

Received

DEC 03 2021



City of Dripping Springs MORATORIUM WAIVER APPLICATION

City of Dripping Springs

Official Use Only:
Project # <u>MOR</u>
Date Received _____

Property/Site Address or Legal Description: 900 Hays Country Acres Road - Property consists of Four (4) Legal Lots, that being, Lots 1-4 out of the Park Meadow Subdivision recorded under Vol. 7, Page 65 Hays CAD Property ID (R #): (62*)849,*850,*851,*852

Owner Name: Gateway TX DS, LLC Phone #: 512.897.4600

Owner Email: chohl2012@gmail.com

Authorized Agent: Jennifer M. Garcia, PE Phone #: 504-289-3869 (Mobile)

Agent Email: j.harreninterests@gmail.com

BASIS FOR WAIVER:

The said property, consisting of approximately 21 acres, is located in the City of Drippings Springs ETJ and Hays County. Per the subdivision, the property receives domestic water and wastewater by means of well and septic systems. In accordance with the attached Development Agreement and Addendum to such agreement, the property has been approved by Hays County to be redeveloped to a single-family use with an option of a condominium regime. In addition, the agreements speaks to the extension of wastewater permitting for the entire acreage. Therefore, the redevelopment of the property, if a condominium regime is proposed, will require a re-plat. The redevelopment will not require City of Dripping Springs utilities, that being both water and wastewater. The required permitting/entitlements will be a re-plat, if necessary, subdivision construction documents and residential building permits. Because the redevelopment will not require City utilities, a waiver should be granted for the redevelopment.

Additional Information / Submittal Requirements:

This request should be submitted simultaneously with any other permit application including: (1) site development; (2) plat; (3) replat; (4) zoning application including Planned Development District; (5) application for Development Agreement; (6) Building Permit application; (7) Wastewater application; and (8) other land use applications. Waivers will be reviewed by City Council within 10 days of the City receiving: (1) this application; (2) the application for the underlying permit; and (3) all documentation related to the basis for the waiver (for example an agreement to fund and construct wastewater infrastructure). A letter on the status of this waiver will be provided to the applicant after the City Council makes a decision on the request. If denied, a waiver may not be reapplied for unless the waiver request or project substantially changes. Prior to applying for a waiver, it is recommended that you review with staff whether you will be eligible for an exception rather than a waiver.

Jennifer M Garcia, PE
Applicant Signature *Jennifer M Garcia*

Jennifer M. Garcia, PE
Print Name

12/3/2021
Date

OFFICIAL USE ONLY:
Date all necessary documentation received: _____
Approved: _____ Denied: _____ Date: _____
By: _____ 11/2021

DEVELOPMENT AGREEMENT FOR GATEWAY ESTATES II

STATE OF TEXAS §
 §
COUNTY OF HAYS §

This Development Agreement for Gateway Estates II (the "Agreement") is by and between HAYS COUNTY, TEXAS (the "County"), and GATEWAY TX DS, LLC, a Texas limited liability company (the "Owner").

1. The Owner owns approximately 21.79 acres of land described as Lots 1, 2, 3 and 4, PARK MEADOW, a subdivision in Hays County, Texas, according to the map or plat thereof (the "Plat"), recorded in Volume 7, Page 65 of the Plat Records of Hays County, Texas (the "Property").
2. The Property is located within Hays County, Texas.
3. The Property has been platted in accordance with the applicable laws of Hays County, Texas.
4. The Owner currently operates a manufactured home community on the Property. The site plan of the current existing structures located on the Property is attached hereto as Exhibit "A".
5. In 2010, the Property received initial wastewater permits from the County (Permits # 2010-426, 2010-427, 2010-428 and 2010-429) to construct on-site sewerage facilities to service the manufactured home community.
6. In 2015, the Property received additional wastewater permits from the County (Permits # 2015-30182, 2015-30183, 2015-30184 and 2015-30186; these permits are jointly herein referred to as the "Wastewater Permits") that allow the Property to be developed with 35 duplexes and 1 single family residence comprising a total of 71 three bedroom units. The current approved duplex redevelopment plan is attached hereto as Exhibit "B".
7. The Property, under Permit # TX1050121 from the Texas Commission on Environmental Quality (the "Water Permit"), is allowed to operate a potable water system, all as more fully described in the Water Permit. The Water Permit is sufficient to provide water for at least 71 units.
8. The Owner desires to pursue a single family residential project containing approximately 69 residences on the Property resulting in daily sewerage flows equal to or less than those currently permitted under the Wastewater Permits. The Owner may develop the Property in phases, which may include the condominium form of ownership; a concept plan of such proposed development is attached hereto as Exhibit "C".

9. Presently there remains to be constructed two septic tanks on the Property to complete the requirements of the Wastewater Permits. The authorization to construct these two tanks is valid until December 7, 2016. Owner is requesting the County to extend the time to construct for 5 years from date hereof due to the phasing on the Property.

10. The County confirms that (i) the authorization to construct under the Wastewater Permits is valid for five years after the date hereof, (ii) the Wastewater Permits will continue to be applicable to the Property if and when a condominium form of ownership occurs on the Property; and (iii) the Plat is sufficient for a condominium form of ownership on the Property, provided the Property complies with Chapter 82 of the Texas Property Code and is re-platted through Hays County prior to development.

COUNTY:

Hays County, Texas

By: 

Name: Bert Cobb, M.D.

Title: Hays County Judge

OWNER:

Gateway TX DS, L.L.C
a Texas limited liability company

By: 

Name: Erickson Sanchez

Title: Member

EXHIBIT "A"

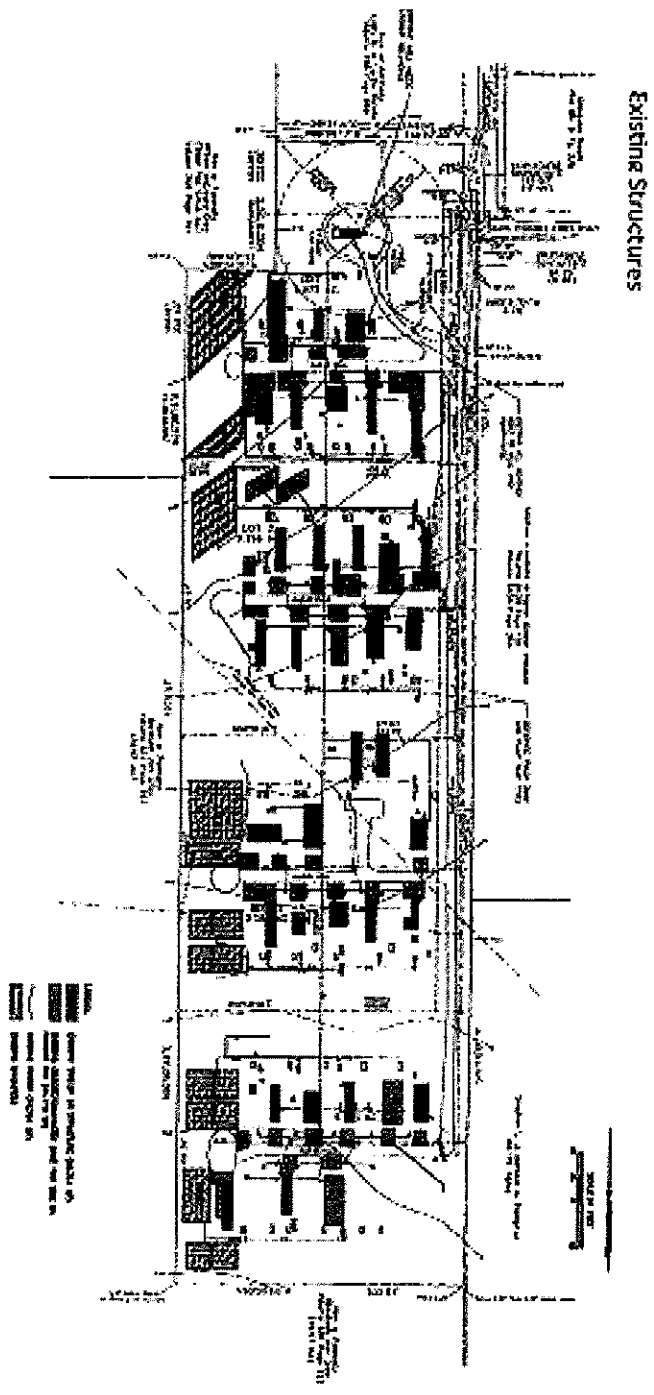
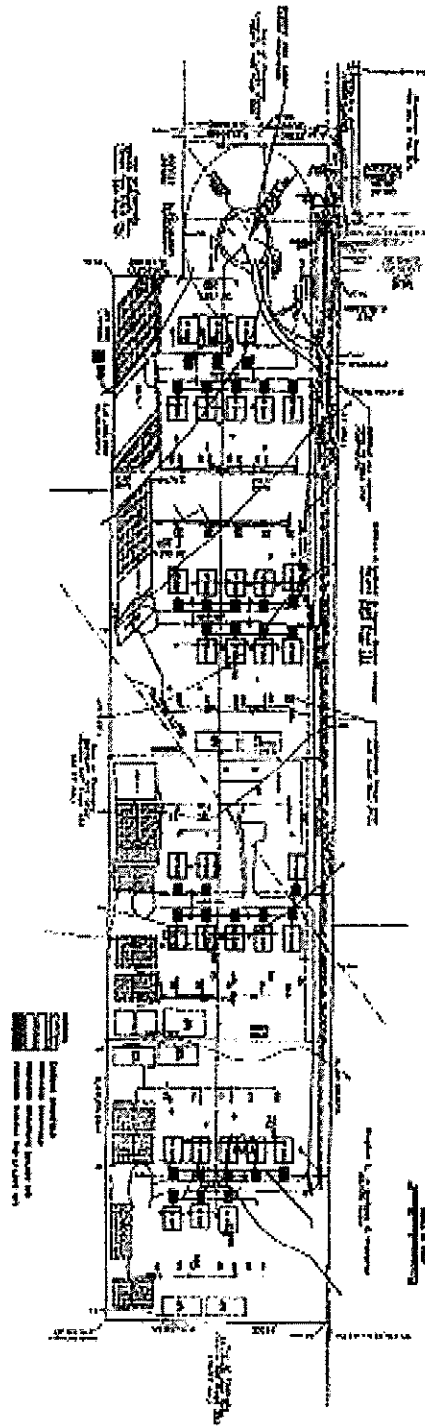
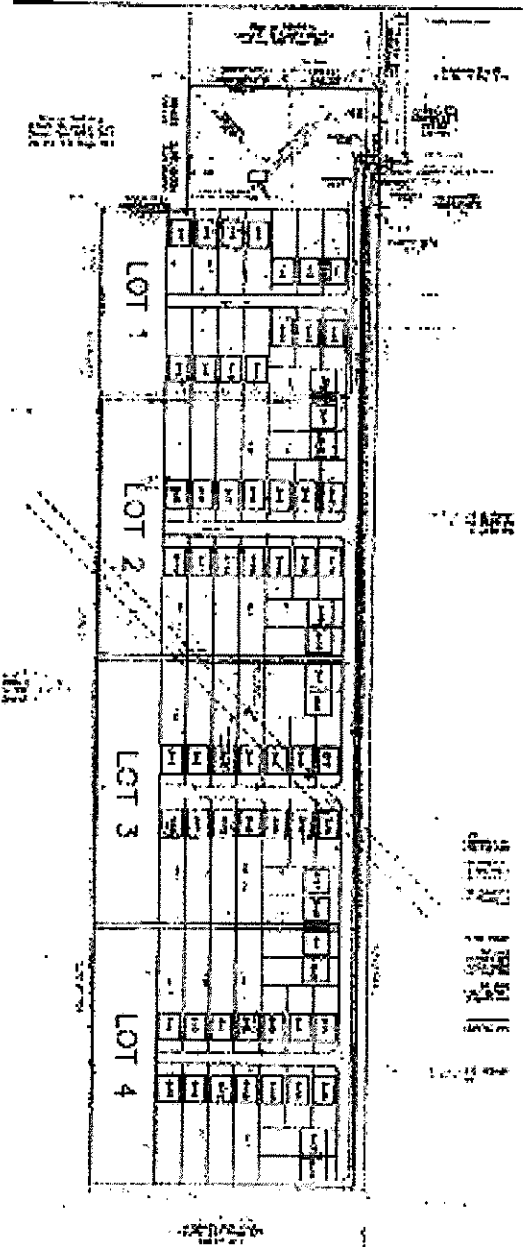


