

Submitted 5/7/20 APP-Z-23274

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



Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	David Richardson	Property Owner	Mark Tolley
Company	Rattler Road Land Partners, LLC	Company	Rattler Road Land Partners, LLC
Applicant's Mailing Address	454 Soledad, Ste. 200 San Antonio, TX 78205	Owner's Mailing Address	454 Soledad, Ste. 200 San Antonio, TX 78205
Applicant's Phone #	210-354-3705	Owner's Phone #	210-354-3705
Applicant's Email	David@missiondy.com	Owner's Email	Mark@missiondy.com

PROPERTY INFORMATION

Subject Property Address(es): See attached Metes and Bounds

Legal Description: Lot _____ Block _____ Subdivision _____

Total Acreage: 9.933 Tax ID #: R _____

Preferred Scenario Designation: CD-5 Existing Zoning: Agricultural

Existing Land Use(s): Agricultural

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD-5

Proposed Land Uses / Reason for Change: Build multifamily affordable housing apartments

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.

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

APPLY ONLINE - WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, Mark Tolley (owner name) on behalf of
Rattlers Road Land Partners, LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
See attached Metes and Bounds (address).

I hereby authorize David Richardson (agent name) on behalf of
Rattler Road Land Partners, LLC (agent company) to file this application for
rezoning (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: [Signature] Date: 5/7/20

Printed Name, Title: Mark Tolley, Partner

Signature of Agent: [Signature] Date: 5/7/20

Printed Name, Title: David Richardson, Director of acquisitions

**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: 5/7/20

Print Name: Mark Folley

Special Warranty Deed with Vendor's Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: February 20, 2020

Grantor: Linda Hurt a/k/a Linda Barnum Hurt a/k/a Linda Barnum Stamport, Laura Barnum a/k/a Laura Kay Barnum and Lisa Barnum a/k/a Lisa Kim Barnum

Grantor's Mailing Address: 5706 Everglade Road
Dallas, TX 75224

Grantee: Rattler Road Land Partners, LLC

Grantee's Mailing Address: 454 Soledad Street, Suite 200
San Antonio, TX 78205

Consideration: Cash and a note of even date executed by Grantee and payable to the order of Raza Development Fund, Inc. (hereinafter "Lender") in the principal amount of One Million One Hundred Thirty-Nine Thousand and No/100 DOLLARS (\$1,139,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed for the benefit of said Lender and the same are hereby transferred and assigned to said Lender and by a first-lien deed of trust of even date from Grantee to Gary S. Farmer, trustee.

Property (including any improvements):

Being 9.933 acres of land, more or less, out of the C. Wickson Roberts Survey, Abstract No. 474, Hays County, Texas, and consisting of a portion 6.0 acres described in Deed recorded in Volume 208, Page 116, Deed Records of Hays County, Texas and all of 4.0 acres described in a Deed recorded in Volume 216, Page 41, Deed Records of Hays County, Texas, said 9.933 acres being more particularly described by metes and bounds in Exhibit "A-1" attached.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, by, through or under Grantor, but not otherwise.

36-T-117247/MF

Recorded By Texas National Title

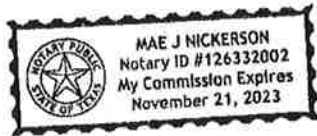
Laura Kay Barnum

Laura Barnum a/k/a Laura Kay Barnum

STATE OF TEXAS

COUNTY OF *Montgomery*

This Instrument was acknowledged before me on February 20, 2020, by Laura Barnum a/k/a Laura Kay Barnum.



Mae J. Nickerson
Notary Public, State of Texas

36-T-117247/MF

Recorded By Texas National Title



**DESCRIPTION OF
A TOTAL OF 10.11 ACRE TRACT
PART 1 = 9.93 ACRES
PART 2 = 0.1773 OF AN ACRE**

PART 1 = A 9.93 acre tract of land situated in the Cyrus Wickson Survey, Abstract No. 474, Hays County, Texas, and being all of that called 4.0 acre tract of land conveyed to George Barnum and described in Volume 216, Page 41 recorded March 1, 1967 in the in the Deed Records of Hays County, Texas (D.R.), and the remainder of that called 6.0 acre tract of land conveyed to George Barnum and described in Volume 208, Page 116, recorded October 4, 1968 in the D.R., said 9.93 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found at the intersection of the northeasterly right-of-way of Rattler Road (formerly known as McCarty Lane, variable width R.O.W.) with the northwesterly right-of-way of Old Bastrop Highway, (also known as Hays County Road 266, variable with R.O.W.), and being the most easterly corner of that called 0.10 of an acre tract of land conveyed to Hays County and described in Volume 3580, Page 792, recorded January 27, 2009 in the Official Public Records of Hays County, Texas (O.P.R.) for the most southerly corner of the tract described herein;

