

APPEAL APPLICATION

Updated: October, 2018

Associated Case # _____ - _____ - _____



CONTACT INFORMATION

Appellate Name	Two Rivers Interests, LP	Appellate Mailing Address	301 Main Plaza, #385, New Braunfels, TX 78130
Appellate Phone #	(830) 660-4916	Appellate Email	leebaker3@gmail.com

ORIGINAL APPLICATION INFORMATION

Subject Property Address: +/- 1800 FT SOUTHEAST OF REDWOOD RD & HWY 123, SAN MARCOS, TX 78666

Original Application Type: ALTERNATIVE COMPLIANCE

REASON FOR APPEAL

I am: The applicant Influenced by the proposed change

Briefly describe the reason for appeal (attach additional pages if needed):

SEE ATTACHED.

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.

Appeal, if residence is located within 400ft of the subject property:

Filing Fee \$103

Technology Fee \$12

TOTAL COST \$115

All other appeals:

Filing Fee \$618

Technology Fee \$12

TOTAL COST \$630

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

Submit Appeal Application to: planninginfo@sanmarcostx.gov



September 23, 2019

Andrea Villalobos
Senior Planner
City of San Marcos
630 E Hopkins
San Marcos, TX 78666

RE: Appeal Summary Letter – Alternative Compliance Redwood CD-3

Andrea

The intent of this letter is to provide background information and justification for our request to appeal the Planning Commission decision to deny the Alternative Compliance Case AC-19-03.

The overall project consisted of approximately 193 acres east of the intersection of SH 123 and Redwood Rd. The City's Preferred Scenario in this area is split between Medium and Low-Density development. We started our coordination with Staff on this development last Fall with the City, Homebuilders, and the developer to get our arms around the new City code and how it impacts the homebuilders from the product that they can offer.

The result of that meeting was to proceed with SF-6 zoning. Considering the site's location, we all agreed this was the best route for all parties.

The conflict occurred with SF-6 not being allowed in Medium Density, but CD-3 was allowed. We met with staff and with builder input, we agreed to proceed with CD-3 with the Alternative Compliance conditions submitted under AC-19-03 as a hybrid to CD-3 and SF-6. Staff recommended approval and we proceeded to the Planning Commission.

The City of San Marcos has been vocal about the need for entry-level housing in and around the City and we have worked within the City's new system with staff and the builders to provide a product to help fulfill this need.

We are seeking City Council approval for the Appeal of the Planning Commission ruling and ask that the Alternative Compliance request AC-19-03 be approved.

If you need additional information or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'James Ingalls'.

James Ingalls, PE
Agent for Two Rivers Interests

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: October, 2018

Case # CUP-____-____



CONTACT INFORMATION

Applicant's Name	Moeller & Associates c/o James Ingalls, PE	Property Owner	TWO RIVERS INTERESTS, LP
Applicant's Mailing Address	2021 HWY 46, SUITE 105 NEW BRAUNFELS, TX 78132	Owner's Mailing Address	1400 POST OAK BLVD, SUITE 900 HOUSTON, TX 7056
Applicant's Phone #	(830) 358-7127	Owner's Phone #	(830) 660-4916
Applicant's Email	jamesingalls@ma-tx.com	Owner's Email	leebaker3@gmail.com

PROPERTY INFORMATION

Subject Property Address: +/-1800FT SOUTHEAST OF REDWOOD RD & HWY 123 , SAN MARCOS TX 78666

Zoning District: OCL (REZONING TO CD-3) Tax ID #: R 15908

Legal Description: Lot _____ Block _____ Subdivision _____

DESCRIPTION OF REQUEST

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

Requesting a deviation to the residential garage parking requirements in Section 7.1.4.1.C

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 \$773* Technology Fee \$12 TOTAL COST \$785

Renewal/Amendment Filing Fee \$412* Technology Fee \$12 TOTAL COST \$424

**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.

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

Redwood Alternative Compliance Narrative

REQUEST

In an effort to accommodate the newly approved City of San Marcos development code and working with the home builders of the area.

The requirements for Alternative Compliance

1. The approved alternate meets the intent of Section 7.1.4.1.
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans
3. The approved alternate does not negatively impact the pedestrian circulation and safety based on the density and adjacent street type.
4. Measure are taken to mitigate the visual impact of the garage design
5. The required garage setbacks are met.

In our opinion, we have satisfied these requirements as well as provide additional improvements that will improve the streetscape and appeal of the subdivision.

We respectfully request consideration of the proposed Alternative Compliance to the Parking Location and Design as the most effective option to meet the intent of Section 7.1.4.1, while providing an attractive product today and for years to come.

Redwood Parking - Alternative Compliance Requirements

GARAGE REQUIREMENTS

All garages to be approved by the Redwood HOA prior to installation and comply with the requirements set forth in the subdivision restrictions. The following garage requirements apply to all lots:

- Must accommodate two (2) cars
- Two (2) single garage doors, divided by an 8+12+column are required
- Must use at least one of the same exterior materials as are used on the residence.
- Garage doors shall be non-warping, non-peeling material, design and color complimentary of the adjacent elevation of the residence and consistent with the overall architectural style of the residence.
- Windows along the top of the garage doors are permitted.
- The front façade of the garage may not extend more that six (6) feet beyond the façade of the residence.
- A recessed garage is encouraged.
- Variation of garage door design to add variety to the streetscape is encouraged.

BUILDING SETBACKS

- Minimum building front (primary street) setback is 20q
- The intent is to provide more area for landscaping, as well as sufficient space for vehicles to be parked off the street.
- Pedestrian safety is increased by keeping vehicles farther away from the sidewalks.

REPETITION

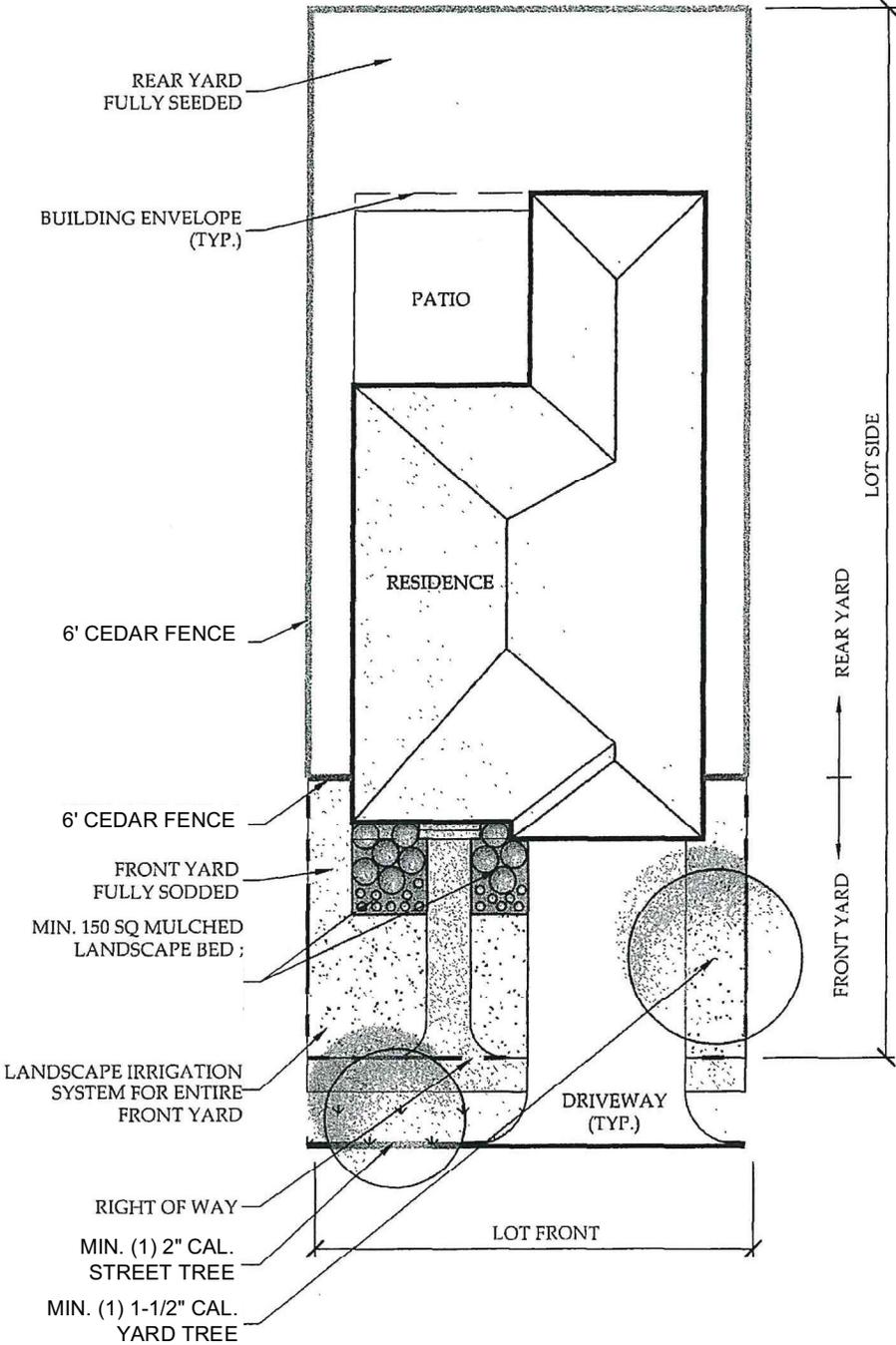
The floor plan requirements below are set forth to provide a healthy mixture of products, elevations, and cohesive neighborhood, without feeling repetitive.

<u>Floor Plan</u>	<u>Elevation</u>	<u>Location</u>	<u>Required Number of Lots Between</u>
Same Floor Plan	Different Elevation	Opposite Side of Street	One (1) Lot Between
Same Floor Plan	Different Elevation	Same Side of Street	Two (2) Lots Between
Same Floor Plan	Same Elevation	Opposite Side of Street	Three (3) Lots Between
Same Floor Plan	Same Elevation	Same Side of Street	Three (3) Lots Between

LANDSCAPING

<u>Street Trees</u> (2" Min)	<u>Yard Trees</u> (1 1/2" Min)				<u>Front Yard</u>			<u>Rear Yard</u>	
		<u>5 gal.</u>	<u>1 gal.</u>	<u>Lawn</u>	<u>Landscape Bed</u>	<u>Irrigation</u>	<u>Lawn</u>	<u>Irrigation</u>	
1	1	5	10	Sod	150 ft ²	Yes	Seed	No	

LANDSCAPE REQUIREMENTS





METES AND BOUNDS DESCRIPTION
FOR A
192.951 ACRE TRACT OF LAND
"ZONING"

Being a 192.951 acre tract of land out of the Barnette O. Kane Survey, Abstract No. 281, in Hays County, Texas, being a portion out of the remaining portion of a called 156.35 acre tract of land, as conveyed to Two Rivers Interests, LP, and recorded in Volume 4514, Page 304, of the Official Public Records of Hays County, Texas, being all of a called 99.36 acre tract of land, as conveyed to Two Rivers Interests, LP, and recorded in Document No. 18017502, of the Official Public Records of Hays County, Texas, and being a portion of the Right-of-Way of Redwood Road (also known as C.R. 232) (a variable width R.O.W.), and said 192.951 acre tract of land being more particularly described as follows:

COMMENCING at a ½" iron pin with cap stamped "Eagle Surveying" found in the Northeasterly Right-of-Way (R.O.W.) line of Redwood Road, being the most Westerly corner of said 99.36 acre tract of land, and same being the most Southerly corner of the remaining portion of said 156.35 acre tract of land;

THENCE with the Northeasterly R.O.W. line of said Redwood Road, same being the Southwesterly line of the remaining portion of said 156.35 acre tract of land, N 41° 16' 01" W, a distance of 49.30 feet to a point in the Northeasterly R.O.W. line of said Redwood Road, being in the Southwesterly line of the remaining portion of said 156.35 acre tract of land and being a Westerly corner of this herein described tract of land and the POINT OF BEGINNING;

THENCE departing the Northeasterly R.O.W. line of said Redwood Road, and across and through the remaining portion of said 156.35 acre tract of land, the following two courses:

N 60° 38' 29" E, a distance of 626.64 feet to a point for a Westerly interior corner;

N 41° 40' 53" W, a distance of 1,198.79 feet to a point in the Northwesterly line of the remaining portion of said 156.35 acre tract of land, same being the Southeasterly line of Lot 1, Block "A", of La Vista Foundation Subdivision, as recorded in Volume 8, Page 277-278, of the Map and Plat Records of Hays County, Texas, and being a Westerly corner of this herein described tract of land;

THENCE with the common line between the remaining portion of said 156.35 acre tract of land and said Lot 1, N 44° 12' 01" E, a distance of 1,583.17 feet to a point for the most Easterly Northeast corner of said Lot 1, and being a Northwesterly interior corner of the remaining portion of said 156.35 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between the remaining portion of said 156.35 acre tract of land and said Lot 1, N 42° 04' 11" W, a distance of 1,391.97 feet to a point for the most Northerly corner of said Lot 1, being in the Southeasterly line of a called 58.94 acre tract of land, as conveyed to Enos Gary, executor of the estate of Eloise Crawford, and recorded in Volume 990, Page 795, of the Official Public Records of Hays County, Texas, and being the most Westerly Northwest corner of the remaining portion of said 156.35 acre tract of land and this herein described tract of land;

THENCE with the common line between said 58.94 acre tract of land and the remaining portion of said 156.35 acre tract of land, N 44° 05' 24" E, a distance of 521.18 feet to a point for the most Easterly corner of said 58.94 acre tract of land, being in the Southwesterly line of Lot 17, Block 6, of the Hills of Hays Subdivision, Phase 2, as recorded in Volume 4, Page 337, of the Map and Plat Records of Hays County, Texas, and being the most Northerly corner of the remaining portion of said 156.35 acre tract of land and this herein described tract of land;

THENCE with the Southwesterly line of the said Hills of Hays Subdivision, Phase 2, same being the Northeasterly line of the remaining portion of said 156.35 acre tract of land, S 40° 59' 56" E, a distance of 591.72 feet to a point for the most Southerly corner of Lots 24 and 25, of said Hills of Hays Subdivision, Phase 2, same being the most Westerly corner of the remaining portion of a called 195.677 acre tract of land, as conveyed to Two Rivers Interests, LP, and recorded in Document No. 12036811, of the Official Public Records of Hays County, Texas, and being a Northerly Northeast corner of the remaining portion of said 156.35 acre tract of land and this herein described tract of land;

THENCE with the common line between the remaining portion of said 156.35 acre tract of land and the remaining portion of said 195.677 acre tract of land, S 41° 06' 18" E, a distance of 2,654.16 feet to a point in the Southwesterly line of the remaining portion of said 195.677 acre tract of land, being the most Northerly corner of the aforementioned 99.36 acre tract of land, being the most Easterly corner of the remaining portion of said 156.35 acre tract of land, and being a Northeasterly corner of this herein described tract of land;

THENCE with the Northeasterly line of said 99.36 acre tract of land, with the Southwesterly line of the remaining portion of said 195.677 acre tract of land, and with the Southwesterly line of a called 125.0 acre tract of land, as conveyed to James S. Lane, and recorded in Volume 878, Page 325, of the Official Public Records of Hays County, Texas, S 41° 15' 44" E, a distance of 1,615.62 feet to a point in the Southwesterly line of said 125.0 acre tract of land, being the most Northerly corner of a called 99.56 acre tract of land, as conveyed to Two Rivers Interests, LP, and recorded in Document No. 12036811, of the Official Public Records of Hays County, Texas, and being the most Easterly corner of said 99.36 acre tract of land and this herein described tract of land;

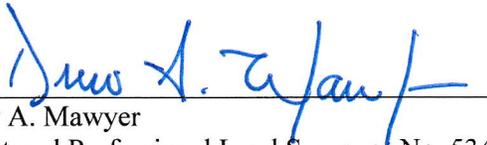
THENCE departing the Southwesterly line of said 125.0 acre tract of land, and with the common line between said 99.56 acre tract of land and said 99.36 acre tract of land, S 60° 21' 36" W, at a distance of 2,714.98 feet passing the most Southerly corner of said 99.36 acre tract of land, same being the most Westerly corner of said 99.56 acre tract of land, and being in the Northeasterly R.O.W. line of aforementioned Redwood Road, and continuing across and through the R.O.W. of said Redwood Road, for a total distance of 2,796.79 feet to a point in the Southwesterly R.O.W. line of said Redwood Road, and being the most Southerly corner of this herein described tract of land;

THENCE with the Southwesterly R.O.W. line of said Redwood Road, N 41° 42' 16" W, a distance of 1,686.14 feet to a point in the Southwesterly R.O.W. line of said Redwood Road, and being a Westerly corner of this herein described tract of land;

THENCE departing the Southwesterly R.O.W. line of said Redwood Road, and across and through the R.O.W. of said Redwood Road, N 60° 38' 29" E, a distance of 81.76 feet to the POINT OF BEGINNING, and containing 192.951 acres of land, more or less.

"This document was prepared under 22 TAC §663.21, 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."

Bearings based on the Texas State Plane Coordinate System, South Central Zone (4204), North American Datum 1983.



Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W SH 46, New Braunfels, Texas, 78132
MOE307- REDWOOD- 192.951 AC- 052819