EXHIBIT "B"



Current Approved Redevelopment

EXHIBIT "C"



Proposed Redevelopment

**FIRST AMENDMENT TO THE
DEVELOPMENT AGREEMENT
BETWEEN HAYS COUNTY AND GATEWAY TX DS, LLC**

This 1ST Amendment to the Development Agreement ("Amendment") executed on or about November 22, 2016 is made this 13th day of July, 2021, by and between Hays County, a political subdivision of the State of Texas (hereinafter referred to as "County"), and Gateway TX DS, LLC (hereinafter referred to as "Contractor"). The above-cited parties are collectively referred to as "the parties to this Agreement" or "the parties."

SECTIONS 9 & 10 OF THE AGREEMENT SHALL BE AMENDED TO REFLECT THE FOLLOWING MODIFICATIONS


9. Presently there remains to be constructed two septic tanks on the Property to complete the requirements of the Wastewater Permits. The authorization to construct these two tanks is valid until December 7, 2016. Owner is requesting the County to extend the time to construct for 10 years from date hereof due to the phasing on the Property.

10. The County confirms that (i) the authorization to construct under the Wastewater Permits is valid for ~~five~~ ten years after the date hereof, (ii) the Wastewater Permits will continue to be applicable to the Property if and when a condominium form of ownership occurs on the Property; and (iii) the Plat is sufficient for a condominium form of ownership on the Property, provided the Property complies with Chapter 82 of the Texas Property Code and is re-platted through Hays County prior to development.


EXCEPT FOR THE ABOVE MODIFICATIONS, ALL OTHER TERMS AND CONDITIONS OF THE AGREEMENT SHALL REMAIN UNCHANGED, UNLESS PROPERLY MODIFIED BY SUBSEQUENT AMENDMENT UNDER THE TERMS OF THE AGREEMENT.

This 1st Amendment to the Development Agreement hereby executed this 13th day of July, 2021, as is evidenced by the authorized signatures of the Parties, below.

CONTRACTOR


GATEWAY TX DS, LLC
CHRISTIAN ALVARADO

COUNTY


HAYS COUNTY, TEXAS
RUBEN BECERRA
HAYS COUNTY JUDGE



ATTEST: 
ELAINE H. CARDENAS, MBA, PhD
HAYS COUNTY CLERK