



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, May 24, 2016

6:00 PM

City Council Chambers

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 May 10, 2016.
2. PC-16-14_03 (Cottonwood Creek Phase 1, Section 4) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, LTD, for approval of a Final Subdivision Plat of Cottonwood Creek Phase 1, Section 4 for approximately 5.71 acres, more or less, out of the Farnam Frye, John F Geister, and Charles Henderson Surveys, consisting of 52 residential lots located northwest of the intersection of Monterrey Oak and Skylark Lane. (T. Carpenter)

PUBLIC HEARINGS

3. CUP-16-12 (Chuy's) Hold a public hearing and consider a request by Kyle V. Hill, on behalf of Chuy's, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 1121 North IH-35. (A.Villalobos).
4. LDC-16-03 Hold a public hearing and consider revisions to Subpart B of the City's Code of Ordinances (Land Development Code) updating Chapter 1 to require a zoning change application to accompany any request for a Preferred Scenario Map Amendment. (T. Carpenter)

NON-CONSENT AGENDA

5. Presentation and discussion concerning the release and review of the draft CodeSMTX.
6. Discussion and possible action concerning cancellation of the July 12, 2016 Planning Commission Regular Meeting.

- 7. Discussion and possible action concerning cancellation of the November 22, 2016 and December 27, 2016 Planning Commission Regular Meetings.

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

File #: ID#16-290, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the Regular Meeting on May 10, 2016.

Meeting date: May 24, 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

630 East Hopkins
San Marcos, TX 78666

DRAFT

Meeting Minutes

Planning and Zoning Commission

Tuesday, May 10, 2016

6:00 PM

City Council Chambers

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, May 10, 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, 1322 Belvin stated that she was not sure where everyone was and wished that more people would attend. She said she wishes that we could have a flip day, where activist are planners and planners are activist. She explained that she could get all of the planners notebooks and could answer questions off the top of her head. Ms. Coppolletta said she senses that when she watches the planners at meetings they don't have an answer and that concerns her. She added that they give their personal time to give speeches and asked that staff not walk in front of her as she speaks. She felt that the Chair of meetings need to make sure City Staff members do not walk around while people are making speeches.

Ms. Coppolletta also spoke regarding demolition in San Marcos. She explained that there is something going on at Tantra and she had to call the City Inspector. She pointed out that there are several big pieces of chard and big pieces of tar where someone can get hurt. She stated that she is not anti development but is pro-safety and pro anti-liability for property owners. She is not sure why site inspections are not performed. Ms. Coppolletta asked staff to be more mindful about mold because she followed the Capstone building and the Woods and there was stuff being left out. She said the kids in the long term are going to get very sick from sick building syndrome.

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)

A motion was made by Commissioner Kelsey, seconded by Commissioner McCarty, 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. 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)

Chair Garber opened the public hearing.

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

Amy Meeks, 832 Belvin said she thinks that this request makes logical sense and consistent with the Master Plan. She felt that it will keep the properties to be used for community purposes. Ms. Meeks said she is in favor of reducing the height and prohibiting the uses mentioned.

Tom Wassenich, 11 Tanglewood said he thinks that the revisions proposed are a great idea and thinks that it will enable the public areas to not be so impacted.

Lisa Marie Coppolletta, 1322 Belvin said she was confused about the LDC amendments but if Ms Meeks and Mr. Wassenich are in support so is she. She feels that there should be a limit to the height of a building. She added that the building next to the Yellow Store will be an eyesore.

Cathy Dylon, 1000 Burleson Street thanked the Commission for caring about the Historic District. She asked if the amendment will prohibit Greek and Multi family buildings.

Mark Barens, 5742 Brace Heather Drive, Houston Texas with Lindsey Hill Development explained that 23 months ago in June 2014 they were invited to make an investment in the community. Mr. Barens read the letter he was provided. He said they were excited by the invitation and the site now called Lindsey Hill. Mr. Barens explained after consulting with the City's leadership and studying the Land

Development Code and reviewing the Comp Plan they purchased the property. Mr. Barens further explained that after a two year long process they have done what they have been told. He said they have met with various members of staff and the public. He said along the way until a couple of weeks ago they encountered enthusiasm and support for the project they want to build. He added that after the flood they helped in relief efforts. Mr. Barens explained that they are not at the meeting to present their project but hope it will come at a later date. He asked that they be permitted to develop the property with a PDD in the alternative be permitted to develop the property in all uses permitted at the time of purchase.

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

Commissioner Kelsey made a motion to approve LDC-16-02 with the amendment that "Plant Nursery (Retail Sales/Outdoor Storage)" and "Rodeo Grounds" be changed from prohibited to conditional uses.

An amended motion was made by Commissioner Ramirez, seconded by Commissioner Kelsey, that the main motion be amended that "Artist or Artisans Studio," "Day Camp," and "Child Day Care (Business) be changed from prohibited to conditional uses.

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

Against: 0

Chair Garber asked for a vote on the main motion to approve LDC-16-02 with the amendment that "Plant Nursery (Retail Sales/Outdoor Storage)," "Rodeo Grounds," "Artist or Artisans Studio," "Day Camp" and "Child Day Care (Business)" be changed from prohibited to conditional uses.

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

Against: 0

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)

Chair Garber opened the public hearing.

Brandon Melland, Senior Planner gave an overview of the request.

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

A motion was made by Commissioner Kelsey, seconded by Commissioner

Dupont, that PVC-16-02 (Hays County Barbecue Plat Variance) 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

- 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)

Chair Garber opened the public hearing.

Brandon Melland, Senior Planner 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 Porterfield, that PC-16-12_04 (Weatherford Lot 8-C) 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

NON-CONSENT AGENDA

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 6:55 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

File #: PC-16-14_03, **Version:** 1

AGENDA CAPTION:

PC-16-14_03 (Cottonwood Creek Phase 1, Section 4) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, LTD, for approval of a Final Subdivision Plat of Cottonwood Creek Phase 1, Section 4 for approximately 5.71 acres, more or less, out of the Farnam Frye, John F Geister, and Charles Henderson Surveys, consisting of 52 residential lots located northwest of the intersection of Monterrey Oak and Skylark Lane. (T. Carpenter)

Meeting date: 5/24/2016

Department: Planning & 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

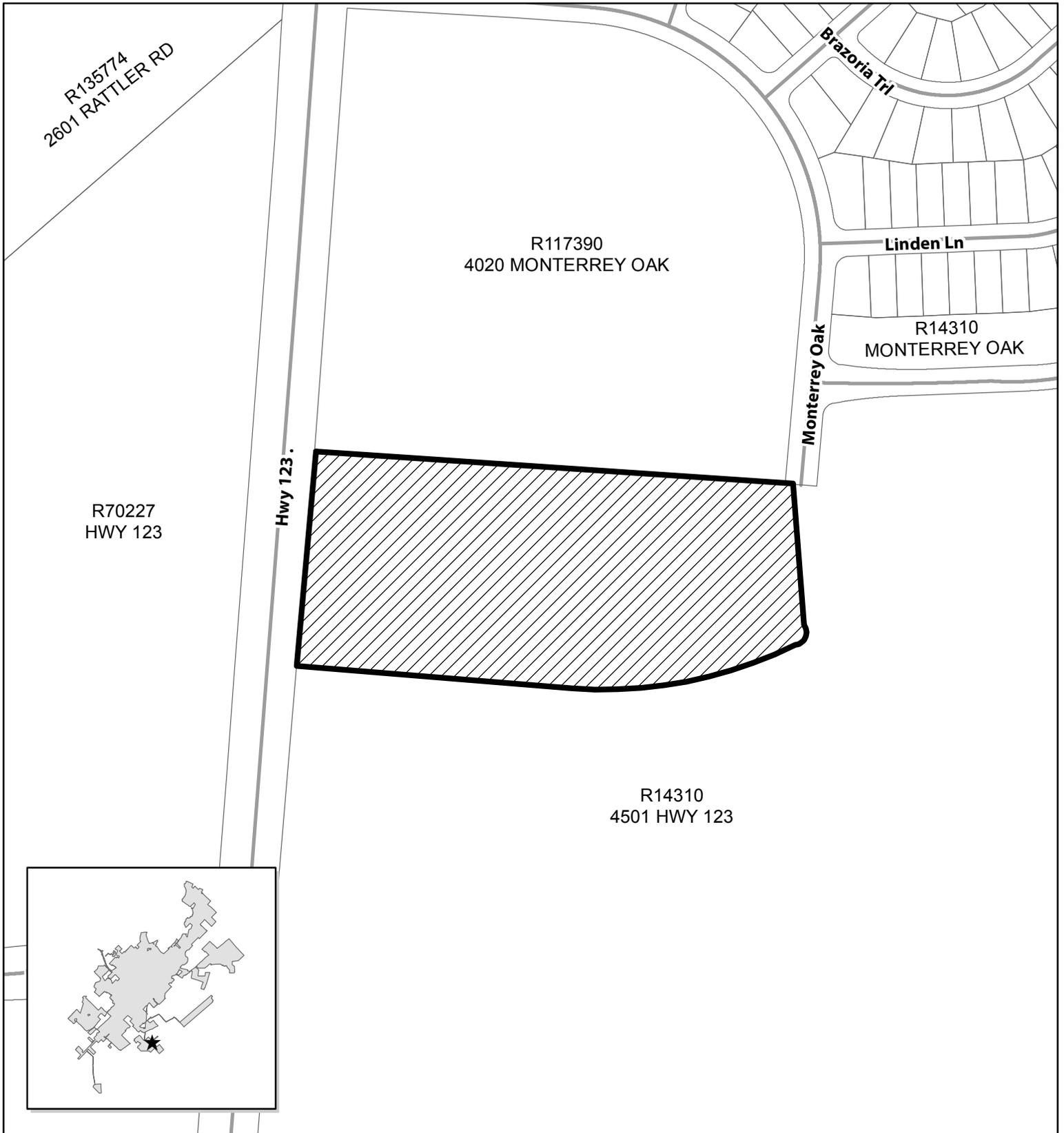
COMPREHENSIVE PLAN ELEMENT(s): N/A

BACKGROUND:

This phase of the Cottonwood Creek subdivision extends east of Phase 1, Section 3. A preliminary plat for this phase was approved by the Commission on January 24, 2016.

