



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final Planning and Zoning Commission

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Tuesday, July 8, 2014

6:00 PM

City Council Chambers

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630 E. Hopkins

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

### CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting on June 24, 2014.
2. PC-14-12\_04 (Dennis Patrick McCoy Memorial Subdivision Replat) Consider a request by Ramsey Engineering, LLC, on behalf of McCoy Corporation, for approval of a Replat and associated Subdivision Improvement Agreement for lot 1-B of the Dennis Patrick McCoy Memorial Subdivision, approximately 19.382 acres, more or less located on McCoy Circle near IH 35.

### PUBLIC HEARINGS

3. CUP-22-14 (The Triple Crown) Hold a public hearing and consider a request by A.E. Manning, Inc., on behalf of The Triple Crown, for an amendment to an existing Conditional Use Permit (CUP) to expand the service area for the sale of mixed beverages for on-premise consumption to a rear deck addition.

### NON-CONSENT AGENDA

4. Development Services Report:
  - a. Code SMTX update
  - b. Rhythm of the Street - July 26, 2014
  - c. October 14, 2014 P&Z Commission Meeting
  - d. P&Z Bylaws schedule update

V. Question and Answer Session with Press and Public.

VI. Adjournment

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:  
\_\_\_\_\_



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Legislation Text

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**File #:** ID#13-419, **Version:** 1

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**AGENDA CAPTION:**

Consider approval of the minutes of the Regular Meeting on June 24, 2014.

**Meeting date:** July 8, 2014

**Department:** Development Services

**Funds Required:** n/a

**Account Number:** n/a

**Funds Available:** n/a

**Account Name:** n/a

**CITY COUNCIL GOAL:**

**BACKGROUND:**



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes Planning and Zoning Commission

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Tuesday, June 24, 2014

6:00 PM

City Council Chambers

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630 E. Hopkins

### 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 Wood at 6:00 p.m. on Tuesday, June 10, 2014 in the Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas 78666.**

### II. Roll Call

- Present** 6 - Commissioner Corey Carothers, Commissioner Kenneth Ehlers, Commissioner Jane Hughson, Commissioner Brian Olson, Commissioner Amy Stanfield, and Commissioner Chris Wood
- Absent** 3 - Commissioner Travis Kelsey, Commissioner Angie Ramirez, and Commissioner Curtis Seebeck

### III. Chairperson's Opening Remarks

### IV. 30 Minute Citizen Comment Period

No comments.

## CONSENT AGENDA

1. Consider approval of the minutes of the Joint City Council and the Planning and Zoning Commission La Cima Workshop on May 21, 2014.
2. Consider approval of the minutes of the Regular Meeting on June 10, 2014.

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

**For:** 6 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Olson, Commissioner Stanfield and Commissioner Wood

**Against:** 0

**Absent:** 3 - Commissioner Kelsey, Commissioner Ramirez and Commissioner Seebeck

## PUBLIC HEARINGS

3. CUP-14-21 (Torchy's Tacos) Hold a public hearing and consider a request by Success Foods Management Group, LLC, on behalf of Guadalupe and Hutchison Street Partners, LTD., for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption for a restaurant establishment at 301 N Guadalupe St.

*Commissioner Ramirez - late time in 6:03 p.m.*

**A motion was made by Commissioner Ehlers, seconded by Commissioner Carothers, that CUP-14-21 be approved with conditions that the permit be valid for one (1) year, provided standards are met, subject to the point system; the permit shall be effective upon issuance of the Certificate of Occupancy; the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:**

**For:** 7 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Olson, Commissioner Ramirez, Commissioner Stanfield and Commissioner Wood

**Against:** 0

**Absent:** 2 - Commissioner Kelsey and Commissioner Seebeck

**NON-CONSENT AGENDA**

- 4. Development Services Report:
  - a. Code SMTX update
  - b. Rhythm of the Street - July 26, 2014

**Matthew Lewis and John Foreman gave updates to CodeSMTX and Rhythm of the Street Event.**

**V. Question and Answer Session with Press and Public.**

**There were no comments from the Press and Public.**

**VI. Adjournment**

**A motion was made by Commissioner Ehlers, seconded by Carothers, that the meeting be adjourned at 6:16 p.m. The motion carried by a unanimous vote.**

<b>Chris Wood, Commission Chair</b>	<b>Kenneth Ehlers, Commissioner</b>
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<b>Corey Carothers, Commissioner</b>	<b>Travis Kelsey, Commissioner</b>
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<b>Angie Ramirez, Commissioner</b>	<b>Jane Hughson, Commissioner</b>
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<b>Amy Stanfield, Commissioner</b>	<b>Brian Olson, Commissioner</b>
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**ATTEST:**

\_\_\_\_\_  
**Francis Serna, Recording Secretary**

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

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**File #:** PC-14-12\_04, **Version:** 1

---

**AGENDA CAPTION:**

PC-14-12\_04 (Dennis Patrick McCoy Memorial Subdivision Replat) Consider a request by Ramsey Engineering, LLC, on behalf of McCoy Corporation, for approval of a Replat and associated Subdivision Improvement Agreement for lot 1-B of the Dennis Patrick McCoy Memorial Subdivision, approximately 19.382 acres, more or less located on McCoy Circle near IH 35.

**Meeting date:** 7/08/2014

**Department:** Development Services

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

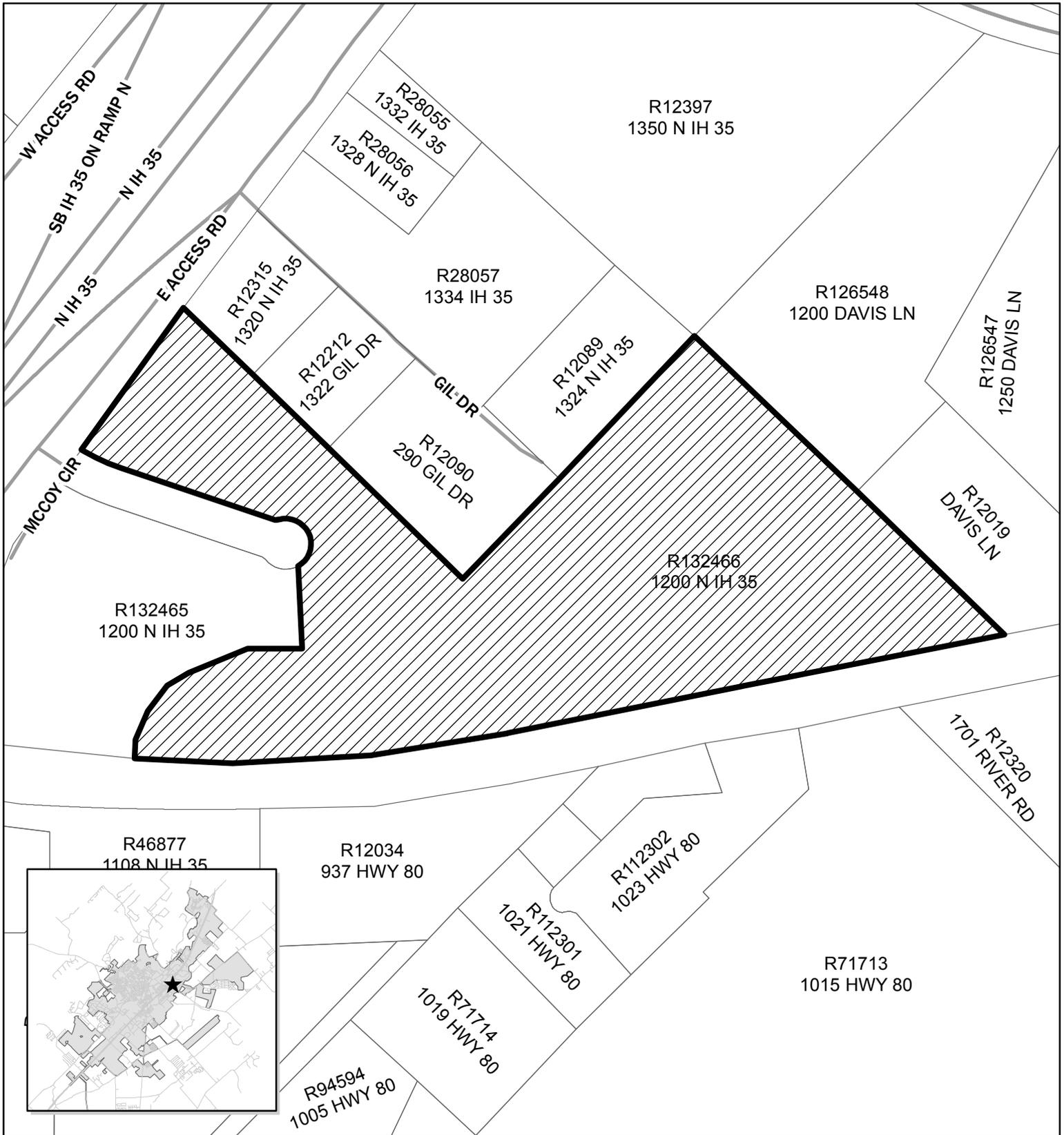
**CITY COUNCIL GOAL:** Community Wellness/ Strengthen the Middle Class

**BACKGROUND:**

The subject property is approximately 19.38 acres out of the previously recorded Dennis McCoy Memorial Subdivision Lot 1B. This plat establishes lots 1C and 1D located at the intersection of North IH 35 and McCoy Circle.

A Public Improvements Construction Plan has been approved for the construction of McCoy Circle and extension of water and wastewater lines. A Watershed Protection Plan Phase 2 has also been approved for the project.

The plat does meet the criteria set forth in the Land Development Code and staff recommends approval of the plat as submitted.



**PC-14-12\_04**

**Dennis McCoy Memorial**

**Subdivision**

**Map Date: 6/25/2014**

 Site Location





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.

# PC-14-12\_04 Replat of Lot 1B of the Dennis McCoy Memorial Subdivision



**Applicant Information:**

**Agent:** Ramsey Engineering, LLC  
3206 Yellowpine Terrace  
Austin, TX 78757

**Property Owner:** McCoy Corporation  
1350 N IH 35  
San Marcos, TX 78666

**Notification:** None Required

**Type & Name of Subdivision:** Replat of Lot 1B of the Dennis McCoy Memorial Subdivision

**Subject Property:**

**Summary:** The subject property is approximately 19.38 acres out of the previously recorded Dennis McCoy Memorial Subdivision Lot 1B. This plat establishes 1C & 1D located at the intersection of N IH 35 and McCoy Circle.

**Zoning:** General Commercial & Future Development

**Traffic/ Transportation:** The property is located along the IH35 frontage road and McCoy Circle which is an undeveloped dedicated right-of-way. A Public Improvements Construction Plan has been approved for the construction of McCoy Circle.

**Utility Capacity:** All utilities are provided for onsite. Existing electrical lines are being extended to the site at the expense of applicant. This has been approved by SMEU and design is underway with a SMEU technician.

**Planning Department Analysis:**

The subject property has a base zoning of General Commercial and is surrounded by commercial and industrial uses. The resubdivision creates two lots with frontage along the new public road, McCoy Circle. The proposed use for lot 1C is for a hotel.

A small portion of the site is located in the 100-year floodplain. A public drainage easement has been provided on the previous plat for a large water feature on the property. The Watershed Protection Plan Phase 2 and Public Improvement Construction Plan have been approved by the Director of Engineering. The applicant plans to defer installation of public improvements by recording a Subdivision Improvement Agreement.

Parkland dedication is not required for this development.

The plat does meet the criteria set forth in the LDC and staff recommends approval of the plat as submitted.

Planning Department Recommendation	
<b>X</b>	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Statutory Denial

**The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this proposed Replat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

**Prepared By:**

Tory Carpenter, CNU-A	Planner	June 25, 2014
<b>Name</b>	<b>Title</b>	<b>Date</b>

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

THAT G. RICHARD NEAL, JR., SENIOR VICE-PRESIDENT OF McCOY CORPORATION, RECORD OWNER OF THAT CERTAIN 19.382 ACRES OF LAND OUT OF THE J.M. VERAMENDI SURVEY NO. 2, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 24.55 ACRE TRACT CONVEYED BY DEED RECORDED N VOLUME 235, PAGE 9 AND VOLUME 235, PAGE 107 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SAME BEING ALL OF LOT 1-B OF THE AMENDED PLAT OF LOT 1, DENNIS PATRICK McCOY MEMORIAL SUBDIVISION - IH 35 NORTH, AS RECORDED IN VOLUME 15, PAGE 235 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS AND 0.910 ACRES OF LAND DEDICATED FOR STREET PURPOSES IN VOLUME 3744, PAGE 646, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (McCOY CIRCLE - 76' R.O.W.); DOES HEREBY SUBDIVIDE SAID 19.382 ACRES TO BE KNOWN AS "AMENDED PLAT OF LOT 1, DENNIS PATRICK McCOY MEMORIAL SUBDIVISION - IH 35 NORTH" IN ACCORDANCE WITH THE PLAT SHOWN HEREON, AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON, UNLESS OTHERWISE NOTED.

WITNESS MY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2014.

\_\_\_\_\_  
G. RICHARD NEAL, JR.  
SENIOR VICE-PRESIDENT OF McCOY CORPORATION  
1350 IH 35 NORTH  
SAN MARCOS, TEXAS 78666

STATE OF TEXAS \*  
COUNTY OF HAYS \*

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, G. RICHARD NEAL, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2014.

\_\_\_\_\_  
NOTARY PUBLIC  
STATE OF \_\_\_\_\_

STATE OF TEXAS \*  
COUNTY OF HAYS \*

KNOW ALL MEN BY THESE PRESENTS:

THAT I, STEPHEN RAMSEY, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS HEREBY AFFIRM THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT AND ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48209C00389, DATED SEPTEMBER 2, 2005, A PORTION OF THIS PROPERTY IS LOCATED IN A DESIGNATED FLOOD HAZARD AREA - ZONE "AE" (BASE FLOOD ELEVATIONS DETERMINED) AND IN ZONE "X", AREAS DETERMINED TO LIE OUTSIDE THE 100 YEAR FLOOD PLAIN, AS SHOWN.

\_\_\_\_\_  
STEPHEN RAMSEY, P.E.  
REGISTERED PROFESSIONAL  
ENGINEER NO. 47970

\_\_\_\_\_  
DATE

STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS:

I, RICHARD H. TAYLOR, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY UNDER MY SUPERVISION ON THE GROUND AND THAT CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

**FOR REVIEW & APPROVAL**  
**06/18/14**

\_\_\_\_\_  
RICHARD H. TAYLOR  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 3986

\_\_\_\_\_  
DATE

CITY OF SAN MARCOS  
CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE DIRECTOR OF ENGINEERING OF THE CITY OF SAN MARCOS, TEXAS.

\_\_\_\_\_  
LAURIE MOYER, P.E.  
DIRECTOR OF ENGINEERING AND CAPITAL IMPROVEMENT

\_\_\_\_\_  
DATE

CITY OF SAN MARCOS  
CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES OF THE CITY OF SAN MARCOS, TEXAS.

\_\_\_\_\_  
MATTHEW LEWIS, CNU-A  
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES

\_\_\_\_\_  
DATE

CITY OF SAN MARCOS  
CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 BY THE PLANNING & ZONING COMMISSION OF THE CITY OF SAN MARCOS.

\_\_\_\_\_  
CHRIS WOOD, CHAIRMAN  
PLANNING & ZONING COMMISSION

\_\_\_\_\_  
DATE

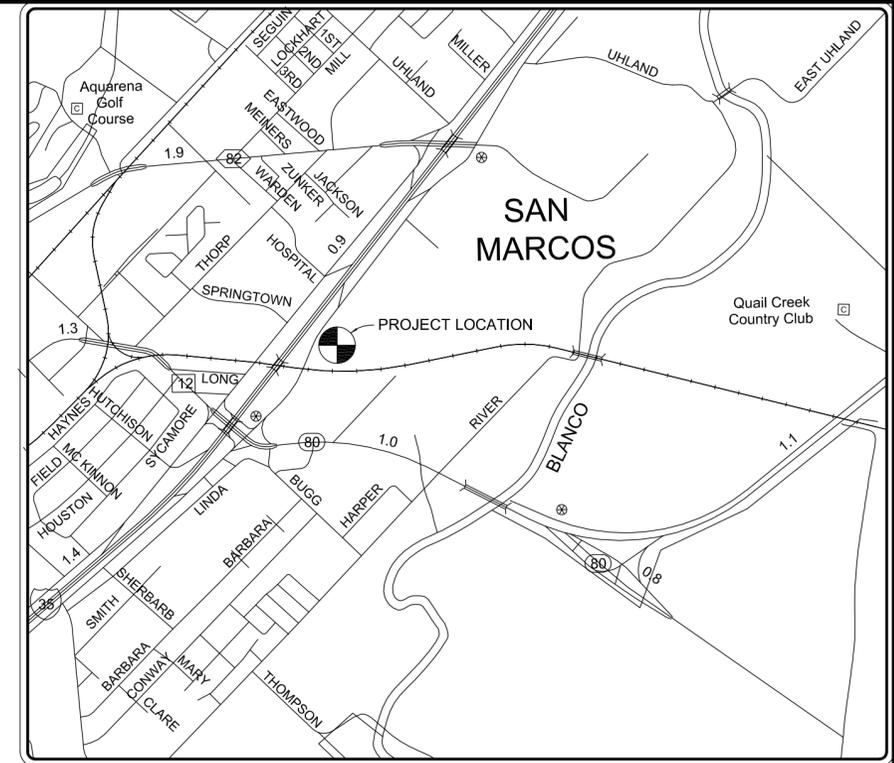
\_\_\_\_\_  
FRANCIS SERNA  
RECORDING SECRETARY

\_\_\_\_\_  
DATE

STATE OF TEXAS\*  
COUNTY OF HAYS\*

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 AT \_\_\_\_ O'CLOCK \_\_ M., AND DULY RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 AT \_\_\_\_ O'CLOCK \_\_ M, IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

\_\_\_\_\_  
LIZ GONZALEZ  
COUNTY CLERK  
HAYS COUNTY, TEXAS



PLAT NOTES:

