



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final-Amended Planning and Zoning Commission

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Tuesday, July 28, 2020

6:00 PM

Virtual Meeting

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**Due to COVID-19, this will be a 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

II. Roll Call

III. Chairperson's Opening Remarks

### EXECUTIVE SESSION

*NOTE: The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

IV. 30 Minute Citizen Comment Period

*Persons wishing to comment during the citizen comment period must submit their written comments to [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) no later than 12:00 p.m. on the day of the meeting. Timely submitted comments will be read aloud during the citizen comment portion of the meeting. Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read.*

### CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of June 9, 2020.
2. Consider approval of the minutes of the Design Guideline Workshop on June 25, 2020.
3. PC-20-37 (Cottonwood Creek Master Plan) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, Ltd., for 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. (T. Carpenter)

### PUBLIC HEARINGS

*Interested persons may join and participate in any of the Public Hearing items (4-9) by:  
1) Sending written comments, to be read aloud\*; or*

2) Requesting a link to speak during the public hearing portion of the virtual meeting, including which item you wish to speak on\*.

\*Written comments or requests to join in a public hearing must be sent to [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) no later than 12:00 p.m. on the day of the hearing. Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read. To view the meeting please go to <http://sanmarcostx.gov/541/PZ-Video-Archives> to view the live stream, or watch on Grande Channel 16 or Spectrum Channel 10. For additional information on making comments during the Public Hearings please visit <http://www.sanmarcostx.gov/3103/18805/Citizen-Comments-Virtual-Meetings>

4. AC-20-03 (La Cima Multifamily) Hold a public hearing and consider a request by Eric Willis, on behalf of La Cima Commercial L.P., for an Alternative Compliance to the block size requirements in Section 4.4.3.2 of the Multifamily Residential Design Standards in Ordinance 2014-35 for a proposed multifamily residential development located at the northwest corner of West Centerpoint Road and Flint Ridge Road, Hays County, Texas. (A. Brake)
5. AC-20-06 (724 Valley Street) Hold a public hearing and consider a request by Al Carroll on behalf of Marel and Rosa Alvarado for an Alternative Compliance Request to allow two lots that exceed a 3:1 ratio in length to width for approximately 0.34 acres out of the B. W. Breeding Addition, Located at 724 Valley Street. (W. Parrish)
6. AC-20-10 (242 Guadalupe) Hold a public hearing and consider a request by Carlos Iglesias on behalf of Greater Texas Credit Union for an Alternative Compliance Request to allow a building expansion that does not meet the Build to Zone standards of Section 4.3.3.3(E)1 and the Minimum Two Story requirements of Section 4.3.4.4 for a property located at 242 Guadalupe Street. (W. Parrish)
7. ZC-20-09 (724 Valley Street) Hold a public hearing and consider a request by Al Carroll on behalf of Marel and Rosa Alvarado for a Zoning Change from Single Family - 6 (SF-6) to Neighborhood Density - 3 (ND-3), for approximately 0.34 acres out of the B. W. Breeding Addition, Located at 724 Valley Street. (W. Parrish)
8. ZC-20-10 (The Barracks) Hold a public hearing and consider a request by Ed Theriot on behalf of McCoy Family Partnership One and Two for a Zoning Change from Future Development (FD) to Planning Area District - Medium Intensity (PAD-MI), for approximately 109.5 acres out of the Barnett O. Kane, Cyrus Wickson, and J.M. Veramendi No. 1 surveys, located near the intersection of Wonder World Drive and Hwy 123. (W. Parrish)
9. ZC-20-14 (101 & 103 Lockhart Street) Hold a public hearing and consider a request by Andrew Nance, on behalf of Ryan Bragg, for a Zoning Change from Duplex (D) to Neighborhood Density - 3 (ND-3), for approximately 0.2938 acres consisting of lot 46 of the A.M. Ramsay Subdivision, located at 101 & 103 Lockhart Street. (T. Carpenter)

## V. Adjournment

## VI. Addendum

Items # 3, #6 and #8 were added after the agenda was posted at 10:34 a.m.

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:  
\_\_\_\_\_



## Legislation Text

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**File #:** ID#20-467, **Version:** 1

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**AGENDA CAPTION:**

Consider approval of the minutes of the regular meeting of June 9, 2020.

**Meeting date:** July 28, 2020

**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

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**File #:** ID#20-467, **Version:** 1

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**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if 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.



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes - Draft Planning and Zoning Commission

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Tuesday, June 9, 2020

6:00 PM

Virtual Meeting

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**Due to COVID-19, this will be a 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 a quorum present the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Chair Gleason at 6:01 p.m. on Tuesday, June 9, 2020 via Virtual Meeting due to COVID-19.

### II. Roll Call

- Present** 8 - Commissioner Mike Dillon, Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, Commissioner William Agnew, Commissioner Mark Gleason, Commissioner Kate McCarty, and Commissioner Griffin Spell
- Absent** 1 - Commissioner Matthew Haverland

### III. Chairperson's Opening Remarks

#### EXECUTIVE SESSION

### IV. 30 Minute Citizen Comment Period

Miguel Arredondo provided a comment that was read aloud during the meeting. In it, he said that Items 14, 26, 32 and 35 and proposed changes to the Land Development Code would have a negative impact on affordability of homes. He requested adopting the Housing Task Force's recommended language on meeting affordability outlined in Strategic Housing Action Plan instead of the Staff's amended text, omitting occupancy restrictions for CD3 Zoning Districts, denying the Public Hearing requirement for zoning map amendments to Neighborhood Density Districts, not requiring CUPs for accessory dwelling units, and not creating a CD2.5 Zoning District.

Keely Sonlitner provided a comment that was read aloud during the meeting. She asked the Commission to postpone Items 20, 23, 26, 30, 32, 35, 36, 37 and 38 to phase 3 because they are policy changes. She said that an entire revision of the Code does not make sense, and the proposed changes negate the City's goals of affordable and diverse housing.

Sarah Simpson provided a comment that was read aloud during the meeting. Ms. Simpson postponement of Items 14, 23, 26, 30, 32, 36, 3 and 38. She advised against

making changes to parking policy that would increase usage of high carbon transportation. She also advised against changes to the Land Development Code that would make it harder for people to building or occupy affordable housing in all areas is unethical to ending discrimination in zoning practices.

Lisa Marie Coppoletta provided a comment that was read aloud during the meeting. She said that some, but not all of her neighbors received postcards informing them that their neighborhood would be a dump site for the Hopkins Overlay project. She said it's a toxic site. She also said she advised the City there needed to be road blocks installed, which have not been added. She said that her block did not get their trees trimmed, but those residents across Bishop on Belvin St. did, and an 18-wheeler got stuck on her block, hitting Live Oak trees.

Laura Dupont provided a written comment that was read aloud during the meeting. She said she served on the Housing Taskforce, and gained a better understanding of the needs and wants of the community. She added that a strategic plan was introduced, but at the time, the Planning and Zoning Commission chose not to adopt the plan as created, and asked why. She added that Code SMTX was created after years of community initiative to better guide growth and development in the community, and said now it's in jeopardy of being dismantled, and asked why. She added that polices and codes that favor one kind of neighbor does not show interest in inclusion and diversity. She provided comments for Items 14 (Strategic Action Housing Plan), 26 (CD-3 Occupancy Restrictions), 32 ("Information Meetings") for Neighborhood Districts, 35 (Making ADUs a Conditional Use for all Zoning Districts and 38 (CD-2.5) for the Commission to review.

## CONSENT AGENDA

1. PC-20-16 (Cottonwood Creek Phase 3 Unit 8) Consider a request by Pape Dawson Engineers, on behalf of Continental Homes of Texas, LP to approve the Final Plat consisting of approximately 21.471 acres, more or less, out of the Farnham Frye and John F. Geister Surveys. (T. Carpenter)

**A motion was made by Commissioner Kelsey, seconded by Commissioner Dillon, that the Consent Agenda be approved. The motion carried by the following vote:**

**For:** 8 - Commissioner Dillon, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Against:** 0

**Absent:** 1 - Commissioner Haverland

## NON-CONSENT

2. Consider a recommendation to the City Council regarding text amendments to the San Marcos Development Code to address recommendations from the Alcohol Conditional Use Permit Committee, the Housing Task Force, the Historic Preservation Commission, and

recommendations from City staff concerning application processing and requirements, block perimeter standards, Certificate of Appropriateness appeals, Concept Plat applicability, right-of-way dimensional standards, building type definitions, Neighborhood Density District zoning regulations, Character District zoning regulations, a new Special Events Facility use, multifamily parking standards, accessory dwelling units, neighborhood transitions, durable building materials, detention and water quality requirements for plats of four residential lots or less, detention requirements outside the Urban Stormwater Management District, delineation of water quality and buffer zones, channel design for water quality zone reclamation, sensitive geologic feature protection zones, geological assessment waivers, and Qualified Watershed Protection Plan applicability, and adoption of Appendix Q of the International Residential Code (S. Caldwell)

**A motion was made by Commissioner Kelsey, seconded by Commissioner McCarty that the text amendments to the San Marcos Development Code be approved.**

**A motion was made by Commissioner Gleason seconded by Commissioner Spell, that Item #1 (Expand Administrative Approval Ability for Qualified Watershed Protection Plans) be approved with the condition that: It shall require the Commission to receive a presentation when the Water Quality Protection Plan is over 40 acres, exercising its Quasi-judicial ability.**

**Commissioner Gleason removed the previous amendment.**

**A motion was made by Commissioner Gleason, seconded by Commissioner Spell that Item #1 (Expand Administrative Approval Ability for Qualified Watershed Protection Plans) be approved with the condition that: It shall require the Commission to receive an informational only presentation when the Water Quality Protection Plan is over 40 acres. The motion carried by the following vote:**

**For:** 8 - Commissioner Dillon, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Against:** 0

**Absent:** 1 - Commissioner Haverland

**A motion was made by Commissioner Moore, seconded by Commissioner Kelsey, that Item #2 (Fee-in-Lieu of Detention & exemption to Water Quality Treatment Requirement-for platting 4 or less lots in Single Family Residential Zoning Districts) be approved with the condition that: It remove language for Single Family and reword to - Plats of four lots or less where the lots subdivided from the parent parcel do not exceed .5 acres each, are restricted by**

**zoning or deed to 65% Impervious Cover or less and are served by an existing street be approved. The motion carried by the following vote:**

**For:** 8 - Commissioner Dillon, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Against:** 0

**Absent:** 1 - Commissioner Haverland

**A motion was made by Commissioner Rand, seconded by Commissioner Spell, that Item #2 (Fee-in-Lieu of Detention & exemption to Water Quality Treatment Requirement-for platting 4 or less lots in Single Family Residential Zoning Districts) be approved with the condition that: It add the language: "An exemption is not allowed for the submittal of a series of plats of 4 lots or less with the intention of producing a tract that is greater than 4 lots be approved. The motion carried by the following vote:**

**For:** 8 - Commissioner Dillon, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Against:** 0

**Absent:** 1 - Commissioner Haverland

**A motion was made by Commissioner Moore, seconded by Commissioner Kelsey, that tem #4 (Fee-in-Lieu of Detention & exemption to Water Quality Treatment Requirement-for platting 4 or less lots in Single Family Residential Zoning Districts) be approved with the condition that: It remove language for Single Family and reword to - Plats of four lots or less where the lots subdivided from the parent parcel do not exceed .5 acres each, are restricted by zoning or deed to 65% Impervious Cover or less and are served by an existing street be approved. The motion carried by the following vote:**

**For:** 8 - Commissioner Dillon, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Against:** 0

**Absent:** 1 - Commissioner Haverland

**A motion was made by Commissioner Gleason, second by Commissioner**

**Kelsey that Item #13A (Update Noise Ordinance) should be approved with the following condition: To change the verbiage to read that sound shall not come from the property.**

**A motion was made by Commissioner Gleason, seconded by Commissioner Kelsey that Item #13A (Update Noise Ordinance) that the initial motion be amended so that the verbiage reads that: No activity coming from the property shall produce noise. The motion carried by the following vote:**

**For:** 8 - Commissioner Dillon, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Against:** 0

**Absent:** 1 - Commissioner Haverland

**A motion was made by Commissioner Rand, seconded by Commissioner Moore, that Item #13A (Update Noise Ordinance) be approved with the condition that: It shall remove Section 3, 7.4.2.1(A)(3). The motion carried by the following vote:**

**For:** 8 - Commissioner Dillon, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Against:** 0

**Absent:** 1 - Commissioner Haverland

**A motion was made by Commissioner Rand, seconded by Commissioner McCarty that Item #13 (Update Noise Ordinance) be approved with the condition that: The City Council shall look into ways of installing continuous cloud streaming monitors around repeat noise offenders. The motion was withdrawn.**

**A motion was made by Commissioner Moore, seconded by Commissioner Rand, that Item #14 (Add Strategic Housing Action Plan as zoning criteria) be approved with the condition to: Update the language to adopt the Housing Taskforce's recommended language to include: Meets affordability needs as defined in the Strategic Housing Action Plan. The motion failed by the following vote:**

**For:** 3 - Commissioner Dillon, Commissioner Moore and Commissioner Kelsey

**Against:** 5 - Commissioner Rand, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Absent:** 1 - Commissioner Haverland

**A motion was made by Commissioner Agnew, seconded by Commissioner McCarty, that Item #15 (Exempt small lot and infill development from the maximum lot width to depth requirement) be approved with the condition that: Infill language shall be removed, leaving the Code as is. The motion carried by the following vote:**

**For:** 6 - Commissioner Dillon, Commissioner Rand, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Against:** 2 - Commissioner Moore and Commissioner Kelsey

**Absent:** 1 - Commissioner Haverland

**A motion was made by Commissioner Moore, seconded by Commissioner Kelsey, that item #20 (Allow recommendation and approval of less intense zoning classification) be approved with the condition to: Remove the proposed policy change. The motion failed by the following vote:**

**For:** 2 - Commissioner Dillon and Commissioner Moore

**Against:** 5 - Commissioner Rand, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Absent:** 2 - Commissioner Haverland and Commissioner Kelsey

**A motion was made by Commissioner Moore to postpone Item #23 (Increase block perimeter in the ETJ). to Phase 3. The motion failed for lack of second.**

**A motion was made by Commissioner Moore, seconded by Commissioner Rand, that Item #26 ( Add occupancy restrictions to CD-3 zoning district) be approved with the condition that: It be moved to Phase 3.**

**A motion was made by Commissioner Moore, seconded by Commissioner Rand, to amend the initial motion so that Item #26 (Add occupancy to CD-3 zoning district) be removed for consideration. The motion failed by the**

**following vote:**

- For:** 2 - Commissioner Rand and Commissioner Moore
- Against:** 5 - Commissioner Dillon, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell
- Absent:** 2 - Commissioner Haverland and Commissioner Kelsey

**A motion was made by Commissioner Moore, seconded by Commissioner Rand, that Item #30 (Create a Neighborhood Density District) be removed for consideration. The motion failed by the following vote:**

- For:** 1 - Commissioner Moore
- Against:** 6 - Commissioner Dillon, Commissioner Rand, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell
- Absent:** 2 - Commissioner Haverland and Commissioner Kelsey

**A motion was made by Commissioner Rand that Item #32 (Amend Table 4.1 to provide clarity) be removed for consideration. The motion failed for lack of second.**

**A motion was made by Commissioner Moore, seconded by Commissioner Rand, that Item #35 (Require CUP for ADU) be removed for consideration. The motion failed by the following vote:**

- For:** 2 - Commissioner Rand and Commissioner Moore
- Against:** 5 - Commissioner Dillon, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell
- Absent:** 2 - Commissioner Haverland and Commissioner Kelsey

**A motion was made by Commissioner Moore to remove Item #36 (On Street Parking) for consideration. The motion failed for lack of second.**

**A motion was made by Commissioner Moore to remove Item # 37 (Parking Exemptions Specific to CD-5 and CD-5D) for consideration. The motion failed for lack of second.**

**A motion was made by Commissioner Moore, seconded by Commissioner Rand, to remove Item #38 (Amend Character Districts) for consideration. The motion failed by the following vote:**

**For:** 2 - Commissioner Rand and Commissioner Moore

**Against:** 5 - Commissioner Dillon, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Absent:** 2 - Commissioner Haverland and Commissioner Kelsey

**Chair Gleason called for a vote on the main motion to approve the text amendments to the San Marcos Development Code. The motion carried by the following vote:**

**For:** 6 - Commissioner Dillon, Commissioner Rand, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

**Against:** 1 - Commissioner Moore

**Absent:** 2 - Commissioner Haverland and Commissioner Kelsey

V. Question and Answer Session with Press and Public.

There were no questions from the Press or Public.

VI. Adjournment

The meeting was adjourned at 10:32 p.m.

Notice of Assistance at the Public Meetings

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:



Legislation Text

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File #: ID#20-448, Version: 1

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**AGENDA CAPTION:**

Consider approval of the minutes of the Design Guideline Workshop on June 25, 2020.

Meeting date: July 28, 2020

Department: Planning and Zoning Commission

**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

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if 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.



# City of San Marcos

## Meeting Minutes City Council/Planning & Zoning Commission

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Thursday, June 25, 2020

6:30 PM

Joint City Council/P&Z Design Guideline Meeting

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**This meeting was held using conferencing software due to the COVID-19 rules.**

### I. Call To Order

**With a quorum present, the joint workshop meeting of the San Marcos City Council and Planning and Zoning Commission was called to order by Mayor Hughson at 6:30 p.m. Thursday, June 25, 2020. The meeting was held virtually.**

**II. Roll Call**      **Council Members Present:** 6 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker, Council Member Saul Gonzales, William Agnew,

**Council Members Absent:** 1 - Council Member Joca Marquez and Mike Dillon

**Commission Members Present:** 8 - William Agnew, Mark Gleason, Matthew Haverland, Travis Kelsey, Kate McCarty, Gabrielle Moore, Betseygail Rand and Griffin Spell

**Commission Members Absent:** 1 - Mike Dillon

### PRESENTATIONS

1. Receive a presentation from Staff and project consultants, Winter and Company, on the update to the downtown design guidelines; and provide direction to Staff.

**Bert Lumbreras, City Manager, provided a brief introduction on the downtown design guidelines and standards. He mentioned that in 2012, the City contracted with Winter and Company to develop and adopt downtown design guidelines and architectural standards to regulate the look and feel of new buildings in the downtown area. Earlier this year, City Council provided direction to update those standards under the guidance of the previous consultants, Winter and Company. This presentation will address design issues, create new graphics to clearly illustrate the standards and the guidelines, and will tailor those standards to different contexts and areas within the downtown. Mr. Lumbreras mentioned that the city has been working to collect initial community feedback on the existing downtown standards by hosting 3 virtual focus group meetings and conducting an initial kickoff survey that was offered in English and Spanish and received approximately 550 responses from the**

community.

Mr. Lumbreras introduced Andrea Villalobos, Senior Planner, with the Planning and Development Services Department to lead the presentation.

Ms. Villalobos explained that the purpose of the presentation is provide information to City Council and the Planning and Zoning Commission (P&Z). Items to be discussed include the following:

1. Review the project background and scope.
2. Present initial community feedback regarding design issues and successes
3. Explain initial approach for key design topics
4. Gather input from City Council members and Commissioners regarding the design topics and design contexts
5. Explain next steps for the project and the next opportunity for community input

Ms. Villalobos introduced Nore Winter and Marcia Boyle of Winter and Company. Mr. Winter, President with Winter & Company stated 2012 they developed the Downtown Design Guidelines and Architectural Standards. These were built on top of recently adopted Smartcode (at that time) for downtown which focused on some basic building forms that established the basic shape and volume that was permitted in a range of building types. At the time, the City wanted to add a layer of context sensitive design standards that began to recognize that within the downtown district there are actually sub-areas where different approaches to design would be thought to be appropriate. That was a key part of the project in 2012. There were supplements to the code and a complementary design guidelines document intended to help in interpreting those standards and also when considering alternative compliance options.

Mr. Winter stated in 2018 standards carried over into the new development code, and Appendix A of the Design Manual and noted the map with the areas of different Design Contexts shown. He noted different strategies for height and massing and general design character were refined for those different sub-areas. That served as the starting point for the revisions that occurred in 2018. The city brought forward some of those standards into the new Land Development Code and expanded the range in which some of those standards applied particularly for some of those related to varied massing.

The design guidelines that have been written specifically for downtown were added to a more comprehensive design manual that includes guidelines for

historic preservation as well as for some other design areas within the city. Those are the ones that are currently used when reviewing new development in the downtown area. Mr. Winter stated that their work this year was to focus on the 2020 update and to look more closely at the issues that have been identified by the community based on concerns about some of the more recent developments, some of which has been considered to be successful and others that have raised issues, particularly about compatibility and how they reflected the character of San Marcos.

**Focus of 2020 update:**

- **Include new standards to address design issues identified by the community**
- **Incorporation of new graphics to clearly illustrate the standards and guidelines**
- **Tailor standards and guidelines to various contexts within downtown**

**The key topics to be addressed include:**

- **Massing of larger buildings to promote compatibility with traditional downtown scale**
- **Articulation of facades**
- **Building materials**
- **Street level design that promotes a sense of place and activates the public realm**
- **Transitions from high density zones to sensitive edges**

**Marcia Boyle, with Winter & Company, highlighted the feedback received from the community. They met with the Historic Preservation Commission, Heritage Association, Main Street Advisory Board, Downtown Design Task Force and Downtown Association Board.**

**Ms. Boyle stated the feedback was similar at all three meetings plus the input from the community and the big ideas that came from these meetings include: Design excellence, Sense of place (design for San Marcos specifically), Four sided design, Visual continuity, Balancing old and new and responding to "context".**

**The detailed observations feedback included the following: Buildings are too long and monolithic, Parking opinions ranged from too much parking to too little, parking to parking not in the right locations, the scale of new buildings is too large - out of scale with existing buildings, views of the skyline are obstructed by new buildings, and lastly outdoor dining spaces are crucial.**

**Ms. Boyle shared the online survey results that was open for approximately one month in both English and Spanish. There were 549 responses. Outreach included Social Media, Press Releases, Webpage, Focus groups, and Downtown permit contacts.**

**The survey had the following questions:**

**Demographics showed that respondent were:**

**residents-69%, Texas State Student 8%, architects 1%, Developers 1%, San Marcos business owners 7%, and none or more than one of any of these categories 12%.**

**Trends the survey asked - How do you feel about the current trends in the scale of new buildings in the downtown area?**

**34% said very inappropriate, 31% said somewhat inappropriate, 11% said very appropriate, 17% somewhat appropriate and 7% were neutral.**

**Successful Projects the survey asked - What recent development projects downtown have had successful designs?**

**The top 10 responses include none (59), Cheatham Street Flats (21), The Local (14), Industry (11), Frost Bank Building Renovation (10), Old Justice Building on Guadalupe St Renovation (10), CM Allen Parkway / Riverfront Design (9), Aquabrew (7), Gumby's (6), and The View (6).**

**Design Issues the survey asked - What, if any, design issues related to building design do you see downtown?**

**The top 10 responses include the need for a consistent design (88), new buildings are too tall (84), scale/size (too large for downtown) (48), disruption of views and skyline (30), parking, materials and color (28), student apartments are an issue (26), traffic impacts of new construction (14), retaining and reusing historic buildings (10), and density is too high (9).**

**Other topics the survey asked - If there are any other building design topics you believe should be addressed in this project?**

**The top 10 responses include: maintain historic character, (31) parking, (30) sustainable building and site design, (19) building height, (18) pedestrian and bicycle friendly, (15) new building design, (15) green space/required landscaping, (12) prohibiting additional high rise apartments, (11) landscaping with sustainable, native plants, xeriscaping, (11) and infrastructure improvements (10).**

**Favorite attributes the survey asked - As you walk downtown, what are some of your favorite attributes?**

**The top 10 responses include: landscape beautification (78), shade/mature trees, shaded sidewalks (76), historic buildings (restored) and features (53), sidewalks and bike lane/paths (51), lively street scenes, including outdoor dining (47), small businesses/local feel/diversity in businesses (33), window shopping (31), courthouse and its lawn (25), murals and art (21).**

**The similar big ideas that came from both the focus groups and online survey include:**

- Visual continuity and designs that are compatible with one another**
- Preserving and reusing historic buildings, and designing new buildings to be compatible with historic buildings**
- Maintaining the San Marcos identity and character**
- Addressing key topics including height, views, materials, sustainability, parking**

**Mr. Winter continued the presentation to discuss the following design topics & analysis:**

**Massing - Existing guidelines are brief and high level and provide some additional detail but focus only on varied upper floor massing. Potential updates will include additional information and examples of how to apply varied building massing options and this will include options beyond varied upper floor massing. After a brief discussion by Council and Commissioners, the consensus was to include various massing with more detail such as the examples provided.**

**Commissioner Moore noted that buildings like this couldn't be built today because of the parking requirements. She believes that we need to lower our parking requirements and ask people to walk to where they need to go. Given that, how can we recreate this nostalgic area like we want? Mr. Winter said we may not see buildings such as those we have now, but we can learn from them. Most of those buildings were on narrow lot widths but the architecture can be translated to a larger building. It is true that parking is an elephant in the room for any downtown there is a transitional point of deciding to adjust parking ratios, it may affect the scale of the building, but from an architectural standpoint is not an important design guideline and we can address it. A storefront can wrap around the parking. For a parking level, there are other ways to make it interesting. That's why the issue of four-sided design is so interesting. People had commented on the blank walls along alleys that now we want people to walk there. Enhancing the pedestrian level will help support**

revised parking policies. He can write a memo of related actions what will be outside of the scope of this project. He can anticipate how to make any parking facility more supportive of a walking environment.

Mayor Pro Tem Mihalkanin expressed his concern with design and rules of development and how these design standards will incentivize development. We have buildings that are fairly tall. What would stop a developer from buying one side of the square and that is now a lot of increased lot sizes. A large amount of buildings are being torn down and built with a new structure. Is there anything in the rules that would encourage that? In new designs we there is shopping, second floor is sometimes business, and higher floors are residential. In order to do this you are talking about increasing the square footage of these buildings. Mr. Winter noted that a mix of uses adds to the vitality of the area. The code permits a range of building types, including the mixed use building form and this is what we see most. There might be some places that emphasizes townhomes or apartments exclusively and that could be part of what we should talk about.

Mayor Hughson asked how are we going to maintain the historic look? If someone wants to build something we want to ensure that the block looks similar to the other blocks, consensus was to ensure the historic look continues. Mr. Winter responded that knowing this desire is helpful, and does relate more to articulation. Commissioner Gleason spoke on rear massing and the alleyways and concern as they are near residential areas. We need to ensure the rear side of buildings is attractive. Council and the Commission agreed that we want new buildings to look similar to the existing historic buildings.

Articulation - Existing guidelines are brief and do not provide visual examples on how to accomplish the expression types. The standards expand on the expression tools noted in the guidelines but are limited in how to articulate. Potential updates will expand on the existing list of expression tools and provide further examples in how to effectively and authentically articulate a building.

Commissioner Spell noted that there are no visual examples in the old code. Mr. Winter responded that visual examples were not part of the format of that code. Mr. Spell stated that at the recent Real Places conference, it was noted that when the planning documents include visual examples of what a community wants such as articulation, height variation, massing, and setbacks, there is a better understanding of the concepts. Mr. Winter noted that the new code allows for it and visual examples will be provided.

**Council Member Derrick inquired about recent legislative action regarding regulation of building materials outside of the Downtown Historic District and that we still need design standards for anything that touches or abuts the historic district. Regardless of the type of material used, she would like to keep the decorative features included in the design standards as a preference.**

**Mr. Winter said he was glad this topic was raised as everyone is still looking at what the limits will be. What is shown as suggestions that address how materials are used for a final effect, not which materials will be used. Consensus of the Council and Commission is to ensure the historic look continues throughout downtown with use of articulation.**

### **Building Materials**

**Mr. Winter said building materials are not currently addressed in the design guidelines. Design standards provide some information but focus on the “durable building material area,” not materials applied to the full building. Potential updates were mentioned and examples of what the community would like to see were shown and could be included in the final report, even if it is in an advisory section; if they can be regulated is still a question.**

**Mayor Hughson asked Mr. Aguirre, Assistant City Attorney, to review the recent legislation. He noted that in a Historic District, the city can still regulate the building materials by a Certificate of Appropriateness, however elsewhere in the City you cannot regulate them other than through building codes. Some municipalities incentivize builders to use certain materials.**

**Council Member Derrick noted that since still we have the ability to dictate what is used in our downtown area, she would like us to focus on what has been used downtown and have that codified rather than have them as design standards. We will need to have separate codes for historic downtown and another for sections that out as we move away from the historic square.**

**Commissioner Moore asked if are there any materials that we are trying de-incentivize? Mayor Hughson noted that there are some materials in use in our city that are not durable over time.**

**Commissioner Gleason said he is want to ensure out design standards are met, but any material used must be durable. It was noted that some materials that aren't as durable as others can be crafted to look like historic scoring and/or fine detail and therefore could be used in certain areas where durability is less**

of an issue. Mr. Winter noted he could include this. Council and Commission consensus was to ensure that building materials are durable as possible and reflect San Marcos historical buildings.

**Street Level Design - Mr. Winter noted that existing guidelines include elements of street level design, but do not address it specifically. The standards for street level activation provide for a level of transparency and they do limit the amount of blank wall. They reference the limited variations of articulation.**

**Potential Updates would include guidelines and standards that expand on current standards and provide further options for how to activate a street level including different surface treatments, creating a sense of scale, and providing visual interest, all of which is intended to promote pedestrian activity. It can apply to a garage or parking structure wall or an alley edge.**

**Mayor Hughson asked about newer standards, transparency, and storefronts that are all glass. Mr. Winter noted that traditional storefronts had a 12" or so base below the glass. To tie into design traditions we will need a base for the glass, even if it is a line on a full glass storefront that provides the concept of a base.**

**Mayor Pro Tem Mihalkanin noted that the building that previously housed the County Clerk Office (at the corner of W Hopkins and N Guadalupe) has a blank wall on the Hopkins side and only one street level exit. He suggests that type of design no longer be allowed.**

**Mayor Hughson asked what can be done on a blank wall? Mr. Winter noted the options on the slide that show display windows, display cases, canopies and awnings, wall art, planters and landscaping. Any of these can be used as a retrofit not on just new construction.**

**Commissioner Spell noted that awnings can create shade and it is important in summer especially when you are trying to promote walking. We need to promote shade from trees and awnings.**

**Commissioner Rand stated that open doors and accessibility are best, but she does like murals and does not want to limit an artist's design.**

**Commissioner Moore agrees with the comments about murals and awnings and would like deeper awnings and street trees, we are focusing on bottom floor retail but it may be better to have more residential units downtown.**

Commissioner Gleason is not a fan of the long windows and we should have some type of textured siding on the building.

Commissioner Kelsey supports street level design. He notes the bottom floor of the former CVS building has the look of windows with some art. It is a good solution for an existing blank wall. This is exactly what we are stated we want.

Commissioner Gleason inquired that blank walls do allow some flexibility and sometimes there is some purpose for these such as utilities or air conditioning units so we need to ensure they are attractive.

Council and Commission provided consensus that we do not want blank walls if possible. Solutions when a blank wall is needed by the business (or already exists) that includes options of display windows, display cases, canopies and awnings, wall art, planters and landscaping. Also, consensus to not have any blank walls but also not full glass across the entire front. When glass is present, have a base. Awnings are desired as long as they are deep enough to provide shade, not just decorative

Transitions - Mr. Winter noted that the existing guidelines state where a neighborhood transition is needed, it is just stepping down the height of the building and we need more. Updated design guidelines and standards will expand on the current design guidelines information to explain how to effectively transition along sensitive edges and sensitive properties such as historic landmarks.

Council Member Derrick noted that The Vistas apartments is the best example of making their building fit into the edge of the historic area. While the height is large and massing is border line excessive, the breakup of the front wall with multiple recesses, the color scheme, the visible hipped roof and towers recall historic design of the 19th and 20th century structures surrounding it.

Council Member Baker noted that transition and height can give neighbors the sense that they are being spied upon so we need privacy/visual barriers in some cases such as trees. Mr. Winter noted some variables we can consider. One is stepping down the height and the distance from the sensitive edge. Landscaping can be helpful as a buffer. Regarding privacy, perhaps balconies/decks should not be allowed on some sides of tall buildings.

Mayor Pro Tem Mihalkanin inquired about transitional areas and how zoning can help identify what uses are appropriate for a transition area. Mayor

**Hughson noted that much of this area is already zoned such that tall buildings are allowed.**

**Mr. Winter will look at what is permitted. He will look at this as being a design use instead of a land use issue.**

**Council Member Gonzales inquired about the Victory Gardens area off Guadalupe Street; he wants to make sure we protect these neighbors and have proper transition. Traffic impact is a concern in this area. Consensus by the Council and Commission is to look at transition areas and ensure we protect residential areas that are in and next to the developing downtown.**

**Discussion Questions:**

**#1 Are there any other design topics you would like to see addressed in this project? Are there any design topics that should be strengthened in this project?**

**Council Member Derrick asked Mr. Winter to look at our town and tell us what will bind us seamlessly to having this transition from the Approach, University Edge, to Downtown? What one design element would help connect these areas seamlessly? Mr. Winter will work on this.**

**Mayor Hughson noted simple things could be done to make a building fit in. On the Texas State campus, the Jackson Hall dormitory was a 12-story white box. A few years ago it was repainted beige and with brown stripes painted horizontally to make it look similar to the LBJ Student Center next door. Little things can make a big difference.**

**Council Member Baker noted the idea was mentioned of design excellence, that these are minimums in most things, but he would like a clear statement as to what design excellence means to us. What can we use as a city to incentivize those design standards. Look at corridors and how they may utilize massing and transition when going into downtown. Can we bring historical landmarks to life? Consensus by the Council and Commission is to have a statement that we seek overall historical in nature to some extent.**

**Commissioner Haverland is concerned about making such constrained guidelines that we would lose some flexibility in future development. Mayor said this can be addressed after we have the report and we refine the wording. Mr. Winter stated that we weren't specific enough in certain areas before, but this does not mean dictating standards down to the doorknobs.**

Commissioner Moore stated that we made an attempt to simplify our code and is also concerned if we make too many barriers which may create challenges. People are seeking a slower way of life when people use to walk and bike and not have large structures with a number of cars. Would suggest more green infrastructure in our design standards.

Mayor Hughson stated we are not looking to create barriers but to define our standards. There was general consensus to include green infrastructure and sustainability.

Council Member Baker noted that the idea of design excellence has been mentioned. He asked if we could have a clear policy statement about the type of architecture we want, what design excellence means to us, and what can we do to incentive those standards? Also, looking at the corridors, how we can use the height scale and massing on the approach to and from the downtown areas and to highlight local historic landmarks? Mr. Winter acknowledged the statements. There was consensus by the Council and the Commission that we need an overarching statement of where we want to go with these design standards, that we want to pay tribute to our town, and emphasize what is already here.

Commissioner Spell noted that the design standards from 2012 were set to be very broad and very simple and the consequence is that it did not give enough direction about what we want to see. We now have new priorities. We need to be more specific in what we've already discussed.

Commissioner Haverland is concerned that we might have such constrained guidelines that we cannot be flexible in future development. We can address that when we receive the report. Mr. Winter stated that we have both design standards and designs guidelines. Standards are the baseline requirements and guidelines offer flexibility using alternative compliance that is already in the code. A basic project follows the standards. He's hearing that we need more restrictive standards as the baseline. Good intent statements and the vision statement will be placed into the guidelines that will allow for creative solutions which meet the intent which is a stronger sense of connection with the historic nature of downtown.

Commissioner Moore noted that we attempted to simplify our code and fears that creating so many barriers will take us back and have the opposite effect of what we wish to have. The sense of connection and historic downtown is good.

We are seeking a slower way of life with people walking and biking more and fewer cars and large parking garages. She suggests more green infrastructure in the standards including solar panels and pervious cover greenways.

Mayor Hughson said we are not creating barriers, but setting expectations. There was consensus by the Council and the Commission for sustainable, green components.

Council Member Baker inquired if we have a sense of the costs associated with different design expectations? His concern is the cost to business owners for the different options. Mr. Winter will consider this.

Commissioner Rand wants to ensure that street trees are also options for shade in terms of making it appealing to pedestrians. Mr. Winter stated that we are working on the design documents and streetscapes are already addressed in the code. We will be aware of this when working on building design. He noted that there are limits in the current code for forecourts which could work well along sidewalks.

**#2 Would you propose any changes to the existing design context boundaries? Mayor Hughson noted the boundaries on the map for the Approach, Transit Oriented Development, Redidental/Transition Edge, University Edge, which surround the Historic Downtown area.**

Council Member Derrick stated that we need to have a hard edge at Moore Street with no commercial developments west of Moore Street. We also need to protect the Dunbar neighborhood from any businesses that would affect their quality of life.

Mayor Hughson noted that this should be addressed in the Comprehensive Plan update. Mayor said this workshop is for design context boundaries and asked staff if this would happen in another avenue. Ms Villalobos said these may be directed more towards zoning but it is pretty consistent with what is on the ground currently. Most of the area marked on the map for the design context boundaries is CD-5D and a bit of T4. After extensive discussion about modifying the edge boundaries and where those decisions should be made, the consensus was to leave the boundaries where they are. Some of that discussion may be held when the Comprehensive Plan is updated. Mr. Winter said he will look at design that would reflect the context of the area and the square.

**#3 Within the design contexts, where would you consider focusing density and growth downtown? Council Member Derrick would like to see the bulk of**

**density on University Edge or at Approach. Executive housing downtown is preferred over student housing.**

**Commissioner Spell stated the University Edge is more appropriate for student housing or commercial that is related to student activity considering walkability. The Transit Oriented District might be useful for commercial development as compared to the Approach, Downtown, or Residential Edge.**

**Commissioner Rand wants to consider the area near bend in Edward Gary Street and towards the park because there are no single family homes. There are vacancies there that if renovated, could vitalize that area.**

**Commissioner Gleason likes the Transit Oriented Development corner and the part of CM Allen that is not residential is underutilized. The University Edge has least impact on historical structures.**

**Council Member Derrick pointed out that CM Allen is close to river so be careful about density and impervious cover there. The Consensus of the Council and Commission is more density at University Edge, Edward Gary/CM Allen (not the residential area).**

**Commissioner Haverland inquired about the Transit Oriented Development area and wants to ensure it remains transit-oriented. Mayor Hughson noted the proposed location for our central bus station is on Edward Gary Street next to Nelson Center.**

**#4 Where would you consider implementing a transition area (to residential neighborhoods) downtown? This has already been addressed in previous questions.**

**Mayor Hughson asked Mr. Winter if there was any other information he needed. Mr. Winter responded that he has many pages of notes and the direction he needs for the next step.**

**Ms. Villalobos asked if there were other questions or concerns. Council Member Derrick wants something like the Strand in Galveston or what The Winters Group did in Salt Lake City to keep the historical feel and we want it historic looking. Commissioner Moore stated that it is desirable that the area be walkable, bikeable, and historic. She would like nostalgic feeling places where we can slow down and be pedestrians again. The Council and Commission consensus was in enthusiastic agreement with Ms. Moore's statement.**

**Ms. Villalobos provided the next steps.**

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**An interactive virtual community workshop: Thursday, July 23rd**

- **Upcoming deliverables**
- **August: Outline for changes to the design standards and guidelines**
- **Fall 2020: Draft 1 of changes to design standards and guidelines**

III. Adjournment.

**Mayor Hughson adjourned the Design Guidelines Workshop meeting on June 25, 2020 at 9:56 p.m.**

**Tammy K. Cook, Interim City Clerk**

**Jane Hughson, Mayor**

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Mark Gleason, Chair

ATTEST:

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Cesy Burrell, Recording Secretary



## Legislation Text

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File #: PC-20-37, Version: 1

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### **AGENDA CAPTION:**

PC-20-37 (Cottonwood Creek Master Plan) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, Ltd., for 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. (T. Carpenter)

Meeting date: July 28, 2020

Department: Planning & 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: [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

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**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 August 2019.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** of this master plan renewal as submitted.

|                           |   |
|---------------------------|---|
| <b>Plat – Master Plan</b> | <b>Cottonwood Creek<br/>Master Plan Renewal</b> |
| <b>PC-20-37</b>           |   |



**Summary**

|                           |  |                          |   |
|---------------------------|--|--------------------------|---|
| <b>Request:</b>           | Renewal of a Master Plan with potential for 2,219 residential lots, 555 multifamily units, and 165 duplex units. |                          |   |
| <b>Applicant:</b>         | Ramsey Engineering, LLC<br>3206 Yellowpine Terrace<br>Austin, TX 78757   | <b>Property Owner:</b>   | Cottonwood Creek JDR, Ltd.<br>333 Cheatham Street<br>San Marcos, TX 78666 |
| <b>Parkland Required:</b> | N/A  | <b>Utility Capacity:</b> | Adequate  |
| <b>Accessed from:</b>     | Rattler Road   | <b>New Street Names:</b> | NA  |

**Notification**

|                     |                                    |                              |     |
|---------------------|------------------------------------|------------------------------|-----|
| <b>Application:</b> | N/A                                | <b>Neighborhood Meeting:</b> | N/A |
| <b>Published:</b>   | N/A                                | <b># of Participants:</b>    | N/A |
| <b>Posted:</b>      | N/A                                | <b>Personal:</b>             | N/A |
| <b>Response:</b>    | None as of the date of this report |                              |     |

**Property Description**

|                           |  |                            |   |
|---------------------------|--|----------------------------|---|
| <b>Location:</b>          | Rattler Road at Highway 123              |                            |   |
| <b>Acreage:</b>           | 471.94                                   | <b>PDD/DA/Other:</b>       | N/A   |
| <b>Existing Zoning:</b>   | SF-6, DR, PH-ZL, TH, P, GC, MF-12, MF-18 | <b>Preferred Scenario:</b> | Low Intensity /<br>Medium Intensity /<br>Open Space |
| <b>Proposed Use:</b>      | Residential Subdivision                  |                            |   |
| <b>CONA Neighborhood:</b> | Cottonwood Creek                         | <b>Sector:</b>             | 5   |

**Surrounding Area**

|                           | <b>Zoning</b> | <b>Existing Land Use</b> | <b>Preferred Scenario</b> |
|---------------------------|---------------|--------------------------|---------------------------|
| <b>North of Property:</b> | ETJ           | Vacant                   | Low Intensity             |
| <b>South of Property:</b> | ETJ           | Vacant                   | Low Intensity             |
| <b>East of Property:</b>  | ETJ           | Vacant                   | Low Intensity             |
| <b>West of Property:</b>  | P             | San Marcos High School   | Medium Intensity          |

**Staff Recommendation**

|   |                       |                          |                                      |                          |        |
|---|-----------------------|--------------------------|--------------------------------------|--------------------------|--------|
| <input checked="" type="checkbox"/>   | Approval as Submitted | <input type="checkbox"/> | Approval with Conditions / Alternate | <input type="checkbox"/> | Denial |
| <b>Staff:</b> Tory Carpenter, AICP, CNU-A <b>Title :</b> Planner <b>Date:</b> July 20, 2020 |                       |                          |                                      |                          |        |

**Plat – Master Plan**

**PC-20-37**

**Cottonwood Creek  
Master Plan Renewal**



**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 August 2019.

**Additional Analysis**

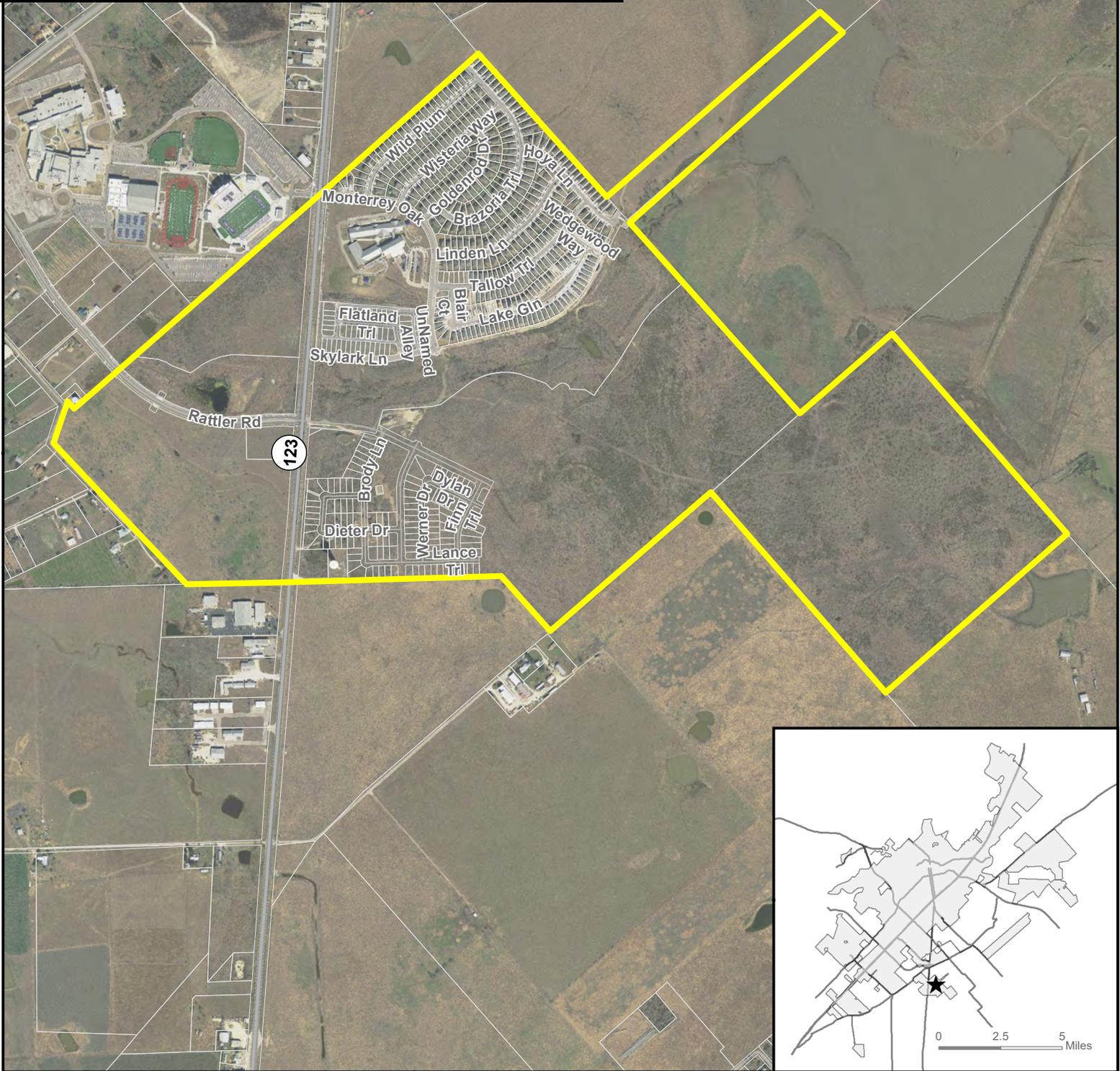
**The Commission's Responsibility**

The Commission is charged with making the final decision regarding this proposed master plan extension. Because the last extension expires in August of this year, it is necessary to approve another extension at this meeting if the commission wishes to continue the Subdivision Master Plan. Your options are to grant consent to the extension of the Master Plan for another one-year period or to withhold consent.

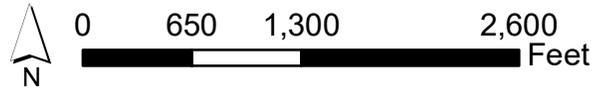
The commission shall not change the approved overall layout unless the subdivider agrees to the change or the commission finds that adherence to the previously approved overall layout will:

1. Hinder the orderly subdivision of land in the area in accordance with this chapter; or
2. Be detrimental to the public health, safety or general welfare.

# PC-20-37 Aerial View Cottonwood Creek Master Plan



-  **Subject Property**
-  **Parcel**
-  **City Limit**



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. Imagery from 2017.

Map Date: 7/13/2020



\\C:\038-syeda\CompanyData\Clients\0420-Ramsey Engineering LLC\0420-132-20-Cottonwood Creek Ph. 4 Prelim Plat. & Subd Master Plan Rev. & Proc\CAD\2020-MASTER PLAN\2020\_MASTER PLANNING [lob] May 14, 2020 - 1:36pm

**Development Plan Summary**

| Land Use Category         | Areas (acres) | Current FLUM Designation   | Existing Zoning | Proposed Zoning | Allowable Density (units/acre) | Proposed/Allowable Units | Population Per Unit * | Estimated Population |
|---------------------------|---------------|----------------------------|-----------------|-----------------|--------------------------------|--------------------------|-----------------------|----------------------|
| Single-Family Residential | 135.19        | Low Density Residential    | SF-6            | --              | 6                              | 954                      | 2.75                  | 2,624                |
| Single-Family Residential | 11.58         | Low Density Residential    | SF-6            | --              | <1                             | 4                        | 2.75                  | 11                   |
| Garden Homes              | 52.47         | Medium Density Residential | PH-ZL           | --              | 12                             | 630                      | 2.10                  | 1,323                |
| Apartments                | 30.85         | High Density Residential   | MF-18           | --              | 18                             | 555                      | 2.10                  | 1,166                |
| Two-Family Homes          | 13.78         | Medium Density Residential | DR              | --              | 12                             | 165                      | 2.10                  | 347                  |
| Seniors Group Home        | 10.61         | Medium Density Residential | MF-12           | --              |                                |                          |                       |                      |
| Townhomes                 | 17.97         | Medium Density Residential | TH              | --              | 12                             | 216                      | 2.10                  | 454                  |
| Single-Family Residential | 95.16         | Low Density Residential    | SF-6            | --              | 6                              | 415                      | 2.75                  | 1,141                |
| Commercial                | 11.56         | Commercial                 | GC/C            | --              |                                |                          |                       |                      |
| Public and Institutional  | 29.17         | Public                     | P               | --              |                                |                          |                       |                      |
| Parkland                  | 53.35         | Parkland                   | P               | --              |                                |                          |                       |                      |
| Private Park              | 9.70          | Open Space                 | P               | --              |                                |                          |                       |                      |
| <b>Totals</b>             | <b>471.39</b> |                            |                 |                 |                                | <b>2,939</b>             |                       | <b>7,066</b>         |

\* Source : City of San Marcos and 2000 Census.

| Streets and Alleys Type | Estimated Distance In L.F. |
|-------------------------|----------------------------|
| 102' ROW Boulevard      | 630                        |
| 80' ROW Arterials       | 3,822                      |
| 70' ROW Arterials       | 320                        |
| 60' ROW Collectors      | 12,362                     |
| 50' ROW Residentals     | 48,603                     |
| 20' ROW Alleys          | 6,200                      |

**Cottonwood Creek Subdivision - Phase 1 Section 1-A**

| Land Use Category        | Area (acres) | Current FLUM Designation | Existing Zoning | Proposed Zoning | Allowable Density (units/acre) | Allowable Units | Population Per Unit * | Estimated Population |
|--------------------------|--------------|--------------------------|-----------------|-----------------|--------------------------------|-----------------|-----------------------|----------------------|
| Public and Institutional | 17.70        | Public                   | P               | --              |                                |                 |                       |                      |
| <b>Totals</b>            | <b>17.70</b> |                          |                 |                 |                                |                 |                       |                      |

\* Source : City of San Marcos and 2000 Census.

| Streets and Alleys Type | Estimated Distance In L.F. |
|-------------------------|----------------------------|
| 70' ROW Arterials       | 320                        |
| 60' ROW Collectors      | 1,286                      |

THE FOLLOWING NOTE IS ADDED IN ACCORDANCE WITH 5/28/02 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 5/10/05 PLANNING AND ZONING COMMISSION APPROVAL:~~

~~05/02/11 HEREBY DELETED THERE WILL BE FOUR(4) LOTS FRONTING ON CYPRESS PARKWAY, AT/NEAR THE TERMINUS OF CYPRESS PARKWAY, WITH 50 FOOT MINIMUM WIDTH EACH, BACKING UP TO THE ADJACENT ASGS LAKE.~~

**Cottonwood Creek Subdivision - Phase 1 Section 1-B**

| Land Use Category         | Area (acres) | Current FLUM Designation | Existing Zoning | Proposed Zoning | Actual Density (units/acre) | Actual Units | Population Per Unit * | Estimated Population |
|---------------------------|--------------|--------------------------|-----------------|-----------------|-----------------------------|--------------|-----------------------|----------------------|
| Single-Family Residential | 19.32        | Low Density Residential  | SF-6            | --              | 5.3                         | 102          | 2.75                  | 281                  |
| <b>Totals</b>             | <b>19.32</b> |                          |                 |                 |                             | <b>102</b>   |                       | <b>281</b>           |

\* Source : City of San Marcos and 2000 Census.

| Streets and Alleys Type | Estimated Distance In L.F. |
|-------------------------|----------------------------|
| 50' ROW Residentals     | 2,966                      |

**Cottonwood Creek Subdivision - Phase 1, Section 1-C**

| Land Use Category         | Area (acres) | Current FLUM Designation | Existing Zoning | Proposed Zoning | Actual Density (units/acre) | Actual Units | Population Per Unit * | Estimated Population |
|---------------------------|--------------|--------------------------|-----------------|-----------------|-----------------------------|--------------|-----------------------|----------------------|
| Single-Family Residential | 14.50        | Low Density Residential  | SF-6            | --              | 5.3                         | 72           | 2.75                  | 198                  |
| Private Parkland          | 0.12         | Low Density Residential  | SF-6            | --              | --                          | --           | --                    | --                   |
| <b>Totals</b>             | <b>14.62</b> |                          |                 |                 |                             | <b>72</b>    |                       | <b>198</b>           |

\* Source : City of San Marcos and 2000 Census.

| Streets and Alleys Type | Estimated Distance In L.F. |
|-------------------------|----------------------------|
| 50' ROW Residentals     | 2,495                      |

**Cottonwood Creek Subdivision - Phase 1, Section 1-D**

| Land Use Category         | Area (acres) | Current FLUM Designation | Existing Zoning | Proposed Zoning | Actual Density (units/acre) | Actual Units | Population Per Unit * | Estimated Population |
|---------------------------|--------------|--------------------------|-----------------|-----------------|-----------------------------|--------------|-----------------------|----------------------|
| Single-Family Residential | 13.40        | Low Density Residential  | SF-6            | --              | 5.3                         | 71           | 2.75                  | 195                  |
| Private Parkland          | 0.16         | Low Density Residential  | SF-6            | --              | --                          | 3            | --                    | --                   |
| <b>Totals</b>             | <b>13.56</b> |                          |                 |                 |                             | <b>74</b>    |                       | <b>195</b>           |

\* Source : City of San Marcos and 2000 Census.

| Streets and Alleys Type | Estimated Distance In L.F. |
|-------------------------|----------------------------|
| 50' ROW Residentals     | 2,327                      |

**Cottonwood Creek Subdivision - Phase 1, Sec 2**

| Land Use Category | Area (acres) | Current FLUM Designation   | Existing Zoning | Proposed Zoning | Actual Density (units/acre) | Actual Units | Population Per Unit * | Estimated Population |
|-------------------|--------------|----------------------------|-----------------|-----------------|-----------------------------|--------------|-----------------------|----------------------|
| Garden Homes      | 9.27         | Medium Density Residential | PH-ZL           | --              | 6.1                         | 57           | 2.10                  | 120                  |
| Private Parkland  | 0.08         | Medium Density Residential | PH-ZL           | --              | --                          | 2            | --                    | --                   |
| <b>Totals</b>     | <b>9.35</b>  |                            |                 |                 |                             | <b>59</b>    |                       | <b>120</b>           |

\* Source : City of San Marcos and 2000 Census.

| Streets and Alleys Type | Estimated Distance In L.F. |
|-------------------------|----------------------------|
| 50' ROW Residentals     | 2,391                      |
| 60' ROW Collectors      | 374                        |

**Cottonwood Creek Subdivision - Phase 1 Remainder**

| Land Use Category | Area (acres) | Current FLUM Designation   | Existing Zoning | Proposed Zoning | Allowable Density (units/acre) | Actual Units | Population Per Unit * | Estimated Population |
|-------------------|--------------|----------------------------|-----------------|-----------------|--------------------------------|--------------|-----------------------|----------------------|
| Garden Homes      | 19.75        | Medium Density Residential | PH-ZL           | --              | 12                             | 292          | 2.10                  | 613                  |
| Parkland          | 38.04        | Parkland                   | P               | --              |                                |              |                       |                      |
| <b>Totals</b>     | <b>57.79</b> |                            |                 |                 |                                | <b>292</b>   |                       | <b>613</b>           |

\* Source : City of San Marcos and 2000 Census.

| Streets and Alleys Type | Estimated Distance In L.F. |
|-------------------------|----------------------------|
| 60' ROW Collectors      | 446                        |
| 50' ROW Residentals     | 3,431                      |
| 20' ROW Alleys          | 2,005                      |

**Cottonwood Creek Subdivision - Phase 2**

| Land Use Category      | Area (acres) | Current FLUM Designation   | Existing Zoning | Proposed Zoning | Allowable Density (units/acre) | Allowable Units | Population Per Unit * | Estimated Population |
|------------------------|--------------|----------------------------|-----------------|-----------------|--------------------------------|-----------------|-----------------------|----------------------|
| Apartments             | 30.85        | High Density Residential   | MF-18           | --              | 18                             | 555             | 2.10                  | 1,166                |
| Two-Family Residential | 13.78        | Medium Density Residential | DR              | --              | 12                             | 165             | 2.10                  | 347                  |
| Seniors Group Home     | 10.61        | Medium Density Residential | MF-12           | --              | --                             |                 |                       |                      |
| Commercial             | 5.94         | Commercial                 | GC              | --              | --                             |                 |                       |                      |
| Public & Institutional | 8.96         | Public & Institutional     | P               | --              | --                             |                 |                       |                      |
| Parkland               | 15.30        | Parkland                   | P               | --              | --                             |                 |                       |                      |
| <b>Totals</b>          | <b>85.44</b> |                            |                 |                 |                                | <b>721</b>      |                       | <b>1,513</b>         |

\* Source : City of San Marcos and 2000 Census.

| Streets and Alleys Type     | Estimated Distance In L.F. |
|-----------------------------|----------------------------|
| 90' ROW Boulevard Arterials | 330                        |
| 80' ROW Arterials           | 1,266                      |
| 60' ROW Collectors          | 1,079                      |

**Cottonwood Creek Subdivision - Phase 3**

| Land Use Category         | Area (acres)  | Current FLUM Designation   | Existing Zoning | Proposed Zoning | Allowable Density (units/acre) | Allowable Units | Population Per Unit * | Estimated Population |
|---------------------------|---------------|----------------------------|-----------------|-----------------|--------------------------------|-----------------|-----------------------|----------------------|
| Single-Family Residential | 85.32         | Low Density Residential    | SF-6            | --              | 6                              | 512             | 2.75                  | 1,408                |
| Single-Family Residential | 17.97         | Medium Density Residential | TH              | --              | 6                              | 108             | 2.75                  | 297                  |
| Garden Homes              | 23.35         | Medium Density Residential | PH-ZL           | --              | 12                             | 280             | 2.10                  | 588                  |
| Commercial                | 5.62          | Commercial                 | GC              | --              | --                             |                 |                       |                      |
| Parkland                  | 4.15          | Parkland                   | P & TH          | --              | --                             |                 |                       |                      |
| Public and Institutional  | 2.51          | Public                     | P               | --              | --                             |                 |                       |                      |
| <b>Totals</b>             | <b>138.92</b> |                            |                 |                 |                                | <b>900</b>      |                       | <b>2,292</b>         |

\* Source : City of San Marcos and 2000 Census.

| Streets and Alleys Type | Estimated Distance In L.F. |
|-------------------------|----------------------------|
| 102' ROW Arterials      | 729                        |
| 80' ROW Arterials       | 2,094                      |
| 60' ROW Collectors      | 4,326                      |
| 50' ROW Residentals     | 19,617                     |

**Cottonwood Creek Subdivision - Phase 4**

| Land Use Category         | Area (acres)  | Current FLUM Designation | Existing Zoning | Proposed Zoning | Proposed Density (units/acre) | Proposed Units | Population Per Unit * | Estimated Population |
|---------------------------|---------------|--------------------------|-----------------|-----------------|-------------------------------|----------------|-----------------------|----------------------|
| Single Family Residential | 95.16         | Low Density Residential  | SF-6            | --              | 4.4                           | 415            | 2.75                  | 1,141                |
| Private Park              | 5.60          | Open Space               | P               | --              | --                            |                |                       |                      |
| <b>Totals</b>             | <b>100.76</b> |                          |                 |                 |                               | <b>415</b>     |                       | <b>1,141</b>         |

\* Source : City of San Marcos and 2000 Census.

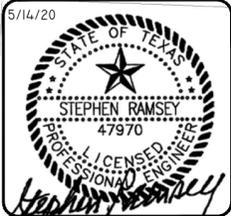
| Streets and Alleys Type | Estimated Distance In L.F. |
|-------------------------|----------------------------|
| 50' ROW Residentals     | 16,440                     |
| 60' ROW Residentals     | 304                        |

PROJECT No.  
20-002-11

SHEET TITLE  
MASTER PLAN OF THE COTTONWOOD CREEK SUBDIVISION (VESTED DEVELOPMENT)

CLIENT/OWNER  
COTTONWOOD CREEK JDR, LTD.  
RANDALL MORRIS, PRESIDENT  
333 CHEATHAM ST.  
SAN MARCOS, TEXAS 78666

| No. | DATE | REVISIONS | RECOM'D |
|-----|------|-----------|---------|
|     |      |           |         |
|     |      |           |         |
|     |      |           |         |



RAMSEY ENGINEERING  
Ramsey Engineering, LLC  
Civil Engineering • Consulting  
TBPE Firm No. F-12606  
3206 Yellowpine Terrace  
Austin, Texas 78757  
Cell: 512-650-6800  
ramsey-eng@att.net

# PRELIMINARY SUBDIVISION PLAT, REPLAT OR CONCEPT PLAT APPLICATION

Updated: October, 2019



## CONTACT INFORMATION

|                             |  |                         |  |
|-----------------------------|--|-------------------------|--|
| Applicant's Name            | Stephen Ramsey, P.E.                         | Property Owner          | Randall Morris, President                                  |
| Company                     | Ramsey Engineering, LLC                      | Company                 | Cottonwood Creek JDR, LTD.                                 |
| Applicant's Mailing Address | 3206 Yellowpine Terrace, Austin, Texas 78757 | Owner's Mailing Address | 330 Wonder World Drive, Suite 300, San Marcos, Texas 78666 |
| Applicant's Phone #         | 512-650-6800                                 | Owner's Phone #         | 512-353-1776   |
| Applicant's Email           | sramseyeng@gmail.com                         | Owner's Email           | jenny@randallmorris.com                                    |

## PROPERTY INFORMATION

Proposed Subdivision Name: Cottonwood Creek

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

Acres: 471.97 Tax ID #: R70227;R135068;R155133; 67408 (Guadalupe County)

Located in:  City Limits  Extraterritorial Jurisdiction (County) \_\_\_\_\_

## DESCRIPTION OF REQUEST

Type of Plat:  Preliminary Subdivision Plat  Replat  Concept Plat

Proposed Number of Lots: 2,939 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.*

Filing Fee \$1,057 plus \$50 per acre Technology Fee \$13 MAXIMUM COST \$2,513\*

\*Replats that are not Administratively approved – Maximum Cost \$3,013

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

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

## 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: \_\_\_\_\_ N/A \_\_\_\_\_ Date: \_\_\_\_\_

## 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](http://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: \_\_\_\_\_ Stephen Ramsey, P.E. \_\_\_\_\_ Date: \_\_\_\_\_ 5/14/20

## 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 31<sup>st</sup> of current year)

**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.

PROPERTY OWNER AUTHORIZATION

I, Randall Morris, President (owner) acknowledge that I am the rightful owner of the property located at SH 123 at Rattler Road (address).

I hereby authorize Ramsey Engineering, LLC (agent name) to file this application for Subdivision Master Plan Amendment/Renewal (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner:



Date: 5/15/20

Printed Name: Randall Morris

Signature of Agent:



Date: 5/14/20

Printed Name: Stephen Ramsey, P.E.

# TAX CERTIFICATE

**Jenifer OKane Tax Assessor-Collector, Hays County**

712 S. Stagecoach Trail  
San Marcos, TX 78666  
Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2019

**Entities to which this certificate applies:**

RSP - Special Road Dist  
GHA - Hays County

SSM - San Marcos CISD  
YCI - York Creek Improvement District  
CSM - City Of San Marcos

**Property Information**

Property ID : 10-0183-0002-00001-3  
Quick-Ref ID : R70227

Value Information

|  |            |   |              |        |
|--|------------|---|--------------|--------|
|  | Land HS    | : |              | \$0.00 |
| N SH 123 SAN MARCOS, TX<br>78666   | Land NHS   | : |              | \$0.00 |
|  | Imp HS     | : |              | \$0.00 |
|  | Imp NHS    | : |              | \$0.00 |
| A0183 FARNHAM FRYE<br>SURVEY, A0203 JOHN F<br>GEISTER SURVEY & A0046<br>REBECCA BROWN<br>SURVEY, PT TRACT 2,<br>ACRES 46.431 | Ag Mkt     | : | \$636,350.00 |        |
|  | Ag Use     | : | \$5,200.00   |        |
|  | Tim Mkt    | : | \$0.00       |        |
|  | Tim Use    | : | \$0.00       |        |
|  | HS Cap Adj | : | \$0.00       |        |
|  | Assessed   | : | \$5,200.00   |        |

**Owner Information**

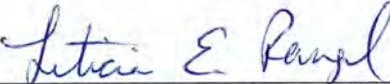
Owner ID : O9166086  
COTTONWOOD CREEK JDR LTD  
333 CHEATHAM ST  
SAN MARCOS, TX 78666-6911  
  
Ownership: 100.00%

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

| Entity | Year | Tax   | Discount | P&I  | Atty Fee | TOTAL |
|--------|------|-------|----------|------|----------|-------|
| SSM    | 2019 | 68.32 | 0.00     | 0.00 | 0.00     | 0.00  |
| RSP    | 2019 | 1.76  | 0.00     | 0.00 | 0.00     | 0.00  |
| YCI    | 2019 | 0.25  | 0.00     | 0.00 | 0.00     | 0.00  |
| GHA    | 2019 | 20.28 | 0.00     | 0.00 | 0.00     | 0.00  |
| CSM    | 2019 | 31.92 | 0.00     | 0.00 | 0.00     | 0.00  |

**Total for current bills if paid by 5/31/2020 : \$0.00**  
**Total due on all bills 5/31/2020 : \$0.00**  
 2019 taxes paid for entity SSM \$68.32  
 2019 taxes paid for entity RSP \$1.76  
 2019 taxes paid for entity YCI \$0.25  
 2019 taxes paid for entity GHA \$20.28  
 2019 taxes paid for entity CSM \$31.92  
**2019 Total Taxes Paid : \$122.53**  
**Date of Last Payment : 01/23/20**

If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate. ]

  
\_\_\_\_\_  
Signature of Authorized Officer of the Tax Office

Date of Issue : 05/20/2020  
Requestor : COTTONWOOD CREEK JDR LTD  
Receipt : SM-2020-1261069  
Fee Paid : \$10.00  
Payer : RAMSEY ENGINEERING

# TAX CERTIFICATE

**Jenifer OKane Tax Assessor-Collector, Hays County**

712 S. Stagecoach Trail  
San Marcos, TX 78666  
Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2019

**Entities to which this certificate applies:**

RSP - Special Road Dist  
GHA - Hays County

SSM - San Marcos CISD  
YCI - York Creek Improvement District  
CSM - City Of San Marcos

**Property Information**

**Owner Information**

Property ID : 10-0183-0002-00003-3  
Quick-Ref ID : R135068

Owner ID : O9166086

Value Information

|            |   |              |
|------------|---|--------------|
| Land HS    | : | \$0.00       |
| Land NHS   | : | \$0.00       |
| Imp HS     | : | \$0.00       |
| Imp NHS    | : | \$0.00       |
| Ag Mkt     | : | \$369,120.00 |
| Ag Use     | : | \$2,320.00   |
| Tim Mkt    | : | \$0.00       |
| Tim Use    | : | \$0.00       |
| HS Cap Adj | : | \$0.00       |
| Assessed   | : | \$2,320.00   |

COTTONWOOD CREEK JDR LTD  
333 CHEATHAM ST  
SAN MARCOS, TX 78666-6911

Ownership: 100.00%

A0183 A0183 - FARNHAM  
FRYE SURVEY, A0203 JOHN  
F GEISTER SURVEY, &  
A0046 REBECCA BROWN  
SURVEY, PT TR 2, ACRES  
20.74

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

| Entity | Year | Tax       | Discount | P&I  | Atty Fee | TOTAL     |
|--------|------|-----------|----------|------|----------|-----------|
| SSM    | 2020 | 13,988.82 | 0.00     | 0.00 | 0.00     | 13,988.82 |
| RSP    | 2020 | 407.67    | 0.00     | 0.00 | 0.00     | 407.67    |
| YCI    | 2020 | 48.75     | 0.00     | 0.00 | 0.00     | 48.75     |
| GHA    | 2020 | 3,994.95  | 0.00     | 0.00 | 0.00     | 3,994.95  |
| CSM    | 2020 | 6,234.50  | 0.00     | 0.00 | 0.00     | 6,234.50  |
| SSM    | 2019 | 30.48     | 0.00     | 0.00 | 0.00     | 0.00      |
| RSP    | 2019 | 0.78      | 0.00     | 0.00 | 0.00     | 0.00      |
| YCI    | 2019 | 0.11      | 0.00     | 0.00 | 0.00     | 0.00      |
| GHA    | 2019 | 9.04      | 0.00     | 0.00 | 0.00     | 0.00      |
| CSM    | 2019 | 14.24     | 0.00     | 0.00 | 0.00     | 0.00      |

**Total for current bills if paid by 5/31/2020 : \$0.00**

**Total due on all bills 5/31/2020 : \$24,674.69**

2019 taxes paid for entity SSM \$30.48

2019 taxes paid for entity RSP \$0.78

2019 taxes paid for entity YCI \$0.11

2019 taxes paid for entity GHA \$9.04

2019 taxes paid for entity CSM \$14.24

**2019 Total Taxes Paid : \$54.65**

**Date of Last Payment : 01/23/20**

If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate. ]

*Leticia E. Raynal*

Signature of Authorized Officer of the Tax Office

Date of Issue : 05/20/2020

Requestor : COTTONWOOD CREEK JDR LTD

Receipt : SM-2020-1261070

Fee Paid : \$10.00

Payer : RAMSEY ENGINEERING

# TAX CERTIFICATE

**Jenifer OKane Tax Assessor-Collector, Hays County**

712 S. Stagecoach Trail  
San Marcos, TX 78666  
Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2019

**Entities to which this certificate applies:**

RSP - Special Road Dist  
GHA - Hays County

SSM - San Marcos CISD  
YCI - York Creek Improvement District  
CSM - City Of San Marcos

**Property Information**

**Owner Information**

Property ID : 11-2053-0000-00100-3  
Quick-Ref ID : R155133

Owner ID : O9166086

Value Information

|   |              |             |
|---|--------------|-------------|
| 3220 RATTLER RD SAN MARCOS TX 78666             | Land HS :    | \$0.00      |
|   | Land NHS :   | \$80,090.00 |
|   | Imp HS :     | \$0.00      |
|   | Imp NHS :    | \$0.00      |
| COTTONWOOD CREEK PH 2 SEC 1, LOT 1, ACRES 2.346 | Ag Mkt :     | \$0.00      |
|   | Ag Use :     | \$0.00      |
|   | Tim Mkt :    | \$0.00      |
|   | Tim Use :    | \$0.00      |
|   | HS Cap Adj : | \$0.00      |
|   | Assessed :   | \$80,090.00 |

COTTONWOOD CREEK JDR LTD  
333 CHEATHAM ST  
SAN MARCOS, TX 78666-6911

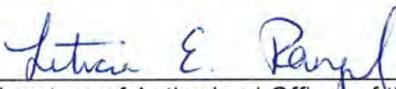
Ownership: 100.00%

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

| Entity | Year | Tax      | Discount | P&I  | Atty Fee | TOTAL |
|--------|------|----------|----------|------|----------|-------|
| SSM    | 2019 | 1,052.30 | 0.00     | 0.00 | 0.00     | 0.00  |
| RSP    | 2019 | 27.07    | 0.00     | 0.00 | 0.00     | 0.00  |
| YCI    | 2019 | 3.84     | 0.00     | 0.00 | 0.00     | 0.00  |
| GHA    | 2019 | 312.27   | 0.00     | 0.00 | 0.00     | 0.00  |
| CSM    | 2019 | 491.68   | 0.00     | 0.00 | 0.00     | 0.00  |

**Total for current bills if paid by 5/31/2020 : \$0.00**  
**Total due on all bills 5/31/2020 : \$0.00**  
 2019 taxes paid for entity SSM \$1,052.30  
 2019 taxes paid for entity RSP \$27.07  
 2019 taxes paid for entity YCI \$3.84  
 2019 taxes paid for entity GHA \$312.27  
 2019 taxes paid for entity CSM \$491.68  
**2019 Total Taxes Paid : \$1,887.16**  
**Date of Last Payment : 12/16/19**

If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate. ]

  
 \_\_\_\_\_  
 Signature of Authorized Officer of the Tax Office

Date of Issue : 05/20/2020  
 Requestor : COTTONWOOD CREEK JDR LTD  
 Receipt : SM-2020-1261071  
 Fee Paid : \$10.00  
 Payer : RAMSEY ENGINEERING

# TAX CERTIFICATE

**Office of Daryl John Tax Assessor-Collector**

Guadalupe Tax Office  
307 W. Court  
Seguin, TX 78155

Ph: (830) 379-2315 Fax: (830) 372-9940

This certificate includes tax years up to 2019

**Entities to which this certificate applies:**

RLT - Lateral Roads

GGU - Guadalupe County  
WYC - York Creek Wcid

**Property Information**

Property ID : 2G0220-0000-12400-0-00  
Quick-Ref ID : R33612

Value Information

|                           |            |   |              |
|---------------------------|------------|---|--------------|
| REDWOOD RD                | Land HS    | : | \$0.00       |
|                           | Land NHS   | : | \$0.00       |
|                           | Imp HS     | : | \$0.00       |
|                           | Imp NHS    | : | \$0.00       |
| ABS: 220 SUR: ANDREW      | Ag Mkt     | : | \$449,983.00 |
| MITCHELL 100.0000 AC.     | Ag Use     | : | \$7,500.00   |
| HCAD#30-0220-0241-00000-3 | Tim Mkt    | : | \$0.00       |
|                           | Tim Use    | : | \$0.00       |
|                           | HS Cap Adj | : | \$0.00       |
|                           | Assessed   | : | \$7,500.00   |

**Owner Information**

Owner ID : O0020193  
COTTONWOOD CREEK JDR LTD  
333 CHEATHAM STREET  
SAN MARCOS, TX 78666  
  
Ownership: 100.00%

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

| Entity | Year | Tax   | Discount | P&I  | Atty Fee | TOTAL |
|--------|------|-------|----------|------|----------|-------|
| GGU    | 2019 | 24.90 | 0.00     | 0.00 | 0.00     | 0.00  |
| RLT    | 2019 | 3.75  | 0.00     | 0.00 | 0.00     | 0.00  |
| WYC    | 2019 | 0.36  | 0.00     | 0.00 | 0.00     | 0.00  |

**Total for current bills if paid by 5/31/2020 : \$0.00**  
**Total due on all bills 5/31/2020 : \$0.00**  
 2019 taxes paid for entity GGU \$24.90  
 2019 taxes paid for entity RLT \$3.75  
 2019 taxes paid for entity WYC \$0.36  
**2019 Total Taxes Paid : \$29.01**  
**Date of Last Payment : 01/28/20**

If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate. ]



Signature of Authorized Officer of the Tax Office

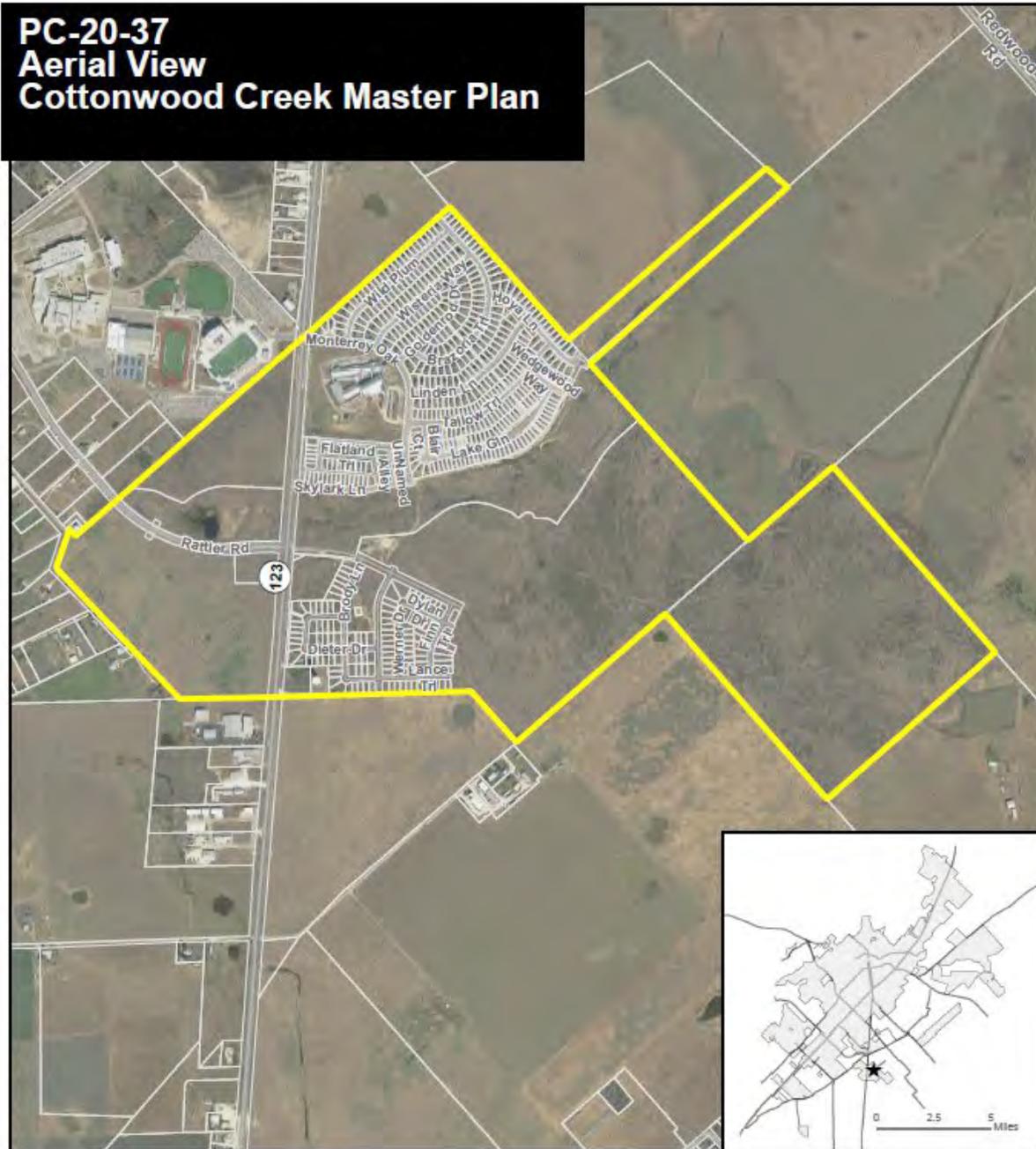
Date of Issue : 05/20/2020  
 Requestor : COTTONWOOD CREEK JDR LTD  
 Receipt : SG-2020-1542365  
 Fee Paid : \$10.00  
 Payer : RAMSEY ENGINEERING LLC

## PC-20-37 (Cottonwood Creek Master Plan)

Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, Ltd., for 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. (T. Carpenter)

**PC-20-37  
Aerial View  
Cottonwood Creek Master Plan**

- +/- 471.94 acres
- Approved in 2002
- Located in a Low Intensity Zone as designated on the Preferred Scenario Map.



|   |   |
|---|---|
| <p> <b>Subject Property</b></p> <p> <b>Parcel</b></p> <p> <b>City Limit</b></p> | <p> <b>0 650 1,300 2,600 Feet</b></p> <p>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. Imagery from 2017.</p> <p><b>Map Date: 7/13/2020</b></p> |
|---|---|



## Recommendation:

Staff has reviewed the request and determined the Final Plat complies with the applicable development codes and recommends **approval** of PC-20-37 as submitted.



## Legislation Text

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File #: AC-20-03, Version: 1

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### **AGENDA CAPTION:**

AC-20-03 (La Cima Multifamily) Hold a public hearing and consider a request by Eric Willis, on behalf of La Cima Commercial L.P., for an Alternative Compliance to the block size requirements in Section 4.4.3.2 of the Multifamily Residential Design Standards in Ordinance 2014-35 for a proposed multifamily residential development located at the northwest corner of West Centerpoint Road and Flint Ridge Road, Hays County, Texas. (A. Brake)

Meeting date: July 28, 2020

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

**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 - Set appropriate density & impervious cover limitations in environmentally sensitive areas to avoid adverse impacts on water supply
- Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

**Master Plan:** n/a

**Background Information:**

This property is part of the larger La Cima Development included in a Development Agreement with the City of San Marcos (originally approved in 2014, amended in 2018 and most recently in March 2020).

The applicant is requesting an Alternative Compliance to deviate from the Multifamily Residential Design Standards, including block requirements, building location requirements, fencing and screening requirements, pedestrian and circulation requirements, and refuse and recycling dumpster requirements, which apply to the Site and Building Design Criteria of the Multifamily Residential Design Standards found in Ordinance 2014-35. Multifamily residential was added to the Development Agreement as a land use in 2018. It was during this amendment process that City Council agreed to allow the use with the understanding that the standards found within this ordinance would be followed. Any deviations from these standards require approval from the City Council.

Per the approved Development Agreement (Resolution 2020-50R), a request to annex and rezone the property is required prior to development of the property. A schematic site development plan provided by the applicant indicates that the maximum block size proposed is approximately 14.5 acres. However this site plan has not been approved.

**Council Committee, Board/Commission Action:**

n/a

**Alternatives:**

n/a

**Recommendation:**

While the proposed multifamily deviations do not meet the intent statements found within Ordinance 2014-35, the request is consistent with the criteria for approval of an Alternative Compliance. In addition, the entire La Cima development is regulated by a Development Agreement. Due to these factors, Staff is providing a neutral recommendation and leaves a decision of approval or denial up to the Planning and Zoning Commission and City Council.

Should the Commission choose to recommend approval of the Alternative Compliance, Staff recommends the following conditions:

General:

1. This Alternative Compliance applies to multifamily constructed on the subject property. The remainder of the property shall follow the regulations outlined in the La Cima Development Agreement (2020-50R);
2. Alternative Compliance is contingent on MF-24 zoning change request; and
3. This Alternative Compliance shall not expire.

|                               |  |
|-------------------------------|--|
| <b>Alternative Compliance</b> | <b>La Cima Multifamily</b>                             |
| <b>AC-20-03</b>               | <b>Multifamily Residential<br/>Design Requirements</b> |



**Summary**

|   |  |                        |  |
|---|--|------------------------|--|
| <b>Request:</b>                           | An Alternative Compliance to various requirements for multifamily development in Section 4.4.3.2 of Ordinance 2014-35. |                        |  |
| <b>Applicant:</b>                         | Eric Willis<br>Natural Development<br>Austin, LLC<br>11612 FM 2244, Suite 140<br>Austin, TX 78738                      | <b>Property Owner:</b> | La Cima Commercial LP<br>303 Colorado Street, Suite 2300<br>Austin, TX 78701 |
| <b>Alternative Compliance Expiration:</b> | The Alternative Compliance shall not expire.   |                        |  |

**Notification**

|                  |                                 |                  |                      |
|------------------|---------------------------------|------------------|----------------------|
| <b>Posted:</b>   | <b>July 17, 2020</b>            | <b>Personal:</b> | <b>July 17, 2020</b> |
| <b>Response:</b> | None as of date of Staff Report |                  |                      |

**Property Description**

|                           |  |                               |               |
|---------------------------|--|-------------------------------|---------------|
| <b>Legal Description:</b> | Approximately 14.5 acres, more or less, out of the John Williams Survey, Abstract A-490, Hays County |                               |               |
| <b>Location:</b>          | At the intersection of West Centerpoint Road and Flint Ridge Road                                    |                               |               |
| <b>Acreage:</b>           | 14.5 +/-   | <b>Central Business Area:</b> | No            |
| <b>Existing Zoning:</b>   | ETJ  | <b>Preferred Scenario:</b>    | Low Intensity |
| <b>Existing Use:</b>      | Vacant   | <b>Proposed Use:</b>          | Multifamily   |
| <b>CONA Neighborhood:</b> | N/A  | <b>Sector:</b>                | N/A           |
| <b>Utility Capacity:</b>  | Developer is responsible for extending utilities.  |                               |               |

**Surrounding Area**

|                           | <b>Zoning</b> | <b>Existing Land Use</b> | <b>Preferred Scenario</b> |
|---------------------------|---------------|--------------------------|---------------------------|
| <b>North of Property:</b> | ETJ           | COSM Fire Station #2     | Low Intensity             |
| <b>South of Property:</b> | ETJ           | Vacant                   | Low Intensity             |
| <b>East of Property:</b>  | ETJ           | Vacant                   | Low Intensity             |
| <b>West of Property:</b>  | SF-4.5        | Single Family            | Low Intensity             |

|                               |  |
|-------------------------------|--|
| <b>Alternative Compliance</b> | <b>La Cima Multifamily</b>                             |
| <b>AC-20-03</b>               | <b>Multifamily Residential<br/>Design Requirements</b> |



**History**

This property is part of the larger La Cima Development included in a Development Agreement with the City of San Marcos (originally approved in 2014, and amended in 2018). The applicant is requesting an Alternative Compliance to deviate from the Multifamily Residential Design Standards, including block requirements, building location requirements, fencing and screening requirements, pedestrian and circulation requirements, and refuse and recycling dumpster requirements, which apply to the Site and Building Design Criteria of the Multifamily Residential Design Standards found in Ordinance 2014-35. Multifamily residential was added to the Development Agreement as a land use in 2018. It was during this amendment process that City Council agreed to allow the use with the understanding that the standards found within Ordinance 2014-35 would be followed. Any deviations from these standards require approval from the City Council.

Per the approved Development Agreement, a request to annex and rezone the property is required prior to development of the property. A schematic site development plan provided by the applicant indicates that the maximum block size proposed is approximately 14.5 acres. However this site plan has not been approved.

**Additional Analysis**

The La Cima Development Agreement did not address the process for bringing requests to the city council for approval of deviations from the Multifamily Residential Design Standards. Section 2.8.4.3(C) of the San Marcos Development Code outlines a process for Alternative Compliance requests that are determined by City Council. Staff found that this process was the best to bring these particular requests forward. The first table below reviews the request against the criteria for approval of an Alternative Compliance under this particular section.

The second table reviews the request against the intent statements of the Multifamily Residential Design Standards. The applicant will still be required to meet the remaining design requirements of Ordinance 2014-35 as outlined in the approved Development Agreement. Section 1.04(A)(3) of the Development Agreement prohibits Purpose Built Student Housing. The applicant is aware that Purpose Built Student Housing is not allowed, and intends to build market rate apartments.

**Comments from Other Departments**

|                        |  |
|------------------------|--|
| <b>Police</b>          | Concerns with an increase in noise and traffic complaints as well as a potential increase in vehicular burglaries. PD will monitor the area once the proposed apartments start leasing to see if it becomes a major problem.           |
| <b>Fire</b>            | Concerns in relation to the fire code which can be addressed during site plan and building plan reviews.   |
| <b>Public Services</b> | Concerns with how the fire service hydrants will be located in the interior on private fire mains, as it will reduce the access to hydrants from public streets. This can be addressed during the site plan and building plan reviews. |
| <b>Engineering</b>     | No Concerns; they do not want another street connection to Centerpoint Road.   |

**Staff Recommendation**

|                               |  |
|-------------------------------|--|
| <b>Alternative Compliance</b> | <b>La Cima Multifamily</b>                         |
| <b>AC-20-03</b>               | <b>Multifamily Residential Design Requirements</b> |



|   |   |                                      |        |
|---|---|--------------------------------------|--------|
| Approval as Submitted   | <input checked="" type="checkbox"/>                     | Approval with Conditions / Alternate | Denial |
| <p>While the proposed multifamily deviations do not meet the intent statements found within Ordinance 2014-35, the request is consistent with the criteria for approval of an Alternative Compliance. In addition, the entire La Cima development is regulated by a Development Agreement. Due to these factors, Staff is providing a <b>neutral</b> recommendation and leaves a decision of approval or denial up to the Planning and Zoning Commission and City Council.</p> <p>Should the Commission choose to recommend approval of the Alternative Compliance, Staff recommends the following conditions:</p> <p><b>General:</b></p> <ol style="list-style-type: none"> <li>1. This Alternative Compliance applies to multifamily constructed on the subject property. The remainder of the property shall follow the regulations outlined in the La Cima Development Agreement;</li> <li>2. Alternative Compliance is contingent on MF-24 zoning change request;</li> <li>3. This Alternative Compliance shall not expire.</li> </ol> |   |                                      |        |
| <b>Staff:</b> Alison Brake, CNU-A   | <b>Title:</b> Historic Preservation Officer and Planner | <b>Date:</b> July 20, 2020           |        |

| Evaluation                          |              |                                     | Criteria for Approval (2.8.4.4)  |
|-------------------------------------|--------------|-------------------------------------|--|
| Consistent                          | Inconsistent | Neutral                             |  |
| <input checked="" type="checkbox"/> |              |                                     | <p><b>The request is consistent with the policies embodied in the adopted Comprehensive Plan;</b><br/> <i>This property is located within a Low Intensity zone but is regulated by a Development Agreement which regulates issues including but not limited to the schedule of annexation, the permitted uses and development standards, impervious cover, environmental and water quality standards and architectural design standards.</i></p> |
| <input checked="" type="checkbox"/> |              |                                     | <p><b>The request is consistent with the general purpose, intent and character of the development regulations applicable to the property;</b><br/> <i>The request is consistent with the general purpose and character of the development regulations as set forth in the Development Agreement.</i></p>   |
|                                     |              | <input checked="" type="checkbox"/> | <p><b>There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property;</b><br/> <i>None noted.</i></p>  |
| <input checked="" type="checkbox"/> |              |                                     | <p><b>The request is detrimental to the public health, safety or welfare, or injurious to other property within the area;</b><br/> <i>Staff does not feel that the request is detrimental to the public health, safety, or welfare, or is injurious to other property within the area.</i></p>   |
| <input checked="" type="checkbox"/> |              |                                     | <p><b>The request either:</b></p> <ol style="list-style-type: none"> <li>a. Does not have an adverse impact upon adjacent property or neighborhoods, including but not limited to, parking, traffic, noise, odors, visual nuisances, and drainage; or</li> </ol>   |

|                               |  |
|-------------------------------|--|
| <b>Alternative Compliance</b> | <b>La Cima Multifamily</b>                         |
| <b>AC-20-03</b>               | <b>Multifamily Residential Design Requirements</b> |



|          |          |  |
|----------|----------|--|
|          |          | <p><i>The multifamily residential design standards and Development Agreement include regulations to minimize adverse impacts.</i></p> <p><b>b. Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts.</b></p> <p><i>The property fronts West Centerpoint Road and Flint Ridge Road, located to the east of the project site, will be constructed by the developer. The developer also will be responsible to construct the public road north of the project site, shown on the schematic site development plan.</i></p> |
| <u>X</u> |          | <p><b>The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of this Development Code, or adversely affect the rights of owners or residents of adjacent property or neighborhoods;</b></p> <p><i>No adverse effects on surrounding properties or neighborhoods are noted. The applicant must still follow the remaining design requirements of Ordinance 2014-35 and the approved Development Agreement.</i></p>   |
| <u>X</u> |          | <p><b>The request shall not result in any incompatibility of the development to which it relates with, or the character and integrity of, adjacent property or neighborhoods; and</b></p> <p><i>No incompatibilities with neighboring properties are anticipated.</i></p>  |
|          | <u>X</u> | <p><b>The request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, that such deviations are necessary to render the subject development or Improvement compatible with adjacent development or the neighborhood.</b></p> <p><i>The request would double the block size but as the adjacent property is regulated by a Development Agreement, the deviation should not make the development incompatible with the remainder of the La Cima property.</i></p>  |

| Evaluation |              |          | Multifamily Design Standards Intent Statements Compliance Findings (Ordinance 2014-35)  |
|------------|--------------|----------|---|
| Consistent | Inconsistent | Neutral  |   |
|            |              | <u>X</u> | <p><b>Section 4.4.3.2(1)(a)(iii) Site Design – Block Requirements / Block Size</b></p> <p><b>a. The intent is to ensure that multifamily development is built to a scale that is compatible with surrounding areas and provides options for all modes of transportation.</b></p> <p><i>The design standards require that all blocks shall be limited to a maximum size of seven (7) acres.</i></p> <p><i>The subject property is 14.5 acres. While this is a little more than twice the required maximum block size, the property will be</i></p> |

|                               |  |
|-------------------------------|--|
| <b>Alternative Compliance</b> | <b>La Cima Multifamily</b>                         |
| <b>AC-20-03</b>               | <b>Multifamily Residential Design Requirements</b> |



|  |          |  |
|--|----------|--|
|  |          | <p><i>encompassed by three public roads. West Centerpoint Road and Flint Ridge Road are located to the south and northeast of the property. A third public road is shown on the schematic site plan along the northern boundary of the development. This road will be required to be dedicated and constructed at the time of platting.</i></p>  |
|  | <u>X</u> | <p><b>Section 4.4.3.2(1)(b)(i) Site Design – Building Location</b></p> <p><b>b. The intent is to create an external orientation to the streetscape, and an internal orientation to the residential environment with unifying open space and pedestrian pathways. The pedestrian shall be given design consideration equal to the automobile through strategies including the placement of parking in less prominent locations</b></p> <p><i>The design standards require that at least 50% of the frontage along streets shall consist of principal buildings, publicly accessible plazas, transit stops, or other functional open space focused on the corner of the block.</i></p> <p><i>Building 5 on the schematic site plan is shown on a corner adjacent to a detention pond. The applicant states that they have multiple detention ponds around the site to minimize the slopes and structures. They also state that they do have some options to use slightly depressed areas for general park settings which would be worked out in the site plan development stage. This particular detention pond, according to the applicant, is the best location to catch runoff as it is at the lower end of the site.</i></p> |
|  | <u>X</u> | <p><b>Section 4.4.3.2(1)(h) Site Design – Fencing and Screening</b></p> <p><b>h. The intent is to coordinate the design and location of fences to maximize interrelationship of buildings, public streets and open space while avoiding long, unarticulated fences that hinder connectivity</b></p> <p><i>The design standards and the development code require that the fence surrounding a multifamily residential development cannot exceed four (4) feet in height and must be located behind or even with the face of the buildings.</i></p> <p><i>The applicant is proposing to locate a six foot tall, 50% transparent fence halfway between the property line and the building setback lines. Along West Centerpoint Road, this would be approximately 32-feet from the property line. Along Flint Ridge Road and the proposed road along the northern boundary, the fence would be located approximately 20-feet from the property line.</i></p>  |
|  | <u>X</u> | <p><b>Section 4.4.3.2(1)(i)(i) Site Design – Pedestrian Access and Circulation</b></p>   |

|                               |  |
|-------------------------------|--|
| <b>Alternative Compliance</b> | <b>La Cima Multifamily</b>                             |
| <b>AC-20-03</b>               | <b>Multifamily Residential<br/>Design Requirements</b> |

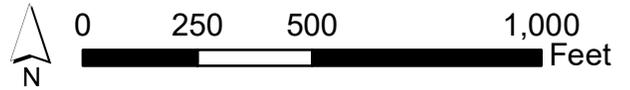


|  |          |   |
|--|----------|---|
|  |          | <p><b>i. The intent is to enhance pedestrian safety and convenience by providing an integrated pedestrian circulation system throughout the development. Contact points between pedestrians and vehicular paths should be minimized; where necessary they should be designed to alert drivers to crossing pedestrians.</b><br/> <i>The design standards require that pedestrian entrances connect sidewalks to the internal walkway and shall be open and not gated.</i></p> <p><i>The applicant states that they have the required pedestrian entrances but are requesting these entrances be gated with keypads citing security reason.</i></p>   |
|  | <u>X</u> | <p><b>Section 4.4.3.2(1)(m) Site Design – Refuse and Recycling Dumpsters</b><br/> <b>m. The intent is to provide convenient access to dumpsters for residents to reduce littering and outside storage of trash.</b><br/> <i>The design standards require trash and recycling dumpsters be located within 500 feet of the entrance to each ground floor unit. This is measured from the front entrance of each unit and along improved pedestrian paths.</i></p> <p><i>The applicant states that they would like to not include dumpsters throughout the site but rather utilize a valet trash compactor &amp; recycle center. This is shown to be located between Buildings 1 and 2 on the schematic site plan.</i></p> |

# AC-20-03 Aerial View Alternative Compliance — La Cima Multifamily



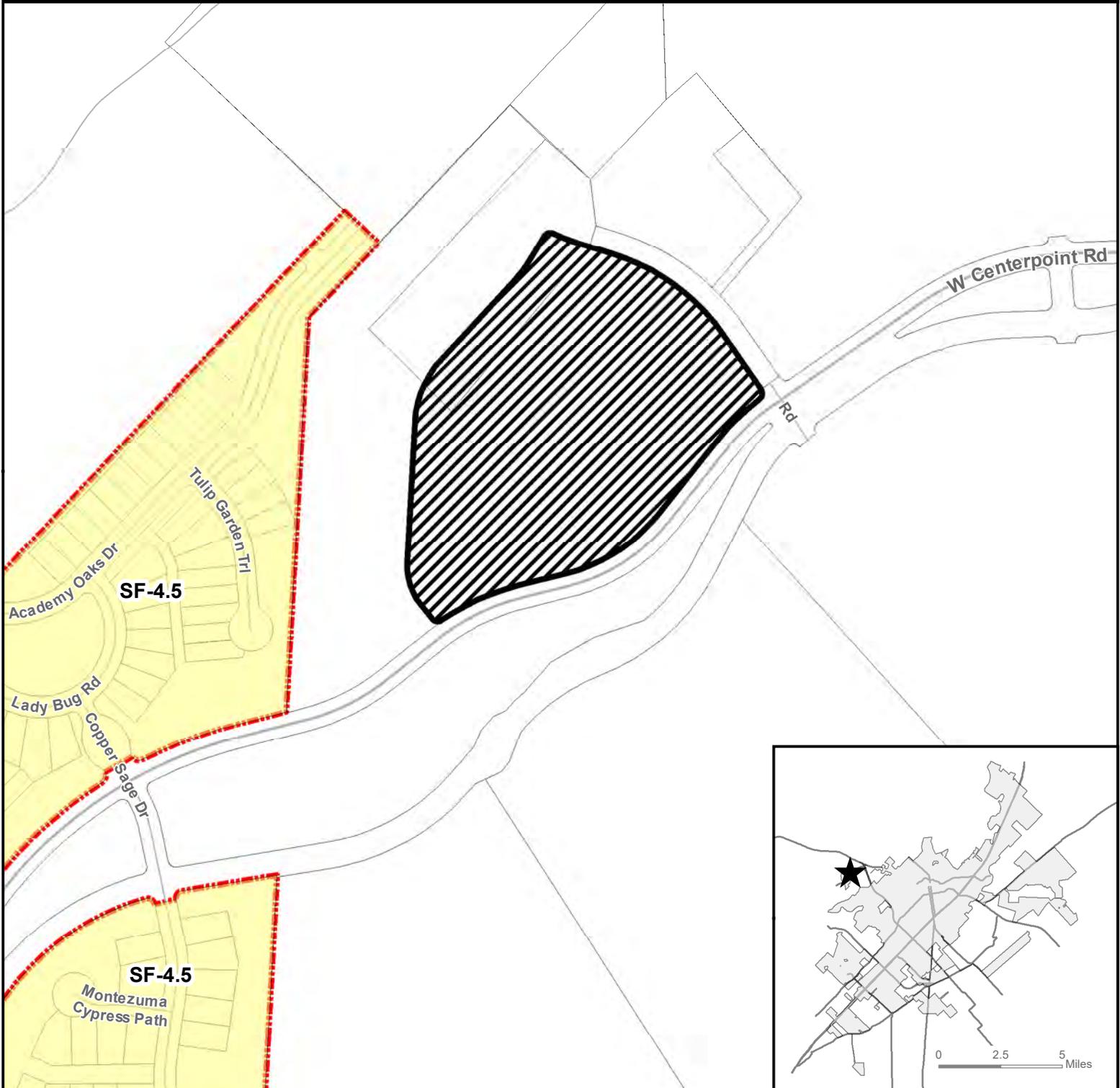
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



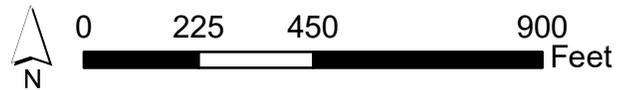
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 7/8/2020

# AC-20-03 Zoning Map Alternative Compliance — La Cima Multifamily



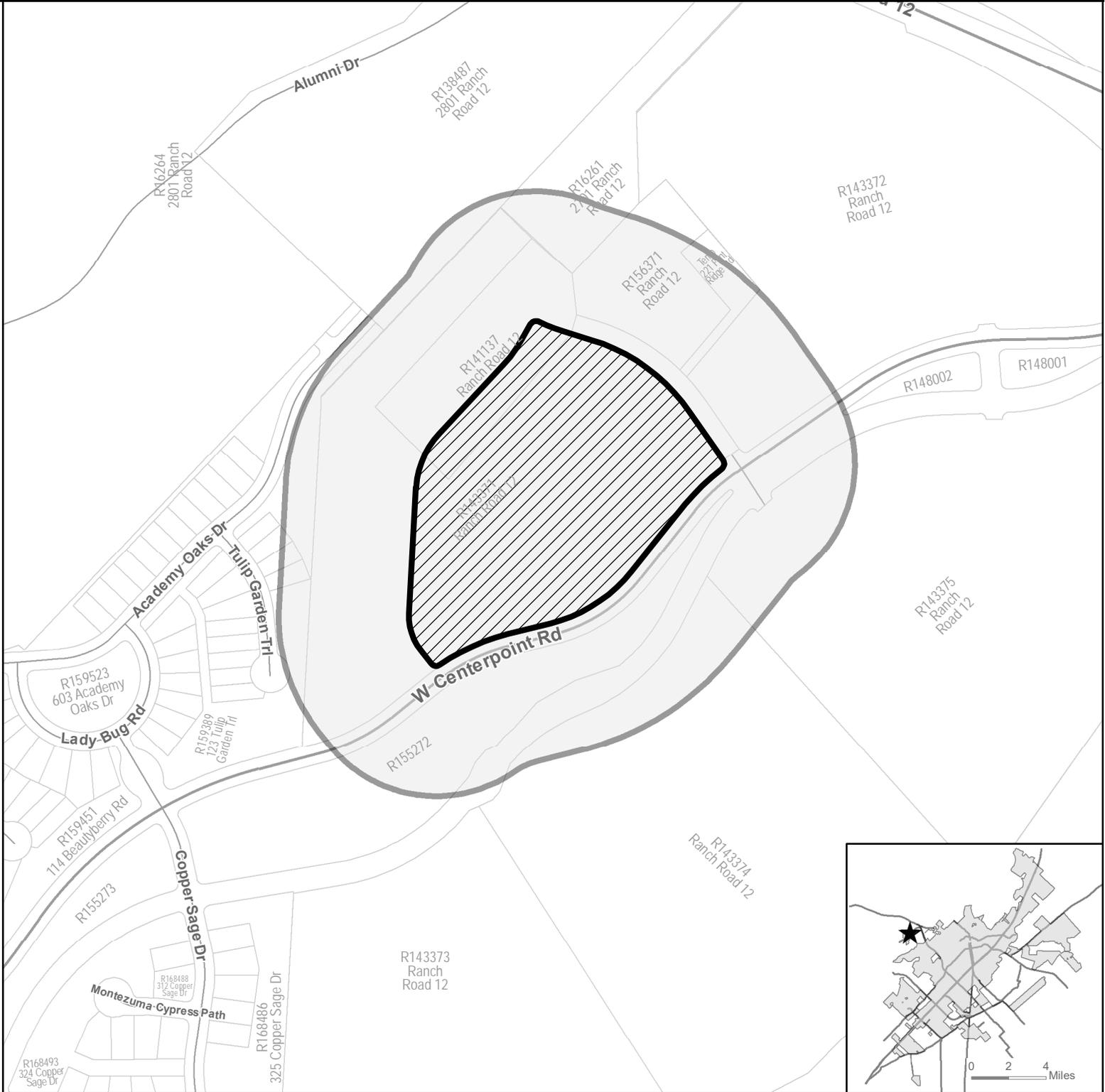
-  **Site Location**
-  **Subject Property**
-  *Single Family 4.5\* (SF-4.5)*
-  Parcel
-  City Limit



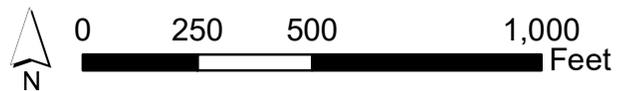
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Map Date: 7/8/2020

# AC-20-03 400' Notification Buffer Alternative Compliance — La Cima Multifamily



- ★ Site Location
-  Subject Property
-  400' Buffer
-  Parcel
-  City Limit



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.

Map Date: 7/8/2020

| Property ID | Owner Name  | Address                       | Owner City | Owner State | Owner Zip  |
|-------------|---|-------------------------------|------------|-------------|------------|
| 159385      | AREVALO DANIEL URANGA & DOMINGUEZ LEONOR TORRES                                     | 105 TULIP GARDEN TRL          | SAN MARCOS | TX          | 78666      |
| 159395      | BAWCOM JERRY GLOYD & VICKY SUE  | 112 TULIP GARDEN TRL          | SAN MARCOS | TX          | 78666      |
| 159397      | BROWNE, LARRY NOBLE & ANNETTE MARTINEZ  | 104 TULIP GARDEN TRL          | SAN MARCOS | TX          | 78666      |
| 159402      | CANO, PATRICIA DURAN & SANTIAGO PALMER JR   | 121 LADY BUG RD               | SAN MARCOS | TX          | 78666-3493 |
| 159396      | CHAPA, TROY   | 108 TULIP GARDEN TRL          | SAN MARCOS | TX          | 78666      |
| 159406      | HAMILTON, BILLY D   | 456 ACADEMY OAKS DR           | SAN MARCOS | TX          | 78666-3489 |
| 159391      | HIGHLAND HOMES AUSTIN LLC   | 5601 DEMOCRACY DR STE 300     | PLANO      | TX          | 75024-3674 |
| 143371      | LA CIMA COMMERCIAL LP   | 303 COLORADO ST STE 2300      | AUSTIN     | TX          | 78701      |
| 155272      | LA CIMA MASTER COMMUNITY INC  | 11149 RESEARCH BLVD STE 100   | AUSTIN     | TX          | 78759      |
| 138488      | LAZY OAKS RANCH LP  | 303 COLORADO ST STE 2300      | AUSTIN     | TX          | 78701-0021 |
| 159408      | LCSM PH 1-1 LLC   | 303 COLORADO ST STE 2300      | AUSTIN     | TX          | 78701      |
| 159392      | MCGILL, JEFFREY DEAN & LAURA ANN  | 124 TULIP GARDEN TRL          | SAN MARCOS | TX          | 78666      |
| 159398      | MENDEZ REYNALDO GAONA & MENDEZ CINTHYA ABIGAIL                                      | 105 LADY BUG RD               | SAN MARCOS | TX          | 78666      |
| 159407      | MHI PARTNERSHIP LTD   | 7676 WOODWAY DR STE 104       | HOUSTON    | TX          | 77063-1521 |
| 159390      | MORA, DAVID JR  | 132 TULIP GARDEN TRL          | SAN MARCOS | TX          | 78666      |
| 159386      | ROGERS REVOCABLE LIVING TRUST<br>STEVEN WANYNE & CAROLINE LOUISE ROGERS CO-TRUSTEES | 109 TULIP GARDEN TRL          | SAN MARCOS | TX          | 78666      |
| 144184      | SAN MARCOS BAPTIST ACADEMY FOUNDATION INC<br>Attn: JOHN H GARRISON Ph.D.            | 2801 RANCH ROAD 12            | SAN MARCOS | TX          | 78666      |
| 159403      | SCHUMANN CARLA ANN & SCOTT RONALD   | 125 LADY BUG RD               | SAN MARCOS | TX          | 78666      |
| 159410      | SCOTT FELDER HOMES LLC  | 6414 RIVER PLACE BLVD STE 100 | AUSTIN     | TX          | 78730-1158 |
| 159409      | SHEELER, LAWRENCE M & CLAIRE  | 504 ACADEMY OAKS DR           | SAN MARCOS | TX          | 78666      |
| 159388      | TAYLOR PAULA V & GARZA PATRICIA ANN   | 117 TULIP GARDEN TRL          | SAN MARCOS | TX          | 78666      |

|        |                 |                         |               |    |       |
|--------|-----------------|-------------------------|---------------|----|-------|
| 159387 | WHALEN, RANDY K | 113 TULIP GARDEN<br>TRL | SAN<br>MARCOS | TX | 78666 |
|--------|-----------------|-------------------------|---------------|----|-------|



**UNIT CALCS:**

|           |             |                 |          |       |
|-----------|-------------|-----------------|----------|-------|
| <b>A1</b> | (1) BEDROOM | (721 SQ. FT.)   | 24 UNITS | 8.3%  |
| <b>A2</b> | (1) BEDROOM | (791 SQ. FT.)   | 24 UNITS | 8.3%  |
| <b>A3</b> | (1) BEDROOM | (896 SQ. FT.)   | 84 UNITS | 29.2% |
| <b>B1</b> | (2) BEDROOM | (962 SQ. FT.)   | 36 UNITS | 12.5% |
| <b>B2</b> | (2) BEDROOM | (1,050 SQ. FT.) | 48 UNITS | 16.7% |
| <b>B4</b> | (2) BEDROOM | (1,195 SQ. FT.) | 36 UNITS | 12.5% |
| <b>C1</b> | (3) BEDROOM | (1,198 SQ. FT.) | 36 UNITS | 12.5% |

**TOTAL 288 UNITS**

|                                       |               |
|---------------------------------------|---------------|
| <b>TYPE 1 BLDG (A1 &amp; A3)</b>      | (2) BUILDINGS |
| <b>TYPE 2 BLDG (A1, B2, &amp; B3)</b> | (4) BUILDINGS |
| <b>TYPE 3 BLDG (B1 &amp; C1)</b>      | (3) BUILDINGS |
| <b>TYPE 4 BLDG (A3 &amp; B4)</b>      | (3) BUILDINGS |

|                       |                 |
|-----------------------|-----------------|
| <b>ONE BEDROOM:</b>   | 132 UNITS (46%) |
| <b>TWO BEDROOM:</b>   | 120 UNITS (41%) |
| <b>THREE BEDROOM:</b> | 36 UNITS (13%)  |

**BUILDING CALCS:**

**BUILDING I**  
 A1 - 12 UNITS  
 A2 - 12 UNITS  
 BUILDINGS (2) x 24 UNITS = 48 UNITS

**BUILDING II**  
 A1 - 12 UNITS  
 B2 - 6 UNITS  
 B3 - 6 UNITS  
 BUILDINGS (4) x 24 UNITS = 96 UNITS

**BUILDING III**  
 C1 - 12 UNITS  
 B1 - 12 UNITS  
 BUILDINGS (3) x 24 UNITS = 72 UNITS

**BUILDING TYPE IV**  
 A3 - 12 UNITS  
 B4 - 12 UNITS  
 BUILDINGS (3) X 24 UNITS = 72 UNITS

|                        |   |                     |
|------------------------|---|---------------------|
| <b>TOTAL UNITS</b>     | = | <b>288 UNITS</b>    |
| <b>TOTAL BUILDINGS</b> | = | <b>12 BUILDINGS</b> |

**PARKING CALCS:**

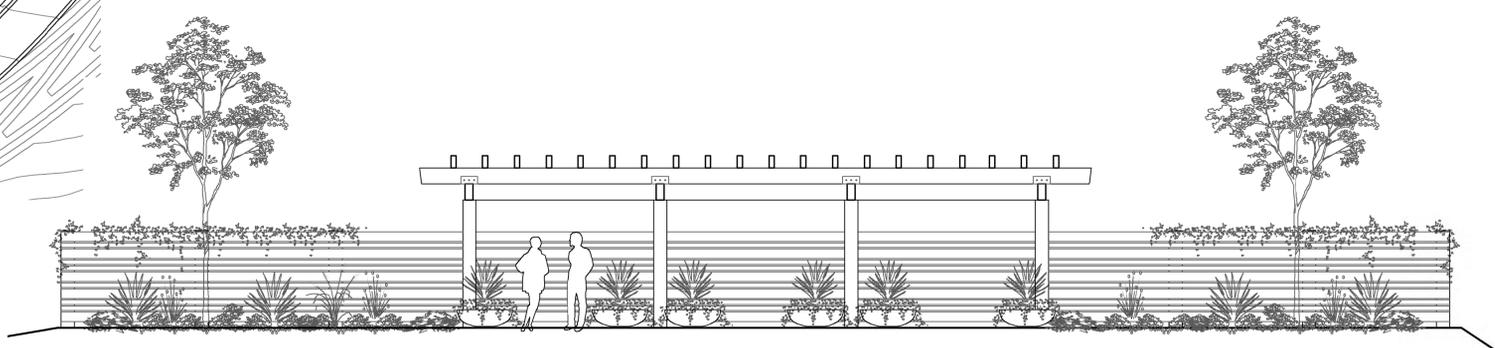
|                                |   |              |
|--------------------------------|---|--------------|
| TOTAL BEDROOMS                 | = | 480 (X 1.05) |
| TOTAL APARTMENT PARKING REQ'D. | = | 504          |

**TOTAL PARKING REQUIRED 504 SPACES**

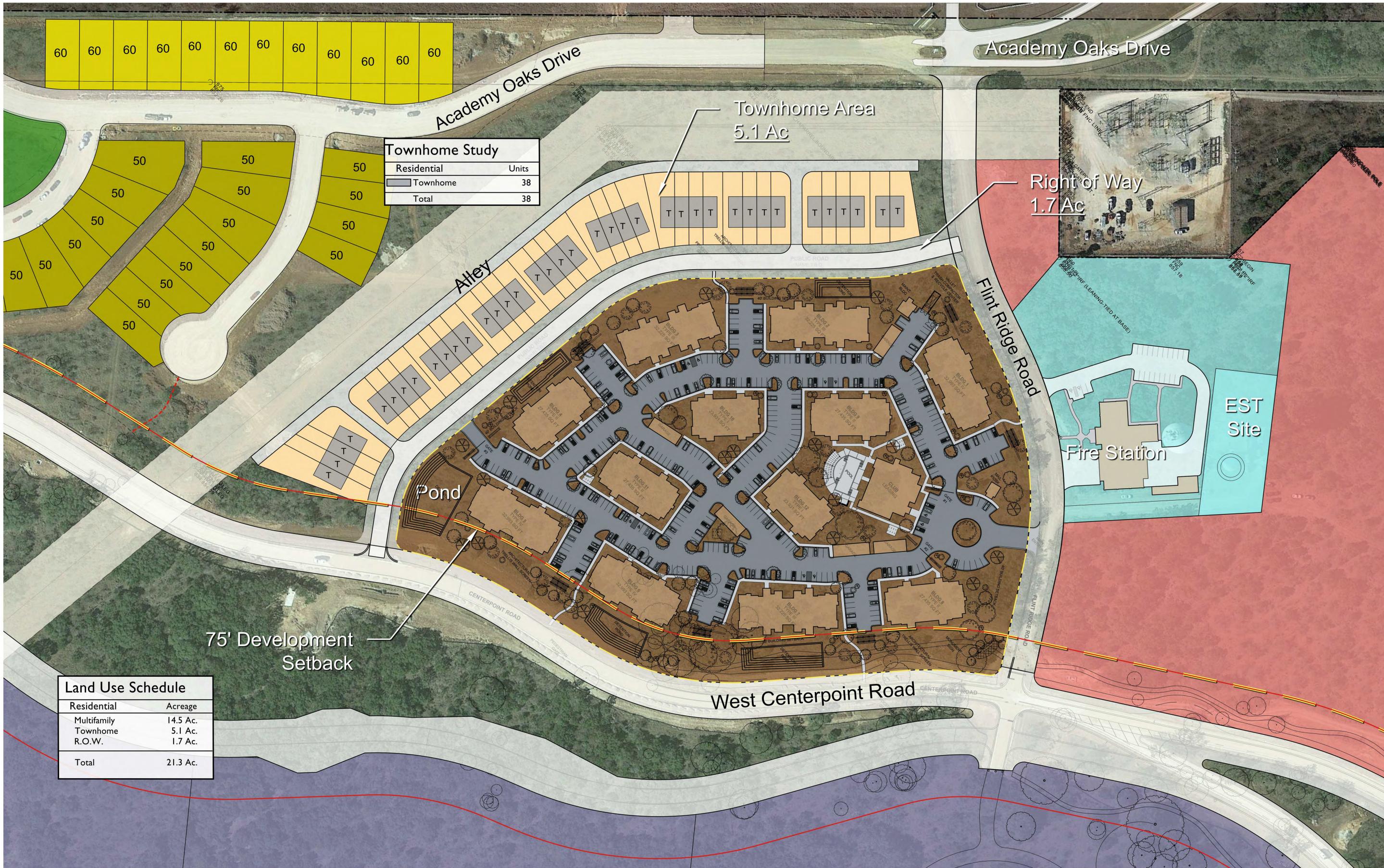
|                  |   |            |
|------------------|---|------------|
| PARKING PROVIDED | = | 494 SPACES |
| STANDARD         | = | 494 SPACES |
| HANDICAP         | = | 10 SPACES  |

**TOTAL PARKING PROVIDED 504 SPACES**

APPROXIMATE IMPERVIOUS COVER : 65%



ARCHITECTURAL TRELLIS SCREEN WALL SCHEMATIC SCALE: 3/16" = 1'-0"



| Townhome Study |           |
|----------------|-----------|
| Residential    | Units     |
| Townhome       | 38        |
| <b>Total</b>   | <b>38</b> |

| Land Use Schedule |                 |
|-------------------|-----------------|
| Residential       | Acreage         |
| Multifamily       | 14.5 Ac.        |
| Townhome          | 5.1 Ac.         |
| R.O.W.            | 1.7 Ac.         |
| <b>Total</b>      | <b>21.3 Ac.</b> |

Copyright RVI

Aerial Photography: January 2018  
Contour Interval: 2 ft.



**LA CIMA • ALLEY LOADED TOWNHOME STUDY & MULTI-FAMILY SITE PLAN**

- San Marcos, Texas
- May 11, 2020
- # 134031
- La Cima LLC

Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.  
Version: L:\2013\134031\LA Cima Lot Layout\Central Park TH MF Study S-E.dwg

Brake, Alison

---

From: Eric Willis <ericw@nd-austin.com>  
Sent: Thursday, July 2, 2020 2:35 PM  
To: Brake, Alison  
Cc: Hernandez, Amanda; Eric Willis  
Subject: [EXTERNAL] FW: AC-20-03 La Cima Multifamily

Good afternoon Alison and Amanda,

Thank you for the feedback from the City review team regarding the La Cima Multifamily site.

We have responses/ comments below in [BLUE](#).

We are always happy to provide additional information and answer any question the City review team may have.

Sincerely,

Eric Willis / La Cima

President,  
Natural Development Austin, LLC  
11612 FM 2244, BLDG. 1, STE. 140  
Austin, Texas 78738

C 512-695-2875  
O 512-402-1790

---

From: Brake, Alison <[ABrake@sanmarcostx.gov](mailto:ABrake@sanmarcostx.gov)>  
Sent: Friday, June 12, 2020 12:12 PM  
To: Eric Willis <[ericw@nd-austin.com](mailto:ericw@nd-austin.com)>  
Cc: Hernandez, Amanda <[AHernandez@sanmarcostx.gov](mailto:AHernandez@sanmarcostx.gov)>  
Subject: AC-20-03 La Cima Multifamily

Good afternoon Eric,

Staff has reviewed the alternative compliance to the block standards in Ordinance 2014-35 request and the following comments/concerns have been noted:

Public Services Department: It is important to see how the fire service hydrants will be located in the interior on private fire mains, as it will reduce the access to hydrants from public streets. This can be addressed during the site and building plan reviews.

[We will address this in the site development and building design phase as has been suggested.](#)

Fire Marshall's Office: The Fire Marshall stated that there were some concerns in relation to the fire code. However, those can be addressed during the site plan and building plan reviews. Please contact Kelly Kistner, Fire Marshall, should you have questions, 512.393.8481, [KKistner@sanmarcostx.gov](mailto:KKistner@sanmarcostx.gov)

We will address this in the site development and building design phase as has been suggested.

Police Department: Assistant Chief Winkenwerder stated that the problem PD always sees with a mix of multi-family and single family is noise and traffic complaints. He stated that PD should expect complaints from the homes that area to the west of the new multifamily area, specifically pool parties and noise complaints. Additionally, he stated that PD sees apartment complexes as a target for burglars due to the density of targets. Vehicle burglars count on large number of vehicles so that they can quickly steal multiple items and leave the area. Assistant Chief Winkenwerder stated that PD should expect an increase in these types of calls also once the complex and townhomes are finished. Staff clarified that Purpose Built Student Housing is prohibited in the Development Agreement to which Asst. Chief Winkenwerder replied that PD will monitor the area once it starts leasing to see if it becomes a major problem.

The police departments concern regarding noise and traffic are obviously a concern with college student-based housing projects in which people are coming and going at all hours. I appreciate the communication with San Marcos PD by staff disclosing La Cima is a NON-Student oriented Multifamily Community and thus the concerns regarding noise and traffic are mitigated by the targeted demographics for this community.

Regarding complaints from homeowners to the west, please feel free to provide the PD with the Concept Plan showing Townhomes planned to be developed immediately to the west of the Multifamily Community. The Road between the Multifamily and the Townhomes, the Townhomes themselves and the 100ft power line easement before you get to the first homes in Phase 1 Section 1 should be a more than adequate buffer for any noise generated from the Multifamily Community. Regarding pool activity, the location and size of the pool within the Community and the targeted demographic should address any potential concerns regarding future complaints.

The police departments concern about apartment complexes as a “target” for burglars is exactly the concern we have with allowing pedestrian access which are open and not gated to public streets. We firmly believe gated access is the best way to deter such activity from occurring in the community. We also believe this is true with fencing around the Community instead of from edge of building to edge of building. The **non-student demographic** we are targeting will not want to live on the first floor with any windows, especially bedroom windows, next areas that are accessible by the public without restriction. Again, a potential burglary issue that can be minimized and deterred with fencing.

Planning Department: In addition to the block size requirement not being met, it appears that other requirements are not being met as well. I've outlined a list of these requirements below and have attached a visual representation of some of these instances:

1. Section 4.4.3.2(1)(b) Building Location
  - Section 4.4.3.2(1)(b)(i) Minimum Building Frontage – At least 50% of the frontage along streets shall consist of principal buildings, publicly accessible plazas, transit stops, or other functional open space focused on the corner of the block.
    - The corner that Bldg. 5 is on is adjacent to a detention pond. Is this detention pond required in this location? Could this detention pond be moved behind Bldg. 5 so that the building is adjacent to the roadway? Could this detention pond be designed to be some kind of functional open space? If it can be redesigned, there's a possibility that Bldg. 5 would not have to be realigned.

We have multiple detention ponds around the site to minimize the slopes and structures. There are some options to use slightly depressed areas for general park settings, but this would have to be worked out in the site plan development stage. The

detention pond at that corner is the best location to catch runoff since it is at the lower end of the site. Is there any options to area detention outside our legal lot perimeter?

2. Section 4.4.3.2(2)(c) Parking

- Section 4.4.3.2(2)(c)(ii) Parking lots shall be located in the center and rear of the property rather than between buildings and streets.
  - There appear to be instances around the site where the parking is in front of the building face; essentially anything between the red fence line and the street. You'll need to make sure that the parking is located behind the face of the building.

The architect will adjust this on the revised site plan.

3. Section 4.4.3.2(2)(h) Fencing and Screening

- Section 4.4.3.2(2)(h)(i) Perimeter fences around MF developments, if used, shall be at least 50% transparent. The location and height of fencing shall be subject to Section 6.1.3.3.
  - The red line on the attached site plan helps better illustrate the appropriate perimeter fence location.

The fencing in the Community will meet the 50% transparency requirement. The fence design needs to be 6' tall to address security concerns cited by the PD.

This is in violation of supplemental development standards which sets the maximum height at 4', but a 4' fence is only good for dogs. We want to keep out unwanted people who prey on men, women and children and steal their stuff.

The mark up on the concept plan showing the fence going from front building corners to the adjacent front building corner is a flawed concept. This will allow the thugs, burglars and thieves as mentioned in "Police Department" comments to enter and prey on our residents. I suggest we locate the perimeter fence half way between the property line and the building setback lines. On Centerpoint road this would be 32' from the property line and on Flint Ridge Road and the Townhomes Street, 20' back from the property line. Of course, we need flexibility to work this fence around the existing trees and detention ponds.

4. Section 4.4.3.2(2)(i) Pedestrian Access and Circulation

- Section 4.4.3.2(2)(i)(i) One pedestrian entrance shall be provided connecting the multifamily site to the street for block faces up to 500 feet. 2 pedestrian entrances shall be provided for block faces longer than 500 feet. Pedestrian entrances shall connect sidewalks to the internal walkway network and shall be open and not gated.

We have the required pedestrian entrances, but they are gated with keypads for security reasons. As we have already stated above and as pointed out by the police department in their concerns mentioned above.

- Pedestrian access is shown as gated, indicated by a purple circle. There are opportunities for additional connection points to sidewalks, indicated by a blue line.

We don't have a problem having more connection points, but we need them to be gated with keypads.

- Section 4.4.3.2(2)(i)(iv) Crosswalks shall be distinguished from driving surfaces via painted striping or materials such as pavers, bricks, stamped concrete, etc.
  - No crosswalks are indicated on the site plan. The yellow line on attached site plan helps illustrate more crosswalks throughout the parking areas.

**We will have crosswalks with painted striping and accessible by ADA standards connecting all buildings internally to other buildings.**

5. Section 4.4.3.2(2)(m) Refuse and Recycling Dumpsters

- Section 4.4.3.2(2)(m)(ii) Location – All MF developments shall provide both trash and recycling dumpsters located next to each other. Both shall be located within 500 feet of the entrance to each ground floor unit measured from the front entrance of the unit and along improved pedestrian paths.
  - One valet trash compactor & recycle center shown on schematic site plan between Bldgs. 1 & 2.

**We can put dumpsters throughout the site but that is exactly what we are trying to get away from. Unsightly dumpsters throughout site are ugly and generally have a smell associated with them.**

It would be best, for this alternative compliance request, for you outline all the ways in which you are requesting to vary from Ordinance 2014-35. I recommend reviewing the entire ordinance once more before we proceed.

Thank you,



**Alison Brake, CNU-A**

Historic Preservation Officer & Planner | Planning & Development Services  
630 E Hopkins, San Marcos, TX 78666  
512.393.8232

**Make Sure You Count in San Marcos!**

[Click here to respond to the US Census](#)

**CAUTION:** This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

# CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION



Updated: October, 2019

## CONTACT INFORMATION

|                             |   |                         |  |
|-----------------------------|---|-------------------------|--|
| Applicant's Name            | Eric Willis                                 | Property Owner          | La Cima Commercial LP                              |
| Company                     | Natural Development Austin, LLC             | Company                 | La Cima Commercial LP                              |
| Applicant's Mailing Address | 11612 FM 2244, Ste 140, Austin, Texas 78738 | Owner's Mailing Address | 303 Colorado Street, STE 2300, Austin, Texas 78701 |
| Applicant's Phone #         | 512-695-2875                                | Owner's Phone #         |  |
| Applicant's Email           | EricW@ND-Austin.com                         | Owner's Email           |  |

## PROPERTY INFORMATION

Subject Property Address: West Center Point Road - Not Platted

Zoning District: N/A

Tax ID #: R 143371

Legal Description: Lot N/A Block N/A Subdivision La Cima - Commercial

## DESCRIPTION OF REQUEST

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

Market Rate Multifamily project consisting of 288 units allowed under the La Cima Development Agreement as Non-Student Purpose Built Housing

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Initial Filing Fee \$793\*

Technology Fee \$13

**TOTAL COST \$806**

Renewal/Amendment Filing Fee \$423\*

Technology Fee \$13

**TOTAL COST \$436**

*\*Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

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

PROPERTY OWNER AUTHORIZATION

I, Bryan Lee (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  
West Centerpoint Road (address).

I hereby authorize Eric Willis (agent name) on behalf of  
Natural Development Austin, LLC (agent company) to file this application for  
Multifamily site approval (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 3/9/2020

Printed Name, Title: Manager - N.D.A. - W.Lee

Signature of Agent:  Date: 3/4/2020

Printed Name, Title: Eric Willis President

**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 \$91 plus a \$13 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 \$91 plus a \$13 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: 3-9-2020

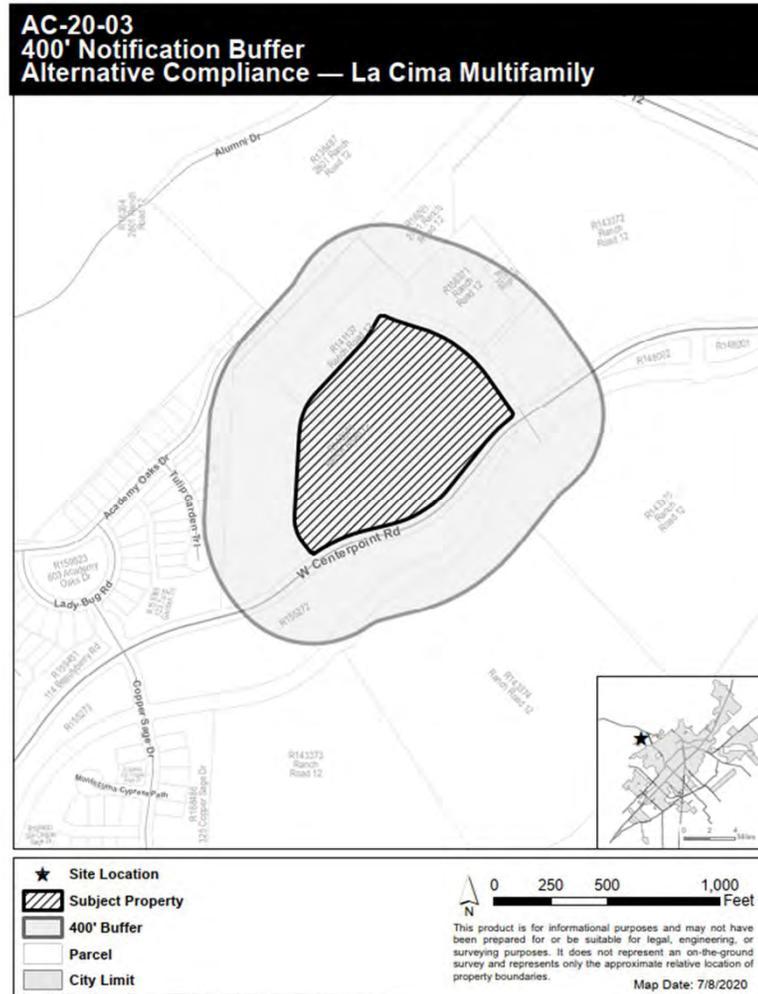
Print Name: Arjoon Lee

## AC-20-03 (La Cima Multifamily Residential Design Standards)

Hold a public hearing and consider a request by Eric Willis for an Alternative Compliance to the various design requirements in Section 4.4.3.2 of the Multifamily Residential Design Standards in Ordinance 2014-35 for a proposed multifamily residential development located at the northwest corner of West Centerpoint Road and Flint Ridge Road, Hays County, Texas (A. Brake)

### Location:

- Approximately 14.5 acres at the intersection of West Centerpoint Road and Flint Ridge Road in La Cima Development
- Proposing various deviations to Multifamily Residential Design Standards (Ord. 2014-35)
- Low Intensity Zone
- **Current Configuration:** Vacant
- Surrounding uses include:
  - vacant and agricultural land
  - Single Family
  - City Facilities (Fire Station #2)

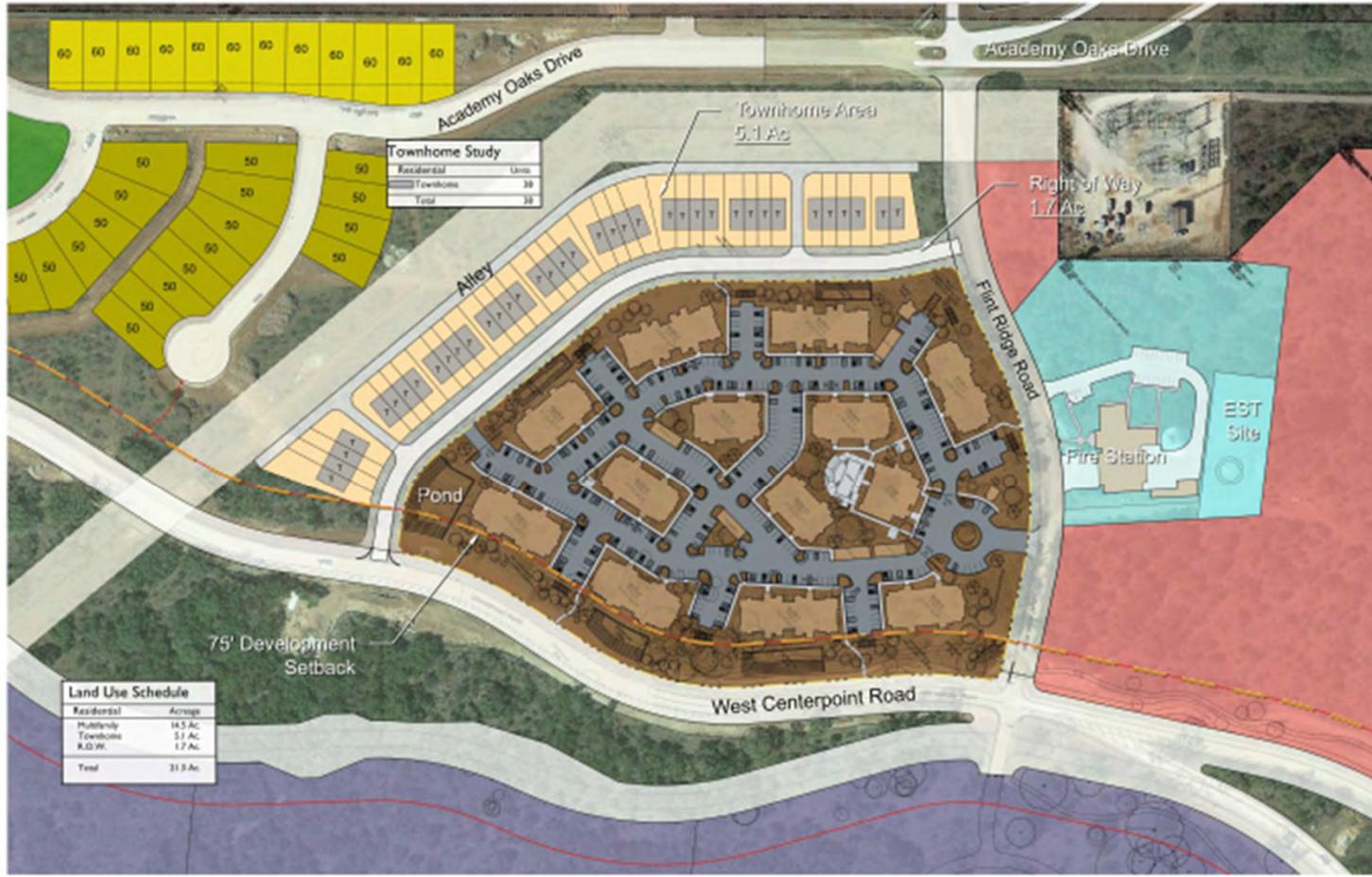


## Context & History

- **Alternative Compliance:**  
Multifamily Residential Design Standards
  - block size
  - building location
  - fencing and screening
  - pedestrian and circulation
  - refuse and recycling dumpster
  
- +/- 12 Buildings
  - 288 Units



# Proposed Concept



# Schematic Site Plan



**UNIT CALCS:**

|    |            |                 |          |     |
|----|------------|-----------------|----------|-----|
| A1 | 10-BEDROOM | (70' x 50' FT)  | 24 UNITS | 50% |
| A2 | 10-BEDROOM | (70' x 50' FT)  | 24 UNITS | 50% |
| A3 | 10-BEDROOM | (80' x 50' FT)  | 24 UNITS | 50% |
| B1 | 10-BEDROOM | (80' x 50' FT)  | 24 UNITS | 50% |
| B2 | 10-BEDROOM | (1,000 SQ. FT.) | 48 UNITS | 50% |
| B4 | 10-BEDROOM | (1,100 SQ. FT.) | 36 UNITS | 50% |
| C1 | 10-BEDROOM | (1,100 SQ. FT.) | 36 UNITS | 50% |

**TOTAL UNITS:**

|                         |               |
|-------------------------|---------------|
| TYPE 1 BLDG A1 & A2     | (2) BUILDINGS |
| TYPE 2 BLDG A3, B1 & B2 | (4) BUILDINGS |
| TYPE 3 BLDG B4 & C1     | (2) BUILDINGS |
| TYPE 4 BLDG D & E       | (2) BUILDINGS |

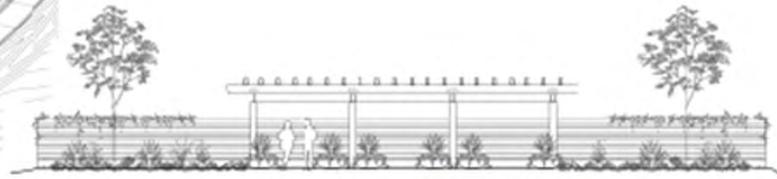
|               |                 |
|---------------|-----------------|
| ONE BEDROOM   | 132 UNITS (40%) |
| TWO BEDROOM   | 432 UNITS (41%) |
| THREE BEDROOM | 36 UNITS (10%)  |

**BUILDING CALCS:**

|                 |                           |
|-----------------|---------------------------|
| BUILDING 1      | A1 - 12 UNITS             |
|                 | A2 - 12 UNITS             |
| BUILDING 2      | (2) X 24 UNITS + 48 UNITS |
| BUILDING 3      | A3 - 24 UNITS             |
|                 | B1 - 8 UNITS              |
|                 | B2 - 8 UNITS              |
| BUILDING 4      | (2) X 24 UNITS + 48 UNITS |
| BUILDING 5      | C1 - 36 UNITS             |
|                 | B1 - 12 UNITS             |
| BUILDING 6      | (2) X 24 UNITS + 48 UNITS |
| BUILDING TYPE 3 | A3 - 12 UNITS             |
|                 | B4 - 12 UNITS             |
| BUILDING 7      | (2) X 24 UNITS + 48 UNITS |
| TOTAL UNITS     | = 480 UNITS               |
| TOTAL BLDG AREA | = 22,800 SQ. FT.          |

**PARKING CALCS:**

|                               |              |
|-------------------------------|--------------|
| TOTAL BEDROOMS                | = 480 (100%) |
| TOTAL APARTMENT PARKING REQ'D | = 504        |
| TOTAL PARKING REQUIRED        | = 504 SPACES |
| PARKING PROVIDED              |              |
| STANDARD                      | = 480 SPACES |
| HANDICAP                      | = 24 SPACES  |
| TOTAL PARKING PROVIDED        | = 504 SPACES |
| APPROXIMATE IMPERVIOUS COVER  | = 80%        |

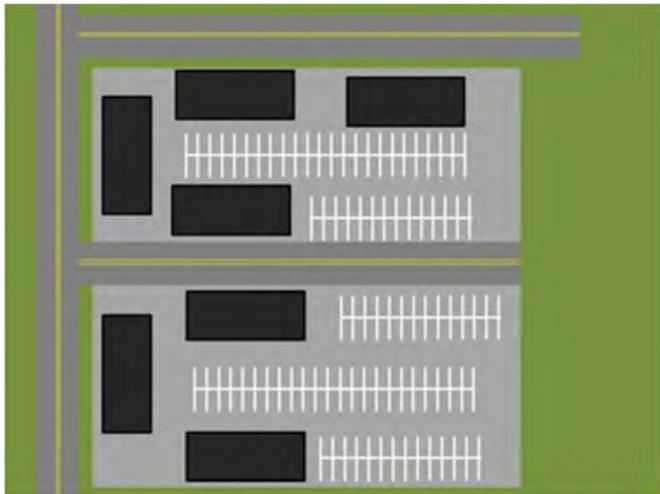


ARCHITECTURAL  
TRELLIS SCREEN WALL SCHEMATIC  
SCALE: 3/4" = 1'-0"

## Alternative Compliance Request

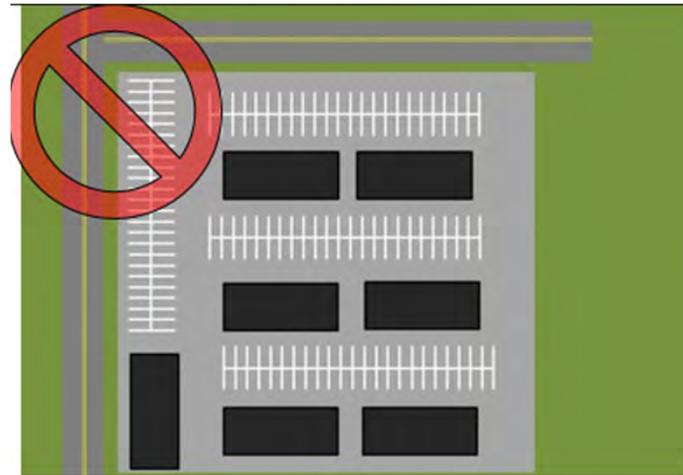
### Section 4.4.3.2(1)(a)(iii) Block Requirements / Block Size

**Code Requirement:** All blocks shall be limited to a maximum size of seven (7) acres



A street providing block structure and potential for future connection: *appropriate*

**Applicant Request:** A maximum block size of 14.5 acres.



A tract over seven acres without blocks: *inappropriate*

## Alternative Compliance Request

### Section 4.4.3.2(1)(b)(i) Building Location

**Code Requirement:** At least 50% of the frontage along streets shall consist of principal buildings, publicly accessible plazas, transit stops, or other functional open space focused on the corners of the block.



*Building is Parallel to and Oriented toward the street with more than 50% of the frontage consisting of buildings:  
appropriate*

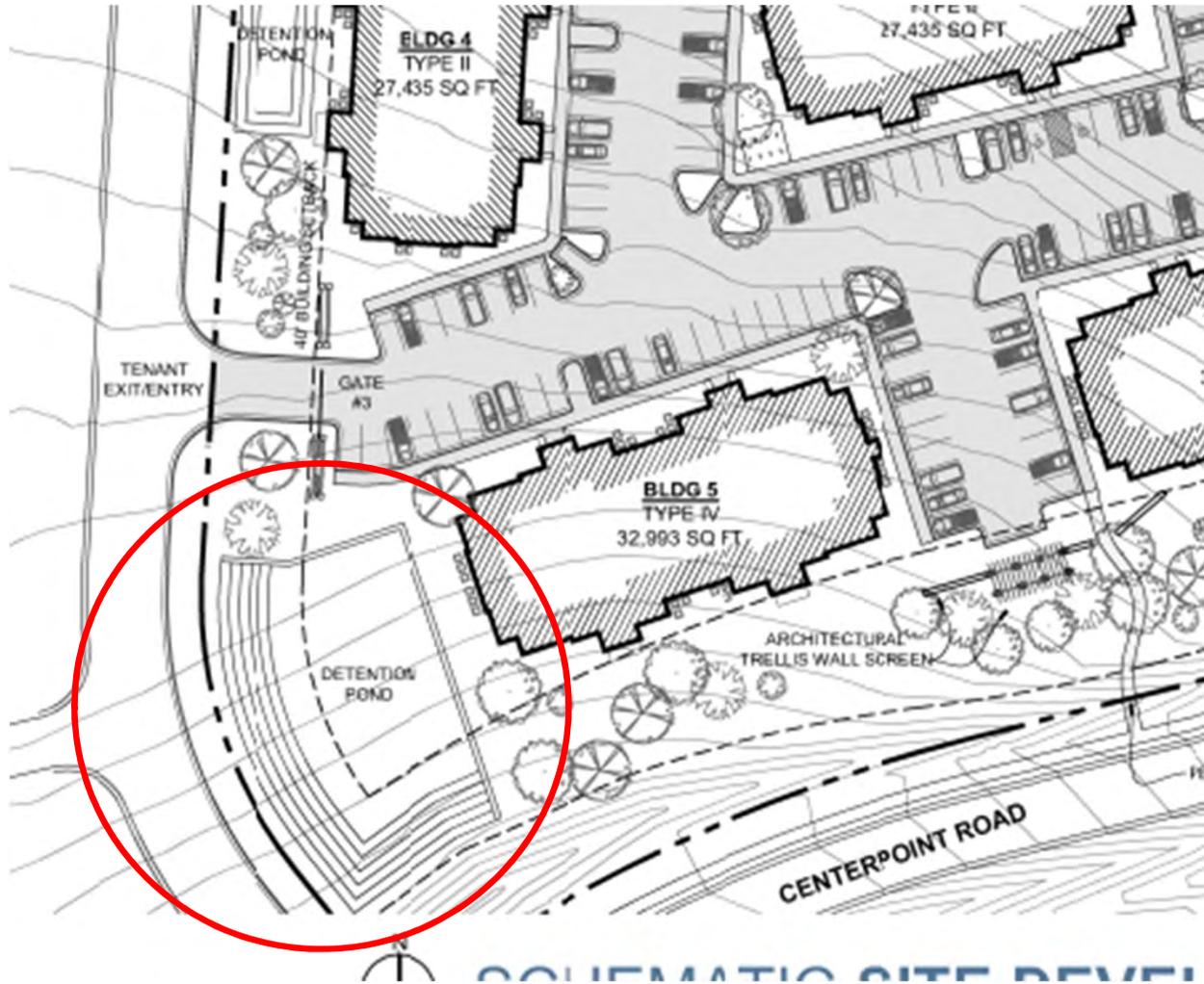
**Applicant Request:** Building 5 is adjacent to a detention pond\*. This particular pond, according to applicant, is at the lower end of the site and best location to catch runoff.

*\*location shown on next slide*



*Building is setback from the street with parking along the frontage: inappropriate*

## Building Location



## Alternative Compliance Request

### Section 4.4.3.2(1)(h) Fencing and Screening

**Code Requirement:** Perimeter fences around multifamily developments, if used, shall be at least 50% transparent. The location and height of fencing shall be subject to Section 6.1.3.3. Fence cannot exceed 4' in height and must be located behind or even with the face of the buildings



*Perimeter fence which is more than 50% transparent with masonry columns and pedestrian access: appropriate*

**Applicant Request:** 6' tall, 50% transparent fence that will be located halfway between the property line and the building setback lines.



*Solid perimeter fence: inappropriate*

## Alternative Compliance Request

### Section 4.4.3.2(1)(i)(i) Pedestrian Access and Circulation

**Code Requirement:** Pedestrian entrances shall connect sidewalks to the internal walkway network and shall be open and not gated.



*Perimeter fence which is more than 50% transparent with masonry columns and pedestrian access: **appropriate***

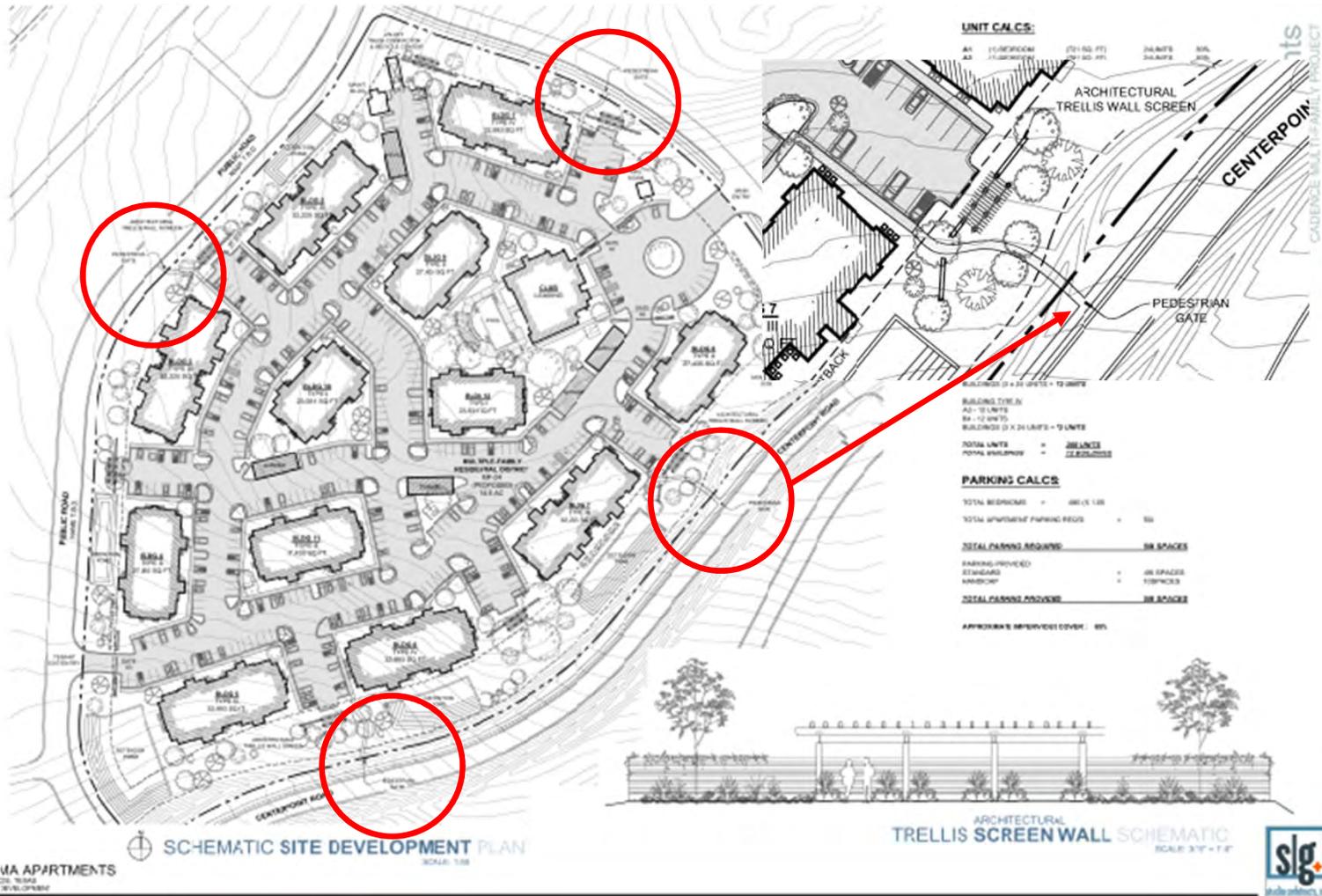
**Applicant Request:** Gated pedestrian entrances with keypads\*

*\*locations shown on next slide*



*Solid perimeter fence: **inappropriate***

# Pedestrian Access

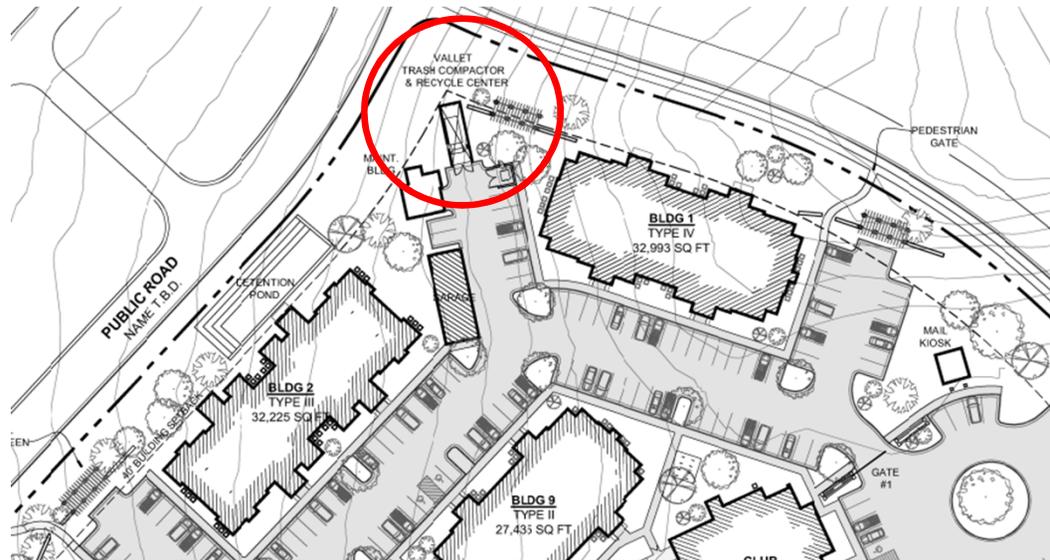


## Alternative Compliance Request

### Section 4.4.3.2(1)(m) Refuse and Recycling Dumpsters

**Code Requirement:** All multifamily developments shall provide both trash and recycling dumpsters located next to each other. Both shall be located within 500 feet of the entrance to each ground floor unit measured from the front of the entrance of the unit and along improved pedestrian paths.

**Applicant Request:** Utilize a single valet trash compactor and recycle center – between Buildings 1 and 2





## Staff Recommendation

Staff is providing a neutral recommendation and leaves a decision of approval or denial up to the Planning and Zoning Commission and City Council.

Should the Commission choose to recommend approval of the Alternative Compliance, Staff recommends the following conditions:

### **General:**

1. This Alternative Compliance applies to multifamily constructed on the subject property. The remainder of the property shall follow the regulations outlined in the La Cima Development Agreement (2020-50R);
2. Alternative Compliance is contingent on MF-24 zoning change request; and
3. This Alternative Compliance shall not expire.



## Legislation Text

---

File #: AC-20-06, Version: 1

---

### **AGENDA CAPTION:**

AC-20-06 (724 Valley Street) Hold a public hearing and consider a request by Al Carroll on behalf of Marel and Rosa Alvarado for an Alternative Compliance Request to allow two lots that exceed a 3:1 ratio in length to width for approximately 0.34 acres out of the B. W. Breeding Addition, Located at 724 Valley Street. (W. Parrish)

Meeting date: June 23, 2020

Department: Planning and Development Services

### **Amount & Source of Funding**

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

### **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 - Diversified housing options to serve citizens with varying needs and interests

Parks, Public Spaces & Facilities - Choose an item.

Transportation - Choose an item.

Core Services

Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

The applicant is requesting an Alternative Compliance to deviate from the Irregularly-Shaped Lots standards in the San Marcos Development Code. The applicant is proposing to take one lot, that is currently in conformation and divide it into two lots, both of which would be considered severely elongated, as they would be in excess of a 3 to 1 ratio in length to width.

In addition to the Alternative Compliance application, the applicant is submitting a Zoning Change request, to rezone the property from SF-6 to ND-3. As part of this request, the applicant is required to submit an Existing Neighborhood Regulating Plan (ENRP) overlay.

The submitted ENRP shows that the applicant intends to subdivide the existing lot, which measures approximately 99 feet wide by 167 feet deep, into two lots measuring approximately 44.5 feet wide by 167 feet deep. This request is possible as the ND-3 zoning district allows for the Cottage building type to be built on lots that are a minimum of 40 feet wide and have a lot area of 4,500 square feet, which the proposed lots exceed. However, the proposed configuration exceeds the 3:1 maximum ratio, and is instead approximately 3.75:1.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff submits this request to the Planning and Zoning Commission and recommends **approval** of the request with the following condition:

1. Approval of Alternative Compliance request is contingent upon rezoning to ND-3
2. The Alternative Compliance shall not expire

|                               |                                |
|-------------------------------|--------------------------------|
| <b>Alternative Compliance</b> | <b>724 Valley</b>              |
| <b>AC-20-06</b>               | <b>Irregularly Shaped Lots</b> |



**Summary**

|   |   |                        |  |
|---|---|------------------------|--|
| <b>Request:</b>                           | An Alternative Compliance to the Irregularly Shaped Lots standards for in Section 3.6.3.1(B)(3) of the San Marcos Development Code. |                        |  |
| <b>Applicant:</b>                         | Al Carroll, P.E.<br>PO Box 968<br>San Marcos, TX 78667  | <b>Property Owner:</b> | Marel & Rosa Alvarado<br>415 Pinafore St<br>Buda, TX 78610 |
| <b>Alternative Compliance Expiration:</b> | The Alternative Compliance shall not expire.  |                        |  |

**Notification**

|                  |  |                  |                     |
|------------------|--|------------------|---------------------|
| <b>Posted:</b>   | <b>NA</b>  | <b>Personal:</b> | <b>May 22, 2020</b> |
| <b>Response:</b> | Staff received a Petition against the request (attached) |                  |                     |

**Property Description**

|                            |   |                               |                                    |
|----------------------------|---|-------------------------------|------------------------------------|
| <b>Legal Description:</b>  | Lot S Block 5 B.W. Breeding Addition                    |                               |                                    |
| <b>Location:</b>           | The intersection of Valley Street and Luck Street Alley |                               |                                    |
| <b>Acreage:</b>            | .34 +/-   | <b>Central Business Area:</b> | No                                 |
| <b>Existing Zoning:</b>    | "SF-6" Single Family-6                                  | <b>Proposed Zoning:</b>       | "ND-3" Neighborhood Density - 3    |
| <b>Preferred Scenario:</b> | Existing Neighborhood                                   | <b>CONA Neighborhood:</b>     | Dunbar                             |
| <b>Existing Use:</b>       | Vacant  | <b>Proposed Use:</b>          | Two single family homes and an ADU |
| <b>Sector:</b>             | 1   | <b>Utility Capacity:</b>      | Adequate                           |

**Surrounding Area**

|                           | <b>Zoning</b> | <b>Existing Land Use</b> | <b>Preferred Scenario</b> |
|---------------------------|---------------|--------------------------|---------------------------|
| <b>North of Property:</b> | SF-6          | Vacant                   | Existing Neighborhood     |
| <b>South of Property:</b> | P             | Boys and Girls Club      | Existing Neighborhood     |
| <b>East of Property:</b>  | SF-6          | House                    | Existing Neighborhood     |
| <b>West of Property:</b>  | SF-6          | House                    | Existing Neighborhood     |

**Alternative Compliance****724 Valley****AC-20-06****Irregularly Shaped Lots****History**

The applicant is requesting an Alternative Compliance to deviate from the Irregularly-Shaped Lots standards in the San Marcos Development Code. The applicant is proposing to take one lot that currently conforms with lot standards and divide it into two lots, both of which would be considered severely elongated, as they would be in excess of a 3 to 1 ratio in length to width.

Section 3.6.3.1(B)(3) states that “Triangular, severely elongated (in excess of 3 to one length to width ratio) or tapered, or flag lots shall not be permitted except for use as dedicated parkland lots.”

Section 3.6.3.1(B)(3)(a) specifically states that exceptions to these standards fall under the alternative compliance process in accordance with Section 2.8.4.1 of the San Marcos Development Code.

**Additional Analysis**

In addition to the Alternative Compliance application, the applicant is submitting a Zoning Change request, to rezone the property from SF-6 to ND-3. As part of this request, the applicant is required to submit an Existing Neighborhood Regulating Plan (ENRP) overlay. The purpose of the ENRP is to establish certain overlay characteristics such as the number of lots proposed, the allowed building types, transitional buffers, and parking locations.

The submitted ENRP shows that the applicant intends to subdivide the existing lot, which measures approximately 99 feet wide by 167 feet deep, into two lots measuring approximately 44.5 feet wide by 167 feet deep. This request is possible as the ND-3 zoning district allows for the Cottage building type to be built on lots that are a minimum of 40 feet wide and have a lot area of 4,500 square feet, which the proposed lots exceed. However, the proposed configuration exceeds the 3:1 maximum ratio, and is instead approximately 3.75:1.

As this property is located within an existing previously developed neighborhood, the applicant is unable to shape the proposed lots to meet the 3:1 requirement, even though both lots exceed the minimum lot dimensional standards. Additionally, there are similarly shaped lots existing in the neighborhood near this property.

**Comments from Other Departments**

|                        |             |
|------------------------|-------------|
| <b>Police</b>          | No Concerns |
| <b>Fire</b>            | No Concerns |
| <b>Public Services</b> | No Concerns |
| <b>Engineering</b>     | No Concerns |

|                               |                                |
|-------------------------------|--------------------------------|
| <b>Alternative Compliance</b> | <b>724 Valley</b>              |
| <b>AC-20-06</b>               | <b>Irregularly Shaped Lots</b> |



**Staff Recommendation**

|   |                        |                                 |        |
|---|------------------------|---------------------------------|--------|
| Approval as Submitted   | <b>X</b>               | <b>Approval with Conditions</b> | Denial |
| Staff recommends that the request be approved with the following conditions:  |                        |                                 |        |
| <b>General:</b> <ol style="list-style-type: none"> <li>1. Approval of Alternative Compliance is contingent on approval of rezoning to ND-3</li> <li>2. This Alternative Compliance shall not expire.</li> </ol> |                        |                                 |        |
| <b>Staff:</b> Will Parrish AICP, CNU-A  | <b>Title :</b> Planner | <b>Date:</b> January 30, 2020   |        |

| valuation       |                 |         | <b>Criteria for Approval (2.8.4.4)</b>   |
|-----------------|-----------------|---------|--|
| Consistent      | Inconsistent    | Neutral |  |
| <b><u>X</u></b> |                 |         | <b>The request is consistent with the policies embodied in the adopted Comprehensive Plan;</b><br><i>This property is located within an Existing Neighborhood as indicated on the Preferred Scenario Map. The Comprehensive Plan states that development within Existing Neighborhoods should be compatible with the surrounding neighborhood. There are several lots within close proximity to the proposed Alternative Compliance that have similar dimensions.</i>  |
| <b><u>X</u></b> |                 |         | <b>The request is consistent with the general purpose, intent and character of the development regulations applicable to the property;</b><br><i>See Criteria for Approval in Section 3.6.5.1 below.</i>   |
|                 | <b><u>X</u></b> |         | <b>There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property;</b><br><i>None noted.</i>   |
| <b><u>X</u></b> |                 |         | <b>The request is detrimental to the public health, safety or welfare, or injurious to other property within the area;</b><br><i>Staff does not feel that the request is detrimental to the public health, safety, or welfare, or is injurious to other property within the area.</i>  |
| <b><u>X</u></b> |                 |         | <b>The request either:</b> <ol style="list-style-type: none"> <li>a. <b>Does not have an adverse impact upon adjacent property or neighborhoods, including but not limited to, parking, traffic, noise, odors, visual nuisances, and drainage; or</b><br/> <i>The proposed zoning district and Existing Area Regulating Plan have standards to minimize adverse impacts, such as parking location standards.</i></li> <li>b. <b>Includes Improvements either on-site or within the public rights-of-way to mitigate any such adverse impacts.</b></li> </ol> |
| <b><u>X</u></b> |                 |         | <b>The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of this Development Code, or adversely affect the rights of owners or residents of adjacent property or neighborhoods;</b><br><i>No adverse effects on surrounding properties or neighborhoods are noted.</i>   |

**Alternative Compliance**

**AC-20-06**

**724 Valley**

**Irregularly Shaped Lots**

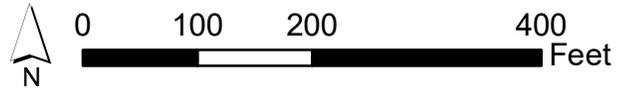


| Evaluation |              |         | Criteria for Approval (2.8.4.4)   |
|------------|--------------|---------|---|
| Consistent | Inconsistent | Neutral |   |
| <u>X</u>   |              |         | <p><b>The request shall not result in any incompatibility of the development to which it relates with, or the character and integrity of, adjacent property or neighborhoods; and</b></p> <p><i>The applicant is proposing to build two homes and an Accessory Dwelling Unit, which is compatible with the surrounding uses of homes and the Boys and Girls Club.</i></p>   |
| <u>X</u>   |              |         | <p><b>The request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, that such deviations are necessary to render the subject development or Improvement compatible with adjacent development or the neighborhood.</b></p> <p><i>The request meets all standards of the requested ND-3 zoning district, the Alternative Compliance request will not waive or modify any zoning standards.</i></p> |

# AC-20-06 Aerial View Alternative Compliance — 724 Valley Street



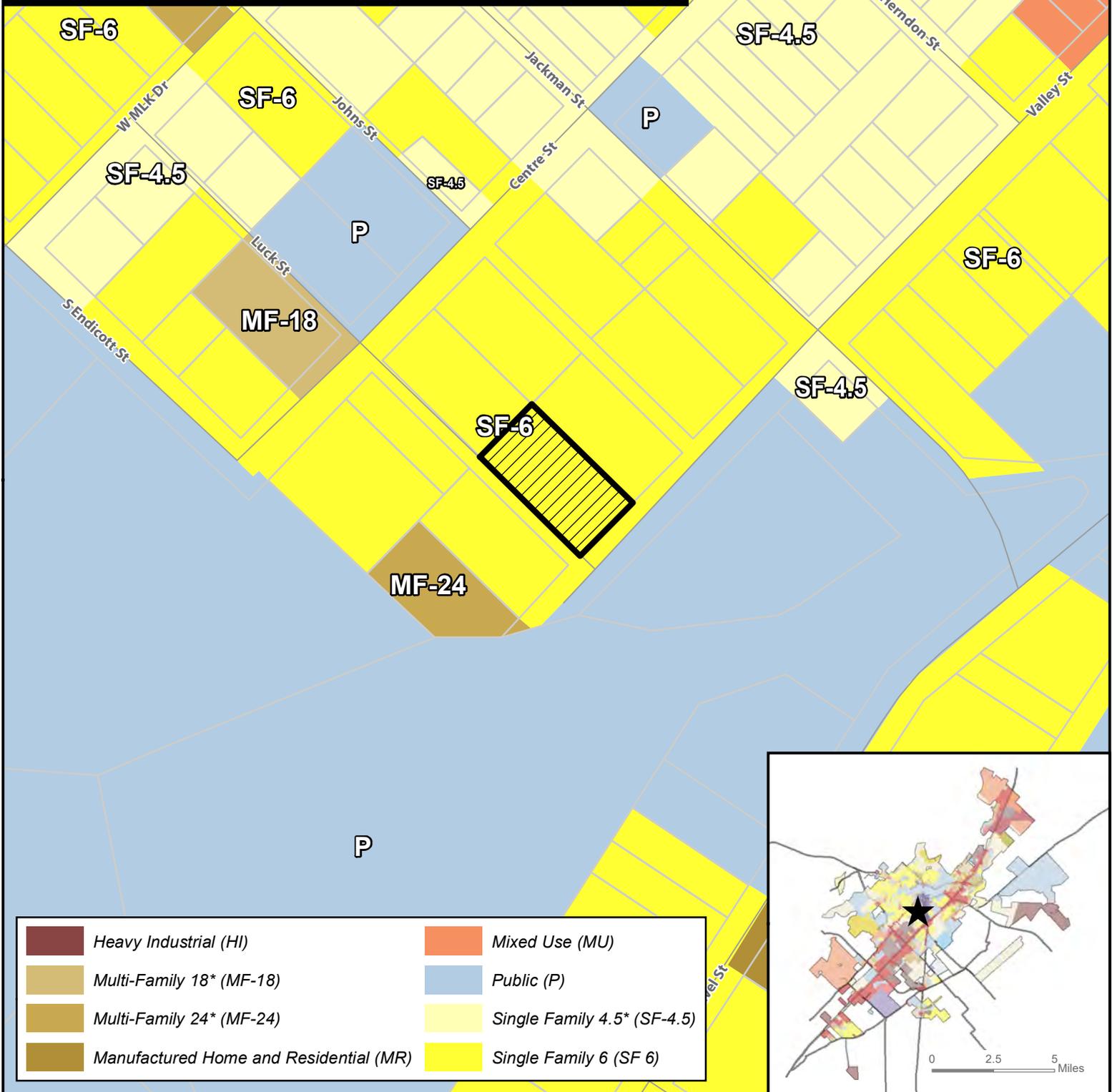
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



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. Imagery from 2017.

Map Date: 5/19/2020

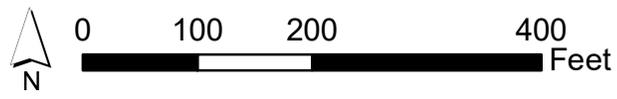
# AC-20-06 Existing Zoning Alternative Compliance 724 Valley Street



|  |  |   |                             |
|--|--|---|-----------------------------|
|  | Heavy Industrial (HI)                  |  | Mixed Use (MU)              |
|  | Multi-Family 18* (MF-18)               |  | Public (P)                  |
|  | Multi-Family 24* (MF-24)               |  | Single Family 4.5* (SF-4.5) |
|  | Manufactured Home and Residential (MR) |  | Single Family 6 (SF 6)      |



-  **Site Location**
-  **Subject Property**
-  **Parcels**
-  **City Limit**



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.

Map Date: 4/21/2020



| Property ID | Property Address | Owner                               | Mailing Address     | City       | State | ZIP   |
|-------------|------------------|-------------------------------------|---------------------|------------|-------|-------|
| R24628      | 630 CENTRE       | ALUTTO NICHOLAS STEPHEN & REBECCA   | 630 CENTRE ST       | SAN MARCOS | TX    | 78666 |
| R21981      | 724 VALLEY       | ALVARADO, MAREL JR & ROSA L         | 415 PINAFORE ST     | BUDA       | TX    | 78610 |
| R21983      | 734 VALLEY       | ARMSTEAD, ALBERT L                  | 1421 W HOPKINS ST   | SAN MARCOS | TX    | 78666 |
| R128947     | 319 JACKMAN      | BROWN PAMELS                        | 319 JACKMAN ST      | SAN MARCOS | TX    | 78666 |
| R21979      | 719 CENTRE       | VYAS WILLIE ET AL                   | 719 CENTRE ST       | SAN MARCOS | TX    | 78666 |
| R21967      | 740 CENTRE       | CALLIHAN, BILLY RAY                 | 740 CENTRE ST       | SAN MARCOS | TX    | 78666 |
| R35323      | 752 GRAVEL       | CASTILLO, GLORIA                    | 4612 MILBURN LN     | AUSTIN     | TX    | 78702 |
| R35321      | 738 GRAVEL       | DE LOS SANTOS ANITA                 | 738 GRAVEL ST       | SAN MARCOS | TX    | 78666 |
| R24669      | 314 HERNDON      | ESCOBAR, NICOLAS VARGAS             | 314 HERNDON         | SAN MARCOS | TX    | 78666 |
| R21969      | 736 CENTRE       | FB PROPERTIES LLC                   | PO BOX 705          | SAN MARCOS | TX    | 78667 |
| R24666      | 315 JACKMAN      | FLORES, PRISCILLA                   | 1529 JERUSALEM DR   | ROUND ROCK | TX    | 78664 |
| R21958      | 214 JACKMAN      | FOSTER NARCISIS & ESTATE OF WILEY R | 214 JACKMAN ST      | SAN MARCOS | TX    | 78666 |
| R21959      | 708 CENTRE       | FREEMAN ANNIE LEE ESTATE            | 721 GRAVEL ST       | SAN MARCOS | TX    | 78666 |
| R21962      | 721 MLK          | GARZA MANAGEMENT TRUST OF 1994      | PO BOX 1898         | SAN MARCOS | TX    | 78666 |
| R24700      | 401 JACKMAN      | GIBERSON RICHARD J                  | PO BOX 7555         | BUDA       | TX    | 78610 |
| R21976      | 701 CENTRE       | GONZALES SAUL                       | 816 STAGECOACH TRL  | SAN MARCOS | TX    | 78666 |
| R21963      | 716 CENTRE       | GREATER BETHEL BAPTIST CHURCH       | PO BOX 1068         | SAN MARCOS | TX    | 78666 |
| R21984      | 743 CENTRE       | GRIFFIS JOHN                        | 743 CENTRE ST       | SAN MARCOS | TX    | 78666 |
| R21973      | 711 CENTRE       | HARRIS MELVIN                       | 711 CENTRE ST       | SAN MARCOS | TX    | 78666 |
| R21986      | CENTRE           | HUTSON, WILLIAM R                   | 107 CHURCH ST       | LANCASTER  | PA    | 17602 |
| R21960      | 706 CENTRE       | KENDRICK ODIE                       | 1001 MORNINGWOOD DR | SAN MARCOS | TX    | 78666 |
| R70609      | 725 CENTRE       | MAJORS, HENRY                       | 210 ENDICOTT        | SAN MARCOS | TX    | 78666 |
| R24667      | 606 VALLEY       | PACHECO MARCUS & JACLYN             | 612 VALLEY ST       | SAN MARCOS | TX    | 78666 |
| R21972      | 712 VALLEY       | PATTERSON BENJAMIN G                | 121 S BISHOP ST     | SAN MARCOS | TX    | 78666 |

|        |              |  |                     |             |    |       |
|--------|--------------|--|---------------------|-------------|----|-------|
| R24658 | 625 CENTRE   | PENTECOSTAL TEMPLE CHURCH OF GOD IN CHRIST | PO BOX 1887         | SAN MARCOS  | TX | 78666 |
| R21955 | JACKMAN      | PETERSON ARRON & LUELLA                    | 2703 TRAILBLAZER LN | MANVEL      | TX | 77578 |
| R24657 | 311 JACKMAN  | PORTER BERNIE                              | 1801 FRAZIER AVE    | AUSTIN      | TX | 78704 |
| R35320 | 738 GRAVEL   | STANDARD GREG                              | 438 VISTA VERDE     | BLANCO      | TX | 78606 |
| R21956 | 712 CENTRE   | TAYLOR, ESTELLA                            | 4804 GLENGARY CA    | BAKERSFIELD | CA | 93309 |
| R21974 | JACKMAN      | TAYLOR, W C                                | 4106 BELGRADE DR    | HOUSTON     | TX | 77045 |
| R21978 | 312 JACKMAN  | TOWNSEND, LILLIE BELLE                     | 312 JACKMAN         | SAN MARCOS  | TX | 78666 |
| R21980 | 720 VALLEY   | WEBSTER, DEBORAH E                         | 125 REDWOOD DR      | KYLE        | TX | 78640 |
| R21970 | 214 ENDICOTT | WILLIAM DONNIE L                           | 214 ENDICOTT ST     | SAN MARCOS  | TX | 78666 |
|        |              | CATHY DILLON                               | 1000 BURLESON       | SAN MARCOS  | TX | 78666 |
|        |              | AMY KIRWIN                                 | 1131 W MLK DR       | SAN MARCOS  | TX | 78666 |
|        |              | OLLIE GILES                                | 524 VALLEY ST       | SAN MARCOS  | TX | 78666 |

# CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION



Updated: October, 2019

## CONTACT INFORMATION

|                             |   |                         |                                       |
|-----------------------------|---|-------------------------|---------------------------------------|
| Applicant's Name            | AL CARROLL, PE                          | Property Owner          | MAREL ALVARADO JR. &<br>ROSA ALVARADO |
| Company                     | TRI-TECH ENGINEERING                    | Company                 |                                       |
| Applicant's Mailing Address | P.O. BOX 968<br>SAN MARCOS, TEXAS 78667 | Owner's Mailing Address | 415 PINAFORE ST.<br>BUDA, TEXAS 78610 |
| Applicant's Phone #         | (512) 440-0222                          | Owner's Phone #         | (512) 743-2907                        |
| Applicant's Email           | acarroll@tritechtx.com                  | Owner's Email           | rosa.alvarado@amd.com                 |

## PROPERTY INFORMATION

Subject Property Address: 724 VALLEY ST. SAN MARCOS, TX 78666

Zoning District: 0.34 Ac. Tax ID #: R 21981

Legal Description: Lot S Block 5 Subdivision B. W. BREEDING ADDITION

## DESCRIPTION OF REQUEST

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

We are requesting a waiver from the maximum 3:1 lot width to depth ratio to allow for maximum development potential while still adhering to all other requirements for the zoning regulations associated with the subject property.

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Initial Filing Fee \$793\*                      Technology Fee \$13                      **TOTAL COST \$806**

Renewal/Amendment Filing Fee \$423\*                      Technology Fee \$13                      **TOTAL COST \$436**

*\*Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

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

**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 \$91 plus a \$13 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 \$91 plus a \$13 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: Marel Alvarado & Rosa Alvarado Date: 4/15/2020

Print Name: MAREL ALVARADO JR. & ROSA ALVARADO

## PROPERTY OWNER AUTHORIZATION

I, MAREL ALVARADO JR. & ROSA ALVARADO (owner name) on behalf of  
\_\_\_\_\_  
\_\_\_\_\_  
(company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
724 VALLEY ST., SAN MARCOS, TEXAS 78666 (address).

I hereby authorize AL CARROLL, P.E. (agent name) on behalf of  
TRI-TECH ENGINEERING (agent company) to file this application for  
ALTERNATIVE COMPLIANCE APPLICATION (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Marel Alvarado Jr. Rosa Alvarado Date: 4/15/2020

Printed Name, Title: MAREL ALVARADO JR. & ROSA ALVARADO

Signature of Agent: al carroll Date: 4/22/2020

Printed Name, Title: AL CARROLL, CIVIL ENGINEERING MANAGER SAN MARCOS DIVISION



STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

That, Marel Alvarado Jr. & Rosa Alvarado, owners of the certain tract of land shown hereon and described in a deed recorded in Instrument #19029152, of the Hays County Deed Records, same being Lot S, Block 5, B. W. Breeding Addition, do hereby subdivide said lot as shown hereon, and do hereby consent to all plat note requirements shown hereon, and do hereby dedicate to the City of San Marcos the streets, alleys, rights-of-way, easements, and public places shown hereon for such public purposes as the City of San Marcos may deem appropriate. This subdivision is to be known as the LOT S1 & LOT S2, BLOCK 5, B. W. BREEDING ADDITION, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS.

TO CERTIFY WHICH, WITNESS by my hand this \_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_.

By: \_\_\_\_\_  
Marel Alvarado Jr.  
415 Pinafore St.  
Buda, Texas 78610

By: \_\_\_\_\_  
Rosa Alvarado  
415 Pinafore St.  
Buda, Texas 78610

STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

Before me, the undersigned authority, on this day personally appeared Marel Alvarado Jr. & Rosa Alvarado, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office this \_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_.

NOTARY PUBLIC in and for Hays County, Texas

STATE OF TEXAS\*  
CITY OF SAN MARCOS\*

Approved and authorized to be recorded on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the Director of the Planning and Development Services Department of the City of San Marcos.

\_\_\_\_\_  
Director of Development Services  
City of San Marcos, Texas

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of CIP and Engineering  
City of San Marcos, Texas

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recording Secretary  
City of San Marcos, Texas

\_\_\_\_\_  
Date

STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

I, Elaine H. Cardenas, County Clerk of Hays County, Texas, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed for record in my office on the \_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_ at \_\_\_\_ o'clock, \_\_\_\_ M. and duly recorded on the \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_, at \_\_\_\_ o'clock, \_\_\_\_ M., in the Plat Records of Hays County, Texas, in Instrument No. \_\_\_\_\_.

TO CERTIFY WHICH, WITNESS my hand and seal of the Office of County Clerk, this \_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_.

\_\_\_\_\_  
Elaine H. Cardenas, County Clerk  
Hays County, Texas

STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

I, Arthur Vasquez Torres, Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correctly made from an actual survey made on the ground of the property legally described hereon, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, and that the corner monuments shown thereon were properly placed under my supervision in accordance with the Subdivision Regulations of the City of San Marcos, Texas.

TO CERTIFY WHICH, WITNESS by my hand and seal at San Marcos, Hays County, Texas this \_\_\_\_ day of \_\_\_\_\_ A.D. 2020.

RELEASED FOR REVIEW 02/27/20

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

\_\_\_\_\_  
Arthur Vasquez Torres  
R.P.L.S. # 5737, State of Texas

\_\_\_\_\_  
Date

STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

I, Al Carroll Jr., Registered Professional Engineer in the State of Texas, do hereby certify that this subdivision is not in the Edwards Aquifer Recharge Zone, nor is it in the Barton Springs Segment of the Edwards Aquifer Recharge Zone; it is however in the Transition Zone of the Edwards Aquifer and is located within Zone X flood areas, as denoted hereon, and as defined by Federal Emergency Management Administration Flood Hazard Boundary Map, Community Panel Number, 48209C 0389 F effective date September 2, 2005, and that each lot conforms to the San Marcos Subdivision Regulations.

TO CERTIFY WHICH, WITNESS by my hand and seal at San Marcos, Hays County, Texas this \_\_\_\_ day of \_\_\_\_\_ A.D. 2020.

RELEASED FOR REVIEW 02/27/20

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

\_\_\_\_\_  
Al Carroll Jr.  
Registered Professional Engineer, No. 119251  
State of Texas

\_\_\_\_\_  
Date

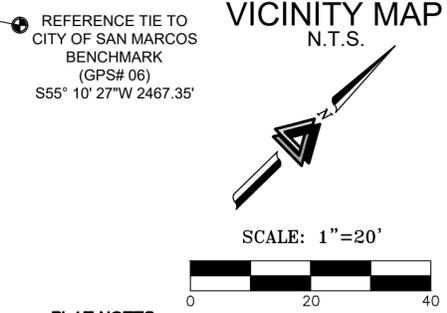
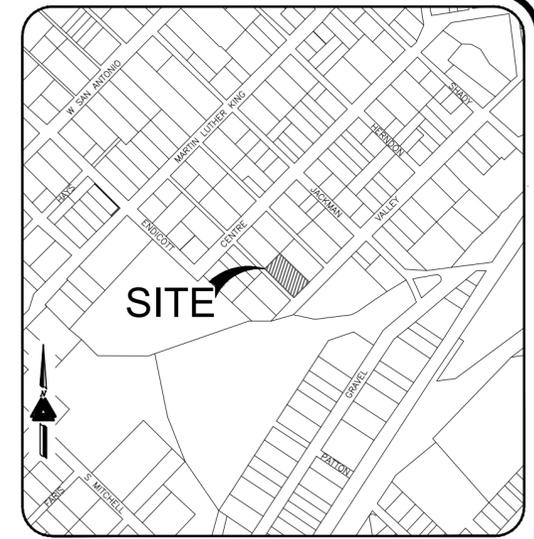
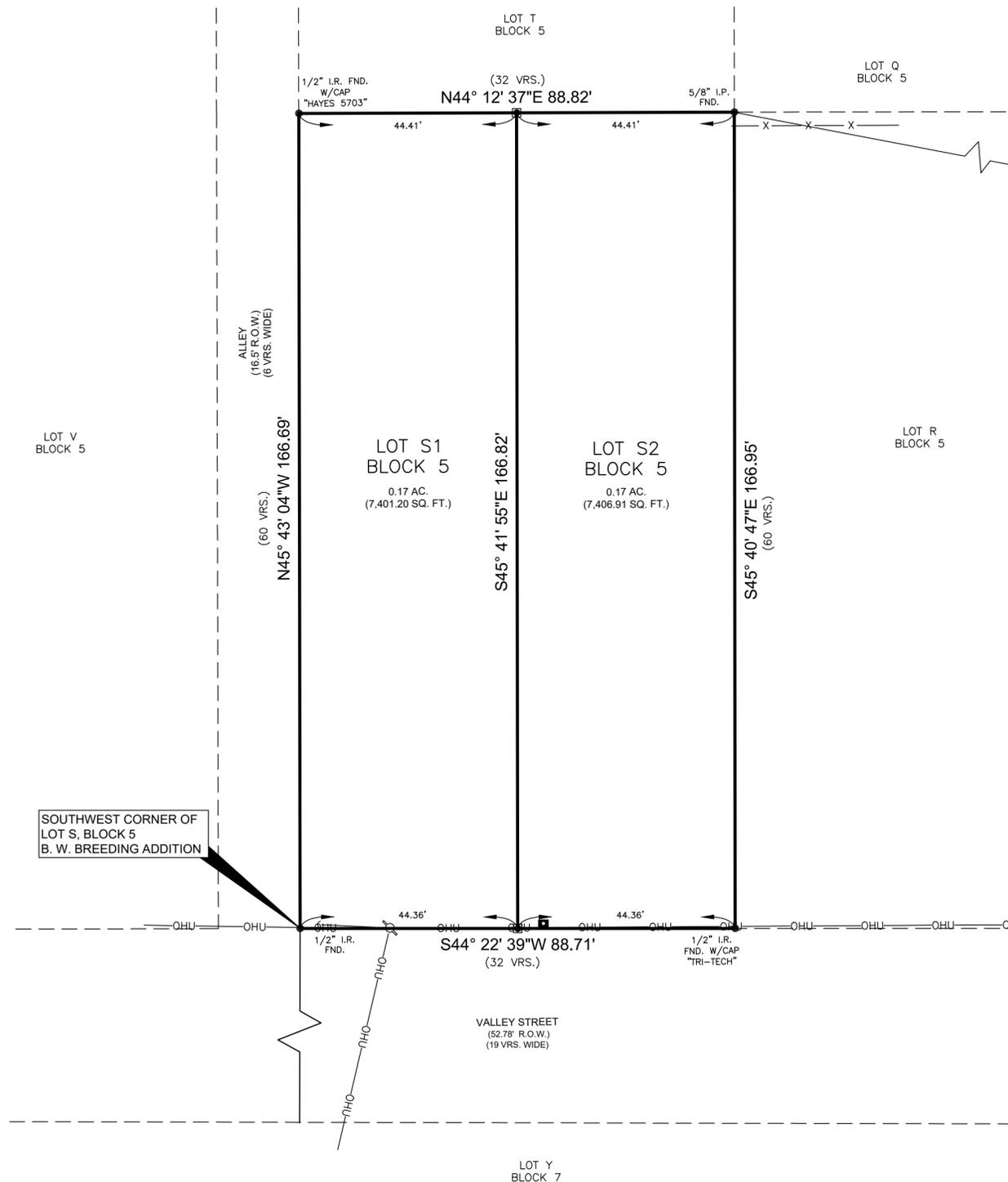
### LEGEND

|  |                              |  |                                    |
|--|------------------------------|--|------------------------------------|
|  | IRON ROD W/ TRI-TECH CAP SET |  | IRON ROD                           |
|  | IRON ROD FOUND               |  | IRON PIPE                          |
|  | UTILITY POLE                 |  | FOUND                              |
|  | WATER METER                  |  | VARAS                              |
|  | WIRE FENCE                   |  | RIGHT OF WAY                       |
|  | OVERHEAD UTILITIES           |  | PLAT RECORDS OF HAYS COUNTY, TEXAS |
|  | RECORD DIMENSIONS            |  | DEED RECORDS OF HAYS COUNTY, TEXAS |

PLAN 574X

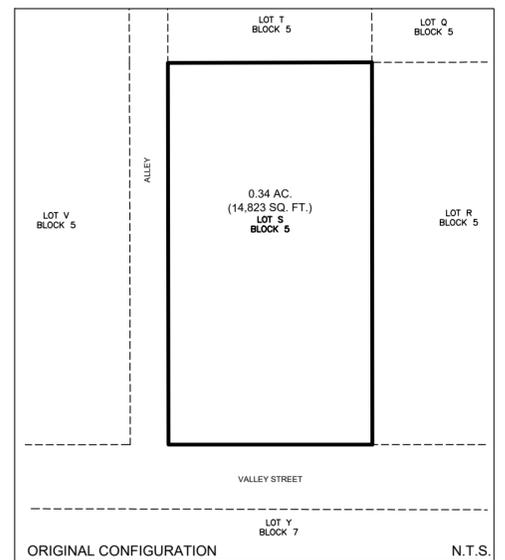
SM-19-1195000  
SMS-MC207-19

## REPLAT OF LOT S, BLOCK 5, B.W. BREEDING ADDITION CREATING LOT S1 & LOT S2, BLOCK 5, B.W. BREEDING ADDITION CITY OF SAN MARCOS HAYS COUNTY, TEXAS



### PLAT NOTES

- No portion of this subdivision lies within the Edwards Aquifer Recharge Zone or the San Marcos River Corridor.
- This subdivision lies within the boundaries of the Edwards Aquifer Transition Zone and the Purgatory Creek Watershed.
- No portion of this subdivision lies within the boundaries of the 100 year flood plain as delineated on Hays County F.I.R.M. Panel #48209C 0389 F, dated September 2, 2005.
- This subdivision contains 2 residential lots for a total of 0.34 acres.
- This subdivision lies within the following jurisdictions:  
Emergency Services District #3  
San Marcos Independent School District
- Water supply for this subdivision is provided by City of San Marcos Utilities.
- Wastewater treatment for this subdivision is provided by City of San Marcos Utilities.
- Electricity for this subdivision is provided by San Marcos Electric Utilities.
- Telephone service for this subdivision is provided by Century Link.
- This subdivision lies within the City Limits of The City of San Marcos and is subject to its ordinances.
- Building setback lines per City of San Marcos Zoning Ordinance.
- Bearing Basis: Texas State Plane Coordinate System—South Central Zone.
- The purpose for this replat is to create two lots out of one existing lot.
- Surface to Grid Coefficient is 0.99988089413



ENGINEER: \_\_\_\_\_ SURVEYOR: \_\_\_\_\_  
FEBRUARY 24, 2020



155 RIVERWALK DRIVE  
SAN MARCOS, TEXAS 78666  
PH: 512-440-0222

www.tritechtx.com TBPLS REGIS. #: 10193729  
TBPE REGIS. #: F-18693

## AC-20-06 (Irregularly Shaped Lots)

Hold a public hearing and consider a request by Jermi Henry for an Alternative Compliance to the maximum block perimeter requirements in Section 3.6.6.1 of the San Marcos Development Code related to the proposed City of San Marcos Public Services Facility near the intersection of FM 110 and Hwy 123, Hays County, Texas. (W. Parrish)

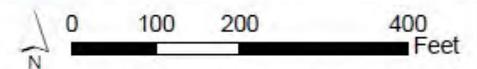
## Location:

- Approximately 0.34 acres along near the intersection of Valley Street and Luck Street Alley
- **Existing Zoning:** Single Family-6 “SF-6”
- **Requested Zoning:** Neighborhood Density-3 “ND-3”
- **Current Configuration:** Vacant
- **Surrounding uses include:**
  - Single Family
  - Boys and Girls Club
  - Vacant

### AC-20-06 Aerial View Alternative Compliance — 724 Valley Street



- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



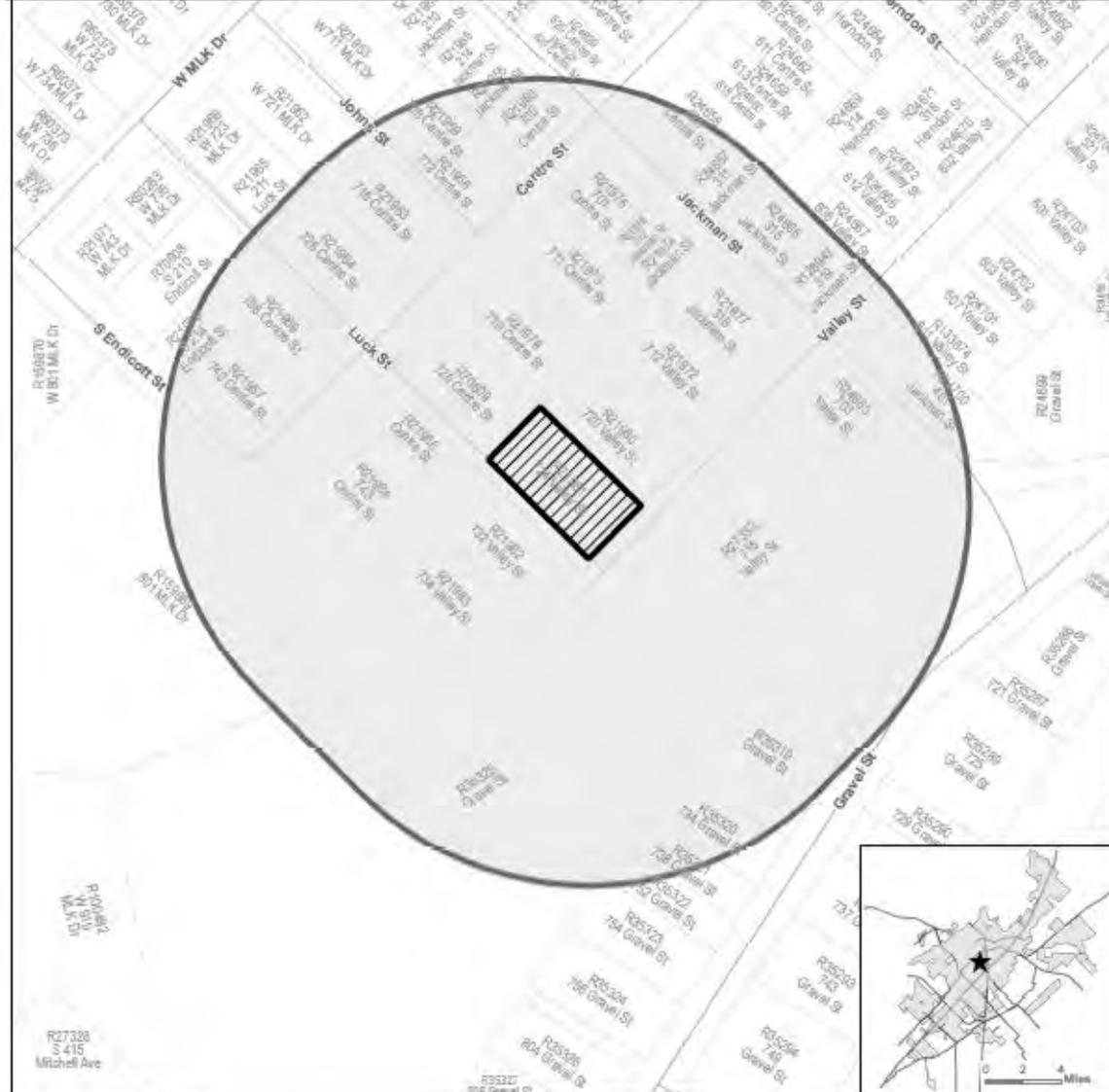
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 5/19/2020

# Context & History

- **Alternative Compliance: Irregularly Shaped Lots**
  - Severely elongated, exceeding 3:1 length to width
- Proposed lots approximately 3.75:1 length to width
- Regulating Plan required with proposed Zoning Change
- Lots will exceed minimum requirements of ND-3 lot dimensional requirements for the Cottage building type

## AC-20-06 400' Notification Buffer Alternative Compliance — 724 Valley Street



|   |                  |                           |
|---|------------------|---------------------------|
| ★ | Site Location    | <p>0 100 200 400 Feet</p> |
|   | Subject Property |                           |
|   | 400' Buffer      |                           |
|   | Parcel           |                           |
|   | City Limit       |                           |

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.

Map Date: 5/19/2020

# Alternative Compliance Request

## *Section 3.6.3.1(B)(3)*

**Code Requirement:** Triangular, severely elongated (in excess of three to one length to width ratio) or tapered, or flag lots shall not be permitted except for use as dedicated parkland lots.

**Applicant Request:** Applicant is requesting to waive the 3 to 1 maximum and allow two lots that are approximately 3.75 to 1

- 3. Irregularly-Shaped Lots.** Irregularly-shaped lots shall have sufficient width at the front setback line to meet lot width requirements in Chapter 4. Triangular, severely elongated (in excess of a three to one length to width ratio) or tapered, or flag lots shall be not be permitted except for use as dedicated parkland lots.
  - a.** Exceptions to the irregularly shaped lot requirements fall under the alternative compliance process in accordance with Section 2.8.4.1.



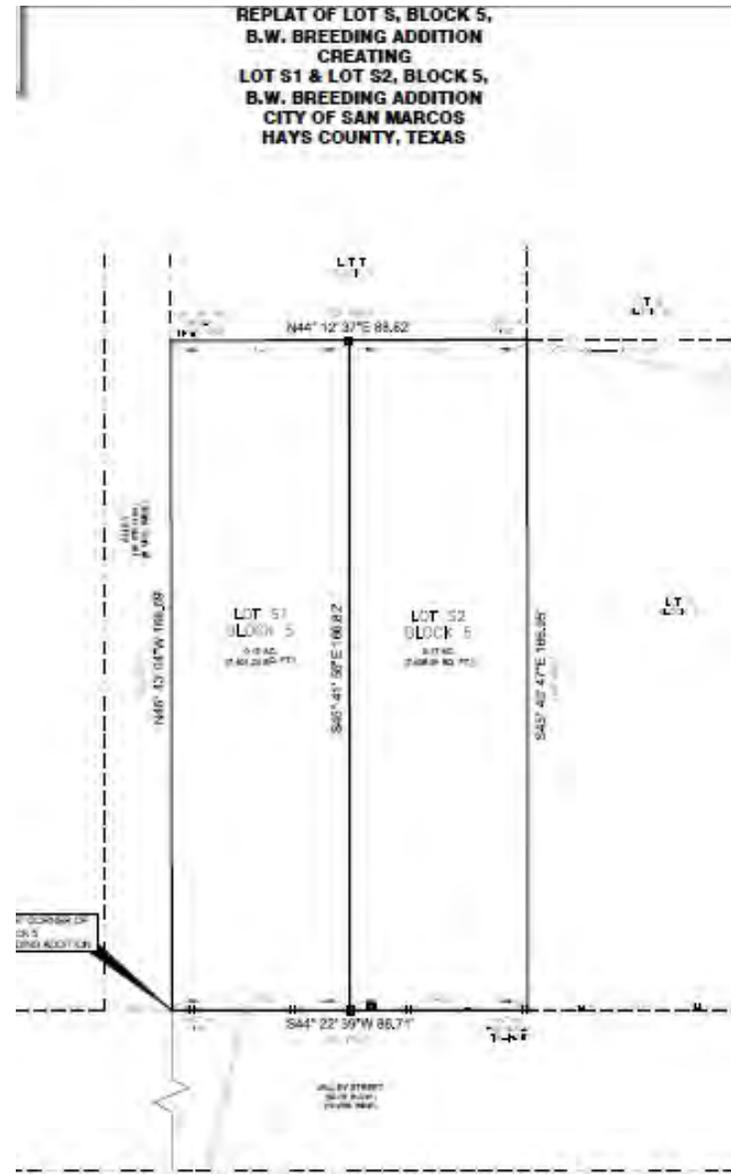
# Existing vs Proposed Layout

**EXISTING CONDITIONS  
OF LOT 5, BLOCK 5,  
B.W. BREEDING ADDITION  
CITY OF SAN MARCOS  
HAYS COUNTY, TEXAS**



MARCH 23, 2020 SURVISO  
**ENGINEER TRI-TECH**  
REGISTERED PROFESSIONAL ENGINEER  
 111 SIVONWALK DRIVE  
 SAN MARCOS, TEXAS 78681  
 TEL: 512-416-8322

**REPLAT OF LOT 5, BLOCK 5,  
B.W. BREEDING ADDITION  
CREATING  
LOT S1 & LOT S2, BLOCK 5,  
B.W. BREEDING ADDITION  
CITY OF SAN MARCOS  
HAYS COUNTY, TEXAS**



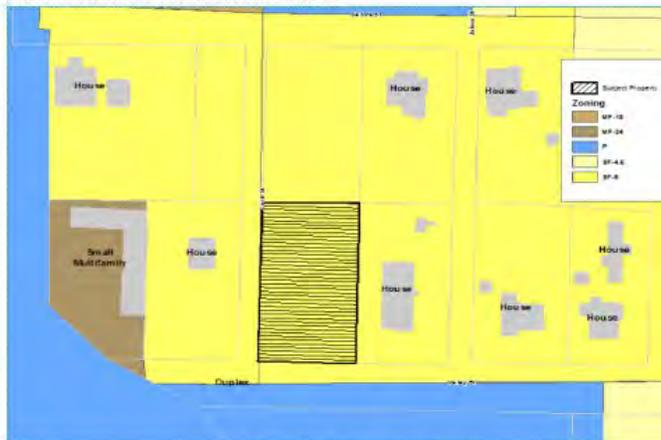
# Existing Neighborhood Regulating Plan

## PROPERTY: 724 VALLEY STREET EXISTING CONDITIONS ANALYSIS



| EXISTING STREETS AND STREETSAPES |  |
|----------------------------------|--|
|                                  | VALLEY STREET                            |
|                                  | Neighborhood Street<br>Existing ROW: 50' |
| Street Type                      |  |

## EXISTING ZONING AND BUILDING TYPES



City of San Marcos Planning and Development Services Department

## PROPERTY: 724 VALLEY STREET EXISTING NEIGHBORHOOD REGULATING PLAN ORDINANCE #: 2019-####

| PROPOSED ZONING REGULATIONS      |  |
|----------------------------------|--|
|                                  | Existing Lot   |
| Zoning District                  | Neighborhood Density - 3 (ND-3)  |
| Building Type                    | Cottage / Accessory Dwelling Unit  |
| Max. Units                       | 3, one cottage per lot and one Accessory Dwelling Unit on lot closest to Luck Street Alley |
| Required Streetscape             | Residential  |
| Street Type                      | Existing (no new streets required)   |
| Transitional Protective Yard     | N/A  |
| Residential Infill Compatibility | N/A (proposing new lot configuration)  |
| Parking location                 | Surface Parking: Second or Third Layer   |

## PROPOSED ZONING



# Analysis

## Purpose of the 3:1 Maximum

- Reduces possibility of future land locked lots.
- Helps to maintain adequate access to lots.
- Helps to ensure consistent block formation.

## Surrounding Neighborhood

- Property is in an Existing Neighborhood
- Several lots in the vicinity have similar proportions to the proposed lots
- Proposed lots exceed the minimum dimensional standards for proposed cottage buildings within the ND-3 zoning district.



## Neighborhood Petition

Petition received 6/22/2020

- Petition provided to Commissioners via email
- Staff identified properties included in petition
- Petition map is not limited to property owners

### Impact of Petition

- As this is an Alternative Compliance Case, this petition does not fall under Section 2.2.4.2(A) of the Development Code
- Petition does not trigger supermajority requirement even if signed by more than 20% of property owners
- Map is for informative purposes



## Staff Recommendation

Staff recommends that the request be approved with the following condition:

1. Approval of Alternative Compliance is contingent of approval of rezoning to ND-3
2. This Alternative Compliance shall not expire.

**From:** [Burrell, Cesly](#)  
**To:** [Parrish, Will](#)  
**Cc:** [Hernandez, Amanda](#)  
**Subject:** FW: [EXTERNAL] Neighborhood Opposition to subdividing 724 Valley st. (AC-20-06)  
**Date:** Tuesday, June 23, 2020 5:28:49 AM  
**Attachments:** [Neighborhood Opposition to AC-20-06 \(724 Valley request to subdivide\).pdf](#)

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**From:** benjamin patterson  
**Sent:** Monday, June 22, 2020 3:09 PM  
**To:** Planning Info <PlanningInfo@sanmarcostx.gov>  
**Subject:** [EXTERNAL] Neighborhood Opposition to subdividing 724 Valley st. (AC-20-06)

Planning and Zoning Commission,

I have attached a letter opposing the Alternative Compliance Request (AC-20-06) exception to the 3:1 Length to Width Requirement for 724 Valley street. This letter has been signed by 27 adjacent neighbors, 17 of which live or own property within the 400' buffer. The opposition to this request is strong and many people asked when they can attend the meeting. I do not know how many neighbors will attend the virtual meeting, but it should not be assumed that everyone has the technological capabilities to partake in a public meeting in a virtual format. Please consider this letter and accompanying signatures and deny this request based on the opinions of the neighbors who have lived and/or owned property in the area for multiple generations.

Thank you for your voluntary service to our town,  
Ben Patterson  
712 Valley st.

**CAUTION:** This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious .

Members of the Planning and Zoning Commission,

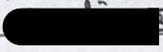
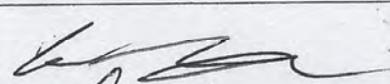
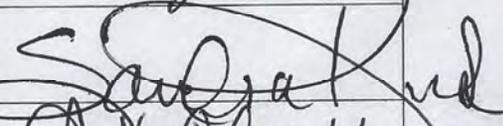
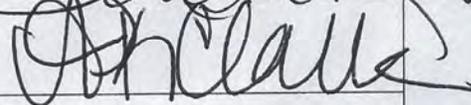
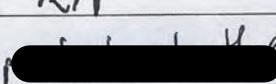
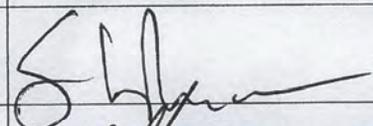
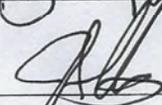
As the adjacent neighbors of the lot located at 724 Valley Street, we oppose the Alternative Compliance Request (AC-20-06) exception to the 3:1 Length to Width Requirement for the aforementioned property. We do not wish to see our neighborhood density increase with rental properties. We see this as a potential detriment to the quality of life we have built over generations.

We are not opposed to the zoning change from SF-6 to ND-3 as this request does not seem to threaten the density or character of the neighborhood. Should the Alvarado family choose to build on the property and move into our neighborhood, we welcome them with open arms.

Thank you for considering the opinion of the neighbors whose lives could become effected by this request.

| Name               | Address      | Signature          |   |
|--------------------|--------------|--------------------|---|
| Ben Patterson      | 712 Valley   | Ben Patt           | * |
| Judy Harris        | 711 Centre   | Judy Harris        | * |
| Muhir Harris       | 711 Centre   | Muhir Harris       | * |
| Tony Gaddy         | 318 JACKMAN  | Tony Gaddy         | * |
| Rose Gaddy         | 318 Jackman  | Rose Gaddy         | * |
| Lourdes Fitzgerald | 318 JACKMAN  | Lourdes Fitzgerald | * |
| Roger Byas         | 219 Centre   | Roger Byas         | * |
| Vicky Holmes       |              | Vicky Holmes       |   |
| Rose Reyes         | 801 John St. | Rose Reyes         | * |
| Katrina Wright     | 721 w. MLK   | Katrina Wright     | * |
| Michael Pereira    | 711 w. MLK   | Michael Pereira    |   |

512

|                            |                                   |  |   |
|----------------------------|-----------------------------------|--|---|
| Jona Redix                 | 626 W MLK                         |                |  @gmail.com |
| Annette Puente             | 219 John                          | AP   | *   |
| Rosea Puente               | 219 John                          | R.P  | *   |
| Billy Callahan             | 740 Centre                        | B.C.   | *   |
| Cody Morgan                | 743 MLK Dr                        |               |   |
| Charles Wake               | 808 West MLK                      |               |   |
| Marilyn Nuwakobia          | 725 Centre St.                    | Marilyn Nuwakobia  | *   |
| Hattie Majors              | 210 So. Endicott St.              | Hattie Majors  | *   |
| <del>Kimberly Taylor</del> | <del>831 Martin Luther King</del> | <del></del>   |   |
| <del>Sandra</del>          | <del>814 Paul St</del>            | <del></del>  |   |
| April Clark                | 902 Gravel St.                    |             |   |
| Vince Croxton              | 620 Gravel                        | V.C  |   |
| Ruby Prado                 | 620 Gravel                        | R.P  |   |
| Nick Aluotto               | 630 centre                        |  @gmail.com | *   |
| Shawn Rutledge             | 700 Centre St.                    |             | *   |
| John Griffis               | 743 Centre St                     |             | *   |

\* Indicates properties / persons within the 400' buffer



Legislation Text

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File #: AC-20-10, Version: 1

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**AGENDA CAPTION:**

AC-20-10 (242 Guadalupe) Hold a public hearing and consider a request by Carlos Iglesias on behalf of Greater Texas Credit Union for an Alternative Compliance Request to allow a building expansion that does not meet the Build to Zone standards of Section 4.3.3.3(E)1 and the Minimum Two Story requirements of Section 4.3.4.4 for a property located at 242 N Guadalupe Street. (W. Parrish)

Meeting date: July 28, 2020

Department: Planning and Development Services

**Amount & Source of Funding**

Funds Required: NA  
Account Number: NA  
Funds Available: NA  
Account Name: NA

**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

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

The applicant is requesting an Alternative Compliance to deviate from the Build To Zone and Two Story Height Requirements for a small expansion of an existing building zoned CD-5D located at 242 N Guadalupe Street. This property is being converted from a law office to a credit union.

**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.

|                               |   |
|-------------------------------|---|
| <b>Alternative Compliance</b> | <b>242 Guadalupe</b>                                  |
| <b>AC-20-10</b>               | <b>Build To Zone and Two Story Height Requirement</b> |



**Summary**

|   |  |                        |   |
|---|--|------------------------|---|
| <b>Request:</b>                           | An Alternative Compliance to the Build To Zone requirements in Section 4.3.3.3 and the Minimum Two-Story requirements of Section 4.3.4.4 of the San Marcos Development Code. |                        |   |
| <b>Applicant:</b>                         | Carlos Iglesias<br>2080 N Hwy 360 Ste. 240<br>Grand Prairie, TX 75050  | <b>Property Owner:</b> | Greater Texas Credit Union<br>4411 N. Lamar<br>Austin, TX 78752 |
| <b>Alternative Compliance Expiration:</b> | The Alternative Compliance shall expire upon further expansion of this building beyond the current request.  |                        |   |

**Notification**

|                  |                                 |                  |                      |
|------------------|---------------------------------|------------------|----------------------|
| <b>Posted:</b>   | <b>N/A</b>                      | <b>Personal:</b> | <b>July 10, 2020</b> |
| <b>Response:</b> | None as of date of Staff Report |                  |                      |

**Property Description**

|                           |   |                               |                              |
|---------------------------|---|-------------------------------|------------------------------|
| <b>Legal Description:</b> | Lot N ½ of 1, Block 20, Original Town of San Marcos |                               |                              |
| <b>Location:</b>          | 242 N Guadalupe Street                              |                               |                              |
| <b>Acreage:</b>           | .17 +/-   | <b>Central Business Area:</b> | Yes                          |
| <b>Existing Zoning:</b>   | CD-5D   | <b>Preferred Scenario:</b>    | Downtown High Intensity Zone |
| <b>Existing Use:</b>      | Vacant  | <b>Proposed Use:</b>          | Bank                         |
| <b>CONA Neighborhood:</b> | Downtown  | <b>Sector:</b>                | 1                            |
| <b>Utility Capacity:</b>  | Good  |                               |                              |

**Surrounding Area**

|                           | <b>Zoning</b> | <b>Existing Land Use</b>  | <b>Preferred Scenario</b> |
|---------------------------|---------------|---------------------------|---------------------------|
| <b>North of Property:</b> | CD-5D         | Paid Parking Lot          | High Intensity            |
| <b>South of Property:</b> | CD-5D         | Office / Commercial       | High Intensity            |
| <b>East of Property:</b>  | CD-5D         | Fire Station / Commercial | High Intensity            |
| <b>West of Property:</b>  | CD-5D         | Commercial                | High Intensity            |

## Alternative Compliance

## 242 Guadalupe

### AC-20-10

### Build To Zone and Two Story Height Requirement



#### History

The applicant is requesting an Alternative Compliance to deviate from the Build To Zone and Two Story Height Requirements for a small expansion of an existing building zoned CD-5D located at 242 N Guadalupe Street. This property is being converted from a law office to a credit union.

#### Additional Analysis

Section 4.3.3.3(E) of the San Marcos Development Code states that when an existing non-conforming building is expanded, the expansion should be placed in the build-to-zone. The build-to-zone within the CD-5D zoning district is within 12 feet of the property line. The proposed addition of a foyer and trellis will extend the existing building to within 22 feet of the property line along Guadalupe, which is approximately 10 feet short of the build-to-zone. The Trellis does extend to the property line along Hutchison Street.

The intent of the build-to-zone is threefold:

- Provide a range for building placement that strengthens the street edge, establishing a sense of enclosure by providing special definition;
- The harmonious placement of buildings to establish the street edge is a principal means by which the character of an area or district is defined; and
- Established to accommodate flexibility in specific site design while maintaining the established street edge.

The proposed expansion is relatively minor and does bring the building more into conformance with the code by bringing the building closer to the build-to-zone along Guadalupe Street. The build-to-zone along Guadalupe is proposed to contain a landscaped courtyard area and pedestrian oriented access to the building.

Section 4.4.3.6 of the San Marcos Development Code states that the minimum height for buildings within the CD-5D district is two stories. Section 4.3.4.4 states when there is a minimum two story-height requirement, it applies specifically to the first 30 feet of the building. It also states that a single story, with an interior height of 25 feet from finished floor to finished ceiling, can be used to satisfy the two-story requirement.

The intent of the two-story requirement is to ensure that the building scale is compatible with other structures and the relationship of the building to the public space. A minimum building height also serves to promote a mixture of uses.

The applicant is proposing a 10 foot tall trellis and a 21.5 foot tall tower to be used as a foyer. The trellis is not enclosed, and does not have a finished floor or finished ceiling. The foyer tower would extend approximately 5 feet and 10 inches higher than the existing building's parapet.

|                               |   |
|-------------------------------|---|
| <b>Alternative Compliance</b> | <b>242 Guadalupe</b>                                  |
| <b>AC-20-10</b>               | <b>Build To Zone and Two Story Height Requirement</b> |



**Comments from Other Departments**

|                        |             |
|------------------------|-------------|
| <b>Police</b>          | No Concerns |
| <b>Fire</b>            | No Concerns |
| <b>Public Services</b> | No Concerns |
| <b>Engineering</b>     | No Concerns |

**Staff Recommendation**

|  |                                     |                                 |                          |                            |                          |
|--|-------------------------------------|---------------------------------|--------------------------|----------------------------|--------------------------|
| Approval as Submitted  | <input checked="" type="checkbox"/> | <b>Approval with Conditions</b> | <input type="checkbox"/> | Denial                     | <input type="checkbox"/> |
| Staff recommends that the request be approved with the following conditions:   |                                     |                                 |                          |                            |                          |
| <b>General:</b>  |                                     |                                 |                          |                            |                          |
| <ol style="list-style-type: none"> <li>The site and building shall be constructed in a manner substantially similar to the provided site plan and building elevations; and</li> <li>The Alternative Compliance shall expire upon further expansion of this building beyond the current request.</li> </ol> |                                     |                                 |                          |                            |                          |
| <b>Staff:</b> Will Parrish AICP, CNU-A   |                                     | <b>Title :</b> Planner          |                          | <b>Date:</b> July 15, 2020 |                          |

| Evaluation                          |                                     |                          | Criteria for Approval (2.8.4.4)  |
|-------------------------------------|-------------------------------------|--------------------------|--|
| Consistent                          | Inconsistent                        | Neutral                  |  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <p><b>The request is consistent with the policies embodied in the adopted Comprehensive Plan;</b><br/> <i>The proposed addition brings the building more into conformance with the City's adopted codes.</i></p>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <p><b>The request is consistent with the general purpose, intent and character of the development regulations applicable to the property;</b><br/> <i>See Criteria for Approval in Section 4.3.3.3(F) and 4.3.4.4(D) below.</i></p>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p><b>There are special circumstances or conditions arising from the physical surroundings, shape, topography or other features affecting the subject property;</b><br/> <i>None noted.</i></p>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <p><b>The request is detrimental to the public health, safety or welfare, or injurious to other property within the area;</b><br/> <i>The request will not be detrimental to the public health, safety or welfare, or injurious to other property within the area.</i></p> |

|                               |   |
|-------------------------------|---|
| <b>Alternative Compliance</b> | <b>242 Guadalupe</b>                                  |
| <b>AC-20-10</b>               | <b>Build To Zone and Two Story Height Requirement</b> |



| Evaluation |              |         | Criteria for Approval (2.8.4.4)   |
|------------|--------------|---------|---|
| Consistent | Inconsistent | Neutral |   |
| <u>X</u>   |              |         | <p>The request shall not have the effect of preventing the orderly use and enjoyment of other property within the area in accordance with the provisions of this Development Code, or adversely affect the rights of owners or residents of adjacent property or neighborhoods;</p> <p><i>No adverse effects on surrounding properties or neighborhoods are noted. The applicant must still follow all other codes and regulations.</i></p>         |
| <u>X</u>   |              |         | <p>The request shall not result in any incompatibility of the development to which it relates with, or the character and integrity of, adjacent property or neighborhoods; and</p> <p><i>While the request does not bring the building into conformance with the adjacent buildings and properties, it does bring the building more into conformance.</i></p>   |
| <u>X</u>   |              |         | <p>The request meets the standards for the applicable zoning district, or to the extent deviations from such standards have been requested, that such deviations are necessary to render the subject development or Improvement compatible with adjacent development or the neighborhood.</p> <p><i>The request meets the standards of the CD-5D zoning district to the extent that the deviations from such standards have been requested.</i></p> |

|                               |   |
|-------------------------------|---|
| <b>Alternative Compliance</b> | <b>242 Guadalupe</b>                                  |
| <b>AC-20-10</b>               | <b>Build To Zone and Two Story Height Requirement</b> |



| Evaluation |              |         | Build-to-Zone Requirements (4.3.3.3)   |
|------------|--------------|---------|--|
| Consistent | Inconsistent | Neutral |  |
| <u>X</u>   |              |         | <p><b>The approved alternate meets the intent of the build-to-regulations:</b><br/> <i>The intent of the build-to-regulations is to establish a sense of enclosure by providing special definition; define the character of an area or district, and accommodate flexibility while maintain the established street edge. The proposed expansion is minor and brings the building more into conformance with these regulations.</i></p> |
| <u>X</u>   |              |         | <p><b>The approved alternate conforms with the Comprehensive Plan and adopted City plans;</b><br/> <i>The Comprehensive Plan identifies the Downtown High Intensity Zone as an area of expected growth with a focus on multimodal transportation. The proposed building expansion brings the building closer to the sidewalk and adds a landscaped courtyard in place of a parking lot within the build-to-zone.</i></p>               |
| <u>X</u>   |              |         | <p><b>The approved alternate does not substantially or negatively alter the build-to pattern that is harmonious with the existing built context.</b><br/> <i>The proposed alternate brings the building more into conformance with the existing built context.</i></p>   |
| <u>X</u>   |              |         | <p><b>The change in percentage of building that occupies the build-to area of setback does not negatively impact pedestrian access, comfort or safety; and</b><br/> <i>There is no change proposed to the percentage of building occupying the build-to-zone along Guadalupe, it is currently 0%, and is proposed to remain 0%.</i></p>  |
| <u>X</u>   |              |         | <p><b>Site area that would have otherwise been occupied by buildings is not utilized for parking and is converted to an outdoor amenity area.</b><br/> <i>The area that would have been occupied by the building is proposed to be a landscaped courtyard.</i></p>   |

|                               |   |
|-------------------------------|---|
| <b>Alternative Compliance</b> | <b>242 Guadalupe</b>                                  |
| <b>AC-20-10</b>               | <b>Build To Zone and Two Story Height Requirement</b> |

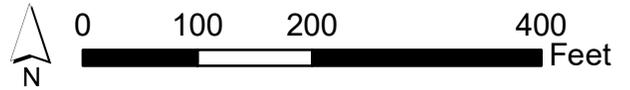


| Evaluation |              |         | Minimum Two Story Requirements (Section 4.3.4.4)   |
|------------|--------------|---------|--|
| Consistent | Inconsistent | Neutral |  |
| <u>X</u>   |              |         | <p><b>The approved alternate meets the intent of the minimum two-story requirements:</b></p> <p><i>The intent of the build-to-regulations is to establish a sense of enclosure by providing special definition, define the character of an area or district, and accommodate flexibility while maintain the established street edge. The proposed expansion is minor and brings the building more into conformance with these regulations.</i></p>   |
| <u>X</u>   |              |         | <p><b>The approved alternate conforms with the Comprehensive Plan and adopted City plans;</b></p> <p><i>The proposed alternate brings the property more into conformance with the adopted City plans.</i></p>  |
| <u>X</u>   |              |         | <p><b>The approved alternate conforms with the Downtown Design Guidelines.</b></p> <p><i>The property is located within the Downtown area of the Downtown Design Context Map. Height related guidelines generally relate to requests for additional height, rather than reduced height. The Downtown Design Guidelines state that:</i></p> <ul style="list-style-type: none"> <li><i>Flexibility for building height requirements may be considered where not visible from the square. Overall mass should maintain a sense of human scale and not appear out of character with the Downtown Historic District.</i></li> </ul> |

# AC-20-10 Aerial View Greater Texas Credit Union — 242 N Guadalupe St



-  **Site Location**
-  **Subject Property**
-  **Parcel**
-  **City Limit**



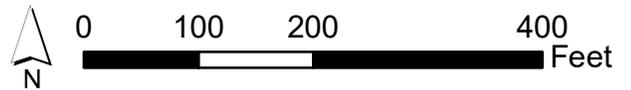
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 6/25/2020

# AC-20-10 Zoning Map Greater Texas Credit Union — 242 N Guadalupe St



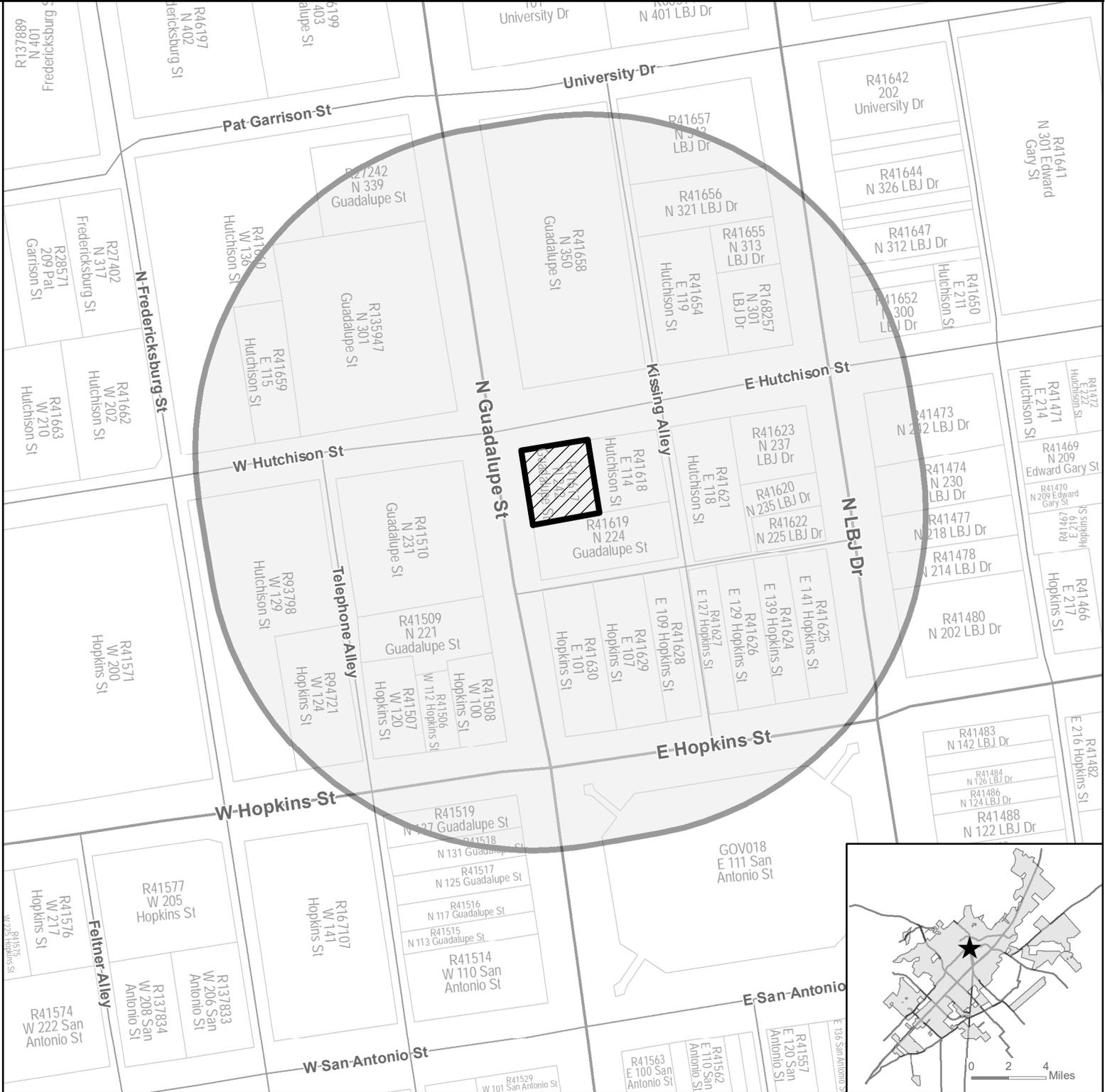
- ★ Site Location
- Subject Property
- Parcel
- City Limit



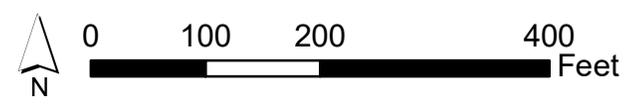
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 7/13/2020

# AC-20-10 400' Notification Buffer Greater Texas Credit Union — 242 N Guadalupe St



- ★ Site Location
- ▨ Subject Property
- 400' Buffer
- Parcel
- City Limit



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.

Map Date: 6/25/2020

| Property ID | Owner Name  | Property Address | Owner Address   | City          | State | Zip        |
|-------------|---|------------------|---|---------------|-------|------------|
| 41480       | 202 NORTH LBJ VENTURE GROUP LP                          | 202 LBJ          | 2606 RANCH ROAD 620 N                                     | AUSTIN        | TX    | 78734-2628 |
| 41474       | 230 N LBJ LLC   | 226 LBJ          | 912 NARANJO DR  | GEORGETOWN    | TX    | 78628      |
| 41652       | 300 NORTH LBJ DRIVE LLC                                 | 300 LBJ          | 10900 BEACHAM CT  | AUSTIN        | TX    | 78739      |
| 41630       | AIKEN, C H  | 101 HOPKINS      | 242 Whitney RUN   | Buda          | TX    | 78610-3008 |
| 41625       | B L SCOFIELD INC  | 145 HOPKINS      | 127 E Hopkins ST  | San Marcos    | TX    | 78666-5611 |
| 41620       | BURNSIDE JOHN & ELLEN                                   | 235 LBJ          | 1045 ERICKSON RD  | HELENA        | MT    | 59602-8323 |
| 41478       | CARSON FAMILY PROPERTIES                                | 212 LBJ          | 407 S STAGECOACH TRL<br>STE 203                           | SAN MARCOS    | TX    | 78666-5063 |
| 41623       | CASEY MANAGEMENT TRUST                                  | 237-245 LBJ      | CASEY JAMES NEWMAN<br>TRUSTEE 7801<br>HEATHERCREST CIRCLE | AUSTIN        | TX    | 78731      |
| 41622       | CHRYSTAL JANAA & TOM                                    | 225 LBJ          | 1447 FRIENDLY PATH  | NEW BRAUNFELS | TX    | 78132-4608 |
| 41629       | EAST HOPKINS LLC  | 105-107 HOPKINS  | 1801 CHALK ROCK CV  | AUSTIN        | TX    | 78735-1733 |
| 41661       | FIRST UNITED METHODIST<br>CHURCH OF SAN MARCOS          |                  | 129 W HUTCHISON ST  | SAN MARCOS    | TX    | 78666      |
| 41646       | GLASHEEN ROBERT F & MICHELE I                           | 318 LBJ          | 204 KENDALL POINTE DR                                     | BOERNE        | TX    | 78015      |
| 41617       | GREATER TEXAS FEDERAL CREDIT<br>UNION                   | 242 GUADALUPE    | 6411 N LAMAR BLVD   | AUSTIN        | TX    | 78752      |
| 41507       | GREGSON J SCOTT   | 120 HOPKINS      | 120 W HOPKINS ST APT 200                                  | SAN MARCOS    | TX    | 78666-5637 |
| 41658       | GUADALUPE BOBCAT 350 LTD                                | 350 GUADALUPE    | %ENDEAVOR REAL ESTATE<br>GROUP<br>500 W 5th STREET        | AUSTIN        | TX    | 78701      |
| 135947      | GUADALUPE-REAL PROPERTY &<br>INVESTMENTS LLC            | 301 GUADALUPE    | P O BOX 5382  | SHERMAN OAKS  | CA    | 91413      |
| 41508       | HOPKINS SQUARE LLC                                      | 100 HOPKINS      | PO BOX 160896   | AUSTIN        | TX    | 78716-0896 |
| 41510       | HOPKINS SQUARE LLC - FROST<br>CORNER #2 PROPERTY SERIES | 231 GUADALUPE    | 900 BLUEBONNET LN   | AUSTIN        | TX    | 78704      |
| 41657       | JACK IN THE BOX PROPERTIES LLC                          | 343 LBJ          | 9357 SPECTRUM CENTER<br>BLVD                              | SAN DIEGO     | CA    | 92123-1444 |
| 41519       | MLKSM LLC   | 137 GUADALUPE    | 510 HEARN ST # 200  | AUSTIN        | TX    | 78703-4516 |

|        |   |                      |   |               |    |            |
|--------|---|----------------------|---|---------------|----|------------|
| 41626  | ONIONS R US LLC                               | 129 HOPKINS          | 129 E HOPKINS ST STE 120  | SAN MARCOS    | TX | 78666-5636 |
| 41650  | ROTHER INVESTMENTS LLC                        | 211/215<br>HUTCHISON | PO BOX 911  | SAN MARCOS    | TX | 78666      |
| 41479  | SAN MARCOS COMMUNITY<br>PARTNERS LLC          | 214 LBJ              | % LATIPAC COMMERCIAL<br>P O BOX 162304                            | AUSTIN        | TX | 78716-2304 |
| 27242  | SAYYED INVESTMENTS HOLDINGS<br>INC            | 339 GUADALUPE        | 2611 MARCUS ABRAMS<br>BLVD  | AUSTIN        | TX | 78748-2954 |
| 41655  | SERUR TERRY WARREN &<br>GRANBERRY SHERI SERUR | 313/315 LBJ          | PO BOX 874  | SAN MARCOS    | TX | 78667-0874 |
| 41656  | SHOW PLACE CINEMA                             | 321-323 LBJ          | % LONE STAR THEATER INC<br>1250 WONDER WORLD DR                   | SAN MARCOS    | TX | 78666-7530 |
| 41624  | SHY GROUP LP                                  | 139 HOPKINS          | 2686 BLACK BEAR DR  | NEW BRAUNFELS | TX | 78132-4179 |
| 168257 | SHYPENN LTD                                   | 301 LBJ              | 2686 BLACK BEAR DR  | NEW BRAUNFELS | TX | 78132-4179 |
| 41476  | SLACK JOHN MARK                               | 232 LBJ              | 112 DOLLY ST  | SAN MARCOS    | TX | 78666      |
| 41477  | TARRANT, LINDA LEWIS                          | 218-220 LBJ          | P O BOX 199   | HUNT          | TX | 78024-0199 |
| 41619  | TEXAS STATE UNIVERSITY - SAN<br>MARCOS        | 224 GUADALUPE        | Attn: VP FOR FINANCE AND<br>SUPPORT SERVICES<br>601 UNIVERSITY DR | SAN MARCOS    | TX | 78666      |
| 41649  | WEATHERFORD, LAURA                            | 312 LBJ              | 2275 SUMMOT RIDGE DR  | SAN MARCOS    | TX | 78666-4945 |

# CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION



Updated: October, 2019

## CONTACT INFORMATION

|                             |   |                         |                                 |
|-----------------------------|---|-------------------------|---------------------------------|
| Applicant's Name            | Carlos Iglesias                                       | Property Owner          |                                 |
| Company                     | Cumulus Design  | Company                 | Greater Texas Credit Union      |
| Applicant's Mailing Address | 2080 N Hwy 360, Suite 240, Grand Prairie, Texas 75050 | Owner's Mailing Address | 4411 N. Lamar, Austin, TX 78752 |
| Applicant's Phone #         | 214-235-0367  | Owner's Phone #         | 281-898-1185                    |
| Applicant's Email           | carlos@cumulusdesign.net                              | Owner's Email           | mike.trapnell@gtcu.org          |

## PROPERTY INFORMATION

Subject Property Address: 242 N Guadalupe St, San Marcos, Texas 78666

Zoning District: CD- 5D

Tax ID #: R 41617

Legal Description: Lot N 1/2 of 1 Block 20

Subdivision \_\_\_\_\_

## DESCRIPTION OF REQUEST

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

Requesting alternative compliance for Project No.: 2020-31215; Project Location: 242 N Guadalupe St.

- Section 4.3.3.3.E.1 Build-To Zone-Nonconforming Build-to Requirement- Additions
- Section 4.3.3.3.E.1 Build-To Zone-Nonconforming Build-to Requirement- Alternative Compliance Findings
- Section 4.3.4.4 Minimum Two-Story Requirements

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Initial Filing Fee \$793\*

Technology Fee \$13

TOTAL COST \$806

Renewal/Amendment Filing Fee \$423\*

Technology Fee \$13

TOTAL COST \$436

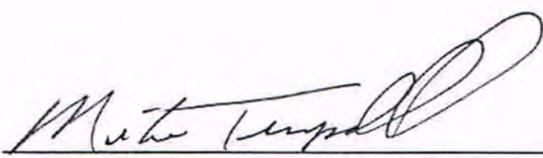
*\*Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits*

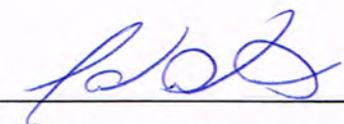
Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

PROPERTY OWNER AUTHORIZATION

I, Mike Trapnell (owner name) on behalf of  
Greater Texas Credit Union (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
242 N Guadalupe St., San Marcos, Texas 78666 (address).

I hereby authorize Carlos Iglesias (agent name) on behalf of  
Cumulus Design (agent company) to file this application for  
CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 5/19/2020  
Printed Name, Title: Mike Trapnell

Signature of Agent:  Date: 5/19/2020  
Printed Name, Title: Carlos Iglesias

Form Updated October, 2019

**AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS  
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS**

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

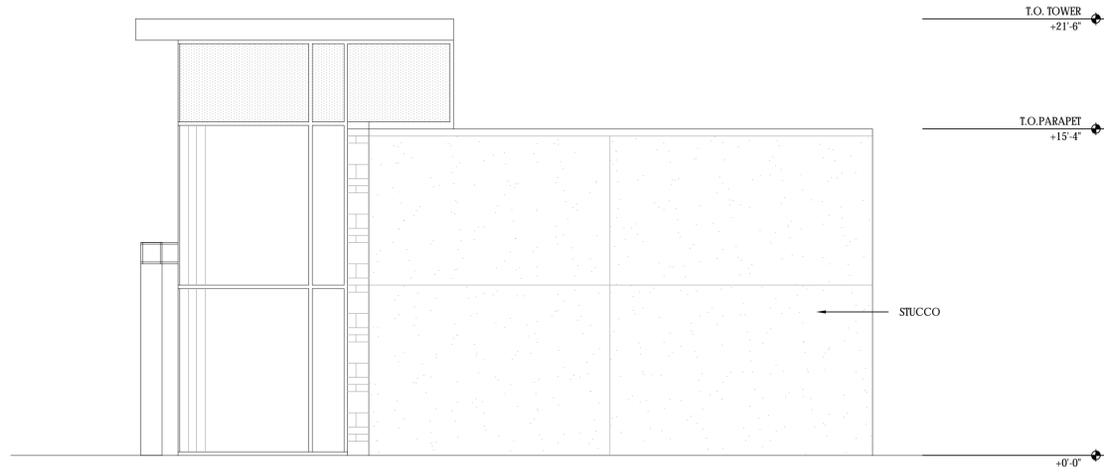
- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 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 \$91 plus a \$13 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.*

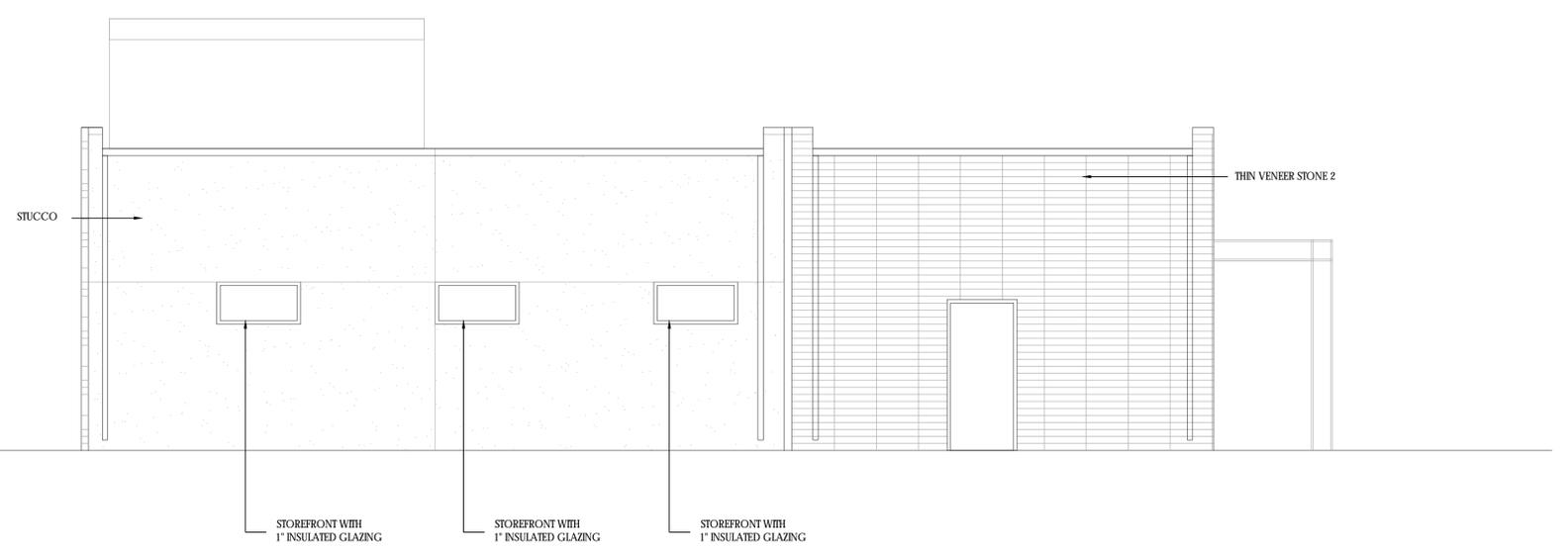
Signature: 

Date: 5/19/2020

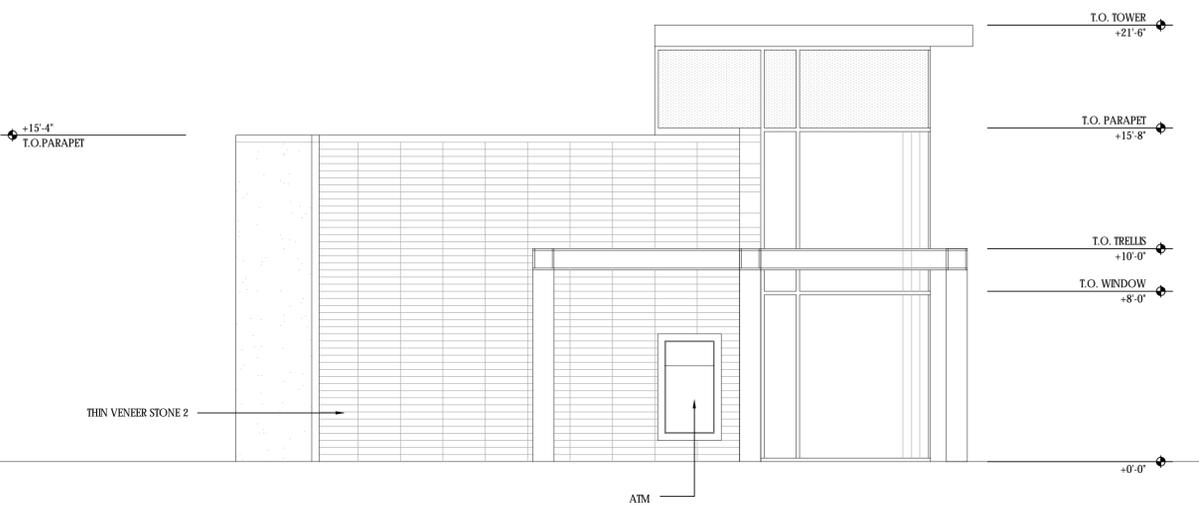
Print Name: Carlos Iglesias



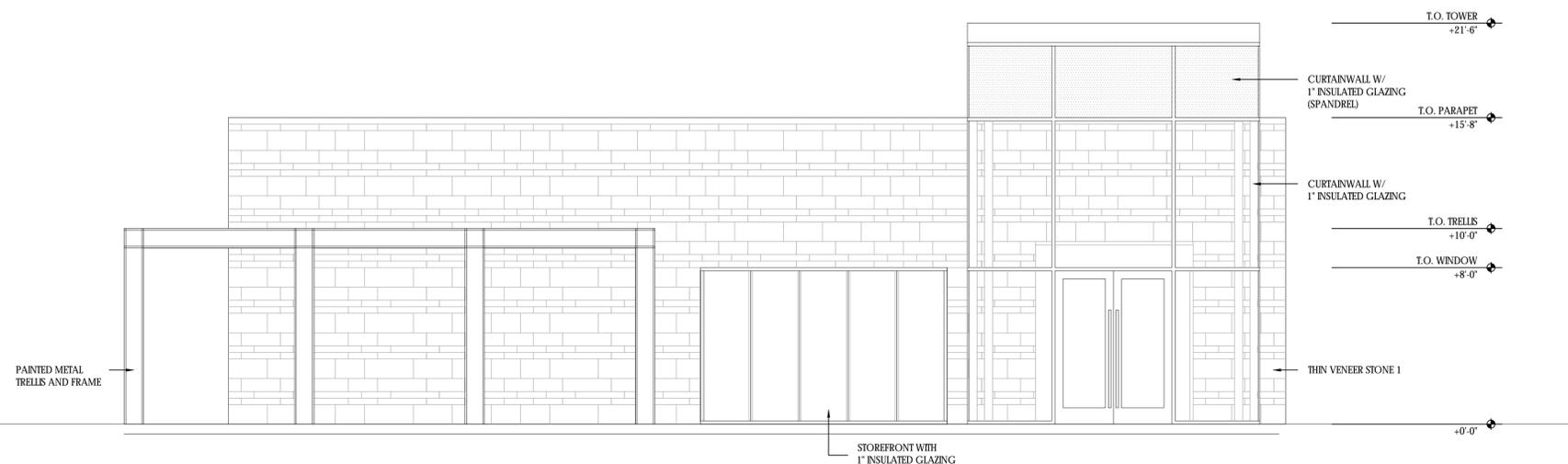
**03 SOUTH ELEVATION**  
SCALE: 1/4"=1'-0"



**04 EAST ELEVATION**  
SCALE: 1/4"=1'-0"



**01 NORTH ELEVATION**  
SCALE: 1/4"=1'-0"



**02 WEST ELEVATION**  
SCALE: 1/4"=1'-0"

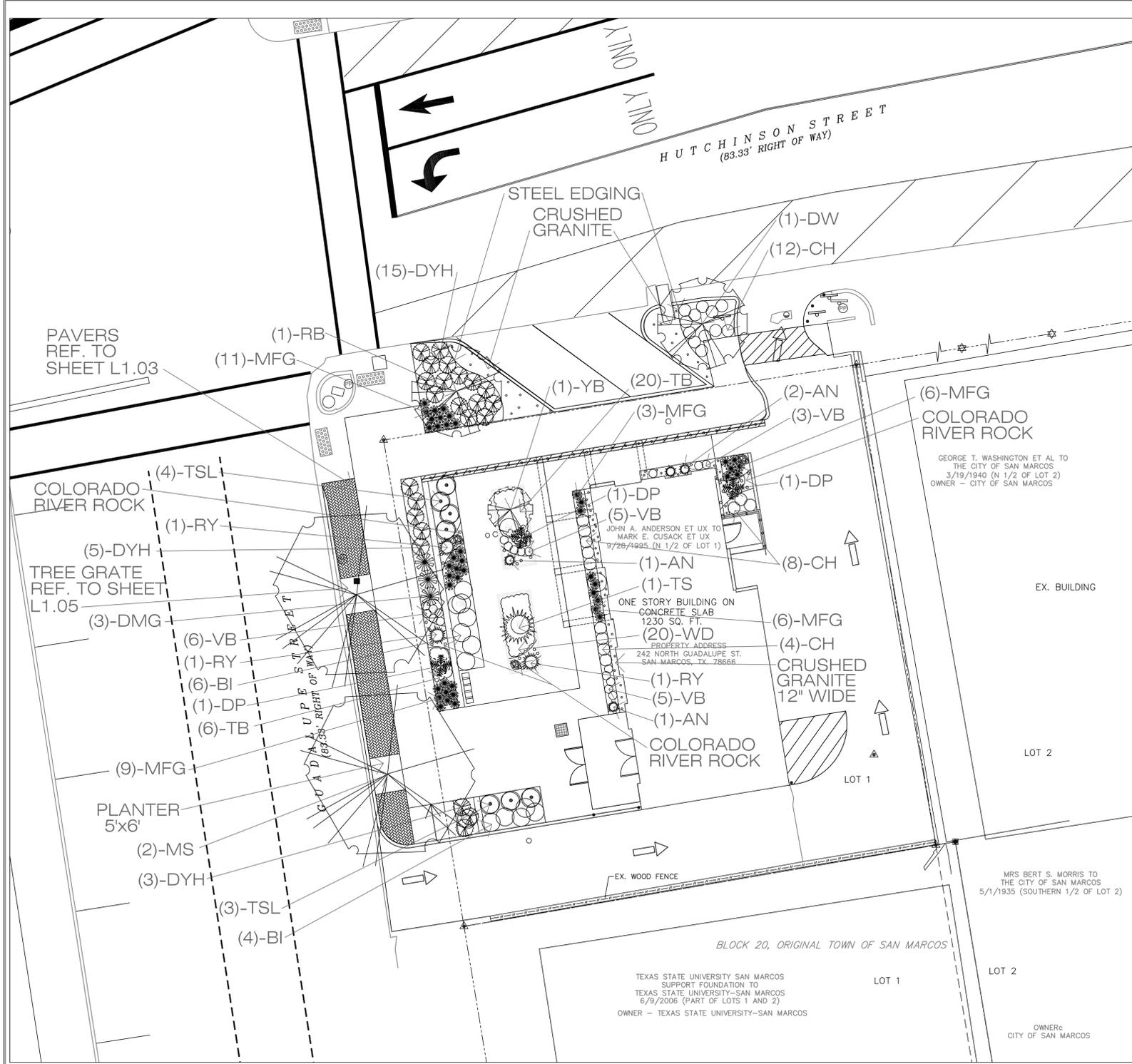
**CONCEPT ELEVATIONS**

MARCH 30, 2020  
RA PROJECT # 2019066

GREATER TEXAS FEDERAL CREDIT UNION  
GUADALUPE ST. & HUTCHISON ST.  
SAN MARCOS, TX



1445 ROSS AVENUE | SUITE 5700 | DALLAS TEXAS 75202



01 LANDSCAPE PLAN  
SCALE: 1" = 10'-0"

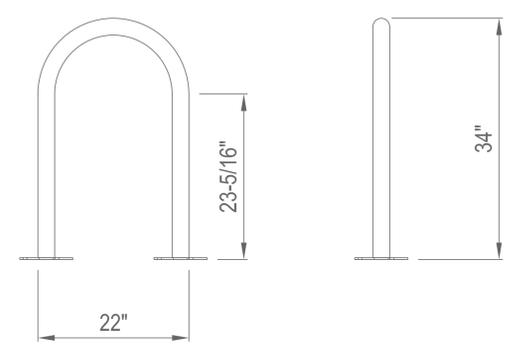


PLANT LIST

| KEY | QUANTITY | TREES DESCRIPTION  | SIZE  |
|-----|----------|--|---|
| MS  | 2        | PLATANUS MEXICANA<br>MEXICAN SYCAMORE                      | 3" CAL., MIN. 4'<br>SPREAD, MIN. 12 FT. HT.     |
| KEY | QUANTITY | ORNAMENTAL TREES DESCRIPTION                               | SIZE  |
| DW  | 1        | CHILOPSIS LINEARIS<br>DESERT WILLOW                        | 2" CAL., 8' HT.,<br>3' SPREAD                   |
| RB  | 1        | CERCIS CANADENSIS 'OKLAHOMA'<br>REDBUD                     | 30 GAL., 8' HT.,<br>3' SPREAD                   |
| KEY | QUANTITY | SHRUBS DESCRIPTION   | SIZE  |
| AN  | 4        | YUCCA FILAMENTOSA 'COLOR GUARD'<br>ADAM'S NEEDLE           | 3 GAL., MIN. 15" HT.,<br>A.S.                   |
| CH  | 24       | ILEX BURFORDII 'CARISSA'<br>CARISSA HOLLY                  | 5 GAL., MIN. 15" HT.,<br>36" O.C.               |
| DP  | 3        | SABAL MINOR<br>DWARF PALMETTO                              | 5 GAL., MIN. 12" HT.,<br>12" SPD., 24" O.C.     |
| BI  | 10       | DIETES BICOLOR<br>BICOLOR IRIS                             | 1 GAL., FULL PLANT<br>16" O.C.                  |
| DYH | 23       | ILEX VOMITORIA 'NANA'<br>DF. YAUPON HOLLY                  | 5 GAL., MIN. 24" HT.,<br>36" O.C.               |
| YB  | 1        | TECOMA STANS VAR. ANGUSTA<br>ESPERANZA YELLOW BELLS        | 5 GAL., 18" HT., MIN.<br>24" SPD., MIN. 36" HT. |
| TS  | 1        | DASYLIRION TEXANA<br>TEXAS SOTOL                           | 5 GAL., 24" HT., MIN.<br>24" SPD., MIN. 36" HT. |
| RY  | 3        | HESPERALOE PARVIFOLIA<br>RED YUCCA                         | 5 GAL., MIN. 15" HT.,<br>36" O.C.               |
| TSL | 7        | LEUCOPHYLLUM LANGMANIAE<br>TEXAS SAGE 'LYNN'S LEGACY'      | 5 GAL., MIN. 24" HT.,<br>36" O.C.               |
| KEY | QUANTITY | GROUND COVER, GRASSES & PERENNIALS DESCRIPTION             | SIZE  |
| TB  | 26       | STACHYS COCCINEA<br>TEXAS BETONY                           | 5 GAL., 24" HT., MIN.<br>24" SPD., MIN. 30" HT. |
| VB  | 19       | VERBENA CANADENSIS 'HOMESTEAD PURPLE'<br>HOMESTEAD VERBENA | 1 GAL., 6" HT., MIN. 8"<br>SPD., MIN. 18" O.C.  |
| WD  | 20       | WEDELIA HISPIDA<br>ORANGE ZEXMENIA                         | 1 GAL., 6" HT., MIN. 8"<br>SPD., MIN. 24" O.C.  |
| MFG | 35       | NASSELLA TENUISSIMA<br>MEXICAN FEATHER GRASS               | 1 GAL., FULL PLANT<br>16" O.C.                  |
| DMG | 3        | MISCANTHUS SINENSIS 'GRACILLIMUS'<br>DWARF MAIDEN GRASS    | 1 GAL., FULL PLANT<br>24" O.C.                  |

NOTES:

ALL UNCOVERED AREAS DISTURBED DURING THE PROJECT, INCLUDING ANY OFFSITE DISTURBED AREAS, MUST BE PERMANENTLY STABILIZED WITH SOD INSTALLATION, HYDROMULCH SEEDING, PLANTING, AND/OR INSTALLATION OF OTHER APPROVED LANDSCAPE MATERIALS, PROVIDED THAT LDC MINIMUM LANDSCAPING REQUIREMENTS ARE MET. REMOVE ALL DEBRIS AND FIX ALL RUTS/FINAL GRADE ALL DISTURBED AREAS; DO NOT BURY OR SOD/SEED OVER DEBRIS OR SILT FENCE, ETC. INSTALL AT LEAST 6" OF SCREENED TOP SOIL (NOT GRADED CLAY, BASE MATERIAL, OR SAND) PRIOR TO VEGETATING. PROVIDE TEMPORARY IF INCLUDED IN LANS) WATERING SUFFICIENT TO ACHIEVE PERENNIAL VEGETATIVE COVER OF AT LEAST 70% DENSITY EVENLY DISTRIBUTED WITH NO LARGE BARE AREAS. WINTER RYE OR ANNUAL RYEGRASS ALONE ARE NOT ACCEPTED AS PERMANENT STABILIZATION.

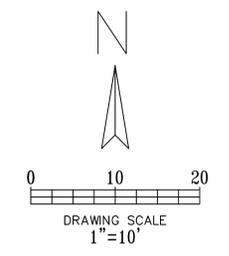


NOTES:

- INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
- DO NOT SCALE DRAWINGS.

BIKE RACK DETAIL

SCALE: NTS



CITY OF SAN MARCOS  
ZONED: CD-5 DOWNTOWN

SITE AREA = 6,592 S.F.

REQUIRED LANDSCAPE:  
10% OF THE SITE - 6,592 S.F. = 659 S.F.

PROVIDED LANDSCAPE:  
11% OF THE SITE - 672 S.F.

(1) TREE & (3) 5 GAL. SHRUBS FOR EACH 1,000 S.F. OF REQUIRED LANDSCAPE

REQUIRED (1) TREE 2.5' CAL.  
(3) SHRUBS 5 GAL.  
PROVIDED (1) TREE 3' CAL.  
(38) SHRUBS 5 GAL.

REQUIRED STREETSCAPE:  
(1) TREE PER 30' O.C. AVG. @ 66 L.F. IN PLANTER 5' MIN.

REQUIRED (2) TREE 2.5' CAL.  
PROVIDED (2) TREE 3' CAL.

(4) BIKE SPACES  
NO EXISTING TREES ON SITE

IRRIGATION TO BE PROVIDED WITH PERMANENT AUTOMATIC UNDERGROUND SYSTEM

Cumulus Design  
Firm #14810  
2080 N. Highway 360, Suite 240  
Grand Prairie, Texas 75050  
Tel. 214.235.0367



LANDSCAPE PLAN  
242 N GUADALUPE ST,  
CITY OF SAN MARCOS  
HAYS COUNTY, TEXAS

GREATER TEXAS  
CREDIT UNION

|                |          |
|----------------|----------|
| PLOT DATE      | 05/27/20 |
| DRAWING SCALE  | 1"=10'   |
| PROJECT NUMBER | CD19038  |
| SHEET NUMBER   | L1.01    |

JCL  
J. CAMILLE LA FOY  
LANDSCAPE ARCHITECTURE CONSULTING  
1401 NORTH GREENVILLE AVENUE, 1042  
ALLEN, TEXAS 75002  
214-404-4042

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# LANDSCAPE SPECIFICATIONS

## Section One – General

- A. Requirements**
- All work to be performed in accordance with all applicable laws, codes and regulations by authorities having jurisdiction over such work. Landscape contractor to provide all required permits and inspections as required under the scope of this work.
  - Landscape Contractor is responsible for contacting all utility companies or other such agencies for the location and type of underground utility which may be within the scope of work to be performed by the contractor.
  - Damage to any or all underground utilities is the responsibility of the Landscape Contractor.
- B. Quality Assurance**
- Provide plant materials in compliance with applicable State and Federal laws relating to inspection for diseases and insect infestation at growing rate.
  - Plants are subject to inspection and approval by the Landscape Architect. Plants required for the work may be inspected and tagged at the growing site before being dug up.
  - Observation at growing site does not preclude right of rejection at job site. Plants damaged in transit or at job site may be rejected.
  - Employ only qualified personnel familiar with required work.
  - Off-site topsoil and topsoil on-site testing (paid by Landscape Contractor):
    - Provide source of off-site soil to the Landscape Architect for purposes of soil investigation.
    - Take random representative soil samples from areas to be planted.
    - Test soil samples from both sources for pH, alkalinity, total soluble salts, porosity, sodium content, and organic matter.
- C. Referenced Standards**
- American Standard for Nursery Stock, approved 1986 by American National Standards Institute, Inc. – Plant materials.
  - Hortus Third, 1976 – Cornell University Plant nomenclature.
  - ASTM – American Standard Testing Material – Sharp sand.
- D. Submittals**
- Submit for approval sufficient representative quantities of soil mix, mulch, and peat moss.
  - Submit one sample of each specified tree and three samples of each specified shrub and groundcover plants for Landscape Architect's approval. When approved tag, install, and maintain as representative samples for final installed plant materials.
  - File certificate of inspection of plant materials by State and Federal authorities with Landscape Architect, if required by state.
- E. Product delivery, storage, and handling**
- 1. Preparation for delivery:**
- Balled and Burlapped (B&B) Plants: Dig and prepare shipment in a manner that will not damage roots, branches, shape, and future development.
  - Container Grown Plants: Deliver plants in containers sufficiently rigid to hold ball shape and protect root mass during shipping.
- 2. Delivery:**
- Deliver packaged materials in sealed containers showing weight, analysis, and name of manufacturer. Protect materials from deterioration during delivery and while stored at site.
  - Do not deliver more plant materials than can be planted in one day unless adequate storage and watering facilities are available on job site. Storage of materials and equipment at the job site will be at the risk of the landscape contractor. The owner will not be held responsible for theft or damage.
  - If balled plants cannot be planted within 24 hours after delivery to site, protect root balls by heeling in with saw dust or other approved material.
  - Protect during delivery to prevent damage to root ball or dessication of leaves.
  - Notify Landscape Architect of delivery schedule 48 hours in advance so plant material may be observed upon arrival at job site.
- H. Job conditions:**
- 1. Planting restrictions:**
- Perform actual planting only when weather and soil conditions are suitable in accordance with locally accepted practice.
- 2. Protections:**
- Do not move equipment over existing or newly placed structures without approval of Landscape Architect and General Contractor.
  - Provide board-roading and sheeting as required to protect paving and other improvements from damage.
  - In no way shall any trees, plants, ground cover or seasonal color obstruct drainage or block a 2% minimum positive slope away from buildings.
- 3. Utilities:**
- Determine location of underground utilities and perform work in a manner which will avoid possible damage. Hand excavate, if required, to minimize possibility of damage to underground utilities.
- H. Warranty:**
- Warrant plants and trees for one year after final acceptance. Replace dead materials and materials not in vigorous, thriving condition as soon as weather permits and on notification by Landscape Architect. Replace plants, including trees, which in opinion of Landscape Architect have partially died thereby damaging shape, size, or symmetry.
  - Replace plants and trees with same kind and size as originally planted, at no cost to Owner. Provide one-year warranty on replacement plants. These should be replaced at start of next planting or digging season. In such cases, remove dead trees immediately. Protect irrigation system and other piping conduit or other work during replacement. Repair any damage immediately.
  - Warranty excludes replacement of plants after final acceptance because of injury by storm, drought, drowning, hail, freeze, insects, diseases, owner negligence or acts of God.
  - At the end of the warranty period, staking, and guying material shall be removed from the site.

- L. Maintenance:**
- Water will be available on-site. Provide necessary hoses and other watering equipment required to complete work.
  - Until final acceptance, maintain plantings and trees by watering, cultivating, mowing, weeding, spraying, cleaning, and replacing as necessary to keep landscape in a vigorous, healthy condition and rake bed areas as required.
  - A written notice requesting final inspection and acceptance should be submitted to Landscape Architect seven (7) days prior to completion. At that time Owner and Landscape Architect will prepare a final punch list to be reviewed with Landscape Contractor. When such project is deemed complete by Landscape Architect, an on-site inspection by Owner, Landscape Contractor, and Landscape Architect will be completed prior to written acceptance.
  - Following that acceptance, maintenance of plant material will become the Owner's responsibility. The Contractor shall provide Owner with a recommended maintenance program.

## Section Two – Products

- A. Plants:**
- Quantities: The drawings and specifications are complimentary, anything called for on one and not the other is as binding as if shown and called for on both. The plant schedule is an aid to bidders only. Confirm all quantities on plan.
  - Plants shall be equal to well formed No. 1 grade or better, symmetrical, heavily branched with an even branch distribution, densely foliated and/or budded, and a strong, straight, distinct leader where this is characteristic of the species. Plants shall possess a normal balance between height and spread. The Landscape Architect will be the final arbiter of acceptability of plant form, either before or after lanting and shall be removed at the expense of the Landscape Contractor and replaced with acceptable plants as specified.
  - Plants shall be healthy and vigorous, free of disease, insect pests and their eggs, and larvae.
  - Plants shall have a well-developed fibrous root system.
  - Plants shall be free of physical damage such as scrapes, broken or split branches, scars, bark abrasions, sun scalds, fresh limb cuts, disfiguring knots, or other defects.
  - Pruning of all trees and shrubs, as directed by Landscape Architect, shall be executed by Landscape Contractor at no additional cost to the owner.
  - Plants shall meet the sizes indicated on the Plant List, where a size or caliper range is stated, at least 50% of the material shall be closer in size to the top of the range stated.
  - Plants indicated "B&B" shall be balled and burlapped. Plants shall be nursery grown unless otherwise specified in plant list. Balls shall be firm, neat, slightly tapered and well burlapped. Non-biodegradable ball wrapping material will not be accepted. Any tree loose in the ball or with broken ball at time of planting will be rejected. Balls shall be ten (10") inches in diameter for each one (1") inch of trunk diameter, measured six (6") inches above ball.
  - Container grown plants shall be well rooted and established in the container in which they are growing. They shall have grown in the container for a sufficient length of time for the root system to hold the planting medium when taken from the container, but not long enough to become root bound.
- B. Soil Preparation Materials:**
- Peat Moss: Commercial sphagnum moss or hyphum peat, or decomposed gin trash with pH between 5 and 7. The gin trash shall be sterilized to eliminate all active residuals, i.e., insecticides, pesticides, herbicides, fungus, virus and defoliant chemicals.
  - Pre mixed soils will be considered as "approved equals" when samples are submitted with manufacturer's data and laboratory test reports. Approved suppliers include Vital Earth Complete Mix by Vital Earth Resources, Gladewater, Texas and Acid Gro Complete Mix by Soil Building Systems, Inc., Dallas, Texas.
  - Sandy Loam:
    - Friable, fertile, dark, loamy, free of clay lumps, subsoil, stones, and other extraneous material and reasonably free of weeds and foreign grasses. Soil containing Dallisgrass or Nutgrass shall be rejected.
    - Physical properties as follows:
      - Clay – between 7–27 percent
      - Silt – between 28–50 percent
      - Sand – less than 52 percent
  - Sharp sand: Clean, washed sand, (fine aggregate) ASTM C–33
- C. Commercial Fertilizers:**
- Fertilizer shall be delivered in manufacturer's standard container printer with manufacturer's name, material weight, and guaranteed analysis. Fertilizers with N–P–K analysis other than that specified may be used provided that the application rate per square foot of nitrogen, phosphorus, and potassium is equal to that specified.
  - Commercial fertilizer for planting beds: Complete fertilizer 5–10–5 element ratio with maximum 8% sulfur and 4% iron plus micro-nutrients.
  - Controlled-Release fertilizer planting tablets for tree planting pits, shall be equal to Agriform 20–10–5 planting tablets as manufactured by Sierra Chemical Co., Milpitas, California 95035 or approved equal.
- D. Mulch:**
- Bark mulch shall be shredded hardwood mulch, medium fine texture.
- E. Water:**
- Water shall be suitable for irrigation and shall be free from ingredients harmful to plant life.
- F. Miscellaneous Materials:**
- Steel edging: Pro-Steel, 16' x 1/8" x 4" painted green or equal.
  - Bed Preparation: Professional Bedding Soil in the beds and Potting Soil in the containers. Living Earth Technology Co., Dallas, Tx. Submit sample for approval.
  - Staking or Guying Materials:
    - Wood Stakes: 2" x 4" x 30" dense pine, untreated.
    - T-Shaped Metal Posts: Paint flat black, 8 feet long.
    - Turn Buckles: Galvanized steel, 3/8 inch eye, 6-inch opening.
    - tie Wire: 12 gauge galvanized wire.
    - Black Hose: 2 ply, fiber reinforced hose, minimum 1/2 inch inside diameter.

- Filter Fabric: Mirafi MSCAPE or equal under all gravel areas. Tencate, 365 South Holland Dr., Pendergrass, GA 30567. Submit sample for approval.
- Crushed Granite: 5/8"–1", New Braunfels Landscape Supply, New Braunfels, Tx. Submit sample for approval.
- Rainbow River Rock: 2", New Braunfels Landscape Supply, New Braunfels, Tx. Submit sample for approval.
- Boulders: Landscape boulders to be moss covered. Sizes indicated are approx., New Braunfels Landscape Supply, New Braunfels, Tx. Submit sample for approval.

## Section Three – Execution

- A. Condition of Surfaces:**
- New bed areas will be left within one tenth of a foot of finish grade by other trades. Contractor will be responsible for raking and smoothing of grade.
  - Examine subgrade upon which work is to be performed. Notify the Landscape Architect of unsatisfactory conditions.
- B. Tree Planting:**
- Stake tree locations for Landscape Architect's approval prior to digging.
  - Plant ornamental trees in pits 12–inches larger than root ball. Plant shade trees in pits two feet greater in diameter than root ball and equal to depth of root ball.
  - After excavation of tree pits, review water percolation with Landscape Architect. If tree pit does not drain adequately prepare hole for use with a tree sump. Paint PVC stand pipe and cover dark green. After tree is installed, pump water out on a daily basis.
  - In the event rock or underground construction work or obstructions are encountered in any plant pit excavation work to be done under this section, alternate locations may be selected by the Landscape Architect. Where locations cannot be changed the obstructions shall be removed to a depth of not less than six (6) inches below bottom of ball when plant is properly set at the required grade. The work of this section shall include the removal of the site of such rock or underground obstructions encountered at the cost of the Landscape Contractor.
  - Prepare soil for planting by thoroughly mixing two parts sandy loam and one part peat moss or other approved organic matter. If planting soil does not fall within the pH range of 5.5 to 7.0 add limestone or aluminum sulphate to bring soil into the specified pH range.
  - Backfill tree pits with a mixture of 1/2 prepared soil and 1/2 existing site soil. Lightly tamp every 6–inches to fill all voids and pockets. When pit is 2/3 full, water thoroughly and leave water to soak in. Place fertilizer lanting tablets per manufacturers recommendations. Complete backfilling and form a saucer around the tree. Fill saucer with water and leave to soak in. Fill saucer wit water.
  - Completely fill each tree sauce with mulch to a depth of two inches.
  - Contractor shall keep trees plumb until established. Guying and/or staking to maintain that plumb condition shall be at the Contractor's discretion. However, if trees are not plumb, the Contractor will be required to guy and/or stake those trees in a method acceptable to the Landscape Architect at no additional cost to the Owner.
  - Pruning: Prune trees to preserve the natural character of the plant in a manner appropriate to its particular requirements in the landscape design as directed by the Landscape Architect. In general, remove at least one-third of wood by thinning and pruning. DO NOT cut back terminal branches. Thin native grown plants heavier than nursery grown plants. Remove sucker growth and broken or badly bruised branches.
  - After planting has been completed and approved by Landscape Architect, mulch bed areas 2 inches deep.
- C. Shrub Planting:**
- Layout planting beds for Landscape Architect's approval prior to digging.
  - All shrubs to be pocket planted. Excavate planting hole 1–1/2 times the width and height of the root ball. Backfill with 1/3 compost, 1/3 native soil and 1/3 sandy loam.
  - Place plants in position on bed areas before cans have been removed. Obtain approval from Landscape Architect, do not remove burlap from B&B plants. Landscape Architect reserves right to interchange or shift plant prior to plant.
  - Plant where located, setting plants with tops of balls even with tops of beds, and compact soil carefully around each plant ball.
  - Water each plant thoroughly with hoses to eliminate air pockets.
  - Carefully prune plants to remove dead or broken branches and hand rake bed areas to smooth even surfaces.
  - After planting has been completed and approved by Landscape Architect, mulch bed areas 2 inches deep.
- D. Groundcover Planting:**
- Lay out planting beds for the Landscape Architect's approval prior to digging.
  - Till 2 inches minimum of thoroughly mixed prepared soil in all planting bed areas as follows.
    - 2 inches of specified "Complete Mix," from Living Earth Technology.
  - Place plants in position on bed areas before cans have been removed. Obtain approval from Landscape Architect. Landscape Architect reserves right to interchange or shift plants prior to planting.
  - Plant where located, setting plants with tops of balls even with tops of beds, and compact soil carefully around each plant ball.
  - Water each plant thoroughly with hoses to eliminate air pockets.
  - Carefully prune plants to remove dead or broken branches and hand-rake bed areas to smooth even surfaces.
  - After planting has been completed and approved by Landscape Architect, mulch bed areas 2 inches deep.

## Part Two:

### Section One – General

The contractor is to render the following Landscape Maintenance Services during the term of the initial construction contract. In addition, the Contractor is to indicate a price for a one year extended maintenance contract to begin after the construction project is complete and accepted. This price is to be submitted on a separate line item.

- A. Scope:**
- Work included in Base Bid. Perform all work necessary utilizing acceptable horticultural practices for the exterior landscape maintenance of the project as required herein. Such work includes, but is not limited to the following:
    - Monitoring adjustment and minor repair of the landscape irrigation system. Provide as-built drawings to Owner at completion.
    - Protection of vacuum breakers against freeze damage.
    - Mowing, edging and trimming of trees and shrubs.
    - Pruning and trimming of trees and shrubs.
    - Resaking and adjustment of stakes and guying if required.
    - Approval, by Owner, of material substitutions prior to use.
    - Application of fertilizers, insecticides and herbicides
    - Replacement of plant material (extra service)
    - General site clean up and removal of trash and product of maintenance.
- B. Extra Services:** The intent of the contract is to provide a comprehensive maintenance program to include all required services, except those services specifically excluded, to perform the work for the state time period.
- All services not included in the base bid shall be considered "extra services" and will be charged for separately according to the nature of the item of work. The written consent and authorization of the Owner of their authorized representative must be obtained prior to the performance or installation of such "extra services" items and prior to purchase of any chargeable materials.
  - Such work may include replacement of dead plant material or major repairs of irrigation system created by acts of vandalism or other contractors or other site related work.
  - Authorized extra services work must be summarized weekly and submitted with receipts to the Owner.
  - The Owner is not bound by the specifications or contract to utilize the landscape maintenance contractor in the performance of "extra service work."
  - The landscape maintenance contractor shall coordinate his activities with other contractors on the site so as to not hinder the performance of any work.
  - Authorized charges for extra work will be paid monthly.
- C. Substitutions:**
- Specific reference to manufacturer's names and products specified in the Section are used as standards, but this implies the right to substitute other material or methods without written approval of the Owner. Such permission must be secured without additional cost to Owner.
  - Installation of any approved substitutions Contractor's responsibility. Any changes required for installation of any approved substitution must be made to the satisfaction of any without additional cost to Owner.
- D. Schedule:**
- All work under this Contractor shall be performed in accordance with the Schedule submitted by landscape maintenance Contractor and approved by Owner and/or his representative.
- E. Contractor's Performance:**
- The Contractor's workmen shall be neat in appearance, perform their work in a professional manner, keep noise to a minimum and stage their work from a location on the site out of the way of the mainstream of the uses. In general, the Contractor's presence on the site shall be as inconspicuous as possible.
  - The intent and spirit of this project manual is to provide a guideline for the contractor to follow in order to provide ownerwith landscape maintenance services of the highest quality. Where the manual refers to "as-needed" or "as-required" the intent if for the contractor to perform the services necessary to maintain the property at the highest possible quality level. Nothing contained within this project manual shall be interpreted as relieving the contractor or his responsibility to perform with wrok in a professional manner and to the complete satisfaction of the Owner.
  - If disputes arise as to the quality fo teh services performed the Owner or Owner's designated representative shall make the final determination of responsibilities.
- F. Neglect and Vandalism:**
- Turf, trees or plants that are damaged or killed due to Contractor's operations, negligence or chemicals shall be replaced at no expense to the Owner. If plant damage or death is caused by conditions beyond the Contractor's control, replacement shall be at the Owner's expense.
  - Sprinklers or structures that are damaged due to the Contractor's operations must be replaced by the Contractor promptly. Likewise, damage to the irrigation system by others shall be corrected immediately by the Contractor, at the Owner's expense.
  - All water damage, either natural or man-made, resulting from Contractor's neglect shall be corrected at the Contractor's expense.
  - All damage to or thefts of landscaping and irrigation installations not caused or allowed by the Contractor shall be corrected by the Contractor at the Owner's expense upon receipt of written authorization to proceed.
- G. Job Conditions:**
- Contractor shall acquaint himself with all site conditions. Should excavation be required, the Contractor shall promptly notify the utility coordination committee for utility locations. Failure to do so will make Contractor liable for any and all damage thereto arising from his operations.
  - Contractor shall take necessary precautions to protect site conditions, irrigation and plants. Should damage be incurred, this Contractor shall repair damage to its original condition or furnish and install equal replacement at this expense.
- H. Emergencies:**
- The Contractor shall answer emergency or complaint calls within twelve (12) hours and corrective action shall be complete within 24 hours.
  - The Contractor shall answer emergency calls regarding the landscape irrigation system failure or need of repair, and take corrective action within eight (8) hours. Such work, unless caused due to neglect on the part of the Landscape

Cumulus Design

Firm #14810

2080 N. Highway 360, Suite 240  
Grand Prairie, Texas 75050  
Tel. 214.235.0367



05/27/20

LANDSCAPE SPECIFICATIONS

242 N GUADALUPE ST,

CITY OF SAN MARCOS

HAYS COUNTY, TEXAS

GREATER TEXAS  
CREDIT UNION

PLOT DATE

05/27/20

DRAWING SCALE

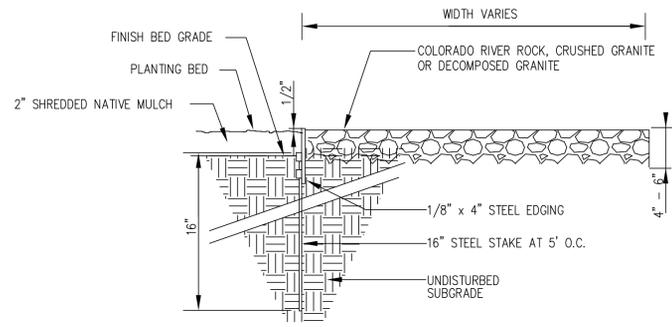
1"=10'

PROJECT NUMBER

CD19038

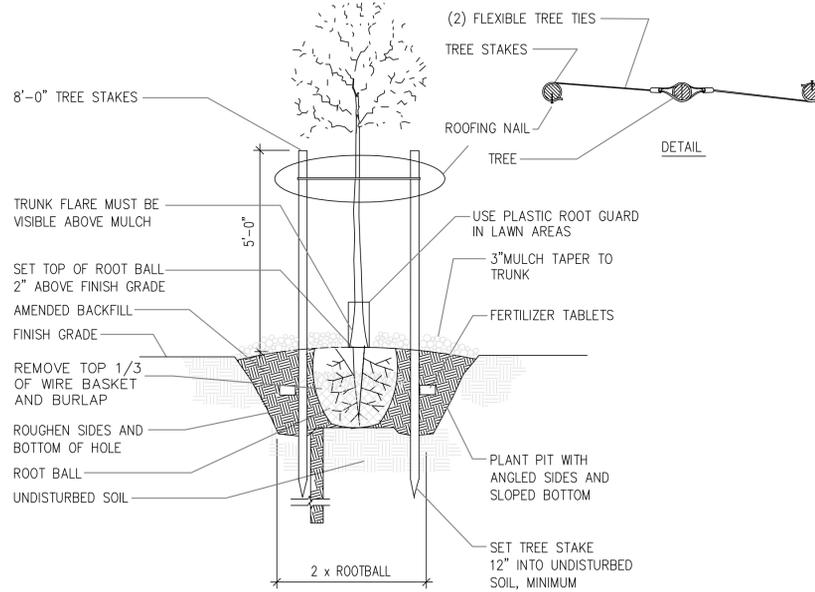
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L1.02



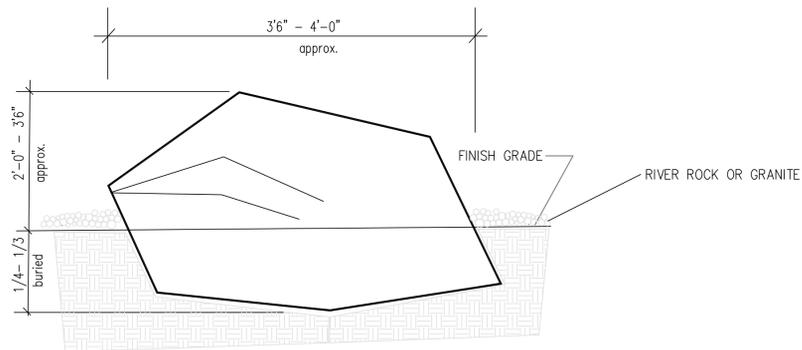
**A STEEL EDGING DETAIL**

SCALE: NTS



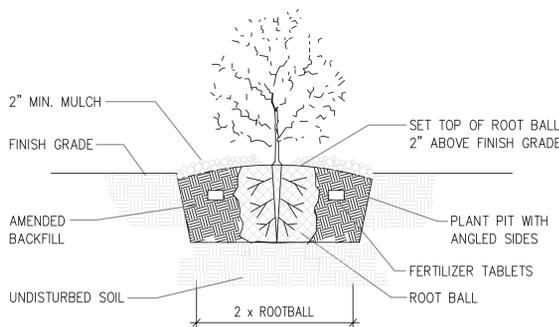
**C TREE PLANTING AND STAKING**

SCALE: NTS



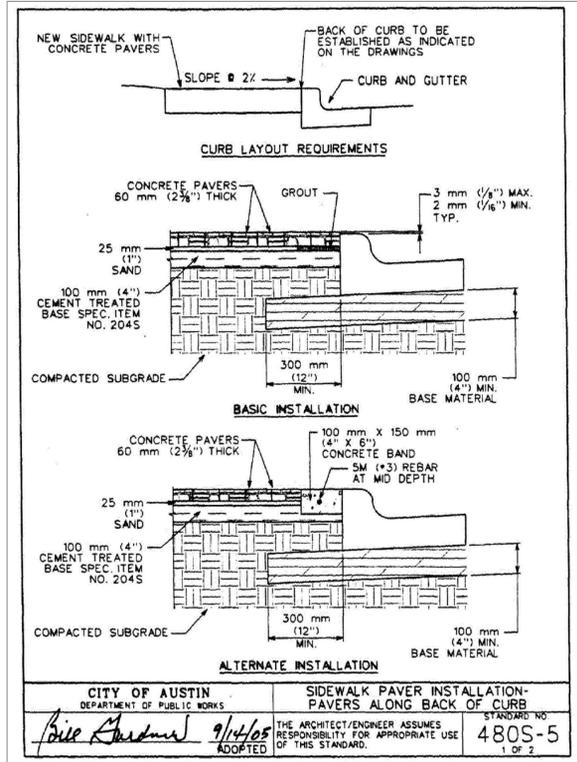
**B BOULDER PLACEMENT DETAIL**

SCALE: NTS



**D SHRUB PLANTING DETAIL**

SCALE: NTS



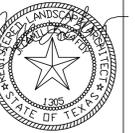
- NOTES:
1. THE CONCRETE PAVERS SHALL MEET THE REQUIREMENTS OF STANDARD SPECIFICATION ITEM NO. 480S, "CONCRETE PAVER UNITS".
  2. THE GROUT MIX SHALL MEET THE REQUIREMENTS OF SECTION 485S.3.E, "GROUT MIX" OF STANDARD SPECIFICATION ITEM NO. 485S, "CONCRETE PAVER UNITS FOR SIDEWALK RAMPS".
  3. THE FIRST TWO ROWS OF CONCRETE PAVERS ADJACENT TO THE BACK OF CURB SHALL BE SET IN A 25 mm (1") THICK GROUT LAYER.
  4. AS AN ALTERNATE TO SETTING THE FIRST TWO ROWS OF CONCRETE PAVERS IN A GROUT LAYER, A PC CONCRETE BAND (CLASS A, ITEM 403S, "CONCRETE FOR STRUCTURES"), 100 mm (4") DEEP AND 150 mm (6") WIDE, SHALL BE CONSTRUCTED ALONG THE BACK OF CURB.

|  |   |                        |
|--|---|------------------------|
| CITY OF AUSTIN<br>DEPARTMENT OF PUBLIC WORKS | SIDEWALK PAVER INSTALLATION-<br>PAVERS ALONG BACK OF CURB                                 | STANDARD NO.<br>480S-5 |
| <i>Bill Adams</i> 9/14/05<br>ADOPTED         | THE ARCHITECT/ENGINEER ASSUMES<br>RESPONSIBILITY FOR APPROPRIATE USE<br>OF THIS STANDARD. | 2 OF 2                 |

**E PAVER DETAIL**

SCALE: NTS

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05/27/20

LANDSCAPE DETAILS  
242 N GUADALUPE ST,  
CITY OF SAN MARCOS  
HAYS COUNTY, TEXAS

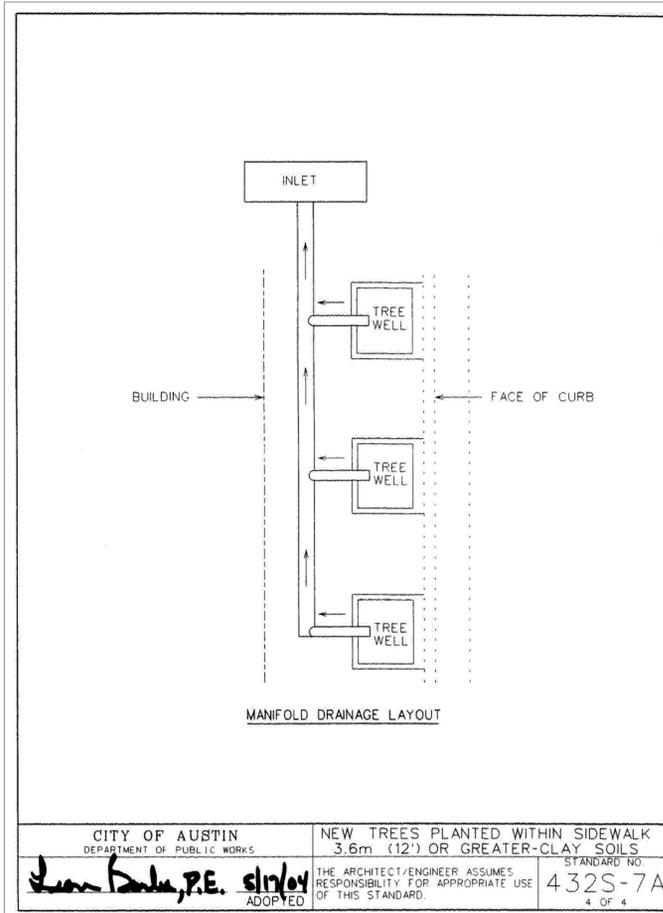
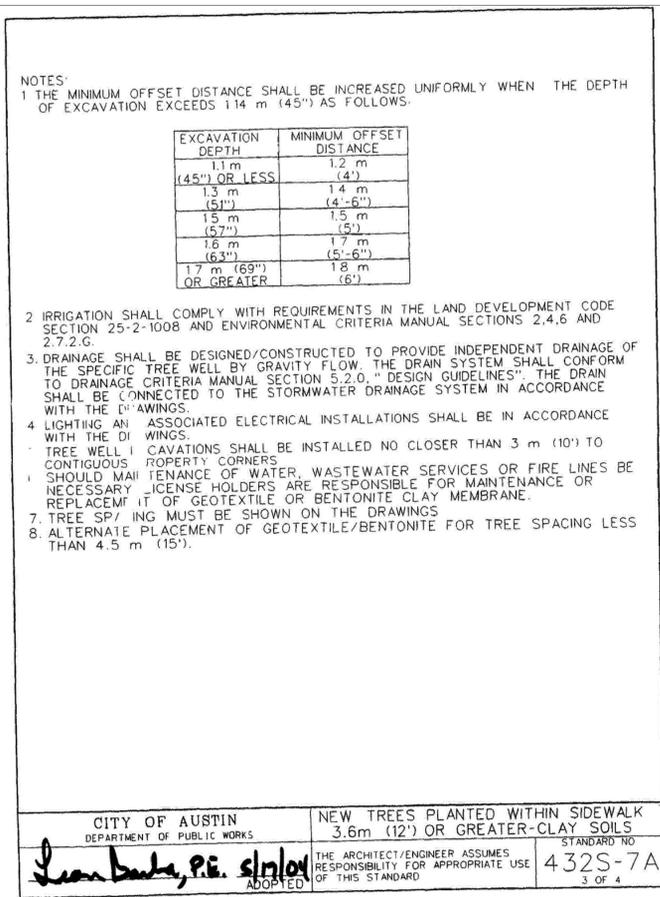
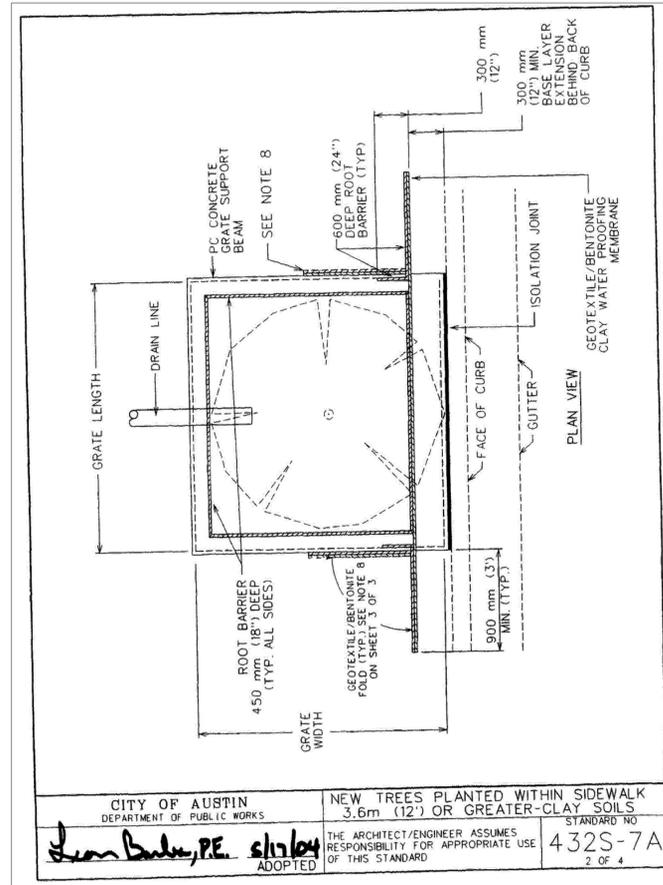
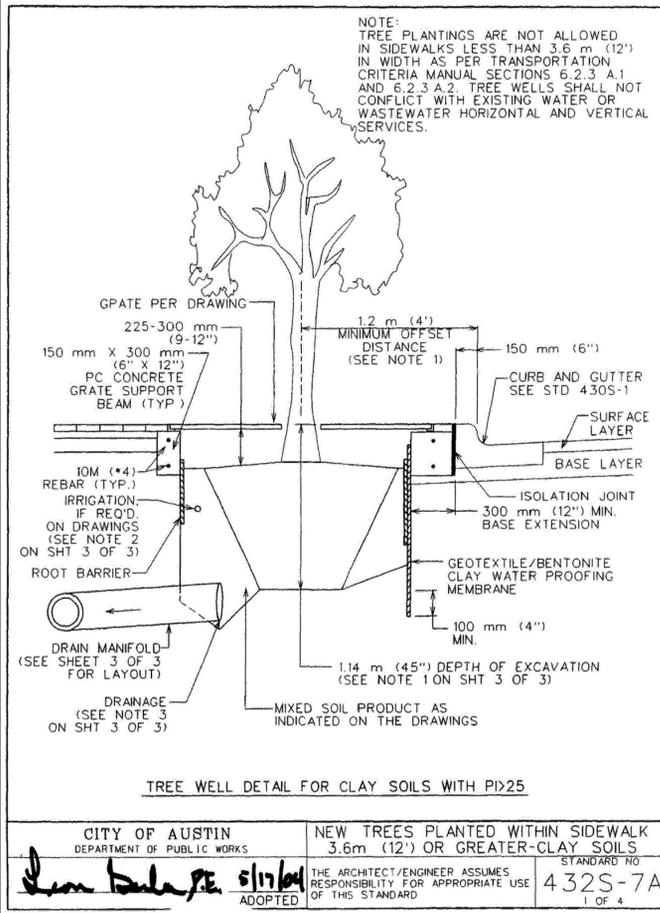
**GREATER TEXAS**  
CREDIT UNION

PLOT DATE  
05/27/20  
DRAWING SCALE  
N/A  
PROJECT NUMBER  
CD19038

SHEET NUMBER

L1.03

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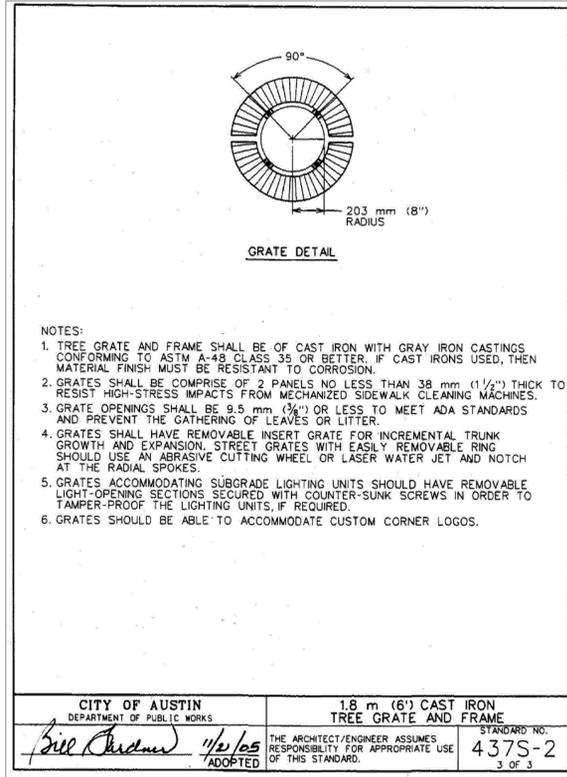
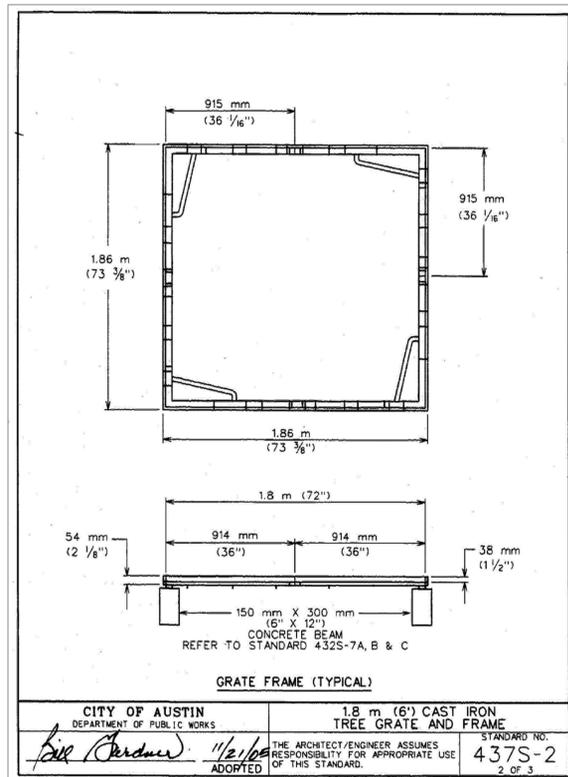
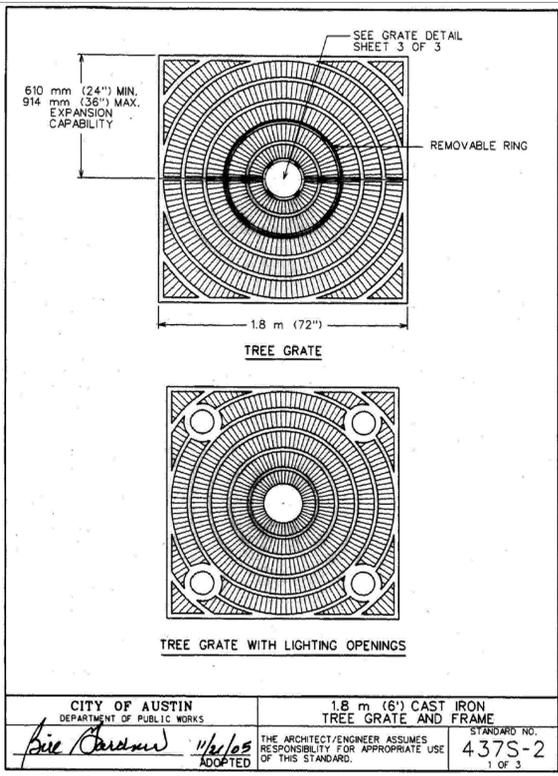
05/27/20

LANDSCAPE DETAILS  
242 N GUADALUPE ST,  
CITY OF SAN MARCOS  
HAYS COUNTY, TEXAS



PLOT DATE  
05/27/20  
DRAWING SCALE  
N/A  
PROJECT NUMBER  
CD19038  
SHEET NUMBER  
L1.04

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CITY OF AUSTIN  
 DEPARTMENT OF PUBLIC WORKS  
 1.8 m (6') CAST IRON  
 TREE GRATE AND FRAME  
 STANDARD NO.  
 437S-2  
 1 OF 3  
 THE ARCHITECT/ENGINEER ASSUMES  
 RESPONSIBILITY FOR APPROPRIATE USE  
 OF THIS STANDARD.

CITY OF AUSTIN  
 DEPARTMENT OF PUBLIC WORKS  
 1.8 m (6') CAST IRON  
 TREE GRATE AND FRAME  
 STANDARD NO.  
 437S-2  
 2 OF 3  
 THE ARCHITECT/ENGINEER ASSUMES  
 RESPONSIBILITY FOR APPROPRIATE USE  
 OF THIS STANDARD.

CITY OF AUSTIN  
 DEPARTMENT OF PUBLIC WORKS  
 1.8 m (6') CAST IRON  
 TREE GRATE AND FRAME  
 STANDARD NO.  
 437S-2  
 3 OF 3  
 THE ARCHITECT/ENGINEER ASSUMES  
 RESPONSIBILITY FOR APPROPRIATE USE  
 OF THIS STANDARD.

Current Version: December 9, 2008  
 City of San Marcos Adopted 05/15/2014

Previous Versions: 11/21/05

**Item No. 437S**  
**Paver Grate Frames/Tree Grates and Frames**

**437S.1 Description**

This item shall govern paver grate frames, tree grates and frames purchased or constructed and installed as herein specified at locations shown on the drawings or as established by the Engineer or designated representative. The grate installation shall consist of either a paver frame/grate, tree frame with grate or a grate with lighting openings as shown in the Drawings. The grates/frames shall be constructed and installed as shown in City of Austin Standards 437S-1 and 437S-2.

This specification is applicable for projects or work involving either inch-pound or SI units. Within the text the inch-pound units are given preference followed by SI units shown within parentheses.

**437S.2 Submittals**

The submittal requirements of this specification item may include:

Test results for each of the materials described herein when specifically identified on the Drawings and/or referenced in associated standard specification items and standard details.

A foundry certification shall be furnished stating that cast-iron grate samples representing each lot have been tested, inspected, and are in accordance with this specification.

Certification prior to supplying castings that there is an acceptable quality control program at the cast-iron grate producing foundry.

Confirmation that the paver grate frames are capable of supporting 90 lbs per sq. ft. (4.31 kPa) of dead load and 110 lbs. per sq. ft. (5.27 kPa) of live load.

Confirmation that the paver grate frames have been constructed in accordance with this specification and associated Standard Details.

**437S.3 Materials**

**A. Cast Iron**

Unless otherwise indicated, the Tree Grate shall be gray iron castings, manufactured from iron conforming to ASTM A48, Class 35B, as noted in section 3.1 of AASHTO M306. The material must be resistant to corrosion.

Castings shall be of uniform quality, free from sand holes, gas holes, shrinkage, cracks and other surface defects. Castings shall be ground smooth and well cleaned by shot blasting. As-cast dimensions may vary within accepted foundry tolerances as outlined in the Iron Castings Handbook published by the American Foundry Society, Inc. Nominally, casting dimensional tolerances shall be +/- 1/16" per foot (0.5 cm per meter).

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Current Version: December 9, 2008  
 City of San Marcos Adopted 05/15/2014

Previous Versions: 11/21/05

**B. Steel**

Unless otherwise indicated, steel shall conform to ASTM A 36 as detailed in Item 720, "Metal for Structures".

**C. Reinforcing Steel**

Reinforcement shall conform to Specification Item No. 406S, "Reinforcing Steel" or Specification Item No. 407S, "Fibrous Concrete".

**437S.4 Construction Methods**

**A. Paver Grate Frames**

The paver grate frames shall be designed according to current American Institute of Steel Construction criteria and shall be capable of supporting 90 lbs per sq. ft. (4.31 kPa) of dead load and 110 lbs. per sq. ft. (5.27 kPa) of live load.

The paver grate frame shall be fabricated in conformance with Item 721, "Steel Structures" and Item 723, "Structural Welding" to the dimensions shown in Standard 437S-1. The completed frames shall be installed as shown in Standard 437S-1. The frames shall be securely bolted to the supporting concrete surround using 3/8-inch (9.5 mm) diameter expansion bolt anchors, or approved equivalent.

**B. Tree Grates and Frames**

The paver grate frame shall be fabricated in conformance with Item 721, "Steel Structures" and Item 723, "Structural Welding" to the dimensions shown in Standard 437S-2, sheet 2.

The cast-iron tree grates shall be fabricated to the dimensions shown in Standard 437S-2, sheets 1 and 3.

The completed tree grate/frame shall be installed as shown in Standard 437S-2.

**437S.5 Measurement**

Accepted work performed as prescribed by this item will be paid per each paver grate and/or tree grate. Each grate installation shall include a grate frame as detailed in Standards 437S-1, Sheet 1 and 437S-2, sheet 2.

**437S.6 Payment**

The work performed as prescribed by this item will be paid for "per each" for paver frame/grate, tree grate with frame or tree grate with lighting openings with frame.

The work performed for Tree Wells as prescribed by Item 432S will be paid for "per each" under Pay Item 432S-SAC-7A, 432S-SAC-7B, 432S-SAC-7C, 432S-SAC-7D, 432S-SAC-7E, and 432S-SAC-7F.

This price shall be full compensation for furnishings, fabricating, transporting, erecting and installing each tree grate and grate frame, complete in place, including all material, labor, tools, equipment, barricading and incidentals necessary to complete the work.

437S 12/09/08 Page 2 Paver Grate Frames /Tree Grate and Frame

Current Version: December 9, 2008  
 City of San Marcos Adopted 05/15/2014

Previous Versions: 11/21/05

Payment will be made under:

|                             |  |           |
|-----------------------------|--|-----------|
| <b>Pay Item No. 437S-A:</b> | Paver frame and grate                  | Per Each. |
| <b>Pay Item No. 437S-B:</b> | Tree grate and frame                   | Per Each. |
| <b>Pay Item No. 437S-C:</b> | Tree grate, lighting option with frame | Per Each. |

**End**

**SPECIFIC CROSS REFERENCE MATERIALS**  
 Standard Specification Item Number 437S, "Paver Grate Frames/Tree Grates and Frames"

|   |                                      |
|---|--------------------------------------|
| American Society for Testing and Materials, ASTM                            | Description                          |
| Designation   | A 48                                 |
| Description   | Specification for Gray Iron Castings |
| American Association of State Highway and Transportation Officials (AASHTO) | Description                          |
| Designation   | M306                                 |
| Description   | Drainage Structure Castings          |
| City of Austin Standard Specifications                                      | Description                          |
| Designation   | Item No. 406S                        |
| Description   | Reinforcing Steel                    |
| Designation   | Item No. 407S                        |
| Description   | Fibrous Concrete                     |
| Designation   | Item No. 721                         |
| Description   | Steel Structures                     |
| Designation   | Item No. 723                         |
| Description   | Structural Welding"                  |

|                                 |   |
|---------------------------------|---|
| City of Austin Standard Details | Description                               |
| Designation                     | Item No. 437S-1                           |
| Description                     | 1.8 m (6') Paver Grate Frame              |
| Designation                     | Item No. 437S-2                           |
| Description                     | 1.8 m (6') Cast Iron Tree Grate and Frame |

**RELATED CROSS REFERENCE MATERIALS**  
 Standard Specification Item Number 437S, "Paver Grate Frames/Tree Grates and Frames"

|  |                         |
|--|-------------------------|
| City of Austin Standard Specifications | Description             |
| Designation                            | Item No 403S            |
| Description                            | Concrete for Structures |
| Designation                            | Item No. 480S           |
| Description                            | Concrete Paving Units   |

|                                 |  |
|---------------------------------|--|
| City of Austin Standard Details | Description  |
| Designation                     | No. 432S-7A  |
| Description                     | New Trees Planted Within Sidewalk 3.6m (12') or Greater-Clay Soils             |
| Designation                     | No. 432S-7B  |
| Description                     | New Trees Planted Within Sidewalk 3.6m (12') or Greater-Granular Soils         |
| Designation                     | No. 432S-7C  |
| Description                     | Tree Well for New Trees Planted Within Concrete Sidewalk 3.6m (12') or Greater |
| Designation                     | No. 432S-7D  |
| Description                     | Above Grade Tree Planter   |

437S 12/09/08 Page 3 Paver Grate Frames /Tree Grate and Frame

**Cumulus Design**  
 Firm #14810  
 2080 N. Highway 360, Suite 240  
 Grand Prairie, Texas 75050  
 Tel. 214.235.0367



05/27/20

LANDSCAPE DETAILS  
 242 N GUADALUPE ST,  
 CITY OF SAN MARCOS  
 HAYS COUNTY, TEXAS

**GREATER TEXAS**  
 CREDIT UNION

PLOT DATE  
 05/27/20  
 DRAWING SCALE  
 N/A  
 PROJECT NUMBER  
 CD19038  
 SHEET NUMBER

L1.05



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# AC-20-10 (Build-to-Zone and Minimum Two Story Requirements)

AC-20-10 (242 Guadalupe) Hold a public hearing and consider a request by Carlos Iglesias on behalf of Greater Texas Credit Union for an Alternative Compliance Request to allow a building expansion that does not meet the Build to Zone standards of Section 4.3.3.3(E)1 and the Minimum Two Story requirements of Section 4.3.4.4 for a property located at 242 N Guadalupe Street

**Location:**

- Approximately 0.17 acres located at 242 N Guadalupe at the intersection of Guadalupe and Hutchison
- **Existing Zoning:** “CD-5D” Character District – 5 Downtown
- **Current Configuration:** Vacant excising non-conforming building
- **Surrounding uses include:**
  - Fire Station
  - Commercial
  - Pay Parking Lot



|   |                           |
|---|---------------------------|
| <ul style="list-style-type: none"> <li> <b>Site Location</b></li> <li> <b>Subject Property</b></li> <li> <b>Parcel</b></li> <li> <b>City Limit</b></li> </ul> | <p>0 100 200 400 Feet</p> |
|---|---------------------------|

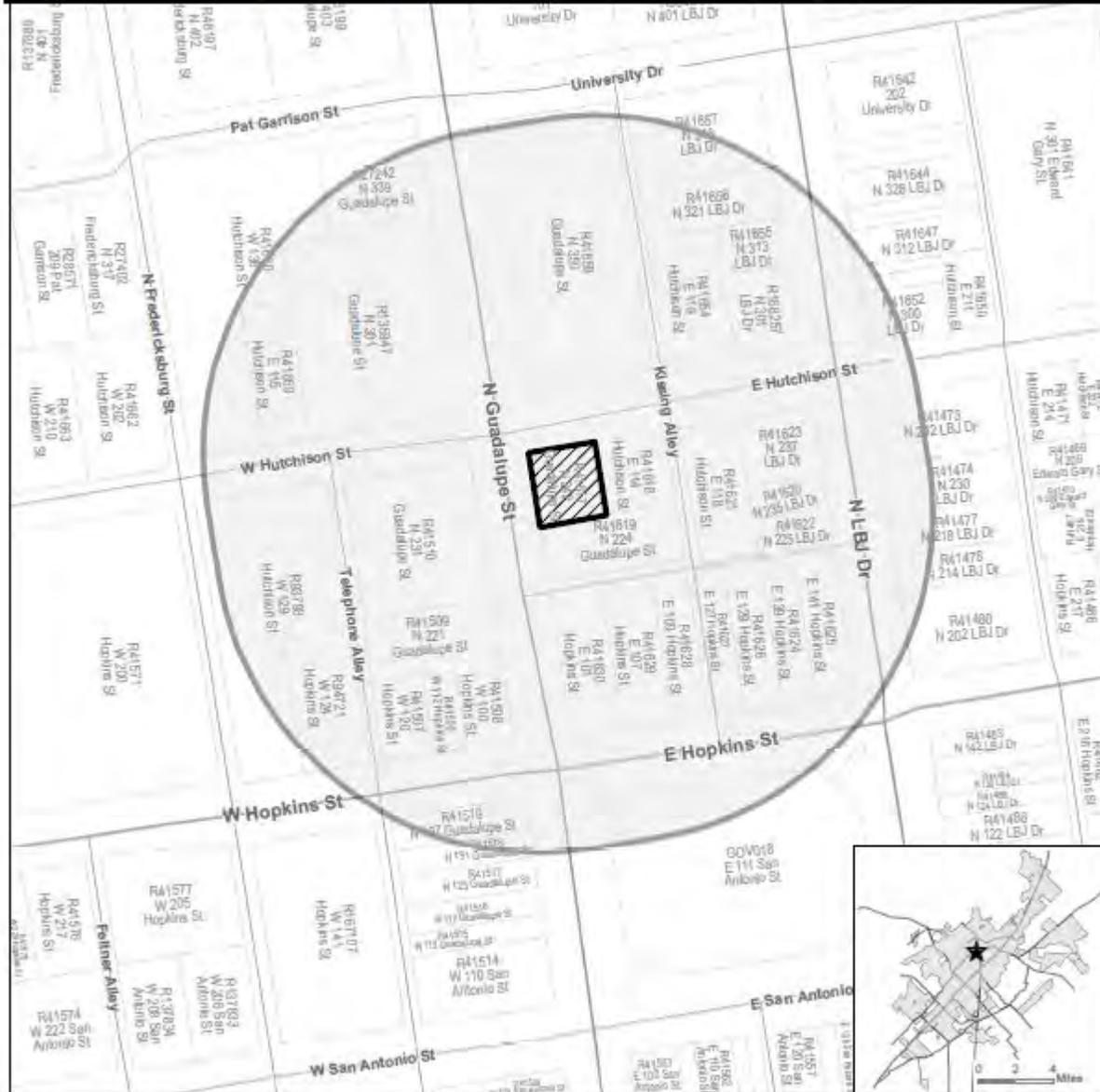
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 6/25/2020

# Context & History

- Vacant building located on lot
  - Previously a law firm
  - Applicant is converting building into a Credit Union
- Applicant has two requests related to proposed building expansion:
  - Allow building footprint to expand without expanding into build-two-zone; and
  - Allow building expansion to be less than two stories in height.

## AC-20-10 400' Notification Buffer Greater Texas Credit Union — 242 N Guadalupe St



|   |                  |
|---|------------------|
| ★ | Site Location    |
|   | Subject Property |
|   | 400' Buffer      |
|   | Parcel           |
|   | City Limit       |

0 100 200 400 Feet

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Map Date: 6/25/2020

# Request 1

- **Alternative Compliance: Build-To-Zone**
  - CD-5D build-to-zone is 0-12 feet from the property line
- Applicant would like to expand building with a foyer and trellis
  - Proposed building additions within 22 feet of the property line
  - 10 feet short of build-to-zone
- Applicant has proposed to construct courtyard with landscaped beds within build-to-zone.

## AC-20-10 Zoning Map Greater Texas Credit Union — 242 N Guadalupe St



# Alternative Compliance Request

## Section 4.3.3.3(E)1

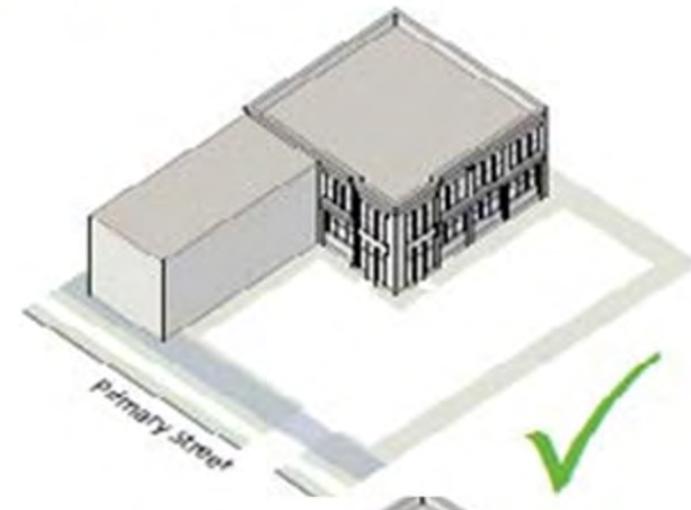
**Code Requirement:** When an existing building is being expanded and the existing building does not meet the build-to requirement, the addition must be placed in the build-to-zone.

**Applicant Request:** Applicant is requesting to waive the requirement that the expansion be placed in the build-to-zone. However, the applicant would expand the building toward the build-to-zone.

### E. Nonconforming Build-to Requirement

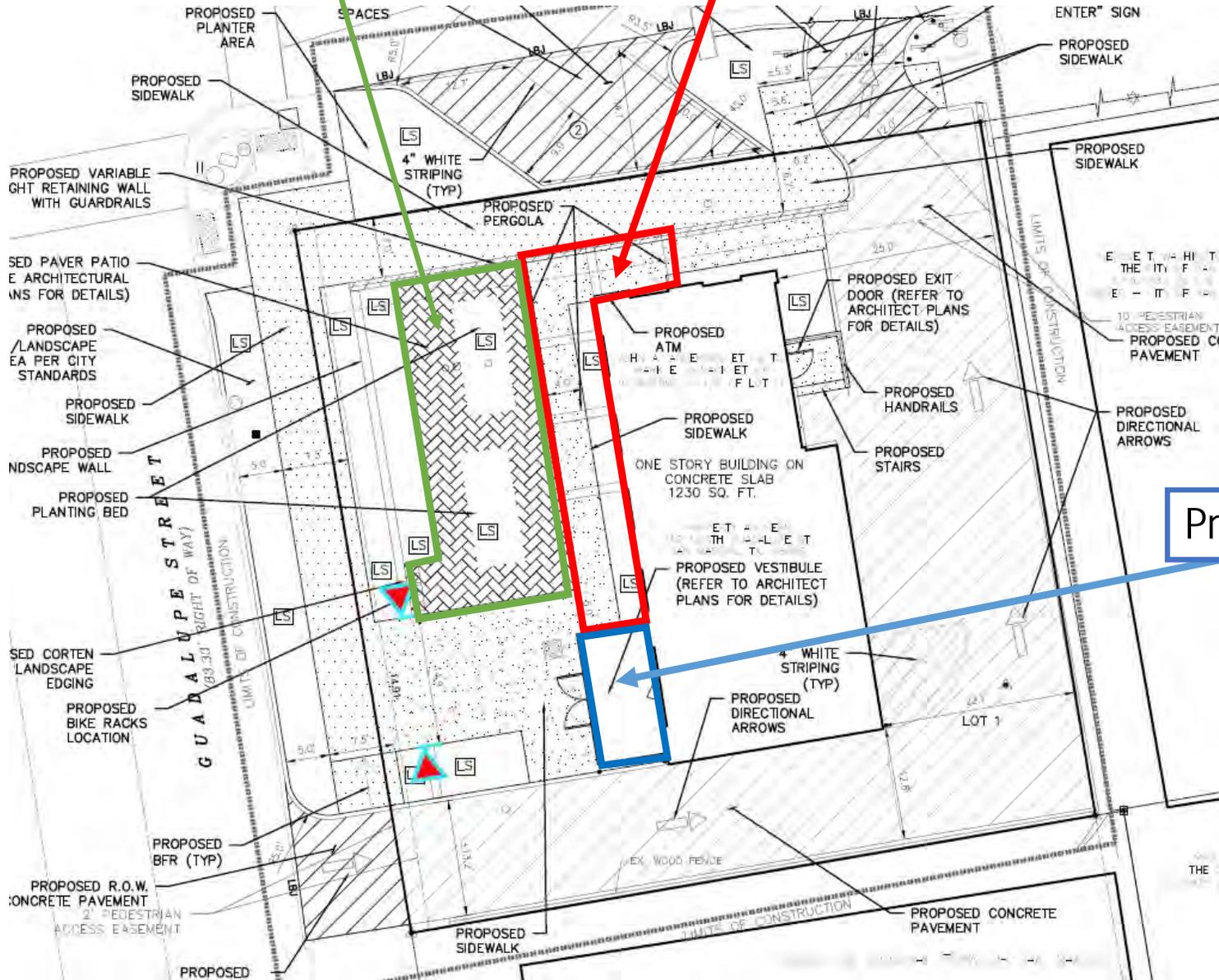
- 1. Additions.** When an existing building is being expanded and the existing building doesn't meet the build-to requirement, the addition must be placed in the build-to zone. The addition does not have to meet the build-to percentage for the lot.

FIGURE 4.7 BUILD-TO ZONE ADDITIONS



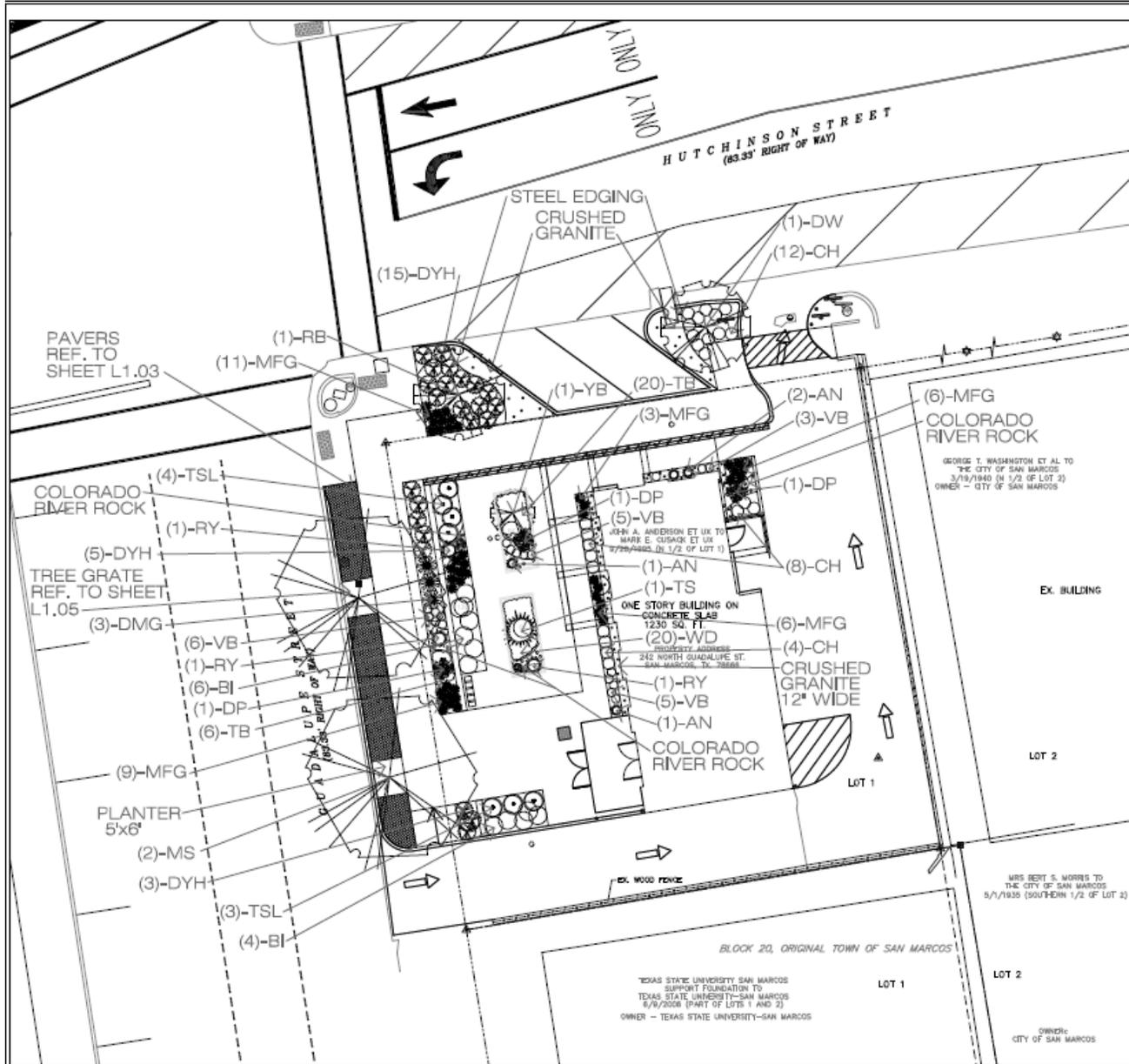
Proposed Courtyard

Proposed Trellis



Proposed Foyer

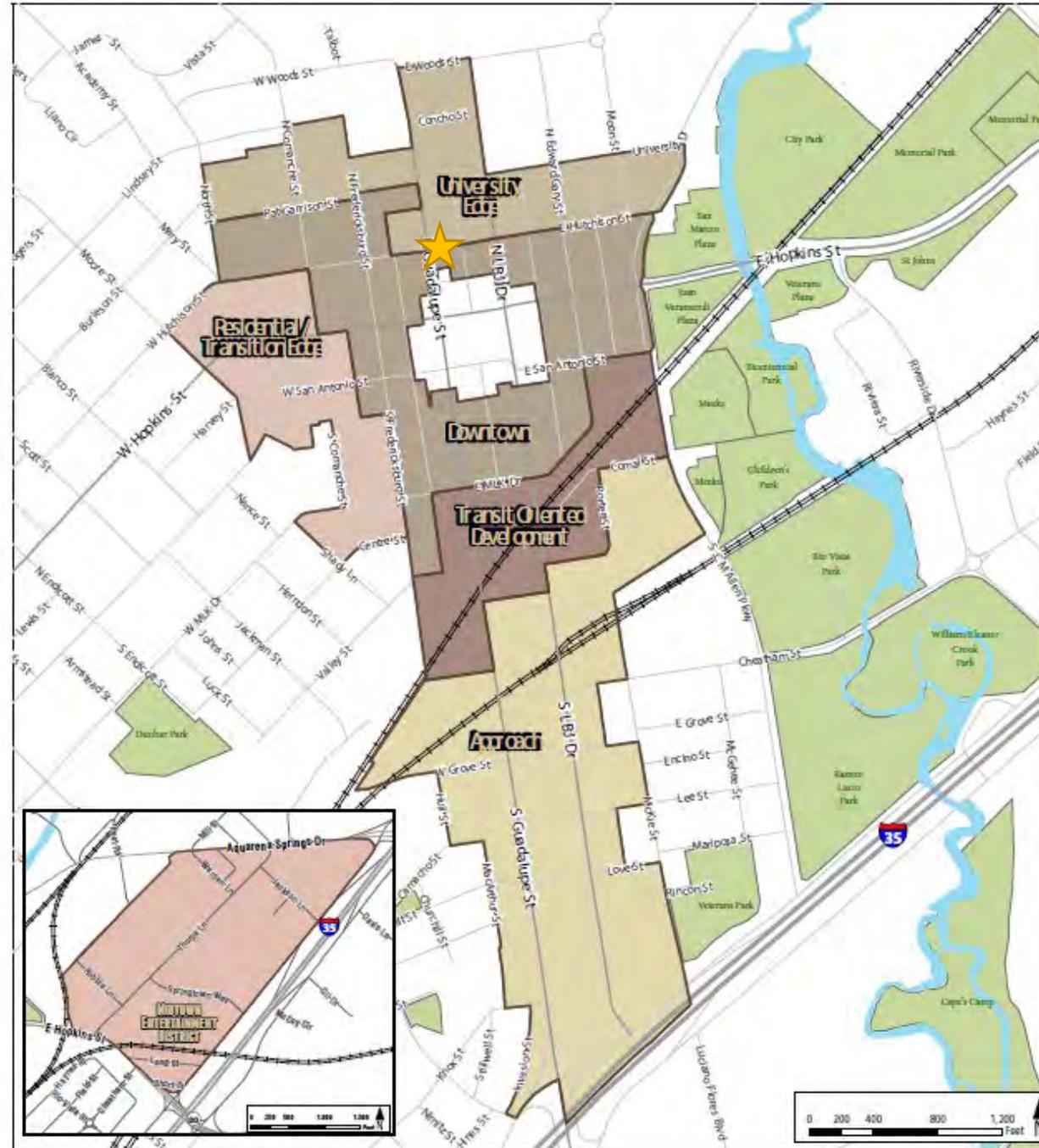
# Landscape Plan



## Request 2

- **Alternative Compliance:**  
Two Story Requirement
  - CD-5D Minimum height is two stories
- Applicant proposes 21.5 foot tall tower foyer
- Property location on Downtown Design Context Map:
  - Downtown

DOWNTOWN AND MIDTOWN DESIGN CONTEXTS MAP



# Alternative Compliance Request

## *Section 4.3.4.4*

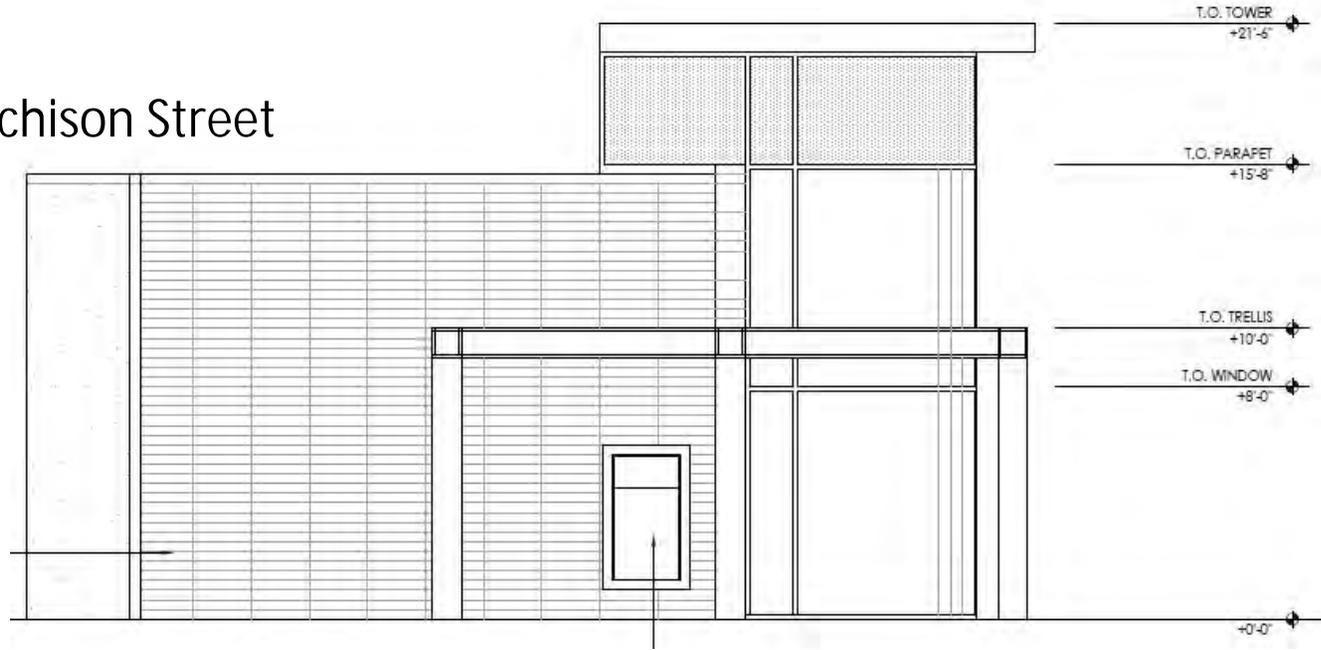
### **Code Requirement:**

- Minimum two-story height applies to the first 30 feet of the building.
- A building with a single story measuring a minimum of 25 feet from finished floor to finished ceiling can satisfy the two-story requirement.

**Applicant Request:** Applicant is requesting to waive the two-story requirement for the addition. The applicant has proposed a foyer that is 21.5 feet tall. The proposed trellis is 10 feet tall.

**C. Intent.** The intent of the two-story minimum requirement is to ensure that the building scale is compatible with other structures and the relationship of the building to the public space. A minimum building height also serves to promote a mixture of uses.

View from Hutchison Street



View From Guadalupe Street



# Downtown Design Context

## • Downtown Design Context Height Strategy: Downtown

- Flexibility for building height requirements may be considered where it will not be visible from the square.
  - Visibility of property from the square is very limited.
- Overall mass should maintain a sense of human scale and not appear out of character with the Downtown Historic District.
  - Downtown Historic District is primarily 1 and 2 story buildings

Section A.1.4.2 Height Strategy by Context

| DESIGN CONTEXT                 | GOAL(S)   | ADDITIONAL HEIGHT IN FIRST AND SECOND LAYER   | ADDITIONAL HEIGHT IN THIRD LAYER   |
|--------------------------------|---|---|--|
| UNIVERSITY EDGE                | Preserve key public views up the hill to campus.  | Alternatives which maintain sufficient public access to key views up the hill may be considered.  | Alternatives may be considered where taller structures will provide greater residential opportunities within proximity to campus and key views are sufficiently maintained.  |
| <b>DOWNTOWN</b>                | Maintain compatibility with Courthouse Square.  | Flexibility for building height requirements may be considered where it will not be visible from the square. Overall mass should maintain a sense of human scale and not appear out of character with the Downtown Historic District. | No additional height adjacent to Downtown Historic District. Additional height may be considered where it will not obscure key views.  |
| RESIDENTIAL/ TRANSITION EDGE   | Minimize impacts from higher scale development on the character of adjacent residential neighborhoods. Provide a transition in scale between the T5 zone and the neighborhoods. | No additional height.   | Additional height should only be permitted if it is not visible from the public right of way or the adjacent residential neighborhoods.  |
| TRANSIT ORIENTED DEVELOPMENT   | An increased density at and surrounding the future rail stop is desired.  | Additional height at the street wall may be appropriate where the building maintains a sense of human scale and a pedestrian-friendly streetscape.  | Additional height may be appropriate here where the building maintains a sense of human scale and maintains a pedestrian-friendly streetscape.   |
| APPROACH                       | The intent for the approach area is to provide corridors between the highway and Downtown.  | The intent for the approach area is to provide corridors between the highway and downtown.  | Additional height may be appropriate where it does not directly impact residential neighborhoods. The building should maintain a sense of human scale and a pedestrian-friendly streetscape.   |
| MIDTOWN ENTERTAINMENT DISTRICT | Promote high-density mixed use development to complement Downtown.  | Additional height may be appropriate where the building maintains a sense of human scale and pedestrian-friendly streetscape.   | Alternatives may be considered where taller structures will provide greater residential opportunities within proximity to campus and key views are sufficiently maintained and alternative forms of transportation connections to campus have been accommodated. |

## Staff Recommendation

**Staff recommends that the request be approved with the following condition:**

1. The site and building shall be constructed in a manner substantially similar to the provided site plan and building elevations; and
2. The Alternative Compliance shall expire upon further expansion of this building beyond the current request.



Legislation Text

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File #: ZC-20-09, Version: 1

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**AGENDA CAPTION:**

ZC-20-09 (724 Valley Street) Hold a public hearing and consider a request by Al Carroll on behalf of Marel and Rosa Alvarado for a Zoning Change from Single Family - 6 (SF-6) to Neighborhood Density - 3 (ND-3), for approximately 0.34 acres out of the B. W. Breeding Addition, Located at 724 Valley Street. (W. Parrish)

Meeting date: July 28, 2020

Department: Planning and Development Services

**Amount & Source of Funding**

Funds Required: NA  
Account Number: NA  
Funds Available: NA  
Account Name: NA

**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 - Diversified housing options to serve citizens with varying needs and interests
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services

Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

This property is located within the Dunbar neighborhood. It is a currently vacant lot that the owner is proposing to re-zone to ND-3, which would allow them to divide the lot into two smaller lots. The applicant is proposing that each lot will have one primary residence, and one lot will have an Accessory Dwelling Unit.

According to Section 4.1.2.5(D), this property is subject to the Single Family Preservation Buffer analysis requirements. After review of the analysis, it has been determined that the surrounding property within the buffer is primarily Single Family - 6 (SF-6), with approximately 59% of the surrounding property zoned SF-6.

The applicant is proposing to divide this lot into two smaller lots. These proposed lots are similar in size to the existing lots behind them, facing Centre Street. However, while the proposed lots meet the minimum lot width requirements for the proposed zoning district, ND-3, they exceed the maximum 3:1 depth to width ratio platting requirement. In order for these lots to meet City of San Marcos requirements, an Alternative Compliance request must be approved by the Planning and Zoning Commission.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff provides this request to the Commission for your consideration and recommends **approval** of the request for a zoning change from Single Family - 6 (SF-6) to Neighborhood Density - 3 (ND-3).

|                       |                          |
|-----------------------|--------------------------|
| <b>Zoning Request</b> | <b>724 Valley Street</b> |
| <b>ZC-20-09</b>       | SF-6 to ND-3             |



**Summary**

|                   |   |                        |  |
|-------------------|---|------------------------|--|
| <b>Request:</b>   | Re-zone approximately .34 acres currently in zoned Single Family-6 (SF-6) to Neighborhood Density-3 (ND-3). |                        |  |
| <b>Applicant:</b> | Al Carroll, P.E.<br>P.O. Box 968<br>San Marcos, TX 78667  | <b>Property Owner:</b> | Marel & Rosa Alvarado<br>415 Pinafore Street<br>Buda, TX 78610 |

**Notification**

|                     |   |                              |                |
|---------------------|---|------------------------------|----------------|
| <b>Application:</b> | March 30, 2020<br>April 7, 2020 (updated)                       | <b>Neighborhood Meeting:</b> | April 14, 2020 |
| <b>Published:</b>   | April 26, 2020  | <b># of Participants</b>     | 0              |
| <b>Posted:</b>      | April 24, 2020  | <b>Personal:</b>             | April 24, 2020 |
| <b>Response:</b>    | There has been no response as of the time of this Staff Report. |                              |                |

**Property Description**

|                              |  |  |                               |
|------------------------------|--|--|-------------------------------|
| <b>Legal Description:</b>    | Lot S Block 5 B.W. Breeding Addition                 |  |                               |
| <b>Location:</b>             | Intersection of Valley Street and Luck Street Alley. |  |                               |
| <b>Acreage:</b>              | .34 +/-  | <b>PDD/DA/Other:</b>                     | N/A                           |
| <b>Existing Zoning:</b>      | Single Family-6 (SF-6)                               | <b>Proposed Zoning:</b>                  | Neighborhood Density-3 (ND-3) |
| <b>Existing Use:</b>         | Vacant   | <b>Proposed Use:</b>                     | Residential                   |
| <b>Existing Occupancy:</b>   | Restrictions Do Apply                                | <b>Proposed Occupancy:</b>               | Restrictions Do Apply         |
| <b>Preferred Scenario:</b>   | Existing Neighborhood                                | <b>Proposed Designation:</b>             | Existing Neighborhood         |
| <b>CONA Neighborhood:</b>    | Dunbar   | <b>Sector:</b>                           | 1                             |
| <b>Utility Capacity:</b>     | Adequate   | <b>Floodplain:</b>                       | No                            |
| <b>Historic Designation:</b> | N/A  | <b>My Historic SMTX Resources Survey</b> | Low                           |

**Surrounding Area**

|                           | <b>Zoning</b> | <b>Existing Land Use</b> | <b>Preferred Scenario</b> |
|---------------------------|---------------|--------------------------|---------------------------|
| <b>North of Property:</b> | SF-6          | Vacant                   | Existing Neighborhood     |
| <b>South of Property:</b> | P             | Boys and Girls Club      | Existing Neighborhood     |
| <b>East of Property:</b>  | SF-6          | Residence                | Existing Neighborhood     |
| <b>West of Property:</b>  | SF-6          | Residence                | Existing Neighborhood     |

|                       |                          |
|-----------------------|--------------------------|
| <b>Zoning Request</b> | <b>724 Valley Street</b> |
| <b>ZC-20-09</b>       | SF-6 to ND-3             |



**Staff Recommendation**

|  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> <b>Approval as Submitted</b> | <input type="checkbox"/> <b>Alternate Approval</b> | <input type="checkbox"/> <b>Denial</b> |
| <b>Staff:</b> Will Parrish AICP, CNU-A                           | <b>Title :</b> Planner                             | <b>Date:</b> January 20, 2020          |

**History**

This property is located within the Dunbar neighborhood. It is a currently vacant lot that the owner is proposing to re-zone to ND-3, which would allow them to divide the lot into two smaller lots. The applicant is proposing that each lot will have one primary residence, and one lot will have an Accessory Dwelling Unit.

**Additional Analysis**

This property is located three lots from the westernmost end of Valley Street. It is across Valley Street from the Boys and Girls Club, and between two single family residences. The last property on Valley Street (two lots down) is zoned Multifamily-24 (MF-24).

The proposed zoning district, ND-3, allows five building types, including: Accessory Structure, House, Cottage, Zero Lot Line House, and Civic Building. The maximum building height allowed within this district is two stories.

The applicant has stated that they intend to place one cottage home on each lot. Additionally the lot closest to Luck Street Alley would also include an Accessory Structure.

According to Section 4.1.2.5(D), this property is subject to the Single Family Preservation Buffer analysis requirements. After review of the analysis, it has been determined that the surrounding property within the buffer is primarily Single Family – 6 (SF-6), with approximately 59% of the surrounding property zoned SF-6.

The applicant is proposing to divide this lot into two smaller lots. These proposed lots are similar in size to the lots the existing lots behind them, facing Centre Street. However, while the proposed lots meet the minimum lot width requirements for the proposed zoning district, ND-3, they exceed the maximum 3:1 depth to width ratio platting requirement. In order for these lots to meet City of San Marcos requirements, an Alternative Compliance request must be approved by the Planning and Zoning Commission.

**Comments from Other Departments**

|                        |            |
|------------------------|------------|
| <b>Police</b>          | No Comment |
| <b>Fire</b>            | No Comment |
| <b>Public Services</b> | No Comment |
| <b>Engineering</b>     | No Comment |

|                |                   |
|----------------|-------------------|
| Zoning Request | 724 Valley Street |
| ZC-20-09       | SF-6 to ND-3      |



| Evaluation |              |            | Criteria for Approval (Sec.2.5.1.4)   |
|------------|--------------|------------|---|
| Consistent | Inconsistent | Neutral    |   |
| <u>X</u>   |              |            | <p>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map.</p> <p><b>Table 4.1 of the San Marcos Development Code identifies Neighborhood Density Districts as districts that are C - Considered in Existing Neighborhoods, all other districts are identified as NP – Not Preferred.</b></p> |
|            |              | <u>N/A</u> | <p>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area.</p> <p><b>Studies were not complete at the time of this request.</b></p>  |
|            |              | <u>N/A</u> | <p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect.</p> <p><b>There are no development agreements associated with this site.</b></p>  |
| <u>X</u>   |              |            | <p>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified.</p> <p><b>The uses proposed are consistent with surrounding uses and zoning.</b></p>  |
| <u>X</u>   |              |            | <p>Whether the proposed zoning will reinforce the existing or planned character of the area.</p> <p><b>The proposed district is consistent with the existing character of the area. There are two similarly sized (currently vacant) lots directly behind this one.</b></p>   |
| <u>X</u>   |              |            | <p>Whether the site is appropriate for the development allowed in the proposed district.</p> <p><b>Residential homes are appropriate for this site.</b></p>   |
|            | <u>X</u>     |            | <p>Whether there are substantial reasons why the property cannot be used according to the existing zoning.</p> <p><b>The property can be used according to its current zoning, however it could not be subdivided into multiple lots.</b></p>   |

|                |                   |
|----------------|-------------------|
| Zoning Request | 724 Valley Street |
| ZC-20-09       | SF-6 to ND-3      |

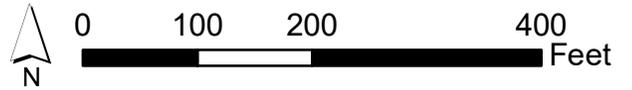


| Evaluation | Criteria for Approval (Sec.2.5.1.4) | Evaluation | Criteria for Approval (Sec.2.5.1.4)   |
|------------|-------------------------------------|------------|---|
| <u>X</u>   |                                     |            | Whether there is a need for the proposed use at the proposed location.<br><b><i>The rezoning does serve a public purpose as it furthers the goals and vision of the Comprehensive Plan by providing a diversity of housing types.</i></b>   |
| <u>X</u>   |                                     |            | Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development.<br><b><i>The property is located within an existing neighborhood with adequate services.</i></b> |
| <u>X</u>   |                                     |            | Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property.<br><b><i>Staff does not anticipate adverse impacts on adjacent property as the proposed use is consistent with the surrounding uses.</i></b>  |
| <u>X</u>   |                                     |            | 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.<br><b><i>The proposed use does comply with compatibility of uses and density in Section 4.1.2.5. The request is listed as "C" Considered and does not require a supermajority vote to approve.</i></b>  |
| <u>X</u>   |                                     |            | 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.<br><b><i>This property is located within an area that has very little environmental constraints according to the Land Use Suitability Map.</i></b>  |
| <u>X</u>   |                                     |            | Any other factors which shall substantially affect the public health, safety, morals, or general welfare.<br><b><i>None noted.</i></b>  |

# ZC-20-09 Aerial View SF-6 to ND-3 — 724 Valley Street



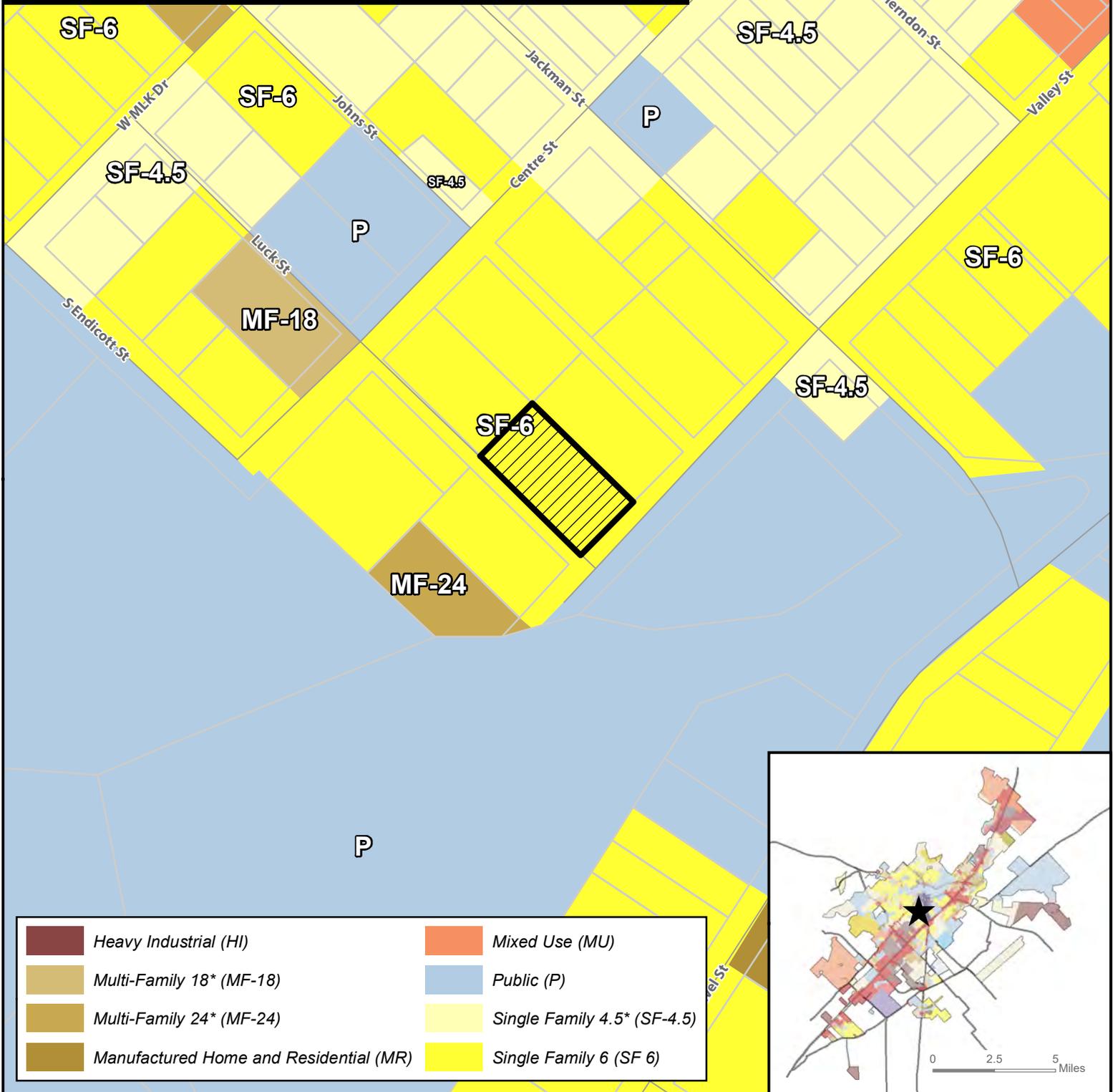
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



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Map Date: 4/21/2020

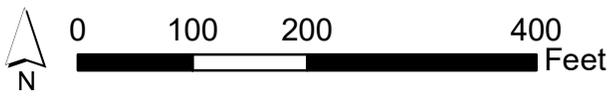
# ZC-20-09 Existing Zoning SF-6 to ND-3 — 724 Valley Street



|  |  |   |                             |
|--|--|---|-----------------------------|
|  | Heavy Industrial (HI)                  |  | Mixed Use (MU)              |
|  | Multi-Family 18* (MF-18)               |  | Public (P)                  |
|  | Multi-Family 24* (MF-24)               |  | Single Family 4.5* (SF-4.5) |
|  | Manufactured Home and Residential (MR) |  | Single Family 6 (SF 6)      |



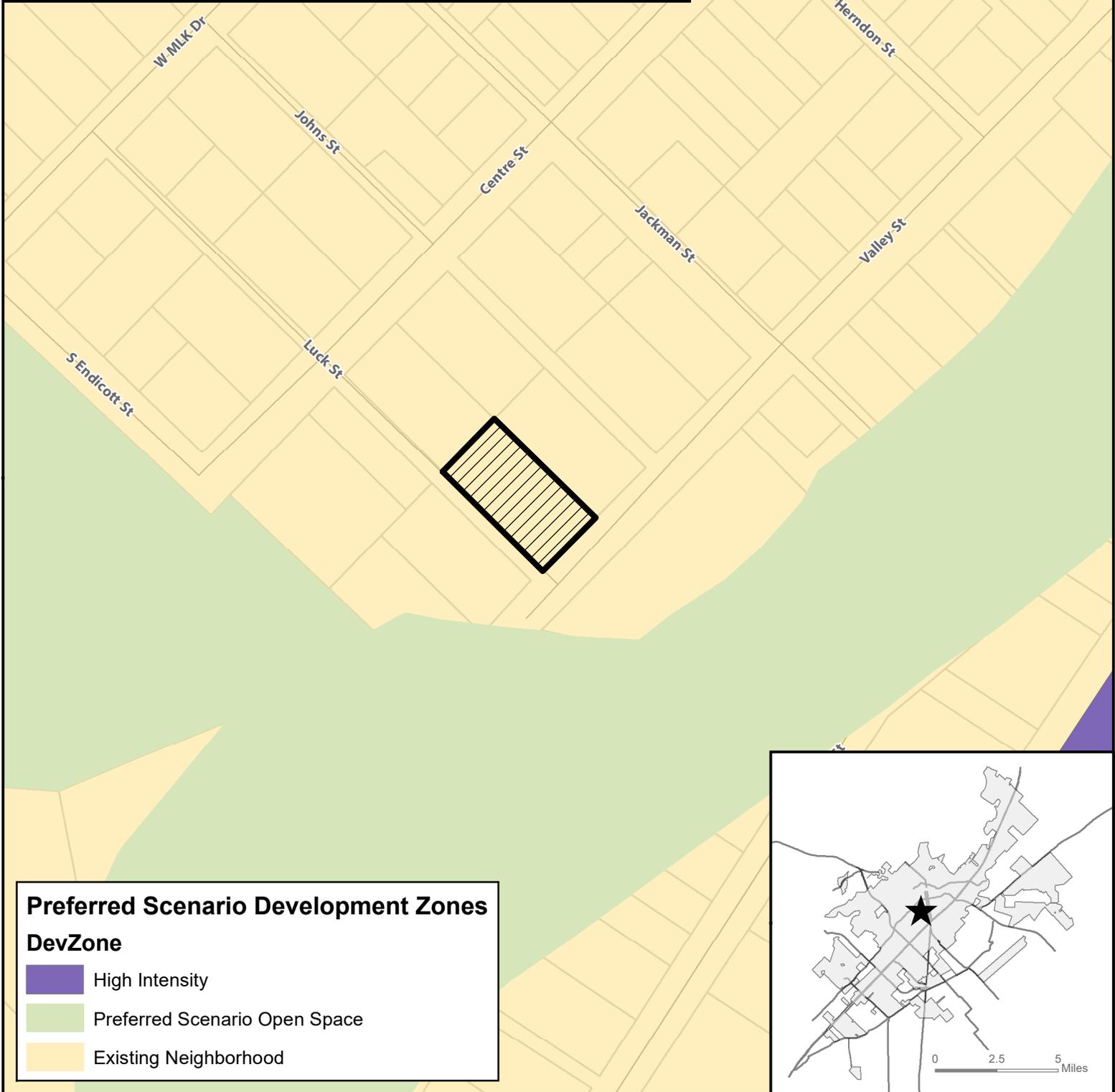
-  **Site Location**
-  **Subject Property**
-  **Parcels**
-  **City Limit**



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Map Date: 4/21/2020

# ZC-20-09 Preferred Scenario Map SF-6 to ND-3 — 724 Valley Street



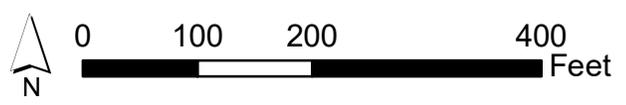
**Preferred Scenario Development Zones**

**DevZone**

-  High Intensity
-  Preferred Scenario Open Space
-  Existing Neighborhood



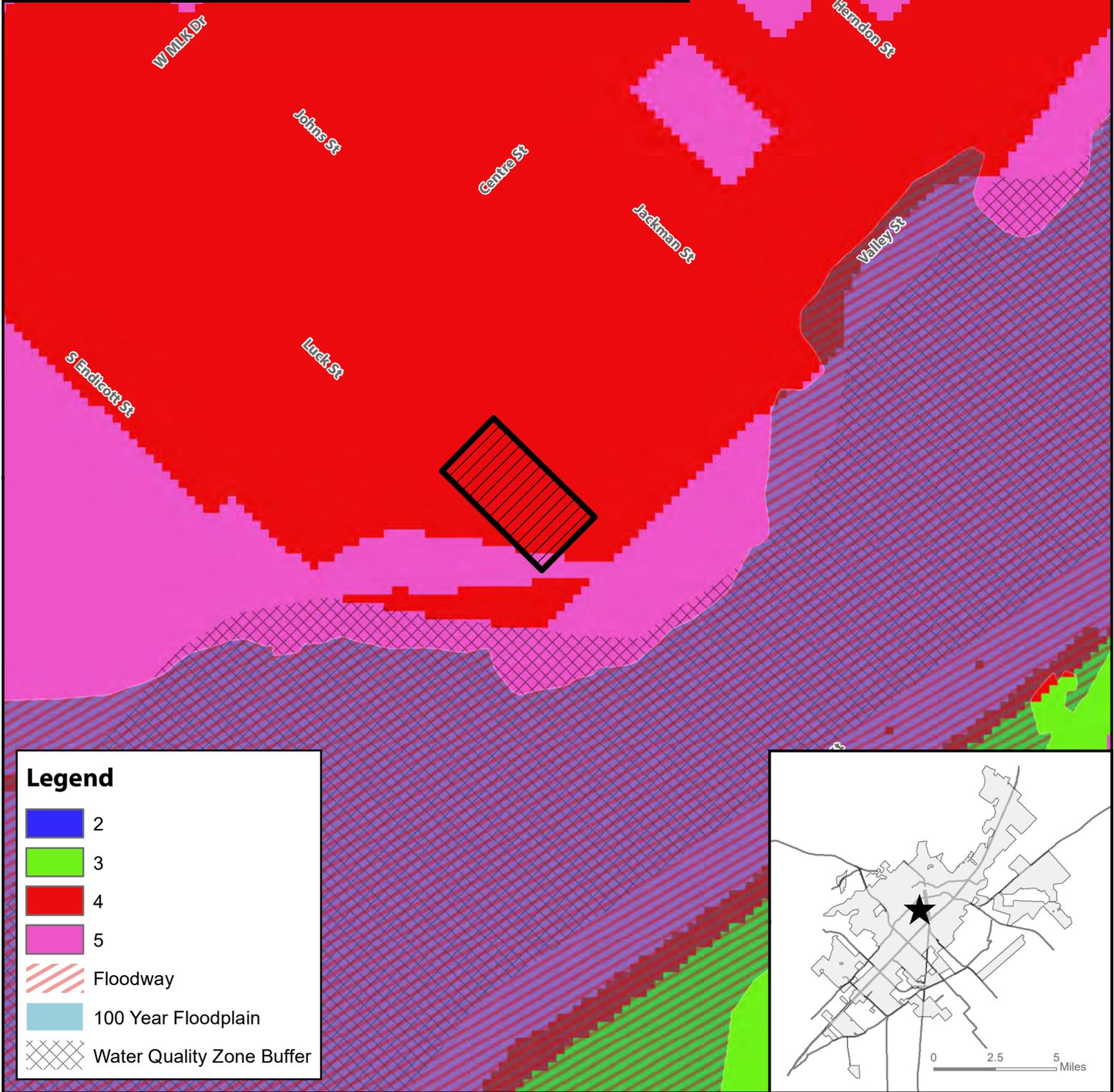
-  **Site Location**
-  **Subject Property**
-  **Parcels**
-  **City Limit**



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Map Date: 5/22/2020

# ZC-20-09 Environmental Map SF-6 to ND-3 — 724 Valley Street



**Legend**

- 2
- 3
- 4
- 5
- Floodway
- 100 Year Floodplain
- Water Quality Zone Buffer



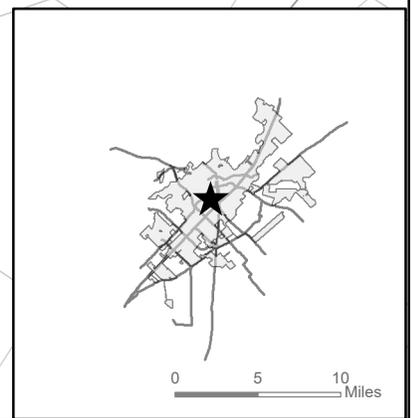
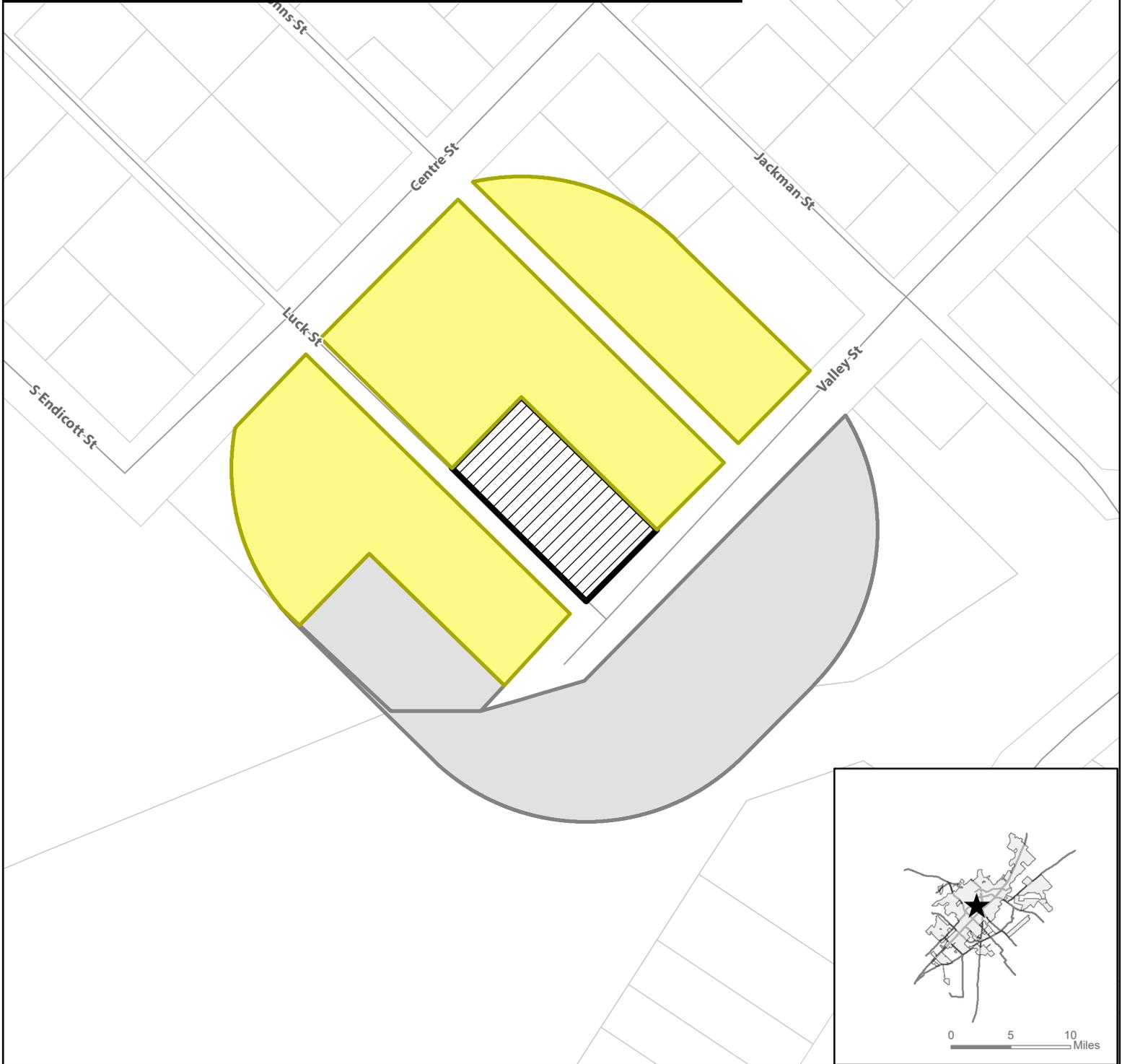
- ★ **Site Location**
- Subject Property**
- Parcels**
- City Limit**



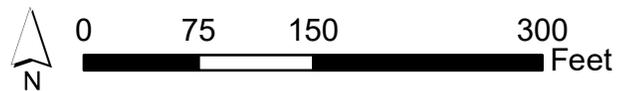
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 5/22/2020

# ZC-20-09 Single Family Preservation Buffer 724 Valley Street



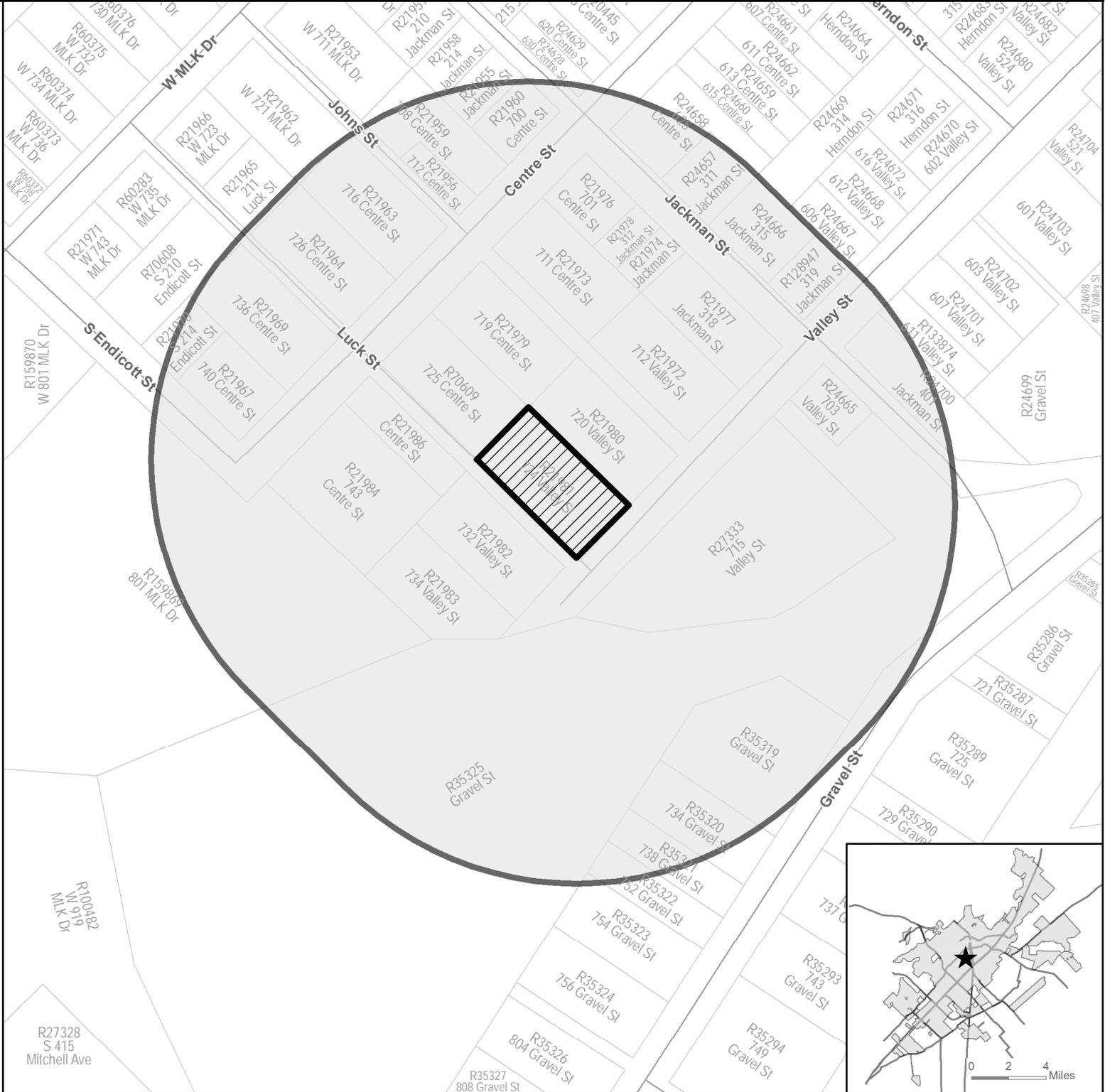
- ★ Site Location
- ▨ Subject Property
- 200' Buffer
- Zoned Area**
- 59% Single Family
- 41% All Other



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.

Map Date: 5/18/2020

# ZC-20-09 400' Notification Buffer SF-6 to ND-3 — 724 Valley Street



|  |  |  |
|--|--|--|
| <ul style="list-style-type: none"> <li> <b>Site Location</b></li> <li> <b>Subject Property</b></li> <li> <b>400' Buffer</b></li> <li> <b>Parcel</b></li> <li> <b>City Limit</b></li> </ul> | <br><br><p>0      100      200      400<br/>Feet</p> | <p>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.</p> <p style="text-align: right;">Map Date: 4/21/2020</p> |
|--|--|--|

| Property ID | Property Address | Owner                               | Mailing Address     | City       | State | ZIP   |
|-------------|------------------|-------------------------------------|---------------------|------------|-------|-------|
| R24628      | 630 CENTRE       | ALUTTO NICHOLAS STEPHEN & REBECCA   | 630 CENTRE ST       | SAN MARCOS | TX    | 78666 |
| R21981      | 724 VALLEY       | ALVARADO, MAREL JR & ROSA L         | 415 PINAFORE ST     | BUDA       | TX    | 78610 |
| R21983      | 734 VALLEY       | ARMSTEAD, ALBERT L                  | 1421 W HOPKINS ST   | SAN MARCOS | TX    | 78666 |
| R128947     | 319 JACKMAN      | BROWN PAMELS                        | 319 JACKMAN ST      | SAN MARCOS | TX    | 78666 |
| R21979      | 719 CENTRE       | VYAS WILLIE ET AL                   | 719 CENTRE ST       | SAN MARCOS | TX    | 78666 |
| R21967      | 740 CENTRE       | CALLIHAN, BILLY RAY                 | 740 CENTRE ST       | SAN MARCOS | TX    | 78666 |
| R35323      | 752 GRAVEL       | CASTILLO, GLORIA                    | 4612 MILBURN LN     | AUSTIN     | TX    | 78702 |
| R35321      | 738 GRAVEL       | DE LOS SANTOS ANITA                 | 738 GRAVEL ST       | SAN MARCOS | TX    | 78666 |
| R24669      | 314 HERNDON      | ESCOBAR, NICOLAS VARGAS             | 314 HERNDON         | SAN MARCOS | TX    | 78666 |
| R21969      | 736 CENTRE       | FB PROPERTIES LLC                   | PO BOX 705          | SAN MARCOS | TX    | 78667 |
| R24666      | 315 JACKMAN      | FLORES, PRISCILLA                   | 1529 JERUSALEM DR   | ROUND ROCK | TX    | 78664 |
| R21958      | 214 JACKMAN      | FOSTER NARCISIS & ESTATE OF WILEY R | 214 JACKMAN ST      | SAN MARCOS | TX    | 78666 |
| R21959      | 708 CENTRE       | FREEMAN ANNIE LEE ESTATE            | 721 GRAVEL ST       | SAN MARCOS | TX    | 78666 |
| R21962      | 721 MLK          | GARZA MANAGEMENT TRUST OF 1994      | PO BOX 1898         | SAN MARCOS | TX    | 78666 |
| R24700      | 401 JACKMAN      | GIBERSON RICHARD J                  | PO BOX 7555         | BUDA       | TX    | 78610 |
| R21976      | 701 CENTRE       | GONZALES SAUL                       | 816 STAGECOACH TRL  | SAN MARCOS | TX    | 78666 |
| R21963      | 716 CENTRE       | GREATER BETHEL BAPTIST CHURCH       | PO BOX 1068         | SAN MARCOS | TX    | 78666 |
| R21984      | 743 CENTRE       | GRIFFIS JOHN                        | 743 CENTRE ST       | SAN MARCOS | TX    | 78666 |
| R21973      | 711 CENTRE       | HARRIS MELVIN                       | 711 CENTRE ST       | SAN MARCOS | TX    | 78666 |
| R21986      | CENTRE           | HUTSON, WILLIAM R                   | 107 CHURCH ST       | LANCASTER  | PA    | 17602 |
| R21960      | 706 CENTRE       | KENDRICK ODIE                       | 1001 MORNINGWOOD DR | SAN MARCOS | TX    | 78666 |
| R70609      | 725 CENTRE       | MAJORS, HENRY                       | 210 ENDICOTT        | SAN MARCOS | TX    | 78666 |
| R24667      | 606 VALLEY       | PACHECO MARCUS & JACLYN             | 612 VALLEY ST       | SAN MARCOS | TX    | 78666 |
| R21972      | 712 VALLEY       | PATTERSON BENJAMIN G                | 121 S BISHOP ST     | SAN MARCOS | TX    | 78666 |

|        |              |  |                     |             |    |       |
|--------|--------------|--|---------------------|-------------|----|-------|
| R24658 | 625 CENTRE   | PENTECOSTAL TEMPLE CHURCH OF GOD IN CHRIST | PO BOX 1887         | SAN MARCOS  | TX | 78666 |
| R21955 | JACKMAN      | PETERSON ARRON & LUELLA                    | 2703 TRAILBLAZER LN | MANVEL      | TX | 77578 |
| R24657 | 311 JACKMAN  | PORTER BERNIE                              | 1801 FRAZIER AVE    | AUSTIN      | TX | 78704 |
| R35320 | 738 GRAVEL   | STANDARD GREG                              | 438 VISTA VERDE     | BLANCO      | TX | 78606 |
| R21956 | 712 CENTRE   | TAYLOR, ESTELLA                            | 4804 GLENGARY CA    | BAKERSFIELD | CA | 93309 |
| R21974 | JACKMAN      | TAYLOR, W C                                | 4106 BELGRADE DR    | HOUSTON     | TX | 77045 |
| R21978 | 312 JACKMAN  | TOWNSEND, LILLIE BELLE                     | 312 JACKMAN         | SAN MARCOS  | TX | 78666 |
| R21980 | 720 VALLEY   | WEBSTER, DEBORAH E                         | 125 REDWOOD DR      | KYLE        | TX | 78640 |
| R21970 | 214 ENDICOTT | WILLIAM DONNIE L                           | 214 ENDICOTT ST     | SAN MARCOS  | TX | 78666 |
|        |              | CATHY DILLON                               | 1000 BURLESON       | SAN MARCOS  | TX | 78666 |
|        |              | AMY KIRWIN                                 | 1131 W MLK DR       | SAN MARCOS  | TX | 78666 |
|        |              | OLLIE GILES                                | 524 VALLEY ST       | SAN MARCOS  | TX | 78666 |

Section 5.1.1.2 Land Use Matrix **Single-Family-6 (SF-6) VS. Neighborhood Density-3 (ND-3)**

TABLE 5.1 LAND USE MATRIX

| TYPES OF LAND USES                     | CONVENTIONAL RESIDENTIAL |      |      |        | NEIGHBORHOOD DENSITY DISTRICTS |        |      |      | CHARACTER DISTRICTS |      |      |      |      |       | SPECIAL DISTRICTS |    |    |    |                 | DEFINITION USE STANDARDS |
|--|--------------------------|------|------|--------|--------------------------------|--------|------|------|---------------------|------|------|------|------|-------|-------------------|----|----|----|-----------------|--------------------------|
|  | FD                       | SF-R | SF-6 | SF-4.5 | ND-3                           | ND-3.5 | ND-4 | N-MS | CD-1                | CD-2 | CD-3 | CD-4 | CD-5 | CD-5D | HC                | LI | HI | MH | EC              |                          |
| <b>AGRICULTURAL USES</b>               |                          |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |                 |                          |
| Barns or agricultural buildings        | P                        | L    | --   | --     | --                             | --     | --   | --   | P                   | P    | L    | --   | --   | --    | P                 | -- | -- | -- | --              | Section 5.1.2.1          |
| Stables                                | P                        | L    | --   | --     | --                             | --     | --   | --   | --                  | P    | L    | --   | --   | --    | P                 | -- | -- | -- | --              | Section 5.1.2.2          |
| Community Garden                       | P                        | P    | L    | L      | L                              | L      | --   | P    | P                   | L    | L    | L    | L    | P     | P                 | P  | P  | P  | Section 5.1.2.3 |                          |
| Urban Farm                             | P                        | C    | C    | C      | C                              | L      | L    | C    | P                   | P    | L    | L    | C    | C     | P                 | P  | -- | P  | C               | Section 5.1.2.4          |
| Plant Nursery                          | L                        | --   | --   | --     | --                             | --     | --   | P    | --                  | L    | --   | --   | P    | P     | P                 | P  | -- | P  | Section 5.1.2.5 |                          |
| <b>ACCESSORY USES AND STRUCTURES</b>   |                          |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |                 |                          |
| Accessory Building/Structure           | P                        | P    | P    | P      | P                              | P      | P    | P    | P                   | P    | P    | P    | P    | P     | P                 | P  | P  | P  | P               | Section 5.1.3.1          |
| Accessory Dwelling Unit                | L                        | L    | L    | L      | L                              | L      | P    | P    | --                  | P    | L    | P    | P    | P     | --                | -- | -- | -- | --              | Section 5.1.3.1          |
| Accessory Use, except as listed below: | P                        | P    | P    | P      | P                              | P      | P    | P    | P                   | P    | P    | P    | P    | P     | P                 | P  | P  | P  | P               | Section 5.1.3.2          |
| Outdoor Storage                        | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | L  | P  | -- | L               | Section 5.1.3.2          |
| Outdoor Display                        | --                       | --   | --   | --     | --                             | --     | --   | L    | --                  | --   | --   | --   | L    | L     | P                 | -- | -- | -- | L               | Section 5.1.3.2          |
| Food Truck                             | --                       | --   | --   | --     | --                             | --     | --   | P    | --                  | --   | --   | --   | P    | P     | P                 | P  | P  | -- | P               | Section 5.1.3.1          |
| Drive-thru or Drive-in                 | --                       | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | C    | C     | P                 | -- | -- | -- | P               | Section 5.1.3.2          |
| Home Occupation                        | L                        | L    | L    | L      | L                              | L      | L    | --   | --                  | L    | L    | L    | --   | --    | --                | -- | -- | -- | --              | Section 5.1.3.4          |
| Family Home Care                       | P                        | P    | P    | P      | P                              | P      | P    | --   | --                  | P    | P    | P    | --   | --    | --                | -- | -- | -- | --              | Section 5.1.3.5          |
| Short Term Rental                      | L                        | L    | L    | L      | L                              | L      | L    | P    | --                  | L    | L    | P    | P    | P     | --                | -- | -- | L  | P               | Section 5.1.3.6          |
| <b>RESIDENTIAL USES</b>                |                          |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |                 |                          |
| Single Family Detached                 | P                        | L    | L    | L      | L                              | L      | L    | --   | --                  | P    | P    | P    | --   | --    | --                | -- | -- | -- | --              | Section 5.1.4.1          |
| Cottage Court                          | --                       | --   | --   | --     | --                             | L      | L    | --   | --                  | --   | P    | P    | --   | --    | --                | -- | -- | -- | --              | Section 5.1.4.1          |
| Two Family                             | --                       | --   | --   | --     | --                             | L      | L    | --   | --                  | --   | P    | P    | --   | --    | --                | -- | -- | -- | --              | Section 5.1.4.1          |
| Single Family Attached                 | --                       | --   | --   | --     | L                              | L      | L    | L    | --                  | --   | P    | P    | P    | P     | --                | -- | -- | -- | --              | Section 5.1.4.1          |
| Small Multi-Family (up to 9 units)     | --                       | --   | --   | --     | --                             | L      | L    | L    | --                  | --   | --   | P    | P    | P     | --                | -- | -- | -- | --              | Section 5.1.4.1          |
| Courtyard Housing (up to 24 units)     | --                       | --   | --   | --     | --                             | --     | L    | L    | --                  | --   | --   | P    | P    | P     | --                | -- | -- | -- | --              | Section 5.1.4.1          |
| Multi-family (10 or more units)        | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | P    | P    | P     | --                | -- | -- | -- | --              | Section 5.1.4.1          |
| Purpose Built Student Housing          | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | C     | --                | -- | -- | -- | --              | Section 5.1.4.1          |
| Manufactured Home                      | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | --                | -- | -- | P  | --              | Section 5.1.4.1          |
| Mobile Home Community                  | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | --                | -- | -- | P  | --              | Section 5.1.4.1          |

TABLE 5.1 LAND USE MATRIX

| TYPES OF LAND USES                         | CONVENTIONAL RESIDENTIAL                   |      |      |        | NEIGHBORHOOD DENSITY DISTRICTS |        |      |      | CHARACTER DISTRICTS |      |      |      |      |       | SPECIAL DISTRICTS |    |    |    |    | DEFINITION USE STANDARDS |
|--|--|------|------|--------|--------------------------------|--------|------|------|---------------------|------|------|------|------|-------|-------------------|----|----|----|----|--------------------------|
|  | FD   | SF-R | SF-6 | SF-4.5 | ND-3                           | ND-3.5 | ND-4 | N-MS | CD-1                | CD-2 | CD-3 | CD-4 | CD-5 | CD-5D | HC                | LI | HI | MH | EC |                          |
| Community Home                             | L  | L    | L    | L      | L                              | L      | P    | P    | --                  | P    | P    | P    | P    | P     | --                | -- | -- | L  | -- | Section 5.1.4.12         |
| Fraternity or Sorority Building            | --   | --   | --   | --     | --                             | --     | C    | C    | --                  | --   | --   | C    | P    | P     | --                | -- | -- | -- | -- | Section 5.1.4.12         |
| <b>COMMERCIAL USES</b>                     |  |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    |                          |
| Professional Office                        | --   | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P     | P                 | P  | -- | -- | P  | Section 5.1.5.1          |
| Medical, except as listed below:           | --   | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P     | P                 | -- | -- | -- | P  | Section 5.1.5.2          |
| Urgent care, emergency clinic, or hospital | --   | --   | --   | --     | --                             | --     | --   | P    | --                  | --   | --   | --   | P    | P     | P                 | P  | -- | -- | P  | Section 5.1.5.2          |
| Nursing/ retirement home                   | --   | --   | --   | --     | --                             | --     | P    | P    | --                  | --   | --   | P    | P    | P     | P                 | -- | -- | -- | P  | Section 5.1.5.2          |
| Personal Services, except as listed below: | --   | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P     | P                 | -- | -- | -- | P  | Section 5.1.5.3          |
| Animal care (indoor)                       | C  | --   | --   | --     | --                             | --     | --   | P    | --                  | --   | --   | --   | P    | P     | P                 | -- | -- | -- | P  | Section 5.1.5.3          |
| Animal care (outdoor)                      | C  | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | C                 | -- | -- | -- | C  | Section 5.1.5.3          |
| Funeral Home                               | --   | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | C    | C     | P                 | -- | -- | -- | P  | Section 5.1.5.3          |
| Adult Oriented Businesses                  | See Section 18, Article 6 of the City Code |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    |                          |
| All Retail Sales, except as listed below:  | --   | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P     | P                 | -- | -- | -- | P  | Section 5.1.5.4          |
| Gasoline Sales                             | --   | --   | --   | --     | --                             | --     | --   | L    | --                  | --   | --   | --   | C    | C     | P                 | -- | -- | -- | P  | Section 5.1.5.4          |
| Truck stop                                 | --   | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | L                 | -- | -- | -- | L  | Section 5.1.5.4          |
| Tattoo, body piercing                      | --   | --   | --   | --     | --                             | --     | C    | C    | --                  | --   | --   | C    | P    | P     | P                 | -- | -- | -- | P  | Section 5.1.5.4          |
| Building material sales                    | --   | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | C    | C     | P                 | P  | P  | -- | P  | Section 5.1.5.4          |
| Vehicle Sales/ Rental                      | --   | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | C    | C     | P                 | -- | -- | -- | P  | Section 5.1.5.4          |
| Pawnshop                                   | --   | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | C    | P    | P     | P                 | -- | -- | -- | P  | Section 5.1.5.4          |
| Restaurant/ Bar, as listed below:          |  |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    |                          |
| Eating Establishment                       | --   | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P     | P                 | -- | -- | -- | P  | Section 5.1.5.5          |
| Bar  | --   | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | C    | C     | C                 | -- | -- | -- | C  | Section 5.1.5.5          |
| Mobile Food Court                          | --   | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | P    | P     | --                | -- | -- | -- | -- | Section 5.1.5.5          |
| Sale of Alcohol for on premise consumption | --   | --   | --   | --     | --                             | --     | C    | C    | --                  | --   | --   | C    | C    | C     | C                 | -- | -- | -- | C  | Section 5.1.5.5          |
| Overnight Lodging, as listed below:        |  |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    | Section 5.1.5.6          |
| Bed and Breakfast (up to 8 rooms)          | L  | C    | C    | C      | C                              | L      | L    | P    | --                  | P    | C    | P    | P    | P     | --                | -- | -- | -- | P  | Section 5.1.5.6          |
| Boutique Hotel (9 - 30 rooms)              | --   | --   | --   | --     | --                             | --     | C    | P    | --                  | --   | --   | P    | P    | P     | --                | -- | -- | -- | P  | Section 5.1.5.6          |

TABLE 5.1 LAND USE MATRIX

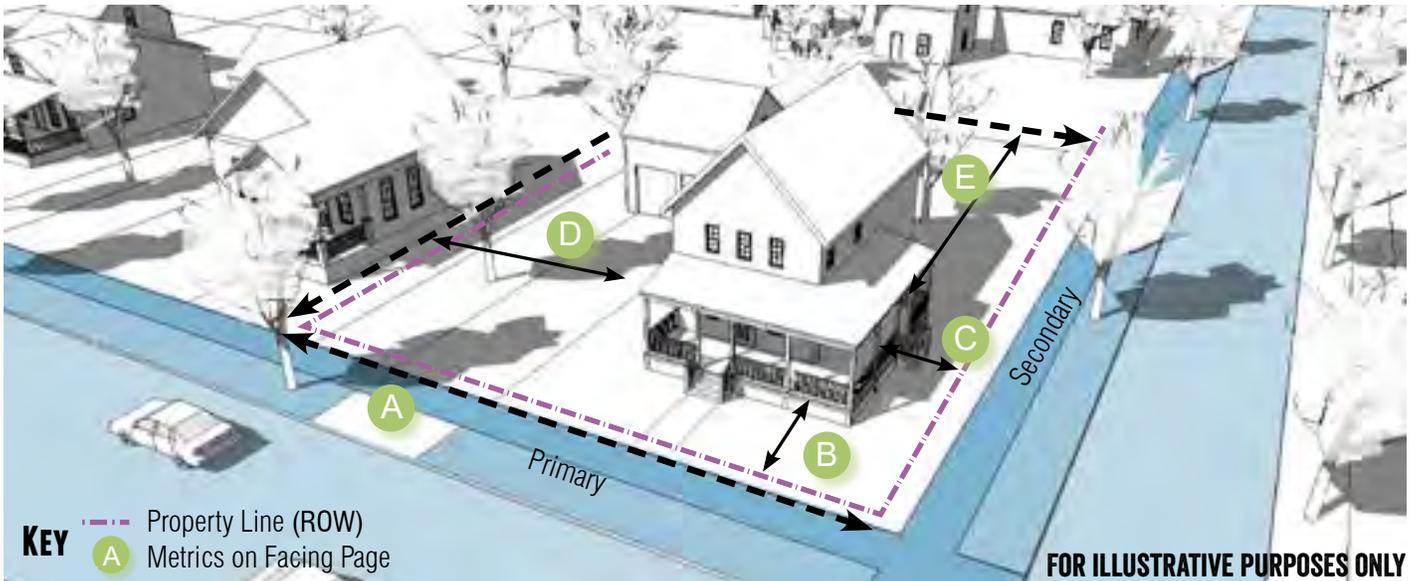
| TYPES OF LAND USES                          | CONVENTIONAL RESIDENTIAL |      |      |        | NEIGHBORHOOD DENSITY DISTRICTS |        |      |      | CHARACTER DISTRICTS |      |      |      |      |       | SPECIAL DISTRICTS |    |    |    |    | DEFINITION USE STANDARDS |
|---|--------------------------|------|------|--------|--------------------------------|--------|------|------|---------------------|------|------|------|------|-------|-------------------|----|----|----|----|--------------------------|
|   | FD                       | SF-R | SF-6 | SF-4.5 | ND-3                           | ND-3.5 | ND-4 | N-MS | CD-1                | CD-2 | CD-3 | CD-4 | CD-5 | CD-5D | HC                | LI | HI | MH | EC |                          |
| Hotel/ Motel (more than 30 rooms)           | --                       | --   | --   | --     | --                             | --     | --   | P    | --                  | --   | --   | --   | P    | P     | --                | -- | -- | -- | P  | Section 5.1.5.6          |
| Outdoor Recreation, except as listed below: | --                       | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | P    | C     | P                 | -- | -- | -- | P  | Section 5.1.5.7          |
| Golf Course                                 | C                        | C    | C    | C      | C                              | C      | C    | C    | C                   | C    | C    | C    | C    | C     | --                | -- | -- | C  | C  | Section 5.1.5.7          |
| Traveler Trailers/ RVs Short Term stays     | P                        | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | -- | -- | P  | -- | Section 5.1.5.7          |
| Shooting Range                              | C                        | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | C                 | -- | -- | -- | C  | Section 5.1.5.7          |
| Indoor Recreation, except as listed below:  | --                       | --   | --   | --     | --                             | --     | --   | P    | --                  | --   | --   | --   | P    | P     | P                 | P  | P  | -- | P  | Section 5.1.5.8          |
| Gym/ Health club                            | --                       | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P     | P                 | P  | P  | -- | P  | Section 5.1.5.8          |
| Smoking Lounge                              | --                       | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | P    | C     | --                | -- | -- | -- | P  | Section 5.1.5.8          |
| Charitable Gaming Facility                  | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | --    | C                 | -- | -- | -- | C  | Section 5.1.5.8          |
| <b>PUBLIC &amp; INSTITUTIONAL</b>           |                          |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    |                          |
| Civic, except as listed below:              | P                        | L    | L    | L      | L                              | L      | P    | P    | L                   | L    | L    | P    | P    | P     | P                 | P  | P  | P  | P  | Section 5.1.6.1          |
| Day Care Center                             | C                        | --   | --   | --     | C                              | C      | L    | P    | --                  | C    | C    | L    | P    | P     | P                 | -- | -- | -- | P  | Section 5.1.6.1          |
| Parks, Open Space, and Greenways            | P                        | P    | P    | P      | P                              | P      | P    | P    | P                   | P    | P    | P    | P    | P     | P                 | P  | P  | P  | P  | Section 5.1.6.2          |
| Minor Utilities                             | P                        | P    | P    | P      | P                              | P      | P    | P    | P                   | P    | P    | P    | P    | P     | P                 | P  | P  | P  | P  | Section 5.1.6.3          |
| Major Utilities                             | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | C                 | C  | C  | -- | -- | Section 5.1.6.3          |
| Antenna                                     | See Section 5.1.6.3D     |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    |                          |
| <b>INDUSTRIAL</b>                           |                          |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    |                          |
| Light Industrial                            | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | --    | --                | P  | P  | -- | C  | Section 5.1.7.1          |
| Light Manufacturing                         | --                       | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | P    | P     | P                 | P  | P  | -- | P  | Section 5.1.7.2          |
| Vehicle Service, as listed below:           |                          |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    | Section 5.1.7.3          |
| Car Wash                                    | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | P  | P  | -- | C  | Section 5.1.7.3          |
| Vehicle repair (minor)                      | --                       | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | P    | P     | P                 | P  | P  | -- | C  | Section 5.1.7.3          |
| Vehicle repair (major)                      | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | -- | -- | -- | C  | Section 5.1.7.3          |
| Warehouse & Distribution                    | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | --    | P                 | P  | P  | -- | P  | Section 5.1.7.4          |
| Waste-Related service                       | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | --    | P                 | P  | P  | -- | -- | Section 5.1.7.5          |
| Wholesale trade                             | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | P  | P  | -- | P  | Section 5.1.7.6          |
| Self Storage                                | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | P  | P  | -- | C  | Section 5.1.7.7          |
| Research and Development                    | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | C     | P                 | P  | P  | -- | C  | Section 5.1.7.8          |
| Wrecking/Junk Yard                          | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | --                | -- | P  | -- | -- | Section 5.1.7.9          |

## Zoning District Comparison Chart

| Topic                               | <b>Existing Zoning:<br/>Single Family-6 (SF-6)</b>   | <b>Proposed Zoning:<br/>Neighborhood Density-3 (ND-3)</b>   |
|-------------------------------------|--|---|
| <b>Zoning Description</b>           | The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed. | The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodated affordable alternatives for home ownership. ND-3 Should be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed. |
| <b>Uses</b>                         | Single-family residential ( <i>See Land Use Matrix</i> )   | Residential ( <i>See Land Use Matrix</i> )  |
| <b>Parking Location</b>             | No location standards  | Parking allowed in the Second and Third Layer   |
| <b>Parking Standards</b>            | 2 spaces per single-family dwelling unit, 1 space per ADU  | 2 spaces per single-family dwelling unit, 1 space for ADU   |
| <b>Max Residential Units / acre</b> | 5.5 units per acre (max)   | 10 units per acre (max)   |
| <b>Occupancy Restrictions</b>       | Apply  | Apply   |
| <b>Landscaping</b>                  | Tree and shrub requirements  | Tree and shrub requirements   |
| <b>Building Height (max)</b>        | 2 stories  | 2 stories   |
| <b>Setbacks</b>                     | 25' front setback, 5' side setback, 20' rear setback.  | 15' front setback, 5' side setback, 15' rear set back.  |
| <b>Impervious Cover (max)</b>       | 50%  | 60%   |
| <b>Lot Sizes</b>                    | Minimum 50' wide 6,000 square feet.  | Allows a variety of lot sizes depending on Building Type.   |
| <b>Streetscapes</b>                 | Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.  | Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.   |
| <b>Blocks</b>                       | 3,000 ft. Block Perimeter max.   | 3,000 ft. Block Perimeter max.  |

SF-6

SECTION 4.4.1.3 SINGLE FAMILY - 6



GENERAL DESCRIPTION

The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.

DENSITY

|                        |                 |
|------------------------|-----------------|
| Units Per Gross Acre   | 5.5 max.        |
| Impervious Cover       | 50% max.        |
| Occupancy Restrictions | Section 5.1.4.1 |

TRANSPORTATION

|   |               |                  |
|---|---------------|------------------|
| Block Perimeter   | 3,000 ft. max | Section 3.6.2.1  |
| Streetscape Type  | Residential   | Section 3.8.1.10 |
| Sidewalks are not required for lots greater than 1 acre |               |                  |

BUILDING TYPES ALLOWED

|                    |                  |
|--------------------|------------------|
| Accessory Dwelling | Section 4.4.6.1  |
| House              | Section 4.4.6.2  |
| Cottage            | Section 4.4.6.3  |
| Civic              | Section 4.4.6.15 |

**BUILDING STANDARDS**

|                            |                |             |
|----------------------------|----------------|-------------|
| Principle Building Height  | 2 stories max. | 35 ft. max. |
| Accessory Structure Height | N/A            | 24 ft. max. |

**LOT**

| <b>BUILDING TYPE</b> | <b>LOT AREA</b>    | <b>LOT WIDTH</b> | <b>A</b> |
|----------------------|--------------------|------------------|----------|
| House                | 6,000 sq. ft. min. | 50 ft min.       |          |
| Cottage              | 6,000 sq. ft. min. | 50 ft min.       |          |
| Civic                | 6,000 sq. ft. min. | 50 ft. min.      |          |

**SETBACKS - PRINCIPAL BUILDING**

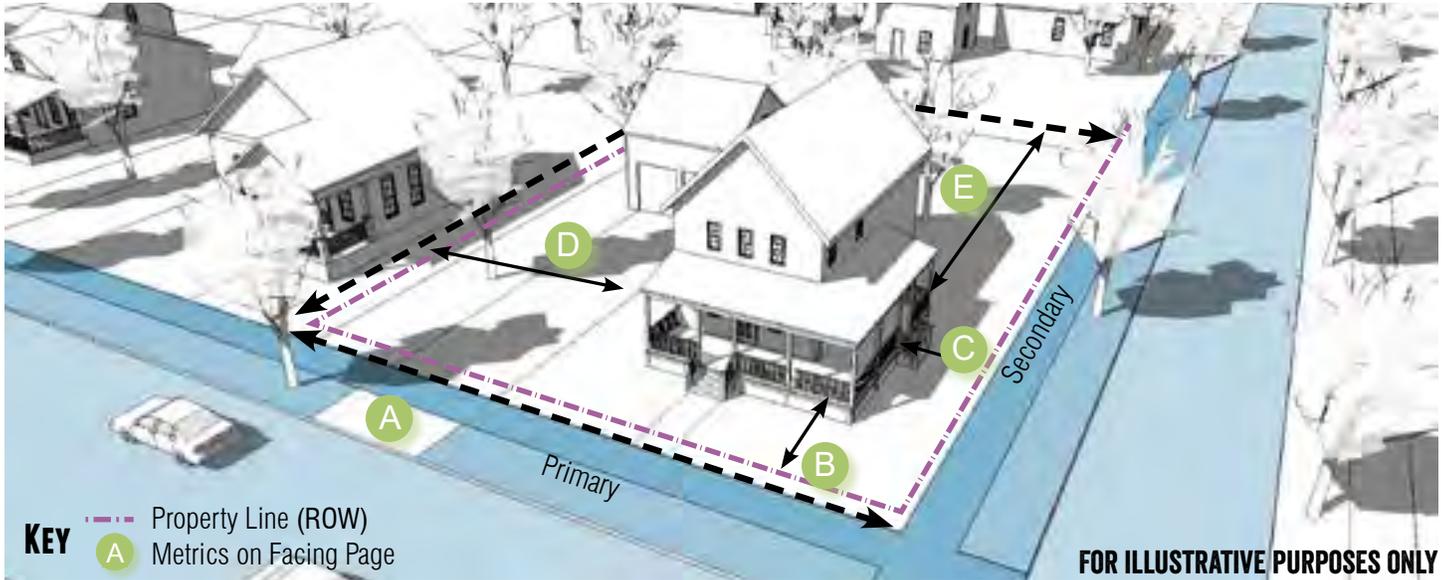
|                  |             |          |
|------------------|-------------|----------|
| Primary Street   | 25 ft. min. | <b>B</b> |
| Secondary Street | 15 ft. min. | <b>C</b> |
| Side             | 5 ft. min.  | <b>D</b> |
| Rear             | 20 ft. min. | <b>E</b> |

**SETBACKS - ACCESSORY STRUCTURE**

|                  |             |
|------------------|-------------|
| Primary Street   | 25 ft. min. |
| Secondary Street | 15 ft. min. |
| Side             | 5 ft. min.  |
| Rear             | 5 ft. min.  |

ND-3

SECTION 4.4.2.1 NEIGHBORHOOD DENSITY - 3



GENERAL DESCRIPTION

The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodate affordable alternatives for home ownership. ND-3 should be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

DENSITY

|                        |                 |
|------------------------|-----------------|
| Units Per Gross Acre   | 10 max.         |
| Impervious Cover       | 60% max.        |
| Occupancy Restrictions | Section 5.1.4.1 |

TRANSPORTATION

|                  |               |                  |
|------------------|---------------|------------------|
| Block Perimeter  | 2,800 ft. max | Section 3.6.2.1  |
| Streetscape Type | Residential   | Section 3.8.1.10 |

BUILDING TYPES ALLOWED

|                     |                  |
|---------------------|------------------|
| Accessory Dwelling  | Section 4.4.6.1  |
| House               | Section 4.4.6.2  |
| Cottage             | Section 4.4.6.3  |
| Zero Lot Line House | Section 4.4.6.6  |
| Civic               | Section 4.4.6.15 |

**BUILDING STANDARDS**

|                            |                |             |
|----------------------------|----------------|-------------|
| Principle Building Height  | 2 stories max. | 35 ft. max. |
| Accessory Structure Height | N/A            | 24 ft. max. |
| Building Width             | 60 ft. max.    |             |

**LOT**

| <b>BUILDING TYPE</b> | <b>LOT AREA</b>    | <b>LOT WIDTH</b> | <b>A</b> |
|----------------------|--------------------|------------------|----------|
| House                | 6,000 sq. ft. min. | 60 ft. min.      |          |
| Cottage              | 4,500 sq. ft. min. | 40 ft. min.      |          |
| Zero Lot Line House  | 2,500 sq. ft. min. | 25 ft. min.      |          |
| Civic                | 4,500 sq. ft. min. | 50 ft. min.      |          |

**SETBACKS - PRINCIPAL BUILDING**

|                      |   |          |
|----------------------|---|----------|
| Principal Street     | 15 ft. min or Avg front setback (Section 4.4.2.5) | <b>B</b> |
| Secondary Street     | 15 ft. min.                                       | <b>C</b> |
| Side                 | 5 ft. min.  | <b>D</b> |
| Rear                 | 15 ft. min.                                       | <b>E</b> |
| Rear, abutting alley | 5 ft. min.  | <b>E</b> |

**SETBACKS - ACCESSORY STRUCTURE**

|                  |             |
|------------------|-------------|
| Principal Street | 20 ft. min. |
| Secondary Street | 15 ft. min. |
| Side             | 5 ft. min.  |
| Rear             | 3 ft. min.  |

**PARKING LOCATION**

| <b>LAYER (SECTION 4.3.3.1)</b> | <b>SURFACE</b> | <b>GARAGE</b>   |
|--------------------------------|----------------|-----------------|
| First Layer                    | Not Allowed    | Not Allowed     |
| Second Layer                   | Allowed        | Section 7.1.4.1 |
| Third Layer                    | Allowed        | Section 7.1.4.1 |

**ZC-20-09 (724 Valley Street) Zoning Change Review (By Comp Plan Element)**

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

|   |     |                                |
|---|-----|--------------------------------|
|   | YES | NO<br>(map amendment required) |
| Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix? | X   |                                |

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

| STRATEGY  | SUMMARY   | Supports | Contradicts | Neutral  |
|---|---|----------|-------------|--|
| Preparing the 21 <sup>st</sup> Century Workforce        | Provides / Encourages educational opportunities   |          |             | Applicant has not indicated that educational facilities will be included.              |
| Competitive Infrastructure & Entrepreneurial Regulation | Provides / Encourages land, utilities and infrastructure for business   |          |             | Applicant has not indicated that infrastructure will be extended.                      |
| The Community of Choice                                 | Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity |          |             | Applicant has not indicated that opportunities for jobs and services will be included. |

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

|                             | 1<br>(least) | 2 | 3<br>(moderate) | 4 | 5<br>(most) |
|-----------------------------|--------------|---|-----------------|---|-------------|
| Level of Overall Constraint |              |   |                 | X |             |
| Constraint by Class         |              |   |                 |   |             |
| Cultural                    | X            |   |                 |   |             |
| Edwards Aquifer             |              | X |                 |   |             |
| Endangered Species          | X            |   |                 |   |             |
| Floodplains                 | X            | X |                 |   |             |
| Geological                  | X            |   |                 |   |             |
| Slope                       | X            |   |                 |   |             |
| Soils                       |              |   |                 | X |             |
| Vegetation                  | X            |   |                 |   |             |
| Watersheds                  |              |   |                 | X |             |
| Water Quality Zone          | X            |   |                 |   |             |

**ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results**

|   |                        |          |        |         |       |
|---|------------------------|----------|--------|---------|-------|
| Located in Subwatershed:  | <b>Purgatory Creek</b> |          |        |         |       |
|   | 0-25%                  | 25-50%   | 50-75% | 75-100% | 100%+ |
| Modeled Impervious Cover Increase Anticipated for watershed   |                        | <b>X</b> |        |         |       |
| Notes: <b>Purgatory Creek is a direct tributary of the San Marcos River, which contains the endangered Texas Wild Rice. This watershed encompasses the majority of the downtown redevelopment zone; however, because this area already has a high impervious cover value (around 80-90%), the increase of loadings from redevelopment is not as high as the increase observed with the developments on previously undeveloped land.</b> |                        |          |        |         |       |

**NEIGHBORHOODS – Where is the property located**

|                                       |               |
|---------------------------------------|---------------|
| CONA Neighborhood(s):                 | <b>Dunbar</b> |
| Neighborhood Commission Area(s):      | <b>1</b>      |
| Neighborhood Character Study Area(s): | <b>N/A</b>    |

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

|  |                      |                       |
|--|----------------------|-----------------------|
|  | YES                  | NO                    |
| Will Parks and / or Open Space be Provided?                                  |                      | <b>X</b>              |
| Will Trails and / or Green Space Connections be Provided?                    |                      | <b>X</b>              |
| <b>This is a small replat fee in lieu of dedication is more appropriate.</b> |                      |                       |
| <b>Maintenance / Repair Density</b>  | Low<br>(maintenance) | High<br>(maintenance) |
| Wastewater Infrastructure  | <b>X</b>             |                       |
| Water Infrastructure   | <b>X</b>             |                       |
| <b>Public Facility Availability</b>  |                      |                       |
|  | YES                  | NO                    |
| Parks / Open Space within ¼ mile (walking distance)?                         | <b>X</b>             |                       |
| Wastewater service available?  | <b>X</b>             |                       |
| Water service available?   | <b>X</b>             |                       |

**TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation**

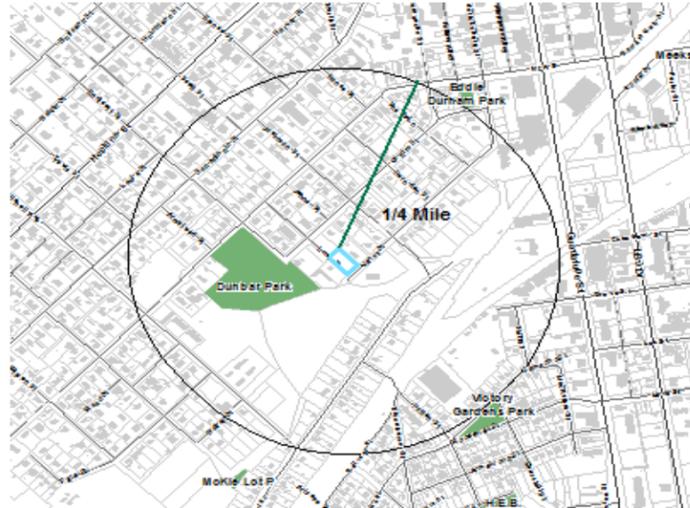
|  |                      |   |   |   |   |
|--|----------------------|---|---|---|---|
|  | A                    | B | C | D | F |
| Existing Daily LOS   | <b>Valley Street</b> |   |   |   |   |
| Existing Peak LOS  | <b>Valley Street</b> |   |   |   |   |
| Preferred Scenario Daily LOS   | <b>Valley Street</b> |   |   |   |   |
| Preferred Scenario Peak LOS  | <b>Valley Street</b> |   |   |   |   |
| <b>This property is located at the intersection of two neighborhood streets. These streets have traffic levels so low that they were not included within the Level of Service study.</b> |                      |   |   |   |   |

|   | N/A | Good | Fair | Poor |
|---|-----|------|------|------|
| Sidewalk Availability   | X   |      |      |      |
| <b>Sidewalks are required to be built as part of the development.</b>   |     |      |      |      |
|   | YES |      | NO   |      |
| Adjacent to existing bicycle lane?  |     |      | X    |      |
| Adjacent to existing public transportation route?   |     |      | X    |      |
| Notes: <b>The Transportation Master Plan indicates that there will be a Greenway located within Purgatory Creek that will function as a shared use path in the future, extending from the San Marcos River to Purgatory Park.</b> |     |      |      |      |

# PROPERTY: 724 VALLEY STREET

## EXISTING CONDITIONS ANALYSIS

PROXIMITY TO PARKLAND



EXISTING STREETSAPES



| EXISTING STREETS AND STREETSAPES |  |
|----------------------------------|--|
|                                  | VALLEY STREET                            |
|                                  | Neighborhood Street<br>Existing ROW: 50' |
| Street Type                      |  |

EXISTING ZONING AND BUILDING TYPES



# PROPERTY: 724 VALLEY STREET

## EXISTING NEIGHBORHOOD REGULATING PLAN

### ORDINANCE #: 2019-####

| PROPOSED ZONING REGULATIONS      |  |
|----------------------------------|--|
|                                  | Existing Lot   |
| Zoning District                  | Neighborhood Density - 3 (ND-3)  |
| Building Type                    | Cottage / Accessory Dwelling Unit  |
| Max. Units                       | 3, one cottage per lot and one Accessory Dwelling Unit on lot closest to Luck Street Alley |
| Required Streetscape             | Residential  |
| Street Type                      | Existing (no new streets required)   |
| Transitional Protective Yard     | N/A  |
| Residential Infill Compatibility | N/A (proposing new lot configuration)  |
| Parking location                 | Surface Parking: Second or Third Layer   |

PROPOSED ZONING



# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION



Updated: October, 2019

## CONTACT INFORMATION

|                             |   |                         |                                       |
|-----------------------------|---|-------------------------|---------------------------------------|
| Applicant's Name            | AL CARROLL, PE                          | Property Owner          | MAREL ALVARADO JR. & ROSA ALVARADO    |
| Company                     | TRI-TECH ENGINEERING                    | Company                 |                                       |
| Applicant's Mailing Address | P.O. BOX 968<br>SAN MARCOS, TEXAS 78667 | Owner's Mailing Address | 415 PINAFORE ST.<br>BUDA, TEXAS 78610 |
| Applicant's Phone #         | (512) 440-0222                          | Owner's Phone #         | (512) 743-2907                        |
| Applicant's Email           | acarroll@tritechtx.com                  | Owner's Email           | rosa.alvarado@amd.com                 |

## PROPERTY INFORMATION

Subject Property Address(es): 724 VALLEY ST. SAN MARCOS, TX 78666

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision B. W. BREEDING ADDITION

Total Acreage: 0.34 Ac. Tax ID #: R 21981

Preferred Scenario Designation: \_\_\_\_\_ Existing Zoning: SF-6

Existing Land Use(s): \_\_\_\_\_

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): RESIDENTIAL (ND-3)

Proposed Land Uses / Reason for Change: \_\_\_\_\_

## 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\* \$1,057 plus \$100 per acre Technology Fee \$13 MAXIMUM COST \$3,013  
 \*Existing Neighborhood Regulating Plan Included.

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

**APPLY ONLINE - [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**



**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 \$91 plus a \$13 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 \$91 plus a \$13 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: *Mare Alvarado / Rosa Alvarado* Date: *2/25/2020*

Print Name: MAREL ALVARADO JR. & ROSA ALVARADO

Form Updated October, 2019

General Warranty Deed

15/ITC/WD/19/22411-SM

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.

Date: <sup>August 15</sup> July 15, 2019

Grantor: MICHAEL CHAGOYA, Independent Executor of the ESTATE OF FRANCES CHAGOYA, Deceased, in satisfaction of expenses of Estate administration, funeral expenses of Frances Chagoya, expenses of Frances Chagoya's last illness and/or allowances and claims against the Estate

Grantor's Mailing Address:

3565 N. MILWAUKEE AVE  
CHICAGO, IL 60641

Grantee: MAREL ALVARADO, JR. and ROSA L. ALVARADO, spouses

Grantee's Mailing Address:

415 Pinatone Street  
Buda, TX 78610

Consideration: Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Lot S, Block No. Five (5), of the B.W. BREEDING ADDITION to the City of San Marcos, according to the map or plat thereof, recorded in Volume O, Page 202, Deed Records, Hays County, Texas, and being the same property conveyed by Alejo Almanza and wife, to Ambroso de los Santos by Deed dated November 22, 1909, recorded in Volume 55, Page 700, Deed Records, Hays County, Texas.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or

not, all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property, validly existing rights of adjoining owners in any walls and fences situated on a common boundary, any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2019, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

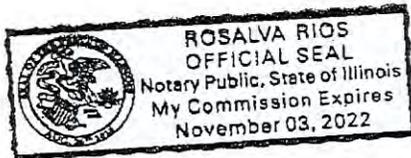
By acceptance hereof, Grantee accepts the Property "AS IS" in its present condition, with any and all defects and without warranty except for those warranties of title set forth herein.

When the context requires, singular nouns and pronouns include the plural.

*Michael Chagoza*  
MICHAEL CHAGOYA, Independent Executor of  
the ESTATE OF FRANCES CHAGOYA,  
Deceased

ILLINOIS  
STATE OF ~~TEXAS~~ §  
COUNTY OF COOK §

This instrument was acknowledged before me on the 15 day of August, 2019, by MICHAEL CHAGOYA, Independent Executor of the ESTATE OF FRANCES CHAGOYA, Deceased, on behalf of said Estate.



*Rosalva Rios*  
NOTARY PUBLIC, State of ~~Texas~~ ILLINOIS

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

19029152 DEED  
08/26/2019 09:23:51 AM Total Fees: \$30.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas

*Elaine H. Cárdenas*



General Warranty Deed

15/ITC / 10/19/2019-5m

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Date: <sup>AUGUST MC</sup> July 15, 2019

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**Grantee's Mailing Address:**

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Lot S, Block No. Five (5), of the B.W. BREEDING ADDITION to the City of San Marcos, according to the map or plat thereof, recorded in Volume O, Page 202, Deed Records, Hays County, Texas, and being the same property conveyed by Alejo Almanza and wife, to Ambrosio de los Santos by Deed dated November 22, 1909, recorded in Volume 55, Page 700, Deed Records, Hays County, Texas.

**Reservations from Conveyance:** None.

**Exceptions to Conveyance and Warranty:** Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or



**EXISTING CONDITIONS  
OF LOT S, BLOCK 5,  
B.W. BREEDING ADDITION  
CITY OF SAN MARCOS  
HAYS COUNTY, TEXAS**



SCALE: 1"=20'



MARCH 23, 2020

ENGINEER:

SURVEYOR:



**TRI-TECH**  
ENGINEERING SURVEYING PLANNING

155 RIVERWALK DRIVE  
SAN MARCOS, TEXAS 78666  
PH: 512-440-0222

www.tritechtx.com

TBPLS REGIS. #: 10193729  
TBPE REGIS. #: F-18693

STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

That, Marel Alvarado Jr. & Rosa Alvarado, owners of the certain tract of land shown hereon and described in a deed recorded in Instrument #19029152, of the Hays County Deed Records, same being Lot S, Block 5, B. W. Breeding Addition, do hereby subdivide said lot as shown hereon, and do hereby consent to all plat note requirements shown hereon, and do hereby dedicate to the City of San Marcos the streets, alleys, rights-of-way, easements, and public places shown hereon for such public purposes as the City of San Marcos may deem appropriate. This subdivision is to be known as the LOT S1 & LOT S2, BLOCK 5, B. W. BREEDING ADDITION, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS.

TO CERTIFY WHICH, WITNESS by my hand this \_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_.

By: \_\_\_\_\_  
Marel Alvarado Jr.  
415 Pinafore St.  
Buda, Texas 78610

By: \_\_\_\_\_  
Rosa Alvarado  
415 Pinafore St.  
Buda, Texas 78610

STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

Before me, the undersigned authority, on this day personally appeared Marel Alvarado Jr. & Rosa Alvarado, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office this \_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_.

NOTARY PUBLIC in and for Hays County, Texas

STATE OF TEXAS\*  
CITY OF SAN MARCOS\*

Approved and authorized to be recorded on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the Director of the Planning and Development Services Department of the City of San Marcos.

\_\_\_\_\_  
Director of Development Services  
City of San Marcos, Texas

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of CIP and Engineering  
City of San Marcos, Texas

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recording Secretary  
City of San Marcos, Texas

\_\_\_\_\_  
Date

STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

I, Elaine H. Cardenas, County Clerk of Hays County, Texas, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed for record in my office on the \_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_ at \_\_\_\_ o'clock, \_\_\_\_ M. and duly recorded on the \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_, at \_\_\_\_ o'clock, \_\_\_\_ M., in the Plat Records of Hays County, Texas, in Instrument No. \_\_\_\_\_.

TO CERTIFY WHICH, WITNESS my hand and seal of the Office of County Clerk, this \_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_.

\_\_\_\_\_  
Elaine H. Cardenas, County Clerk  
Hays County, Texas

STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

I, Arthur Vasquez Torres, Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correctly made from an actual survey made on the ground of the property legally described hereon, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, and that the corner monuments shown thereon were properly placed under my supervision in accordance with the Subdivision Regulations of the City of San Marcos, Texas.

TO CERTIFY WHICH, WITNESS by my hand and seal at San Marcos, Hays County, Texas this \_\_\_\_ day of \_\_\_\_\_ A.D. 2020.

RELEASED FOR REVIEW 02/27/20

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

\_\_\_\_\_  
Arthur Vasquez Torres  
R.P.L.S. # 5737, State of Texas

\_\_\_\_\_  
Date

STATE OF TEXAS\*  
COUNTY OF HAYS\*

KNOW ALL MEN BY THESE PRESENTS

I, Al Carroll Jr., Registered Professional Engineer in the State of Texas, do hereby certify that this subdivision is not in the Edwards Aquifer Recharge Zone, nor is it in the Barton Springs Segment of the Edwards Aquifer Recharge Zone; it is however in the Transition Zone of the Edwards Aquifer and is located within Zone X flood areas, as denoted hereon, and as defined by Federal Emergency Management Administration Flood Hazard Boundary Map, Community Panel Number, 48209C 0389 F effective date September 2, 2005, and that each lot conforms to the San Marcos Subdivision Regulations.

TO CERTIFY WHICH, WITNESS by my hand and seal at San Marcos, Hays County, Texas this \_\_\_\_ day of \_\_\_\_\_ A.D. 2020.

RELEASED FOR REVIEW 02/27/20

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

\_\_\_\_\_  
Al Carroll Jr.  
Registered Professional Engineer, No. 119251  
State of Texas

\_\_\_\_\_  
Date

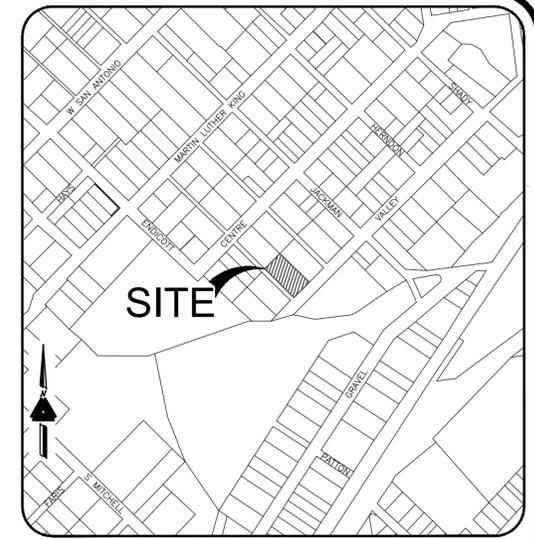
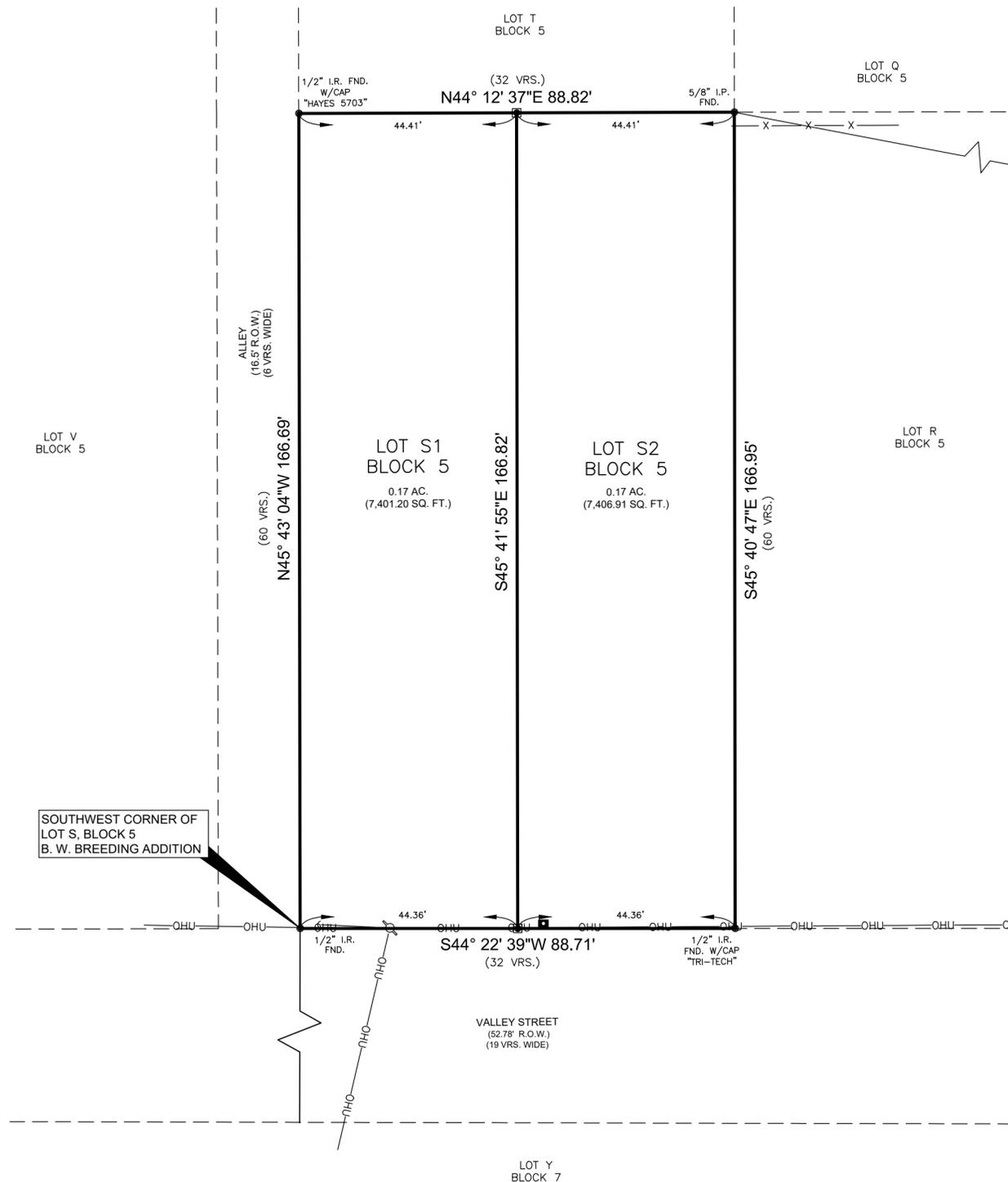
### LEGEND

|  |                              |  |                                    |
|--|------------------------------|--|------------------------------------|
|  | IRON ROD W/ TRI-TECH CAP SET |  | IRON ROD                           |
|  | IRON ROD FOUND               |  | IRON PIPE                          |
|  | UTILITY POLE                 |  | FOUND                              |
|  | WATER METER                  |  | VARAS                              |
|  | WIRE FENCE                   |  | RIGHT OF WAY                       |
|  | OVERHEAD UTILITIES           |  | PLAT RECORDS OF HAYS COUNTY, TEXAS |
|  | RECORD DIMENSIONS            |  | DEED RECORDS OF HAYS COUNTY, TEXAS |

PLAN 574X

SM-19-1195000  
SMS-MC207-19

## REPLAT OF LOT S, BLOCK 5, B.W. BREEDING ADDITION CREATING LOT S1 & LOT S2, BLOCK 5, B.W. BREEDING ADDITION CITY OF SAN MARCOS HAYS COUNTY, TEXAS



VICINITY MAP  
N.T.S.

REFERENCE TIE TO  
CITY OF SAN MARCOS  
BENCHMARK  
(GPS# 06)  
S55° 10' 27\"/>

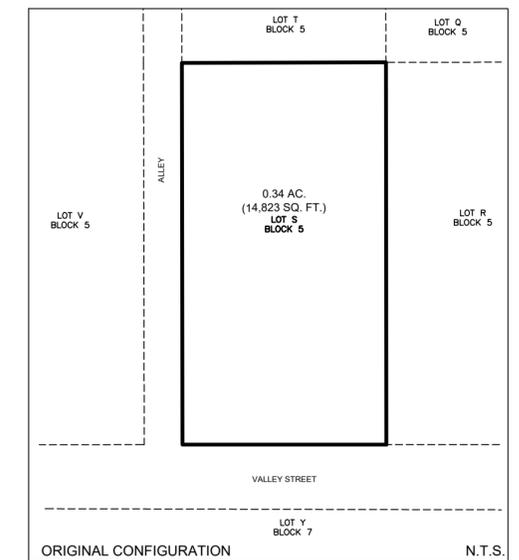


SCALE: 1"=20'



### PLAT NOTES

- No portion of this subdivision lies within the Edwards Aquifer Recharge Zone or the San Marcos River Corridor.
- This subdivision lies within the boundaries of the Edwards Aquifer Transition Zone and the Purgatory Creek Watershed.
- No portion of this subdivision lies within the boundaries of the 100 year flood plain as delineated on Hays County F.I.R.M. Panel #48209C 0389 F, dated September 2, 2005.
- This subdivision contains 2 residential lots for a total of 0.34 acres.
- This subdivision lies within the following jurisdictions:  
Emergency Services District #3  
San Marcos Independent School District
- Water supply for this subdivision is provided by City of San Marcos Utilities.
- Wastewater treatment for this subdivision is provided by City of San Marcos Utilities.
- Electricity for this subdivision is provided by San Marcos Electric Utilities.
- Telephone service for this subdivision is provided by Century Link.
- This subdivision lies within the City Limits of The City of San Marcos and is subject to its ordinances.
- Building setback lines per City of San Marcos Zoning Ordinance.
- Bearing Basis: Texas State Plane Coordinate System—South Central Zone.
- The purpose for this replat is to create two lots out of one existing lot.
- Surface to Grid Coefficient is 0.99988089413



FEBRUARY 24, 2020

ENGINEER:



**TRI-TECH**  
ENGINEERING SURVEYING PLANNING

155 RIVERWALK DRIVE  
SAN MARCOS, TEXAS 78666  
PH: 512-440-0222

www.tritechtx.com

TBPLS REGIS. #: 10193729  
TBPE REGIS. #: F-18693

SURVEYOR:

## ZC-20-09 (724 Valley Street)

ZC-20-09 (724 Valley Street) Hold a public hearing and consider a request by Al Carroll on behalf of Marel and Rosa Alvarado for a Zoning Change from Single Family – 6 (SF-6) to Neighborhood Density – 3 (ND-3), for approximately .34 acres out of the B. W. Breeding Addition, Located at 724 Valley Street. (W. Parrish)

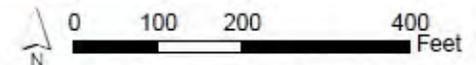
## Location:

- Approximately .34 acres
- **Current Configuration:**  
Vacant
- Surrounding uses include:
  - Single Family Residential
  - Boys and Girls Club
  - Vacant
- Located within the Dunbar Neighborhood

ZC-20-09  
Aerial View  
SF-6 to ND-3 — 724 Valley Street



- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit

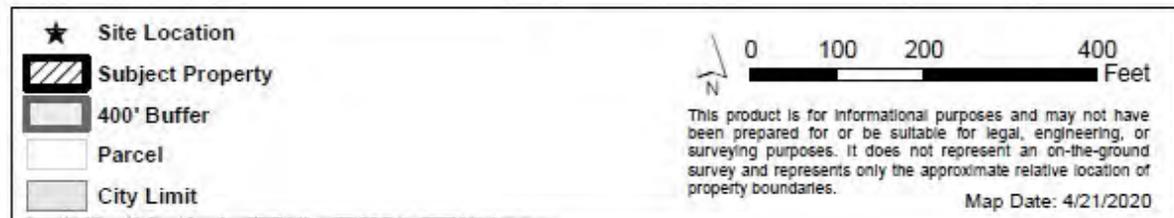


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

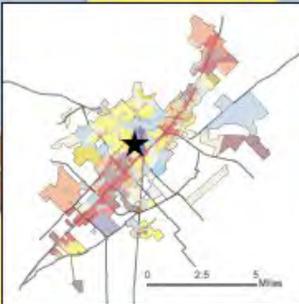
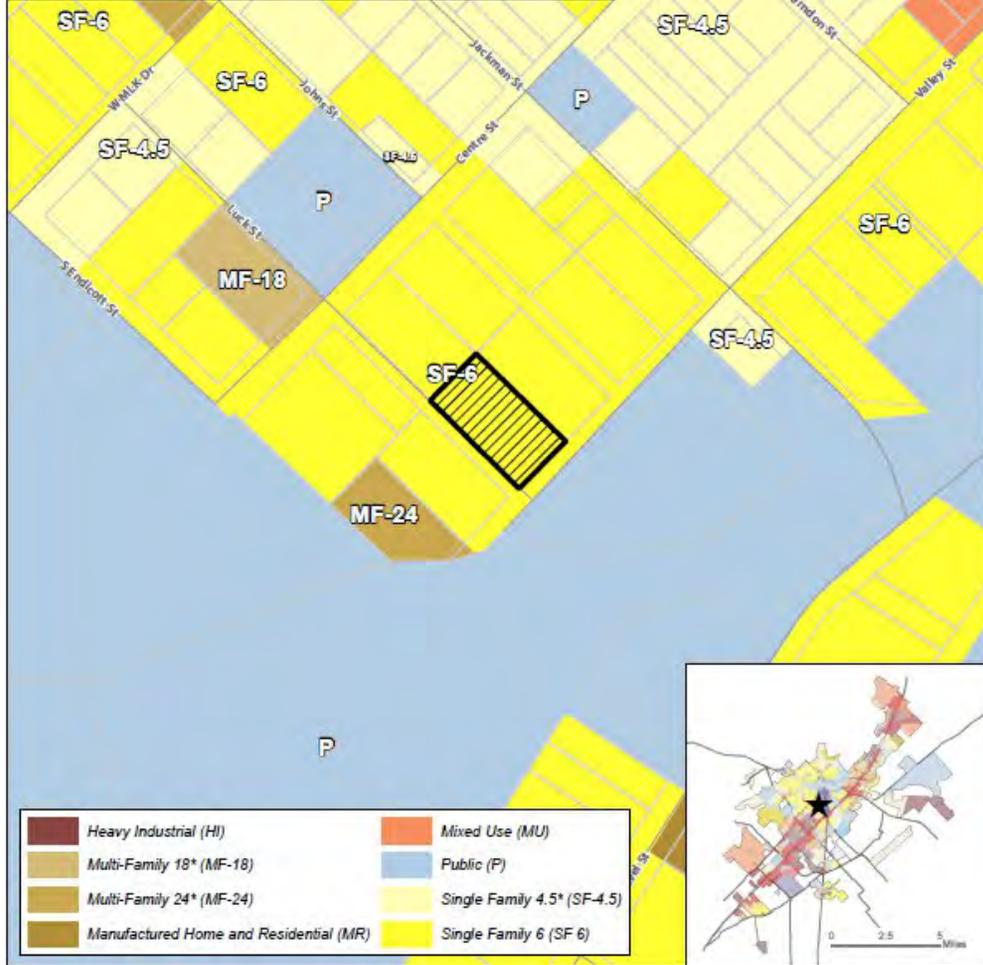
Map Date: 5/19/2020

## Context & History

- **Existing Zoning:** Single Family-6 (SF-6)
- **Proposed Zoning:** Neighborhood Density-3 (ND-3)
- Proposed ND-3 zoning allows for single lot to be divided into two.
- Applicant is proposing two lots, each with a cottage building type and one lot would have an Accessory Dwelling Unit (ADU).



**ZC-20-09**  
**Existing Zoning**  
**SF-6 to ND-3 — 724 Valley Street**



★ **Site Location**

**Subject Property**

**Parcels**

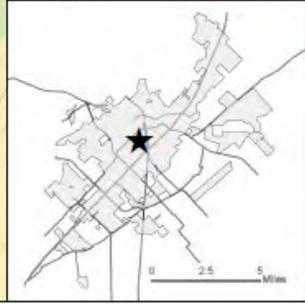
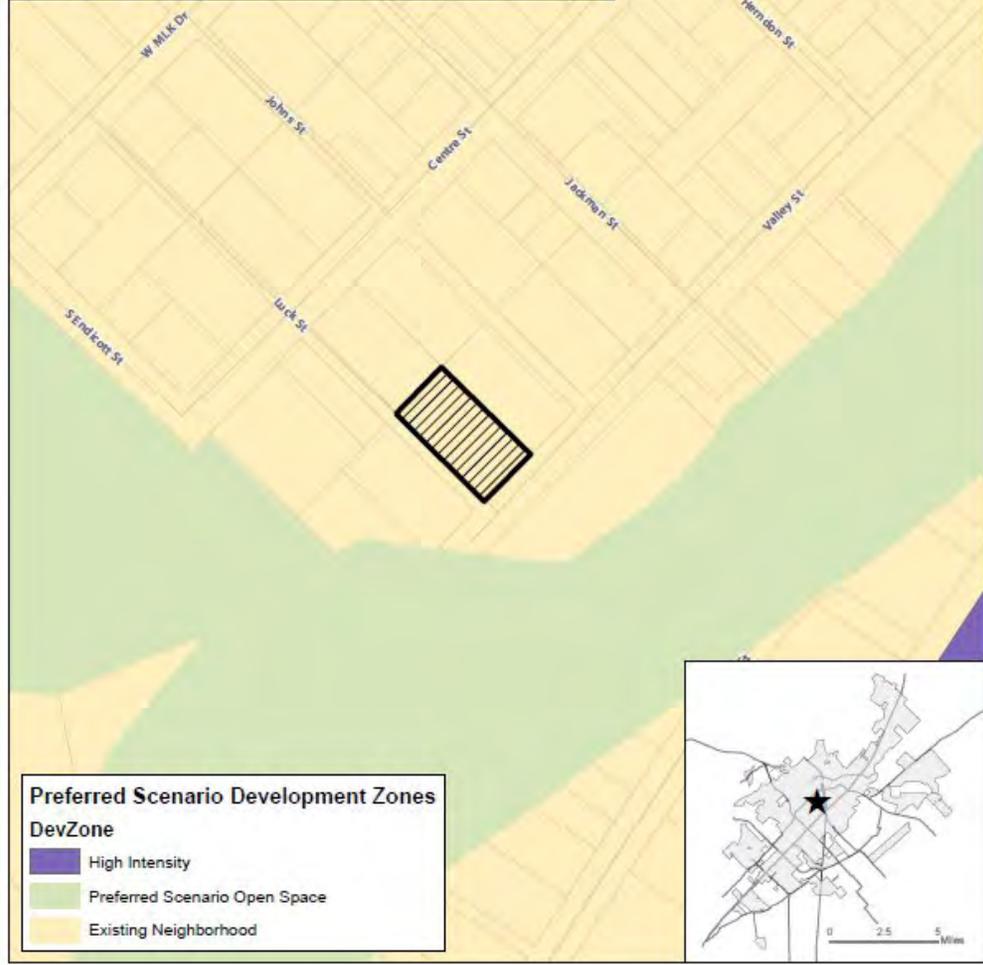
**City Limit**

0 100 200 400 Feet

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.

Map Date: 4/21/2020

**ZC-20-09**  
**Preferred Scenario Map**  
**SF-6 to ND-3 — 724 Valley Street**



★ **Site Location**

**Subject Property**

**Parcels**

**City Limit**

0 100 200 400 Feet

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.

Map Date: 5/22/2020





# Comprehensive Plan Analysis

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

**Applicant is requesting a “Neighborhood Density District” (ND-3) within an Existing Neighborhood. The Code directs us to Section 4.1.2.4 – 4.1.2.5**

**TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION**

| DISTRICT CLASSIFICATION                   | COMPREHENSIVE PLAN DESIGNATIONS |               |                                  |                                  |                      |          |
|---|---------------------------------|---------------|----------------------------------|----------------------------------|----------------------|----------|
|   | OPEN SPACE/<br>AGRICULTURAL     | LOW INTENSITY | EXISTING<br>NEIGHBORHOOD         | MEDIUM OR HIGH<br>INTENSITY ZONE | EMPLOYMENT<br>CENTER | CORRIDOR |
| Conventional Residential                  | NP                              | NP            | C                                | --                               | --                   | --       |
| <b>Neighborhood Density<br/>Districts</b> | NP                              | NP            | See Section<br>4.1.2.4 - 4.1.2.5 | NP                               | NP                   | C        |
| Character Districts                       | NP                              | C             | --                               | C                                | NP                   | C        |
| Special Districts                         | --                              | NP            | NP                               | NP                               | C                    | C        |
| Legend                                    | -- = Not Allowed (PSA Required) |               | NP = Not Preferred               | C = Consider                     |                      |          |

# Comprehensive Plan Analysis

Step 3: What is the designated Neighborhood Density Category?

Single Family-6 (SF-6) is consistent with a “Low Density” Neighborhood Density Category

**TABLE 4.4 NEIGHBORHOOD DENSITY CATEGORIES**

| NEIGHBORHOOD DENSITY CATEGORIES | NEIGHBORHOOD DENSITY DISTRICTS | CONVENTIONAL, SPECIAL, AND LEGACY DISTRICTS            |
|---------------------------------|--------------------------------|--|
| Low Density                     | ND3                            | FD, AR, SF-R, MR, <b>SF-6</b> , SF4.5, DR, D, PH-ZL, P |
| Medium Density                  | ND3.5                          | TH, MF-12, P   |
| High Density                    | ND4                            | MU, MF-18, MF-24, P                                    |
| Commercial / Mixed Use          | N-MS                           | OP, NC, CC, GC, HC, LI, HI, MH, VMU, P                 |

Step 4: Which Neighborhood Zoning District is appropriate in this category?

ND-3 Zoning is “Considered”

**TABLE 4.5 NEIGHBORHOOD DENSITY DISTRICT / EXISTING ZONING TRANSLATION TABLE**

|        | NEIGHBORHOOD DENSITY CATEGORIES |                |              |                       |
|--------|---------------------------------|----------------|--------------|-----------------------|
|        | LOW DENSITY                     | MEDIUM DENSITY | HIGH DENSITY | COMMERCIAL/ MIXED USE |
| ND-3   | C                               | C              | NP           | NP*                   |
| ND-3.5 | NP*                             | C              | C            | NP*                   |
| ND-4   | NP*                             | NP             | C            | NP                    |
| N-MS   | NP*                             | NP*            | C            | C                     |

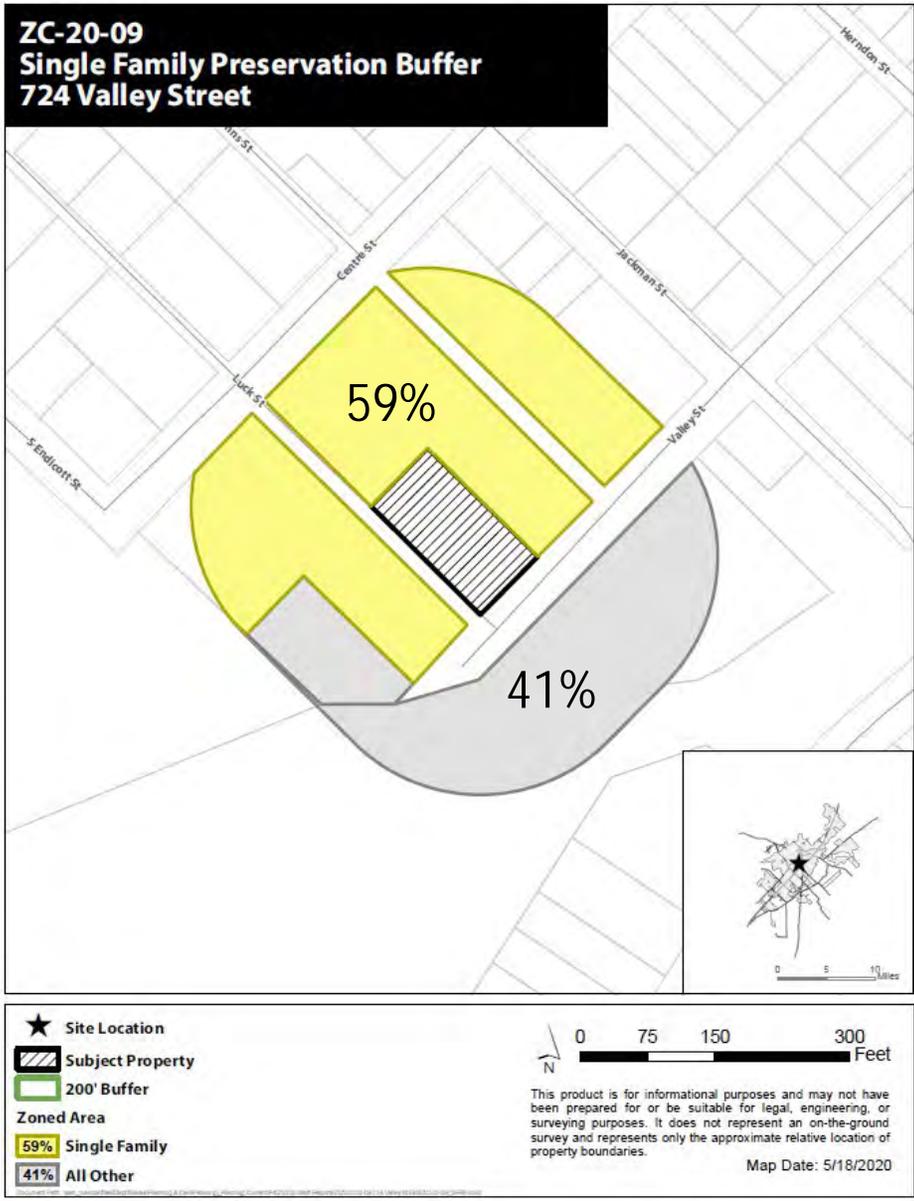
**LEGEND:**

C = Consider

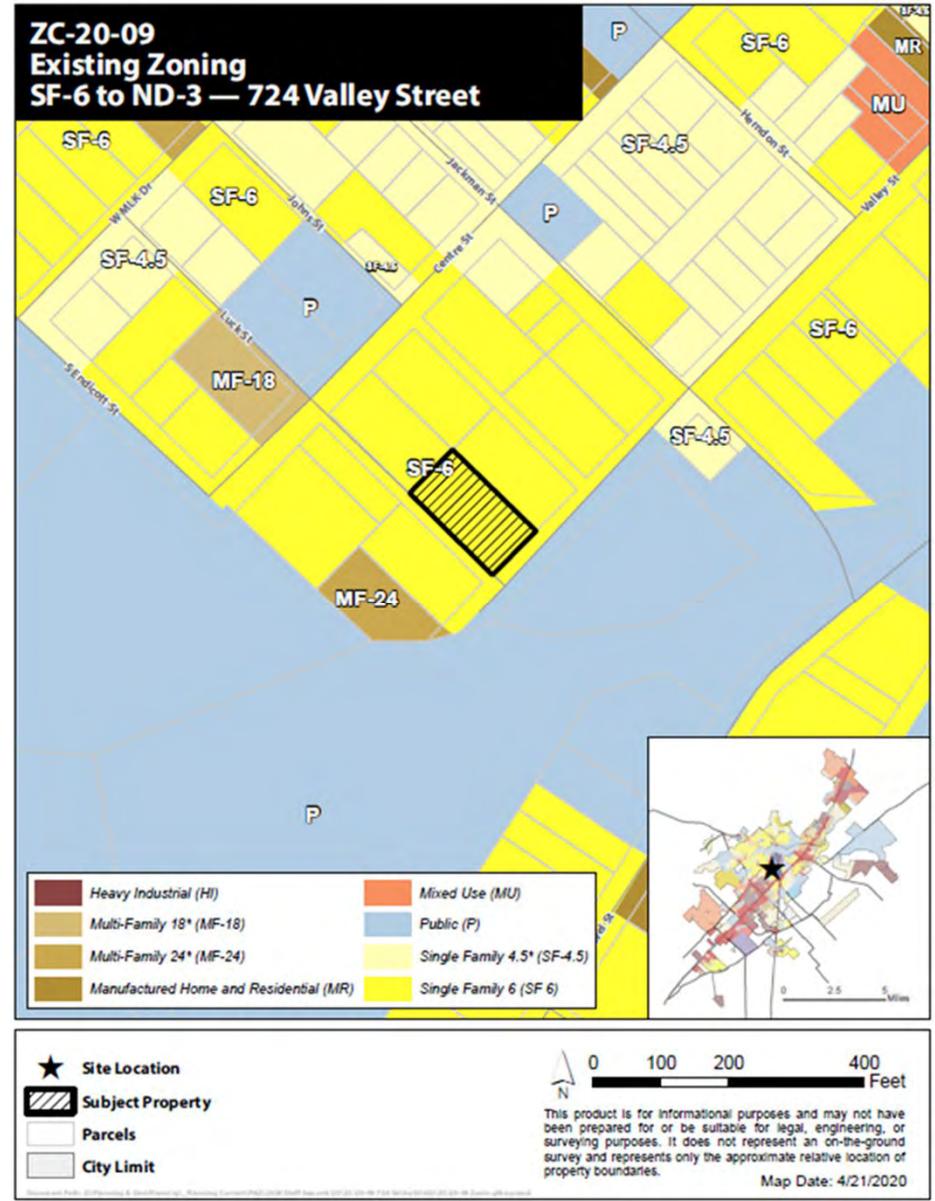
NP = Not Preferred

\* = 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.

An adopted small area plan or neighborhood character study for the area surrounding a subject property supersedes the analysis in this Table.



Single-Family  
Preservation Buffer



Zoning Map

# ND-3 Zoning Analysis:

- The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodated affordable alternatives for home ownership. ND-3 Should be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.
- **Allowable Building Types:** House, Cottage, Accessory Dwelling Unit, Zero Lot Line House, and Civic Building.
- Proposed rezoning aligns with vision of the Comprehensive Plan, which states that the community needs **diversified housing options.**
- The property is vacant.

4 CHAPTER \_\_\_\_\_ ZONING REGULATIONS

ND-3

SECTION 4.4.2.1 NEIGHBORHOOD DENSITY - 3

KEY - - - - - Property Line (ROW)  
A Metrics on Facing Page

FOR ILLUSTRATIVE PURPOSES ONLY





GENERAL DESCRIPTION

The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodate affordable alternatives for home ownership. ND-3 should be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

TRANSPORTATION

|                  |               |                  |
|------------------|---------------|------------------|
| Block Perimeter  | 2,800 ft. max | Section 3.6.2.1  |
| Streetscape Type | Residential   | Section 3.8.1.10 |

DENSITY

|                        |                 |
|------------------------|-----------------|
| Units Per Gross Acre   | 10 max.         |
| Impervious Cover       | 60% max.        |
| Occupancy Restrictions | Section 5.1.4.1 |

BUILDING TYPES ALLOWED

|                     |                  |
|---------------------|------------------|
| Accessory Dwelling  | Section 4.4.6.1  |
| House               | Section 4.4.6.2  |
| Cottage             | Section 4.4.6.3  |
| Zero Lot Line House | Section 4.4.6.6  |
| Civic               | Section 4.4.6.15 |

4-46
San Marcos Development Code Adopted: April 17, 2018

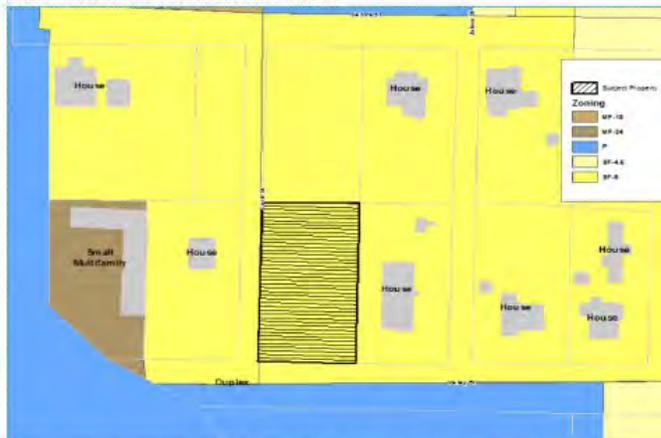
# Existing Neighborhood Regulating Plan

## PROPERTY: 724 VALLEY STREET EXISTING CONDITIONS ANALYSIS



| EXISTING STREETS AND STREETSAPES |  |
|----------------------------------|--|
|                                  | VALLEY STREET                            |
| Street Type                      | Neighborhood Street<br>Existing ROW: 50' |

### EXISTING ZONING AND BUILDING TYPES



City of San Marcos Planning and Development Services Department

## PROPERTY: 724 VALLEY STREET EXISTING NEIGHBORHOOD REGULATING PLAN ORDINANCE #: 2019-####

| PROPOSED ZONING REGULATIONS      |  |
|----------------------------------|--|
|                                  | Existing Lot   |
| Zoning District                  | Neighborhood Density - 3 (ND-3)  |
| Building Type                    | Cottage / Accessory Dwelling Unit  |
| Max. Units                       | 3, one cottage per lot and one Accessory Dwelling Unit on lot closest to Luck Street Alley |
| Required Streetscape             | Residential  |
| Street Type                      | Existing (no new streets required)   |
| Transitional Protective Yard     | N/A  |
| Residential Infill Compatibility | N/A (proposing new lot configuration)  |
| Parking location                 | Surface Parking: Second or Third Layer   |

### PROPOSED ZONING





## Environmental Analysis

- Located within the Purgatory Creek Watershed.
- Located on potentially erosive soils.
- Not located in floodplain.
- Not located within any Edwards Aquifer Zone.
- Not located on significant slopes.



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

|                             | 1<br>(least) | 2 | 3<br>(moderate) | 4 | 5<br>(most) |
|-----------------------------|--------------|---|-----------------|---|-------------|
| Level of Overall Constraint |              |   |                 | X |             |
| Constraint by Class         |              |   |                 |   |             |
| Cultural                    | X            |   |                 |   |             |
| Edwards Aquifer             |              | X |                 |   |             |
| Endangered Species          | X            |   |                 |   |             |
| Floodplains                 | X            | X |                 |   |             |
| Geological                  | X            |   |                 |   |             |
| Slope                       | X            |   |                 |   |             |
| Soils                       |              |   |                 | X |             |
| Vegetation                  | X            |   |                 |   |             |
| Watersheds                  |              |   |                 | X |             |
| Water Quality Zone          | X            |   |                 |   |             |



## Staff Recommendation:

Staff provides this request to the Commission for your consideration and recommends **approval** of the request for a zoning change from “SF-6” Single Family - 6 to “ND-3” Neighborhood Density – 3.

## Zoning District Comparison Chart

| Topic                               | Existing Zoning:<br>Single Family-6 (SF-6)   | Proposed Zoning:<br>Neighborhood Density-3 (ND-3)   |
|-------------------------------------|--|---|
| <b>Zoning Description</b>           | The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed. | The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodated affordable alternatives for home ownership. ND-3 Should be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed. |
| <b>Uses</b>                         | Single-family residential ( <i>See Land Use Matrix</i> )   | Residential ( <i>See Land Use Matrix</i> )  |
| <b>Parking Location</b>             | No location standards  | Parking allowed in the Second and Third Layer   |
| <b>Parking Standards</b>            | 2 spaces per single-family dwelling unit, 1 space per ADU  | 2 spaces per single-family dwelling unit, 1 space for ADU   |
| <b>Max Residential Units / acre</b> | 5.5 units per acre (max)   | 10 units per acre (max)   |
| <b>Occupancy Restrictions</b>       | Apply  | Apply   |
| <b>Landscaping</b>                  | Tree and shrub requirements  | Tree and shrub requirements   |
| <b>Building Height (max)</b>        | 2 stories  | 2 stories   |
| <b>Setbacks</b>                     | 25' front setback, 5' side setback, 20' rear setback.  | 15' front setback, 5' side setback, 15' rear set back.  |
| <b>Impervious Cover (max)</b>       | 50%  | 60%   |
| <b>Lot Sizes</b>                    | Minimum 50' wide 6,000 square feet.  | Allows a variety of lot sizes depending on Building Type.   |
| <b>Streetscapes</b>                 | Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.  | Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.   |
| <b>Blocks</b>                       | 3,000 ft. Block Perimeter max.   | 3,000 ft. Block Perimeter max.  |



Legislation Text

---

File #: ZC-20-10, Version: 1

---

**AGENDA CAPTION:**

ZC-20-10 (The Barracks) Hold a public hearing and consider a request by Ed Theriot on behalf of McCoy Family Partnership One and Two for a Zoning Change from Future Development (FD) to Planning Area District - Medium Intensity (PAD-MI), for approximately 109.5 acres out of the Barnett O. Kane, Cyrus Wickson, and J.M. Veramendi No. 1 surveys, located near the intersection of Wonder World Drive and Hwy 123. (W. Parrish)

Meeting date: July 28, 2020

Department: Planning and Development Services

**Amount & Source of Funding**

Funds Required: NA  
Account Number: NA  
Funds Available: NA  
Account Name: NA

**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 - Direct Growth, Compatible with Surrounding Uses
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services

Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

This property is primarily located within the Medical District Medium Intensity Area, with a small portion located within an Employment Area. It is currently vacant, and zoned Future Development (FD). The owner is proposing to re-zone to a Medium Intensity Planning Area, which would allow them some flexibility in determining zoning districts.

Some regulations that are specific to Planning Areas include a requirement for minimum 10% affordable housing requirement and increased parkland standards. Additionally, there is a regulating plan requirement in order to manage zoning district allocations, transportation plans (blocks, bike infrastructure, transit stops, etc.), park planning and maintenance, utility plans, and phasing.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff has reviewed the request for compliance with the criteria set forth in Section 2.5.1.4 of the San Marcos Development Code and recommends **approval** of the request as submitted.

|                       |                                      |
|-----------------------|--------------------------------------|
| <b>Zoning Request</b> | <b>The Barracks</b>                  |
| <b>ZC-20-10</b>       | FD to Medium Intensity Planning Area |



**Summary**

|                   |  |                        |   |
|-------------------|--|------------------------|---|
| <b>Request:</b>   | Re-zone approximately 109 acres currently zoned Future Development (FD) to Medium Intensity Planning Area. |                        |   |
| <b>Applicant:</b> | Ed Theriot<br>7401B Hwy 71 Ste. 160<br>Austin, TX 78735  | <b>Property Owner:</b> | McCoy Family Partnership<br>514 Deacon W Drive<br>College Station, TX 77842 |

**Notification**

|                     |   |                              |    |
|---------------------|---|------------------------------|----|
| <b>Application:</b> | May 29, 2020  | <b>Neighborhood Meeting:</b> | NA |
| <b>Published:</b>   |   | <b># of Participants</b>     | NA |
| <b>Posted:</b>      |   | <b>Personal:</b>             |    |
| <b>Response:</b>    | There has been no response as of the time of this Staff Report. |                              |    |

**Property Description**

|                              |  |  |   |
|------------------------------|--|--|---|
| <b>Legal Description:</b>    | Approximately 109 acres out of the Barnett O. Kane, Cyrus Wickson, and J.M. Veramendi No. 1 surveys, Hays County, Texas. |  |   |
| <b>Location:</b>             | Near the intersection of Wonder World Drive and Hwy 123  |  |   |
| <b>Acreage:</b>              | 109 +/-  | <b>PDD/DA/Other:</b>                     | N/A   |
| <b>Existing Zoning:</b>      | Future Development (FD)  | <b>Proposed Zoning:</b>                  | Medium Intensity Planning Area                      |
| <b>Existing Use:</b>         | Vacant   | <b>Proposed Use:</b>                     | Residential / Commercial                            |
| <b>Existing Occupancy:</b>   | NA   | <b>Proposed Occupancy:</b>               | No  |
| <b>Preferred Scenario:</b>   | Medium Intensity Medical District / Employment Area  | <b>Proposed Designation:</b>             | Medium Intensity Medical District / Employment Area |
| <b>CONA Neighborhood:</b>    | Dunbar   | <b>Sector:</b>                           |   |
| <b>Utility Capacity:</b>     | Adequate / will be extended by developer   | <b>Floodplain:</b>                       | No  |
| <b>Historic Designation:</b> | NA   | <b>My Historic SMTX Resources Survey</b> | NA  |

**Surrounding Area**

|                           | <b>Zoning</b>    | <b>Existing Land Use</b> | <b>Preferred Scenario</b>                |
|---------------------------|------------------|--------------------------|--|
| <b>North of Property:</b> | FD / MF-24       | Vacant / Multifamily     | Medium Intensity                         |
| <b>South of Property:</b> | FD / LI          | Vacant                   | Employment Area                          |
| <b>East of Property:</b>  | LI / ETJ / MF-12 | Vacant                   | Medium Intensity / Existing Neighborhood |
| <b>West of Property:</b>  | FD / LI / HI     | Vacant / Industrial      | Employment Area                          |

|                       |                                      |
|-----------------------|--------------------------------------|
| <b>Zoning Request</b> | <b>The Barracks</b>                  |
| <b>ZC-20-10</b>       | FD to Medium Intensity Planning Area |



**Staff Recommendation**

|  |                              |                        |                               |
|--|------------------------------|------------------------|-------------------------------|
| <b>X</b>                               | <b>Approval as Submitted</b> | Alternate Approval     | Denial                        |
| <b>Staff:</b> Will Parrish AICP, CNU-A |                              | <b>Title :</b> Planner | <b>Date:</b> January 20, 2020 |

**History**

This property is primarily located within the Medical District Medium Intensity Area, with a small portion located within an Employment Area. It is currently vacant, and zoned Future Development (FD). The owner is proposing to re-zone to a Medium Intensity Planning Area, which would allow them some flexibility in determining zoning districts.

**Additional Analysis**

Planning Area Districts are intended for larger greenfield tracts in low to medium intensity areas or Employment Areas where residential and commercial uses are anticipated. The Planning Area District allows for flexibility in zoning of specific parcels of land within the district, with minimum and maximum percentages allowed for each zoning district within the Planning Area.

The Medium Intensity Planning area allows for the following allocation of zoning districts:

|                       |  |                               |                                  |
|-----------------------|--|-------------------------------|----------------------------------|
| Medium Intensity Zone | Medium Intensity Planning Area. The intention of the medium intensity planning are is to accommodate new master planned communities with diverse housing types developed around a 5 minute walk to all services. | CD-1, 2, or 3<br>CD-4<br>CD-5 | 10 - 30%<br>30 - 60%<br>10 - 30% |
|-----------------------|--|-------------------------------|----------------------------------|

The applicant is proposing a master planned community that includes townhomes, multifamily, and commercial uses. The townhomes will be on their own individual lots, and be a for sale product. As the townhomes are anticipated to make up the majority of residential zoned property, it is anticipated that they will be zoned CD-3 and CD-4. The applicant is also anticipating a multifamily component, which may be located in a CD-4 or CD-5 zoning district. Any future Purpose Built Student Housing will be required to submit a CUP and is only allowed within the CD-5 zoning district. Commercial uses closer to Hwy 123 will most likely be zoned CD-4 or CD-5.

Some regulations that are specific to Planning Areas include a requirement for minimum 10% affordable housing requirement and increase parkland standards. Additionally there is a regulating plan requirement in order to manage zoning district allocations, transportation plans (blocks, bike infrastructure, transit stops, etc.), park planning and maintenance, utility plans, and phasing.

|                       |                                      |
|-----------------------|--------------------------------------|
| <b>Zoning Request</b> | <b>The Barracks</b>                  |
| <b>ZC-20-10</b>       | FD to Medium Intensity Planning Area |



| <u>Comments from Other Departments</u> |  |
|--|--|
| <b>Police</b>                          | No Comment   |
| <b>Fire</b>                            | No Comment   |
| <b>Public Services</b>                 | Property is split between SMEU and Bluebonnet Electric Co Op |
| <b>Engineering</b>                     | No Comment   |

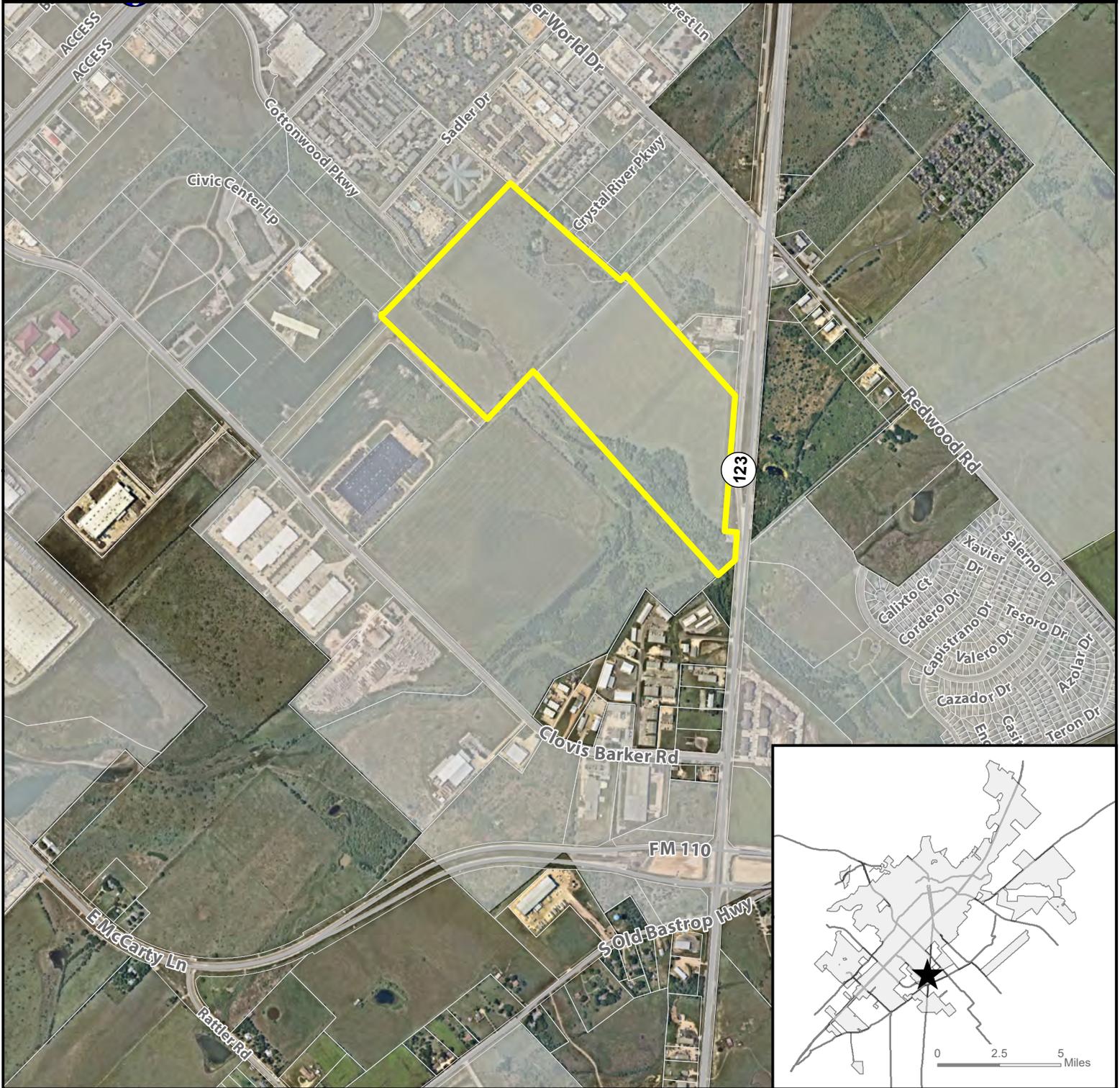
| Evaluation |              |            | Criteria for Approval (Sec.2.5.1.4)  |
|------------|--------------|------------|--|
| Consistent | Inconsistent | Neutral    |  |
| <u>X</u>   |              |            | <p>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map.</p> <p><b>Table 4.1 of the San Marcos Development Code identifies Character Districts as districts that are C - Considered in Low Intensity Zones, all other districts are identified as NP – Not Preferred.</b></p>                            |
|            |              | <u>N/A</u> | <p>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area.</p> <p><b>Studies were not complete at the time of this request.</b></p>   |
|            |              | <u>N/A</u> | <p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect.</p> <p><b>There are no development agreements associated with this site.</b></p>   |
| <u>X</u>   |              |            | <p>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified.</p> <p><b>The uses proposed are consistent with surrounding uses and zoning.</b></p>   |
| <u>X</u>   |              |            | <p>Whether the proposed zoning will reinforce the existing or planned character of the area.</p> <p><b>The proposed district is consistent with the existing character of the area. There is multifamily zoned lots in the immediate vicinity of the request and the applicant is proposing commercial uses along Hwy 123.</b></p>   |
| <u>X</u>   |              |            | <p>Whether the site is appropriate for the development allowed in the proposed district.</p> <p><b>A mix of residential and commercial uses is appropriate for the site</b></p>  |
| <u>X</u>   |              |            | <p>Whether there are substantial reasons why the property cannot be used according to the existing zoning.</p> <p><b>The property is currently zoned FD, which does not allow any of the proposed uses. FD does allow the development of large lot single family homes, however this is inconsistent with the Comprehensive Plan and Preferred Scenario Map for this area.</b></p> |

|                |                                      |
|----------------|--------------------------------------|
| Zoning Request | The Barracks                         |
| ZC-20-10       | FD to Medium Intensity Planning Area |

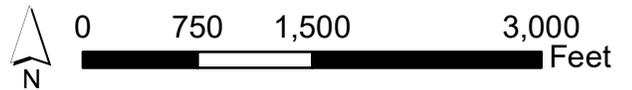


| Evaluation | Criteria for Approval (Sec.2.5.1.4) | Evaluation | Criteria for Approval (Sec.2.5.1.4)  |
|------------|-------------------------------------|------------|--|
| <u>X</u>   |                                     |            | Whether there is a need for the proposed use at the proposed location.<br><b><i>The rezoning does serve a public purpose as it furthers the goals and vision of the Comprehensive Plan by providing a diversity of housing types.</i></b>  |
| <u>X</u>   |                                     |            | Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development.<br><b><i>The property is located within a Medium Intensity Zone with adequate services. The developer will be responsible for extending services within the property.</i></b> |
| <u>X</u>   |                                     |            | Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property.<br><b><i>Staff does not anticipate adverse impacts on adjacent property as the proposed use is consistent with the surrounding uses.</i></b>   |
|            |                                     | <u>X</u>   | 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.<br><b><i>This request is for a Medium Intensity Planning Area, which only allows Character Districts.</i></b>  |
| <u>X</u>   |                                     |            | 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.<br><b><i>This property is located alongside Cottonwood Creek, which does have a floodplain associated with it. The applicant has identified areas near the creek to be open space. Development near the floodplain is regulated by the San Marcos Development Code.</i></b>  |
| <u>X</u>   |                                     |            | Any other factors which shall substantially affect the public health, safety, morals, or general welfare.<br><b><i>None noted.</i></b>   |

# ZC-20-10 Aerial View The Barracks — HWY 123



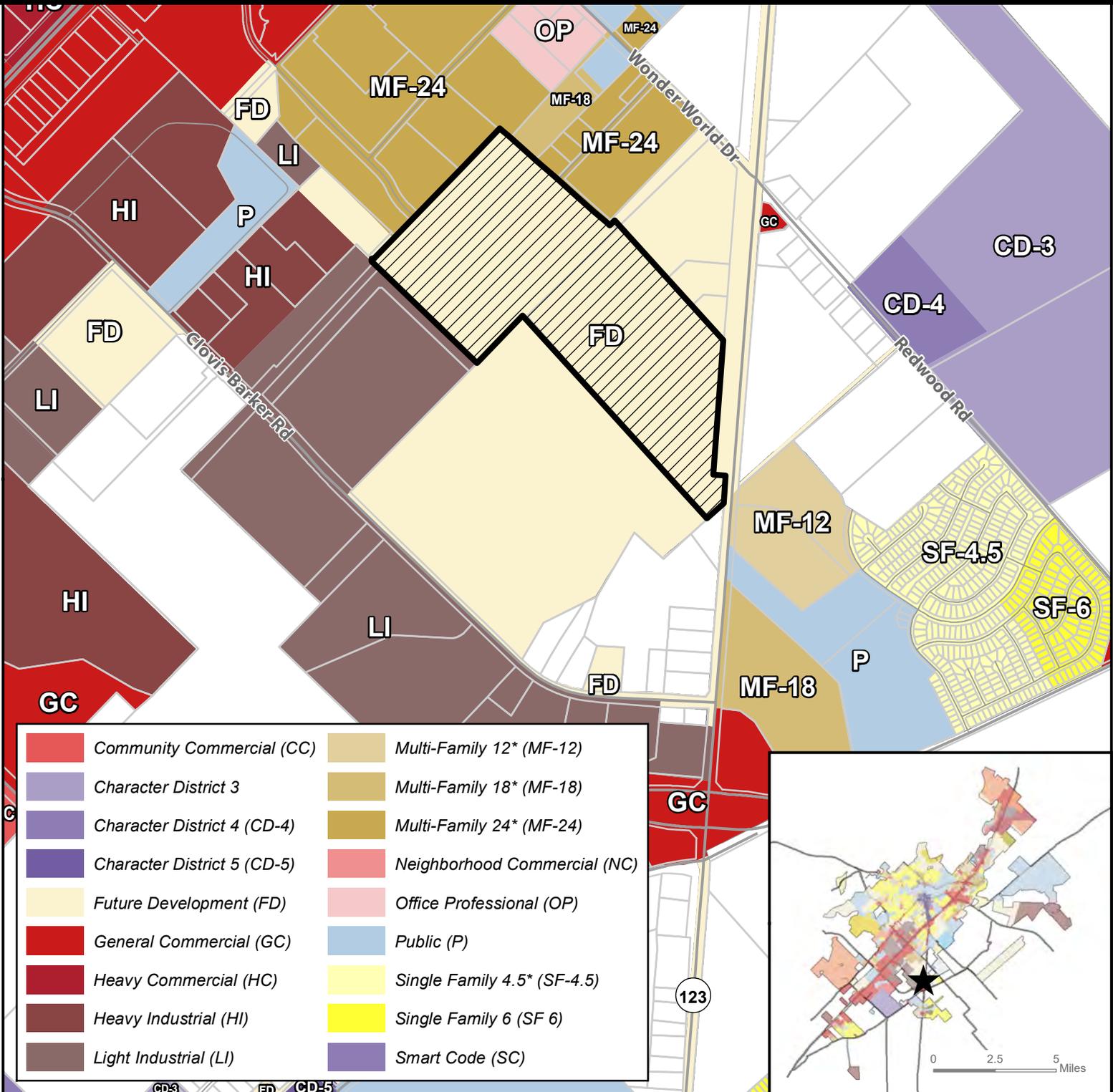
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



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. Imagery from 2017.

Map Date: 6/26/2020

# ZC-20-10 Existing Zoning The Barracks — HWY 123

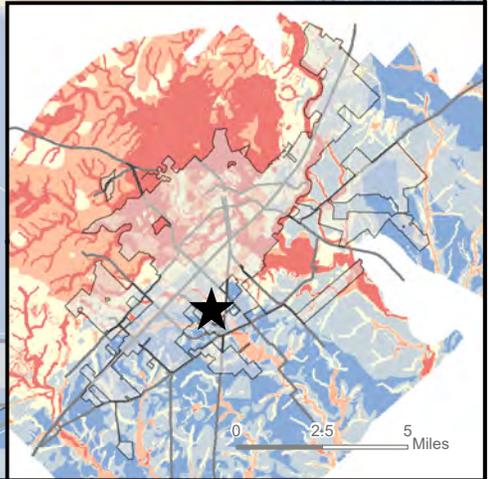
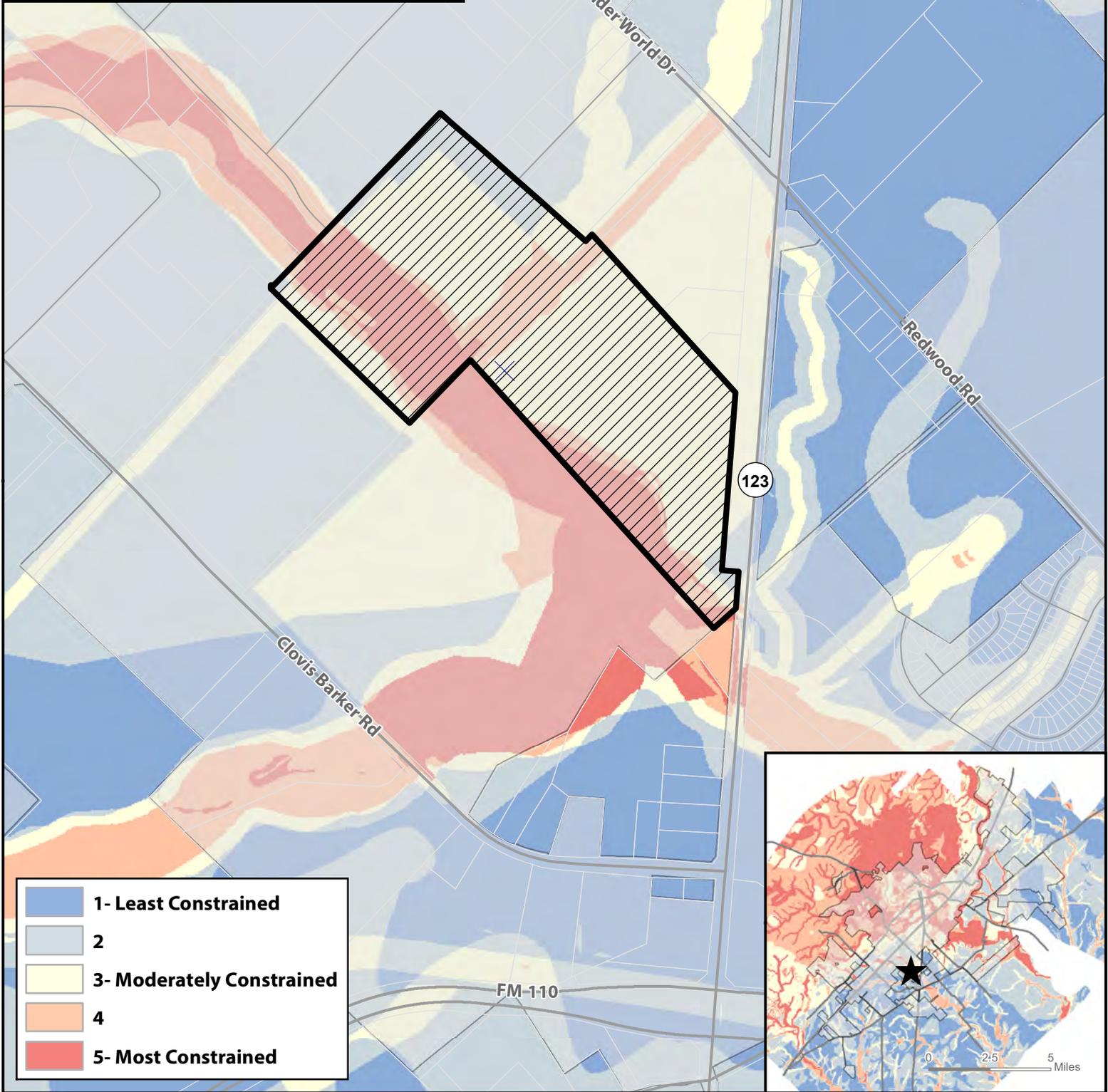


|  |                         |  |   |     |       |       |      |
|--|-------------------------|--|---|-----|-------|-------|------|
|  | <b>Site Location</b>    |  | 0 | 750 | 1,500 | 3,000 | Feet |
|  | <b>Subject Property</b> |  |   |     |       |       |      |
|  | <b>Parcels</b>          |  |   |     |       |       |      |
|  | <b>City Limit</b>       |  |   |     |       |       |      |

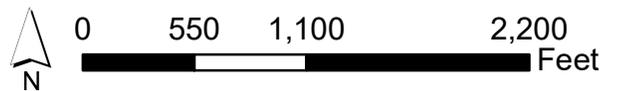
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Map Date: 6/26/2020

# ZC-20-10 Land Use Suitability The Barracks — HWY 123



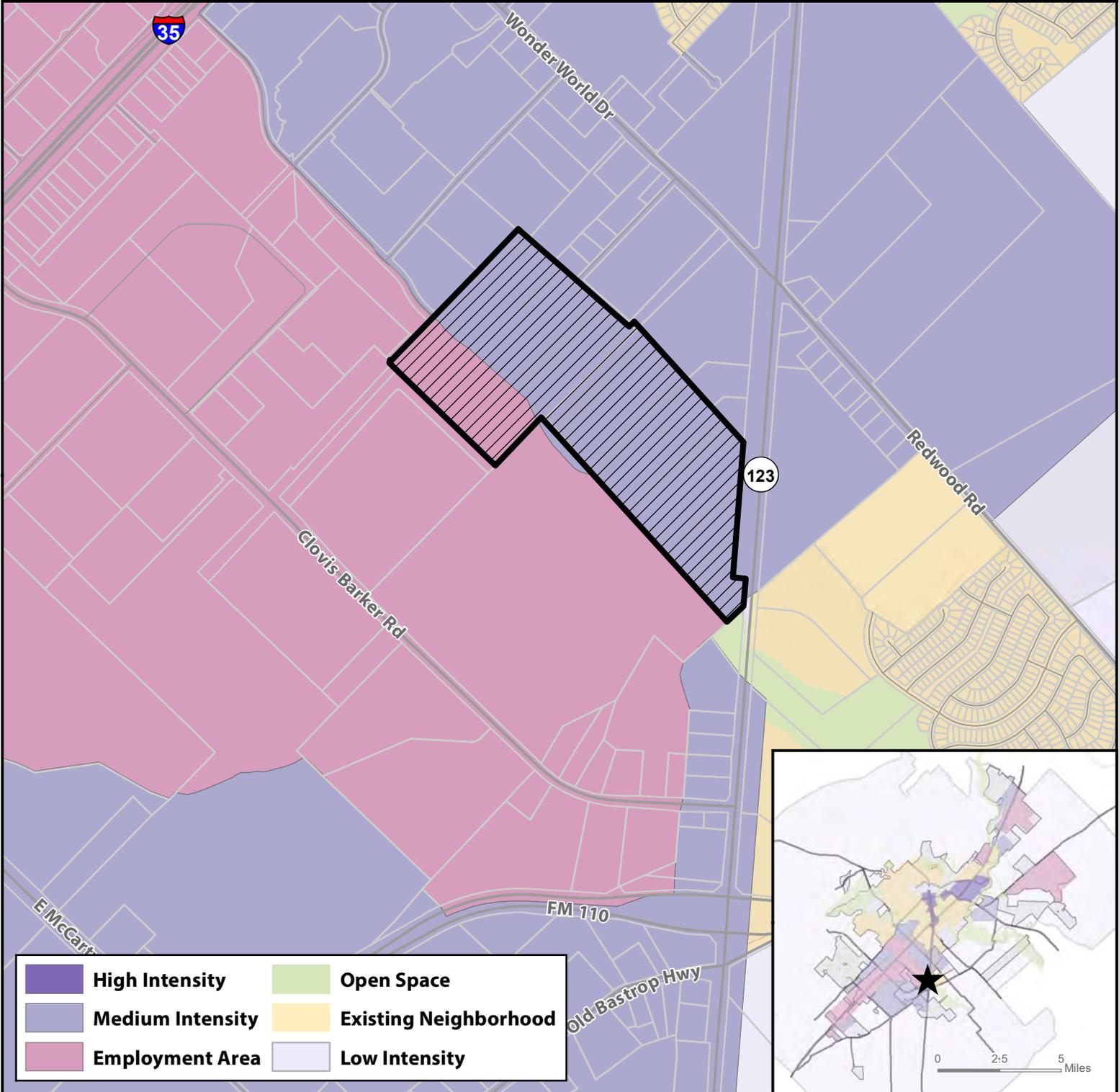
- Site Location**
- Subject Property**
- Parcels**
- City Limit**



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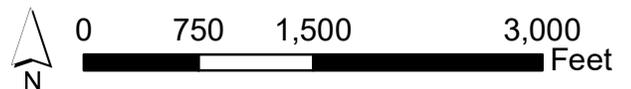
Map Date: 7/6/2020

# ZC-20-10 Preferred Scenario The Barracks — HWY 123



|  |                         |   |                              |
|--|-------------------------|---|------------------------------|
|  | <b>High Intensity</b>   |  | <b>Open Space</b>            |
|  | <b>Medium Intensity</b> |  | <b>Existing Neighborhood</b> |
|  | <b>Employment Area</b>  |  | <b>Low Intensity</b>         |

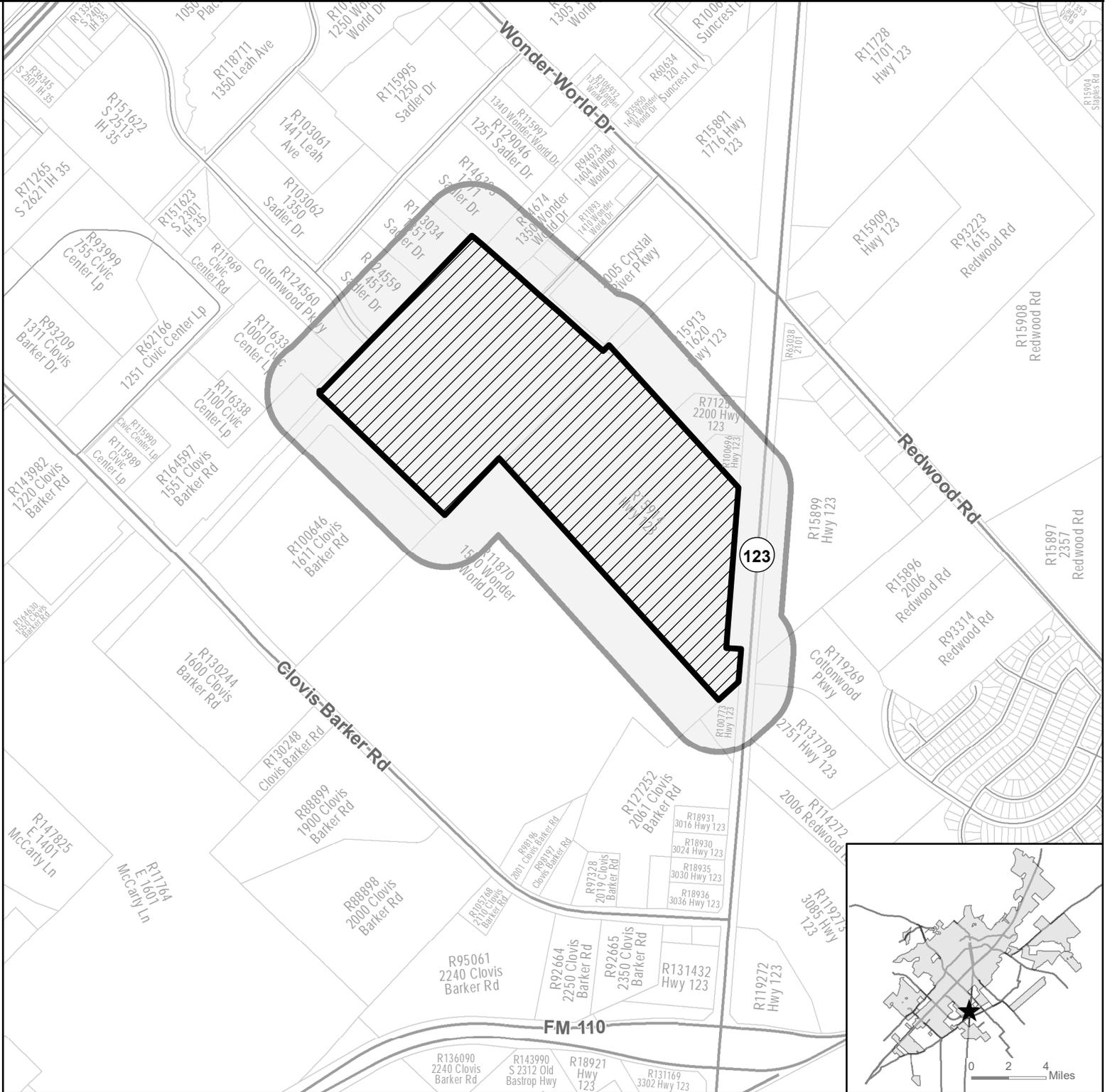
-  **Site Location**
-  **Subject Property**
-  **Parcels**
-  **City Limit**



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.

Map Date: 6/26/2020

# ZC-20-10 400' Notification Buffer The Barracks — HWY 123



|  |                         |   |
|--|-------------------------|---|
|  | <b>Site Location</b>    |   |
|  | <b>Subject Property</b> |   |
|  | <b>400' Buffer</b>      |   |
|  | <b>Parcel</b>           |   |
|  | <b>City Limit</b>       |   |

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.

Map Date: 6/26/2020

| Property ID | Owner Name                         | Property Address         | Owner Address  | City            | State | Owner Zip  |
|-------------|------------------------------------|--------------------------|--|-----------------|-------|------------|
| 127252      | 2061 CLOVIS BARKER LLC             | 2061 CLOVIS BARKER       | JCL 48 INVESTMENT LLC (22.222%)<br>17401 RUSH PEA CIRCLE | AUSTIN          | TX    | 78738-4045 |
| 15913       | CCMCCOY LLC                        | WONDER WORLD DR @ SH 123 | 8608 CALERA DR   | AUSTIN          | TX    | 78735-1570 |
| 116339      | CIVIC 2000 LLC                     | 1000 CIVIC CENTER        | 5100 W HIGHWAY 290 STE 2-200                             | AUSTIN          | TX    | 78735-9003 |
| 130244      | CLOVIS BARKER BUSINESS PARK LP     | 1600 CLOVIS BARKER       | 223 HULL RD  | SUGAR LAND      | TX    | 77498-5007 |
| 164597      | DBI SAN MARCOS PROPERTY LP         | CLOVIS BARKER            | ATTN: WILLIAM W HALL, VP<br>DBEARDEN INVESTMENTS-GP LLC  | SUGAR LAND      | TX    | 77498-5007 |
| 100646      | GENLYTE THOMAS GROUP LLC           | 1500-1600 CLOVIS BARKER  | % WIDE LITE DIVISION<br>1611 CLOVIS BARKER RD            | SAN MARCOS      | TX    | 78666      |
| 146393      | HAYDEN FIFTH AVENUE LLC            | 1271 SADLER              | Attn: ASHLEY HAYDEN<br>3 MONROE PKWY                     | LAKE OSWEGO     | OR    | 97035      |
| 11894       | HERNANDEZ CHRISTINA                | 1416 WONDER WORLD        | 205 ALMQUIST ST  | HUTTO           | TX    | 78634-3296 |
| 15899       | MARTINEZ JAIME J<br>RUSSEK         | SH 123                   | 910 RIO VERDE  | NEW<br>BRANFELS | TX    | 78130-2419 |
| 15912       | MCCOY FAMILY PARTNERSHIP ONE       | CLOVIS BARKER            | P O BOX 1028   | SAN MARCOS      | TX    | 78667-1028 |
| 15914       | MCCOY FAMILY PARTNERSHIP TWO       | SH 123                   | P O BOX 1028   | SAN MARCOS      | TX    | 78667-1028 |
| 98196       | PAP CO INC                         | 2190 CLOVIS BARKER       | A TEXAS CORP<br>103 W MIMOSA CIR                         | SAN MARCOS      | TX    | 78666      |
| 88899       | PAVESTONE COMPANY LP               | 1900 CLOVIS BARKER       | Attn: KAREN KULP-TAX DEPT.<br>5 CONCOURSE PKWY           | ATLANTA         | GA    | 30328-6111 |
| 130248      | PAVESTONE LLC                      | CLOVIS BARKER            | Attn: KAREN KULP-TAX DEPT.<br>5 CONCOURSE PKWY           | ATLANTA         | GA    | 30328-6111 |
| 11962       | PENA, ANNA MARIA                   | WONDER WORLD             | 18310 W LOCK ST  | TONIBALL        | TX    | 77375      |
| 97327       | RAINS, DONALD P                    | 2011 CLOVIS BARKER       | 2011 CLOVIS BARKER RD                                    | SAN MARCOS      | TX    | 78666      |
| 71251       | REMME-MCCOY PROPERTY SOLUTIONS LLC | 2200 SH 123              | 2206 LAKE AUSTIN BLVD                                    | AUSTIN          | TX    | 78703-4548 |
| 119269      | RIO MARC DEVELOPMENT LTD           | SH 123                   | 407 S STAGECOACH TRL<br>STE 203                          | SAN MARCOS      | TX    | 78666-5063 |
| 124559      | SADLER ROAD MF HJ LP               | 1451 SADLER              | 4611 BEE CAVE RD<br>STE 203                              | AUSTIN          | TX    | 78746      |
| 123034      | SAN MARCOS THREE HOLDINGS LLC      | 1351 SADLER              | Attn: JACK H SANDERS<br>145 N HIGHLAND DR                | MANY            | LA    | 71449      |

|        |  |                      |                         |            |    |            |
|--------|--|----------------------|-------------------------|------------|----|------------|
| 97328  | SM, LEASING INC                            | 2019 CLOVIS BARKER   | 2019 CLOVIS BARKER RD   | SAN MARCOS | TX | 78666      |
| 98197  | STE OIL COMPANY INC                        | 2001 CLOVIS BARKER   | 2001 CLOVIS R BARKER RD | SAN MARCOS | TX | 78666-9573 |
| 11895  | VELASQUEZ, DOMINGO                         | WONDER WORLD         | 5968 FM 621             | MARTINDALE | TX | 78655      |
| 105768 | WEST TEXAS<br>COMMERCIAL<br>PROPERTIES LTD | 2110 CLOVIS R BARKER | 6021 43RD ST            | LUBBOCK    | TX | 79407-3712 |
| 11900  | WW MULTIFAMILY LP                          | 1416 WONDER WORLD    | 11500 CITRUS CV         | AUSTIN     | TX | 78750-3672 |

## Zoning District Comparison Chart

| Topic                               | <b>Existing Zoning:<br/>Future Development (FD)</b>   | <b>Proposed Zoning:<br/>Medium Intensity Planning Area (MI-PA)</b>  |
|-------------------------------------|---|---|
| <b>Zoning Description</b>           | 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. | MI-PA is intended for larger greenfield tracts in medium intensity areas where residential uses and commercial uses are developed as part of a master plan. The planning area district creates urban environments with a mix of housing, civic, retail and service choices within a compact, walkable environment. These walkable environments are defined by an area encompassed within a one-quarter to one-half-mile radius. This distance is the average most pedestrians will walk before they consider other modes of transportation. |
| <b>Uses</b>                         | Residential and Agricultural ( <i>See Land Use Matrix</i> )   | Residential and commercial. ( <i>See Land Use Matrix</i> )  |
| <b>Parking Location</b>             | No location standards   | Varies based on district  |
| <b>Parking Standards</b>            | 2 spaces per dwelling unit (if single family detached)  | Varies based on use   |
| <b>Max Residential Units / acre</b> | 0.4 units per acre (max)  | Based on parking  |
| <b>Occupancy Restrictions</b>       | N/A   | N/A   |
| <b>Landscaping</b>                  | Tree and shrub requirements   | Parking lot and Street Tree requirements  |
| <b>Building Height (max)</b>        | 2 stories   | <b>CD-1:</b> N/A <b>CD-4:</b> 3 stories<br><b>CD-2:</b> N/A <b>CD-5:</b> 5 stories<br><b>CD-3:</b> 2 Stories  |
| <b>Setbacks</b>                     | 50' front, 25' secondary street, 20' side, 20% rear   | Based on Zoning District  |

| Topic                  | Existing Zoning:<br>Future Development (FD)   | Proposed Zoning:<br>Planning Area (PA)  |
|------------------------|---|---|
| Impervious Cover (max) | 30%   | CD-1: 20%                      CD-4: 80%<br>CD-2: 20%                      CD-5: 100%<br>CD-3: 60%                          |
| Lot Sizes              | Allows a variety of lot sizes depending on Building Type.   | Lot size varies depending on zoning district and building type.   |
| Streetscapes           | Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area. | Residential and Main Street.  |
| Blocks                 | No Block Perimeter Required   | CD-1 and CD-2: N/A<br>CD-3: 2,800 ft. block perimeter<br>CD-4: 2,400 ft. block perimeter<br>CD-5: 2,000 ft. block perimeter |

Section 5.1.1.2 Land Use Matrix **Future Development (FD) VS. Character District 1 - 5 (CD-1, CD-2, CD-3, CD-4, CD-5)**

**TABLE 5.1 LAND USE MATRIX**

| TYPES OF LAND USES                     | CONVENTIONAL RESIDENTIAL |      |      | NEIGHBORHOOD DENSITY DISTRICTS |      |        |      | CHARACTER DISTRICTS |      |      |      |      | SPECIAL DISTRICTS |       |    |    |    | DEFINITION USE STANDARDS |    |                 |
|--|--------------------------|------|------|--------------------------------|------|--------|------|---------------------|------|------|------|------|-------------------|-------|----|----|----|--------------------------|----|-----------------|
|  | FD                       | SF-R | SF-6 | SF-4.5                         | ND-3 | ND-3.5 | ND-4 | N-MS                | CD-1 | CD-2 | CD-3 | CD-4 | CD-5              | CD-5D | HC | LI | HI |                          | MH | EC              |
| <b>AGRICULTURAL USES</b>               |                          |      |      |                                |      |        |      |                     |      |      |      |      |                   |       |    |    |    |                          |    |                 |
| Barns or agricultural buildings        | P                        | L    | --   | --                             | --   | --     | --   | --                  | P    | P    | L    | --   | --                | --    | P  | -- | -- | --                       | -- | Section 5.1.2.1 |
| Stables                                | P                        | L    | --   | --                             | --   | --     | --   | --                  | --   | P    | L    | --   | --                | --    | P  | -- | -- | --                       | -- | Section 5.1.2.2 |
| Community Garden                       | P                        | P    | L    | L                              | L    | L      | L    | --                  | P    | P    | L    | L    | L                 | L     | P  | P  | P  | P                        | P  | Section 5.1.2.3 |
| Urban Farm                             | P                        | C    | C    | C                              | C    | L      | L    | C                   | P    | P    | L    | L    | C                 | C     | P  | P  | -- | P                        | C  | Section 5.1.2.4 |
| Plant Nursery                          | L                        | --   | --   | --                             | --   | --     | --   | P                   | --   | L    | --   | --   | P                 | P     | P  | P  | P  | --                       | P  | Section 5.1.2.5 |
| <b>ACCESSORY USES AND STRUCTURES</b>   |                          |      |      |                                |      |        |      |                     |      |      |      |      |                   |       |    |    |    |                          |    |                 |
| Accessory Building/Structure           | P                        | P    | P    | P                              | P    | P      | P    | P                   | P    | P    | P    | P    | P                 | P     | P  | P  | P  | P                        | P  | Section 5.1.3.1 |
| Accessory Dwelling Unit                | L                        | L    | L    | L                              | L    | L      | P    | P                   | --   | P    | L    | P    | P                 | P     | -- | -- | -- | --                       | -- | Section 5.1.3.1 |
| Accessory Use, except as listed below: | P                        | P    | P    | P                              | P    | P      | P    | P                   | P    | P    | P    | P    | P                 | P     | P  | P  | P  | P                        | P  | Section 5.1.3.2 |
| Outdoor Storage                        | --                       | --   | --   | --                             | --   | --     | --   | --                  | --   | --   | --   | --   | --                | --    | P  | L  | P  | --                       | L  | Section 5.1.3.2 |
| Outdoor Display                        | --                       | --   | --   | --                             | --   | --     | --   | L                   | --   | --   | --   | --   | L                 | L     | P  | -- | -- | --                       | L  | Section 5.1.3.2 |
| Food Truck                             | --                       | --   | --   | --                             | --   | --     | --   | P                   | --   | --   | --   | --   | P                 | P     | P  | P  | P  | --                       | P  | Section 5.1.3.1 |
| Drive-thru or Drive-in                 | --                       | --   | --   | --                             | --   | --     | --   | C                   | --   | --   | --   | --   | C                 | C     | P  | -- | -- | --                       | P  | Section 5.1.3.2 |
| Home Occupation                        | L                        | L    | L    | L                              | L    | L      | L    | --                  | --   | L    | L    | L    | --                | --    | -- | -- | -- | --                       | -- | Section 5.1.3.4 |
| Family Home Care                       | P                        | P    | P    | P                              | P    | P      | P    | --                  | --   | P    | P    | P    | --                | --    | -- | -- | -- | --                       | -- | Section 5.1.3.5 |
| Short Term Rental                      | L                        | L    | L    | L                              | L    | L      | L    | P                   | --   | L    | L    | P    | P                 | P     | -- | -- | -- | L                        | P  | Section 5.1.3.6 |
| <b>RESIDENTIAL USES</b>                |                          |      |      |                                |      |        |      |                     |      |      |      |      |                   |       |    |    |    |                          |    |                 |
| Single Family Detached                 | P                        | L    | L    | L                              | L    | L      | L    | --                  | --   | P    | P    | P    | --                | --    | -- | -- | -- | --                       | -- | Section 5.1.4.1 |
| Cottage Court                          | --                       | --   | --   | --                             | --   | L      | L    | --                  | --   | --   | P    | P    | --                | --    | -- | -- | -- | --                       | -- | Section 5.1.4.1 |
| Two Family                             | --                       | --   | --   | --                             | --   | L      | L    | --                  | --   | --   | P    | P    | --                | --    | -- | -- | -- | --                       | -- | Section 5.1.4.1 |
| Single Family Attached                 | --                       | --   | --   | --                             | L    | L      | L    | L                   | --   | --   | P    | P    | P                 | P     | -- | -- | -- | --                       | -- | Section 5.1.4.1 |
| Small Multi-Family (up to 9 units)     | --                       | --   | --   | --                             | --   | L      | L    | L                   | --   | --   | --   | P    | P                 | P     | -- | -- | -- | --                       | -- | Section 5.1.4.1 |
| Courtyard Housing (up to 24 units)     | --                       | --   | --   | --                             | --   | --     | L    | L                   | --   | --   | --   | P    | P                 | P     | -- | -- | -- | --                       | -- | Section 5.1.4.1 |
| Multi-family (10 or more units)        | --                       | --   | --   | --                             | --   | --     | --   | --                  | --   | --   | --   | P    | P                 | P     | -- | -- | -- | --                       | -- | Section 5.1.4.1 |
| Purpose Built Student Housing          | --                       | --   | --   | --                             | --   | --     | --   | --                  | --   | --   | --   | --   | C                 | C     | -- | -- | -- | --                       | -- | Section 5.1.4.1 |
| Manufactured Home                      | --                       | --   | --   | --                             | --   | --     | --   | --                  | --   | --   | --   | --   | --                | --    | -- | -- | -- | P                        | -- | Section 5.1.4.1 |
| Mobile Home Community                  | --                       | --   | --   | --                             | --   | --     | --   | --                  | --   | --   | --   | --   | --                | --    | -- | -- | -- | P                        | -- | Section 5.1.4.1 |

TABLE 5.1 LAND USE MATRIX

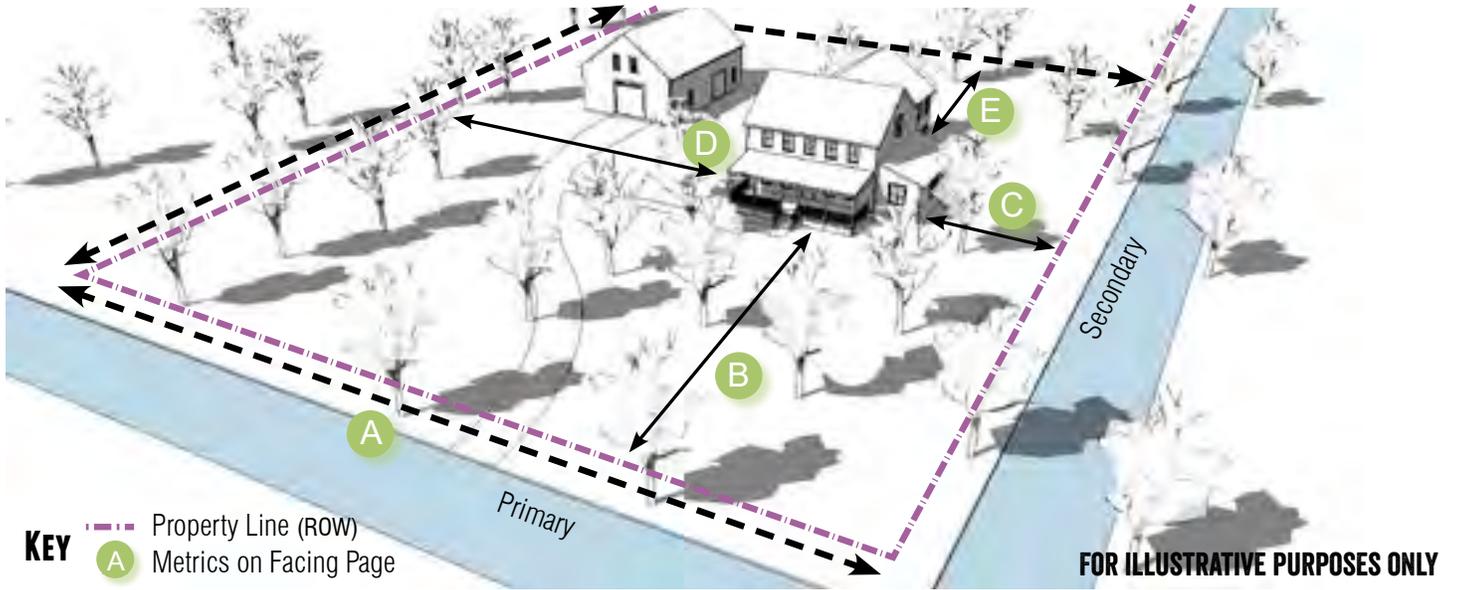
| TYPES OF LAND USES                         | CONVENTIONAL RESIDENTIAL                  |      |      |        | NEIGHBORHOOD DENSITY DISTRICTS |        |      |      | CHARACTER DISTRICTS |      |      |      |      | SPECIAL DISTRICTS |    |    |    |    | DEFINITION USE STANDARDS |                  |
|--|---|------|------|--------|--------------------------------|--------|------|------|---------------------|------|------|------|------|-------------------|----|----|----|----|--------------------------|------------------|
|  | FD  | SF-R | SF-6 | SF-4.5 | ND-3                           | ND-3.5 | ND-4 | N-MS | CD-1                | CD-2 | CD-3 | CD-4 | CD-5 | CD-5D             | HC | LI | HI | MH |                          | EC               |
| Community Home                             | L   | L    | L    | L      | L                              | L      | P    | P    | --                  | P    | P    | P    | P    | P                 | -- | -- | -- | L  | --                       | Section 5.1.4.12 |
| Fraternity or Sorority Building            | --  | --   | --   | --     | --                             | --     | C    | C    | --                  | --   | --   | C    | P    | P                 | -- | -- | -- | -- | --                       | Section 5.1.4.12 |
| <b>COMMERCIAL USES</b>                     |   |      |      |        |                                |        |      |      |                     |      |      |      |      |                   |    |    |    |    |                          |                  |
| Professional Office                        | --  | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P                 | P  | P  | -- | -- | P                        | Section 5.1.5.1  |
| Medical, except as listed below:           | --  | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P                 | P  | -- | -- | -- | P                        | Section 5.1.5.2  |
| Urgent care, emergency clinic, or hospital | --  | --   | --   | --     | --                             | --     | --   | P    | --                  | --   | --   | --   | P    | P                 | P  | P  | -- | -- | P                        | Section 5.1.5.2  |
| Nursing/ retirement home                   | --  | --   | --   | --     | --                             | --     | P    | P    | --                  | --   | --   | P    | P    | P                 | P  | -- | -- | -- | P                        | Section 5.1.5.2  |
| Personal Services, except as listed below: | --  | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P                 | P  | -- | -- | -- | P                        | Section 5.1.5.3  |
| Animal care (indoor)                       | C   | --   | --   | --     | --                             | --     | --   | P    | --                  | --   | --   | --   | P    | P                 | P  | -- | -- | -- | P                        | Section 5.1.5.3  |
| Animal care (outdoor)                      | C   | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --                | C  | -- | -- | -- | C                        | Section 5.1.5.3  |
| Funeral Home                               | --  | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | C    | C                 | P  | -- | -- | -- | P                        | Section 5.1.5.3  |
| Adult Oriented Businesses                  | See Section 18 Article 6 of the City Code |      |      |        |                                |        |      |      |                     |      |      |      |      |                   |    |    |    |    |                          |                  |
| All Retail Sales, except as listed below:  | --  | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P                 | P  | -- | -- | -- | P                        | Section 5.1.5.4  |
| Gasoline Sales                             | --  | --   | --   | --     | --                             | --     | --   | L    | --                  | --   | --   | --   | C    | C                 | P  | -- | -- | -- | P                        | Section 5.1.5.4  |
| Truck stop                                 | --  | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --                | L  | -- | -- | -- | L                        | Section 5.1.5.4  |
| Tattoo, body piercing                      | --  | --   | --   | --     | --                             | --     | C    | C    | --                  | --   | --   | C    | P    | P                 | P  | -- | -- | -- | P                        | Section 5.1.5.4  |
| Building material sales                    | --  | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | C    | C                 | P  | P  | P  | -- | P                        | Section 5.1.5.4  |
| Vehicle Sales/ Rental                      | --  | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | C    | C                 | P  | -- | -- | -- | P                        | Section 5.1.5.4  |
| Pawnshop                                   | --  | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | C    | P    | P                 | P  | -- | -- | -- | P                        | Section 5.1.5.4  |
| Restaurant/ Bar, as listed below:          |   |      |      |        |                                |        |      |      |                     |      |      |      |      |                   |    |    |    |    |                          |                  |
| Eating Establishment                       | --  | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P                 | P  | -- | -- | -- | P                        | Section 5.1.5.5  |
| Bar  | --  | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | C    | C                 | C  | -- | -- | -- | C                        | Section 5.1.5.5  |
| Mobile Food Court                          | --  | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | P    | P                 | -- | -- | -- | -- | --                       | Section 5.1.5.5  |
| Sale of Alcohol for on premise consumption | --  | --   | --   | --     | --                             | --     | C    | C    | --                  | --   | --   | C    | C    | C                 | C  | -- | -- | -- | C                        | Section 5.1.5.5  |
| Overnight Lodging, as listed below:        |   |      |      |        |                                |        |      |      |                     |      |      |      |      |                   |    |    |    |    |                          |                  |
| Bed and Breakfast (up to 8 rooms)          | L   | C    | C    | C      | C                              | L      | L    | P    | --                  | P    | C    | P    | P    | P                 | -- | -- | -- | -- | P                        | Section 5.1.5.6  |
| Boutique Hotel (9 - 30 rooms)              | --  | --   | --   | --     | --                             | --     | C    | P    | --                  | --   | --   | P    | P    | P                 | -- | -- | -- | -- | P                        | Section 5.1.5.6  |

TABLE 5.1 LAND USE MATRIX

| TYPES OF LAND USES                          | CONVENTIONAL RESIDENTIAL |      |      |        | NEIGHBORHOOD DENSITY DISTRICTS |        |      |      | CHARACTER DISTRICTS |      |      |      |      |       | SPECIAL DISTRICTS |    |    |    |    | DEFINITION USE STANDARDS |
|---|--------------------------|------|------|--------|--------------------------------|--------|------|------|---------------------|------|------|------|------|-------|-------------------|----|----|----|----|--------------------------|
|   | FD                       | SF-R | SF-6 | SF-4.5 | ND-3                           | ND-3.5 | ND-4 | N-MS | CD-1                | CD-2 | CD-3 | CD-4 | CD-5 | CD-5D | HC                | LI | HI | MH | EC |                          |
| Hotel/ Motel (more than 30 rooms)           | --                       | --   | --   | --     | --                             | --     | --   | P    | --                  | --   | --   | --   | P    | P     | --                | -- | -- | -- | P  | Section 5.1.5.6          |
| Outdoor Recreation, except as listed below: | --                       | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | P    | C     | P                 | -- | -- | -- | P  | Section 5.1.5.7          |
| Golf Course                                 | C                        | C    | C    | C      | C                              | C      | C    | C    | C                   | C    | C    | C    | C    | C     | --                | -- | -- | C  | C  | Section 5.1.5.7          |
| Traveler Trailers/ RVs Short Term stays     | P                        | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | -- | -- | P  | -- | Section 5.1.5.7          |
| Shooting Range                              | C                        | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | C                 | -- | -- | -- | C  | Section 5.1.5.7          |
| Indoor Recreation, except as listed below:  | --                       | --   | --   | --     | --                             | --     | --   | P    | --                  | --   | --   | --   | P    | P     | P                 | P  | P  | -- | P  | Section 5.1.5.8          |
| Gym/ Health club                            | --                       | --   | --   | --     | --                             | --     | L    | P    | --                  | --   | --   | L    | P    | P     | P                 | P  | P  | -- | P  | Section 5.1.5.8          |
| Smoking Lounge                              | --                       | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | P    | C     | --                | -- | -- | -- | P  | Section 5.1.5.8          |
| Charitable Gaming Facility                  | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | --    | C                 | -- | -- | -- | C  | Section 5.1.5.8          |
| <b>PUBLIC &amp; INSTITUTIONAL</b>           |                          |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    |                          |
| Civic, except as listed below:              | P                        | L    | L    | L      | L                              | L      | P    | P    | L                   | L    | L    | P    | P    | P     | P                 | P  | P  | P  | P  | Section 5.1.6.1          |
| Day Care Center                             | C                        | --   | --   | --     | C                              | C      | L    | P    | --                  | C    | C    | L    | P    | P     | P                 | -- | -- | -- | P  | Section 5.1.6.1          |
| Parks, Open Space, and Greenways            | P                        | P    | P    | P      | P                              | P      | P    | P    | P                   | P    | P    | P    | P    | P     | P                 | P  | P  | P  | P  | Section 5.1.6.2          |
| Minor Utilities                             | P                        | P    | P    | P      | P                              | P      | P    | P    | P                   | P    | P    | P    | P    | P     | P                 | P  | P  | P  | P  | Section 5.1.6.3          |
| Major Utilities                             | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | C                 | C  | C  | -- | -- | Section 5.1.6.3          |
| Antenna                                     | See Section 5.1.6.3D     |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    |                          |
| <b>INDUSTRIAL</b>                           |                          |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    |                          |
| Light Industrial                            | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | --    | --                | P  | P  | -- | C  | Section 5.1.7.1          |
| Light Manufacturing                         | --                       | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | P    | P     | P                 | P  | P  | -- | P  | Section 5.1.7.2          |
| Vehicle Service, as listed below:           |                          |      |      |        |                                |        |      |      |                     |      |      |      |      |       |                   |    |    |    |    | Section 5.1.7.3          |
| Car Wash                                    | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | P  | P  | -- | C  | Section 5.1.7.3          |
| Vehicle repair (minor)                      | --                       | --   | --   | --     | --                             | --     | --   | C    | --                  | --   | --   | --   | P    | P     | P                 | P  | P  | -- | C  | Section 5.1.7.3          |
| Vehicle repair (major)                      | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | -- | -- | -- | C  | Section 5.1.7.3          |
| Warehouse & Distribution                    | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | --    | P                 | P  | P  | -- | P  | Section 5.1.7.4          |
| Waste-Related service                       | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | --    | P                 | P  | P  | -- | -- | Section 5.1.7.5          |
| Wholesale trade                             | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | P  | P  | -- | P  | Section 5.1.7.6          |
| Self Storage                                | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | P                 | P  | P  | -- | C  | Section 5.1.7.7          |
| Research and Development                    | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | C    | C     | P                 | P  | P  | -- | C  | Section 5.1.7.8          |
| Wrecking/Junk Yard                          | --                       | --   | --   | --     | --                             | --     | --   | --   | --                  | --   | --   | --   | --   | --    | --                | -- | P  | -- | -- | Section 5.1.7.9          |

**FD**

**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**

|                      |          |
|----------------------|----------|
| Units Per Gross Acre | .4 max.  |
| Impervious Cover     | 30% max. |

**TRANSPORTATION**

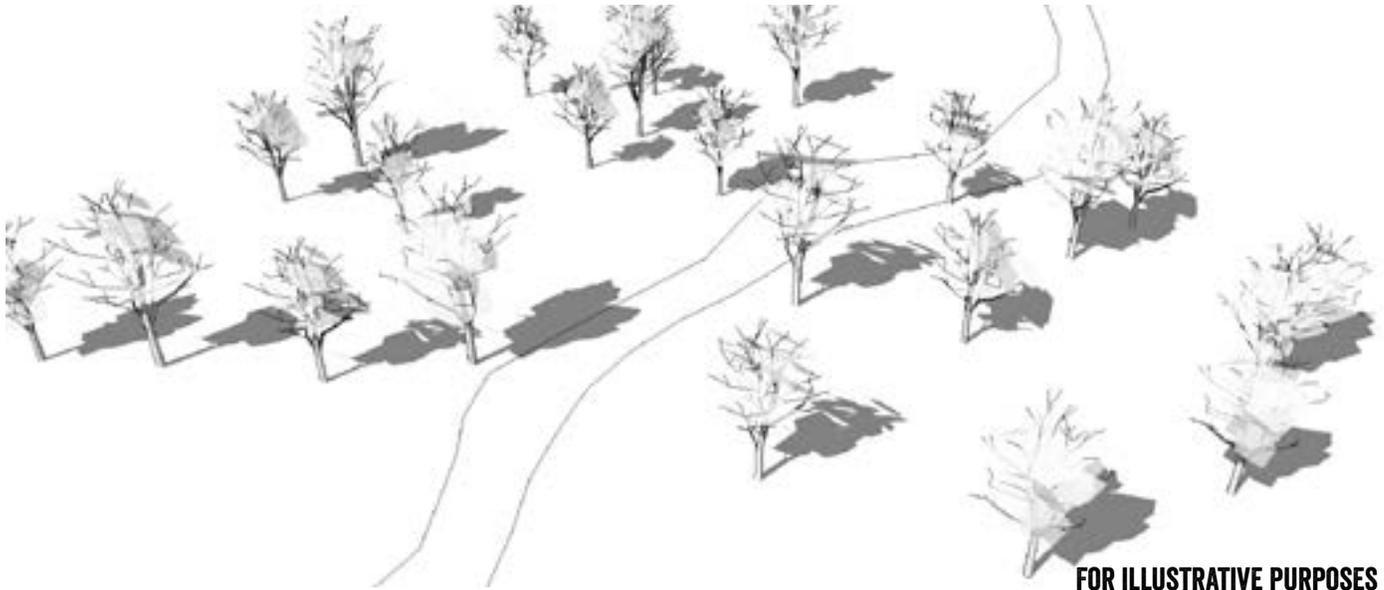
|   |             |                  |
|---|-------------|------------------|
| Streetscape Type  | Residential | Section 3.8.1.10 |
| Sidewalks are not required for lots greater than 1 acre |             |                  |

**BUILDING TYPES ALLOWED**

|                    |                  |
|--------------------|------------------|
| Accessory Dwelling | Section 4.4.6.1  |
| House              | Section 4.4.6.2  |
| Civic              | Section 4.4.6.15 |

**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**

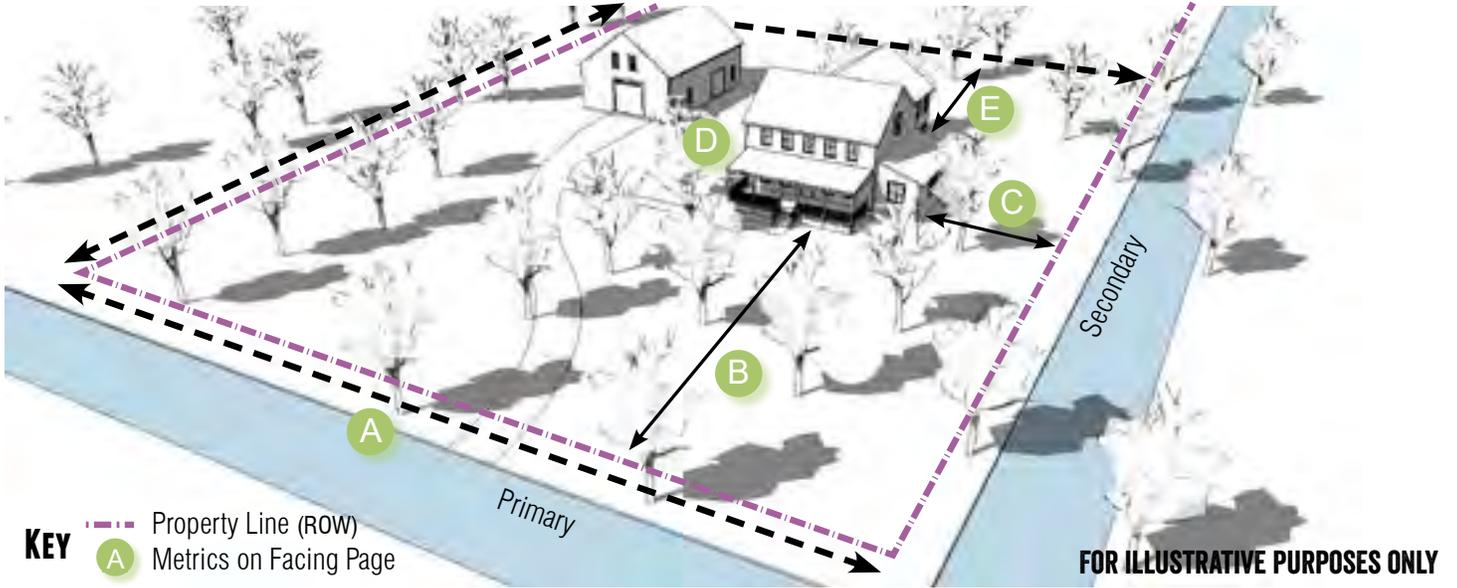
|                 |     |
|-----------------|-----|
| Block Perimeter | N/A |
|-----------------|-----|

**DENSITY**

|                      |          |
|----------------------|----------|
| Units Per Gross Acre | N/A      |
| Impervious Cover     | 20% max. |

## CD-2

### SECTION 4.4.3.2 CHARACTER DISTRICT - 2



#### GENERAL DESCRIPTION

The CD-2 District is intended for the development of single-family and agricultural uses in a rural setting. Characterized by primarily agricultural with woodlands and wetlands and scattered buildings.

#### DENSITY

|                      |          |
|----------------------|----------|
| Units Per Gross Acre | .1 max.  |
| Impervious Cover     | 20% max. |

#### TRANSPORTATION

|                 |     |
|-----------------|-----|
| Block Perimeter | N/A |
|-----------------|-----|

#### BUILDING TYPES ALLOWED

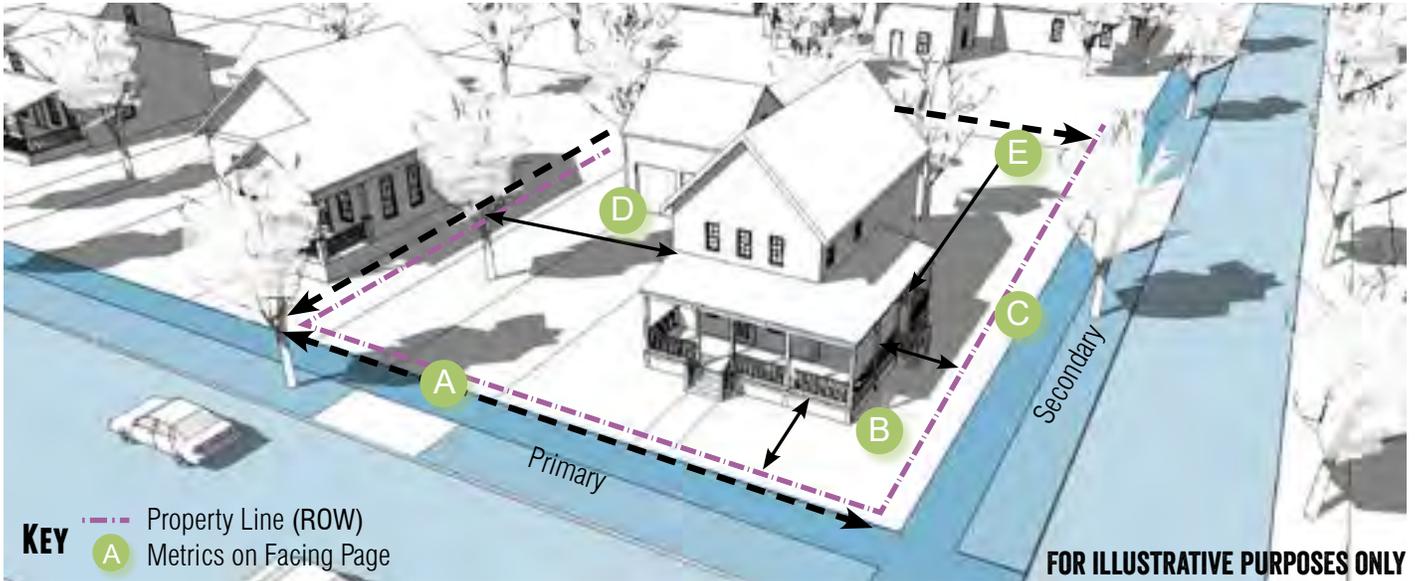
|                    |                  |
|--------------------|------------------|
| Accessory Dwelling | Section 4.4.6.1  |
| House              | Section 4.4.6.2  |
| Civic              | Section 4.4.6.15 |

#### BUILDING STANDARDS

|                           |                |             |
|---------------------------|----------------|-------------|
| Principal Building Height | 3 stories max. | 45 ft. max. |
| Accessory Structure       | N/A            | N/A         |

CD-3

SECTION 4.4.3.3 CHARACTER DISTRICT - 3



GENERAL DESCRIPTION

The CD-3 district is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

DENSITY

|                      |          |
|----------------------|----------|
| Impervious Cover     | 60% max. |
| Units Per Gross Acre | 10 max.  |

TRANSPORTATION

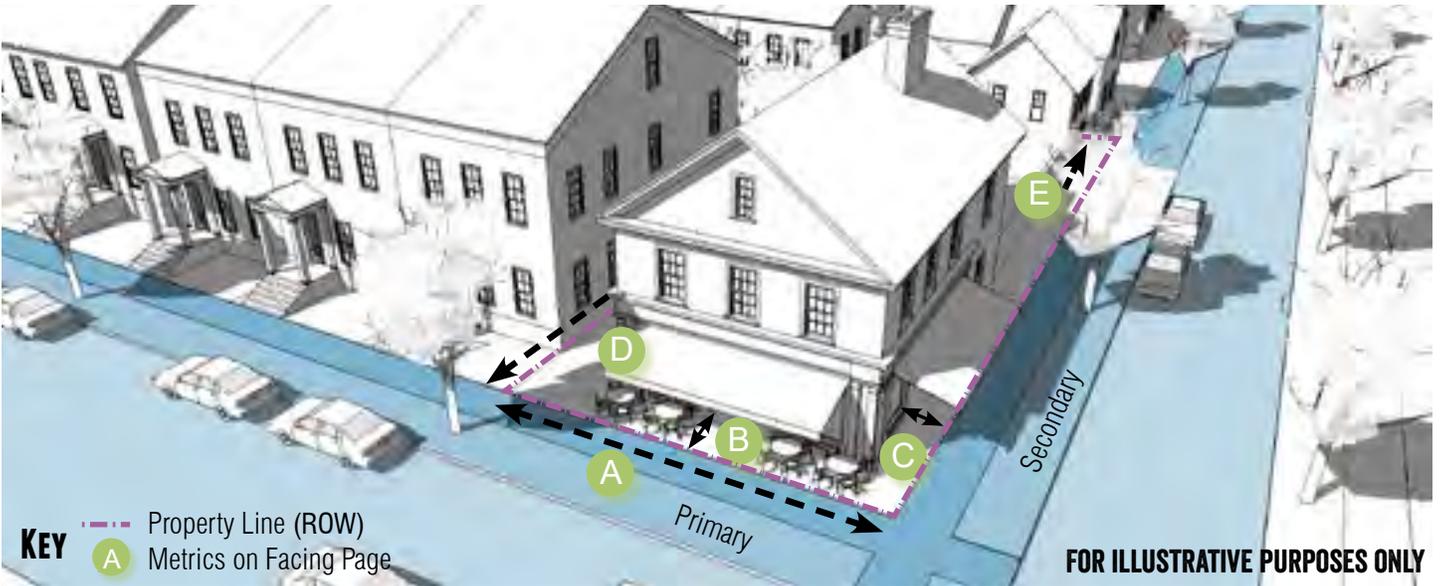
|                  |                |                  |
|------------------|----------------|------------------|
| Block Perimeter  | 2,800 ft. max. | Section 3.6.2.1  |
| Streetscape Type | Residential    | Section 3.8.1.10 |

BUILDING TYPES ALLOWED

|                     |                  |
|---------------------|------------------|
| Accessory Dwelling  | Section 4.4.6.1  |
| House               | Section 4.4.6.2  |
| Cottage             | Section 4.4.6.3  |
| Cottage Court       | Section 4.4.6.4  |
| Duplex              | Section 4.4.6.5  |
| Zero Lot Line House | Section 4.4.6.6  |
| Civic Building      | Section 4.4.6.15 |

**CD-4**

**SECTION 4.4.3.4 CHARACTER DISTRICT - 4**



**GENERAL DESCRIPTION**

The CD-4 district is intended to accommodate a variety of residential options including single-family, two-family and multifamily with limited commercial or mixed use on the corners.

**DENSITY**

Impervious Cover 80% max.

**TRANSPORTATION**

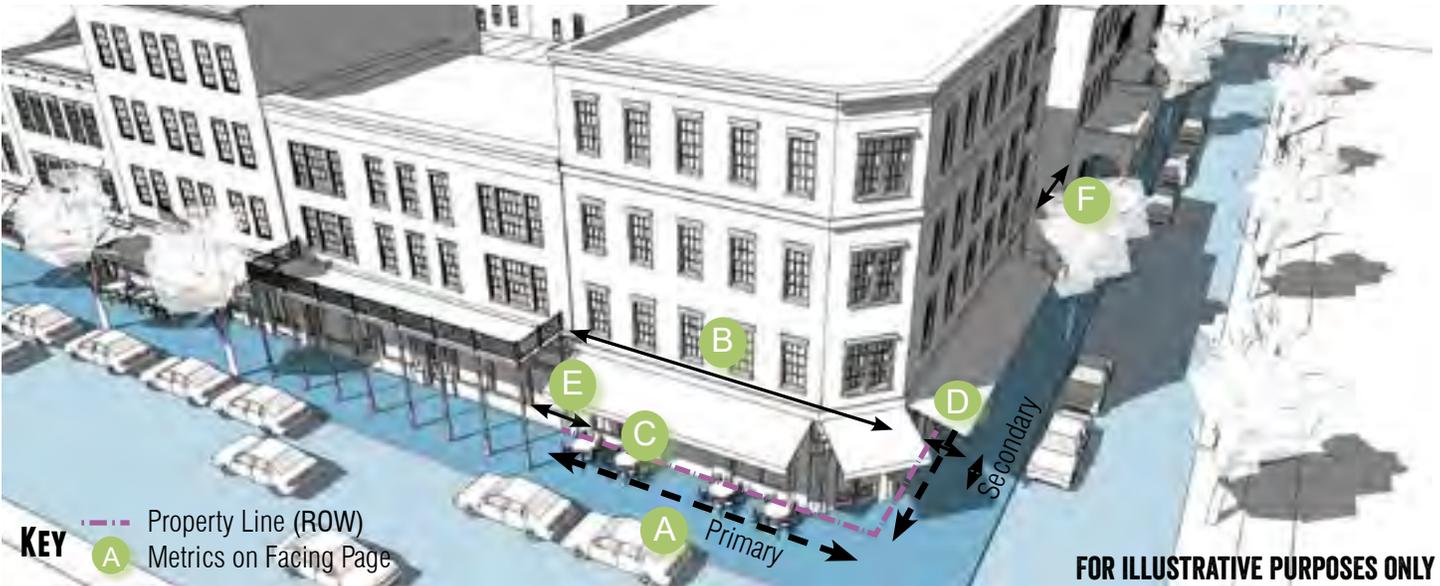
|                  |               |                  |
|------------------|---------------|------------------|
| Block Perimeter  | 2,400 ft. max | Section 3.6.2.1  |
| Streetscape Type | Residential   | Section 3.8.1.10 |
|                  | Conventional  | Section 3.8.1.7  |
|                  | Mixed Use     | Section 3.8.1.8  |

**BUILDING TYPES ALLOWED**

|                        |                  |
|------------------------|------------------|
| Accessory Dwelling     | Section 4.4.6.1  |
| Cottage                | Section 4.4.6.3  |
| Duplex                 | Section 4.4.6.5  |
| Townhouse              | Section 4.4.6.7  |
| Courtyard Housing      | Section 4.4.6.9  |
| Apartment              | Section 4.4.6.10 |
| Live/ Work             | Section 4.4.6.11 |
| Neighborhood Shopfront | Section 4.4.6.12 |
| Civic Building         | Section 4.4.6.15 |

**CD-5**

**SECTION 4.4.3.5 CHARACTER DISTRICT - 5**



**GENERAL DESCRIPTION**

The CD-5 district is intended to provide for a variety of residential, retail, service and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.

**TRANSPORTATION**

|                  |                          |                                    |
|------------------|--------------------------|------------------------------------|
| Block Perimeter  | 2,000 ft. max            | Section 3.6.2.1                    |
| Streetscape Type | Main Street<br>Multi-Way | Section 3.8.1.6<br>Section 3.8.1.9 |

**DENSITY**

|                  |           |
|------------------|-----------|
| Impervious Cover | 100% max. |
|------------------|-----------|

**BUILDING TYPES ALLOWED**

|                     |                  |
|---------------------|------------------|
| Accessory Dwelling  | Section 4.4.6.1  |
| Townhouse           | Section 4.4.6.7  |
| Apartment           | Section 4.4.6.10 |
| Live/ Work          | Section 4.4.6.11 |
| Mixed Use Shopfront | Section 4.4.6.14 |
| Civic Building      | Section 4.4.6.15 |

PA

SECTION 4.4.3.7 PLANNING AREA DISTRICT



TABLE 4.14 PLANNING AREA DISTRICT ALLOCATION

| PREFERRED SCENARIO AREA | PLANNING AREA DESCRIPTION   | DISTRICT                          | % ALLOCATION (BUILDABLE LAND)              |
|-------------------------|---|-----------------------------------|--|
| Employment Center       | Employment Planning Area. The intention of the employment planning area is to accommodate large employers or a corporate campus that can incorporate some residential or mixed use.   | CD-4<br>CD-5<br>EC<br>LI          | 0 - 10%<br>10 - 40%<br>60 - 90%<br>0 - 30% |
| High Intensity Zone     | High Intensity Planning Area. The intention of the high intensity planning area is to accommodate high intensity and high density infill development within a compact mixed use area.   | CD-1, 2, or 3<br>CD-4<br>CD-5     | 0 - 10%<br>10 - 30%<br>60 - 90%            |
| Medium Intensity Zone   | Medium Intensity Planning Area. The intention of the medium intensity planning area is to accommodate new master planned communities with diverse housing types developed around a 5 minute walk to all services.                           | CD-1, 2, or 3<br>CD-4<br>CD-5     | 10 - 30%<br>30 - 60%<br>10 - 30%           |
| Low Intensity Area      | Conservation Planning Area. The intention of the conservation planning area is to preserve large areas of environmentally sensitive or prime agricultural lands while providing for clustered residential development in appropriate areas. | CD-1 or 2<br>CD-3<br>CD-4<br>CD-5 | 50% min.<br>20 - 40%<br>10 - 30%<br>0 - 5% |

**ZC-20-10 (The Barracks) Zoning Change Review (By Comp Plan Element)**

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

|   |     |                                |
|---|-----|--------------------------------|
|   | YES | NO<br>(map amendment required) |
| Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix? | X   |                                |

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

| STRATEGY  | SUMMARY   | Supports   | Contradicts | Neutral   |
|---|---|--|-------------|---|
| Preparing the 21 <sup>st</sup> Century Workforce        | Provides / Encourages educational opportunities   |  |             | Applicant has not indicated that educational facilities will be included. |
| Competitive Infrastructure & Entrepreneurial Regulation | Provides / Encourages land, utilities and infrastructure for business   |  |             | Applicant has not indicated that infrastructure will be extended.         |
| The Community of Choice                                 | Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity | Applicant has indicated that they do intend for some commercial uses which would provide jobs and services |             |   |

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

|                             | 1<br>(least) | 2 | 3<br>(moderate) | 4 | 5<br>(most) |
|-----------------------------|--------------|---|-----------------|---|-------------|
| Level of Overall Constraint |              |   | X               |   |             |
| Constraint by Class         |              |   |                 |   |             |
| Cultural                    |              |   |                 | X |             |
| Edwards Aquifer             | X            |   |                 |   |             |
| Endangered Species          | X            |   |                 |   |             |
| Floodplains                 | X            | X |                 | X | X           |
| Geological                  | X            |   |                 |   |             |
| Slope                       | X            |   |                 |   |             |
| Soils                       | X            |   |                 |   |             |
| Vegetation                  | X            |   |                 |   |             |
| Watersheds                  | X            |   |                 |   |             |
| Water Quality Zone          | X            |   |                 | X | X           |

**ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results**

|  |                         |        |        |         |       |
|--|-------------------------|--------|--------|---------|-------|
| Located in Subwatershed:   | <b>Cottonwood Creek</b> |        |        |         |       |
|  | 0-25%                   | 25-50% | 50-75% | 75-100% | 100%+ |
| Modeled Impervious Cover Increase Anticipated for watershed  |                         |        |        |         | X     |
| Notes: <b>This watershed currently has very little impervious cover compared to its size. Cottonwood Creek is not a tributary to the San Marcos River, with larger more concentrated growth, best management practices such as retention ponds and biofiltration gardens can be incorporated into the site planning process.</b> |                         |        |        |         |       |

**NEIGHBORHOODS – Where is the property located**

|                                       |                         |
|---------------------------------------|-------------------------|
| CONA Neighborhood(s):                 | <b>Cottonwood Creek</b> |
| Neighborhood Commission Area(s):      | <b>5</b>                |
| Neighborhood Character Study Area(s): | <b>N/A</b>              |

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

|   |                   |                    |
|---|-------------------|--------------------|
|   | YES               | NO                 |
| Will Parks and / or Open Space be Provided?   | X                 |                    |
| Will Trails and / or Green Space Connections be Provided?   | X                 |                    |
| <b>The applicant has indicated there will be Open Space within the development. As this is a residential component to this development Parkland Dedication is required.</b> |                   |                    |
| <b>Maintenance / Repair Density</b>   | Low (maintenance) | High (maintenance) |
| Wastewater Infrastructure   | X                 |                    |
| Water Infrastructure  | X                 |                    |
| Public Facility Availability  |                   |                    |
|   | YES               | NO                 |
| Parks / Open Space within ¼ mile (walking distance)?  | X                 |                    |
| Wastewater service available?   | X                 |                    |
| Water service available?  | X                 |                    |

**TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation**

|   |   |   |   |   |   |
|---|---|---|---|---|---|
|   | A | B | C | D | F |
| Existing Daily LOS <b>Highway 123</b>   | X |   |   |   |   |
| Existing Peak LOS <b>Highway 123</b>  | X |   |   |   |   |
| Preferred Scenario Daily LOS <b>Highway 123</b>   |   |   |   | X |   |
| Preferred Scenario Peak LOS <b>Highway 123</b>  |   |   |   |   | X |
| <b>The Transportation Demand Model shows that Highway 123 is anticipated experience a decrease in Level of Service in the future. One reason for this is the anticipated growth to the south. Additional connectivity based on the requirements of our 2018 Transportation Master Plan may help alleviate the anticipated congestion.</b> |   |   |   |   |   |

|  | N/A | Good | Fair | Poor |
|--|-----|------|------|------|
| Sidewalk Availability  | X   |      |      |      |
| <b>Sidewalks are required to be built as part of the development.</b>  |     |      |      |      |
|  | YES |      | NO   |      |
| Adjacent to existing bicycle lane?   |     |      | X    |      |
| Adjacent to existing public transportation route?  |     |      | X    |      |
| Notes: <b>The Transportation Master Plan indicates that this development will be required to construct bicycle infrastructure along HWY 123 and Cottonwood Parkway. This infrastructure is anticipated to be part of a larger network in the future.</b> |     |      |      |      |

# ZONING CHANGE TO PLANNING AREA DISTRICT APPLICATION

Updated: October, 2019



## CONTACT INFORMATION

|                             |  |                         |   |
|-----------------------------|--|-------------------------|---|
| Applicant's Name            | Ed Theriot                                     | Property Owner          | McCoy Family Partnership One and Two            |
| Company                     | Doucet & Associates, Inc.                      | Company                 | c/o The Barracks Townhomes (Aaron Longoria)     |
| Applicant's Mailing Address | 7401B Hwy. 71 W., Ste. 160<br>Austin, TX 78735 | Owner's Mailing Address | 514 Deacon W Drive<br>College Station, TX 77842 |
| Applicant's Phone #         | 512-618-2865                                   | Owner's Phone #         | (979) 217-1162                                  |
| Applicant's Email           | etheriot@doucetengineers.com                   | Owner's Email           | aaron@barrackstownhomes.com                     |

## PROPERTY INFORMATION

Subject Property Address(es): SH 123, San Marcos, TX

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Total Acreage: 109.46 Tax ID #: R 15914, R11870

Preferred Scenario Designation: Medical District, Employment Center Existing Zoning: FD

Existing Land Use(s): Vacant

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): Planned Area District

Proposed Land Uses / Reason for Change: Apply zoning controls to the tract for development

## 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\* \$1,057 plus \$100 per acre Technology Fee \$13 MAXIMUM COST \$3,013  
 \*Existing Neighborhood Regulating Plan Included.

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

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

PROPERTY OWNER AUTHORIZATION

I, REID M<sup>c</sup>COY (owner name) on behalf of McCoy Family Partnerships One and Two (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at SH 123, San Marcos, TX (address).

I hereby authorize Luke Marvel and his respective consultants (agent name) on behalf of The Barracks Townhomes (agent company) to file this application for various applications for site development (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: [Signature] Date: 3/31/2020

Printed Name, Title: REID M<sup>c</sup>COY, GENERAL PARTNER  
M<sup>c</sup>COY FAMILY PARTNERSHIP ONE ↓  
M<sup>c</sup>COY FAMILY PARTNERSHIP TWO

Signature of Agent: [Signature] Date: 04/02/2020

Printed Name, Title: Ed Theriot, Agent

**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 \$91 plus a \$13 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 \$91 plus a \$13 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: 04/02/2020

Print Name: Ed Theriot

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

9/21/04

SPECIAL WARRANTY DEED

Bk Vol Pg  
04024094 DPR 2527 319

STATE OF TEXAS §  
  §  
COUNTY OF HAYS §

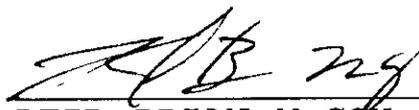
KNOW ALL MEN BY THESE PRESENTS, that REID BRIAN McCOY, Trustee of the MEAGAN LANE McCOY FAMILY TRUST, of P. O. Box 647, City of San Marcos, County of Hays, State of Texas 78667 (hereinafter referred to as "Grantor"), for and in consideration of the sum of ten and 00/100 dollars (\$10.00), and other good and valuable consideration to the undersigned paid by McCOY FAMILY PARTNERSHIP ONE, LTD., (hereinafter referred to as "Grantee"), of P. O. Box 1028, City of San Marcos, County of Hays, State of Texas 78667, the receipt of which is hereby acknowledged, has GRANTED, SOLD, and CONVEYED, and by these presents does hereby GRANT, SELL, and CONVEY unto the said Grantee an undivided 12.50% in and to the real property (including any improvements) out of the Barnett O. Kane Survey, Abstract No. 281, the Cyrus Wickson Survey, Abstract No. 474, and the J. M. Veramendi League No. 1, Hays County, Texas, described in Exhibit A attached to and made a part of this instrument, save and except the real property described in Exhibit B attached to and made a part of this instrument ("Property").

This conveyance is made and accepted subject to all validly existing easements, rights of way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions and other instruments that affect the Property; and taxes for the year 2004 and subsequent years, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns forever, subject to the exception to conveyance and warranty; and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under the said Grantor, but not otherwise subject to the exceptions to conveyance and warranty provided for in this deed.

EXECUTED this 25<sup>th</sup> day of JULY, 2004.

GRANTOR



REID BRIAN McCOY, Trustee of the MEAGAN LANE McCOY FAMILY TRUST

\_\_\_\_\_  
§  
\_\_\_\_\_  
§  
\_\_\_\_\_  
§

This instrument was acknowledged before me on the 25<sup>TH</sup> day of JULY, 2004, by REID BRIAN McCOY, Trustee, of the MEAGAN LANE McCOY FAMILY TRUST.



Notary Public, \_\_\_\_\_

My Commission Expires:  
*INDEFINATE*

TYPE/PRINT/STAMP NAME  
*CHRISTOPHER L. SLEDGE*  
*LCDR, USN*

PLEASE RETURN TO:

McCOY FAMILY PARTNERSHIP ONE, LTD.  
P. O. Box 1424  
San Marcos, Texas 78667



670 510

FILLED NOPL DESCRIPTION OF A SURVEY MADE ON THE GROUND OF 166.670 ACRES OF LAND, MORE OR LESS, IN THE BARNETT O. KANE SURVEY A-281, THE CYRUS WICKSON SURVEY, A-474 AND THE J. M. VERAMENDI LEAGUE NC 1, ALL IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT CALLED 271.99 ACRES AS CONVEYED BY LEONARD LEIGHTON, TRUSTEE, TO TD-350 INVESTMENTS BY DEED DATED JANUARY 18, 1984 AND RECORDED IN VOLUME 414, PAGE 188 OF THE HAYS COUNTY REAL PROPERTY RECORDS, A PORTION OF THAT TRACT CALLED 52.88 ACRES CONVEYED BY ANDREW J. TICKLE, ET UX TO TD-350 INVESTMENTS BY DEED DATED JANUARY 30, 1984 AND RECORDED IN VOLUME 416, PAGE 367 OF THE HAYS COUNTY REAL PROPERTY RECORDS, AND A PORTION OF THAT TRACT CONVEYED BY ROBERT L. RIEDEL, ET AL TO RIEDEL INVESTMENTS BY DEED DATED APRIL 21, 1982 AND RECORDED IN VOLUME 374, PAGE 413 OF THE HAYS COUNTY DEED RECORDS, SAID 166 670 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" iron pipe found for a southerly southwest corner of this tract, the most southerly southwest corner of the TD-350 271.99 acre tract and in the southeast line of that tract called 58.052 acres in that deed dated October 3, 1983 conveyed by Reidel Investments to Reidel Acreage Joint Venture as recorded in Volume 403, Page 359 of the Hays County Deed Records;

THENCE leaving the PLACE OF BEGINNING as shown on that Plat No. 21760-87-25-d dated April 15, 1987 prepared for Duwe Properties by Byrn and Associates, Inc. of San Marcos, Texas, with the common line of this tract and the Reidel Acreage Joint Venture tract, as fenced, the following four calls:

1. N45°17'44"E 1656.76 feet to a fence corner post,
2. N45°20'54"W 441.88 feet to a fence post,
3. N45°27'27"W 899.47 feet to a fence post, and
4. N03°51'19"E 23.94 feet to a fence corner post for a salient west corner of this tract;

THENCE leaving the Reidel Acreage Joint Venture tract N87°46'03"E 19.77 feet to a fence corner post for the west corner of the TD-350 52.88 acre tract;

THENCE with the northwest line of the TD-350 52.88 acre tract the following three calls:

1. N44°38'13"E 488.43 feet to an 1/2" iron rod set at the south corner of that 35.86 acre tract called "Tract 1" in that deed dated October 31, 1985 conveyed by TD-350 Investments to Cottonwood Development, Inc. as recorded in Volume 560, Page 535 of the Hays County Real Property Records,

670 511

- 2. N44°28'53"E 286.57 feet to an 1/2" iron rod set, and
- 3. N44°28'20"E 879.95 feet to a fence corner post for the north corner of this tract, the north corner of the TD-350 52.88 acre tract, the east corner of that 36.70 tract called "Tract 2" in that deed recorded in Volume 560, Page 535 of the Hays County Real Property Records, and in the southwest line of that tract called 116.94 acres conveyed by H. L. Schulle to Mary Ann Hood, Trustee in a deed dated November 9, 1973 and recorded in Volume 263, Page 522 of the Hays County Deed Records, pass at 200 feet, more or less, a common corner of the Cottonwood Development, Inc.'s said Tracts 1 and 2;

THENCE with the common line of the Hood tract and the TD-350 52.88 acre tract the following two calls:

- 1. S48°27'27"E 376.89 feet to an iron pipe found, and
- 2. S47°54'17"E 67.83 feet to an iron pipe found for the south corner of the Hood tract and the west corner of that 7.00 acre tract conveyed by Epafanio Velasquez, et ux to Crespin Hernandez, et ux by deed dated May 10, 1979 as recorded in Volume 326, Page 34 of the Hays County Deed Records;

THENCE S47°59'51"E 238.28 feet to an iron pipe found for the south corner of the Hernandez tract and the west corner of that 7.00 acre tract conveyed by Jose Velasquez, et ux to Joe Rivas Velasquez, Jr. by deed dated August 17, 1979 as recorded in Volume 330, Page 435 of the Hays County Deed Records;

THENCE S47°57'27"E 240.33 feet to an iron pipe found for the south corner of the Joe Rivas Velasquez, Jr. tract and the west corner of that 6.00 acre tract conveyed by Longina Velasquez, et al to Eugene R. Ferrer, et ux by deed dated August 19, 1968 as recorded in Volume 225, Page 353 of the Hays County Deed Records;

THENCE S47°54'29"E 207.58 feet to an iron pipe found for the south corner of the Ferrer tract and the west corner of that 4.96 acre tract conveyed by Longina Velasquez to Estefana Velasquez by deed dated August 19, 1968 as recorded in Volume 225, Page 348 of the Hays County Deed Records;

THENCE S48°01'01"E 173.22 feet to an 1/2" iron rod set for the south corner of the Velasquez 4.96 acre tract and the west corner of that 0.98 acre tract conveyed by TD-350 Investments to C. J. Properties by deed dated December 1, 1986 as recorded in Volume 641, Page 672 of the Hays County Real Property Records;

THENCE with the southwest line of the C. J. Properties 0.98 acre tract S47°03'45"E 35.40 feet to a fence corner post for a north-east corner of this tract, the south corner of the C. J. Properties 0.98 acre tract and in the northwest line of that 59.70 acre tract conveyed by TD-350 Investments to C. J. Properties as recorded in Volume 641, Page 672 of the Hays County Real Property Records;

THENCE leaving the C. J. Properties 0.98 acre tract with the common line of this tract and the C. J. Properties 59.70 acre tract the following four calls:

670 512

1. S44°23'59"W 496.01 feet to a fence post,
2. S44°15'45"W 280.66 feet to a fence post,
3. S44°52'07"W 274.28 feet to a fence post, and
4. S44°02'41"W 94.64 feet to an 1/2" iron rod found for an east re-entrant corner of this tract and the west corner of the C. J. Properties 59.70 acre tract;

THENCE with the southwest line of the C. J. Properties 59.70 acre tract S41°41'24"E 2505.28 feet to an 1/2" iron rod found for the most easterly corner of this tract and the south corner of the C. J. Properties 59.70 acre tract and in the northwest line of that 1.99 acre tract called "Tract Two" in that deed to James E. Braden dated May 19, 1977;

THENCE leaving the C. J. Properties 59.70 acre tract with the northwest line of the Braden tract S48°21'37"W 201.53 feet to a fence corner post for the west corner of the Braden tract and north corner of that tract called 33.6 acres conveyed by Bimms Investments to Caffey Construction Company, Inc. by deed dated February 2, 1984 as recorded in Volume 418, Page 5 of the Hays County Real Property Records;

THENCE leaving the Braden tract with the common line of this tract and the Caffey Construction Company tract, with fence, the following 17 calls:

1. S51°19'16"W 109.05 feet to an angle point,
2. S50°16'01"W 109.47 feet to an angle point,
3. S48°01'55"W 33.10 feet to an 1/2" iron rod found for an angle point,
4. S49°20'44"W 84.13 to a fence corner post for a salient southeast corner,
5. N46°37'44"W 127.95 feet to an angle point,
6. N46°08'14"W 100.34 feet to an angle point,
7. N45°29'12"W 113.87 feet to an 1/2" iron rod found at a fence corner post for a south re-entrant corner of this tract,
8. S32°25'17"W 200.35 feet to an angle point,
9. S31°38'25"W 106.80 feet to an angle point,
10. S31°09'09"W 102.98 feet to an angle point,
11. S32°44'36"W 102.28 feet to an angle point,
12. S30°46'04"W 111.96 feet to an angle point,
13. S33°42'54"W 57.97 feet to an angle point,
14. S63°46'19"W 239.46 feet to an angle point,
15. S63°37'57"W 214.63 feet to an angle point,
16. S62°47'56"W 87.51 feet to an angle point, and
17. S30°41'26"W 398.95 feet to a 10" cedar fence corner post for a south corner of this tract and the west corner of the Caffey Construction Company, Inc. tract, and an interior corner of the Riedel Investments tract;

THENCE S44°15'49"W 10.00 feet to an 1/2" iron rod set for the south corner of this tract and in the north line of that 80' wide roadway easement described in a deed dated June 27, 1974 conveyed by Alex Louis Forshage, to Clovis R. Barker, Trustee as recorded in Volume 270, Page 340 of the Hays County Deed Records;

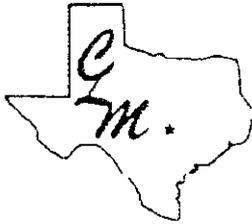
FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS  
On: Sep 19, 2001 at 12:04P  
670 513  
Document Number: 01023511

Amount 23 00

By  
Patricia Lackey  
Lee Carlisle, County Clerk  
Hays County

THENCE N45°14'22"W 2,066.69 feet with the north line of said 80' wide roadway easement to an 1/2" iron rod set for the most westerly southwest corner of this tract and the south corner of the Riedel Acreage Joint Venture tract;

THENCE leaving the north line of said 80' wide roadway easement N45°17'44"E 10.00 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds 166.670 acres of land, more or less, as surveyed on the ground during 1985, 1986, and 1987 by Byrn and Associates, Inc. of San Marcos, Texas.



**MACIAS & ASSOCIATES, Inc.**  
LAND SURVEYORS

Exhibit A

M R Properties  
to  
City of San Marcos  
(Proposed Right-of-way)

**LEGAL DESCRIPTION FOR PARCEL NO. 21**

BEING A 0.499 ACRE (21,740 SQUARE FOOT) PARCEL OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, HAYS COUNTY, TEXAS, ALSO BEING OUT OF A 166.670 ACRE PARCEL OF LAND CONVEYED TO M R PROPERTIES, A TEXAS GENERAL PARTNERSHIP DESCRIBED IN A DEED DATED APRIL 29, 1987, OF RECORD IN VOLUME 670, PAGE 497, DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 0.499 ACRE PARCEL, AS SHOWN ON THE ACCOMPANYING SKETCH IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found on the existing northeast right-of-way line of CR269, known locally as Clovis Barker Road, and the southeast corner of said M R Properties 166.670 acre tract, same being the southwest corner of Lot 1-A, Lot 1-A and Lot 1-B, Cottonwood Creek Business Park, a subdivision of record in Book 9, Page 328, Plat Records of Hays County, Texas, for the southeast corner of this parcel;

THENCE, N 46° 02' 49" W, a distance of 2197.96 feet along the existing northeast right-of-way line of said Clovis Barker Road to a ½" iron rod found at the west corner of M R Properties 166.670 acre tract for the northwest corner of this parcel;

THENCE, in a northeasterly direction along the existing northeast right-of-way line of Clovis Barker Road, and the northwest boundary line of said M R Properties 166.670 acre tract the following two (2) courses;

- 1) N 47° 48' 56" E, a distance of 9.81 feet, to a ¾" iron pipe found for an angle point;
- 2) N 44° 30' 56" E, a distance of 5.00 feet, to a ½" iron rod with plastic cap set on the proposed northeast right-of-way line of said Clovis Barker Road for the northwest corner of this parcel;

Pg. 2  
0.499 Acre

THENCE, leaving said right-of-way line, S 45° 47' 30" E, a distance of 2196.02 feet across said M R Properties 166.70 acre tract, along the proposed northeast right-of-way line of Clovis Barker Road to a 1/2" iron rod set on the common boundary line of said MR Properties, 166.670 acre tract and Lot 1-A, said subdivision, for the southeast corner of this parcel;

THENCE, S 29° 58' 59" W, a distance of 5.16 feet to the POINT OF BEGINNING, containing 0.499 acre (21,740 square feet) of land.

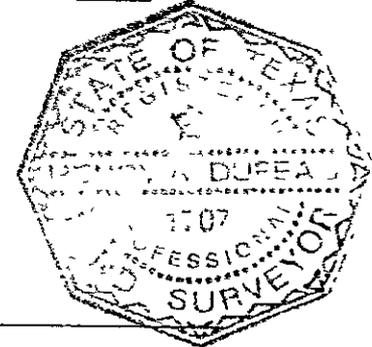
**BEARING BASIS**

All bearings refer to the Texas State Plane Coordinate System, South Central Zone, North American Datum of 1983.

STATE OF TEXAS           §  
  §           **KNOW ALL MEN BY THESE PRESENTS**  
COUNTY OF HAYS       §

That I, Henry A. Dufeu, 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 survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 21<sup>st</sup> day of October, 2001 A.D.



**MACIAS & ASSOCIATES, INC.**  
5410 South 1<sup>st</sup> Street  
Austin, Texas 78745

*Henry A. Dufeu*  
Henry A. Dufeu  
Registered Professional Land Surveyor  
No. 1707 – State of Texas

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS  
On: Oct 29, 2002 at 02:21

**REFERENCES**  
Volume 670, Page 497 R.P.R.H.C.  
TAX ID #R11870  
NAD83

Document Number: 02029718  
Amount 21.00  
Lee Carlisle  
County Clerk  
By  
Terry Klean, Deputy  
Hays County

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04024094 DPR 2527 327

Filed for Record in:  
Hays County  
On: Aug 20, 2004 at 10:02A  
Document Number: 04024094  
Amount: 30.00  
Receipt Number - 107965  
By:  
Disa Martinez, Deputy

Lee Carlisle, County Clerk  
Hays County

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

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STATE OF TEXAS §  
  §  
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS, that REID BRIAN McCOY, Trustee of the MEAGAN LANE McCOY FAMILY TRUST, of P. O. Box 647, City of San Marcos, County of Hays, State of Texas 78667 (hereinafter referred to as "Grantor"), for and in consideration of the sum of ten and 00/100 dollars (\$10.00), and other good and valuable consideration to the undersigned paid by McCOY FAMILY PARTNERSHIP TWO, LTD., (hereinafter referred to as "Grantee"), of P. O. Box 1028, City of San Marcos, County of Hays, State of Texas 78667, the receipt of which is hereby acknowledged, has GRANTED, SOLD, and CONVEYED, and by these presents does hereby GRANT, SELL, and CONVEY unto the said Grantee an undivided 4.55% in and to the real property (including any improvements) out of the Barnett O. Kane Survey, Abstract No. 281, Hays County, Texas, described in Exhibit A attached to and made a part of this instrument ("Property").

This conveyance is made and accepted subject to all validly existing easements, rights of way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions and other instruments that affect the Property; and taxes for the year 2004 and subsequent years, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns forever, subject to the exception to conveyance and warranty; and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under the said Grantor, but not otherwise subject to the exceptions to conveyance and warranty provided for in this deed.

EXECUTED this 25<sup>th</sup> day of JULY, 2004.

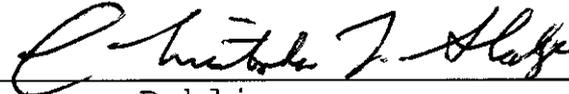
GRANTOR



REID BRIAN McCOY, Trustee of the MEAGAN LANE McCOY FAMILY TRUST

\_\_\_\_\_  
§  
\_\_\_\_\_  
§  
\_\_\_\_\_  
§

This instrument was acknowledged before me on the 25<sup>TH</sup> day of July, 2004, by REID BRIAN McCOY, Trustee, of the MEAGAN LANE McCOY FAMILY TRUST.



My Commission Expires:  
*INDEFINATE*

Notary Public, \_\_\_\_\_

TYPE/PRINT/STAMP NAME  
*CHRISTOPHER L. SLEDGE*  
*LCDR, USN*

PLEASE RETURN TO:

McCOY FAMILY PARTNERSHIP TWO, LTD.  
P. O. Box 1424  
San Marcos, Texas 78667



611 674

DESCRIPTION OF A SURVEY OF 59.70 ACRES, MORE OR LESS, OF LAND AREA IN THE BARNETT O. KANE SURVEY, ABSTRACT NO 231, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT 271.99 ACRE TRACT CONVEYED FROM LEONARD LLIGHTON, TRUSTEE TO TD-350 INVESTMENTS BY DEED DATED JANUARY 18, 1984 AS RECORDED IN VOLUME 414, PAGE 188 OF THE HAYS COUNTY REAL PROPERTY RECORDS AND BEING PARTICULARLY DESCRIBED AS FOLLOWS AND BOUNDS AS FOLLOWS

BEGINNING at an iron rod set in the corner of the TD-350 Investments 271.99 acre tract and State Highway No 123 for the northerly east corner of this tract, said to be the south corner of that 2.97 acre tract conveyed from TD-350 to Cindy Cox McCoy by deed dated February 21, 1986 as recorded in Volume 582, Page 756 of the Hays County Real Property Records, 1986 which a Texas Highway Department Concrete Monument found at the intersection of the south line of F. M. 3407 with the west line of Highway 123 bearing N01°56'36"E 666.75 feet and N01°49'30"W 91.46 feet;

THENCE leaving the PLACE OF BEGINNING and the 2.97 acre tract as shown on that plat prepared for Dave Pappas numbered 21760-86-24-d and dated November 11, 1986 by Dyer & Associates, Inc San Marcos, Texas with the common line of the TD-350 Investments 271.99 acre tract and Highway 123 the following two courses

1. S04°56'36"W 1281.06 feet to a Texas Highway Department Concrete Monument and
2. S04°52'56"W 98.91 feet to an iron rod found for a southerly east corner of this tract, being the north corner of that 1.99 acre tract conveyed from Willie R. Henk to James L. Braden by deed dated May 19, 1977 as recorded in Volume 156, Page 338 of the Hays County Deed Records,

THENCE leaving Highway No. 123 with the fenced common line of the TD-350 Investments 271.99 acre tract and the Braden 1.99 acre tract S48°21'37"W 205.08 feet to an iron rod set for the most southerly corner of this tract;

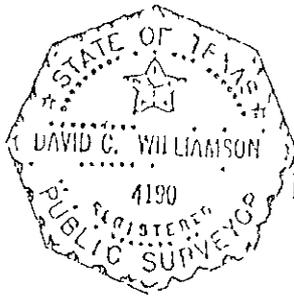
THENCE leaving the Braden 1.99 acre tract and crossing the TD-350 Investments 271.99 acre tract N41°41'24"W 2505.28 feet to an iron rod set for the west corner of this tract, being in the fenced common line of the TD-350 Investments 271.99 acre tract and that 52.38 acre tract conveyed from Andrew J. Ticile et ux to TD-350 Investments by deed dated January 30, 1984 as recorded in Volume 416, Page 367 of the Hays County Real Property Records, the common line of the Veramendi League and Kane Survey,

THENCE leaving the common fenced line of the TD-350 Investments tract, the common line of the Veramendi League and Kane Survey the following five courses

b-11 67.

- 1. N44°02'41"E 94.64 feet to a fence post,
- 2. N44°52'07"E 274.28 feet to a fence post,
- 3. N44°15'45"E 280.66 feet to a fence post,
- 4. N44°23'59"E 496.01 feet to a fence post, and
- 5. N45°02'10"E 65.37 feet to an iron rod found for the north corner of this tract, being the west corner of that 22.62 acre tract conveyed from TD-350 to Cindy Cox McCoy by deed dated February 21, 1986 as recorded in Volume 582, Page 761 of the Hays County Real Property Records;

FENCE leaving the TD-350 Investments 52.83 acre tract and crossing the TD-350 Investments 271.99 acre tract with the southwest line of the McCoy 27.62 acre tract and its projection S 1°41'24"E 1638.68 feet to the PLACE OF BEGINNING, pass at 705.36 feet an iron rod found for the south corner of the McCoy 27.62 acre tract, the west corner of Lot 1, Block 1 of the Dennis P. McCoy Subdivision, a subdivision of record in Volume 1, Page 136 of the Hays County Plat Records, pass at 1043.40 feet the south corner of the McCoy Subdivision, the west corner of the McCoy 2.97 acre tract. There are contained within these metes and bounds 59.70 acres, more or less, of land owned and surveyed on the ground during November, 1986 by Byrn & Associates, Inc. of San Marcos, Texas



*David C. Williamson*  
 \_\_\_\_\_  
 David C. Williamson, R.P.S. #4190

Client Duwe Properties  
 Date: November 12, 1986  
 Survey Kane, Barnett O. A-281  
 County. Hays, Texas  
 Job No.. 21760-86-24-d  
 FND59x7

Filed for Record in:  
 Hays County  
 On: Aug 20, 2004 at 10:02A  
 Document Number: 04024095  
 Amount: 20.00  
 Receipt Number - 107965  
 By,  
 Olga Martinez, Deputy  
 Lee Carlisle, County Clerk  
 Hays County

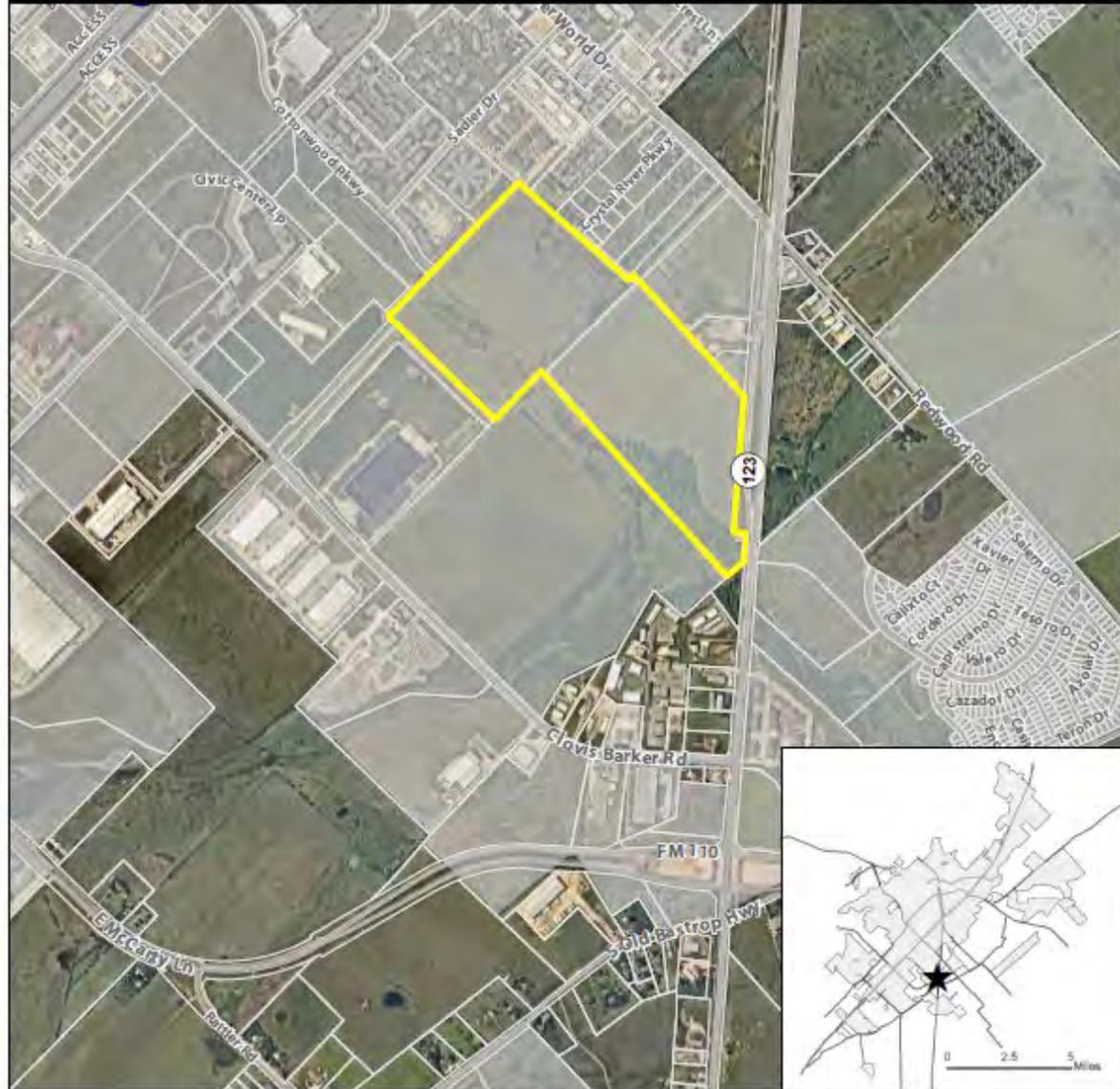
## ZC-20-10 (The Barracks)

ZC-20-10 (The Barracks) Hold a public hearing and consider a request by Ed Theriot on behalf of McCoy Family Partnership One and Two for a Zoning Change from Future Development (FD) to Planning Area District – Medium Intensity (PAD-MI), for approximately 109.5 acres out of the Barnett O. Kane, Cyrus Wickson, and J.M. Veramendi No. 1 surveys, located near the intersection of Wonder World Drive and Hwy 123. (W. Parrish)

## Location:

- Approximately 109 acres
- **Current Configuration:**  
Vacant
- Surrounding uses include:
  - Multifamily
  - Nursing home
  - Vacant
  - Industrial
- Located primarily within Medical District Medium Intensity Zone, and partially within an Employment Area

## ZC-20-10 Aerial View The Barracks — HWY 123



|                    |                        |
|--------------------|------------------------|
| ★ Site Location    | 0 750 1,500 3,000 Feet |
| ▭ Subject Property |                        |
| ▭ Parcel           |                        |
| ▭ City Limit       |                        |

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. Imagery from 2017.

Map Date: 6/26/2020

# Context & History

- **Existing Zoning:** Future Development (FD)
- **Proposed Zoning:** Medium Intensity - Planning Area
- Proposed zoning allows applicant to assign Character Districts 1-5 to parcels within the development.
- Planning Area zoning is intended for greenfield development to provide flexibility to master developer.

## ZC-20-10 400' Notification Buffer The Barracks — HWY 123



|   |                  |
|---|------------------|
| ★ | Site Location    |
|   | Subject Property |
|   | 400' Buffer      |
|   | Parcel           |
|   | City Limit       |

0 625 1,250 2,500 Feet

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.

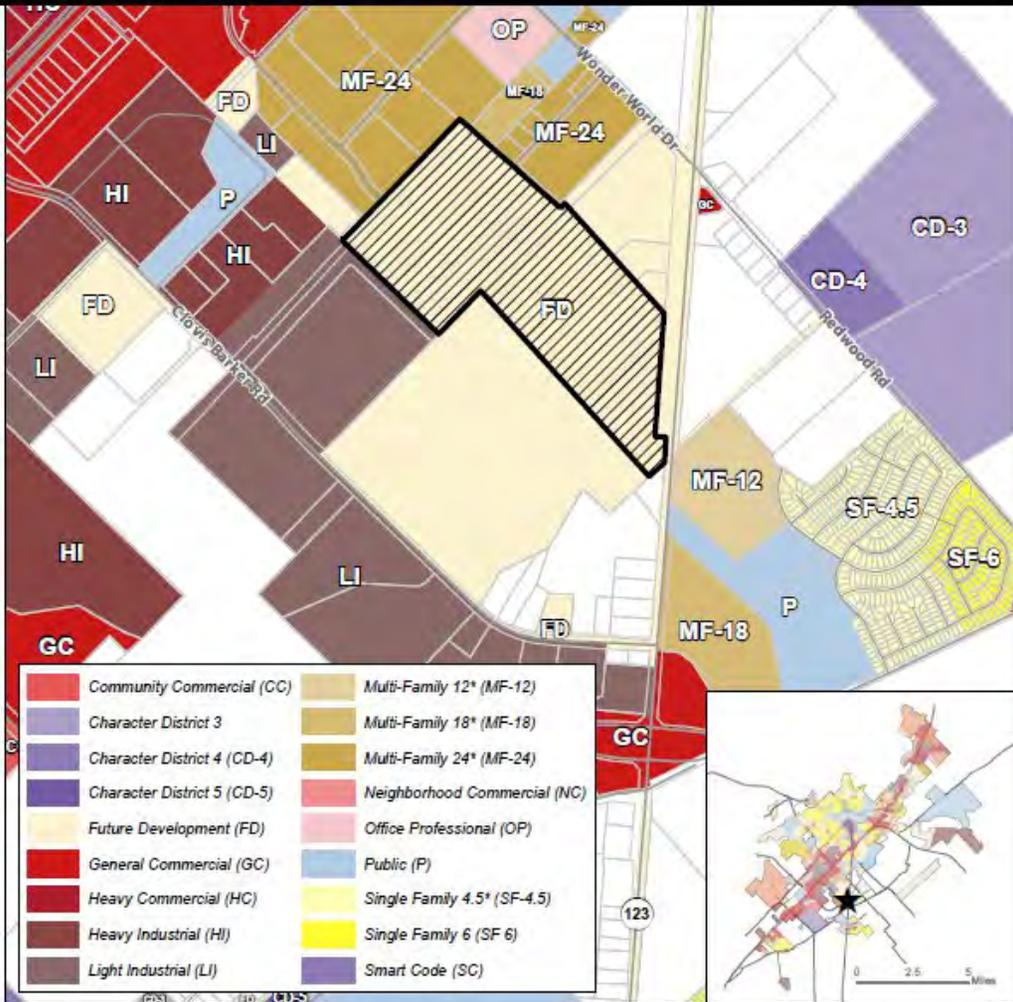
Map Date: 6/26/2020

## What is a Medium Intensity Planning Area?

- Planning Area's allow master developers the flexibility to shift development plans over time to meet demand.
- Developers may choose from allowed character districts, with each district having a maximum allowed percentage.
- Developers submit a regulating plan to ensure compliance over time with regulations.
- Planning Areas also have additional standards
  - Increased parkland requirements
  - Minimum 10% of units must meet affordable housing standards of 4.3.1.1.

|                       |               |          |
|-----------------------|---------------|----------|
| Medium Intensity Zone | CD-1, 2, or 3 | 10 - 30% |
|                       | CD-4          | 30 - 60% |
|                       | CD-5          | 10 - 30% |

### ZC-20-10 Existing Zoning The Barracks — HWY 123

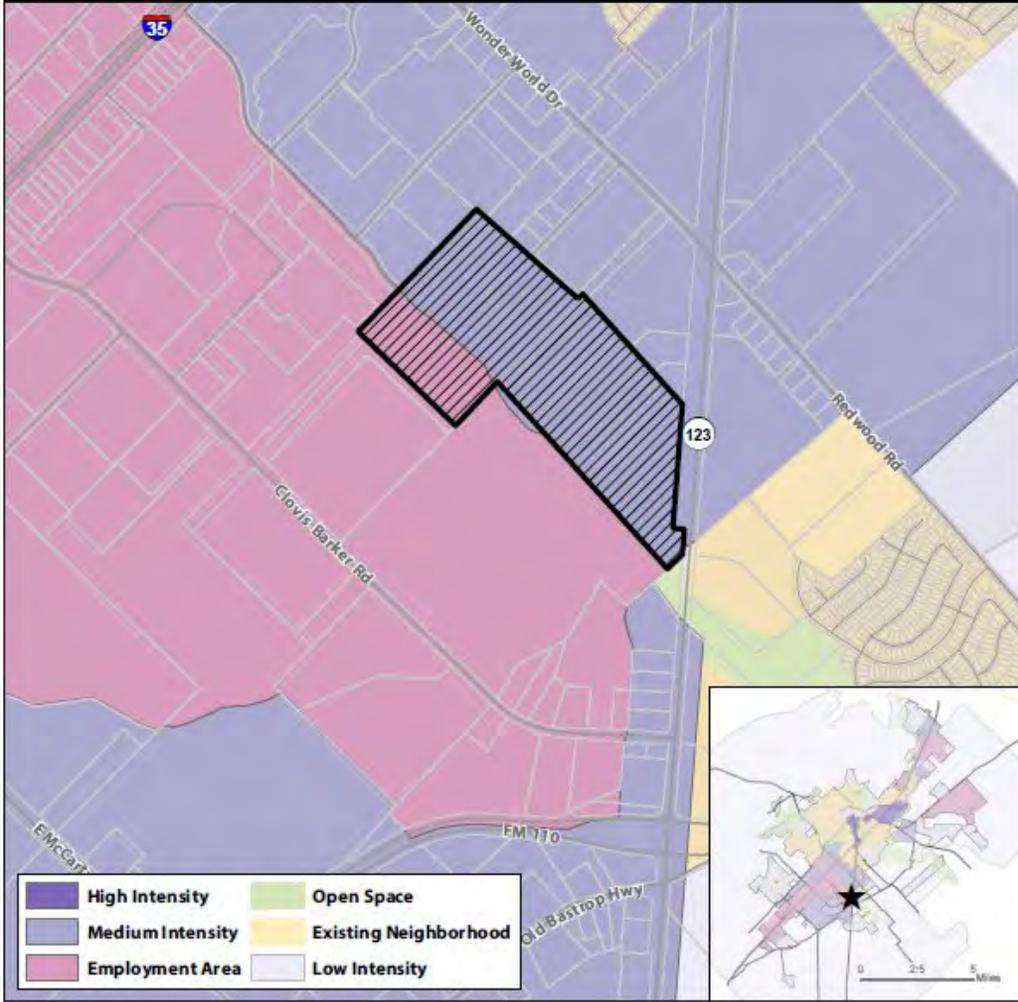


- ★ Site Location
- ▨ Subject Property
- ▭ Parcels
- ▭ City Limit



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.  
Map Date: 6/26/2020

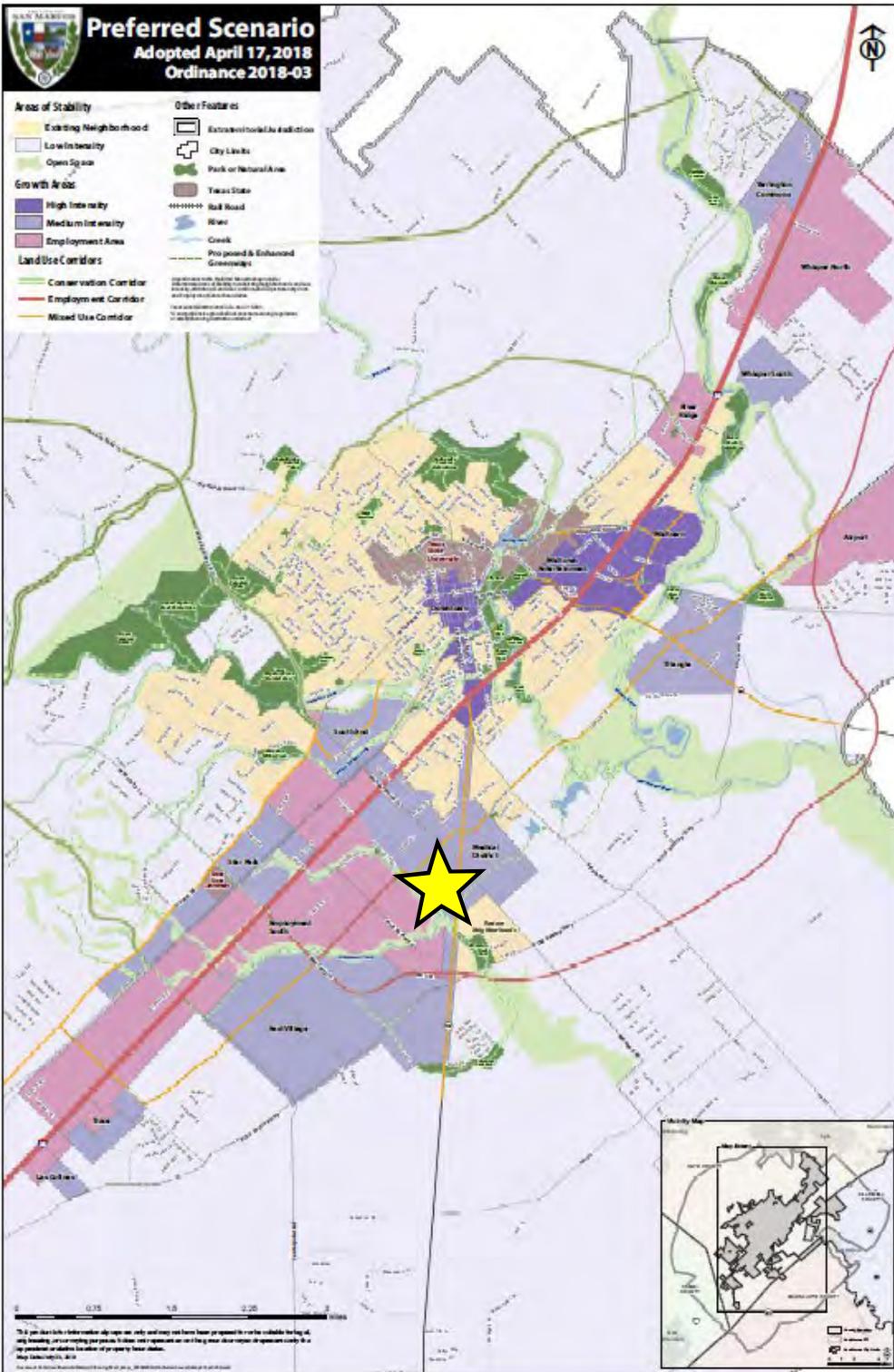
### ZC-20-10 Preferred Scenario The Barracks — HWY 123



- ★ Site Location
- ▨ Subject Property
- ▭ Parcels
- ▭ City Limit



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.  
Map Date: 6/26/2020



# Comprehensive Plan Analysis

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

**Located Primarily in Medical District Medium Intensity Area**

“Central Texas Medical Center has the potential to become an economic hub and bring additional healthcare related employment to San Marcos. Mixed uses will allow residents to live, work, and do many day-to-day tasks within the district. The close proximity of these different uses along with connected sidewalks and bike paths will promote pedestrian activity.”

# Comprehensive Plan Analysis

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

**Applicant is requesting a “Medium Intensity Planning Area” (MI-PA) primarily within an Medium Intensity Zone. The Code directs us to Section 4.1.2.4 – 4.1.2.5**

**TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION**

| DISTRICT CLASSIFICATION           | COMPREHENSIVE PLAN DESIGNATIONS |               |                                  |                                  |                      |          |
|-----------------------------------|---------------------------------|---------------|----------------------------------|----------------------------------|----------------------|----------|
|                                   | OPEN SPACE/<br>AGRICULTURAL     | LOW INTENSITY | EXISTING<br>NEIGHBORHOOD         | MEDIUM OR HIGH<br>INTENSITY ZONE | EMPLOYMENT<br>CENTER | CORRIDOR |
| Conventional Residential          | NP                              | NP            | C                                | --                               | --                   | --       |
| Neighborhood Density<br>Districts | NP                              | NP            | See Section<br>4.1.2.4 - 4.1.2.5 | NP                               | NP                   | C        |
| <b>Character Districts</b>        | NP                              | C             | --                               | C                                | NP                   | C        |
| Special Districts                 | --                              | NP            | NP                               | NP                               | C                    | C        |
| Legend                            | -- = Not Allowed (PSA Required) |               | NP = Not Preferred               |                                  | C = Consider         |          |

# Medium Intensity - Planning Area Zoning Analysis:

- The Medium Intensity Planning Area is to accommodate new master planned communities with diverse housing types developed around a 5 minute walk to all services.
- **Allowable Building Types:** House, Cottage, Accessory Dwelling Unit, Zero Lot Line House, Duplex, Cottage Court, Townhouse, Courtyard Housing, Apartment, Live/Work, Neighborhood Shopfront, Mixed Use Shopfront, and Civic Building.
- Proposed rezoning aligns with vision of the Comprehensive Plan, which states that the community needs **diversified housing options.**
- The property is vacant.

4 CHAPTER ZONING REGULATIONS

PA

### SECTION 4.4.3.7 PLANNING AREA DISTRICT









TABLE 4.14 PLANNING AREA DISTRICT ALLOCATION

| PREFERRED SCENARIO AREA | PLANNING AREA DESCRIPTION   | DISTRICT      | % ALLOCATION (BUILDABLE LAND) |
|-------------------------|---|---------------|-------------------------------|
| Employment Center       | Employment Planning Area. The intention of the employment planning area is to accommodate large employers or a corporate campus that can incorporate some residential or mixed use.   | CD-4          | 0 - 10%                       |
|                         |   | CD-5          | 10 - 40%                      |
|                         |   | EC            | 60 - 90%                      |
|                         |   | LI            | 0 - 30%                       |
| High Intensity Zone     | High Intensity Planning Area. The intention of the high intensity planning area is to accommodate high intensity and high density infill development within a compact mixed use area.   | CD-1, 2, or 3 | 0 - 10%                       |
|                         |   | CD-4          | 10 - 30%                      |
|                         |   | CD-5          | 60 - 90%                      |
| Medium Intensity Zone   | Medium Intensity Planning Area. The intention of the medium intensity planning are is to accommodate new master planned communities with diverse housing types developed around a 5 minute walk to all services.                            | CD-1, 2, or 3 | 10 - 30%                      |
|                         |   | CD-4          | 30 - 60%                      |
|                         |   | CD-5          | 10 - 30%                      |
| Low Intensity Area      | Conservation Planning Area. The intention of the conservation planning area is to preserve large areas of environmentally sensitive or prime agricultural lands while providing for clustered residential development in appropriate areas. | CD-1 or 2     | 50% min.                      |
|                         |   | CD-3          | 20 - 40%                      |
|                         |   | CD-4          | 10 - 30%                      |
|                         |   | CD-5          | 0 - 5%                        |

4-68 San Marcos Development Code Adopted April 17, 2018

**At this time, Developer is primarily interested in developing:**

- For Sale townhomes
- Multifamily

**Townhomes:**

- Can be developed in CD-4 and CD-5 zoning districts

**Purpose Built Student Oriented Housing**

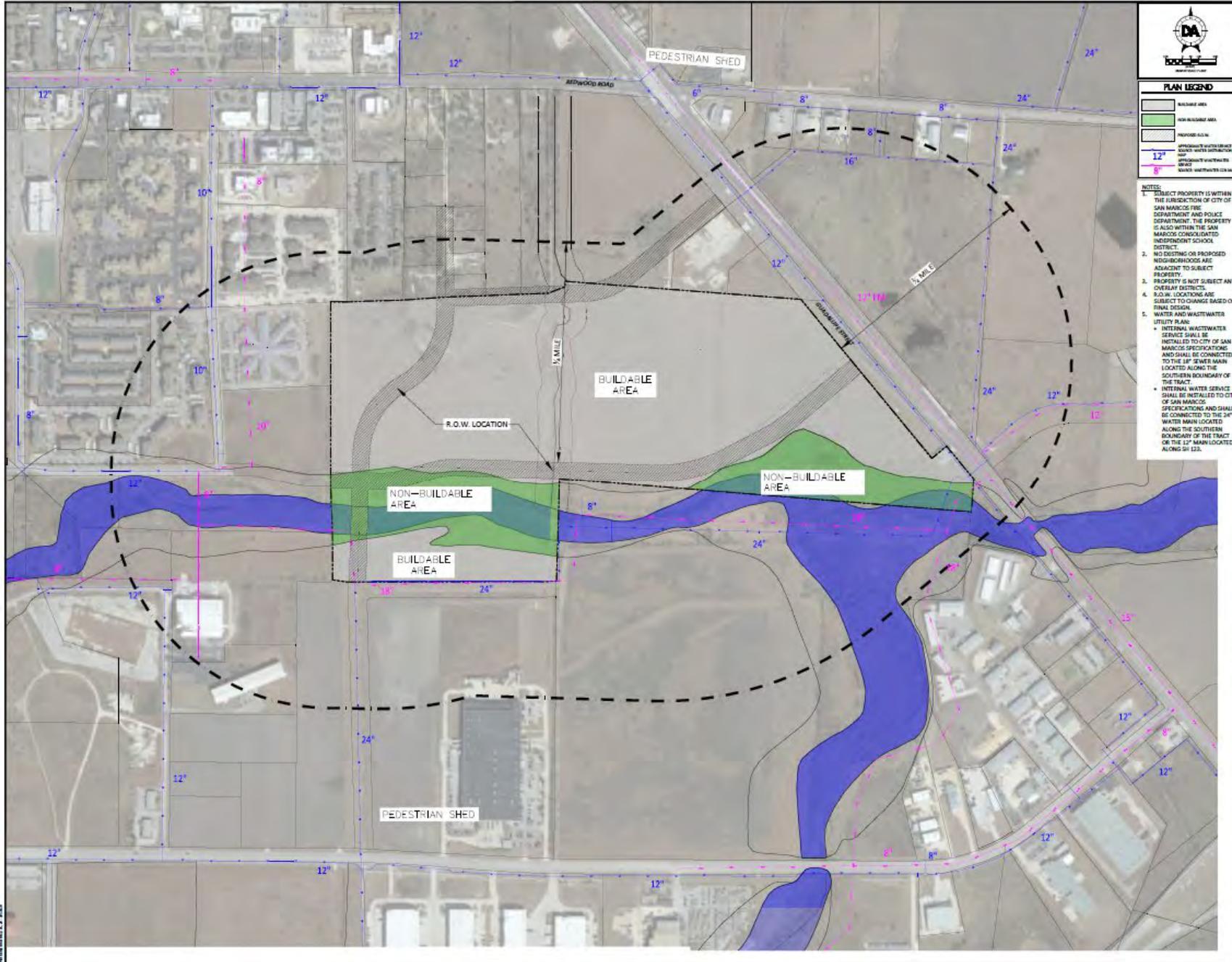
- Not requested at this time
- Only allowed in CD-5
- Would require a CUP

**Applicant intends for Commercial Uses along SH 123 in the future. Commercial uses allowed in:**

- CD-4 (limited)
- CD-5

| Medium Intensity Zone |          |
|-----------------------|----------|
| CD-1, 2, or 3         | 10 - 30% |
| CD-4                  | 30 - 60% |
| CD-5                  | 10 - 30% |

# Development Plan



**PLAN LEGEND**

- BUILDABLE AREA
- NON-BUILDABLE AREA
- PROPOSED E.O.M.
- APPROXIMATE WASTEWATER MAINS WATER DISTRIBUTION
- APPROXIMATE WASTEWATER MAINS
- APPROXIMATE WASTEWATER MAINS

**NOTES:**

- SUBJECT PROPERTY IS WITHIN THE JURISDICTION OF CITY OF SAN MARCOS FIRE DEPARTMENT AND POLICE DEPARTMENT. THE PROPERTY IS ALSO WITHIN THE SAN MARCOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
- NO EXISTING OR PROPOSED NEIGHBORHOODS ARE ADJACENT TO SUBJECT PROPERTY.
- PROPERTY IS NOT SUBJECT ANY OVERLAY DISTRICTS.
- R.O.W. LOCATIONS ARE SUBJECT TO CHANGE BASED ON FINAL DESIGN.
- WATER AND WASTEWATER UTILITY PLAN:
  - INTERNAL WASTEWATER SERVICE SHALL BE INSTALLED TO CITY OF SAN MARCOS SPECIFICATIONS AND SHALL BE CONNECTED TO THE 24" WATER MAIN LOCATED ALONG THE SOUTHERN BOUNDARY OF THE TRACT.
  - INTERNAL WATER SERVICE SHALL BE INSTALLED TO CITY OF SAN MARCOS SPECIFICATIONS AND SHALL BE CONNECTED TO THE 24" WATER MAIN LOCATED ALONG THE SOUTHERN BOUNDARY OF THE TRACT OR THE 12" MAIN LOCATED ALONG 24' 122.

**DA POLICET ASSOCIATE**  
 2405 S. Highway 71 W. Suite 100  
 San Marcos, TX 78666  
 www.dapolice.com  
 512.781.1000

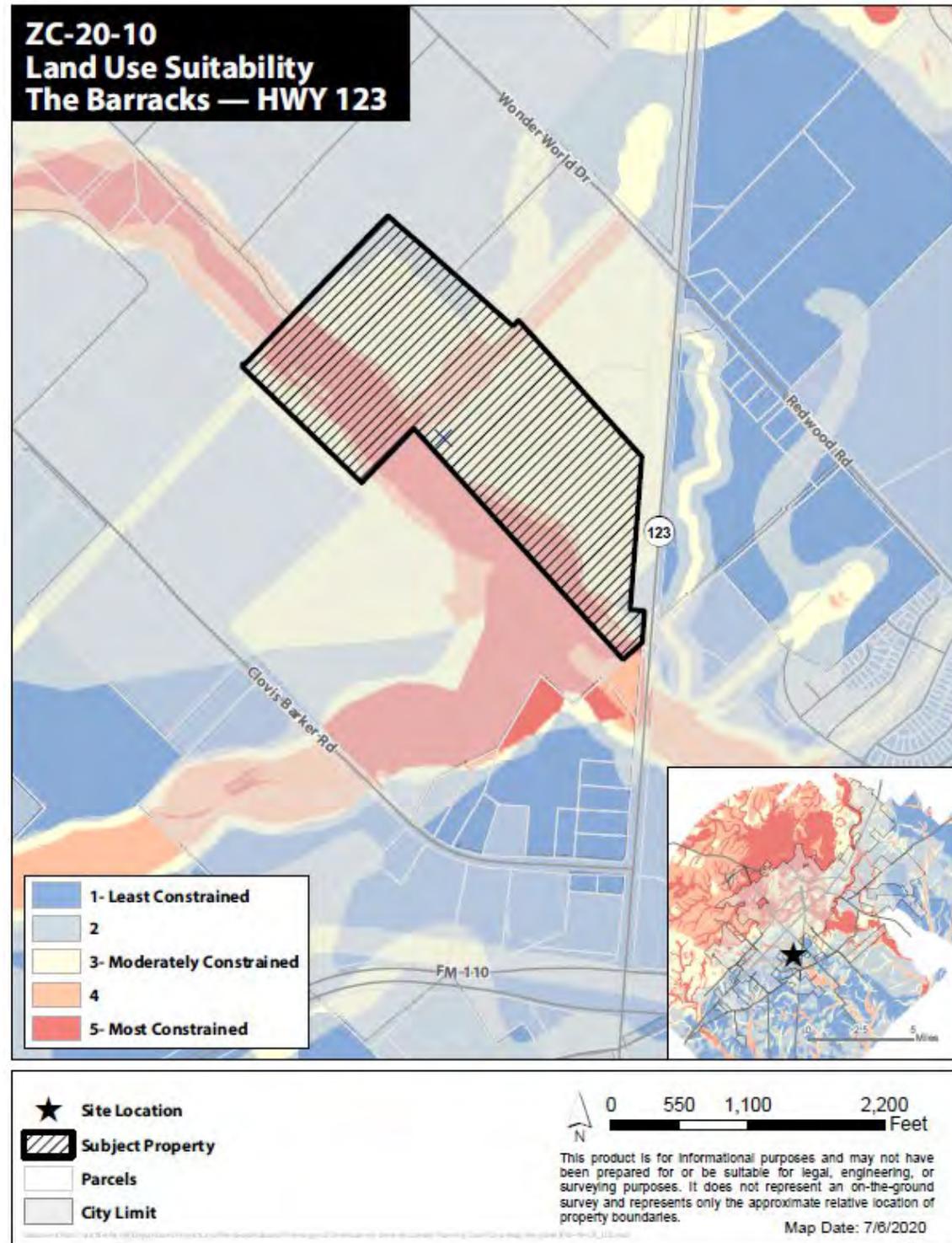
**DEVELOPMENT PLAN**

**BARRACKS AT SAN MARCOS**  
 SAN MARCOS, TEXAS

|                       |            |
|-----------------------|------------|
| Designed By           | DA Poliet  |
| Checked By            | DA Poliet  |
| Drawn By              | DA Poliet  |
| Date                  | 01/20/2018 |
| <b>SHEET</b>          |            |
| <b>1</b>              |            |
| <b>OF 1</b>           |            |
| Project No.: 1921-001 |            |

## Environmental Analysis

- Located within the Cottonwood Creek Watershed.
- Cottonwood Creek floodplain flows through the property. Applicant has identified this as Non-Buildable Area on Development Plan.
- Not located within any Edwards Aquifer Zone.
- Not located on significant slopes.



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

|                             | 1<br>(least) | 2 | 3<br>(moderate) | 4 | 5<br>(most) |
|-----------------------------|--------------|---|-----------------|---|-------------|
| Level of Overall Constraint |              |   | X               |   |             |
| Constraint by Class         |              |   |                 |   |             |
| Cultural                    |              |   |                 | X |             |
| Edwards Aquifer             | X            |   |                 |   |             |
| Endangered Species          | X            |   |                 |   |             |
| Floodplains                 | X            | X |                 | X | X           |
| Geological                  | X            |   |                 |   |             |
| Slope                       | X            |   |                 |   |             |
| Soils                       | X            |   |                 |   |             |
| Vegetation                  | X            |   |                 |   |             |
| Watersheds                  | X            |   |                 |   |             |
| Water Quality Zone          | X            |   |                 | X | X           |

## Staff Recommendation:

Staff provides this request to the Commission for your consideration and recommends **approval** of the request for a zoning change from “FD” Future Development to “MI-PA” Medium Intensity – Planning Area.

## Zoning District Comparison Chart

| Topic                        | <i>Existing Zoning:</i><br><b>Future Development (FD)</b>   | <i>Proposed Zoning:</i><br><b>Medium Intensity Planning Area (MI-PA)</b>  |
|------------------------------|---|---|
| Zoning 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. | MI-PA is intended for larger greenfield tracts in medium intensity areas where residential uses and commercial uses are developed as part of a master plan. The planning area district creates urban environments with a mix of housing, civic, retail and service choices within a compact, walkable environment. These walkable environments are defined by an area encompassed within a one-quarter to one-half-mile radius. This distance is the average most pedestrians will walk before they consider other modes of transportation. |
| Uses                         | Residential and Agricultural (See Land Use Matrix)  | Residential and commercial. (See Land Use Matrix)   |
| Parking Location             | No location standards   | Varies based on district  |
| Parking Standards            | 2 spaces per dwelling unit (if single family detached)  | Varies based on use   |
| Max Residential Units / acre | 0.4 units per acre (max)  | Based on parking  |
| Occupancy Restrictions       | N/A   | N/A   |
| Landscaping                  | Tree and shrub requirements   | Parking lot and Street Tree requirements  |
| Building Height (max)        | 2 stories   | CD-1: N/A                      CD-4: 3 stories<br>CD-2: N/A                      CD-5: 5 stories<br>CD-3: 2 Stories   |
| Setbacks                     | 50' front, 25' secondary street, 20' side, 20% rear   | Based on Zoning District  |

| Topic                  | Existing Zoning:<br>Future Development (FD)   | Proposed Zoning:<br>Planning Area (PA)  |
|------------------------|---|---|
| Impervious Cover (max) | 30%   | CD-1: 20%                      CD-4: 80%<br>CD-2: 20%                      CD-5: 100%<br>CD-3: 60%                          |
| Lot Sizes              | Allows a variety of lot sizes depending on Building Type.   | Lot size varies depending on zoning district and building type.   |
| Streetscapes           | Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area. | Residential and Main Street.  |
| Blocks                 | No Block Perimeter Required   | CD-1 and CD-2: N/A<br>CD-3: 2,800 ft. block perimeter<br>CD-4: 2,400 ft. block perimeter<br>CD-5: 2,000 ft. block perimeter |



## Legislation Text

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File #: ZC-20-14, Version: 1

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### **AGENDA CAPTION:**

ZC-20-14 (101 & 103 Lockhart Street) Hold a public hearing and consider a request by Andrew Nance, on behalf of Ryan Bragg, for a Zoning Change from Duplex (D) to Neighborhood Density - 3 (ND-3), for approximately 0.2938 acres consisting of lot 46 of the A.M. Ramsay Subdivision, located at 101 & 103 Lockhart Street. (T. Carpenter)

Meeting date: July 28, 2020

Department: Planning & 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: [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 - Diversified housing options to serve citizens with varying needs and interests

Parks, Public Spaces & Facilities - Choose an item.

Transportation - Choose an item.

Core Services

Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

The applicant intends to convert the existing duplex into two zero-lot-line homes. This proposal also includes the creation of an additional lot which the applicant intends to construct one new zero-lot-line home.

**Council Committee, Board/Commission Action:**

N/A

**Alternatives:**

N/A

**Recommendation:**

Staff recommends **approval** of the request as presented.

|                       |                                      |
|-----------------------|--------------------------------------|
| <b>Zoning Request</b> | <b>101 &amp; 103 Lockhart Street</b> |
| <b>ZC-20-14</b>       |                                      |



**Summary**

|                   |   |                        |  |
|-------------------|---|------------------------|--|
| <b>Request:</b>   | Zoning change from Duplex (D) to Neighborhood Density 3 (ND-3)    |                        |  |
| <b>Applicant:</b> | Andrew Nance<br>109 E Hopkins St, Ste 208<br>San Marcos, TX 78666 | <b>Property Owner:</b> | Ryan Bragg<br>35 Zabala St<br>Rancho Mission Viejo, CA<br>792694 |

**Notification**

|                     |                                    |                              |              |
|---------------------|------------------------------------|------------------------------|--------------|
| <b>Application:</b> | June 30, 2020                      | <b>Neighborhood Meeting:</b> | July 6, 2020 |
| <b>Published:</b>   | July 12, 2020                      | <b># of Participants</b>     | 0            |
| <b>Posted:</b>      | July 9, 2020                       | <b>Personal:</b>             | July 9, 2020 |
| <b>Response:</b>    | None as of the date of this report |                              |              |

**Property Description**

|                              |  |  |   |
|------------------------------|--|--|---|
| <b>Legal Description:</b>    | Lot 46 of the AM Ramsay Subdivision            |  |   |
| <b>Location:</b>             | The corner of Lockhart Street and Third Street |  |   |
| <b>Acreage:</b>              | 0.2938   | <b>PDD/DA/Other:</b>                     | N/A   |
| <b>Existing Zoning:</b>      | Duplex (D)                                     | <b>Proposed Zoning:</b>                  | Neighborhood Density 3 (ND-3)                   |
| <b>Existing Use:</b>         | Duplex   | <b>Proposed Use:</b>                     | Single-family Attached / Single-family Detached |
| <b>Existing Occupancy:</b>   | Restrictions Do Not Apply                      | <b>Occupancy:</b>                        | Restrictions Apply                              |
| <b>Preferred Scenario:</b>   | Existing Neighborhood                          | <b>Proposed Designation:</b>             | Same  |
| <b>CONA Neighborhood:</b>    | Millview East                                  | <b>Sector:</b>                           | 7   |
| <b>Utility Capacity:</b>     | Adequate                                       | <b>Floodplain:</b>                       | No  |
| <b>Historic Designation:</b> | N/A  | <b>My Historic SMTX Resources Survey</b> | No  |

**Surrounding Area**

|                           | <b>Zoning</b> | <b>Existing Land Use</b> | <b>Preferred Scenario</b> |
|---------------------------|---------------|--------------------------|---------------------------|
| <b>North of Property:</b> | MU            | Detached Single-Family   | Existing Neighborhood     |
| <b>South of Property:</b> | SF-4.5        | Detached Single-Family   | Existing Neighborhood     |
| <b>East of Property:</b>  | SF-6          | Detached Single-Family   | Existing Neighborhood     |
| <b>West of Property:</b>  | MR            | Detached Single-Family   | Existing Neighborhood     |

|                |                           |
|----------------|---------------------------|
| Zoning Request | 101 & 103 Lockhart Street |
| ZC-20-14       |                           |



**Staff Recommendation**

|   |   |                                 |
|---|---|---------------------------------|
| <input checked="" type="checkbox"/> Approval as Submitted | <input type="checkbox"/> Alternate Approval | <input type="checkbox"/> Denial |
| Staff: Tory Carpenter, AICP, CNU-A                        | Title : Planner                             | Date: July 21, 2020             |

**History**

**Additional Analysis**

The applicant intends to convert the existing duplex into two zero-lot-line homes. This proposal also includes the creation of an additional lot upon which the applicant intends to construct one new zero-lot-line home.

**Comments from Other Departments**

|                 |            |
|-----------------|------------|
| Police          | No Comment |
| Fire            | No Comment |
| Public Services | No Comment |
| Engineering     | No Comment |

| Evaluation                          |              |                                     | Compatibility of Uses & Density Criteria (Sec.4.1.2.5)  |
|-------------------------------------|--------------|-------------------------------------|---|
| Consistent                          | Inconsistent | Neutral                             |   |
|                                     |              | <input checked="" type="checkbox"/> | Helps prevent the impacts of high density uses on low density areas   |
| <input checked="" type="checkbox"/> |              |                                     | Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study  |
| <input checked="" type="checkbox"/> |              |                                     | Encourages more opportunities for home ownership<br><b><i>The proposal includes three homes on three separate lots. Each of these lots can be purchased by a potential home owner.</i></b>    |
| <input checked="" type="checkbox"/> |              |                                     | Ensures a diversity of housing to serve citizens with varying needs and interests<br><b><i>This proposal includes two attached houses, which is a limited housing type in San Marcos.</i></b> |

|                |                           |
|----------------|---------------------------|
| Zoning Request | 101 & 103 Lockhart Street |
| ZC-20-14       |                           |



| Evaluation |              |            | Criteria for Approval (Sec.2.5.1.4)   |
|------------|--------------|------------|---|
| Consistent | Inconsistent | Neutral    |   |
| <u>X</u>   |              |            | Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map<br><b>Table 4.1 of the San Marcos Development Code identifies Neighborhood Density Districts as districts that are C - Considered in Existing Neighborhoods, all other districts are identified as NP – Not Preferred.</b> |
|            |              | <u>N/A</u> | Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area<br><b>Studies were not complete at the time of this request.</b>  |
|            |              | <u>N/A</u> | Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect<br><b>There are no development agreements associated with this site.</b>  |
| <u>X</u>   |              |            | Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified<br><b>The uses proposed are consistent with surrounding uses and zoning.</b>  |
| <u>X</u>   |              |            | Whether the proposed zoning will reinforce the existing or planned character of the area<br><b>The proposed district is consistent with the existing character of the area. There is a variety of housing types in the immediate area, include multifamily, single-family, manufactured homes, and duplexes.</b>  |
| <u>X</u>   |              |            | Whether the site is appropriate for the development allowed in the proposed district<br><b>Residential homes are appropriate for this site.</b>   |
|            | <u>X</u>     |            | Whether there are substantial reasons why the property cannot be used according to the existing zoning<br><b>The property is currently being used as a duplex, which is consistent with the current zoning of "D," Duplex.</b>  |
| <u>X</u>   |              |            | Whether there is a need for the proposed use at the proposed location<br><b>The rezoning serves a public purpose as it furthers the goals and vision of the Comprehensive Plan by providing a diversity of housing types.</b>   |

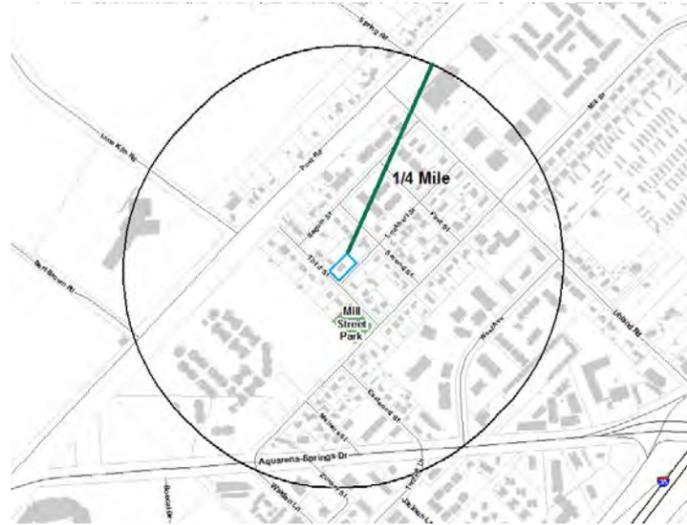
|                |                           |
|----------------|---------------------------|
| Zoning Request | 101 & 103 Lockhart Street |
| ZC-20-14       |                           |



| Evaluation |              |          | Criteria for Approval (Sec.2.5.1.4)  |
|------------|--------------|----------|--|
| Consistent | Inconsistent | Neutral  |  |
| <u>X</u>   |              |          | Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development<br><b><i>The property is located within an existing neighborhood with adequate services.</i></b> |
| <u>X</u>   |              |          | Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property<br><b><i>Staff does not anticipate adverse impacts on adjacent property as the proposed use is consistent with the surrounding uses.</i></b>  |
| <u>X</u>   |              |          | 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<br><b><i>The proposed use does comply with compatibility of uses and density in Section 4.1.2.5. The request is listed as "C" Considered and does not require a supermajority vote to approve.</i></b>  |
| <u>X</u>   |              |          | 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<br><b><i>This property is located within an area that has no environmental constraints according to the Land Use Suitability Map.</i></b>   |
|            |              | <u>X</u> | Any other factors which shall substantially affect the public health, safety, morals, or general welfare<br><b><i>None noted.</i></b>  |

# PROPERTY: 101 & 103 LOCKHART STREET EXISTING CONDITIONS ANALYSIS

PROXIMITY TO PARKLAND

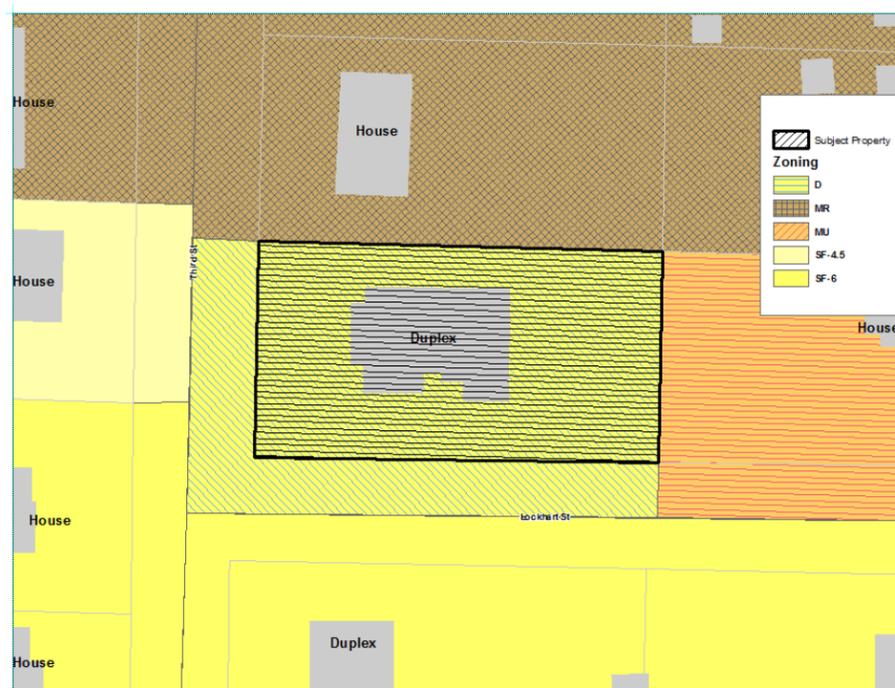


EXISTING STREETSAPES



| EXISTING STREETS AND STREETSAPES |  |
|----------------------------------|--|
|                                  | THIRD STREET & LOCKHART STREET           |
|                                  | Neighborhood Street<br>Existing ROW: 50' |
| Street Type                      |  |

EXISTING ZONING AND BUILDING TYPES

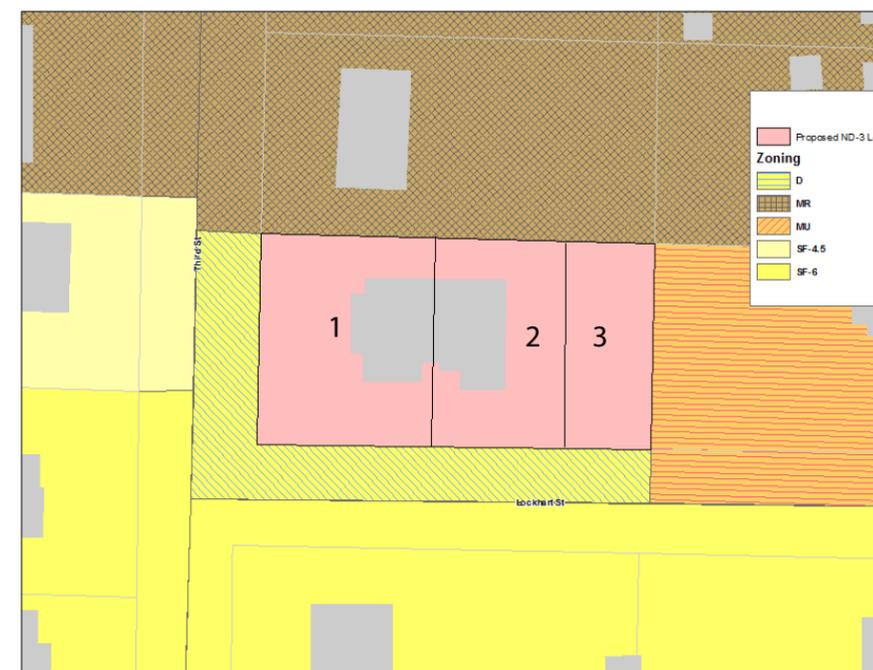


City of San Marcos Planning and Development Services Department

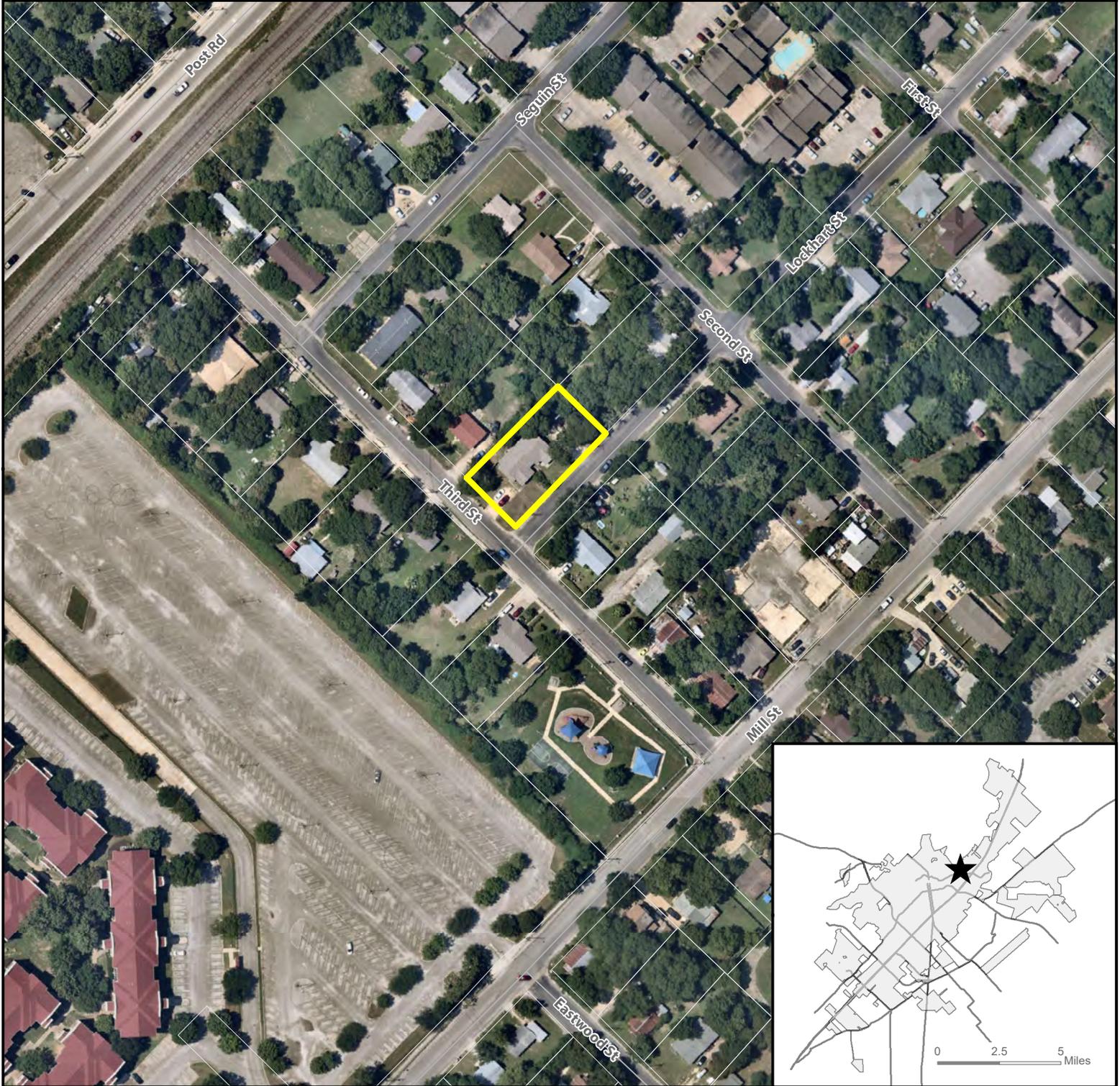
# PROPERTY: 101 & 103 LOCKHART STREET EXISTING NEIGHBORHOOD REGULATING PLAN ORDINANCE #: 2019-####

| PROPOSED ZONING REGULATIONS      |  |
|----------------------------------|--|
| Lots                             | 3  |
| Zoning District                  | Neighborhood Density - 3 (ND-3)  |
| Building Type                    | Zero Lot Line House<br> |
| Max. Units                       | 1 per lot  |
| Required Streetscape             | Residential  |
| Street Type                      | Existing (no new streets required)   |
| Transitional Protective Yard     | N/A  |
| Residential Infill Compatibility | N/A  |
| Parking location                 | Surface Parking: Second or Third Layer   |
| Parkland                         | Development Fee & Fee in Lieu  |

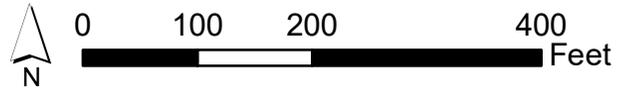
PROPOSED ZONING



# ZC-20-14 Aerial View Lockhart ND-3 Zoning — 101 & 103 Lockhart Street



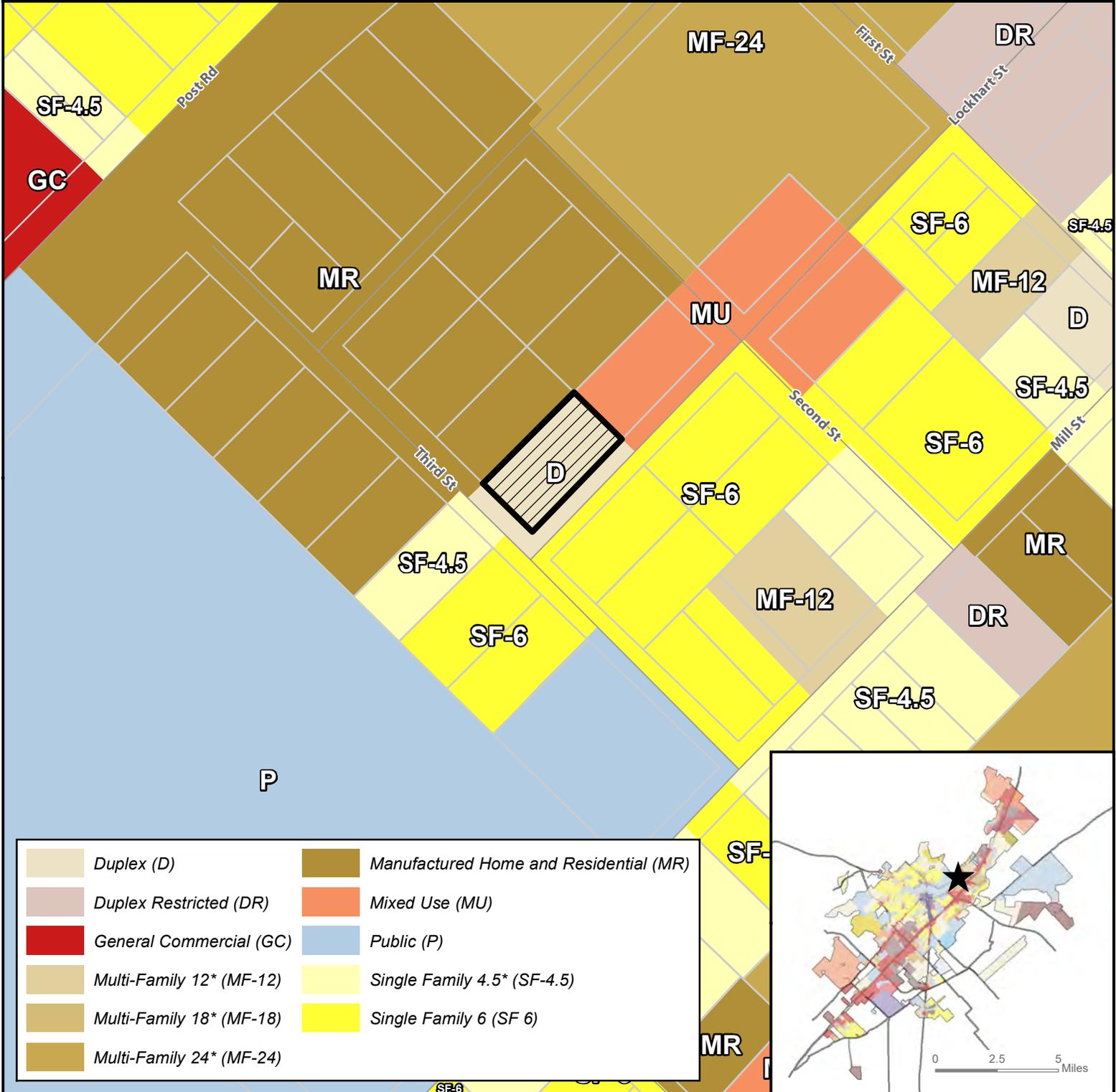
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



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Map Date: 7/9/2020

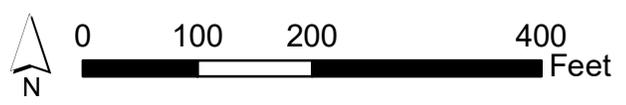
# ZC-20-14 Existing Zoning Lockhart Street ND-3 Zoning — 101 & 103 Lockhart Street



|  |                          |  |  |
|--|--------------------------|--|--|
|  | Duplex (D)               |  | Manufactured Home and Residential (MR) |
|  | Duplex Restricted (DR)   |  | Mixed Use (MU)                         |
|  | General Commercial (GC)  |  | Public (P)                             |
|  | Multi-Family 12* (MF-12) |  | Single Family 4.5* (SF-4.5)            |
|  | Multi-Family 18* (MF-18) |  | Single Family 6 (SF 6)                 |
|  | Multi-Family 24* (MF-24) |  |  |



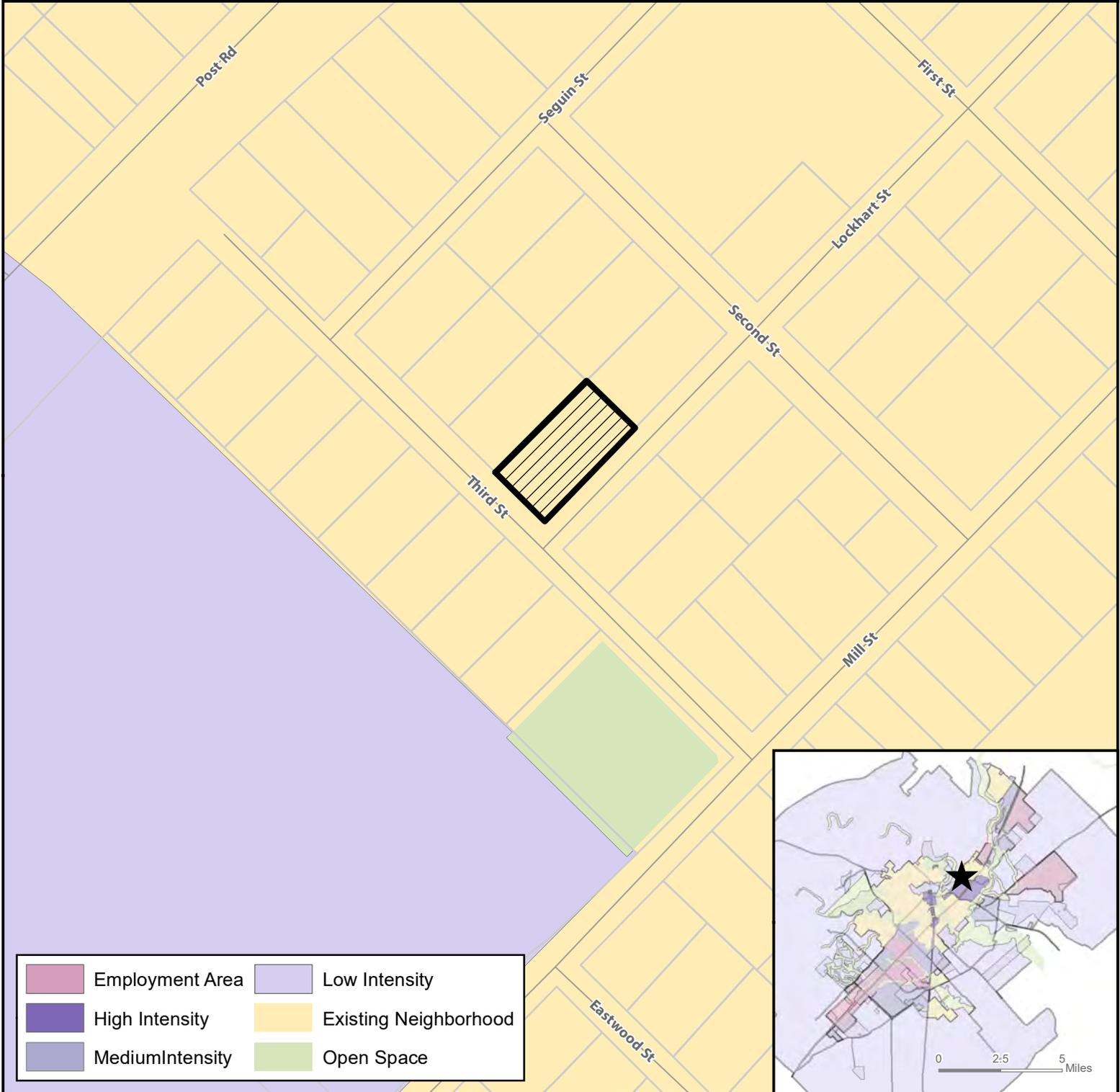
- Site Location**
- Subject Property**
- Parcels**
- City Limit**



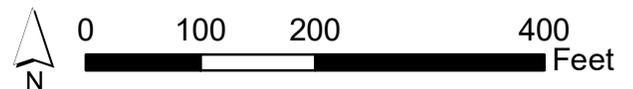
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Map Date: 7/9/2020

# ZC-20-14 Preferred Scenario Lockhart Street ND-3 Zoning — 101 & 103 Lockhart Street



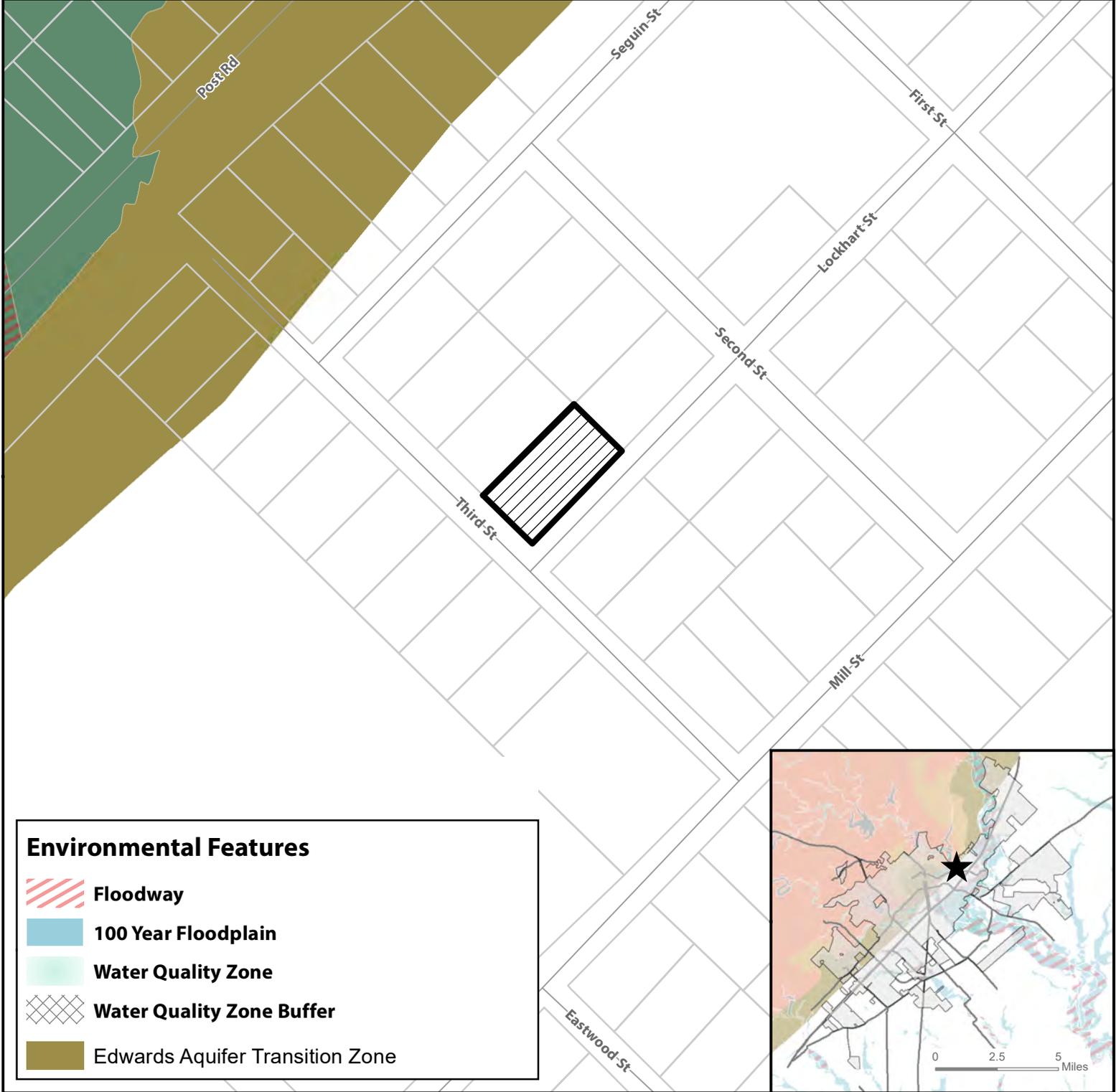
- ★ Site Location
- ▨ Subject Property
- ▭ Parcels
- ▭ City Limit



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.

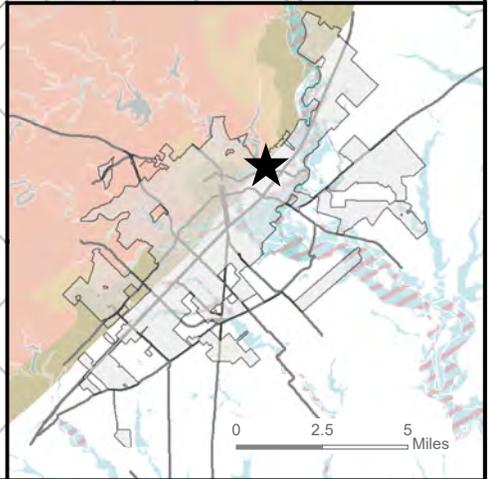
Map Date: 7/9/2020

# ZC-20-14 Environmental Features Lockhart Street ND-3 Zoning — 101 & 103 Lockhart Street

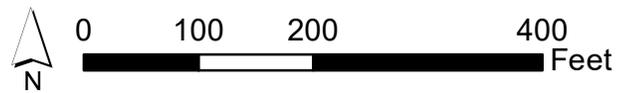


**Environmental Features**

-  Floodway
-  100 Year Floodplain
-  Water Quality Zone
-  Water Quality Zone Buffer
-  Edwards Aquifer Transition Zone



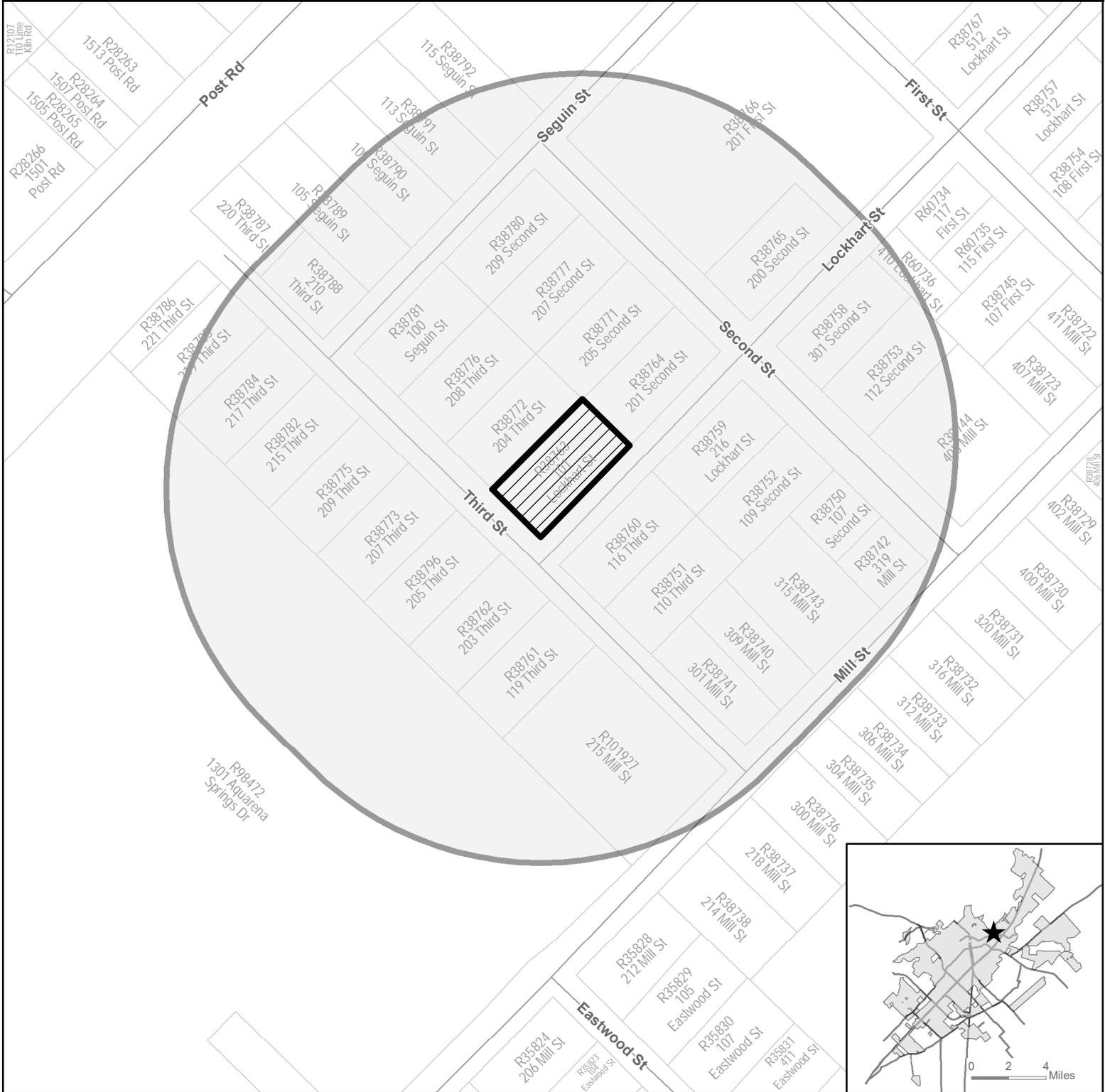
-  Site Location
-  Subject Property
-  Parcels
-  City Limit



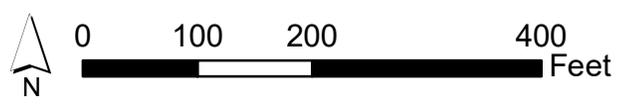
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Map Date: 7/9/2020

# ZC-20-14 400' Notification Buffer Lockhart Street ND-3 Zoning — 101 & 103 Lockhart Street



- ★ Site Location
- ▨ Subject Property
- 400' Buffer
- Parcel
- City Limit



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Map Date: 7/9/2020

**Notification List**

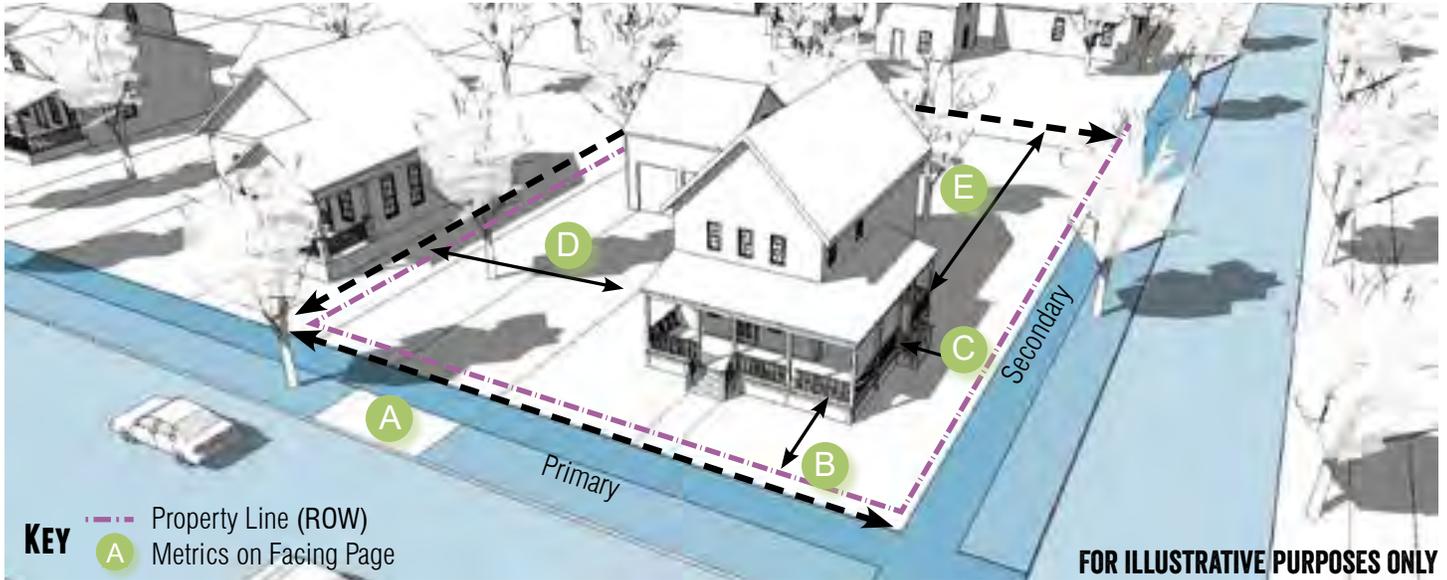
| Property ID | Subject Address     | Owner Name                                      | Address             | City                 | State | Zip        |
|-------------|---------------------|---|---------------------|----------------------|-------|------------|
| 38775       | 209 THIRD ST        | ALVAREZ MANUEL & JANIE                          | 209 3RD ST          | SAN MARCOS           | TX    | 78666-6628 |
| 38763       | 101-103 LOCKHART ST | BRAGG RYAN & JENNY K                            | 35 ZABILA ST        | RANCHO MISSION VIEJO | CA    | 92694-1823 |
| 38776       | 208 A THIRD ST      | BURLESON MARY ESTATE                            | 208 A THIRD ST      | SAN MARCOS           | TX    | 78666      |
| 38780       | 116 SECOND ST       | BW BOWDEN PROPERTIES INC                        | 307 HUNTERS GLEN DR | SAN MARCOS           | TX    | 78666-7154 |
| 38743       | 315 A-H MILL ST     | CASWELL JAMES D                                 | PO BOX 18298        | AUSTIN               | TX    | 78760      |
| 38741       | 301 MILL ST         | ESPINOSA PETRONILO JR                           | 301 MILL ST         | SAN MARCOS           | TX    | 78666      |
| 38740       | 309 MILL ST         | ESPINOZA, HENRY, Jr                             | 309 MILL ST         | SAN MARCOS           | TX    | 78666      |
| 38759       | 216 LOCKHART ST     | FLORES ANNA LISA                                | 216 LOCKHART ST     | SAN MARCOS           | TX    | 78666      |
| 38772       | 204 THIRD ST        | FLORES STEVEN RHETT                             | 16322 SHOAL ST      | CROSBY               | TX    | 77532-5250 |
| 38760       | 116 THIRD ST        | GALLEGOS MAGDALENA & PABLO JR                   | 116 THIRD ST        | SAN MARCOS           | TX    | 78666      |
| 101914      | 108 SECOND ST       | GARBELOTTI CARL JOHN & STACEY I                 | 221 RIO VISTA DR    | CIBOLO               | TX    | 78108-4205 |
| 38785       | 219 THIRD ST        | GARCIA NATIVIDAD & ISABEL                       | 219 THIRD ST        | SAN MARCOS           | TX    | 78666      |
| 38762       | 203 THIRD ST ST     | GARZA, TERESA M                                 | P O BOX 928         | SAN MARCOS           | TX    | 78667-0928 |
| 38789       | 105 SEGUIN ST       | GONZALEZ, OLGA M                                | 406 KNOX            | SAN MARCOS           | TX    | 78666      |
| 38796       | 205 THIRD ST        | HAMILTON ADELL EST                              | 205 THIRD ST        | SAN MARCOS           | TX    | 78666      |
| 38764       | 201 SECOND ST       | HARRIS, NETTIE E                                | 201 SECOND ST       | SAN MARCOS           | TX    | 78666      |
| 38752       | 109 SECOND ST       | HART RONALD K & HILL DARRELL                    | P O BOX 11          | SAN MARCOS           | TX    | 78667-0011 |
| 38777       | 207 SECOND ST       | HERNANDEZ, MIGUEL                               | 207 SECOND ST       | SAN MARCOS           | TX    | 78666      |
| 60736       | 410 LOCKHART ST     | HOUSING AUTHORITY OF THE CITY OF SAN MARCOS     | 1201 THORPE LN      | SAN MARCOS           | TX    | 78666      |
| 38787       | 220 SEGUIN ST       | ISLAS PEDRO T & JOSEFA G REVOCABLE LIVING TRUST | 220 3RD ST          | SAN MARCOS           | TX    | 78666      |
| 38781       | 102 SEGUIN ST       | IVARRA-ESPINOZA, GABRIELLA                      | P O BOX 319         | MARTINDALE           | TX    | 78655-0319 |
| 38761       | 119 THIRD ST        | JUAREZ GERALD LIFE ESTATE                       | 119 THIRD ST        | SAN MARCOS           | TX    | 78666      |
| 38792       | 115 SEGUIN ST       | LOMBARDO GUADALUPE R                            | 115 SEGUIN ST       | SAN MARCOS           | TX    | 78666-6624 |
| 38790       | 109 SEGUIN ST       | LOPEZ, JOE C                                    | 109 SEGUIN          | SAN MARCOS           | TX    | 78666      |
| 38791       | 113 SEGUIN ST       | MIRANDA JOSEPHINE & ESTATE OF LUCAS             | 113 SEGUIN ST       | SAN MARCOS           | TX    | 78666      |
| 38771       | 205 SECOND ST       | MOORE STAN & PARSONS CAROLINE                   | 205 SECOND ST       | SAN MARCOS           | TX    | 78666      |
| 38773       | 207 THIRD ST        | RANGEL, JONAS                                   | 207 3RD ST          | SAN MARCOS           | TX    | 78666      |
| 38742       | 319 MILL ST         | RODRIGUEZ, ANITA                                | 319 MILL ST         | SAN MARCOS           | TX    | 78666      |
| 38784       | 217 THIRD ST        | RODRIGUEZ, JAMES L                              | 217 THIRD ST        | SAN MARCOS           | TX    | 78666      |
| 38793       | 117 SEGUIN ST       | ROSE VILLAGE GREEN APTS LP                      | P O BOX 40879       | INDIANAPOLIS         | IN    | 46240-0879 |
| 38750       | 107 SECOND ST       | SANDOVAL SALLY                                  | 107 SECOND ST       | SAN MARCOS           | TX    | 78666      |
| 38753       | 112 SECOND ST       | SCOTT, ANGELIQUE PEREZ                          | 101 MADISONS CV     | BUDA                 | TX    | 78610      |
| 38758       | 301 SECOND ST       | SCOTT, SHANE                                    | 301 SECOND ST       | SAN MARCOS           | TX    | 78666      |
| 38744       | 405 MILL ST         | SOLIS VICTOR JR &                               | 417 INDIAN BLANKET  | SAN MARCOS           | TX    | 78666      |
| 35825       | 209 MILL ST         | TEXAS STATE UNIVERSITY-SAN MARCOS               | 601 UNIVERSITY DR   | SAN MARCOS           | TX    | 78666-4684 |
| 38751       | 110 THIRD ST        | WYMORE, LARA                                    | 110 THIRD ST        | SAN MARCOS           | TX    | 78666      |
| 38765       | 200 SECOND ST       | YBARRA, CATARINO                                | 200 SECOND ST       | SAN MARCOS           | TX    | 78666      |
|             |                     | Neighborhood Commissioner Shane Scott           | 301 SECOND ST       | SAN MARCOS           | TX    | 78666      |

## Zoning District Comparison Chart

| Topic                               | <b>Existing Zoning:<br/>Duplex (D)</b>   | <b>Proposed Zoning:<br/>Neighborhood Density-3 (ND-3)</b>   |
|-------------------------------------|--|---|
| <b>Zoning Description</b>           | The D Duplex Residential District is intended for development of single-family residences and associated uses as well as for development on larger parcels of land of low density two-family duplex units. The D Duplex Residential District is intended to replace existing DP zoned areas. D zoning is not to be applied to properties for new duplex development. | The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodated affordable alternatives for home ownership. ND-3 Should be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed. |
| <b>Uses</b>                         | Duplex & single-family detached. <i>(See Land Use Matrix)</i>  | Residential <i>(See Land Use Matrix)</i>  |
| <b>Parking Location</b>             | No location standards  | Parking allowed in the Second and Third Layer   |
| <b>Parking Standards</b>            | 2 spaces per single-family dwelling unit.  | 2 spaces per single-family dwelling unit, 1 space for ADU   |
| <b>Max Residential Units / acre</b> | 6 units per acre (max)   | 10 units per acre (max)   |
| <b>Occupancy Restrictions</b>       | Do not apply   | Apply   |
| <b>Landscaping</b>                  | Tree and shrub requirements  | Tree and shrub requirements   |
| <b>Building Height (max)</b>        | 2 stories  | 2 stories   |
| <b>Setbacks</b>                     | Based on Zoning District   | 15' front Setback, 0' side setback, 15' rear set back.  |
| <b>Impervious Cover (max)</b>       | 75%  | 60%   |
| <b>Lot Sizes</b>                    | Minimum 90' wide 11,000 square feet.   | Allows a variety of lot sizes depending on Building Type.   |
| <b>Streetscapes</b>                 | Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.  | Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.   |
| <b>Blocks</b>                       | 3,000 ft. Block Perimeter max.   | 3,000 ft. Block Perimeter max.  |

ND-3

SECTION 4.4.2.1 NEIGHBORHOOD DENSITY - 3



GENERAL DESCRIPTION

The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodate affordable alternatives for home ownership. ND-3 should be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

DENSITY

|                        |                 |
|------------------------|-----------------|
| Units Per Gross Acre   | 10 max.         |
| Impervious Cover       | 60% max.        |
| Occupancy Restrictions | Section 5.1.4.1 |

TRANSPORTATION

|                  |               |                  |
|------------------|---------------|------------------|
| Block Perimeter  | 2,800 ft. max | Section 3.6.2.1  |
| Streetscape Type | Residential   | Section 3.8.1.10 |

BUILDING TYPES ALLOWED

|                     |                  |
|---------------------|------------------|
| Accessory Dwelling  | Section 4.4.6.1  |
| House               | Section 4.4.6.2  |
| Cottage             | Section 4.4.6.3  |
| Zero Lot Line House | Section 4.4.6.6  |
| Civic               | Section 4.4.6.15 |

**BUILDING STANDARDS**

|                            |                |             |
|----------------------------|----------------|-------------|
| Principle Building Height  | 2 stories max. | 35 ft. max. |
| Accessory Structure Height | N/A            | 24 ft. max. |
| Building Width             | 60 ft. max.    |             |

**LOT**

| BUILDING TYPE       | LOT AREA           | LOT WIDTH   | A |
|---------------------|--------------------|-------------|---|
| House               | 6,000 sq. ft. min. | 60 ft. min. |   |
| Cottage             | 4,500 sq. ft. min. | 40 ft. min. |   |
| Zero Lot Line House | 2,500 sq. ft. min. | 25 ft. min. |   |
| Civic               | 4,500 sq. ft. min. | 50 ft. min. |   |

**SETBACKS - PRINCIPAL BUILDING**

|                      |   |   |
|----------------------|---|---|
| Principal Street     | 15 ft. min or Avg front setback (Section 4.4.2.5) | B |
| Secondary Street     | 15 ft. min.                                       | C |
| Side                 | 5 ft. min.  | D |
| Rear                 | 15 ft. min.                                       | E |
| Rear, abutting alley | 5 ft. min.  | E |

**SETBACKS - ACCESSORY STRUCTURE**

|                  |             |
|------------------|-------------|
| Principal Street | 20 ft. min. |
| Secondary Street | 15 ft. min. |
| Side             | 5 ft. min.  |
| Rear             | 3 ft. min.  |

**PARKING LOCATION**

| LAYER (SECTION 4.3.3.1) | SURFACE     | GARAGE          |
|-------------------------|-------------|-----------------|
| First Layer             | Not Allowed | Not Allowed     |
| Second Layer            | Allowed     | Section 7.1.4.1 |
| Third Layer             | Allowed     | Section 7.1.4.1 |

**Section 9.2.1.4 D, Duplex Residential District**

- A. Purpose.** The D Duplex Residential District is intended for development of single-family residences and associated uses as well as for development on larger parcels of land of low density two-family duplex units. The D Duplex Residential District is intended to replace existing DP zoned areas. D zoning is not to be applied to properties for new duplex development.
- B. Authorized Uses.** Permitted and conditional uses, as authorized in the Land Use Matrix in Section 9.3.1.2. Accessory uses as authorized in Section 9.3.2.1.
- C. Additional Development Standards.** See Section 9.1.1.1
- D. Additional Area, Building and Height Requirements:**
- 1. Minimum Lot Area:**
    - a. Duplex, duplex condominium: 11,000 square feet
    - b. All other uses: 6,000 square feet
  - 2. Minimum Lot Width:**
    - a. Single-family dwelling, group home, two-unit townhouse: 50 feet per lot
    - b. All other uses: 90 feet per lot
  - 3. Minimum Lot Frontage:**
    - a. Single-family dwelling, group home, two-unit townhouse: 35 feet per lot
    - b. All other uses: 60 feet per lot
  - 4. Minimum Side Yard, Interior:**
    - a. Single-family dwelling, group home, two-unit townhouse: five feet
    - b. All other uses: Ten feet
    - c. No side setback required for the common wall side of two-unit townhouses
- E. Additional Requirements.** See Chapters 1, 2, 3, 6, and 7 for additional standards as applicable.

**ZC-20-14 (101 & 103 Lockhart Street) Zoning Change Review (By Comp Plan Element)**

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

|   |     |                                |
|---|-----|--------------------------------|
|   | YES | NO<br>(map amendment required) |
| Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix? | X   |                                |

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

| STRATEGY  | SUMMARY   | Supports | Contradicts | Neutral  |
|---|---|----------|-------------|--|
| Preparing the 21 <sup>st</sup> Century Workforce        | Provides / Encourages educational opportunities   |          |             | Applicant has not indicated that educational facilities will be included.              |
| Competitive Infrastructure & Entrepreneurial Regulation | Provides / Encourages land, utilities and infrastructure for business   |          |             | Applicant has not indicated that infrastructure will be extended.                      |
| The Community of Choice                                 | Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity |          |             | Applicant has not indicated that opportunities for jobs and services will be included. |

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

|                             | 1<br>(least) | 2 | 3<br>(moderate) | 4 | 5<br>(most) |
|-----------------------------|--------------|---|-----------------|---|-------------|
| Level of Overall Constraint | X            |   |                 |   |             |
| Constraint by Class         |              |   |                 |   |             |
| Cultural                    | X            |   |                 |   |             |
| Edwards Aquifer             | X            |   |                 |   |             |
| Endangered Species          | X            |   |                 |   |             |
| Floodplains                 | X            |   |                 |   |             |
| Geological                  | X            |   |                 |   |             |
| Slope                       | X            |   |                 |   |             |
| Soils                       | X            |   |                 |   |             |
| Vegetation                  | X            |   |                 |   |             |
| Watersheds                  | X            |   |                 |   |             |
| Water Quality Zone          | X            |   |                 |   |             |

**ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results**

|   |            |        |        |         |       |
|---|------------|--------|--------|---------|-------|
| Located in Subwatershed:  | Sewel Park |        |        |         |       |
|   | 0-25%      | 25-50% | 50-75% | 75-100% | 100%+ |
| Modeled Impervious Cover Increase Anticipated for watershed   | X          |        |        |         |       |
| Notes: <b>The Sewell subcatchment will have a higher overall impervious cover with the Preferred Scenario (58%) compared to the trend scenario (53%). Most of the changes with the Preferred Scenario will occur on previously developed urban areas. This means that developments for the Preferred Scenario, such as the midtown area, will have a high amount of impervious cover. The increase in impervious cover with the Preferred Scenario could result in a 7 percent increase of TSS with a similar increase in bacteria (8.8%) generally during rain events.</b> |            |        |        |         |       |

**NEIGHBORHOODS – Where is the property located**

|                                       |               |
|---------------------------------------|---------------|
| CONA Neighborhood(s):                 | Millview East |
| Neighborhood Commission Area(s):      | 7             |
| Neighborhood Character Study Area(s): | N/A           |

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

|  |                      |                       |
|--|----------------------|-----------------------|
|  | YES                  | NO                    |
| Will Parks and / or Open Space be Provided?  |                      | X                     |
| Will Trails and / or Green Space Connections be Provided?                            |                      | X                     |
| <b>This is a small replat and the fee in lieu of dedication is more appropriate.</b> |                      |                       |
| <b>Maintenance / Repair Density</b>  | Low<br>(maintenance) | High<br>(maintenance) |
| Wastewater Infrastructure  | X                    |                       |
| Water Infrastructure   | X                    |                       |
| <b>Public Facility Availability</b>  |                      |                       |
|  | YES                  | NO                    |
| Parks / Open Space within ¼ mile (walking distance)?                                 | X                    |                       |
| Wastewater service available?  | X                    |                       |
| Water service available?   | X                    |                       |

**TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation**

|  |                                 |   |   |   |   |   |
|--|---------------------------------|---|---|---|---|---|
|  |                                 | A | B | C | D | F |
| Existing Daily LOS   | Third Street<br>Lockhart Street |   |   |   |   |   |
| Existing Peak LOS  | Third Street<br>Lockhart Street |   |   |   |   |   |
| Preferred Scenario Daily LOS   | Third Street<br>Lockhart Street |   |   |   |   |   |
| Preferred Scenario Peak LOS  | Third Street<br>Lockhart Street |   |   |   |   |   |
| <b>This property is located at the intersection of two neighborhood streets. These streets have traffic levels so low that they were not included within the Level of Service study.</b> |                                 |   |   |   |   |   |

|  | N/A | Good | Fair | Poor |
|--|-----|------|------|------|
| Sidewalk Availability  | X   |      |      |      |
| Sidewalks are required to be built as part of the development. |     |      |      |      |
|  | YES |      | NO   |      |
| Adjacent to existing bicycle lane?                             |     |      | X    |      |
| Adjacent to existing public transportation route?              |     |      | X    |      |
| Notes:   |     |      |      |      |



**PLANNING AND DEVELOPMENT SERVICES**

**7/08/2020**

**ZC-20-14**

**Notice of Public Hearing  
Zoning Change Request  
“D” Duplex to “ND-3” Neighborhood Density - 3  
101 & 103 Lockhart Street**

*ZC-20-14 (101 & 103 Lockhart Street) Hold a public hearing and consider a request by Andrew Nance, on behalf of Ryan Bragg, for a Zoning Change from Duplex (D) to Neighborhood Density – 3 (ND-3), for approximately 0.2938 acres consisting of lot 46 of the A.M. Ramsay Subdivision, located at 101 & 103 Lockhart Street. (T. Carpenter)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing and will either approve or deny the request. This recommendation will be forwarded to the San Marcos City Council. Before making a decision, the Commission and Council will hold public hearings 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 conducted by the Planning and Zoning Commission via virtual meeting on **Tuesday, July 28 2020** at **6:00 p.m.** You may watch the public hearing using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) for information on how to participate in the public hearing.
- A public hearing will be held at the City Council Meeting on **Tuesday, August 18, 2020** at **6:00 p.m.** in the Council Chambers in City Hall, 630 East Hopkins. If current orders related to COVID-19 are extended, virtual meeting information will be provided at the following website: <https://sanmarcostx.gov/421/City-Council-Videos-Archives>

All interested citizens are invited to watch or participate in the public hearing by the means described above. If you cannot participate in the virtual public hearing of the Planning and Zoning Commission or the City Council meeting, but wish to comment, you may write to the below address. Your written comments will be given to the Planning & Zoning Commission and City Council if they are received before 12 PM on the day of the meeting.

Development Services-Planning  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

For more information regarding this request, contact the case manager, **Tory Carpenter**, at **512.393.8234**. When calling, please refer to case number **ZC-20-14**.

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](http://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](mailto:ADArequest@sanmarcostx.gov)*

PLANNING AND DEVELOPMENT SERVICES  
Enclosure: Map (See Reverse)

**CITY HALL • 630 EAST HOPKINS • SAN MARCOS, TEXAS 78666 • 512.393.8230 • FACSIMILE 855.759.2843  
SANMARCOSTX.GOV**

# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION



Updated: October, 2019

## CONTACT INFORMATION

|                             |                           |                         |  |
|-----------------------------|---------------------------|-------------------------|--|
| Applicant's Name            | Andrew Nance              | Property Owner          | Ryan Bragg   |
| Company                     | A.GRUPPO Architects       | Company                 | owner  |
| Applicant's Mailing Address | 109 E Hopkins STE 2087866 | Owner's Mailing Address | 35 Zabala Street<br>Rancho Mission Viejo, CA<br>92694-1823 |
| Applicant's Phone #         | 512.557.2140              | Owner's Phone #         | 512.751.4285   |
| Applicant's Email           | andrew@agruppo.com        | Owner's Email           | ryantbragg@gmail.com                                       |

## PROPERTY INFORMATION

Subject Property Address(es): 101-103 Lockhart, San Marcos TX 7866  
 Legal Description: Lot 46 Block \_\_\_\_\_ Subdivision AM RAMSAY  
 Total Acreage: 0.2938 Tax ID #: R38763  
 Preferred Scenario Designation: Existing Neighborhood Existing Zoning: Duplex  
 Existing Land Use(s): Duplex

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): ND3  
 Proposed Land Uses / Reason for Change: \_\_\_\_\_  
ND3 allows 3 units this property. Existing 2 unit duplex to be unchanged and converted to (2) zero-lot line houses. 1 additional unit to be constructed as zero-lot line house on new third lot.

## 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\* \$1,057 plus \$100 per acre Technology Fee \$13 **MAXIMUM COST \$3.013**  
 \*Existing Neighborhood Regulating Plan Included.

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

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

**PROPERTY OWNER AUTHORIZATION**

I, Ryan Bragg (owner name) on behalf of \_\_\_\_\_ (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 101 / 103 Lockhart Street (address).

I hereby authorize Andrew Nance (agent name) on behalf of A.GRUPPO Architects (agent company) to file this application for zoning change \_\_\_\_\_ (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 20 MAY 2020  
Printed Name, Title: RYAN BRAGG

Signature of Agent:  Date: 5/20/20  
Printed Name, Title: Andrew Nance

**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 \$91 plus a \$13 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 \$91 plus a \$13 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: 20 MAY 2020

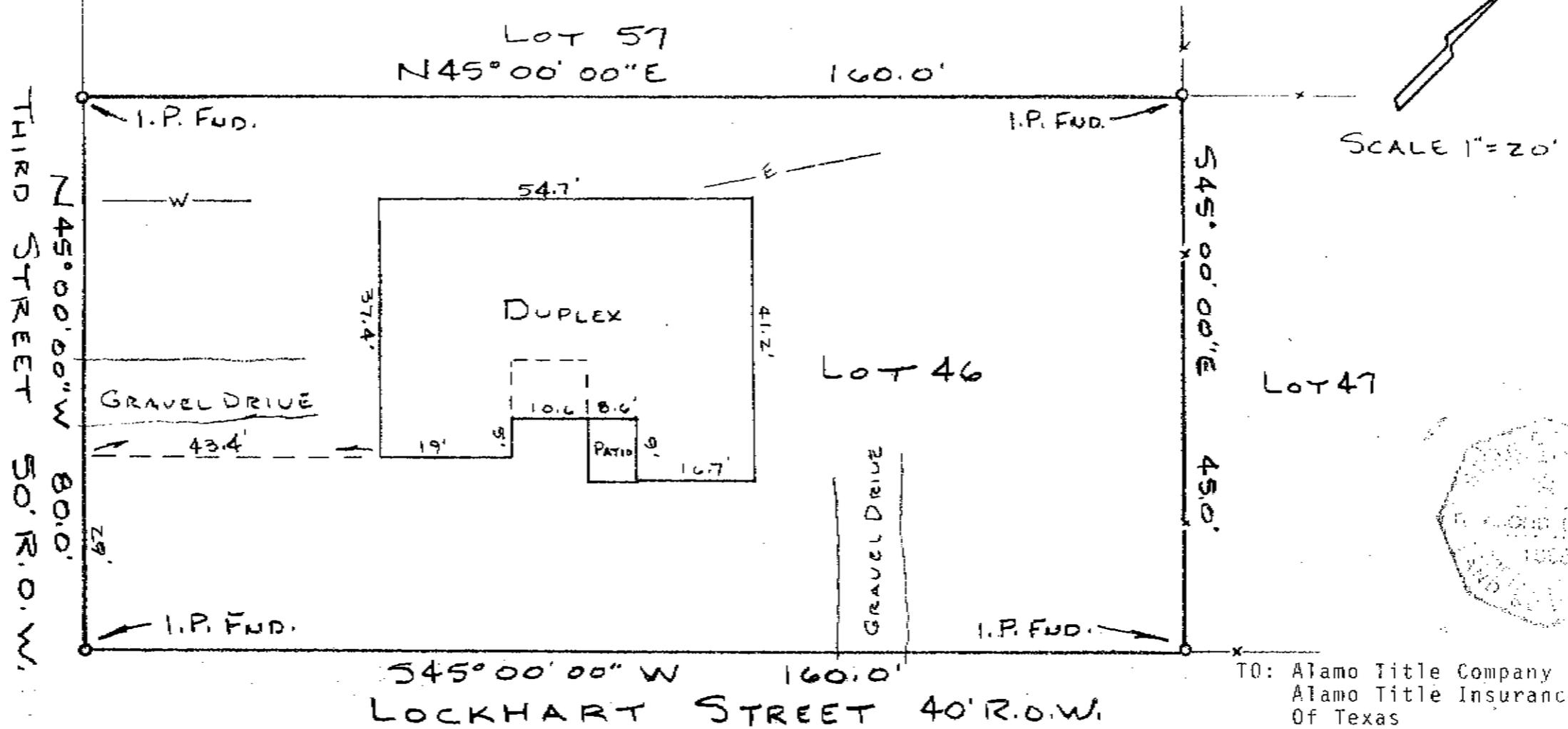
Print Name: RYAN BRAGG



## CHECKLIST FOR ZONING CHANGE, ZONING OVERLAY OR HISTORIC DISTRICT

|   | The following items are requested for consideration of this application. These and additional items may be required at the request of the Department   | Comments |
|---|--|----------|
| <input checked="" type="checkbox"/>   | Pre-application conference with staff is recommended<br>Please call 512-393-8230 to schedule   |          |
| <input checked="" type="checkbox"/>   | Completed Application for Zoning Change, Overlay, or Establishment of Historic District/Landmark   |          |
| <input type="checkbox"/>  | <del>Copy of Subdivision Plat or Notes &amp; Bounds</del>  |          |
| <input type="checkbox"/>  | <del>GAD file in grid for GIS integration. Projection: NAD 1983 StatePlane Texas South Central FIPS 4204 Foot</del>                                    |          |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> Certificate of no tax delinquency   |          |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> Proof of Ownership  |          |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> Lien Holder(s) Name and Mailing Address(es)   |          |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> Agreement to the placement of notification signs and acknowledgement of notification requirements                             |          |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> Authorization to represent the property owner, if the applicant is not the owner  |          |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> Filing Fee \$1,057 + \$100 per acre (\$3,000 max)<br><input type="checkbox"/> Technology Fee            \$13 <b>\$1099.00</b> |          |
| <b>**San Marcos Development Code Section 2.3.1.1(C): "Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete..."</b> |  |          |

This site is not located in a flood zone FIRM 485505 0006 D Dated September 5, 1990  
 Buyer: Willebrordus Van Wise and Celia Van Wise  
 Address: 101-103 Lockhart Street



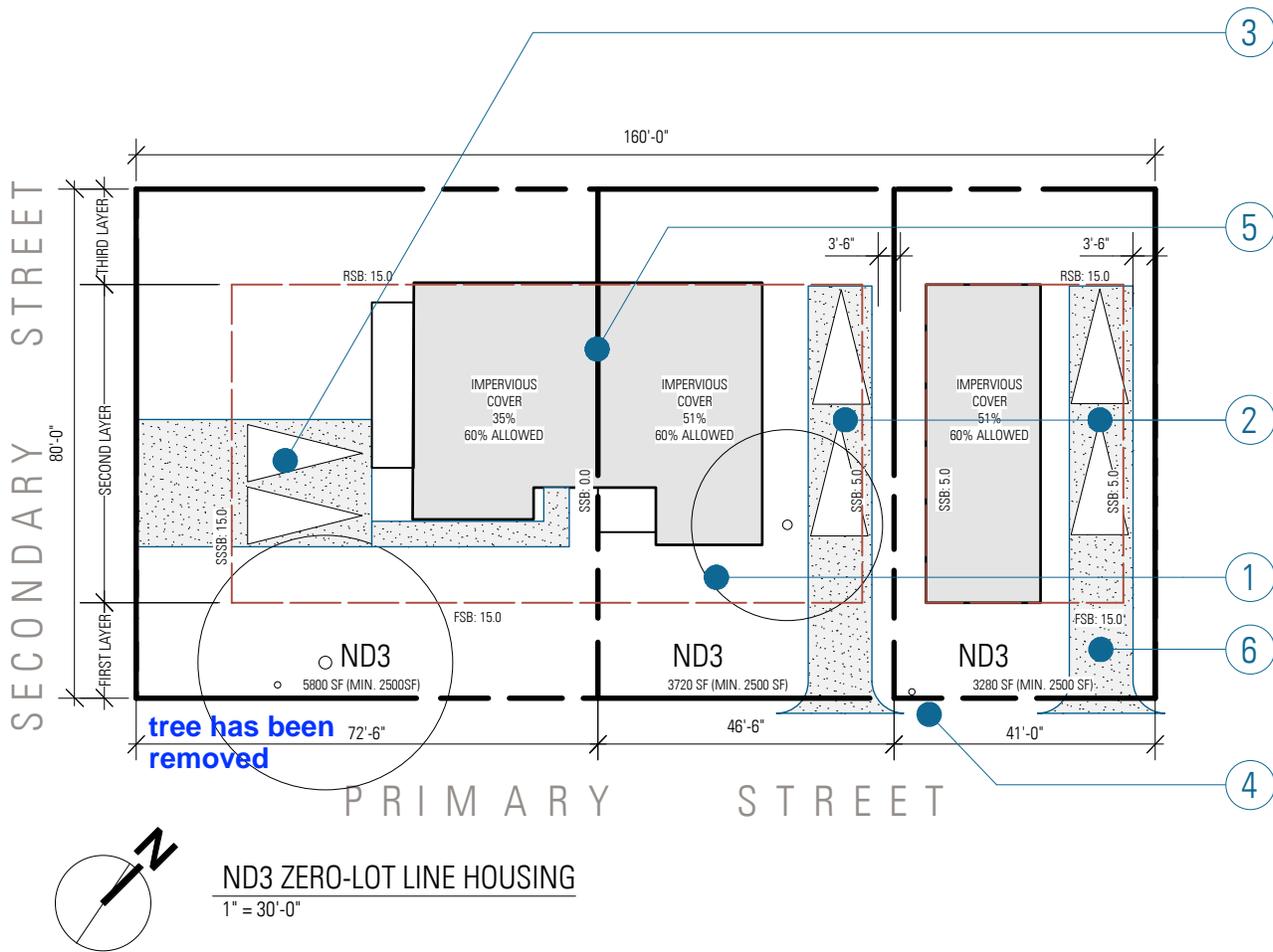
Lot Fort-six (46), A. M. Ramsay Subdivision, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 89, Page 477, Deed Records of Hays County, Texas

*Celia Van Wise*  
*Willebrordus Van Wise*

TO: Alamo Title Company  
 Alamo Title Insurance  
 Of Texas

I do hereby certify that the plat shown hereon represents the results of an on the ground survey made in my direction and supervision in 12/97, and all corners shown hereon. There are no encroachments, conflicts or intrusions apparent on the ground except as shown.

*Raymond Deibert* 12/11/97  
 RAY DEIBERT  
 Registered Public Surveyor No. 1868  
 P.O. Box 587 1305 WATSON LANE EAST  
 New Braunfels, Texas 78130



### NOTES

1. FRONT S.B. AVERAGING OR 15'-0" BY ZONE. NOTE: EXISTING STRUCTURES PARTICIPATE IN ESTABLISHING AVERAGE.
2. PROPOSED TANDEM PARKING
3. EXISTING PARKING
4. CONFIRM LOCATION OF SMEU POWER LINES AND GUY WIRES. PREFERENCE WOULD BE TO WORK AROUND EXISTING CONDITIONS, THOUGH SMEU WILL MOST LIKELY REQUIRE OWNER TO PAY FOR RELOCATION, UPGRADE OR REMOVAL.
5. EXISTING STRUCTURE TO BE CONVERTED TO ZERO-LOT LINE HOUSE WITH AREA SEPARATION WALL
6. NEW LOT - ZERO LOT-LINE HOUSE. WHERE DETACHED MUST MAINTAIN A MIN. OF 10' FROM NEAREST STRUCTURE.

### LOT INFORMATION

ZONING: ND3 - ZERO LOT LINE HOUSES  
 AREA: 0.29 ACRE  
 DENSITY: 10 UNITS / ACRE  
 # UNITS PER LOT: 1 (3 LOTS) + ADU WITH OWNER OCCUPY

## ZC-20-14 (101 & 103 Lockhart Street)

Hold a public hearing and consider a request by Andrew Nance, on behalf of Ryan Bragg, for a Zoning Change from Duplex (D) to Neighborhood Density – 3 (ND-3), for approximately 0.2938 acres consisting of lot 46 of the A.M. Ramsay Subdivision, located at 101 & 103 Lockhart Street. (T. Carpenter)

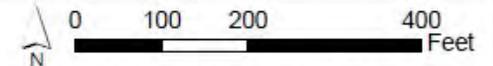
## Location:

- Approximately 0.2938 acres
- **Current Configuration:**  
One duplex lot.
- Surrounding uses include:
  - Single Family Residential
  - Multifamily
  - Duplexes
  - Mobile Homes
- Located within the Millview West Neighborhood

### ZC-20-14 Aerial View Lockhart ND-3 Zoning — 101 & 103 Lockhart Street



- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



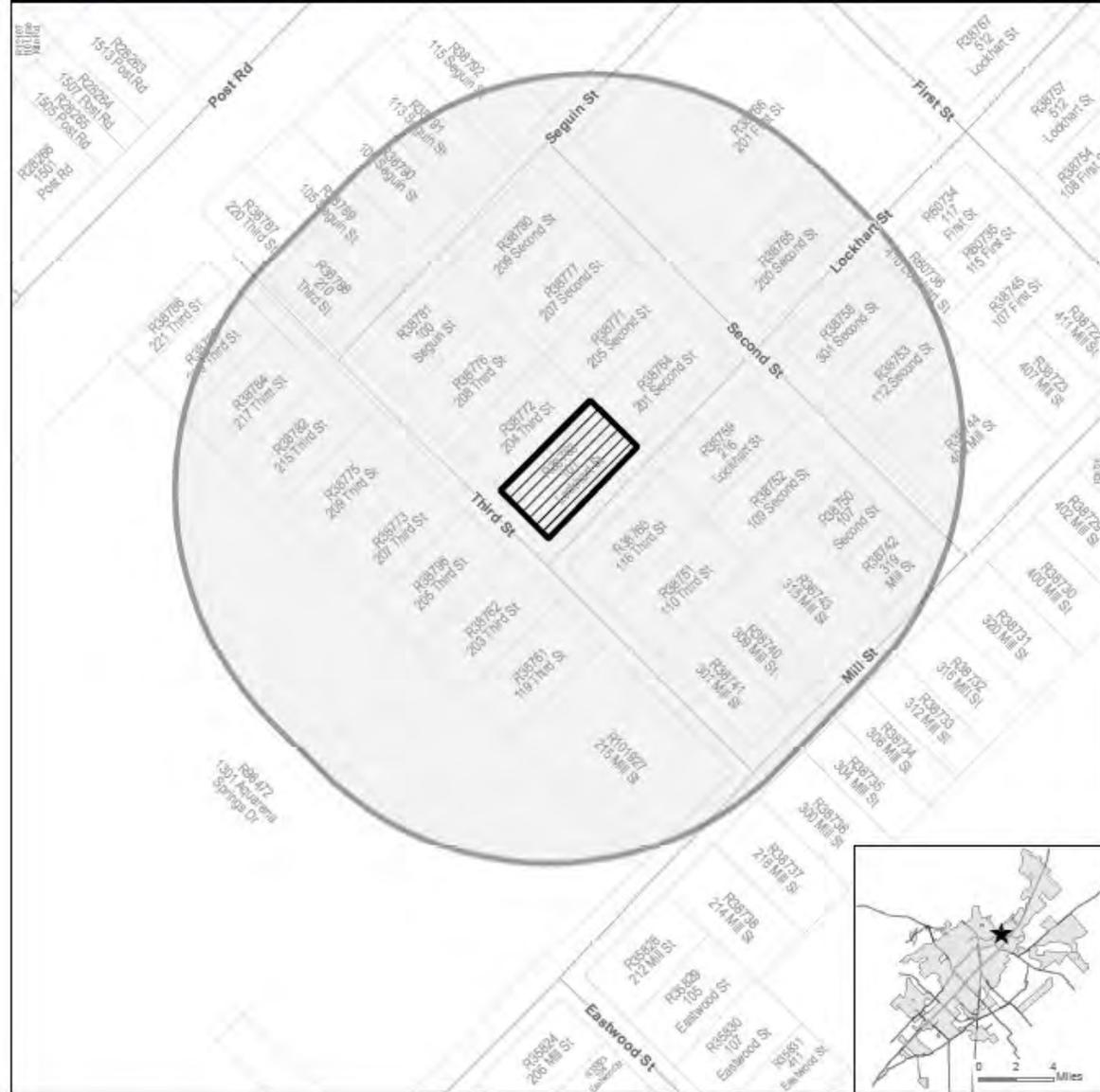
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 7/9/2020

# Context & History

- Existing Zoning: Duplex (D)
- Proposed Zoning: Neighborhood Density-3 (ND-3)
- Proposed ND-3 zoning allows for single lot to be divided into three.
- Proposal includes converting existing duplex into two zero-lot-line homes and the additional of a new residence.

## ZC-20-14 400' Notification Buffer Lockhart Street ND-3 Zoning — 101 & 103 Lockhart Street

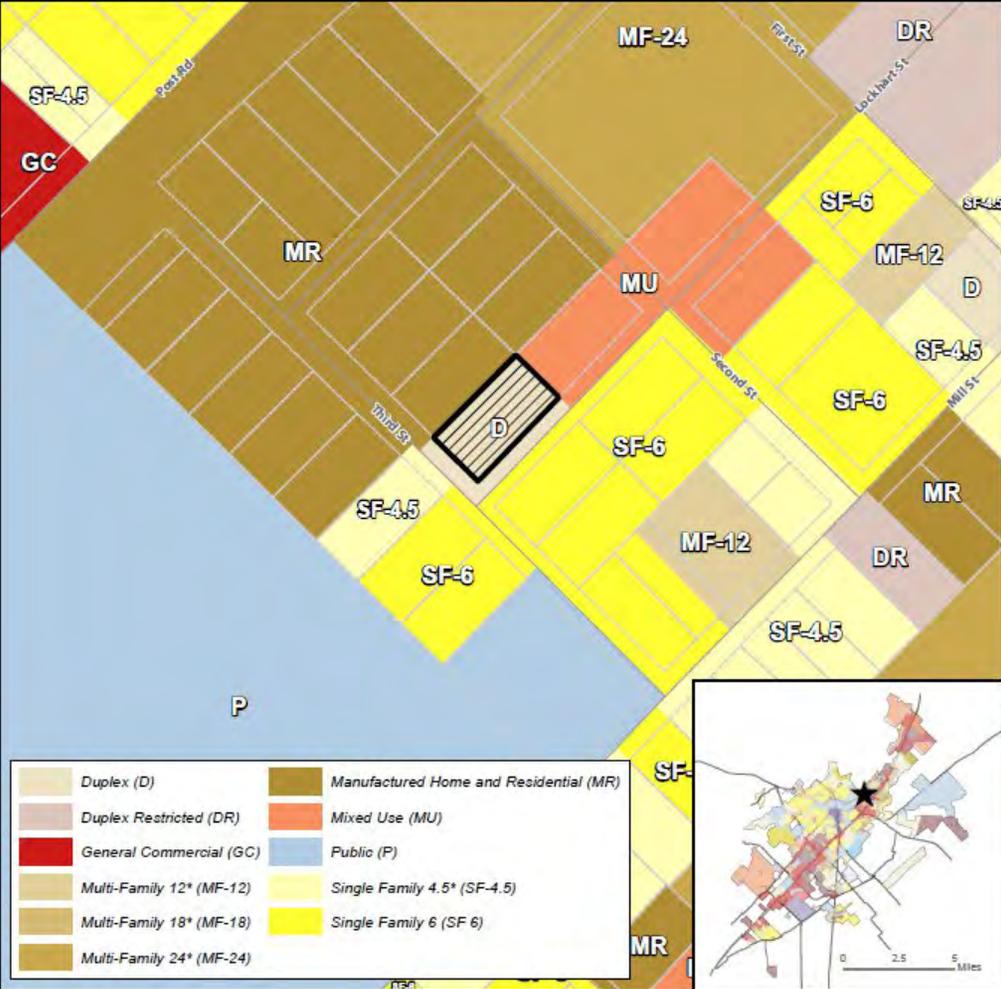


|   |                  |
|---|------------------|
| ★ | Site Location    |
|   | Subject Property |
|   | 400' Buffer      |
|   | Parcel           |
|   | City Limit       |

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.

Map Date: 7/9/2020

### ZC-20-14 Existing Zoning Lockhart Street ND-3 Zoning — 101 & 103 Lockhart Street



★ Site Location

Subject Property

Parcels

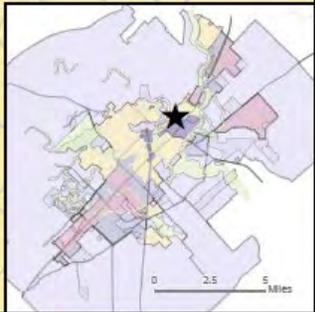
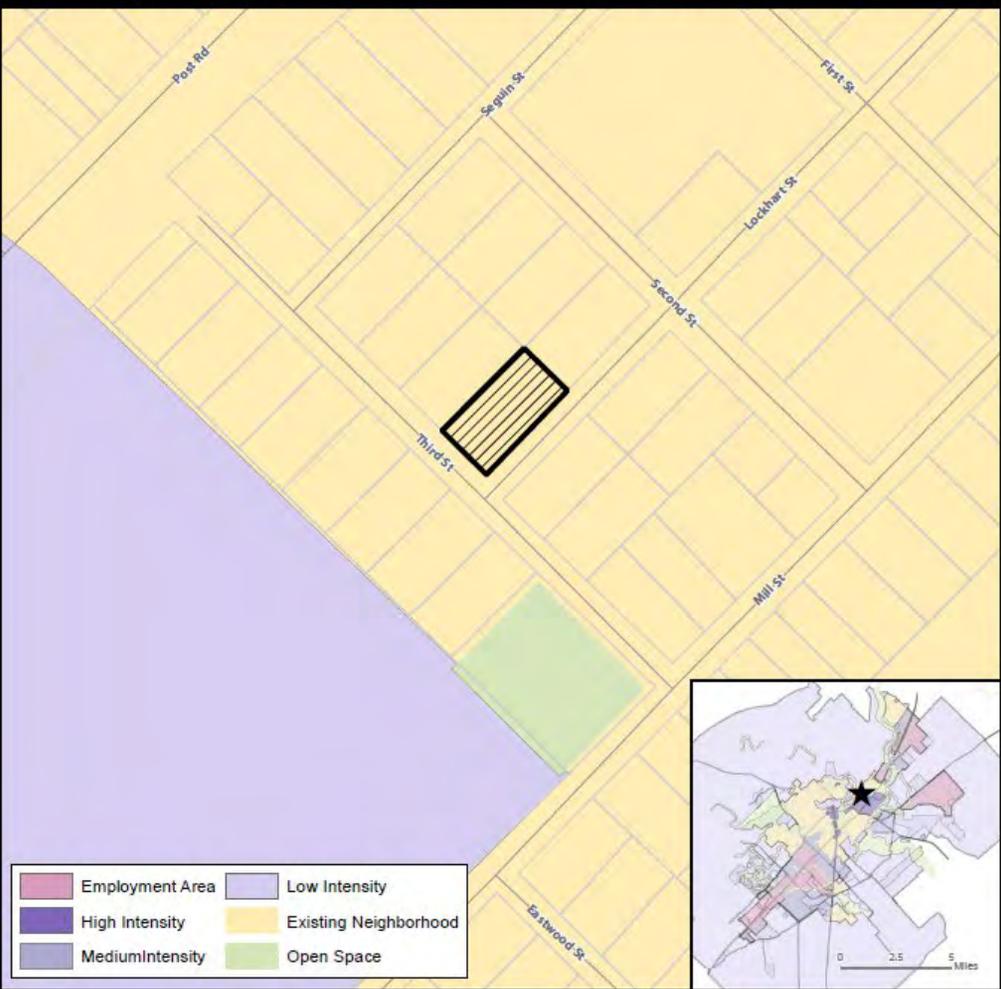
City Limit

0 100 200 400 Feet

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.

Map Date: 7/9/2020

### ZC-20-14 Preferred Scenario Lockhart Street ND-3 Zoning — 101 & 103 Lockhart Street



★ Site Location

Subject Property

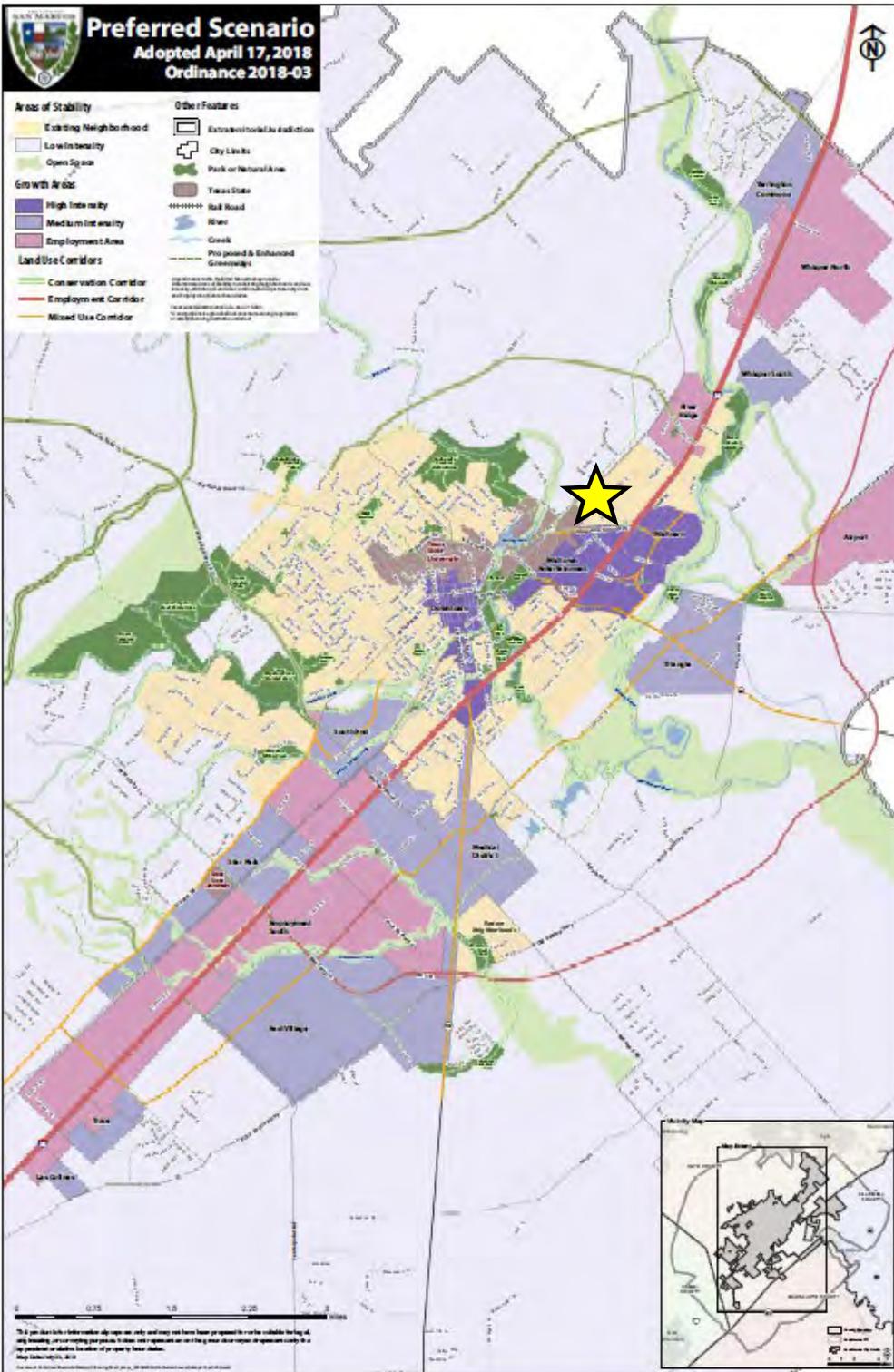
Parcels

City Limit

0 100 200 400 Feet

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.

Map Date: 7/9/2020



# Comprehensive Plan Analysis

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

**Located in an Existing Neighborhood**

“Established, primarily residential areas intended to maintain their existing character and to follow development and redevelopment patterns that are compatible with the existing character.” (4.1.1.6)

# Comprehensive Plan Analysis

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

Applicant is requesting a “Neighborhood Density District” (ND-3) within an Existing Neighborhood. The Code directs us to Section 4.1.2.4 – 4.1.2.5

**TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION**

| DISTRICT CLASSIFICATION                   | COMPREHENSIVE PLAN DESIGNATIONS |               |                                  |                                  |                      |          |
|---|---------------------------------|---------------|----------------------------------|----------------------------------|----------------------|----------|
|   | OPEN SPACE/<br>AGRICULTURAL     | LOW INTENSITY | EXISTING<br>NEIGHBORHOOD         | MEDIUM OR HIGH<br>INTENSITY ZONE | EMPLOYMENT<br>CENTER | CORRIDOR |
| Conventional Residential                  | NP                              | NP            | C                                | --                               | --                   | --       |
| <b>Neighborhood Density<br/>Districts</b> | NP                              | NP            | See Section<br>4.1.2.4 - 4.1.2.5 | NP                               | NP                   | C        |
| Character Districts                       | NP                              | C             | --                               | C                                | NP                   | C        |
| Special Districts                         | --                              | NP            | NP                               | NP                               | C                    | C        |
| Legend                                    | -- = Not Allowed (PSA Required) |               | NP = Not Preferred               | C = Consider                     |                      |          |

# Comprehensive Plan Analysis

Step 3: What is the designated Neighborhood Density Category?

Duplex (D) is consistent with a “Low Density” Neighborhood Density Category

**TABLE 4.4 NEIGHBORHOOD DENSITY CATEGORIES**

| NEIGHBORHOOD DENSITY CATEGORIES | NEIGHBORHOOD DENSITY DISTRICTS | CONVENTIONAL, SPECIAL, AND LEGACY DISTRICTS    |
|---------------------------------|--------------------------------|--|
| Low Density                     | ND3                            | FD, AR, SF-R, MR, SF-6, SF4.5, DR, D, FH-ZL, P |
| Medium Density                  | ND3.5                          | TH, MF-12, P                                   |
| High Density                    | ND4                            | MU, MF-18, MF-24, P                            |
| Commercial / Mixed Use          | N-MS                           | OP, NC, CC, GC, HC, LI, HI, MH, VMU, P         |

Step 4: Which Neighborhood Zoning District is appropriate in this category?

ND-3 Zoning is “Considered”

**TABLE 4.5 NEIGHBORHOOD DENSITY DISTRICT / EXISTING ZONING TRANSLATION TABLE**

|        | NEIGHBORHOOD DENSITY CATEGORIES |                |              |                       |
|--------|---------------------------------|----------------|--------------|-----------------------|
|        | LOW DENSITY                     | MEDIUM DENSITY | HIGH DENSITY | COMMERCIAL/ MIXED USE |
| ND-3   | C                               | C              | NP           | NP*                   |
| ND-3.5 | NP*                             | C              | C            | NP*                   |
| ND-4   | NP*                             | NP             | C            | NP                    |
| N-MS   | NP*                             | NP*            | C            | C                     |

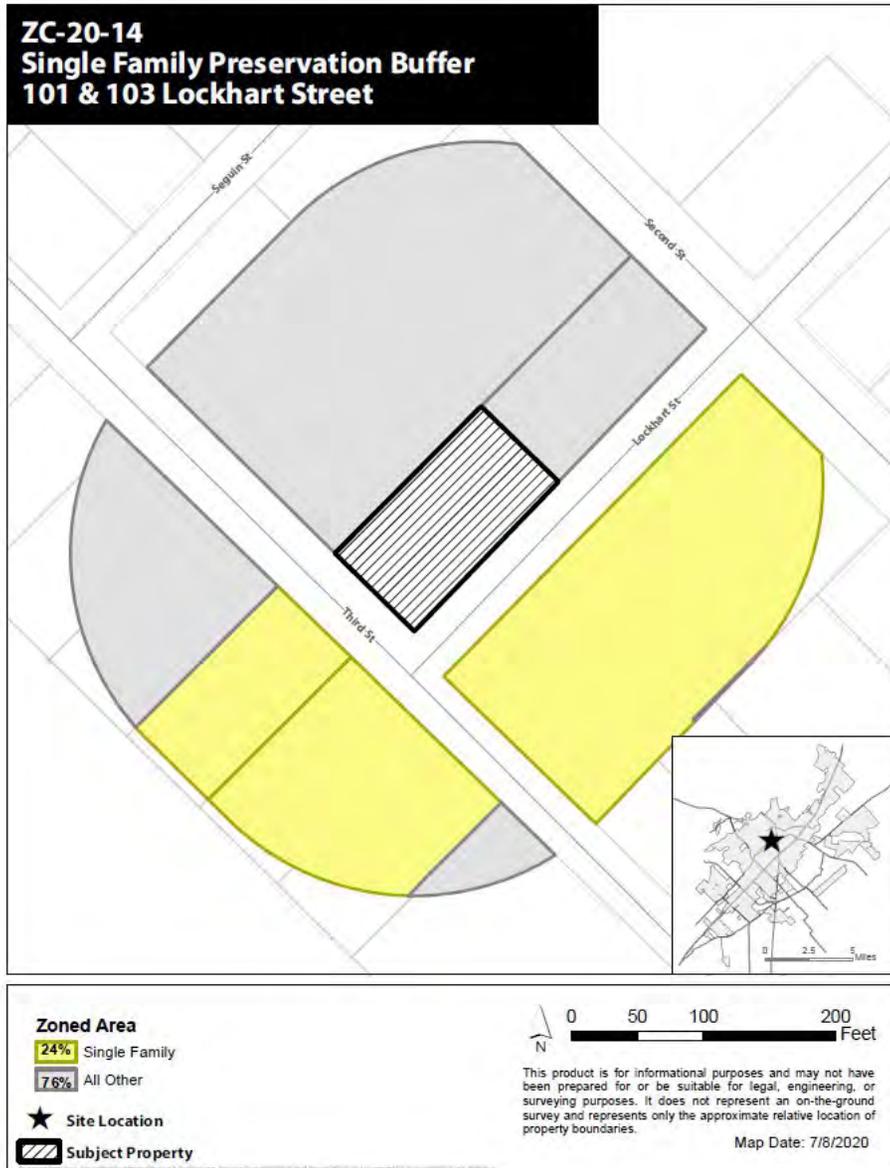
**LEGEND:**

C = Consider

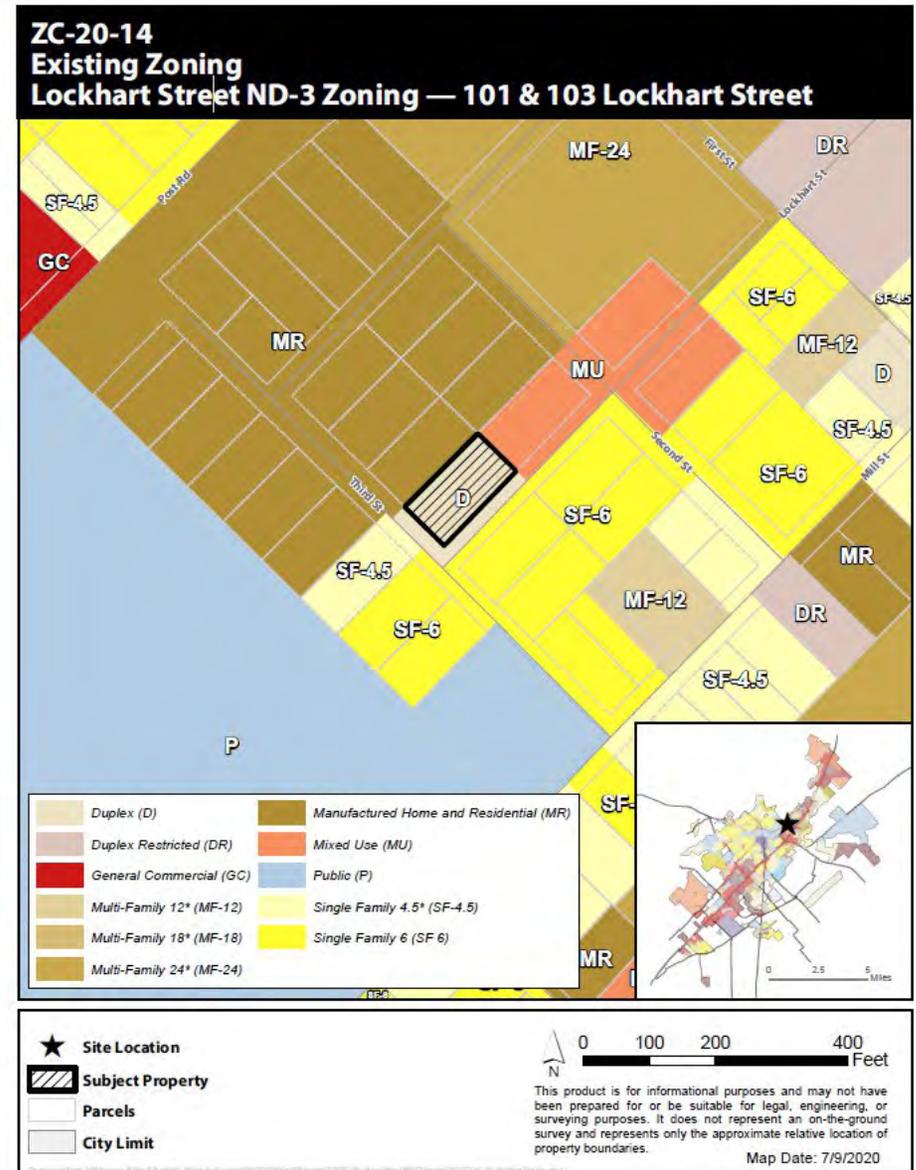
NP = Not Preferred

\* = 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.

An adopted small area plan or neighborhood character study for the area surrounding a subject property supersedes the analysis in this Table.



Single-Family  
Preservation Buffer



Zoning Map

# ND-3 Zoning Analysis:

- The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodated affordable alternatives for home ownership. ND-3 Should be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.
- **Allowable Building Types:** House, Cottage, Accessory Dwelling Unit, Zero Lot Line House, and Civic Building.
- Proposed rezoning aligns with vision of the Comprehensive Plan, which states that the community needs **diversified housing options.**
- The property is vacant.

4 CHAPTER \_\_\_\_\_ ZONING REGULATIONS

ND-3

SECTION 4.4.2.1 NEIGHBORHOOD DENSITY - 3

**GENERAL DESCRIPTION**

The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodate affordable alternatives for home ownership. ND-3 should be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed.

**TRANSPORTATION**

|                  |               |                  |
|------------------|---------------|------------------|
| Block Perimeter  | 2,800 ft. max | Section 3.6.2.1  |
| Streetscape Type | Residential   | Section 3.8.1.10 |

**DENSITY**

|                        |                 |
|------------------------|-----------------|
| Units Per Gross Acre   | 10 max.         |
| Impervious Cover       | 60% max.        |
| Occupancy Restrictions | Section 5.1.4.1 |

**BUILDING TYPES ALLOWED**

|                     |                  |
|---------------------|------------------|
| Accessory Dwelling  | Section 4.4.6.1  |
| House               | Section 4.4.6.2  |
| Cottage             | Section 4.4.6.3  |
| Zero Lot Line House | Section 4.4.6.6  |
| Civic               | Section 4.4.6.15 |

4-46 San Marcos Development Code Adopted: April 17, 2018

# Existing Neighborhood Regulating Plan

## PROPERTY: 101 & 103 LOCKHART STREET EXISTING CONDITIONS ANALYSIS

PROXIMITY TO PARKLAND



EXISTING STREETSCAPES



### EXISTING STREETS AND STREETSCAPES

|             |  |
|-------------|--|
|             | THIRD STREET & LOCKHART STREET           |
|             | Neighborhood Street<br>Existing ROW: 50' |
| Street Type |  |

### EXISTING ZONING AND BUILDING TYPES



City of San Marcos Planning and Development Services Department

## PROPERTY: 101 & 103 LOCKHART STREET EXISTING NEIGHBORHOOD REGULATING PLAN ORDINANCE #: 2019-####

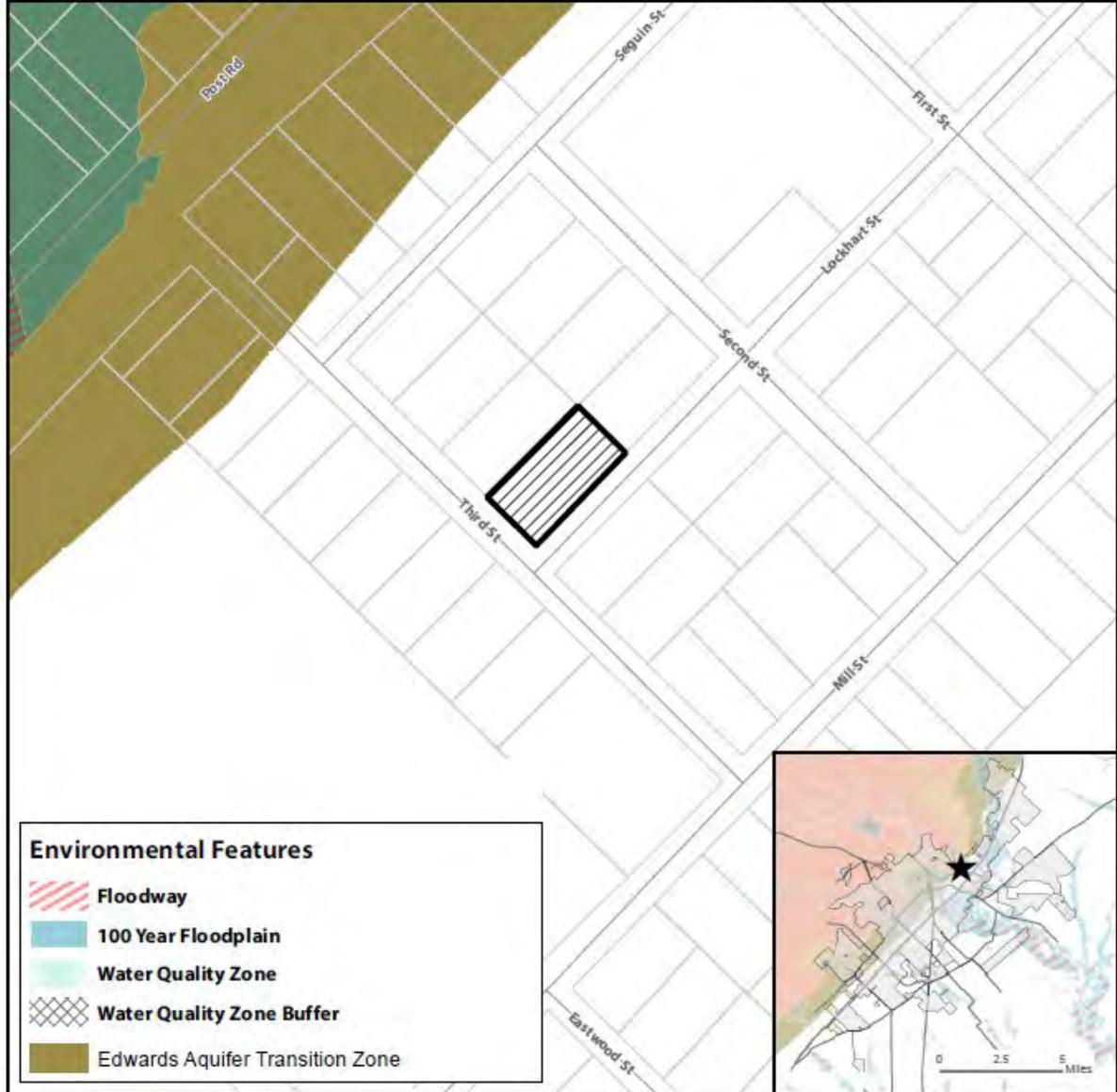
| PROPOSED ZONING REGULATIONS      |  |
|----------------------------------|--|
| Lots                             | 3  |
| Zoning District                  | Neighborhood Density - 3 (ND-3)<br>Zero Lot Line House |
| Building Type                    |  |
| Max. Units                       | 1 per lot  |
| Required Streetscape             | Residential<br>  |
| Street Type                      | Existing (no new streets required)                     |
| Transitional Protective Yard     | N/A  |
| Residential Infill Compatibility | N/A  |
| Parking location                 | Surface Parking: Second or Third Layer                 |
| Parkland                         | Development Fee & Fee in Lieu                          |

### PROPOSED ZONING



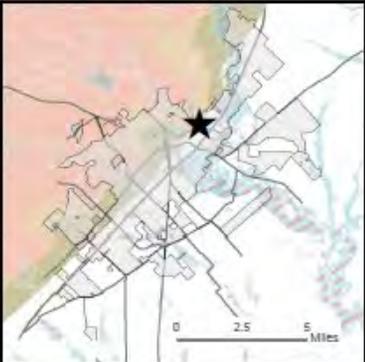
# Environmental Analysis

## ZC-20-14 Environmental Features Lockhart Street ND-3 Zoning — 101 & 103 Lockhart Street

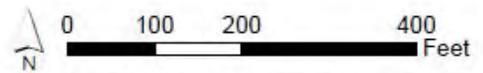


**Environmental Features**

-  Floodway
-  100 Year Floodplain
-  Water Quality Zone
-  Water Quality Zone Buffer
-  Edwards Aquifer Transition Zone



-  Site Location
-  Subject Property
-  Parcels
-  City Limit



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.

Map Date: 7/9/2020

## Staff Recommendation:

Staff provides this request to the Commission for your consideration and recommends **approval** of the request for a zoning change from “D” Duplex to “ND-3” Neighborhood Density – 3.

# Zoning District Comparison Chart

| Topic                        | Existing Zoning:<br>Duplex (D)   | Proposed Zoning:<br>Neighborhood Density-3 (ND-3)   |
|------------------------------|--|---|
| Zoning Description           | The D Duplex Residential District is intended for development of single-family residences and associated uses as well as for development on larger parcels of land of low density two-family duplex units. The D Duplex Residential District is intended to replace existing DP zoned areas. D zoning is not to be applied to properties for new duplex development. | The ND-3 district is intended to accommodate single-family detached houses and encourage opportunities for home ownership. Additional building types are allowed that accommodated affordable alternatives for home ownership. ND-3 Should be applied in areas where the land use pattern is single-family or two-family with some mixture in housing types. Uses that would interfere with the residential nature of the district are not allowed. |
| Uses                         | Duplex & single-family detached. (See Land Use Matrix)   | Residential (See Land Use Matrix)   |
| Parking Location             | No location standards  | Parking allowed in the Second and Third Layer   |
| Parking Standards            | 2 spaces per single-family dwelling unit.  | 2 spaces per single-family dwelling unit, 1 space for ADU   |
| Max Residential Units / acre | 6 units per acre (max)   | 10 units per acre (max)   |
| Occupancy Restrictions       | Do not apply   | Apply   |
| Landscaping                  | Tree and shrub requirements  | Tree and shrub requirements   |
| Building Height (max)        | 2 stories  | 2 stories   |
| Setbacks                     | Based on Zoning District   | 15' front Setback, 0' side setback, 15' rear set back.  |
| Impervious Cover (max)       | 75%  | 60%   |
| Lot Sizes                    | Minimum 90' wide 11,000 square feet.   | Allows a variety of lot sizes depending on Building Type.   |
| Streetscapes                 | Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.  | Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.   |
| Blocks                       | 3,000 ft. Block Perimeter max.   | 3,000 ft. Block Perimeter max.  |