

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: October, 2019



CONTACT INFORMATION

Applicant's Name		Property Owner	
Company	Vantage at San Marcos, LLC	Company	Mohnke Poor Farm, LLC
Applicant's Mailing Address	7334 Blanco Rd, Suite 200 San Antonio, TX 78216	Owner's Mailing Address	540 Mission Valley Rd. New Braunfels TX 78132
Applicant's Phone #	210.381.9813	Owner's Phone #	830-708-3023
Applicant's Email	cweigand@housingdev.com	Owner's Email	lachafin.nb@gmail.com

PROPERTY INFORMATION

Subject Property Address: 3625 SH 123, San Marcos TX 78666

Zoning District: OCL (requesting CD-3 and CD-4) Tax ID #: R14470 & R14472

Legal Description: Lot _____ Block _____ Subdivision _____

DESCRIPTION OF REQUEST

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

We are requesting alternative compliance to section 4.4.3.4

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, 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

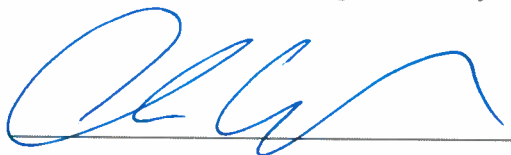
Form Updated October, 2019

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: 1/23/20

Print Name: Chris Weigand

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

Re: Vantage at San Marcos – Alternative Compliance Request – Section 2.8.4.4

- **Alternative Compliance to Section 4.4.3.4 – Max Lot Width of 120' for Apartment use**

Dear City of San Marcos,

We are requesting Alternative Compliance to the above mentioned section of the Zoning Code for CD-4, as it relates to the maximum lot width of 120'. The proposed development is consistent with the remainder of the zoning design criteria within Section 4.4.3.4 including the impervious cover, buildings height, setbacks, parking, build-to-zones or other applicable building criteria set for the in the section.

This request is consistent with the policies embodied in the Comprehensive Plan as the land use proposed is consistent with the Plan.

This request is consistent with the general purpose, intent and character of the development regulations applicable to the property by meeting all the design parameters contained within the zoning code.

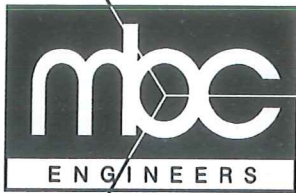
The site has a substantial amount of topography as well as an existing pond that is proposed to be saved as part of the development. Additionally, the Master Thoroughfare Plan (MTP) requires a number of streets within the proposed 30 acre tract thereby limiting the shape of the proposed lots and blocks of the project.

The request is not detrimental to the public health, safety or welfare, nor injurious to other property within the area.

This request does not have an adverse impact to adjacent property or neighborhoods or add undue drainage, parking, traffic, noise odors or visual nuisances. In fact the application of this criteria would potentially add traffic conflicts, drainage concerns and other visual nuisances if applied per the standard.

This request does not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance to with the provisions of the City Development Code or adversely affect the rights of owners or residents of adjacent property or neighborhoods.

The request does not result in any incompatibility of the development to which it relates with, or the character and integrity of, adjacent property or neighborhoods.



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

BEING 18.58 ACRES (809,506 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 18.58 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 at the **POINT OF BEGINNING**;

THENCE S 41° 37' 44" E a distance of 811.88 feet, along and with the West line of said 225.25 Acre Tract and with the East line of this tract to a Fence Post Found;

THENCE S 41° 49' 45" E a distance of 440.41 feet, continuing along and with said 225.55 Acre Tract to a 1/2-Inch Iron Rod with cap "BYRN" Found and marking the Westernmost corner 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 54.41 feet along and with the West line of said 100 Acre tract, to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE S 48° 35' 24" W a distance of 607.78 feet departing the West line of said 100 Acre tract, 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 right;

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

THENCE N 85° 35' 29" W a distance of 127.50 feet to a 1/2-Inch Iron Rod with cap "MBC" Set on the East Right-of-Way line of said State Highway 123;

THENCE N 04° 24' 31" E a distance of 1506.69 feet along and with the East Right-of-Way line of said State Highway 123 to the **POINT OF BEGINNING** and containing 18.58 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

OLD BASTROP
HIGHWAY

P.O.C.

P.O.B.

S04°22'13"W
288.89'
(S05°08'00"W 288.86')

Curve Table				
Curve #	Length	Radius	Delta	Chord Bearing
C1	435.83'	545.00'	45°49'07"	S 71°29'57" W
				424.31'

SCALE: 1" = 200'



LEGEND

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

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

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

- 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.

STATE HWY 123

18.58 ACRES
809,506 SQ. FT. +/-

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.)

60' RIGHT OF WAY RESERVATION
VOLUME 355, PAGE 644



ZONING AND ANNEXATION EXHIBIT OF

BEING 18.58 ACRES (809,506 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 18.58 ACRE TRACT OF LAND ALSO BEING OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO. 18028048, DEED RECORDS OF HAYS COUNTY, TEXAS.



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

JOEL C. JOHNSON

R.P.L.S. #5578



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

MATCH LINE

MATCH LINE

18.58 ACRES
809,506 SQ. FT. +/-

BARBARA JEAN PAPE
A CALLED

S 41° 22' 25.25" ACRES TRACT
440.41' DOC.# 18004464
(D.R.H.C.T.)

1/2" LR. W/CAP
"BYRN" FOUND

S 42° 05' 52" E
54.41'

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

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

N 42° 05' 52" W
310.02'

STATE HWY 123

N 04° 24' 31" E 1506.69'

N 85° 35' 29" W
127.50'

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

BRAZORIA TRAIL
BLOCK "F"



SCALE: 1" = 200'

LEGEND

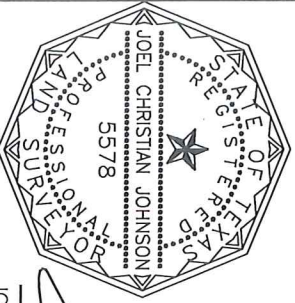
- 1/2" IRON ROD FOUND
UNLESS OTHERWISE NOTED
- 1/2" IRON ROD W/CAP
"MBC" SET/FOUND

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

- 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.

ZONING AND ANNEXATION EXHIBIT OF

BEING 18.58 ACRES (809,506 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 18.58 ACRE TRACT OF LAND ALSO BEING OUT OF A CALLED 30.9 ACRE TRACT (TRACT 2) AS DESCRIBED IN DOCUMENT NO. 18028048, DEED RECORDS OF HAYS COUNTY, TEXAS.



JOEL C. JOHNSON

R.P.L.S. #5578



10365 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 2 OF 2

This request meets all the remaining standards of the zoning district.

Furthermore, application of this criteria will create additional and unnecessary infrastructure due to the project requiring many more platted lots than currently proposed which may lead to the following issues:

- Additional ROW and streets for access to lots which will be maintained by the public
- Additional water meters to serve the lots which will be maintained by the public
- Additional water lines and sewer lines to serve the lots which will be maintained by the public
- Additional driveways and traffic points for each lot to have public access potentially creating traffic concerns
- Potential for drainage issues across individual lots that are subdivided and can be owned by separate owners

We respectfully request that alternative compliance to our project per the lot dimensions associated with the attached plan be granted in order for the project to move forward per the remaining zoning standards

If you have any question with this request, please feel free to contact us directly.

Sincerely,



Vantage at San Marcos, LLC
Attn: Christopher Weigand, P.E.
7334 Blanco Road, Suite 200
San Antonio, TX 78216