- 1) THIS SUBDIVISION IS LOCATED IN THE CITY LIMITS OF SAN MARCOS, TEXAS.
- 2) THIS SUBDIVISION IS NOT LOCATED IN THE EDWARDS AQUIFER RECHARGE ZONE OR CONTRIBUTING ZONE.
- 3) A TWENTY (20) FOOT CITY OF SAN MARCOS WATER WASTEWATER AND ELECTRICAL EASEMENT RESERVATION IS SHOWN ALONG THE PROPERTY FRONTAGE OF INTERSTATE HIGHWAY 35. THIS EASEMENT WILL BE DEDICATED BY SEPARATE INSTRUMENT CONCURRENT WITH THE CITY ABANDONMENT OR VACATION OF THE EXISTING SANITARY SEWER EASEMENT IN VOLUME 156, PAGE 634 OF THE HAYS COUNTY DEED RECORDS.
- 4) BASED ON A GRAPHICAL DETERMINATION OF FEMA MAP NUMBER 48209 C 0393 F, EFFECTIVE DATE SEPTEMBER 02, 2005, THE PROPERTY DESCRIBED HEREIN LIES PARTIALLY WITHIN THE NON-SHADED ZONE X, AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, THE SHADED ZONE X AREAS OF 0.2% ANNUAL CHANCE OF FLOOD, AND SHADED ZONE AE, BASE FLOOD ELEVATIONS DETERMINED.
- 5) BEARING BASIS: BEARING DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (SOUTH CENTRAL ZONE) & NAD83.
- 6) IF LAND USE OF THE PLAT CHANGES TO ANY FORM OF RESIDENTIAL USE, PARKLAND DEDICATION PER THE CITY'S DEVELOPMENT REQUIREMENTS AT THE TIME OF THE ORIGINAL PLAT RECORDATION WILL BE REQUIRED BEFORE DEVELOPMENT, EXCLUDING LOT 1-C.
- 7) PUBLIC IMPROVEMENTS, CONSTRUCTION PLAN PERMIT AND WATER PROTECTION PLAN PHASE 2 PERMIT APPROVAL REQUIRED PRIOR TO APPROVAL OF PLAT.
- 8) PUBLIC IMPROVEMENT ACCEPTANCE OR 125% SURETY FOR COST OF PUBLIC IMPROVEMENTS REQUIRED PRIOR TO RECORDATION OF PLAT.

**RAMSEY**  
**RE ENGINEERING**

Ramsey Engineering, LLC  
Civil Engineering • Consulting  
TBPE Firm No. F-12606

3206 Yellowpine Terrace  
Austin, Texas 78757

Cell: 512-650-6800  
skramsey53@att.net

**REPLAT OF LOT 1-B  
DENNIS PATRICK McCOY MEMORIAL SUBDIVISION  
I.H. 35 NORTH  
ESTABLISHING LOTS 1-C & 1-D  
DENNIS PATRICK McCOY MEMORIAL SUBDIVISION  
I.H. 35 NORTH  
CITY OF SAN MARCOS, HAYS COUNTY, TEXAS**

OWNER: McCOY CORPORATION  
1350 IH 35 NORTH  
SAN MARCOS, TEXAS 78666  
BRIAN McCOY - PRESIDENT

**ASH & ASSOCIATES**  
SURVEYING • ENGINEERING • ARCHITECTURE  
"Serving the community of Texas"

132 JACKSON LANE  
SAN MARCOS, TEXAS 78666  
(512) 392-1719  
FAX (512) 392-1928  
Surveying: 100847-00  
Engineering: F-13485  
Architecture: TX20240  
ash@ashassociates.net

DRAWN: RHT SCALE: 1"=100'  
REVIEWED: RHT DATE: 06/18/14  
C:ASH & ASSOCIATES, L.L.C.

PROJECT No.  
13-4780

GRAPHIC SCALE: 1" = 100'

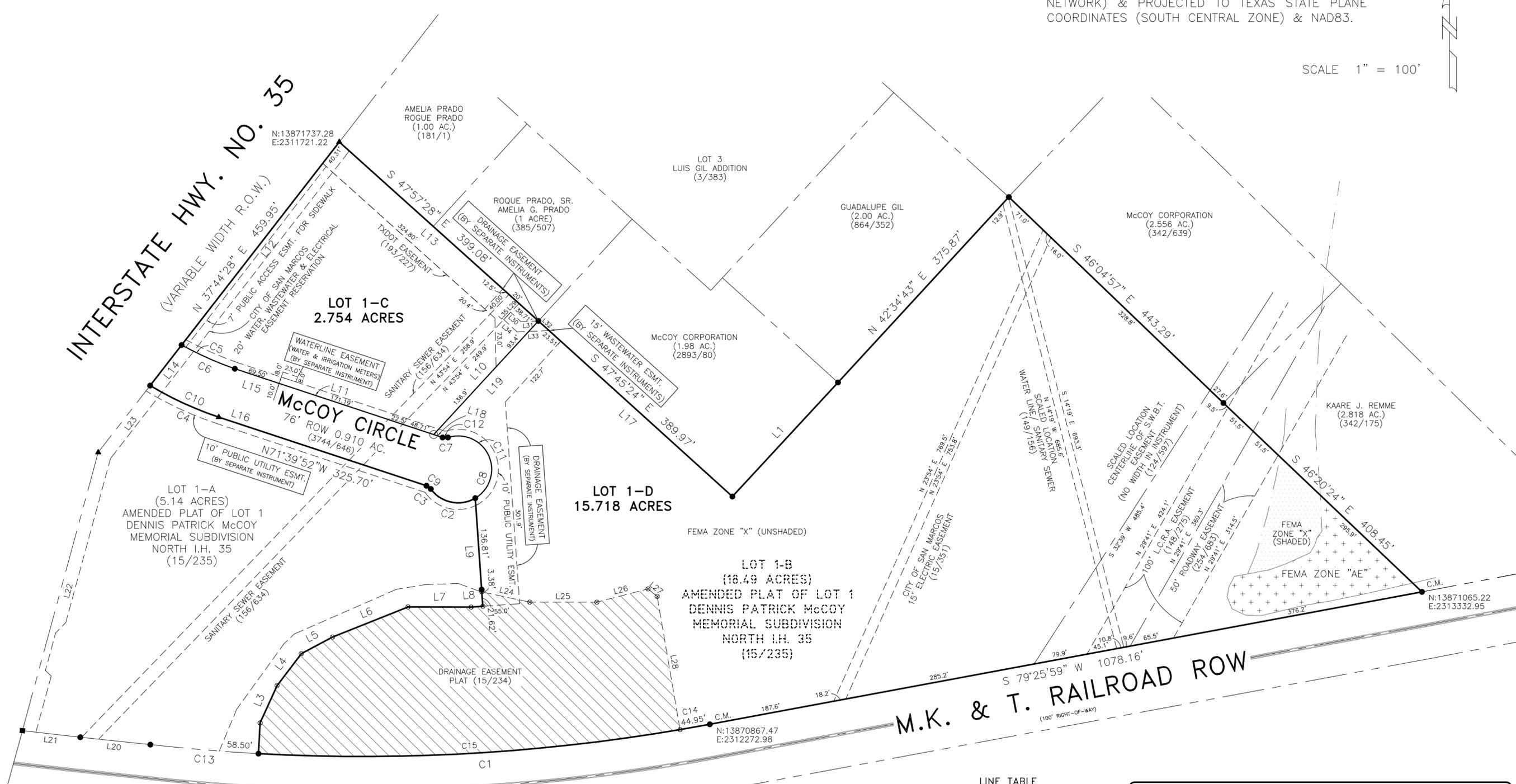
SHEET 1 OF 3

# PROPOSED LOT CONFIGURATION

BEARING BASIS NOTE:

BEARING BASIS DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (SOUTH CENTRAL ZONE) & NAD83.

SCALE 1" = 100'



LINE TABLE - DRAINAGE ESMT.

LINE	BEARING	DISTANCE
L24	S 77°50'16" E	72.93'
L25	S 89°59'12" E	99.86'
L26	N 75°27'33" E	78.90'
L27	S 50°11'45" E	17.60'
L28	S 09°42'38" E	201.73'

LINE TABLE - BOUNDARY

LINE	BEARING	DISTANCE
L1	N 42°40'50" E	231.74'
L2	N 03°08'59" E	46.03'
L3	N 24°19'29" E	61.18'
L4	N 37°09'32" E	59.85'
L5	N 62°03'00" E	52.41'
L6	N 68°06'57" E	121.11'
L7	S 89°48'48" E	93.85'
L8	N 86°00'52" E	17.46'
L9	N 03°58'04" W	161.81'
L10	S 42°35'02" W	230.31'
L11	N 71°38'53" W	311.85'

LINE TABLE - BOUNDARY

LINE	BEARING	DISTANCE
L12	N 37°44'28" E	383.40'
L13	S 47°57'28" E	399.08'
L14	N 37°44'28" E	76.54'
L15	S 71°38'53" E	325.76'
L16	N 71°39'52" W	325.71'
L17	N 47°45'24" W	389.97'
L18	S 71°38'53" E	13.91'
L19	S 42°35'02" W	230.31'
L20	N 83°58'49" W	104.82'
L21	N 83°28'17" W	86.68'
L22	N 15°11'29" E	430.51'
L23	N 37°44'28" E	126.13'

CURVE TABLE - BOUNDARY & DRAINAGE EASEMENT

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2805.27'	674.72'	673.09'	S 86°15'58" W	13°46'50"
C2	50.00'	74.15'	67.54'	N 78°14'31" W	84°58'14"
C3	13.00'	8.17'	8.04'	N 53°39'04" W	36°01'34"
C4	518.26'	112.74'	112.51'	N 65°13'37" W	12°27'49"
C5	532.00'	86.89'	86.79'	N 65°53'24" W	9°21'27"
C6	532.00'	86.89'	86.79'	S 65°53'24" E	9°21'27"
C7	13.00'	8.14'	8.00'	N 89°59'20" E	35°51'40"
C8	50.00'	219.76'	80.99'	S 18°19'45" W	251°49'42"
C9	13.00'	8.16'	8.03'	N 53°37'46" W	35°58'58"
C10	518.26'	112.74'	112.51'	N 65°13'37" W	12°27'49"
C11	50.00'	145.74'	99.36'	S 24°13'47" E	167°00'18"
C12	13.00'	8.01'	7.88'	S 89°43'41" E	35°17'42"
C13	2803.52'	161.53'	161.51'	N 85°11'40" W	3°18'04"
C14	2805.27'	44.95'	44.95'	S 79°50'06" W	0°55'05"
C15	2805.27'	629.76'	628.44'	S 86°43'31" W	12°51'45"

LINE TABLE  
15' WASTEWATER ESMT.

