

SUBDIVISION / ZONING VARIANCE APPLICATION

Updated: September 2025



CONTACT INFORMATION

Applicant's Name	Chad Respondek, PE	Property Owner	John Lewis
Company	KFM Engineering & Design	Company	Yarrington Partners LTD
Applicant's Mailing Address	12950 Country Parkway Suite 150, SA, TX 78216	Owner's Mailing Address	9811 IH-35 South, Suite 100 Austin, TX 78744
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

PROPERTY INFORMATION

Subject Property Address: IH 35 & Yarrington Road

Acres: 46 Tax ID #: R 16595

Legal Description: Lot N/A Block N/A Subdivision N/A

Existing Use(s): Undeveloped

DESCRIPTION OF REQUEST

Variance to Section: Whisper Planned Development District of the ~~Land Development Code~~, which requires:
1 row of parking in the "first layer" as defined in Article 6, Division 1 in the PDD.

Description of proposed variance (additional pages may be used): We are requesting the first layer parking requirement to be removed, allowing for the proposed HEB to set back to the rear of the site, with the main parking field directly adjacent to IH-35.

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 \$788

Technology Fee \$15

TOTAL COST \$803

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

Apply Online at MGOCONNECT.ORG

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230

VARIANCE CONSIDERATIONS

(Please include additional pages as necessary)

- 1) What special circumstances or conditions affect the subject property such that strict application of the provisions of the ~~Land Development Code~~ would create an unnecessary hardship or inequity upon the applicant or would deprive the applicant of the reasonable and beneficial use of the property?

By following the PDD parking requirements, only one row of parking would be allowed in front of the proposed HEB. The +/- 120k SF HEB will require a significant amount of parking stalls, and requiring these stalls to be placed behind the store, would be detrimental to the business operation and would present a safety concern for shoppers.

- 2) Do the circumstances or conditions causing the hardship similarly affect all or most of the properties in the vicinity of the subject property? Yes, existing developments within the PDD also have approved variances to the same parking requirement.

- 3) What substantial property right would not be preserved or enjoyed if the provisions of the ~~Land Development Code~~ were literally enforced? Customers would be required to travel from behind the store in order to access the HEB, then travel from the store, back to the parking lot behind the building, with their grocery carts. This would directly affect the business' operation.

- 4) What effect, if any, would the variance have on the rights of owners or occupants of surrounding property, or on the public health, safety or general welfare? This would not have a negative effect on any of the surrounding properties. The proposed HEB, as positioned on the attached site plan, will be allow for customers to shop safely, and in addition, have a positive impact to surrounding business.

- 5) What effect, if any, would the variance have on the orderly subdivision of other land in the area in accordance with the provisions of the ~~Land Development Code~~? This would not have a direct effect or impact on the orderly subdivision of other land in the area, if this requirement is waived.

- 6) Is the hardship or inequity suffered by the applicant caused wholly or in substantial part by the property owner or applicant? HEB or any kind of large scale retail facing IH-35 would inherit the same issues if the first layer parking requirement is enforced

- 7) To what extent is the request for variance based upon a desire of the owner, occupant or applicant for increase financial gain from the property, or to reduce an existing financial hardship? In order for HEB to operate and be successful, traditional parking in front of the store is a necessity. This is a shared issue by most properties within the Type-5 uses.

- 8) Is the degree of variance requested the minimum amount necessary to meet the needs of the applicant or property owner? Yes, with the granting of this variance, all other requirements of the PDD will be met with the proposed development.

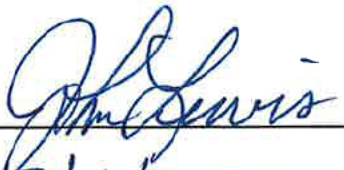
*Note for the Board / Commission:


The following responses were provided by the applicant and may not be consistent with the Department staff report

PROPERTY OWNER AUTHORIZATION

I, John Lewis (owner name) on behalf of
Yarrington Partners LTD (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
IH-35 & Yarrington (address).

I hereby authorize Chad Respondek, PE (agent name) on behalf of
KFM Engineering and Design (agent company) to file this application for
PDD zoning variance (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 12-12-25
Printed Name, Title: John Lewis CO-OP

Signature of Agent:  Date: 12/15/25
Printed Name, Title: Vice President/Principal

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 \$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 \$158 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: 12/15/25

Print Name: Chad Respondek

Form Updated March, 2023