



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, October 13, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.

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

Persons wishing to comment during the Citizen Comment Period must submit their written comments or requests to speak to planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting. A link to join by phone, mobile device, laptop or desktop will be sent. Timely submitted written comments will be read aloud during the Citizen Comment portion of the meeting. Written or oral comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read.

EXECUTIVE SESSION

NOTE: Pursuant to Chapter 551 of the Texas Government Code, 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.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of September 22, 2020.
2. PC-20-47 (Whisper Mixed Use Subdivision Phase 1B Final Plat) Consider a request by Vigil & Associates, on behalf of 135 Residential Development, L.L.C. and Whisper Master Community, L.P., to approve a Final Plat for 17.64 acres, more or less, out of the Joel Miner Survey, Abstract No. 321, generally located east of IH-35, west of Harris Hill Road. (A. Brake)

PUBLIC HEARINGS

Interested persons may join and participate in any of the Public Hearing items (3-4) by:
1) Sending written comments, to be read aloud*; or

2) Requesting a link to speak during the public hearing portion of the virtual meeting, including which item you wish to speak on*.

*Written comments or requests to join in a public hearing must be sent to planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the hearing. Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read. To view the meeting please go to <http://sanmarcostx.gov/541/PZ-Video-Archives> to view the live stream, or watch on Grande Channel 16 or Spectrum Channel 10. For additional information on making comments during the Public Hearings please visit <http://www.sanmarcostx.gov/3103/18805/Citizen-Comments-Virtual-Meetings>

- 3. CUP-20-18 (Chuck Nash) Hold a public hearing and consider a request by Matthew Opuszenski on behalf of Charles D. Nash for Conditional Use Permit for an automotive body shop within a General Commercial zoning district located at 3209 North IH-35. (W. Parrish)
- 4. ZC-20-23 (Vantage San Marcos) Hold a public hearing and consider a request by Chris Weigand, on behalf of Mohnke Poor Farm LLC, for a Zoning Change from Future Development (FD) to Character District - 2.5 (CD-2.5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 12.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County, located near the intersection of Hwy 123 and Monterey Oak Drive. (W. Parrish)

NON-CONSENT AGENDA

- 5. Receive a presentation regarding the formation of a Community Development Block Grant - Mitigation (CDBG-MIT) Advisory Committee and consider designating some members of the Planning and Zoning Commission to serve on such committee.
- 6. Selection of up to two Planning and Zoning Commission members to serve on the Comprehensive Plan Steering Committee.

V. 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:



Legislation Text

File #: ID#20-688, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the regular meeting of September 22, 2020.

Meeting date: October 13, 2020

Department: Planning and Zoning Commission

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

File #: ID#20-688, **Version:** 1

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Click or tap here to enter text.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, September 22, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.

I. Call To Order

With a quorum present the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Chair Gleason at 6:02 p.m. on Tuesday, September 22, 2020 via Virtual Meeting due to COVID-19.

II. Roll Call

Present 9 - Commissioner Mike Dillon, Commissioner Matthew Haverland, Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, Commissioner William Agnew, Commissioner Mark Gleason, Commissioner Kate McCarty, and Commissioner Griffin Spell

III. Chairperson's Opening Remarks

EXECUTIVE SESSION

IV. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta, 1322 Belvin, said she needs an expert to determine if her Heritage Live Oaks have suffered. She added that the City Council has never done a review of the Complete Streets Programs since its inception in 2013. She said her street looks like a war zone with dust, heavy machinery, busted bulbouts, and her cracked tile and wall because of an overlay and speed bumps, which she said was a personal favor from the City Manager. She also mentioned that her trees were butchered during the winter months.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of August 25, 2020.
2. Consider approval of the minutes of the regular meeting of September 8, 2020.

A motion was made by Commissioner Kelsey, seconded by Commissioner Haverland, that the Consent Agenda be approved. The motion carried by the

following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

PUBLIC HEARINGS

3. AC-20-11 (Twin Peaks Restaurant) Hold a public hearing and consider a request by Paul Stevens, on behalf of Alden Short Inc, for an Alternative Compliance Request to not meet maximum site lighting levels of Section 7.5.2.1(b) and light trespass onto adjacent properties of Section 7.5.2.3, for approximately 2.3 acres known as Lot 1C, Quarters Addition, located at 1207 S IH 35. (M. Johnson)

This item was postponed by the applicant.

4. CUP-20-13 (Longhorn Daiquiris) Hold a public hearing and consider a request by Andrea Villescaz on behalf of G&S Development LLP, for a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 1617 Aquarena Springs Drive. (A. Hernandez)
Chair Gleason opened the Public Hearing.

Amanda Hernandez, Development Services Manager, gave an overview of the request.

Chair Gleason closed the Public Hearing.

Discussion ensued.

Chair Gleason reopened the Public Hearing to allow the applicant the opportunity to speak since they had technical difficulties.

Andrea Villescaz, 1525 Amberwood Loop, Kyle, TX, said Longhorn Daiquiris is in good standing with TABC, with a location in Austin, and they wanted to open a restaurant in San Marcos with a beer and wine license. She said they rented out the restaurant space, and had an incident with the renters where the police was called because of fights in the parking lot. She said they are asking for a beer and wine permit to be able to serve guests in the restaurant and to-go.

Chair Gleason closed the Public Hearing.

Discussion ensued.

A motion was made by Commissioner Kelsey, seconded by Commissioner Haverland, that CUP-20-13 (Longhorn Daiquiris) be denied. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

A motion was made by Commissioner Gleason, seconded by Commissioner McCarty, that the Public Hearing for CUP-20-13 (Longhorn Daiquiris) be reopened. The motion carried by the following vote:

For: 5 - Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Gleason and Commissioner McCarty

Against: 4 - Commissioner Dillon, Commissioner Kelsey, Commissioner Agnew and Commissioner Spell

A motion was made by Commissioner Agnew, seconded by Commissioner Spell, that CUP-20-13 (Longhorn Daiquiris) be denied. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

5. CUP-20-16 (Stellar Coffee Co) Hold a public hearing and consider a request by Keith Myrick, on behalf of Stellar Coffee, for a renewal of an Unrestricted Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 232 N LBJ Dr, Ste 101 (T. Carpenter).

Chair Gleason opened the Public Hearing.

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

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Haverland, seconded by Commissioner Kelsey, that CUP-20-16 (Stellar Coffee Co) be approved with the following conditions: 1.) Permit shall be valid for three (3) years, provided standards are met, and 2.) The permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

6. ZC-20-12 (Steen Road) Hold a public hearing and consider a request by Mike Siefert, on behalf of LOP/SM Properties LLC for a Zoning Change from Future Development (FD) to Single Family 6 (SF-6), for approximately 14.71 acres out of the J.W. Berry Survey, located near N LBJ Drive and Steen Road. (T. Carpenter)

Chair Gleason opened the Public Hearing.

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

Randall and Diane Osborne, 1 Timbercrest St., submitted written comments that were read aloud. They wrote in opposition of the item, expressing that the Steen Rd. access off N. LBJ Dr. was dangerous. They also expressed flooding concerns.

Steven Aycock submitted written comments that were read aloud. He express concerns for a high density neighborhood, and the impact that would have on traffic. He also runoff concerns into Sink Creek and the San Marcos River.

George Gilbert, 15 Timbercrest St., submitted written comments that were read aloud. He wrote in opposition of the request. He expressed concerns for wildlife in the area, and that changing the density would ruin the beauty of the area. He also expressed concerns for overloading the water and road symptoms, including getting emergency personnel into the area.

Dr. Jane Saunders, 7 Timbercrest St., submitted written comments that were read aloud. She expressed concerns about encroachment, traffic and noise. She also asked about the environmental impact of the creek behind the proposed property.

Mary Ann and Robert Moerke, 110 Oak Ridge Dr., submitted written comments that were read aloud. They expressed several concerns regarding the proposed zoning change. Their first concerns was whether the infrastructure in place could support the proposed development. They expressed concerns that more density to the area might bring, including increased traffic and noise.

Dan Caldwell, 3 Timbercrest St., submitted written comments that were read aloud. He said he needed more information on the project, and has several questions. He asked what will be built, and whether traffic impact, hydrology, and environmental studies had been done. He also asked how the project would affect wildlife in the area, and what the timeline for the project was.

Lee Elliott Stern, Oak Ridge Dr., submitted written comments that were read aloud. He lives adjacent to the proposed property, and expressed aesthetic, environmental and economic concerns related to the project.

Harold Stern, 201 Oak Ridge Dr., spoke in opposition of the proposed zoning change. He said that any additions should be compatible with the current neighborhood, and the proposed zoning is not because the lot sizes are too small, not keeping with the existing

character. He also mentioned concerns for increased traffic. He also said the ecological impact and lack of parkland dedication hasn't been considered for this area.

Diane Eure, 11 Timbercrest, spoke in opposition of the item. She expressed concerns for increased traffic on LBJ, the environment due to runoff, and wildlife displacement. She said the one-way access to the property would be a safety issue, said she questions whether fire trucks would have enough room to turn onto Steen Rd. She said a Traffic Impact Analysis, water study, ecological and an archeological assessment should be completed before the zoning change. She also said the proposed request would be inconsistent with the surrounding neighborhood.

Naomi Medina, 5 Timbercrest, wanted to emphasize that the decisions that are made now shape the decisions that are made in the future. She added that the decision has greater implications than just Timbercrest, Oak Ridge, LBJ and wildlife.

Richard Medina, 5 Timbercrest, spoke in opposition of the item, saying he needs more information. He said that they don't know what the developer has planned for the area, and hasn't seen any plans. He added that makes voting on a zoning change difficult. He said the density would destroy the integrity of the neighborhood. He also said there's a piece of land that's not included in the request, and asked if that could be changed to multi-family zoning.

Mike Siefert, (applicant representative) 2721 Long Lasso Pass, Leander, TX, spoke in favor of the item. He said they develop master-planned communities. He said they have 16-acres at this location, and two of the acres are zoned SF-6, so their goal is to get the remaining 14 acres to match. He added that they looked at adjacent zoning surrounding the proposed property, and they were zoned SF-6. He said they are not requesting any variances to the City's code.

Chair Gleason closed the Public Hearing.

Discussion ensued.

A motion was made by Commissioner Kelsey, seconded by Commissioner McCarty to postpone ZC-20-12 (Steen Road) until the November 10, 2020 Planning and Zoning Commission meeting.

Commissioners Kelsey and McCarty withdrew their motions.

A motion was made by Commissioner Kelsey, seconded by Commissioner Haverland, that ZC-20-12 (Steen Road) be recommended for denial. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

V. Adjournment

The meeting was adjourned at 7:30 p.m.

Notice of Assistance at the Public Meetings

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

_____ Title:



Legislation Text

File #: PC-20-47, **Version:** 1

AGENDA CAPTION:

PC-20-47 (Whisper Mixed Use Subdivision Phase 1B Final Plat) Consider a request by Vigil & Associates, on behalf of 135 Residential Development, L.L.C. and Whisper Master Community, L.P., to approve a Final Plat for 17.64 acres, more or less, out of the Joel Miner Survey, Abstract No. 321, generally located east of IH-35, west of Harris Hill Road. (A. Brake)

Meeting date: October 13, 2020

Department: Planning & Development Services

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative: N/A

Comprehensive Plan Element (s):

- Economic Development
- Environment & Resource Protection
- Land Use
- Neighborhoods & Housing
- Parks, Public Spaces & Facilities
- Transportation
- Core Services
- Not Applicable

Master Plan: N/A

Background Information:

The subject property is part of the Whisper Texas Planned Development District (PDD) within the mixed-use portion of the development. This Phase provides for the development of 82 single family residential lots, and two park lots. The H.O.A. will be responsible for the maintenance of the park lots. The proposed plat is consistent with development standards set forth in the PDD.

Council Committee, Board/Commission Action:

Alternatives:

Recommendation:

Staff has reviewed the request and determined the Final Plat meets all requirements of Section 3.2.3.4 of the Development Code and recommends **approval** of PC-20-47.

Plat - Final
PC-20-47

Whisper Mixed Use
Subdivision – Phase 1B



Summary

Request:	Consideration of a Final Plat with 82 single family lots and two park lots.		
Applicant:	Hermann Vigil, P.E. Vigil & Associates 4303 Russell Drive Austin, TX 78704	Property Owner:	Robert W. McDonald, III Whisper Residential, LLC 9811 South IH-35, Bldg. 3 Suite 100 Austin, TX 78744
Parkland Required:	8.94 acres	Utility Capacity:	Adequate / By Developer
Accessed from:	Harris Hill Road and Opportunity Boulevard (a new PID funded roadway)	New Street Names:	Solitude Drive, Docile Loop, Bethpage Drive, Ballyneal Drive, Callado Circle

Notification

Application:	N/A	Neighborhood Meeting:	N/A
Published:	N/A	# of Participants:	N/A
Posted:	N/A	Personal:	N/A
Response:	None as of the date of this report.		

Property Description

Location:	East of IH-35, west of Harris Hill Road		
Acreage:	17.64 acres	PDD/DA/Other:	Ord. # 2017-40
Existing Zoning:	Mixed Use	Preferred Scenario:	Employment Center
Proposed Use:	Single family		
CONA Neighborhood:	N/A	Sector:	6

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	MU – Mixed Use	Phase 1A of Whisper Development	Employment Center
South of Property:	MU – Mixed Use	Vacant; future Phase of Whisper Development	Employment Center
East of Property:	No Zoning - ETJ	Phase 1A of Whisper Development	Employment Center
West of Property:	FD – Future Development	Vacant	Area of Stability/Low Intensity

Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
Staff: Alison Brake, CNU-A Title : Historic Preservation Officer & Planner Date: October 8, 2020					

Plat - Final

PC-20-47

**Whisper Mixed Use
Subdivision – Phase 1B**



History

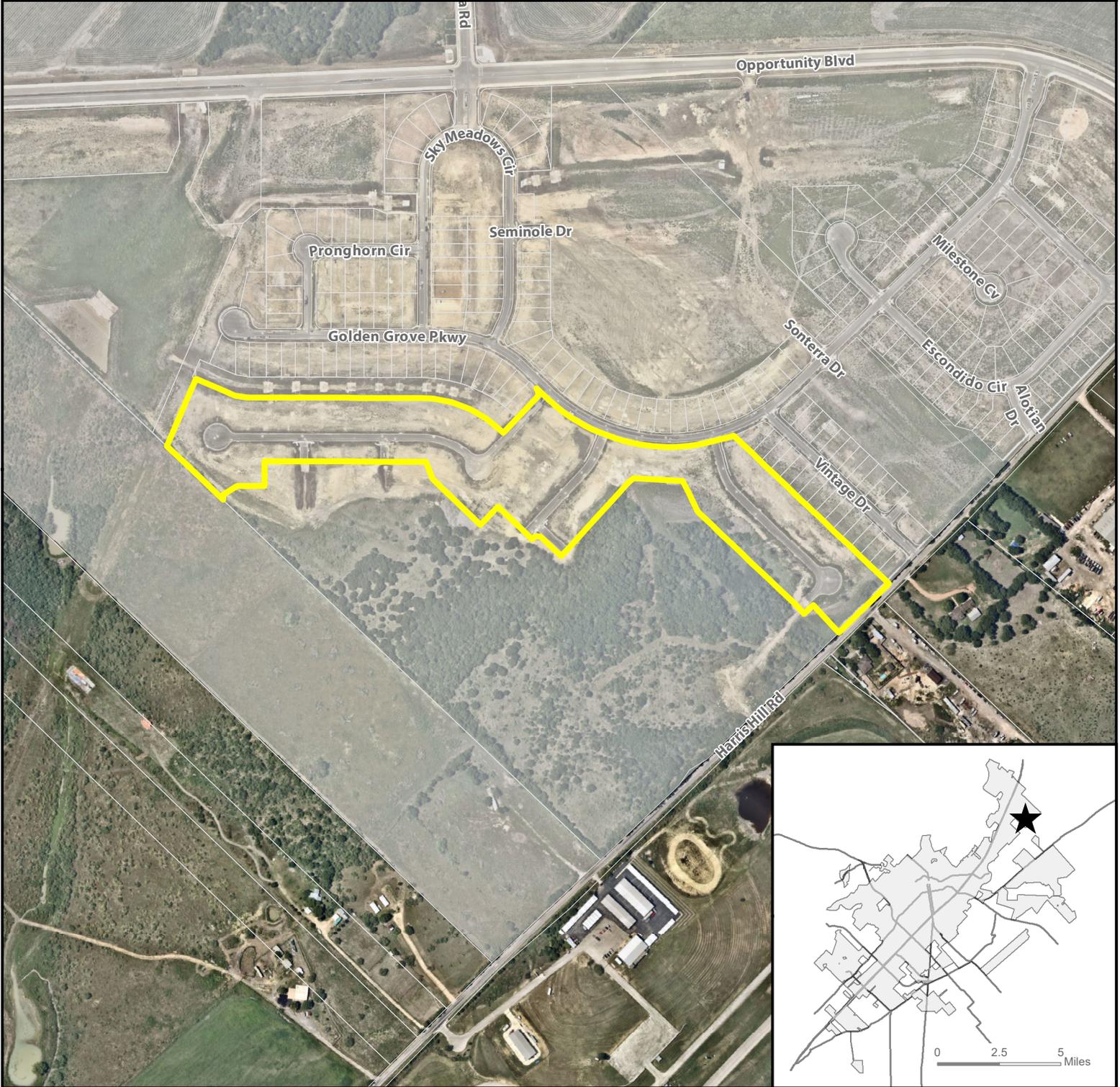
The subject property is part of the Whisper Texas Planned Development District (PDD) within the mixed-use portion of the development. This Phase provides for the development of 82 single family residential lots, and two park lots. The H.O.A. will be responsible for the maintenance of the park lots. The proposed plat is consistent with development standards set forth in the PDD.

Additional Analysis

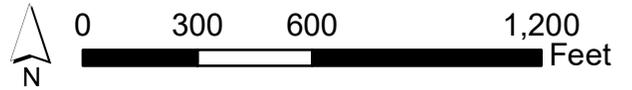
All requirements of Section 3.2.3.4 of the Development Code have been met.

Evaluation			Criteria for Approval (Sec.3.2.3.4)
Consistent	Inconsistent	Neutral	
		<u>N/A</u>	If no preliminary subdivision or development plat has been approved the criteria in Section 3.2.2.4 shall apply;
<u>X</u>			The final subdivision plat or final development plat, as applicable, conforms to the approved preliminary subdivision plat or preliminary development plat, except for minor changes authorized under Section 3.2.3.5;
<u>X</u>			Where public improvements have been installed, the improvements conform to the approved public improvement construction plans and have been approved for acceptance by the Responsible Official;
		<u>N/A</u>	Where the Planning and Zoning Commission has authorized public improvements to be deferred, the subdivision improvement agreement and surety have been executed and submitted by the property owner in accordance with Section 3.4.2.1;
<u>X</u>			The final layout of the subdivision or development meets all standards for adequacy of public facilities in accordance with Section 3.5.1.1; and
		<u>N/A</u>	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.

PC-20-47 Aerial View Whisper Mixed Use Phase 1B



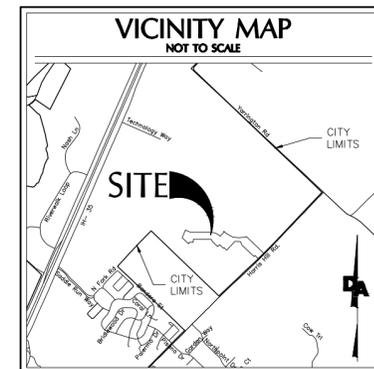
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



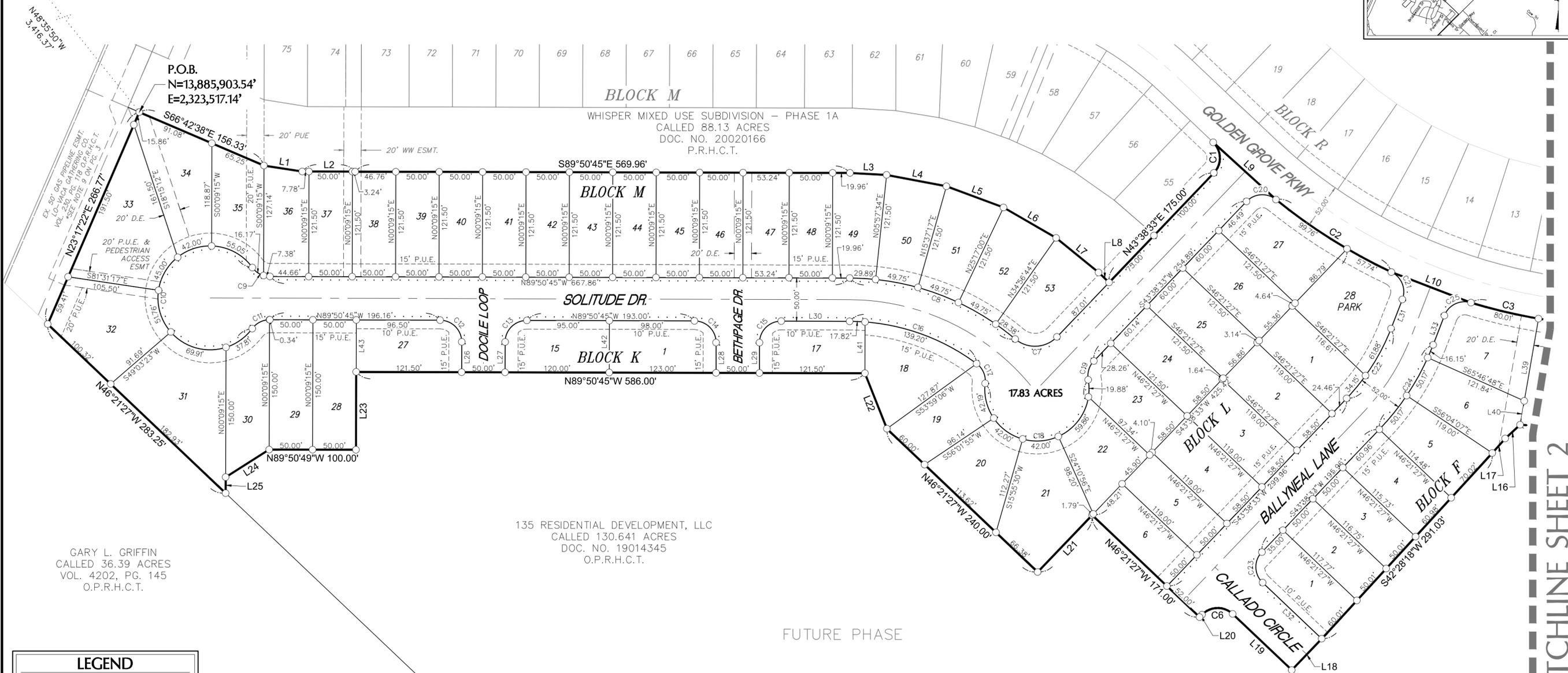
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 9/21/2020

WHISPER MIXED USE SUBDIVISION - PHASE 1B



CITY OF SAN MARCOS MARKER
N= 13,888,162.95
E= 2,320,954.59



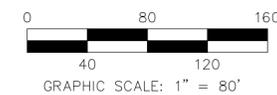
GARY L. GRIFFIN
CALLED 36.39 ACRES
VOL. 4202, PG. 145
O.P.R.H.C.T.

135 RESIDENTIAL DEVELOPMENT, LLC
CALLED 130.641 ACRES
DOC. NO. 19014345
O.P.R.H.C.T.

JOEL MINER SURVEY
ABSTRACT NO. 321

FUTURE PHASE

LEGEND	
	PHASE LINE
	LOT LINE
	R.O.W. LINE
	CENTERLINE OF ROAD
	EASEMENT
	SIDEWALK
	1/2" IRON ROD WITH "DOUCET" CAP SET
DOC. NO.	DOCUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
WW ESMT.	WASTEWATER EASEMENT
D.E.	DRAINAGE EASEMENT
ESMT.	EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS



MATCHLINE SHEET 2



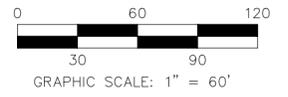
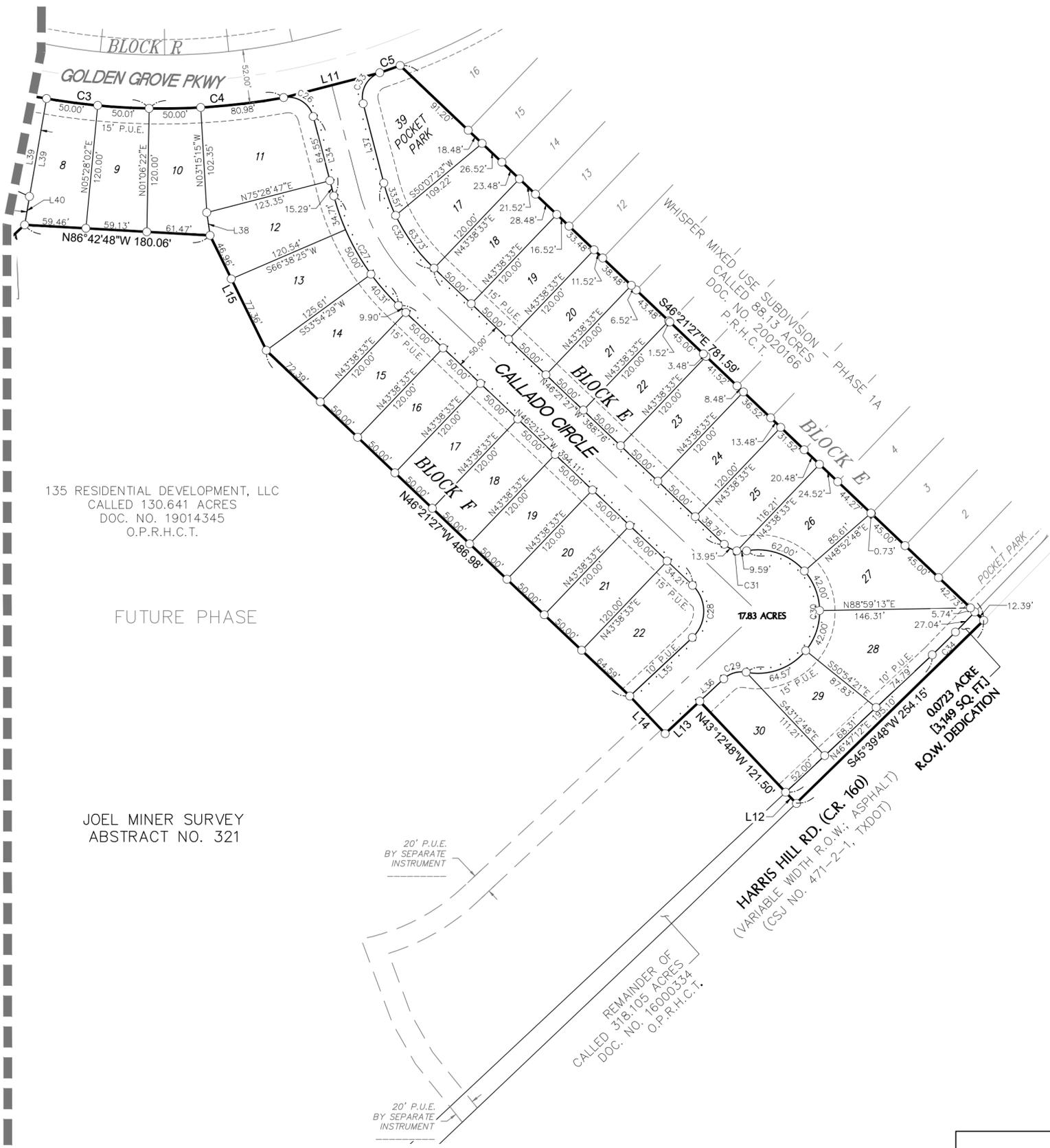
OWNER: (RESIDENTIAL) 135 RESIDENTIAL DEVELOPMENT, LLC 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	SURVEYOR: DOUCET & ASSOCIATES 7401 B. HWY 71, ST. 160 AUSTIN, TX 78735 TEL: (512) 583-2600	ENGINEER: VIGIL & ASSOCIATES 4005 BANNISTER LN, ST. 225C AUSTIN, TX 78704 TEL: (512) 326-2667 FIRM REG. #F-4768	Date: 09/08/2020
			Scale: 1" = 80'
			Drawn by: AC
			Reviewer: GC
			Project: 1811-001
			Sheet: 1 OF 3
			Field Book: 523
			Party Chief: JSM
			Survey Date: 11/15/2019

WHISPER MIXED USE SUBDIVISION - PHASE 1B



LEGEND	
	PHASE LINE
	LOT LINE
	R.O.W. LINE
	CENTERLINE OF ROAD
	EASEMENTS
	SIDEWALK
	1/2" IRON ROD WITH "DOUCET" CAP SET
	DOC. NO. DOCUMENT NUMBER
	R.O.W. RIGHT-OF-WAY
	P.O.B. POINT OF BEGINNING
	WW ESMT. WASTEWATER EASEMENT
	D.E. DRAINAGE EASEMENT
	ESMT. EASEMENT
	P.U.E. PUBLIC UTILITY EASEMENT
	O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS

MATCHLINE SHEET 1



OWNER: (RESIDENTIAL) 135 RESIDENTIAL DEVELOPMENT, LLC 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	SURVEYOR: DOUCET & ASSOCIATES 7401 B. HWY 71, ST. 160 AUSTIN, TX 78735 TEL: (512) 583-2600	ENGINEER: VIGIL & ASSOCIATES 4005 BANNISTER LN, ST. 225C AUSTIN, TX 78704 TEL: (512) 326-2667 FIRM REG. #F-4768	Date: 09/08/2020
			Scale: 1" = 60'
			Drawn by: AC
			Reviewer: GC
			Project: 1811-001
			Sheet: 2 OF 3
			Field Book: 523
			Party Chief: JSM
			Survey Date: 11/15/2019

WHISPER MIXED USE SUBDIVISION - PHASE 1B

LINE	BEARING	DISTANCE
L1	S81°11'35"E	44.66'
L2	S89°50'45"E	61.02'
L3	S86°56'36"E	42.18'
L4	S79°12'35"E	70.15'
L5	S69°32'51"E	70.15'
L6	S59°53'08"E	70.15'
L7	S50°42'22"E	63.16'
L8	S46°21'27"E	16.67'
L9	S47°33'15"E	98.05'
L10	S68°54'23"E	98.26'
L11	N75°28'47"E	96.33'
L12	S44°04'40"E	14.70'
L13	S46°47'12"W	46.07'
L14	N43°12'48"W	50.00'
L15	N25°59'22"W	124.32'
L16	S47°11'43"W	23.41'
L17	S41°23'22"W	22.36'
L18	S43°38'33"W	50.00'
L19	N46°21'27"W	94.00'
L20	S43°38'33"W	4.00'
L21	S43°38'33"W	91.00'
L22	N21°30'41"W	68.95'
L23	S00°09'15"W	90.00'
L24	S57°26'57"W	59.42'
L25	S00°09'15"W	18.50'
L26	N46°59'07"E	35.00'
L27	N46°59'07"E	35.00'
L28	N46°59'07"E	35.00'
L29	N46°59'07"E	35.00'
L30	N89°50'45"W	78.70'
L31	N21°05'37"E	36.16'
L32	N46°21'27"W	94.00'
L33	N21°05'37"E	36.16'
L34	S14°31'13"E	79.84'
L35	N46°47'12"E	83.21'
L36	N46°47'12"E	31.78'
L37	S14°31'13"E	79.84'
L38	S08°20'04"E	22.49'
L39	S09°49'39"W	96.56'
L40	S09°49'39"W	27.96'
L41	N46°59'07"E	59.35'
L42	N46°59'07"E	60.00'
L43	N00°09'15"E	60.00'

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	39.27'	25.00'	90°00'00"	N01°21'27"W	35.36'
C2	157.50'	657.00'	13°44'08"	S57°45'00"E	157.13'
C3	180.02'	657.00'	15°41'56"	S81°02'40"E	179.45'
C4	130.98'	657.00'	11°25'20"	N85°23'42"E	130.76'
C5	20.96'	657.00'	1°49'40"	N70°21'41"E	20.96'
C7	53.03'	35.00'	86°48'55"	N87°03'00"E	48.10'
C8	207.51'	295.00'	40°18'12"	N69°41'39"W	203.26'
C9	23.55'	25.00'	53°58'05"	S62°51'42"E	22.69'
C10	301.53'	60.00'	287°56'10"	S00°09'15"W	70.59'
C11	23.55'	25.00'	53°58'05"	S63°10'13"W	22.69'
C12	39.27'	25.00'	90°00'00"	N44°50'45"W	35.36'
C13	39.27'	25.00'	90°00'00"	S45°09'15"W	35.36'
C14	39.27'	25.00'	90°00'00"	N44°50'45"W	35.36'
C15	39.27'	25.00'	90°00'00"	S45°09'15"W	35.36'
C16	157.01'	245.00'	36°43'10"	N71°29'10"W	154.34'
C17	25.94'	25.00'	59°26'53"	N23°24'08"W	24.79'
C18	205.93'	60.00'	196°38'51"	N87°59'53"E	118.74'
C19	23.55'	25.00'	53°58'05"	S16°39'30"W	22.69'
C20	37.30'	25.00'	85°28'31"	S86°22'48"W	33.93'
C21	37.40'	25.00'	85°42'41"	N21°45'43"W	34.01'
C22	96.03'	244.00'	22°32'56"	N32°22'05"E	95.41'
C23	39.27'	25.00'	90°00'00"	S01°21'27"E	35.36'
C24	116.49'	296.00'	22°32'56"	N32°22'05"E	115.74'
C25	37.40'	25.00'	85°42'41"	S63°56'58"W	34.01'
C26	37.44'	25.00'	85°47'44"	N57°25'05"W	34.03'
C27	125.02'	225.00'	31°50'14"	S30°26'20"E	123.42'
C28	56.90'	35.00'	93°08'40"	N00°12'53"E	50.84'
C29	23.55'	25.00'	53°58'05"	S73°46'15"W	22.69'
C30	210.57'	60.00'	201°04'50"	N00°12'53"E	117.98'
C31	23.55'	25.00'	53°58'05"	S73°20'30"E	22.69'
C32	97.24'	175.00'	31°50'14"	S30°26'20"E	96.00'
C33	37.44'	25.00'	85°47'44"	S28°22'39"W	34.03'
C34	31.57'	619.00'	2°55'21"	N45°19'32"E	31.57'

KNOW ALL MEN BY THESE PRESENTS §
STATE OF TEXAS
COUNTY OF HAYS

KNOWN ALL MEN BY THESE PRESENTS, THAT WE, 135 RESIDENTIAL DEVELOPMENT, LLC, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 9811 SOUTH IH 35, BUILDING 3, SUITE 100, AUSTIN, TEXAS 78744, BEING THE OWNER OF 130.641 ACRES OF LAND IN THE JOEL MINER SURVEY, ABSTRACT NUMBER 321, AS DESCRIBED IN INSTRUMENT NUMBER 19014345, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

KNOWN ALL MEN BY THE PRESENTS, THAT WE, WHISPER MASTER COMMUNITY, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 9811 S. INTERSTATE 35, SITE 100, AUSTIN, TEXAS 78744-7901, BEING THE OWNER OF A CALLED 99.80 ACRES AND A CALLED 318.105 ACRES, IN THE JOEL MINER SURVEY, ABSTRACT NUMBER 321, AS DESCRIBED IN INSTRUMENT NUMBER 16000334, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

DO HEREBY SUBDIVIDE A CALLED 17.64 ACRES AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS:

WHISPER MIXED USE SUBDIVISION - PHASE 1B

SUBDIVISION TO THE CITY OF SAN MARCOS, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE CITY FOREVER PUBLIC RIGHT-OF-WAY AND DRAINS, EASEMENTS (EXCLUDING LANDSCAPE AREA WITHIN EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

IN WITNESS WHEREOF, 135 RESIDENTIAL DEVELOPMENT, LLC, HAVE CAUSED THESE PRESENTS TO BE EXECUTED THIS THE _____ DAY OF _____, 2020 A.D.

ROBERT W. McDONALD, III, MANAGER DATE
135 RESIDENTIAL DEVELOPMENT, LLC
9811 SOUTH IH 35, BUILDING 3, SUITE 100
AUSTIN, TEXAS 78744

IN WITNESS WHEREOF, WHISPER MASTER COMMUNITY, LTD., HAVE CAUSED THESE PRESENTS TO BE EXECUTED THIS THE _____ DAY OF _____, 2020 A.D.

ROBERT W. McDONALD, III, MANAGER DATE
WHISPER MASTER COMMUNITY, LTD.
9811 SOUTH IH 35, BUILDING 3, SUITE 100
AUSTIN, TEXAS 78744

STATE OF TEXAS COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED, _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY FOR THE PURPOSED AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2020 A.D.

NOTARY PUBLIC MY COMMISSION EXPIRES:
IN AND FOR THE STATE OF TEXAS

LIENHOLDER CONSENT

FIRST UNITED BANK
9801 INDIANA AVENUE
LUBBOCK, TEXAS 79423
ATTN: MILES SEYBERT

BY: _____

NAME: MILES SEYBERT

TITLE: VICE PRESIDENT

STATE OF TEXAS COUNTY OF LUBBOCK

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED, _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY FOR THE PURPOSED AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2020 A.D.

NOTARY PUBLIC MY COMMISSION EXPIRES:
IN AND FOR THE STATE OF TEXAS

CITY OF SAN MARCOS
APPROVAL CERTIFICATE
APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____, 2020, BY THE PLANNING ZONING COMMISSION OF THE CITY OF SAN MARCOS, TEXAS.

CIP & ENGINEERING DATE

DIRECTOR OF PLANNING & DEVELOPMENT SERVICES DATE

RECORDING SECRETARY DATE

CHAIRMAN, PLANNING & ZONING COMMISSION DATE

ENGINEER'S CERTIFICATION:
STATE OF TEXAS §
COUNTY OF HAYS §

ACCORDING TO FEMA FLOOD INSURANCE RATE MAPS NUMBER 48209 C 0392F AND NUMBER 48209 C 0415F, BOTH DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS, AND INCORPORATED AREAS, THIS SUBDIVISION IS WITHIN UNSHADED ZONE "X".

HERMANN VIGIL, P.E. DATE
TEXAS REGISTRATION NO. 50259
4005 BANNISTER LANE
SUITE 225C
AUSTIN, TEXAS 78704
512.326.2667

SURVEYOR'S CERTIFICATION:
STATE OF TEXAS §
COUNTY OF HAYS §

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE [4204], NAD 83 (2011), EPOCH 2010. ALL DISTANCES SHOWN ARE GRID VALUES.
UNITS: US SURVEY FEET.

THAT I, GARRETT CAVAIUOLO, 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" WE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

GARRETT CAVAIUOLO, R.P.L.S. DATE
TEXAS REGISTRATION NO. 6714
DOUCET & ASSOCIATES, INC.
7401 B HIGHWAY 71 WEST
SUITE 160
AUSTIN, TX 78735
512.583.2600
GCACAVAIUOLO@DOUCETENGINEERS.COM



HAYS COUNTY:
STATE OF TEXAS
COUNTY OF HAYS

I, ELAINE HANSON CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20____, A.D. AT _____ O'CLOCK _____ M., AND DULY RECORDED ON THE _____ DAY OF _____, 20____, A.D. AT _____ O'CLOCK _____ M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN INSTRUMENT NUMBER _____.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 20____, A.D.

ELAINE HANSON CARDENAS, MBA, PHD, COUNTY CLERK
HAYS COUNTY, TEXAS

NOTES:

- THIS PROJECT IS WITHIN THE CITY LIMITS OF THE CITY OF SAN MARCOS, TEXAS.
- BUFFER ZONES PER THE APPROVED WATER PROTECTION PLAN PHASE 2 ON JUNE 10, 2019.
- NO PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE, THE EDWARDS AQUIFER TRANSITION ZONE OR THE SAN MARCOS RIVER CORRIDOR.
- THIS PROPERTY IS SUBJECT TO ORDINANCE 2017-40, WHISPER PDD.
- FIRE HYDRANT SPACING AND WATER FLOW WILL MEET SPECIFICATIONS.
- AS USED HEREIN, THE TERM "DEVELOPER" SHALL MEAN "135 RESIDENTIAL DEVELOPMENT, LLC" AND "WHISPER MASTER COMMUNITY" OR THEIR SUCCESSORS OR ASSIGNS.
- IMPROVEMENTS WITHIN DRAINAGE EASEMENTS, WASTEWATER EASEMENTS, AND PUBLIC UTILITY EASEMENTS WILL BE PRIVATELY MAINTAINED BY THE SUBJECT PROPERTY OWNER.
- SELLING A PORTION OF THIS SUBDIVISION BY METES AND BOUNDS IS A VIOLATION.
- HORIZONTAL LOCATION OF THE LO-VACA 50' GAS LINE EASEMENT IS BASED UPON PIPELINE MARKERS FOUND DURING SURVEY.
- ACCORDING TO THE CITY-ADOPTED FLOOD MAPS AND MODEL, PORTIONS OF THIS PROPERTY ARE SUBJECT TO CITY OF SAN MARCOS FLOODPLAIN REGULATIONS, CHAPTER 39.
- PUBLIC SIDEWALKS, BUILT TO THE CITY OF SAN MARCOS STANDARDS, ARE REQUIRED ALONG ALL STREETS, AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE ADJOINING LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
- ALL PARKS ARE TO BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.
- COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE [4204], NAD83 (2011), EPOCH 2010. DISTANCES SHOWN HEREON ARE BASED ON GRID MEASUREMENTS AND MAY BE CONVERTED TO SURFACE BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.00011.
- DIMENSIONS SHOWN ALONG CURVES ARE ARC LENGTHS.

FLOODPLAIN NOTE:

THIS PROPERTY (AS SHOWN HEREON) IS LOCATED WITHIN UNSHADED ZONE "X" (AREA OF MINIMAL FLOOD HAZARD), AS SHOWN ON F.I.R.M. PANELS NO. 48209C0415F AND NO. 48209C0392F, HAYS COUNTY, TEXAS BOTH DATED SEPTEMBER 02, 2005.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

LOT SUMMARY TABLE		
LOT TYPE	NUMBER OF LOTS	TOTAL ACREAGE
RESIDENTIAL	82	13.80
PARK	2	0.445
MIXED USE	0	0.000
TOTAL ACREAGE OF SUBDIVISION		17.64

STREET SUMMARY	
STREET NAME	LINEAR FOOTAGE
SOLITUDE DRIVE	1,334.15
DOCILE LOOP	85.00
BETHPAGE LANE	85.00
BALLYNEAL LANE	467.32
CALLADO CIRCLE	965.00

OWNER: (RESIDENTIAL) 135 RESIDENTIAL DEVELOPMENT, LLC 9811 SOUTH IH 35 BLDG. 3, SUITE 100 AUSTIN, TX. 78744	SURVEYOR: DOUCET & ASSOCIATES 7401 B. HWY 71, ST. 160 AUSTIN, TX 78735 TEL: (512) 583-2600	ENGINEER: VIGIL & ASSOCIATES 4005 BANNISTER LN, ST. 225C AUSTIN, TX 78704 TEL: (512) 326-2667 FIRM REG. #F-4768	Date: 09/08/2020 Scale: 1" = 80' Drawn by: AC Reviewer: GC Project: 1811-001 Sheet: 3 OF 3 Field Book: 523 Party Chief: JSM Survey Date: 11/15/2019
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FINAL SUBDIVISION / DEVELOPMENT PLAT APPLICATION

Updated: October, 2019



CONTACT INFORMATION

Applicant's Name	Hermann Vigil	Property Owner	R. W. McDonald, IV
Company	Vigil and Associates	Company	135 Residential Development, LLC & Whisper Master Community Limited Partnership
Mailing Address	4005 Banister Lane, Suite 225-C	Mailing Address	9811 S. Interstate Highway 35, Bldg. 3, Suite 100
Phone #	512 326-2667	Phone #	512 695-3532
Email	hermann@vigilandassoc.com	Email	rw4@cgminterests.com

PROPERTY INFORMATION

Proposed Subdivision Name: Whisper M.U. Subdivision Phase 1B

Subject Property Address or General Location: SW corner Opportunity Blvd @ Harris Hill Road

Acres: 17.831 Tax ID #: R 16592 & 16597

Located in: City Limits Extraterritorial Jurisdiction (County)

DESCRIPTION OF REQUEST

Type of Plat: Final Subdivision Plat Final Development Plat

Current Number of Lots: 0 Current Land Use: agricultural

Proposed Number of Lots: 84 Proposed Land Use: Single Family, Parkland,

AUTHORIZATION

I certify that the information on this application is accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee \$1,321 plus \$100 per acre Technology Fee \$13 MAXIMUM COST \$2,513

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

SUBDIVISION IMPROVEMENT AGREEMENT ACKNOWLEDGEMENT

I understand, whenever public improvements to serve the development are deferred until after Final Subdivision or 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 (2) years following the date upon which the Final Plat is approved.

- All required public improvements will be completed prior to approval of the Final Subdivision or Development Plat
- I wish to defer installation of public improvements until after approval of the Final Subdivision or Development Plat and have attached a Subdivision Improvement Agreement to be considered along with this Plat application
- The attached Minor / Amending / Preliminary Plat Application does not require a Subdivision Improvement Agreement

Signature of Applicant: _____  Date: 24/JUL/2020

NOTICE OF COMPLETENESS DETERMINATION & STATUTORY REVIEW TIMEFRAMES

I understand that the City of San Marcos requires online submittal of all applications through the Customer Portal at www.mygovernmentonline.org and that the Responsible Official will review this application for completeness within 10 business days of online submittal. I understand that this application is not considered "filed" until all required documentation is received and reviewed for completeness. *Upon determination of completeness the City will send written correspondence stating that the application has been filed and will provide a date, in accordance with the Texas Local Government Code, when the Planning and Zoning Commission will meet to hear the request.*

- By checking this box I am requesting cursory review of this application prior to determination that the application is complete and filed. Cursory review comments shall not constitute a determination of completeness.

I also understand that as the applicant I may request, in writing, an extension to the statutory review timeframes.

Signature of Applicant: _____  Date: 24/JUL/2020

RECORDATION REQUIREMENTS***

The following are required for recordation, following approval of a Plat application:

- Two (2) mylars of the subdivision plat (*Comal Co. requires White 20# Bond Paper*)
- Recording Fee: \$ _____
- Tax Certificate, printed within 30 days of recordation date (paid prior to January 31st of current year)

Other possible recording requirements:

- If public improvements were deferred, Subdivision Improvement Agreement
- Subdivision Improvement Agreement recording fee: \$ _____
- Other legal documents referenced on the plat (i.e. easement dedication by separate instrument, HOA documents)
- Other recording fee: \$ _____

***Recordation fees, mylars, and other requirements are not due at the time of submittal. Fees will depend on the number of pages needed for recordation and the County in which they are recorded. The total will be calculated upon approval.

PROPERTY OWNER AUTHORIZATION

I, Robert W. McDonald, IV (owner name) on behalf of
135 Residential Development, LLC & Whisper Master Community LP (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
Southwest corner of Opportunity Blvd. & Harris Hill Road (address).

I hereby authorize Hermann Vigil (agent name) on behalf of
Vigil & Associates (agent company) to file this application for
Final Plat (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: [Signature] Date: 1.23.20

Printed Name, Title: Rob. McDonald, IV - Partner

Signature of Agent: [Signature] Date: Jan. 23, 2020

Printed Name, Title: Hermann Vigil, P.E.

ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement 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. Easement(s) are needed within the subject property

Name of Electric Service Provider: Pedernales Electric Coop

Applicable Utility Service Code(s): _____

Comments / Conditions: _____

Signature of Electric Company Official: 

Title: Designer Date: 12/19/2019

GAS UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement 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. Easement(s) are needed within the subject property

Name of Gas Service Provider: CENTRAL POINT ENERGY
Applicable Utility Service Code(s): A
Comments / Conditions: _____

Signature of Gas Company Official: [Signature]
Title: SR. MKRT CONSULTANT Date: 12/19/19

TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement 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. Easement(s) are needed within the subject property

Name of Telephone Service Provider: CenturyLink

Applicable Utility Service Code(s): C

Comments / Conditions: See Note Below

Signature of Telephone Company Official: Chris McGuire

Title: Senior LNI Engineer Date: 12/19/2019

CenturyLink anticipates it will be able to furnish telephone and data services requested in the manner prescribed by CenturyLink Rules and Regulations, as they exist. All new developments will be evaluated based on our anticipated return on investment. Actual construction will be approved based on a positive economic and ROI model.

WATER UTILITY SERVICE ACKNOWLEDGEMENT FOR:

Subdivision Name: Whisper MU Subdivision Phase 1

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement 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. Easement(s) are needed within the subject property

Name of Water Service Provider: Maxwell WSC

Applicable Utility Service Code(s): A

Comments / Conditions: _____

Signature of Water Official: Anthony Garcia

Title: Assistant GM Date: 1-29-2020

Whisper Phase 1

WATER UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement 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. Easement(s) are needed within the subject property

Name of Water Service Provider: City of San Marcos

Applicable Utility Service Code(s): B

Comments / Conditions: under construction

Signature of Water Official: Tony Edman

Title: Water District Manager Date: 12-19-19

Whispers Residential Subdivision

WATER AND WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT:

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

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

Name of Water Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Water Utility Official: _____

Title: _____ Date: _____

Name of Wastewater Service Provider City of San Marcos

Applicable Utility Service Code(s) B

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

Comments/Conditions Wastewater infrastructure to be installed by developer.

Signature of City or County Wastewater Official: Lloyd Juarez

Title: _____ Date _____

TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:

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

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

Name of Telephone Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

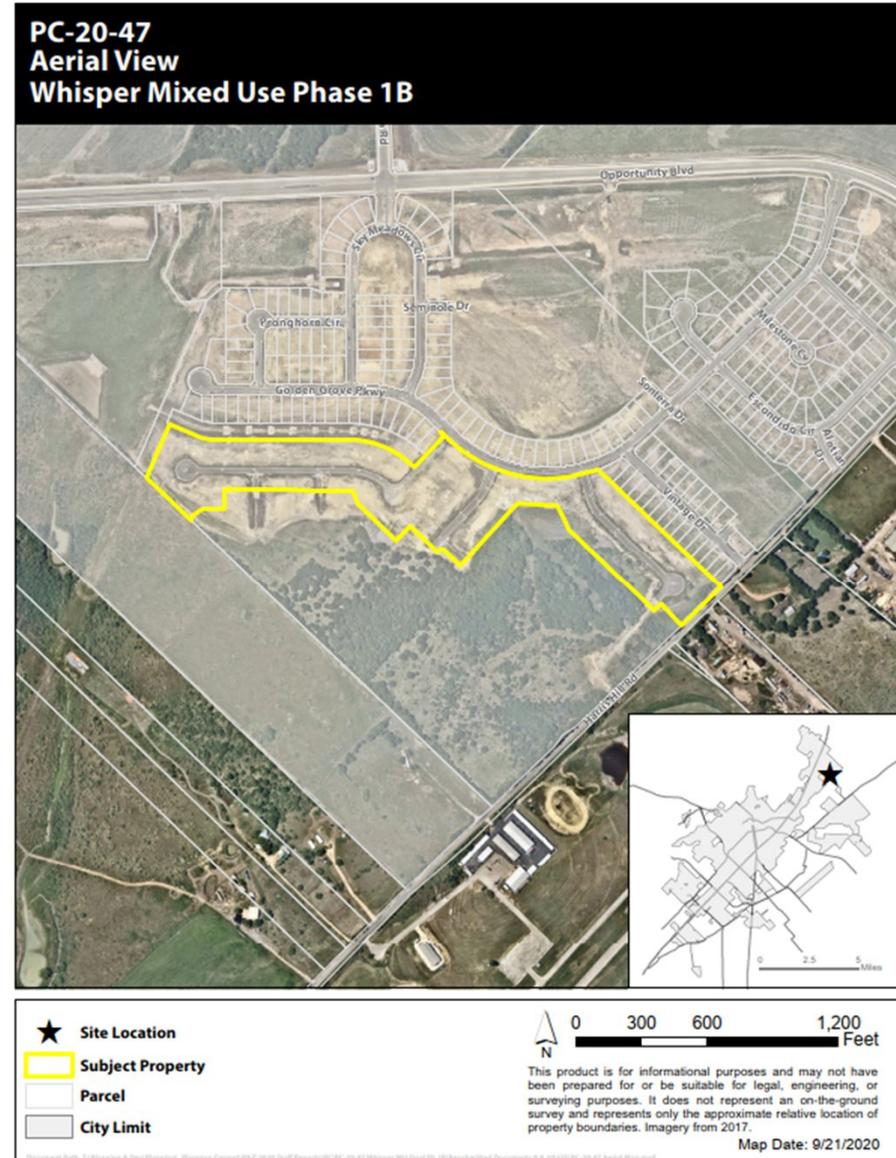
Signature of Telephone Company Official _____

Title: _____ Date _____

PC-20-47 (Whisper MU Subdivision Phase 1B Final Plat)

Consider a request by Vigil & Associates, on behalf of 135 Residential Development, L.L.C. and Whisper Master Community, L.P., to approve a Final Plat for 17.64 acres, more or less, out of the Joel Miner Survey, Abstract No. 321, generally located east of IH-35, west of Harris Hill Road. (A.Brake)

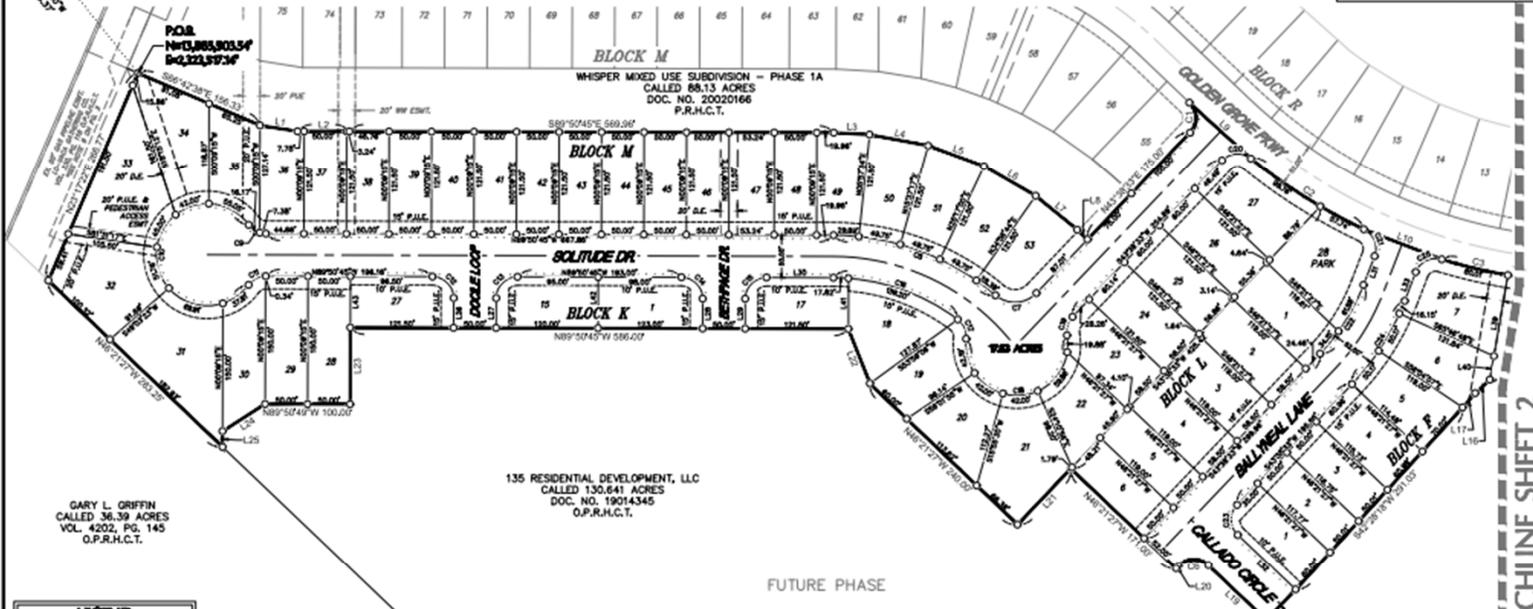
- +/- 17.64 acres
- Whisper Development (PDD; Ordinance 2017-40)
- Allows for the development of 82 single-family residential lots and 2 HOA-maintained park lots.



WHISPER MIXED USE SUBDIVISION - PHASE 1B



CITY OF SAN MARCOS WARNER
 N 13.886,102.95
 E 2,332,854.28



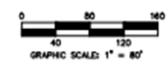
GARY L. GRIFFIN
 CALLED 36.39 ACRES
 VOL. 4202, PG. 145
 O.P.R.H.C.T.

135 RESIDENTIAL DEVELOPMENT, LLC
 CALLED 88.13 ACRES
 DOC. NO. 20020166
 O.P.R.H.C.T.

JOEL MINER SURVEY
 ABSTRACT NO. 321

FUTURE PHASE

LEGEND	
---	PHASE LINE
---	LOT LINE
---	R.O.W. LINE
---	CENTERLINE OF ROAD
---	EASEMENT
○	IRON ROD WITH 'DOUGLET' CAP SET
○	DOUGLET CAP SET
○	EQUIPMENT MARKER
○	R.O.W.
○	RIGHT-OF-WAY
○	POINT OF BEGINNING
○	WASTEWATER EASEMENT
○	WM EMT.
○	DRAINAGE EASEMENT
○	E.M.T.
○	PUBLIC UTILITY EASEMENT
○	OFFICIAL PUBLIC RECORD, DAVIS COUNTY, TEXAS
○	O.P.R.H.C.T.



MATCHLINE SHEET 2

OWNER: (RESIDENTIAL) 135 RESIDENTIAL DEVELOPMENT, LLC 9811 SOUTH H ST BLDG. 3, SUITE 100 AUSTIN, TX 78744	SURVEYOR: DOUGLET & ASSOCIATES 7401 S. HWY 71, ST. 160 AUSTIN, TX 78735 TEL: (512) 583-2600	ENGINEER: VOL & ASSOCIATES 4005 BANNISTER LN, ST. 225C AUSTIN, TX 78704 TEL: (512) 326-2667 FRM REG. #4768	Date: 08/08/2020
			Scale: 1" = 80' Drawn by: AC Reviewer: GC Project: 1811-001 Sheet: 1 OF 3 Field Book: 023 Party Check: JIM Survey Date: 11/18/2019

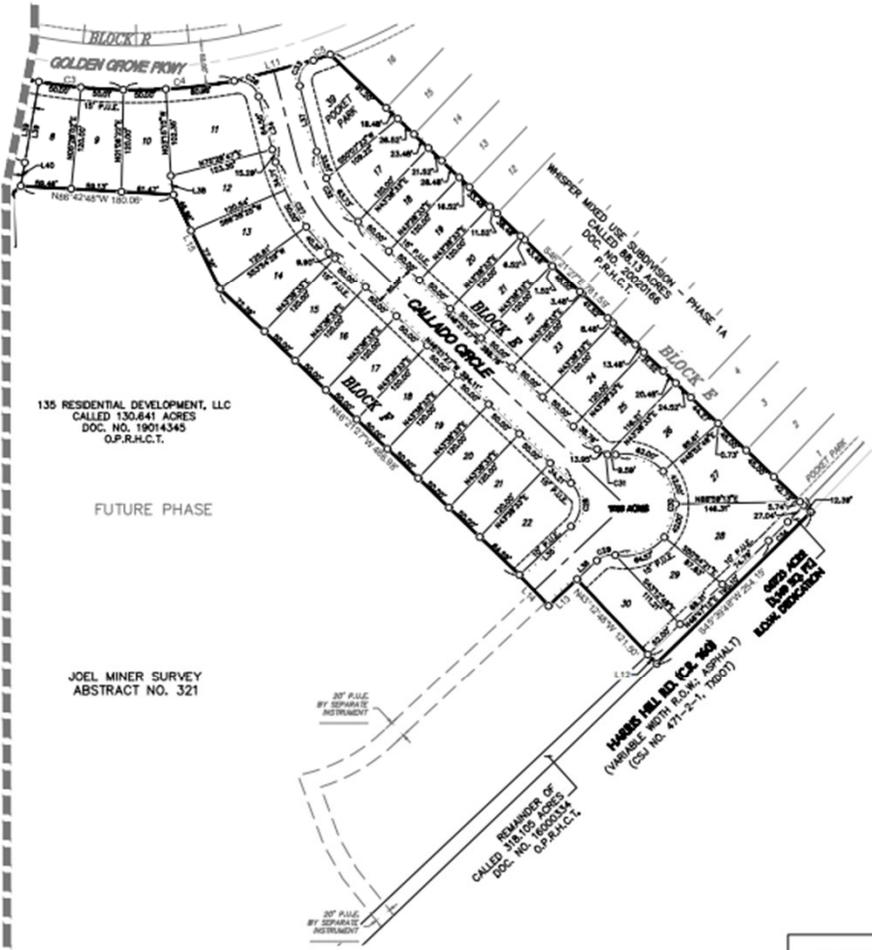
WHISPER MIXED USE SUBDIVISION - PHASE 1B



LEGEND

- PHASE LINE
- LOT LINE
- A.S.M. LINE
- CENTERLINE OF ROAD
- EASEMENTS
- SEWERLINE
- 1/2" INCH ROD WITH "DODGETT" CAP SET
- DOC. NO. DOCUMENT NUMBER
- R.O.M. RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- W. EASEM. WATERWAY EASEMENT
- D.E. DRAINAGE EASEMENT
- EASEM. EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- OFFICIAL PUBLIC RECORD, HAYS COUNTY, TEXAS

MATCHLINE SHEET 1



OWNER: (RESIDENTIAL) 135 RESIDENTIAL DEVELOPMENT, LLC 9811 SOUTH H ST BLDG. 3, SUITE 100 AUSTIN, TX 78744	SURVEYOR: DODGETT & ASSOCIATES 7401 S. HWY 71, ST. 160 AUSTIN, TX 78735 TEL: (512) 583-2600	ENGINEER: VOGL & ASSOCIATES 4005 BANNISTER LN, ST. 225C AUSTIN, TX 78704 TEL: (512) 326-2667 FRM REG. # 4768	Date: 08/08/2020
			Scale: 1" = 60'
			Drawn by: AC
			Reviewed: GC
			Project: 1811-001
			Sheet: 2 OF 3
			Field Book: 023
			Party Check: JIM
			Survey Date: 11/18/2019

LINE TABLE			CURVE TABLE					
LINE	BEARING	DISTANCE	CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
L1	S81°17'28"E	44.86'	C1	38.27'	25.00'	80°00'00"	N07°12'27"W	35.26'
L2	S89°29'42"E	61.02'	C2	157.02'	637.00'	17°44'58"	S57°46'50"W	157.12'
L3	S89°29'42"E	42.18'	C3	180.02'	637.00'	15°44'58"	S87°02'42"E	178.40'
L4	S79°12'30"E	70.19'	C4	130.88'	637.00'	11°29'20"	N89°27'42"E	130.78'
L5	S89°29'42"E	70.19'	C5	20.88'	637.00'	1°46'47"	K07°21'41"E	20.88'
L6	S89°29'42"E	70.19'	C7	53.02'	35.00'	88°49'50"	N87°02'50"E	48.10'
L7	S89°29'42"E	63.16'	C8	207.81'	296.00'	47°18'12"	N88°47'30"W	253.26'
L8	S45°27'27"E	36.87'	C9	33.83'	25.00'	53°58'00"	S82°07'42"E	22.88'
L9	S47°30'47"E	68.09'	C10	391.83'	63.00'	58°58'00"	S81°01'30"W	70.58'
L10	S47°30'47"E	68.09'	C11	23.88'	25.00'	53°58'00"	S81°01'30"W	22.88'
L11	K73°28'47"E	86.33'	C12	38.27'	25.00'	80°00'00"	N44°28'42"W	35.26'
L12	S44°54'42"E	14.79'	C13	38.27'	25.00'	80°00'00"	S45°28'42"W	35.26'
L13	S44°54'42"E	48.07'	C14	38.27'	25.00'	80°00'00"	N44°28'42"W	35.26'
L14	N43°12'48"W	50.00'	C15	38.27'	25.00'	80°00'00"	S45°28'42"W	35.26'
L15	N25°29'22"W	124.32'	C16	157.01'	545.00'	36°43'10"	K07°38'00"W	124.24'
L16	S47°14'42"W	23.41'	C17	25.84'	25.00'	59°28'53"	N37°34'08"W	24.79'
L17	S47°14'42"W	23.38'	C18	205.83'	60.00'	188°29'31"	N87°58'52"E	198.74'
L18	S47°38'32"W	50.00'	C19	23.88'	25.00'	53°58'00"	S18°28'32"W	22.88'
L19	N48°21'27"W	84.00'	C20	37.30'	25.00'	80°28'31"	S88°27'48"W	33.80'
L20	S47°38'32"W	43.00'	C21	37.40'	25.00'	89°42'41"	K21°40'43"W	34.00'
L21	S47°38'32"W	81.00'	C22	38.20'	24.00'	22°30'58"	K02°20'58"E	85.40'
L22	N21°30'47"W	68.89'	C23	38.27'	25.00'	80°00'00"	S01°21'27"E	35.26'
L23	S00°00'00"W	60.00'	C24	116.48'	284.00'	22°30'58"	K02°20'58"E	116.34'
L24	S87°28'38"W	58.42'	C25	37.40'	25.00'	89°42'41"	S63°28'38"W	34.00'
L25	S00°00'00"W	18.80'	C26	37.44'	25.00'	89°42'41"	N57°28'38"W	34.00'
L26	N48°18'07"E	38.00'	C27	128.02'	228.00'	31°01'47"	S30°28'30"E	123.40'
L27	N48°18'07"E	38.00'	C28	86.80'	35.00'	83°08'40"	N00°12'30"E	85.84'
L28	N48°18'07"E	38.00'	C29	23.88'	25.00'	53°58'00"	S73°48'30"W	22.88'
L29	N48°18'07"E	38.00'	C30	250.20'	65.00'	351°04'30"	N00°12'30"E	177.88'
L30	N48°18'07"E	78.70'	C31	23.88'	25.00'	53°58'00"	S73°28'30"E	22.88'
L31	N03°02'47"E	38.16'	C32	87.24'	178.00'	31°01'47"	S30°28'30"E	86.00'
L32	N48°18'07"E	84.00'	C33	37.44'	25.00'	89°42'41"	S38°22'30"W	34.00'
L33	N21°30'47"E	38.16'	C34	31.27'	69.00'	278°20"	N48°18'07"E	31.27'
L34	S14°31'12"E	79.84'						
L35	N48°18'07"E	83.21'						
L36	N48°18'07"E	37.78'						
L37	S14°31'12"E	79.84'						
L38	S03°20'42"E	22.48'						
L39	S09°48'38"W	84.88'						
L40	S09°48'38"W	37.88'						
L41	N48°18'07"E	88.30'						
L42	N48°18'07"E	60.00'						
L43	N00°00'00"E	60.00'						

LOT TYPE	NUMBER OF LOTS	TOTAL ACREAGE
RESIDENTIAL	82	13.80
PARK	2	0.445
MIXED USE	0	0.000
TOTAL ACREAGE OF SUBDIVISION		17.84

STREET NAME	LINEAR FOOTAGE
SOLITUDE DRIVE	1,354.15
DOCKLE LOOP	85.00
BETHPAGE LANE	85.00
BALLYHEAL LANE	487.32
CALLADO CIRCLE	963.00

WHISPER MIXED USE SUBDIVISION - PHASE 1B

KNOW ALL MEN BY THESE PRESENTS THAT THE CITY OF SAN MARCOS, TEXAS COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT WE, 135 RESIDENTIAL DEVELOPMENT, L.L.C. ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 8811 SOUTH H 20, BUILDING 3, SUITE 100, AUSTIN, TEXAS 78744, BEING THE OWNER OF 135.841 ACRES OF LAND IN THE JOEL WINTER SURVEY, ABSTRACT NUMBER 321, AS DESCRIBED IN INSTRUMENT NUMBER 19014540, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

KNOW ALL MEN BY THE PRESENTS, THAT WE, WHISPER MASTER COMMUNITY, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 8811 S. INTERSTATE 36, ETC. 100, AUSTIN, TEXAS 78744-7000, BEING THE OWNER OF A CALLED 89.80 ACRES AND A CALLED 318.105 ACRES, IN THE JOEL WINTER SURVEY, ABSTRACT NUMBER 321, AS DESCRIBED IN INSTRUMENT NUMBER 18000334, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

DO HEREBY SUBDIVIDE A CALLED 17.84 ACRES AS SHOWN ON THIS PLAN, AND DESIGNATED HEREIN AS:

WHISPER MIXED USE SUBDIVISION - PHASE 1B

SUBDIVISION TO THE CITY OF SAN MARCOS, TEXAS, AND WHOSE NAME IS SUBMITTED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOR EVER PUBLIC RIGHT-OF-WAY AND DRAINAGE, EASEMENTS (EXCLUDING LANDSCAPE AREA WITHIN EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

IN WITNESS WHEREOF, 135 RESIDENTIAL DEVELOPMENT, L.L.C. HAVE CAUSED THESE PRESENTS TO BE EXECUTED THIS 20th DAY OF 2020 A.D.

ROBERT W. McDONALD, II, MANAGER DATE
135 RESIDENTIAL DEVELOPMENT, L.L.C.
8811 SOUTH H 20, BUILDING 3, SUITE 100
AUSTIN, TEXAS 78744

IN WITNESS WHEREOF, WHISPER MASTER COMMUNITY, L.L.C. HAVE CAUSED THESE PRESENTS TO BE EXECUTED THIS 20th DAY OF 2020 A.D.

ROBERT W. McDONALD, II, MANAGER DATE
WHISPER MASTER COMMUNITY, L.L.C.
8811 SOUTH H 20, BUILDING 3, SUITE 100
AUSTIN, TEXAS 78744

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBMITTED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY FOR THE PURPOSED AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 20th DAY OF 2020 A.D.

NOTARY PUBLIC BY COMMISSION EXPRESS
IN AND FOR THE STATE OF TEXAS

LIENHOLDER CONSENT
FIRST UNITED BANK
1802 ROSANA AVENUE
LUBBOCK, TEXAS 79423
ATINA WILKS SEIBERT

BY: _____
NAME: WILKS SEIBERT
TITLE: VICE PRESIDENT

STATE OF TEXAS
COUNTY OF LUBBOCK

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBMITTED TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY FOR THE PURPOSED AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 20th DAY OF 2020 A.D.

NOTARY PUBLIC BY COMMISSION EXPRESS
IN AND FOR THE STATE OF TEXAS

CITY OF SAN MARCOS
APPROVAL CERTIFICATE
APPROVED AND AUTHORIZED TO BE RECORDED ON THE
DAY OF 2020, BY THE PLANNING ZONING
COMMISSION OF THE CITY OF SAN MARCOS, TEXAS.

CP & ENGINEERING DATE

DIRECTOR OF PLANNING & DEVELOPMENT SERVICES DATE

RECORDING SECRETARY DATE

CHAIRMAN, PLANNING & ZONING COMMISSION DATE

ENGINEER'S CERTIFICATION:
STATE OF TEXAS
COUNTY OF HAYS

ACCORDING TO FEMA FLOOD INSURANCE RATE MAPS NUMBER 48209 C 0330F AND NUMBER 48209 C 0410F, BOTH DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS, AND INCORPORATED AREAS, THIS SUBDIVISION IS WITH UNSHADED ZONE "X".

MERRIAM VOIL, P.E. DATE
TEXAS REGISTRATION NO. 50259
4005 BANNISTER LANE
SUITE 2202
AUSTIN, TEXAS 78704
512.328.2897

SURVEYOR'S CERTIFICATION:
STATE OF TEXAS
COUNTY OF HAYS

BASES OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE [4204] NAD 83 (2011), EPOCH 2010. ALL DISTANCES SHOWN ARE GRID VALUES.

THAT I, GARRETT CAVALLOLO, DO HEREBY CERTIFY THAT I PREPARED THIS PLAN FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET BY ME PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

GARRETT CAVALLOLO, R.P.L.S. DATE
TEXAS REGISTRATION NO. 6714
DOUGET & ASSOCIATES, INC.
7401 B HIGHWAY 71 WEST
SUITE 180
AUSTIN, TX 78735
512.583.2800
GCVAVALLO@DOUGETENGINEERS.COM

HAYS COUNTY;
STATE OF TEXAS
COUNTY OF HAYS

I, ELAINE HANSON CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 20th DAY OF 2020, A.D. AT O'CLOCK OF THE DAY AND DULY RECORDED ON THE 20th DAY OF 2020, A.D. AT O'CLOCK OF THE DAY IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN INSTRUMENT NUMBER _____.

WITNESS MY HAND AND SEAL OF OFFICE THIS 20th DAY OF 2020 A.D.

ELAINE HANSON CARDENAS, MBA, PHD, COUNTY CLERK
HAYS COUNTY, TEXAS

- NOTES:
- THIS PROJECT IS WITHIN THE CITY LIMITS OF THE CITY OF SAN MARCOS, TEXAS.
 - BUFFER ZONES PER THE APPROVED WATER PROTECTION PLAN PHASE 2 ON JUNE 10, 2018.
 - NO PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE, THE EDWARDS AQUIFER TRANSTION ZONE OR THE SAN MARCOS RIVER CORRIDOR.
 - THIS PROPERTY IS SUBJECT TO ORDINANCE 2017-45, WHISPER PCD.
 - FIRE HYDRANT SPACING AND WATER FLOW WILL MEET SPECIFICATIONS.
 - AS USED HEREIN, THE TERM "DEVELOPER" SHALL MEAN "135 RESIDENTIAL DEVELOPMENT, L.L.C." AND "WHISPER MASTER COMMUNITY" OR THEIR SUCCESSORS OR ASSIGNS.
 - IMPROVEMENTS WITHIN DRAINAGE EASEMENTS, WASTEWATER EASEMENTS, AND PUBLIC UTILITY EASEMENTS WILL BE PRIVATELY MAINTAINED BY THE SUBJECT PROPERTY OWNER.
 - SELLING A PORTION OF THIS SUBDIVISION BY METES AND BOUNDS IS A VIOLATION.
 - HORIZONTAL LOCATION OF THE LO-VACA, 50' GAS LINE EASEMENT IS BASED UPON PIPELINE MARKERS FOUND DURING SURVEY.
 - ACCORDING TO THE CITY-ADOPTED FLOOD MAPS AND MODEL, PORTIONS OF THIS PROPERTY ARE SUBJECT TO CITY OF SAN MARCOS FLOODPLAIN REGULATIONS, CHAPTER 3A.
 - PUBLIC SIDEWALKS, BUILT TO THE CITY OF SAN MARCOS STANDARDS, ARE REQUIRED ALONG ALL STREETS, AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE ADJOINING LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
 - ALL PARKS ARE TO BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.
 - COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE [4204] NAD 83 (2011), EPOCH 2010. DISTANCES SHOWN HEREON ARE BASED ON GRID MEASUREMENTS AND MAY BE CONVERTED TO SURFACE BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.00011.
 - DIMENSIONS SHOWN ALONG CURVES ARE ARC LENGTHS.

FLOODPLAIN NOTE:
THIS PROPERTY (AS SHOWN HEREON) IS LOCATED WITHIN UNSHADED ZONE "X" (AREA OF MINIMAL FLOOD HAZARD), AS SHOWN ON FIGURE PANELS NO. 48209C0410F AND NO. 48209C0330F, HAYS COUNTY, TEXAS BOTH DATED SEPTEMBER 02, 2005.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

OWNER: (RESIDENTIAL) 135 RESIDENTIAL DEVELOPMENT, L.L.C. 8811 SOUTH H 20 BLDG. 3, SUITE 100 AUSTIN, TX 78744	SURVEYOR: DOUGET & ASSOCIATES 7401 B HWY 71, ST. 160 AUSTIN, TX 78735 TEL: (512) 583-2600	ENGINEER: VOIL & ASSOCIATES 4005 BANNISTER LN, ST. 2202 AUSTIN, TX 78704 TEL: (512) 328-2667 FRM REG. #4768	Date: 09/28/2020 Scale: 1" = 80' Drawn by: AC Reviewed: GC Project: 1811-001 Sheet: 3 of 3 Field Book: 023 Party Check: OK Survey Date: 11/15/2018
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Recommendation:

Staff has reviewed the request and determined the Final Plat complies with the Planned Development District and the San Marcos Development Code and recommends **approval** of PC-20-47 as submitted.



Legislation Text

File #: CUP-20-18, **Version:** 1

AGENDA CAPTION:

CUP-20-18 (Chuck Nash) Hold a public hearing and consider a request by Matthew Opuszanski on behalf of Charles D. Nash for Conditional Use Permit for an automotive body shop within a General Commercial zoning district located at 3209 North IH-35. (W. Parrish)

Meeting date: October 13, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Direct Growth, Compatible with Surrounding Uses
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services

Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

This property is an existing Car Dealership on IH-35. The property owner is proposing to add a body shop to this location. The property is zoned General Commercial (GC) which requires a Conditional Use Permit for an Auto Body Shop. The property is adjacent to the Blanco Riverwalk PDD, which has a base zoning of Heavy Commercial. In addition to the Body Shop itself, the applicant will also be adding approximately 115 parking spaces.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff has reviewed the application and recommends approval with the following conditions:

1. The site is developed in a manner substantially similar to the provided site plan;
2. The applicant provides a solid screen between the Auto Body Repair Shop parking area and the adjacent property; and
3. The site is developed according to all other codes and ordinances.

Conditional Use Permit	3209 N IH 35
CUP-20-18	Chuck Nash



Summary

Request:	New Conditional Use Permit for the use of Auto Body Repair		
Applicant:	Mathew Opuszanski Goree Architects 4710 Bellaire Blvd Ste. 105 Bellaire, TX	Property Owner:	Chuck D. Nash Chuck Nash Chevrolet PO Box 1007 San Marcos, TX 786667
CUP Expiration:	N/A	Type of CUP:	Land Use
Interior Floor Area:	+/- 20,640 sq ft	Outdoor Floor Area:	Site is +/- 21.22 acres
Parking Required: <u>Office:</u> 1 per 300 SF GFA <u>Repair Facilities:</u> 1 per 200 SF GFA		Parking Provided: <u>Office:</u> 12 spaces (2,708 sf GFA proposed) <u>Repair Facilities:</u> 103 spaces (17,834 sf GFA proposed) Total Required: 100 Total Proposed: 115	
Days & Hours of Operation:	Monday – Saturday 7:30 a.m. -6 p.m. Closed Sunday		

Notification

Application:	N/A	Neighborhood Meeting:	N/A
Published:	N/A	# of Participants:	N/A
Posted:	September 25, 2020	Personal:	September 25, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1 Nash Subdivision		
Location:	3209 N IH 35		
Acreage:	+/- 21.22 acres	PDD/DA/Other:	N/A
Existing Zoning:	General Commercial (GC)	Proposed Zoning:	N/A
Existing Use:	Car Dealership	Proposed Use:	Auto Body Repair
Preferred Scenario:	Employment Area	Proposed Designation:	Employment Area
CONA Neighborhood:	N/A	Sector:	7
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Conditional Use Permit	3209 N IH 35
CUP-20-18	Chuck Nash



<u>Surrounding Area</u>	Zoning	Existing Land Use	Preferred Scenario
North of Property:	General Commercial (GC) / Multifamily 24 (MF-24)	Vacant / rural	Yarrington Commons Medium Intensity Area
South of Property:	Planned Development District with "Heavy Commercial" Base Zoning (PDD/HC)	Office / Warehouse	Employment Area
East of Property:	Light Industrial (LI)	Manufacturing	Whisper North Employment Area
West of Property:	Multifamily 24 (MF-24)	Vacant / rural	Yarrington Commons Medium Intensity Area

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions	<input type="checkbox"/>	Denial	<input type="checkbox"/>
<p>Staff recommends approval of CUP-20-18 with the following conditions:</p> <ol style="list-style-type: none"> 1. The site is developed in a manner substantially similar to the provided site plan; 2. The applicant provides a solid screen between the Auto Body Repair Shop parking area and the adjacent property; and 3. The site is developed according to all other codes and ordinances. 					
Staff: Will Parrish, AICP, CNU-A		Title : Planner		Date: October 7, 2020	

Conditional Use Permit	3209 N IH 35
CUP-20-18	Chuck Nash



History

The subject property is currently the Chuck Nash Chevrolet Dealership. The applicant is proposing to include an Auto Body Shop use as part of the dealership, which requires a Conditional Use Permit in the General Commercial Zoning District.

Additional Analysis

The Auto Body Shop is proposed to be located on the southwest side of the property. The closest neighboring property is part of the Blanco Riverwalk PDD, which is a PDD that has a base zoning district of Heavy Commercial. The adjacent property is currently under construction developing a hybrid “office/warehouse” use.

There is a property located to the rear of the dealership that is zoned Multifamily - 24 (MF-24), but is currently vacant. The proposed Auto Body Shop is located approximately 460 ft away from the shared property line.

The applicant is proposing an 8 foot tall chain link fence, which will require a separate approval from the Planning Director at the time of permit submittal.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Conditional Use Permit	3209 N IH 35
CUP-20-18	Chuck Nash



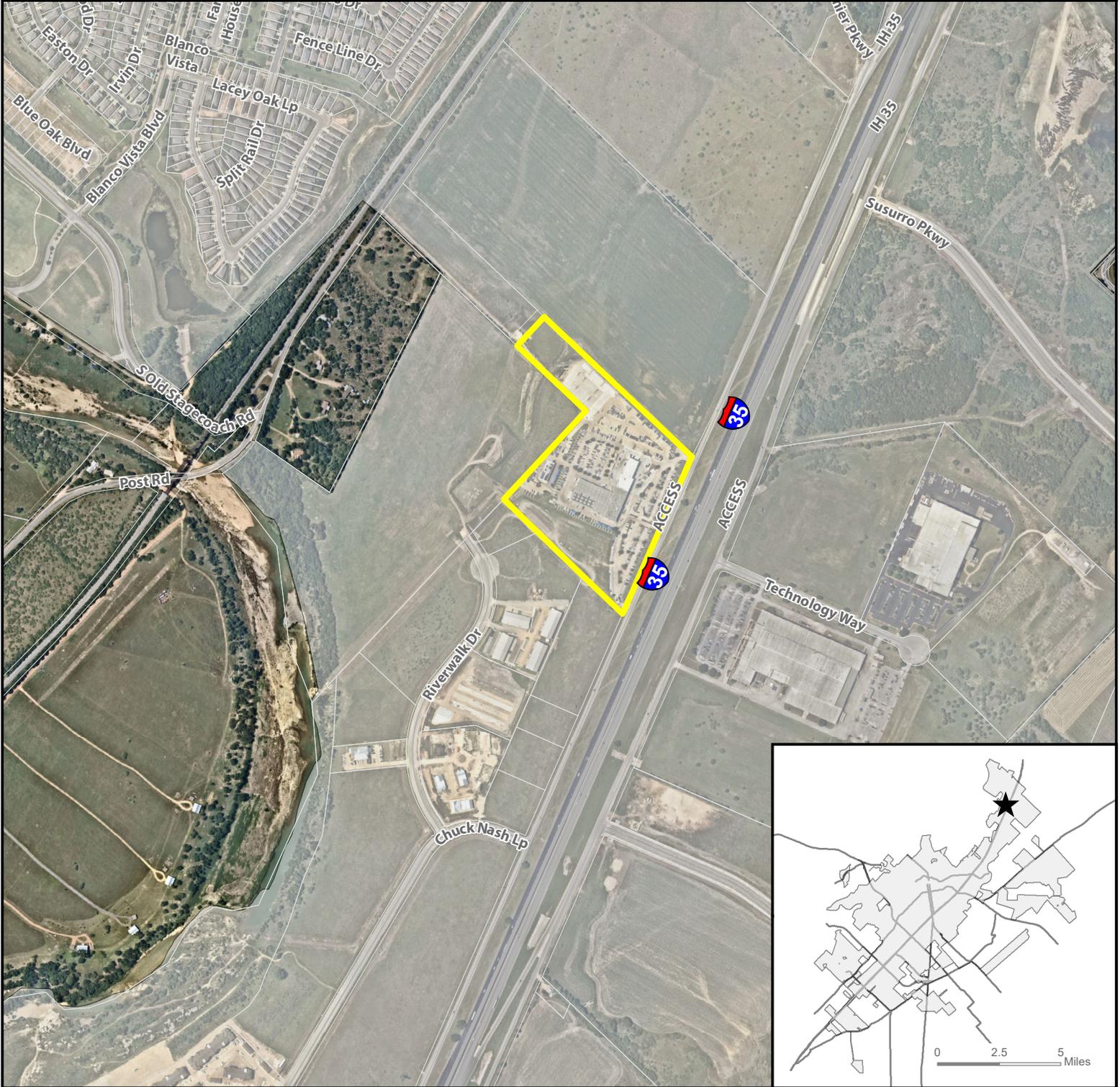
Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</p> <p><i>The subject property is located within an Employment Area on the Comprehensive Plan. The Comprehensive Plan states that “the preferred scenario shows the locations of potential employment areas which are appropriate for industrial, large office park and intensive commercial uses. Typically, these uses are located on large sites with excellent road and rail access and access to water and sewer infrastructure.” The subject property’s location within an Employment Area is consistent with the policies embodied in the Comprehensive Plan and the site will have access to major roadways.</i></p>
		<u>N/A</u>	<p>The proposed use is consistent with any adopted neighborhood character study for the area.</p> <p><i>Studies were not complete at the time of the request.</i></p>
<u>X</u>			<p>The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.</p> <p><i>The General Commercial zoning district is described in the Development Code as follows:</i></p> <p><i>The General Commercial district is “intended to provide locations for limited (light) commercial and service-related establishments; such as wholesale product sales, automotive supply stores, veterinary services, and other similar limited commercial uses. The commercial uses within this district will have operation characteristics that are generally compatible with the CC, Community Commercial District”</i></p> <p><i>The Auto Body Repair shop use is proposed as a supplemental use to the primary General Vehicular Sales and Service use, which falls within the general intent of the zoning district.</i></p>
<u>X</u>			<p>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.</p> <p><i>This property is not adjacent to any existing neighborhoods and the closest property is office / warehouse.</i></p>

Conditional Use Permit	3209 N IH 35
CUP-20-18	Chuck Nash

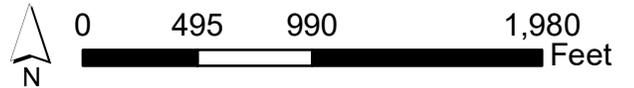


<u>X</u>		<p>The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.</p> <p><i>The proposed use will generate some additional traffic due to the added use. However the site fronts on the IH – 35 frontage road and the additional vehicular traffic is not anticipated to have a negative impact on traffic flow.</i></p> <p><i>Due to the size of the expansion, the applicant will be required to make some streetscape improvements that will improve pedestrian and bicycle access, as the Transportation Master Plan identifies a Greenway along the I-35 corridor, which includes a 12 foot shared use path and street trees.</i></p>	
<u>X</u>		<p>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.</p> <p><i>The increase traffic is not anticipated to have an impact on neighborhood streets.</i></p>	
<u>X</u>		<p>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</p> <p><i>The subject property will be required to meet all parking lot landscaping requirements. The Auto Body Repair use will happen within the interior to the proposed building.</i></p>	
<u>X</u>		<p>The proposed use meets the standards for the applicable 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.</p> <p><i>The proposed use will be required to meet all standards of the General Commercial zoning district and all regulations in San Marcos Development Code. The applicant is not requesting any deviations to such standards.</i></p>	

CUP-20-18 Aerial View Chuck Nash Auto Body Shop — 3209 N IH-35



-  **Site Location**
-  **Subject Property**
-  **Parcel**
-  **City Limit**



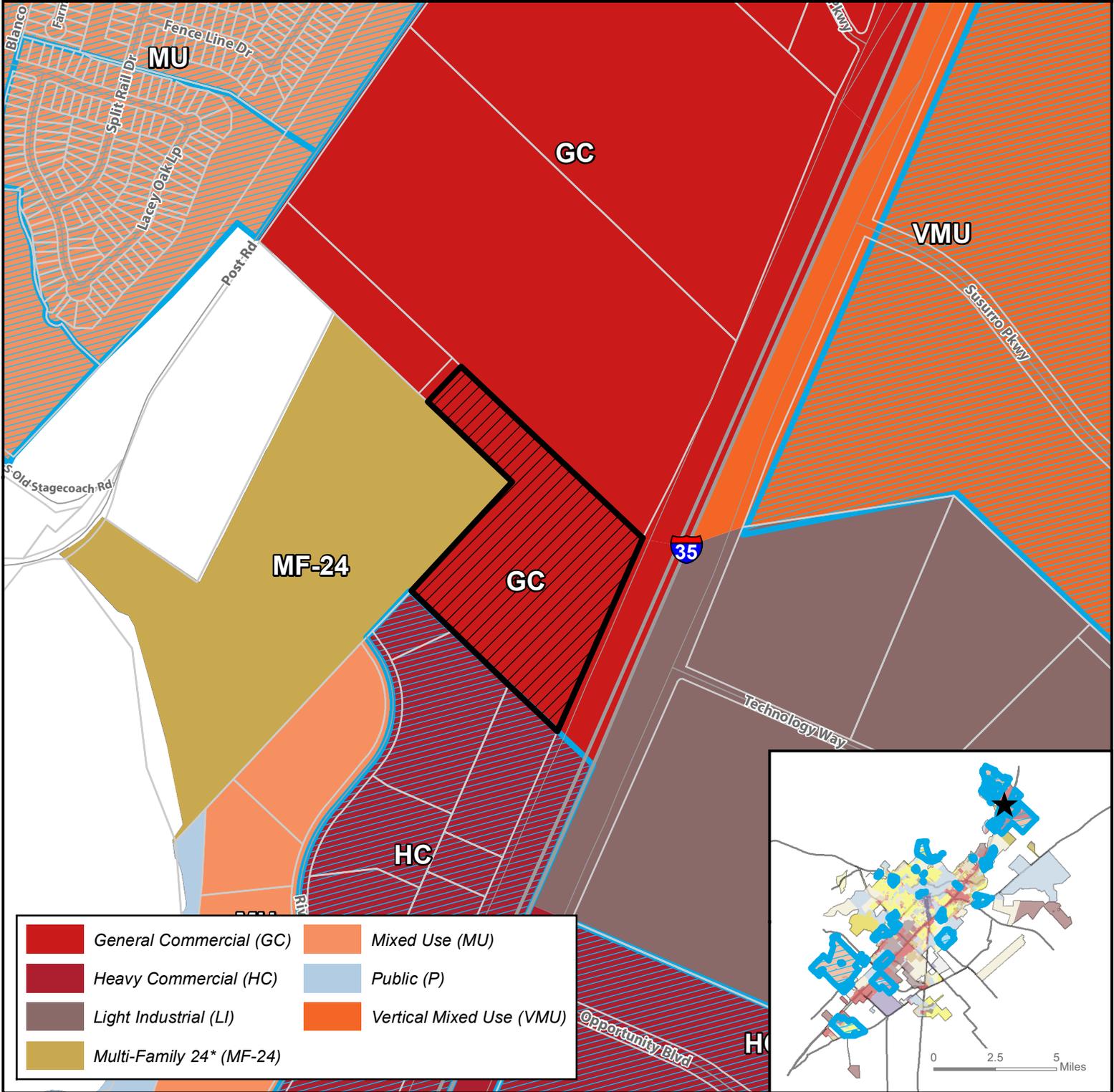
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 9/29/2020

CUP-20-18

Existing Zoning

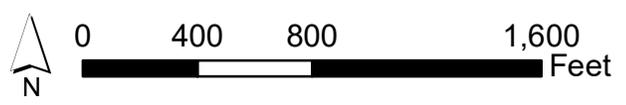
Chuck Nash Auto Body Shop — 3209 N IH-35



	General Commercial (GC)		Mixed Use (MU)
	Heavy Commercial (HC)		Public (P)
	Light Industrial (LI)		Vertical Mixed Use (VMU)
	Multi-Family 24* (MF-24)		



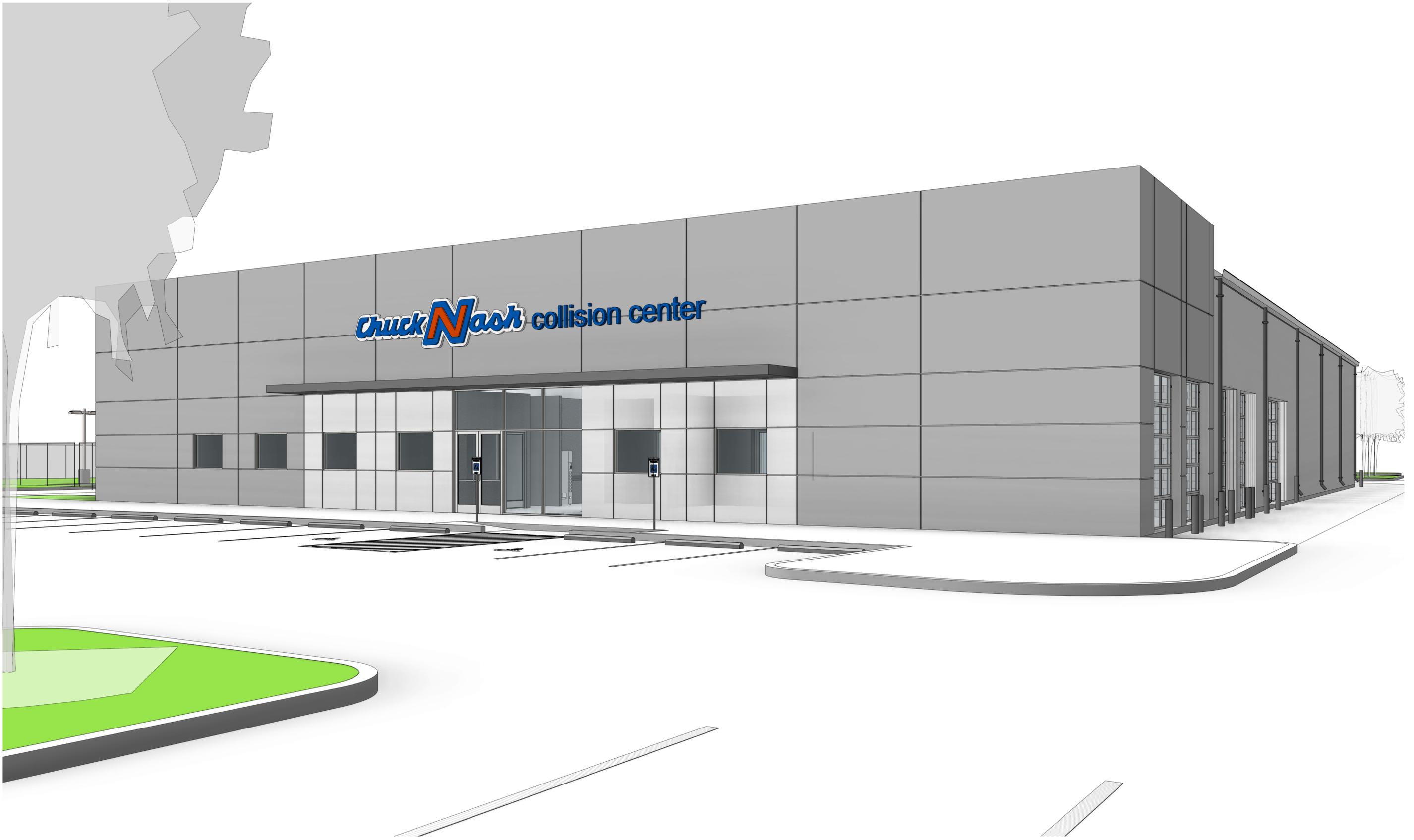
- Site Location**
- Subject Property**
- PDD**
- Parcels**
- City Limit**



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.

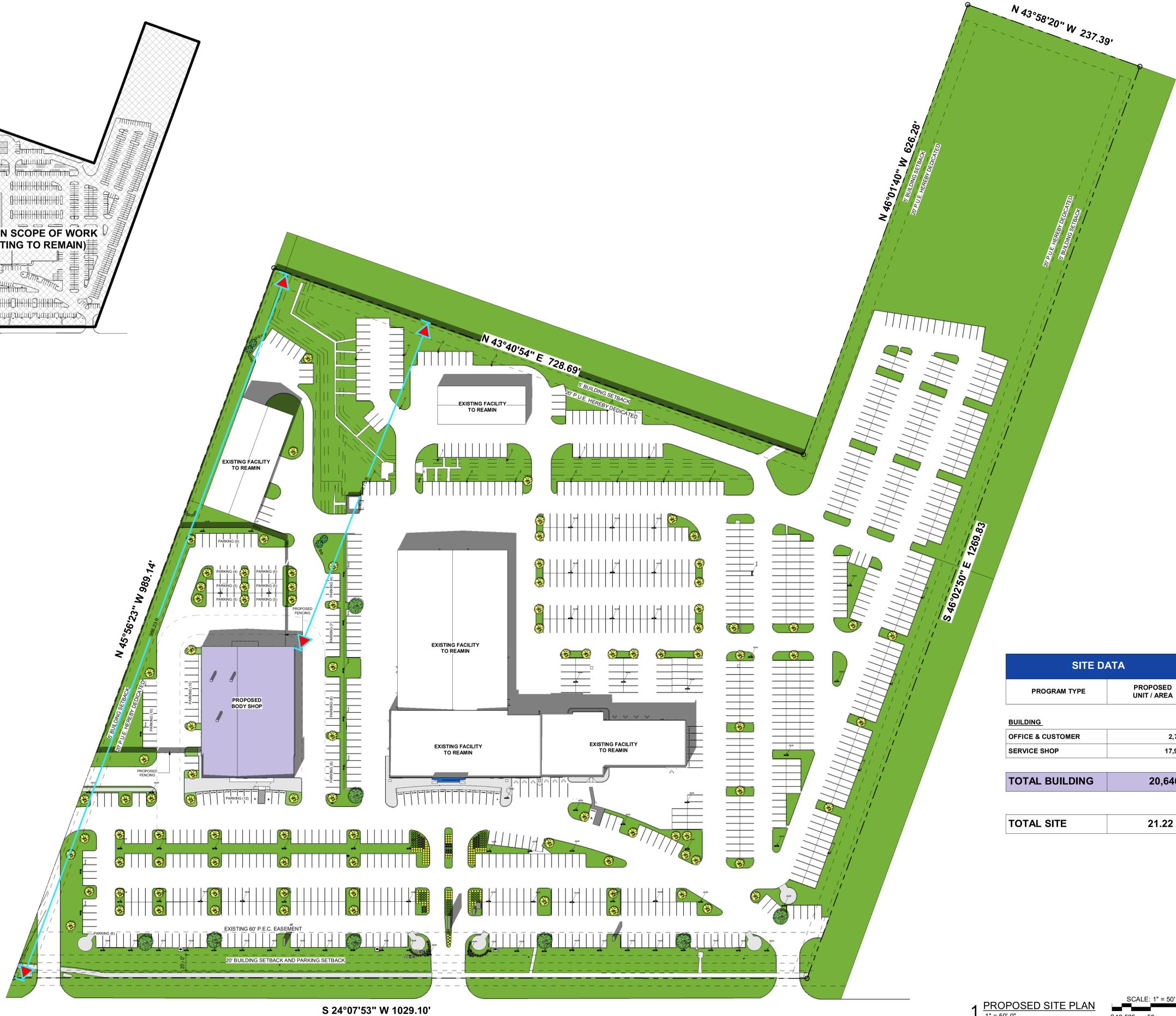
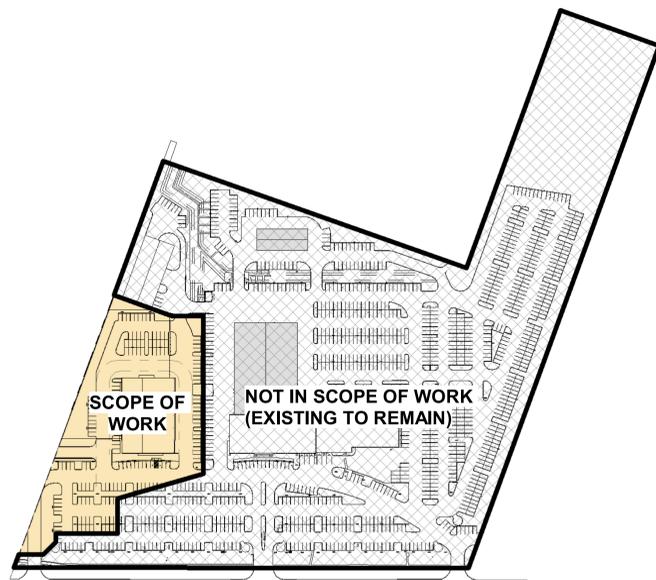
Map Date: 9/24/2020

Property Address	Parcel ID	Owner Name	Address	City	State	Zip
325 Riverwalk Dr	R144830	BLANCO RIVERWALK BUSINESS PARK LLC	9811 SOUTH IH-35 BLDG 3 STE 100	AUSTIN	TX	78744-7902
3045 N IH 35	R164605	BRW OFFICE HOLDINGS LLC	9811 S INTERSTATE 35 BLDG 3 STE 100	AUSTIN	TX	78744-7901
3209 N IH 35	R113483	CDN/ETN LP	3209 IH-35 N	SAN MARCOS	TX	78666
450 Riverwalk Dr	R164601	GATEWAY BUSINESS PARK LLC	9811 S IH 35 BLDG 3 STE 100	AUSTIN	TX	78744
N IH 35	R95117	NASH, CHARLES D, Jr	PO BOX 1007	SAN MARCOS	TX	78667
Post Road	R120844	SLF II YARRINGTON JV LP % STRATFORD LAND (ACCOUNTING)	5949 SHERRY LN; STE 800	DALLAS	TX	75225
N IH 35	R119371	VCD CENTURION GATHERING PARTNERSHIP LTD	P.O. BOX 607	WIMBERLEY	TX	78676-0607





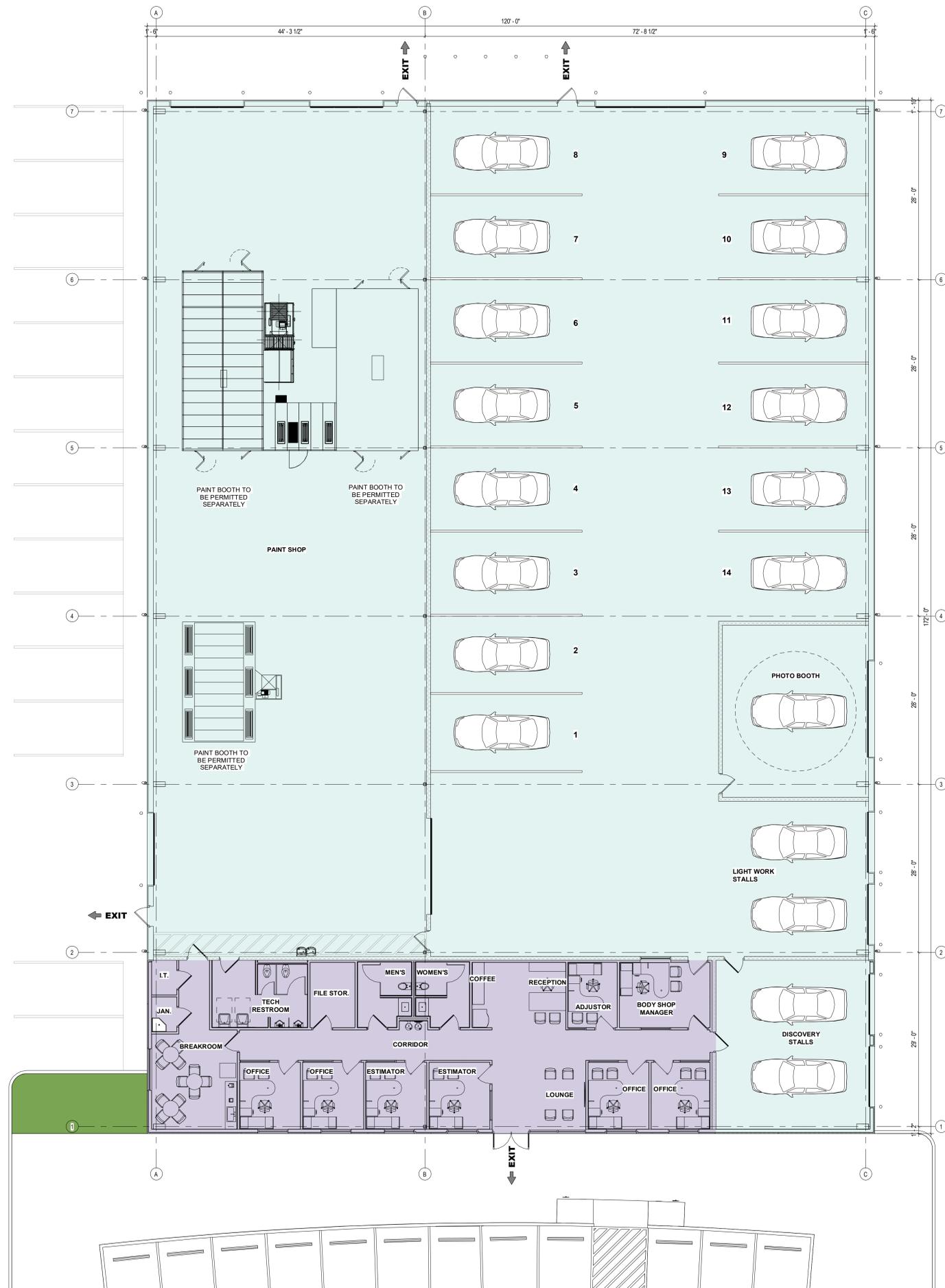
1 EXISTING SITE PLAN
 1" = 50'-0"
 SCALE: 1" = 50'
 0 12.525 50 100



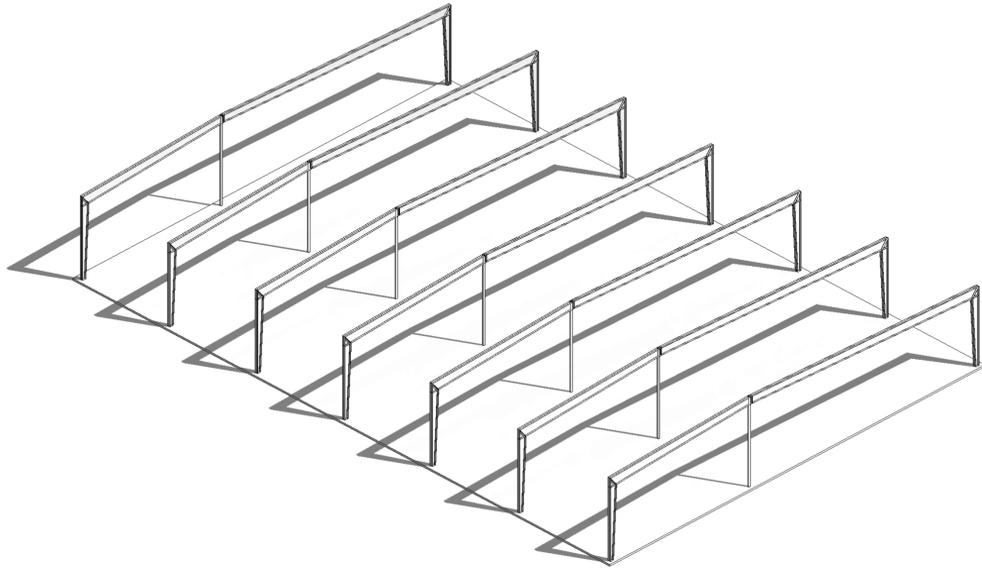
SITE DATA	
PROGRAM TYPE	PROPOSED UNIT / AREA
BUILDING	
OFFICE & CUSTOMER	2,706 SF
SERVICE SHOP	17,934 SF
TOTAL BUILDING	20,640 SF
TOTAL SITE	21.22 AC.

1 PROPOSED SITE PLAN
 1" = 50'-0"
 SCALE: 1" = 50'
 0 12.525 50 100

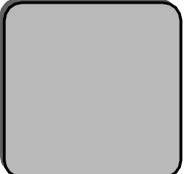
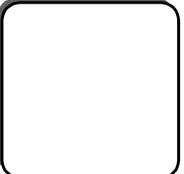
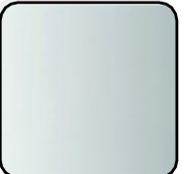
THIS DRAWING AND THE BIM/CAD FILE FROM WHICH IT HAS BEEN GENERATED ARE PROVIDED AS AN INSTRUMENT OF SERVICE FOR THIS PROJECT. THESE DOCUMENTS ARE THE SOLE PROPERTY OF GOREE ARCHITECTS, INC. ANY USE OF THESE DOCUMENTS, DATA AND DESIGNS FOR PURPOSES OTHER THAN THOSE ASSOCIATED WITH THIS PROJECT WITHOUT THE EXPRESSED, WRITTEN PERMISSION OF GOREE ARCHITECTS, INC. IS PROHIBITED.

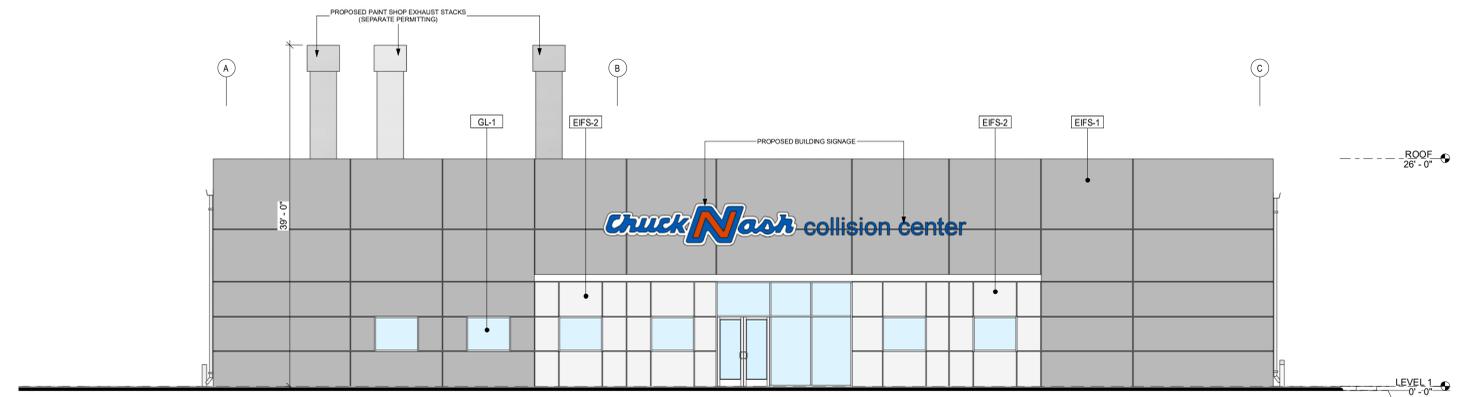


**PROPOSED
PRE-ENGINEERED METAL FRAMING STRUCTURE**

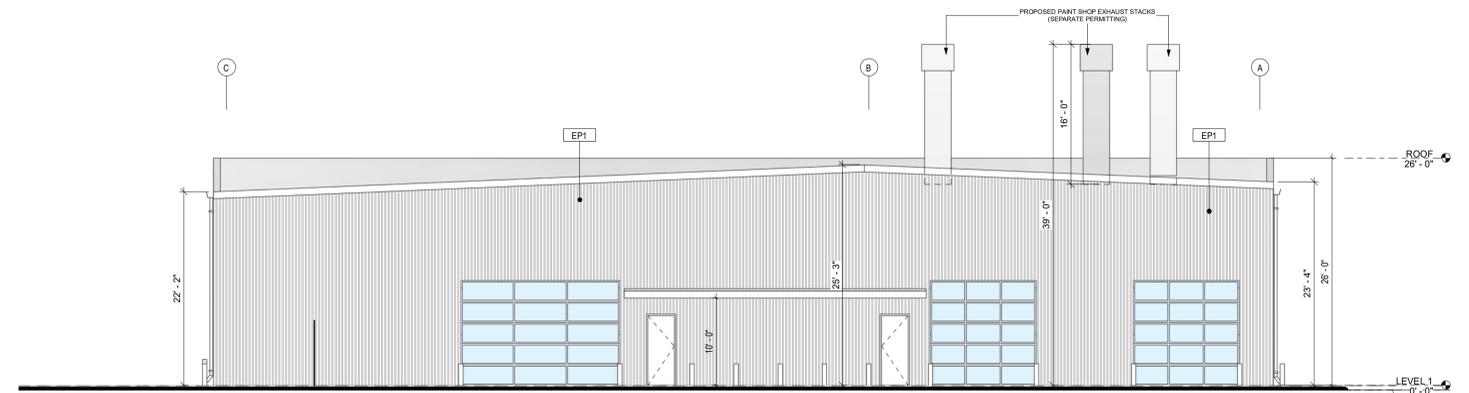


**PROPOSED
EXTERIOR FINISHES**

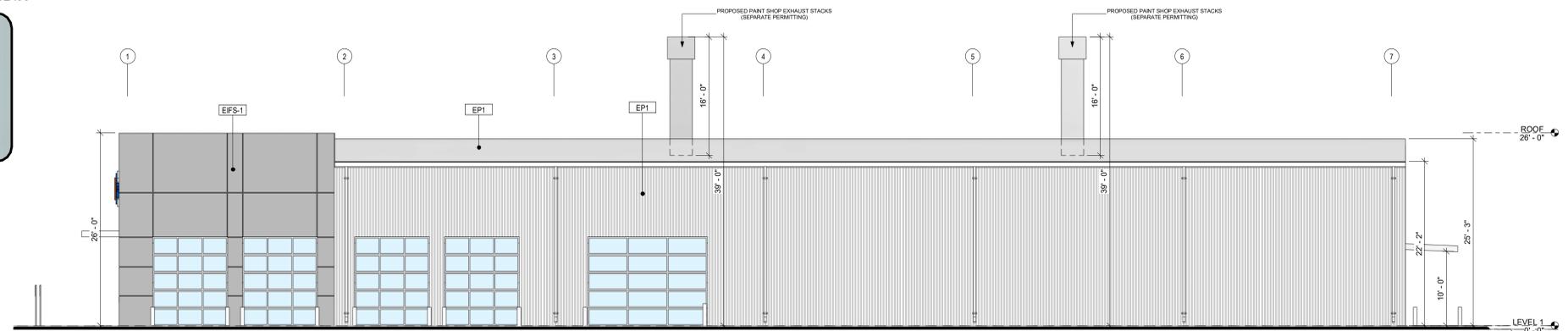
<p>EP-1 R-PANEL WALL SYSTEM BERRIDGE PANEL HR-16</p>  <p>FINISH TO BE BERRIDGE PANEL SHASTA WHITE</p>	<p>EIFS-1 EXTERIOR INSULATION FINISH SYSTEM</p>  <p>TO BE FINISHED TO MATCH COLOR: BENJAMIN MOORE SILVER HALF DOLLAR 2121-40</p>	<p>EIFS-2 EXTERIOR INSULATION FINISH SYSTEM</p>  <p>TO BE FINISHED TO MATCH COLOR: BENJAMIN MOORE WHITE DIAMOND OC-61</p>	<p>GL-1 INSULATING GLASS SYSTEM 1" INSULATED LOW E CLEAR GLASS</p>  <p>*TO BE COMPLIANT WITH ENERGY CODE</p>
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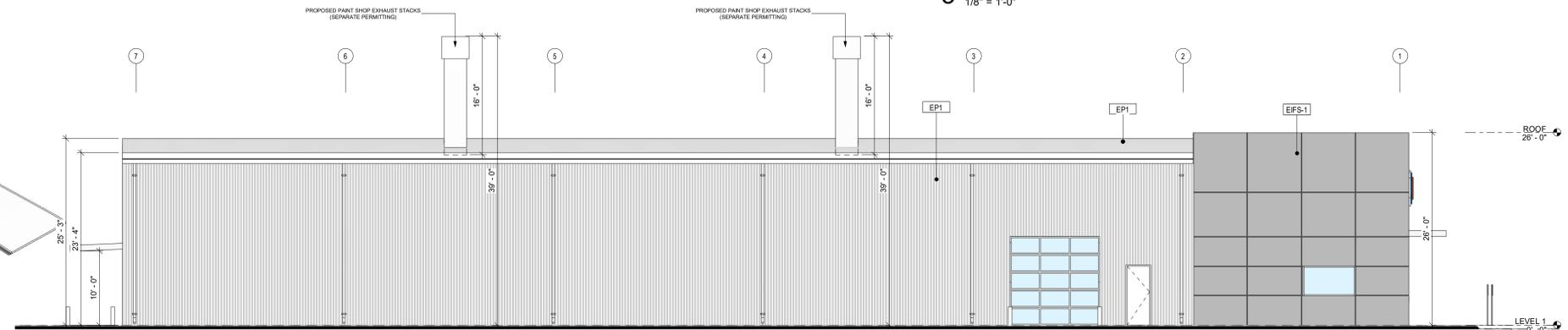
1 SOUTHEAST BUILDING ELEVATION - FRONT
1/8" = 1'-0"



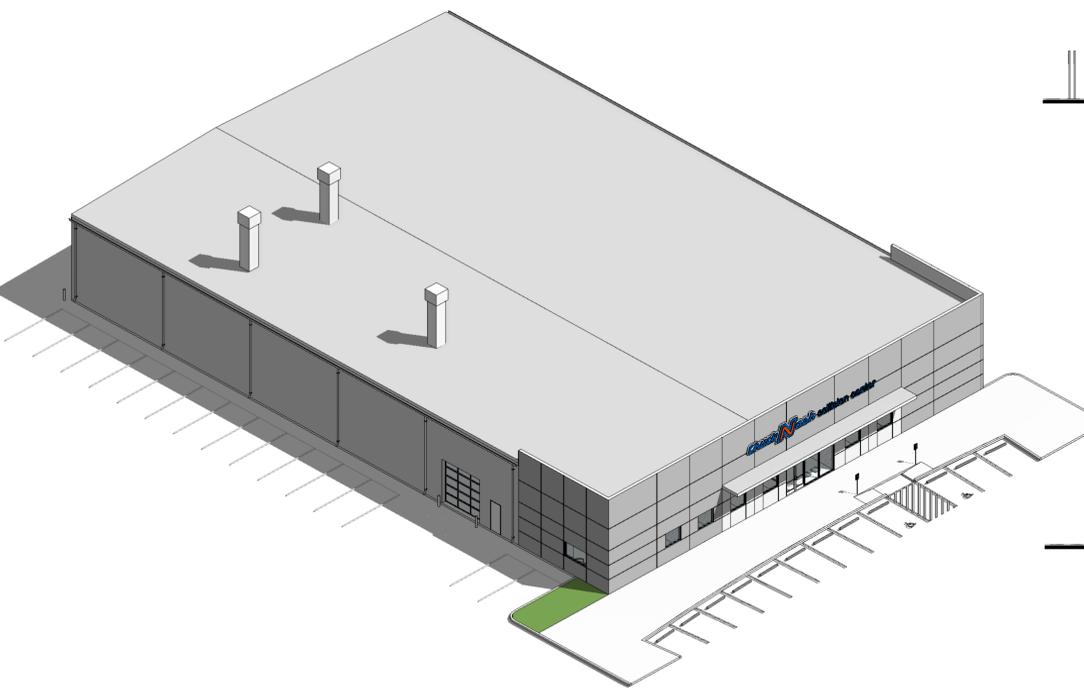
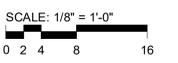
2 NORTHWEST BUILDING ELEVATION - BACK
1/8" = 1'-0"

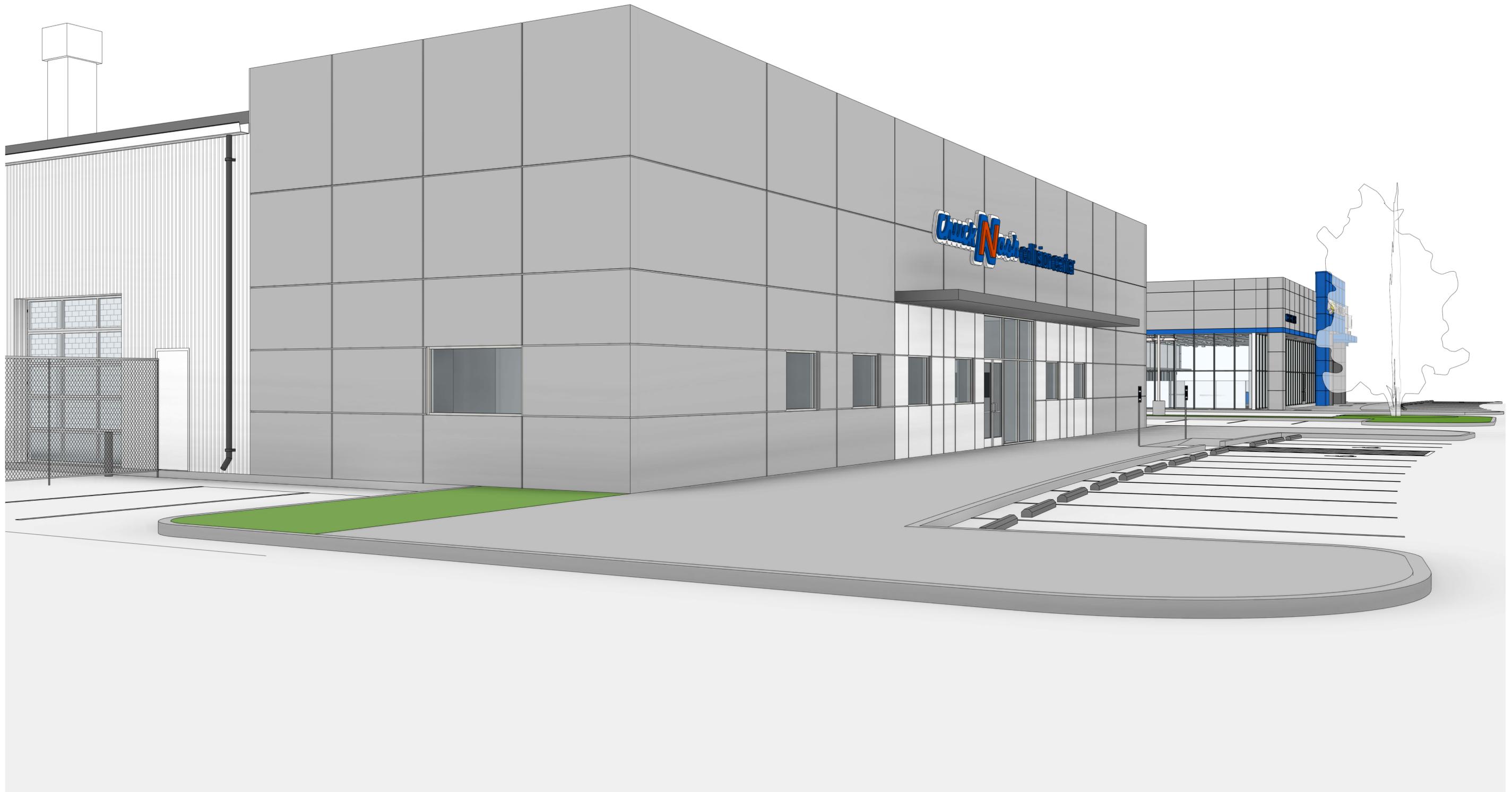


3 NORTHEAST BUILDING ELEVATION - SIDE
1/8" = 1'-0"

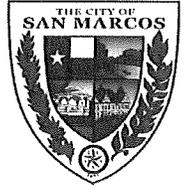


4 SOUTHWEST BUILDING ELEVATION - SIDE
1/8" = 1'-0"





CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION



Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	Matthew Opuszenski	Property Owner	Charles D. Nash
Company	Goree Architects	Company	Chuck Nash Chevrolet, Buick, Inc.
Applicant's Mailing Address	4710 Bellaire Blvd. #105 Bellaire TX	Owner's Mailing Address	PO Box 1007, San Marcos, Tx 78667
Applicant's Phone #	713-660-6102	Owner's Phone #	512-353-7788
Applicant's Email	m.opuszenski@goreearchitects.com	Owner's Email	chucknash@chucknash.com

PROPERTY INFORMATION

Subject Property Address: 3209 North I-35, San Marcos, Tx 78666

Zoning District: _____ Tax ID #: R _____

Legal Description: Lot 1 Block _____ Subdivision Nash Subdivison

DESCRIPTION OF REQUEST

Please use this space to describe the proposal. Attach additional pages as needed.

Conditional use permit to allow a automotive body shop on a site zoned (GC General commercial).

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee \$793* Technology Fee \$13 TOTAL COST \$806

Renewal/Amendment Filing Fee \$423* Technology Fee \$13 TOTAL COST \$436

**Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

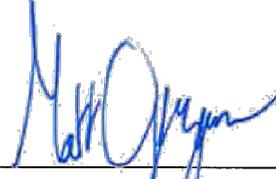
PROPERTY OWNER AUTHORIZATION

I, Charles Nash (owner name) on behalf of
Chuck Nash Chevrolet, Buick, Inc. (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
3209 North I-35, San Marcos, Tx 78666 (address).

I hereby authorize Matthew Opuszenski (agent name) on behalf of
Goree Architects (agent company) to file this application for
Conditional Use Permit (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 8/19/2020

Printed Name, Title: Charles D Nash, Owner

Signature of Agent:  Date: 8/19/2020

Printed Name, Title: Project Manager Matthew Opuszenski

Form Updated October, 2019

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official 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.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: 

Date: 8/19/2020

Print Name: Charles D Nash

Form Updated October, 2019

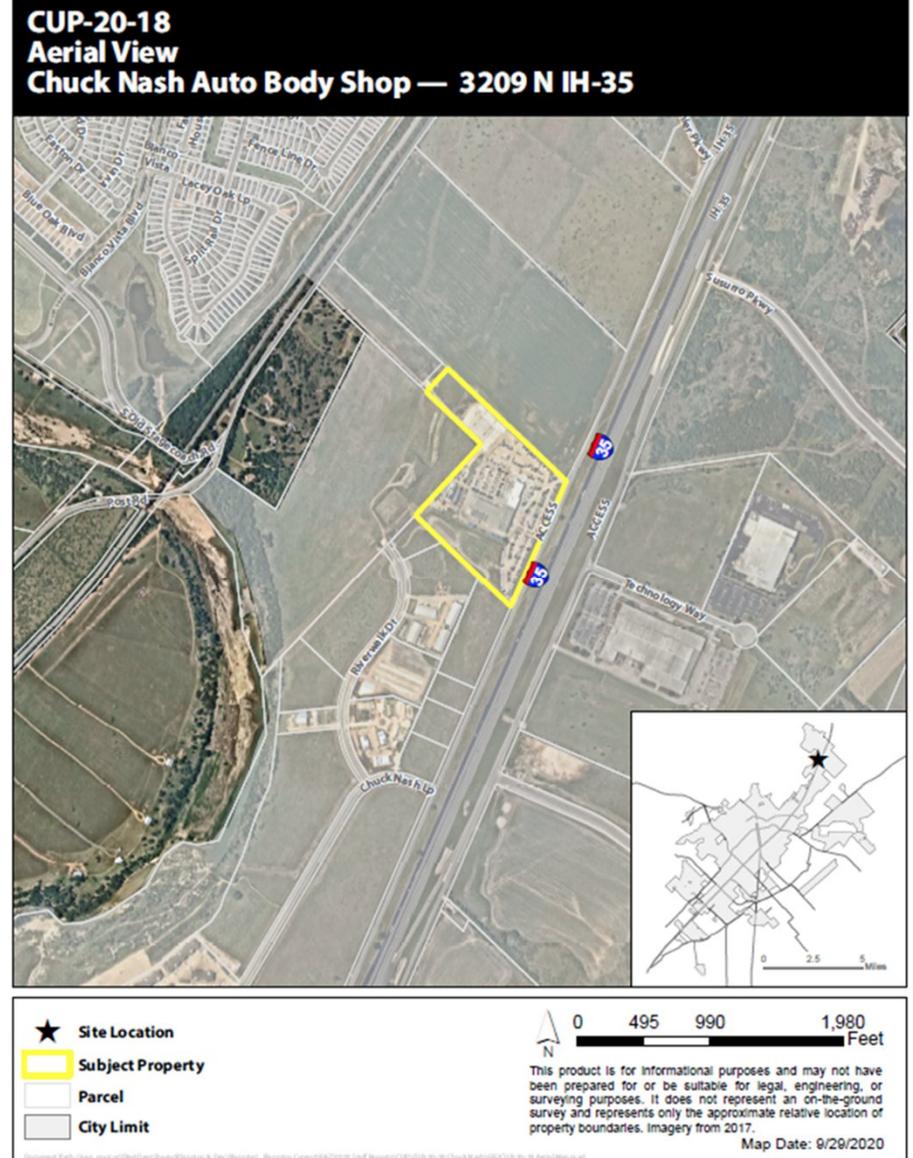
CUP-20-18 (Chuck Nash Auto Body Shop)

CUP-20-18 (Chuck Nash) Hold a public hearing and consider a request by Matthew Opuszenski on behalf of Charles D. Nash for Conditional Use Permit for an automotive body shop within a General Commercial zoning district located at 3209 North IH-35. (W. Parrish)



Location:

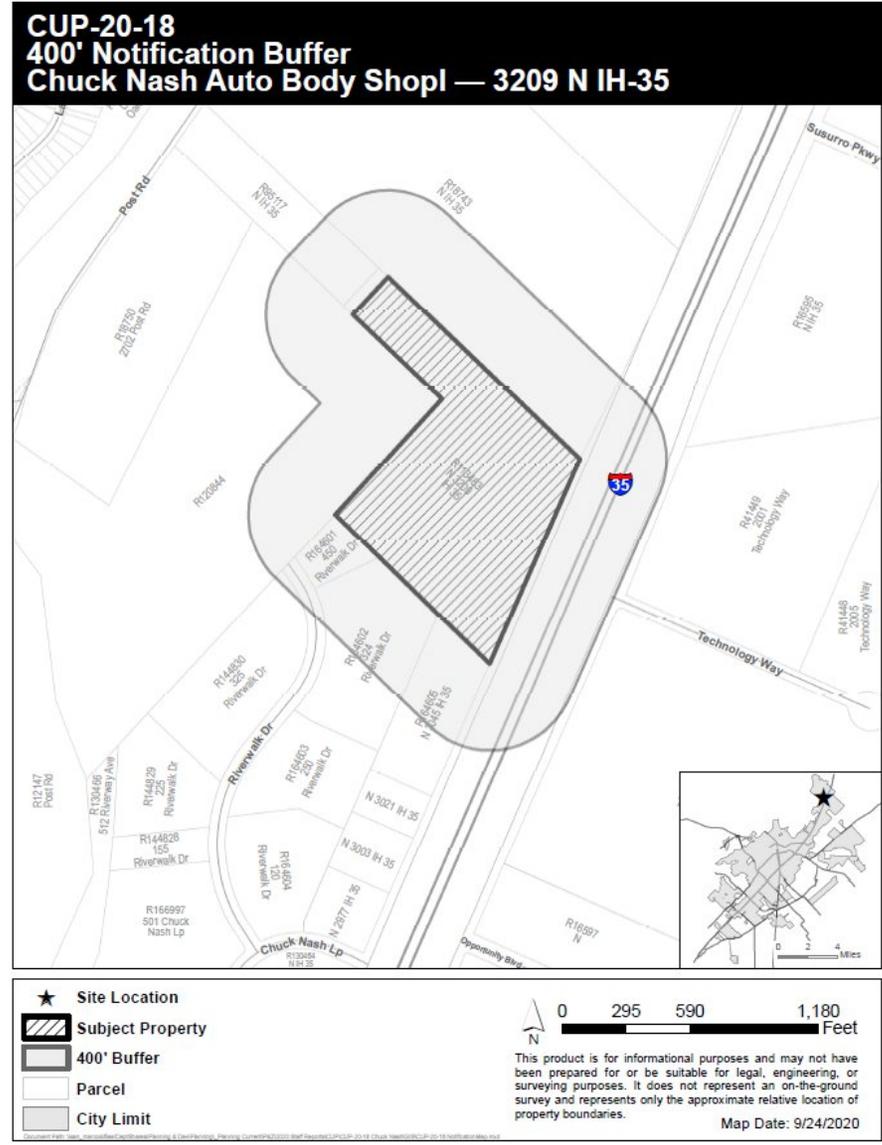
- The Chuck Nash dealership is located at 3209 N IH-35. The proposed Auto Body Repair Shop is anticipated to be located on the southwest side of the property.
- Located within the an Employment Area on the Preferred Scenario Map

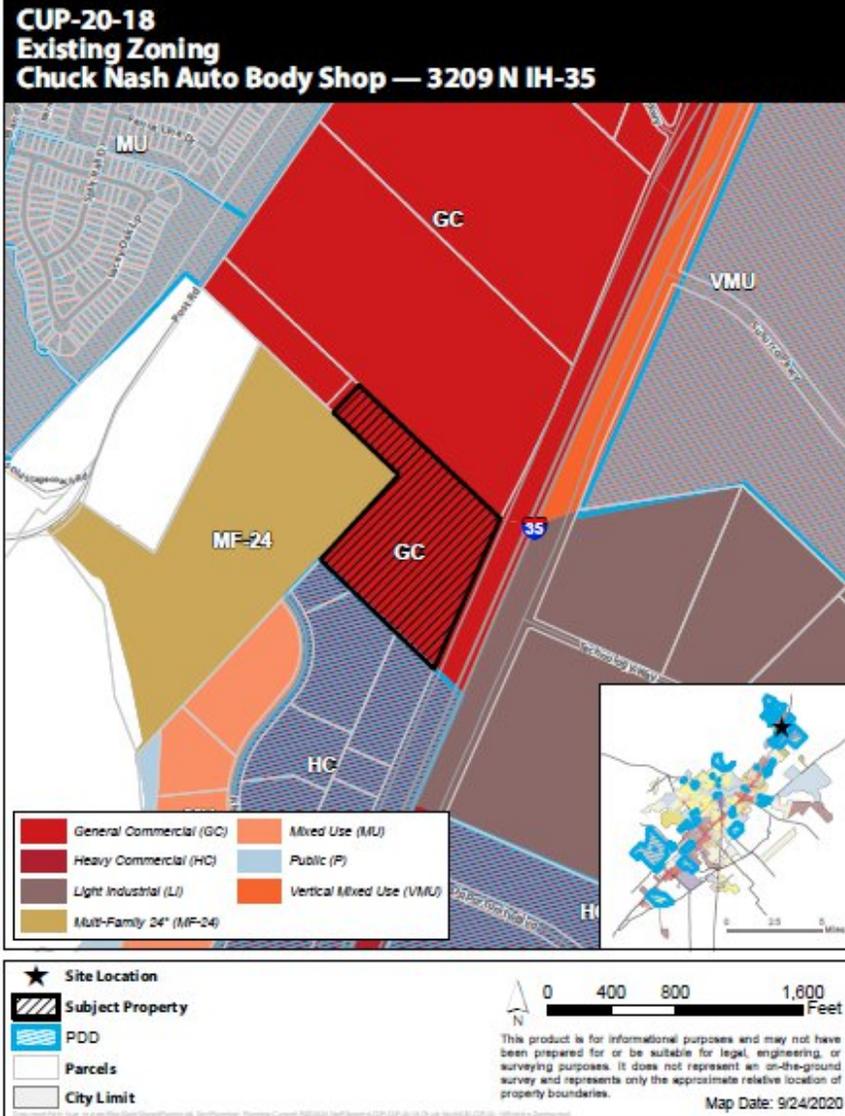




Context & History

- Chuck Nash Chevrolet Dealership is wanting to add an Auto Body Repair Shop to the existing dealership on Interstate 35.
- Property is zoned General Commercial (GC)
- Auto Body Repair Shop requires a Conditional Use Permit in the General Commercial Zoning district.
- Nearest property is warehouse / office development
- Hours of operation:
 - Monday-Saturday: 7:30 a.m. to 6 p.m.
 - Sunday: Closed





Existing Site

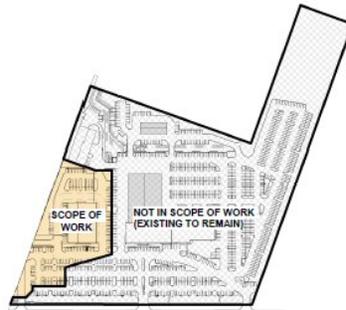


CHUCK NASH BODY SHOP
I-35, SAN MARCOS, TX 78666

1 EXISTING SITE PLAN
SCALE: 1" = 50'
0 10 20 30 40

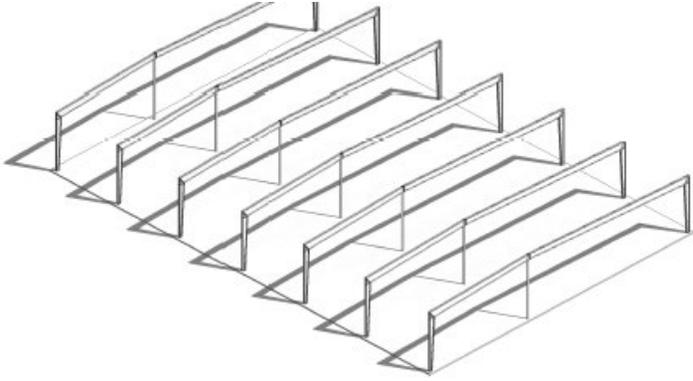
EXISTING COMPOSITE SITE

Proposed Site



SITE DATA	
PROGRAM TYPE	PROPOSED UNIT AREA
BUILDING	
OFFICE & CUSTOMER	2,708 SF
SERVICE SHOP	17,934 SF
TOTAL BUILDING	20,642 SF
TOTAL SITE	21.22 AC.

1 PROPOSED SITE PLAN
 SCALE: 1" = 30'
 0 15.00 30.00

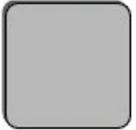


PROPOSED EXTERIOR FINISHES

- EP-1**
R-PANEL WALL SYSTEM
BERRIDGE PANEL 98-16



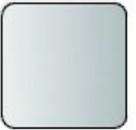
FINISH TO BE BERRIDGE PANEL
SHASTA WHITE
- EIFS-1**
EXTERIOR
INSULATION FINISH SYSTEM



TO BE FINISHED TO MATCH
COLOR: BENJAMIN MOORE
SILVER HALF DOLLAR 212-40
- EIFS-2**
EXTERIOR
INSULATION FINISH SYSTEM



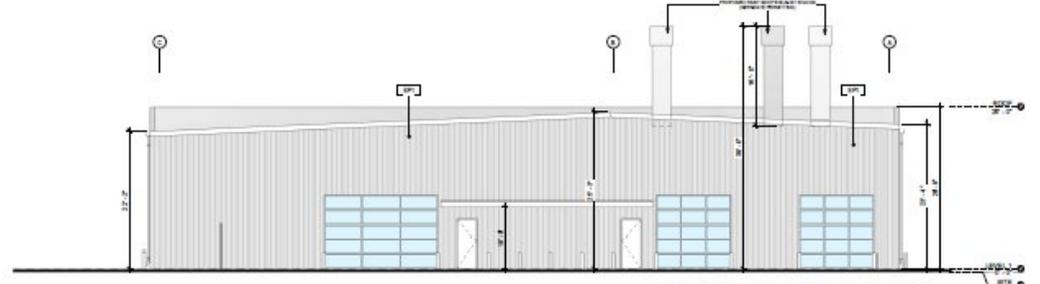
TO BE FINISHED TO MATCH
COLOR: BENJAMIN MOORE
WHITE DIAMOND 00-61
- GL-1**
INSULATED GLASS SYSTEM
1" INSULATED LOW E CLEAR GLASS



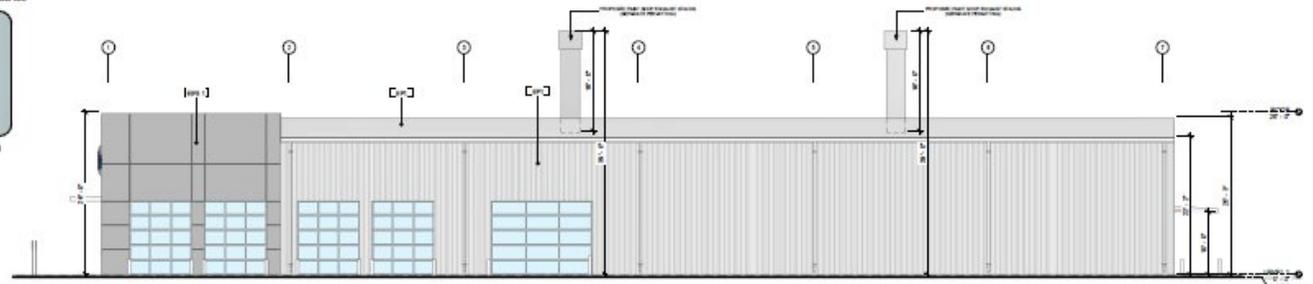
TO BE COMPLIANT WITH
ENERGY CODE



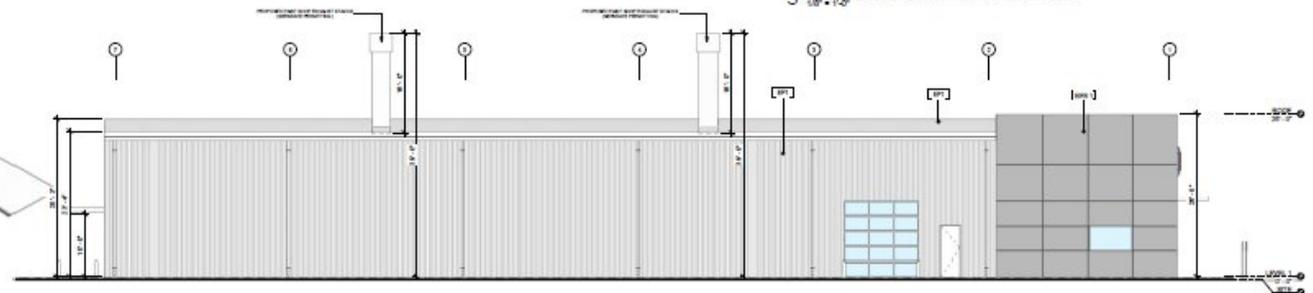
1 SOUTHEAST BUILDING ELEVATION - FRONT
1/8" = 1'-0"



2 NORTHWEST BUILDING ELEVATION - BACK
1/8" = 1'-0"

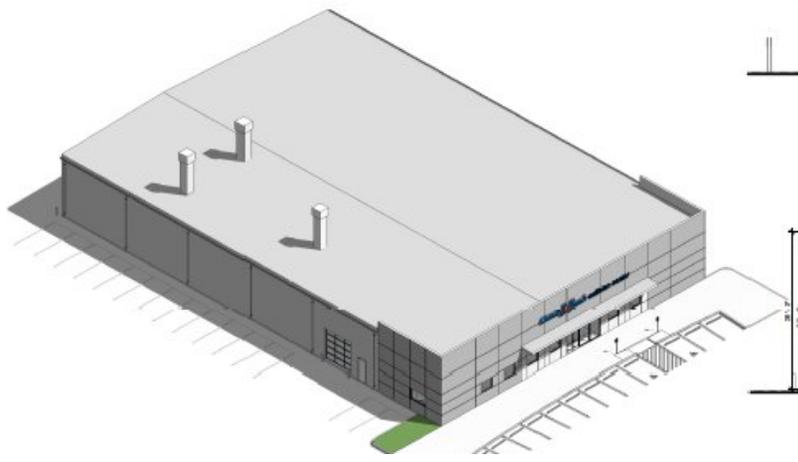


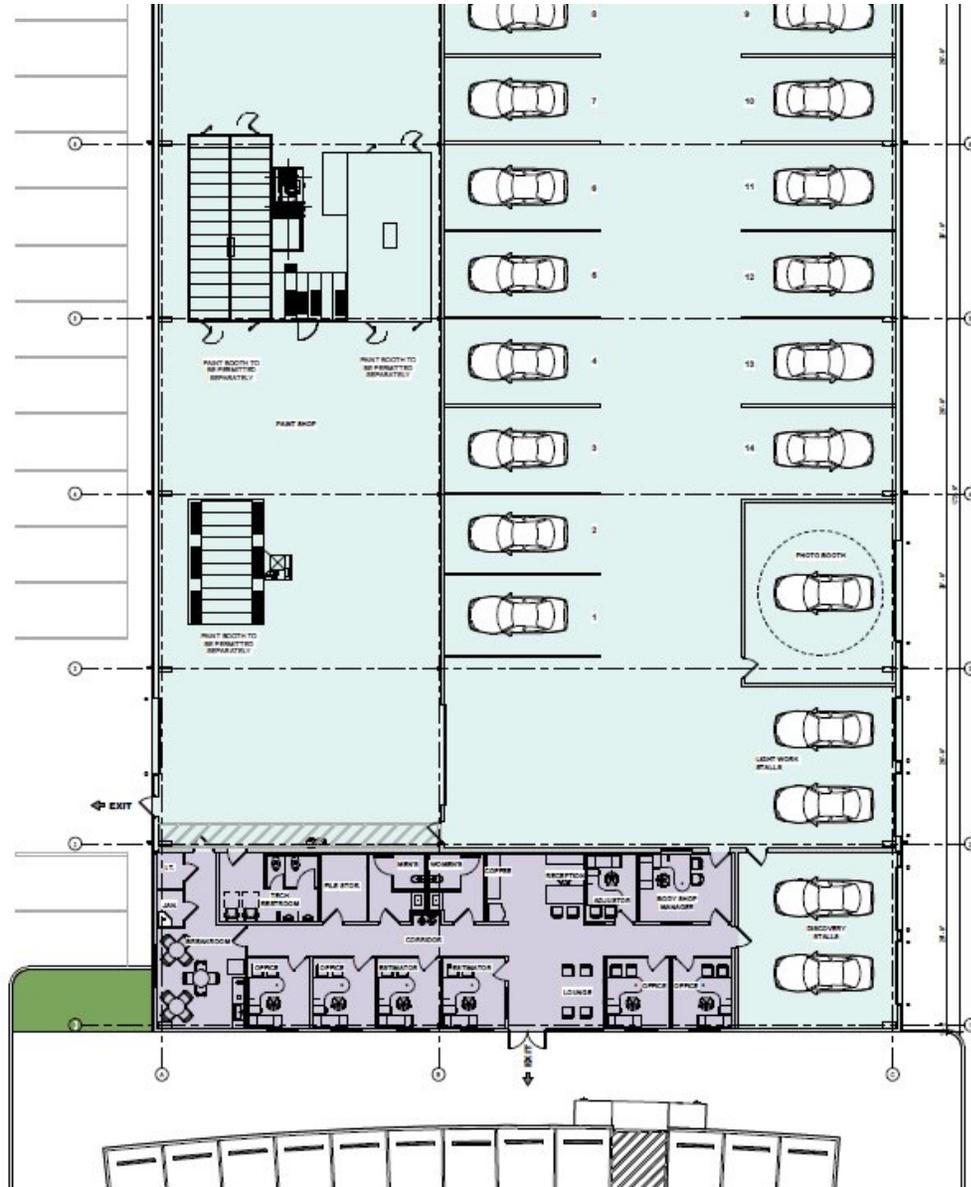
3 NORTHEAST BUILDING ELEVATION - SIDE
1/8" = 1'-0"



4 SOUTHWEST BUILDING ELEVATION - SIDE
1/8" = 1'-0"

SCALE: 1/8" = 1'-0"







Recommendations:

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

- 1. The site is developed in a manner substantially similar to the provided site plan, and;**
- 2. The applicant provides a solid screen between the Auto Body Repair Shop parking area and the adjacent property; and**
- 3. The site is developed according to all other codes and ordinances.**



Legislation Text

File #: ZC-20-23, **Version:** 1

AGENDA CAPTION:

ZC-20-23 (Vantage San Marcos) Hold a public hearing and consider a request by Chris Weigand, on behalf of Mohnke Poor Farm LLC, for a Zoning Change from Future Development (FD) to Character District - 2.5 (CD-2.5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 12.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County, located near the intersection of Hwy 123 and Monterey Oak Drive. (W. Parrish)

Meeting date: October 13, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the dropdown menu below]

Workforce Housing

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

Economic Development - Choose an item.

Environment & Resource Protection - Choose an item.

Land Use - Direct Growth, Compatible with Surrounding Uses

Neighborhoods & Housing - Well maintained, stable neighborhoods protected from encroachment of incompatible land uses

Parks, Public Spaces & Facilities - Choose an item.

- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The applicant previously submitted a request to re-zone this property from Future Development (FD) to Character District - 3 (CD-3).

At their regularly scheduled meeting on 2/25/2020 the Planning and Zoning Commission voted 5 to 3 to recommend approval of the request to City Council.

At their regularly scheduled meeting on 3/14/2020 the City Council voted to deny the request 4-2. At the meeting Council members discussed concern over the lack single family occupancy restrictions within the CD-3 zoning district.

On September 1, 2020 City Council adopted changes to the San Marcos Development Code that included the new zoning district Character District - 2.5 (CD-2.5), which restricts development to two building types, House and Accessory Dwelling Unit, and includes the single family occupancy restrictions.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff has reviewed the request with the criteria from Section 2.5.1.4 of the San Marcos Development Code and recommends approval as submitted.

Zoning Request	Near the Intersection of Highway 123 and Monterrey Oak Drive
ZC-20-23	



Summary

Request:	Rezone approximately 12.5 acres of land that is currently in the Extraterritorial Jurisdiction of the City, which will be zoned Future Development (FD) upon annexation to Character District 2.5 (CD-2.5).		
Applicant:	Vantage at San Marcos 7334 Blanco Road Suite 200 San Antonio, TX 78666	Property Owner:	Mohnke Poor Farm LLC 540 Mission Valley Road New Braunfels, TX 78132

Notification

Application:	September 23, 2020	Neighborhood Meeting:	N/A
Published:	September 27, 2020	# of Participants	N/A
Posted:	September 25, 2020	Personal:	September 25, 2020
Response:	None as of the date of the Staff Report		

Property Description

Legal Description:	for approximately 12.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County		
Location:	Near the intersection of Highway 123 and Monterey Oak Drive		
Acreage:	12.5 +/-	PDD/DA/Other:	N/A
Existing Zoning:	ETJ – will be Future Development (FD)	Proposed Zoning:	Character District-2.5 (CD-2.5)
Existing Use:	Agricultural	Proposed Use:	Residential
Existing Occupancy:	Restrictions Do Not Apply	Occupancy:	Restrictions Do Apply
Preferred Scenario:	Medium Intensity Zone and Low Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Vacant / Agricultural	Medium / Low Intensity
South of Property:	SF-6	Residential	Medium / Low Intensity
East of Property:	SF-6 / ETJ	Vacant / Residential	Low Intensity Zone
West of Property:	ETJ / P	Commercial / Industrial / High School	Medium Intensity Zone

Staff Recommendation

X	Approval as Submitted	Alternate Approval	Denial
Staff: Will Parrish AICP, CNU-A			
Title : Planner		Date: September 30, 2020	

Zoning Request

ZC-20-23

**Near the Intersection of Highway 123
and Monterrey Oak Drive**



History

This property is located within the San Marcos Extraterritorial Jurisdiction (ETJ) and is adjacent to the Cottonwood Creek subdivision and across from the San Marcos High School on Highway 123.

The applicant previously made a request to rezone the property to Character District – 3 (CD-3) that was heard by the Planning and Zoning Commission and City Council earlier this year.

At their regularly scheduled meeting on 2/25/2020 the Planning and Zoning Commission voted 5 to 3 to recommend approval of the request to City Council.

At their regularly scheduled meeting on 3/14/2020 the City Council voted to deny the request 4-2. At the meeting Council members discussed concern over the lack single family occupancy restrictions within the CD-3 zoning district.

The applicant updated their request is to zone approximately 12.5 acres to Character District 2.5 (CD-2.5), which is a new residential zoning district. This zoning district was added to the San Marcos Development Code by City Council on September 1, 2020 in order to provide an alternative to CD-3.

The City of San Marcos will provide water and wastewater services to the site. The developer will be responsible for extending water and wastewater facilities through the site. Bluebonnet Electric Cooperative will provide electric service to this development.

This zoning request is being processed concurrently with an annexation request for the property.

Additional Analysis

This property abuts the Cottonwood Creek Subdivision, which consists of single family homes zoned Single Family-6 (SF-6), Patio Home-Zero Lot Line (PH-ZL), and Town House (TH). Additionally, Cottonwood Creek contains Bowie Elementary School.

The proposed zoning district, CD-2.5, allows two building types, House and Accessory Dwelling Unit. The maximum building height allowed within this district is two stories. Any lots proposed to be 45 feet or less in width will require alley access.

The most substantial difference between CD-2.5 and the CD-3 zoning district is that the single family occupancy restrictions, which restrict the number of non-related persons within a dwelling unit, do apply to CD-2.5, but do not apply to CD-3.

Zoning Request	Near the Intersection of Highway 123 and Monterrey Oak Drive
ZC-20-23	



<u><i>Comments from Other Departments</i></u>	
Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Zoning Request	Near the Intersection of Highway 123 and Monterrey Oak Drive
ZC-20-23	



Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map.</p> <p>Table 4.1 of the San Marcos Development Code identifies Character Districts as districts that are Considered in Low Intensity zones, all other districts are identified as Not Preferred.</p>
		<u>N/A</u>	<p>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area.</p> <p>Studies were not complete at the time of this request.</p>
		<u>N/A</u>	<p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect.</p> <p>This property is requesting annexation, therefore no development agreement is proposed.</p>
<u>X</u>			<p>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified.</p> <p>The uses allowed within this district are residential and have residential standards similar to those within the adjacent single family residential district.</p>
<u>X</u>			<p>Whether the proposed zoning will reinforce the existing or planned character of the area.</p> <p>The proposed district is consistent with the planned character of the area based on the Preferred Scenario Map and Comprehensive Plan, which states that the community needs diversified housing options (Neighborhood and Housing Goal 3). As this district is limited to one and two family dwelling units, it is similar in character to the adjacent residential neighborhood.</p>
<u>X</u>			<p>Whether the site is appropriate for the development allowed in the proposed district.</p> <p>This site has very few development constraints and is appropriate for residential development.</p>
		<u>N/A</u>	<p>Whether there are substantial reasons why the property cannot be used according to the existing zoning.</p> <p>The property is not currently zoned as it is outside City Limits. Upon annexation, if zoned FD it will be able to be used for rural residential or agricultural uses.</p>

Zoning Request

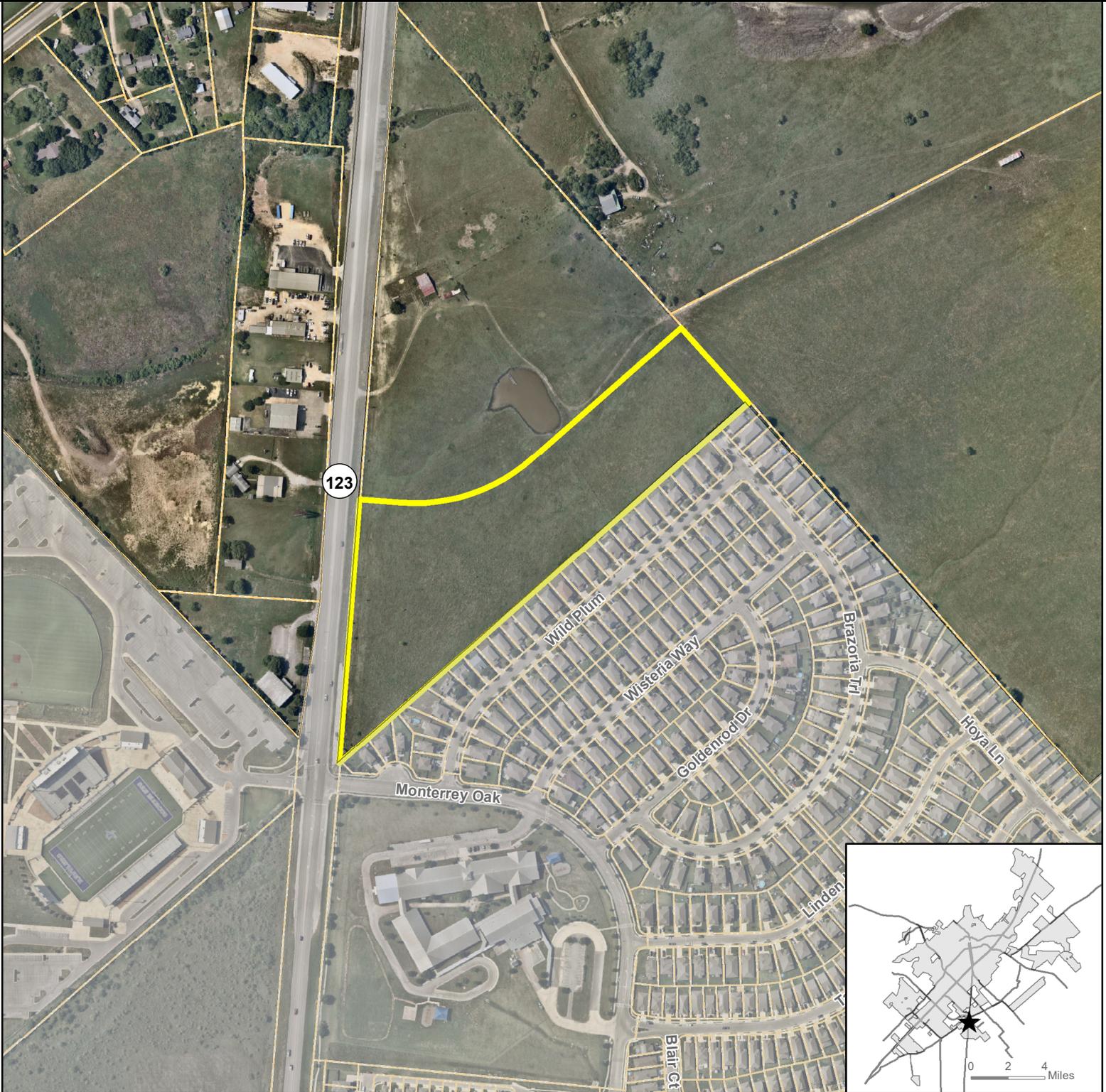
ZC-20-23

Near the Intersection of Highway 123
and Monterrey Oak Drive

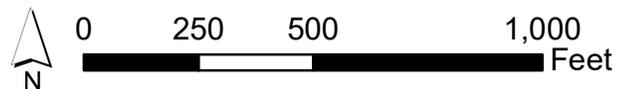


Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether there is a need for the proposed use at the proposed location.</p> <p><i>The rezoning does serve a public purpose as it furthers the goals and vision of the Comprehensive Plan.</i></p>
<u>X</u>			<p>Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development.</p> <p><i>The property is located adjacent to City Limits and adequate existing City services. Roads and utility infrastructure will be required to extend into and through the development at the developer's cost.</i></p>
<u>X</u>			<p>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property.</p> <p><i>The property is currently undeveloped, as such development of any kind will have an impact on the abutting neighborhood. As this is proposed to be a residential district, the impact should be minimal when compared to more intense zoning districts allowed to be requested.</i></p>
		<u>N/A</u>	<p>For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5.</p> <p><i>This is not a request for a Neighborhood Density District.</i></p>
<u>X</u>			<p>The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management.</p> <p><i>This property is located within an area that has very little environmental constraints according to the Land Use Suitability Map.</i></p>
<u>X</u>			<p>Any other factors which shall substantially affect the public health, safety, morals, or general welfare.</p> <p><i>None noted.</i></p>

ZC-20-23 Aerial Map FD to CD-2.5



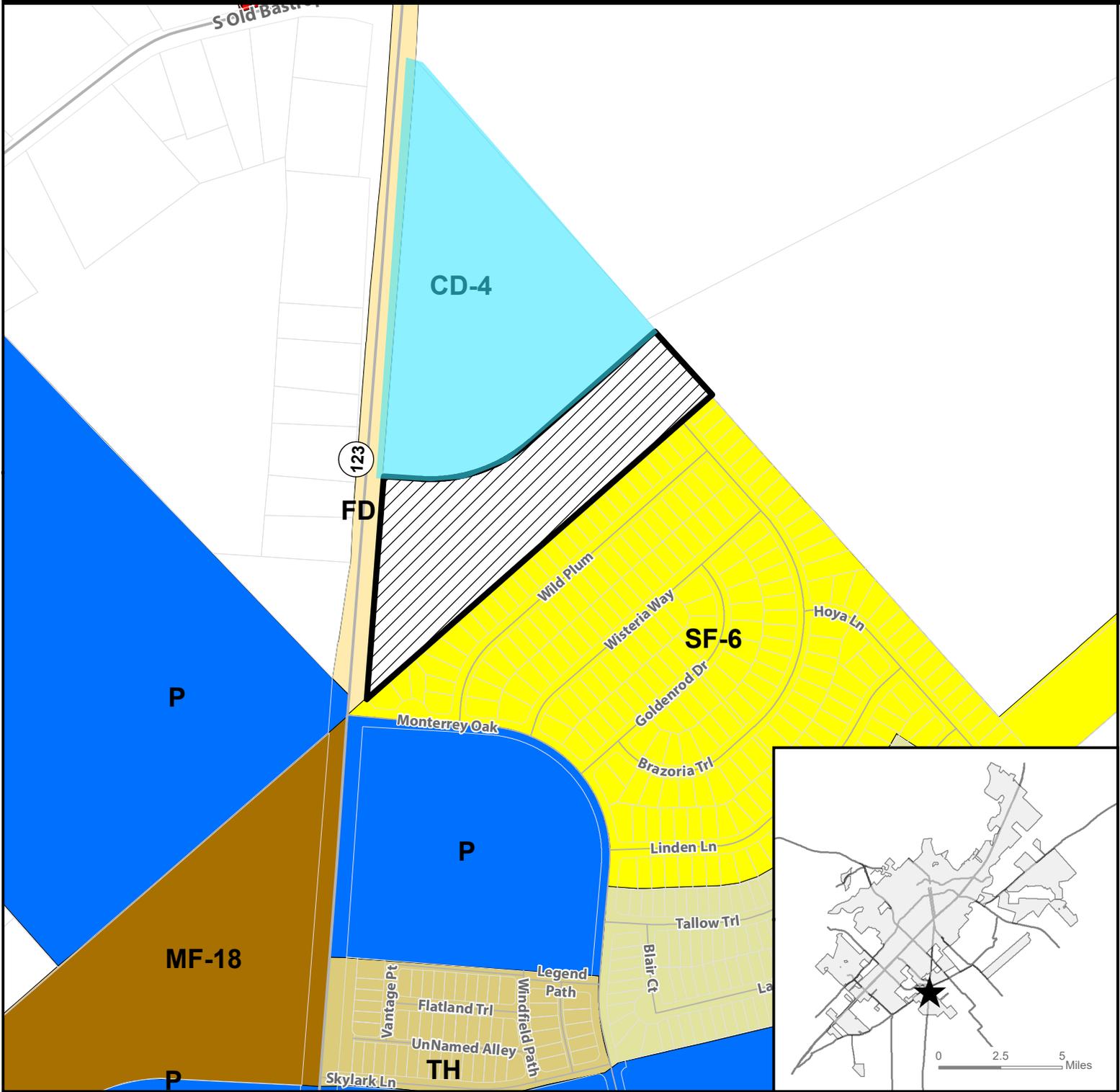
- ★ Site Location
- Subject Property
- Parcel
- City Limit



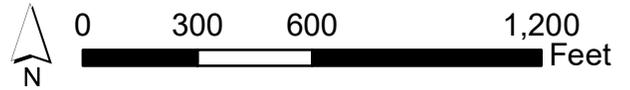
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 9/29/2020

ZC-20-23 Zoning Map FD to CD-2.5



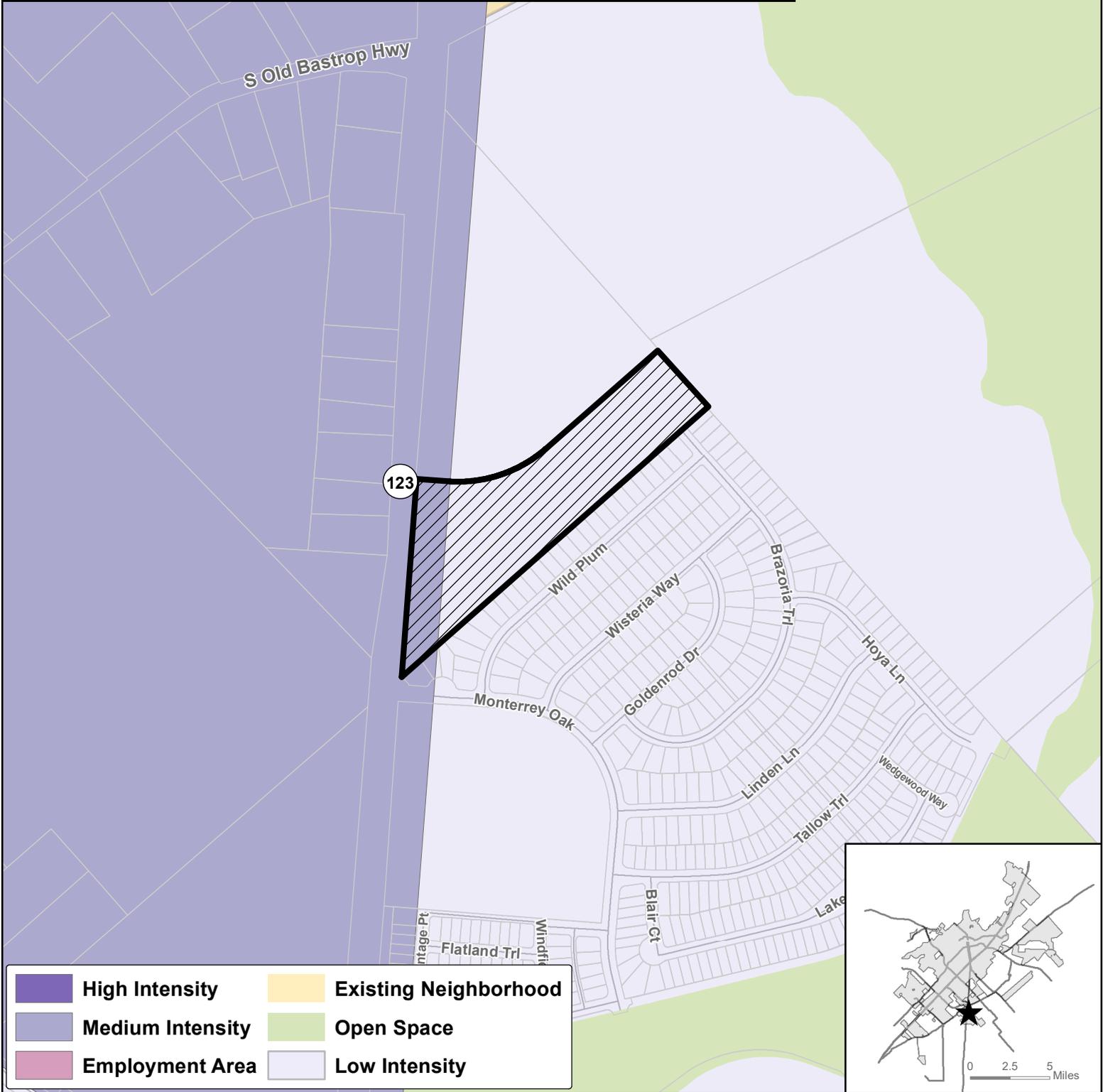
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



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. Imagery from 2017.

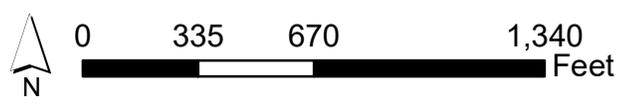
Map Date: 9/24/2020

ZC-20-23 Preferred Scenario FD to CD-2.5 - Vantage



	High Intensity		Existing Neighborhood
	Medium Intensity		Open Space
	Employment Area		Low Intensity

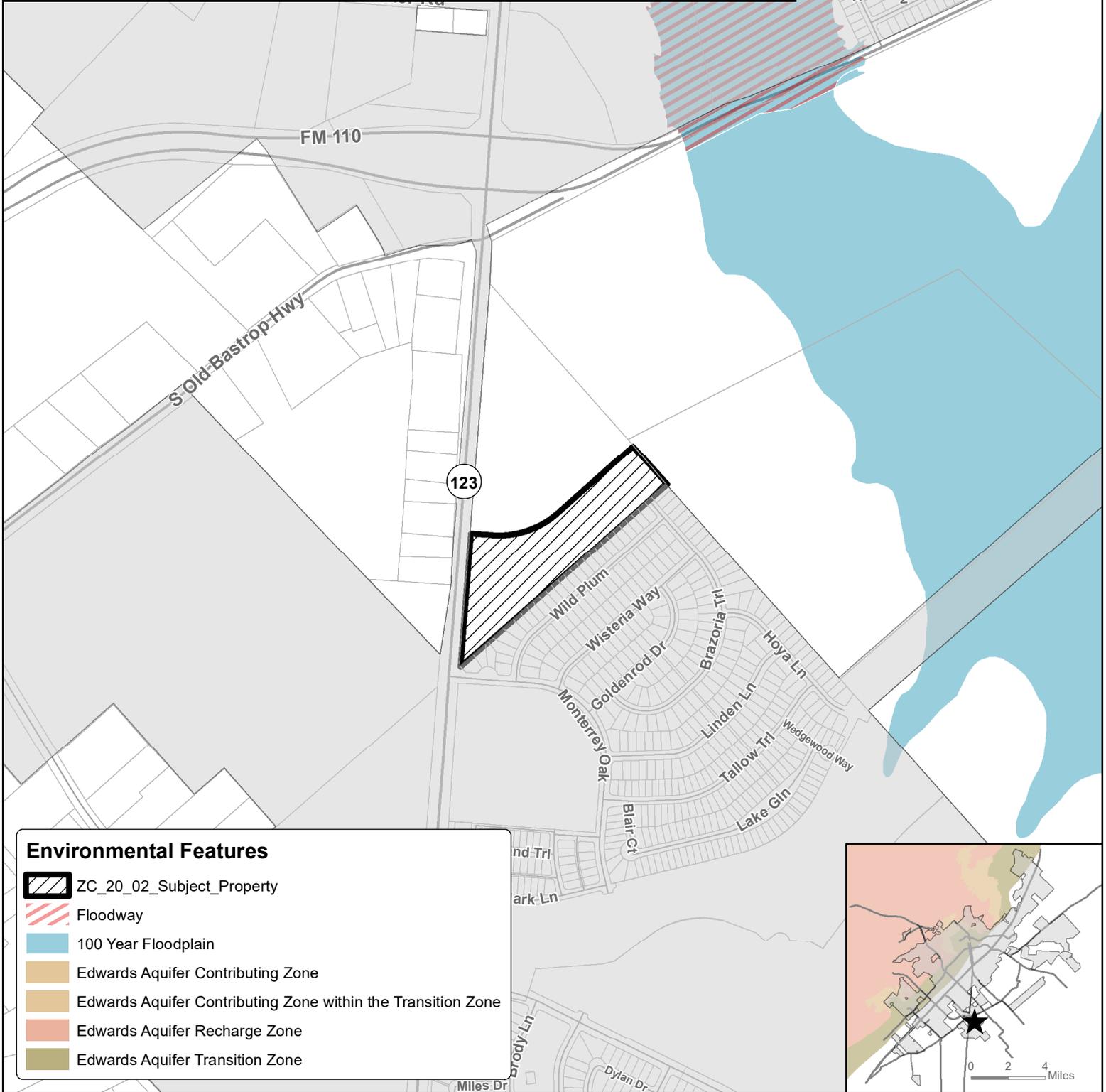
-  Site Location
-  Subject Property
-  Parcel
-  City Limit



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Map Date: 1/10/2020

ZC-20-23 Environmental Features FD to CD-2.5 - Vantage



Environmental Features

-  ZC_20_02_Subject_Property
-  Floodway
-  100 Year Floodplain
-  Edwards Aquifer Contributing Zone
-  Edwards Aquifer Contributing Zone within the Transition Zone
-  Edwards Aquifer Recharge Zone
-  Edwards Aquifer Transition Zone

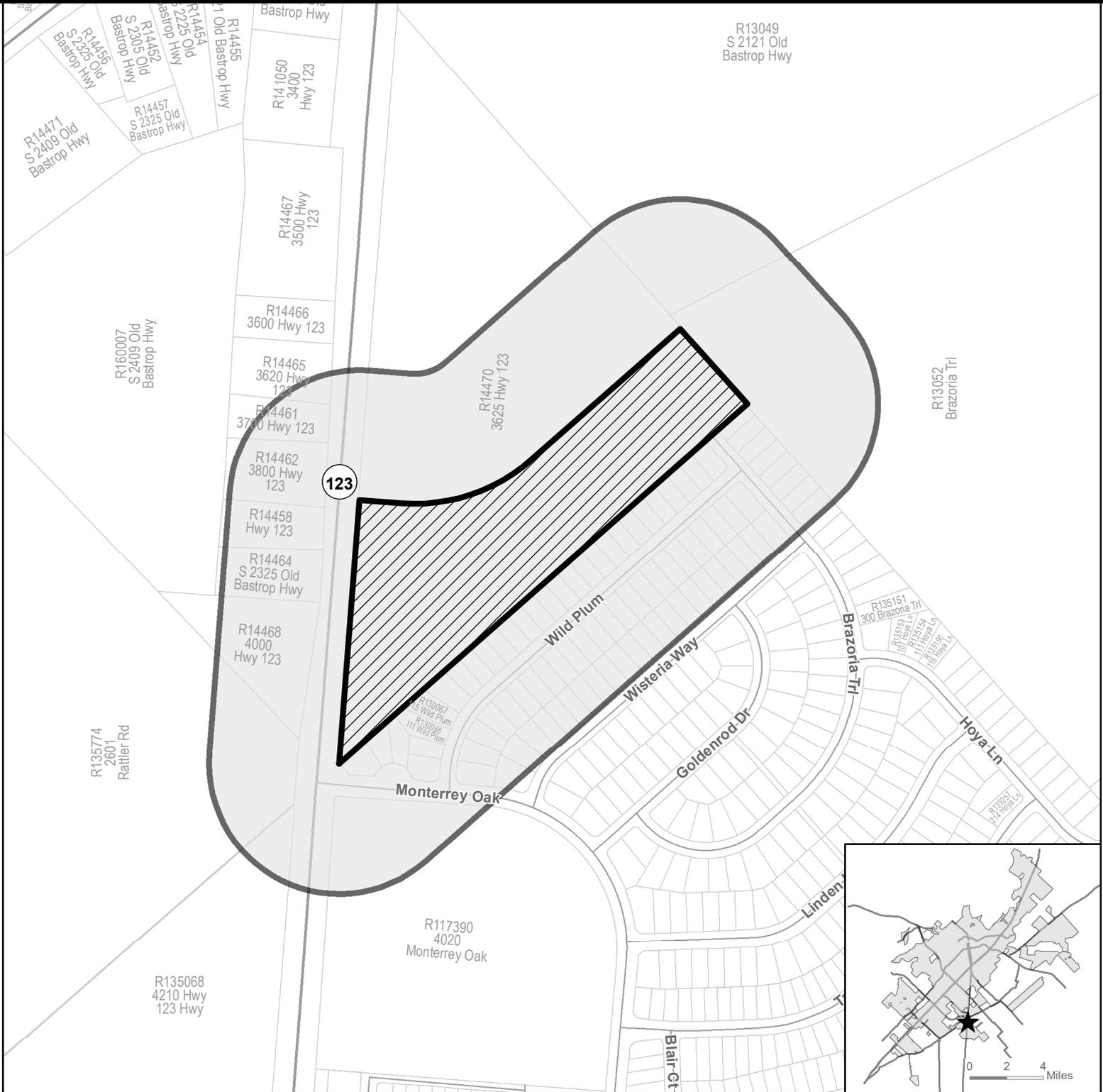
-  **Site Location**
-  **Subject Property**
-  **Parcel**
-  **City Limit**



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Map Date: 1/16/2020

ZC-20-23 400' Notification Buffer FD to CD-2.5



	Site Location	 
	Subject Property	
	400' Buffer	
	Parcel	
	City Limit	

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.

Map Date: 9/24/2020

Document Path: Year: marcos\files\Dept\Shares\Planning & Dev\Planning\Planning Current\P&Z\2020 Staff Reports\ZC\ZC-20-02\GIS\ZC-20-02 NotificationMap.mxd

Property Address	Parcel ID	Owner Name	Address	City	State	Zip
BRAZORIA TRL	R13052	86.47 ACRE PAPE LLC	2123 OLD BASTROP HWY	SAN MARCOS	TX	78666
237 WISTERIA WAY	R130119	ADAMS ERIK JAMAUL & HEATHER NICHOLE	237 WISTERIA	SAN MARCOS	TX	78666
118 WILD PLUM	R130094	ADAMS, SHAWN TOMMY	118 WILD PLUM	SAN MARCOS	TX	78666
127 WILD PLUM	R130070	ALCALA DON E JR & LORETTA R	127 WILD PLUM	SAN MARCOS	TX	78666-5267
310 WILD PLUM	R130109	AMH 2014-2 BORROWER LLC	30601 AGOURA RD STE 200	AGOURA HILLS	CA	91301-2148
506 BRAZORIA TRL	R130153	BARNETT DANNY L	506 BRAZORIA TRL	SAN MARCOS	TX	78666-2845
318 WILD PLUM	R130111	BARNETT FRED & DEBBIE	1304 E SCANDINAVIAN CT	GRANBURY	TX	76048-4377
106 WILD PLUM	R130091	BRAVERMAN ELLEN & SIDNEY	106 WILD PLUM	SAN MARCOS	TX	78666-5267
4009 MONTERREY OAK	R130062	CARBERRY EMMALENE & WINN MATTHEW	4009 MONTERREY OAK	SAN MARCOS	TX	78666
110 WILD PLUM	R130092	CASAREZ CALL ETHAN & COTTRELL ASHLEY TAYLOR	110 WILD PLUM	SAN MARCOS	TX	78666
221 WISTERIA WAY	R130123	CAVAZOS ROBERT L III & CHAPMAN CHRISTINA J	221 WISTERIA WAY	SAN MARCOS	TX	78666
114 WILD PLUM	R130093	CERVANTES AILEEN & Attn: WEEKS ERIC	114 WILD PLUM	SAN MARCOS	TX	78666-5267
3600 HWY 123	R14466	CORAZON NEGRO LLC	3600 HIGHWAY 123	SAN MARCOS	TX	78666
402 BRAZORIA TRL	R130160	CORREIA ANTONIO N & MARGARIDA	402 BRAZORIA TRL	SAN MARCOS	TX	78666-2848
126 WILD PLUM	R130096	COTTEN CHRISTOPHER J	126 WILD PLUM	SAN MARCOS	TX	78666
4210 HWY 123	R135068	COTTONWOOD CREEK JDR LTD	333 CHEATHAM ST	SAN MARCOS	TX	78666-6911
322 WILD PLUM	R130112	DAVIS BRUCE C & LANA T	8004 HUCKLEBERRY RD	ROGERS	AR	72756
201 WISTERIA WAY	R130128	DB MISC RE LP	223 HULL RD	SUGAR LAND	TX	77498-5007
218 WILD PLUM	R130101	DISTEFANO DEBRA A	218 WILD PLUM	SAN MARCOS	TX	78666-5277
3700 HWY 123	R14461	EQUITY TRADING HOLDING COMPANY	PO BOX 2120	SAN MARCOS	TX	78667

233 WISTERIA WAY	R130120	EQUITY TRADING HOLDING COMPANY LLC	PO BOX 2120	SAN MARCOS	TX	78667-2120
4000 HWY 123	R14468	FIRST ASSEMBLY OF GOD OF SAN MARCOS INC	P O BOX 1554	SAN MARCOS	TX	78667-1554
213 WISTERIA WAY	R130125	FREEMAN KATHERINE	213 WISTERIA WAY	SAN MARCOS	TX	78666-5282
213 WISTERIA WAY	R130125	FREEMAN, KRISTEN	213 WISTERIA WAY	SAN MARCOS	TX	78666
127 WISTERIA WAY	R130129	GARCIA MARGARITA	127 WISTERIA WAY	SAN MARCOS	TX	78666
309 WISTERIA WAY	R130116	GAVRILOV GERALYN SUE	309 WISTERIA WAY	SAN MARCOS	TX	78666-5284
305 WILD PLUM	R130084	GLISSON-MUNIER CORY & GEORGE	305 WILD PLUM	SAN MARCOS	TX	78666-5281
309 WILD PLUM	R130085	GOBLE MARIE H	309 WILD PLUM	SAN MARCOS	TX	78666-5281
234 WILD PLUM	R130105	GONZALES MICHAEL & SYLVIA T	234 WILD PLUM	SAN MARCOS	TX	78666-5277
131 WILD PLUM	R130071	GONZALEZ TATIANA M & LUIS GONZALEZ & IMELDA MARICELA VALLADARES	131 WILD PLUM	SAN MARCOS	TX	78666
302 WILD PLUM	R130107	GRAY LESLIE R	302 WILD PLUM	SAN MARCOS	TX	78666
502 BRAZORIA TRL	R130154	HENDERSON MICHAEL G & MARY K	502 BRAZORIA TRL	SAN MARCOS	TX	78666-2845
229 WISTERIA WAY	R130121	HENRY BILLY W & CHALOR K	229 WISTERIA WAY	SAN MARCOS	TX	78666-5282
115 WILD PLUM	R130067	HERNANDEZ GILBERT & DUENES CRYSTAL	115 WILD PLUM	SAN MARCOS	TX	78666
230 WILD PLUM	R130104	HEUSER RICHARD	230 WILD PLUM	SAN MARCOS	TX	78666
115 WISTERIA WAY	R130132	HIGGINBOTHAM, TED DUANE	115 WISTERIA WAY	SAN MARCOS	TX	78666-5283
326 WILD PLUM	R130113	HOLEMAN, ROBERT ANTHONY & KIMBERLY	13830 CANE	LIVE OAK	TX	78233
317 WILD PLUM	R130087	JENTSCH PATRICIA SUE	202 TWIN OAK RD	SEGUIN	TX	78155-7426

3620 HWY 123	R14465	JEWELL, ARNOLD W Attn: BRIAN JEWELL	3620 HWY 123	SAN MARCOS	TX	78666-2036
221 WILD PLUM	R130078	JOHNSON, JIMMY RAY	221 WILD PLUM	SAN MARCOS	TX	78666-5277
325 WILD PLUM	R130089	KIMURA TOBI & NATHAN (LIFE ESTATE) % SERIES 2 OF THE KBAY CENTRAL GROUP LLC	P O BOX 4936	KANEOHE	HI	96744
237 WILD PLUM	R130082	KNIGHT DAMON & MICHELLE D	570 RIVER MOUNTAIN RD	WIMBERLEY	TX	78676-5866
205 WILD PLUM	R130074	LAI CHUAN SOON & E CHOON KWEI	205 WILD PLUM	SAN MARCOS	TX	78666
317 WISTERIA WAY	R130114	LAY CHRISTOPHER & LAY CAROLYN	317 WISTERIA WAY	SAN MARCOS	TX	78666
214 WILD PLUM	R130100	LEE JAMIE NIESCHWITZ	824 RIVIERE DR	FALLS CITY	TX	78113-4401
3800 HWY 123	R14462	LIGHTHOUSE BAPTIST CHURCH	3800 N SH 123	SAN MARCOS	TX	78666
422 BRAZORIA TRL	R130155	LINEBARGER, HELEN CATHERINE	422 BRAZORIA TRL	SAN MARCOS	TX	78666-2848
313 WISTERIA WAY	R130115	LUGO JOSE O & LUGO NELDA J ESTATE	313 WISTERIA WAY	SAN MARCOS	TX	78666
3500 HWY 123	R14467	MANN WILLIAM R	81 BUTLER LN	MARTINDALE	TX	78655-3817
111 WILD PLUM	R130066	MARMOLEJO VINCENT H & KIMBERLY N	111 WILD PLUM	SAN MARCOS	TX	78666-5267
107 WISTERIA WAY	R130134	MARTINEZ EMILIO & JAMIE	107 WISTERIA WAY	SAN MARCOS	TX	78666-5283
213 WILD PLUM	R130076	MARTINEZ PATRICIA A & GUZMAN JASON J	213 WILD PLUM	SAN MARCOS	TX	78666
107 WILD PLUM	R130065	MAZAD TECHNOLOGIES LLC	18017 GANTRY DR	PFLUGERVILLE	TX	78660
414 BRAZORIA TRL	R130157	MIKITEN BENJAMIN & LAUREN	414 BRAZORIA TRL	SAN MARCOS	TX	78666
3625 HWY 123	R14470	MOHNKE POOR FARM LLC	2123 S OLD BASTROP HWY	SAN MARCOS	TX	78666
305 WISTERIA WAY	R130117	NANCE DUSTIN J	305 WISTERIA WAY	SAN MARCOS	TX	78666

418 BRAZORIA TRL	R130156	NEUENFELDT GRACE ANNETTE & BOBBY GEORGE JR	418 BRAZORIA TRL	SAN MARCOS	TX	78666-2848
225 WISTERIA WAY	R130122	OVERBY AMANDA Q & RICHARD D	225 WISTERIA WAY	SAN MARCOS	TX	78666-5282
210 WILD PLUM	R130099	OWEN CARRIE DIANE	210 WILD PLUM	SAN MARCOS	TX	78666-5277
217 WILD PLUM	R130077	PADILLA ELENA E & MICHAEL J	217 WILD PLUM	SAN MARCOS	TX	78666-5277
209 WILD PLUM	R130075	PALACIOS JACQUELINE ARLENE & CRUZ REUBEN PADILLA JR	11510 CARISIO CT	RICHMOND	TX	77406-4502
2121 S OLD BASTROP HWY	R13049	PAPE GLENN R RESIDUARY TRUST PAPE BARBARA JEAN TRUSTEE	2123 OLD BASTROP HWY	SAN MARCOS	TX	78666
2121 S OLD BASTROP HWY	R13049	PAPE REX LLOYD	2123 OLD BASATROP HWY	SAN MARCOS	TX	78666
225 WILD PLUM	R130079	PEREZ JOSHUA	225 WILD PLUM	SAN MARCOS	TX	78666-5277
4005 MONTERREY OAK	R130061	PFEIFFER SHAY KRISTINA	4005 MONTERREY OAK	SAN MARCOS	TX	78666
209 WISTERIA WAY	R130126	PHELPS KYLIE N & WILLIAM C IV	209 WISTERIA WAY	SAN MARCOS	TX	78666-5282
102 WILD PLUM	R130090	QUEST IRA INC FBO HOLLY SINGLETARY	17171 PARK ROW STE 100	HOUSTON	TX	77084
135 WILD PLUM	R130072	RAYOS LARRY & HELEN M	135 WILD PLUM	SAN MARCOS	TX	78666
321 WILD PLUM	R130088	RENDON PEDRO JR & VIRGINIA MARIE	321 WILD PLUM	SAN MARCOS	TX	78666-5281
119 WILD PLUM	R130068	RIOJAS NICOLE ANN	119 WILD PLUM	SAN MARCOS	TX	78666-5267
122 WILD PLUM	R130095	RIVAS ROSLYN R	122 WILD PLUM	SAN MARCOS	TX	78666-5267
306 WILD PLUM	R130108	RIVERA PATRICIO III	306 WILD PLUM	SAN MARCOS	TX	78666
313 WILD PLUM	R130086	RODRIGUEZ MINERVA D & LEON ANTONIO G	313 WILD PLUM	SAN MARCOS	TX	78666-5281
4020 MONTERREY OAK	R117390	SAN MARCOS CISD	P O BOX 1087	SAN MARCOS	TX	78667-1087
226 WILD PLUM	R130103	SANCHEZ JOSE LUIS JR & ANNA MICHELLE	226 WILD PLUM	SAN MARCOS	TX	78666-5277
238 WILD PLUM	R130106	SCHENK DONALD & DOLORES	1760 LIDIAC RD	LA GRANGE	TX	78945
202 WILD PLUM	R130097	SCOBEE RANDOLPH & ROSA K	202 WILD PLUM	SAN MARCOS	TX	78666-5277

217 WISTERIA WAY	R130124	SCOTT LAURIE L	217 WISTERIA WAY	SAN MARCOS	TX	78666-5282
510 BRAZORIA TRL	R130152	SELVAGE WILLIAM R JR & BARBARA J	510 BRAZORIA TRL	SAN MARCOS	TX	78666
123 WILD PLUM	R130069	SHERMAN EARL M & MIRELLA C	117 BOUGAINVILLEA ST	LAKE JACKSON	TX	77566-4171
222 WILD PLUM	R130102	SLATIS EVAN A	222 WILD PLUM	SAN MARCOS	TX	78666-5277
233 WILD PLUM	R130081	SLAUGHTER, DUSTIN J	233 WILD PLUM	SAN MARCOS	TX	78666-5277
406 BRAZORIA TRL	R130159	SMITH KAREN H	406 BRAZORIA TRL	SAN MARCOS	TX	78666-2848
103 WISTERIA WAY	R130135	SMITH SANDRA	103 WISTERIA WAY	SAN MARCOS	TX	78666-5283
206 WILD PLUM	R130098	STAFFORD-PARRA DENYSE C & PARRA RODNEY G	206 WILD PLUM	SAN MARCOS	TX	78666-5277
103 WILD PLUM	R130064	SUH JU H & EMILY K	103 WILD PLUM	SAN MARCOS	TX	78666
123 WISTERIA WAY	R130130	TAYLOR CHRISTOPHER JON & EMILY ANN	123 WISTERIA WAY	SAN MARCOS	TX	78666-5235
205 WISTERIA WAY	R130127	TAYLOR SHAUN C & FATTIG HAILEY L	205 WISTERIA WAY	SAN MARCOS	TX	78666
314 WILD PLUM	R130110	TOWNSEND CRYSTAL	314 WILD PLUM	SAN MARCOS	TX	78666-5281
201 WILD PLUM	R130073	TRAMMELL ALANA JOY & CLINTON CODY	201 WILD PLUM	SAN MARCOS	TX	78666-5277
229 WILD PLUM	R130080	VALENZUELA CESAR & CYNTHIA	24117 Mateo RDG	San Antonio	TX	78261-4502
111 WISTERIA WAY	R130133	VARGAS PETER & JUANITA C	111 WISTERIA WAY	SAN MARCOS	TX	78666-5235
410 BRAZORIA TRL	R130158	WAN MIN	410 BRAZORIA TRL	SAN MARCOS	TX	78666-2848
301 WILD PLUM	R130083	WARE JOEL JR	301 WILD PLUM	SAN MARCOS	TX	78666
4013 MONTERREY OAK	R130063	WILLIAMS JAMES & HEATHER SCOBIE	341 BROCKSTON DR	BUDA	TX	78610-3491
301 WISTERIA WAY	R130118	WINEK DANA K	301 WISTERIA WAY	SAN MARCOS	TX	78666-5284
119 WISTERIA WAY	R130131	YOUNG DONNA	119 Wisteria WAY	San Marcos	TX	78666-5235

Code Comparison

	Single Family 6 (SF-6)	Single Family 4.5 (SF-4.5)	Character District 2.5 (CD-2.5)	Character District 3 (CD-3)
Density (units per acre)	5.5 max.	7.5 max.	8 max.	10 max.
Impervious Cover	50% max.	60% max.	60% max.	60% max.
Occupancy Restrictions	Apply	Apply	Apply	Do Not Apply
Building Types Permitted	House, ADU	House, ADU	House, ADU	House, ADU, Duplex, Cottage Court, Zero Lot Line
Height Max.	2 Stories (35 ft.)	2 Stories (35 ft.)	2 Stories (35 ft.)	2 Stories (35 ft.)

Zoning District Comparison Chart

Topic	Existing Zoning: N/A - Extraterritorial Jurisdiction (ETJ)	Existing Zoning: Future Development (FD)	Proposed Zoning: Character District – 2.5 (CD-2.5)
Zoning Description	The City does not have zoning outside of City Limits. The City primarily regulates the subdivision of land within the ETJ.	The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.	The CD-2.5 District is primarily intended to accommodate single-family detached houses and encourage home ownership. Uses that would interfere with the residential nature of the district are not allowed.
Uses	No zoning restrictions	Residential (<i>See Land Use Matrix</i>)	Residential, Civic.
Parking Location	No zoning standards	No location standards	Parking allowed in the Second and Third Layer
Parking Standards	No zoning standards	2 spaces per dwelling unit (Single Family Detached)	2 spaces per dwelling unit
Max Residential Units / acre	Based on County Septic restrictions..	0.4 units per acre (max)	8 units per acre (max)
Occupancy Restrictions	N/A	N/A	N/A
Landscaping	No zoning standards	Tree and shrub requirements	Tree and shrub requirements
Building Height(max)	No zoning standards	2 stories	2 stories
Setbacks	No zoning standards	Based on Zoning District	15 foot front, 5 foot side (interior), 10 foot side (corner), 15 foot rear (5 foot with alley).
Impervious Cover (max)	No zoning standards	30%	60%
Lot Sizes	No zoning standards	Allows a variety of lot sizes depending on Building Type.	Minimum 4,500 square ft lot.
Streetscapes	Dependent on use.	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.	Residential Street: 5' sidewalk, street trees every 35' on center average, 7' planting area.
Blocks	3,000 ft. Block Perimeter max.	No Block Perimeter Required	2,800 ft. Block Perimeter max.

ZC-20-23 (Vantage) Zoning Change Review (By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

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

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

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

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

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

ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed:	Cottonwood Creek				
	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed					X
Notes: This watershed currently has very little impervious cover compared to its size. Cottonwood Creek is not a tributary to the San Marcos River, with larger more concentrated growth, best management practices such as retention ponds and biofiltration gardens can be incorporated into the site planning process.					

NEIGHBORHOODS – Where is the property located

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

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

	YES	NO
Will Parks and / or Open Space be Provided?	X	
Will Trails and / or Green Space Connections be Provided?		X
The Transportation Master Plan identifies a Greenway Trail along Hwy 123. Parkland Dedication or fee in lieu will be determined through the subdivision process.		
Maintenance / Repair Density	Low (maintenance)	High (maintenance)
Wastewater Infrastructure	X	
Water Infrastructure	X	
Public Facility Availability		
	YES	NO
Parks / Open Space within ¼ mile (walking distance)?		X
Wastewater service available?	X	
Water service available?	X	

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

	A	B	C	D	F
Existing Daily LOS Highway 123		X			
Existing Peak LOS Highway 123	X				
Preferred Scenario Daily LOS Highway 123		X			X
Preferred Scenario Peak LOS Highway 123			X		X
The Transportation Demand Model shows that Highway 123 is anticipated experience a decrease in Level of Service in the future. One reason for this is the anticipated intersection with the future Loop 110. Additional connectivity based on the requirements of our 2018 Transportation Master Plan may help alleviate the anticipated congestion.					

	N/A	Good	Fair	Poor
Sidewalk Availability	X			
Sidewalks are required to be built as part of the development.				
	YES		NO	
Adjacent to existing bicycle lane?			X	
Adjacent to existing public transportation route?			X	
Notes: The Transportation Master Plan indicates that this development will be required to construct bicycle infrastructure along HWY 123. This infrastructure is anticipated to be part of a larger network in the future.				

PLANNING AND DEVELOPMENT SERVICES



09/25/2020

ZC-20-23

**Notice of Public Hearing
Zoning Change Request
“FD” Future Development to “CD-2.5” Character District 2.5
Vantage San Marcos**

ZC-20-23 (Vantage San Marcos) Hold a public hearing and consider a request by Chris Weigand, on behalf of Mohnke Poor Farm LLC, for a Zoning Change from Future Development (FD) to Character District – 2.5 (CD-2.5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 12.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County, located near the intersection of Hwy 123 and Monterey Oak Drive. (W. Parrish)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be conducted by the Planning and Zoning Commission via virtual meeting on **Tuesday, October 13, 2020** at **6:00 p.m.** You may watch the public hearing on Grande channel 16 or Spectrum channel 10 or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing by computer, mobile device, or phone.
- A public hearing will be held at the City Council Meeting on **Wednesday, November 4, 2020** at **6:00 p.m.** in the Council Chambers in City Hall, 630 East Hopkins. If current orders related to COVID-19 are extended, virtual meeting information will be provided at the following website: <https://sanmarcostx.gov/421/City-Council-Videos-Archives>. Or email citizencomments@sanmarcostx.gov or call 512-393-8090 to request a link to participate in the public hearing by computer, mobile device, or phone.

Due to the State Disaster Declaration enacted by the Governor, Public Hearings will be held in a virtual meeting. All interested citizens are invited to watch or participate in the public hearing by the means described above. If you cannot participate in the virtual public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. Your written comments will be given to the Planning & Zoning Commission and City Council if they are received before 12 PM on the day of the meeting.

Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

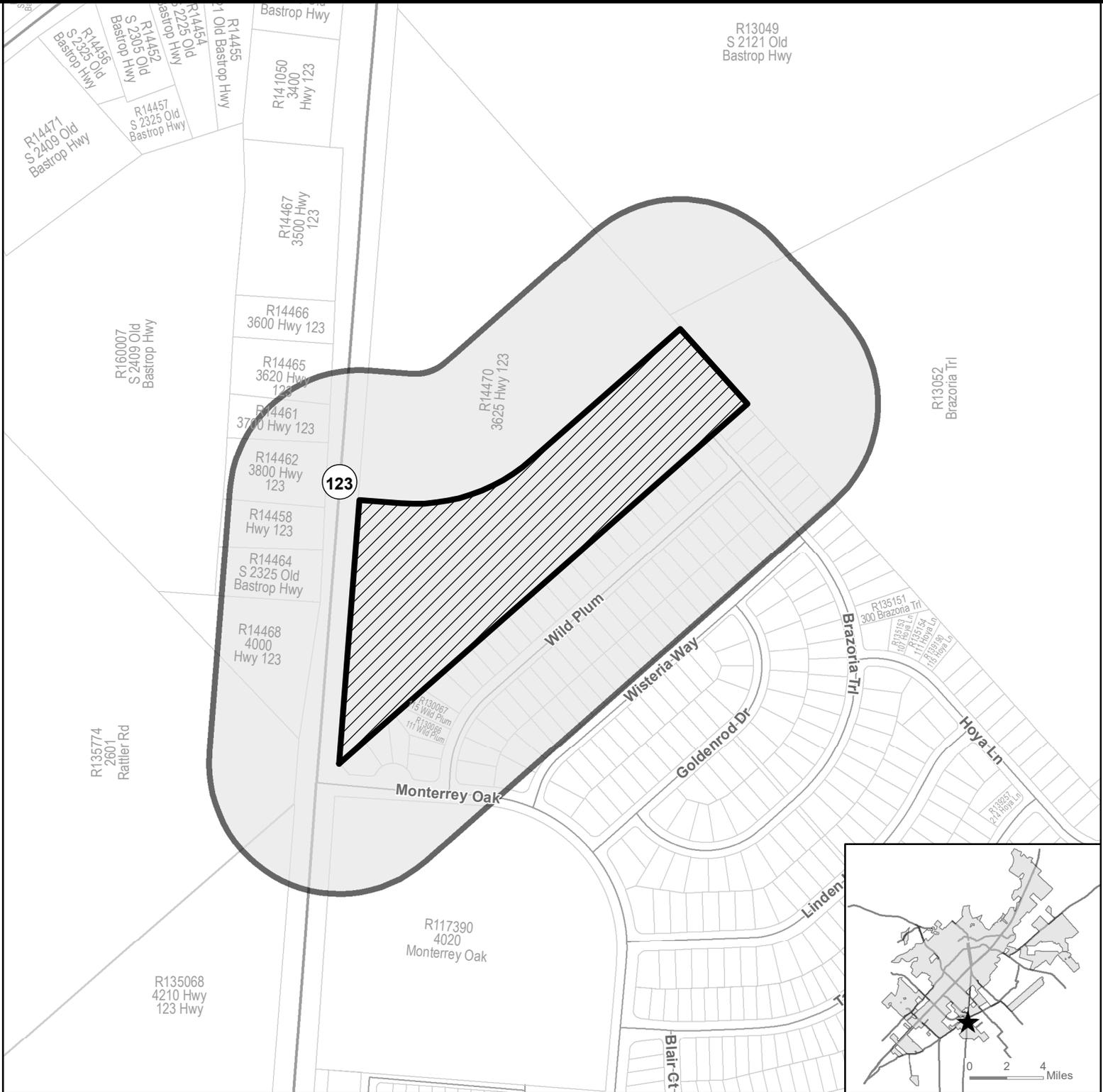
For more information regarding this request, contact the case manager, **Will Parrish, at 512.805.2658**. When calling, please refer to case number **ZC-20-23**

As of the date of this notice, there are no other means of participating in the public hearing. However, please check for updates on the City's website at: www.sanmarcostx.gov to see if other means of participating in the public hearing become available.

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

**CITY HALL • 630 EAST HOPKINS • SAN MARCOS, TEXAS 78666 • 512.393.8230 • FACSIMILE 855.759.2843
SANMARCOSTX.GOV**

ZC-20-23 400' Notification Buffer FD to CD-2.5



Site Location
 Subject Property
 400' Buffer
 Parcel
 City Limit

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.

Map Date: 9/24/2020

Document Path: \\sarc\files\Dept\Shares\Planning & Dev\Planning\Planning Current\P&Z\2020 Staff Reports\ZC\ZC-20-02\GIS\ZC-20-02 NotificationMap.mxd

ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION



Updated: October, 2019

CONTACT INFORMATION

Applicant's Name		Property Owner	
Company		Company	
Applicant's Mailing Address		Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

PROPERTY INFORMATION

Subject Property Address(es): _____

Legal Description: Lot _____ Block _____ Subdivision _____

Total Acreage: _____ Tax ID #: R _____

Preferred Scenario Designation: _____ Existing Zoning: _____

Existing Land Use(s): _____

DESCRIPTION OF REQUEST

Proposed Zoning District(s): _____

Proposed Land Uses / Reason for Change: _____

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee* \$1,057 plus \$100 per acre Technology Fee \$13 **MAXIMUM COST \$3,013**

*Existing Neighborhood Regulating Plan Included.

Submission of this digital Application shall constitute as acknowledgement and authorization to process this request.

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, Lora Ann Chafin (owner name) on behalf of Mohnke Poor Farm, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 3625 State Highway 123, San Marcos, TX 78666 (address).

I hereby authorize Chris Weigand or assigns (agent name) on behalf of Vantage at San Marcos, LLC (agent company) to file this application for Zoning and other development related applications (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 11/25/2019
Printed Name, Title: Lora Ann Chafin

Signature of Agent:  Date: 1/14/20
Printed Name, Title: Chris Weigand, Project Manager

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official 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.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

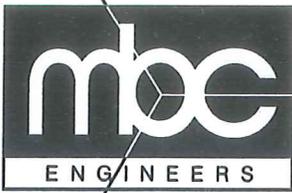
Signature: 

Date: 1/14/20

Print Name: Chris Weigand

I hereby
agree

Form Updated October, 2019



**METES AND BOUNDS DESCRIPTION
TO ACCOMPANY ZONING AND ANNEXATION EXHIBIT**

BEING 12.43 ACRES (541,632 SQUARE FEET +/-) TRACT OF LAND SITUATED IN THE J.F. GEISTER SURVEY NO. 6 AND IN THE J.F. GEISTER SURVEY NO. 7, IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAID 12.43 ACRE TRACT ALSO BEING OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO. 18028048, DEED RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a 1/2-inch Iron Rod found on the East Right-of-Way line of State Highway 123 and the Southeast Right-of-Way line of Old-Bastrop Highway and marking the Westernmost corner of a called 225.25 Acre Tract as described in deed recorded in Document number 18004464, of the Deed records of Hays County, Texas;

THENCE S 04° 22' 13" W a distance of 288.89 feet, along and with the East Right-of-Way line of said State highway 123 to a 1/2-Inch Iron Rod Found marking the Northernmost corner of said 30.9 Acre Tract;

THENCE S 04° 24' 31" W a distance of 1506.69 feet, along and with the East Right-of-Way line of said State highway 123 to a 1/2-Inch Iron Rod Found at the **POINT OF BEGINNING**;

THENCE S 85° 35' 29" E a distance of 127.50 feet departing the East Right-of-Way line of said State Highway 123, into and across said 30.9 Acre Tract to a 1/2-Inch Iron Rod with cap "MBC" Set at the point of curvature of a curve to the left;

THENCE along and with said curve to the left having the following parameters: Radius = 545.00 feet, Arc length = 435.83 feet, Chord Bearing = N 71° 29' 57" E and Chord Distance = 424.31 feet to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE N 48° 35' 24" E a distance of 607.78 feet to a 1/2-Inch Iron Rod with cap "MBC" on the West line of a called 100 Acre tract as described in deed recorded in Document number 18028048 of the Deed records of Hays County, Texas;

THENCE S 42° 05' 52" E a distance of 310.02 feet along and with the West line of said 100 Acre tract, to a fence post Found and marking the Northernmost corner of Lot 1, Block F, Cottonwood Creek Phase I, Section 1-B, according the plat thereof recorded in Volume 14, Page 294 of the Map and Plat records of Hays County, Texas;

THENCE S 48° 35' 24" W a distance of 1674.24 feet along and with the Northwest line of said Cottonwood Creek Phase I, Section 1-B Subdivision, to a Fence Post Found on the East Right-of-Way of said State Highway 123 and marking the Southernmost corner of this tract;

THENCE N 04° 24' 31" E a distance of 813.01 feet along and with the East Right-of-Way line of said State Highway 123, to the **POINT OF BEGINNING** and containing 12.43 acres, more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc.

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.


Joel Christian Johnson, R.P.L.S.
TBPLS Firm Registration 10011700



Date: December 04, 2019
Job No: 32486-HAYS

Curve Table			
Curve #	Length	Radius	Delta
C1	435.83'	545.00'	45°49'07"
			N 71°29'57" E
			424.31'

SURVEYORS NOTES:
 1. BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE, NAD 83.

2. NO IMPROVEMENTS SHOWN. ZONING AND ANNEXATION EXHIBIT ONLY. CALL 811 FOR UTILITY LOCATES PRIOR TO CONSTRUCTION.

3. THIS ZONING AND ANNEXATION EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, AND MAY NOT SHOW ALL EASEMENTS OR OTHER MATTERS THAT AFFECT THIS PROPERTY.

4. METES AND BOUNDS DESCRIPTION PREPARED ON THE SAME DATE SHALL ACCOMPANY THIS ZONING AND ANNEXATION EXHIBIT.

P.O.C. → OLD BASTROP HIGHWAY

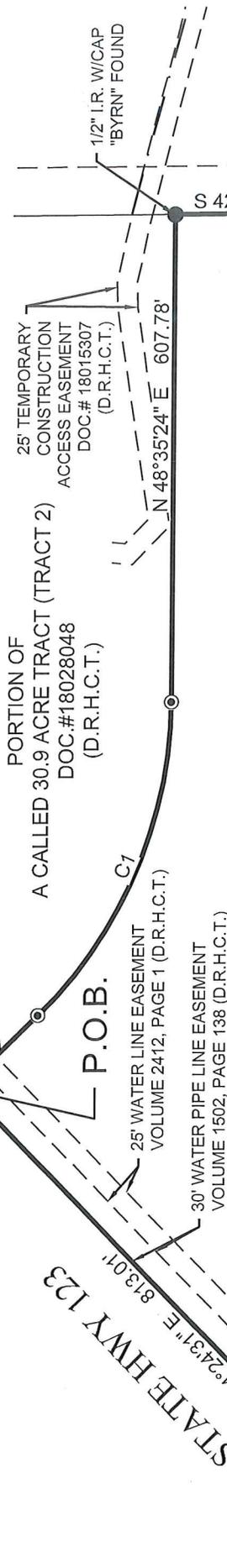
BARBARA JEAN PAPE
 A CALLED
 225.25 ACRE TRACT
 DOC.# 18004464 (D.R.H.C.T.)

SCALE: 1" = 200'

LEGEND

- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- ⊙ 1/2" IRON ROD W/CAP "MBC" SET/FOUND

MAP AND PLAT RECORDS OF HAYS COUNTY, TEXAS
 DEED RECORDS OF HAYS COUNTY, TEXAS
 M.P.R.H.C.T.
 D.R.H.C.T.



12.43 ACRES
 541,632 SQ. FT. +/-

A CALLED
 100 ACRE TRACT
 DOC.# 18028048
 (D.R.H.C.T.)



1035 Central Parkway North
 San Antonio, Texas 78232
 (210) 545-1122 FAX (210) 545-9302
 FIRM REGISTRATION NUMBER:
 T.B.P.E. F-784 & T.B.P.L.S. 10011700

DATE: 12/05/2019
 JOB NO. 32486-HAYS
 SHEET 1 OF 1



JOEL C. JOHNSON
 R.P.L.S. #5578

10' PUBLIC
 UTILITY EASEMENT
 VOL. 14, PAGE 294
 (M.P.R.H.C.T.)

BRAZORIA TRAIL

COTTONWOOD CREEK SUBDIVISION
 PHASE 1, SECTION 1B
 VOL. 14 PG. 294 (M.P.R.H.C.T.)

FENCE POST FOUND

FENCE POST FOUND

P.O.B.

PORTION OF
 A CALLED 30.9 ACRE TRACT (TRACT 2)
 DOC.# 18028048
 (D.R.H.C.T.)

25' TEMPORARY
 CONSTRUCTION
 ACCESS EASEMENT
 DOC.# 18015307
 (D.R.H.C.T.)

25' WATER LINE EASEMENT
 VOLUME 2412, PAGE 1 (D.R.H.C.T.)

30' WATER PIPE LINE EASEMENT
 VOLUME 1502, PAGE 138 (D.R.H.C.T.)

S 42°05'52" E 310.02'

1/2" I.R. W/CAP
 "BYRN" FOUND

BLOCK

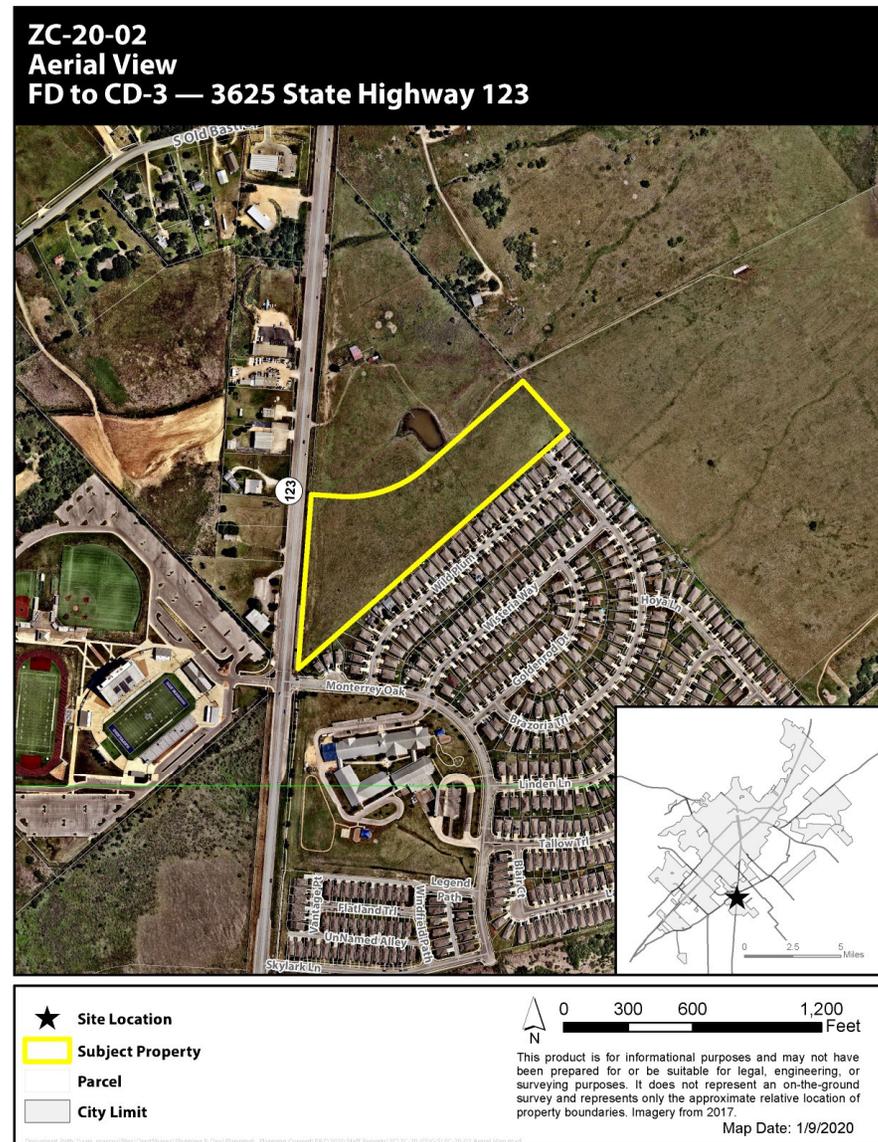
FENCE POST FOUND

ZC-20-23 (Vantage)

Hold a public hearing and consider a request by Vantage at San Marcos, on behalf of Mohnke Poor Farm, LLC, for a zoning change from “FD” Future Development to “CD-2.5” Character District 2.5, for approximately 12.5 acres, more or less, out of the J.F. Geister Survey, No 6 and No 7, Hays County, generally located north of the intersection of Highway 123 and Monterey Oak Drive. (W. Parrish)

Location:

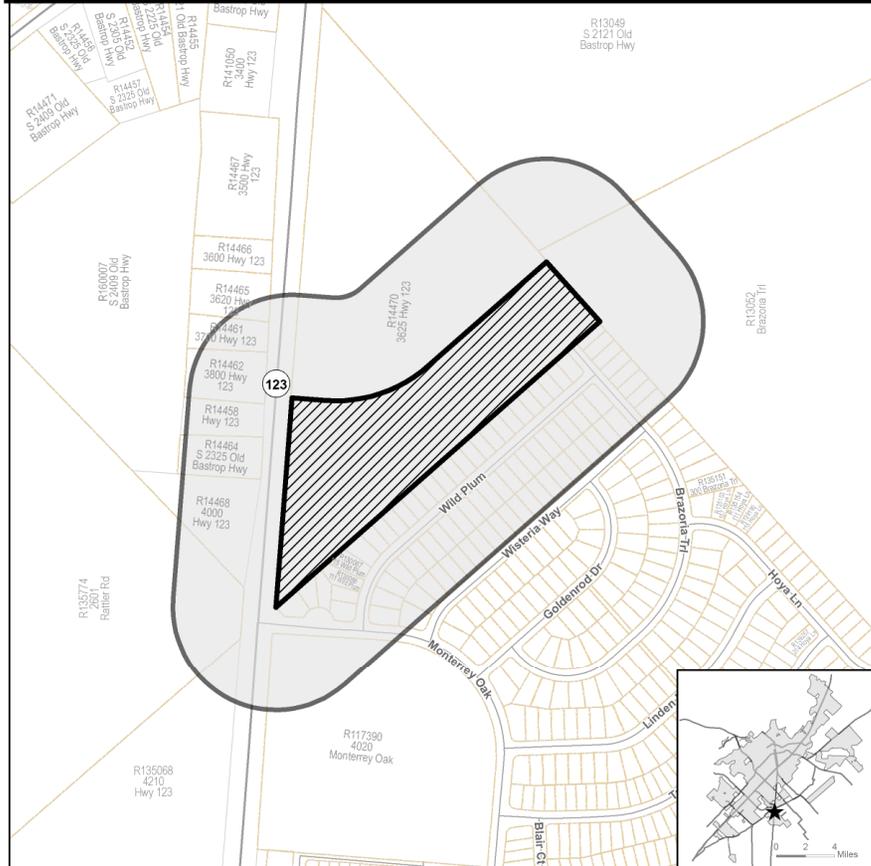
- Approximately 12.5 acres
- **Current Configuration:**
Vacant / Agricultural land
- Surrounding uses include:
 - Single-family
 - Vacant / Agricultural
- Located primarily in a Low Intensity Area as designated on the Preferred Scenario Map



Context & History

- **Existing Zoning:** Future Development (FD) upon annexation.
- **Proposed Zoning:** Character District – 2.5 (CD-2.5)
- Proposed CD-2.5 zoning allows for residential uses

ZC-20-02 400' Notification Buffer FD to CD-3 — 3625 State Highway 123



★ Site Location	0 250 500 1,000 Feet
▨ Subject Property	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. Map Date: 1/30/2020
■ 400' Buffer	
□ Parcel	
■ City Limit	

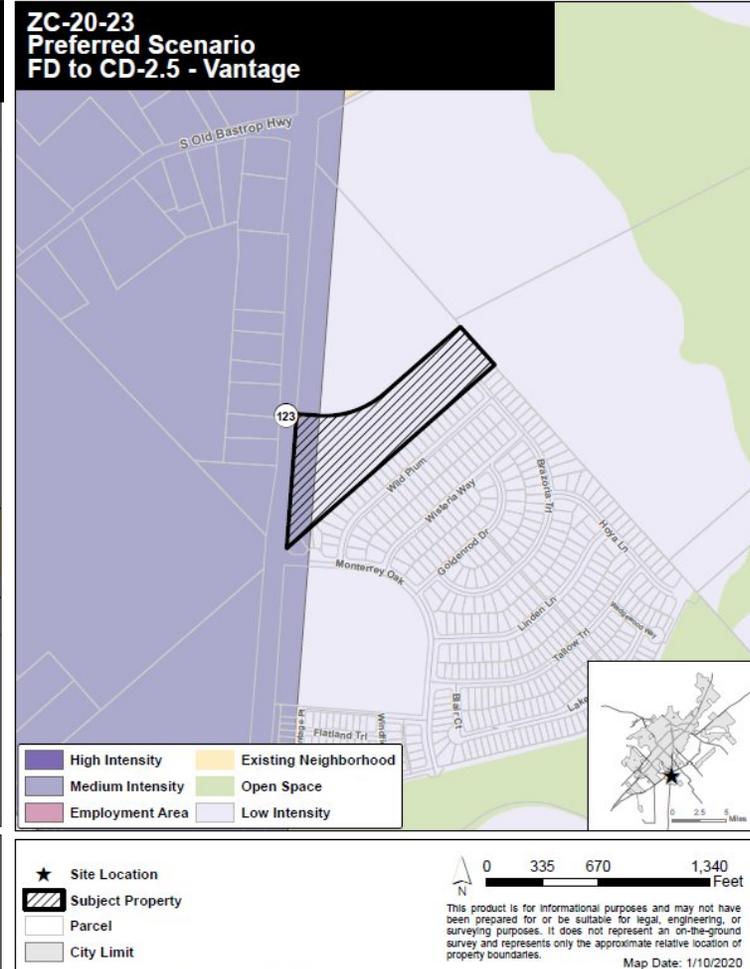
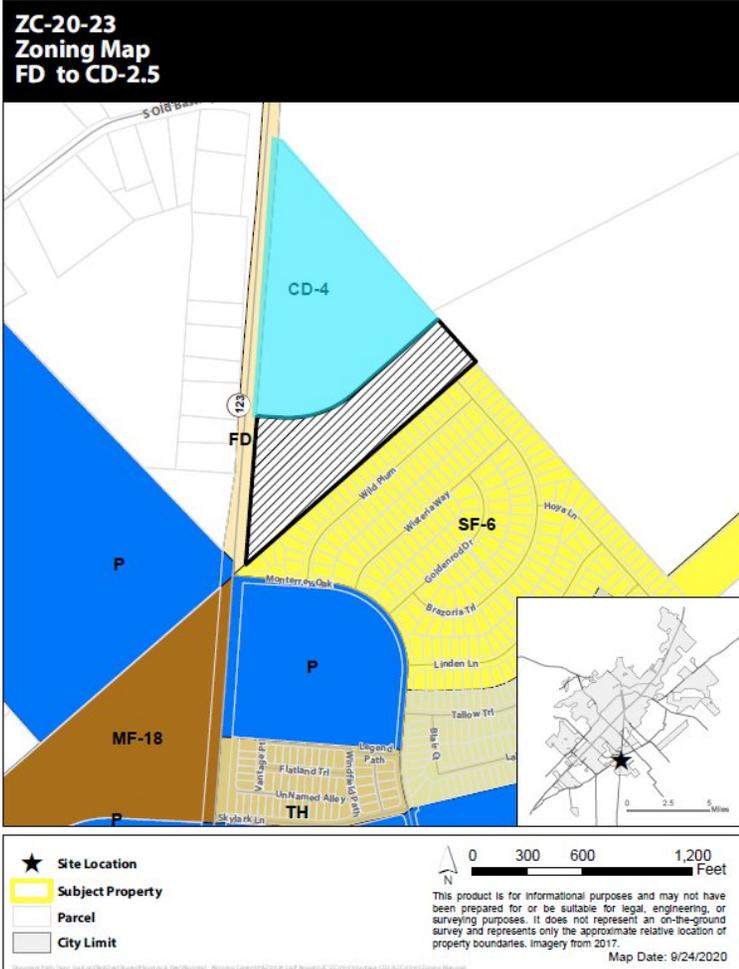


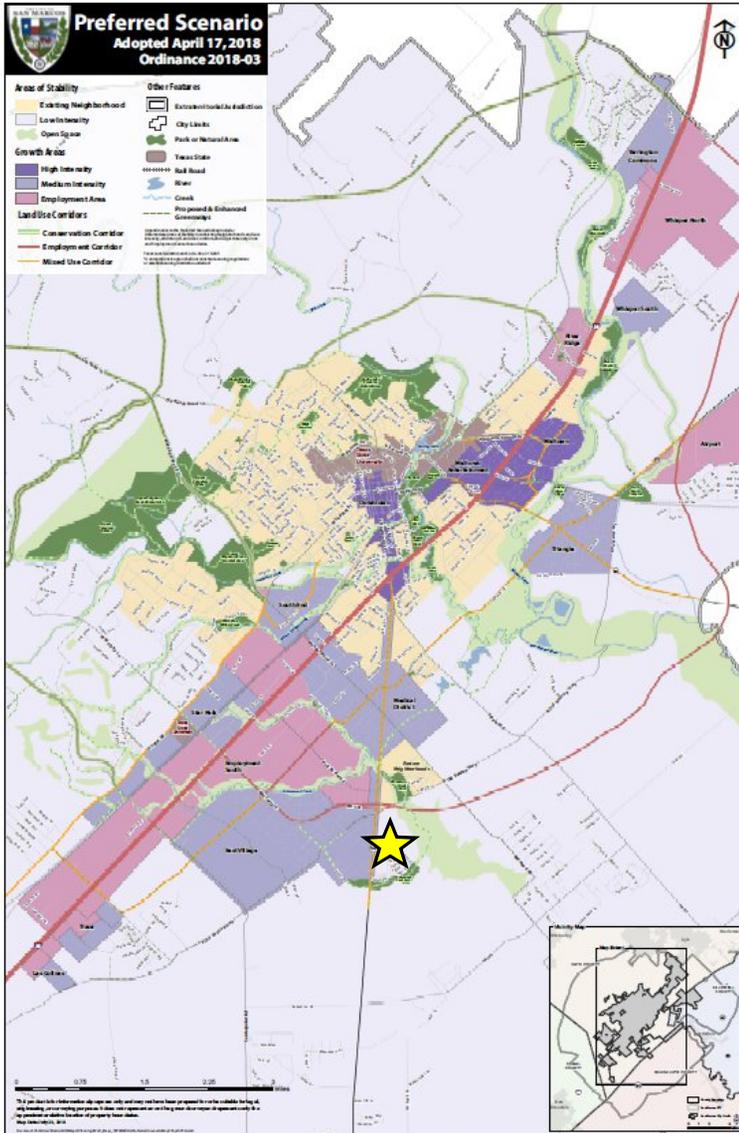
Context & History

The applicant previously made a request to rezone the property to Character District – 3 (CD-3) that was heard by the Planning and Zoning Commission and City Council earlier this year.

At their regularly scheduled meeting on 2/25/2020 the Planning and Zoning Commission voted 5 to 3 to recommend approval of the request to City Council.

At their regularly scheduled meeting on 3/14/2020 the City Council voted to deny the request 4-2. At the meeting several Council members discussed concern over the lack single family occupancy restrictions within the CD-3 zoning district as a primary concern.





Comprehensive Plan Analysis

Step 1: Where is the property located on the Comprehensive Plan?

Located in a Low Intensity Zone

“Low Intensity Areas are varied and diverse with respect to environmental sensitivity and development suitability of the land. They are generally made up of larger undeveloped tracts of land where the preservation of sensitive environmental areas, flood hazard areas and agricultural lands should be considered as part of any development proposal. Development in these areas should be guided by the Land Use Suitability Map of the Comprehensive Plan. ” (4.1.1.6)



Comprehensive Plan Analysis

Step 2: Is the request consistent with the Comprehensive Plan / District Translation Table?

Applicant is requesting a “Character District” (CD-2.5) within a Low Intensity Zone. Zoning request is C – Considered, and is consistent with the San Marcos Development Code.

TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION

DISTRICT CLASSIFICATION	COMPREHENSIVE PLAN DESIGNATIONS					
	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
Character Districts	NP	C	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed (PSA Required)		NP=Not Preferred		C = Consider	



CD-2.5 Zoning Analysis:

- The CD-2.5 district is proposed to accommodate single-family detached houses and encourage opportunities for home ownership. CD-2.5 could be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.
- Allowable Building Types:** *House, Accessory Dwelling Unit, and Civic Building*
- Occupancy Restrictions **do** apply within the CD-2.5 zoning district.
- Proposed rezoning aligns with vision of the Comprehensive Plan, which states that the growth should be compatible with surrounding uses.
- The property is vacant.

SECTION 4.4.3.3 CHARACTER DISTRICT-2.5

GENERAL DESCRIPTION The CD-2.5 district is proposed to accommodate single-family detached houses and encourage opportunities for home ownership. CD-2.5 could be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

DENSITY

Units per Gross Acre	8 max
Impervious cover	60% max
Occupancy Restrictions	5.1.4.1

BUILDING TYPES ALLOWED

Building Type	
Accessory Dwelling Unit	Section 4.4.6.1
House	Section 4.4.6.2
Civic	Section 4.4.6.15

SETBACKS-PRINCIPAL BUILDING

Principal Street	15 ft. min.
Secondary Street	10 ft. min.
Side	5 ft. min.
Rear	15 ft. min.
Rear, abutting alley	5 ft. min.

SETBACKS-ACCESSORY STRUCTURE

Primary Street	15 ft. min.
Secondary Street	10 ft. min.
Side	5 ft. min.
Rear	3 ft. min.

TRANSPORTATION

Block Perimeter	2,800 ft. max	Section 3.6.2.1
Streetscape Style	Residential Conventional	Section 3.8.1.10 Section 3.8.1.7

BUILDING STANDARDS

Principle Building Height	2 stories max.	35 ft. max
Accessory Structure Height	N/A	24 ft max

LOT

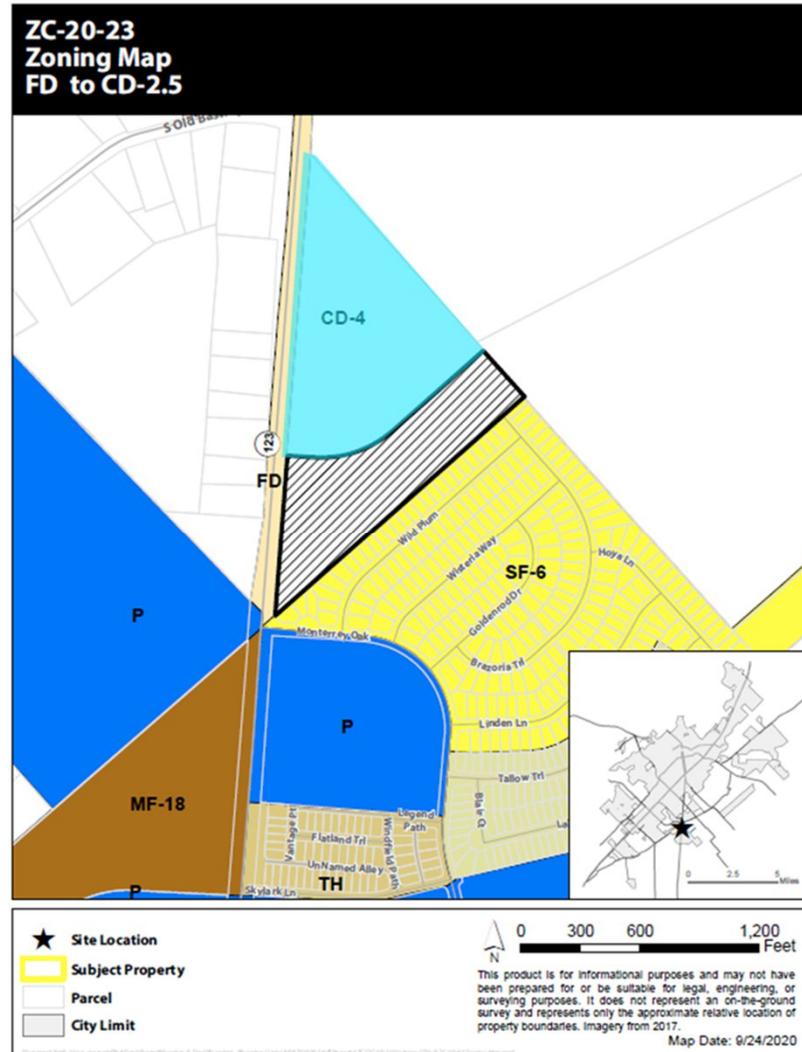
BUILDING TYPE	LOT AREA	LOT WIDTH
House	4,500 sq. ft min	40 ft. min.
Civic	4,500 sq. ft. min	50 ft. min.

PARKING LOCATION

LAYER (SECTION 4.3.3.1)	SURFACE	GARAGE
First Layer	Not Allowed	Not Allowed
Second Layer	Allowed	Section 7.1.4.1
Third Layer	Allowed	Section 7.1.4.1

Adjacent Development

- North side of the property abuts the Vantage multifamily development.
 - Annexed and Zoned CD-4 Spring of 2020
 - Not yet under construction.
- South side of property abuts Cottonwood Creek Neighborhood.
- Cottonwood Creek neighborhood zoning includes Single Family – 6 (SF-6), Patio Home – Zero Lot Line (PH-ZL), and Townhouse (TH), Public, and General Commercial zoning.

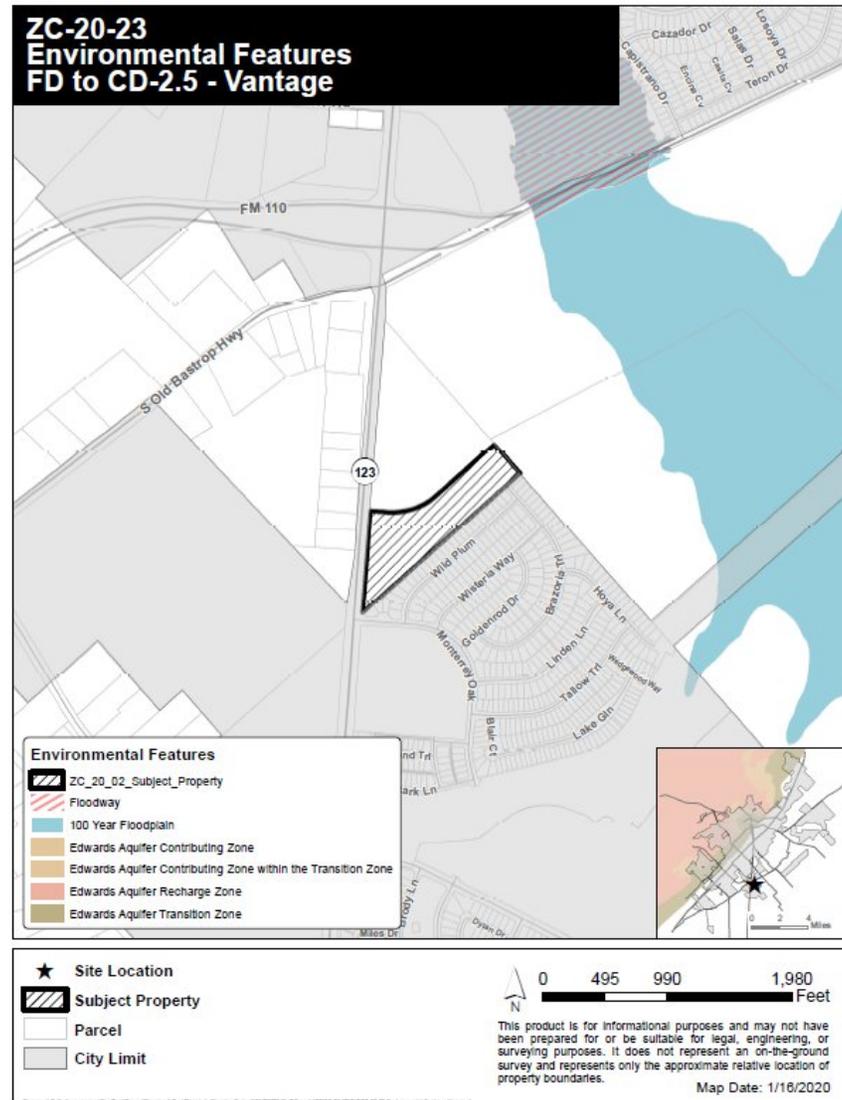


Character District 2.5 (CD-2.5)

	Single Family 6 (SF-6)	Single Family 4.5 (SF-4.5)	Character District 2.5 (CD-2.5)	Character District 3 (CD-3)
Density (units per acre)	5.5 max.	7.5 max.	8 max.	10 max.
Impervious Cover	50% max.	60% max.	60% max.	60% max.
Occupancy Restrictions	Apply	Apply	Apply	Do Not Apply
Building Types Permitted	House, ADU	House, ADU	House, ADU	House, ADU, Duplex, Cottage Court, Zero Lot Line
Height Max.	2 Stories (35 ft.)	2 Stories (35 ft.)	2 Stories (35 ft.)	2 Stories (35 ft.)

Environmental Analysis

- Not located in floodplain.
- Not located within any Edwards Aquifer Zone.
- Not located on significant slopes.
- Not located within a sensitive watershed.







Staff Recommendation:

Staff provides this request to the Commission for your consideration and recommends **approval** of the request for a zoning change from “FD” Future Development to “CD-2.5” Character District – 2.5.



Zoning District Comparison Chart

Topic	Existing Zoning: N/A - Extraterritorial Jurisdiction (ETJ)	Existing Zoning: Future Development (FD)	Proposed Zoning: Character District – 2.5 (CD-2.5)
Zoning Description	The City does not have zoning outside of City Limits. The City primarily regulates the subdivision of land within the ETJ.	The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.	The CD-2.5 District is primarily intended to accommodate single-family detached houses and encourage home ownership. Uses that would interfere with the residential nature of the district are not allowed.
Uses	No zoning restrictions	Residential (<i>See Land Use Matrix</i>)	Residential, Civic.
Parking Location	No zoning standards	No location standards	Parking allowed in the Second and Third Layer
Parking Standards	No zoning standards	2 spaces per dwelling unit (Single Family Detached)	2 spaces per dwelling unit
Max Residential Units / acre	Based on County Septic restrictions..	0.4 units per acre (max)	8 units per acre (max)
Occupancy Restrictions	N/A	N/A	N/A
Landscaping	No zoning standards	Tree and shrub requirements	Tree and shrub requirements
Building Height(max)	No zoning standards	2 stories	2 stories
Setbacks	No zoning standards	Based on Zoning District	15 foot front, 5 foot side (interior), 10 foot side (corner), 15 foot rear (5 foot with alley).
Impervious Cover (max)	No zoning standards	30%	60%
Lot Sizes	No zoning standards	Allows a variety of lot sizes depending on Building Type.	Minimum 4,500 square ft lot.
Streetscapes	Dependent on use.	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.	Residential Street: 5' sidewalk, street trees every 35' on center average, 7' planting area.
Blocks	3,000 ft. Block Perimeter max.	No Block Perimeter Required	2,800 ft. Block Perimeter max.



Legislation Text

File #: ID#20-683, **Version:** 1

AGENDA CAPTION:

Receive a presentation regarding the formation of a Community Development Block Grant - Mitigation (CDBG-MIT) Advisory Committee and consider designating some members of the Planning and Zoning Commission to serve on such committee.

Meeting date: October 13, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: On March 3, 2020, City Council approved Resolution 2020-49R adopting the Community Development Block Grant - Mitigation (CDBG-MIT) Action Plan, which provides for the allocation of \$24,012,000 in grant funds from the US Department of Housing and Urban Development (HUD).

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

Economic Development - Choose an item.

Environment & Resource Protection - Choose an item.

Land Use - Choose an item.

Neighborhoods & Housing - Choose an item.

Parks, Public Spaces & Facilities - Choose an item.

Transportation - Choose an item.

- Core Services
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The Community Development Block Grant - Mitigation (CDBG-MIT) funding was received by the City of San Marcos from the US Department of Housing and Urban Development (HUD) in connection with the 2015 flood damage. The purpose of this \$24,012,000 is to decrease the risks associated with flooding in San Marcos. After a needs assessment, staff drafted an Action Plan that was approved by City Council on March 3, 2020, and by HUD on June 3, 2020.

The Action Plan includes the following categories of activities. Based on engineering studies, projects have been selected by staff within these categories:

Repetitive Loss Infrastructure	\$16,000,000
Land Preservation Program	\$2,849,600
Hazard Warning System	\$300,000
Signs & Barricades	\$60,000
Planning	\$3,601,800
Administration	\$1,200,600
Total	\$24,012,000

As a next step after approval of the CDBG-MIT Action Plan, federal regulations (84 FR 45838) require the City to create a Citizen Advisory Committee in order to:

- 1) provide increased transparency in the implementation of CDBG-MIT funds,
- 2) solicit and respond to public comment and input regarding the grantee's mitigation activities, and
- 3) serve as an on-going public forum to continuously inform the grantee's CDBG-MIT projects and programs.

This committee must be made up of citizens, not elected officials, and shall hold an open meeting at least twice annually.

On September 15, 2020, staff received direction from City Council to open the opportunity to serve on this committee to all Planning and Zoning (P&Z) Commission Members and two Parks and Recreation Advisory Board Members. Therefore, at the P&Z meeting October 13, 2020, and the Parks and Recreation Advisory Board meeting October 15, 2020, staff will be asking for volunteers to serve on this committee.

This committee will meet periodically to receive information prior to formal selection of projects and for progress reports along the way.

The charges for this committee will be the following:

- 1) Transparency: Advise staff on best means of keeping the public informed about progress on the projects, especially those most affected by the scope of each project.
- 2) Input: Consider and discuss the actual and perceived impacts of the projects on neighborhoods.
- 3) Forum: In the context of the projects that have been selected for CDBG-MIT funds, consider whether something has been missed that should be considered in their implementation.

For more information: The following is an excerpt from Federal Register / Vol. 84, No. 169 / Friday, August 30, 2019 / Notices relating to the creation of the committee:

V.A.3.c. Availability and accessibility of the action plan and the use of citizen advisory groups. The grantee must make the action plan, any substantial amendments, and all performance reports available to the public on its website and on request. In addition, the grantee must make these documents available in a form accessible to persons with disabilities and those with limited English proficiency. During the term of the grant, the grantee will provide citizens, affected local governments, and other interested parties with reasonable and timely access to information and records relating to the action plan and to the grantee's use of grant funds.

Following approval of the action plan, each grantee shall form one or more citizen advisory committees that shall meet in an open forum not less than twice annually in order to provide increased transparency in the implementation of CDBG-MIT funds, to solicit and respond to public comment and input regarding the grantee's mitigation activities and to serve as an on-going public forum to continuously inform the grantee's CDBG-MIT projects and programs. The grantee may also choose to form one or more of these committees as part of its process for preparing the initial CDBG-MIT action plan submission to HUD.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends participation by three to five Planning and Zoning Commission members.

PLANNING AND ZONING COMMISSION

Tuesday, October 13, 2020

PARKS AND RECREATION ADVISORY BOARD

Thursday, October 15, 2020



CDBG-MIT Action Plan

*City of San Marcos
April 2020*



Planning and Development Services Department
630 E. Hopkins Street | San Marcos, TX 78666
512.393.8230
www.sanmarcostx.gov/mitigation

CDBG-MIT Action Plan

Adopted by City Council March 3, 2020

Approved by HUD June 3, 2020

Federal Definition of Mitigation Activities:

Those activities that

- increase resilience to disasters and
- reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters.

84 FR 45838

Dictionary Definition of Mitigation:

Mitigate: to make less severe

Action Plan Development

Aug. 30, 2019



Federal Register
Notice

Oct.-Dec. 2019



Stakeholder
Outreach

Dec. 2019



City Action Plan
Development

Dec. 2019



Translate to
Spanish

Jan.-Feb. 2020



45-Day Public
Comment
Period

Feb. 2020



Respond &
Incorporate
Comments

April 3, 2020



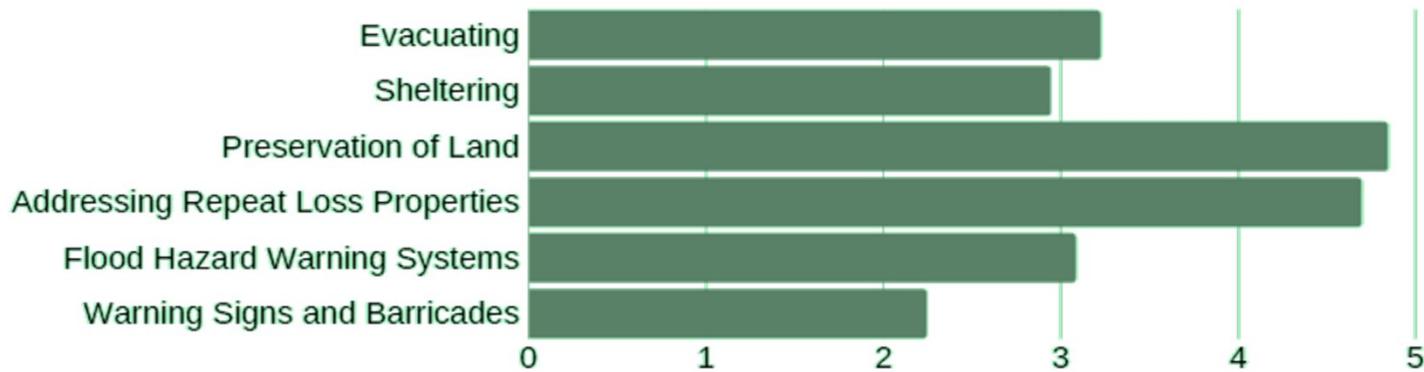
Submit Action
Plan to HUD



Mitigation Survey *Report*

Mitigation Actions

Respondents were asked to rank the potential mitigation activities from 1-6 According to their priorities.
(1-Most Important; 6-Least Important)



CDBG-MIT Budget

Addressing Repetitive Loss	\$16,000,000
Preservation of Land	\$2,849,600
Warning Systems	\$300,000
Signs & Barricades	\$60,000
Planning (15%)	\$3,601,800
Administration (5%)	\$1,200,600
TOTAL	\$24,012,000

The Next Step for the CDBG-MIT Grant

Citizen Advisory Committee required
(84 FR 45838)

- Must meet twice per year, minimum
- Citizens, not elected officials
- Newly created committee just for this purpose

Composition, per Council Direction:

- Any interested Planning & Zoning Commission Members
- Two Parks and Recreation Advisory Board Members

Advisory Committee Role, per HUD

- 1) Provide increased transparency in the implementation of CDBG–MIT funds, and
- 2) Solicit and respond to public comment and input regarding the grantee’s mitigation activities, and
- 3) Serve as an on-going public forum to continuously inform the grantee’s CDBG–MIT projects and programs.

Committee Charge

- 1) Transparency: advise on best means of keeping the public informed
- 2) Input: consider actual and perceived project impacts on neighborhoods
- 3) Forum: recommendations for smooth implementation

Are you interested in joining?



Legislation Text

File #: ID#20-735, **Version:** 1

AGENDA CAPTION:

Selection of up to two Planning and Zoning Commission members to serve on the Comprehensive Plan Steering Committee.

Meeting date: October 13, 2020

Department: Planning & Development Services

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The City is moving forward with the rewrite of its Comprehensive Plan. City Council recently approved the contract with the selected consultant, Moore, Iacofano, and Goltsman (MIG), and City staff just held its internal kickoff meeting with them on August 27, 2020.

One of the next steps in the process is to appoint a steering committee that will oversee the project and the creation of the plan. This committee will be a working group that aids City staff and the consultant team with both the public process and the plan's substance. The committee will meet about eight times during the project (approximately 18 months), and include approximately 20-30 people who, together, represent the broad interests that exist within the community.

The role of the members of the Steering Committee will be as follows:

- The members of this committee will be asked to serve as a representative to various constituents and individuals in their respective networks, encouraging participation in the public process, while also sharing some of the more technical insights developed by the committee, as appropriate.
- The members of this committee will be asked to provide input throughout the process, as well as to share constructive feedback, both in the form of their individual expertise, as well as representative of those they are representing.
- Finally, as the plan moves toward adoption, members will be asked to champion the plan through the adoption process, sharing their unique perspective of having served on the committee and playing a key role in building consensus around the plan's vision, goals, and recommendations.

The City Council has recommended the structure of the committee, and that structure includes having up to two members of the Planning and Zoning Commission. It is intended that the committee will have the following make-up:

- Up to 21 members appointed by the City Council (3 members for each City Councilmember)
- Two City Councilmembers
- Two Planning and Zoning Commission members
- One representative from Hays County
- One representative from San Marcos Consolidated ISD
- One representative from Texas State University
- One representative from the San Marcos Chamber of Commerce

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Select two Planning and Zoning Commission members to serve on the Comprehensive Plan Steering Committee.