



# City Council Agenda Item Report

May 7, 2013

Contact – Chance Sparks, AICP, CNUA, Director of Planning  
512-312-0084 / [csparks@ci.buda.tx.us](mailto:csparks@ci.buda.tx.us)

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**SUBJECT: APPROVAL OF A FINAL PLAT OF GARLIC CREEK WEST SUBDIVISION PHASE 3, SECTION 7 LOCATED NEAR THE INTERSECTION OF GARLIC CREEK DRIVE AND FUTURE WINCLIFF DRIVE.**

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**1. BACKGROUND/HISTORY**

In 2003, the City of Buda entered into a development agreement with the developers of Garlic Creek West Subdivision. Included in the development agreement was a Preliminary Plan for the entire area of the site to be developed as Garlic Creek West. Since the approval of the development agreement, there have been multiple revisions to the original Preliminary Plan. Subsequently, Garlic Creek West has been developed as the Whispering Hollow, Elm Grove and Garlic Creek subdivisions. This subdivision has been developing for nearly a decade.

**2. FINDINGS/CURRENT ACTIVITY**

The Section 7 final plat encompasses 64 single-family residential lots within 10.64 acres. The plat is adjacent to developed single-family houses and undeveloped land. With this plat, Pettigrew Path and Nivens Drive will be extended north from Sections 6A and 6B to connect with the future street Wincliff Drive. The future street Brockston Drive will serve as another connection between the new portions of Pettigrew Path and Nivens Drive.

Section 7 sits one block west of Garlic Creek Drive, the main road for the Garlic Creek neighborhood. No parkland is being dedicated in this section, but the parkland dedication requirement for this section has been satisfied with previous sections, consistent with the preliminary plan and development agreement for overall parkland development. The City of Buda provides water and wastewater service to the subdivision. The property is zoned medium-density residential (MR), though the standards are modified as a result of the development agreement.

Assessment by staff indicates all applicable requirements of the Unified Development Code and Development Agreement have been satisfied. Payment of any required fees, such as reclaimed water line (purple pipe) fees, will be made prior to recording of the plat.

**3. FINANCIAL IMPACT**

N/A

**4. ACTION OPTIONS/RECOMMENDATION**

The Planning and Zoning Commission recommended approval at its April 23<sup>rd</sup> meeting. Staff recommends the City Council consider approval of the final plat of Garlic Creek West Phase 3, Section 7.

**5. ATTACHMENTS**

Final Plat

# FINAL PLAT GARLIC CREEK WEST PHASE III SECTION 7

LEGAL DESCRIPTION: 10.64 ACRES OUT OF THE PHILLIP J. ALLEN LEAGUE NO. 5 ABSTRACT NO. 1 HAYS COUNTY, TEXAS

OWNER: MERITAGE HOMES OF TEXAS, LLC  
8920 BUSINESS PARK DRIVE  
SUITE 250  
AUSTIN, TEXAS 78759

ENGINEER: NATHAN D. SMITH, P.E.  
106 WEST FIRST STREET  
ELGIN, TEXAS 78621  
512-281-3344  
FIRM F-1455

SURVEYOR: TIMOTHY A. LENZ, RPLS  
LENZ & ASSOCIATES, INC.  
4303 RUSSELL DRIVE  
AUSTIN, TEXAS 78704  
512-443-1174

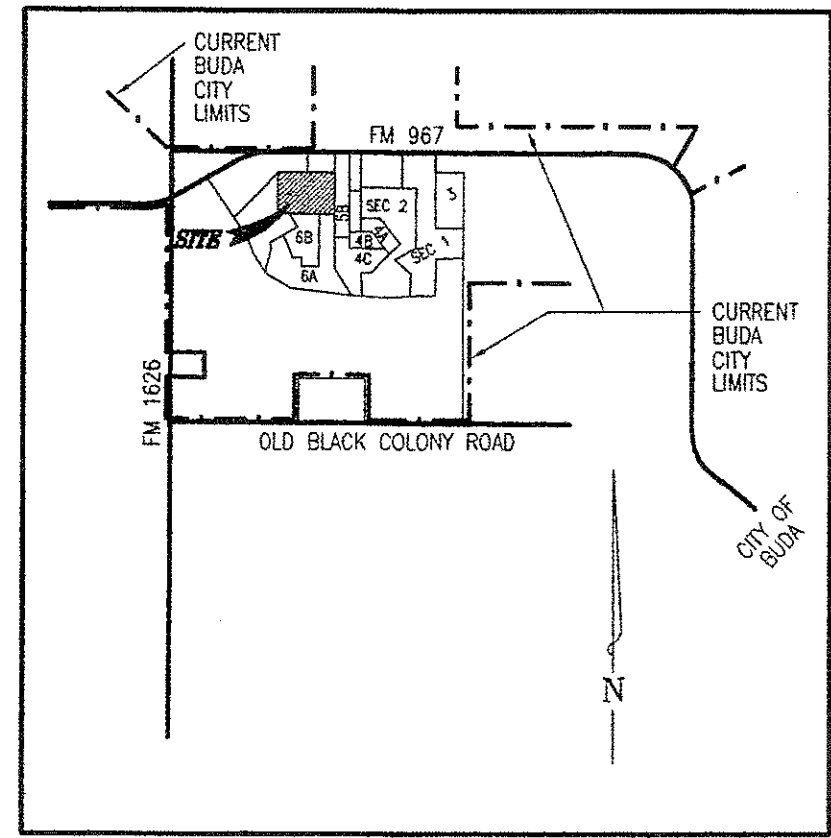
10.64 ACRES OUT OF THE PHILLIP J. ALLEN LEAGUE NO. 5 ABSTRACT NO. 1  
CITY OF BUDA, HAYS COUNTY, TEXAS

LAND USE SUMMARY:

NUMBER OF LOTS:	SINGLE FAMILY LOTS	64 LOTS	8.12 ACRES
	STREET RIGHT-OF-WAY		2.52 ACRES
	TOTAL	64 LOTS	10.64 ACRES

PARKLAND DEDICATION (GARLIC CREEK WEST PHASE III):

PARKLAND REQUIRED FOR THIS PLAT:	1.28 ACRES (1 AC PER 50 LOTS)
PARKLAND REQUIRED FOR PREVIOUS PLATS:	12.24 ACRES
TOTAL PARKLAND REQUIREMENT TO DATE:	13.52 ACRES
TOTAL PARKLAND DEDICATED BY PREVIOUS PLATS:	41.95 ACRES
TOTAL PARKLAND DEDICATED BY THIS PLAT:	0.00 ACRES
TOTAL PARKLAND DEDICATED TO DATE:	41.95 ACRES



LOCATION MAP

NOT TO SCALE

LEGEND:

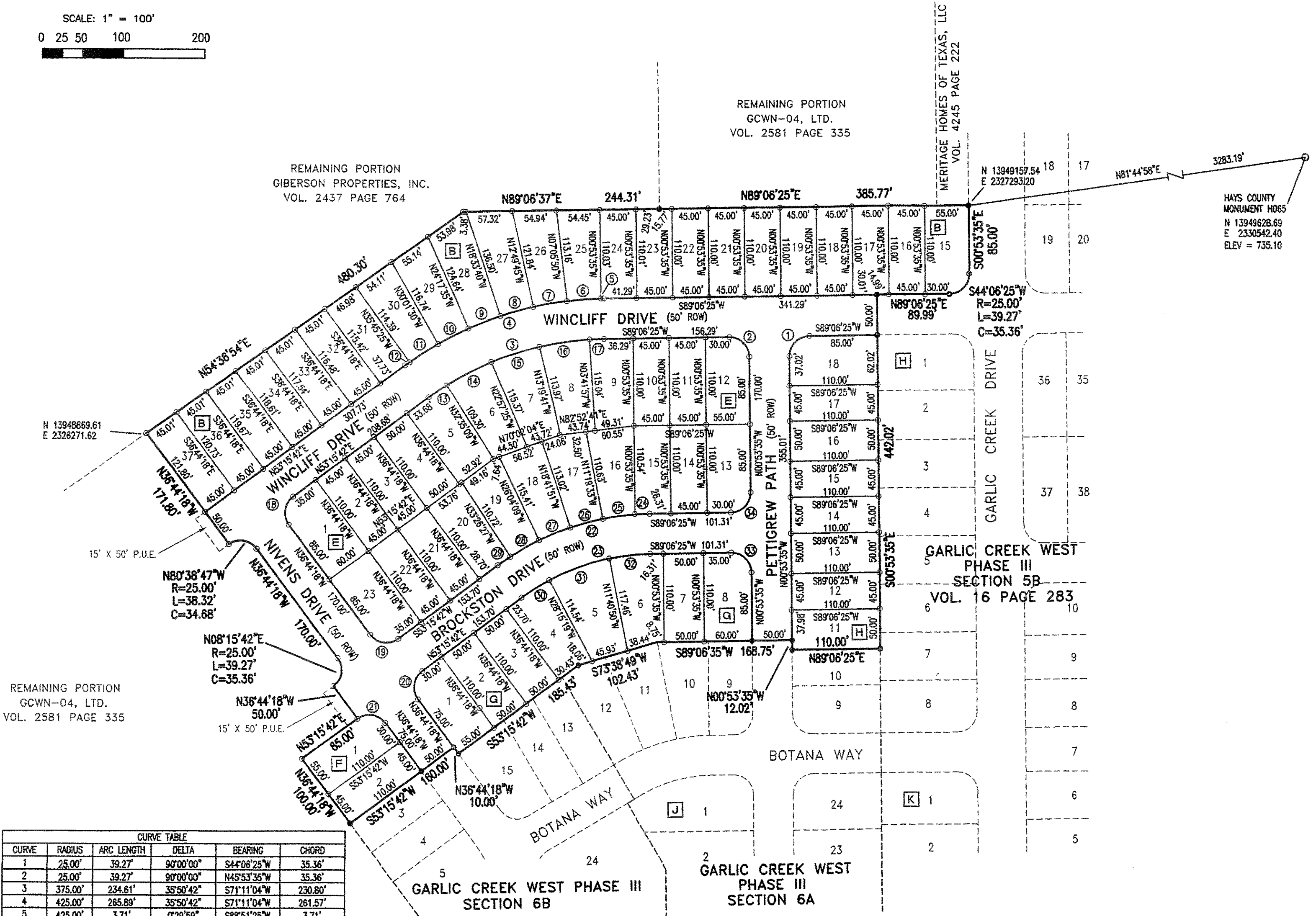
- 1/2" IRON PIN FOUND
- 1/2" CAPPED IRON PIN SET
- P.U.E. PUBLIC UTILITY EASEMENT
- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT

BENCHMARK INFORMATION:

4" TXDOT BRASS DISK IN CONCRETE STAMPED N1061048.  
NORTHING=13948432.67  
EASTING= 2324240.49  
ELEVATION=757.00'  
VERTICAL DATUM NGVD 1988  
HORIZONTAL DATUM TEXAS STATE PLANE COORDINATE SYSTEM,  
NAD 1983, TEXAS SOUTH CENTRAL ZONE.

BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. BENCHMARK ELEVATIONS SHOWN HEREON ARE BASED ON 1988 DATUM.

SCALE: 1" = 100'



CURVE	RADIUS	ARC LENGTH	DELTA	BEARING	CHORD
1	25.00'	39.27'	90°00'00"	S44°06'25"W	35.36'
2	25.00'	39.27'	90°00'00"	N45°53'35"E	35.36'
3	375.00'	234.61'	35°50'42"	S71°11'04"W	230.80'
4	425.00'	265.89'	35°50'42"	S71°11'04"W	261.57'
5	425.00'	3.71'	0°29'59"	S88°51'25"W	3.71'
6	425.00'	42.31'	5°42'15"	S85°45'18"W	42.29'
7	425.00'	42.52'	5°43'55"	S80°02'13"W	42.50'
8	425.00'	42.52'	5°43'55"	S74°18'17"W	42.50'
9	425.00'	42.52'	5°43'55"	S68°34'22"W	42.50'
10	425.00'	42.52'	5°43'55"	S62°50'27"W	42.50'
11	425.00'	42.52'	5°43'55"	S57°06'32"W	42.50'
12	425.00'	7.28'	0°58'52"	S53°45'09"W	7.28'
13	375.00'	27.18'	4°09'09"	S55°20'17"W	27.17'
14	375.00'	63.02'	9°37'44"	S62°13'43"W	62.95'
15	375.00'	63.02'	9°37'44"	S71°51'27"W	62.95'
16	375.00'	63.02'	9°37'44"	S81°29'11"W	62.95'
17	375.00'	18.37'	2°48'22"	S87°42'14"W	18.36'
18	25.00'	39.27'	90°00'00"	S08°15'42"W	35.36'
19	25.00'	39.27'	90°00'00"	S81°44'18"E	35.36'
20	25.00'	39.27'	90°00'00"	S08°15'42"W	35.36'
21	25.00'	39.27'	90°00'00"	N81°44'18"W	35.36'
22	325.00'	203.32'	35°50'42"	S71°11'04"W	200.03'
23	275.00'	172.04'	35°50'42"	S71°11'04"W	169.25'
24	325.00'	18.67'	3°17'29"	S87°27'30"W	18.70'
25	325.00'	40.51'	7°08'29"	S82°14'32"W	40.45'
26	325.00'	41.81'	7°22'18"	S74°59'18"W	41.79'
27	325.00'	41.81'	7°22'18"	S67°37'00"W	41.79'
28	325.00'	41.81'	7°22'18"	S60°14'42"W	41.79'
29	325.00'	18.70'	3°17'50"	S54°54'37"W	18.70'
30	275.00'	40.72'	8°28'59"	S57°30'12"W	40.68'
31	275.00'	79.55'	16°34'29"	S70°01'55"W	79.28'
32	275.00'	51.78'	10°47'15"	S83°42'47"W	51.70'
33	25.00'	39.27'	90°00'00"	N45°53'35"E	35.36'
34	25.00'	39.27'	90°00'00"	N44°06'25"E	35.36'

**FINAL PLAT  
GARLIC CREEK WEST PHASE III  
SECTION 7**

**10.64 ACRES OUT OF THE PHILLIP J. ALLEN LEAGUE NO. 5 ABSTRACT NO. 1  
CITY OF BUDA, HAYS COUNTY, TEXAS**

STATE OF TEXAS )  
COUNTY OF HAYS )

KNOW ALL MEN BY THESE PRESENTS:

THAT MERITAGE HOMES OF TEXAS LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAVING AN OFFICE IN AUSTIN, TEXAS, ACTING HEREIN BY AND THROUGH DALE THORNTON, ITS DIVISION VICE PRESIDENT BEING THE OWNER OF A 10.54 ACRE TRACT OF LAND OUT OF THE PHILLIP J. ALLEN LEAGUE NO. 5 ABSTRACT NO. 1 IN HAYS COUNTY, TEXAS AS CONVEYED TO IT BY DEED RECORDED IN VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND BEING THE OWNER OF A 16.957 ACRE TRACT OF LAND OUT OF THE PHILLIP J. ALLEN LEAGUE NO. 5 ABSTRACT NO. 1 IN HAYS COUNTY, TEXAS AS CONVEYED TO IT BY DEED RECORDED IN VOLUME 4245 PAGE 222 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND THAT GCWN-04, LTD. ACTING HEREIN BY AND THROUGH B&W DEVELOPMENT, LTD. ACTING HEREIN BY AND THROUGH FOUR SEASONS LAND AND DEVELOPMENT, LLC ACTING HEREIN BY AND THROUGH SHAWN BREEDLOVE, PRESIDENT, BEING THE OWNER OF THE REMAINDER OF A 208.852 ACRE TRACT OF LAND OUT OF THE PHILLIP J. ALLEN LEAGUE NO. 5 ABSTRACT NO. 1 AND THE S.V.R. EGGLESTON LEAGUE NO. 3 ABSTRACT NO. 5 IN HAYS COUNTY, TEXAS AS CONVEYED TO IT BY DEED RECORDED IN VOLUME 2581 PAGE 335 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS DO HEREBY SUBDIVIDE A 10.64 ACRE TRACT CONSISTING OF THE 10.54 ACRE TRACT, A 0.10 ACRE PORTION OF THE 16.957 ACRE TRACT AND A PART OF THE REMAINDER PORTION OF THE 208.852 ACRE TRACT IN ACCORDANCE WITH THE PLAT AS SHOWN HEREON TO BE KNOWN AS GARLIC CREEK WEST PHASE III SECTION 7 AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON. SAID TRACT IS SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, A.D.

\_\_\_\_\_  
MERITAGE HOMES OF TEXAS, LLC  
BY: DALE THORNTON, DIVISION VICE PRESIDENT  
8920 BUSINESS PARK DRIVE  
SUITE 250  
AUSTIN, TEXAS 78759

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, A.D. BY DALE THORNTON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
My Commission expires: \_\_\_\_\_


WITNESS MY HAND THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, A.D.

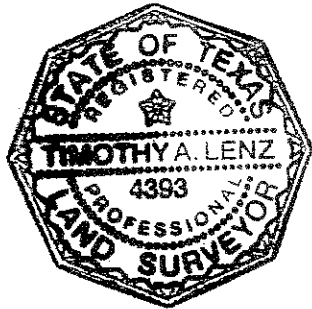
\_\_\_\_\_  
GCWN-04, LTD.  
BY: B&W DEVELOPMENT, LTD.  
BY: FOUR SEASONS LAND AND DEVELOPMENT, LLC  
BY: SHAWN BREEDLOVE, PRESIDENT  
1709 MANANA STREET  
AUSTIN, TEXAS 78730

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, A.D. BY SHAWN BREEDLOVE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.


\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
My Commission expires: \_\_\_\_\_

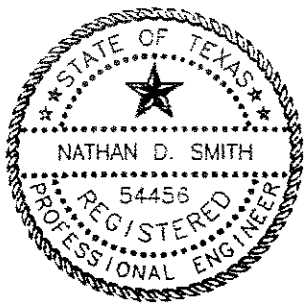
THAT I, TIMOTHY A. LENZ, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL AND ACCURATE ON-THE GROUND SURVEY OF THE PROPERTY, AND THAT ALL CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED OR FOUND UNDER MY PERSONAL SUPERVISION.

  
TIMOTHY A. LENZ, RPLS DATE 4-16-13  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4393  
4303 RUSSELL DRIVE  
AUSTIN, TEXAS 78704



THAT I, NATHAN D. SMITH, P.E., A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

  
NATHAN D. SMITH DATE 4/15/13  
REGISTERED PROFESSIONAL ENGINEER NO. 54456  
FIRM F-1455  
108 WEST FIRST STREET  
ELGIN, TEXAS 78621



I HEREBY CERTIFY THAT THE FOREGOING SUBDIVISION PLAT OF GARLIC CREEK WEST PHASE III SECTION 7 IN THE CITY OF BUDA, TEXAS WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF BUDA ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BUDA, TEXAS.

\_\_\_\_\_  
CITY SECRETARY

STATE OF TEXAS )  
COUNTY OF HAYS )

I, LIZ Q. GONZALES, COUNTY CLERK OF HAYS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, A.D. AND DULY RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, A.D. AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE PLAT RECORDS OF SAID COUNTY AND STATE, IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

WITNESS MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, A.D.

\_\_\_\_\_  
LIZ Q. GONZALES, COUNTY CLERK, HAYS COUNTY, TEXAS

**NOTES**

- THIS PROJECT DOES NOT LIE OVER THE EDWARDS AQUIFER RECHARGE ZONE.
- THIS DEVELOPMENT IS WITHIN THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOUNDARIES.
- ALL STREETS SHALL BE DEDICATED TO THE PUBLIC AND SHALL BE MAINTAINED BY THE CITY OF BUDA.
- RESIDENTIAL LOTS ARE RESTRICTED TO ONE SINGLE FAMILY RESIDENCE PER LOT.
- STORM WATER RUNOFF FROM THE FULLY DEVELOPED 100 YEAR STORM EVENT WILL BE CONTAINED WITHIN DRAINAGE EASEMENTS.
- IN ADDITION TO THE EASEMENTS SHOWN, THE FOLLOWING EASEMENTS ARE ALSO PROPOSED FOR EACH LOT:  
FRONT- 15' PUBLIC UTILITY EASEMENT (PARALLEL TO ALL R.O.W.)  
SIDE - 2.5' PUBLIC UTILITY EASEMENT
- IN ACCORDANCE WITH THE GARLIC CREEK WEST PRELIMINARY PLAN AND DEVELOPMENT AGREEMENT, THE FOLLOWING BUILDING SETBACK LINES ARE HEREBY DESIGNATED FOR EACH LOT:  
FRONT : 25'  
SIDE : 5'  
REAR : 10'  
SIDE CORNER : 15'
- UTILITY PROVIDERS:  
WATER: CITY OF BUDA  
WASTEWATER: CITY OF BUDA  
ELECTRIC: PEDERNALES ELECTRIC COOPERATIVE  
CABLE TELEVISION: TIME WARNER CABLE  
TELEPHONE SERVICE: VERIZON  
GAS: CENTERPOINT ENERGY
- SIDEWALKS SHALL BE CONSTRUCTED ALONG BOTH SIDES OF ALL STREETS WITHIN THE SUBDIVISION.
- THERE ARE NO ENVIRONMENTALLY SENSITIVE FEATURES LOCATED ON THIS SITE.
- NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD PLAIN AS IDENTIFIED ON THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48209C 0280F FOR HAYS COUNTY, TEXAS DATED SEPTEMBER 2, 2005.
- THIS PROJECT LIES WITHIN THE CITY OF BUDA CITY LIMITS.
- PARKLAND DEDICATED TO THE CITY OF BUDA IS SUBJECT TO A PARKLAND MAINTENANCE AGREEMENT REQUIRING THAT THE HOMEOWNERS' ASSOCIATION MAINTAIN THE LANDSCAPING OF ALL AREAS IN THE DEVELOPED AREA OF A PUBLIC PARK.