The developer will construct four new roads and four new alleys. Water and wastewater lines will be extended through these roads. The developer has elected to complete the public improvements prior to plat recordation. Per the approved Master Plan of the development, all lots in this phase must be alley-loaded. The proposed lot layout meets this requirement.

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

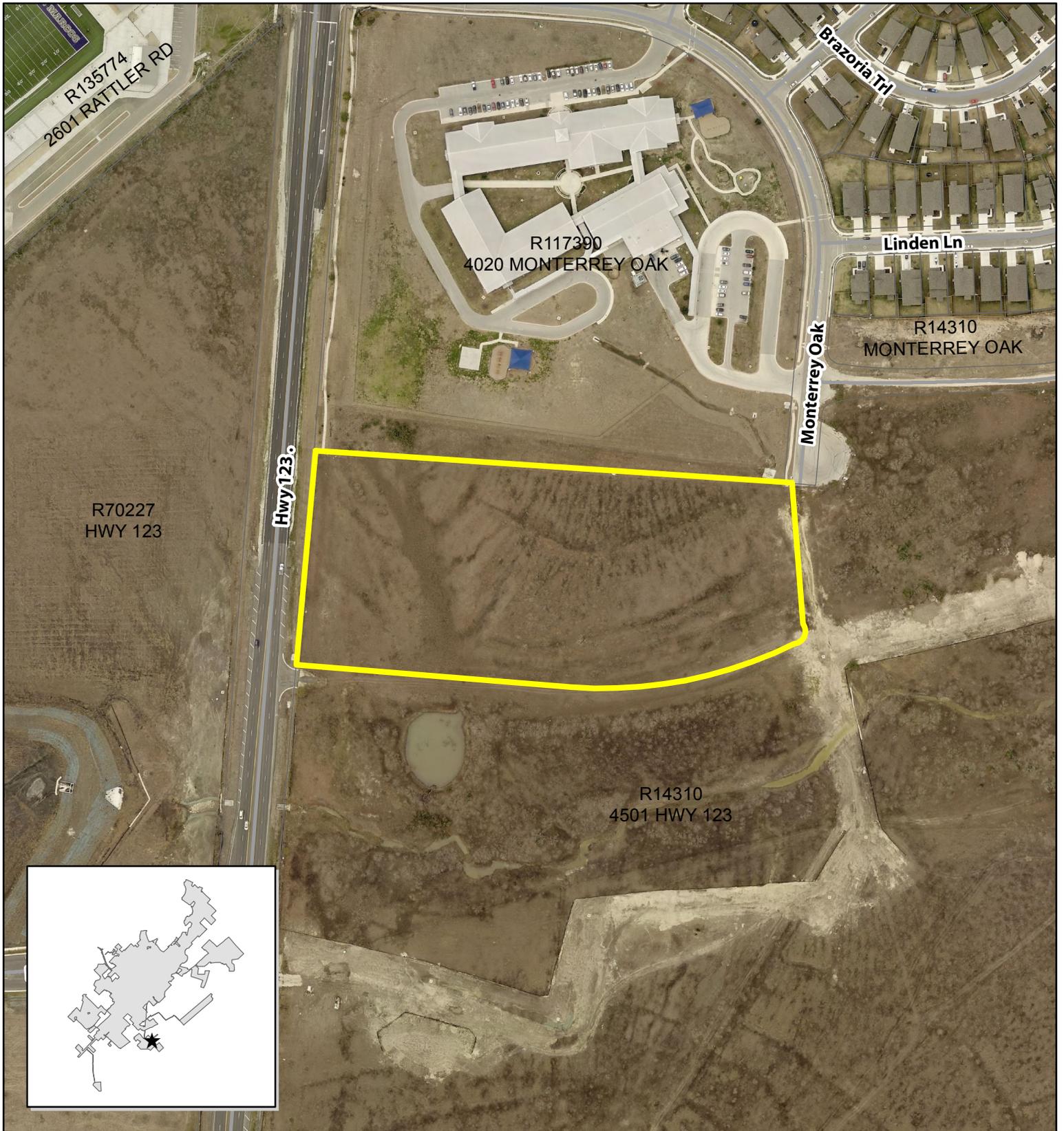


PC-1*!% S\$'
Cottonwood Creek
Phase 1, Section 4
Final Plat
Map Date: 5/11/2016

 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-16-14_03
Cottonwood Creek
Phase 1, Section 4
Final Plat
Map Date: 5/11/2016

 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-16-14_03 Cottonwood Creek Phase 1, Section 4 Final Plat



Applicant Information:

Agent: 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:** Final, Cottonwood Creek Phase 1, Section 4

Subject Property:

Summary: The subject property is located in southeast San Marcos along State Highway 123, about one mile south of Clovis Barker Rd. The applicant is proposing to plat 52 residential lots.

Zoning: "TH" Townhome

Traffic/ Transportation: This phase of the development will have access to Skylark Lane and Monterrey Oak. All lots in this phase will be alley-loaded.

Utility Availability: Water and wastewater service will be provided to this property by the City of San Marcos. Electrical service will be provided by Bluebonnet Electric.

Planning Department Analysis:

This phase of the Cottonwood Creek subdivision extends east of Phase 1, Section 3. A preliminary plat for this phase was approved by the Commission on January 24, 2016.

The developer will construct four new roads and four new alleys. Water and wastewater lines will be extended through these roads. The developer has elected to complete the public improvements prior to plat recordation. Per the approved Master Plan of the development, all lots in this phase must be alley-loaded. The proposed lot layout meets this requirement.

Staff has reviewed the request and determined that all of the above criteria have been met and is recommending **approval**

Planning Department Recommendation	
<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative - Postpone
<input type="checkbox"/>	Denial

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Final 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 for approval section of the Land Development Code, or statutorily deny (an action that keeps the application "in process") the plat.

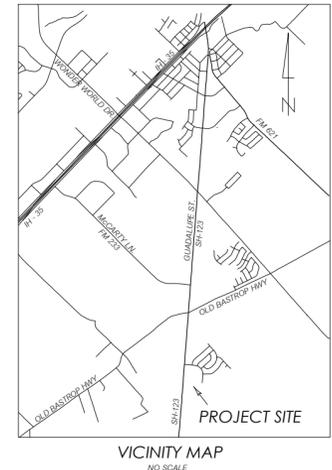
Prepared by:

Tory Carpenter, CNU-A	Planner	May 11, 2016
Name	Title	Date

Attachments

- Plat
- Application

COTTONWOOD CREEK SUBDIVISION PHASE 1, SECTION 4 IN THE CITY OF SAN MARCOS HAYS COUNTY, TEXAS



SURVEYORS NOTE:

ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS OF THIS SURVEY SHOWN HEREON, IS THE TEXAS COORDINATE SYSTEM NAD83, TEXAS SOUTH CENTRAL ZONE, UTILIZING STATIC OBSERVATIONS AND CORRECTIONS PERFORMED BY THE NGS-OPUS WEBSITE.

FLOOD PLAIN NOTE:

NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD PLAIN OF ANY WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS NO'S. 48209C0479F AND 48209C0483F, DATED SEPTEMBER 02, 2005, THIS TRACT FALLS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN).

**STATE OF TEXAS § § KNOWN BY ALL MEN PRESENTS
COUNTY OF HAYS § §**

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ___ DAY OF _____, 20___, A.D., AT _____ O'CLOCK __. M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK ____, PAGE(S) _____.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY
THE ___ DAY OF _____, 20___, A.D.

LIZ GONZALEZ, COUNTY CLERK
HAYS COUNTY, TEXAS

ENGINEER'S CERTIFICATION:

I, STEPHEN RAMSEY, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

STEPHEN RAMSEY DATE
TEXAS REGISTRATION NO. - P.E. 47970
RAMSEY ENGINEERING, LLC.,
3206 YELLOWPINE TERRACE,
AUSTIN, TEXAS 78757
TBPE FIRM NO.: F-12606

SURVEYOR'S CERTIFICATION:

I, SCOTT A. HAHN, AM REGISTERED IN THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING, AND DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION AND THAT THE MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

SCOTT A. HAHN DATE
TEXAS REGISTRATION NO. 6375
SPOT ON SURVEYING
1345 ELLIOTT RANCH ROAD
BUDA, TX. 78610
TBPLS FIRM NO.: 10193894



CITY OF SAN MARCOS CERTIFICATE OF APPROVAL:

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____, 20___
BY THE CHAIR OF PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS, TEXAS.

CHRIS WOOD, CHAIRMAN DATE
PLANNING AND ZONING COMMISSION SHANNON S. MATTINGLY, AICP DATE
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES

FRANCIS SERNA DATE
RECORDING SECRETARY ENGINEERING AND CAPITAL IMPROVEMENTS

**STATE OF TEXAS § § KNOWN BY ALL MEN PRESENTS
COUNTY OF HAYS § §**

OWNER'S CERTIFICATION:

THAT THE UNDERSIGNED, COTTONWOOD CREEK JDR, LTD., A TEXAS LIMITED LIABILITY PARTNERSHIP, ACTING THROUGH OUR DULY AUTHORIZED REPRESENTATIVE, RANDALL MORRIS, PRESIDENT, OWNERS OF THAT CERTAIN 8.24 ACRES OF LAND OUT OF 272.24 ACRES OF LAND, DESCRIBED AS TRACT 1, AS CONVEYED IN VOLUME 2457, PAGE 9, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS HEREON, SUBJECT TO ANY EASEMENTS PREVIOUSLY GRANTED AND NOT RELEASED, TO BE KNOWN AS, COTTONWOOD CREEK SUBDIVISION, PHASE 1, SECTION 4.

RANDALL MORRIS, PRESIDENT DATE
COTTONWOOD CREEK JDR, LTD.
333 CHEATHAM STREET, SAN MARCOS, TEXAS 78666

**STATE OF _____ § § KNOWN BY ALL MEN PRESENTS
COUNTY OF _____ § §**

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, _____, AUTHORIZED AGENT OF COTTON WOOD CREEK JDR, LTD., ON BEHALF OF SAID COTTONWOOD CREEK JDR, LTD., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ___ DAY OF _____, 20___, A.D.

NOTARY PUBLIC DATE
IN AND FOR THE STATE OF _____

GENERAL NOTES:

1. SIDEWALKS ARE REQUIRED AT THE TIME OF SITE DEVELOPMENT.
2. THIS SUBDIVISION IS NOT LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
3. THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE SAN MARCOS INDEPENDENT SCHOOL DISTRICT.
4. THIS IS SUBJECT TO ANY AND ALL EASEMENTS AND DEDICATIONS OF THE COTTONWOOD CREEK PHASE 1, SECTION 2, AS RECORDED IN VOLUME ____, PAGE ____, P.R.H.C.TX. UNLESS SHOWN OTHERWISE HEREON.
5. THE HOA WILL OWN AND MAINTAIN THE PRIVATE PARK BEFORE AND AFTER TRAIL CONSTRUCTION.
6. TRAIL CONSTRUCTION WILL OCCUR NO LATER THAN THE PRIVATE PARK IMPROVEMENTS OR THE IMPROVEMENTS.
7. THE PUBLIC IMPROVEMENT CONSTRUCTION PLANS ARE REQUIRED TO BE APPROVED BEFORE THE PLAT APPROVAL AND EITHER THE IMPROVEMENTS CONSTRUCTED OR SURETY POSTED FOR THE FILING OF THE PLAT.
8. WHERE AND IF APPLICABLE, ZERO LOT LINE DWELLINGS WILL BE UNIFORMLY LOCATED ON THE SAME SIDE OF THE LOT WITHIN A STREET BLOCK.
9. WHERE AND IF APPLICABLE, ZERO LOT LINE DWELLINGS SHALL HAVE NO WINDOWS ON THE SIDE OF THE HOUSE WHICH ABUTS THE PROPERTY LINE.
10. WATERSHED PROTECTION PLAN PHASE 2 PERMIT APPROVED. PERMIT # 05-085.

CURVE TABLE

C #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DIST.
C1	Δ=89°57'44"	R=15.00'	L=23.55'	S49°24'29"W	21.21'
C2	Δ=90°00'00"	R=15.00'	L=23.56'	N40°36'39"W	21.21'
C3	Δ=90°00'00"	R=15.00'	L=23.56'	N49°23'21"E	21.21'
C4	Δ=90°02'16"	R=25.00'	L=39.29'	S40°35'31"E	35.37'
C5	Δ=90°00'00"	R=15.00'	L=23.56'	S49°23'21"W	21.21'
C6	Δ=90°53'32"	R=15.00'	L=23.80'	N40°09'53"W	21.38'
C7	Δ=5°08'27"	R=773.35'	L=69.39'	N2°42'40"E	69.36'
C8	Δ=94°14'55"	R=15.00'	L=24.67'	N47°15'54"E	21.98'
C9	Δ=90°00'00"	R=15.00'	L=23.56'	S40°36'39"E	21.21'
C11	Δ=91°12'48"	R=15.00'	L=23.88'	S48°11'52"W	21.44'
C12	Δ=88°38'47"	R=15.00'	L=23.21'	N41°52'21"W	20.96'
C13	Δ=91°28'09"	R=15.00'	L=23.95'	S47°52'59"W	21.48'
C14	Δ=88°16'02"	R=15.00'	L=23.11'	N42°11'06"W	20.89'
C15	Δ=15°19'26"	R=500.00'	L=133.73'	N5°42'48"W	133.33'
C16	Δ=90°00'00"	R=25.00'	L=39.27'	N31°37'29"E	35.36'

CURVE TABLE

C #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DIST.
C17	Δ=90°00'00"	R=25.00'	L=39.27'	S58°22'31"E	35.36'
C18	Δ=15°57'58"	R=723.35'	L=201.57'	S5°23'32"E	200.92'
C19	Δ=15°49'34"	R=620.00'	L=171.25'	N5°27'44"W	170.71'
C20	Δ=15°31'25"	R=600.00'	L=162.56'	S5°36'48"E	162.07'
C21	Δ=5°02'06"	R=500.00'	L=43.94'	N0°34'08"W	43.92'
C22	Δ=5°09'08"	R=500.00'	L=44.96'	N5°39'45"W	44.95'
C23	Δ=5°08'12"	R=500.00'	L=44.82'	N10°48'25"W	44.81'
C24	Δ=5°08'12"	R=600.00'	L=53.79'	S10°48'25"E	53.77'
C25	Δ=5°09'08"	R=600.00'	L=53.95'	S5°39'45"E	53.94'
C26	Δ=5°14'05"	R=600.00'	L=54.82'	S0°28'09"E	54.80'
C27	Δ=3°02'14"	R=620.00'	L=32.87'	N0°55'56"E	32.86'
C28	Δ=4°09'08"	R=620.00'	L=44.93'	N2°39'45"W	44.92'
C29	Δ=4°09'13"	R=620.00'	L=44.95'	N6°48'55"W	44.94'
C30	Δ=4°28'59"	R=620.00'	L=48.51'	N11°08'01"W	48.50'
C31	Δ=3°10'39"	R=723.35'	L=40.11'	S1°00'08"W	40.11'

CURVE TABLE

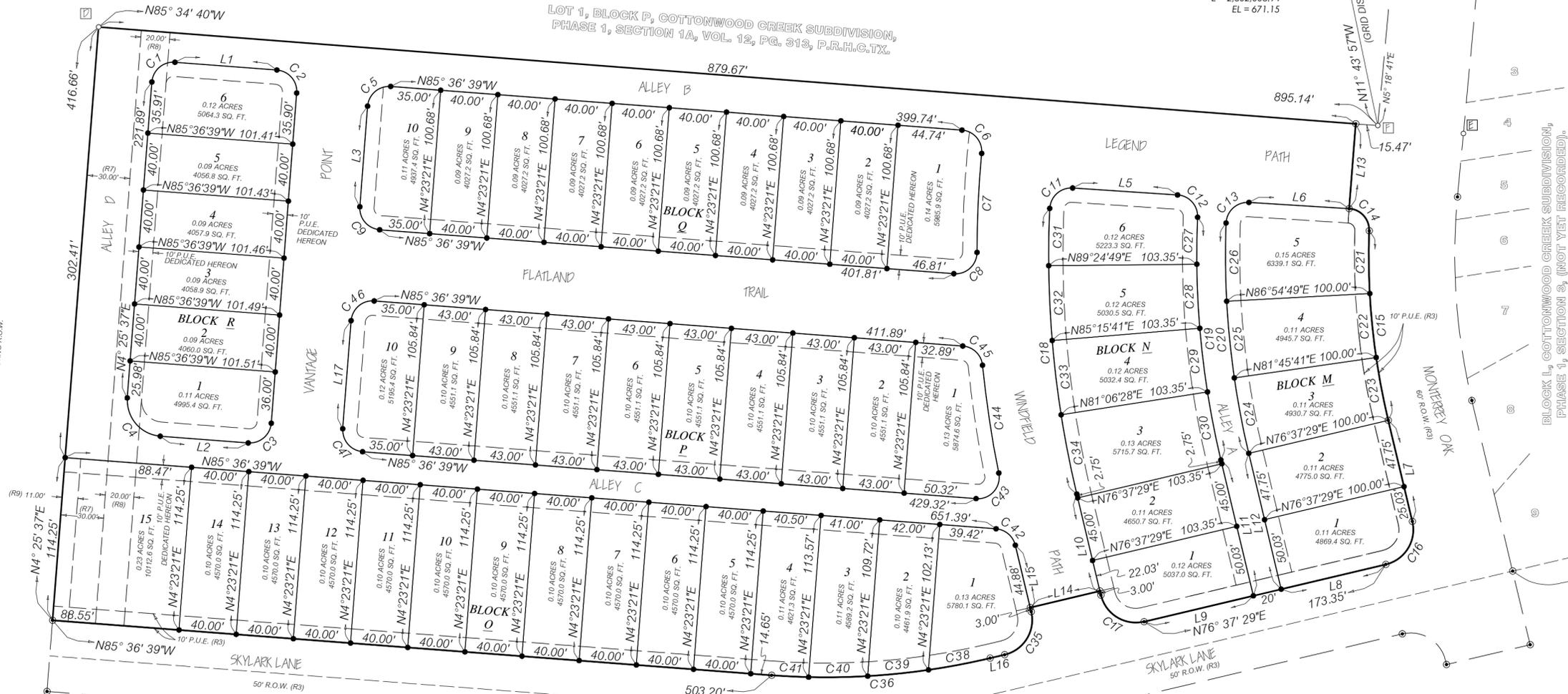
C #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DIST.
C32	Δ=4°09'08"	R=723.35'	L=52.42'	S2°39'45"E	52.41'
C33	Δ=4°09'13"	R=723.35'	L=52.44'	S6°48'55"E	52.43'
C34	Δ=4°28'59"	R=723.35'	L=56.60'	S11°08'01"E	56.58'
C35	Δ=90°00'00"	R=25.00'	L=39.27'	S31°37'29"W	35.36'
C36	Δ=17°45'52"	R=495.00'	L=153.47'	N85°30'25"E	152.86'
C38	Δ=5°03'41"	R=495.00'	L=43.73'	N79°09'20"E	43.71'
C39	Δ=4°56'30"	R=495.00'	L=42.69'	N84°09'25"E	42.68'
C40	Δ=4°46'05"	R=495.00'	L=41.19'	N89°00'42"E	41.18'
C41	Δ=2°59'37"	R=495.00'	L=25.86'	S87°06'27"E	25.86'
C42	Δ=72°14'08"	R=15.00'	L=18.91'	N49°29'35"W	17.68'
C43	Δ=105°46'09"	R=15.00'	L=27.69'	N41°30'17"E	23.92'
C44	Δ=5°39'28"	R=773.35'	L=76.37'	N8°33'04"W	76.34'
C45	Δ=79°53'19"	R=15.00'	L=20.91'	N45°39'59"W	19.26'
C46	Δ=90°00'00"	R=15.00'	L=23.56'	S49°23'21"W	21.21'
C47	Δ=90°00'00"	R=15.00'	L=23.56'	S40°36'39"E	21.21'

LINE TABLE

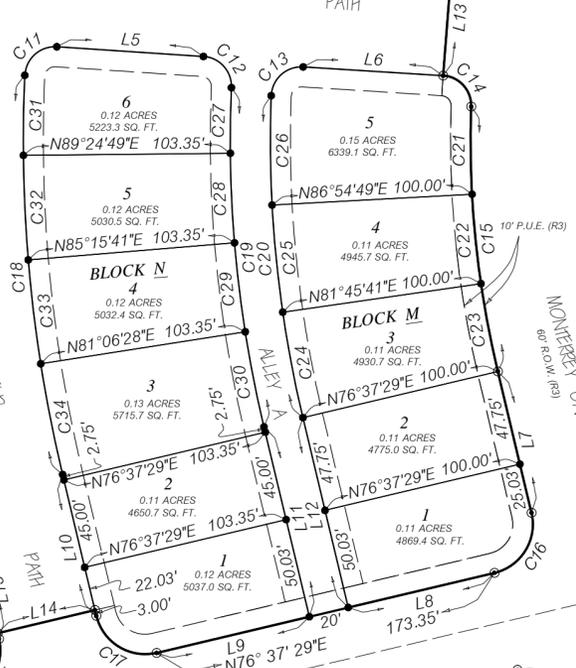
LINE #	BEARING	LENGTH
L1	N85° 36' 39"W	71.38'
L2	S85° 36' 39"E	61.53'
L3	S4° 23' 21"W	70.68'
L5	N86° 11' 44"W	73.37'
L6	N86° 22' 57"W	70.04'
L7	N13° 22' 31"W	72.78'
L8	N76° 37' 29"E	75.00'
L9	N76° 37' 29"E	78.35'
L10	S13° 22' 31"E	72.78'
L11	N13° 22' 31"W	97.78'
L12	S13° 22' 31"E	97.78'
L13	N4° 25' 20"E	59.60'
L14	S76° 37' 29"W	50.00'
L15	N13° 22' 31"W	47.88'
L16	N76° 37' 29"E	10.45'
L17	S4° 23' 21"W	75.84'

CITY OF SAN MARCOS
GPS CONTROL POINT NO. 16
N = 13,859,068.08
E = 2,302,006.94
EL = 671.15

LOT 1, BLOCK P, COTTONWOOD CREEK SUBDIVISION,
PHASE 1, SECTION 1A, VOL. 12, PG. 313, P.R.H.C.TX.



LEGEND



MONUMENT LEGEND / NOTES:
 ○ = FOUND MONUMENT AS DESCRIBED.
 ● = 5/8" IRON ROD WITH CAP STAMPED "SPOT ON SURVEYING" TO BE SET UPON APPROVAL.
 ⊙ = 5/8" IRON ROD WITH CAP STAMPED "SPOT ON SURVEYING" SET PER (R3).
 [A] = FOUND IRON ROD WITH CAP STAMPED "RPLS 5687".
 [B] = FOUND IRON ROD WITH CAP STAMPED "LANDMARK SURVEYING".
 [C] = FOUND IRON ROD WITH CAP STAMPED "BAKER AICKLEN & ASSOCIATES".
 [D] = FOUND 1/2" IRON ROD.
 [E] = FOUND IRON ROD WITH CAP STAMPED "BYRN SURVEY".
 [F] = FOUND SCRIBE "H" IN CONCRETE WALK.
 [G] = FOUND MONUMENT DISTURBED. SPOT ON SURVEYING MONUMENT TO BE SET.
 [H] = AREA OF ACCESS AND P.U.E. PER COTTONWOOD CREEK PHASE 1, SEC. 1A, VACATED HEREON.

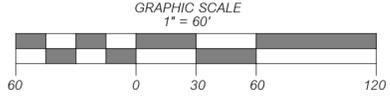
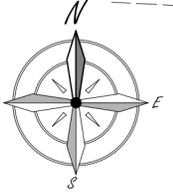
LAND USE SUMMARY TABLE

LAND USE	ZONING	NO. OF LOTS	AREA (ACRES)
PATIO HOMES	TH	52	5.71

ROW AREAS:
 VANTAGE POINT = 0.30 ACRES
 FLATLAND TRAIL = 0.50 ACRES
 WINDFIELD PATH = 0.35 ACRES
 LEGEND PATH = 0.35 ACRES

ROW AREAS:
 ALLEY A = 0.13 ACRES
 ALLEY B = 0.33 ACRES
 ALLEY C = 0.29 ACRES
 ALLEY D = 0.28 ACRES

REFERENCE LEGEND:
 O.P.R.H.C.TX. = OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.
 P.R.H.C.TX. = PLAT RECORDS, HAYS COUNTY, TEXAS.
 (R1) = COTTONWOOD CREEK PHASE 1, SECTION 1-A, VOL. 12, PGS. 313-318, P.R.H.C.TX.
 (R2) = AMENDED PLAT OF COTTONWOOD CREEK PHASE 1, SECTION 1-D, INST. NO.: 2013-13029482, O.P.R.H.C.TX.
 (R3) = COTTONWOOD CREEK PHASE 1, SECTION 2, (PROPOSED SUBDIVISION, NOT YET RECORDED)
 (R4) = COTTONWOOD CREEK PHASE 1, SECTION 1-B, VOL. 14, PG. 294, P.R.H.C.TX.
 (R5) = COTTONWOOD CREEK PHASE 1, SECTION 1-C, VOL. 16, PG. 95, P.R.H.C.TX.
 (R6) = COTTONWOOD CREEK PHASE 1, SECTION 3, (PROPOSED SUBDIVISION NOT YET RECORDED)
 (R7) = WATER PIPELINE EASEMENT AS RECORDED IN VOLUME 1511, PAGE 28, (O.P.R.H.C.TX.)
 (R8) = EASEMENT AS RECORDED IN VOLUME 2411, PAGE 893, (O.P.R.H.C.TX.)
 (R9) = 11.00' WIDE ACCESS EASEMENT DEDICATED HEREON.



COTTONWOOD CREEK
 JOH, LTD.
 PART OF TRACT 2,
 (CALLED 86.44 ACRES)
 VOL. 2487, PG. 8,
 O.P.R.H.C.TX.

N4° 26' 15"E

1291.60'

5H, 12S
 130' EXISTING R.O.W.

COTTONWOOD CREEK
 JOH, LTD.
 PART OF TRACT 2,
 (CALLED 86.44 ACRES)
 VOL. 2487, PG. 8,
 O.P.R.H.C.TX.

N4° 25' 37"E

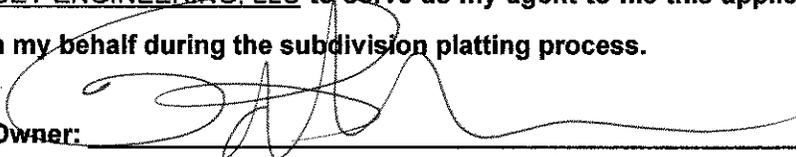
N85° 36' 39"W

City of San Marcos
SUBDIVISION PLAT APPLICATION

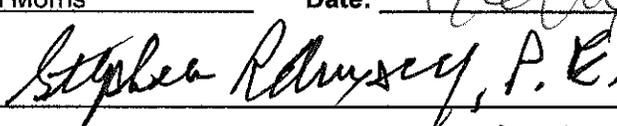
	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>RAMSEY ENGINEERING, LLC</u>	<u>COTTONWOOD CREEK JDR, LTD.</u>
Mailing Address	<u>3206 YELLOWPINE TERRACE</u>	<u>333 CHEATHAM STREET</u>
	<u>AUSTIN, TEXAS 78757</u>	<u>SAN MARCOS, TEXAS 78666</u>
Daytime Phone	<u>512-650-6800</u>	<u>512-353-1776</u>
Email Address	<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: 4/6/16

Signature of Agent: 

Printed Name: Stephen Ramsey, P.E. Date: 4/6/16

Subdivision Plats

- Subdivision Concept Plat
- Preliminary Subdivision Plat
- Final Subdivision Plat

- Variance Section _____
- Plat Vacation Accompanying _____

Development Plats

- Preliminary Development Plat
- Final Development Plat

Minor Subdivision Plats (for Administrative Approval)

- Minor Subdivision Plat

Revisions to Recorded Plats (for Administrative Approval)

- Amending Plat
- Replat without Vacation

SUBJECT PROPERTY

Subdivision Name: COTTONWOOD CREEK PHASE 1 SECTION 4

Address or General Location: SKYLARK LANE AT MONTERREY OAK

Proposed Number of Lots: 52 Acres: 8.24

Appraisal District Tax ID: R14310

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

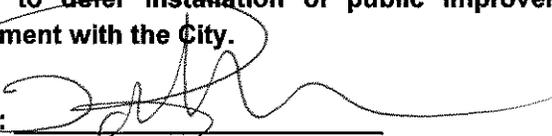
Proposed Use of Land RESIDENTIAL

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

Signature: 

Printed Name: Randall Morris Date: 4/16/16

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 Coop.

Applicable Utility Service Code(s) B + D

Comments/Conditions _____

Signature of Electric Company Official Rodney Gerik

Title Sr. Project Coordinator Date 4/7/2016

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:

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

Name of Gas Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Gas Company Official _____

Title _____ Date _____

ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT:

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

Name of *Electric Service Provider* _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Electric Company Official _____

Title _____ Date _____

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

Name of *Gas Service Provider* CenterPoint Energy

Applicable Utility Service Code(s) A

Comments/Conditions _____

Signature of Gas Company Official Dewin Kleinfelder

Title Marketing Consultant Date 4/4/2016

Cottonwood Creek Phase 1 Sec H

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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- 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) C

Comments/Conditions line extensions required

Signature of Water Utility Official: [Signature]

Title: Water Dist Manager Date: April 7, 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 Section 4

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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- 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 Service connections by developer

Signature of City or County Wastewater Official: Lloyd Juarez

Title: WW Collections Manager Date April 4, 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:

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

Name of 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:

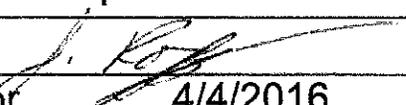
Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

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

Name of Telephone Service Provider Time Warner Cable

Applicable Utility Service Code(s) B

Comments/Conditions TWC will install/maintain Telephone service to Cottonwood Creek Ph 1 Sec 4 provided it meets cost model requirements

Signature of Telephone Company Official 

Title: Construction Coordinator Date 4/4/2016

SUBMITTAL REQUIREMENTS FOR ALL PLATS:

SUBMITTAL REQUIREMENTS FOR ALL PLATS:

- Complete application
- Required fees \$ 1,066.48 (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
- 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: 4/6/16

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 (can be submitted concurrently).
- Subdivision Improvement Agreement and surety if public facility construction was deferred in Preliminary Plat.
- 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	\$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: 4/8/16 5 Business Days from Submittal: 4/15/16
 Completeness Review By: Molly Corgell Date: 4/8/16
 Contact Date for Supplemental Info: _____
 Supplemental Info Received (required within 5 days of contact): _____
 Application Returned to Applicant: _____
 Application Accepted for Review: _____ Fee: \$ 1866.48
 Comments Due to Applicant 05/04/2016
 Date for Plat Resubmittals 05/10/2016
 Date of Planning and Zoning Commission Meeting: 05/24/2016



Legislation Text

File #: CUP-16-12, **Version:** 1

AGENDA CAPTION:

CUP-16-12 (Chuy's) Hold a public hearing and consider a request by Kyle V. Hill, on behalf of Chuy's, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 1121 North IH-35. (A.Villalobos).

Meeting date: May 24, 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

COMPREHENSIVE PLAN ELEMENT(s): n/a

BACKGROUND:

The subject property is located within the overall Springtown Shopping Center. Previously, a Furr's restaurant was located on the subject property and subsequently closed several years ago. The existing building remained vacant and has since been demolished. Chuy's will be constructing a new building in the previous Furr's location.

The total gross floor area of the space is approximately 8,500 square feet with 233 indoor fixed seats and approximately 80 outdoor seats. No entertainment facilities are proposed. The application indicates hours of operation from 11 a.m. to 10 p.m. Sunday - Thursday and 11 a.m. to 11 p.m. Friday - Saturday. Based upon the Land Development Code Parking requirements, Chuy's would be required to have 79 parking spaces (1 space for each 4 seats). Chuy's currently has 57 parking spaces within the subject property boundaries as well as a shared-parking agreement with the owners of the Springtown Development, Humpty Dumpty SSM, for the additional required spaces.

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

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The permit shall become effective upon the issuance of the Certificate of Occupancy; and**
- 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**



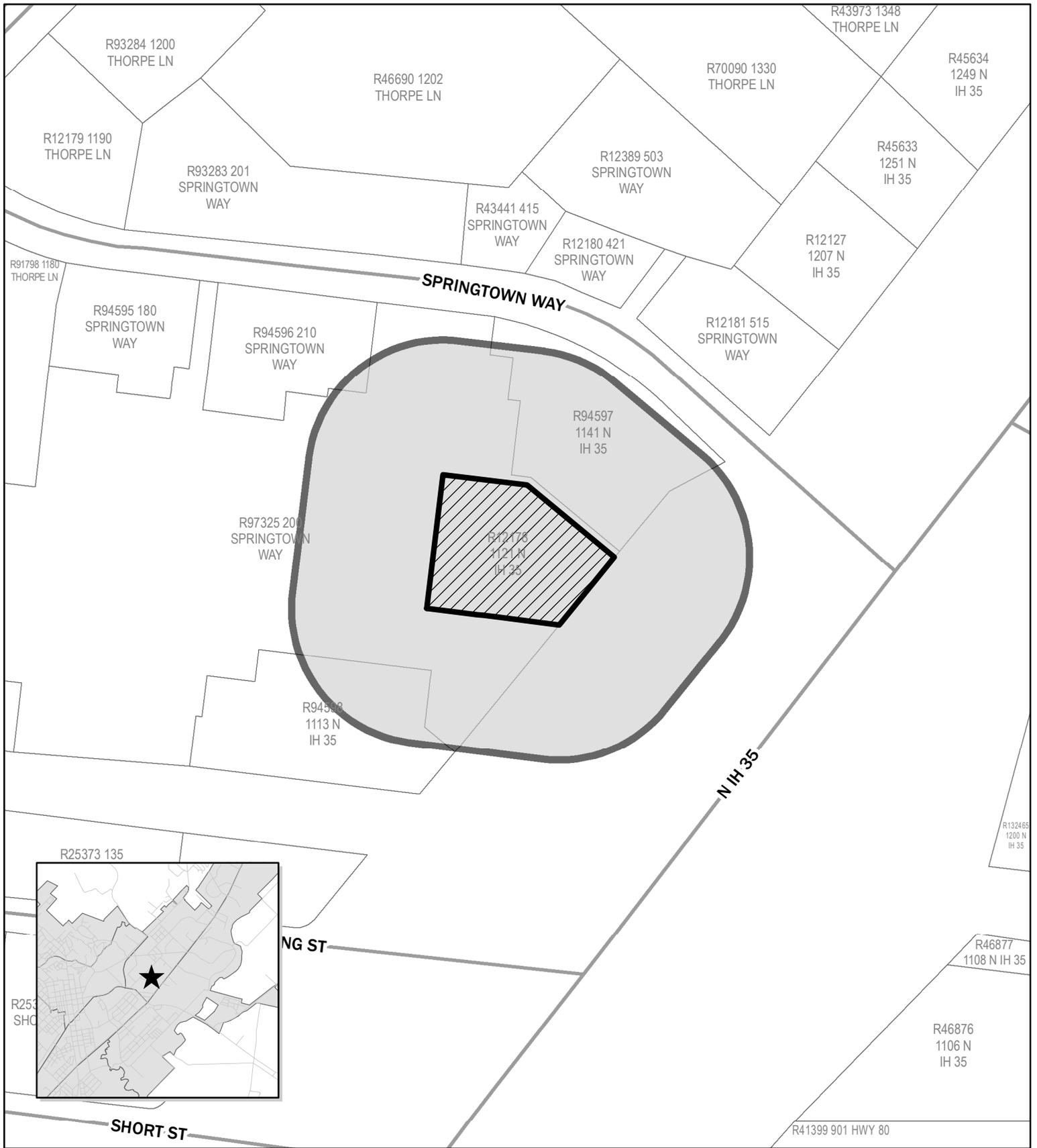
CUP-16-12
Chuy's
1121 N IH 35
Map Date: 5/16/2016

Legend

 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.