THENCE: Along and with the northeasterly right-of-way of Rattler Road and the northeasterly line of said 0.10 acre tract, the following three (3) courses:

1. **N 45°48'34"W** a distance of **171.76 feet** to a ½" iron rod with plastic cap stamped KFW SURVEY (hereinafter referred to as SET KFW) set for the beginning of a curve to the left;
2. Along and with the arc of said curve to the left having a radius of **1031.00 feet**, through a central angle of **02°13'57"**, an arc length of **40.17 feet**, and a chord bearing of **N 47°04'08"W** and a chord length of **40.17 feet** to a SET KFW;
3. **N 48°18'10" W**, a distance of **209.33 feet** to a ½" iron rod found for the most northerly corner of said 0.10 acre tract and the most westerly corner of the tract described herein;

THENCE: N 52°08'11" E, along and with the northwesterly line of said 6.0 acre tract, passing at a distance of 19.88 feet a found ½" iron rod on line, and also continuing along and with the southeasterly line of Lot 2 of Salinas Estates subdivision, a plat of record in Volume 17, Page 41 in the Plat Records of Hays County, Texas (P.R.) for a total distance of **620.93 feet** to a ½" iron rod found for the northeast corner of said Lot 2, the most northerly corner of said 6.0 acre tract, the most westerly corner of said 4.0 acre tract, and the most southerly corner of the remainder of that called 54.360 acre tract of land conveyed to Reed Carr and wife Patricia M. Carr and described in Volume 2359, Page 218, recorded November 25, 2003 in the O.P.R.;

THENCE: N 52°16'18" E, along and with the southeasterly line of the remainder of said 54.360 acre tract and the northwesterly line of said 4.0 acre tract, a distance of **415.43 feet** to a ½" iron rod found for the most northerly corner of said 4.0 acre tract and the tract described herein, and for the most westerly corner of that called 2.49 acre tract of land conveyed to Housing Corporation of Eta Tau Chapter of Sigma Nu Fraternity and described in Document Number 2016-16015558, recorded May 17, 2016 in the O.P.R.;

THENCE: S 46°15'04" E, along and with the southwesterly line of said 2.49 acre tract and the northeasterly line of said 4.0 acre tract, a distance of **427.88 feet** to a ½" iron rod found in the

northwesterly right-of-way of Old Bastrop Road for the most southerly corner of said 2.49 acre tract and the most easterly corner of said 4.0 acre tract and the tract described herein;

THENCE: S 52°37'03" W along and with the southeasterly lines of said 4.0 acre tract and said 6.0 acre tract and the northwesterly right-of-way of Old Bastrop Road, a distance of **1030.71 feet** to the **POINT OF BEGINNING** and containing 9.93 acres of land more or less in **PART 1**, and being described in accordance with a survey prepared by KFW Surveying.

TOGETHER WITH PART 2 = 0.1773 OF AN ACRE

PART 2 = A 0.1773 of an acre tract of land situated in the Cyrus Wickson Survey, Abstract No. 474, Hays County, Texas, and being a portion of that called 0.10 of an acre tract of land conveyed to Hays County and described in Volume 3580, Page 782, recorded January 27, 2009 in the Official Public Records of Hays County, Texas (O.P.R.), and a portion of that called 0.03 acre tract of land conveyed to Hays County and described in Volume 3510, Page 283, recorded October 27, 2008 in the O.P.R., said 0.1773 of an acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found in the northeasterly right-of-way of Rattler Road (formerly known as McCarty Lane, variable width R.O.W.) and being the most northerly corner of said 0.10 of an acre tract of land for the most northerly corner of the tract described herein;

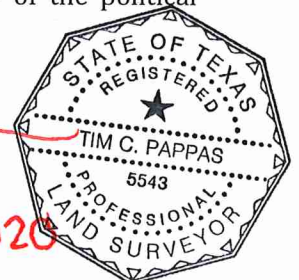
THENCE: S 48°18'10" E, along and with the northeasterly right-of-way of Rattler Road and the northeasterly line of said 0.10 acre tract, a distance of **95.19 feet** to a calculated point for an exterior corner of that called 39.37 acre tract of land as described in City of San Marcos Ordinance No. 2020-01 for the most easterly corner of the tract described herein;

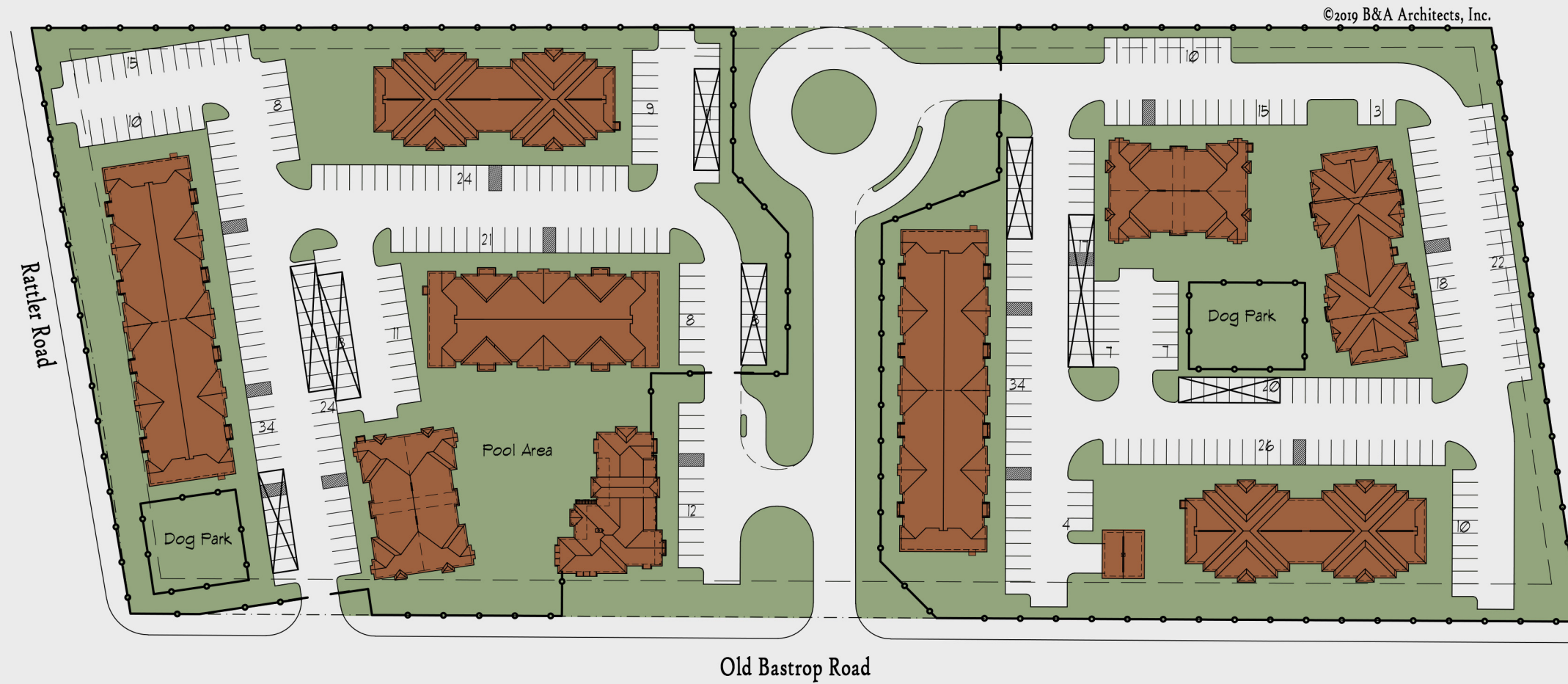
THENCE: S 48°03'51" W, crossing the right-of-way of said Rattler Road and along and with an exterior line of said 39.37 acre tract, a distance of **81.64 feet** to a calculated point in the southwesterly right-of-way of said Rattler Road for the east corner of the remainder of Lot 18 of Hillside Village subdivision, a plat of record in Volume 8, Page 148 in the P.R. and for the most southerly corner of said 0.03 acre tract and the tract described herein;

THENCE: N 45°36'59" W, along and with the southwesterly right-of-way line of said Rattler Road and the southwesterly line of said 0.03 acre tract, a distance of **100.33 feet** to a calculated point for the most westerly corner of the tract described herein;

THENCE: N 52°08'11" E crossing the right-of-way of said Rattler Road, a distance of **77.72 feet** to the **POINT OF BEGINNING** and containing 0.1773 of an acre or 7,725 square feet of land more or less in **PART 2**. PART 2 was prepared under 22 TAC § 663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Job No.: 19-109
Prepared by: KFW Surveying
Date: June 11, 2020
File: S:\Draw 2019\19-109 Liv San Marcos\DOCS\19-109 ZONING DESC TCP 061120.doc





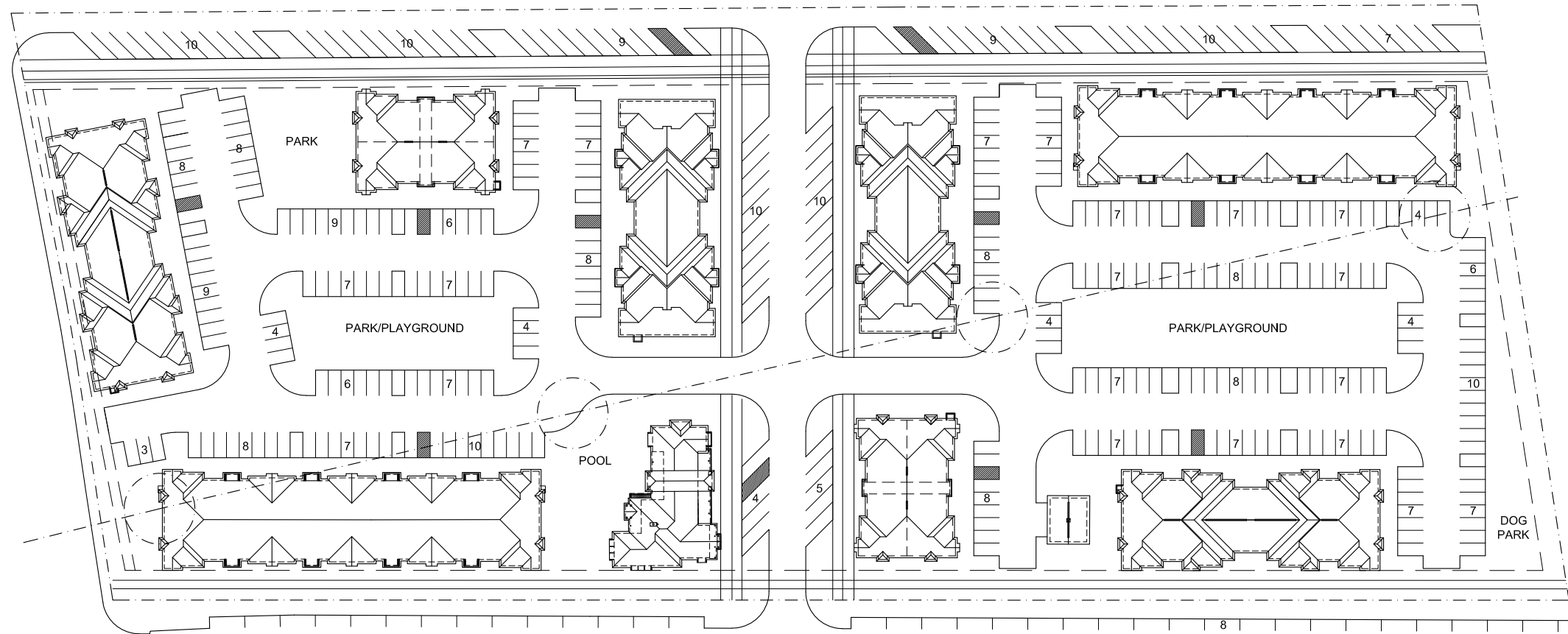
Scale: 1" = 100'



RATTLER ROAD

Luxury Apartment Homes

Concept Site Plan



Rattler Road Apartments

San Marcos, Texas
 Scale: 1" = 100'-0"
 216 Units

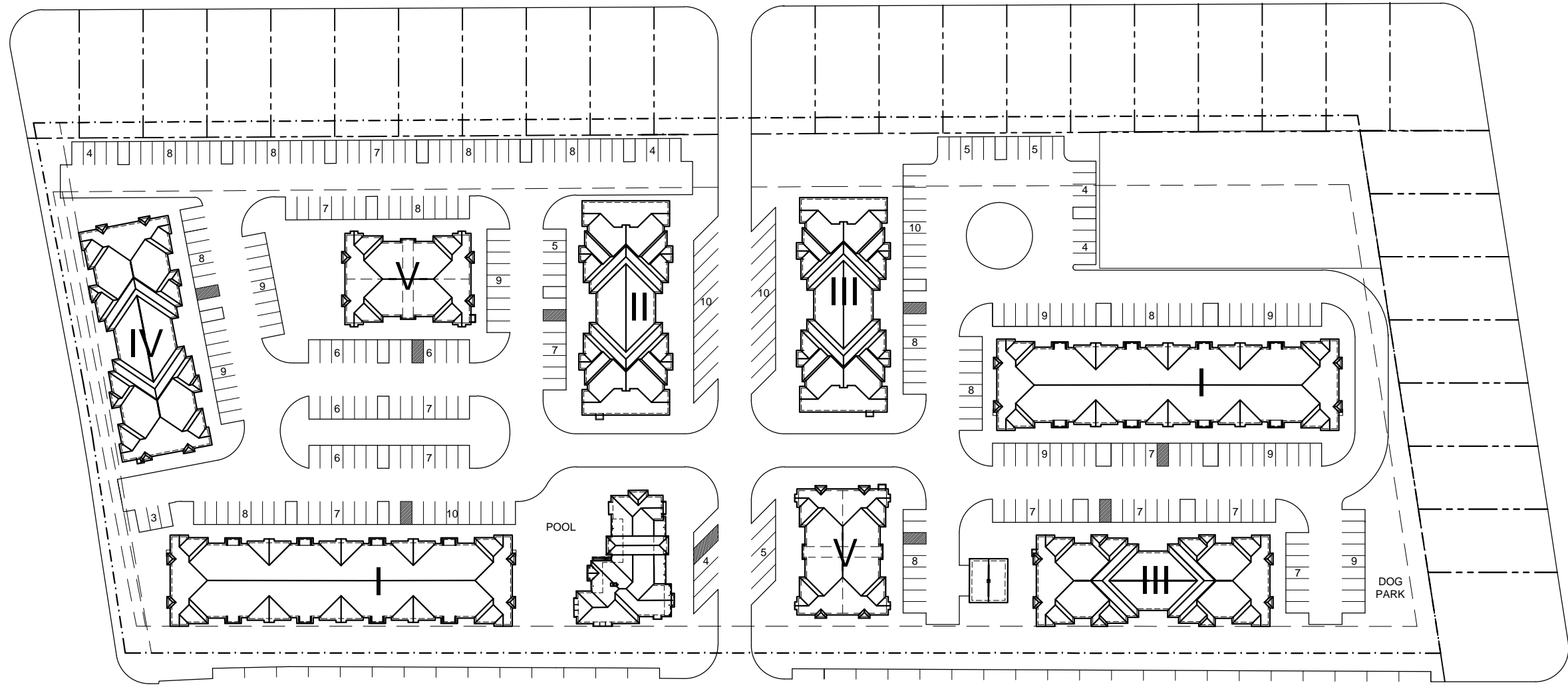


12.04.2019

72 A1 Units
24 A2 Units
36 B1 Units
12 B2 Units
72 C1 Units
<hr/>
216 Units

367 Parking Spaces

1.70 Parking Ratio



CONCEPTUAL

Rattler Road Apartments

San Marcos, Texas

Scale: 1" = 100'-0"

216 Units



3.03.2020

90 A Units

50 B Units

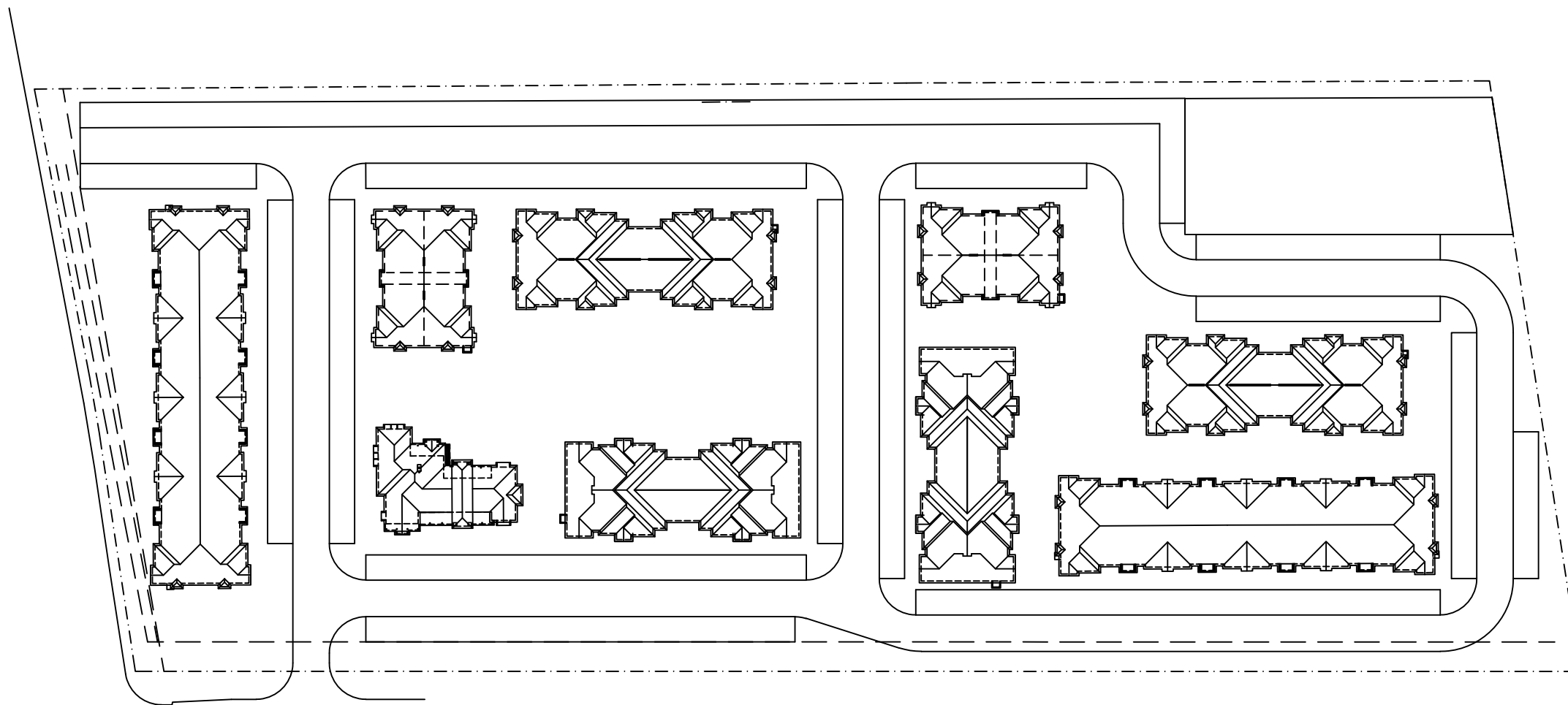
76 C Units

216 Units

344 Parking Spaces

(45 Potential Street Parking)

1.5 Parking Ratio



ALT
CONCEPTUAL

Rattler Road Apartments

San Marcos, Texas
Scale: 1" = 100'-0"
216 Units



3.30.2020

90 A Units
50 B Units
76 C Units

216 Units

406 Parking Spaces
(all on-site parking)
1.88 Parking Ratio