LINE	BEARING	DISTANCE
L29	S 43°53'37" W	17.99'
L30	S 47°24'58" E	20.67'
L31	N 87°35'02" E	26.09'
L32	S 47°45'24" E	21.34'
L33	S 87°35'02" W	47.49'
L34	N 47°24'58" W	27.22'
L35	N 43°53'37" E	15.00'

**RAMSEY ENGINEERING**  
 Ramsey Engineering, LLC  
 Civil Engineering • Consulting  
 TBPE Firm No. F-12606

3206 Yellowpine Terrace  
 Austin, Texas 78757

Cell: 512-650-6800  
 skramsey53@att.net

**REPLAT OF LOT 1-B  
 DENNIS PATRICK McCOY MEMORIAL SUBDIVISION  
 I.H. 35 NORTH  
 ESTABLISHING LOTS 1-C & 1-D  
 DENNIS PATRICK McCOY MEMORIAL SUBDIVISION  
 I.H. 35 NORTH  
 CITY OF SAN MARCOS, HAYS COUNTY, TEXAS**

OWNER: McCOY CORPORATION  
 1350 IH 35 NORTH  
 SAN MARCOS, TEXAS 78666  
 BRIAN McCOY - PRESIDENT

**CASH & ASSOCIATES**  
 132 JACKSON LANE  
 SAN MARCOS, TEXAS 78666  
 (512) 392-1719  
 FAX (512) 392-1928  
 Surveying: 100847-00  
 Engineering: F-13483  
 Architecture: TX20240  
 cshandassociates.net

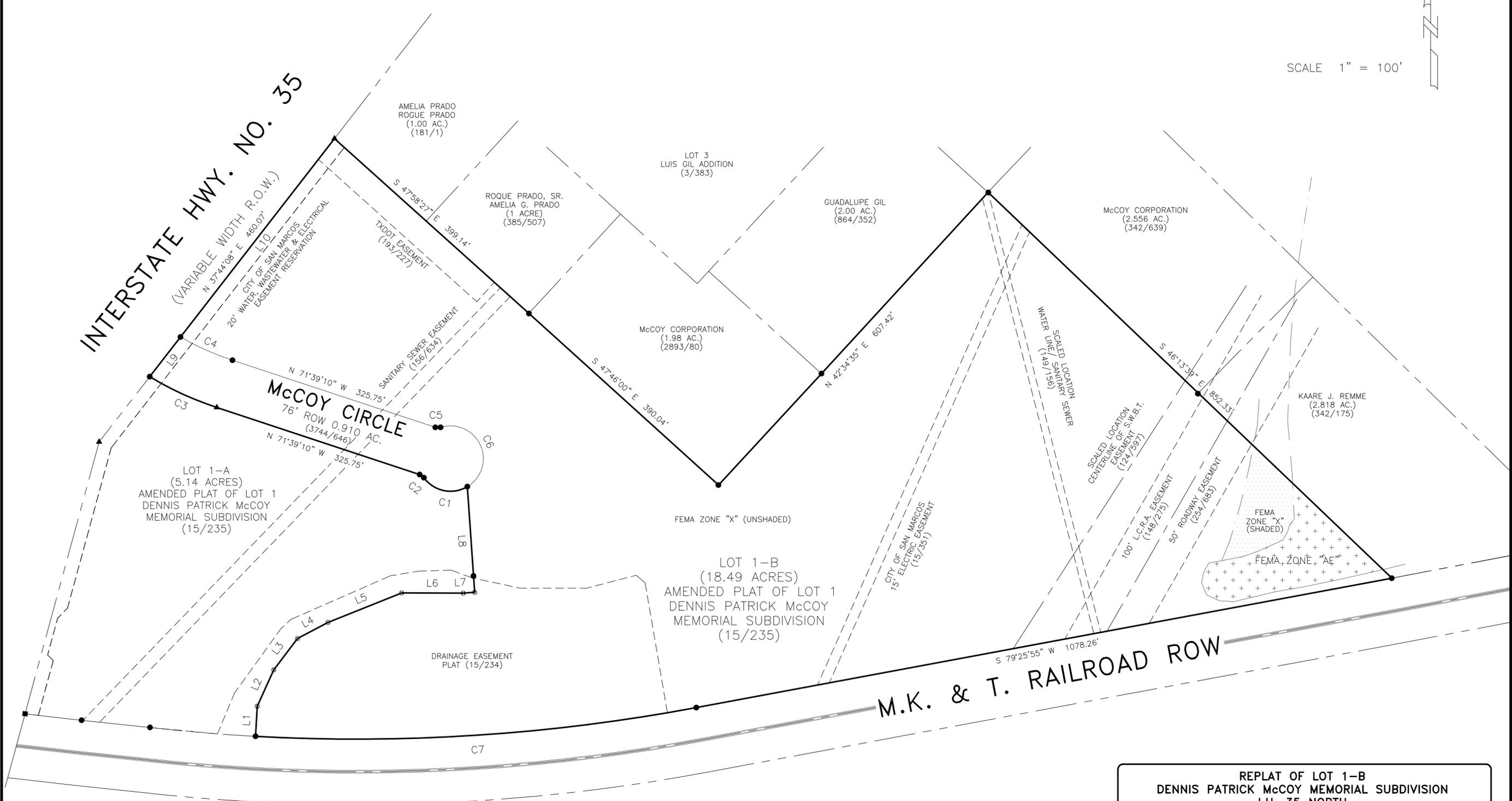
DRAWN: RHT SCALE: 1"=100'  
 REVIEWED: RHT DATE: 06/18/14

PROJECT No. 13-4780  
 SHEET 2 OF 3

GRAPHIC SCALE: 1" = 100'

# EXISTING LOT CONFIGURATION

SCALE 1" = 100'



LINE TABLE - RECORD BOUNDARY

LINE	BEARING	DISTANCE
L1	N 03°08'57" E	46.03'
L2	N 24°19'27" E	61.18'
L3	N 37°09'30" E	59.93'
L4	N 62°02'58" E	52.50'
L5	N 68°06'55" E	121.11'
L6	S 89°48'50" E	93.85'
L7	N 86°00'50" E	17.46'
L8	N 03°59'10" W	161.74'
L9	N 37°44'08" E	76.61'
L10	N 37°44'08" E	383.46'

CURVE TABLE - RECORD BOUNDARY

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	74.18'	67.56'	N 78°12'04" W	85°00'05"
C2	13.00'	8.15'	8.02'	N 53°40'39" W	35°55'59"
C3	508.00'	112.78'	112.55'	N 65°17'34" W	12°43'13"
C4	432.00'	87.01'	86.86'	N 65°52'59" W	11°32'22"
C5	13.00'	8.16'	8.02'	N 89°37'45" W	35°56'57"
C6	50.00'	145.65'	99.35'	N 24°09'10" W	166°54'06"
C7	2805.26'	675.06'	673.43'	S 86°15'19" W	13°47'15"

**RAMSEY**  
**RE ENGINEERING**  
 Ramsey Engineering, LLC  
 Civil Engineering • Consulting  
 TBPE Firm No. F-12606

3206 Yellowpine Terrace  
 Austin, Texas 78757

Cell: 512-650-6800  
 skramsey53@att.net

**REPLAT OF LOT 1-B  
 DENNIS PATRICK McCOY MEMORIAL SUBDIVISION  
 I.H. 35 NORTH  
 ESTABLISHING LOTS 1-C & 1-D  
 DENNIS PATRICK McCOY MEMORIAL SUBDIVISION  
 I.H. 35 NORTH  
 CITY OF SAN MARCOS, HAYS COUNTY, TEXAS**

OWNER: McCoy Corporation  
 1350 IH 35 NORTH  
 SAN MARCOS, TEXAS 78666  
 BRIAN McCOY - PRESIDENT

**ASH & ASSOCIATES**  
 SURVEYING - ENGINEERING - ARCHITECTURE  
 "SERVING THE COMMUNITY OF TEXAS"

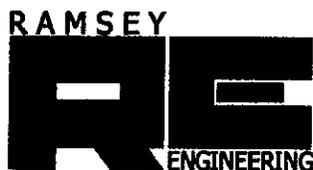
132 JACKSON LANE  
 SAN MARCOS, TEXAS 78666  
 (512) 392-1719  
 FAX (512) 392-1928  
 ashandassociates.net

100847-00  
 Surveying: F-15483  
 Engineering: F-15483  
 Architecture: TX20240

DRAWN: RHT SCALE: 1"=100'  
 REVIEWED: RHT DATE: 06/18/14

PROJECT No. 13-4780  
 SHEET 3 OF 3

GRAPHIC SCALE: 1" = 100'



**Ramsey Engineering, LLC**

Civil Engineering - Consulting

TBPE Firm No. F-12606

3206 Yellowpine Terrace

Austin, Texas 78757

Cell: 512-650-6800

ramsey-eng@att.net

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May 27, 2014

Mr. Matthew Lewis, Director  
City of San Marcos  
Planning & Development Services Department  
630 E. Hopkins Street  
San Marcos, Texas 78666

RE: Amended Plat of Lot 1-B, Dennis Patrick McCoy  
Memorial Subdivision I.H. 35 North  
Final Plat Application  
Project No. 13-009-16

Dear Mr. Lewis:

Please accept this cover letter with attachments for the referenced amended final plat application. The purpose of this amended plat is to establish Lot 1-C for the proposed Fairfield Inn & Suites (5-story hotel). Attached please find the following items:

1. Amended Final Plat Application;
2. Check payable to City of San Marcos for \$2,510.00 plat review fee;
3. Five (5) copies of the Amended Final Plat document (three sheets) plus CD for pdfs of application and plat document;
4. 2013 Paid Tax Certificates (two each);
5. Recorded Property Deeds for Proof of Ownership; and
6. Traffic Impact Analysis Threshold Worksheet.

