



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final Planning and Zoning Commission

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Tuesday, May 10, 2016

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 April 26, 2016.
2. PC-16-13\_01 (Cottonwood Creek Master Plan) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, LTD., for consent to a one-year extension of the Master Plan of the Cottonwood Creek Subdivision, consisting of approximately 471.97 acres along State Highway 123 one half mile south of Old Bastrop Highway. (T. Carpenter)

### PUBLIC HEARINGS

3. LDC-16-02 Hold a public hearing and consider revisions to Subpart B of the City's Code of Ordinances (Land Development Code) updating Chapter 4 to change building height and permitted, conditional, and prohibited uses in Public and Institutional zoning districts. (T. Carpenter)
4. PVC-16-02 (Hays County Barbeque; Plat Variance) Hold a public hearing and consider a request by Michael and Asenette Hernandez, for the Weatherford Subdivision Lot 8-C (PC-16-12\_04; Re-plat) to allow a deviation from Section 6.7.2.1(j) of the City of San Marcos Land Development Code, requiring that lot depth not exceed three times the lot width. (B. Melland)
5. PC-16-12\_04 (Weatherford Lot 8-C) Hold a public hearing and consider a request by Gallup Engineering on behalf of Michael and Asenette Hernandez, for approval of a re-plat of 3.02 acres, more or less, being a portion of Lot 8, AF Weatherford Subdivision, establishing Lot 8-C, Weatherford Subdivision, Hays County, Texas. (B. Melland)

**NON-CONSENT AGENDA**

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#16-246, **Version:** 1

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**AGENDA CAPTION:**

Consider approval of the minutes of the Regular Meeting on April 26, 2016.

**Meeting date:** May 10, 2016

**Department:** Planning and 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**  
DRAFT

630 East Hopkins  
San Marcos, TX 78666

**Meeting Minutes**  
**Planning and Zoning Commission**

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Tuesday, April 26, 2016

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 Garber at 6:00 p.m. on Tuesday, April 26, 2016 in the City Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas.**

II. Roll Call

**Present** 9 - Commissioner Jim Garber, Commissioner Travis Kelsey, Commissioner Shawn Dupont, Commissioner Saul Gonzales, Commissioner Kate McCarty, Commissioner Douglas Beckett, Commissioner Betseygail Rand, Commissioner Lee Porterfield, and Commissioner Angie Ramirez

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Lisa Marie Coppolletta thanked those who voted against Lindsey Hill Project. She added a few comments for those that voted for the project. She pointed out that the project is the highest hill in the community and knows that we have had flooding issues. Ms. Coppolletta referred to the Capstone development and noted that there were all of issues with moldy insulation laying around, trash and contractors let the wood get moldy. She added that The Woods had bad construction where people can hear the people above them. She said the quality of construction puts the quality of peoples lives in danger. She encouraged the Commission that in the future to be more caring and thoughtful about the community. She added that there should be more oversight in the construction process.

**CONSENT AGENDA**

1. Consider approval of the minutes of the Regular Meeting on April 12, 2016.
2. PC-16-09\_03 (Paso Robles Phase 2A Final Plat) Consider a request by Pape-Dawson Engineers, LLC, on behalf of Carma Paso Robles, LLC, for approval of a Subdivision Improvement Agreement and Final Plat for approximately 10.656 acres, more or less, out of the Edward Burleson Survey located near the intersection of Hunter Road and Centerpoint

Road. (T. Carpenter)

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

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

## **PUBLIC HEARINGS**

3. CUP-16-10 (Higher Grounds) Hold a public hearing and consider a request by Graffito Beverages, L.L.C., on behalf of Higher Grounds, for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 407 South Stagecoach Trail, Suite 103. (A. Brake)

Chair Garber opened the public hearing.

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

David Graffagnini, owner of Higher Grounds explained that the name of the business is 80% sure but could possibly change. He felt that the business will increase foot traffic in the government center area and downtown. They will have healthy meal options for breakfast and lunch. Mr. Gaffagnini said he will bring a great business to San Marcos.

There were no additional comments and the public hearing was closed.

**A motion was made by Commissioner Ramirez, seconded by Commissioner Dupont, that CUP-16-10 (Higher Grounds) be approved with conditions the CUP shall 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 and the CUP shall be posted in the same area and manner as the Certificate of Occupancy . The motion carried by the following vote:**

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

4. CUP-16-11 (Buie Tract Phase 1 Mixed Use Tract) Hold a public hearing and consider a request by Stone Development Group, Inc., for a Conditional Use Permit to allow Multifamily (Apartments) as well as 14,000 square feet of commercial space on a lot that is zoned Mixed Use. (W. Parrish)

Chair Garber opened the public hearing.

Will Parrish, Planning Tech gave an overview of the request.

Guy Dudley, Stone Development Group, 1911 Rio Grande, Austin Texas said he is looking to come to San Marcos and become part of the community to fill a need that would serve as a buffer between an apartment complex and single family homes while allowing home ownership. He explained that they have worked with staff and the city and have heard concerns. Mr. Dudley hopes to bring a green park like structure and decrease impervious cover. He said he was available to answer questions.

Lisa Marie Coppolletta, 1322 Belvin, expressed concerns regarding drainage. She informed the Commission that she has sent videos of drainage issues that go down from Bishop to Belvin Street. She stated that the Buie tract is an open wound to the community. Ms. Coppolletta stated that there are significant archeological finds on the property. She said in addition to the drainage and archeological finds the Edwards Aquifer Authority confirmed that they put cement in caves for the Capstone Development. She added that the neighborhood was once a quiet neighborhood but now bed locked. She pointed out that the property is over the recharge zone and the only place the water can go. Ms. Coppolletta pointed out that there is a 2008 flood permit that the city has not enforced. She strongly urged the Commission to vote against the request.

Joe Schneider, owns property at 1417 Franklin said was not present to speak for or against the project. He said that the density of the property was changed without any notification by the city. Mr. Schneider expressed concerned that he did not receive notification. He added that changes can negatively affect proeprty values. Mr. Schneider expressed his concenrs regading the width of Franklin Street from Bishop to the West end is 20'6 and would like to see Franklin to Bishop 36' wide. He pointed out that the street is not wide enough to handle the traffic and parking.

Bob Holder, 2010 Castlegate Circle expressed concerns with lack of notification of hte proposed change in density. Mr. Holder explained that there is a problem in his neighborhood that people do not come out to speak in opposition as other neighborhoods. Mr. Holder inquired about the caves and the recharge zone. He said that the impervious cover is outrageous. He also asked what was the need to change the zoning. Mr. Holder pointed out that a 20" heritage tree was cut down. Mr. Holder said he is opposed to the request.

Richard Shaper, 1754 N. Bishop, a student at the University said he lives very close to property and has a couple of concerns. He explained that he has a cave directly on his property. He added that he has alot of data on crime rates on multi-housing buidlings especially The Woods. He explained he has a years worth of data which indicates the traffic, violence, and noise have increased.

Mitsy Gosforth, 120 Grant Court, said they have alot of traffic in their area. She epressed concerns with the recent flooding that when the condominiums would be built they would create a problem with runoff. Ms. Gosforth explained that the creek

behind Cathryn Cove almost flooded. She said the development would be a major problem and feels crime will be a problem. She stated that she is on the Franklin Square Board and felt that if she knew sooner they would have gotten signatures in opposition. Ms. Gosforth said she is in opposition to the request because it could be better planned and in a better location.

Christopher Wheeler, 1754 N. Bishop said he lives extremely close to Craddock and Bishop to the proposed development. He said that he has the opening to Windy Cave in his back yard and currently have problems with runoff in the neighborhood. He feels that with a project this size they could carry runoff with toxins and pollutants to the Aquifer and endangered species can also have an affect. Mr. Wheeler also pointed out that property values do go down with this type of development. This is a family area and feels this type of development will increase noise, crime rates, traffic around the families in the neighborhood. He said he hopes the Commission takes all the concerns into consideration.

Selly Vaughan, 1507 Franklin Drive, said she has a petition that was taken around the neighborhood for signatures in opposition. Ms. Vaughan provided the protest petition to staff.

There were no additional comments and the public hearing was closed.

**A motion was made by Commissioner Kelsey, seconded by Commissioner McCarty, that CUP-16-11 (Buie Tract Phase 1 Mixed Use Tract) be denied. The motion carried by the following vote:**

**For:** 6 - Commissioner Garber, Commissioner Kelsey, Commissioner Gonzales, Commissioner McCarty, Commissioner Rand and Commissioner Ramirez

**Against:** 3 - Commissioner Dupont, Commissioner Beckett and Commissioner Porterfield

5. PC-15-36\_03 (Coachman Replat) Hold a public hearing and consider a request by Byrn and Associates, Inc. on behalf of Kutscher Holdings, LP, for approval of a replat of 16.58 acres, more or less, being Lot 1, Block 1 Coachman Subdivision, establishing Lots 1-A, 1-B, 1-C, 1-D, 1-E, and 1-F, Coachman Subdivision, Hays County, Texas. (A.Villalobos)

Chair Garber opened the public hearing.

Andrea Villalobos, Planning Tech gave an overview of the request.

There were no citizen comments and the public hearing was closed.

**A motion was made by Commissioner Dupont, seconded by Commissioner McCarty, that PC-15-36\_03 (Coachman Replat) be approved with condition that the fiscal surety for the improvements be accepted by the Hays County Commissioners' Court. The motion carried by the following vote:**

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

6. Hold a public hearing and consider a recommendation to City Council on the 10-Year Capital Improvements Program (FY 2017-2026)

**A motion was made by Commissioner Kelsey, seconded by Chair Garber, to recommend approval of the 2017-2026 Capital Improvements Program with the following amendments: Project #609-Downtown Master Plan Update be moved from FY2018 to FY2017; Project 45-Downtown Reconstruction Phase II be moved from FY2019 to FY2017; Project #590-Nature Center be moved from FY2019 to FY2017; Project #221-Swimming Pool Complex-East Side be moved from FY 2021 to FY2017; and remove Project #472-Capes Camp Improvements and Dam from the CIP.**

**A amended motion was made by Commissioner Kelsey, seconded by Commissioner Ramirez, that Project #472 remain in the CIP and be removed from the Main Motion. The motion carried by the following vote:**

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

**An amended motion was made by Commissioner Beckett, seconded by Commissioner Kelsey, that the City Council consider accelerating all projects that include flooding and drainage. The motion carried by the following vote:**

**For:** 8 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

**Absent:** 1 - Commissioner McCarty

**Chair Garber called for a vote on the main motion to recommend approval of the 2017-2026 Capital Improvements Program with the following amendments: Project #609-Downtown Master Plan Update be moved from FY2018 to FY2017; Project 45-Downtown Reconstruction Phase II be moved from FY2019 to FY2017; Project #590-Nature Center be moved from FY2019 to FY2017; Project #221-Swimming Pool Complex-East Side be moved from FY 2021 to FY2017; Project #472-Capes Camp Improvements and Dam**

**remain in the CIP; and City Council consider accelerating all projects that include flooding and drainage.**

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

**NON-CONSENT AGENDA**

7. Discussion and direction to staff regarding the time allowed for Applicant presentations.

**The Commission discussed and agreed on consensus to allow applicants a 10 minute presentation to be consistent with City Council.**

V. Question and Answer Session with Press and Public.

**There were no questions from the press and public.**

VI. Adjournment

**A motion was made that the meeting be adjourned at 8:15 p.m. The motion carried by a unanimous vote.**

\_\_\_\_\_  
**Jim Garber, Commission Chair**

**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-16-13\_01, **Version:** 1

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**AGENDA CAPTION:**

PC-16-13\_01 (Cottonwood Creek Master Plan) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, LTD., for consent to a one-year extension of the Master Plan of the Cottonwood Creek Subdivision, consisting of approximately 471.97 acres along State Highway 123 one half mile south of Old Bastrop Highway. (T. Carpenter)

**Meeting date:** May 10, 2016

**Department:** Planning and Development Services

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

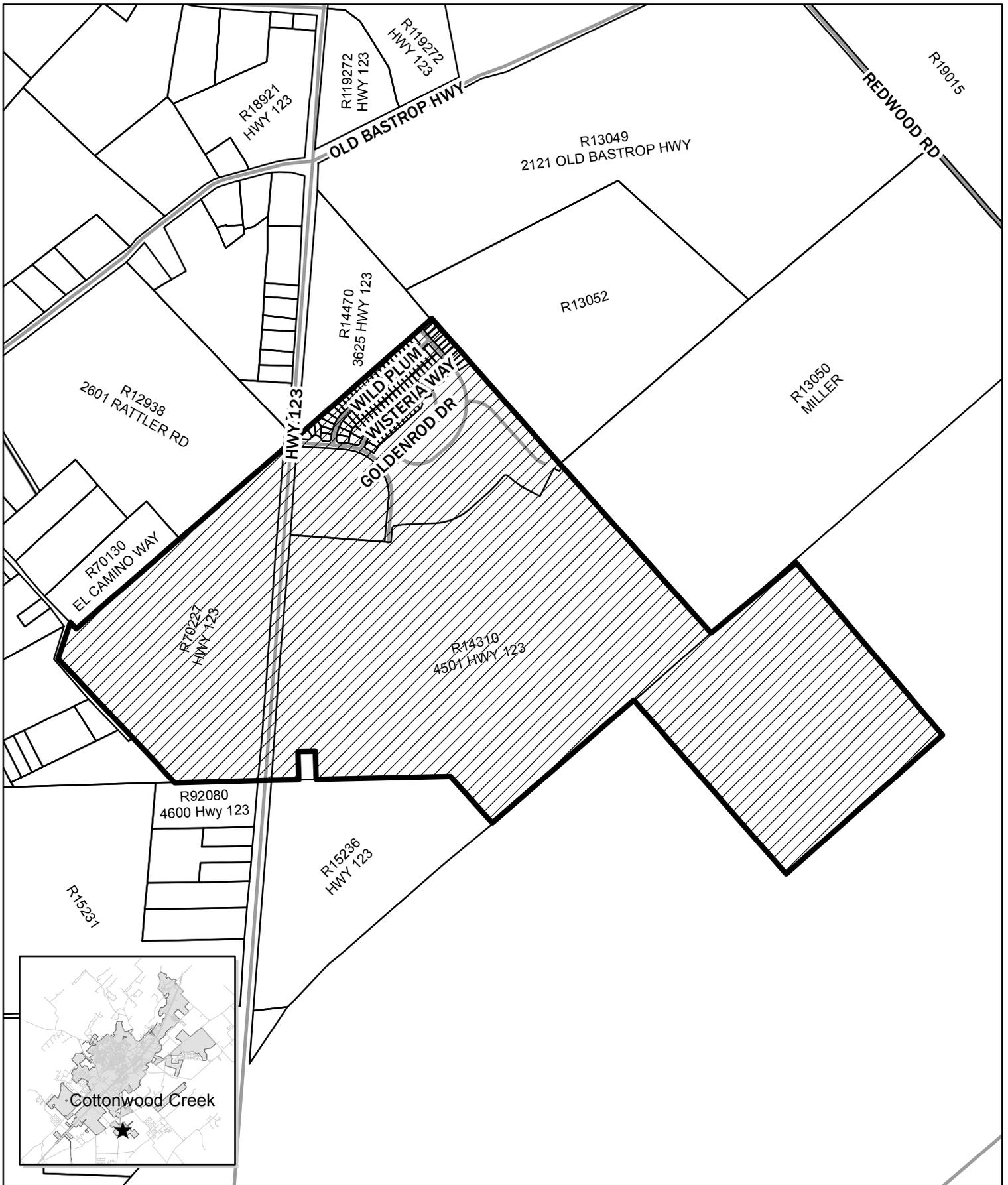
**CITY COUNCIL GOAL:**

Community Wellness/ Strengthen the Middle Class

**BACKGROUND:**

The Master Plan for Cottonwood Creek Subdivision was originally approved by the Planning and Zoning Commission on May 28, 2002. Approval of the Master Plan may be extended for one-year periods by consent of the Commission. It was last renewed by the Planning & Zoning Commission in May 2015 and the applicant is requesting a new one-year extension.

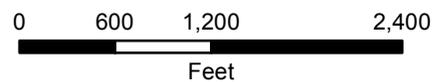
There have been no changes to the plan since 2015 and staff recommends that the Subdivision Master Plan be extended for an additional one year period.

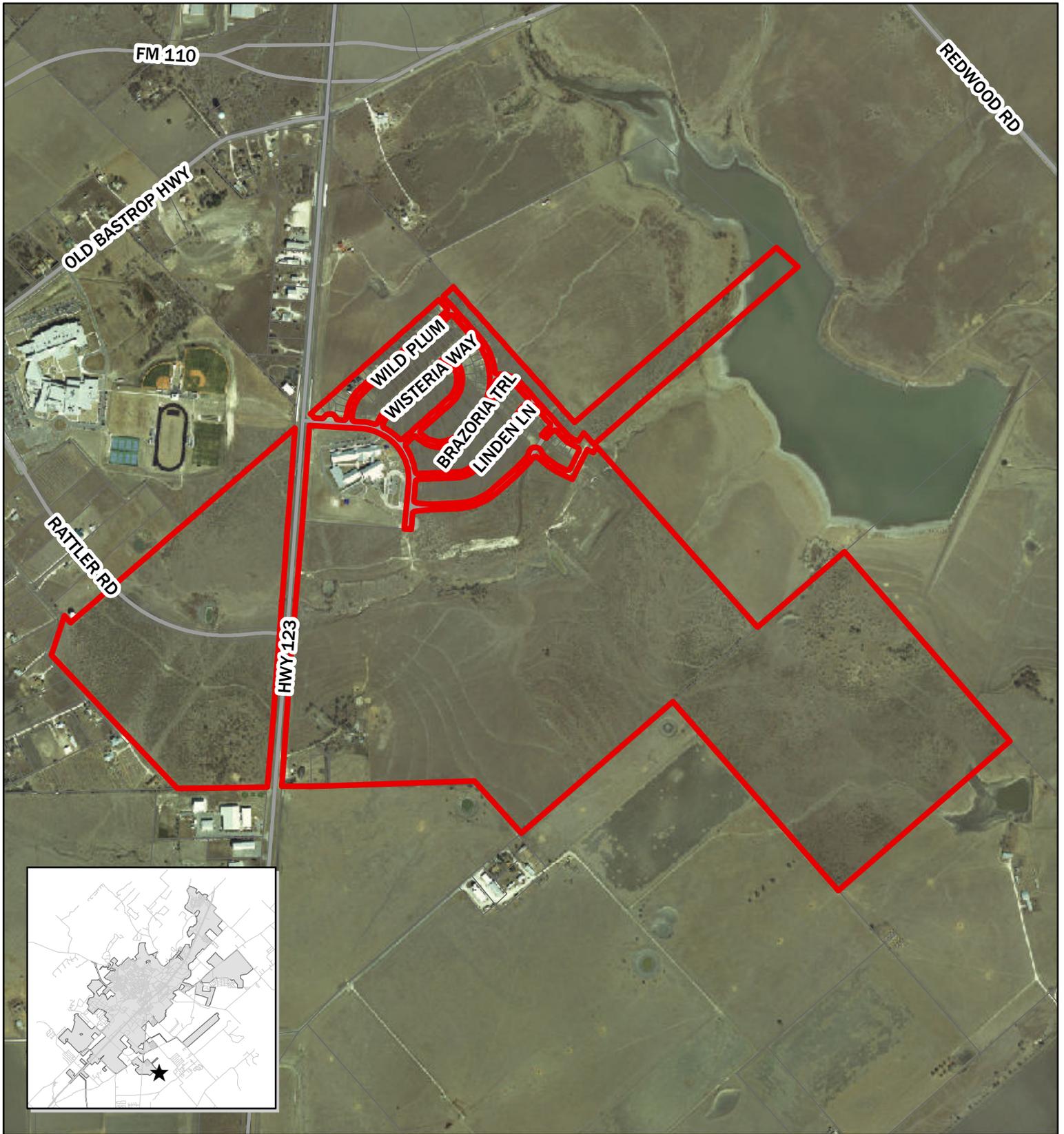


**PC-16-13\_01**  
**Cottonwood Creek**  
**Master Plan Renewal**  
**Map Date: 5/4/2016**

● /  Site Location ●

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.





**PC-16-13\_01**  
**Cottonwood Creek**  
**Master Plan Renewal**  
**Map Date: 5/4/2016**

 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-16-13\_01 Cottonwood Creek Subdivision Master Plan Renewal



## Applicant Information:

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

**Property Owner:** Cottonwood Creek, JDR, Ltd  
333 Cheatham Street  
San Marcos, TX 78666

**Notification:** Notification not required

**Type & Name of  
Subdivision:** Master Plan Renewal of Cottonwood Creek Subdivision

## Subject Property:

**Traffic /  
Transportation:** This Master Plan is proposing a thoroughfare network that will include the future extension of McCarty Road to State Highway 123. Access within the subdivision will be achieved by a means of arterials connecting to State Highway 123. An internal street network will provide access from the arterials to the residential portions of this subdivision.

**Master Plan  
Compatibility:** The subject tract is located along State Highway 123 approximately one half mile south of Old Bastrop Highway. The master plan proposes a total of 2,694 residential dwelling units. The total number of dwelling units represents a mix of single-family homes, garden homes, two-family homes, townhomes, and apartment units.

**Utilities:** The City of San Marcos provides water and wastewater service and Bluebonnet Electric provides electrical to this subdivision.

**Zoning Pattern:** The property is zoned in accordance with the approved Cottonwood Creek Master Plan.

## **Planning Department Analysis:**

The Master Plan for Cottonwood Creek Subdivision was originally approved by the Planning and Zoning Commission on May 28, 2002. Approval of the Master Plan may be extended for one-year periods by consent of the Commission. It was last renewed by the Planning & Zoning Commission in May 2015 and the applicant is requesting a one-year extension.

Construction of single-family homes in Phase I Section 1B, 1C, and 1D has continued since the previous renewal.

### **The current composition of the Cottonwood Creek Master Plan is as follows:**

- The development consists of approximately 471.97 acres divided into four phases.
  - Phase I is a 146.30 acre tract that is currently being developed as follows:
    - 17.7 acres developed as an elementary school, platted July 2005 as Sec 1-A
    - 19.32 acres developed as 102 single family lots, platted May 2008 as Sec 1-B
    - 14.618 acres developed as 72 single family lots and two private parks that function as trail connections, platted December 2010 as Sec 1-C.
    - 13.56 acres currently being developed as 71 single family lots, platted in 2012 as Sec 1-D.
    - 9.25 acres was included in the Phase 1 Section 2 preliminary plat consisting of 58 patio-home lots approved by the Commission in April of this year.
    - 71.85 acres yet to be platted or developed
  - Phase II is an 85.44 acre tract – yet to be developed, identified as multi-family, duplex, senior group home, commercial, public & institutional, and parkland.
  - Phase III is a 139.47 acre tract – yet to be developed, identified as single-family, garden homes, townhomes, commercial, public and institutional, and private park.
  - Phase IV is a 100.76 acre tract – yet to be developed, identified as single-family and private park.
- As new plats are submitted for review and approval, they must be in compliance with the subdivision requirement under which this Master Plan is being regulated.
- The renewal of the Cottonwood Creek Master Plan is subject to discretionary approval by the Planning & Zoning Commission.

### **Changes approved in May 2012**

- Road name changed from Daisy Drive to Blue Briar Court.
- No changes in use, design, or density are proposed.

**Changes approved in May 2014**

Skylark Lane, which will connect Hwy 123 to Monterrey Oaks, has been changed from a 60' right-of-way dedication to a 50' right-of-way dedication. After the applicant expressed safety concerns, Development Services and Engineering staff reviewed the request and determined that the proposed reduction accommodates the transportation needs of the roadway.

The interior lot layout has been removed from the 9.01 acre townhouse portion of the development. To ensure orderly development, staff has required that the applicant provide a note stating that "all townhouse lots shall take access off of an alley."

**Staff Recommendation**

Staff finds that the Cottonwood Creek Master Plan meets the criteria for approval. This Master Plan also guides developments to maximize the utilization of existing and proposed public improvements. For these reasons, staff recommends that the Subdivision Master Plan be extended for an additional one year period.

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

**The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this proposed master plan extension. Because the last extension expires in May of this year, it is necessary to approve another extension at this meeting if the commission wishes to continue the Subdivision Master Plan. Your options are to grant consent to the extension of the Master Plan for another one-year period or to withhold consent.

The commission shall not change the approved overall layout unless the subdivider agrees to the change or the commission finds that adherence to the previously approved overall layout will:

1. Hinder the orderly subdivision of land in the area in accordance with this chapter; or
2. Be detrimental to the public health, safety or general welfare.

**Prepared by:**

Tory Carpenter	Planner	May 5, 2016
<b>Name</b>	<b>Title</b>	<b>Date</b>

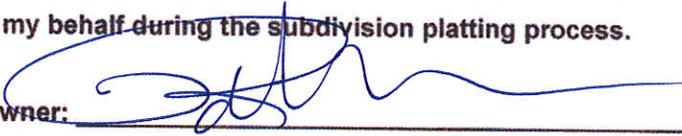


# City of San Marcos SUBDIVISION PLAT APPLICATION

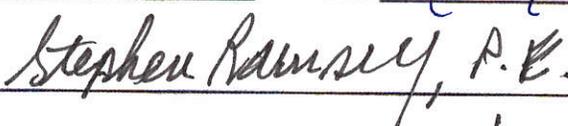
	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
<b>Name</b>	<u>RAMSEY ENGINEERING, LLC</u>	<u>COTTONWOOD CREEK JDR, LTD</u>
<b>Mailing Address</b>	<u>3206 YELLOWPINE TERRACE</u>	<u>333 CHEATHAM STREET</u>
	<u>AUSTIN, TEXAS 78757</u>	<u>SAN MARCOS, TEXAS 78666</u>
<b>Daytime Phone</b>	<u>512-650-6800</u>	<u>512-353-1776</u>
<b>Email Address</b>	<u>ramsey-eng@att.net</u>	<u>jenny@randallmorris.com</u>

**AGENT ACKNOWLEDGEMENT STATEMENT:**

I RANDALL MORRIS 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: RANDALL MORRIS Date: 3/22/16

Signature of Agent: 

Printed Name: STEPHEN RAMSEY, P.E. Date: 3/23/16

<b>Subdivision Plats</b> <i>Master Plan</i>		<b>Development Plats</b>	
<input checked="" type="checkbox"/> Subdivision Concept Plat		<input type="checkbox"/> Preliminary Development Plat	
<input type="checkbox"/> Preliminary Subdivision Plat		<input type="checkbox"/> Final Development Plat	
<input type="checkbox"/> Final Subdivision Plat			
<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**

Subdivision Name: COTTONWOOD CREEK

Address or General Location: SH 123 – MONTERREY OAK

Proposed Number of Lots: 2,694 Acres: 471.97

Appraisal District Tax ID: R14310, R135076, R135068

Located In  City Limits  ETJ\* - Please circle county: *Caldwell Comal Guadalupe Hays*  
 S.M. River Corridor  Planned Development District

Proposed Use of Land RESIDENTIAL, COMMERCIAL, PUBLIC & INSTITUTIONAL, PARKLAND, OPEN SPACE

*\*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.

*N/A*

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

Printed Name: \_\_\_\_\_ 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:

- 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 Bluebonnet Electric Cooperative

Applicable Utility Service Code(s) C + D

Comments/Conditions Additional easements maybe needed.

\_\_\_\_\_

\_\_\_\_\_

Signature of Electric Company Official Rodney Gerik

Title Sr. Project Coordinator Date 3-22-2016

**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:

- 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 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:

- 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* \_\_\_\_\_

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:

- 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 *Gas Service Provider* CenterPoint Energy

Applicable Utility Service Code(s) A : See remarks

Comments/Conditions Adequate service is available, however arrangements have not been made to provide gas to this section. Need pre development agreement signed before we can install infrastructure.

Signature of Gas Company Official *Devin Kleinfelder*

Title Marketing Consultant Date 3/21/2016

Cottonwood Creek Subdivision 2016

**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: Tony Salinas

Title: Water Dist. Manager Date: March 21, 2016

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:**

Cottonwood Creek Subdivision

**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 Any required line extensions will be conducted by development.

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

Title: Wastewater COllections Manager Date March 22, 2016

**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 \_\_\_\_\_

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 Time Warner Cable \_\_\_\_\_

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

Comments/Conditions TWC will install/maintain Telephone/cable/Internet services to all Cottonwood Creek phases/sections that meet cost model requirements

Signature of Telephone Company Official [Signature] \_\_\_\_\_

Title: Construction Coordinator Date 3/24/16

**SUBMITTAL REQUIREMENTS FOR ALL PLATS:**

**FEE SCHEDULE**

**For Plats Located Inside/Outside of the City Limits**

Subdivision Minor Plat / Amending Plat	\$406 plus \$102 per acre (max \$1000)
Concept Plan	\$762 plus \$51 acre (max \$2000)
Preliminary Plat	\$762 plus \$51 acre (max \$2000)
Final Plat	\$1015 plus \$102 acre (max \$2500)
Replat, not administrative	\$762 plus \$51 acre (max \$2000)
Vacation of Previously Recorded Plat	\$153
Subdivision Variance Request	\$609
Cluster Development Plan	\$26 per acre (\$100 min / \$1500 max)
Technology Fee	\$11

**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:** \_\_\_\_\_

- Complete application
- Required fees \$2,011.00 (see next page for Fee Schedule)
- All legislative requirements complete
- 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., AGENT

Date: 3/23/16

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

**ADDITIONAL REQUIREMENTS:**

**Subdivision Concept Plats:**

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

**Preliminary Subdivision Plats or Preliminary Development Plats**

- 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:**

- Preliminary Plat (where applicable)
- Approved Watershed Protection Plan Phase II and approved Public Improvement Construction Plan by the Director of Engineering (can be submitted concurrently).
- 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.



## Legislation Text

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**File #:** LDC-16-02, **Version:** 1

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**AGENDA CAPTION:**

LDC-16-02 Hold a public hearing and consider revisions to Subpart B of the City's Code of Ordinances (Land Development Code) updating Chapter 4 to change building height and permitted, conditional, and prohibited uses in Public and Institutional zoning districts. (T. Carpenter)

**Meeting date:** May 10, 2016

**Department:** Planning & Development Services

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**CITY COUNCIL GOAL:** N/A

**COMPREHENSIVE PLAN ELEMENT(s):** N/A

**BACKGROUND:**

After receiving direction from City Council, staff has examined which uses are permitted and conditional in Public and Institutional zoning districts, as well as height restrictions in this district.

Staff recommends that the following uses be amended from permitted to prohibited uses:

- Residential Hall or Boarding House
- Duplex/Two-Family/Duplex Condominium
- Fraternity or Sorority Building
- Plant Nursery (Retail Sales/Outdoor Storage)
- Rodeo Grounds

Staff recommends that the following uses be amended from permitted to conditional uses:

- Heliport
- Helistop (Non-Emergency)

In addition staff recommends changing “Multifamily (Apartments)” from a conditional use to a prohibited use.

**Height Restrictions**

Currently there is no height restriction in Public and Institutional zoning districts. Staff recommends including a 4-story height limit in this zoning district.



# MEMO

TO: PLANNING AND ZONING COMMISSION  
FROM: **TORY CARPENTER, PLANNER**  
DATE: **APRIL 27, 2016**  
RE: AMENDMENT TO LAND DEVELOPMENT CODE

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## **Background**

After receiving direction from City Council, staff has examined which uses are permitted and conditional in Public and Institutional zoning districts, as well as height restrictions in this district.

## **Land Use Matrix**

Staff recommends that the following uses be amended from permitted to prohibited uses:

- Residential Hall or Boarding House
- Duplex/Two-Family/Duplex Condominium
- Fraternity or Sorority Building
- Plant Nursery (Retail Sales/Outdoor Storage)
- Rodeo Grounds

Staff recommends that the following uses be amended from permitted to conditional uses:

- Heliport
- Helistop (Non-Emergency)

In addition staff recommends changing "Multifamily (Apartments)" from a conditional use to a prohibited use.

## **Height Restrictions**

Currently there is no height restriction in Public and Institutional zoning districts. Staff recommends including a 4-story height limit in this zoning district.

Table 4.3.1.2 - Land Use Matrix  
Public and Institutional  
P=Permitted C=Conditional

Barns and Farm Equipment Storage	
Bulk Grain and/or Feed Storage/Processing	
Farmers Market	P
Farms, General (Crops)	
Farms, General (Livestock/Ranch)	
Hay, Grain, and/or Feed Sales (Wholesale)	
Livestock Sales/Auction	
Plant Nursery (growing for commercial purposes but no retail sales on site)	
Stables	
Stables (Private, Accessory Use)	
Accessory Building/Structure (No larger than 625 s.f. in size and 12' in height)	P
Accessory Building/Structure (Larger than 625 s.f. in size OR 12' in height)	P
Accessory Dwelling (One Accessory Dwelling Per Lot)	P
Bed and Breakfast Inn	C
Caretaker's/Guard's Residence	P
Community Home	P
Residential Hall or Boarding House	P
Duplex/Two-Family/Duplex Condominiums	P
Family Home Child Care	
Four Family (Quadraplex) or Three Family (Tri-Plex)	
Fraternity or Sorority Building	P
HUD code-Manufactured Home	
Loft Apartments	C
Multifamily (Apartments)	C
Single Family Detached House	C

Single Family Industrialized Home	C
Single Family Townhouse (Attached)	
Single Family Zero Lot Line/Patio Homes	
Armed Services Recruiting Center	P
Bank or Savings and Loan (w/o Drive-thru)	
Bank or Savings and Loan (w Drive-thru)	
Check Cashing Service	
Offices (Health Services)	
Offices (Medical Office)	
Offices (Professional)	C
Call Service Center	
Appliance Repair	
Artist or Artisans Studio	
Ambulance Service (Private)	P
Automobile Driving School (including Defensive Driving)	P
Automatic Teller Machines (ATM's)	P
Barber/Beauty College (barber or cosmetology school or college)	P
Barber/Beauty Shop, Haircutting (non-college)	
Bed and Breakfast (No Permanent Residence)	
Communication Equipment (Installation and/or Repair - No outdoor sales or storage)	
Dance/Drama/Music Schools (Performing Arts)	P
Extended Stay Hotels/Motels (Residence hotels)	
Exterminator Service (No outdoor sales or storage)	
Funeral Home	
Hotel/Motel	
Kiosk (Providing A Retail Service)	

Laundry/Dry Cleaning (Drop Off/Pick Up)	
Martial Arts School	P
Medical Supplies and Equipment	
Mini-Warehouse/Self Storage Units	
Off-Premises Freestanding Sign	
Photocopying/Duplicating/ Copy Shop	
Studio for Radio or Television (without tower)	P
Tool Rental (Indoor Storage only)	
Tool Rental (with Outdoor Storage)	
Washateria/Laundry (Self Serve)	
All Terrain Vehicle (go-carts) Dealer/Sales	
Antique Shop (with outside storage)	
Auto Dealer (Primarily New/Used Auto Sales as accessory use only)	
Auto Dealer, Used Auto Sales	
Auto Supply Store for New and Rebuilt Parts	
Bike Sales and/or Repair	
Building Material Sales	
Cabinet Shop (Manufacturing)	
Convenience Store Without Gas Sales	
Convenience Store With Gas Sales	
Department Store	
Food or Grocery Store with Gasoline Sales	
Food or Grocery Store without Gasoline Sales	
Gravestone/Tombstone Sales	
Gun Smith	
Home Improvement Center (10,000 s.f. or more)	

Table 4.3.1.2 - Land Use Matrix  
Public and Institutional  
P=Permitted C=Conditional

Lawnmower Sales and/or Repair	
Liquor Sales (retail)	
Market (Public, Flea)	
Pharmacy	
Plant Nursery (Retail Sales/Outdoor Storage)	P
Recycling Kiosk	P
Restaurant/Prepared Food Sales	C
Restaurant/Prepared Food Sales with beer/wine off-premises consumption	
Restaurant/Prepared Food Sales with drive thru	
Retail Store (Misc.) with Drive Thru Service	
Retail Store (Misc.) without Drive Thru Service (Under 100,000 s.f. Bldg.)	
Retail Store (100,000 s.f. or more Bldg.)	
Retail Store (over 10,000 s.f. or more Bldg.) outside sales	
Retail Store (under 10,000 s.f. or more Bldg.) outside sales	
Retail Store (under 10,000 s.f. or more Bldg.) no outside sales	
Security Systems Installation Company	
Shopping Center (Over 5 Acres)	
Studio Tattoo or Body Piercing	
Temporary Outdoor Retail Sales / Commercial Promotion (4 day time limit; Permit Required by Building Official)	
Upholstery Shop (Non-Auto)	
Veterinarian (Indoor Kennels)	

Woodworking Shop (Ornamental)	
General Vehicular Sales and Service	
Auto Body Repair	
Auto Muffler Shop	
Auto Paint Shop	
Auto Repair (General)	
Auto Repair as an Accessory Use to Retail Sales	
Auto Tire Repair/Sales (Indoor)	
Auto Wrecker Service/Tow Yard	
Car Wash (Self Service; Automated)	
Full Service Car Wash (Detail Shop)	
Heavy Load Vehicle Sales/Repair	
Limousine/Taxi Service	
Public Garage/Parking Structure	C
Tire Sales (Outdoors/Storage)	
Transit Terminal	
Truck Terminal	
Amusement Services or Venues (Indoors)	
Amusement Services or Venues (Outdoors)	C
Bar	
Billiard/Pool Facility/Nightclub (Three or More Tables) No alcohol consumption	
Smoking Lounge	
Broadcast Station (with Tower)	P
Charitable Gaming Facility	
Civic/Conference Center	P
Country Club (Private)	
Dance Hall/Dancing Facility	
Day Camp	
Driving Range	

Fair Ground	P
Health Club (Physical Fitness; Indoors Only)	
Motion Picture Theater (Indoors)	
Motion Picture Studio, Commercial Film	
Museum (Indoors Only)	P
On-Premises Consumption of Alcohol	
Park and/or Playground	P
Travel Trailers/RVs (Short Term Stays)	
Rodeo Grounds	P
RV/Travel Trailer Sales	
Tennis Court (Lighted)	P
Theater (Non-Motion Picture; Live Drama)	P
Adult Day Care (No Overnight Stay)	P
Assisted Living Facility/Hospice	
Cemetery and/or Mausoleum	P
Child Day Care (Business)	
Meeting Place/Nonreligious	
Place of Religious Assembly/Church	P
Clinic (Medical)	P
Electrical Generating Plant	C
Electrical Substation	C
Emergency Care Clinic	
Fraternal Organization/Civic Club	
Governmental Building or Use (Municipal, State or Federal)	P
Heliport	P, C, O, A, C
Helistop (Non-Emergency)	P, C, O, A, C
Household Care Facility	P
Hospital (Acute Care/Chronic Care)	C
Nursing/Convalescent Home	

Table 4.3.1.2 - Land Use Matrix  
 Public and Institutional  
 P=Permitted C=Conditional

Philanthropic organization	
Post Office (Private)	P
Post Office (Governmental)	P
Rectory/Parsonage with Place of Worship	P
Retirement Home/Home for the Aged	
School, K through 12 (Private)	P
School, K through 12 (Public)	P
School, Vocational (Business/Commercial Trade)	P
University or College	P
Auction Sales (Non-Vehicle)	
Bio-Medical Facilities	
Caterer	
Extermination Service	
Feed and Grain Store	
Furniture Manufacture	
Maintenance/Janitorial Service	
Manufactured Home Sales	
Metal Fabrication Shop	
Moving Storage Company	
Portable Building Sales	
Taxidermist	
Transfer Station (Refuse/Pick-up)	
Veterinarian (Outdoor Kennels or Pens)	
Warehouse/Office and Storage	
Welding Shop	
Aircraft Support and Related Services	P
Airport	P
Manufacturing	
Contractor's Office/Sales, With Outside Storage including Vehicles	
Distribution Center	

Electronic Assembly/High Tech Manufacturing	
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair	
Food Processing (no Outside Public Consumption)	
Laboratory Equipment Manufacturing	
Leather Products Manufacturing	
Machine Shop	
Manufacturing Processes not Listed	
Marble or Stone Finishing	
Micro Brewery (onsite mfg. and sales)	
Motor Freight Terminal	
Outside Storage (as primary use)	
Paint Manufacturing	
Petroleum Bulk Storage	
Plastic Products Molding/Reshaping	
Research Lab (Non-Hazardous)	
Sand/Gravel Sales (Storage or Sales)	
Sign Manufacturing	
Stone/Clay/Glass Manufacturing	
Wrecking/Junk Yard	

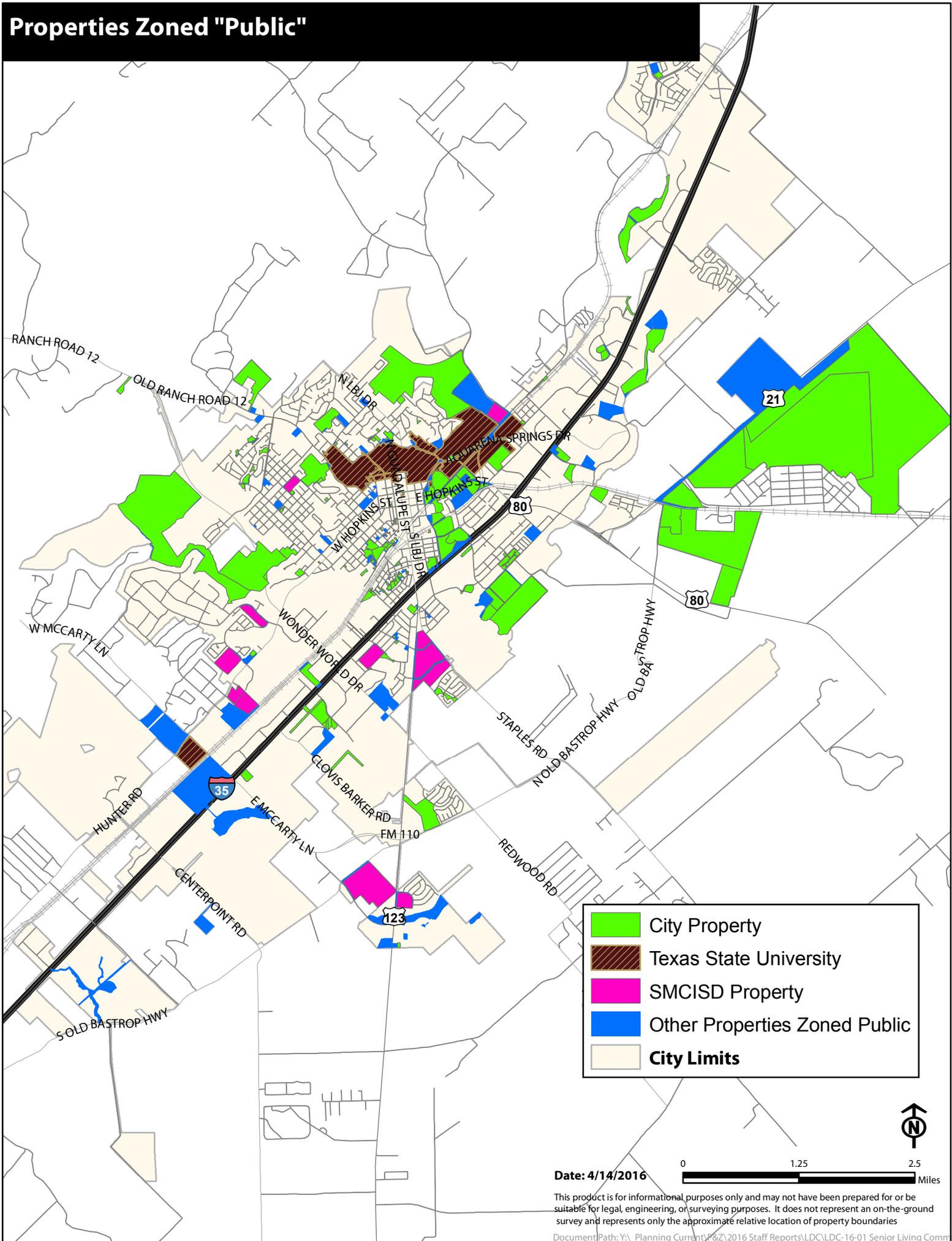
Table 4.1.6.1  
Dimensional and Development Standards

Standard Category	Special or Nonresidential Districts										
	VMU	MU	P	NC	OP	CC	GC	HC	CBA	LI	HI
Lot/Parcel Area, Minimum Sq. Ft.	4000	6000	N/A	6000	6000	6000	6000	6000	6000	6000	6000
Lot/Parcel Area, Maximum Acres	20	20	N/A	5	5	N/A	N/A	N/A	N/A	N/A	N/A
Units per Acre, Maximum/Gross Acres	40	5.5	24.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Lot Frontage Minimum Feet	35	50	50	50	50	50	50	50	50	50	50
Lot Width, Minimum Feet	40	50	50	50	50	50	50	50	50	50	50
Front Yard Setback, Minimum Feet	0	25	25	20	20	20	20	25	0*	20	20
Side Setback, Minimum Feet, Interior	0	7.5	7.5	5	5	5	5	10	0	10	10
Side Setback, Corner, Minimum Feet	0	15	15	15	15	15	15	15	0	15	15
Rear Yard Setback, Minimum*	5ft.*	5ft.*	5ft.*	5ft.*	5ft.*	5ft.*	5ft.*	20ft.	5ft.	10ft.*	10ft.*
Lot Depth, Minimum Feet	100	100	100	100	100	100	100	100	100	100	100
Impervious Cover, Max. %**	85%	60%	80%	80%	80%	80%	80%	80%	N/A	85%	85%
Building Height, Maximum Stories*	4***	4	N/A <u>4*</u>	*	*	N/A	N/A	N/A*	*	N/A*	N/A

\* Stories may not exceed 14 feet in height from finished floor to finished ceiling.

\*\*\* Taller structures may be approved by Conditional Use Permit.

# Properties Zoned "Public"



Date: 4/14/2016

This product is for informational purposes only 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



## Legislation Text

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**File #:** PVC-16-02, **Version:** 1

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**AGENDA CAPTION:**

PVC-16-02 (Hays County Barbeque; Plat Variance) Hold a public hearing and consider a request by Michael and Asenette Hernandez, for the Weatherford Subdivision Lot 8-C (PC-16-12\_04; Re-plat) to allow a deviation from Section 6.7.2.1(j) of the City of San Marcos Land Development Code, requiring that lot depth not exceed three times the lot width. (B. Melland)

**Meeting date:** May 10, 2016

**Department:** Planning and Development Services

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

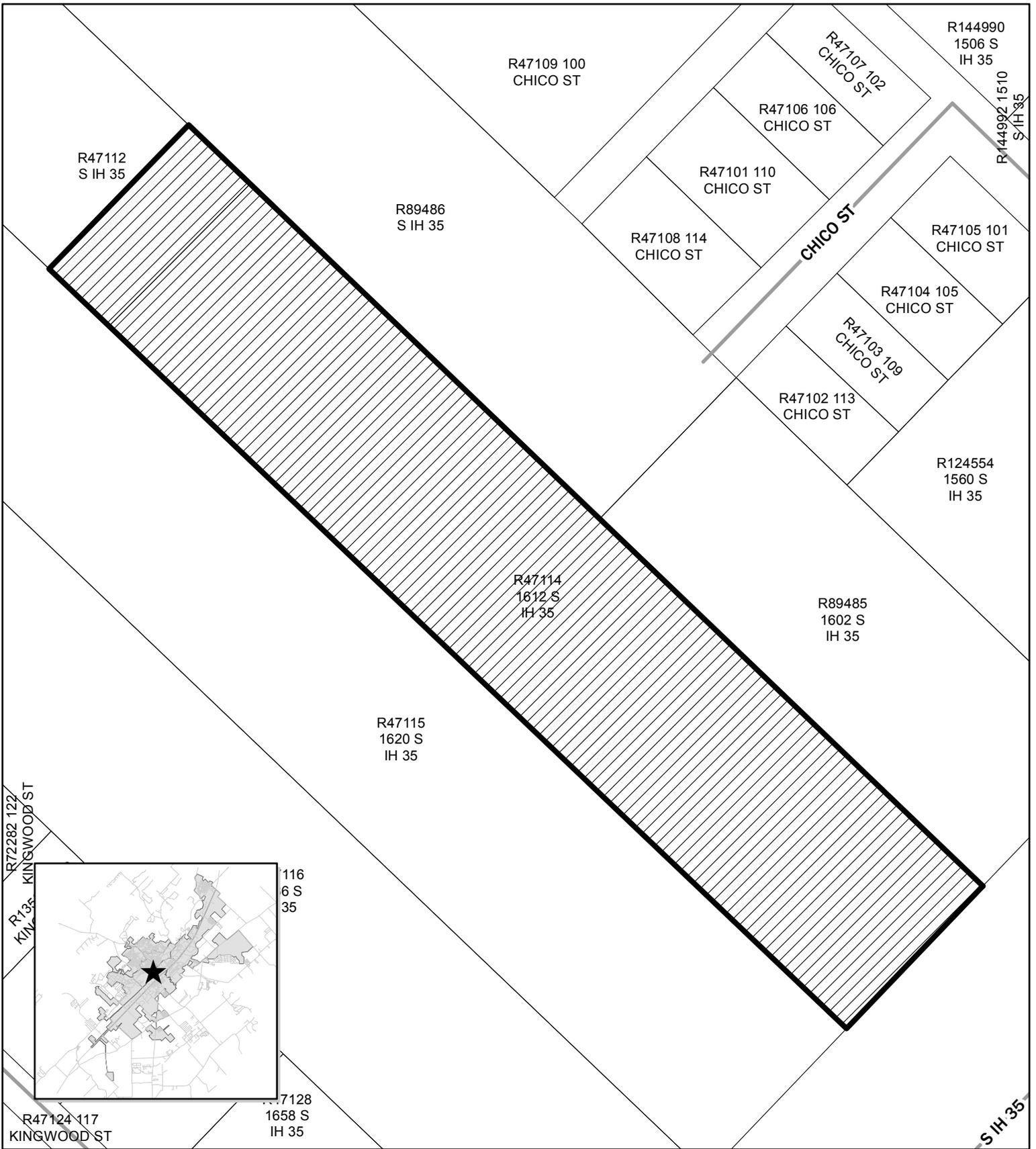
**CITY COUNCIL GOAL:** N/A

**COMPREHENSIVE PLAN ELEMENT(s):** N/A

**BACKGROUND:**

The subject property is the location for the Hays County Barbeque restaurant. The owners are planning for a phased redevelopment of the property in order to expand their restaurant. The property is a remainder tract, however, and must be re-platted. The plat case PC-16-12\_04 is the request for the re-platting of this property and requires approval of a variance from the lot depth-to-width ratio requirement outlined in Section 6.7.2.1(j) of the LDC.

Staff has reviewed the requested variance and confirms it meets all criteria of Section 1.10.2.4(a) of the LDC and recommends **approval**.

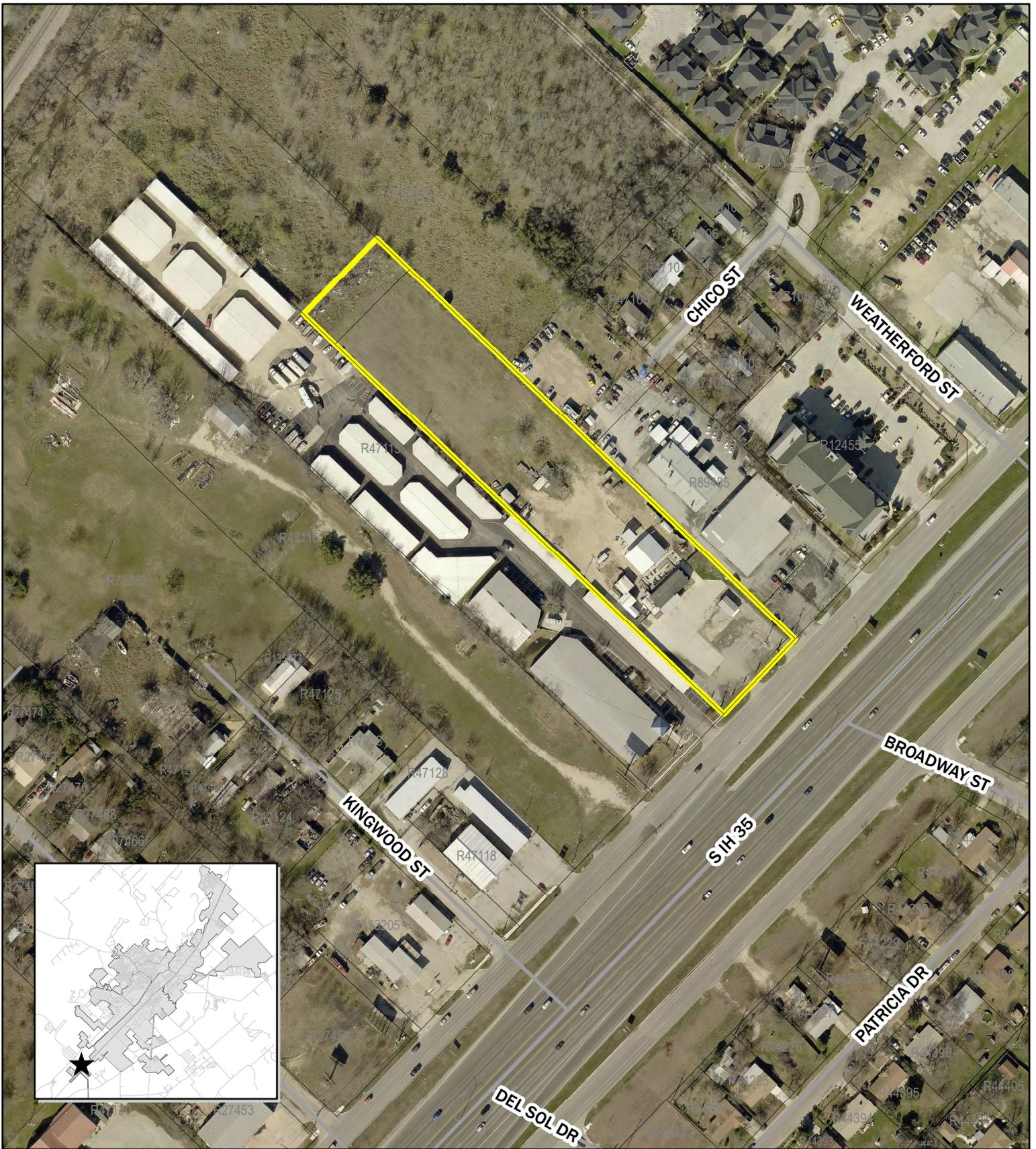


**PVC-16-02**  
**Hays County Barbeque**  
**Map Date: 4/27/2016**

 PVC-16-02

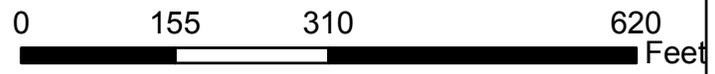


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**PVC-16-02**  
**Hays County Barbeque**  
**Map Date: 4/27/2016**

 PVC-16-02



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# PVC-16-02 Variance Lot 8-C Weatherford Subdivision



## Applicant Information:

**Agent:** R. Anne Gallup, P.E.  
174 S. Guadalupe Street, Suite 205  
San Marcos, TX 78666

**Property Owners:** Michael and Asenette Hernandez  
2608 Oak Haven  
San Marcos, TX 78666

**Subdivision:** Re-plat of 3.02 acres, more or less, being a portion of Lot 8, AF Weatherford Subdivision, San Marcos, TX

**Applicant Request:** The applicant is requesting a variance from Section 6.7.2.1(j) of the Land Development Code requiring that lot depth not exceed three times the lot width for lots platted after March 10, 1975.

**Notification:** Personal notification letter mailed to all property owners within 200 ft. on April 24, 2016.

**Response:** None as of Staff Report Date.

## Subject Property:

**Summary:** The proposed variance is associated with PC-16-12\_04, Lot 8-C, Weatherford Subdivision Re-plat. The proposed Re-plat will establish Lot 8-C, Weatherford Subdivision.

**Zoning:** GC, General Commercial

**Land Use Map:** Low-Stability

**Existing Use:** Restaurant

**Proposed Use:** Restaurant

## Background:

The subject property is the location of the Hays County Barbeque restaurant. The restaurant and property are owned by Michael and Asenette Hernandez who are planning for a phased redevelopment of the property in order to expand their restaurant. The property is a remainder tract, however, and must be re-platted before permitting for private improvements may occur. The plat case PC-16-12\_04 (Lot 8-C, Weatherford Subdivision) is the associated request for the re-platting of this property. That proposed plat is attached.

The proposed plat however requires approval of a variance because the proposed Lot 8-C exceeds three times the proposed lot width. This lot depth-to-width ratio requirement is outlined in Section 6.7.2.1(j) of the Land Development Code.

## **Planning Department Analysis:**

The lot width requirement outlined in the LDC is intended to prevent the creation of long narrow lots, as well as the crowding of buildings along access roads while leaving the land behind the buildings vacant and unserviceable.

In deciding the variance petition, the decision-maker shall apply the following criteria outlined in section 1.10.2.4(a). Staff has evaluated the request with regard to the criteria for subdivision variances:

- 1. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development Code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land.**

*Consistent; This property and the adjacent properties were originally part of a larger parent tract that was platted as the Lot 8 of the AF Weatherford Subdivision. The property is a remainder tract of that original subdivision and is a result of previous adjacent land subdivisions that have occurred since.*

- 2. The circumstances causing the hardship similarly affect all or most properties in the vicinity of the petitioner's land.**

*Consistent; Properties located to the west and the east are similarly constrained.*

- 3. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.**

*Consistent; The majority of the subject property cannot be redeveloped or expanded without the approval of a variance, which is needed in order to facilitate the required replat.*

- 4. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area.**

*Consistent; This petition will not incur the above described detriment.*

- 5. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property.**

*Consistent; The proposed plat associated with this variance dedicates a "future roadway reservation" which will provide for future access to this proposed lot as well as adjacent properties.*

- 6. The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner.**

*Consistent; As previously stated, the property is a remainder of a larger parent tract and is a result of previous land subdivisions.*

- 7. The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship.**

*Consistent; The applicant has stated that the request is not for a reduction of an existing financial hardship.*

- 8. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.**

*Consistent; The applicant is proposing to plat the minimum lot size necessary to both facilitate their future development plans and dedicate a future roadway reservation in a location consistent with the City of San Marcos Thoroughfare Plan.*

Staff recommends **approval** of the variance request as submitted.

<b>Planning Department Recommendation</b>	
X	Approve
	Deny

**The Commission's Responsibility:**

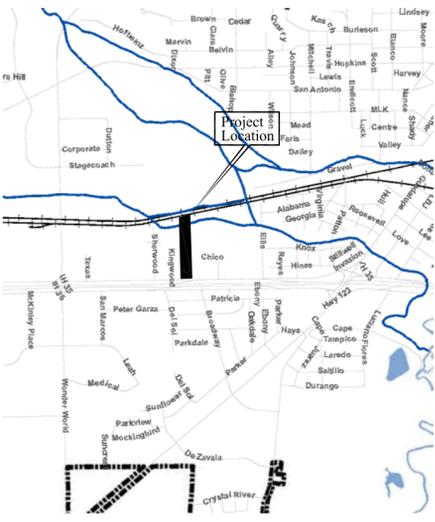
The Commission is charged with making the final decision regarding this variance request. The City Charter delegates all platting variances to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve or deny this variance request.

