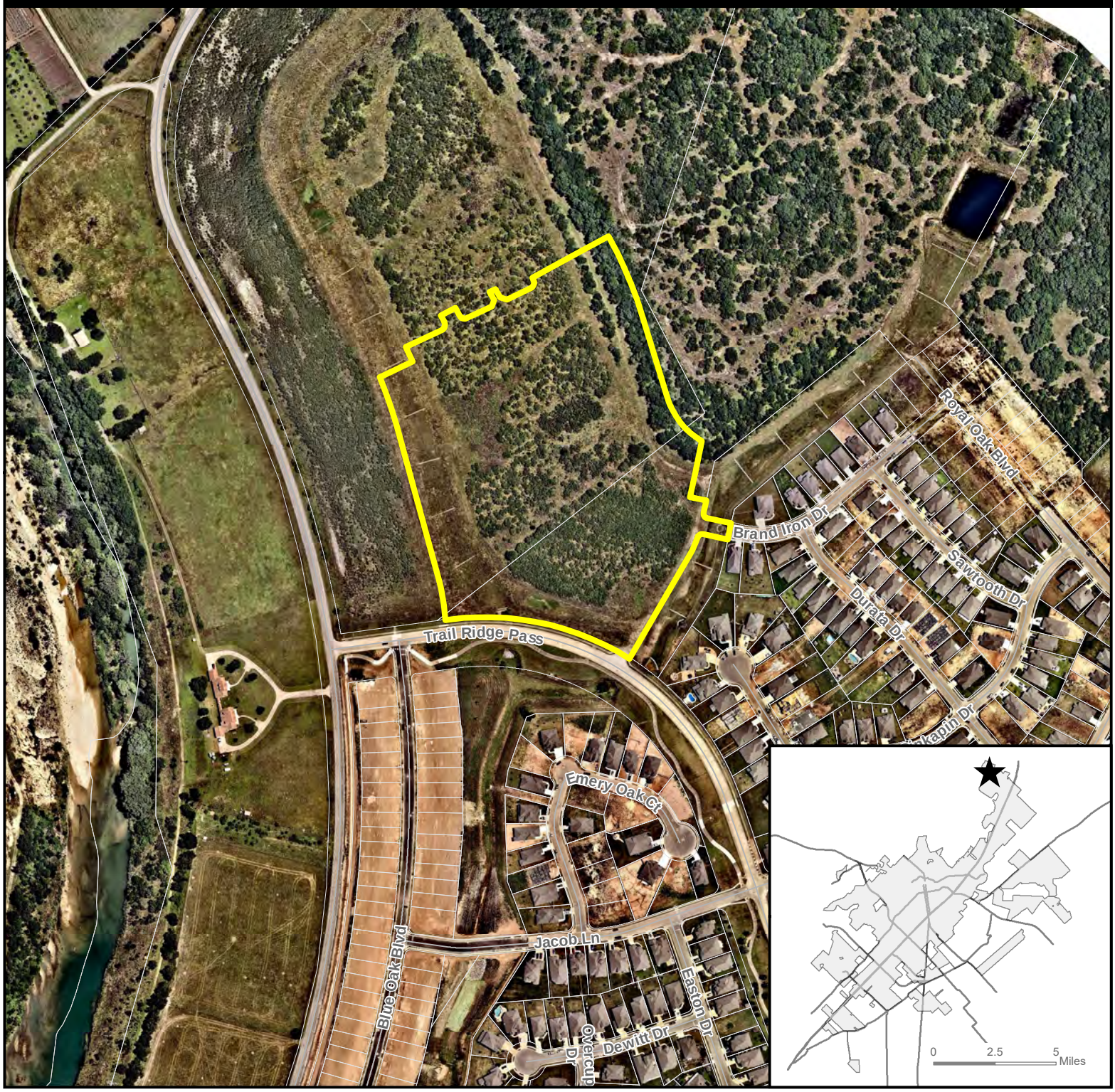
X	Approval as Submitted		Approval with Conditions / Alternate		Denial
Staff: Alison Brake, CNU-A		**Title :** Historic Preservation Officer & Planner		**Date:** March 19, 2020	

Plat - Final	Blanco Vista
PC-20-02	Tract M-1

History
The subject property is part of the Blanco Vista Planned Development District (PDD) within the single-family portion of the development. All lots are located above and outside the limits of the LOMR approved by FEMA on April 24, 2017 (Case No. 17-06-1994A).
Additional Analysis
All requirements of Section 3.2.3.4 of the Development Code have been met.

Evaluation			Criteria for Approval (Sec.3.2.3.4)
Consistent	Inconsistent	Neutral	
		N/A	If no preliminary subdivision or development plat has been approved the criteria in Section 3.2.2.4 shall apply;
X			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; ***The preliminary plat for this tract was approved by the Planning and Zoning Commission on July 24, 2018.***
		N/A	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;
X			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;
X			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
		N/A	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.

PC-20-02
Aerial View
Blanco Vista, Tract M-1 Final Plat



Site Location

Subject Property

Parcel

City Limit

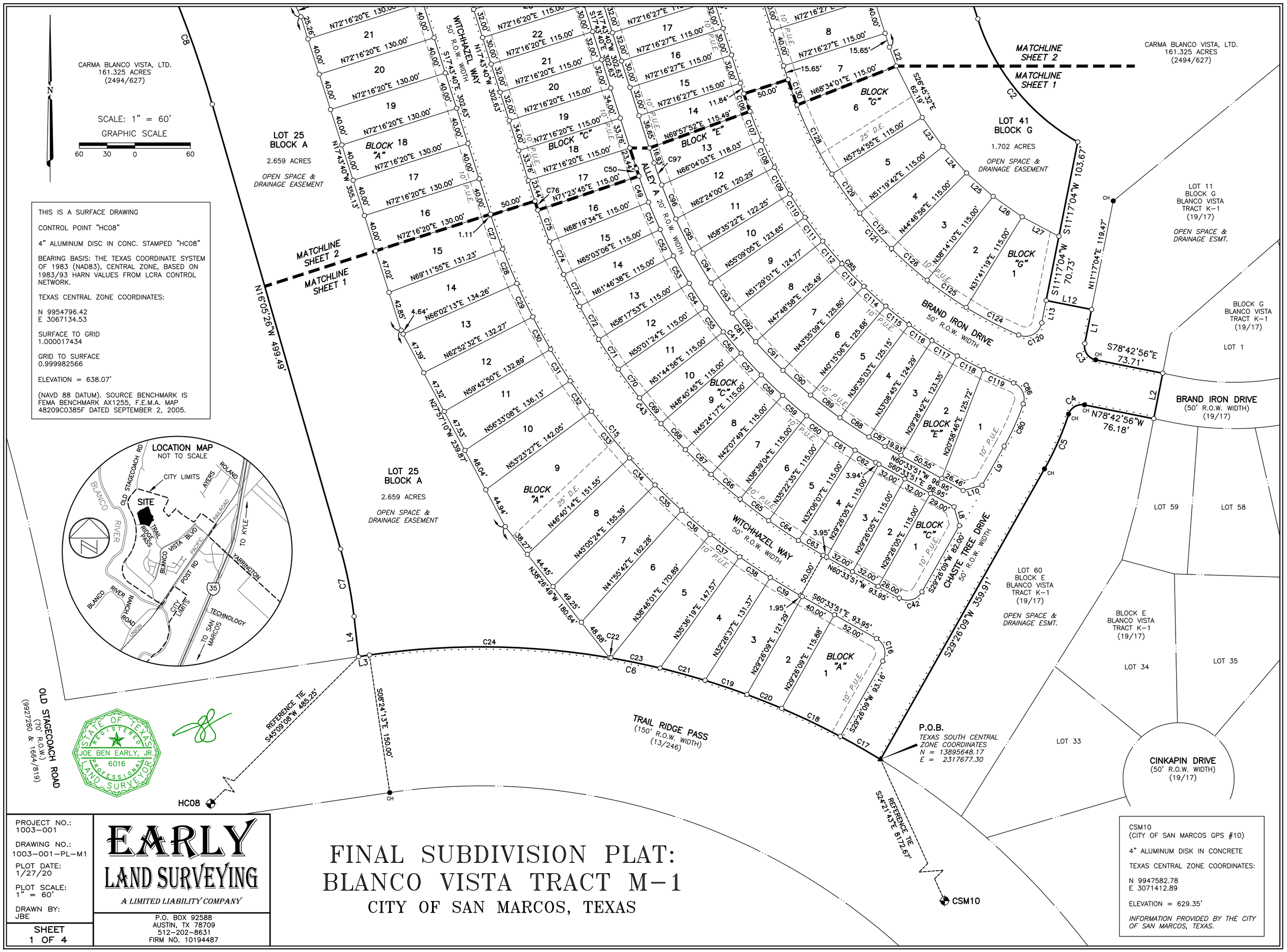
N

0 250 500 1,000 Feet

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: 3/11/2020

Document Path: R:_Planning Current\P&Z\2020 Staff Reports\PC\PC-20-02 Blanco Vista Tract M-1 Final\GIS\PC-20-02 Aerial Map.mxd



CSM10
(CITY OF SAN MARCOS GPS #10)

4" ALUMINUM DISK IN CONCRETE

TEXAS CENTRAL ZONE COORDINATES:

N 9947582.78
E 3071412.89

ELEVATION = 629.35'

INFORMATION PROVIDED BY THE CITY OF SAN MARCOS, TEXAS.

PROJECT NO.: 1003-001

DRAWING NO.: 1003-001-PL-M1

PLOT DATE: 1/27/20

PLOT SCALE: 1" = 60'

DRAWN BY: JBE

SHEET 1 OF 4

EARLY LAND SURVEYING

A LIMITED LIABILITY COMPANY

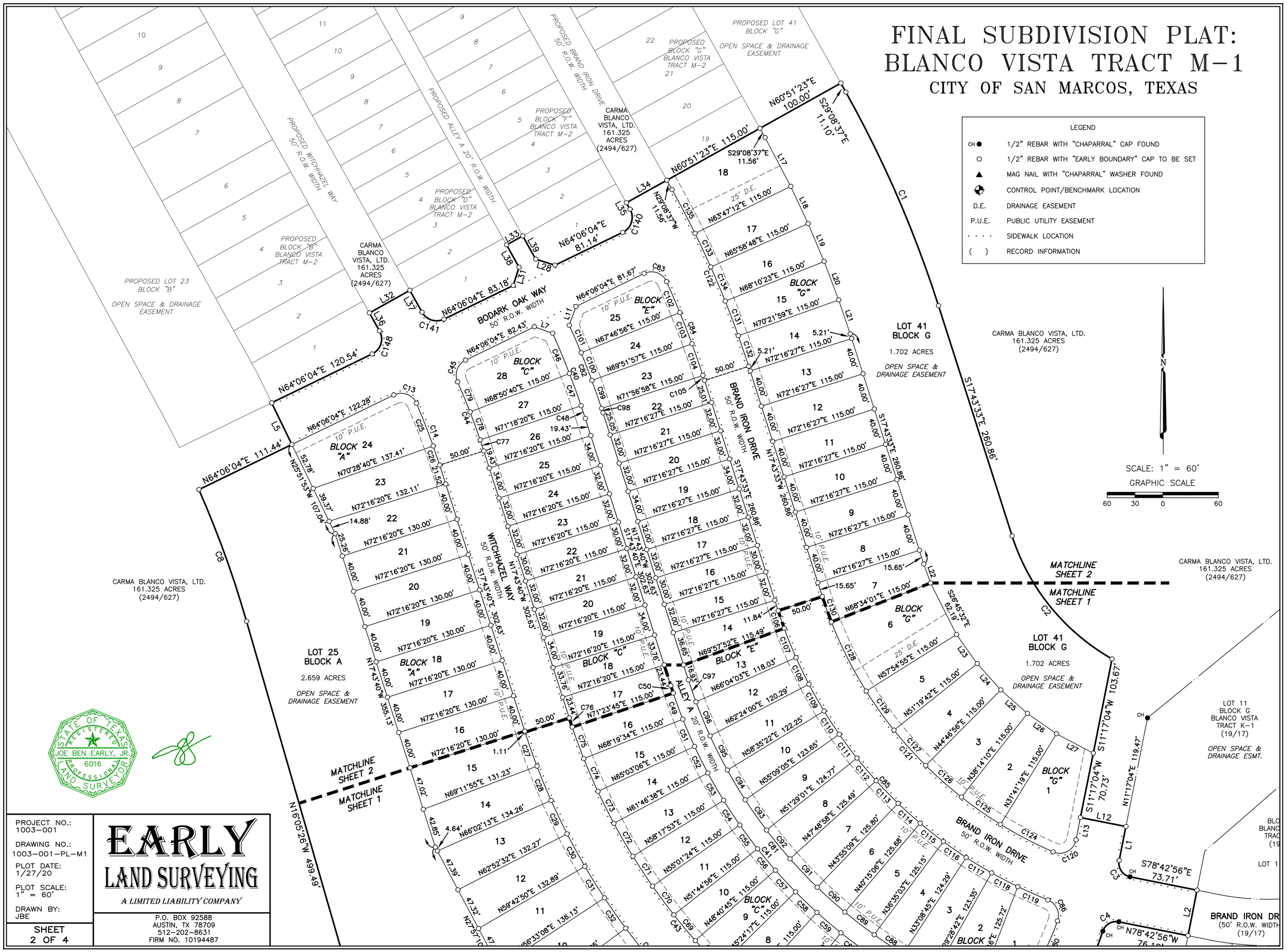
P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
FIRM NO. 10194487

FINAL SUBDIVISION PLAT: BLANCO VISTA TRACT M-1

CITY OF SAN MARCOS, TEXAS

FINAL SUBDIVISION PLAT: BLANCO VISTA TRACT M-1

CITY OF SAN MARCOS, TEXAS



PROJECT NO.: 1003-001	EARLY LAND SURVEYING
DRAWING NO.: 1003-001-PL-M1	A LIMITED LIABILITY COMPANY
PLOT DATE: 1/27/20	P.O. BOX 92588 AUSTIN, TX 78709 512-202-8631 FIRM NO. 10194487
PLOT SCALE: 1" = 60'	
DRAWN BY: JBE	
SHEET 2 OF 4	

FINAL SUBDIVISION PLAT:
BLANCO VISTA TRACT. M-1
CITY OF SAN MARCOS, TEXAS

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	1260.00'	11°26'20"	251.55'	N23°26'42"W	251.14'
C2	235.00'	42°42'07"	175.14'	S39°04'36"E	171.12'
C3	15.00'	89°59'58"	23.56'	S33°42'58"E	21.21'
C4	15.00'	83°14'37"	21.79'	S59°39'45"W	19.93'
C5	325.00'	11°23'43"	64.64'	S23°44'18"W	64.53'
C6	825.00'	39°53'24"	574.38'	N78°27'30"W	562.85'
C7	445.00'	9°34'10"	74.32'	N11°18'21"W	74.24'
C8	1145.00'	7°34'00"	151.21'	N19°52'26"W	151.10'
C13	18.00'	92°17'53"	29.00'	S69°44'59"E	25.96'
C14	695.00'	5°52'22"	71.24'	S20°39'51"E	71.21'
C15	725.00'	42°50'10"	542.03'	S39°08'46"E	529.50'
C16	18.00'	90°00'00"	28.27'	S15°33'51"E	25.46'
C17	825.00'	3°28'23"	50.01'	N60°15'00"W	50.00'
C18	825.00'	4°52'26"	70.18'	N64°25'24"W	70.16'
C19	825.00'	3°18'52"	47.73'	N71°19'16"W	47.72'
C20	825.00'	2°48'13"	40.37'	N68°15'44"W	40.36'
C21	825.00'	3°29'55"	50.38'	N74°43'40"W	50.37'
C22	825.00'	0°06'59"	1.68'	N80°17'28"W	1.68'
C23	825.00'	3°45'21"	54.08'	N78°21'18"W	54.07'
C24	825.00'	18°03'16"	259.96'	N89°22'35"W	258.89'
C25	695.00'	4°04'42"	49.47'	S21°33'41"E	49.46'
C26	695.00'	1°47'40"	21.77'	S18°37'30"E	21.77'
C27	725.00'	3°04'25"	38.89'	S19°15'53"E	38.89'
C28	725.00'	3°09'42"	40.01'	S22°22'56"E	40.00'
C29	725.00'	3°09'42"	40.01'	S25°32'38"E	40.00'
C30	725.00'	3°09'42"	40.01'	S28°42'19"E	40.00'
C31	725.00'	3°09'42"	40.01'	S31°52'01"E	40.00'
C32	725.00'	3°09'42"	40.01'	S35°01'42"E	40.00'
C33	725.00'	5°08'22"	65.03'	S39°10'44"E	65.01'
C34	725.00'	3°09'42"	40.01'	S43°19'46"E	40.00'
C35	725.00'	3°09'42"	40.01'	S46°29'27"E	40.00'
C36	725.00'	3°09'42"	40.01'	S49°39'09"E	40.00'
C37	725.00'	3°09'42"	40.01'	S52°48'50"E	40.00'
C38	725.00'	3°09'42"	40.01'	S55°58'32"E	40.00'
C39	725.00'	3°00'28"	38.06'	S59°03'37"E	38.06'
C40	860.00'	6°33'44"	98.50'	S21°00'32"E	98.44'
C41	560.00'	42°50'10"	418.67'	S39°08'46"E	408.99'
C42	18.00'	90°00'00"	28.27'	S74°26'09"W	25.46'
C43	675.00'	42°50'10"	504.65'	N39°08'46"W	492.98'
C44	745.00'	6°07'55"	79.73'	N20°47'38"W	79.69'
C45	18.00'	87°57'40"	27.63'	N20°07'15"E	25.00'
C46	860.00'	3°08'04"	47.05'	S22°43'22"E	47.04'
C47	860.00'	2°27'40"	36.94'	S19°55'30"E	36.94'
C48	860.00'	0°57'59"	14.51'	S18°12'40"E	14.51'
C49	560.00'	3°04'11"	30.00'	S20°08'20"E	30.00'
C50	560.00'	0°52'34"	8.56'	S18°09'57"E	8.56'
C51	560.00'	3°16'28"	32.00'	S23°18'40"E	32.00'
C52	560.00'	3°16'28"	32.00'	S26°35'08"E	32.00'
C53	560.00'	3°28'45"	34.01'	S29°57'45"E	34.00'
C54	560.00'	3°16'28"	32.00'	S33°20'21"E	32.00'
C55	560.00'	3°16'28"	32.00'	S36°36'50"E	32.00'
C56	560.00'	3°04'11"	30.00'	S39°47'09"E	30.00'
C57	560.00'	3°16'28"	32.00'	S42°57'29"E	32.00'
C58	560.00'	3°16'28"	32.00'	S46°13'57"E	32.00'
C59	560.00'	3°28'45"	34.01'	S49°36'34"E	34.00'
C60	560.00'	3°16'28"	32.00'	S52°59'10"E	32.00'
C61	560.00'	3°16'28"	32.00'	S56°15'39"E	32.00'
C62	560.00'	2°39'58"	26.06'	S59°13'52"E	26.06'
C63	675.00'	2°39'58"	31.41'	N59°13'52"W	31.41'
C64	675.00'	3°16'28"	38.58'	N56°15'39"W	38.57'
C65	675.00'	3°16'28"	38.58'	N52°59'10"W	38.57'
C66	675.00'	3°28'45"	40.99'	N49°36'34"W	40.98'
C67	675.00'	3°16'28"	38.58'	N46°13'57"W	38.57'
C68	675.00'	3°16'28"	38.58'	N42°57'29"W	38.57'
C69	675.00'	3°04'11"	36.17'	N39°47'09"W	36.16'
C70	675.00'	3°16'28"	38.58'	N36°36'50"W	38.57'
C71	675.00'	3°16'28"	38.58'	N33°20'21"W	38.57'
C72	675.00'	3°28'45"	40.99'	N29°57'45"W	40.98'
C73	675.00'	3°16'28"	38.58'	N26°35'08"W	38.57'
C74	675.00'	3°16'28"	38.58'	N23°18'40"W	38.57'
C75	675.00'	3°04'11"	36.17'	N20°08'20"W	36.16'
C76	675.00'	0°52'34"	10.32'	N18°09'57"W	10.32'
C77	745.00'	0°57'59"	12.57'	N18°12'40"W	12.57'
C78	745.00'	2°27'40"	32.00'	N19°55'30"W	32.00'
C79	745.00'	2°42'15"	35.16'	N22°30'28"W	35.16'
C80	275.00'	10°25'53"	50.07'	S24°13'13"W	50.00'
C81	540.00'	42°50'10"	403.72'	N39°08'46"W	394.38'
C82	880.00'	6°35'55"	101.35'	N21°01'38"W	101.29'
C83	18.00'	91°35'32"	28.77'	S70°06'09"E	25.81'
C84	995.00'	6°34'51"	114.28'	S21°00'58"E	114.22'
C85	500.00'	50°31'36"	440.93'	S42°59'21"E	426.78'
C86	18.00'	87°15'25"	27.41'	S24°37'26"E	24.84'
C87	540.00'	2°07'21"	20.00'	N59°30'10"W	20.00'
C88	540.00'	3°58'44"	37.50'	N56°27'08"W	37.49'
C89	540.00'	4°14'54"	40.04'	N52°20'19"W	40.03'
C90	540.00'	4°15'01"	40.06'	N48°05'22"W	40.05'
C91	540.00'	4°30'55"	42.56'	N43°42'24"W	42.55'
C92	540.00'	4°14'48"	40.02'	N39°19'32"W	40.01'
C93	540.00'	4°14'29"	39.97'	N35°04'53"W	39.97'
C94	540.00'	3°58'10"	37.41'	N30°58'34"W	37.40'
C95	540.00'	4°23'21"	41.37'	N26°47'49"W	41.36'
C96	540.00'	4°12'44"	39.70'	N22°29'46"W	39.69'
C97	540.00'	2°39'44"	25.09'	N19°03'32"W	25.09'
C98	880.00'	0°19'21"	4.95'	N17°53'21"W	4.95'
C99	880.00'	2°05'01"	32.00'	N19°05'32"W	32.00'
C100	880.00'	2°05'01"	32.00'	N21°10'33"W	32.00'
C101	880.00'	2°06'32"	32.39'	N23°16'19"W	32.39'
C102	995.00'	2°05'20"	36.28'	S23°15'43"E	36.27'
C103	995.00'	2°05'01"	36.18'	S21°10'33"E	36.18'
C104	995.00'	2°05'01"	36.18'	S19°05'32"E	36.18'
C105	995.00'	0°19'29"	5.64'	S17°53'17"E	5.64'
C106	500.00'	2°18'36"	20.16'	S18°52'50"E	20.16'
C107	500.00'	3°53'49"	34.01'	S21°59'03"E	34.00'
C108	500.00'	3°40'03"	32.01'	S25°45'59"E	32.00'
C109	500.00'	3°48'37"	33.25'	S29°30'19"E	33.25'
C110	500.00'	3°26'18"	30.00'	S33°07'47"E	30.00'
C111	500.00'	3°40'03"	32.01'	S36°40'57"E	32.00'
C112	500.00'	3°40'03"	32.01'	S40°21'00"E	32.00'
C113	500.00'	3°53'49"	34.01'	S44°07'56"E	34.00'
C114	500.00'	3°40'03"	32.01'	S47°54'52"E	32.00'
C115	500.00'	3°40'03"	32.01'	S51°34'55"E	32.00'
C116	500.00'	3°26'18"	30.00'	S55°08'06"E	30.00'
C117	500.00'	3°40'03"	32.01'	S58°41'16"E	32.00'
C118	500.00'	3°39'57"	31.99'	S62°21'17"E	31.99'
C119	500.00'	4°03'54"	35.47'	S66°13'12"E	35.47'
C120	18.00'	102°15'39"	32.13'	S62°24'53"W	28.03'
C121	450.00'	48°43'45"	382.72'	N42°05'25"W	371.29'
C122	1045.00'	11°25'05"	208.25'	N23°26'05"W	207.90'
C124	450.00'	8°08'36"	63.96'	N62°22'59"W	63.90'
C125	450.00'	6°32'51"	51.42'	N55°02'16"W	51.40'
C126	450.00'	6°32'46"	51.41'	N48°29'27"W	51.39'
C127	450.00'	6°32'46"	51.41'	N41°56'41"W	51.39'
C128	450.00'	10°39'06"	83.66'	N26°45'32"W	83.54'
C129	450.00'	6°35'13"	51.73'	N35°22'42"W	51.70'
C130	450.00'	3°42'26"	29.12'	N19°34'46"W	29.11'
C131	1045.00'	2°11'36"	40.00'	N20°43'49"W	40.00'
C132	1045.00'	1°54'28"	34.80'	N18°40'47"W	34.80'
C133	1045.00'	2°11'36"	40.00'	N25°07'00"W	40.00'
C134	1045.00'	2°11'36"	40.00'	N22°55'25"W	40.00'
C135	1045.00'	2°55'49"	53.44'	N27°40'43"W	53.44'
C140	18.00'	93°14'42"	29.29'	S17°28'44"W	26.17'
C141	18.00'	86°45'18"	27.25'	N72°31'16"W	24.72'
C148	18.00'	93°14'42"	29.29'	S17°28'44"W	26.17'

LOT SUMMARY	
RIGHT-OF-WAY	3.978 ACRES
S.F. LOTS (95)	10.648 ACRES
OPEN SPACE AND D.E. (2)	4.361 ACRES
TOTAL	18.987 ACRES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S11°17'04"W	37.41'
L2	S11°09'43"W	50.00'
L3	S81°35'47"W	11.78'
L4	N06°31'16"W	43.64'
L5	N25°51'53"W	50.00'
L7	S70°20'39"E	21.01'
L8	S15°33'51"E	21.21'
L9	S29°26'09"W	48.48'
L10	S74°26'09"W	21.21'
L11	N19°38'36"E	21.41'
L12	S78°48'25"E	50.00'
L13	N11°17'04"E	24.61'
L17	S27°40'43"E	59.32'
L18	S25°07'00"E	44.40'
L19	S22°55'25"E	44.40'
L20	S20°43'49"E	44.40'
L21	S18°40'47"E	38.62'
L22	S19°34'46"E	21.67'
L23	S35°22'42"E	38.49'
L24	S41°56'41"E	38.25'
L25	S48°29'27"E	38.25'
L26	S55°02'16"E	38.26'
L27	N62°08'05"W	44.92'
L28	S72°31'16"E	21.81'
L31	N17°28'44"E	20.60'
L32	S60°51'23"W	50.00'
L33	S60°51'20"W	20.00'
L34	N60°51'23"E	50.00'
L35	N29°08'37"W	8.00'
L36	N29°08'37"W	22.20'
L37	S29°08'37"E	27.08'
L38	N29°08'37"W	27.61'
L39	S29°08'37"E	28.74'

STREET SUMMARY	
CHASTE TREE DRIVE	532 L.F.
BRAND IRON DRIVE	1046 L.F.
WITCHHAZEL WAY	1149 L.F.
BODARK OAK WAY	466 L.F.
ALLEY A	1059 L.F

TABLE OF LAND USES	
LOT 41, BLOCK G	OPEN SPACE AND DRAINAGE EASEMENT
LOT 25, BLOCK A	OPEN SPACE AND DRAINAGE EASEMENT
ALL OTHER LOTS	SINGLE FAMILY

TOTAL NO. OF LOTS = 97

TOTAL NO. OF S.F. LOTS = 95

CURRENT ZONING: P.D.D.

CURRENT TRACT: "TRACT M-1"

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JOE BEN EARLY, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND ON APRIL 5, 2019 AND THE CORNER MONUMENTS SHOWN HEREON WILL BE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

JOE BEN EARLY, JR., R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR,
STATE OF TEXAS NO. 6016
EARLY LAND SURVEYING, LLC
P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
FIRM NO. 10194487

STATE OF TEXAS
REGISTERED
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR

ENGINEER'S CERTIFICATION:

I, CHARLES STEINMAN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

THE BUILDABLE AREA OF ALL SINGLE-FAMILY LOTS WITHIN THIS SUBDIVISION IS LOCATED ABOVE AND OUTSIDE OF THE LIMITS OF THE LATEST LOMR STUDY OF THE 100-YEAR FLOODPLAIN OF THE ADJACENT REACH OF THE BLANCO RIVER, AS REVIEWED AND APPROVED BY FEMA, ON APRIL 24, 2017, PER LOMR CASE NO. 17-06-1994A.

THE LOMR-STUDIED 100 YEAR FLOOD PLAIN REFERENCE ABOVE, IS CONTAINED IN THE DRAINAGE EASEMENTS SHOWN HEREON.

CHARLES STEINMAN, P.E. #64410,
REGISTERED PROFESSIONAL ENGINEER, STATE OF TEXAS
CSF CIVIL GROUP, LLC
3636 EXECUTIVE CENTER DRIVE, SUITE 209
AUSTIN, TEXAS 78731
(512) 614-4466
TBPE FIRM REGISTRATION NO. 12377

STATE OF TEXAS
CHARLES E. STEINMAN
64410
LICENSED
PROFESSIONAL ENGINEER

1-27-2020

EARLY
LAND SURVEYING
A LIMITED LIABILITY COMPANY

P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
FIRM NO. 10194487

PROJECT NO.: 1003-001
DRAWING NO.: 1003-001-PL-M1
PLOT DATE: 1/27/20
PLOT SCALE: 1" = 60'
DRAWN BY: JBE

FINAL SUBDIVISION PLAT: BLANCO VISTA TRACT M–1

CITY OF SAN MARCOS, TEXAS

METES AND BOUNDS DESCRIPTION

WHEREAS, CARMA BLANCO VISTA, LLC (FORMERLY KNOWN AS CARMA BLANCO VISTA, LTD. AND CARPER–CARMA PROPERTIES NO. 1, LTD.) IS THE OWNER OF 18.987 ACRES IN THE WILLIAM WARD LEAGUE, ABSTRACT 467, HAYS COUNTY, TEXAS, BEING A PORTION OF A 161.325 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO CARMA BLANCO VISTA, LTD. DATED JUNE 29, 2004 AND RECORDED IN VOLUME 2494, PAGE 627 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 18.987 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a mag nail with "Chaparral" washer found in the north right–of–way line of Trail Ridge Pass (150' right–of–way width) as shown on Blanco Vista Phase 1–2, Sections 1, 2, and Infrastructure Improvements, a subdivision of record in Volume 13, Page 246 of the Plat Records of Hays County, Texas, being the westernmost corner of Lot 60, Block E, Blanco Vista Tract K–1, a subdivision of record in Volume 19, Page 17 of the Plat Records of Hays County, Texas;

THENCE with the northeast right–of–way line of Trail Ridge Pass and crossing the said 161.325 acre tract, the following two (2) courses and distances:

1. With a curve to the left, having a radius of 825.00 feet, an arc length of 574.38 feet, a delta angle of 39°53'24", and a chord which bears North 78°27'30" West, a distance of 562.85 feet to a calculated point;
2. South 81°35'47" West, a distance of 11.78 feet to a calculated point;

THENCE crossing the said 161.325 acre tract, the following thirty–one (31) courses and distances:

1. North 06°31'16" West, a distance of 43.64 feet to a calculated point;
2. With a curve to the left, having a radius of 445.00 feet, an arc length of 74.32 feet, a delta angle of 09°34'10", and a chord which bears North 11°18'21" West, a distance of 74.24 feet to a calculated point;
3. North 16°05'26" West, a distance of 499.49 feet to a calculated point;
4. With a curve to the left, having a radius of 1145.00 feet, an arc length of 151.21 feet, a delta angle of 07°34'00", and a chord which bears North 19°52'26" West, a distance of 151.10 feet to a calculated point;
5. North 64°06'04" East, a distance of 111.44 feet to a calculated point;
6. North 25°51'53" West, a distance of 50.00 feet to a calculated point;
7. North 64°06'04" East, a distance of 120.54 feet to a calculated point;
8. With a curve to the left, having a radius of 18.00 feet, an arc length of 29.29 feet, a delta angle of 93°14'42", and a chord which bears North 17°28'44" East, a distance of 26.17 feet to a calculated point;
9. North 29°08'37" West, a distance of 22.20 feet to a calculated point;
10. North 60°51'23" East, a distance of 50.00 feet to a calculated point;
11. South 29°08'37" East, a distance of 27.08 feet to a calculated point;
12. With a curve to the left, having a radius of 18.00 feet, an arc length of 27.25 feet, a delta angle of 86°45'18", and a chord which bears South 72°31'16" East, a distance of 24.72 feet to a calculated point;
13. North 64°06'04" East, a distance of 83.18 feet to a calculated point;
14. North 17°28'44" East, a distance of 20.60 feet to a calculated point;
15. North 29°08'37" West, a distance of 27.61 feet to a calculated point;
16. North 60°51'20" East, a distance of 20.00 feet to a calculated point;
17. South 29°08'37" East, a distance of 28.74 feet to a calculated point;
18. South 72°31'16" East, a distance of 21.81 feet to a calculated point;
19. North 64°06'04" East, a distance of 81.14 feet to a calculated point;
20. With a curve to the left, having a radius of 18.00 feet, an arc length of 29.29 feet, a delta angle of 93°14'42", and a chord which bears North 17°28'44" East, a distance of 26.17 feet to a calculated point;
21. North 29°08'37" West, a distance of 8.00 feet to a calculated point;
22. North 60°51'23" East, a distance of 50.00 feet to a calculated point;
23. North 60°51'23" East, a distance of 115.00 feet to a calculated point;
24. North 60°51'23" East, a distance of 100.00 feet to a calculated point;
25. South 29°08'37" East, a distance of 11.10 feet to a calculated point;
26. With a curve to the right, having a radius of 1260.00 feet, an arc length of 251.55 feet, a delta angle of 11°26'20", and a chord which bears South 23°26'42" East, a distance of 251.14 feet to a calculated point;
27. South 17°43'33" East, a distance of 260.86 feet to a calculated point;
28. With a curve to the left, having a radius of 235.00 feet, an arc length of 175.14 feet, a delta angle of 42°42'07", and a chord which bears South 39°04'36" East, a distance of 171.12 feet to a calculated point;
29. South 11°17'04" West, a distance of 103.67 feet to a calculated point;
30. South 11°17'04" West, a distance of 70.73 feet to a calculated point;
31. South 78°48'25" East, a distance of 50.00 feet to a calculated point in the west line of Lot 11, Block G, of said Blanco Vista Tract K–1;

THENCE crossing the said 161.325 acre tract and with the perimeter of said Lot 11, the following three (3) courses and distances:

1. South 11°17'04" West, a distance of 37.41 feet to a calculated point;
2. With a curve to the left, having a radius of 15.00 feet, a delta angle of 89°59'58", an arc length of 23.56 feet, and a chord which bears South 33°42'58" East, a distance of 21.21 feet to a 1/2" rebar with "Chaparral" cap found;
3. South 78°42'56" East, a distance of 73.71 feet to a calculated point for the northwest termination of Brand Iron Drive (50' right–of–way width) as shown on said Blanco Vista Tract K–1, being the southeast corner of said Lot 11, being also the southwest corner of Lot 1, Block G, of said Blanco Vista Tract K–1;

METES AND BOUNDS DESCRIPTION CONTINUED:

THENCE South 11°09'43" West crossing the said 161.325 acre tract and with the west termination of Brand Iron Drive, a distance of 50.00 feet to a calculated point for the southwest termination of Brand Iron Drive, being the northeast corner of said Lot 60, being also the northwest corner of Lot 59, Block E, of said Blanco Vista Tract K–1;

THENCE crossing the said 161.325 acre tract and with the perimeter of said Lot 60, the following four (4) courses and distances:

1. North 78°42'56" West, a distance of 76.18 feet to a 1/2" rebar with "Chaparral" cap found;
2. With a curve to the left, having a radius of 15.00 feet, a delta angle of 83°14'37", an arc length of 21.79 feet, and a chord which bears South 59°39'45" West, a distance of 19.93 feet to a 1/2" rebar with "Chaparral" cap found;
3. With a curve to the right, having a radius of 325.00 feet, a delta angle of 11°23'43", an arc length of 64.64 feet, and a chord which bears South 23°44'18" West, a distance of 64.53 feet to a 1/2" rebar with "Chaparral" cap found;
4. South 29°26'09" West, a distance of 359.91 feet to the POINT OF BEGINNING, containing 18.987 acres of land, more or less.

NOW, THEREFORE, KNOW ALL BY THE PRESENTS:

THAT WE, CARMA BLANCO VISTA, LLC, BY AND THROUGH CHAD MATHESON, CHIEF FINANCIAL OFFICER, AS OWNER OF THE 18.987 ACRES AS MORE PARTICULARLY DESCRIBED IN THE PRECEDING METES AND BOUNDS DESCRIPTION, DO HEREBY ADOPT THIS PLAT DESIGNATING THE TRACT AS FINAL PLAT: BLANCO VISTA TRACT M–1, AN ADDITION TO THE CITY OF SAN MARCOS, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER THE RIGHTS OF WAY, PUBLIC USE AREAS AND OTHER EASEMENTS SHOWN THEREON FOR THE PURPOSES INDICATED; THAT NO BUILDINGS, FENCES OR OTHER OBSTRUCTIONS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE SAID EASEMENTS, EXCEPT AS MAY BE PERMITTED BY THE SAID CITY; THAT SAID EASEMENTS MAY BE FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES SERVING THE PROPERTY, UNLESS AN EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, WITH ALL USES BEING SUBORDINATE TO THAT OF THE CITY OF SAN MARCOS'S; THAT THE SAID CITY AND PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS, WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS LOCATED WITHIN SAID EASEMENTS; AND THAT THE SAID CITY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS TO AND EGRESS FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING PERMISSION FROM ANYONE; AND THAT THIS PLAT IS SUBJECT TO ALL OF THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS AND THE COUNTY OF HAYS, TEXAS.

WITNESS MY HAND THIS ____ DAY OF _____, 20__.

_____
CHAD MATHESON, CHIEF FINANCIAL OFFICER

CARMA BLANCO VISTA, LLC
11501 ALTERRA PARKWAY, SUITE 100, AUSTIN, TEXAS 75758
512–498–3206

STATE OF TEXAS:
COUNTY OF HAYS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY

PERSONALLY APPEARED CHAD MATHESON, 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 PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS __ DAY OF _____, 20__.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____
MY COMMISSION EXPIRES ON:

CITY OF SAN MARCOS:
CERTIFICATE OF APPROVAL:

APPROVED AND AUTHORIZED TO BE RECORDED ON THE ____ DAY OF

_____, 20____ BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS.

_____ _____ _____
C.I.P. ENGINEERING — DATE

_____ _____ _____
DIRECTOR PLANNING AND DEVELOPMENT SERVICES — DATE

_____ _____ _____
RECORDING SECRETARY — DATE

_____ _____ _____
CHAIRMAN PLANNING AND ZONING COMMISSION — DATE

PLAT NOTES:

1. THIS PLAT (AND LOTS THEREIN) IS SUBJECT TO THE PDD AGREEMENT WITH THE CITY OF SAN MARCOS, ORDINANCE 2011–37, APPROVED AUGUST 16, 2011, AMENDED JULY 17, 2012, ORD. 2012–33, AND FURTHER ADMINISTRATIVELY AMENDED AND APPROVED AUGUST 29, 2017.
2. NO PUBLIC IMPROVEMENT SHALL BE ACCEPTED BY THE CITY UNTIL CONSTRUCTION PLANS FOR OPEN SPACE IMPROVEMENTS AND AN OPEN SPACE PLAN, OUTLINING THE MANAGEMENT AND MAINTENANCE RELATIONSHIP BETWEEN CITY AND HOMEOWNER ASSOCIATION FOR SUCH IMPROVEMENTS, ARE APPROVED BY THE CITY.
3. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE BLANCO VISTA PDD, OR AS OTHERWISE APPROVED BY THE CITY OF SAN MARCOS.
4. A 10 FOOT–WIDE PUBLIC UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO THE RIGHTS–OF–WAY OF BRAND IRON DRIVE, CHASTE TREE DRIVE, WITCHHAZEL WAY, AND BODARK OAK WAY
5. SPECIAL NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE LDC AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
6. PUBLIC SIDEWALKS, BUILT TO CITY OF SAN MARCOS STANDARDS, ARE REQUIRED ALONG THE FOLLOWING STREETS, AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT: TRAIL RIDGE PASS, BRAND IRON DRIVE, CHASTE TREE DRIVE, WITCHHAZEL WAY, AND BODARK OAK WAY THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE ADJOINING LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY. SIDEWALKS THAT ARE REQUIRED ALONG STREET RIGHTS–OF–WAY, WITHIN OR ADJACENT TO THIS SUBDIVISION, MUST BE CONSTRUCTED WITH THE STREET CONSTRUCTION, WITH THE POSSIBLE EXCEPTION OF SIDEWALKS THAT ARE LOCATED ADJACENT TO SINGLE–FAMILY LOTS, IN WHICH CASE THAT SIDEWALK CONSTRUCTION MAY BE DEFERRED AND COMPLETED WITH THE ADJOINING HOME, UNDER THE CONDITIONS OUTLINED HEREIN.
7. THE LOTS HEREIN SHALL COMPLY WITH THE REQUIREMENTS AND RESTRICTIONS OF "TRACT M" WITHIN THE BLANCO VISTA PDD STANDARDS.
8. NEITHER ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY NOR BUILDING AND SITE CONSTRUCTION PERMITS (OTHER THAN MODEL HOMES) SHALL OCCUR PRIOR TO THE FILING OF THIS PLAT AND ACCEPTANCE OF ASSOCIATED INFRASTRUCTURE.
9. ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BLANCO VISTA", AS AMENDED FROM TIME TO TIME, ORIGINALLY RECORDED IN VOLUME 3062, PAGE 327 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
10. THIS PROPERTY IS LOCATED WITHIN THE CURRENTLY MAPPED EDWARDS AQUIFER TRANSITION ZONE.
11. THE BLANCO VISTA H.O.A. OR ITS ASSIGNS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF INDIVIDUAL LOTS DESIGNATED GREENBELT, DRAINAGE AND/OR OPEN SPACE LOTS. GREENBELT EASEMENTS, DRAINAGE EASEMENTS, AND/OR OPEN SPACE EASEMENTS SHOWN HEREON SHALL BE MAINTAINED BY THE PROPERTY OWNER, AS SET FORTH IN THE COVENANTS, CONDITIONS, AND RESTRICTIONS REFERENCED IN NOTE NO. 9, HEREON.
12. FLOODPLAIN BUFFER.

IN ORDER TO PROTECT STRUCTURES LOCATED NEAR A 100–YEAR FLOODPLAIN FROM THE RISK OF FLOODING TO AN ELEVATION EQUAL TO PROPERTIES LOCATED WITHIN THE 100–YEAR FLOODPLAIN, A FLOODPLAIN BUFFER HAS BEEN ESTABLISHED BY THE CITY OF SAN MARCOS. A FLOODPLAIN BUFFER WILL EXTEND BEYOND THE EXISTING 100–YEAR FLOODPLAIN LIMITS TO THE GROUND ELEVATION MATCHING THE ADJACENT BASE 100–YEAR FLOOD ELEVATION, PLUS THE REQUIRED FREEBOARD OF TWO FEET. STRUCTURES PROPOSED WITHIN THE FLOODPLAIN BUFFER WILL BE REQUIRED TO ELEVATE THE LOWEST FINISHED FLOOR ELEVATION OF THE STRUCTURE TO THE FREEBOARD ELEVATION AND TO SUBMIT AN ELEVATION CERTIFICATE TO THE CITY OF SAN MARCOS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

STATE OF TEXAS:
COUNTY OF HAYS:

I, ELAINE HANSON CARDENAS, CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE

ON THE _____ DAY OF _____ A.D. 20__ AT ____ O'CLOCK ____ M., AND DULY

RECORDED ON THE ____ DAY OF _____, A.D. 20__ AT ____ O'CLOCK ____ M., IN THE

OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE, IN DOCUMENT NUMBER _____

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE ____ DAY OF _____,

20__ A.D.

ELAINE HANSON CARDENAS, COUNTY CLERK, HAYS COUNTY, TEXAS

BY _____
DEPUTY

STATE OF TEXAS
REGISTERED
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR

EARLY
LAND SURVEYING
A LIMITED LIABILITY COMPANY

P.O. BOX 92588
AUSTIN, TX 78709
512–202–8631
FIRM NO. 10194487

PROJECT NO.: 1003–001
DRAWING NO.: 1003–001–PL–M1
PLOT DATE: 1/27/20
PLOT SCALE: 1" = 60'
DRAWN BY: JBE

FINAL SUBDIVISION / DEVELOPMENT PLAT APPLICATION

Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	CHARLES STEINMAN	Property Owner	—
Company	CSF CIVIL GROUP	Company	BROOKFIELD RESIDENTIAL
Mailing Address	3636 EXECUTIVE CENTER SUITE 209 AUSTIN 78731	Mailing Address	11501 ALTERRA PKWY SUITE 100 AUSTIN 78758
Phone #	512-917-1122	Phone #	512 791 0523
Email	CHARLIES@CSFCIVILGROUP.COM	Email	ALEX.PAPAVASILIOU@BROOKFIELDRP.COM

PROPERTY INFORMATION

Proposed Subdivision Name: BLANCO VISTA TRACT M-1

Subject Property Address or General Location: TRAIL RIDGE PASS

Acres: 18.9 Tax ID #: R 187736

Located in: X City Limits ☐ Extraterritorial Jurisdiction (County)

DESCRIPTION OF REQUEST

Type of Plat: ☐ X Final Subdivision Plat ☐ Final Development Plat

Current Number of Lots: 0 S.F. Current Land Use: FALLOW

Proposed Number of Lots: 95 S.F. Proposed Land Use: SINGLE FAMILY

AUTHORIZATION

I certify that the information on this application is accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee $1,321 plus $100 per acre Technology Fee $13 *MAXIMUM COST $2,513*

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

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 / Preliminary Plat Application does not require a Subdivision Improvement Agreement

Signature of Applicant: _____ Date: 11-22-19

NOTICE OF COMPLETENESS DETERMINATION & STATUTORY REVIEW TIMEFRAMES

I understand that the City of San Marcos requires online submittal of all applications through the Customer Portal at www.mygovernmentonline.org and that the Responsible Official will review this application for completeness within 10 business days of online submittal. I understand that this application is not considered "filed" until all required documentation is received and reviewed for completeness. *Upon determination of completeness the City will send written correspondence stating that the application has been filed* and will provide a date, in accordance with the Texas Local Government Code, when the Planning and Zoning Commission will meet to hear the request.

☒ By checking this box I am requesting cursory review of this application prior to determination that the application is complete and filed. Cursory review comments shall not constitute a determination of completeness.

I also understand that as the applicant I may request, in writing, an extension to the statutory review timeframes.

Signature of Applicant: _____ Date: 11-22-19

RECORDATION REQUIREMENTS***

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: $_____

☐ Tax Certificate, printed within 30 days of recordation date (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.

SIGN HERE

AGENT AUTHORIZATION TO REPRESENT PROPERTY OWNER

Alex Paparasiliou FOR

I, Carma Blanco Vista LLC (owner) acknowledge that I am the rightful owner of the property located at TRAIL RIDGE PASS (BLANCO VISTA TRACT M) (address).

I hereby authorize CSF CIVIL GROUP (agent name) to serve as my agent to file this application for PRELIMINARY & FINAL PLAT (application type), and to work with the Responsible Official / Department on my behalf throughout the process.

SIGN HERE

Signature of Property Owner: [signature] for Carma Blanco Vista LLC Date: 3.7.18

Printed Name: Alex Paparasiliou / Carma Paso Robles LLC

Signature of Agent: [signature] Date: 3-7-18

Printed Name: CHARLES E. STEINMAN P.E.

To be completed by Staff: Case # _____-_____-_____

BLANCO VISTA TRACT M

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: CENTER POINT ENERGY

Applicable Utility Service Code(s): A

Comments / Conditions:

SIGN HERE

Signature of Gas Company Official: Devin Kleinfelder

Title: Marketing Consultant Date: 3/7/2018

BLANCO VISTA TRACT M

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: CHARTER COMMUNICATIONS

Applicable Utility Service Code(s): _____

Comments / Conditions: _____

SIGN HERE

Signature of Telephone Company Official: Suton Robert

Title: Construction Supervisor Date: 3/2/2018

BLANCO VISTA TRACT M

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: PEC

Applicable Utility Service Code(s): A

Comments / Conditions: ALL EASEMENTS, CONSTRUCTION + REMOVAL QUESTIONS WILL BE DISCUSSED + HANDLED DURING APPLICATION PROCESS.

SIGN HERE

Signature of Electric Company Official:

Title: DESIGNER Date: 3/20/18

BLANCO VISTA TRACT M

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: CITY OF SAN MARCOS

Applicable Utility Service Code(s): B

Comments / Conditions:

SIGN HERE

Signature of Water Official:

Title: Water Dist Manager Date: 9-30-18

BLANCO VISTA TRACT M

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: CITY OF SAN MARCOS

Applicable Utility Service Code(s): B

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: Requiered wastewater infrastructure to be installed by the developer.

SIGN HERE

Signature of Wastewater Official: Lloyd Juarez

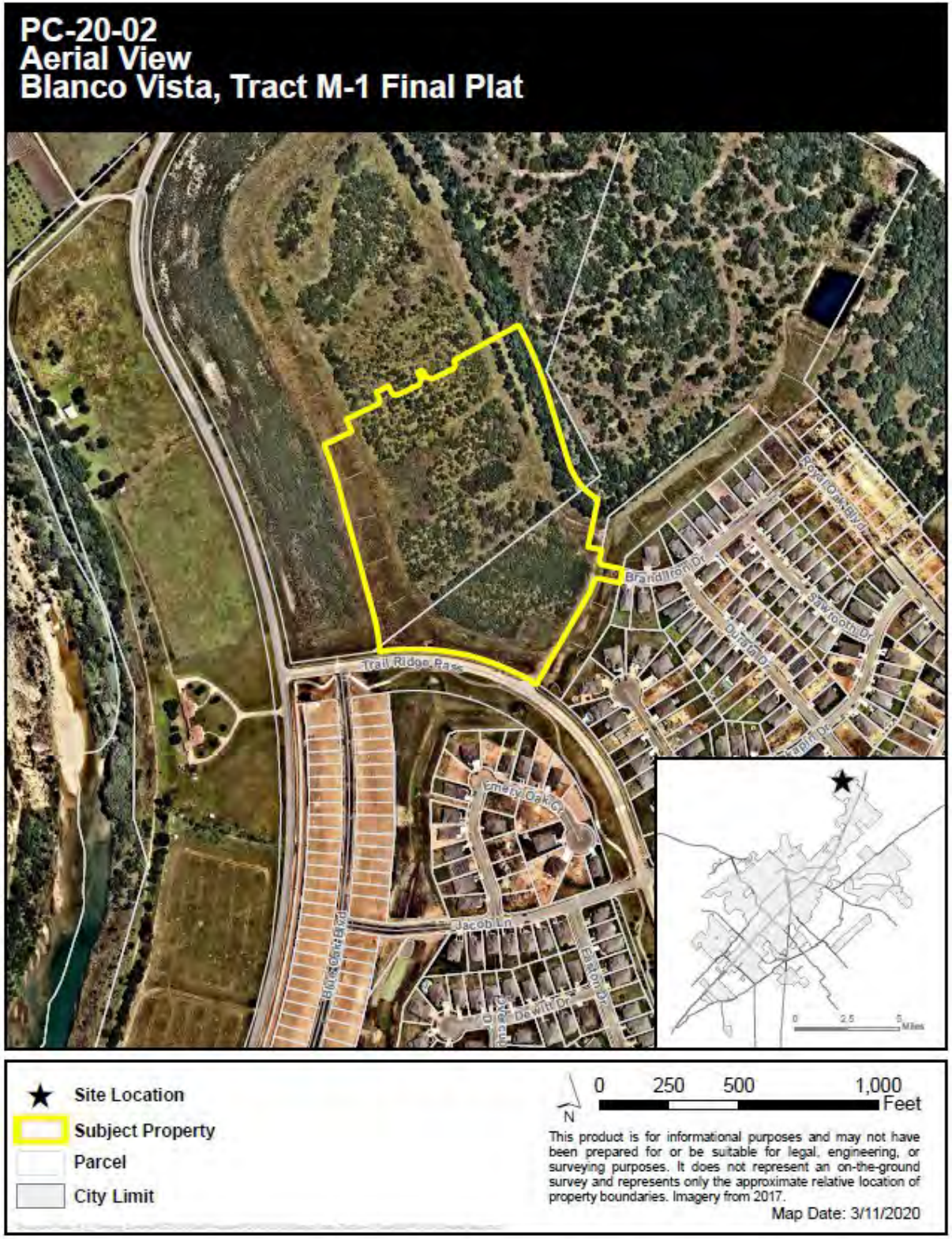
Title: Wastewater Collections Manager Date: March 29, 2018

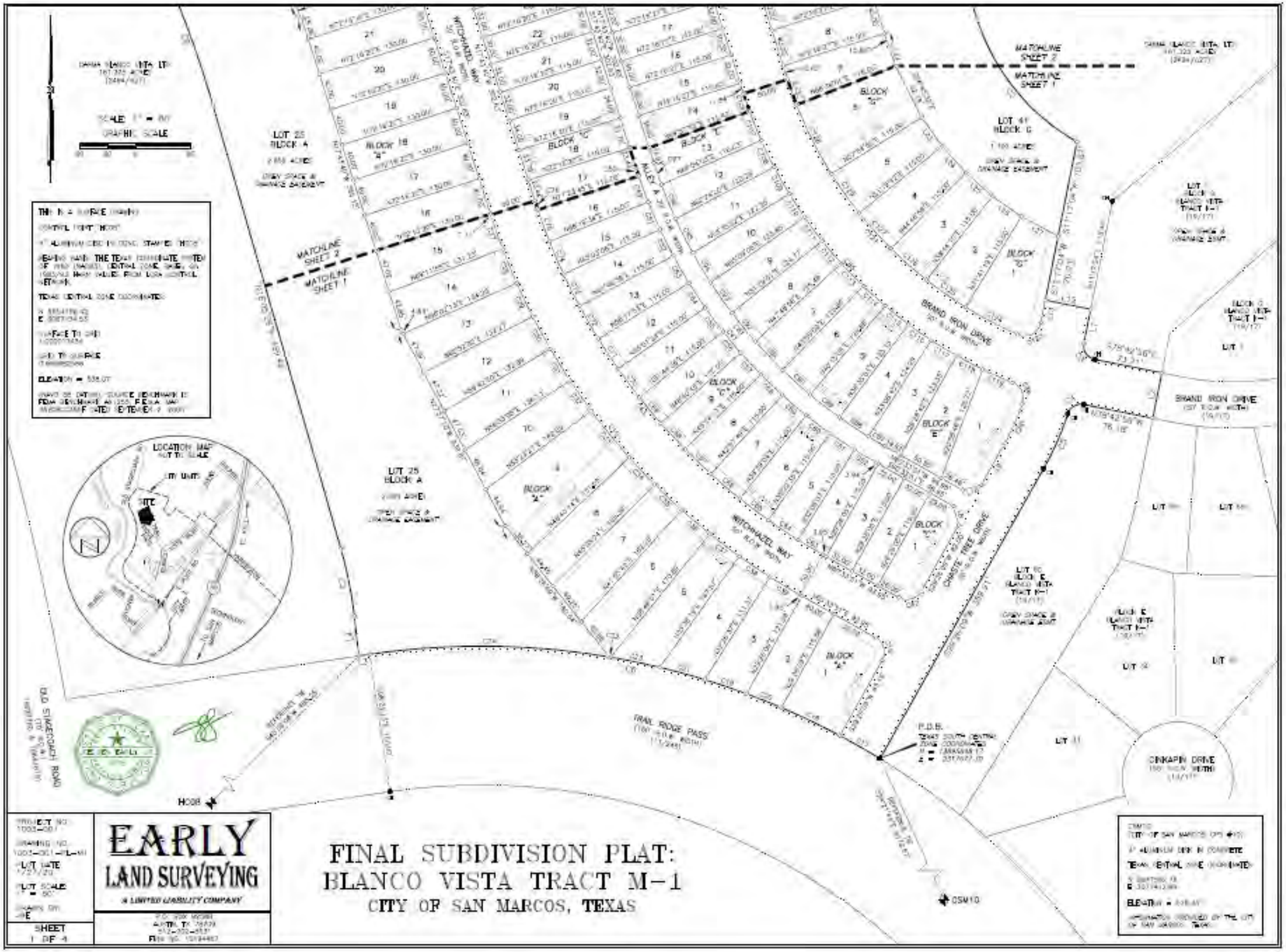
PC-20-02 (Blanco Vista, Tract M-1)

Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Preliminary Plat for approximately 18.987 acres, more or less, out of the William Ward League, Abstract No. 467 located east of Old Stagecoach Road and north of Trail Ridge Pass. (A. Brake)

SAN MARCOS

- +/- 18.897 acres
- Zoned Planned Development District “PDD”, with a base zoning district of Mixed Use (“MU”).
- Proposes 95 single family lots with 2 open space and drainage easement lots





FINAL SUBDIVISION PLAT:
BLANCO VISTA TRACT M-1
CITY OF SAN MARCOS, TEXAS

FINAL SUBDIVISION PLAT:
BLANCO VISTA TRACT M-1
CITY OF SAN MARCOS, TEXAS

LEGEND

- 1/2" REBAR WITH "CHAMBERLAIN" CAP FOUND
- 1/2" REBAR WITH "EARLY BOUNDARY" CAP TO BE SET
- NAIL WITH "CHAMBERLAIN" WASHER FOUND
- CONTROL POINT/BENCHMARK LOCATION
- DE DRAINAGE EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- BUILDING LOCATION
- (XXXX) RECORD INFORMATION

SCALE 1" = 60'
GRAPHIC SCALE
60 30 0 60

CARMA BLANCO VISTA LTD.
161.355 ACRES
(2494/527)

BODARK OAK WAY
90' R.O.W. WIDTH

BRAND IRON DRIVE
90' R.O.W. WIDTH

MILWAUKEE WAY
90' R.O.W. WIDTH

ALLEY
20' R.O.W. WIDTH

BLOCK "A"
BLOCK "B"
BLOCK "C"
BLOCK "D"
BLOCK "E"
BLOCK "F"
BLOCK "G"

LOT 41
BLOCK G
1.102 ACRES
OPEN SPACE & DRAINAGE EASEMENT

LOT 25
BLOCK A
OPEN SPACE & DRAINAGE EASEMENT

MATCHLINE SHEET 2
MATCHLINE SHEET 1

LOT 1
BLOCK 2
BLANCO VISTA TRACT M-1
OPEN SPACE & DRAINAGE EASEMENT

BRAND IRON DR
90' R.O.W. WIDTH

PROJECT NO. 1003-001	EARLY LAND SURVEYING A LIMITED LIABILITY COMPANY
DRAWING NO. 1003-001-FPL-M1	P.O. BOX 90381 AUSTIN, TX 78709 512-203-8537 FIRM NO. 10194463
PLOT DATE 1/27/20	
PLOT SCALE 1" = 60'	
DRAWN BY JHE	
SHEET 2 OF 4	

Recommendation:

Staff has reviewed the request and determined the Preliminary Plat meets all requirements of Section 3.2.3.4 of the Development Code and recommends **approval** of PC-20-02.

File #: PC-20-08, Version: 1

AGENDA CAPTION:

PC-20-08 (Whisper Mixed Use Subdivision Phase 1-A Final Plat) Consider a request by Vigil & Associates, on behalf of 135 Residential Development, L.L.C., to approve a Final Plat for 88.125 acres, more or less, out of the Joel Miner Survey, Abstract No. 321, generally located east of IH-35, west of Harris Hill Road. (A. Brake)

Meeting date: March 24, 2020

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: N/A

Comprehensive Plan Element (s):

☐ Economic Development

☐ Environment & Resource Protection

☐ Land Use

☐ Neighborhoods & Housing

☐ Parks, Public Spaces & Facilities

☐ Transportation

☐ Core Services

☒ Not Applicable

Master Plan: N/A

Background Information:

The subject property is part of the Whisper Texas Planned Development District (PDD) within the mixed-use portion of the development. This Phase provides for the development of 236 single family residential lots, three mixed use lots, and nine park lots. The H.O.A. will be responsible for the maintenance of the park lots. The proposed plat is consistent with development standards set forth in the PDD.

Council Committee, Board/Commission Action:

Alternatives:

Recommendation:

Staff has reviewed the request and determined the Final Plat meets all requirements of Section 3.2.3.4 of the Development Code and **recommends** approval of PC-20-08.

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Plat - Final	Whisper Mixed Use
PC-20-08	Subdivision – Phase 1A

Summary

Request:	Consideration of a Final Plat with 236 single family lots, three mixed use lots, and nine park lots.		
Applicant:	Hermann Vigil, P.E. Vigil & Associates 4303 Russell Drive Austin, TX 78704	**Property Owner:**	Robert W. McDonald, III Whisper Residential, LLC 9811 South IH-35, Bldg. 3 Suite 100 Austin, TX 78744
Parkland Required:	8.94 acres	**Utility Capacity:**	Adequate / By Developer
Accessed from:	Harris Hill Road and Opportunity Boulevard (a new PID funded roadway)	**New Street Names:** Golden Grove Parkway, Pronghorn Circle, Sky Meadows Circle, Fortuna Road, Seminole Drive, Vintage Drive, Escondido Circle, Alotian Drive, Milestone Cove, Sonterra Drive	

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:	East of IH-35, west of Harris Hill Road		
Acreage:	88.125 acres	**PDD/DA/Other:**	Ord. # 2017-40
Existing Zoning:	Mixed Use	**Preferred Scenario:**	Employment Center
Proposed Use:	Single family and mixed use		
CONA Neighborhood:	N/A	**Sector:**	6

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	HC – Heavy Commercial	Vacant	Employment Center (part of Whisper development)
South of Property:	No Zoning - ETJ	Harris Hill Race Track	Area of Stability
East of Property:	No Zoning - ETJ	Vacant	Area of Stability
West of Property:	FD – Future Development and HC – Heavy Commercial	Vacant and a portion of Whisper Development	Pick One

Staff Recommendation

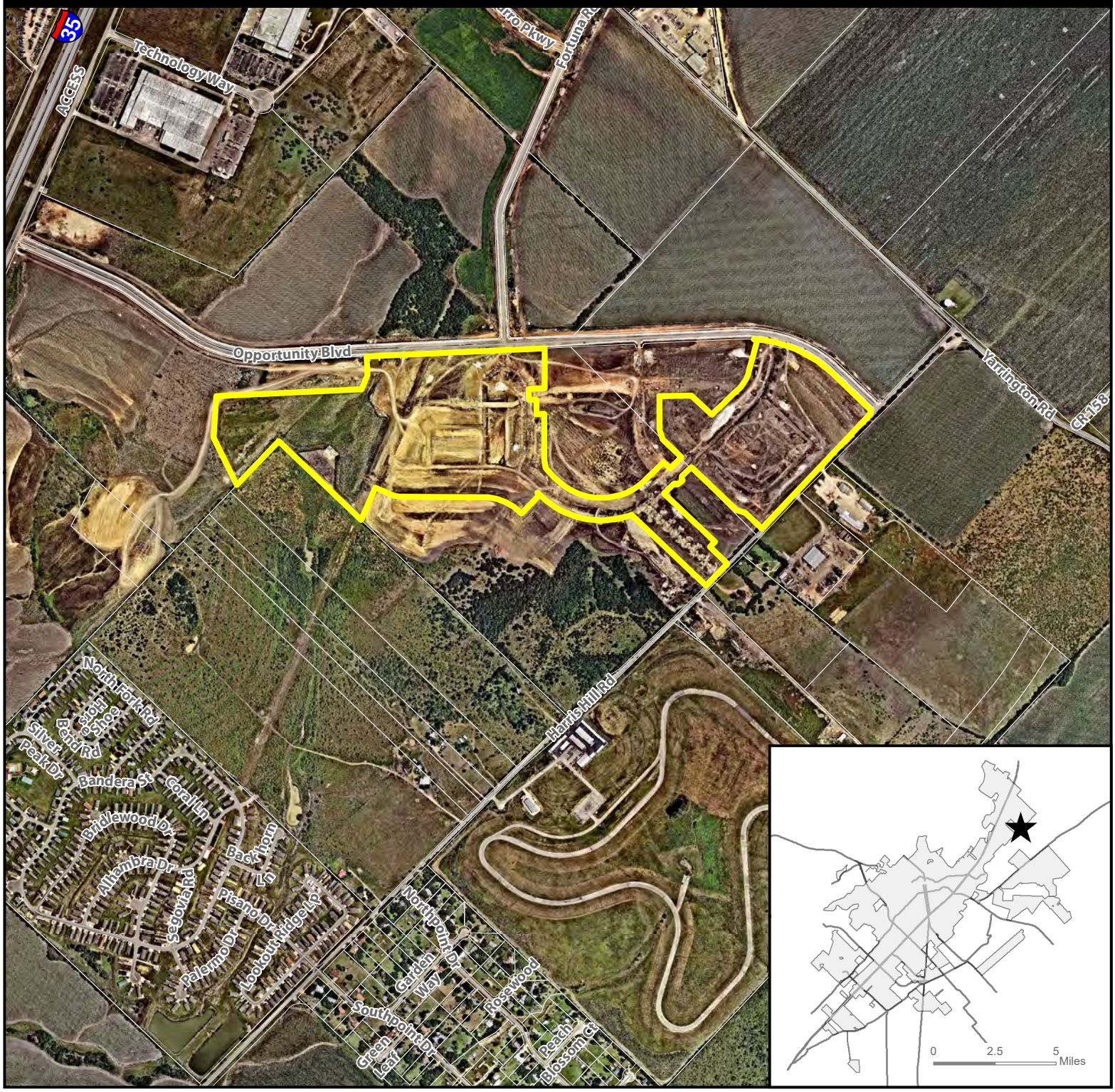
X	Approval as Submitted		Approval with Conditions / Alternate		Denial
Staff: Alison Brake, CNU-A		**Title :** Historic Preservation Officer & Planner		**Date:** March 19, 2020	

Plat - Final	Whisper Mixed Use Subdivision – Phase 1A
PC-20-08	

History
The subject property is part of the Whisper Texas Planned Development District (PDD) within the mixed-use portion of the development. This Phase provides for the development of 236 single family residential lots, three mixed use lots, and nine park lots. The H.O.A. will be responsible for the maintenance of the park lots. The proposed plat is consistent with development standards set forth in the PDD.
Additional Analysis
All requirements of Section 3.2.3.4 of the Development Code have been met.

Evaluation			Criteria for Approval (Sec.3.2.3.4)
Consistent	Inconsistent	Neutral	
		N/A	If no preliminary subdivision or development plat has been approved the criteria in Section 3.2.2.4 shall apply; ***Type the response below in italics, if necessary***
X			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; ***The preliminary plat for this tract was approved by the Planning and Zoning Commission on July 24, 2018.***
X			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; ***Prior to recordation of the plat, the public improvements in PICP Permit #2018–24596 are required to be accepted by the City.***
		N/A	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;
X			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
		N/A	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.

PC-20-08
Aerial View
Whisper Mixed Use Subdivision - Phase 1A Final Plat



★ **Site Location**

Subject Property

Parcel

City Limit

N

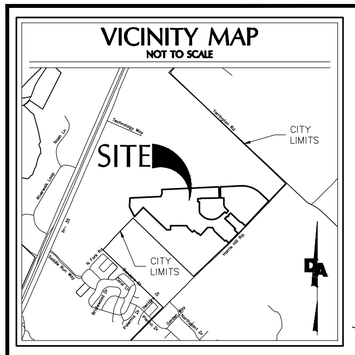
0 625 1,250 2,500 Feet

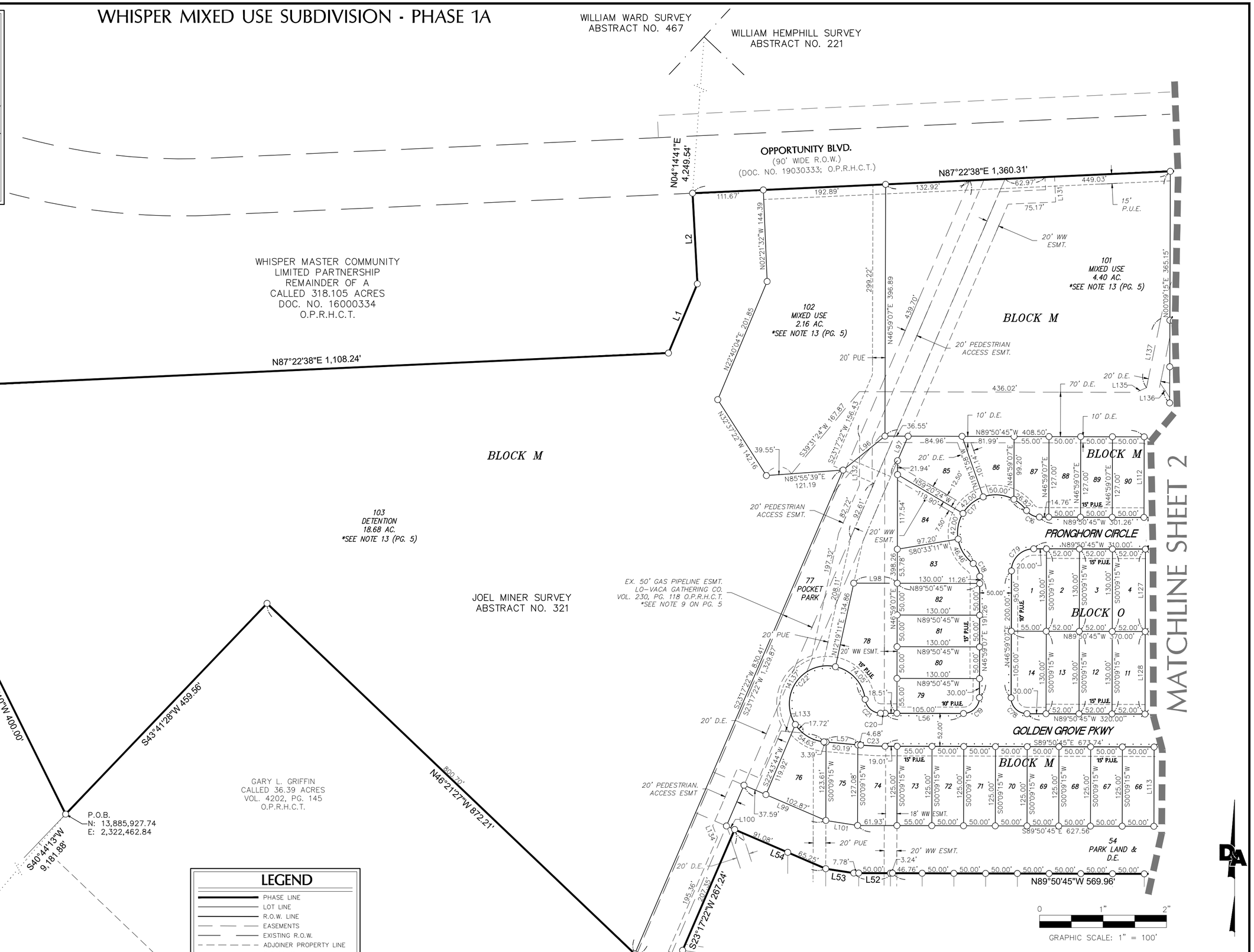
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 3/11/2020

Document Path: \\san_marcos\files\DeptShares\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\PC\PC-20-08 Whisper MU\GIS\PC-20-08 Aerial Map.mxd

WHISPER MIXED USE SUBDIVISION - PHASE 1A





LEGEND

	PHASE LINE
	LOT LINE
	R.O.W. LINE
	EASEMENTS
	EXISTING R.O.W.
	ADJOINER PROPERTY LINE
	SIDEWALKS
	APPROXIMATE SURVEY LINE
	FLYTIE
●	IRON ROD FOUND
○	1/2" IRON ROD WITH "DOUCET" CAP SET
DOC. NO.	DOCUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
WW ESMT.	WASTEWATER EASEMENT
D.E.	DRAINAGE EASEMENT
ESMT.	EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS

OWNER: (COMMERCIAL)	OWNER: (RESIDENTIAL)	SURVEYOR:	ENGINEER:
WHISPER MASTER COMMUNITY, LTD. 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	135 RESIDENTIAL DEVELOPMENT, LLC 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	DOUCET & ASSOCIATES 7401 B. HWY 71, ST. 160 AUSTIN, TX 78735 TEL: (512) 583-2600	VIGIL & ASSOCIATES 4005 BANNISTER LN, ST. 225C AUSTIN, TX 78704 TEL: (512) 326-2667 FIRM REG. #F-4768

Date: 02/26/2020
Scale: 1" = 100'
Drawn by: JWF
Reviewer: GC
Project: 1811-001
Sheet: 1 OF 5
Field Book: 523
Party Chief: JSM
Survey Date: 11/15/2019

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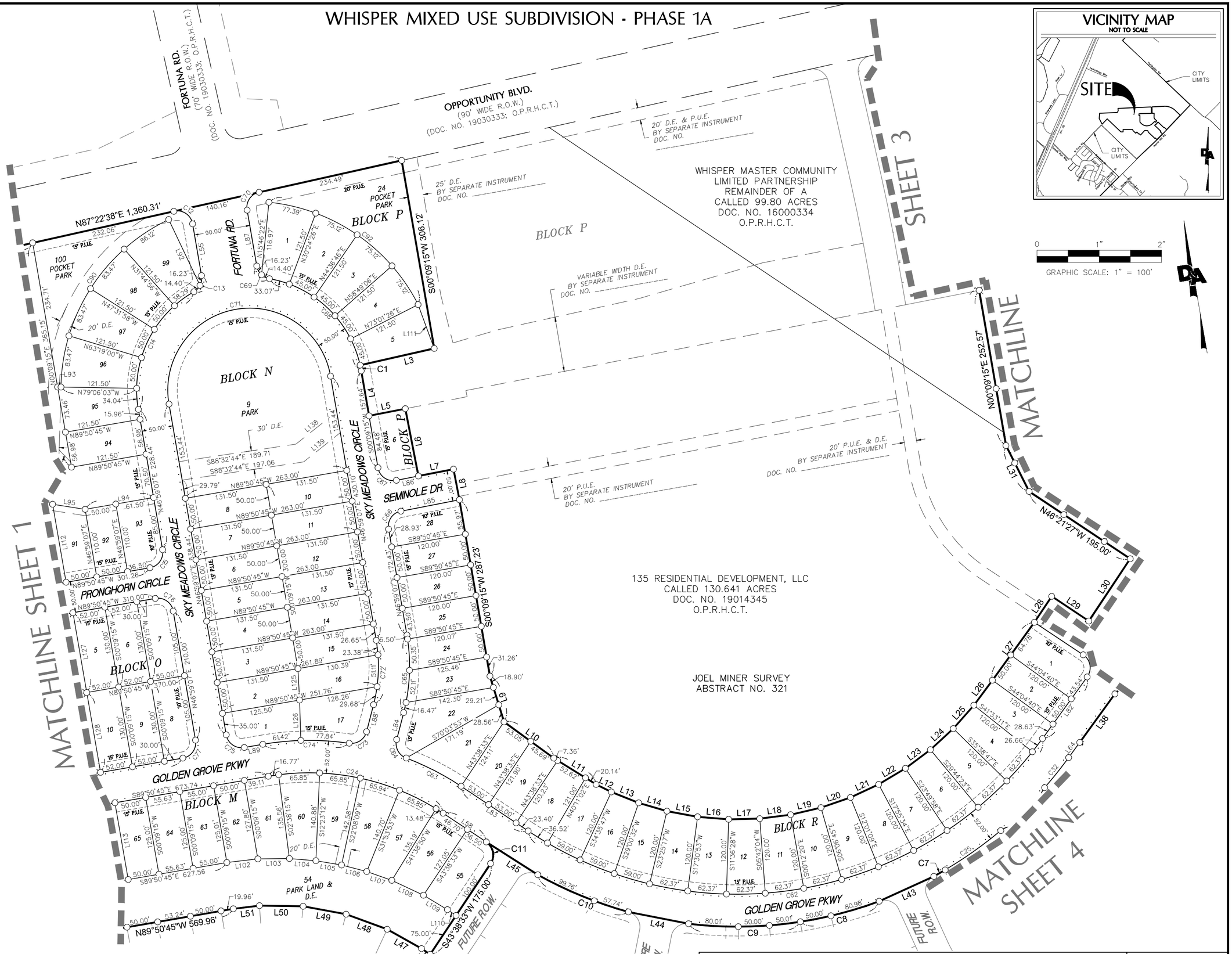
WHISPER MIXED USE SUBDIVISION - PHASE 1A



LEGEND

	PHASE LINE
	LOT LINE
	R.O.W. LINE
	EASEMENTS
	EXISTING R.O.W.
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WHISPER MASTER COMMUNITY, LTD.
9811 SOUTH IH 35
BLDG. 3, SUITE 100
AUSTIN, TX. 78744

OWNER: (RESIDENTIAL)
135 RESIDENTIAL DEVELOPMENT, LLC
9811 SOUTH IH 35
BLDG. 3, SUITE 100
AUSTIN, TX. 78744

SURVEYOR:
DOUCET & ASSOCIATES
7401 B. HWY 71, ST. 160
AUSTIN, TX 78735
TEL: (512) 583-2600

ENGINEER:
VIGIL & ASSOCIATES
4005 BANNISTER LN, ST. 225C
AUSTIN, TX 78704
TEL: (512) 326-2667
FIRM REG. #F-4768

Date:	02/26/2020
Scale:	1" = 100'
Drawn by:	JWF
Reviewer:	GS
Project:	1811-001
Sheet:	2 OF 5
Field Book:	523
Party Chief:	JSM
Survey Date:	11/15/2019

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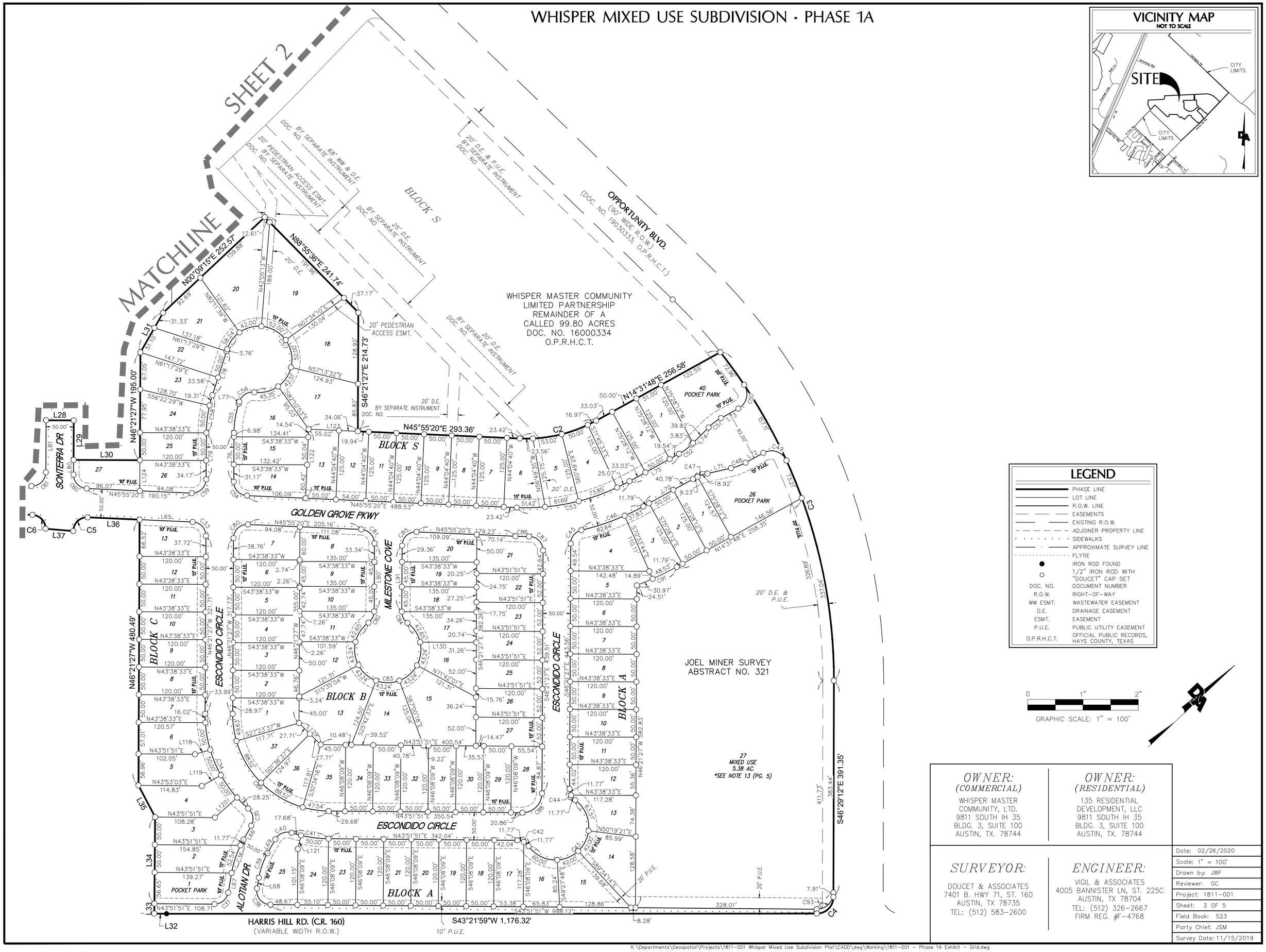
WHISPER MIXED USE SUBDIVISION - PHASE 1A



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SURVEYOR: DOUCET & ASSOCIATES 7401 B. HWY 71, ST. 160 AUSTIN, TX 78735 TEL: (512) 583-2600	ENGINEER: VIGIL & ASSOCIATES 4005 BANNISTER LN, ST. 225C AUSTIN, TX 78704 TEL: (512) 326-2667 FIRM REG. #F-4768

Date:	02/26/2020
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Sheet:	3 OF 5
Field Book:	523
Party Chief:	JSM
Survey Date:	11/15/2019

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WHISPER MIXED USE SUBDIVISION - PHASE 1A

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N22°40'04"E	118.22'
L2	N03°01'42"W	143.11'
L3	S87°13'46"W	121.90'
L4	S00°09'15"W	73.16'
L5	N88°55'36"E	59.33'
L6	S01°04'24"E	110.00'
L7	N88°55'36"E	57.27'
L8	S01°04'24"E	50.00'
L9	S07°09'48"E	76.67'
L10	S43°58'22"E	98.73'
L11	S48°09'23"E	80.12'
L12	S53°47'57"E	27.16'
L13	S58°11'50"E	47.28'
L14	S63°47'05"E	47.28'
L15	S69°31'55"E	49.98'
L16	S75°26'19"E	49.98'
L17	S81°20'44"E	49.98'
L18	S87°15'08"E	49.98'
L19	N86°50'27"E	49.98'
L20	N80°56'03"E	49.98'
L21	N75°01'38"E	49.98'
L22	N69°07'14"E	49.98'
L23	N63°12'50"E	49.98'
L24	N57°18'25"E	49.98'
L25	N51°24'01"E	49.98'
L26	N46°27'42"E	49.99'
L27	N45°55'20"E	114.78'
L28	N43°38'33"E	50.00'
L29	S46°21'27"E	71.45'
L30	N43°38'33"E	120.00'
L31	N16°47'46"W	82.43'
L32	S44°23'05"W	22.38'
L33	N45°36'55"W	17.93'
L34	N46°08'09"W	156.65'
L35	N74°23'51"W	64.76'
L36	S45°55'20"W	94.08'
L37	S48°11'42"W	50.16'
L38	S45°55'20"W	96.07'
L39	S43°51'51"W	54.90'
L40	S46°08'09"E	50.00'
L41	S46°08'09"E	120.00'
L42	S46°08'09"E	14.52'
L43	S75°28'47"W	96.33'
L44	N68°54'23"W	98.26'
L45	N47°33'15"W	98.05'
L46	N46°21'27"W	16.67'
L47	N50°42'22"W	63.16'
L48	N59°53'08"W	70.15'
L49	N69°32'51"W	70.15'
L50	N79°12'35"W	70.15'
L51	N86°56'36"W	42.18'
L52	N89°50'45"W	61.02'
L53	N81°11'35"W	44.66'
L54	N66°42'38"W	156.33'
L55	N00°09'15"E	84.21'
L56	N89°50'45"W	123.51'
L57	N84°50'45"W	58.26'
L58	N46°21'27"W	83.20'
L59	N43°51'51"E	94.90'
L60	N43°51'51"E	39.54'
L61	N46°21'27"W	70.00'
L62	N43°51'51"E	39.81'
L63	N43°51'51"E	40.20'
L64	N45°55'20"E	30.16'
L65	N45°55'20"E	96.07'
L66	S17°21'51"E	28.73'
L67	N36°45'24"W	36.21'
L68	N36°45'24"W	19.69'
L69	S17°21'51"E	28.73'
L70	N14°31'48"E	102.57'
L71	N30°39'35"E	43.65'

LINE TABLE		
LINE	BEARING	DISTANCE
L72	N14°31'48"E	36.74'
L73	N14°31'48"E	35.83'
L74	S01°36'00"E	43.65'
L75	N14°31'48"E	102.57'
L76	N46°21'27"W	88.15'
L77	N28°42'31"W	3.67'
L78	N28°42'31"W	87.34'
L79	N46°21'27"W	84.17'
L80	N46°21'27"W	26.61'
L81	N46°21'27"W	94.08'
L82	N45°55'20"E	122.17'
L83	N46°21'27"W	129.40'
L84	N24°30'55"E	44.73'
L85	N88°55'36"E	95.56'
L86	N88°55'36"E	36.15'
L87	N00°09'15"E	91.00'
L88	N24°30'55"E	44.73'
L89	N89°50'45"W	30.23'
L90	S46°21'27"E	123.34'
L91	S46°21'27"E	119.36'
L92	N15°27'51"W	116.97'
L93	N79°06'03"W	5.41'
L94	N89°50'45"W	111.50'
L95	N71°04'04"W	52.81'
L96	N50°54'24"E	84.97'
L97	N69°54'25"E	42.13'
L98	N89°50'45"W	68.52'
L99	S66°42'38"E	140.47'
L100	S66°42'38"E	14.05'
L101	S80°56'00"E	50.61'
L102	S86°38'33"E	50.08'
L103	S80°46'11"E	50.63'
L104	S75°19'58"E	42.61'
L105	S70°24'57"E	41.72'
L106	S65°32'48"E	41.80'
L107	S60°37'16"E	42.68'
L108	S54°51'43"E	56.08'
L109	N48°58'28"W	44.88'
L110	S46°21'27"E	16.67'
L111	S10°10'23"E	74.98'
L112	N46°59'07"E	127.00'
L113	S00°09'15"W	125.00'
L114	S43°38'33"W	120.00'
L115	S43°38'33"W	120.00'
L116	S43°38'33"W	120.00'
L117	S43°38'33"W	120.00'
L118	S26°49'49"W	28.80'
L119	S14°05'53"W	39.57'
L120	S01°21'56"W	53.80'
L121	S33°24'12"E	25.00'
L122	S44°04'40"E	125.00'
L123	S45°55'20"W	89.08'
L124	S46°21'27"E	55.41'
L125	N06°59'49"E	50.36'
L126	N08°10'11"E	64.92'
L127	S00°09'15"W	130.00'
L128	S00°09'15"W	130.00'
L129	N88°14'07"E	55.42'
L130	S43°38'33"W	101.59'
L131	S02°37'22"E	40.00'
L132	N46°59'07"E	76.36'
L133	S84°50'45"E	34.04'
L134	N21°42'38"W	19.87'
L135	N65°57'59"E	18.31'
L136	S33°23'49"E	26.71'
L137	N11°38'12"E	111.39'
L138	N61°27'16"E	83.62'
L139	N61°27'16"E	75.23'

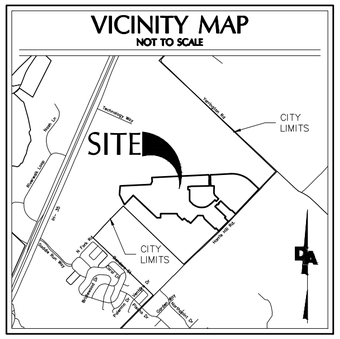
CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	9.27'	181.50'	2°55'29"	S01°18'29"E	9.26'
C2	143.55'	262.00'	31°23'33"	N30°13'34"E	141.76'
C3	640.31'	955.00'	38°24'58"	S65°41'41"E	628.39'
C4	47.05'	30.00'	89°51'11"	S01°33'37"E	42.37'
C5	40.26'	25.00'	92°16'47"	S00°13'04"E	36.05'
C6	38.28'	25.00'	87°43'13"	S89°46'56"W	34.64'
C7	20.96'	657.00'	1°49'40"	S70°21'41"W	20.96'
C8	130.98'	657.00'	11°25'20"	S85°23'42"W	130.76'
C9	180.02'	657.00'	15°41'56"	N81°02'40"W	179.45'
C10	157.50'	657.00'	13°44'08"	N57°45'00"W	157.13'
C11	39.27'	25.00'	90°00'00"	S01°21'27"E	35.36'
C12	40.48'	25.00'	92°46'37"	N46°14'03"W	36.20'
C13	30.62'	25.00'	70°11'06"	N35°14'48"E	28.74'
C14	222.33'	181.50'	70°11'06"	S35°14'48"W	208.69'
C15	39.27'	25.00'	90°00'00"	N45°09'15"E	35.36'
C16	23.55'	25.00'	53°58'05"	S62°51'42"E	22.69'
C17	207.28'	60.00'	197°56'10"	S45°09'15"W	118.53'
C18	23.55'	25.00'	53°58'05"	N26°49'47"W	22.69'
C19	39.27'	25.00'	90°00'00"	N45°09'15"E	35.36'
C20	7.19'	387.00'	1°03'54"	S89°18'48"E	7.19'
C21	35.70'	25.00'	81°48'37"	S47°52'32"E	32.74'
C22	270.05'	60.00'	257°52'31"	S44°05'31"W	93.34'
C23	38.31'	439.00'	5°00'00"	S87°20'45"E	38.30'
C24	293.74'	387.00'	43°29'18"	N68°06'06"W	286.74'
C25	109.41'	657.00'	9°32'29"	N64°40'37"E	109.28'
C26	32.17'	25.00'	73°44'11"	N83°13'33"W	30.00'
C27	39.37'	25.00'	90°13'19"	N01°14'48"W	35.42'
C28	39.17'	25.00'	89°46'41"	N88°45'12"E	35.29'
C29	39.37'	25.00'	90°13'19"	S01°14'48"E	35.42'
C30	39.17'	25.00'	89°46'41"	N88°45'12"E	35.29'
C31	42.62'	25.00'	97°40'04"	S02°28'35"W	37.64'
C32	61.78'	657.00'	5°23'17"	N48°36'59"E	61.76'
C33	38.28'	25.00'	87°43'13"	S89°46'56"W	34.64'
C34	194.27'	225.00'	49°28'11"	S71°05'33"E	188.29'
C35	34.24'	25.00'	78°27'47"	N56°35'44"W	31.62'
C36	64.31'	190.00'	19°23'33"	S27°03'38"E	64.00'
C37	35.18'	25.00'	80°37'16"	N03°33'14"E	32.35'
C38	43.36'	25.00'	99°22'44"	S86°26'46"E	38.13'
C39	47.38'	140.00'	19°23'33"	S27°03'38"E	47.16'
C40	34.24'	25.00'	78°27'47"	S21°52'03"W	31.62'
C41	67.68'	225.00'	17°14'05"	N52°28'54"E	67.43'
C42	23.55'	25.00'	53°58'05"	S70°50'54"W	22.69'
C43	207.51'	60.00'	198°09'29"	N01°14'48"W	118.50'
C44	23.55'	25.00'	53°58'05"	S73°20'30"E	22.69'
C45	33.43'	25.00'	76°36'35"	S08°03'10"E	30.99'
C46	120.46'	439.00'	15°43'20"	N22°23'28"E	120.09'
C47	28.15'	100.00'	16°07'47"	S22°35'41"W	28.06'
C48	28.15'	100.00'	16°07'47"	N22°35'41"E	28.06'
C49	49.41'	30.00'	94°22'13"	S61°42'54"W	44.01'
C50	49.77'	30.00'	95°03'20"	N32°59'52"W	44.26'
C51	28.15'	100.00'	16°07'47"	S06°27'54"W	28.06'
C52	28.15'	100.00'	16°07'47"	N06°27'54"E	28.06'
C53	212.04'	387.00'	31°23'33"	N30°13'34"E	209.40'
C54	38.28'	25.00'	87°43'13"	N89°46'56"E	34.64'
C55	53.91'	175.00'	17°38'57"	S37°31'59"E	53.69'
C56	34.83'	25.00'	79°50'09"	S11°12'33"W	32.08'
C57	272.10'	60.00'	259°50'09"	N78°47'27"W	92.04'
C58	69.31'	225.00'	17°38'56"	S37°31'59"E	69.03'
C59	40.26'	25.00'	92°16'47"	N00°13'04"W	36.05'
C60	38.28'	25.00'	87°43'13"	N89°46'56"E	34.64'
C61	40.26'	25.00'	92°16'47"	N00°13'04"W	36.05'
C62	926.26'	605.00'	87°43'13"	N89°46'56"E	838.41'
C63	99.15'	439.00'	12°56'28"	N52°49'41"W	98.94'
C64	36.57'	25.00'	83°48'50"	S17°23'30"E	33.40'
C65	125.43'	295.00'	24°21'40"	N12°20'05"E	124.49'
C66	38.73'	25.00'	88°46'21"	S44°32'26"W	34.97'
C67	39.81'	25.00'	91°13'39"	S45°27'34"E	35.73'
C68	222.33'	181.50'	70°11'06"	N34°56'18"W	208.69'
C69	30.62'	25.00'	70°11'06"	S34°56'18"E	28.74'
C70	38.06'	25.00'	87°13'23"	S43°45'57"W	34.49'
C71	413.12'	131.50'	180°00'00"	N89°50'45"W	263.00'

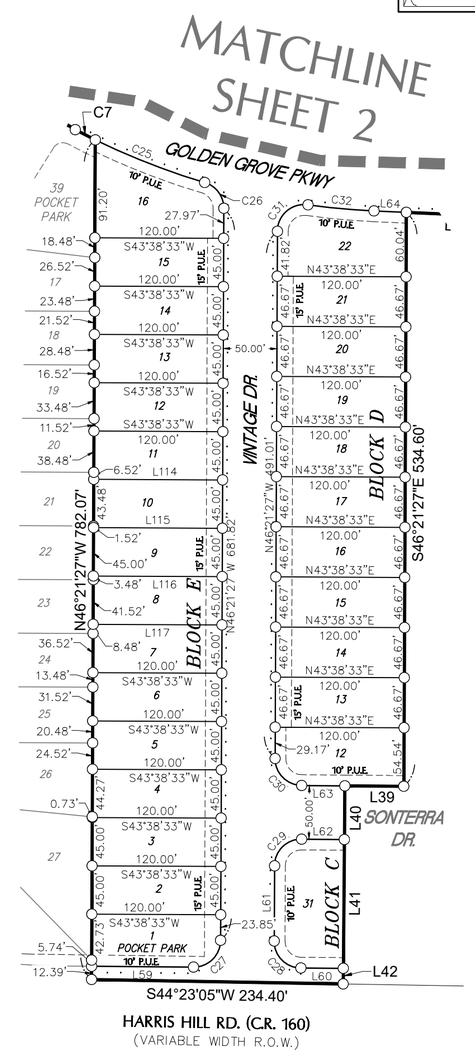
CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C72	104.17'	245.00'	24°21'40"	N12°20'05"E	103.39'
C73	36.57'	25.00'	83°48'50"	N66°25'20"E	33.40'
C74	139.26'	439.00'	18°10'29"	N80°45'30"W	138.67'
C75	39.27'	25.00'	90°00'00"	S44°50'45"E	35.36'
C76	39.27'	25.00'	90°00'00"	N44°50'45"W	35.36'
C77	39.27'	25.00'	90°00'00"	N45°09'15"E	35.36'
C78	39.27'	25.00'	90°00'00"	S44°50'45"E	35.36'
C79	54.98'	35.00'	90°00'00"	S45°09'15"W	49.50'
C80	40.26'	25.00'	92°16'47"	S00°13'04"E	36.05'
C81	38.28'	25.00'	87°43'13"	S89°46'57"W	34.64'
C82	23.55'	25.00'	53°58'05"	N19°22'25"W	22.69'
C83	301.53'	60.00'	287°56'10"	N43°38'32"E	70.59'
C84	23.55'	25.00'	53°58'06"	S73°20'30"E	22.69'
C85	40.26'	25.00'	92°16'47"	S00°13'03"E	36.05'
C86	24.52'	439.00'	3°12'01"	N44°19'20"E	24.52'
C87	39.67'	25.00'	90°55'14"	S88°10'56"W	35.64'
C88	55.11'	35.00'	90°13'19"	N01°14'48"W	49.59'
C89	274.21'	175.00'	89°46'41"	N88°45'12"E	247.01'
C90	336.53'	303.00'	63°38'11"	S42°43'03"W	319.50'
C91	79.50'	564.00'	8°04'34"	N18°34'05"E	79.43'
C92	302.76'	303.00'	57°15'04"	N45°36'06"W	290.32'
C93	47.31'	30.00'	90°21'04"	N01°18'40"W	42.56'

LOT SUMMARY TABLE		
LOT TYPE	NUMBER OF LOTS	TOTAL ACREAGE
RESIDENTIAL	236	37.490
PARK	9	7.397
MIXED USE	3	11.944
TOTAL ACREAGE OF SUBDIVISION		88.125

STREET SUMMARY	
STREET NAME	LINEAR FOOTAGE
GOLDEN GROVE PKWY	3,682.95
PRONGHORN CIRCLE	731.00
SKY MEADOWS CIRCLE	1,719.02
FORTUNA ROAD	150.41
SEMINOLE DR.	144.50
VINTAGE DR.	760.39
ESCONDIDO CIRCLE	1,942.52
ALOTIAN DR.	200.05
MILESTONE COVE	241.13
SONTERRA DR.	237.11

VICINITY MAP
NOT TO SCALE





LEGEND

- PHASE LINE
- LOT LINE
- R.O.W. LINE
- EASEMENTS
- EXISTING R.O.W.
- ADJOINER PROPERTY LINE
- SIDEWALKS
- APPROXIMATE SURVEY LINE
- FLYTIE
- IRON ROD FOUND
- 1/2" IRON ROD WITH "DOUCET" CAP SET
- DOC. NO. — DOCUMENT NUMBER
- R.O.W. — RIGHT-OF-WAY
- WW ESMT. — WASTEWATER EASEMENT
- D.E. — DRAINAGE EASEMENT
- ESMT. — EASEMENT
- P.U.E. — PUBLIC UTILITY EASEMENT
- O.P.R.H.C.T. — OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS

0 1" 2"
GRAPHIC SCALE: 1" = 100'

OWNER: (COMMERCIAL)
WHISPER MASTER COMMUNITY, LTD.
9811 SOUTH IH 35
BLDG. 3, SUITE 100
AUSTIN, TX. 78744

OWNER: (RESIDENTIAL)
135 RESIDENTIAL DEVELOPMENT, LLC
9811 SOUTH IH 35
BLDG. 3, SUITE 100
AUSTIN, TX. 78744

SURVEYOR:
DOUCET & ASSOCIATES
7401 B. HWY 71, ST. 160
AUSTIN, TX 78735
TEL: (512) 583-2600

ENGINEER:
VIGIL & ASSOCIATES
4005 BANNISTER LN, ST. 225C
AUSTIN, TX 78704
TEL: (512) 326-2667
FIRM REG. #F-4768

Date:	02/26/2020
Scale:	1" = 100'
Drawn by:	JWF
Reviewer:	GC
Project:	1811-001
Sheet:	4 OF 5
Field Book:	523
Party Chief:	JSM
Survey Date:	11/15/2019

WHISPER MIXED USE SUBDIVISION - PHASE 1A

KNOW ALL MEN BY THESE PRESENTS §

STATE OF TEXAS
COUNTY OF HAYS

KNOWN ALL MEN BY THESE PRESENTS, THAT WE, 135 RESIDENTIAL DEVELOPMENT, LLC, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 9811 SOUTH IH 35, BUILDING 3, SUITE 100, AUSTIN, TEXAS 78744, BEING THE OWNER OF 130.641 ACRES OF LAND IN THE JOEL MINER SURVEY, ABSTRACT NUMBER 321, AS DESCRIBED IN INSTRUMENT NUMBER 19014345, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

KNOWN ALL MEN BY THE PRESENTS, THAT WE, WHISPER MASTER COMMUNITY, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOMES ADDRESS AT 9811 S. INTERSTATE 35, STE. 100, AUSTIN, TEXAS 78744-7901, BEING THE OWNER OF A CALLED 99.80 ACRES AND A CALLED 318.105 ACRES, IN THE JOEL MINER SURVEY, ABSTRACT NUMBER 321, AS DESCRIBED IN INSTRUMENT NUMBER 16000334, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

DO HEREBY SUBDIVIDE A CALLED 88.13 ACRES AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS:

WHISPER MIXED USE SUBDIVISION – PHASE 1A

SUBDIVISION TO THE CITY OF SAN MARCOS, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER PUBLIC RIGHT-OF-WAY AND DRAINS, EASEMENTS (EXCLUDING LANDSCAPE AREA WITHIN EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

IN WITNESS WHEREOF, 135 RESIDENTIAL DEVELOPMENT, LLC, HAVE CAUSED THESE PRESENTS TO BE EXECUTED THIS THE _____ DAY OF _____, 2020 A.D.

_____
ROBERT W. McDONALD, III, MANAGER DATE
135 RESIDENTIAL DEVELOPMENT, LLC
9811 SOUTH IH 35, BUILDING 3, SUITE 100
AUSTIN, TEXAS 78744

IN WITNESS WHEREOF, WHISPER MASTER COMMUNITY, LTD., HAVE CAUSED THESE PRESENTS TO BE EXECUTED THIS THE _____ DAY OF _____, 2020 A.D.

_____
ROBERT W. McDONALD, III, MANAGER DATE
WHISPER MASTER COMMUNITY, LTD.
9811 SOUTH IH 35, BUILDING 3, SUITE 100
AUSTIN, TEXAS 78744

STATE OF TEXAS
COUNTY OF LUBBOCK

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED, _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY FOR THE PURPOSED AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2020 A.D.

_____
NOTARY PUBLIC MY COMMISSION EXPIRES:
IN AND FOR THE STATE OF TEXAS

LIENHOLDER CONSENT

FIRST UNITED BANK
9801 INDIANA AVENUE
LUBBOCK, TEXAS 79423
ATTN: MILES SEYBERT

BY: _____

NAME: MYLES SEYBERT

TITLE: VICE PRESIDENT

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED, _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY FOR THE PURPOSED AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2020 A.D.

_____
NOTARY PUBLIC MY COMMISSION EXPIRES:
IN AND FOR THE STATE OF TEXAS

CITY OF SAN MARCOS
APPROVAL CERTIFICATE

APPROVED AND AUTHORIZED TO BE RECORDED ON THE ___ DAY OF _____, 2020, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS.

_____
CIP & ENGINEERING DATE

_____
DIRECTOR OF PLANNING & DEVELOPMENT SERVICES DATE

_____
RECORDING SECRETARY DATE

_____
CHAIRMAN, PLANNING & ZONING COMMISSION DATE

ENGINEER'S CERTIFICATION:

STATE OF TEXAS §
COUNTY OF HAYS §

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 48209 C 0392F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS, AND INCORPORATED AREAS, THIS SUBDIVISION IS WITHIN ZONE X.

_____
HERMANN VIGIL, P.E. DATE
TEXAS REGISTRATION NO. 50259
4005 BANNISTER LANE
SUITE 225C
AUSTIN, TEXAS 78704
512.326.2667

SURVEYOR'S CERTIFICATION:

STATE OF TEXAS §
COUNTY OF HAYS §

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE [4204], NAD 83 (2011), EPOCH 2010. ALL DISTANCES SHOWN ARE GRID VALUES.
UNITS: US SURVEY FEET.

THAT I, GARRETT CAVAIUOLO, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS..

STATE OF TEXAS
REGISTERED
GARRETT CAVAIUOLO
6714
PROFESSIONAL
LAND SURVEYOR

_____ 02/28/2020
GARRETT CAVAIUOLO, R.P.L.S. DATE
TEXAS REGISTRATION NO. 6714
DOUCET & ASSOCIATES, INC.
7401 B HIGHWAY 71 WEST
SUITE 160
AUSTIN, TX 78735
512.583.2600
GCAVAIUOLO@DOUCETENGINEERS.COM

HAYS COUNTY:
STATE OF TEXAS
COUNTY OF HAYS

I, ELAINE HANSON CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20__, A.D. AT _____ O'CLOCK ____.M., AND DULY RECORDED ON THE _____ DAY OF _____, 20__, A.D. AT _____ O'CLOCK _____.M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN INSTRUMENT NUMBER _____.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 20__, A.D.

_____
ELAINE HANSON CARDENAS, MBA, PHD, COUNTY CLERK
HAYS COUNTY, TEXAS

NOTES:

1. THIS PROJECT IS WITHIN THE CITY LIMITS OF THE CITY OF SAN MARCOS, TEXAS.
2. BUFFER ZONES PER THE APPROVED WATER PROTECTION PLAN PHASE 2 ON JUNE 10, 2019.
3. NO PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE, THE EDWARDS AQUIFER TRANSITION ZONE OR THE SAN MARCOS RIVER CORRIDOR.
4. THIS PROPERTY IS SUBJECT TO ORDINANCE 2017-40, WHISPER PDD.
5. FIRE HYDRANT SPACING AND WATER FLOW WILL MEET SPECIFICATIONS.
6. AS USED HEREIN, THE TERM "DEVELOPER" SHALL MEAN "135 RESIDENTIAL DEVELOPMENT, LLC" AND "WHISPER MASTER COMMUNITY" OR THEIR SUCCESSORS OR ASSIGNS.
7. IMPROVEMENTS WITHIN DRAINAGE EASEMENTS WILL BE PRIVATELY MAINTAINED BY THE SUBJECT PROPERTY OWNER.
8. SELLING A PORTION OF THIS SUBDIVISION BY METES AND BOUNDS IS A VIOLATION.
9. HORIZONTAL LOCATION OF THE LO-VACA 50' GAS LINE EASEMENT IS BASED UPON PIPELINE MARKERS FOUND DURING SURVEY.
10. ACCORDING TO THE CITY-ADOPTED FLOOD MAPS AND MODEL, PORTIONS OF THIS PROPERTY ARE SUBJECT TO CITY OF SAN MARCOS FLOODPLAIN REGULATIONS, CHAPTER 39.
11. PUBLIC SIDEWALKS, BUILT TO THE CITY OF SAN MARCOS STANDARDS, ARE REQUIRED ALONG ALL STREETS, AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE ADJOINING LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
12. ALL PARKS ARE TO BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.
13. OWNERS OF LOTS 101 AND 102 IN BLOCK M AND LOT 27 IN BLOCK A, ARE WHISPER MASTER COMMUNITY, LTD.

OWNER: (COMMERCIAL)	*OWNER: (RESIDENTIAL)*	*SURVEYOR:*	*ENGINEER:*
WHISPER MASTER COMMUNITY, LTD. 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	135 RESIDENTIAL DEVELOPMENT, LLC 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	DOUCET & ASSOCIATES 7401 B. HWY 71, ST. 160 AUSTIN, TX 78735 TEL: (512) 583-2600	VIGIL & ASSOCIATES 4005 BANNISTER LN, ST. 225C AUSTIN, TX 78704 TEL: (512) 326-2667 FIRM REG. #F-4768

Date:	02/28/2020
Scale:	1" = 100'
Drawn by:	JWF
Reviewer:	GC
Project:	1811-001
Sheet:	5 OF 5
Field Book:	523
Party Chief:	JSM
Survey Date:	11/15/2019

FINAL SUBDIVISION / DEVELOPMENT PLAT APPLICATION

Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	Hermann Vigil	Property Owner	Robert W. McDonald, IV
Company	Vigil & Associates	Company	135 Residential Dev. LLC & Whisper Master Com. LP
Mailing Address	4005 Banister Ln., Bldg C, St 225 Austin, Tx 78704	Mailing Address	9811 S IH35, Bldg 3, St 100 Austin, Tx 78744
Phone #	512-326-2667	Phone #	512-695-3532
Email	hermann@vigilandassoc.com	Email	rw4@cgminterests.com

PROPERTY INFORMATION

Proposed Subdivision Name: Whisper Mixed Use Subdivision Phase 1A

Subject Property Address or General Location: Southwest corner of Opportunity Blvd. at Harris Hill Rd

Acres: 88.12 ac. **Tax ID #: R**16592 & 16597

Located in: ■ **City Limits** □ **Extraterritorial Jurisdiction (County)**

DESCRIPTION OF REQUEST

Type of Plat: ■ **Final Subdivision Plat** □ **Final Development Plat**

Current Number of Lots: 0 **Current Land Use:** agriculture

Proposed Number of Lots: 249 **Proposed Land Use:** Residential, Parkland, Commercial & Detention

AUTHORIZATION

I certify that the information on this application is accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee $1,321 plus $100 per acre **Technology Fee $13** ***MAXIMUM COST $2,513***

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

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 / Preliminary Plat Application does not require a Subdivision Improvement Agreement

Signature of Applicant: _____ Date: Jan. 23, 2020

NOTICE OF COMPLETENESS DETERMINATION & STATUTORY REVIEW TIMEFRAMES

I understand that the City of San Marcos requires online submittal of all applications through the Customer Portal at www.mygovernmentonline.org and that the Responsible Official will review this application for completeness within 10 business days of online submittal. I understand that this application is not considered "filed" until all required documentation is received and reviewed for completeness. *Upon determination of completeness the City will send written correspondence stating that the application has been filed* and will provide a date, in accordance with the Texas Local Government Code, when the Planning and Zoning Commission will meet to hear the request.

☑ By checking this box I am requesting cursory review of this application prior to determination that the application is complete and filed. Cursory review comments shall not constitute a determination of completeness.

I also understand that as the applicant I may request, in writing, an extension to the statutory review timeframes.

Signature of Applicant: _____ Date: Jan 23, 2020

RECORDATION REQUIREMENTS***

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: $_____
- ☐ Tax Certificate, printed within 30 days of recordation date (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.

PROPERTY OWNER AUTHORIZATION

I, Robert W. McDonald, IV (owner name) on behalf of 135 Residential Development, LLC & Whisper Master Community LP (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at Southwest corner of Opportunity Blvd. & Harris Hill Road (address).

I hereby authorize Hermann Vigil (agent name) on behalf of Vigil & Associates (agent company) to file this application for Final Plat (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 1.23.20

Printed Name, Title: Rw. McDonald, IV - Partner

Signature of Agent: _____ Date: Jan. 23, 2020

Printed Name, Title: Hermann Vigil, P.E.

Form Updated October, 2019

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: Pedernales Electric Coop

Applicable Utility Service Code(s): _____

Comments / Conditions: _____

Signature of Electric Company Official: _____

Title: Designer Date: 12/19/2019

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: CenterPoint Energy

Applicable Utility Service Code(s): A

Comments / Conditions: _____

Signature of Gas Company Official: [signature]

Title: Sr. Mrkt Consultant Date: 12/19/19

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: CenturyLink

Applicable Utility Service Code(s): C

Comments / Conditions: See Note Below

Signature of Telephone Company Official: Chris McGuire

Title: Senior LNI Engineer Date: 12/19/2019

CenturyLink anticipates it will be able to furnish telephone and data services requested in the manner prescribed by CenturyLink Rules and Regulations, as they exist. All new developments will be evaluated based on our anticipated return on investment. Actual construction will be approved based on a positive economic and ROI model.

WATER UTILITY SERVICE ACKNOWLEDGEMENT FOR:

Subdivision Name: Whisper MU Subdivision Phase 1

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: Maxwell WSC

Applicable Utility Service Code(s): A

Comments / Conditions: _____

Signature of Water Official: Anthony Garcia

Title: Assistant GM Date: 1-29-2020

Whisper Phase 1

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: City of San Marcos

Applicable Utility Service Code(s): B

Comments / Conditions: under construction

Signature of Water Official: Tony Talamantez

Title: Water Distr Manager Date: 12-19-19

WATER AND WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT:
Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment 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. Need easement(s) within subject property

Name of *Water Service Provider* _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

_____

Signature of Water Utility Official: _____

Title: _____ **Date:** _____

Name of *Wastewater Service Provider* City of San Marcos

Applicable Utility Service Code(s) B

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 Wastewater infrastructure to be installed by developer.

Signature of City or County Wastewater Official: Lloyd Juarez

Title: _____ **Date** _____

TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:
Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment 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. Need easement(s) within subject property

Name of *Telephone Service Provider* _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

_____

Signature of Telephone Company Official _____

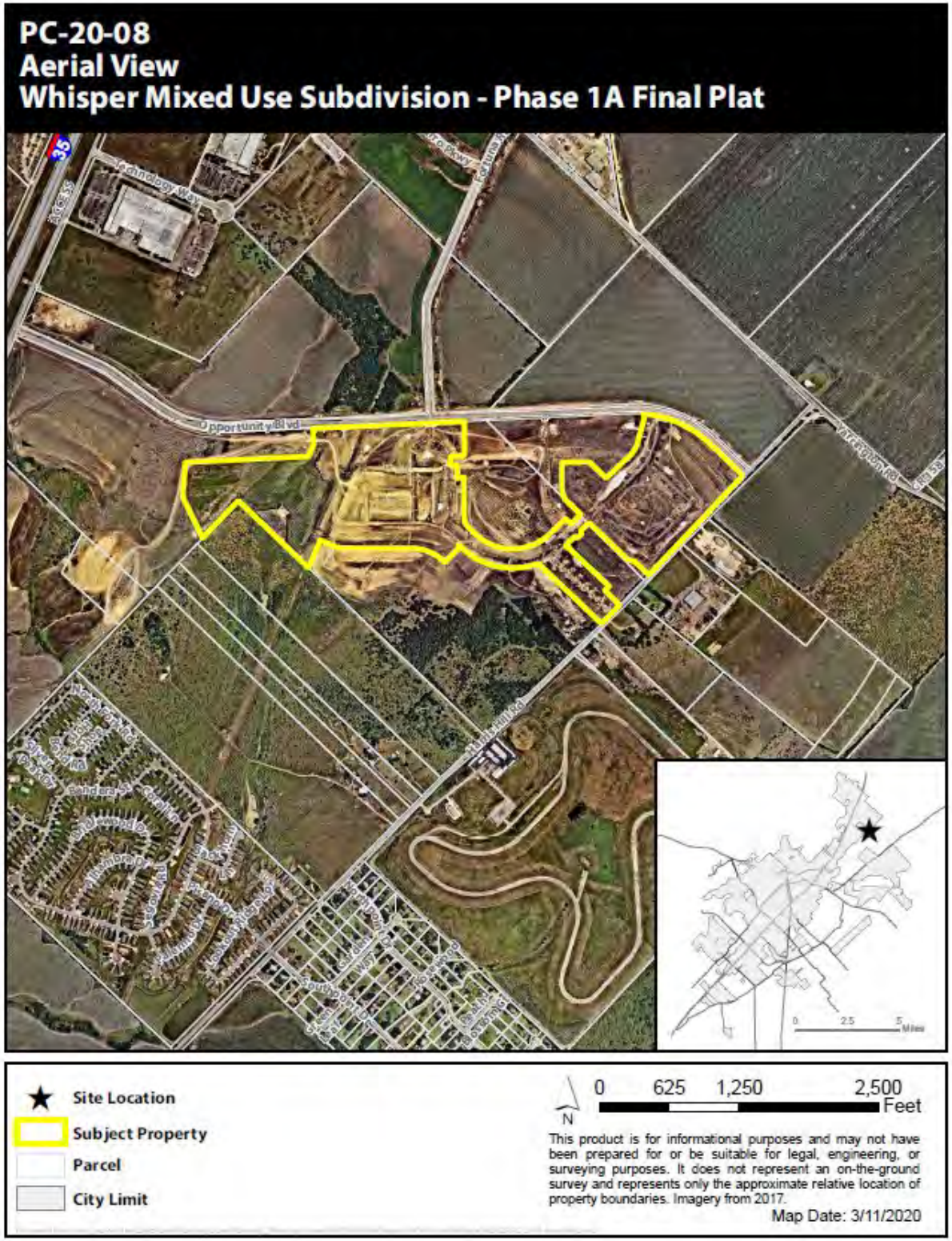
Title: _____ **Date** _____

PC-20-08 (Whisper MU Subdivision Phase 1-A Final Plat)

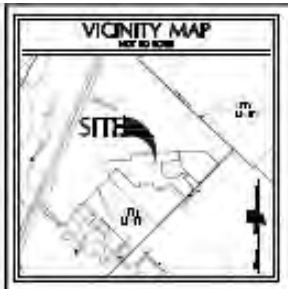
Consider a request by Vigil & Associates, on behalf of 135 Residential Development, L.L.C., to approve a Final Plat for 88.125 acres, more or less, out of the Joel Miner Survey, Abstract No. 321, generally located east of IH-35, west of Harris Hill Road. (A.Brake)

SAN MARCOS

- +/- 88.125 acres
- Whisper Development (PDD; Ordinance 2017-40)
- Allows for the development of 236 single-family residential lots and 3 mixed use lots, and 9 HOA-maintained park lots.



WHISPER MIXED USE SUBDIVISION - PHASE 1A



WILLIAM WARD SURVEY
ABSTRACT NO. 407

WILLIAM HEMPHILL SURVEY
ABSTRACT NO. 291

OPPORTUNITY BLVD.

BLOCK M

BLOCK M

BLOCK M

BLOCK M

PRONGHORN CIRCLE

BLOCK D

GOLDEN GROVE PKWY

BLOCK M

MATCHLINE SHEET 2

NEL WINER SURVEY
ABSTRACT NO. 321

LEGEND

OWNER (DEVELOPER/PLAT)

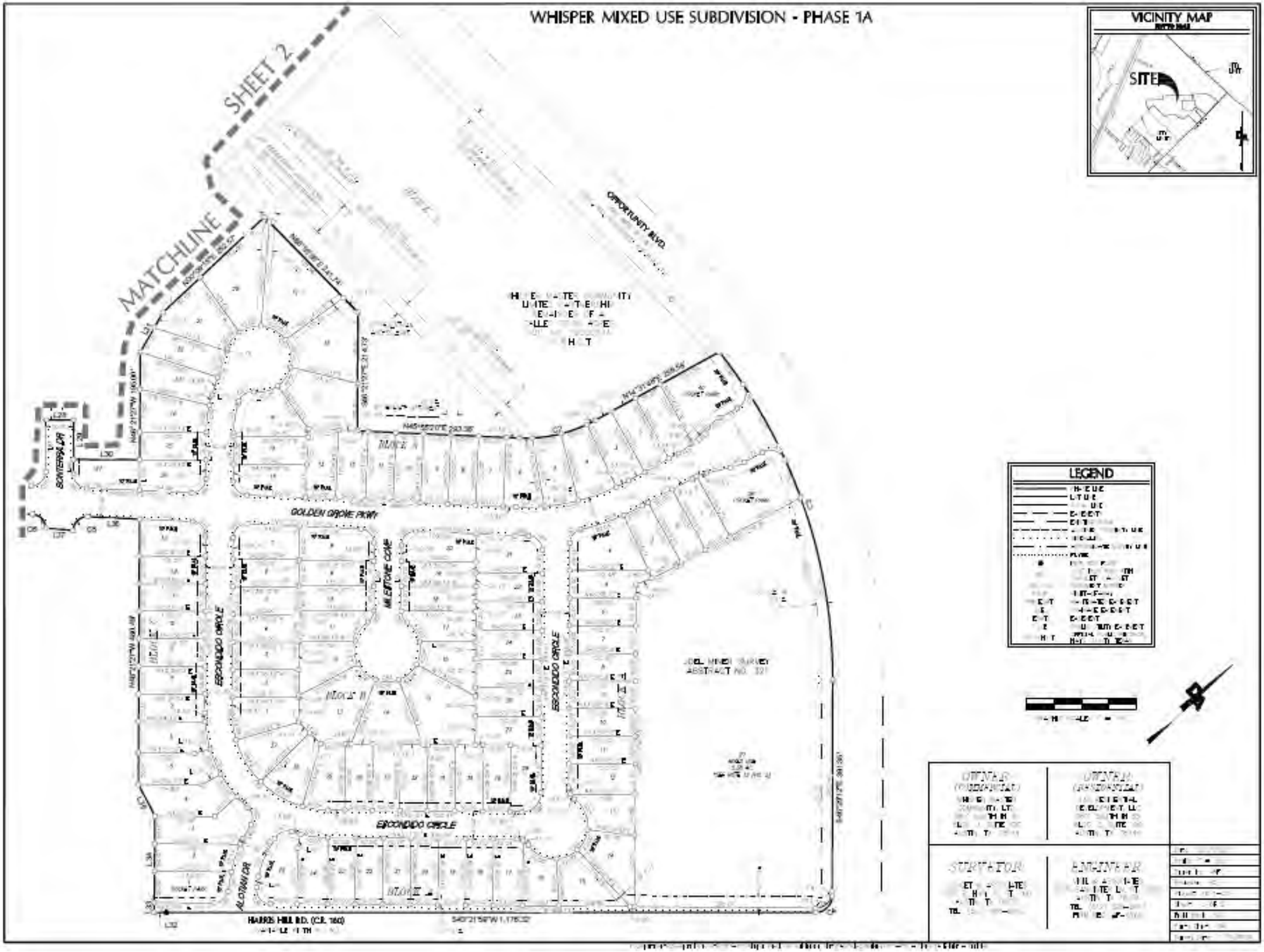
OWNER (ARCHITECT/PLAT)

SURVEYOR

ENGINEER

WHISPER MIXED USE SUBDIVISION - PHASE 1A

WHISPER MIXED USE SUBDIVISION - PHASE 1A



WHISPER MIXED USE SUBDIVISION - PHASE 1A

[illegible]		
[illegible]		

[illegible]		
[illegible]		

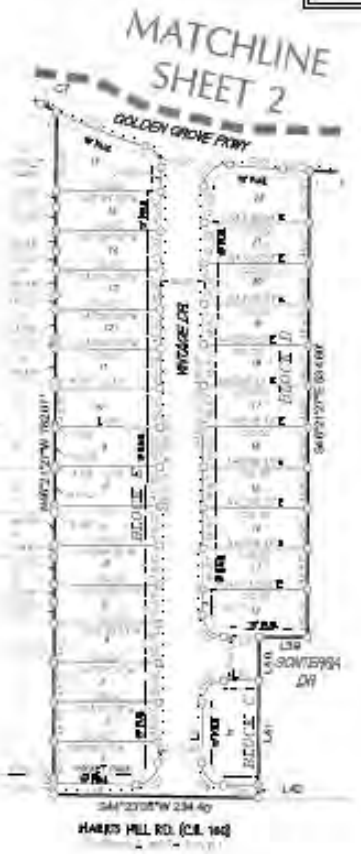
[illegible]					
[illegible]					

[illegible]					
[illegible]					

LOT SUMMARY TABLE		
LOT TYPE	NUMBER OF LOTS	TOTAL ACREAGE
RESIDENTIAL	238	[illegible]
[illegible]	8	[illegible]
MIXED USE	1	11.944
TOTAL ACREAGE OF SUBDIVISION		88.131

STREET SUMMARY	
STREET NAME	LINEAR FEET(+/-)
GOLDEN GROVE PKWY	4,682.59
[illegible]	337.03
[illegible]	1,719.02
[illegible]	550.41
[illegible]	144.50
[illegible]	260.39
[illegible]	1,942.52
[illegible]	200.05
[illegible]	[illegible]
[illegible]	237.33

VICINITY MAP



LEGEND

[illegible]

OWNER	OWNER	ENGINEER	ENGINEER
[illegible]	[illegible]	[illegible]	[illegible]

Recommendation:

Staff has reviewed the request and determined the Final Plat complies with the Planned Development District and the San Marcos Development Code and recommends **approval** of PC-20-08 as submitted.

File #: ZC-20-04a, Version: 1

AGENDA CAPTION:

ZC-20-04 (Mystic Canyon) Hold a public hearing and consider a request by Bill E. Couch, on behalf of Kali Kate Services Inc., for a zoning change from “FD” Future Development, “CC” Community Commercial, and “P” Public and Institutional to “SF-6” Single Family for approximately 5.217 aces, more or less, out of the Benjamin J. White, Thomas Forsith, Elijah Clark, and Robert H. Williams Surveys, generally located west of the intersection of Old Ranch Road 12 and Craddock Avenue. (T. Carpenter)

Meeting date: March 24, 2020

Department: Planning & Development Services

Amount & Source of Funding

Funds Required: N/A
Account Number: N/A
Funds Available: N/A

Fiscal Note:

Prior Council Action: N/A

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.

☐ Core Services

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

The request is associated with the Mystic Canyon development which includes 127 single-family lots. In 2018, the applicant was granted a zoning change from FD to SF-6 for 56.6 acres of the surrounding property. While the developer also had the subject property under contact, it was not included with the application materials for the original zoning change.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends **approval** of the request for a zoning change from “FD” Future Development, “CC” Community Commercial, and “P” Public and Institutional to “SF-6” Single-Family.

Zoning Request	Mystic Canyon
ZC-20-04	

Summary

Request:	Zoning change from FD, CC, & P to SF-6		
Applicant:	Bill E. Couch Carson Brigance and Doering, Inc. 5501 W William Cannon Dr Austin, TX 78749	**Property Owner:**	Kali Kate Services, Inc. 4550 FM 967 Buda, TX 78610

Notification

Application:	January 7, 2020	**Neighborhood Meeting:**	N/A
Published:	March 8, 2020	**# of Participants**	N/A
Posted:	March 6, 2020	**Personal:**	March 6, 2020
Response:	General inquiries: 1 Opposition: 2 Support: 1		

Property Description

Legal Description:	5.217 out of the Benjamin J. White Survey		
Location:	East of Old Ranch Road 12 and Craddock		
Acreage:	0.999	**PDD/DA/Other:**	N/A
Existing Zoning:	FD, CC, P	**Proposed Zoning:**	SF-6
Existing Use:	Vacant	**Proposed Use:**	Single-family
Existing Occupancy:	Do not apply	**Occupancy:**	Apply
Preferred Scenario:	Existing Neighborhood	**Proposed Designation:**	Same
CONA Neighborhood:	Castle Forest	**Sector:**	2
Utility Capacity:	Adequate	**Floodplain:**	No
Historic Designation:	N/A	**My Historic SMTX Resources Survey**	No

Surrounding Area	Zoning	Existing Land Use	Preferred Scenario
North of Property:	MF-24	Multifamily	Existing Neighborhood
South of Property:	SF-6	Vacant	Existing Neighborhood
East of Property:	SF-6	Single Family	Existing Neighborhood
West of Property:	ETJ / SF6	Vacant	Existing Neighborhood

Zoning Request	Mystic Canyon
ZC-20-04	

Staff Recommendation

X	**Approval as Submitted**		Alternate Approval		Denial
Staff: Tory Carpenter, AICP, CNU-A		**Title :** Planner		**Date:** March 19, 2020	

History
The request is associated with the Mystic Canyon development which includes 127 single-family lots. In 2018, the applicant was granted a zoning change from FD to SF-6 for 56.6 acres of the surrounding property. While the developer also had the subject property under contact, it was not included with the application materials for the original zoning change.
Additional Analysis
Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Evaluation			Compatibility of Uses & Density Criteria (Sec.4.1.2.5)
Consistent	Inconsistent	Neutral	
X			Helps prevent the impacts of high density uses on low density areas
		N/A	Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study ***Studies were not complete at the time of this request.***
X			Encourages more opportunities for home ownership ***More single-family detached homes allows for more opportunities for home ownership.***
		X	Ensures a diversity of housing to serve citizens with varying needs and interests

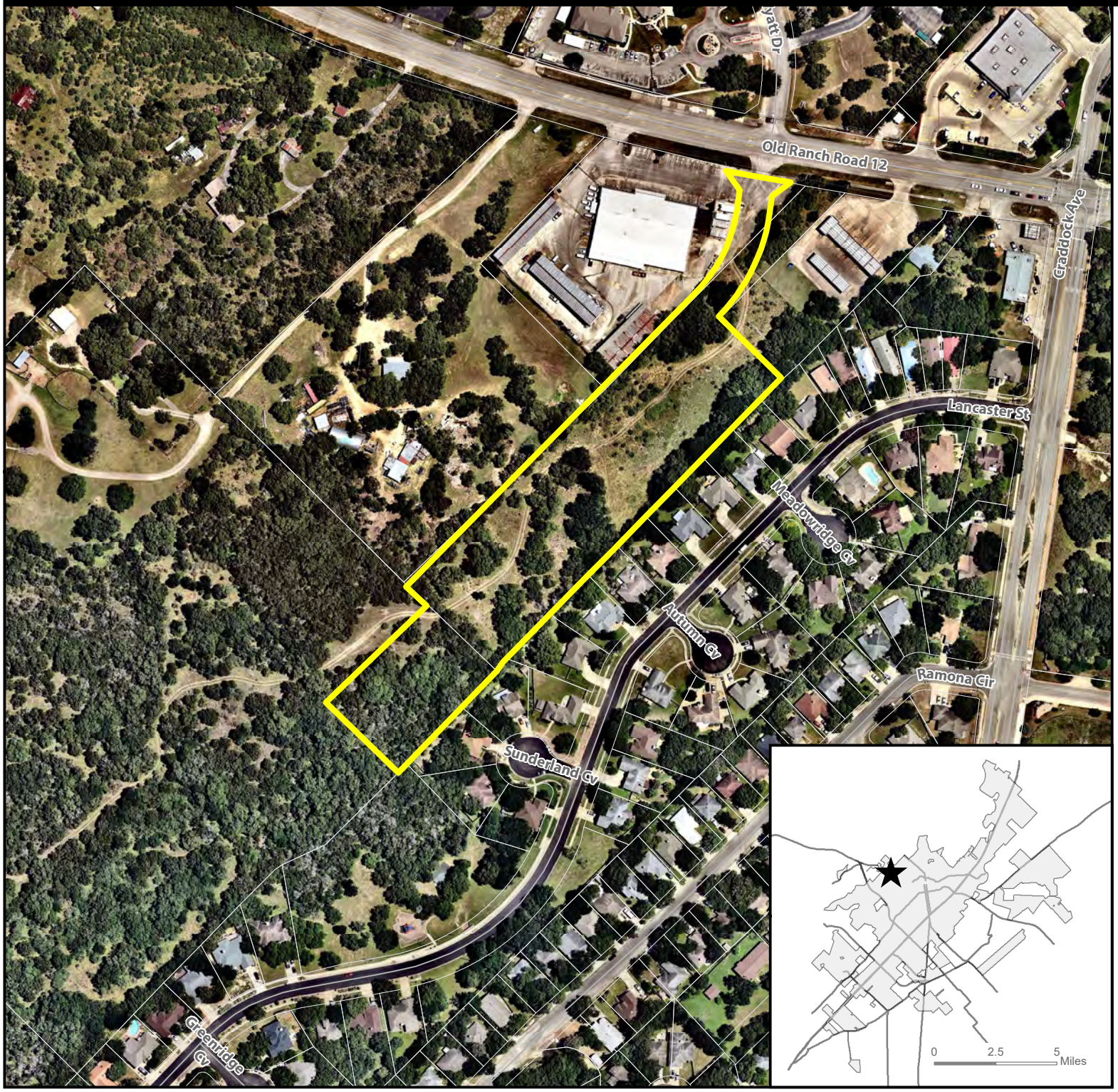
Zoning Request	Mystic Canyon
ZC-20-04	

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
X			Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map ***SF-6 is a "Considered" zoning district per table 4.1***
		N/A	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area ***Studies were not complete at the time of this request.***
		N/A	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect
X			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 ***This use is consistent with surrounding development.***
X			Whether the proposed zoning will reinforce the existing or planned character of the area ***This use is consistent with surrounding development.***
X			Whether the site is appropriate for the development allowed in the proposed district ***While this site is over the Edwards Aquifer Recharge Zone, it can be developed with limited impervious cover.***
X			Whether there are substantial reasons why the property cannot be used according to the existing zoning ***FD allows 2-acre single-family lots.***
X			Whether there is a need for the proposed use at the proposed location ***The rezoning would increase housing availability.***
X			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 ***Roads and utility infrastructure will be required to extend into and through the development at the developer's cost.***
X			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property ***The proposed use is consistent with adjacent uses.***

Zoning Request	Mystic Canyon
ZC-20-04	

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		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 is not a request 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 ***While this site is over the Edwards Aquifer Recharge Zone, it can still be developed with a decrease in impervious cover.***
X			Any other factors which shall substantially affect the public health, safety, morals, or general welfare ***None noted.***

ZC-20-04
Aerial View
FD, CC, P to SF-6 — Ranch Road 12



★ **Site Location**

Subject Property

Parcel

City Limit

N

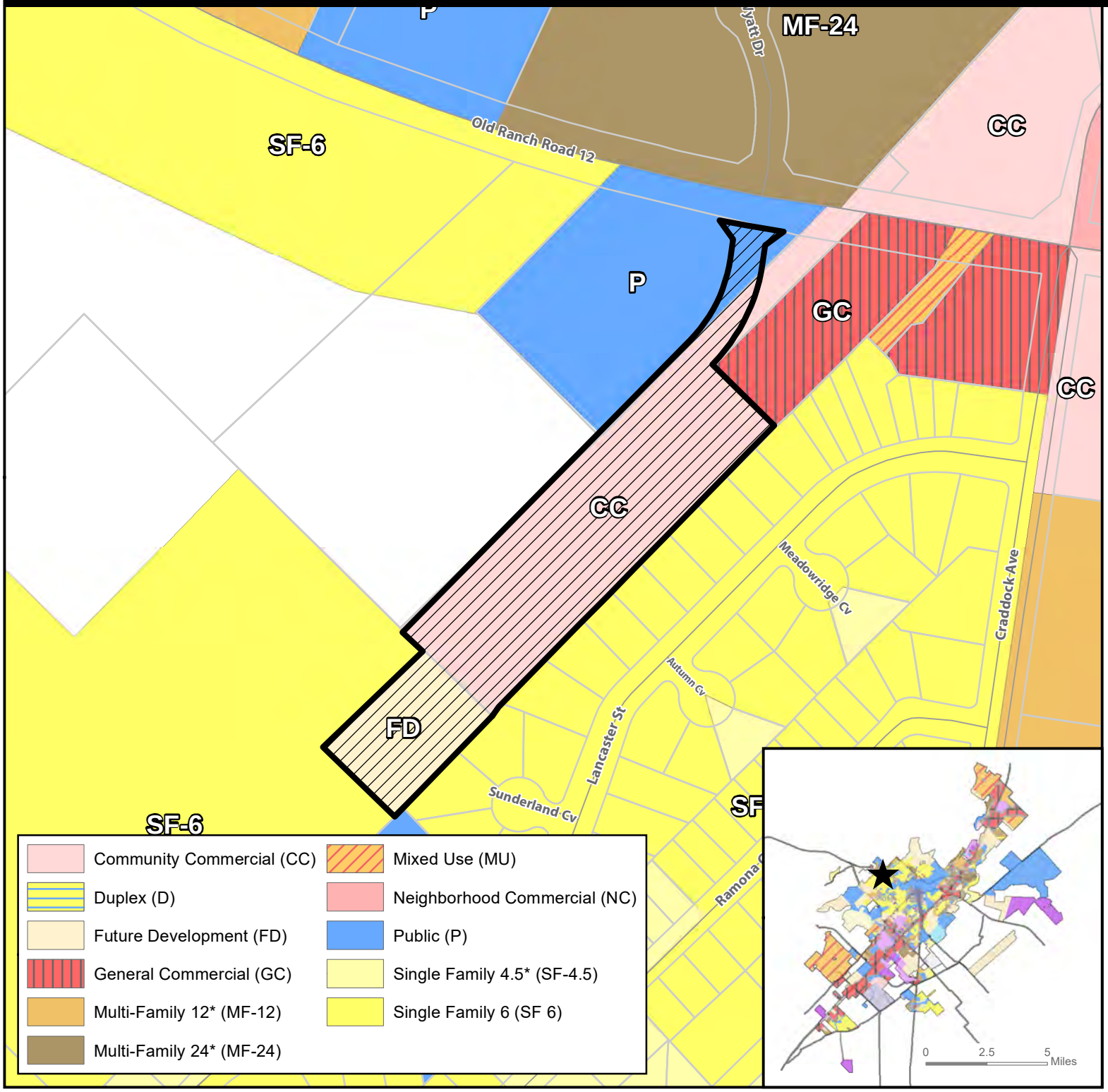
0 150 300 600 Feet

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: 3/6/2020

Document Path: Z:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\ZC\ZC-20-04 - Mystic Canyon\GIS\ZC-20-04 Aerial Map.mxd

ZC-20-04
Zoning Map
FD, CC, P to SF-6 — Ranch Road 12



★ **Site Location**

Subject Property

Parcels

City Limit

N

0 150 300 600 Feet

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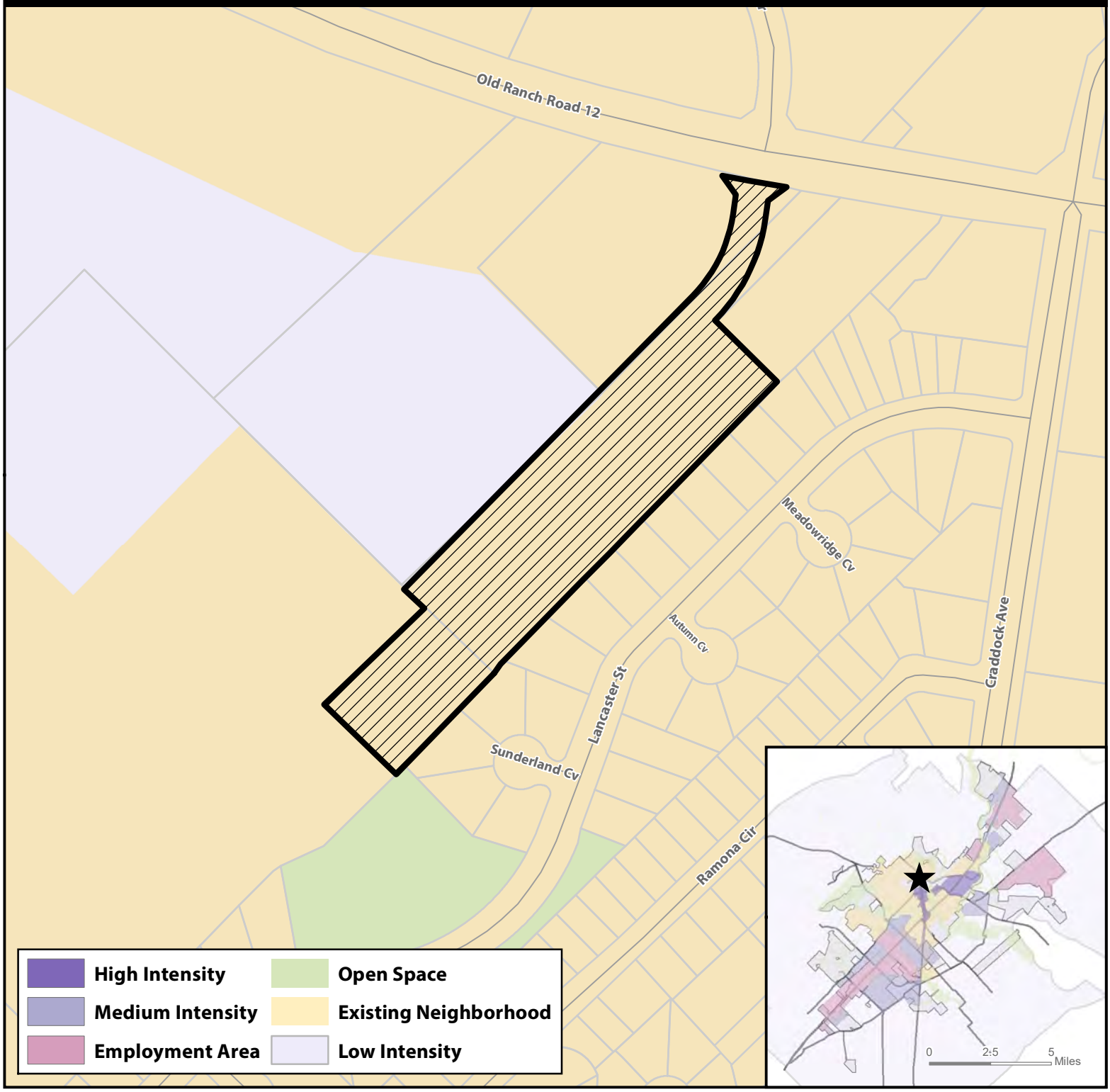
Map Date: 3/6/2020

Document Path: Z:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\ZC\ZC-20-04 - Mystic Canyon\GIS\ZC-20-04 Zoning.mxd

ZC-20-04
Preferred Scenario
FD, CC, P to SF-6 — Ranch Road 12



Site Location

Subject Property

Parcels

City Limit

N

0 150 300 600 Feet

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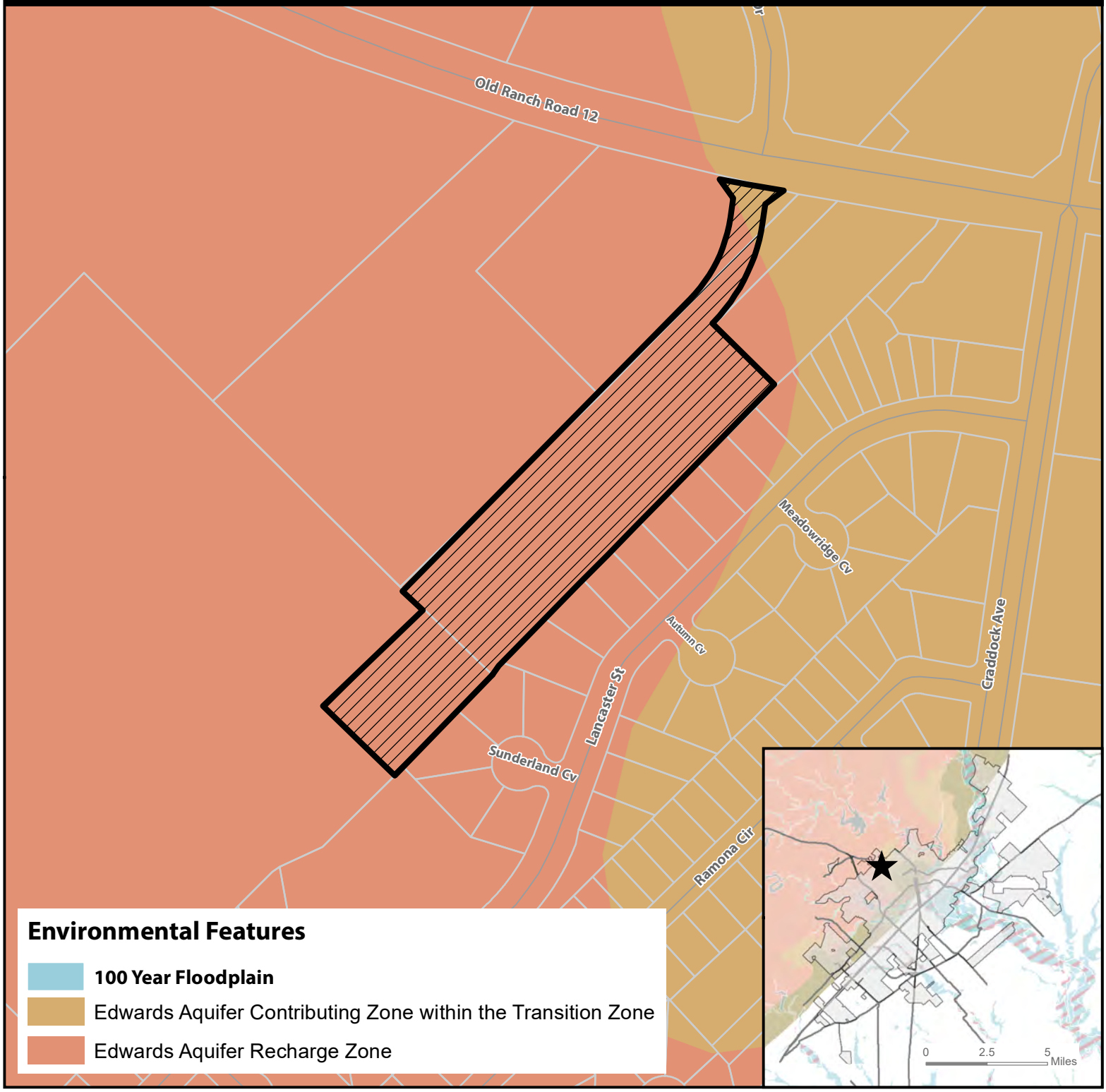
Map Date: 3/6/2020

Document Path: Z:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\ZC\ZC-20-04 - Mystic Canyon\GIS\ZC-20-04 PreferredScenario.mxd

ZC-20-04
Environmental Features
FD, CC, P to SF-6 — Ranch Road 12



Subject Property

Parcels

City Limit

N

0 150 300 600 Feet

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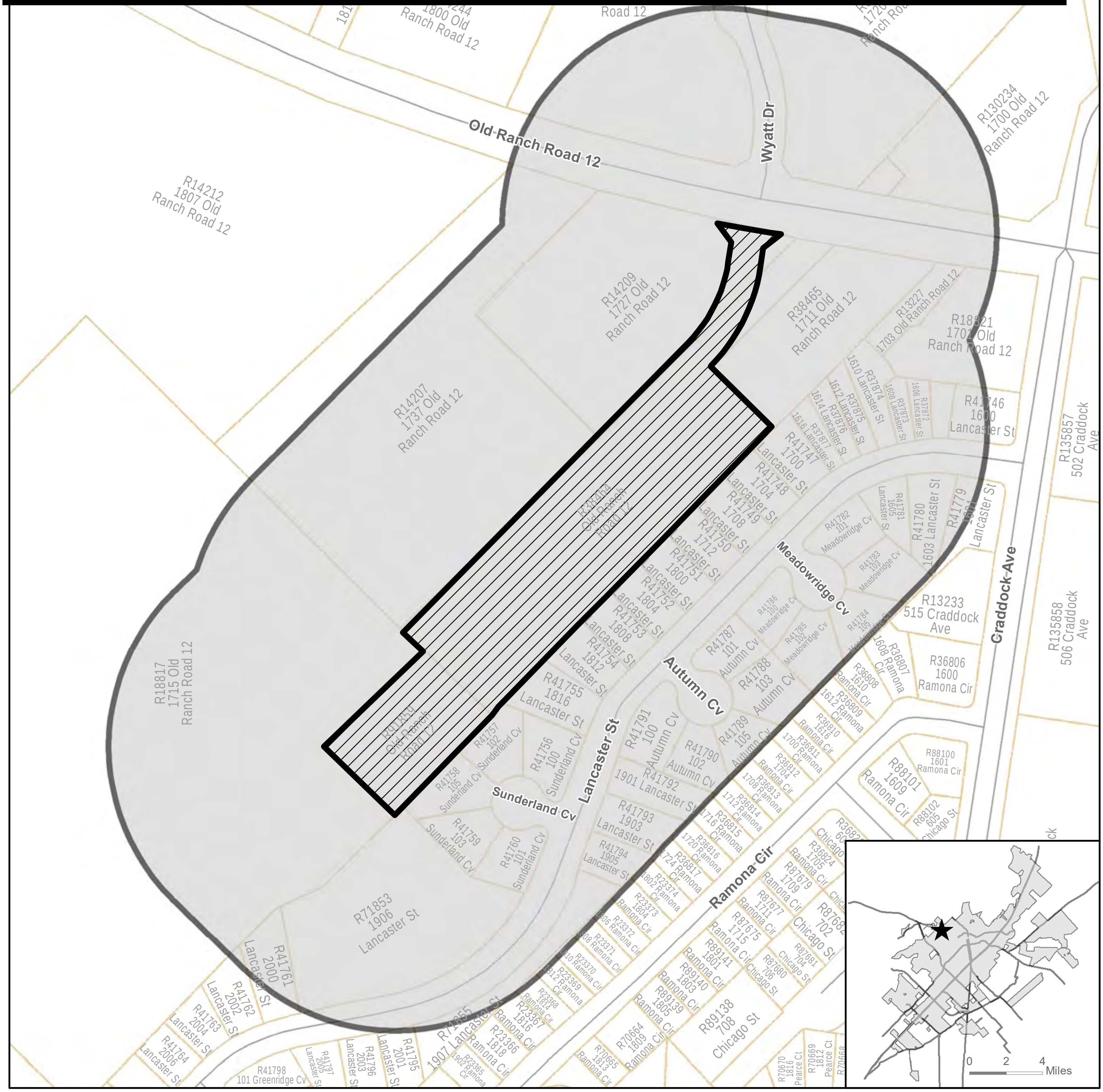
Map Date: 3/6/2020

Document Path: Z:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\ZC\ZC-20-04 - Mystic Canyon\GIS\ZC-20-04 EnvironmentalFeatures.mxd

ZC-20-04
400' Notification Buffer
FD, CC, P to SF-6 — Ranch Road 12



★ Site Location

Subject Property

400' Buffer

Parcel

City Limit

N

0 140 280 560 Feet

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: 3/6/2020

Document Path: Z:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\ZC\ZC-20-04 - Mystic Canyon\GIS\Updated Maps\ZC-20-04 NotificationMap.mxd

Property ID	Subject Address	Owner	Address	City	State	ZIP
R89484	1740 OLD RANCH ROAD 12	29SC EDGE LP	1301 CAPITAL OF TEXAS HWY; STE B-	AUSTIN	TX	78746
R38465	1711 OLD RANCH ROAD 12	ALL J INVESTMENTS LTD	P O BOX 1466	SAN MARCOS	TX	78667-1466
R37871	1604 LANCASTER ST	ALLEN WILLIAM MARK & KATHERINE LEA	2106 BANISTER CV	KATY	TX	77494
R41748	1704 LANCASTER ST	ALVAREZ MIKE JR & MARIVEL	1704 LANCASTER ST	SAN MARCOS	TX	78666-2252
R41795	2001 LANCASTER ST	ARONOW, JUDITH	2001 LANCASTER ST	SAN MARCOS	TX	78666
R23372	1806 RAMONA CIR	BARR JAMES AUSTIN	1806 RAMONA CIR	SAN MARCOS	TX	78666-2249
R37873	1608 LANCASTER ST	BISHOP, PAIGE	1608 LANCASTER ST	SAN MARCOS	TX	78666
R41792	1901 LANCASTER ST	BOWMAN REBECCA & ABUGABER JORGE A	1901 LANCASTER ST	SAN MARCOS	TX	78666-2255
R23374	1802 RAMONA CIR	BURKETT LEEANN JEANETTE & BURKETT LEE JOSEPH	1802 RAMONA CIR	SAN MARCOS	TX	78666-2249
R41782	101 MEADOWRIDGE CV	BURLESON, PEGGY	101 MEADOWRIDGE CV	SAN MARCOS	TX	78666-2251
R70221	OLD RANCH ROAD 12	CENTURY TELEPHONE OF SAN MARCOS	PO BOX 4065	MONROE	LA	71211-4065
R41756	100 SUNDERLAND CV	COLES MIKKI LYN	100 SUNDERLAND CV	SAN MARCOS	TX	78666
R23368	1814 RAMONA CIR	COST DARWIN E & GERALDINE A	1603 MUSTANG LN	SAN MARCOS	TX	78666-1118
R41779	1601 LANCASTER ST	CRANSHAW PATRICK H & DONNA A	7226 LAKEWOOD DR	DALLAS	TX	75214-3510
R41754	1812 LANCASTER ST	DANIELS STEPHANIE KAY	1812 LANCASTER ST	SAN MARCOS	TX	78666-2253
R41746	1600 LANCASTER ST	DAVIDSON TRAVIS LEE	1600 LANCASTER ST	SAN MARCOS	TX	78666-2240
R41781	1605 LANCASTER ST	DEMARTINO DON M & REBECCA L	7335 HAMPTON CT	LUMBERTON	TX	77657-9201
R36816	1720 RAMONA CIR	DIAL, KATHLEEN	PO BOX 1137	ARGYLE	TX	76226-1137
R14207	1737 OLD RANCH ROAD 12	EDWARDS BARBARA	1324 ROSE DR	ALICE	TX	78332-3736
R37876	1614 LANCASTER ST	FLANDERS MARY JO ESTATE	1614 LANCASTER ST	SAN MARCOS	TX	78666
R41762	2002 LANCASTER ST	FOTO KEVIN J & STRIGHT-FOTO MICHELLE	16338 MAPLE DOWNS LN	SUGARLAND	TX	77498
R41761	2000 LANCASTER ST	HANSEN, DAN	2000 LANCASTER	SAN MARCOS	TX	78666
R37875	1612 LANCASTER ST	HARDEMAN, FELICIA	1612 LANCASTER	SAN MARCOS	TX	78666
R23371	1808 RAMONA CIR	HENCH INGRID	1808 RAMONA CIR	SAN MARCOS	TX	78666
R13227	1703 OLD RANCH ROAD 12	JAFFER MOHAMMED A & SALIMA L	249 MARY MAX CIR	SAN MARCOS	TX	78666-2997
R41785	102 MEADOWRIDGE CV	JOHNSON MICHAEL L & EDNA M	102 MEADOWRIDGE CV	SAN MARCOS	TX	78666
R41793	1903 LANCASTER ST	LAMPMAN RONALD & TRUDE	1903 LANCASTER ST	SAN MARCOS	TX	78666
R41794	1905 LANCASTER ST	LONG BENNETT A & CAROL	1905 LANCASTER ST	SAN MARCOS	TX	78666
R41780	1603 LANCASTER ST	MADDUX RON	1603 LANCASTER ST	SAN MARCOS	TX	78666-2241
R41755	1816 LANCASTER ST	MARTIN, ANN ELIZABETH	1816 LANCASTER ST	SAN MARCOS	TX	78666
R41784	105 MEADOWRIDGE CV	MASTERS ROBERT M & LESLIE H	105 MEADOWRIDGE CV	SAN MARCOS	TX	78666
R87379	1720 OLD RANCH ROAD 12	MGP XXIII LLC	1920 Main ST STE 1200	Irvine	CA	92614-7230
R41759	103 SUNDERLAND CV	MILLER TROY L & NANCIGAIL G	103 SUNDERLAND CV	SAN MARCOS	TX	78666
R18817	1715 OLD RANCH ROAD 12	MOFFITT DEBRA & MICHAEL L	17009 S RIDGE LN	AUSTIN	TX	78734-1236
R41757	102 SUNDERLAND CV	MOORE AMANDA ANN &	102 SUNDERLAND CV	SAN MARCOS	TX	78666
R41753	1808 LANCASTER ST	MURPHEY SEAN J	1808 LANCASTER ST	SAN MARCOS	TX	78666-2253
R41791	100 AUTUMN CV	PARKER RONALD T & KATHY JO	100 AUTUMN CV	SAN MARCOS	TX	78666
R41750	1712 LANCASTER ST	PENLAND LINDEN C & ANNE M	1712 LANCASTER ST	SAN MARCOS	TX	78666
R41749	1708 LANCASTER ST	PENNINGTON YVETTE	1708 LANCASTER ST	SAN MARCOS	TX	78666-2252

Property ID	Subject Address	Owner	Address	City	State	ZIP
R41751	1800 LANCASTER ST	PIERSOL JOHN MARK	1800 LANCASTER ST	SAN MARCOS	TX	78666-2253
R41788	103 AUTUMN CV	PRATT ANN L & ESTATE OF RALPH S	103 AUTUMN CV	SAN MARCOS	TX	78666
R41789	105 AUTUMN CV	PYLES WENDELL	105 AUTUMN CV	SAN MARCOS	TX	78666
R37874	1610 LANCASTER ST	RAMSEY GAYLE S	415 N GUADALUPE ST # 234	SAN MARCOS	TX	78666-5719
R41787	101 AUTUMN CV	REED KARI & KYLE	101 AUTUMN CV	SAN MARCOS	TX	78666-2254
R41783	103 MEADOWRIDGE CV	ROBINSON KATHLEEN	103 MEADOWRIDGE CV	SAN MARCOS	TX	78666-2251
R41786	100 MEADOWRIDGE CV	ROIG ANDREW J	100 MEADOWRIDGE CV	SAN MARCOS	TX	78666
R18821	1701 OLD RANCH ROAD 12	SAN MARCOS SUNNY FOODS INC	1604 SHADY BRK	SCHERTZ	TX	78154
R41758	105 SUNDERLAND CV	SANDERS JIM B & MARIA E	105 SUNDERLAND CV	SAN MARCOS	TX	78666
R37877	1616 LANCASTER ST	SINGLE FAMILY INVESTMENTS LTD	8610 NORTH NEW BRAUNFELS STE 5	SAN ANTONIO	TX	78217
R41760	101 SUNDERLAND CV	SLOCOMBE ERIC B & PAULA R	101 SUNDERLAND CV	SAN MARCOS	TX	78666
R23369	1812 RAMONA CIR	SOTO RACHEL & REBECCA	1812 RAMONA CIR	SAN MARCOS	TX	78666
R37872	1606 LANCASTER ST	SPARKS ELVIN L JR & THOMASINE P	1606 LANCASTER	SAN MARCOS	TX	78666
R23370	1810 RAMONA CIR	STANEK MATTHEW & PATRICIA	11703 JOHNSON RD	LEANDER	TX	78641
R14212	1807 OLD RANCH ROAD 12	TEXAS HOME MORTGAGE INC	215 W TRAVIS	SAN ANTONIO	TX	78205
R130234	1700 OLD RANCH ROAD 12	TEXAS INDEPENDENT PROPERTY HOLDINGS LLC	P O BOX 1159	DEERFIELD	IL	60015
R14209	1727 OLD RANCH ROAD 12	TEXAS STATE UNIVERSITY-SAN MARCOS	601 UNIVERSITY DR	SAN MARCOS	TX	78666-4684
R41752	1804 LANCASTER ST	THAYER VAUGHN L & SHIRLEY J	1804 LANCASTER ST	SAN MARCOS	TX	78666
R36817	1724 RAMONA CIR	THOMPSON JAMES F III & TAMERA	1724 RAMONA CIR	SAN MARCOS	TX	78666-2200
R41747	1700 LANCASTER ST	TORRES, CHRISTOPHER A	1700 LANCASTER	SAN MARCOS	TX	78666
R23373	1804 RAMONA CIR	TRLICEK TIFFANY &	102 CAPRI	SUGAR LAND	TX	77478
R23367	1816 RAMONA CIR	VANDALL DEANNA G	1816 RAMONA CIR	SAN MARCOS	TX	78666-2249
R91859	OLD RANCH ROAD 12	WHEELOCK, TAD	PO BOX 1307	MASON	TX	76856-1307
R41790	102 AUTUMN CV	ZOOK, ROBERT	525 HUNTERS HILL	SAN MARCOS	TX	78666
	CONA	JOSE CANTU	1120 DEBBIE CT	SAN MARCOS	TX	78666
	Neighborhood Commission	LIZBETH DOBBINS	2705 LESLIE LN	SAN MARCOS	TX	78666
	CONA	SARA LEE UNDERWOOD-MYERS	1415 HARPER DR	SAN MARCOS	TX	78666

Future Development (FD) VS. Single Family (SF-6)

Section 5.1.1.2 Land Use Matrix

Table 5.1 Land Use Matrix

Types of Land Uses	Conventional Residential				Neighborhood Density Districts				Character Districts						Special Districts					Definition Use Standards
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Agricultural Uses																				
Barns or agricultural buildings	P	L	--	--	--	--	--	--	P	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.1
Stables	P	L	--	--	--	--	--	--	--	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.2
Community Garden	P	P	L	L	L	L	L	--	P	P	L	L	L	L	P	P	P	P	P	Section 5.1.2.3
Urban Farm	P	C	C	C	C	L	L	C	P	P	L	L	C	C	P	P	--	P	C	Section 5.1.2.4
Plant Nursery	L	--	--	--	--	--	--	P	--	L	--	--	P	P	P	P	P	--	P	Section 5.1.2.5
Accessory Uses and Structures																				
Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1
Accessory Dwelling Unit	L	L	L	L	L	L	P	P	--	P	L	P	P	P	--	--	--	--	--	Section 5.1.3.1
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	L	P	--	L	Section 5.1.3.2
Outdoor Display	--	--	--	--	--	--	--	L	--	--	--	--	L	L	P	--	--	--	L	Section 5.1.3.2
Food Truck	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.3.1
Drive-thru or Drive-in	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.3.2
Home Occupation	L	L	L	L	L	L	L	--	--	L	L	L	--	--	--	--	--	--	--	Section 5.1.3.4
Family Home Care	P	P	P	P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.3.5
Short Term Rental	L	L	L	L	L	L	L	P	--	L	L	P	P	P	--	--	--	L	P	Section 5.1.3.6
Residential Uses																				
Single Family Detached	P	L	L	L	L	L	L	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Cottage Court	--	--	--	--	--	L	L	--	--	--	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Two Family	--	--	--	--	--	L	L	--	--	--	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Single Family Attached	--	--	--	--	L	L	L	L	--	--	P	P	P	P	--	--	--	--	--	Section 5.1.4.1
Small Multi-Family (up to 9 units)	--	--	--	--	--	L	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Courtyard Housing (up to 24 units)	--	--	--	--	--	--	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Multi-family (10 or more units)	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Purpose Built Student Housing	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	--	Section 5.1.4.1
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Mobile Home Community	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1

Table 5.1 Land Use Matrix

Types of Land Uses	Conventional Residential				Neighborhood Density Districts				Character Districts						Special Districts					Definition Use Standards
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Community Home	L	L	L	L	L	L	P	P	--	P	P	P	P	P	--	--	--	L	--	Section 5.1.4.12
Fraternity or Sorority Building	--	--	--	--	--	--	C	C	--	--	--	C	P	P	--	--	--	--	--	Section 5.1.4.12
Commercial Uses																				
Professional Office	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	P	--	--	P	Section 5.1.5.1
Medical, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.2
Urgent care, emergency clinic, or hospital	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	--	--	P	Section 5.1.5.2
Nursing/ retirement home	--	--	--	--	--	--	P	P	--	--	--	P	P	P	P	--	--	--	P	Section 5.1.5.2
Personal Services, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (indoor)	C	--	--	--	--	--	--	P	--	--	--	--	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (outdoor)	C	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.3
Funeral Home	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.3
Adult Oriented Businesses	See Section 18, Article 6 of the City Code																			
All Retail Sales, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.4
Gasoline Sales	--	--	--	--	--	--	--	L	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.4
Truck stop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L	--	--	--	L	Section 5.1.5.4
Tattoo, body piercing	--	--	--	--	--	--	C	C	--	--	--	C	P	P	P	--	--	--	P	Section 5.1.5.4
Building material sales	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	P	P	--	P	Section 5.1.5.4
Vehicle Sales/ Rental	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.4
Pawnshop	--	--	--	--	--	--	--	C	--	--	--	C	P	P	P	--	--	--	P	Section 5.1.5.4
Restaurant/ Bar, as listed below:																				
Eating Establishment	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.5
Bar	--	--	--	--	--	--	--	C	--	--	--	--	C	C	C	--	--	--	C	Section 5.1.5.5
Mobile Food Court	--	--	--	--	--	--	--	C	--	--	--	--	P	P	--	--	--	--	--	Section 5.1.5.5
Sale of Alcohol for on premise consumption	--	--	--	--	--	--	C	C	--	--	--	C	C	C	C	--	--	--	C	Section 5.1.5.5
Overnight Lodging, as listed below:																				Section 5.1.5.6
Bed and Breakfast (up to 8 rooms)	L	C	C	C	C	L	L	P	--	P	C	P	P	P	--	--	--	--	P	Section 5.1.5.6
Boutique Hotel (9 - 30 rooms)	--	--	--	--	--	--	C	P	--	--	--	P	P	P	--	--	--	--	P	Section 5.1.5.6

Table 5.1 Land Use Matrix

Types of Land Uses	Conventional Residential				Neighborhood Density Districts				Character Districts						Special Districts					Definition Use Standards
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Hotel/ Motel (more than 30 rooms)	--	--	--	--	--	--	--	P	--	--	--	--	P	P	--	--	--	--	P	Section 5.1.5.6
Outdoor Recreation, except as listed below:	--	--	--	--	--	--	--	C	--	--	--	--	P	C	P	--	--	--	P	Section 5.1.5.7
Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	--	--	C	C	Section 5.1.5.7
Traveler Trailers/ RVs Short Term stays	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Section 5.1.5.7
Shooting Range	C	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.7
Indoor Recreation, except as listed below:	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.5.8
Gym/ Health club	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	P	P	--	P	Section 5.1.5.8
Smoking Lounge	--	--	--	--	--	--	--	C	--	--	--	--	P	C	--	--	--	--	P	Section 5.1.5.8
Charitable Gaming Facility	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	--	--	--	C	Section 5.1.5.8
Public & Institutional																				
Civic, except as listed below:	P	L	L	L	L	L	P	P	L	L	L	P	P	P	P	P	P	P	P	Section 5.1.6.1
Day Care Center	C	--	--	--	C	C	L	P	--	C	C	L	P	P	P	--	--	--	P	Section 5.1.6.1
Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.2
Minor Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.3
Major Utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	Section 5.1.6.3
Antenna	See Section 5.1.6.3D																			
Industrial																				
Light Industrial	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	P	P	--	C	Section 5.1.7.1
Light Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.7.2
Vehicle Service, as listed below:																				Section 5.1.7.3
Car Wash	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (minor)	--	--	--	--	--	--	--	C	--	--	--	--	P	P	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (major)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	C	Section 5.1.7.3
Warehouse & Distribution	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	P	P	--	P	Section 5.1.7.4
Waste-Related service	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	P	P	--	--	Section 5.1.7.5
Wholesale trade	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	Section 5.1.7.6
Self Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	C	Section 5.1.7.7
Research and Development	--	--	--	--	--	--	--	--	--	--	--	--	C	C	P	P	P	--	C	Section 5.1.7.8
Wrecking/Junk Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Section 5.1.7.9

Section 9.3.1.2 Land Use Matrix

TABLE 9.1 LAND USE MATRIX

TYPES OF LAND USES	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
Agricultural Uses																	
Barns and Farm Equipment Storage	P																
Bulk Grain and/or Feed Storage/ Processing	P																
Farmers Market											P	P	P	C		C	C
Farms, General (Crops)	P										P	P					
Farms, General (Livestock/Ranch)	P																
Hay, Grain, and/or Feed Sales (Wholesale)	C																
Livestock Sales/Auction	C																
Plant Nursery (growing for commercial purposes but no retail sales on site)	P																
Stables	P																
Stables (Private, Accessory Use)	P	C										C					
Residential Uses																	
Accessory Building/Structure (No larger than 625 s.f. in size and 12' in height)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Building/Structure (Larger than 625 s.f. in size OR 12' in height)	P	C					P	P	P		C	C	P	C	C	P	P
Accessory Dwelling (One Accessory Dwelling Per Lot)	P	C									C	C	P	C	C	C	C
Bed and Breakfast Inn	C	C	C	C	C	C	P	P	P	P	P	P	C	P		P	P
Caretaker's/Guard's Residence											P	P	P	C	C	P	P
Community Home	P	P	P	P	P	P	P	P	P	P	P	P	P				
Residential Hall or Boarding House							P	P	P		C	C		C			
Duplex/Two-Family/Duplex Condominiums			P	P	P		P	P	P		C	C					
Family Home Child Care	P	P	P	P	P	P	P	P	P	P	P	P					
Four Family (Quadraplex) or Three Family (Tri-Plex)							P	P	P		C	C					
Fraternity or Sorority Building							C	C	C		C	C					
Home Occupation	See Section 5.1.3.4																
HUD code-Manufactured Home										P							
Loft Apartments							P	P	P		P	P		C	C	C	C
Multifamily (Apartments)							P	P	P		C	C	C				

TABLE 9.1 LAND USE MATRIX

TYPES OF LAND USES	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
Purpose Built Student Housing							C	C	C		C	C					
Senior Housing Community							P	P	P							P	P
Single Family Detached House	P	P	P	P	P	P	P	P	P	P	P	P	C	C			
Single Family Industrialized Home	P	P	P	P	P	P	P	P	P	P	P	P	C	C			
Single Family Townhouse (Attached)				P	P		P	P	P		P	P					
Single Family Zero Lot Line/Patio Homes					C	P	P	P	P		C	C					
Office Service Type Uses																	
Armed Services Recruiting Center											P	P	P	P	P	P	P
Bank or Savings and Loan (w/o Drive-thru)											P	P		C	P	P	P
Band or Savings and Loan (w Drive-thru)											C	C		C	C	P	P
Check Cashing Service											C	C		P		P	P
Offices (Health Services)											P	P		P	P	P	P
Offices (Medical Office)											P	P		P	P	P	P
Offices (Professional)											P	P	C	P	P	P	P
Call Service Center																P	P
Personal and Business Service Uses																	
Appliance Repair											C	C		C		P	P
Artist or Artisans Studio	P										P	P	C	P		P	P
Ambulance Service (Private)													P	C		C	P
Automobile Driving School (including Defensive Driving)											P	P	P	C	C	P	P
Automatic Teller Machines (ATM's)											P	P	P	P		P	P
Barber/Beauty College (barber or cosmetology school or college)													P	C	C	P	P
Barber/Beauty Shop, Haircutting (non-college)											P	P		P	C	P	P
Bed and Breakfast (No Permanent Residence)	C						P	P	P	P	P	P		C		P	P
Communication Equipment (Installation and/or Repair - No outdoor sales or storage)																C	P
Dance/Drama/Music Schools (Performing Arts)											P	P	P	P	C	P	P
Extended Stay Hotels/Motels (Residence hotels)											C	C				C	P

TABLE 9.1 LAND USE MATRIX

TYPES OF LAND USES	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
Exterminator Service (No outdoor sales or storage)											P	P					P
Funeral Home																	P
Hotel/Motel											P	P				C	P
Kiosk (Providing A Retail Service)											P			C		P	P
Laundry/Dry Cleaning (Drop Off/Pick Up)											P	P		C		P	P
Martial Arts School											P	P	P	C	C	P	P
Medical Supplies and Equipment											P	P		P		P	P
Mini-Warehouse/Self Storage Units											C						C
Off-Premises Freestanding Sign																P	P
Photocopying/Duplicating/Copy Shop											P	P		C		P	P
Sexually Oriented Business							(See San Marcos City Code)										
Studio for Radio or Television (without tower)											P	P	P			P	P
Tool Rental (Indoor Storage only)											P			C		C	P
Tool Rental (with Outdoor Storage)																	C
Washateria/Laundry (Self Serve)														C		P	P
Retail and Service Type Uses																	
All Terrain Vehicle (go-carts) Dealer/Sales																C	P
Antique Shop (with outside storage)											C	C		C		C	P
Auto Dealer (Primarily New/Used Auto Sales as accessory use only)																	P
Auto Dealer, Used Auto Sales																C	P
Auto Supply Store for New and Rebuilt Parts											C	C				P	P
Bike Sales and/or Repair											P	P				P	P
Building Material Sales																	P
Cabinet Shop (Manufacturing)																	P
Convenience Store Without Gas Sales											P	P		C		P	P
Convenience Store With Gas Sales											C			C		C	P
Department Store																P	P
Food or Grocery Store with Gasoline Sales											C			C		C	P
Food or Grocery Store without Gasoline Sales											P	P		C		P	P

Table 9.1 Land Use Matrix

Types of Land Uses	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
Gravestone/Tombstone Sales																	C
Gun Smith																	C
Home Improvement Center (10,000 s.f. or more)											C	C				P	P
Lawnmower Sales and/or Repair											C	C				C	P
Liquor Sales (retail)																P	P
Market (Public, Flea)											C	C		C			C
Pharmacy											P	P		C		P	P
Plant Nursery (Retail Sales/Outdoor Storage)	P										C	C	C	C	C	P	P
Recycling Kiosk											P	P	P	C	C	P	P
Restaurant/Prepared Food Sales											P	P	C	C		P	P
Restaurant/Prepared Food Sales with beer/wine off-premises consumption																C	C
Restaurant/Prepared Food Sales with drive thru											C	C				P	P
Retail Store (Misc.) with Drive Thru Service											C	C				C	P
Retail Store (Misc.) without Drive Thru Service (Under 100,000 s.f. Bldg.)											C	C				P	P
Retail Store (100,000 s.f. or more Bldg.)																C	P
Retail Store (over 10,000 s.f. or more Bldg.) outside sales											C	C		C		C	P
Retail Store (under 10,000 s.f. or more Bldg.) outside sales											C	C		C		P	P
Retail Store (under 10,000 s.f. or more Bldg.) no outside sales											P	P		C		P	P
Security Systems Installation Company																	P
Shopping Center (Over 5 Acres)																P	P
Studio Tattoo or Body Piercing											C	C		C		P	P
Temporary Outdoor Retail Sales / Commercial Promotion (4 day time limit; Permit Required by Building Official)											P	P		C		P	P
Upholstery Shop (Non-Auto)																	P
Veterinarian (Indoor Kennels)											C	C				C	P
Woodworking Shop (Ornamental)											P	P		P		P	P
Transportation and Automotive Uses																	

TABLE 9.1 LAND USE MATRIX

TYPES OF LAND USES	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
General Vehicular Sales and Service											C	C				P	P
Auto Body Repair																	C
Auto Muffler Shop																P	P
Auto Paint Shop																	C
Auto Repair (General)											C	C				C	P
Auto Repair as an Accessory Use to Retail Sales											C	C				P	P
Auto Tire Repair/Sales (Indoor)											C	C				P	P
Auto Wrecker Service/Tow Yard																	
Car Wash (Self Service; Automated)											C	C				C	P
Full Service Car Wash (Detail Shop)											C	C				P	P
Heavy Load Vehicle Sales/Repair																	
Limousine/Taxi Service											C	C				P	P
Public Garage/Parking Structure											C	C	C		C	C	C
Tire Sales (Outdoors/Storage)																C	P
Transit Terminal																C	C
Truck Terminal																	C
Amusement and Recreational Uses																	
Amusement Services or Venues (Indoors)											C	C				C	P
Amusement Services or Venues (Outdoors)	C	C	C	C	C	C	C	C	C		C	C	C				P
Bar											C	C				C	C
Billiard/Pool Facility/Nightclub (Three or More Tables) No alcohol consumption																C	P
Smoking Lounge											C	C		C		C	P
Broadcast Station (with Tower)													P				
Charitable Gaming Facility																	C
Civic/Conference Center											P	P	P			C	P
Country Club (Private)	C	C	C	C	C	C	C	C	C		C	C		C		C	C
Dance Hall/Dancing Facility																C	P
Day Camp	C												C				P
Driving Range																	P
Fair Ground													P				

Table 9.1 Land Use Matrix

Types of Land Uses	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
Health Club (Physical Fitness; Indoors Only)											P	P		P		P	P
Motion Picture Theater (Indoors)											C	C				C	P
Motion Picture Studio, Commercial Film																	P
Museum (Indoors Only)											P	P	P	P		P	P
On-Premises Consumption of Alcohol											C	C		C		C	C
Park and/or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Travel Trailers/RVs (Short Term Stays)																	P
Rodeo Grounds													C				
RV/Travel Trailer Sales																	P
Tennis Court (Lighted)	C	C	C	C	P	C	P	P	P	P	C	C	P			C	C
Theater (Non-Motion Picture; Live Drama)											C	C	P			C	P
Institutional/Governmental Uses																	
Adult Day Care (No Overnight Stay)											P	P	P	C		P	P
Antenna (Non-Commercial)								See Section 5.1.6.3									
Antenna (Commercial)								See Section 5.1.6.3									
Assisted Living Facility/Hospice							P	P	P		P	P		C		P	P
Broadcast Towers (Commercial)								See Section 5.1.6.3									
Cellular Communications Tower/PSS								See Section 5.1.6.3									
Cemetery and/or Mausoleum	C												P				
Child Day Care (Business)											P	P	C	C		P	P
Meeting Place/Nonreligious			C	C	C	C					P	P		C		P	P
Place of Religious Assembly/Church	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Clinic (Medical)											P	P	P	C	P	P	P
Electrical Generating Plant													C				
Electrical Substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C
Emergency Care Clinic											P	P		C		P	P
Franchised Private Utility (not listed)								See Section 5.1.6.3									
Fraternal Organization/Civic Club											P	P		C		P	P
Governmental Building or Use (Municipal, State or Federal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Heliport											C	C	C				C

TABLE 9.1 LAND USE MATRIX

TYPES OF LAND USES	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
Helistop (Non-Emergency)													C				
Household Care Facility	C	C	C	C	C	C	C	C	C	C	C	C	P				
Hospital (Acute Care/Chronic Care)							C	C	C		C	C	P	C	C	C	P
Nursing/Convalescent Home							P	P	P		P	P		C		P	P
Philanthropic organization											P	P		C	P	P	P
Post Office (Private)											P	P	P	P	P	P	P
Post Office (Governmental)	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P
Radio/Television Tower (Commercial)								See Section 5.1.6.3									
Rectory/Parsonage with Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Retirement Home/Home for the Aged							P	P	P		P	P				P	P
School, K through 12 (Private)	C	C	C	C	C	C	C	C	C	C	C	C	P	P		P	P
School, K through 12 (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
School, Vocational (Business/Commercial Trade)											C	C	P	C		P	P
University or College													P				
Commercial and Wholesale Trade Uses																	
Auction Sales (Non-Vehicle)																	P
Bio-Medical Facilities																	
Caterer											P	P		C		C	C
Extermination Service																	P
Feed and Grain Store																	P
Furniture Manufacture																	
Maintenance/Janitorial Service											C	C		C			P
Manufactured Home Sales																	
Metal Fabrication Shop																	C
Moving Storage Company																	C
Portable Building Sales																	P
Taxidermist																	P
Transfer Station (Refuse/Pick-up)																	
Veterinarian (Outdoor Kennels or Pens)	C																
Warehouse/Office and Storage																	C
Welding Shop																	

TABLE 9.1 LAND USE MATRIX

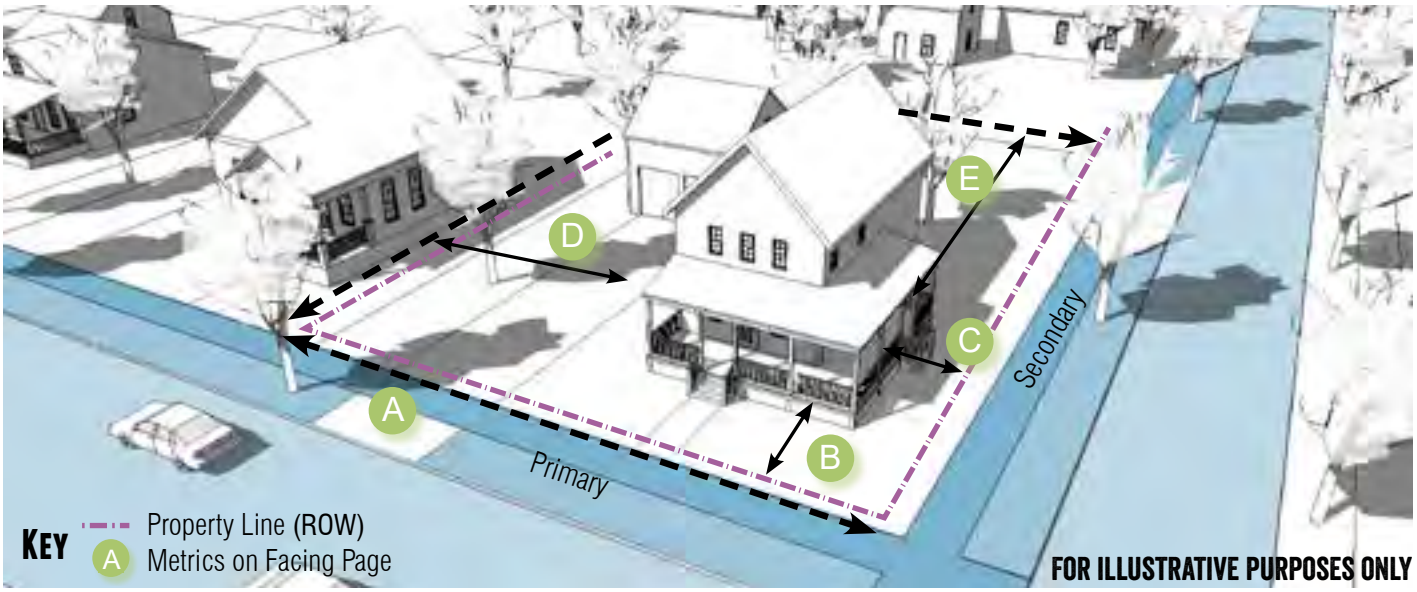
TYPES OF LAND USES	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
Industrial/Manufacturing Uses																	
Aircraft Support and Related Services													P				
Airport													P				
Manufacturing																	
Contractor's Office/Sales, With Outside Storage including Vehicles																	
Contractor's Temporary On-Site Construction Office (only with permit)							Issued by Building Official										
Distribution Center																	
Electronic Assembly/High Tech Manufacturing																	P
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair																	
Food Processing (no Outside Public Consumption)																	
Laboratory Equipment Manufacturing																	
Leather Products Manufacturing																	
Machine Shop																	
Manufacturing Processes not Listed																	
Marble or Stone Finishing																	
Micro Brewery (onsite mfg. and sales)											C	C				C	C
Motor Freight Terminal																	
Outside Storage (as primary use)																	C
Paint Manufacturing																	
Petroleum Bulk Storage																	
Plastic Products Molding/Reshaping																	
Research Lab (Non-Hazardous)															C		C
Sand/Gravel Sales (Storage or Sales)																	
Sign Manufacturing																	
Stone/Clay/Glass Manufacturing																	
Wrecking/Junk Yard																	

Zoning District Comparison Chart

Topic	*Existing Zoning:* **Future Development (FD)**	*Existing Zoning:* **Community Commercial (CC)**	*Proposed Zoning:* **Single Family (SF-6)**
Zoning Description	The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.	The CC, Community Commercial is established to provide areas for quality larger general retail establishments and services facilities for the retail sale of goods and services. The district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses.	The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.
Uses	Residential *(See Land Use Matrix)*	Commercial. *(See Land Use Matrix)*	Single-family residential. *(See Land Use Matrix)*
Parking Location	No location standards	No location standards	No location standards
Parking Standards	2 spaces per dwelling unit (if single family detached)	Varies based on use.	1 space per dwelling unit.
Max Residential Units / acre	0.4 units per acre (max)	N/A	5.5 units per acre (max)
Occupancy Restrictions	N/A	N/A	N/A
Landscaping	Tree and shrub requirements	10% - 15%	Tree and shrub requirements
Building Height (max)	2 stories	N/A	2 stories
Setbacks	50' front setback, 20 ft side setback, . Rear setback: 20% of the lot depth	20' front setback, 5 ft side setback, 5 ft rear setback	25' front Setback, 5' side setback, 20' rear set back.
Impervious Cover (max)	30%	80% (20% for Mystic Canyon due to location within Edwards Aquifer Recharge Zone).	50% (20% for Mystic Canyon due to location within Edwards Aquifer Recharge Zone).
Lot Sizes	Allows a variety of lot sizes depending on Building Type.	Allows a variety of lot sizes depending on Building Type.	Allows a variety of lot sizes depending on Building Type.
Streetscapes	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.	Conventional.	Residential, and Conventional.
Blocks	No Block Perimeter Required	3,000 ft. Block Perimeter max.	3,000 ft. Block Perimeter max.

SF-6

SECTION 4.4.1.3 SINGLE FAMILY - 6



General Description

The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.

Density

Units Per Gross Acre	5.5 max.
Impervious Cover	50% max.
Occupancy Restrictions	Section 5.1.4.1

Transportation

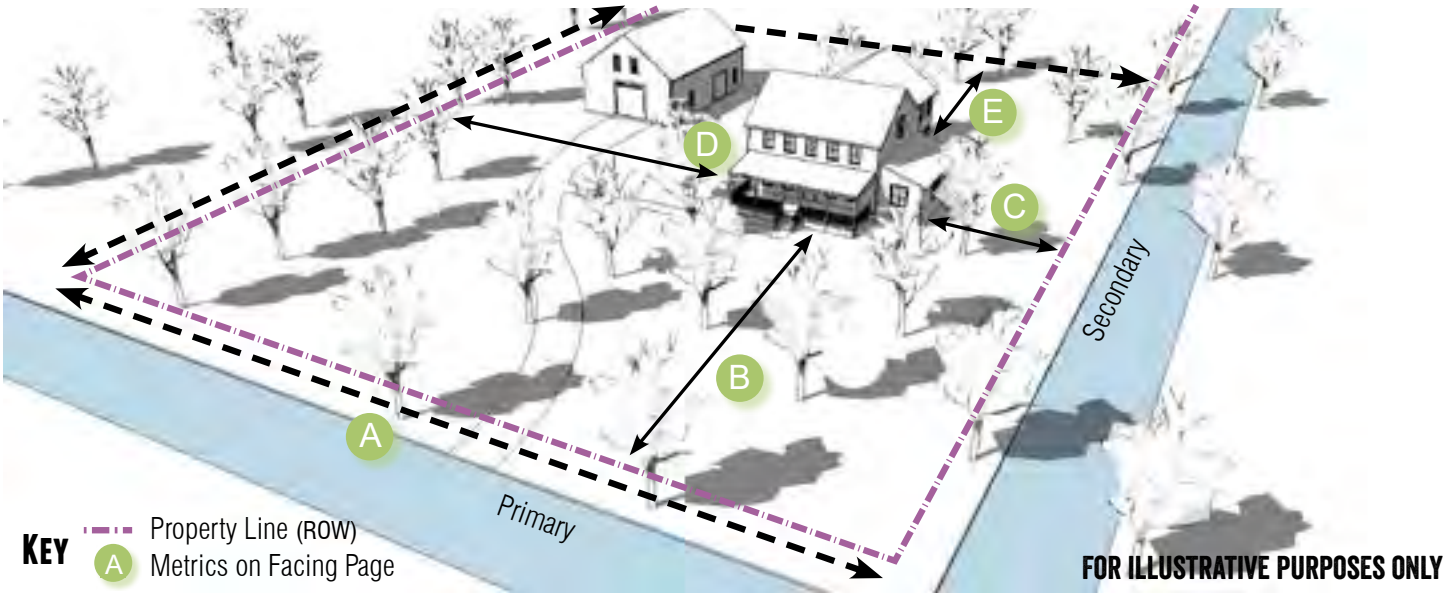
Block Perimeter	3,000 ft. max	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10
Sidewalks are not required for lots greater than 1 acre		

Building Types Allowed

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Cottage	Section 4.4.6.3
Civic	Section 4.4.6.15

FD

SECTION 4.4.1.1 FUTURE DEVELOPMENT DISTRICT



General Description

The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.

Density

Units Per Gross Acre	.4 max.
Impervious Cover	30% max.

Transportation

Streetscape Type	Residential	Section 3.8.1.10
Sidewalks are not required for lots greater than 1 acre		

Building Types Allowed

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Civic	Section 4.4.6.15

ZC-20-04 (Mystic Canyon) Zoning Change Review **(By Comp Plan Element)**

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (map amendment required)
Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?	X	

ECONOMIC DEVELOPMENT – Furthering the goal of the Core 4 through the three strategies

STRATEGY	SUMMARY	Supports	Contradicts	Neutral
Preparing the 21st Century Workforce	Provides / Encourages educational opportunities			**Applicant has not indicated that educational facilities will be included.**
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business			**Applicant will extend utilities to the site in order to develop.**
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity			**Applicant has not indicated that opportunities for jobs and services will be included.**

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint				X	X
Constraint by Class					
Cultural	X				
Edwards Aquifer					X
Endangered Species	X				
Floodplains	X				
Geological	X				
Slope		X			
Soils		X			
Vegetation	X				
Watersheds					
Water Quality Zone	X				

ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed:	**Purgatory Creek**				
	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed		**X**			
Notes: **The change in impervious cover under the Preferred Scenario is attributed to portions of the Paso Robles development, the Government Center, and downtown development. Purgatory Creek is a direct tributary of the San Marcos River, home of several endangered species. The Plan emphasizes the need to identify potential pollution from redevelopment as construction runoff and debris can wash into the creek during storm events.**					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	**Castle Forest**
Neighborhood Commission Area(s):	**Sector 2**

PARKS, PUBLIC SPACES AND FACILITIES –Availability of parks and infrastructure

				YES	NO
Will Parks and / or Open Space be Provided?				**X**	
Will Trails and / or Green Space Connections be Provided?				**X**	
The developer intends to dedicate more parkland than required due to impervious cover restrictions in the area.					
Maintenance / Repair Density	Low (maintenance)		Medium		High (maintenance)
Wastewater Infrastructure	**X**				
Water Infrastructure	**X**				
Public Facility Availability					
				YES	NO
Parks / Open Space within ¼ mile (walking distance)? **Upper Purgatory is adjacent to this property.**				**X**	
Wastewater service available? **The developer will be required to extend wastewater service through the site.**				**X**	
Water service available? **The developer will be required to extend water service through the site.**				**X**	

TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

		A	B	C	D	F
Existing Daily LOS	**Wonder World Drive** **Old Ranch Road 12**	**X**				 **X**
Existing Peak LOS	**Wonder World Drive** **Old Ranch Road 12**	**X**				 **X**
Preferred Scenario Daily LOS	**Wonder World Drive** **Old Ranch Road 12**	**X**				 **X**
Preferred Scenario Peak LOS	**Wonder World Drive** **Old Ranch Road 12**			**X**		 **X**
			N/A	Good	Fair	Poor
Sidewalk Availability			**X**			
Sidewalks are required to be built as part of the development.						
			YES		NO	
Adjacent to existing bicycle lane?					**X**	
Adjacent to existing public transportation route?					**X**	
Notes: **The closest CARTS bus route is Route 5 which is the Texas State/Outlet Malls route.**						

PLANNING AND DEVELOPMENT SERVICES

3/06/2020 **ZC-20-04**

UPDATE

Notice of Public Hearing
Zoning Change Request
Future Development to Single Family

Hold a public hearing and consider a request by Bill E. Couch, on behalf of Kali Kate Services Inc., for a zoning change from "FD" Future Development, "CC" Community Commercial, and "P" Public and Institutional\ to "SF-6" Single Family for approximately 5.217 aces, more or less, out of the Benjamin J. White, Thomas Forsith, Elijah Clark, and Robert H. Williams Surveys, generally located east of the intersection of Old Ranch Road 12 and Craddock Avenue.

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing and will either approve or deny the request. This recommendation will be forwarded to the San Marcos City Council. Before making a decision, the Commission and Council will hold public hearings to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the Planning Zoning Commission Meeting on **Tuesday, March 24, 2020** at 6:00 p.m. in the Council Chambers in City Hall, 630 East Hopkins.

- A public hearing will be held at the City Council Meeting on **Tuesday, April 21, 2020** at 6:00 p.m. in the Council Chambers in City Hall, 630 East Hopkins.

All interested citizens are invited to attend and participate in the public hearing. If you cannot attend but wish to comment, you may write to the below address. Your written comments will be given to the Planning & Zoning Commission and City Council if they are received before 5 PM on the day of the meeting.

Development Services-Planning
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager **Tory Carpenter,** at **(512) 393-8234**. When calling, please refer to case number **ZC-20-04.**

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

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	BIll E. Couch	**Property Owner**	Kali Kate Services Inc.
Company	Carlson Brigance and Doering, Inc.	**Company**	Same
Applicant's Mailing Address	5501 W. William Cannon Dr. Austin, TX 78749	**Owner's Mailing Address**	4550 FM 967 Buda, TX 78610
Applicant's Phone #	512 280-5160	**Owner's Phone #**	512 939-4015
Applicant's Email	bill@cbdeng.com	**Owner's Email**	DTIDWELLAUSTIN@GMAIL.COM

PROPERTY INFORMATION

Subject Property Address(es): OFF RR 12 , SAN MARCOS, TX 78666

Legal Description: Lot A0469 BENJAMIN WHITE/ FORS **Block** _____ **Subdivision** Mystic Canyon

Total Acreage: 5.217 **Tax ID #: R**91859 & 93222

Preferred Scenario Designation: SF-6 **Existing Zoning:** FD and CS

Existing Land Use(s): Vacant

DESCRIPTION OF REQUEST

Proposed Zoning District(s): SF-6

Proposed Land Uses / Reason for Change: In order to develop site into 6000 minimum sq. ft. lots for single family residences requires a zoning change from FD and CS to SF-6 to match the balance of the preliminary plan in review.

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee* $1,057 plus $100 per acre **Technology Fee $13** ***MAXIMUM COST $3,013***

**Existing Neighborhood Regulating Plan Included.*

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, David Tidwell (owner name) on behalf of

Kali Kate Services, Inc (company, if applicable) acknowledge that I/we

am/are the rightful owner of the property located at

~~4505~~ Old Ranch Rd 12 San Marcos Tx (address).

I hereby authorize Bill E. Couch (agent name) on behalf of

Carlson, Brigance and Doering, Inc. (agent company) to file this application for

Zoning, Subdivision & PICP (application type), and, if necessary, to work with

the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Date: 1/6/20

Printed Name, Title: DAVID TIDWELL PRESIDENT
KALI KATE SERVICES INC.

Signature of Agent: Date: 1/6/2020

Printed Name, Title: Bill E. Couch, Senior Project Manager

Form Updated October, 2019

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

The City of San Marcos 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 shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***

- 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 $91 plus a $13 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 $91 plus a $13 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: Bill E. Couch Date: 1-6-2020

Print Name: Bill E. Couch

Form Updated October, 2019

FIELD NOTES

BEING ALL OF THAT CERTAIN 0.999 ACRE (43,532 S.F.) TRACT OF LAND, SITUTATED THE BENJAMIN J. WHITE SURVEY NUMBER 13, ABSTRACT NUMBER 469, & THE ROBERT H. WILLIAMS SURVEY NUMBER 12, ABSTRACT NUMBER 470, HAYS COUNTY, TEXAS, BEING ALL OF A CALLED 1.00 ACRE TRACT OF LAND CONVEYED TO THAD WHEELOCK IN VOLUME 1453, PAGE 542, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 0.999 ACRE (43,532 S.F.) TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found at the southernmost corner of said 1.00 acre tract, being in the northwest line of Lot 24, Sendera Subdivision, recorded in Volume 6, Page 77, Plat Records of Hays County, Texas, same being at an eastern corner of a called 46.54 acre tract of land conveyed to Debra and Michael Moffitt in Volume 4252, Page 477, Official Public Records of Hays County, Texas, for the southernmost corner and the **POINT OF BEGINNING** of the herein described tract of land,

THENCE, along the common line of said 1.00 acre tract and said 46.54 acre tract, the following two (2) courses and distances, numbered 1 and 2,

1) N47°25'01"W, a distance of 172.16 feet to a 1/2 inch iron rod found at the westernmost corner of said 1.00 acre tract, being an interior corner of said 46.54 acre tract, for the westernmost corner of the herein described tract of land, and
2) N45°30'03"E, a distance of 257.58 feet to a calculated point at the northernmost corner of said 1.00 acre tract, being at an easternmost corner of said 46.54 acre tract, same being in the southwest line of Lot 1, R12 Plaza Subdivision, recorded in Volume 4, Page 264, Plat Records of Hays County, Texas, for the northernmost corner of the herein described tract of land,

THENCE, S47°21'31"E, along the southwest line of said Lot 1 and the northeast line of said 1.00 acre tract, a distance of 166.39 feet to a 1/2 inch iron rod found at the easternmost corner of said 1.00 acre tract, being in the northwest line of Lot 20, of said Sendera Subdivision, for the easternmost corner of the herein described tract of land,

THENCE, S44°13'10"W, along the northwest line of said Sendera Subdivision and the southeast line of said 1.00 acre tract, a distance of 257.18 feet to the **POINT OF BEGINNING** and containing 0.999 acres (43,532 S.F.) of land.

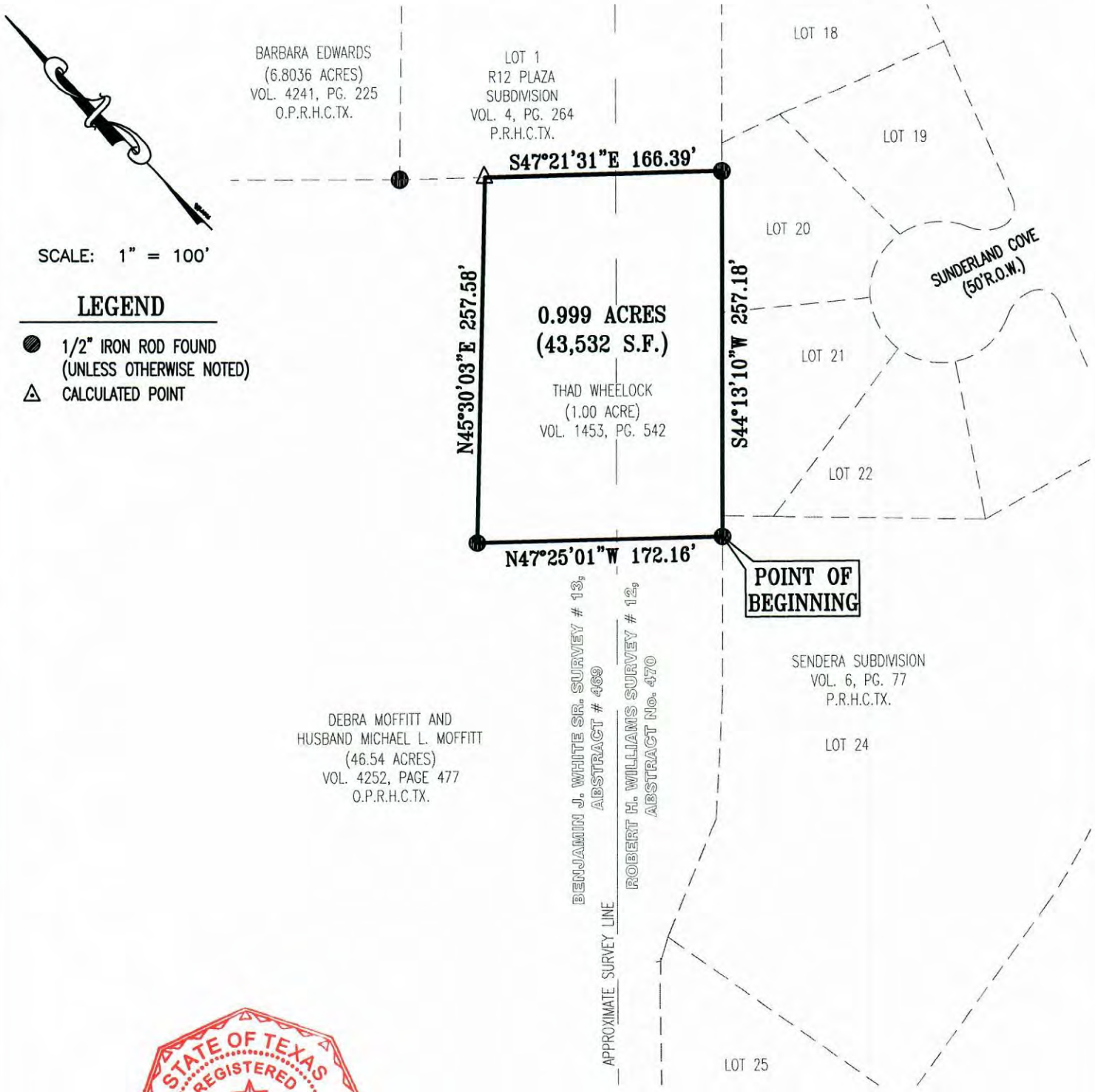
Surveyed by: 05 DEC 2019

Aaron Thomason, R.P.L.S. NO. 6214
Carlson, Brigance and Doering, Inc.
5501 West William Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
Aaron@cbdeng.com

STATE OF TEXAS
REGISTERED
AARON V. THOMASON
6214
PROFESSIONAL
LAND SURVEYOR

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

SKETCH TO ACCOMPANY FIELD NOTES



STATE OF TEXAS
REGISTERED
AARON V. THOMASON
6214
PROFESSIONAL
LAND SURVEYOR

05 Dec 2019

BEARING BASIS: TEXAS COORDINATE SYSTEM SOUTH CENTRAL ZONE (4204), NAD83

Carlson, Brigance & Doering, Inc.
FIRM ID #F3791 ◆ REG. # 10024900
Civil Engineering ◆ Surveying
5501 West William Cannon ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

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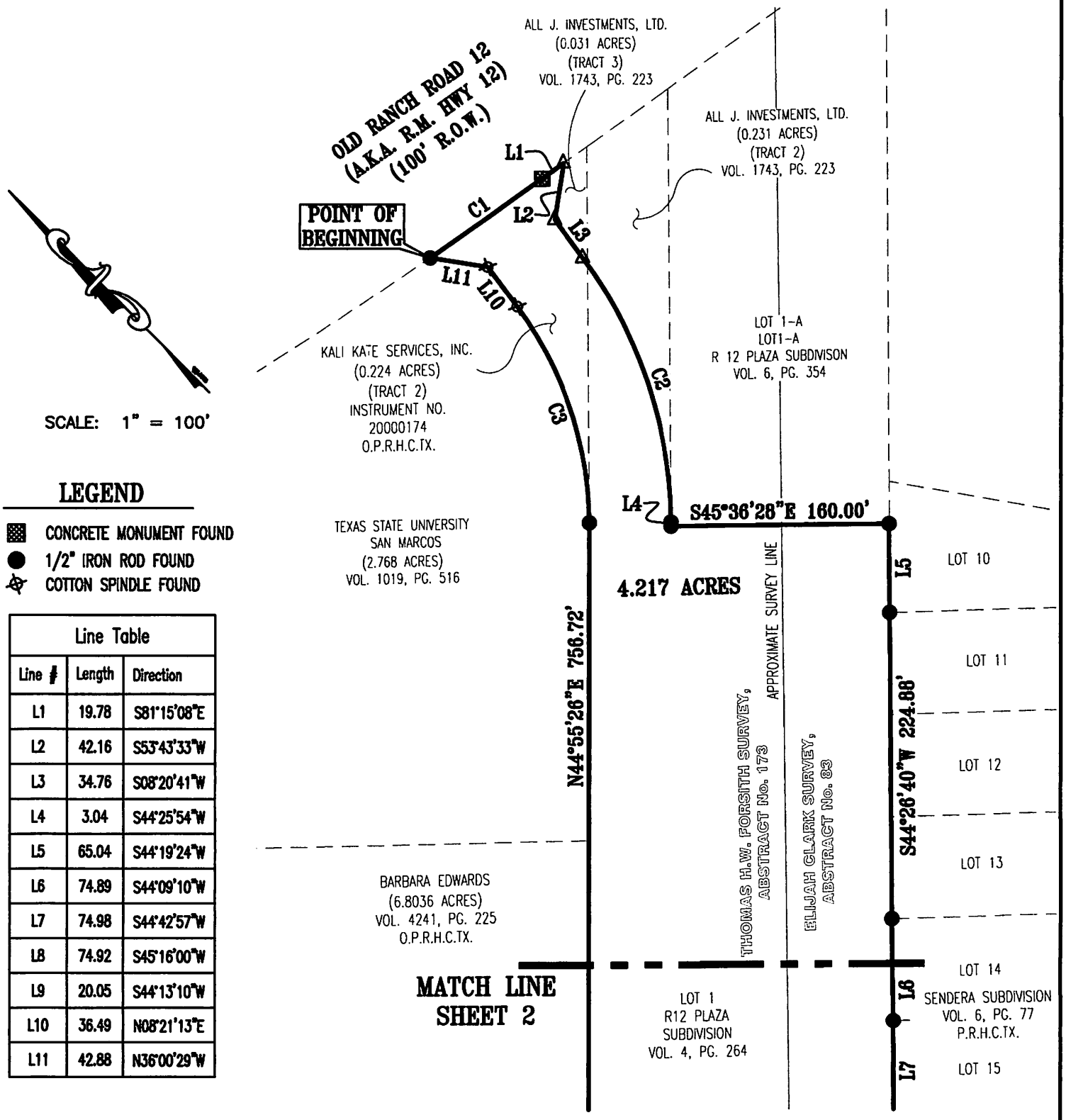
SKETCH TO ACCOMPANY FIELD NOTES



LEGEND

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- COTTON SPINDLE FOUND

Line Table		
Line #	Length	Direction
L1	19.78	S81°15'08"E
L2	42.16	S53°43'33"W
L3	34.76	S08°20'41"W
L4	3.04	S44°25'54"W
L5	65.04	S44°19'24"W
L6	74.89	S44°09'10"W
L7	74.98	S44°42'57"W
L8	74.92	S45°16'00"W
L9	20.05	S44°13'10"W
L10	36.49	N08°21'13"E
L11	42.88	N36°00'29"W

Curve Table						
Curve #	Length	Radius	Chord Direction	Chord Length	Tangent	DELTA
C1	100.25	3869.99	S80°10'37"E	100.25	50.13	1°29'03"
C2	207.85	330.00	S26°23'17"W	204.43	107.50	36°05'13"
C3	169.93	270.00	N26°24'25"E	167.14	87.89	36°03'37"

SHEET 1 OF 2

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

Carlson, Brigance & Doering, Inc.
FIRM ID #F3791 ◆ REG. # 10024900
Civil Engineering ◆ Surveying
5501 West William Cannon ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

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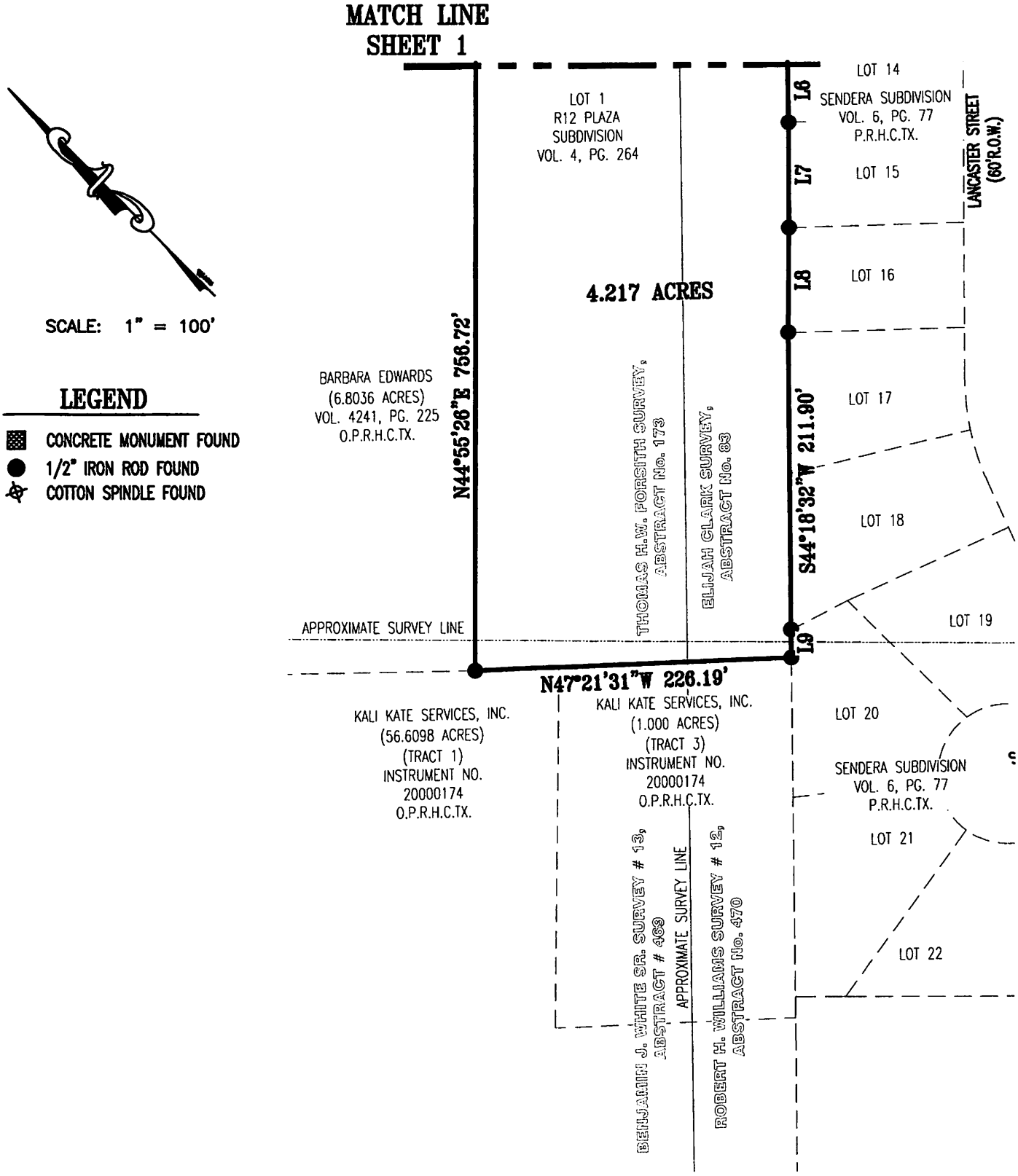
SKETCH TO ACCOMPANY FIELD NOTES



SHEET 2 OF 2

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

Carlson, Brigance & Doering, Inc.
FIRM ID #F3791 ◆ REG. # 10024900
Civil Engineering ◆ Surveying
5501 West William Cannon ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

PATH:– J:AC3D\5130\SURVEY\FN– ZONING.DWG

4.217 ACRES
BENJAMIN J. WHITE SURVEY NO. 13, ABSTRACT NO. 469
ROBERT H. WILLIAMS SURVEY NO. 12, ABSTRACT NO. 470
THOMAS H.W. FORSITH SURVEY, ABSTRACT NO. 173
ELIJAH CLARK SURVEY, ABSTRACT NO. 83
HAYS COUNTY, TEXAS

FIELD NOTES

BEING ALL OF THAT CERTAIN 4.217 ACRE TRACT OF LAND, SITUATED IN THE BENJAMIN J. WHITE SURVEY NUMBER 13, ABSTRACT NUMBER 469, THE ROBERT H. WILLIAMS SURVEY NUMBER 12, ABSTRACT NUMBER 470, THE THOMAS H. W. FORSITH SURVEY, ABSTRACT NO. 173, AND THE ELIJAH CLARK SURVEY, ABSTRACT NUMBER 83, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 0.224 ACRE TRACT OF LAND (TRACT 2) CONVEYED TO KALI KATE SERVICES, INC. IN DOCUMENT NUMBER 20000174, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND A PORTION OF LOT 1, R12 PLAZA SUBDIVISION, RECORDED IN VOLUME 4, PAGE 264, PLAT RECORDS OF HAYS COUNTY, TEXAS, SAID 4.217 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found at the northwest corner of said 0.224 acre tract, being at a northeast corner of a called 2.768 acre tract of land conveyed to Texas State University at San Marcos in Volume 1019, Page 516, Official Public Records of Hays County, Texas, same being at a point of beginning of a curve to the left in the south right-of-way line of Old Ranch Road 12 (100' R.O.W.), for a northwest corner and the **POINT OF BEGINNING** of the herein described tract of land,

THENCE, with the common boundary line of said Old Ranch Road 12 and said 0.224 acre tract, the following two (2) courses and distance numbered 1 and 2,

1) Along said curve to the left, having a radius of 3869.99 feet, an arc length of 100.25 feet, and a chord that bears S80°10'37"E, a distance of 100.25 feet to a TXDOT concrete highway monument,
2) S81°15'08"E, a distance of 19.78 feet to a calculated point at the northeast corner of a called 0.031 acre tract of land conveyed to All J. Investments, Ltd. in Volume 1743, Page 223, Official Public Records of Hays County, Texas, being in the north line of said 0.224 acre tract, for a northeast corner of the herein described tract of land,

THENCE, with the west line of said 0.031 acre tract, the west line of a called 0.231 acre tract of land conveyed to All J. Investments, Ltd. in Volume 1743, Page 223, Official Public Records of Hays County, Texas, over and across said 0.224 acre tract of land, and over and across said Lot 1, the following three (3) courses and distances, numbered 1 through 3,

1) S53°43'33"W, a distance of 42.16 feet to a calculated point at a western corner of said 0.031 acre tract, and
2) S08°20'41"W, a distance of 34.76 feet to a calculated point at the beginning of a curve to the right, and
3) Along said curve to the right, having a radius of 330.00, an arc length of 207.85 feet, and a chord that bears S26°23'17"W, a distance of 204.43 feet to a 1/2 inch iron rod found at a south corner of said 0.231 acre tract of land, being in the northwest line of Lot 1A, Lot 1-A R 12 Plaza Subdivision, a subdivision recorded in Volume 6, Page 354, Plat Records of Hays County, Texas, for an interior corner of the herein described tract of land,

THENCE, S44°25'54"W, with the northwest line of said Lot 1-A, and over and across said Lot 1, a distance of 3.04 feet to a 1/2 inch iron rod found at the westernmost corner of said Lot 1-A, for an interior corner of the herein described tract of land,

THENCE, S45°36'28"E, with the southwest line of said Lot 1-A and over and across said Lot 1, a distance of 160.00 feet to a 1/2 inch iron rod found at the southernmost corner of said Lot 1-A, being in the southeast line of said Lot 1, same being in the northwest line of Lot 10, Sendera Subdivision, a subdivision recorded in Volume 6, Page 77, Plat Records of Hays County, Texas, for an eastern corner of the herein described tract of land,

THENCE, with the southeast line of said Lot 1 and the northwest line of said Sendera Subdivision, the following seven (7) courses and distances, numbered 1 through 7,

1) S44°19'24"W, a distance of 65.04 feet to a 1/2 inch iron rod found for corner,
2) S44°26'40"W, a distance of 224.88 feet to a 1/2 inch iron rod found for corner,
3) S44°09'10"W, a distance of 74.89 feet to a 1/2 inch iron rod found for corner,
4) S44°42'57"W, a distance of 74.98 feet to a 1/2 inch iron rod found for corner,
5) S45°16'00"W, a distance of 74.92 feet to a 1/2 inch iron rod found for corner,
6) S44°18'32"W, a distance of 211.90 feet to a 1/2 inch iron rod found for corner, and
7) S44°13'10"W, a distance of 20.05 feet to a 1/2 inch iron rod found at the southernmost corner of said Lot 1, being in the northwest line of Lot 20, said Sendera Subdivision, and being at the easternmost corner of a called 1.00 acre tract of land (Tract 3) conveyed to Kali Kate Services, Inc. in Document Number 20000174, Official Public Records of Hays County, Texas, for the southernmost corner of the herein described tract of land,

THENCE, N47°21'31"E, along the southwest line of said Lot 1, the northeast line of said 1.00 acre tract, and the northeast line of a called 56.6098 acre tract of land (Tract 1) conveyed to Kali Kate Services, Inc. in Document Number 20000174, Official Public Records of Hays County, Texas, a distance of 226.19 feet to a 1/2 inch iron rod in the northeast line of said 46.54 acre tract, being at the westernmost corner of said Lot 1, same being at the southernmost corner of a called 6.8036 acre tract of land conveyed to Barbara Edwards in Volume 4241, Page 225, Official Public Records of Hays County, Texas,

THENCE, N44°55'26"E, with the northwest line of said Lot 1 and the southeast line of said 6.8036 acre tract, passing the easternmost corner of said 6.8036 acre tract and the southernmost corner and continuing for a total distance of 756.72 feet to a 1/2 inch iron rod found at the beginning of a curve to the left, being at the westernmost corner of the aforementioned 0.224 acre tract of land, for a northwestern corner of the herein described tract of land,

THENCE, with the common line of said 2.768 acre tract and said 0.224 acre tract, the following three (3) courses and distances, numbered 1 through 3,

1) Along said curve to the left, having a radius of 270.00 feet, an arc length of 169.93 feet, and a chord that bears N26°24'25"E, a distance of 167.14 feet to a cotton spindle found in asphalt,
2) N08°21'13"E, a distance of 36.49 feet to a cotton spindle found in asphalt, and
3) N36°00'29"W, a distance of 42.88 feet to the **POINT OF BEGINNING**, and containing 4.217 acres of land.

Surveyed by: _____

Derrick L. Mayfield, R.P.L.S. NO. 6456
Carlson, Brigance and Doering, Inc.
5501 West William Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
dlmayfield@cbdeng.com

STATE OF TEXAS
REGISTERED
DERRICK L. MAYFIELD
6456
PROFESSIONAL
LAND SURVEYOR

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

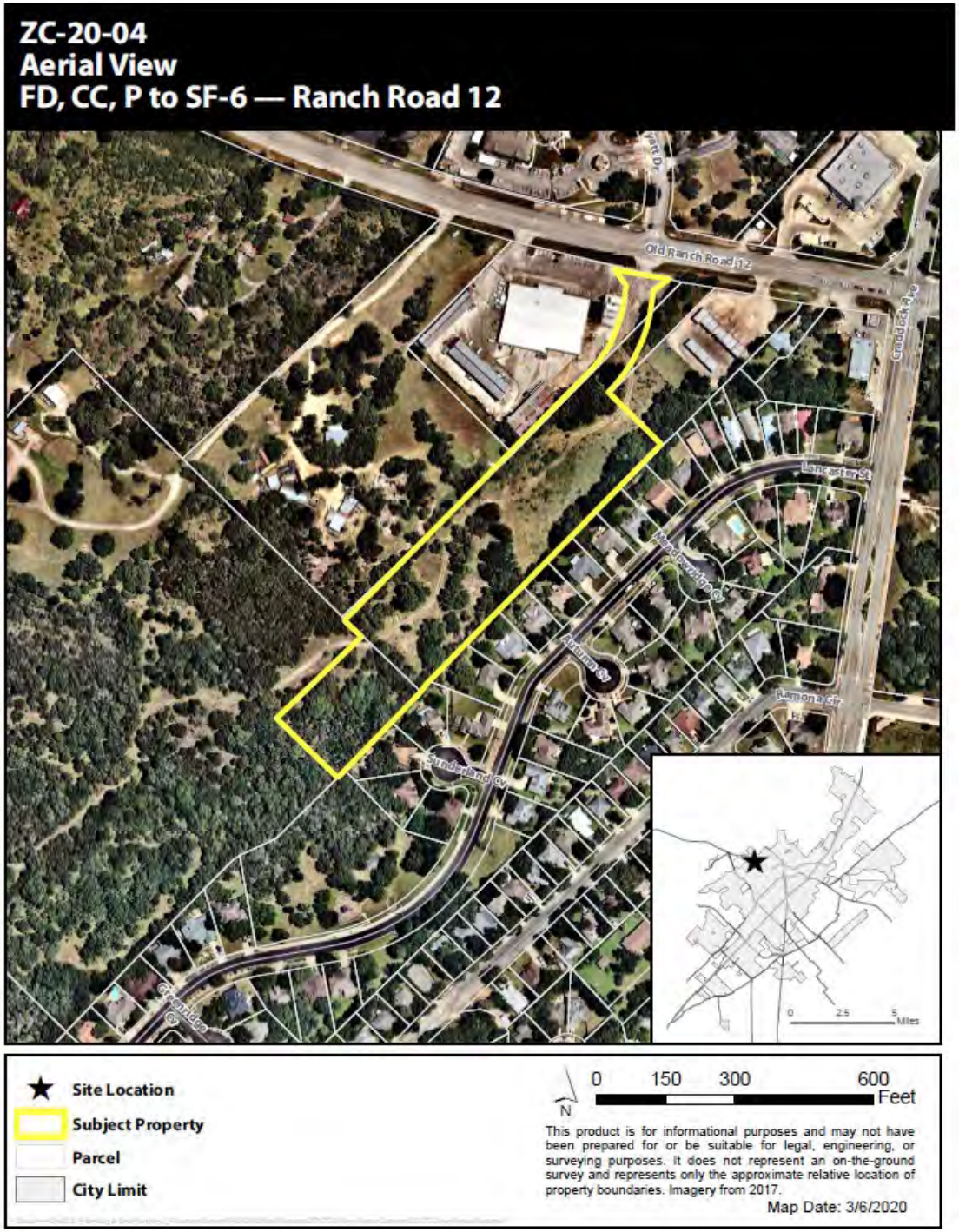
ZC-20-04 (Mystic Canyon)

Hold a public hearing and consider a request by Bill E. Couch, on behalf of Kali Kate Services Inc., for a zoning change from “FD” Future Development, “CC” Community Commercial, and “P” Public and Institutional to “SF-6” Single Family for approximately 5.217 aces, more or less, out of the Benjamin J. White, Thomas Forsith, Elijah Clark, and Robert H. Williams Surveys, generally located east of the intersection of Old Ranch Road 12 and Craddock Avenue. (T. Carpenter)

SAN MARCOS

Location:

- Approximately 5.217 acres
- **Current Configuration:** Vacant land
- Surrounding uses include:
  - Single-family residences
  - Multifamily
- Located within an Existing Neighborhood on the Preferred Scenario Map



SAN MARCOS

Context & History

- **Existing Zoning:**

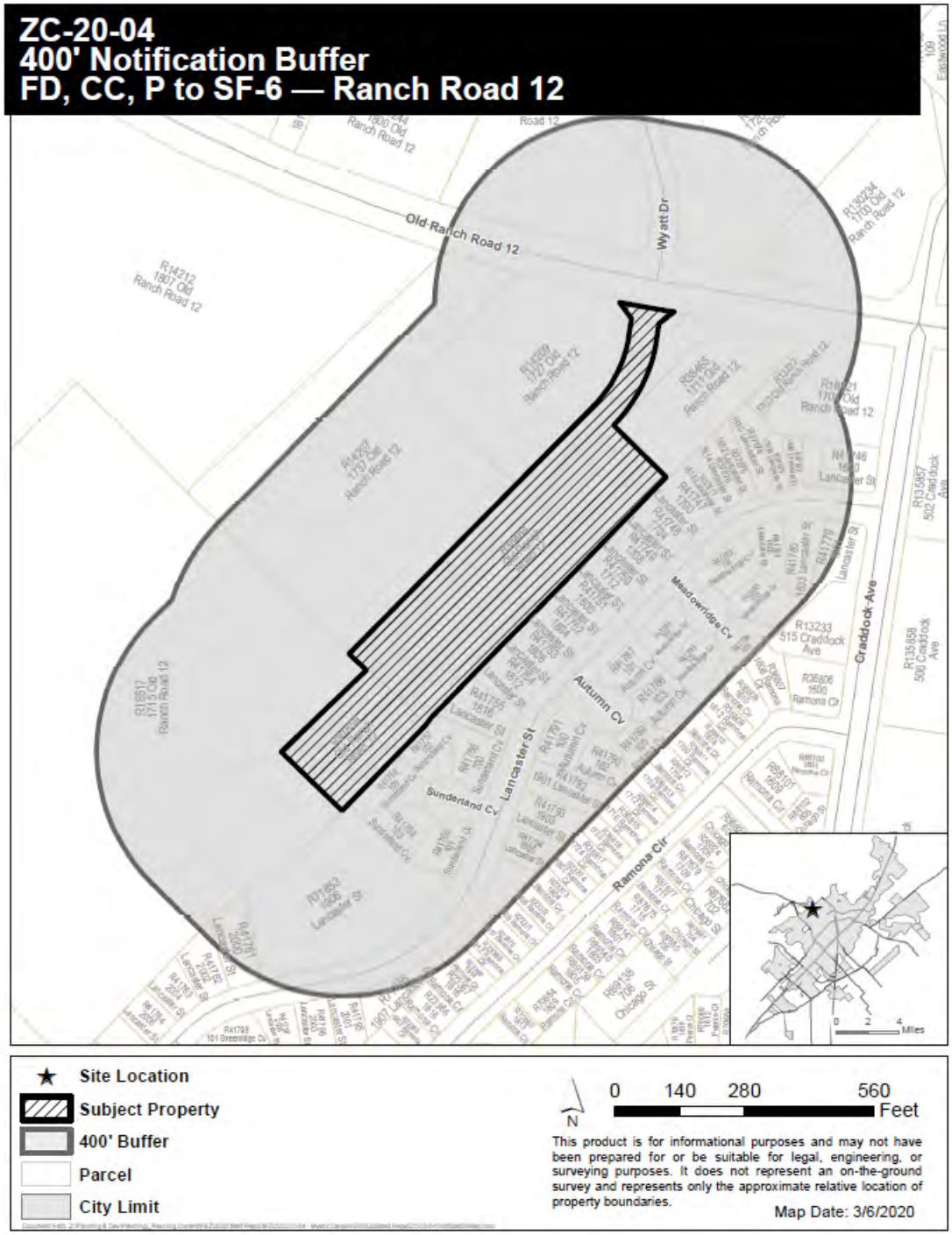
Future Development (FD)

- **Proposed Zoning:**

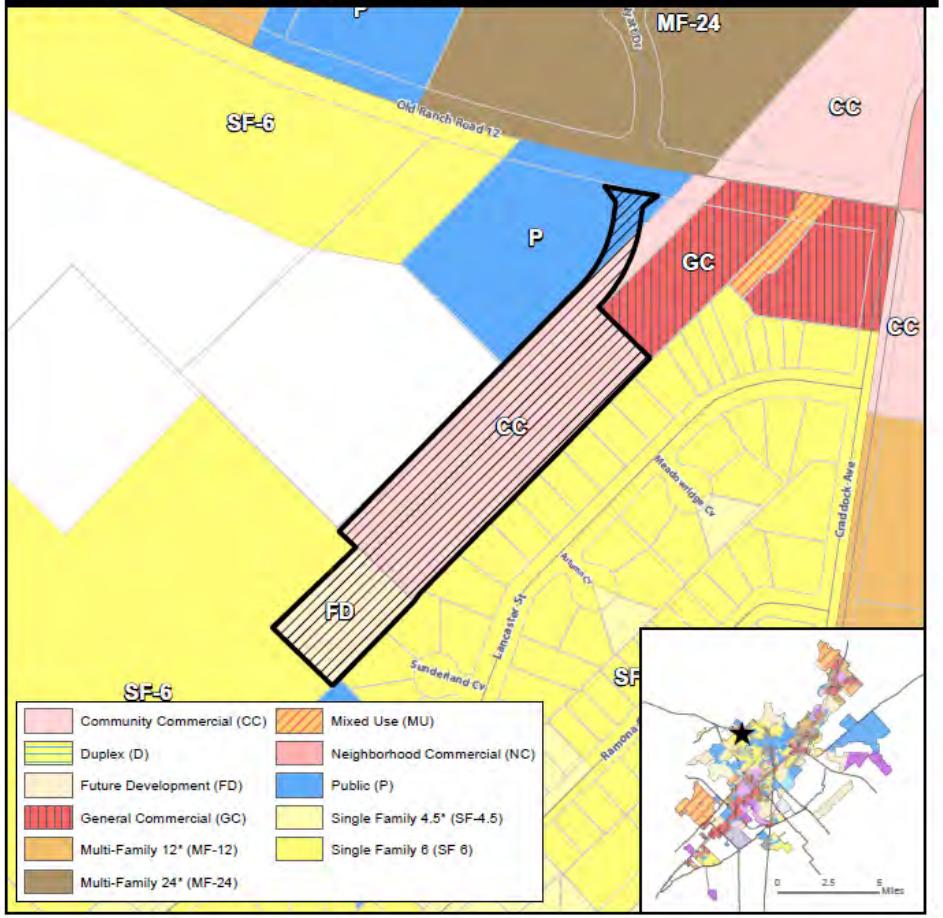
Single Family (SF-6)

- Proposed SF-6 zoning allows single-family detached units.

- Associated with Mystic Canyon zoning change which was approved in 2018.



ZC-20-04
Zoning Map
FD, CC, P to SF-6 — Ranch Road 12



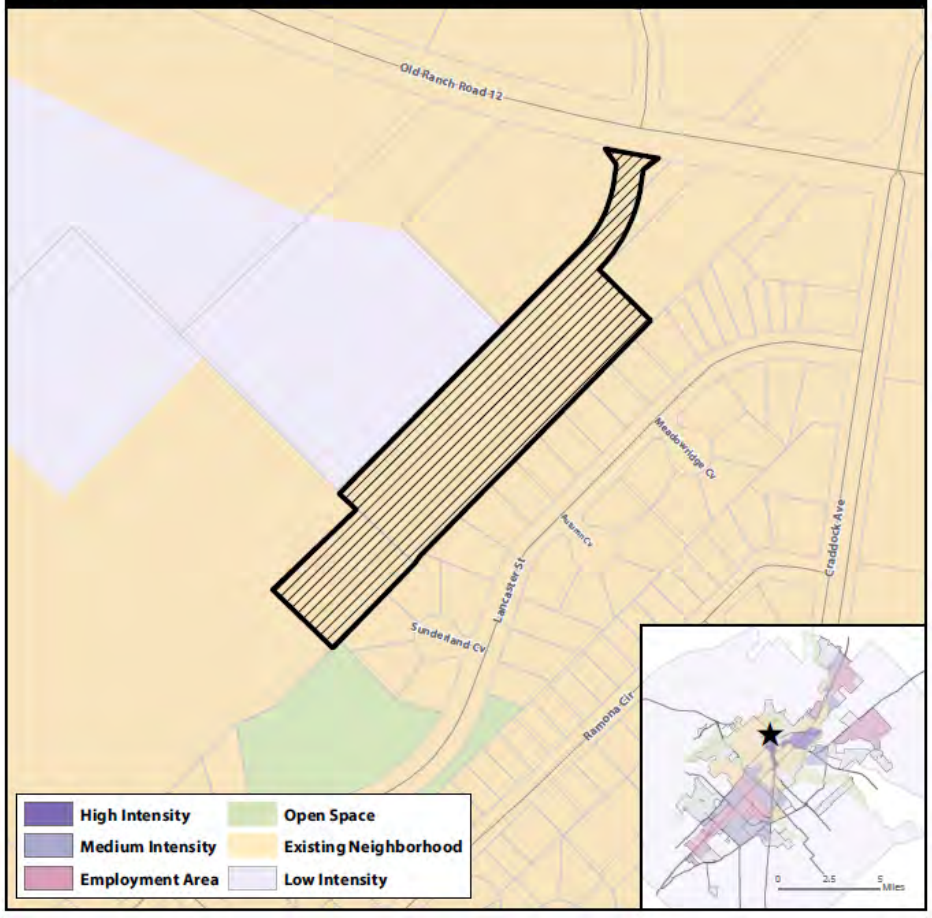
★ Site Location
Subject Property
Parcels
City Limit

N
0 150 300 600 Feet

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: 3/6/2020

ZC-20-04
Preferred Scenario
FD, CC, P to SF-6 — Ranch Road 12



★ Site Location
Subject Property
Parcels
City Limit

N
0 150 300 600 Feet

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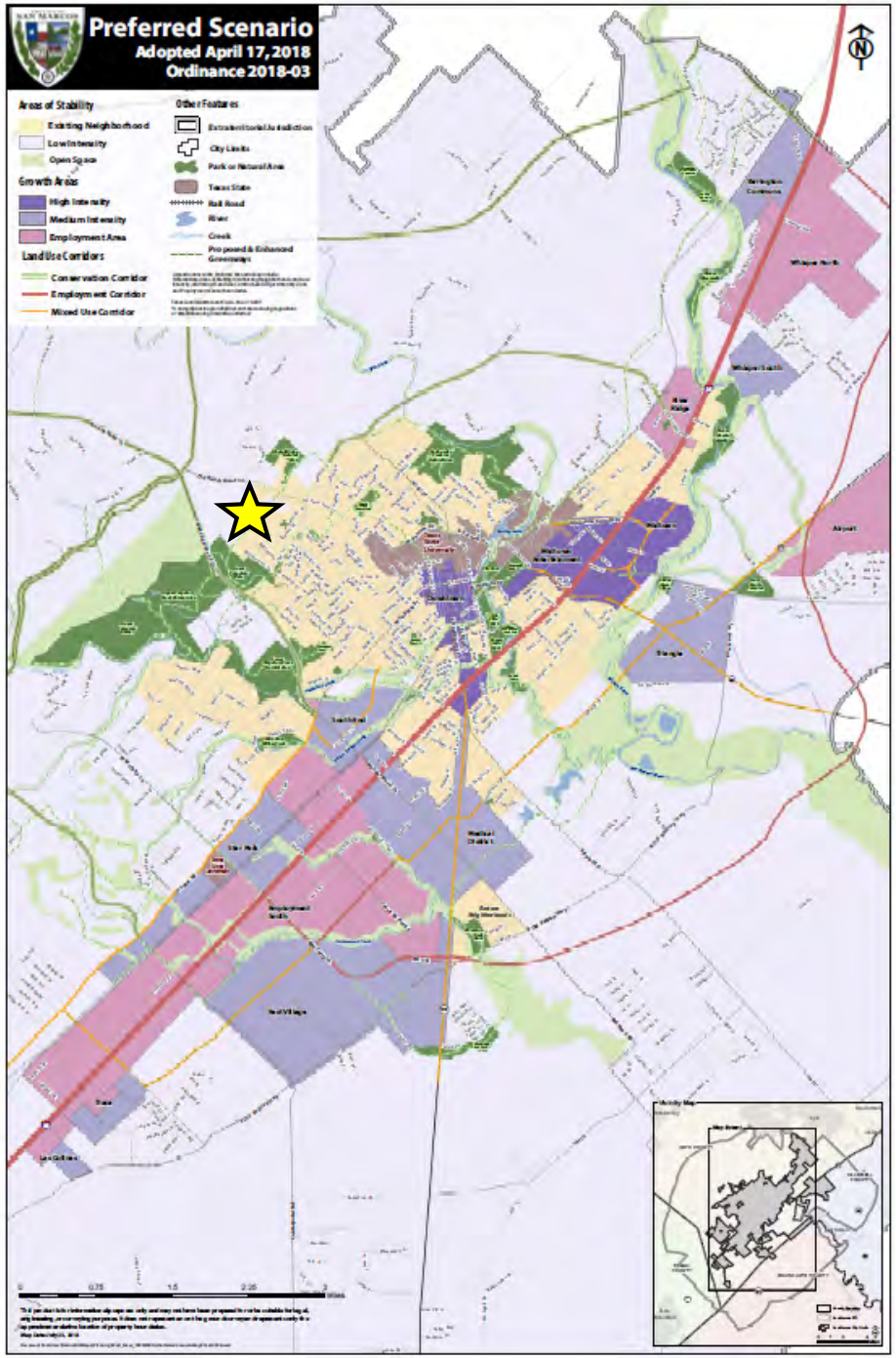
Map Date: 3/6/2020



Comprehensive Plan Analysis

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

Existing Neighborhood Area

"Established, primarily residential areas intended to maintain their existing character and to follow development and redevelopment patterns that are compatible with the existing character." (4.1.1.6)

Comprehensive Plan Analysis

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

Applicant is requesting a Congenital residential District (SF-6) within an Existing Neighborhood Area. Zoning request is C – Considered, and is consistent with the San Marcos Development Code.

TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION

District Classification	Comprehensive Plan Designations					
	Open Space/ Agricultural	Low Intensity	Existing Neighborhood	Medium or High Intensity Zone	Employment Center	Corridor
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
Character Districts	NP	C	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed (PSA Required)		NP=Not Preferred		C = Consider	

SF-6 Zoning Analysis:

- The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet.
- **Allowable Building Types:** House**,** *Cottage, and Civic Building.*
- Proposed rezoning aligns with vision of the Comprehensive Plan.
- The property is vacant.

SF-6 SECTION 4.4.1.3 SINGLE FAMILY - 6

General Description

The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.

Density

Units Per Gross Acre	5.5 max.
Impervious Cover	50% max.
Occupancy Restrictions	Section 5.1.4.1

Transportation

Block Perimeter	3,000 ft. max	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10
Sidewalks are not required for lots greater than 1 acre		

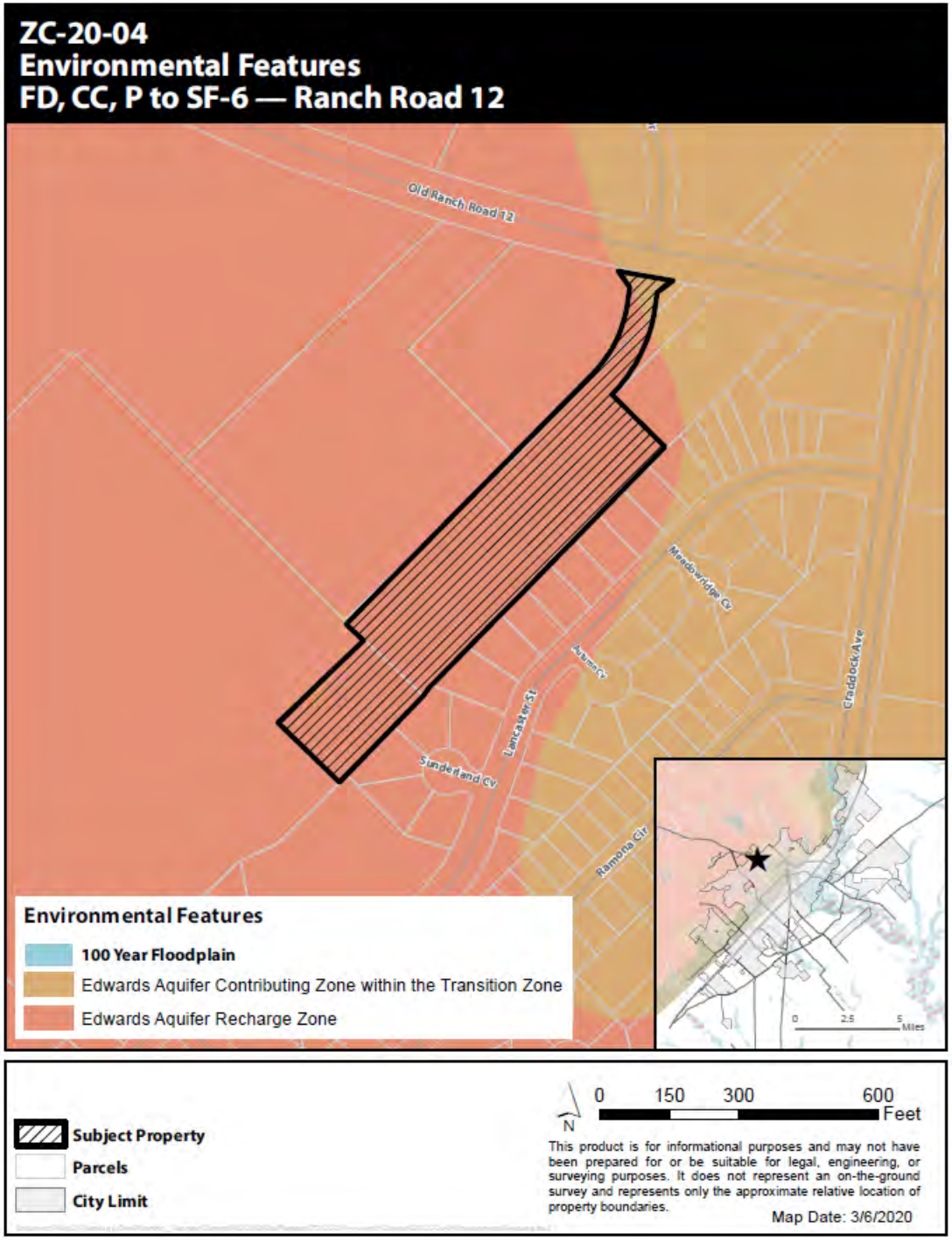
Building Types Allowed

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Cottage	Section 4.4.6.3
Civic	Section 4.4.6.15

SAN MARCOS

Environmental Analysis

- Not located in floodplain.
- Located within Edwards Aquifer Recharge Zone.
- Not located on significant slopes.



Staff Recommendation:

Staff provides this request to the Commission for your consideration and recommends **approval** of the request for a zoning change from “FD” Future Development, “CC” Community Commercial, and “P” Public and Institutional to “SF-6” Single-Family.

Zoning District Comparison Chart

Topic	*Existing Zoning:* **Future Development (FD)**	*Existing Zoning:* **Community Commercial (CC)**	*Proposed Zoning:* **Single Family (SF-6)**
Zoning Description	The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.	The CC, Community Commercial is established to provide areas for quality larger general retail establishments and services facilities for the retail sale of goods and services. The district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses.	The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.
Uses	Residential *(See Land Use Matrix)*	Commercial. *(See Land Use Matrix)*	Single-family residential. *(See Land Use Matrix)*
Parking Location	No location standards	No location standards	No location standards
Parking Standards	2 spaces per dwelling unit (if single family detached)	Varies based on use.	1 space per dwelling unit.
Max Residential Units / acre	0.4 units per acre (max)	N/A	5.5 units per acre (max)
Occupancy Restrictions	N/A	N/A	N/A
Landscaping	Tree and shrub requirements	10% - 15%	Tree and shrub requirements
Building Height (max)	2 stories	N/A	2 stories
Setbacks	50' front setback, 20 ft side setback, . Rear setback: 20% of the lot depth	20' front setback, 5 ft side setback, 5 ft rear setback	25' front Setback, 5' side setback, 20' rear set back.
Impervious Cover (max)	30%	80% (20% for Mystic Canyon due to location within Edwards Aquifer Recharge Zone).	50% (20% for Mystic Canyon due to location within Edwards Aquifer Recharge Zone).
Lot Sizes	Allows a variety of lot sizes depending on Building Type.	Allows a variety of lot sizes depending on Building Type.	Allows a variety of lot sizes depending on Building Type.
Streetscapes	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.	Conventional.	Residential, and Conventional.
Blocks	No Block Perimeter Required	3,000 ft. Block Perimeter max.	3,000 ft. Block Perimeter max.

File #: CUP-20-03, Version: 1

AGENDA CAPTION:

CUP-20-03 (Rollin' Bowl) Hold a public hearing and consider a request from 99 Rollin' Bowl Inc., for a renewal of a Conditional Use Permit for the sale of beer and wine for on-premise consumption, located at 1285 South IH 35 Suite 103. (W. Parrish)

Meeting date: March 24, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: NA
Account Number: NA
Funds Available: NA
Account Name: NA

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.

☐ Core Services

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

Rollin' Bowl occupies 4,100 square feet of space, including an outdoor patio, in a building that it shares with Starbucks Coffee. Rollin' Bowl received a one (1) year CUP which became active March 28, 2019.

This lot has a shared parking agreement with the 54th Street Grill and Olive Garden lots. Previously, the Planning and Zoning Commission has heard from concerned neighbors about noise coming from the Olive Garden parking lot late at night that disturbed neighborhood dogs, who in turn made a significant amount of noise themselves.

A condition of the previous CUP restricted Rollin' Bowl employees from parking on the Olive Garden lot to help reduce the chance of late night noise from employees leaving work.

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 request for compliance with Sections 2.8.3.4 and 5.1.5.5 of the San Marcos Development Code and recommends **approval** of the request with the following conditions:

1. Permit shall be valid for three (3) years, provided standards are met,
2. The employees may not park on the Olive Garden lot, and
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Conditional Use Permit	1285 S IH 35 Ste. 103
CUP-20-03	Rollin' Bowl

Summary

Request:	A Conditional Use Permit renewal to allow the sale of beer and wine for on-premise consumption at 1285 S IH 35 Ste. 103.		
Applicant:	99 Rollin' Bowl Inc. 1285 IH 35 S Ste. 103 San Marcos, TX 78666	**Property Owner:**	Hexin-Tx LLC 7905 Prospect PL La Jolla, CA 92037
CUP Expiration:	March 29, 2020	**Type of CUP:**	Beer and Wine
Interior seating:	148	**Outdoor seating:**	25
Parking Required:	44	**Parking Provided:**	Yes, Shared
Days & Hours of Operation:	Monday – Thursday: 11 a.m. – 10 p.m. Friday – Saturday: 11 a.m. 11 p.m. Sunday: 12 p.m. to 9 p.m.		

Notification

Posted:	February 28, 2019	**Personal:**	February 28, 2019
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1 Simon Place II Subdivision		
Location:	Near the intersection of IH 35 and Hwy 123		
Acreage:	.776 acres +/-	**Central Business Area:**	No
Existing Zoning:	General Commercial (GC)	**Preferred Scenario:**	High Intensity Zone
Existing Use:	Restaurant	**Proposed Use:**	Restaurant
CONA Neighborhood:	Sunset Acres	**Sector:**	5
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	GC	IH 35 / Restaurant	High Intensity
South of Property:	P	San Marcos Electric Headquarters	High Intensity
East of Property:	GC	Restaurants	High Intensity
West of Property:	GC	Restaurants	High Intensity

Conditional Use Permit	1285 S IH 35 Ste. 103
CUP-20-03	Rollin' Bowl

History

Rollin' Bowl occupies 4,100 square feet of space, including an outdoor patio, in a building that it shares with Starbucks Coffee. Rollin' Bowl received a one (1) year CUP which became active March 28, 2019.

This lot has a shared parking agreement with the 54th Street Grill and Olive Garden lots. Previously, the Planning and Zoning Commission has heard from concerned neighbors about noise coming from the Olive Garden parking lot late at night that disturbed neighborhood dogs, who in turn made a significant amount of noise themselves.

A condition of the previous CUP restricted Rollin' Bowl employees from parking on the Olive Garden lot to help reduce the chance of late night noise from employees leaving work.

Additional Analysis

Due to concerns over noise expressed by the neighbors regarding the Olive Garden CUP renewal request, Staff feels that it is appropriate to continue to restrict employees of Rollin' Bowl from parking in the Olive Garden parking lot.

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

	Approval as Submitted	***X***	Approval with Conditions / Alternate		Denial

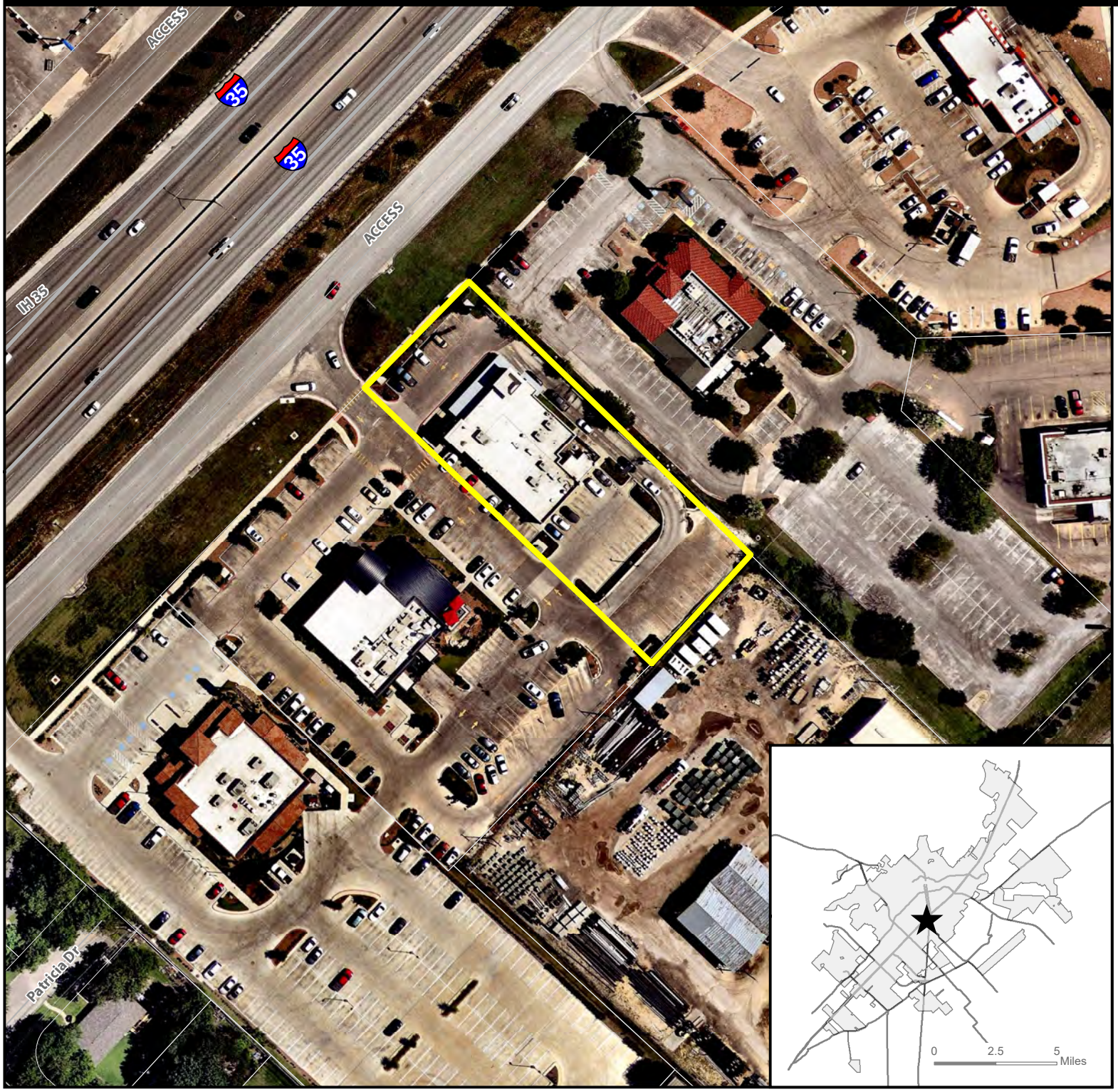
1. Permit shall be valid for three (3) years, provided standards are met,
2. The employees may not park on the Olive Garden lot, and
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Will Parrish	**Title :** Planner	**Date:** March 6, 2019

Conditional Use Permit	1285 S IH 35 Ste. 103
CUP-20-03	Rollin' Bowl

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		X	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		N/A	The proposed use is consistent with any adopted neighborhood character study for the area. ***Studies have not been completed at the time of this request***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
X			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.
X			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.
		X	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.
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
X			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.
X			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.
X			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.
X			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).

CUP-20-03
Aerial View
Rollin Bowl Renewal — 1285 South IH-35



★ **Site Location**

Subject Property

Parcel

City Limit

N

0 62.5 125 250 Feet

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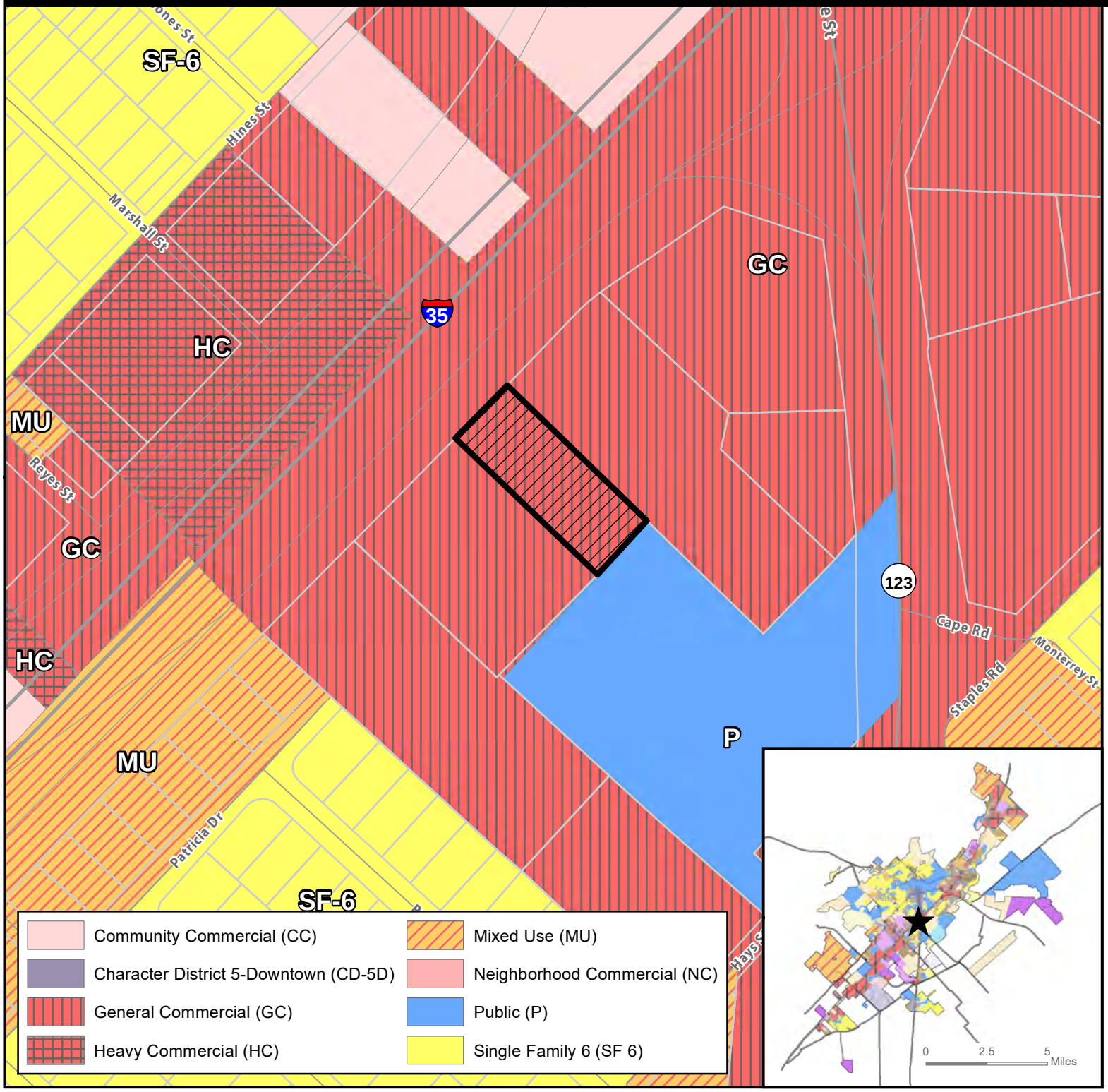
Map Date: 1/15/2020

Document Path: \\san_marcos\files\DeptShares\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-03 Rollin Bowl Amendment\GIS\CUP-20-03 Aerial Map.mxd

CUP-20-03
Existing Zoning
Rollin Bowl Renewal — 1285 South IH-35



★ **Site Location**

Subject Property

Parcels

City Limit

N

0 125 250 500 Feet

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Map Date: 2/26/2020

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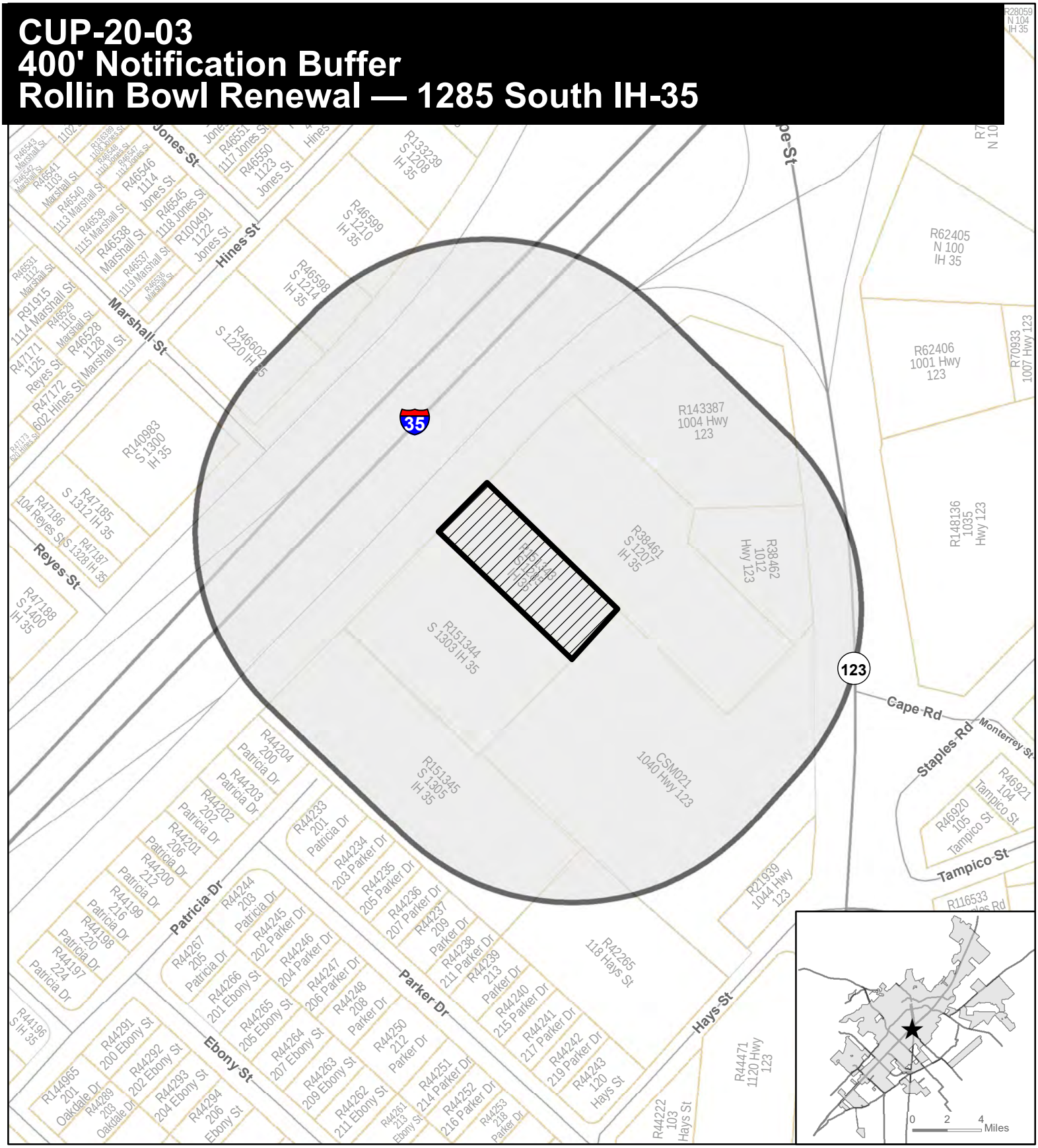
CUP-20-03
400' Notification Buffer
Rollin Bowl Renewal — 1285 South IH-35



★ **Site Location**

Subject Property

400' Buffer

Parcel

City Limit

N

0 125 250 500 Feet

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Map Date: 3/17/2020

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Property ID	Property Address	Owner	Mailing Address	City	State	ZIP
R38461	1207 S IH 35	CCP CARINO SAN MARCOS LP	8333 DOUGLAS AVE STE 1500	DALLAS	TX	75225
R151345	1305 S IH 35	EIRREK OGT LLC % HOLM & O'HARA	3 W 35TH ST FL 9	NEW YORK	NY	10001
R46598	1214 S IH 35	EXALTED 35 HOLDINGS LLC	8870 BUSINESS PARK DR UNIT 100	AUSTIN	TX	78759-7519
R151344	1303 S IH 35	FF TRUST	121 LONE STAR DR	GEORGETOWN	TX	78633
R38462	1012 HWY 123	FIREBRAND PROPERTIES LP	4055 VALLEY VIEW LN STE 500	DALLAS	TX	75244-5048
R140983	1300 S IH 35	GRANITE COLLISION LP	8125 MAGNOLIA RIDGE CV	AUSTIN	TX	78738-7647
R151343	1285 S IH 35	HEXIN-TX LLC	7905 PROSPECT PL	LA JOLLA	CA	92037
R42265	118 HAYS ST	JMJ CONSTRUSTION LLC	12201 CUTTEN RD	HOUSTON	TX	77066
R46602	1220 S IH 35	PAC VICTORIA LLC	2115 STEPHENS PL STE 500	NEW BRAUNFELS	TX	78130-2160
R46599	1210 S IH 35	PLASCENCIA ALFREDO & HERNANDEZ OSCAR ANDRES	1210 S IH 35	SAN MARCOS	TX	78666
R143387	1004 HWY 123	WHATABURGER REAL ESTATE LLC % REAL ESTATE DEPARTMENT	300 CONCORD PLAZA DR	SAN ANTONIO	TX	78216
NA	CONA	SARA LEE UNDERWOOD-MYERS	1415 HARPER DR	SAN MARCOS	TX	78666
NA	NEIGHBORHOOD COMMISSION	LIZBETH DOBBINS	2705 LESLIE LN	SAN MARCOS	TX	78666
NA	CONA	ESTELLA ENRIQUEZ	514 CANDLELIGHT LN	SAN MARCOS	TX	78666

MariaElena Flores-Cuellar
Licensing Consultant
210-373-4455
cuellar@texas.net

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (ADMINISTRATIVE) APPLICATION

Updated: October, 2019

CONTACT INFORMATION

LAND

Applicant's Name	Rollin' Bowl	Property Owner	Hexin-TX LLC
Company	99 Rollin' Bowl Inc	Company	Hexin-Tx LLC
Applicant's Mailing Address	1285 IH 35 S Ste 103 San Marcos, Texas 78666	Owner's Mailing Address	7905 Prospect PL LaJolla CA 92037
Applicant's Phone #	210-373-4455 (POA MariaElena Flores-Cuellar)	Owner's Phone #	8585002812
Applicant's Email	cuellar@texas.net (POA MariaElena Flores-Cuellar	Owner's Email	anthony_tian@yahoo.com

PROPERTY INFORMATION

Business Name: 99 Rollin' Bowl Inc

Subject Property Address: 1285 IH 35 S Ste 103, San Marcos, Texas 78666

Zoning District: GC Tax ID #: R151343

Legal Description: Lot 1 Block -- Subdivision Simon Place II

DESCRIPTION OF REQUEST

☐ Mixed Beverage ☒ Beer & Wine ☐ Other: _____

Reason for Request: ☐ Change the name of TABC Permit Holder ☐ Change the name of Business
☒ Change in Ownership ☐ Remodeling (with NO expansion)

Please provide the name of permit holder, business or owner, whichever is applicable:

Current: _____ Proposed: _____

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee $793 Technology Fee $13 TOTAL COST $806

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

PROPERTY OWNER AUTHORIZATION

_____ (owner name) on behalf of

_____ (company, if applicable) acknowledges that they are the rightful owner of the property located at

1285 IH 35 S Ste 103, San Marcos, Texas (address).

I hereby authorize Mariaelena Flores-Cuellar, Licensedrealtorself (agent name) on behalf of

99 Rollin' Bowl Inc (agent company) to file this application for

_____ (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 12/30/19

Printed Name, Title: _____

Signature of Agent: _____ Date: 12 Nov 2019

Printed Name, Title: MariaElena Flores-Cuellar

MariaElena Flores-Cuellar
Licensing Consultant
210-373-4455
cuellar@texas.net

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (ADMINISTRATIVE) APPLICATION

Updated: October, 2019

CONTACT INFORMATION

Building

Applicant's Name	Rollin' Bowl	Property Owner	SAN MARCOS EATERY II, LLC
Company	99 Rollin' Bowl Inc	Company	
Applicant's Mailing Address	1285 IH 35 S Ste 103 San Marcos, Texas 78666	Owner's Mailing Address	500 CAPITAL OF TX HWY N #7 AUSTIN, TX 78746
Applicant's Phone #	210-373-4455 (POA MariaElena Flores-Cuellar)	Owner's Phone #	512 329 6498
Applicant's Email	cuellar@texas.net (POA MariaElena Flores-Cuellar	Owner's Email	TDCADWSON @ GMAIL.COM

PROPERTY INFORMATION

Business Name: 99 Rollin' Bowl Inc

Subject Property Address: 1285 IH 35 S Ste 103, San Marcos, Texas 78666

Zoning District: GC Tax ID #: R 151343

Legal Description: Lot 1 Block -- Subdivision Simon Place II

DESCRIPTION OF REQUEST

☐ Mixed Beverage ☒ Beer & Wine ☐ Other: _____

Reason for Request: ☐ Change the name of TABC Permit Holder ☐ Change the name of Business
☒ Change in Ownership ☐ Remodeling (with NO expansion)

Please provide the name of permit holder, business or owner, whichever is applicable:

Current: _____ Proposed: _____

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee $793 Technology Fee $13 TOTAL COST $806

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

MariaElena Flores-Cuellar
Licensing Consultant
210-373-4455
cuellar@texas.net

Building

PROPERTY OWNER AUTHORIZATION

I, THOMAS D CRAWSON JR (owner name) on behalf of SAN MARCOS EATERY II LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 1285 IH 35 S Ste 103, San Marcos, Texas (address).

I hereby authorize MariaElena Flores-Cuellar, LicensingConsultant (agent name) on behalf of 99 Rollin' Bowl Inc (agent company) to file this application for _____ (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 12-9-19

Printed Name, Title: MANAGER / MEMBER

Signature of Agent: _____ Date: 25 Nov 2019

Printed Name, Title: MariaElena Flores-Cuellar

Form Updated October, 2019

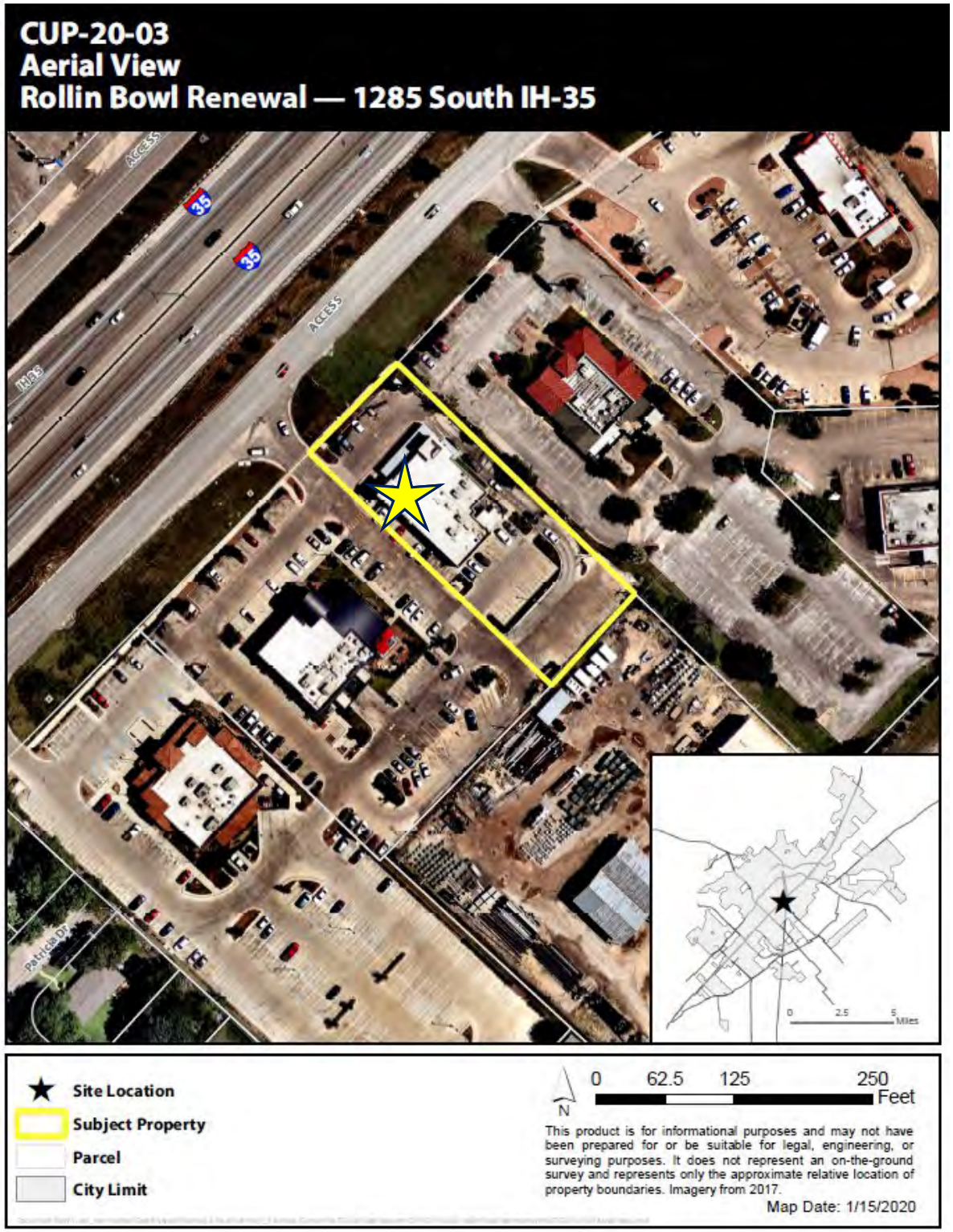
CUP-20-03 (Rollin' Bowl)

Hold a public hearing and consider a request by 99 Rollin' Bowl Inc. for a renewal of a Conditional Use Permit for the sale of beer and wine for on-premise consumption at 1285 S. IH 35 Suite 103. (W. Parrish)

SAN MARCOS

Location:

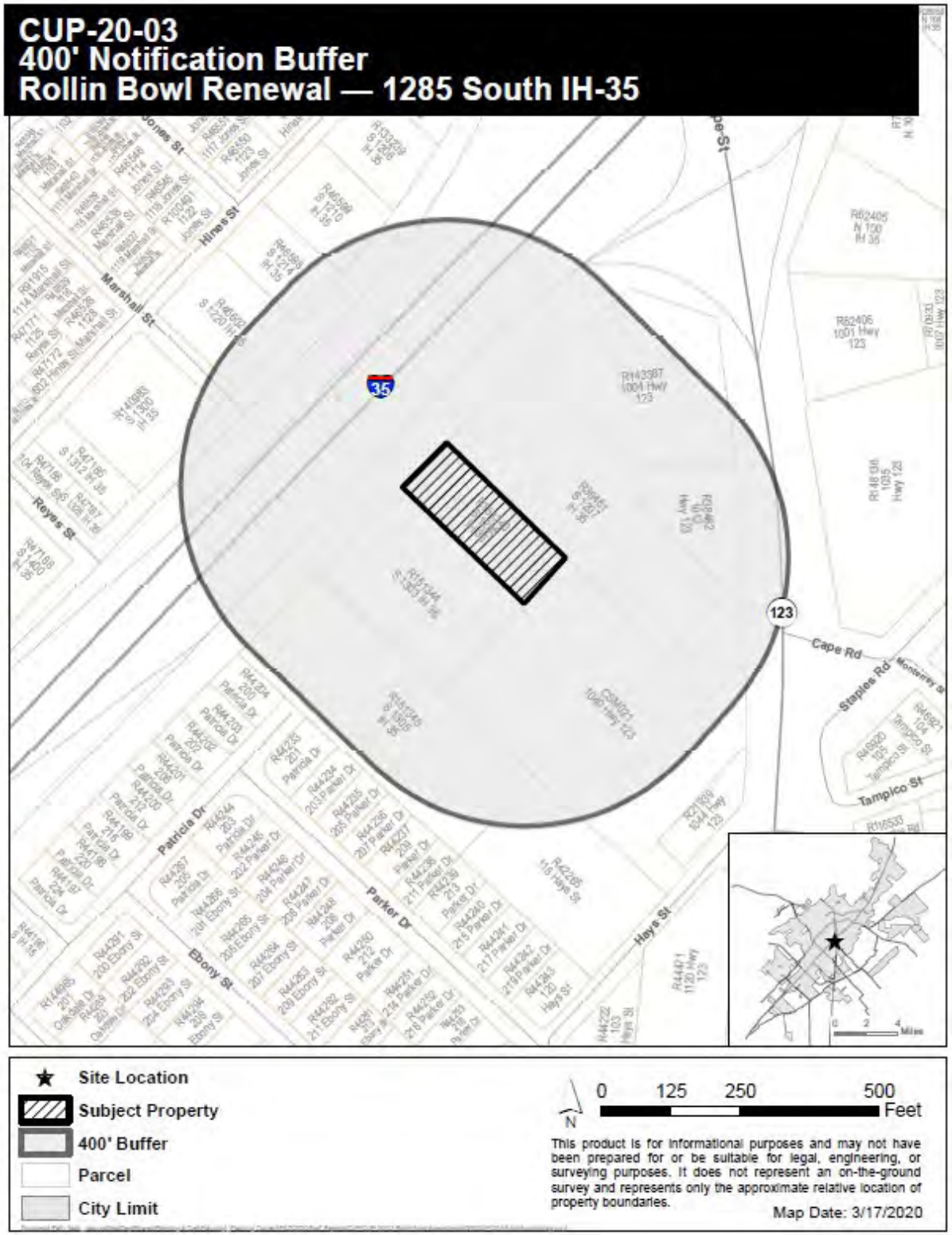
- Property is located near the intersection of IH-35 and Hwy 123.
- Located within a High Intensity Zone as designated on the Preferred Scenario Map.



SAN MARCOS

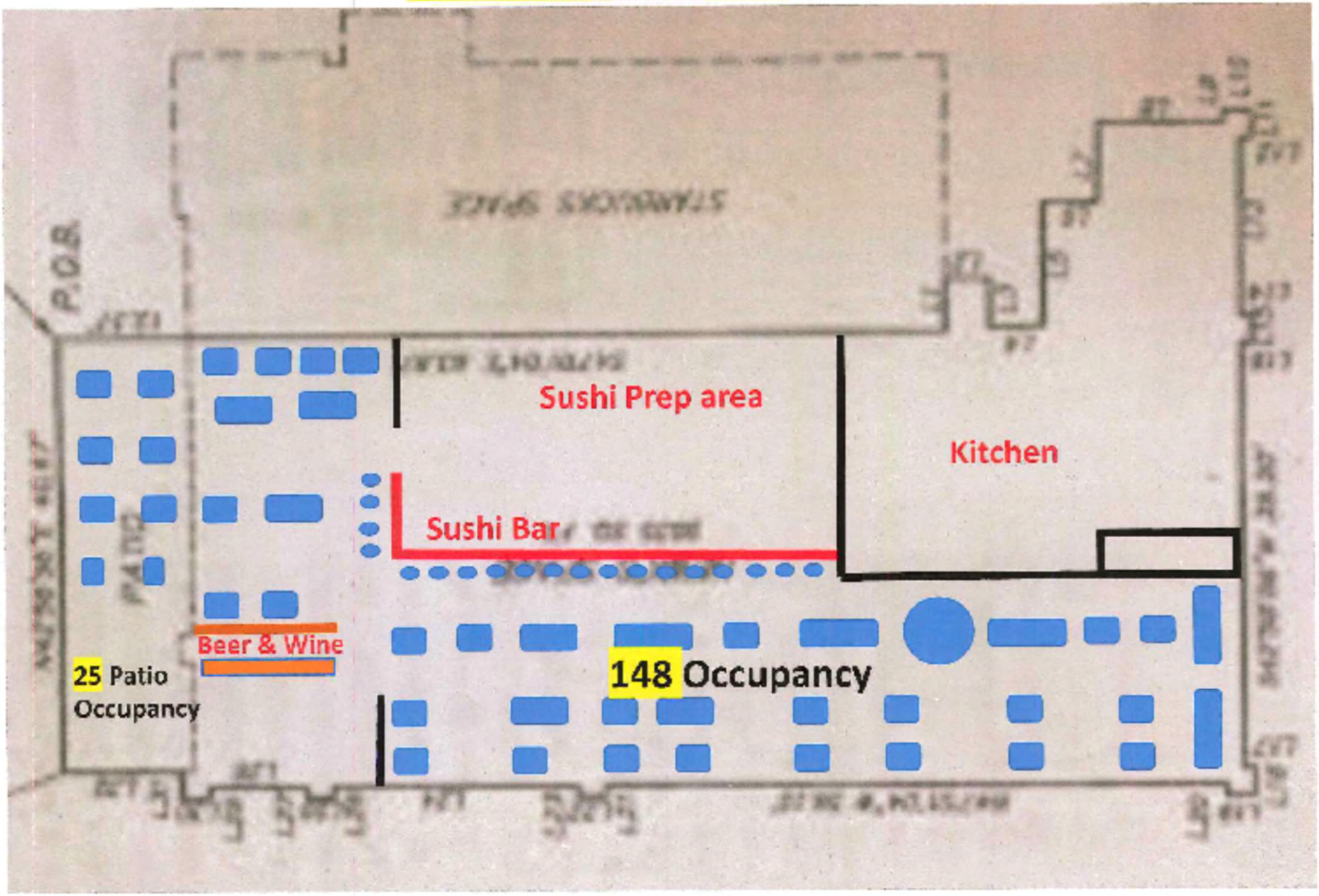
Context & History:

- 4,100 square feet restaurant
- Hours
  - Mon – Thurs
    11 a.m. to 10 p.m.
  - Friday 11 a.m. to 11 p.m.
  - Saturday 12 p.m. to 11 p.m.
  - Sunday 12 p.m. to 9 p.m.
- Seating:
  - 148 Indoor
  - 25 Outdoor



Rowlin' Bowl Table Layout

Total Occupancy: 173 (148+25)



W ACCESS RD
SB IH 35 OFF RAMP S
S IH35
S IH 35
E ACCESS RD
HWY 123
Rollin' Bowl
54th
O G
NB IH 35 OFF RAMP S
E ACCESS RD
PATRICIA DR
PATRICIA DR
PARKER DR
HAYS ST
Olive Garden Employees restricted to this area

Recommendations:

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

1. The permit shall be valid for three (3) years, provided standards are met,
2. Employees may not park on the Olive Garden lot, and
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

File #: CUP-20-08, Version: 1

AGENDA CAPTION:

CUP-20-08 (54th Street Restaurant & Bar) Hold a public hearing and consider a request by 54th Street Restaurant & Drafthouse for a renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 1303 South IH 35. (S. Caldwell)

Meeting date: March 24, 2020

Department: Planning and 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.

☐ Core Services

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

54th Street Restaurant and Bar is located at the intersection of IH-35 and State Highway 123. There is approximately 7,850 square feet of indoor and outdoor space and a total seating capacity of 123. No live or outdoor music is proposed at this time and the only entertainment facilities at this site are television sets and speakers for ambient music. The proposed hours of operation are 11 am-12:30 am Sunday-Wednesday and 11 am-1:30 am Thursday-Saturday.

54th Street Restaurant & Bar was granted a Conditional Use Permit in March 2019 with the following conditions:

1. The CUP shall be valid for one (1) year, provided standards are met,
2. The employees shall not park on the Olive Garden lot, and;
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy

Due to concerns expressed by neighbors regarding the 2018 Olive Garden CUP renewal request, staff feels that it is appropriate to continue to restrict employees of 54th Street Grill from parking in the Olive Garden Parking lot.

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 with criteria from Sections 2.8.3.4 and 5.1.5.5 of the San Marcos Development Code and recommends approval with the following conditions:

1. Permit shall be valid for three (3) years, provided standards are met,
2. The employees shall not park on the Olive Garden lot,
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

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Conditional Use Permit	1303 South IH 35
CUP-20-08	54th Street Restaurant & Bar

Summary

Request:	Renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 1303 South IH 35.		
Applicant:	Michael Norsworthy 1425 Swift Suite 200 North Kansas City, MO 64116	**Property Owner:**	Nadav and Peggy Friedmann 121 Lone Star Drive Georgetown, TX 78633
Square Feet:	7,340 square feet	**Type of CUP:**	Mixed Beverage
Interior seating:	114	**Outdoor seating:**	9
Parking Required:	31	**Parking Provided:**	Shared
Days & Hours of Operation:	Sunday – Wednesday: 11 a.m. – 12:30 a.m. Thursday – Saturday: 11 a.m. – 1:30 a.m.		

Notification

Posted:	March 6, 2020	**Personal:**	March 6, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 2 Simon Place II Subdivision		
Location:	Near the intersection of IH 35 and Hwy 123		
Acreage:	1.516 acres +/-	**Central Business Area:**	No
Existing Zoning:	General Commercial (GC)	**Preferred Scenario:**	High Intensity Zone
Existing Use:	Restaurant	**Proposed Use:**	Restaurant
CONA Neighborhood:	Sunset Acres	**Sector:**	5
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	GC	IH 35 / Restaurant	High Intensity
South of Property:	P	San Marcos Electric Headquarters	High Intensity
East of Property:	GC	Restaurants	High Intensity
West of Property:	GC	Restaurants	High Intensity

Conditional Use Permit	1303 South IH 35
CUP-20-08	54th Street Restaurant & Bar

History

54th Street Restaurant & Bar's request for a Conditional Use Permit was approved at the March 2019 Planning & Zoning Commission meeting with the following conditions:

- The CUP shall be valid for one (1) year, provided standards are met,
- The employees may not park on the Olive Garden lot; and
- The permit shall be posted in the same area and manner as the Certificate of Occupancy.

54th Street Restaurant & Bar shares a parking lot with the Starbucks and Olive Garden lots. The condition that employees may not park on the Olive Garden lot was recommended by staff and approved by the Planning Commission due to previous complaints of noise coming from the Olive Garden lot late at night. At their most recent renewal hearing in 2019, Olive Garden agreed to continue to require their employees to park on the far east side of the parking lot, away from the shared property line with the neighborhood.

Additional Analysis

54th Street Grill is an approximately 7,300 square foot building with an approximate 550 square foot outdoor patio. The restaurant has 114 indoor seats and 9 outdoor seats. No live outdoor music is proposed at this time and the application indicates that the only entertainment facilities at this site are television sets inside the restaurant.

Due to concerns expressed by the neighbors regarding the 2018 Olive Garden CUP renewal request, staff feels that it is appropriate to keep the current condition in place and continue to restrict employees of 54th Street Grill from parking in the Olive Garden parking lot.

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

	Approval as Submitted	***X***	Approval with Conditions / Alternate		Denial

1. Permit shall be valid for three (3) years, provided standards are met,
2. The employees may not park on the Olive Garden lot,
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

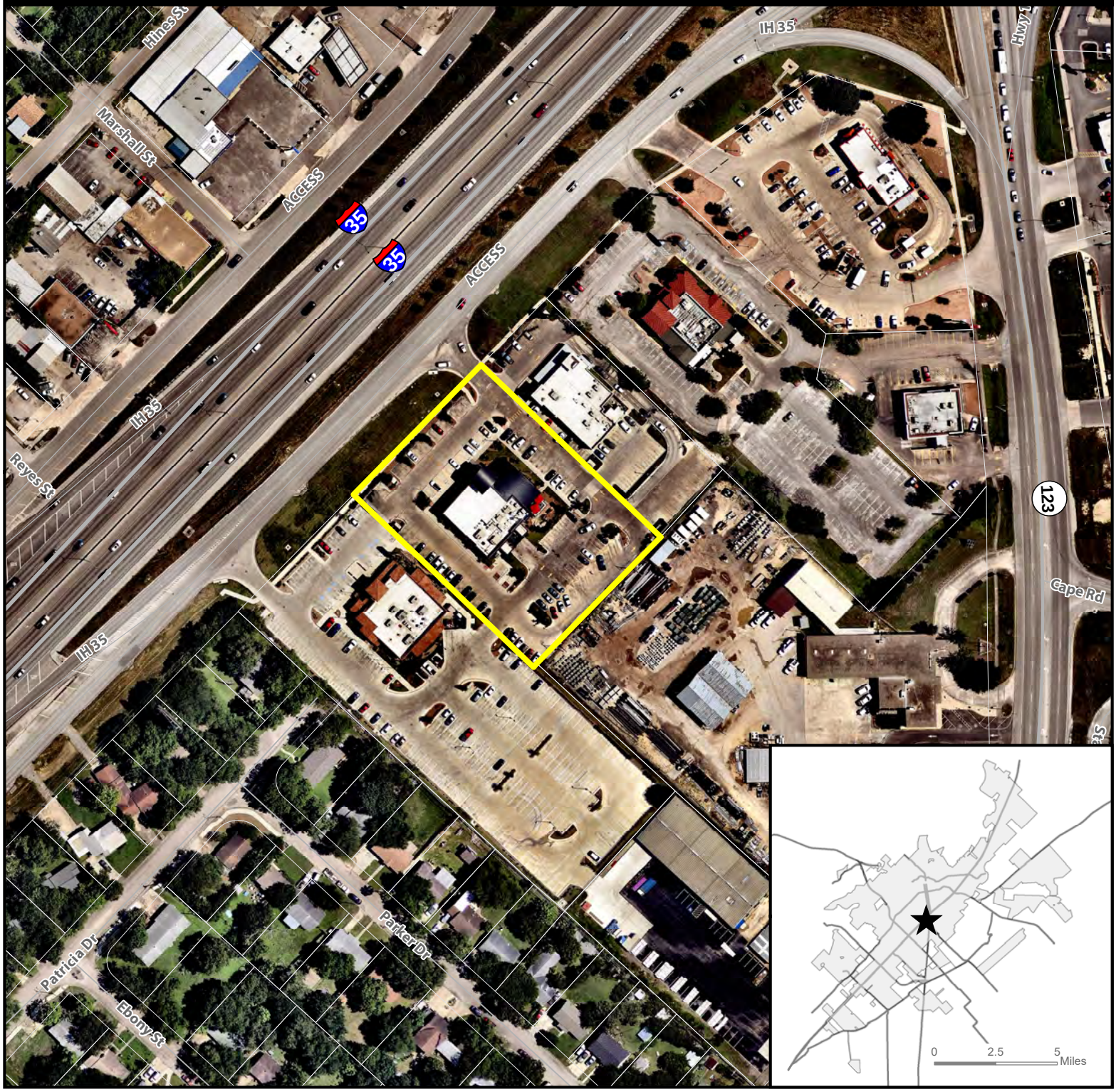
Staff: Shavon Caldwell	**Title :** Planner	**Date:** March 24, 2020

Conditional Use Permit	1303 South IH 35
CUP-20-08	54th Street Restaurant & Bar

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		X	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		N/A	The proposed use is consistent with any adopted neighborhood character study for the area. **Studies were not complete at the time of this request**
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
X			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.
X			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.
		X	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.
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
X			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.
X			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.
X			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.

X			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).

CUP-20-08
Aerial View
54th Street Restaurant & Drafthouse— 1303 South IH-35



★ **Site Location**

Subject Property

Parcel

City Limit

N

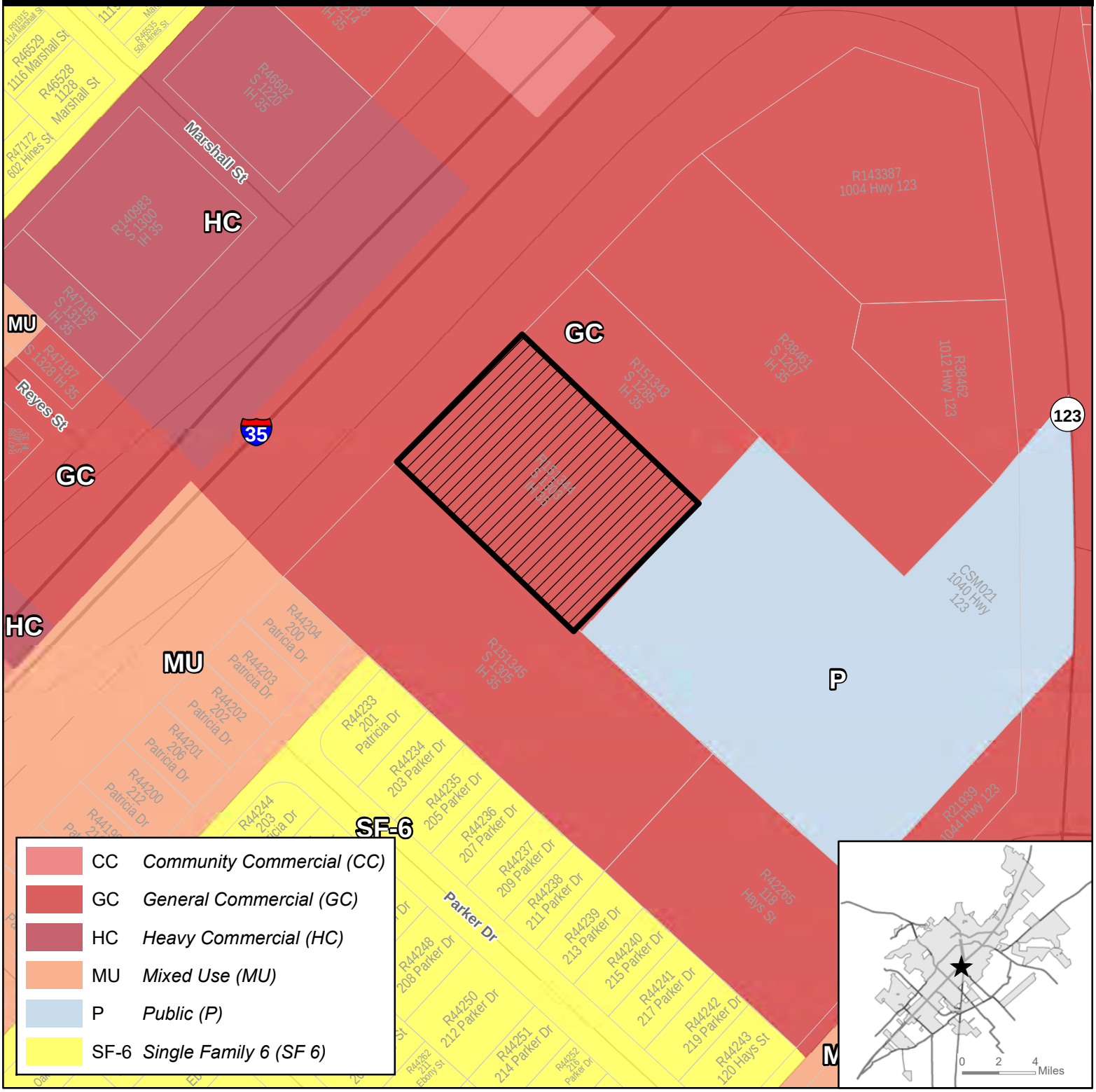
0 100 200 400 Feet

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: 2/14/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-08 54th St Renewal\CUP-20-08 Aerial Map.mxd

CUP-20-08
Zoning Map
54th Street Restaurant & Drafthouse-1303 South IH-35



Site Location

Subject Property

Parcels

City Limit

N

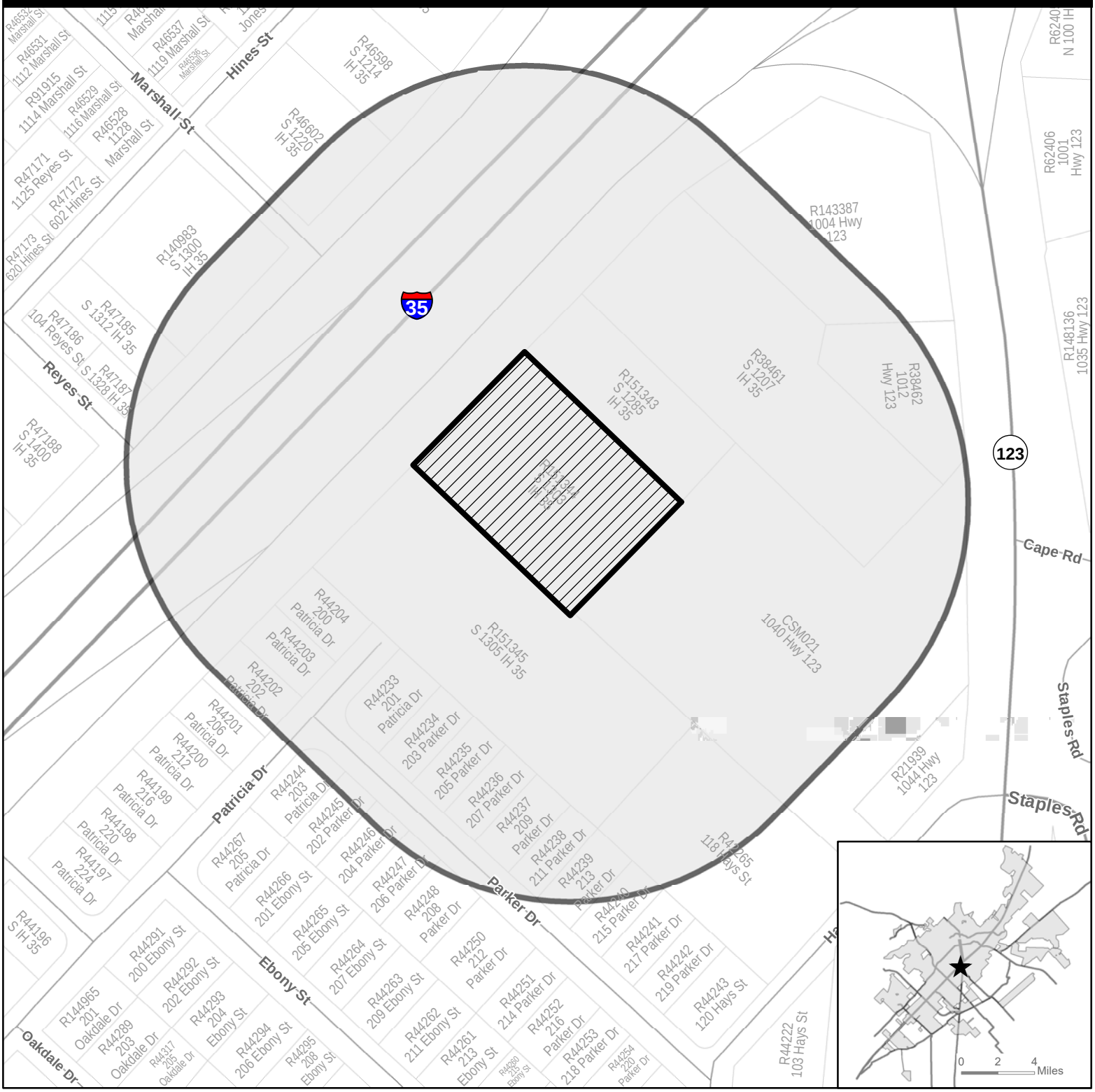
0 100 200 400 Feet

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: 2/14/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-08 54th St Renewal\CUP-20-08 ZoningMap.mxd

CUP-20-07
400' Notification Buffer
54th Street Restaurant & Drafthouse-1303 South IH-35



★ **Site Location**

Subject Property

400' Buffer

Parcel

City Limit

N

0 112.5 225 450 Feet

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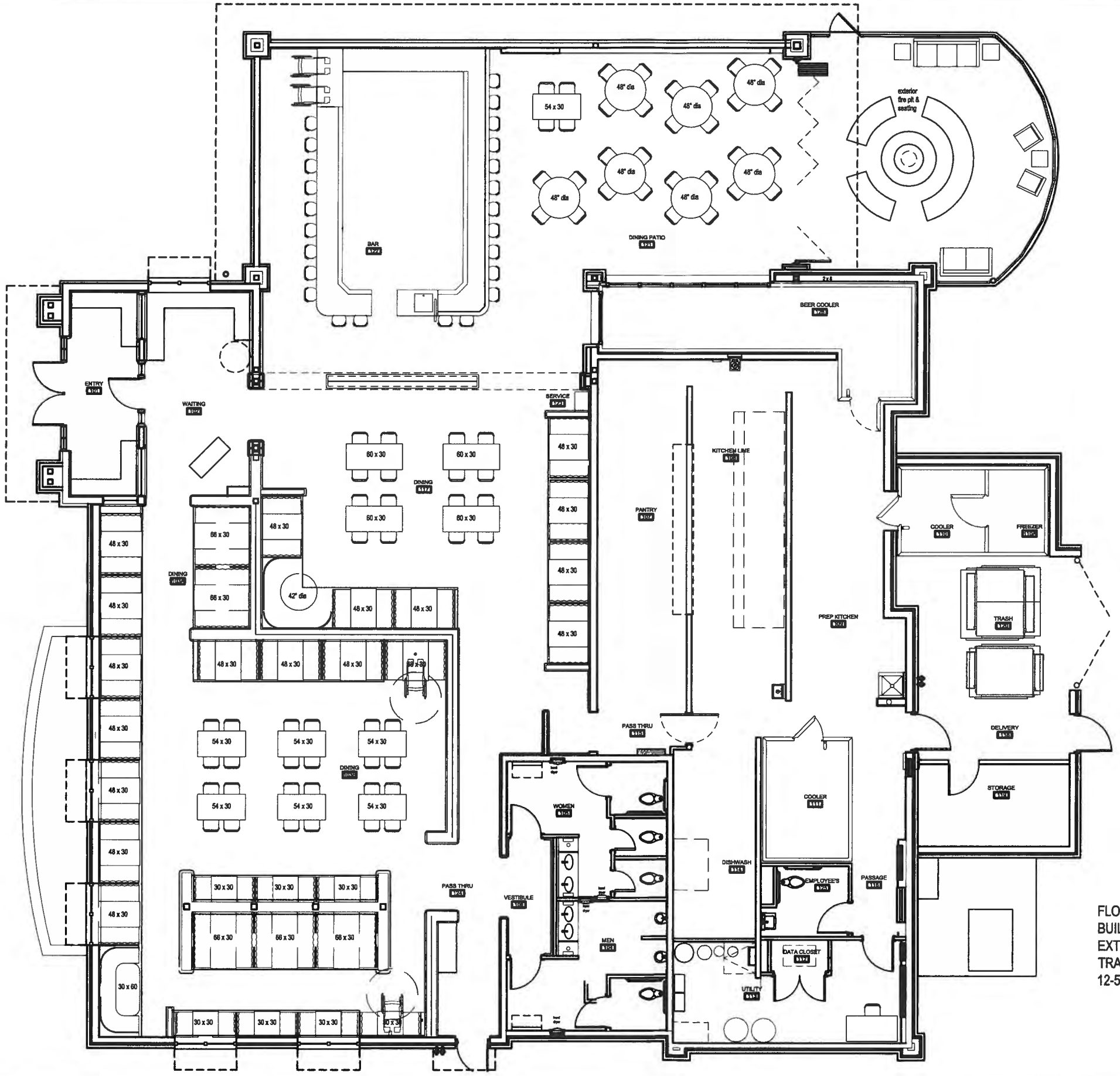
Map Date: 2/14/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-08 54th St Renewal\CUP-20-08 NotificationMap.mxd

CUP-20-08 Notification List

Property ID	Subject Address	Party Name	Address1	City	State
44203	200 PATRICIA	ARREDONDO, ARTEMIO	1300 PERKINS ST	SAN MARCOS	TX
44244	203 PATRICIA	BUTTS ERIC D	203 PATRICIA DR	SAN MARCOS	TX
44248	208 PARKER	CALDERON, JOSE HECTOR	1043 E BROMPTON DR	PEARLAND	TX
38461	1207 S IH 35	CCP CARINO SAN MARCOS LP	8333 DOUGLAS AVE	DALLAS	TX
44239	213 PARKER	CONTRERAS, FRANK L	952 CHEATHAM ST	SAN MARCOS	TX
151345	1305 IH 35	EIRREK OGT LLC	% HOLM & O'HARA	NEW YORK	NY
47185	1312 IH 35	ELLISON, SANDRA LEATH	714 W SAN ANTONIO ST	SAN MARCOS	TX
46598	1214 IH 35	EXALTED 35 HOLDINGS LLC	8870 BUSINESS PARK DR	AUSTIN	TX
151344	1303 IH 35	FF TRUST	121 LONE STAR DR	GEORGETOWN	TX
38462	1012 SH 123	FIREBRAND PROPERTIES LP	4515 LYNDON B JOHNSON FWY	DALLAS	TX
140983	1300 IH 35	GRANITE COLLISION LP	16312 PADDLEFISH WAY	AUSTIN	TX
151343	IH 35	HEXIN-TX LLC	7905 PROSPECT PL	LA JOLLA	CA
42265	118 HAYS	JMJ CONSTRUSTION LLC	12201 CUTTEN RD	HOUSTON	TX
44247	206 PARKER	LONGORIA ISIDRO EST OF	206 PARKER DR	SAN MARCOS	TX
44237	209 PARKER	LOPEZ FRANK MORENO	209 PARKER DR	SAN MARCOS	TX
44202	202 PATRICIA	OVALLE NORA U REVOCABLE LIVING TRUST	OVALLE NORA U TRUSTEE	SAN MARCOS	TX
44240	215 PARKER	PATLAN ADELINA	215 PARKER DR	SAN MARCOS	TX
46599	1210 IH 35	PLASCENCIA ALFREDO & HERNANDEZ OSCAR ANDRES	1210 S IH 35	SAN MARCOS	TX
44234	203 PARKER	QUINTERO PEDRO P & YVONNE M	203 PARKER DR	SAN MARCOS	TX
44236	207 PARKER	QUINTERO, ROBERT D	207 PARKER DR	SAN MARCOS	TX
46602	1220 IH 35	R & R IH35 LLC	200 LOMBRANO ST	SAN ANTONIO	TX
47187	1328 IH 35	RIZK, DORA	419 RIVERSIDE DR	SAN MARCOS	TX
44238	211 PARKER	SAMANIEGO, ELIZARDO	211 PARKER DR	SAN MARCOS	TX
44233	201 PATRICIA	SAUCEDO AGRIPINA A EST OF	% CLEMENTE SAUCEDO	SAN MARCOS	TX
44235	205 PARKER	STEWART BROCK MCCULLOUGH	205 PARKER DR	SAN MARCOS	TX
44245	202 PARKER	SUAREZ HOLDINGS LLC	1517 PALOMINO LN	SAN MARCOS	TX
44246	204 PARKER	UBBEN, KEITH	PO BOX 911	SAN MARCOS	TX
143387	1203 IH 35	WHATABURGER REAL ESTATE LLC	% REAL ESTATE DEPARTMENT	SAN ANTONIO	TX
		ESTELLA ENRIQUEZ	514 CANDLELIGHT	SAN MARCOS	TX
		ROLAND SAUCEDO	211 EBONY	SAN MARCOS	TX
		JOE PTAK	505 PATRICIA DR	SAN MARCOS	TX



FLOOR PLAN
BUILDING: 7,340 SQ. FT.
EXTERIOR PATIO: 550 SQ. FT.
TRASH/STROAGE ENCLOSURE: 635 SC
12-5-14

FLOOR PLAN
DATE: 12-5-14
SCALE: 3/32" = 1'-0" ON 11 X 17 SHEET

54th Street Restaurant & Draft House

Conditional Use Permit

1303 S IH 35, San Marcos, Texas

SH ASSOCIATES
SHAW HOFSTRA + ASSOCIATES
1717 OAK, KANSAS CITY, MO 64108
P: 816.421.0505 F: 816.421.0504
sha5506@qnl.com www.shawhofstra.com

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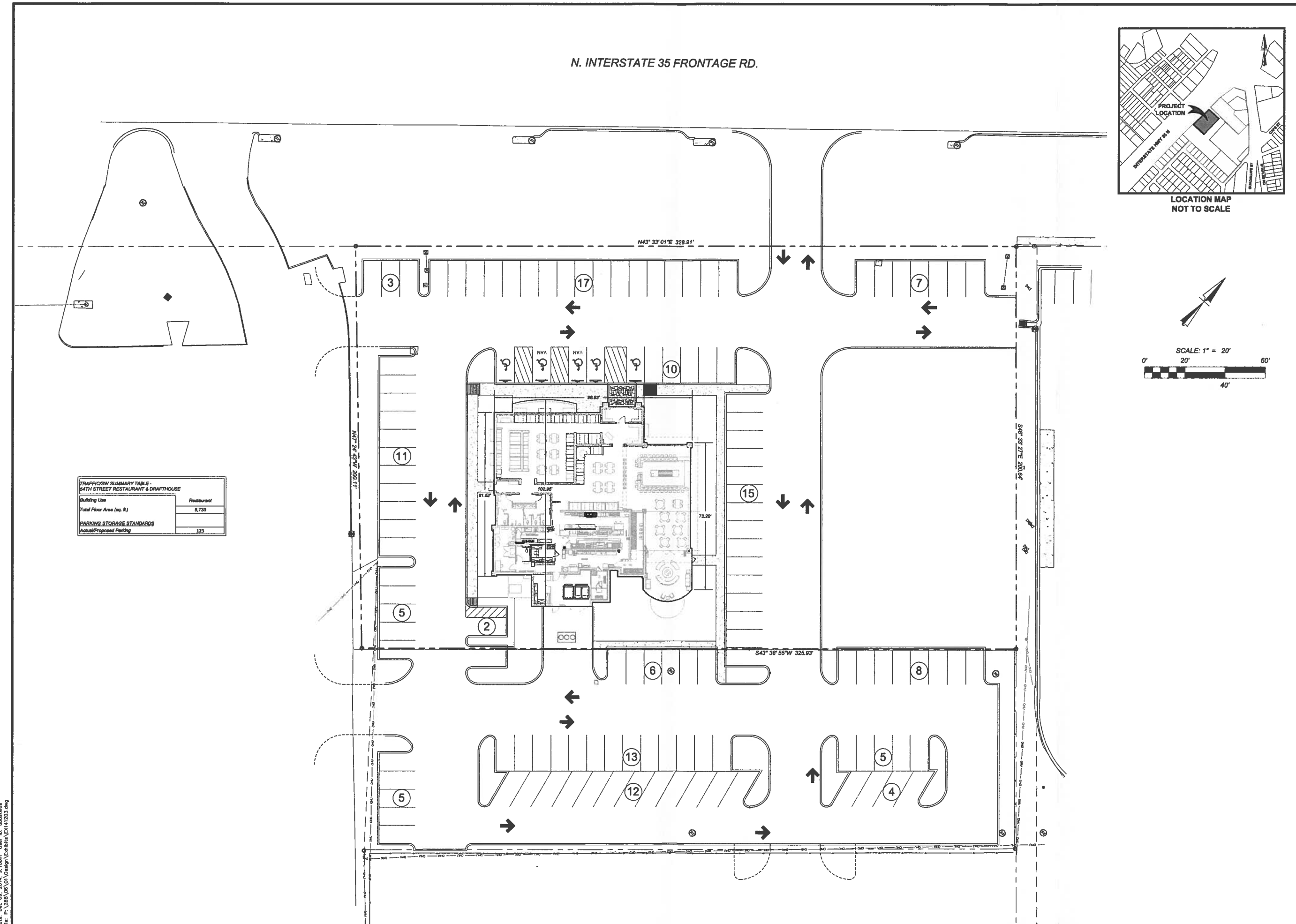
FLOOR PLAN

A1



TRAFFIC/SW SUMMARY TABLE - 54TH STREET RESTAURANT & DRAFTHOUSE	
Building Use	Restaurant
Total Floor Area (sq. ft.)	8,733
PARKING STORAGE STANDARDS	
Actual/Proposed Parking	123

KFW ENGINEERS & SURVEYING
FIRM# 2613
14603 HUEBNER RD, BLDG. 40
SAN ANTONIO, TEXAS 78230
PHONE (210) 979-8444
FAX (210) 979-8441

REVISIONS
ISSUE DATE

54TH STREET RESTAURANT & DRAFTHOUSE

SAN MARCOS, TEXAS

SITE PLAN

JOB NO. 288-06-01
DATE: DEC. 2014
DRAWN: AB CHECKED: BB

SHEET NUMBER:

EX-1

Date: Dec 09, 2014, 9:10am User ID: abustillos
File: P:\288\06\01\Design\Details\EX-1720.dwg

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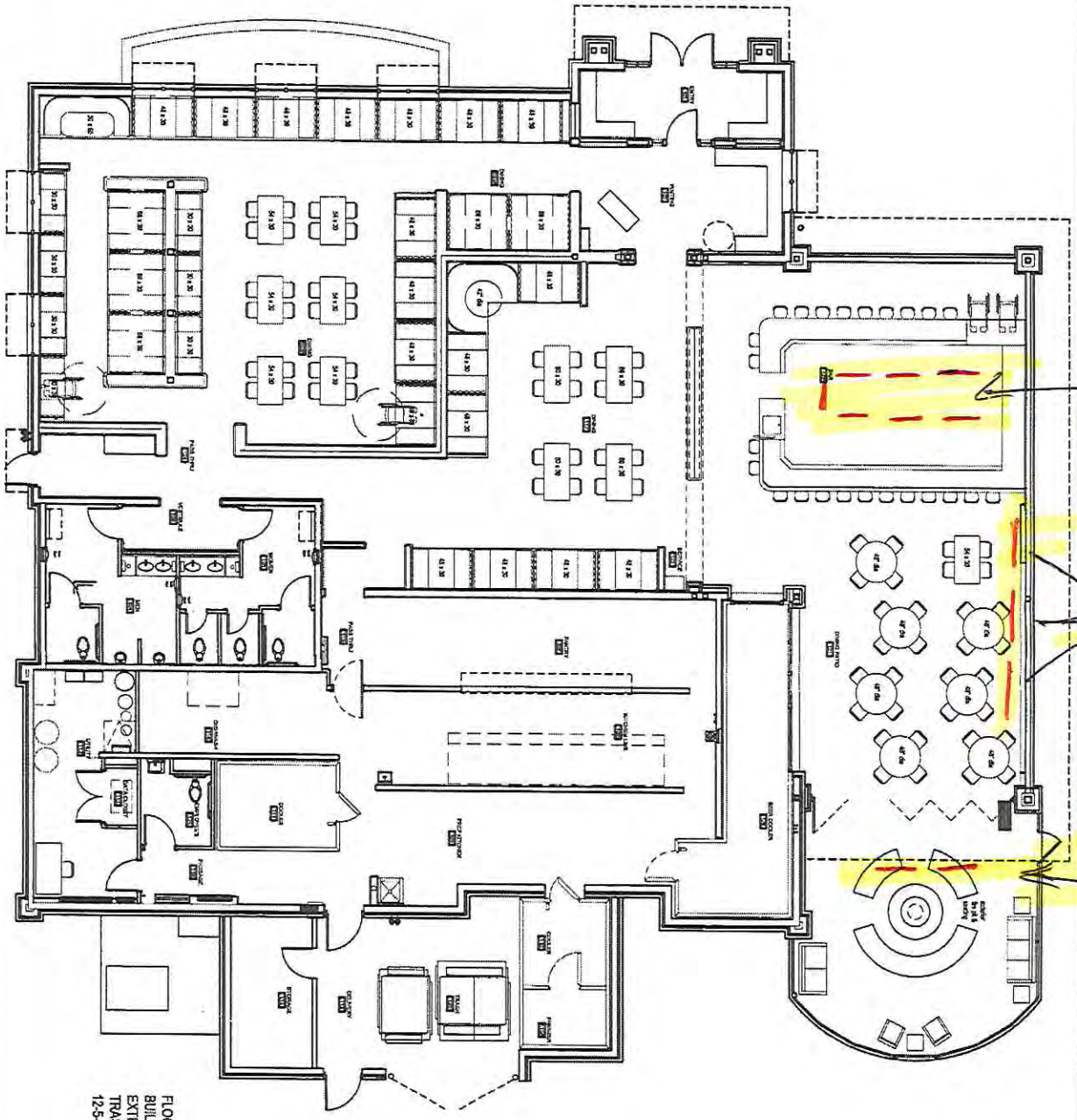


FLOOR PLAN
BUILDING: 7,340 SQ. FT.
EXTERIOR PATIO: 550 SQ. FT.
TRASH/STROAGE ENCLOSURE: 635 SC
12-5-14

A1

FLOOR PLAN

SHAW HOESTRY + ASSOCIATES
1717 OAK, KANSAS CITY, MO 64108
P 816.421.5505 F 816.421.5506
shoa@sfp.com www.shawhoestry.com

54th Street Restaurant & Draft House

Conditional Use Permit

1303 S IH 35, San Marcos, Texas

FLOOR PLAN
DATE: 12-5-14
SCALE: 3/32" = 1'-0" ON 11 X 17 SHEET

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	Michael Norsworthy	Property Owner	Nadav + Peggy Friedman
Company	54th Street Restaurant + Drafthouse	Company	
Applicant's Mailing Address	1425 Swift Suite 200 NKC, MO 64116	Owner's Mailing Address	78633 121 Lonestar Dr, Georgetown TX
Applicant's Phone #	816-455-9008	Owner's Phone #	
Applicant's Email	licenses54@krm-inc.com	Owner's Email	nfridmann@paintrials.com

PROPERTY INFORMATION

Subject Property Address: 1303 South IH 35

Zoning District: GC **Tax ID #: R** 118163

Legal Description: Lot 1 **Block** _____ **Subdivision** Simon Place

Number of Parking Spaces: 123

Is property more than 300' from church, school, hospital, or residential district? ☒ Y ☐ N

DESCRIPTION OF REQUEST

Business Name: 54th Street Restaurant + Drafthouse ☒ **Restaurant** ☐ **Bar** ☐ **Other:** _____

☐ ***NEW*** ☒ ***RENEWAL/AMENDMENT*** ☒ ***Mixed Beverage*** ☐ ***Beer & Wine*** ☐ ***Late Hours***

Hours of Operation(ex. Mon 12pm-1am): Mon 11am-12:30 **Tue** 11-12:30 **Wed** 11-12:30

Thurs 11-1:30 **Fri** 11-1:30 **Sat** 11-1:30 **Sun** 11-12:30

Indoor Seating Capacity: 114 **Outdoor Seating Capacity:** 9 **Gross Floor Area:** _____

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 793* **Technology Fee $13** ***TOTAL COST $806***

Renewal/Amendment Filing Fee $423* **Technology Fee $13** ***TOTAL COST $436***

**Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

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

PROPERTY OWNER AUTHORIZATION

I, FF Trust (owner name) on behalf of

N/A (company, if applicable) acknowledge that I/we

am/are the rightful owner of the property located at

1303 S. IH 35, San Marcos TX (address).

I hereby authorize Gretchen Goeking (agent name) on behalf of

54th Street Restaurant + Drafthouse (agent company) to file this application for

Conditional Use Permit (City of San Marcos) (application type), and, if necessary, to work with

the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: John T. Gilbert Date: 2/5/2020

Printed Name, Title: John T. Gilbert, attorney and agent for Nadav Friedmann, Trustee of the FF Trust

Signature of Agent: Gretchen Goeking Date: 1/31/2020

Printed Name, Title: Gretchen Goeking

Form Updated October, 2019

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

The City of San Marcos 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 shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***

- 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 $91 plus a $13 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 $91 plus a $13 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: Gretchen Goeking Date: 1/31/2020

Print Name: Gretchen Goeking

Form Updated October, 2019

TEXAS ALCOHOLIC BEVERAGE COMMISSION
P.O. BOX 13127 Seq: 0105
AUSTIN, TX 78711-3127

TEXAS ALCOHOLIC BEVERAGE COMMISSION
Texans Helping Businesses & Protecting Communities

4582254100009201 01

54TH STREET
1425 SWIFT ST STE 200
NORTH KANSAS CITY MO 64116

Dear Licensee/Permittee

Please detach and display your license/permit in a conspicuous place at all times on the licensed premise.

Sincerely,

A. Bentley Nettles

A. Bentley Nettles

670073

TEXAS ALCOHOLIC BEVERAGE COMMISSION

MB 920088 **EXPIRES 09/10/2021** RENEW
SIGN =BLUE

MIXED BEVERAGE PERMIT
MIXED BEVERAGE LATE HOURS PERMIT

54TH STREET
1303 IH 35 SOUTH
SAN MARCOS HAYS

KELLAN RESTAURANT MANAGEMENT CORP.

A. Bentley Nettles
EXECUTIVE DIRECTOR

THIS PERMIT IS NOT TRANSFERABLE, MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN THE PLACE OF BUSINESS INDICATED HEREON THE ACCEPTANCE HEREOF CONSTITUTES AN EXPRES AGREEMENT TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON PERMITEE'S PREMISES TO PERFORM ANY DUTY IMPOSED UPON HIM

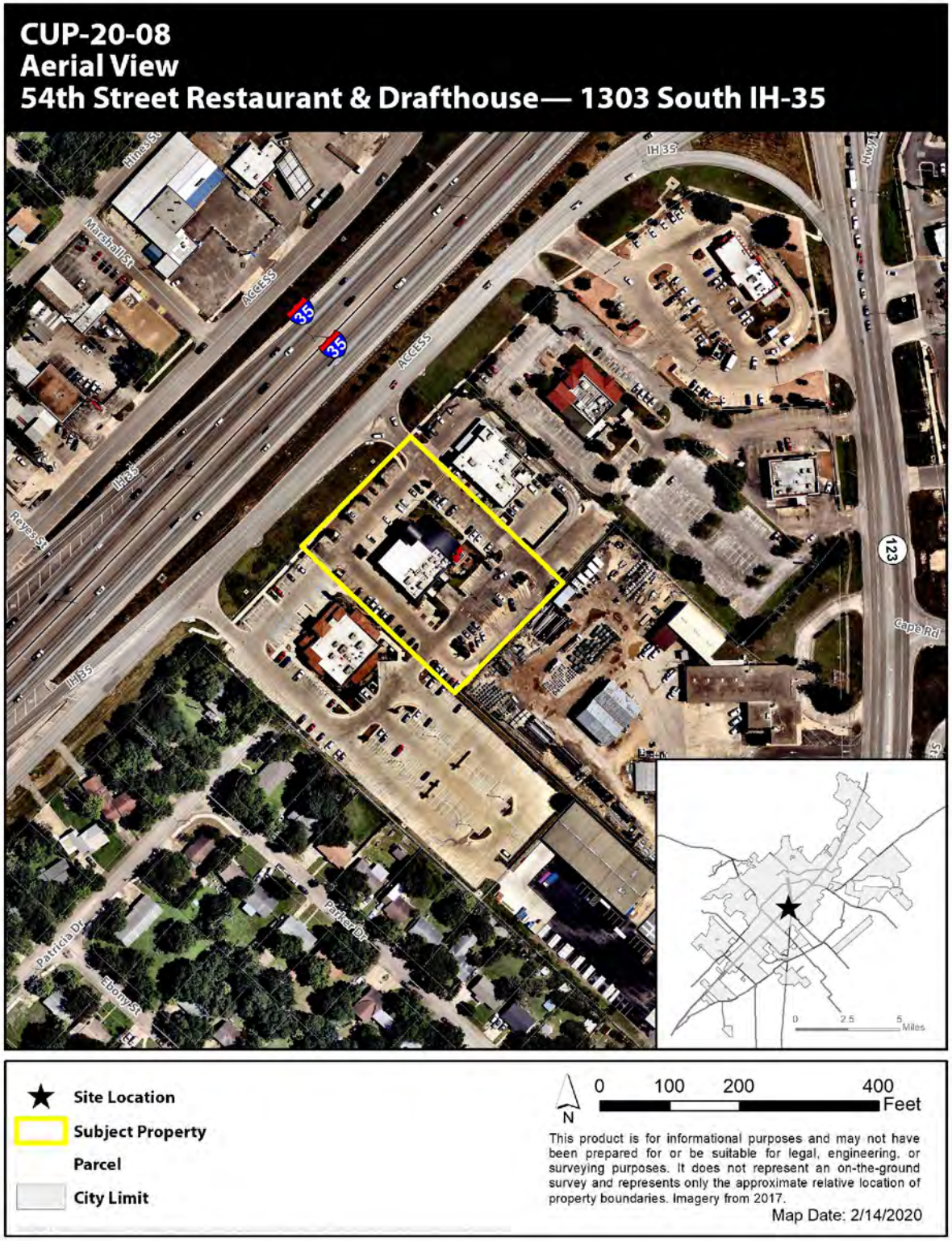
CUP-20-08 (54th Street)

Hold a public hearing and consider a request by 54th Street Restaurant & Drafthouse for a renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 1303 South IH-35. (S. Caldwell).

SAN MARCOS

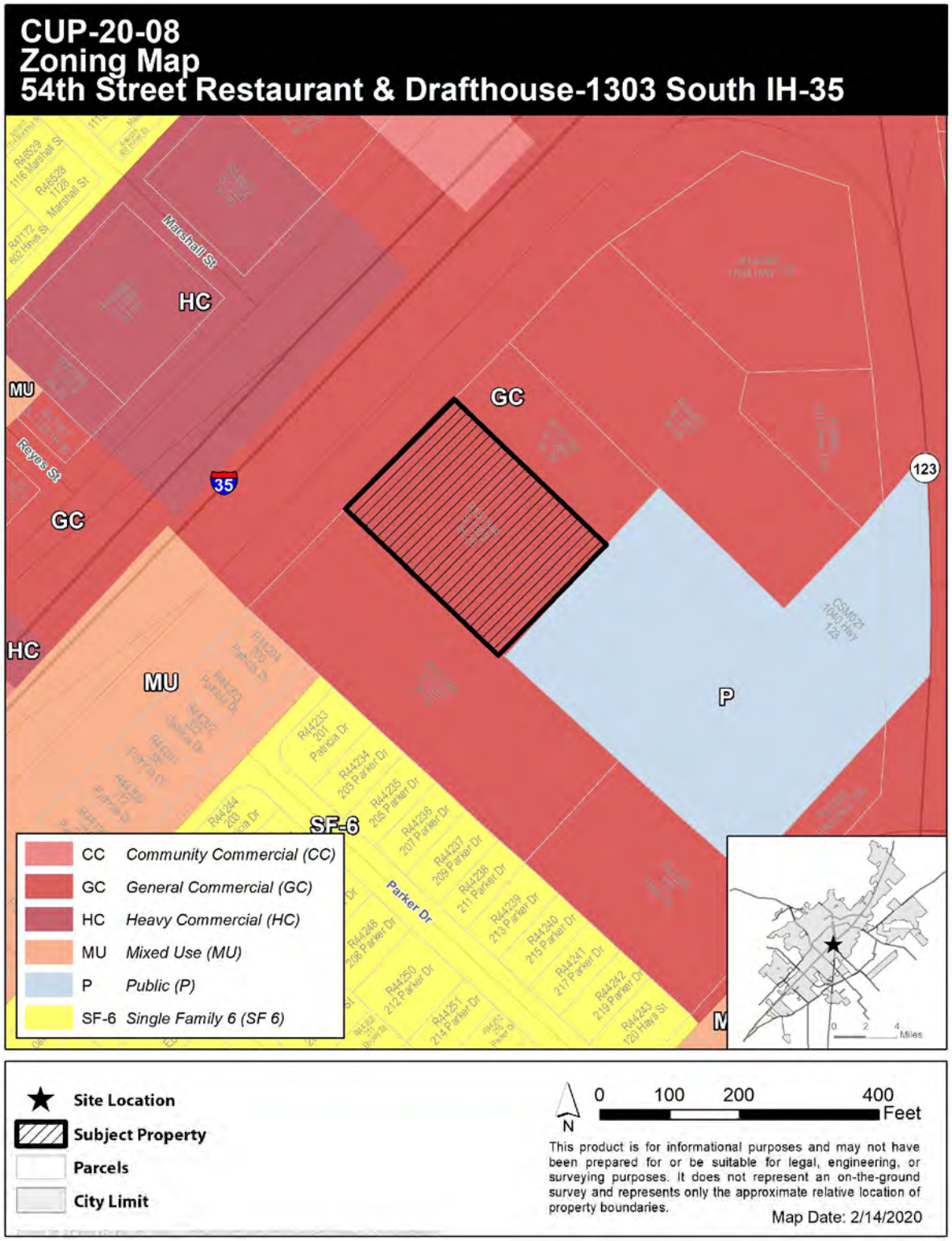
Location:

- Property is located near the intersection of IH-35 and Hwy 123.
- Located within a High Intensity Zone as designated on the Preferred Scenario Map.

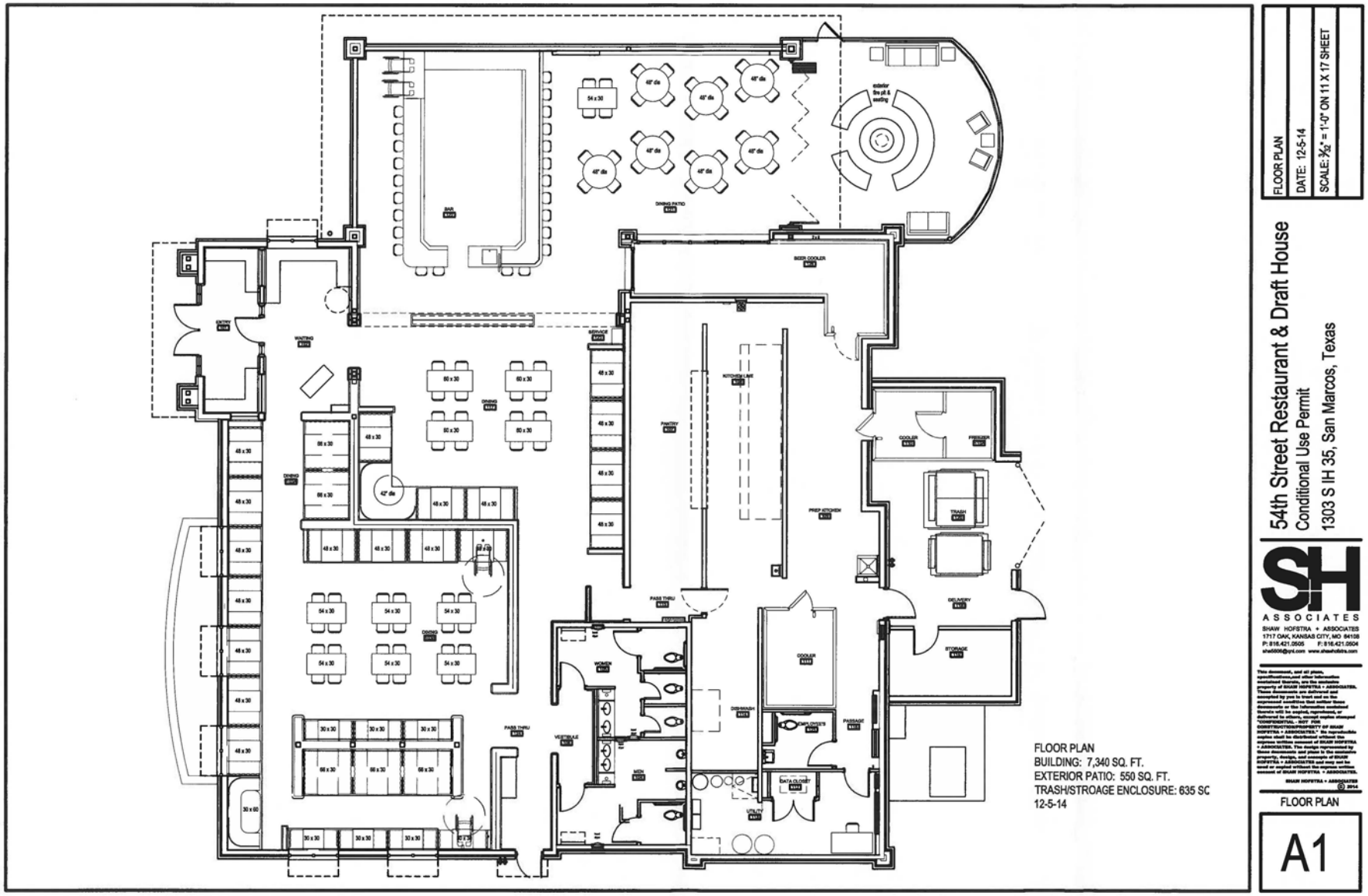


Context & History:

- 7,300 square foot restaurant
- Previous CUP approved in March 2019
- Hours
  - Sunday – Wednesday 11 a.m. to 12:30 p.m.
  - Thursday – Saturday 11 a.m. to 1:30 p.m.
- Seating:
  - 114 Indoor
  - 9 Outdoor



Floor Plan


FLOOR PLAN
BUILDING: 7,340 SQ. FT.
EXTERIOR PATIO: 550 SQ. FT.
TRASH/STROAGE ENCLOSURE: 635 SC
12-5-14
FLOOR PLAN
DATE: 12-5-14
SCALE: 3/32" = 1'-0" ON 11 X 17 SHEET
54th Street Restaurant & Draft House
Conditional Use Permit
1303 S IH 35, San Marcos, Texas
SH
ASSOCIATES
SHAW HOFSTRA + ASSOCIATES
1717 OAK, KANSAS CITY, MO 64108
P: 816.421.0505 F: 816.421.0504
FLOOR PLAN
A1

W ACCESS RD
SB IH 35 OFF RAMP S
S IH35
S IH 35
E ACCESS RD
Rollin' Bowl
54th
O G
NB IH 35 OFF RAMP S
E ACCESS RD
PATRICIA DR
PATRICIA DR
PARKER DR
HAYS ST
HWY 123
Olive Garden Employees restricted to this area

Recommendations:

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

1. **The permit shall be valid for three (3) years, provided standards are met.**
2. **Employees may not park on the Olive Garden lot.**
3. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

File #: CUP-20-07, Version: 1

AGENDA CAPTION:
CUP-20-07 (Toro Ramen & Poke Barn) Hold a public hearing and consider a request by Toro Tanaka for a renewal of a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 700 North LBJ Drive, Suite 114. (S. Caldwell)
Meeting date: March 24, 2020

Department: Planning and 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.

☐ Core Services

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

Toro Ramen & Poke Barn received their CUP to allow for the on-premise consumption of beer and wine in March 2019.

The restaurant is located near the intersection of East Sessom Drive and North LBJ Drive. The building is located within the San Marcos Center and fronts on the shopping center's shared parking lot. The restaurant has a total of 2,952 square feet and a seating capacity of 110. There is no outside dining area at this location.

The current hours of operation are from 11 am-9:30 pm Monday-Saturday and 12 pm-9:30 pm on Sundays. No live music is proposed and the only entertainment facilities at this location are two televisions located inside the restaurant.

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 criteria from Sections 2.8.3.4 and 5.1.5.5 of the San Marcos Development Code and recommends approval with the following conditions:

1. Permit shall be valid for three (3) years, provided standards are met
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy

powered by Legistar™

Conditional Use Permit	700 N. LBJ Drive #114
CUP-20-07	Toro Ramen & Poke Barn

Summary

Request:	Renewal of a Conditional Use Permit to allow for the sale of beer and wine for on premise consumption at 700 North LBJ Drive, Suite 114		
Applicant:	Toro Ramen & Poke Bar 7901 Ladera Verde Dr. Austin, TX 78739	**Property Owner:**	Fleming Hjorting, Hjorting Family Trust 926 San Rogue Road Santa Barbara, CA 93105
Square Feet:	2,952 square feet	**Type of CUP:**	Beer and Wine
Interior seating:	110	**Outdoor seating:**	0
Parking Required:	28	**Parking Provided:**	Shared
Days & Hours of Operation:	Monday – Saturday: 11 a.m. – 9:30 p.m. Sunday: 12 p.m. – 9:30 p.m.		

Notification

Posted:	March 6, 2020	**Personal:**	March 6, 2020
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:**	Restaurant
CONA Neighborhood:	N/A	**Sector:**	3
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	NC/MF-18	Retail/Multifamily	Existing Neighborhood
South of Property:	P	Texas State University	N/A
East of Property:	P/MF-24	Multifamily	Existing Neighborhood
West of Property:	GC/NC	Service Station/Retail	Existing Neighborhood

Conditional Use Permit	700 N. LBJ Drive #114
CUP-20-07	Toro Ramen & Poke Barn

History

Toro Ramen & Poke Barn opened at their current location in September 2017. Toro Ramen's initial request for a Conditional Use Permit to allow for the sale of beer and wine for on premise consumption was approved at the March 26, 2019 Planning & Zoning Commission meeting with the following conditions:

- The permit shall be valid for one (1) year, provided standards are met;
- The permit shall be posted in the same area and manner as the Certificate of Occupancy

Additional Analysis

The gross floor area of the restaurant is 2,952 square feet with an indoor seating capacity of 110. There is no outdoor seating at this location. The hours of operation are 11 a.m.-9:30 p.m. Monday through Saturday and 12 p.m.-9:30 p.m. on Sundays. The building is located within the San Marcos Center shopping center and fronts on East Sessom Drive. The only entertainment facilities at this location are two televisions inside the restaurant.

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

	Approval as Submitted	***X***	Approval with Conditions / Alternate		Denial

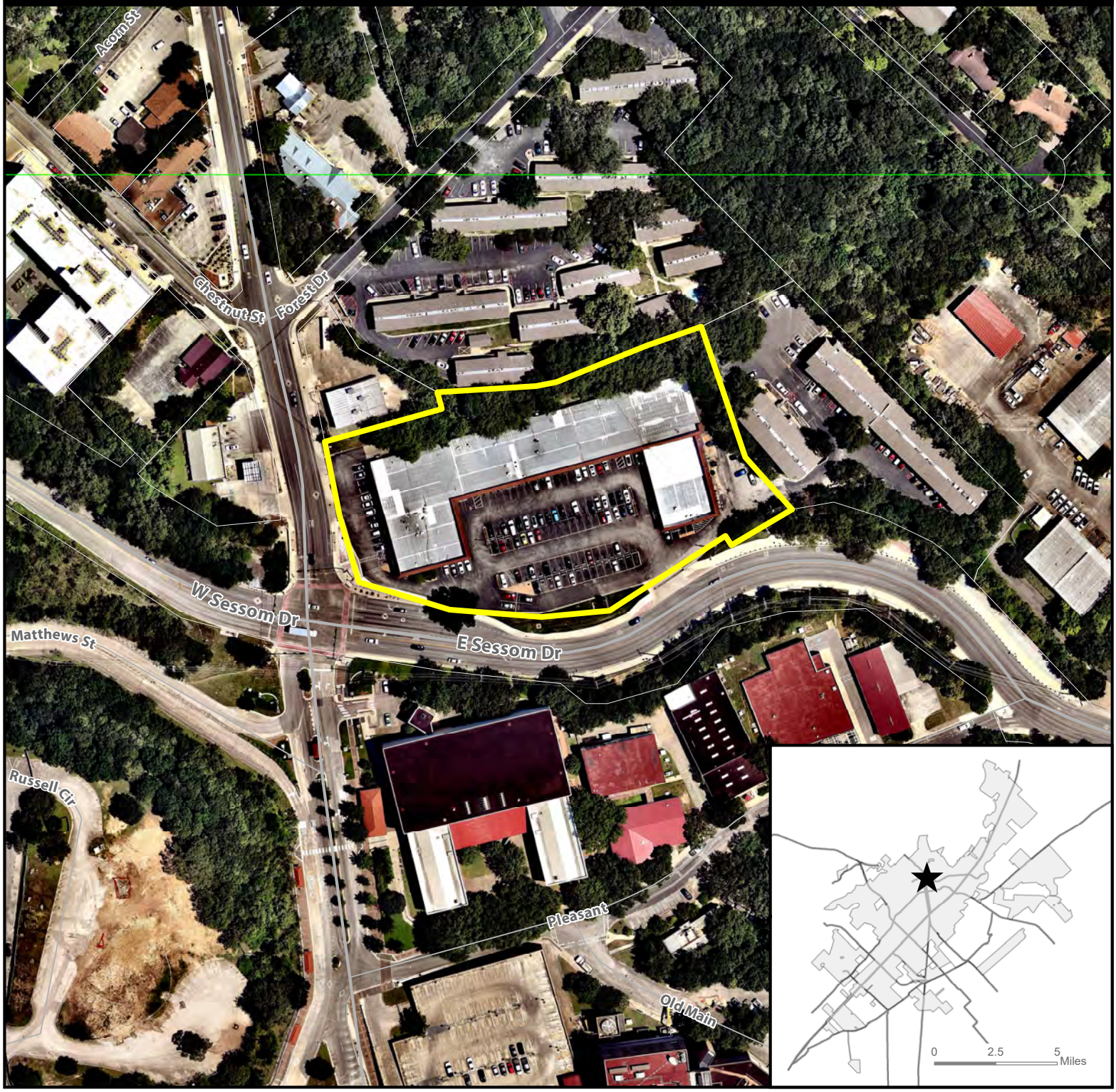
1. Permit shall be valid for three (3) years, provided standards are met,
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Shavon Caldwell	**Title :** Planner	**Date:** March 24, 2020

Conditional Use Permit	700 N. LBJ Drive #114
CUP-20-07	Toro Ramen & Poke Barn

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		X	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		N/A	The proposed use is consistent with any adopted neighborhood character study for the area. **Studies were not complete at the time of this request**
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
X			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.
X			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.
		X	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.
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
X			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.
X			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.
X			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.
X			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).

CUP-20-07
Aerial View
Toro Ramen & Poke Barn - 700 North LBJ Dr, Suite 114



★ **Site Location**

Subject Property

Parcel

City Limit

N

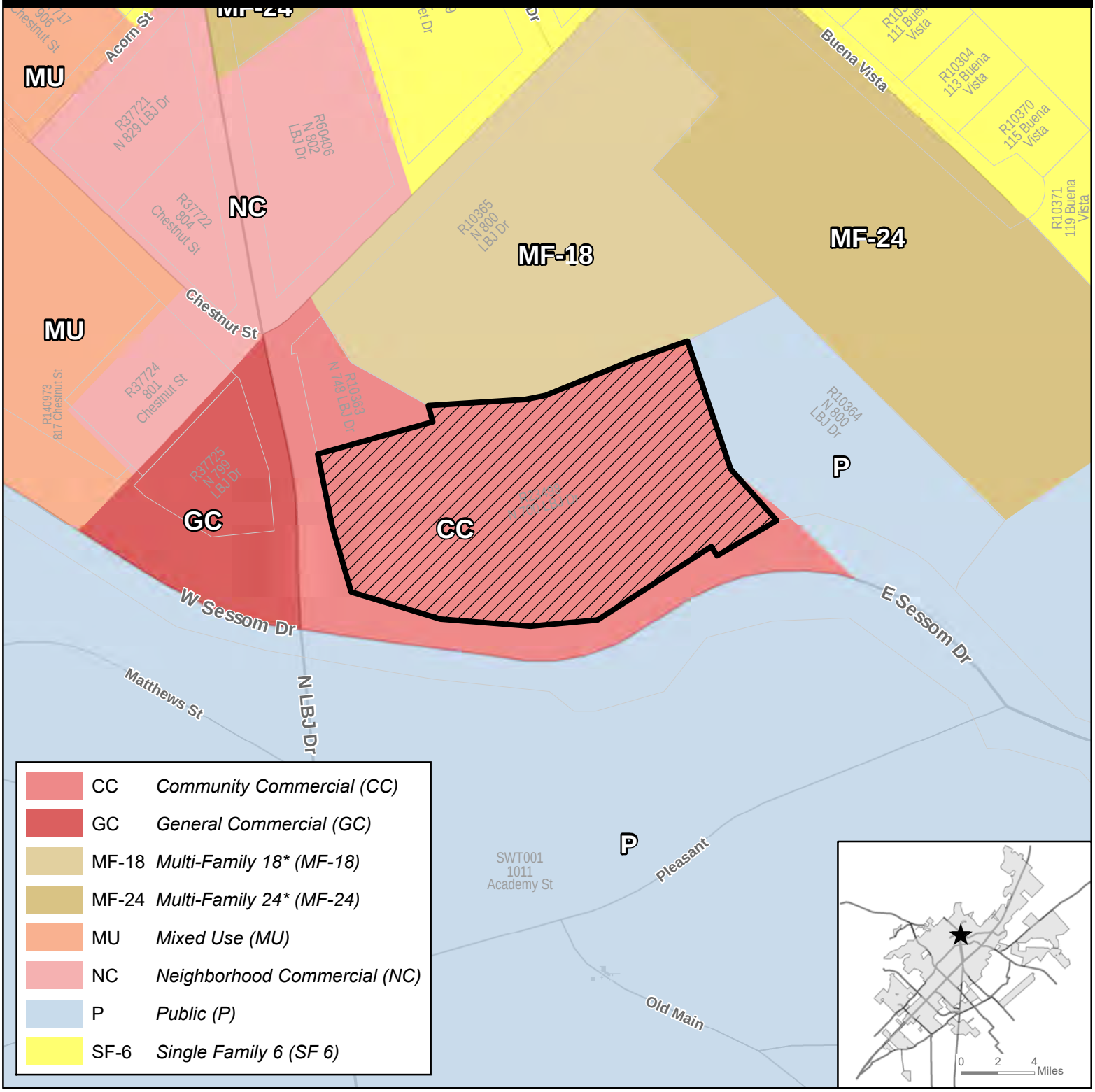
0 100 200 400 Feet

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: 2/7/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-07 Toro Ramen Renewal\CUP-20-07 Aerial Map.mxd

CUP-20-07
Zoning Map
Toro Ramen & Poke Barn-700 North LBJ Dr., Suite 114



Site Location

Subject Property

Parcels

City Limit

N

0 100 200 400 Feet

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: 2/14/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-07 Toro Ramen Renewal\CUP-20-07 ZoningMap.mxd

CUP-20-07
400' Notification Buffer
Toro Ramen & Poke Bar - 700 North LBJ Dr, Suite 114

★ **Site Location**

Subject Property

400' Buffer

Parcel

City Limit

N

0 112.5 225 450 Feet

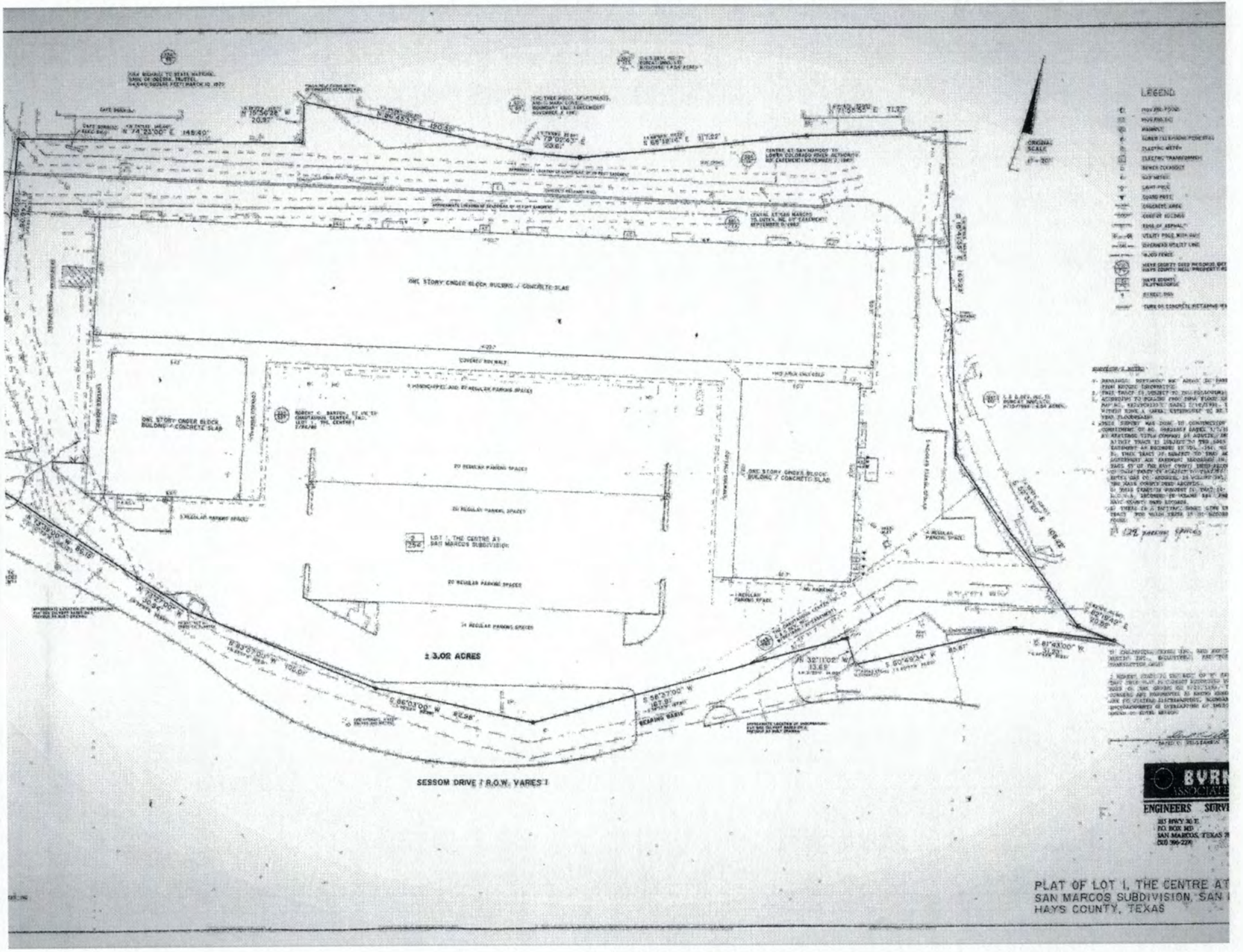
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 2/7/2020

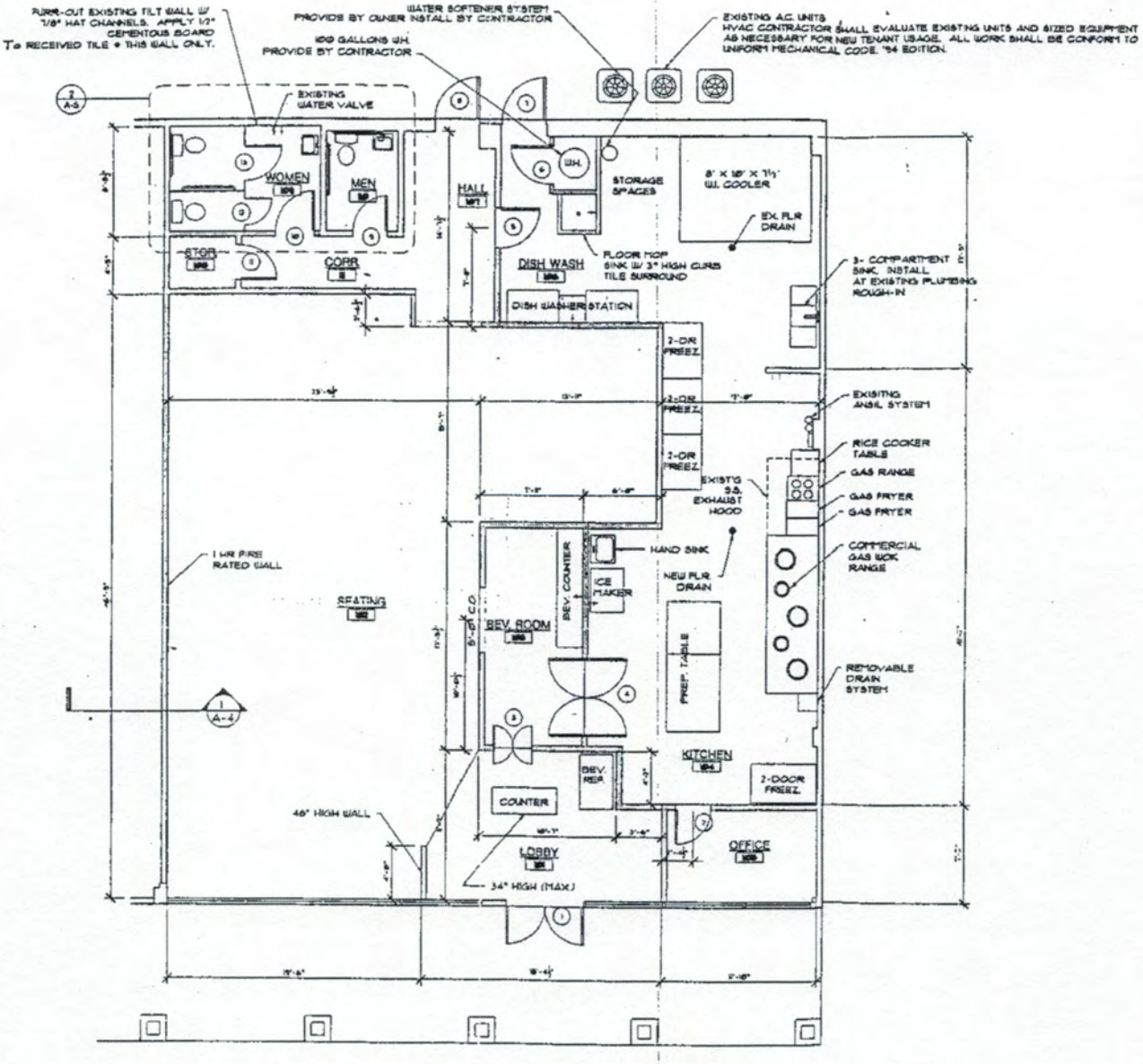
Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-06 Davenport\CUP-20-06 NotificationMap.mxd

CUP-20-07 Notification List

Property ID	Subject Address	Party Name	Address1	City	State
37724	801 CHESTNUT	APANTE INVESTMENTS LP	PO BOX 160788	AUSTIN	TX
140973	817 CHESTNUT	ELLA LOFTS FUNDING COMPANY LLC	8 S SERVICE RD STE 120	MELVILLE	NY
37721	829 LBJ	FORRREAL LTD	215 W SAN ANTONIO ST STE 2002	SAN MARCOS	TX
23498	700 LBJ	HJORTING FAMILY TRUST	HJORTING FLEMMING & MAY 926 SAN ROQUE RD	SANTA BARBARA	CA
131659	801 BLUEBONNET	HOFMANN DONALD R	801 W BLUEBONNET DR	SAN MARCOS	TX
37722	804 CHESTNUT	LIN ANDREW A ETAL	% CHRISTOPHER A LIN-MANAGING DIRECTOR LIN BROS & ASSOCIATES	LAKE FOREST	IL
10363	748 LBJ	NEXT DOOR APARTMENTS -SAN MARCOS LLC	30277 VIA BORICA	RANCHO PALOS VERDES	CA
138793	LBJ	SAN MARCOS CITY OF	630 E HOPKINS ST	SAN MARCOS	TX
60406	802 LBJ	SPUTNIK, LEASING CO	802 N LBJ DR	SAN MARCOS	TX
37725	799 LBJ	SUSSER PETROLEUM OPERATING CO LLC	1300 MAIN ST	HOUSTON	TX
		JENNIFER KATZ	203 WEST HILLCREST DR	SAN MARCOS	TX
		SARA LEE UNDERWOOD-MYERS	1415 HARPER DR	SAN MARCOS	TX
		LIZBETH DOBBINS	2705 LESLIE LN	SAN MARCOS	TX


LEGEND
ORIGINAL SCALE
ONE STORY CINDER BLOCK BUILDING / CONCRETE SLAB
CONCRETE SIDEWALK
20 REGULAR PARKING SPACES
LOT 1, THE CENTRE AT SAN MARCOS SUBDIVISION
± 3.02 ACRES
SESSOM DRIVE (R.O.W. VARIES)
BEARING BASIS
BVRN ASSOCIATE
ENGINEERS SURVE
PLAT OF LOT 1, THE CENTRE AT
SAN MARCOS SUBDIVISION, SAN
HAYS COUNTY, TEXAS

Suite 114 Floor Plan



Hi Shavon,

Our restaurant only have dining area, no stage, no dancing area, no live music, no music equipment at all.

we have 1 tv on 2 sides of the wall. tv connected to charter communication service to play some movie, sport or news.

Best Regards,

Anton Hartono

see more menus @ zmenu.com

Poke Barn

Tonkotsu

10.99

Spicy Tonkotsu

11.99

Chicken Rich Ramen

9.99

Shoyu

9.99

Extra Toppings

Boiled Egg(1)
1.00

Cha-Shu (3)
1.99

Noodle
1.49

Red Ginger
0.99

M[illegible]om

Scallion
0.99

Appetizers

Edamame
3.99

Spicy Garlic Edamame
4.99

Agedashi Tofu
3.99

Veggie Egg Roll (4)
3.99

Chicken Karage
4.99

Beef Gyoza
5.99

Takoyaki
5.99

Toro Ball
5.99

Squid Legs
5.99

Chicken Wings(5)
5.99

Make it Ramen Combo

Any Ramen + $2.00

- Edamame
- Agedashi Tofu
- Veggie Tempura
- Veggie Egg Roll

Any Ramen + $3.00

- Chicken Karage
- Spicy Garlic Edamame
- Beef Gyoza
- Toro Ball

Any Ramen + $4.00

- Small Poke w/ 1 protein
- Fish Cake

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	ANTON HARTONO	Property Owner	FLEMING HJORTING, HJORTING FAMILY TRUST
Company	TORO TANAKA	Company	HJORTING FAMILY TRUST
Applicant's Mailing Address	7901 LADERA VERDE DR AUSTIN, TX 78739	Owner's Mailing Address	926 SAN ROGUE ROAD, SANTA BARBARA, CA 93105
Applicant's Phone #	626 607 7772	Owner's Phone #	805-682-2743
Applicant's Email	anton_hartono@sbcglobal.net	Owner's Email	fhjorting@aol.com.

PROPERTY INFORMATION

Subject Property Address: 700 N. LBJ DR # 114, SAN MARCOS, TX 78666.

Zoning District: _____ Tax ID #: R 82-1878573.

Legal Description: Lot 1 Block _____ Subdivision _____

Number of Parking Spaces: 121

Is property more than 300' from church, school, hospital, or residential district? ☐ Y ☒ N

DESCRIPTION OF REQUEST

Business Name: TORO RAMEN & POKE BARN ☒ Restaurant ☐ Bar ☐ Other: _____

☐ *NEW* ☒ *RENEWAL/AMENDMENT* ☐ *Mixed Beverage* ☐ *Beer & Wine* ☐ *Late Hours*

Hours of Operation(ex. Mon 12pm-1am): Mon 11am - 9.30pm Tue 11am - 9.30pm Wed 11am - 9.30pm

Thurs 11am - 9.30pm Fri 11am - 9.30pm Sat 11am - 9.30pm Sun 12pm - 9.30pm

Indoor Seating Capacity: 110 Outdoor Seating Capacity: 0 Gross Floor Area: 2952 sqft.

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 793* Technology Fee $13 ***TOTAL COST $806***

Renewal/Amendment Filing Fee $423* Technology Fee $13 ***TOTAL COST $436***

**Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

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

PROPERTY OWNER AUTHORIZATION

I, Flemming Hjorting (owner) acknowledge that I am the rightful owner of the property located at 700 North LBJ San Marcos Texas 78666 (address).

I hereby authorize Keith Whittington (agent name) to file this application for _____ (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: Flemming Hjorting Date: 1-28-2019

Printed Name: Hjorting Family Trust, Trustee

Signature of Agent: Keith Whittington, CPM Date: 1-28-2019

Printed Name: Keith Whittington, as agent, Lynx Property Services

AGREEMENT TO THE PLACEMENT OF MONITORING WELLS AND ACKNOWLEDGEMENT OF MONITORING REQUIREMENTS

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

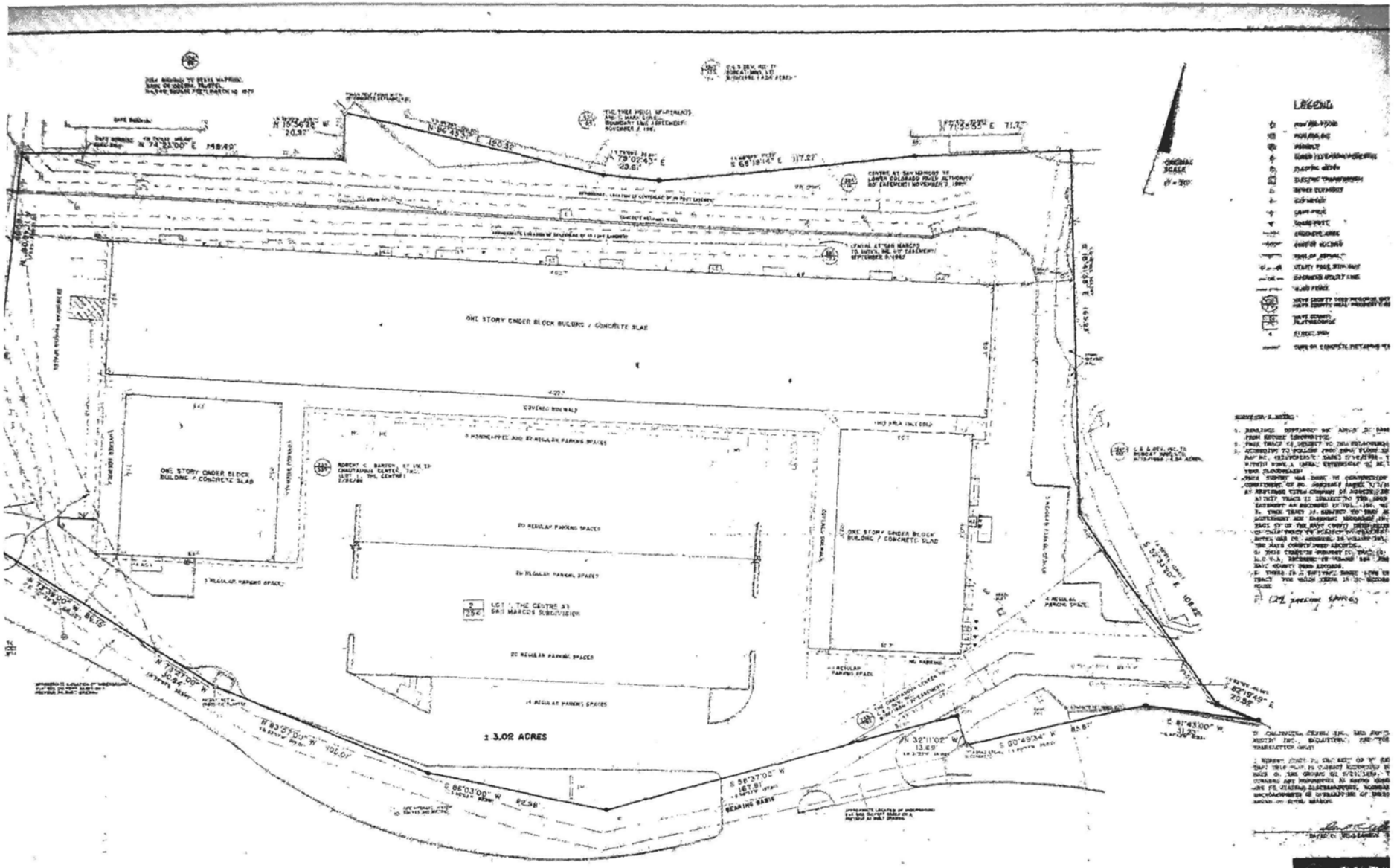
Signature [illegible]

Print Name [illegible]

[illegible]

[illegible]

[illegible]


LEGEND
ORIGINAL SCALE
ONE STORY CINDER BLOCK BUILDING / CONCRETE SLAB
COVERED WALKWAY
ONE STORY CINDER BLOCK BUILDING / CONCRETE SLAB
ONE STORY CINDER BLOCK BUILDING / CONCRETE SLAB
20 REGULAR PARKING SPACES
20 REGULAR PARKING SPACES
20 REGULAR PARKING SPACES
14 REGULAR PARKING SPACES
3 REGULAR PARKING SPACES
4 REGULAR PARKING SPACE
1 REGULAR PARKING SPACE
LOT 1, THE CENTRE AT SAN MARCOS SUBDIVISION
± 3.02 ACRES
BEARING BASIS
SESSOM DRIVE / R.O.W. VARIES ±
PLAT OF LOT 1, THE CENTRE AT
SAN MARCOS SUBDIVISION, SAN
HAYS COUNTY, TEXAS
ENGINEERS

523904

TEXAS ALCOHOLIC BEVERAGE COMMISSION

BG 1052980 **EXPIRES 05/02/2021** NEW

SIGN =BLUE 17% WINE

WINE&BEER RETAILER'S ON PREMISE PERMIT
FOOD AND BEVERAGE CERTIFICATE

TORO RAMEN & POKE BARN
700 N LBJ DRIVE SUITE 114
SAN MARCOS HAYS

TORO-TANAKA INC.

A. Beauty Neuhe

EXECUTIVE DIRECTOR

THIS LICENSE IS NOT TRANSFERABLE, MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN THE PLACE OF BUSINESS INDICATED HEREON THE ACCEPTANCE HEREOF CONSTITUTES AN EXPRESS AGREEMENT TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON LICENSEE'S PREMISES TO PERFORM ANY DUTY IMPOSED UPON HIM.

CUP-20-07 (Toro Ramen)

Hold a public hearing and consider a request by Toro Tanaka for a Conditional Use Permit renewal to allow for the sale of beer and wine for on premise consumption at 700 N. LBJ Dr, Ste 114. (S. Caldwell)

SAN MARCOS

Location:

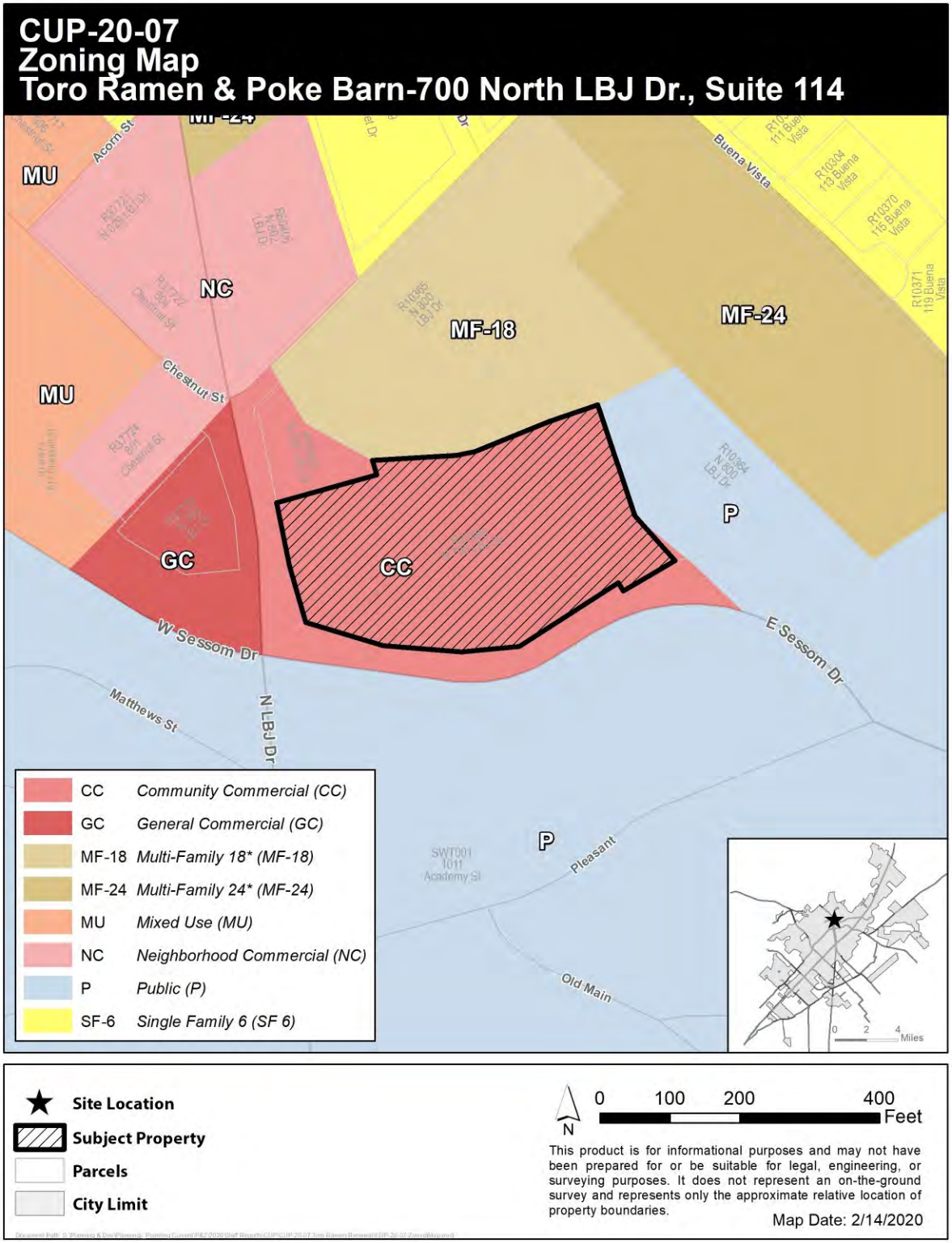
- The restaurant is located at the corner of North LBJ Drive and East Sessom Drive

- Located in an Existing Neighborhood Area on the Preferred Scenario Map

SAN MARCOS

Context & History:

- The suite is approximately 2,952 square feet
  - 110 Indoor Seating Capacity
  - No outdoor seating
- Business opened in 2017, received their initial CUP in March 2019
- The hours of operation are
  - Monday – Saturday
    - 11am-9:30pm
  - Sunday
    - 12pm-9:30pm
- Entertainment facilities include two indoor televisions



Recommendations:

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

1. **Permit shall be valid for three (3) years, provided standards are met; and**
2. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

File #: CUP-20-05, Version: 1

AGENDA CAPTION:
CUP-20-05 (North Street Beer Bar) Hold a public hearing and consider a request by North Street Inc. for a renewal of a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 216 North Street (S. Caldwell)
Meeting date: March 24, 2020

Department: Planning and 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.

☐ Core Services

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

North Street Beer Bar received their CUP to allow for the on-premise consumption of beer and wine in 2016 and the permit became effective in 2019 upon the issuance of the restaurant's Certificate of Occupancy.

The restaurant is located near the intersection of North Street and Hutchison Street with the entrance and front patio area fronting on North Street. The restaurant has a total of approximately 2,840 square feet of indoor and outdoor space and has a total seating capacity of 105. Entertainment facilities on site include two televisions inside the restaurant and two speakers on the patio. The current hours of operation are 7:30 am-10 pm Monday-Thursday, 7:30 am-10:30 pm on Friday, 8:30 am-10:30 pm on Saturday, and 8:30 am-9:00 pm on Sundays.

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 with the criteria from Sections 2.8.3.4 and 5.1.5.5 of the San Marcos Development Code and recommends approval with the following conditions:

1. Permit shall be valid for three (3) years, provided standards are met
2. No outdoor live music shall be allowed past 10:00 pm
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy

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Conditional Use Permit	216 North Street
CUP-20-05	North Street Beer Bar

Summary

Request:	Renewal of a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 216 North Street		
Applicant:	North Street Beer Bar 216 North Street San Marcos, TX 78666	**Property Owner:**	Kevin Katz, Katz Development LLC 719 Aquifer Oaks Trail San Marcos TX 78666
Square Feet:	2,842 square feet	**Type of CUP:**	Beer and Wine
Interior seating:	60	**Outdoor seating:**	45
Parking Required:	9	**Parking Provided:**	Shared
Days & Hours of Operation:	Monday-Thursday: 7:30 am-10 pm Friday: 7:30 am-10:30 pm Saturday: 8:30 am-10:30 pm Sunday: 8:30 am-9:00 pm		

Notification

Posted:	March 6, 2020	**Personal:**	March 6, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	D.P. Hopkins First Addition, Block 3, Lot 1A		
Location:	Near the intersection of North Street and West Hopkins Street		
Acreage:	0.169 acres +/-	**Central Business Area:**	No
Existing Zoning:	Character District-5 (CD-5)	**Preferred Scenario:**	Downtown High Intensity Zone
Existing Use:	Restaurant	**Proposed Use:**	Restaurant
CONA Neighborhood:	Downtown	**Sector:**	8
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5	Parking Lot	High Intensity
South of Property:	CD-5	Bar (Zelick's)	High Intensity
East of Property:	CD-5	Bed & Breakfast (Crystal River Inn)	High Intensity
West of Property:	CD-5	Texas State University Offices/ Insurance Services	High Intensity

Conditional Use Permit	216 North Street
CUP-20-05	North Street Beer Bar

History

North Street Beer Bar's initial request for a Conditional Use Permit to allow for the sale and on-premise consumption of beer and wine was approved at the January 12, 2016 Planning & Zoning Commission meeting with the following conditions:

- The permit shall be valid for one (1) year, provided standards are met;
- No live music shall be allowed;
- The permit shall be effective upon the issuance of the Certificate of Occupancy; and
- The permit shall be posted in the same area and manner as the Certificate of Occupancy

The permit became effective on April 11, 2019 upon the issuance of the Certificate of Occupancy.

Additional Analysis

North Street Beer Bar is located on North Street between Hutchison Street and Hopkins Street. The restaurant consists of 1,360 square feet of interior space that has a seating capacity of 60 along with a 1,482 square foot patio area with a seating capacity of 45.

Entertainment facilities at North Street include two televisions located inside the restaurant and two speakers located on the patio. The applicant does not currently have any plans for live music but would like the ability to have live music in the future. The current hours of operation are 7:30 am-10 pm Monday-Thursday, 7:30 am-10:30 pm Friday, 8:30 am-10:30 pm on Saturday, and 8:30 am-9:00 pm on Sunday. North Street Beer Bar has recently changed these hours from the original 11 am-11 pm hours of operation. Due to the change in hours of operation, no reported noise violations or concerns from Police since the restaurant's 2019 opening, and the desire of the applicant to potentially have live music in the future, staff is recommending that the original "No live music allowed" condition be altered to "No outdoor live music shall be allowed past 10:00 pm".

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

	Approval as Submitted	***X***	Approval with Conditions / Alternate		Denial

1. Permit shall be valid for three (3) years, provided standards are met
2. No outdoor live music shall be allowed past 10:00 pm
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy

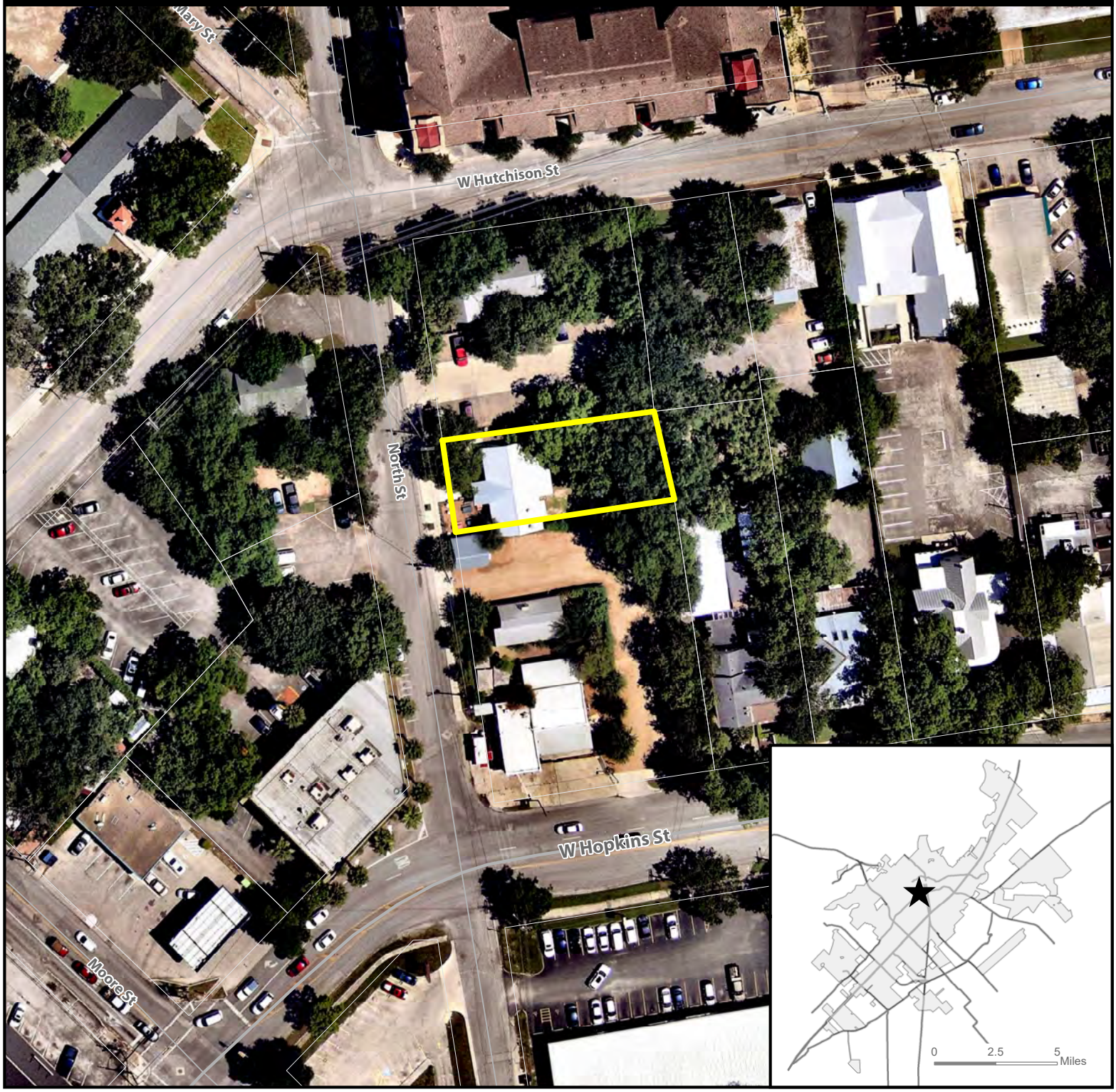
Staff: Shavon Caldwell	**Title :** Planner	**Date:** March 24, 2020

Conditional Use Permit	216 North Street
CUP-20-05	North Street Beer Bar

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		X	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		N/A	The proposed use is consistent with any adopted neighborhood character study for the area. ***Studies were not complete at the time of this request***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. ***CD-5D zoning is intended to provide for a variety of residential, retail, service and commercial uses and promote mixed use and pedestrian-oriented activity. CD-5 allows for a restaurant/bar use.***
X			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. ***Adjacent uses are largely non-residential uses. No changes to the existing restaurant/bar use are being proposed with this application.***
X			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.
		X	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.
X			The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***Conditions are proposed to address noise. No outdoor music shall be allowed past 10:00 pm.***
X			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.
X			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.
X			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.

			The proposed us is approximately 336 feet from the First Presbyterian Church located at the intersection of West Hutchison Street and Mary Street. As per Code Section 5.1.5.5.E.4., measurements shall be along the property line of street fronts and from front door to front door, and in a direct line across street intersections.
X			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).

CUP-20-05
Aerial View
North Street Beer Bar - 216 North Street



★ **Site Location**

Subject Property

Parcel

City Limit

N

0 50 100 200 Feet

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: 2/7/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-05 North Street Renewal\CUP-20-05 Aerial Map.mxd

CUP-20-05
Zoning Map
North Street Beer Bar - 216 North Street

Site Location

Subject Property

Parcels

City Limit

N

0 50 100 200 Feet

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Map Date: 2/7/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-05 North Street Renewal\CUP-20-05 ZoningMap.mxd

CUP-20-05
400' Notification Buffer
North Street Beer Bar- 216 North Street

★ **Site Location**

Subject Property

400' Buffer

Parcel

City Limit

N

0 87.5 175 350 Feet

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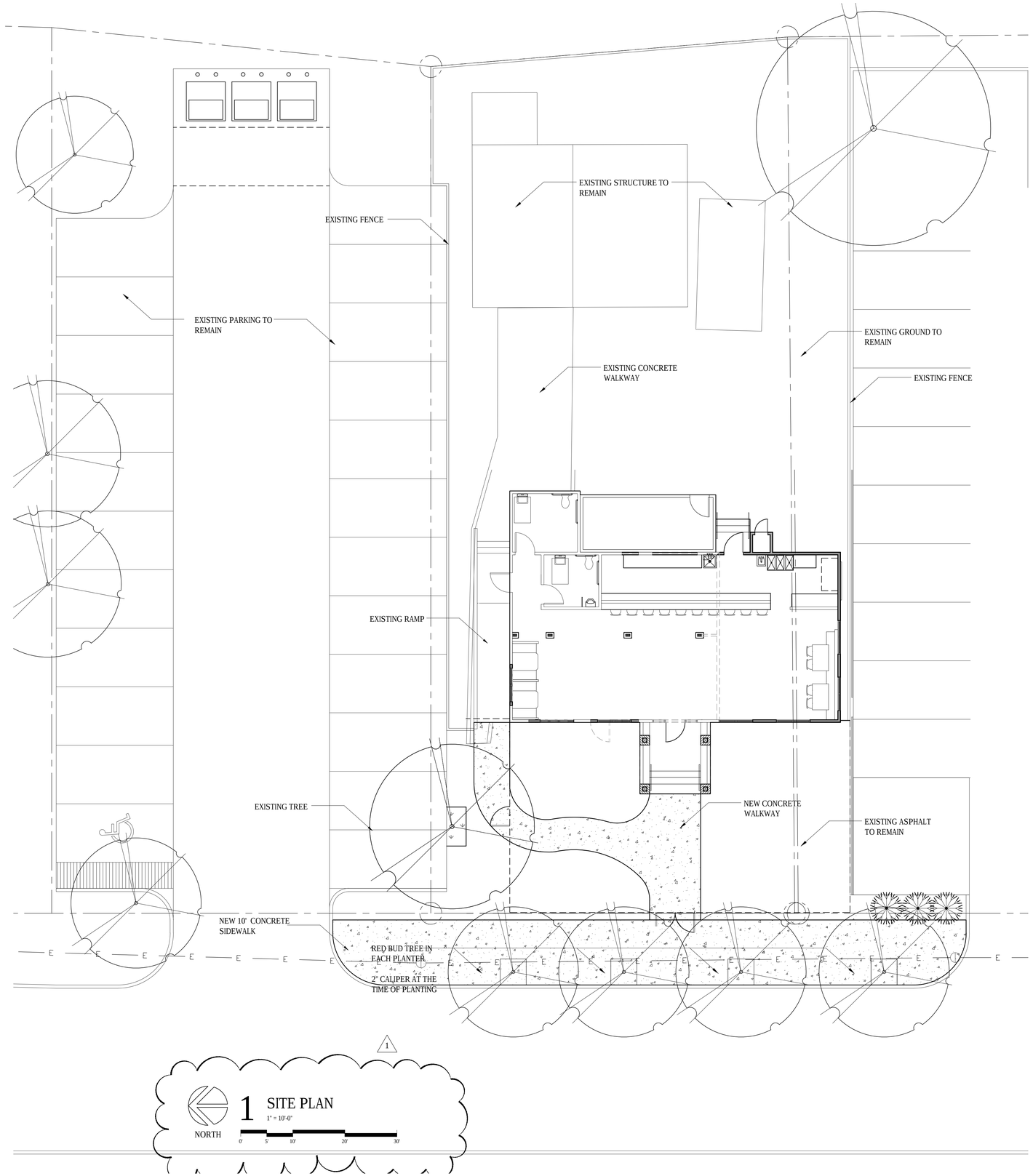
Map Date: 2/7/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-05 North Street Renewal\CUP-20-05 NotificationMap.mxd

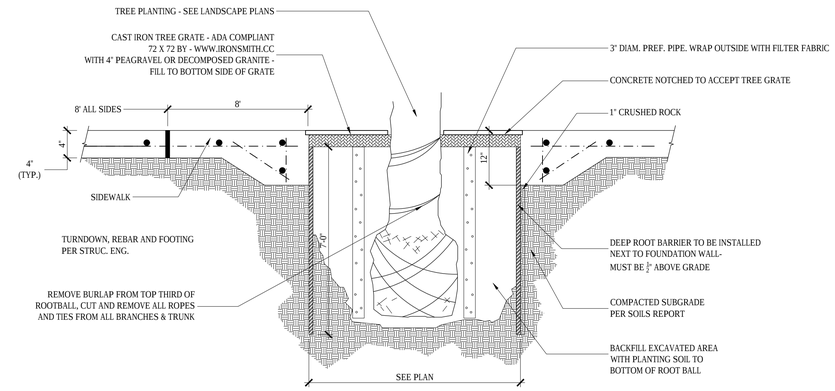
CUP-20-05 Notification List					
Property ID	Subject Address	PartyName	Address1	City	State
41597	312 HOPKINS	312 VENTURES LLC	312 W HOPKINS ST	SAN MARCOS	TX
34747	428 HUTCHISON	ALPHA ZETA HOUSING CORP	PO BOX 2230	SAN MARCOS	TX
34757	401 HOPKINS	BROWNLEE INVESTMENT INC	2422 W TUSCHMAN	PEARLAND	TX
41603	312 SAN ANTONIO	C.S. MEEKS LLC	310 W SAN ANTONIO ST	SAN MARCOS	TX
41665	310 HUTCHISON	CALVARY CHAPEL OF THE SPRINGS	310 W HUTCHISON ST	SAN MARCOS	TX
34688	205 MOORE	CARSON DIVERSIFIED PROPERTIES 2 LLC	407 S STAGECOACH TRL STE 203	SAN MARCOS	TX
32199	325 HUTCHISON	DILLON PRESTON R JR & CATHY	326 W HOPKINS ST	SAN MARCOS	TX
32198	323 HUTCHISON	DILLON PRESTON R JR & KATHRYN C	1000 BURLESON ST	SAN MARCOS	TX
32197	322 HOPKINS	DILLON PRESTON ROBERT JR & KATHRYN COATS	1000 BURLESON ST	SAN MARCOS	TX
32200	326 HOPKINS	DILLON, KATHY	326 W HOPKINS ST	SAN MARCOS	TX
32193	323 HOPKINS	DOUBLE L & M LLC	323 W HOPKINS	SAN MARCOS	TX
34762	319 NORTH	E & T REAL ESTATE LLC	142 CIMARRON PARK LOOP STE A	BUDA	TX
41598	319 HUTCHISON	EPSILON ZETA CHAPTER OF ALPHA DELTA PI HOUSE CORPATION	Attn: VIRGINIA MCKINNEY 319 W HUTCHISON ST	SAN MARCOS	TX
34750	441 BURLESON	FIRST PRESBYTERIAN CHURCH SAN MARCOS TEXAS	410 W HUTCHISON ST	SAN MARCOS	TX
32194	331 HOPKINS	FROST NATIONAL BANK MANAGEMENT AGENT OF THE	TIDWELL BARBARA G ROLLOVER IRA P O BOX 2127	AUSTIN	TX
34755	221 NORTH	GERMER HOLDINGS LLC	799 HIGHWAY 71	BASTROP	TX
32190	138 NORTH	GILLIAM, HARDY L	138 NORTH ST	SAN MARCOS	TX
41596	215 COMANCHE	GREENE, CAROLYN P	120 S MITCHELL	SAN MARCOS	TX
41607	309 HOPKINS	HIGGS JAQUE REUTHINGER &	HIGGS MONROE WILBURN FAMILY TRUST % HIGGS JAQUE REUTHINGER TRUSTEE	SAN MARCOS	TX
34748	422 HUTCHISON	JAMES RANDY	PO BOX 312655	NEW BRAUNFELS	TX
41601	225 COMANCHE	KATZ CHASE BENJAMIN	203 W HILLCREST DR	SAN MARCOS	TX
32191	406 HARVEY	LINDSEY HOMES LP	406 Harvey ST	San Marcos	TX
32192	400 HARVEY	LONGCOPE FAMILY LTD	400 HARVEY ST	SAN MARCOS	TX
53154	323 COMANCHE	PENNINGTON, WILLIAM C	P O BOX 2459	SAN MARCOS	TX
34763	310 MARY	RIOS ELIZABETH	513 FRANKLIN DR	SAN MARCOS	TX
167016		SAN MARCOS CITY OF	630 E HOPKINS ST	SAN MARCOS	TX
97834	350 NORTH	SANCTUARY LOFTS LLC	C/O AMERICAN CAMPUS COMMUNITIES PO BOX 530292	MOUNTAIN BROOK	AL
41608	301 HOPKINS	SCOTT, MALCOLM R, Jr	PO BOX 166	SANGER	TX

CUP-20-05 Notification List					
34756	218 MOORE	SHEFFIELD MONTE C & KRISTIN T	102 REDBUD CT	SAN MARCOS	TX
34754	204 MOORE	SUSSER PETROLEUM OPERATING CO LLC	1300 MAIN ST	HOUSTON	TX
35992	400 HOPKINS	TEXAS STATE UNIVERSITY	Attn: VP FOR FINANCE AND SUPPORT SERVICES 601 UNIVERSITY DR	SAN MARCOS	TX
41600	219 COMANCHE	WILLIAMSON TIM R	PO BOX 673	SAN MARCOS	TX
41595	302 HOPKINS	WORLD CUP INVESTMENTS LLC	102 WONDER WORLD DR STE 304	SAN MARCOS	TX
		KENDRA WESSON	2238 CLOVER RIDGE	NEW BRAUNFELS	TX

Measurement to First Presbyterian Church



1 SITE PLAN
1" = 10'-0"



1 TREE GRATE DETAIL
3/8" = 1'-0"

1718 ARCHITECTURE

REGISTERED ARCHITECT
MARCELLO D. MARTINEZ
18417
STATE OF TEXAS

DATE 20 April 2017 EXP. DATE Oct 2017

1718 ARCHITECTURE
717 N ALAMO ST.
SAN ANTONIO, TEXAS 78215
VOICE: (210) 287-8166
MARCELLO@1718PARTNERS.COM

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PROJECT

216
North Street

216 North Street
San Marcos, TX 78666

OWNER

Katz
Brothers

216 North Street
San Marcos, TX 78666

PROJECT NUMBER

16-NSSM

CONSTRUCTION DOCS

NO.	DATE	DESCRIPTION OF ISSUE

CONSULTANT

SHEET TITLE

Landscape Plan

DATE

23 May 2017

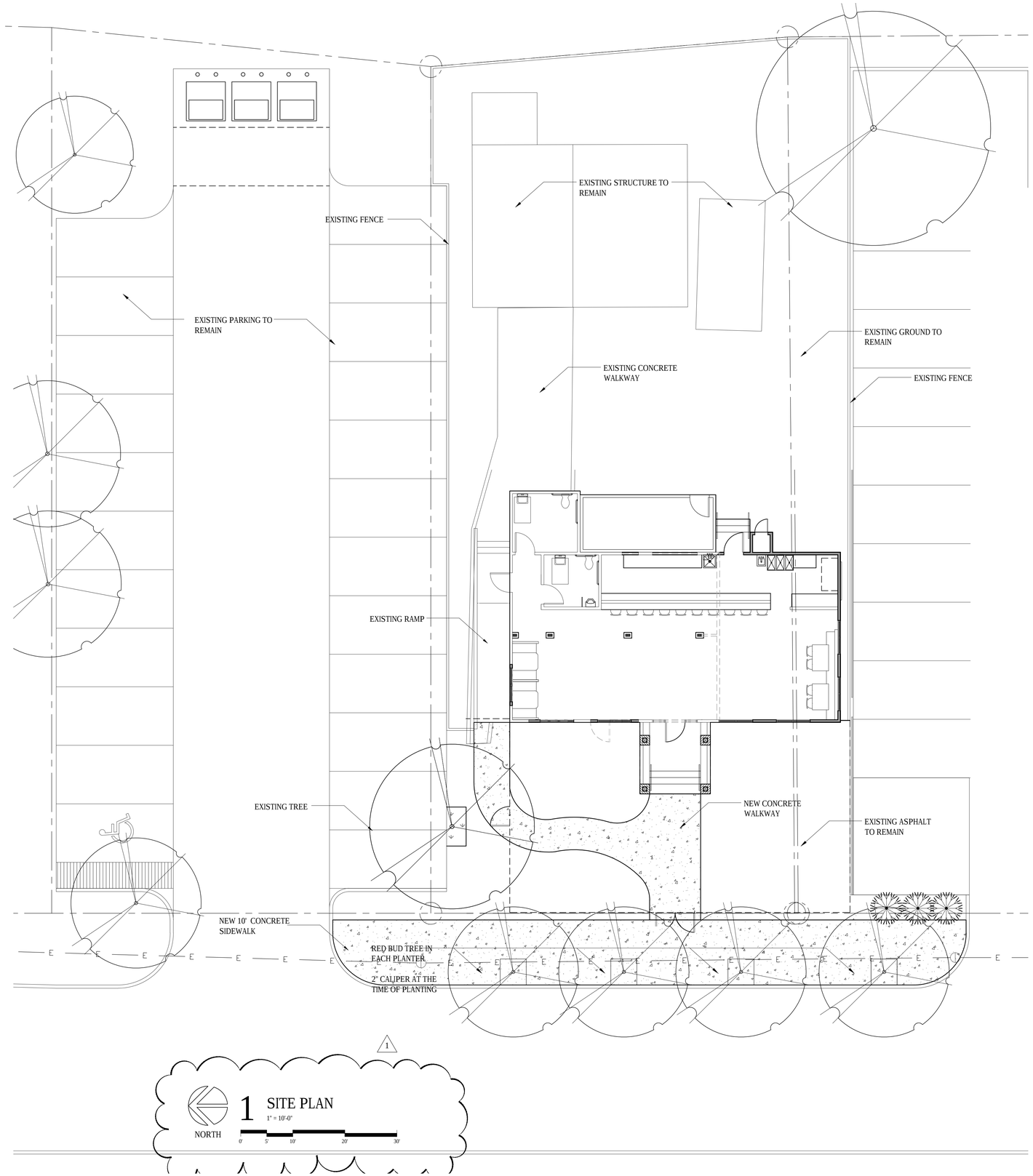
BAR LENGTH ON ORIGINAL DRAWING EQUALS 1 INCH

SHEET NUMBER

L1.01

City Set

APPROVED
By Matt Johnson at 4:22 pm, Jun 05, 2017



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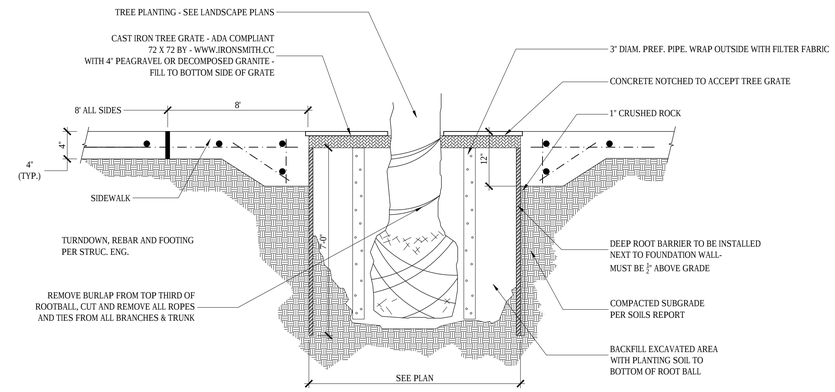

1 TREE GRATE DETAIL
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DATE 20 April 2017 EXP. DATE Oct 2017

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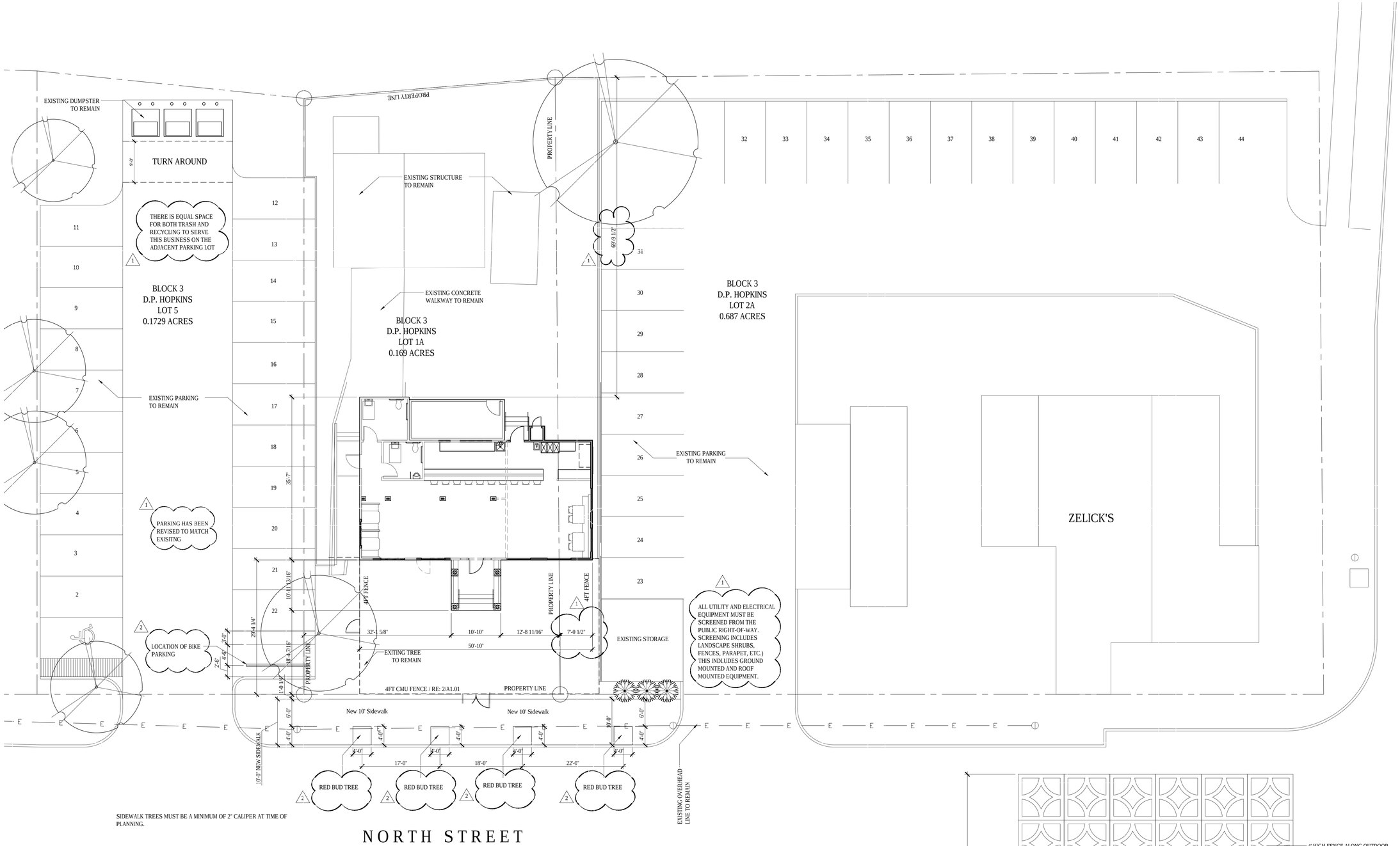


SIDEWALK TREES MUST BE A MINIMUM OF 2" CALIPER AT TIME OF PLANNING.

1 SITE PLAN

1" = 10'-0"

NORTH

0' 5' 10' 20' 30'

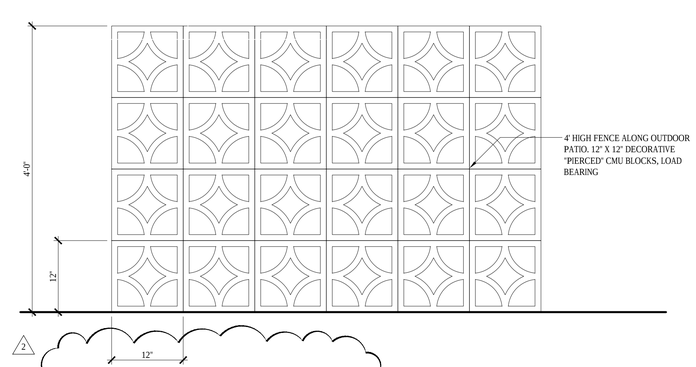
PARKING CALCULATIONS

3 PER 1,000 SF

SQUARE FOOTAGE	REQUIRED PARKING SPACES
ZELICKS (INTERIOR AND PATIOS): 8,600 SF	26
216 NORTH STREET(INTERIOR AND PATIO): 2,842 SF	9
TOTAL REQUIRED PARKING SPACES	35

EXISTING PARKING

EXISTING SHARED PARKING SPACES = 45



2 CMU FENCE DETAIL

1" = 1'-0"

1718 ARCHITECTURE

REGISTERED ARCHITECT MARCELLO D. MARTINEZ 18417 STATE OF TEXAS

DATE 20 April 2017 EXP. DATE Oct 2017

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PROJECT

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OWNER

Katz Brothers

216 North Street
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PROJECT NUMBER

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NO.	DATE	DESCRIPTION OF ISSUE

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SHEET TITLE

Site Plan

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23 May 2017

BAR LENGTH ON ORIGINAL DRAWING EQUALS 1 INCH

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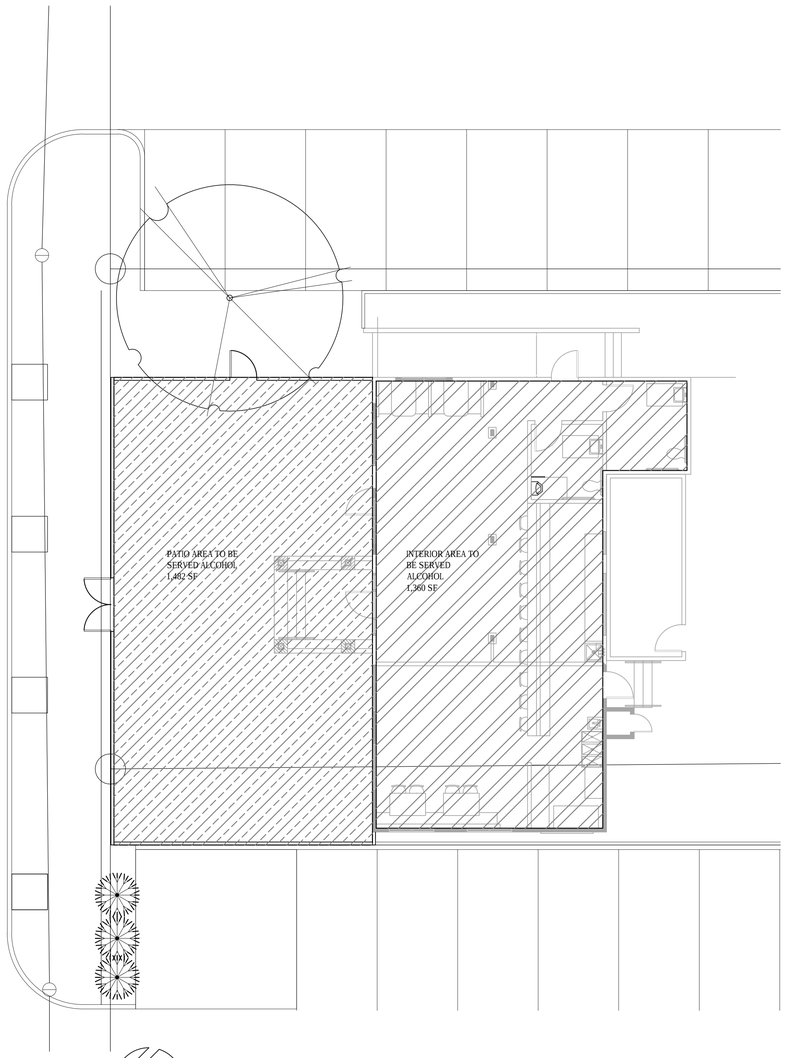
A1.01

City Set



1 NEW SITE PLAN
1/8" = 1'-0"

NORTH

0' 5' 10' 20' 30'

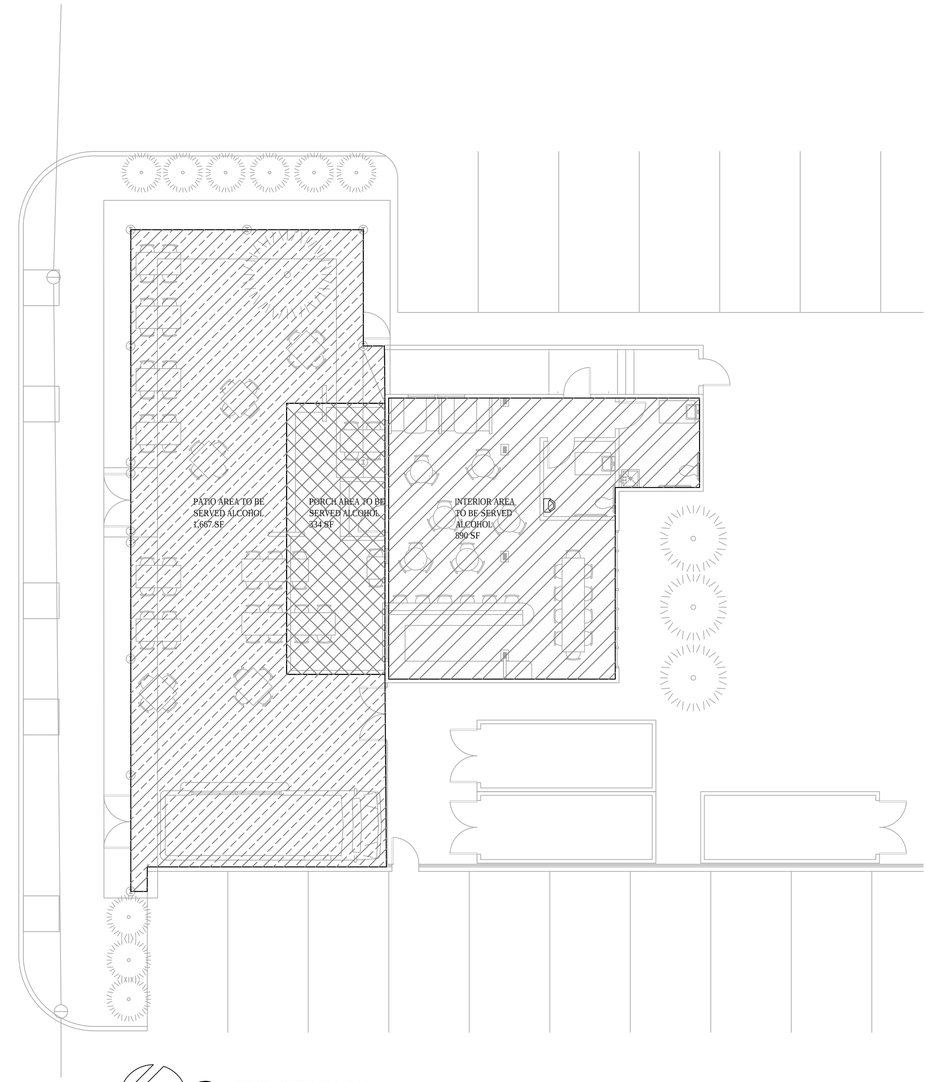
1

CUP SQUARE FOOTAGE

CUP SF: 2,891SF

NEW SF: 2,842 SF

NORTH STREET



2 CUP SITE PLAN
1/8" = 1'-0"

NORTH

0' 5' 10' 20' 30'

1718 ARCHITECTURE

REGISTERED ARCHITECT
MARCELLO D. MARTINEZ
18417
STATE OF TEXAS

DATE 1 Feb 2017 EXP. DATE Feb 2018

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MARCELLO@1718PARTNERS.COM

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MARTINEZ ARCHITECTURE, LLC IS A DESIGN FIRM, NOT AN ENGINEERING FIRM. WE DO NOT QUALIFY TO BE ONE NOR ARE WE LICENSED TO DESIGN STRUCTURAL FRAMING, WINDBRACING OR FOUNDATIONS. A LICENSED PROFESSIONAL ENGINEER SHOULD BE CONTRACTED AND CONSULTED IMMEDIATELY REGARDING FRAMING, WINDBRACING AND THE FOUNDATION DESIGNS. SHOULD AN ENGINEER'S SEAL BE PRESENT ON THESE DRAWINGS, THE "ENGINEER OF RECORD" SHALL BEAR ALL RESPONSIBILITY FOR THE STRUCTURE, WINDBRACING AND FOUNDATION DESIGNS FOR THIS PROJECT. MARTINEZ ARCHITECTURE, LLC & MARCELLO MARTINEZ ARE NOT TO BE HELD RESPONSIBLE FOR THE STRUCTURAL DESIGN IN ANY WAY MATTER OR FORM IF ANY ISSUES OR PROBLEMS ARISE.

PROJECT

216
North Street

216 North Street
San Marcos, TX 78666

OWNER

Katz
Brothers

216 North Street
San Marcos, TX 78666

PROJECT NUMBER

16-NSSM

CONSTRUCTION DOCS

NO.	DATE	DESCRIPTION OF ISSUE

CONSULTANT

SHEET TITLE

CUP Calculations

DATE

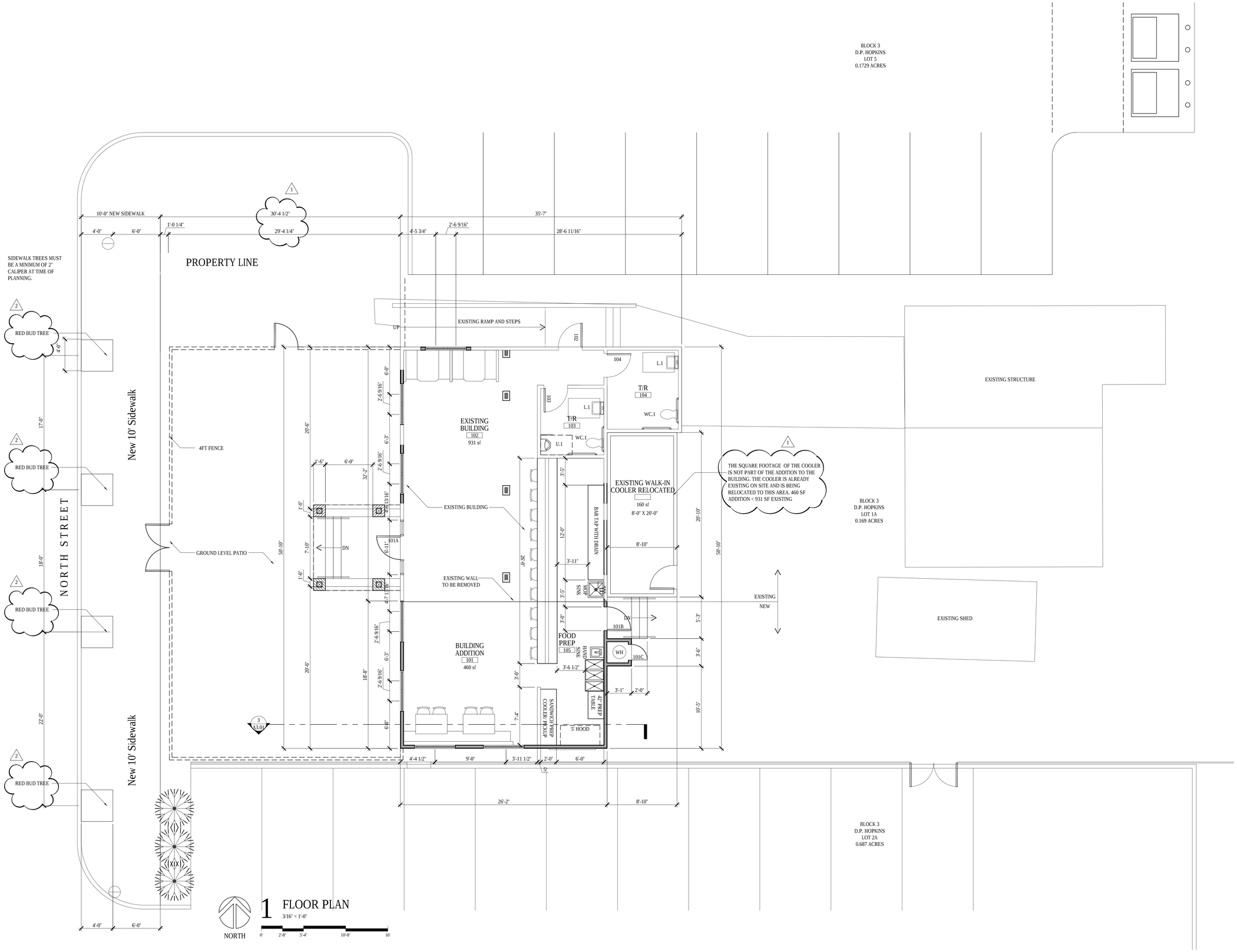
17 February 2017

BAR LENGTH ON ORIGINAL DRAWING EQUALS 1 INCH

SHEET NUMBER

A1.02

City Set



1 FLOOR PLAN

3/16" = 1'-0"

0' 2'-8" 5'-4" 10'-8" 16'

1718 ARCHITECTURE

REGISTERED ARCHITECT
MARCELLO D. MARTINEZ
18417
STATE OF TEXAS

DATE 20 April 2017 EXP. DATE Oct 2017

1718 ARCHITECTURE
717 N ALAMO ST.
SAN ANTONIO, TEXAS 78215
VOICE: (210) 287-8166
MARCELLO@1718PARTNERS.COM

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PROJECT

216 North Street

216 North Street
San Marcos, TX 78666

OWNER

Katz Brothers

216 North Street
San Marcos, TX 78666

PROJECT NUMBER

16-NSSM

CONSTRUCTION DOCS

NO.	DATE	DESCRIPTION OF ISSUE

CONSULTANT

SHEET TITLE

Floor Plan

DATE

23 May 2017

BAR LENGTH ON ORIGINAL DRAWING EQUALS 1 INCH

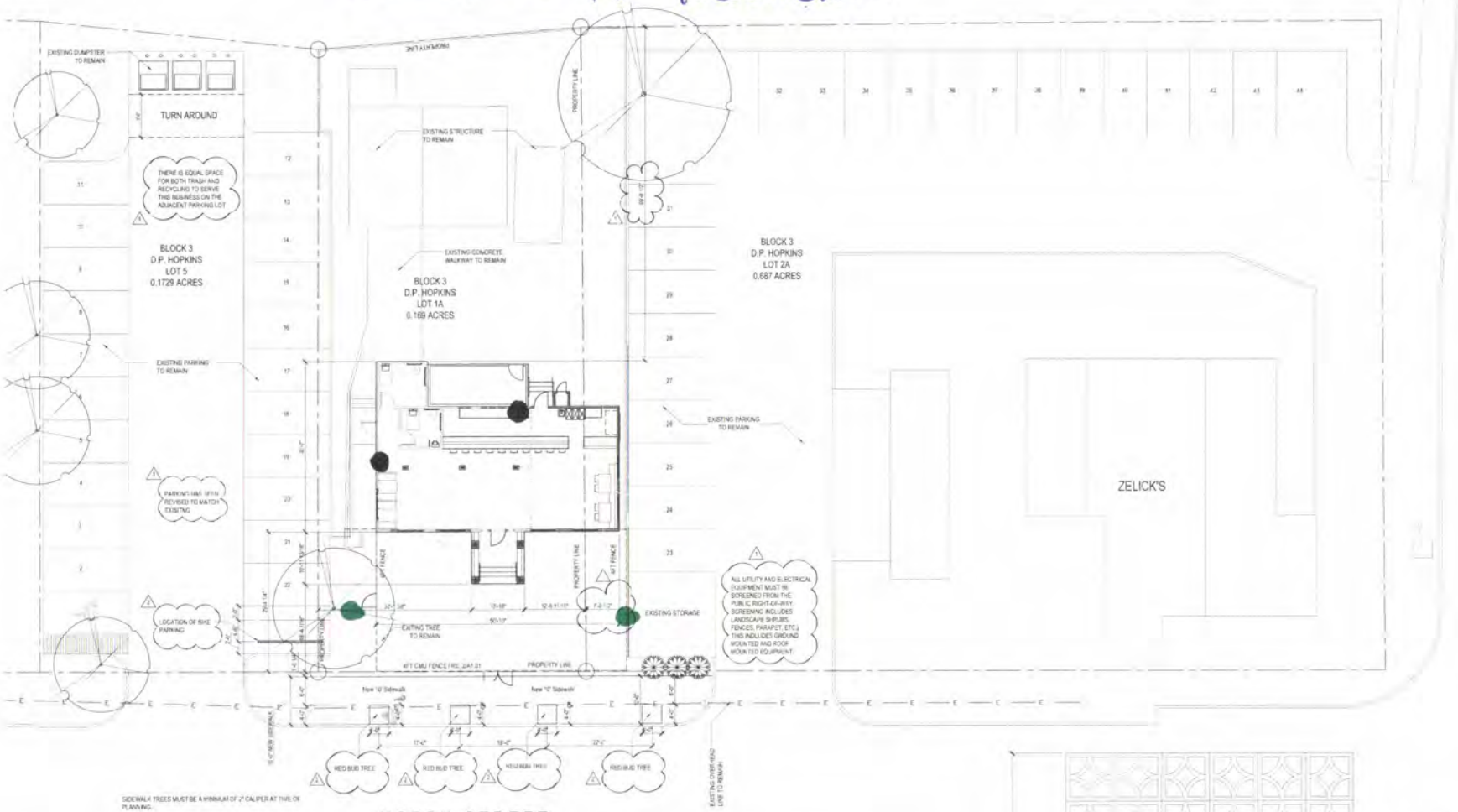
SHEET NUMBER

A2.02

City Set

- Exterior speaker locations.

- TV locations.



1 SITE PLAN

NORTH

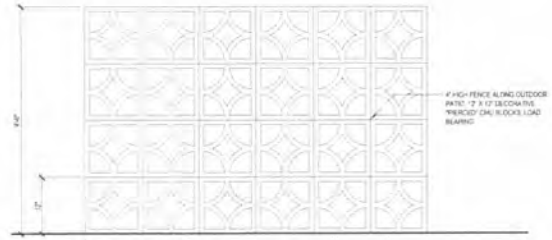
PARKING CALCULATIONS

3 PER 1,000 SF

SQUARE FOOTAGE	REQUIRED PARKING SPACES
ZELICKS (INTERIOR AND PATIOS) 8,600 SF	26
216 NORTH STREET (INTERIOR AND PATIOS) 2,842 SF	9
TOTAL REQUIRED PARKING SPACES	35

EXISTING PARKING

EXISTING SHARED PARKING SPACES = 45



2 CMU FENCE DETAIL

1718 ARCHITECTURE

REGISTERED ARCHITECT MARCELLO MARTINEZ STATE OF TEXAS

216
North Street

216 North Street
San Marcos, TX 78666

Katz
Brothers

216 North Street
San Marcos, TX 78666

16-NSSM

Site Plan

23 May 2017

A1.01

City Set

NORTH STREET

BEER BAR • CURRY SHOP • COFFEE

HOURS

MONDAY - THURSDAY - 11AM - 11PM
FRIDAY - 11 AM - MIDNIGHT
SATURDAY - 12:30 PM - MIDNIGHT
SUNDAY - 12:30 PM - 10 PM

KITCHEN NOW SERVES CHAAT MENU (SNACKS) FROM 10PM - CLOSE.

WIFI AVAILABLE | PASSWORD: CURRYPOWER

NORTH STREET LINGO

CURRY-
THINK SPICES. NOT SPICY.
A BLEND OF COMMON SPICES
FOUND IN INDIAN CUISINE.

PAPADUM-
CRACKER STYLE BREAD.
THIN & CRISPY

PANEER-
FRESH UNAGED CHEESE.

MASALA-
FLAVORFUL BLEND OF SPICES.

PARATHA-
BUTTERY. FLAKEY INDIAN BREAD.

CHUTNEY-
CONDIMENT MADE WITH
SPICES & FRUIT OR VEGETABLES.

RAITA-
HOUSEMADE YOGURT DIPPING SAUCE.

CHANA-
CHICKPEAS.

LASSI-
TRADITIONAL YOGURT BASED DRINK.

HAPPY HOUR

MONDAY - FRIDAY | 2 PM - 6 PM

• $3 BREWS •
·SHINER· ·LONESTAR·

• $4 ROTATING CRAFT DRAFT •
ASK YOUR SERVER FOR DETAILS OR SEE BEER MENU

• $5 HOUSE WINE - RED OR WHITE •

• $5 - PINK SANGRIA •
EFFERVESCENT & REFRESHING. ROSÉ WINE INFUSED WITH MINT & CUCUMBER

• CHICKEN CURRY NACHOS - $9 •
TORTILLA CHIPS. CURRY CHICKEN. QUESO. WHITE CABBAGE. SPICY PICKLED RED ONIONS. AVOCADO. CILANTRO. CHILI CREMA & JALAPEÑO CREMA

REVERSE HAPPY HOUR

MONDAY - FRIDAY | 10 PM - CLOSE

ALL HAPPY HOUR DRINK SPECIALS &
KITCHEN IS OPEN LATE SERVING CHAAT MENU (SNACKS)

SOUP OF THE DAY

ASK YOUR SERVER ABOUT ROTATING SELECTIONS
CUP – $4.50 BOWL – $6.50

DAILY LUNCH COMBO - $12

YOUR CHOICE OF TACO, CUP OF SOUP
& TEA (OR 1/2 PINT LONE STAR OR SHINER)

CHAAT

(SNACKS)

CHICKEN WINGS $8
SIX FRIED WINGS TOSSED IN A CHILI SAUCE. SERVED WITH LEMON-CUCUMBER RAITA

NORTH STREET FRIES (V) $5.5
WAFFLE FRIES WITH HOUSEMADE SEASONING. ALWAYS A GOOD ADD ON WITH YOUR TACO.

CURRY QUESO (V) $7
TEXAS STYLE QUESO WITH OUR HOUSEMADE CURRY SPICE BLEND

VEGETABLE SAMOSAS (V) $7
CRISPY PASTRY STUFFED WITH SPICED POTATOES & PEAS. SERVED THREE TO AN ORDER WITH HOUSEMADE MANGO CHUTNEY & GREEN CHUTNEY

CHICKEN CURRY NACHOS $12
TORTILLA CHIPS, CURRY CHICKEN, QUESO, WHITE CABBAGE, SPICY PICKLED RED ONIONS, AVOCADO, CILANTRO, CHILI CREMA & JALAPEÑO CREMA

CURRY TACOS

(ADD NORTH STREET FRIES - $2.50)

PANEER TIKKA MASALA (V) $8
PANEER TIKKA MASALA · COCO RICE · QUESO FRESCO · CABBAGE · AVOCADO · CILANTRO · TAMARIND DATE CHUTNEY · JALAPEÑO CREMA

CHICKEN CURRY $7.5
CHICKEN CURRY · COCO RICE · SPICED RED ONION · CILANTRO · CABBAGE · CHILI CREMA · TOMATO-GINGER CHUTNEY

BEEF KEBAB $8
BEEF KEBAB · COCO RICE · AVOCADO · RED CABBAGE · CILANTRO WALNUT CHUTNEY · CUCUMBER-MINT RAITA

CHANA MASALA (V) $7.5
CHANA · COCO RICE · SPICED RED CABBAGE · PICKLED ONIONS · CILANTRO · TAMARIND DATE CHUTNEY

CHICKEN TIKKA MASALA $7.5
CHICKEN TIKKA MASALA · COCO RICE · QUESO FRESCO · CABBAGE · CILANTRO · AVOCADO · JALAPEÑO CREMA · TAMARIND DATE CHUTNEY

FEATURES

ALL FEATURES SERVED WITH COCONUT RICE AND A CRISPY PAPADUM

BUTTER CHICKEN $12
TENDER OVEN BAKED CHICKEN IN A CREAMY TOMATO SAUCE.

CHICKEN CURRY $12
A CLASSIC CHICKEN DISH COOKED WITH SPICES, ONIONS, TOMATO. SERVED WITH TOMATO-GINGER CHUTNEY

CHANA & SPINACH (V) $11
A TRADITIONAL CHICKPEA CURRY SERVED WITH GREEN CHUTNEY

BEEF & POTATO CURRY $12
A HEARTY FLAVORFUL CURRY. SIRLOIN SLOW COOKED UNTIL TENDER WITH POTATOES, PEAS AND CARROTS.

CURRY TRIO - $14

CHOOSE THREE OF THE FOLLOWING: CHICKEN CURRY · BEEF & POTATO CURRY · PANEER TIKKA MASALA · CHICKEN TIKKA MASALA · CHANA MASALA · BUTTER CHICKEN

(V) - VEGETARIAN

COFFEE

DRIP COFFEE	SM $2.5/LG $3
ESPRESSO	$2.5
LATTE	SM $3.75/LG $4.5
CAPPUCCINO	SM $3.75/LG $4.5
HOT TEA	$2.5
COLD BREW	$3.75
CHAI LATTE	SM $4/LG $5
AMERICANO	$3
MOCHA	SM $4/LG $4.5
NORTH STREET COLD BREW: SWEET. CREAMY. FLORAL.	$4.25

DRINK ADD-ON'S

SYRUPS:
VANILLA · CARAMEL · CHOCOLATE

MILK:
WHOLE · SOY · OAT

SWEETS

MANGO & MINT LASSI	$5
AVOCADO, CINNAMON & HONEY LASSI	$6

NORTH STREET · SAN MARCOS · BEER · CURRY SHOP · COFFEE ·

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	Chase Katz	Property Owner	Kevin Katz
Company	North street inc	Company	Katz Development LLC
Applicant's Mailing Address	216 North st, San Marcos	Owner's Mailing Address	719 Aquifer Oaks Trl, San Marcos
Applicant's Phone #	832 573 7285	Owner's Phone #	832 573 6013
Applicant's Email	Northsmtx@gmail.com	Owner's Email	Kevinkatz@aol.com

PROPERTY INFORMATION

Subject Property Address: 216 North street San Marcos

Zoning District: _____ Tax ID #: R 134 073

Legal Description: Lot 1A Block 3 Subdivision _____

Number of Parking Spaces: ____

Is property more than 300' from church, school, hospital, or residential district? ☑ Y ☐ N

DESCRIPTION OF REQUEST

Business Name: North street ☑ Restaurant ☐ Bar ☐ Other: _____

☐ *NEW* ☑ *RENEWAL/AMENDMENT* ☐ *Mixed Beverage* ☑ *Beer & Wine* ☐ *Late Hours*

Hours of Operation(ex. Mon 12pm-1am): Mon 11am-10pm Tue 11-10 Wed 11-10

Thurs 11-11 Fri 11-12 Sat 11-12 Sun 11-10

Indoor Seating Capacity: 60 Outdoor Seating Capacity: 45 Gross Floor Area: 1350 sq ft

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 793* Technology Fee $13 *TOTAL COST $806*

Renewal/Amendment Filing Fee $423* Technology Fee $13 *TOTAL COST $436*

**Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

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

PROPERTY OWNER AUTHORIZATION

I, Kevin Katz (owner name) on behalf of Katz Development LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 216 North St. San Marcos TX 78666 (address).

I hereby authorize Chase Katz (agent name) on behalf of North Street Inc (agent company) to file this application for Beer + Wine (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 1.27.20

Printed Name, Title: Kevin Katz

Signature of Agent: _____ Date: 1.27.20

Printed Name, Title: Chase Katz

Form Updated October, 2019

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

The City of San Marcos 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 shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***

- 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 $91 plus a $13 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 $91 plus a $13 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: _____ Date: 1.27.20

Print Name: Chase Kirk

Form Updated October, 2019

To Whom It May Concern,

No changes have been made to any items on the checklist for North Street's conditional use permit.

Proprietor,

Chase Katz

TEXAS ALCOHOLIC BEVERAGE COMMISSION

THIS LICENSE IS NOT TRANSFERABLE. MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN THE PLACE OF BUSINESS INDICATED HEREON. THE ACCEPTANCE HEREOF CONSTITUTES AN EXPRESS AGREEMENT TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON LICENSEE'S PREMISES TO PERFORM ANY DUTY IMPOSED UPON HIM.

WINE&BEER RETAILER'S ON PREMISE PERMIT

BG1016387 NEW 17% WINE

ISSUED - 05/24/2018 EXPIRES - 05/23/2020

SIGN = BLUE

NORTH STREET
216 NORTH STREET
SAN MARCOS HAYS

NORTH STREET DEVELOPMENT INC.

MAIL

NORTH STREET
NORTH STREET DEVELOPMENT INC.
216 NORTH ST
SAN MARCOS TX 78666

A. Beverly Reuter

CUP-20-05 (North Street Renewal)

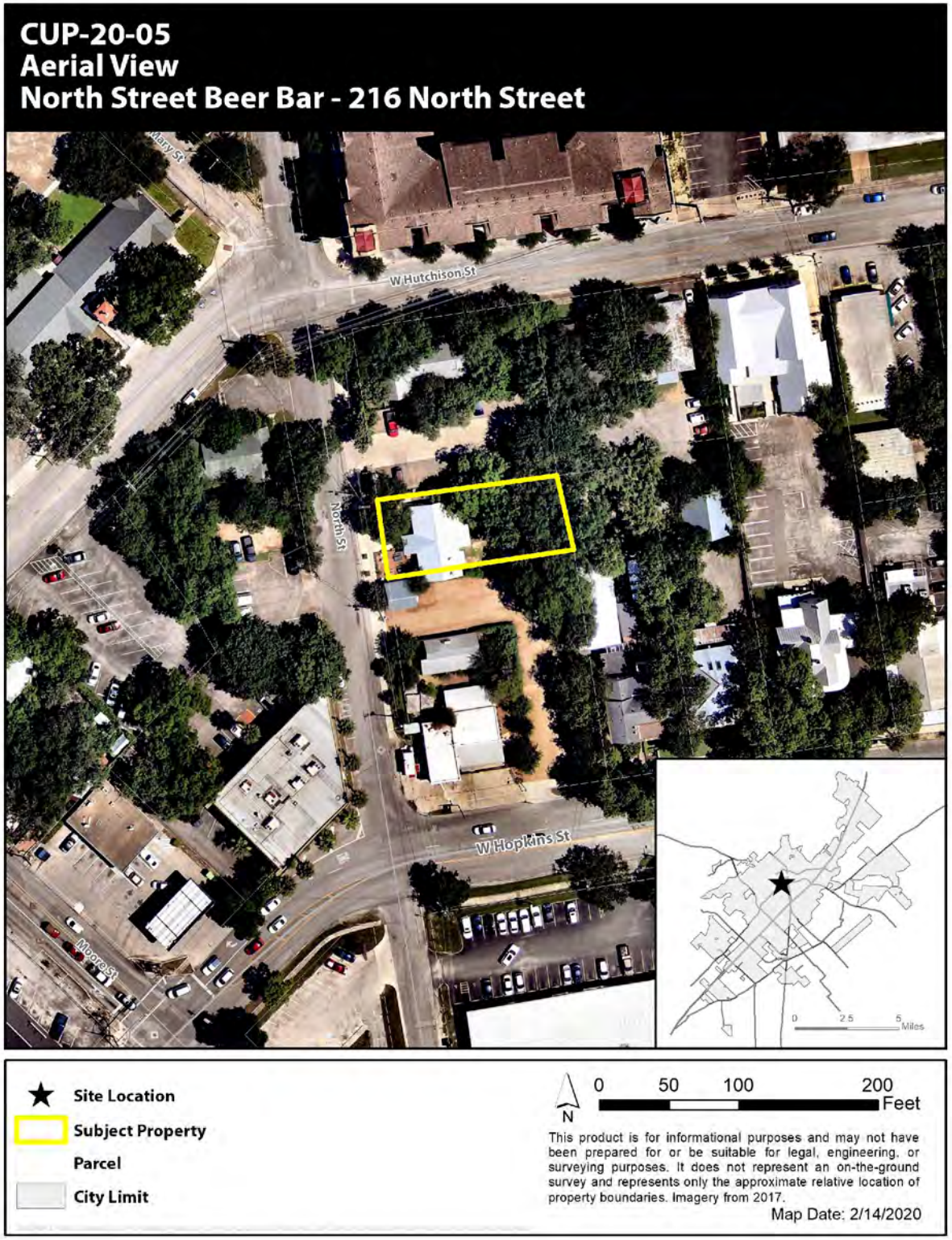
Hold a public hearing and consider a request by North Street Inc. for a renewal of a Conditional Use Permit to allow for the sale of beer and wine for on premise consumption at 216 North Street (S. Caldwell)

SAN MARCOS

Location:

- North Street Beer Bar is located on North Street between West Hopkins Street and West Hutchison Street

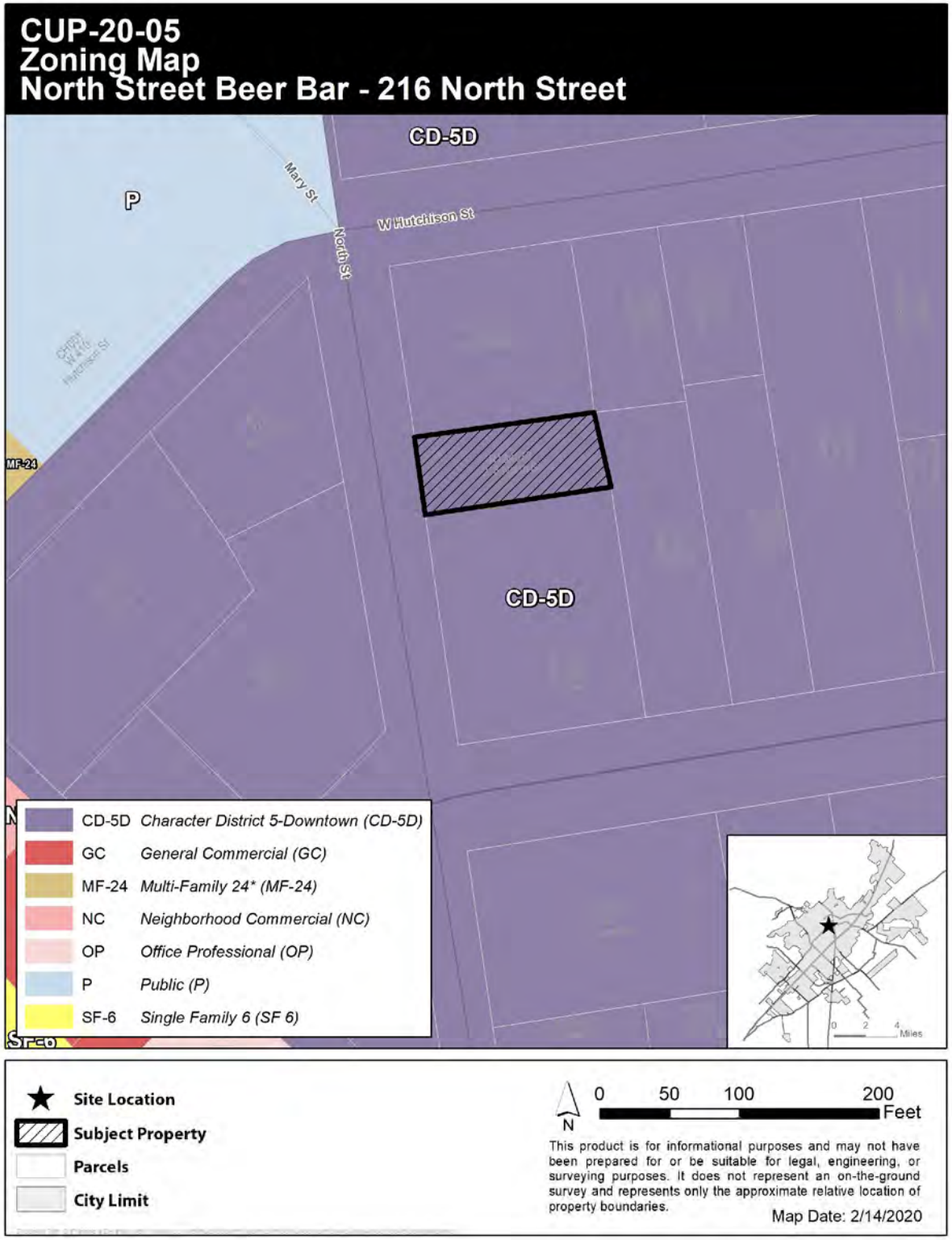
- Located within the Downtown High Intensity Area on the Preferred Scenario Map



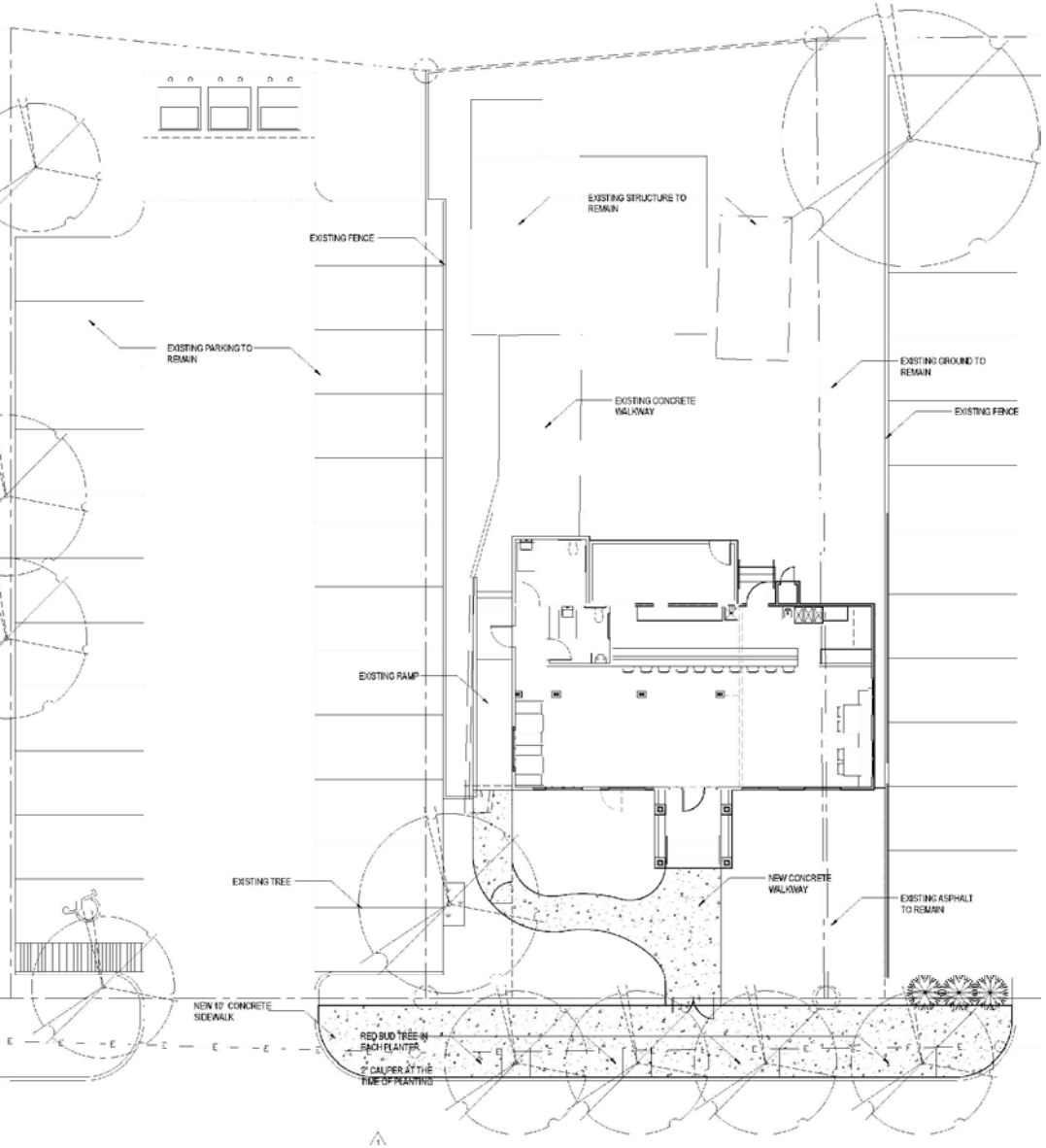
SAN MARCOS

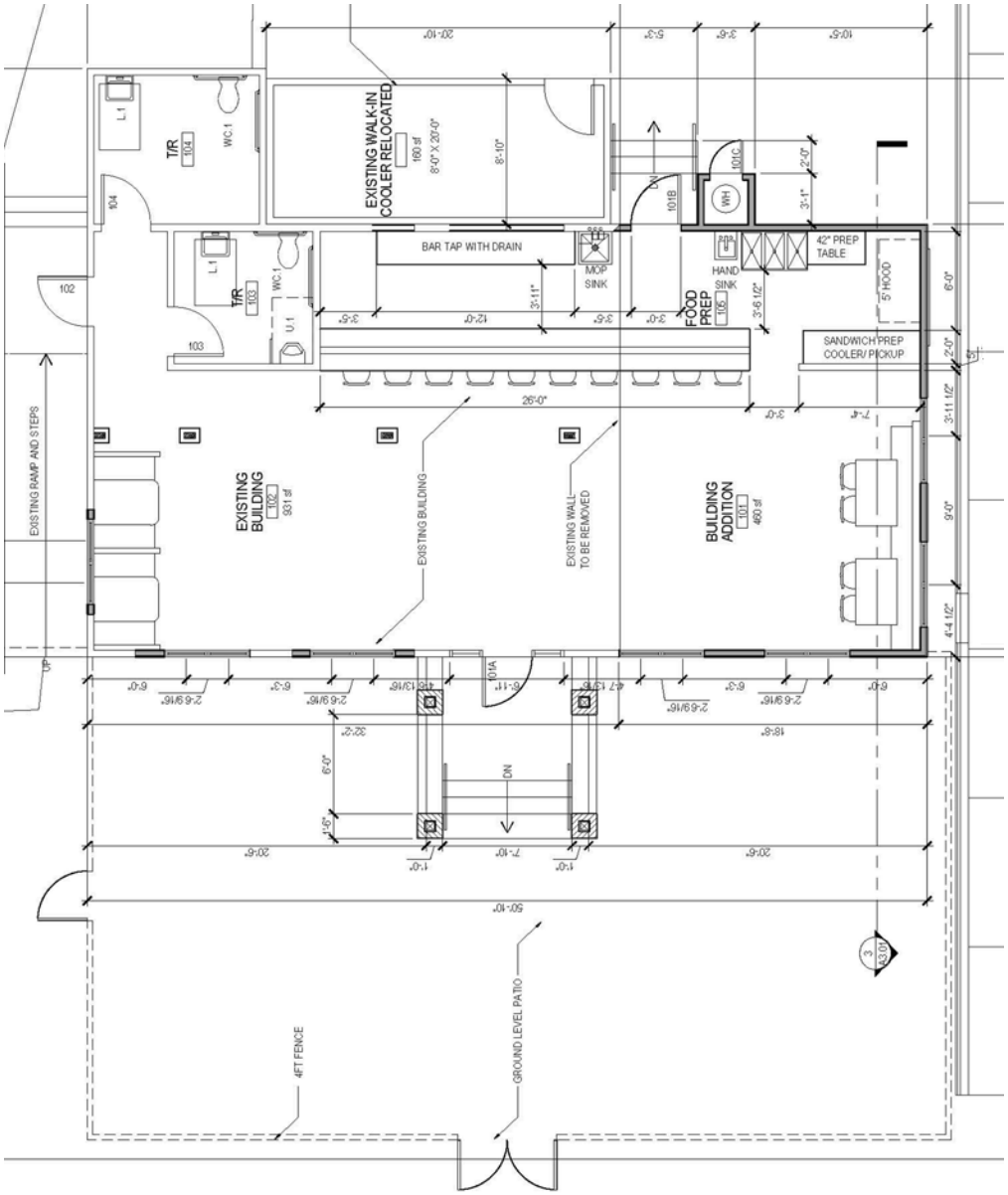
Context & History

- Opened in 2019
- CUP reviewed in 2016 and approved for one (1) year
- 1,360 square feet interior and 1,482 square feet uncovered patio
- 60 indoor seats, 45 outdoor seats that face North Street
- Hours of operation:
  - Monday-Thursday: 7:30 am-10 pm
  - Friday: 7:30 am-10:30 pm
  - Saturday: 8:30 am-10:30 pm
  - Sunday: 8:30 am-9:00 pm



SAN MARCOS


EXISTING FENCE
EXISTING STRUCTURE TO REMAIN
EXISTING PARKING TO REMAIN
EXISTING GROUND TO REMAIN
EXISTING CONCRETE WALKWAY
EXISTING FENCE
EXISTING RAMP
EXISTING TREE
NEW CONCRETE WALKWAY
EXISTING ASPHALT TO REMAIN
NEW 10' CONCRETE SIDEWALK
RED BUD TREE IN EACH PLANTER
2" CALIPER AT THE TIME OF PLANTING


EXISTING WALK-IN COOLER RELOCATED
160 sf
8'-0" X 20'-0"
T/R
104
WC.1
L.1
103
102
101B
101C
WH
BAR TAP WITH DRAIN
MOP SINK
HAND SINK
42" PREP TABLE
FOOD PREP
106
5' HOOD
SANDWICH PREP COOLER/ PICKUP
26'-0"
EXISTING BUILDING
102
931 sf
EXISTING BUILDING
EXISTING WALL TO BE REMOVED
BUILDING ADDITION
101
400 sf
EXISTING RAMP AND STEPS
101A
DN
50'-10"
4FT FENCE
GROUND LEVEL PATIO

Recommendations:

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

1. **Permit shall be valid for three (3) years, provided standards are met**
2. **No outdoor live music shall be allowed past 10:00 pm**
3. **The permit shall be posted in the same area and manner as the Certificate of Occupancy**

File #: CUP-20-06, Version: 1

AGENDA CAPTION:

CUP-20-06 (The Davenport) Hold a public hearing and consider a request by Stamper Family LLC for a new Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 194 South Guadalupe Street (S. Caldwell).

Meeting date: March 24, 2020

Department: Planning and 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.

☐ Core Services

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

The Davenport is a proposed new restaurant in the previous location of Buzz Mill Coffee. Buzz Mill Coffee received their initial permit for mixed beverages in 2016 and was granted a three-year renewal in 2017.

The applicant is proposing a total of 115 indoor and outdoor seats in an approximate 5,061 square foot space. A full menu as well as a selection of draft beer, high end spirits, and specialty martinis will be offered. No live outdoor music is being proposed and entertainment facilities include two indoor speakers and two outdoor speakers. The proposed hours of operation are Monday-Sunday, 11 am-2 am.

Parking spaces that do not meet location and design standards of the San Marcos Development Code were striped along South Guadalupe Street in the area directly in front of the proposed restaurant. Despite being painted over in black, staff has observed that customers still tend to park here. To address safety concerns and to better align with the CD-5D zoning district intent, staff is recommending that parking be prohibited in this location.

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 with criteria from Sections 2.8.3.4 and 5.1.5.5 of the San Marcos Development Code and recommends approval with the following conditions:

1. Permit shall be valid for one (1) year, provided standards are met,
2. Outdoor live music shall be limited to the hours between 11 am and 12 am,
3. Parking shall be prohibited in City right-of-way along South Guadalupe Street,
4. The permit shall be effective upon the issuance of a Certificate of Occupancy, and;
5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

powered by Legistar™

Conditional Use Permit	194 South Guadalupe St
CUP-20-06	The Davenport

Summary

Request:	A Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 194 South Guadalupe Street.		
Applicant:	Duane Bradley Stamper Family, LLC 16422 Laurelfield Houston, TX 77059	**Property Owner:**	Scott Gregson East Hopkins, LLC 120 West Hopkins, Suite 200 San Marcos, TX 78666
Square Feet:	5,061 square feet	**Type of CUP:**	Mixed Beverage
Interior seating:	37	**Outdoor seating:**	78
Parking Required:	Exempt	**Parking Provided:**	6
Days & Hours of Operation:	Every day: 11 a.m. – 2 a.m.		

Notification

Posted:	March 6, 2020	**Personal:**	March 6, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Original Town of San Marcos, Block 12, ½ of Lot 14		
Location:	Near the intersection of Thorpe Lane and Springtown Way		
Acreage:	0.15 +/-	**Central Business Area:**	Yes
Existing Zoning:	Character District-5 Downtown (CD-5D)	**Preferred Scenario:**	Downtown High Intensity Zone
Existing Use:	Vacant	**Proposed Use:**	Restaurant
CONA Neighborhood:	Downtown	**Sector:**	8
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Professional Office	High Intensity
South of Property:	CD-5D	Professional Office (Century Link)	High Intensity
East of Property:	CD-5D	Restaurant (Golden Chick)	High Intensity
West of Property:	CD-5D	Professional Office	High Intensity

Conditional Use Permit	194 South Guadalupe St
CUP-20-06	The Davenport

History

The applicant is proposing a new restaurant in this location which was previously occupied by Buzz Mill Coffee. Buzz Mill Coffee received their initial CUP for mixed beverages in 2016. The initial permit was approved with the below conditions:

1. The permit shall be valid for one (1) year provided standards are met
2. The CUP shall be posted in the same manner and location as the Certificate of Occupancy
3. No outdoor amplified music shall be permitted after 10 p.m.

The CUP was renewed in 2017 with the below conditions:

1. The permit shall be valid for three (3) years, provided standards are met
2. The permit shall be posted in the same are and manner as the Certificate of Occupancy

Additional Analysis

The Davenport is located at the intersection of South Guadalupe Street and Martin Luther King Drive with the building and open-air patio fronting on South Guadalupe Street. The restaurant is proposing 1,350 square feet of interior space and 3,711 square feet of patio space. A total of 37 indoor seats and 78 outdoor seats are proposed. There is a total of six (6) off street parking spaces provided.

The Davenport is proposing a full menu and a large selection of craft beer, fine spirits, and specialty martinis will be offered. No live outdoor music is proposed and entertainment facilities include two indoor speakers and three outdoor speakers. In the instance the applicant decides to hold a live, outdoor music event, staff recommends limiting music to the hours between 11 am and 12 am. This condition is consistent with the condition proposed and placed by the Commission on nearby businesses with an alcohol CUP.

The previous tenant striped six (6) parking spaces along South Guadalupe Street in City right-of-way. When notified that these spaces were in City right-of-way and not allowed, the tenant painted the striped spaces black. City staff has observed that customers still park in that location despite the painted over spaces. This presents a safety concern as pedestrians walking south on Guadalupe Street must enter traffic or walk through parked cars to pass this location. To address this concern and to better align the goals and intent of the CD-5D zoning district, staff recommends including a condition on this permit requiring the applicant to prohibit customer parking in front of the restaurant along Guadalupe Street. Two parallel parking spaces will be striped in this location as part of the Guadalupe Street Improvements project. Engineering staff is anticipating these improvements to commence within one month. Until this time, Planning, Transportation, and Engineering staff will be available to work with the applicant to implement any additional needed measures to prohibit parking until the planned Guadalupe Street improvement are complete.

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Conditional Use Permit	194 South Guadalupe St
CUP-20-06	The Davenport

Staff Recommendation

	Approval as Submitted	X	Approval with Conditions / Alternate		Denial

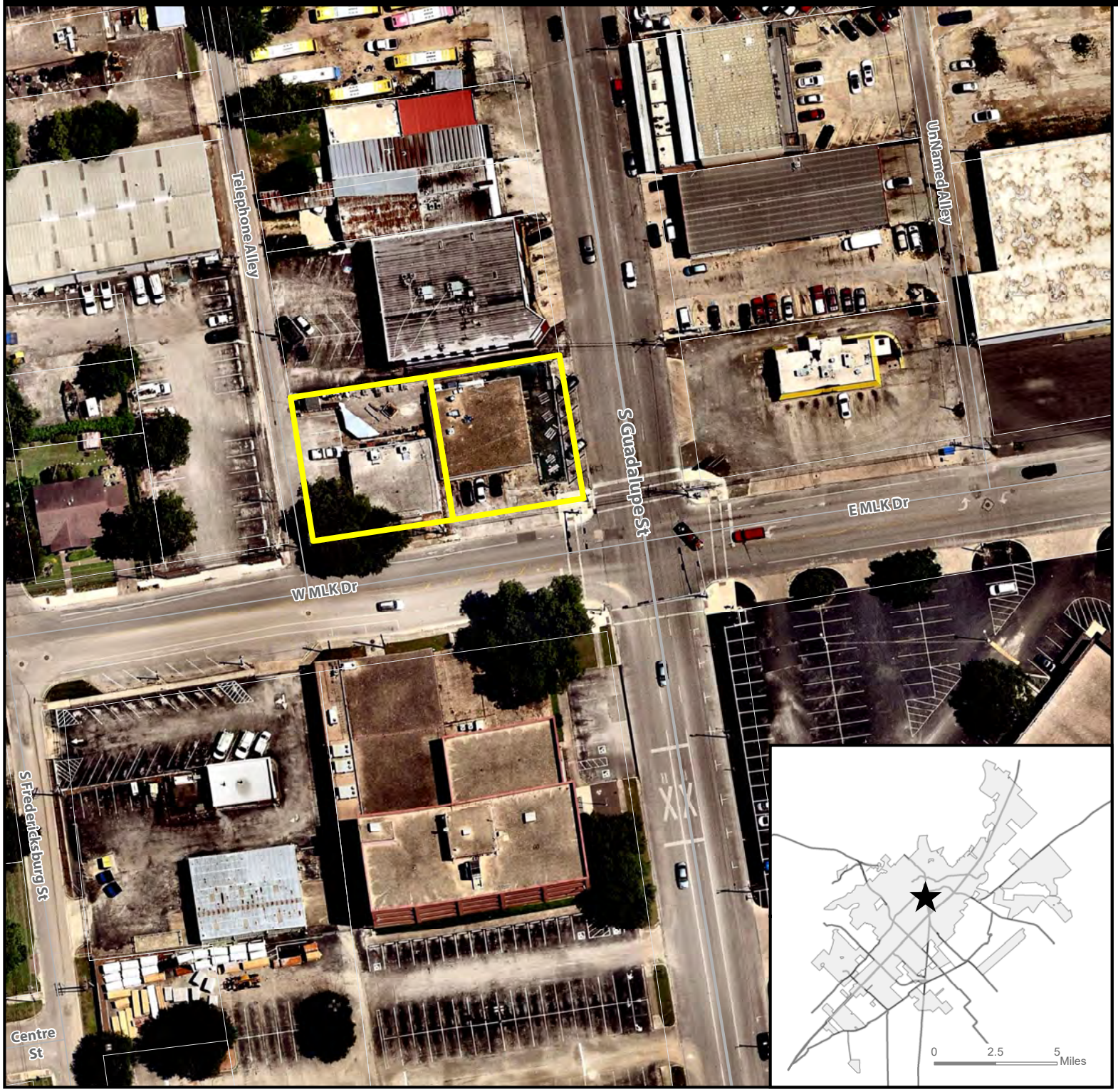
1. Permit shall be valid for one (1) year, provided standards are met,
2. Outdoor live music shall be limited to the hours between 11 am and 12 am,
3. Parking shall be prohibited in City right-of-way along South Guadalupe Street,
4. The permit shall be effective upon the issuance of a Certificate of Occupancy, and;
5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Shavon Caldwell	**Title:** Planner	**Date:** March 24, 2020

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		X	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		N/A	The proposed use is consistent with any adopted neighborhood character study for the area. **Studies were not complete at the time of this request**
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. **The CD-5D district is intended to provide for mixed use, pedestrian oriented development in downtown. To promote walkability and to encourage street level retail activity, auto-oriented uses are restricted.**
X			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. **Adjacent uses are largely nonresidential. The nearest residential zoned property is approximately 600 feet away (walking distance) from the subject property. Conditions are proposed to address noise.**
X			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. **Conditions are proposed to address hazardous parking conditions.**
X			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. **If necessary, staff will work with the applicant to incorporate signage or a physical barrier to restrict parking on South Guadalupe Street.**
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
X			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.
X			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.
X			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.
X			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).

CUP-20-06
Aerial View
The Davenport — 194 S Guadalupe St



★ **Site Location**

Subject Property

Parcel

City Limit

N

0 50 100 200 Feet

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: 3/6/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-06 Davenport\CUP-20-06 Aerial Map.mxd

CUP-20-06
Zoning Map
The Davenport - 194 South Guadalupe Street

★ **Site Location**

Subject Property

Parcels

City Limit

N

0 50 100 200 Feet

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Map Date: 3/6/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-06 Davenport\GIS\CUP-20-06 ZoningMap.mxd

PLANNING AND DEVELOPMENT SERVICES

03/06/2020 **CUP-20-06**

Notice of Public Hearing
Conditional Use Permit
The Davenport
194 South Guadalupe Street

On **Tuesday, March 24, 2020,** the San Marcos Planning & Zoning Commission will consider the following:

Hold a public hearing and consider a request by Stamper Family LLC for a new Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 194 South Guadalupe Street. (S. Caldwell).

The Planning & Zoning Commission will approve, approve with conditions, or deny the request. Before making its decision, the Commission will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the public hearing and seek your opinion of the request.

The public hearing will be held in the Council Chambers in City Hall, 630 East Hopkins, on **Tuesday, March 24, 2020**, at 6:00 p.m. All interested citizens are invited to attend and participate in the public hearing. If you cannot attend but wish to comment, you may write to the following address:

Development Services-Planning
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

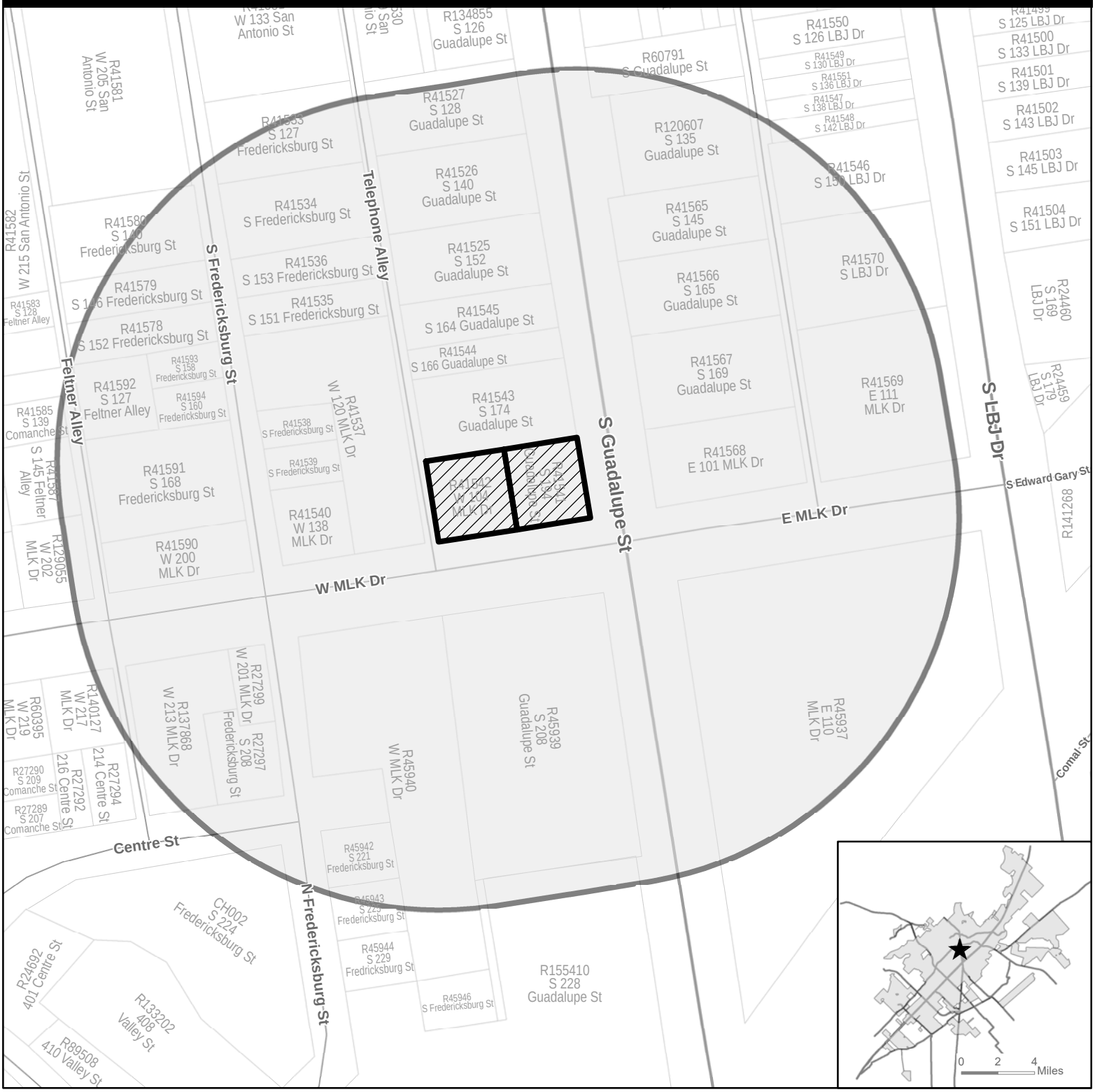
Your written comments will be given to the Planning & Zoning Commission if they are received before 5 PM on the day of the meeting.

For more information regarding this request, contact the case manager, Shavon Caldwell, at 512-805-2649. When calling, please refer to case number **CUP-20-06**

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

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

CUP-20-06
400' Notification Buffer
The Davenport-194 South Guadalupe Street



★ **Site Location**

Subject Property

400' Buffer

Parcel

City Limit

N

0 87.5 175 350 Feet

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Map Date: 3/6/2020

Document Path: S:\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\CUP\CUP-20-06 Davenport\GIS\CUP-20-06 NotificationMap.mxd

SHEET INDEX

A1.0 SITE PLAN
A2.0 FLOOR PLAN - EXISTING/PROPOSED

SQUARE FOOTAGES

TOTAL INT. LEASE SPACE 1,350 SQ. FT.
OCCUPANCY A-2: ASSEMBLY

USABLE FLOOR AREA (INTERIOR) 483 SQ.FT.
-OCC. AT 15 S.F. NET/ PERSON: **32 OCC.**

UTILITY AREAS (KITCHEN/SERVING) 867 SQ.FT.
-OCC. AT 200 S.F. GROSS/PER.: **5 OCC.**

COVERED PATIO (FRONT EXTERIOR) 761 SQ.FT.
-OCC. AT 15 S.F. NET/ PERSON: **51 OCC.**

UNCOVERED PATIO (FRONT) 1,380 SQ.FT.
-OCC. AT 15 S.F. NET/ PERSON: **92 OCC.**

UNCOVERED PATIO (REAR) 1,570 SQ.FT.
-OCC. AT 15 S.F. NET/ PERSON: **104 OCC.**

***NO NEW INCREASE IN SQUARE FOOTAGE INTERIOR OR EXTERIOR**

SPRINKLER REQ.

TOTAL OCCUPANTS (COVERED AREAS) 88 OCC.
NO SPRINKLER SYSTEM REQUIRED
PER IBC 903.2.1.2; GROUP A-2

EGRESS REQ.

TOTAL OCCUPANT LOAD (INTERIOR) 37

REQUIRED NUMBER OF EXIT 2
NUMBER OF EXITS AVAILABLE 2
(PER IBC TABLE 1081.1 : 1-500 OCC.)

PROJECT ADDRESS

194 GUADALUPE STREET
SAN MARCOS TX 78666

PROJECT NOTES

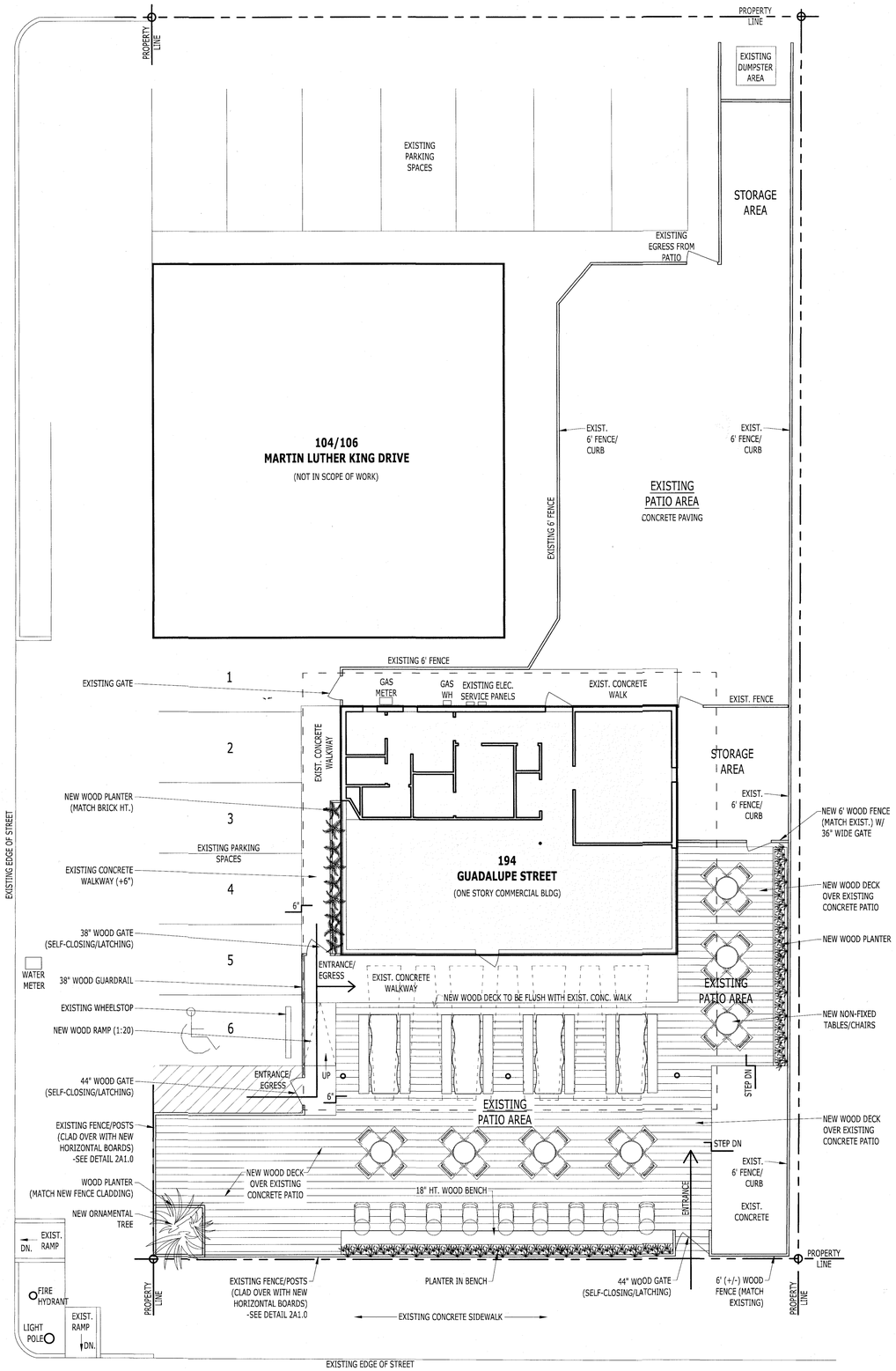
NO CHANGE IN OCCUPANCY REQUIRED.

ALL EXISTING MECHANICAL/ELECTRICAL/PLUMBING SYSTEM LOCATIONS ARE TO BE VERIFIED ON SITE. NOTIFY DESIGNER OF ANY DISCREPANCIES.

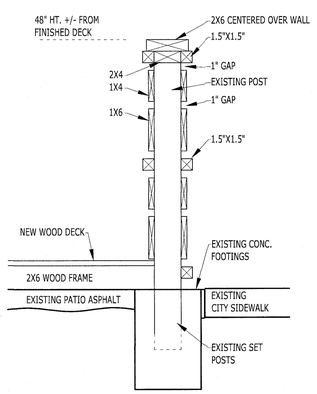
DEMO AREAS TO BE VERIFIED ON SITE WITH CONTRACTOR/ BUILDING MANAGER. ALL PLUMBING, ELECTRICAL, AND MECHANICAL AREAS TO REMAIN.

NO WALLS TO BE DEMOLISHED ARE STRUCTURAL. METAL COLUMNS/JOISTS CONSIDERED STRUCTURAL ARE NOT TO BE ADJUSTED OR ALTERED IN ANY WAY.

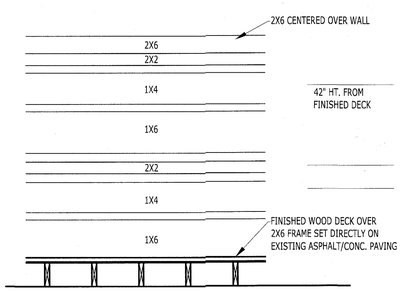
ALL SHEETROCK TO BE PATCHED/REPAIRED AS NEEDED.



1. SITE PLAN
1/8" = 1'-0"



SECTION



ELEVATION

2. PATIO RAILING
NOT TO SCALE

Commercial Remodel
194 South Guadalupe
San Marcos, Texas 78666

Michael Wills – Architect
503 West San Antonio St.
San Marcos, Texas 78666
512-396-9829

Sheet
A1

PLAN LEGEND

EXISTING WALL (SEE A2.0 WALL SECT. A1)

WALL/ITEM TO BE DEMOLISHED
(ALL WALLS ARE NON-STRUCTURAL)

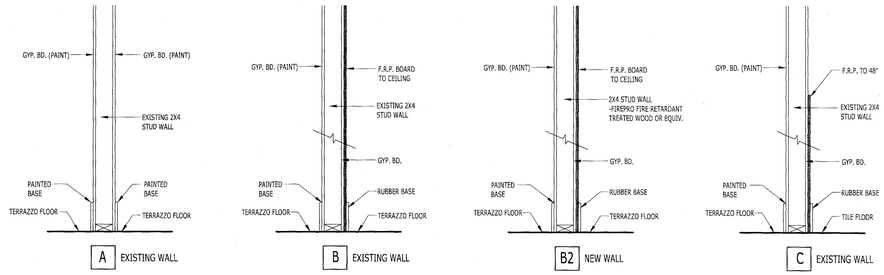
OBJECT TO BE DEMOLISHED

NEW WALL (SEE A2.0 WALL SECT. A2)

1 SCHEDULED DOOR

A WALL SECTION

WALL SECTIONS



SCHEDULES

DOOR SCHEDULE

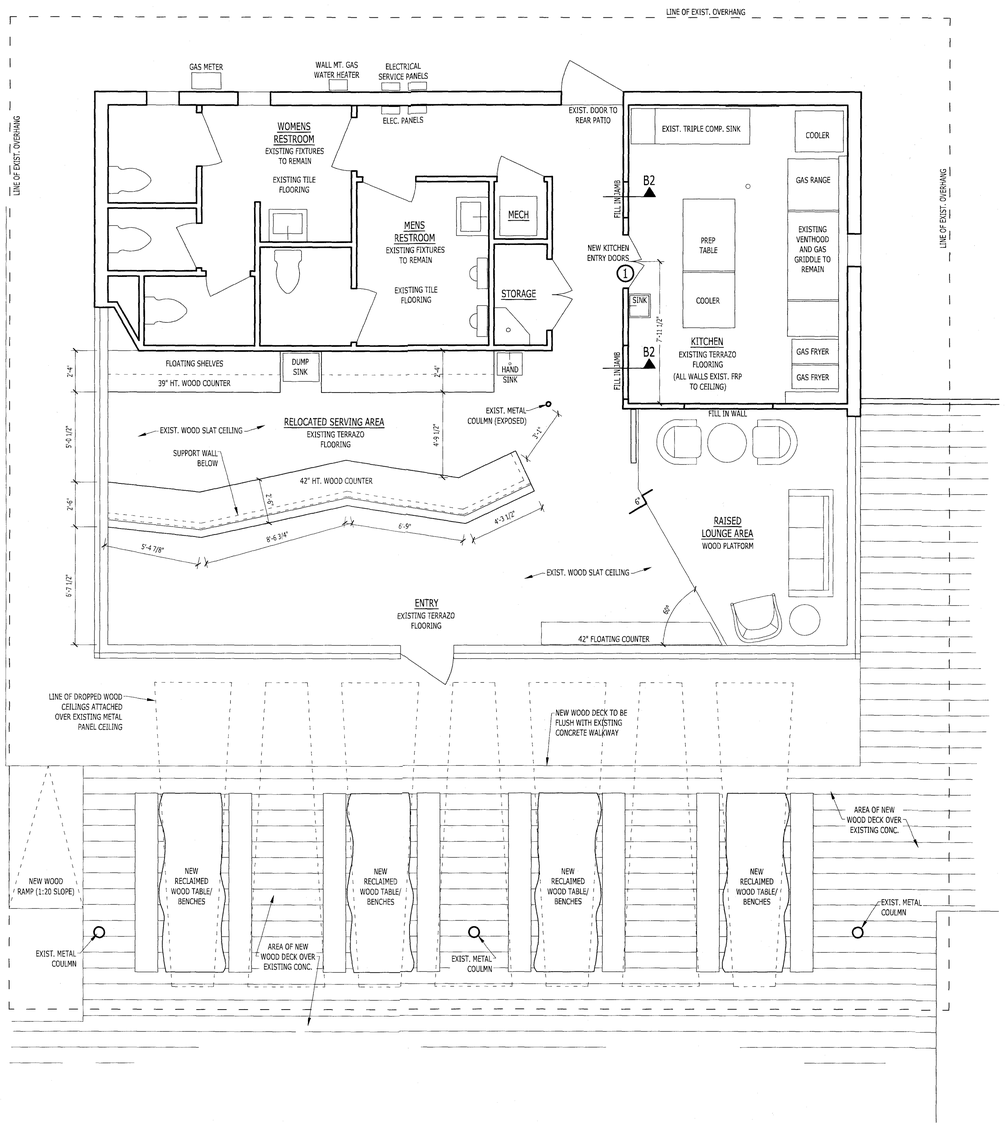
#	WIDTH	HEIGHT	MATERIAL	HARDWARE	NOTES
1	(2) 2'-0"	6'-8"	LIGHTWEIGHT ALUMINUM WITH 9"X14" SQUARE LITE	SWING CLOSURES BOTH SIDES	48" TOTAL OPENING

WINDOW SCHEDULE

#	WIDTH	HEIGHT	MATERIAL	HARDWARE	NOTES
			-	-	-

WINDOW NOTES:

1. ALL EXISTING STOREFRONT WINDOWS TO REMAIN. NO NEW WINDOWS TO BE ADDED.



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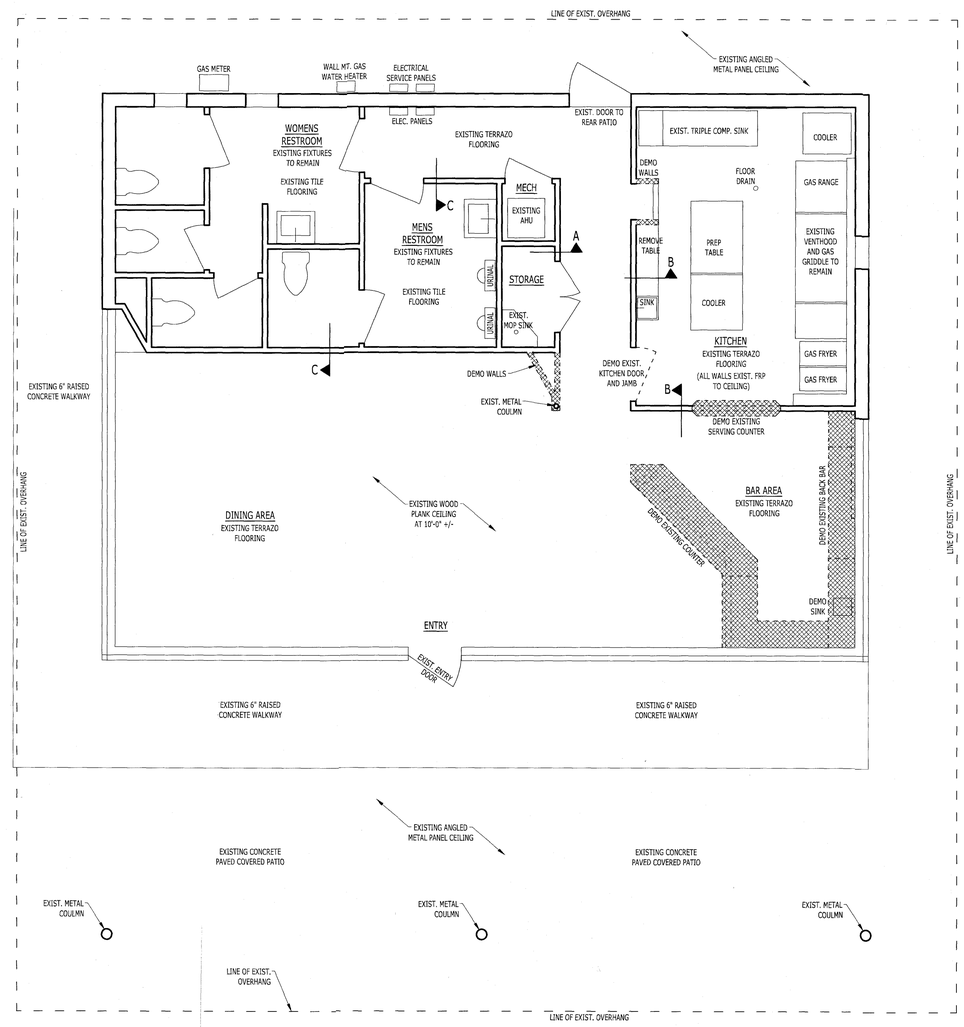

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Commercial Remodel
194 South Guadalupe
San Marcos, Texas 78666

Michael Wills – Architect
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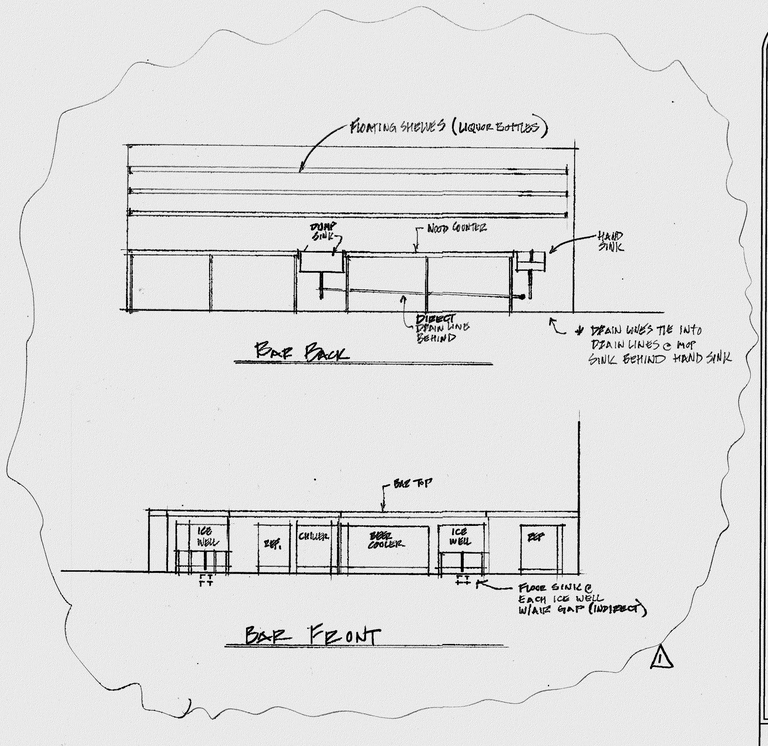
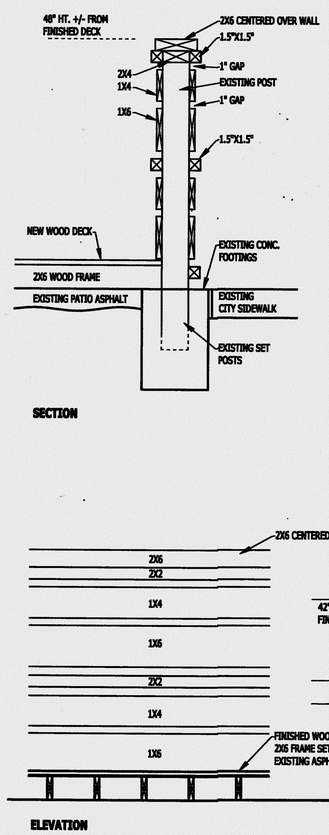
Sheet
A2





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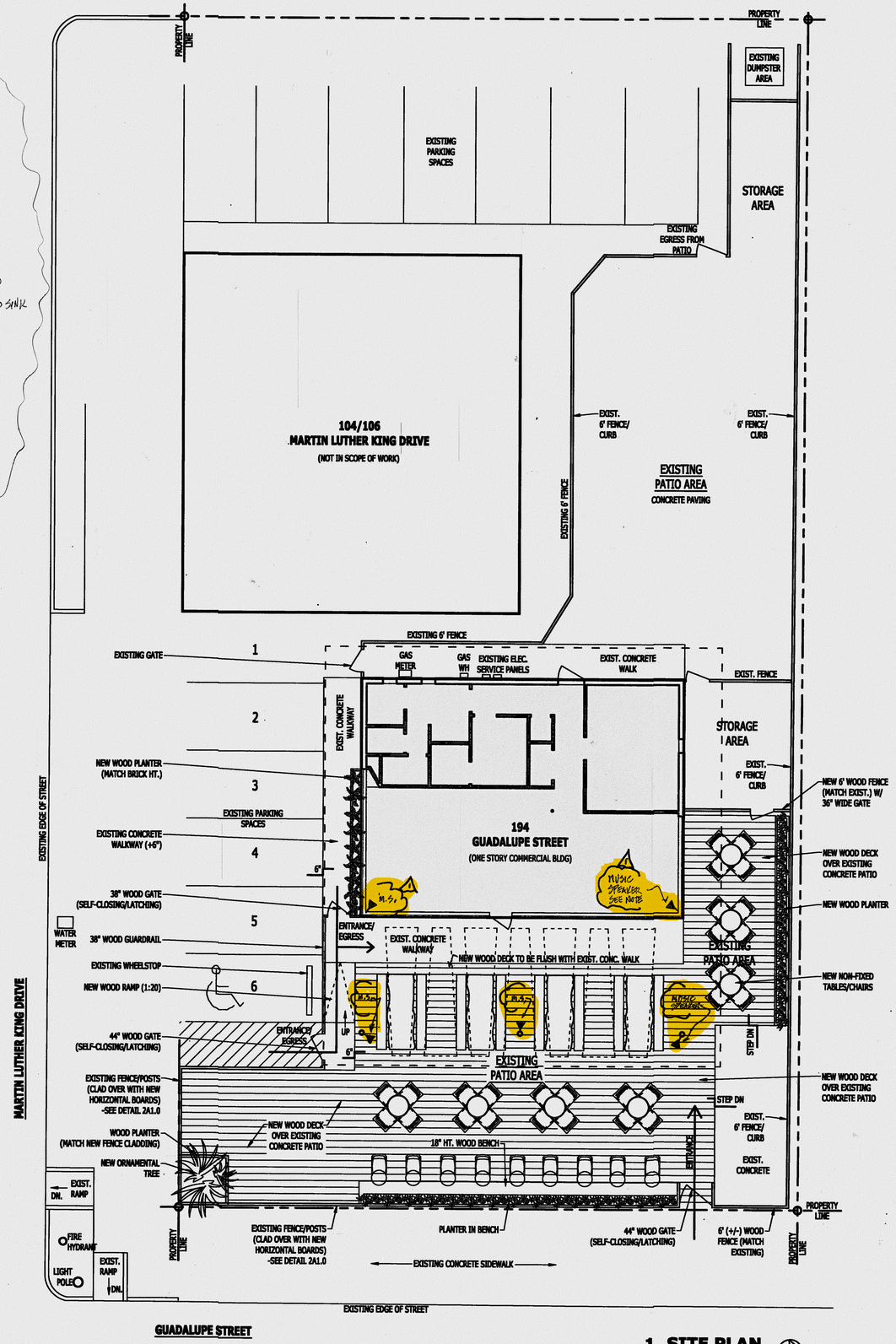

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194 GUADALUPE STREET
SAN MARCOS TX 78666

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ALL SHEETROCK TO BE PATCHED/REPAIRED AS NEEDED.

NOTE

◀ DESIGNATES SPEAKER LOCATION. AMBIENT MUSIC ONLY @ LOWER DECIBELS.
NO TVS
NO LIVE MUSIC

REGISTERED ARCHITECT MICHAEL K. WILLS 18660 STATE OF TEXAS

1-7-20
2-7-20

Commercial Remodel
194 South Guadalupe
San Marcos, Texas 78666

Michael Wills – Architect
503 West San Antonio St.
San Marcos, Texas 78666
512-396-9829

Sheet
A1

PLAN LEGEND

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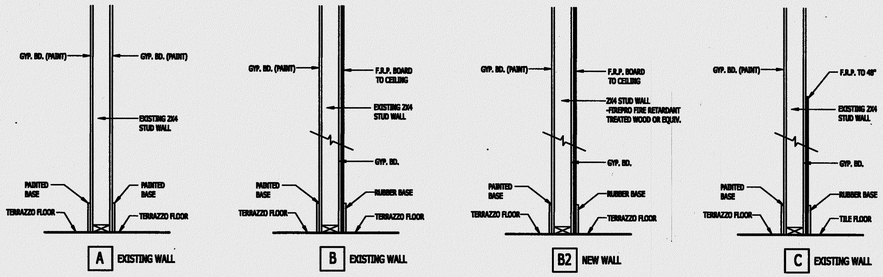

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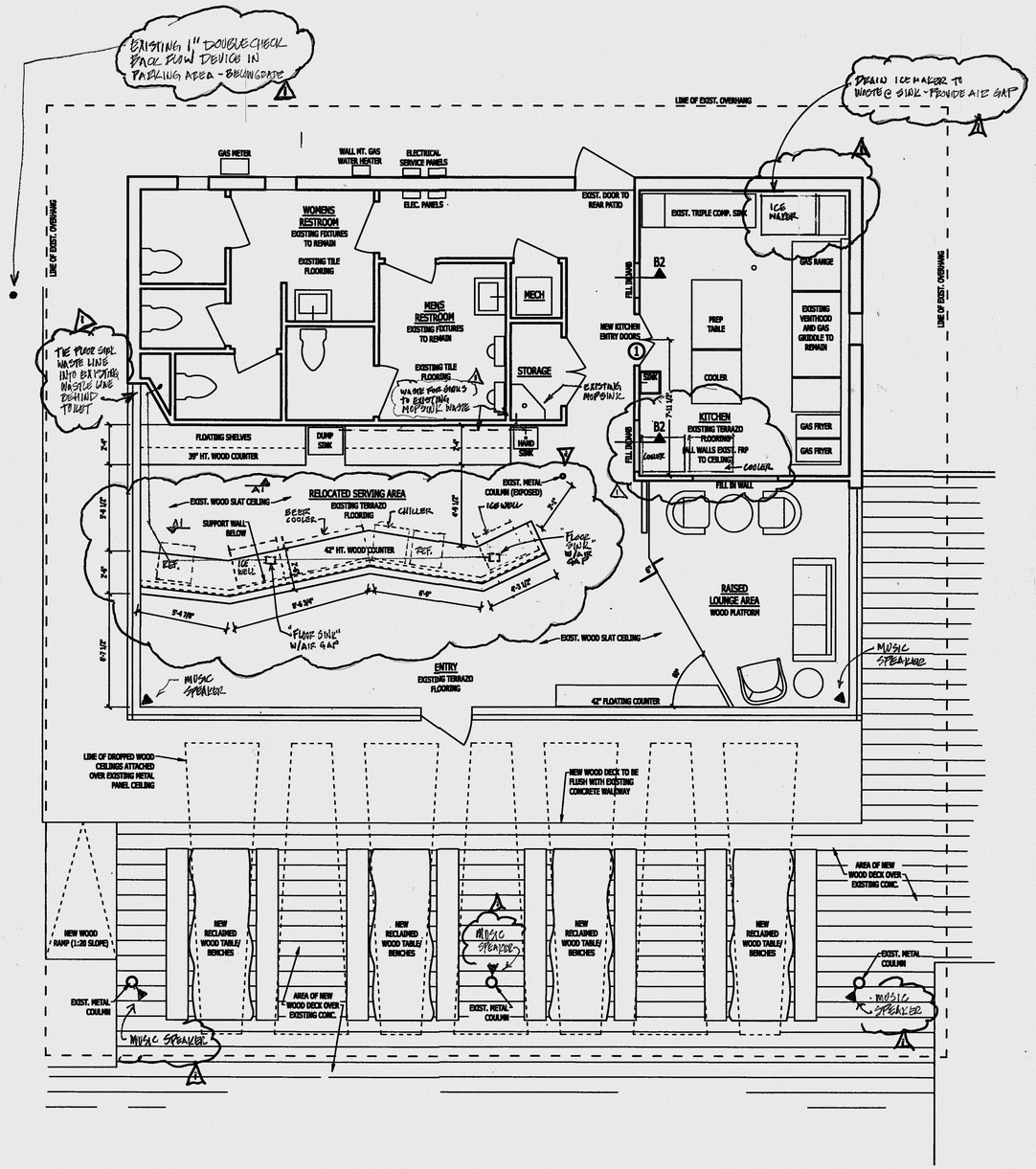

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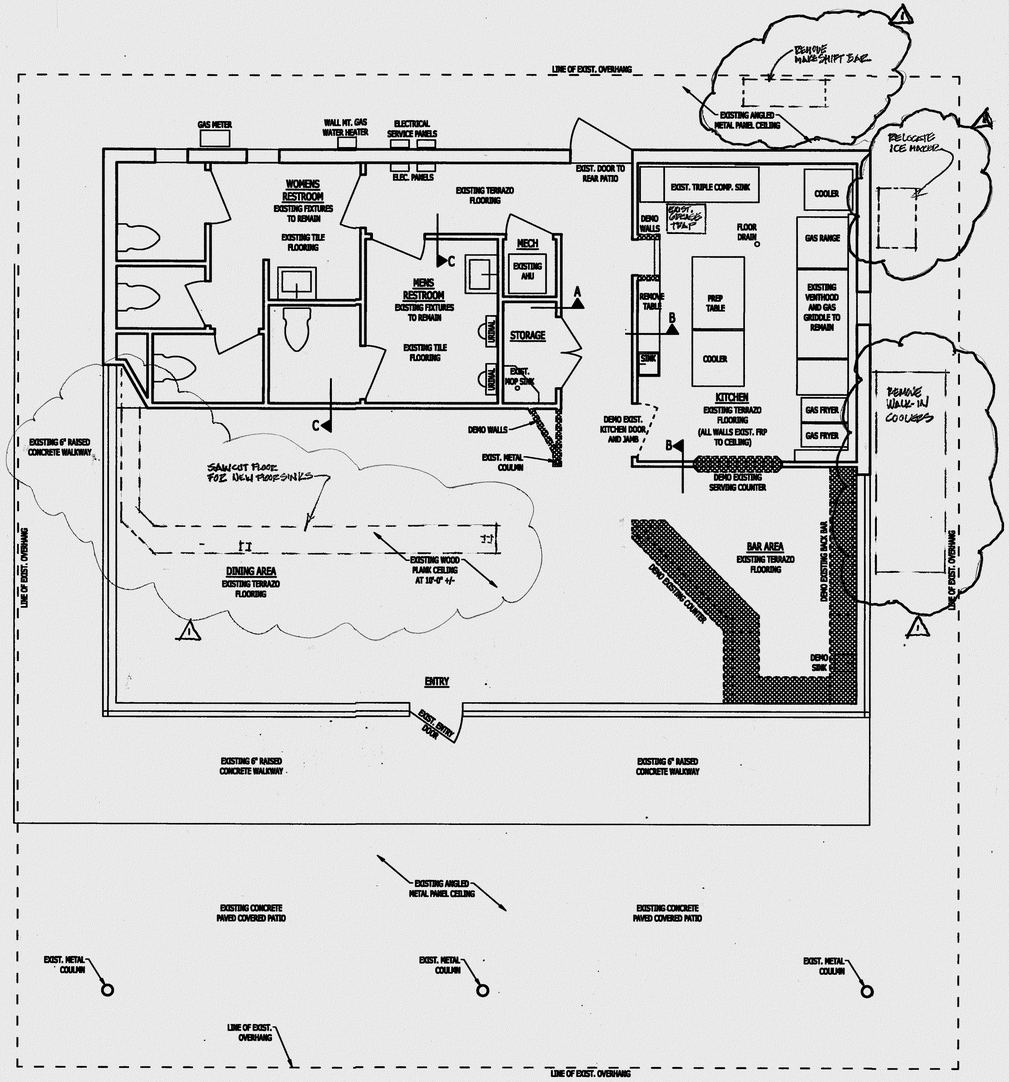

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REGISTERED ARCHITECT
MICHAEL K. WILLS
STATE OF TEXAS
12809

1-7-20
2-7-20

Commercial Remodel
194 South Guadalupe
San Marcos, Texas 78666

Michael Wills – Architect
503 West San Antonio St.
San Marcos, Texas 78666
512-396-9829

Sheet
A2

The Davenport
PRESENTS

apuñalar
TO STAB

orgía TO SHARE

CLASSIC CHARCUTERIE
CHEESE & FRUIT BOARD

SINGLES pinchitos

CLASSIC GILDA
anchovy with pickled green pepper

TORTILLA DE PATATAS
spanish omelette

DE TXAMPIS
garlic mushroom

DE JAMON Y SALCHICHON
spanish ham & salami

CHISTORRA Y PADRON
sausage & padron peppers

pintxos THREE WAY

GAMBAS AL AJILLO
garlic prawn

ALBONDIGAS
spanish meatball

POLLO ADOBO
puerto rican marinated chicken

PUERCO MOJO
garlic lime pork

CARNE DE VERDI
chimichurri skirt steak

concluir THE END

TORRIJAS
spanish french toast

QUESADA PASIEGA
spanish cheescake

194 S GUADALUPE ST. SAN MARCOS, TX

The Davenport
PRESENTS

apuñalar
TO STAB

orgía TO SHARE

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spanish cheescake

194 S GUADALUPE ST. SAN MARCOS, TX

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL WITHIN CBA)

Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	DUANE BRADLEY	**Property Owner**	SCOTT GREGSON
Company	STAMPER FAMILY, LLC	**Company**	EAST HOPKINS, LLC
Applicant's Mailing Address	16422 LAUREL FIELD HOUSTON, TX 77059	**Owner's Mailing Address**	120 W HOPKINS #200 SAN MARCOS, TX 78666
Applicant's Phone #	832 868 1974	**Owner's Phone #**	(512) 557-8000
Applicant's Email	LESLIE.DUANE.BRADLEY @GMAIL.COM	**Owner's Email**	JSCOTTGREGSON @ GMAIL.COM

PROPERTY INFORMATION

Subject Property Address: 194 S GUADALUPE ST

Zoning District: CBA **Tax ID #: R**41541/R41542

Legal Description: Lot ½ of 14 **Block** 12 **Subdivision** ORIGINAL TOWN OF SAN MARCOS

Number of Parking Spaces: 10

Is property more than 300' from church, school, hospital, or residential district? ☐ **Y** ☐ **N**

DESCRIPTION OF REQUEST

Business Name: THE DAVENPORT ☒ **Restaurant** ☐ **Bar** ☐ **Other:** _____

☒ ***NEW*** ☐ ***RENEWAL/AMENDMENT*** ☒ ***Mixed Beverage*** ☐ ***Beer & Wine*** ☒ ***Late Hours***

Hours of Operation(ex. Mon 12pm-1am): Mon 11AM-2AM **Tue** 11AM-2AM **Wed** 11AM-2AM

Thurs 11AM-2AM **Fri** 11AM-2AM **Sat** 11AM-2AM **Sun** 11AM-2AM

Indoor Seating Capacity: 37 **Outdoor Seating Capacity:** 140 **Gross Floor Area:** 1350

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 793* Technology Fee $13 ***TOTAL COST $806***

Renewal/Amendment Filing Fee $423* Technology Fee $13 ***TOTAL COST $436***

**Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

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

PROPERTY OWNER AUTHORIZATION

I, SCOTT GREGSON (owner name) on behalf of EAST HOPKINS, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 194 S. Guadalupe and 104 MLK (address).

I hereby authorize DUANE BRADLEY (agent name) on behalf of STAMPER FAMILY, LLC (agent company) to file this application for CUP (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: J. Scott Gregson Date: 1/29/20

Printed Name, Title: J. SCOTT GREGSON

Signature of Agent: Duane Bradley Date: 1/31/2020

Printed Name, Title: DUANE BRADLEY MEMBER/MANAGER

Form Updated October, 2019

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

The City of San Marcos 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 shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***

- 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 $91 plus a $13 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 $91 plus a $13 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: Duane Bradley Date: 1/29/2020

Print Name: DUANE BRADLEY

Form Updated October, 2019

The Davenport Montrose

The iconic original, in operation for over 20 years, this location has been a Houston institution. With many 'Best Martini' awards under its belt, it has proven that consistency and attention to detail are traits worth striving for.

The Davenport Clear Lake

While delivering the same vibe to the suburbs, the Clear Lake location has established itself as a top shelf destination all on its own. With a beautiful patio and decidedly more tropical feel, it still retains traits that set The Davenport operations apart.

The Davenport San Marcos

Proposal:

Create the Davenport concept over the existing bar space.

Implementation:

Construction: Install a midcentury renovation consistent with the other successful locations, involving finishes and furniture but with minimal structural changes. Incorporate upscale outdoor seating, including a patio elevation in front, to enhance curb appeal and comfort. Using a color palette consistent, with but different from, the other locations by incorporating pastel hues while ensuring a continuity of brand. Reform interior space to accommodate the concept including rebuilding the bar area. Transform the outdoor façade to enhance its already midcentury feel, giving it a sleek and polished look. We estimate that the conversion will cost in the $100,000.00 range.

Operations: Anchored by our famous martini concept and deep liquor selections, The Davenport San Marcus would also incorporate a draft beer program with an eye towards Texas State University student's lifestyle.

TEXAS ALCOHOLIC BEVERAGE COMMISSION
Texans Helping Businesses & Protecting Communities

COPY

LOCATION PACKET FOR REPORTING CHANGES FOR RETAILERS

L-LRC (08/2019)

Utilize this packet to report changes about your license/permit. All applicants complete questions 1 through 8. To report information that has changed since your last filed (L-L) or (L-LRC) application, check and complete the appropriate questions 9 through 21. DO NOT USE THIS FORM for change of license/permit location, use form L-ON or L-OFF.

If adding a subordinate license/permit, submit correct fees. See fee chart on our website: www.tabc.texas.gov

1. Current License/Permit No.
   MB 948558
2. Trade Name of Location as on Current License/Permit
   BUZZ MILL COFFEE #3
3. Location Address as on Current License/Permit
   194 SOUTH GUADALUPE ST. / SAN MARCOS,TX 78666
4. Owner of Business as on Current License/Permit
   STAMPER FAMILY, LLC
5. Federal Employer Identification No. (FEIN)
   47-5269075
6. Phone No.
   (713)672-7428
7. Email Address:
   jimldefoyd@hotmail.com

RECEIVED
FEB 14 2020
HOUSTON LICENSING DEPT

INITIAL INFORMATION

8. Have there been any changes in the ownership or structure of the business since the last application was filed? ☐ Yes ☒ No

   If "YES," complete the **Business Packet for Reporting Changes (L-BRC).**

CHECK AND COMPLETE ONLY THE SECTION(S) THAT APPLY TO YOUR CHANGE THEN PROCEED TO THE WARNING AND SIGNATURE SECTION.

If adding a Local Cartage Permit (**E**) or Private Carrier's Permit (**O**) attach **Vehicles – Transporting Alcohol Form L-VEH.**

9. ☒ **Change Trade Name of Location**
   DAVENPORT SAN MARCOS

10. ☐ **Change Mailing Address**

	City	State	Zip Code

11. ☐ **Add Subordinate**
    - ☐ **PE** Beverage Cartage Permit
    - ☐ **CB** Caterer's Permit
    - ☐ **MI** Minibar Permit
    - ☐ **E** Local Cartage Permit **(P, Q, BG only)**
    - ☐ **O** Private Carrier's Permit **(BG with a Brewpub (BP) only)**
    - ☐ **LP** Local Distributor's Permit
    - ☐ **PS** Package Store Tasting Permit
    - ☐ **FB** Food and Beverage Certificate
    - ☐ **BP** Brewpub License

BREWPUB (BP) Only

12. Do you, the applicant, intend to sell your alcoholic product directly to other retailers? ☐ Yes ☐ No
13. Do you, the applicant, intend to sell your alcoholic product to wholesalers/distributors? ☐ Yes ☐ No

LICENSED PREMISE DIAGRAM

14. ☐ **Change Diagram of Licensed Premise**

    Will the license or permit embrace the entire building and grounds at the address shown in question #3? If **"NO,"** attach the required diagram. ☐ Yes ☐ No

    An inspection may be required prior to approval.

WARNING AND SIGNATURE	If Applicant Is/Must Sign Individual/Individual Owner Partnership/Partner Limited Partnership/General Partner	Corporation/Officer Limited Liability Company/ Officer or Manager

EACH LICENSEE OR PERMITTEE SHALL HAVE EXCLUSIVE OCCUPANCY AND CONTROL OF THE ENTIRE LICENSED LOCATION WITH RESPECT TO SALE OF ALCOHOLIC BEVERAGES. ANY ARRANGEMENT THAT SURRENDERS SUCH CONTROL OF THE EMPLOYEES, PREMISES OR BUSINESS, INCLUDING PROFITS AND LOSSES, TO PERSONS OTHER THAN THE LICENSEE OR PERMITTEE IS UNLAWFUL.

WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

BY SIGNING YOU ARE SWEARING TO ALL INFORMATION AND ATTACHMENTS TO THIS PACKET.

PRINT NAME LESLIE D. BRADLEY

SIGN HERE Leslie Duane Bradley

TITLE MGR/MBR

Before me, the undersigned authority, on this 14 day of Feburary, 20 20, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

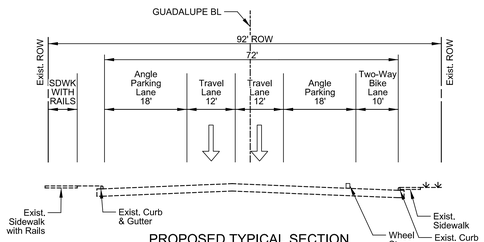
SIGN HERE Cynthia C. Maz

NOTARY PUBLIC

SEAL

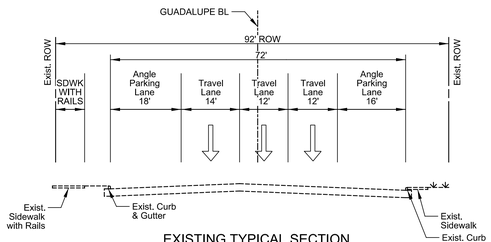
CYNTHIA CAZARES MAR
NOTARY PUBLIC
STATE OF TEXAS
NOTARY ID 367565-6
APRIL 11, 2020

SCALE: 1" = 20'



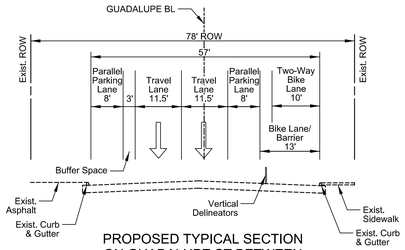
PROPOSED TYPICAL SECTION
ON GUADALUPE ST BETWEEN
HOPKINS ST & SAN ANTONIO ST
STA. 1618+00

NOT TO SCALE



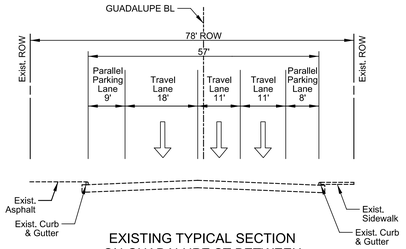
EXISTING TYPICAL SECTION
ON GUADALUPE ST BETWEEN
HOPKINS ST & SAN ANTONIO ST
STA. 1618+00

NOT TO SCALE



PROPOSED TYPICAL SECTION
ON GUADALUPE ST BETWEEN
SAN ANTONIO ST & MARTIN LUTHER KING DR
STA. 1621+00

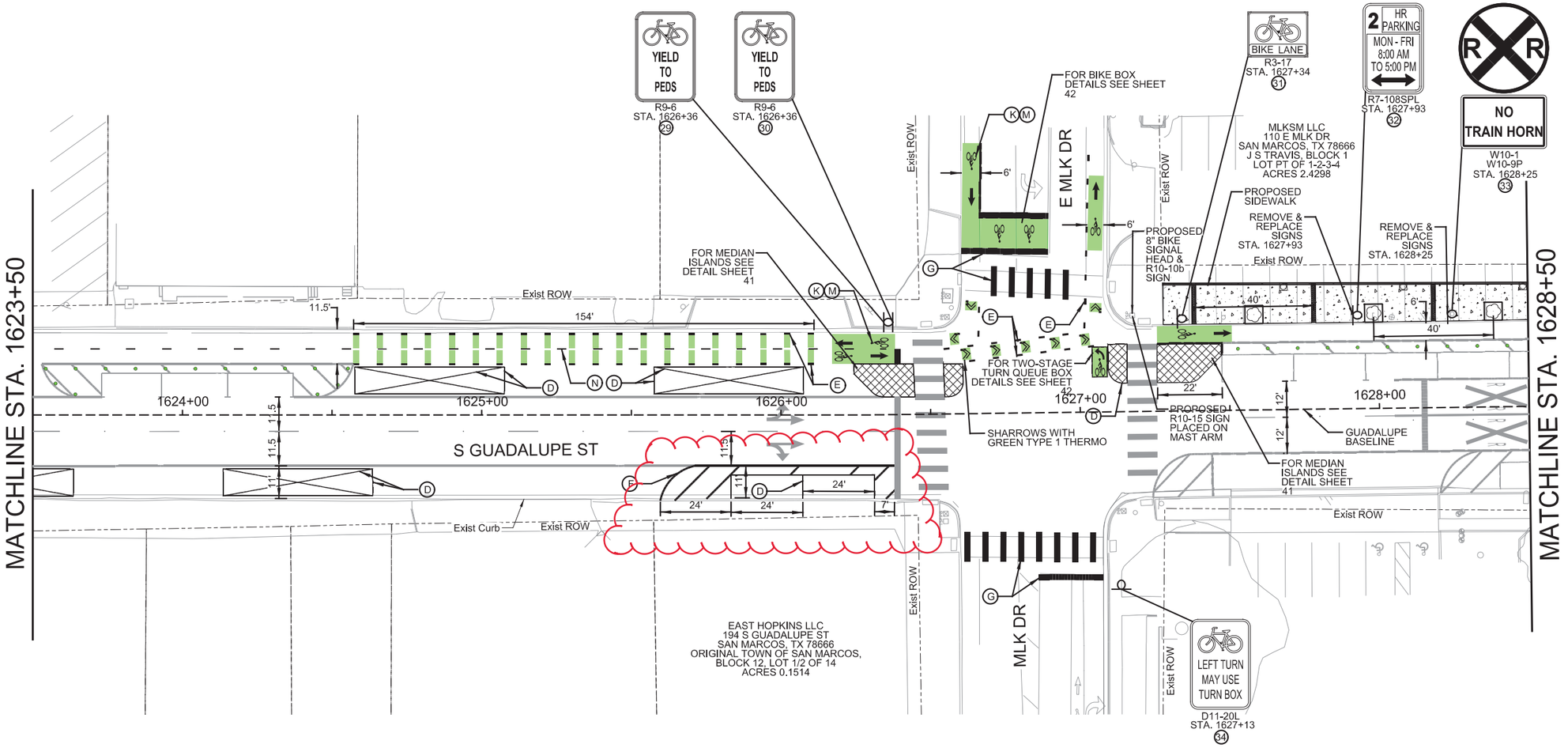
NOT TO SCALE



EXISTING TYPICAL SECTION
ON GUADALUPE ST BETWEEN
SAN ANTONIO ST & MARTIN LUTHER KING DR
STA. 1621+00

NOT TO SCALE

GUADALUPE ST
EXHIBIT
SHEET 3 OF 5



0 20 40
SCALE:
HORZ. 1" = 40'

LEGEND

- EXISTING ROW
- SIGN POST
- 24" STOP BAR
- TRAFFIC FLOW SYMBOL
- PROPOSED SIDEWALK
- PROP GREEN TYPE 1 THERMO
- GREEN VERTICAL DELINEATORS
- CYCLE LANE SEPERATORS

NOTES:

1. BUFFER AREA DETAILS ARE SHOWN ON THE MISCELLANEOUS DETAILS SHEETS.
2. PEDESTRIAN CROSSWALKS SHOULD BE CENTERED BASED ON WHEEL CHAIR RAMPS.
3. FOR PROPOSED 8" BIKE SIGNAL HEAD AND PROPOSED R10-15 & R10-10b SIGNS DETAILS SEE SHEET 60 OF 127 ON TRAFFIC SIGNAL PLANS.

SUMMARY OF SIGNING AND PAVEMENT MARKINGS

100-6002	0529-6005	0644-6001	0644-6068	0658-COSM1	0666-6012	0666-6033	0666-6036	0666-6048	0666-6105	0666-6111	0666-6120	0666-COSM1	0666-COSM2	0678-6004	0678-6008
PREPARING RIGHT OF WAY	CONC CURB MONO (TY II)	IN SM RD SN SUP&AM TY 10BWG(1) SA(P)	RELOCATE SM RD SN SUP&AM TY 10BWG	GREEN VERTICAL DELINEATORS	REFL PAV MRK TY I (W) 4" (SLD) (100MIL)	REFL PAV MRK TY I (W) 8" (LNDP) (100MIL)	REFL PAV MRK TY I (W) 8" (SLD) (100MIL)	REFL PAV MRK TY I (W) 24" (SLD) (100MIL)	REFL PAV MRK TY I (W) (BIKE ARW) (100MIL)	REFL PAV MRK TY I (W) (BIKE SYML) (100MIL)	REFL PAV MRK TY I (Y) 4" (BRK) (100MIL)	GREEN REFLECTORIZED TYPE 1 THERMO	SHARROWS	PAV SURF PREP FOR MRK (8")	PAV SURF PREP FOR MRK (24")
					D	E	F	G	K	M	N				
STA	LF	EA	EA	EA	LF	LF	LF	LF	EA	EA	LF	SF	EA	LF	LF
5	191	4	3	25	1046	493	189	209	6	8	286	1415	16	101	204

SUMMARY OF SIGNING AND PAVEMENT MARKINGS

0678-6026	0678-6028	COSM 434S
PAV SURF PREP FOR MRK (BIKE ARROW)	PAV SURF PREP FOR MRK (BIKE SYMBOL)	PC CONCRETE MEDIANS AND ISLANDS
EA	EA	SF
2	4	573

STATE OF TEXAS
DWAYNE S. HAMILTON
80967
REGISTERED PROFESSIONAL ENGINEER
12/19/2019

NO	REVISION	DRAWN	APPROVED	DATE

MAESTAS
8122 DATAPOINT DR., STE. 840
SAN ANTONIO, TX 78229
(210) 366-1988
TBPE No.: F-333
TBPLS No.: 10194506

The City of San Marcos
Engineering and Capital improvements

S. GUADALUPE STREET IMPROVEMENTS: UNIVERSITY DR. TO GROVE ST.

SIGNAGE AND PAVEMENT MARKINGS

SHEET 6 OF 15

100 % SUBMITTAL	PROJECT NO.: CC 16-9-40		DATE: 12/19/2019
DRWN. BY: VV/CAD	DSGN. BY: DSH	CHKD. BY: ETM/DSH	SHEET NO.: 31 OF 127

Z:\Projects\M087 Guadalupe St - San Marcos\06 - CADD Files\06.65 - Traffic\M087-SGN-PM-06.dgn 11:14:33 AM 12/19/2019

CUP-20-06 (The Davenport)

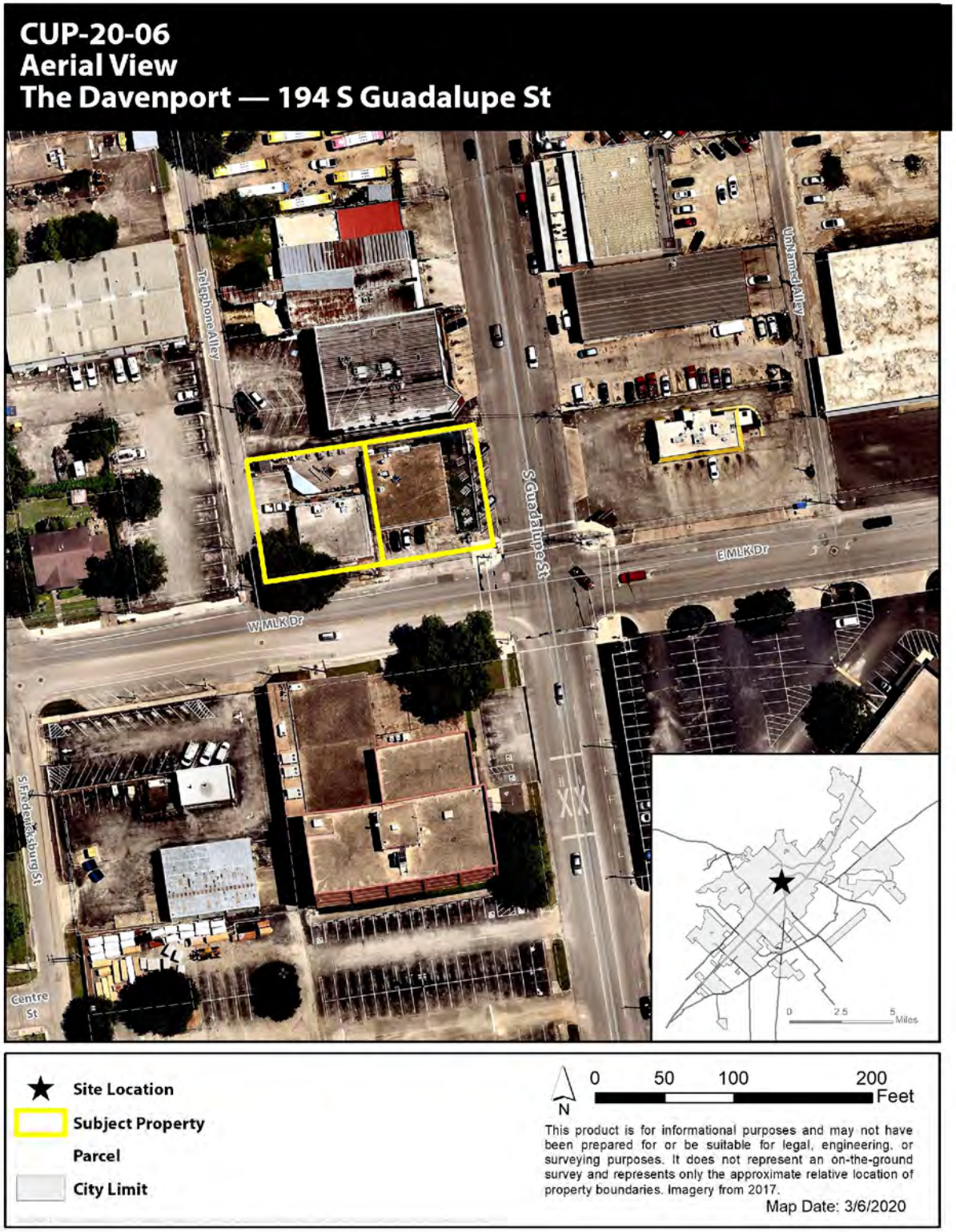
Hold a public hearing and consider a request by Stamper Family LLC for a new Conditional Use Permit to allow for the sale of mixed beverages for on premise consumption at 194 South Guadalupe Street (S. Caldwell)

SAN MARCOS

Location:

- The Davenport is located at the Northwest intersection of South Guadalupe Street and West MLK Drive

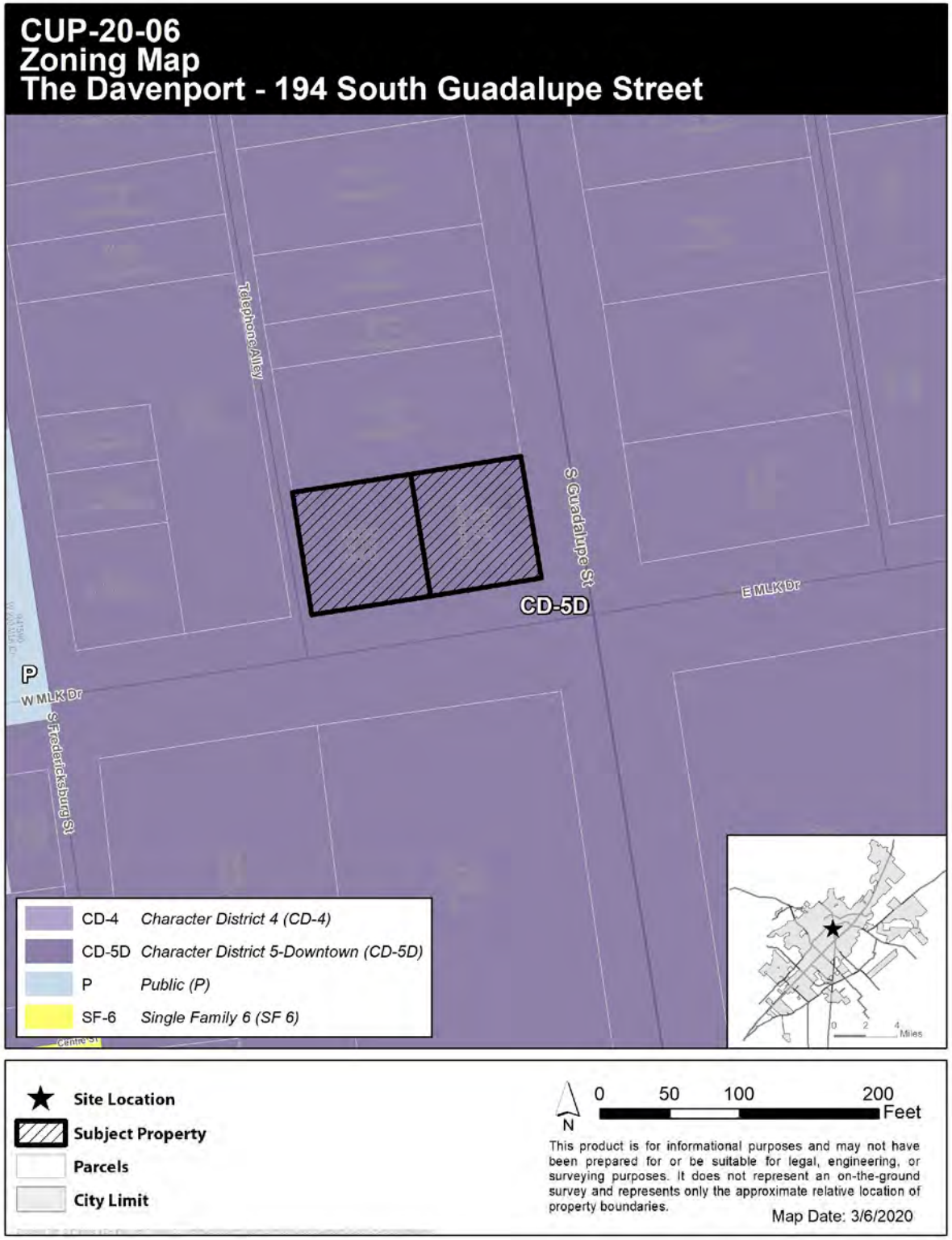
- Located within the Downtown High Intensity Area on the Preferred Scenario Map

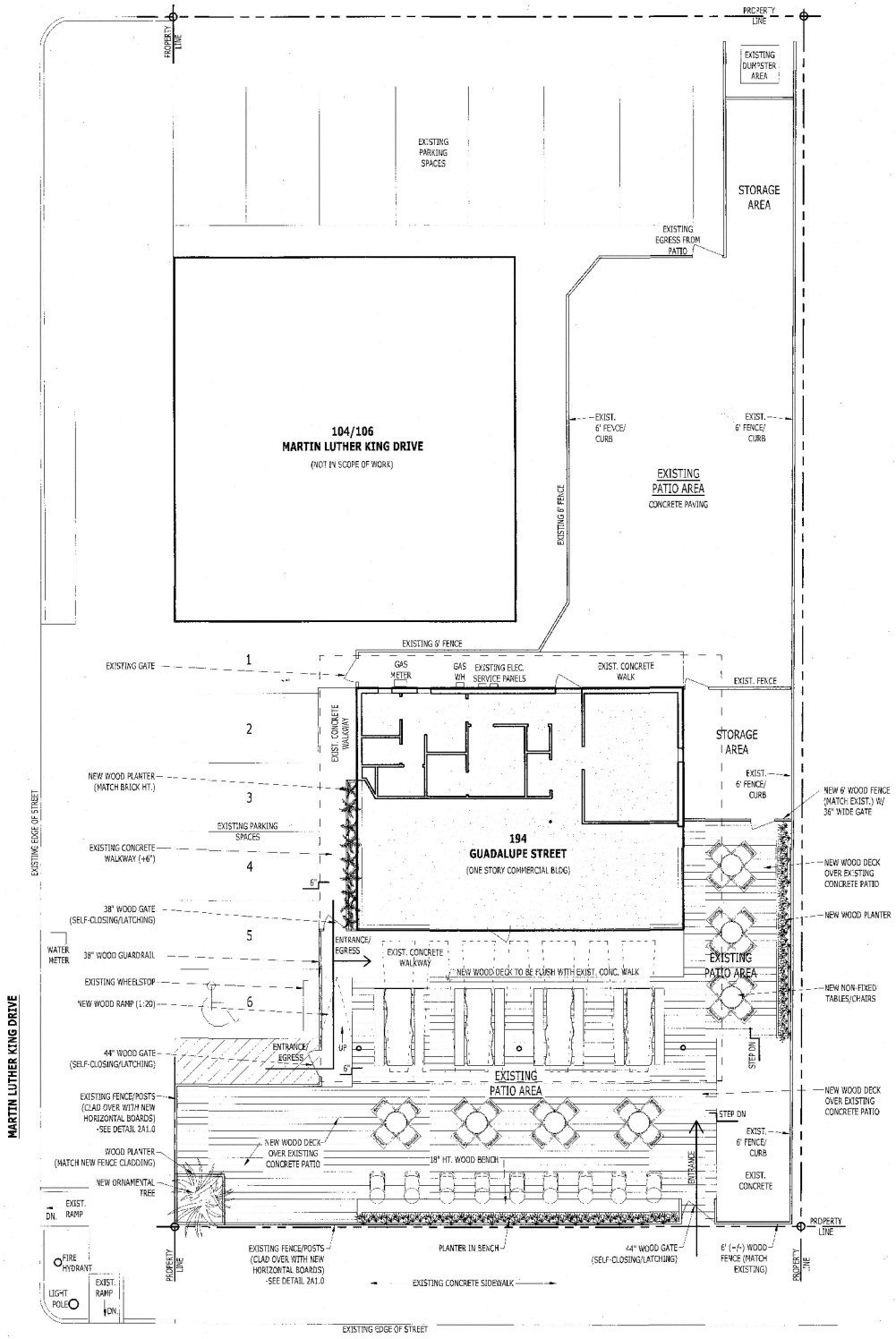


SAN MARCOS

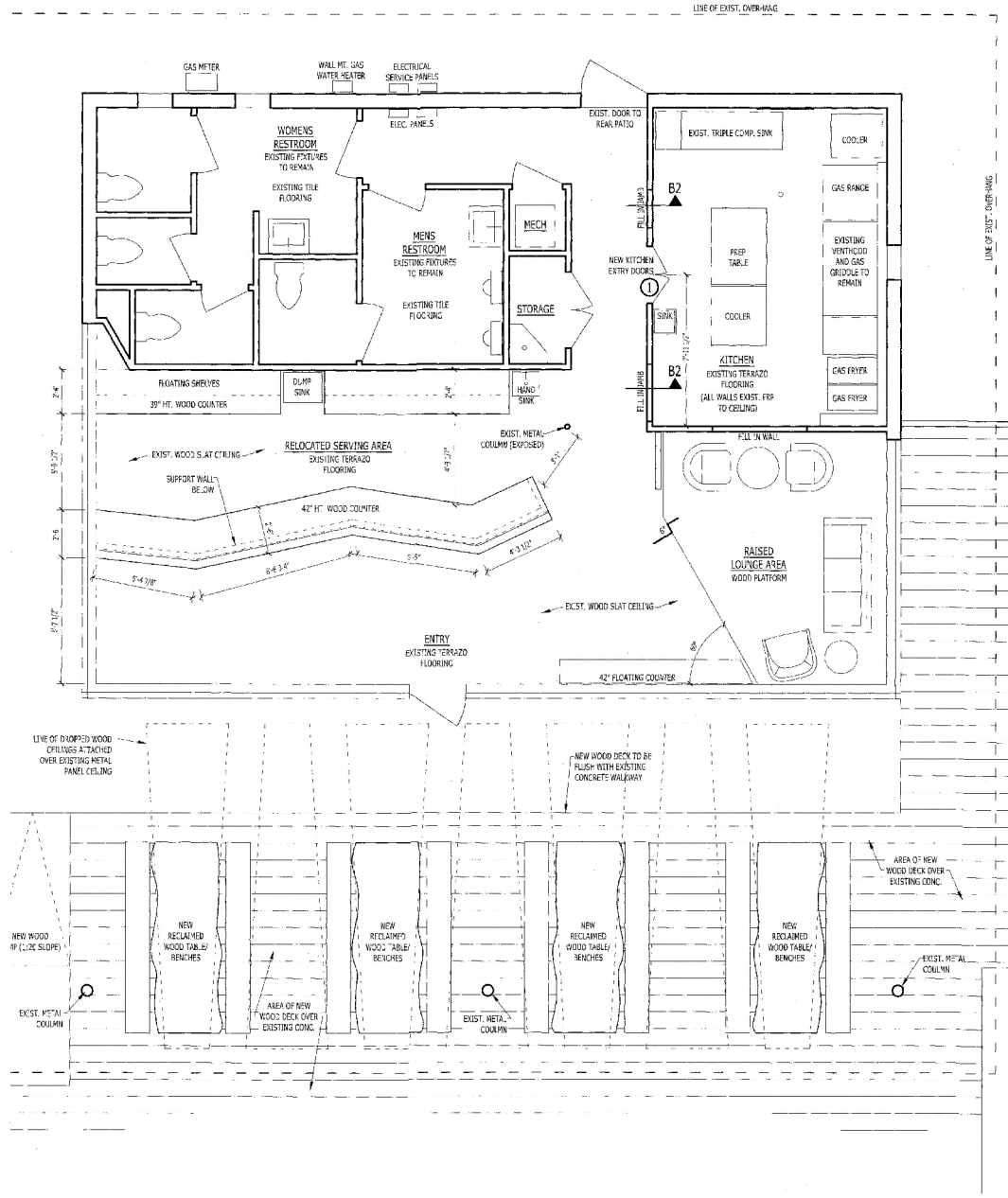
Context & History

- Previous Buzz Mill Coffee location
- 1,350 square feet interior and 3,711 square feet patio
- 37 indoor seats, 78 outdoor seats that face South Guadalupe Street
- Hours of operation:
  - Monday-Sunday:11 am-2am
- No live outdoor music proposed. Two indoor and three outdoor speakers for ambient music





1. SITE PLAN
1/8" = 1'-0"



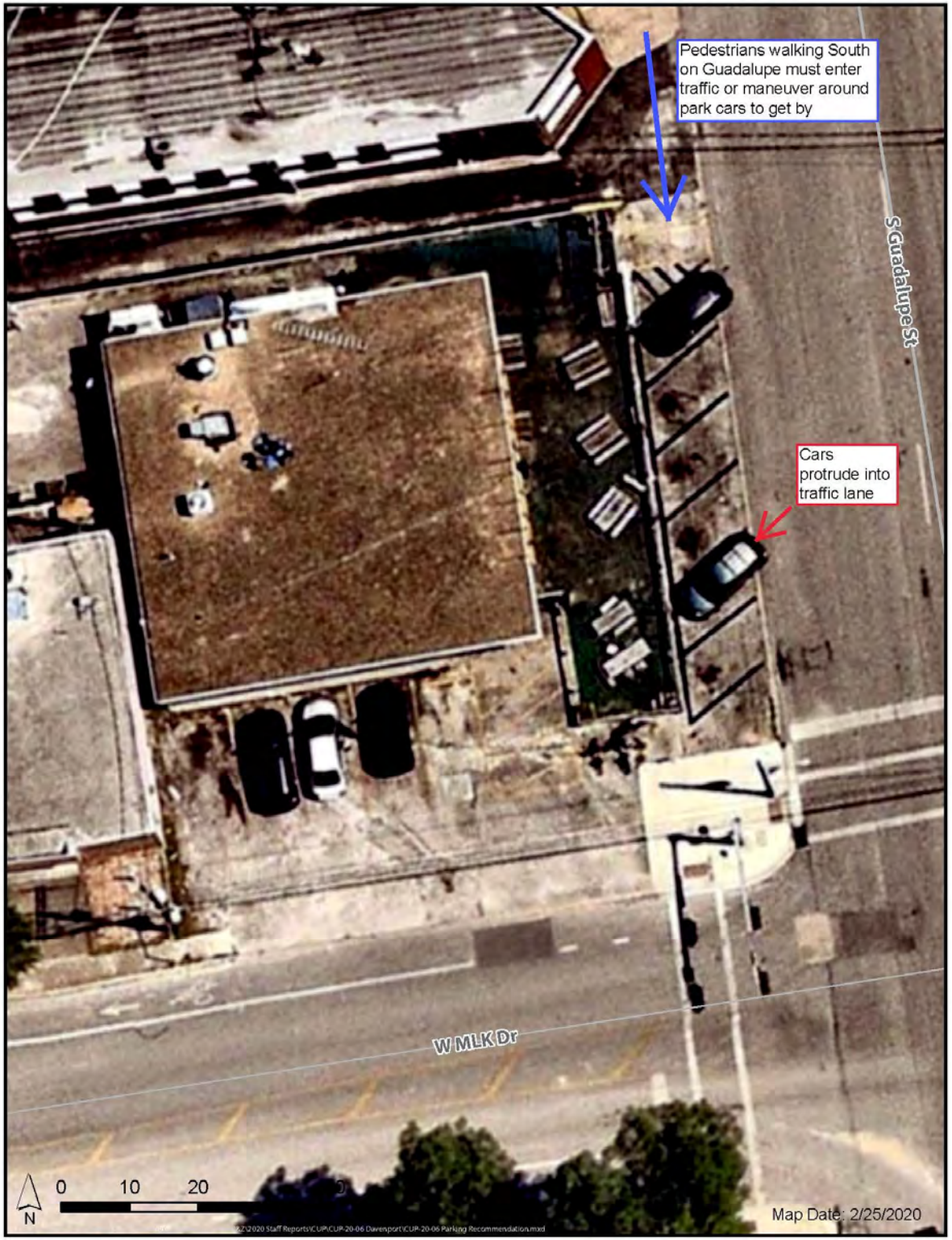
2. FIRST FLOOR PLAN - PROPOSED
1/4" = 1'-0"

SAN MARCOS

Parking Condition

- Spaces striped by previous tenant
  - Are in City ROW
  - Do not meet location and dimensional standards in Development Code
  - Force pedestrians into traffic with their back to cars
  - Cars protrude into traffic lane

- City will work with applicant to implement a physical barrier and/or signage to prevent customer parking



Recommendations:

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

1. **Permit shall be valid for one (1) year, provided standards are met,**
2. **Outdoor live music shall be limited to the hours between 11am and 12 am,**
3. **Parking shall be prohibited in City right-of-way along South Guadalupe Street,**
4. **The permit shall be effective upon the issuance of a Certificate of Occupancy, and;**
5. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

File #: SCW-20-01, Version: 1

AGENDA CAPTION:
SCW-20-01 (Waterstone Warrants) Hold a public hearing and consider a request by Blake Reed, on behalf of TACK Development & LaSalle Holdings for 12 SmartCode Warrants that allow deviation from SmartCode (SC) Zoning for a +/- 648 acre site out of the William Hemphil Survey (A. Hernandez)
Meeting date: March 24, 2020

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: Res. 2014-114R

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

N/A

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 - Diversified housing options to serve citizens with varying needs and interests

☒ Parks, Public Spaces & Facilities - Collection of connected and easily navigated parks and public spaces

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

The Waterstone development, previously LaSalle, was negotiated in 2014 through a development agreement. The agreement requires compliance with SmartCode, previously Subpart C of the City's Code of Ordinances. In 2019, staff began reviewing the first Regulating Plan for the development and identified various deviations from SmartCode standards. The developer and staff discussed and negotiated multiple variations of the proposed development and determined that 12 warrants were necessary for the development to be approved as presented.

Council Committee, Board/Commission Action:

Within the SmartCode district, Warrants may be approved by the Planning and Zoning Commission. A Warrant is a ruling that would permit a practice that is not consistent with a specific provision of the SmartCode, but is justified by the provisions of Section 1.3 Intent. The Planning and Zoning Commission may act on each warrant separately, vote on multiple warrants at a time, or make a single vote, to approve, approve with conditions, or deny the request.

Alternatives:

Click or tap here to enter text.

Recommendation:

Approval Recommendation for:
• Warrant #1 (T-Zone Allocation)
• Warrant #2 (Elementary School)
• Warrant #3 (Passages & Paths)
• Warrant #4 (MF Lot Size)
• Warrant #5 (SF Side Setbacks)
• Warrant #6 (Civic Buildings) with the condition that transit stops shall be provided in each pedestrian shed
• Warrant #7 (Childcare Buildings)
• Warrant #9 (Cross Sections)
• Warrant #10 (Public Lighting)
• Warrant #11 (SF Garage Placement)
• Warrant #12 (Driveway Width) with the condition that the driveway not exceed 12 ft. at the property line

Neutral Recommendation for:
• Warrant #8 (Cul-De-Sac #3)

General Condition:
• Approval of any warrants shall not constitute approval of any required Regulating Plan exhibits used for illustration in the consideration of the warrant request.

SmartCode Warrant Request	CR 158
SCW-20-01	

Summary

Request:	12 warrants to allow deviation from SmartCode Zoning as follows: 1. Table 1.3, Section 3.3.2, and Section 3.4.1 – deviation from the allocation percentages for Transect Zones required by Code. 2. Table 1.3 and Section 3.5.4 –allow one 12 acre school site instead of the four, three acre school sites required and allow a larger block perimeter for this school site. 3. Table 1.3 – allow passages in T-3, and paths in T-4 to act as thoroughfares for the purposes of establishing block perimeter. 4. Table 1.3 – remove the maximum lot width for multi-family uses and instead establish a maximum lot size. 5. Table 1.3 – reduce the side setback in T-3 from 12 feet to 5 feet. 6. Section 3.5.4 – allow the amenity center in pedestrian shed 1 to satisfy the requirement for civic buildings in each pedestrian shed. 7. Section 3.5.4 – only require two childcare building lots be reserved instead of four (one in each pedestrian shed) as required by Code. 8. Section 3.7.1 – allow one cul-de-sac which was not approved by the Development Review Committee (DRC). 9. Section 3.7.3 & other various sections with public frontage requirements – allow Transportation Master Plan and / or Development Code Cross Sections in place of those required in SmartCode 10. Table 3.6 – allow all light fixtures in all Transect Zones, except Cobra Head fixtures which would not be permitted. 11. Section 5.9.3 – allow front entry garages in the second layer with a 5 ft. setback from the front elevation or front porch. 12. Section 5.9.4 – allow driveways up to 18 ft. wide in the first layer.		
Applicant:	Blake Reed 230 Klattenhoff Lane Suite 100 Hutto, TX 634	**Property Owner:**	TACK Development & LaSalle Holdings 230 Klattenhoff Lane Suite 100 Hutto, TX 634

Notification

Posted:	N/A	**Personal:**	March 6, 2020
Response:	None as of the date of this report		

SmartCode Warrant Request	CR 158
SCW-20-01	

Property Description

Legal Description:	Approximately 648 acres out of the William Hemphill Survey		
Location:	CR 158 north of Yarrington and east of SH 21		
Acreage:	+/- 648	**PDD/DA/Other:**	Res. 2014-114R
Existing Zoning:	ETJ w/ Development Agreement	**Proposed Zoning:**	SmartCode
Existing Use:	Vacant	**Proposed Use:**	Residential & Commercial
Preferred Scenario:	Low Intensity Zone	**Proposed Designation:**	Same
CONA Neighborhood:	N/A	**Sector:**	N/A
Utility Capacity:	Provided by Developer	**Floodplain:**	Yes

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	City of Kyle (R-1-1 & R-1-2) Kyle ETJ	Residential	N/A
South of Property:	San Marcos ETJ	Quarry / Vacant	Low Intensity
East of Property:	San Marcos ETJ	Quarry / Vacant	Low Intensity
West of Property:	City of Kyle (A & M2)	Residential / Vacant	N/A

Staff Recommendation

	Approval as Submitted	***X***	Alternate Approval		Denial

Approval Recommendation for:

- Warrant #1 (T-Zone Allocation)
- Warrant #2 (Elementary School)
- Warrant #3 (Passages & Paths)
- Warrant #4 (MF Lot Size)
- Warrant #5 (SF Side Setbacks)
- Warrant #6 (Civic Buildings) with the condition that transit stops shall be provided in each pedestrian shed
- Warrant #7 (Childcare Buildings)
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- Warrant #10 (Public Lighting)
- Warrant #11 (SF Garage Placement)
- Warrant #12 (Driveway Width) with the condition that the driveway not exceed 12 ft. at the property line

Neutral Recommendation for:

- Warrant #8 (Cul-De-Sac #3)

General Condition:

- Approval of any warrants shall not constitute approval of any required Regulating Plan exhibits used for illustration in the consideration of the warrant request.

Staff: Amanda Hernandez, AICP, CNU-A	**Title :** Development Services Manager	**Date:** March 19, 2020

SmartCode Warrant Request	CR 158
SCW-20-01	

History

The Waterstone development, previously LaSalle, was negotiated in 2014 through a development agreement. The agreement requires compliance with SmartCode, previously Subpart C of the City's Code of Ordinances. In 2019, staff began reviewing the first Regulating Plan for the development and identified various deviations from SmartCode standards. The developer and staff discussed and negotiated multiple variations of the proposed development and determined that 12 warrants were necessary for the development to be approved as presented.

Currently, the applicant is excavating the land for materials which are intended for use as road base and for other purposes within the development. The excavation and processing of materials is permitted in the development agreement until residential uses are within 1,000 ft. of the batch plant.

The following pages analyze each warrant request in more detail.

Warrant Process

Within the SmartCode district, Warrants may be approved by the Planning and Zoning Commission. A Warrant is a ruling that would permit a practice that is not consistent with a specific provision of the SmartCode, but is justified by the provisions of Section 1.3 Intent.

The Planning and Zoning Commission may act on each warrant separately, vote on multiple warrants at a time, or make a single vote, to approve, approve with conditions, or deny the request.

Comments from Other Departments

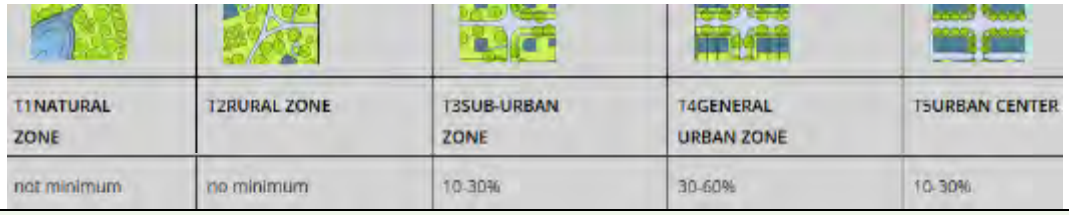
Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

SmartCode Warrant Request	CR 158
SCW-20-01	

WARRANT #1 (T-Zone Allocation)

Code Requirement

Table 1.3. Summary Table: New Development
ALLOCATION OF ZONES



T1NATURAL ZONE	T2RURAL ZONE	T3SUB-URBAN ZONE	T4GENERAL URBAN ZONE	T5URBAN CENTER
not minimum	no minimum	10-30%	30-60%	10-30%

Warrant Request

Allow deviation from the required Transect Zone Allocation as follows:

	T-1 Natural No Minimum	*T-2 Rural No Minimum*	*T-3 Sub-Urban 10-30%*	*T-4 Urban 30-60%*	*T-5 Urban Center 10-30%*
Ped Shed #1	*17.6%*	*0.0%*	*22.1%*	*60.3%*	*0.0%*
Ped Shed #2	*4.5%*	*0.0%*	*9.5%*	*86.0%*	*0.0%*
Ped Shed #3	*27.9%*	*0.0%*	*30.5%*	*41.6%*	*0.0%*
Ped Shed #4	*9.0%*	*0.0%*	*8.9%*	*82.1%*	*0.0%*

Justification Summary

The applicant has stated that over the entire 2,750 acre development the T-Zone allocations would even out. This Phase is intended for mostly residential and future phases will develop with significantly more commercial and denser residential. They have also stated that this site has unique development conditions, namely the lakes which are the focus of the Waterstone development.

SmartCode Intent Statement

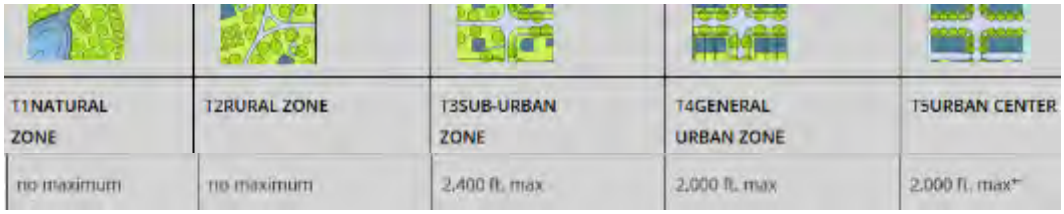
Section 1.3.5(a) That Communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.

Recommendation / Discussion

While mostly single family, the applicant is providing a range of single-family lot sizes (40'-60') as well as multi-family, for rent single family and townhomes. While not developing as T-5 Urban Center, the development also incorporates commercial uses at key intersections.

APPROVAL

SmartCode Warrant Request	CR 158
SCW-20-01	

WARRANT #2 (Elementary School)	
Code Requirement	**Table 1.3. Summary Table: New Development** Block Size  **Section 3.5.4. Civic Buildings** b. …Lot shall be reserved for an elementary school…shall be a minimum of three (3) acres…
Warrant Request	***Waiver to the Block Size (2,000 ft.) and allow a single 12 acre elementary school site to be reserved for the four pedestrian sheds.***
Justification Summary	The applicant stated that the school district requires parcels larger than three acres, which necessitates the waiver to the Block Size. The development will be reserving all 12 acres required for Phase 1 in pedestrian shed 4.
SmartCode Intent Statement	Section 1.3.3(h) That school should be sized and located to enable children to walk or bicycle to them.
Recommendation / Discussion **APPROVAL**	Staff finds this warrant request consistent with modern, public, school sites.

T1NATURAL ZONE	T2RURAL ZONE	T3SUB-URBAN ZONE	T4GENERAL URBAN ZONE	T5URBAN CENTER
no maximum	no maximum	2,400 ft. max	2,000 ft. max	2,000 ft. max*

WARRANT #3 (Passages & Paths)

Code Requirement

Table 1.3. Summary Table: New Development
THOROUGHFARES

	T1NATURAL ZONE	T2RURAL ZONE	T3SUB-URBAN ZONE	T4GENERAL URBAN ZONE	T5URBAN CENTER
Path	permitted	permitted	permitted	not permitted*	not permitted
Passage	not permitted	not permitted	not permitted	permitted	permitted

Warrant Request

Allow Passages in T-3 and Paths in T-4.

Justification Summary

The applicant will use passages and paths crossing various Transect Zones.

SmartCode Intent Statement

Section 1.3.4(b) That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.

Recommendation / Discussion
APPROVAL

Staff has no concerns with allowing pedestrian access in either form across various Transect Zones.

WARRANT #4 (Multifamily Lot Size)

Code Requirement

Table 1.3. Summary Table: New Development
LOT OCCUPATION

	T1NATURAL ZONE	T2RURAL ZONE	T3SUB-URBAN ZONE	T4GENERAL URBAN ZONE	T5URBAN CENTER
Lot Width	not applicable	by Warrant	60 ft. min 120 ft. max	18 ft. min 120 ft. max	18 ft. min 196 ft. max

Warrant Request

For multifamily only: allow a maximum lot size of 7 acres, consistent with the City's multifamily design standards.

Justification Summary

The applicant stated that the lot width maximum does not allow large multifamily development or single-family rental development on acreage sized lots.

SmartCode Intent Statement

Section 1.3.5(a) That Communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.

Recommendation / Discussion
APPROVAL

The request is consistent with current multifamily design standards and does not waive any other standards of development of multifamily.

WARRANT #5 (Single Family Side Setbacks)

Code Requirement

Table 1.3. Summary Table: New Development
SETBACKS – PRINCIPAL BUILDING

	T1NATURAL ZONE	T2RURAL ZONE	T3SUB-URBAN ZONE	T4GENERAL URBAN ZONE	T5URBAN CENTER
(g.3) Side Setback	not applicable	96 ft. min	12 ft. min	0 ft. min or 6 ft. min total	0 ft. min 24 ft. max

Warrant Request

Allow a 5 ft. side yard setback in T-3.

Justification Summary

The applicant stated that this is consistent with other single-family zoning districts and allows an industry standard building pad.

SmartCode Intent Statement

Section 1.3.4(a) That buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.

Recommendation / Discussion

The request is consistent with current single-family setback requirements and does not waive any other standards of development of single family.

APPROVAL

WARRANT #6 (Civic Buildings)

Code Requirement

Section 3.5.4. Civic Buildings Specific to T3-T5 Zones

a. The owner shall covenant to construct a Meeting Hall or a Third Place in proximity to the Main Civic Space of each Pedestrian Shed. Its corresponding Public Frontage shall be equipped with a shelter and bench for a transit stop.

Warrant Request

Allow the amenity center to serve as the Civic Buildings required for each pedestrian shed.

Justification Summary

The applicant stated that this deviation best serves the community by providing the structures in a central location and provides the greatest number of amenities for all residents.

SmartCode Intent Statement

Section 1.3.4(f) That Civic Buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.

Recommendation / Discussion

The request is consistent with other suburban communities.

If approved, staff recommends a condition that the shelter and bench requirement not be waived, and therefore must be provided in each pedestrian shed.

APPROVAL W/ CONDITION

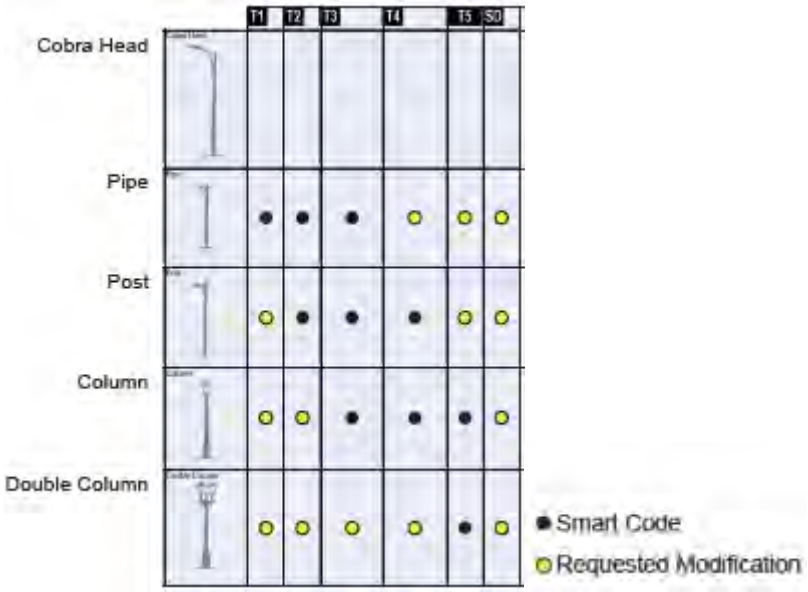
WARRANT #7 (Childcare Buildings)	
Code Requirement	**Section 3.5.4. Civic Buildings Specific to T3-T5 Zones** c. One Civic Building Lot suitable for a childcare building shall be reserved within each Pedestrian Shed for up to five years after the sale of the last lot. The owner or a homeowners' association or other community council may organizae, fund and construct an appropriate buildign as the need arises.
Warrant Request	***Reserve two Civic Building Lots for childcare, instead of the four required by Code.***
Justification Summary	The applicant stated that the population of Phase 1 of the development will support one or two daycare facilities and has identified two sites on the Civic Space Plan exhibit.
SmartCode Intent Statement	Section 1.3.3(g) That Civic, Institutional, and Commercial activities should be embedded downtown, not isolated in remote single-use complexes.
Recommendation / Discussion **APPROVAL**	While the proposed locations of childcare lots are within commercial areas and at the edge of the development, they are readily available at the main entrances to Waterstone Phase 1.

WARRANT #8 (Cul-De-Sac #3)	
Code Requirement	**Section 3.7.1. General Thoroughfare Standards** f. Culs-de-sac shall be subject to approval by the DRC to accommodate specific site conditions only, and shall be connected by Paths and/or Bicycle Trails.
Warrant Request	***Allow a third cul-de-sac, not approved by the DRC..***
Justification Summary	The applicant stated that the cul-de-sac serves 16 single family lots, is connected with a path, and is cut off by the gas easement along CR 158.
SmartCode Intent Statement	Section 1.3.3(d) That interconnected networks of Thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
Recommendation / Discussion **NEUTRAL**	The Development Review Committee approved two cul-de-sacs within the development due to the locations of drainage ways and water features. The Committee discussed with the applicant the need for an additional connection to CR 158 north of the development as shown below. If the additional connection were provided, DRC would approve cul-de-sac #3. For the reasons stated in the warrant request package, the applicant is seeking approval from the Planning & Zoning Commission.

SmartCode Warrant Request	CR 158
SCW-20-01	

WARRANT #9 (Cross Sections)	
Code Requirement	**Section 3.7.3. Public Frontages (and other various sections with Public Frontage requirements)** Includes various standards for the treatment of sidewalks, curbs, planters, bicycle facilities, and street trees. Directs users to the SmartCode Cross Sections.
Warrant Request	***Allow the use of Transportation Master Plan and Development Code Cross Sections.***
Justification Summary	The applicant stated that this request will provide consistency between Transect Zones.
SmartCode Intent Statement	Section 1.3.2(h) That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.
Recommendation / Discussion **APPROVAL**	Public Frontage requirements vary based on the Transect Zone in which they are located. While staff is typically not in favor of blanket warrant approvals, this request will provide more consistent street cross sections throughout the development. In addition, the most recently adopted Transportation Master Plan and Development Code cross sections include multi-modal facilities and were approved through a process that included various city departments (including Police, Fire, Engineering, and Planning).

SmartCode Warrant Request	CR 158
SCW-20-01	

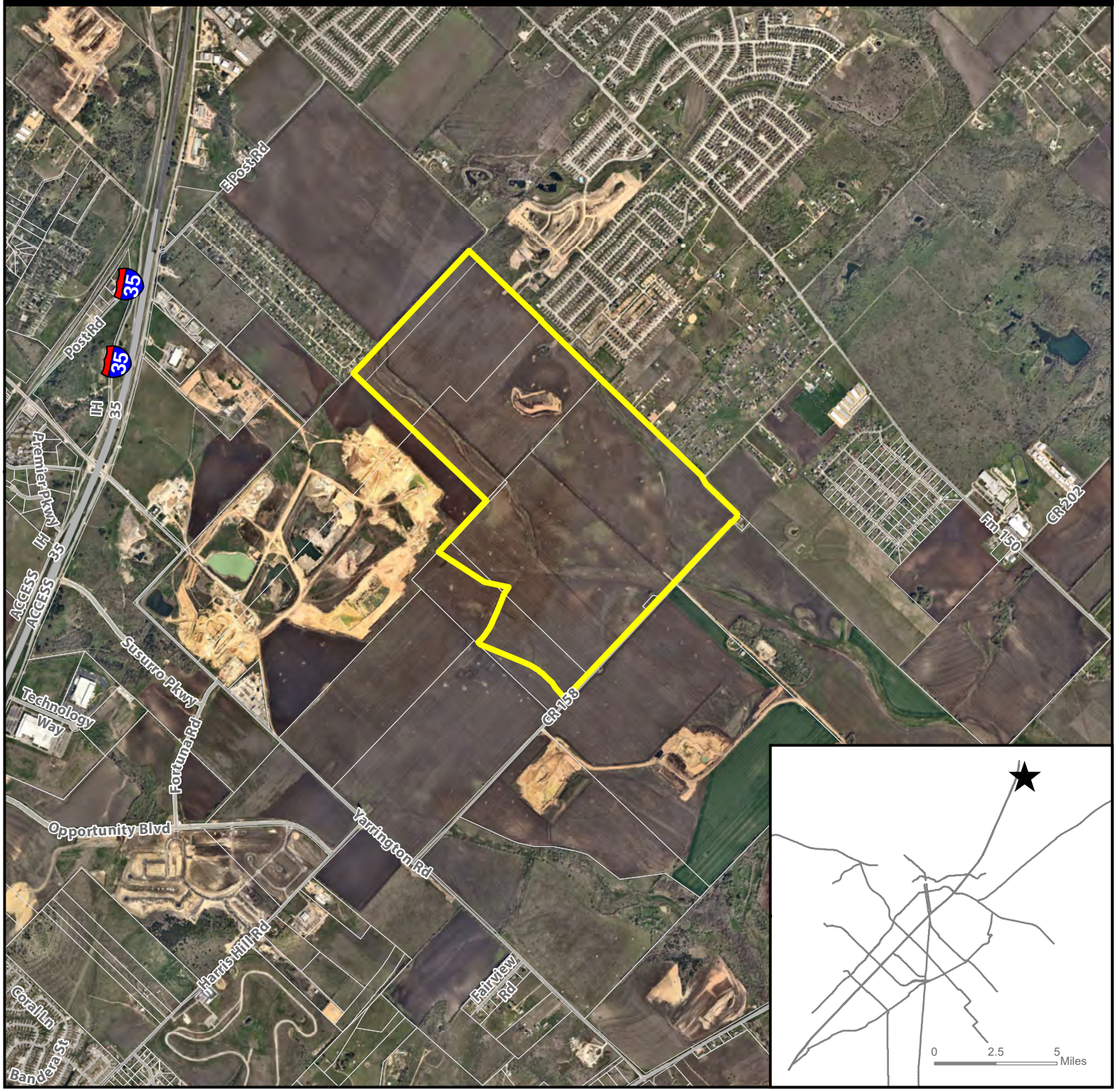
WARRANT #10 (Public Lighting)	
Code Requirement	**Table 3.6. Public Lighting**
Warrant Request	

Justification Summary	The applicant stated that the SmartCode standards would potentially require multiple light types on long stretches of the same roadway.
SmartCode Intent Statement	None
Recommendation / Discussion **APPROVAL**	Staff finds the request to allow all light types in all Transect Zones and the prohibition on Cobra Head light fixtures to be appropriate.

WARRANT #11 (Single-Family Garage Placement)	
Code Requirement	**Section 5.9.3 Parking Location Standards Specific to zones T2, T3** b. Garages shall be located at the third layer except that side- or rear-entry types may be allowed in the first or second Layer by Warrant.
Warrant Request	***Allow front-entry garages in the second layer with a 5 ft. recess from the front elevation or front porch.***
Justification Summary	The applicant stated that builders do not have products to work with this requirement and the proposed 5 ft. setback avoids the "snout house" look.
SmartCode Intent Statement	Section 1.3.4(c) That architecture and landscape design should grow from local climate, topography, history, and building practice.
Recommendation / Discussion **APPROVAL**	The proposed 5 ft. setback for the garage is similar to what is required in the current Development Code.

WARRANT #12 (Driveway Width)	
Code Requirement	**Section 5.9.4 & 5.9.5 Parking Location Standards Specific to zones T3, T4** a. Driveways at Frontages shall be no wider than 12 feet in the first Layer. a. All parking areas and garages shall be located at the second or third Layer.
Warrant Request	***Allow surface parking in the first layer that is 18 feet wide to accommodate two vehicles.***
Justification Summary	The applicant stated that a wider driveway will accommodate more off street parking
SmartCode Intent Statement	Section 1.3.4(b) That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
Recommendation / Discussion **APPROVAL**	The proposed modification maintains the narrow curb cut and vehicle / pedestrian conflict point while allowing two vehicles to park in the first layer. *If approved, staff recommends a condition that driveways not exceed 12 feet at the property line..*

SCW-20-01
Aerial View
Waterstone SmartCode Warrant Request



★ **Site Location**

Subject Property

Parcel

City Limit

N

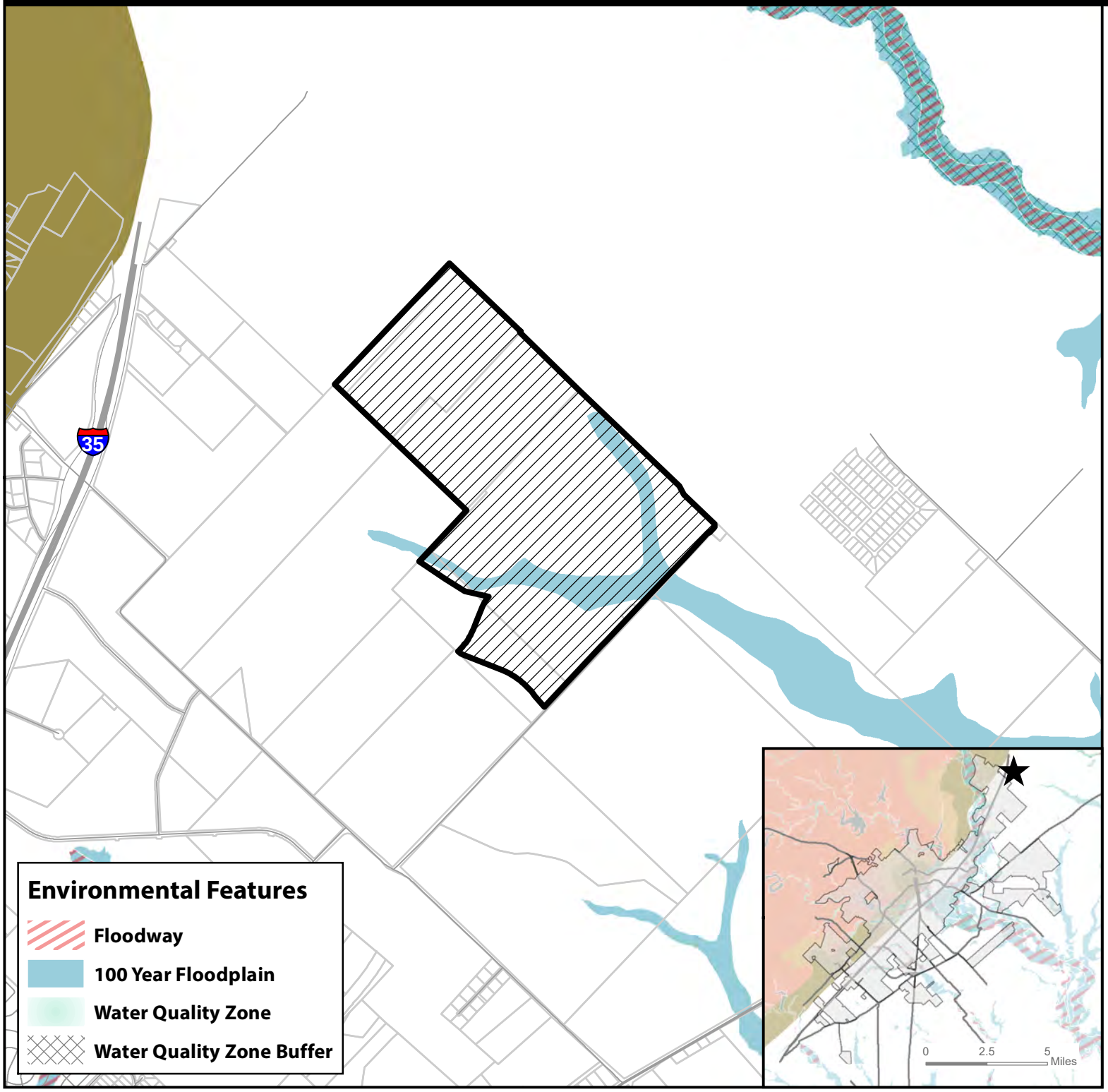
0 1,500 3,000 6,000 Feet

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: 3/13/2020

Document Path: E:_Planning Current\P&Z\2020 Staff Reports\SCW\SCW-20-01 LaSalle Waterstone Warrants\GIS\SCW_20_01 Aerial Map.mxd

SCW-20-01
Environmental Features
Waterstone SmartCode Warrant Request



Site Location

Subject Property

Parcels

City Limit

N

0 1,500 3,000 6,000 Feet

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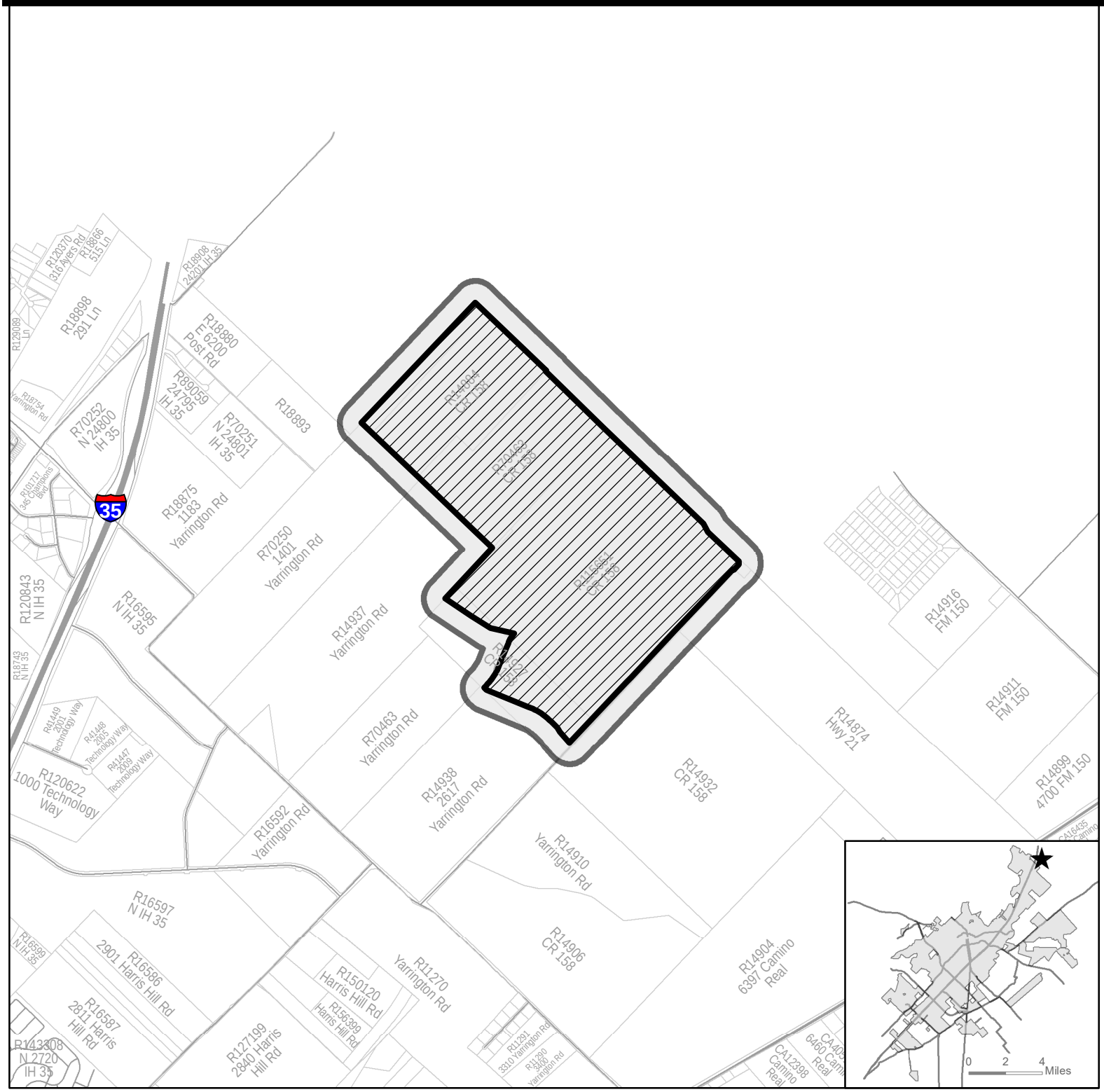
Map Date: 3/13/2020

Document Path: \\san_marcos\files\DeptShares\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\SCW\SCW-20-01 LaSalle Waterstone Warrants\GIS\SCW_20_01 EnvironmentalFeatures.mxd

SCW-20-01
400' Notification Buffer
Waterstone SmartCode Warrant Request



★ **Site Location**

Subject Property

400' Buffer

Parcel

City Limit

N

0 1,500 3,000 6,000 Feet

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: 3/12/2020

Document Path: \\san_marcos\files\DeptShares\Planning & Dev\Planning_Planning Current\P&Z\2020 Staff Reports\SCW\SCW-20-01 LaSalle Waterstone Warrants\GIS\SCW_20_01 NotificationMap.mxd

Waterstone - San Marcos, Texas

Project Warrants

RVi

02/25/2020
Updated 03/11/2020

Warrant 1

Smart Code: Table 1.3 (a)

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
a. ALLOCATION OF ZONES per Community Unit, applicable to Article 3 only.					
CLD requires	50% min		20 - 40%	10-30%	not permitted
TND requires	no minimum	no minimum	10 - 30%	30 - 60%	10 - 30%

Smart Code: 3.3.2 (d)

3.3.2. **Traditional Neighborhood Development (TND)**

d. Larger sites shall be designed and developed as multiple Communities, each subject to the individual Transect Zone requirements for its type as allocated on Table 3.1 and Table 1.3a. The simultaneous planning of adjacent parcels is encouraged.

Smart Code: 3.4.1

3.4. TRANSECT ZONES

3.4.1. Transect Zones shall be assigned and mapped on each Regulating Plan according to the percentages allocated on Tables 3.1 and 1.3a. See Section 3.1.3.

Transect Zones	Percentage Per Smart Code	Pedestrian Shed #1 Percentage *	Pedestrian Shed #2 Percentage*	Pedestrian Shed #3 Percentage*	Pedestrian Shed #4 Percentage*
T1	No Min.	17.6%	4.5%	27.9%	9.0%
T2	No Min.	0.0%	0.0%	0.0%	0.0%
T3	10-30%	22.1%	9.5%	30.5%	8.9%
T4	30-60%	60.3%	86.0%	41.6%	82.1%
T5	10-30%	0.0%	0.0%	0.0%	0.0%

Denotes percentage not within Smart Code ranges.

* Exact percentages may vary slightly to account for engineering changes as the project progresses.

Justification

The intent of the Smart Code is for all transect percentages to be met in each pedestrian shed. Phase1 of Waterstone is 600 acres and is broken into four pedestrian sheds, each with unique conditions and design requirements.

Warrant 2

Smart Code: Table 1.3 (c)

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
c. BLOCK SIZE					
Block Perimeter	no maximum	no maximum	2400 ft. max	2000 ft. max	2000 ft. max *

Smart Code: 3.5.4 (b)

3.5.4. **Civic Buildings (CB) Specific to T3 – T5 Zones**

b. Civic Building Lot shall be reserved for an elementary school for up to five years after the sale of the last lot. Its area shall be a minimum of three (3) acres. The school site may be within any Transect Zone. Any playing fields should be outside the Pedestrian Shed.

Requested Modifications

The elementary school site has a block perimeter of 2,882 feet and is 12 acres.

Justification

The school district has a minimum requirement of 12 acres for an elementary school. This requirement results in a contiguous parcel of land that exceeds the 2,400 maximum block perimeter length. Allow one 12 acre school site instead of the four, three acre school sites required and allow a larger block perimeter for this school site.

Warrant 3

Smart Code:
Table 1.3 (d)

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
d. THOROUGHFARES (see Table 3.3)					* 2500 with parking structures
HW	permitted	permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted
Rear Lane	not permitted	not permitted	permitted	permitted	not permitted
Rear Alley	not permitted	not permitted	not permitted	permitted	required
Path	permitted	permitted	permitted	not permitted *	not permitted
Passage	not permitted	not permitted	not permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted
Bicycle Lane	permitted	permitted	permitted	not permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted

Requested Modifications

Passages to be permitted in T3. Path to be permitted in T4.

Justification

Allowing mid-block trail connection points within T-3 and T-4 serves as pedestrian ways for connectivity to Phase 1 trails, parks, amenity center, playgrounds, and the elementary school.

Warrant 4

Smart Code:
Table 1.3 (f)

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
f. LOT OCCUPATION					
Lot Width	not applicable	by Warrant	60 ft. min 120 ft. max	18 ft. min 120 ft. max	18 ft. min 196 ft. max
Lot Coverage	not applicable	by Warrant	60% max	80% max	100% max

Requested Modifications

Maximum lot size in T4 for multi-family is 7 acres in accordance with the City's multi-family code. For commercial property, the maximum lot size is unchanged.

Justification

The maximum lot width for T4 does not allow for multi-family or single family rental housing on acreage sized parcels. Allowing a 7 acre maximum lot size for multi-family permits for these types of users to develop in Waterstone.

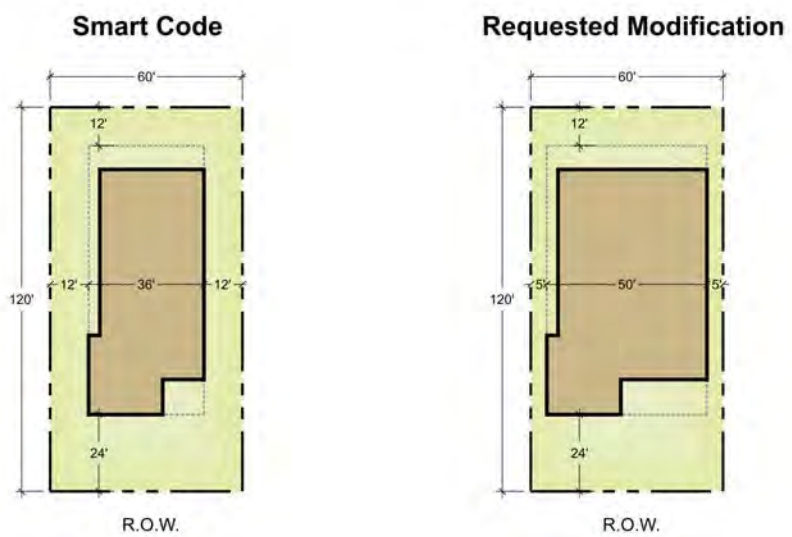
Warrant 5

Smart Code:
Table 1.3 (g3)

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
g. SETBACKS - PRINCIPAL BUILDING (see Tables 5.11 - 5.13)					
(g.3) Side Setback	not applicable	96 ft. min	12 ft. min	0 ft. min or 6 ft. min. total	0 ft. min 24 ft. max

Requested Modifications

Side yard setback for T3 - 5 ft



Justification

industry-standard and allow for an industry-standard building pad of 50 feet for a 60-foot wide lot.

Warrant 6

Smart Code:
3.5.4 (a)

3.5.4. **Civic Buildings (CB) Specific to T3 – T5 Zones**

a. The owner shall covenant to construct a Meeting Hall or a Third Place in proximity to the Main Civic Space of each Pedestrian Shed. Its corresponding Public Frontage shall be equipped with a shelter and bench for a transit stop.

Requested Modifications

All civic buildings to be constructed in the plaza/amenity center area in pedestrian shed 1 only.

Justification

The amenity center, located in the center of the Phase 1 community, best serves the community by providing built structures in a central location. This allows for the economy of scale and to provide the greatest amount of amenities for all residences for the project's amenity improvement budget The amenity center may provide the following amenities

Community Center Building(s) Amenities

-
- meeting room
- restrooms

Outdoor Amenities

- pool
- splash pad
- playscape
- barbecue area
- shade structure
- yard games (horseshoes etc.)
- sport courts
-

Note: A transit facility location is shown in each pedestrian shed in the Civic Plan Exhibit.

Warrant 7

Smart Code:
3.5.4 (c)

3.5.4. **Civic Buildings (CB) Specific to T3 – T5 Zones**

c. One Civic Building Lot suitable for a childcare building shall be reserved within each Pedestrian Shed for up to five years after the sale of the last lot. The owner or a homeowners' association or other community council may organize, fund and construct an appropriate building as the need arises.

Requested Modifications

The plan has sites for daycare facilities in the neighborhood services in pedestrian sheds 2 and 3.

Justification

The population of Phase 1 will support one or two daycare care facilities, and two possible sites for

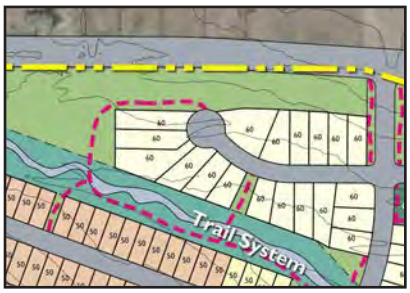
Warrant 8

Smart Code:
3.7.1 (f)

3.7. THOROUGHFARE STANDARDS
3.7.1. **GENERAL**
f. All Thoroughfares shall terminate at other Thoroughfares, forming a network. Internal Thoroughfares shall connect wherever possible to those on adjacent sites. Cul-de-sacs shall be subject to approval by the DRC to accommodate specific site conditions only, and shall be connected by Paths and/or Bicycle Trails.

Requested Modifications

Allow cul-de-sacs per the plan



cul de sac enlargement

Distances between CR 158 connections

Justification

The cul-de-sac shown is open-ended to allow for the trail system to connect. This parcel of land

system to the south, thus the need for a cul-de-sac at this location. An additional connection to CR

drainage structure. Such a connection would also have to cross the pipeline.
minimize crossings of the creek while still providing for safe mobility.

Warrant 9

Smart Code:
3.7.3

3.7.3. **Public Frontages**

a. **General to all Zones T1, T2, T3, T4, T5**

i. The Public Frontage contributes to the character of the Transect Zone, and includes the types of Sidewalk, Curb, planter, bicycle facility, and street trees.

ii. Public Frontages shall be designed as shown in Table 3.2 and Table 3.3 and allocated within Transect Zones as specified in Table 1.3d.

iii. Within the Public Frontages, the prescribed types of Public Planting and Public Lighting shall be as shown in Table 3.2, Table 3.3, Table 3.5 and Table 3.6. The spacing may be adjusted by the DRC to accommodate specific site conditions.

d. **Specific to Zone T4**

i. The Public Frontage shall include trees planted in a regularly-spaced Allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one Story.

Requested Modifications

Allow Transportation Master Plan Cross Sections in place of those required in SmartCode.

Justification

With T3 being across the street from T4, it is important to have common standards along a single roadway. Please see street sections on the Thoroughfare Network Plan.

Warrant 10

Smart Code:
Table 3.6

TABLE 3.6. PUBLIC LIGHTING
Lighting varies in brightness and also in the character of the fixture according to the Transect efficiency is recommended.

	T1	T2	T3	T4	T5	SD
Cobra Head						
Pipe	●	●	●	○	○	○
Post	○	●	●	●	○	○
Column	○	○	●	●	●	○
Double Column	○	○	○	○	●	○

● Smart Code
○

Requested Modifications

The developer may utilize the pipe, the post, and column, or the double-column Smart Code approved public lighting type in any Transect Zone throughout the Project.

Justification

With Transect Zones changing from one side of the street to the other or along the street as it progresses throughout the community

Warrant 11

Smart Code:
5.9.3 (b) and 5.9.5 (a)

5.9.3. **Specific to zones T2, T3**

b. Garages shall be located at the third Layer except that side- or rear-entry types may be allowed in the first or second Layer by Warrant.

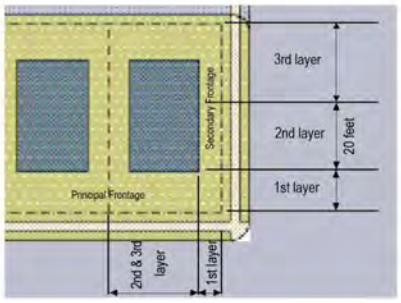
5.9.5. **Specific to zone T4**

a. All parking areas and garages shall be located at the second or third Layer.

Requested Modification

Allow garages in second layer with a 5 foot recess from the front elevation of the home. This is a

Smart Code



Requested Modification

Justification

The smart code requires the garages to be near the rear yard when accessed from the front yard. On sixty foot lots, builders do not have products to work with this requirement. Allowing garages to be located within layer 1 but requiring all garages to be a minimum of 5 feet the front elevation or front porch of the house, the “snout house” look for the project will be avoided.

Warrant 12

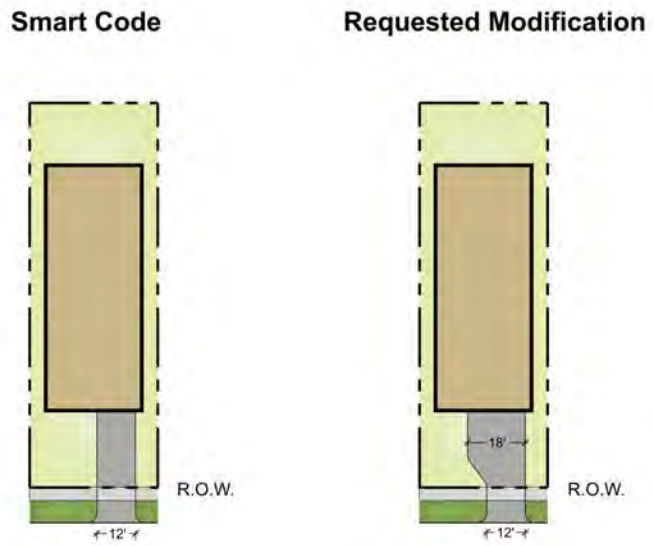
Smart Code:
5.9.4 (a) and 5.9.5 (a)

5.9.4. **Specific to zones T3, T4**
a. Driveways at Frontages shall be no wider than 12 feet in the first Layer.

5.9.5. **Specific to zone T4**
a. All parking areas and garages shall be located at the second or third Layer.

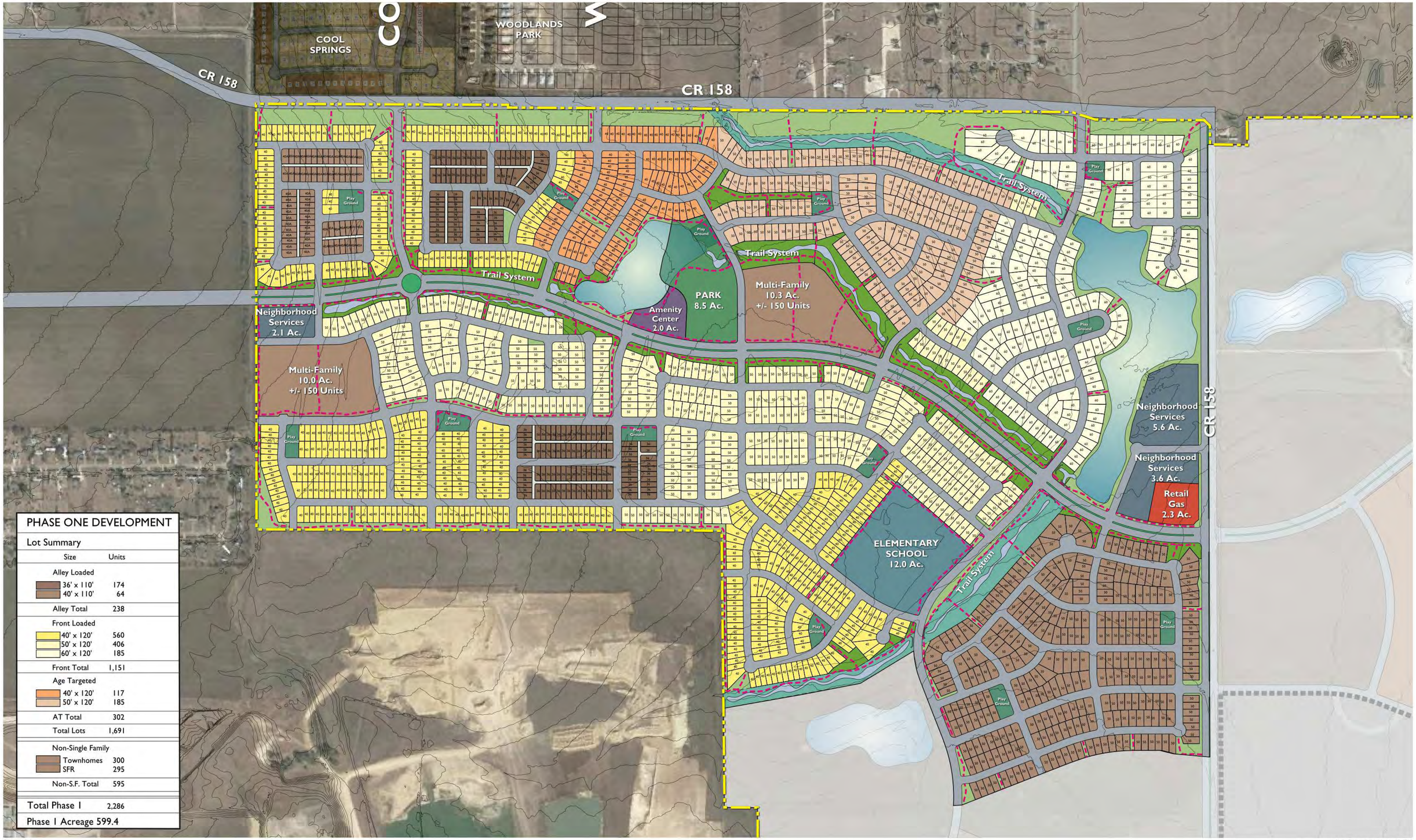
Requested Modifications

Driveway shall be allowed to be 12 feet from back of curb to R.O.W. then transition to 18 feet. This This condition would only be employed for two-car garages.



Justification

A



PHASE ONE DEVELOPMENT

Lot Summary

Size	Units
Alley Loaded	
36' x 110'	174
40' x 110'	64
Alley Total	238
Front Loaded	
40' x 120'	560
50' x 120'	406
60' x 120'	185
Front Total	1,151
Age Targeted	
40' x 120'	117
50' x 120'	185
AT Total	302
Total Lots	1,691
Non-Single Family	
Townhomes	300
SFR	295
Non-S.F. Total	595
Total Phase 1	2,286
Phase 1 Acreage 599.4	

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Aerial Photography: January 18, 2018

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WATERSTONE • CONCEPTUAL LOTTING PLAN - Phase 1 Area

Hays County, Texas
March 10, 2020
17001932
Tack Development

0 150' 300' 600'

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval

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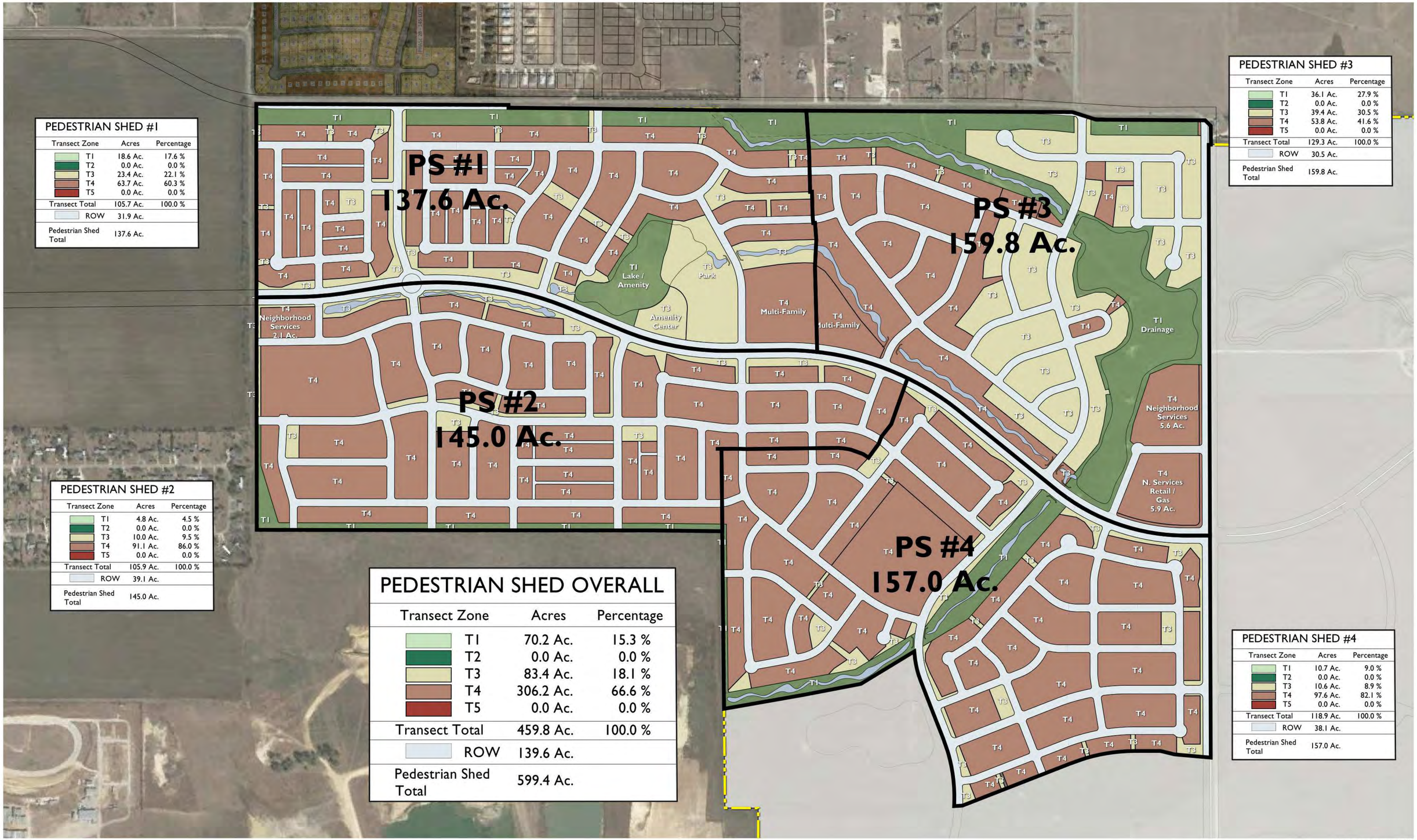

PEDESTRIAN SHED #1

Transect Zone	Acres	Percentage
T1	18.6 Ac.	17.6 %
T2	0.0 Ac.	0.0 %
T3	23.4 Ac.	22.1 %
T4	63.7 Ac.	60.3 %
T5	0.0 Ac.	0.0 %
Transect Total	105.7 Ac.	100.0 %
ROW	31.9 Ac.	
Pedestrian Shed Total	137.6 Ac.	

PEDESTRIAN SHED #2

Transect Zone	Acres	Percentage
T1	4.8 Ac.	4.5 %
T2	0.0 Ac.	0.0 %
T3	10.0 Ac.	9.5 %
T4	91.1 Ac.	86.0 %
T5	0.0 Ac.	0.0 %
Transect Total	105.9 Ac.	100.0 %
ROW	39.1 Ac.	
Pedestrian Shed Total	145.0 Ac.	

PEDESTRIAN SHED OVERALL

Transect Zone	Acres	Percentage
T1	70.2 Ac.	15.3 %
T2	0.0 Ac.	0.0 %
T3	83.4 Ac.	18.1 %
T4	306.2 Ac.	66.6 %
T5	0.0 Ac.	0.0 %
Transect Total	459.8 Ac.	100.0 %
ROW	139.6 Ac.	
Pedestrian Shed Total	599.4 Ac.	

PEDESTRIAN SHED #3

Transect Zone	Acres	Percentage
T1	36.1 Ac.	27.9 %
T2	0.0 Ac.	0.0 %
T3	39.4 Ac.	30.5 %
T4	53.8 Ac.	41.6 %
T5	0.0 Ac.	0.0 %
Transect Total	129.3 Ac.	100.0 %
ROW	30.5 Ac.	
Pedestrian Shed Total	159.8 Ac.	

PEDESTRIAN SHED #4

Transect Zone	Acres	Percentage
T1	10.7 Ac.	9.0 %
T2	0.0 Ac.	0.0 %
T3	10.6 Ac.	8.9 %
T4	97.6 Ac.	82.1 %
T5	0.0 Ac.	0.0 %
Transect Total	118.9 Ac.	100.0 %
ROW	38.1 Ac.	
Pedestrian Shed Total	157.0 Ac.	

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WATERSTONE • TRANSECT ZONES / PEDESTRIAN SHED PLAN

Hays County, Texas
March 10, 2020
17001932
Tack Development

0 150' 300' 600'

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval

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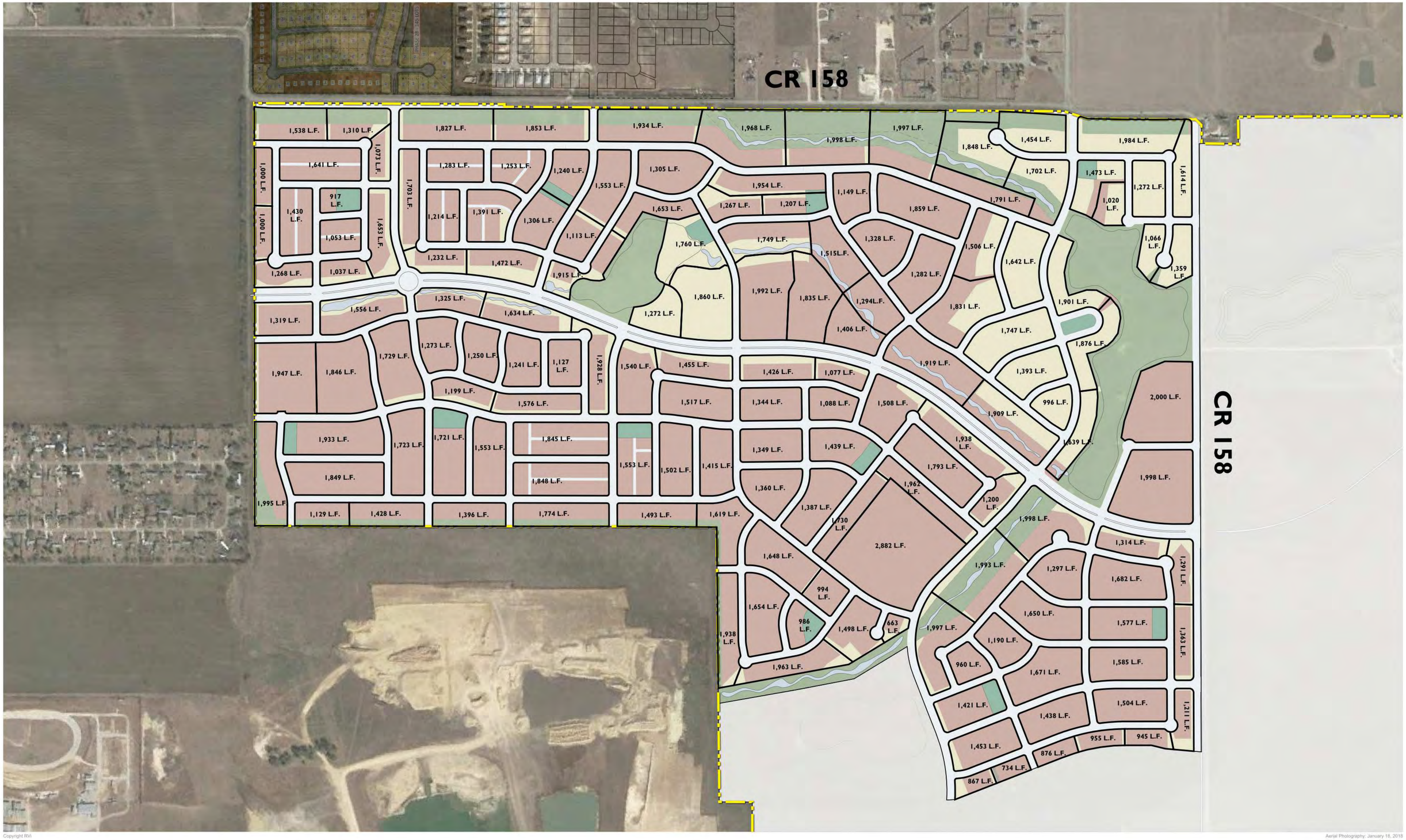

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WATERSTONE • BLOCK PERIMETER PLAN

Hays County, Texas
March 10, 2020
17001932
Tack Development

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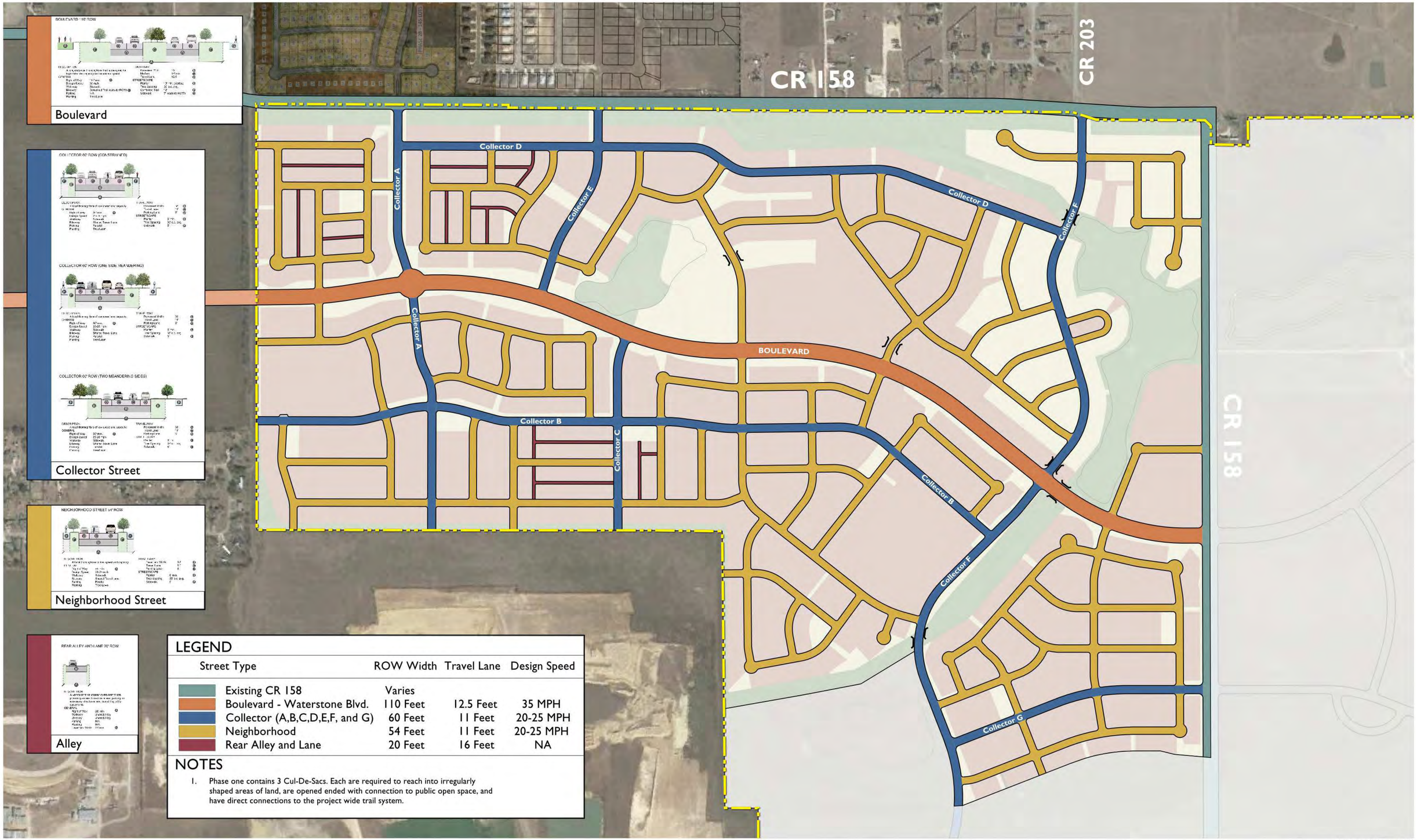

LEGEND

Street Type	ROW Width	Travel Lane	Design Speed
Existing CR 158	Varies		
Boulevard - Waterstone Blvd.	110 Feet	12.5 Feet	35 MPH
Collector (A,B,C,D,E,F, and G)	60 Feet	11 Feet	20-25 MPH
Neighborhood	54 Feet	11 Feet	20-25 MPH
Rear Alley and Lane	20 Feet	16 Feet	NA

NOTES

1. Phase one contains 3 Cul-De-Sacs. Each are required to reach into irregularly shaped areas of land, are opened ended with connection to public open space, and have direct connections to the project wide trail system.

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WATERSTONE • THOROUGHFARE NETWORK PLAN

Hays County, Texas
March 10, 2020
17001932
Tack Development

0 150' 300' 600'

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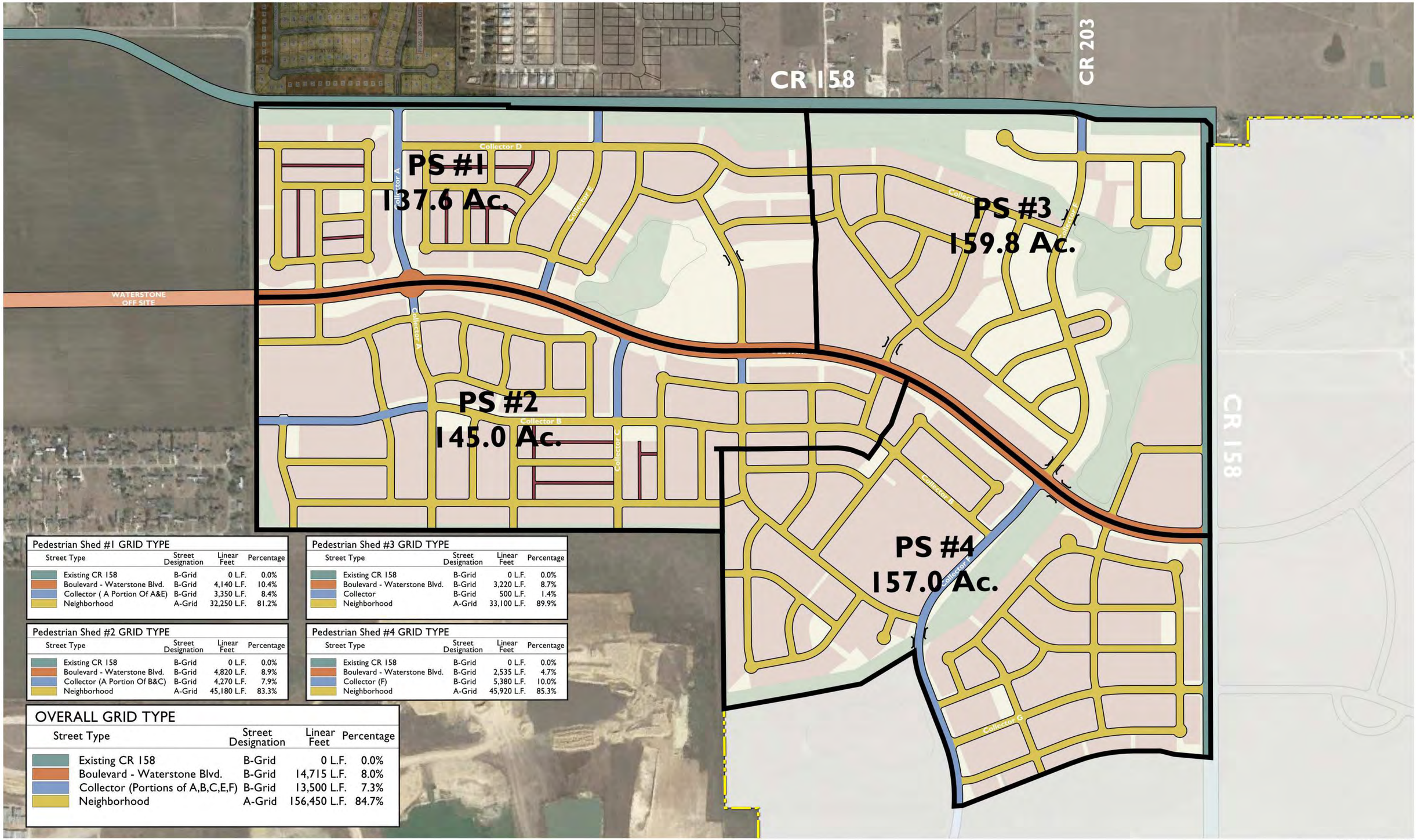

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Pedestrian Shed #1 GRID TYPE

Street Type	Street Designation	Linear Feet	Percentage
Existing CR 158	B-Grid	0 L.F.	0.0%
Boulevard - Waterstone Blvd.	B-Grid	4,140 L.F.	10.4%
Collector (A Portion Of A&E)	B-Grid	3,350 L.F.	8.4%
Neighborhood	A-Grid	32,250 L.F.	81.2%

Pedestrian Shed #3 GRID TYPE

Street Type	Street Designation	Linear Feet	Percentage
Existing CR 158	B-Grid	0 L.F.	0.0%
Boulevard - Waterstone Blvd.	B-Grid	3,220 L.F.	8.7%
Collector	B-Grid	500 L.F.	1.4%
Neighborhood	A-Grid	33,100 L.F.	89.9%

Pedestrian Shed #2 GRID TYPE

Street Type	Street Designation	Linear Feet	Percentage
Existing CR 158	B-Grid	0 L.F.	0.0%
Boulevard - Waterstone Blvd.	B-Grid	4,820 L.F.	8.9%
Collector (A Portion Of B&C)	B-Grid	4,270 L.F.	7.9%
Neighborhood	A-Grid	45,180 L.F.	83.3%

Pedestrian Shed #4 GRID TYPE

Street Type	Street Designation	Linear Feet	Percentage
Existing CR 158	B-Grid	0 L.F.	0.0%
Boulevard - Waterstone Blvd.	B-Grid	2,535 L.F.	4.7%
Collector (F)	B-Grid	5,380 L.F.	10.0%
Neighborhood	A-Grid	45,920 L.F.	85.3%

OVERALL GRID TYPE

Street Type	Street Designation	Linear Feet	Percentage
Existing CR 158	B-Grid	0 L.F.	0.0%
Boulevard - Waterstone Blvd.	B-Grid	14,715 L.F.	8.0%
Collector (Portions of A,B,C,E,F)	B-Grid	13,500 L.F.	7.3%
Neighborhood	A-Grid	156,450 L.F.	84.7%

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WATERSTONE • THOROUGHFARE GRID TYPE PLAN

Hays County, Texas
March 10, 2020
17001932
Tack Development

0 150' 300' 600'

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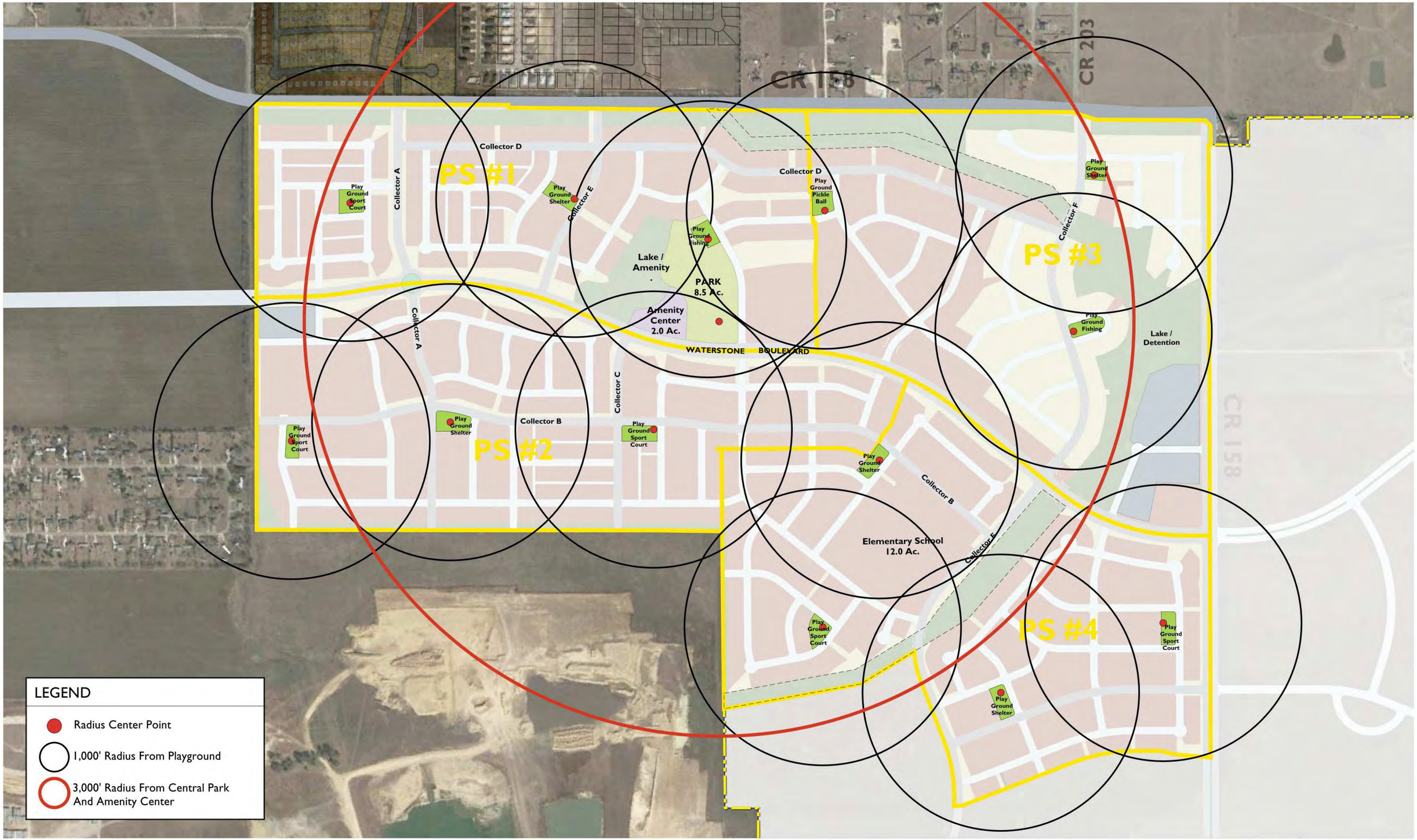

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WATERSTONE • PLAYGROUND PLAN

Hays County, Texas
March 10, 2020
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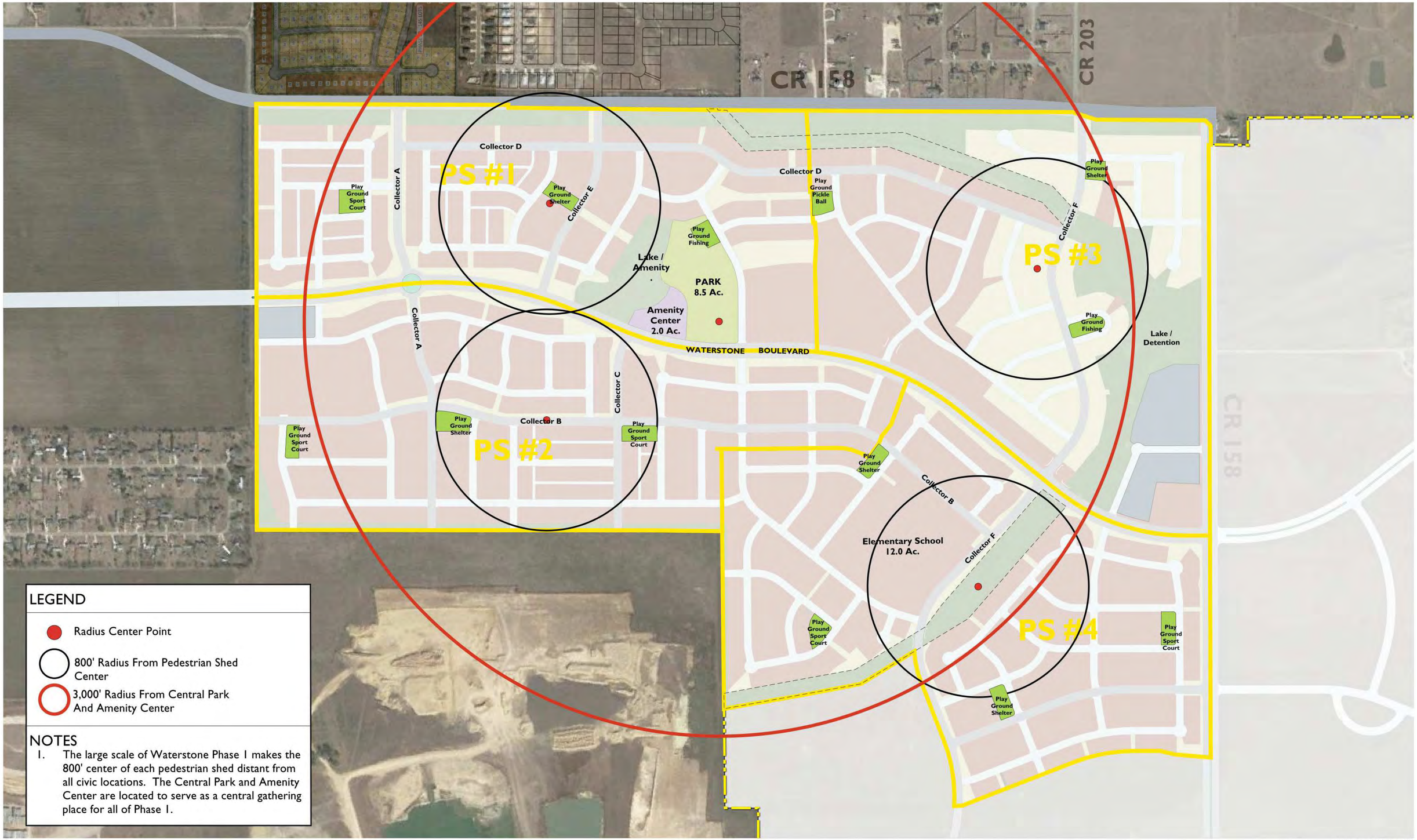

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WATERSTONE • PEDESTRIAN SHED 800 CENTER PLAN

Hays County, Texas
March 10, 2020
17001932
Tack Development

0 150' 300' 600'

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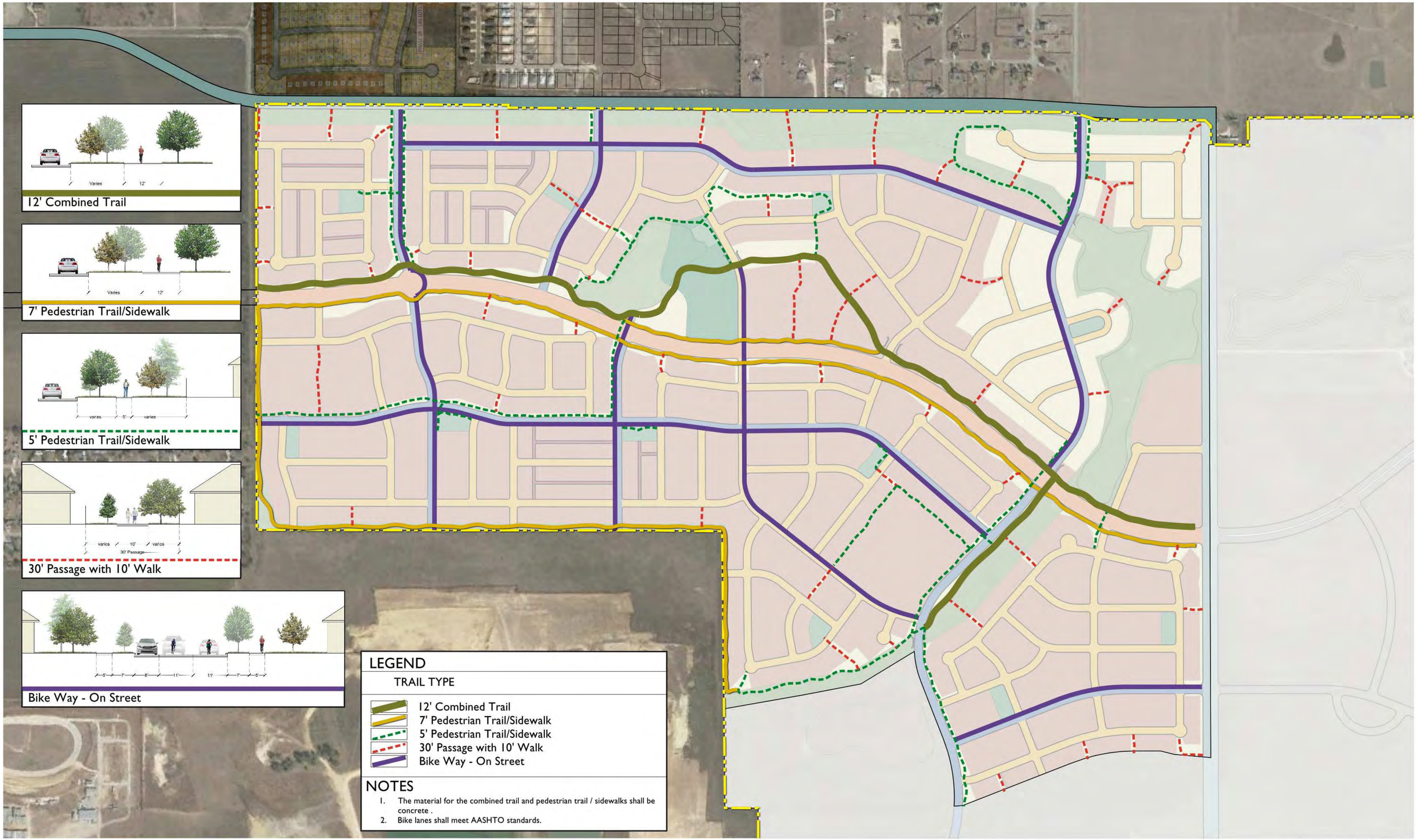

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WATERSTONE • TRAILS AND BIKE NETWORK PLAN

Hays County, Texas
March 10, 2020
17001932
Tack Development

0 150' 300' 600'

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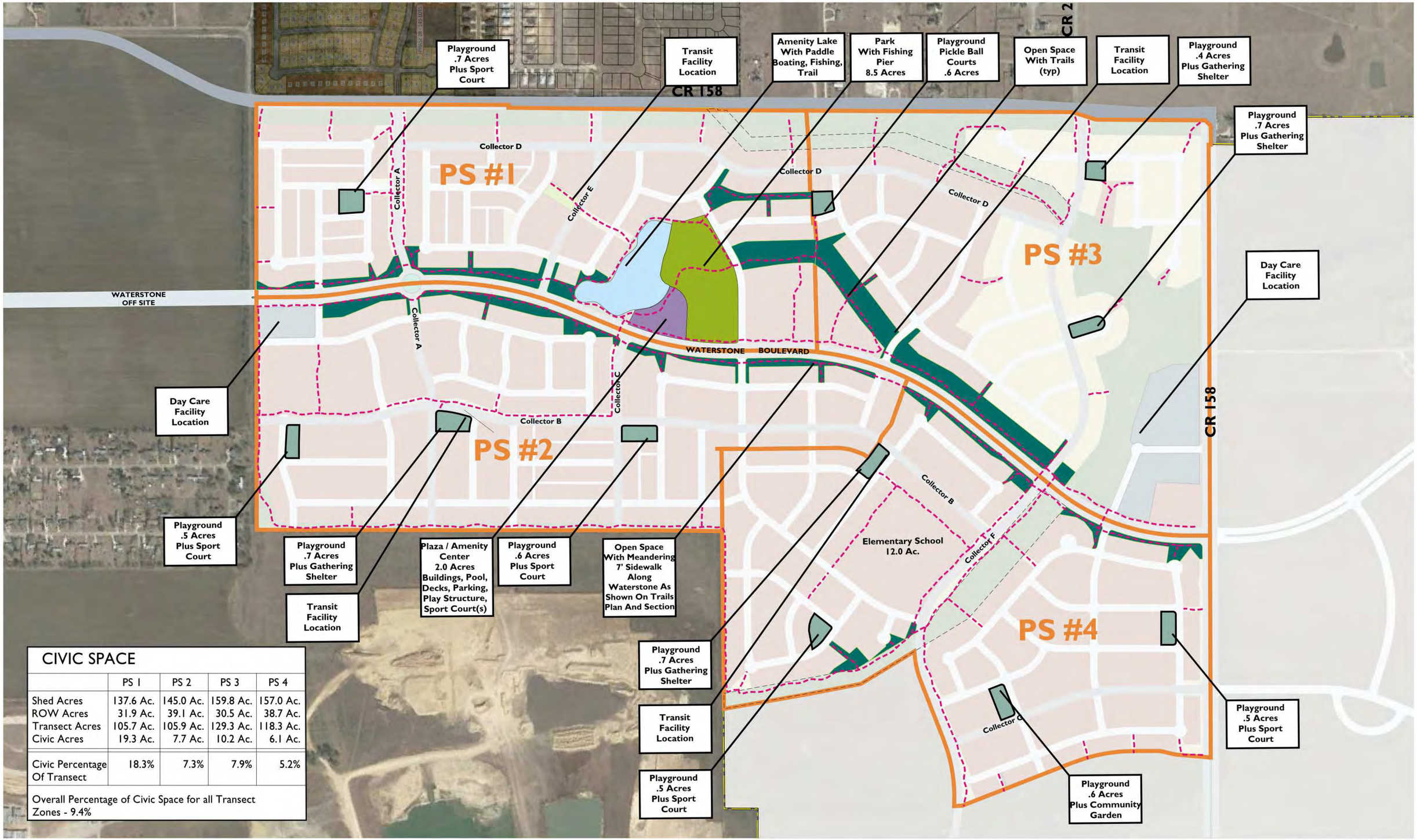

CIVIC SPACE

	PS 1	PS 2	PS 3	PS 4
Shed Acres	137.6 Ac.	145.0 Ac.	159.8 Ac.	157.0 Ac.
ROW Acres	31.9 Ac.	39.1 Ac.	30.5 Ac.	38.7 Ac.
Transect Acres	105.7 Ac.	105.9 Ac.	129.3 Ac.	118.3 Ac.
Civic Acres	19.3 Ac.	7.7 Ac.	10.2 Ac.	6.1 Ac.
Civic Percentage Of Transect	18.3%	7.3%	7.9%	5.2%
Overall Percentage of Civic Space for all Transect Zones - 9.4%				

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WATERSTONE • CIVIC SPACE PLAN

Hays County, Texas
March 10, 2020
17001932
Tack Development

0 150' 300' 600'

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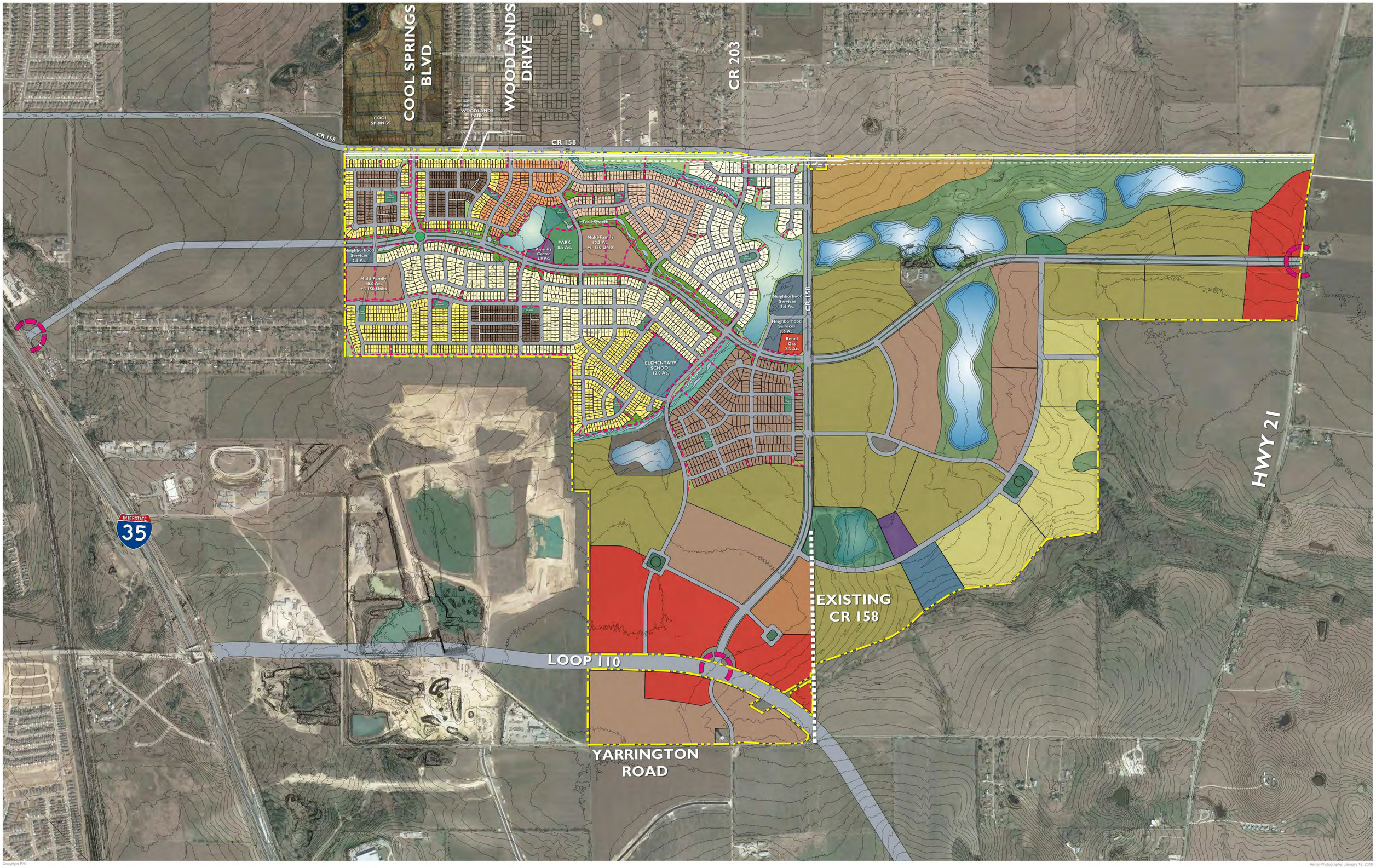

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WATERSTONE DEVELOPMENT • **OVERALL PLAN**

Hays County, Texas
March 10, 2020
17001932
Tack Development

0 250' 500' 1000'

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SMARTCODE WARRANT APPLICATION FORM

Updated: September, 2017

Case # SCW-____-____

CONTACT INFORMATION

Applicant's Name	Blake Reed	Property Owner	TACK Development + LASalle Holdings
Applicant's Mailing Address	230 Klattenhoff Lane Suite 100 Hutto TX 78634	Owner's Mailing Address	230 Klattenhoff Lane Suite 100 Hutto TX 78634
Applicant's Phone #	512 496 8658	Owner's Phone #	512 846 1733
Applicant's Email	Blake@Timmermanscapital.com	Owner's Email	Tim@Timmermanscapital.com

PROPERTY INFORMATION

Subject Property Address: See List for TAX ID's

Zoning District: _____ **Tax ID #: R**_____

Legal Description: Lot _____ **Block** _____ **Subdivision** _____

DESCRIPTION OF REQUEST

Section of the SmartCode from which the deviation is sought: Various

Justification of Intent (additional pages may be used, provide narrative & exhibits as necessary):
We intend to meet the intent over a larger Area of development

AUTHORIZATION

All required application documents are attached. I understand the fees for and the process to obtain a SmartCode Warrant and understand my responsibility to be present at meetings regarding this application.

Initial Filing Fee $750	Technology Fee $11	*TOTAL COST $761*
Renewal/Amendment Filing Fee $400	Technology Fee $11	*TOTAL COST $411*

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

To be completed by Staff: ***Accepted By:*** _____ ***Date Accepted:*** _____

Proposed Meeting Date: _____ ***Application Deadline:*** _____

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

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: _____ Date: 1/7/20

Print Name: TIMOTHY TIMMERMAN

To be completed by Staff: *Case #* _____-_____-_____

AGENT AUTHORIZATION TO REPRESENT PROPERTY OWNER

I, LA SALLE HOLDINGS, LTD. (owner) acknowledge that I am the rightful owner of the property located at CR 158 (address).

I hereby authorize ~~Mike Schroeder~~ Blake Reed (agent name) to serve as my agent to file this application for Smart Code Warrant Application (application type), and to work with the Responsible Official / Department on my behalf throughout the process.

ELLAGAL, LLC BY

Signature of Property Owner: _____ Date: 1/8/2020

Printed Name: FELIX W. COVINGTON

Signature of Agent: _____ Date: 1/15/20

Printed Name: Blake Reed

To be completed by Staff: *Case #* _____-_____-_____

AGENT AUTHORIZATION TO REPRESENT PROPERTY OWNER

I, Tim Timmerman (owner) acknowledge that I am the rightful owner of the property located at CR 158 (address).

I hereby authorize ~~Mike Schroeder~~ Blake Reed (agent name) to serve as my agent to file this application for Warrant Application (application type), and to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: _____ Date: 1/7/20

Printed Name: Timothy Timmerman

Signature of Agent: _____ Date: 1/15/20

Printed Name: Blake Reed

To be completed by Staff: *Case #* _____-_____-_____

Property ID	Owner
R14883	TACK Development L
R14884	TACK Development L
R70463	TACK Development L
R115651	LaSalle Holdings LTD
R14901	LaSalle Holdings LTD
R14927	LaSalle Holdings LTD

Property ID:	R14883
Legal Description:	A0221 WILLIAM HEMPHILL SURVEY, TRACT PT 1, ACRES 19.39

Property ID:	R14884
Legal Description:	A0221 WILLIAM HEMPHILL SURVEY, TRACT PT 1, ACRES 100.11

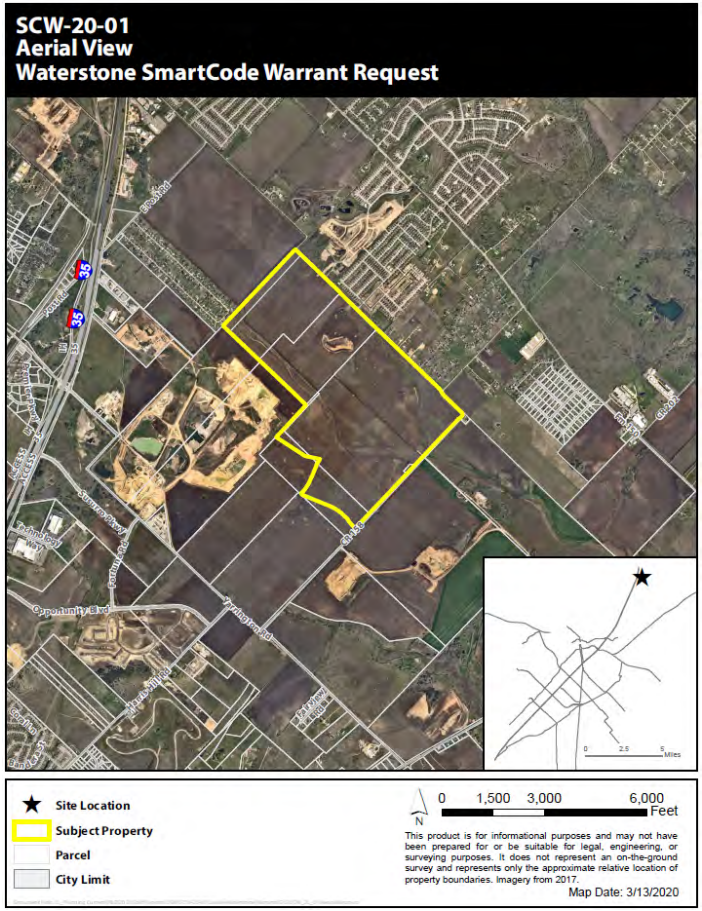
Property ID:	R70463
Legal Description:	A0221 WILLIAM HEMPHILL SURVEY, TRACT PT 1, ACRES 116.6

Property ID:	R115651
Legal Description:	A0221 WILLIAM HEMPHILL SURVEY, ACRES 326.52

Property ID:	R14901
Legal Description:	A0221 WILLIAM HEMPHILL SURVEY, TRACT PT OF 3, ACRES 0.5

Property ID:	R14927
Legal Description:	A0221 WILLIAM HEMPHILL SURVEY, TRACT 1, ACRES 84.85

SANMARCOS

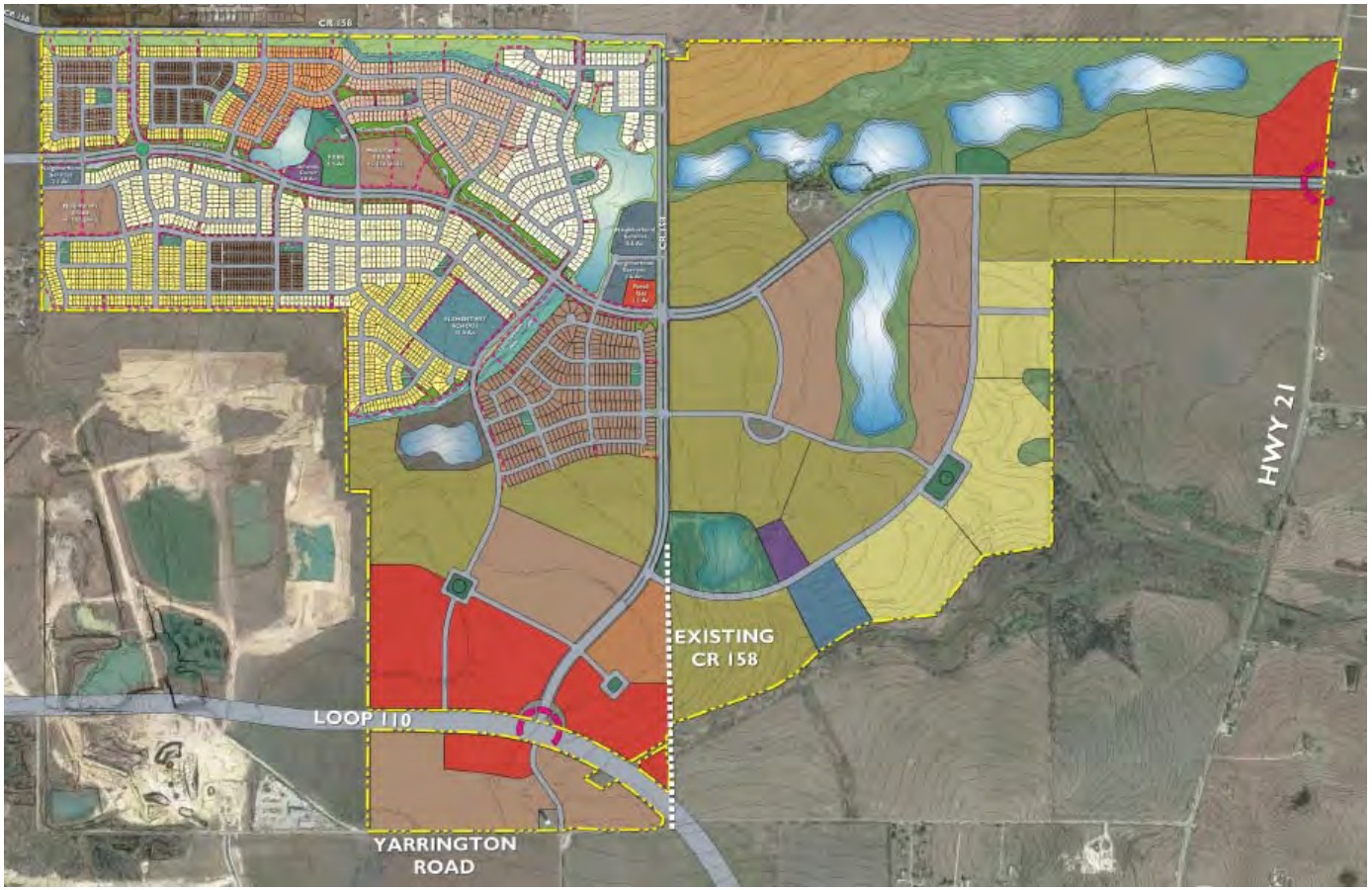


SCW-20-01 (Waterstone Warrants)

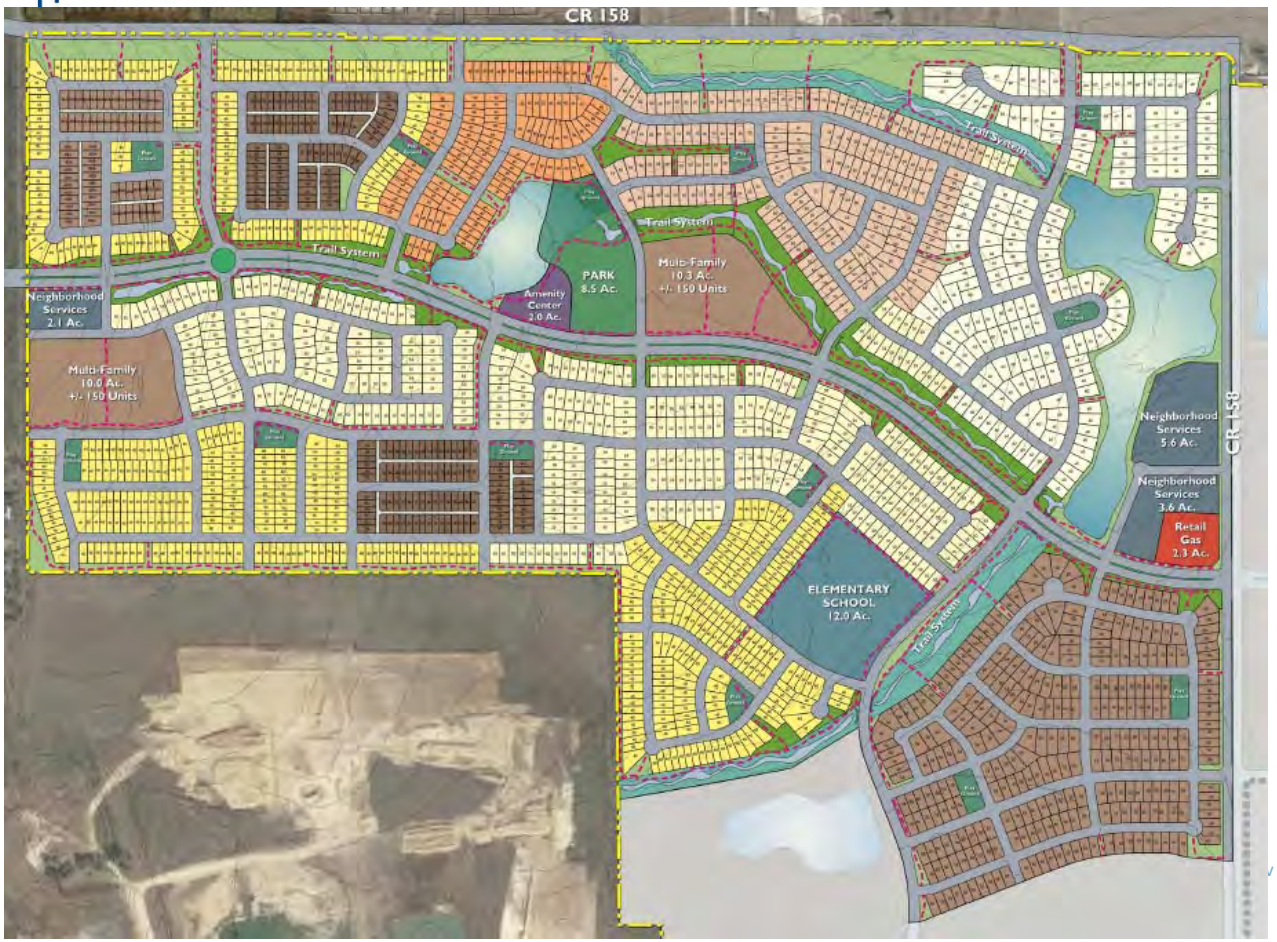
Hold a public hearing and consider a request by Blake Reed, on behalf of TACK Development & LaSalle Holdings, for 12 SmartCode Warrants that allow deviation from SmartCode (SC) Zoning for a +/- 648 acre site out of the William Hemphill Survey. (A. Hernandez)

SAN MARCOS

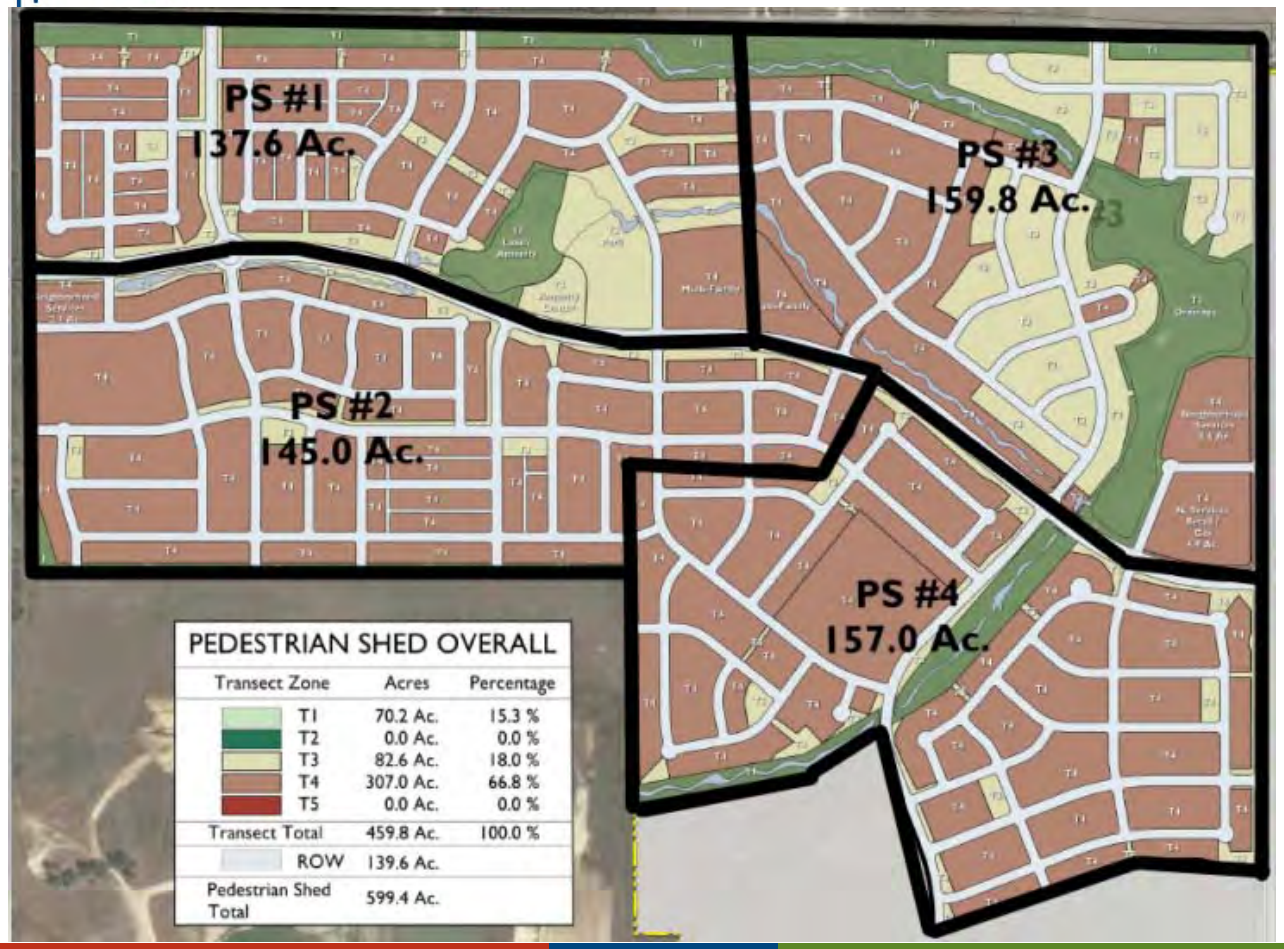
Developer's Illustrative Plan



Developer's Illustrative Plan – Phase 1



Proposed Pedestrian Sheds 1 – 4



PEDESTRIAN SHED OVERALL

Transect Zone	Acres	Percentage
T1	70.2 Ac.	15.3 %
T2	0.0 Ac.	0.0 %
T3	82.6 Ac.	18.0 %
T4	307.0 Ac.	66.8 %
T5	0.0 Ac.	0.0 %
Transect Total	459.8 Ac.	100.0 %
ROW	139.6 Ac.	
Pedestrian Shed Total	599.4 Ac.	

WARRANT #1:
Transect Zone Allocation

- Code Requires

Transect	Allocation
T-1	No Min.
T-2	No Min.
T-3	10-30%
T-4	30-60%
T-5	10-30%

- Warrant Requests

Ped Shed #1	Ped Shed #2	Ped Shed #3	Ped Shed #4
17.6%	4.5%	27.9%	9.0%
0.0%	0.0%	0.0%	0.0%
21.9%	9.0%	30.5%	8.8%
60.5%	86.5%	41.6%	82.2%
0.0%	0.0%	0.0%	0.0%

WARRANT #2:
Elementary School Site

- Code Allows

Example: Wonderland (Private) School +/- 2 acres

- Warrant Requests

Example: Crocket Elementary +/- 10 acres

WARRANT #3:
Passages and Paths

- Code Allows

	T-1	T-2	T-3	T-4	T-5
Path	Permitted	Permitted	Permitted	Not Permitted*	Not Permitted
Passage	Not Permitted	Not Permitted	Not Permitted	Permitted	Permitted

- Warrant Requests

	T-1	T-2	T-3	T-4	T-5
Path	Permitted	Permitted	Permitted	~~Not~~ Permitted*	Not Permitted
Passage	Not Permitted	Not Permitted	~~Not~~ Permitted	Permitted	Permitted

* Permitted with Open Space

WARRANT #4:
Multifamily Lot Size

- Code Allows

- Warrant Requests

Source: www.castarchitecture.com

WARRANT #5:
Single Family Side Setbacks

- Code Allows

Setbacks

	T3	T4	T5
Front (principal)	24’	6’ min – 18’ max	0’ min – 12’ max
Front (secondary)	12’	6’ min – 18’ max	0’ min – 12’ max
Side	12’	0’ min – 6’ max	0’ min – 24’ max
Rear	12’	3’	3’

- Warrant Requests

Setbacks

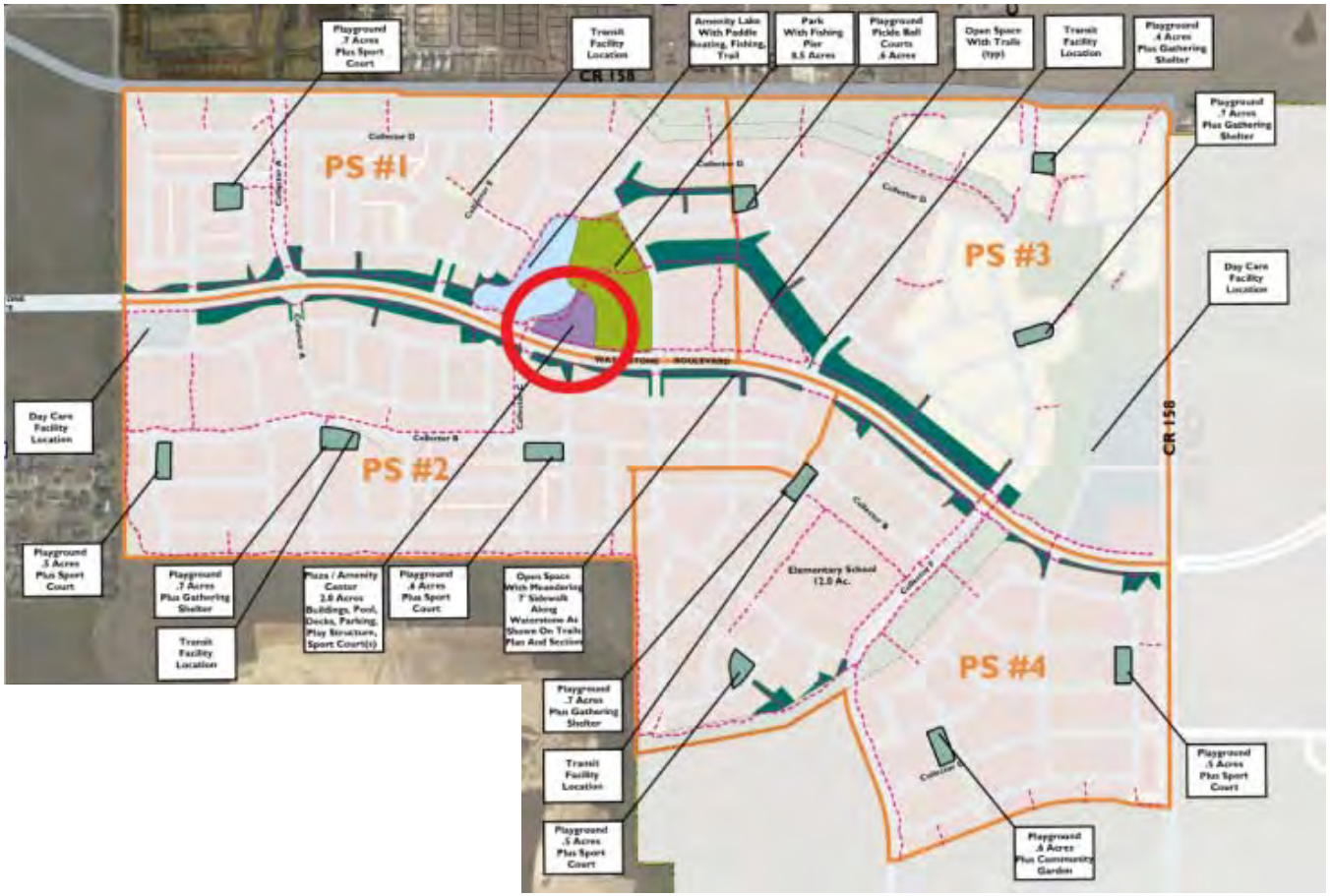
	T3	T4	T5
Front (principal)	24’	6’ min – 18’ max	0’ min – 12’ max
Front (secondary)	12’	6’ min – 18’ max	0’ min – 12’ max
Side	~~12’~~ 5’	0’ min – 6’ max	0’ min – 24’ max
Rear	12’	3’	3’

WARRANT #6:
Civic Buildings

• Code Allows • …construct a Meeting Hall or a Third Place in proximity to the Main Civic Space of each Pedestrian Shed	• Warrant Requests • Allow the amenity center to serve as the Civic Buildings required for each pedestrian shed

- Staff Proposed Condition: the required shelter and bench shall not be waived in any pedestrian shed

Proposed Civic Space Plan – Amenity Center



WARRANT #7:
Chlidcare Buildings

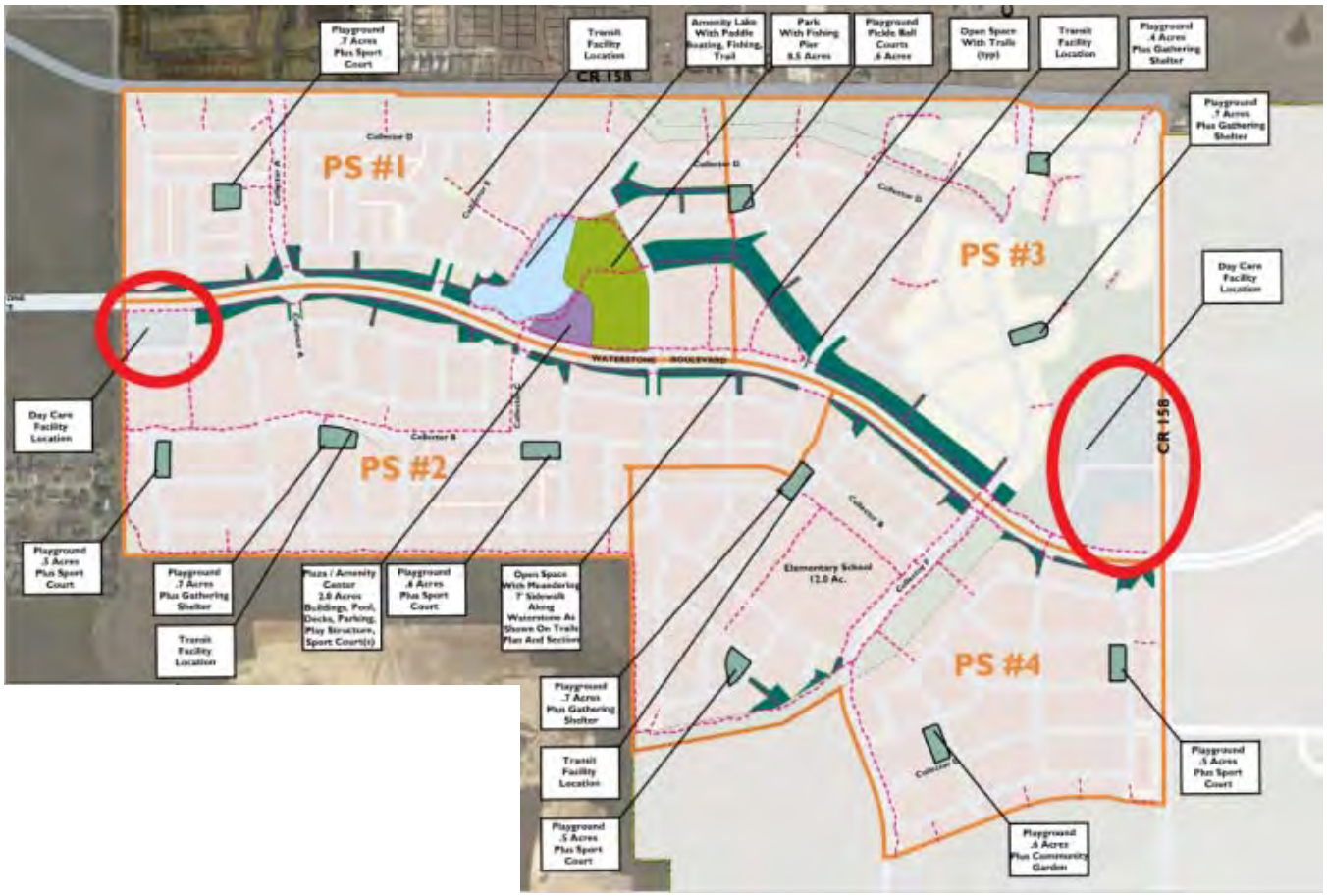
- Code Allows

- One Civic Building Lot suitable for a childcare building shall be reserved within each Pedestrian Shed (4 total required)

- Warrant Requests

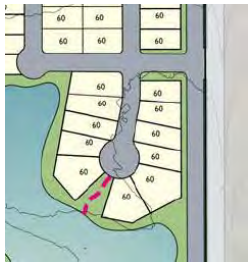
- Two Civic Building Lots suitable for a childcare building shall be reserved within Phase 1

Proposed Civic Space Plan – Day Care Facility



WARRANT #8: Cul-De-Sac #3

- Code Allows: cul-de-sac with staff approval



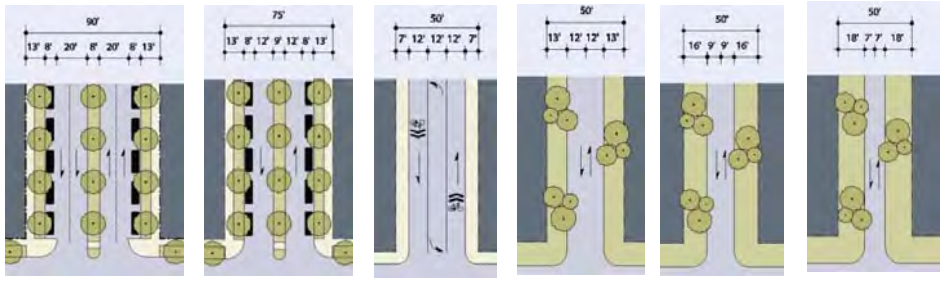
- Warrant Requests: cul-de-sac not approved by staff

- Staff Proposal: Provide one additional connection to CR 158

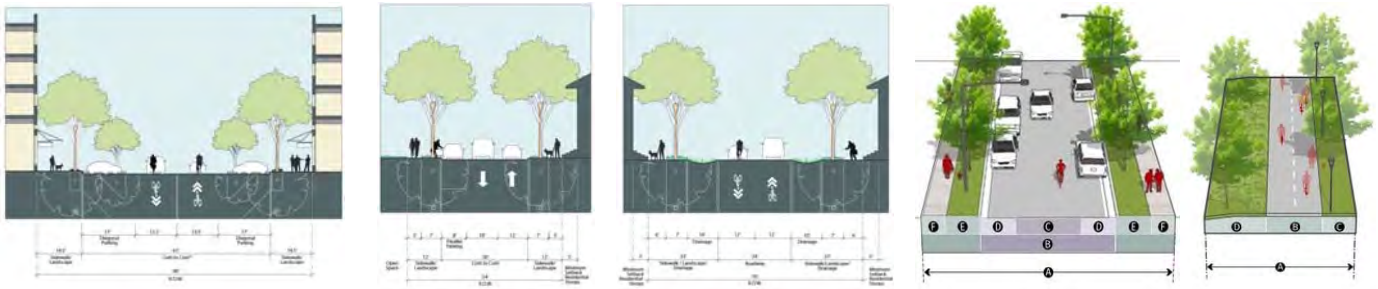
sanmarcostx.gov

WARRANT #9:
Cross Sections / Public Frontage

- Code Allows

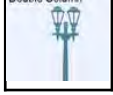


- Warrant Requests



WARRANT #10: Public Lighting

- Code Allows

	T1	T2	T3	T4	T5
Cobra Head	X				
Pipe	X	X	X		
Post		X	X	X	
Column			X	X	X
Double Column 					X

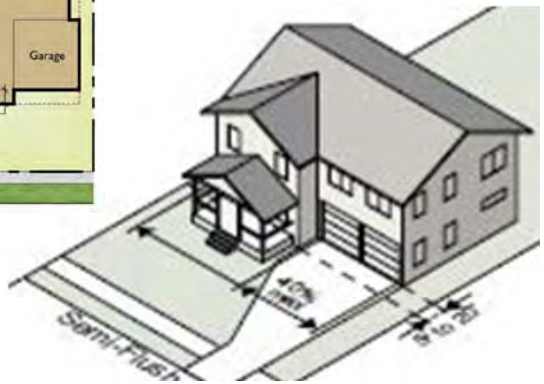
- Warrant Requests

	T1	T2	T3	T4	T5
Cobra Head	~~X~~				
Pipe	X	X	X	X	X
Post	X	X	X	X	X
Column	X	X	X	X	X
Double Column	X	X	X	X	X

WARRANT #11:
Single-Family Garage Placement

- Code Allows

- Warrant Requests



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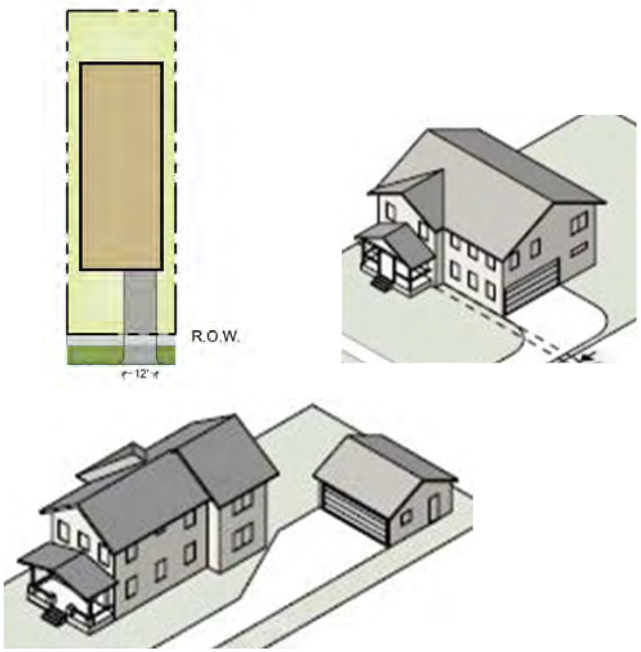
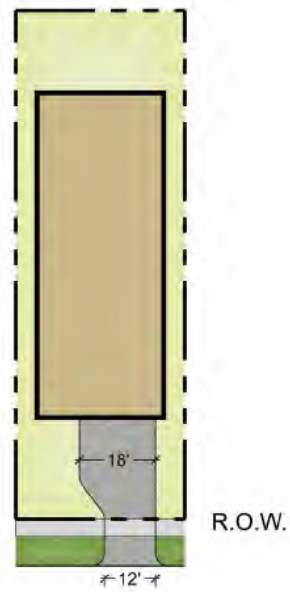
WARRANT #12:
Driveway Width in First Layer

- Code Allows



- Warrant Requests



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Staff Recommendation:

Staff provides this request to the Commission and recommends

- **Approval** of Warrants 1, 2, 3, 4, 5, 7, 9, & 10 as presented,
- **Approval** of Warrant #6 with the condition that transit stops shall be provided in each pedestrian shed, and
- **Approval** of Warrant #12 with the condition that driveways not exceed 12 feet at the property line.

Staff provides this request to the Commission with a **NEUTRAL** recommendation on:

- Warrant #8 regarding the third cul-de-sac.

Staff also recommends a general condition:

- Approval of any warrants shall not constitute approval of any required Regulating Plan exhibits used for illustration in the consideration of the warrant request.

File #: ID#19-999, Version: 1

AGENDA CAPTION:
Hold a public hearing and consider a recommendation to the City Council regarding text amendments to the San Marcos Development Code to address recommendations from the Alcohol Conditional Use Permit Committee, the Housing Task Force, the Historic Preservation Commission, and recommendations from City staff concerning application processing and requirements, block perimeter standards, Certificate of Appropriateness appeals, Concept Plat applicability, right-of-way dimensional standards, building type definitions, Neighborhood Density District zoning regulations, Character District zoning regulations, a new Special Events Facility use, multifamily parking standards, accessory dwelling units, neighborhood transitions, durable building materials, detention and water quality requirements for plats of four residential lots or less, detention requirements outside the Urban Stormwater Management District, delineation of water quality and buffer zones, channel design for water quality zone reclamation, sensitive geologic feature protection zones, geological assessment waivers, and Qualified Watershed Protection Plan applicability, and adoption of Appendix Q of the International Residential Code (S. Caldwell)
Meeting date: March 24, 2020

Department: Click or tap here to enter text.

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.

☐ Core Services

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

A joint workshop between the Planning and Zoning Commission and City Council was held in June 2019. The purpose of the workshop was to allow City Council and the Planning and Zoning Commission the opportunity to review the proposed changes and provide staff direction on which requests should be reviewed and brought back with a recommendation. At that time, the Commission and Council identified items that they would like staff to analyze and bring back for further discussion and items that would not be considered as part of this annual update. For specific amendments, the Commission and Council also provided additional direction and items that should be considered in staff's analysis.

In November 2019 the Planning and Zoning Commission reviewed and provided a recommendation on proposed Phase 1 amendments which consisted of typos and technical errors, policy items that the joint committee directed be expedited at the June 2019 workshop, and amendments related to House Bills approved during the 2019 Legislative Session. These amendments were reviewed at the December 3rd City Council meeting and approved upon second reading at the December 17th City Council meeting.

At this time, City staff is presenting amendments proposed by City Engineering staff and several City Boards and Commissions. These amendments and their timing are in alignment with staff's recommendation at the June 2019 workshop the proposed next steps discussed during the Commission's review and action on Phase 1 amendments. In addition to these amendments already discussed at the workshop and during Phase 1, staff is presenting amendments related to policy items that have been expedited at the request of City Council, additional needed amendments identified by Planning & Development staff since Phase 1, and amendments in response to a developer request.

Section 2.4.1.3 of the San Marcos Development Code requires the Planning & Zoning Commission to make a recommendation regarding the text amendment(s) to the City Council. Below is a summary of the process and key dates.

Development Code Amendments Process Summary

- City Council provides initial authorization to further consider or alternatively, rejects the proposal (3/3)
- Planning & Zoning Commission considers the amendments and recommends approval, approval with conditions, or denial of the text amendments (3/24)
- City Council holds a public hearing and first reading of ordinance (4/21)
- City Council holds second reading of ordinance (5/5)

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Section 2.4.1.3(C) The Planning and Zoning Commission shall hold a public hearing on the text amendment in accordance with Section 2.3.3.1. The Planning and Zoning Commission shall make a recommendation regarding the text amendment(s) to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the text amendment to this development Code.

Recommendation:

Staff recommends ***approval*** of the proposed Land Development Code text amendments as presented.

Cover Memo

To:	Planning & Zoning Commission
From:	Planning & Development Services-Shavon Caldwell, Planner
Date:	March 24th, 2020
Re:	Proposed Amendments to the San Marcos Land Development Code: 1. City Engineering Staff Recommendations 2. Alcohol Conditional Use Permit Committee, Housing Task Force, and Historic Preservation Commission Recommendations 3. Additional Amendments Identified by Staff Since June 2019 Workshop 4. Developer Request for Special Events Facility Use 5. Policy Items Expedited at the Request of Council

Summary and Background

In April 2018 the City of San Marcos adopted the San Marcos Development Code, which was developed through the multi-year CODE SMTX process. Beginning in March 2019, Planning & Development staff began conducting public outreach in support of the annual Land Development Code update. Staff provided a request form on the City's website where interested parties could submit their proposed change and the purpose behind their request. Staff shared the online request form and code update schedule via an initial e-mail notification and also in person at the regular meetings of the Downtown Association, Historic Preservation Commission, Neighborhood Commission, Parks Board, and Planning and Zoning Commission. After an additional reminder e-mail to those on the City's notification list, the request form was closed on May 7th.

A joint workshop between the Planning and Zoning Commission and City Council was held in June 2019. The purpose of the workshop was to allow City Council and the Planning and Zoning Commission the opportunity to review the proposed changes and provide staff direction on which requests should be reviewed and brought back with a recommendation. At that time, the Commission and Council identified items that they would like staff to analyze and bring back for further discussion and items that would not be considered as part of this annual update. For specific amendments, the Commission and Council also provided additional direction and items that should be considered in staff's analysis.

In November 2019 the Planning and Zoning Commission reviewed and provided a recommendation on proposed Phase 1 amendments which consisted of typos and technical errors, policy items that the joint committee directed be expedited at the June 2019 workshop, and amendments related to House Bills approved during the 2019 Legislative Session. These amendments were reviewed at the December 3rd City Council meeting and approved upon second reading at the December 17th City Council meeting.

At this time, City staff is presenting amendments proposed by City Engineering staff and several City Boards and Commissions. These amendments and their timing are in alignment with staff's recommendation at the June 2019 workshop the proposed next steps discussed during the

Commission's review and action on Phase 1 amendments. In addition to these amendments already discussed at the workshop and during Phase 1, staff is presenting amendments related to policy items that have been expedited at the request of City Council, additional needed amendments identified by Planning & Development staff since Phase 1, and amendments in response to a developer request.

Criteria for Approval

Section 2.4.1.4 Criteria for Approval states that review and recommendations on text amendments to the Development Code should consider the below criteria. The following list is not all-inclusive.

Evaluation			Criteria for Approval (Sec. 2.4.1.4)
Consistent	Inconsistent	Neutral	
X			The proposed text amendment corrects an error or meets the challenge of some changing condition, trend or fact.
		X	The proposed text amendment is in response to changes in state law.
X			The proposed text amendment is generally consistent with the Comprehensive Plan and other adopted plans
X			The proposed text amendment does not conflict with any specific policy or action item of the Comprehensive Plan
X			The proposed text amendment is generally consistent with the stated purpose and intent of this Development Code.
X			The proposed text amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time
X			The proposed text amendment is not tied solely to a particular tract or development proposal
X			The proposed text amendment significantly impacts the natural environment, including air, water, noise, stormwater management, and wildlife vegetation.
		X	The proposed text amendment significantly impacts existing conforming development patterns, standards, or zoning regulations

Attachments

Exhibit A – Recommendations Table
Exhibit B – Redlined Code
Exhibit C – Windemere Ranch Request Letter
Exhibit D – Resolution 2019-03RR
Exhibit E – Appendix Q of the International Residential Code

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
1	Engineering Department Recommendation	2.6.1.1.D, - 2.6.1.4	Make Qualified Watershed Protection Plans administrative	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented to include administrative approval capability for Qualified Watershed Protection Plans.**
2	Engineering Department Recommendation	3.9.1.1.G	Add exception to detention/retention requirement for residential plats of 4 lots or less. Require approved drainage analysis and payment-in-lieu to stormwater management fund.	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented to include fee-in-lieu option for minor plats demonstrating no adverse impacts.**
3	Engineering Department Recommendation	6.1.1.2.B	Add exception to detention and/or water quality requirements for significantly constrained sites outside the Urban Stormwater Management District.	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented to include waiver option when payment into stormwater management fund is made, and no adverse impacts have been demonstrated through a drainage analysis.**
4	Engineering Department Recommendation	6.1.4.1	Add exception to water quality requirements for residential plats of 4 lots or less.	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented to waive water quality requirements for residential plats of four lots are less that are served by an existing street.**
5	Engineering Department Recommendation	6.2.2.1 - 6.2.2.2	Clarify how WQZ and Buffer Zones are delineated now that entire floodplain is considered floodway	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented to clarify how the water quality zone and buffer zone are determined.**
6	Engineering Department Recommendation	6.2.2.3.C	Modify sensitive feature protection zone to include 25 ft buffer around feature and additional buffer in upstream direction.	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented to include a buffer around the feature and additional buffer in upstream direction.**
7	Engineering Department Recommendation	6.2.3.2	Require reclamation of water quality zones to incorporate natural channel design and shape.	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented to require the incorporation of natural channel function, aesthetics, and design.**

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
8	Engineering Department Recommendation	6.3.2.1.C	Add waiver of geological assessment requirement for sites that do not warrant assessment	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented to allow waivers from the Responsible Official for sites that do not warrant assessment.**
9	Engineering Department Recommendation	6.2.3.5	Clarify mitigation requirements within water quality and buffer zones	This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented to clarify mitigation requirements within water quality and buffer zones.**
10	Alcohol Conditional Use Permit Committee Recommendation	2.8.3.5	Expire conditional use permits after 3 years. (no longer allow lifetime approvals)	This recommendation from the Alcohol Coniditonal Use Permit Committee was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented which would require all Alcohol CUP holders to renew their permit, at a minimum, every three years.**
11	Alcohol Conditional Use Permit Committee Recommendation	2.8.3.6	Limit appeal eligibility to applicant only. (does not remove citizen appeal eligibility)	This recommendation from the Alcohol Coniditonal Use Permit Committee was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented which would limit appeal eligibility of those within the 400' buffer zone to decisions of approval only.**
12	Alcohol Conditional Use Permit Committee Recommendation	5.1.5.5	Require all permit holders to keep site in clean and sanitary condition.	This recommendation from the Alcohol Coniditonal Use Permit Committee was reviewed at the June 5, 2019 workshop. **Staff recommends consideration of the edits as presented which would require all Alchol CUP holders to keep their site in a clean and sanitary condition.**
13	Alcohol Conditional Use Permit Committee Recommendation	7.4.2.1	Update noise ordinance to include enforcement details and procedure.	This recommendation from the Alcohol Coniditonal Use Permit Committee was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented which would clarify applicability, measurement protocols, the hours max decibils are allowed, the max decibels allowed from single-family residential zoning or uses, and provide specific instances where exemptions are allowed.**

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
14	Housing Task Force Recommendation	2.5.1.4	Add "meets affordability needs as defined in the Strategic Housing Action Plan" as rezone evaluation criteria.	This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented which would require staff and decision makers to consider alignment with all applicable City Council adopted plans as a criteria for approval when considering rezones.**
15	Housing Task Force Recommendation	3.6.3.1	Exempt smaller lot and infill development from the Lot Width to Depth requirements	This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop. **Staff recommends consideration of the edits as presented. This amendment would exempt infill development only (not small lot development) from the 3:1 lot width to depth requirement. The amendment as proposed would not allow these lots to exceed a 6:1 width to depth ratio.**
16	Housing Task Force Recommendation	4.4.6.1	Allow ADU parking in second layer of lot.	This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented which would allow the additional parking required for Accessory Dwelling Units in the second, as well as third layer of the lot**.
17	Housing Task Force Recommendation	Chapter 7, Article 6 San Marcos Code of Ordinances, Chapter 14, Buildings and Building Regulations	Modify definition of RV and manufactured home parks to include tiny homes. Adopt Appendix Q of 2018 building code	This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop. **Staff recommends the edits as presented which would clarify that 1) tiny homes (built to building code) are allowed in Manufactured Home zoning districts and should follow Manufacture Home park standards, and 2) that tiny home construction and inspections shall meet requirements in Appendix Q of the International Residential Code.** **Staff recommends consideration of tiny home specific standards and policy decisions following the update and adoption of the San Marcos Comprehensive Plan.**
18	Predevelopment Meetings	2.3.1.1 (D)	Make predevelopment meetings mandatory. Provide Resposible Official with authority to waive if application does not warrant a meeting.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments. **Staff recommends the amendment as presented to require predevelopment meetings unless waived by the Responsible Official.**

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
19	Text Amendments	2.4.1.2 (B)	Remove requirement for initial authorization from City Council for amendments initiated, requested, or directed by City Council.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments. **Staff recommends the amendment as presented to remove requirement for initial authorization from City Council when analysis and recommendation on amendment is requested or directed by Council.**
20	Certificates of Appropriateness	2.5.5.5	Make City Council (not ZBOA) the appellate body for City owned properties.	This amendment was reviewed by City Council and Planning & Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward. **Staff recommends consideration of the amendment as presented. This amendment would designate City Council as the appellate body for City owned properties.**
21	Concept Plats	3.2.1.1	Exempt applicant from requirement for Concept Plat when applicant is ready to submit a Preliminary Plat	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments. **Staff recommends the amendment as presented to remove requirement for a Concept Plat when the applicant is prepared to submit a preliminary plat.**
22	Block Perimeter	3.6.2.1	Increase maximum block perimeter in ETJ from 3,000 feet to 5,000 feet.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments. **Staff recommends the amendment as increase the maximum block perimeter in the ETJ from 3,000 feet to 5,000 feet.**
23	Block Perimeter	3.6.2.1	Add waiver/exception to block perimeter requirement in Heavy Industrial districts.	This amendment was reviewed by City Council and Planning & Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward. **Staff recommends consideration of the amendment as presented to allow for an increased block perimeter in HI districts in order to accomodate facilities that by their nature, are larger than general commercial facilities. Staff recommends not allowing the perimeter to exceed any more than what is needed for the individual structure and the required parking and landscaping.**

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
24	Streets	3.7.2.2- 3.7.2.6	Align right-of-way standards in Development Code to recommendations appendix of Transportation Master Plan.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments. **Staff recommends the amendments as presented to ensure the dimensional standards for ROW in the Development Code match the Transportation Master Plan.**
25	Zoning	4.4.3.3.	Include occupancy restrictions in CD-3 zoning.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments. **Staff recommends the amendment as presented to apply occupancy restrictions in CD-3 zoning districts which are intended for low density residential.**
26	Building Types	4.2.1.1 (Update 4.4.1.1-4.4.3.7 to reflect updated definition)	Provide better definition for "house" and "cottage."	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments. **Staff recommends the amendments as presented to clarify that since a "house" and "cottage" building type are identical and the base standards of the zoning district determine the structure size and scale, only one building type is necessary.**
27	Historic Preservation Commission Recommendation	San Marcos Design Manual, Section C.5.1.1	Add sustainability purpose section to Historic Design Guidelines Standards for Sustainability	Resolution 2019-03RR was approved by Council in December 2019.In February 2020, Council directed staff to bring forward amendments during the current update rather than as a separate agenda item. **Staff recommends consideration of the edits as presented in order to include a purpose statement in the Sustainability Guidelines in Historic Districts section of the Design Manual.**
28	Event Center Use	5.5.5.9	Add new "Special Events Facility" use	This amendment was requested by a developer in January 2020. **Staff recommends consideration of the amendments as presented in order to facilitate this new use city-wide.**
29	Neighborhood Density District	4.4.2.2	Add an ND-3.2 zoning district which allows more moderate increase in density, setbacks, and allowed housing types from conventional residential districts	City Council request to expedite this amendment at the January 7, 2020 work session. **Staff recommends consideration of the amendment as presented.**
30	Comprehensive Plan Map Amendments	2.4.2.3	Require majority-plus-one vote from Planning & Zoning and City Council for all comprehensive plan map amendments	City Council request to expedite this amendment at the January 7, 2020 work session. **Staff recommends consideration of the amendment as presented.**

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
31	Application Processing-Informational Meetings	4.1.1.6	Require Comprehensive Plan Map Amendment any time a higher intensity zoning designation is requested Remove "Corridor" column from table.	City Council request to expedite this amendment at the January 7, 2020 work session. **Staff recommends consideration of the amendment as presented which would require additional votes and additional meetings for requests in existing neighborhoods.**
32	Neighborhood Transitions	4.3.4.5	Replace current standards with requirement that Commercial use across the street from established residential use be limited to 1 story.	The addition of this amendment was requested by City Council at the March 3rd work session. **Staff recommends consideration of the amendment as presented to limit height within a certail distance of a single family zoning district.**
33	Durable Building Materials	4.3.5.1.7	Include a statement that the City prefers the use of Durable Building Materials	The addition of this amendment was requested by City Council at the March 3rd work session. **Staff recommends consideration of the amendment as presented.**
34	Accessory Dwelling Units	5.1.1.2	Change from by-right to conditional use in all districts	The addition of this amendment was requested by City Council at the March 3rd work session. **Staff recommends consideration of the amendment as presented which would require a CUP in low density, single-family districts.**
35	Parking	7.1.2.1	On street parking should not count towards Multifamily parking requirement in CD-5D districts	The addition of this amendment was requested by City Council at the March 3rd work session. **Staff recommends consideration of the amendment as presented.**
36	Parking	7.1.2.2.B.1	Remove exemption for projects of 10 or fewer units in CD-5 and CD-5D zones	The addition of this amendment was requested by City Council at the March 3rd work session. **Staff recommends consideration of the amendment as presented which would allow an applicant to seek approval from City Council.**
37	Character District	4.4.3.3 4.4.3.6	Add a Character District between 2 and 3 that allows single family with occupancy restrictions compatible with other CDs and provide a maximum lot width for apartments in CD-5D	The addition of this amendment was requested by City Council at the March 17th regular meeting. **Staff recommends consideration of the amendment as presented.**

Exibit B - Redlined Code

To:	Planning & Zoning Commission
From:	Planning & Development Services-Shavon Caldwell, Planner
Date:	March 24th, 2020
Re:	Proposed Amendments to the San Marcos Land Development Code: 1. City Engineering Staff Recommendations 2. Alcohol Conditional Use Permit Committee, Housing Task Force 3. Additional Amendments Identified by Staff Since June 2019 Workshop 4. Developer Request for Special Events Facility Use 5. Additional Amendments Expedited at the Request of Council

Engineering Department Recommendations

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 6: WATERSHED PROTECTION PLANS

1 DIVISION 1: APPROVAL AND APPLICATION PROCESS

Section 2.6.1.1 Purpose, Applicability, Exceptions and Effect

D. Applicability of a Qualified Watershed Protection Plan 1 or 2. A qualified watershed protection plan is required when mitigation plans to replace water quality benefits lost due to increases in impervious cover within the buffer zone and reclamation of water quality and/or buffer zones vary from the requirements established in Chapter 6 or as determined by the responsible official. ~~any of the following requests are made:~~

~~**1.** A request for an increase in impervious cover requiring a mitigation plan;~~

~~**2.** A request for reclamation of land in the 100-year floodplain or within a water quality zone or buffer zone; or~~

~~**3.** The development of twenty (20) acres or more of land within the 100-year floodplain.~~

Section 2.6.1.4 Criteria for Approval

The following criteria shall be used to determine whether the application for a watershed protection plan or a qualified watershed protection plan shall be approved, approved with conditions, or denied.

A. Edwards Aquifer Zones - Factors. Where land subject to the plan lies in whole or in part within the Edwards Aquifer recharge or transition zones:

1. Whether the plan is consistent with approved legislative applications for the land subject to the plan;

2. Whether the plan meets the standards in Chapter 6 (except as to the components of a mitigation plan for a qualified watershed protection plan that vary from Chapter 6) and Chapter 3, Article 9;

3. Whether any proposed mitigation plan or enhanced geological assessment offsets the impacts to water quality resulting from increased development within a buffer zone;

4. Whether any proposed increase of impervious cover is warranted beyond that otherwise allowed by right for the land within the plan area; and

5. Whether the plan is consistent with any proposed clustering or development transfers outside the plan area.

B. Other Water Quality Zones - Factors. Where land subject to the plan lies in whole or in part within a floodplain, water quality, or buffer zone located outside the Edwards Aquifer recharge or transition zones:

1. Whether the plan is consistent with approved legislative applications for the land subject to the plan;

2. Whether the plan meets the standards in Chapter 6 (except as to the components of a mitigation plan for a qualified watershed protection plan that vary from Chapter 6) and Chapter 3 Article 9 ~~and/or the specific criteria in Chapter 6;~~

3. Whether any proposed mitigation plan offsets the impacts to water quality resulting from increased development within a buffer zone or reclamation of water quality and/or buffer zone; and

4. Whether the plan is consistent with any proposed clustering or development transfers outside the plan area.

C. Reclaimed Land From Floodplain - Factors. For developments where reclamation of land within the 100-year floodplain is proposed:

1. Whether the reclamation concept plat (which is an element of watershed protection plans and qualified watershed protection plans when reclamation is proposed) is consistent with approved legislative applications for the land subject to the plan, including expressly any master drainage plan elements applicable to the land;
2. Whether the reclamation concept plat meets the general standards in Chapter 6 (except as to the components of a mitigation plans for a qualified watershed protection plan that vary from Chapter 6); Chapter 3, Article 9; and the City's Flood Damage Prevention Ordinance~~, and the specific criteria in Chapter 6, and;~~
3. Whether any adverse impacts have been appropriately mitigated.

CHAPTER 3. SUBDIVISIONS

ARTICLE 9: STORMWATER COLLECTION AND DRAINAGE SYSTEMS

2

DIVISION 1: IN GENERAL

Section 3.9.1.1 Flood Control Requirements

G. Waiver of Detention/Retention.

1. Detention/retention may be waived for the following ~~non-residential small site permits~~ if no adverse impacts are demonstrated through drainage analysis and a payment-in-lieu is made into the stormwater management fund in accordance with Section 6.1.1.3.
   a. non-residential small site permits,
   b. developments within High Intensity Zones, and
   c. plats of 4 lots or less in single family residential zoning districts where lots front and are served by an existing street.

CHAPTER 6. ENVIRONMENTAL REGULATIONS

ARTICLE 1: STORMWATER MANAGEMENT

3

DIVISION 1: GENERAL

Section 6.1.1.2 Urban Stormwater Management District

B. Standards. Properties located within the urban stormwater management district established on the map above are eligible for waivers from requirements under Section 3.9.1.1(F) and Section 6.1.4.1 when the following standards are met:

- **a.** No adverse impacts are demonstrated through drainage analysis; and
- **b.** A payment is made into the stormwater management fund in accordance with Section 6.1.1.3.

C. Waiver for Property Outside of the District. Properties located outside the urban stormwater management district that are significantly constrained may be eligible for waivers from requirements under Section 3.9.1.1(F) and Section 6.1.4.1 with the approval of the Responsible Official and when the standards under Section 6.1.1.2(B) are met.

DIVISION 1: POST CONSTRUCTION STORMWATER PERFORMANCE STANDARDS

4

Section 6.1.4.1 Stormwater Quality and Stream Protection

D. Exceptions to stormwater quality and stream protection volume requirements ~~include~~ are allowed under the following conditions provided that disconnected impervious cover and treatment through vegetative filter strips or similar means is included:

1. Development applications proposing solely the construction or expansion of a single-family home ~~as long as the development includes disconnected impervious cover and provides treatment through vegetative filter strips or similar means.~~ and

2. Plats of 4 lots or less in single family residential zoning districts where lots front and are served by an existing street. An exemption is not allowed for the submittal of a series of plats of 4 lots or less with the intention of producing a tract that is greater than 4 lots.

ARTICLE 2: ENHANCED PROTECTION ZONES

DIVISION 2: ZONE DESIGNATION

5

Section 6.2.2.1 Water Quality Zones

A. A water quality zone shall be established for each waterway. ~~The area of the~~ Water quality zone have been predetermined by the City for certain waterways. A map of such predetermined water quality zones is on file with the City's Planning and Development Services Department and is available upon request. For waterways not associated with a predetermined water quality zone by the City, the following options are available ~~shall be determined as follows:~~

1. **FEMA-mapped Option**. For any waterway with a FEMA-defined floodway, a water quality zone shall be established 100 feet in width, measured from the boundary of the defined floodway on each side of the waterway if located outside the EARZ, or as all land within a distance of 100 feet from a bank of the San Marcos River or a side channel that returns to the main channel, whichever is greater, but shall not exceed the width of the 100-year floodplain. For any waterway with a FEMA-mapped detailed study floodplain, the area of the 100-year floodplain shall be the water quality zone if located within the EARZ.
2. **Waterway Centerline Offset Option** ~~**Non FEMA-mapped Option 1**~~
   - **a.** Sub-minor Waterways. Waterways draining five or more acres but less than 50 acres but, excluding roadside swales, shall have a minimum Water Quality Zone width of 25 feet on each side of the Waterway centerline. These are established within the EARZ, Transition Zone, and Contributing Zone within the Transition Zone only.
   - **b.** Minor Waterways. Waterways draining 50 or more acres but less than 250 acres shall have a minimum water quality zone width of 50 feet on each side of the waterway centerline.
   - **c.** Intermediate Waterways. Waterways draining 250 or more acres but less than 1000 acres shall have a minimum water quality zone width of 100 feet on each side of the waterway centerline.
   - **d.** Major Waterways. Waterways draining more than 1000 acres shall have a minimum water quality zone width of 200 feet on each side of the waterway centerline.
3. **Floodplain Study Option** ~~**Non FEMA-mapped or floodway defined Option 2**~~
   - **a.** The water quality zone shall be defined as the 100-year floodplain boundary based on fully developed watershed paralleling each side of the waterway. The 100-year floodplain shall be based on modeling approaches as approved by the Responsible Official.

Section 6.2.2.2 Buffer Zones

A. A buffer zone shall be established for each waterway. Buffer zones have been predetermined by the City for certain waterways. A map of such buffer zones is on file with the City's Planning and Development Services Department and is available upon request. For waterways not associated with a predetermined buffer zone by the City, the following options are available: ~~as follows:~~

1. **FEMA Mapped Option.** For any waterway with a FEMA-defined floodway outside the EARZ or FEMA-mapped detailed study floodplain inside the EARZ, a buffer zone shall be established 100 feet in width, measured from the outer boundary of the water quality zone established in Section 6.2.2.1, on each side of the waterway. The combined width of the water quality zone and the buffer zone shall not exceed the width of the 100-year floodplain if located outside the EARZ.
2. **Non FEMA Mapped Option.** For applicable waterways that do not have floodways officially mapped by FEMA, a buffer zone shall be established 25 feet in width for sub-minor waterways, 50 feet in width for a minor waterway and 100 feet in width for intermediate and major waterways, measured from the outer boundary of the water quality zone established in Section 6.2.2.1, on each side of the waterway. The combined width of the water quality zone and buffer zone shall not exceed the width of the 100-year floodplain based on a detailed study if located outside of the EARZ.

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Section 6.2.2.3 Sensitive Feature Protection Zones

C. Enhanced topographic information. If an applicant submits enhanced topographic information for a site, with contour intervals of two feet or less, the sensitive feature protection zone shall extend 25 feet around the perimeter of the sensitive feature and include ~~be~~ the area within the following distance from the perimeter ~~of a sensitive feature~~ that is identified on the enhanced topographic survey as draining towards the ~~feature~~ perimeter around the feature:

1. For a minor recharge feature, 50 ~~75~~ feet.
2. For a moderate recharge feature, 125 ~~150~~ feet.
3. For a major recharge feature, 275 ~~300~~ feet.

DIVISION 3: IMPERVIOUS COVER AND DEVELOPMENT LIMITATIONS WITHIN WATER QUALITY AND BUFFER ZONES

7 **Section 6.2.3.2 Water Quality and Buffer Zones outside the Edwards Aquifer Recharge Zone**

A. Water Quality Zone. No impervious cover is allowed in a water quality zone except for those cases listed in Section 6.2.3.5(B).

B. San Marcos River Corridor (SMRC). The maximum impervious cover within the SMRC is 30%. Impervious cover cannot be increased with mitigation in the SMRC.

C. Buffer Zones. The maximum impervious cover in buffer zones is 30%. Impervious cover may be increased with mitigation based on the slope table below.

D. Steep Slopes. The maximum impervious cover in buffer zones and the San Marcos River Corridor is further restricted when steep slopes are present in accordance with the table below.

E. Reclamation. Reclamation of a water quality and/or buffer zone shall require mitigation to replace lost water quality benefits and be accomplished in a way that preserves natural channel function and aesthetics.

ARTICLE 3: DEVELOPMENT RELATED TO THE EDWARDS AQUIFER

DIVISION 2: DEVELOPMENT DUTIES

8 **Section 6.3.2.1 Duties in Undertaking Development Over Aquifer**

C. Geological Assessments. All watershed protection plans (Phase 1) for developments in the recharge zone, transition zone, and contributing zone within the transition zone and site preparation permit for uses must be accompanied by a geologic assessment of the entire site prepared by a qualified geologist. The assessment must be based on 50-foot Transects across the Site, and must contain all information required for Geologic Assessments under the TCEQ Edwards Aquifer rules. The assessment must identify all sensitive features on the site, and for each sensitive feature, must state whether it is a major recharge feature, moderate recharge feature, or minor recharge feature. A waiver for a geological assessment for sites that do not warrant an assessment within the transition zone may be obtained from the Responsible Official if the property is located within the Geologic Assessment Exemption Zone. A map of such area is on file with the City's Planning and Development Services Department and is available upon request.

9 **Section 6.2.3.5 Mitigation and Exceptions**

A. Mitigation ~~**Plan**. Impervious cover limitations may be exceeded in a buffer zone only for land with a gradient of less than 15 percent based upon approval of a mitigation plan demonstrating that the water quality benefits of the impervious cover within the buffer zone can be achieved through utilization of water pollution abatement control facilities that incorporate best management practices for the entire development site. No impervious cover may be transferred to a buffer zone that exceeds the requirements of this Section~~. The following is permissible with adequate mitigation that replaces lost water quality benefits:

1. Impervious cover limitations may be exceeded in a buffer zone for land with a gradient of less than 15 percent outside the Edwards Aquifer Recharge Zone and 20 percent within the Edwards Aquifer Recharge Zone; and
2. Water quality and/or buffer zones may be reclaimed. Mitigation shall consist of meeting a Total Suspended Solid (TSS) removal requirement or increase in TSS removal requirement for the site or portion of the site as determined adequate by the Responsible Official. Mitigation plans not able to achieve TSS removal requirements must follow the qualified watershed protection plan process.

Alcohol Conditional Use Permit Committee Recommendations

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 8: RELIEF PROCEDURES

DIVISION 3: CONDITIONAL USE PERMIT

10 **Section 2.8.3.5 Duration; Expiration; Suspension; Violation; Revocation**

A. Duration.

1. A conditional use permit shall remain in effect until it expires, is suspended, or is revoked in accordance with Section 2.3.7.5A(1 - 4) as supplemented by Section 2.8.3.5.

2. Conditional Use Permits granted for on-premises consumption of alcoholic ~~beverages , unless otherwise specified by the Planning and Zoning Commission,~~ shall remain in effect ~~for the duration of the State TABC (Texas Alcoholic Beverage Commission) license or permit~~ no longer than three years, or until the license or permit is canceled, revoked, or allowed to expire, or until one of the following conditions occurs, after which the dispensing of alcoholic beverages for on-premises consumption requires issuance of a new Conditional Use Permit:

a. The State TABC license or permit is reissued under a different [license or] permit holder's name.

b. The Conditional Use Permit is forfeited, suspended, or revoked in accordance with Section 2.3.7.1.

c. There is a significant change in the name of the establishment, or any physical or operational change in the business that increases off-site impacts to surrounding properties.

11 **Section 2.8.3.6 Appeals**

A. The applicant ~~or other person within the personal notification area~~ may appeal the decision of the Planning and Zoning Commission to grant or deny a permit ~~to the City Council~~ in accordance with Section 2.8.1.1.

B. Any tenant or property owner within the personal notification area may appeal the decision of the Planning and Zoning Commission to grant a permit in accordance with Section 2.8.1.1

C. The Council shall apply the criteria in Section 2.8.3.4 in deciding whether the Planning and Zoning Commission's action should be upheld, modified or reversed.

D. A super-majority vote in accordance with Section 2.2.4.2 shall be required to reverse a decision of the Planning and Zoning Commission.

CHAPTER 5. USE REGULATIONS

ARTICLE 1: ALLOWABLE USES

12 DIVISION 5: COMMERCIAL

Section 5.1.5.5.B.2.b Restaurant/ Bar, Use Standards, Downtown CBA Boundary

b. Downtown CBA Boundary. Where an eating establishment including the sale of alcohol is located in the downtown CBA boundary the following additional standards apply:

1. Permits for an eating establishment including alcohol sales in the downtown CBA boundary are valid for three years from date of issuance. A renewal permit for a current permit holder may be administratively issued under Sec.2.8.3.7.

2. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.

3. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.

4. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.

5. The number of active restaurant permits in the central business area zoning district shall not exceed 25. If there are 25 active restaurant permits, any further applications for restaurant permits in the district shall be placed on a waiting list and individually referred to the commission for consideration within 45 days, in the same order as submitted, when the number of restaurant permits is less than 25.

6. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 50 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.

Section 5.1.5.5.E. Restaurant/ Bar, On Premise Consumption of Alcohol, Use Standards

E. On Premise Consumption of Alcohol

1. Defined. An establishment that serves alcohol for on premise consumption.

2. Use Standards. Where on-premise consumption of alcohol is a conditional use the following standards apply:

a. Permit. The establishment must hold for the premises a valid conditional use permit issued and effective under Section 2.8.3.1 and must be in compliance with all conditions of such permit.

b. Noise. The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.

c. Protective Yard. The establishment shall be screened with a type A/B protective yard under Section 7.2.2.1.

d. Cleanliness. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.

CHAPTER 7. SUPPLEMENTAL DEVELOPMENT STANDARDS

ARTICLE 4: PUBLIC HEALTH RELATED PERFORMANCE STANDARDS

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DIVISION 2: STANDARDS

Section 7.4.2.1 Noise

A. Noise Level Maximums. ~~Sound equipment at a business shall not be operated so that it produces sound:~~ The property shall not produce sound:

1. In excess of 85 decibels ~~for a period exceeding one minute~~ between the hours of ~~11:00~~ 10:00 a.m. and 10:00 p.m.~~, as measured at the property line of the business or beyond.~~

2. In excess of 75 decibels ~~for a period exceeding one minute~~ between the hours of 10:00 p.m. and ~~11:00~~ 10:00 a.m. ~~as measured at the property line of the business or beyond.~~

3. In excess of 63 decibels at any time as measured from within the property line of any single-family residential zoning or use.

B. Noise Measurements. Measurement of noise shall be made with a sound level meter using the "A" weighting network as specified by the American National Standards Institute.

1. A police officer taking a noise measurement may take the measurement from either the closest public right-of-way to the offending residence or business, or with the consent of a complainant, may take the measurement from the property line of the complainant.
2. Any sound that when measured at the nearest public right-of-way to the offending residence or business exceeds the dB(a) levels set forth in this section shall be prima facie evidence of sound nuisance which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of the others within the limits of the city in violation.
3. Method of sound measurement. Whenever portions of this chapter prohibit noise over a certain decibel limit, measurement of said noise shall be made with a decibel meter chosen by the chief of police which meets the standards prescribed by the American National Standards Institute at the time the device was purchased. The instruments shall be maintained in calibration and good working order. Calibration corrections shall be employed in meeting the response specifications prior to every sampling of noise. Measurements recorded shall be taken so as to provide an accurate representation of the noise being measured. Noise measurements shall be a minimum of 30 seconds in duration. The microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used. Violations will be determined based on the highest registered reading in the measurement period. All measurement levels will be inclusive of any ambient noise that exists at the time of the measurement.

C. Exemptions. The following uses and activities shall be exempt from the noise level regulations herein specified.

~~**1.** Noises not directly under control of the property user.~~

1. Noises emanating from construction, development and maintenance activities between the hours of 7:00 a.m. and 9:00 p.m. (daytime hours).
2. The sound produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 9:00 p.m. and which device did not produce a sound of 85 dB(A) or greater when measured from the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was used.
3. The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger or attempted crime.
4. Sound produced by an authorized emergency vehicle
5. Sound produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident or natural disaster.
6. Sound produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.
7. Sound produced by the operation of any air conditioning unit which did not produce a sound of 85 dB(A) or greater on residential property or 85 dB(A) on nonresidential property, when measured at or near 15 feet from the air conditioning unit producing the sound being measured.

~~8. **3.** Noises of safety signals, warning devices and emergency pressure relief valves.~~

~~9. **4.** Transient noise of moving sources, such as automobiles, trucks, and airplanes (see other City ordinances for regulation of transient noise).~~

Housing Task Force Recommendations

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 5: ZONING PROCEDURES

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DIVISION 1: APPLICATION FOR ZONING MAP AMENDMENT

Section 2.5.1.4 Criteria for Approval

A. In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map;

2. Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area;

3. Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council;

4. Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect; …

CHAPTER 3. SUBDIVISIONS

ARTICLE 6: BLOCKS, LOTS, ACCESS

15

DIVISION 3: LOTS

Section 3.6.3.1 Lot Standards

A. Lot Frontage. Every lot shall have frontage on a public street except as allowed under the courtyard or cottage court building types in Section 4.4.6.9 or Section 4.4.6.4.

B. Lot Arrangement.

1. Lots shall be subdivided to permit conformance with all laws and ordinances and to ensure orderly urban growth, proper building arrangement and to provide city services and facilities.

2. Lot dimensions shall provide for the potential development of all lots and future compliance with the development standards of this Development Code.

3. Irregularly-Shaped Lots. Irregularly-shaped lots shall have sufficient width at the front setback line to meet lot width requirements in Chapter 4.

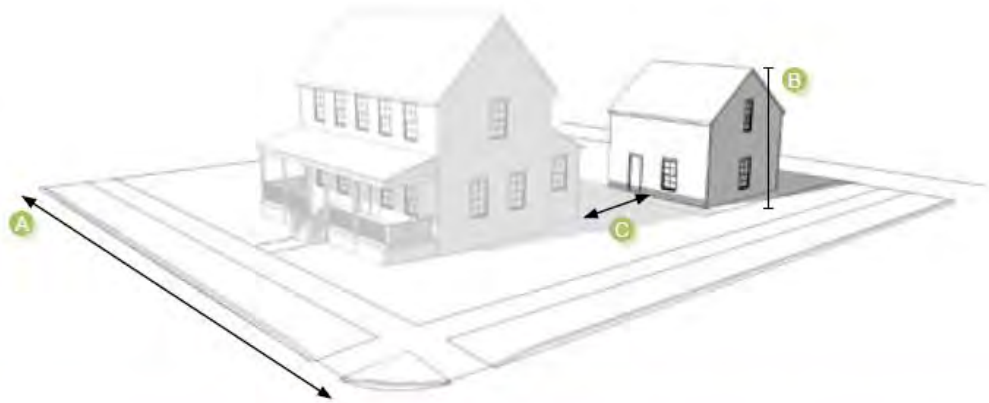
a) Triangular, tapered, or flag lots shall be not be permitted except for use as dedicated parkland lots.

b) Severely elongated (in excess of three to one (3:1) length to width ratio) lots shall not be permitted except for use as dedicated parkland lots, ~~or for use as~~ townhomes or zero lot line building type lots, or for infill development.

c) Townhome ~~and~~ lots, Zero Lot Line lots, and infill development lots may not exceed a six to one (6:1) length to width ratio

d) Exceptions to the irregularly shaped lot requirements fall under the alternative compliance process in accordance with Section 2.8.4.1.

Section 4.4.6.1 Accessory Dwelling Unit



Lot		
Width	Set by District	A
Area	Set by District	
Lot coverage	Set by District	
Building Elements Allowed		
Front Porch	Section 4.3.5.11	
Stoop	Section 4.3.5.12	
Balcony	Section 4.3.5.13	

Height and Massing		
Principle Structure Height	Set by District	
Accessory Structure Height	Set by District	B
Building Footprint	1/2 the principle building (1,000 sq ft. max.)	
Building Setbacks		C
Principle Building Setbacks	Set by District	
Accessory Structure Setbacks	Set by District	
Vehicle Access and Parking		
Parking Requirements	1 Additional Space	
Parking Location	~~Third Layer~~ Second Layer, Third Layer	

CHAPTER 7. SUPPLEMENTAL DEVELOPMENT STANDARDS

ARTICLE 6: MANUFACTURED HOME AND TINY HOME VILLAGE

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DIVISION 1: REGULATIONS AND REQUIREMENTS

Section 7.6.1.1 Jurisdiction

This Article is applicable to the City limits and the Extraterritorial Jurisdiction of the City.

Section 7.6.1.2 Site Design Requirements

A. Site Requirements. Any Manufactured Home Park or Tiny Home Village Constructed or Developed after the effective date of this development Code and for any extension or Addition to any existing or Manufactured Home Park shall comply with the following Site requirements:

1. Location. A Manufactured Home Park or Tiny Home Village within the City limits shall be located only on a site within the Manufactured Home (MH) District.

2. Minimum Requirements. Each Manufactured Home Park or Tiny Home Village within the City limits shall comply with all applicable standards and requirements of the MH Zoning District. Each Manufactured Home Park or Tiny Home Village within the City's Extraterritorial Jurisdiction shall comply with all standards and requirements as if it were within the City limits and zoned within the MH District.

a. Soil and Ground Cover. Exposed ground surfaces in all parts of every Manufactured Home Park shall be paved, covered with stone or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.

b. Drainage. The ground surface in all parts of a Manufactured Home Park shall be graded and equipped to drain all surface water away from pad sites.

Section 7.6.1.3 Access and Traffic Circulation and Parking

A. Block Perimeter. Manufactured home parks, ~~and~~ recreational vehicle parks, and Tiny Home Villages shall meet the block perimeter requirements in Section 3.6.2.1.

B. Internal Streets and Signage. Internal Streets, no-parking-area Signs, and Thoroughfare name Signs in a Manufactured Home Park or Tiny Home Village shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and to facilities for common use of the park's residents. Internal Streets shall be kept open and free of obstruction in order that police and fire vehicles may have access to any areas of the Manufactured Home Park or Tiny Home Village.

C. Signs Prohibiting Parking Required. On all sections of Internal Streets on which parking is prohibited under this Article, the owner or agent shall Erect metal "no parking" Signs; type, size, height and location shall be approved by the Director of Public Services prior to installation.

D. Internal Street Construction and Maintenance. All Internal Streets shall be constructed and maintained by the owner or agent. All Internal Streets shall be free of cracks, holes and other hazards. Internal Streets shall be constructed on hard-surfaced, all-weather material and shall be approved by the Director of Public Services.

E. Access to Each Home or Space. An Internal Street or Common Access Route shall be provided to each Mobile Home, ~~or~~ Manufactured Home, or Tiny Home space. This Internal Street or Common Access Route shall have a minimum width of 30 feet if off-street parking is provided in the ratio of two parking spaces for each Manufactured Home Park or Tiny Home Village space. The Internal Street shall be continuous and connect with other Internal Streets or with a public Thoroughfare or shall be provided with a cul-de-sac having a minimum diameter of 95 feet.

F. Minimum Parking Requirement. Two spaces are required for each manufactured home site or Tiny Home site in accordance with the requirements for residential single family dwellings under Section 7.1.2.1.

G. Parking Space Construction. Parking Spaces shall be hard-surfaced with all-weather material, located to eliminate interference with access to Parking Lots and Parking Areas provided for other Mobile Homes, ~~or~~ Manufactured Homes, or Tiny Homes and for public parking in the Manufactured Home Park or Tiny Home Village.

H. Unobstructed Access. Internal Streets shall permit unobstructed access to within at least 200 feet of any portion of each Mobile Home ~~or~~, Manufactured Home or Tiny Home. Speed bumps constructed to maintain safe speed of vehicles moving within the Manufactured Home Park or Tiny Home Village shall not be considered as obstructions. Speed bumps are to be constructed at four to one inclination, not to exceed four inches in height. Speed bumps shall be painted with fluorescent paint.

I. Intersections with Public Thoroughfares. Interior Streets shall intersect Adjoining public Thoroughfares at approximately 90 degrees with a curb line radius of 20 feet at a location which shall eliminate or minimize interference with traffic on those public Thoroughfares.

17 cont.

J. Common Area Parking Area Required. A minimum Parking Area of 150 square feet per Mobile Home ~~or~~ Manufactured Home, or Tiny Home space shall be provided in a common area for storage of boats or vehicles in excess of two per Mobile Home ~~or~~ Manufactured Home, or Tiny Home space and for visitors' vehicles to minimize on-street parking and to facilitate movement of emergency vehicles into and through the park.

Section 7.6.1.4 Section 7.4.1.4 Street Lighting

Street lighting within the Manufactured Home Park or Tiny Home Village shall be provided by the Developer along Internal Streets. Light standards shall have a height and spacing to ensure that an average illumination level of not less than two-tenths foot-candles shall be maintained.

Section 7.6.1.5 Fire Safety Standards

A. Storage and Handling of Liquefied Petroleum Gases. In Manufactured Home Parks or Tiny Home Villages in which liquefied petroleum gases are stored and dispensed, their handling and storage shall comply with requirements of the City plumbing and fire codes as applicable.

B. Storage and Handling of Flammable Liquids. In Manufactured Home Parks or Tiny Home Villages in which gasoline, fuel, oil or other flammable liquids are stored or dispensed, their handling and storage shall comply with the City fire code.

C. Access for Fire Fighting. Approaches to all Mobile Homes ~~and~~ Manufactured Homes, and Tiny Homes shall be kept clear for fire fighting.

D. Fire Fighting Instruction. The Manufactured Home Park or Tiny Home Village owner or agent shall be responsible for instructing the owner's staff in the use of the park's fire protection equipment and in their specific duties if a fire occurs.

E. Water Supply Facilities for Fire Department Operation. The Manufactured Home Park or Tiny Home Village owner shall provide standard City fire hydrants located within 500 feet of all Mobile Home ~~or~~ Manufactured Home, or Tiny Home spaces, measured along the driveways or Internal Streets.

F. Rubbish Disposal. The Manufactured Home Park or Tiny Home Village owner or agent shall provide an adequate system of collection and safe disposal of rubbish, approved by the Planning Director.

G. Removal of Dry Brush, Leaves and Weeds. The Manufactured Home Park owner or agent shall be responsible for maintaining the entire area of the Manufactured Home Park free of dry brush, leaves and weeds.

Section 7.6.1.6 Recreational Area

All Manufactured Home Parks and Tiny Home Villages shall have a recreational area amounting to five percent total area of the Manufactured Home Park or Tiny Home Village.

Section 7.6.1.7 Water Supply

A. Required. An accessible, adequate, safe and potable supply of water shall be provided in each Manufactured Home Park or Tiny Home Village. Connection shall be made to the public supply of water. The public supply shall be adequate both for domestic requirements and for fire fighting requirements established by the City.

B. Water Distribution System.

1. The water supply system of the Manufactured Home Park or Tiny Home Village shall be connected by pipes to all Mobile Homes, Manufactured Homes, Tiny Homes, Buildings and other facilities requiring water.
2. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and City regulations and requirements.

C. Individual Connections. Individual connections shall be in accordance with requirements of the City Plumbing Code, as applicable.

Section 7.6.1.8 Sewage Disposal

A. Requirements. For sewage disposal in a Manufactured Home Park or Tiny Home Village, the following shall apply:

1. Approval required. Prior to Construction or development, all proposed sewage disposal facilities shall be approved by the Environmental Health Department and Director of Water and Wastewater. The use of septic tanks for the disposal of sewage shall not be approved except when City Wastewater Facilities are not available.
2. Wastewater Lines. All Wastewater lines shall be in accordance with the City Plumbing Code, as applicable.
3. Individual Wastewater and Water Connections.
   - **a.** All materials used for Wastewater connections shall be in accordance with City Plumbing Code, as applicable.
   - **b.** Provision shall be made for plugging the Wastewater riser when no Mobile Home or Manufactured Home occupies the space. Surface Drainage shall be diverted away from the riser.

Section 7.6.1.9 Electrical and Telephone Distribution System

All electrical wiring in the Manufactured Home Park or Tiny Home Village shall be in accordance with the electrical code as amended and the requirements of the electric utility provider. All telephone lines in a Manufactured Home Park or Tiny Home Village shall be installed underground.

17 cont.

Section 7.6.1.10 Service Buildings and Other Community Service Facilities

A. Applicability. This Division 1 shall apply additionally to service Buildings, recreation Buildings and other community service facilities in a Manufactured Home Park or Tiny Home Village, including without limitation:

1. Management Offices, Repair shops and storage areas;
2. Sanitary facilities;
3. Laundry facilities;
4. Indoor recreation areas; and
5. Commercial Uses supplying essential goods or services for the benefit and convenience of park occupants.

B. Barbecue Pits, Fireplaces, Stoves and Incinerators. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance, both on the property on which it is used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

Section 7.6.1.11 Fuel Supply and Storage

Liquefied petroleum gas systems shall be installed only if an available natural gas system is more than 1,000 feet from the Manufactured Home Park or Tiny Home Village. The liquefied petroleum gas systems shall be maintained in accordance with applicable codes of the City governing these systems and regulations of the State Railroad Commission pertaining thereto.

Section 7.6.1.12 Register of Occupancy

A. Maintenance of a Register. The owner or agent of a Manufactured Home Park or Tiny Home Village shall maintain a register of park occupancy which shall contain the following information:

1. Name and park address of Manufactured Home Park or Tiny Home Village residents.
2. Dates of arrival and departure.

Section 7.6.1.13 Skirting Required; Maintenance of Additions

Skirting shall be required for each Mobile Home or Manufactured Home in a Manufactured Home Park. Skirting and other Additions, when installed, shall be maintained in good repair.

CHAPTER 7. DEFINITIONS

17 cont.

ARTICLE 1: DEFINED TERMS

Tiny Home: a dwelling unit that is 400 square feet or less in floor area excluding lofts. Tiny Home and Tiny House shall have the same meaning.

Tiny Home Village: a lot where multiple tiny homes are situated on individual spaces in accordance with Section 7.6.1.

Section 5.1.1.2 Land Use Matrix

Types of Land Use	Conventional Residential				Neighborhood Density Districts					Character districts						Special Districts					Use Standards
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Manufactured Home / Tiny Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Mobile Home Community / Manufactured Home Park / Tiny Home Village	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1

Additional Amendments Identified by Staff

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 3: UNIVERSAL PROCEDURES

DIVISION 1: APPLICATION PROCESSING

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Section 2.3.1.1 Application Processing

This Article 3 is applicable to all applications required or submitted pursuant to this development code. Applications, petitions and requests initiated by the City Council, any city board or commission or city staff, however, are exempt from the requirements below except for the requirements pertaining to neighborhood presentations under subsections E, F and G of Division 1.

E. Pre-Development Meeting. An applicant is ~~encouraged~~ required to request a pre-development meeting with the Responsible Official prior to filing an application. The Responsible Official shall have the authority to waive the pre-development meeting, if such application does not warrant a meeting, or if alternative measures have been taken to address concerns and/or questions that may arise out of the application. No application shall be accepted for filing at a pre-development meeting. A pre-development meeting ~~is voluntary, and thus doesn't~~ does not trigger any grandfathering or vested rights or commence a review period.

ARTICLE 4: GENERAL LEGISLATIVE PROCEDURES

DIVISION 1: DEVELOPMENT CODE TEXT AMENDMENTS

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Section 2.4.1.2 Application Requirements

A. An application for a text amendment to the Development Code shall be submitted in accordance with the universal application procedures in Section 2.3.1.1.

B. An application for a text amendment requires initial authorization by the City Council.

C. Text amendments initiated, requested, or directed by City Council do not require initial authorization.

~~C~~D. The City Council shall consider the initial authorization of a text amendment and may reject the petition or direct further consideration of the application for text amendment in accordance with Section 2.4.1.3.

~~D~~E. Except for amendments initiated on behalf of the City Council, the application to amend the text of this Development Code shall state with particularity the nature of the amendment and the reason for the amendment.

~~E~~F. The City Council may establish rules governing times for submission and consideration of text amendments.

ARTICLE 5: ZONING PROCEDURES

DIVISION 5: CERTIFICATES OF APPROPRIATENESS

20

Section 2.5.5.5 Appeals

A. General Procedure. An applicant or other interested person within the four-hundred foot (400') personal notification area may appeal a final decision of the Historic Preservation Commission on an application for a certificate of appropriateness to the Zoning Board of Adjustments within ten days of the Historic Preservation Commission's action on the application, except for appeals pertaining to property owned by the City of San Marcos. Appeals pertaining to property owned by the City of San Marcos shall be made to the City Council within ten days of the Historic Preservation Commission's action on the application. The ~~Zoning Board of Adjustments~~ appellate body shall decide the appeal in accordance with Section 2.8.1.1.

B. Supplemental Procedure. In considering the appeal, the ~~Zoning Board of Adjustments~~ appellate body shall:

1. Review the record of the proceeding from which an appeal is sought;
2. Receive an overview of the case from the Responsible Official, including previous recommendations from city staff and the decision of the Historic Preservation Commission;
3. Hear arguments from the party appealing the decision of the Historic Preservation Commission; and
4. Remand the matter back to the Historic Preservation Commission when relevant testimony and newly-acquired evidence is presented that was not previously presented at the time of the hearing before the Historic Preservation Commission.

C. Criteria on Appeal.

1. The ~~Zoning Board of Adjustments~~ appellate body shall apply the substantial evidence test as established under Texas law to the decision of the Historic Preservation Commission;

2. The burden of proof before the ~~Zoning Board of Adjustments~~ appellate body shall be on the appealing party, who must establish that the record reflects the lack of substantial evidence in support of the decision of the Historic Preservation Commission;
3. The ~~Zoning Board of Adjustments~~ appellate body may not substitute its judgment for the judgment of the Historic Preservation Commission on the weight of the evidence ~~on issues committed to the Planning and Zoning Commission's discretion.~~

CHAPTER 3. SUBDIVISIONS

ARTICLE 2: PLAT APPLICATIONS

21

DIVISION 1: SUBDIVISION CONCEPT PLAT

Section 3.2.1.1 Purpose, Applicability, and Effect

A. Purpose. The purpose of a subdivision concept plat shall be to delineate the sequence and timing of development within a proposed subdivision, where the tract to be developed is part of a larger parcel of land owned or controlled by the applicant, in order to determine compliance with the Comprehensive Plan and the availability and capacity of public improvements needed for the subdivision and the larger parcel.

B. Applicability. Approval of a subdivision concept plat must be obtained for any division of land where:
1. The proposed development is to occur in phases and
2. The tract to be subdivided is twenty (20) or more acres

C. **Exceptions.** A Concept Plat is not required where the subdivider elects to submit a Preliminary Subdivision Plat.

D. If the land subject to the subdivision concept plat is part of a larger parcel, the remaining land shall be shown as a remainder tract, but shall not be included within the official boundaries of the subdivision concept plat.

E. A subdivision concept plat application may be approved concurrently under the administrative regulating plan process for a Planning Area district in accordance with Section 4.4.3.7.

F. Effect. Approval of a subdivision concept plat authorizes:
1. Subsequent subdivision applications.
2. That all plats approved thereafter for the same land shall be consistent with the subdivision concept plat for so long as the subdivision concept plat remains in effect.

ARTICLE 6: BLOCKS, LOTS, ACCESS

DIVISION 2: BLOCKS

Section 3.6.2.1. Block Perimeter

22

Block Perimeters		
Zoning District	Block Perimeter (max)	Dead-End Street (Max)
FD, CD-1, CD-2	N/A	500 Ft.
SF-6, ND-3, SF-R, SF-4.5	3,000 Ft.	300 Ft.
ND-3.5, ND-4, CD-3	2,800 Ft.	250 Ft.
CD-4	2,400 Ft.	200 Ft.
CD-5, CD-5D	2000 Ft.	Not Allowed
EC, HC, HI, LI, ETJ	5,000 Ft.	400 Ft.
Legacy Districts ~~and ETJ~~	3,000 Ft.	300 Ft.

C. Block Measurement

1. A block is bounded by a public right-of-way, not including an alley. All public rights-of-way proposed in order to meet the block standards must be improved with a street.

2. Block perimeter is measured along the edge of the property adjoining the public right-of-way, except for the measurement of dead-end streets, which are measured from intersecting centerlines.

3. The maximum block perimeter may be extended by fifty (50%) percent where the block includes a pedestrian passage, shared street, or an alley in accordance with Section 3.7.2.6 that connects the two (2) streets on opposing block faces. Pedestrian passages and alleys may connect dead-end streets.

4. A block may be broken by a civic building or open lot, provided the lot is at least fifty (50) feet wide and deep and provides a pedestrian passage meeting the requirements of Section 3.7.2.6 that directly connects the two (2) streets on each block face.

5. Within a single phase of any subdivision or development, individual block perimeters may exceed the maximum by twenty five (25%) percent provided that the average of all block perimeters in the phase does not exceed the maximum.

6. The Responsible Official may waive the block perimeter requirements or maximum dead-end street length consistent with Section 3.6.2.1 when steep slopes in excess of twenty five (25%) percent, freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a complete block infeasible or does not advance the intent of this Article.**7.** Where the block pattern is interrupted by a natural obstruction or public parkland, including greenways, that is open and accessible to the public, pedestrian access points shall be provided with a minimum spacing equal to one half (½) of the maximum block perimeter.

23 **8.** A larger block perimeter may be permitted for HI zoned lots with a building that exceed 200,000 square feet. The block perimeter shall not exceed the lot area required to meet parking and landscaping provisions for the individual structure.

B. Neighborhood Street; Limited Parking

Description		
A local thoroughfare of low speed and capacity.		
General		
Right of Way	54' min	A
Design Speed	20-25 mph	
Walkway	Sidewalk	
Bikeway	Shared Travel Lane	
Parking	Parallel	
Planting	Tree Lawn	

Travelway		
Pavement Width	~~28'~~ 30'	B
~~Travel Lane~~	~~10'~~	~~C~~
Parking Lane	8'	D
Streetscape		
Planter	7' min	E
Tree Spacing	35' o.c. avg	
Sidewalk	5' min	F
Interior Travel Lane	10'	
Curb Lane Width	12'	

B. Shared Street

Description		
Very low traffic volume street used as a mid-block crossing in certain circumstances where the block length may be extended and characterized by 1-3 story mixed use buildings.		
General		
Right of Way	30' min ,53' max	A
Motorist Operating Speed	10 mph	
Walkway	Shared Right of Way	
Bikeway	Shared Right of Way	
Parking	Parallel (alternating)	
Planting	Planters (alternating)	

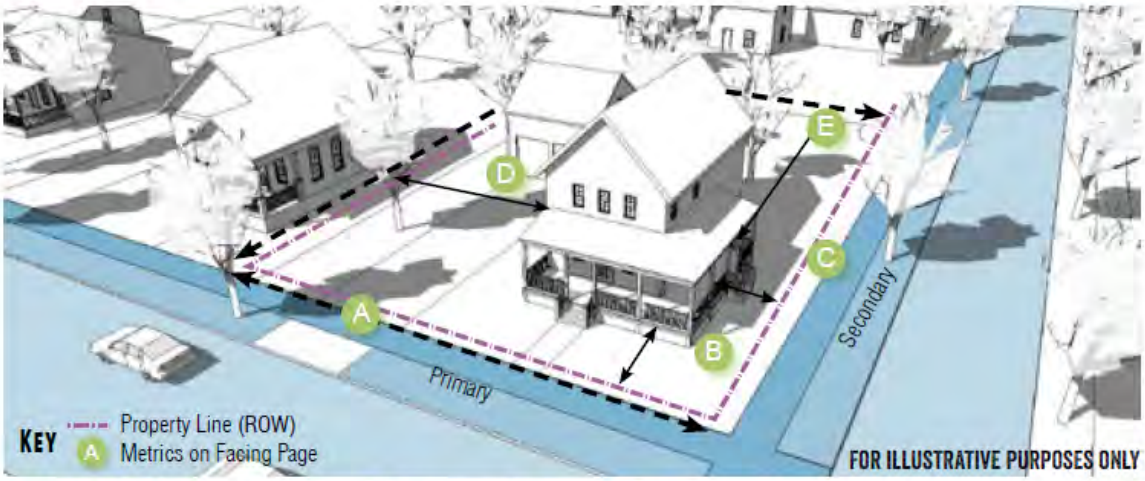
Travelway		
Pavement Width	30'	B
Travel Lane	10'	C
Parking Lane	10'	D
Streetscape		
Optional Streetscape	~~6'~~ 11.5'	E

E. Rear Alley and Lane

Description		
A vehicular drive located to the rear of lots providing access to service areas, parking, or accessory structures, and containing utility easements.		
General	**Residential**	
Right of Way	20' min	A
Walkway	Shared Alley	
Bikeway	Shared Alley	
Parking	N/A	
Planting	N/A	
Pavement Width	~~16' min~~ 15' min	B

Description		
A vehicular drive located to the rear of lots providing access to service areas, parking, or accessory structures, and containing utility easements.		
General	**Commercial**	
Right of Way	24' min	A
Walkway	Shared Alley	
Bikeway	Shared Alley	
Parking	N/A	
Planting	N/A	
Pavement Width	24' min	B

CD-3 SECTION 4.4.3.3 CHARACTER DISTRICT - 3



General Description

The CD-3 district is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

Density

Impervious Cover	60% max.
Units Per Gross Acre	10 max.

Occupancy Restrictions Section 5.1.4.1

Transportation

Block Perimeter	2,800 ft. max.	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10

Building Types Allowed

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Cottage	Section 4.4.6.3
Cottage Court	Section 4.4.6.4
Duplex	Section 4.4.6.5
Zero Lot Line House	Section 4.4.6.6
Civic Building	Section 4.4.6.15

CHAPTER 5. USE REGULATIONS

ARTICLE 1: ALLOWABLE USES

25 cont.

DIVISION 1: INTERPRETIVE RULES AND LAND USE MATRIX

Section 5.1.1.2 Land Use Matrix

Types of Land Uses	Conventional Residential				Neighborhood Density Districts				Character Districts						Special Districts					Definition Use Standards
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Agricultural Uses																				
Barns or agricultural buildings	P	L	--	--	--	--	--	--	P	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.1
Stables	P	L	--	--	--	--	--	--	--	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.2
Community Garden	P	P	L	L	L	L	L	--	P	P	L	L	L	L	P	P	P	P	P	Section 5.1.2.3
Urban Farm	P	C	C	C	C	L	L	C	P	P	L	L	C	C	P	P	--	P	C	Section 5.1.2.4
Plant Nursery	L	--	--	--	--	--	--	P	--	L	--	--	P	P	P	P	P	--	P	Section 5.1.2.5
Accessory Uses and Structures																				
Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1
Accessory Dwelling Unit	L	L	L	L	L	L	P	P	--	P	L	P	P	P	--	--	--	--	--	Section 5.1.3.1
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	L	P	--	L	Section 5.1.3.2
Outdoor Display	--	--	--	--	--	--	--	L	--	--	--	--	L	L	P	--	--	--	L	Section 5.1.3.2
Food Truck	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.3.1
Drive-thru or Drive-in	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.3.2
Home Occupation	L	L	L	L	L	L	L	--	--	L	L	L	--	--	--	--	--	--	--	Section 5.1.3.4
Family Home Care	P	P	P	P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.3.5
Short Term Rental	L	L	L	L	L	L	L	P	--	L	L	P	P	P	--	--	--	L	P	Section 5.1.3.6
Residential Uses																				
Single Family Detached	P	L	L	L	L	L	L	--	--	P	L	P	--	--	--	--	--	--	--	Section 5.1.4.1
Cottage Court	--	--	--	--	--	L	L	--	--	--	L	P	--	--	--	--	--	--	--	Section 5.1.4.1
Two Family	--	--	--	--	--	L	L	--	--	--	L	P	--	--	--	--	--	--	--	Section 5.1.4.1
Single Family Attached	--	--	--	--	L	L	L	L	--	--	L	P	P	P	--	--	--	--	--	Section 5.1.4.1
Small Multi-Family (up to 9 units)	--	--	--	--	--	L	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Courtyard Housing (up to 24 units)	--	--	--	--	--	--	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Multi-family (10 or more units)	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Purpose Built Student Housing	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	--	Section 5.1.4.1
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Mobile Home Community	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1

CHAPTER 4. ZONING REGULATIONS

ARTICLE 2: BUILDING TYPES

26 DIVISION 1: BUILDING TYPES

Section 4.2.1.1 Building Types Established

The following building types have been established to allow for detailed regulation of the form within each zoning district.

House:

A ~~medium to large~~ detached ~~single family~~ structure that incorporates one unit. Typically located within a primarily single-family residential neighborhood ~~in a more rural or suburban setting. If located within a walkable neighborhood, this building type is typically located at the edge of the neighborhood, providing a transition to the more rural areas.~~

~~Cottage:~~

~~A medium to small sized detached structure that incorporates one unit. Typically located within a primarily residential neighborhood in a walkable urban setting, potentially near a neighborhood main street. In its smaller size, this type can enable appropriately-scaled, well-designed affordable housing at higher densities and is important for providing a broad choice of housing types and promoting walkability.~~

Section 4.4.1.3 Single Family-6

LOT		
BUILDING TYPE	**LOT AREA**	**LOT WIDTH**
House	6,000 sq. ft. min.	50 ft min.
~~Cottage~~	~~6,000 sq. ft. min.~~	~~50 ft min.~~
Civic	6,000 sq. ft. min.	50 ft. min.

Section 4.4.3.3 Character District-3

LOT		
BUILDING TYPE	**LOT AREA**	**LOT WIDTH**
~~House~~	~~5,000 sq. ft. min.~~	~~50 ft. min.~~
~~Cottage~~ House	4,000 sq. ft. min.	40 ft. min.
Cottage Court	1,200 sq. ft. min.	20 ft. min.
Duplex	4,000 sq. ft. min.	40 ft. min.
Zero Lot Line House	3,500 sq. ft. min.	30 ft. min.
Civic Building	5,000 sq. ft. min.	50 ft. min.

San Marcos Design Manual

APPENDIX C-HISTORIC DISTRICT GUIDELINES

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ARTICLE 5: STANDARDS FOR GUIDELINES FOR SUSTAINABILITY

Section C.5.1.1 Purpose

A. Before implementing any energy conservation measures to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building should be assessed. The key to a successful rehabilitation project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are preserved. The most sustainable building may be one that already exists. Thus, good preservation practice is often synonymous with sustainability. There are numerous treatments—traditional as well as new technological innovations—that may be used to upgrade a historic building to help it operate even more efficiently. Whether a historic building is rehabilitated for a new or a continuing use, it is important to utilize the building's inherently-sustainable qualities as they were intended. It is equally important that they function effectively together with any new measures undertaken to further improve energy efficiency. The following guidelines offer specific guidance on how to make historic buildings more sustainable in a manner that will preserve their historic character.

Section C.5.1.2~~1~~ Introduction

Developer Request

CHAPTER 5. USE REGULATIONS

ARTICLE 1: ALLOWABLE USES

28

DIVISION 5: COMMERCIAL

Section 5.1.5.9 Special Event Facility

A. **Defined.** A facility or hall available for special events with indoor and outdoor space that accommodates private functions such as weddings, quinceanera, and similar celebrations.

B. **Use Standards.** Where a special event facility is allowed as a conditional use, it may be permitted by the Planning and Zoning Commission subject to Section 2.8.3.1, and the standards below.

1. Minimum parcel size. No event center shall be located on a site of less than five acres.
2. Transitional Protective Yard. A type D transitional protective yard as per Table 7.8 of the Development Code is required in all instances, along the entire perimeter of the property.
3. The permit holder shall not be permitted to hold a TABC license.
4. A site plan illustrating, where appropriate: location, square footage and height of existing and proposed structures, landscaping or fencing, setbacks, parking, ingress & egress, signs, etc., shall be required and approved at the time of the Conditional Use Permit
5. A floor plan(s) illustrating fire exits, doors, rooms, indoor & outdoor seating, kitchen, bar, restrooms, fire exits, etc., shall be required and approved at the time of the Conditional Use Permit.
6. All uses of property shall comply with Section 7.4.2.1 of this Development Code.
7. A parking buffer in accordance with Section 7.1.4.4 shall be required in all instances.
8. The single-family preservation buffer shall be calculated in accordance with Section 4.1.2.5.D. An affirmative vote of six members of the Planning and Zoning Commission and five members of the City Council will be required to approve the request in instances where the single-family preservation buffer calculated in accordance with Section 4.1.2.5.D results in 50% or more single family zoning.

Section 5.1.1.2 Land Use Matrix

Types of Land Use	Conventional Residential				Neighborhood Density Districts					Character districts						Special Districts					Use Standards
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Special Event Facility	C	C	--	--	--	--	--	--	C	--	C	--	--	--	--	--	--	--	--	--	Section 5.1.5.9

Section 9.3.1.2 Land Use Matrix

Amusement and Recreational Uses	AR	SF-11	D	DR	TH	PHZL	MF12	MF18	MF24	MR	MU	VMU	P	NC	OP	CC	GC
Special Event Facility																	C

TABLE 7.1 GENERAL MINIMUM PARKING REQUIREMENTS

Use Commercial	Minimum Parking	Bicycle Parking
Special Event Facility	1 space per 200 sf indoor and outdoor space	None

Expedited Policy Amendments

CHAPTER 4. ZONING REGULATIONS

ARTICLE 4: ZONING DISTRICTS

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DIVISION 2: NEIGHBORHOOD DENSITY DISTRICTS

SECTION 4.4.2.2 NEIGHBORHOOD DENSITY-3.2

GENERAL DESCRIPTION The ND-3.2 district is proposed to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types and relatively smaller lot sizes are allowed that accommodate affordable alternatives for home ownership. ND-3.2 could be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

DENSITY

Units per Gross Acre	12 max
Impervious cover	65% max
Occupancy Restrictions	5.1.4.1

TRANSPORTATION

Block Perimeter	2,800 ft. max	Section 3.6.2.1
Streetscape Style	Residential Conventional	Section 3.8.1.10 Section 3.8.1.7

BUILDING TYPES ALLOWED

Building Type	
House	Section 4.4.6.2
Zero Lot Line House- *(Detached Only)*	Section 4.4.6.6
Civic	Section 4.4.6.15

BUILDING STANDARDS

Principle Building Height	2 stories max.	35 ft. max
Accessory Structure Height	N/A	24 ft max
Building Width	60 ft max	

SETBACKS-PRINCIPAL BUILDING

Principal Street	15 ft. min or Avg front setback (Section 4.4.2.5
Secondary Street	15 ft. min.
Side	5 ft. min.
Rear	15 ft. min
Rear, abutting alley	5 ft. min

LOT

BUILDING TYPE	**LOT AREA**	**LOT WIDTH**
House	3,500 sq. ft min	40 ft. min.
Zero Lot Line House	2,500 sq. ft. min	25 ft. min.
Civic	4,500 sq. ft. min	50 ft. min.

SETBACKS-ACCESSORY STRUCTURE

Primary Street	20 ft. min.
Secondary Street	15 ft. min.
Side	5 ft. min.
Rear	3 ft. min.

PARKING LOCATION

LAYER (SECTION 4.3.3.1)	**SURFACE**	**GARAGE**
First Layer	**Not Allowed**	**Not Allowed**
Second Layer	**Allowed**	**Section 7.1.4.1**
Third Layer	**Allowed**	**Section 7.1.4.1**

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 4: GENERAL LEGISLATIVE PROCEDURES

DIVISION 2: COMPREHENSIVE PLAN MAP AMENDMENTS

Section 2.4.2.3 Approval Process

30

A. Responsible Official Action…..

B. Planning and Zoning Commission Action.

1. The Planning and Zoning Commission shall hold a public hearing on the application in accordance Section 2.3.3.1.
2. The Planning and Zoning Commission shall make a recommendation regarding the proposed Comprehensive Plan amendment(s) to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the application for a Comprehensive Plan amendment.
3. A recommendation for approval from the Planning and Zoning Commission requires an affirmative vote of six members of the Planning and Zoning Commission.

C. City Council Action.

1. Before taking final action on a proposed Comprehensive Plan amendment, the City Council shall hold two (2) public hearings where they may consider the recommendations of the Planning Commission, Responsible Official and any comments made during the public hearings.
2. The Council may review the application in light of the criteria in Section 2.4.2.4.
3. An application for a Comprehensive Plan amendment is subject to a super majority vote of the City Council when applicable in accordance with Section 2.2.4.2.
4. The approval of a Comprehensive Plan amendment requires an affirmative vote of five members of the City Council.
5. After the public hearing is closed, the Council may approve, reject or modify the requested amendments by adoption of an ordinance.

CHAPTER 4. ZONING REGULATIONS

ARTICLE 1: GENERAL PROVISIONS AND ESTABLISHMENT OF DISTRICTS

DIVISION 1: PURPOSE AND INTENT

31

Section 4.1.1.6 Comprehensive Plan Preferred Scenario

Table 4.1 Comprehensive Plan/District Translation

District Classification	Comprehensive Plan Designation					
	Open Space/Ag	Low Intensity	Existing Neighborhood	Medium or High Intensity	Employment Center	~~Corridor~~
Conventional Residential	NP	NP	C	~~--~~PSA	~~--~~PSA	~~--~~
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4-4.1.2.5	NP	NP	~~C~~
Character Districts	NP	C	~~--~~PSA	C	NP	~~C~~
Special Districts	~~--~~PSA	NP	~~NP~~ PSA	NP	C	~~C~~

CHAPTER 2. DEVELOPMENT PROCEDURES

ARTICLE 3: UNIVERSAL PROCEDURES

31 cont.

DIVISION 1: APPLICATION PROCESSING

Section 2.3.1.1 Application Processing

H. Informational Meetings. The purpose of an informational meeting is to begin the discussion about the proposal with City Commissions and Councilmembers. These meetings are not a forum for final decisions or the acceptance of formal comments concerning Commissioner or Councilmember support or opposition.

1. **Applicability.** Informational meetings are required for zoning map amendment requests to a Neighborhood Density District when located in an Existing Neighborhood.
2. When informational meetings are required the Responsible Official shall schedule the following meetings upon submission:
   - **a.** An informational meeting with members of the Neighborhood Commission;
   - **b.** An informational meeting with members of the Planning and Zoning Commission, and;
   - **c.** An informational meeting with the City Council prior to the first City Council public hearing.

ARTICLE 5: ZONING PROCEDURES

31 cont.

DIVISION 1: APPLICATION FOR ZONING MAP AMENDMENT

The property owner or the owner's authorized agent, the Planning and Development Services Director, the Planning and Zoning Commission, or the City Council on its own motion, may initiate an application for a zoning map amendment.

Section 2.5.1.3 Approval Process

A. Responsible Official Action

1. Upon acceptance of an application for a zoning map amendment, the Responsible Official shall schedule a neighborhood presentation meeting in accordance with Section 2.3.1.1.
2. Upon acceptance of an application for a zoning map amendment, the Responsible Official shall schedule informational meetings in accordance with Section 2.3.1.1.F.

CHAPTER 4. ZONING REGULATIONS

31 cont.

ARTICLE 1: GENERAL PROVISIONS AND ESTABLISHMENT OF DISTRICTS

DIVISION 2: DISTRICTS ESTABLISHED

Section 4.1.2.5 Compatibility of Uses and Density (Neighborhood Density Districts)

A. Policy. It is the policy of the City Council, through exercising its zoning authority, to:

1. Help prevent the impacts of high density uses on low density areas;
2. Limit changes in neighborhood density categories unless directed by a small area plan or neighborhood character study;
3. Encourage more opportunities for home ownership; and
4. Ensure a diversity of housing to serve citizens with varying needs and interests.

B. Small Area Plan. An adopted small area plan or neighborhood character study for the area surrounding a subject property is required in addition to ~~supersedes~~ the analysis in Table 4.4~~5~~ and the single family preservation buffer in this Section 4.1.2.5.

C. Existing Neighborhood Regulating Plan. An existing neighborhood regulating plan is required to accompany any property owner requested zoning change to a Neighborhood Density District.

D. Single Family Preservation Buffer. The purpose of the single family preservation buffer is to preserve SF-R, SF-6, and SF4.5 zoning districts in existing neighborhood areas on the comprehensive plan map where these zoning districts make up the predominant land use pattern for an area in close proximity.

~~**F. Neighborhood Density Categories**. Neighborhood density categories are described in the table below.~~

31 cont.

~~Table 4.4 NEIGHBORHOOD DENSITY CATEGORIES~~

~~Neighborhood Density categories~~	~~Neighborhood Density Districts~~	~~Conventional, special, and legacy districts~~
~~Low Density~~	~~ND3~~	~~FD, AR, SF-R, MR, SF-6, SF4.5, DR, D, PH-ZL, P~~
~~Medium Density~~	~~ND3.5~~	~~TH, MF-12, P~~
~~High Density~~	~~ND4~~	~~MU, MF-18, MF-24, P~~
~~Commercial / Mixed Use~~	~~N-MS~~	~~OP, NC, CC, GC, HC, LI, HI, MH, VMU, P~~

~~**1.** A neighborhood density category is determined based on the existing zoning of the subject property.~~

~~G~~F. **Neighborhood Density District/Existing Zoning Translation Table.** Zoning map amendments to a neighborhood density district shall be consistent with the Comprehensive Plan and the policy and criteria established in this development code.

1. Consider (C). Where the table indicates Consider (C), the request shall be considered based on:
   a. Zoning criteria in Section 2.5.1.4 and compatibility of uses and density in this Section 4.1.2.5.
   b. Surrounding zoning districts illustrated in the single family protection buffer analysis described in this Section 4.1.2.5

2. Not Preferred (NP). Where the table indicates that a request is Not Preferred (NP) the request is seeking to change the density category and is subject to additional scrutiny based on:
   a. Zoning criteria in Section 2.5.1.4 and compatibility of uses and density in this Section 4.1.2.5.
   b. Surrounding zoning districts illustrated in the single family protection buffer analysis described in this Section 4.1.2.5;
   c. Existing use of the subject property; and
   d. Surrounding land use pattern.

3. Not Preferred* (NP*). Where the table indicates a is not preferred with an asterisk the request is subject to both the criteria for a request that is not preferred and the following:
   a. An affirmative vote of six members of the Planning and Zoning Commission to recommend a zoning change request and five members of the City Council to approve the same request are required when the single family preservation buffer calculated in accordance with Section 4.1.2.5 results in 50% or more single family zoning; or

31 cont.

Table 4.5 NEIGHBORHOOD DENSITY DISTRICT/EXISTING ZONING TRANSLATION TABLE

	~~Neighborhood Density Categories~~ Existing Zoning			
	~~Low Density~~ FD, AR, SF-R, MR, SF-6, SF4.5, P ~~DR, D, PHZL~~	~~Medium Density~~ DR, D, PH-ZL, TH, MF-12, P	~~High density~~ MU, MF-18, MF-24, P	~~Commercial/ Mixed Use~~ OP, NC, CC, GC, HC, LI, HI, MH, VMU, P
ND-3	C	~~C~~ NP	NP*	NP*
ND-3.2	NP	C	NP*	NP*
ND-3.5	NP*	C	C	NP*
ND-4	NP*	NP	C	NP
N-CM	NP*	NP*	~~C~~ NP	C
Legend:				
C =	Consider			
NP =	Not Preferred			
* =	50% or more single family requires additional votes of Planning Commission and City Council in accordance with Sec. 4.1.2.5(G)3a. above.			

ARTICLE 3: GENERAL TO ALL

DIVISION 5: ACTIVATION

32

Section 4.3.4.5 Residential Height Compatibility Standards

A. Height Stepback. A maximum building height of thirty-five (35) feet shall apply to portions of a structure within seventy (70) feet of a single-family zoning designation (measured from the property line).

Section 4.3.4.6 ~~5~~ Additional Stories or Height

33

Section 4.3.5.17 Durable Building Material Area

A. Defined. Durable building material area means any portion of the exterior facade of the building that does not include windows, doors or other void areas.

B. Applicability.

1. Primary and secondary durable building material standards are applied by district and building type.

2. Prohibited materials are prohibited in any district or for any building type.

3. Buildings in the municipal airport are exempted from durable building material standards.

C. Intent. The intent of the durable building material area requirement is to promote quality design, aesthetic value, visual appeal and the use of durable materials. The City prefers the use of durable building materials identified in this

CHAPTER 5. USE REGULATIONS

ARTICLE 1: ALLOWABLE USES

DIVISION 1: INTERPRETIVE RULES AND LAND USE MATRIX

34

Section 5.1.1.2 Land Use Matrix

Types of Land Uses	Conventional Residential				Neighborhood Density Districts				Character Districts						Special Districts					
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	Definition Use Standards
Agricultural Uses																				
Barns or agricultural buildings	P	L	--	--	--	--	--	--	P	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.1
Stables	P	L	--	--	--	--	--	--	--	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.2
Community Garden	P	P	L	L	L	L	L	--	P	P	L	L	L	L	P	P	P	P	P	Section 5.1.2.3
Urban Farm	P	C	C	C	C	L	L	C	P	P	L	L	C	C	P	P	--	P	C	Section 5.1.2.4
Plant Nursery	L	--	--	--	--	--	--	P	--	L	--	--	P	P	P	P	P	--	P	Section 5.1.2.5
Accessory Uses and Structures																				
Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1
Accessory Dwelling Unit	L	L	C	C	C	L	P	P	--	L	L	P	P	P	--	--	--	--	--	Section 5.1.3.1
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	L	P	--	L	Section 5.1.3.2
Outdoor Display	--	--	--	--	--	--	--	L	--	--	--	--	L	L	P	--	--	--	L	Section 5.1.3.2
Food Truck	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.3.1
Drive-thru or Drive-in	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.3.2
Home Occupation	L	L	L	L	L	L	L	--	--	L	L	L	--	--	--	--	--	--	--	Section 5.1.3.4
Family Home Care	P	P	P	P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.3.5
Short Term Rental	L	L	L	L	L	L	L	P	--	L	L	P	P	P	--	--	--	L	P	Section 5.1.3.6
Residential Uses																				

34 cont.

DIVISION 3: ACCESSORY AND TEMPORARY STRUCTURES AND USES

Section 5.1.3.1 Accessory Buildings/Structures

A. Defined. A structure enclosing or covering usable space where the use of such structure is incidental and subordinate to one or more principal buildings. Accessory structures include but are not limited to the following:

1. Kiosk
2. Food Truck
3. Shed
4. Accessory Dwelling Unit

B. Use Standards

1. Setback, minimum parking, parking location, and height requirements for all accessory structures are established and set forth in Chapter 4 district descriptions and building type standards and Chapter 7 minimum parking.
2. No accessory structure may be located closer than 10 feet to any other building or structure on the same lot.

C. Accessory Dwelling Units

1. Defined. A secondary living space which shares ownership and utility connections, and which is on-site with a primary living space and that may be contained within the same structure as is the primary living space, or may be contained in a separate structure.
2. **Use Standards**
   - **a.** An accessory dwelling unit is considered an independent unit for the purposes of occupancy restrictions.
   - **b.** Where a new accessory dwelling unit is allowed as a limited use it is subject to the following standards:
     1. The owner of the lot or parcel of land must maintain his or her primary residence on the lot;
     2. No more than one accessory dwelling unit may exist on a lot or parcel of land;
     3. A separate utility connection is not allowed;
     4. A separate trash receptacle and recycle bin is required;
     5. The habitable area of the accessory dwelling unit must not exceed the lesser of 1000 square feet or one-half the number of square feet of habitable area of the principal dwelling on the lot or parcel of land

CHAPTER 7. SUPPLEMENTAL DEVELOPMENT STANDARDS

ARTICLE 1: PARKING

35

DIVISION 2: MINIMUM PARKING REQUIREMENTS

Section 7.1.2.1 Minimum Requirements and Standards

A. On-street public parking that is located directly adjacent to the property and meets all requirements for on-street parking in accordance with a street type containing dedicated and striped parking in Section 3.7.2.1 may be counted towards the minimum parking requirements in Section 7.1.2.1 or Section 7.1.2.2.

1. **Exceptions.** On-street public parking shall not be counted towards the minimum parking requirements in Section 7.1.2.1 or Section 7.1.2.2 in CD-5D zoning districts.

B. The table below includes minimum parking requirements for any proposed uses except those in the CD-4, CD-5, or CD-5D zoning districts.

36

Section 7.1.2.2 Mixed Use Parking Requirements

B. Specific to CD-5 and CD-5D

1. The minimum parking requirements for properties with ~~10~~ 4 or fewer units are exempt from the minimum parking requirements for residential.
2. The minimum parking requirements for properties with 5-10 units may be exempt from minimum parking requirements in Section 7.1.2.1 with the approval of a Conditional Use Permit by City Council upon recommendation by the Planning & Zoning Commission, in accordance with Section 2.8.3.1

CHAPTER 4. ZONING REGULATIONS

ARTICLE 4: ZONING DISTRICTS

DIVISION 3: CHARACTER DISTRICTS

37

SECTION 4.4.3.3 CHARACTER DISTRICT-2.5

GENERAL DESCRIPTION The CD-2.5 district is proposed to accommodate single-family detached houses and encourage opportunities for home ownership. CD-2.5 could be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

DENSITY

Units per Gross Acre	8 max
Impervious cover	60% max
Occupancy Restrictions	5.1.4.1

TRANSPORTATION

Block Perimeter	2,800 ft. max	Section 3.6.2.1
Streetscape Style	Residential Conventional	Section 3.8.1.10 Section 3.8.1.7

BUILDING TYPES ALLOWED

Building Type	
Accessory Dwelling Unit	Section 4.4.6.1
House	Section 4.4.6.2
Civic	Section 4.4.6.15

BUILDING STANDARDS

Principle Building Height	2 stories max.	35 ft. max
Accessory Structure Height	N/A	24 ft max

SETBACKS-PRINCIPAL BUILDING

Principal Street	15 ft. min.
Secondary Street	10 ft. min.
Side	5 ft. min.
Rear	15 ft. min
Rear, abutting alley	5 ft. min

LOT

BUILDING TYPE	LOT AREA	LOT WIDTH
House	4,500 sq. ft min	40 ft. min.
Civic	4,500 sq. ft. min	50 ft. min.

SETBACKS-ACCESSORY STRUCTURE

Primary Street	15 ft. min.
Secondary Street	10 ft. min.
Side	5 ft. min.
Rear	3 ft. min.

PARKING LOCATION

LAYER (SECTION 4.3.3.1)	SURFACE	GARAGE
First Layer	Not Allowed	Not Allowed
Second Layer	Allowed	Section 7.1.4.1
Third Layer	Allowed	Section 7.1.4.1

SECTION 4.4.3.6 CHARACTER DISTRICT-5 DOWNTOWN

LOT

BUILDING TYPE	LOT AREA	LOT WIDTH	A
Townhouse	1,500 sq. ft. min.	15 ft. min.	
Apartment	2,000 sq. ft. min.	20 ft. min.	340 ft. max.
Live/Work	1,100 sq. ft. min.	15 ft. min.	
Mixed Use Shopfront	2,000 sq. ft. min.	20 ft. min.	340 ft. max.
Civic Building	2,000 sq. ft. min.	20 ft. min.	

Exhibit C- Windemere Ranch Request Letter

THE LAW OFFICE OF
JOHN MCGLOTHLIN
Attorney at Law

January 16, 2020

Andrea Villalobos
Senior Planner
Planning & Development Services
City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666
E: *AVillalobos@sanmarcostx.gov*

Via Email

Re: Windemere Ranch

Dear Ms. Villalobos:

I hereby request on behalf of my clients, Jason and Ashley Roberts, that the City of San Marcos establish a new use for an "Event Center". We discussed this potential new use and the efficacy thereof for my clients' property known as the Windemere Ranch on Post Road. Please let me know any manner in which I might expedite your work in establishing this new use and let me know if there are any additional documents either myself or clients need to sign or any meetings at which we would be helpful in shaping the use category to fit my clients' expressed plans for the property.

Very truly yours,

John W. McGlothlin

JWM/rr

CC: Bert Lumbreras *via email to blumbreras@sanmarcostx.gov*

133 W. San Antonio, Suite 400 • San Marcos, Texas 78666 • Phone: 512.392.7510 • Fax: 512.392.7520 • john@mcglothlinlaw.com

Exhibit D-
Resolution
2019-03RR

RECOMMENDATION RESOLUTION

Historic Preservation Commission

Recommendation Number: (2019-03RR): Recommending that a sustainability purpose section be added to Article 5, Standard Guidelines for Sustainability, of the Historic Design Guidelines.

WHEREAS, the City's Comprehensive Plan, "Vision San Marcos: A River Runs Through Us," recognizes that the citizens of San Marcos "are conscious of preserving our rich historical past and will pursue future cultural enrichment"; and

WHEREAS, toward that end, the City boasts seven locally designated historic districts and eight locally designated landmarks while other structures and sites have been recognized at the national and state levels for their historical or cultural significance;

WHEREAS, the City Council has created a Sustainability Committee to provide focus for the City on implementing more sustainable practices;

WHEREAS, the Historic Preservation Commission established sustainability guidelines within the Historic Design Guidelines in 2014 (Resolution 2014-92R) to assist property owners in more sustainable practices in maintaining historic properties; and

WHEREAS, to uphold the goals of the Comprehensive Plan, the goals of the City Council's Sustainability Committee, and to preserve the City's historical and cultural resources for future generations, the Historic Preservation Commission has explored including a purpose statement within Article 5 of the Historic Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Commission recommends that the San Marcos City Council consider the initial authorization of a text amendment, per Section 2.4.1.2 of the San Marcos Development Code, to Article 5 of the Historic Design Guidelines to include a purpose statement regarding sustainability substantially in the form attached.

Date of Approval: December 5, 2019

Record of the vote:

Attest: _____
Griffin Spell, Chair, Historic Preservation Commission

Proposed Amendment

Article 5: standards for guidelines for sustainability

Section C.5.1.1 Purpose

A. Before implementing any energy conservation measures to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building should be assessed. The key to a successful rehabilitation project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are preserved. The most sustainable building may be one that already exists. Thus, good preservation practice is often synonymous with sustainability. There are numerous treatments—traditional as well as new technological innovations—that may be used to upgrade a historic building to help it operate even more efficiently. Whether a historic building is rehabilitated for a new or a continuing use, it is important to utilize the building's inherently-sustainable qualities as they were intended. It is equally important that they function effectively together with any new measures undertaken to further improve energy efficiency. The following guidelines offer specific guidance on how to make historic buildings more sustainable in a manner that will preserve their historic character.

Exibit E – Appendix Q of IRC

Appendix Q
Tiny Houses

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance

About this appendix: Appendix Q relaxes various requirements in the body of the code as they apply to houses that are 400 square feet in area or less. Attention is specifically paid to features such as compact stairs, including stair handrails and headroom, ladders, reduced ceiling heights in lofts and guard and emergency escape and rescue opening requirements at lofts.

Section AQ101
General

AQ101.1 Scope
This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix.

Section AQ102
Definitions

AQ102.1 General.
The following words and terms shall, for the purposes of this appendix, have the meaning shown herein. Refer to Chapter 2 of this code for general definitions.

Egress Roof Access Window. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2
Landing Platform. A landing provided as the top step of a stairway accessing a loft.
Loft. A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.
Tiny House. A dwelling that is 400 square feet (37 m2) or less in floor area excluding lofts.

Section AQ103
Ceiling Height

AQ103.1 Minimum ceiling height
Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Exceptions: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

Section AQ104
Lofts

AQ104.1 Minimum loft area and dimensions.

Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3

AQ104.1.1 Minimum area.

Lofts shall have a floor area of not less than 35 square feet (3.25 m2)

AQ104.1.2 Minimum dimensions

Lofts shall not be less than 5 feet (1524 mm) in any horizontal dimension.

AQ104.1.3 Height effect on loft area.

Portions of a loft with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

> **Exception:** Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50% slope), portions of a loft with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AQ104.2 Loft access.

The access to and primary egress from lofts shall be of any type described in Sections AQ104.2.1 through AQ104.2.4

AQ104.2.1 Stairways

Stairways accessing lofts shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.5

AQ104.2.1.1 Width

Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).

AQ104.2.1.2 Headroom

The headroom in stairways accessing a loft shall not be less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

AQ104.2.1.3 Treads and risers

Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

AQ104.2.1.4 Landing platforms

The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

AQ104.2.1.5 Handrails

Handrails shall comply with Section R311.7.8

AQ104.2.1.6 Stairway guards

Guards at open sides of stairways shall comply with Section R312.1

AQ104.2.2 Ladders

Ladders accessing lofts hall comply with Sections AQ104.2.1 and AQ104.2.2

AQ104.2.2.1 Size and capacity

Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8 inch (9.5 mm).

AQ104.2.2.2 Incline

Ladders shall be installed at 70 to 80 degrees from horizontal.

AQ104.2.3 Alternating tread devices.

Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall not be less than 20 inches (508 mm).

AQ104.2.4 Ships ladders.

Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

AQ104.2.5 Loft Guards

Loft guards shall be located along the open side of lofts. Loft guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

Section AQ105
Emergency Escape and Rescue Openings

AQ105.1 General

Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings.
Exception: Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.

Phase 2 Code Amendments

Hold a public hearing and consider a recommendation to the City Council regarding text amendments to the San Marcos Development Code to address recommendations from the Alcohol Conditional Use Permit Committee, the Housing Task Force, The Historic Preservation Commission, a new Special Event Facility use, and recommendations from City staff. (S. Caldwell)

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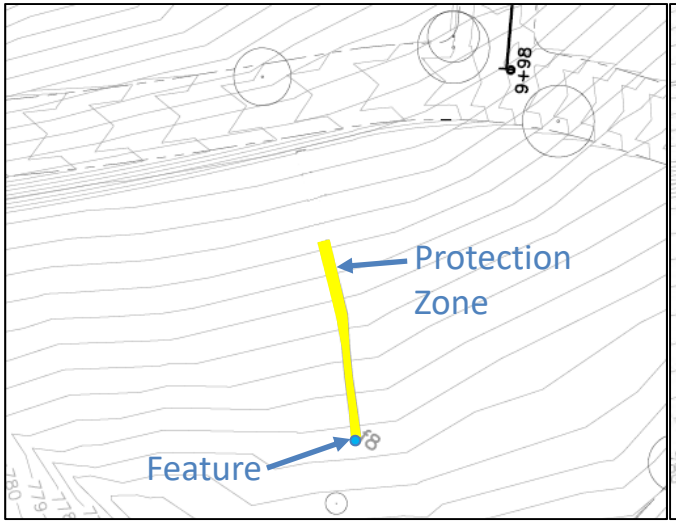
Increase Sensitive Feature Protection Zone

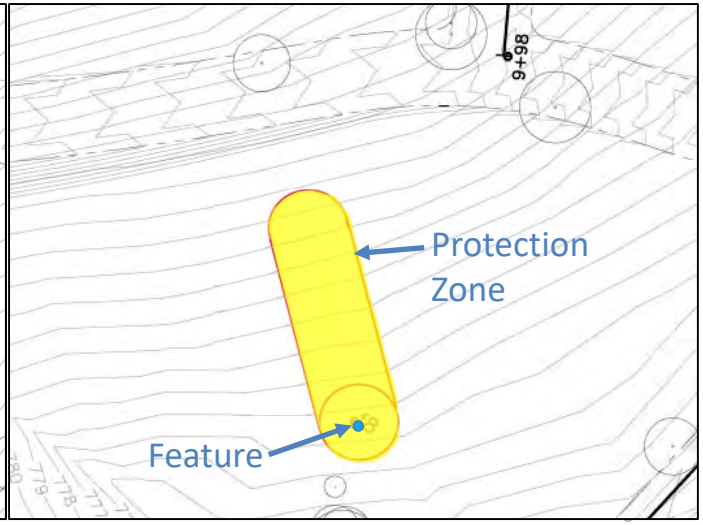
Reason for Change: Code language results in very narrow protection zones on hill sides.

Proposed Revision: Widens protection zone

Existing Code



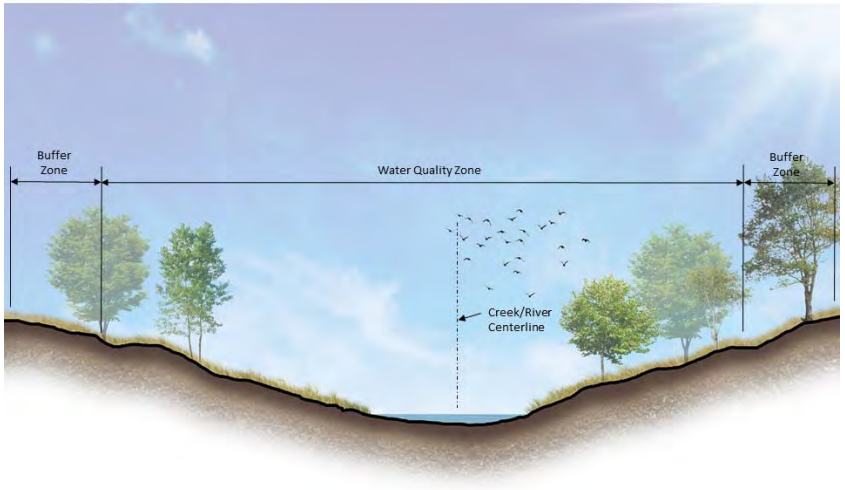
Proposed Code Revision



Incorporate Natural Channel Design for Water Quality Reclamations

Reason for Change: Waterways outside Edwards Aquifer Recharge Zone can be channelized and rerouted to accommodate site development.

Proposed Revision: Reclamation must be accomplished in a way that preserves the natural function and aesthetic of original waterway.



Creek/River Cross Section

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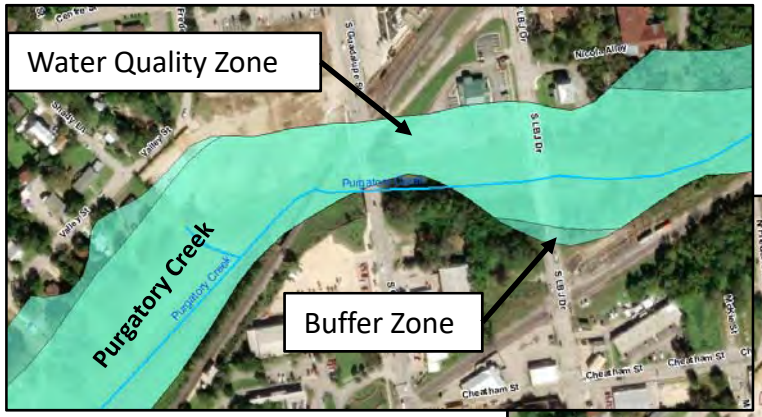
Clarify Delineation of Water Quality and Buffer Zones

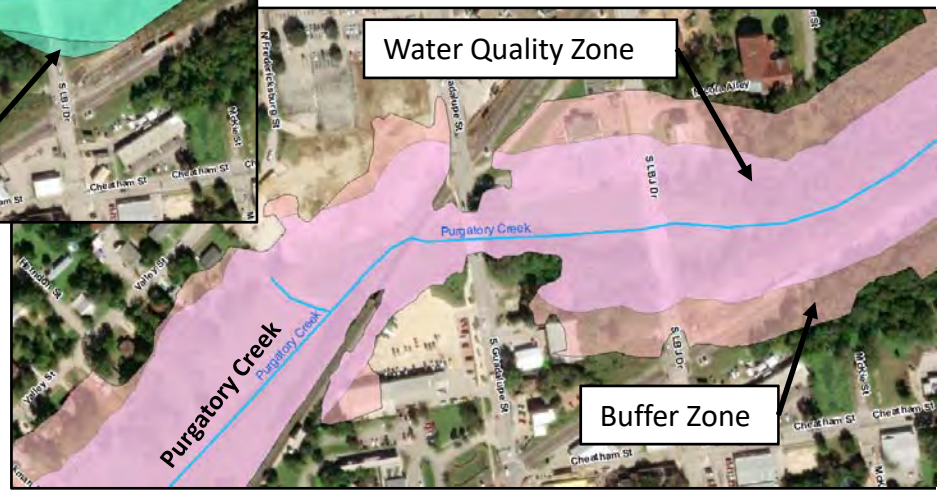
Reason for Change: Current measurement based on floodway which is no longer valid with new FEMA maps.

Proposed Revision: Limits based on natural geometry of waterway.



Previous

Proposed

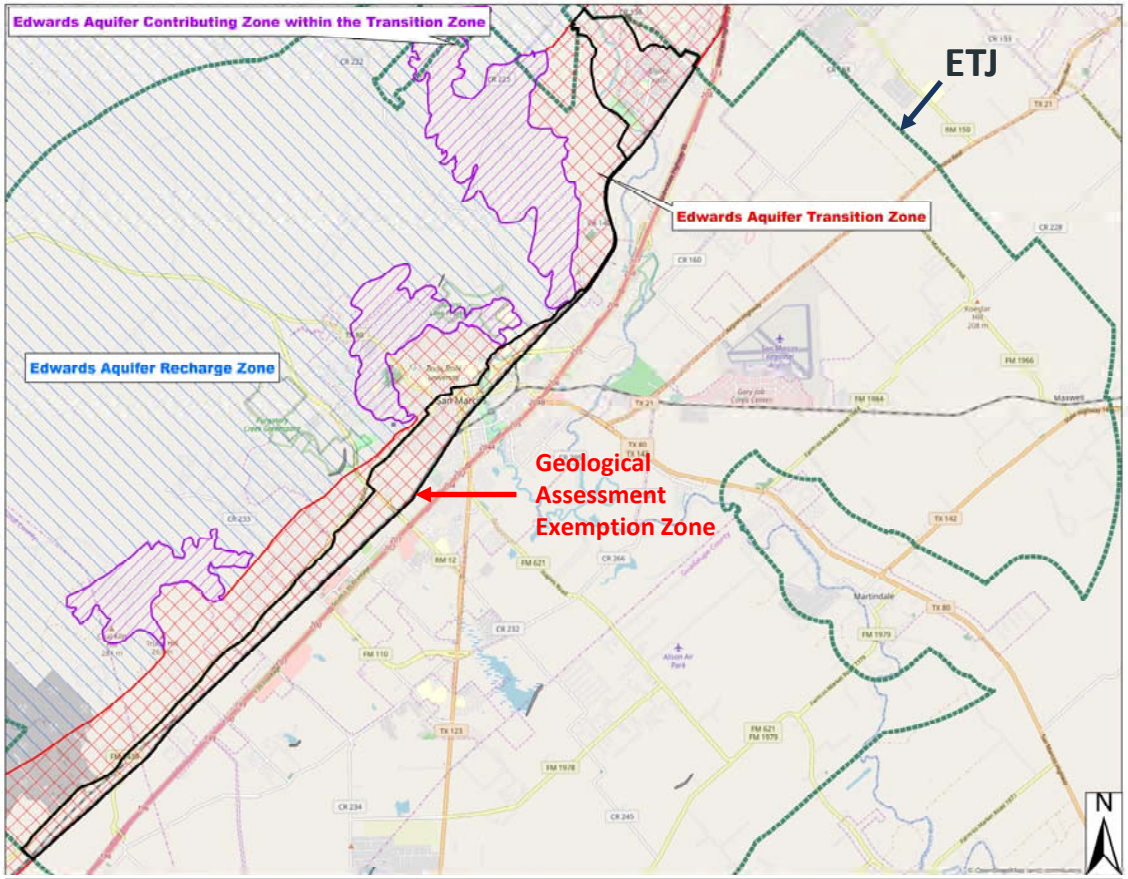


Waiver of Geologic Assessment
Within Transition Zone

Reason for Change: Some areas within Transition Zone have very low likelihood of having geologic features. Need for full Geologic Assessment (GA) may not be necessary.

Proposed Revision: GA's not required in Exemption Area based on collaboration with registered geologist.

Waiver of Geologic Assessment
Within Transition Zone



Fee-in-Lieu of Detention & Exemption to Water Quality Treatment Requirement

For Platting 4 or Less Lots in Single Family Residential Zoning Districts

Reason for Change: Reduce cost of single family home development meeting minor plat requirements.

Proposed Revision: Required to pay fee-in lieu of detention and incorporate disconnected impervious cover and vegetated filter strips (TCEQ approved stormwater treatment method). Must show no impacts downstream.

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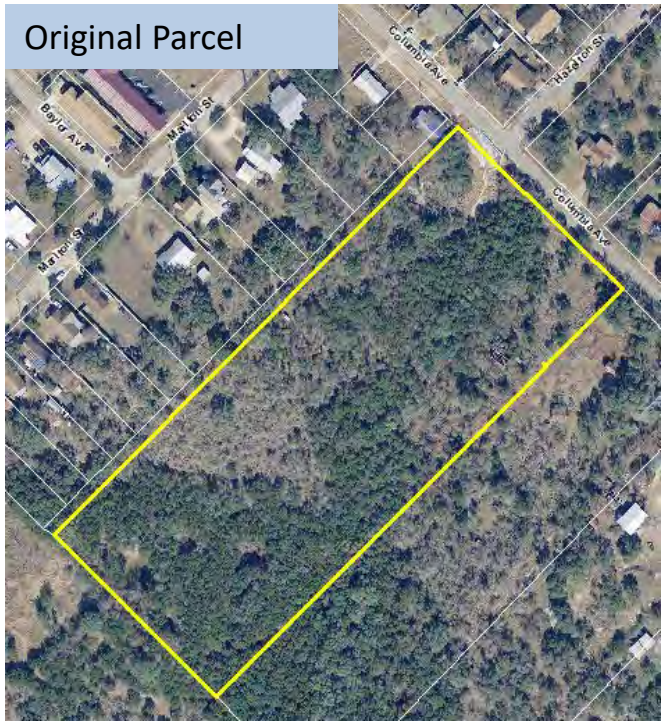
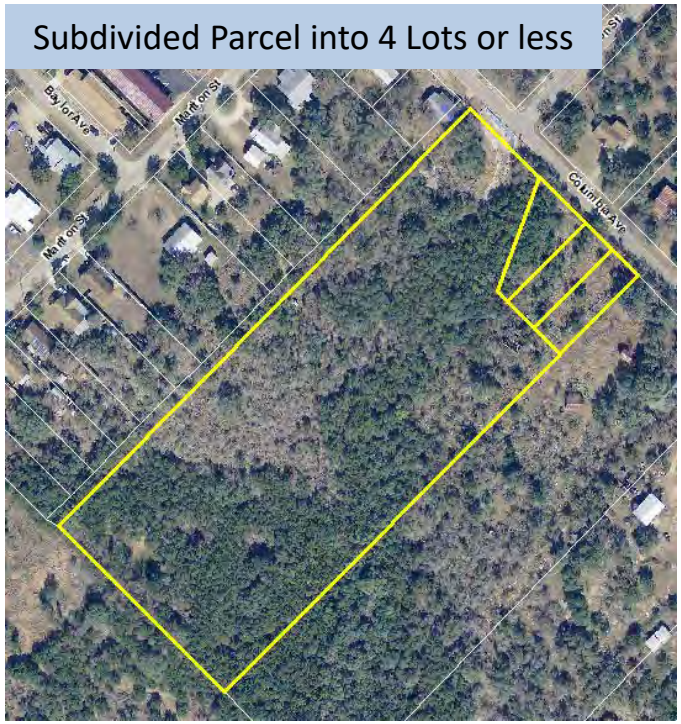
Fee-in-Lieu of Detention & Exemption to Water Quality Treatment Requirement

For Platting 4 or Less Lots in Single Family Residential Zoning Districts

Original Parcel



Subdivided Parcel into 4 Lots or less



Fee-in-Lieu of Detention and Water Quality

For Significantly Constrained Sites Outside Urban Stormwater Management District

Reason for Change: Provide flexibility for sites that have extreme difficulty meeting detention and water quality requirements on-site.

Proposed Revision: Provide Fee-In-Lieu option. Must show no impacts downstream.

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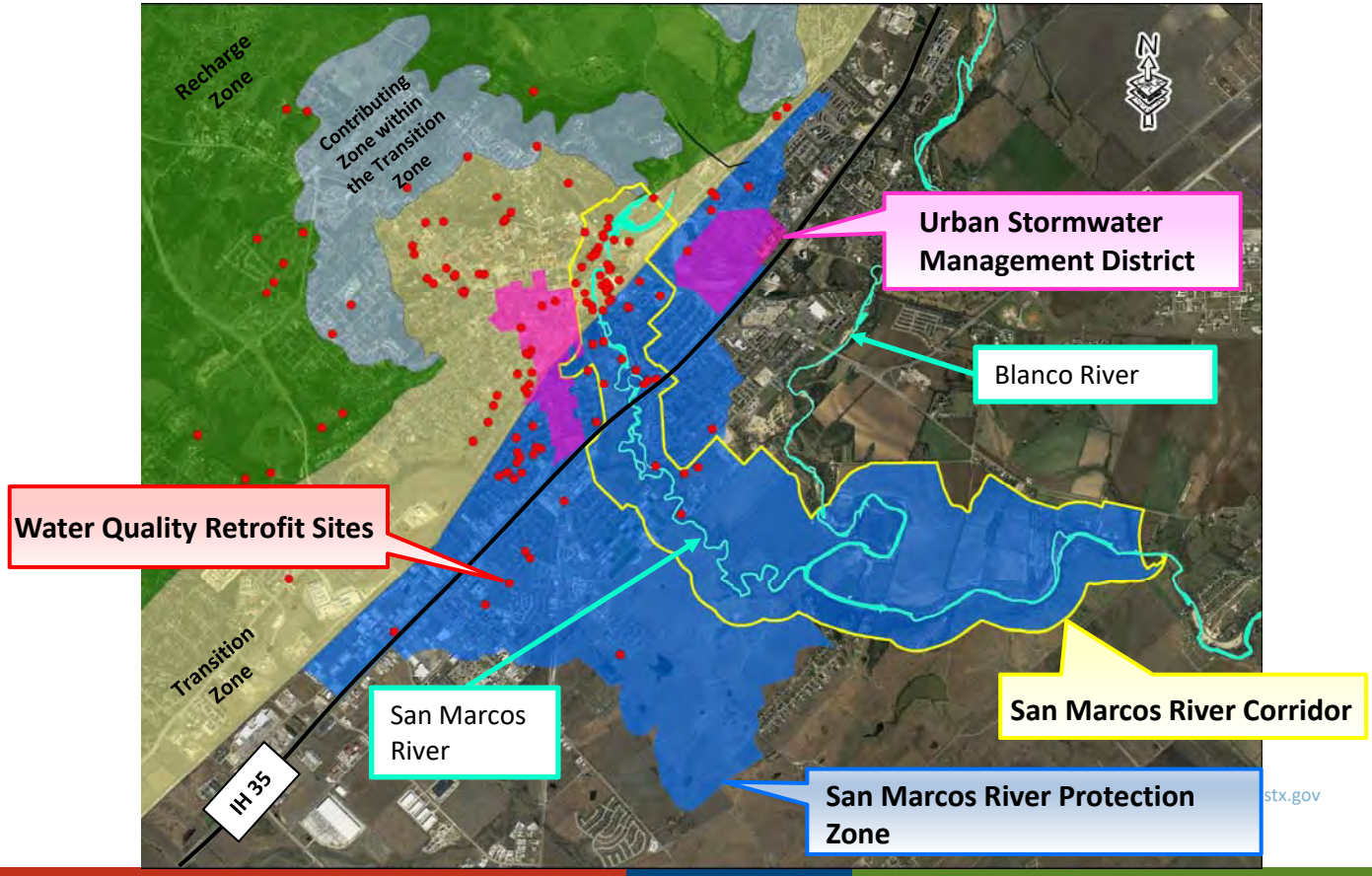
Fee-in-Lieu of Detention/Water Quality

Water Quality Retrofit Sites



Expand Administrative Approval Ability

For Qualified Watershed Protection Plans

What is a Qualified Watershed Protection Plan (QWPP)?

- QWPP's are required for developments that
  - Reclaim floodplain, water quality, and/or buffer zones
  - Request to increase impervious cover requiring mitigation
  - Development of 20 acres or more of land within the floodplain
- QWPP's must comply with environmental chapter and Flood Damage Prevention Ordinance and include mitigation measures.
- P&Z approves QWPP's

Expand Administrative Approval Ability

For Qualified Watershed Protection Plans

Reason for Change:

- Criteria for approval is a technical assessment that allows limited discretionary direction by P&Z. Need for additional P&Z approval has been questioned.

Proposed Revision: Previous mitigation measures as part of QWPP are now required in code.

- Reclamation must be accomplished in a way that preserves the natural function and aesthetic of original waterway.
- TSS removal requirement for increase in impervious cover or water quality and buffer zone reclamation.
- QWPP's come before P&Z when mitigation proposed varies from code requirements.

Alcohol Conditional Use Permit Committee Recommendations

Expire alcohol conditional use permits after three years

Reason for Change: Review and revise conditions as needed on a regular basis

Proposed Revision: Require permit holders to renew every three years

Section 2.8.3.5 Duration; Expiration; Suspension; Violation; Revocation

A. Duration.

1. A conditional use permit shall remain in effect until it expires, is suspended, or is revoked in accordance with Section 2.3.7.5A(1 - 4) as supplemented by Section 2.8.3.5.

2.Conditional Use Permits granted for on-premises consumption of alcoholic beverages ~~, unless otherwise specified by the Planning and Zoning Commission,~~ shall remain in effect for ~~the duration of the State TABC (Texas Alcoholic Beverage Commission) license or permit~~ no longer than three years, or until the license or permit is canceled, revoked, or allowed to expire, or until one of the following conditions occurs, after which the dispensing of alcoholic beverages for on-premises consumption requires issuance of a new Conditional Use Permit:

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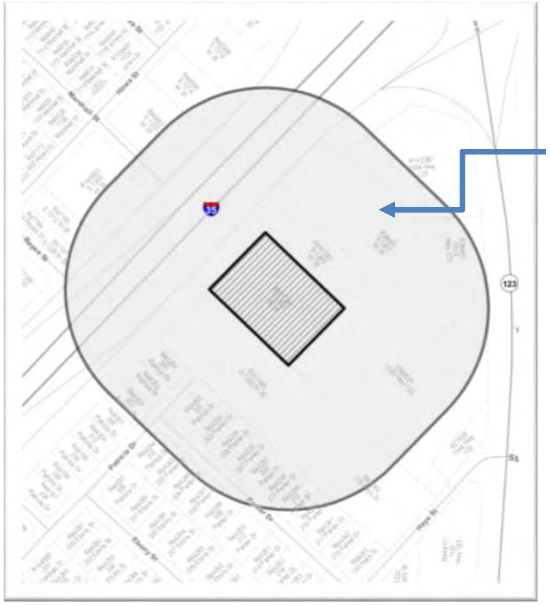
Limit appeal of denial eligibility to the applicant only

Reason for Change: The operator of the establishment should be the ultimate decision maker in whether or not they want to pursue approval

Proposed Revision: Does not allow those in the notification area to appeal a decision of denial



-Any property owner or tenant within notification area can appeal an approval

-Only the applicant can appeal a denial

-Individuals cannot demand a use in their neighborhood if the applicant is not interested in pursuing

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Require permit holders to keep site in a clean & sanitary condition

Reason for Change: Require the owner/operator to address the litter, refuse, and waste observed around these establishments

Proposed Revision: Codifies a common condition being placed on these permits as a use standard. It is now the standard required for all permits.

Within the CBA

Maintenance of sidewalk, gutters, parking lot, and all areas within **50 feet** of exits

Outside the CBA

Maintenance of sidewalk, gutters, parking lot, and all areas within **100 feet** of exits

Update noise ordinance

Reason for Change: Clarity, specificity in measurement standards and exemptions

Proposed Revision:

- Noise level maximums now apply to any noise
- Noise in excess of the allowed max decibels does not have to continue for a period exceeding one minute
- Changed hours max decibels are allowed to 10 am-10 pm and 10 pm-10 am
- Max decibels of 63 as measured from single-family residential zoning or use
- Clarified noise measurement protocols
- Provides specific exemptions

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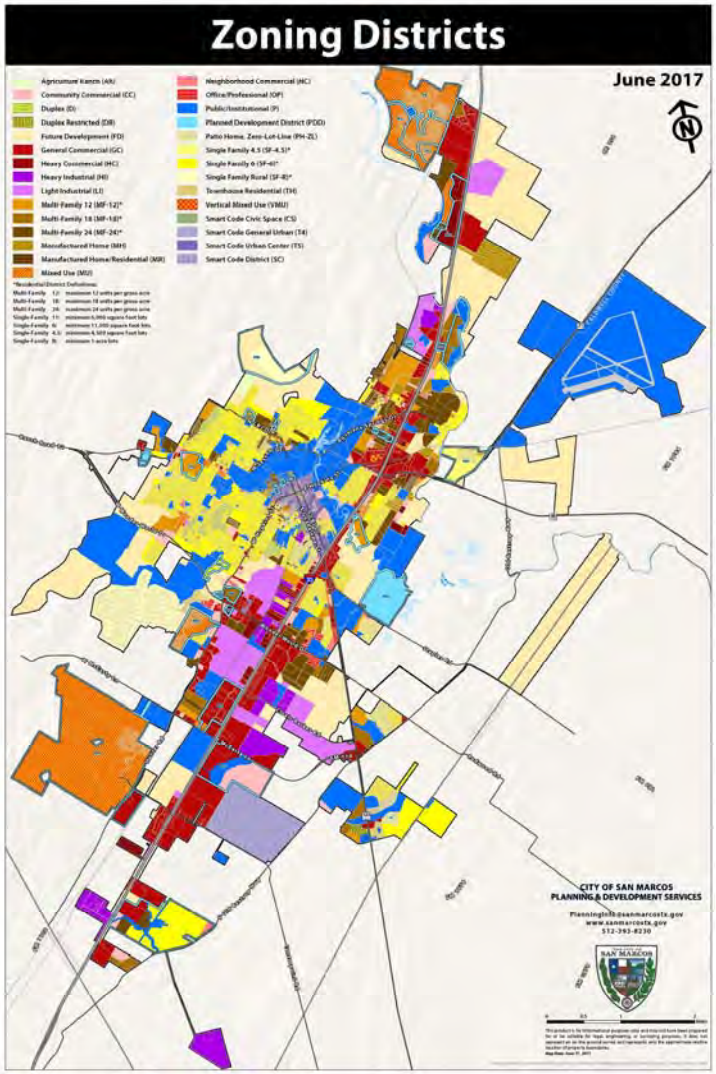
Housing Task Force Recommendations

Add Strategic Housing Action Plan as zoning criteria

Reason for Change: Consider whether the proposed development is addressing needs as defined in the plan when considering a zoning change

Proposed Revision: Consider alignment with and addressing of needs in any applicable plan



Exempt small lot and infill development from the maximum lot width to depth requirement

Reason for Change: Requirement presents a barrier in the development process for small scale and infill development. Requirement presents a barrier to diverse housing types.

Proposed Revision: Removes barriers to encourage diverse housing types and infill development

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Allow ADU parking in the second layer

Reason for Change: Current requirement that additional parking space be 20' behind home frontage presents an unnecessary barrier to accessory dwelling units.

Proposed Revision: Allows the additional required parking space to be in the side yard or in a garage

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Modify definition of RV and manufactured home parks to include tiny homes and adopt Appendix Q of the International Residential Code

Reason for Change: Facilitate the construction of Tiny Home Parks in areas that RV or Manufactured Home Parks are already allowed. Facilitate the construction of code compliant tiny homes on permanent foundations within residential lots.

Proposed Revision: Allows tiny homes in areas that RV or manufactured homes are already allowed. Facilitates construction of code compliant tiny homes on residential lots.

Housing Task Force Recommendations

- Modify **definition of RV** and manufactured home parks to include tiny homes and adopt Appendix Q of the International Residential Code

<u>Tiny homes on wheels</u>

- Based on building code, are the same thing as travel trailers/RVs
- Already allowed in the same locations with the same use standards as travel trailers and RVs
- SMDC says for "short term stays"

Housing Task Force Recommendations

- Modify definition of RV and **manufactured home parks** to include tiny homes and adopt Appendix Q of the International Residential Code

<u>Tiny homes built to IBC</u>

- Built to IBC
- On a foundation
- Allowed in manufactured home parks as well as other residential zoning districts as long as standards of the district are met.

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Housing Task Force Recommendations

- Modify definition of RV and manufactured home parks to include tiny homes and **adopt Appendix Q of the International Residential Code**

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Make pre-development meetings mandatory unless waived by Responsible Official

Reason for Change: Provide developer with all the needed information and processes early on. Creates a clear record of procedural requirements for the applicant and staff.

Proposed Revision: Require pre-development meeting unless application does not warrant one.

Section 2.3.1.1 Application Processing

E. Pre-Development Meeting. An applicant is ~~encouraged~~ required to request a pre-development meeting with the Responsible Official prior to filing an application. The Responsible Official shall have the authority to waive the pre-development meeting, if such application does not warrant a meeting, or if alternative measures have been taken to address concerns and/or questions that may arise out of the application. No application shall be accepted for filing at a pre-development meeting. A pre-development meeting ~~is voluntary, and thus~~ does not trigger any grandfathering rights or commence a review period.

Remove initial authorization for text amendments if already directed by City Council

Reason for Change: No need to request initial authorization from Council if text amendments have been directed or requested by City Council

Proposed Revision: Removes requirement when text amendment is directed by City Council

Section 2.4.1.2 Application Requirements

A. An application for a text amendment to the Development Code shall be submitted in accordance with the universal application procedures in Section 2.3.1.1.

B. An application for a text amendment requires initial authorization by the City Council.

C. Text amendments initiated, requested, or directed by City Council do not require initial authorization.

~~**C**~~**D.** The City Council shall consider the initial authorization of a text amendment and may reject the petition or direct further consideration of the application for text amendment in accordance with Section 2.4.1.3.

~~**D**~~**E.** Except for amendments initiated on behalf of the City Council, the application to amend the text of this Development Code shall state with particularity the nature of the amendment and the reason for the amendment.

~~**E**~~**F.** The City Council may establish rules governing times for submission and consideration of text amendments.

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Make City Council the appellate body for Certificates of Appropriateness on City owned property

Reason for Change: Give City Council final authority on decisions regarding City owned property

Proposed Revision: Final decisions of the Historic Preservation Commission regarding City owned properties appealed to City Council rather than Zoning Board of Adjustment

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DIVISION 5: CERTIFICATES OF APPROPRIATENESS

Section 2.5.5.5 Appeals

A. General Procedure. An applicant or other interested person within the four-hundred foot (400') personal notification area may appeal a final decision of the Historic Preservation Commission on an application for a certificate of appropriateness to the Zoning Board of Adjustments within ten days of the Historic Preservation Commission's action on the application, except for appeals pertaining to property owned by the City of San Marcos. Appeals pertaining to property owned by the City of San Marcos shall be made to the City Council within ten days of the Historic Preservation Commission's action on the application. The ~~Zoning Board of Adjustments~~ appellate body shall decide the appeal in accordance with Section 2.8.1.1.

B. Supplemental Procedure. In considering the appeal, the ~~Zoning Board of Adjustments~~ appellate body shall:

1. Review the record of the proceeding from which an appeal is sought;
2. Receive an overview of the case from the Responsible Official, including previous recommendations from city staff and the decision of the Historic Preservation Commission;
3. Hear arguments from the party appealing the decision of the Historic Preservation Commission; and
4. Remand the matter back to the Historic Preservation Commission when relevant testimony and newly-acquired evidence is presented that was not previously presented at the time of the hearing before the Historic Preservation Commission.

C. Criteria on Appeal.

1. The ~~Zoning Board of Adjustments~~ appellate body shall apply the substantial evidence test as established under Texas law to the decision of the Historic Preservation Commission;
2. The burden of proof before the ~~Zoning Board of Adjustments~~ appellate body shall be on the appealing party, who must establish that the record reflects the lack of substantial evidence in support of the decision of the Historic Preservation Commission;
3. The ~~Zoning Board of Adjustments~~ appellate body may not substitute its judgment for the judgment of the Historic Preservation Commission on the weight of the evidence ~~on issues committed to the Planning and Zoning Commission's discretion.~~

Exempt applicant from concept plat requirement if they are prepared to submit a preliminary plat

Reason for Change: Removes unnecessary requirement and delay in the process when applicant is prepared to submit the level of detail required in preliminary platting phase

Proposed Revision: Removes requirement for applicants who are ready to submit a preliminary plat.

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Increase block perimeter in the ETJ

Reason for Change: Standard can result in requirement that relatively large amount of right of way be constructed for simple, 1-2 lot developments

Proposed Revision: Decreases excessive dedication and construction requirement while still maintaining connectivity

Section 3.6.2.1. Block Perimeter

Block Perimeters		
Zoning District	Block Perimeter (max)	Dead-End Street (Max)
FD, CD-1, CD-2	N/A	500 Ft.
SF-6, ND-3, SF-R, SF-4.5	3,000 Ft.	300 Ft.
ND-3.5, ND-4, CD-3	2,800 Ft.	250 Ft.
CD-4	2,400 Ft.	200 Ft.
CD-5, CD-5D	2000 Ft.	Not Allowed
EC, HC, HI, LI, ETJ	5,000 Ft.	400 Ft.
Legacy Districts ~~and ETJ~~	3,000 Ft.	300 Ft.

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Provide alternative block perimeter standards for HI zoned lots

Reason for Change: Standard that has commonly been identified as problematic and not feasible during economic development incentive negotiations

Proposed Revision: Accommodates building size that is typically larger due to its nature as well a required parking and landscaping.

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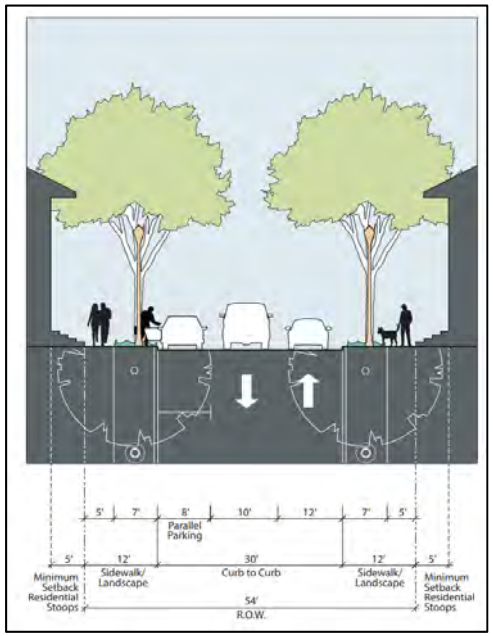
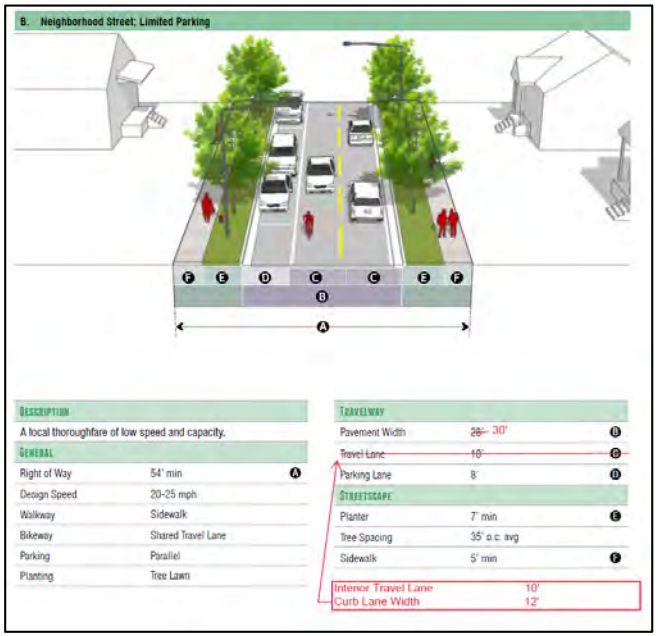
Align standards in Development Code to TMP

Reason for Change: Ensuring the two are the same eliminates confusion and promotes implementation of complete streets

Proposed Revision: Updates dimensional standards required by Code to match what we said we wanted in the plan





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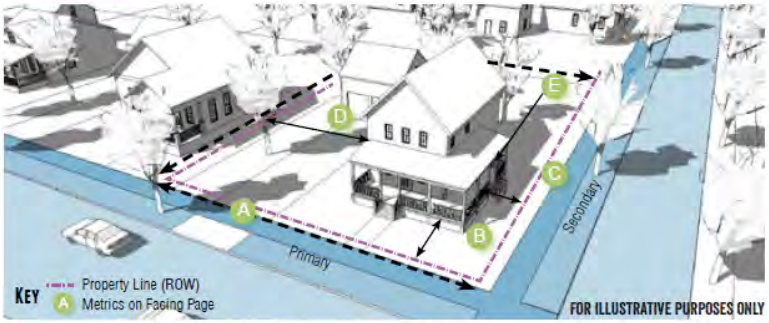
Add occupancy restrictions to CD-3 zoning district

Reason for Change: District intended to accommodate one and two family homes. Item of concern for decision makers in previous rezones.

Proposed Revision: Restricts occupancy of each unit to a family + one not related by blood, adoption, marriage, or conservatorship

CD-3

SECTION 4.4.3.3 CHARACTER DISTRICT - 3



General Description

The CD-3 district is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

Density

Impervious Cover	60% max.	
Units Per Gross Acre	10 max.	
Occupancy Restrictions Section 5.1.4.1		

Transportation

Block Perimeter	2,800 ft. max.	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10

Building Types Allowed

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Cottage	Section 4.4.6.3
Cottage Court	Section 4.4.6.4
Duplex	Section 4.4.6.5
Zero Lot Line House	Section 4.4.6.6
Civic Building	Section 4.4.6.15

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Provide better definition for “house” and “cottage”

Reason for Change: The building types are the same. Both building types are not needed and overlap in definitions is confusion to the reader.

Proposed Revision: Clarifies that lot dimensional standards and context of surrounding neighborhood, not the building type, will determine the size and scale of the home.

Section 4.4.1.3 Single Family-6

LOT

BUILDING TYPE	LOT AREA	LOT WIDTH
House	6,000 sq. ft. min.	50 ft min.
~~Cottage~~	~~6,000 sq. ft. min.~~	~~50 ft min.~~
Civic	6,000 sq. ft. min.	50 ft. min.

Section 4.4.3.3 Character District-3

LOT

BUILDING TYPE	LOT AREA	LOT WIDTH
~~House~~	~~5,000 sq. ft. min.~~	~~50 ft. min.~~
~~Cottage~~ House	4,000 sq. ft. min.	40 ft. min.
Cottage Court	1,200 sq. ft. min.	20 ft. min.
Duplex	4,000 sq. ft. min.	40 ft. min.
Zero Lot Line House	3,500 sq. ft. min.	30 ft. min.
Civic Building	5,000 sq. ft. min.	50 ft. min.

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Historic District Guidelines

Add language as per approved HPC-2019-03RR

San Marcos Design Manual

APPENDIX C-HISTORIC DISTRICT GUIDELINES

ARTICLE 5: STANDARDS FOR GUIDELINES FOR SUSTAINABILITY

Section C.5.1.1 Purpose

A. Before implementing any energy conservation measures to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building should be assessed. The key to a successful rehabilitation project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are preserved. The most sustainable building may be one that already exists. Thus, good preservation practice is often synonymous with sustainability. There are numerous treatments—traditional as well as new technological innovations—that may be used to upgrade a historic building to help it operate even more efficiently. Whether a historic building is rehabilitated for a new or a continuing use, it is important to utilize the building's inherently-sustainable qualities as they were intended. It is equally important that they function effectively together with any new measures undertaken to further improve energy efficiency. The following guidelines offer specific guidance on how to make historic buildings more sustainable in a manner that will preserve their historic character.

Section C.5.1.2~~1~~ Introduction

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Addition of new “Special Events Facility” Use

Reason for Change: Facilitate developer request while considering appropriate standards and potential impacts to adjacent properties

Proposed Revision: New **conditional** use that accommodates indoor/outdoor functions and celebrations. Requires minimum parcel size, protective yard, on site parking, compliance with noise ordinance, and consideration of adjacent single family residential uses. Prohibits a TABC license.

Create a new Neighborhood Density District

to allow moderate increase in density

	Neighborhood Density District 3 (ND-3)	Neighborhood Density District 3.2 (ND-3.2)	Neighborhood Density District 3.5 (ND-3.5)
Density (units per acre)	10 max.	12 max.	16 max.
Impervious Cover	60% max.	65% max.	75% max.
Occupancy Restrictions	Apply	Apply	Apply
Building Types Permitted	House, Zero Lot Line, ADU	House, Zero Lot Line, ADU	House, Zero Lot Line, Cottage Court, Duplex, Townhouse, Small Multi-Family
Height Max.	2 Stories (35 ft.)	2 Stories (35 ft.)	2 Stories (35 ft.)

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Increase Votes Required for Comprehensive Plan Amendment (PSA)

Approval process will be updated to read:

B. Planning and Zoning Commission Action.

3. A recommendation for approval from the Planning and Zoning Commission requires an affirmative vote of 6 members…

C. City Council Action.

4. The approval of a Comprehensive Plan amendment requires an affirmative vote of five members…

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Amend Table 4.1 to provide clarity

- Clearly note where a Preferred Scenario Amendment is required
- Corridors exist on the preferred scenario map, but have not been fully vetted for appropriate zoning change requests – remove Corridor and consider during comprehensive plan update

TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION

DISTRICT CLASSIFICATION	COMPREHENSIVE PLAN DESIGNATIONS					
	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	~~CORRIDOR~~
Conventional Residential	NP	NP	C	PSA	PSA	~~—~~
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	~~C~~
Character Districts	NP	C	PSA	C	NP	~~C~~
Special Districts	PSA	NP	NP	NP	C	~~C~~
Legend	PSA = ~~Not Allowed~~ (PSA Required)		NP=Not Preferred		C = Consider	

Require PSA for increase in density

Alternate Recommendation from Staff

- A request for an increase in density which requires a Preferred Scenario Amendment may not be appropriate if only a moderate increase is being requested.

	Open Space/ Agricultural	Low Intensity	Existing Neighborhood	Medium or High Intensity Zone	Employment Center	Corridor
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
Character Districts	NP	C	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed (PSA Required)		NP=Not Preferred		C = Consider	

Require PSA for increase in density

Alternate Recommendation from Staff

- A request to change from Existing Neighborhood to Low or Medium / High Intensity would be accompanied by a request for Character Districts, which are currently not permitted in Existing Neighborhoods.

	Open Space/ Agricultural	Low Intensity	Existing Neighborhood	Medium or High Intensity Zone	Employment Center	Corridor
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
Character Districts	NP	C	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed (PSA Required)		NP=Not Preferred		C = Consider	

Require PSA for increase in density

Alternate Recommendation from Staff

- ***Staff Proposal #1:*** to remove the "NP" allowance for Special Districts which include Heavy Commercial and Industrial in Existing Neighborhoods, and

- A change to Section 4.1.2.4 – 4.1.2.5 instead.

	Open Space/ Agricultural	Low Intensity	Existing Neighborhood	Medium or High Intensity Zone	Employment Center	~~Corridor~~
Conventional Residential	NP	NP	C	PSA	PSA	—
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	~~C~~
Character Districts	NP	C	PSA	C	NP	~~C~~
Special Districts	PSA	NP	PSA	NP	C	~~C~~
Legend	PSA = ~~Not Allowed~~ (PSA Required)		NP=Not Preferred		C = Consider	

Require PSA for increase in density

Alternate Recommendation from Staff

- Table 4.4 Classifies Conventional and Neighborhood Density Districts into Neighborhood Density Categories.
- Table 4.5 indicates how these categories are to be used in a zoning change request.

TABLE 4.4 NEIGHBORHOOD DENSITY CATEGORIES

Neighborhood Density Categories	Neighborhood Density Districts	Conventional, Special, and Legacy Districts
Low Density	ND3	FD, AR, SF-R, MR, SF-6, SF4.5, DR, D, PH-ZL, P
Medium Density	ND3.5	TH, MF-12, P
High Density	ND4	MU, MF-18, MF-24, P
Commercial / Mixed Use	N-MS	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P

TABLE 4.5 NEIGHBORHOOD DENSITY DISTRICT / EXISTING ZONING TRANSLATION TABLE

	Neighborhood Density Categories			
	Low Density	Medium Density	High Density	Commercial/ Mixed Use
ND-3	C	C	NP	NP*
ND-3.5	NP*	C	C	NP*
ND-4	NP*	NP	C	NP
N-MS	NP*	NP*	C	C

Require PSA for increase in density

Alternate Recommendation from Staff

- ***Staff Proposal #2:*** better define the districts that are within each Density Category

Neighborhood Density Category	CURRENT CODE	PROPOSED CHANGES
Low Density	FD, AR, SF-R MR, SF-6, SF-4.5, DR, D, PH-ZL, P	FD, AR, SF-R MR, SF-6, SF-4.5 ~~DR, D, PH-ZL,~~ P
Medium Density	TH, MF-12, P	**DR, D, PH-ZL,** TH, MF-12, P
High Density	MU, MF-18, MF-24, P	MU, MF-18, MF-24, P
Commercial / Mixed Use	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P

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Require PSA for increase in density

Alternate Recommendation from Staff

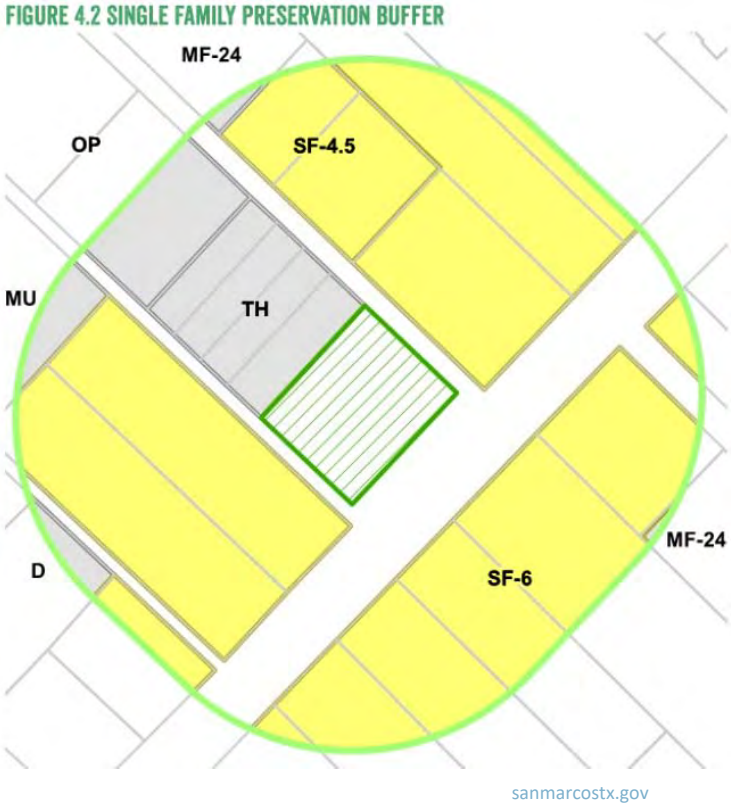
- ***Staff Proposal #3:*** Combine Tables 4.4 & 4.5 for a better user experience.
- ***Staff Proposal #4:*** Increase the instances where changes are NP or require additional votes of P&Z and City Council (NP*).

	FD, AR, SF-R, MR, SF-6, SF-4.5, P	DR, D, PH-ZL, TH, MF-12, P	MU, MF-18, MF-24, P	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P
ND-3	C	~~C~~ NP	NP*	NP*
ND-3.2	NP	C	NP*	NP*
ND-3.5	NP*	C	C	NP*
ND-4	NP*	NP	C	NP
N-CM	NP*	NP*	~~C~~ NP	C

Require PSA for increase in density

Alternate Recommendation from Staff

- ***Staff Proposal #5:*** Require the Single Family Preservation Buffer, even when a zoning change is "Considered"
- ***Staff Proposal #6:*** include language that requires the Single Family Preservation Buffer in addition to any Small Area Plan
- ***Staff Proposal #7:*** Require additional informational meetings when there is a request for a Neighborhood Density District in and Existing Neighborhood.



Require PSA for increase in density

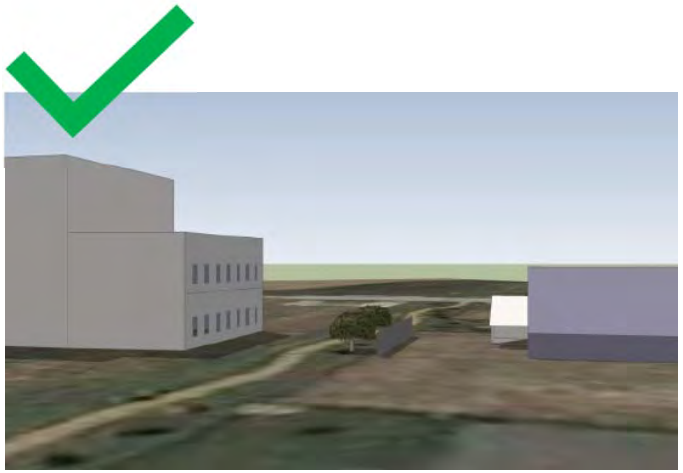
Alternate Recommendation from Staff

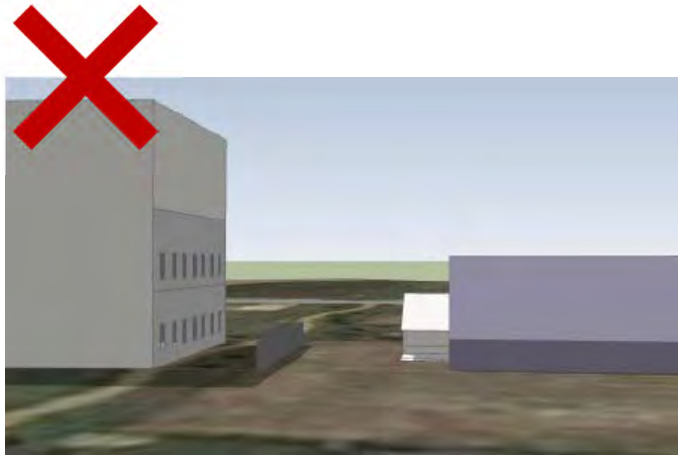
- ***Staff Proposal Summary:***
- Do not allow Special Districts in Existing Neighborhoods,
- Reclassify Duplex and all Townhomes as Medium Density
- Combine Tables 4.4 & 4.5 for ease of use,
- Increase the instances when additional votes are required for approval,
- Require the Single Family Preservation Buffer for every zoning change in Existing Neighborhoods,
- Require the Single Family Preservation Buffer in addition to any Small Area Plan
- Require additional, informational, meetings – this would be in addition to the Neighborhood Presentation Meeting that is currently required.

Residential Height Compatibility

Limit height near single family residential

- Limits building height within 70 feet of single family residential zoning.
- Measured from Property Line.





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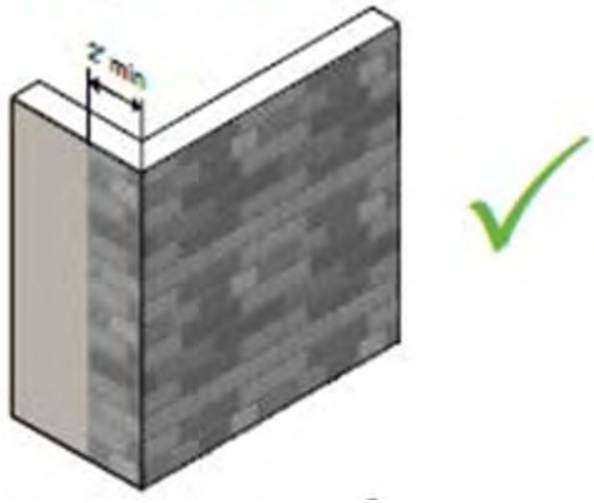
Durable Building Material Preference

- Add statement that the City prefers the use of Durable Building Materials.

FIGURE 4.16 PRIMARY MATERIAL CHANGES



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Require CUP for ADU

Alternate Recommendation from Staff

- ***<u>Staff Proposal Summary:</u>***

- Maintain "Permitted" status in higher density districts that allow a mixture of housing types:
  ND-4, N-CM, CD-4, CD-5, & CD-5D.

- Allow as "Limited" in medium density districts that allow a mixture of housing types and on large lot residential:
  FD, SF-R, ND-3.5, CD-2, CD-3
  - Include additional standards when limited to require:
    1) A single utility meter, & 2) separate trash & recycle bins

- Change to "Conditional" in low density single family districts:
  SF-6, SF-4.5, ND-3, & ND-3.2

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Remove Parking Exemptions for Multi-Family

Specifically in Downtown

On Street Parking

- Shall not be counted toward Multifamily (including Student Housing) in CD-5D.

Parking Exemptions Specific to CD-5 and CD-5D

- … properties with ~~10~~ 4 or fewer units are exempt from the minimum parking requirements …
- … properties with 5 – 10 units may be exempt … with approval of a Conditional Use Permit by City Council …

Note: Remote parking with an approved agreement is an available option.

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Amend Character Districts

to allow single family with occupancy restrictions

	Single Family 4.5 (SF-4.5)	Character District 2.5 (CD-2.5)	Character District 3 (CD-3)
Density (units per acre)	7.5 max.	8 max.	10 max.
Impervious Cover	60% max.	60% max.	60% max.
Occupancy Restrictions	Apply	Apply	Apply
Building Types Permitted	House, ADU	House, ADU	House, ADU, Cottage Court, Duplex, Zero Lot Line
Height Max.	2 Stories (35 ft.)	2 Stories (35 ft.)	2 Stories (35 ft.)

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Amend Character Districts
to limit lot width for Apartments in CD-5D

SECTION 4.4.3.6 CHARACTER DISTRICT-5 DOWNTOWN

LOT

BUILDING TYPE	LOT AREA	LOT WIDTH	
Townhouse	1,500 sq. ft. min.	15 ft. min.	
Apartment	2,000 sq. ft. min.	20 ft. min.	340 ft. max.
Live/Work	1,100 sq. ft. min.	15 ft. min.	
Mixed Use Shopfront	2,000 sq. ft. min.	20 ft. min.	340 ft. max.
Civic Building	2,000 sq. ft. min.	20 ft. min.	

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Recommendation

Staff provides these amendments to the Commission and recommends **approval** as presented.

File #: ID#20-129, Version: 1

AGENDA CAPTION:

Election of the following officers:

a. Planning and Zoning Commission Chair
b. Planning and Zoning Commission Vice Chair

Meeting date: March 24, 2020

Department: Planning & Zoning Commission

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.

☐ Core Services

☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

Planning & Zoning Commission Chairs are elected annually, with their positions becoming effective immediately.

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.