



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, August 25, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.

- I. Call To Order
- II. Roll Call
- III. Chairperson's Opening Remarks
- IV. 30 Minute Citizen Comment Period

Persons wishing to comment during the Citizen Comment Period must submit their written comments or requests to speak to planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting. Timely submitted written comments will be read aloud during the Citizen Comment portion of the meeting. Written or oral comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read.

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.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of June 23, 2020.
2. Consider approval of the minutes of the regular meeting of July 28, 2020.
3. Consider approval of the minutes of the regular meeting of August 11, 2020.

PUBLIC HEARINGS

Interested persons may join and participate in any of the Public Hearing items (4) by:

- 1) *Sending written comments, to be read aloud*;* or
- 2) *Requesting a link to speak during the public hearing portion of the virtual meeting, including which item you wish to speak on*.*

**Written comments or requests to join in a public hearing must be sent to planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the hearing. Comments shall have a time limit of three minutes*

each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read. To view the meeting please go to <http://sanmarcostx.gov/541/PZ-Video-Archives> to view the live stream, or watch on Grande Channel 16 or Spectrum Channel 10. For additional information on making comments during the Public Hearings please visit <http://www.sanmarcostx.gov/3103/18805/Citizen-Comments-Virtual-Meetings>

- 4. CUP-20-12 (Joyful Noise Daycare Center) Hold a public hearing and consider a request by Colby Cotton, on behalf of Centerpoint Hunter Partners LLC, for a new Conditional Use Permit to open and operate a daycare center at 101 Centerpoint Road, Suite A. (S. Caldwell)

V. 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:



Legislation Text

File #: ID#20-542, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the regular meeting of June 23, 2020.

Meeting date: August 25, 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

File #: ID#20-542, **Version:** 1

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, June 23, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.

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 Gleason at 6:00 p.m. on Tuesday, June 23, 2020 via Virtual Meeting due to COVID-19.

II. Roll Call

Present 9 - Commissioner Mike Dillon, Commissioner Matthew Haverland, Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, Commissioner William Agnew, Commissioner Mark Gleason, Commissioner Kate McCarty, and Commissioner Griffin Spell

III. Chairperson's Opening Remarks

EXECUTIVE SESSION

IV. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta, 1322 Belvin, said she had two trailers of bamboo loaded and hauled off for Victory Garden. She said she received an email from Jeff Quimby, Code Enforcement Officer, to remove the bamboo from her yard. She said the City is concerned with her yard and car, but is understanding with everyone except her. She said she is harassed by the City. She added that she's been the target of her neighbors, and has been hit with violations from Code Compliance. She said that she was asked to move her Shark Lady signs, but they are freedom of speech on private land. She added that Jeff Quimby also asked her to get house numbers put on.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of May 26, 2020.
2. PC-20-17 (Cottonwood Creek Phase 3 Unit 5) Consider a request by Pape Dawson Engineers, on behalf of Continental Homes of Texas, LP to approve the Final Plat consisting of approximately 16.520 acres, more or less, out of the Farnham Frye and John F. Geister Surveys. (T. Carpenter)

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

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

PUBLIC HEARINGS

3. AC-20-06 (724 Valley Street) Hold a public hearing and consider a request by Al Carroll on behalf of Marel and Rosa Alvarado for an Alternative Compliance Request to allow two lots that exceed a 3:1 ratio in length to width for approximately 0.34 acres out of the B. W. Breeding Addition, Located at 724 Valley Street. (W. Parrish)

The item was postponed. No future date given at meeting time.

4. ZC-20-09 (724 Valley Street) Hold a public hearing and consider a request by Al Carroll on behalf of Marel and Rosa Alvarado for a Zoning Change from Single Family - 6 (SF-6) to Neighborhood Density - 3 (ND-3), for approximately 0.34 acres out of the B. W. Breeding Addition, Located at 724 Valley Street. (W. Parrish)

The item was postponed. No future date given at meeting time.

5. ZC-20-11 (Corner of South Old Bastrop Highway and Rattler Road) Hold a public hearing and consider a request by David Richardson, on behalf of Rattler Road Land Partners LLC, for a zoning change from "FD" Future Development to "CD-5" - Character District-5, for approximately 10 acres, more or less, out of the C. Wickson Roberts Survey, Abstract 474, Hays County, generally located at the northern corner of South Old Bastrop Highway and Rattler Road. (S. Caldwell)

Chair Gleason opened the Public Hearing.

Shavon Caldwell, gave an overview of the request.

John Latham, applicant representative, said the project, which they are partnering with the San Marcos Housing Authority to develop, has been approved by the City Council. He said they're excited for the project, thinks it will be great for the community, and they will adhere to the requirements for the CD-5 District.

Victor Miramontes, applicant representative, said they are looking forward to the relationships they're building in San Marcos, and was available for questions.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Spell, seconded by Commissioner Dillon, that ZC-20-11 (Corner of South Old Bastrop Hwy and Rattler Road) be approved. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

6. ZC-20-13 (Redwood 3) Hold a public hearing and consider a request by James Ingalls, on behalf of Jim Smith, Smith Co. Redwood LLC, for a zoning change from "FD" Future Development to "SF-6" Single Family-6, for approximately 80 acres, more or less, out of the Barnette O. Kane Survey, Abstract No. 281, Hays County, Texas, generally located at 2519 Redwood Road. (A. Villalobos)

A motion was made by Commissioner Kelsey, seconded by Commissioner Haverland, that ZC-20-13 (Redwood 3) be recommended for approval. The motion failed by the following vote:

For: 4 - Commissioner Dillon, Commissioner Kelsey, Commissioner Gleason and Commissioner Spell

Against: 5 - Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Agnew and Commissioner McCarty

A motion was made by Commissioner Moore, seconded by Commissioner McCarty, that ZC-20-13 (Redwood 3) be recommended for denial. The motion carried by the following vote:

For: 5 - Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Agnew and Commissioner McCarty

Against: 4 - Commissioner Dillon, Commissioner Kelsey, Commissioner Gleason and Commissioner Spell

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 7:13 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:



Legislation Text

File #: ID#20-560, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the regular meeting of July 28, 2020.

Meeting date: August 25, 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

File #: ID#20-560, **Version:** 1

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, July 28, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.

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 Gleason at 6:03 p.m. on Tuesday, July 28, 2020 via Virtual Meeting due to COVID-19.

II. Roll Call

Present 9 - Commissioner Mike Dillon, Commissioner Matthew Haverland, Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, Commissioner William Agnew, Commissioner Mark Gleason, Commissioner Kate McCarty, and Commissioner Griffin Spell

III. Chairperson's Opening Remarks

EXECUTIVE SESSION

IV. 30 Minute Citizen Comment Period

There were no speakers.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of June 9, 2020.
2. Consider approval of the minutes of the Design Guideline Workshop on June 25, 2020.
3. PC-20-37 (Cottonwood Creek Master Plan) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, Ltd., for renewal of a Master Plan for approximately 471.94 acres, more or less, out of the Farnham Frye, Rebecca Brown, and John F Geister Surveys, located at the intersection of Rattler Road and Highway 123. (T. Carpenter)

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

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

PUBLIC HEARINGS

4. AC-20-03 (La Cima Multifamily) Hold a public hearing and consider a request by Eric Willis, on behalf of La Cima Commercial L.P., for an Alternative Compliance to the block size requirements in Section 4.4.3.2 of the Multifamily Residential Design Standards in Ordinance 2014-35 for a proposed multifamily residential development located at the northwest corner of West Centerpoint Road and Flint Ridge Road, Hays County, Texas. (A. Brake)

Chair Gleason opened the Public Hearing.

Alison Brake, Planner, gave an overview of the request.

1. Eric Willis, applicant, said that when they submit the plat for approval they will be platting the multi-family site, the road, and the townhomes at the same time.
2. Joel Lowry provided written comments that were read aloud. He said this is not the appropriate site for another apartment complex. He added they did not see this site plan when they decided to live there. He said they development would increase traffic and asked the City to deny the rezoning request and advocate for single-family homeowners wishing to distance themselves from students.
3. Debra Holt provided written comments that were read aloud. She said that no apartments or townhomes should be added to the area. She said doing so would negatively affect property values and the aquifer. She said they chose La Cima because of its natural beauty and care for the environment, but that they would not have purchased there if they knew this was the plan for the area.
4. Paula Taylor and Patricia Garza provided written comments that were read aloud. She said the residents of La Cima are not informed about the residential plans for the proposed zoning, or what the environmental effects are. She said that when they purchased their home, they were told that the proposed area would be commercial and retail, and they now feel cheated by the developers. They asked that the project be halted, and the developers comes talk to the residents.
5. Larry and Annette Brown provided written comments that were read aloud. They said that when they purchased their home they specifically asked if the adjacent area would be used for housing. They said they were told that it would be used strictly for commercial and retail. They said they invested their savings for a home to retire in, but now they won't get to enjoy it like they planned. They also expressed concerns for traffic and noise the apartments would bring.
6. Kelly Rawlings provided written comments that were read aloud. She said that they

were attracted to La Cima because of the amenities, location, and green belt that surrounded their home. She said apartments were never shown in any development plans because they wouldn't have purchased there. She asked the City to intervene and stop this.

7. Carla Schumann provided written comments that were read aloud. She said that she opposes the zoning change because rezoning was not communicated to homebuyers. She said that it goes against the idea of creating a natural residential neighborhood, and that the rezoning would over-saturate the land with people over aquifer. She said it approved families would discourage others from buying there.

8. Rey Mendez provided written comments that were read aloud. He said that he's part of La Cima's Phase I, and bought into the idea of a clean neighborhood with retail. He opposes the addition of the apartments and townhomes and says the developers should keep their word.

9. Carla Flores provided written comments that were read aloud. She said that they were told the area would be zoned commercial, not multi-family when they first purchased their home. She said that when it was amended to mixed use, residents didn't have the opportunity to weigh in, and they feel misled by the builders. She expressed concerns about crime, increased traffic, and lowered property values. She said the apartments will deter single-family residents from wanting to buy there. She added that the apartments will take away from the beauty of La Cima.

10. Ron and Yoko Johns provided written comments that were read aloud. They said they moved to La Cima about nine months ago, and were told that retail would go in the area, not apartments. They said they're paying a lot of money to be part of La Cima, and the new development would affect their investment.

11. Vianey Cadena provided written comments that were read aloud. She said they asked about the possibility of apartments being built in La Cima, and were told no. She said they were lied to. She also expressed security and environmental concerns, and asked how the project would affect the already high fees that are paying.

12. Troy Chapa provided written comments that were read aloud. He said the properties were sold deceitfully. He said he was never told the property by his house would be zoned for apartments or townhomes. He said he was told it would be for shops and stores. He also expressed environmental and traffic concerns.

13. Hally Clements provided written comments that were read aloud. She wrote in opposition of the item. She expressed concerns for declining property values, wildlife, and safety. She also said there was not full disclosure about the area, stating she was told the area would contain a shopping center and an HEB. She also said that Eric Willis only cares about money.

14. April Gocha provided written comments that were read aloud. She is a current resident of La Cima and is opposed to the item because she believes it will create more traffic and safety problems, put a strain on school capacity, and lower property values. She also expressed environmental concerns, as well as concerns for the wildlife in the area. She said the plans for the area were not made transparent to current residents, and feels like they've been a victim of a bait and switch plan.

15. Belle Howell said there was a disconnect in communication about La Cima and how it was going to develop. She said that the Phase I people believed in Mr. Willis and the team and put their money into the project. She said they were not clearly told of the changes to come. She said this is not the place for a multi-family housing. She added that the residents in the multi-family complex won't just stay in that area, they will try to utilize all the amenities La Cima has to offer. She said apartments were only mentioned as being above the shops, not free-standing buildings. She said if she knew that was on the table she wouldn't have purchased there.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Dillon, that AC-20-03 (La Cima Multifamily) be recommended for denial. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

5. AC-20-06 (724 Valley Street) Hold a public hearing and consider a request by Al Carroll on behalf of Marel and Rosa Alvarado for an Alternative Compliance Request to allow two lots that exceed a 3:1 ratio in length to width for approximately 0.34 acres out of the B. W. Breeding Addition, Located at 724 Valley Street. (W. Parrish)

Chair Gleason opened the Public Hearing.

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

1. Kelly Kilber (400 Rollings Hills Dr Wimberley TX), applicant, said there was some confusion about the neighborhood meeting. He said the Alvarado's sent out and delivered an announcement inviting residents to a neighborhood meeting. He said they were given three days before the meeting which two families attended. He said the number of signatures on the petition isn't reflective of those with concerns.

2. Ben Patterson (712 Valley St.) said he is opposed due to the increase in density. He said the petition was a way for people to be able to voice their concerns, and that everyone has different capabilities. He added that just because neighbors didn't attend the neighborhood meeting doesn't mean they don't care.

3. John Griffiths (743 Centre St.) said it feels like they're adding density to the neighborhood. He said he welcomes the family to the neighborhood, but is concerned about increased taxes.

Chair Gleason closed the Public hearing.

A motion was made by Commissioner Moore, seconded by Commissioner Agnew, that AC-20-06 (724 Valley Street) be approved with the following conditions: 1.) Approval of Alternative Compliance request is contingent upon rezoning to ND-3 2 and 2.) The Alternative Compliance shall not expire. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

Item #6 was reviewed after Item #7 in the meeting sequence

6. AC-20-10 (242 Guadalupe) Hold a public hearing and consider a request by Carlos Iglesias on behalf of Greater Texas Credit Union for an Alternative Compliance Request to allow a building expansion that does not meet the Build to Zone standards of Section 4.3.3.3(E)1 and the Minimum Two Story requirements of Section 4.3.4.4 for a property located at 242 N Guadalupe Street. (W. Parrish)

Chair Gleason opened the Public Hearing.

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

1. Mark Rouch, (1445 Ross Ave, Dallas, TX) applicant, spoke in favor of the item and said it's meant to be a walk-up credit union, having very little parking available.
2. David Sandavol (2115 Leander Dr. Dallas, TX) said that the building is a small structure and they were sensitive to the fact that it's next to a historic building, so keep site lines to that building were important.

Chair Gleason closed the Pubic Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Spell, that AC-20-10 (242 Guadalupe) be recommended for approval with the following conditions: 1.) The site and building shall be constructed in a manner substantially similar to the provided site plan and building elevations; and 2.) The Alternative Compliance shall expire upon further expansion of this building beyond the current request. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

Heard before Item #6 in meeting sequence

7. ZC-20-09 (724 Valley Street) Hold a public hearing and consider a request by Al Carroll on behalf of Marel and Rosa Alvarado for a Zoning Change from Single Family - 6 (SF-6) to Neighborhood Density - 3 (ND-3), for approximately 0.34 acres out of the B. W. Breeding Addition, Located at 724 Valley Street. (W. Parrish)

Chair Gleason opened the Public Hearing.

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

1. Kelly Kilber said the Alvarado family (owners) support staff's recommendation and was available for questions.
2. Ben Patterson said he's not opposed to ND-3 if it were a single lot, not a subdivided lot. However, he said he opposes the item if the lot would be divided. He said it would be disheartening to dismiss the view of the neighbors that signed the petition because the didn't attend the neighborhood meeting.
3. John Griffiths said he would ask the Alvarado family if they could achieve what they wanted without splitting lots, and without increasing density.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Moore, seconded by Commissioner Agnew, that this Action Item be recommended for approval. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

8. ZC-20-10 (The Barracks) Hold a public hearing and consider a request by Ed Theriot on behalf of McCoy Family Partnership One and Two for a Zoning Change from Future Development (FD) to Planning Area District - Medium Intensity (PAD-MI), for approximately 109.5 acres out of the Barnett O. Kane, Cyrus Wickson, and J.M. Veramendi No. 1 surveys, located near the intersection of Wonder World Drive and Hwy 123. (W. Parrish)

Chair Gleason opened the Public Hearing.

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

1. Heath Phillips (17915 La Pasada Circle College Station, TX) was available for questions.
2. Ed Theriot (5395 Hwy 183 N Lockhart, TX) said the owners are planning a predominately townhome project on the property that will be marketed for sale. He said

they will be working with the City to implement the Thoroughfare Plan.

3. Camille Phillips provided written comments that were read aloud during the meeting. She brought up four issues in her comments regarding the project. These included the impact the project would have on potential flooding, the location along IH-35 (which she said is good). She also mentioned there has been a decrease in college enrollment, and that we already have many rent-by-the bedrooms. She also said that it is unclear whether The Barracks will be rent-by-the bedroom or owner occupied.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Moore, seconded by Commissioner Haverland, that ZC-20-10 (The Barracks) be recommended for approval. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

9. ZC-20-14 (101 & 103 Lockhart Street) Hold a public hearing and consider a request by Andrew Nance, on behalf of Ryan Bragg, for a Zoning Change from Duplex (D) to Neighborhood Density - 3 (ND-3), for approximately 0.2938 acres consisting of lot 46 of the A.M. Ramsay Subdivision, located at 101 & 103 Lockhart Street. (T. Carpenter)

Chair Gleason opened the Public Hearing.

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

1. Ryan Bragg (411 Providence Dr., Prosper, TX) was available for questions.
2. Andrew Nance (7931 Ozark San Marcos, TX) was available for questions.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Moore, seconded by Commissioner Spell, that ZC-20-14 (101 & 103 Lockhart Street) be recommended for approval. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

V. Adjournment

The meeting was adjourned at 9:36 p.m.

VI. Addendum

Items # 3, #6 and #8 were added after the agenda was posted at 10:34 a.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:



Legislation Text

File #: ID#20-554, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the regular meeting of August 11, 2020.

Meeting date: August 25, 2020

Department: Planning & Development Services

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

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

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

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

File #: ID#20-554, **Version:** 1

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, August 11, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.

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 Gleason at 6:01 p.m. on Tuesday, August 11, 2020 via Virtual Meeting due to COVID-19.

II. Roll Call

Present 9 - Commissioner Mike Dillon, Commissioner Matthew Haverland, Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, Commissioner William Agnew, Commissioner Mark Gleason, Commissioner Kate McCarty, and Commissioner Griffin Spell

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

There were no speakers.

EXECUTIVE SESSION

CONSENT AGENDA

1. PC-19-35 (Hymeadow, Section 2, Phase 1) Consider a request by Binkley & Barfield, Inc., on behalf of Brohn Homes, for approval of a Final Plat for approximately 27.638 acres, more or less, out of the William Hemphill Survey, Abstract No. 221, generally located northeast of Yarrington Road, along State Highway 21, Hays County, Texas. (A.Brake)
2. PC-20-15 (Cottonwood Creek Monterrey Oak) Consider a request by Pape Dawson Engineers, on behalf of Continental Homes of Texas, LP to approve the Final Plat consisting of approximately 0.481 acres, more or less, out of the Farnham Frye Survey. (T. Carpenter)

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

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

PUBLIC HEARINGS

3. ZC-20-15 (La Cima Phase 2) Hold a public hearing and consider a request by Natural Development, LLC, on behalf of LCSM Ph 2, LLC, for a zoning change from "FD" Future Development to "SF-4.5" Single Family - 4.5, for approximately 89.694 acres, more or less, out of the John Williams Survey, Abstract 490, and William Smithson Survey, Abstract 419, Hays County, generally located west of the intersection of Old Ranch Road 12 and Wonder World Drive. (A. Brake)

Chair Gleason opened the Public Hearing.

Alison Brake, Planner, gave an overview of the request.

Eric Willis, applicant, - He said that the request is consistent with their first two faces and development agreement. They will go through the plat process so they're following procedures.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Haverland, seconded by Commissioner Dillon, that ZC-20-15 (La Cima Phase 2) be recommended for approval. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

4. ZC-20-17 (The Mayan LI) Hold a public hearing and consider a request by Todd Burek, on behalf of The Mayan at San Marcos River LLC, for a zoning change from "FD" Future Development to "LI" Light Industrial, for approximately 38.019 acres, more or less, out of the Benjamin & Graves Fulcher Survey, Abstract No. 56 and the William A. Matthews Survey, Abstract No. 305, Hays County, located at 2801 Staples Road.

Chair Gleason opened the Public Hearing.

Shavon Caldwell, Planner, gave an overview of the request.

David Earl, applicant, spoke in favor of the item- He said they've worked on the development plan for quite some time. He added that the coming right-of-way has been purchased by TxDot and construction should begin soon. He said they're interested in promoting research and development in the area with an office/campus type usage, which fits in well with the Light Industrial use. He said there working with TxDot on a passage underneath the roadway that would all the bike trail to pass under FM 1-10,

making it a multi-module community. He said the project is part of a pending settlement agreement between the City and the developer.

Tory Hurt - He said they are following City codes and requirements when developing the area during the platting and design phase of the project.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Dillon, that ZC-20-17 (The Mayan LI) be recommended for denial.

A motion was made by Commissioner Spell, seconded by Commissioner Rand that the motion to deny be postponed until the next regular meeting on August 25, 2020. The motion was withdrawn.

Chair Gleason called for a vote on the main motion. The motion carried by the following vote:

For: 6 - Commissioner Dillon, Commissioner Haverland, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason and Commissioner McCarty

Against: 3 - Commissioner Rand, Commissioner Moore and Commissioner Spell

5. ZC-20-18 (The Mayan CD-5) Hold a public hearing and consider a request by Todd Burek, on behalf of The Mayan at San Marcos River LLC, for a zoning change from "FD" Future Development to "CD-5" Character District-5, for approximately 42.872 acres, more or less, out of the Benjamin & Graves Fulcher Survey, Abstract No. 813, the William A. Matthews Survey, Abstract No. 305, and the William Burnett Jr. Survey, Abstract No. 56, Hays County, Texas, and the Benjamin & Graves Fulcher Survey, Abstract No 21, Guadalupe County Texas, generally located at 2801 Staples Road. (S. Caldwell)

Chair Gleason opened the Public Hearing.

Shavon Caldwell, Planner, gave an overview of the request.

David Earl, applicant, He said the sent a letter to the City withdrawing the tract of land that is in the floodplain, so it could keep its current zoning.

Tory Hurt, applicant, he said the 12-acre tract in the floodplain was originally on there because it was the limits of the existing floodplain per FEMA. However, he said they have agreed to remove it from the zoning request.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Dillon, that ZC-20-18 (The Mayan CD-5) be recommended for approval with the following alternate recommendation: Approval of requested CD-5 zoning with exclusion of the ~12.546-acre tract located within the regulatory floodway

and Open Space Preferred Scenario designation. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

6. ZC-20-19 (The Mayan CD-4) Hold a public hearing and consider a request by Todd Burek, on behalf of The Mayan at San Marcos River LLC, for a zoning change from "FD" Future Development to "CD-4" Character District-4, for approximately 78.853 acres, more or less, out of the Benjamin & Graves Fulcher Survey, Abstract No. 21, Guadalupe County, the Benjamin & Graves Fulcher Survey, Abstract No. 813, and the William A. Matthews Survey, Abstract No. 305, Hays County, located at 2801 Staples Road. (S. Caldwell)

Chair Gleason opened the Public Hearing.

Shavon Caldwell, Planner, gave an overview of the request.

David Earl, applicant, spoke in favor of the item saying that are trying to do a structured plan ensure the land use is compatible.

Tory Hurt, applicant, spoke in favor of the item saying during the platting process they understand they may not be able to develop in the open space area because of the floodplain limits.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Haverland, that ZC-20-19 (The Mayan CD-4) be recommended for approval. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

7. ZC-20-20 (The Mayan CD-3) Hold a public hearing and consider a request by Todd Burek on behalf of The Mayan at San Marcos River LLC, for a zoning change from "FD" Future Development to "CD-3" Character District-3, for approximately 220.023 acres, more or less, out of the William Burnett Jr. Survey, Abstract No. 56 and the Benjamin & Graves Fulcher Survey, Abstract No. 813, Hays County, and the Benjamin & Graves Fulcher Survey, Abstract No. 21, Guadalupe County, located at 2801 Staples Road. (S. Caldwell)

Chair Gleason opened the Public Hearing.

Shavon Caldwell, Planner, gave an overview of the request.

David Earl, spoke in favor of the item. He said this is the single family portion of the

project. He added that during the presentation, staff failed to provide comments discussed between them and the developer regarding their stipulations regarding what they were going to do to address staff's concerns.

Tory Hurt, applicant, said buffer areas along I-10 were discussed with staff that was left out of the zoning presentation.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Haverland, seconded by Commissioner Kelsey, that ZC-20-20 (The Mayan CD-3) be recommended for approval. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

V. Adjournment

The meeting was adjourned at 8:45 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:



Legislation Text

File #: ID#20-541, **Version:** 1

AGENDA CAPTION:

CUP-20-12 (Joyful Noise Daycare Center) Hold a public hearing and consider a request by Colby Cotton, on behalf of Centerpoint Hunter Partners LLC, for a new Conditional Use Permit to open and operate a daycare center at 101 Centerpoint Road, Suite A. (S. Caldwell)

Meeting date: August 25, 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: [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 being considered is to open and operate the Joyful Noise Daycare Center in a space currently occupied by Joyful Noise Christian Center Church. The request is to open and operate in Suite A of the building located at 101 Centerpoint Road. The suite is approximately 4,800 square feet and the applicant has stated they intend to remodel the space to include a reception area and special events/meeting area and also possibly construct an outdoor, fenced in play area.

Joyful Noise Daycare is proposing to operate Monday-Friday 6am-7pm. The daycare center will provide care for no more than 20 children and will have 8 staff on site consisting of a Director, Assistant Director, 5 teachers, and 1 member of kitchen staff.

The Planning and Zoning Commission shall determine whether to approve, approve with conditions or modifications, or deny the permit. The Planning and Zoning Commission may require modifications in the proposed use and attach conditions to the conditional use permit deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this Section (Section 2.8.3.3, San Marcos Development Code)

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Recommendation:

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 effective upon the issuance of a Certificate of Occupancy, and;**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

Conditional Use Permit	101 Centerpoint Road
CUP-20-12	Joyful Noise Daycare



Summary

Request:	A Conditional Use Permit to allow a day care center at 101 Centerpoint Road		
Applicant:	Colby Cotton 101 Centerpoint Rd., Ste A San Marcos, TX 78666	Property Owner:	Centerpoint Hunter Partners LLC 328 Seguin Avenue New Braunfels, TX 78130
CUP Expiration	N/A	Type of CUP:	Land Use
Interior Floor Area:	4,803 square ft	Outdoor Floor Area	Site is +/- 7.244 acres (includes 3 additional structures on site)
Parking Required: <u>Day Care Center:</u> 1 per 300 SF GFA (16 spaces required for 4,803 square ft)	Parking Provided: <u>Day Care Center:</u> 18 regular and 2 ADA accessible spaces		
Days & Hours of Operation:	Monday - Friday: 6 a.m. – 7 p.m.		

Notification

Posted:	N/A	Personal:	August 14, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Edward Burluson Survey, Tract 1&2, Acres 7.244		
Location:	Near the intersection of Centerpoint Road and Hunter Road		
Acreage:	7.244 +/-	Central Business Area:	No
Existing Zoning:	Future Development (FD)	Preferred Scenario:	Star Park Medium Intensity Zone
Existing Use:	Joyful Noise Christian Center (Church)	Proposed Use:	Day Care Center
CONA Neighborhood:	N/A	Sector:	9
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Future Development (FD)	Residential	Medium Intensity
South of Property:	Planned Development District with "General Commercial" Base Zoning (PDD/GC)	Vacant	Medium Intensity
East of Property:	Future Development (FD)	Vacant	Medium Intensity
West of Property:	Planned Development District with "Mixed Use" Base Zoning (PDD/MU)	Residential/Vacant	Open Space/Low Intensity

Conditional Use Permit
CUP-20-12

101 Centerpoint Road
Joyful Noise Daycare



History

The subject property is located near the intersection of Centerpoint Road and Hunter Road. There are four structures on the property comprising the Centerpoint Business Park. The current uses and businesses on the property include Joyful Noise Christian Center, Legend Funeral Services, and Aqua Life San Antonio (see Exhibit A-Uses on Site).

The request to allow for the daycare use is for 101 Centerpoint Road, Suite A only. Suite B of the building is currently occupied by Legend Funeral Services offices. The building is one story and approximately 6,620 square feet with Suite A comprising approximately 4,800 square feet.

This property was annexed in 2015 and zoned Future Development (FD). Section 5.1.1.2 of the San Marcos Development Code requires an approved Conditional Use Permit to operate daycare centers in FD zoned districts.

Additional Analysis

Joyful Noise Daycare is proposing to operate Monday-Friday from 6 am-7pm. The daycare center will provide care for no more than 20 children and will have 1 Director, 1 Assistant Director, 5 teachers, and 1 member of kitchen staff working on site as well. The center’s proposed classroom breakdown is shown below:

- Classroom 1: 0-12 months
- Classroom 2: 1-2 years
- Classroom 3: 2-3 years
- Classroom 4: 3-5 years

According to the applicant the interior will be remodeled to include a 20’x42’ reception area and a 43’x63’ special events and common/meeting area. The applicant has also stated they intend to construct a fenced in play area outside the building although a design has not been decided on and no permits have been submitted for yet. This daycare center will require an approved Certificate of Occupancy to operate.

Comments from Other Departments

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

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial	<input type="checkbox"/>
1. The permit shall be effective upon the issuance of a Certificate of Occupancy, and 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.					
Staff: Shavon Caldwell	Title: Planner		Date: August 25, 2020		

Conditional Use Permit
CUP-20-12

101 Centerpoint Road
Joyful Noise Daycare



Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</p>
		<u>N/A</u>	<p>The proposed use is consistent with any adopted neighborhood character study for the area. <i>Studies were not complete at the time of this request</i></p>
<u>X</u>			<p>The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <i>Future Development districts are intended to serve as a temporary zoning district for properties that shall develop in the future and are not ready to be zoned for a particular use. However, the structures on this property were already constructed and in use when the property was annexed in 2015.</i></p> <p><i>Future Development districts allow for a very small number of uses among them being agricultural, single family residential, and public/institutional uses. Along with places of worship, schools, colleges, and libraries, day care centers are considered public/ institutional uses that can be considered appropriate in FD districts with an approved CUP.</i></p>
<u>X</u>			<p>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. <i>The properties directly east and south of the proposed daycare center are currently vacant. Residential uses are proposed and currently under development in the adjacent Kissing Tree development. However, these uses are located across from Hunter Road which is approximately 140-foot-wide in this location. There are also existing residential uses north of the property however these uses are located approximately 1,000 feet from the proposed center. The other existing uses on the site are under single ownership, are commercial, and are generally permitted in the same districts as day care centers.</i></p> <p><i>No adverse impacts to adjacent developments such as traffic, noise, odors, visual nuisances, drainage or other adverse effects are anticipated as a result of this use.</i></p>
<u>X</u>			<p>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.</p>
		<u>X</u>	<p>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.</p>

Conditional Use Permit	101 Centerpoint Road
CUP-20-12	Joyful Noise Daycare

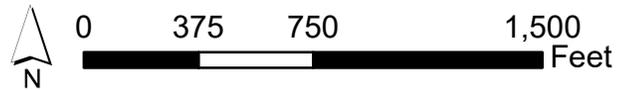


Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <i>No adverse effects, including visual impacts, on adjacent properties are anticipated.</i>
<u>X</u>			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.

CUP-20-12 Aerial View Joyful Noise Daycare-101 Centerpoint Road



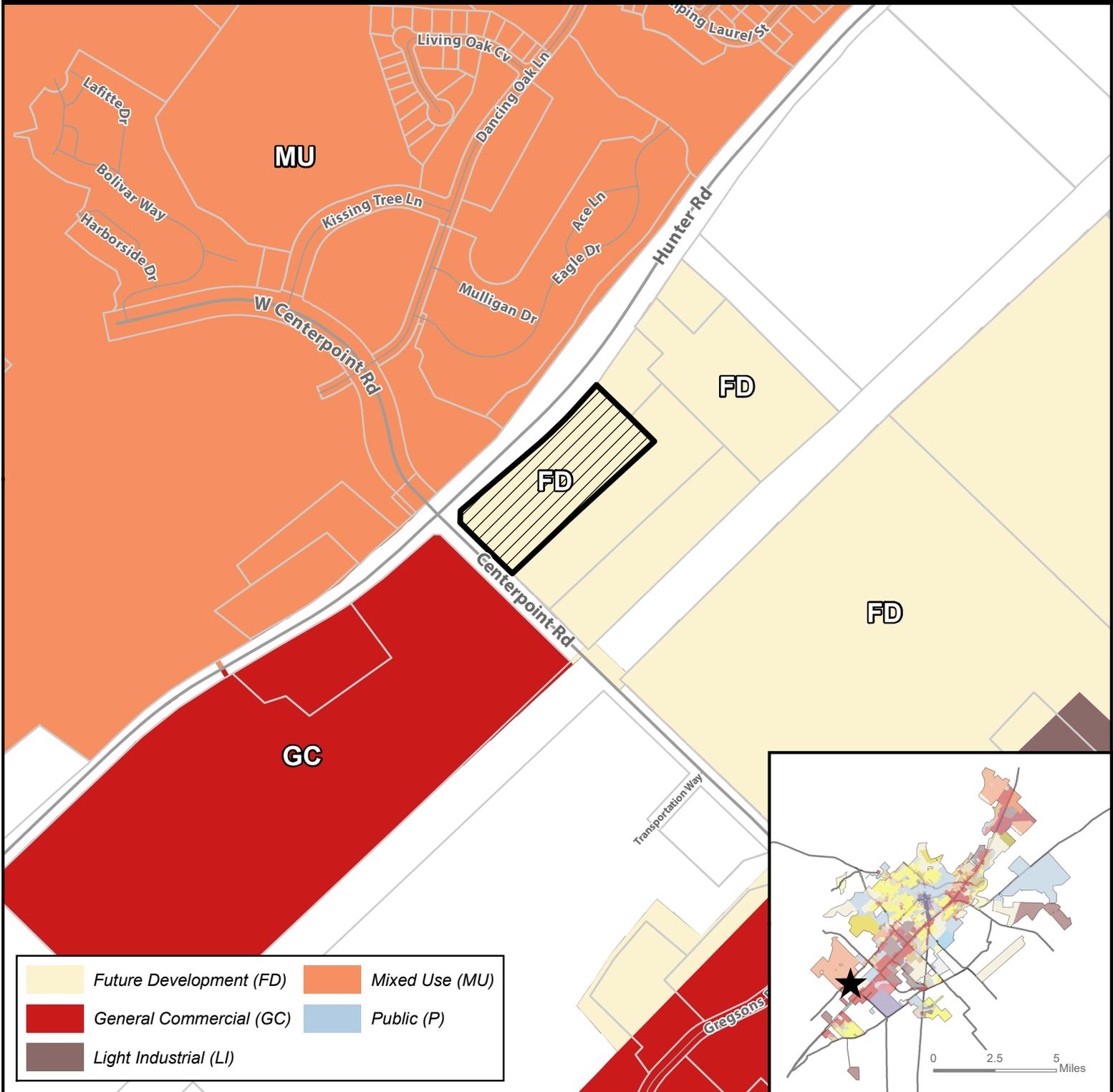
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



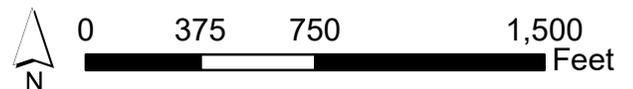
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 6/22/2020

CUP-20-12 Existing Zoning Joyful Noise Daycare-101 Centerpoint Road



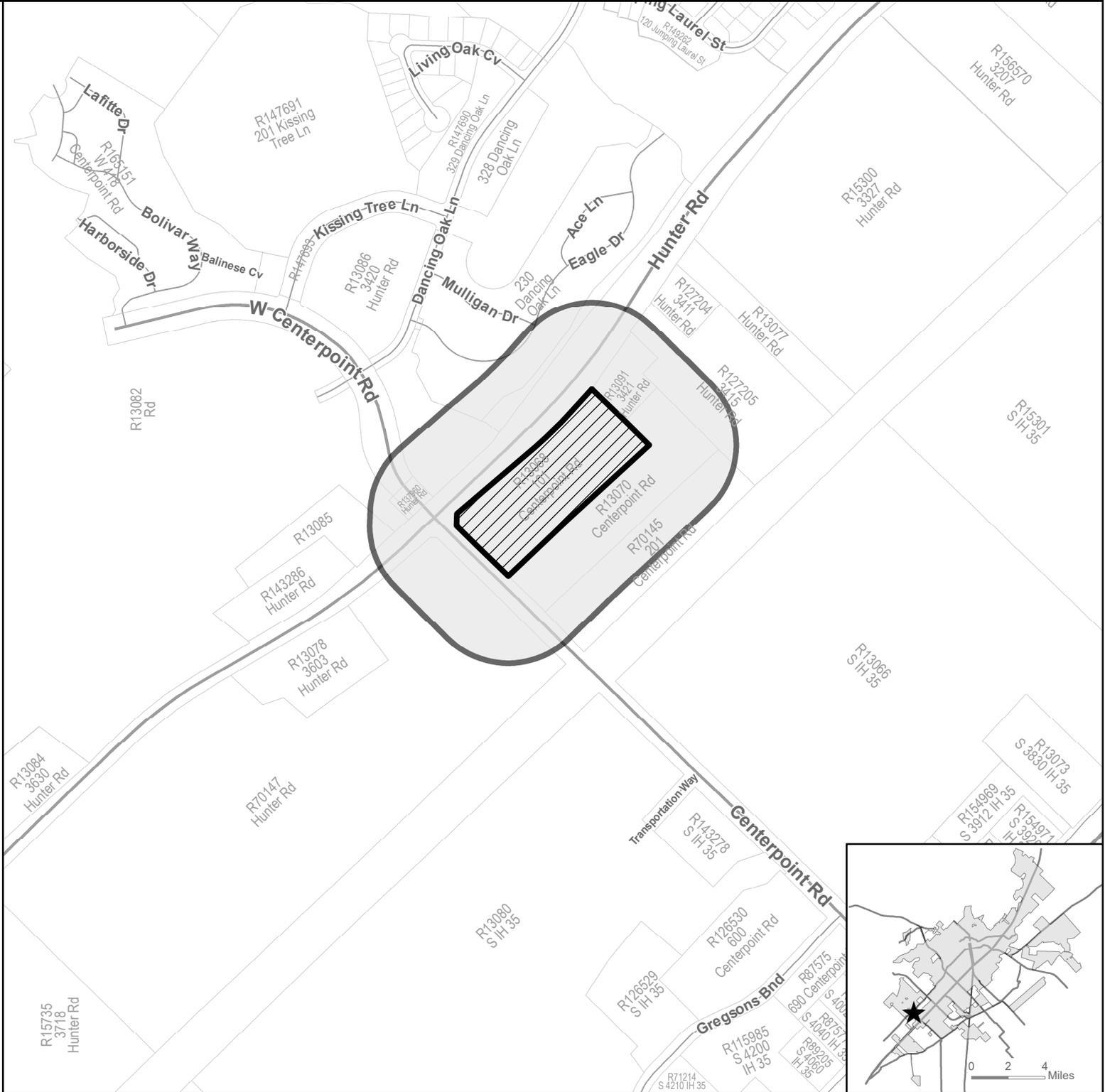
-  **Site Location**
-  **Subject Property**
-  **Parcels**
-  **City Limit**



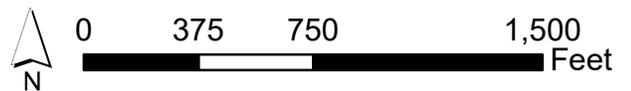
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 6/22/2020

CUP-20-12 400' Notification Buffer Joyful Noise Daycare-101 Centerpoint Road



- ★ Site Location
-  Subject Property
-  400' Buffer
-  Parcel
-  City Limit



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.

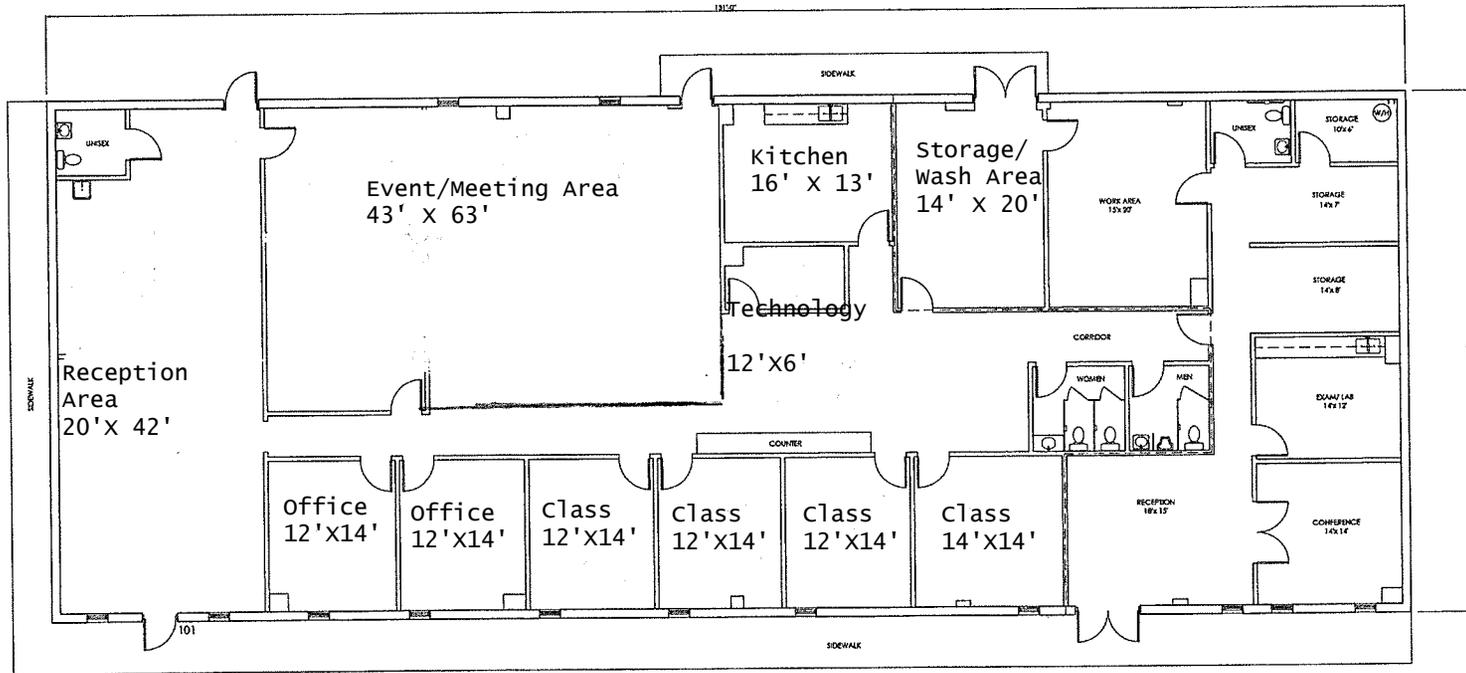
Map Date: 6/22/2020

CUP-20-12

Property ID	Owner Name	Site Address	Owner Address 1	Owner Address 2	Owner City	Owner State	Owner Zip
70145	BASLER PLASTICS LLC	201 CENTERPOINT	12570 STATE ROUTE 143		HIGHLAND	IL	62249-1074
70147	CARMA PASO ROBLES LLC	HUNTER	11501 ALTERRA PKWY	STE 100	AUSTIN	TX	78758-3201
137960	HAYS COUNTY EMERGENCY SERVICE DIST #3	HUNTER	3528 HUNTER RD		SAN MARCOS	TX	78666-9349
13091	HERNANDEZ, ISIDRO C	3421 HUNTER	3421 HUNTER RD		SAN MARCOS	TX	78666
127205	HUNTER ROAD INVESTMENTS LLC	3415 HUNTER	P O BOX 639		MARTINDALE	TX	78655-0639
13068	BUCK ANNE S	101 CENTERPOINT	328 S SEGUIN AVE		NEW BRAUNFELS	TX	78130
13070	RANDOLPH, MARK B	CENTERPOINT	P O BOX 1621		SAN MARCOS	TX	78667-1621
156328	LINDEMANN ANDREW		328 S Seguin Ave		New Braunfels	TX	78130
156326	SUHR FRANK		328 S Seguin Ave		New Braunfels	TX	78130
156325	BURCH TROY JR		328 S Seguin Ave		New Braunfels	TX	78130
156327	PFEUFFER DAVID		328 S Seguin Ave		New Braunfels	TX	78130



INDEPENDENT DESIGN
 Architecture - Interior Planning
 1728 W. Costner Drive, Suite 203
 San Antonio, TX 78217
 Voice: 214.828.3335
 Fax: 214.828.9954
 Email: idesign@earthlink.net



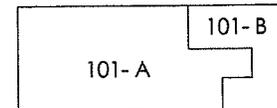
CONSULTANT
 The drawings are prepared by the consultant and are not to be construed as a contract. The consultant is not responsible for the accuracy of the information provided by the client. The consultant is not responsible for the accuracy of the information provided by the client. The consultant is not responsible for the accuracy of the information provided by the client.



01 FLOOR PLAN - BLDG. 101

SCALE: 3/16" = 1'-0"

BLDG. 101 - 1ST FLOOR SUITE - A - 4,809 SF
 BLDG. 101 - 1ST FLOOR SUITE - B - 1,823 SF
 TOTAL: 6,632 SF



02 LOCATION PLAN

SCALE: 3/16" = 1'-0"

BUILDING - 101
 101 Centerpoint
 San Marcos, TX

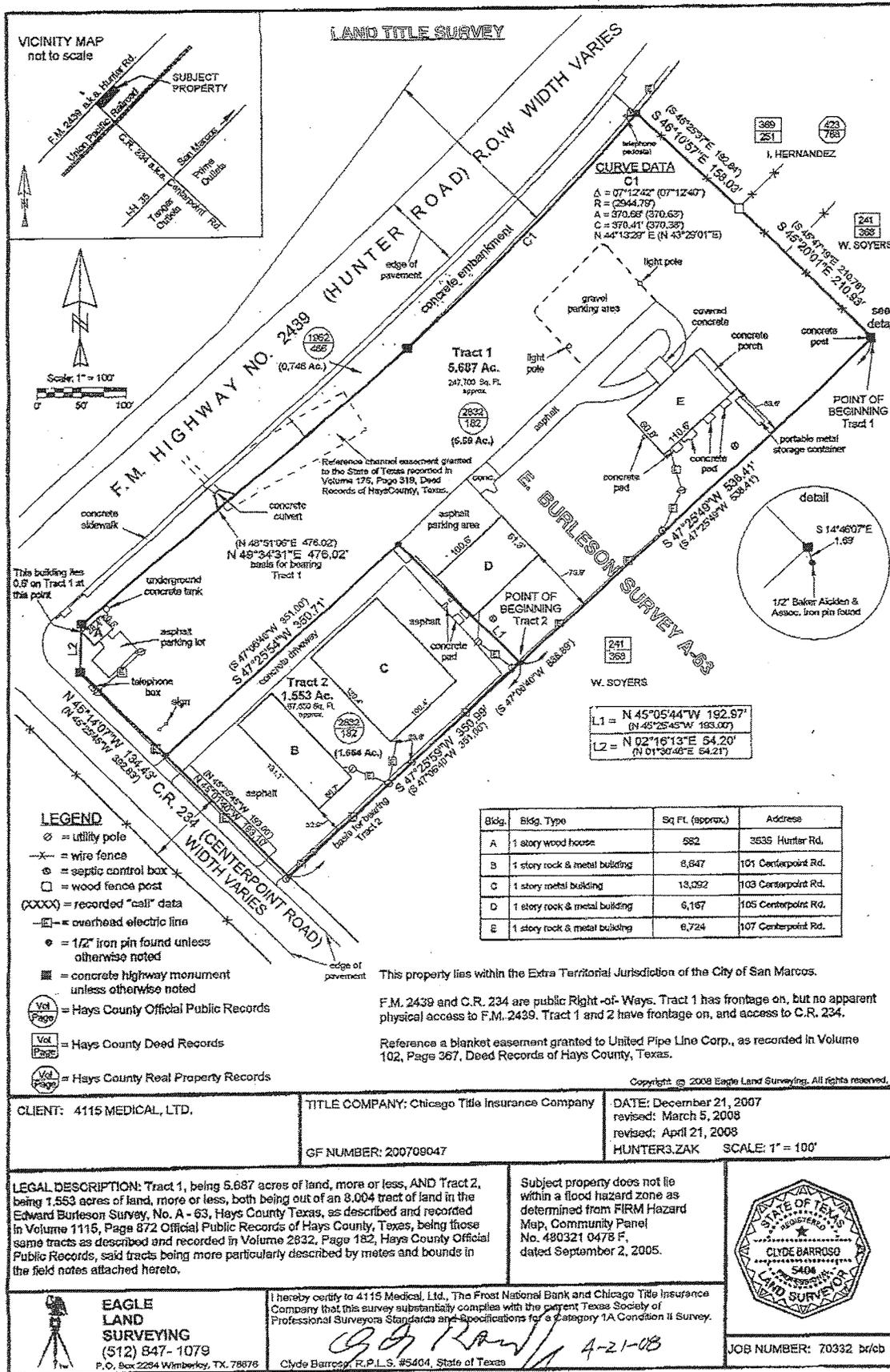
Drawn By: RO
 Checked By: ACO
 Revisions:

FLOOR PLAN

Date: DECEMBER 18, 2008
 Project No.: 2008-79

A-1

Sheet: of 1 Sheets



THIS DRAWING HAS BEEN REDUCED FROM IT'S ORIGINAL SIZE OF 11"x17".



**EAGLE
LAND
SURVEYING**

P.O. Box 2294 Wimberley, Texas 78676 (512) 847-1079 Fax: (512) 847-8522

April 21, 2008
TRACT 2

FIELD NOTES DESCRIBING 1.553 ACRES OF LAND, MORE OR LESS, OUT OF AN 8.004 TRACT OF LAND OUT OF THE EDWARD BURLESON SURVEY, NO. A-63, HAYS COUNTY, TEXAS, AS DESCRIBED AND RECORDED IN VOLUME 1115, PAGE 872, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 1.553 ACRES BEING THAT SAME TRACT OF LAND CALLED 1.554 ACRES, AS DESCRIBED AND RECORDED IN VOLUME 2832, PAGE 182, HAYS COUNTY OFFICIAL PUBLIC RECORDS, SAID 1.553 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a concrete post found for the East corner of the afore mentioned 8.004 acre tract, being the East corner of that tract of land called 5.69 acres, as described and recorded in Volume 2832, Page 182, Hays County Official Public Records;

THENCE S 47°25'49"W, a distance of 538.41 feet to a 1/2" iron pin found on the Southeast line of the afore mentioned 8.004 acre tract, for the East corner of the herein described 1.533 acre tract, and being the POINT OF BEGINNING for this description;

THENCE S 47°25'59"W (basis for bearing), with the Southeast line of the 8.004 acres and the afore mentioned 1.554 acre tract, a distance of 350.99 feet to a 1/2" iron pin found on the Northeast line of County Road 234 (also known as Centerpoint Road), for the South corner of the herein described tract;

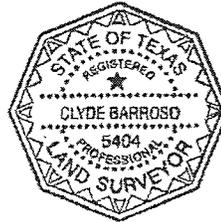
THENCE N 45°01'40"W, with the Northeast line of County Road 234, the Southwest line of the herein described tract, a distance of 193.10 feet to a 1/2" iron pin found for South corner of the 5.69 acre tract, being the West corner of the herein described 1.553 acre tract;

THENCE N 47°25'54"E, a distance of 350.71 feet to a 1/2" iron pin found, for an interior corner of the 5.69 acre tract, being the North corner of the herein described 1.553 acre tract;

THENCE S 45°05'44"E, a distance of 192.97 feet to the POINT OF BEGINNING, containing 1.553 acres of land, more or less. These field notes accompany a survey plat, job number 70332.

Clyde Barroso, R.P.L.S. #5404, State of Texas

page one of one
70332/1-553ac.doc





**EAGLE
LAND
SURVEYING**

P.O. Box 2264 Wimberley, Texas 78676 (512) 847-1079 Fax: (512) 847-8522

April 21, 2008
TRACT 1

FIELD NOTES DESCRIBING 5.687 ACRES OF LAND, MORE OR LESS, OUT OF AN 8.004 TRACT OF LAND OUT OF THE EDWARD BURLESON SURVEY, NO. A-63, HAYS COUNTY, TEXAS, AS DESCRIBED AND RECORDED IN VOLUME 1115, PAGE 872, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 5.687 ACRES BEING THAT SAME TRACT OF LAND CALLED 5.69 ACRES, AS DESCRIBED AND RECORDED IN VOLUME 2832, PAGE 182, HAYS COUNTY OFFICIAL PUBLIC RECORDS, SAID 5.687 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a concrete post found for the East corner of the afore mentioned 8.004 acre tract, being the East corner of the herein described tract and the POINT OF BEGINNING for this description;

THENCE S 47°25'49"W, a distance of 538.41 feet to a 1/2" iron pin found for the Southeast corner of the herein described tract, being the East corner of that tract of land called 1.554 acres, as described and recorded in Volume 2832, Page 182, Hays County Official Public Records;

THENCE N 45°05'44"W, with the Northeast line of the 1.554 acre tract, a distance of 192.97 feet to a 1/2" iron pin found for a interior angle point of the herein described tract, being the North corner of the afore mentioned 1.544 acre tract;

THENCE S 47°25'54"W, with the Northwest line of the 1.554 acre tract, a distance of 350.71 feet to a 1/2" iron pin found on the Northeast line of County Road 234 (also known as Centerpoint Road); for the Southern most corner of the herein described tract, being the West corner of the 1.554 acre tract;

THENCE N 45°14'07"W, with the Northeast line of said County Road 234, a distance of 134.43 feet to a concrete highway monument found for an angle point, being the South corner of that 0.746 acre tract of land, as described and recorded in Volume 1962, Page 466, Hays County Official Public Records;

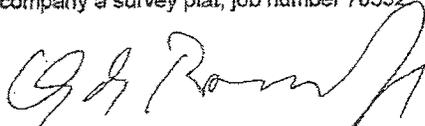
THENCE N 02°16'13"E, with the Southeast line of the 0.746 acre tract of land, a distance of 54.20 feet to a concrete highway monument found for an angle point;

THENCE N 49°34'31"E (basis for bearing), continuing with the Southeast line of the 0.746 acre tract of land, a distance of 476.02 feet to a concrete highway monument found for a point of curvature and the beginning of a curve to the left for the herein described tract;

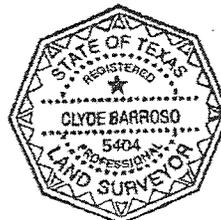
THENCE with a curve to the left having a central angle of 7°12'42", a radius of 2,944.79 feet, an arc length of 370.66 feet and a chord distance of 370.41 feet bearing N 44°13'29"E to an iron pin found (where a concrete highway monument once stood) for the North corner of the herein described tract;

THENCE S 46°10'57"E, approximately with a wire fence, a distance of 158.03 feet to a wood fence post found for an angle point;

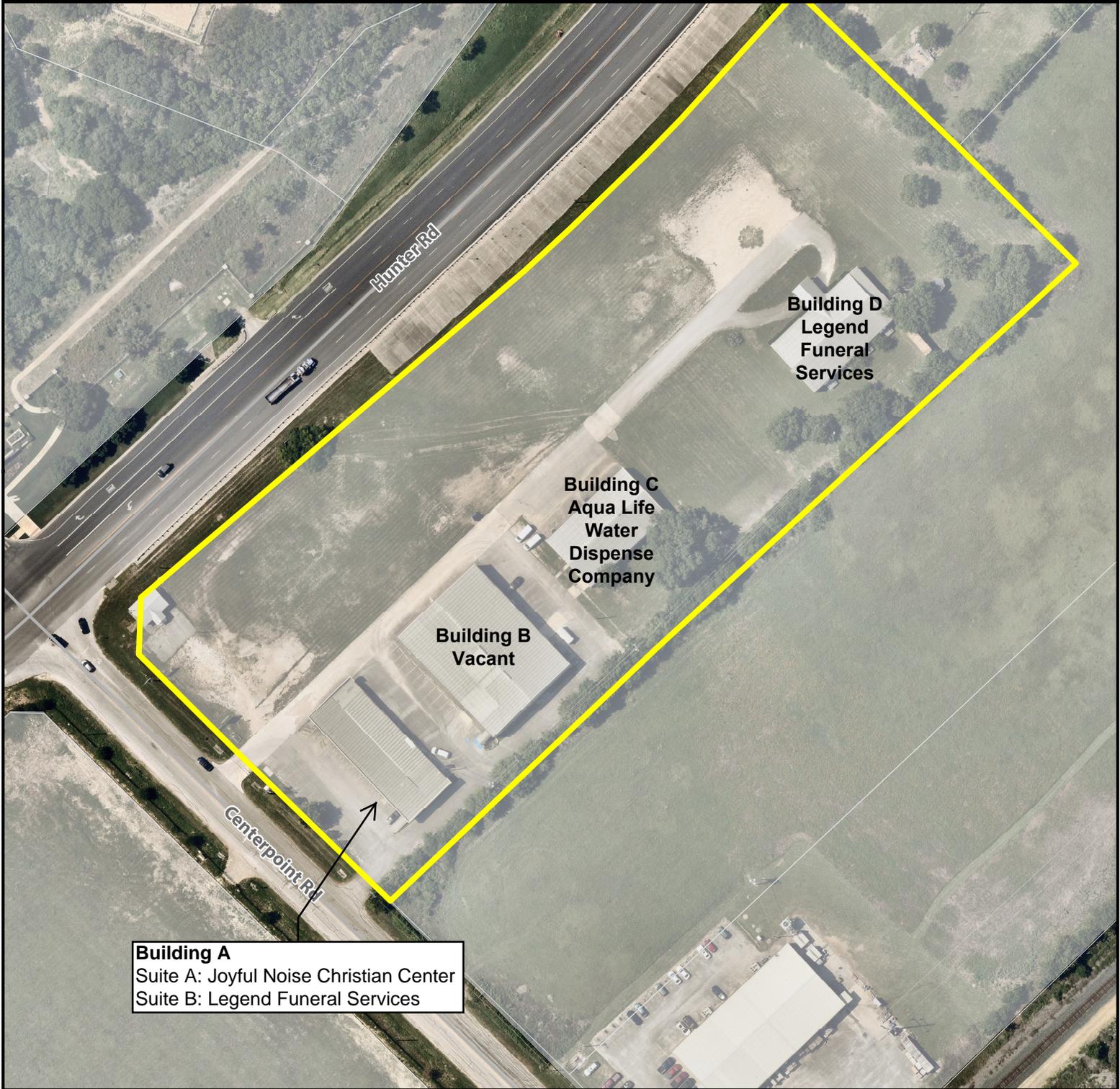
THENCE S 45°20'01"E, continuing with the wire fence, a distance of 210.93 feet to the POINT OF BEGINNING, containing 5.687 acres of land, more or less. These field notes accompany a survey plat, job number 70332


Clyde Barroso, R.P.L.S. #5404, State of Texas

page one of one
70332/5-687ac.doc



CUP-20-12 Current Uses on Site Joyful Noise Daycare-101 Centerpoint Road



0 75 150 300 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: 6/23/2020

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION



Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	Colby Cotton	Property Owner	Centerpoint Hunter Partners LLC
Company	Joyful Noise Christian Center	Company	Centerpoint Hunter Partners LLC
Applicant's Mailing Address	101 Centerpoint Ste A San Marcos Tx 78666	Owner's Mailing Address	328 S Seguin Ave New Braunfels Tx 78130
Applicant's Phone #	737-781-6111	Owner's Phone #	830-216-8395
Applicant's Email	revcotton@hotmail.com	Owner's Email	chpropertymanager@gmail.com

PROPERTY INFORMATION

Subject Property Address: 101 Centerpoint Ste A San Marcos Texas

Zoning District: Edward Burleson Survey Trap 1 & 2, 7.244 Acres Unit 101-A Tax ID #: R

Legal Description: Lot _____ Block _____ Subdivision _____

DESCRIPTION OF REQUEST

Please use this space to describe the proposal. Attach additional pages as needed.

We are requesting the use of our church to operate as a daycare center, that will provide child care ages ranging from infants to preschoolers. We also will provide after school program as well for pre-k and kindergarten. Our hours of operation will be 6am - 7pm. We will have 1 Director along with 5 teachers, kitchen staff and additional helpers to ensure that we meet the needs of every child. Our motto is Childcare that Matters. With your help we will be able to help low income families with childcare. We also will have a fenced in play area outside.

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, Centerpoint Hunter Partners LLC (owner name) on behalf of
CH Properties LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
101 Centerpoint Ste A San Marcos Texas 78666 (address).

I hereby authorize Ramika Alexis Adams (agent name) on behalf of
The Damron Group Realtors (agent company) to file this application for
Conditional Use Permit (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  dotloop verified
03/24/20 8:07 AM
CDT
17LS-B7ND-XARY-IUJ8 Date: _____

Printed Name, Title: Centerpoint Hunter Partners LLC Troy Birch Partner

Signature of Agent:  dotloop verified
03/21/20 7:18 PM CDT
QJJU-OHYQ-OJOL-X2MV Date: _____

Printed Name, Title: Ramika Alexis Adams, The Damron Group Realtors, Tenant Agent

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.

DocuSigned by:
Signature: Colby Cotton
CCD650155914462...

Print Name: Colby Cotton

Date: _____

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

NOTICE OF CONFIDENTIALITY RIGHTS. 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 RECORDS. YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

CHICAGO TITLE GF# 43ce117003 10 DB (9)

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS.
COUNTY OF HAYS §

That **HUNTER ROAD CENTERPOINT, LTD.,** a Texas limited partnership ("**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, including a note of even date executed by Grantee and payable to the order of First Commercial Bank, N.A. ("**Lender**"), to it in hand paid by Grantee (as defined below) having an address at 328 S. Seguin Avenue, New Braunfels, Texas 78130, the receipt and sufficiency of which are hereby acknowledged and confessed, and subject to the Permitted Exceptions (as hereinafter defined), has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL, and CONVEY, unto the following individuals, as tenants in common (i) an undivided 20.7631% interest to **TROY BURCH, JR.**, (ii) an undivided 20.7631% interest to **FRANK SUHR**, (iii) an undivided 20.7631% interest to **DAVID PFEUFFER**, (iv) an undivided 20.7631% interest to **ANDREW LINDEMANN**, and (v) an undivided 16.9476% interest to **ANNE S. BUCK** (collectively, the "**Grantee**"), all of the real property situated in Hays County, Texas, described on the attached **Exhibit A**, together with all and singular the rights, benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in anywise appertaining thereto, and together with all buildings and improvements located thereon and any right, title, and interest of Grantor in and to adjacent streets, alleys, strips, gores, and rights-of-way (collectively, the "**Property**"). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lender and by a first-lien deed of trust of even date herewith from Grantee to Mark Long, trustee.

This conveyance is made and accepted subject and subordinate to those encumbrances and exceptions (the "**Permitted Exceptions**") set forth on the attached **Exhibit B**, but only to the extent that they affect or relate to the Property, and without limitation or expansion of the scope of the special warranty herein contained.

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, unto Grantee, its heirs, executors, legal representatives, successors and assigns, forever; and Grantor does hereby bind itself, its heirs, executors, legal representatives, successors and assigns, to WARRANT and FOREVER DEFEND all and singular the Property unto Grantee, its heirs, executors, legal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, except as to the Permitted Exceptions to conveyance and warranty contained herein, by, through or under Grantor, but not otherwise.

The vendor's lien against and superior title to the Property are retained until each note

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

NOTICE OF CONFIDENTIALITY RIGHTS. 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 RECORDS. YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

CHICAGO TITLE GF# 430011700210 DB (1)

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS.
COUNTY OF HAYS §

That **HUNTER ROAD CENTERPOINT, LTD.**, a Texas limited partnership ("**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, including a note of even date executed by Grantee and payable to the order of First Commercial Bank, N.A. ("**Lender**"), to it in hand paid by Grantee (as defined below) having an address at 328 S. Seguin Avenue, New Braunfels, Texas 78130, the receipt and sufficiency of which are hereby acknowledged and confessed, and subject to the Permitted Exceptions (as hereinafter defined), has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL, and CONVEY, unto the following individuals, as tenants in common (i) an undivided 20.7631% interest to **TROY BURCH, JR.**, (ii) an undivided 20.7631% interest to **FRANK SUHR**, (iii) an undivided 20.7631% interest to **DAVID PFEUFFER**, (iv) an undivided 20.7631% interest to **ANDREW LINDEMANN**, and (v) an undivided 16.9476% interest to **ANNE S. BUCK** (collectively, the "**Grantee**"), all of the real property situated in Hays County, Texas, described on the attached **Exhibit A**, together with all and singular the rights, benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in anywise appertaining thereto, and together with all buildings and improvements located thereon and any right, title, and interest of Grantor in and to adjacent streets, alleys, strips, gores, and rights-of-way (collectively, the "**Property**"). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lender and by a first-lien deed of trust of even date herewith from Grantee to Mark Long, trustee.

This conveyance is made and accepted subject and subordinate to those encumbrances and exceptions (the "**Permitted Exceptions**") set forth on the attached **Exhibit B**, but only to the extent that they affect or relate to the Property, and without limitation or expansion of the scope of the special warranty herein contained.

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, unto Grantee, its heirs, executors, legal representatives, successors and assigns, forever; and Grantor does hereby bind itself, its heirs, executors, legal representatives, successors and assigns, to WARRANT and FOREVER DEFEND all and singular the Property unto Grantee, its heirs, executors, legal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, except as to the Permitted Exceptions to conveyance and warranty contained herein, by, through or under Grantor, but not otherwise.

The vendor's lien against and superior title to the Property are retained until each note

described is fully paid according to its terms, at which time this deed will become absolute.

EXCEPT AS EXPRESSLY PROVIDED IN THE COMMERCIAL CONTRACT—IMPROVED PROPERTY BETWEEN GRANTOR AND GRANTEE DATED AS OF FEBRUARY 21, 2017 (THE "AGREEMENT"), REGARDING THE PROPERTY, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND EXPRESSLY DISCLAIMS, ANY WARRANTIES, REPRESENTATIONS, COVENANTS OR GUARANTEES, EXPRESSED OR IMPLIED, OR ARISING BY OPERATION OF LAW, AS TO THE MERCHANTABILITY, HABITABILITY, QUANTITY, QUALITY, OR ENVIRONMENTAL CONDITION OF THE PROPERTY OR ITS SUITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE. GRANTEE AFFIRMS THAT IT: (i) HAS INVESTIGATED AND INSPECTED THE PROPERTY AND IS FAMILIAR AND SATISFIED WITH THE PHYSICAL CONDITION OF THE PROPERTY; AND (ii) HAS MADE ITS OWN DETERMINATION AS TO THE MERCHANTABILITY, QUANTITY, QUALITY, AND CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE POSSIBLE PRESENCE OF TOXIC OR HAZARDOUS SUBSTANCES OR WASTE OR OTHER ENVIRONMENTAL CONTAMINATION AND THE PROPERTY'S SUITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE. GRANTEE HEREBY ACCEPTS THE PROPERTY IN ITS PRESENT CONDITION (INCLUDING ENVIRONMENTAL CONDITIONS) ON AN "AS IS," "WHERE IS," AND "WITH ALL FAULTS" BASIS. GRANTEE FURTHER ACKNOWLEDGES THAT WITHOUT THIS ACCEPTANCE, THIS SALE WOULD NOT BE MADE AND THAT GRANTOR DOES NOT HAVE, AND WILL NOT UNDER ANY CIRCUMSTANCES HAVE, ANY OBLIGATION WHATSOEVER TO UNDERTAKE ANY REPAIR, ALTERATION, REMEDIATION, OR OTHER WORK OF ANY KIND WITH RESPECT TO ANY PORTION OF THE PROPERTY. GRANTEE AND ITS SUCCESSORS AND ASSIGNS HAVE, AND SHALL BE DEEMED TO HAVE, ASSUMED ALL RISK AND LIABILITY WITH RESPECT TO THE PRESENCE OF TOXIC OR HAZARDOUS SUBSTANCES OR WASTE OR OTHER ENVIRONMENTAL CONTAMINATION ON OR WITHIN OR UNDER THE SURFACE OF THE PROPERTY, WHETHER KNOWN OR UNKNOWN, APPARENT, NON-APPARENT OR LATENT, AND WHETHER EXISTING BEFORE, AT, OR AFTER THE TRANSFER OF THE PROPERTY. GRANTEE AND ITS SUCCESSORS AND ASSIGNS HEREBY RELEASE GRANTOR OF AND FROM ANY AND ALL RESPONSIBILITY, LIABILITY, OBLIGATIONS, AND CLAIMS, KNOWN OR UNKNOWN, INCLUDING, WITHOUT LIMITATION, ANY OBLIGATION TO TAKE THE PROPERTY BACK OR REDUCE THE PRICE, OR ACTIONS FOR CONTRIBUTION OR INDEMNITY, THAT GRANTEE OR ITS SUCCESSORS AND ASSIGNS MAY HAVE AGAINST GRANTOR OR THAT MAY ARISE IN THE FUTURE, BASED IN WHOLE OR IN PART, UPON THE PRESENCE OF TOXIC OR HAZARDOUS SUBSTANCES OR WASTE OR OTHER ENVIRONMENTAL CONTAMINATION ON OR WITHIN OR UNDER THE SURFACE OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ALL RESPONSIBILITY, LIABILITY, OBLIGATIONS, AND CLAIMS THAT MAY ARISE UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT, AS AMENDED 42 U.S.C. § 9601 ET SEQ., THE RESOURCE CONSERVATION AND RECOVERY ACT, AS AMENDED, 42 U.S.C. § 6901 ET SEQ.,

THE OIL POLLUTION ACT, 33 U.S.C. § 2701 ET SEQ. AND THE TEXAS SOLID WASTE DISPOSAL ACT TEX. HEALTH & SAFETY CODE ANN. § 361 ET SEQ. GRANTEE FURTHER ACKNOWLEDGES THAT THE PROVISIONS OF THIS DISCLAIMER AND RELEASE HAVE BEEN FULLY EXPLAINED TO GRANTEE AND THAT GRANTEE FULLY UNDERSTANDS AND ACCEPTS THE SAME. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THE AGREEMENT, GRANTEE IS NOT RELEASING GRANTOR FROM ANY EXPRESS MISREPRESENTATION OF GRANTOR MADE UNDER THE AGREEMENT.

Grantee, by its acceptance hereof, hereby assumes and agrees to pay any and all standby fees, taxes, and assessments by any taxing authority for the calendar year 2017, and subsequent years. Grantee, by its acceptance hereof, hereby assumes and agrees to pay any and all subsequent taxes and assessments relating to a subsequent change in the usage or ownership of the Property, whether by reason of this conveyance or hereafter.

Lender, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Lender and are transferred to Lender without recourse against Grantor.

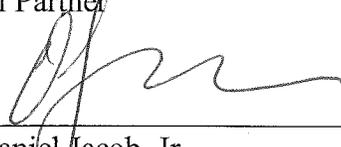
***REMAINDER OF PAGE INTENTIONALLY BLANK.
SIGNATURE PAGE FOLLOWS.***

EXECUTED as of the 19th day of April, 2017.

GRANTOR:

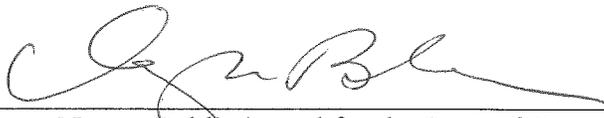
HUNTER ROAD CENTERPOINT, LTD.,
a Texas limited partnership

By: GWS Interest, LC,
its General Partner

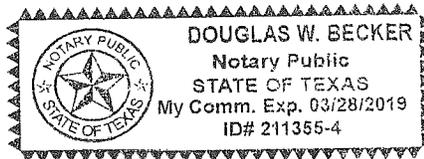
By: 
Name: Daniel Jacob, Jr.
Title: Manager

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 19th day of April, 2017,
by **Dan Jacob, Jr.**, Manager of **GWS Interests, LC**, the General Partner of **HUNTER ROAD
CENTERPOINT, LTD.**, a Texas limited partnership on behalf of said limited partnership.



Notary Public in and for the State of Texas



GRANTEE'S ADDRESS FOR TAX NOTICES:

328 S. Seguin Avenue, New Braunfels, Texas 78130

When recorded, return to:

328 S. Seguin Avenue, New Braunfels, Texas 78130

Exhibit A
Legal Description of the Property

TRACT 1:

Field notes describing 5.687 Acres of land, more or less, out of an 8.004 Tract of land out of the Edward Burleson Survey, No. 463, Hays County, Texas, as described and recorded in Volume 1115, Page 872, Official Public Records of Hays County, Texas, said 5.687 Acres being that same Tract of land called 5.69 Acres, as described and recorded in Volume 2832, Page 182, Hays County Official Public Records, said 5.687 Acres being more particularly described by metes and bounds as follows;

BEGINNING at a concrete post found for the East corner of the afore mentioned 8.004 Acre Tract, being the East corner of the herein described Tract and the POINT OF BEGINNING for this description;

THENCE South 47 degrees 25 minutes 49 seconds West, a distance of 538.41 feet to a 1/2 inch iron pin found for the Southeast corner of the herein described Tract, being the East corner of that Tract of land called 1.554 Acres, as described and Recorded in Volume 2832, Page 182, Hays County Official Public Records;

THENCE North 45 degrees 05 minutes 44 seconds West, with the Northeast line of the 1.554 Acre Tract, a distance of 192.97 feet to a 1/2 inch iron pin found for a interior angle point of the herein described Tract, being the North corner of the afore mentioned 1.544 Acre Tract;

THENCE South 47 degrees 25 minutes 54 seconds West, with the Northwest line of the 1.554 Acre Tract, a distance of 350.71 feet to a 1/2 inch iron pin found on the Northeast line of County Road 234 (also known as Centerpoint Road), for the Southernmost corner of the herein described Tract, being the West corner of the 1.554 Acre Tract;

THENCE North 45 degrees 14 minutes 07 seconds West, with the Northeast line of said County Road 234, a distance of 134.43 feet to a concrete highway monument found for an angle point, being the South corner of that 0.746 Acre Tract of land, as described and recorded in Volume 1962, Page 466, Hays County Official Public Records;

THENCE North 02 degrees 16 minutes 13 seconds East, with the Southeast line of the 0.746 Acre Tract of land, a distance of 54.20 feet to a concrete highway monument found for an angle point;

THENCE North 49 degrees 34 minutes 31 seconds East (basis for bearing), continuing with the Southeast line of the 0.746 Acre Tract of land, a distance of 476.02 feet to a concrete highway monument found for a point of curvature and the beginning of a curve to the left for the herein described Tract;

THENCE with a curve to the left having a central angle of 7 degrees 12 minutes 42 seconds, a radius of 2,944.79 feet, an arc length of 370.66 feet and a chord distance of 370.41 feet bearing North 44 degrees 13 minutes 29 seconds East to an iron pin found (where a concrete highway monument once stood) for the North corner of the herein described Tract;

THENCE South 46 degrees 10 minutes 57 second East, approximately with a wire fence, a distance of 158.03 feet to a wood fence post found for an angle point;

THENCE South 45 degrees 20 minutes 01 seconds East, continuing with the wire fence, a distance of 210.93 feet to the POINT OF BEGINNING, containing 5.687 Acres of land, more or less.

TOGETHER WITH:

TRACT 2:

Field notes describing 1.553 Acres of land, more or less, out of an 8.004 Tract of land out of the Edward Burleson Survey, No. A-63, Hays County, Texas, as described and Recorded in Volume 1115, Page 872, Official Public Records of Hays County, Texas, said 1.553 Acres being that same Tract of land called 1.554 Acres, as described and recorded in Volume 2832, Page 182, Hays County Official Public Records, said 1.553 Acres being more particularly described by metes and bounds as follows;

COMMENCING at a concrete post found for the East corner of the More mentioned 8.004 Acre Tract, being the East corner of that Tract of land called 5.69 Acres, as described and recorded in Volume 2832, Page 182, Hays County Official Public Records;

THENCE South 47 degrees 25 minutes 49 seconds West, a distance of 538.41 feet to a 1/2 inch iron pin found on the Southeast line of the More mentioned 8.004 Acre Tract, for the East corner of the herein described 1.533 Acre Tract, and being the POINT OF BEGINNING for this description;

THENCE South 47 degrees 25 minutes 59 seconds West (basis for bearing), with the Southeast line of the 8.004 Acres and the afore mentioned 1.554 Acre Tract, a distance of 350.99 feet to a 1/2 inch iron pin found on the Northeast line of County Road 234 (also known as Centerpoint Road), for the South corner of the herein described Tract;

THENCE North 45 degrees 01 minutes 40 seconds West, with the Northeast line of County Road 234, the Southwest line of the herein described Tract, a distance of 193.10 feet to a 1/2 inch iron pin found for South corner of the 5.69 Acre Tract, being the West corner of the herein described 1.553 Acre Tract

THENCE North 47 degrees 25 minutes 54 seconds East, a distance of 350.71 feet to a 1/2 inch iron pin found, for an interior corner of the 5.69 Acre Tract, being the North corner of the herein described 1.553 Acre Tract;

THENCE South 45 degrees 05 minutes 44 seconds East, a distance of 192.97 feet to the POINT OF BEGINNING, containing 1.553 Acres of land, more or less.

Exhibit B
Permitted Exceptions

- a. Easement(s) for the purpose(s) shown below and rights incidental thereto (Blanket), as granted in a document:

Granted to: United Pipe Line Corp.

Purpose: As provided in said instrument Recording Date: January 19, 1931

Recording No: Volume 102, Page 367, of the Deed Records of Hays County, Texas

- b. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: State of Texas

Purpose: Channel Easement Recording Date: January 30, 1959

Recording No: Volume 176, Page 319, of the Deed Records of Hays County, Texas

- c. Oil, Gas and Mineral Lease, together with all rights incident thereto:

Lessor: W. M. Soyars

Lessee: Ford D. Albritton

Dated: December 18, 1970

Recording No.: Volume 241, Page 832, of the Deed Records of Hays County, Texas

Exhibit B
Permitted Exceptions

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Granted to: State of Texas

Purpose: Channel Easement Recording Date: January 30, 1959

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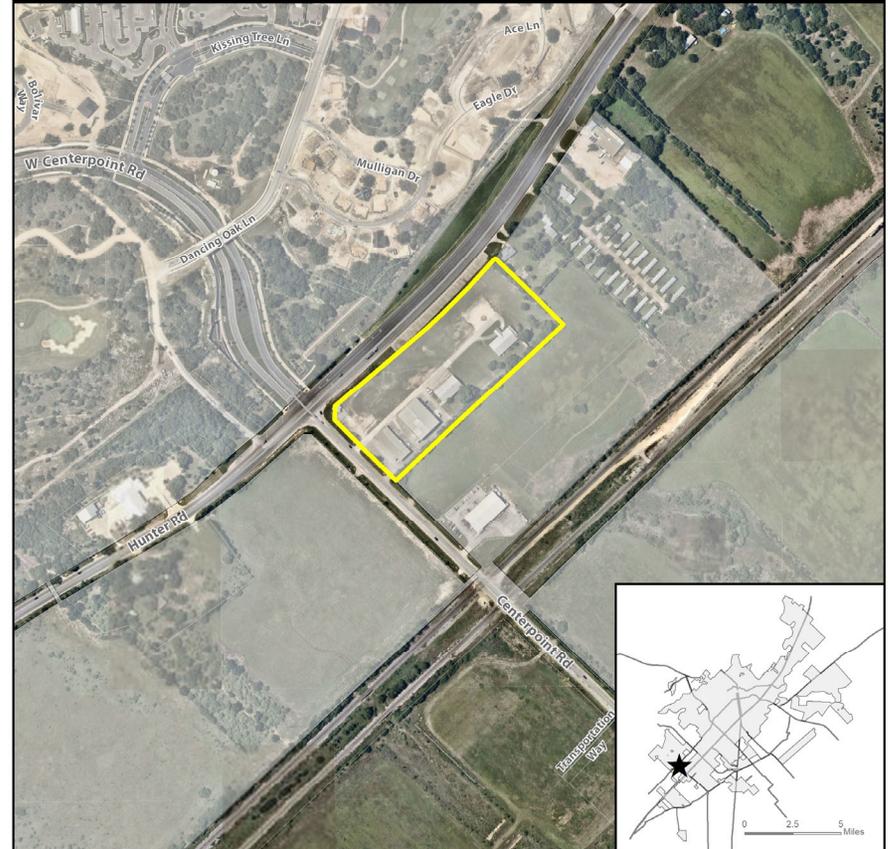
CUP-20-12 (Joyful Noise Daycare Center)

Hold a public hearing and consider a request by Colby Cotton, on behalf of Centerpoint Hunter Partners LLC, for a new Conditional Use Permit to open and operate a daycare center at 101 Centerpoint Road, Suite A. (S. Caldwell)

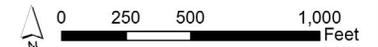
Location:

- The proposed daycare center (currently Joyful Noise Christian Center) is located at the intersection of Hunter Road and Centerpoint Road
- Located within the Star Park Medium Intensity Area on the Preferred Scenario Map

CUP-20-12 Aerial View Joyful Noise Daycare-101 Centerpoint Road



- ★ Site Location
- Subject Property
- Parcel
- City Limit



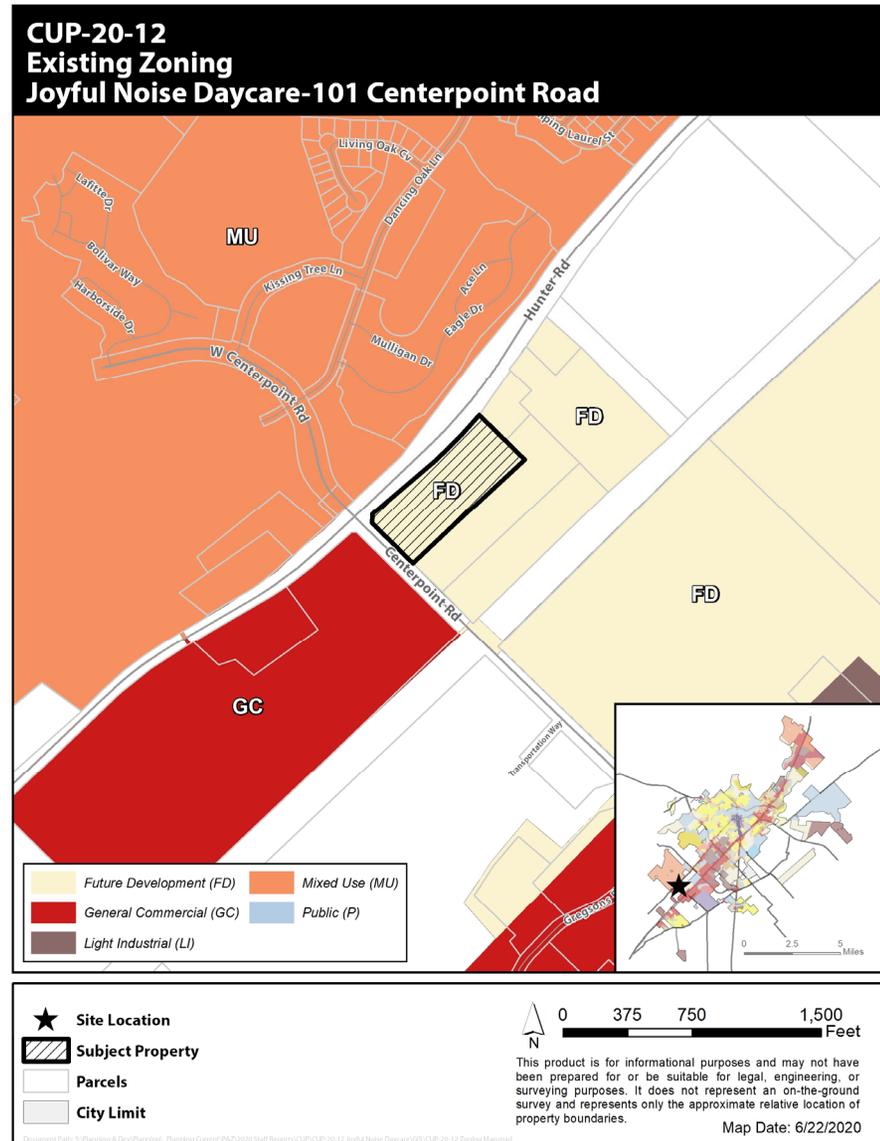
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 8/11/2020



Context & History

- Currently being used as a church (Joyful Noise Christian Center)
- Maximum 20 children and 8 staff (1 Director, 1 Assistant Director, 5 teachers, 1 kitchen staff)
 - Classroom 1: 0-12 months
 - Classroom 2: 1-2 years
 - Classroom 3: 2-3 years
 - Classroom 4: 3-5 years
- Hours of operation:
 - Monday-Friday 6am-7pm
- Indoor use only proposed at this time. Possible outdoor play area to be added at a future date.

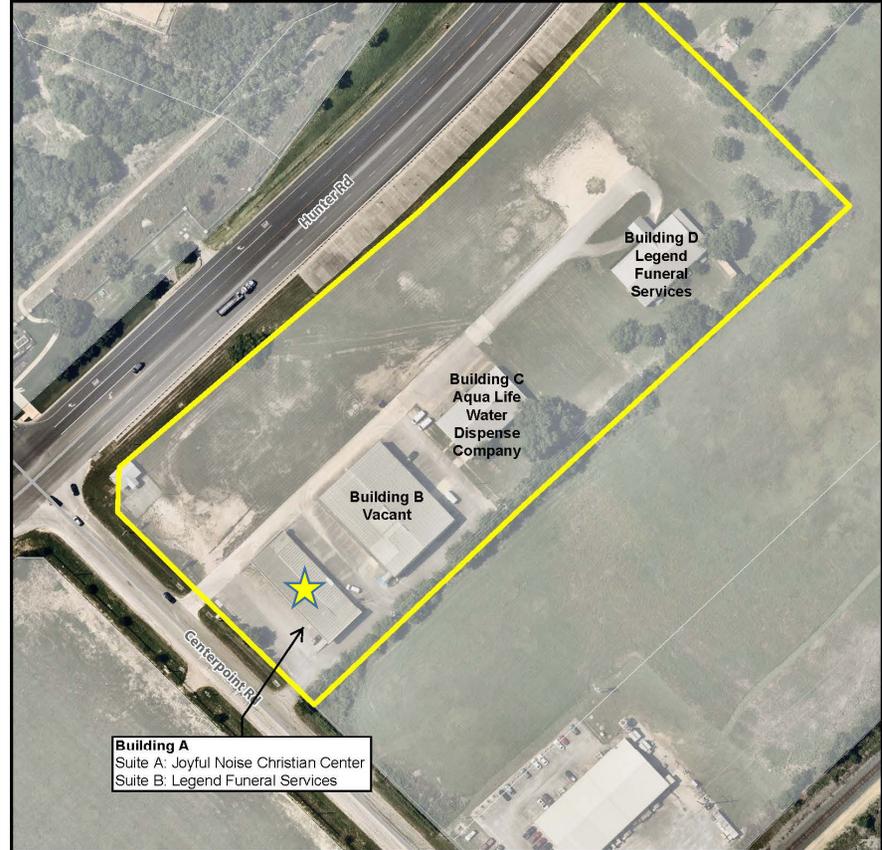




Context & History

- 6,626 square foot building
 - Suite A - 4,803 square feet
 - Suite B - 1,823 square feet
- 1 of 4 structures/uses on ~7.24 acre property
 - Joyful Noise Christian Center
 - Legend Funeral Services
 - Aqua Life San Antonio
- Surrounding Area
 - Kissing Tree (across Hunter Rd.)
 - Residential
 - Vacant FD zoned

CUP-20-12
Current Uses on Site
Joyful Noise Daycare-101 Centerpoint Road

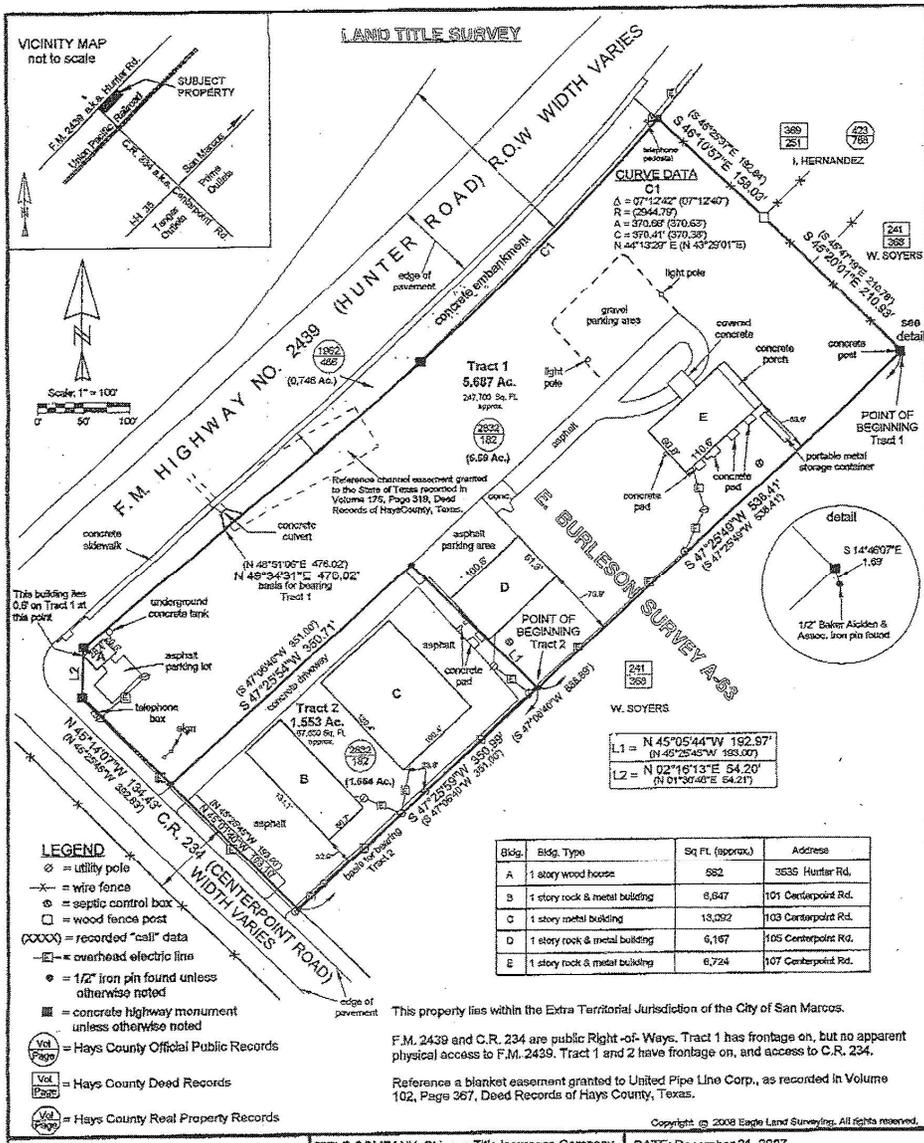


Building A
Suite A: Joyful Noise Christian Center
Suite B: Legend Funeral Services

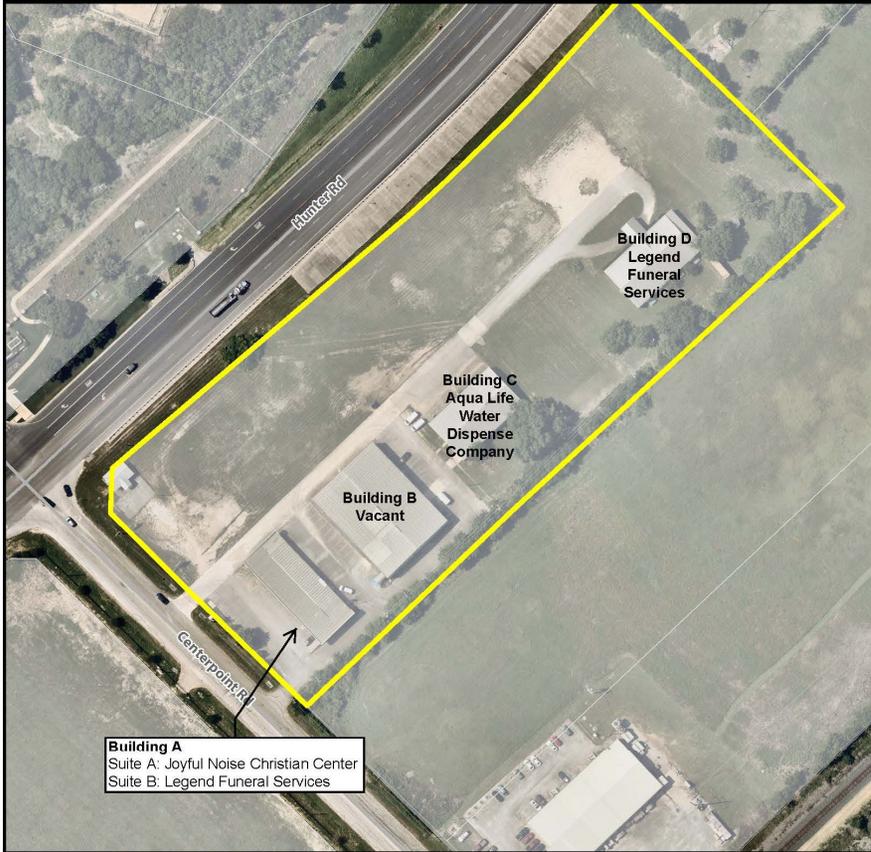


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Map Date: 6/23/2020



CUP-20-12
Current Uses on Site
Joyful Noise Daycare-101 Centerpoint Road



Building A
Suite A: Joyful Noise Christian Center
Suite B: Legend Funeral Services

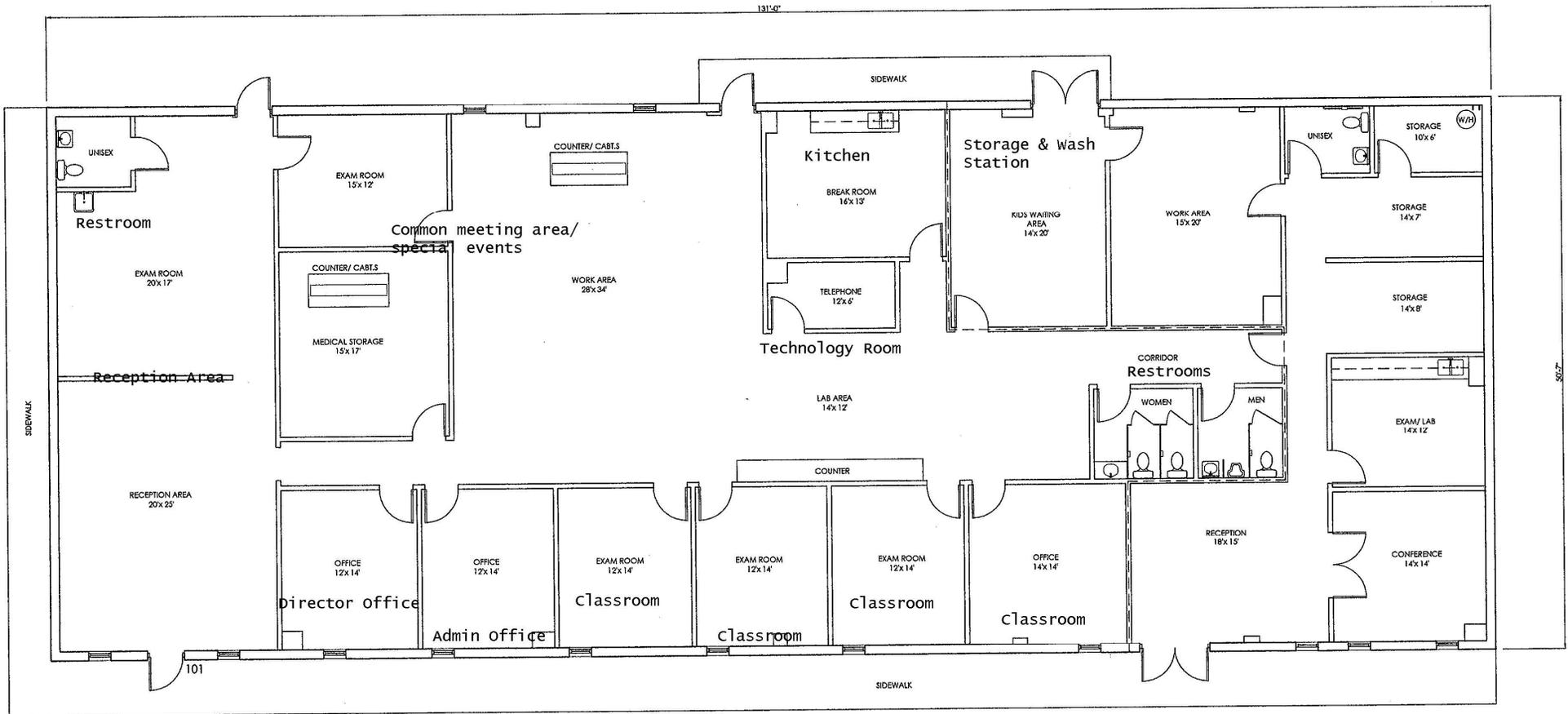
Building B
Vacant

Building C
Aqua Life Water Dispense Company

Building D
Legend Funeral Services

0 75 150 300 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: 6/23/2020



Floor Plan-Before Remodel



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 effective upon the issuance of a Certificate of Occupancy, and;**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**