**Prepared By:**

Brandon Melland, AICP	Senior Planner	April 27, 2016
<b>Name</b>	<b>Title</b>	<b>Date</b>

---

# LOT 8-C, WEATHERFORD SUBDIVISION



LOCATION MAP  
N.T.S.

## LEGEND

- = PROPERTY LINE
- = PROPERTY ADJOINER LINE
- = EASEMENT
- = FND. MONUMENT  
ALL FND. PINS ARE 1/2" REBAR WITH PLASTIC CAP
- = SET PIN  
ALL SET PINS ARE 1/2" REBAR WITH YELLOW PLASTIC CAPS STAMPED "MCLS 3682".
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- OR = OFFICIAL RECORDS
- M&PR = MAP & PLAT RECORDS

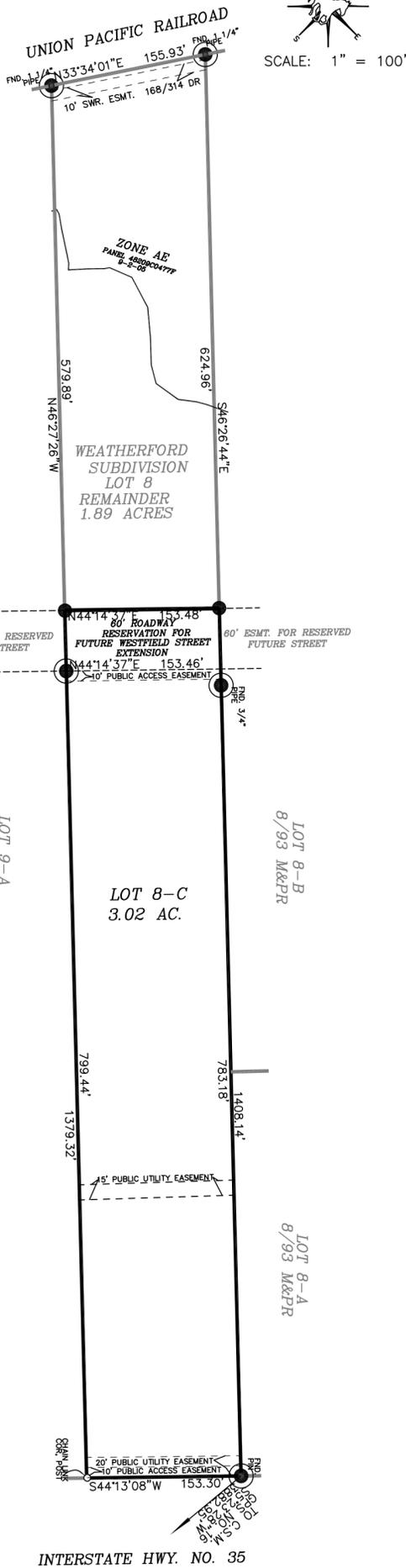
OWNER:  
MICHAEL L. & ASETTE R. HERNANDEZ  
2608 OAK HAVEN  
SAN MARCOS, TX 78666

SURVEYOR:  
FRED L. MCMICHAEL  
MCMICHAEL LAND SURVEYING  
430 FM 306  
NEW BRAUNFELS, TEXAS 78130  
(830) 832-6259

ENGINEER:  
R. ANNE GALLUP, P.E.  
GALLUP ENGINEERING  
174 S. GUADALUPE STREET, SUITE 205  
SAN MARCOS, TEXAS 78666  
(512) 392-3816

### PLAT NOTES:

- 1) PROPERTY IS ZONED GC, GENERAL COMMERCIAL
- 2) UTILITY SERVICE TO BE AS FOLLOWS:  
ELECTRICITY: CITY OF SAN MARCOS  
TELEPHONE: CENTURYLINK  
WATER: CITY OF SAN MARCOS  
WASTE WATER: CITY OF SAN MARCOS
- 3) BASED ON GRAPHICAL DETERMINATION OF FEMA MAP NUMBER 48209C0459F, EFFECTIVE DATE SEPTEMBER 2, 2005, THIS LOT LIES WITHIN THE NONSHADED FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE FLOODPLAIN.
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- 5) BASIS OF BEARING IS TEXAS STATE PLANE COORDINATE SYSTEM NAD83, SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM 1983. ELEVATION BASED ON NAVD 1988.
- 6) AT THE TIME OF SITE DEVELOPMENT, DRIVEWAY ACCESS WILL BE PROVIDED PER TXDOT AND CITY OF SAN MARCOS CODES AND STANDARDS.
- 7) AT THE TIME OF SITE DEVELOPMENT, SIDEWALKS WILL BE IMPROVED TO MEET APPLICABLE CITY OF SAN MARCOS CODES AND STANDARDS.
- 8) ACCESS TO THE REMAINDER PORTION OF THE PROPERTY WILL BE PROVIDED VIA A BLANKET EASEMENT WITHIN/ THRU LOT 8-C PRIOR TO INSTALLATION OF THE WESTFIELD STREET EXTENSION.
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STATE OF TEXAS  
COUNTY OF \_\_\_\_\_  
KNOW ALL MEN BY THESE PRESENTS

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\_\_\_\_\_  
MICHAEL L. HERNANDEZ  
2608 OAK HAVEN  
SAN MARCOS, TEXAS 78666  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED 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., 20\_\_\_\_.

NOTARY PUBLIC

STATE OF \_\_\_\_\_

\_\_\_\_\_  
ASENETTE R. HERNANDEZ  
2608 OAK HAVEN  
SAN MARCOS, TEXAS 78666  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED 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., 20\_\_\_\_.

NOTARY PUBLIC

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_  
CITY OF SAN MARCOS  
CERTIFICATE OF APPROVAL

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

\_\_\_\_\_  
JIM GARBER  
CHAIRMAN  
DATE \_\_\_\_\_

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

APPROVED:

\_\_\_\_\_  
SHANNON MATTINGLY  
DIRECTOR OF PLANNING AND  
DEVELOPMENT SERVICES  
DATE \_\_\_\_\_

\_\_\_\_\_  
LAURIE MOYER  
CIP/ENGINEERING DEPARTMENT  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

I, FRED L. MCMICHAEL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND AND UNDER MY SUPERVISION.

\_\_\_\_\_  
FRED L. MCMICHAEL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS, NO. 3682  
SURVEYED: APRIL 4, 2014  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF HAYS

I, R. ANNE GALLUP, A REGISTERED PROFESSIONAL ENGINEER, STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION AND THAT PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THE DESIGN OF THE SUBDIVISION.

\_\_\_\_\_  
R. ANNE GALLUP  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF TEXAS, NO. 79435  
GALLUP ENGINEERING  
FIRM REGISTRATION NO. F-2284  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_, AND DULY RECORDED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_ AT \_\_\_\_\_ M., IN THE RECORD OF MAPS AND PLATS IN SAID OFFICE, OF SAID COUNTY, IN BOOK VOLUME \_\_\_\_\_ ON PAGE \_\_\_\_\_ IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_

COUNTY CLERK, HAYS COUNTY, TEXAS

BY: \_\_\_\_\_, DEPUTY

**Gallup Engineering**  
Firm Registration # F-2284  
174 S. Guadalupe Street  
Suite 205  
San Marcos, Texas 78666

LOT 8-C, WEATHERFORD SUBDIVISION  
1612 IH 35 SOUTH  
SAN MARCOS, HAYS COUNTY, TEXAS

SHEET: \_\_\_\_\_ OF \_\_\_\_\_

**City of San Marcos**  
**SUBDIVISION VARIANCE APPLICATION**

APPLICANT *is same as* → PROPERTY OWNER

Name Michael and Asenette Hernandez

Mailing Address 2608 Oak Haven  
San Marcos, TX 78666

Daytime Phone 830 832 5451

Email Address pitmaster@hayscobb.com

**PROPERTY DESCRIPTION:**

Street:  IH 35 South Address No:  1612

Legal Description (if platted):  remainder of Lot 8 Weatherford Subdivision

Tax ID:  47112 R 47114

Acres  4.909 Zoning Classification  GC

Located In  Floodway  Edwards Aquifer Recharge Zone  
 S.M. River Corridor  Historic District

**Note: If the variance is to waive, in its entirety, either a required Subdivision Master Plan or a required plat, a metes and bounds legal description or survey drawing indication the outer boundary of the subject property must be attached.**

**REQUESTED SUBDIVISION VARIANCE:**

Variance to Chapter 67.2.1.j of the Land Development Code which requires...

lot depth shall not exceed three times the lot width  
for lots platted after March 10, 1975, except for lots  
with a zoning of (TH) Townhouse Residential District.

**Description of Proposed Variance from the Requirements of the Land Development Code:**

Request variance from lot depth not to exceed  
three times lot width

**SUBMITTAL REQUIREMENTS:**

\$609 Application Fee plus \$11.00 Technology Fee, payable to the City of San Marcos = \$620.00

Answer the questions on the following pages, as evidence that this request complies with the conditions required for approval of a variance (extra pages and supplemental illustrations or photographs may be used if needed or desired).

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.

I am the property owner of record, or

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

Signature:

Date:

03/14/16

Printed Name:

**TO BE COMPLETED BY STAFF:**

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: \_\_\_\_\_

The following information is provided by the applicant and may or may not be consistent with the Development Services-Planning information contained in the staff report for this request.

1. What special circumstances or conditions affect the subject property such that strict application of the provisions of the Land Development Code would create an unnecessary hardship or inequity upon the applicant or would deprive the applicant of the reasonable and beneficial use of the property?

The lot is land locked and has been previously platted as follows. The original tract (lot 8 of Weatherford Subdivision) was

platted in February of 1945 as a 10-acre lot. The subject tract (lot 8) was replatted on Feb. 19, 1995 <sup>and</sup> ~~is~~ was

identified as a remainder of lot 8 on the replat document

Access to the lot is provided <sup>on the south side of the lot</sup> via IH 35 frontage only.

A floodway and a railroad right of way is located on the north side of the property. Existing lots are located on the east and west sides of lot.

2. Do the circumstances or conditions causing the hardship similarly affect all or most of the properties in the vicinity of the subject property?

yes, all lots within the Weatherford Subdivision were originally platted with a depth:ratio greater than 3:1

3. What substantial property right would not be preserved or enjoyed if the provisions of the Land Development Code were literally enforced?

property is currently used under current zoning per COSM code "G-C" and would not be able to be used as "G-C" if LDC were literally enforced

4. What effect, if any, would the variance have on the rights of owners or occupants of surrounding property, or on the public health, safety, or general welfare?

this site does not pose a detriment to the public health, safety or welfare or injury to other property within the area

5. What effect, if any, would the variance have on the orderly subdivision of other land in the area in accordance with the provisions of the Land Development Code?

Surrounding property is subject to Land Development Code and was previously subdivided similar to subject tract

6. Is the hardship or inequity suffered by the applicant caused wholly or in substantial part by the property owner or applicant?

hardship caused by original subdividers of the property in Feb 1945 which occurred prior to March 10, 1975 and not by property owner or applicant.

7. To what extent is the request for a variance based upon a desire of the owner, occupant, or applicant for increased financial gain from the property, or to reduce an existing financial hardship?

request is not for reduction of an existing financial hardship

8. Is the degree of variance requested the minimum amount necessary to meet the needs of the applicant or property owner?

the property is landlocked so alternate ~~alternatives~~ solutions to meet code are not available. To leave the property "as is" is the best alternative identified.

## VARIANCE CRITERIA

### Section 1.10.2.4 Criteria for Approval

- (a) In deciding the variance petition, the decision-maker shall apply the following criteria:
- (1) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;
  - (2) The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
  - (3) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
  - (4) Granting the variance petition will not be detrimental of the public health, safety or welfare, or injurious to other property within the area;
  - (5) Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;
  - (6) Granting the variance petition is consistent with any special criteria applicable to varying particular standards, as set forth in Chapter 4 through 7 of this Land Development Code;
  - (7) The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;
  - (8) The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship; and
  - (9) The degree of variance requested is the minimum amount necessary to meet the needs of the proponent and to meet the conditions of this Section.



## Legislation Text

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**File #:** PC-16-12\_04, **Version:** 1

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**AGENDA CAPTION:**

PC-16-12\_04 (Weatherford Lot 8-C) Hold a public hearing and consider a request by Gallup Engineering on behalf of Michael and Asenette Hernandez, for approval of a re-plat of 3.02 acres, more or less, being a portion of Lot 8, AF Weatherford Subdivision, establishing Lot 8-C, Weatherford Subdivision, Hays County, Texas. (B. Melland)

**Meeting date:** May 10, 2016

**Department:** Planning and Development Services Department

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**CITY COUNCIL GOAL:** N/A

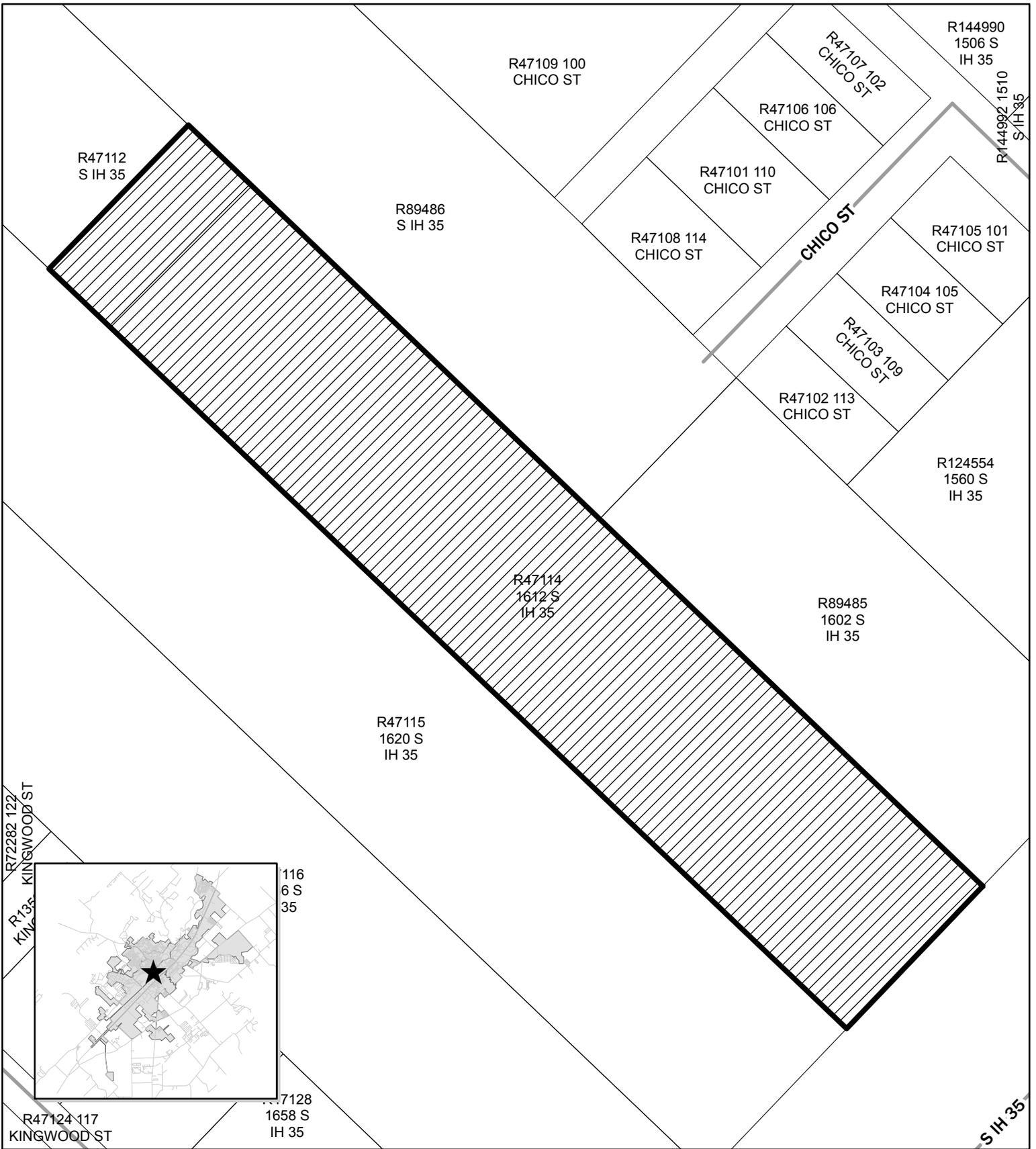
**COMPREHENSIVE PLAN ELEMENT(s):** N/A

**BACKGROUND:**

The subject property is the location of the Hays County Barbeque restaurant. The owners are planning for a phased redevelopment of the property in order to expand their restaurant. The property is a remainder tract, however, and must be re-platted. The plat is proposing the creation of Lot 8-C adjacent to the IH-35 southbound frontage road. There are no public improvements associated with this re-plat.

Staff has reviewed the request and finds the proposed re-plat meets all criteria of 1.6.8.2 of the LDC and recommends **approval**.

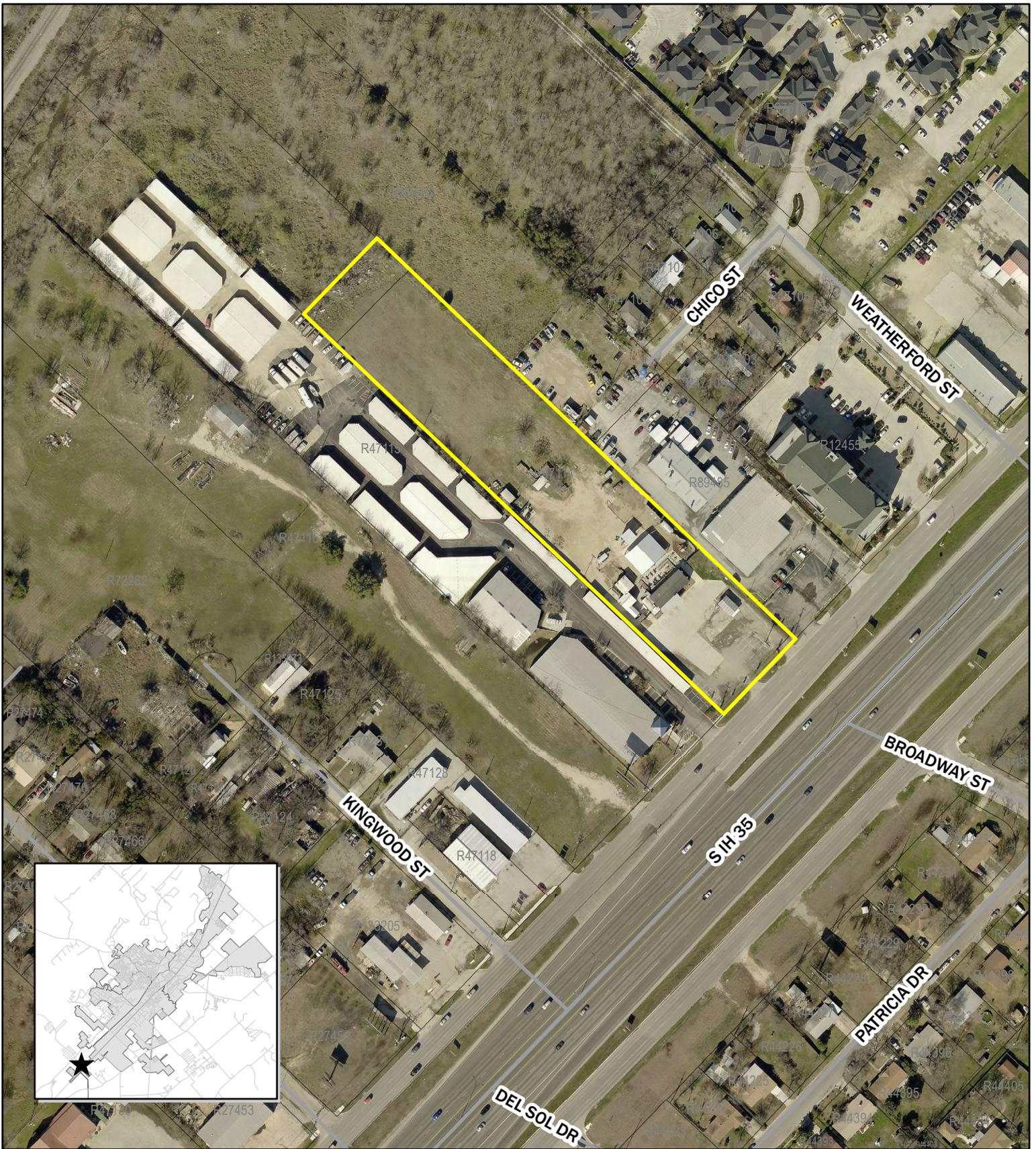
Additionally, the variance case PC-16-02 (Hays County Barbeque) is associated with this request. Staff has reviewed the variance request and also recommends approval.



**PC-16-12\_04**  
**Weatherford Lot 8-C**  
**1612 S IH 35**  
**Map Date: 4/27/2016**



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-16-12\_04**  
**Weatherford Lot 8-C**  
**Map Date: 4/27/2016**

 PC-16-12\_04



0 155 310 620 Feet

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# PC-16-12\_04 (Lot 8-C Weatherford Subdivision) Re-plat of the A F Weatherford Subdivision



**Agent:** R. Anne Gallup, P.E.  
174 S. Guadalupe Street, Suite 205  
San Marcos, TX 78666

**Property Owner:** Michael and Asenette Hernandez  
2608 Oak Haven  
San Marcos, TX 78666

**Notification:** Notice published in the April 24, 2016 San Marcos Daily Record

**Type & Name of Subdivision:** Lot 8-C, Weatherford Subdivision

## **Subject Property:**

**Summary:** The subject property is approximately 4.91 acres and is a re-plat of a remainder tract from Lot 8 of the AF Weatherford Subdivision. This re-plat request seeks to re-plat a 3.02 portion of this remainder tract into Lot 8-C, Weatherford Subdivision.

**Zoning:** General Commercial

**Traffic/Transportation:** The property is located along the South bound IH-35 frontage road approximately 500 feet south of Weatherford Street.

**Utility Capacity:** The proposed lot is adequately served by City of San Marcos utilities.

## **Planning Department Analysis:**

The subject property is the location of the Hays County Barbeque restaurant. The restaurant and property are owned by Michael and Asenette Hernandez who are planning for a phased redevelopment of the property in order to expand their restaurant. The property is a remainder tract however and must be re-platted before permitting for private improvements may occur.

The entirety of the Hernandez's property consists of 4.91 acres that extends from the southbound IH-35 frontage road to the Union Pacific Railway line. The property is a narrow tract, being approximately 2000 feet deep, and is the result of previous subdivisions within the original Lot 8, Weatherford Subdivision. Only the eastern-most 400 feet (front) of this tract adjacent to IH-35, is currently developed.

The applicants do not plan to redevelop their entire 4.91 acre tract but plan to redevelop and expand the eastern-most front portion that is currently developed. They are only planning to plat this easternmost portion, which is the proposed 3.02 acre Lot 8-C. This will leave a 1.89 acre portion of their property unplatted. This remaining un-platted land may not be developed until it is platted at a later date. Staff does not have any concerns with leaving this portion of their tract un-platted for the following reasons:

- The entire 4.91 acre tract is very narrow. Leaving the 1.89 western portion as a remainder preserves this land for future development that may be better served in the future by infrastructure that is not currently feasible for construction at that portion of the property.
- The proposed 3.02 acre Lot 8-C dedicates a “60 foot Roadway Reservation” adjacent to the 1.89 acre remainder tract which will preserve ROW for the future construction of a roadway that will serve the remainder tract once it is platted and developed.

The proposed plat does however require approval of a variance because the proposed Lot 8-C exceeds three times the proposed lot width. This lot depth-to-width ratio requirement is outlined in Section 6.7.2.1(j) of the Land Development Code. A variance request has been submitted for this plat and is being considered concurrently with this request. Staff has reviewed this variance request and also recommends approval.

There are no public improvements associated with this re-plat. The proposed lot is currently served by water, wastewater, and a public street. In addition, a Phase 2 Watershed Protection Plan has been approved for this proposed re-plat.

Pending approval of the plat variance request (PVC-16-02) associated with this case, staff finds this proposed re-plat meets all other criteria of 1.6.8.2 of the LDC and recommends **approval**.

<b>Planning Department Recommendation</b>	
X	Approve
	Deny

**The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this proposed Re-plat. 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 if the plat does not meet the criteria set in the approval section of the Land Development Code, or statutorily deny (an action that keeps the application “in process”) the plat.

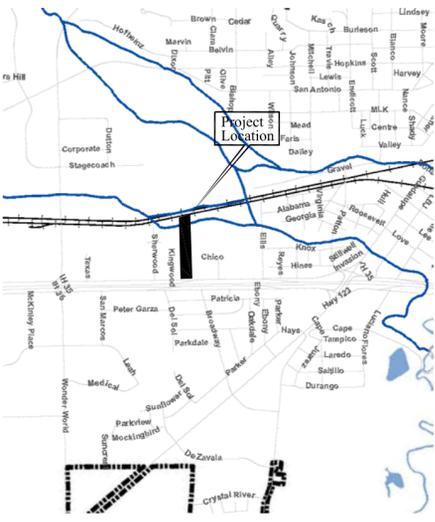
**Attachments:**

- Application
- Proposed Re-plat

**Prepared By:**

Brandon Melland, AICP	Senior Planner	April 27, 2016
<b>Name</b>	<b>Title</b>	<b>Date</b>

# LOT 8-C, WEATHERFORD SUBDIVISION



LOCATION MAP  
N.T.S.

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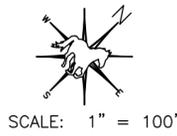
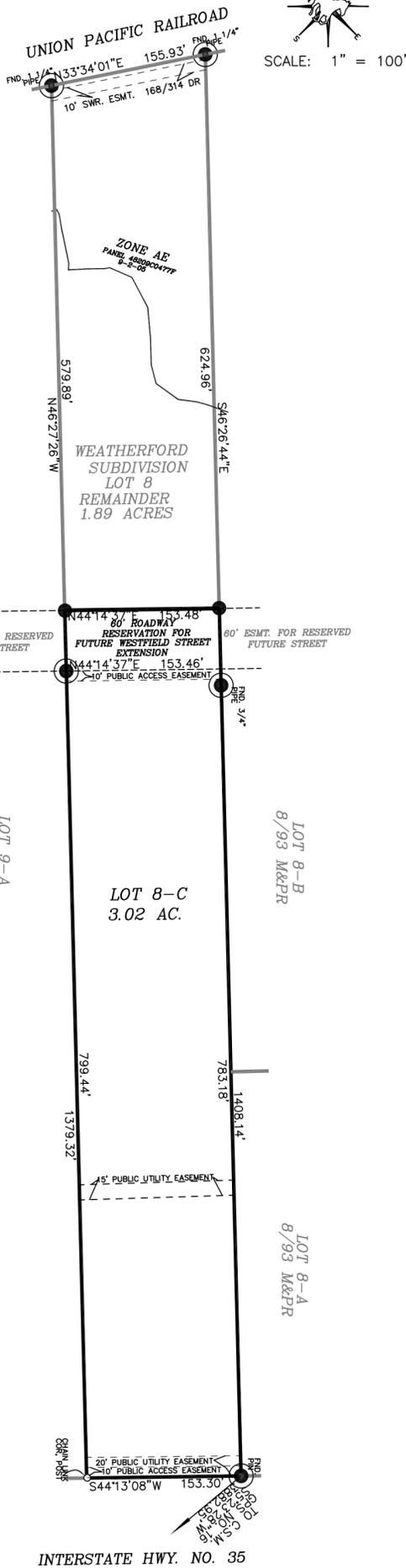
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MCMICHAEL LAND SURVEYING  
430 FM 306  
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ENGINEER:  
R. ANNE GALLUP, P.E.  
GALLUP ENGINEERING  
174 S. GUADALUPE STREET, SUITE 205  
SAN MARCOS, TEXAS 78666  
(512) 392-3816

### PLAT NOTES:

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- 4) NO PORTION OF THIS SUBDIVISION LIES WITHIN THE EDWARDS AQUIFER RECHARGE ZONE, CONTRIBUTING OR TRANSITION ZONE AND IS NOT LOCATED WITHIN THE SAN MARCOS RIVER CORRIDOR.
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STATE OF TEXAS  
COUNTY OF \_\_\_\_\_  
KNOW ALL MEN BY THESE PRESENTS

WE, MICHAEL AND ASETTE HERNANDEZ, BEING THE OWNERS OF 4.909 ACRES OUT OF THE SOUTHWEST HALF OF LOT 8, WEATHERFORD SUBDIVISION, HAYS COUNTY, TEXAS, BEING THE SAME TRACT DESCRIBED AS TWO TRACTS IN VOLUME 4749, PAGE 867, OFFICIAL RECORDS HAYS COUNTY TEXAS. OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE 4.909 ACRES OF LAND, TO BE KNOWN AS LOT 8C OF WEATHERFORD SUBDIVISION, AND DO HEREBY DEDICATE TO THE PUBLIC, UNLESS OTHERWISE INDICATED ALL STREETS, ALLEYS, PARKS AND WATERCOURSES, DRAINS, EASEMENT AND PUBLIC PLACES SHOWN WITHIN THE BOUNDARIES OF THIS PLAT.

\_\_\_\_\_  
MICHAEL L. HERNANDEZ  
2608 OAK HAVEN  
SAN MARCOS, TEXAS 78666  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED 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., 20\_\_\_\_.

NOTARY PUBLIC

STATE OF \_\_\_\_\_

\_\_\_\_\_  
ASENETTE R. HERNANDEZ  
2608 OAK HAVEN  
SAN MARCOS, TEXAS 78666  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED 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., 20\_\_\_\_.

NOTARY PUBLIC

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_  
CITY OF SAN MARCOS  
CERTIFICATE OF APPROVAL

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

\_\_\_\_\_  
JIM GARBER  
CHAIRMAN  
DATE \_\_\_\_\_

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

APPROVED:

\_\_\_\_\_  
SHANNON MATTINGLY  
DIRECTOR OF PLANNING AND  
DEVELOPMENT SERVICES  
DATE \_\_\_\_\_

\_\_\_\_\_  
LAURIE MOYER  
CIP/ENGINEERING DEPARTMENT  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

I, FRED L. MCMICHAEL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND AND UNDER MY SUPERVISION.

\_\_\_\_\_  
FRED L. MCMICHAEL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS, NO. 3682  
SURVEYED: APRIL 4, 2014  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF HAYS

I, R. ANNE GALLUP, A REGISTERED PROFESSIONAL ENGINEER, STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION AND THAT PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THE DESIGN OF THE SUBDIVISION.

\_\_\_\_\_  
R. ANNE GALLUP  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF TEXAS, NO. 79435  
GALLUP ENGINEERING  
FIRM REGISTRATION NO. F-2284  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_, AND DULY RECORDED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_ AT \_\_\_\_\_ M., IN THE RECORD OF MAPS AND PLATS IN SAID OFFICE, OF SAID COUNTY, IN BOOK VOLUME \_\_\_\_\_ ON PAGE \_\_\_\_\_ IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_

COUNTY CLERK, HAYS COUNTY, TEXAS

BY: \_\_\_\_\_, DEPUTY

**Gallup Engineering**  
Firm Registration # F-2284  
174 S. Guadalupe Street  
Suite 205  
San Marcos, Texas 78666

SHEET: \_\_\_\_\_ OF \_\_\_\_\_

LOT 8-C, WEATHERFORD SUBDIVISION  
1612 IH 35 SOUTH  
SAN MARCOS, HAYS COUNTY, TEXAS

City of San Marcos  
SUBDIVISION PLAT APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>R. ANNE GALLUP, P.E.</u> <u>GALLUP ENGINEERING</u>	<u>MICHAEL ASENETTE HERNANDEZ</u>
Mailing Address	<u>174 S. GUADALUPE STREET</u> <u>SUITE 205</u> <u>SAN MARCOS, TX 78666</u>	<u>2608 OAK HAVEN</u> <u>SAN MARCOS, TX 78666</u>
Daytime Phone	<u>512 392 3816</u>	<u>830 837 5457</u>
Email Address	<u>anne@gallupengineering.com</u>	<u>pitmaster@hayscobbq.com</u>

AGENT ACKNOWLEDGEMENT STATEMENT:

I Michael Hernandez acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize \_\_\_\_\_ 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: Michael Hernandez

Printed Name: Michael Hernandez Date: 02/25/16

Signature of Agent: R. Anne Gallup

Printed Name: R. Anne Gallup Date: 03/01/2016

<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 type="checkbox"/> Final Subdivision Plat			
<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 checked="" type="checkbox"/> Replat without Vacation			

**SUBJECT PROPERTY**

Subdivision Name: Lot 8-C Weatherford Subdivision (Remainder of Lot 8 Weatherford Subdivision)

Address or General Location: 1612 IH 35 South

Proposed Number of Lots: 1 Acres: 4.909 acres

Appraisal District Tax ID: R 47112 / 47114

Located In  City Limits  ETJ\* - Please circle county: Caldwell Comal Guadalupe Hays  
 S.M. River Corridor  Planned Development District

Proposed Use of Land current use is for a restaurant and proposed use

\*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: \_\_\_\_\_ NA

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

**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) A

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

Signature of Water Utility Official: Tony Salazar

Title: Water Dist Manager Date: Feb 18, 2016

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 New service may be required

Signature of City or County Wastewater Official: Lloyd Juarez

Title: Wastewater Coll. Mgr. Date 2-18-16

**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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- D. Need easement(s) within subject property

Name of Telephone Service Provider Grande Communications

Applicable Utility Service Code(s) A.

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

Signature of Telephone Company Official Jim A. Math

Title: Utility Coordinator Date 03/03/16

**SUBMITTAL REQUIREMENTS FOR ALL PLATS:**

**ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT:**

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Name of Electric Service Provider SAN MARCOS ELECTRIC UTILITY (SMEU)

Applicable Utility Service Code(s) B, D

Comments/Conditions THE CODE B IS FOR THE NEW BUILDING IF  
THREE PHASE POWER IS REQUIRED.

Signature of Electric Company Official [Signature]

Title ELECTRICAL ENGINEERING TECH. Date 2/25/16

**GAS UTILITY SERVICE ACKNOWLEDGEMENT:**

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

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

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

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

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

**ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT:**

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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
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Name of *Gas Service Provider* \_\_\_\_\_ Centerpoint Energy

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

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

Signature of Gas Company Official \_\_\_\_\_ *Devin Kleinfelder*

Title \_\_\_\_\_ Marketing Consultant \_\_\_\_\_ Date \_\_\_\_\_ 2/25/2016

**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:

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Name of Water Service Provider City of San Marcos

Applicable Utility Service Code(s) A

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

Signature of Water Utility Official: Tony Salmer

Title: Water Dist Manager Date: Feb 18, 2016

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 New service may be required

Signature of City or County Wastewater Official: Lilayd Juarez

Title: Wastewater Coll. Mgr. Date 2-18-16

**TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:**

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- 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:**

- Complete application
- Required fees \$ \_\_\_\_\_ (see next page for Fee Schedule)
- All legislative requirements complete
- 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)
- 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: 

Printed Name: R. ANNE GALLUP

Date: 03/01/2016

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

#### ADDITIONAL REQUIREMENTS:

##### Subdivision Concept Plats:

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

##### Preliminary Subdivision Plats or Preliminary Development Plats

- 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:

- Preliminary Plat (where applicable)
- Approved Watershed Protection Plan Phase II and approved Public Improvement Construction Plan by the Director of Engineering (can be submitted concurrently).
- 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: 03/11/2016      5 Business Days from Submittal: 03/18/2016

Completeness Review By: Molly Coyle      Date: 03/11/2016

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

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

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

Application Accepted for Review: 03/11/2016      Fee: \$ 1023.36

Comments Due to Applicant March 30

Date for Plat Resubmittals April 8

Date of Planning and Zoning Commission Meeting: April 26<sup>th</sup>