CUP-16-12

**Chuy's
1121 N IH 35**

Map Date: 5/12/2016

Legend

-  CUP-16-12
-  200ft Buffer



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

CUP-16-12

Conditional Use Permit

Chuy's

1121 North IH-35

Applicant Information:

Applicant: Kyle V. Hill on behalf of Chuy's

Mailing Address: Chuy's Opco, Inc.
3345 Bee Cave Road, Ste 105
Austin, TX 78746

Property Owner: Humpty Dumpty SSM, Ltd.
c/o Endeavor Real Estate Group
500 West 5th Street, Ste 700
Austin, TX 78701

Applicant Request: Approval of a new Conditional Use Permit (CUP) to allow on-premise consumption of mixed beverages at a restaurant establishment.

Public Hearing Notice: Public hearing notification mailed on May 13, 2016

Response: None as of Staff Report date.

Subject Property:

Expiration Date: None

Location: 1121 North IH-35

Legal Description: Lot 1, Chuy's Addition

Frontage On: North IH-35 Frontage Road

Neighborhood: Millview West

Existing Zoning: GC, General Commercial

Preferred Scenario Designation: High Intensity

Utilities: Adequate

Existing Use of Property: Vacant (Previously Furr's Fresh Buffet Restaurant)

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	GC	Logan's Roadhouse (restaurant)
S of property	GC	IHOP (restaurant)
E of property	GC	IH-35 Frontage/Highway
W of property	GC	Vacant (Springtown Mall)

Code Requirements:

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

Under Section 4.3.4.2 of the LDC a business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. This location **does meet** the distance requirements.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

Case Summary

The subject property is located within the overall Springtown Shopping Center located between IH-35, Springtown Way, and Thorpe Lane. The subject property is one of several land parcels within this overall Shopping Center. Previously, a Furr's restaurant was located on the subject property and subsequently closed several years ago. The existing building remained vacant and has since been demolished. The property has recently been legally platted for development, and Chuy's will be constructing a new building in the previous Furr's location.

The total gross floor area of the space is approximately 8,500 square feet with 233 indoor fixed seats and approximately 80 outdoor seats. No entertainment facilities are proposed at this time. The application indicates hours of operation from 11 a.m. to 10 p.m. Sunday – Thursday and 11 a.m. to 11 p.m. Friday - Saturday. Based upon the Land Development Code Parking requirements, Chuy's would be required to have 79 parking spaces (1 space for each 4 seats). Chuy's currently has 57 parking spaces within the subject property boundaries as well as a shared-parking agreement with the owners of the Springtown Development, Humpty Dumpty SSM, for the additional required spaces.

Comments from Other Departments:

The Police Department has no issues with the proposed establishment and there have been no other comments from other departments.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and it appears that the request is consistent with the policies and the general intent of the zoning district and does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic.

The use of the property was a restaurant facility for several years prior to the proposal for Chuy's. Furthermore, the property directly adjacent to Chuy's, Logan's Roadhouse, is also a restaurant establishment serving alcohol for on-premise consumption. Staff finds the use is consistent with the General Commercial Zoning District and is compatible with adjacent zoning districts as well as other businesses within the commercial shopping center.

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

- Initial approval for 1 year;
- Renewal for 3 years
- Life of the TABC Permit

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

1. **The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
2. **The permit shall become effective upon the issuance of the Certificate of Occupancy; and**
3. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

Commission's Responsibility:

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

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

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

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

Prepared by:

Andrea Villalobos

Planning Technician

May 10, 2016

Name

Title

Date

EXHIBIT B
SITE PLAN OF CENTER

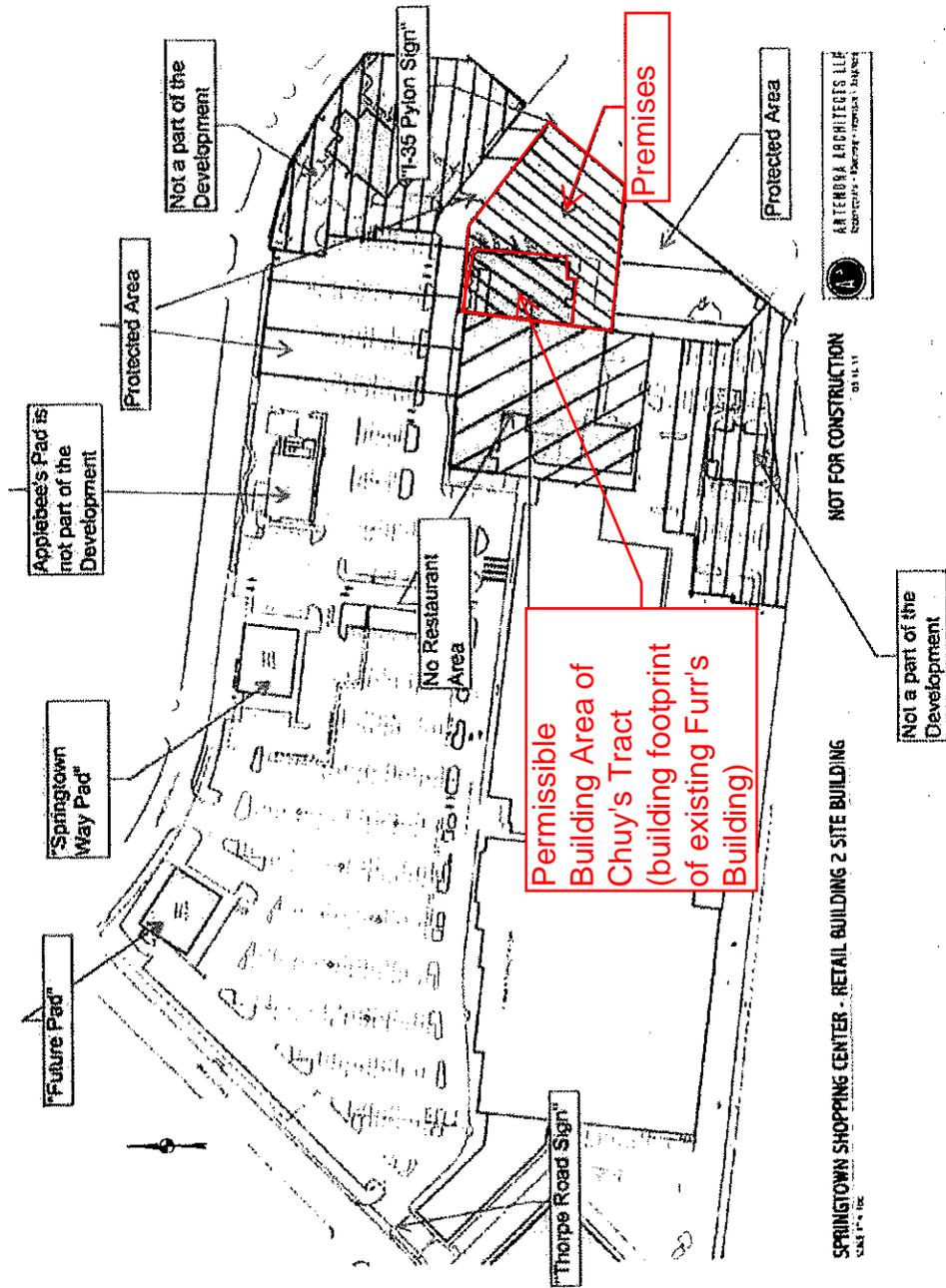


Exhibit B - 1

Hays CAD eSearch

Property ID: R12178 For Year 2016



Property Details

Account	
Property ID:	R12178
Legal Description:	A0017-2 JUAN M VERAMENDI SURVEY, ACRES 0.96
Geographic ID:	10-0017-2206-00000-3
Agent Code:	A1089
Type:	Real
Location	
Address:	1121 N IH 35, SAN MARCOS, TX 78666
Map ID:	SM213
Neighborhood CD:	
Owner	
Owner ID:	O0059092
Name:	HUMPTY DUMPTY SSM LTD
Mailing Address:	500 W 5TH ST STE 700 AUSTIN, TX 78701
% Ownership:	100.0%
Exemptions:	For privacy reasons not all exemptions are shown online.

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION

Trade Name of Business: Chuy's

Application is filed by: Chuy's Opco, Inc.

Individual Partnership Corporation Other: _____

Name of Individual or Entity: Chuy's Phone Number: 512-473-0300

Mailing Address: 3345 Bee Cave Rd, Ste 105, Austin, TX 78746

Email Address: tborrel@mfliquorlaw.com

Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY

Street Address: 1121 N. Interstate 35 Current Zoning: F1 - Commercial

Legal Description: Lot A0017-2 Block _____ Subdivision Springtown Subdivision

Tax ID Number: R 12178

Property Owner's Name: Humpty Dumpty SSM, Ltd. Phone Number: 512-473-0300

Address: c/o Endeavor Real Estate Group, 500 W. 5th Street, Ste 700, Austin, TX 78701

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: Sun-Thurs 11am to 10pm; Fri-Sat 11am to 11pm

Type of Entertainment Facilities: none

Indoor Fixed Seats Capacity: 233 Outdoor Fixed Seats: 80

Gross Floor Area Including Outdoor Above-ground Decks: Approx. 8,500 Square Feet

Number of Off-Street Parking Spaces Provided: center shared parking

Located more than 300 feet from church, public school, hospital, low density residential? Y N

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

New request, no existing TABC CUP Permit at this location

Change to existing TABC Permit. Nature of Change: _____

Renewal

Change in name of license holder of existing business at same location

Change in name of existing business at this location

SUBMITTAL REQUIREMENTS

- Beer and Wine Permit: **\$609 Application fee + \$11.00 Technology Fee** (non-refundable)
- Mixed Beverage Permit: **\$609 Application fee + \$11.00 Technology Fee** (non-refundable)
- Change to Existing Permit/Renewal: **\$305.00 fee + \$11.00 Technology Fee** (non-refundable)
- **Site Plan** drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

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

I am the property owner of record; or

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

Applicant's Signature

Printed Name: Kyle V. Hill **Date:** 4-6-16

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted By: _____ Date: _____

09/15



Conditional Use Permit Application Checklist To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input checked="" type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Director of Development Services : *(see note below)			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Copy of State TABC License application	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	Menu	<input type="checkbox"/>	

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

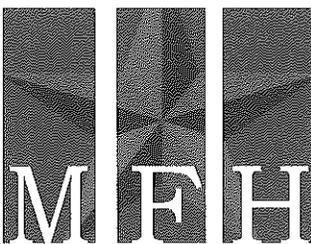
I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed: 
 Print Name: Kyle V. Hill

Date: 4-6-16

Engineer Surveyor Architect/Planner Owner Agent Martin Frost & Hill

3345 BEE CAVE ROAD, STE. 105
AUSTIN, TEXAS 78746



TELEPHONE: 512.473.0300
MFHLIQUORLAW.COM

Martin Frost & Hill

April 6, 2016

Via Federal Express

City of San Marcos
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666

RE: Chuy's Opco, Inc.
1121 N. Interstate 35, San Marcos 78666

Dear Planning and Development Services,

Enclosed is an executed Conditional Use Permit Application for the above referenced Chuy's Restaurant, along with a check in the amount of \$620.00 in full payment of the applicable fees and surcharges.

We trust we have supplied all the information and materials necessary however, should you have any questions or if we can be of further assistance, feel free to give me a call at 512-614-2012 or via email at tborrel@mfhliquorlaw.com.

Sincerely,

Tracy Borrel
Paralegal

Enclosures

Humpty Dumpty SSM, LTD.

500 W. 5th Street, Ste 700, Austin, TX 78701

April 6, 2016

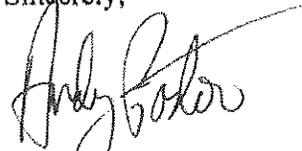
City of San Marcos
Planning & Development Services
630 East Hopkins
San Marcos, TX 78666

RE: Letter of Representation

Dear Sir or Madam:

I, Andy Pastor, as Authorized Signer of EGP Retail Management, LLC, a Texas limited liability company, on behalf of Humpty Dumpty SSM, Ltd., the Property owner of 1121 N. Interstate 35 in San Marcos authorize Chuy's Opco Inc. to represent said property for all matters relating to its alcoholic beverage permit.

Sincerely,



Andy Pastor
EGP Retail Management, LLC
c/o Endeavor Real Estate Group



February 25, 2016

Mr. David Conterars
c/o Parkway Construction
Delivered VIA EMAIL

Re: Chuy's Springtown // San Marcos, Texas

To Whom It May Concern:

The purpose of this letter is to confirm that there is a Declaration of Access and Parking Easements and Maintenance Agreement in place between Chuy's Opco Inc "Chuy's" and Humpty Dumpty SSM "Declarant" that provides Chuy's a permanent, non-exclusive reciprocal parking easement for vehicular parking within any parking spaces located from time to time in the Development. Should you have any further questions regarding this cross-parking agreement please do not hesitate to reach me via the contact information below.

Regards,

A handwritten signature in black ink, appearing to read "Buck A. Cody", with a long horizontal flourish extending to the right.

Buck A. Cody
Principal – Endeavor Real Estate Group
512.682.5574
bcody@endeavor-re.com



Legislation Text

File #: LDC-16-03, **Version:** 1

AGENDA CAPTION:

LDC-16-03 Hold a public hearing and consider revisions to Subpart B of the City's Code of Ordinances (Land Development Code) updating Chapter 1 to require a zoning change application to accompany any request for a Preferred Scenario Map Amendment. (T. Carpenter)

Meeting date: May 24, 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:

Since the adoption of the Comprehensive Plan in 2013, staff has processed 14 preferred scenario amendments. On several occasions, the Planning & Zoning Commission and City Council have requested more detailed information about the proposed developments during the PSA process.

Staff recommends an amendment to sections 1.4.1.2 and 1.5.1.2 to require a Zoning Change application to accompany any request for a Preferred Scenario Amendment inside the city limits; and a Subdivision Concept Plat application to accompany any request for a Preferred Scenario Amendment outside the city limits.



DEVELOPMENT
SERVICES- PLANNING

MEMO

TO: PLANNING AND ZONING COMMISSION
FROM: **TORY CARPENTER, PLANNER**
DATE: **MAY 16, 2016**
RE: AMENDMENT TO LAND DEVELOPMENT CODE

Summary of Change

Since the adoption of the Comprehensive Plan in 2013, staff has processed 14 preferred scenario amendments. On several occasions, the Planning & Zoning Commission and City Council have requested more detailed information about the proposed developments during the PSA process.

Staff recommends an amendment to sections 1.4.1.2 and 1.5.1.2 to require a Zoning Change application to accompany any request for a Preferred Scenario Amendment inside the city limits; and a Subdivision Concept Plat application to accompany any request for a Preferred Scenario Amendment outside the city limits.

Proposed Changes to
Section 1.4.1.2

- (a) Responsible Official. The Director shall be the responsible official for a petition for a Comprehensive Plan amendment submitted by a property owner.
- (b) Contents—Map Amendment. An amendment to the Comprehensive Plan shall be accompanied by an application prepared in accordance with Chapter 1 of the Technical Manual.
- (c) Accompanying Applications. A request for amendment of the Preferred Scenario Map submitted by a property owner must be ~~approved prior to~~ accompanied by an application for a consistent zoning amendment for land within the City limits, or by a Subdivision Concept Plat, for land within the extraterritorial jurisdiction. After approval of a Preferred Scenario Map amendment, any accompanying applications shall be consistent with the amendments. In the case of a request to amend a facility master plan map, the application may be accompanied by a request to extend utilities. Thereafter, any accompanying applications shall be consistent with the amendments.

Proposed Changes to
Section 1.5.1.2 - Sequence of Approvals

- | (a) Prior Applications. A petition for a zoning map amendment shall not be ~~accepted~~approved unless the following petitions, where applicable, have been approved and remain in effect:
- (1) Any petition for amendment of the City's Comprehensive Plan upon which the petition for zoning map amendment is dependent; and
 - (2) Any petition for amendment of the regulations in Chapter 4 of this Land Development Code required to authorize the use in the zoning district requested in the petition.
- (b) Subsequent Approvals. No application for a quasi-judicial or administrative development application shall be approved until a petition for a zoning map amendment has been approved authorizing the use or standards proposed in the development application.



Legislation Text

File #: ID#16-283, **Version:** 1

AGENDA CAPTION:

Presentation and discussion concerning the release and review of the draft CodeSMTX.

Meeting date: May 24, 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

COMPREHENSIVE PLAN ELEMENT(s): *Land Use; Goal #1 Objective #4 Replace the Land Development Code with an updated document to support the preferred scenario.*

BACKGROUND:

The CodeSMTX process began in July of 2014 and since then has included a tremendous amount of work from residents, the community and stakeholder groups all aimed at applying *Vision San Marcos* Comprehensive Plan to the new Code. That work is coming to fruition with the completion of the draft CodeSMTX document scheduled for release on May 27th.

The adoption of this Code will provide our community with the tools needed to manage growth in San Marcos. In order to achieve this goal, the CodeSMTX document is:

- A modern Code that is easy to navigate, predictable, concise and graphic;
- Shaping growth to maintain and enhance quality of life in San Marcos by relieving development pressures in existing neighborhoods and by directing appropriate development in appropriate places.

San Marcos is endeavoring to change the way development is managed. This is a complex task that is proposed to occur in stages:

- **Stage I:** The Vision - Comprehensive Plan completed April 2013;
- **Stage II:** The Tools - CodeSMTX scheduled for completion Fall 2016;
- **Stage III:** Apply the Tools - New Tools are applied through zoning on a fine grained level after adoption

of CodeSMTX.

The Draft Code is a major milestone and staff has worked to develop a process and timeline for review of this document that is:

- Accountable: Staff will be tracking, reporting, and responding to all comments received;
- Transparent: The Document and all comments will be kept in one place, updated frequently and available to the public;
- Accessible: The information will be available at all different levels through online resources, in-person meetings and frequent E-Newsletters.

Staff has developed a timeline for the review and approval process that includes the following:

- **May 27**: Draft Code is Posted online
- **June**: Public Review of the draft including:
 - Think Tank Meeting
 - Public Meeting with an Open House and Presentation
 - Presentation to Planning Commission
 - Presentation to City Council
- **July**: Revisions are proposed
 - Think Tank Meeting
 - Public Meeting and Open House
 - Recommendation by Planning Commission
 - Direction from City Council
- **August**: Staff is working on Revisions as directed by City Council
- **September to October**: Final Draft
 - Changes are reviewed
 - Planning Commission Recommendation to City Council
- **October to November**: Council Consideration & Action
 - City Council approval meetings

The San Marcos community is experiencing growth pressures. CodeSMTX is an opportunity to place adequate and effective tools in our Code to shape this growth and achieve the results desired by the community.



CODES M T X

Key Dates

June 2014



Project Start

July 23rd–
26th



Kickoff
Week/
Rhythm of
the Street



Oct.



Oct. 23rd–
29th

CODE RODEO



March
2015



Environmental
Workshop



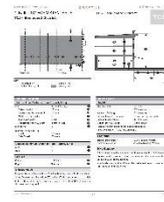
Spring 2015

Neighborhood
Workshops

Summer
2015



Zoning for
Character
Workshop



Winter
2015



Working
Draft

Exploring
CodeSMTX



Spring
2016



Draft
Code

Summer 2016



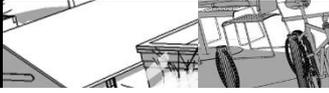
Approval
Meetings



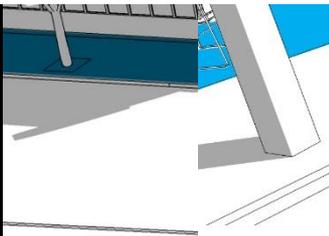
For more information please visit:
www.sanmarcostx.gov/codesmtx



A Modern Code



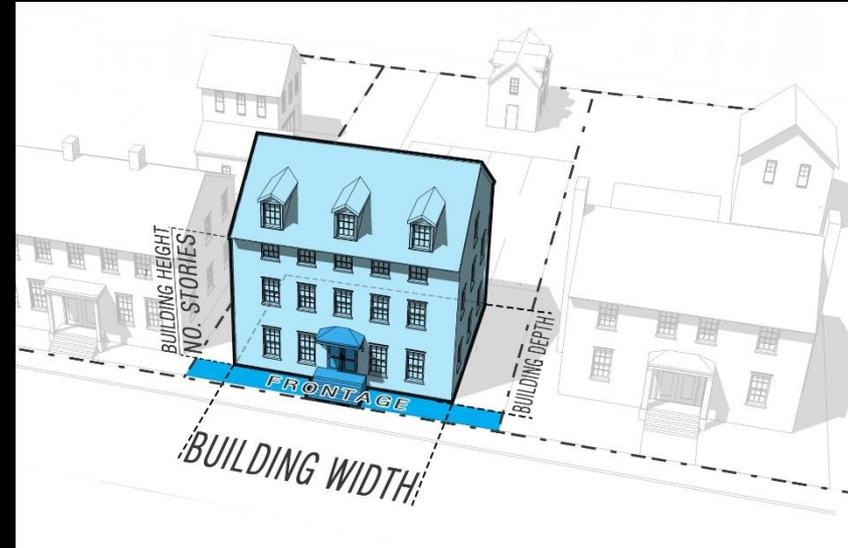
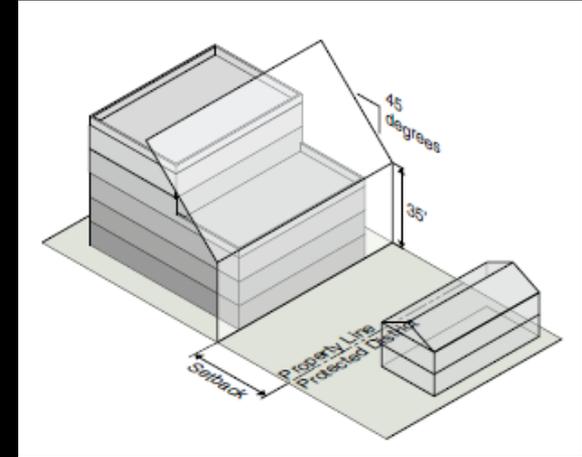
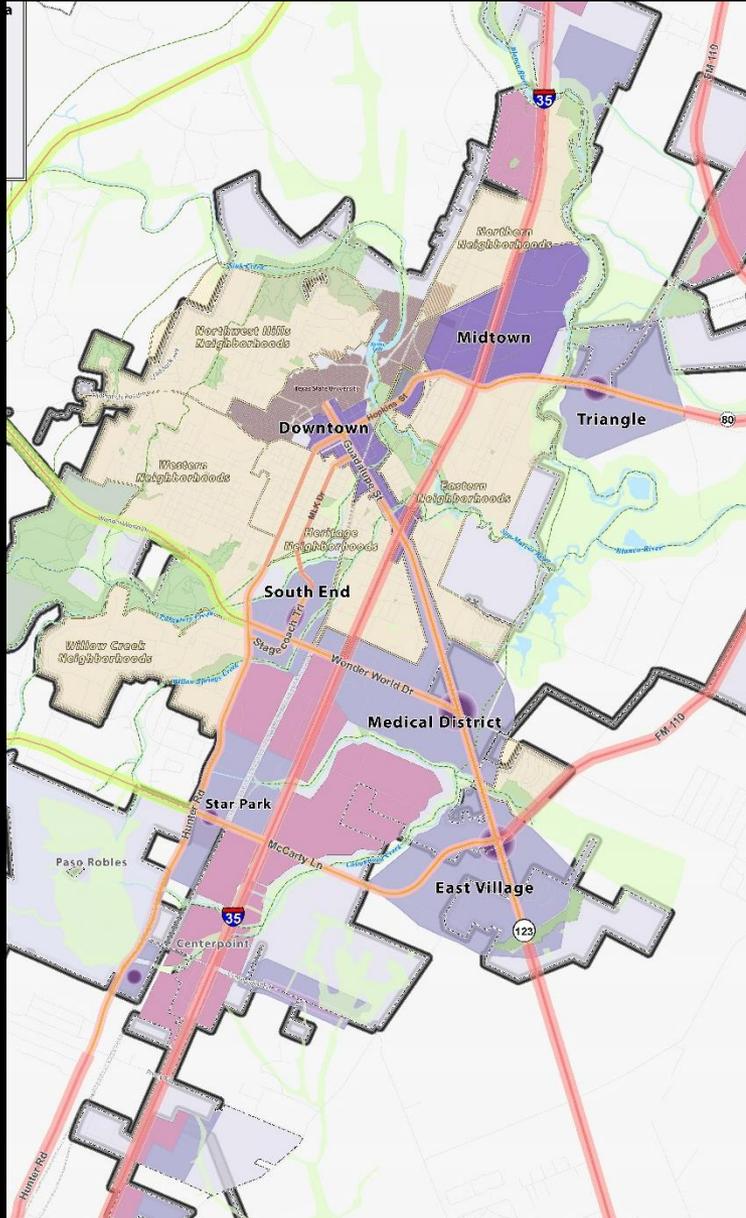
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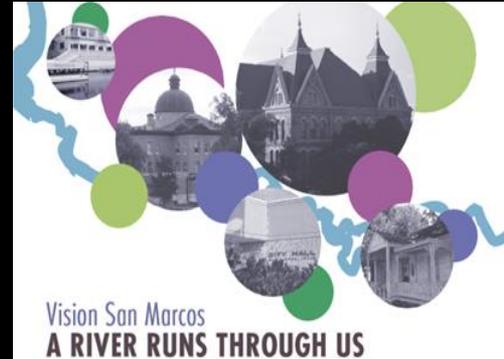
R-N-HOOD GF

Tools to Shape Growth



Proposed Changes are Deliberate and Comprehensive

Stage I: The Vision –
Completed April 2013



Stage II: The Tools –
CodeSMTX scheduled for
completion Fall 2016



Stage III: Applying the Tools -
Re-Mapping beginning
immediately after the
adoption of CodeSMTX



CodeSMTX Approval Process

Accountable; Transparent; Accessible

- **May 27:** Draft Code is posted online
- **June:** Public Review of the draft:
 - Think Tank Meeting
 - Presentation to Planning Commission
 - Presentation to City Council
- **July:** Revisions are proposed
 - Public Meeting and Open House
 - Think Tank Meeting
 - Recommendation by Planning Commission
 - Direction from City Council
- **August:** Revising the Code
- **September to October:** Final Draft
 - Changes are reviewed
 - Planning Commission Recommendation to City Council
- **October to November:** Council Consideration & Action



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#16-297, **Version:** 2

AGENDA CAPTION:

Discussion and possible action concerning cancellation of the July 12, 2016 Planning Commission Regular Meeting.

Meeting date: May 24, 2016

Department: Planning & Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

COMPREHENSIVE PLAN ELEMENT(s):

BACKGROUND:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#16-292, **Version:** 2

AGENDA CAPTION:

Discussion and possible action concerning cancellation of the November 22, 2016 and December 27, 2016 Planning Commission Regular Meetings.

Meeting date: May 24, 2016

Department: Planning & Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

COMPREHENSIVE PLAN ELEMENT(s):

BACKGROUND: