



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, March 25, 2014

6:00 PM

City Council Chambers

630 E. Hopkins

I. Call To Order

II. Roll Call

1. Election of the following officers:
 - i. Planning and Zoning Commission Chair
 - ii. Planning and Zoning Commission Vice-Chair

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

CONSENT AGENDA

2. Consider approval of the minutes of the Regular Meeting on March 11, 2014.

PUBLIC HEARINGS

3. CUP 14-07 (Henry's Restaurant) Hold a public hearing and consider a request by Cynthia Alvarez on behalf of Henry's Restaurant for approval of a new Conditional Use Permit (CUP) to allow the sale of mixed beverages for on-premise consumption at 102 Wonder World Drive.
4. CUP 14-09 (Japan Latino) Hold a public hearing and consider a request by Wenfeng Enterprises, Inc. on behalf of Japan Latino for approval of a new Conditional Use Permit (CUP) at a location with an expired CUP to allow the continued sale of beer and wine for on-premise consumption at 1328 North IH 35.
5. CUP-14-10 (Bikinis Sports Bar and Grill) Hold a public hearing and consider a request by ATX Brands, on behalf of Bikinis Sports Bar and Grill, for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on premise consumption at 1437 N. IH 35.

6. CUP-14-11 (Vodka Street) Hold a public hearing and consider a request by Eric White, on behalf of EFW Food and Beverage Inc. d/b/a Vodka Street Global Bistro, for approval of a new Restricted Conditional Use Permit at a location with an expired CUP to allow the sale of mixed beverages for on-premise consumption at 202 N. LBJ Drive, Suite 101.
7. CUP-14-12 (La Fonda Restaurant) Hold a public hearing and consider a request by Fidel Valadez, on behalf of La Fonda Restaurant for approval of a new Conditional Use Permit (CUP) at a location with an expired CUP to allow the continued sale of beer and wine for on premise consumption at 1208 S. IH-35.
8. ZC-14-02 (101 Uhland Road) Hold a public hearing and consider a request by Frank Gomillion, on behalf of Old Mill Associates, L.L.P., for a Zoning Change from General Commercial (GC) to Mixed Use (MU) for approximately 5.67 acres, more or less, out of the J.M. Veramendi Survey No.2, located at 101 Uhland Road.
9. LDC-14-02 Hold a public hearing and consider revisions to Chapter 1 of the Land Development Code updating Section 1.5.1.2 "Sequence of Approvals" for Zoning Applications to clarify the twice per year process for Preferred Scenario Amendments and subsequent applications.
- 10 LDC-14-03 (Height Warrants) Hold a public hearing and consider revisions to Subpart C of the City's Code of Ordinances (SMARTCODE) updating Articles 1, 5, and the Downtown Design Guidelines to amend the warrant process for buildings exceeding 5 stories in height.

NON-CONSENT AGENDA

11. Receive an update from staff and hold discussion regarding the Spring 2014 Preferred Scenario Amendment process for consideration and hear details on each of the two (2) applications received:
 - PSA-14-01 Campus Village Communities - approximately 5.38 acres between Sessom Drive, Orchard Street, Academy Street and Comanche Street - Medium Intensity
 - PSA-14-02 Doucet & Associates - approximately 216.5 acres located along the east side of IH 35, north of the Blanco River - Medium Intensity
- 12 Development Services Report:
 - a. Comprehensive Master Plan Implementation Update
 - b. Multifamily Design Standards Update
 - c. Code SMTX Update
 - d. SMTX Talks Update

V. Question and Answer Session with Press and Public.

VI. Adjournment

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:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-147, **Version:** 3

AGENDA CAPTION:

Election of the following officers:

- i. Planning and Zoning Commission Chair
- ii. Planning and Zoning Commission Vice-Chair

Meeting date: March 25, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-191, **Version:** 2

AGENDA CAPTION:

Consider approval of the minutes of the Regular Meeting on March 11, 2014.

Meeting date: March 25, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
March 11, 2014**

1. Present

Commissioners:

Chris Wood
Kenneth Ehlers
Corey Carothers
Travis Kelsey
Amy Stanfield
Brian Olson
Jane Hughson

City Staff:

Kristy Stark, Development Services Assistant Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
Amanda Hernandez, Senior Planner
Alison Brake, Planner
Emily Koller, Planner

Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Francis Serna, Recording Secretary at 6:00 p.m. on Tuesday March 11, 2014, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Consider the following:

a. Election of a temporary Planning and Zoning Commission Chair to preside over the meeting pending the election of officers.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Carothers, the Commission voted 7-0 to appoint Chris Wood as the Temporary Planning and Zoning Commission Chair.

- b. Election of the following officers:
- i. Planning and Zoning Commission Chair
 - ii. Planning and Zoning Vice Chair

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Hughson, the Commission voted 7-0 to postpone the election of officers to the March 25, 2014 Planning and Zoning Commission meeting. The motion carried unanimously.

4. Chairperson's Opening Remarks.

Chair Wood welcomed the audience and viewers.

5. 30 Minute Citizen Comment Period

There were no citizen comments.

NOTE: *The Planning & 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.*

Consent Agenda

THE FOLLOWING ITEMS NUMBERED 6-6 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

6. Consider the approval of the minutes of the Regular Meeting on February 25, 2014.

MOTION: Upon a motion made by Commissioner Carothers and a second by Commissioner Ehlers, the Commission voted to approve the consent agenda. The motion carried. Commissioner Hughson abstained.

Public Hearings

7. **CUP-14-05 (Jin & Sushi Restaurant)** Hold a public hearing and consider a request by Jin S. Kim, President of Jin Sook, Inc. d/b/a Jin & Sushi Restaurant, for a new Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 700 North LBJ Drive, Suite 105.

Alison Brake, Staff Planner gave an overview of this project.

Chair Wood opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey, the Commission voted 7-0 to approve CUP-14-05 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; the permit shall not be valid until an approved TABC Permit is issued to the applicant and a copy is submitted to the Director; the permit shall not become effective until a Certificate of Occupancy is received; all Environmental Health permitting must be met; and the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried unanimously.

8. **ZC-13-16 (Yarrington Commons Multi-Family)** Hold a public hearing and consider a request by Ocie Vest for an amendment to the Zoning Map from Future Development (FD) to Multiple-Family Residential (MF-24) for a portion of Yarrington Commons, consisting of 50.339 acres more or less out of the William Ward Survey No. 3 located near the 2700 block of Post Road.

Commissioner Hughson recused herself from Item 8.

Amanda Hernandez, Staff Planner advised the Commission that the applicant has requested postponement of the request to the April 22, 2014 Planning Commission meeting.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey, the Commission voted 6-0 to postpone the ZC-13-16 to the April 22, 2014 Planning Commission meeting. The motion carried unanimously.

9. SCW-14-02 (1941 Corporate Drive) Hold a public hearing and consider a request by Carson Diversified Land 1, LLC, for a SmartCode Warrant to allow a surface parking lot in a T5 zoning district located at 1941 Corporate Drive.

John David Carson gave a presentation of the request.

Emily Koller, Staff Planner gave an overview of this project.

Chair Wood opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Ehlers, the Commission voted 7-0 to approve SCW-14-02. The motion carried unanimously.

Non Consent Agenda:

10. Development Services Report:

a. Comprehensive Master Plan Implementation update.

Kristy Stark gave an update on the Comprehensive Master Plan implementation. She advised the Commission of the new presentation process to be consistent with City Council.

11. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

There were no comments.

12. Adjournment.

Chair adjourned the Planning and Zoning Commission meeting at 6:34 p.m. on Tuesday, March 11, 2014.

Chris Wood, Temporary Chair

Kenneth Ehlers, Commissioner

Corey Carothers, Commissioner

Travis Kelsey Commissioner

Jane Hughson, Commissioner

Brian Olson, Commissioner

Amy Stanfield, Commissioner

ATTEST:

Francis Serna, Recording Secretary



Legislation Text

File #: ID#13-117, **Version:** 1

AGENDA CAPTION:

CUP 14-07 (Henry's Restaurant) Hold a public hearing and consider a request by Cynthia Alvarez on behalf of Henry's Restaurant for approval of a new Conditional Use Permit (CUP) to allow the sale of mixed beverages for on-premise consumption at 102 Wonder World Drive.

Meeting date: 3/25/2014

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

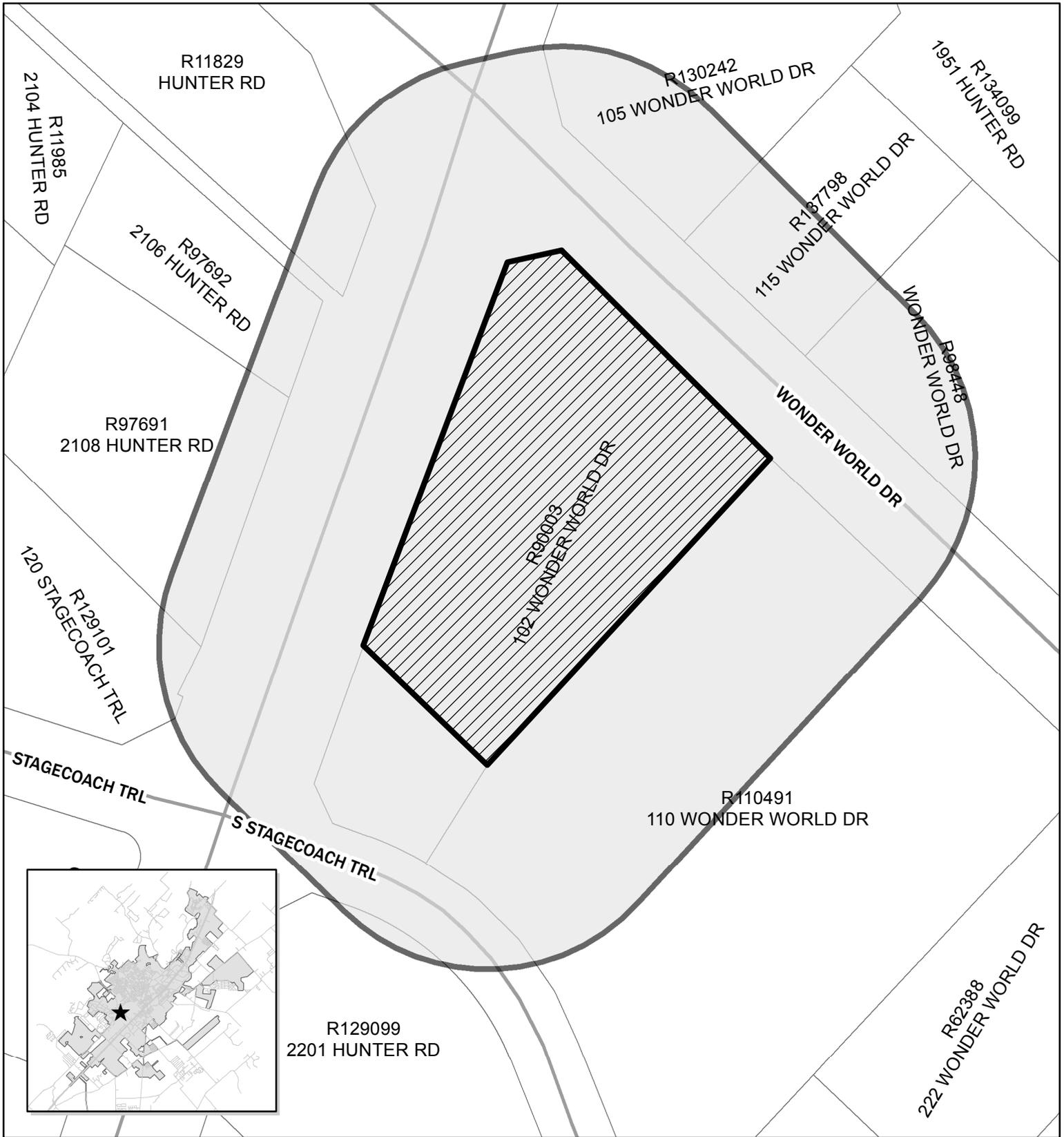
CITY COUNCIL GOAL: Community Wellness/Encourage the Middle Class

BACKGROUND : This request is for Henry's Restaurant which is currently in operation with a TABC permit to sell beer and wine. Henry's mistakenly obtained their TABC permit without approval by the Planning & Zoning Commission. This location previously housed Panhandler's Pizza which was closed longer than 6 months prior to Henry's request to open at that location.

Staff has reviewed this request and finds that it is consistent with the general Conditional Use Permit policies described in the Land Development Code.

Staff recommends approval of the request with the following conditions:

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**



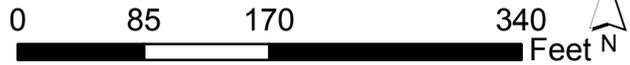
CUP-14-07

Henry's Restaurant

102 Wonderworld Dr Ste 401

Map Date: 3/13/2014

-  Site Location
-  Notification Buffer (200 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.

CUP-14-07
TABC Conditional Use Permit
Henry's Restaurant
102 Wonder World Drive, Suite 401



Applicant Information:

Applicant: Cynthia Alvarez
 355 Old Luling Road
 Lockhart, TX 78644

Property Owner: Hunter Retail Partners
 502 East 11th Street, Suite 400
 Austin, TX 78701

Applicant Request: Request for a new Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine

Notification: Public hearing notification mailed on March 14, 2014

Response: None to date

Subject Property:

Location: 102 Wonder World Drive, Suite 401

Legal Description: Lot 1, Park South Subdivision

Frontage On: Wonder World Drive & Hunter Road

Neighborhood: Hunter's Hill

Existing Zoning: Community Commercial (CC)

Utilities: Adequate

Existing Use of Property: Henry's Restaurant / Commercial Shopping Center

Zoning and Land Use:

	Current Zoning	Existing Land Use
N of Property	GC	CVS
S of Property	CC	Pharmacy
E of Property	PDD	McCoy's
W of Property	FD/GC/OP	Park/Office/Car Wash

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. This location **does meet** the distance requirements. There is no church or school within 1,000 feet.

This location is also outside the boundary of the CBA and is therefore not subject to the additional requirements for restricted/restaurant permits.

Case Summary

This new Conditional Use Permit (CUP) request is for Henry's Restaurant which is currently in operation with a TABC permit to sell beer and wine. Henry's mistakenly obtained their TABC permit without approval by the Planning & Zoning Commission. This location previously housed Panhandler's Pizza which was closed longer than 6 months prior to Henry's request to open at that location.

This restaurant was discovered as being out of compliance upon comparison of TABC permit holders and City CUP recipients. Staff found that Henry's did not obtain a CUP and sent notice in January 2014. The applicant promptly submitted an application requesting a new CUP for the existing restaurant.

Total indoor seating capacity is 100. There are 4 outdoor seats. Based on the occupancy, 26 off-street parking spaces are required (one space per four seats). The requirement is satisfied through the shared parking within the shopping center. Parking for the entire commercial center is calculated at the time of development of the center, not the individual lease spaces.

Hours of operation are 6:00 a.m. to 11:00 p.m. seven days a week. No entertainment is proposed.

Comments from Other Departments:

Code Enforcement, Police, and Environmental Health reviewers have reported no concerns regarding the subject property.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and finds that the request is consistent with the general Conditional Use Permit policies described in Section 1.5.7.5 *Criteria for Approval* and 4.3.4.2 - *Conditional Use Permits for On-Site Alcoholic Beverage Consumption*.

The establishment replaced a similar business. Panhandler's Pizza held a Conditional Use Permit for the sale of beer and wine which was last approved in 2011 for three years. Staff finds the use is consistent with the Community Commercial Zoning District and is compatible with adjacent zoning districts and land uses as well as other businesses within the center. There has not been an increase in traffic beyond what is typical for this type of commercial center.

In order to monitor permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- The proposed **use** at the specified location is consistent with the policies embodied in the adopted Master Plan;
- The proposed **use** is consistent with the general purpose and intent of the applicable zoning district regulations;
- The proposed **use** is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- The proposed **use** does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- The proposed **use** incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- The proposed **use** incorporates features to minimize adverse effects, including visual impacts, of the proposed **conditional use** on adjacent properties; and
- The proposed **use** meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the **use** compatible with adjoining development and the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Amanda Hernandez, AICP, CNU-A	Senior Planner	03/12/2014
Name	Title	Date

parking



2105 Square Feet



Henry's
Restaurant
Downtown Lockhart

Locally Owned and Operated

**215 S. Commerce
Lockhart, TX 78644**

Hours

Monday - Thursday 6:00 a.m. - 9:00 p.m.

Friday - Saturday 6:00 a.m. - 10:00 p.m.

Closed Sundays

Phone - 512-398-4609

Call in Orders Welcome!
Call for Catering Services:
512-787-0267



Appetizers

Chips-n-Queso

Small 4.99 • Large 6.99

Chips-n-Salsa

Basket full of never-ending tortilla chips served with Henry's homemade salsa! 3.99

Bean-n-Cheese Nachos

Corn tortillas cut in half and topped with refried beans, melted cheese and jalapeños. 4.99

Supreme Nachos

Corn tortillas cut in half and topped with refried beans, melted cheese, ground beef, lettuce, tomatoes and jalapeños. 5.99

Fajita Nachos

Henry's bean-n-cheese nachos topped with your choice of fajita beef or chicken and served with jalapeños, sour cream and pico de gallo! 6.99
Add guacamole .89 Add shrimp 2.00

Quesadillas

Two large flour tortillas stuffed with lots of melted cheese, onions and tomatoes, served with sour cream and Henry's homemade salsa. 4.99
With fajita beef or chicken 6.99 With sautéed shrimp 7.99

Basket of Sweet Potato Fries 4.99

Basket of Fries 3.99

Hot and Spicy or BBQ Boneless Buffalo Wings

Half order 6.99 • Whole order 12.99

Cheese Sticks

Deep fried cheese sticks served with your choice of marinara sauce or ranch dressing. 5.99

Stuffed Jalapeños

Deep fried cheese stuffed jalapeños cooked just right! Watch the first bite! 5.99

Fried Pickles

Tasty southern breaded pickles, deep fried to perfection. 5.99

Fried Mushrooms

Cracker breaded mushrooms, lightly fried, served with your choice of dipping sauce. 5.99

NEW! Henry's Sampler

Your choice of any 3.

Spicy or BBQ Boneless Buffalo Wings • Cheese Sticks • Stuffed Jalapeños • Cheese Quesadilla • Chicken Strips • Fried Pickles • Fried Mushrooms

Served with ranch, bleu cheese, or marinara and celery sticks. 9.99

Basket of Onion Rings 3.99

Soups & Salads

Dressings:

Ranch, Bleu Cheese, Honey Mustard, Thousand Island, Caesar, Oil & Vinegar, Raspberry Vinaigrette, French, Italian

Chicken Enchilada Soup ~ Henry's Favorite! A lot of pride goes into this soup ~ it's a must try! 4.99

Soup Of the Day ~ Ask your Waitress for today's soup! Cup 2.99 • Bowl 4.99

Taco Salad ~ Tortilla shell filled with ground beef, lettuce and tomatoes, topped with shredded cheese and sour cream, served with Henry's homemade salsa! 5.99
Sub fajita beef or chicken for an extra charge.

Grilled Chicken Salad ~ A large Caesar salad topped with a special seasoned breast of chicken grilled to perfection. 6.99

Fried Chicken Salad ~ A large tossed salad topped with a well-seasoned breast of chicken fried just to your liking or try it Buffalo-style, served with honey mustard dressing. 6.99

Grilled Shrimp Salad ~ A large tossed salad topped with seasoned sautéed shrimp served with your choice of dressing. 7.99

Henry's House or Caesar Salad 1.99

Plates

All plates come with your choice of two sides. (located on the back of the menu)

Strip Steak 8 oz 8.99

Rib-Eye Steak 10 oz 10.99

Grilled Pork Chops Plate

Pork Chops cooked the way you like. 7.89

Henry's Original Chicken Fried Steak

8 oz hand battered chicken fried steak. 8.99

Chicken Fried Steak Plate++ 6.99

Chicken Plate

Your choice of grilled or fried chicken. 7.99

Chopped Sirloin

Served with mushroom gravy. 5.99

Fried Catfish Dinner

Two deep fried catfish fillets served with two sides of your choice and Texas toast. 8.99

Fried Shrimp Dinner

Six (6) golden fried shrimp served with two sides of your choice and Texas toast. 9.99

Henry's Southwest Shrimp Tacos

Two grilled shrimp tacos with diced jalapenos, onions, tomatoes & cheese, served with your choice of two sides. 7.99

Henry's Famous Fajitas

Your choice of beef, chicken, or shrimp served with rice and beans. 8.99 For 1 • 16.99 For 2

Mexican Plate

Henry's taste of Mexico brought to you. One crispy taco and one chalupa served with rice and beans. 5.99

Carne Guisada Plate

Let us delight your appetite with this tasty traditional dish served with rice and beans. 5.99

Enchilada Plate

Two cheese enchiladas served with rice and beans. 5.99 Add beef for 1.00

Fish and Shrimp Combo Plate

Combo plate served with two fried catfish fillets, three fried shrimp, Texas toast and your choice of two sides. 10.99

Seafood Platter

Combo plate served with two catfish fillets, a generous portion of popcorn shrimp, fries and three crab puppies. 12.99

Italian

Served with breadsticks. (except meatball sub)

Shrimp Alfredo

Succulent sautéed shrimp tossed with fettuccine pasta in creamy alfredo sauce. 10.99

Chicken Alfredo

Perfectly grilled chicken tossed with fettuccine pasta in a creamy alfredo sauce. 9.99

Spaghetti w/ Meatballs

Linguine pasta served with Italian meatballs in a perfectly seasoned sauce. 6.99

Lasagna

A classic Italian baked casserole dish, made from scratch, with layers of ricotta cheese, mozzarella, parmesan cheese and ground beef. 6.99

Italian Meatball Sub

Seasoned Italian meatballs covered in marinara sauce and cheese on toasted French hoagie. 6.99

Sandwiches & More

All sandwiches served with French fries or tater tots. - Substitute onion rings or sweet potato fries for an extra charge.

Club Sandwich

A combination of two meats! Choose from turkey or ham and comes with grilled bacon covered with melted American cheese, served on Texas toast and dressed with mayo, lettuce and tomatoes. 5.79

Grilled Ham and Cheese 4.99

Chicken Fried Steak Sandwich 5.99

Grilled Cheese Sandwich 4.59

Fried Buffalo Chicken Sandwich 6.79

Fish Sandwich 4.89

B.L.T. 4.59

Chicken Sandwich

Your choice of a grilled or fried chicken breast served on Texas toast with mayo, lettuce and tomatoes. 6.79

Chicken Strip Basket

Golden jumbo breaded tenderloins served with fries. 6.99

Shrimp Basket

A generous portion of popcorn shrimp served with fries. 6.99

Burgers

All burgers served with French fries or tater tots.
Substitute onion rings or sweet potato fries for an extra charge.

Hamburger 5.39

Cheeseburger 5.99

Bacon Cheeseburger 6.79

Veggie Burger 6.99

Swiss Mushroom Bacon Cheese Burger 6.99

Jalapeño Queso Burger 6.49

Beverages

**Free Refills on Coffee
& Fountain Drinks Only

****Fountain Drinks** 1.99

Coke • Diet Coke • Sprite • Dr. Pepper • Diet Dr. Pepper,
Fanta Strawberry • Root Beer • Lemonade • Tea

****Coffee** 1.49

Milk 1.99

Hot Tea 1.29

Orange Juice 1.99

Hot Chocolate 1.29

Apple Juice 1.99

Sides

Onion Rings
Beans
Rice
House Salad
Broccoli Florets

Mixed Vegetables
French Fries
Baked Potato
Green Beans
Mashed Potatoes

Add Ons

Add your favorite
toppings to any
sandwich or burger

Cheese 69

Bacon 89

Jalapeños 59

Chili 89

Queso 69

Mushrooms 69

Substitute a cup of
our soup of the day
for a side for 1.99

Desserts

Cheesecake

Your choice of Belgian Chocolate
Cheesecake or New York Style with
Strawberry or Blueberry topping. 4.99

Fudge Brownie Delight

Warm brownie topped with ice cream
and chocolate. Ask for the whipped
cream! 4.99

Ice Cream Sundae Choose
between chocolate, strawberry or
blueberry toppings. 3.99

Milkshakes 3.99

Root Beer Float 3.99

Pies by the Slice

Lemon Meringue or Pecan 2.99

A la mode add .99¢

TEXAS ALCOHOLIC BEVERAGE COMMISSION

THIS LICENSE IS NOT TRANSFERABLE AND BE DRINKS DISPLAYED AT ALL TIMES AND USED ONLY IN THE PLACE OF BEVERAGE INDICATED HEREON. THE APPLICANT HEREBY CONSTITUTES AN AGREEMENT TO PERFORM ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PLACE OF SALE TO PROTECT ENFORCEMENT OF THIS LICENSE TO BE EFFECTIVE AND NOT TO BE USED TO VIOLATE THE LAW.

WINE & BEER RETAILER'S ON PREMISE PERMIT
FOOD AND BEVERAGE CERTIFICATE

BG835462 NEW 17% WINE

ISSUE DATE

03/22/2013

EXPIRES 03/21/2015

SIGN=BLUE

HENRY'S RESTAURANT
102 WONDERWORLD DRIVE SUITE 401
SAN MARCOS, TEXAS 78681
CYNTHIA JOANN ALVAREZ

HENRY'S RESTAURANT
CYNTHIA JOANN ALVAREZ
355 OLD LULING RD
LOOKHART TX 78644

Sherry J. Cook
ADMINISTRATOR

09/12



Conditional Use Permit Application Checklist To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Director of Development Services : *(see note below)			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Copy of State TABC License application	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	Menu	<input type="checkbox"/>	<i>No Drink menu</i>

* For renewals, staff may accept a written statement that no changes have been made to these items if copies are available on file.

I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed: *Cynthia [Signature]* Date: 2/3/14
 Print Name: _____
 Engineer Surveyor Architect/Planner Owner Agent: _____

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION

Trade Name of Business: Henry's Restaurant

Application is filed by:

Individual Partnership Corporation Other: _____

Name of Individual or Entity: Cynthia Alvarez Phone Number: 512 787 0267

Mailing Address: 355 Old Luling Rd

Email Address: cjalva@aol.com

Type of Permit Requested: Mixed Beverage Beer & Wine Other: Restaurant

PROPERTY

Street Address: 102 Wonderland Dr Suite 400 Current Zoning: _____

Legal Description: Lot _____ Block _____ Subdivision Village at Park South

Tax ID Number: R 320139-5782-7

Property Owner's Name: Henry Retail Partners Phone Number: 512-392-3602

Address: 502 East 11th Street, Suite 400 Austin, TX 78701

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: 6:00am - 12:00pm Mon-Sun

Type of Entertainment Facilities: TV'S

Indoor Fixed Seats Capacity: 100 Outdoor Fixed Seats: 4

Gross Floor Area Including Outdoor Above-ground Decks: 2705 Square Feet

Number of Off-Street Parking Spaces Provided: Strip Center -

Located more than 300 feet from church, public school, hospital, low density residential? Y N

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

New request, no existing TABC CUP Permit at this location

Change to existing TABC Permit. Nature of Change: _____

Renewal

Change in name of license holder of existing business at same location

Change in name of existing business at this location

SUBMITTAL REQUIREMENTS

- Beer and Wine Permit: **\$600 Application fee** (non-refundable)
- Mixed Beverage Permit: **\$600 Application fee** (non-refundable)
- Change to Existing Permit/Renewal: **\$300.00 fee** (non-refundable)
- **Site Plan** drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

I am the property owner of record; or Restaurant Owner

I have attached authorization to represent the owner, organization, or business in this application.

Cynthia Alvarez
Applicant's Signature

Printed Name: Cynthia Alvarez **Date:** 2/3/14

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted By: _____ Date: _____



Legislation Text

File #: ID#13-116, **Version:** 1

AGENDA CAPTION:

CUP 14-09 (Japan Latino) Hold a public hearing and consider a request by Wenfeng Enterprises, Inc. on behalf of Japan Latino for approval of a new Conditional Use Permit (CUP) at a location with an expired CUP to allow the continued sale of beer and wine for on-premise consumption at 1328 North IH 35.

Meeting date: 3/25/2014

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

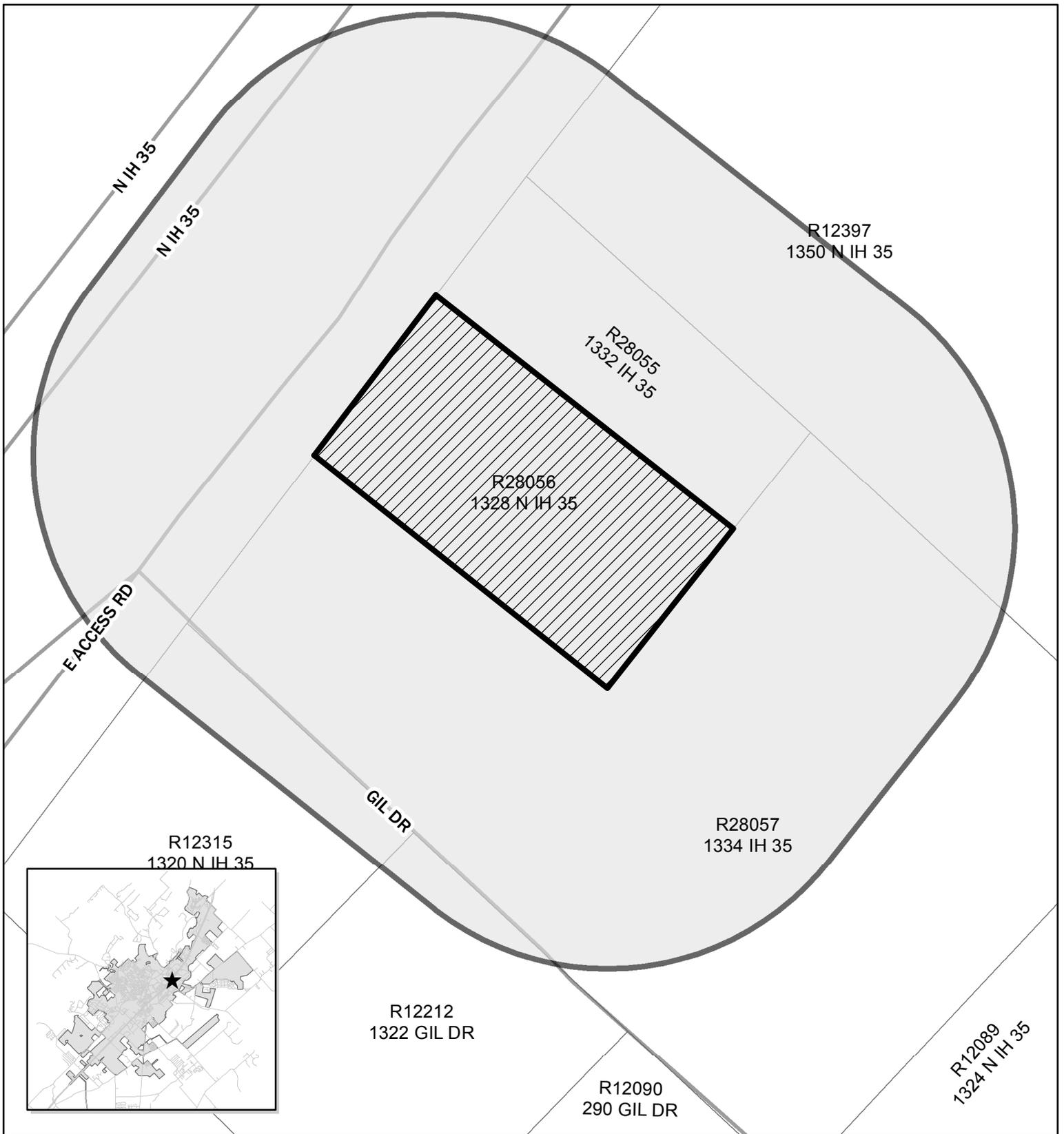
CITY COUNCIL GOAL: Community Wellness/Encourage the Middle Class

BACKGROUND: A Conditional Use Permit was approved by P&Z on January 26, 2010, for one year. This is one of several expired CUPs identified as part of the recent staff analysis and following direction of the Commission, it is being treated as a new request.

There have been no issues since issuance of the original Conditional Use Permit and the request is consistent with the general CUP policies in the Land Development Code.

Staff recommends approval of this request with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system; and,
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.



CUP-14-09
Japan Latino Renewal
1328 N IH 35
Map Date: 3/13/2014

-  Site Location
-  Notification Buffer (200 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.

**CUP-14-09
 TABC Conditional Use Permit Renewal
 Japan Latino
 1328 North IH 35**



Applicant Information:

Applicant: Wenfeng Enterprises, Inc.
 1328 North IH 35
 San Marcos, TX 78666

Property Owner: Mark Van Kleef
 1334 North IH 35
 San Marcos, TX 78666

Applicant Request: Approval of a new Conditional Use Permit (CUP) at a location with an expired CUP to allow on-premise consumption of beer and wine.

Notification: Public hearing notification mailed on March 14, 2014.

Response: None to date

Subject Property:

Expiration Date: January 26, 2011

Location: 1328 North IH 35

Legal Description: Luis Gil Addition, Lot 2

Frontage On: IH 35

Neighborhood: Two Rivers East

Existing Zoning: GC – General Commercial

Utilities: Adequate

Existing Use of Property: Restaurant

Zoning and Land Use
 Pattern:

	Current Zoning	Existing Land Use
N of Property	GC	Coffee Shop
S of Property	HC	Vacant
E of Property	HC	RV Park
W of Property	-	IH 35

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. While there is a church located south of this property, the location **does** meet the distance requirements, as the measurement is taken from front door to front door.

Case Summary

This request is for a new Conditional Use Permit (CUP) at a location with an expired CUP for Japan Latino Restaurant. On January 26, 2010 the Planning and Zoning Commission approved the original permit for a period of one year. The establishment has been operating with an expired Conditional Use Permit for over three years. This location is one of several expired CUPs that were identified as part of a recent staff analysis. The applicant was sent a certified letter in November, 2013 and January 2014, a completed application was returned on February 6, 2014. Following the direction of the Planning & Zoning Commission, this request was processed as a new application.

The restaurant has 75 indoor seats and 30 off-street parking spaces. The hours of operation are from 11:30am – 10pm. No live music or entertainment is provided.

Comments from Other Departments:

Code Enforcement, Police, and Environmental Health reviewers have reported no concerns regarding the subject property. No points have been issued against the establishment.

Planning Department Analysis:

Japan Latino has had no issues with code enforcement or police since the issuance of the Conditional Use Permit in 2010. Their hours are suitable for the neighborhood. No noise, or other, complaints have been filed.

In order to monitor permits for on-premise consumption of alcohol, the Planning Department’s standard recommendation is as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system; and,**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Amanda Hernandez, AICP, CNU-A

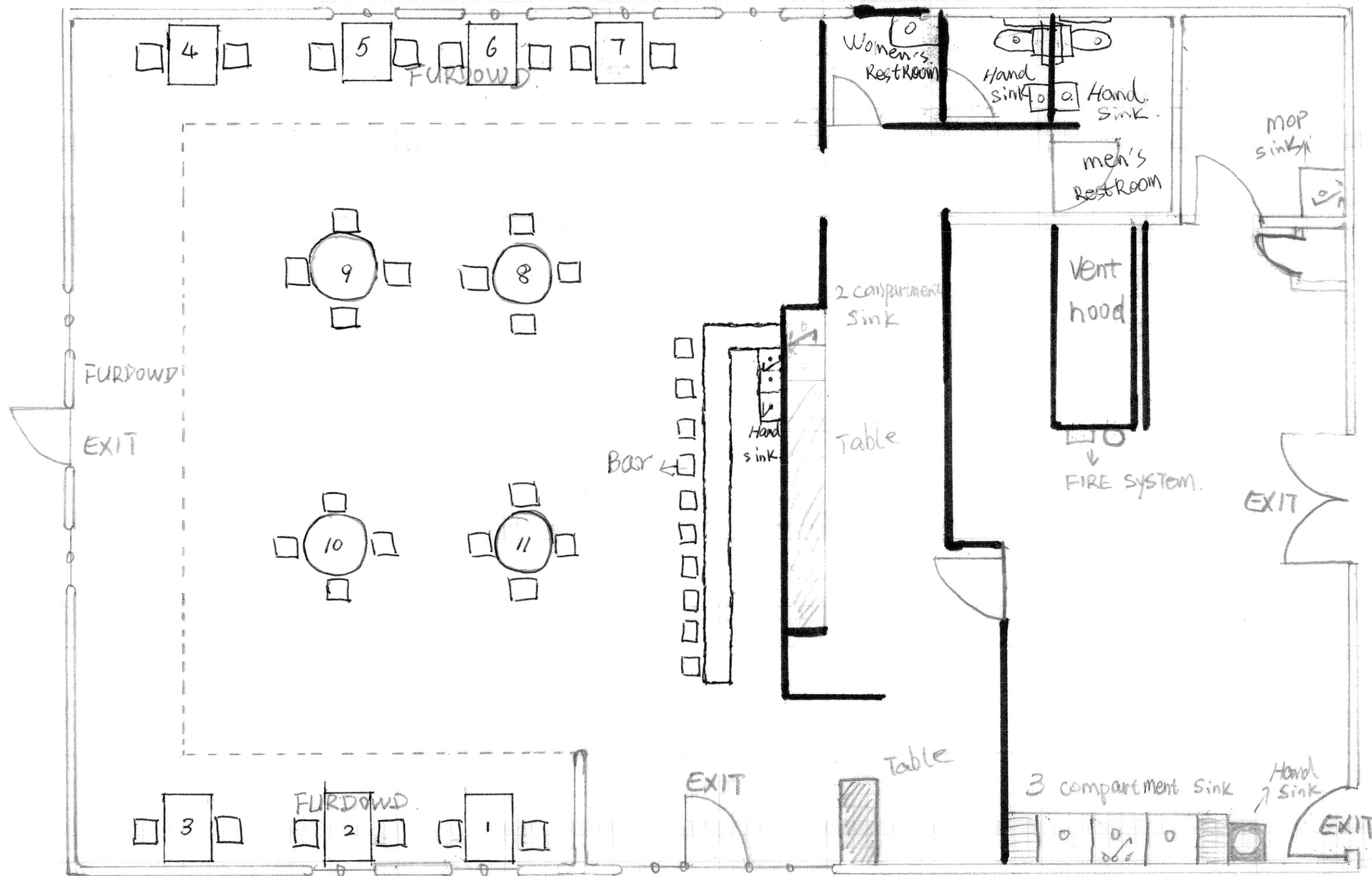
Senior Planner

3/11/2013

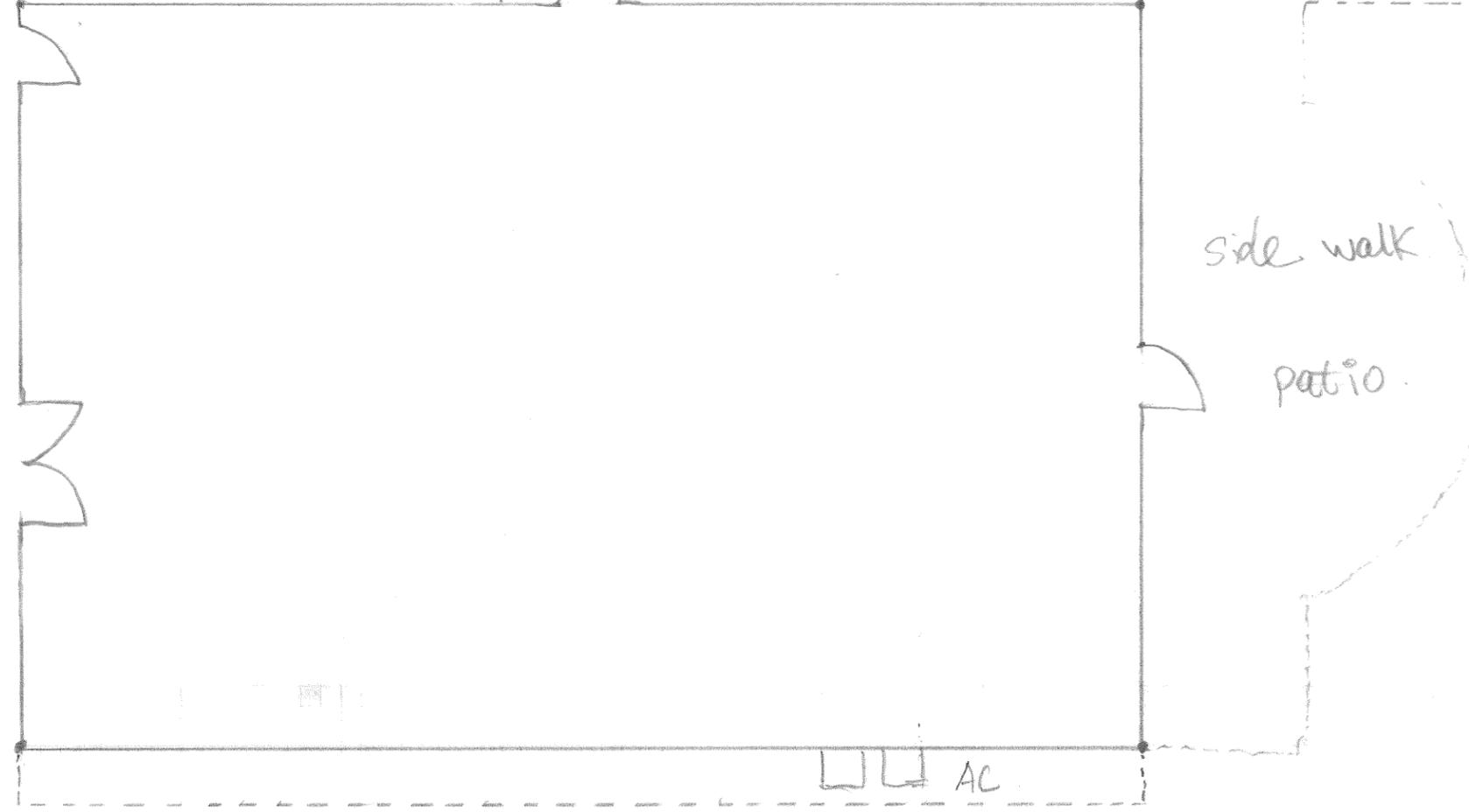
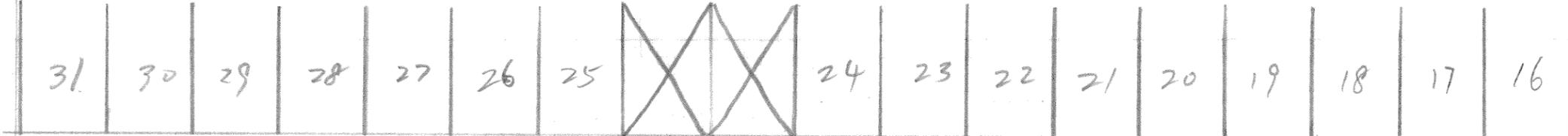
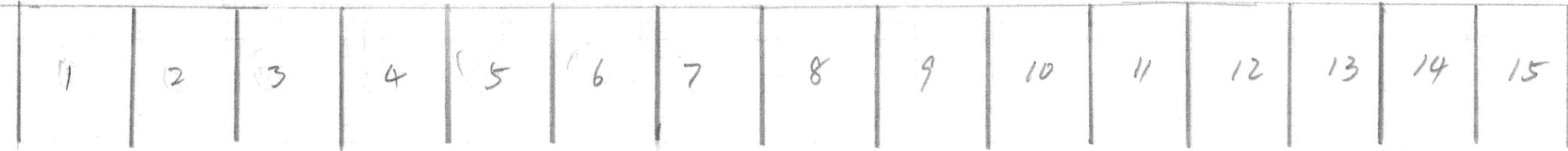
Name

Title

Date



Japaneio Latino
FLOOR PLAN.



Exit
206.

NORTH
I-3
HWY





Japan Latino Sushi N Steak

Phone: 512-878-1455

Address: 1328 N Interstate 35 San Marcos, TX, 78666

Site: <http://www.japanlatinosushi.com>

Fax: 512-878-1477



Specialty Rolls & Customer Favorites

cooked	Sex on the Beach	\$12.00
spicy	High Roll	\$12.00
fried	Nom Nom	\$12.00
baked	Pollo Loco	\$12.00
fried	Monkey Brains	\$12.00
spicy	Seafood Dynamite	\$13.00
spicy	Diablo Roll	\$12.00
baked	Sakura Roll	\$12.00
cooked	Tiger Roll	\$12.00
seared	Audra's Roll	\$12.00
fried	Popeye Roll	\$12.00
raw fish	Keelia's Roll	\$12.00
spicy	Samsung Roll	\$12.00
raw fish	Tuna Tower	\$12.00
baked	Hamachi Kama	\$13.00

Futomaki CLASSIC ROLL

	California Roll	\$3.50
raw fish	Spicy Tuna Roll	\$4.50
raw fish	Philly Roll	\$6.00
raw fish	Volcano Roll	\$7.00
	Caterpillar Roll	\$8.00
baked	Live Eel Roll	\$9.00
fired	Ninja Roll	\$10.00
baked	Super Dragon Roll	\$10.00
	Shrimp Tempura Roll	\$10.00
	Crunchy Roll	\$10.00
	Spider Roll	\$10.00
baked	Tokyo Roll	\$10.00
raw fish	Rainbow Roll	\$11.00
spicy rawfish	Red Sox Roll	\$12.00
spicy fired	Heat Attack Roll	\$12.00
baked and fired	Homeless Roll	\$13.00
cooked	Flaming Seabass Roll	\$13.00
raw fish	cucumber paradise	\$13.00

Appetizers

	Edemame	\$3.50
	Gyoza	\$4.50
	Agedashi Tofu	\$6.00
	Tempura Plate	\$6.00
	Cocktail Cup	\$8.00
	Lettuce Wraps	\$7.00
	Soft Shell Crab	\$8.00
	Green Mussels	\$8.00
	Sampler Appetizer	\$10.00
	Ebi Spring Rolls	\$6.00
	Yakitori	\$6.00
	Nigiri Sampler	\$10.00
	Summer Roll	\$7.00
	Tender Tataki	\$7.00
	Sashimi Samplere	\$10.00

A La Carte

	Seaweed Salad	\$4.00
	Squid Salad	\$5.00
	House Salad	\$2.00
	Fried Rice	\$3.00
	Steamed Rice	\$2.00
	Grilled Veggies	\$4.00
	Yakimeshi	\$10.00
	Side Sauce (not on dish)	\$1.00
	Quail Egg Shooter	\$5.00
	BEEF FRIED RICE	\$9.00
	CHICKEN FRIED RICE	\$8.00
	MISO SOUP	\$2.00
	ONION SOUP	\$2.00
	yakisoba	\$12.00

Lunch Bento Boxes

	Yakimeshi Box	\$8.00
	Katsu Box	\$8.00
	Chicken Box	\$8.00
	Roll Box	\$8.00
	Yakisoba Box	\$9.00
	Salmon Box	\$10.00
	Tempura Box	\$10.00
	Steak Box	\$10.00
	Sashimi Box	\$12.00
	Nigiri Box	\$12.00

Nigiri & Sashimi

	Ebi / Shrimp	Nigiri \$4.00	Sashimi \$NaN
	Ika / Squid	Nigiri \$4.00	Sashimi \$8.00
	Tai / Izumidai	Nigiri \$4.00	Sashimi \$8.00
	Hotate / Scallop	Nigiri \$4.00	Sashimi \$8.00
	Tako / Octopus	Nigiri \$5.00	Sashimi \$10.00
	Massago	Nigiri \$5.00	Sashimi \$NaN
	Kani / Crab	Nigiri \$5.00	Sashimi \$9.00

Albacore	Nigiri	\$5.00
	Sashimi	\$9.00
Suzuki / Bass	Nigiri	\$5.00
	Sashimi	\$9.00
Unagi / Water Eel	Nigiri	\$5.00
	Sashimi	\$10.00
Maguro / Tuna	Nigiri	\$5.00
	Sashimi	\$10.00
Hirame / Halibut	Nigiri	\$5.00
	Sashimi	\$10.00
Ono / White Tuna	Nigiri	\$5.00
	Sashimi	\$10.00
Hamachi / Yellowtail	Nigiri	\$5.00
	Sashimi	\$10.00
sake/salmon	nigiri	\$5.00
	sashimi	\$10.00

Mochi	\$5.00
Japanese Ice Cream	\$4.00
Tempura Ice Cream	\$5.00

Latino's Grill

Chicken Teriyaki	\$12.00
Cowboy Steak	\$15.00
Daily Fish	\$14.00
Alaskan Lobster	\$25.00
Ocean Scallop	\$16.00
Make Your Own Combo	any two \$23.00 any three \$32.00
Teriyaki Beef	\$13.00
Jumbo Shrimp	\$16.00
Calamari Steak	\$14.00
Vegetable Delight	\$10.00
Tempura Dinner	\$13.00
Ultimate Seafood Lover	any two \$26.00 any three \$36.00

Lover's Dinners

Maki Story	\$18.00
Sushi Story	\$20.00
Sashimi Story	\$21.00
Signature Plate	\$35.00
Rive Walk	\$38.00
Japaneiro Boat	\$42.00

Desserts

Banana Spring Roll	\$5.00
Banana Tempura	\$5.00



CUP-14-09

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION

Trade Name of Business: WEN FENG ENTERPRICES, INC.

Application is filed by:

Individual Partnership Corporation Other: [X] Corporation

Name of Individual or Entity: Japon Latino Phone Number: 347-862-8022

Mailing Address: 1328 N IH-35 SM TX 78666

Email Address: WADELIN0505@YAHOO.COM

Type of Permit Requested: Mixed Beverage Beer & Wine Other: [X] Beer & Wine

PROPERTY

Street Address: 1328 N. Interstate 35 Current Zoning: GC

Legal Description: Lot 2 Block 1 Subdivision Luis Gil Addition

Tax ID Number: R

Property Owner's Name: Mark Van Kleeof Phone Number: (512) 665-0509

Address: 1334 N. Interstate 35, San Marcos, TX 78666

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: [X] Restaurant

Hours of Operation: 11:30 - 10:00

Type of Entertainment Facilities: Restaurant

Indoor Fixed Seats Capacity: 75 Outdoor Fixed Seats: 0

Gross Floor Area Including Outdoor Above-ground Decks: 3200 Square Feet

Number of Off-Street Parking Spaces Provided: 30

Located more than 300 feet from church, public school, hospital, low density residential? [X] Y [] N

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

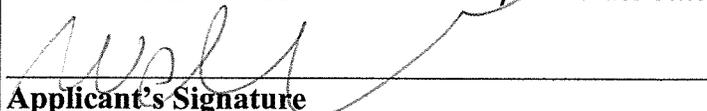
- New request**, no existing TABC CUP Permit at this location
- Change** to existing TABC Permit. Nature of Change: _____
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

- **Beer and Wine Permit: \$600 Application fee** (non-refundable)
- **Mixed Beverage Permit: \$600 Application fee** (non-refundable)
- **Change to Existing Permit/Renewal: \$300.00 fee** (non-refundable)
- **Site Plan** drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

- I am the property owner of record; or*
- I have attached authorization to represent the owner, organization, or business in this application.*


Applicant's Signature

Printed Name: WEN FENG CUI Date: 2/6-2014

To be completed by Staff:

Meeting Date: 3-25 Application Deadline: 2-10
Accepted By: Tory C. Date: 2-6

09/12

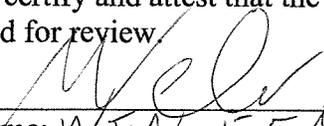


Conditional Use Permit Application Checklist To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties	<input type="checkbox"/>	
<input type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Director of Development Services : *(see note below)			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Copy of State TABC License application	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	Menu	<input type="checkbox"/>	

* For renewals, staff may accept a written statement that no changes have been made to these items if copies are available on file.

I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed:  Date: _____

Print Name: WENDY FEINBINK

Engineer Surveyor Architect/Planner Owner Agent: _____



Legislation Text

File #: ID#13-166, **Version:** 1

AGENDA CAPTION:

CUP-14-10 (Bikinis Sports Bar and Grill) Hold a public hearing and consider a request by ATX Brands, on behalf of Bikinis Sports Bar and Grill, for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on premise consumption at 1437 N. IH 35.

Meeting date: March 25, 2014

Department: Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

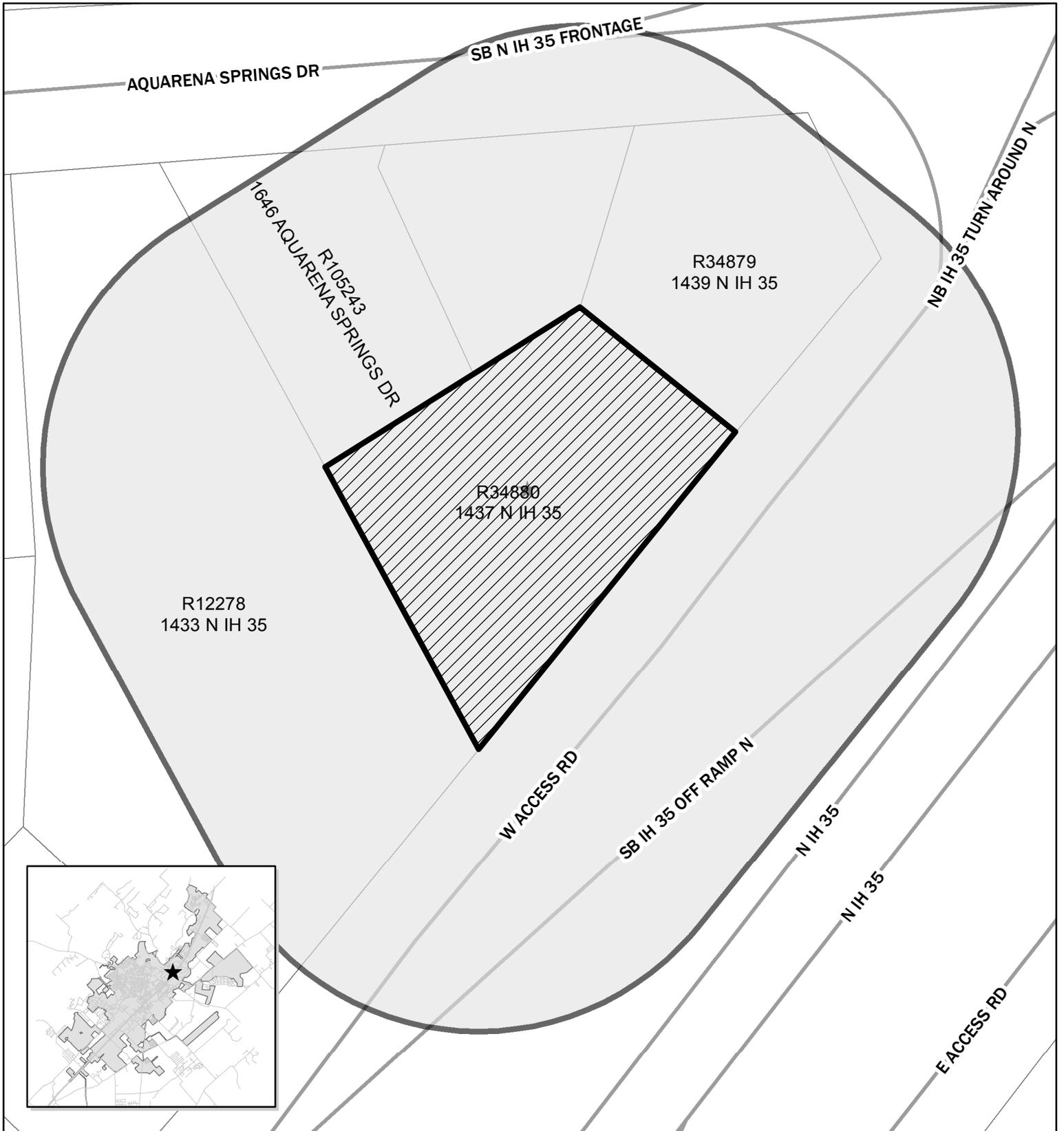
Community Wellness/Encourage the Middle Class

BACKGROUND:

Bikinis Sports Bar and Grill is located at 1437 N IH 35 and opened in 2007. In October 2013, because the establishment operated for two years with an expired CUP, the Commission approved the renewal of the CUP for six months. The applicant submitted the request for renewal by the deadline. Staff has not received any citizen comments or comments from other departments regarding this establishment.

Staff recommends **approval** of the Conditional Use Permit with the following conditions:

1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system; and,
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.



CUP-14-10
Bikinis Renewal
1437 N IH 35
Map Date: 3/10/2014

-  Site Location
-  Notification Buffer (200 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.

**CUP-14-10
 TABC Conditional Use Permit Renewal
 Bikinis Sports Bar and Grill
 1437 N. IH 35**



Applicant Information:

Applicant: Doug Guller
 ATX Brands
 1710 Evergreen Ave.
 Austin, TX 78704

Property Owner: Bikinis Real Estate LLC
 3506 Mount Bonnell Rd
 Austin, TX 78731

Applicant Request: Renewal of an existing Conditional Use Permit (CUP) to allow on-premise consumption of mixed beverages.

Notification: Public hearing notification mailed on March 14, 2014.

Response: None to date

Subject Property:

Expiration Date: April 8, 2014

Location: 1437 N IH 35

Legal Description: Loop 82 Business Park, Lot 2A

Frontage On: IH 35

Neighborhood: Millview West

Existing Zoning: GC

Utilities: Adequate

Existing Use of Property: Restaurant/Bar

Zoning and Land Use
 Pattern:

	Current Zoning	Existing Land Use
N of Property	GC	Commercial
S of Property	GC	Commercial
E of Property	GC	Commercial
W of Property	GC	Commercial

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. This location does meet the distance requirements.

This location is outside the CBA, and is not subject to the additional requirements in the CBA.

Case Summary

Bikinis Sports Bar and Grill is located at 1437 N IH 35 and opened in 2007. In October 2013, because the establishment operated for two years with an expired CUP, the Commission approved the renewal of the CUP for six months. The applicant submitted the request for renewal by the deadline. The renewal application states that there are no changes to the original application. Based on the 2008 submittal, total indoor seating capacity is 209 and the outdoor capacity is 32. There are 85 existing parking spaces which meets the parking requirement of one space per four seats. Hours of operation are 11:00 a.m. to 12 midnight seven days a week. No live music or entertainment is provided.

Comments from Other Departments:

Code Enforcement, Police, and Environmental Health reviewers have reported no concerns regarding the subject property.

Planning Department Analysis:

Bikinis has had no issues with code enforcement or police since the issuance of the Conditional Use Permit in 2008. Their location along the interstate frontage road is suitable for a bar and restaurant establishment and does not cause hazardous traffic or unreasonable noise for this area. Their hours and entertainment are also suitable for the neighborhood. Staff has not received any citizen comments or comments from other departments regarding this establishment.

In order to monitor permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:

1. **The permit shall be valid for three (3) years, provided standards are met, subject to the point system; and,**
2. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Alison Brake

Planner

3/3/2014

Name

Title

Date

09/12



Conditional Use Permit Application Checklist To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties	<input type="checkbox"/>	
<input type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Director of Development Services : *(see note below)			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Copy of State TABC License application	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	Menu	<input type="checkbox"/>	

* For renewals, staff may accept a written statement that no changes have been made to these items if copies are available on file.

I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed: _____

Date: 1/31/14

Print Name: Doug Butler

Engineer Surveyor Architect/Planner Owner Agent: _____

09/12

RECEIVED
FEB 07 2014

CUP-14-10

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION

Trade Name of Business: Bikinis Sports Bar & Grill - San Marcos LLC

Application is filed by:

Individual Partnership Corporation Other: _____

Name of Individual or Entity: ATX Brands Phone Number: 512-804-0326

Mailing Address: 1710 Evergreen Ave Austin TX 78704

Email Address: gloria@restaurantfreedom.com

Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY

Street Address: 1437 N. IH 35 Current Zoning: Business

Legal Description: Lot _____ Block _____ Subdivision _____

Tax ID Number: R 3-20334-3572-1

Property Owner's Name: Doug Guller Phone Number: 512 680 2346

Address: 1710 Evergreen Ave Austin TX 78704

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: 7 days 11am - 12am

Type of Entertainment Facilities: V/A

Indoor Fixed Seats Capacity: 197 Outdoor Fixed Seats: _____

Gross Floor Area Including Outdoor Above-ground Decks: _____ Square Feet

Number of Off-Street Parking Spaces Provided: 88

Located more than 300 feet from church, public school, hospital, low density residential? Y N

Renewal - Nothing has changed from previous Application

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

- New request, no existing TABC CUP Permit at this location
- Change to existing TABC Permit. Nature of Change: _____
- Renewal
- Change in name of license holder of existing business at same location
- Change in name of existing business at this location

SUBMITTAL REQUIREMENTS

- Beer and Wine Permit: \$600 Application fee (non-refundable)
- Mixed Beverage Permit: \$600 Application fee (non-refundable)
- Change to Existing Permit/Renewal: \$300.00 fee (non-refundable)
- Site Plan drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

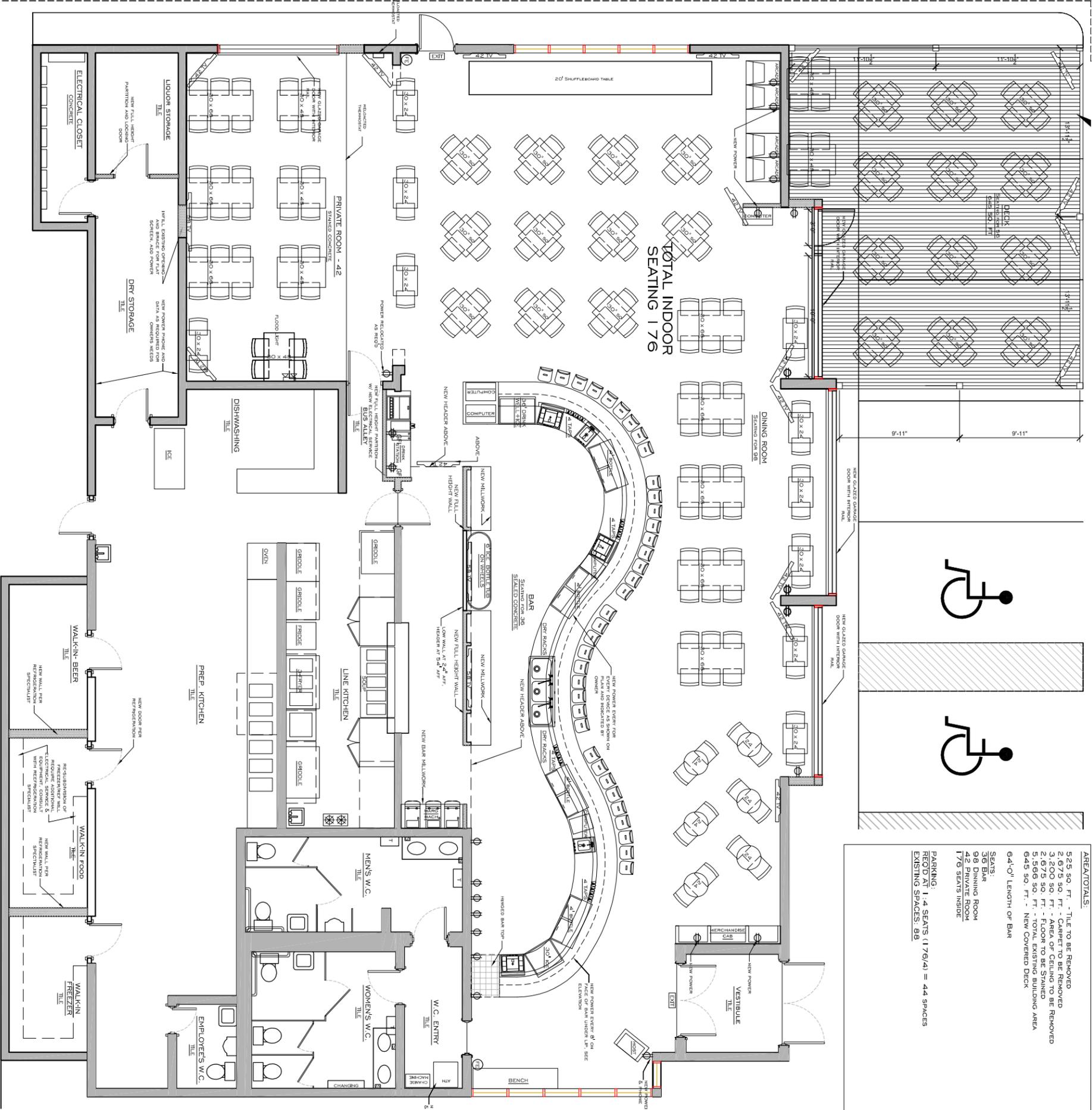
- I am the property owner of record; or
- I have attached authorization to represent the owner, organization, or business in this application.


Applicant's Signature

Printed Name: Doug Gutter Date: _____

To be completed by Staff:

Meeting Date: 3-25 Application Deadline: 2-10
Accepted By: Tory C Date: 2-7



AREATOTALS:

- 525 SQ. FT. - TILE TO BE REMOVED
- 2,675 SQ. FT. - CARPET TO BE REMOVED
- 2,600 SQ. FT. - AREA OF CEILING TO BE REMOVED
- 2,668 SQ. FT. - FLOOR TO BE STAINED
- 5,668 SQ. FT. - FLOOR TO BE REMOVED
- 645 SQ. FT. - NEW COVERED DECK
- 64'-0" LENGTH OF BAR

SEATS:

- 36 BAR
- 92 DINING ROOM
- 42 PRIVATE ROOM
- 176 SEATS INSIDE

PARKING:
READY AT 1:4 SEATS (176/4) = 44 SPACES
EXISTING SPACES: 88

NOTES:

1. CHIP OUT SLAB AND RELOCATE ALL PLUMBING SUPPLIES AND DRAINS BELOW FLOOR LEVEL AND UNDERNEATH THE SLAB TO FLOOR LEVEL AND UNDERNEATH TILE TO BE SLOPED TOWARD RELOCATED DRAINS.
2. ALL NEW WALLS SHALL BE SHOT INTO THE SLAB AND SECURED TO THE CEILING.
3. DINING ROOM FLOOR SLAB TO HAVE ALL CRACKS SEALED, STAINED AND POLISHED.
4. NEW GARAGE DOORS WITH 3'-0" CLR MAN DOOR.
5. NEW DUCT WORK TO BE SQUARE HARD GALV. METAL WITH BI-DIRECTIONAL DEFLECTOR GRILLS, PAINTED AND MOUNTED TO CEILING.
6. ALL EXISTING CARPET TO BE REMOVED AND DISPOSED
7. NEW POWER FROM ABOVE AT EACH LOCATION OF TV AND ALL OTHER NEW DEVICES. MOUNT TV'S AT 7'-0" AFF OR HIGHER TO BE COORDINATED WITH OWNER.
8. NEW DECK TO BE 2 X 6 EXTERIOR GRADE CEDAR OR TREX. COORDINATE WITH OWNER

1/4" = 1'-0"



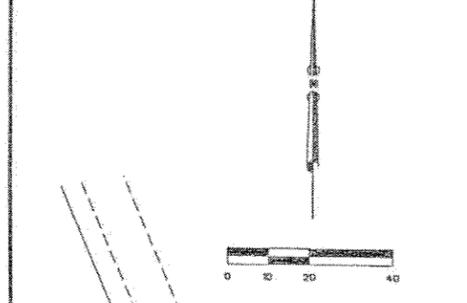
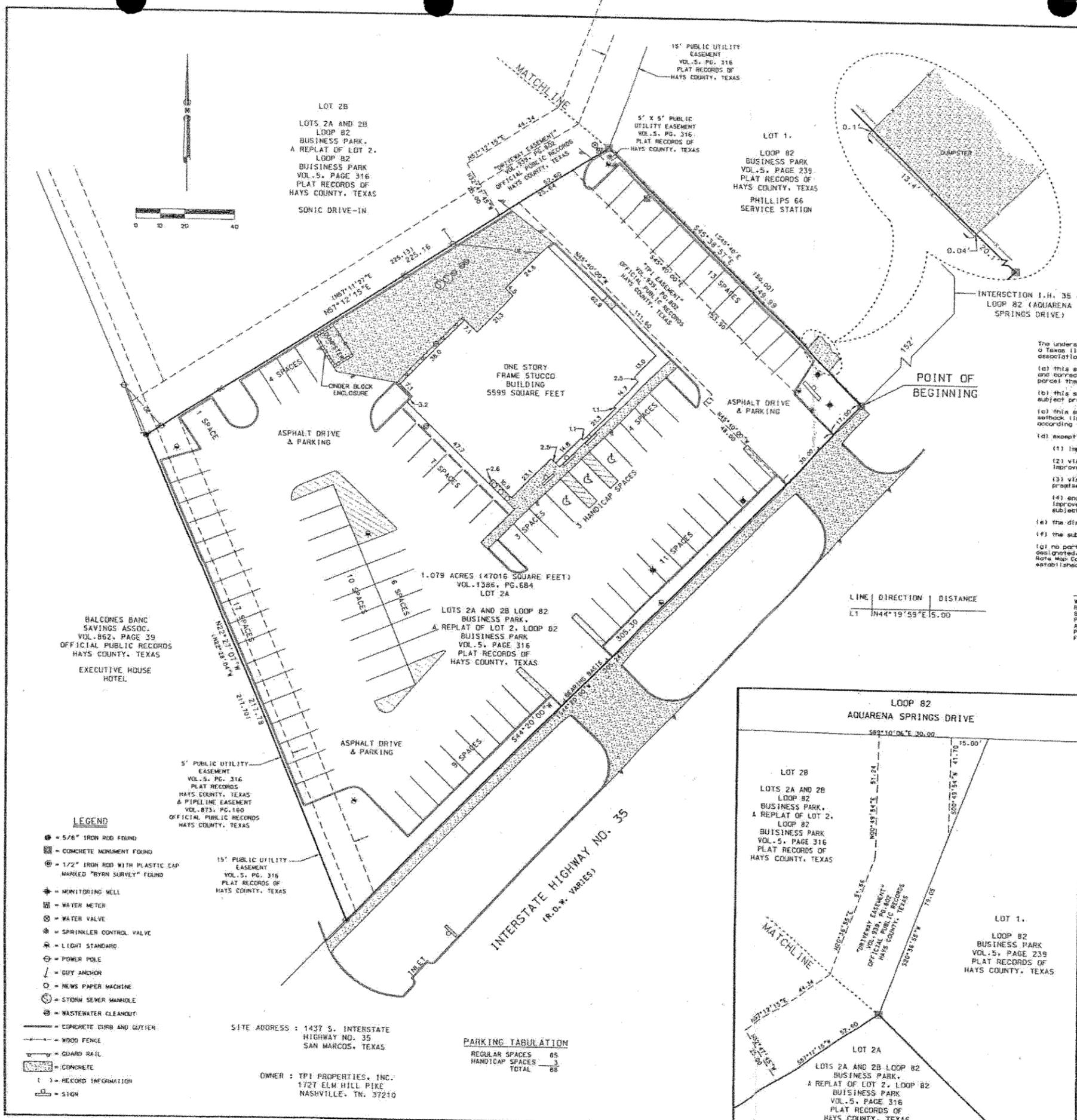
dennis cudd studios
 917.568.3147
 denniscudd@gmail.com

This electronic drawing is a 2D rendered view of the information contained in the electronic drawing. It is not a substitute for the original file. This electronic drawing may be used for informational purposes only. It is not to be used for construction or other purposes. The user of this electronic drawing is responsible for obtaining the necessary permits and approvals for the project. No person may make any adaptations to this drawing without the written permission of the designer.

Bikinis
 1437 North IH-35 (Exit 206)
 san marcos, tx 78666

8-17-07	Pre-Design
8-31-07	Progress
9-3-07	Progress
9-4-07	Pricing
9-11-07	Permitting

fir plan
 a-1.2



LEGEND

- = 5/8" IRON ROD FOUND
- = CONCRETE MONUMENT FOUND
- ⊙ = 1/2" IRON ROD WITH PLASTIC CAP MARKED "BYRN SURVEY" FOUND
- ⊕ = MONITORING WELL
- ⊖ = WATER METER
- ⊗ = WATER VALVE
- ⊛ = SPRINKLER CONTROL VALVE
- ⊙ = LIGHT STANDARD
- ⊙ = POWER POLE
- ⊙ = GUY ANCHOR
- ⊙ = NEWS PAPER MACHINE
- ⊙ = STORM SEWER MANHOLE
- ⊙ = WASTEWATER CLEANOUT
- = CONCRETE CURB AND GUTTER
- = WOOD FENCE
- = GUARD RAIL
- = CONCRETE
- () = RECORD INFORMATION
- = SIGN

SITE ADDRESS : 1437 S. INTERSTATE HIGHWAY NO. 35 SAN MARCOS, TEXAS

OWNER : TPI PROPERTIES, INC. 1727 ELM HILL PIKE NASHVILLE, TN. 37210

PARKING TABULATION

REGULAR SPACES	85
HANDICAP SPACES	3
TOTAL	88

- Easements listed in Schedule B of Texas Professional Title, Inc.'s commitment for title insurance of No. C 121006741 (198) effective August 18, 1998 and related below, affecting this property are shown hereon, except as noted.
- Pipeline easement granted to the United Gas Corporation, as recorded in Volume 158, Page 184, Deed Records of Hays County, Texas. (SUPERCEDED BY EASEMENT RECORDED IN VOLUME 873, PAGE 160 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS)
 - Pipeline easement granted to the United Gas Corporation, as recorded in Volume 163, Page 10, Deed Records of Hays County, Texas. (SUPERCEDED BY EASEMENT RECORDED IN VOLUME 873, PAGE 160 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS)
 - Electric line easement granted to L.C.R.A., as recorded in Volume 139, Page 443, Deed Records of Hays County, Texas. (DOES NOT AFFECT THIS LOT)
 - Pipeline easement granted to Entex, as recorded in Volume 873, Page 160 of the Official Records Hays County, Texas. (AS SHOWN)
 - Terms and conditions of that certain grant of reciprocal easement recorded in Volume 939, Page 802, Official Records of Hays County, Texas. (AS SHOWN)
 - 5' public utility easement along the west property line, as recorded in Volume 5, Page 316, Plat Records of Hays County, Texas. (AS SHOWN)
 - 5' x 5' public utility easement at the most north corner of the subject lot as shown on the plat of record in Volume 5, Page 316, Plat Records of Hays County, Texas. (AS SHOWN)

The undersigned hereby certifies to Ramsey Enterprises, Inc., a Texas corporation, Anderson Partners, Ltd., a Texas limited partnership, Shoney's, Inc., a Tennessee corporation, The First National Bank, a national banking association, Chicago Title Insurance Company and TPI Properties, Inc. that:

(a) this survey is true and correct, was made on the ground under my supervision as per the field notes shown hereon and correctly shows the boundary lines and dimensions and area of the land indicated hereon and each individual parcel thereof indicated hereon;

(b) this survey correctly shows the location of all buildings, structures and other improvements and visible lines on the subject property;

(c) this survey correctly shows the location and dimensions of all alleys, streets, roads, rights-of-way, easements, building setback lines and other matters of record of which the undersigned has been advised affecting the subject property according to the legal description in such easements and other matters (with instrument, book and page number indicated);

(d) except as shown hereon, there are no:

- improvements, visible easements, rights-of-way, party walls, visible uses of conflicts;
- visible encroachments on adjoining premises, streets or alleys by any of said buildings, structures or other improvements;
- visible encroachments on the subject property by buildings, structures or other improvements situated on adjoining premises; or
- encroachments on any easement, building setback line or other restricted area by any building, structures or other improvements on the subject property;

(e) the distance from the nearest intersecting street is as shown hereon;

(f) the subject property has direct and free access to a dedicated public street or road as shown hereon; and

(g) no part of the subject property lies in a Special Flood Hazard Area or other flood plain area however designated, as determined in accordance with criteria established by the Federal Insurance Administration Flood Insurance Rate Map Community Panel No. 482000191 E, dated February 18, 1993 or as determined in accordance with criteria established by any city or governmental authority having jurisdiction.

William H. Ramsey
 William H. Ramsey
 Registration No. 4532
 8718 Southwest Parkway
 P.O. Box 92768
 Austin, Texas 78709-2768
 Phone (512) 301-9388
 Fax (512) 301-9395

PROFESSIONAL LAND SURVEYOR

Date: 11-5-98

LINE	DIRECTION	DISTANCE
L1	N44°19'59"E	15.00

FIELD NOTES

A DESCRIPTION OF 1.079 ACRES (47016 SQUARE FEET) OF LAND SITUATED IN HAYS COUNTY, TEXAS, BEING ALL OF LOT 2A, "LOTS 2A AND 2B LOOP 82 BUSINESS PARK, A REPLAT OF LOT 2, LOOP 82 BUSINESS PARK" A SUBDIVISION WHOSE PLAT IS RECORDED IN VOLUME 5, PAGE 316 OF THE PLAT RECORDS OF SAID COUNTY SAME BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO TPI PROPERTIES, INC. d/b/a TPI TEXAS PROPERTIES, INC. BY DEED DATED FEBRUARY 23, 1998 AND RECORDED IN VOLUME 1386, PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 1.079 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

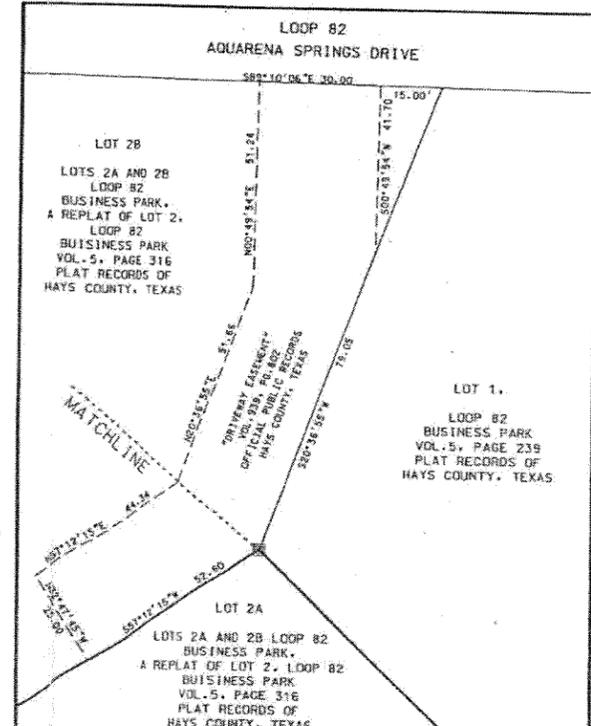
BEGINNING at a concrete monument found for the east corner of said Lot 2A and the south corner of Lot 1, "Loop 82 Business Park" a subdivision whose plat is recorded in Volume 5, Page 239 of the said Plat Records and on the northwest right-of-way (R.O.W.) line of Interstate Highway No. 35 (I.H. 35);

THENCE along the southeast line of said Lot 2A and the northwest R.O.W. line of said I.H. 35, S44°20'00"W, 305.30 feet to a 1/2 inch iron rod with plastic cap marked "BYRN SURVEY" found for the south corner of said Lot 2A and a westerly corner of that certain tract of land conveyed to Balcones Banc Savings Association described in Volume 662, Page 39 of the said Official Public Records;

THENCE, departing the northwest R.O.W. line of said I.H. 35 and the southeast line of said Lot 2A, along the westerly line of said Balcones Banc Savings tract and the southwest line of said Lot 2A, N22°27'07"W, 217.78 feet to a 5/8 inch iron rod found for the west corner of said Lot 2A and the south corner of Lot 2B, of said "Lots 2A and 2B Loop 82 Business Park, a Replat of Lot 2, Loop 82 Business Park";

THENCE, departing the westerly line of said Balcones Banc Savings Association tract and the southwest line of said Lot 2A, along the southeast line of said Lot 2B and the northwest line of said Lot 2A, N57°12'15"E, 225.16 feet to a concrete monument found for the north corner of said Lot 2A, the southeast corner of said Lot 2B and the west corner of said Lot 1;

THENCE, departing the southeast line of said Lot 2B and the northwest line of said Lot 2A, along the southwest line of said Lot 1 and the northeast line of said Lot 2A, S45°38'57"E, 149.99 feet to the POINT OF BEGINNING containing 1.079 acres (47016 square feet) of land more or less.



RAMSEY LAND SURVEYING, LLC
 8718 SOUTHWEST PARKWAY
 P.O. BOX 92768
 AUSTIN, TEXAS 78709-2768
 PHONE: (512) 301-9388
 FAX: (512) 301-9395
 RLSURVEY@LASH.NET

ALTA/ACSM LAND TITLE SURVEY OF 1.079 ACRES (47016 SQUARE FEET) OF LAND, BEING ALL OF THAT CERTAIN TRACT DESCRIBED IN VOLUME 1386, PAGE 684 OF THE OFFICIAL PUBLIC RECORDS AND ALL OF LOT 2A OF LOTS 2A AND 2B LOOP 82 BUSINESS PARK, A REPLAT OF LOT 2, LOOP 82 BUSINESS PARK, VOLUME 5, PAGE 316, PLAT RECORDS OF HAYS COUNTY, TEXAS.

DATE	10-25-1998
PROJECT NO.	084-02
FILENAME	084\SHNYSMAD.DGN
SHEET NO.	1 OF 1
DRAWING NO.	



Legislation Text

File #: ID#13-124, **Version:** 1

AGENDA CAPTION:

CUP-14-11 (Vodka Street) Hold a public hearing and consider a request by Eric White, on behalf of EFW Food and Beverage Inc. d/b/a Vodka Street Global Bistro, for approval of a new Restricted Conditional Use Permit at a location with an expired CUP to allow the sale of mixed beverages for on-premise consumption at 202 N. LBJ Drive, Suite 101.

Meeting date: March 25, 2014

Department: Development Services - Planning

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

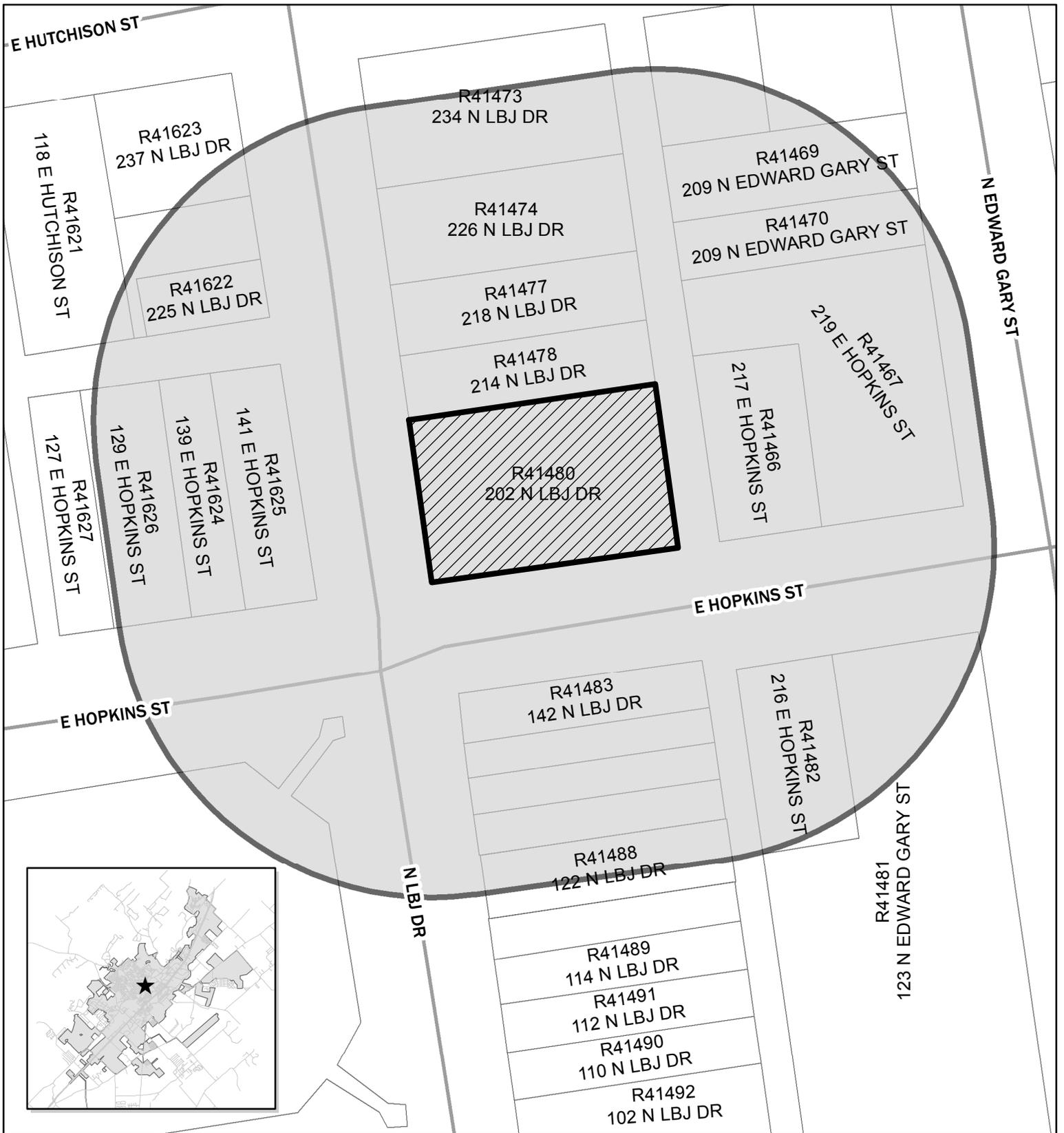
BACKGROUND:

The Conditional Use Permit was first issued at 202 N. LBJ Drive, to the business operating under the name of the Wine Cellar in 2007. The permit was renewed for a three-year period in September 2008. In November of 2010, an administrative approval was granted for a name and ownership change and the business became Vodka Street Global Bistro operated by EFW Food and Beverage Inc.

The permit has been expired since September of 2011. After receiving a renewal notice in January, the applicant submitted the application by the next deadline. This request is for a new Conditional Use Permit. No comments or concerns have been reported for this establishment.

Staff recommends approval with the following conditions:

1. The CUP shall be valid for one (1) year, provided standards are met, subject to the point system, and
2. The CUP permit shall be posted in the same area and manner as the Certificate of Occupancy.



CUP-14-11
Vodka Stree Bistro
202 N LBJ Dr. Ste 101
Map Date: 3/13/2014

-  Site Location
-  Notification Buffer (200 feet)

0 50 100 200 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.

CUP-14-11

Restricted Conditional Use Permit

Vodka Street Global Bistro

202 North LBJ Drive



Applicant Information:

Applicant: EFW Food and Beverage Inc.
202 North LBJ Drive, Suite 101
San Marcos, TX 78666

Property Owner: Global Rock Investments, Inc.
333 Pinnacle Parkway
New Braunfels, TX 78132

Applicant Request: Approval of a new Conditional Use Permit (CUP) at a location with an expired CUP to allow on-premise consumption of mixed beverages.

Notification: Public hearing notification mailed on March 13, 2014.

Response: None as of report date.

Subject Property:

Expiration Date: September 23, 2011

Location: 202 North LBJ Drive

Legal Description: Lot 8, Block 7 Original Town of San Marcos

Frontage On: North LBJ and Hopkins

Neighborhood: Downtown

Existing Zoning: SmartCode T5-Urban Center

Utilities: Adequate

Existing Use of Property: Restaurant and Bar

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	T5	Commercial
S of Property	T5	Commercial
E of Property	T5	Commercial
W of Property	T5, CS	Commercial, Civic

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. The location **does** meet the distance requirements.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

There is a limit of 15 Restricted CUPs in the Central Business Area at any time. If a CUP is restricted, the business must comply at all time with the standards for "restaurant" permits. This location has held one of the restricted permits within the CBA since 2004. The building address, 202 N. LBJ, is specifically noted as one of the locations not subject to the one year waiting period for the issuance of a new restaurant permit for on-premises consumption (Section 4.3.4.2 (b)(8)(c)(2)).

Case Summary

This request is for a new Restricted Conditional Use Permit for Vodka Street Global Bistro and Bar which has been operating with an expired CUP for over two years. The Planning and Zoning Commission approved the renewal of the original permit for a period of three years on September 23, 2008. The business at the time was operating as The Wine Cellar. A name and ownership change was administratively approved on November 8, 2010. The CUP then expired on September 23, 2011.

This location is one of several expired CUPs that were identified as part of a 2013 staff analysis. A certified letter was sent on November 7, 2013, to both the business address and home address of the applicant. These were both unclaimed and returned to the City. A second letter was mailed on January 26, 2014, to both addresses. Staff also called the owner directly at this time, who then submitted an application prior to the next deadline. Following the direction of the Planning & Zoning Commission, this request was processed as a new application.

The restaurant has 160 indoor seats and off-street parking is not required to be provided in the CBA. The hours of operation are from 3pm – 2am Monday – Saturday, and 11:30am – 2am Sunday. The kitchen operates from 3pm – 11pm Monday-Saturday and 11:30am to 11pm Sunday. No live music or entertainment is provided.

Comments from Other Departments:

Police and Environmental Health reviewers stated there were no issues with the subject property. Code Enforcement (Fire Marshall's Office) stated "no issues...minor violations noted on last inspection" and approved their review. No points have been issued against the establishment.

TABC has stated there are no violations or ongoing investigations.

Planning Department Analysis:

Vodka Street has had no major issues with code enforcement or police since the three-year approval of the Conditional Use Permit in 2008. When the applicant began operating in 2010, he was under the impression that the CUP was issued to the building address and believed it was the responsibility of the building owner. Staff mailed the expiration letter through certified mail as directed, and those returned

unclaimed. After the direct phone call, the business owner promptly submitted the application and has paid the new permit fee.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Typically, new conditional use permits are initially approved for one year, then renewed for three years and finally approved for the life of the State TABC license as long as standards are met. However, restaurant permits are valid for three years from the date of issuance and can be administratively issued if all provisions and other applicable statutes have been met per Section 4.3.4.2(b)(8) of the Land Development Code. Because the permit has been expired, staff recommends a one-year approval. In one year, if all standards are met, Vodka Street would then return to the typical three-year cycle for Restricted CUPs.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:

1. **The permit shall be valid for one (1) year, provided standards are met, subject to the point system; and,**
2. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Emily Koller

Planner

3/10/2014

Name

Title

Date

09/12

RECEIVED
FEB 10 2014

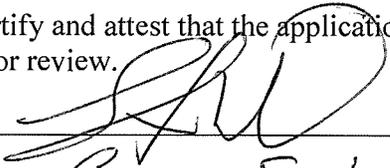


~~Restricted By~~ Unrestricted
Conditional Use Permit Application Checklist
For Businesses within the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan <i>drawn to scale</i> illustrating the locations of all structures on the subject property and on adjoining properties. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district.	<input type="checkbox"/>	
<input type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Director of Development Services : *(see note below)			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street parking and loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Hours of operation	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	

* For renewals, staff may accept a written statement that no changes have been made to these items if copies are available on file.

I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed: 

Date: 2/10/14

Print Name: ERIC F. WHITE

Engineer Surveyor Architect/Planner Owner Agent: _____

City of San Marcos
RESTRICTED OR UNRESTRICTED
CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
for Businesses within the Central Business Area Zoning District

LICENSE INFORMATION
 Trade Name of Business: VODKA STREET GLOBAL BISTRO
 Application is filed by: Individual Partnership Corporation Other: _____
 Name of Individual or Entity: EFW FOOD AND BEVERAGE INC Phone Number: (512) 396-4260
 Mailing Address: 202 N. LBS DR, STE. 101
 Email Address: cwhite_99@hotmail.com
 Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY
 Street Address: 202 N. LBS DR. STE. 101
 Legal Description: Lot 8 Block 7 Subdivision ORIGINAL TOWN OF SAN MARCOS
 Tax ID Number: R 41480
 Property Owner's Name: GLOBAL ROCK INVESTMENTS INC. Phone Number: (832) 609-6162
 Address: 333 PINNACLE PARKWAY NEW BRAUNFELS, TX. 78132

BUSINESS DETAILS
 Primary Business Use: Restaurant (Restricted) Bar (Unrestricted) Other: _____
 Hours of Operation: 3:00pm - 2:00am M-SAT, SUN 11:30AM - 2:00AM
 Type of Entertainment Facilities: RESTAURANT/BAK
 Indoor Fixed Seats: 150 Outdoor Fixed Seats: 0
 Gross Floor Area Including Outdoor Above-ground Decks: 4,200 Square Feet
 Number of Off-Street Parking Spaces Provided: N/A
 Located more than 300 feet from churches, public schools, hospitals, low density residential? Yes No

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

- New request**, no existing TABC CUP Permit at this location
- Change to existing TABC Permit.** Nature of Change: _____
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

- **Beer and Wine Permit:** \$600 Application fee + \$10.00 Technology Fee (non-refundable)
- **Mixed Beverage Permit:** \$600 Application fee + \$10.00 Technology Fee (non-refundable)
- **Change to Existing Permit/Renewal:** \$300.00 Application fee + \$10.00 Technology Fee (non-refundable)
- **Site Plan** drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

- I am the property owner of record; or*
- I have attached authorization to represent the owner, organization, or business in this application.*

Applicant's Signature

Printed Name: ERIC F. WHITE

Date: 2/10/14

To be completed by Staff:

Meeting Date: _____

Application Deadline: _____

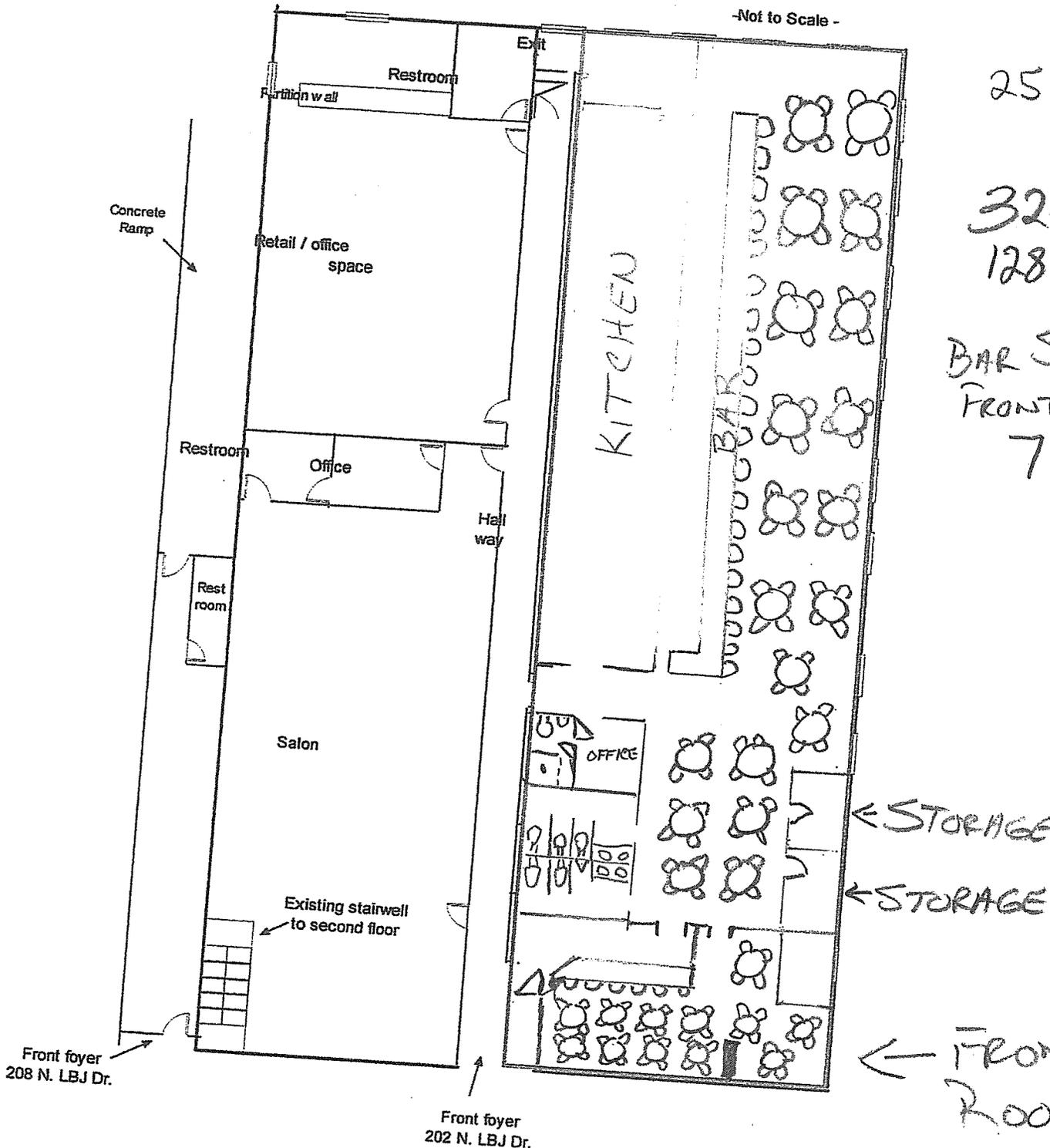
Accepted By: _____

Date: _____

Addendum # 1

A. B. ROGER'S BUILDING
(Approximate Main Floor)

-Not to Scale -



25 SEAT
AT BAR

32 TABLE
128 SEAT.

BAR SEAT
FRONT ROOM
7

← STORAGE
← STORAGE

← FRONT ROOM

4,108 SQ. FT.

Vodka

Street

Global Bistro & Bar

Tapas

Maytag Blue Cheese Potato Chips	6.95
Patagonia Rolls	7.95
feta cheese sticks wrapped in beef and seared to perfection topped with chimichurri sauce. Argentinean Proud	
Ravioli Crisps	6.95
wonton pillows filled with a blend of creamy cheese, corn, fresh herbs and a hint of bacon topped with a cilantro cream sauce	
Vodka's Three Cheese Focaccia	6.95
with Caramelized Shallots, finished with Prosciutto and fresh Basil "A Must"	
Crawfish Caroline	7.95
Crawfish Pies. A taste of Conroe Texas. (mothers do it the best)	
Fried Alligator with Voodoo sauce	6.95
Corn Fritters	4.95
with a Toasted Orange Soy Cilantro sauce	
Chang's Lettuce Wraps	6.95
Quickly-cooked spiced Chicken served with cool Lettuce cups	
Chevre Mac & Cheese with Prosciutto	5.95
a taste of France	
Mexican Egg	6.95
Avocado stuffed with Shrimp, Pico de Gallo, fresh Cilantro and topped with melted cheese served with homemade tortilla chips	
Seafood Tacos <i>Drizzled with Lobster Bisque</i>	8.95
Grilled flour tacos with Shrimp, Crab, Red Pepper Coullious, Pico de Gallo and cilantro. Drizzled with Lobster Bisque!	
Ahi Tuna	7.95
Japan meets Mexico in this fusion plate of Sashimi Ahi Tuna served on a tortilla chip with Wasabi Guacamole toasted Sesame seeds and Tequila Ponzu sauce	
Tartare of Pacific Ahi Tuna	8.50
Ahi tuna served with Mango Salsa & Avocado along with Panini Toast	
Baked Mussels	5.95
1. Argentina	with chimichurri
2. Italian	spicy tomato and parmesan
3. American Blue Cheese	blue cheese and bacon
4. Thailand	green curry
5. French	red pepper coullious
Roasted Corn Salsa	3.95
savory blend of corn, black beans, Pico and fresh herbs	

Soups

Seafood Gumbo

cup 3.95 / bowl 5.25

Lobster Bisque

cup 3.95 / bowl 5.25

Soup of the Day

ask server

Handheld Salads

Salad #1

\$. \$\$

Salad #2

\$. \$\$

add-ons

salmon

chicken or beef

shrimp

Gourmet Pizzas

Chipotle Chicken

8.95

Grilled Chicken, fire roasted peppers, chipotle sauce, Mozzarella and Jack cheeses.
Topped with roasted corn & black bean salsa and cilantro and lime cream sauce

White Pizza

8.95

Pesto and creamy Alfredo sauce, Mozzarella, Ricotta, spinach sautéed garlic and bacon,
topped with Feta Cheese

Classic Margherita

7.95

Zesty red sauce, Roma tomatoes, Mozzarella cheese and fresh Basil

Kicked UP Margherita

8.95

The Classic with Jalapenos, Feta Cheese and Bacon (add chicken \$1.00)

Sandwiches & Tacos

Fish Tacos

6.95

mango salsa, Jichama, with cilantro cream sauce

Shrimp Tacos

7.95

roasted peppers and Chimichurri sauce

Avocado Tacos

5.95

Sliced Avocados, Roasted Corn & Black Bean Salsa with cilantro cream sauce

Steak Sandwich

8.95

Grilled sliced Steak, Roasted Red Peppers, garlic and Feta Cheese on Focaccia

Buenos Aires Cheese Steak

6.95

Sliced steak, roasted bell peppers, provolone cheese and Chimichurri sauce

Vatican Cheese Steak

6.95

Sliced steak, zesty red sauce, Provolone cheese and Fresh Basil

Classic Philly Cheese Steak

6.95

Sliced steak, roasted bell peppers and provolone cheese

Shrimp Po Boy 7.95

fried or grilled, lettuce, tomato, spicy cream sauce on a Baggett or tortilla wrap

Crawfish Po Boy 7.95

Fried or sautéed, lettuce, tomato, spicy cream sauce on a Baggett or tortilla wrap

Chicken Poblano Sandwich 7.95

Grilled Chicken Breast, Roasted Pablano peppers, Aioli sauce on Focaccia

Pesto Chicken Sandwich 6.95

Grilled Chicken Breast, Pesto Sauce, Provolone cheese, spinach, tomato (can substitute chimichurri for pesto)

Turkey Bacon Avocado Sandwich 6.95

with lettuce, tomato and ranch

Burger? ???

Entrees

Crawfish Etouffe 9.95

Pad Thai (Chicken or Shrimp) 7.95 / 8.95

Green Curry (Chicken or Shrimp) 7.95 / 8.95

Crying Tiger (Chicken or Shrimp) 7.95 / 8.95

General Tso's Chicken 8.95

Admiral Tso's Shrimp 9.95

Lobster Raviolis 9.95

Blackened Steak with Crawfish Etouffe 13.95

Ahi Tuna Sautéed, Blackened or Grilled 12.95

Mahi Mahi Sautéed, Blackened or Grilled 8.95

Salmon Sautéed, Blackened or Grilled 9.95

Fish Toppings

Crawfish Etouffe

Fresh Roma tomato & Basil

Ponchatrain
Brown Butter Medira Wine Sauce
with shrimp and crab

add 3.25

add 3.25

add 2.95



Legislation Text

File #: ID#13-167, **Version:** 1

AGENDA CAPTION:

CUP-14-12 (La Fonda Restaurant) Hold a public hearing and consider a request by Fidel Valadez, on behalf of La Fonda Restaurant for approval of a new Conditional Use Permit (CUP) at a location with an expired CUP to allow the continued sale of beer and wine for on premise consumption at 1208 S. IH-35.

Meeting date: March 25, 2014

Department: Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

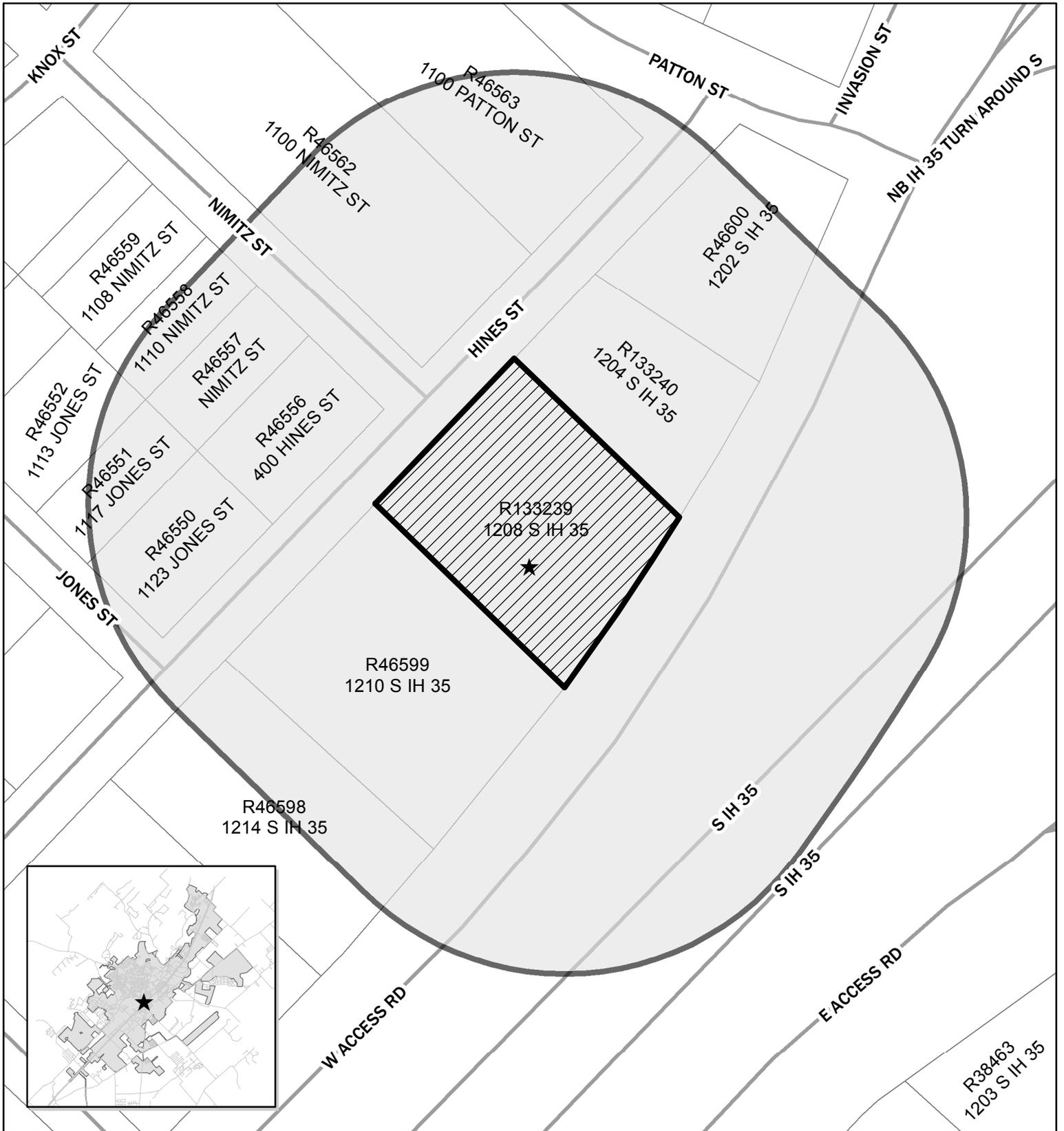
Community Wellness/Encourage the Middle Class

BACKGROUND:

This request is for the renewal of an expired Conditional Use Permit for La Fonda Restaurant located on IH 35 just south of Guadalupe Street. The restaurant received approval of the original CUP in July 2011. The establishment has been operating with an expired CUP for a little over two years; it is one of several expired CUPs that had been identified as part of a recent staff analysis. A letter notifying the applicant of this was sent certified and an application was subsequently submitted. The request was processed as a new application per the direction of the Commission. Staff has not received any citizen comments or comments from other departments.

Staff recommends **approval** of the Conditional Use Permit with the following conditions:

1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system; and
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.



CUP-14-12
La Fonda Renewal
1208 S IH 35
Map Date: 3/10/2014

-  Site Location
-  Notification Buffer (200 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.

09/12

RECEIVED
FEB 10 2014



Conditional Use Permit Application Checklist To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties	<input type="checkbox"/>	
<input type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Director of Development Services : *(see note below)			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Copy of State TABC License application	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	Menu	<input type="checkbox"/>	

* For renewals, staff may accept a written statement that no changes have been made to these items if copies are available on file.

I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed: *Fred Lambert*
Print Name: FRED LAMBERT

Date: 2/11/14

Engineer Surveyor Architect/Planner Owner Agent: _____

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION

Trade Name of Business: LA FONDA RESTAURANT

Application is filed by:

Individual Partnership Corporation Other: _____

Name of Individual or Entity: FIDEL VALADEZ Phone Number: 512-392-8362

Mailing Address: P.O. BOX 986 SAN MARCOS, TEXAS 78667

Email Address: _____

Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY

Street Address: 1208 IH 35 South Current Zoning: _____

Legal Description: Lot 1-A Block 43 Subdivision VICTORY GARDENS #2

Tax ID Number: R _____

Property Owner's Name: LORENZO & FIDEL VALADEZ BROS. INC. Phone Number: 512-392-8362

Address: P.O. BOX 986

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: 7 AM - 10 P.M

Type of Entertainment Facilities: _____

Indoor Fixed Seats Capacity: 100 Outdoor Fixed Seats: 0

Gross Floor Area Including Outdoor Above-ground Decks: _____ Square Feet

Number of Off-Street Parking Spaces Provided: _____

Located more than 300 feet from church, public school, hospital, low density residential? Y N

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

- New request**, no existing TABC CUP Permit at this location
- Change** to existing TABC Permit. Nature of Change: _____
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

- **Beer and Wine Permit:** \$600 Application fee (non-refundable)
- **Mixed Beverage Permit:** \$600 Application fee (non-refundable)
- **Change to Existing Permit/Renewal:** \$300.00 fee (non-refundable)
- **Site Plan** drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

- I am the property owner of record; or*
- I have attached authorization to represent the owner, organization, or business in this application.*

Fidel Valadez

Applicant's Signature

Printed Name: FIDEL VALADEZ Date: _____

To be completed by Staff:

Meeting Date: 3-25-14 Application Deadline: 2-10
Accepted By: Tory C Date: 2-10

BURN ASSOCIATES
ENGINEERS SURVEYORS
 1000 W. WILSON, SUITE 100
 SAN MARCOS, TEXAS 78682
 PHONE 512-386-2270 FAX 512-386-2815

DATE: APRIL 13, 2010
 SCALE: 1" = 50'

SECOND SECTION, VICTORY GARDENS
LOT 1-A AND 2-A, BLOCK 43
FINAL PLAT

THIS PLAT SHOWS THE LOTS AND THE PUBLIC RIGHTS AND INTERESTS IN THE SAME AS THEY EXIST AT THE TIME THIS PLAT WAS PREPARED AND AS THEY EXIST AT THE TIME THIS PLAT WAS RECORDED. THE PLAT IS SUBJECT TO ALL EASEMENTS, RIGHTS AND INTERESTS OF RECORD AFFECTING THE LANDS SHOWN ON THIS PLAT.

THE STATE OF TEXAS, COUNTY OF HAYS, TEXAS.

APPROVED AND AUTHORIZED TO BE RECORDED ON THE PART OF THE SURVEYOR:

[Signature]
 SURVEYOR

APPROVED AND AUTHORIZED TO BE RECORDED ON THE PART OF THE COMMISSIONER OF PUBLIC LANDS:

[Signature]
 COMMISSIONER

APPROVED AND AUTHORIZED TO BE RECORDED ON THE PART OF THE COMMISSIONER OF PUBLIC LANDS:

[Signature]
 COMMISSIONER

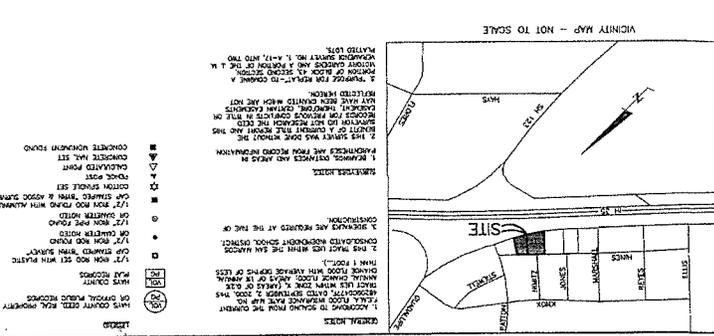
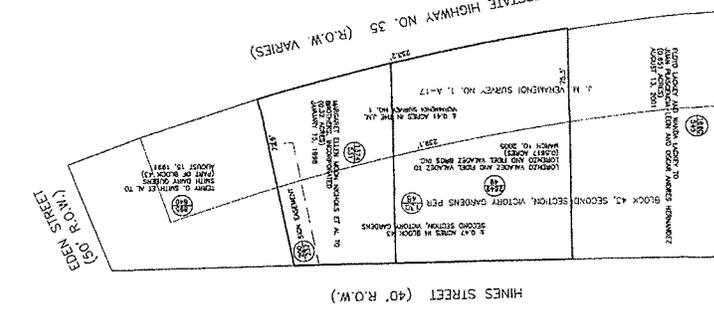
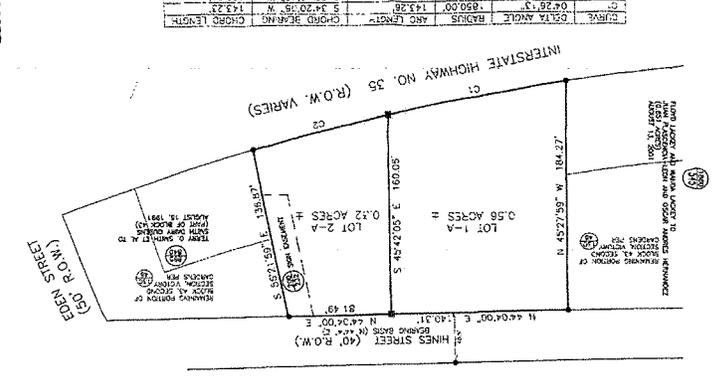
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[Signature]
 COMMISSIONER

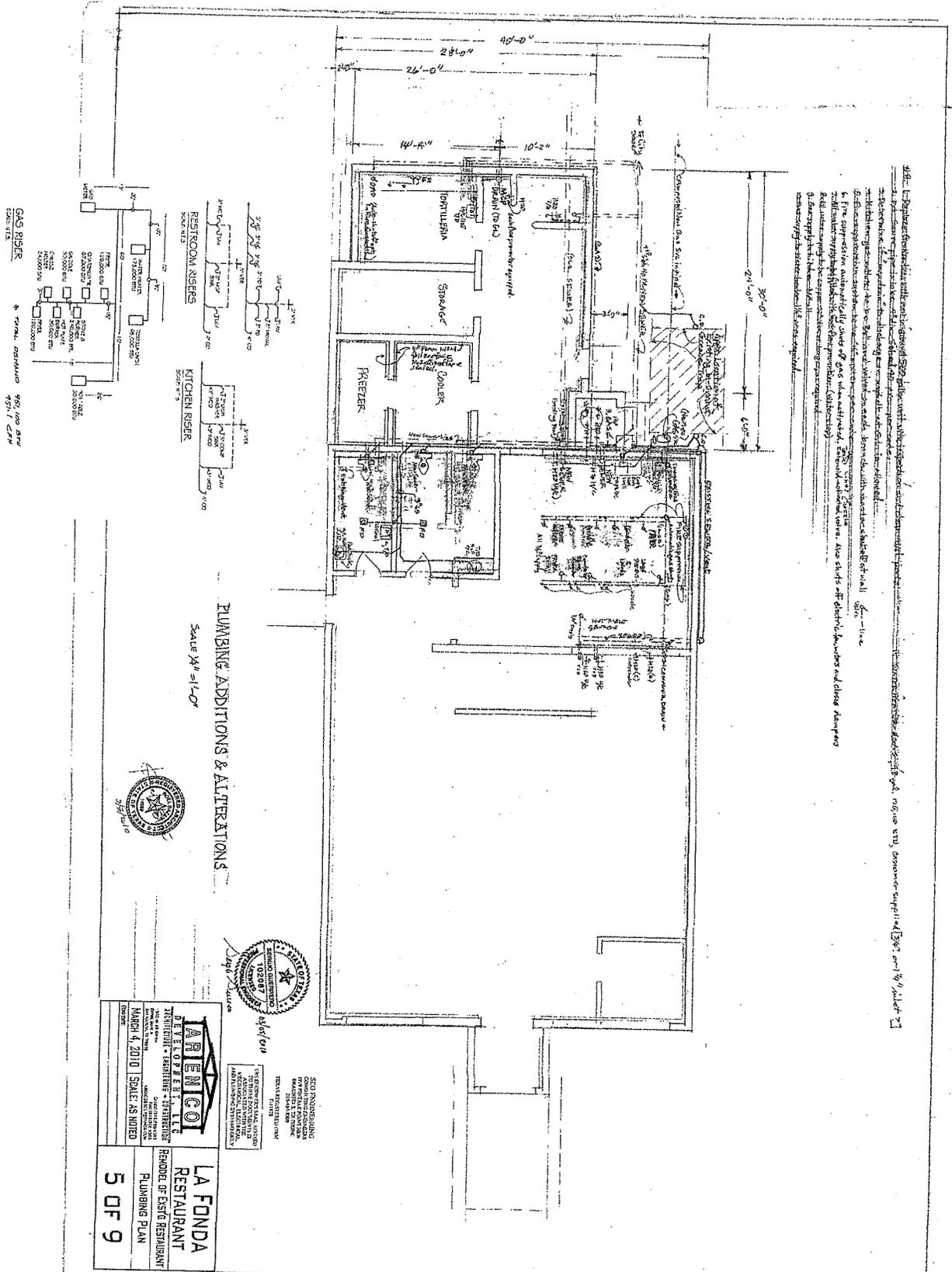
APPROVED AND AUTHORIZED TO BE RECORDED ON THE PART OF THE COMMISSIONER OF PUBLIC LANDS:

[Signature]
 COMMISSIONER

SECTION	ACRES	CHANGING CORNERS
SECTION 43, SECOND SECTION, VICTORY GARDENS	143.26	5 30' 40" 40" W 108 91'
SECTION 44, SECOND SECTION, VICTORY GARDENS	143.26	5 30' 40" 40" W 108 91'



102 JUN 14 PM 1 04



1. The proposed plumbing additions shall conform to the requirements of the International Plumbing Code (IPC) and the International Gas Code (IGC) as adopted by the City of San Diego. The proposed plumbing additions shall also conform to the requirements of the California Plumbing Code (CPC) and the California Gas Code (CGC) as adopted by the State of California.

2. The proposed plumbing additions shall be installed in accordance with the requirements of the International Plumbing Code (IPC) and the International Gas Code (IGC) as adopted by the City of San Diego. The proposed plumbing additions shall also conform to the requirements of the California Plumbing Code (CPC) and the California Gas Code (CGC) as adopted by the State of California.

3. The proposed plumbing additions shall be installed in accordance with the requirements of the International Plumbing Code (IPC) and the International Gas Code (IGC) as adopted by the City of San Diego. The proposed plumbing additions shall also conform to the requirements of the California Plumbing Code (CPC) and the California Gas Code (CGC) as adopted by the State of California.

4. The proposed plumbing additions shall be installed in accordance with the requirements of the International Plumbing Code (IPC) and the International Gas Code (IGC) as adopted by the City of San Diego. The proposed plumbing additions shall also conform to the requirements of the California Plumbing Code (CPC) and the California Gas Code (CGC) as adopted by the State of California.

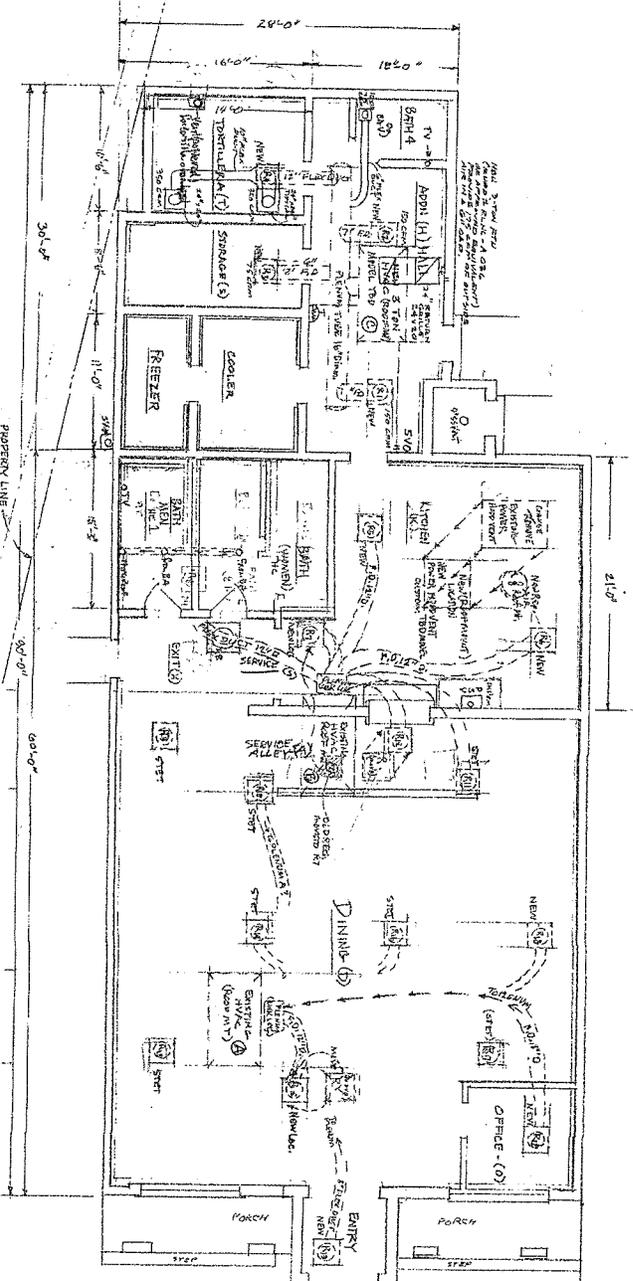
5. The proposed plumbing additions shall be installed in accordance with the requirements of the International Plumbing Code (IPC) and the International Gas Code (IGC) as adopted by the City of San Diego. The proposed plumbing additions shall also conform to the requirements of the California Plumbing Code (CPC) and the California Gas Code (CGC) as adopted by the State of California.



LARENICO
 ENGINEER
 10000 LA JOLLA VILLAGE DRIVE, SUITE 100
 SAN DIEGO, CALIFORNIA 92121
 TEL: 619-451-1111 FAX: 619-451-1112
 WWW.LARENICO.COM

LA FONDA RESTAURANT
 REMODEL OF EXISTING RESTAURANT
 PLUMBING PLAN
 5 OF 9

MARCH 4, 2010 SCALE AS NOTED



- 1. REFRIGERATION SYSTEMS: See title sheet for details.
- 2. EXISTING AND NEW EQUIPMENT: See title sheet for details.
- 3. ALL NEW EQUIPMENT SHALL BE ENERGY EFFICIENT.
- 4. ALL NEW EQUIPMENT SHALL BE UL LISTED.
- 5. ALL NEW EQUIPMENT SHALL BE APPROVED BY THE CITY OF DENVER.

HVAC ADDITIONS AND CHANGES

SCALE: 1/4" = 1'-0"



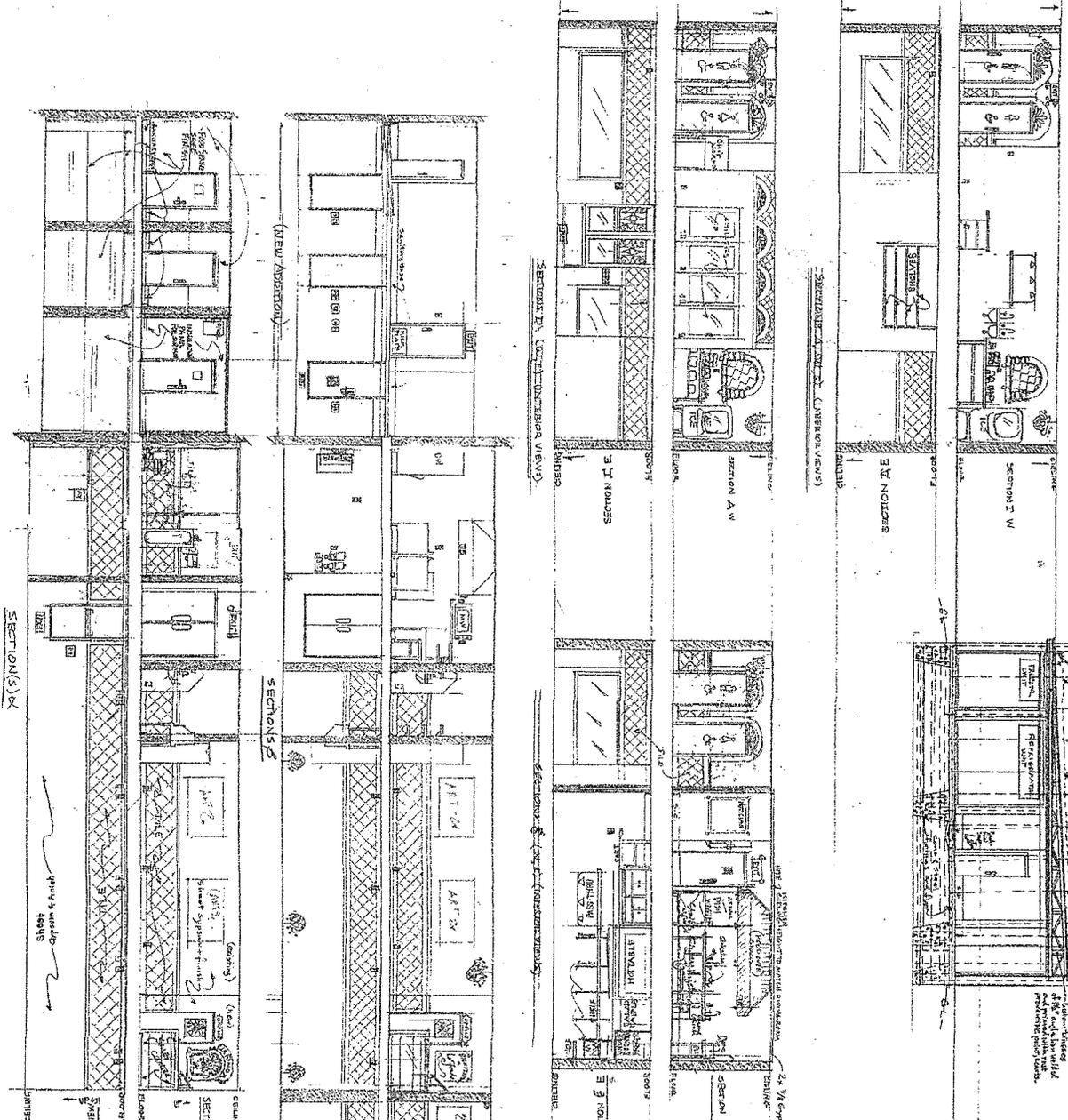
ALL REGISTERED ENGINEERS
ALL EXISTING WORK SHALL BE AS SHOWN
DISCREPANCIES SHALL BE AS SHOWN

NO.	DESCRIPTION	DATE	BY	CHKD.
1	NEW	1/15/10	JL	ML
2	NEW	1/15/10	JL	ML
3	NEW	1/15/10	JL	ML
4	NEW	1/15/10	JL	ML
5	NEW	1/15/10	JL	ML
6	NEW	1/15/10	JL	ML
7	NEW	1/15/10	JL	ML
8	NEW	1/15/10	JL	ML
9	NEW	1/15/10	JL	ML
10	NEW	1/15/10	JL	ML
11	NEW	1/15/10	JL	ML
12	NEW	1/15/10	JL	ML
13	NEW	1/15/10	JL	ML
14	NEW	1/15/10	JL	ML
15	NEW	1/15/10	JL	ML
16	NEW	1/15/10	JL	ML
17	NEW	1/15/10	JL	ML
18	NEW	1/15/10	JL	ML
19	NEW	1/15/10	JL	ML
20	NEW	1/15/10	JL	ML



LA FONDA RESTAURANT
PRELIMINARY HVAC PLAN

DATE: MARCH 4, 2010 SCALE: AS NOTED



Handwritten notes and annotations:

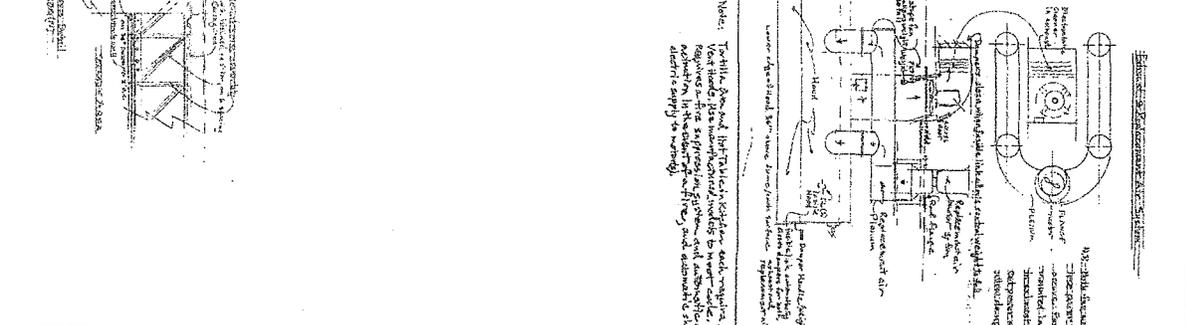
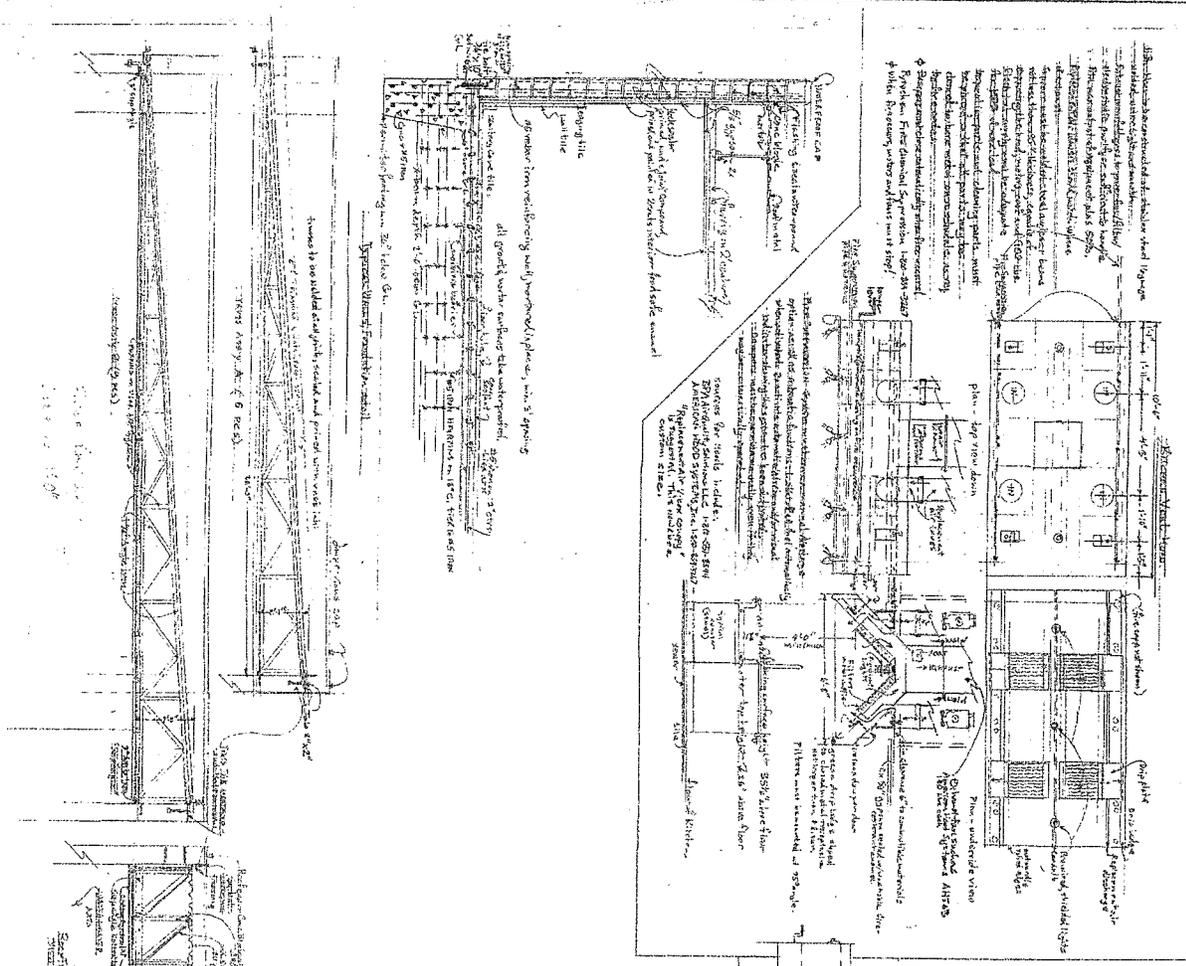
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- "SECTION (S) Y" with a note "ceiling & acoustic tiles".
- "SECTION (S) Z" with a note "ceiling & acoustic tiles".
- "SECTION (S) A" with a note "ceiling & acoustic tiles".
- "SECTION (S) B" with a note "ceiling & acoustic tiles".
- "SECTION (S) C" with a note "ceiling & acoustic tiles".
- "SECTION (S) D" with a note "ceiling & acoustic tiles".
- "SECTION (S) E" with a note "ceiling & acoustic tiles".
- "SECTION (S) F" with a note "ceiling & acoustic tiles".
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- "SECTION (S) H" with a note "ceiling & acoustic tiles".
- "SECTION (S) I" with a note "ceiling & acoustic tiles".
- "SECTION (S) J" with a note "ceiling & acoustic tiles".
- "SECTION (S) K" with a note "ceiling & acoustic tiles".
- "SECTION (S) L" with a note "ceiling & acoustic tiles".
- "SECTION (S) M" with a note "ceiling & acoustic tiles".
- "SECTION (S) N" with a note "ceiling & acoustic tiles".
- "SECTION (S) O" with a note "ceiling & acoustic tiles".
- "SECTION (S) P" with a note "ceiling & acoustic tiles".
- "SECTION (S) Q" with a note "ceiling & acoustic tiles".
- "SECTION (S) R" with a note "ceiling & acoustic tiles".
- "SECTION (S) S" with a note "ceiling & acoustic tiles".
- "SECTION (S) T" with a note "ceiling & acoustic tiles".
- "SECTION (S) U" with a note "ceiling & acoustic tiles".
- "SECTION (S) V" with a note "ceiling & acoustic tiles".
- "SECTION (S) W" with a note "ceiling & acoustic tiles".

LA FONDA RESTAURANT
INT. VIEWS
MARCH 4, 2010 | SCALE AS NOTED

TARENCOI
ARCHITECTS
1000 W. 10TH AVENUE, SUITE 1000
BOULDER, CO 80502
TEL: 303.440.1000
FAX: 303.440.1001
WWW.TARENCOI.COM

LA FONDA RESTAURANT
RENDERING OF RESTAURANT
INT. VIEWS

7 OF 9



LA FONDA RESTAURANT
 DETAILS MATERIALS
 ROOF PLAN
 8 OF 9

SCALE: 1/4" = 1'-0"

MARCH 4, 2010 | SCALE AS NOTED

LA FONDAS ARCHITECTURE

LA FONDA RESTAURANT

DETAILS MATERIALS

ROOF PLAN

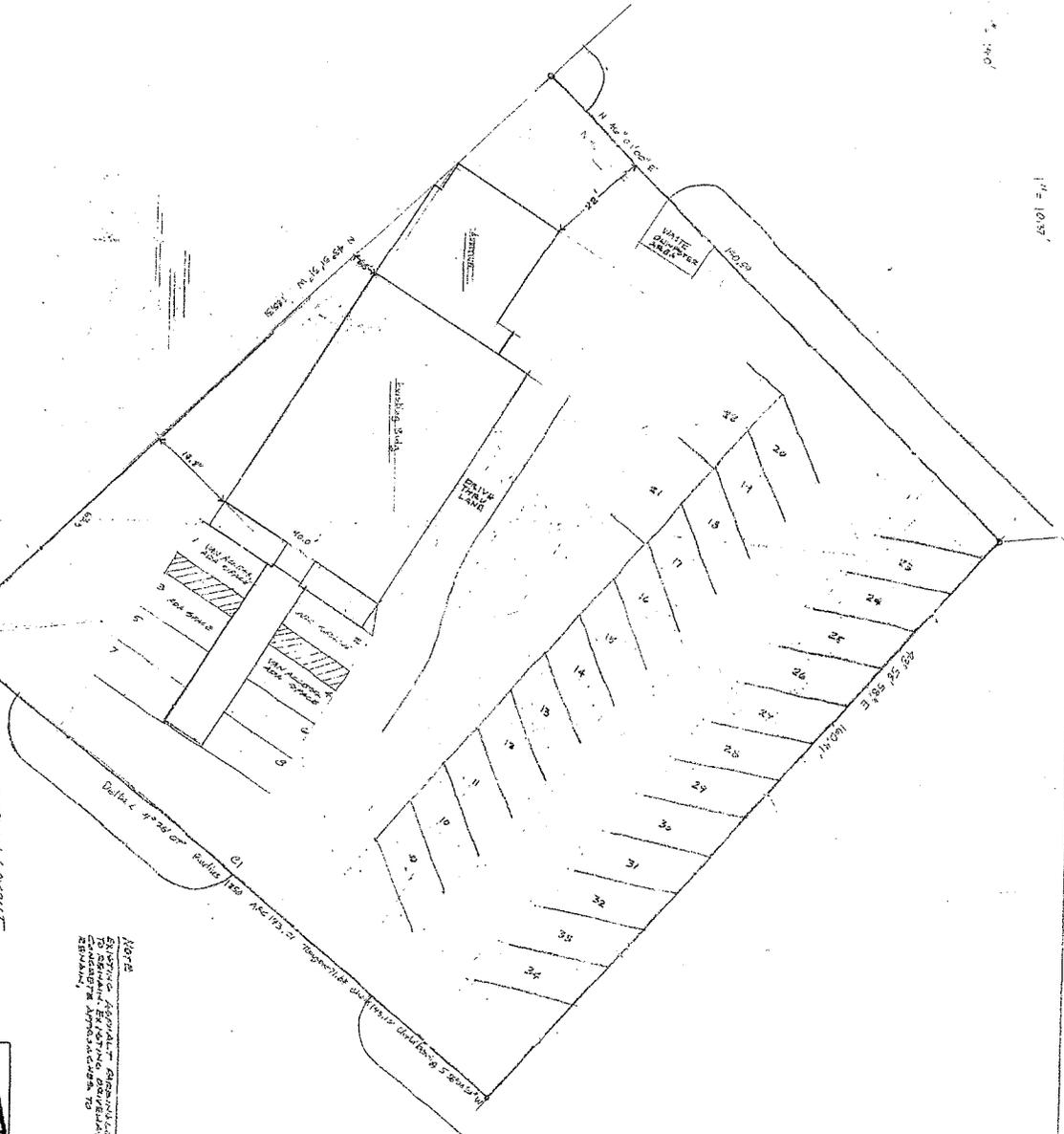
8 OF 9

17' - 10 3/4"

17' - 0"

WHITE
DISPERSE
AREA

EXISTING
PARKING



NOTE:
 ALL DIMENSIONS SHOWN ARE APPROXIMATE.
 TO OBTAIN EXACT DIMENSIONS, CONSULT
 THE SURVEY APPROPRIATE TO
 THE PROJECT.

Demolition, Ground Building Sitework,
 Installation, Project, For 02/20/10



2011 JUN 14 PM 1 00
 1102

SITE PLAN LAYOUT
 DATE: 11-10-09

LARENICO CONSULTANTS ARCHITECTS & ENGINEERS 1000 N. GARDEN ST. SUITE 100 ANAHEIM, CA 92810 PHONE: 714.771.1100 FAX: 714.771.1101 WWW.LARENICO.COM	
LA FONDA RESTAURANT REMODEL OF EXISTING RESTAURANT SITE PLAN	
MARCH 4, 2010 SCALE AS NOTED	
9 OF 9	

CUP-14-12

Conditional Use Permit

La Fonda Restaurant

1208 IH 35 South



Applicant Information:

Applicant: Fidel Valadez
Mailing Address: P.O. Box 986
 San Marcos TX 78667

Property Owner: Lorenzo and Fidel Valadez Bros. Inc.
 P.O. Box 986
 San Marcos TX 78667

Applicant Request: Approval of a new Conditional Use Permit (CUP) at a location with an expired CUP to allow on premise consumption of beer and wine.

Public Hearing Notice: Public hearing notification was mailed on March 14, 2014.

Subject Property:

Location: 1208 IH 35 South
Legal Description: Lot 1A, Block 43, Victory Gardens Subdivision
Frontage On: IH 35 South
Existing Zoning: "GC" General Commercial
Sector: Sector 4
Utilities: Adequate
Existing Use of Property: Restaurant

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	CC	Restaurant; Meeting Hall
S of property	CC	Restaurant
E of property	IH 35	IH 35
W of property	CC	Commercial Uses

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

This location is outside the CBA, and is not subject to the additional requirements in the CBA.

Case Summary

This request is for the renewal of an expired Conditional Use Permit for La Fonda Restaurant located on IH 35 just south of Guadalupe Street. The restaurant received approval of the original CUP in July 2011. The establishment has been operating with an expired CUP for a little over two years; it is one of several expired CUPs that had been identified as part of a recent staff analysis. A letter notifying the applicant of this was sent certified and an application was subsequently submitted. The request was processed as a new application per the direction of the Commission.

The application indicates hours from 7 a.m. to 10 p.m. and live music is not proposed at this time. Fixed seating is 100 inside with no outdoor seating. There are 36 off street parking spaces located on the property which satisfies the parking requirement of the Land Development Code.

Comments from Other Departments:

Code Enforcement, Police, and Environmental Health reviewers have reported no concerns regarding the subject property.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and it appears that the request is consistent with the policies and the general intent of the zoning district and does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic. While this site is surrounded by commercial uses, the Victory Gardens neighborhood is located within walking distance from the restaurant. This restaurant acts as a buffer from the IH 35 corridor and can service this adjacent neighborhood. Staff has not received any citizen comments or comments from other departments.

In order to monitor new permits for on premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following condition:

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system; and**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

Prepared by:

Alison Brake

Planner

3/3/2014

Name

Title

Date

Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.



Legislation Text

File #: ID#13-170, **Version:** 1

AGENDA CAPTION:

ZC-14-02 (101 Uhland Road) Hold a public hearing and consider a request by Frank Gomillion, on behalf of Old Mill Associates, L.L.P., for a Zoning Change from General Commercial (GC) to Mixed Use (MU) for approximately 5.67 acres, more or less, out of the J.M. Veramendi Survey No.2, located at 101 Uhland Road.

Meeting date: March 25, 2014

Department: Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

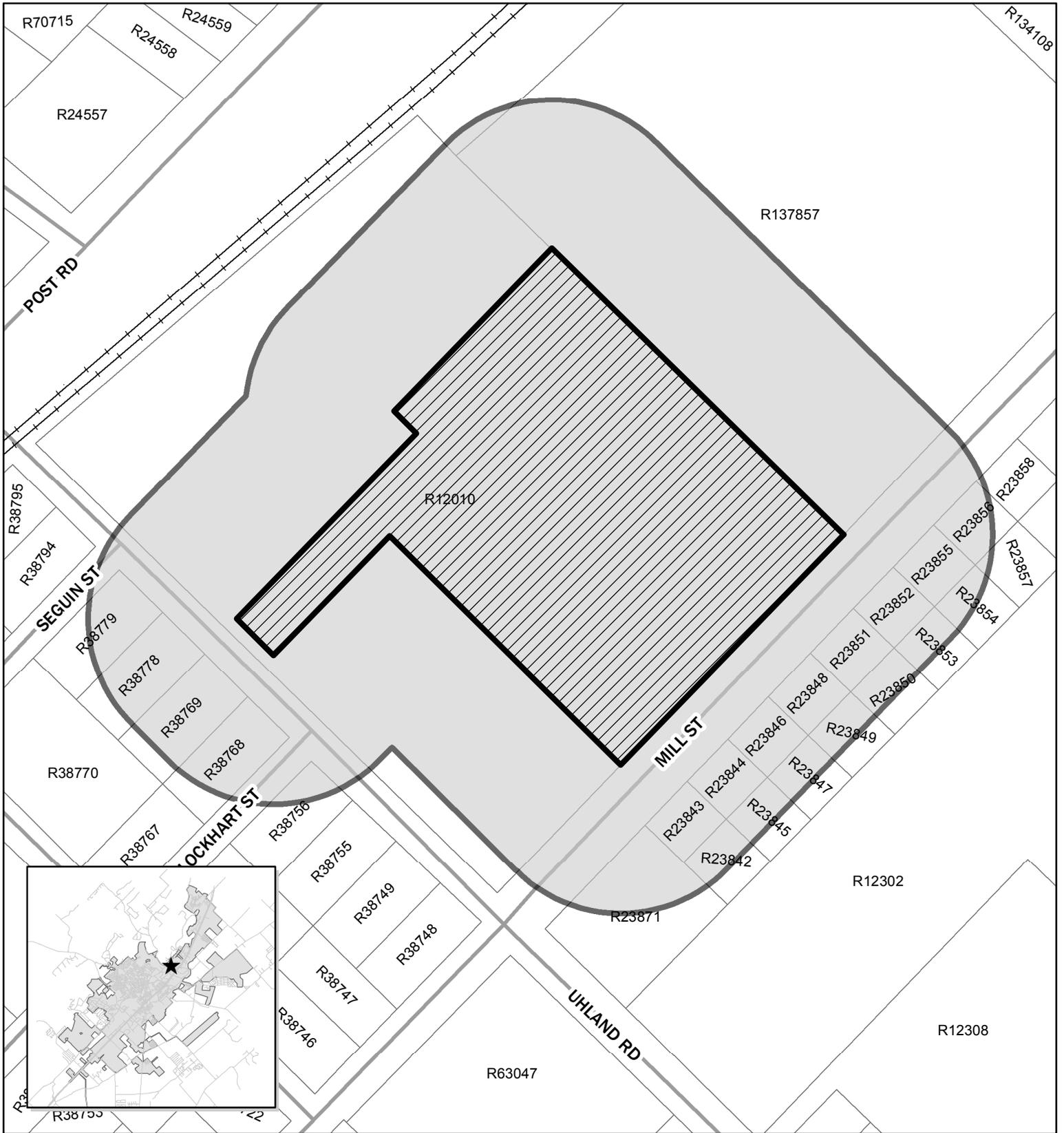
CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

The property owner has owned the property since the late 1980s and most is developed as The Old Mill Business Park. A portion of the property, 5.67 acres, is vacant and the property owner intends to develop this with a mix of residential and retail uses. The property is surrounded by mostly multifamily uses. As part of the development process, the property owner is platting the site into three lots. A Thoroughfare Map Amendment was approved in September 2013. The site is located within an Area of Stability on the Preferred Growth Scenario Map.

Staff finds the request from General Commercial (GC) to Mixed Use (MU) to be consistent with the policies outlined in the Land Development Code and Vision San Marcos and recommends **approval** as submitted.



ZC-14-02
Mill St Crossing
GC to MU
Map Date: 3/10/2014

-  Site Location
-  Notification Buffer (200 feet)

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.



Zoning Change ZC-14-02 101 Uhland Road

Summary: The applicant is requesting a zoning change from General Commercial (GC) to Mixed Use (MU) for 5.67 acres out of the J.M. Veramendi Survey #2, located at 101 Uhland Road.

Applicant: Frank Gomillion
516 Hopkins Street
San Marcos, TX 78666

Property Owners: Old Mill Associates, L.L.P.
101 Uhland Road
San Marcos, TX 78666

Notification: Personal notifications of the public hearing were mailed on Friday, March 14, 2014

None as of report date.

Response:

Property/Area Profile:

Legal Description: 5.67 acres out of the J.M. Veramendi Survey #2
Location: Intersection of Uhland Road and Mill Street
Existing Use of Property: Commercial office park (The Old Mill Business Park)
Proposed Use of Property: Commercial office park with the addition of mixed use residential & retail
Future Land Use Map: Area of Stability
Existing Zoning: General Commercial (GC)
Proposed Zoning: Mixed Use (MU)
Utility Capacity: Adequate
Neighborhood: Millview East

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use	Preferred Scenario
N of property	MF-12	Multifamily	Area of Stability
S of property	MF-18, MF-12, DR, MR	Multifamily, Residential	Area of Stability
E of property	MF-12	Multifamily	Area of Stability
W of property	MR, MU, SF-4.5	Multifamily, Residential	Area of Stability

Case Summary

The property owner has owned the property at 101 Uhland Road since the late 1980s. Most of the 12 +/- acre property is developed as The Old Mill Business Park. A portion of the property, 5.67 acres, is vacant and the property owner intends to develop this with a mix of residential and retail uses. The property is surrounded by mostly multifamily uses. The property owner is in the process of platting the subject site as part of a three lot subdivision. The two developed lots would be Lot 1 and Lot 2 with the subject site as Lot 3. Lots 1 and 2 will remain zoned as General Commercial (GC). A Thoroughfare Map Amendment changing the designation on Uhland Road to a Commercial/Multifamily Collector Street was approved in September (Ordinance 2013-52). The property is within an Area of Stability on the Preferred Growth Scenario Map.

Planning Department Analysis

The zoning change request has been reviewed using *Vision San Marcos: A River Runs Through Us* as well as the guidance criteria in Section 1.5.1.5 of the Land Development Code.

The subject tract lies within an Area of Stability on the Preferred Growth Scenario Map. Areas of Stability are predominantly existing single-family zoning, but they may also be mixed residential areas that are appropriate for compatible redevelopment/infill or new development. *Vision San Marcos* explains that areas of stability include established neighborhoods, undeveloped or agricultural land, and the majority of the City's Extraterritorial Jurisdiction (ETJ). While the existing character of these areas is anticipated to be generally maintained, it does not mean that these areas will not or should not change. *Vision San Marcos* goes on to state that any changes should be carefully planned and implemented so that the character of the area is undisturbed. Non-residential rezoning requests may be considered in these areas when no more than 49% of property within a 200' radius of the subject tract is zoned single-family.

The analysis shows that no property within 200' of the subject site is zoned single family.

Therefore, the request meets the definition of a Mixed Residential Area, and the proposed Mixed Use (MU) is an eligible zoning category under the zoning translation. Duplex Restricted "DR" is a zoning district that contributes to a Mixed Residential Area.

The area around the subject property is a mixture of small multifamily residential properties with a few pockets of duplexes and commercial use. A fairly new apartment complex, Wildwood San Marcos Apartments, is adjacent to the subject property. The retail uses that will be provided for by the new development will service the residents who live in and around the area.

A review worksheet is attached to this report which details the analysis of the zoning change using the Comprehensive Plan Elements. Staff finds this request is consistent with the Comprehensive Plan Elements as summarized below:

- It is located in both the Sink Creek Watershed and the San Marcos River Watershed. Because the property is within an Area of Stability, additional impervious cover for the site is unaccounted for within the Plan's Water Quality Model. However, the request from GC to MU reduces the permitted impervious cover on the site from an existing allowable 80% to 60%. The applicant provided an exhibit that shows the proposed impervious cover for the subject site is at 59%, which is just under what is allowed by the MU zoning designation. In order for a site permit to be issued, the impervious cover calculations will have to be in conformance with the zoning district.
- The tract is "moderately - most" constrained according to the Development Constraints Map due to its location in the Sink Creek Watershed and the San Marcos River Watershed and due to its listing in the National Register of Historic Places. The Cen-Tex Wool Mill Historic District was listed in 2005.
- It is not located in a water "hot spot." Service is available and adequate.
- It is located in somewhat of a wastewater "hot spot." Service is available and adequate; however, maintenance needs in this area are in the medium to high category.

- Mill Street Park is within a reasonable walking distance.
- Public transportation access to the site is good. CARTS Post Road route is near the subject property and the Texas State Shuttle (Route 22) runs along Uhland Road as well as Mill Street.
- The Travel Demand Model shows the Level of Service (LOS) for Uhland Road adjacent to the site, both during daily and peak volume, as a LOS A but diminishing to a LOS F closer to the intersection with the IH-35 frontage road. Traffic is and will continue to be heavy in this area close to the frontage road.

In addition, the request has been reviewed against the criteria for zoning changes in the Land Development Code as detailed below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
X			<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The change is consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos.</i></p>
		X	<p>Consistency with any development agreement in effect</p> <p><i>No development agreements are in effect for this property.</i></p>
X			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>The less intense uses allowed by Mixed Use zoning are appropriate for the immediate surrounding area which is a combination of residential and commercial.</i></p>
X			<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.</i></p>
X			<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>

Additionally, the Commission should consider:

- (1) Is the property suitable for use as presently zoned?

Staff evaluation: Yes.

- (2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: The surrounding area remains a mix of uses, with a number of new multifamily residential developments with some commercial scattered throughout. Small pockets of single-family can also be found.

- (3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: The proposed change will continue to allow for needed services in the area.

- (4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: No, there is no special benefit to the landowner and no detriment to surrounding lands.

- (5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: The rezoning does not serve a substantial public purpose.

Staff presents this request to the Commission and recommends approval as submitted.

Planning Department Recommendation:	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

Prepared by:

Alison Brake

Planner

March 7, 2014

Name

Title

Date

ZC-14-02 Zoning Change Review

(By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (map amendment required)
Is the request consistent with the Preferred Scenario Map, Land Use Intensity Matrix and Zoning Translation Table?	X	

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

Not applicable to this Zoning Change Request

STRATEGY	SUMMARY		Supports	Contradicts	Neutral
Preparing the 21 st Century Workforce	Provides / Encourages educational opportunities				
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business				
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity				

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint				X	
Constraint by Class – ANALYSIS PROVIDED FOR SITES WITH A 3, 4 OR 5 OVERALL					
Cultural			X – Property is listed on the National Register of Historic Places		
Edwards Aquifer					
Endangered Species					
Floodplains					
Geological					
Slope					
Soils					
Vegetation					
Watersheds			X		
Water Quality Zone					

ENVIRONMENT & RESOURCE PROTECTION – Water Quality - ZC / PSA ALONE MAY NOT BE ABLE TO ADDRESS analysis of all PSA vs. Stand Alone Requests **This property is located in 2 Subwatersheds**

Located in Subwatershed:	Sink Creek				
ANALYSIS FOR PSA ONLY	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed	X				

Additional Impervious Cover Increase Anticipated					
Anticipated pollutants:					
Located in Subwatershed: San Marcos River					
ANALYSIS FOR PSA ONLY					
	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed					
	X				
Additional Impervious Cover Increase Anticipated					
Anticipated pollutants:					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	Millview East
Neighborhood Commission Area(s):	Sector 7
Neighborhood Character Study Area(s):	Not applicable at this time.

PARKS, PUBLIC SPACES AND FACILITIES – ZC / PSA ALONE MAY NOT BE ABLE TO ADDRESS ALL OF THESE
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	
Connections are not called for in this area on the Preferred Scenario			
	Low (maintenance)	Medium	High (maintenance)
Wastewater Hotspot		X	
Water Hotspot	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	ROADWAY 1 Uhland Road	X		X	
Existing Peak LOS	ROADWAY 1 Uhland Road	X			X
Adjacent to the site, the LOS is an A whereas where Uhland Road intersects the I-35 Frontage Road, LOS is a C (daily) and F (peak).					
Preferred Scenario Daily LOS	ROADWAY 1 Uhland Road	X			X
Preferred Scenario Peak LOS	ROADWAY 1 Uhland Road	X			X
Same as above, adjacent to the site, LOS is an A; closer to the I-35 frontage road, LOS is an F.					

	N/A	Good	Fair	Poor
Sidewalk Availability		X		
		YES	NO	
Adjacent to existing bicycle lane?		X		
Adjacent to existing public transportation route?		X		
Notes: This site is located near an existing CARTS route as shown on the Public Transportation Map. The sidewalks adjacent to this site are in good condition.				

RECEIVED
JAN 13 2014



Petition for Zoning Change, Zoning Overlay, or Historic District Checklist

- A pre-application conference with staff is recommended;
- A completed application form, including a statement verifying land ownership and, if applicable, authorization of the land owner's agent to file the petition and required fees;
- Legal description of the site (metes and bounds or lot and block if platted)
- Certificate of no tax delinquency
- Subdivision Concept Plats or Site Plans as required (see Chapter 1 of the LDC)
- Additional information as required to clarify the request

I hereby certify and attest that the application is complete and all information identified above is complete and hereby submitted for review.

Signed: Frank Gomillion

Date: 1/13/14

Print Name: FRANK GOMILLION, AIA

Engineer Surveyor Architect/Planner Owner Agent: _____

ZC-14 - 02

09/12

City of San Marcos

ZONING CHANGE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name:	FRANK GOMILLION	OLD MILL ASSOCIATES, LLP
Mailing Address:	516 HOPKINS STREET SAN MARCOS, TX 78666	101 UHLAND ROAD SAN MARCOS, TX 78666
Telephone No.:	512-353-3339	
E-mail address:	frank@gkz-arch.com	

PROPERTY DESCRIPTION:

Street Address: 101 UHLAND ROAD, SAN MARCOS, TX 78666

Subdivision: J.M. VERAMENDI SURVEY #2 Block: _____ Lot(s): _____

Other Description (if unplatted) _____

* a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 12010 Acres: 12.143

Lien Holder(s) - for notification purposes:

Name: N/A

Mailing Address: _____

(If more than one lien holder, please provide information on a separate page)

A certificate of no tax delinquency must be attached to this application

ZONING CHANGE INFORMATION:

Zoning Designation: Current: GC Requested: VMU

Master Plan Designation: _____ Land Use Map Amendment Required? _____

Present Use of Property: COMMERCIAL OFFICE PARK

Desired Use of Property/Reason for Change: HIGH DENSITY/MIXED USE RESIDENTIAL AND RETAIL OFFICE COMPLEX

I certify that the information in this application is complete and accurate.

I am the property owner of record; or

I have attached authorization to represent the owner, organization, or business in this application.

Signature: Frank Gomillion Date: 1/13/14

Printed Name: FRANK GOMILLION, AIA

APPLICATION FOR CITY OF SAN MARCOS ZONING CHANGE

FEE INFORMATION:Fee Schedule:

Zoning Change to MF 12, 18, 14	\$3,000
Zoning Change to all other categories	\$750 plus \$50 acre (\$2,000 maximum)
Zoning variance/Special Exception	\$600
Renotification fee	\$75

APPLICATION PROCESS:

Please be advised that this is a 2-3 month process. The Planning and Zoning Commission will conduct a public hearing to consider your request. Prior to the hearing, the City will mail notices to all property owners within 200 feet of the subject tract, to the listed applicant and property owner, to any lien holders, and to the appropriate neighborhood representative. A sign advertising the change will also be placed on the property by the City.

At the public hearing the applicant, or a representative for the applicant, should be present to answer any questions the Commission may have. Failure to appear could result in your request being tabled or denied. Those in support of the request and those in opposition will be given an opportunity to speak. Following the close of the public hearing, the Planning and Zoning Commission will make a recommendation to either approve or deny the request.

This recommendation is then forwarded to City Council for their action. A notice is published in the newspaper 15 days prior to their hearing. City Council will conduct a public hearing and either adopt an Ordinance to approve the change or deny the request. You will be notified by mail of the date of the City Council public hearing. If an ordinance is adopted, at least one further meeting is required to give Council an opportunity to reconsider the request. If there is no reconsideration, the process is complete. If there is reconsideration, a third reading of the ordinance would be required for approval.

To be completed by Staff:

Property is located in: Edwards Aquifer Recharge Zone Historic District River Corridor
 Concurrent Land Use Amendment is Required: Yes No

Meeting Date: _____ Deadline: _____ Accepted By: _____ Date: _____

**AGREEMENT TO THE PLACEMENT
OF ZONING NOTIFICATION SIGNS**

The City of San Marcos Land Development Code provides that notification signs shall be placed on any property that is the subject of a zoning change, zoning variance, or conditional use permit. The signs shall be placed on the property by the Development Services-Planning staff prior to the 10th day before the scheduled public hearing based on the following criteria:

- Signs shall be placed on each street for property having multiple street frontages
- Signs shall be placed in a visible, unobstructed location near the front property line

Signs shall remain in place until final action is taken on the application, unless the case is formally withdrawn by the applicant prior to a final decision. Staff will remove the signs.

It is the responsibility of the applicant to periodically check the sign locations to verify that signs remain in place and have not been vandalized or removed. It is the responsibility of the applicant to immediately notify the Development Services-Planning Department 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.

I have read the above statement and agree to allow the placement of notification signs as required on the project covered by the attached request. The Development Services-Planning staff has my permission to place these signs on my property. I will notify City staff if the sign is damaged or removed.

Frank Gamblin

Signature of Applicant

1/13/14

Date

FOR STAFF USE ONLY:

Sign (s) were placed by staff on _____ by _____.

Sign (s) were removed by staff on _____ by _____.



STATE OF TEXAS
COUNTY OF HAYS

5.67 ACRES
J M VERAMENDI SURVEY NO. 2

BEING 5.67 ACRES OF LAND, (PROPOSED LOT 3, OLD MILL SUBDIVISION) SAME BEING A PORTION OF A CALLED 12.143 ACRE TRACT CONVEYED TO OLD MILL ASSOCIATES BY DEED RECORDED IN VOLUME 1370, PAGE 471, DEED RECORDS OF HAYS COUNTY TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a iron rod found at the east corner of the said Old Mill Associates 12.143 acre tract, the Northwest line of Mill Street, a 80 foot wide public right of way, and the south corner of Lot 1-A, Old Mill Park, a subdivision in the City of San Marcos as recorded in Volume 15, Page 298, Hays County Plat records, for the east corner of the herein described tract,

THENCE South 44°08'27" West, (called South 45°09'00" West), along and with the southeast line of said 12.143 acre tract and the northwest line of said Mill Street, for a distance of **431.27 feet** to a 1/2 inch iron rod with cap set for the south corner of the herein described tract;

THENCE North 45°25'42" West, over and across said 12.143 acre tract, for a distance of **437.31 feet** to a 1/2 inch iron rod with cap set for an interior point for angle of the herein described tract;

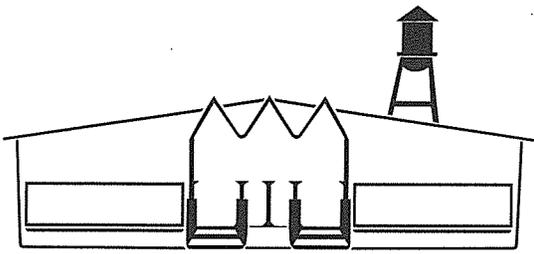
THENCE South 44°08'27" West, over and across said 12.143 acre tract, for a distance of **223.86 feet** to a 1/2 inch iron rod with cap set in the proposed east right of way line of Uhland Road, a called 40 foot wide public right of way, for the most southwesterly corner of the herein described tract of land;

THENCE North 45°02'59" West, (called North 45°02'59" West, being the Basis of Bearing herein) along and with the west line of said 12.143 acre tract and the proposed east right-of-way line of Uhland Road, a distance of **70.01 feet** to a 1/2 inch iron rod with cap set for the west corner of the herein described tract;

THENCE, leaving the said proposed right-of-way line of Uhland Road, the following courses numbered (1) through (3);

- 1) **North 44°08'27" East**, for a distance of **347.28 feet** to a 1/2 inch iron rod with cap set;
- 2) **North 45°25'42" West**, for a distance of **42.71 feet** to a 1/2 inch iron rod with cap set;
- 3) **North 44°08'27" East**, for a distance of **304.81 feet** to a 1/2-inch iron rod with cap set for the north corner of the herein described tract;

THENCE South 45°41'50" East, with the northeast line of said 12.143 acre tract, for a distance of **550.01 feet** to the **POINT OF BEGINNING** and **CONTAINING 5.67 ACRES OF LAND, MORE OR LESS, AND BEING THE PROPOSED LOT 3, OLD MILL STREET SUBDIVISION.**



THE OLD MILL BUSINESS PARK

City of San Marcos

January 13, 2014

Planning Department

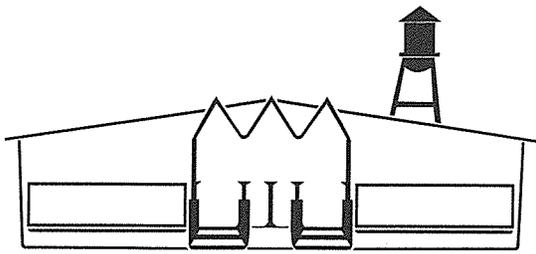
This letter is to verify that Henry and Marian Oles are the legal owners of 101 Uhland Rd,
San Marcos, Texas.

Thank You

A handwritten signature in cursive script that reads "Marian Oles". The signature is written in black ink and is positioned above the printed name.

Marian Oles

512-787-8311



**THE OLD MILL
BUSINESS PARK**

To: City of San Marcos

January 13, 2014

Planning Dept.

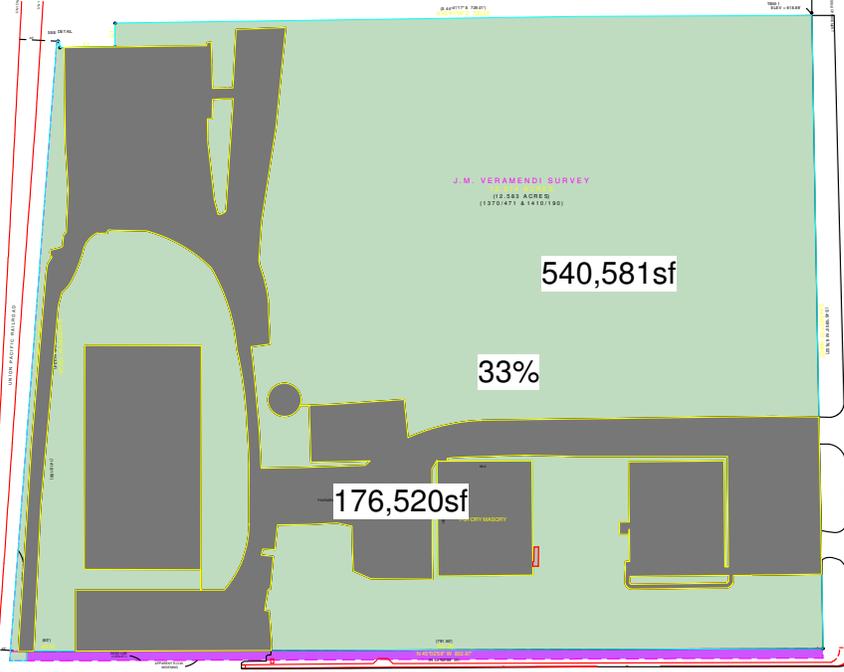
As the owner of record for 101 Uhland Rd, San Marcos, Texas; this letter is to confirm that Frank Gomillion with GKZ Inc., has been authorized to represent Old Mill Associates (Henry and Marian Oles) regarding the current zoning change request application.

Thank you,

Marian Oles

A handwritten signature in cursive script, appearing to read 'