This will be a hybrid (in-person/virtual meeting). To view the meeting please go to http://www.sanmarcostx.gov/541/PZ-Video-Archives or watch on Grande channel 16 or Spectrum channel 10. The presiding officer will be present at the meeting location described above.

I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

IV. Citizen Comment Period

Persons wishing to participate/speak remotely (online) during the Citizen Comment Period must email planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting. Written comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners. Written comments received after the deadline will be provided to the Commissioners at the meeting. Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called. Comments shall have a time limit of three minutes each and speakers must state their name.

CONSENT AGENDA

THE FOLLOWING ITEMS # 1-2 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

1. Consider approval, by motion, of the June 11, 2024 - Planning and Zoning Regular Meeting Minutes.

2. Consider a request by Southwest Engineers, on behalf of Cottonwood Creek JDR, Ltd., for a renewal of a Master Plan for approximately 471.94 acres, more or less, out of the Farnham Frye, Rebecca Brown, and John F Geister Surveys, located at the intersection of Rattler Road and Highway 123. (K. Buck)

PUBLIC HEARINGS

Interested persons may participate in any of the Public Hearing item # 3:
1) To participate/speak remotely (online) during the Public Hearings, email planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting, or
2) Email written comments. Comments received prior to 12:00 p.m. on the day of the meeting will be emailed
3. ZC-24-05 (La Cima PEC Substation / FD to CD-1) Hold a public hearing and consider a request by Doug Goss, on behalf of Natural Development, for a Zoning Change from Future Development (FD) to Character District-1 (CD-1), or, subject to consent of the owner, another less intense zoning district classification, for approximately 7.5+/- acre tract of land out of the John Williams Survey, Abstract No. 490, and the John Maximillion Jr. Survey, Abstract No. 299, generally located on the south side of Ranch Road 12, approximately 1,200 feet northwest of W Centerpoint Road. (K. Buck)

NON-CONSENT AGENDA

4. Consider approval of the City Council Approved Template for Standard City Board/Commission Bylaws.

V. Question and Answer Session with Press and Public.

This is an opportunity for the Press and Public to ask questions related to items on this agenda. Comments shall have a time limit of three minutes each and speakers must state their name. The allotted time will commence at the beginning of the speakers remarks and will include time spent in discussion with Commissioners and staff. Any questions which are unable to be addressed in the allotted time frame, or for which answers are not immediately available can be addressed outside the meeting.

VI. Adjournment

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the ______________________________ day of _____________________________

_________________________________________ Title:
AGENDA CAPTION:
Consider approval, by motion, of the June 11, 2024 - Planning and Zoning Regular Meeting Minutes.
Meeting date: June 25, 2024

Department: Planning and Development

Amount & Source of Funding
Funds Required: Click or tap here to enter text.
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable
Choose an item.

**Background Information:**
Click or tap here to enter text.

**Council Committee, Board/Commission Action:**
Click or tap here to enter text.

**Alternatives:**
Click or tap here to enter text.

**Recommendation:**
Click or tap here to enter text.
This will be a hybrid (in-person/virtual meeting). To view the meeting please go to http://www.sanmarcostx.gov/541/PZ-Video-Archives or watch on Grande channel 16 or Spectrum channel 10

I. Call To Order

With quorum present the regular meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Case at 6:00 pm on Tuesday, June 11, 2024 via hybrid meeting.

II. Roll Call

Commissioner Costilla and Commissioner Dunn were not present during Roll Call. Commissioner Costilla arrived at 6:01 pm. Commissioner Dunn arrived at 6:19 pm. Commissioner Meeks was present on Zoom and voted on items #1,2 but was absent for the remainder of the meeting.

Present 9 - Commissioner William Agnew, Commissioner Lupe Costilla, Commissioner Travis Kelsey, Commissioner David Case, Commissioner Michele Burleson, Commissioner Amy Meeks, Commissioner Griffin Spell, Commissioner Jim Garber, and Commissioner Maraya Dunn

III. Chairperson’s Opening Remarks

Chair Case welcomed the audience and gave brief opening remarks detailing the meeting rules and guidelines.

IV. Citizen Comment Period

Chair Case opened the Citizen Comment Period.

There were no speakers.

Chair Case closed the Citizen Comment Period.

CONSENT AGENDA
1. Consider approval, by motion, of the May 28, 2024 - Planning and Zoning Regular Meeting Minutes.

   A motion was made by Vice-Chair Spell, seconded by Commissioner Burleson to approve the Consent Agenda.

   The motion carried by the following vote.

   For:  8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell and Commissioner Garber

   Against:  0

   Absent:  1 - Commissioner Dunn

PUBLIC HEARINGS

2. CUP-24-16 (Eden) Hold a public hearing and consider a request by David Foglia, of behalf of Eden, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 206 West San Antonio Street. (C. Garrison)

   Chair Case opened the Public Hearings.

   Craig Garrison, Planner, gave a presentation on request CUP-24-16.

   Staff recommended approval of the request with the following conditions.

   1. The permit shall be valid for one (1) year, provided standards are met;
   2. Outdoor amplified music shall be limited to the hours between 10 am and 10:30 pm. on Saturday and Sunday, and 2 pm and 10:30 pm on weekdays;
   3. Shall become effective upon issuance of Certificate of Occupancy;
   4. The permit shall be posted in the same area and manner as the Certificate of Occupancy;

   1) Francis Foglia - 206 W San Antonio St, in favor

   Chair Case closed the Public Hearings.

   A motion was made by Commissioner Kelsey, seconded by Commissioner Costilla to approve the request with staff conditions.

   A motion was made by Commissioner Agnew, seconded by Commissioner Burleson to amend Condition #2 to the following.
2. Outdoor amplified music shall be limited to the hours between 4 pm. and 10:30 pm. on Wednesday and Thursday, and 12 pm and 10:30 pm on Friday, Saturday, and Sunday;

After discussion the amendment was modified to the following.

2. Outdoor amplified music shall be limited to the hours of opening until 10:30 pm.

The motion carried by the following vote.

For:  8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell and Commissioner Garber

Against:  0

Absent:  1 - Commissioner Dunn

The vote on the main motion carried by the following vote.

For:  8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell and Commissioner Garber

Against:  0

Absent:  1 - Commissioner Dunn

3. CUP-24-19 (Tumble 22) Hold a public hearing and consider a request by Mitch Liggett, on behalf of Tumble 22, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1104 Thorpe Lane, Suite D. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-19.

Staff recommended approval of the request with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met;
2. Shall become effective upon issuance of Certificate of Occupancy;
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy;
1) Doug Thompson - 6666 E. Cheney Drive, Paradise Valley, Arizona, in favor

Chair Case closed the Public Hearings.

A motion was made by Commissioner Kelsey, seconded by Commissioner Agnew to approve the request with staff conditions.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

Absent: 1 - Commissioner Meeks

4. CUP-24-20 (Dre’s Daiquiri Shop) Hold a public hearing and consider a request by Andrea Villescaz, on behalf of Dre’s Daiquiri Shop, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 165 S. Guadalupe Street. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-20.

Staff recommended approval of the request with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met;
2. No outdoor live or amplified music shall be allowed;
3. Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of Section 5.1.5.5(4)(b), Eating Establishments - Downtown CBA Boundary;
4. The business shall be responsible for maintaining all areas within 50 feet of an exit, and all areas within the permitted property in a clean and sanitary condition, free from litter and refuse at all times;
5. The permit shall become effective upon issuance of a Food Permit and Certificate of Occupancy; and
6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

1) Andrea Villescaz - 445 Split Rail Parkway, Kyle, in favor
Chair Case closed the Public Hearings.

A motion was made by Chair Case to approve the request.

The motion failed for lack of a second.

A motion was made by Commissioner Agnew, seconded by Commissioner Garber to deny request CUP-24-20.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

Absent: 1 - Commissioner Meeks

5. PC-23-38 (Replat of the Nash Amended Plat) Hold a public hearing and consider a request by Steve Ihnen, on behalf of Blanco Trace Development, LLC and CDN/ETN LP, for approval of a Replat of the Nash Subdivision Amended Plat, Lot 1, creating Lots 1A and 2A to be known as the Replat of the Amended Plat of Lot 1 Nash Subdivision and the Subdivision of Lot 2A, consisting of approximately 24.21 acres and located at 3209 N IH 35. (W. Rugeley)

Chair Case opened the Public Hearings.

Will Rugeley, Planner, gave a presentation on request PC-23-38.

Staff recommended approval of the request as presented.

Steve Ihnen - 2017 Colina Cove, Cedar Park, in favor

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Spell, seconded by Commissioner Costilla to approve request CUP-23-38.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Spell, Commissioner Garber and Commissioner Dunn
Against: 0
Absent: 1 - Commissioner Meeks

6. PC-24-15 (Forest Hills Block 1, Lot 7 Replat) Hold a public hearing and consider a request by Ku & Associates, LLC, on behalf of Marsee Build, for approval of a Replat of the Forest Hills Block 1, Lot 7 Subdivision, creating lots 7A and 7B, consisting of approximately 0.298 acres and generally located at 917 West Bluebonnet Drive. (K. Buck)

Chair Case opened the Public Hearings.

Amanda Hernandez, Director of Planning and Development Services, gave a presentation on request PC-24-15.

Staff recommended approval of the request as presented.

1) Mark Marsee - 3308 French Place, Austin, in favor

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Spell, seconded by Commissioner Burleson to approve request PC-24-15.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0
Absent: 1 - Commissioner Meeks

V. Question and Answer Session with Press and Public.

Chair Case opened the Question and Answer Session.

There were no speakers.

Chair Case closed the Question and Answer Session.
VI. Adjournment

A motion was made by Commissioner Costilla, seconded by Vice-Chair Spell to adjourn.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

Absent: 1 - Commissioner Meeks

The meeting adjourned at 6:39 pm.

Enrique Velasquez, Recording Secretary   Chair, David Case
AGENDA CAPTION:
Consider a request by Southwest Engineers, on behalf of Cottonwood Creek JDR, Ltd., for a renewal of a Master Plan for approximately 471.94 acres, more or less, out of the Farnham Frye, Rebecca Brown, and John F Geister Surveys, located at the intersection of Rattler Road and Highway 123. (K. Buck)
Meeting date: June 25, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative:
N/A
N/A
N/A

Comprehensive Plan Element (s):
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☒ Not Applicable
Background Information:
The Master Plan for Cottonwood Creek Subdivision was originally approved by the Planning and Zoning Commission on May 28, 2002. Approval of the Master Plan may be extended for one-year periods by consent of the Commission. It was last renewed by the Planning & Zoning Commission in June 2023.

Council Committee, Board/Commission Action:
N/A

Alternatives:
N/A

Recommendation:
Staff recommends approval of PC-04-10_01P as presented.
**Summary**

**Request:** Renewal of a mixed-use Master Plan with the potential for 2,219 residential lots, 555 multifamily units, and 165 duplex units.

**Applicant:** Grant Geissinger  
Southwest Engineers  
205 Cimarron Park Loop  
Buda, Texas 78610

**Property Owner:** Cottonwood Creek JDR, Ltd.  
330 Wonder World Drive  
San Marcos, TX 78666

**Parkland Required:** N/A  
**Utility Capacity:** Extension required at the expense of the developer.

**Accessed from:** Rattler Road  
**New Street Names:** N/A

**Notification**

**Published:** N/A  
**Response:** None as of the date of this report

**Property Description**

**Location:** Rattler Road at Highway 123

**Acreage:** 471.94 acres  
**PDD/DA/Other:** Development Agreement- Cottonwood Creek

**Existing Zoning:** SF-6, DR, PH-ZL, TH, P, GC, MF-12, MF-18  
**Preferred Scenario:** Low Intensity / Medium Intensity / Open Space

**Proposed Use:** Residential Subdivision  
**CONA Neighborhood:** Cottonwood Creek  
**Sector:** 5

**Surrounding Area**

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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<tr>
<td>North of Property:</td>
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<td>Vacant</td>
</tr>
<tr>
<td>South of Property:</td>
<td>ETJ</td>
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<tr>
<td>East of Property:</td>
<td>ETJ</td>
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<td>West of Property:</td>
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<td>San Marcos High School</td>
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**Staff Recommendation**

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<tr>
<th>X</th>
<th>Approval as Submitted</th>
<th>Approval with Conditions / Alternate</th>
<th>Denial</th>
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</thead>
</table>

**Staff:** Kaitlyn Buck  
**Title:** Planner  
**Date:** June 19, 2024

**History**

The Master Plan for Cottonwood Creek Subdivision was originally approved by the Planning and Zoning Commission on May 28, 2002. Approval of the Master Plan may be extended for one-year periods by consent of the Commission. It was last renewed by the Planning & Zoning Commission in June 2023.

**Additional Analysis**

The applicant is not proposing any changes to the Master Plan at this time.
<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Consistent</th>
<th>Inconsistent</th>
<th>Neutral</th>
<th>Criteria for Approval (Sec.3.2.1.4)</th>
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<tbody>
<tr>
<td></td>
<td>X</td>
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<td></td>
<td>The subdivision concept plat is consistent with all applicable standards and requirements for the property and any prior approvals listed in Section 3.2.1.2;</td>
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<td>The proposed provision and configuration of roads, electric, water, wastewater, drainage and park facilities conform to the Comprehensive Plan and any approved City Master Plans or Capital Improvement Plans;</td>
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<td>The proposed provision and configuration of roads, electric, water, wastewater, drainage and park facilities, and easements and rights-of-way are determined to be adequate to serve each phase of the development in accordance with Section 3.5.1.1;</td>
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<td>X</td>
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<td>The schedule of development is feasible and prudent, and assures that the proposed development shall progress to completion within the limits proposed;</td>
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<td>X</td>
<td>The location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the subdivision concept plat; and</td>
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<tr>
<td></td>
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<td>N/A</td>
<td>Where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and is subject to an interlocal agreement under Tex. Loc. Gov't Code Ch. 242, the proposed subdivision concept plat meets any county standards to be applied under the agreement.</td>
</tr>
</tbody>
</table>
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/24/2023
Cottowood Creek Subdivision - Phase 1 Section 1-A

Development Plan Summary

<table>
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<tr>
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<tr>
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* Source: City of San Marcos and 2000 Census.

San Marcos, TX
TBPE No. F-1909
www.swengineers.com
HEADQUARTERS
307 Saint Lawrence Street, Gonzales TX 78629
P: 830.672.7546 F: 830.672.2034
CENTRAL TEXAS
205 Cimarron Park Loop, Ste. B, Buda TX 78610 P: 512.312.4336

Development Plan Summary

<table>
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<tr>
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<th>Streets and Alleys</th>
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<tbody>
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* Source: City of San Marcos and 2000 Census.

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</tr>
<tr>
<td>Private Pedestrian</td>
<td>0.8</td>
<td>Low Density Residential</td>
<td>SF-6</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Totals</td>
<td>13,404</td>
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<table>
<thead>
<tr>
<th>Streets and Alleys</th>
<th>Type</th>
<th>Estimated Distance in L.F.</th>
</tr>
</thead>
<tbody>
<tr>
<td>50' ROW Residen</td>
<td>420</td>
<td></td>
</tr>
</tbody>
</table>

* Source: City of San Marcos and 2000 Census.

San Marcos, TX
TBPE No. F-1909
www.swengineers.com
HEADQUARTERS
307 Saint Lawrence Street, Gonzales TX 78629
P: 830.672.7546 F: 830.672.2034
CENTRAL TEXAS
205 Cimarron Park Loop, Ste. B, Buda TX 78610 P: 512.312.4336

Development Plan Summary

<table>
<thead>
<tr>
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<tr>
<td>Single Family Residential</td>
<td>8,800.00</td>
<td>SF-6</td>
<td>Single</td>
<td>0.5</td>
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<td>2.75</td>
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<td>Low Density Residential</td>
<td>SF-6</td>
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<tr>
<th>Streets and Alleys</th>
<th>Type</th>
<th>Estimated Distance in L.F.</th>
</tr>
</thead>
<tbody>
<tr>
<td>50' ROW Residen</td>
<td>420</td>
<td></td>
</tr>
</tbody>
</table>

* Source: City of San Marcos and 2000 Census.

