



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, August 23, 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 July 26, 2016.
2. PC-15-21_03 (Northgate Center 1) Consider a request by James C. Wilsford, Urban Design Group PC, on behalf of Donald L. Hudgins, Jr., General Partner Aquarena Springs Commercial, LLC, for approval of a Final Plat for approximately 9.93 acres, more or less, out of the J.M. Veramendi Survey League No. 2, located near the intersection of IH-35 and Aquarena Springs. (A. Villalobos)
3. PC-16-23_01 (Trace Concept Plat) Consider a request by Caren Williams, on behalf of High Pointe Trace, LLC, for approval of a Concept Plat for approximately 417.60 acres, more or less out of the William H. Van Horn Survey, located east of IH-35 and south of Posey Road. (B. Melland)
4. PC-16-30_03 (Blanco Vista Tract E-2) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 16.5 acres, more or less, out of the William Ward League Survey, located east of Blanco Vista Boulevard. (A. Brake)
5. PC-16-31_03 (Blanco Vista Tract A) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 30.2 acres, more or less, out of the William Ward League Survey, located east of Blanco Vista Boulevard. (A. Brake)

PUBLIC HEARINGS

- 6. PC-15-23_04 (Northgate Center 2, Replat) Hold a public hearing and consider a request by James C. Wilsford, Urban Design Group PC, on behalf of Donald L. Hudgins, JR., General Partner Aquarena Springs Commercial, LLC, for approval of a replat of 1.82 acres being a portion of Lot 1, Section 3, Interpark East, establishing Block B, Lot 4, Northgate Center 2, City of San Marcos, Hays County, Texas. (A.Villalobos)
- 7. ZC-16-10 (Springtown Mall) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a zoning change from "GC" General Commercial to "VMU" Vertical Mixed Use for 6.57 acres, more or less out of a portion of Springtown VI, lot 5. (T. Carpenter)
- 8. CUP-16-23 (Springtown Mall Purpose-Built Student Housing) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a Conditional Use Permit to allow purpose-built student housing at the site located at 200 Springtown Way.
- 9. CUP-16-24 (Springtown Mall Height Increase) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a Conditional Use Permit to allow building height over 4 stories at the site located at 200 Springtown Way.

NON-CONSENT AGENDA

- 10. Presentation from staff and discussion regarding an update on Code SMTX.

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#16-455, **Version:** 1

AGENDA CAPTION:

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

Meeting date: August 23, 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, July 26, 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 Vice Chair Kelsey at 6:00 p.m. on Tuesday, July 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** 7 - Commissioner Travis Kelsey, Commissioner Shawn Dupont, Commissioner Saul Gonzales, Commissioner Kate McCarty, Commissioner Douglas Beckett, Commissioner Lee Porterfield, and Commissioner Angie Ramirez
- Absent** 2 - Commissioner Jim Garber, and Commissioner Betseygail Rand

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Lisa M. Coppoletta, 1322 Belvin asked the Commission to be mindful of archeology studies prior to development. She mentioned incentives given to developers to work with Texas State Students to have excavations of some of the developments. She reminded the Commission that we live over the recharge zone. Ms. Coppoletta pointed out that we need to protect the Aquifer Recharge Zone. She also reminded the Commission of the fumes, smells, and demolition dust that comes from new developments. She expressed concerns with building in flood areas. She suggested that 2D Modeling be presented prior to development. Ms. Coppoletta added that she is concerned about building close proximity to caves.

Diane Wassenich, San Marcos River Foundation stated that she attended the Monday meeting. She said HEB tried to meet all citizen concerns and did a great job on most things. She explained that previous PDDs promises were made but never made it into the PDD agreement. Ms. Wassenich pointed out that the PDD must be read to make sure all promises are included in the PDD agreement. She provided the Commission with documentation of some records floods in Central Texas-Info from USGS website which she updated with the 2015 flood information. She pointed out that San Marcos can have a flood twice as bad as in 2015. She pointed out that she explained to HEB that they need to raise their building because it will flood. Ms. Wassenich added that the Commission needs to think of people downstream and what it will do to them when the building is raised. She said starting with a 2D modeling and staying out of

the 100 year flood plain is great. Ms. Wassenich pointed out that we will have worse floods someday than we had in previous years.

Sara Lee Underwood Myers, 1415 Harper said she is so excited about the possibility of an additional HEB store especially a medium size store. Ms. Myers said she hopes the Commission considers the request.

Tom Wassenich, 11 Tangelwood, likes HEB proposal but is concerned with flooding. Mr. Wassenich said he spoke to Ben with HEB and suggested pavers in the parking lots as well as the medians. He explained that pavers reduce flooding.

Elizabeth (last name unknown) 2705 Leslie Lane expressed her concerns with the traffic congestion and the increase of traffic on Wonder World and Hunter Road. She explained that access to business at the intersection on Wonder World and Hunter Road is difficult with the amount of traffic in the area.

CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting on June 28, 2016.
2. PC-15-54_02 (La Cima Phase 1, Sections 1 & 2 Preliminary Plat) Consider a request for Bowman Consulting, on behalf of Lazy Oaks Ranch, L.P., for approval of a Preliminary Plat for approximately 116.6 acres, more or less, out of the J. Williams, J. Maximillon, L. Glasgow Surveys located west of Old Ranch Road 12. (A. Brake)
3. (PC-16-18_03) Consider a request by BEC-LIN Engineering on behalf of Blue Dog Storage for approval of a Final Plat for approximately 3.84 acres, more or less, out of the A.M. Esnaurizar Survey Abstract No. 98, establishing Remington Acres generally located at 7061 Old Bastrop Road. (W. Parrish)

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

For: 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 2 - Commissioner Garber and Commissioner Rand

PUBLIC HEARINGS

4. CUP-16-17 (Trailer Sales) Hold a public hearing and consider a request for a conditional use permit by Richard Wilmont on behalf of Pete Neumann to allow for the sale of light duty trailers at 5680 S IH 35. (W. Parrish)

Vice Chair Kelsey opened the public hearing.

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

There were citizen comments and the public hearing was closed.

A motion was made by Commissioner Ramirez, seconded by Commissioner Gonzales, that CUP-16-17 (Trailer Sales) be approved with conditions that the Conditional Use Permit approved the Land Use only, not the proposed site plan, and the "display area" designated on the site plan meet City standards for development of the parking lot. The motion carried by the following vote:

For: 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 2 - Commissioner Garber and Commissioner Rand

5. CUP-16-18 (The Spot) Hold a public hearing and consider a request by Springtown Entertainment, L.L.C., on behalf of The Spot, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 1180 Thorpe Lane, Suite 130. (A. Brake)

Vice Chair Kelsey opened the public hearing.

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

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

A motion was made by Commissioner McCarty, seconded by Commissioner Gonzales, that CUP-16-18 (The Spot) be approved with conditions that the CUP shall be valid for one (1) year, provided standards are met, subject to the point system, the permit shall be effective upon the 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: 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 2 - Commissioner Garber and Commissioner Rand

6. 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 and to increase the number of required public hearings for Preferred Scenario Amendments. (T. Carpenter)

Vice Chair Kelsey opened the public hearing.

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

Lisa M. Coppoletta stated that more dialogue is very important for citizen input. She spoke in support of the request and added that she is in support in additional public hearings.

Paul Murray, 102 Barkley spoke in support of the request. He said it is a big step in fixing the process.

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

A motion was made by Commissioner Ramirez, seconded by Commissioner Porterfield, that LDC-16-03 be approved. The motion carried by the following vote:

For: 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 2 - Commissioner Garber and Commissioner Rand

7. ZC-16-09 (132 Jackson Lane) Hold a public hearing and consider a request by Allan Nutt on behalf of Omais Investments, LLC for a zoning change from Office Professional (OP) to Vertical Mixed Use (VMU) at 132 Jackson Lane. (W. Parrish)

Vice Chair Kelsey opened the public hearing.

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

Allen Nutt, 6409 Five Acre Wood, Austin Texas, the applicant asked the Commission for their support and added that their vertical mixed used proposed development is consistent with the changes to the Code. He stated they were aware of soil issues as indicated at the meeting. He explained that they will do their due diligence regarding the soils. Mr. Nutt added he was available to answer questions.

Tom Wassenich, 11 Tangelwood, said he likes the proposed development. He requested Vertical Mixed Use on Thorpe Lane.

Sara Lee Underwood Myers, 1415 Harper, spoke in support of the proposed development.

Paul Murray, 102 Barkley, spoke in support of building in midtown which is consistent with the Comprehensive Plan. Mr. Murray stated he heard concerns about imperious cover and suggested pervious pavers.

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

A motion was made by Commissioner Dupont, seconded by Commissioner Ramirez, that ZC-16-09 (132 Jackson Lane) be approved. The motion carried by the following vote:

For: 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 2 - Commissioner Garber and Commissioner Rand

8. PDD-16-01 (Wonder World Drive and Hunter Road) Hold a public hearing and consider a request by Pape-Dawson Engineers, on behalf of HEB Grocery Company, L.P., for a Zoning Change from Future Development "FD" to Planned Development District "PDD" with a base zoning classification of General Commercial "GC" on 6.4 acres, more or less, out of the J.M. Veramendi Survey, Abstract No. 17, located at the northwest corner of Wonder World Drive and Hunter Road. (A. Brake)

Vice Chair Kelsey opened the public hearing.

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

Ben Scott, HEB, gave a 10 minute presentation on the project.

Michelle Harper, United Way, was in support of the project. She stated that a new HEB would add approximately \$15,000 - \$20,000 in funds back to various partners United Way works with in the City.

Cathy Bertran, 1208 Belvin, stated she likes HEB but is concerned with traffic at the Wonder World Drive and Hunter Road intersection. She explained that it is already difficult to get through. She stated a store on McCarty Road was a more logical choice.

John Leonard, Leslie Drive, stated his concerns on traffic and storm runoff.

Miguel Arredondo gave his support to HEB. He expressed the need for a grocery store on the East side of I-35 and stated he was also concerned with traffic. He felt that the intersections issues were the City's and TxDOT's problem to solve.

Phil Hutchison, 202 Mimosa Circle, understood the concerns but was excited and in support of the proposed new HEB.

John Craddock, 507 Pioneer Trail, stated that he understood that San Marcos needs another HEB but that the proposed location was the wrong place. He spoke of the sensitive environmental features in the area.

Rob Roark, 1804 A Hunter Road, stated that he was the closest neighbor to the

property and knew the area well. He stated that HEB was a good corporate neighbor but had concerns with trash, traffic, and flooding that could be associated with the development.

Lisa Marie Coppoletta, 1322 Belvin Street, stated that she was concerned with exhausted from the construction as well as from the slowdown of traffic. She was also concerned with flooding in the area and possible archaeological finds in the area.

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

A motion was made by Commissioner Dupont, seconded by Commissioner Porterfield that PDD-16-01 (Wonder World Drive and Hunter Road) be approved.

A motion was made by Commissioner Kelsey, seconded by Commissioner Ramirez, that the main motion be amended to add the condition that requires HEB to file an annual maintenance report, on the date of the Certificate of Occupancy, on the water filtration system used in the underground detention and to publish that annual report in the San Marcos Daily Record. The motion carried by the following vote:

For: 5 - Commissioner Kelsey, Commissioner Gonzales, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 2 - Commissioner Dupont and Commissioner McCarty

Absent: 2 - Commissioner Garber and Commissioner Rand

A motion was made by Commissioner Kelsey, seconded by Commissioner Dupont, that the main motion be amended to add the condition that requires the truck entrance and exit on Wonder World Drive to be open and allow a left turn onto Wonder World Drive rather than a right-in/right-out only. The motion carried by the following vote:

For: 5 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner Beckett and Commissioner Ramirez

Against: 2 - Commissioner McCarty and Commissioner Porterfield

Absent: 2 - Commissioner Garber and Commissioner Rand

A motion was made by Commissioner Kelsey, seconded by Commissioner McCarty, that the main motion be amended to add the condition that requires HEB to construct the customer parking area using permeable pavers/material. The motion failed by the following vote:

For: 1 - Commissioner Kelsey

Against: 6 - Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Absent: 2 - Commissioner Garber and Commissioner Rand

Vice Chair Kelsey called for a vote on the Main Motion to approve PDD-16-01 (Wonder World Drive and Hunter Road) with the amendments to add the condition that requires HEB to file an annual maintenance report, on the date of the Certificate of Occupancy, on the water filtration system used in the underground detention and to publish that annual report in the San Marcos Daily Record and to add the condition that requires the truck entrance and exit on Wonder World Drive be an open and allow a left turn onto Wonder World Drive rather than a right-in/right-out only. The motion carried by the following vote:

For: 5 - Commissioner Dupont, Commissioner Gonzales, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 2 - Commissioner Kelsey and Commissioner McCarty

Absent: 2 - Commissioner Garber and Commissioner Rand

NON-CONSENT AGENDA

9. Development Services Report:
1. Code SMTX Update

Alison Brake, Staff Planner gave the update on Code SMTX. She informed the Commission that a workshop will be held after the Planning Commission Regular Meeting on August 23, 2016 to discuss Code SMTX.

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 8:13 p.m. The motion carried by a unanimous vote.

Travis Kelsey, Vice-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-15-21_03, Version: 1

AGENDA CAPTION:

PC-15-21_03 (Northgate Center 1) Consider a request by James C. Wilsford, Urban Design Group PC, on behalf of Donald L. Hudgins, Jr., General Partner Aquarena Springs Commercial, LLC, for approval of a Final Plat for approximately 9.93 acres, more or less, out of the J.M. Veramendi Survey League No. 2, located near the intersection of IH-35 and Aquarena Springs. (A.Villalobos)

Meeting date: August 23, 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

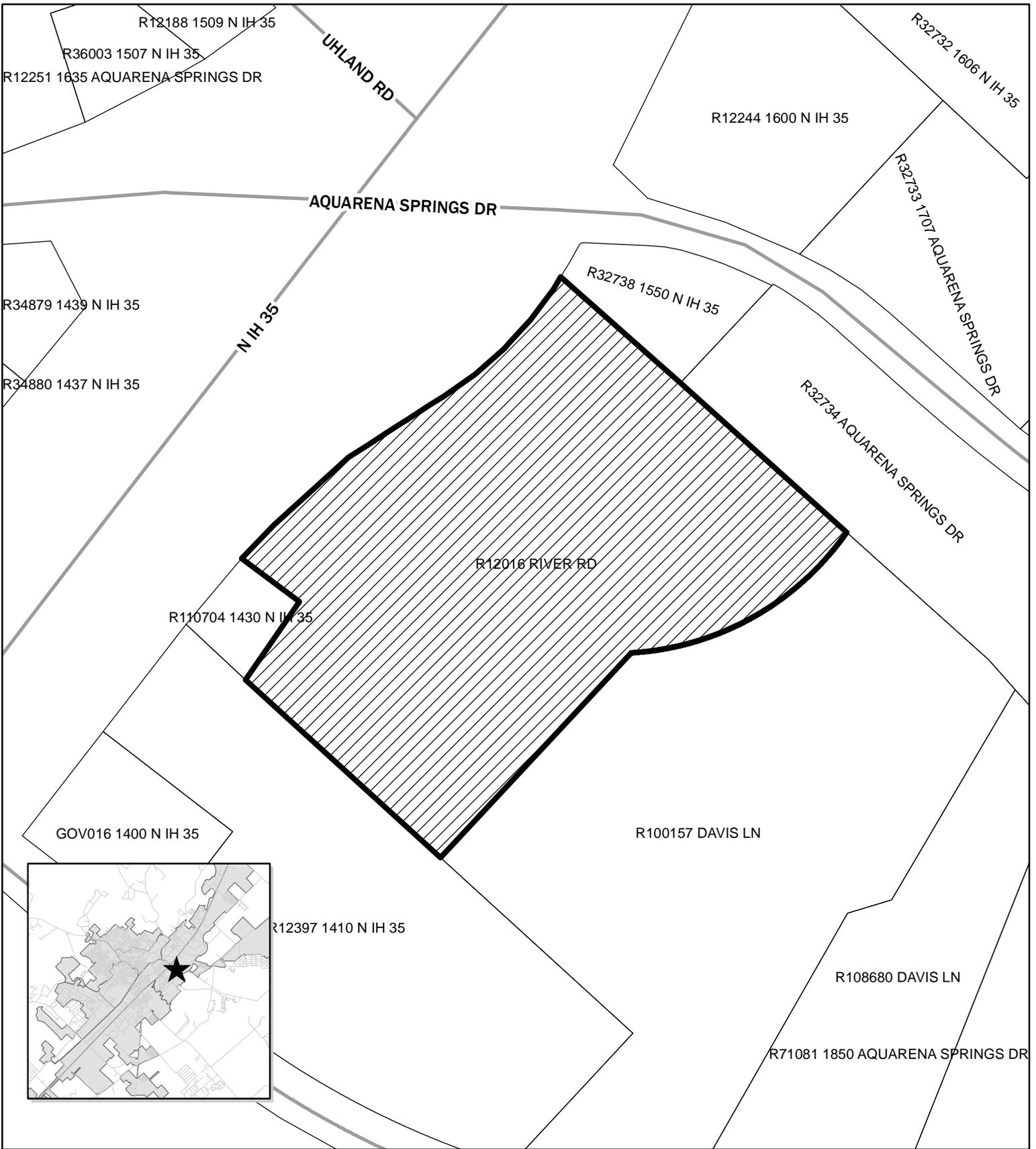
COMPREHENSIVE PLAN ELEMENT(s): n/a

BACKGROUND:

The subject property consists of 9.93 acres out of the J.M. Veramendi Survey League No. 2. The applicant is proposing to subdivide the tract into five legal lots and construct and dedicate Northgate Road through the center of the lots. All lots in the proposed subdivision will either have access to North IH-35 or Northgate Road. Public Improvement Construction Plans have been submitted to extend water and wastewater service to the lots. The applicant has chosen to defer the construction of these public improvements until after the plat is approved and recorded. Therefore, a Subdivision Improvement Agreement is required to be approved by the Planning and Zoning Commission.

The Subdivision Improvement Agreement meets the criteria of Section 1.6.6.3 and the plat meets the criteria of Section 1.6.5.5 of the Land Development Code.

Staff recommends approval of the plat.

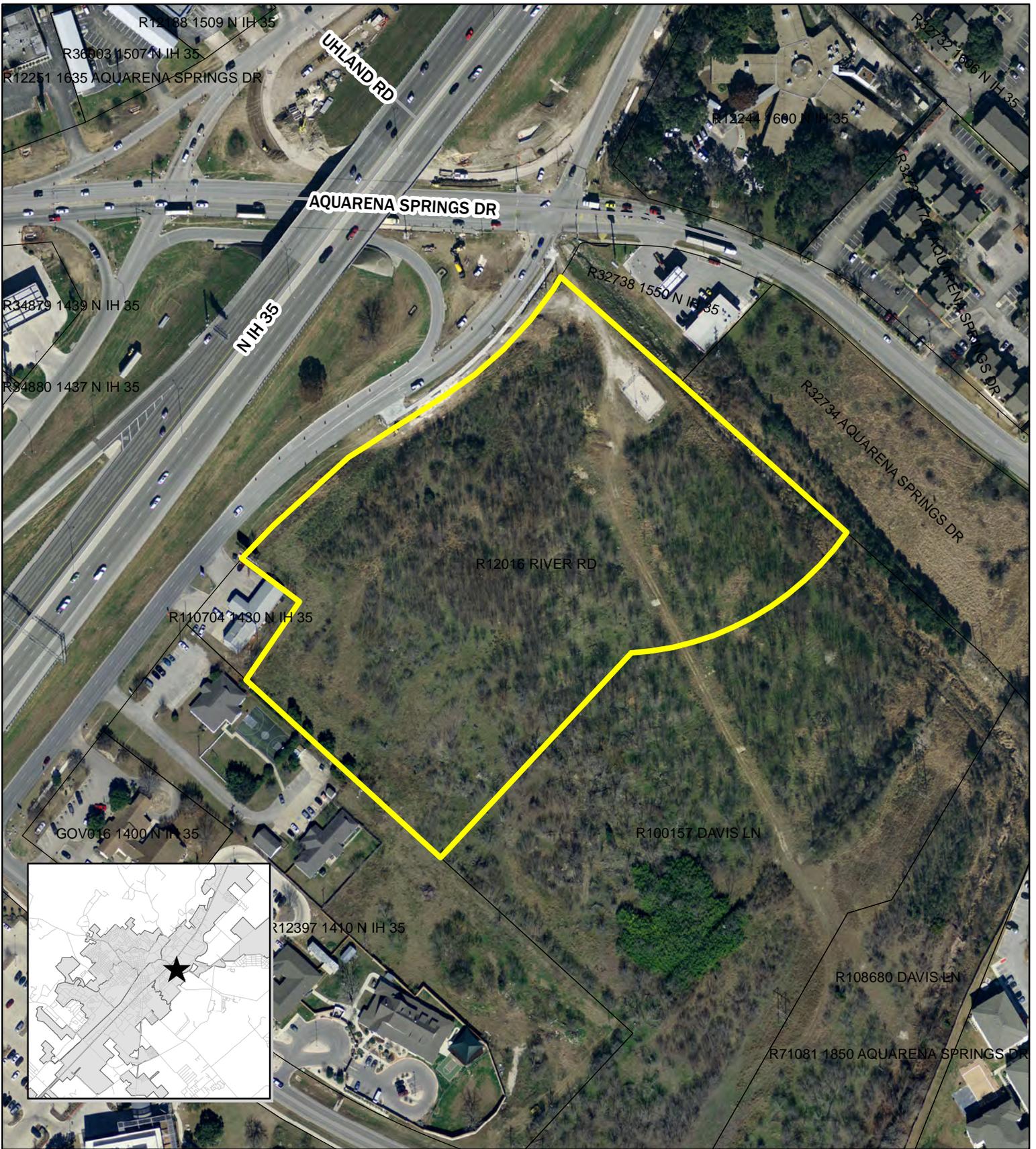


PC-15-21_03
Northgate Center I
Aquarena Springs & IH-35
Map Date: 8/5/2016

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.



PC-15-21_03
Northgate Center I
Aquarena Springs & IH-35
Map Date: 8/5/2016

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.

PC-15-21_03, Final Plat, Northgate Center 1



Applicant Information:

Applicant: Urban Design Group PC
3660 Stoneridge Road, Ste 101
Austin, TX 78746

Property Owner: Donald L. Hudgins, JR.
722 North Main
Fort Worth, TX 76164

Notification: None required.

Type & Name of Subdivision: Final Plat, Northgate Center 1

Subject Property:

Summary: This is a final plat for the establishment of five lots, being Block A, Lot 1 & 2, and Block B, Lot 1, 2, and 3, Northgate Center 1.

Traffic / Transportation: The proposed subdivision includes the construction of a new road being Northgate Road, to provide public frontage to the proposed lots. The applicant has submitted Public Improvement Construction Plans for the construction of Northgate Road and those PICPs have subsequently been approved.

Block A, Lot 1 and Block B, Lot 1 will have frontage on both IH-35 and Northgate Road. Block B, Lot 2 will have frontage on IH-35, and Block B, Lot 3, and Block A, Lot 2 will have frontage on Northgate Road. Please refer to the attached Plat exhibit.

Utility Capacity: The property will be served by City water, wastewater, and electric service. A Subdivision Improvement Agreement for the extension of water, wastewater, and a storm sewer system to serve the development is proposed to be approved as part of this plat.

Parks proposal: Not required.

Zoning: GC – General Commercial

Surrounding Zoning and Land use:

	Current Zoning	Existing Land Use
N of Property	MF-24	Apartments
W of Property	GC	Gas Station
S of Property	GC	Vacant
E of Property	GC	Vacant

Planning Department Analysis:

The applicant is proposing a final subdivision plat to create 5 lots along North IH-35 between Davis Lane and Aquarena Springs Drive as well as to dedicate and construct a new road being Northgate Road. All lots will either have access to North IH-35 or Northgate Road. A 12" water line is being extended down the length of Northgate Road to serve the development as well as a 6" wastewater line that will extend through the rear of the lots. Additionally, a storm sewer system is being constructed as part of the development. The purpose of this plat is to legally subdivide the property for future development.

The applicant has chosen to defer the construction of these public improvements until after the plat is approved and recorded. Per Section 1.6.6.3 of the Land Development Code (LDC), the property owner will enter into a subdivision improvement agreement when public improvements are deferred until after final plat approval. This agreement includes, but is not limited to, provisions to complete the improvements, covenants to warranty the improvements, and provisions for securing the obligations of the agreement. Section 1.6.6.3 also states that the Planning and Zoning Commission is the governing body to approve the agreement. It has been reviewed for consistency with Section 1.6.6.3 and meets the criteria.

Staff has reviewed the request and finds the proposed plat and associated Subdivision Improvement Agreement meets all criteria of 1.6.6.3 and 1.6.5.5 of the LDC and **recommends approval**.

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

Prepared By:

Andrea Villalobos

Planning Technician

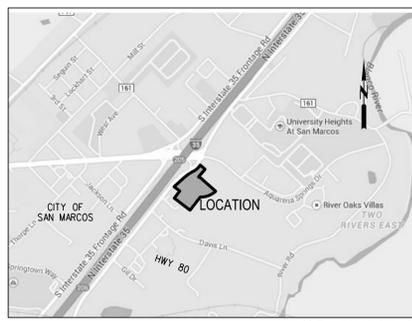
August 5, 2016

Name

Title

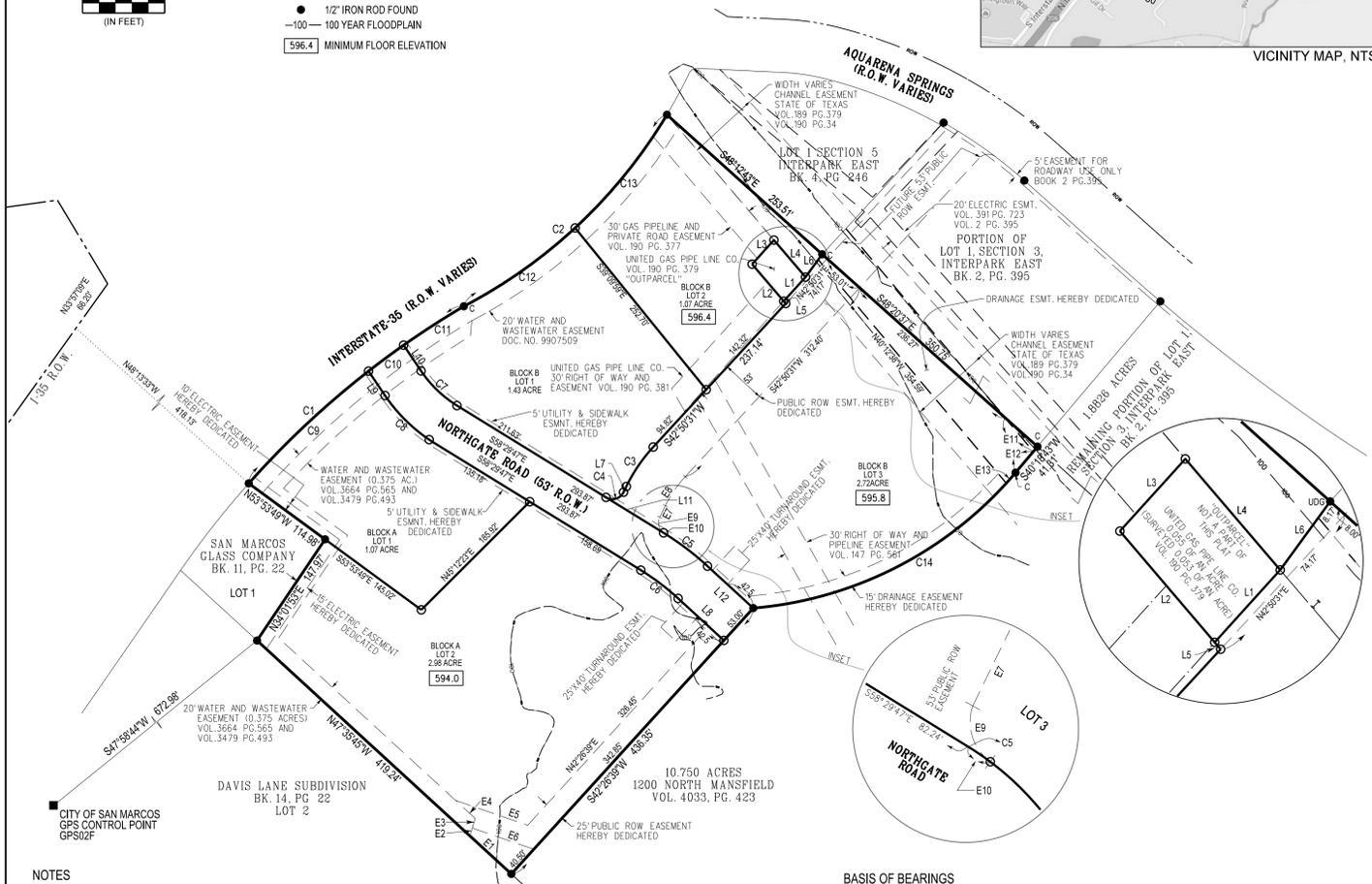
Date

NORTHGATE CENTER I



LEGEND

- 1/2" IRON ROD W/UDG CAP SET
- 1/2" IRON ROD W/UDG CAP FOUND
- 1/2" IRON ROD FOUND
- 100— 100 YEAR FLOODPLAIN
- 596.4 MINIMUM FLOOR ELEVATION



NOTES

1. THIS TRACT IS IN THE BLANCO RIVER WATERSHED.
2. THIS TRACT IS NOT IN THE EDWARD'S AQUIFER RECHARGE OR CONTRIBUTING ZONES AND IS NOT IN THE SAN MARCOS RIVER CORRIDOR.
3. SIDEWALKS ARE REQUIRED ALONG ALL RIGHT-OF-WAY IN THIS SUBDIVISION AND SHALL BE INSTALLED AT THE TIME OF CONSTRUCTION. IF SIDEWALKS EXIST LARGER THAN CITY MINIMUM THEN THE LARGER SIDEWALK WIDTH SHALL BE EXTENDED AS REQUIRED ALONG THE RIGHT-OF-WAY TO THE LIMITS OF THE PLAT.

THE UNDERSIGNED REGISTERED PUBLIC SURVEYOR HEREBY CERTIFIES THAT THIS PLAT IS TRUE AND CORRECT AND PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

JOHN NOELL, RPLS NO. 2433, TBPLS NO. 10065900 DATE

ENGINEER'S CERTIFICATION:

FLOODPLAIN NOTE
A PORTION OF THIS SUBDIVISION, AS SHOWN HEREON, LIES WITHIN ZONE "AE", SPECIAL FLOOD HAZARD AREAS INUNDATED BY THE 100-YEAR FLOODPLAIN BASED ON A SURVEY MADE ON THE GROUND DATED DECEMBER 10, 2012.

MINIMUM FINISHED FLOOR ELEVATION
THE MINIMUM FINISHED FLOOR ELEVATION FOR BUILDINGS IN THIS SUBDIVISION ARE AS SHOWN ON THE FACE OF THE PLAT.

JOHN NOELL, PE NO. 42657 DATE

BASIS OF BEARINGS
BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83 (1986 ADJUSTMENT), TEXAS SOUTH CENTRAL ZONE. ALL BEARINGS, DISTANCES AND ACRES SHOWN HEREON RELATE TO THIS DATUM AND GRID COORDINATE SYSTEM.

#	BEARING	DISTANCE
L1	S42°16'53"W	39.50'
L2	N40°36'12"W	59.14'
L3	N42°19'33"E	39.46'
L4	S40°38'17"E	59.10'
L5	S40°36'12"E	3.68'
L6	S36°13'02"W	34.31'
L7	S26°03'49"W	7.81'
L8	S47°33'21"E	75.34'
L9	S34°14'02"E	35.75'
L10	S34°14'02"E	37.76'
L11	S68°29'47"E	82.24'
L12	S47°33'21"E	75.34'

#	BEARING	DISTANCE
E1	N47°35'45"W	68.34'
E2	N16°54'04"E	10.02'
E3	N16°54'04"E	12.14'
E4	N47°35'45"W	32.41'
E5	S70°59'54"E	92.97'
E6	S70°59'54"E	79.19'
E7	S26°03'49"W	15.71'
E11	S40°12'38"E	54.19'
E12	S40°18'43"W	33.64'

#	R	D	L	T	C	CB
C1	1095.92'	17°46'07"	339.87'	171.31'	338.51'	N50°39'31"E
C2	622.96'	31°35'04"	343.41'	176.19'	339.08'	N46°50'02"E
C3	198.69'	16°46'41"	58.18'	29.30'	57.97'	S34°27'10"W
C4	15.00'	95°26'23"	24.99'	16.50'	22.20'	S73°47'01"W
C5	351.50'	10°58'27"	67.12'	33.66'	67.02'	S83°01'34"E
C6	298.50'	10°56'27"	57.00'	28.59'	56.91'	S83°01'34"E
C7	147.00'	24°15'45"	82.25'	31.80'	81.78'	S46°21'55"E
C8	200.00'	24°15'45"	84.69'	42.99'	84.06'	S46°21'55"E
C9	1095.92'	10°26'17"	199.65'	100.10'	199.38'	N46°59'36"E
C10	1095.92'	02°46'23"	53.04'	26.53'	53.04'	N53°35'56"E
C11	1095.92'	04°33'26"	87.17'	43.61'	87.15'	N57°15'51"E
C12	622.96'	15°15'40"	165.93'	83.46'	165.44'	N54°59'44"E
C13	622.96'	16°19'24"	177.48'	89.34'	176.89'	N39°12'13"E
C14	470.00'	44°54'26"	388.38'	194.23'	359.02'	S62°46'07"W

#	R	D	A	T	C	CB
E8	145.69'	16°46'41"	42.68'	21.49'	42.51'	S34°27'10"W
E9	15.00'	84°22'55"	22.91'	13.60'	20.15'	S16°07'39"E
E10	351.50'	00°10'42"	4.10'	0.55'	1.08'	N58°24'26"W
E13	470.00'	02°04'21"	17.00'	8.50'	17.00'	S41°23'04"W

NORTHGATE CENTER I
BEING 9.93 ACRES IN THE J.M. VERAMENDI SURVEY LEAGUE NO. 2, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

PROPERTY OWNER: AQUARENA SPRINGS COMMERCIAL, LLC
722 N. MAIN STREET
FORT WORTH, TEXAS 76164
817-870-2122

SURVEYOR/ENGINEER: URBAN DESIGN GROUP PC
3660 STONERIDGE ROAD, SUITE E101
AUSTIN, TX 78746
512-347-0040

SCALE: 1"=100'
DATE OF SURVEY: DECEMBER 10, 2012
SHEET 1 OF 2

NORTHGATE CENTER I

STATE OF TEXAS: _____
COUNTY OF _____

KNOW ALL MEN BY THESE PRESENTS: THAT AQUARENA SPRINGS COMMERCIAL, LLC, OWNER OF 11.74 ACRES IN THE JUAN MARTIN DE VERAMENDI LEAGUE, NO. 2, HAYS COUNTY, TEXAS, BEING DESCRIBED IN A CORRECTION DEED RECORDED IN VOLUME 4532, PAGE 300, OFFICIAL PUBLIC RECORDS OF SAID COUNTY, ACTING HEREIN BY AND THROUGH ITS GENERAL PARTNER, DONALD L. HUDGINS, JR., DO HEREBY SUBDIVIDE 9.93 ACRES IN ACCORDANCE WITH THIS PLAT, TO BE KNOWN AS "NORTHGATE CENTER I", AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN ON THIS PLAT.

DONALD L. HUDGINS, JR., GENERAL PARTNER
AQUARENA SPRINGS COMMERCIAL, LLC
722 N. MAIN STREET
FORT WORTH, TEXAS 76164

STATE OF TEXAS: _____
COUNTY OF _____
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DONALD L. HUDGINS, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID DONALD L. HUDGINS, JR., FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2016, A.D.

NOTARY PUBLIC

VERNON LEMENS, PRESIDENT
FIRST WORLD FINANCIAL LIMITED PARTNERSHIP
1509 GUADALUPE STREET
AUSTIN, TEXAS 78701

STATE OF TEXAS: _____
COUNTY OF _____
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED VERNON LEMENS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID VERNON LEMENS, FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2016, A.D.

NOTARY PUBLIC

VERNON LEMENS, PRESIDENT
LEMENS RIVER ROAD, LTD.
1509 GUADALUPE STREET
AUSTIN, TEXAS 78701

STATE OF TEXAS: _____
COUNTY OF _____
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED VERNON LEMENS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID VERNON LEMENS, FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2016, A.D.

NOTARY PUBLIC

STATE OF TEXAS: _____
COUNTY OF HAYS: _____

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2016, AT _____ O'CLOCK _____M., AND RECORDED ON THE _____ DAY OF _____, 2016, AT _____ O'CLOCK _____M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN BOOK _____, AT PAGE(S) _____.

LIZ GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

VERNON LEMENS, PRESIDENT
HAYS 50, LTD.
1509 GUADALUPE STREET
AUSTIN, TEXAS 78701

STATE OF TEXAS: _____
COUNTY OF _____
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED VERNON LEMENS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID VERNON LEMENS, FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2016, A.D.

NOTARY PUBLIC

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

JIM GARBER - CHAIRMAN

FRANCIS SERNA - RECORDING SECRETARY

APPROVED: _____
DATE _____ SHANNON MATTINGLY - PLANNING AND DEVELOPMENT SERVICES DIRECTOR

DATE _____ ENGINEERING DEPARTMENT

NORTHGATE CENTER I
BEING 9.93 ACRES IN THE J.M. VERAMENDI SURVEY LEAGUE NO. 2, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

PROPERTY OWNER: AQUARENA SPRINGS COMMERCIAL, LLC
722 N. MAIN STREET
FORT WORTH, TEXAS 76164
817-870-2122

SURVEYOR/ENGINEER: URBAN DESIGN GROUP PC
3660 STONERIDGE ROAD, SUITE E101
AUSTIN, TX 78746
512-347-0040

SCALE: 1"=100'
DATE OF SURVEY: DECEMBER 10, 2012
SHEET 2 OF 2



**City of San Marcos
Subdivision Improvement Agreement**

Subdivision Name: Northgate Center
Developer Name: Aquarena Springs, LLC
Developer Address: 722 N. Main Street
 Fort Worth, Texas 76164

Planning Dept. Case No.: 2015-18284

Recitals:

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

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

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

Agreement:

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

1. Recitals Incorporated. The Recitals are incorporated in this Agreement for all purposes.
2. Parties. The parties to this Agreement are the Developer and the City of San Marcos.
3. Effective Date. This Agreement is effective on the date the Developer signs it (the “Effective Date”).

4. Construction of Improvements. The Developer agrees to construct and install, at the Developer’s expense, all of the Public Improvements in compliance with applicable City ordinances, standards, and regulations, and in accordance with the construction plans and specifications approved by the City.

5. Security for Completion of Improvements. The Developer agrees to provide and continuously maintain security (the “Security”) for the completion of the Public Improvements in accordance with Section 1.6.6.4 of the LDC. The Security must be in the amount of 125% of the cost estimate for the Public Improvements approved by the City Director of Engineering.

6. Warranty and Maintenance Bond. The Developer agrees to correct all defects in materials or workmanship in the Public Improvements for a period of one year after acceptance by the City. The Developer agrees to provide a maintenance bond in favor of the City in the amount of 20% of the cost of the Public Improvements for a period of two years after acceptance by the City.

7. Lien Search Certificate. The Developer agrees to provide, at the time this Agreement is executed, a Lien Search Certificate prepared and signed by a title company acceptable to the City Attorney. The Lien Search Certificate must identify the property, must name all owners of the Property, must name all lienholders having liens against the Property, and must be dated no more than 10 days prior to the Effective Date. The Lien Search Certificate must be accompanied by a Consent of Lienholder signed by an authorized representative of each lienholder identified in the Lien Search Certificate. This Agreement will not be accepted without the Lien Search Certificate and the executed Consent of Lienholder, if applicable.

8. Acquisition of Property Interests. The Developer agrees to acquire at its expense all rights-of-way, easements and other real property interests needed for the construction of the Public Improvements, including all off-site improvements, in a manner suitable for dedication of the real

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To the Developer:
Donald L. Hodgins Jr. _____
Aquarena Springs LLC _____
722 N. Main St, _____
Fort Worth, TX. 76164 _____
Fax: _____

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

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

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

Executed by the parties to be Effective on _____

[signatures on following page]

City of San Marcos, Texas

By: _____
Jared Miller, City Manager

This instrument was acknowledged before me on _____, 201__ by Jared Miller, known personally by me to be the City Manager of the City of San Marcos, on behalf of the City of San Marcos.

Notary seal: _____
Notary Public, State of Texas

Developer:
_Aquarena Springs LLC _____

By: _____
Signature
_Donald L. Hudgins, JR. President _____
Printed name, title

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

Notary Seal: _____
Notary Public, State of _____

**Consent of Lienholder to
Subdivision Improvement Agreement**

Subdivision Name: _ Northgate Center _____
Developer Name: _ Aquarena Springs, LLC _____
Developer Address: _ 722 N. Main Street _____
 _ Fort Worth, Texas 76164 _____

Lienholder Name: _____
Lienholder Address: _____

Recitals:

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

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

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

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

Agreement:

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

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

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

Executed on _____

Lienholder:

By: _____

Printed name, title

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

Notary Seal:

Notary Public, State of _____

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

DESCRIBING AN 11.74 ACRE TRACT OF LAND BEING A PORTION OF THE JUAN MARTIN DE VERMENDI LEAGUE NO. 2, HAYS COUNTY, TEXAS, SAID 11.74 ACRE TRACT OF LAND ALSO BEING A PORTION OF THE FOLLOWING TWO TRACTS OF LAND:

- 1) 17.035 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO LEMENS RIVER ROAD, INC, THE HAYS 50 CORPORATION AND DAVID J. LISS AND RICHARD S. KEMP EXECUTED ON JUNE 29, 1985 AND RECORDED IN VOLUME 534 PAGE 390, DEED RECORDS OF SAID COUNTY,
 - 2) LOT 1, SECTION 3, INTERPARK EAST, A SUBDIVISION RECORDED IN BOOK 2 PAGE 395, PLAT RECORDS OF SAID COUNTY,
- SAID 11.74 ACRE TRACT BEING DESCRIBED AS 11.80 ACRES, **SAVE AND EXCEPT** ALL OF THAT CERTAIN 0.055 OF AN ACRE TRACT OF LAND DESCRIBED IN A DEED TO UNITED GAS PIPE LINE COMPANY EXECUTED ON MARCH 3, 1962 AND RECORDED IN VOLUME 190 PAGE 379, DEED RECORDS OF SAID COUNTY, SAID 11.80 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found at the northern most west corner of said 17.035 acre tract, same being the north corner of Lot 1, San Marcos Glass Company Subdivision, a subdivision recorded in Book 11 Page 22, Plat Records of said County and in the southeast right-of-way line of Interstate Highway No. 35 (R. O. W. varies);

THENCE, with the northern most northwest line of said 17.035 acre tract, same being the southeast line of said Interstate Highway No. 35, the following two courses:

- 1) Along a curve to the right having a radius of 1095.92 feet, an arc length of 339.87 feet, a central angle of 17°46'07" and a chord which bears N50°39'31"E, 338.51 feet to an iron rod with cap stamped UDG set;
- 2) Along a curve to the left having a radius of 622.96 feet, an arc length of 343.41 feet, a central angle of 31°35'04" and a chord which bears N46°50'02"E, 339.08 feet to an iron rod found at the north corner of said 17.035 acre tract, same being the west corner of Lot 1, Section 5, Interpark East, a subdivision recorded in Book 4 Page 246, Plat Records of said County;

THENCE, with the northeast line of said 17.035 acre tract, same being the southwest line of said Lot 1, S48°12'43"E, 253.51 feet to an iron rod with cap stamped UDG set at the south corner of said Lot 1, same being the west corner of Lot 1, Section 3, Interpark East, a subdivision recorded in Book 2 Page 395, Plat Records of said County;

THENCE, with the southeast line of said Lot 1, Section 5, same being the northwest line of said Lot 1, Section 3, N42°50'31"E, 217.43 feet to an iron rod found at the east corner of said Lot 1, Section 5,

same being the north corner of said Lot 1, Section 3 and in the southwest right-of-way line of Aquarena Springs Drive (60' R. O. W.);

THENCE, with the northeast line of said Lot 1, Section 3, same being the southwest line of said Aquarena Springs Drive, the following three courses:

- 1) Along a curve to the right having a radius of 574.61 feet, an arc length of 120.97 feet, a central angle of 12°03'44" and a chord which bears S54°29'55"E, 120.75 feet to an iron rod found;
- 2) S48°19'50"E, 160.00 feet to an iron rod with cap stamped UDG set;
- 3) Along a curve to left having a radius of 2560.00 feet, an arc length of 60.95 feet, a central angle of 1°21'51" and a chord which bears S49°00'38"E, 60.95 feet to an iron rod found;

THENCE, through the interior of said Lot 1, Section 3, S40°21'12"W, 231.06 feet to an iron rod with cap stamped UDG set in the southwest line of said Lot 1, Section 3, same being the northeast line of said 17.035 acre tract;

THENCE, through the interior of said 17.035 acre tract, the following three courses:

- 1) S40°18'43"W, 41.31 feet to an iron rod with cap stamped UDG set;
- 2) Along a curve to the right having a radius of 470.00 feet, an arc length of 368.38 feet, a central angle of 44°54'26" and a chord which bears S62°48'07"W, 359.02 feet to an iron rod found;
- 3) S42°26'39"W, 436.35 feet to an iron rod found in the northeast line of that certain 30.0 acre tract of land described in a deed to the City of San Marcos as described in Volume 148 Page 138, Deed Records of said County, same being the northeast line of Lot 2, Davis Lane Subdivision, a subdivision recorded in Book 14 Page 22, Plat Records of said County;

THENCE, with the southern most southwest line of said 17.035 acre tract, same being the northeast line of said Lot 2, N47°35'45"W, 419.24 feet to an iron rod found at the southern most west corner of said 17.035 acre tract, same being the south corner of said Lot 1, San Marcos Glass Company Subdivision;

THENCE, with the southern most northwest line of said 17.035 acre tract, same being the southeast line of said Lot 2, N34°01'53"E, 147.97 feet to an iron rod found;

THENCE, with the northern most southwest line of said 17.035 acre tract, same being the northeast line of said Lot 2, N53°53'49"W, 114.98 feet to the POINT OF BEGINNING and containing 11.80 acre of land, **SAVE AND EXCEPT** said 0.055 of an acre leaving a net area of 11.74 acres.

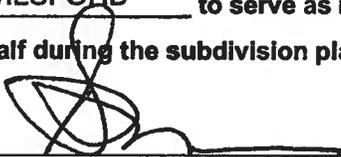
NA
PC-15-21-04

City of San Marcos
SUBDIVISION PLAT APPLICATION

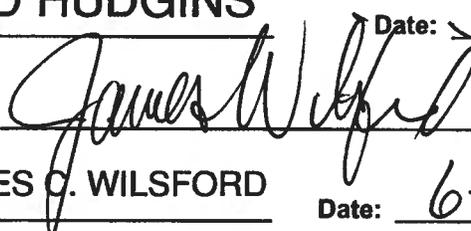
	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>URBAN DESIGN GROUP PC</u>	<u>DONALD L. HUDGINS, JR.</u>
Mailing Address	<u>3660 STONERIDGE RD STE E101</u> <u>AUSTIN TX 78746</u>	<u>722 N. MAIN</u> <u>FORT WORTH TX 76164</u>
Daytime Phone	<u>512.633.3136, 512.347.0040 X 106</u>	<u>817.654.1991</u>
Email Address	<u>JWILSFORD@UDG.COM</u>	<u>BHUDGINS@HUDGINSCOMPANIES.COM</u>

AGENT ACKNOWLEDGEMENT STATEMENT:

I BUD HUDGINS acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize JAMES C. WILSFORD 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: BUD HUDGINS Date: June 4, 2015

Signature of Agent: 

Printed Name: JAMES C. WILSFORD Date: 6-8-15



Subdivision Plats

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

- Variance
- Plat Vacation

Section _____
 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: NORTHGATE CENTER 1

Address or General Location: SOUTHEAST CORNER: IH-35 & AQUARENA SPRINGS

Proposed Number of Lots: 4 LOTS + R.O.W. Acres: 9.93

Appraisal District Tax ID: R12016

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

Proposed Use of Land COMMERCIAL / RETAIL

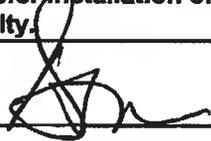
**Subdivision plat applications for land in the ETJ may be subject to additional requirements and review as defined by the Interlocal Agreement for the respective county.*

SUBDIVISION IMPROVEMENT AGREEMENT

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

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

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

Signature: 

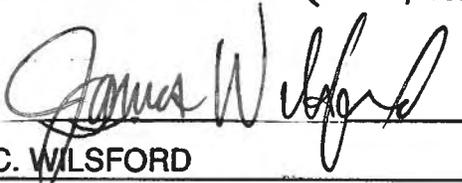
Printed Name: BUD HUDGINS

Date: June 4, 2015

- Complete application
- Required fees \$ 2,010.00 (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)
- 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: JAMES C. WILSFORD

Date: 10-8-15

*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: 6-8-15 5 Business Days from Submittal: 6-15-15

Completeness Review By: NICHOLAS APPREWHITE Date: 6-8-15

Contact Date for Supplemental Info: _____

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

Application Returned to Applicant: _____

Application Accepted for Review: _____ Fee: \$2003.00

Comments Due to Applicant 7-1-15

Date for Plat Resubmittals 7-10-15

Date of Planning and Zoning Commission Meeting: 7-28-15

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

Comments/Conditions _____

Signature of Gas Company Official [Signature]

Title Operations Supervisor

Date 1/30/15

AQUADENA SPRINGS - PROPOSED 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 _____

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 CENTURYLINK

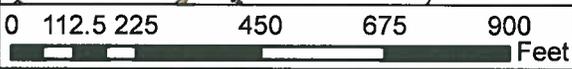
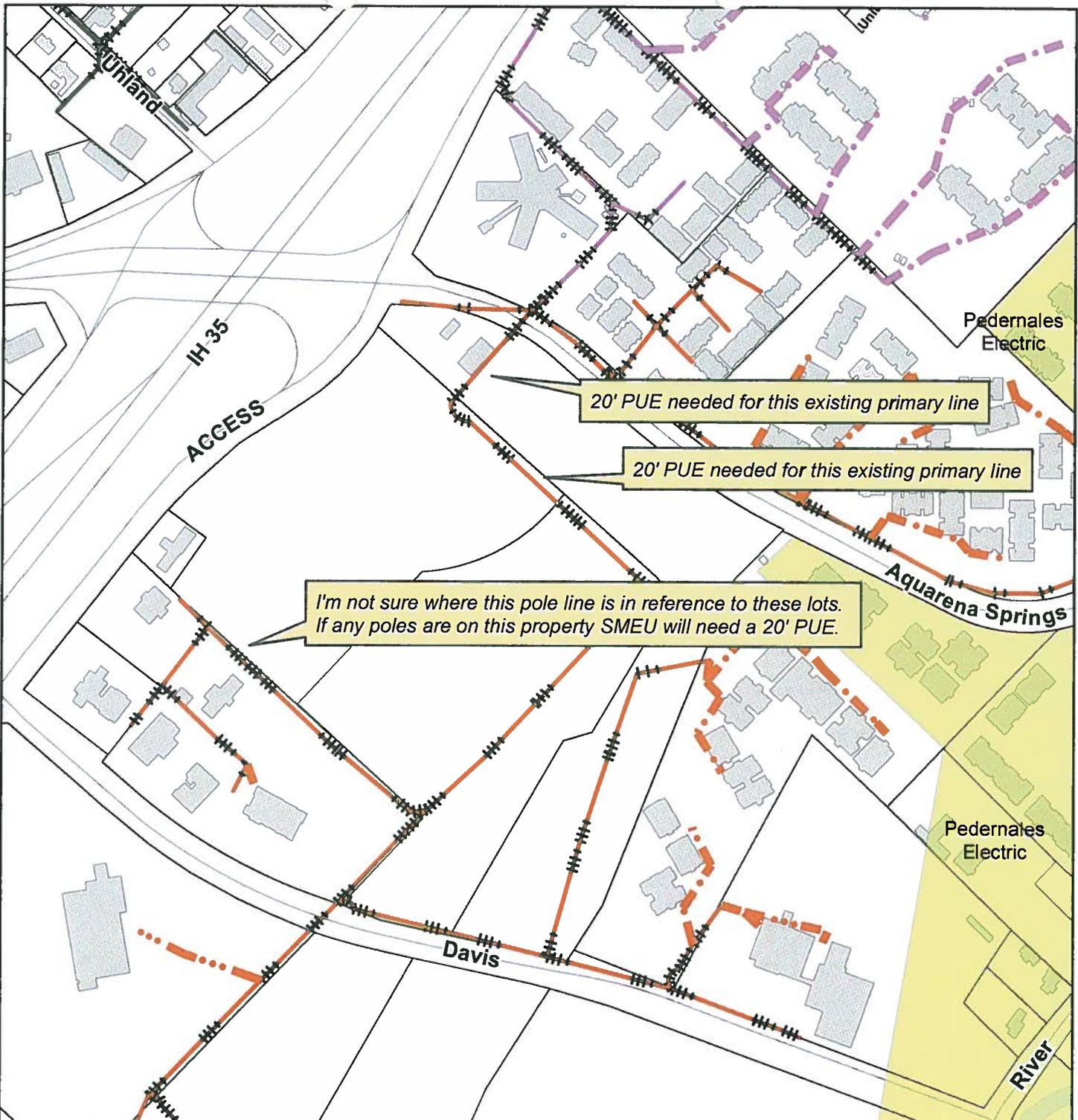
Applicable Utility Service Code(s) A

Comments/Conditions _____

Signature of Telephone Company Official Kenny Z...

Title: Plant Facilities Supv Date 1-28-15

SUBMITTAL REQUIREMENTS FOR ALL PLATS:



Job Description
Designed By:
Job Number:
Client Name:

Engineer:

2/4/2015

City of San Marcos
 Electric Utilities
 630 E Hopkins
 San Marcos, TX 78666
 (512) 393-8000




ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT:

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

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

Name of Electric Service Provider SMEU

Applicable Utility Service Code(s) C,D

Comments/Conditions 20' PUE needed for existing primary lines. (See Map)

Electric service not currently available to front access

road lots. Customer will need to discuss with SMEU

routing of electric service and easements will need to be granted
at that time.

Signature of Electric Company Official Morgan Willis

Title Electrical Engineering Technician Date 2/4/15

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 _____

Aguarona Springs E IH35 (Hudgins)

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 Jalwa

Title: Water Dist. Manager Date: Feb 06, 2015

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:

**** Electronically Filed Document ****

Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2013-13001693
Recorded As : ELECTRONIC RECORDING

Recorded On: January 17, 2013
Recorded At: 12:35:07 pm
Number of Pages: 12
Book-VI/Pg: Bk-OPR VI-4532 Pg-299
Recording Fee: \$56.00

Parties:

Direct- FIRST WORLD FINANCIAL LIMITED PAF
Indirect- AQUARENA SPRINGS COMMERCIAL LI

Receipt Number: 325398
Processed By: Lynn Curry

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

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



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

Liz Q. Gonzalez

Liz Q. Gonzalez, County Clerk

A Delaware Limited Partnership

LENDER NO. TWO: LEMENS RIVER ROAD, LTD.
A Texas Limited Partnership

LENDER NO. THREE: HAYS 50, LTD.
A Texas Limited Partnership

CONSIDERATION: TEN DOLLARS (\$10.00) cash and other good and valuable consideration; together with the further consideration of the execution and delivery by Grantee of (1) a \$463,248.15 promissory note to Lender No. One, further identified below; (2) a \$598,612.20 promissory note to Lender No. Two, and (3) a \$1,197,224.43 promissory note to Lender No. Three further identified below.

REAL PROPERTY

(INCLUDING ANY IMPROVEMENTS)
[THE "PROPERTY" HEREIN]:

11.74 Acres, more or less, of land out of the *JUAN MARTIN DE VERAMENDI LEAGUE NO. 2* in Hays County, Texas, being a portion of a 51.845-acre tract conveyed in Volume 534, Page 390, of the Deed Records of Hays County, Texas, and being a portion of Lot 1, Section 3, INTERPARK EAST, a subdivision in Hays County, Texas, according to the map or plat of record in Volume 2, Page 395, of the Plat Records of Hays County, Texas; said 11.74-acre tract is more fully described by metes and bounds in the attached Exhibit A.

**RESERVATIONS FROM & EXCEPTIONS
TO CONVEYANCE & WARRANTY:**

This conveyance is made and accepted subject to (i) those restrictions, covenants, reservations, conditions, rights-of-way, and easements listed on Exhibit B, and also to (ii) those other conditions which are valid, existing, and properly of record; and subject, further, to (iii) all zoning laws, regulations, and ordinances of municipal or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the Property.

lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

WAIVER OF WARRANTIES: GRANTOR HAS NOT MADE, DOES NOT MAKE, AND HEREBY NEGATES AND DISCLAIMS ANY REPRESENTATIONS OR WARRANTIES EITHER EXPRESS OR IMPLIED, EITHER UNDER COMMON LAW, STATUTE, OR OTHERWISE, AS TO THE PHYSICAL CONDITION, LAYOUT, FOOTAGE, ACREAGE, EXPENSES, OPERATION, OR ANY OTHER MATTER AFFECTING OR RELATING TO THE REAL OR PERSONAL PROPERTY, EXCEPT AS SPECIFICALLY SET FORTH OR REFERRED TO IN THIS DEED. TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE REAL AND PERSONAL PROPERTY IS CONVEYED "AS IS" AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS ANY AND ALL REPRESENTATIONS, WARRANTIES, OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION: (I) THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, OR PROFITABILITY, SUITABILITY, OR FITNESS FOR A PARTICULAR USE OR PURPOSE, OF BOTH THE REAL AND PERSONAL PROPERTY; (II) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS INCORPORATED INTO THE REAL PROPERTY; AND (III) THE MANNER, QUALITY, STATE OF REPAIR, OR LACK OF REPAIR OF THE REAL AND PERSONAL PROPERTY. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS, OR INFORMATION FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT, OR OTHER PERSON, UNLESS THEY ARE SPECIFICALLY SET FORTH OR REFERRED TO HEREIN. IT IS UNDERSTOOD AND AGREED THAT THE PURCHASE PRICE HAS BEEN ADJUSTED BY PRIOR NEGOTIATION TO REFLECT THAT ALL PROPERTY IS SOLD BY GRANTOR AND PURCHASED BY GRANTEE SUBJECT TO THIS WAIVER.

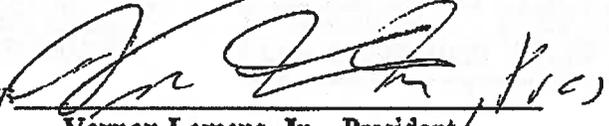
TERMS: When the context requires, singular nouns and pronouns include the plural; and masculine forms include the feminine.

EXECUTED TO BE EFFECTIVE as of December 14, 2012.

GRANTOR:

LEMENS RIVER ROAD, LTD.
A Texas Limited Partnership

By: **WORLD FINANCIAL CORPORATION**
A Delaware Corporation
GENERAL PARTNER

By: 
Vernon Lemens, Jr. - President

STATE OF TEXAS *
*
COUNTY OF TRAVIS *

ACKNOWLEDGED BEFORE ME by VERNON LEMENS, JR., President of WORLD FINANCIAL CORPORATION, a Delaware corporation and the General Partner of HAYS 50, LTD., a Texas limited partnership, on this 16th day of JANUARY, 2013 on behalf of said Delaware Corporation and said Texas limited partnership.

 **TERESA C. ADAMS**
Notary Public, State of Texas
My Commission Expires
DECEMBER 8, 2013
Teresa C. Adams
NOTARY PUBLIC ★ State of TEXAS

STATE OF TEXAS *
*
COUNTY OF TRAVIS *

ACKNOWLEDGED BEFORE ME by VERNON LEMENS, JR., President of WORLD FINANCIAL CORPORATION, a Delaware corporation and the General Partner of FIRST WORLD FINANCIAL LIMITED PARTNERSHIP, a Delaware limited partnership, on this 16th day of JANUARY, 2013 on behalf of said Delaware Corporation and said Delaware limited partnership.

 **TERESA C. ADAMS**
Notary Public, State of Texas
My Commission Expires
DECEMBER 8, 2013
Teresa C. Adams
NOTARY PUBLIC ★ State of TEXAS

UDG PROJECT NO. 12-690.063
FIELD NOTE NO. 1196
PAGE 2 OF 2

11.74 ACRES
JUAN MARTIN DE VERMENDI LEAGUE NO. 2
HAYS COUNTY, TEXAS

same being the north corner of said Lot 1, Section 3 and in the southwest right-of-way line of Aquarena Springs Drive (60' R. O. W.);

THENCE, with the northeast line of said Lot 1, Section 3, same being the southwest line of said Aquarena Springs Drive, the following three courses:

- 1) Along a curve to the right having a radius of 574.61 feet, an arc length of 120.97 feet, a central angle of 12°03'44" and a chord which bears S54°29'55"E, 120.75 feet to an iron rod found;
- 2) S48°19'50"E, 160.00 feet to an iron rod with cap stamped UDG set;
- 3) Along a curve to left having a radius of 2560.00 feet, an arc length of 60.95 feet, a central angle of 1°21'51" and a chord which bears S49°00'38"E, 60.95 feet to an iron rod found;

THENCE, through the interior of said Lot 1, Section 3, S40°21'12"W, 231.06 feet to an iron rod with cap stamped UDG set in the southwest line of said Lot 1, Section 3, same being the northeast line of said 17.035 acre tract;

THENCE, through the interior of said 17.035 acre tract, the following three courses:

- 1) S40°18'43"W, 41.31 feet to an iron rod with cap stamped UDG set;
- 2) Along a curve to the right having a radius of 470.00 feet, an arc length of 368.38 feet, a central angle of 44°54'26" and a chord which bears S62°48'07"W, 359.02 feet to an iron rod found;
- 3) S42°26'39"W, 436.35 feet to an iron rod found in the northeast line of that certain 30.0 acre tract of land described in a deed to the City of San Marcos as described in Volume 148 Page 138, Deed Records of said County, same being the northeast line of Lot 2, Davis Lane Subdivision, a subdivision recorded in Book 14 Page 22, Plat Records of said County;

THENCE, with the southern most southwest line of said 17.035 acre tract, same being the northeast line of said Lot 2, N47°35'45"W, 419.24 feet to an iron rod found at the southern most west corner of said 17.035 acre tract, same being the south corner of said Lot 1, San Marcos Glass Company Subdivision;

THENCE, with the southern most northwest line of said 17.035 acre tract, same being the southeast line of said Lot 2, N34°01'53"E, 147.97 feet to an iron rod found;

THENCE, with the northern most southwest line of said 17.035 acre tract, same being the northeast line of said Lot 2, N53°53'49"W, 114.98 feet to the POINT OF BEGINNING and containing 11.80 acre of land, SAVE AND EXCEPT said 0.055 of an acre leaving a net area of 11.74 acres.

Surveyed by:
URBAN DESIGN GROUP
3660 Stoneridge Road, # E101
Austin, Texas 78746
(512) 347-0040



John Noell

 John Noell, R.P.L.S. #2433

 Date: 12-13-12

Map attached.
Bearing Basis: Texas State Plane Coordinate System, NAD 83, Texas South Central Zone

A telecommunication cable system easement granted to AT&T Corp. by instrument recorded under Volume 3245, Page 677, of the Official Public Records of Hays County, Texas as noted on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.

All terms, conditions, and provisions of that certain agreement, dated December 1, 1973, of record in Volume 264, Page 160, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property.

A 5' roadway easement reserved along Aquarena Springs Drive, as shown on the plat of record in Volume 2, Page 395, of the Plat Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

An electric transmission and distributing line easement granted to Texas Power & Light Company, as described in Volume 94, Page 465, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states "Description within document is not sufficient to locate the easement, may apply to this site."

An electric transmission and/or distribution line easement granted to Texas Power & Light Company, as described in Volume 96, Page 213, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."

An electric transmission and/or distribution line easement granted to the Lower Colorado River Authority, as described in Volume 120, Page 101, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."

An electric transmission and/or distribution line easement granted to the Lower Colorado River Authority, as described in Volume 123, Page 543, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."

A telephone and telegraph or other signal or communication circuits easement granted to Southwestern Bell Telephone Company, as described in Volume 123, Page 592, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."



Legislation Text

File #: PC-16-23_01, Version: 1

AGENDA CAPTION:

PC-16-23_01 (Trace Concept Plat) Consider a request by Caren Williams, on behalf of High Pointe Trace, LLC, for approval of a Concept Plat for approximately 417.60 acres, more or less out of the William H. Van Horn Survey, located east of IH-35 and south of Posey Road. (B. Melland)

Meeting date: August 23, 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

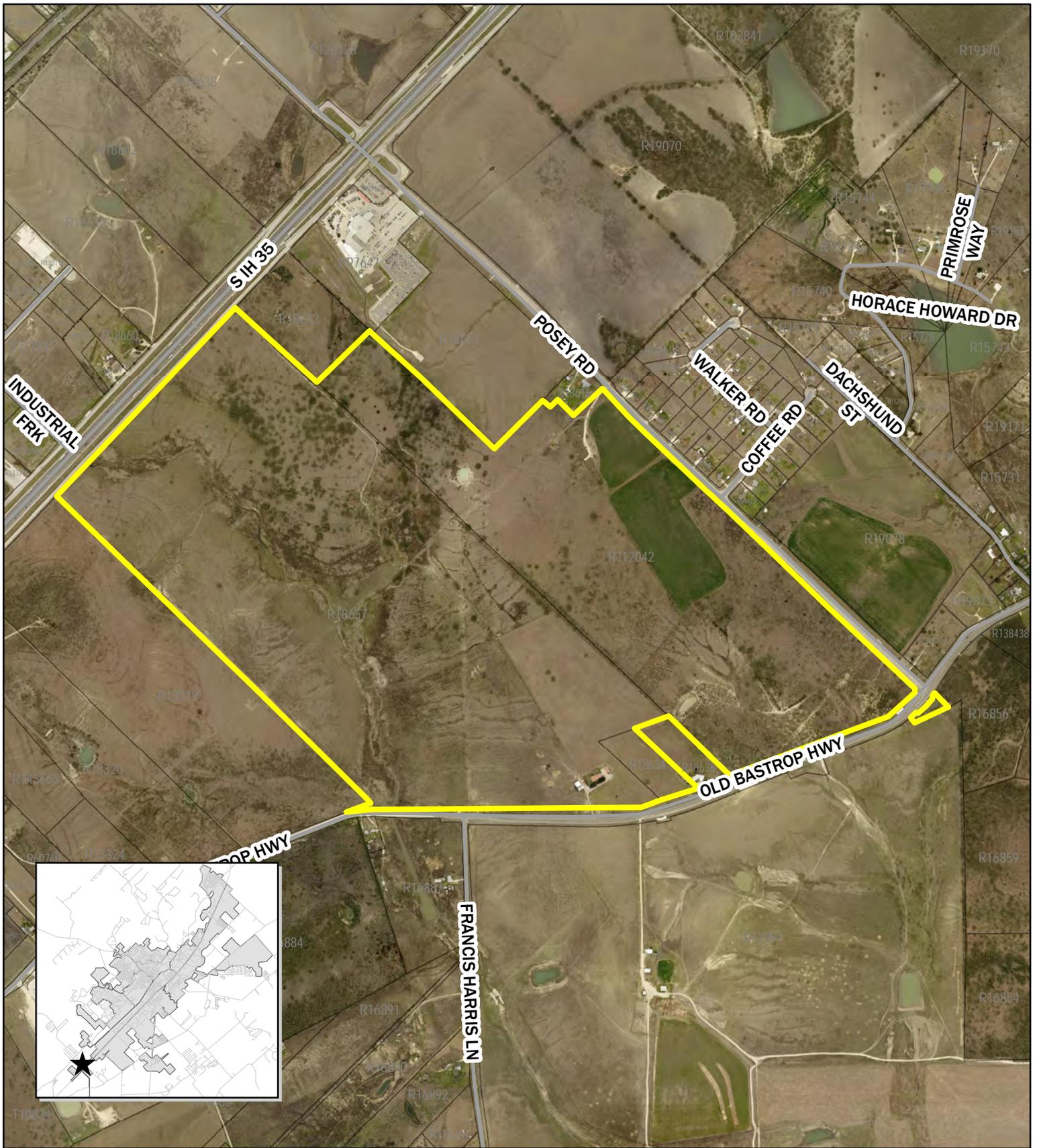
COMPREHENSIVE PLAN ELEMENT(S): N/A

BACKGROUND: The property is located within the City Limits, between IH-35 and Old Bastrop Hwy, on the south side of Posey Road. The use of the property is regulated by a "PDD" Planned Development District Zoning which was approved by City Council on October 20th, 2015. The annexation of this property was also approved on October 20th, 2015. The property is also subject to the provisions of an approved Public Improvement District which provides for the construction of collector streets, water and wastewater improvements, and drainage improvements.

The Concept Plat provides for a phased mixed-use development that will include Commercial uses, up to 850 Multi-family Residential units, 996 Single-Family Residential units, and approximately 92 acres of parks and open-space.

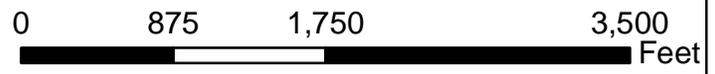
Transportation improvements include three main Collector Road Segments proposed to be extended through the site. City water and wastewater is also proposed to be extended, which includes the construction of two lift stations at the eastern most portion of the site as well as a force main that will extend offsite to Centerpoint Road.

Staff has reviewed the request and determined that all of the criteria of the Land Development Code and the "PDD" Planned Development District Zoning have been met and is recommending approval of this concept plat as submitted.



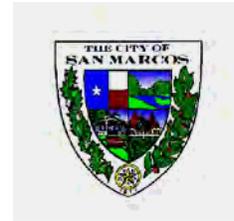
PC-16-23_01
Trace Highpoint
Concept Plat
Map Date: 8/11/2016

 PC-16-23_01



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-16-23_01 Concept Plat, Trace-Highpointe



Applicant Information:

Agent: Caren Williams
Highpointe Communities, Inc.
5818 S. Old Bastrop Hwy.
San Marcos, TX 78666

Property Owner: Highpointe Trace, LLC.
2 Venture, Suite 350
Irvine, CA 92618

Notification: Notification not required

Subdivision Type& Name: Concept Plat, Highpointe Trace

Subject Property:

Summary: The subject property is approximately 417.6 acres, more or less, and is generally located between IH-35 and Old Bastrop Hwy, south of Posey Road.

Zoning: "PDD" – Planned Development District

Traffic/ Transportation: The development of this property requires the extension of three Collector Road segments through the site. All other roads and connections will be required to meet the minimum City of San Marcos standards as well as the Roadway design standards of the associated "PDD" Planned Development District.

Utility Capacity: City water and wastewater will be extended through the site. Electric service will be provided by Pedernales Electric Cooperative, Inc.

Planning Department Analysis:

The purpose of a Subdivision Concept Plat is to delineate the sequence of development within a proposed subdivision, where the tract to be developed is part of a larger parcel owned or controlled by the applicant, in order to determine compliance with the City Comprehensive Plan, applicable zoning regulations, and the availability and capacity of public improvements needed for the subdivision and larger parcel.

The subject property consists of approximately 417.6 acres of land located within the City Limits, between IH-35 and Old Bastrop Hwy, south of Posey Road. The use of the property is regulated by a "PDD" Planned Development District Zoning which was approved by City Council on October 20th, 2015. The annexation of this property was also approved on October 20th, 2015. The property is also subject to the provisions of an approved Public Improvement District which provides for the construction of collector streets, water and wastewater improvements, and drainage improvements.

The Concept Plat provides for a phased mixed-use development that will include Commercial uses, up to 850 Multi-family Residential units, 996 Single-Family Residential units, and approximately 92 acres of parks and open-space. The attached "Phasing Plan" illustrates that approximately half of the proposed Single-Family Development (Planning Areas 1A, 1B, and 2) is planned to be developed in Phase 1. However, the infrastructure for Planning Areas 9, 10, 11, and 12, which are proposed for Commercial uses, will also be installed within Phase 1 (Phase 1B). The remaining Phases 2 and 3, are planned for single family development.

The proposed Concept *Plat* conforms to the applicable requirements of the approved PDD document. Applicable requirements within the PDD include conformance with the approved Concept *Plan*, maximum number of dwelling units, maximum number of small-lot configuration single-family units, park design, lot orientation, and overall connectivity. More specifically, the PDD allows for a maximum of 1,212 single-family dwelling units, with no more than 30% being small lot configuration. The Concept Plat indicates approximately 996 single-family units and 328 small-lot units; which meets PDD requirements.

Transportation improvements include three main Collector Road Segments proposed to be extended through the site. City water and wastewater is also proposed to be extended, which includes the construction of two lift stations at the eastern most portion of the site as well as a force main that will extend offsite to Centerpoint Road.

The following criteria is used to determine whether an application for a Subdivision Concept Plat should be approved, approved with conditions, or denied:

- (1) The plat is consistent with applicable zoning requirements and any approved development agreement;
- (2) The plat conforms to the approved Watershed Protection Plan (Phase 1);
- (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities is adequate to serve each phase of the subdivision;
- (4) The schedule of development is feasible and prudent, and assures that the proposed development will progress to completion;
- (5) The proposed Subdivision Concept Plat meets residential compatibility standards;
- (6) If the land lies within a Planned Development (PD) zoning district, a Development Transfer Receiving DTR zoning district, or is subject to a Cluster Development Plan, the proposed Subdivision Concept Plat conforms to the PD or DTR district regulations and is consistent with the incorporated Concept Plan, or is consistent with the approved Cluster Development Plan;
- (7) The location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plat;
- (8) Where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and is subject to an inter-local agreement under Tex. Loc. Gov't Code Ch. 242, the proposed Subdivision Concept Plat meets any county standards to be applied under the agreement.

Staff has reviewed the request and determined that all of the above criteria have been met and is recommending **approval** of this Concept Plat as submitted.

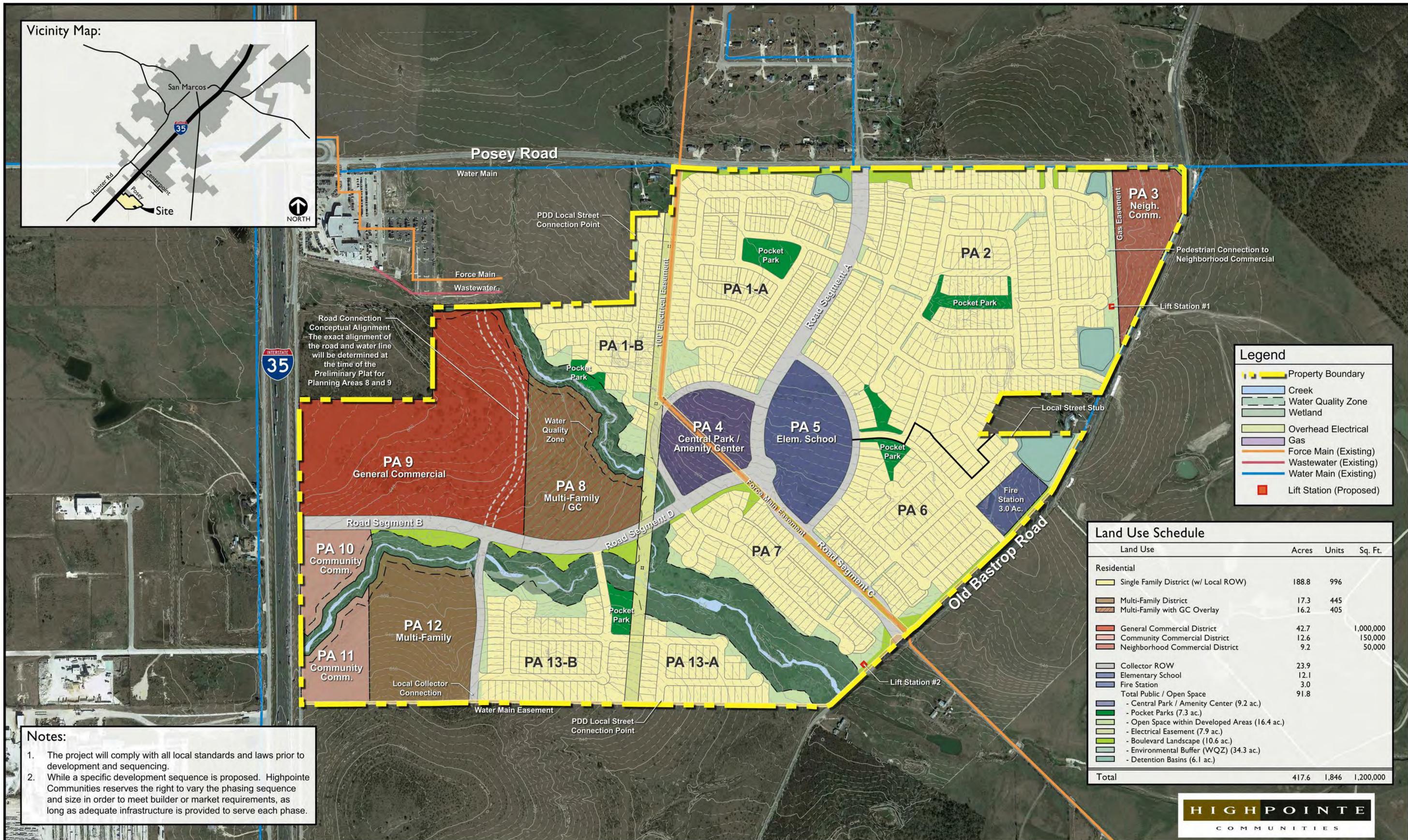
Planning Department Recommendation	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Statutory Denial

Prepared By:

Brandon Melland, AICP	Senior Planner	August 23, 2016
Name	Title	Date

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Concept 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.



Legend

- Property Boundary
- Creek
- Water Quality Zone
- Wetland
- Overhead Electrical
- Gas
- Force Main (Existing)
- Wastewater (Existing)
- Water Main (Existing)
- Lift Station (Proposed)

Land Use Schedule

Land Use	Acres	Units	Sq. Ft.
Residential			
Single Family District (w/ Local ROW)	188.8	996	
Multi-Family District	17.3	445	
Multi-Family with GC Overlay	16.2	405	
General Commercial District	42.7		1,000,000
Community Commercial District	12.6		150,000
Neighborhood Commercial District	9.2		50,000
Collector ROW	23.9		
Elementary School	12.1		
Fire Station	3.0		
Total Public / Open Space	91.8		
- Central Park / Amenity Center (9.2 ac.)			
- Pocket Parks (7.3 ac.)			
- Open Space within Developed Areas (16.4 ac.)			
- Electrical Easement (7.9 ac.)			
- Boulevard Landscape (10.6 ac.)			
- Environmental Buffer (WQZ) (34.3 ac.)			
- Detention Basins (6.1 ac.)			
Total	417.6	1,846	1,200,000

Notes:

- The project will comply with all local standards and laws prior to development and sequencing.
- While a specific development sequence is proposed, Highpointe Communities reserves the right to vary the phasing sequence and size in order to meet builder or market requirements, as long as adequate infrastructure is provided to serve each phase.



CONCEPT PLAT - OVERALL

SCALE : 1" = 300'

0 150 300 600

DATE : 08-04-2016

NORTH

Aerial Photography circa January 2014

2' Contour Interval

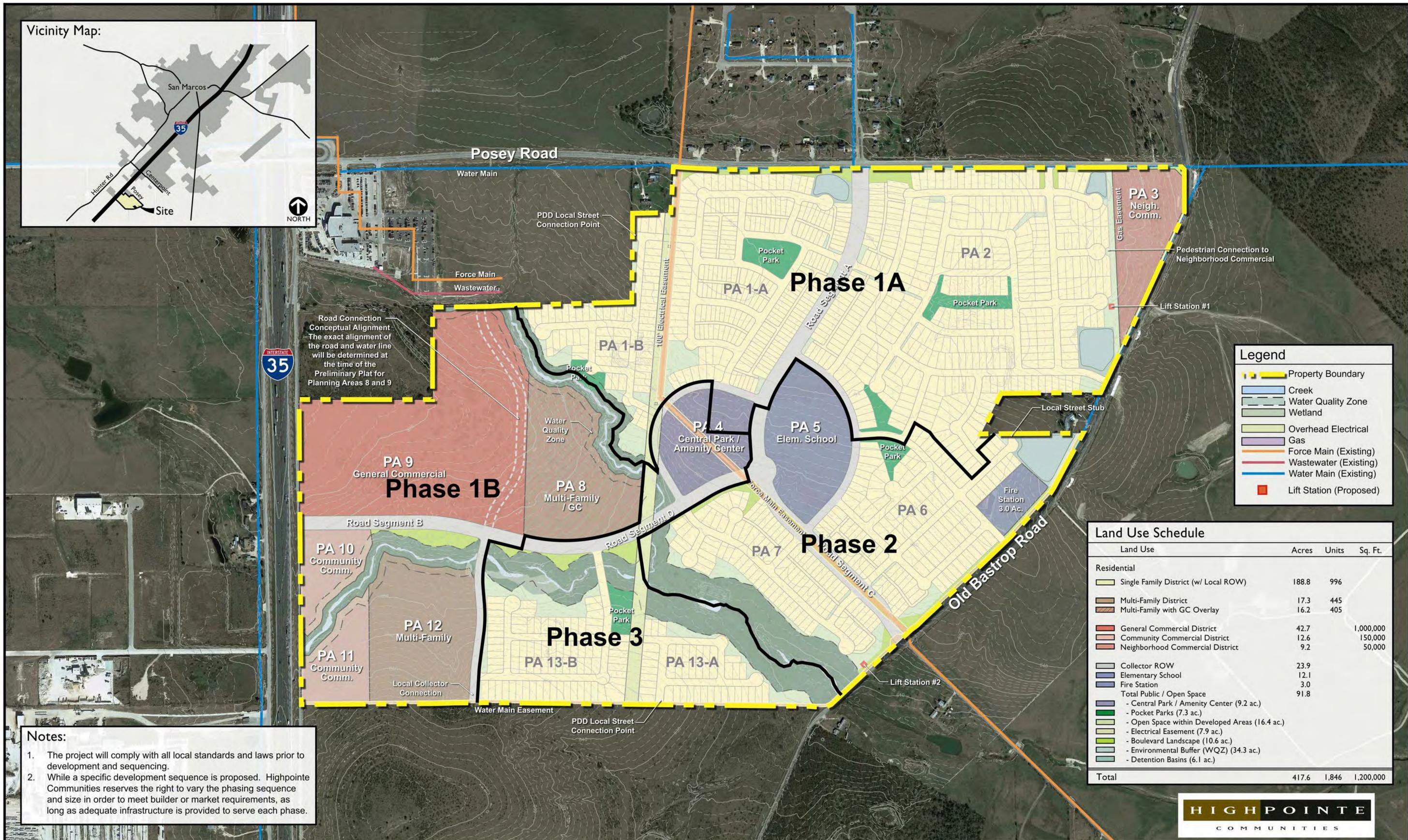


712 Congress Avenue, Suite 300
Austin, TX 78701
Tel: (512) 480-0032 Fax: (512) 480-0617
www.rvplanning.com



All information furnished regarding this property is from sources deemed reliable. However, RVI has not made an independent investigation of these sources and no warranty or representation is made by RVI as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. Land plan is subject to change. The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.

File: L2014114411616Concept Plat/Concept Plat/Con04.dwg



Legend

- Property Boundary
- Creek
- Water Quality Zone
- Wetland
- Overhead Electrical
- Gas
- Force Main (Existing)
- Wastewater (Existing)
- Water Main (Existing)
- Lift Station (Proposed)

Land Use Schedule

Land Use	Acres	Units	Sq. Ft.
Residential			
Single Family District (w/ Local ROW)	188.8	996	
Multi-Family District	17.3	445	
Multi-Family with GC Overlay	16.2	405	
General Commercial District	42.7		1,000,000
Community Commercial District	12.6		150,000
Neighborhood Commercial District	9.2		50,000
Collector ROW	23.9		
Elementary School	12.1		
Fire Station	3.0		
Total Public / Open Space	91.8		
- Central Park / Amenity Center (9.2 ac.)			
- Pocket Parks (7.3 ac.)			
- Open Space within Developed Areas (16.4 ac.)			
- Electrical Easement (7.9 ac.)			
- Boulevard Landscape (10.6 ac.)			
- Environmental Buffer (WQZ) (34.3 ac.)			
- Detention Basins (6.1 ac.)			
Total	417.6	1,846	1,200,000

Notes:

- The project will comply with all local standards and laws prior to development and sequencing.
- While a specific development sequence is proposed, Highpointe Communities reserves the right to vary the phasing sequence and size in order to meet builder or market requirements, as long as adequate infrastructure is provided to serve each phase.



CONCEPT PLAT - PHASING

SCALE : 1" = 300'
 0 150 300 600
 DATE : 08-04-2016



Aerial Photography circa January 2014
 2' Contour Interval



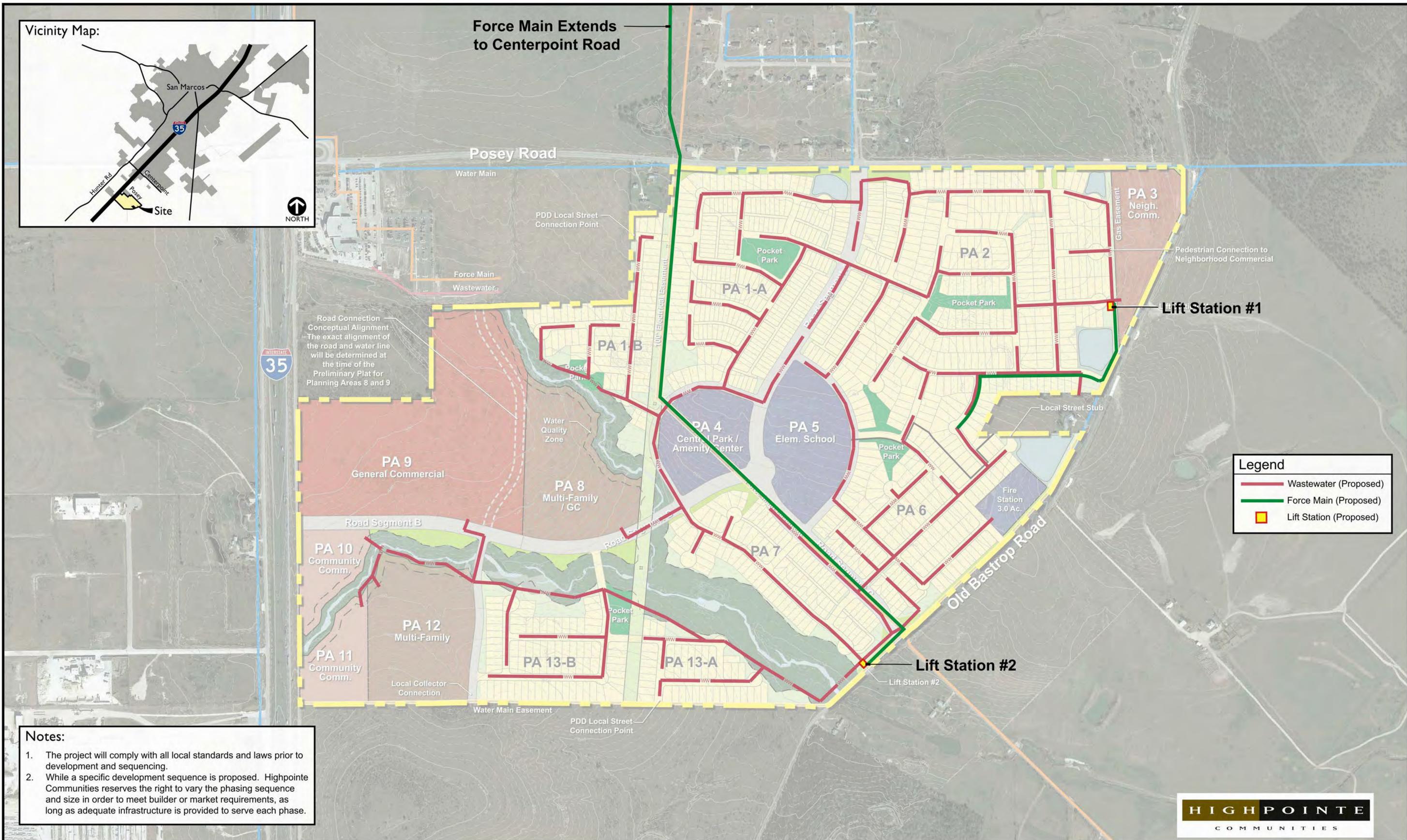
712 Congress Avenue, Suite 300
 Austin, TX 78701
 Tel: (512) 480-0032 Fax: (512) 480-0617
 www.rvplanning.com



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Force Main Extends to Centerpoint Road



Road Connection Conceptual Alignment
The exact alignment of the road and water line will be determined at the time of the Preliminary Plat for Planning Areas 8 and 9

Legend	
	Wastewater (Proposed)
	Force Main (Proposed)
	Lift Station (Proposed)

- Notes:**
1. The project will comply with all local standards and laws prior to development and sequencing.
 2. While a specific development sequence is proposed. Highpoint Communities reserves the right to vary the phasing sequence and size in order to meet builder or market requirements, as long as adequate infrastructure is provided to serve each phase.



CONCEPT PLAT - WASTEWATER SYSTEM

SCALE : 1" = 300'
0 150 300 600
DATE : 08-04-2016



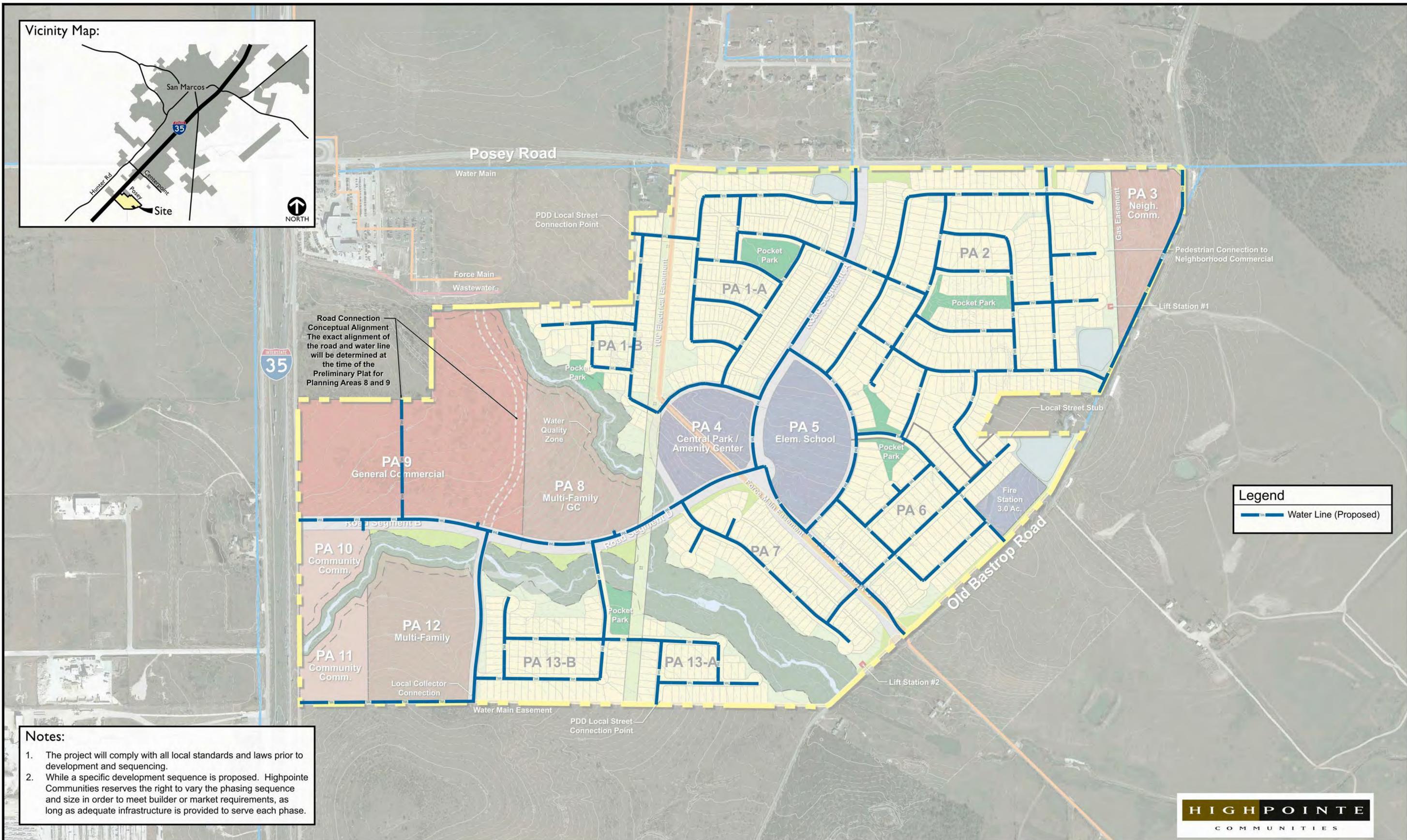
Aerial Photography circa January 2014
2' Contour Interval

712 Congress Avenue, Suite 300
Austin, TX 78701
Tel: (512) 480-0032 Fax: (512) 480-0617
www.rvplanning.com



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Vicinity Map:



Road Connection Conceptual Alignment
 The exact alignment of the road and water line will be determined at the time of the Preliminary Plat for Planning Areas 8 and 9

Legend

— Water Line (Proposed)

- Notes:**
1. The project will comply with all local standards and laws prior to development and sequencing.
 2. While a specific development sequence is proposed. Highpointe Communities reserves the right to vary the phasing sequence and size in order to meet builder or market requirements, as long as adequate infrastructure is provided to serve each phase.

TRACE
 San Marcos, Texas

CONCEPT PLAT - WATER SYSTEM

SCALE : 1" = 300'
 0 150 300 600
 DATE : 08-04-2016

NORTH

Aerial Photography circa January 2014
 2' Contour Interval

HIGH POINTE
 COMMUNITIES

712 Congress Avenue, Suite 300
 Austin, TX 78701
 Tel: (512) 480-0032 Fax: (512) 480-0617
 www.rvplanning.com

planning • landscape architecture

All information furnished regarding this property is from sources deemed reliable. However, RVI has not made an independent investigation of these sources and no warranty or representation is made by RVI as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. Land plan is subject to change. The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.

City of San Marcos
SUBDIVISION PLAT APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	Caren Williams Vice President, Highpointe Communities, Inc. 5818 S. Old Bastrop Hwy.	Highpointe Trace, LLC, a California limited liability company
Mailing Address	San Marcos, TX 78666	2 Venture, Suite 350 Irvine, CA 92618
Daytime Phone	512-757-7006	949-472-0174
Email Address	caren.williams@highpointeinc.com	tim.england@highpointeinc.com

AGENT ACKNOWLEDGEMENT STATEMENT:

I, Highpointe Trace, LLC acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize Caren Williams 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: See attached signature page

Printed Name: Timothy D. England **Date:** 5-16-2016

Signature of Agent: *Caren Williams*

Printed Name: Caren L. Williams **Date:** 5-16-2016

TYPE OF APPLICATION

Subdivision Plats

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

Development Plats

- Preliminary Development Plat
- Final Development Plat

- Variance Section _____
- Plat Vacation Accompanying _____

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: Trace

Address or General Location: Posay Road / IH35 / Old Bastrop Hwy

Proposed Number of Lots: 995 Acres: 417.6

Appraisal District Tax ID: R

- Located In
- City Limits
 - S.M. River Corridor
 - ETJ (County Hays)
 - Planned Development District

Proposed Use of Land commercial + residential

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: See attached Signature page

Printed Name: Timothy D. England Date: 5-16-2016

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
- 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: Caren Williams

Printed Name: Caren L. Williams

Date: 5-16-2016

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: _____ 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: _____



Legislation Text

File #: PC-16-30_03, Version: 1

AGENDA CAPTION:

PC-16-30_03 (Blanco Vista Tract E-2) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 16.5 acres, more or less, out of the William Ward League Survey, located east of Blanco Vista Boulevard. (A. Brake)

Meeting date: August 23, 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: Big Picture Infrastructure

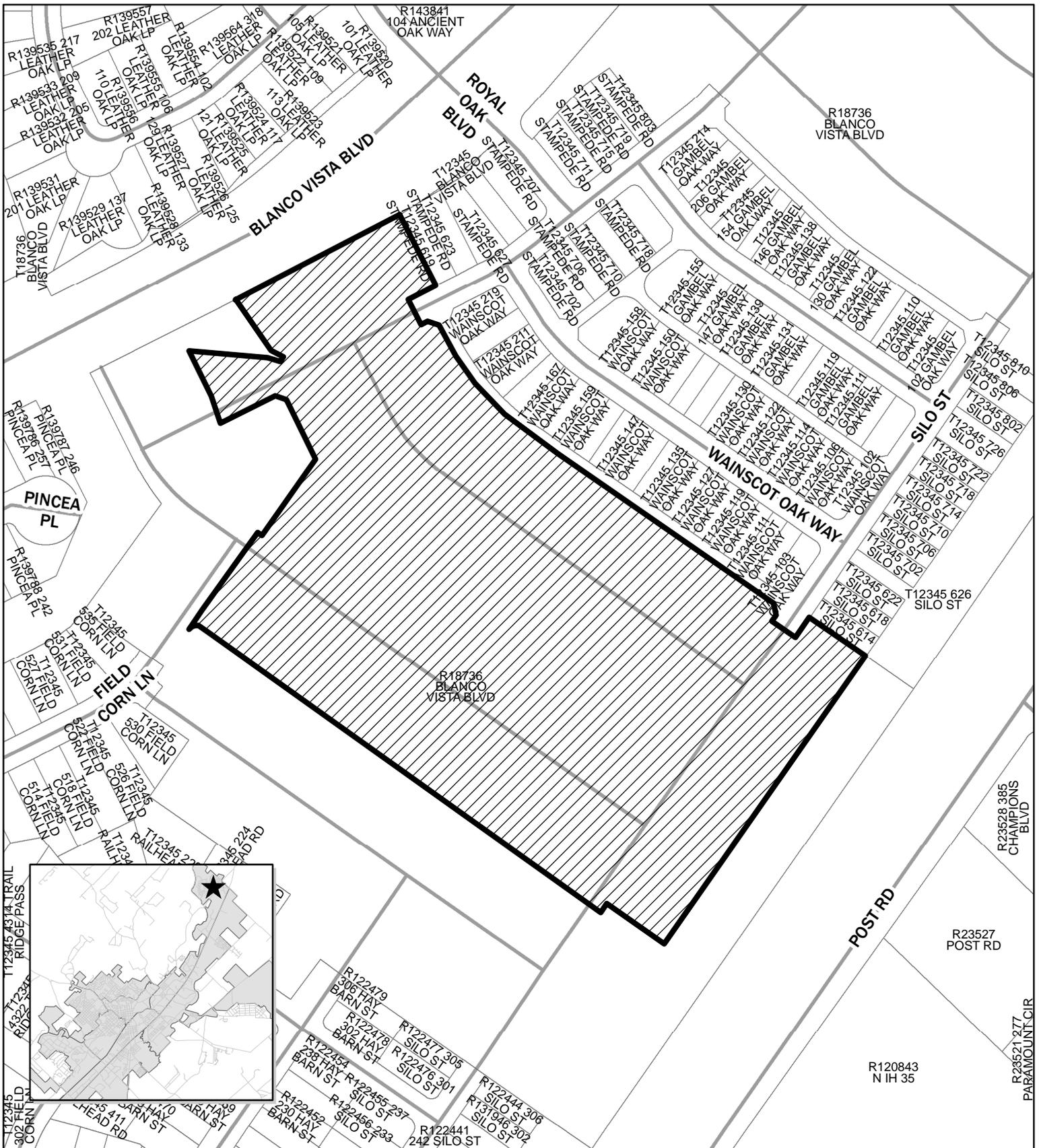
COMPREHENSIVE PLAN ELEMENT(S): N/A

BACKGROUND:

The subject property is part of the Blanco Vista Planned Development District, and has a base zoning of Mixed Use. This section is within the single-family portion of the development and provides for the development of 105 residential lots, one (1) drainage lot and two (2) small park lots. The drainage lot and park lots will be maintained by the Blanco Vista Homeowner's Association. Two (2) new streets and one (1) new alley are proposed. The proposed streets are named Friendship Oak Drive and Mossycup Drive. The un-named alleys are proposed to be one-way public alleys. Previously approved Stampede Road and Silo Street will be extended as part of this section. The site is part of the continued build-out of the Blanco Vista subdivision and is consistent with the development of the PDD. Parkland dedication was completed with the initial phase of this project, and is not required for this individual plat.

The Commission shall determine whether the application for the Final Plat shall be approved, approved with conditions, or denied.

Staff has reviewed the request and determined that all of the criteria of Section 1.6.5.5 of the Land Development Code have been met and is recommending approval of the Final Plat as submitted.

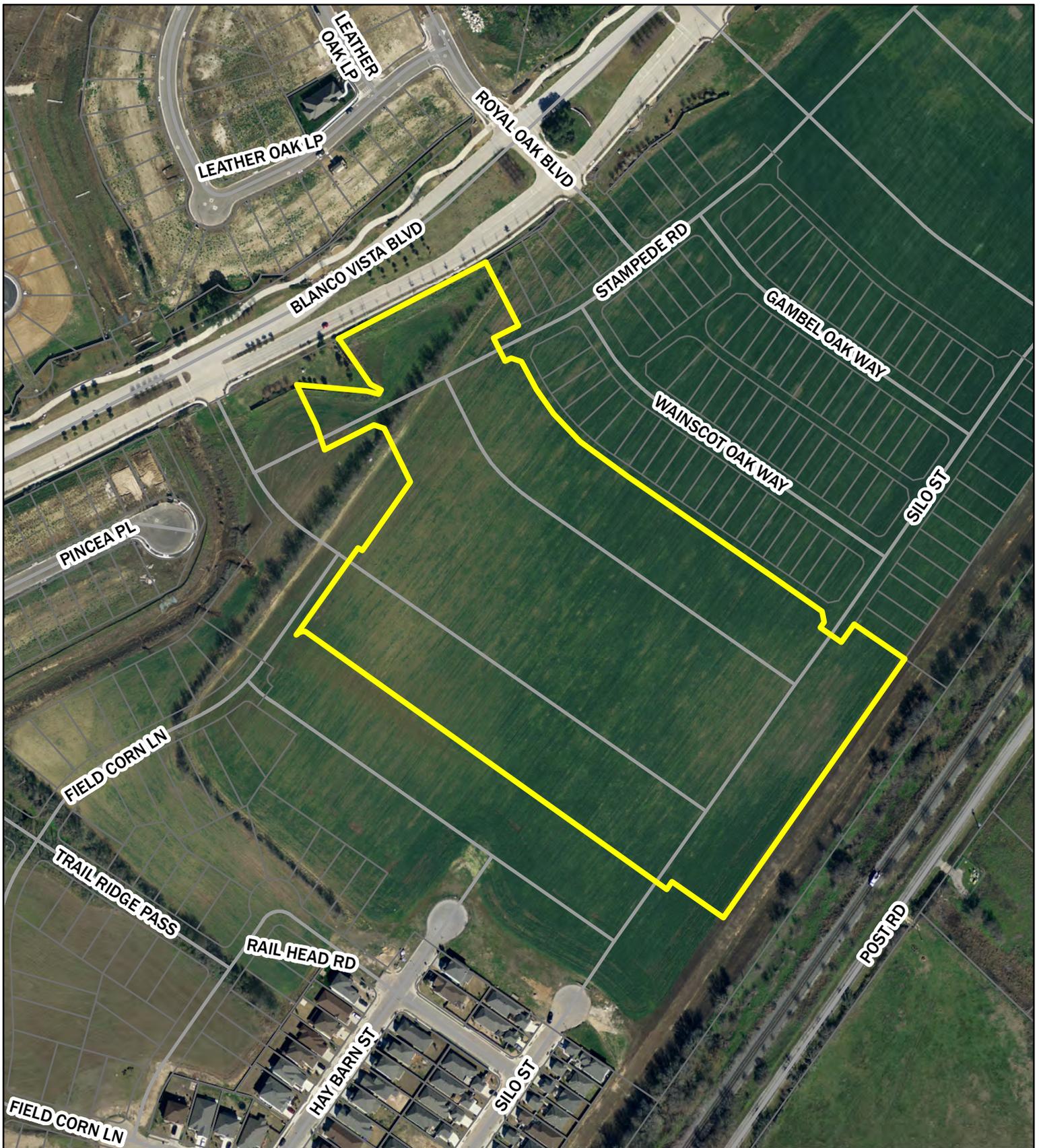


PC-16-30_03
Blanco Vista Tract E-2
Final Plat
Map Date: 8/5/2016

Legend
 Blanco Vista Tract E-2



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-1*-' \$ _0'
Blanco Vista Tract E-2
Final Plat
Map Date: 8/5/2016

Legend

 Blanco Vista Tract E-2

0 125 250 500
Feet

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

PC-16-30_03 Final Plat Blanco Vista, Tract E-2



Applicant Information:

Agent: CSF Civil Group
3636 Executive Center Drive
Suite 209
Austin, Texas 78731

Property Owner: Brookfield Residential
9737 Great Hills Trail
Suite 260
Austin, Texas 78759

Notification: Notification not required

Type & Name of Subdivision: Final Plat, Blanco Vista, Tract E-2

Subject Property:

Summary: The subject property is approximately 16.5 acres, more or less, and is located east of Blanco Vista Boulevard.

Zoning: Mixed Use/PDD

Traffic/ Transportation: The property is east of Blanco Vista Boulevard and directly accessed from Stampede Road. Four (4) foot sidewalks will be installed as part of the development of this plat. The plat proposes two new streets, Friendship Oak Drive and Mossycup Drive, as well as the continuation of Stampede Road and Silo Street.

Utility Capacity: All utilities and streets will be extended and constructed by the applicant.

Planning Department Analysis:

The subject property is part of the Blanco Vista Planned Development District, and has a base zoning of Mixed Use. This section is within the single-family portion of the development and provides for the development of 105 residential lots, one (1) drainage lot and two (2) small park lots. The drainage lot and park lots will be maintained by the Blanco Vista Homeowner's Association. Two (2) new streets and one (1) new alley are proposed. The proposed streets are named Friendship Oak Drive and Mossycup Drive. The un-named alleys are proposed to be one-way public alleys. Previously approved Stampede Road and Silo Street will be extended as part of this section. The proposed plat is consistent with development in the PDD. The site is part of the continued build-out of the Blanco Vista subdivision and is not located in floodplain or floodway. Parkland dedication was completed with the initial phase of this project, and is not required for this individual plat.

Staff has reviewed the request and determined that the final plat meets the requirements of Section 1.6.5.5 of the Land Development Code and recommends **approval**.

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

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Final Subdivision 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, or to statutorily deny (an action that keeps the applicant "in process") the plat.

Prepared By:

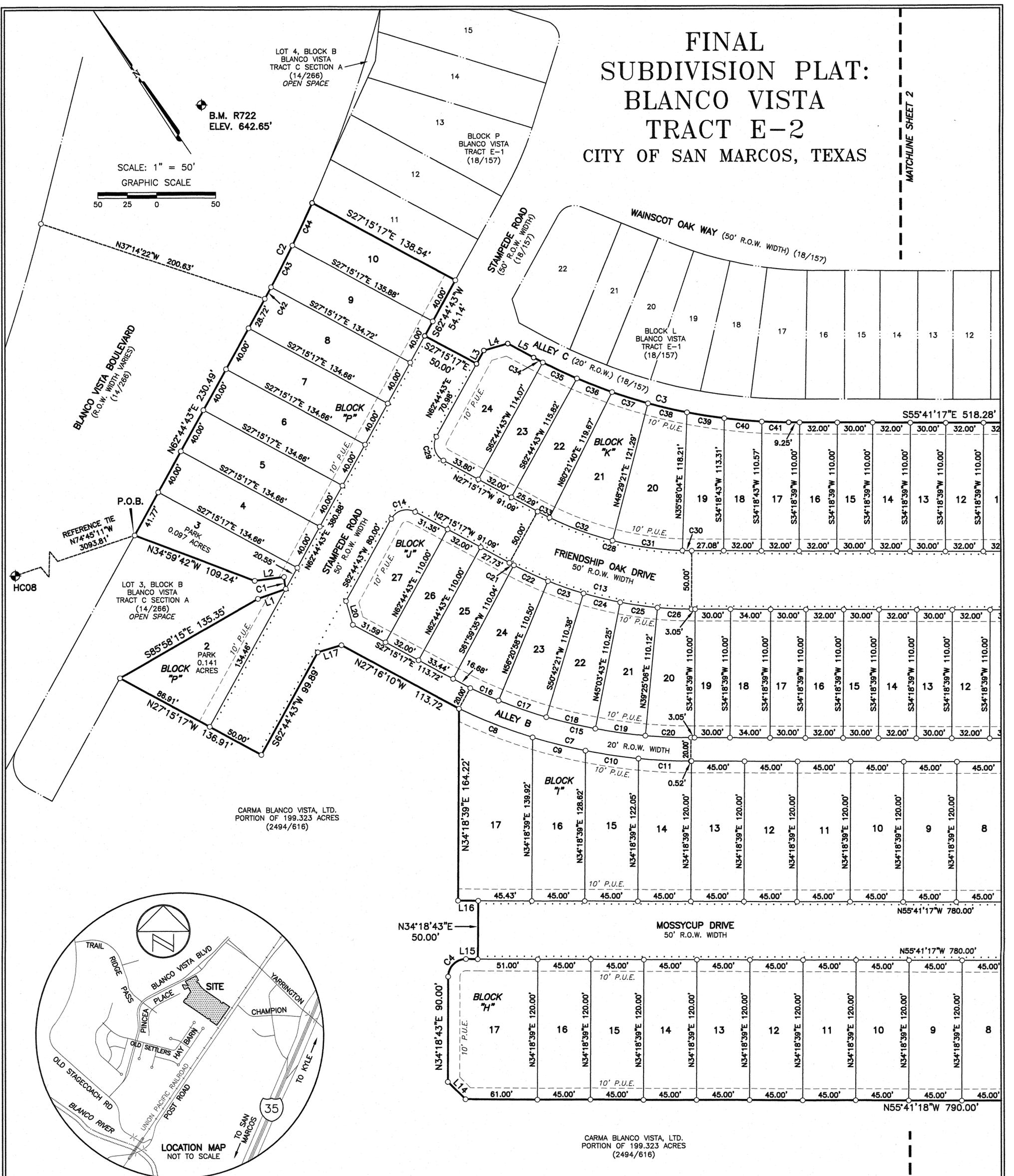
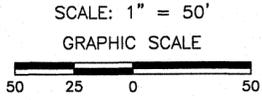
Alison Brake, CNU-A	Planner	August 8, 2016
Name	Title	Date

FINAL SUBDIVISION PLAT: BLANCO VISTA TRACT E-2 CITY OF SAN MARCOS, TEXAS

MATCHLINE SHEET 2

LOT 4, BLOCK B
BLANCO VISTA
TRACT C SECTION A
(14/266)
OPEN SPACE

B.M. R722
ELEV. 642.65'

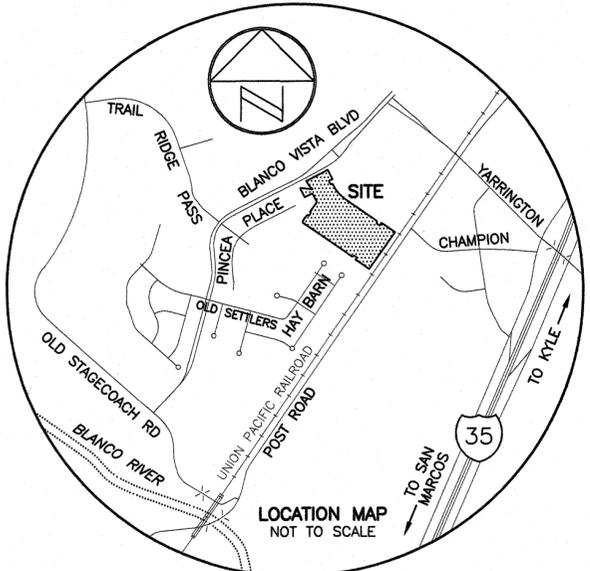


REFERENCE TIE
N74°45'11"W
3093.81'

LOT 3, BLOCK B
BLANCO VISTA
TRACT C SECTION A
(14/266)
OPEN SPACE

2 PARK
0.141 ACRES

CARMA BLANCO VISTA, LTD.
PORTION OF 199.323 ACRES
(2494/616)



CARMA BLANCO VISTA, LTD.
PORTION OF 199.323 ACRES
(2494/616)

MATCHLINE SHEET 2

PROJECT NO.:
500-012

DRAWING NO.:
500-012-PL-E2

PLOT DATE:
06/23/16

PLOT SCALE:
1" = 50'

DRAWN BY:
BBP & JBE

SHEET
1 OF 4

Chaparral

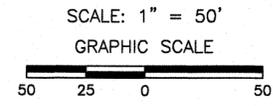
Professional Land Surveying, Inc.
Surveying and Mapping

3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

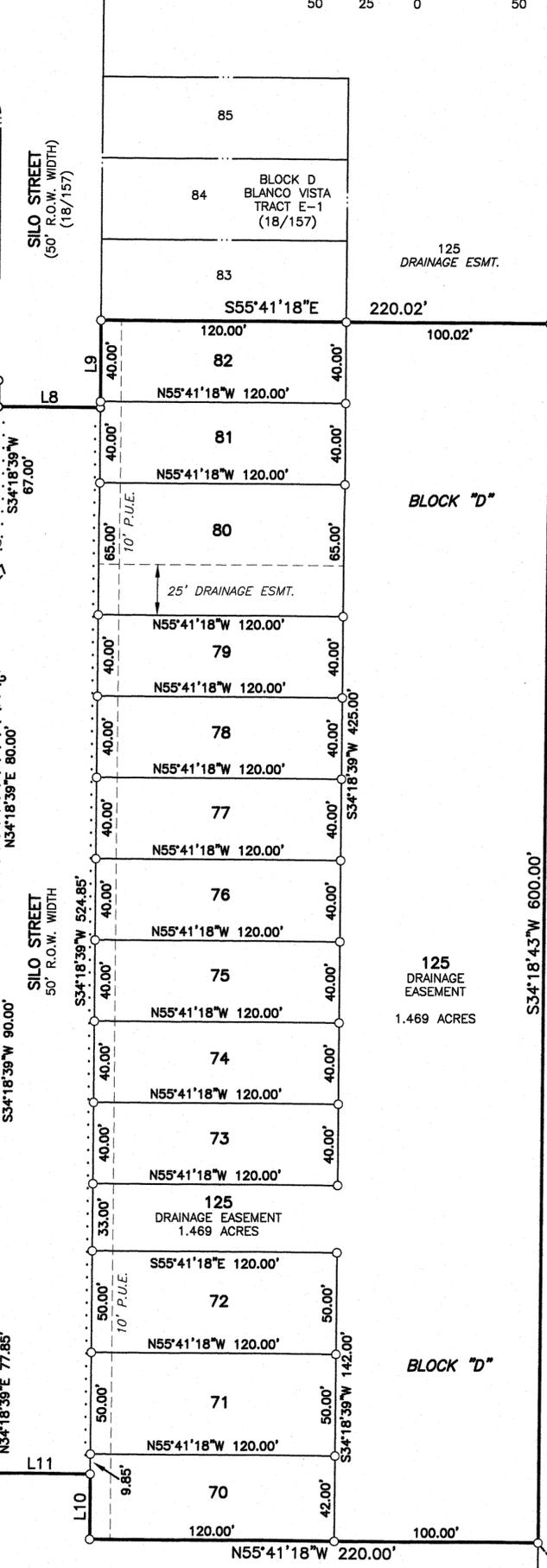
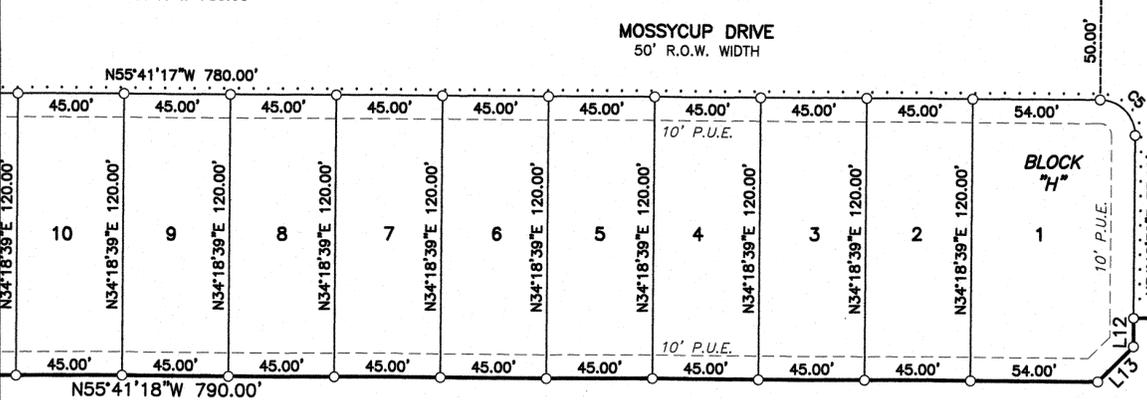
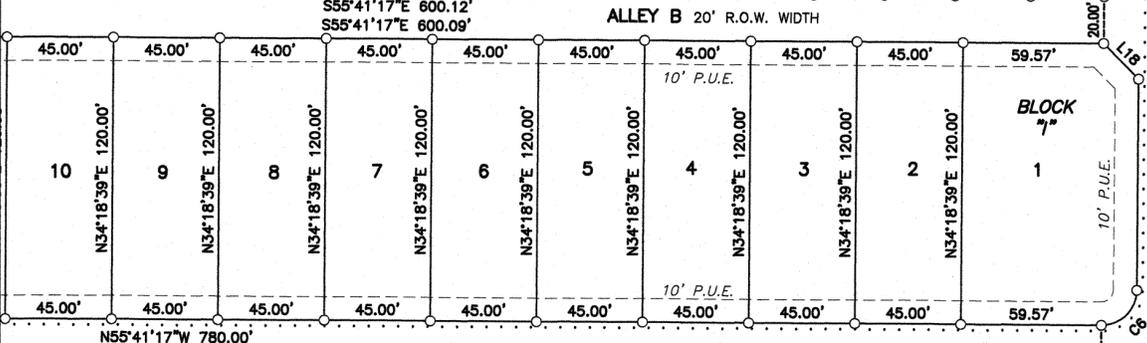
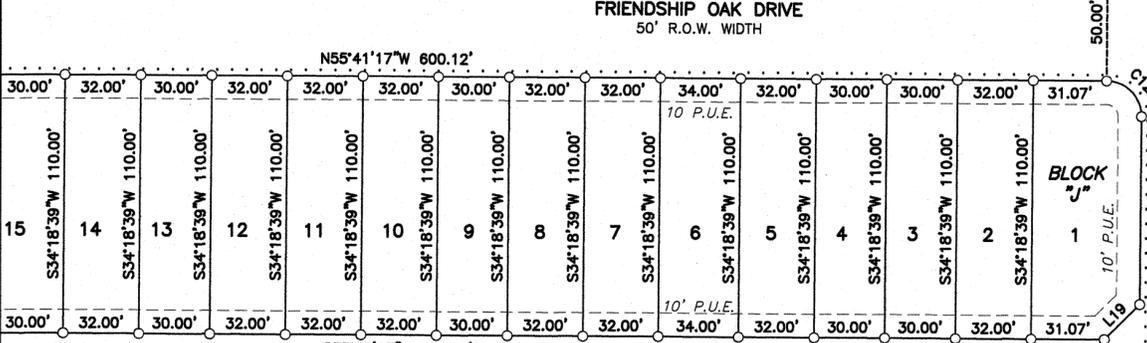
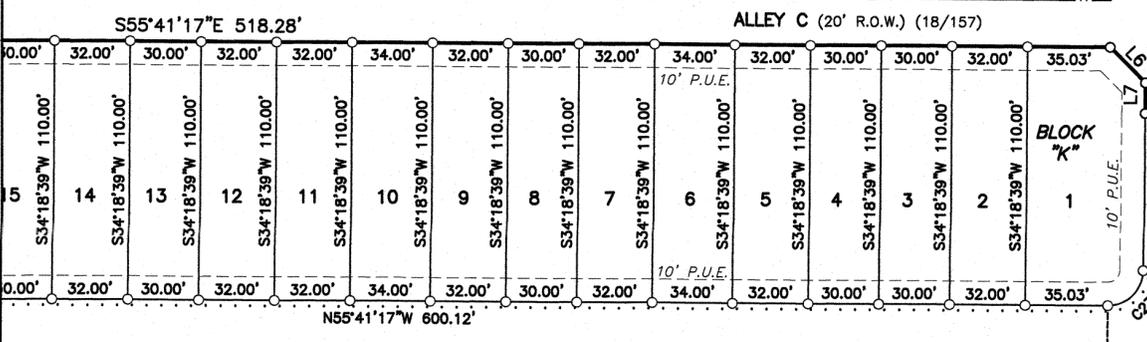
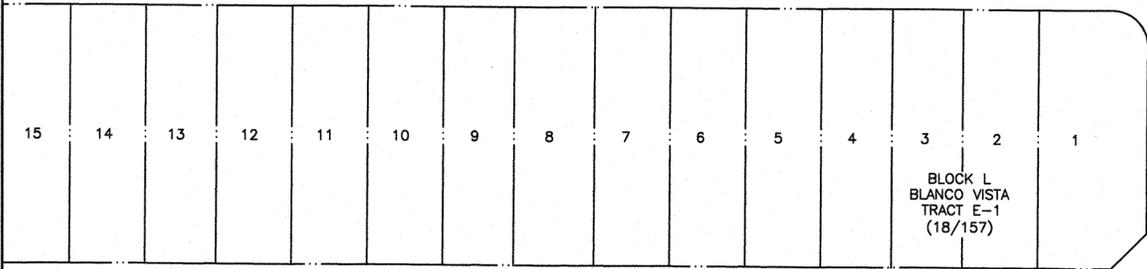
6/23/16

LEGEND	
○	1/2" REBAR WITH "CHAPARRAL" CAP SET
○	CALCULATED POINT
⊕	CONTROL POINT/BENCHMARK LOCATION
⋯	SIDEWALK LOCATION
P.U.E.	PUBLIC UTILITY EASEMENT
()	RECORD INFORMATION

FINAL
SUBDIVISION PLAT:
BLANCO VISTA
TRACT E-2
CITY OF SAN MARCOS, TEXAS



WAINSCOT OAK WAY (50' R.O.W. WIDTH) (18/157)

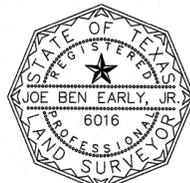


CARMA BLANCO VISTA, LTD.
PORTION OF 199.323 ACRES
(2494/616)

MATCHLINE SHEET 1

MATCHLINE SHEET 1

LEGEND	
○	1/2" REBAR WITH "CHAPARRAL" CAP SET
○	CALCULATED POINT
⊕	CONTROL POINT/BENCHMARK LOCATION
⋯	SIDEWALK LOCATION
P.U.E.	PUBLIC UTILITY EASEMENT
()	RECORD INFORMATION



8/23/16

Chaparral

Professional Land Surveying, Inc.
Surveying and Mapping

3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:	500-012
DRAWING NO.:	500-012-PL-E2
PLOT DATE:	06/23/16
PLOT SCALE:	1" = 50'
DRAWN BY:	BBP & JBE
SHEET	2 OF 4

REFERENCE TO
S04-52-21-E
5251.24'

CSM10

FINAL SUBDIVISION PLAT: BLANCO VISTA TRACT E-2 CITY OF SAN MARCOS, TEXAS

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	50.00'	11°54'37"	10.39'	N26°09'15"E	10.37'
C2	1075.00'	4°52'15"	91.39'	N60°18'35"E	91.36'
C3	455.00'	28°26'00"	225.80'	S41°28'17"E	223.49'
C4	15.00'	90°00'00"	23.56'	N79°18'43"E	21.21'
C5	15.00'	89°59'56"	23.56'	N10°41'19"W	21.21'
C6	455.00'	25°30'00"	202.50'	S43°06'37"E	200.83'
C7	15.00'	90°00'04"	23.56'	S79°18'41"W	21.21'
C8	455.00'	25°38'08"	203.58'	S43°02'04"E	201.89'
C9	455.00'	8°27'07"	67.12'	S34°26'33"E	67.06'
C10	455.00'	5°50'42"	46.42'	S41°35'28"E	46.40'
C11	455.00'	5°43'45"	46.50'	S47°22'41"E	45.48'
C12	455.00'	5°36'34"	44.55'	S53°02'51"E	44.53'
C13	15.00'	89°59'56"	23.56'	N10°41'19"W	21.21'
C14	325.00'	28°26'00"	161.28'	N41°28'17"W	159.63'
C15	15.00'	90°00'00"	23.56'	N72°15'17"W	21.21'
C16	435.00'	25°30'14"	193.63'	S43°06'44"E	192.04'
C17	435.00'	3°27'12"	26.22'	S32°05'13"E	26.21'
C18	435.00'	5°38'58"	42.89'	S36°38'19"E	42.87'
C19	435.00'	5°38'52"	42.88'	S42°17'14"E	42.86'
C20	435.00'	5°38'46"	42.87'	S47°56'03"E	42.85'
C21	435.00'	5°06'26"	38.77'	S53°18'39"E	38.76'
C22	325.00'	0°45'08"	4.27'	S27°37'51"E	4.27'
C23	325.00'	5°38'37"	32.01'	S30°49'43"E	32.00'
C24	325.00'	5°38'37"	32.01'	S36°28'21"E	32.00'
C25	325.00'	5°38'37"	32.01'	S42°06'58"E	32.00'
C26	325.00'	5°38'37"	32.01'	S47°45'35"E	32.00'
C27	325.00'	5°06'23"	28.97'	S53°08'05"E	28.96'
C28	15.00'	90°00'04"	23.56'	S79°18'41"W	21.21'
C29	275.00'	28°26'01"	136.47'	N41°28'17"W	135.08'
C30	15.00'	90°00'00"	23.56'	N17°44'43"E	21.21'
C31	275.00'	1°39'21"	7.95'	S54°51'37"E	7.95'
C32	275.00'	12°31'17"	60.10'	S47°46'18"E	59.98'
C33	275.00'	11°52'19"	56.98'	S35°34'30"E	56.88'
C34	275.00'	2°23'04"	11.44'	S28°26'48"E	11.44'
C35	455.00'	1°08'43"	8.83'	S27°48'38"E	8.83'
C36	455.00'	4°02'11"	32.05'	S30°23'05"E	32.05'
C37	455.00'	4°01'50"	32.01'	S34°25'06"E	32.00'
C38	455.00'	4°01'50"	32.01'	S38°26'55"E	32.00'
C39	455.00'	4°16'57"	34.01'	S42°36'18"E	34.00'
C40	455.00'	4°01'50"	32.01'	S46°45'41"E	32.00'
C41	455.00'	4°02'43"	32.12'	S50°47'58"E	32.12'
C42	455.00'	2°51'58"	22.76'	S54°15'18"E	22.76'
C43	1075.00'	0°36'04"	11.28'	N62°26'41"E	11.28'
C44	1075.00'	2°07'59"	40.02'	N61°04'40"E	40.02'
C45	1075.00'	2°08'12"	40.09'	N58°56'34"E	40.09'

THIS IS A SURFACE DRAWING.
CONTROL POINT "HC08"
4" ALUMINUM DISC IN CONC. STAMPED "HC08";
BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.
TEXAS CENTRAL ZONE COORDINATES:
N 9954796.42
E 3067134.53
SURFACE TO GRID
1.000017434
GRID TO SURFACE
0.999982566
BENCHMARK ELEV. = 637.78 (NGVD 29 DATUM). SOURCE BENCHMARK IS RM88, F.E.M.A. MAP 48209C0185E DATED FEBRUARY 18, 1998.
FROM G.P.S. OBSERVATIONS USING L.C.R.A. H.A.R.N. NETWORK.

BENCHMARK INFORMATION
BM R722: 4" ALUMINUM DISK SET IN CONCRETE IN THE MEDIAN OF BLANCO VISTA BOULEVARD APPROXIMATELY 1200 FEET SOUTHWEST OF THE INTERSECTION OF BLANCO VISTA BOULEVARD AND YARRINGTON ROAD.
ELEVATION = 642.65'
NGVD 29 DATUM (SOURCE BENCHMARK IS RM88, F.E.M.A. MAP 48209C0185E DATED FEBRUARY 18, 1998.)

CSM10
(CITY OF SAN MARCOS GPS #10)
4" ALUMINUM DISK IN CONCRETE
TEXAS CENTRAL ZONE COORDINATES:
N 9947582.78
E 3071412.89
ELEVATION = 629.35'
INFORMATION PROVIDED BY THE CITY OF SAN MARCOS, TEXAS.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S75°45'34"E	25.09'
L2	N63°30'49"W	25.08'
L3	N62°44'43"E	13.00'
L4	S72°15'17"E	21.21'
L5	S27°15'17"E	24.97'
L6	S10°41'19"E	21.21'
L7	S34°18'39"W	13.00'
L8	S55°41'21"E	50.00'
L9	N34°18'39"E	43.00'
L10	N34°18'42"E	32.15'
L11	N55°41'18"W	50.00'
L12	S34°18'42"W	12.15'
L13	S79°18'42"W	21.21'
L14	N10°41'17"W	21.21'
L15	S55°41'17"E	9.99'
L16	N55°41'17"W	17.07'
L17	N72°43'04"W	21.04'
L18	S10°41'21"E	21.21'
L19	N79°18'41"E	21.21'
L20	S18°12'30"W	21.04'

STREET SUMMARY	
STAMPEDE ROAD	381 L.F.
MOSSYCUP DRIVE	777 L.F.
FRIENDSHIP OAK DRIVE	920 L.F.
SIL0 STREET	525 L.F.
ALLEY B	992 L.F.

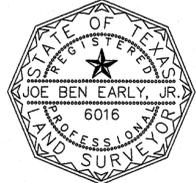
TABLE OF LAND USES	
LOT 125, BLOCK D	DRAINAGE
LOTS 2-3, BLOCK P	PARK
ALL OTHER LOTS	SINGLE FAMILY

LOT SUMMARY	
RIGHT-OF-WAY	3.400 ACRES
S.F. LOTS (105)	11.396 ACRES
PARK (2)	0.238 ACRES
DRAINAGE ESMT. (1)	1.469 ACRES
TOTAL	16.503 ACRES

STREET DESIGN SUMMARY		
NAME	PAVEMENT	R.O.W.
STAMPEDE ROAD	33' F-F	50'
MOSSYCUP DRIVE	33' F-F	50'
FRIENDSHIP OAK DRIVE	33' F-F	50'
SIL0 STREET	33' F-F	50'
ALLEY B	16' PVM'T.	20'

TOTAL NO. OF LOTS = 108
TOTAL NO. OF S.F. LOTS = 105
CURRENT ZONING: P.D.D.
CURRENT TRACT: "TRACT E"

SURVEYOR'S CERTIFICATE:
KNOW ALL MEN BY THESE PRESENTS:
THAT I, JOE BEN EARLY, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND ON JUNE 12, 2015 AND THE CORNER MONUMENTS SHOWN HEREON WILL BE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.
6/23/16
JOE BEN EARLY, JR., R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR,
STATE OF TEXAS NO. 6016
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 McCall Lane
AUSTIN, TX 78744
512-443-1724
FIRM NO. 10124500



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

NO LOT IN THIS SUBDIVISION FALLS WITHIN THE 100 YEAR FLOOD PLAIN OF A WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL 48209C0385F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS.

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

 Chaparral Professional Land Surveying, Inc. Surveying and Mapping 3500 McCall Lane Austin, Texas 78744 512-443-1724 Firm No. 10124500	PROJECT NO.: 500-012
	DRAWING NO.: 500-012-PL-E2
	PLOT DATE: 06/23/16
	PLOT SCALE: 1" = 50'
	DRAWN BY: BBP & JBE
	SHEET 03 OF 04

FINAL SUBDIVISION PLAT: BLANCO VISTA TRACT E-2 CITY OF SAN MARCOS, TEXAS

METES AND BOUNDS DESCRIPTION

WHEREAS, CARMA BLANCO VISTA, LLC (FORMERLY KNOWN AS CARMA BLANCO VISTA, LTD. AND CARPER-CARMA PROPERTIES NO. 1, LTD.) IS THE OWNER OF 16.503 ACRES IN THE WILLIAM WARD LEAGUE, ABSTRACT 467, HAYS COUNTY, TEXAS, BEING A PORTION OF A 199.323 ACRE TRACT, DESCRIBED IN A SPECIAL WARRANTY DEED TO CARMA BLANCO VISTA, LTD. DATED JUNE 25, 2004 AND RECORDED IN VOLUME 2494, PAGE 616 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 15.442 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with "Chaparral" cap set in the southeast right-of-way line of Blanco Vista Boulevard (right-of-way width varies) as shown on Blanco Vista Tract C Section A, a subdivision of record in Volume 14, Page 266 of the Plat Records of Hays County, Texas, being the northernmost corner of Lot 3, Block B, of said Blanco Vista Tract C Section A;

THENCE with the southeast right-of-way line of Blanco Vista Boulevard and crossing the said 199.323 acre tract, the following two (2) courses and distances:

1. North 62°44'43" East, a distance of 230.49 feet to a calculated point;
2. With a curve to the left, having a radius of 1075.00 feet, a delta angle of 04°52'15", an arc length of 91.39 feet, and a chord which bears North 60°18'35" East, a distance of 91.36 feet to a 1/2" rebar with "Chaparral" cap set for the westernmost corner of Lot 11, Block P, Blanco Vista Tract E-1, a subdivision of record in Volume 18, Page 157 of the Plat Records of Hays County, Texas;

THENCE with the southwest perimeter of said Blanco Vista Tract E-1 and crossing the said 199.323 acre tract, the following thirteen (13) courses and distances:

1. South 27°15'17" East, a distance of 138.54 feet to a 1/2" rebar with "Chaparral" cap set;
2. South 62°44'43" West, a distance of 54.14 feet to a 1/2" rebar with "Chaparral" cap set;
3. South 27°15'17" East, a distance of 50.00 feet to a 1/2" rebar with "Chaparral" cap set;
4. North 62°44'43" East, a distance of 13.00 feet to a 1/2" rebar with "Chaparral" cap set;
5. South 72°15'17" East, a distance of 21.21 feet to a 1/2" rebar with "Chaparral" cap set;
6. South 27°15'17" East, a distance of 24.97 feet to a 1/2" rebar with "Chaparral" cap set;
7. With a curve to the left, having a radius of 455.00 feet, a delta angle of 28°26'00", an arc length of 225.80 feet, and a chord which bears South 41°28'17" East, a distance of 223.49 feet to a 1/2" rebar with "Chaparral" cap set;
8. South 55°41'17" East, a distance of 518.28 feet to a 1/2" rebar with "Chaparral" cap set;
9. South 10°41'19" East, a distance of 21.21 feet to a 1/2" rebar with "Chaparral" cap set;
10. South 34°18'39" West, a distance of 13.00 feet to a 1/2" rebar with "Chaparral" cap set;
11. South 55°41'21" East, a distance of 50.00 feet to a 1/2" rebar with "Chaparral" cap set;
12. North 34°18'39" East, a distance of 43.00 feet to a 1/2" rebar with "Chaparral" cap set;
13. South 55°41'18" East, a distance of 220.02 feet to a 1/2" rebar with "Chaparral" cap set in the northwest right-of-way line of the International & Great Northern Railroad (200' right-of-way width), being in the southeast line of the said 199.323 acre tract;

THENCE South 34°18'43" West with the northwest right-of-way line of the International & Great Northern Railroad and the southeast line of the said 199.323 acre tract, a distance of 600.00 feet to a calculated point for the easternmost corner of proposed Lot 125, Block D, Blanco Vista Tract C-2;

THENCE with the northeast perimeter of proposed Blanco Vista Tract C-2 and crossing the said 199.323 acre tract, the following seventeen (17) courses and distances:

1. North 55°41'18" West, a distance of 220.00 feet to a calculated point;
2. North 34°18'42" East, a distance of 32.15 feet to a calculated point;
3. North 55°41'18" West, a distance of 50.00 feet to a calculated point;
4. South 34°18'42" West, a distance of 12.15 feet to a calculated point;
5. South 79°18'42" West, a distance of 21.21 feet to a calculated point;
6. North 55°41'18" West, a distance of 790.00 feet to a calculated point;
7. North 10°41'17" West, a distance of 21.21 feet to a calculated point;
8. North 34°18'43" East, a distance of 90.00 feet to a calculated point;
9. With a curve to the right, having a radius of 15.00 feet, a delta angle of 90°00'00", an arc length of 23.56 feet, and a chord which bears North 79°18'43" East, a distance of 21.21 feet to a calculated point;
10. South 55°41'17" East, a distance of 9.99 feet to a calculated point;
11. North 34°18'43" East, a distance of 50.00 feet to a calculated point;
12. North 55°41'17" West, a distance of 17.07 feet to a calculated point;
13. North 34°18'39" East, a distance of 164.22 feet to a calculated point;
14. North 27°15'17" West, a distance of 113.72 feet to a calculated point;
15. North 72°43'04" West, a distance of 21.04 feet to a calculated point;
16. South 62°44'43" West, a distance of 99.89 feet to a calculated point;
17. North 27°15'17" West, a distance of 136.91 feet to a 1/2" rebar with "Chaparral" cap set for an angle point in the south line of said Lot 3;

THENCE with the perimeter of said Lot 3 and crossing the said 199.323 acre tract, the following five (5) courses and distances:

1. South 85°58'15" East, a distance of 135.35 feet to a 1/2" rebar with "Chaparral" cap set;
2. South 75°45'34" East, a distance of 25.09 feet to a 1/2" rebar with "Chaparral" cap set;
3. With a curve to the right, having a radius of 50.00 feet, a delta angle of 11°54'37", an arc length of 10.39 feet, and a chord which bears North 26°09'15" East, a distance of 10.37 feet to a 1/2" rebar with "Chaparral" cap set;
4. North 63°30'49" West, a distance of 25.08 feet to a 1/2" rebar with "Chaparral" cap set;
5. North 34°59'42" West, a distance of 109.24 feet to the POINT OF BEGINNING, containing 16.503 Acres of land, more or less.

NOW, THEREFORE, KNOW ALL BY THE PRESENTS:

THAT WE, CARMA BLANCO VISTA, LLC, BY AND THROUGH SHAUN E. CRANSTON, SENIOR VICE PRESIDENT, AS OWNER OF THE 16.503 ACRES AS MORE PARTICULARLY DESCRIBED IN THE PRECEDING METES AND BOUNDS DESCRIPTION, DO HEREBY ADOPT THIS PLAT DESIGNATING THE TRACT AS FINAL PLAT: BLANCO VISTA TRACT E-2, AN ADDITION TO THE CITY OF SAN MARCOS, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER THE RIGHTS OF WAY, PUBLIC USE AREAS AND OTHER EASEMENTS SHOWN THEREON FOR THE PURPOSES INDICATED; THAT NO BUILDINGS, FENCES OR OTHER OBSTRUCTIONS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE SAID EASEMENTS, EXCEPT AS MAY BE PERMITTED BY THE SAID CITY; THAT SAID EASEMENTS MAY BE FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES SERVING THE PROPERTY, UNLESS AN EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, WITH ALL USES BEING SUBORDINATE TO THAT OF THE CITY OF SAN MARCOS'S; THAT THE SAID CITY AND PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS, WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS LOCATED WITHIN SAID EASEMENTS; AND THAT THE SAID CITY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS TO AND EGRESS FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING PERMISSION FROM ANYONE; AND THAT THIS PLAT IS SUBJECT TO ALL OF THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS AND THE COUNTY OF HAYS, TEXAS.

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

SHAUN E. CRANSTON, SENIOR VICE PRESIDENT

CARMA BLANCO VISTA, LLC
11501 ALTERRA PARKWAY, SUITE 100
AUSTIN, TEXAS 78758
(512) 391-1331

STATE OF TEXAS:
COUNTY OF HAYS:

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

PERSONALLY APPEARED SHAUN E. CRANSTON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

PLAT NOTES:

1. THIS PLAT (AND LOTS THEREIN) IS SUBJECT TO THE PDD AGREEMENT WITH THE CITY OF SAN MARCOS, ORDINANCE 2011-37, APPROVED AUGUST 16, 2011, AMENDED JULY 17, 2012, ORD. 2012-33.
2. NO PUBLIC IMPROVEMENT SHALL BE ACCEPTED BY THE CITY UNTIL CONSTRUCTION PLANS FOR OPEN SPACE IMPROVEMENTS AND AN OPEN SPACE PLAN, OUTLINING THE MANAGEMENT AND MAINTENANCE RELATIONSHIP BETWEEN CITY AND HOMEOWNER ASSOCIATION FOR SUCH IMPROVEMENTS, ARE APPROVED BY THE CITY.
3. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE BLANCO VISTA PDD, OR AS OTHERWISE APPROVED BY THE CITY OF SAN MARCOS.
4. A 10 FOOT-WIDE PUBLIC UTILITY EASEMENT WILL BE DEDICATED WITH THE FINAL PLAT ADJACENT TO THE RIGHTS-OF-WAY OF STAMPEDE ROAD, SILO STREET, FRIENDSHIP OAK DRIVE, MOSSY CUP DRIVE AND ALLEY B.
5. SPECIAL NOTICE:
SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE LDC AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
6. PUBLIC SIDEWALKS, BUILT TO CITY OF SAN MARCOS STANDARDS, ARE REQUIRED ALONG THE FOLLOWING STREETS, AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT: STAMPEDE ROAD, SILO STREET, FRIENDSHIP OAK DRIVE AND MOSSY CUP DRIVE. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE ADJOINING LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
7. THE LOTS HEREIN SHALL COMPLY WITH THE REQUIREMENTS AND RESTRICTIONS OF "TRACT E-2" WITHIN THE BLANCO VISTA PDD STANDARDS.
8. NEITHER ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY NOR BUILDING AND SITE CONSTRUCTION PERMITS (OTHER THAN MODEL HOMES) SHALL OCCUR PRIOR TO THE FILING OF THIS PLAT AND ACCEPTANCE OF ASSOCIATED INFRASTRUCTURE.
9. ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BLANCO VISTA", AS AMENDED FROM TIME TO TIME, ORIGINALLY RECORDED IN VOLUME 3062, PAGE 327 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
10. THIS PROPERTY IS LOCATED WITHIN THE CURRENTLY MAPPED EDWARDS AQUIFER TRANSITION ZONE.
11. THE BLANCO VISTA H.O.A. OR ITS ASSIGNS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF LANDSCAPE AND DRAINAGE LOTS SHOWN HEREON, AS SET FORTH IN THE COVENANTS, CONDITIONS, AND RESTRICTIONS REFERENCED IN NOTE NO. 9, HEREON.
12. DRIVEWAY ACCESS IS PROHIBITED BETWEEN BLANCO VISTA BOULEVARD AND LOTS 3-10, BLOCK "P".
13. THE ALLEYS SHOWN HEREON WILL BE DEDICATED WITH THE FINAL PLAT TO THE CITY OF SAN MARCOS AS ONE-WAY PUBLIC STREETS. ON-STREET PARKING WITHIN THE ALLEY RIGHTS-OF-WAYS IS PROHIBITED. THE ALLEYS ARE INTENDED TO PROVIDE VEHICULAR ACCESS TO GARAGES AND PARKING AREAS LOCATED ON PRIVATE PROPERTY.

CITY OF SAN MARCOS:
CERTIFICATE OF APPROVAL:

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

C.I.P. ENGINEERING

DATE

DIRECTOR DEVELOPMENT SERVICES

DATE

FRANCIS SERNA, RECORDING SECRETARY

DATE

CHAIRMAN
PLANNING AND ZONING COMMISSION

DATE

STATE OF TEXAS:
COUNTY OF HAYS:

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

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

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

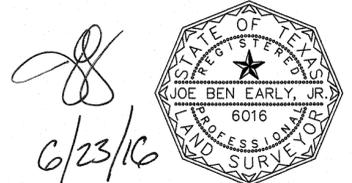
OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE, IN DOCUMENT NUMBER

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

20____ A.D.

_____, COUNTY CLERK, HAYS COUNTY, TEXAS

BY _____
DEPUTY



 Chaparral Professional Land Surveying, Inc. Surveying and Mapping 3500 McCall Lane Austin, Texas 78744 512-443-1724 Firm No. 10124500	PROJECT NO.: 500-012
	DRAWING NO.: 500-012-PL-E2
	PLOT DATE: 06/23/16
	PLOT SCALE: 1" = 50'
	DRAWN BY: BBP & JBE
	SHEET 04 OF 04

City of San Marcos
SUBDIVISION PLAT APPLICATION

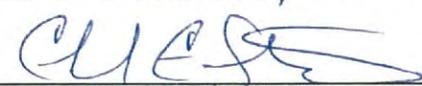
	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>CSF Civil Group</u>	<u>Brookfield Residential</u>
Mailing Address	<u>3636 Executive Center</u> <u>Suite 209</u> <u>Austin 78731</u>	<u>11501 ALTONIA PARKWAY</u> <u>Suite 100</u> <u>Austin 78758</u>
Daytime Phone	<u>512-917-1122</u>	<u>512-391-1343</u>
Email Address	<u>Charles.S@CSFCivilGroup.com</u>	<u>CHAR.MATHESON@</u> <u>BROOKFIELD.RP.COM</u>

AGENT ACKNOWLEDGEMENT STATEMENT:

I STEPHEN BENTLEY acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize CSF Civil Group 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: 
FOR STEPHEN BENTLEY

Printed Name: Charles Steinman, PE Date: 7-23-15

Signature of Agent: 

Printed Name: Charles Steinman Date: 7-23-15

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: BLANCO VISTA TRACT E-2

Address or General Location: BLANCO VISTA BLVD @ MOSSY CREEK DRIVE

Proposed Number of Lots: 105 Acres: 16.5

Appraisal District Tax ID: R 18736

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

Proposed Use of Land SINGLE-FAMILY 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.
- I wish to defer installation of public improvements and will complete a Subdivision Improvement Agreement with the City.

Signature: [Signature] For STEPHEN BENTLEY

Printed Name: CHARLES E. STEINMAN Date: 7-23-15
P.E.

BLANCO VISTA TRACT E

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 PEC

Applicable Utility Service Code(s) A1

Comments/Conditions ADEQUATE EASEMENTS HAVE BEEN PLACED IN PLAT NOTES.

Signature of Electric Company Official [Signature]

Title REGISTRAR OF LAND ALBERT Date 7/14/14



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 _____

BLANCO VISTA TRACT E.

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 CENTER POINT ENERGY

Applicable Utility Service Code(s) A

Comments/Conditions _____

Signature of Gas Company Official 

Title MARKETING CONSULTANT Date 7/14/2014



Blanco Vista Tract E

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) C

Comments/Conditions water mains need extending to area

Signature of Water Utility Official: Tony Selman

Title: 7-24-14 Date:

Name of Wastewater Service Provider CITY OF SAN MARCOS

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:

Blanco Vista Tract E

WATER AND WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT:

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

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

Name of Water Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Water Utility Official: _____

Title: _____ Date: _____

Name of Wastewater Service Provider _____

Applicable Utility Service Code(s) _____

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

Comments/Conditions _____

Signature of City or County Wastewater Official: _____

Title: _____ Date _____

TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:

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

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

Name of Telephone Service Provider Century Link _____

Applicable Utility Service Code(s) A _____

Comments/Conditions _____

Signature of Telephone Company Official [Signature] _____

Title: Plant Facilities Supv. Date 7-14-14

SUBMITTAL REQUIREMENTS FOR ALL PLATS:

- Complete application
- Required fees \$ 1585 ^{\$2511^{ce}} (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: CHARLES E. STEARNS, P.E.

Date: 7-23-15

*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	\$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

$16.5 \times 102 = 1683$
 $+ 1015$

 2698
 \swarrow \searrow \swarrow \searrow
 2500 00
 $+ 11$

 2511 00

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: _____



Legislation Text

File #: PC-16-31_03, Version: 1

AGENDA CAPTION:

PC-16-31_03 (Blanco Vista Tract A) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 30.2 acres, more or less, out of the William Ward League Survey, located east of Blanco Vista Boulevard. (A. Brake)

Meeting date: August 23, 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: Big Picture Infrastructure

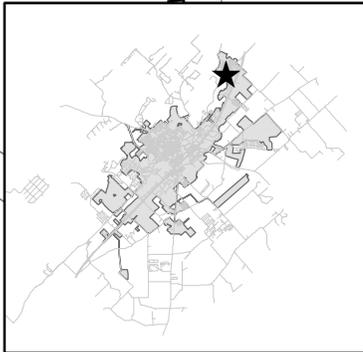
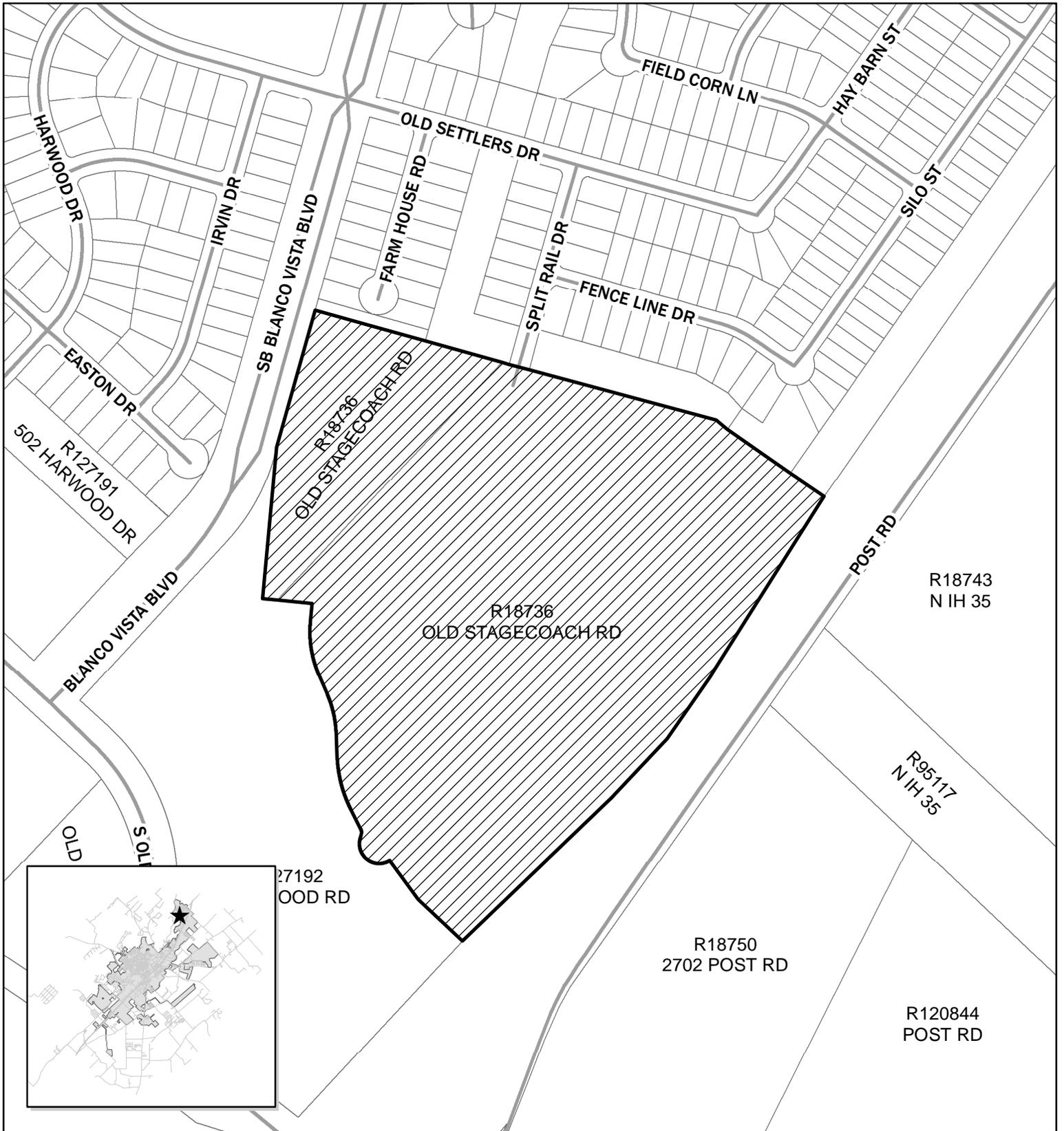
COMPREHENSIVE PLAN ELEMENT(S): N/A

BACKGROUND:

The subject property is part of the Blanco Vista Planned Development District, and has a base zoning of Mixed Use. This section is within the single-family portion of the development and provides for the development of 116 residential lots. One new street, Lacey Oak Loop, is proposed. Previously approved Split Rail Drive will be extended as part of this section. The proposed plat is consistent with development in the PDD. The site is part of the continued build-out of the Blanco Vista subdivision. The lots shown on the plat will be subject to the City's Flood Damage Prevention Ordinance, which requires submission of a floodplain development permit as well as building one foot above the base flood elevation. Parkland dedication was completed with the initial phase of this project, and is not required for this individual plat.

The Commission shall determine whether the application for the Final Plat shall be approved, approved with conditions, or denied.

Staff has reviewed the request and determined that all of the criteria of Section 1.6.5.5 of the Land Development Code have been met and is recommending approval of the Final Plat as submitted.



PC-16-31_03
Blanco Vista Tract A
Final Plat
Map Date: 8/5/2016

 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-16-31_03
Blanco Vista Tract A
Preliminary Plat
Map Date: 8/5/2016

 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-16-31_03 Final Plat Blanco Vista, Tract A



Applicant Information:

Agent: CSF Civil Group
3636 Executive Center Drive
Suite 209
Austin, Texas 78731

Property Owner: Brookfield Residential
9737 Great Hills Trail
Suite 260
Austin, Texas 78759

Notification: Notification not required

Type & Name of Subdivision: Final Plat, Blanco Vista, Tract A

Subject Property:

Summary: The subject property is approximately 30.238 acres, more or less, and is located east of Blanco Vista Boulevard and north of Old Stagecoach Road.

Zoning: Mixed Use/PDD

Traffic/ Transportation: The property is east of Blanco Vista Boulevard and directly accessed from a new street, Lacey Oak Loop. The plat indicates the continuation of Split Rail Drive. Four foot sidewalks will be installed as part of the development of this plat.

Utility Capacity: All utilities and streets will be extended and constructed by the applicant.

Planning Department Analysis:

The subject property is part of the Blanco Vista Planned Development District, and has a base zoning of Mixed Use. This section is within the single-family portion of the development and provides for the development of 116 residential lots. One new street, Lacey Oak Loop, is proposed. Previously approved Split Rail Drive will be extended as part of this section. The proposed plat is consistent with development in the PDD. The site is part of the continued build-out of the Blanco Vista subdivision. The lots shown on the plat will be subject to the City's Flood Damage Prevention Ordinance, which requires submission of a floodplain development permit as well as building one foot above the base flood elevation. Parkland dedication was completed with the initial phase of this project, and is not required for this individual plat.

Staff has reviewed the request and determined that the final plat meets the requirements of Section 1.6.5.5 of the Land Development Code and recommends **approval**.

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

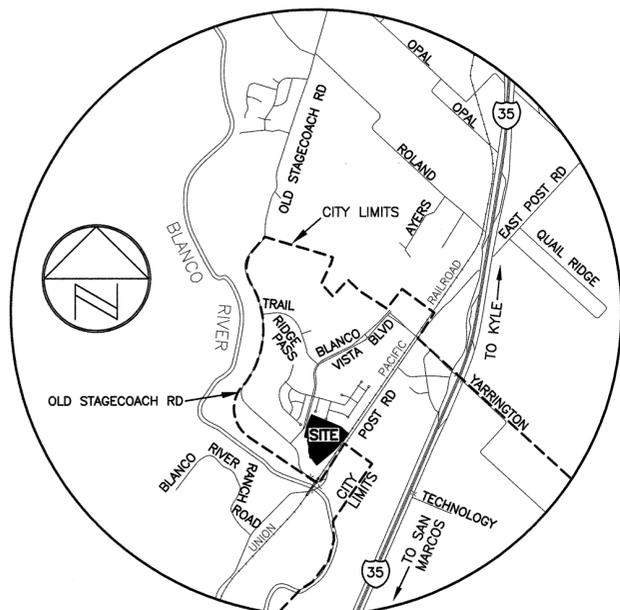
The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Final Subdivision 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, or to statutorily deny (an action that keeps the applicant "in process") the plat.

Prepared By:

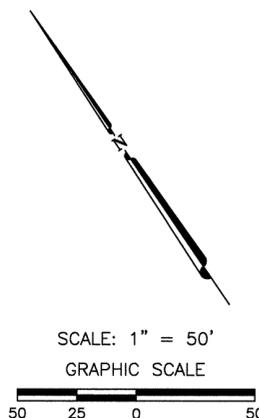
Alison Brake, CNU-A	Planner	August 8, 2016
Name	Title	Date

FINAL SUBDIVISION PLAT: BLANCO VISTA TRACT A CITY OF SAN MARCOS, TEXAS

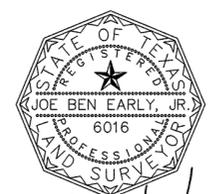


LOCATION MAP
NOT TO SCALE

LEGEND	
●	1/2" REBAR FOUND (OR AS NOTED)
● ^{CH}	1/2" REBAR WITH "CHAPARRAL" CAP FOUND
○	1/2" REBAR WITH "CHAPARRAL" CAP SET
D.E.	DRAINAGE EASEMENT
E.E.	ELECTRIC EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
W.W.E.	WASTEWATER EASEMENT
()	RECORD INFORMATION
---	SIDEWALK LOCATION
M.F.F.E.	MINIMUM FINISHED FLOOR ELEVATION



THIS IS A SURFACE DRAWING.
CONTROL POINT "HC08"
4" ALUMINUM DISC IN CONC. STAMPED "HC08";
BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.
TEXAS CENTRAL ZONE COORDINATES:
N 9954796.42
E 3067134.53
SURFACE TO GRID
1.000017434
GRID TO SURFACE
0.999982566
ELEVATION = 638.07'
(NAVD 88 DATUM). SOURCE BENCHMARK IS FEMA BENCHMARK AX1255, F.E.M.A. MAP 48209C0385F DATED SEPTEMBER 2, 2005.



8/5/16

PROJECT NO.:
500-010
DRAWING NO.:
500-010-PL1
PLOT DATE:
8/5/16
PLOT SCALE:
1" = 50'
DRAWN BY:
BBP & JBE
SHEET
01 OF 05

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500



POINT FALLS INSIDE
STONE COLUMN
UNABLE TO
LOCATE OR SET

LOT 1
BLOCK H
BLANCO VISTA
TRACT 1 SECTION A
AND SCHOOL TRACT
(14/37)
OPEN SPACE/
DRAINAGE ESMT.

FINAL SUBDIVISION PLAT: BLANCO VISTA TRACT A CITY OF SAN MARCOS, TEXAS

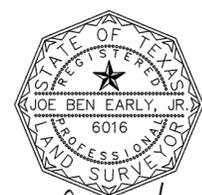
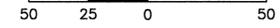
LOT 14A, BLOCK D
AMENDED PLAT OF LOTS 14, 25 AND 41,
BLOCK D, SECTION 2
BLANCO VISTA PHASE 1-2,
SECTIONS 1, 2 AND
INFRASTRUCTURE IMPROVEMENTS
(15/129)

LOT 25A, BLOCK D
(15/129)

LOT 1, BLOCK D
BLANCO VISTA PHASE 1-2,
SECTIONS 1, 2 AND
INFRASTRUCTURE IMPROVEMENTS
(13/246)

S55°41'28"E 334.08'

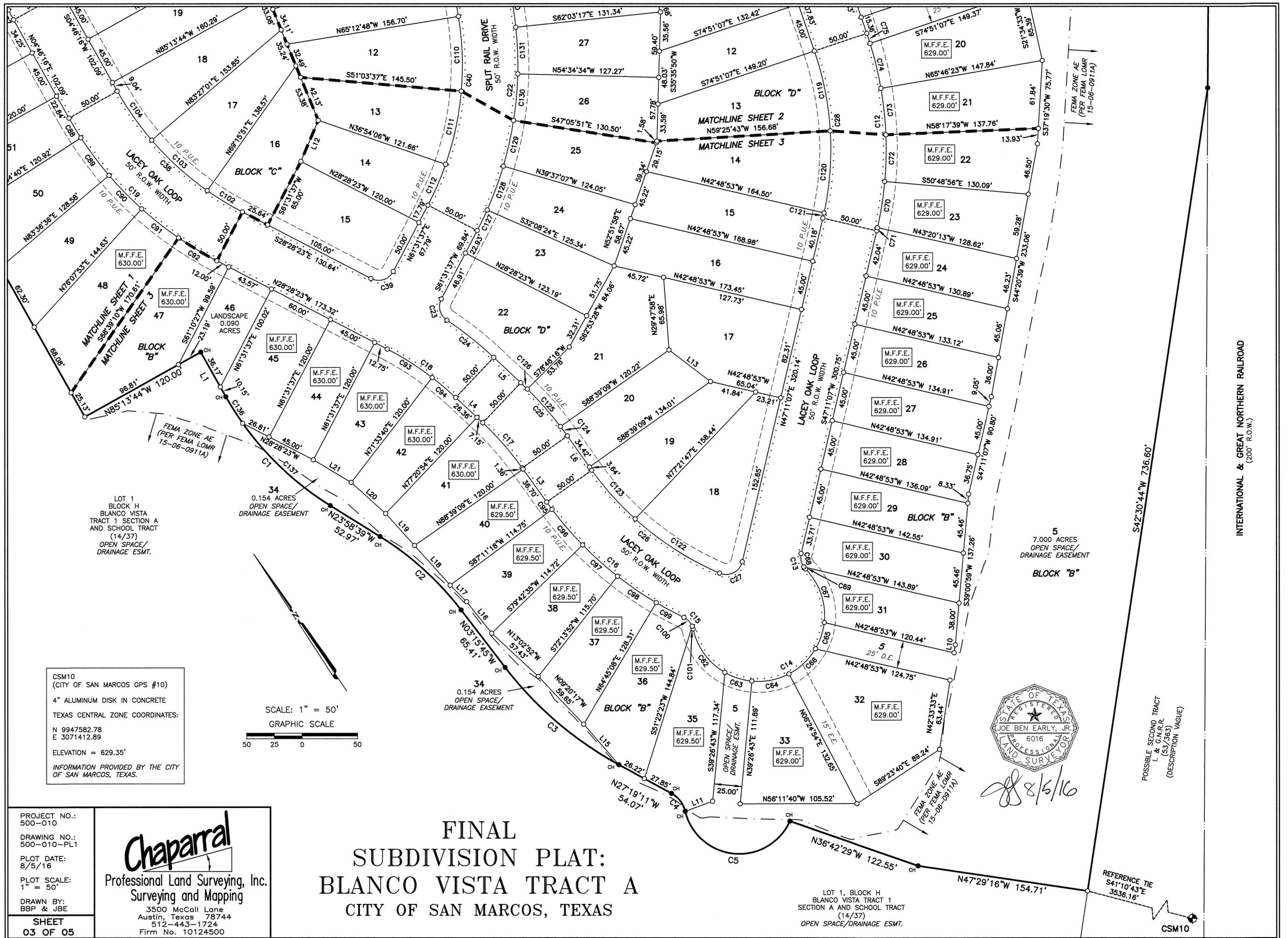
SCALE: 1" = 50'
GRAPHIC SCALE



JB 8/5/16

DRAWING NO.:
500-010-PL1
SHEET
02 OF 05

INTERNATIONAL & GREAT NORTHERN RAILROAD
(200' R.O.W.)



LOT 1
BLOCK H
BLANCO VISTA
TRACT 1 SECTION A
AND SCHOOL TRACT
(14/37)
OPEN SPACE/
DRAINAGE ESMT.

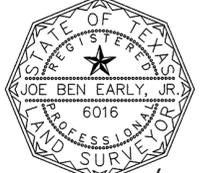
34
0.154 ACRES
OPEN SPACE/
DRAINAGE EASEMENT

34
0.154 ACRES
OPEN SPACE/
DRAINAGE EASEMENT

5
7.000 ACRES
OPEN SPACE/
DRAINAGE EASEMENT

CSM10
(CITY OF SAN MARCOS GPS #10)
4" ALUMINUM DISK IN CONCRETE
TEXAS CENTRAL ZONE COORDINATES:
N 9947582.78
E 3071412.89
ELEVATION = 629.35'
INFORMATION PROVIDED BY THE CITY
OF SAN MARCOS, TEXAS.

SCALE: 1" = 50'
GRAPHIC SCALE



8/5/16

POSSIBLE SECOND TRACT
1. & G.N.R.R.
(53/363)
(DESCRIPTION VAGUE)

REFERENCE TIE
S41°10'43"E
3536.16'

CSM10

PROJECT NO.:
500-010
DRAWING NO.:
500-010-PL1
PLOT DATE:
8/5/16
PLOT SCALE:
1" = 50'
DRAWN BY:
BBP & JBE
SHEET
03 OF 05

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

FINAL
SUBDIVISION PLAT:
BLANCO VISTA TRACT A
CITY OF SAN MARCOS, TEXAS

LOT 1, BLOCK H
BLANCO VISTA TRACT 1
SECTION A AND SCHOOL TRACT
(14/37)
OPEN SPACE/DRAINAGE ESMT.

INTERNATIONAL & GREAT NORTHERN RAILROAD
(200' R.O.W.)

FEMA ZONE AE
(PER FEMA LOMR
15-06-0911A)

FEMA ZONE AE
(PER FEMA LOMR
15-06-0911A)

FINAL SUBDIVISION PLAT: BLANCO VISTA TRACT A

CITY OF SAN MARCOS, TEXAS

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	275.00'	28°44'55"	137.98'	S09°36'12"E	136.54'
C2	275.00'	20°42'54"	99.43'	S13°37'12"E	98.88'
C3	325.00'	24°03'26"	136.46'	S15°17'28"E	135.46'
C4	25.00'	48°11'23"	21.03'	S03°13'29"E	20.41'
C5	50.00'	142°59'01"	124.78'	S50°37'18"E	94.83'
C6	15.00'	90°00'00"	23.56'	S29°51'07"E	21.21'
C7	325.00'	14°14'30"	80.78'	S67°43'52"E	80.58'
C8	15.00'	52°01'12"	13.62'	S86°37'14"E	13.16'
C9	50.00'	194°02'25"	169.33'	S15°36'38"E	99.25'
C10	15.00'	52°01'12"	13.62'	S55°23'59"W	13.16'
C11	275.00'	14°14'30"	68.35'	S22°16'08"W	68.18'
C12	325.00'	32°02'14"	181.73'	S31°10'00"W	179.37'
C13	15.00'	57°46'09"	15.12'	S18°18'02"W	14.49'
C14	60.00'	212°34'15"	222.60'	N84°17'54"W	115.19'
C15	15.00'	52°14'50"	13.68'	N04°08'12"W	13.21'
C16	325.00'	28°54'46"	164.00'	N15°48'14"W	162.27'
C17	275.00'	11°18'15"	54.26'	N06°59'58"W	54.17'
C18	275.00'	15°49'17"	75.94'	N20°33'44"W	75.70'
C19	325.00'	33°14'39"	188.57'	N11°51'04"W	185.94'
C20	325.00'	10°22'36"	58.86'	N09°57'34"E	58.78'
C21	15.00'	90°00'00"	23.56'	N29°51'08"W	21.21'
C22	325.00'	46°22'44"	263.08'	S38°20'15"W	255.95'
C23	15.00'	83°41'52"	21.91'	S19°40'41"W	20.02'
C24	325.00'	9°31'10"	54.00'	S17°24'41"E	53.93'
C25	325.00'	11°18'15"	64.12'	S06°59'58"E	64.02'
C26	275.00'	31°16'02"	150.07'	S16°58'52"E	148.22'
C27	15.00'	100°12'00"	26.23'	S82°42'53"E	23.01'
C28	275.00'	32°02'14"	153.77'	N31°10'00"E	151.77'
C29	325.00'	14°14'30"	80.78'	N22°16'08"E	80.58'
C30	15.00'	90°00'00"	23.56'	N15°36'38"W	21.21'
C31	275.00'	14°14'30"	68.35'	N67°43'52"W	68.18'
C32	15.00'	90°00'00"	23.56'	S60°08'53"W	21.21'
C33	15.00'	90°00'00"	23.56'	N29°51'07"W	21.21'
C34	330.00'	8°39'36"	49.88'	N70°31'20"W	49.83'
C35	270.00'	8°39'36"	40.81'	N70°31'20"W	40.77'
C36	15.00'	90°00'00"	23.56'	S60°08'52"W	21.21'
C37	275.00'	10°22'36"	49.80'	S09°57'34"W	49.74'
C38	275.00'	33°14'39"	159.56'	S11°51'04"E	157.33'
C39	15.00'	90°00'00"	23.56'	S73°28'23"E	21.21'
C40	275.00'	46°22'44"	222.60'	N38°20'15"E	216.58'
C41	330.00'	8°39'36"	49.88'	S70°31'20"E	49.83'
C42	270.00'	8°39'36"	40.81'	S70°31'20"E	40.77'
C43	15.00'	90°00'00"	23.56'	N60°08'53"E	21.21'
C44	330.00'	1°02'19"	5.98'	N74°19'58"W	5.98'
C45	330.00'	7°22'18"	42.46'	N70°07'40"W	42.43'
C46	330.00'	0°14'59"	1.44'	N66°19'01"W	1.44'
C47	270.00'	1°30'04"	7.07'	S66°56'34"E	7.07'
C48	270.00'	7°09'32"	33.74'	S71°16'21"E	33.71'
C49	50.00'	38°32'35"	33.64'	N62°08'17"E	33.00'
C50	50.00'	28°57'34"	25.27'	N28°23'13"E	25.00'
C51	50.00'	38°32'15"	33.63'	N05°21'42"W	33.00'
C52	50.00'	38°32'15"	33.63'	N43°53'57"W	33.00'
C53	50.00'	49°27'45"	43.16'	N87°53'57"W	41.84'
C54	15.00'	36°33'20"	9.57'	N85°38'50"E	9.41'
C55	15.00'	15°27'53"	4.05'	S68°20'34"E	4.04'
C56	325.00'	1°09'15"	6.55'	N61°11'15"W	6.55'
C57	325.00'	7°12'53"	40.92'	N65°22'19"W	40.90'
C58	325.00'	4°24'42"	25.02'	N71°11'07"W	25.02'
C59	325.00'	1°27'39"	8.29'	N74°07'18"W	8.29'
C60	275.00'	13°47'22"	66.18'	S22°02'34"W	66.02'
C61	275.00'	0°27'08"	2.17'	S29°09'48"W	2.17'
C62	60.00'	47°55'02"	50.18'	S01°58'18"E	48.73'
C63	60.00'	24°37'28"	25.79'	S38°14'33"E	25.59'
C64	60.00'	33°01'49"	34.59'	S67°04'11"E	34.11'

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C65	60.00'	24°09'05"	25.29'	N52°24'55"E	25.10'
C66	60.00'	31°55'27"	33.43'	N80°27'11"E	33.00'
C67	60.00'	50°55'24"	53.33'	N14°52'40"E	51.59'
C68	15.00'	48°49'43"	12.78'	S22°46'15"W	12.40'
C69	15.00'	8°56'26"	2.34'	S06°06'49"E	2.34'
C70	325.00'	7°28'43"	42.42'	N42°55'25"E	42.39'
C71	325.00'	0°31'20"	2.96'	N46°55'27"E	2.96'
C72	325.00'	7°28'43"	42.42'	N35°26'42"E	42.39'
C73	325.00'	7°28'43"	42.42'	N27°57'59"E	42.39'
C74	325.00'	7°22'49"	41.86'	N20°32'13"E	41.83'
C75	325.00'	1°41'56"	9.64'	N15°59'51"E	9.64'
C85	325.00'	1°05'46"	6.22'	S14°35'59"W	6.22'
C86	325.00'	7°28'43"	42.42'	S10°18'44"W	42.39'
C87	325.00'	1°48'07"	10.22'	S05°40'19"W	10.22'
C88	325.00'	3°40'56"	20.89'	S02°55'48"W	20.88'
C89	325.00'	7°28'43"	42.42'	S02°39'02"E	42.39'
C90	325.00'	7°28'43"	42.42'	S10°07'45"E	42.39'
C91	325.00'	7°28'43"	42.42'	S17°36'28"E	42.39'
C92	325.00'	7°07'33"	40.42'	S24°54'37"E	40.39'
C93	275.00'	10°02'03"	48.16'	N23°27'21"W	48.10'
C94	275.00'	5°47'14"	27.78'	N15°32'43"W	27.76'
C95	325.00'	1°27'51"	8.31'	S02°04'46"E	8.31'
C96	325.00'	7°28'43"	42.42'	S06°33'04"E	42.39'
C97	325.00'	7°28'43"	42.42'	S14°01'47"E	42.39'
C98	325.00'	7°28'43"	42.42'	S21°30'30"E	42.39'
C99	325.00'	5°00'46"	28.43'	S27°45'14"E	28.42'
C100	15.00'	42°33'45"	11.14'	S08°58'45"E	10.89'
C101	15.00'	9°41'05"	2.54'	S17°08'40"W	2.53'
C102	275.00'	7°44'14"	37.14'	S24°36'16"E	37.11'
C103	275.00'	14°11'10"	68.09'	S13°38'34"E	67.91'
C104	275.00'	11°19'15"	54.34'	S00°53'22"E	54.25'
C105	270.00'	6°12'03"	29.22'	S71°45'06"E	29.21'
C106	270.00'	2°27'32"	11.59'	S67°25'18"E	11.59'
C107	330.00'	7°05'55"	40.88'	S69°44'29"E	40.86'
C108	330.00'	1°33'41"	8.99'	S74°04'17"E	8.99'
C109	275.00'	9°38'19"	46.26'	S19°58'02"W	46.21'
C110	275.00'	14°09'11"	67.93'	S31°51'48"W	67.76'
C111	275.00'	14°09'31"	67.96'	S46°01'09"W	67.78'
C112	275.00'	8°25'43"	40.45'	S57°18'46"W	40.42'
C113	155.00'	14°14'30"	38.53'	N67°43'52"W	38.43'
C114	275.00'	6°48'08"	32.65'	S71°27'03"E	32.63'
C115	275.00'	7°26'22"	35.71'	S64°19'48"E	35.68'
C116	325.00'	2°14'53"	12.75'	S28°15'56"W	12.75'
C117	325.00'	7°28'43"	42.42'	S23°24'08"W	42.39'
C118	325.00'	4°30'53"	25.61'	S17°24'19"W	25.60'
C119	275.00'	15°25'25"	74.03'	S22°51'35"W	73.80'
C120	275.00'	15°36'32"	74.92'	S38°22'34"W	74.69'
C121	275.00'	1°00'17"	4.82'	S46°40'58"W	4.82'
C122	275.00'	18°56'10"	90.89'	N23°08'48"W	90.47'
C123	275.00'	12°19'52"	59.19'	N07°30'47"W	59.07'
C124	325.00'	1°52'01"	10.59'	N02°16'51"W	10.59'
C125	325.00'	7°58'53"	45.27'	N07°12'18"W	45.24'
C126	325.00'	1°27'22"	8.26'	N11°55'25"W	8.26'
C127	325.00'	3°40'01"	20.80'	N59°41'36"E	20.80'
C128	325.00'	7°28'43"	42.42'	N54°07'14"E	42.39'
C129	325.00'	7°28'43"	42.42'	N46°38'31"E	42.39'
C130	325.00'	7°28'43"	42.42'	N39°09'48"E	42.39'
C131	325.00'	7°28'43"	42.42'	N31°41'05"E	42.39'
C132	325.00'	7°28'43"	42.42'	N24°12'21"E	42.39'
C133	325.00'	5°19'07"	30.17'	N17°48'26"E	30.16'
C134	155.00'	6°48'08"	18.40'	S71°27'03"E	18.39'
C135	155.00'	7°26'22"	20.13'	S64°19'48"E	20.11'
C136	275.00'	5°57'33"	28.60'	N01°47'29"E	28.59'
C137	275.00'	22°47'22"	109.38'	N12°34'58"W	108.66'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S04°46'16"W	46.32'
L2	S60°36'38"E	34.05'
L3	N01°20'51"W	38.06'
L4	N12°39'06"W	33.51'
L5	S12°39'06"E	33.51'
L6	S01°20'51"E	38.06'
L7	N60°36'38"W	45.28'
L8	N74°51'07"W	13.34'
L9	S38°36'41"W	26.39'
L10	S42°33'33"W	7.41'
L11	N76°23'39"W	26.34'
L12	S56°48'52"W	40.40'
L13	N18°34'46"W	47.13'
L14	S60°08'53"W	19.26'
L15	N06°50'50"W	48.65'
L16	N04°14'03"W	36.53'
L17	N10°40'39"W	20.91'
L18	N07°46'21"W	48.23'
L19	N07°50'13"W	39.01'
L20	N13°43'46"W	41.99'
L21	N25°03'36"W	39.83'

STREET SUMMARY	
SPLIT RAIL DRIVE	818 L.F.
LACEY OAK LOOP	3,013 L.F.

TABLE OF LAND USES	
LOT 5 & 34 BLOCK B - OPEN SPACE/DRAINAGE EASEMENT	
LOT 1, BLOCK A - LANDSCAPE	
LOTS 11, BLOCK A - OPEN SPACE/DRAINAGE EASEMENT	
LOTS 46, & 58, BLOCK B - LANDSCAPE	
ALL OTHER LOTS- SINGLE FAMILY	

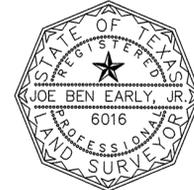
SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JOE BEN EARLY, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND ON NOVEMBER 16, 2015 AND THE CORNER MONUMENTS SHOWN HEREON WILL BE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

JB 8/5/16

JOE BEN EARLY, JR., R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR,
STATE OF TEXAS NO. 6016
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 McCALL LANE
AUSTIN, TX 78744
512-443-1724
FIRM NO. 10124500



ENGINEER'S CERTIFICATION:

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

ALL SINGLE-FAMILY LOTS WITHIN THIS SUBDIVISION ARE LOCATED ABOVE AND OUTSIDE OF THE LIMITS OF THE LATEST LOMR STUDY OF THE 100-YEAR FLOODPLAIN OF THE ADJACENT REACH OF THE BLANCO RIVER, AS REVIEWED AND APPROVED BY FEMA, ON FEBRUARY 26, 2015, PER LOMR CASE NO. 15-06-0911A.

THE MINIMUM FINISHED FLOOR ELEVATIONS (M.F.F.E.) SHOWN HEREON ARE AT LEAST 1.0-FOOT ABOVE SAID LOMR STUDY OF THE 100-YEAR FLOODPLAIN.

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

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

LOT SUMMARY	
RIGHT-OF-WAY	4.611 ACRES
S.F. LOTS (116)	18.127 ACRES
OPEN SPACE/DRAINAGE	7.211 ACRES
LANDSCAPE	0.289 ACRE
TOTAL	30.238 ACRES

TOTAL NO. OF LOTS = 122
TOTAL NO. OF S.F. LOTS = 116
LANDSCAPE LOTS = 3
OPEN SPACE/DRAINAGE = 3
CURRENT ZONING: P.D.D.
CURRENT TRACT: "TRACT A"

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.: 500-010
DRAWING NO.: 500-010-PL1
PLOT DATE: 8/5/16
PLOT SCALE: 1" = 50'
DRAWN BY: BBP & JBE
SHEET 04 OF 05

FINAL SUBDIVISION PLAT: BLANCO VISTA TRACT A CITY OF SAN MARCOS, TEXAS

NOW, THEREFORE, KNOW ALL BY THE PRESENTS:

THAT WE, CARMA BLANCO VISTA, LLC, BY AND THROUGH SHAUN E. CRANSTON, SENIOR VICE PRESIDENT, AS OWNER OF THE 30.238 ACRES AS MORE PARTICULARLY DESCRIBED IN THE PRECEDING METES AND BOUNDS DESCRIPTION, DO HEREBY ADOPT THIS PLAT DESIGNATING THE TRACT AS FINAL PLAT: BLANCO VISTA TRACT A, AN ADDITION TO THE CITY OF SAN MARCOS, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER THE RIGHTS OF WAY, PUBLIC USE AREAS AND OTHER EASEMENTS SHOWN THEREON FOR THE PURPOSES INDICATED; THAT NO BUILDINGS, FENCES OR OTHER OBSTRUCTIONS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE SAID EASEMENTS, EXCEPT AS MAY BE PERMITTED BY THE SAID CITY; THAT SAID EASEMENTS MAY BE FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES SERVING THE PROPERTY, UNLESS AN EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, WITH ALL USES BEING SUBORDINATE TO THAT OF THE CITY OF SAN MARCOS'S; THAT THE SAID CITY AND PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS, WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS LOCATED WITHIN SAID EASEMENTS; AND THAT THE SAID CITY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS TO AND EGRESS FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING PERMISSION FROM ANYONE; AND THAT THIS PLAT IS SUBJECT TO ALL OF THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS AND THE COUNTY OF HAYS, TEXAS.

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

SHAUN E. CRANSTON, SENIOR VICE PRESIDENT

CARMA BLANCO VISTA, LLC
11501 ALTERRA PARKWAY, SUITE 100
AUSTIN, TEXAS 78758
(512) 391-1331

STATE OF TEXAS:
COUNTY OF HAYS:

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

PERSONALLY APPEARED SHAUN E. CRANSTON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

PLAT NOTES:

1. THIS PLAT (AND LOTS THEREIN) IS SUBJECT TO THE PDD AGREEMENT WITH THE CITY OF SAN MARCOS, ORDINANCE 2011-37, APPROVED AUGUST 16, 2011, AMENDED JULY 17, 2012, ORD. 2012-33.
2. NO PUBLIC IMPROVEMENT SHALL BE ACCEPTED BY THE CITY UNTIL CONSTRUCTION PLANS FOR OPEN SPACE IMPROVEMENTS AND AN OPEN SPACE PLAN, OUTLINING THE MANAGEMENT AND MAINTENANCE RELATIONSHIP BETWEEN CITY AND HOMEOWNER ASSOCIATION FOR SUCH IMPROVEMENTS, ARE APPROVED BY THE CITY.
3. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE BLANCO VISTA PDD, OR AS OTHERWISE APPROVED BY THE CITY OF SAN MARCOS.
4. A 10 FOOT-WIDE PUBLIC UTILITY EASEMENT ADJACENT TO THE RIGHTS-OF-WAY OF SPLIT RAIL DRIVE AND LACEY OAK LOOP IS HEREBY DEDICATED.
5. SPECIAL NOTICE:
SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE LDC AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
6. PUBLIC SIDEWALKS, BUILT TO CITY OF SAN MARCOS STANDARDS, ARE REQUIRED ALONG THE FOLLOWING STREETS, AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT: SPLIT RAIL DRIVE AND LACEY OAK LOOP. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE ADJOINING LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
7. THE LOTS HEREIN SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS AND RESTRICTIONS APPLICABLE TO "TRACT A" WITHIN THE BLANCO VISTA PDD STANDARDS.
8. NEITHER ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY NOR BUILDING AND SITE CONSTRUCTION PERMITS (OTHER THAN MODEL HOMES) SHALL OCCUR PRIOR TO THE FILING OF THIS PLAT AND ACCEPTANCE OF ASSOCIATED INFRASTRUCTURE.
9. ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BLANCO VISTA", AS AMENDED FROM TIME TO TIME, ORIGINALLY RECORDED IN VOLUME 3062, PAGE 327 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
10. THIS PROPERTY IS LOCATED WITHIN THE CURRENTLY MAPPED EDWARDS AQUIFER TRANSITION ZONE.
11. THE BLANCO VISTA H.O.A. OR ITS ASSIGNS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF LANDSCAPE, OPEN SPACE, AND DRAINAGE LOTS SHOWN HEREON, AS SET FORTH IN THE COVENANTS, CONDITIONS, AND RESTRICTIONS REFERENCED IN NOTE NO. 9, HEREON.
12. DIRECT DRIVEWAY ACCESS IS PROHIBITED BETWEEN ALL SINGLE FAMILY LOTS SHOWN HEREON AND BLANCO VISTA BOULEVARD.
13. THE LOTS SHOWN ON THIS PLAT ARE SUBJECT TO THE CITY OF SAN MARCOS FLOOD DAMAGE PROTECTION ORDINANCE.

METES AND BOUNDS DESCRIPTION

WHEREAS, CARMA BLANCO VISTA, LLC (FORMERLY KNOWN AS CARMA BLANCO VISTA, LTD. AND CARPER-CARMA PROPERTIES NO. 1, LTD.) IS THE OWNER OF 30.238 ACRES IN THE WILLIAM WARD LEAGUE, ABS. 467, HAYS COUNTY, TEXAS, BEING A PORTION OF A 51.463 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CARPER-CARMA PROPERTIES NO. 1, LTD. DATED JANUARY 30, 2004 AND RECORDED IN VOLUME 2419, PAGE 435 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND A PORTION OF A 58.694 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CARPER-CARMA PROPERTIES NO. 1, LTD. DATED JANUARY 30, 2004 AND RECORDED IN VOLUME 2396, PAGE 801 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 30.238 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with "Chaparral" cap set in the east right-of-way line of Blanco Vista Boulevard (150' right-of-way width) described in Blanco Vista Phase 1-2, Sections 1, 2 and Infrastructure Improvements, a subdivision of record in Cabinet 13, Page 246 of the Plat Records of Hays County, Texas, being the southwest corner of Lot 10, Block B of said Blanco Vista Phase 1-2, Sections 1, 2 and Infrastructure Improvements, same being a point within the said 51.463 acre tract;

THENCE South 74°51'07" East, crossing the said 51.463 acre tract and the said 58.694 acre tract, with the perimeter of said Blanco Vista Phase 1-2, Sections 1, 2 and Infrastructure Improvements, a distance of 1047.48 feet to a 1/2" rebar with "Chaparral" cap set, being a point within said 58.694 acre tract;

THENCE South 55°41'28" East, crossing the said 58.694 acre tract, with the perimeter of said Blanco Vista Phase 1-2, Sections 1, 2 and Infrastructure Improvements, a distance of 334.08 feet to a 1/2" rebar with "Chaparral" cap set in the northwest right-of-way line of the International & Great Northern Railroad (200' right-of-way width), being the south corner of Lot 25-A;

THENCE crossing the said 58.694 acre tract, with the northwest right-of-way line of the International & Great Northern Railroad the following two (2) courses and distances:

1. South 34°19'42" West, a distance of 724.23 feet to a 1/2" rebar with "Chaparral" cap set;
2. South 42°30'44" West, a distance of 736.60 feet to a 1/2" rebar with "Chaparral" cap set for the east corner of Lot 1, Block H of Blanco Vista Tract 1, Section A and School Tract, a subdivision of record in Cabinet 14, Page 37 of the Plat Records of Travis County, Texas;

THENCE crossing the said 58.694 acre tract and the said 51.463 acre tract, with perimeter of said Blanco Vista Tract 1, Section A and School Tract, the following thirteen (13) courses and distances:

1. North 47°29'16" West, a distance of 154.71 feet to a 1/2" rebar with "Chaparral" cap found;
2. North 36°42'29" West, a distance of 122.55 feet to a 1/2" rebar with "Chaparral" cap found;
3. With a curve to the right, having a radius of 50.00 feet, a delta angle of 142°59'01", an arc length of 124.78 feet, and a chord which bears North 50°37'18" West, a distance of 94.83 feet to a 1/2" rebar with "Chaparral" cap found;
4. With a curve to the left, having a radius of 25.00 feet, a delta angle of 48°11'23", an arc length of 21.03 feet, and a chord which bears North 03°13'29" West, a distance of 20.41 feet to a 1/2" rebar with "Chaparral" cap found;
5. North 27°19'11" West, a distance of 54.07 feet to a 1/2" rebar with "Chaparral" cap found;
6. With a curve to the right, having a radius of 325.00 feet, a delta angle of 24°03'26", an arc length of 136.46 feet, and a chord which bears North 15°17'28" West, a distance of 135.46 feet to a 1/2" rebar with "Chaparral" cap found;
7. North 03°15'45" West, a distance of 65.41 feet to a 1/2" rebar with "Chaparral" cap found;
8. With a curve to the left, having a radius of 275.00 feet, a delta angle of 20°42'54", an arc length of 99.43 feet, and a chord which bears North 13°37'12" West, a distance of 98.88 feet to a 1/2" rebar with "Chaparral" cap found;
9. North 23°58'39" West, a distance of 52.97 feet to a 1/2" rebar with "Chaparral" cap found;
10. With a curve to the right, having a radius of 275.00 feet, a delta angle of 28°44'55", an arc length of 137.98 feet, and a chord which bears North 09°36'12" West, a distance of 136.54 feet to a 1/2" rebar with "Chaparral" cap found;
11. North 04°46'16" East, a distance of 46.32 feet to a 1/2" rebar with "Chaparral" cap found;
12. North 85°13'44" West, a distance of 120.00 feet to a 1/2" rebar with "Chaparral" cap set;
13. North 04°46'16" East, a distance of 385.81 feet to a calculated point in the east right-of-way line of Blanco Vista Boulevard;

THENCE North 15°08'53" East, crossing the said 51.463 acre tract, with the east right-of-way line of Blanco Vista Boulevard, a distance of 368.81 feet to the POINT OF BEGINNING, containing 30.238 acres of land, more or less.

CITY OF SAN MARCOS:
CERTIFICATE OF APPROVAL:

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

C.I.P. ENGINEERING

DIRECTOR DEVELOPMENT SERVICES

FRANCIS SERNA, RECORDING SECRETARY

CHAIRMAN
PLANNING AND ZONING COMMISSION

STATE OF TEXAS:
COUNTY OF HAYS:

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

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

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

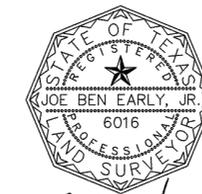
OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE, IN DOCUMENT NUMBER _____

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

20__ A.D.

_____, COUNTY CLERK, HAYS COUNTY, TEXAS

BY _____
DEPUTY



JB 8/5/16

Professional Land Surveying, Inc. Surveying and Mapping 3500 McCall Lane Austin, Texas 78744 512-443-1724 Firm No. 10124500	PROJECT NO.: 500-010 DRAWING NO.: 500-010-PL1 PLOT DATE: 8/5/16 PLOT SCALE: 1" = 50' DRAWN BY: BBP & JBE SHEET 05 OF 05
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City of San Marcos
SUBDIVISION PLAT APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>CSF CIVIL GROUP</u>	<u>BROOKFIELD RESIDENTIAL</u>
Mailing Address	<u>3636 EXECUTIVE CENTER</u> <u>SUITE 209</u> <u>AUSTIN, 78731</u>	<u>11501 ALTERNAA PKWY</u> <u>SUITE 100</u> <u>AUSTIN 78758</u>
Daytime Phone	<u>512-917-1122</u>	<u>512-391-1343</u> <u>CHAD. MATHESON ☺</u>
Email Address	<u>CHARLIE_S@CSFCIVILGROUP.COM</u>	<u>BROOKFIELD RP.COM</u>

AGENT ACKNOWLEDGEMENT STATEMENT:

I STEPHEN BENTLEY acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize CSF CIVIL GROUP 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: 
FOR STEPHEN BENTLEY

Printed Name: CHARLES STEINMAN, P.E. Date: 10-15-15

Signature of Agent: 

Printed Name: CHARLES STEINMAN Date: 10-15-15

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: BLANCO VISTA TRACT A

Address or General Location: BLANCO VISTA BLVD

Proposed Number of Lots: 116 Acres: 30.2

Appraisal District Tax ID: R 18736

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

Proposed Use of Land SINGLE-FAMILY 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.
- I wish to defer installation of public improvements and will complete a Subdivision Improvement Agreement with the City.

Signature:  For STEPHEN BENTLEY

Printed Name: CHARLES STEINMAN PE Date: 10-15-15

BLANCO VISTA TRACT 'A'

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) C

Comments/Conditions line extensions required

Signature of Water Utility Official: [Signature]

Title: Water Dept Manager Date: _____

Name of Wastewater Service Provider CITY OF SAN MARCOS

Applicable Utility Service Code(s) C

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 Line extensions required

Signature of City or County Wastewater Official: [Signature]

Title: Wastewater Coll. Mgr Date 10-19-15

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:

BLANCO VISTA TRACT 'A'

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 CENTER POINT ENERGY

Applicable Utility Service Code(s) A

Comments/Conditions _____

Signature of Gas Company Official Devin Kleinfelder

Title Marketing Consultant Date 10/23/2015

BLANCO VISTA TRACT A

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 PEC

Applicable Utility Service Code(s) B

Comments/Conditions _____

Signature of Electric Company Official [Signature]

Title RIGHT of WAY Agent Date 10/23/15

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 _____

BLANCO VISTA TRACT 'A'

WATER AND WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT:

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

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

Name of Water Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Water Utility Official: _____

Title: _____ Date: _____

Name of Wastewater Service Provider _____

Applicable Utility Service Code(s) _____

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

Comments/Conditions _____

Signature of City or County Wastewater Official: _____

Title: _____ Date _____

TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:

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

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

Name of Telephone Service Provider CENTURY LINK

Applicable Utility Service Code(s) C

Comments/Conditions _____

Signature of Telephone Company Official Adam Monsen

Title: Engineer Date 11/3/2015

SUBMITTAL REQUIREMENTS FOR ALL PLATS:

- Complete application ^{oc}
- Required fees \$ 2511 (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: CHARLES E. STEINMAN, P.E.

Date: 10-15-15

*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	\$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



$30.2 \times 102 = 3080$
 $+ 1015$
 $\hline 4095^{cc}$
 \swarrow
 2500^{cc}
 $+ 11$
 $\hline 2511^{cc}$

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: _____



Legislation Text

File #: PC-15-23_04, Version: 1

AGENDA CAPTION:

PC-15-23_04 (Northgate Center 2, Replat) Hold a public hearing and consider a request by James C. Wilsford, Urban Design Group PC, on behalf of Donald L. Hudgins, JR., General Partner Aquarena Springs Commercial, LLC, for approval of a replat of 1.82 acres being a portion of Lot 1, Section 3, Interpark East, establishing Block B, Lot 4, Northgate Center 2, City of San Marcos, Hays County, Texas. (A.Villalobos)

Meeting date: August 23, 2016

Department: Planning and Development Services

Funds Required: n/a
Account Number: n/a
Funds Available: n/a
Account Name: n/a

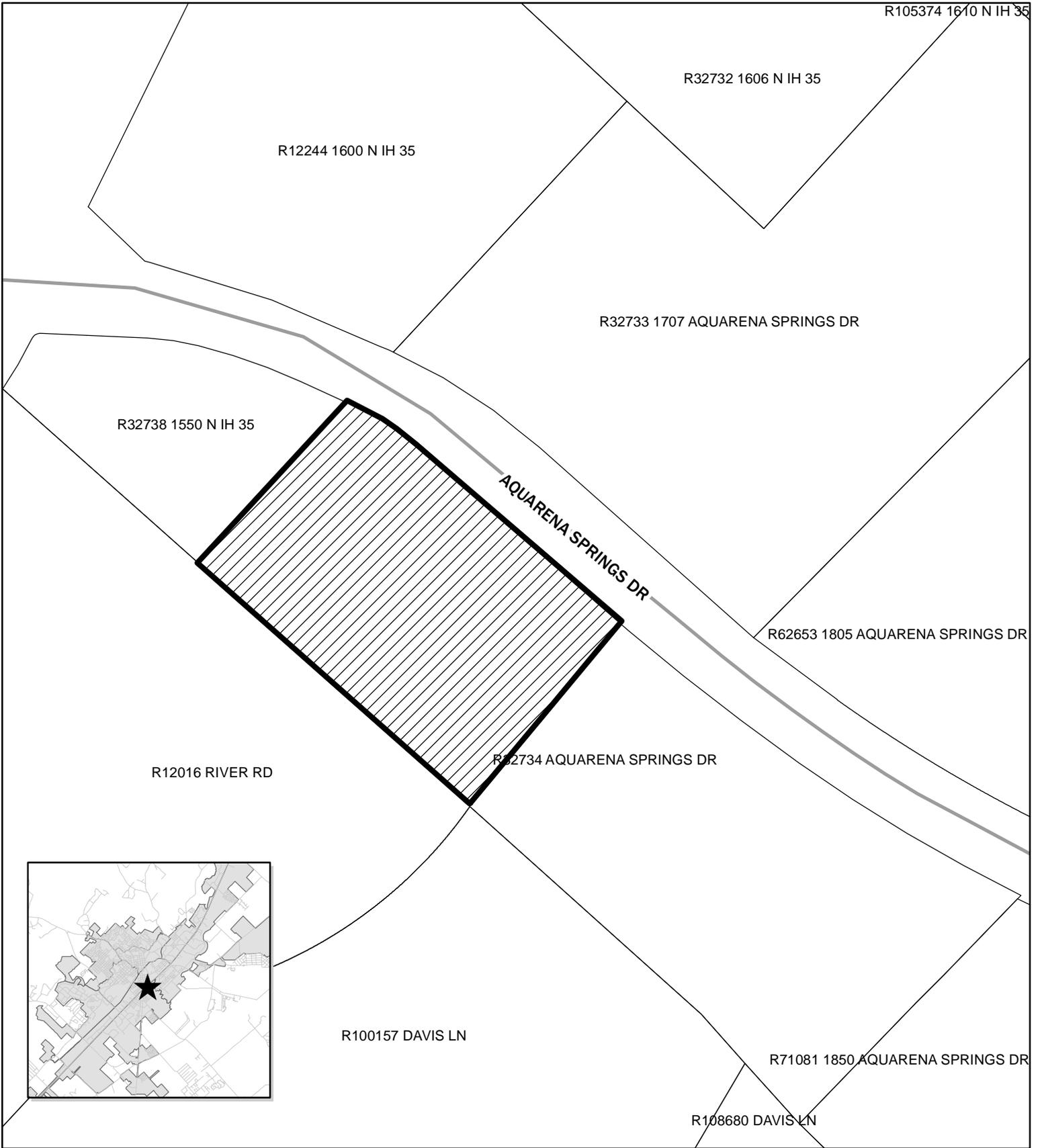
CITY COUNCIL GOAL: Community Wellness/ Strengthen the Middle Class

COMPREHENSIVE PLAN ELEMENT(s): n/a

BACKGROUND:

The applicant is proposing to replat an existing tract being, Lot 1, Section 3, Interpark East, which fronts the southern portion of Aquarena Springs Drive. The purpose of the plat is to create a legal lot subsequent to a sale that was accomplished through a metes and bounds description which created an illegal subdivision. Public Improvement Construction Plans have been submitted to extend water service through the lot in conjunction with the Northgate Center 1, Final Plat. The applicant has chosen to defer the construction of these public improvements until after the plat is approved and recorded. Therefore, a Subdivision Improvement Agreement is required to be approved by the Planning and Zoning Commission.

The Subdivision Improvement Agreement meets the criteria of Section 1.6.6.3 and the plat meets the criteria of Section 1.6.8.2 of the Land Development Code and staff recommends approval of the plat.



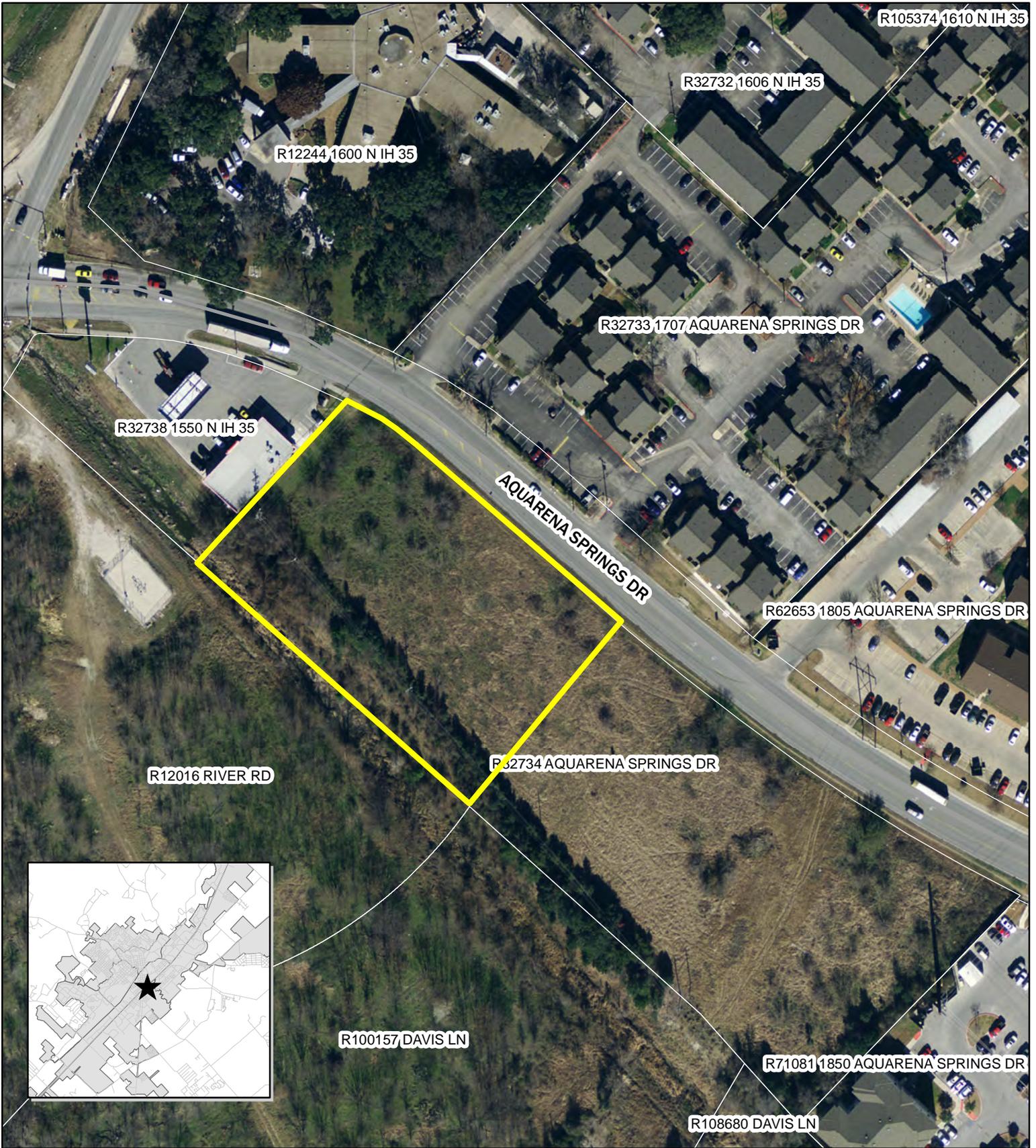
PC-15-23_04
Northgate Center 2
Aquarena Springs Map
Date: 8/5/2016

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.



PC-15-23_04
Northgate Center 2
Aquarena Springs Map
Date: 8/5/2016

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.

PC-15-23_04, Northgate Center 2 Replat of Lot 1, Section 3, Interpark East



Applicant Information:

Applicant: Urban Design Group PC
3660 Stoneridge Road, Ste 101
Austin, TX 78746

Property Owner: Donald L. Hudgins, JR.
722 North Main
Fort Worth, TX 76164

Notification: Notice published in the August 7, 2016 San Marcos Daily Record

Type & Name of Subdivision: Replat of Lot 1, Section 3, Interpark East

Subject Property:

Summary: This is a Replat of Lot 1, Section 3, Interpark East. The proposed replat will establish Lot 4, Block B, Northgate Center 2.

Traffic / Transportation: This property has frontage on Aquarena Springs Drive.

Utility Capacity: Electric service will be provided by Bluebonnet Electric Cooperative and the water and wastewater service will be provided by The City of San Marcos.

Parks proposal: Not required.

Zoning: GC – General Commercial

Surrounding Zoning and Land use:

	Current Zoning	Existing Land Use
N of Property	MF-24	Apartment Complex
W of Property	GC	Gas Station/Convenience Store
S of Property	GC	Vacant Land
E of Property	GC	Vacant Land

Planning Department Analysis:

The applicant is proposing a replat of an existing lot to establish a new, legally platted lot along Aquarena Springs Drive. The proposed lot currently has access to water and wastewater services. The purpose of this replat is to create a legal lot subsequent to a sale that was accomplished through a metes and bounds description which created an illegal subdivision. The replat will leave an adjacent remainder tract of 1.8826 acres.

This plat is associated and adjacent to Northgate Center 1, Final Plat (PC-15-23_04). Public Improvement Construction Plans have been approved for water, wastewater, and road improvements to serve the overall Northgate development. This plat includes the construction of an 8" water line along the front of the lot perpendicular to Aquarena Springs Drive.

The applicant has chosen to defer the construction of these public improvements until after the replat is approved and recorded. Per Section 1.6.6.3 of the Land Development Code (LDC), the property owner will enter into a subdivision improvement agreement when public improvements are deferred until after final plat approval. This agreement includes, but is not limited to, provisions to complete the improvements, covenants to warranty the improvements, and provisions for securing the obligations of the agreement. Section 1.6.6.3 also states that the Planning and Zoning Commission is the governing body to approve the agreement. It has been reviewed for consistency with Section 1.6.6.3 and meets the criteria.

Staff has reviewed the request and finds the proposed replat and associated Subdivision Improvement Agreement meets the criteria of 1.6.6.3 and the plat meets the criteria of 1.6.8.2 of the LDC and **recommends approval.**

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

Prepared By:

Andrea Villalobos

Planning Technician

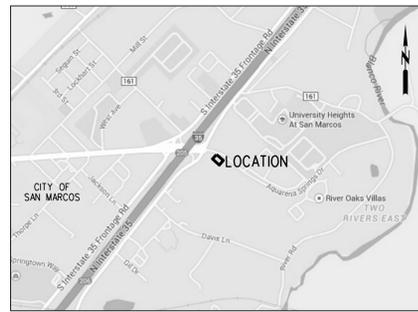
August 5, 2016

Name

Title

Date

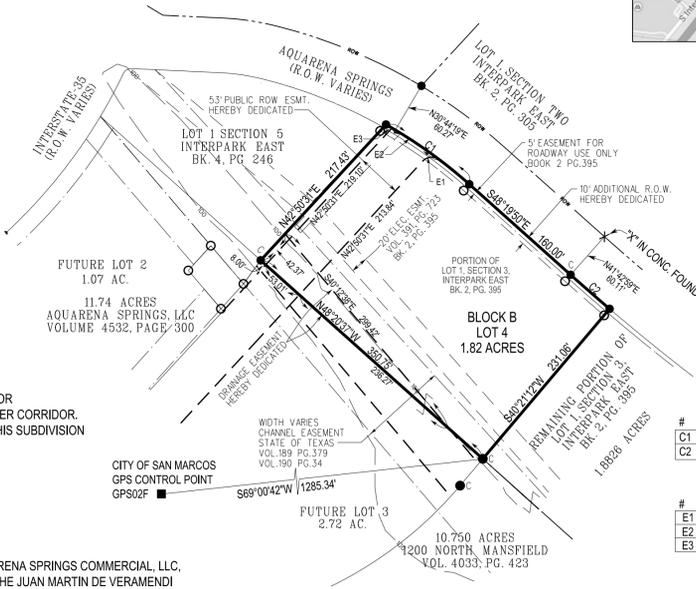
NORTHGATE CENTER 2 A RE-PLAT



VICINITY MAP, NTS



- LEGEND
- 1/2" IRON ROD w/UDG CAP SET
 - 1/2" IRON ROD w/UDG CAP FOUND
 - 1/2" IRON ROD FOUND
 - 100— 100 YEAR FLOODPLAIN



- NOTES
- THIS TRACT IS IN THE BLANCO RIVER WATERSHED.
 - THIS TRACT IS NOT IN THE EDWARD'S AQUIFER RECHARGE OR CONTRIBUTING ZONES AND IS NOT IN THE SAN MARCOS RIVER CORRIDOR.
 - SIDEWALKS ARE REQUIRED ALONG ALL RIGHT-OF-WAY IN THIS SUBDIVISION AND SHALL BE INSTALLED AT THE TIME OF CONSTRUCTION.

STATE OF TEXAS:
COUNTY OF _____:

KNOW ALL MEN BY THESE PRESENTS:
THAT DONALD L. HUDGINS, JR., GENERAL PARTNER FOR AQUARENA SPRINGS COMMERCIAL, LLC, OWNER OF 1.82 ACRES, BEING A PORTION OF 11.74 ACRES IN THE JUAN MARTIN DE VERAMENDI LEAGUE, NO. 2, HAYS COUNTY, TEXAS, DESCRIBED IN A CORRECTION DEED RECORDED IN VOLUME 4532, PAGE 300, OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 1.82 ACRES BEING A PORTION OF LOT 1, SECTION 3, INTERPARK EAST, A SUBDIVISION RECORDED IN BOOK 2, PAGE 395, PLAT RECORDS OF SAID COUNTY, SAID 1.82 ACRES HAVING BEEN APPROVED FOR RE-PLATTING PURSUANT TO THE PUBLIC NOTIFICATION AND HEARING PROVISION OF CHAPTER 212.014 OF THE LOCAL GOVERNMENT CODE, DO HEREBY RE-PLAT SAID 1.82 ACRES IN ACCORDANCE WITH THIS RE-PLAT, TO BE KNOWN AS "NORTHGATE CENTER 2", AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN ON THIS RE-PLAT.

DONALD L. HUDGINS, JR., GENERAL PARTNER
AQUARENA SPRINGS COMMERCIAL, LLC
722 N. MAIN STREET
FORT WORTH, TEXAS 76164

STATE OF TEXAS:
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DONALD L. HUDGINS, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID DONALD L. HUDGINS, JR., FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ 2016, A.D.

NOTARY PUBLIC _____

THE UNDERSIGNED REGISTERED PUBLIC SURVEYOR HEREBY CERTIFIES THAT THIS PLAT IS TRUE AND CORRECT AND PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

JOHN NOELL, RPLS NO. 2433 DATE _____

ENGINEER'S CERTIFICATION:

FLOODPLAIN NOTE
A PORTION OF THIS SUBDIVISION, AS SHOWN HEREON, LIES WITHIN ZONE "AE", SPECIAL FLOOD HAZARD AREAS INUNDATED BY THE 100-YEAR FLOODPLAIN BASED ON A SURVEY MADE ON THE GROUND DATED DECEMBER 10, 2012.

MINIMUM FINISHED FLOOR ELEVATION
THE MINIMUM FINISHED FLOOR ELEVATION FOR BUILDINGS IN THIS SUBDIVISION IS 596.4 FEET ABOVE SEA LEVEL.

JOHN NOELL, PE NO. 42657 DATE _____



BASIS OF BEARINGS
BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83 (1986 ADJUSTMENT), TEXAS SOUTH CENTRAL ZONE. ALL BEARINGS, DISTANCES AND ACREAGES SHOWN HEREON RELATE TO THIS DATUM AND GRID COORDINATE SYSTEM.

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

JIM GARBER - CHAIRMAN FRANCIS SERNA - RECORDING SECRETARY

APPROVED:

DATE _____ SHANNON MATTINGLY, AICP-DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES

DATE _____ ENGINEERING AND CIP DEPARTMENT

STATE OF TEXAS:
COUNTY OF HAYS:

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2016, AT _____ O'CLOCK _____ M., AND RECORDED ON THE _____ DAY OF _____, 2016, AT _____ O'CLOCK _____ M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN BOOK _____, AT PAGE(S) _____.

LIZ GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

#	R	D	A	T	C	CB
C1	574.61'	12°03'44"	120.97'	60.71'	120.75'	S54°29'55"E
C2	2560.00'	1°21'51"	60.95'	30.48'	60.95'	S49°00'38"E

#	R	D	A	T	C	CB
E1	15.00'	84°09'56"	20.13'	13.55'	20.11'	N84°55'28"E
E2	574.61'	6°43'07"	67.38'	33.73'	67.34'	S56°21'07"E
E3	574.61'	00°49'07"	8.21'	4.11'	8.21'	S60°07'14"E

**NORTHGATE CENTER 2
A RE-PLAT
BEING 1.82 ACRES IN THE J.M. VERAMENDI
SURVEY LEAGUE NO. 2,
CITY OF SAN MARCOS, HAYS COUNTY, TEXAS**

PROPERTY OWNER: AQUARENA SPRINGS COMMERCIAL, LLC
722 N. MAIN STREET
FORT WORTH, TEXAS 76164
817-870-2122

SURVEYOR/
ENGINEER: URBAN DESIGN GROUP PC
3660 STONERIDGE ROAD, SUITE E101
AUSTIN, TX 78746
512-347-0040

SCALE: 1"=100'
DATE OF SURVEY: DECEMBER 10, 2012
SHEET 1 OF 2



NORTHGATE CENTER 2

VERNON LEMENS, PRESIDENT
FIRST WORLD FINANCIAL LIMITED PARTNERSHIP
1509 GUADALUPE STREET
AUSTIN, TEXAS 78701

STATE OF TEXAS:
COUNTY OF _____:
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED VERNON LEMENS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID VERNON LEMENS, FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ 2016, A.D.

NOTARY PUBLIC _____

VERNON LEMENS, PRESIDENT
LEMENS RIVER ROAD, LTD.
1509 GUADALUPE STREET
AUSTIN, TEXAS 78701

STATE OF TEXAS:
COUNTY OF _____:
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED VERNON LEMENS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID VERNON LEMENS, FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ 2016, A.D.

NOTARY PUBLIC _____

VERNON LEMENS, PRESIDENT
HAYS 50, LTD.
1509 GUADALUPE STREET
AUSTIN, TEXAS 78701

STATE OF TEXAS:
COUNTY OF _____:
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED VERNON LEMENS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SUCH CAPACITY AS THE ACT OF SAID VERNON LEMENS, FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ 2016, A.D.

NOTARY PUBLIC _____

**NORTHGATE CENTER 2
BEING 1.82 ACRES IN THE J.M. VERAMENDI
SURVEY LEAGUE NO. 2,
CITY OF SAN MARCOS, HAYS COUNTY, TEXAS**

PROPERTY OWNER: AQUARENA SPRINGS COMMERCIAL, LLC
722 N. MAIN STREET
FORT WORTH, TEXAS 76164
817-870-2122

SURVEYOR/
ENGINEER: URBAN DESIGN GROUP PC
3660 STONERIDGE ROAD, SUITE E101
AUSTIN, TX 78746
512-347-0040

SCALE: 1"=100'
DATE OF SURVEY: DECEMBER 10, 2012
SHEET 2 OF 2

**City of San Marcos
Subdivision Improvement Agreement**

Subdivision Name: Northgate Center
Developer Name: Aquarena Springs, LLC
Developer Address: 722 N. Main Street
 Fort Worth, Texas 76164

Planning Dept. Case No.: 2015-18284

Recitals:

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

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

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

Agreement:

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

1. Recitals Incorporated. The Recitals are incorporated in this Agreement for all purposes.
2. Parties. The parties to this Agreement are the Developer and the City of San Marcos.
3. Effective Date. This Agreement is effective on the date the Developer signs it (the “Effective Date”).

4. Construction of Improvements. The Developer agrees to construct and install, at the Developer’s expense, all of the Public Improvements in compliance with applicable City ordinances, standards, and regulations, and in accordance with the construction plans and specifications approved by the City.

5. Security for Completion of Improvements. The Developer agrees to provide and continuously maintain security (the “Security”) for the completion of the Public Improvements in accordance with Section 1.6.6.4 of the LDC. The Security must be in the amount of 125% of the cost estimate for the Public Improvements approved by the City Director of Engineering.

6. Warranty and Maintenance Bond. The Developer agrees to correct all defects in materials or workmanship in the Public Improvements for a period of one year after acceptance by the City. The Developer agrees to provide a maintenance bond in favor of the City in the amount of 20% of the cost of the Public Improvements for a period of two years after acceptance by the City.

7. Lien Search Certificate. The Developer agrees to provide, at the time this Agreement is executed, a Lien Search Certificate prepared and signed by a title company acceptable to the City Attorney. The Lien Search Certificate must identify the property, must name all owners of the Property, must name all lienholders having liens against the Property, and must be dated no more than 10 days prior to the Effective Date. The Lien Search Certificate must be accompanied by a Consent of Lienholder signed by an authorized representative of each lienholder identified in the Lien Search Certificate. This Agreement will not be accepted without the Lien Search Certificate and the executed Consent of Lienholder, if applicable.

8. Acquisition of Property Interests. The Developer agrees to acquire at its expense all rights-of-way, easements and other real property interests needed for the construction of the Public Improvements, including all off-site improvements, in a manner suitable for dedication of the real

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To the Developer:
Donald L. Hodgins Jr. _____
Aquarena Springs LLC _____
722 N. Main St, _____
Fort Worth, TX. 76164 _____
Fax: _____

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

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

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

Executed by the parties to be Effective on _____

[signatures on following page]

City of San Marcos, Texas

By: _____
Jared Miller, City Manager

This instrument was acknowledged before me on _____, 201__ by Jared Miller, known personally by me to be the City Manager of the City of San Marcos, on behalf of the City of San Marcos.

Notary seal: _____
Notary Public, State of Texas

Developer:
_Aquarena Springs LLC _____

By: _____
Signature
_Donald L. Hudgins, JR. President _____
Printed name, title

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

Notary Seal: _____
Notary Public, State of _____

**Consent of Lienholder to
Subdivision Improvement Agreement**

Subdivision Name: _ Northgate Center _____
Developer Name: _ Aquarena Springs, LLC _____
Developer Address: _ 722 N. Main Street _____
 _ Fort Worth, Texas 76164 _____

Lienholder Name: _____
Lienholder Address: _____

Recitals:

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

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

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

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

Agreement:

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

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

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

Executed on _____

Lienholder:

By: _____

Printed name, title

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

Notary Seal:

Notary Public, State of _____

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

DESCRIBING AN 11.74 ACRE TRACT OF LAND BEING A PORTION OF THE JUAN MARTIN DE VERMENDI LEAGUE NO. 2, HAYS COUNTY, TEXAS, SAID 11.74 ACRE TRACT OF LAND ALSO BEING A PORTION OF THE FOLLOWING TWO TRACTS OF LAND:

- 1) 17.035 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO LEMENS RIVER ROAD, INC, THE HAYS 50 CORPORATION AND DAVID J. LISS AND RICHARD S. KEMP EXECUTED ON JUNE 29, 1985 AND RECORDED IN VOLUME 534 PAGE 390, DEED RECORDS OF SAID COUNTY,
 - 2) LOT 1, SECTION 3, INTERPARK EAST, A SUBDIVISION RECORDED IN BOOK 2 PAGE 395, PLAT RECORDS OF SAID COUNTY,
- SAID 11.74 ACRE TRACT BEING DESCRIBED AS 11.80 ACRES, **SAVE AND EXCEPT** ALL OF THAT CERTAIN 0.055 OF AN ACRE TRACT OF LAND DESCRIBED IN A DEED TO UNITED GAS PIPE LINE COMPANY EXECUTED ON MARCH 3, 1962 AND RECORDED IN VOLUME 190 PAGE 379, DEED RECORDS OF SAID COUNTY, SAID 11.80 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found at the northern most west corner of said 17.035 acre tract, same being the north corner of Lot 1, San Marcos Glass Company Subdivision, a subdivision recorded in Book 11 Page 22, Plat Records of said County and in the southeast right-of-way line of Interstate Highway No. 35 (R. O. W. varies);

THENCE, with the northern most northwest line of said 17.035 acre tract, same being the southeast line of said Interstate Highway No. 35, the following two courses:

- 1) Along a curve to the right having a radius of 1095.92 feet, an arc length of 339.87 feet, a central angle of 17°46'07" and a chord which bears N50°39'31"E, 338.51 feet to an iron rod with cap stamped UDG set;
- 2) Along a curve to the left having a radius of 622.96 feet, an arc length of 343.41 feet, a central angle of 31°35'04" and a chord which bears N46°50'02"E, 339.08 feet to an iron rod found at the north corner of said 17.035 acre tract, same being the west corner of Lot 1, Section 5, Interpark East, a subdivision recorded in Book 4 Page 246, Plat Records of said County;

THENCE, with the northeast line of said 17.035 acre tract, same being the southwest line of said Lot 1, S48°12'43"E, 253.51 feet to an iron rod with cap stamped UDG set at the south corner of said Lot 1, same being the west corner of Lot 1, Section 3, Interpark East, a subdivision recorded in Book 2 Page 395, Plat Records of said County;

THENCE, with the southeast line of said Lot 1, Section 5, same being the northwest line of said Lot 1, Section 3, N42°50'31"E, 217.43 feet to an iron rod found at the east corner of said Lot 1, Section 5,

same being the north corner of said Lot 1, Section 3 and in the southwest right-of-way line of Aquarena Springs Drive (60' R. O. W.);

THENCE, with the northeast line of said Lot 1, Section 3, same being the southwest line of said Aquarena Springs Drive, the following three courses:

- 1) Along a curve to the right having a radius of 574.61 feet, an arc length of 120.97 feet, a central angle of $12^{\circ}03'44''$ and a chord which bears $S54^{\circ}29'55''E$, 120.75 feet to an iron rod found;
- 2) $S48^{\circ}19'50''E$, 160.00 feet to an iron rod with cap stamped UDG set;
- 3) Along a curve to left having a radius of 2560.00 feet, an arc length of 60.95 feet, a central angle of $1^{\circ}21'51''$ and a chord which bears $S49^{\circ}00'38''E$, 60.95 feet to an iron rod found;

THENCE, through the interior of said Lot 1, Section 3, $S40^{\circ}21'12''W$, 231.06 feet to an iron rod with cap stamped UDG set in the southwest line of said Lot 1, Section 3, same being the northeast line of said 17.035 acre tract;

THENCE, through the interior of said 17.035 acre tract, the following three courses:

- 1) $S40^{\circ}18'43''W$, 41.31 feet to an iron rod with cap stamped UDG set;
- 2) Along a curve to the right having a radius of 470.00 feet, an arc length of 368.38 feet, a central angle of $44^{\circ}54'26''$ and a chord which bears $S62^{\circ}48'07''W$, 359.02 feet to an iron rod found;
- 3) $S42^{\circ}26'39''W$, 436.35 feet to an iron rod found in the northeast line of that certain 30.0 acre tract of land described in a deed to the City of San Marcos as described in Volume 148 Page 138, Deed Records of said County, same being the northeast line of Lot 2, Davis Lane Subdivision, a subdivision recorded in Book 14 Page 22, Plat Records of said County;

THENCE, with the southern most southwest line of said 17.035 acre tract, same being the northeast line of said Lot 2, $N47^{\circ}35'45''W$, 419.24 feet to an iron rod found at the southern most west corner of said 17.035 acre tract, same being the south corner of said Lot 1, San Marcos Glass Company Subdivision;

THENCE, with the southern most northwest line of said 17.035 acre tract, same being the southeast line of said Lot 2, $N34^{\circ}01'53''E$, 147.97 feet to an iron rod found;

THENCE, with the northern most southwest line of said 17.035 acre tract, same being the northeast line of said Lot 2, $N53^{\circ}53'49''W$, 114.98 feet to the POINT OF BEGINNING and containing 11.80 acre of land, **SAVE AND EXCEPT** said 0.055 of an acre leaving a net area of 11.74 acres.

City of San Marcos
SUBDIVISION PLAT APPLICATION

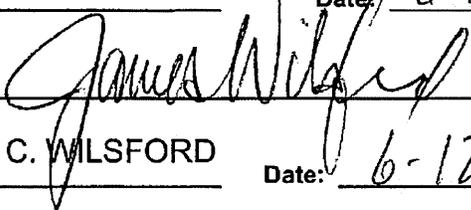
	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>URBAN DESIGN GROUP PC</u>	<u>DONALD L. HUDGINS, JR.</u>
Mailing Address	<u>3660 STONERIDGE RD STE E101</u> <u>AUSTIN TX 78746</u>	<u>722 N. MAIN</u> <u>FORT WORTH TX 76164</u>
Daytime Phone	<u>512.633.3136, 512.347.0040 X 106</u>	<u>817.654.1991</u>
Email Address	<u>JWILSFORD@UDG.COM</u>	<u>BHUDGINS@HUDGINSCOMPANIES.COM</u>

AGENT ACKNOWLEDGEMENT STATEMENT:

I, BUD HUDGINS acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize JAMES C. WILSFORD 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: 

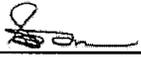
Printed Name: BUD HUDGINS Date: 6-15-15

Signature of Agent: 

Printed Name: JAMES C. WILSFORD Date: 6-12-15

Subdivision Plats		Development Plats	
<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 _____		
Minor Subdivision Plats (for Administrative Approval)			
<input type="checkbox"/> Minor Subdivision Plat			
Revisions to Recorded Plats (for Administrative Approval)			
<input type="checkbox"/> Amending Plat			
<input checked="" type="checkbox"/> Replat without Vacation			

SUBJECT PROPERTY	
Subdivision Name: <u>NORTHGATE CENTER 2</u>	
Address or General Location: <u>SOUTHEAST CORNER: IH-35 & AQUARENA SPRINGS</u>	
Proposed Number of Lots: <u>1 LOT</u>	Acres: <u>1.82 acres</u>
Appraisal District Tax ID: <u>R32734</u>	
Located In	<input type="checkbox"/> City Limits <input type="checkbox"/> ETJ* - Please circle county: <i>Caldwell Comal Guadalupe Hays</i> <input type="checkbox"/> S.M. River Corridor <input type="checkbox"/> Planned Development District
Proposed Use of Land <u>COMMERCIAL / RETAIL</u>	
*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.	
<input type="checkbox"/> I will complete all required public improvements prior to the Final Subdivision Plat or Final Development Plat.	
<input checked="" type="checkbox"/> I wish to defer installation of public improvements and will complete a Subdivision Improvement Agreement with the City.	
Signature: <u></u>	
Printed Name: <u>BUD HUDGINS</u>	Date: <u>6-15-15</u>

- Complete application
- Required fees \$ 850.00 _____ (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)
- 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: JAMES C. WILSFORD _____

Date: _____

*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

750 +
90
10

850

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: _____

June 12, 2015

Planning and Development Services Department
630 East Hopkins
San Marcos, Texas 78666

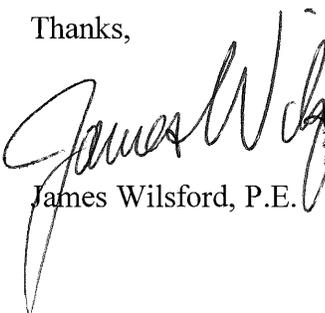
Attn: Shannon Mattingly, Director

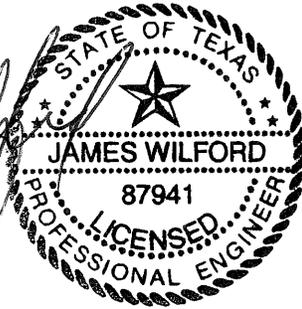
RE: Northgate Center 2 (Aquarena Springs)
Re-plat Without Vacation

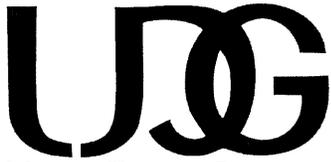
Dear Shannon,

The purpose of this re-plat is to create a legal lot subsequent to a sale that was accomplished through a metes and bounds description which created an illegal subdivision. The parent tract was Lot 1, Section 3 of INTERPARK EAST (4.48 ACRES). A copy of the previous plat is attached for clarity. We have attempted to contact the adjoining owner so that they may participate in the re-plat exercise but have been unsuccessful, as explained in the attached letter. This tract adjoins a public right-of-way which contains all of the utilities and the tract contains a drainage easement that will convey any stormwater runoff generated. We trust that this explanation is sufficient; however, please inform if more explanation or documentation is required and it will be supplied immediately. My direct cell phone number is 512-633-3136. Please do not hesitate to call if I may assist the process in any way.

Thanks,


James Wilford, P.E.





Urban Design Group PC

3660 Stoneridge Road, Suite E101

Austin, TX 78746

(512) 347-0040

(512) 347-1311 (Fax)

June 11, 2015

Shannon Mattingly

Director

Planning and Development Services Department – City of San Marcos

630 E. Hopkins

San Marcos, TX 78666

P: 512-393-8000

Re: Northgate Center 2 (Aquarena Springs)
Re-Plat without Vacation Application

Dear Shannon,

We are submitting a Re-Plat without Vacation application package for a project, Northgate Center 2. We have tried to reach out to the owners, Elysee Management Group, Inc. as listed in the Document No: 2010-10034997 (Volume 4033 Page 423) of Hays County records, of the portion of the property that is located east of the property that we are trying to plat. We have been unsuccessful in reaching either the owner of the business, Elysee Management Group, Inc., itself. These attempts were made to contact the owners and/or Elysee Management Group, Inc:

1. First Attempt: Called Tuesday June 9th, 2015 to 310-275-9746 (listed on corporationwiki.com which goes to a third party answering service), I spoke with a woman and was transferred to Vivien Kao's (listed on Deed) voicemail. This transfer then sent me to a Morgan Browning Investment Company. I have not heard back.
2. Second Attempt: Called Tuesday June 11th, 2015 to 310-275-9746 (listed on corporationwiki.com which goes to a third party answering service), I spoke with Jenny and was transferred to Vivien Kao's (listed on Deed) voicemail. This transfer then sent me to a Morgan Browning Investment Company. I have not heard back.

If you have any questions or need any additional information in order to review the Replat Application for approval please contact me at KDroughton@udg.com or 512-347-0040 ext 108 or please contact James Wilsford at jwilsford@udg.com or 512-633-3136.

Sincerely,
URBAN DESIGN GROUP

Katie Droughton
Planner | Processor

**** Electronically Filed Document ****

Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2013-13001693
Recorded As : ELECTRONIC RECORDING

Recorded On: January 17, 2013
Recorded At: 12:35:07 pm
Number of Pages: 12
Book-VI/Pg: Bk-OPR VI-4532 Pg-299
Recording Fee: \$56.00

Parties:

Direct- FIRST WORLD FINANCIAL LIMITED PAR
Indirect- AQUARENA SPRINGS COMMERCIAL LI

Receipt Number: 325398
Processed By: Lynn Curry

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

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



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

A handwritten signature in cursive script that reads "Liz Q. Gonzalez".

Liz Q. Gonzalez, County Clerk

A Delaware Limited Partnership

LENDER NO. TWO: **LEMENS RIVER ROAD, LTD.**
A Texas Limited Partnership

LENDER NO. THREE: **HAYS 50, LTD.**
A Texas Limited Partnership

CONSIDERATION: TEN DOLLARS (\$10.00) cash and other good and valuable consideration; together with the further consideration of the execution and delivery by Grantee of (1) a \$463,248.15 promissory note to Lender No. One, further identified below; (2) a \$598,612.20 promissory note to Lender No. Two, and (3) a \$1,197,224.43 promissory note to Lender No. Three further identified below.

REAL PROPERTY

(INCLUDING ANY IMPROVEMENTS)

[THE "PROPERTY" HEREIN]:

11.74 Acres, more or less, of land out of the *JUAN MARTIN DE VERAMENDI LEAGUE NO. 2* in Hays County, Texas, being a portion of a 51.845-acres tract conveyed in Volume 534, Page 390, of the Deed Records of Hays County, Texas, and being a portion of Lot 1, Section 3, INTERPARK EAST, a subdivision in Hays County, Texas, according to the map or plat of record in Volume 2, Page 395, of the Plat Records of Hays County, Texas; said 11.74-acre tract is more fully described by metes and bounds in the attached **Exhibit A**.

**RESERVATIONS FROM & EXCEPTIONS
TO CONVEYANCE & WARRANTY:**

This conveyance is made and accepted subject to (i) those restrictions, covenants, reservations, conditions, rights-of-way, and easements listed on **Exhibit B**, and also to (ii) those other conditions which are valid, existing, and properly of record; and subject, further, to (iii) all zoning laws, regulations, and ordinances of municipal or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the Property.

AD VALOREM TAXES: Taxes for the year 2012 having been prorated at Closing, payment of *ad valorem* taxes is assumed by Grantee.

Vendor's Lien: It is expressly agreed that a **VENDOR'S LIEN**, as well as the Superior Title in and to the Property, is retained against the Property, premises, and improvements until the above-described Note and all interest thereon are fully paid according to the face, tenor, effect, and reading thereof, when this Deed shall become absolute.

**ASSIGNMENT OF VENDOR'S LIEN
(3RD-PARTY LENDER FINANCING):**

The Lenders named above, at the instance and request of Grantee, each advanced and paid in cash to Grantor that portion of the purchase price of the Property as is evidenced by a **\$463,248.15** Promissory Note to Lender No. One, a **\$598,612.20** Promissory Note to Lender No. Two, and a **\$1,197,224.43** Promissory Note to Lender No. Three, in partial consideration for the purchase of the Property; **THEREFORE**, the Vendor's Lien, together with the Superior Title to the Property, is retained herein for the benefit of the Lenders and both are hereby **TRANSFERRED** and **ASSIGNED** to the Lenders to the extent of the amount of each of their respective Notes.

Deed of Trust: In order to secure the payment of the **\$463,248.15** Promissory Note to Lender No. One, Grantee has executed and delivered a Deed of Trust conveying title to **Vernon Lemens**, Trustee for the benefit of Lender No. One; and in order to secure the payment of the **\$598,612.20** Promissory Note to Lender No. Two, Grantee has executed and delivered a Deed of Trust conveying title to **Vernon Lemens**, Trustee for the benefit of Lender No. Two, and in order to secure the payment of the **\$1,197,224.43** Promissory Note to Lender No. Three, Grantee has executed and delivered a Deed of Trust conveying title to **Vernon Lemens**, Trustee for the benefit of Lender No. Three.

CONVEYANCE: Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, **GRANTS, SELLS, and CONVEYS** to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold the Property to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to **WARRANT AND FOREVER DEFEND** all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever

lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

WAIVER OF WARRANTIES: GRANTOR HAS NOT MADE, DOES NOT MAKE, AND HEREBY NEGATES AND DISCLAIMS ANY REPRESENTATIONS OR WARRANTIES EITHER EXPRESS OR IMPLIED, EITHER UNDER COMMON LAW, STATUTE, OR OTHERWISE, AS TO THE PHYSICAL CONDITION, LAYOUT, FOOTAGE, ACREAGE, EXPENSES, OPERATION, OR ANY OTHER MATTER AFFECTING OR RELATING TO THE REAL OR PERSONAL PROPERTY, EXCEPT AS SPECIFICALLY SET FORTH OR REFERRED TO IN THIS DEED. TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE REAL AND PERSONAL PROPERTY IS CONVEYED "AS IS" AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS ANY AND ALL REPRESENTATIONS, WARRANTIES, OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION: (I) THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, OR PROFITABILITY, SUITABILITY, OR FITNESS FOR A PARTICULAR USE OR PURPOSE, OF BOTH THE REAL AND PERSONAL PROPERTY; (II) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS INCORPORATED INTO THE REAL PROPERTY; AND (III) THE MANNER, QUALITY, STATE OF REPAIR, OR LACK OF REPAIR OF THE REAL AND PERSONAL PROPERTY. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS, OR INFORMATION FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT, OR OTHER PERSON, UNLESS THEY ARE SPECIFICALLY SET FORTH OR REFERRED TO HEREIN. IT IS UNDERSTOOD AND AGREED THAT THE PURCHASE PRICE HAS BEEN ADJUSTED BY PRIOR NEGOTIATION TO REFLECT THAT ALL PROPERTY IS SOLD BY GRANTOR AND PURCHASED BY GRANTEE SUBJECT TO THIS WAIVER.

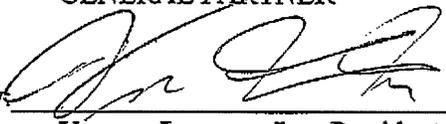
TERMS: When the context requires, singular nouns and pronouns include the plural; and masculine forms include the feminine.

EXECUTED TO BE EFFECTIVE as of December 14, 2012.

GRANTOR:

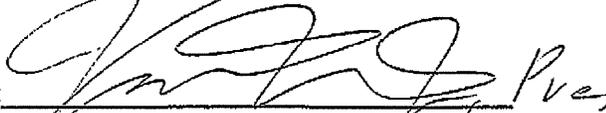
LEMENS RIVER ROAD, LTD.
A Texas Limited Partnership

By: **WORLD FINANCIAL CORPORATION**
A Delaware Corporation
GENERAL PARTNER

By: 
Vernon Lemens, Jr. - President

HAYS 50, LTD.
A Texas Limited Partnership

By: **WORLD FINANCIAL CORPORATION**
A Delaware Corporation
GENERAL PARTNER

By: 
Vernon Lemens, Jr. - President

FIRST WORLD FINANCIAL LIMITED PARTNERSHIP, a Delaware Limited Partnership

By: **WORLD FINANCIAL CORPORATION**
A Delaware Corporation
GENERAL PARTNER

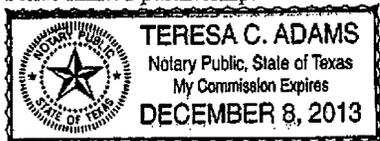
By: 
Vernon Lemens, Jr. - President

STATE OF TEXAS

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COUNTY OF TRAVIS

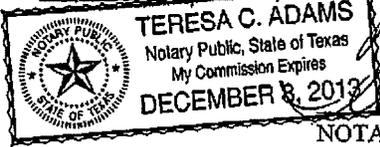
ACKNOWLEDGED BEFORE ME by **VERNON LEMENS, JR.**, President of **WORLD FINANCIAL CORPORATION**, a Delaware corporation and the General Partner of **LEMENS RIVER ROAD, LTD.**, a Texas limited partnership, on this 16th day of JANUARY, 2012, on behalf of said Delaware Corporation and said Texas limited partnership.




NOTARY PUBLIC ★ State of TEXAS

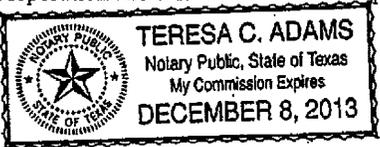
STATE OF TEXAS *
*
COUNTY OF TRAVIS *

ACKNOWLEDGED BEFORE ME by VERNON LEMENS, JR., President of WORLD FINANCIAL CORPORATION, a Delaware corporation and the General Partner of HAYS 50, LTD., a Texas limited partnership, on this 16th day of JANUARY, 2013 on behalf of said Delaware Corporation and said Texas limited partnership.

 *Teresa C. Adams*
NOTARY PUBLIC ★ State of TEXAS

STATE OF TEXAS *
*
COUNTY OF TRAVIS *

ACKNOWLEDGED BEFORE ME by VERNON LEMENS, JR., President of WORLD FINANCIAL CORPORATION, a Delaware corporation and the General Partner of FIRST WORLD FINANCIAL LIMITED PARTNERSHIP, a Delaware limited partnership, on this 16th day of JANUARY, 2013 on behalf of said Delaware Corporation and said Delaware limited partnership.

 *Teresa C. Adams*
NOTARY PUBLIC ★ State of TEXAS

UDG PROJECT NO. 12-690.063
FIELD NOTE NO. 1196
PAGE 1 OF 2

11.74 ACRES
JUAN MARTIN DE VERMENDI LEAGUE NO. 2
HAYS COUNTY, TEXAS

DESCRIPTION

DESCRIBING AN 11.74 ACRE TRACT OF LAND BEING A PORTION OF THE JUAN MARTIN DE VERMENDI LEAGUE NO. 2, HAYS COUNTY, TEXAS, SAID 11.74 ACRE TRACT OF LAND ALSO BEING A PORTION OF THE FOLLOWING TWO TRACTS OF LAND:

- 1) 17.035 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO LEMENS RIVER ROAD, INC, THE HAYS 50 CORPORATION AND DAVID J. LISS AND RICHARD S. KEMP EXECUTED ON JUNE 29, 1985 AND RECORDED IN VOLUME 534 PAGE 390, DEED RECORDS OF SAID COUNTY,
- 2) LOT 1, SECTION 3, INTERPARK EAST, A SUBDIVISION RECORDED IN BOOK 2 PAGE 395, PLAT RECORDS OF SAID COUNTY,
SAID 11.74 ACRE TRACT BEING DESCRIBED AS 11.80 ACRES, SAVE AND EXCEPT ALL OF THAT CERTAIN 0.055 OF AN ACRE TRACT OF LAND DESCRIBED IN A DEED TO UNITED GAS PIPE LINE COMPANY EXECUTED ON MARCH 3, 1962 AND RECORDED IN VOLUME 190 PAGE 379, DEED RECORDS OF SAID COUNTY, SAID 11.80 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found at the northern most west corner of said 17.035 acre tract, same being the north corner of Lot 1, San Marcos Glass Company Subdivision, a subdivision recorded in Book 11 Page 22, Plat Records of said County and in the southeast right-of-way line of Interstate Highway No. 35 (R. O. W. varies);

THENCE, with the northern most northwest line of said 17.035 acre tract, same being the southeast line of said Interstate Highway No. 35, the following two courses:

- 1) Along a curve to the right having a radius of 1095.92 feet, an arc length of 339.87 feet, a central angle of 17°46'07" and a chord which bears N50°39'31"E, 338.51 feet to an iron rod with cap stamped UDG set;
- 2) Along a curve to the left having a radius of 622.96 feet, an arc length of 343.41 feet, a central angle of 31°35'04" and a chord which bears N46°50'02"E, 339.08 feet to an iron rod found at the north corner of said 17.035 acre tract, same being the west corner of Lot 1, Section 5, Interpark East, a subdivision recorded in Book 4 Page 246, Plat Records of said County;

THENCE, with the northeast line of said 17.035 acre tract, same being the southwest line of said Lot 1, S48°12'43"E, 253.51 feet to an iron rod with cap stamped UDG set at the south corner of said Lot 1, same being the west corner of Lot 1, Section 3, Interpark East, a subdivision recorded in Book 2 Page 395, Plat Records of said County;

THENCE, with the southeast line of said Lot 1, Section 5, same being the northwest line of said Lot 1, Section 3, N42°50'31"E, 217.43 feet to an iron rod found at the east corner of said Lot 1, Section 5,

UDG PROJECT NO. 12-690.063
FIELD NOTE NO. 1196
PAGE 2 OF 2

11.74 ACRES
JUAN MARTIN DE VERMENDI LEAGUE NO. 2
HAYS COUNTY, TEXAS

same being the north corner of said Lot 1, Section 3 and in the southwest right-of-way line of Aquarena Springs Drive (60' R. O. W.);

THENCE, with the northeast line of said Lot 1, Section 3, same being the southwest line of said Aquarena Springs Drive, the following three courses:

- 1) Along a curve to the right having a radius of 574.61 feet, an arc length of 120.97 feet, a central angle of 12°03'44" and a chord which bears S54°29'55"E, 120.75 feet to an iron rod found;
- 2) S48°19'50"E, 160.00 feet to an iron rod with cap stamped UDG set;
- 3) Along a curve to left having a radius of 2560.00 feet, an arc length of 60.95 feet, a central angle of 1°21'51" and a chord which bears S49°00'38"E, 60.95 feet to an iron rod found;

THENCE, through the interior of said Lot 1, Section 3, S40°21'12"W, 231.06 feet to an iron rod with cap stamped UDG set in the southwest line of said Lot 1, Section 3, same being the northeast line of said 17.035 acre tract;

THENCE, through the interior of said 17.035 acre tract, the following three courses:

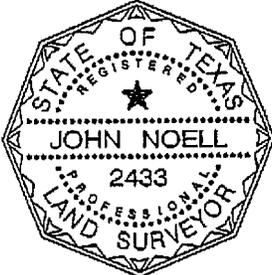
- 1) S40°18'43"W, 41.31 feet to an iron rod with cap stamped UDG set;
- 2) Along a curve to the right having a radius of 470.00 feet, an arc length of 368.38 feet, a central angle of 44°54'26" and a chord which bears S62°48'07"W, 359.02 feet to an iron rod found;
- 3) S42°26'39"W, 436.35 feet to an iron rod found in the northeast line of that certain 30.0 acre tract of land described in a deed to the City of San Marcos as described in Volume 148 Page 138, Deed Records of said County, same being the northeast line of Lot 2, Davis Lane Subdivision, a subdivision recorded in Book 14 Page 22, Plat Records of said County;

THENCE, with the southern most southwest line of said 17.035 acre tract, same being the northeast line of said Lot 2, N47°35'45"W, 419.24 feet to an iron rod found at the southern most west corner of said 17.035 acre tract, same being the south corner of said Lot 1, San Marcos Glass Company Subdivision;

THENCE, with the southern most northwest line of said 17.035 acre tract, same being the southeast line of said Lot 2, N34°01'53"E, 147.97 feet to an iron rod found;

THENCE, with the northern most southwest line of said 17.035 acre tract, same being the northeast line of said Lot 2, N53°53'49"W, 114.98 feet to the POINT OF BEGINNING and containing 11.80 acre of land, SAVE AND EXCEPT said 0.055 of an acre leaving a net area of 11.74 acres.

Surveyed by:
URBAN DESIGN GROUP
3660 Stoneridge Road, # E101
Austin, Texas 78746
(512) 347-0040



[Handwritten Signature]

 John Noell, R.P.L.S. #2433

 Date: 12.13.12

Map attached.
Bearing Basis: Texas State Plane Coordinate System, NAD 83, Texas South Central Zone

EXHIBIT B
PERMITTED EXCEPTIONS

A telephone easement granted to Southwestern Bell Telephone Company, as described in Volume 123, Page 591, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."

A pipe line easement granted to United Gas Pipe Line Company, as described in Volume 147, Page 561, as affected by Volume 197, Page 140, of the Deed Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433

A channel easement granted to the State of Texas, as described in Volume 189, Page 379, of the Deed Records of Hays County, Texas, as shown on the plat of record in Volume 2, Page 395, of the Plat Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

A channel easement granted to the State of Texas, as described in Volume 190, Page 34, of the Deed Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

A private roadway and pipe line easement granted to United Gas Pipe Line Company, as described in Volume 190, Page 377, of the Deed Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

A pipe line and appurtenances easement granted to United Gas Pipe Line Company, as described in Volume 190, Page 381, of the Deed Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

A pipeline easement granted to Valero Transmission Company, as described in Volume 395, Page 422, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states "Description within document is not sufficient to locate the easement, may apply to this site."

A water and wastewater easement granted to the City of San Marcos by instrument recorded under Document Number 9907509, of the Official Records of Hays County, Texas, as affected by Volume 3464, Page 572, of the Official Public Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

A telecommunication cable system easement granted to AT&T Corp. by instrument recorded under Volume 3245, Page 677, of the Official Public Records of Hays County, Texas as noted on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.

All terms, conditions, and provisions of that certain agreement, dated December 1, 1973, of record in Volume 264, Page 160, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property.

A 5' roadway easement reserved along Aquarena Springs Drive, as shown on the plat of record in Volume 2, Page 395, of the Plat Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

An electric transmission and distributing line easement granted to Texas Power & Light Company, as described in Volume 94, Page 465, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states "Description within document is not sufficient to locate the easement, may apply to this site."

An electric transmission and/or distribution line easement granted to Texas Power & Light Company, as described in Volume 96, Page 213, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."

An electric transmission and/or distribution line easement granted to the Lower Colorado River Authority, as described in Volume 120, Page 101, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."

An electric transmission and/or distribution line easement granted to the Lower Colorado River Authority, as described in Volume 123, Page 543, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."

A telephone and telegraph or other signal or communication circuits easement granted to Southwestern Bell Telephone Company, as described in Volume 123, Page 592, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."

A transmission line easement awarded to the Lower Colorado River Authority in Final Judgment recorded in Volume 187, Page 532, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."

An easement awarded to Southwestern Bell Telephone Company in Final Judgment recorded in Volume 187, Page 532, of the Deed Records of Hays County, Texas, to the extent that the same may affect the subject property. Note on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433, states, "description within document is not sufficient to locate the easement, may apply to this site."

An electric easement granted to the Lower Colorado River Authority, as described in Volume 391, Page 723, of the Deed Records of Hays County, Texas, and as shown on the plat of record in Volume 2, Page 395, of the Plat Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

A water and wastewater easement granted to the City of San Marcos, Texas, by instrument recorded under Volume 3464, Page 564, of the Official Public Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.

A water and wastewater easement granted to the City of San Marcos, Texas, by instrument recorded under Volume 3479, Page 493, of the Official Public Records of Hays County, Texas, as shown on survey dated 12/10/2012, prepared by John Noell, Registered Public Land Surveyor No. 2433.



Legislation Text

File #: ZC-16-10, Version: 1

AGENDA CAPTION:

ZC-16-10 (Springtown Mall) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a zoning change from "GC" General Commercial to "VMU" Vertical Mixed Use for 6.57 acres, more or less out of a portion of Springtown VI, lot 5. (T. Carpenter)

Meeting date: August 23, 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

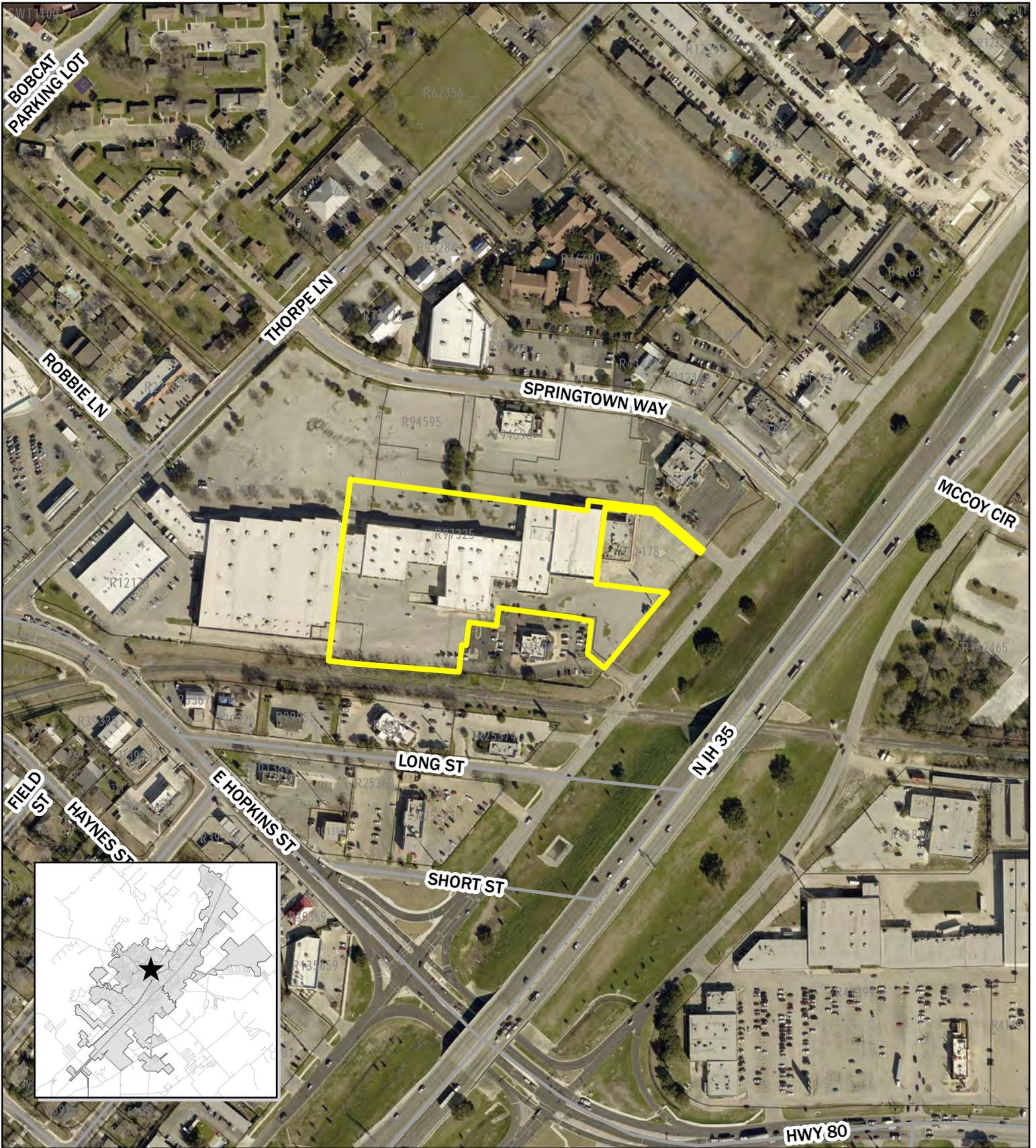
COMPREHENSIVE PLAN ELEMENT(S): N/A

BACKGROUND:

The subject property is approximately 6.57 acres out of the Springtown Mall. The site is located on IH 35 near Springtown Way and Thorpe Lane. The site is currently zoned General Commercial (GC) and the applicant is requesting to rezone to Vertical Mixed Use in order to integrate first floor retail and loft apartments into the mixed use development. The applicant has indicated that the site has been configured into an irregular shaped lot due to lease agreements with their current tenants. This property is located in the Midtown High Intensity area as designated on the Preferred Scenario Map. VMU is an allowable zoning classification in the Midtown High Intensity area.

The applicant proposes development of a mixed-use product which includes approximately 30,000 square feet of ground-floor retail and a student housing component of 184 loft apartments consisting of 459 bedrooms. Residential density of the site with the proposed unit count is ≈ 32.4 units/acre. The overall height of the building would be 4 stories. This section of the development is shown to be oriented toward the interior of the lot.

Staff finds this land use is consistent with the Comprehensive Plan Elements and recommends approval.



ZC-16-10
Springtown Mall
GC to VMU
200 Springtown Way
Map Date: 7/28/2016

 Site Location



0 250 500 1,000
 Feet

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

Zoning Change ZC-16-10 200 Springtown Way



Summary: The applicant is requesting a zoning change from General Commercial (GC) to Vertical Mixed Use (VMU) for 6.57 acres

Applicant: Humpty Dumpty SSM, Ltd.
500 W 5th Street, Suite 700
Austin, TX 78701

Property Owners: Humpty Dumpty SSM, Ltd.
500 W 5th Street, Suite 700
Austin, TX 78701

Notification: On July 29, 2016 personal notifications of the public hearing were mailed to all property owners within 200 feet of the subject property. Additionally, signs were posted on the site.

Response: There have been no citizen comments as of the staff report date.

Property/Area Profile:

Legal Description: Approximately 6.57 acres out of a portion of Springtown VI, Lot 5.

Location: 200 Springtown Way

Existing Use of Property: Big Box Retail (Vacant)

Proposed Use of Property: Vertical Mixed Use

Preferred Scenario Map: High Intensity – Midtown

Existing Zoning: General Commercial (GC)

Proposed Zoning: Vertical Mixed Use (VMU)

Utility Capacity: The property is served by water and wastewater.

Sector: Sector Seven (7)

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Preferred Scenario
N of Property	GC	Parking Lot	High Intensity
S of Property	GC	Strip Retail	High Intensity
E of Property	GC	Big Box Retail	High Intensity
W of Property	GC	Restaurant	High Intensity

Case Summary

The subject property is approximately 6.57 acres out of the Springtown Mall. The site is located on IH 35 near Springtown Way and Thorpe Lane. The site is currently zoned General Commercial (GC) and the applicant is requesting to rezone to Vertical Mixed Use in order to integrate first floor retail and loft apartments into the mixed use development. The applicant has indicated that the site has been configured into an irregular shaped lot due to lease agreements with their current tenants. This property is located in the Midtown High Intensity area as designated on the Preferred Scenario Map. VMU is an allowable zoning classification in the Midtown High Intensity area.

Springtown mall has been largely vacant since the relocation of its anchor tenants – Target, JC Penny, and Best Buy – in the late 2000's. Wanting to promote redevelopment of the site to create jobs and increase tax revenues, City Council approved an Economic Development Incentive Agreement for the property to promote redevelopment of the site into a "Class A" retail shopping center. This agreement waived several development standards including; impervious cover limitations, landscaping, material standards, sidewalk requirements, and certain sign standards. Additionally, the agreement offered tax incentives for the development. Through this agreement the owners, Endeavor Real Estate Group, agreed to make an additional capital investment in the site of at least \$14-million.

The applicant proposes development of a mixed-use product which includes approximately 30,000 square feet of ground-floor retail and a student housing component of 184 loft apartments consisting of 459 bedrooms. Residential density of the site with the proposed unit count is ≈ 32.4 units/acre. The overall height of the building would be 4 stories. This section of the development is shown to be oriented toward the interior of the lot.

Springtown Mall currently consists of multiple platted lots. If this request is approved by City Council, the property will be replatted to match the zoning boundary lines presented.

Planning Department Analysis

The subject property is located within the Midtown High Intensity area. *Vision San Marcos Comprehensive Plan* provides the following description of the future vision for Midtown:

"Because of its central location and accessibility, Midtown will be a high-density mixed use area, possibly the densest area in San Marcos, with housing for many household types. Midtown residents will have easy access to services, city facilities, the University, and the San Marcos River. They will have the most diverse options for transportation including transit connections to the University and the rest of the city."

The Land Development Code provides the following description of Vertical Mixed Use Districts:

"The VMU, Vertical Mixed Use District, is intended to provide for a mixture of retail, office, and dense residential uses in close proximity to enable people to live, work, and purchase necessities in a single location. It is not the purpose of this zoning district to permit or encourage properties to be converted to exclusively commercial or multi-family use."

The zoning change request has been reviewed using The Comprehensive Master Plan, *Vision San Marcos: A River Runs Through Us* as well as the guidance criteria in Section 1.5.1.5 of the Land Development Code. A review worksheet is attached to this report which details the analysis of the zoning change using Comprehensive Plan Elements.

It is important to note on the Comprehensive Plan worksheet that there are two items in the Land Use Suitability table that stand out. The first is the Soils category, which rates the soil beneath this lot as a category 4 soil. This means that it will be more difficult, and more expensive to construct heavier structures due to the soil conditions. Secondly the Watershed category is rated a level 5, due to the fact that this property is located within the Sewell Park Watershed. The Comprehensive Plan and Preferred Scenario anticipated denser development in the Sewell Park Watershed due to the location of Midtown. The site is currently almost 100% impervious cover.

Staff finds this land use amendment request is consistent with the Comprehensive Plan Elements as summarized below:

- The property is located within the Midtown High Intensity district on the Preferred Scenario Map;
- The property being considered for rezoning is located in a moderately constrained area according to the Land Use Suitability Map;
- The subject property is not located in a wastewater or water “hot spot”. Water and wastewater service are available to the subject property; however, depending on the density the developer wishes to achieve they may be required to increase the size of the existing water and wastewater lines.
- While a Traffic Impact Analysis is not required for a Zoning Change, staff has some concern with how the proposed development will impact traffic in the area, as well as traffic patterns on the Springtown site. The Travel Demand Model (TDM) shows Thorpe Lane remains an A for Daily Level of Service (LOS), only dropping to a B LOS during the future peak. The Southbound IH-35 Frontage Road Daily LOS does deteriorate from a C & D to an F, while the Peak LOS remains an F.

In addition, the criteria of this proposed change to the LDC criteria is detailed below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
x			<p>The proposed change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The change is consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos. See the analysis above and the attached Comprehensive Plan Worksheet.</i></p>
		x	<p>Consistency with any development agreement in effect</p>
x			

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>The zoning designation of Vertical Mixed Use is consistent with the designation of surrounding parcels which are multifamily and commercial districts.</i></p>
		X	<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is within the City's water and wastewater service area. Depending on the desired density, the developer may need to increase the size of the water and wastewater lines servicing this site.</i></p>
		X	<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>

Additionally, the Commission should consider:

- (1) Is the property suitable for use as presently zoned?

Staff evaluation: The property is currently developed as a big box retail center. However, the current zoning category does not permit the density and mixture of uses envisioned by the Comprehensive Plan.

- (2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: Uptown Square, a 316-unit student housing development was completed in 2015. Also, vacancies at the existing Springtown Mall site are beginning to fill.

- (3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: Approval of this zoning change would allow the property to develop according to the vision of the Comprehensive Plan, which states that the community needs diversified housing options (Neighborhood and Housing Goal 3), and high density mixed use development in the intensity zones (Land Use Goal 2).

- (4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: No, there is no special benefit to the landowner as the proposed zoning district meets the intent of the Comprehensive Plan's vision.

- (5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: The rezoning does serve a substantial public purpose as it furthers the goals and vision of the Comprehensive Plan.

Staff provides this information with **recommendation of approval** for the zoning change request.

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

Prepared by:

Tory Carpenter

Planner

July 27, 2016

Name

Title

Date

ZC-16-10 (200 Springtown Way) Zoning Change Review (By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

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

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

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

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

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

ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed:	Sewell Park

	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed	X				
Notes: The Sewell subcatchment will have a higher overall impervious cover with the Preferred Scenario (58%) compared to the trend scenario (53%). Most of the changes with the Preferred Scenario will occur on previously developed urban areas. This means that developments for the Preferred Scenario, such as the midtown area, will have a high amount of impervious cover. The increase in impervious cover with the Preferred Scenario could result in a 7 percent increase of TSS with a similar increase in bacteria (8.8%) generally during rain events.					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	Millview West
Neighborhood Commission Area(s):	7
Neighborhood Character Study Area(s):	N/A

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

		YES	NO
Will Parks and / or Open Space be Provided?			X
Will Trails and / or Green Space Connections be Provided?			X
Maintenance / Repair Density			
	Low (maintenance)	Medium	High (maintenance)
Wastewater Infrastructure	X		
Water Infrastructure	X		
Public Facility Availability			
		YES	NO
Parks / Open Space within ¼ mile (walking distance)?			X
Wastewater service available?		X	
Water service available?		X	

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

		A	B	C	D	F
Existing Daily LOS	Thorpe Lane Southbound IH-35 Frontage Road	X		X	X	
Existing Peak LOS	Thorpe Lane Southbound IH-35 Frontage Road	X				X
Preferred Scenario Daily LOS	Thorpe Lane Southbound IH-35 Frontage Road	X				X
Preferred Scenario Peak LOS	Thorpe Lane Southbound IH-35 Frontage Road		X			X
The Transportation Demand Model shows that Thorpe Lane remains at a level of service A for the Daily LOS, however it drops from an A to a B LOS in the Preferred Scenario Peak LOS. The TDM shows a deterioration of the						

Daily LOS from a C & D to an F on the Southbound IH 35 Frontage Road. Additionally Southbound IH-35 Frontage Road remains at an F level LOS in the Preferred Scenario Peak LOS. Jackson Lane is not represented in the TDM as it is a relatively minor street.

	N/A	Good	Fair	Poor
Sidewalk Availability (Required to build.)	X			
	YES		NO	
Adjacent to existing bicycle lane?			X	
Adjacent to existing public transportation route?	X			
Notes:				



Petition for Zoning Change, Zoning Overlay, or Historic District Checklist

- A pre-application conference with staff is recommended;
- A completed application form, including a statement verifying land ownership and, if applicable, authorization of the land owner's agent to file the petition and required fees;
- Legal description of the site (metes and bounds or lot and block if platted)
- Certificate of no tax delinquency
- Subdivision Concept Plats or Site Plans as required (see Chapter 1 of the LDC)
- Additional information as required to clarify the request

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

Signed: Buck Cook

Date: 06.27.16

Print Name: Buck Cook

Engineer Surveyor Architect/Planner Owner Agent: _____

City of San Marcos

ZONING CHANGE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name:	<u>Humpty Dumpty SSM, Ltd.</u>	<u>Humpty Dumpty SSM, Ltd.</u>
Mailing Address:	<u>500 W. 5th Street, Suite 700</u> <u>Austin, Texas 78701</u>	<u>500 W. 5th Street, Suite 700</u> <u>Austin, Texas 78701</u>
Telephone No.:	<u>(512) 682-5500</u>	<u>(512) 682-5500</u>
E-mail address:	<u>bcody@endeavor-re.com</u>	<u>bcody@endeavor-re.com</u>

PROPERTY DESCRIPTION:

Street Address: 200 Springtown Way, San Marcos

Subdivision: _____ Block: _____ Lot(s): _____

Other Description (if unplatted) Being approximately 6 Acres out of a portion of Springtown VI, Lot 5 (to be replatted)
 * a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 97325 Acres: Approximately 6.57 acres

Lien Holder(s) - for notification purposes:

Name: _____

Mailing Address: _____

(If more than one lien holder, please provide information on a separate page)

A certificate of no tax delinquency must be attached to this application

ZONING CHANGE INFORMATION:

Zoning Designation: Current: GC Requested: VMU

Master Plan Designation: High Intensity - MidTown Land Use Map Amendment Required? No

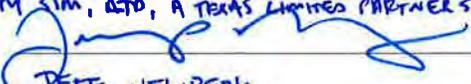
Present Use of Property: Retail

Desired Use of Property/Reason for Change: Add residential component to existing retail to create a mixed-use development meeting the vision and intent of the City's Preferred Scenario Map.

I certify that the information in this application is complete and accurate.

I am ^{AUTHORIZED TO SIGN FOR} the property owner of record; or

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

Signature:  Date: 6-27-16

Printed Name: JEFF NEWBERH TITLE: EVP

HUMPTY DUMPTY SSM, LTD, A TEXAS LIMITED PARTNERSHIP BY ERM MANAGEMENT, LLC ITS GENERAL PARTNER

APPLICATION FOR CITY OF SAN MARCOS ZONING CHANGE

FEE INFORMATION:

Fee Schedule:

Zoning Change to MF 12, 18, 14	\$1,015 plus \$51 acre (\$3,000 maximum) + \$11.00 Technology Fee
Zoning Change to all other categories	\$762 plus \$51 acre (\$2,000 maximum) + \$11.00 Technology Fee
Zoning variance/Special Exception	\$609 + \$11.00 Technology Fee
Renotification fee	\$77 + \$11.00 Technology Fee

APPLICATION PROCESS:

Please be advised that this is a 2-3 month process. The Planning and Zoning Commission will conduct a public hearing to consider your request. Prior to the hearing, the City will mail notices to all property owners within 200 feet of the subject tract, to the listed applicant and property owner, to any lien holders, and to the appropriate neighborhood representative. A sign advertising the change will also be placed on the property by the City.

At the public hearing the applicant, or a representative for the applicant, should be present to answer any questions the Commission may have. Failure to appear could result in your request being tabled or denied. Those in support of the request and those in opposition will be given an opportunity to speak. Following the close of the public hearing, the Planning and Zoning Commission will make a recommendation to either approve or deny the request.

This recommendation is then forwarded to City Council for their action. A notice is published in the newspaper 15 days prior to their hearing. City Council will conduct a public hearing and either adopt an Ordinance to approve the change or deny the request. You will be notified by mail of the date of the City Council public hearing. If an ordinance is adopted, at least one further meeting is required to give Council an opportunity to reconsider the request. If there is no reconsideration, the process is complete. If there is reconsideration, a third reading of the ordinance would be required for approval.

To be completed by Staff:

Property is located in: Edwards Aquifer Recharge Zone Historic District River Corridor
 Concurrent Land Use Amendment is Required: Yes No

Meeting Date: _____ Deadline: _____ Accepted By: _____ Date: _____

AGREEMENT TO THE PLACEMENT OF ZONING NOTIFICATION SIGNS

The City of San Marcos Land Development Code provides that notification signs shall be placed on any property that is the subject of a zoning change, zoning variance, or conditional use permit. The signs shall be placed on the property by the Development Services-Planning staff prior to the 10th day before the scheduled public hearing based on the following criteria:

- Signs shall be placed on each street for property having multiple street frontages
- Signs shall be placed in a visible, unobstructed location near the front property line

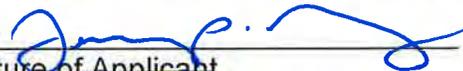
Signs shall remain in place until final action is taken on the application, unless the case is formally withdrawn by the applicant prior to a final decision. Staff will remove the signs.

It is the responsibility of the applicant to periodically check the sign locations to verify that signs remain in place and have not been vandalized or removed. It is the responsibility of the applicant to immediately notify the Development Services-Planning Department of any missing or defective signs.

It is unlawful for a person to alter any notification sign, or to remove it while the case is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

I have read the above statement and agree to allow the placement of notification signs as required on the project covered by the attached request. The Development Services-Planning staff has my permission to place these signs on my property. I will notify City staff if the sign is damaged or removed.

*HUMPTY DUMPTY SIM, A TEXAS LIMITED PARTNERSHIP
BY: EMT RETAIL MANAGEMENT, LLC ITS GENERAL PARTNER*

BY: 
Signature of Applicant
NAME: JEFF NEWBERH TITLE: EVR

6-27-16
Date

FOR STAFF USE ONLY:

Sign (s) were placed by staff on _____ by _____.

Sign (s) were removed by staff on _____ by _____.



Legislation Text

File #: CUP-16-23, Version: 1

AGENDA CAPTION:

CUP-16-23 (Springtown Mall Purpose-Built Student Housing) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a Conditional Use Permit to allow purpose-built student housing at the site located at 200 Springtown Way.

Meeting date: August 23, 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

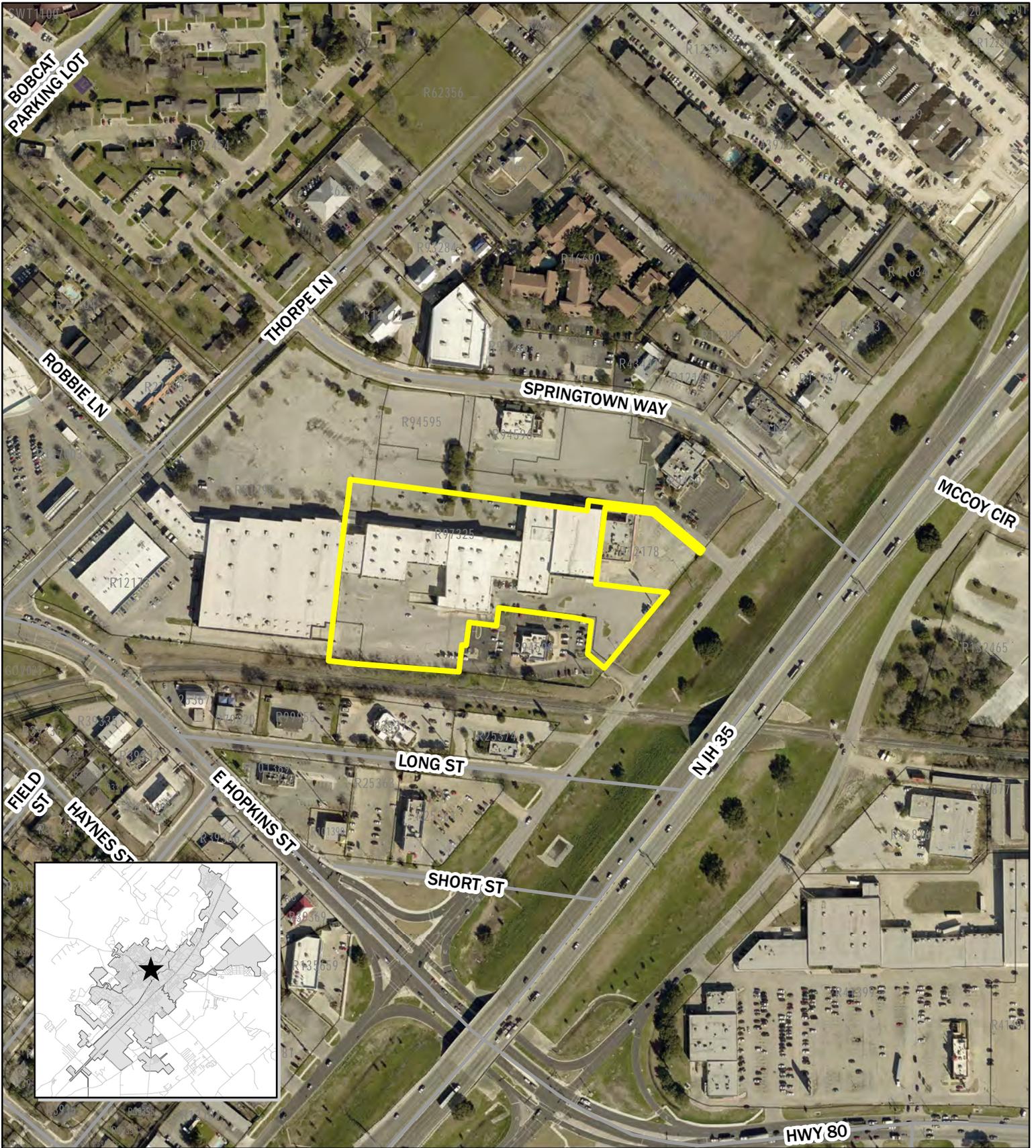
BACKGROUND:

Purpose built student housing was added to the Land Development Code as a land use on August 2, 2016. The use is defined as "one or more buildings, each containing two or more living units that are designed, marketed, or used for the primary purpose of housing college students." This use is conditional in Vertical Mixed Use which is the reason for this request. CUP requests for purpose built student housing are voted on by City Council after a recommendation by the Planning and Zoning Commission.

The applicant is proposing a mixed-use development which includes approximately 30,000 square feet of ground-floor retail and a student housing component of 184 loft apartments consisting of 459 bedrooms. Residential density of the site with the proposed unit count is ≈ 32.4 units/acre. This section of the development is shown to be oriented toward the interior of the lot.

Staff has analyzed the request and recommends approval of the Conditional use permit with the following condition:

1. That the Conditional Use Permit become effective upon approval of the zoning change for the property to Vertical Mixed Use.



CUP-16-23
Springtown Mall
Student Housing
200 Springtown Way
Map Date: 8/16/2016

 Site Location

0 250 500 1,000 Feet



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

**CUP-16-23
 Conditional Use Permit
 Springtown: Purpose Built Student Housing
 200 Springtown Way**



Applicant Information:

Applicant: Humpty Dumpty SSM, Ltd.
 500 W 5th Street, Suite 700
 Austin, TX 78701

Property Owner: Humpty Dumpty SSM, Ltd.
 500 W 5th Street, Suite 700
 Austin, TX 78701

Applicant Request: A Conditional Use Permit to allow purpose built student housing in a Vertical Mixed-Use district located at 200 Springtown Way

Notification: Public hearing notification mailed August 12, 2016

Response: None to date

Subject Property:

Legal Description: Approximately 6.57 acres out of a portion of Springtown VI, Lot 5.

Location: 200 Springtown Way

Existing Use of Property: Big Box Retail (Vacant)

Proposed Use of Property: Mixed Use

Preferred Scenario Map: High Intensity – Midtown

Existing Zoning: General Commercial (GC)

Proposed Zoning: Vertical Mixed Use (VMU)

Sector: Sector Seven (7)

Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Preferred Scenario
N of Property	GC	Parking Lot	High Intensity
S of Property	GC	Strip Retail	High Intensity
E of Property	GC	Big Box Retail	High Intensity
W of Property	GC	Restaurant	High Intensity

Code Requirements:

This request is for a Conditional Use Permit (CUP) for purpose-built student housing for a property with a proposed zoning of Vertical Mixed Use. This student housing product would be incorporated with a mixed use development on this site.

Purpose built student housing was added to the Land Development Code as a land use on August 2, 2016. The use is defined as *“one or more buildings, each containing two or more living units that are designed, marketed, or used for the primary purpose of housing college students.”* This use is conditional in Vertical Mixed Use which is the reason for this request. CUP requests for purpose built student housing are voted on by City Council after a recommendation by the Planning Commission.

Background

The subject property is approximately 6.57 acres out of the Springtown Mall. The site is located on IH 35 near Springtown Way and Thorpe Lane.

Springtown mall has been largely vacant since the relocation of its anchor tenants – Target, JC Penny, and Best Buy – in the late 2000's. Wanting to promote redevelopment of the site to create jobs and increase tax revenues, City Council approved an Economic Development Incentive Agreement for the property to promote redevelopment of the site into a “Class A” retail shopping center. Through this agreement the owners, Endeavor Real Estate Group, agreed to make an additional capital investment in the site of at least \$14-million.

The applicant proposes development of a mixed-use product which includes approximately 30,000 square feet of ground-floor retail and a student housing component of 184 loft apartments consisting of 459 bedrooms. Residential density of the site with the proposed unit count is ≈ 32.4 units/acre. This section of the development is shown to be oriented toward the interior of the lot.

This request is being heard concurrently with a separate CUP for a height increase to 5 stories, and a Zoning Change request for Vertical Mixed Use: CUP-16-24 & ZC-16-10.

Comments from Other Departments:

There have been no comments from other departments.

Planning Department Analysis:

Evaluation of a request for a CUP is subject to the criteria in Section 1.5.7.5 of the LDC concerning impacts of the use on surrounding properties.

1. **The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;**
 - The subject property is located within the Midtown High Intensity area. *Vision San Marcos Comprehensive Plan* provides the following description of the future vision for Midtown:
“Because of its central location and accessibility, Midtown will be a high-density mixed use area, possibly the densest area in San Marcos, with housing for many household types. Midtown residents will have easy

access to services, city facilities, the University, and the San Marcos River. They will have the most diverse options for transportation including transit connections to the University and the rest of the city.”

- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;**
 - The Land Development Code provides the following description of Vertical Mixed Use Districts:

“The VMU, Vertical Mixed Use District, is intended to provide for a mixture of retail, office, and dense residential uses in close proximity to enable people to live, work, and purchase necessities in a single location. It is not the purpose of this zoning district to permit or encourage properties to be converted to exclusively commercial or multi-family use.”
- 3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;**
 - Current surrounding uses include various forms of retail. Staff considers this mixed use development to be consistent with surrounding uses. Additionally, the property owner is working directly with adjacent tenants to ensure there is no detrimental impact.
- 4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;**
 - Staff has determined that the project will not generate hazardous traffic of a vehicular or pedestrian nature.
- 5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;**
 - At this time, the need for any additional improvements has not been identified.
- 6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and**
 - The site will be developed in accordance with the Development Incentive Agreement for the property.
- 7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.**

- At this time the development is meeting the standards established in the zoning district. Any variations will be addressed as needed.

Staff has analyzed the request and recommends **approval** of the Conditional use permit with the following conditions:

- (1) That the Conditional Use Permit become effective upon approval of the zoning change for the property to Vertical Mixed Use.

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed CUP. After considering public input, the Commission is charged with making a recommendation to the City Council on the Permit. The City Council will consider the recommendation of the Commission and finally decide the request for the CUP.

The Commission may recommend approval, approval with conditions or modifications or denial the permit. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission, pursuant to Section 1.5.7.5 of the LDC, should consider the extent to which:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

The Commission may recommend such conditions it deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Tory Carpenter

Planner

August 19, 2016

Name

Title

Date



Petition for Zoning Change, Zoning Overlay, or Historic District Checklist

- A pre-application conference with staff is recommended;
- A completed application form, including a statement verifying land ownership and, if applicable, authorization of the land owner's agent to file the petition and required fees;
- Legal description of the site (metes and bounds or lot and block if platted)
- Certificate of no tax delinquency
- Subdivision Concept Plats or Site Plans as required (see Chapter 1 of the LDC)
- Additional information as required to clarify the request

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

Signed: Buck Cook

Date: 06.27.16

Print Name: Buck Cook

Engineer Surveyor Architect/Planner Owner Agent: _____

City of San Marcos

ZONING CHANGE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name:	<u>Humpty Dumpty SSM, Ltd.</u>	<u>Humpty Dumpty SSM, Ltd.</u>
Mailing Address:	<u>500 W. 5th Street, Suite 700</u> <u>Austin, Texas 78701</u>	<u>500 W. 5th Street, Suite 700</u> <u>Austin, Texas 78701</u>
Telephone No.:	<u>(512) 682-5500</u>	<u>(512) 682-5500</u>
E-mail address:	<u>bcody@endeavor-re.com</u>	<u>bcody@endeavor-re.com</u>

PROPERTY DESCRIPTION:

Street Address: 200 Springtown Way, San Marcos

Subdivision: _____ Block: _____ Lot(s): _____

Other Description (if unplatted) Being approximately 6 Acres out of a portion of Springtown VI, Lot 5 (to be replatted)
 * a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 97325 Acres: Approximately 5.97

Lien Holder(s) - for notification purposes:

Name: _____

Mailing Address: _____

(If more than one lien holder, please provide information on a separate page)

A certificate of no tax delinquency must be attached to this application

ZONING CHANGE INFORMATION:

Zoning Designation: Current: GC Requested: VMU

Master Plan Designation: High Intensity - MidTown Land Use Map Amendment Required? No

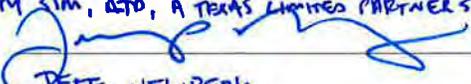
Present Use of Property: Retail

Desired Use of Property/Reason for Change: Add residential component to existing retail to create a mixed-use development meeting the vision and intent of the City's Preferred Scenario Map.

I certify that the information in this application is complete and accurate.

I am ^{AUTHORIZED TO SIGN FOR} the property owner of record; or

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

Signature:  Date: 6-27-16

Printed Name: JEFF NEWBERH TITLE: EVP

HUMPTY DUMPTY SSM, LTD, A TEXAS LIMITED PARTNERSHIP BY ERM MANAGEMENT, LLC ITS GENERAL PARTNER

APPLICATION FOR CITY OF SAN MARCOS ZONING CHANGE

FEE INFORMATION:

Fee Schedule:

Zoning Change to MF 12, 18, 14	\$1,015 plus \$51 acre (\$3,000 maximum) + \$11.00 Technology Fee
Zoning Change to all other categories	\$762 plus \$51 acre (\$2,000 maximum) + \$11.00 Technology Fee
Zoning variance/Special Exception	\$609 + \$11.00 Technology Fee
Renotification fee	\$77 + \$11.00 Technology Fee

APPLICATION PROCESS:

Please be advised that this is a 2-3 month process. The Planning and Zoning Commission will conduct a public hearing to consider your request. Prior to the hearing, the City will mail notices to all property owners within 200 feet of the subject tract, to the listed applicant and property owner, to any lien holders, and to the appropriate neighborhood representative. A sign advertising the change will also be placed on the property by the City.

At the public hearing the applicant, or a representative for the applicant, should be present to answer any questions the Commission may have. Failure to appear could result in your request being tabled or denied. Those in support of the request and those in opposition will be given an opportunity to speak. Following the close of the public hearing, the Planning and Zoning Commission will make a recommendation to either approve or deny the request.

This recommendation is then forwarded to City Council for their action. A notice is published in the newspaper 15 days prior to their hearing. City Council will conduct a public hearing and either adopt an Ordinance to approve the change or deny the request. You will be notified by mail of the date of the City Council public hearing. If an ordinance is adopted, at least one further meeting is required to give Council an opportunity to reconsider the request. If there is no reconsideration, the process is complete. If there is reconsideration, a third reading of the ordinance would be required for approval.

To be completed by Staff:

Property is located in: Edwards Aquifer Recharge Zone Historic District River Corridor
 Concurrent Land Use Amendment is Required: Yes No

Meeting Date: _____ Deadline: _____ Accepted By: _____ Date: _____

AGREEMENT TO THE PLACEMENT OF ZONING NOTIFICATION SIGNS

The City of San Marcos Land Development Code provides that notification signs shall be placed on any property that is the subject of a zoning change, zoning variance, or conditional use permit. The signs shall be placed on the property by the Development Services-Planning staff prior to the 10th day before the scheduled public hearing based on the following criteria:

- Signs shall be placed on each street for property having multiple street frontages
- Signs shall be placed in a visible, unobstructed location near the front property line

Signs shall remain in place until final action is taken on the application, unless the case is formally withdrawn by the applicant prior to a final decision. Staff will remove the signs.

It is the responsibility of the applicant to periodically check the sign locations to verify that signs remain in place and have not been vandalized or removed. It is the responsibility of the applicant to immediately notify the Development Services-Planning Department of any missing or defective signs.

It is unlawful for a person to alter any notification sign, or to remove it while the case is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

I have read the above statement and agree to allow the placement of notification signs as required on the project covered by the attached request. The Development Services-Planning staff has my permission to place these signs on my property. I will notify City staff if the sign is damaged or removed.

*HUMPTY DUMPTY SIM, A TEXAS LIMITED PARTNERSHIP
BY: EMT RETAIL MANAGEMENT, LLC ITS GENERAL PARTNER*

BY: 
Signature of Applicant
NAME: JEFF NEWBERH TITLE: EMT

6-27-16
Date

FOR STAFF USE ONLY:

Sign (s) were placed by staff on _____ by _____.

Sign (s) were removed by staff on _____ by _____.



Legislation Text

File #: CUP-16-24, Version: 1

AGENDA CAPTION:

CUP-16-24 (Springtown Mall Height Increase) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a Conditional Use Permit to allow building height over 4 stories at the site located at 200 Springtown Way.

Meeting date: August 23, 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

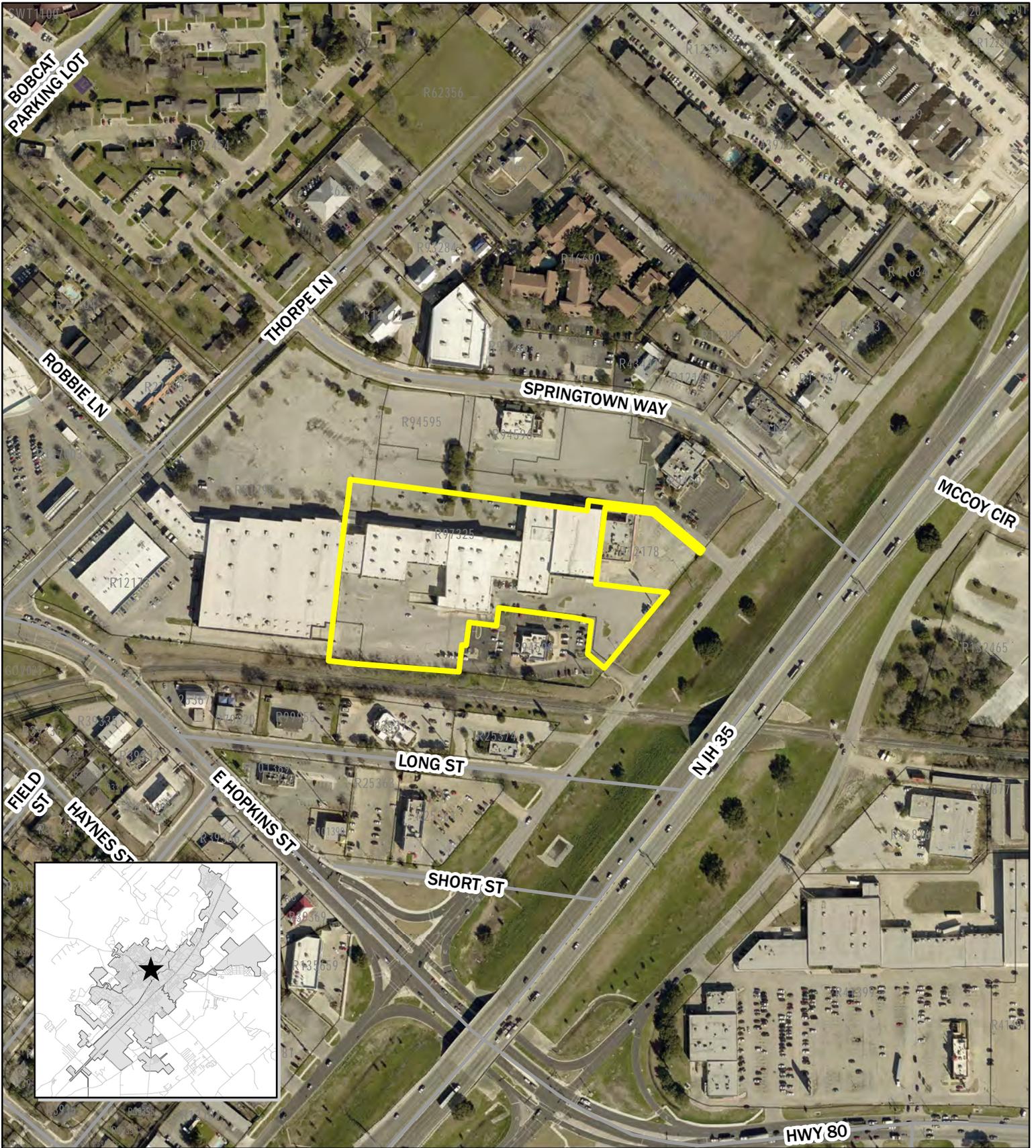
BACKGROUND:

This request is for a Conditional Use Permit (CUP) to increase the allowable height in a Vertical Mixed use zoning district to 5 stories. Per table 4.1.6.1 of the Land Development Code, 4 stories is allowed by right in these zoning districts and taller structures may be approved by CUP upon recommendation by the Planning & Zoning Commission and approval by City Council.

The applicant proposes development of a mixed-use product which includes approximately 30,000 square feet of ground-floor retail and a student housing component of 184 loft apartments consisting of 459 bedrooms. Residential density of the site with the proposed unit count is ≈ 32.4 units/acre. This section of the development is shown to be oriented toward the interior of the lot.

Staff has analyzed the request and recommends approval of the Conditional use permit with the following condition:

1. That the Conditional Use Permit become effective upon approval of the zoning change for the property to Vertical Mixed Use.



CUP-16-24
Springtown Mall
Height Increase
200 Springtown Way
Map Date: 8/16/2016

 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.

**CUP-16-24
 Conditional Use Permit
 Springtown
 Height Increase
 200 Springtown Way**



Applicant Information:

Applicant: Humpty Dumpty SSM, Ltd.
 500 W 5th Street, Suite 700
 Austin, TX 78701

Property Owner: Humpty Dumpty SSM, Ltd.
 500 W 5th Street, Suite 700
 Austin, TX 78701

Applicant Request: A Conditional Use Permit to allow 5 stories for a mixed-use development at 200 Springtown Way.

Notification: Public hearing notification mailed August 12, 2016

Response: None to date

Subject Property:

Legal Description: Approximately 6.57 acres out of a portion of Springtown VI, Lot 5.

Location: 200 Springtown Way

Existing Use of Property: Big Box Retail (Vacant)

Proposed Use of Property: Mixed Use

Preferred Scenario Map: High Intensity – Midtown

Existing Zoning: General Commercial (GC)

Proposed Zoning: Vertical Mixed Use (VMU)

Sector: Sector Seven (7)

Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Preferred Scenario
N of Property	GC	Parking Lot	High Intensity
S of Property	GC	Strip Retail	High Intensity
E of Property	GC	Big Box Retail	High Intensity
W of Property	GC	Restaurant	High Intensity

Code Requirements:

This request is for a Conditional Use Permit (CUP) to increase the allowable height in a Vertical Mixed use zoning district. Per table 4.1.6.1 of the Land Development Code, 4 stories is allowed by right in these zoning districts and taller structures may be approved by CUP upon recommendation by the Planning & Zoning Commission and approval by City Council.

Background

The subject property is approximately 6.57 acres out of the Springtown Mall. The site is located on IH 35 near Springtown Way and Thorpe Lane.

Springtown mall has been largely vacant since the relocation of its anchor tenants – Target, JC Penny, and Best Buy – in the late 2000's. Wanting to promote redevelopment of the site to create jobs and increase tax revenues, City Council approved an Economic Development Incentive Agreement for the property to promote redevelopment of the site into a "Class A" retail shopping center. Through this agreement the owners, Endeavor Real Estate Group, agreed to make an additional capital investment in the site of at least \$14-million.

The applicant proposes development of a mixed-use product which includes approximately 30,000 square feet of ground-floor retail and a student housing component of 184 loft apartments consisting of 459 bedrooms. Residential density of the site with the proposed unit count is \approx 32.4 units/acre. This section of the development is shown to be oriented toward the interior of the lot.

The developer has not supplied building elevations or proposed building materials at the time of this report. This request is being heard concurrently with a separate CUP for a purpose built student housing, and a Zoning Change request for Vertical Mixed Use: CUP-16-23 & ZC-16-10.

Comments from Other Departments:

There have been no comments from other departments.

Planning Department Analysis:

Evaluation of a request for a CUP is subject to the criteria in Section 1.5.7.5 of the LDC concerning impacts of the use on surrounding properties.

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;

- The subject property is located within the Midtown High Intensity area. *Vision San Marcos Comprehensive Plan* provides the following description of the future vision for Midtown:

"Because of its central location and accessibility, Midtown will be a high-density mixed use area, possibly the densest area in San Marcos, with housing for many household types. Midtown residents will have easy access to services, city facilities, the University, and the San Marcos River. They will have the most diverse options for transportation including transit connections to the University and the rest of the city."

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

- The Land Development Code provides the following description of Vertical Mixed Use Districts:

“The VMU, Vertical Mixed Use District, is intended to provide for a mixture of retail, office, and dense residential uses in close proximity to enable people to live, work, and purchase necessities in a single location. It is not the purpose of this zoning district to permit or encourage properties to be converted to exclusively commercial or multi-family use.”

3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;

- Current surrounding uses include various forms of retail. Staff does not find that this request is inconsistent with surrounding uses. Additionally, the property owner is working directly with adjacent tenants to ensure there is no detrimental impact.

4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

- Staff does not believe that this request will generate hazardous traffic of a vehicular or pedestrian nature.

5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;

- At this time, the need for any additional improvements has not been identified.

6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and

- The current multifamily design standards will apply to the site.

7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

- Zoning district standards will be met. At this time no additional variations have been requested.

Staff has analyzed the request and recommends **approval** of the Conditional use permit with the following condition:

- (1) That the Conditional Use Permit become effective upon approval of the zoning change for the property to Vertical Mixed Use by the City Council

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed CUP. After considering public input, the Commission is charged with making a recommendation to the City Council on the Permit. After considering the recommendation of the Commission, the City Council will finally decide the request for the CUP.

The Commission may recommend approval, approval with conditions or modifications or denial the permit. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission, pursuant to Section 1.5.7.5 of the LDC, should consider the extent to which:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

The Commission may recommend conditions it deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Tory Carpenter

Planner

August 19, 2016

Name

Title

Date



Conditional Use Permit Application Checklist: GENERAL

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Comp leted	Required Item	Staff Verifi cation	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	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A site plan illustrating the location of all structures on the subject property and on adjoining properties <i>will provide UPDATED PLAN</i>	<input type="checkbox"/>	
<input type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Application Fee \$609	<input type="checkbox"/>	
<input type="checkbox"/>	Renewal Fee \$305	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Technology Fee \$11	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Planning Director:			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street parking and loading facilities	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Hours of operation	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district	<input type="checkbox"/>	

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

Signed: *Nelson Crowe* Date: 8-11-16
 Printed Name: NELSON CROWE

Engineer Surveyor Architect/Planner Owner Agent: _____

City of San Marcos CONDITIONAL USE PERMIT APPLICATION - GENERAL

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name:	<u>HUMPTY DUMPTY SSM, LTD.</u>	<u>HUMPTY DUMPTY SSM, LTD.</u>
Mailing Address:	<u>500 W. 5TH STREET, SUITE 700</u> <u>AUSTIN, TX 78701</u>	<u>500 W. 5TH STREET, SUITE 700</u> <u>AUSTIN, TX 78701</u>
Telephone No.:	<u>512-682-5500</u>	<u>512-682-5500</u>
E-mail address:	<u>ncrowe@endeavor-re.com</u>	<u>ncrowe@endeavor-re.com</u>

Property Address:	<u>200 SPRINGTOWN WAY, SAN MARCOS TX 78666</u>		
Legal Description (if platted):	Lot <u>5</u>	Block _____	Subdivision <u>SPRINGTOWN VI</u>
Tax ID Number: R _____	Zoning District: <u>JMU (PROPOSED)</u>		

PROPOSED USE
Brief description of Proposed Use (attach separate page if needed):

MIXED-USE DEVELOPMENT CONSISTING OF 185 UNITS AND APPROXIMATELY 30,000 SF OF GROUND FLOOR RETAIL. THE MAJORITY OF RESIDENTIAL UNITS WILL BE LEASED BY THE BED AS STUDENT HOUSING UNITS.

SEEKING CUP FOR 5 STORIES OF MIXED USE DEVELOPMENT.

I certify that the information in this application is complete and accurate. I understand that I or another representative should be present at all meetings concerning this application.

I am the property owner of record; or HUMPTY DUMPTY SSM, LTD A TEXAS LIMITED PARTNERSHIP BY EHR REALTY MANAGEMENT, LLC ITS GENERAL PARTNER.

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

Signature of Applicant: [Signature] Date: 8-4-16

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted by: _____ Date: _____



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#16-478, Version: 2

AGENDA CAPTION:

Presentation from staff and discussion regarding an update on Code SMTX.

Meeting date: August 23, 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: