SAN MARCOS
PLANNING AND ZONING
COMMISSION REGULAR
MEETING
CITY COUNCIL CHAMBERS,
630 E. HOPKINS
TUESDAY, MAY 28, 2013
6:00 P.M.

1. Call To Order

2. Roll Call

3. **Chairperson's Opening Remarks**

4. **Receive an update from staff regarding status of request for a Conditional Use Permit (CUP-13-13) at 216 North Street.**

NOTE: *The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

5. 30 Minute Citizen Comment Period

CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 6 - 8 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

6. **PC-13-02(03)(Final Plat, Thorpe Lane Apartments)** Consider a request by MBC Engineers, on behalf of Casey Development, Ltd., for approval of a Final Plat for approximately 10.74 acres more or less out of the J.M. Veramendi Survey No. 2, located at 1220 Thorpe Lane together with associated Subdivision Improvement Agreement.

7. **PC-13-04_03 (Final Plat, Lowman Ranch Subdivision Lots 5 and 5A, Section 1)**Consider a request by Outlet West Investors Ltd for approval of a Final Plat for 5.42 acres more or less out of the E. Burleson Survey, together with associated Subdivision Improvement Agreement.

8. **PC-13-15_02 (Preliminary Plat, Blanco Vista Tract D)** Consider a request by CSF Civil Group, on behalf of Carma Blanco Vista, L.L.C. (Brookfield Residential) , for approval of a Preliminary Subdivision Plat of Blanco Vista Tract D for approximately 11.561 acres, more or less, out of the William Ward League Survey No. 3, Abstract No. 467, for 50 residential lots located at Blanco Vista Boulevard and Trail Ridge Pass.

PUBLIC HEARINGS

9. **CUP 13-15 (105 Riviera Street)** Hold a public hearing and consider a request by Eddie V. Gray for a Conditional Use Permit to allow an accessory dwelling unit at 105 Riviera Street.

10. **CUP-13-16 (Pappa Pasta's)** Hold a public hearing and consider a request by Herlinda Lopez for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 2550 Hunter Road, Suite 1100.

11. **LUA-13-01 (Sessom Drive Multifamily Community)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney, and Buck Scheib, for an amendment to the Future Land Use Map from Low Density Residential (LDR) to Mixed Use (MU) for approximately 9.5 acres of land out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

12. **ZC-13-03 (Sessom Drive Multifamily Community)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney, and Buck Scheib, for an amendment to the Zoning Map from Single-Family Residential (SF-6) to Vertical Mixed Use (VMU) for approximately 9.5 acres of land out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

13. **PDD-13-01 (Sessom Drive Multifamily Community)**Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Scheib, for a PDD overlay district, with a base zoning of Vertical Mixed Use (VMU) for approximately 9.5 acres out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

NON-CONSENT AGENDA

14. **A-13-01 (Sessom Drive Multifamily Community-Loquat Street, a/k/a Pecan Street, Locust Street and Peachtree Street)** Consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, to abandon streets and alleys in the Park Addition, First and Second Division, as follows: a 16 foot alley between lots 43 and 50 to the north and lots 41, 42, 51 and 52 to the south from Sessom Drive to Peachtree Street; a 16 foot alley between lots 39, 53, 56 and 61 to the north and lots 38, 54, 57 and 60 to the south from Sessom Drive to the northwest boundary of said Park Addition; Locust Street from Loquat Street (a/k/a Pecan Street) to the northeast corner of lot 50; Loquat (a/k/a Pecan) Street from Sessom Drive to Peachtree Street; and Peachtree Street from the southeast corner of lot 63 to the northwest corner of lot 50.

15. Receive an update from Staff and discussion regarding a potential Extra-Territorial Jurisdiction Agreement with the City of Kyle.

16. **Development Services Report**
    a. **Update from Staff on implementation of *Vision San Marcos*.**

17. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

18. Adjournment.

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of _____

_____ Title: _____

Agenda Information

AGENDA CAPTION:

Chairperson's Opening Remarks

Meeting date: May 28, 2013

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:

Agenda Information

AGENDA CAPTION:

Receive an update from staff regarding status of request for a Conditional Use Permit (CUP-13-13) at 216 North Street.

Meeting date: May 28, 2013

Department: Planning and Develoment Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

The Commission postponed action on CUP-13-13 on May 14 to the next meeting date of May 28. The applicant, North Street Development Inc., has requested more time to address the Commission's concerns and would like to postpone consideration and action until June 25.

Agenda Information

AGENDA CAPTION:

PC-13-02(03) (Final Plat, Thorpe Lane Apartments) Consider a request by MBC Engineers, on behalf of Casey Development, Ltd., for approval of a Final Plat for approximately 10.74 acres more or less out of the J.M. Veramendi Survey No. 2, located at 1220 Thorpe Lane together with associated Subdivision Improvement Agreement.

Meeting date: May 28, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

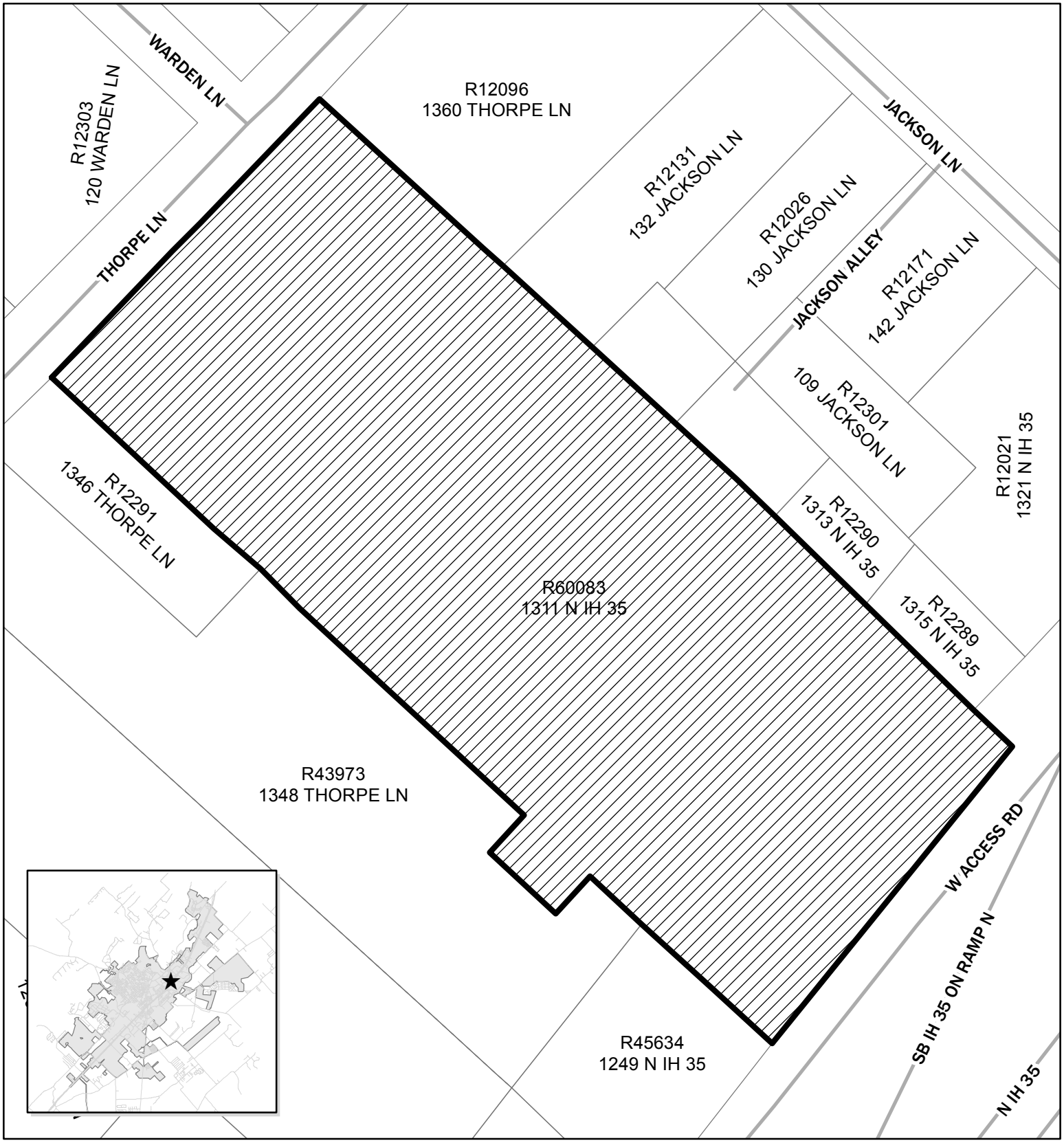
Community Wellness/Encourage the Middle Class

BACKGROUND:

This plat is for the site of the Luxury Apartments PDD which was approved November 15, 2011. There is a Subdivision Improvement Agreement associated with this plat for the relocation of a waterline on the property. The developer has agreed to pay fee-in-lieu for parkland dedication in accordance with the PDD. Staff has determined that the Thorpe Lane Apartments Plat will meet all City requirements upon acceptance of the Subdivision Improvement Agreement and payment of parkland fee-in-lieu. The plat also meets all requirements of the PDD.

ATTACHMENTS:

Case Map
Staff Report
Plat
Aerial
Application
SUbdivision Improvement Agreement



PC-13-02(03)
Thorpe Lane Apartments
1311 N IH 35
Map Date: 5/14/2013

Site Location

N

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-13-02(03)
Final Plat
Thorpe Lane Apartments

Applicant Information:

Applicant: MBC Engineers
1305 Central Parkway N.
San Antonio, TX 78232

Property Owner: Casey Development, Ltd.
814 Arion Parkway, Suite 200
San Antonio, TX 78216

Notification:

Type & Name of Subdivision: Final Plat, Thorpe Lane Apartments

Subject Property:

Summary: This is the Thorpe Lane Apartments Final Plat and associated Subdivision Improvement Agreement. The proposed subdivision will create one lot which is approximately 10.74 acres.

Traffic / Transportation: The property reflected within this Final Plat fronts Thorpe Lane and the IH 35 access road.

Utility Capacity: Internal easements for the purpose of electrical utilities have been arranged. The property currently has access to all other utilities.

Parks proposal: The applicant is proposing to pay the Fee-In-Lieu of parkland dedication which is $84,056, prior to Plat recordation.

Zoning: The property is zoned PDD with a base zoning of MF-24.

Surrounding Zoning and Land use:

	Current Zoning	Existing Land Use
N of Property	MF-18, OP, CC	Varies and includes apartments and small offices
W of Property	MU	Future site of Thorpe Lane Lofts PDD
S of Property	OP, MF-24, GC	Apartments and small offices
E of Property	MU, HC, GC	Restaurant and RV park

Planning Department Analysis:

This final plat is proposing one lot out of 10.74 acres of land. The lot is to be developed as an apartment complex. This final plat is subject to the Luxury Apartment Community at Thorpe Planned Development District Ordinance #2011-60 which was adopted on November 15, 2011. The site is not located within the 100 year floodplain or floodway and is currently zoned PDD with an MF-24 base zoning. The property is surrounded by a number of uses including apartment complexes, small office buildings, and a restaurant.

The accompanying Subdivision Improvement Agreement is for the purposes of relocating a water line in order to serve the apartment complex.

This plat is dedicating 20 feet of Right-of-Way along Thorpe Lane. Waterline easements are being dedicated along the northeast and southeast ends of the property. The existing waterline easement located in the middle of the lot will be removed by separate instrument after the waterline has been relocated.

Staff has determined that the Thorpe Lane Apartments Plat will meet all City requirements upon acceptance of the Subdivision Improvement Agreement and payment of parkland fee-in-lieu. The plat also meets all requirements of the PDD.

Staff has reviewed the request and determined that all criteria have been met and recommends approval of the Final Plat.

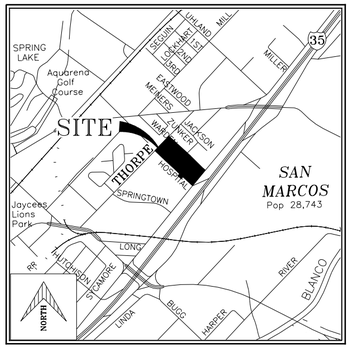
Planning Department Recommendation	
x	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

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

Prepared By:

Tory Carpenter	Planning Technician	May 15, 2013
Name	**Title**	**Date**



LOCATION MAP

NOT TO SCALE

LEGEND:

ELEC.	----	ELECTRIC
TEL.	----	TELEPHONE
CATV	----	CABLE TELEVISION
ESM'T.	----	EASEMENT
R.O.W.	----	RIGHT-OF-WAY
VOL.	----	VOLUME
PG.	----	PAGE
NO.	----	NUMBER
BRG.	----	BEARING
I.R.	----	IRON ROD
●	----	SET 1/2" IRON ROD WITH CAP "MBC"
⊕	----	CITY OF SAN MARCOS CONTROL POINT GPS #1

GENERAL NOTES:

1.) BASED ON A MAP TO MAP TRANSFER (BY VISUAL INSPECTION OR SCALING ONLY) THE SUBJECT PROPERTY HEREON IS SHOWN TO BE LOCATED IN FLOOD ZONE "X" (UNSHADED) ON COMMUNITY PANEL NUMBER 48209C0393F DATED 09-02-05, OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP.

FLOOD ZONE DEFINITIONS: (AS PER FIRM) (FOR MORE DETAILED DEFINITIONS CONSULT FLOOD MAP)

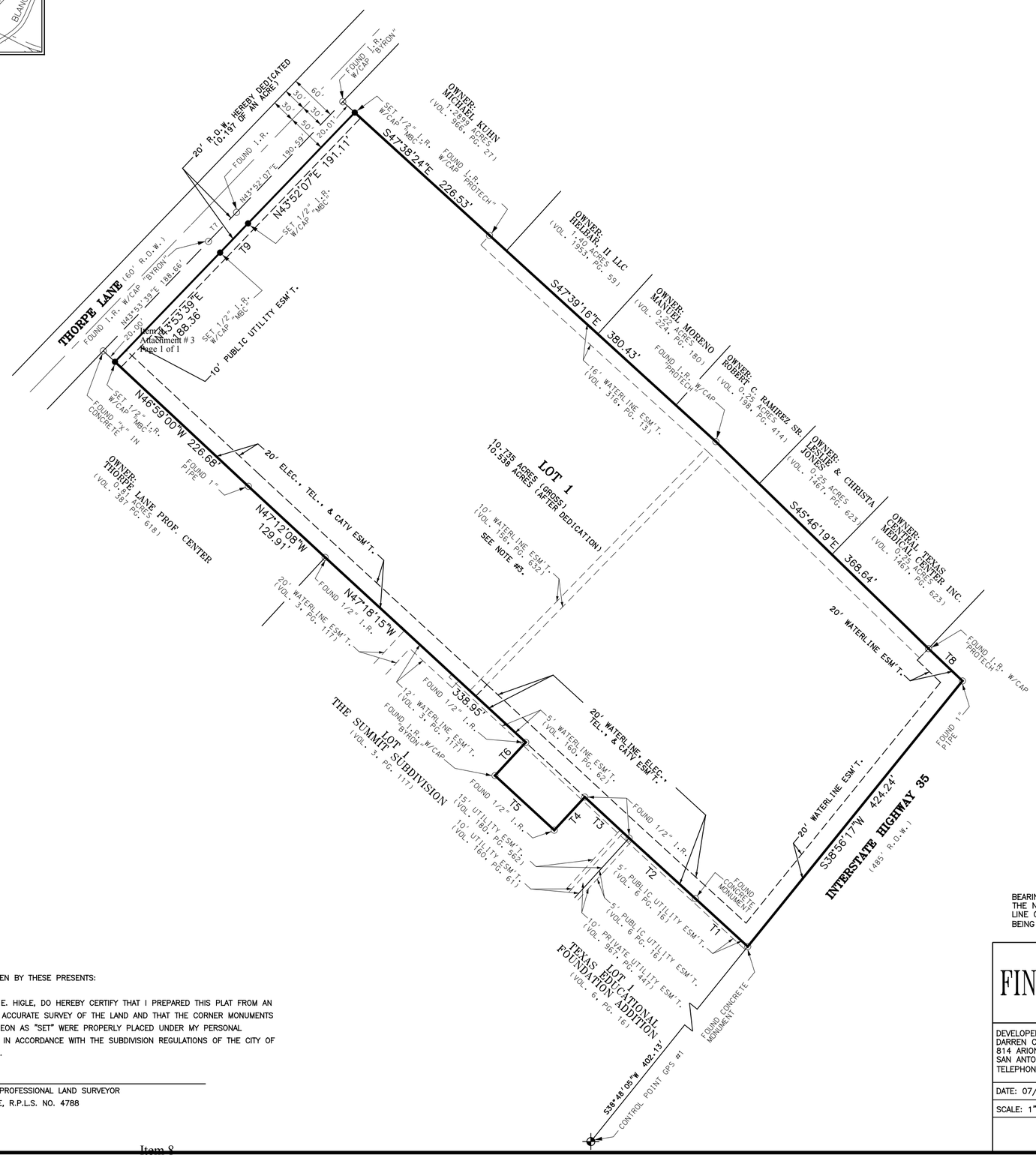
ZONE "X" – (UNSHADED) AREAS OUTSIDE 500-YEAR FLOODPLAIN

2.) SIDEWALKS ARE REQUIRED PER, SAN MARCOS LAND DEVELOPMENT CODE. TO BE CONSTRUCTED ALONG THE RIGHT-OF-WAY OF THORPE LANE.

3.) EXISTING WATERLINE EASEMENT (VOL. 156, PG. 632) TO BE RELEASED UNDER SEPARATE INSTRUMENT, AFTER EXISTING WATER MAIN IS RELOCATED.

LINE TABLE

NO.	CHORD BRG.	LENGTH
T1	N47°31'35"W	88.26'
T2	N47°37'50"W	111.38'
T3	N47°08'25"W	75.02'
T4	S42°44'51"W	56.02'
T5	N47°19'03"W	100.05'
T6	N42°42'17"E	56.21'
T7	N43°49'43"E	50.20'
T8	S46°21'39"E	58.19'
T9	N43°49'43"E	50.20'



STATE OF TEXAS
COUNTY OF HAYS

DARREN CASEY INTEREST, INC. ACTING BY AND THROUGH DARREN B. CASEY, PRESIDENT, OWNER OF 10.753 ACRES OF LAND OUT OF THE J.M. VERAMENDI LEAGUE NO. 2, AS CONVEYED IN DEED RECORDS VOLUME 3807 , PAGE 331 , OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY ESTABLISH A SUBDIVISION TO BE KNOWN AS THORPE LANE APARTMENTS, AND IN ACCORDANCE WITH THE PLAT HEREON, SUBJECT TO ANY AND ALL EASEMENTS HERETOFORE GRANTED AND NOT RELEASED, AND DO HEREBY DEDICATE TO THE PUBLIC THE STREETS, ALLEYS, PARKLAND, WATERCOURSES, DRAINS AND EASEMENTS, AND OTHER PUBLIC PLACES SHOWN HEREON.

_____
DARREN B. CASEY, PRESIDENT
DARREN CASEY INTERESTS, INC.
814 ARION PARKWAY, SUITE 200
SAN ANTONIO, TEXAS 78216

STATE OF TEXAS
COUNTY OF HAYS
BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED, DARREN B. CASEY, PRESIDENT, 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 THE_____DAY OF_____, 2013,

_____

CITY OF SAN MARCOS
CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____DAY OF_____, 2013 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS.

BILL TAYLOR, CHAIRMAN — DATE:
PLANNING AND ZONING COMMISSION

FRANCIS SERNA — DATE:
RECORDING SECRETARY

APPROVED:

MATTHEW LEWIS — DATE:
DIRECTOR DEVELOPMENT SERVICES

DIRECTOR OF ENGINEERING AND CIP — DATE:

STATE OF TEXAS
COUNTY OF HAYS

I,_____LIZ Q. GONZALEZ_____, COUNTY CLERK OF HAYS COUNTY, TEXAS CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE_____DAY OF _____, A.D. 2013 AT_____M, AND RECORDED ON THE_____DAY OF _____, A.D. 2013 AT_____M, IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK_____AT PAGE_____.

LIZ Q. GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

NORTH

SCALE: 1" = 100'

BEARINGS ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE 35 AS BEING S44°08'00"W.

0' 50' 100' 200' 300'

STATE OF TEXAS
REGISTERED
JOE EDWARD HIGLE
4788
PROFESSIONAL LAND SURVEYOR

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JOE E. HIGLE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

_____
REGISTERED PROFESSIONAL LAND SURVEYOR
JOE E. HIGLE, R.P.L.S. NO. 4788

FINAL PLAT: THORPE LANE APARTMENTS

DEVELOPER/OWNER
DARREN CASEY INTERESTS, INC.
814 ARION PARKWAY, SUITE 200
SAN ANTONIO, TEXAS 78216
TELEPHONE NO.(210) 829-8999

DATE: 07/05/2012

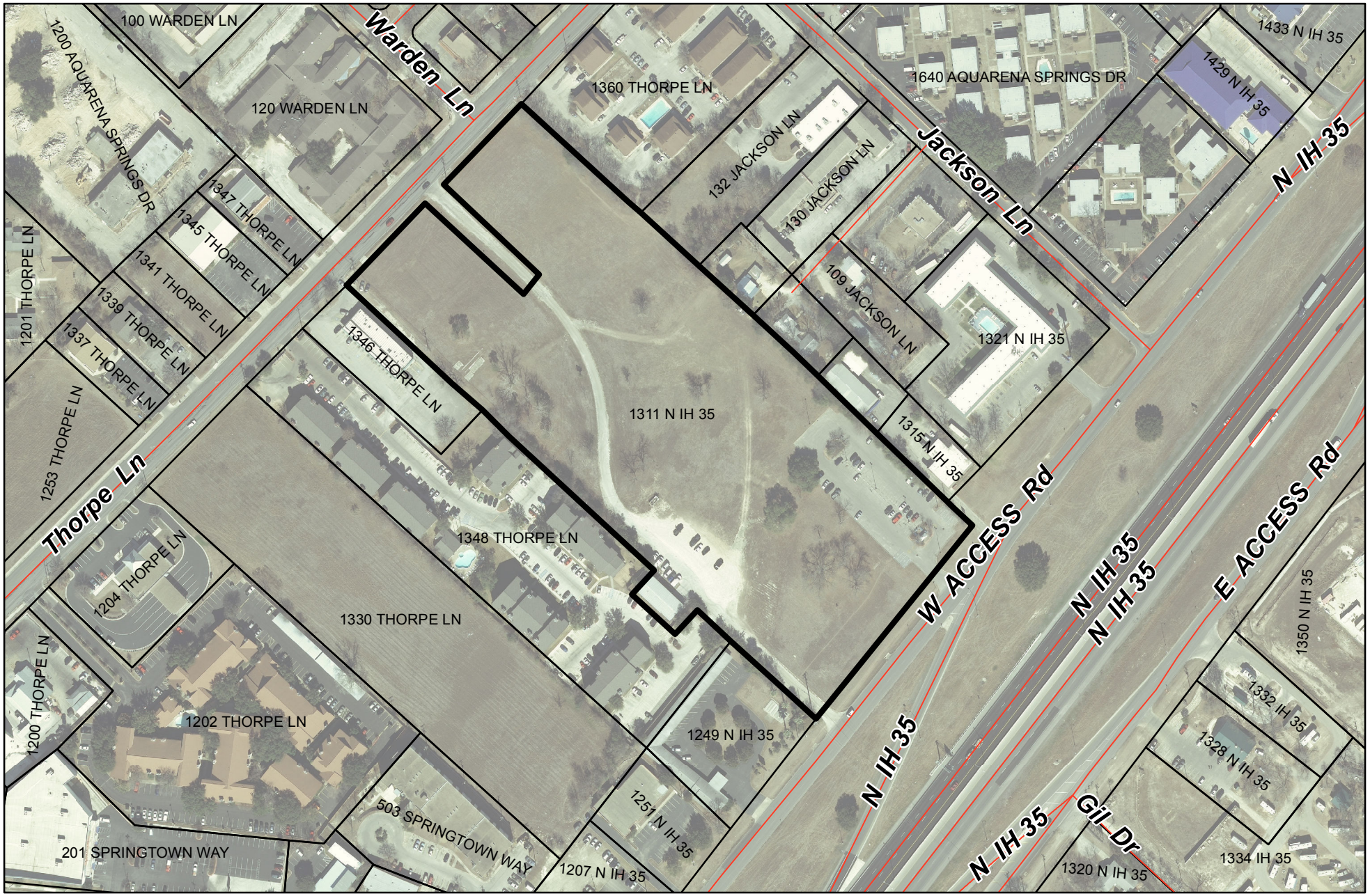
SCALE: 1" = 100'

MACINA • BOSE • COPELAND & ASSOC., INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 Fax (210) 545-9302 www.mbcengineers.com
TEXAS REGISTERED ENGINEERING FIRM F-784

SHEET 1 OF 1

JOB NO.: 30220/HAYS

5:00:17 PM 02/21/2013 priverg
P:\Hays\30220\I-35ThorpeComm\Design\Plat\30220_plat.dgn



0 150 300 600 Feet

11/09

RECEIVED
JAN 14 2013
BY: Tory C.

PC- 13 - 07

City of San Marcos
SUBDIVISION PLAT APPLICATION

	APPLICANT	PROPERTY OWNER
Name	MBC Engineers	Casey Development, Ltd.
Mailing Address	1035 Central Parkway N.	814 Arion Parkway, Suite 200
	San Antonio, Texas 78232	San Antonio, Texas 78216
Daytime Phone	(210) 545-1122	(210) 829-8999
Email Address	jvaldez@mbcengineers.com	ggibson@caseydev.com

AGENT ACKNOWLEDGEMENT STATEMENT:

I Greg Gibson on behalf of Casey Development, Ltd. **acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize** MBC Engineers **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: Greg Gibson Director, Dev. Svcs. **Date:** 9/11/12

Signature of Agent: _____

Printed Name: Robert A Copeland, Jr. **Date:** 9.27.12

TYPE OF APPLICATION

- ☐ Subdivision Concept Plat ☐ Variance Section _____
- Preliminary Subdivision Plat ☐ Preliminary Development Plat
- ✓ Final Subdivision Plat ☐ Final Development Plat
- ☐ Minor Subdivision Plat
  - ☐ Administrative Approval
  - ☐ Amending Plat
  - ☐ Subdivision Replat

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: Greg Gibson, Director, Dev. Svcs Date: 9/11/12

SUBJECT PROPERTY

Subdivision Name: Thorpe Lane Apartments

Address or General Location: 1220 Thorpe Lane

Proposed Number of Lots: 1 Acres: 10.7352

Appraisal District Tax ID: R 60083

Located In ■ City Limits ☐ ETJ (County _____)

☐ S.M. River Corridor ☐ Planned Development District

Proposed Use of Land Multi-family Development

UTILITY SERVICE ACKNOWLEDGEMENTS:
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* San Marcos Electric Utility

Applicable Utility Service Code(s) A, D

Comments/Conditions 20' PUE needed along existing electric lines

Signature of Electric Company Official megan willis

Title Electrical Engineering Technician **Date** 9/20/12

Name of *Telephone Service Provider* CenturyLink

Applicable Utility Service Code(s) A

Comments/Conditions

Signature of Telephone Company Official Kenny Z Ellis

Title Plant Facilities Supv. **Date** 8/24/12

Name of *Gas Service Provider* Center Point Energy

Applicable Utility Service Code(s) A

Comments/Conditions

Signature of Gas Company Official W. Lamb

Title Sr Marketing Consultant **Date** 8/24/12

Thorpe Lane Apts

UTILITY SERVICE ACKNOWLEDGMENTS CONTINUED

Name of *Water Service Provider* City of San Marcos

Applicable Utility Service Code(s) A + D

Comments/Conditions Water main will need to be re-routed along property line. A 20' easement will be required along main location.

Signature of Water Utility Official: Tony Salinas

Title: Water Dist Manager **Date:** Oct 08, 2012

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 See Attached Email dated 10/04/12

Signature of City or County Health Official: _____

Title: _____ **Date** _____

SUBMITTAL REQUIREMENTS:
Applicable Documents and Fees

Name(s) and Address(es) of Property Lien-Holder(s), if any

N/A

List of Names and Mailing Addresses of All Owners of Land Within 200 feet of the Subject Property, if this application is for a replat in a subdivision that is in the San Marcos ETJ and which is limited by deed restrictions to single or two-family residential dwellings

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: N/A **Date:** _____

To be completed by Staff:

Submittal Date: 1-14 5 Business Days from Submittal: 1-22

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: _____

Required Date for Decision (30 days from acceptance date): _____

Date of Planning and Zoning Commission Meeting: 2-26

All legislative applications complete: ___ Yes ___ No

Watershed Protection Plan submitted/approved: ___ Yes ___ No

Jesse Valdez

From: Brinkley, Mark <MBrinkley@sanmarcostx.gov>
Sent: Thursday, October 04, 2012 9:42 AM
To: Jesse Valdez
Cc: Piper, Robert; Lewis, Matthew
Subject: RE: Thorpe Lane Apartments

Mr. Valdez,

It appears that you would only need my signature if the development would require a septic or organized sewage disposal system specifically for the proposed development. I am confident that connection to the City sewer system is within 300 gravity flow feet of this proposal so I do not think I need to sign your plat.

However, one item did catch my eye and that was some mention about wells. Was this related to existing water wells of any type?

Sec. 86-152. - Sewer connection required.

(a)It is unlawful for any person to cause or allow the installation of an on-site sewage facility on a tract of property when any part of the property is within 300 feet in horizontal distance (measured on the closest practicable access route) of an existing organized system.

Mark A. Brinkley, R.S.
Assistant Director - Community Services
Environmental Health & Animal Services
401 E. Hopkins
City of San Marcos Texas
Office: 512.393.8442 Fax: 512.353.7273
mbrinkley@sanmarcostx.gov

SANMARCOS
We'd love your company.

CONFIDENTIALITY NOTICE: This email including attachment(s) is covered by the Electronic Communications Privacy Act 18 U.S.C. 2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, or copying of this communication is strictly prohibited. Please reply to the sender that you have received this message in error, then delete it. Thank you.

From: Jesse Valdez [mailto:JValdez@mbcengineers.com]
Sent: Wednesday, October 03, 2012 4:33 PM
To: Brinkley, Mark
Cc: Piper, Robert
Subject: Thorpe Lane Apartments

Gentlemen:

We have a new subdivision that we are working on in San Marcos. It's located between Thorpe Lane & IH 35, near Warden Lane (see attached plat). This development is proposing 316 apartment units.
Before our formal submittal to the City, we need acquire signatures for our Plat Application. One of the departments that we need a signature from is the City Health Official.
We would greatly appreciate it if you could review the attached. If you have any questions, please feel to let me know.
Sincerely,

Jesse H Valdez Jr.
MBC Engineers
TBPE Registered Engineering Firm F-784
1035 Central Parkway N. | San Antonio, Texas | 78232
Phone: 210.545.1122, ext. 123 | Fax: 210.545.9302

City of San Marcos
Subdivision Improvement Agreement

Subdivision Name:	Thorpe Lane Apartments
Developer Name:	Darren Casey Interest, Inc.
Developer Address:	814 Arion Parkway, Suite 200 San Antonio, Texas 78216
Planning Dept. Case No.:	PC-13-02(03)

Recitals:

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

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

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

Agreement:

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

1. Recitals Incorporated. The Recitals are incorporated in this Agreement for all purposes.

2. Parties. The parties to this Agreement are the Developer and the City of San Marcos.

3. Effective Date. This Agreement is effective on the date the Developer signs it (the "Effective Date").

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To the City:	To the Developer:
City Manager	Darren B. Casey
City of San Marcos	Darren Casey Interest, Inc.
630 E. Hopkins	814 Arion Parkway, Suite 200
San Marcos, TX 78666	San Antonio, Texas 78216
Fax: 512/396-4656	Fax: (210) 829-8998

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:_____
James R. Nuse, P.E., City Manager

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

Notary seal:

_____
Notary Public, State of Texas

Developer:
Darren Casey Interest, Inc.

By: _____
Signature

Darren B. Casey, President
Printed name, title

This instrument was acknowledged before me on _____, 2013 by Darren B. Casey, known personally by me to be the President of Darren Casey Interest, Inc.

Notary Seal:

_____
Notary Public, State of _____

Consent of Lienholder to
Subdivision Improvement Agreement

Subdivision Name: Thorpe Lane Apartments
Developer Name: Darren Casey Interest, Inc.
Developer Address: 814 Arion Parkway, Suite 200
San Antonio, Texas 78216

Lienholder Name: First National Bank of Beeville
Lienholder Address: P.O. Drawer B
Beeville, Texas 78104

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 12/31/12, from the Developer to First National Bank of Beeville, Trustee, securing the payment of a promissory note payable to the Lienholder. The Deed of Trust is recorded in Document No. 2012-12037607 & 2012-12037608 of the Official Public Records of Hays 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:
First National Bank of Beeville

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"
Property Description

MACINA • BOSE • COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS
1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-7122 FAX (210) 545-9302
www.mbcengineers.com

METES AND BOUNDS
DESCRIPTION OF

A 10.735 ACRE (467,626 SQUARE FEET) TRACT (NET AREA: 450,957 SQ. FT) SITUATED IN THE J.M. VERAMENDI LEAGUE NUMBER 2, HAYS COUNTY, TEXAS, BEING COMPRISED OF A 7.739 ACRE TRACT, CALLED 7.79 ACRES, CONVEYED TO HAYS COUNTY, TEXAS, IN VOLUME 77, PAGE 212 AND VOLUME 77, PAGE 214, THE DEED RECORDS OF HAYS COUNTY, TEXAS, A 1.080 ACRE TRACT, CALLED 1.08 ACRES, CONVEYED TO HAYS COUNTY, TEXAS IN VOLUME 2587, PAGE 121, THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, A 1.075 ACRE TRACT, CALLED 1.08 ACRES, CONVEYED TO HAYS COUNTY, TEXAS IN VOLUME 2587, PAGE 117, THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, A 0.713 ACRE TRACT, CALLED 0.708 ACRES, CONVEYED TO HAYS COUNTY, TEXAS IN VOLUME 334, PAGE 314, THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND A 5,615.73 SQUARE FOOT TRACT, CALLED 5,600 SQUARE FEET, CONVEYED TO HAYS COUNTY, TEXAS IN VOLUME 279, PAGE 9, THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN A CLOCKWISE MANNER AS FOLLOWS:

BEGINNING: At a found "X" in concrete on the southeast right-of-way line of Thorpe Lane (a 60-ft. wide public right-of-way), found "X" being the northern corner of a called 0.81 acre tract as recorded in Volume 387, Page 618 of the Deed Records of Hays County, Texas, and representing the westernmost corner of the herein described tract;

THENCE: N 43°53'39" E, 188.66 feet, along the said southeast right-of-way line of Thorpe Lane to a found ½" iron rod with cap "Byron", for the north corner of said 1.075 acre tract (ref: Volume 2587, Page 117);

THENCE: N 43°49'43" E, 50.20 feet, along the said southeast right-of-way line of Thorpe Lane to a found ½" iron rod for the west corner of said 1.080 acre tract (ref: Volume 2587, Page 121);

P:\HAYS\30220-K-35ThorpeDown\Letters\10.735 ac 092509.doc

THENCE: N 43°52'07" E, 190.59 feet, along the said southeast right-of-way line of Thorpe Lane to a found ½" iron rod with cap "Byron", for the westernmost corner of a 1.2899 acre tract as recorded in the Official Public Records of Hays County, Texas, found ½" iron rod representing the north corner of said 1.080 acre tract (ref: Volume 2587, Page 121) and the herein described tract;

THENCE: S 47°38'24" E, 246.54 feet, departing the said southeast right-of-way line of Thorpe Lane, to a found ½" iron rod with cap "Protech", representing the east corner of said 1.080 acre tract (ref: Volume 2587, Page 121) and the north corner of the said 7.739 acre tract (ref: Volume 77, Page 212);

THENCE: S 47°39'16" E, 380.43 feet, to a found ½" iron rod with cap "Protech", on the southwest line of 0.25 acre tract as recorded in Volume 198, Page 414 of the Deed Records of Hays County, Texas;

THENCE: S 45°46'19" E, 368.64 feet, to a found ½" iron rod with cap "Protech", for the east corner of said 7.739 acre tract (ref: Volume 77, Page 212) and the north corner of the said 0.713 acre tract (ref: Volume 334, Page 314), said found ½" iron rod being on the said northwest right-of-way line of Interstate Highway 35 (a 485 foot public right-of-way);

THENCE: S 46°21'39" E, 58.19 feet, along and with the said northwest right-of-way line of Interstate Highway 35, to a found 1" iron pipe, representing the east corner of the herein tract of land;

THENCE: S 38°56'17" W, 424.24 feet, continuing along and with the said northwest right-of-way line of Interstate Highway 35, to a found Concrete Monument on the northwest right-of-way line of Interstate Highway 35 (a 485 foot public right-of-way), found Concrete Monument representing the east corner of Lot 1, Texas Educational Foundation Addition, recorded in Volume 6, Page 16 of the Plat Records of Hays County, Texas, and also the south corner of the herein described tract;

THENCE: N 47°31'35" W, 88.26 feet, departing the said northwest right-of-way line of Interstate Highway 35 and along the northeast line of said Lot 1, Texas Educational Foundation Addition, to a found Concrete Monument for the west corner of said 0.713 acre tract (ref: Volume 334, Page 314) and also being the south corner of the said 7.739 acre tract (ref: Volume 77, Page 212);

THENCE: N 47°37'50" W, 111.38 feet, continuing along and with the northeast line of said Lot 1, Texas Educational Foundation Addition, to a found ½" iron rod for the easternmost corner of Lot 1, The Summit Subdivision, recorded in Volume 3, Page 117 of the Plat Records of Hays County, Texas;

THENCE: N 47°08'25" W, 75.02 feet, along and with the southwest line of said Lot 1, The Summit Subdivision, to a found ½" iron rod, representing the east corner of said 5,615.73 square foot tract (ref: Volume 279, Page 9);

THENCE: S 42°44'51" W, 56.02 feet, along the common lot line of Lot 1, The Summit Subdivision, (ref: Volume 3, Page 117), to a found ½" iron rod, representing the south corner of said 5,615.73 square foot tract (ref: Volume 279, Page 9);

THENCE: N 47°19'03" W, 100.05 feet, along the common lot line of Lot 1, The Summit Subdivision, (ref: Volume 3, Page 117), to a found ½" iron rod with cap "Byron", representing the west corner of said 5,615.73 square foot tract (ref: Volume 279, Page 9);

THENCE: N 42°42'17" E, 56.21 feet, along the common lot line of Lot 1, The Summit Subdivision, (ref: Volume 3, Page 117), to a found ½" iron rod, representing the north corner of said 5,615.73 square foot tract (ref: Volume 279, Page 9);

THENCE: N 47°18'15" W, 338.95 feet, to a found ½" iron rod for the east corner of said 0.81 acre tract (ref: Volume 387, Page 618);

THENCE: N 47°12'08" W, 129.91 feet, to a found 1" iron pipe for the south corner of said 1.075 acre tract (ref: Volume 2587, Page 117);

THENCE: N 46°59'00" W, 246.69 feet along and with north line of said 1.075 acre tract to the POINT OF BEGINNING of this tract.

I, Joe Edward Higle, Registered Professional Land Surveyor do hereby affirm that this description is based on the results of a survey made on the ground by the firm of Macina, Bose, Copeland and Associates, Inc., of which a survey map has been prepared.

JOE EDWARD HIGLE REG. NO. 4788
REGISTERED PROFESSIONAL LAND SURVEYOR

30220-Hays
September 25, 2009
Updated: October 19, 2009
JHV/yyd

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Agenda Information

AGENDA CAPTION:

PC-13-04_03 (Final Plat, Lowman Ranch Subdivision Lots 5 and 5A, Section 1) Consider a request by Outlet West Investors Ltd for approval of a Final Plat for 5.42 acres more or less out of the E. Burleson Survey, together with associated Subdivision Improvement Agreement.

Meeting date: May 28, 2013

Department: Planning and Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

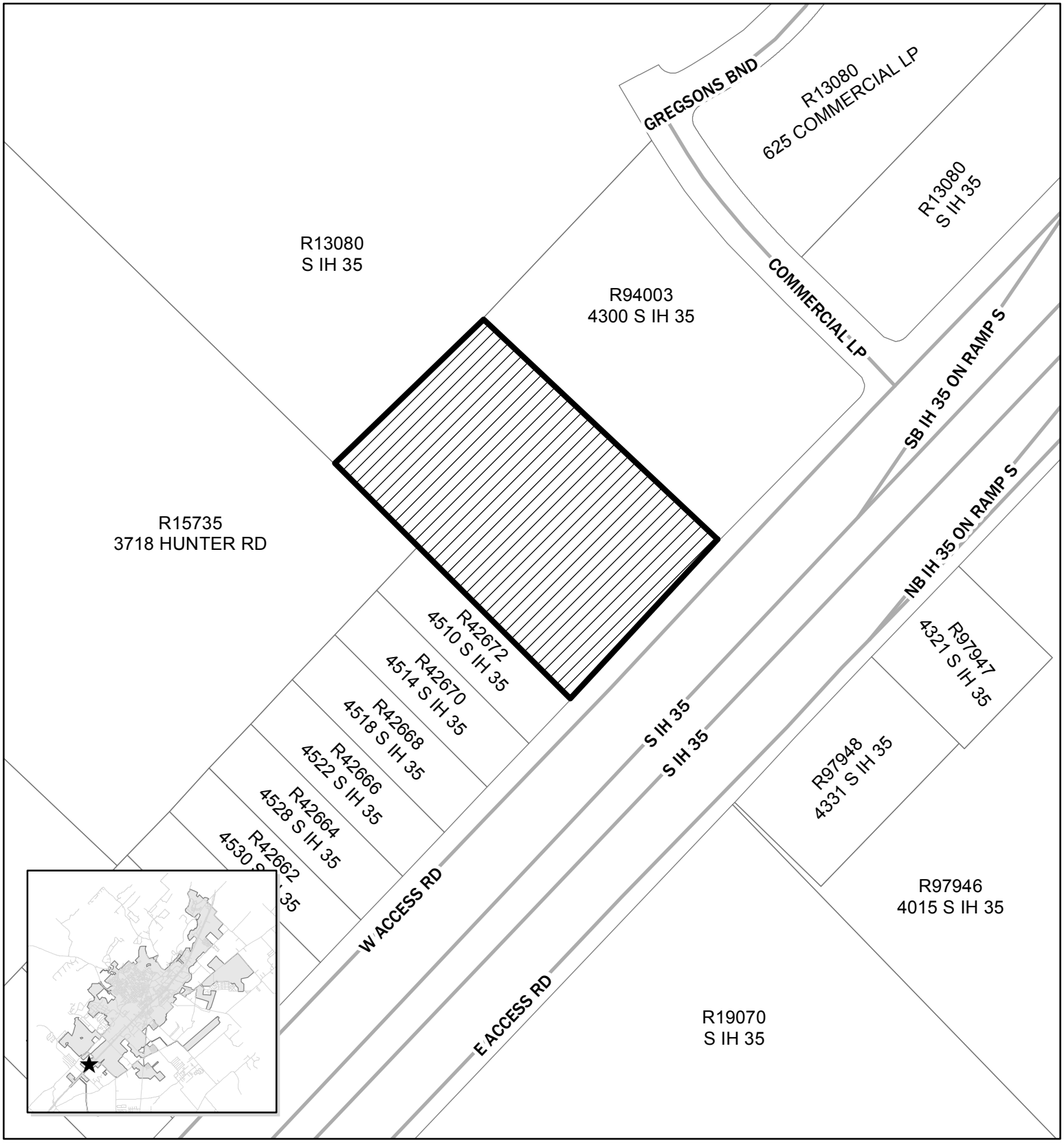
CITY COUNCIL GOAL:

BACKGROUND:

This final plat is proposing two lots, Lot 5 out of 3.84 acres of land, and Lot 5A out of 1.58 acres of land. These lots are being developed as part of a Concept Plan approved in 2007 for the Lowman Ranch Subdivision, the total acreage of which is 102.35 acres. Lot 5 is to be developed as an additional sales lot for the car dealership next door. Lot 5A is for the purposes of Public Utility Easements and Drainage Easements which are to serve Lot 5 and the surrounding lots. The accompanying Subdivision Improvement Agreement is for the purposes of extending a wastewater line within Lot 5A. Lot 5 is dedicating a 7 foot Pedestrian Easement as well as a 15 foot Waterline Easement at the front of the property facing IH-35. Across the rear of the Lot 5, there is a dedication of 10 feet for a Public Utility Easement. Lot 5A is contains several dedications, including a 20 foot wide Public Utility Easement located along the rear of Lot 5 for the purpose of extending the wastewater line for which the Subdivision Improvement Agreement is required. The rest of Lot 5A includes Public Utility Easements and Drainage Easements of varying widths following a northwesterly course to an existing regional detention pond. The Subdivision Improvement Agreement associated with this Plat is required in order to extend a wastewater line to the neighboring property to the south. The City Engineering Department cost estimate for this extension is $55,640. No portion of Lot 5 or Lot 5A is within the 100 year floodplain. Staff has determined that the Lot 5 and 5A, Section 1 of the Lowman Ranch Subdivision Plat will meet all City requirements upon acceptance of the Subdivision Improvement Agreement . Staff has reviewed the request and determined that all criteria have been met and recommends approval of the Final Plat and Subdivision Improvement Agreement.

ATTACHMENTS:

Location Map
Staff Report
Plat
Lowman Subdivision Agreement



PC-13-04(03)
Lot 5, Sec 1 Lowman Ranch
Map Date: 3/13/2013

Site Location

0 100 200 400 Feet

N

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-13-04
Final Plat
Lots 5 and 5A of the Lowman Ranch Subdivision

Applicant Information:

Applicant: Byrn & Associates, Inc.
P.O. Box 1433
San Marcos, Texas 78667

Property Owner: Outlet West Investors, Ltd

Notification: Notification not required

Type & Name of Subdivision: Lots 5 and 5A, Section 1, Lowman Ranch Subdivision

Subject Property:

Summary: This is a Final Plat and associated Subdivision Improvement Agreement for lots 5 and 5A, Section 1 of the Lowman Ranch Subdivision. The proposed subdivision will create two lots, Lot 5, which is 3.84 acres along IH-35, and Lot 5A, which contains drainage and public utility easements which service the surrounding properties.

Traffic / Transportation: The property reflected within this Final Plat fronts IH-35 and is intended for expansion of the San Marcos Honda Dealership. TXDOT has reviewed and approved access to the property. Lot 5A contains only public easements and will not affect transportation.

Utility Capacity: Public Utility Easements extending across the full length of the property are located at both the front and rear of lot 5. Lot 5A contains the easements located at the rear or the property, as well as easements for neighboring properties and will extend a wastewater line to the neighboring property to the south through a Subdivision Improvement Agreement.

Parks proposal: NA

Zoning: GC

Surrounding Zoning and Land use:

	Current Zoning	Existing Land Use
N of Property	GC	San Marcos Honda
W of Property	GC	Vacant
S of Property	LI	Storage Units
E of Property	GC	Outlets on other side of the Highway

Planning Department Analysis:

This final plat is proposing two lots, Lot 5 out of 3.84 acres of land, and Lot 5A out of 1.58 acres of land. These lots are being developed as part of a Concept Plan approved in 2007 for the Lowman Ranch Subdivision, the total acreage of which is 102.35 acres. Lot 5 is to be developed as an additional sales lot for the car dealership next door. Lot 5A is for the purposes of Public Utility Easements and Drainage Easements which are to serve Lot 5 and the surrounding lots. The accompanying Subdivision Improvement Agreement is for the purposes of extending a wastewater line within Lot 5A.

Lot 5 is dedicating a 7 foot Pedestrian Easement as well as a 15 foot Waterline Easement at the front of the property facing IH-35. Across the rear of the Lot 5, there is a dedication of 10 feet for a Public Utility Easement. Lot 5A is contains several dedications, including a 20 foot wide Public Utility Easement located along the rear of Lot 5 for the purpose of extending the wastewater line for which the Subdivision Improvement Agreement is required. The rest of Lot 5A includes Public Utility Easements and Drainage Easements of varying widths following a northwesterly course to an existing regional detention pond.

The Subdivision Improvement Agreement associated with this Plat is required in order to extend a wastewater line to the neighboring property to the south. The City Engineering Department cost estimate for this extension is $55,640.

No Portion of Lot 5 or Lot 5A is within the 100 year floodplain.

Staff has determined that the Lot 5 and 5A, Section 1 of the Lowman Ranch Subdivision Plat will meet all City requirements upon acceptance of the Subdivision Improvement Agreement:

(1) The Final Subdivision Plat or Final Development Plat conforms to all criteria for approval of a Preliminary Subdivision Plat or Preliminary Development Plat, as applicable;

(2) The construction plans conform to the requirements of Division 6 of this Article 6;

(3) The subdivision improvement agreement and surety for installation of public improvements have been prepared and executed by the property owner in conformity with Division 6 of this Article 6;

(4) The final layout of the subdivision or developments meets all standards for adequacy of public facilities contained in Chapter 7 of this Land Development Code; and

(5) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Tex. Loc. Gov't Code ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county

Staff has reviewed the request and determined that all criteria have been met and recommends approval of the Final Plat and Subdivision Improvement Agreement.

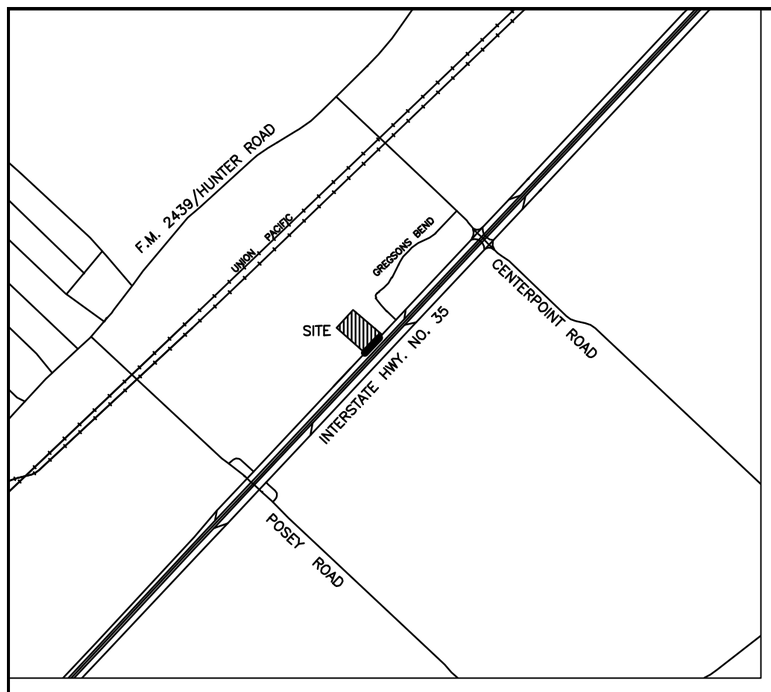
Planning Department Recommendation	
x	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

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

Prepared By:

Will Parrish	Planning Tech	May 14, 2013



VICINITY MAP
1"=1000'

LEGEND

VOL/PG	HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
VOL/PG	HAYS COUNTY PLAT RECORDS
	1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
	1/2" IRON ROD FOUND OR DIAMETER NOTED
	1/2" IRON PIPE FOUND OR DIAMETER NOTED
	1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
	CALCULATED POINT
— X —	WIRE FENCE
— ohu —	UTILITY LINE, POLE AND GUY
	WATER METER
	WATER VALVE
	FIRE HYDRANT
	UTILITY PEDESTAL
	ELECTRIC PEDESTAL
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT

SURVEYORS NOTES

1. FENCES MEANDER.

2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.

3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0478F, DATED SEPTEMBER 2, 2005, THIS TRACT LIES WITHIN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

4. THIS SUBDIVISION LIES WITHIN THE SAN MARCOS CONSOLIDATED SCHOOL DISTRICT.

5. SIDEWALKS ARE REQUIRED ON THIS LOT.

STATE OF TEXAS*
COUNTY OF HARRIS*

I, OUTLET WEST INVESTORS, LTD., ACTING BY AND THROUGH ROBERT C. WILSON, III, PRESIDENT OF JOQ GP, LLC, ITS GENERAL PARTNER, THE OWNER OF LOT 5 BEING 3.84 ACRES AND LOT 5A BEING 1.58 ACRES, BEING A PORTION OF THAT 109.22 ACRE TRACT IN THE EDWARD BURLESON SURVEY NO. 18, ABSTRACT NO. 63, HAYS COUNTY, TEXAS, CONVEYED TO OUTLET WEST INVESTORS, LTD., BY DEED RECORDED IN VOLUME 1486, PAGE 887 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS AND DESIGNATED AS LOT 5 AND LOT 5A, SECTION 1, LOWMAN RANCH SUBDIVISION, SUBDIVIDE THIS PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN ON THIS PLAT.

OUTLET WEST INVESTORS, LTD.
BY: JOQ GP, LLC, ITS GENERAL PARTNER

BY:_____
ROBERT C. WILSON, III, PRESIDENT

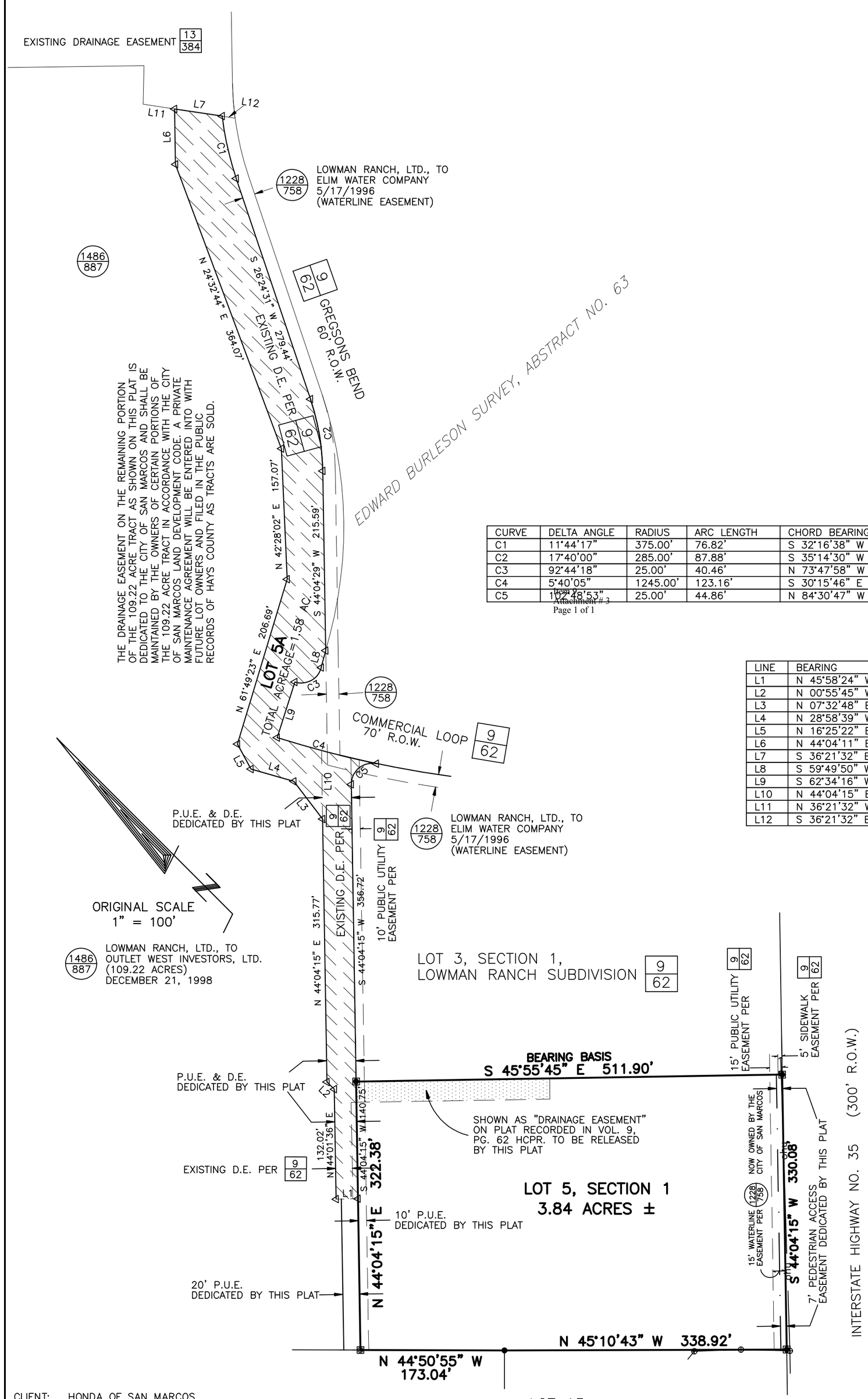
OUTLET WEST INVESTORS, LTD.
C/O TOWERY & ASSOCIATES
3518 TRAVIS, SUITE 200
HOUSTON, TEXAS 77002

STATE OF TEXAS*
COUNTY OF HARRIS*

THIS SUBDIVISION PLAT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2010 BY ROBERT C. WILSON, III, PRESIDENT OF JOQ GP, LLC, GENERAL PARTNER OF OUTLET WEST INVESTORS, LTD., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID LIMITED PARTNERSHIP.

NOTARY PUBLIC IN AND FOR HARRIS COUNTY, TEXAS

MY COMMISSION EXPIRES: _____



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	11°44'17"	375.00'	76.82'	S 32°16'38" W	76.69'
C2	17°40'00"	285.00'	87.88'	S 35°14'30" W	87.53'
C3	92°44'18"	25.00'	40.46'	N 73°47'58" W	36.19'
C4	5°40'05"	1245.00'	123.16'	S 30°15'46" E	123.11'
C5	102°28'53"	25.00'	44.86'	N 84°30'47" W	39.08'

LINE	BEARING	DISTANCE
L1	N 45°58'24" W	26.15'
L2	N 00°55'45" W	12.38'
L3	N 07°32'48" E	56.87'
L4	N 28°58'39" W	53.49'
L5	N 16°25'22" E	34.20'
L6	N 44°04'11" E	66.58'
L7	S 36°21'32" E	57.80'
L8	S 59°49'50" W	21.06'
L9	S 62°34'16" W	70.00'
L10	N 44°04'15" E	18.14'
L11	N 36°21'32" W	38.13'
L12	S 36°21'32" E	15.60'

APPROVED AND AUTHORIZED TO BE RECORDED ON THE_____DAY OF_____20____ BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS.

_____ _____
BILL TAYLOR, CHAIRMAN FRANCIS SERNA,
PLANNING & ZONING COMMISSION RECORDING SECRETARY

APPROVED:

_____ _____
MATTHEW LEWIS DATE
DIRECTOR OF DEVELOPMENT SERVICES

STATE OF TEXAS *
COUNTY OF HAYS *

I, LIZ Q. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20_____ AT _____ O'CLOCK ____.M., AND RECORDED ON THE _____ DAY OF _____, 20_____ AT _____ O'CLOCK _____.M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____, AT PAGE _____.

_____
LIZ Q. GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DAVID WILLIAMSON, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY REASON.

REGISTERED PROFESSIONAL LAND SURVEYOR
DAVID WILLIAMSON, R.P.L.S. NO. 4190

SUBDIVISION PLAT ESTABLISHING

LOT 5 AND LOT 5A, SECTION 1, LOWMAN RANCH SUBDIVISION

BEING 5.42 ACRES, MORE OR LESS, IN THE E. BURLESON SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

OWNER:
OUTLET WEST INVESTORS, LTD.
C/O TOWERY & ASSOCIATES
3518 TRAVIS, SUITE 200
HOUSTON TEXAS 77002

DATE: MAY 14, 2013

SCALE: 1" = 100'

BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
P.O. BOX 1433 SAN MARCOS, TEXAS 78667
PHONE 512-396-2270 FAX 512-392-2945

CLIENT: HONDA OF SAN MARCOS
DATE: NOVEMBER 14, 2012
OFFICE: BRYANT
CREW: C. SMITH, HADEN
FB/PG: 680/69
PLAT NO. 26658-12-2-c

City of San Marcos
Subdivision Improvement Agreement

Subdivision Name: Lot 5A, Section 1, Lowman Ranch Subdivision
Developer Name: Outlet West Investors, LTD.
Developer Address: 1300 Post Oak Rd. Ste. 1650
Houston, TX 77056

Planning Dept. Case No.: DC-13-041 (03)

Recitals:

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

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

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

Agreement:

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

1. Recitals Incorporated. The Recitals are incorporated in this Agreement for all purposes.

2. Parties. The parties to this Agreement are the Developer and the City of San Marcos.

3. Effective Date. This Agreement is effective on the date the Developer signs it (the "Effective Date").

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To the City:	To the Developer:
City Manager	_____
City of San Marcos	_____
630 E. Hopkins	_____
San Marcos, TX 78666	_____
Fax: 512/396-4656	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:_____
James R. Nuse, P.E., City Manager

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

Notary seal:

_____
Notary Public, State of Texas

Developer:
_____

By:_____
Signature

_____
Printed name, title

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

Notary Seal:

_____
Notary Public, State of _____

Consent of Lienholder to
Subdivision Improvement Agreement

Subdivision Name: _____
Developer Name: _____
Developer Address: _____
_____
_____

Lienholder Name: _____
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

Agenda Information

AGENDA CAPTION:

PC-13-15_02 (Preliminary Plat, Blanco Vista Tract D) Consider a request by CSF Civil Group, on behalf of Carma Blanco Vista, L.L.C. (Brookfield Residential) , for approval of a Preliminary Subdivision Plat of Blanco Vista Tract D for approximately 11.561 acres, more or less, out of the William Ward League Survey No. 3, Abstract No. 467, for 50 residential lots located at Blanco Vista Boulevard and Trail Ridge Pass.

Meeting date: May 28, 2013

Department: Planning and Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

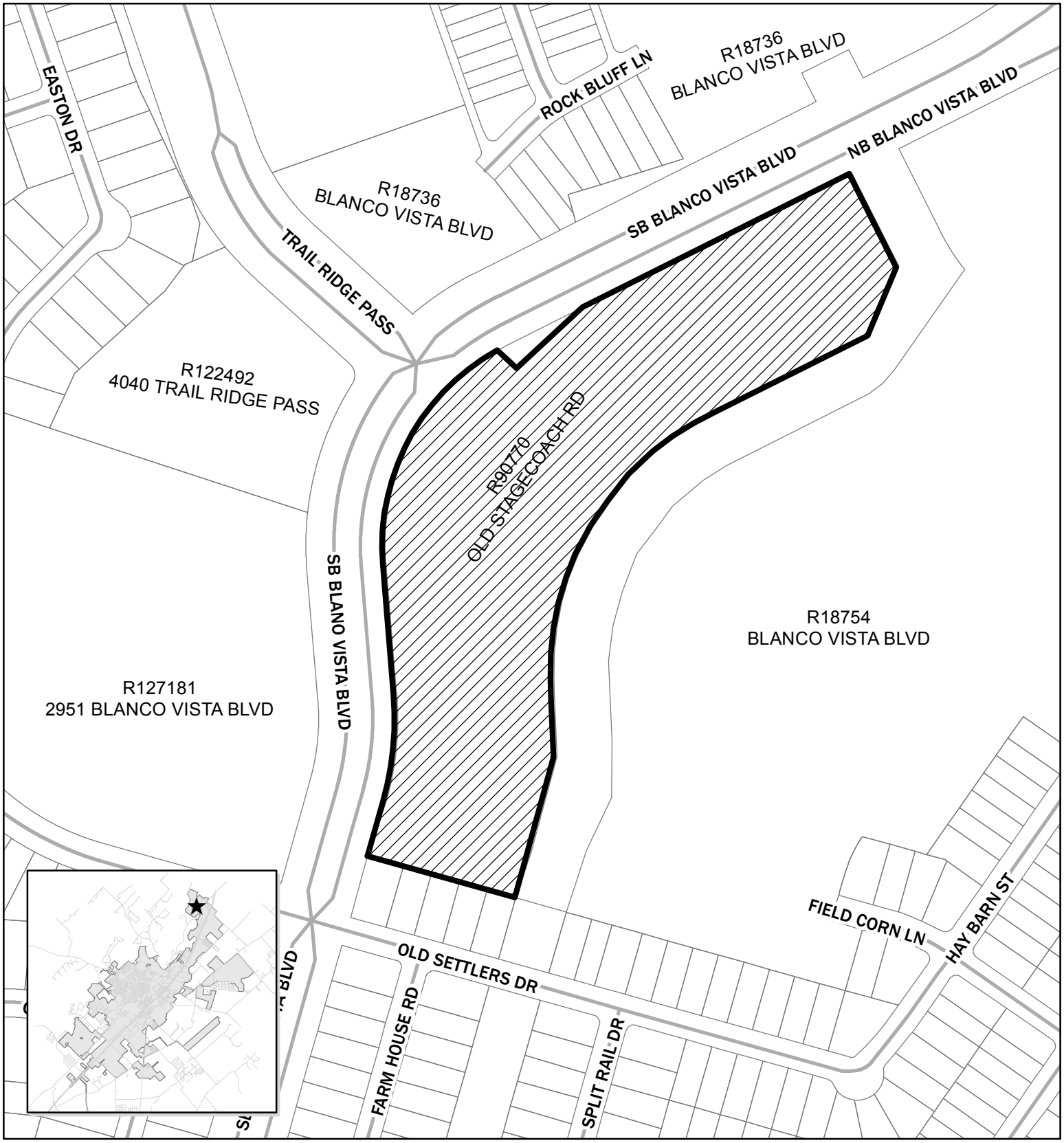
Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

The property, approximately 11.561 acres, more or less, is part of the continued build-out of the Blanco Vista Subdivision. Tract D is located at the intersection of Trail Ridge Pass and Blanco Vista Boulevard. Pincea Place is a new street that will be constructed as part of this portion of the build-out. Along with the new street, 50 residential lots will be developed. The property is not located within the floodplain or the floodway. Staff finds the request meets the cirteria of Section 1.6.3.5(a) and recommends **approval** of the preliminary plat as submitted.

ATTACHMENTS:

Location Map
Staff Report
Preliminary Plat



PC-13-15(02)
Blanco Vista Tract D • Site Location •
Preliminary Plat
Map Date: 5/10/2013

N

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-13-15_02 Preliminary Plat, Blanco Vista, Tract D

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: Preliminary Plat, Blanco Vista Tract D

Subject Property:

Summary: The subject property is approximately 11.561 acres, more or less, and is located at the intersection of Blanco Vista Boulevard and Trail Ridge Pass.

Zoning: Mixed Use/PDD/Single-Family

Traffic/ Transportation: The property is at the intersection of Blanco Vista Boulevard and Trail Ridge Pass. Sidewalks will be installed as part of the development of this plat. The plat proposes one new street: Pincea Place.

Utility Capacity: All utilities are provided for on-site.

Planning Department Analysis:

approved for the land subject to the proposed plat:

(1) The plat is consistent with all zoning requirements for the property, 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 conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans;

(4) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision and meet applicable standards of Chapters 6 and 7 of this Land Development Code; and

(5) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Tex. Loc. Gov't Code ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.

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

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

The Commission's Responsibility:

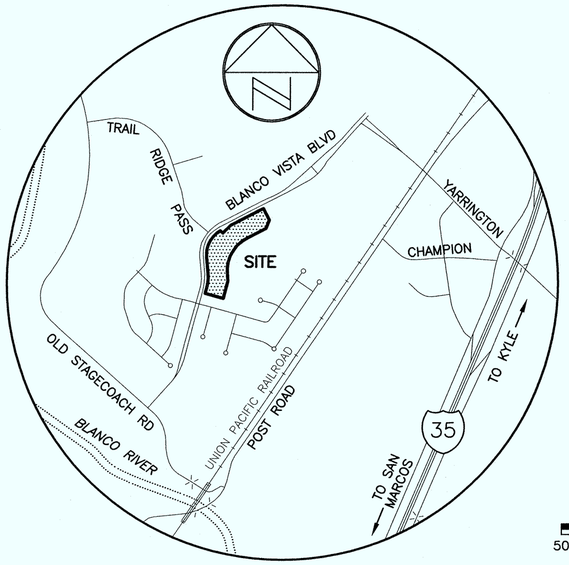
The Commission is charged with making the final decision regarding this proposed Subdivision Preliminary Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City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

Prepared By:

Alison E. Brake Planner May 15, 2013

PRELIMINARY SUBDIVISION PLAT: BLANCO VISTA TRACT D

CITY OF SAN MARCOS, TEXAS



LOCATION MAP
NOT TO SCALE

SCALE: 1" = 50'
GRAPHIC SCALE
50 25 0 50

STREET SUMMARY	
TRAIL RIDGE PASS	375 L.F.
PINCEA PLACE	1420 L.F.

Item 10
Attachment # 3
Page 1 of 4

STATE OF TEXAS REGISTERED JOE BEN EARLY, JR. 6016 PROFESSIONAL LAND SURVEYOR

5/7/13

LOT 1, BLOCK A BLANCO VISTA TRACT C SECTION A (14/266) OPEN SPACE

BLANCO VISTA BOULEVARD (R.O.W. WIDTH VARIES) (14/266)

B.M. #4 ELEV. 639.66'

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

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

LOT 2, BLOCK B TRACT C SECTION A (14/266) OPEN SPACE/D.E.

BLANCO VISTA BOULEVARD (150' R.O.W. WIDTH) (13/246)

TRAIL RIDGE PASS (150' R.O.W. WIDTH) (13/246)

MATCHLINE SHEET 2

B.M. #26 ELEV. 638.40'

LOT 1, BLOCK B TRACT C SECTION A (14/266) OPEN SPACE

PINCEA PLACE (50' R.O.W. WIDTH)

BLOCK "A"

BLOCK "B"

TRAIL RIDGE PASS (60' R.O.W. WIDTH)

1 LANDSCAPE LOT AND OPEN SPACE 0.128 ACRES

1 LANDSCAPE LOT, D.E. AND OPEN SPACE 0.731 ACRES

17 LANDSCAPE LOT AND D.E. 0.237 ACRES

LANDSCAPE LOT AND D.E. 0.237 ACRES

LOT 2, BLOCK B TRACT C SECTION A (14/266) OPEN SPACE/D.E.

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

44.284 ACRE UTILITY FACILITIES ESMT. (3020/875)

N62°44'43"E 564.85'

N27°15'17"W 150.00'

S27°15'17"E 199.29'

S22°10'40"W 139.48'

S62°44'49"W 318.39'

N62°44'49"E 388.54'

S62°44'49"W 313.70'

N41°33'28"W 150.00'

N46°27'21"E 170.32'

S46°27'21"W 95.73'

S48°27'33"E 147.27'

S48°27'33"E 149.47'

N65°39'49"W 120.75'

N65°39'49"W 120.08'

S65°39'49"E 120.01'

S56°58'32"E 121.70'

S56°58'32"E 104.74'

S56°58'32"E 104.80'

RAD=60.00'

1.15' GAP

LOT SUMMARY	
RIGHT-OF-WAY	2.428 ACRES
50 RESIDENTIAL LOTS	7.898 ACRES
4 LANDSCAPE LOTS	1.235 ACRES
TOTAL	11.561 ACRES
CURRENT ZONING: P.D.D.	
CURRENT TRACT: "TRACT D"	

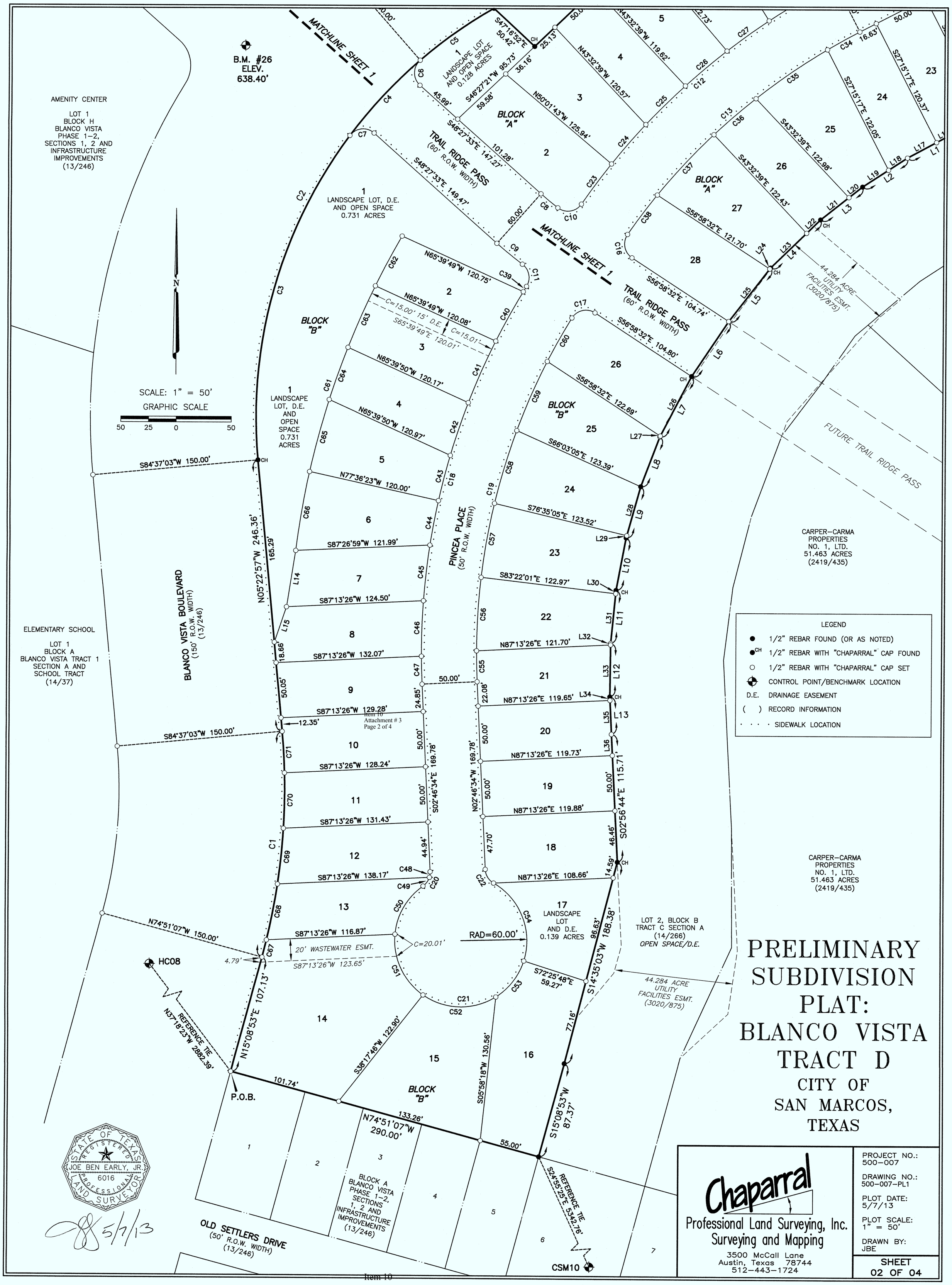
LEGEND

- ● 1/2" REBAR FOUND (OR AS NOTED)
- ●CH 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- ○ 1/2" REBAR WITH "CHAPARRAL" CAP SET
- CONTROL POINT/BENCHMARK LOCATION
- D.E. DRAINAGE EASEMENT
- ( ) RECORD INFORMATION
- · · · · SIDEWALK LOCATION

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.: 500-007
DRAWING NO.: 500-007-PL1
PLOT DATE: 5/7/13
PLOT SCALE: 1" = 50'
DRAWN BY: JBE

SHEET 01 OF 04



PRELIMINARY SUBDIVISION PLAT: BLANCO VISTA TRACT D

CITY OF SAN MARCOS, TEXAS

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.: 500-007
DRAWING NO.: 500-007-PL1
PLOT DATE: 5/7/13
PLOT SCALE: 1" = 50'
DRAWN BY: JBE

SHEET 02 OF 04

PRELIMINARY SUBDIVISION PLAT: BLANCO VISTA TRACT D

CITY OF SAN MARCOS, TEXAS

TATE OF TEXAS:
COUNTY OF HAYS:

WHEREAS, CARMA BLANCO VISTA, LLC IS THE OWNER OF 11.561 ACRES IN THE WILLIAM WARD LEAGUE, ABS. 467 IN 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, AND 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 DEED RECORDS OF HAYS COUNTY, TEXAS, AND A PORTION OF A 49.587 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CARPER–CARMA PROPERTIES, LTD. DATED JANUARY 30, 2004 AND RECORDED IN VOLUME 2396, PAGE 793 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 11.561 ACRES 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) as shown on 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 and on Blanco Vista Tract C, Section A, a subdivision of record in Cabinet 14, Page 266 of the Plat Records of Hays County, Texas;

THENCE crossing the said 51.463 acre tract and the said 49.587 acre tract, with the east right–of–way line of Blanco Vista Boulevard, the following four (4) courses and distances:

1. North 15°08'53" East, a distance of 107.13 feet to a 1/2" rebar with "Chaparral" cap set;
2. With a curve to the left, having a radius of 575.00 feet, a delta angle of 20°31'50", an arc length of 206.04 feet, and a chord which bears North 04°52'58" East, a distance of 204.94 feet to a 1/2" rebar with "Chaparral" cap set;
3. North 05°22'57" West, a distance of 246.36 feet to a 1/2" rebar with "Chaparral" cap found;
4. With a curve to the right, having a radius of 425.00 feet, a delta angle of 65°38'27", an arc length of 486.90 feet, and a chord which bears North 27°26'17" East, a distance of 460.71 feet to a 1/2" rebar with "Chaparral" cap found for the westernmost corner of Lot 1, Block B, of said Blanco Vista Tract C, Section A;

THENCE crossing the said 49.587 acre tract and the said 199.323 acre tract, with the perimeter of Lot 1, Block B, of said of said Blanco Vista Tract C, Section A, the following two (2) courses and distances:

1. South 47°16'52" East, a distance of 50.42 feet to a 1/2" rebar with "Chaparral" cap found for the southernmost corner of Lot 1, Block B, of said of said Blanco Vista Tract C, Section A;
2. North 46°27'21" East, a distance of 170.32 feet to a 1/2" rebar with "Chaparral" cap set in the southeast right–of–way line of Blanco Vista Boulevard, being the easternmost corner of Lot 1, Block B, of said of said Blanco Vista Tract C, Section A;

THENCE North 62°44'43" East, crossing the said 199.323 acre tract, with the southeast right–of–way line of Blanco Vista Boulevard, a distance of 564.85 feet to a 1/2" rebar with "Chaparral" cap set for a westerly corner of Lot 2, Block B, of said Blanco Vista Tract C, Section A;

THENCE crossing the said 199.323 acre tract, the said 49.587 acre tract and the said 51.463 acre tract, with the perimeter of Lot 2, Block B, of said Blanco Vista Tract C, Section A, the following nineteen (19) courses and distances:

1. South 27°15'17" East, a distance of 199.29 feet to a 1/2" rebar with "Chaparral" cap set;
2. South 22°10'40" West, a distance of 139.48 feet to a 1/2" rebar found;
3. South 62°44'49" West, a distance of 318.39 feet to a 1/2" rebar with "Chaparral" cap set;
4. South 61°38'57" West, a distance of 48.83 feet to a 1/2" rebar with "Chaparral" cap set;
5. South 56°51'59" West, a distance of 48.23 feet to a 1/2" rebar found;
6. South 51°47'39" West, a distance of 48.23 feet to a 1/2" rebar with "Chaparral" cap found;
7. South 45°57'42" West, a distance of 62.68 feet to a 1/2" rebar with "Chaparral" cap found;
8. South 37°48'32" West, a distance of 61.48 feet to a 1/2" rebar with "Chaparral" cap set;
9. South 33°44'57" West, a distance of 60.00 feet to a 1/2" rebar with "Chaparral" cap found;
10. South 27°32'10" West, a distance of 61.55 feet to a 1/2" rebar with "Chaparral" cap set;
11. South 20°50'54" West, a distance of 48.23 feet to a 1/2" rebar found;
12. South 15°46'34" West, a distance of 48.23 feet to a 1/2" rebar found;
13. South 10°42'15" West, a distance of 48.23 feet to a 1/2" rebar with "Chaparral" cap found;
14. South 05°37'55" West, a distance of 48.23 feet to a 1/2" rebar with "Chaparral" cap set;
15. South 00°33'36" West, a distance of 48.23 feet to a 1/2" rebar with "Chaparral" cap found;
16. South 02°48'50" East, a distance of 33.95 feet to a 1/2" rebar with "Chaparral" cap set;
17. South 02°56'44" East, a distance of 115.71 feet to a 1/2" rebar with "Chaparral" cap found;
18. South 14°35'03" West, a distance of 188.38 feet to a 1/2" rebar found;
19. South 15°08'53" West, a distance of 87.37 feet to a 1/2" rebar found for the common corner of Lot 2, Block B, of said Blanco Vista Tract C, Section A, Lot 5, Block A, of said Blanco Vista Phase 1–2, Sections 1, 2 and Infrastructure Improvements and Lot 6, Block A, of said Blanco Vista Phase 1–2, Sections 1, 2 and Infrastructure Improvements;

THENCE North 74°51'07" West, crossing the said 51.463 acre tract, with the north line of Block A, of said Blanco Vista Phase 1–2, Sections 1, 2 and Infrastructure Improvements, a distance of 290.00 feet to the POINT OF BEGINNING, containing 11.561 acres of land, more or less.

NOW, THEREFORE, KNOW ALL BY THE PRESENTS:

THAT WE, CARMA BLANCO VISTA, LLC AS OWNER OF THE ABOVE DESCRIBED PROPERTY, DO HEREBY ADOPT THIS PLAT DESIGNATING THE TRACT AS FINAL PLAT: BLANCO VISTA TRACT D, 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, VICE PRESIDENT

CARMA BLANCO VISTA, LLC
9737 GREAT HILLS TRAIL, SUITE #260
AUSTIN, TX 78759
(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 IS HEREBY DEDICATED ADJACENT TO THE RIGHT–OF–WAY OF PINCEA PLACE.

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. SIDEWALKS:
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: TRAIL RIDGE PASS AND PINCEA PLACE THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE 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 D" 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. ALL LOTS IN THIS SUBDIVISION ARE PROHIBITED FROM TAKING DIRECT DRIVEWAY ACCESS FROM BLANCO VISTA BOULEVARD.

11. LOTS 2 AND 28, BLOCK A AND LOT 26, BLOCK B ARE PROHIBITED FROM TAKING DIRECT DRIVEWAY ACCESS FROM TRAIL RIDGE PASS.

12. THE BLANCO VISTA H.O.A. OR ITS ASSIGNS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF LANDSCAPE AND DRAINAGE LOTS SHOWN HEREON.

13. 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.

14. THIS PROPERTY IS WITHIN THE CURRENT MAPPED EDWARDS AQUIFER TRANSITION ZONE.

BENCHMARK INFORMATION:

B.M. #4: SQUARE CUT ON BACK OF CONCRETE CURB ON MEDIAN ISLAND NOSE NEAR DRAINAGE CHANNEL CROSSING ON BLANCO VISTA BOULEVARD.

ELEVATION = 639.66'

B.M. #26: MAG NAIL WITH WASHER IN THE CONCRETE SIDEWALK AT THE WESTERN CORNER OF THE INTERSECTION OF BLANCO VISTA BOULEVARD AND TRAIL RIDGE PASS NEAR THE BRICK RAMP LEADING TO THE CROSS WALK.

ELEVATION = 638.40'

NGVD 29 DATUM (SOURCE BENCHMARK IS RM88, F.E.M.A. MAP 48209C0185E DATED FEBRUARY 18, 1998.)

STATE OF TEXAS
REGISTERED
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR

5/7/13

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.

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.

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512–443–1724

PROJECT NO.: 500–007
DRAWING NO.: 500–007–PL1
PLOT DATE: 5/7/13
PLOT SCALE: 1" = 50'
DRAWN BY: JBE

SHEET 03 OF 04

PRELIMINARY SUBDIVISION PLAT: BLANCO VISTA TRACT D

CITY OF SAN MARCOS, TEXAS

CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	20°31'50"	575.00'	104.13'	206.04'	204.94'	N04°52'58"E
C2	65°38'27"	425.00'	274.11'	486.90'	460.71'	N27°26'17"E
C3	42°01'17"	425.00'	163.23'	311.70'	304.76'	N15°37'41"E
C4	12°36'23"	425.00'	46.94'	93.51'	93.32'	N42°56'31"E
C5	11°00'48"	425.00'	40.97'	81.69'	81.57'	N54°45'06"E
C6	97°42'15"	15.00'	17.17'	25.58'	22.59'	S00°23'35"W
C7	94°54'08"	15.00'	16.34'	24.85'	22.10'	N84°05'23"E
C8	4°12'16"	270.00'	9.91'	19.81'	19.81'	S50°33'41"E
C9	5°11'26"	330.00'	14.96'	29.90'	29.89'	S51°03'16"E
C10	92°45'47"	15.00'	15.74'	24.29'	21.72'	N80°57'18"E
C11	85°27'58"	15.00'	13.86'	22.37'	20.36'	S10°55'00"E
C12	28°10'25"	625.00'	156.84'	307.33'	304.24'	N48°39'36"E
C13	28°01'34"	575.00'	143.50'	281.26'	278.46'	S48°44'02"W
C14	266°10'34"	60.00'	64.14'	278.73'	87.63'	S15°50'09"W
C15	86°10'28"	15.00'	14.03'	22.56'	20.49'	N74°09'57"W
C16	91°41'46"	15.00'	15.45'	24.01'	21.52'	S11°07'38"E
C17	91°26'25"	15.00'	15.38'	23.94'	21.48'	N77°18'16"E
C18	34°35'33"	625.00'	194.62'	377.35'	371.64'	S14°31'13"W
C19	34°21'38"	575.00'	177.78'	344.83'	339.69'	N14°24'15"E
C20	57°46'09"	15.00'	8.28'	15.12'	14.49'	N26°06'30"E
C21	295°32'17"	60.00'	37.83'	309.49'	64.00'	N87°13'26"E
C22	57°46'09"	15.00'	8.28'	15.12'	14.49'	S31°39'38"E
C23	4°10'09"	625.00'	22.75'	45.48'	45.47'	N36°39'28"E
C24	4°20'09"	625.00'	23.66'	47.30'	47.29'	N40°54'37"E
C25	4°35'09"	625.00'	25.02'	50.02'	50.01'	N45°22'16"E
C26	4°29'25"	625.00'	24.50'	48.98'	48.97'	N49°54'33"E
C27	4°17'19"	625.00'	23.40'	46.78'	46.77'	N54°17'55"E
C28	4°24'38"	625.00'	24.07'	48.11'	48.10'	N58°38'54"E
C29	1°53'36"	625.00'	10.33'	20.65'	20.65'	N61°48'01"E
C30	42°51'55"	60.00'	23.55'	44.89'	43.85'	N84°10'50"E
C31	223°18'39"	60.00'	151.11'	233.85'	111.53'	S37°16'07"W
C32	74°54'19"	15.00'	11.49'	19.61'	18.24'	N68°31'52"W
C33	11°16'09"	15.00'	1.48'	2.95'	2.95'	S68°22'54"W
C34	3°19'36"	575.00'	16.70'	33.38'	33.38'	S61°05'01"W
C35	7°47'58"	575.00'	39.20'	78.27'	78.21'	S55°31'14"W
C36	4°59'21"	575.00'	25.05'	50.07'	50.05'	S49°07'34"W
C37	7°27'34"	575.00'	37.48'	74.86'	74.81'	S42°54'07"W
C38	4°27'05"	575.00'	22.35'	44.67'	44.66'	S36°56'47"W
C39	0°31'07"	625.00'	2.83'	5.66'	5.66'	S31°33'26"W
C40	4°41'31"	625.00'	25.60'	51.18'	51.17'	S28°57'07"W
C41	5°35'40"	625.00'	30.54'	61.03'	61.00'	S23°48'32"W
C42	4°36'26"	625.00'	25.14'	50.26'	50.24'	S18°42'29"W
C43	3°52'32"	625.00'	21.15'	42.28'	42.27'	S14°28'00"W
C44	3°45'13"	625.00'	20.48'	40.95'	40.94'	S10°39'08"W
C45	4°38'42"	625.00'	25.35'	50.67'	50.66'	S06°27'10"W
C46	4°35'59"	625.00'	25.10'	50.18'	50.16'	S01°49'49"W
C47	2°18'24"	625.00'	12.58'	25.16'	25.16'	S01°37'22"E
C48	19°43'30"	15.00'	2.61'	5.16'	5.14'	S07°05'11"W
C49	38°02'39"	15.00'	5.17'	9.96'	9.78'	S35°58'15"W
C50	49°44'25"	60.00'	27.81'	52.09'	50.47'	S30°07'22"W
C51	60°36'28"	60.00'	35.07'	63.47'	60.55'	S25°03'04"E
C52	66°48'34"	60.00'	39.57'	69.96'	66.07'	S88°45'35"E
C53	40°15'56"	60.00'	22.00'	42.17'	41.30'	N37°42'10"E
C54	78°06'54"	60.00'	48.69'	81.80'	75.61'	N21°29'16"W
C55	2°46'59"	575.00'	13.97'	27.93'	27.93'	N01°23'05"W
C56	6°37'35"	575.00'	33.29'	66.50'	66.46'	N03°19'12"E
C57	6°46'56"	575.00'	34.07'	68.06'	68.02'	N10°01'27"E
C58	6°51'15"	575.00'	34.43'	68.79'	68.75'	N16°50'33"E
C59	6°48'29"	575.00'	34.20'	68.32'	68.28'	N23°40'25"E
C60	4°30'24"	575.00'	22.63'	45.23'	45.22'	N29°19'52"E
C61	23°14'23"	745.00'	153.20'	302.18'	300.11'	S18°33'09"W
C62	3°55'55"	745.00'	25.57'	51.13'	51.12'	S28°12'23"W
C63	4°41'34"	745.00'	30.53'	61.02'	61.00'	S23°53'38"W
C64	3°51'33"	745.00'	25.10'	50.18'	50.17'	S19°37'05"W
C65	5°10'52"	745.00'	33.71'	67.37'	67.35'	S15°05'52"W
C66	5°34'29"	745.00'	36.27'	72.49'	72.46'	S09°43'11"W
C67	1°36'37"	575.00'	8.08'	16.16'	16.16'	N14°20'34"E
C68	5°07'51"	575.00'	25.76'	51.49'	51.47'	N10°58'20"E
C69	5°02'29"	575.00'	25.31'	50.59'	50.58'	N05°53'10"E
C70	4°59'38"	575.00'	25.07'	50.12'	50.10'	N00°52'07"E
C71	3°45'15"	575.00'	18.84'	37.67'	37.67'	N03°30'20"W

LINE TABLE		
No.	BEARING	LENGTH
L1	S61°38'57"W	48.83'
L2	S56°51'59"W	48.23'
L3	S51°47'39"W	48.23'
L4	S45°57'42"W	62.68'
L5	S37°48'32"W	61.48'
L6	S33°44'57"W	60.00'
L7	S27°32'10"W	61.55'
L8	S20°50'54"W	48.23'
L9	S15°46'34"W	48.23'
L10	S10°42'15"W	48.23'
L11	S05°37'55"W	48.23'
L12	S00°33'36"W	48.23'
L13	S02°48'50"E	33.95'
L14	S09°07'32"W	51.59'
L15	S18°51'49"W	33.73'
L16	S61°38'57"W	19.05'
L17	S61°38'57"W	29.78'
L18	S56°51'59"W	20.33'

LINE TABLE		
No.	BEARING	LENGTH
L19	S56°51'59"W	27.90'
L20	S51°47'39"W	15.63'
L21	S51°47'39"W	32.60'
L22	S45°57'42"W	17.54'
L23	S45°57'42"W	45.14'
L24	S37°48'32"W	1.27'
L25	S37°48'32"W	60.21'
L26	S27°32'10"W	60.78'
L27	S27°32'10"W	0.77'
L28	S15°46'34"W	46.10'
L29	S15°46'34"W	2.13'
L30	S05°37'55"W	3.11'
L31	S05°37'55"W	45.12'
L32	S00°33'36"W	1.35'
L33	S00°33'36"W	46.88'
L34	S02°48'50"E	3.20'
L35	S02°48'50"E	30.75'
L36	S02°56'44"E	19.25'

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 MAY 17, 2012 AND THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

5/7/13

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

STATE OF TEXAS
REGISTERED
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR

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

STATE OF TEXAS
CHARLES E. STEINMAN
64410
LICENSED
PROFESSIONAL ENGINEER

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.

_____ _____ _____
DIRECTOR OF ENGINEERING DATE

_____ _____ _____
MATTHEW LEWIS DATE
DIRECTOR DEVELOPMENT SERVICES

_____ _____ _____
FRANCIS SERNA, RECORDING SECRETARY DATE

_____ _____ _____
CHAIRMAN DATE
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

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.: 500-007
DRAWING NO.: 500-007-PL1
PLOT DATE: 5/7/13
PLOT SCALE: 1" = 50'
DRAWN BY: JBE

SHEET 04 OF 04

Agenda Information

AGENDA CAPTION:

CUP 13-15 (105 Riviera Street) Hold a public hearing and consider a request by Eddie V. Gray for a Conditional Use Permit to allow an accessory dwelling unit at 105 Riviera Street.

Meeting date: May 28, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

BACKGROUND:

The subject property is located on Riviera Street, west of Riverside Drive, adjacent to the San Marcos River and the Veteran's Memorial. There is an existing 1,540 sq ft building on the property which the property owner wishes to relocate near the eastern property line, aligned with an existing driveway, and utilize as an accessory dwelling. The property owner then plans to construct a new primary dwelling in the location of the existing structure. The existing residential structure faces the San Marcos River to the west with the rear of the home facing east toward the street. The configuration for the new structure is the same. Within the "information provided by applicant" it states that both structures will be used by the property owner, his family and his personal guests and will not be used for rental property.

The lot is unusually configured with a very narrow access point to Riviera Street. Due to the lot configuration and the proposed location of the buildings, the accessory dwelling will be located closer to the street than the primary structure. The proposed structure does not meet the requirement for the location of an accessory building: prohibited in front of the main building (Section 4.3.2.1). A variance application for the location has been submitted and will be heard by the Zoning Board of Adjustments (ZBOA) at their next regularly scheduled meeting. The Planning and Zoning Commission has the option to approve the use conditioned upon the action of the ZBOA.

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

<!--[if !supportLists]--> • <!--[endif]--> **Approval by the Zoning Board of Adjustments;**

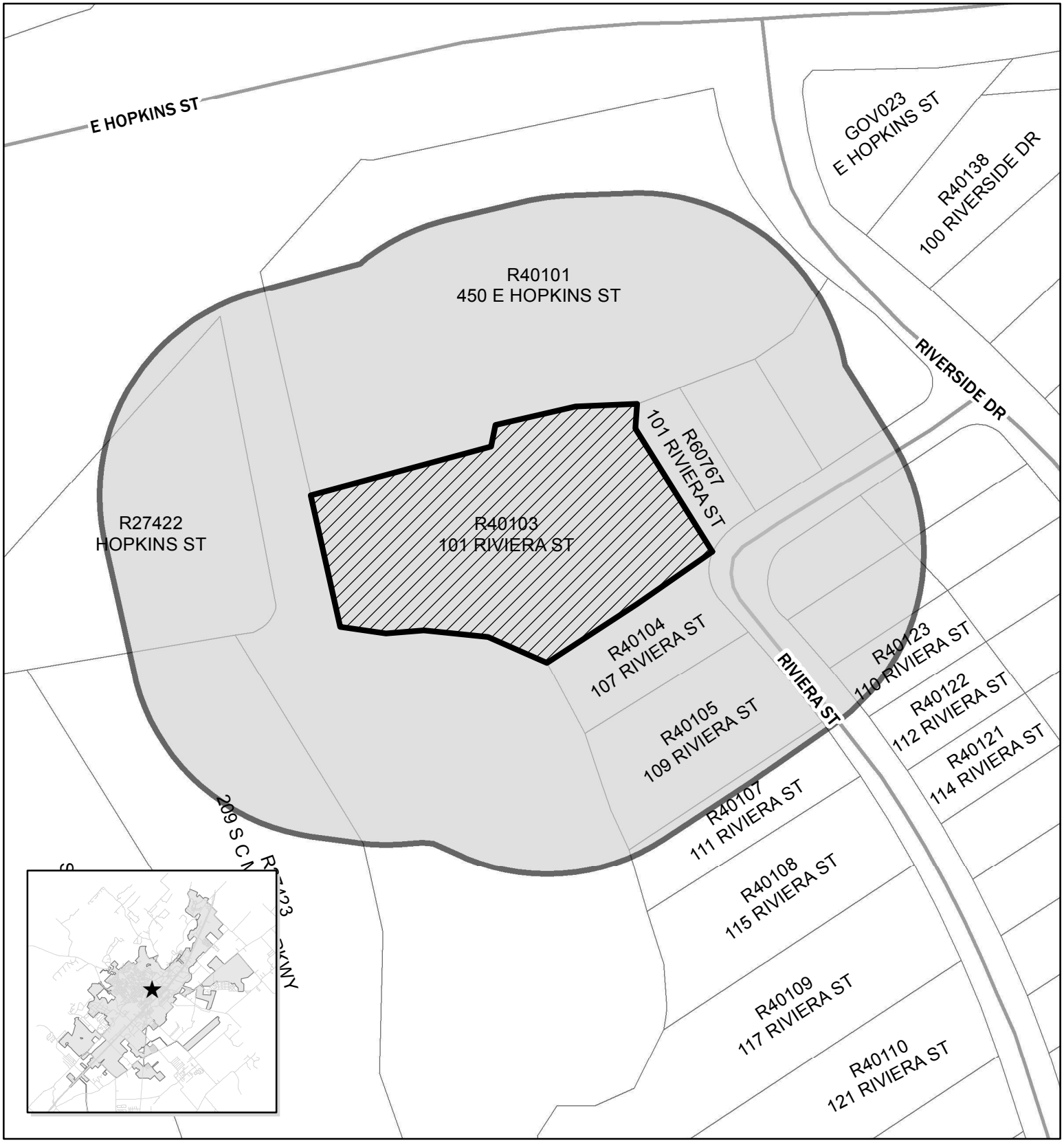
<!--[if !supportLists]--> • <!--[endif]--> **The accessory dwelling may not be rented separately from the main residence;**

<!--[if !supportLists]--> • <!--[endif]--> **The single-family occupancy restriction applies to the entire property; and,**

<!--[if !supportLists]--> • <!--[endif]--> **There shall be no separate utility meters.**

ATTACHMENTS:

Map
Site Plan
Staff Report
CUP Application
ZBOA Application



CUP-13-15
105 Riviera St
Accessory DwellingUnit
Map Date: 5/13/2013

Site Location

0 75 150 300 Feet

N

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.

105 ~~107~~ Riviera

egend

- GISMGR.Floodway2005
- Parcels
- GISMGR.Floodplain100Yr

N
W E
S

0 0.0025 0.005 0.01 0.015 0.0

Robinson Projection
Central Meridian: -60.00

CUP-13-15
Conditional Use Permit
105 Riviera Street
Accessory Dwelling Unit

Applicant Information:

Applicant:	Eddie V. Gray, Trustee P.O. Box 638 Baytown, TX 77522-0638
Property Owner:	Same
Applicant Request:	A Conditional Use Permit (CUP) to allow an accessory dwelling unit in an SF-6 zoning district.
Notification	Public hearing notification mailed on Friday, May 17, 2013.
Response:	No responses as of the date of this report.

Subject Property:

Location:	105 Riviera Street
Legal Description:	Portion of Lot 1, River View Estates
Frontage On:	Riviera Street
Neighborhood:	East Guadalupe
Existing Zoning:	Single-Family (SF-6)
Preferred Scenario:	Area of Stability
Utilities:	Existing
Existing Use of Property:	Single Family Residence
Proposed Use of Property:	Single Family Residence with Accessory Dwelling Unit

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-6	Single-Family Residential
S of Property	SF-6 / P	Single-Family Residential / San Marcos River
E of Property	SF-6	Single-Family Residential
W of Property	SF-6 / P	Single-Family Residential / San Marcos River

Code Requirements:

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

Accessory Dwellings are allowed within a SF-6 zoning district with a Conditional Use Permit. An Accessory Dwelling is defined by the Land Development Code in the following manner:
A secondary living space that is on-site with a primary living space and that may be contained within the space structure as the primary, or may be contained in a separate structure. A guest house and a garage loft are examples of accessory dwellings. Occupants of secondary living spaces typically include a caretaker, servant, or farm worker employed by the owner/occupant, or a guest or family member of the owner/occupant.

Case Summary

The subject property is located on Riviera Street, west of Riverside Drive, adjacent to the San Marcos River and the Veteran's Memorial. There is an existing 1,540 sq ft building on the property which the property owner wishes to relocate near the eastern property line, aligned with an existing driveway, and utilize as an accessory dwelling. The property owner then plans to construct a new primary dwelling in the location of the existing structure. The existing residential structure faces the San Marcos River to the west with the rear of the home facing east toward the street. The configuration for the new structure is the same. Within the "information provided by applicant" it states that both structures will be used by the property owner, his family and his personal guests and will not be used for rental property.

The lot is unusually configured with a very narrow access point to Riviera Street. Due to the lot configuration and the proposed location of the buildings, the accessory dwelling will be located closer to the street than the primary structure.

Comments from Other Departments:

None.

Planning Department Analysis:

In the past, the Planning and Zoning Commission has approved Accessory Dwellings for homeowners, typically for the purpose of housing family members, so long as the application meets the requirements of the Land Development Code (LDC). Common conditions included not allowing the unit to be used as a rental, not allowing separate utility meters, and requiring the permit be renewed if the property is sold. Some past cases have also required additional parking for the Accessory Dwelling.

The proposed structure does not meet the requirement for the location of an accessory building: prohibited in front of the main building (Section 4.3.2.1). A variance application for the location has been submitted and will be heard by the Zoning Board of Adjustments (ZBOA) at their next regularly scheduled meeting. The Planning and Zoning Commission has the option to approve the use conditioned upon the action of the ZBOA.

The neighborhood is primarily single-family and is identified as an Area of Stability on the Preferred Scenario map. This property would be classified as Neighborhood / Area Preservation and Conservation on the Land Use Intensity Matrix and an accessory dwelling is not listed as a generally recommended land use. However, the proposed use for the accessory dwelling is consistent with the definition in the LDC. The property owner will be required to obtain permits for the relocation of the accessory dwelling as well as the construction of the new primary residence. All requirements of the LDC including, but not limited to, setbacks, height requirements and parking areas shall be met. The accessory dwelling is proposed for the use by immediate family members and guests. The property owner has confirmed they have no intention of renting the unit separately.

This request, with conditions, could allow the owner additional flexibility with the property while maintaining the single-family character of the neighborhood.

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

- **The CUP is effective only upon the approval by the Zoning Board of Adjustments to allow the structure in the proposed location;**
- **The accessory dwelling may not be rented separately from the main residence;**
- **The single-family occupancy restriction applies to the entire property; and,**
- **There shall be no separate utility meters.**

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

<u>The Commission's Responsibility:</u>

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

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- 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;
- 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;
- 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;
- The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- 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.

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

Prepared by:

Amanda Hernandez, AICP	Planner	May 22, 2013
Name	**Title**	**Date**

09/12

Conditional Use Permit Application Checklist:
GENERAL

RECEIVED
APR 15 2013
BY:_____

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	**Required Item**	**Staff Verification**	**Staff Comments**
☑	A pre-application conference with staff is recommended 4-9-2013	☐	
☑	A completed application for Conditional Use Permit and required fees	☐	
☑	A site plan illustrating the location of all structures on the subject property and on adjoining properties	☐	
☑	Authorization to represent the property owner, if applicant is not the owner	☐	
☑	Application Fee $600	☐	
☐	Renewal Fee $300	☐	
Any of the following pieces of information as requested by the Planning Director:			
☐	Landscaping and/or fencing of yards and setback areas and proposed changes	☐	
☐	Design of ingress and egress	☐	
☐	Off-street parking and loading facilities	☐	
☐	Height of all structures	☐	
☐	Proposed uses	☐	
☐	The location and types of all signs	☐	
☐	Hours of operation	☐	
☐	Impervious cover or drainage issues or impacts	☐	
☐	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district	☐	

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

Signed: Eddie V. Gray, TRUSTEE Date: 4-10-13

Printed Name: EDDIE V. GRAY, TRUSTEE

☐ Engineer ☐ Surveyor ☐ Architect/Planner ☑ Owner ☐ Agent: _____

CUP- 13 - 15

City of San Marcos
CONDITIONAL USE PERMIT APPLICATION - GENERAL

	APPLICANT	PROPERTY OWNER
Name:	Eddie V. Gray, Trustee	Same as applicant
Mailing Address:	P.O. Box 638	Same as applicant
	Baytown, TX 77522-0638	
Telephone No.:	281-422-3677 ext 10	Same as applicant
E-mail address:	edgray@grayent.com cc: debbieh@grayent.com;jwahrlich@grayent.com	

Property Address: 105 Riviera Street

Legal Description (if platted): Lot PT of 1 Block _____ Subdivision River View Estates

Tax ID Number: R EIN# 46-6433547 **Zoning District:** SF-6

PROPOSED USE

Brief description of Proposed Use (attach separate page if needed): To allow and accessory dwelling unit within the SF-6 zoning district. Please refer to Zoning Variance Application on this property.

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*

☐ *Ihave attached authorization to represent the owner, organization, or business in this application.*

Signature of Applicant: Eddie V. Gray, Trustee Date: 4-10-13

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted by: _____ Date: _____

09/12

RECEIVED
APR 15 2013
BY:_____

Zoning Variance Application Checklist

- [x] A pre-application conference with staff is recommended; 4-9-2013
- [x] A completed application for a Zoning Variance and required fees;
- [x] A development application prepared consistent with the requested variance.
- [x] A detailed written statement of the reasons why the standards to be varied should not be applied to the development application identified in the petition.
- [x] A description of the existing use and improvements of the subject property, including type(s) of building(s), floor area, and number of off-street parking spaces, as applicable.
- [x] A description of the proposed use and related improvements/development of the subject property, including type(s) of building(s), floor area, and number of off-street parking spaces, as applicable.
- [x] Illustrations or other documents showing the effect of the requested variance on the proposed development.
- [x] A description of the particular physical conditions or characteristics that make the subject property unique compared to others developed in a similar manner; an explanation as to whether such particular physical conditions or characteristics were caused by the property owner or applicant.
- [x] A description of the difficulty or unnecessary hardship that would result if the variance were not granted.
- [x] A description of whether the amount of variance requested is the minimum necessary to meet the needs of the property owner or applicant.
- [x] If applicable, a description of how the requested variance would affect the rights of owners or residents of surrounding property, including considerations which regard to the supply of light or air, traffic conditions, ingress/egress conditions, and property values.

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

Signed: Eddie V. Gray, Trustee Date: 4-10-13

Print Name: EDDIE V. GRAY, TRUSTEE

☐ Engineer ☐ Surveyor ☐ Architect/Planner ☑ Owner ☐ Agent: _____

09/12

VR-_____-_____

City of San Marcos

ZONING VARIANCE APPLICATION

	APPLICANT	PROPERTY OWNER
Name	Eddie V. Gray, Trustee	Same as Applicant
Mailing Address	P.O. Box 638	Same as Applicant
	Baytown, TX 77522-0638	Same as Applicant
Daytime Phone	281-422-3677 ext 10 or 15	Same as Applicant
Email Address	edgray@grayent.com cc: debbieh@grayent.com	Same as Applicant

PROPERTY DESCRIPTION:

Street: Riviera **Address No:** 105

Legal Description *(if platted)*: Portion of Lot One (1) of River View Estates, Vol. 141, Page 74 Deed Records of Hays County, Tx (see attached legal description on Deed)

Tax ID: R 46-6433547

Acres 1.378 **Zoning Classification** SF-6

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

Existing use and improvements on subject property, including type of buildings, floor area, number of off-street parking spaces, etc., as applicable

See attached

REQUESTED ZONING VARIANCE:

Variance to Chapter 4.3.2.1 (a) **of the Land Development Code which requires...**

See attached

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

See attached

SUBMITTAL REQUIREMENTS:

$600 Application Fee, payable to the City of San Marcos

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

I certify the preceding information is complete and accurate, and it is understood that I or another representative should be present at all meetings concerning this application.

☐ ***I am the property owner of record, or***

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

Signature: Eddie V. Gray, Trustee **Date**: April 10, 2013

Printed Name: Eddie V. Gray, Trustee

TO BE COMPLETED BY STAFF:

Submittal Date: _____ 5 Business Days from Submittal: _____

Completeness Review By: _____ Date: _____

Contact Date for Supplemental Info: _____

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

Application Returned to Applicant: _____

Application Accepted for Review: Fee:

Requested Zoning Variance:
Eddie V. Gray, Trustee

Variance to Chapter **4.3.2.1 (a) (1)** of the Land Development Code which requires "Front yard: Detached accessory buildings shall be prohibited in front of the main building."

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

The part of Lot 1 of Riverview Estates that is known as **105 Riviera is a 1.378** acre tract and has a narrow street frontage and wide frontage on the San Marcos River.
The existing residence on the property is oriented so that the front of the home faces the San Marcos River and the rear of the home faces the yard closest to the street.
A variance is needed to permit the current residence to be moved to another portion of the tract, as an accessory residential structure, to an area near the side yard and closer to the street in order that a new residence can be built in the same location as the prior home with the front of the new home to be oriented toward the river, just as the current residence is facing.

Information provided by applicant:

Existing use and improvements on the subject property, including type of buildings, floor area, numbers of off-street parking spaces.

Existing residence on the property **contains 1540 square feet** located on stilts as a single family residence with the front of the home facing the San Marcos River and the rear of the home facing the yard closest to Rivera Street. The residence is frame construction on steel piers and has 2 off-street parking spaces. **The proposed new residence on the property will contain 3120 square feet**. The existing residence, the proposed new residence and the proposed accessory residential structure(same structure as the existing residence relocated on the property) are all used as residential property by the property owner, his family and his personal guests and have not been used for rental property and will not be used for rental property in the future.

1. Special circumstances and conditions: Due to the shape of the Lot 1 of Riverview Estates, with narrow street frontage and wide river frontage, the most desirable layout of the property for residential use is to have the residence face the river—due to the physical width of the property and due to the scenic beauty of the property. An unnecessary hardship would be created if the accessory residential structure were required to be located on the river side of the home due to the fact that (i) this would locate the home in the flood plain, (ii) would cause the construction expense to be increased because of the need to build the home on stilts in this area and due to the fact that the terrain of the lot slopes down to the river in this area and (iii) would block a portion of the view of the new residence which fronts on the river. These three reasons cause increased expense, force the accessory home to be located in the flood plain and detract from the view of the new residence.
2. The conditions which would create a hardship on this property do not affect other properties in the vicinity. The narrow width of the frontage on this tract and the large size of this tract both

make it significantly different from the other tracts in the vicinity. The other lots that face the river are standard residential lot width on the street and have standard river frontage width, The other lots which have no river frontage are small residential lots with homes facing Riviera Street.

3. If the Land Development Code were literally enforced in this case it would cause significant detriment to the use of the property in that the tract is a large 1.378 acre tract that can accommodate an accessory residential building, but such accessory use would not work if it were required to be located on the river side of the lot due to the negative factors listed as i, ii, and iii in No.1.
4. The variance will have no effect on the surrounding property or public health.
5. The variance will have no effect on the orderly subdivision of other land in area.
6. The hardship is not caused in whole or in part by the applicant, but arises from the physical dimensions of the tract of real property and the effect of the flood plain, sloping terrain, and river front nature of the tract.
7. The variance is not based upon financial gain or reduction of financial hardship, but rather on the most appropriate location of the main residence and the accessory residential building on the 1.378 acre tract that is restricted by narrow street frontage and is affected by the flood plain of the San Marcos River.
8. The degree of the variance requested, i.e. that the accessory residential structure be permitted to be located in the side yard closer to the street side of the tract, is the minimum variance necessary to meet the needs of this request.

Agenda Information

AGENDA CAPTION:

CUP-13-16 (Pappa Pasta's) Hold a public hearing and consider a request by Herlinda Lopez for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 2550 Hunter Road, Suite 1100.

Meeting date: May 28, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

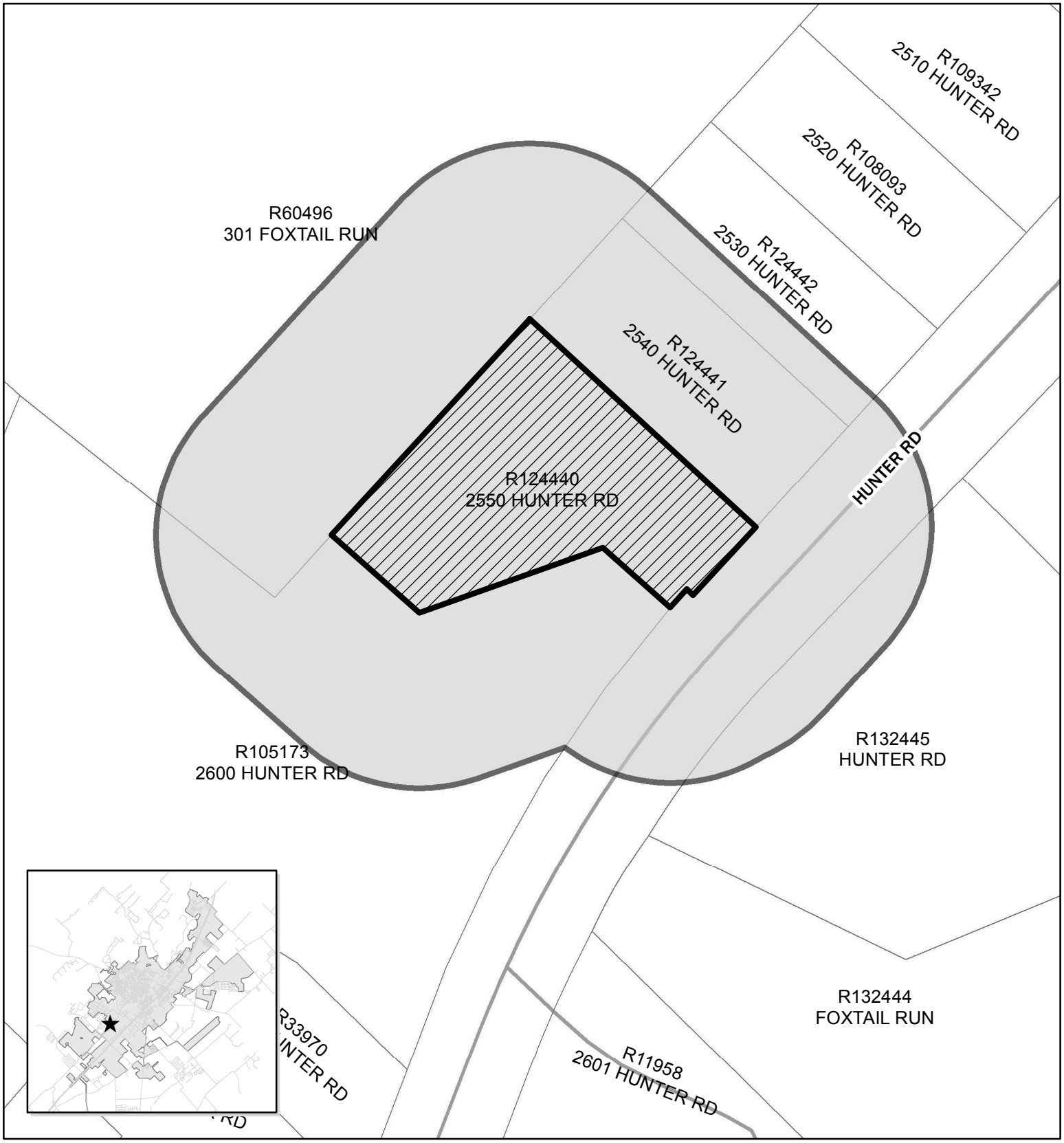
Community Wellness/Encourage the Middle Class

BACKGROUND:

Pappa Pasta's is located in a multi-tenant building designed to contain three restaurants, retail/office lease space, and four loft apartments. The restaurant first received a CUP in 2008 after being granted a waiver from City Council to allow on-premise consumption of alcohol within 300 feet of a school. The CUP expired in 2009 and was renewed after a new waiver was issued by City Council in 2012. The current CUP will expire June 5th. Staff recommends approval of the CUP as there have been no issues with this property in the past.

ATTACHMENTS:

Case Map
Staff Report
CUP Application
Variance from Council
Menu



CUP-13-16
Pappa Pasta's
2550 Hunter Road
Map Date: 5/13/2013

Site Location

0 100 200 400 Feet

N

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-13-16
Conditional Use Permit
Pappas Pasta
2550 Hunter Road

Applicant Information:

Applicant:	Herlinda Lopez 2550 Hunter Rd San Marcos TX 78666
Property Owner:	David Chiu P.O. Box 1014 San Marcos TX 78667
Applicant Request:	Renewal of a Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine at a restaurant establishment.
Notification	Public hearing notification mailed May 17, 2013
Response:	None to date

Subject Property:

Expiration Date:	June 5, 2013
Location	2550 Hunter Road
Legal Description:	Hunters Hill Section 1, Lot 3
Frontage On:	Hunter Rd
Neighborhood:	None
Existing Zoning:	Community Commercial
Master Plan Land Use:	Commercial
Sector:	Sector 9
Existing Utilities:	Adequate
Existing Use of Property:	Restaurant
Proposed Use of Property:	Same

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	CC	Vacant
S of Property	MF-24	Assisted living facility
E of Property	GC	Vacant
W of Property	P	School

`

Code Requirements:

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. The location **does not** meet these distance requirements. An amendment to the Land Development Code [Section 4.3.4.2(b)(3)] allows a variance to the distance requirements permitting alcohol-serving restaurants to seek a CUP, provided certain conditions are met. This location has received such a variance. It will be subject to the code standards for on-premise consumption of alcoholic beverages, and the penalty point system for violations (Section 4.3.4.2).

The business is not within the CBA.

Comments from Other Departments:

Building, Police, Engineering, Fire, Environmental Health, and Code Enforcement have reported no concerns regarding the subject property.

Case Summary

The restaurant is located in a multi-tenant building designed to contain three restaurants, retail/office lease space, and four loft apartments. In 2008, the applicant received a variance to allow the applicant to apply for a CUP for an alcohol-serving restaurant less than 300 feet from a public school, provided certain standards were met. The applicant was granted a CUP on June 10, 2008, which authorized the on-premise consumption of beer and wine for one year. The CUP was renewed for one year on July 28, 2009. There was a lapse time between 2009 and 2012 when the applicant was operating without a valid CUP and because of this their variance expired. In 2012 they were granted a new variance and CUP which will expire on June 5, 2013.

Capacity is shown as 75 indoors with no outdoor seating. Hours are from 11:30AM to 9PM. No amplified live music is proposed. A full menu is offered. The applicant states that there have been no substantial changes to the floor plan or site in the last year.

Planning Department Analysis:

Several of the conditions recommended are from the original CUP and repeat requirements found in Section 4.3.4.2(b)(3) of the Land Development Code. This is to clarify the requirements. Also, they acknowledge the needs of the San Marcos Consolidated Independent School District, which had to consent to the variance so the applicant could seek the CUP. With the exception of the lapsed renewal between 2009 and 2012, the business has complied with these conditions.

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

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

However, 4.3.4.2 (b) (3) (a) (5) requires that properties operating under the variance for distance requirements be subject to annual renewals.

`

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

1. **The CUP shall be valid for one (1) year, provided standards are met, subject to the point system.**
2. **Include the statement "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages." on the restaurant menus;**
3. **The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met;**
4. **The primary entrance for the restaurant shall remain at least 200 feet from the primary entrance of the school; and**
5. **Alcoholic beverages shall not be served earlier than 11 a.m. or later than 10 p.m.**

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

Commission's Responsibility:

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

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

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

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

Prepared by:

Tory Carpenter Planning Technician May 15, 2012

09/12

RECEIVED
APR 15 2013
BY:

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

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

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

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

Signed: _____ Date: 4/15/13

Print Name: Henry M Lopez

☐ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☑ Agent: _____

09/12

RECEIVED
APR 15 2013
BY:

CUP-13-16

City of San Marcos

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

LICENSE INFORMATION
Trade Name of Business: PAPPA PASTA'S

Application is filed by:

☑ Individual ☐ Partnership ☐ Corporation ☐ Other: _____

Name of Individual or Entity: LINDA LOPEZ **Phone Number:** 878-2433

Mailing Address: 2550 HUNTER RD STE 1100

Email Address: PAPPAHENRY@GMAIL.COM

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

PROPERTY
Street Address: 2550 Hunter Rd St 1100 **Current Zoning:** CC

Legal Description: Lot 3A Block 1 Subdivision Hunter Hill Sec 1

Tax ID Number: R 124440

Property Owner's Name: David Chiu **Phone Number:** _____

Address: _____

BUSINESS DETAILS

Primary Business Use: ☑ Restaurant ☐ Bar ☐ Other: _____

Hours of Operation: 11:30-2:30 5-9

Type of Entertainment Facilities: RESTAURANT

Indoor Fixed Seats Capacity: 65 **Outdoor Fixed Seats:** —

Gross Floor Area Including Outdoor Above-ground Decks: 2200 Square Feet

Number of Off-Street Parking Spaces Provided: _____

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

09/12

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

- ☐ **New request**, no existing TABC CUP Permit at this location
- ☐ **Change** to existing TABC Permit. Nature of Change: _____
- ☑ **Renewal**
- ☐ **Change in name of license holder** of existing business at same location
- ☐ **Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

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

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

☐ *I am the property owner of record; or*

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

Herlinda R Lopez

Applicant's Signature

Printed Name: Herlinda R Lopez **Date:** 4/15/2013

To be completed by Staff:

Meeting Date: 5-28-13 Application Deadline: 4-15-13

Accepted By: Tory Carpenter Date: 4-15-13

RESOLUTION 2012 - 63 R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING A CONDITIONAL USE PERMIT VARIANCE UNDER SECTION 4.3.4.2 OF THE LAND DEVELOPMENT CODE TO ALLOW PAPPA PASTA'S RESTAURANT TO SERVE ALCHOHOL FOR ON-SITE CONSUMPTION AT 2550 HUNTER ROAD WHICH LOCATION IS LESS THAN 300 FEET FROM DORIS MILLER JUNIOR HIGH SCHOOL; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. Section 4.3.4.2 (b)(2) of the Land Development Code governing conditional use permits for on-site alcoholic beverage consumption establishes a minimum distance of 300 feet between restaurants serving alcohol for on-site consumption and any public school.

2 Section 4.3.4.2 (b)(3) authorizes the City Council to approve a variance from said 300 foot distance requirement under appropriate circumstances. Pappa Pasta's Restaurant has requested a variance from such 300 foot distance requirement.

3. The gross revenue from the sale of alcohol of Pappa Pasta's Restaurant will be less than 25 percent of the total gross revenue of the restaurant;

4. There is a distance of at least 200 feet from the primary entrance of Pappa Pasta's Restaurant at its location of 2550 Hunter Road and the primary entrance of Doris Miller Junior High School, the nearest public school.

5. The San Marcos Consolidated Independent School District has consented in writing to the variance subject to the following being printed on the restaurant's menus:

> "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages."

6. The Planning and Zoning Commission after a public hearing, voted to recommend approval of the variance, subject to the requirements of Section 4.3.4.2 of the Land Development Code and the conditions requested by the San Marcos Consolidated Independent School District.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The City Council hereby finds and determines that the statements in the Recitals are true.

PART 2. Pursuant to Section 4.3.4.2 (b)(3) of the Land Development Code, a conditional use permit variance is hereby granted to allow Pappa Pasta's Restaurant to serve alcohol for on-site consumption from its location at 2550 Hunter Road.

PART 3. The variance granted under Part 1 is subject to all applicable requirements of Section 4.3.4.2 (b)(3) of the Land Development Code and the condition that the following be printed on the restaurant's menus:

> "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages."

PART 4. The variance granted under Part 1 shall continue for the life of the conditional use permit granted to Pappa Pasta's Restaurant by the City's Planning and Zoning Commission on May 8, 2012 in conjunction with this variance, subject to annual renewal of the conditional use permit in accordance with the requirements of Section 4.3.4.2 of the Land Development Code. In the event the conditional use permit expires, is revoked or otherwise lapses, the variance granted herein shall terminate.

PART 5. This Resolution shall be in full force and effect from and after its passage.

ADOPTED on June 5, 2012.

Daniel Guerrero
Mayor

Attest:

Jamie Lee Pettijohn
City Clerk

Carni * Pollo * Pesce y Mas

Medallions Of Beef $13.95
Sautéed with garlic, scallions & mushrooms in a red wine brown sauce over linguini

Bistec Pappas $14.95
A grilled 11 oz rib-eye steak with fries and seasonal vegetables

Veal Picatta $13.95
Veal sautéed in garlic & capers served with a lemon butter garlic sauce served over linguini

Veal Ala Jeffrey $18.95
Veal Medallions sautéed with fresh lump crab, mushrooms, scallions & shrimp topped with asparagus & lemon butter garlic sauce over linguini pasta

Veal Marsala $13.95
Veal sautéed with mushrooms, garlic & scallions laced with a marsala wine sauce served over a bed of fettuccini

Spaghetti & Meatballs $9.95
Homemade meatballs with marinara over spaghetti & topped with parmesan cheese

Pollo Pesto $9.95
Grilled chicken breast with a fresh garlic pesto sauce served over fettuccini pasta

Pollo Marinara $9.95
Grilled chicken breast with marinara sauce and fresh parmesan served over fettuccini

Pollo Primavera $9.95
Grilled chicken breast and seasonal vegetables topped with lemon butter garlic sauce over a bed of linguini pasta

Pollo Picatta $9.95
Sautéed chicken breast, garlic & capers with a lemon butter garlic sauce over fettuccini

Pollo Marsala $10.95
Sautéed chicken breast with mushrooms, garlic& scallions with a marsala wine sauce served over a bed of fettuccini

Pollo Pappas $11.95
Sautéed chicken breast mushrooms,scallions,artichokes & capers served over fettuccini laced with creamy lemon garlic butter sauce

PAPPA pastas

Pollo, Pesce, Pasta, Carni y Mas

2550 Hunter Lane
San Marcos, Texas 78666
512-878-2433

Catering available at your location or ours.

We accept Visa, Mastercard, American Express

Appetizers

Half Moons $6.95
Provolone cheese lightly breaded and fried served over homemade marinara sauce topped with pesto.

Coconut Shrimp $7.95
4 Large shrimp rolled in coconut and lightly fried and served with coco lopez sauce

Camarones Pappas $8.95
Sautéed shrimp with pappas lemon butter garlic sauce served with capers and hearts of palm

Champigone's Itailiana $5.95
Mushrooms sautéed in garlic and Italian seasonings topped with a lemon butter garlic sauce

Soups and Salads

Ensalada De La Casa $4.95
Romaine, iceberg, mixed greens with red onions, black olives and tomatoes

Ensalada De Caesar $4.95
Freshly cut romaine with a homemade caesar dressing topped with croutons and grated parmesan cheese

Add Chicken .....$2.95 Add Shrimp $3.95

Sopa De Pasta .....$4.95 Bowl $2.95 Cup
Chicken based soup with tomatoes, garlic, onions, mozzarella cheese, tortellini and fried bow-tie pasta

Dalton's Kids Menu

Pasta Bolognese $4.95
Pasta Alfredo .....$4.95 Add Chicken $2.50
Pasta Marinara $4.95

PLEASE ALLOW TIME ALL DISHES ARE PREPARED FRESH!!!

A 17% Gratuity will be added to groups of (6) or more. We accept all major credit cards.

Pappa Pasta's Specialties

Pasta Bolognese $7.95
Spaghetti with pappa's homemade meat sauce topped with fresh grated parmesan cheese

Pasta Champigones $7.95
Sautéed mushrooms in garlic, scallions over a bed of linguini

Pasta Marinara $7.95
Penne pasta topped with a homemade marinara sauce and fresh grated parmesan cheese

Pasta Primavera $8.95
Seasonal grilled vegetables with a garlic lemon butter sauce over a bed of linguini

Pasta Alfredo .....$8.95 add chicken $2.50 add shrimp $3.95
Fettuccini tossed in an alfredo cream sauce with scallions and parmesan cheese

Spinach and Mushroom Pasta $8.95
Linguini pasta with sautéed spinach mushrooms & garlic in a lemon butter garlic sauce

Pasta y Salmon $11.95
Salmon filet grilled and laced with a creamy chipotle sauce served over a bed of linguini

Pappas Roughy $12.95
Orange roughy filet sautéed and laced with a creamy lemon garlic butter sauce and served over a bed of linguini

Pasta y Camarones $11.95
5 sautéed shrimp with hearts of palm and capers in a lemon butter garlic sauce served over a bed of linguini

Drinks

Iced Tea, Hot Tea, Coffee .....$1.59 free refills

Coke,Diet Coke,Sprite,Dr. Pepper, Diet Dr. Pepper,Big Red .....$1.50 per

Perrier Mineral Water $2.50

***Due to the close proximity of a school campus, we urge you to drive carefully. The restaurant will accommodate, as necessary, any individuals that may need transportation after consumption of alcoholic beverages. ***

Agenda Information

AGENDA CAPTION:

LUA-13-01 (Sessom Drive Multifamily Community) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney, and Buck Scheib , for an amendment to the Future Land Use Map from Low Density Residential (LDR) to Mixed Use (MU) for approximately 9.5 acres of land out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

Meeting date: May 28, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

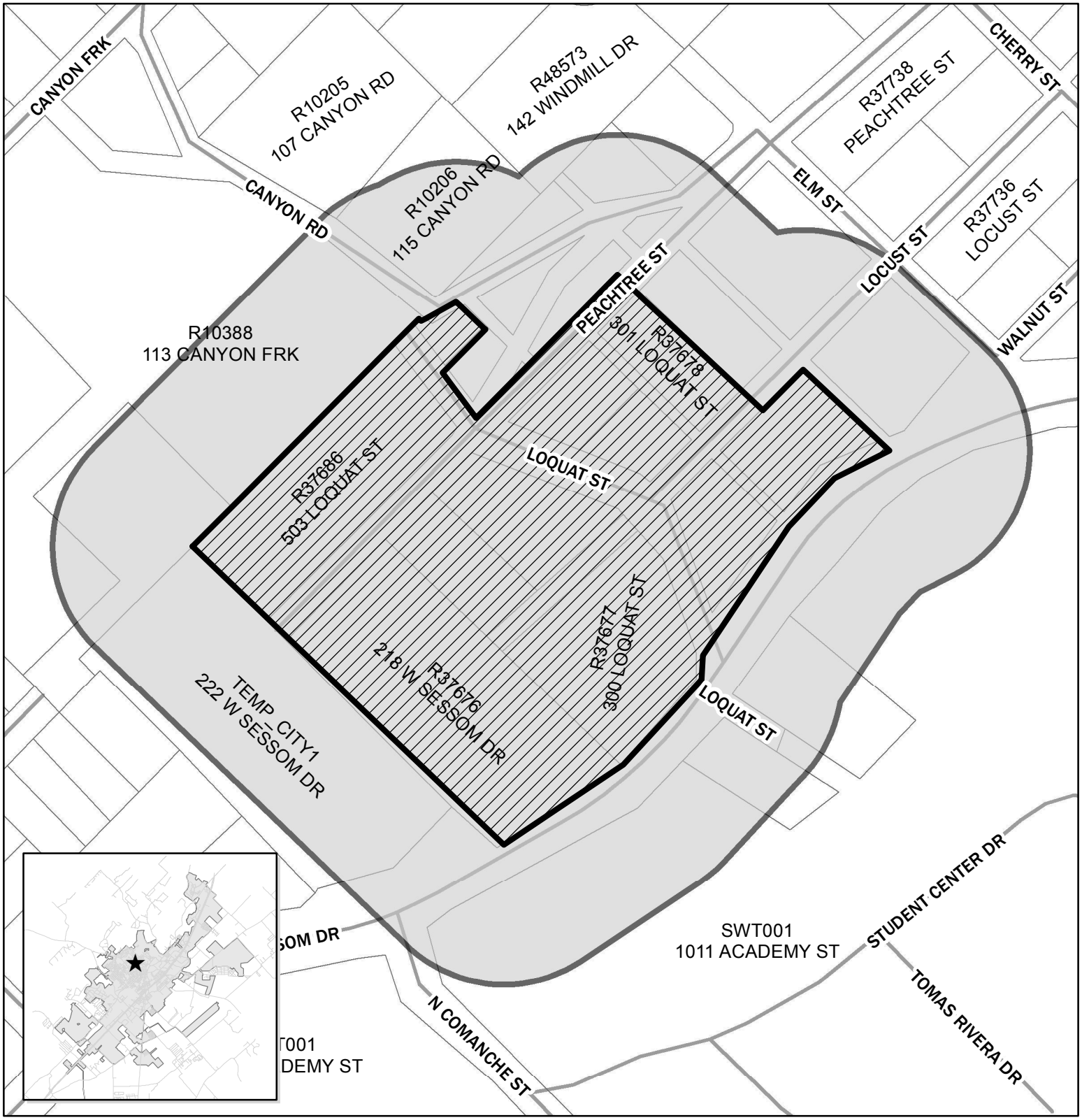
Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

This is a request to amend the Future Land Use Map in association with the proposed Planned Development District overlay. Staff recommends denial of the request for an amendment to the Future Land Use Map. Please see the staff report for PDD-13-01 for analysis on this case.

ATTACHMENTS:

Map
Application
Survey
Owner Authorization



Sessom Drive
Multifamily Community
PDD-13-01
ZC-13-03
LUA-13-01
Map Date: 5/2/2013

Site Location

0 125 250 500 Feet

N

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.

$250

RECEIVED
JAN 14 2013
Tory

LUA - 13 - 01

City of San Marcos

LAND USE MAP AMENDMENT APPLICATION

	APPLICANT	PROPERTY OWNER	CONSULTANT
Name	Darren Casey Interests, Inc.	See Attached List	ETR Dev. Con., LLC
Mailing Address	814 Arion Pkwy, Ste. #200		401 Dryden Lane
	San Antonio, Texas 78216		Buda, Texas 78610
Daytime Phone	(210) 829-1717		(512) 618-2865
E-mail			ed@etrdevcon.com

PROPERTY DESCRIPTION:

Street Sessom Drive @ Loquat Street **Address No.** _____

Legal Description *(if platted)* See Attached Property Owner List

Appraisal District Tax I.D. (R#) See Attached List **Acres** 9.587

Zoning Classification SF-6 **Proposed New Zoning, if any** VMU

Located In ☐ Floodway ☐ Edwards Aquifer Recharge Zone

☐ S.M. River Corridor ☐ Historic District

Existing use of land and building(s)

Single Family Residential

Proposed new use, if any

Mixed use retail and multifamily residential

APPLICATION FOR CITY OF SAN MARCOS MASTER PLAN LAND USE AMENDMENT

REQUESTED AMENDMENT:

Current Master Plan Land Use Designation LDR

Proposed Master Plan Land Use Designation Mixed Use (MU)

Policies of the Master Plan or other reasons which support this request

The Project Site is located adjacent to the University and is surrounded by other existing multifamily residential and retail. The project incorporates retail at the ground floor street level with multifamily residential apartments above and around the retail. The development employs vertical density in a compact design with structured parking to reduce the building footprint and impact on the environment.

SUBMITTAL REQUIREMENTS:

In conjunction with zoning change: **$100 Application Fee** payable to the City of San Marcos
Not associated with zoning change: **$100 per acre ($500 minimum fee)**

Name(s) and Address(es) of Property Lien-Holder(s), if any

Metes and Bounds legal description or a map/survey to scale (if not platted), submitted on paper no larger than 11" x 17" showing the location and boundaries of the property (if the amendment involves changing more than one existing designation, also show the boundaries of such designations within the property).

I certify the preceding information is complete and accurate, and it is understood that I or another representative should be present at all meetings concerning this application.

☐ *I am the property owner of record; or*

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

Signature: Ed Theriot **Date**: 1/14/13

Printed Name: Ed Theriot

To be completed by Staff:

Meeting Date: NA - PDD Application Deadline: NA

Accepted By: Tory Carpenter Date: 1-14-13

Land Use Map Amendment Application Checklist

- ☐ Pre-application conference with staff recommended
- ☐ A completed application for a Land Use Amendment and required fees
- ☐ Reasons for the change
- ☐ Visual representations of the change
- ☐ Other information as requested by the City
- ☐ Certificate of no tax delinquency

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

Signed: _____ Date: 1/14/13

Print Name: Ed Theriot

☐ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☐ Agent: _____

STAFF COMMENTS: _____

_____

_____

STATE OF TEXAS **T.J. CHAMBERS SURVEY**
COUNTY OF HAYS **7.885 ACRES**

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the east corner of said Lot 44 and the common south corner of a 16 foot alley, as shown by said plat of the Park Addition, for the east corner of the herein described tract of land, same being at the intersection of said 16 foot alley and Sessom Drive, a variable width public right-of-way, and being at a corner of that certain tract of land conveyed to the City of San Marcos for street purposes as Tract 1 by Instrument recorded in Volume 253, Page 582 of the Deed Records of Hays County, Texas;

THENCE South 64°19'14" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 44 and the above-mentioned Lot 43, and continuing on a total distance of **88.66 feet** to a 5/8" iron rod found for corner;

THENCE South 44°43'10" West, continuing along the northwest line of said Sessom Drive, at a distance of 83.79 feet passing a 5/8" iron rod found at a corner of said City of San Marcos called Tract 1, same being on the southwest line of said Lot 43, and being at the intersection of said Sessom Drive and an above-mentioned 16 foot alley and continuing on for a total distance of **95.67 feet** to a 1/2" iron rod set for corner;

THENCE S 35°02'19" W, along the northwest line of said Sessom Drive, at a distance of 168.17 feet passing a 1/2" iron rod set at a corner of said City of San Marcos Tract 2, same being at the intersection of said Sessom Drive and Loquat Street (Pecan Street), a 40 foot public right-of-way as shown by plat of said Park Addition, and continuing on in all for a total distance of **222.32 feet** to a 1/2" iron rod set in an east line of the above-mentioned Lot 40, at the intersection of said Loquat Street and the northwest line of Sessom Drive, for a corner of the herein described tract of land;

THENCE South 03°49'08" West (S00°15'W Record), along the northwest line of said Sessom Drive and a common line of said Lot 40, a distance of **34.82 feet** to a 1/2" iron rod set for a corner of the herein described tract and a corner of that certain tract of land conveyed to the City of San Marcos for street purposes recorded in Volume 258, Page 643 of the Deed Records of Hays County, Texas;

THENCE South 44°02'03" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 40 and the above-mentioned Lot 39, at a distance of 151.62 feet passing a 1/2" iron rod set in the southwest line of said Lot 39 and the common northeast line of the above-mentioned 16 foot alley, and continuing on for a total distance of **165.81 feet** to a 1/2" iron rod set for corner of the herein described tract;

THENCE South 57°30'24" West, at a distance of 1.86 feet passing a 5/8" iron rod found in the southwest line of said 16 foot alley and the common northeast line of the above-mentioned Lot 38 and the common northwest line of said Sessom Drive, as described in Condemnation by the City of San Marcos by Judgment under Cause #9527, passing the common line of said Lot 38 and the above-mentioned Lot 37, passing the common line of said Lot 37 and the above-mentioned Lot 36, and continuing on for a total distance of **206.60 feet** to a nail found in concrete at a corner of said Sessom Drive, same being in the southwest line of said Lot 36, Park Addition, for the south corner of the herein described tract;

THENCE North 44°57'28" West (N45°35'W Record), along the southwest line of said Lot 36 and the southwest line of said Park Addition, at a distance of 91.79 feet passing a 1/2" iron rod found at a chain link fence corner at a corner of said Sessom Drive and a common east corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366 of the Deed Records of Hays County, Texas, and continuing along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract, at a distance of 418.78 feet passing a 1/2" iron rod set at the west corner of said Lot 36 and a common corner of the above-mentioned Peachtree Street, and continuing on for a total distance of **458.78 feet** to a 1/2" iron rod set at the south corner of Lot 59 of said Park Addition, for the west corner of the herein described tract of land;

THENCE North 45°57'55" East (N45°20'E Record), along the northwest line of said Peachtree Street, passing the common corners of Lots 59, 60, 61, 62, 63, 64 and 65, and continuing on for a total distance of **704.12 feet** to a 1/2" iron rod set for corner in the southeast line of said Lot 65, for a northwesterly corner of the herein described tract of land, and from which an iron rod found at the east corner of said Lot 64 and the common south corner of Lot 65 of said Park Addition bears South 45°57'55" West, a distance of 72.34 feet;

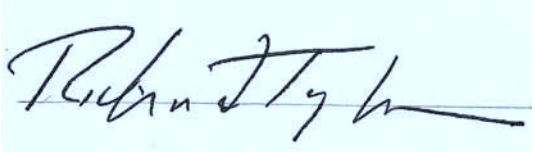
THENCE South 45°43'05" East (S46°21'E Record), at 40.02 feet passing a 1/2" iron rod set in the southeast line of said Peachtree Street at the north corner of the above-mentioned Lot 50 and the common west corner of Lot 49 of said Park Addition and continuing along the common line of said Lots 49 and 50, at a distance of 245.01 feet passing a 1/2" iron rod set at the east corner of said Lot 50 and the common south corner of said Lot 49, crossing the above-mentioned Locust Street, and continuing on for a total distance of **285.10 feet** to a 1/2" iron rod set for corner in the southeast line of said Locust Street at a common corner of the aforesaid Lot 43 and Lot 44;

THENCE North 45°57'55" East (N45°20'E Record), along the southeast line of said Locust Street, a distance of **81.94 feet** to a 1/2" iron rod set at the north corner of said Lot 44 and the intersection of said Locust Street and aforesaid 16 foot alley, for a north corner of the herein described tract of land;

THENCE South 45°43'05" East (S46°21'E Record), along the southwest line of said 16 foot alley and the common northeast line of said Lot 44, a distance of **169.90 feet** to the **POINT OF BEGINNING** and **CONTAINING 7.885 ACRES OF LAND**.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

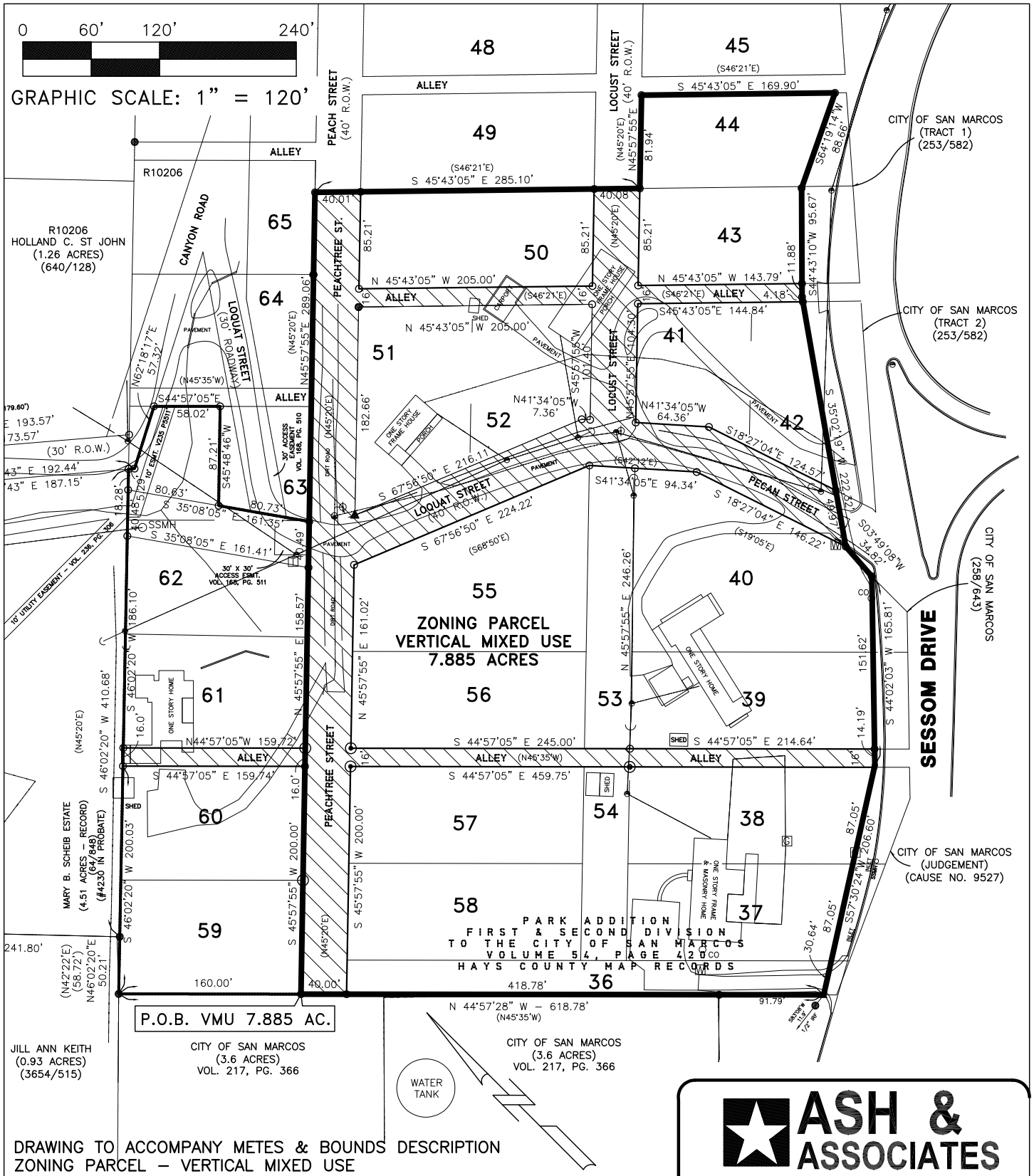
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.



Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

05/11/12
Date

Job: 11-3846-F



DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
ZONING PARCEL – VERTICAL MIXED USE

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

ASH & ASSOCIATES
SURVEYING - ENGINEERING - ARCHITECTURE
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SAN MARCOS, TEXAS 78666
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FAX (512) 392-1928
ashandassociates.net
Surveying: 100847-00
Engineering: F-13483
Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"

JOB NO: 11-3846F DRAWN BY: RHT FB: –

STATE OF TEXAS **T.J. CHAMBERS SURVEY**
COUTNY OF HAYS **1.702 ACRES**

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with City of San Marcos survey cap found marking the most westerly corner of said Park Addition, for the west corner of the herein described tract of land, same being at the west corner of said Lot 59 and the common north corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366, Deed Records of Hays County, Texas, and being in the southeast line of that certain called 0.93 acre tract of land conveyed to Jill Ann Keith by deed recorded in Volume 3654, Page 515 of the official Public Records of Hays County, Texas;

THENCE North 46°02'20" East (N45°20'E Record), at a distance of 50.21 feet passing a 1/2" iron rod with Pro-Tech cap found at the east corner of said Keith called 0.93 acre tract, same being at the south corner of that certain called 4.51 acre tract, the Estate of Mary B. Scheib, described by instrument #4230 in Probate and recorded in Volume 64, Page 848, Probate Records of Hays County, Texas, at a distance of 100 feet passing a common corner of said Lot 59 and the above-mentioned Lot 60, at a distance of 200.03 feet passing a 1/2" iron rod set at the north corner of said Lot 60 and the common west corner of the above-mentioned 16 foot alley, at a distance of 216.03 feet passing a 1/2" iron rod set for corner at the north corner of said 16 foot alley and the common west corner of the above-mentioned Lot 61, at a distance of 316.01 feet passing a common corner of said Lot 61 and the above-mentioned Lot 62, at a distance of 416.06 feet passing a common corner of said Lot 62 and the above-mentioned Lot 63, and continuing on with the common line of said Park Addition and said Scheib called 4.51 acre tract, a total distance of **460.88 feet** to a 1/2" iron rod set for the north corner of the herein described tract of land, same being in the northwest line of said Lot 63 at its intersection with the southwest line of Canyon Road, a 30 foot public road, and the common southwest line of a 30 foot wide roadway and utility easement out of the said Mary B. Scheib Estate called 4.51 acre tract;

THENCE South 49°47'43" East, along the southwest line of said Canyon Road, through said Lot 63, a distance of **5.29 feet** to a 1/2" iron rod set for a corner of said Canyon Road and a corner of the herein described tract of land;

THENCE North 62°18'17" East, and continuing along the southwest line of said Canyon Road, a distance of **57.32 feet** to a 1/2" iron rod set for corner in the northeast line of said Lot 63 and a common southwest line of a 16' alley, as shown by plat of said Park Addition;

THENCE South 44°57'05" East (S45°35'E Record), along the northeast line of said Lot 63 and the common southwest line of said 16' alley, a distance of **58.02 feet** to a 1/2" iron rod set for corner in the dividing line of the north 1/2 and the south 1/2 of said Lot 63;

THENCE South 45°48'46" West, through said Lot 63 and along said dividing line a distance of **87.21 feet** to a 1/2" iron rod set for corner in the northeast line of an undedicated roadway and utility easement out of said Lot 63 and Lot 62 of said Park Addition, being the extension of Loquat Street (Pecan Street) from the intersection of Peachtree Street to the aforesaid Scheib called 4.51 acre tract;

THENCE South 35°08'05" East, along the northeast line of said undedicated roadway and utility easement, a distance of **80.73 feet** to a 1/2" iron rod set for corner at the south corner of said lot 63 and the common east corner of the aforesaid Lot 62, same being at a corner of said an undedicated roadway and utility easement, and being in the northwest line of Peachtree Street, a 40 foot public right-of-way, as shown by plat of said Park Addition;

THENCE South 45° 57' 55" West (S45°20'W Record), along the northwest line of said Peachtree Street, passing the south corner of said Lot 62 and the common east corner of aforesaid Lot 61, at a distance of 199.06 feet passing a 1" iron pipe found at the south corner of said Lot 61 and the common east corner of the aforesaid 16 foot alley, at a distance of 215.06 feet passing a 1/2" iron rod set for corner at the east corner of the aforesaid Lot 60, passing the south corner of said Lot 60 and the common east corner of the aforesaid Lot 59, and continuing on for a total distance of **415.06 feet** to a 1/2" iron rod set at the south corner of said Lot 60, for the south corner of the herein described tract, same being in the northeast line of aforesaid City of San Marcos called 3.6 acre tract;

THENCE North 44°57'28" West (N45°35'W Record) along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract a distance of **160.00 feet** (160' Record) to the **POINT OF BEGINNING** and **CONTAINING 1.702 ACRES OF LAND**.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

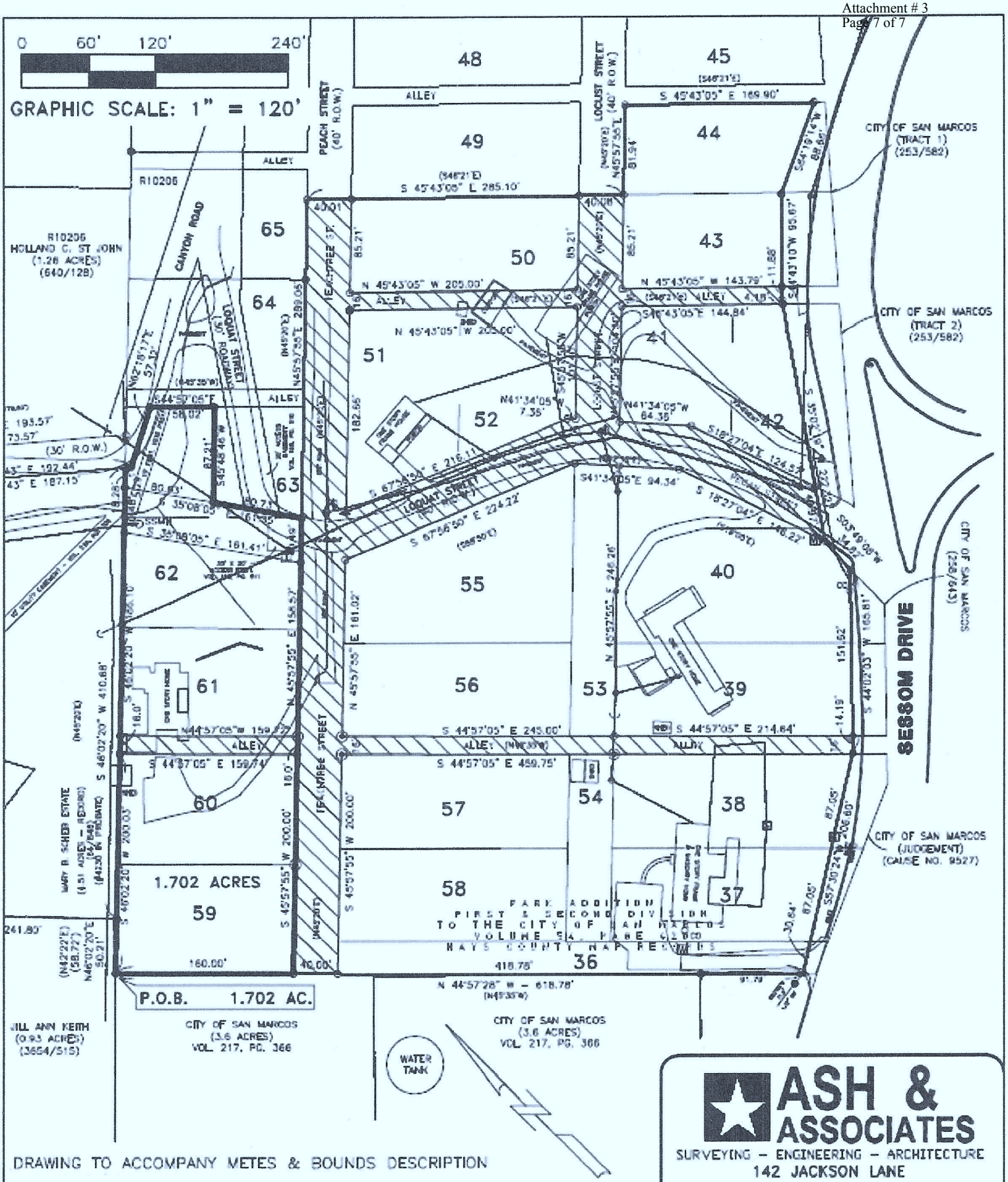
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

05/11/12
Date

Job: 11-3846-F

STATE OF TEXAS
REGISTERED
RICHARD TAYLOR
3986
PROFESSIONAL
LAND SURVEYOR



DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

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Engineering: F-13483
Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"

JOB NO: 11-3846F DRAWN BY: RHT FB: –

To Whom It May Concern:

I, Flo Wilks, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Flo Wilks

Signature

Flo Wilks

Printed Name

Company Name

Jan. 10, 2013

Date

To Whom It May Concern:

I, Harriett Raney, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Harriett Raney

Signature

HARRIETT RANEY

Printed Name

Company Name

Jan. 10, 2013

Date

To Whom It May Concern:

I, Buck T. Scheib, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Buck T. Scheib

Signature

BUCK T. SCHEIB

Printed Name

Company Name

1-10-13

Date

DocuSign Envelope ID: 0D1838B4-4CCD-42B7-8945-CEEDB7C03D25

To Whom It May Concern:

I, Christian Espiritu / Diana Espiritu, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

DocuSigned by: 76489D7F2841455...

DocuSigned by: 121BDC0FBC2B49C...

Signature

Christian Espiritu

Diana Espiritu

Printed Name

Company Name

1/11/2013

Date

To Whom It May Concern:

We, Everette and
I, Donna Swinney, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Everette Swinney Donna Swinney

Signature

Everette Swinney Donna Swinney

Printed Name

Company Name

1/10/13

Date

Agenda Information

AGENDA CAPTION:

ZC-13-03 (Sessom Drive Multifamily Community) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney, and Buck Scheib , for an amendment to the Zoning Map from Single-Family Residential (SF-6) to Vertical Mixed Use (VMU) for approximately 9.5 acres of land out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

Meeting date: May 28, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

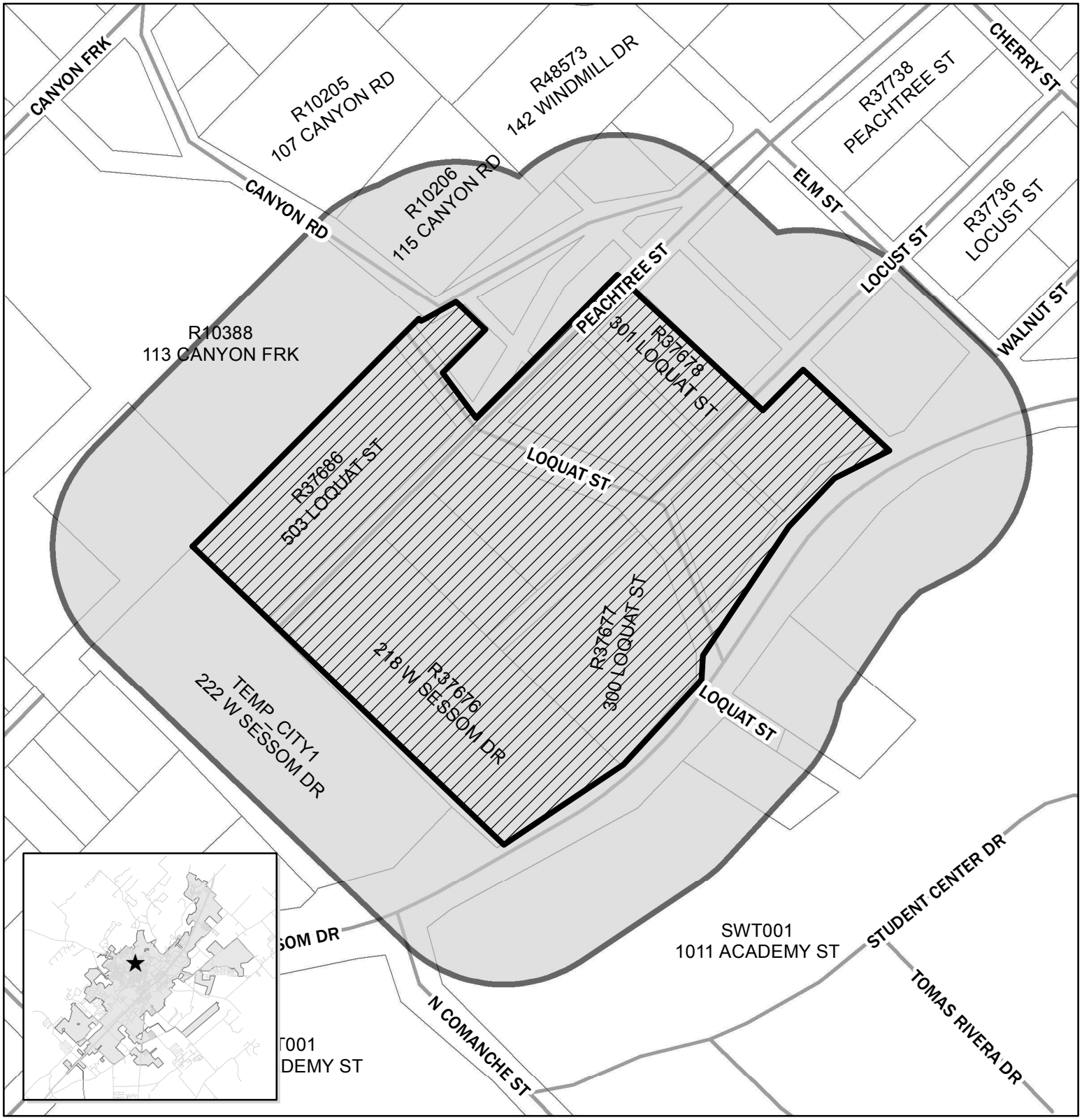
Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

This is a request to amend the Zoning Map in association with the proposed Planned Development District overlay. Staff recommends denial of the request for Zoning Map Amendment. Please see the staff report for PDD-13-01 for analysis on this case.

ATTACHMENTS:

Map
Application
Survey
Owner Authorization



Sessom Drive
Multifamily Community
PDD-13-01
ZC-13-03
LUA-13-01
Map Date: 5/2/2013

Site Location

0 125 250 500 Feet

N

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.

$1,229.50

RECEIVED
JAN 14 2013

ZC - 13 - 03

City of San Marcos

ZONING CHANGE APPLICATION

	APPLICANT	PROPERTY OWNER	CONSULTANT
Name	Darren Casey Interests, Inc.	See Attached List	ETR Dev. Con., LLC
Mailing Address	814 Arion Pkwy, Ste. #200		401 Dryden Lane
	San Antonio, Texas 78216		Buda, Texas 78610
Daytime Phone	(210) 829-1717		(512) 618-2865
E-mail			ed@etrdevcon.com

PROPERTY DESCRIPTION:

Street Address: Sessom Drive @ Loquat Street

Subdivision: Park Addition, Third Division **Block:** N/A **Lot(s):** See Attached List

Other Description (if unplatted)

*** a metes and bounds description is required if property is a partial lot or is not platted**

Appraisal District Tax ID No.: See Attached List **Acres:** 9.587

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: SF-6 **Requested:** VMU

Master Plan Designation: LDR **Land Use Map Amendment Required?** Yes

Present Use of Property: Single Family Residential

Desired Use of Property/Reason for Change: Mixed use retail and multifamily residential

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

☐ *I am the property owner of record; or*

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

Signature: Ed Theriot **Date:** 1/14/13

Printed Name: Ed Theriot

FEE INFORMATION:

Fee Schedule:

Zoning Change to MF 12, 18, 14	$3,000
Zoning Change to all other categories	$750 plus $50 acre ($2,000 maximum)
Zoning variance/Special Exception	$600
Renotification fee	$75

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.

Signature of Applicant _____ Date 1/14/13

FOR STAFF USE ONLY:

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

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

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: _____ Date: 1/14/13

Print Name: Ed Theriot

☐ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☒ Agent: _____

ZC-_____ - _____

STATE OF TEXAS **T.J. CHAMBERS SURVEY**
COUNTY OF HAYS **7.885 ACRES**

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the east corner of said Lot 44 and the common south corner of a 16 foot alley, as shown by said plat of the Park Addition, for the east corner of the herein described tract of land, same being at the intersection of said 16 foot alley and Sessom Drive, a variable width public right-of-way, and being at a corner of that certain tract of land conveyed to the City of San Marcos for street purposes as Tract 1 by Instrument recorded in Volume 253, Page 582 of the Deed Records of Hays County, Texas;

THENCE South 64°19'14" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 44 and the above-mentioned Lot 43, and continuing on a total distance of **88.66 feet** to a 5/8" iron rod found for corner;

THENCE South 44°43'10" West, continuing along the northwest line of said Sessom Drive, at a distance of 83.79 feet passing a 5/8" iron rod found at a corner of said City of San Marcos called Tract 1, same being on the southwest line of said Lot 43, and being at the intersection of said Sessom Drive and an above-mentioned 16 foot alley and continuing on for a total distance of **95.67 feet** to a 1/2" iron rod set for corner;

THENCE S 35°02'19" W, along the northwest line of said Sessom Drive, at a distance of 168.17 feet passing a 1/2" iron rod set at a corner of said City of San Marcos Tract 2, same being at the intersection of said Sessom Drive and Loquat Street (Pecan Street), a 40 foot public right-of-way as shown by plat of said Park Addition, and continuing on in all for a total distance of **222.32 feet** to a 1/2" iron rod set in an east line of the above-mentioned Lot 40, at the intersection of said Loquat Street and the northwest line of Sessom Drive, for a corner of the herein described tract of land;

THENCE South 03°49'08" West (S00°15'W Record), along the northwest line of said Sessom Drive and a common line of said Lot 40, a distance of **34.82 feet** to a 1/2" iron rod set for a corner of the herein described tract and a corner of that certain tract of land conveyed to the City of San Marcos for street purposes recorded in Volume 258, Page 643 of the Deed Records of Hays County, Texas;

THENCE South 44°02'03" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 40 and the above-mentioned Lot 39, at a distance of 151.62 feet passing a 1/2" iron rod set in the southwest line of said Lot 39 and the common northeast line of the above-mentioned 16 foot alley, and continuing on for a total distance of **165.81 feet** to a 1/2" iron rod set for corner of the herein described tract;

THENCE South 57°30'24" West, at a distance of 1.86 feet passing a 5/8" iron rod found in the southwest line of said 16 foot alley and the common northeast line of the above-mentioned Lot 38 and the common northwest line of said Sessom Drive, as described in Condemnation by the City of San Marcos by Judgment under Cause #9527, passing the common line of said Lot 38 and the above-mentioned Lot 37, passing the common line of said Lot 37 and the above-mentioned Lot 36, and continuing on for a total distance of **206.60 feet** to a nail found in concrete at a corner of said Sessom Drive, same being in the southwest line of said Lot 36, Park Addition, for the south corner of the herein described tract;

THENCE North 44°57'28" West (N45°35'W Record), along the southwest line of said Lot 36 and the southwest line of said Park Addition, at a distance of 91.79 feet passing a 1/2" iron rod found at a chain link fence corner at a corner of said Sessom Drive and a common east corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366 of the Deed Records of Hays County, Texas, and continuing along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract, at a distance of 418.78 feet passing a 1/2" iron rod set at the west corner of said Lot 36 and a common corner of the above-mentioned Peachtree Street, and continuing on for a total distance of **458.78 feet** to a 1/2" iron rod set at the south corner of Lot 59 of said Park Addition, for the west corner of the herein described tract of land;

THENCE North 45°57'55" East (N45°20'E Record), along the northwest line of said Peachtree Street, passing the common corners of Lots 59, 60, 61, 62, 63, 64 and 65, and continuing on for a total distance of **704.12 feet** to a 1/2" iron rod set for corner in the southeast line of said Lot 65, for a northwesterly corner of the herein described tract of land, and from which an iron rod found at the east corner of said Lot 64 and the common south corner of Lot 65 of said Park Addition bears South 45°57'55" West, a distance of 72.34 feet;

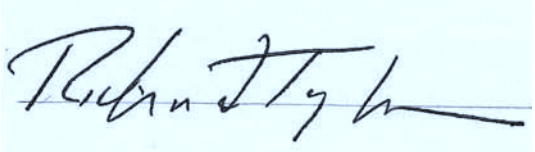
THENCE South 45°43'05" East (S46°21'E Record), at 40.02 feet passing a 1/2" iron rod set in the southeast line of said Peachtree Street at the north corner of the above-mentioned Lot 50 and the common west corner of Lot 49 of said Park Addition and continuing along the common line of said Lots 49 and 50, at a distance of 245.01 feet passing a 1/2" iron rod set at the east corner of said Lot 50 and the common south corner of said Lot 49, crossing the above-mentioned Locust Street, and continuing on for a total distance of **285.10 feet** to a 1/2" iron rod set for corner in the southeast line of said Locust Street at a common corner of the aforesaid Lot 43 and Lot 44;

THENCE North 45°57'55" East (N45°20'E Record), along the southeast line of said Locust Street, a distance of **81.94 feet** to a 1/2" iron rod set at the north corner of said Lot 44 and the intersection of said Locust Street and aforesaid 16 foot alley, for a north corner of the herein described tract of land;

THENCE South 45°43'05" East (S46°21'E Record), along the southwest line of said 16 foot alley and the common northeast line of said Lot 44, a distance of **169.90 feet** to the **POINT OF BEGINNING** and **CONTAINING 7.885 ACRES OF LAND**.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

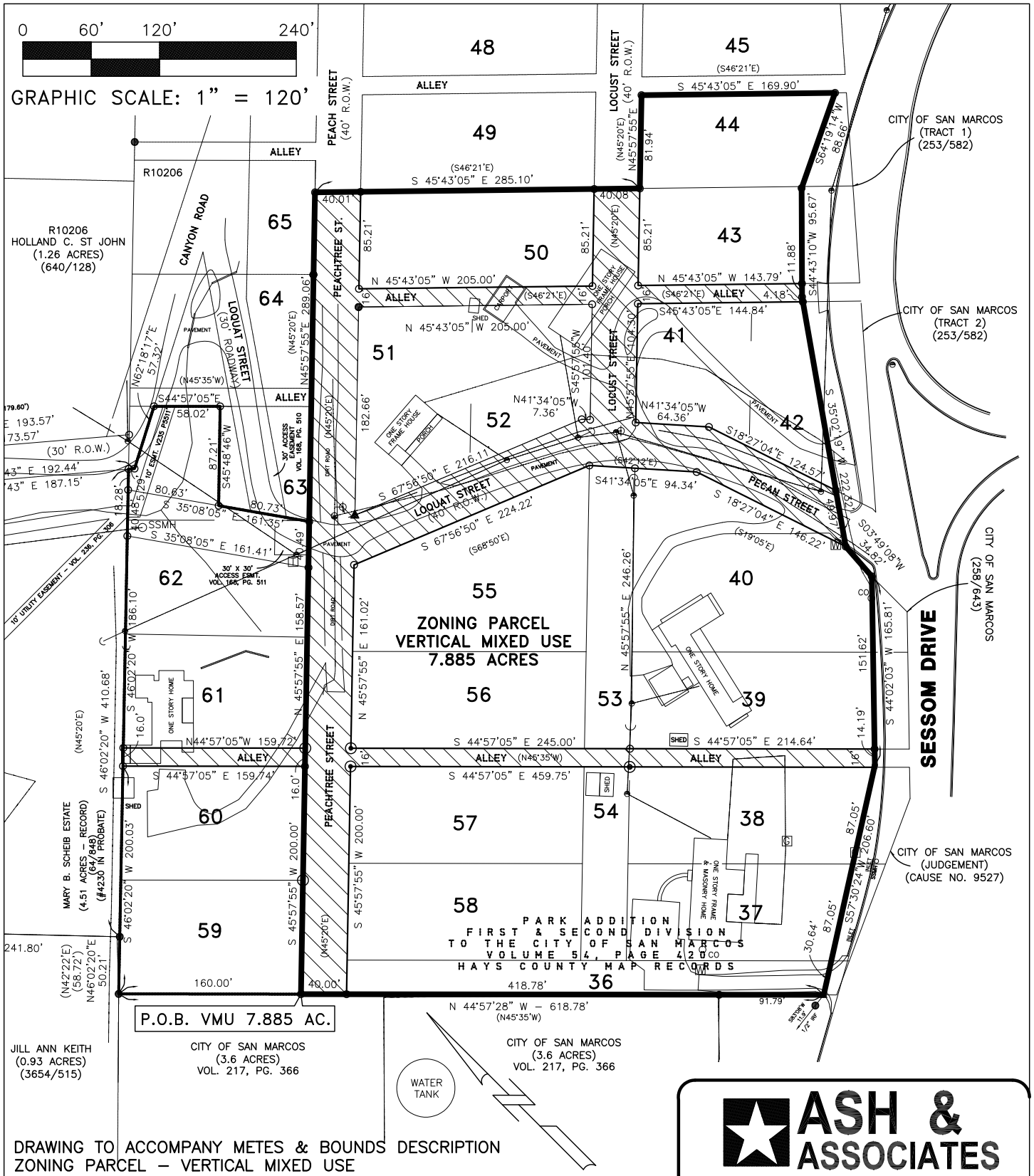
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.



Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

05/11/12
Date

Job: 11-3846-F



DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
ZONING PARCEL – VERTICAL MIXED USE

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

ASH & ASSOCIATES
SURVEYING - ENGINEERING - ARCHITECTURE
142 JACKSON LANE
SAN MARCOS, TEXAS 78666
(512) 392-1719
FAX (512) 392-1928
ashandassociates.net
Surveying: 100847-00
Engineering: F-13483
Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"

JOB NO: 11-3846F DRAWN BY: RHT FB: –

STATE OF TEXAS **T.J. CHAMBERS SURVEY**
COUTNY OF HAYS **1.702 ACRES**

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with City of San Marcos survey cap found marking the most westerly corner of said Park Addition, for the west corner of the herein described tract of land, same being at the west corner of said Lot 59 and the common north corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366, Deed Records of Hays County, Texas, and being in the southeast line of that certain called 0.93 acre tract of land conveyed to Jill Ann Keith by deed recorded in Volume 3654, Page 515 of the official Public Records of Hays County, Texas;

THENCE North 46°02'20" East (N45°20'E Record), at a distance of 50.21 feet passing a 1/2" iron rod with Pro-Tech cap found at the east corner of said Keith called 0.93 acre tract, same being at the south corner of that certain called 4.51 acre tract, the Estate of Mary B. Scheib, described by instrument #4230 in Probate and recorded in Volume 64, Page 848, Probate Records of Hays County, Texas, at a distance of 100 feet passing a common corner of said Lot 59 and the above-mentioned Lot 60, at a distance of 200.03 feet passing a 1/2" iron rod set at the north corner of said Lot 60 and the common west corner of the above-mentioned 16 foot alley, at a distance of 216.03 feet passing a 1/2" iron rod set for corner at the north corner of said 16 foot alley and the common west corner of the above-mentioned Lot 61, at a distance of 316.01 feet passing a common corner of said Lot 61 and the above-mentioned Lot 62, at a distance of 416.06 feet passing a common corner of said Lot 62 and the above-mentioned Lot 63, and continuing on with the common line of said Park Addition and said Scheib called 4.51 acre tract, a total distance of **460.88 feet** to a 1/2" iron rod set for the north corner of the herein described tract of land, same being in the northwest line of said Lot 63 at its intersection with the southwest line of Canyon Road, a 30 foot public road, and the common southwest line of a 30 foot wide roadway and utility easement out of the said Mary B. Scheib Estate called 4.51 acre tract;

THENCE South 49°47'43" East, along the southwest line of said Canyon Road, through said Lot 63, a distance of **5.29 feet** to a 1/2" iron rod set for a corner of said Canyon Road and a corner of the herein described tract of land;

THENCE North 62°18'17" East, and continuing along the southwest line of said Canyon Road, a distance of **57.32 feet** to a 1/2" iron rod set for corner in the northeast line of said Lot 63 and a common southwest line of a 16' alley, as shown by plat of said Park Addition;

THENCE South 44°57'05" East (S45°35'E Record), along the northeast line of said Lot 63 and the common southwest line of said 16' alley, a distance of **58.02 feet** to a 1/2" iron rod set for corner in the dividing line of the north 1/2 and the south 1/2 of said Lot 63;

THENCE South 45°48'46" West, through said Lot 63 and along said dividing line a distance of **87.21 feet** to a 1/2" iron rod set for corner in the northeast line of an undedicated roadway and utility easement out of said Lot 63 and Lot 62 of said Park Addition, being the extension of Loquat Street (Pecan Street) from the intersection of Peachtree Street to the aforesaid Scheib called 4.51 acre tract;

THENCE South 35°08'05" East, along the northeast line of said undedicated roadway and utility easement, a distance of **80.73 feet** to a 1/2" iron rod set for corner at the south corner of said lot 63 and the common east corner of the aforesaid Lot 62, same being at a corner of said an undedicated roadway and utility easement, and being in the northwest line of Peachtree Street, a 40 foot public right-of-way, as shown by plat of said Park Addition;

THENCE South 45° 57' 55" West (S45°20'W Record), along the northwest line of said Peachtree Street, passing the south corner of said Lot 62 and the common east corner of aforesaid Lot 61, at a distance of 199.06 feet passing a 1" iron pipe found at the south corner of said Lot 61 and the common east corner of the aforesaid 16 foot alley, at a distance of 215.06 feet passing a 1/2" iron rod set for corner at the east corner of the aforesaid Lot 60, passing the south corner of said Lot 60 and the common east corner of the aforesaid Lot 59, and continuing on for a total distance of **415.06 feet** to a 1/2" iron rod set at the south corner of said Lot 60, for the south corner of the herein described tract, same being in the northeast line of aforesaid City of San Marcos called 3.6 acre tract;

THENCE North 44°57'28" West (N45°35'W Record) along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract a distance of **160.00 feet** (160' Record) to the **POINT OF BEGINNING** and **CONTAINING 1.702 ACRES OF LAND**.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

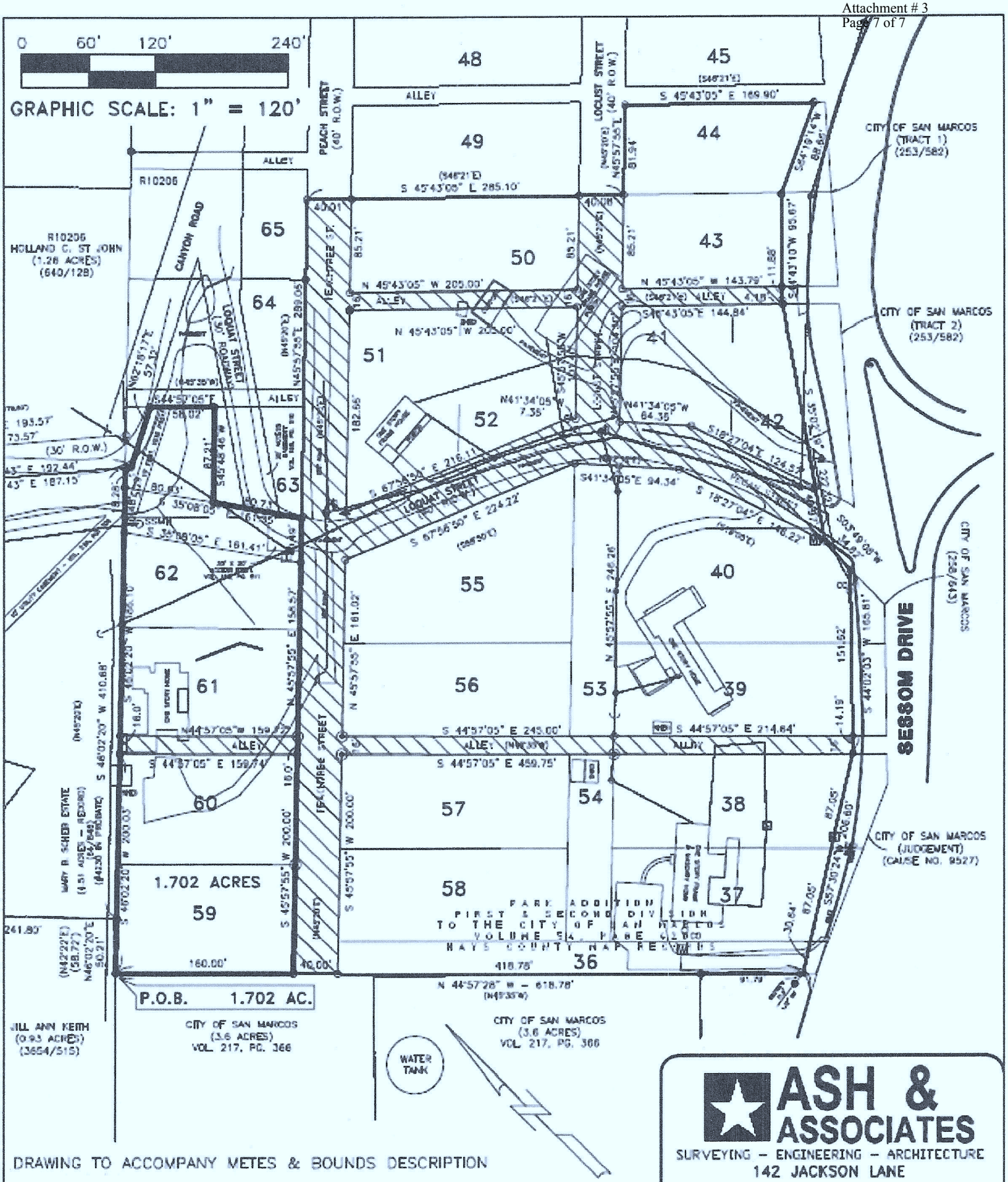
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

Job: 11-3846-F

STATE OF TEXAS
REGISTERED
RICHARD TAYLOR
3986
PROFESSIONAL
LAND SURVEYOR

05/11/12
Date



DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

ASH & ASSOCIATES
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FAX (512) 392-1928
ashandassociates.net
Surveying: 100847-00
Engineering: F-13483
Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"

JOB NO: 11-3846F DRAWN BY: RHT FB: –

To Whom It May Concern:

I, Flo Wilks, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Flo Wilks

Signature

Flo Wilks

Printed Name

Company Name

Jan. 10, 2013

Date

To Whom It May Concern:

I, Harriett Raney, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Harriett Raney

Signature

HARRIETT RANEY

Printed Name

Company Name

Jan. 10, 2013

Date

To Whom It May Concern:

I, Buck T. Scheib, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Buck T. Scheib

Signature

BUCK T. SCHEIB

Printed Name

Company Name

1-10-13

Date

DocuSign Envelope ID: 0D1838B4-4CCD-42B7-8945-CEEDB7C03D25

To Whom It May Concern:

I, Christian Espiritu / Diana Espiritu, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

DocuSigned by: 76489D7F2841455...

DocuSigned by: 121BDC0FBC2B49C...

Signature

Christian Espiritu

Diana Espiritu

Printed Name

Company Name

1/11/2013

Date

To Whom It May Concern:

We, Everette and
I, Donna Swinney, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Everette Swinney Donna Swinney

Signature

Everette Swinney Donna Swinney

Printed Name

Company Name

1/10/13

Date

Agenda Information

AGENDA CAPTION:

PDD-13-01 (Sessom Drive Multifamily Community) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Scheib, for a PDD overlay district, with a base zoning of Vertical Mixed Use (VMU) for approximately 9.5 acres out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

Meeting date: May 28, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

Update Since May 14th

A public hearing was held on May 14, 2013. Many people spoke in favor of the project as they felt it was an appropriate location for student housing. Many spoke against the project stating concerns regarding traffic, the environment, and impacts to the Sessom Creek neighborhood.

Since the May 14, 2013 meeting, the PDD document has been modified slightly. Staff requested that Section 1(e)(3) "Tree Preservation & Mitigation" be modified to include the words "per caliper inch" to the establishment of a fee-in-lieu payment and that Item 8 in Exhibit D, Architectural Design Standards, be added to the document. The applicant has added Section 1(h)(7) to the PDD document that states the developer will conduct a traffic model study to evaluate intersection improvements at Aquarena Drive and Sessom Drive .

Previous Background

Sessom Drive – Multifamily Community is approximately 9.5 acres of land located on the north side of Sessom Drive, east and west of Loquat Street and generally northeast of the intersection of Sessom Drive and Comanche Drive proposed to be developed as a 380-unit, 800-bedroom mixed use development. It will incorporate a mixture of ground floor retail uses with multiple stories of loft apartments that front along Sessom Drive with parking being provided through a

combination of structured parking and surface parking. The site is heavily wooded, and characterized by steep slopes and single-family residential structures. There are commercial and service uses located to the northwest at the intersection of Old RR 12 and Holland Drive, and south at the intersection of Sessom Drive and North LBJ. The project is proposing to add approximately 16,000 square feet of retail space, which would serve the proposed residential area as well as surrounding residences both on and off campus. The project will require the partial abandonment of Loquat Street, Locust Street and Peachtree Street as well as interior platted but undeveloped rights-of-way (alleys); a total of 1.226 acres. Currently, although the City's GIS does not indicate it, Loquat Street provides a connection between Sessom Drive and Holland Drive. The overall site will be replatted prior to development. An application requesting the abandonment of said streets and alleys has been filed and is running concurrently with the PDD, zoning change and land use amendment. The City recently upgraded the existing 12" water main with a 24" water transmission line in the existing Peachtree Street right-of-way (ROW).
The Future Land Use Map designates the property as Low Density Residential (LDR) and the property has a zoning designation of Single Family Residential (SF-6). The applicant is requesting a land use amendment from Low-Density Residential (LDR) to Mixed Use (MU) and a zoning change from Single Family Residential (SF-6) to Vertical Mixed Use (VMU), with a Planned Development District Overlay (PDD). The rezoning request and land use amendment pertains to 7.885 acres of the project site and the remaining acreage, approximately 1.6 acres, is shown as undeveloped open space on the Concept Plan.

Staff found that the request does meet the criteria for the applicability to use a PDD and details are included in the staff report.

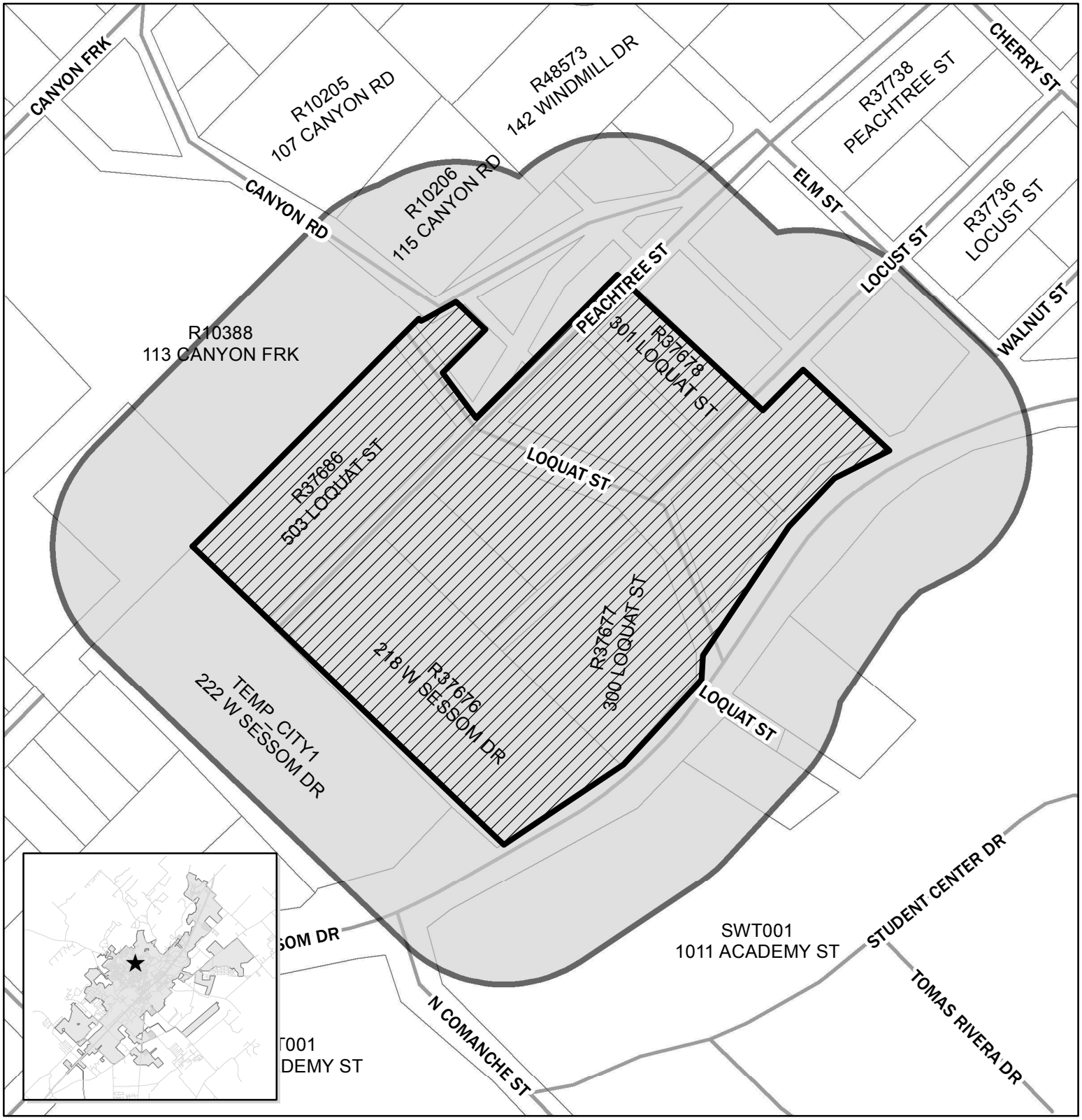
The PDD meets some goals of both the Sector 3 Plan and the Master Plan. However, there are standards within the LDC that are considered critical. Staff has reached an impasse with the applicant on the following standards found within the PDD:

. 1. Increased amount of impervious cover on steep slopes. The details are included in the staff report.
. 2. The amount of cut and fill on site. The details are included in the staff report.
. 3. The exclusion of the 4.642 acre tract from the project site boundary. The details are included in the staff report.

The project is located in an ecologically sensitive area, where variation to the impervious cover limitation on steep slopes and cut and fill standards could have significant consequences for this and other properties. For this reason, and others as noted in the report, staff finds that this does not meet the definition of a "superior development" as required for a PDD and recommends **denial** of the land use amendment and zoning change with a PDD overlay.

ATTACHMENTS:

Notification Map
Staff Report
PDD Document (Standards)
Exhibit "C" - Concept Plan Option A
Exhibit "C" Concept Plan Option B
Topographic Map
Proposed Land for Donation to City
Exhibit "A" - Survey
Application



Sessom Drive
Multifamily Community
PDD-13-01
ZC-13-03
LUA-13-01
Map Date: 5/2/2013

Site Location

0 125 250 500 Feet

N

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.

PDD-13-01/LUA-13-01/ZC-13-03
Planned Development District (PDD) Zoning Change
The Casey Development – Sessom Drive Multifamily Community

Summary:

Applicant/ Property Owner: Darren Casey Interests, Inc.
814 Arion Pkwy. Suite 200
San Antonio, Texas 78216

Consultant: ETR Development Consulting, L.L.C.
401 Dryden Lane
Buda, TX 78610

Subject Property:

Legal Description: **9.587** acres of land, more or less, out of the Park Addition, including Lots 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and a portion of 63

Location: Sessom Drive and Loquat Street

Existing Use of Property: Single Family Residential

Existing Zoning: SF-6 Single Family Residential

Proposed Use of Property: Mixed use and multi-family residential

Proposed Zoning: PDD overlay with a VMU base zoning

Sector: 3

Frontage On: Sessom Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-6	Single family residential
S of Property	P	Texas State University
E of Property	SF-6//TH	Single family residential
W of Property	SF-6/P	Single family residences and City Water Tower location

Update Since May 14th

A public hearing was held on May 14, 2013. Thirteen people spoke in favor of the request, most with the opinion that the project is an appropriate location for student housing and would generate economic gains for the City. Twenty people spoke against the request. Most of the concerns centered on the amount of traffic that would be generated, environmental concerns, and concerns for the Sessom Creek Neighborhood.

Since the May 14, 2013 meeting, the PDD document has been modified slightly. Staff requested that Section 1(e)(3) “Tree Preservation & Mitigation” be modified to include the words “per caliper inch” to the establishment of a fee-in-lieu payment and that Item 8 in Exhibit D, Architectural Design Standards, be added to the document. The applicant has added Section 1(h)(7) to the PDD document that states the developer will conduct a traffic model study to evaluate intersection improvements at Aquarena Drive and Sessom Drive.

The project is located in an ecologically sensitive area, where variation to the impervious cover limitation on steep slopes and cut and fill standards could have significant consequences for this and other properties. For this reason, and others as noted in the report, staff finds that this does not meet the

definition of a "superior development" as required for a PDD and recommends **denial** of the land use amendment and zoning change with a PDD overlay.

Background

The Casey Development – Sessom Drive Multifamily Community is approximately 9.5 acres of land located on the north side of Sessom Drive, east and west of Loquat Street and generally northeast of the intersection of Sessom Drive and Comanche Drive. The project is proposed to be developed as a 380-unit, 800-bedroom mixed use development that will incorporate a mixture of ground floor retail uses with multiple stories of loft apartments that front along Sessom Drive with parking being provided through a combination of structured parking and surface parking. The project site is located across Sessom Drive from Texas State University, on a site that is heavily wooded, and characterized by steep slopes and single-family residential structures. There are commercial and service uses located to the northwest at the intersection of Old RR 12 and Holland Drive, and south at the intersection of Sessom Drive and North LBJ. The project is proposing to add approximately 16,000 square feet of retail space, which would serve the proposed residential area as well as surrounding residences both on and off campus.

The project is proposing the partial abandonment of Loquat Street, Locust Street and Peachtree Street as well as interior platted but undeveloped rights-of-way (alleys). Currently, although the City's GIS does not indicate it, Loquat Street provides a connection between Sessom Drive and Holland Drive. The total acreage of rights-of-way proposed to be vacated is 1.226 acres. The overall site will be replatted prior to development. Street abandonment requires the filing of an Alley/Street Abandonment Application and public hearings before the Planning & Zoning Commission and the City Council. An application requesting the abandonment of said streets and alleys has been filed and is running concurrently with the PDD, zoning change and land use amendment.

The City recently upgraded the existing 12" water main with a 24" water transmission line in the existing Peachtree Street right-of-way (ROW). In order to maintain the current and future water mains, Public Services Department has requested a 50-foot easement be retained.

LUA-13-01 / ZC-13-03

Currently, the subject property has a Future Land Use Map designation of Low Density Residential (LDR) and a zoning designation of Single Family Residential (SF-6). The land use amendment request is to change the Land Use designation from Low-Density Residential (LDR) to Mixed Use (MU) and is being processed together with a request to change the zoning designation from Single Family Residential (SF-6) to Vertical Mixed Use (VMU), with a Planned Development District Overlay (PDD). The rezoning request and land use amendment pertains to 7.885 acres of the project site and the remaining acreage, approximately 1.6 acres, is shown as undeveloped open space on the Concept Plan.

Adjacent uses include Texas State University to the south, and a mix of housing, predominantly single-family, to the north, east and west. Similar uses to the proposed are in development less than a quarter of a mile away, along Chestnut Street and North LBJ Drive.

Proposed Site Development

- 9.5 acre site
- Mixture of retail, office, and multifamily residential uses, including loft apartments
- 380 units and 800 bedrooms maximum
- 40 units per acre maximum
- Maximum height restricted to 5 stories
- The project commits to a water quality performance rate of 85% removal of all Total Suspend Solids
- The applicant intends to meet the parkland dedication requirements by paying a fee-in-lieu of dedication payment of $101,080, donating 4.642 acres of land adjacent to the tract proposed for development and providing for improved open areas that the public can access, which the PDD

calls out as approximately 12,000 square feet of publicly accessible, improved open areas featuring plazas, water features/fountains, and outdoor gathering spaces. There will also be approximately 1.6 acres of private open space located toward the rear of the project site as shown in the Concept Plan.

- The project was presented to the Parks and Recreation Advisory Board for their recommendation on the fee-in-lieu payment on March 26, 2013. The applicant originally presented a fee-in-lieu payment of $300,000 along with the right of first refusal of the 4.642 acres. The Board motion and recommendation was as follows:

  Ruben Beccerra made the motion to **deny** the proposal as presented. The motion was seconded by Lance Jones and the motion passed unanimously.

Density

VMU zoning would allow for a maximum density of 40 units per acre. The PDD proposes a maximum of 380 units which is the maximum number allowed with the base zoning of VMU. The current zoning of SF-6 allows 5.5 units per acre, which equates to approximately 52 units.

Parking Standards

The applicant is providing 0.90 spaces per bedroom for the multifamily uses and 1 space per 400 square feet for the retail, office, and restaurant uses. The total parking spaces for the project area will be 760 spaces. Bicycle parking is proposed at a minimum of 10% of the required vehicular parking. Both the residential parking and retail parking is less than required by the Land Development Code (LDC). The following shows a comparison of the number parking spaces required by the LDC and proposed by the PDD:

	Parking Rate	Bedrooms	Parking Spaces Required
LDC	1.05	800	840
PDD	0.9	800	720
Deficit			120

	Parking Rate	Retail Sq. Ft.	Parking Spaces Required
LDC	1/250	16,000	64
PDD	1/400	16,000	40
Deficit			24

The project as proposed creates a possible deficit of 144 parking spaces. The actual number may vary slightly based on the number of bedrooms and uses of the retail area. The uses proposed for the project site are geared toward residents and pedestrians being able to walk to purchase items.

The project proposes a minimum of two electric vehicle charging stations on-site which will be available to the public as well as a solar powered bus shelter. The applicant has not given any indication that Texas State has reviewed the design for this bus shelter. The applicant has proposed a Pedestrian Crossing Area at the intersection of Sessom Drive and Comanche Street which will include enhanced signage, pedestrian signalization and will be well lit.

The applicant submitted a technical memo update to Public Services Transportation staff in lieu of a revised Traffic Impact Analysis. If the PDD is approved, Staff recommends that a new Traffic Impact

Exterior Construction Standards

Through the PDD, the applicant is proposing the use of four-sided design. The applicant is also proposing specific standards applicable to the retail area that will front Sessom Drive. These standards include 70% glazing in clear glass at the street level, first floor façade to encourage pedestrian activity, upper levels setback from the street level to clearly define mix of uses, and recessed out-swinging doors that will be active and inviting to pedestrians.

Parkland Dedication

Parkland dedication fee-in-lieu payment of $101,080 is proposed in addition to approximately 12,000 square feet of publicly accessible, improved open areas featuring plazas, water features/fountains, outdoor dining areas, outdoor gathering areas, seating/relaxation areas, and public wi-fi. While the PDD calls out this publicly accessible area of the project, it is important to note that it is still located on private property which could be subject to change. There will also be approximately 1.6 acres of private open space located toward the rear of the project site that will be for use by the residents.

The proposal presented to the Parks Advisory Board offered the City the right of first refusal to accept the donation of approximately 4.6 acres of land located to the northwest of the project site for use as publicly accessible open space, groundwater production, or for other uses as designated and approved by City Council. Upon revision of the PDD document the applicant is proposing to donate the 4.6 acre property for the above mentioned uses along with impervious cover mitigation. The 4.6 acre property is not proposed to be included in the PDD and the Land Development Code does not allow for off-site mitigation.

Environmental and Water Quality

The intent of a Planned Development District is to provide a higher quality development for the community than would result from the use of conventional zoning districts [Section 4.2.6.1(a)]. This is particularly important in an area that is ecologically sensitive or has topographical features. Development must be offset by mitigation and the PDD proposes numerous measures which will help limit runoff during and after construction, including using Low Impact Development (LID) techniques in accordance with the City of Austin Environmental Manual and City of San Marcos LID manual. The LDC requires detention for a 2-year and a 25-year flood event and the applicant is proposing that stormwater detention will be designed for the 6-month, 2-year, 10-year, 25-year, and 50-yearevent as well as 100-year storm event for 24-hour storm duration. The applicant is also proposing that the Developer provide a bond to secure the clean-up of any sediment discharged along with the monitoring and inspection of all erosion and sedimentation controls by a third-party engineering inspector. The results of these inspections shall be provided to the City following each one.

Impervious Cover

The PDD proposes exceeding the maximum 35% impervious cover limitations for slopes between 15% and 25% grade. The Concept Plan shows that the northeast and southeast corners of the property as undeveloped land which would pull the project somewhat off of the slopes that are greater than 25% grade.

Originally, the applicant proposed unrestricted cut and fill activities on the site. Staff requested that the PDD reflect the amount of cut and fill being requested. Section 1(c)(7) of the PDD proposes 35 feet of cut and fill under a foundation and eight (8) feet outside of foundation.

Tree Preservation & Mitigation

While being subject to the requirements of the Land Development Code, the applicant has proposed to

in-lieu of tree mitigation at the rate of $150 for trees nine inches to 23-inches and $300 for trees 24-inches and over.

Landscape/Streetscape

The applicant proposes a 10-foot wide sidewalk along Sessom Drive along with the installation of street trees at a rate of 1 for every 30 linear feet of frontage or a major fraction thereof, outdoor benches and seating areas, and other landscape features such as planter boxes and outdoor furniture associated with cafes and restaurants. The street trees are proposed to be planted in a minimum 6-foot by 6-foot tree grate to ensure survivability.

Other Standards

The applicant proposes to limit construction activity to 7 a.m. – 9 p.m. Monday through Saturday and the use of heavy equipment on Sundays will not be allowed. The applicant is also proposing to donate $200,000 for educational outreach and support to a facility or organization in the City of San Marcos, other than Texas State University, that provides academic training, technical training or life skills to young adults.

Concept Plan

The applicant has proposed two options for the Concept Plan. The applicant presented these options after the last round of comments were sent on April 17, 2013 with Option A stated as their preferred option.

The City's Public Services – Transportation Department has reviewed the two options and state that neither option is amenable to Public Services. The assessment by Public Services of Option A (the roundabout), based on the sketch as there is no traffic analysis or design information available, is that the roundabout is not of sufficient size to manage the five-leg intersection and multiple turning movements. Consquently, the roundabout is not recommended at this intersection. Public Services also reviewed Option B and states that the proposed two-way driveway, offset 50-feet, does not meet city code which requires minimum driveway offsets of 100-feet from intersections. Vehicles frequently blocking the intersection creating greater congestion and increasing the number of vehicle and pedestrian accidents will result from driveway spacing less than 100- feet.

However, Public Services is amenable to allowing an entrance-only driveway with a 50-foot offset where exiting traffic would have to exit from behind the water tanks. Option B shows a distance of 101-feet from the driveway to a proposed new water tower which the Public Services Department states is an acceptable minimum distance to provide reasonable access for maintenance should a new tower be needed in that location. Staff recommends that Option B be modified to reflect this. Alternatively, for Option A, staff recommends that the applicant submit all additional information required for Public Services to verify the feasibility of a roundabout prior to consideration of the PDD.

<u>Planning Department Analysis:</u>

The subject property is located on Sessom Drive, in an area that is predominantly single-family residential to the west, and directly across Sessom Drive from Texas State University to the east. There are commercial services to the northwest, and internal to campus, but not within this immediate area. The proposed project would bring concentrated residential density as well as commercial amenities to the area. Sessom Drive is not pedestrian-friendly in this location; the proposed development would have to include sidewalks to enhance walkability and pedestrian safety. While the project would bring amenities within walking distance to an area that currently has few amenities to which residents can walk, it would bring greater residential and commercial density into an area that is currently predominantly single-family residential.

Staff has reviewed the request against the criteria for spot zoning. The evaluation is below:

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

Staff evaluation: Yes. The property is currently zoned Single Family Residential (SF-6). This zoning designation is intended for development of primarily detached, single-family residences and customary accessory uses on lots of at least 6,000 square feet in size. The property could be developed as single-family housing. The current Future Land Use Map shows the entire site as Low Density Residential. A preliminary plat for the property was approved in March 2012 for a development consistent with the current zoning.

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

Staff evaluation: Yes and No. The neighborhood behind the project site has remained relatively unchanged, however, Texas State University, located directly across from the project site, has undergone dramatic change. The North Campus Housing Complex located at the corner of Comanche Street and Sessom Drive was completed in 2012.

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

Staff evaluation: No. The proposed rezoning will not address a substantial public need that has gone unmet. The request expands the student housing options that are near the university in an area served by public utilities.

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

Staff evaluation: Yes, the owner would receive the special benefit of increased impervious cover on steep slopes. All other developments would be held to the standards found in the Land Development Code. The subject property is located in close proximity to a watershed which feeds into the San Marcos River. There is an increased chance of detriment to the San Marcos River with the requested amount of cut and fill activities along with the request for increased impervious cover. Special attention is needed to prevent substantial detriments to such an ecologically sensitive area.

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

Staff evaluation: No. The proposed rezoning will not serve a substantial public purpose.

The intent of a Planned Development District is to provide a higher quality development for the community than would result from the use of conventional zoning districts [Section 4.2.6.1(a)]. The proposed use of bicycle parking, the tree mitigation rates, the pedestrian crossing at Comanche Street and Sessom Drive, the electric vehicle charging stations, bus shelter, the use of underground utilities, and the architectural standards aide in achieving a higher development than what is required in the LDC.

Staff reviewed the request against the criteria the Planning and Zoning Commission would use to decide whether to approve, approve with modifications, or deny a petition for a PDD. Staff found that the request **did meet** the criteria for the applicability for a PDD to be utilized. The review of the applicability criteria is below:

(1) The extent to which the land covered by the proposed PDD fits one or more of the special circumstances in Section 4.2.6.1 warranting a PDD classification.

Staff evaluation: The property fits the description of 4.2.6.1(b)(1): The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may

not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards;

4.2.6.1(b)(2): The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;

4.2.6.1(b)(3): The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards and

4.2.6.1(b)(7): The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Master Plan.

(2) The extent to which the proposed PDD furthers the policies of the Master Plan generally, and for the sector in which the proposed PDD is located.

Staff evaluation: The review of this question needed more in-depth detail and is discussed later in this report.

(3) The extent to which the proposed PDD will result in a superior development than could be achieved through conventional zoning classifications.

Staff evaluation: In short, the PDD contains enhancements in water quality, streetscape improvements, bicycle parking, exterior design standards and pedestrian safety. The request is superior in these regards to a development meeting the minimum standards for VMU. However, there are several key items proposed by the PDD that are in stark contrast to the requirements of the Land Development Code that do not result in a superior development. They are discussed later in the report.

(4) The extent to which the proposed PDD will resolve or mitigate any compatibility issues with surrounding development.

Staff evaluation –The massing of the complex as a whole is overwhelming to the character of the existing neighborhood and there is a small section of private open space located at the rear of the project site that will act as a small buffer to the adjacent neighborhood.

(5) The extent to which the PDD is generally consistent with the criteria for approval of a watershed plan for land within the district.

Staff evaluation – A Watershed Protection Plan Phase 1 has been submitted and is in review. The PDD proposes to remove 85% of Total Suspended Solids through the use of LID practices.

(6) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses;

Staff evaluation – While the area north of the project site is predominately single-family, Texas State University is located directly across Sessom Drive. The proposed PDD is compatible with that area and the development could serve the student population.

(7) The extent to which the proposed development is consistent with adopted master facilities plans, including without limitation the water facilities, master wastewater facilities, transportation, drainage and other master facilities plans;

Staff evaluation – The project proposes a road, constructed on land owned by the City, as an access to the development. This is the site of an existing City water tank and potential new water facilities.

(8) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

Staff evaluation – Public open space is not proposed as part of the PDD. The project proposes approximately 12,000 square feet of publicly accessible areas such as plazas, water features/fountains, outdoor dining areas, outdoor gathering areas, seating areas, and public wi-fi. 1.6 acres of private open space is proposed at the rear of the property for the use of the residents of the development.

Staff reviewed the extent to which the proposed PDD furthers the Goals for the sector in which the proposed PDD is located. Staff found that the request supports most of the Sector 3 Goals but that there were a few Goals of Sector 3 that the request did not support. The review is below:

*Staff evaluation: The request for a PDD **supports** the following Sector 3 Goals:*

1. *Walkable, pedestrian-friendly neighborhoods.* ***The streetscape proposed as part of the PDD allows a minimum 10-foot sidewalk along Sessom Drive, street trees (1 every 30 linear feet or major fraction thereof), benches, and an improved pedestrian crossing at Comanche Street and Sessom Drive. The buildings are proposed to be built close to the street edge with the upper stories being off-set from the ground floor retail to provide distinction between uses, although parking between the sidewalk along Sessom Drive and the buildings is an obstacle for pedestrians..***
2. *Promote interconnected street grid in future development.* ***The applicant is proposing to construct a two-way street within the Peachtree Street right-of-way and continuing across the 2.6 acre tract of land owned by the City that abuts the southwest boundary of the Property to Comanche Street as illustrated in the Concept Plan which will connect to Canyon Road.***
3. *Improved internal circulation in new commercial development to prevent traffic problems common in "strip" commercial development.* ***The Concept Plan shows multiple access points.***
4. *Preserved & enhanced visual character through variety of design requirements.* ***Architectural standards are included in the PDD. The applicant has agreed to the use of four-sided design as part of the exterior construction standards.***

*The request for the PDD **partially supports** the follow Sector 3 Goal:*

1. *Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety, and streets should not sacrifice safety of neighborhood residents for additional traffic and higher speeds.* ***There is only one street proposed for the development, Peachtree Street, as shown in the Concept Plan, with the rest being internal drive aisles. Peachtree Street is shown on the Concept Plan as having a 52-foot right-of-way which is typical for a residential collector. Also there is a lack of bike/pedestrian connectivity in the area and there is a deficit of off-street parking in the area.***

*The request for the PDD **does not support** the following Sector 3 Goals:*

1. *Safe, well connected bicycling routes on all major streets.* ***Bicycling routes are not proposed as a part of the development.***
2. *Traffic calming to reduce "Cut-through" traffic.* ***Traffic calming measures are not proposed as part of the development. The connection using Peachtree Street to***

Canyon Road could lead to an increase in traffic cutting through the adjacent neighborhood to get from Chestnut Street to Comanche Street.

3. *Establish bicycling routes on all major streets to connect neighborhoods with desirable destinations.* ***Bicycling routes are not proposed as a part of the development.***
4. *"Neighborhood friendly" development mitigating negative impacts of higher intensity uses.* ***While the project is intended as a pedestrian-friendly development and the project could bring neighborhood services to the area, an increase in traffic in the area could still occur with people driving in from other areas of town drawn to the retail portion of the development or to visit people living in the residential portion.***
5. *Improved open space and recreational opportunities.* ***Public open space is not proposed as part of the PDD. The PDD only proposes a fee-in-lieu payment. The 4.642 acres proposed to be dedicated to the City is outside the boundary of the PDD.***

One of the Sector 3 Goals did not apply to the request: "*Promote high quality, attractive development along Craddock Avenue and Ranch Road 12 as community gateways*."

Following the review of the request against the Sector 3 Goals, staff reviewed the extent to which the request furthers the policies of the Master Plan generally.

Staff found that the request **supported** the following Master Plan Goals:

1. *Policy LU-3.8: The City shall encourage land use patterns that reflect inward functioning neighborhoods. The interior of the neighborhood units will generally contain low or, at the most, medium density uses. Heavy traffic generators, such as apartments or commercial uses, will be located outside neighborhoods along the designated arterials in corridors of intensified development.* ***The project site is located outside a neighborhood along a designated arterial.***
2. *Policy LU-3.12: The City shall encourage land uses which are compatible with and support the neighborhood, such as neighborhood shopping centers. Such uses shall be located on the periphery of the neighborhood.* ***The VMU designation will allow for a neighborhood shopping area and the project site is located along the edge of a neighborhood rather than in the middle.***
3. *Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.* ***VMU allows for a mixture of retail and residential uses thus encouraging pedestrian and bicycle traffic.***
4. *Policy LU-4.4: The City shall require medium and high density residential developments be located on larger sites to allow for proper buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development.* ***The subject site is 9.5 acres.***
5. *Policy LU-6.8: The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential usage of land in commercial districts except where residential uses are planned as part of a mixed-use concept.* ***The project is proposed as a Vertical Mixed Use development.***
6. *Policy LU-6.15: The City shall encourage the location of neighborhood shopping centers generally at the intersections of major or minor arterials.* ***The project is located along Sessom Drive, which is designated as a major arterial.***

Staff found that the request **partially supports** the following Master Plan Goals:

1. *Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate the traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should*

not be impacted by heavy traffic generated by medium and high density areas. ***The project site has access to Sessom Drive which is designated as a major arterial on the City's Thoroughfare Plan. The low density residential neighborhood located adjacent to the project site could be impacted by traffic generated by the higher density residential proposed as part of the project.***

Staff found that the request **does not support** the following Master Plan Goals:

1. *Policy LU-2.4: The City shall discourage and regulate any development that may have a significant adverse impact on the critical habitat of the San Marcos River.* ***The project site is located within the Sessom Creek watershed. Sessom Creek flows into the headwaters of the San Marcos River. The increased impervious cover limitations along with the requested amount of cut and fill activities on the site could lead to the detriment of the San Marcos River if BMPs are not followed.***
2. *Policy LU-2.6: The City shall continue to prepare and enforce standards for the preservation of springs and streams and for the control of runoff into natural and manmade drainage courses so as not to degrade the water quality of the Edwards Aquifer, San Marcos and Blanco rivers, Sink Creek, Purgatory Creek, Willow Springs Creek, Cottonwood Creek, or any other natural stream or spring in the San Marcos area.* ***The present proposal has the potential to create adverse impacts such as increased storm water runoff, and the potential for erosion, sedimentation and conveyance of nonpoint source pollutants from this site and eventually into the San Marcos River.***
3. *Policy LU-2.12: The City shall strive to protect the water quality in all rivers and creeks by reducing point and non-point pollution sources.* ***The present proposal has the potential to create adverse impacts such as increased storm water runoff, and the potential for erosion, sedimentation and conveyance of nonpoint source pollutants from this site and eventually into the San Marcos River.***
4. *Policy LU-2.19: The City shall continue and strengthen existing erosion and sedimentation control standards for all development.* ***The proposal is requesting substantial cut and fill activities on the site, essentially leveling the site for the foundation. This is in direct contrast to Section 7.5.1.1(g) which states that the layout of a site should use the natural contour lines.***
5. *Policy LU-3.4: The City shall provide, within the framework of the Future Land Use Plan, a wide choice of owner-occupied and rental housing types that will give adequate housing to families and individuals of all income levels.* ***The project appears to be targeted to student housing. The project does not offer the intended wide range of owner-occupied and rental housing types to families and individuals of all income levels and is adding to the large market of student housing apartments already constructed.***
6. *Policy LU-3.17 The City shall allow different housing densities to abut one another as long as a proper buffer is provided and traffic generated by each use does not mix within the neighborhood and does not increase the load on existing roadways.* ***Again, there is an established single-family residential neighborhood adjacent to the project site. The project proposes a small buffer of private open space.***

The PDD meets some goals of both the Sector 3 Plan and the Master Plan. However, there are standards within the LDC that are critical. Staff has reached an impasse with the applicant on the following standards found within the PDD:

- Sections 5.1.1.5(a) and 7.5.1.4(a) of the Land Development Code quantify the amount of impervious cover allowed on existing slopes. Section 7.5.1.4(a) specifically states: "*No person shall develop land…in the City that has a slope of 15 percent gradient or greater or that has highly erodible soils, as identified in this Section, so as to create impervious cover in excess of 35 percent on slopes from 15 percent gradient to 25 percent gradient.*" The impervious cover limitations proposed under Section 1(c)(6) of the PDD standards, however, are significantly over

the allowable percentage of impervious cover for slopes greater than 15%. The present proposal creates adverse impacts such as increased storm water runoff, and the potential for erosion, sedimentation and conveyance of nonpoint source pollutants from this site and eventually into the San Marcos River. Because increasing impervious cover limitations would not result in a superior development consistent with the purposes of a PD district, Staff, is unable to support the proposed waiver.

- The Land Development Code Section 7.5.1.1(g) of the Land Development Code states: "*In order to help reduce storm water runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots, and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of land that is disturbed during construction.*" While the applicant has specified the proposed amount of cut and fill on the site in Section 1(c)(7) of the PDD standards, the amount of cut and fill requested essentially flattens the subject property and removes the natural contour of the property. This, in addition to the adverse impacts listed above, could further result in the unwarranted loss of trees, including specimen trees and does not result in a superior development consistent with the purposes of a PD district.
- The project, as proposed, cannot meet the impervious cover limitations of the LDC above without the inclusion of additional land. Thus, short of reducing the amount of improvements significantly, it will be necessary for the project to include within its boundaries the 4.642 acre tract identified as "Optional Offsite Parkland Donation" on the Concept Plan. Consequently, staff is unable to support the exclusion of that tract from the project site boundaries.

Planning Department Recommendation	
☐	Approve as submitted
☐	Approve with conditions or revisions as noted
☐	Discussion only
☒	Denial

Prepared by:

Alison Brake	Planner	May 15, 2013
Name	**Title**	**Date**

ORDINANCE EXHIBIT "B"

PLANNED DEVELOPMENT DISTRICT STANDARDS FOR THE CASEY DEVELOPMENT – SESSOM DRIVE MULTIFAMILY PLANNED DEVELOPMENT DISTRICT

Property: As described in Ordinance Exhibit "A."

Project: The Property is an assembly of land consisting of platted lots, unplatted parcels and various undeveloped platted rights-of way that are proposed for abandonment. Approximately eight (8) acres of the property will be redeveloped as a 380 unit, 800 bedroom mixed use development incorporating a mixture of ground floor retail uses with multiple stories of loft apartments along the frontage of Sessom Drive. The retail component will comprise approximately 16,000 square feet. In addition, a clubhouse area will serve the 380 units of residential apartments. Parking will be provided through a combination of structured parking and surface parking. The remaining 1.5 acres of the Property will remain as undeveloped private open space.

The Project will follow a modern, urban design with enhanced streetscape including wide sidewalks, trees along the street frontage, a combination of planter boxes, seating areas and building lines close to the street to encourage pedestrian activity, upper stories off-set from the ground floor retail to provide visual distinction between uses and architecture that follows a modern, urban design combining masonry, metal and glass exterior elements for visual interest.

The Project will incorporate various "Smart Growth" principles which are being promoted by The City of San Marcos for new developments. By virtue of its proximity to the University and creating an urban streetscape with wide sidewalks and outdoor gathering areas, residents will be encouraged to walk or bike, thus reducing traffic congestion and burden on parking. The building also employs a vertical density, compact design with structured parking, to reduce its footprint.

Concept Plan: As shown in Exhibit "C"

1. Planned Development District ("PDD") Standards. The following uses, regulations and requirements that vary from the requirements of other zoning districts and overlay the base zoning district shall apply to the Property and the Project in order to result in a higher quality development for the community. Except and unless expressly varied by these PDD Standards, the Property and the Project shall be subject to all applicable requirements of City of San Marcos ordinances, zoning regulations and Land Development Code ("LDC") (collectively, the "Base Regulations").

a. Uses. The uses allowed on the Property shall be those uses listed as permitted, prohibited, accessory or conditional in accordance with the Base Regulations identified in Table 4.3.1.2.

b. Dimensional and Development Standards. The following dimensional and development standards which vary from the Base Regulations identified in Table 4.1.6.1 shall be allowed or restricted as noted below:

#	STANDARD AND LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
1	Maximum Building Height	4 Stories	5 Stories Building heights indicated on the Concept Plan may vary so long as the maximum building height does not exceed 5 stories. Parking garage shall not be taller than the building heights and shall be screened from view.

c. Environmental & Water Quality Standards. The following environmental standards which vary from the Base Regulations contained in Chapter 5 of the LDC shall be allowed or restricted as noted below:

#	STANDARD AND LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
1	Water Quality/TSS Removal (Section 5.1.1.3)	Detention of 2-year storm event meets water quality requirements No minimum TSS removal standards established	Minimum 85% TSS removal required
2	Sediment Discharge Bond	None Required	The Developer shall provide a bond in a form acceptable to the City, in the favor of the City, to secure the clean-up of any sediment discharged from the construction site.
3	Inspection of Erosion and Sedimentation Controls	City inspectors may inspect at reasonable times.	All erosion and sedimentation controls shall

<table>
<tr><td></td><td>(Section 5.1.1.6)</td><td></td><td>be monitored and maintained at all times during the construction process, and shall be inspected on an appropriate frequency (as specified in the approved environmental engineer's program) by a qualified, third-party engineering inspector, and results shall be provided to the City following each inspection.</td></tr>
<tr><td>4</td><td>Stormwater Detention Required (Section 5.1.1.3 & 7.5.1.1)</td><td>Detention of 25-year storm events required.

Conveyance of storm event greater than 25-year storm, up to 100-year storm event required.</td><td>Stormwater detention shall be designed for the 6-month, 2-, 10-, 25-, 50-, and 100-year storm events for a 24 hour storm duration as specified by the City of Austin Drainage Criteria Manual and all subsequent development applications for the Project shall be contingent upon a determination that downstream capacity of the stormsewer system is adequate to handle runoff from the Project Site.</td></tr>
<tr><td>5</td><td>Low Impact Development "LID" Requirements</td><td>No minimum LID practices required</td><td>At least three (3) distinct LID practices recognized under City's standards shall be included in the site design.</td></tr>
<tr><td>6</td><td>Impervious Cover Limitations on Steep Slopes (Section 5.1.1.5)</td><td><table><tr><th>Slope Gradient</th><th>Impervious Cover Limitation</th></tr><tr><td>0% - 15%</td><td>100%</td></tr><tr><td>15% - 25%</td><td>35%</td></tr><tr><td>Over 25%</td><td>20%</td></tr><tr><td>Total Site IC</td><td>85%</td></tr></table></td><td><table><tr><th>Slope Gradient</th><th>Impervious Cover Limitation</th></tr><tr><td>0% - 15%</td><td>75%</td></tr><tr><td>15% - 25%</td><td>65%</td></tr><tr><td>Over 25%</td><td>20%</td></tr><tr><td>Total Site IC</td><td>70%</td></tr></table>
*Does not include existing Peachtree Street right-of-way "ROW"</td></tr>
</table>

7	Cut and Fill Limitations	In order to help reduce storm water runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots, and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes and minimize the amount of land that is disturbed during construction. (Section 7.5.1.1(g))	Permitted amounts of cut and fill: (Reference source, Austin Environmental Criteria Manual) (1) Under a foundation with sides perpendicular to the ground, or with pier and beam construction, or within a roadway Right of Way; Exempted from cut and fill limitations. (35 feet proposed) (2) Outside of foundation with sides perpendicular to the ground, or with pier and beam construction, or within a roadway Right of Way; Limited to 8 feet. (Administrative increase to 10 feet permitted subject to final grading plans)

d. Architectural Standards. The minimum architectural design standards required for the Project shall be in accordance with the Base Regulations. In addition to the Base Regulations contained in Chapter 4, Article 4 of the LDC, detailed architectural standards for the Project that are required or restricted are contained in Exhibit "D".

e. Landscaping Standards. The following landscaping standards which vary from the Base Regulations contained in Chapter 6, Article 1 and Chapter 5, Article 5 of the LDC, shall be allowed or restricted as noted below:

#	STANDARD AND LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
1	Incorporation of Green / Sustainable Solutions	No minimum required	The Project shall employ a minimum of three (3) green / sustainable solutions in one form or another which may include, but not be limited to, the following: (1) tree islands within the streetscape frontage to reduce the heat island effect,

			(2) strategic tree placement for wind and solar break, (3) a rooftop garden, (4) permeable paving materials such as pervious concrete in parking or drive areas, (5) bicycle racks within the parking garage for tenants.
2	Streetscape Plantings and Landscape Planters	No specific criteria identified	Landscaping may be achieved by providing streetscape planting and/or landscape planters.
3	Tree Preservation & Mitigation (Section 5.2.2)	Protected Trees 9”-23” Replaced at a rate of 1 tree, 2.5 trees or 1 tree, 5” caliper Specimen Trees 24” and greater Replaced at a rate of 1 caliper inch : 1 caliper inch Mitigation required on-site	Protected Trees 9”-23” Replaced at a rate of 1 caliper inch : 1 caliper inch~~, or $150 per caliper inch~~ Specimen Trees 24” and greater Replaced at a rate of 2 caliper inch : 1 caliper inch~~, or $300 per caliper inch~~ Establish payment for fee-in-lieu of tree mitigation at a rate of $150 per caliper inch for trees nine inches to 23 inches and $300 per caliper inch for tress 24 inches and over when required mitigation plantings cannot be placed on-site
4	Streetscape Requirements (Section 6.1.1.4)	Street trees shall be planted at the average rate of one tree for every 50 feet, or major fraction thereof, of street frontage.	A minimum ten foot (10’) wide sidewalk shall be required along Sessom Drive. The Project shall include the installation and/or construction of street trees, outdoor benches and seating areas, landscape features such as planter boxes and

			outdoor furniture associated with cafes and restaurants or a combination thereof. Street trees shall be planted at the average rate of one tree for every 30 feet, or major fraction thereof, of street frontage and shall be in a minimum six foot by six foot (6' X 6') tree grate with adequate tree wells to ensure tree survivability.

f. Public Facilities (Including Parkland Dedication) Standard. The following public facilities, including parkland dedication, standards which vary from the Base Regulations contained in Chapter 7 of the LDC shall be allowed or restricted as noted below:

#	STANDARD AND LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
1	Fee-in-Lieu of Parkland Dedication	$101,080 required (380 units X $266 per unit)	$101,080 required
2	Publicly Accessible and Improved Spaces	No specific requirement provided	Approximately 12,000 square feet of publicly accessible and improved open areas such as plazas, water features/fountains, outdoor dining areas, outdoor gathering areas, seating/relaxation areas and public wi-fi.
3	Private On-Site Open Space	No specific requirement provided	Approximately 1.6 acres of private open space area for use by residents
4	Off-Site Public Land Donation	No specific requirement provided	In addition to the on-site open space, publicly accessible open areas and the fee-in-lieu of parkland dedication proposed, the Concept Plan illustrates the

			location of approximately 4.6 acres (abutting but outside the boundaries of the PD District) for off-site public land donation. The Property Owner shall donate to the City the aforementioned 4.6 acre property located to the northwest of the PDD area for use as publicly accessible open space, groundwater production, impervious cover mitigation or for other uses as designated and approved by the City Council. This donation shall occur at the time of final platting of the Property and shall be in a form acceptable to the City.

g. Parking Standards. The following parking standards which vary from the Base Regulations contained in Chapter 6, Article 2 of the LDC shall be allowed or restricted as noted below:

#	STANDARD AND LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
1	Multi-family (Apartments)	1.05 spaces per bedroom	0.90 spaces per bedroom
2	Retail Office Restaurant (Section 6.2.1.2)	1 space / 250 SF 1 space / 300 SF 1 space / 100 SF or 1 space / 4 seats, whichever is less	1 space per 400 SF
3	Bicycle Parking	None required	Bicycle parking consisting of secure bike lockers and bike racks shall be provided at a minimum of 10% of required vehicle parking.
4	Electric Vehicle (EV) Charging Stations	None required	A minimum of two (2) electric vehicle (EV)

			charging stations will be provided on the site and shall be available to the general public.
5	Bus Shelter	None required	The Project shall provide a solar powered bus shelter which shall provide a charging station for personal electronic equipment.

h. Other Conditions and Standards. The following standards shall be additional requirements for the district:

#	STANDARD AND LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
1	Provision of Additional Access and Streets		The owner shall construct a two way street within the Peachtree Street right-of-way and continuing across the 2.6 acre tract of land owned by the City that abuts the southwest boundary of the Property to Comanche Street as illustrated in the Concept Plan. The Owner shall also construct an access drive from said street into the Property between Comanche Street and the "New Water Tank" as shown in the Concept Plan, together with access drives to the City's water facilities if requested by the City. The final locations and specifications for such improvements shall be subject to approval by the City. Such improvements shall be deemed required public improvements for which security is required as a condition of plat approval under Chapter 1, Article 6, Division 6 of the LDC

2	Pedestrian Barriers and Crossings	No specific standards required	Pedestrian barriers such as retaining walls and/or railings will be constructed along Sessom Drive to restrict crossings to designated areas. A Pedestrian Crossing Area shall be designated at the intersection of Sessom Drive and Comanche. The crossing shall include enhanced signage, pedestrian signalization, reflective paint and markers and shall be well lit.
3	Limitations on Construction Activities (City Code Section 14.011)	7 a.m. – 9 p.m., Monday - Sunday	Use of heavy equipment restricted to 7 a.m. – 9 p.m., Monday – Saturday. Use of heavy equipment shall be prohibited on Sundays.
4	Educational Outreach and Support	None required	The Property Owner shall make a donation in the amount of $200,000 for educational outreach and support to a facility or organization in the City of San Marcos, other than Texas State University, that provides academic training, technical training or life skills training to young adults.
5	Electric Utilities	Optional above or below ground	Project shall be required to utilize underground electric utilities.
6	Construction of Acceleration/Deceleration Lanes	Per requirements of TIA	The Concept Plan illustrates the construction of a minimum 12-foot acceleration and/or deceleration lane for each ingress and egress. These improvements shall be deemed required public improvements for which security is required as a

			condition of plat approval under Chapter 1, Article 6, Division 6 of the LDC
7	Aquarena Drive / Sessom Drive Intersection Improvements	No Specific Standards Required; Improvements Per Requirements of TIA	The Developer shall be responsible for conducting a traffic model study, evaluating intersection improvements, and providing the City with the results of said study to evaluate possible intersection improvements. This traffic model study shall be required at earlier of Final Plat or the Watershed Protection Plan Phase 2.

EXHIBIT "C"
Concept Plan & Graphic Depictions

EXHIBIT "D"
Architectural Design Standards

The standards and criteria contained within this section are applicable to all portions of the property. These standards are intended to supplement any requirements of the City's LDC.

1. Facades: Facades must be articulated by using color, wall planes, arrangement, or change in material to emphasize the façade elements. Exterior wall planes may be varied in height, depth or direction. Design elements and detailing, including the presence of windows and window treatments (for walls that face the public right-of-way), trim detailing, and exterior wall material, must be continued completely around the structure. Doors and windows must be detailed to add visual interest to the façade.
2. Materials: The following materials are required for design: brick; cedar; stone, stucco, split face concrete masonry units (CMU), faux stone or brick (stone/brick veneer), finished concrete, and fiber cement. The use of EIFS or similar material is permitted for no more than 20 percent of the façade, for trim only. The use of more than one material on individual buildings is encouraged, however, heavier materials such as brick or stone should always be placed on the bottom of the structure, with lighter materials such as wood or stucco above.
3. Building entries: Building entries next to a public street, private drive or parking area must be pedestrian scaled in relation to building size. Doors, windows, entranceways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale. Doors shall be fully articulated with the use of such elements as pilasters, columns, fanlights and transoms. Primary entries must be fully visible and easily accessible.
4. Windows and transparency: All exterior walls and elevations on all floors must contain windows except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entryways and common areas. Windows shall be fully articulated with at least one of the following: sills, lintels, framing, and/or shades, etc.
5. Mechanical equipment screening: Rooftop mechanical equipment must be hidden or screened with architecturally integral elements at least as high as the equipment to be screened. Ground mounted mechanical equipment must be hidden or screened with architecturally integral wing walls and/or landscaping. Mechanical equipment must be located where their acoustics will not be disruptive to residents. Solar panels are exempt from mechanical equipment screening standards.
6. Finishes: All finishes and sealants used internally and externally shall be low-VOC. This shall include paints, glazes, floor seals, and built-in components such as countertops.
7. Shading: All windows, with the exception of those facing north, shall be provided with some form of shading. Acceptable forms of shading include solar screens, awnings, eaves measuring at least 12" deep, and lintels.

~~7.~~8. Residential units fronting on Sessom Drive shall have balconies facing Sessom Drive.

~~8.~~9. Accessory Structures: All accessory structures shall be constructed in such a manner so as to be compatible in look, style and materials as the primary structures on the project site. Alternative designs for accessory structures may utilize different styles and

materials than the primary structure upon review and approval by the Director of Development Services, appealable to the Planning and Zoning Commission.

~~9.~~10. The following standards shall be specifically applicable to the retail area within the VMU portion of the property along the Sessom Drive façade:

a. The street level, first floor, façade shall be designed with a minimum of 70% glazing in clear glass to encourage pedestrian activity by providing stimulating storefronts that maintain and enhance the attractiveness of the street scene, display merchandise, seating areas, or activity inside the building.
b. There shall be a clear visual definition between the street level (first floor) and the upper levels created through the use of different exterior materials. The upper levels shall be setback from the street level to provide façade articulation and additional visual definition that clearly defines the mix of uses.
c. Out-swinging doors should be recessed so that the swing of the door does not interfere with the movement of pedestrians. Doors should be constructed so as to be no more than 75 percent and no less than 25 percent clear glass. The use of wood as a construction material and multiple panes of glass are encouraged.
d. Doorways shall be active and inviting to pedestrians. The placement of inactive doors, service doors, or doors used for emergency egress is discouraged in these areas.

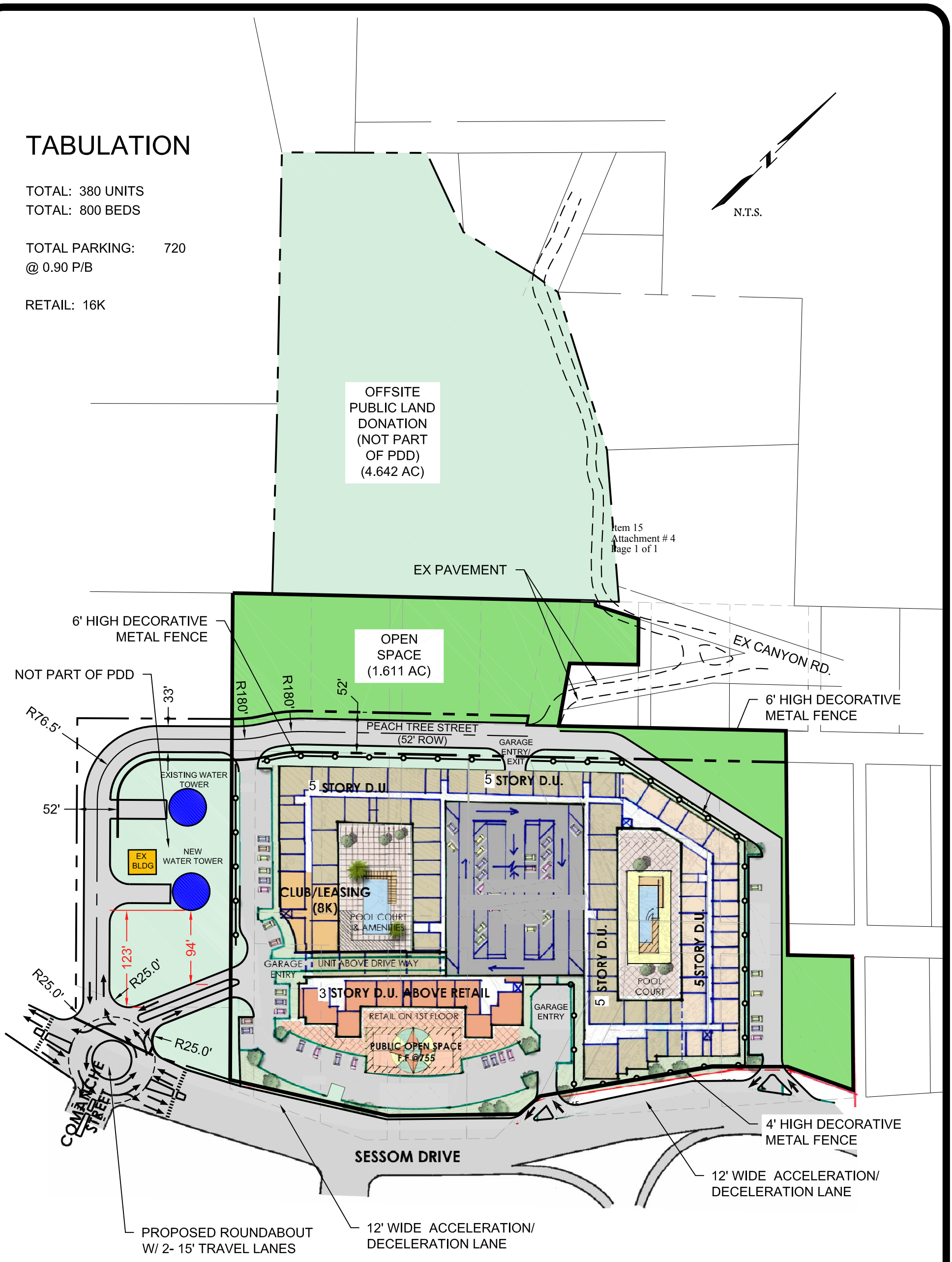
~~10.~~11. The Building design will incorporate a minimum of 3 Sustainable Design Standards utilizing high efficiency lighting fixtures, a variety of energy-star rated appliances, double-paned low-E windows, occupancy sensors, day-lighting, low-flow plumbing fixtures in residential units and automatic shut-off fixtures in the non-residential facilities to reduce energy demand, and non-toxic materials and low VOC paints that promote healthy indoor air quality.

TABULATION

TOTAL: 380 UNITS
TOTAL: 800 BEDS

TOTAL PARKING: 720
@ 0.90 P/B

RETAIL: 16K



SESSOM DRIVE MULTI FAMILY SCHEMATIC SITE PLAN #23

4-26-13

EXHIBIT C

OPTION A

RAMSEY ENGINEERING

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

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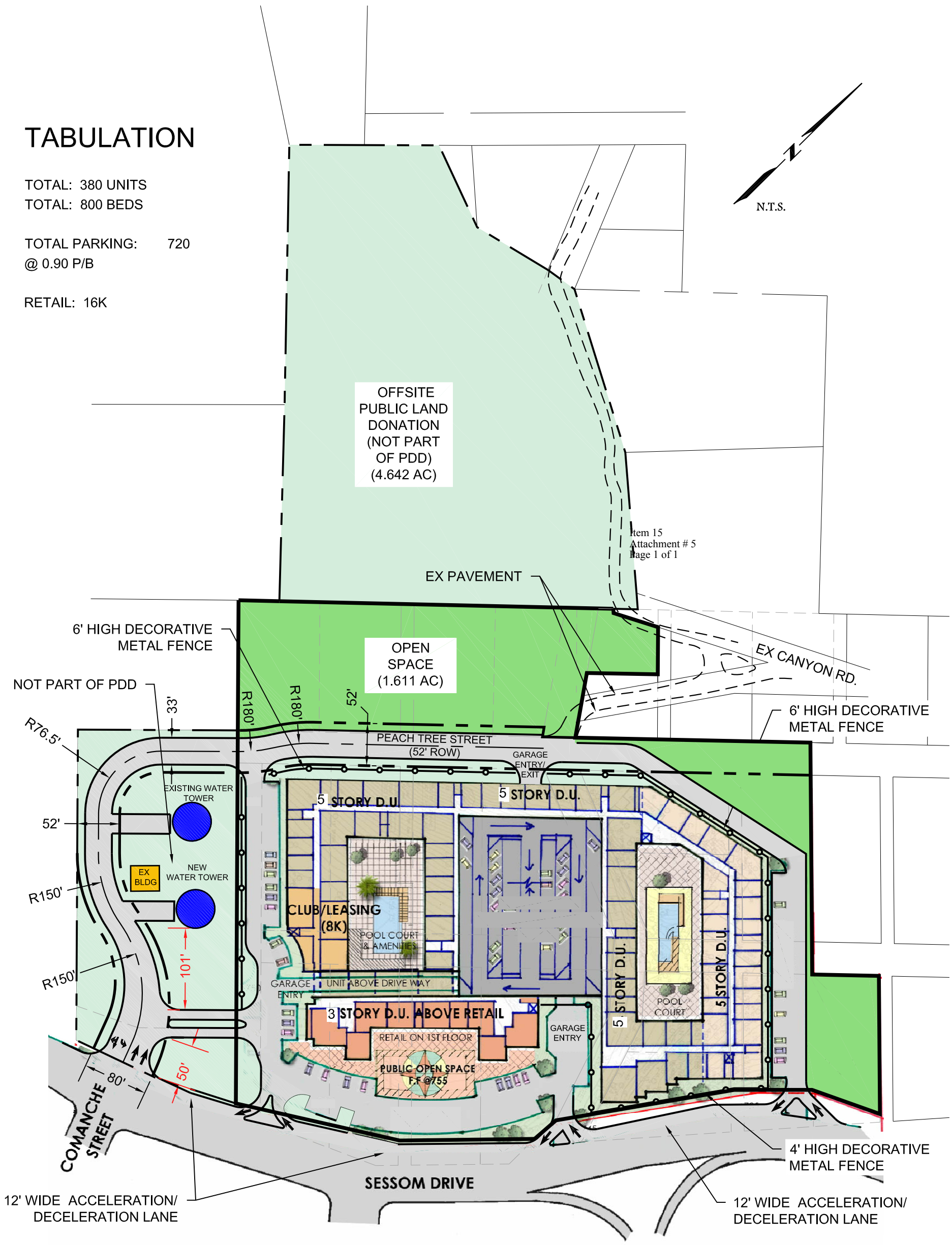
S:\Projects_1\0420-RAMSEY ENGINEERING\0420-02X-12 Casey Court Multifamilty - Revised\Watershed Phase 1\WPP1 -1-14-13 - AMMENDMENT\SSITE EXHIBIT - OPTION 1.dwg; Layout: "SITE PLAN"; Fri, Apr 26, 2013, 2:10pm; by

TABULATION

TOTAL: 380 UNITS
TOTAL: 800 BEDS

TOTAL PARKING: 720
@ 0.90 P/B

RETAIL: 16K



Item 15
Attachment # 5
Page 1 of 1

SESSOM DRIVE MULTI FAMILY SCHEMATIC SITE PLAN #23

4-26-13
EXHIBIT C
OPTION B

RAMSEY ENGINEERING

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S:\Projects_1\0420-RAMSEY ENGINEERING\0420-02X-12 Casey Court Multifamilty - Revised\Watershed Phase 1\WPP1 -1-14-13 - AMMENDMENT\SSITE EXHIBIT - OPTION 2.dwg; Layout: "SITE PLAN"; Fri, Apr 26, 2013, 2:10pm; by

PDD-13-01 Topopgraphic Map
HARVARD ST
YALE ST
ALAMO ST
RIDGEWAY DR
CHESTNUT ST
WINDMILL DR
CANYON RD
PEACHTREE ST
LOCUST ST
LOQUAT ST
W SESSOM DR
CHERRY ST
CENTER DR
Legend
Proposed 4.642 acres of Donated Parkland As Depicted in Concept Plan
Project Site Boundary
2-foot Contours

CANYON FRK
YALE ST
ALAMO ST
ORCHARD ST
CANYON RD
WINDMILL DR
PEACHTREE ST
LOQUAT ST
ELM ST
LOCUST ST
W SESSOM DR
WALNUT ST
NGHE ST
LOQUAT ST
Legend
Proposed 4.642 acres of Donated Land As Depicted in Concept Plan
Project Site Boundary

STATE OF TEXAS **T.J. CHAMBERS SURVEY**
COUNTY OF HAYS **7.885 ACRES**

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the east corner of said Lot 44 and the common south corner of a 16 foot alley, as shown by said plat of the Park Addition, for the east corner of the herein described tract of land, same being at the intersection of said 16 foot alley and Sessom Drive, a variable width public right-of-way, and being at a corner of that certain tract of land conveyed to the City of San Marcos for street purposes as Tract 1 by Instrument recorded in Volume 253, Page 582 of the Deed Records of Hays County, Texas;

THENCE South 64°19'14" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 44 and the above-mentioned Lot 43, and continuing on a total distance of **88.66 feet** to a 5/8" iron rod found for corner;

THENCE South 44°43'10" West, continuing along the northwest line of said Sessom Drive, at a distance of 83.79 feet passing a 5/8" iron rod found at a corner of said City of San Marcos called Tract 1, same being on the southwest line of said Lot 43, and being at the intersection of said Sessom Drive and an above-mentioned 16 foot alley and continuing on for a total distance of **95.67 feet** to a 1/2" iron rod set for corner;

THENCE S 35°02'19" W, along the northwest line of said Sessom Drive, at a distance of 168.17 feet passing a 1/2" iron rod set at a corner of said City of San Marcos Tract 2, same being at the intersection of said Sessom Drive and Loquat Street (Pecan Street), a 40 foot public right-of-way as shown by plat of said Park Addition, and continuing on in all for a total distance of **222.32 feet** to a 1/2" iron rod set in an east line of the above-mentioned Lot 40, at the intersection of said Loquat Street and the northwest line of Sessom Drive, for a corner of the herein described tract of land;

THENCE South 03°49'08" West (S00°15'W Record), along the northwest line of said Sessom Drive and a common line of said Lot 40, a distance of **34.82 feet** to a 1/2" iron rod set for a corner of the herein described tract and a corner of that certain tract of land conveyed to the City of San Marcos for street purposes recorded in Volume 258, Page 643 of the Deed Records of Hays County, Texas;

THENCE South 44°02'03" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 40 and the above-mentioned Lot 39, at a distance of 151.62 feet passing a 1/2" iron rod set in the southwest line of said Lot 39 and the common northeast line of the above-mentioned 16 foot alley, and continuing on for a total distance of **165.81 feet** to a 1/2" iron rod set for corner of the herein described tract;

THENCE South 57°30'24" West, at a distance of 1.86 feet passing a 5/8" iron rod found in the southwest line of said 16 foot alley and the common northeast line of the above-mentioned Lot 38 and the common northwest line of said Sessom Drive, as described in Condemnation by the City of San Marcos by Judgment under Cause #9527, passing the common line of said Lot 38 and the above-mentioned Lot 37, passing the common line of said Lot 37 and the above-mentioned Lot 36, and continuing on for a total distance of **206.60 feet** to a nail found in concrete at a corner of said Sessom Drive, same being in the southwest line of said Lot 36, Park Addition, for the south corner of the herein described tract;

THENCE North 44°57'28" West (N45°35'W Record), along the southwest line of said Lot 36 and the southwest line of said Park Addition, at a distance of 91.79 feet passing a 1/2" iron rod found at a chain link fence corner at a corner of said Sessom Drive and a common east corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366 of the Deed Records of Hays County, Texas, and continuing along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract, at a distance of 418.78 feet passing a 1/2" iron rod set at the west corner of said Lot 36 and a common corner of the above-mentioned Peachtree Street, and continuing on for a total distance of **458.78 feet** to a 1/2" iron rod set at the south corner of Lot 59 of said Park Addition, for the west corner of the herein described tract of land;

THENCE North 45°57'55" East (N45°20'E Record), along the northwest line of said Peachtree Street, passing the common corners of Lots 59, 60, 61, 62, 63, 64 and 65, and continuing on for a total distance of **704.12 feet** to a 1/2" iron rod set for corner in the southeast line of said Lot 65, for a northwesterly corner of the herein described tract of land, and from which an iron rod found at the east corner of said Lot 64 and the common south corner of Lot 65 of said Park Addition bears South 45°57'55" West, a distance of 72.34 feet;

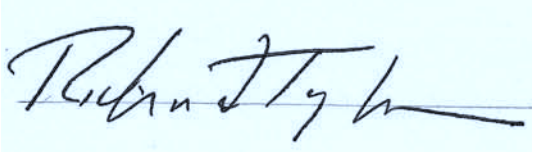
THENCE South 45°43'05" East (S46°21'E Record), at 40.02 feet passing a 1/2" iron rod set in the southeast line of said Peachtree Street at the north corner of the above-mentioned Lot 50 and the common west corner of Lot 49 of said Park Addition and continuing along the common line of said Lots 49 and 50, at a distance of 245.01 feet passing a 1/2" iron rod set at the east corner of said Lot 50 and the common south corner of said Lot 49, crossing the above-mentioned Locust Street, and continuing on for a total distance of **285.10 feet** to a 1/2" iron rod set for corner in the southeast line of said Locust Street at a common corner of the aforesaid Lot 43 and Lot 44;

THENCE North 45°57'55" East (N45°20'E Record), along the southeast line of said Locust Street, a distance of **81.94 feet** to a 1/2" iron rod set at the north corner of said Lot 44 and the intersection of said Locust Street and aforesaid 16 foot alley, for a north corner of the herein described tract of land;

THENCE South 45°43'05" East (S46°21'E Record), along the southwest line of said 16 foot alley and the common northeast line of said Lot 44, a distance of **169.90 feet** to the **POINT OF BEGINNING** and **CONTAINING 7.885 ACRES OF LAND**.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

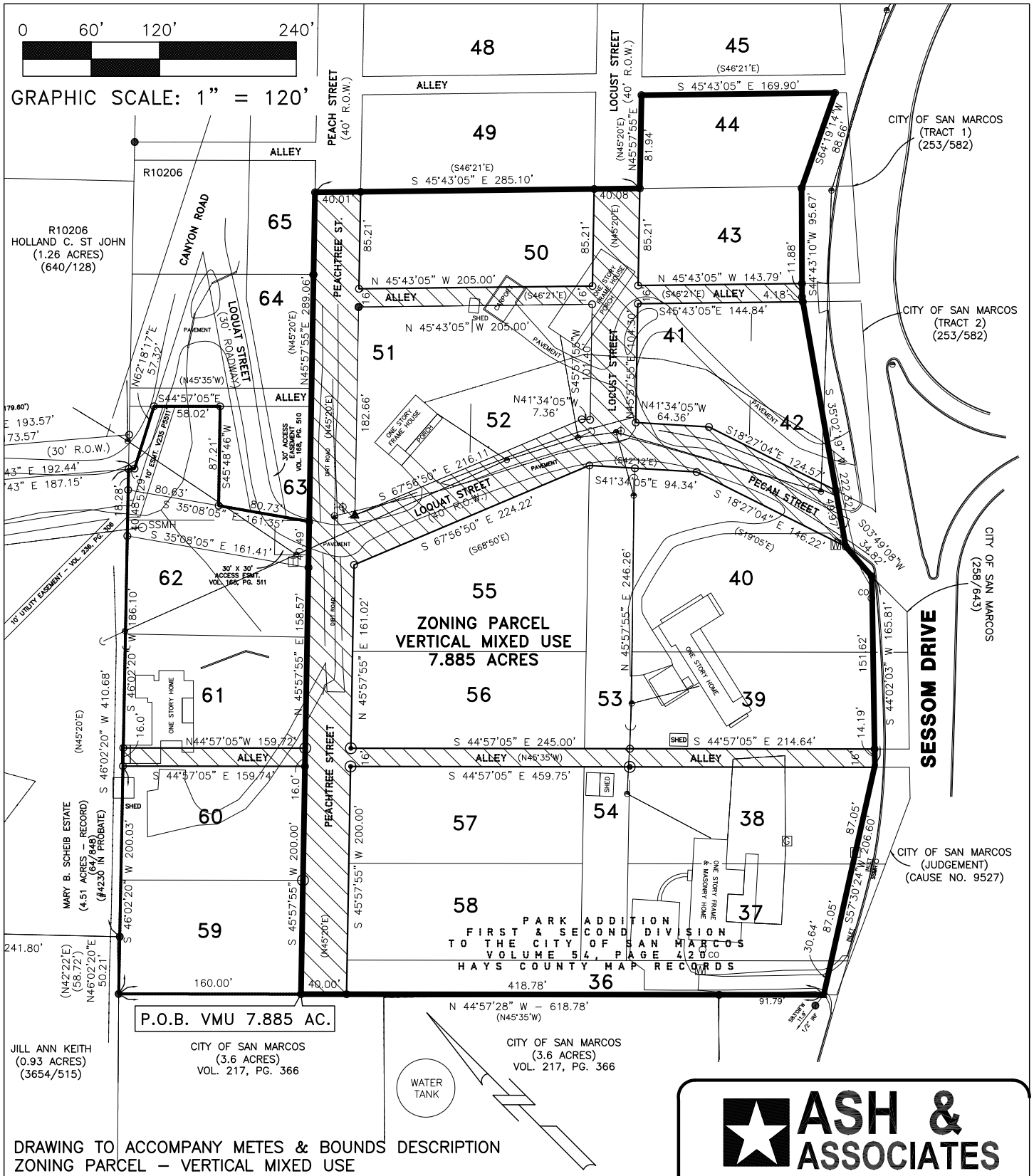
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.



Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

05/11/12
Date

Job: 11-3846-F



DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
ZONING PARCEL – VERTICAL MIXED USE

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

ASH & ASSOCIATES
SURVEYING - ENGINEERING - ARCHITECTURE
142 JACKSON LANE
SAN MARCOS, TEXAS 78666
(512) 392-1719
FAX (512) 392-1928
ashandassociates.net
Surveying: 100847-00
Engineering: F-13483
Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"

JOB NO: 11-3846F DRAWN BY: RHT FB: –

STATE OF TEXAS **T.J. CHAMBERS SURVEY**
COUTNY OF HAYS **1.702 ACRES**

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with City of San Marcos survey cap found marking the most westerly corner of said Park Addition, for the west corner of the herein described tract of land, same being at the west corner of said Lot 59 and the common north corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366, Deed Records of Hays County, Texas, and being in the southeast line of that certain called 0.93 acre tract of land conveyed to Jill Ann Keith by deed recorded in Volume 3654, Page 515 of the official Public Records of Hays County, Texas;

THENCE North 46°02'20" East (N45°20'E Record), at a distance of 50.21 feet passing a 1/2" iron rod with Pro-Tech cap found at the east corner of said Keith called 0.93 acre tract, same being at the south corner of that certain called 4.51 acre tract, the Estate of Mary B. Scheib, described by instrument #4230 in Probate and recorded in Volume 64, Page 848, Probate Records of Hays County, Texas, at a distance of 100 feet passing a common corner of said Lot 59 and the above-mentioned Lot 60, at a distance of 200.03 feet passing a 1/2" iron rod set at the north corner of said Lot 60 and the common west corner of the above-mentioned 16 foot alley, at a distance of 216.03 feet passing a 1/2" iron rod set for corner at the north corner of said 16 foot alley and the common west corner of the above-mentioned Lot 61, at a distance of 316.01 feet passing a common corner of said Lot 61 and the above-mentioned Lot 62, at a distance of 416.06 feet passing a common corner of said Lot 62 and the above-mentioned Lot 63, and continuing on with the common line of said Park Addition and said Scheib called 4.51 acre tract, a total distance of **460.88 feet** to a 1/2" iron rod set for the north corner of the herein described tract of land, same being in the northwest line of said Lot 63 at its intersection with the southwest line of Canyon Road, a 30 foot public road, and the common southwest line of a 30 foot wide roadway and utility easement out of the said Mary B. Scheib Estate called 4.51 acre tract;

THENCE South 49°47'43" East, along the southwest line of said Canyon Road, through said Lot 63, a distance of **5.29 feet** to a 1/2" iron rod set for a corner of said Canyon Road and a corner of the herein described tract of land;

THENCE North 62°18'17" East, and continuing along the southwest line of said Canyon Road, a distance of **57.32 feet** to a 1/2" iron rod set for corner in the northeast line of said Lot 63 and a common southwest line of a 16' alley, as shown by plat of said Park Addition;

THENCE South 44°57'05" East (S45°35'E Record), along the northeast line of said Lot 63 and the common southwest line of said 16' alley, a distance of **58.02 feet** to a 1/2" iron rod set for corner in the dividing line of the north 1/2 and the south 1/2 of said Lot 63;

THENCE South 45°48'46" West, through said Lot 63 and along said dividing line a distance of **87.21 feet** to a 1/2" iron rod set for corner in the northeast line of an undedicated roadway and utility easement out of said Lot 63 and Lot 62 of said Park Addition, being the extension of Loquat Street (Pecan Street) from the intersection of Peachtree Street to the aforesaid Scheib called 4.51 acre tract;

THENCE South 35°08'05" East, along the northeast line of said undedicated roadway and utility easement, a distance of **80.73 feet** to a 1/2" iron rod set for corner at the south corner of said lot 63 and the common east corner of the aforesaid Lot 62, same being at a corner of said an undedicated roadway and utility easement, and being in the northwest line of Peachtree Street, a 40 foot public right-of-way, as shown by plat of said Park Addition;

THENCE South 45° 57' 55" West (S45°20'W Record), along the northwest line of said Peachtree Street, passing the south corner of said Lot 62 and the common east corner of aforesaid Lot 61, at a distance of 199.06 feet passing a 1" iron pipe found at the south corner of said Lot 61 and the common east corner of the aforesaid 16 foot alley, at a distance of 215.06 feet passing a 1/2" iron rod set for corner at the east corner of the aforesaid Lot 60, passing the south corner of said Lot 60 and the common east corner of the aforesaid Lot 59, and continuing on for a total distance of **415.06 feet** to a 1/2" iron rod set at the south corner of said Lot 60, for the south corner of the herein described tract, same being in the northeast line of aforesaid City of San Marcos called 3.6 acre tract;

THENCE North 44°57'28" West (N45°35'W Record) along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract a distance of **160.00 feet** (160' Record) to the **POINT OF BEGINNING** and **CONTAINING 1.702 ACRES OF LAND**.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

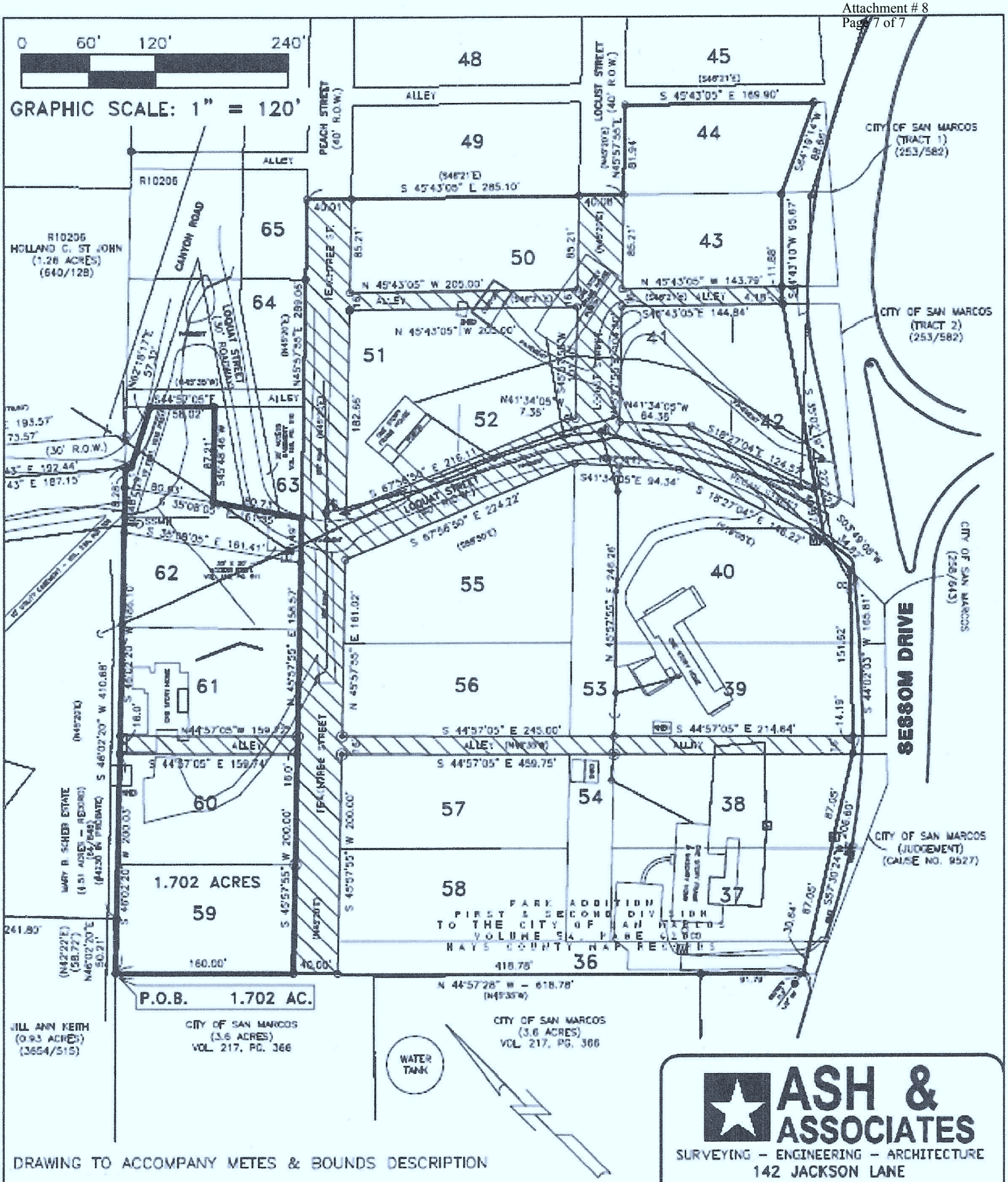
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

05/11/12
Date

Job: 11-3846-F

STATE OF TEXAS
REGISTERED
RICHARD TAYLOR
3986
PROFESSIONAL
LAND SURVEYOR



DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

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JOB NO: 11-3846F DRAWN BY: RHT FB: –

$2,459

RECEIVED
JAN 14 2013

PDD - 13 - 01

City of San Marcos

PLANNED DEVELOPMENT DISTRICT

ZONING / LAND USE PLAN / WRITTEN DEVELOPMENT STANDARDS

	APPLICANT	PROPERTY OWNER	CONSULTANT
Name	Darren Casey Interests, Inc.	See Attached List	ETR Dev. Con., LLC
Mailing Address	814 Arion Pkwy, Ste. #200		401 Dryden Lane
	San Antonio, Texas 78216		Buda, Texas 78610
Daytime Phone	(210) 829-1717		(512) 618-2865
E-mail			ed@etrdevcon.com

PROPERTY DESCRIPTION:

Street: Sessom Drive @ Loquat Street & Comanche Street **Address No.:** See Attached List

Legal Description (if platted): See Attached List

Proposed Subdivision Name (if not platted): Sessom Drive Multifamily Community

*** a metes and bounds description is required if property is a partial lot or is not platted**

Appraisal District Tax ID No.: See Attached List **Acres:** 9.587

Current Master Plan Land Use Designation(s): LDR

Property is located in: X City Limits ☐ ETJ (County) _____)
☐ San Marcos River Corridor ☐ Edwards Aquifer Recharge Zone

Total Land Area Within 100-Year Floodplain, if any None **Acre(s)**

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

PROPOSED DEVELOPMENT:

Proposed New Base Zoning Classification: Vertical Mixed Use (VMU) & Single-Family (SF-6)

Proposed New Master Plan Land Use Designation(s), if any: Mixed Use (MU)

Proposed Use(s) of Land and Buildings: Mixed use retail and multifamily residential

Number of Lots: 1 **Residential Density:** 40 **(Units/Acre)**

Total Number of Dwelling Units, if any: 332

Total Land Area Allocated to Non-Residential Use, if any: 16,000 square feet **Acre(s)**

SUBMITTAL REQUIREMENTS:

- **Application Fee** of $25 per acre ($1,500 maximum) payable to the City of San Marcos.
- **Name(s) and Mailing Address(es) of Property Lien-Holder(s),** if any.
- **If not platted,** a metes and bounds legal description of the property.
- **One Reproducible or 15 Non-Reproducible Copies of the proposed Land Use Plan.**
- **Written Development Standards**
- **If in the San Marcos River Corridor,** an SMRC Development Application, if not incorporated in the PDD Development Plan, a separate SMRC site Plan.

I certify the preceding information is complete and accurate. If I am not the property owner of record, or if the applicant is an organization or business entity, I hereby affirm that I have been authorized to represent the owner, organization, or business in this application.

Signature: _____ **Date:** 1/14/13

Printed Name: Ed Theriot

To be completed by Staff:

Meeting Date: _____ Application 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 Department 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 City's 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.

Signature of Applicant _____ Date 1/14/13

FOR STAFF USE ONLY:

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

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

Planned Development District Checklist

- ☐ A pre-application conference with staff is recommended
- ☐ A completed application for a Petition for Planned Development District and required fees.
- ☐ Fifteen (15) copies of Concept plan on 24" X 36" sheets at minimum scale of 1" = 100' showing the following:
  - a. Boundaries of the property included in the PDD application.
  - b. Acreage of the property included in the PDD application.
  - c. Existing roads located inside the boundaries of the PDD or within 500 feet of the boundaries of the PDD.
  - d. All existing land uses and structures located inside the boundaries or within 500 feet of the PDD.
  - e. Boundaries of existing zoning districts located within 500 feet of the boundaries of the PDD.
  - f. Topography at contours at minimum 10' intervals. Slopes between 15% and 25%; and over 25%, must be identified by shading on the contour information. Delineation of the Edwards outcrop if applicable.
  - g. The centerline and names (if applicable) of all streams, wetlands or waterways, any areas in the San Marcos River Corridor and the location of all 100-year floodplains and floodways.
  - h. The location of all areas of tree canopy over 30 feet in diameter on the property. If possible, the land use plan should be laid out over an aerial photograph of the property.
  - i. The location of the City limit lines, extraterritorial jurisdiction line, Edwards Aquifer recharge zone boundaries or other pertinent boundary information (if applicable).
  - j. Land use information for the PDD, including the following information:
    1. The location, shape and acreage of the land uses within the site as shown on the existing future land use plan of the city Master Plan and the location, shape and acreage of each proposed land use.
    2. For residential uses, the overall maximum density in dwelling unites per acre for each section.
    3. For non-residential uses, the overall maximum floor-to-area ratio and general building locations for each non-residential section of the PDD.
    4. A graphic depiction or land use plan notations indicating all limitations and restrictions on land use that are not otherwise covered in the developments standards for the PDD.
    5. Proposed base zoning district(s) within the PDD site (if different from the existing base district(s))
  - k. Proposed circulation information for the PDD, including the location and dimensions of all proposed streets, alleys, trails, parking areas or pedestrian facilities.
  - l. The location, shape and acreage of all proposed parks, open space, natural areas, landscaped features or proposed buffers on the PDD site. Parkland proposal to be dedicated to the City must comply with parkland dedication requirements of the subdivision ordinance.
  - m. Summary table with the acreage of all land uses, streets, open spaces and other significant features.
  - n. Other information that will be help to clarify the PDD proposal.

- ☐ A detailed listing of the proposed land uses and development standards, referenced to the Concept Plan. The description of land uses must outline and define all allowed primary uses, all allowed accessory uses, which land uses are specifically prohibited or limited, maximum residential densities, maximum floor-to-area ratios for non-residential uses.
- ☐ Written zoning and development standards for the district, describing all exceptions, modifications or limitations to the applicable base zoning district regulations, and to environmental, supplemental development or public facilities standards in Chapters 4, 5, 6 and 7 of the Land Development Code necessary to effect development pursuant to the Concept Plan and proposed zoning district standards. Written development standards are to include the following: **setbacks, area standards, height, lot size, landscaping, parking, signs, construction materials, open space, environmental protection, impermeable surface coverage, buffering elements.**
- ☐ A detailed description of how proposed uses, layout and development standards that vary from otherwise applicable requirements or standards of the base zoning district and standards in Chapters 4, 5, 6 and 7 of the Land Development Code will produce a superior development project that is not inconsistent with the purposes of the regulations to be varied.
- ☐ A description of the reasons why the proposed PD district meets one or more of the special circumstances listed in Chapter 4, Article 2, Division 6 as justifying creation of the district.
- ☐ A drainage study and traffic impact study when required demonstrating that adequate facilities policies in section 7.4.3.1 will be satisfied.

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

Signed: _____ Date: 1/14/13

Print Name: Ed Theriot

☐ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☒ Agent: _____

Agenda Information

AGENDA CAPTION:

A-13-01 (Sessom Drive Multifamily Community-Loquat Street, a/k/a Pecan Street, Locust Street and Peachtree Street) Consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, to abandon streets and alleys in the Park Addition, First and Second Division, as follows: a 16 foot alley between lots 43 and 50 to the north and lots 41, 42, 51 and 52 to the south from Sessom Drive to Peachtree Street; a 16 foot alley between lots 39, 53, 56 and 61 to the north and lots 38, 54, 57 and 60 to the south from Sessom Drive to the northwest boundary of said Park Addition; Locust Street from Loquat Street (a/k/a Pecan Street) to the northeast corner of lot 50; Loquat (a/k/a Pecan) Street from Sessom Drive to Peachtree Street; and Peachtree Street from the southeast corner of lot 63 to the northwest corner of lot 50.

Meeting date: May 28, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

Update following May 14th Meeting

A public hearing regarding this request was held at the Commission's last meeting on May 14. Consideration of the request was postponed to the May 28 Commission meeting.

As of May 21, 2013, the applicant has modified the original request to not abandon Peachtree Street from the southeast corner of lot 63 to the northwest corner of Lot 50. Staff does not support the request as their concept plan shows a portion of their private driveway within the right-of-way.

Also, staff identified a portion of the existing connection from Peachtree to Canyon located on private property. Condition number five has been added to ensure that all public roads are within dedicated right-of-way.

Previous Background

The majority of the subject Right of Way (ROW) is currently undeveloped and the applicant has requested to abandon the ROW in order to develop the Vertical

Mixed Use project in this location. There are existing water and wastewater lines located on Peachtree Street and Loquat Street as well as a recently upgraded water transmission line with a 24-inch line along the Peachtree Street right-of-way. The alleys that are proposed to be abandoned, along with the portion of Peachtree and Locust Streets, are not currently used for transportation. Loquat Street, however, is being used for transportation and does provide an entrance to the homes located off Canyon Road, which are located in a long established neighborhood. The proposal is to abandon a portion of Peachtree Street which does leave a connection to Canyon Road. The Engineering and Public Services Departments have requested that there is a 50-foot utility easement along the portion of Peachtree Street that is being abandoned in order to maintain the current and future water mains and that the easement remain open with no obstructions. San Marcos Electric Utility reviewed the request and approved the abandonment upon conditions as discussed below (i.e conditions 2, 3, and 4). Staff found that the abandonment request met the abandonment standards of Section 74.087 of the City Code.

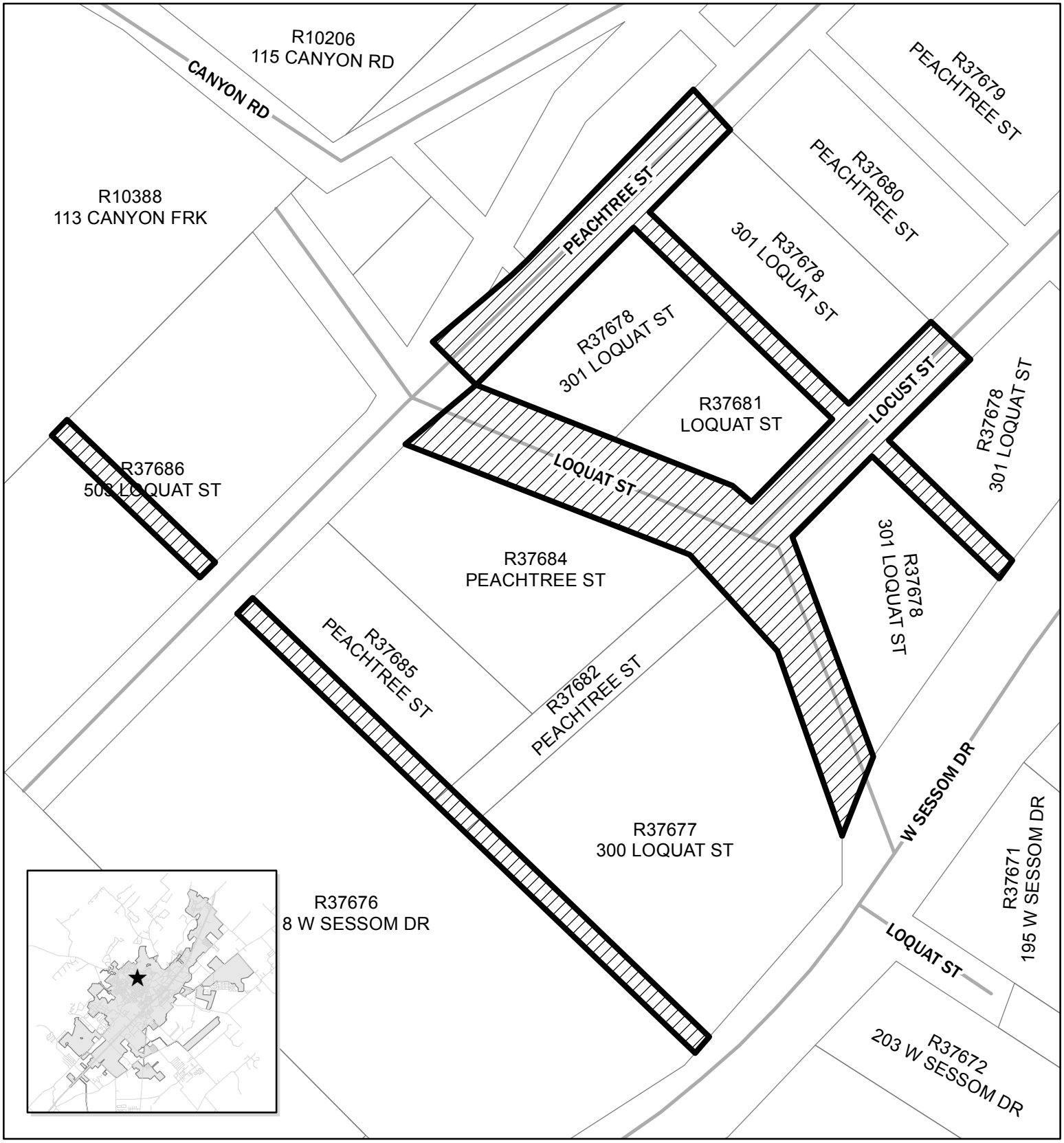
Staff is recommending that the abandonment of the alleys and streets as mentioned in the analysis be approved with the following conditions:

1. A 50-foot public utility easement, in a form acceptable to the City Attorney, be reserved along the portion of Peachtree Street being abandoned. The easement will provide, among other terms, that the easement area will remain clear of structures and obstructions .
2. Each affected San Marcos Electric Utility customer consents to meter and service removal .
3. Developer, at its sole cost and expense, removes all overhead electric facilities and reroutes existing service feeding Sessom Drive street lights. Any relocation will be according to specifications required by the City. New and/or substitute easements, in a form acceptable to the City Attorney, will be provided for any utilities outside of the reserved Peachtree public utility easement. The City will have no obligation to allow relocation of electric facilities and/or the removal of poles until Developer has reached agreement with affected communications providers for relocating their facilities .
4. Developer, at its sole cost and expense, relocates all communication facilities. Developer is responsible for negotiating with and obtaining consent of affected communications providers .
5. Dedication of right-of-way to connect Peachtree Street to Canyon Road .
6. The abandonment is contingent upon the approval of the land use amendment and zoning change with PDD overlay .

ATTACHMENTS:

Notification Map
Staff Report
Survey
Aerial Map
Utility Map

Application



A-13-01
Alley and Street Abandonment
Map Date: 4/19/2013

Site Location

N

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.

A-13-01
Abandonment
Portion of Loquat Street, Locust Street and Peachtree Street and four alleys

Summary: Abandonment of four 16-foot alleys and portions of Loquat Street Locust Street and Peachtree Street (all with 40-foot Right-of-Way)

Applicant:
ETR Development Consulting, L.L.C.
401 Dryden Lane
Buda, TX 78610

Darren Casey Interests, Inc.
814 Arion Pkwy., Suite 200
San Antonio, TX 78216

Property Owners:

Everette & Donna Swinney Living Trust
218 W. Sessom Drive
San Marcos, TX 78666

Christian and Diana Espiritu
300 Loquat Street
San Marcos, TX 78666

Buck Scheib
503 Loquat Street
San Marcos, TX 78666

Flo Christian Van Gundy Wilks & Harriett Wier Van Gundy Raney
6272 Lost Willow Lane
Maineville, OH 45039

Notification: Personal notifications of the public hearing were mailed on Friday, May 3, 2013.

Property/Area Profile:

Location: A 16 foot alley between lots 43 and 50 to the north and lots 41, 42, 51 and 52 to the south from Sessom Drive to Peachtree Street; a 16 foot alley between lots 39, 53, 56 and 61 to the north and lots 38, 54, 57 and 60 to the south from Sessom Drive to the northwest boundary of said Park Addition; Locust Street from Loquat Street (a/k/a Pecan Street) to the northeast corner of lot 50; Loquat (a/k/a Pecan) Street from Sessom Drive to Peachtree Street; and Peachtree Street from the southeast corner of lot 63 to the northwest corner of lot 50.

Size: Approximately 1.226 acres

Existing Utilities: There are existing water and wastewater lines on Peachtree Street and Loquat Street

Existing Use of Property: Undeveloped right-of-way ("ROW") with the exception of Loquat Street

Update Since May 14th

As of May 21, 2013, the applicant has modified the original request to not abandon Peachtree Street from the southeast corner of lot 63 to the northwest corner of Lot 50. Staff does not support the request as their concept plan shows a portion of their private driveway within the right-of-way.

Comments from other Departments:

CIP/Engineering

A 24-inch water transmission line that is critical to the City's water supply was recently installed along Peachtree Street.

Background Information:

The majority of the subject ROW is currently undeveloped and the applicant has requested to abandon the ROW in order to develop the Vertical Mixed Use project in this location. There are existing water and wastewater lines located on Peachtree Street and Loquat Street as well as a recently upgraded water transmission line with a 24-inch line along the Peachtree Street right-of-way.

Planning Department Analysis

The transportation goals of the Horizons Master Plan call for increased mobility and connectivity in our street networks. The alleys that are proposed to be abandoned, along with the portion of Peachtree and Locust Streets, are not currently used for transportation. Loquat Street, however, is being used for transportation and does provide an entrance to the homes located off Canyon Road, which are located in a long established neighborhood. The proposal is to abandon a portion of Peachtree Street which does leave a connection to Canyon Road. The Engineering and Public Works Departments have requested that there is a 50-foot utility easement along Peachtree at the location of the abandonment in order to maintain the current and future water mains and that the easement remain open with no obstructions. San Marcos Electric Utility reviewed the request and approved the abandonment upon conditions as discussed below (i.e conditions 2, 3, and 4).

Staff finds the request consistent with the criteria in Section 74.087 (see below) and recommends approval with the following conditions:

1. **A 50-foot public utility easement, in a form acceptable to the City Attorney, be reserved along the portion of Peachtree Street being abandoned. The easement will provide, among other terms, that the easement area will remain clear of structures and obstructions.**
2. **Each affected San Marcos Electric Utility customer consents to meter and service removal.**
3. **Developer, at its sole cost and expense, removes all overhead electric facilities and reroutes existing service feeding Sessom Drive street lights. Any relocation will be according to specifications required by the City. New and/or substitute easements, in a form acceptable to the City Attorney, will be provided for any utilities outside of the reserved Peachtree public utility easement. The City will have no obligation to allow relocation of electric facilities and/or the removal of poles until Developer has reached agreement with affected communications providers for relocating their facilities.**
4. **Developer, at its sole cost and expense, relocates all communication facilities. Developer is responsible for negotiating with and obtaining consent of affected communications providers.**
5. **Dedication of right-of-way to connect Peachtree Street to Canyon Road.**
6. **The abandonment is contingent upon the approval of the land use amendment and zoning change with PDD overlay.**

Evaluation		Abandonment Standards (Section 74.087 of the San Marcos City Code)
Consistent	Inconsistent	
X		**Street and alleys will be abandoned only in whole segments, except that a portion of a dead-end street or alley may be abandoned if the abandonment does not cause a part of the street or alley to become landlocked.** This abandonment will not cause a part of the street or alley to be landlocked.
X		**A street or alley abandonment will not be approved if it causes substantial interference with access to any tract or parcel of property.** A portion of Peachtree Street will remain public right-of-way which will allow for the connection from the project site to Canyon Road. This will also act as a connection from Comanche Street to Canyon Road.
X		**A street or alley containing public utility facilities will be abandoned only if the facilities are relocated out of the street or alley or if a public utility easement is recorded covering the area occupied by the facilities. Unless otherwise agreed by the owners of the utilities, the cost of relocating the facilities or preparing survey descriptions for easements will be borne by the owners of the property abutting the segment to be abandoned.** There are existing utilities within the ROW that will need a 50-foot easement to be recorded that covers the area occupied by the facilities.
X		**A street or alley abandonment will be approved only if the street or alley is not needed for future road or utility improvements.** A 24-inch wastewater transmission line was recently upgraded along Peachtree Street. A portion of Peachtree is proposed to remain open. Retention of an easement for the maintenance and replacement of the utilities is required with this abandonment.

Planning Department Recommendation:	
☐	**Approve as submitted**
☒	**Approve with conditions or revisions as noted**
☐	**Alternative**
☐	**Denial**

Prepared by:

Alison Brake	Planner	May 23, 2013
Name	**Title**	**Date**

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed street or alley abandonment. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the abandonment. The City Council will ultimately decide whether to approve or deny this request, and will do so as follows.

- City Council reviews the recommendation for the Planning and Zoning Commission and, for each street abandonment, provides direction to staff on whether the abandonment is acceptable subject to the obtaining of an appraisal.
- An appraisal for the area to be abandoned will be obtained.
- City Council will hold a public hearing and vote on the adoption of an ordinance approving the abandonment and the conveyance of the street or alley for the appraised value.

The Commission's advisory recommendation to the Council is a discretionary decision. Your recommendation should be based on the standards listed in Section 74.087 of the San Marcos City Code.

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STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
0998 ACRES

BEING 0.998 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING PORTIONS OF PEACHTREET STREET, LOQUAT STREET AND LOCUST STREET (40 FOOT RIGHT-OF-WAYS) AND A 16 FOOT ALLEYWAY ALL OUT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron rod set for corner at the most southerly corner of said Peachtree Street, 40 foot right-of-way, same being at the west corner of Lot 36 of said Park Addition, and being in a northeast line of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366, Deed Records of Hays County, Texas, and from which a 1/2" iron rod with a City of San Marcos survey cap found at the north corner of said City of San Marcos called 3.6 acre tract and the common westerly corner of said Park Addition, bears North 44°57'28" West, a distance of 200.00 feet;

THENCE North 45°57'55" East, along the southeast line of said Peachtree Street, at 200.0 feet crossing a 16 foot alleyway, at 377.0 feet passing a 1/2" iron rod set at the intersection of the southeast line of said Peachtree Street, with the southwesterly line of Loquat Street (Pecan Street), 40 foot right-of-way, crossing said Loquat Street and continuing on for a total distance of **420.77 feet** to a 60d nail found for the **POINT OF BEGINNING** and an interior corner of the herein described tract of land, same being at the intersection intersection of the southeast line of said Peachtree Street, with the northeasterly line of said Loquat Street;

THENCE North 44°02'05" West, crossing said Peachtree Street and continuing a total distance of **40.00 feet** to it's northwest line and the common southeast line of Lot 63 of said Park Addition, for a west corner of the herein described tract of land;

THENCE North 45°57'55" East, along the northwest line of said Peachtree Street, at a distance of 210.36 feet passing a 1/2" iron rod found at the east corner of Lot 64 and the common south corner of Lot 65 of said Park Addition, and continuing on for a total distance of **282.70 feet** to a 1/2" iron rod set in southeast line of said Lot 65 for a north corner of the herein described tract of land, same being at the projection of the common line of Lots 49 and 50 of said Park Addition;

THENCE South 45°43'05" East, with said projection, a distance of **40.02 feet** to a 1/2" iron rod set for corner in the southeast line of said Peachtree Street and a common corner of said Lots 49 and 50;

THENCE South 45°57'55" West, a distance of **85.21 feet** to a 1/2" iron rod set for corner at the west corner of said Lot 50 and the intersection of said Peachtree Street and a second 16 foot alleyway of said Park Addition;

THENCE South 45°43'05" East, along the northeast line of said alley, a distance of **205.00 feet** to a 1/2" iron rod set for corner at the south corner of said Lot 50 and the intersection of said alley with the northwest line of the above-mentioned Locust Street, 40 foot right-of-way;

THENCE North 45°57'55" East along the northwest line of the said Locust Street, a distance of **85.21 feet** to a 1/2" iron rod set for corner at the east corner of said Lot 50 and the common south corner of the aforesaid Lot 49, for a northerly corner of the herein described tract of land;

THENCE South 45°43'05" East, a distance of **40.08 feet** to a 1/2" iron rod set for corner in the southeast line of said Locust Street at the northcorner of Lot 43 and the common west corner of Lot 44 of said Park Addition;

THENCE South 45°57'55" West, along the southeast line of said Locust Street, a distance of **85.21 feet** to a 1/2" iron rod set for corner at the west corner of said Lot 43 at the intersection of a 16 foot alleyway as shown by plat of said Park Addition;

THENCE South 45°43'05" East, along the southwest line of said Lot 43 and the common northeast line of said 16 foot alleyway, a distance of **143.79 feet** to a 1/2" iron rod found for corner in the northwest line of Sessom Drive, a variable width right-of-way;

THENCE South 44°43'10" West, along the northwest line of said Sessom Drive, a distance of **11.88 feet** to a 1/2" iron rod set for corner at an angle point;

THENCE South 35°02'19" West, continuing along the northwest line of said Sessom Drive a distance of **4.18 feet** to a 1/2" iron rod found for corner in the southwest line of said 16 foot alleyway and the common northeast line of Lot 42 of said Park Addition;

THENCE North 45°43'05" West, along the southwest line of said 16 foot alleyway, a distance of **144.84 feet** to a 1/2" iron rod set for corner at the intersection of said 16 foot alleyway, with the southeast line of aforesaid Locust Street, same being at the north corner of Lot 41 of said Park Addition;

THENCE South 45°57'55" West, and continuing along the southeast line of said Locust Street, a distance of **104.30 feet** to a 1/2" iron rod set for corner at the west corner of Lot 41 of said Park Addition and the intersection of of said Locust Street and Loquat Street (Pecan Street) 40 foot right-of-way, as shown by play of said Park Addition;

THENCE South 41°34'05" East, along the northeast line of said Loquat (Pecan) Street, a distance of **64.36 feet** to a 1/2" iron rod set for an angle point and a corner of the tract of land herein described;

THENCE South 18°27'04" East, continuing along the northeast line of said Loquat (Pecan) Street, a distance of **124.57 feet** to a 1/2" iron rod set for corner in the southwest line of Lot 42 of said Park Addition, at the intersection with the northwest line of the aforesaid Sessom Drive, variable width right-of-way;

THENCE South 35°02'19" West, along the northwest line of said Sessom Drive, a distance of **49.97 feet** to a 1/2" iron rod set for corner at the intersection with the southwest line of said Loquat (Pecan) Street and the common northeast line of Lot 40 of said Park Addition;

THENCE North 18°27'04" West, along the southwest line of said Loquat (Pecan) Street and the common northeast line of Lot 40, a distance of **146.22 feet** to a 1/2" iron rod set for an angle point and corner;

THENCE North 41°34'05" West, continuing along the southwest line of said Loquat (Pecan) Street, a distance of **94.34 feet** to a 1/2" iron rod set for an angle point and corner;

THENCE North 67°56'50" West, continuing along the southwest line of said Loquat (Pecan) Street, a distance of **224.22 feet** to a 1/2" iron rod set for corner at the north corner of Lot 55 of said Park Addition and the intersection of said said Loquat (Pecan) Street with the southeast line of aforesaid Peachtree Street, 40 foot right-of-way;

THENCE North 45°57'55" East, crossing said Loquat Street (Pecan Street) and continuing on for a total distance of **43.76 feet** to the **POINT OF BEGINNING OF THE EXTERIOR BOUNDARY OF THE TRACT OF LAND HEREIN DESCRIBED, SAVE AND EXCEPT LOTS 51 AND 52 OF SAID PARK ADDITION, WHICH FORM THE INTERIOR BOUNDARY OF THIS TRACT AND BEING MORE PARTICULARY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING aa 60d nail found at the intersection intersection of the southeast line of said Peachtree Street, with the northeasterly line of said Loquat Street, for the **Point of Beginning** of the above described Exterior Boundary and the west corner of the herein described tract of land, same being at the westerly corner of Lot 52 of said Park Addition ;

THENCE North 45°57'55" East, along the southeast line of said Peachtree Street, a distance of **182.66 feet** to a 1/2" iron rod found at the north corner of said Lot 51, for the north corner of the herein described tract of land, same being at the intersection of Peachtree Street, a 40 foot public right-of-way and a 16 foot alley, all as shown by plat of said Park Addition;

THENCE South 45°43'05" East, along the southwest line of said 16 foot alley, passing the common corner of said Lot 51 and aforementioned Lot 52, a distance of **205.00 feet** to a 1/2" iron rod set for corner at the east corner of said Lot 52, same being at the intersection of said 16 foot alley and Locust Street, a 40 foot public right-of-way, all as shown by plat of said Park Addition;

THENCE South 45°57'55" West, along the northwest line of said Locust Street, a distance of **101.40 feet** to a 1/2" iron rod set for corner at the intersection of said Locust Street and Loquat Street (Pecan Street), a 40 foot public right-of-way, as shown by said plat of the Park Addition;

THENCE North 41°34'05" West, along the northeast line of said Loquat Street, a distance of **7.36 feet**, to a 1/2" iron rod set for corner;

THENCE North 67°56'50" West, continuing along the northeast line of said Loquat Street, passing a common corner of said Lot 52 and aforesaid Lot 51 and continuing on for a total distance of **216.11 feet** to the **POINT OF BEGINNING** of the Interior Boundary of this Tract and **CONTAINING 0.666 Acres of Land, SAVE AND EXCEPTED from the above described 1.658 Acres of Land, for a NET AREA of 0.998 ACRES OF LAND..**

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

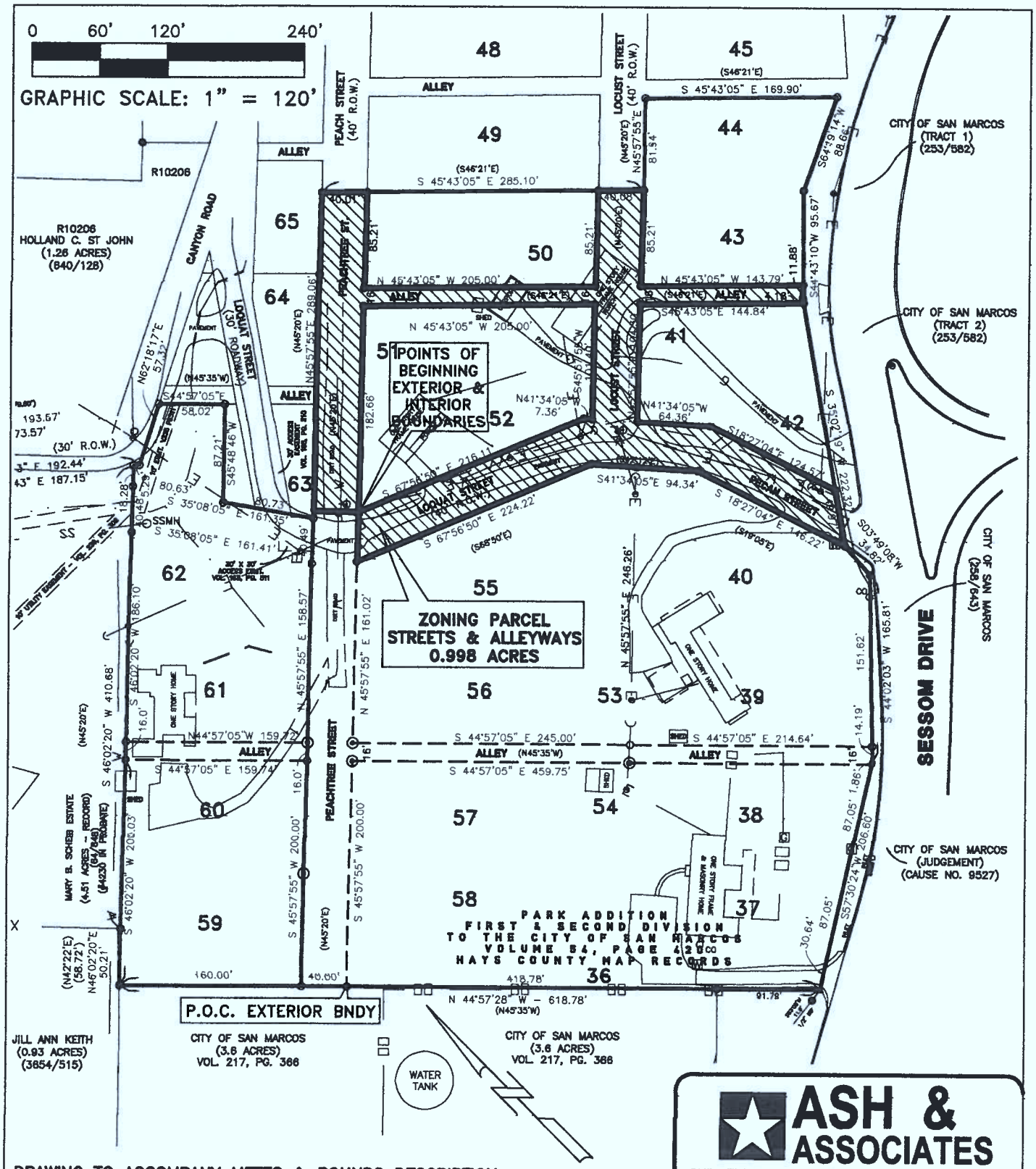
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief

Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

01/14/13
Date

Job: 11-3846-F

STATE OF TEXAS
REGISTERED
RICHARD TAYLOR
3986
PROFESSIONAL
LAND SURVEYOR



DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
ZONING PARCEL – STREETS & ALLEYWAYS

BEING 0.998 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING PORTIONS OF PEACHTREET STREET, LOQUAT STREET AND LOCUST STREET (40 FOOT RIGHT-OF-WAYS) AND A 16 FOOT ALLEYWAY ALL OUT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

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Engineering: F-13483
Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"

JOB NO: 11-3846F DRAWN BY: RHT FB: –

STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
0.059 ACRES

BEING 0.059 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF A 16 FOOT ALLEYWAY OUT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set for corner at the east corner of Lot 60 of said Park Addition and the intersection of the northwest line of Peachtree Street, 40 foot right-of-way, with the southwest line of a 16 foot alley, as shown by plat of said Park Addition;

THENCE North 44°57'05" West, a distance of **159.74 feet** to a 1/2" iron rod set for corner at the north corner of said Lot 60 and a common corner of said 16 foot alley, same being in the northwest line of said Park addition;

THENCE North 46°02'20" East, a distance of **16.00 feet** to a 1/2" iron rod set for corner of said 16 foot alley and the common west corner of Lot 61 of said Park Addition;

THENCE South 44°57'05" East, a distance of **159.72 feet** to a 1" iron pipe found for corner at the south corner of said Lot 61 and the intersection of said 16 foot alley with the aforesaid Peachtree Street, 40 foot right-of-way;

THENCE South 45°57'55" West, crossing said alley, a distance of **16.00 feet** to the **POINT OF BEGINNING** and **CONTAINING 0.059 ACRES OF LAND**.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

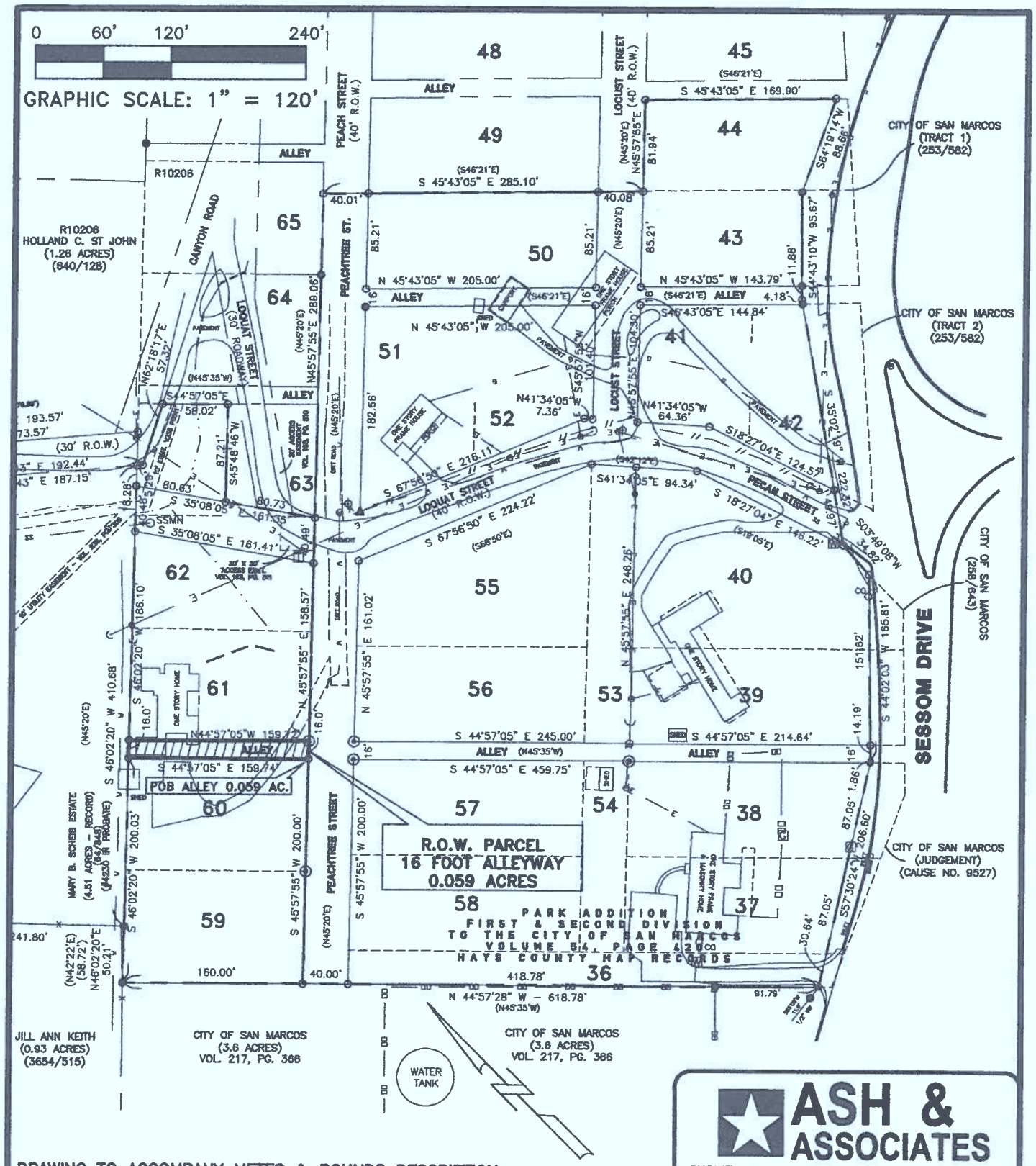
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

05/16/12
Date

Job: 11-3846-G

STATE OF TEXAS
REGISTERED
RICHARD TAYLOR
3986
PROFESSIONAL
LAND SURVEYOR



DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
RIGHT-OF-WAY PARCEL - 16 FOOT ALLEYWAY

BEING 0.059 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF A 16 FOOT ALLEYWAY OUT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

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JOB NO: 11-3846G DRAWN BY: RHT FB: -

STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
0.169 ACRES

BEING 0.169 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF A 16 FOOT ALLEYWAY OUT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1" iron pipe found for corner at the west corner of Lot 56 of said Park Addition, same being at the intersection of the southeast line of Peachtree Street, 40 foot right-of-way, with the northeast line of a 16 foot alley, all as shown by plat of said Park Addition

THENCE South 44°57'05" East, along the northeast line of said 16 foot alleyway, a distance of **459.64 feet** to a 1/2" iron rod set for corner in the southwest line of Lot 39 of said Park Addition and the northwest line of Sessom Drive, variable width right-of-way;

THENCE South 44° 02'03" West, along the northwest line of said Sessom Drive, a distance of **14.19 feet** to a 1/2" iron rod set for corner and angle point;

THENCE South 57°30'24" West, continuing along the northwest line of said Sessom Drive, a distance of **1.85 feet** to a 1/2" iron rod found for corner in the southwest line of said 16 foot alleyway and the common northeast line of Lot 38 of said Park Addition;

THENCE North 44°57'05" West, along the southwest line of said 16 foot alleyway, a distance of **459.75 feet** to a 1" iron pipe found for corner at the north corner of Lot 57 of said Park Addition, and the intersection of the southeast line of aforesaid Peachtree Street, 40 foot right-of-way;

THENCE North 45°57'55" East, crossing said alley, a distance of **16.00 feet** to the **POINT OF BEGINNING** and **CONTAINING 0.169 ACRES OF LAND**.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

05/16/12
Date

Job: 11-3846-G

STATE OF TEXAS
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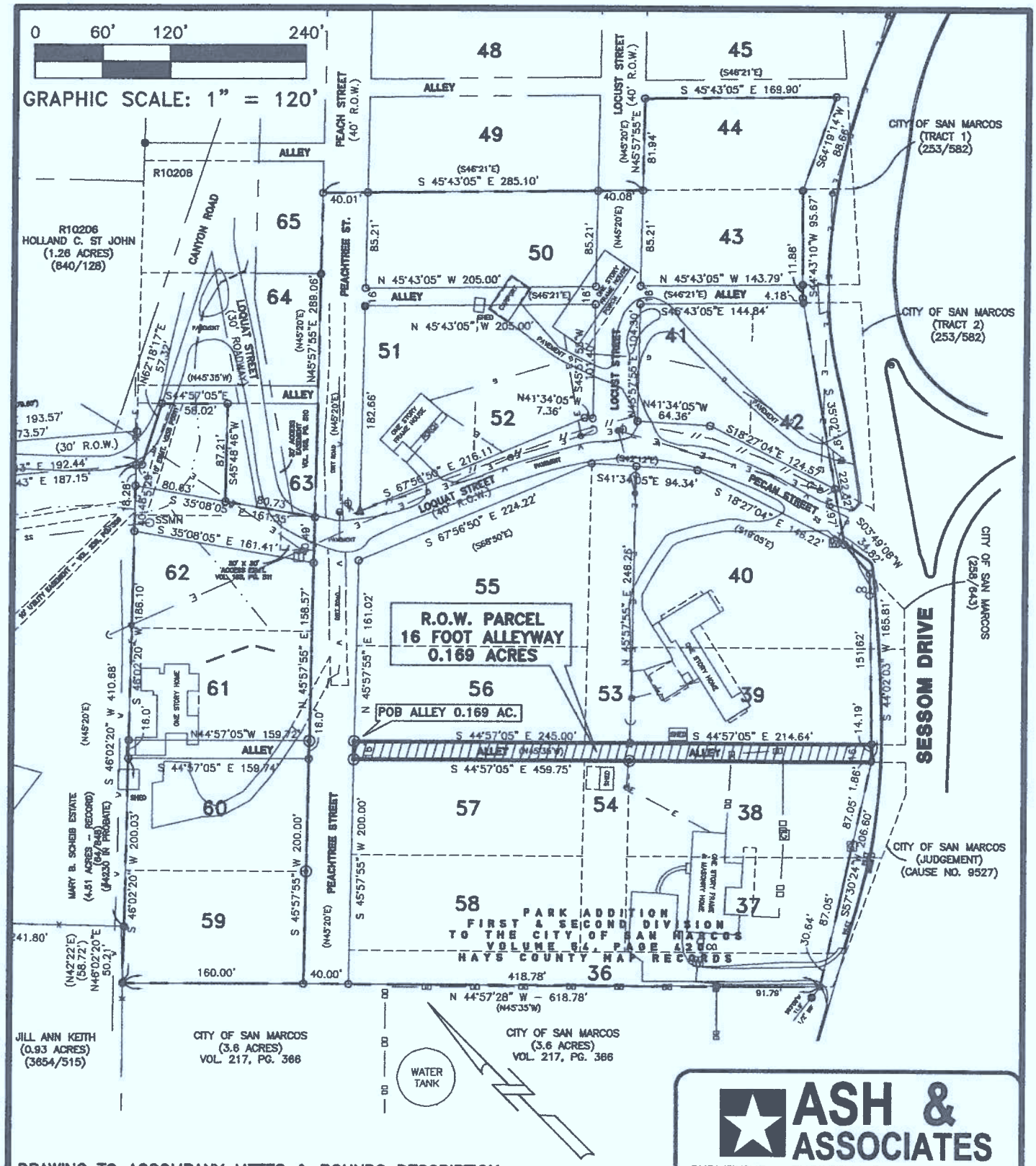

DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
RIGHT-OF-WAY PARCEL – 16 FOOT ALLEYWAY

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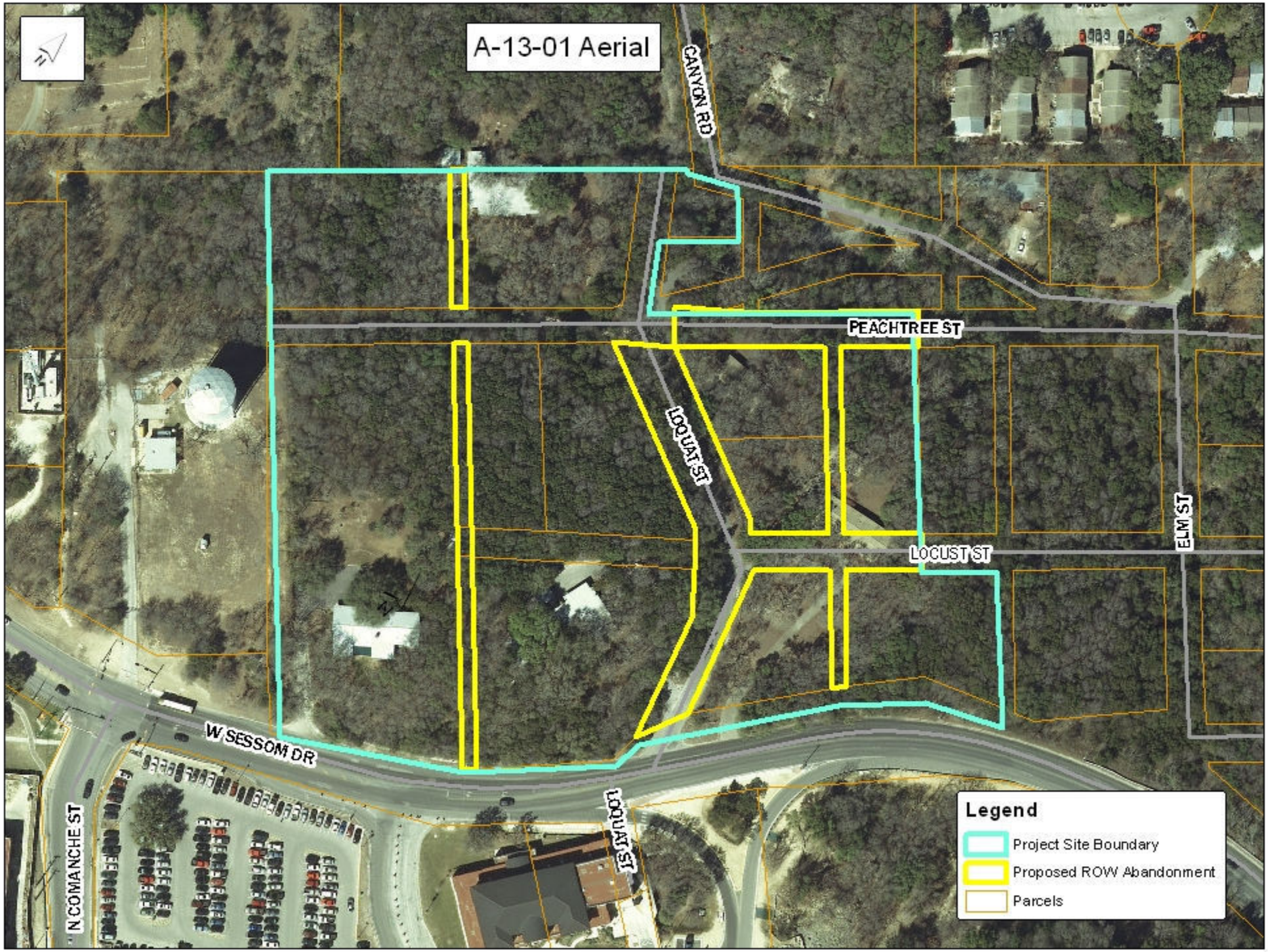
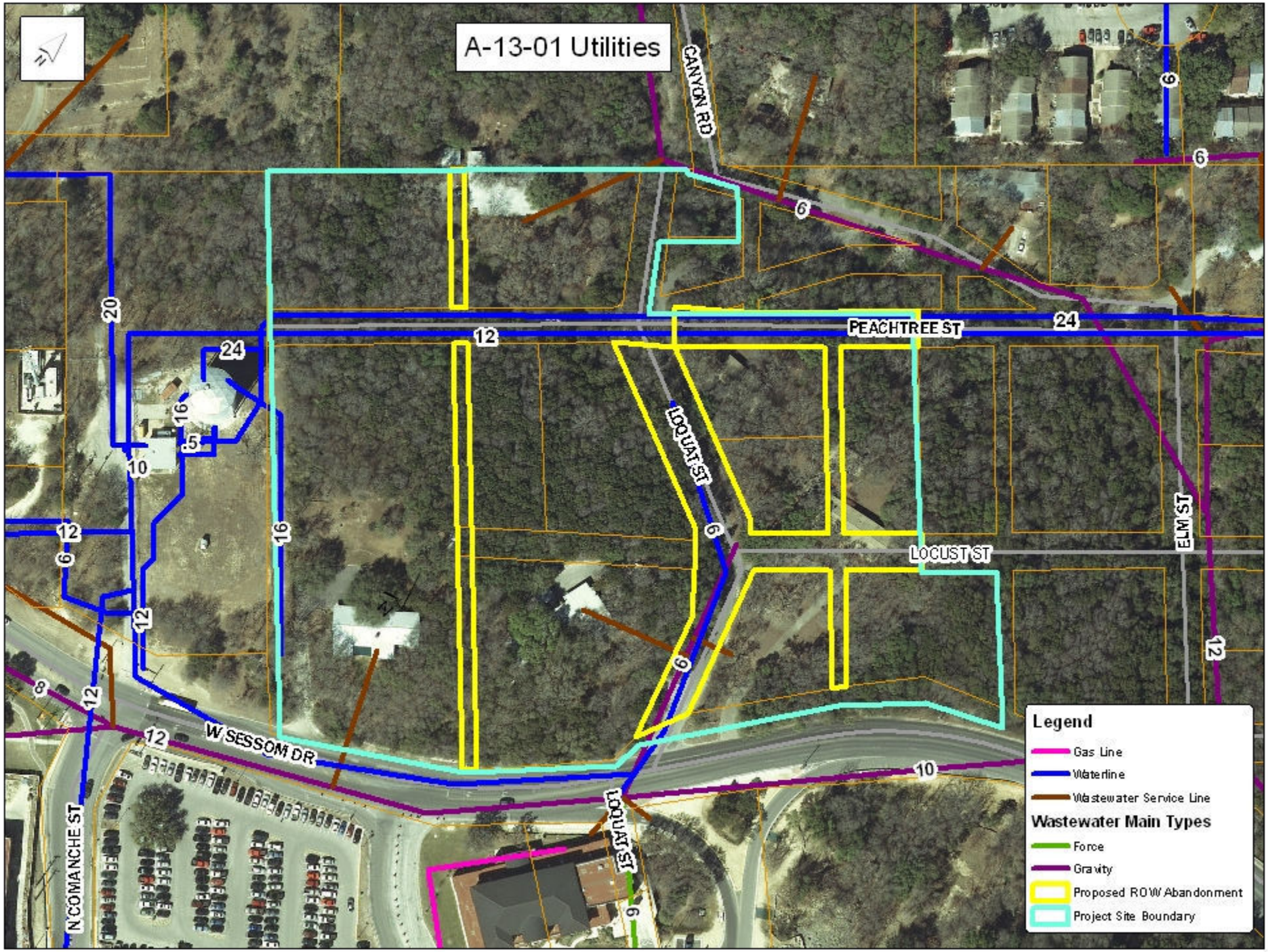

A-13-01 Aerial
CANYON RD
PEACHTREE ST
LOQUAT ST
LOCUST ST
ELM ST
W SESSOM DR
N COMANCHE ST
LOQUAT ST
Legend
Project Site Boundary
Proposed ROW Abandonment
Parcels


A-13-01 Utilities
CANYON RD
PEACHTREE ST
LOQUAT ST
LOCUST ST
ELM ST
W SESSOM DR
N COMANCHE ST
Legend
Gas Line
Waterline
Wastewater Service Line
Wastewater Main Types
Force
Gravity
Proposed ROW Abandonment
Project Site Boundary

$800

11/09

RECEIVED
JAN 14 2013

A-13-01

City of San Marcos

ALLEY AND STREET ABANDONMENT APPLICATION

APPLICANT

Name: Darren Casey Interests Phone No. (210) 829-1717

Mailing Address: 814 Arion Parkway, Suite 200, San Antonio, Texas 78216

If different from applicant:

Property Owner's Name: See Attached List Phone No. _____

Address: See Attached List

PROPERTY

Legal Description and Location of Abandonment:

Lot See Attached Block See Attached Subdivision Park Addition, Third Division

NOTE: *Streets and alleys will be abandoned only in whole segments (between intersecting streets or terminus).*

TYPE OF ABANDONMENT

☒ **Street:** **Length:** SEE ATTACHED **Width:** _____

_____ Appraisal attached

_____ Check for appraisal attached

☐ **Alley:** **Length:** _____ **Width:** _____

(No appraisal required)

Documents indicating the consent to the abandonment by the owners of all property abutting the segment to be abandoned must be included with the application.

I understand the process of abandonment and I am aware of the cost and fees associated with this process. $150 filing fee must be submitted with this application form.

Signature of Applicant: _____ **Date:** 1/14/2013

Printed Name: THOMAS K. RHODES

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted by: _____ Date: _____

Checklist for Alley / Street Abandonment

- ❑ Applicant submits completed form and filing fee, including consent form(s) from other property owners with property adjacent to the proposed abandonment.
- ❑ Create case map.
- ❑ Prepare memo to departments and service providers for review and comment (include copy of map). {Allow one week for responses}
- ❑ Prepare summary of comments received.
- ❑ Notification by certified mail to all adjacent property owners, including applicant. {at least 10 days prior to Planning & Zoning Commission meeting}
- ❑ Prepare staff report for Planning & Zoning Commission meeting (include supporting materials: staff report, map, application documents, and summary of department comments).
  {due for agenda packet 1 week prior to P&Z meeting}
- ❑ After P&Z meeting, enter City Council Agenda Request into MuniAgenda (include supporting materials: staff report, map, application documents, summary of department comments, and P&Z minutes).

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

Signed: _____ Date: 1/14/2013

Print Name: THOMAS K RHODES

☐ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☒ Agent: ETR DEV. CORP.

Agenda Information

AGENDA CAPTION:

Receive an update from Staff and discussion regarding a potential Extra-Territorial Jurisdiction Agreement with the City of Kyle.

Meeting date: May 28, 2013

Department: Development Services

Funds Required: na

Account Number: na

Funds Available: na

Account Name: na

CITY COUNCIL GOAL:

Big Picture Infrastructure

BACKGROUND:

Staff has worked with the City of Kyle to propose new boundaries for each city's Extra-Terratorial Jurisdiction (ETJ). This will involve each city releasing a portion of its ETJ to the other city. This action must be approved by the City Council of each municipality.

The purpose of the proposal is to reduce the number of properties that are within multiple jurisdictions and to align jurisdictional boundaries with physical boundaries such as rights-of-way where possible. The current boundaries are based on buffers from the City Limits of each city, and do not correspond to property lines, right-of-way or other geographic boundaries.

Negotiations are still underway, but under the current proposal, the area shown in green would change from Kyle ETJ to San Marcos, and the area shown in blue would change from San Marcos ETJ to Kyle except for any portion that is more than two miles from Kyle's City Limits, which is the limit of Kyle's staututory ETJ. This is the large blue area shown along Highway 21 and Highway 150. San Marcos will consider amending the Agreement to release this area to Kyle in the event that Kyle’s ETJ extends in the future.

Staff has verified the information in the memo from Kyle, which shows that the areas and assessed values are comparable.

This item does not require action by the Commission, but Staff is presenting it to keep the Commission informed prior to Council consideration.

ATTACHMENTS:

Memo from Kyle
Map

MEMO

To: Jim Nuse, City Manager- City of San Marcos

Matthew Lewis, Director of Development Services- City of San Marcos

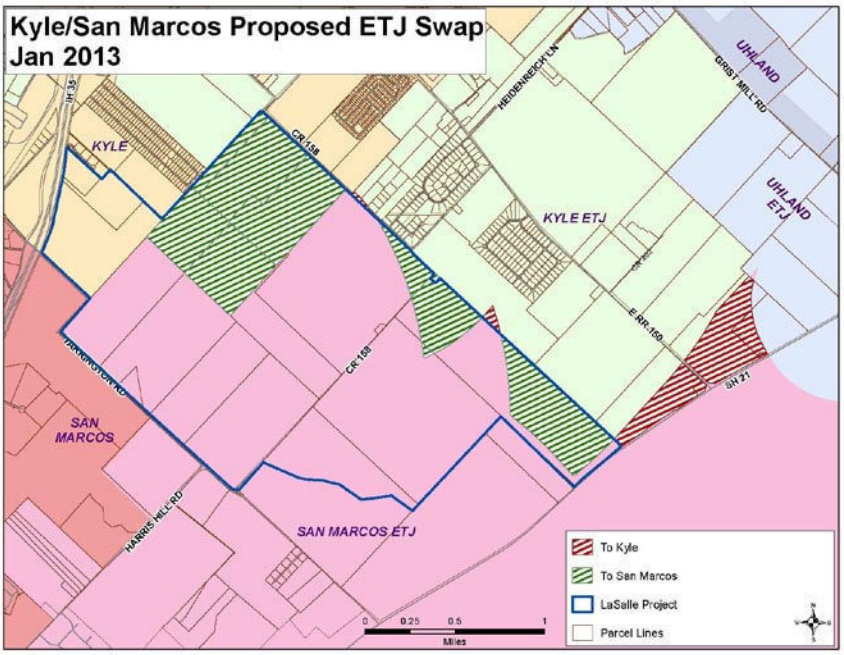
From: Sofia Nelson, Director of Planning

Date: February 5, 2013

Re: City of San Marcos- City of Kyle ETJ boundary

Thank you both for the meeting on Tuesday, January 29th. This memo is a recap of our discussion regarding the City of San Marcos/City of Kyle ETJ boundary and potential land swaps. Below I have included a map outlining the boundaries of the LaSalle Tract and the areas that collectively we can support going to the other jurisidction. Additionally, page 2 of this memo continains a breakdown of the total acreage and assessed values for each of the areas that we discussed exchanging.

As we discussed on the 29th both jurisdictions would like to have the Planning and Zoning Commission make a recommendation to the City Council on this item. Please let me know if you have any concerns about what is represented on the map and/or calcualtions on the following page. I will wait to hear from you regarding your preferred timing for taking this to the Planning and Zoning Commission and City Council and will align our review dates with yours. Once we have a schedule I wil have our GIS cordinator put together the boundary descriptions and send those over to you for your files.



TO SAN MARCOS

	ACRES	VALUE
	182.259	$100,242.00
	1.69	$1,732.00
	0.9937	$130,877.00
	18.25	$52,845.00
	19	$3,390.00
	101.8	$17,480.00
	114.8	$20,350.00
	82.077	$945,160.00
	66.78	$375,980.00
Totals	**587.6497**	**$1,648,056.00**

TO KYLE

	Acres	Value
	22.9	$94,937.0
	40.9	$133,853.0
	0.32	$26,338.0
	76.61	$12,105.0
	12.22	$1,097,840.0
	33.4	$120,332.0
	3.42	
	0.063757	$511.0
	0.44	$5,125.0
	0.845	
	1.25	$5,198.0
	1.125	$4,919.0
Totals	**193.493757**	**$1,501,158.0**

Kyle/San Marcos Land Swap

NORTH

0 750 1,500 Feet

Proposed ETJ
San Marcos ETJ
Land to Kyle
Land to San Marcos
San Marcos Parcels
Hays County Parcels

Value of Land to San Marcos - $1,645,242
Value of Land to Kyle - $1,501,158

Note:Some parcel data was unavailable.
Several parcels are under ag exemption.

Map Date: March 14, 2013

R14884
101.778009 ac
Value Per Acre:$N/A
Total Value:$17,480 (From Kyle)

R70463
114.795734 ac
Value Per Acre:$N/A
Total Value:$20,350 (From Kyle)

R14883
19.193801 ac
Value Per Acre:$N/A
Total Value:$3,390 (From Kyle)

R103367
1.125195 ac
Value Per Acre:$4,372
Total Value:$4,919

R88952
1.259905 ac
Value Per Acre:$4,126
Total Value:$5,198

R70250
66.781663 ac
Value Per Acre:$5,600
Total Value:$373,980

R?
0.845436 ac
Value Per Acre:$?
Total Value:$?

R14937
82.077931 ac
Value Per Acre:$11,513
Total Value:$945,160

R127764
0.440157 ac
Value Per Acre:$11,644
Total Value:$5,125

R94161
0.063757 ac
Value Per Acre:$8,025
Total Value:$511

R115651
18.255692 ac
Value Per Acre:$2,875
Total Value:$52,845

R14953
0.993782 ac
Value Per Acre:$130,877
Total Value:$130,063

R14955
3.428776 ac
Value Per Acre:$?
Total Value:$?

R14932
1.693188 ac
Value Per Acre:$1,023
Total Value:$1,732

R17630
22.998516 ac
Value Per Acre:$4,128
Total Value:$94,937

R14931
76.61832 ac
Value Per Acre:$158
Total Value:$12,105

R14874
182.259088 ac
Value Per Acre:$550
Total Value:$100,242

R14899
33.416307 ac
Value Per Acre:$3,601
Total Value:$120,332

R14956
0.328088 ac
Value Per Acre:$80,280
Total Value:$26,338

R135865
12.2233 ac
Value Per Acre:$89,815
Total Value:$1,097,840

R14925
40.946363 ac
Value Per Acre:$3,269
Total Value:$133,853

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

Agenda Information

AGENDA CAPTION:

Development Services Report
a. Update from Staff on implementation of *Vision San Marcos*.

Meeting date: May 28, 2013

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:

ATTACHMENTS:

052813 Comp Plan

PLANNING &
DEVELOPMENT SERVICES

MEMO

TO: **PLANNING & ZONING COMMISSION**
FROM: **MATTHEW LEWIS, DIRECTOR OF PLANNING & DEVELOPMENT SERVICES**
DATE: **May 20, 2013**
RE: **UPDATE ON IMPLEMENTATION OF VISION SAN MARCOS**

The Planning and Development Services (PADS) Department is hard at work preparing for implementation of the Comprehensive Plan *Vision San Marcos: A River Runs Through Us.* Please allow this memo to serve as an update on the various aspects of implementation in progress.

Land Development Code
PADS, in coordination with the Legal Department, is working on coding the items that were approved by City Council as part of the adopting ordinance. These include: changing the language in the LDC from "master plan" to "comprehensive plan", establishing criteria and a schedule for reviewing requests to change the preferred scenario map, removing language that references the Horizons Master Plan and incorporating language referencing the Vision San Marcos Comprehensive Plan.

The Commission should expect to see this first round of revisions in June as well as the first zoning change requests that will be evaluated based on the new plan.

Staff is also preparing for a more thorough code revision to implement *Vision San Marcos*. The process will involve analyzing and gathering input on the current code, deciding whether to revise or rewrite the code entirely, and then making changes as necessary to implement *Vision San Marcos*. This process will take approximately a year to complete.

> If you would like to provide input, please take the survey at:
> http://sanmarcostx.gov/index.aspx?page=744

Neighborhood Character Studies
PADS staff is working to delineate study area boundaries that will be presented to the Commission in July – this will meet one of the Goals set by the P&Z at their retreat on May 8th.

Transportation Plan
PADS, in coordination with Engineering, is working on a scope for the transportation plan. PADS staff plans to be very involved in the planning process to ensure the vision of Vision San Marcos is echoed throughout the document.

Five- Year Action Items
PADS staff is working with various city departments and other entities to delegate the completion of the Comprehensive Plan objectives. The City Manager's Office will use the objectives in the 5 year achievable timeframe to work with City Council in establishing Goals that are in line with the visions of the Comprehensive Plan.

Oversight Committee
PADS staff presented to City Council on May 21st the recommended roles, meeting schedule and make up of this committee and requested direction based on these recommendations.