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CENTRAL TEXAS
205 Cimarron Park Loop, Ste. B, Buda TX 78610 P: 512.312.4336

The following note is added in accordance with T.O. 02/27/02 Planning and Zoning Commission Approval:

The existing land use for the total land area is vacant (agricultural and ranching).

The following note is added in accordance with Section 1180-001-24 Planning and Zoning Commission Approval:

6/5/03/11 Matt DeLeon
San Marcos, TX
City of San Marcos

Headquarters
307 Saint Lawrence Street, Gonzales TX 78629
P: 830.672.7546 F: 830.672.2034
Central Texas
205 Cimarron Park Loop, Ste. B, Buda TX 78610 P: 512.312.4336

Headquarters
307 Saint Lawrence Street, Gonzales TX 78629
P: 830.672.7546 F: 830.672.2034
Central Texas
205 Cimarron Park Loop, Ste. B, Buda TX 78610 P: 512.312.4336
PRELIMINARY SUBDIVISION PLAT, REPLAT OR CONCEPT PLAT APPLICATION

Updated: June, 2023

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Grant Geissinger</th>
<th>Property Owner</th>
<th>Randall Morris, President</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Southwest Engineers</td>
<td>Company</td>
<td>Cottonwood Creek JDR, LTD.</td>
</tr>
<tr>
<td>Applicant's Mailing Address</td>
<td>205 Cinarron Park Loop, Buda, Texas 78610</td>
<td>Owner's Mailing Address</td>
<td>330 Wonder World Drive, Suite 300, San Marcos, TX</td>
</tr>
<tr>
<td>Applicant's Phone #</td>
<td>(512) 312-4336</td>
<td>Owner's Phone #</td>
<td>(512) 753-9470</td>
</tr>
<tr>
<td>Applicant's Email</td>
<td><a href="mailto:grant.geissinger@swengineers.com">grant.geissinger@swengineers.com</a></td>
<td>Owner's Email</td>
<td><a href="mailto:randall@randallmorris.com">randall@randallmorris.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Proposed Subdivision Name: Cottonwood Creek

Subject Property Address or General Location: SH 123 at Rattler Road

Acres: 471.97

Located in: [ ] City Limits   [ ] Extraterritorial Jurisdiction

Tax ID #: R70227; R155133; R177816

DESCRIPTION OF REQUEST

Type of Plat: [ ] Preliminary Subdivision Plat   [ ] Replat   [ ] Concept Plat Plan Renewal

Proposed Number of Lots: 2,986

Proposed Land Use: Residential; Commercial; Public

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.

Concept / Preliminary Plats:
Filing Fee $1,500 plus $100 per acre   Technology Fee $15   MAXIMUM COST $5,015

Replots that are not Administratively approved:
Filing Fee $750 plus $50 per acre   Technology Fee $15   MAXIMUM COST $3,015

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

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

I understand, whenever public improvements to serve the development are deferred until after Final Subdivision or Development Plat approval, the property owner shall enter into a Subdivision Improvement Agreement by which the owner covenants to complete all required public improvements no later than two (2) years following the date upon which the Final Plat is approved.

☐ All required public improvements will be completed prior to approval of the Final Subdivision or Development Plat

☐ I wish to defer installation of public improvements until after approval of the Final Subdivision or Development Plat and have attached a Subdivision Improvement Agreement to be considered along with this Plat application

☑ The attached Minor / Amending / Preliminary Plat Application does not require a Subdivision Improvement Agreement

Signature of Applicant: ___________________________ Date: 4/9/24

NOTICE OF COMPLETENESS DETERMINATION & STATUTORY REVIEW TIMEFRAMES

I understand that the City of San Marcos requires online submittal of all applications through the Customer Portal at www.mygovernmentonline.org and that the Responsible Official will review this application for completeness within 10 business days of online submittal. I understand that this application is not considered "filed" until all required documentation is received and reviewed for completeness. Upon determination of completeness the City will send written correspondence stating that the application has been filed and will provide a date, in accordance with the Texas Local Government Code, when the Planning and Zoning Commission will meet to hear the request.

☑ By checking this box I am requesting cursory review of this application prior to determination that the application is complete and filed. Cursory review comments shall not constitute a determination of completeness.

I also understand that as the applicant I may request, in writing, an extension to the statutory review timeframes.

Signature of Applicant: ___________________________ Date: 4/9/24

RECORDATION REQUIREMENTS***

The following are required for recordation, following approval of a Plat application:

☐ Two (2) mylars of the subdivision plat (Comal Co. requires White 20# Bond Paper)

☐ Recording Fee: $___________

☐ Tax Certificate, printed within 30 days of recordation date (paid prior to January 31st of current year)

☐ Lion Search Certificate that is dated no more than 10 days prior to the date of Plat Recordation

Other possible recording requirements:

☐ If public improvements were deferred, Subdivision Improvement Agreement

☐ Subdivision Improvement Agreement recording fee: $___________

☐ Other legal documents referenced on the plat (i.e. easement dedication by separate instrument, HOA documents)

☐ Other recording fee: $___________

***Recordation fees, mylars, and other requirements are not due at the time of submittal. Fees will depend on the number of pages needed for recordation and the County in which they are recorded. The total will be calculated upon approval.
I, Randall Morris, President on behalf of Cottonwood Creek JDR, LTD. acknowledge that I am the rightful owner of the property located at SH 123 at Rattler Road (address).

I hereby authorize Grant Geissinger (agent name) on behalf of Southwest Engineers (agent company) to file this application for Subdivision Master Plan Annual Renewal (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: [Signature]
Date: 4/16/24

Printed Name, Title: Randall Morris, President

Signature of Agent: [Signature]
Date: 4/9/24

Printed Name, Title: Grant Geissinger
April 16, 2024

Ms. Amanda I Hernandez, AICP, Director
City of San Marcos
Planning and Development Services
630 E. Hopkins Street
San Marcos, Texas 78666

RE: Cottonwood Creek Subdivision Master Plan
2024 Annual Renewal Application
Project No. 23-001-1C

Dear Ms. Hernandez:

Please accept this cover letter with attachments for the referenced subdivision master plan annual renewal. Attached please find the following items.
1. Subdivision Master Plan Application;
2. PDF and CAD File of Master Plan document; and
3. Acknowledgement that the $5,015 City fee payment will be made when directed to do so
   By City Planning staff.

Subdivision activity since last year’s annual renewal approval include the following:
- Broken ground on single-family lots in the 9.90-acre section of Phase 2.
- The Site Preparation Permit for the Phase 2 development of the Cottonwood Creek Apartments at 4500
  Highway 123 has been approved.
- Planning and development activity in Phases 2 and 4 is currently in process.

We request to be considered for approval by the Planning & Zoning Commission at their June 25, 2024
meeting. Please let us know if you need any further information.

Respectfully Submitted,

[Signature]

Grant Geissinger
Project Manager
PC-04-10_01P
Cottonwood Creek Master Plan Renewal

Consider a request by Southwest Engineers, on behalf of Cottonwood Creek JDR, Ltd., for a renewal of a Master Plan for approximately 471.94 acres, more or less, out of the Farnham Frye, Rebecca Brown, and John F Geister Surveys, located at the intersection of Rattler Road and Highway 123. (K. Buck)
Property Information

- +/- 471.94 acres
- Approved in 2002
- Located in a Low Intensity Zone as designated on the Preferred Scenario Map.
- Applicant proposes no changes.
Recommendation

Staff recommends **approval** of PC-04-10_01P as presented.
AGENDA CAPTION:
ZC-24-05 (La Cima PEC Substation / FD to CD-1) Hold a public hearing and consider a request by Doug Goss, on behalf of Natural Development, for a Zoning Change from Future Development (FD) to Character District-1 (CD-1), or, subject to consent of the owner, another less intense zoning district classification, for approximately 7.5 +/- acre tract of land out of the John Williams Survey, Abstract No. 490, and the John Maximillion Jr. Survey, Abstract No. 299, generally located on the south side of Ranch Road 12, approximately 1,200 feet northwest of W Centerpoint Road. (K. Buck)

Meeting date: June 25, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative:
N/A
N/A
N/A

Comprehensive Plan Element(s):
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
Master Plan:
Choose an item.

Background Information:
This site is within the larger development known as La Cima which received its initial approvals in 2013. Since then, the Development Agreement has been amended multiple times with the last occurring in September of 2022. The plat associated with this property is currently under City review. This property is being annexed and zoned per the La Cima Development Agreement.

Council Committee, Board/Commission Action:
N/A

Alternatives:
N/A

Recommendation:
Staff recommends approval of ZC-24-05 as presented.
# Zoning Request
## ZC-24-05
### 2701 Ranch Road 12
#### La Cima PEC Substation

## Summary

<table>
<thead>
<tr>
<th>Request:</th>
<th>Zoning change from “FD” Future Development to “CD-1” Character District 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Doug Goss &lt;br&gt;11612 FM 2244, Bldg 1, Ste 140 &lt;br&gt;Austin, TX 78738</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>La Cima Commercial, LP &lt;br&gt;303 Colorado, Ste 2300 &lt;br&gt;Austin, TX 78701</td>
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## Notification

<table>
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<tr>
<th>Application:</th>
<th>5/30/2024</th>
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<tr>
<td>Neighborhood Meeting:</td>
<td>N/A</td>
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<tr>
<td>Published:</td>
<td>6/9/2024</td>
</tr>
<tr>
<td># of Participants</td>
<td>N/A</td>
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<tr>
<td>Posted:</td>
<td>6/7/2024</td>
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<tr>
<td>Personal:</td>
<td>6/7/2024</td>
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<tr>
<td>Response:</td>
<td>None as of the date of this report</td>
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## Property Description

<table>
<thead>
<tr>
<th>Legal Description:</th>
<th>John Williams Survey, Abstract No. 490 and John Maximilian Jr. Survey No. 15, Abstract No. 299</th>
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</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Approximately 1,400 feet Northwest of W Centerpoint Road and Ranch Road 12</td>
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<tr>
<td>Acreage:</td>
<td>7.5 acres</td>
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<tr>
<td>PDD/DA/Other:</td>
<td>Res. #2022-10R</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>Future Development (FD)</td>
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<tr>
<td>Proposed Zoning:</td>
<td>Character District-1 (CD-1)</td>
</tr>
<tr>
<td>Existing Use:</td>
<td>Vacant</td>
</tr>
<tr>
<td>Proposed Use:</td>
<td>PEC Substation</td>
</tr>
<tr>
<td>Existing Occupancy:</td>
<td>N/A</td>
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<tr>
<td>Occupancy:</td>
<td>Restrictions Do Not Apply</td>
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<tr>
<td>Preferred Scenario:</td>
<td>Low Intensity Zone</td>
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<tr>
<td>Proposed Designation:</td>
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<td>CONA Neighborhood:</td>
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<tr>
<td>Sector:</td>
<td>N/A</td>
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<tr>
<td>Utility Capacity:</td>
<td>Extension Required at Developer’s Expense</td>
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<tr>
<td>Floodplain:</td>
<td>No</td>
</tr>
<tr>
<td>Historic Designation:</td>
<td>N/A</td>
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<tr>
<td>My Historic SMTX Resources Survey:</td>
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## Surrounding Area

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<tr>
<th>North of Property:</th>
<th>ETJ</th>
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</thead>
<tbody>
<tr>
<td>Existing Land Use:</td>
<td>Vacant</td>
</tr>
<tr>
<td>Preferred Scenario:</td>
<td>Low Intensity Zone</td>
</tr>
<tr>
<td>South of Property:</td>
<td>Community Commercial (CC) &amp; Public and Institutional (P)</td>
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<tr>
<td>Existing Land Use:</td>
<td>Fire Station</td>
</tr>
<tr>
<td>Preferred Scenario:</td>
<td>Low Intensity Zone</td>
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<tr>
<td>East of Property:</td>
<td>ETJ</td>
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<tr>
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<td>Low Intensity Zone</td>
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<tr>
<td>West of Property:</td>
<td>ETJ</td>
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<tr>
<td>Existing Land Use:</td>
<td>San Marcos Academy</td>
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<tr>
<td>Preferred Scenario:</td>
<td>Low Intensity Zone</td>
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## Staff Recommendation

<table>
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<tr>
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<tr>
<td></td>
<td>Alternate Approval</td>
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<tr>
<td></td>
<td>Denial</td>
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Staff recommends **approval** of ZC-24-05.

**Staff:** Kaitlyn Buck  
**Title:** Planner  
**Date:** 6/19/2024
History
This site is within the larger development known as La Cima which received its initial approvals in 2013. Since then, the Development Agreement has been amended multiple times with the last occurring in September of 2022.

This zoning change request is one of three applications submitted by the applicant for this site:
- Zone Change (ZC-24-05)
- Annexation (AN-24-04)
- La Cima PEC Substation Minor Plat (PC-24-30)

Additional Analysis
This property is being annexed and zoned per the La Cima Development Agreement. See additional analysis below.

Comments from Other Departments
<table>
<thead>
<tr>
<th>Department</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Police</td>
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</tr>
<tr>
<td>Fire</td>
<td>No Comment</td>
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<tr>
<td>Public Services</td>
<td>No Comment</td>
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<tr>
<td>Engineering</td>
<td>No Comment</td>
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<tr>
<td>Evaluation</td>
<td>Criteria for Approval (Sec.2.5.1.4)</td>
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<td>------------</td>
<td>----------------------------------</td>
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<tr>
<td>Consistent</td>
<td>Inconsistent</td>
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<td>X</td>
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</table>

**The subject property is regulated by an approved development agreement. CD-1 zoning will allow the proposed use and is in accordance with the La Cima DA.**

**Studies were not complete at the time of the request.**

**The property will be served with City water and wastewater per the approved development agreement.**

**The property is currently located outside the City limit and is therefore not zoned.**

**For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5**

**The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management**

**Any other factors which shall substantially affect the public health, safety, morals, or general welfare**
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/20/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/20/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 6/7/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 6/7/2024
Figure 112: SMFD 8-Minute Effective Response Force

*Six fire stations with Station 2 relocated to Centerpoint, and Station 6 at Old Bastrop west of Posey with minimum staffing of 20 personnel.*

AN-24-04 / ZC-24-05 APPROXIMATE LOCATION
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/20/2024
Notice of Public Hearing
Zoning Change Request
“FD” Future Development to “CD-1” Character District - 1
Ranch Road 12 & W Centerpoint Road

ZC-24-05 (La Cima PEC Substation / FD to CD-1) Hold a public hearing and consider a request by Doug Goss, on behalf of Natural Development, for a Zoning Change from Future Development (FD) to Character District-1 (CD-1), or, subject to consent of the owner, another less intense zoning district classification, for approximately 7.5+/- acre tract of land out of the John Williams Survey, Abstract No. 490, and the John Maximillion Jr. Survey, Abstract No. 299, generally located on the south side of Ranch Road 12, approximately 1,200 feet northwest of W Centerpoint Road. (K. Buck)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on Tuesday, June 25, 2024, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.
- A public hearing will be held at the hybrid, virtual / in-person, City Council Meeting on Monday, August 5, 2024, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: https://sanmarcostx.gov/Videos. Or email citizencomment@sanmarcostx.gov or call 512-393-8090 to request a link to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission:  For City Council:
Planning and Development Services  citizencomment@sanmarcostx.gov
630 East Hopkins 630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov
citizencomment@sanmarcostx.gov

For more information regarding this request, contact the case manager, Kaitlyn Buck, at 512.393.8234 or kbuck@sanmarcostx.gov. When calling, please refer to case number ZC-24-05.

As of the date of this notice, there are no other means of participating in the public hearing. However, please check for updates on the City’s website at: www.sanmarcostx.gov to see if other means of participating in the public hearing become available.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov
<table>
<thead>
<tr>
<th>Property ID</th>
<th>Name of Owner</th>
<th>Owner Mailing Address</th>
<th>Owner City/State/Zip</th>
<th>Site Address</th>
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<td>136993</td>
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<td>712 S STAGECOACH TRL #2051</td>
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<td>121580</td>
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<td>148078</td>
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<td>16263</td>
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<td>138487</td>
<td>SAN MARCOS BAPTIST ACADEMY</td>
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Robert Eby (Neighborhood Commission) | 618 Larue DR | SAN MARCOS, TX 78666 |
Lisa Pair (CONA Rep) | 11950 Jollyville Rd | Austin, TX 78759 |
Michael Adams | 106 Losoya Dr | San Marcos TX 78666 |
## TABLE 5.1 LAND USE MATRIX

### TYPES OF LAND USES

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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#### Agricultural Uses

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<tr>
<td>Barns or agricultural buildings</td>
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<td>Stables</td>
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<td>Plant Nursery</td>
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#### Accessory Uses and Structures

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<td>Food Truck</td>
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<td>Drive-thru or Drive-in</td>
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<td>Home Occupation</td>
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<td>Short Term Rental</td>
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#### Residential Uses

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<td>Single Family Detached / Tiny Home</td>
<td>P L L L L L L L L L L L L --</td>
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### LEGEND

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<td>Permitted Use</td>
<td>Limited Use</td>
<td>Conditional Use</td>
<td>Uses Not Permitted</td>
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## Table 5.1 Land Use Matrix

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<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
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<th>Definition Use Standards</th>
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<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>ND-3</td>
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<tr>
<td>Cottage Court</td>
<td>--</td>
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<tr>
<td>Two Family</td>
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<tr>
<td>Single Family Attached</td>
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<td>L</td>
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<td>Small Multi-Family (up to 9 units)</td>
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<td>Courtyard Housing (up to 24 units)</td>
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<td>Multi-family (10 or more units)</td>
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<td>Purpose Built Student Housing</td>
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<td>Manufactured Home</td>
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<tr>
<td>Mobile Home Community / Manufactured Home Park / Tiny Home Village</td>
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<td>Community Home</td>
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<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
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<td>Fraternity or Sorority Building</td>
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<td><strong>Commercial Uses</strong></td>
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<td>Professional Office</td>
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<tr>
<td>Medical, except as listed below:</td>
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<tr>
<td>Urgent care, emergency clinic, or hospital</td>
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<tr>
<td>Nursing/ retirement home</td>
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<td>Personal Services, except as listed below:</td>
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**Legend**

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<tr>
<th>P</th>
<th>Permitted Use</th>
<th>L</th>
<th>Limited Use</th>
<th>C</th>
<th>Conditional Use</th>
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<th>Uses Not Permitted</th>
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Amended: October 17, 2023 San Marcos Development Code

5-5
### Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>ND-3</td>
</tr>
<tr>
<td>Animal care (indoor)</td>
<td>C</td>
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<tr>
<td>Animal care (outdoor)</td>
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<td>Funeral Home</td>
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<tr>
<td>Tattoo, body piercing</td>
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<td>Adult Oriented Businesses</td>
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<td>All Retail Sales, except as listed below</td>
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<td>Gasoline Sales</td>
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<td>Truck stop</td>
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<tr>
<td>Building material sales</td>
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<td>Vehicle Sales/ Rental</td>
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<td>Pawnshop</td>
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<td>Restaurant/ Bar, as listed below:</td>
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<td>Eating Establishment</td>
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<td>Bar</td>
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**Legend**

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<tr>
<th>P</th>
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<th>L</th>
<th>Limited Use</th>
<th>C</th>
<th>Conditional Use</th>
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<th>Uses Not Permitted</th>
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</table>
## Table 5.1 Land Use Matrix

<table>
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<tr>
<th>Types of Land Uses</th>
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<th>Special Districts</th>
<th>Definition Use Standards</th>
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<tbody>
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<td>Sale of Alcohol for on premise consumption</td>
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<td>Overnight Lodging, as listed below:</td>
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<td>Bed and Breakfast (up to 8 rooms)</td>
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<td>Boutique Hotel (9 - 30 rooms)</td>
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<tr>
<td>Hotel/ Motel (more than 30 rooms)</td>
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<td>Outdoor Recreation, except as listed below:</td>
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<td>C</td>
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<td>Traveler Trailers/ RVs Short Term stays</td>
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<td>Shooting Range</td>
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<td>Gym/ Health club</td>
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<td>Smoking Lounge</td>
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### Public & Institutional

| Civic, except as listed below:               | P                         | L                               | L                   | L                 | Section 5.1.6.1            |
| Day Care Center                              | C                         | --                              | --                  | C                 | Section 5.1.6.1            |
| Parks, Open Space, and Greenways             | P                         | P                               | P                   | P                 | Section 5.1.6.2            |
| Minor Utilities                              | P                         | P                               | P                   | P                 | Section 5.1.6.3            |
| Major Utilities                              | --                        | --                              | --                  | --                | Section 5.1.6.3            |
## Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
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<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
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<td>Light Industrial</td>
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<tr>
<td>Light Manufacturing</td>
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<td>Vehicle Service, as listed below:</td>
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<td>Car Wash</td>
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<td>Vehicle repair (major)</td>
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<td>Warehouse &amp; Distribution</td>
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<td>Waste-Related service</td>
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<tr>
<td>Research and Development</td>
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<tr>
<td>Wrecking/Junk Yard</td>
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### Legend

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<th>P</th>
<th>L</th>
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<th>Uses Not Permitted</th>
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<td>Limited Use</td>
<td>Conditional Use</td>
<td>Uses Not Permitted</td>
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</tbody>
</table>

(Ord. No. 2020-60, 9-1-2020; Ord. No. 2021-47, 8-3-21, Ord. No. 2023-72, 10-17-2023)
## Zoning District Comparison Chart

<table>
<thead>
<tr>
<th>Topic</th>
<th>Existing Zoning: Future Development (FD)</th>
<th>Proposed Zoning: Character District – 1 (CD-1)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Description</strong></td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>The CD-1 District is intended for the preservation of open space and to protect the most sensitive natural resources in San Marcos. It may include widely dispersed rural single-family homes but is primarily characterized by extensive, undisturbed landscapes.</td>
</tr>
<tr>
<td><strong>Uses</strong></td>
<td>Residential / Agricultural (See Land Use Matrix)</td>
<td>Agricultural &amp; its Accessory Uses, Public &amp; Institutional, etc. (See Land Use Matrix)</td>
</tr>
<tr>
<td><strong>Parking Location</strong></td>
<td>No location standards</td>
<td>No location standards</td>
</tr>
<tr>
<td><strong>Parking Standards</strong></td>
<td>Dependent upon use</td>
<td>Dependent upon use</td>
</tr>
<tr>
<td><strong>Max Residential Units per acre</strong></td>
<td>0.4 units per acre (max)</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Occupancy Restrictions</strong></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>Tree and shrub requirements</td>
<td>Dependent upon use</td>
</tr>
<tr>
<td><strong>Building Height (max)</strong></td>
<td>2 stories</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>50’ minimum front, 20’ side, and 20% of total lot depth measured at point of greatest depth in rear</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Impervious Cover (max)</strong></td>
<td>30%</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Lot Sizes</strong></td>
<td>Minimum 2 acres lot area, Minimum 200 ft lot width</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Streetscapes</strong></td>
<td>Residential Street: 5’ sidewalk for lots smaller than 1 acre, street trees every 40’ on center average, 7’ planting area between sidewalk and street required.</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Blocks</strong></td>
<td>No Block Perimeter Required</td>
<td>No Block Perimeter Required</td>
</tr>
</tbody>
</table>
### Section 4.2.1.2 Building Types Allowed by District

Building types are allowed by district as set forth below.

**Table 4.10 Building types allowed by district**

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Future Development (FD)</th>
<th>Character District-1 (CD-1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCESSORY DWELLING UNIT</td>
<td>■</td>
<td>■</td>
</tr>
<tr>
<td>HOUSE</td>
<td>■</td>
<td>■</td>
</tr>
<tr>
<td>COTTAGE COURT</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>DUPLEX</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>ZERO LOT LINE HOUSE</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>TOWNHOUSE</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>SMALL MULTI-FAMILY</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>COURTYARD HOUSING</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>APARTMENT</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

**Future Development (FD) vs Character District-1 (CD-1)**

- **FD**: Future Development
- **CD-1**: Character District-1
### Table 4.10  Building types allowed by district

<table>
<thead>
<tr>
<th></th>
<th>FD</th>
<th>CD-2</th>
<th>SF-R</th>
<th>SF-6</th>
<th>SF 4.5</th>
<th>ND-3</th>
<th>ND-3.5</th>
<th>ND-4</th>
<th>N-CM</th>
<th>CD-3</th>
<th>CD-4</th>
<th>CD-5</th>
<th>CD-5D</th>
<th>HC, BP</th>
<th>LI, HI</th>
<th>CM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Live/Work</strong></td>
<td></td>
<td></td>
<td>---</td>
<td></td>
<td>---</td>
<td>---</td>
<td></td>
<td>---</td>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Neighborhood Shopfront</strong></td>
<td></td>
<td></td>
<td>---</td>
<td></td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Mixed Use Shopfront</strong></td>
<td></td>
<td></td>
<td>---</td>
<td></td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>General Commercial</strong></td>
<td></td>
<td></td>
<td>---</td>
<td></td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Civic</strong></td>
<td></td>
<td></td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

**Legend**

- = Allowed
-- = Not Allowed

(Ord. No. 2020-60, 9-1-2020)
SECTION 4.4.1.1  FUTURE DEVELOPMENT DISTRICT

**GENERAL DESCRIPTION**

The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.

**DENSITY**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Units Per Gross Acre</td>
<td>.4 max.</td>
</tr>
<tr>
<td>Impervious Cover</td>
<td>30% max.</td>
</tr>
</tbody>
</table>

**TRANSPORTATION**

<table>
<thead>
<tr>
<th>Streetscape Type</th>
<th>Residential</th>
<th>Section 3.8.1.10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalks are not required for lots greater than 1 acre</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**BUILDING TYPES ALLOWED**

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Dwelling</td>
<td>4.4.5.1</td>
</tr>
<tr>
<td>House</td>
<td>4.4.5.2</td>
</tr>
<tr>
<td>Civic</td>
<td>4.4.5.14</td>
</tr>
</tbody>
</table>
**Building Standards**

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle Building</td>
<td>2 stories max.</td>
<td>40 ft. max.</td>
</tr>
<tr>
<td>Accessory Structure</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Lot**

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>2 acres min.</td>
<td>200 ft. min.</td>
</tr>
<tr>
<td>Civic Building</td>
<td>2 acres min.</td>
<td>200 ft. min.</td>
</tr>
</tbody>
</table>

**Setbacks - Principal Building**

<table>
<thead>
<tr>
<th>Setback</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>50 ft. min.</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>25 ft. min.</td>
</tr>
<tr>
<td>Side</td>
<td>20 ft. min.</td>
</tr>
<tr>
<td>Rear</td>
<td>Min. 20% of total lot depth measured at the point of the greatest depth</td>
</tr>
</tbody>
</table>

**Setbacks - Accessory Structure**

<table>
<thead>
<tr>
<th>Setback</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>50 ft. min.</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>25 ft. min.</td>
</tr>
<tr>
<td>Side</td>
<td>10 ft. min.</td>
</tr>
<tr>
<td>Rear</td>
<td>10 ft. min.</td>
</tr>
</tbody>
</table>
CD-1

SECTION 4.4.3.1 CHARACTER DISTRICT - 1

FOR ILLUSTRATIVE PURPOSES ONLY

GENERAL DESCRIPTION

The CD-1 District is intended for the preservation of open space and to protect the most sensitive natural resources in San Marcos. It may include widely dispersed rural single family homes but is primarily characterized by extensive, undisturbed landscapes.

TRANSPORTATION

| Block Perimeter | N/A |

DENSITY

<table>
<thead>
<tr>
<th>Units Per Gross Acre</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious Cover</td>
<td>20% max.</td>
</tr>
</tbody>
</table>
### ZC-24-05 (La Cima PEC Substation, FD to CD-1) Zoning Change Review (By Comp Plan Element)

#### LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

<table>
<thead>
<tr>
<th>Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?</th>
<th>YES</th>
<th>NO (map amendment required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### ECONOMIC DEVELOPMENT – Furthering the goal of the Core 4 through the three strategies

<table>
<thead>
<tr>
<th>STRATEGY</th>
<th>SUMMARY</th>
<th>SUPPORTS</th>
<th>CONTRADICTS</th>
<th>NEUTRAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparing the 21st Century Workforce</td>
<td>Provides / Encourages educational opportunities</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Competitive Infrastructure &amp; Entrepreneurial Regulation</td>
<td>Provides / Encourages land, utilities and infrastructure for business</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The Community of Choice</td>
<td>Provides / Encourages safe &amp; stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

#### ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

<table>
<thead>
<tr>
<th></th>
<th>1 (least)</th>
<th>2</th>
<th>3 (moderate)</th>
<th>4</th>
<th>5 (most)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of Overall Constraint</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constraint by Class</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edwards Aquifer</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Species</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplains</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geological</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slope</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soils</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Vegetation</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Watersheds</td>
<td>X</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Water Quality Zone</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ENIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed: **Purgatory Creek**

<table>
<thead>
<tr>
<th>Modeled Impervious Cover Increase Anticipated for watershed</th>
<th>0-25%</th>
<th>25-50%</th>
<th>50-75%</th>
<th>75-100%</th>
<th>100%+</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: The change in impervious cover under the Preferred Scenario is attributed to portions of the Paso Robles development, the Government Center, and downtown development. Purgatory Creek is a direct tributary of the San Marcos River, home of several endangered species. The Plan emphasizes the need to identify potential pollution from redevelopment as construction runoff and debris can wash into the creek during storm events.

NEIGHBORHOODS – Where is the property located

<table>
<thead>
<tr>
<th>CONA Neighborhood(s):</th>
<th>N/A – Outside City Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Commission Area(s):</td>
<td>N/A – Outside City Limits</td>
</tr>
<tr>
<td>Neighborhood Character Study Area(s):</td>
<td>N/A</td>
</tr>
</tbody>
</table>

PARKS, PUBLIC SPACES AND FACILITIES – Availability of parks and infrastructure

<table>
<thead>
<tr>
<th>Will Parks and / or Open Space be Provided?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Will Trails and / or Green Space Connections be Provided?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Not with this request, however, the La Cima DA provides trails throughout the project.

<table>
<thead>
<tr>
<th>Maintenance / Repair Density</th>
<th>Low (maintenance)</th>
<th>Medium</th>
<th>High (maintenance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater Infrastructure</td>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Infrastructure</td>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Public Facility Availability

<table>
<thead>
<tr>
<th>Parks / Open Space within ¼ mile (walking distance)? Upper Purgatory Creek Natural Area is located to the south of La Cima.</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Wastewater service available? As part of the Development Agreement, extensions are required, and developer will provide.

<table>
<thead>
<tr>
<th>Water service available? As part of Development the Agreement, extensions are required, and developer will provide.</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Daily LOS</strong></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Wonder World Drive Old Ranch Road 12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Existing Peak LOS</strong></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Wonder World Drive Old Ranch Road 12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Preferred Scenario Daily LOS</strong></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Wonder World Drive Old Ranch Road 12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Preferred Scenario Peak LOS</strong></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Wonder World Drive Old Ranch Road 12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Transportation Demand Model shows that Wonder World Drive remains at a level of service A for the Existing Daily and Peak along with the Preferred Daily. It drops from A to C LOS in the Preferred Scenario Peak LOS. Across the board, Old Ranch Road 12 is shown as LOS F.

<table>
<thead>
<tr>
<th>Sidewalk Availability</th>
<th>N/A</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalks are required to be built as part of the development.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Adjacent to existing bicycle lane? | YES | NO |
| Adjacent to existing public transportation route? | X |

Notes: The closest CARTS bus route is Route 7, which is the Bishop Street route.
ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: March, 2023

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant’s Name</th>
<th>Property Owner</th>
<th>Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doug Goss</td>
<td>La Cima Commercial, LP</td>
<td></td>
</tr>
<tr>
<td>Natural Development</td>
<td>La Cima Commercial, LP</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant’s Mailing Address</th>
<th>Owner’s Mailing Address</th>
<th>Applicant’s Phone #</th>
<th>Owner’s Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>11612 FM 2244, Bldg 1, Ste 140; Austin, TX 78738</td>
<td>303 Colorado, STE 2300 Austin, TX 78701</td>
<td>512-402-1790</td>
<td>512-695-2875</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant’s Email</th>
<th>Owner’s Email</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:dougg@nd-austin.com">dougg@nd-austin.com</a></td>
<td><a href="mailto:ericw@nd-austin.com">ericw@nd-austin.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Subject Property Address(es): W. Centerpoint Road and RR 12

Legal Description: Lot ________ Block ________ Subdivision ________________

Total Acreage: 7.500 ac

Preferred Scenario Designation: Agriculture-wildlife exemption

Existing Land Use(s): Agriculture-wildlife exemption

Existing Zoning: NA

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD1

Proposed Land Uses / Reason for Change: City requiring annexation upon platting per Development Agreement

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* $1,000 plus $150 per acre

Technology Fee $15

MAXIMUM COST $5,015

*Existing Neighborhood Regulating Plan Included.

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/
**PROPERTY OWNER AUTHORIZATION**

I, Bryan Lee, Manager (owner name) on behalf of La Cima Commercial LP (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at RR 12 West of W. Centerpoint Road (address).

I hereby authorize Doug Goss (agent name) on behalf of NDA (agent company) to file this application for Annexation and Zoning (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: [Signature] Date: 3/7/2024

Printed Name, Title: Bryan Lee, Manager

Signature of Agent: [Signature] Date: 3/7/2024

Printed Name, Title: [Printed Name]
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 $150 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: 4/16/2024

Print Name: Doug Goss

Form Updated March, 2023
PEDERNALES ELECTRIC COOPERATIVE  
HAYS COUNTY, TEXAS  
7.500 ACRE TRACT

EXHIBIT “A”

BEING a 7.500 acre tract of land lying in the John Williams Survey, Abstract 490 and in the John Maximillion Jr. Survey No. 15, Abstract 299, Hays County, Texas, same being a portion of a 31.079 acre tract of land described as Exhibit “B” and recorded in document number 17016156, Official Public Records of Hays County, Texas, same also being described by a drawing (7.500 Acres.dwg dated February 28, 2024) attached to and made part hereof and more particularly described as follows:

BEGINNING at a 5/8” iron rod found with Texas Department of Transportation Type III aluminum disk (Northing: 13,877,093.77, Easting: 2,288,535.22) in the southwest right-of-way line of R.M. Highway 12 (varying width right-of-way) for the north corner of the aforementioned 31.079 acre tract, the south corner of a 0.458 of an acre tract of land as described and recorded in document number 16006618, Official Public Records of Hays County, Texas, a west corner of a 0.464 of an acre tract of land as described and recorded in volume 4264, page 511, Official Public Records of Hays County, Texas, the east corner of a 4.337 acre tract of land described as “Tract One” and recorded in volume 1080, page 874, Official Public Records of Hays County, Texas, and the north corner of the herein described 7.500 acre tract, from which a 1/2” iron rod found in the northwest line of said 4.337 acre tract bears N81°37’38”W a distance of 122.24 feet;

THENENCE along the southwest right-of-way line of the aforementioned R.M. Highway 12, a northeast line of the aforementioned 31.079 acre tract and a southwest line of the aforementioned 0.464 of an acre tract, S66°44’02”E a distance of 147.44 feet (S66°44’02”E – 147.44’) to a 5/8” iron rod found with Texas Department of Transportation Type III aluminum disk for an interior corner of said 0.464 of an acre tract and an east corner of the herein described 7.500 acre tract;

THENENCE along a southeast line of the aforementioned 31.079 acre tract and a northwest line of the aforementioned 0.464 of an acre tract, S23°05’26”W a distance of 19.99 feet to a 5/8” iron rod found with Texas Department of Transportation Type III aluminum disk in a southwest right-of-way line of the aforementioned R.M. Highway 12 for an interior corner of said 31.079 acre tract, a west corner of said 0.464 of an acre tract;

THENENCE leaving the southwest right-of-way line of the aforementioned R.M. Highway 12, S23°05’26”W a distance of 46.36 feet a 1/2” iron rod set with plastic cap stamped “CDS/MUERY S.A. TX.” for an interior corner of the herein described 7.500 acre tract;

THENENCE S46°22’49”E a distance of 310.56 feet to a 1/2” iron rod set with plastic cap stamped “CDS/MUERY S.A. TX.” for an east corner of the herein described 7.500 acre tract, from which a 5/8” iron rod found with Texas Department of Transportation Type III aluminum disk in the southwest right-of-way line of the aforementioned R.M. Highway 12 and a northeast line of the aforementioned 31.079 acre tract for the east corner of the aforementioned 0.464 of an acre tract bears N78°45’57”E a distance of 310.95 feet;

THENENCE S43°23’46”W a distance of 694.58 feet to a 1/2” iron rod set with plastic cap stamped “CDS/MUERY S.A. TX.” in a southwest line of the aforementioned 31.0179 acre tract and the northeast line of Lot 1 of the La Cima Fire Station Plat as described and recorded in document number 21021091, Plat Records of Hays County, Texas, for the south corner of the herein described 7.500 acre tract, from which a 1/2” iron rod found with plastic cap stamped “BCG” bears S40°23’45”E a distance of 181.93 feet (Record – S40°23’45”E);
PEDERNALES ELECTRIC COOPERATIVE
HAYS COUNTY, TEXAS
7.500 ACRE TRACT

THENCE along a southwest line of the aforementioned 31.079 acre tract and the northeast line of the aforementioned Lot 1, N40°23’45"W a distance of 263.02 feet (Record – N40°23’45"W) to a 1/2” iron rod found with plastic cap stramped “BCG” for an interior corner of said 31.079 acre tract, the north corner of said Lot 1 and an interior corner of the herein described 7.500 acre tract;

THENCE along a southeast line of the aforementioned 31.079 acre tract and the northwest line of the aforementioned Lot 1, S48°50’54"W a distance of 109.33 feet (Record – S48°50’54"W – 109.93’) to a 1/2” iron rod found for an angle corner of said 31.079 acre tract, an angle corner of the aforementioned 4.337 acre tract and an angle corner of the herein described 7.500 acre tract;

THENCE along a west line of the aforementioned 31.079 acre tract and the east line of the aforementioned 4.337 acre tract, N01°39’13”W a distance of 282.80 feet (Record – N01°39’13”W – 282.80’) to a 1/2” iron rod found for the west corner of said 31.079 acre tract and an interior corner of said 4.337 acre tract and the west corner of the herein described 7.500 acre tract;

THENCE along the northwest line of the aforementioned 31.079 acre tract and a southeast line of the aforementioned 4.337 acre tract, N43°23’46”E a distance of 587.87 feet (Record – N43°23’46”E – 587.88’) to the PLACE OF BEGINNING and containing 7.500 acres of land.

The bearing basis for this survey and noted coordinates is Grid North, Texas State Plane Coordinate System, NAD 1983(HARN), South Central Zone (4204) Epoch: 2010. All noted distances are Surface (Scale Factor: 1.00012).

THE STATE OF TEXAS X

COUNTY OF BEXAR X

KNOWN TO ALL MEN BY THESE PRESENTS:

I, Derek Snoga, a Registered Professional Land Surveyor, do hereby certify that the above field notes were prepared using information obtained by an on the ground survey made under my direction and supervision in January of 2024.

Date 28th day of February 2024 A.D.

Derek Snoga
Registered Professional Land Surveyor
No. 6511 - State of Texas
La Cima Commercial, LP,
A Texas Limited Partnership
31.079 Acres
Exhibit "B"
Doc. #17016156
O.R.H.C.

John Maximillion Jr.
Survey No. 15,
Abstract 299

John Williams Survey,
Abstract 490

7.500 Acres
Pedernales Electric Cooperative

Derek Sogna
6511
Professional Land Surveyor

2/28/2024

Drawn By: M.C.

Drawing Name: 7.500 Acres.DWG
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.

ASSUMPTION GENERAL WARRANTY DEED

STATE OF TEXAS §

COUNTY OF HAYS §

LAZY OAKS RANCH, LP, a Texas limited liability company (whether one of more, “Grantor”), for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00), and other good and valuable consideration paid by LA CIMA COMMERCIAL, LP, a Texas limited partnership (“Grantee”), and for the further consideration of the partial assumption in the amount of $4,426,218.71 by Grantee of (i) Grantor’s obligations to pay that one certain promissory note dated February 13, 2014, (as amended, modified, renewed, extended, increased and rearranged, the “Note”) in the original principal sum of $16,500,000 executed by Grantor, and payable to the order of GOLDMAN SACHS USA BANK (“Lender”), and (ii) Grantor’s obligations to perform the obligations of the maker of the Note under a deed of trust (as amended, modified, renewed, extended, increased and rearranged, the “Deed of Trust”) dated February 13, 2014 securing said Note duly recorded in 2014-14003769 of the Official Public Records of Hays County, Texas; the receipt and legal sufficiency of which are hereby acknowledged and confessed; subject to the exceptions, liens, encumbrances, terms and provisions hereinafter set forth and described, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee all of those certain lots, tracts or parcels of land situated in Hays County, Texas, and being more particularly described in Exhibit “A” attached hereto and incorporated herein, TOGETHER WITH, all and singular, the rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests thereon or in anywise appertaining thereto and with all improvements located thereon (said land, rights, benefits, privileges, easements, tenements, hereditaments, appurtenances, improvements and interests being hereinafter referred to as the “Property”).

For the same consideration recited above, Grantor hereby BARGAINS, SELLS and TRANSFERS, without warranty, express or implied, all interest, if any, of Grantor in (i) strips or gores, if any, between the Property and abutting or immediately adjacent properties, and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or immediately adjacent to the Property.

This conveyance is made subject and subordinate to the lien for current taxes and assessments which are not yet due and payable, which current taxes and assessments are hereby assumed by Grantee, and to all encumbrances, restrictions, conditions, reservations, easements and other matters of record in Hays County, Texas affecting the Property (“Permitted
Encumbrances”), but only to the extent they are valid and subsisting and affect or relate to the Property.

TO HAVE AND TO HOLD the Property, subject to the Permitted Encumbrances as aforesaid, unto Grantee, and Grantee’s heirs, executors, administrators, personal representatives, successors and assigns, forever; and Grantor does hereby bind Grantor, and Grantor’s successors and assigns, to WARRANT and FOREVER DEFEND, all and singular, the Property, subject to the Permitted Encumbrances, unto Grantee, and Grantee’s heirs, executors, administrators, personal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

[Signature Page to Follow]
EXECUTED effective as of the 12 day of May, 2017.

GRANTOR:

LAZY OAKS RANCH, LP,
A Texas limited partnership

By: Lazy Oaks GP, LLC,
A Texas limited liability company

By: Bryan W. Lee, Manager

STATE OF TEXAS

COUNTY OF HAYS

This instrument was ACKNOWLEDGED before me, on the 12 day of May, 2017, by Bryan W. Lee, Manager of Lazy Oaks GP, LLC, a Texas limited liability company and general partner of Lazy Oaks Ranch, LP, a Texas limited partnership, for the purposes set forth therein on behalf of said limited liability company and partnership.

Notary Public, State of Texas

Address of Grantee:
303 Colorado, Suite 2300
Suite 2300
Austin, Texas 78701
FIELD NOTES DESCRIPTION

DESCRIPTION OF 34.368 ACRES OF LAND IN THE JOHN WILLIAMS SURVEY, ABSTRACT NO. 490 AND THE LYDIA GLASGOW SURVEY NO. 14, ABSTRACT NO. 188, HAYS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 649.592 ACRE TRACT OF LAND DESCRIBED IN THE CORRECTION SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO LAZY OAKS RANCH, LP OF RECORD IN VOLUME 4877, PAGE 632, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 34.368 ACRES OF LAND AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD. AND SHOWN ON PLAN NO. 3568, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-Inch iron rod with a 1-1/2 inch aluminum cap stamped "Texas Dept of Tran" found in the southwest right-of-way line of Wonder World Drive and the intersecting northwest line of that certain called 114 acres, designated as Tract 1 and conveyed in the deed to the Marvin C. Wills Family Trust of record in Volume 3394, Page 424, Official Public Records of Hays County, Texas, at the east corner of the said 649.592 acre tract, same being the south corner of that certain called 6,4500 acre tract of land described in the deed to the City of San Marcos of record in Volume 3100, Page 712, Official Public Records of Hays County, Texas, same being the most northerly northwest corner of that certain called 6,8050 acre tract of land described in the deed to the City of San Marcos of record in Volume 3197, Page 401, Official Public Records of Hays County, Texas, for the east corner and POINT OF BEGINNING of the tract described herein;

THENCE S 35°28'03" W, leaving the southwest right-of-way line of Wonder World Drive, with the southeast line of the said 649.592 acre tract and the northwest line of the said 114 acre tract, with the southeast line of the tract described herein, a distance of 1571.35 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" set for the south corner of the tract described herein, from which a 6 inch cedar fence corner post found at an angle point in the southeast line of the said 649.592 acre tract, same being an angle point in the northwest line of the said 114 acre tract bears S 35°28'03" W, a distance of 280.29 feet;

THENCE N 42°16'41" W, leaving the northwest line of the said 114 acre tract, crossing the said 649.592 acre tract, with the southwest line of the tract described herein, a distance of 1252.09 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" set in the southeast right-of-way line of West Centerpoint Road, a variable width right-of-way described in the deed to Hays County, Texas of record in Volume 5310, Page 161, Official Public Records of Hays County, Texas, for the west corner of the tract described herein, from which a 1/2-inch iron rod with a plastic cap stamped "BCG" previously set for a point of curvature in the southeast right-of-way line of West Centerpoint Road bears S 27°17'24" W, a distance of 172.47 feet;

THENCE continuing across the said 649.592 acre tract, with the southeast right-of-way line of West Centerpoint Road and with the northwest line of the tract described herein, the following fourteen (14) courses and distances:

1. N 27°17'24" E, a distance of 89.57 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" previously set for a point of curvature,

2. with the arc of a curve to the right, having a radius of 465.00 feet, an arc distance of 136.70 feet, and a chord which bears N 35°42'42" E, a distance of 136.21 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" previously set for a point of compound curvature,

3. with the arc of a curve to the right, having a radius of 20.00 feet, an arc distance of 35.33 feet, and a chord which bears S 85°15'25" E, a distance of 30.91 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" previously set for an angle point,

4. N 47°11'53" E, a distance of 60.61 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" previously set for a point of non-tangent curvature,
5. with the arc of a curve to the right, having a radius of 20.00 feet, an arc distance of 31.29 feet, an a
cord which bears N 10°10'19" E, a distance of 28.19 feet to a 1/2-inch iron rod with a plastic cap
stamped "BCG" previously set for a point of tangency,

6. N 54°59'28" E, a distance of 190.21 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG"
previously set for a point of curvature,

7. with the arc of a curve to the right, having a radius of 665.00 feet, an arc distance of 379.17 feet,
and a chord which bears N 71°19'32" E, a distance of 374.05 feet to a 1/2-inch iron rod with a plastic
cap stamped "BCG" previously set for a point of tangency,

8. N 87°39'35" E, a distance of 120.49 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG"
previously set for a point of curvature,

9. with the arc of a curve to the right, having a radius of 20.00 feet, an arc distance of 30.60 feet, and
a chord which bears S 48°30'55" E, a distance of 27.70 feet to a 1/2-inch iron rod with a plastic cap
stamped "BCG" previously set for an angle point,

10. N 89°31'27" E, a distance of 50.14 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG"
previously set for a point of non-tangent curvature,

11. with the arc of a curve to the right, having a radius of 20.00 feet, an arc distance of 32.23 feet, and
a chord which bears N 41°29'52" E, a distance of 28.85 feet to a 1/2-inch iron rod with a plastic cap
stamped "BCG" previously set for a point of tangency,

12. N 87°39'35" E, a distance of 3.21 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG"
previously set for a point of curvature,

13. with the arc of a curve to the left, having a radius of 535.00 feet, an arc distance of 245.36 feet, and
a chord which bears N 74°31'16" E, a distance of 243.22 feet to a 1/2-inch iron rod with a plastic cap
stamped "BCG" previously set for a point of tangency, and

14. N 61°22'58" E, a distance of 440.55 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG"
previously set in the southwest right-of-way line of Wonder World Drive, same being the southwest
line of the said 6.4500 acre San Marcos tract and the northeast line of the said 649.592 acre tract,
at the northern terminus of the southeast right-of-way line of said West Centerpoint Drive, for an
angle point in the northwest line of the tract described herein, from which a 1/2 inch iron rod with
plastic cap stamped "BCG" previously set for an angle point in the southwest right-of-way line of
said Wonder World Drive and the northeast line of the said 649.592 acre tract bears S 77°54'50" W, a distance of 15.72 feet;

THENCE with the southwest right-of-way line of said Wonder World Drive, with the southwest line of the
said 6.4500 acre San Marcos tract and the northeast line of the said 649.592 acre tract, with the northwest
and northeast lines of the tract described herein, the following three (3) courses and distances:

1. N 77°54'50" E, a distance of 41.30 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG"
previously set for point of non-tangent curvature, for the north corner of the tract described herein,

2. with the arc of a curve to the right, having a radius of 1809.86 feet, an arc distance of 235.33 feet,
and a chord which bears S 23°21'10" E, a distance of 235.16 feet to a TXDOT Type II right-of-way
monument found for a point of tangency, and

3. S 19°38'27" E, a distance of 222.43 feet to the POINT OF BEGINNING and containing 34.368
acres of land, more or less.
34.368 Acres
John Williams Survey, A-490 and
Lydia Glasgow Survey No. 14, A-188
Hays County, Texas

BEARING BASIS: Texas Coordinate System, South Central Zone, NAD83, Grid.

BOWMAN WORD FILE: FN2016(km)
H:survey\FieldNotes\FN-2000s\FN2016(km).doc

THE STATE OF TEXAS

COUNTY OF TRAVIS

§

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KNOW ALL MEN BY THESE PRESENTS

That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a series of surveys made on the ground during the months of December 2013 through October 2015 and April 2017 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 20th day of April 2017 A.D.

Bowman Consulting Group, Ltd.
Austin, Texas 78746

John D. Barnard
Registered Professional Land Surveyor
No. 5749 – State of Texas

Job No. 5956-01-001
FN2016(km)
Commercial Tract 1
Page 3 of 3
FIELD NOTES DESCRIPTION

DESCRIPTION OF 31.079 ACRES OF LAND IN THE JOHN WILLIAMS SURVEY, ABSTRACT NO. 490 AND THE JOHN MAXIMILIAN, JR., SURVEY NO. 15, ABSTRACT NO. 299, HAYS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 649.592 ACRE TRACT OF LAND DESCRIBED IN THE CORRECTION SPECIAL WARRANTY DEED WITH VENDOR’S LIEN TO LAZY OAKS RANCH, LP OF RECORD IN VOLUME 4877, PAGE 632, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 31.079 ACRES OF LAND AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD. AND SHOWN ON PLAN NO. 3569, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with a 1-1/2 inch aluminum cap stamped “Texas Dept of Tran” found at a re-entrant corner in the southwest right-of-way line of R.M. Highway No. 12 (R.O.W. varies), at the north corner of the said 649.592 acre tract, same being the southwest corner of that certain called 0.464 acre tract described as “Parcel 68” in Exhibit “C” in the Special Warranty Deed to the County of Hays of record in Volume 4264, Page 511, Official Public Records of Hays County, Texas, and being a point in the southeast line of that certain called 4.337 acre tract of land described in the deed to the City of San Marcos of record in Volume 1080, Page 874, Official Public Records of Hays County, Texas, for the north corner and POINT OF BEGINNING of the tract described herein, from which a 1/2 inch iron rod found at an angle point in the southwest right-of-way line of said R.M. Highway No. 12, same being the most northerly northeast corner of the said 4.337 acre tract and the northwest corner of the said 0.464 acre tract bears N 43°29'46" E, a distance of 19.84 feet;

THENCE with the southwest right-of-way line of said R.M. Highway No. 12, with the south line of the said 0.464 acre tract and with the northeast line of the said 649.592 acre tract, with the northeast line of the tract described herein, the following four (4) courses and distances:

1. S 66°44'02" E, a distance of 147.44 feet to a 1/2 inch iron rod with a 1-1/2 inch aluminum cap stamped “Texas Dept of Tran” found,

2. S 23°05'26" W, a distance of 19.99 feet to a 1/2 inch iron rod with a 1-1/2 inch aluminum cap stamped “Texas Dept of Tran” found,

3. S 66°45'01" E, a distance of 492.02 feet to a 1/2 inch iron rod with a 1-1/2 inch aluminum cap stamped “Texas Dept of Tran” found, and

4. S 89°03'14" E, a distance of 59.47 feet to a 1/2 inch iron rod with a 1-1/2 inch aluminum cap stamped “Texas Dept of Tran” found for the most easterly corner of said 0.464 acre tract, being in the curving south line of that called 6.4500 acre tract of land described in the Special Warranty Deed to the City of San Marcos, of record in Volume 3100, Page 712, Official Public Records of Hays County, Texas, being in the southerly right-of-way line of Wonder World Drive (R.O.W. width varies);

THENCE leaving the southwest right-of-way line of said R.M. Highway No. 12, with the southwest right-of-way line of said Wonder World Drive, continuing with the northeast line of the said 649.592 acre tract, and the southwest line of the said 6.4500 acre tract, continuing with the northeast line of the tract described herein, the following two (2) courses and distances:

1. with the arc of a curve to the right, having a radius of 1822.36 feet, an arc length of 952.77 feet, and a chord which bears S 47°18'28" E, a distance of 941.96 feet to a 60D nail found in concrete fence corner post, and
2. S 37°24'23" W, a distance of 61.05 feet to a 1/2 inch iron rod with plastic cap stamped “BCG” previously set for the terminus of the northwest right-of-way line of West Centerpoint Road, a variable width right-of-way described in the deed to Hays County, Texas of record in Volume 5310, Page 161, Official Public Records of Hays County, Texas, for the east corner of the tract described herein, from which a 1/2 inch iron rod with plastic cap stamped “BCG” previously set for an angle point in the southwest right-of-way line of said Wonder World Drive and the northeast line of the said 649.592 acre tract bears S 37°24'23" W, a distance of 11.09 feet;

THENCE leaving the southwest right-of-way line of said Wonder World Drive, crossing the said 649.592 acre tract, with the northwest right-of-way line of said West Centerpoint Road, with the southeast line of the tract described herein, the following fourteen (14) courses and distances:

1. S 61°22'58" W, a distance of 51.81 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for an angle point,

2. S 28°37'02" E, a distance of 10.00 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for an angle point,

3. S 61°22'58" W, a distance of 10.00 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for an angle point,

4. N 28°37'02" W, a distance of 10.00 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for an angle point,

5. S 61°22'58" W, a distance of 68.41 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for a point of curvature,

6. with the arc of a curve to the right, having a radius of 565.00 feet, an arc distance of 270.29 feet, an a chord which bears S 75°05'16" W, a distance of 267.72 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for a point of tangency,

7. S 88°47'34" W, a distance of 195.85 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for a point of curvature,

8. with the arc of a curve to the left, having a radius of 835.00 feet, an arc distance of 9.64 feet, and a chord with bears S 88°27'43" W, a distance of 9.64 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for a point of reverse curvature,

9. with the arc of a curve to the right, having a radius of 20.00 feet, an arc distance of 30.43 feet, and a chord which bears N 48°16'47" W, a distance of 27.58 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for an angle point,

10. S 84°57'29" W, a distance of 50.00 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for a point of non-tangent curvature,

11. with the arc of a curve to the right, having a radius of 20.00 feet, an arc distance of 30.29 feet, and a chord which bears S 38°42'12" W, a distance of 27.48 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for a point of reverse curvature,

12. with the arc of a curve to the left, having a radius of 835.00 feet, an arc distance of 389.76 feet, and a chord which bears S 68°43'30" W, a distance of 388.23 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for a point of tangency,

13. S 55°21'10" W, a distance of 399.97 feet to a 1/2-inch iron rod with a plastic cap stamped “BCG” previously set for a point of curvature, and
14. with the arc of a curve to the right, having a radius of 20.00 feet, an arc distance of 31.42 feet, and a chord which bears N 79°38'50" W, a distance of 28.28 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" previously set an angle point in the northwest right-of-way line of said West Centerpoint Road;

THENCE leaving the northwest right-of-way line of said West Centerpoint Road, continuing across the said 649.592 acre tract, with the southwest line of the tract described herein, the following five (5) courses and distances:

1. N 34°38'50" W, a distance of 179.37 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" set for a point of curvature,

2. with the arc of a curve to the left, having a radius of 630.00 feet, an arc distance of 93.77 feet, an a chord which bears N 38°54'41" W, a distance of 93.69 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" set for an angle point,

3. N 39°52'15" E, a distance of 349.74 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" set for an angle point,

4. N 40°23'45" W, a distance of 444.95 feet to a 1/2-inch iron rod with a plastic cap stamped "BCG" set for an angle point, and

5. S 48°50'54" W, a distance of 109.33 feet to a 1/2-inch iron rod found at an angle point in the northwest line of the said 649.592 acre tract, same being an angle point in the southeast line of the said 4.337 acre tract,

THENCE with the northwest line of the said 649.592 acre tract and the southeast line of the said 4.337 acre tract, with the northwest line of the tract described herein, the following two (2) courses and distances:

1. N 01°39'13" W, a distance of 282.80 feet to a 1/2-inch iron rod found at an angle point, and

2. N 43°23'46" E, a distance of 587.88 feet to the POINT OF BEGINNING and containing 31.079 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, South Central Zone, NAD83, Grid.

BOWMAN WORD FILE: FN2017R2(km)

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a series of surveys made on the ground during the months of December 2013 through October 2015 and April 2017 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 24th day of April 2017 A.D.

Bowman Consulting Group, Inc.
Austin, Texas 78746

Bowman Consulting | 1120 S. Capital of Texas Hwy, Building 2, Suite 200 | Austin, TX 78745 | P 512.327.1180
TBPE Firm No. 14,909, TBPFLS Firm No. 101206-00

John D. Barnard
Registered Professional Land Surveyor
No. 5749 - State of Texas
Public Hearing
ZC-24-05
La Cima PEC Substation FD to CD-1

ZC-24-05 (La Cima PEC Substation / FD to CD-1) Hold a public hearing and consider a request by Doug Goss, on behalf of Natural Development, for a Zoning Change from Future Development (FD) to Character District-1 (CD-1), or, subject to consent of the owner, another less intense zoning district classification, for approximately 7.5+/- acre tract of land out of the John Williams Survey, Abstract No. 490, and the John Maximillion Jr. Survey, Abstract No. 299, generally located on the south side of Ranch Road 12, approximately 1,200 feet northwest of W Centerpoint Road. (K. Buck)
Property Information

- Approximately 7.5 acres

- Located approximately 1,400 feet northwest of W Centerpoint Road and Ranch Road 12

- Located within ETJ, annexation concurrently considered by City Council (AN-24-04)
Context & History

• Currently Vacant

• Surrounding Use: Fire Station & San Marcos Academy

• Development pursuant to La Cima Development Agreement, Resolution #2022-10R
Context & History

• Existing Zoning: Outside City Limits (ETJ)
  • Will be automatically zoned a “FD” Future Development Upon Annexation

• Proposed Zoning: Character District-1 (CD-1)
  • Seeks to Preserve Open Spaces and Sensitive Areas. Parks and open space are allowed.
**Comprehensive Plan Analysis**

**Step 1:** Where is the property located on the Comprehensive Plan?

- **Existing Preferred Scenario:** Low Intensity Zone
- Being in an area of stability does not mean that these areas should or will not change. It means that any changes, whether new developments, zoning requests, or public improvements, should be carefully planned and implemented so that the character of the area remains.
Comprehensive Plan Analysis

Step 2: Is the request consistent with the Comprehensive Plan / District Translation Table?

“Character District-1” (CD-1) within a “Low Intensity Zone.”

<table>
<thead>
<tr>
<th>District Classification</th>
<th>Open Space/Agricultural</th>
<th>Comprehensive Plan Designations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Low Intensity</td>
</tr>
<tr>
<td>Conventional Residential</td>
<td>NP</td>
<td>Existing Neighborhood, C, PSA, PSA</td>
</tr>
<tr>
<td>Neighborhood Density Districts</td>
<td>NP</td>
<td>See Section 4.1.2.4 - 4.1.2.5, NP, NP</td>
</tr>
<tr>
<td>Character Districts</td>
<td>NP</td>
<td>See Section 4.1.2.6, PSA, C, NP</td>
</tr>
<tr>
<td>Special Districts</td>
<td>PSA</td>
<td>Existing Neighborhood, PSA, NP, C</td>
</tr>
</tbody>
</table>

Legend

PSA = Not Allowed (PSA Required)  NP = Not Preferred  C = Consider
Comprehensive Plan Analysis

**Step 3:** Is the request consistent with the District/ Existing Zoning Translation Table?

"Future District" (FD) to "Character District-1" (CD-1)

<table>
<thead>
<tr>
<th>CD-1</th>
<th>CD-2</th>
<th>CD-2.5</th>
<th>CD-3</th>
<th>CD-4</th>
<th>CD-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>C</td>
<td>C</td>
<td>NP</td>
<td>NP</td>
<td>PSA</td>
</tr>
<tr>
<td>C</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>C</td>
<td>NP*</td>
</tr>
<tr>
<td>C</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
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<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>PSA</td>
<td>NP</td>
<td>PSA</td>
<td>PSA</td>
<td>PSA</td>
<td>PSA</td>
</tr>
</tbody>
</table>

**Legend:**
- **C** = Consider
- **NP** = Not Preferred
- **NP*** = 50% or more single family requires additional votes of Planning Commission and City Council in accordance with Sec. 4.1.2.5(G)3a. above.
Zoning Analysis

- Description of CD-1: District may include widely dispersed rural single-family homes but is primarily characterized by extensive, undisturbed landscapes.

- Uses: Agricultural, Public, & Some Residential Uses

- Proposed Use: Electrical Substation permitted in CD-1
Environmental Analysis

- Is located within the Edwards Aquifer Recharge Zone

- Development Agreement provides standards to mitigate impact to natural features
Infrastructure

- **Streets**
  - Streetscape Improvements
  - No block perimeter requirement
  - Bicycle & Sidewalk connections

- **Utilities**
  - City of San Marcos Water / Wastewater
  - Pedernales Electric
Recommendation

Staff recommends approval of ZC-24-05 as presented.
## Zoning District Comparison Chart

<table>
<thead>
<tr>
<th>Topic</th>
<th>Existing Zoning: Future Development (FD)</th>
<th>Proposed Zoning: Character District – 1 (CD-1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Description</td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>The CD-1 District is intended for the preservation of open space and to protect the most sensitive natural resources in San Marcos. It may include widely dispersed rural single-family homes but is primarily characterized by extensive, undisturbed landscapes.</td>
</tr>
<tr>
<td>Uses</td>
<td>Residential / Agricultural (See Land Use Matrix)</td>
<td>Agricultural &amp; Its Accessory Uses, Public &amp; Institutional, etc. (See Land Use Matrix)</td>
</tr>
<tr>
<td>Parking Location</td>
<td>No location standards</td>
<td>No location standards</td>
</tr>
<tr>
<td>Parking Standards</td>
<td>Dependent upon use</td>
<td>Dependent upon use</td>
</tr>
<tr>
<td>Max Residential</td>
<td>0.4 units per acre (max)</td>
<td>N/A</td>
</tr>
<tr>
<td>Units per acre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupancy Restrictions</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Tree and shrub requirements</td>
<td>Dependent upon use</td>
</tr>
<tr>
<td>Building Height</td>
<td>2 stories</td>
<td>N/A</td>
</tr>
<tr>
<td>(max)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks</td>
<td>50’ minimum front, 20’ side, and 20% of total lot depth measured at point of greatest depth in rear</td>
<td>N/A</td>
</tr>
<tr>
<td>Impervious Cover</td>
<td>30%</td>
<td>20%</td>
</tr>
<tr>
<td>(max)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Sizes</td>
<td>Minimum 2 acres lot area, Minimum 200 ft lot width</td>
<td>N/A</td>
</tr>
<tr>
<td>Streetscapes</td>
<td>Residential Street: 5’ sidewalk for lots smaller than 1 acre, street trees every 40’ on center average, 7’ planting area between sidewalk and street required.</td>
<td>N/A</td>
</tr>
<tr>
<td>Blocks</td>
<td>No Block Perimeter Required</td>
<td>No Block Perimeter Required</td>
</tr>
</tbody>
</table>
AGENDA CAPTION:
Consider approval of the City Council Approved Template for Standard City Board/Commission Bylaws.

Meeting date: June 25, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: Click or tap here to enter text.
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable
Background Information:
The Planning & Zoning Commission last adopted bylaws in August of 2014. In January of 2024 the Commission postponed approval of the updated City Council approved Bylaws template. On April 16, 2024, City Council again updated the standard template which is being presented for consideration.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval as presented.
Memo

TO: Planning and Zoning Commission
FROM: Enrique Velasquez, Recording Secretary – Planning and Development Services Department
DATE: June 11, 2024
RE: City Council Approved Template for Standard City Board/Commission Bylaws

Summary
The City of San Marcos Charter, Article VII Section 7.01 (d), states “The Commission shall establish bylaws to govern rules of procedure”.

On April 16, 2024, City Council Approved an amended Template for Standard City Board/Commission Bylaws. Today, staff is presenting the Template which has been modified for the Planning and Zoning Commission and are seeking action from the Commission.

The Commission may;
1) Approve the bylaws as presented, with no changes.
2) Recommend modifications. Any modifications would not be effective unless approved by the Council Finance and Audit Committee.
3) Create a committee and postpone until the committee can review and provide direction.

ATTACHMENTS
Included are the following attachments:

- Attachment B: 2024 City Council Approved Template for Standard City Board/Commission Bylaws
- Attachment C: 2014 Approved P&Z Bylaws – Highlighted in this attachment are sections of bylaws which were changed, reworded, removed, or not mentioned in the City Council approved 2024 Template.
Attachment A
ARTICLE 1. NAME.

The name of the Commission is “The Planning and Zoning Commission of the City of San Marcos, Texas.” Within these bylaws, this Commission may be referred to as either the “Planning and Zoning Commission” or “the Commission”.

ARTICLE 2. PURPOSE AND DUTIES.

The Planning and Zoning Commission shall have powers and duties expressly granted to it under Article VII of the City Charter of the City of San Marcos, the ordinances of the City of San Marcos, and the laws of the State of Texas. In the event of a conflict between these bylaws and any provision of the City Charter or ordinance, or law of the State of Texas, such charter provision, ordinance, or law shall govern.

ARTICLE 3. MEMBERSHIP.

A. The Planning and Zoning Commission is composed of nine members appointed by the city council.

B. A member serves at the pleasure of the City Council and may be removed if not in compliance with these bylaws.

C. To be eligible for appointment to the Commission, all Commission members must have resided in the city for a period of five years before the date of appointment. To be eligible for continued service on the Commission, the Commission members must maintain residence in the City.

D. The Commission members serve for a term of three years beginning March 1 on the year of appointment. If a member is appointed to fill a vacancy, that member will serve for the unexpired portion of the term to which they are appointed. All members must complete required orientation and training as applicable prior to their first meeting.

E. Prior to taking office all newly appointed members shall attend an orientation. This orientation will include, but may not be limited to, a review of Bylaws, Specific Board Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, parliamentary procedure, how to run a meeting, and procedures on how to file a complaint with the City.

F. All vacancies shall be filled in accordance with Section 2.071, Vacancies of the City Code and posted on the City Council agenda.

G. Except as specifically duly authorized by their respective Commission or the City Council, an individual Commission member may not:

   1) act in an official capacity on behalf of the Commission;
2) make any representations to third party or any governing body before which such member appears that the member is authorized to speak for or on behalf of the Commission; or
3) participate through written or public comment on a matter being considered by another board or commission or the City Council that is an appeal of the decision of or succeeds the recommendation of the Commission member’s respective Commission.

H. Attendance at the Commission meetings shall conform to the requirements outlined in Section 2.069 - Absence from meetings of the City Code.

I. A member who seeks to resign from the Commission shall submit a written resignation to the chair of the Commission, and the staff liaison, who shall notify the City Clerk’s office. If possible, the resignation should allow for a thirty-day notice.

J. Members must comply with Chapter 2, Article 5, Code of Ethics, of the San Marcos City Code of Ordinances. If, in connection with a decision or matter before the Commission, a conflict of interest or appearance of impropriety as to a Commission member is identified, the affected member shall:

1) notify the staff liaison who shall provide a conflict of interest disclosure form to the member;
2) complete and submit the conflict of interest disclosure form;
3) when the matter is taken up by the Commission, announce the nature of the conflict or appearance of impropriety;
4) thereafter, leave the room until consideration of the matter is concluded; and
5) abstain from any participation in the matter whether before the Commission, a City department, another board or commission or the City Council until the matter is finally concluded.

K. In accordance with Chapter 36 of the Texas Penal Code, members of the Commission shall not accept gifts from persons in connection with the member’s official duties and responsibilities.

ARTICLE 4. OFFICERS.

A. The officers of the Commission shall consist of a Chair and a Vice-Chair.

B. Officers shall be elected annually by a majority vote of the Commission at the first regular meeting on or after March 1 during the agenda item posted for this purpose.

1) In accordance with Section. 12.09 of the City Charter, if the previous chair continues on the Commission they will preside over the meeting and conduct the election.
2) If the previous chair is no longer on the Commission and the Vice-Chair continues on the Commission, the Vice-Chair will preside over the meeting and conduct the election.
3) If neither the Chair nor the Vice-Chair remains on the Commission the staff liaison shall conduct the election of the Chair, at which point the newly elected Chair will preside over the remainder of the meeting, including the election of the Vice-Chair.

C. In the event of a vacancy of the Chair or Vice-Chair during the term, the Commission may hold an election at the next regular meeting. As needed, the Vice-Chair shall conduct the election of the Chair or the Chair shall conduct the election of the Vice-Chair.
D. The term of office shall be one year, beginning the first day of March and ending the last day of February.

E. A member may not hold more than one office at a time.

**ARTICLE 5. DUTIES OF OFFICERS.**

A. The Chair shall be in person at the meeting location, preside at Commission meetings, review each final meeting agenda, and execute approved meeting minutes.

B. In the absence of the Chair, the Vice-Chair may preside, if in person, and shall perform all duties of the Chair.

C. In the absence of both the Chair and the Vice-Chair at the meeting location, the Commission should elect a temporary Chair for that meeting, or until the Chair or Vice-Chair arrives. The staff liaison may conduct the election of a temporary Chair, who shall serve only for the current meeting. The temporary Chair must be present at the meeting location.

D. The Chair is responsible for promoting and maintaining order in meetings. The Chair should ensure adherence to the agenda for the meeting.

E. The Chair should control discussion to ensure that it focuses on the issue and not on any person. Personal remarks and attacks are not permitted. See also Article 7 (B).

**ARTICLE 6. AGENDAS.**

A. Agenda items must comply with Article 2. PURPOSE AND DUTIES.

B. The following general order of business should be used for regular meetings of the Commission:

1. Call to order
2. Roll call
3. Citizen Comments – 3 minutes per speaker
4. Consent Agenda (includes routine items which normally do not need separate discussion such as minutes from the previous meeting)
5. Presentations by City staff or outside entities invited by the Commission.
6. Public Hearings as needed
7. Items for action or discussion/direction
8. Reports (report items should be listed individually as needed to comply with Open Meetings Act requirements)
9. Executive Session (in accordance with Open Meetings Act exceptions)
10. Question and Answer Session.
11. Adjournment

C. The Commission may only discuss or consider an item on the agenda that is stated within the assigned scope of work or charge of the Commission as provided in Article 2.

D. The chair or two or more members may place a discussion item on an agenda for a regular Commission meeting no later than 10 business days prior to the meeting. If two or more members wish to place a discussion item on a meeting agenda, they must separately contact the staff liaison and the chair in writing or by email with the specific topic. The agenda item must comply with Article 2. PURPOSE AND DUTIES.
E. After first consulting with and receiving input from the staff liaison, the Chair shall review each final meeting agenda as prepared by the staff liaison. The Chair may not remove an item placed on an agenda by the staff liaison, prior direction of the Commission under subsection (B) above or placed on an agenda as a discussion item by two members under subsection (C) above.

F. The staff liaison will submit the meeting agenda, and packet as applicable, to the City Clerk’s Office for posting no later than 72 hours before the meeting. If the 72-hour deadline should fall on a weekend or holiday it is the responsibility of the staff liaison to provide the meeting agenda to the City Clerk’s Office by noon on the last business day before the weekend or holiday.

G. Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

A. The Commission meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act) in that discussion and action is limited to the items listed on the agenda for this meeting.

B. If a quorum (a majority of the voting members) does not convene within fifteen minutes of the posted time for the meeting, then the meeting may be cancelled. If there is not a quorum, no business can be conducted, no votes or action can be taken, and there are no minutes.

C. The Commission will conduct its meetings by the rules of common courtesy and procedure identified in Article 10.

D. The Chair should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda. The Chair may allow items to be considered out of order with the informal consent of the Commission.

E. The following types of actions may be taken, or motions can be made during a meeting:
   1. **Approval** - Means the item is approved as proposed.
   2. **Conditional approval** - Means approval for the item will take effect upon the occurrence of the conditions.
   3. **Approval as amended** - Means the item is approved with changes from the original proposal.
   4. **To Table** - Means to temporarily delay the consideration of the item while another item is brought up for consideration.
   5. **Remove from Table** – Means to bring back the previously delayed item for consideration.
   6. **Postpone** - Means postponement of consideration of the item, either until a definite date or event, or indefinitely. Action on the item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
   7. **Reconsider** - Means to reopen discussion of an item that was already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a person who voted on the prevailing side on the original action. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
8. **Withdraw** - Made by the person who made the motion. Does not require a formal vote unless a member objects to the withdrawal.

9. **Close debate** ("calling for the question") – Requires a motion and second and 2/3 vote. If it passes, a vote is then taken on the motion that was under discussion, without further debate. If it fails, debate resumes on the motion that was being discussed.

10. **Amend** - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to the subject of the original motion. This motion is voted upon separately from the original motion.

11. **Recess** - A temporary break in a meeting may be called by the Chair. This does not require a formal vote unless a member objects to the recess.

12. **Limited discussion or debate** - The Chair may establish a reasonable time limit for consideration of an item, or a reasonable time limit on each person addressing the Commission, or upon each Commission member who comments on an issue. This does not require a formal vote unless a member objects to the limits.

F. The Commission shall meet monthly, on the second and fourth Tuesdays of each month. In October of each year, the board shall adopt a schedule of the meetings for the upcoming year.

G. Special meetings of the Commission shall be called by the staff liaison to comply with a statutory deadline or a deadline established by Council or by a vote by the Commission. A special meeting may be called upon the written request of the Chair or any three members of the Commission more often than once a quarter.

H. Executive sessions are permitted only when they have been posted in advance and conform to those requirements of the Texas Government Code Chapter 551 (Texas Open Meetings Act) which pertain to executive sessions.

I. A majority of the voting membership of the Commission members constitute a quorum regardless of vacancies.

J. To be effective, a Commission action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

K. All votes shall be conducted by roll call rather than simple voice vote.

L. The Chair has the same voting privilege as any other member. The voting privileges of members is defined in the Ordinance defining that Commission.

M. The Commission will allow citizens to address the Commission during a period of time set aside for citizen communications during their regular meeting. Each speaker will be limited to three minutes, may speak only once per time period, and may not yield time to others. **See** Section 2.045 of the City Code for details.

N. The staff liaison shall prepare the meeting minutes. The minutes of each Commission meeting must include the vote of each member on each item before the Commission and indicate whether a member voted in favor, against, abstained or is absent.

   Example:
   For: Member 1, Member 2, Member 3, Member 4
   Against: Member 6
   Absent: Member 5 (line only needed if someone is absent)
   Recused: Member 7 (line only needed if someone has recused)
O. The City Clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Planning and Development department shall retain all other Commission documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).

P. The Chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.

**ARTICLE 8. RECOMMENDATIONS.**

A. The Commission is encouraged to provide the City Council with advisory recommendations on matters of City policy within their purpose and duties provided in Article 2 as necessary.

B. In order to communicate recommendations by the Commission to the City Council, the Commission must develop a recommendation resolution. If the recommendation resolution is approved by a majority of the membership, the staff liaison must submit the recommendation resolution to the City Clerk and City Manager for distribution to the City Council within 30 days. In addition, the staff liaison will prepare a cover memo including Staff Recommendations for Implementation which may include budget impacts, staff time required, and/or other considerations.

C. The Commission will submit an annual report to the City Clerk by February 28 of each year.

**ARTICLE 9. COMMITTEES.**

A. The Planning and Zoning Commission does not have any standing committees but may have ad hoc committees as necessary.

B. Each committee must be established by an affirmative vote of the Commission. Each committee shall consist of at least three two, maximum of three Commission members approved by the Commission. A staff member shall be assigned to each committee by the Director of the Planning and Development Services.

C. A committee may choose the Chair, with the members’ consent, but is not required to do so.

D. Quorum requirements do not apply to committees.

E. Committees are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act). A quorum of the membership is not allowed to be present.

F. Each committee shall update the Commission at least quarterly on their work.

**ARTICLE 10. RULES OF COMMON COURTESY AND PROCEDURE.**

A. During meetings, members shall preserve order and decorum, and shall not interrupt or delay proceedings. The Commission meetings will adhere to Section. 2.046. - Rules of Decorum for City Council and City Board and Commission Meetings of the City Code.
B. Members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the board the Commission.

C. Members shall refrain from rude and derogatory remarks and shall not belittle staff members, other Commission members, or members of the public.

D. The Chair should exercise control over persons who abridge this policy or disrupt a meeting the following ascending order of action:
   1. Call the person to order, advising the person of the infraction.
   2. Advise the person that the infraction must cease immediately, or the person will be ordered to leave the meeting.
   3. Order the person to leave the meeting. If the offending person is a member of the Commission, the Chair shall call for a vote on the expulsion of the member from the meeting.

ARTICLE 11. GENERAL POWERS AND DUTIES

A. Personnel Issues: Personnel matters are not within the purview of the Commission and are not appropriate for posting on an agenda, discussion at a meeting, or as a subject for Commission recommendation. Neither the Commission nor any of its members shall recommend, instruct or request the City Manager or any of the City Manager’s subordinates to change the job qualifications for a current employee, appoint, or remove any person from, office or employment. The Commission and its members are prohibited from giving order to subordinates of the City Manager either publicly or privately.

B All Boards and Commissions shall adhere only to their specific general powers and duties within their Ordinance, as provided in Article 2.

ARTICLE 12. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Finance and Audit Committee.

The bylaws were approved by the Planning and Zoning Commission at their meeting held on June 25, 2024.

Enrique Velasquez

Recording Secretary
Attachment B
ARTICLE 1. NAME.

The name of the board is ________________________________ (board or commission name as it appears in the City Code).

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is ________________________________. (Insert the information directly from the City Code.)

Personnel matters are not within the purview of the Board/Commission [Note: Concept is not to be deleted; it is now addressed in Article XI]

ARTICLE 3. MEMBERSHIP.

A. The board (or commission) is composed of _______ (Insert the number of members directly from the City Code.) members appointed by the city council.

B. A member serves at the pleasure of the city council and may be removed if not in compliance with these bylaws.

C. Qualifications: (Insert the information directly from the City Code.)

D. Board (or commission) members serve for a term of ______ (Insert the number of members years directly from the City Code.) years beginning March 1st on the year of appointment. If a member is appointed to fill a vacancy, the term begins on the date of appointment that member will serve for the unexpired portion of the term to which they are appointed. All members must complete required orientation and training as applicable prior to their first meeting.

BE. Prior to taking office all newly appointed members shall attend an orientation. This orientation will include, but may not be limited to, a review of Bylaws, Specific Board Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, parliamentary procedure, how to run a meeting, and procedures on how to file a complaint with the city. [Note: Moved from Article 6. Agendas, item B.]

BE. All vacancies shall be filled as provided for by in accordance with Section 2.071, Vacancies of the City Code and posted on the city council agenda.
Except as specifically duly authorized by their respective board (or commission) or the City Council, an individual board (or commission) member may not:

1) act in an official capacity on behalf of the board (or commission) except through the action of the board (or commission);
2) make any representations to third party or any governing body before which such member appears that the member is authorized to speak for or on behalf of the board (or commission); or
3) participate through written or public comment on a matter being considered by another board or commission or the city council that is an appeal of the decision of or succeeds the recommendation of the board or commission member’s respective board or commission.

Attendance at board (or commission) meetings shall conform to the requirements outlined in Section 2.069 - Absence from meetings of the City Code.

A member who seeks to resign from the board (or commission) shall submit a written resignation to the chair of the board (or commission), and the staff liaison, or who shall notify the city clerk’s office. If possible, the resignation should allow for a thirty-day notice so the city council can appoint a replacement.

Members must comply with Chapter 2, Article 5, -Code of Ethics, of the San Marcos City Code of Ordinances. If, in connection with a decision or matter before the board or commission, a conflict of interest or appearance of impropriety as to a board or commission member is identified, the affected member shall:

1) notify the staff liaison who shall provide a conflict of interest disclosure form to the member;
2) complete and submit the conflict of interest disclosure form;
3) when the matter is taken up by the board or commission, announce the nature of the conflict or appearance of impropriety;
4) thereafter, leave the room until consideration of the matter is concluded; and
5) abstain from any participation in the matter whether before the board or commission, a city department, another board or commission or the city council until the matter is finally concluded.

In accordance with Chapter 36 of the Texas Penal Code, members of the board (or commission) shall not accept gifts from persons in connection with the member’s official duties and responsibilities.

ARTICLE 4. OFFICERS.

A. The officers of the board (or commission) shall consist of a chair and a vice-chair.

B. Officers shall be elected annually by a majority vote of the board (or commission) at the first regular meeting on or after March 1 during the agenda item posted for this purpose.
1) **Per In accordance with Section. 12.09 of the City Charter. Holdover of officers of the City Code, if the previous chair continues on the board or commission they will preside over the meeting and conduct the election.**

2) **If the previous chair is no longer on the board (or commission) and the vice chair continues on the board (or commission) the vice chair will preside over the meeting and conduct the election.**

3) **If neither the chair nor the vice-chair remain on the board (or commission) the staff liaison shall conduct the election of the chair, at which point the newly elected chair will preside over the remainder of the meeting, including the election of the vice-chair.**

C. **In the event of a vacancy of the chair or vice-chair during the term a current officer becomes ineligible to serve as an officer, the board (or commission) may hold an election at the next regular meeting agenda. As needed, the vice-chair shall conduct the election of the chair or the chair shall conduct the election of the vice-chair.**

GD. **The term of office shall be one year, beginning the first day of March April 1st and ending the last day of February March 31.**

DF. **A member may not hold more than one office at a time.**

**ARTICLE 5. DUTIES OF OFFICERS.**

A. **The chair shall be in person at the meeting location, preside at board (or commission) meetings, approve review each final meeting agenda, and execute approved meeting minutes.**

B. **In the absence of the chair, the vice-chair may preside, if in person, and shall perform all duties of the chair.**

C. **In the absence of both the Chair and the Vice-Chair at the meeting location, the board (or commission) should elect an interim a temporary chair for that meeting, or until the Chair or Vice-Chair arrives. The staff liaison may conduct the election of a temporary chair, who shall serve only for the current meeting. The temporary chair must be present at the meeting location.**

D. **The Chair is responsible for promoting and maintaining order in meetings. The Chair should ensure adherence to the agenda for the meeting.**

E. **The Chair should control discussion to ensure that it focuses on the issue and not on any person. Personal remarks and attacks are not permitted. See also Article 7 (B).**

**ARTICLE 6. AGENDAS.**

A. **Agenda items must comply with Article 2 PURPOSE AND DUTIES.**

B. **The following general order of business should be used for regular meetings of the board (or commission):**
Template for Standard City Board/Commission Bylaws

1. Call to order
2. Roll call
3. Citizen Comments – 3 minutes per speaker
4. Consent Agenda (includes routine items which normally do not need separate discussion such as minutes from the previous meeting, which normally do not need separate discussion)
5. Presentations and/or by city staff or outside entities invited by the board (or commission.)
6. Public Hearings as needed
7. Items for action or discussion/direction
8. Reports (report items should be listed individually as needed to comply with Open Meetings Act requirements)
9. Items for future agendas
10. Executive Session (in accordance with Open Meetings Act exceptions)
11. Adjournment

B. Prior to taking office all newly appointed members shall attend an orientation. This-- orientation will include, but may not be limited to, a review of Bylaws, Specific Board—Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, parliamentary procedure, how to run a meeting, and procedures on how to file a complaint with the city. [Moved to Article 3. Membership, item E.]

C. The board (or commission) may only discuss or consider an item on the agenda that is stated within the assigned scope of work or charge of the board (or commission) as provided in Article 2.

D. The chair or two or more members may place a discussion item on an agenda for a regular board (or commission) meeting no later than 10 business days prior to the meeting. If two or more members wish to place a discussion item on a meeting agenda, they must separately contact the staff liaison and the chair in writing or by email with the specific topic. by written request. -The agenda item must comply with Article 2 PURPOSE AND DUTIES.

E. After first consulting with and receiving input from the staff liaison, the chair shall approve review each final meeting agenda as prepared by the staff liaison. The chair may not remove an item placed on an agenda by the staff liaison, prior direction of the board (or commission) under subsection (C) above, or placed on an agenda as a discussion item by two members under subsection (C) above.

F. The staff liaison will submit the meeting agenda, and packet as applicable, to the City Clerk’s Office for posting no later than 72 hours before the meeting. If the 72 hour deadline should fall on a weekend or holiday it is the responsibility of the staff liaison to provide the meeting agenda to the City Clerk’s Office by 4:30 p.m. noon on the last business day before the weekend or holiday.
G. Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

A. The board (or commission) meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act) in that discussion and action is limited to the items listed on the agenda for this meeting.

B. If a quorum (a majority of the voting members) does not convene within one half hour fifteen minutes of the posted time for the meeting, then the meeting is deemed may be cancelled. If there is not a quorum, no business can be conducted, no votes or action can be taken, and there are no minutes.

C. The board (or commission) will conduct its meetings by the rules of common courtesy and procedure identified in Article 10.

D. The Chair should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda. The Chair may allow items to be considered out of order with the informal consent of the board (or commission).

E. The following types of actions may be taken or motions can be made during a meeting:
   1. Approval - Means the item is approved as proposed.
   2. Conditional approval - Means approval for the item will take effect upon the occurrence of the conditions.
   3. Approval as amended - Means the item is approved with changes from the original proposal.
   4. To Table - Means to temporarily delay the consideration of the item while another item is brought up for consideration.
   5. Remove from Table – Means to bring back the previously delayed item for consideration.
   6. Postpone - Means postponement of consideration of the item, either until a definite time date or event, or indefinitely. Action on the item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
   7. Reconsider - Means to reopen discussion of an item that was already acted upon.
      Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a person who voted on the prevailing side on the original action. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
   8. Withdraw - Made by the person who made the motion. Does not require a formal vote unless a member objects to the withdrawal.
   9. Close debate ("calling for the question") – Requires a motion and second and 2/3 vote. If it passes, a vote is then taken on the motion that was under discussion, without further debate. If it fails, debate resumes on the motion that was being discussed.
10. **Amend** - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to the subject of the original motion. This motion is voted upon separately from the original motion. *Note: A friendly amendment, agreed to by persons who made and seconded a motion, does not require a separate vote from the original motion.*

11. **Recess** - A temporary break in a meeting may be called by the Chair. This does not require a formal vote unless a member objects to the recess.

12. **Limited discussion or debate** - The Chair may establish a reasonable time limit for consideration of an item, or a reasonable time limit on each person addressing the board *(or commission)*, or upon each board *(or commission)* member who comments on an issue. This does not require a formal vote unless a member objects to the limits.

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E. **In accordance with the Open Meetings Act**, discussion and action is limited to the items—listed on the agenda for a meeting. Discussion of any subject not listed on the agenda must be limited to whether to place the item on the agenda for a future meeting.  
*Note: Covered in item A above.*

F. **Board (or commission)** meetings will adhere to Sec. 2.045 - Rules of decorum for city council and city board and commission meetings of the San Marcos City Code.  
*Note: Rules regarding citizen comment are addressed in M below. Rules regarding decorum are addressed in Article 10 A.*

G. **The board (or commission)** shall meet *(select one of the following: monthly, quarterly, or when the board is legally required to meet in order to comply with a legal deadline.)* In October of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.

H. **Special meetings of the board (or commission)** shall be called by the staff liaison to comply with a statutory deadline or a deadline established by Council or by a vote by the board *(or commission)*. A special meeting may be called upon the written request of the chair or any three *(two for boards/commissions of less than 7)* members of the board *(or commission)*. A board *(or commission)* may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, no more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.

I. **Executive sessions** are permitted only when they have been posted in advance and conform to those requirements of the Texas Government Code Chapter 551 *(Texas Open Meetings Act)* which pertain to executive sessions.

J. **A majority of the voting membership of the board (or commission)** members constitute a quorum regardless of vacancies.

K. **If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting**, then the meeting is deemed cancelled.
To be effective, a board (or commission) action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.

All votes shall be conducted by roll call rather than simple voice vote.

The chair has the same voting privilege as any other member. (Unless otherwise stated within the board or commission’s Ordinance). The voting privileges of members is defined in the Ordinance defining that board (or commission).

The board (or commission) will allow citizens to address the board (or commission) during a period of time set aside for citizen communications during their regular meeting. Each speaker will be limited to three minutes, may speak only once per time period, and may not yield time to others. See Section 2.045 of the City Code for details.

The staff liaison shall prepare the meeting minutes. The minutes of each board (or commission) meeting must include the vote of each member on each item before the board (or commission) and indicate whether a member voted in favor, against, abstained or is absent, or failed to vote on an item. Example:
For: Member 1, Member 2, Member 3, Member 4
Against: Member 6
Absent: Member 5 (line only needed if someone is absent)
Recused: Member 7 (line only needed if someone has recused)

The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The ______ (liaison’s department name) shall retain all other board (or commission) documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).

The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.

ARTICLE 8. RECOMMENDATIONS.

The board (or commission) is encouraged to provide the city council with advisory recommendations on matters of city policy within their purpose and duties provided in Article 2 as necessary.

In order to communicate recommendations by a board (or commission) to the City Council, the board (or commission) must develop a recommendation resolution. If the recommendation resolution is approved by a majority of the membership, the staff liaison must submit a policy the recommendation resolution that has been approved by a majority of the membership in the form of a resolution to the city clerk and city manager for distribution to the city council within 30 days. In addition, the staff liaison will prepare a cover memo including Staff Recommendations for Implementation which may include budget impacts, staff time required, and/or other considerations.
C. The board *(or commission)* will submit an annual report to the city clerk by February 28 of each year.

**ARTICLE 9. COMMITTEES.**

A. The _________________ *(Name of the board or commission)* shall have the following standing committees: *(Name and describe the duties of each Committee.)* *If the board does not have any committees, use the following alternate language:*

B. The _________________ *(Name of the board or commission)* does not have any standing committees, but may have ad hoc committees as necessary.

C. Each committee must be established by an affirmative vote of the board *(or commission).* Each committee shall consist of at least three, maximum of three (limit of two if the board has less than 7 members) board *(or commission)* members approved by the board *(or commission)*. A staff member shall be assigned to each committee by the director of the *(department name).*

D. A committee may *designate a* choose the chair, with the member’s members’ consent, but is not required to do so.

E. Quorum requirements do not apply to committees.

F. Committees are not required to post their meetings in accordance with the Texas Government Code Chapter 551 *(Texas Open Meetings Act).* A quorum of the membership is not allowed to be present.

G. Each committee shall update the board *(or commission)* at least quarterly on their work.

**ARTICLE 10. RULES OF COMMON COURTESY AND PROCEDURE.**

A. During meetings, members shall preserve order and decorum, and shall not interrupt or delay proceedings. *(Board (or commission) meetings will adhere to Section. 2.046 - Rules of Decorum for City Council and City Board and Commission Meetings of the City Code.)*

B. Members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the board *(or commission).*

C. Members shall refrain from rude and derogatory remarks and shall not belittle staff members, other board *(or commission)* members, or members of the public.

D. The Chair should exercise control over persons who abridge this policy or disrupt a meeting in the following ascending order of action:
   1. Call the person to order, advising the person of the infraction.
2. Advise the person that the infraction must cease immediately, or the person will be ordered to leave the meeting.

3. Order the person to leave the meeting. If the offending person is a member of the board (or commission), the Chair shall call for a vote on the expulsion of the member from the meeting.

ARTICLE 11. GENERAL POWERS AND DUTIES

A. Personnel Issues: Personnel matters are not within the purview of the Board/Commission and are not appropriate for posting on an agenda, discussion at a meeting, or as a subject for a board/commission recommendation. Neither the Board/Commission nor any of its members shall recommend, instruct or request the City Manager or any of the City Manager’s subordinates to change the job qualifications for a current employee, appoint, or remove any person from, office or employment. The Board/Commission and its members are prohibited from giving order to subordinates of the City Manager either publicly or privately.

B All Boards and Commissions shall adhere only to their specific general powers and duties within their Ordinance, as provided in Article 2.

ARTICLE 12. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Finance and Audit Committee.

The bylaws were approved by the __________________________ (insert - board or commission name) at their meeting held on __________________________ (insert – month date, year).

(Signature of Executive or Staff Liaison)  (Title of Executive or Staff Liaison)
Attachment C
BYLAWS OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SAN MARCOS

ARTICLE I.
NAME

The name of the Commission shall be "The Planning and Zoning Commission of the City of San Marcos, Texas." Within these bylaws this commission may be referred to as either the "Planning and Zoning Commission" or "the Commission."

ARTICLE II.
PURPOSE, AUTHORITY, AND DUTIES

Section 1. The Planning and Zoning Commission is responsible for the orderly growth and physical development of the City of San Marcos and its extraterritorial jurisdiction ("ETJ") through the implementation of the community's Master Plan and related land use and development ordinances. Removed

Section 2. The Planning and Zoning Commission shall have powers and duties expressly granted to it under Article VII of the City Charter of the City of San Marcos, the ordinances of the City of San Marcos, and the laws of the State of Texas. In the event of a conflict between these bylaws and any provision of the City Charter or ordinance, or law of the State of Texas, such charter provision, ordinance or law shall govern.

ARTICLE III.
MEMBERSHIP, TERMS, QUORUM, ATTENDANCE

Section 1. The Planning and Zoning Commission shall consist of nine members appointed by the City Council. To be eligible for appointment to the Commission, eight of the Commission members must have resided and owned real property in the city for a period of three years before the date of appointment, and the remaining member must have resided and owned real property in the city's ETJ for a period of three years before the date of appointment. To be eligible for continued service on the Commission, the Commission members appointed as city residents must maintain residence and property ownership in the city, and the Commission member appointed as an ETJ resident must maintain residence and property ownership in the ETJ. Effective March 1, 2015 the ETJ member of the Commission shall be deleted and a qualified city resident member shall be appointed. Members of the Commission shall serve without compensation. Charter Changed.