We request to be placed on the July 8, 2014 Planning & Zoning Commission Meeting agenda for approval action. The Subdivision Improvement Agreement, to defer construction of the public improvements until after the plat is recorded, will be provided once the PICP construction cost estimate and fiscal posting amount is approved by the City. The PICP Permit is in process, awaiting City comments.

We trust you will find this application to be complete and satisfactory.

Sincerely,

A handwritten signature in black ink that reads "Stephen Ramsey". The signature is written in a cursive, flowing style.

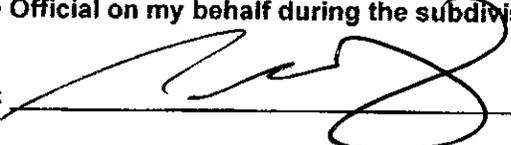
Stephen Ramsey, P.E.  
Manager/President

**City of San Marcos**  
**SUBDIVISION PLAT APPLICATION**

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>RAMSEY ENGINEERING, LLC</u>	<u>MCCOY CORPORATION</u>
Mailing Address	<u>3206 YELLOWPINE TERRACE</u> <u>AUSTIN, TX 78757</u>	<u>1350 IH 35 NORTH</u> <u>SAN MARCOS, TX 78666</u>
Daytime Phone	<u>512-650-6800</u>	<u>512-353-5400</u>
Email Address	<u>ramsey-eng@att.net</u>	<u>phil.hutchinson@mccoys.com</u>

**AGENT ACKNOWLEDGEMENT STATEMENT:**

I MCCOY CORPORATION acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize RAMSEY ENGINEERING, LLC to serve as my agent to file this application and to work with the Responsible Official on my behalf during the subdivision platting process.

Signature of Property Owner: 

Printed Name: G. Richard Neal, Jr. Date: May 22<sup>nd</sup>, 2014

Signature of Agent: Stephen Ramsey, P.E.

Printed Name: Stephen Ramsey, P.E. Date: 5/22/14

<b>Subdivision Plats</b>		<b>Development Plats</b>	
<input type="checkbox"/> Subdivision Concept Plat		<input type="checkbox"/> Preliminary Development Plat	
<input type="checkbox"/> Preliminary Subdivision Plat		<input type="checkbox"/> Final Development Plat	
<input checked="" type="checkbox"/> Final Subdivision Plat <i>Amended</i>			
<input type="checkbox"/> Variance	Section _____		
<input type="checkbox"/> Plat Vacation	Accompanying _____		
<b>Minor Subdivision Plats (for Administrative Approval)</b>			
<input type="checkbox"/> Minor Subdivision Plat			
<b>Revisions to Recorded Plats (for Administrative Approval)</b>			
<input type="checkbox"/> Amending Plat			
<input type="checkbox"/> Replat without Vacation			

**SUBJECT PROPERTY** *AMENDED PLAT OF LOT 1, DENNIS PATRICK MCCOY*

Subdivision Name: *MEMORIAL SUBDIVISION - IH35 NORTH*

Address or General Location: *IH35 NORTH AT MCCOY CIRCLE*

Proposed Number of Lots: *2* Acres: *19.382*

Appraisal District Tax ID: *R132466, R132467*

Located In  City Limits  ETJ\* - Please circle county: *Caldwell Comal Guadalupe Hays*

S.M. River Corridor  Planned Development District

Proposed Use of Land *COMMERCIAL*

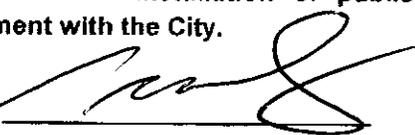
\*Subdivision plat applications for land in the ETJ may be subject to additional requirements and review as defined by the Interlocal Agreement for the respective county.

**SUBDIVISION IMPROVEMENT AGREEMENT**

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

I will complete all required public improvements prior to the Final Subdivision Plat or Final Development Plat.

I wish to defer installation of public improvements and will complete a Subdivision Improvement Agreement with the City.

Signature: 

Printed Name: *G. Richard Neal, Jr.* Date: *May 22<sup>nd</sup>, 2014*

**ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT:**

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

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

Name of Electric Service Provider SMEU

Applicable Utility Service Code(s) C.

Comments/Conditions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Electric Company Official Megan Willis

Title Electrical Engineering Technician Date 5/22/14

**GAS UTILITY SERVICE ACKNOWLEDGEMENT:**

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- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Gas Service Provider \_\_\_\_\_

Applicable Utility Service Code(s) \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Gas Company Official \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT:**

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

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- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of *Electric Service Provider* \_\_\_\_\_

Applicable Utility Service Code(s) \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

Signature of Electric Company Official \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**GAS UTILITY SERVICE ACKNOWLEDGEMENT:**

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

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- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of *Gas Service Provider* CenterPoint Energy

Applicable Utility Service Code(s) A

Comments/Conditions \_\_\_\_\_

Signature of Gas Company Official W. Jenschke

Title Op. Supervisor Date 5-27-14

Lot 1 McCoy

**WATER AND WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT:**

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

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

Name of Water Service Provider City of San Marcos

Applicable Utility Service Code(s) B

Comments/Conditions \_\_\_\_\_

Signature of Water Utility Official: [Signature]

Title: Water Dept Manager Date: May 23, 14

Name of Wastewater Service Provider \_\_\_\_\_

Applicable Utility Service Code(s) \_\_\_\_\_

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

Comments/Conditions \_\_\_\_\_

Signature of City or County Wastewater Official: \_\_\_\_\_

Title: \_\_\_\_\_ Date \_\_\_\_\_

**TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:**

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

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

Name of Telephone Service Provider \_\_\_\_\_

Applicable Utility Service Code(s) \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

Signature of Telephone Company Official \_\_\_\_\_

Title: \_\_\_\_\_ Date \_\_\_\_\_

**SUBMITTAL REQUIREMENTS FOR ALL PLATS:**

**WATER AND WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT:**

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

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

Name of Water Service Provider \_\_\_\_\_

Applicable Utility Service Code(s) \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

Signature of Water Utility Official: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Wastewater Service Provider City of San Marcos

Applicable Utility Service Code(s) A

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

Comments/Conditions Wastewater taps required

Signature of City or County Wastewater Official: Lloyd Jones

Title: Wastewater Coll. mgr Date 5-23-14

**TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:**

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

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- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Telephone Service Provider \_\_\_\_\_

Applicable Utility Service Code(s) \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

Signature of Telephone Company Official \_\_\_\_\_

Title: \_\_\_\_\_ Date \_\_\_\_\_

**SUBMITTAL REQUIREMENTS FOR ALL PLATS:**

DEANIS Patrick Memorial SUBDV. Lot 1-B

**WATER AND WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT:**

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

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

Name of Water Service Provider \_\_\_\_\_

Applicable Utility Service Code(s) \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

Signature of Water Utility Official: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Wastewater Service Provider \_\_\_\_\_

Applicable Utility Service Code(s) \_\_\_\_\_

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

Comments/Conditions \_\_\_\_\_

Signature of City or County Wastewater Official: \_\_\_\_\_

Title: \_\_\_\_\_ Date \_\_\_\_\_

**TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:**

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

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

Name of Telephone Service Provider CENTURY LINK, INC

Applicable Utility Service Code(s) A

Comments/Conditions \_\_\_\_\_

Signature of Telephone Company Official Ken 2 311

Title: Plant Facilities Supv Date 5-22-14

**SUBMITTAL REQUIREMENTS FOR ALL PLATS:**

- Complete application
- Required fees \$ 2,510.00 (see next page for Fee Schedule)
- All legislative requirements complete *PI&P in City Review*
- Proof of record ownership (recorded deed corresponds to ownership indicated on tax certificate)
- Current tax certificate (must show prior year taxes paid by January 31st of current year)
- N/A*  Names and addresses of property lien-holders
- One digital copy of submittal materials including CAD file
- Five 18"x24" hard copies of plat document\*

I hereby affirm that if I am not the property owner of record, or if the applicant is an organization or business entity, I have been authorized to represent the owner, organization, or business in this application. I certify the preceding information is complete and accurate, and it is understood that I or another representative should be present at all meetings concerning this application.

Signature of Applicant: Stephen Ramsey, P.E.

Printed Name: Stephen Ramsey, P.E.

Date: 5/22/14

\*Plats in the ETJ may require additional hard copies.

**ADDITIONAL REQUIREMENTS:**

**Subdivision Concept Plats:**

- N/A*  Watershed Protection Plan (Phase 1)
- Residential compatibility site plan (where applicable)
- Cluster development plan (where applicable)

**Preliminary Subdivision Plats or Preliminary Development Plats**

- N/A*  Approved Watershed Protection Plan Phase I (can be submitted concurrently)
- Traffic Impact Analysis Worksheet (if commercial development or 100+ unit residential)

**Final Subdivision or Final Development Plats:**

- N/A*  Preliminary Plat (where applicable)
- In Process*  Approved Watershed Protection Plan Phase II and approved Public Improvement Construction Plan by the Director of Engineering (can be submitted concurrently).
- To Be Provided*  Subdivision Improvement Agreement and surety if public facility construction was deferred.
- Traffic Impact Analysis Worksheet (if commercial development or 100+ unit residential)
- Traffic Impact Analysis Worksheet (if commercial development or 100+ unit residential)

**Minor Subdivision Plats:**

Minor subdivisions plats must meet the following qualifications:

- Proposed subdivision results in 4 or fewer lots
- All lots front onto an existing public street and construction or extension of a street or alley is not required or is considered a minor extension by Director of Engineering.
- Extension of municipal facilities is not required or the installation of utilities is considered a minor extension by the Director of Engineering.
- Approved WPP Phase II is required if land is located within the Edwards Aquifer Recharge Zone, within a designated stream or river corridor, or if the land contains floodplain, floodway or a waterway as defined by the LDC.

**Amending Plats and Replats:**

- Detailed description of the purposes and circumstances that warrant change of the recorded plat identifying all lots, easements or improvements affected by the proposed change.

## Fee Schedule

For Plats Located Inside/Outside of the City Limits	
Subdivision Minor Plat / Amending Plat	\$400 plus \$100 per acre (max \$1000) + \$10.00 Technology Fee
Concept Plan	\$750 plus \$50 acre (max \$2000) + \$10.00 Technology Fee
Preliminary Plat	\$750 plus \$50 acre (max \$2000) + \$10.00 Technology Fee
Final Plat	\$1000 plus \$100 acre (max \$2500) + \$10.00 Technology Fee
Replat, not administrative	\$750 plus \$50 acre (max \$2000) + \$10.00 Technology Fee
Vacation of Previously Recorded Plat	\$150 + \$10.00 Technology Fee
Subdivision Variance Request	\$600 + \$10.00 Technology Fee
Cluster Development Plan	\$25 per acre (\$100 min / \$1500 max) + \$10.00 Technology Fee

**STAFF USE ONLY:**

**Submittal Date:** \_\_\_\_\_ **5 Business Days from Submittal:** \_\_\_\_\_

**Completeness Review By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Contact Date for Supplemental Info:** \_\_\_\_\_

**Supplemental Info Received (required within 5 days of contact):** \_\_\_\_\_

**Application Returned to Applicant:** \_\_\_\_\_

**Application Accepted for Review:** \_\_\_\_\_ **Fee:** \_\_\_\_\_

**Comments Due to Applicant** \_\_\_\_\_

**Date for Plat Resubmittals** \_\_\_\_\_

**Date of Planning and Zoning Commission Meeting:** \_\_\_\_\_

**City of San Marcos  
Subdivision Improvement Agreement**

Subdivision Name: Replat of the Dennis Patrick McCoy Memorial Lot 1-B  
Developer Name: McCoy Corporation  
Developer Address: 1350 N IH 35  
San Marcos, TX 78666  
Planning Dept. Case No.: PC-14-13\_03

**Recitals:**

A. The Developer owns the land included in the proposed final plat of the Subdivision, and more particularly described on the attached **Exhibit A** (the "Property").

B. The Developer desires to develop the Property, and City ordinances and State laws require the Developer to complete all on-site and off-site public improvements (the "Public Improvements") associated with the Subdivision.

C. This Agreement is authorized by Section 1.6.6.3 of the City Land Development Code (the "LDC"), and is executed to memorialize the Developer's responsibilities regarding the Public Improvements.

**Agreement:**

**In consideration of the mutual covenants set forth in this Agreement, the City and the Developer agree as follows:**

1. **Recitals Incorporated.** The Recitals are incorporated in this Agreement for all purposes.
2. **Parties.** The parties to this Agreement are the Developer and the City of San Marcos.
3. **Effective Date.** This Agreement is effective on the date the Developer signs it (the "Effective Date").
4. **Construction of Improvements.** The Developer agrees to construct and install, at the Developer's expense, all of the Public Improvements in compliance with applicable City ordinances, standards, and regulations, and in accordance with the construction plans and specifications approved by the City.
5. **Security for Completion of Improvements.** The Developer agrees to provide and continuously maintain security (the "Security") for the completion of the Public Improvements in accordance with Section 1.6.6.4 of the LDC. The Security must be in the amount of 125% of the cost estimate for the Public Improvements approved by the City Director of Engineering.
6. **Warranty and Maintenance Bond.** The Developer agrees to correct all defects in materials or workmanship in the Public Improvements for a period of one year after acceptance by the City. The Developer agrees to provide a maintenance bond in favor of the City in the amount of 20% of the cost of the Public Improvements for a period of two years after acceptance by the City.
7. **Lien Search Certificate.** The Developer agrees to provide, at the time this Agreement is executed, a Lien Search Certificate prepared and signed by a title company acceptable to the City Attorney. The Lien Search Certificate must identify the property, must name all owners of the Property, must name all lienholders having liens against the Property, and must be dated no more than 10 days prior to the Effective Date. The Lien Search Certificate must be accompanied by a Consent of Lienholder signed by an authorized representative of each lienholder identified in the Lien Search Certificate. This Agreement will not be accepted without the Lien Search Certificate and the executed Consent of Lienholder, if applicable.
8. **Acquisition of Property Interests.** The Developer agrees to acquire at its expense all rights-of-way, easements and other real property interests needed for the construction of the Public Improvements, including all off-site improvements, in a manner suitable for dedication of the real

property interests to the City. The form of all documents under which real property interests are acquired is subject to approval by the City Attorney. The Developer agrees to record each such document in the official public records of the county in which the Property is located, and to provide a copy of each such recorded document to the City Attorney.

**9. Recording of Plat.** Upon completion of all of the following, the City agrees to record the final plat of the Subdivision in the official public records of the county in which the Property is located:

- A. Approval of this Agreement by the City Planning and Zoning Commission.
- B. Approval of the final plat of the Subdivision by the City Planning and Zoning Commission.
- C. Submission to City of Lien Search Certificate, and executed Consent of Lienholder for each lienholder on the Property.
- D. Approval of the Security by the City Attorney.
- E. Approval by the City Attorney of all conveyance documents for rights-of-way, easements and other real property interests needed for the construction of the Public Improvements.

**10. Conditions of Draw on Security.** The City Director of Engineering may draw upon any Security upon the occurrence of one or more of the following events:

- A. The Developer commenced construction but did not properly construct or complete one or more of the Public Improvements, and failed to remedy the construction deficiency within a reasonable cure period;
- B. The Developer did not renew or replace the Security at least 45 days prior to its expiration date; or
- C. The issuer of the Security, or any third party, has acquired all or any portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure.

**11. Drawing on the Security; Use of Draws.** The City Director of Engineering may draw upon the Security by submitting a draft to the issuer that complies with the terms governing the draft. The draw may be in any amount up to the full amount of the Security. The City agrees to restrict its use of funds from draws to purposes associated with the construction, maintenance or repair of the Public Improvements. The parties agree that by making a draw, the City does not waive its rights to enforce any obligation of the Developer under this Agreement, and the City is not accepting the Public Improvements for ownership and maintenance prior to final completion.

**12. Right of Entry.** The Developer grants to the City and its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property to inspect the construction of the Public Improvements, and to construct, inspect, maintain, and repair any public improvements made on the Property by the City.

**13. Remedies.** The remedies available to the City in the event of noncompliance by the Developer with this Agreement are cumulative in nature. These remedies include, but are not limited to, the following:

- A. Refusal to approve or record any plat associated with the Subdivision.
- B. Refusal to provide or allow utility services to all or any part of the Property.
- C. Refusal to accept all or a portion of the Public Improvements for public ownership or maintenance.
- D. Draws against the Security for construction of the Public Improvements.
- E. Injunction against further sale of tracts of land within the Subdivision.

**14. No Third Party Rights.** No person or entity who or which is not a party to this Agreement has any right of action under this Agreement. Nor does any such person or entity, other than the City (including without limitation a trustee in bankruptcy) have any interest in or claim to any funds drawn by the City on the Security in accordance with this Agreement.

**15. Indemnification.** The Developer covenants to indemnify, save, and hold harmless the City and its their respective officers, employees, and agents from, and against, all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments recovered from or

**asserted on account of injury or damage to persons or property loss or damage arising in connection with construction performed by or on behalf of the Developer on the Property.**

**16. Miscellaneous. A.** The Developer may assign its rights and obligations under this Agreement to a purchaser of all or part of the Property, if the Developer delivers written notice of the assignment to the City accompanied by an assignment agreement under which the assignee accepts all of the Developer's obligations under this Agreement and submits new Security for the Public Improvements in a form acceptable to the City Attorney. Any other assignment by a Party of rights or obligations under this Agreement will require the written approval of the other Party.

