

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



Updated: March, 2023

## 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\* \$1,000 plus \$150 per acre Technology Fee \$15 **MAXIMUM COST \$5,015**

*\*Existing Neighborhood Regulating Plan Included.*

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

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

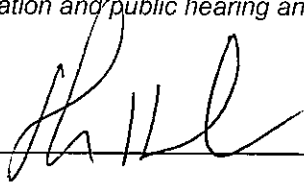
**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS  
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

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 \$150 plus a \$15 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 \$150 plus a \$15 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: \_\_\_\_\_

5/3/2023

Print Name: \_\_\_\_\_

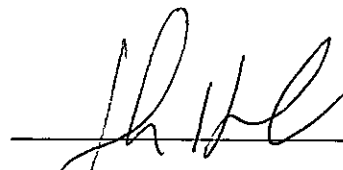
**John Haberer**

Form Updated March, 2023

PROPERTY OWNER AUTHORIZATION

I, John Haberer (owner name) on behalf of  
myself (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
State Highway 123 (R15909) (address).

I hereby authorize Luke Caraway, PE (agent name) on behalf of  
Viewpoint Engineering (agent company) to file this application for  
Zoning (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 5/3/2023  
Printed Name, Title: John Haberer

Signature of Agent: \_\_\_\_\_ Date: 5/3/2023  
Printed Name, Title: Luke Caraway, PE



LOT 1, BLOCK A  
LA VISTA FOUNDATION SUBDIVISION  
VOL. 8, PG. 277  
P. R. H. C. T.  
LA VISTA FOUNDATION  
CALLED 50.00 ACRES  
VOL. 1355, PG. 462  
O. P. R. H. C. T.

POB - FOUND PK NAIL  
N: 13856906.77  
E: 2304410.49

(DEED-N 44°04'36" E)  
N 44°05'01" E 1311.65'

**JOHN B. HABERER, JR.  
CALLED 17.937 ACRES  
DOC. NO. 23009614  
D. R. H. C. T.**

**17.937 ACRES  
781,317 SQUARE FEET**

**LEGAL DESCRIPTION**

BEING a 17.937 acre tract of land situated in the Barnett K. Kane Survey, Abstract No. 281, Hays County, Texas; being the same called 17.937 acre tract of land described in a Deed to John B. Haberer, Jr. as recorded in Document No. 23009614 of the Official Public Records of Hays County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a PK Nail found in the East Right of Way line of State Highway No. 123 (asphalt) and at a Westerly corner of Lot 1, Block A of the La Vista Foundation Subdivision, according to the plat recorded in Volume 8, Page 277 of the Plat Records of Hays County, Texas for a Westerly corner of this tract.

THENCE North 44°05'01" East, a distance of 1311.65 feet to a 1/2 inch iron rod found at an ell corner of said Lot 1 for the North corner of this tract.

THENCE South 42°01'19" East, at 524.78 feet pass a 1/2 inch iron rod found, and continuing a total distance of 600.24 feet to a 5/8 inch iron rod with cap stamped "JONES-CARTER" found at an ell corner of said Lot 1 for the East corner of this tract.

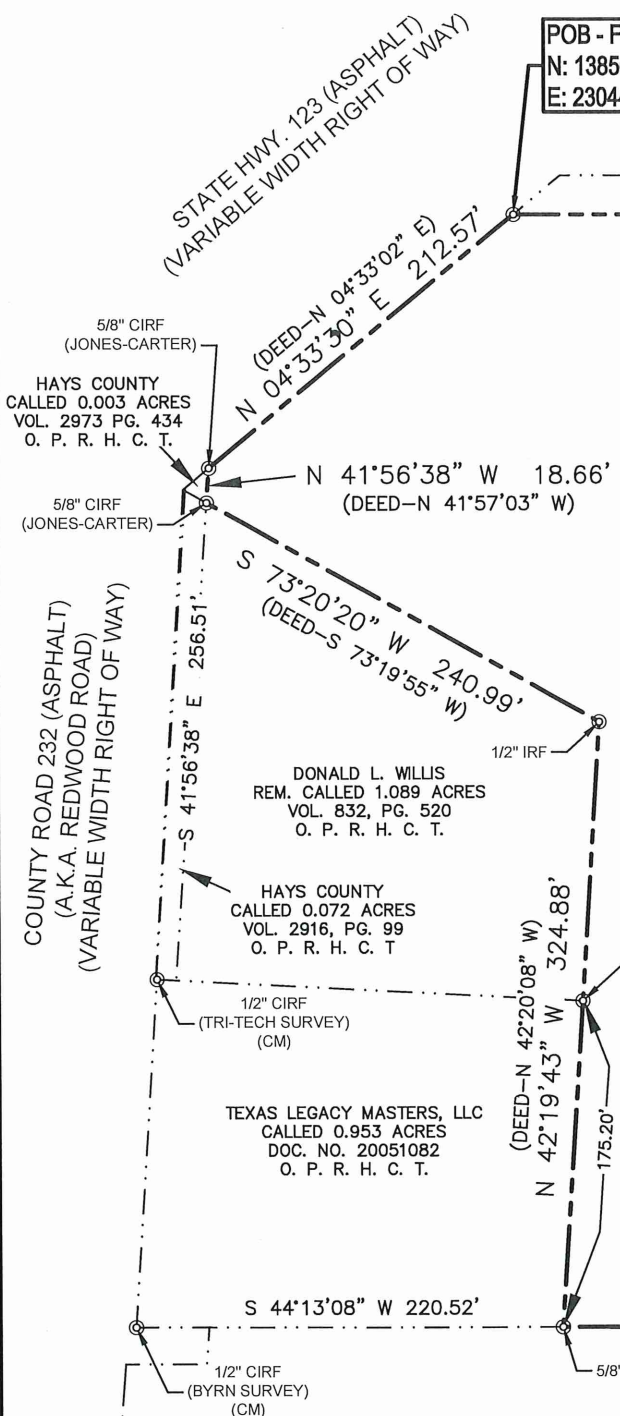
THENCE South 44°13'08" West, along the common line of this and said Lot 1, a distance of 1246.22 feet to a 5/8 inch iron rod with cap found at the East corner of a called 0.953 acre tract of land described in Deed to Texas Legacy Masters, LLC. as recorded in Document No. 20051082 of said Official Public Records for the South corner of this tract. Whence a 1/2 inch iron rod with cap stamped "BYRN SURVEY" found bears South 44°13'08" West, a distance of 220.52 feet for reference.

THENCE North 42°19'43" West, at 175.20 feet pass a 1/2 inch iron rod found at the North corner of said 0.953 acre tract and being at the East corner of the remainder of a called 1.089 acre tract of land described in Deed to Donald L. Willis as recorded in Volume 832, Page 520 of said Official Public Records, and continuing a total distance of 324.88 feet to a 1/2 inch iron rod found at the North corner of said 1.089 acre tract for an ell corner of this tract.

THENCE South 73°20'20" West, along the Northwest line of said remainder of 1.089 acre tract, a distance of 240.99 feet to a 5/8 inch iron rod with cap stamped "JONES-CARTER" found in the Northeast Right of Way line of County Road 232 (asphalt), at a Northwest corner of a called 0.072 acre tract described in Deed to Hays County as recorded in Volume 2916, Page 99 and at the East corner of a called 0.003 acre tract of land described in Deed to Hays County as recorded in Volume 2973, Page 434, both in said Official Public Records for a Southwesterly corner of this tract. Whence a 1/2 inch iron rod with cap stamped "TRI-TECH SURVEY" found at the East corner of said 0.072 acre tract bears South 41°56'38" East, a distance of 256.51 feet for reference.

THENCE North 41°56'38" West, along the Northeast Right of Way line of said County Road 232, a distance of 18.66 feet to a 5/8 inch iron rod with cap stamped "JONES-CARTER" found in the East Right of Way line of said State Highway 123 and at the North corner of said 0.003 acre tract for the most Westerly corner of this tract.

THENCE North 04°33'30" East, along the East Right of Way line of said State Highway 123, a distance of 212.57 feet to the POINT OF BEGINNING, containing 17.937 acres of land and/or 781316.6 square feet of land, more or less.



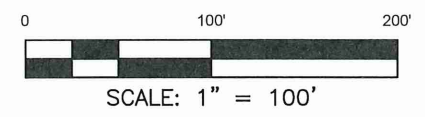
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VOL. 8, PG. 277  
P. R. H. C. T.  
LA VISTA FOUNDATION  
CALLED 50.00 ACRES  
VOL. 1355, PG. 462  
O. P. R. H. C. T.

S 44°13'08" W 1246.22'  
(DEED-S 44°12'43" W)

S 42°01'19" E 600.24'  
(DEED-S 42°01'44" E)

**BOUNDARY EXHIBIT  
SH 123 - SAN MARCOS 17**

BEING a 17.937 acre tract of land situated in the Barnett K. Kane Survey, Abstract No. 281, Hays County, Texas, being the same called 17.937 acre tract of land described in a Deed as recorded in Document No. 23009614 of the Official Public Records of Hays County, Texas.

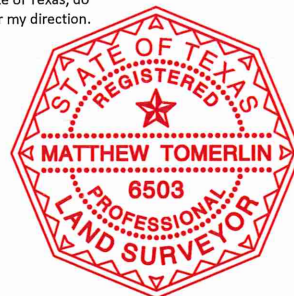


**NOTES**

1. ALL DISTANCES CONTAINED HEREIN ARE GROUND, BASED UPON AN ON THE GROUND SURVEY PERFORMED DURING APRIL, 2023.
2. ALL COORDINATES AND BEARINGS CONTAINED HEREIN GRID, BASED UPON THE TEXAS STATE PLANE COORDINATES SYSTEM, NORTH AMERICAN DATUM 83, SOUTH CENTRAL ZONE (4204), NAVD88.
3. ELEVATIONS MSL, DERIVED FROM G.N.S.S. OBSERVATION AND DERIVED FROM SAID ON-THE-GROUND SURVEY.
4. ALL MONUMENTS FOUND AND SHOWN HEREON WERE CONTROLLING MONUMENTS IN THE FINAL BOUNDARY DETERMINATION OF THIS SURVEY.

I, Matthew Tomerlin, Registered Professional Land Surveyor No. 6503 of the State of Texas, do hereby certify this plat shows the results of an on the ground survey made under my direction. Original signed and stamped in red ink.

*(Signature)*  
MAY 04, 2023  
MATTHEW TOMERLIN  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6503



**DATAPoint**  
SURVEYING & MAPPING

12450 Network Blvd. - Suite 155  
San Antonio, TX 78249  
Phone: 726-777-4240  
Firm No. 10194585

## LEGAL DESCRIPTION

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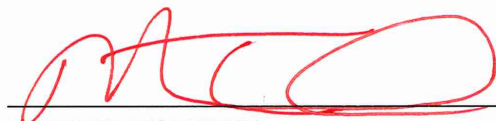
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**Original signed and stamped in red ink.**



Date of Signature: May 04, 2023

MATTHEW TOMERLIN  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6503  
FIRM REGISTRATION/LICENSE NO. 10194585  
FOR DATAPOINT SURVEYING AND MAPPING  
12450 NETWORK BLVD, SUITE 155  
SAN ANTONIO, TX. 78249  
(726) 777-4240 OFFICE  
(726) 777-4241 FAX