Section 2. Each Commission member serves a three-year term. Terms are staggered so that three of the members' terms expire in any given year. Term limits shall be governed by Section 2.068 of the City Code, or successor provision.
Section 3. A quorum shall be no less than five members. No business shall be conducted or actions taken without a quorum of the membership present except to call the meeting to order, take roll, declare that a quorum is not present, set time and date of next meeting, and either recess or adjourn the meeting.

Section 4. Absences from meetings shall be governed by Section 2.069 of the City Code.

ARTICLE IV.
OFFICERS

Section 1. The offices of Commission Chair, Commission Vice-Chair and Recording Secretary are established. The Commission shall elect a Chair and Vice-Chair at the first regular meeting of the new term. The Commission shall also confirm, as needed from time to time to fill a vacancy, the Director of Development Services’ appointment of a Recording Secretary. The Recording Secretary shall be a member of the Planning and Development Services Department staff and shall not be a member of the Commission. Does’t follow current practices.

Section 2. The Chair shall:

(a) preside at all meetings of the Commission;
(b) call special meetings of the Commission in accordance with Article V of these bylaws;
(c) sign official documents of the Commission; Not mentioned
(d) appoint special committees of the Commission; and,
(e) see that all actions of the Commission are properly taken.

Section 3. The Vice-Chair shall, during the absence, disability or disqualification of the Chair, perform all the duties of the Chair.

Section 4. In the event that both the Chair and Vice-Chair are absent from any one meeting, the remaining members of the Commission shall elect a temporary Chair to preside over the meeting.

Section 5. In the event of a vacancy in an unexpired term of the Chair, the Vice-Chair will automatically become the Chair and conduct an election to fill the unexpired term of the Vice-Chair. Likewise, in the event of a vacancy in an unexpired term of the Vice-Chair, the Chair will hold an election to fill the unexpired term of the Vice-Chair. If both the Chair and Vice-Chair seats are vacated simultaneously, the remaining members of the Commission will hold an election to fill both unexpired terms of office.

Section 6. The Recording Secretary shall:

(a) post the agenda for all meetings of the Commission;
(b) give or serve all public notices as required by law;
(c) attend the meetings of the Commission and record all votes or other actions taken by the Commission;
(d) prepare the written minutes in accordance with the provisions of Article V, Section 2 of these bylaws;
(e) be the custodian of all Commission records;
(f) sign and attest to the signature of the Chair on all official documents of the Commission;
(g) ensure the proper recordation of subdivision plats and other documents requiring filing with the County Clerk’s office; Reworded in article 7. Section N.

ARTICLE V.
COMMISSION RECORDS

Section 1. A public record shall be maintained of all Commission proceedings. The Recording Secretary, pursuant to the duties outlined in Article IV, Section 6 shall be responsible for all Commission records. All records of the Commission shall be subject to applicable State laws governing the records of a public board.

Section 2. Minutes of all meetings of the Commission, including the vote of “ayes” and “noes” upon the passage of any item properly brought before the Commission, shall be taken and recorded, and such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times. Meeting minutes shall be prepared after each Commission meeting and permanently maintained in the Planning and Development Services Department of the City. Meeting minutes shall be considered draft minutes until the Commission takes formal action to approve the minutes. Meeting minutes shall be a concise record of each agenda item, the action taken on each item and a listing of those who spoke regarding each item. The minutes shall reflect only a short abstract of the position taken by each speaker and shall be neither a verbatim transcript nor a lengthy description of the discussion. Meeting minutes shall accurately reflect all motions and seconds, along with the results of the vote taken on each motion. Where substitute motions, motions to reconsider, or motions to withdraw are made, such motions and the votes on those motions shall also be reflected in the meeting minutes.

Section 3. Each Commission member shall have an obligation to check the meeting minutes for accuracy prior to the meeting at which the minutes will be considered for approval. If a Commission member has more than three corrections or amendments to make to a given set of minutes, the member shall report the corrections in writing to the Recording Secretary prior to the meeting. When the approval of minutes is subsequently called up for discussion, the Recording Secretary shall announce that written corrections have been received and the Commission shall automatically table the minutes to the next meeting without further discussion. Three or fewer corrections may be offered and voted on at the meeting where the minutes are being considered. Approved minutes shall be signed by all members who attended that meeting. Not mentioned

Section 4. Commission meetings shall be recorded on audiotape. The tapes of Commission meetings shall be retained for the period of time prescribed by State law. Not mentioned

Section 5. The Commission Chair shall require that each person coming before the Commission identify himself or herself for the record prior to addressing the Commission.
ARTICLE VI.
MEETINGS, RULES OF CONDUCT

Section 1. The regular meetings of the Planning and Zoning Commission shall be on the second and fourth Tuesdays of each month at 6:00 p.m.

Section 2. Additional or special meetings of the Commission may be held at any time upon the request of either the Chair, the City Council or a majority of the members of the Commission. Such meetings shall follow at least seventy-two hours of notification to Commission members and the public.

Section 3. All meetings of the Commission shall be conducted in accordance with the requirements of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 4. The Chair or two Commission members may direct the staff to place a discussion item on an agenda for a meeting or workshop. If two Commission members wish to direct staff to place a discussion item on an agenda, they must separately contact the staff and the contacts must occur before the Director of Development Services or successor official has set the agenda for the meeting.

Section 5. Regular meetings of the Commission may be canceled by the Director of Development Services or successor official with the consent of the Chair if both of the following criteria are met:

(a) no new items requiring the Commission's attention have been submitted by the public as of 5:00 p.m. of Monday, three weeks prior to any regular meeting date; and
(b) the Chair, a majority of the Commission membership, or the Director of Development Services or successor official have not submitted any items for discussion as of ten days prior to any regular meeting date.

Section 6. The Commission may vote to reschedule or cancel the dates of regularly scheduled meetings to avoid conflicts with holidays or for other special circumstances. The rescheduling or canceling of regular meetings shall be done at least 30 days in advance of the regularly scheduled meeting date.

Section 7. Except as provided in these bylaws, the rules of conduct contained in the most current edition of Robert's Rules of Order Revised shall govern the meetings of the Planning and Zoning Commission. Reworded in Article 10

Section 8. Members, including the Chair and Vice-Chair, shall have the right to vote on all matters coming before the Commission, except for those matters on which the member has a conflict of interest. Voting shall be by roll call vote and the order of voting is to be rotated with each item.

Section 9. Any member of the Planning and Zoning Commission who has a conflict of interest, as defined in Chapter 2, Article V of the City's Code of Ordinances or State law, concerning a matter that is on the agenda of the Commission shall:
(a) publicly announce the nature of the conflict immediately after the agenda item has been called up for discussion or action;
(b) leave the room during the discussion of the item; and
(c) refrain from any discussion or voting on the matter.

Section 10. Any member of the Planning and Zoning Commission who does not legally have a conflict of interest but would like to avoid the appearance of a conflict of interest may elect to follow the procedure established in Section 9 of this Article.

Section 11. Members shall have an obligation to vote on all matters coming before the commission unless the provisions of Sections 8 and 9 of this Article apply or the member was absent during the discussion of the matter, Not mentioned

Section 12. Members shall not represent themselves or any other person, group or interest before the Commission, the Zoning Board of Adjustments and Appeals or the City Council on any matter involving land use or development. This provision shall not preclude a member from representing an interest in his or her homestead. Members may represent an interest in their own property before the City Council. Members may represent the Commission in reporting on the activities of the Commission to the Zoning Board of Adjustments and Appeals or the City Council.

ARTICLE VII.
COMMITTEES

Section 1. Committees, standing or special, may be established or abolished by the direction of a majority of the entire membership of the Commission.

Section 2. The Chair shall appoint members of all committees.

ARTICLE VIII.
AMENDMENTS

These rules may be amended at any meeting by a vote of the majority of the entire membership of the Commission provided a minimum of seventy-two hours notice of the intent to change the bylaws has been given to the public and each member of the Commission. Reworded in Article 12

PASSED, APPROVED AND ADOPTED by the City of San Marcos Planning and Zoning Commission on this the 26th day of August, 2014.

Attest:

__________________________________________  ________________________________
Chris Wood, Chair                        Francis Serna
Planning and Zoning Commission            Recording Secretary
Attachment D
Sec. 7.01. - Planning and zoning commission.

(a) A city planning and zoning commission is established. The commission shall consist of nine members appointed for staggered three-year terms. Commission members shall be appointed by the council and serve without compensation. No action by the commission shall have any force or effect unless it is adopted by a vote of five or more of its members.

(b) To be eligible for appointment to the commission, all commission members must have resided in the city for a period of five years before the date of appointment. To be eligible for continued service on the commission, the commission members must maintain residence in the city.

(c) The council shall establish, by ordinance, the month in which appointments are made, and the month in which terms of office commence. The council may prescribe, by ordinance, educational requirements to be met after persons are appointed to the commission.

(d) In making appointments to the commission, council shall seek to ensure broad citizen representation which includes geographic, professional, gender, racial, and viewpoint diversity. The commission shall establish bylaws to govern rules of procedure and the annual election of officers. All meetings of the commission shall be open to the public.


Sec. 7.02. - Powers and duties of the commission.

The commission shall have the power and be required to:

(1) Be responsible to and act as an advisory body to the council on all matters related to the physical growth and development of the city. The planning and zoning staff shall follow all city ordinances, rules, and regulations and confer with the city attorney before making any recommendations to the planning and zoning commission. The planning and zoning commission shall follow all city ordinances, rules and regulations before making any recommendations to the city council.

(2) Review and be the final approval authority for the subdivision and platting of land within the city and its extraterritorial jurisdiction. The council or the commission may expressly delegate authority to approve certain minor subdivision plats to the director of the planning and development services department in accordance with the provisions of state law.

(3) Hold a public hearing and recommend to the city council the approval or disapproval of any proposed change to the city’s official zoning map.
(4) Hold public hearings and approve or deny conditional use permit applications made under the city's zoning ordinances, subject to an appeal of such decisions to the city council. The council, on appeal, may uphold, modify, or reverse the decision of the commission. The council may reverse a decision of the commission to deny a permit only by a vote of at least six members of the council in favor of reversal. Appeals to the council on conditional use permit applications will be based on the record before the planning and zoning commission, Texas and Federal laws, and San Marcos city ordinances and regulations. The decision on appeals before city council will be governed by the substantial evidence rule. Decisions of the commission to revoke or suspend conditional use permits will be final and may not be appealed to the council.

(5) Submit annually to the city council, not less than one hundred and twenty days prior to the beginning of the fiscal year, a list of recommended capital improvements found necessary or desirable.

(6) Hold an annual public hearing on the Land Development Code and recommend any necessary or desirable changes to the council.

(7) Perform an ongoing review of the city's comprehensive plan to include:

(a) Holding an annual public hearing on the plan and recommend any necessary or desirable changes to the council;

(b) Holding public hearings and making recommendations to the council regarding updates to the land use and transportation elements of the plan at least once every three years; and

(c) Holding public hearings and making recommendations to the council regarding the update of the entire comprehensive plan document at least once every five years.

(8) Perform such other duties and be vested with such other powers as the council may prescribe in accordance with state law.

(9) Require information from the administrative units of city government in relation to the duties of the commission listed under this section.

(Ord. No. 1981-51, Prop. 14, 7-6-81/8-8-81; Ord. No. 1984-11, Prop. 12, 1-30-84/4-7-84; Ord. No. 1986-4, Prop. 17, 1-27-86/4-5-86; Ord. No. 1990-8, Prop. 4, 2-12-90/5-5-90; Ord. No. 1994-16, Prop. 8, 3-22-94/5-7-94; Ord. No. 2000-12, Prop. 11, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 11, 5-9-00/5-6-00; Ord. No. 2002-12, Prop. 5, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 5, 5-7-02/5-4-02; Ord. No. 2006-36, § 2(12), 8-15-06/11-7-06; Ord. No. 2013-44, Props. 5, 6, 8-20-13/11-5-13; Ord. No. 2017-45, § 2(Props. N, O), 8-15-17/11-7-17)

**Editor’s note**—The amendment adopted in Ordinance Number 1994-16 created a planning and zoning commission and established this section which repealed sections 7.05 through 7.07 which contained the power and duties of both a planning commission and zoning commission.
Sec. 7.03. - The comprehensive plan.

(a) The comprehensive plan for the City of San Marcos shall be used to guide the growth and development of the city. The comprehensive plan shall be adopted by ordinance. The city council will endeavor to ensure that city ordinances governing growth and development are consistent with the goals and policies contained in the comprehensive plan; however, land use maps and descriptions contained in the comprehensive plan do not constitute zoning, and do not entitle any property owner to any change in zoning.

(b) The commission shall conduct an ongoing review of the plan in accordance with Section 7.02. The commission may recommend amendments to the comprehensive plan after at least one public hearing on the proposed action. The council may amend the comprehensive plan after at least one public hearing on the proposed action. The council shall not act on any amendment affecting the comprehensive plan unless and until a recommendation on the amendment is received from the commission.

(Ord. No. 1984-11, Prop. 14, 1-30-84/4-7-84; Ord. No. 1986-4, Prop. 18, 1-27-86/4-5-86; Ord. No. 1994-16, Prop. 8, 3-22-94/5-7-94; Ord. No. 1998-7, Prop. 8, 2-9-98/5-5-98; Ord. No. 2000-12, Prop. 11, 2-14-00/5-6-00; Ord. No. 2000-40, Prop. 11, 5-9-00/5-6-00; Ord. No. 2002-12, Prop. 6, 2-11-02/5-4-02; Ord. No. 2002-35, Prop. 6, 5-7-02/5-4-02; Ord. No. 2013-44, Prop. 6, 8-20-13/11-5-13)

Editor's note—The amendment adopted in Ordinance Number 1994-16 reenacted this section which was formerly Charter § 7.08.

Sec. 7.04. - Organization.

The commission shall elect a chair from its membership annually, and shall establish rules of procedure which shall include the following:

(1) A quorum shall consist of a majority of the membership.

(2) The chair shall be entitled to vote upon any question.

(3) All meetings shall be open to the public.


DIVISION 2. - PLANNING AND ZONING COMMISSION

Footnotes:
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Charter reference—Planning and zoning commission, § 7.01 et seq.
Sec. 2.091. - Membership; eligibility; term of office; training qualification requirements.

(a) The planning and zoning commission consists of nine members, appointed by city council.

(b) To be eligible for appointment and continued service on the commission, all of the commission members must have resided in the city for a period of five years before the date of appointment. To be eligible for continued service on the commission members must maintain residence in the city.

(c) The council will seek to ensure broad citizen representation and expertise among the membership which includes geographic, professional, gender, racial, and viewpoint diversity in making appointments to the planning and zoning commission.

(d) Three members of the planning and zoning commission are appointed each year for staggered three-year terms, with one-third to be appointed each year on a continuing basis.

(e) A newly appointed regular member, must attend an orientation meeting with the director of planning and development services, and must attend a seminar on land use, environmental and planning issues approved by the director. The director will advise newly appointed members who do not already meet these requirements of the date and location of approved seminars, and will facilitate their registration and attendance at the seminars. The members are entitled to reimbursement for reasonable costs of attendance. If a newly appointed member fails to fulfill these attendance requirements within six months of being appointed, the appointment is automatically rescinded and the city council will make a new appointment.


Sec. 2.092. - Planning and zoning commission designated as airport zoning commission.

(a) The planning and zoning commission is designated as the airport zoning commission.

(b) Except as otherwise specifically provided by state law, ordinance, or duly approved bylaws governing the affairs of the airport zoning commission, the airport zoning commission shall follow the same meeting rules of procedure and decorum as applicable to the planning and zoning commission.

(Ord. No. 2023-43, § 1, 7-3-23)

Secs. 2.093—2.110. - Reserved.