**B.** This Agreement, including appendices and referenced attachments, constitutes the entire agreement between the City and the Developer on this subject and supersedes all other proposals, presentations, representations, and communications, whether oral or written, between the parties. This Agreement may be amended only by a written document that is duly approved and executed by all parties.

**C.** In the event any section, subsection, paragraph, sentence, phrase or word is held invalid for any reason, the balance of this Agreement will remain in effect and will be read as if the parties intended at all times not to include the invalid section, subsection, paragraph, sentence, phrase or word.

**D.** This agreement shall be governed by the laws of the State of Texas. Exclusive venue for any legal dispute arising under this agreement shall be in Hays County, Texas. The City's execution of and performance under this Agreement will not act as a waiver of any immunity of the City to suit or liability under applicable law. The parties acknowledge that the City, in executing and performing this Agreement, is a governmental entity acting in a governmental capacity.

**E.** Notices required by this Agreement will be provided by the parties to one another by certified mail, return receipt requested, or by confirmed facsimile transmission, to the following addresses:

To the City:  
City Manager  
City of San Marcos  
630 E. Hopkins  
San Marcos, TX 78666  
Fax: 512/396-4656

To the Developer:  
McCoy Corporation  
Attn: Brian McCoy  
1350 IH 35 North  
San Marcos, TX 78666

If a party changes its address or facsimile number for notice purposes, it will provide written notice of the new address to the other party within 10 days of the change.

**F.** In the event that the performance by either party of any of its obligations under this contract is interrupted or delayed by events outside of their control such as acts of God, war, riot, or civil commotion, then the party is excused from such performance for the period of time reasonably necessary to remedy the effects of the events.

**G.** This Agreement constitutes a covenant running with the title to the Property, and the provisions of this Agreement are binding on the Developer and on all successors and assigns of the Developer.

**Executed** by the parties to be Effective on \_\_\_\_\_

[signatures on following page]

City of San Marcos, Texas

By: \_\_\_\_\_  
Jarred Miler, City Manager

This instrument was acknowledged before me on \_\_\_\_\_, 201\_\_ by James R. Nuse, P.E., known personally by me to be the City Manager of the City of San Marcos, on behalf of the City of San Marcos.

Notary seal: \_\_\_\_\_  
Notary Public, State of Texas

Developer:  
\_\_\_\_\_

By: \_\_\_\_\_  
Signature

Printed name, title  
\_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_ of \_\_\_\_\_, known personally by me to be the \_\_\_\_\_ of \_\_\_\_\_.

Notary Seal: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

**Consent of Lienholder to  
Subdivision Improvement Agreement**

Subdivision Name: \_\_\_\_\_  
Developer Name: \_\_\_\_\_  
Developer Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Lienholder Name: \_\_\_\_\_ N/A \_\_\_\_\_  
Lienholder Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Recitals:**

A. The Developer is the owner of the property described in the attached and incorporated Exhibit A ("Property").

B. The Lienholder is the lienholder of the Property under the terms and conditions of the following document(s):

Deed of Trust dated \_\_\_\_\_, from the Developer to \_\_\_\_\_, Trustee, securing the payment of a promissory note payable to the Lienholder. The Deed of Trust is recorded in Volume \_\_\_\_, page \_\_\_\_ of the Official Public Records of \_\_\_\_\_ County, Texas.

C. The Developer has requested that the City of San Marcos (the "City") approve and execute a Subdivision Improvement Agreement with the Developer governing installation of all on-site and off-site public improvements (the "Public Improvements") associated with the Subdivision.

**Agreement:**

In consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Lienholder agrees as follows:

1. The Lienholder consents to the execution of the Subdivision Improvement Agreement and the rights and obligations of the Developer set out therein.
2. The Lienholder subordinates its lien rights on this Property to the rights and interests of the City under the Subdivision Improvement Agreement, and the Lienholder agrees that any foreclosure by the Lienholder of its liens will not extinguish City's rights and interests in the Subdivision Improvement Agreement.

The undersigned has the authority to bind the Lienholder, and that all corporate acts necessary to bind the Lienholder have been taken.

Executed on \_\_\_\_\_

Lienholder: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
**Printed name, title**

This instrument was acknowledged before me on \_\_\_\_\_ by  
\_\_\_\_\_, known personally by me to be the \_\_\_\_\_ of  
\_\_\_\_\_.

Notary Seal:

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

**EXHIBIT A:  
METES AND BOUNDS DESCRIPTION OF PROPERTY**



## Legislation Text

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**File #:** CUP-14-22, **Version:** 1

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**AGENDA CAPTION:**

CUP-22-14 (The Triple Crown) Hold a public hearing and consider a request by A.E. Manning, Inc., on behalf of The Triple Crown, for an amendment to an existing Conditional Use Permit (CUP) to expand the service area for the sale of mixed beverages for on-premise consumption to a rear deck addition.

**Meeting date:** 07/08/2014

**Department:** Development Services

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

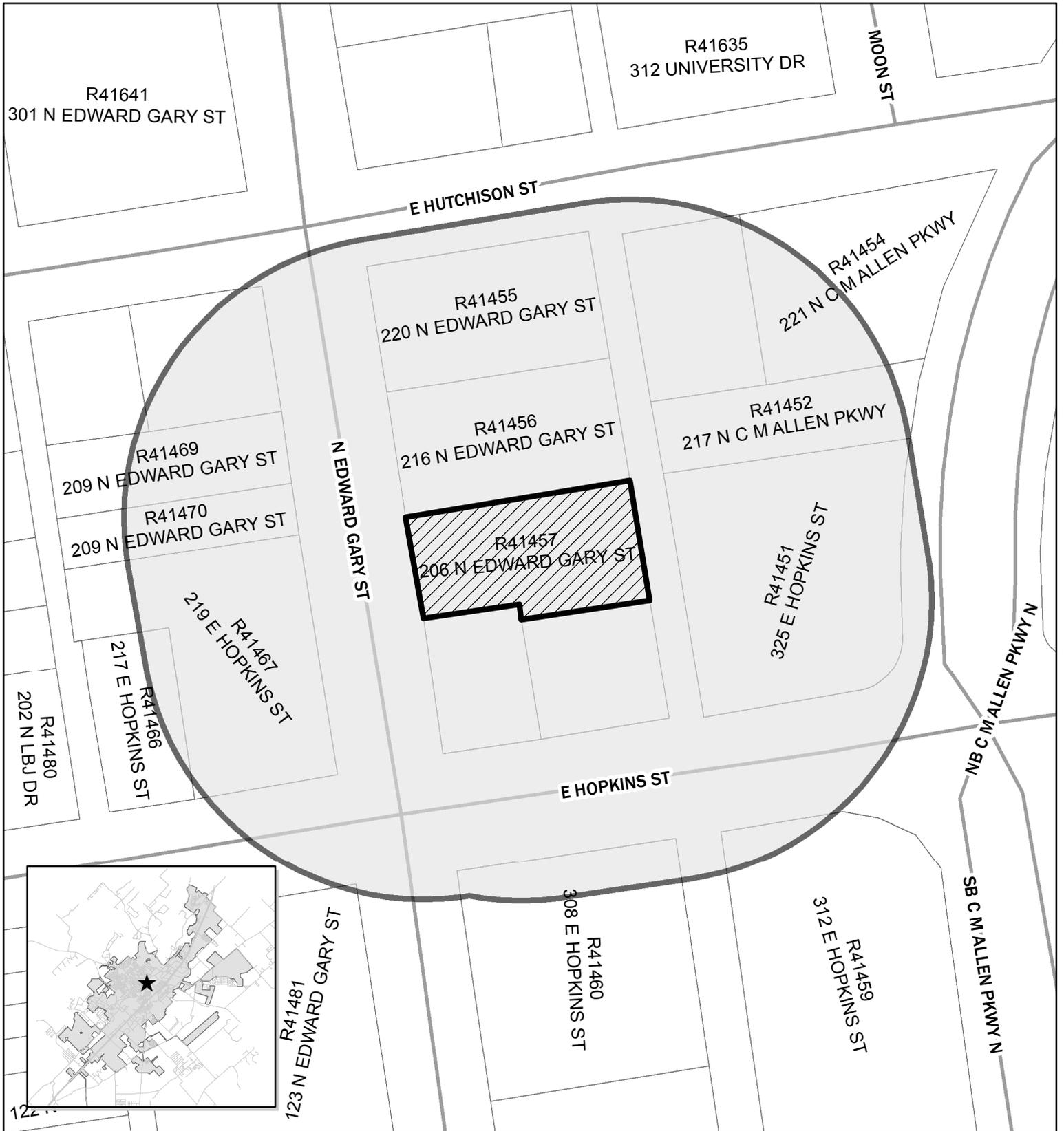
**CITY COUNCIL GOAL:** Community Wellness/ Strengthen the Middle Class

**BACKGROUND:**

The Triple Crown is a bar and local music venue located on N Edward Gary between Hopkins Street and Hutchison Street. The Planning and Zoning Commission issued a Specific Use Permit (predecessor of the Conditional Use Permit) to the Triple Crown on November 26, 1996, with no conditions and no expiration date. The applicant is proposing to amend the CUP to expand the service of on-premise consumption to an outdoor deck.

**Staff recommends approval of the Conditional Use Permit with the following conditions:**

- 1. The permit shall be valid for the life of the TABC Permit, provided standards are met, subject to the point system;**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy; and**
- 3. No speakers shall be permitted in the outdoor deck area.**



**CUP-14-22**  
**Triple Crown Expansion**  
**206 N Edward Gary**  
**Map Date: 6/25/2014**

-  Site Location
-  Notification Buffer (200 feet)



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

# CUP-14-22

## Conditional Use Permit

### Triple Crown

### 206 N Edward Gary



**Applicant Information:**

**Applicant:** A.E. Manning, Inc.

**Mailing Address:** 206 N Edward Gary St  
San Marcos, TX 78666

**Property Owner:** A.E. Manning, Inc.  
206 N Edward Gary St  
San Marcos, TX 78666

**Applicant Request:** An amendment to an existing Conditional Use Permit (CUP) to expand the service area for the sale of mixed beverages for on-premise consumption to a rear deck addition.

**Public Hearing Notice:** Public hearing notification was mailed on 6/27/2014

**Response:** None as of this date

**Subject Property:**

**Expiration Date:** None

**Location:** 206 N Edward Gary St

**Legal Description:** Original Town of San Marcos Lot part of 7 Block 4 75-71

**Frontage On:** N Edward Gary

**Neighborhood:** Downtown

**Existing Zoning:** T5

**Preferred Scenario Zone:** High Intensity Zone

**Utilities:** Adequate

**Existing Use of Property:** Bar

**Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of property</b>	T5	Commercial/Apartments
<b>S of property</b>	T5	Commercial
<b>E of property</b>	T5	Commercial
<b>W of property</b>	T5	Commercial

### **Code Requirements:**

A Conditional Use Permit (CUP) allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. This location **does** meet the distance requirements.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2). This location is outside the Central Business Area (CBA) and is a request to expand on a Specific Use Permit issued in 1996.

### **Background**

The Triple Crown is a bar and local music venue located on N Edward Gary between Hopkins Street and Hutchison Street. The City of San Marcos Planning and Zoning Commission issued a Specific Use Permit (predecessor of the Conditional Use Permit) to the Triple Crown on November 26, 1996, with no conditions and no expiration date. The applicant is proposing to amend the CUP to expand the service of on-premise consumption to an outdoor deck. This area is an addition to the outdoor deck that exists at the rear of the business. The gross floor area of the new deck is approximately 100 square feet and is proposed to expand into an area previously used as outdoor storage. The deck will primarily be used as standing space and occasionally a table may be moved from the inside to this deck extension during a show to create more space inside. A site plan has been provided with the request identifying the proposed changes. Photographs the applicant has taken of the proposed location have also been provided. A conditional deck permit has been issued for this project, and will only become valid upon approval of this CUP expansion by the Commission.

### **Comments from Other Departments:**

There have been no major concerns regarding the subject property reported by other City Departments.

### **Planning Department Analysis:**

Staff has reviewed the request for compliance with the Land Development Code and it appears that the request is consistent with the policies and the general intent of the zoning district.

In addition to the minimum requirements of section 4.3.4.2 of the LDC, staff has considered the impact of the proposed conditional use on surrounding properties under the section 1.5.7.5 of the LDC. Staff finds that the request does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic, and no other specific adverse impacts were identified at this time. Staff has not received any citizen comments or comments from other departments regarding this establishment. The request to expand the service area should not have any adverse effects on adjacent property owners.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

In this case, the business has operated under an existing permit for several years and seeks only to expand the service area under the permit to accommodate a new deck. Thus, staff does not consider this to be a new permit.

### **Staff recommends approval of the Conditional Use Permit with the following conditions:**

- 1. The permit shall be valid for the life of the TABC Permit, provided standards are met, subject to the point system;**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy; and**
- 3. No speakers shall be permitted in the outdoor deck area.**

Planning Department Recommendation:	
	Approve as submitted
<b>X</b>	Approve with conditions or revisions as noted
	Alternative
	Denial

**Commission's Responsibility:**

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. Provided the request meets the minimum requirements of section 4.3.4.2 of the LDC, the Commission shall also evaluate the impact of the proposed conditional use on surrounding properties under section 1.5.7.5 of the LDC, by considering the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

**Prepared by:**

Will Parrish

Planning Technician

6/13/2014

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**Name**

**Title**

**Date**





## Restricted or Unrestricted Conditional Use Permit Application Checklist For Businesses *Outside* the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input type="checkbox"/>	A completed application for Conditional Use Permit and required fees. *(see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan <i>drawn to scale</i> illustrating the locations of all structures on the subject property and on adjoining properties. *(see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district.	<input type="checkbox"/>	
<input type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
<b>Any of the following pieces of information as requested by the Director of Development Services : *(see note below)</b>			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street parking and loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Hours of operation	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	

\* For renewals, staff may accept a written statement that no changes have been made to these items if copies are available on file.

I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed: \_\_\_\_\_

Date: 5-28-14

Print Name: ALLEN MANNING

Engineer    Surveyor    Architect/Planner    Owner    Agent: \_\_\_\_\_

CUP-14 - 22

**City of San Marcos**  
**RESTRICTED OR UNRESTRICTED**  
**CONDITIONAL USE PERMIT APPLICATION**  
 To Allow On-Premise Consumption of Alcoholic Beverages  
 for Businesses Outside the Central Business Area Zoning District

**LICENSE INFORMATION**  
 Trade Name of Business: THE TRIPLE CROWN  
 Application is filed by:  Individual  Partnership  Corporation  Other: \_\_\_\_\_  
 Name of Individual or Entity: A.E. MANNING, INC. Phone Number: 512-396-2236  
 Mailing Address: 206 N. EDWARD GARY ST, SAN MARCOS TX 78666-5706  
 Email Address: aem@triplecrownlive.com  
 Type of Permit Requested:  Mixed Beverage  Beer & Wine  Other: \_\_\_\_\_

**PROPERTY**  
 Street Address: 206 N. EDWARD GARY ST, SAN MARCOS TX 78666-5706  
 Legal Description: Lot Part of Lot 7 Block 4 Subdivision OTSM  
 Tax ID Number: R 41457  
 Property Owner's Name: A.E. MANNING INC Phone Number: 512-396-2236  
 Address: 206 N. EDWARD GARY ST, SAN MARCOS TX 78666-5706

**BUSINESS DETAILS**  
 Primary Business Use:  Restaurant (Restricted)  Bar (Unrestricted)  Other: \_\_\_\_\_  
 Hours of Operation: 8am to 2am MON-SAT, NOON TO 2AM SUNDAY  
 Type of Entertainment Facilities: Live Music Stage  
 Indoor Fixed Seats: NONE Outdoor Fixed Seats: 17  
 Gross Floor Area Including Outdoor Above-ground Decks: 1826 Square Feet  
 Number of Off-Street Parking Spaces Provided: 19  
 Located more than 300 feet from churches, public schools, hospitals, low density residential?  Yes  No

**APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC**

**CUP PERMIT HISTORY** *Check all that apply*

- New request**, no existing TABC CUP Permit at this location
- Change** to existing TABC Permit. Nature of Change: Expansion of deck

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- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

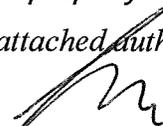
**SUBMITTAL REQUIREMENTS**

- Beer and Wine Permit: **\$600 Application fee + \$10.00 Technology Fee** (non-refundable)
- Mixed Beverage Permit: **\$600 Application fee + \$10.00 Technology Fee** (non-refundable)
- Change to Existing Permit/Renewal: **\$300.00 Application fee + \$10.00 Technology Fee** (non-refundable)
- **Site Plan** drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

*I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.*

*I am the property owner of record; or*

*I have attached authorization to represent the owner, organization, or business in this application.*



**Applicant's Signature**

**Printed Name:** ALLEN MANNING

**Date:** 5-20-14

*To be completed by Staff:*

Meeting Date: 7-8-14

Application Deadline: 5-27

Accepted By: Tory C

Date: 5-20-14

CITY OF SAN MARCOS  
SPECIFIC USE PERMIT

*A Specific Use Permit is hereby issued to*

A. E. Manning, Inc.

*for*

On-Premise Consumption  
of Mixed Beverages

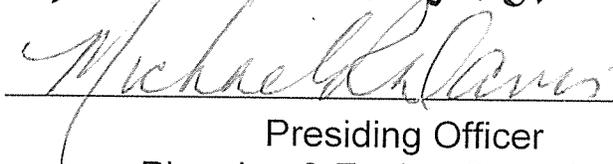
*At*

206 N. Edward Gary Street

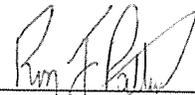
*With the following conditions:* None

*Expiration Date:* None

*Granted this the 26th day of November, 1996*

  
\_\_\_\_\_

Presiding Officer  
Planning & Zoning Commission

*Attest:*   
\_\_\_\_\_  
Director - Planning & Development Services



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Legislation Text

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**File #:** ID#13-420, **Version:** 1

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**AGENDA CAPTION:**

Development Services Report:

- a. Code SMTX update
- b. Rhythm of the Street - July 26, 2014
- c. October 14, 2014 P&Z Commission Meeting
- d. P&Z Bylaws schedule update

**Meeting date:** July 8, 2014

**Department:** Development Services

**Funds Required:** n/a

**Account Number:** n/a

**Funds Available:** n/a

**Account Name:** n/a

**CITY COUNCIL GOAL:**

**BACKGROUND:**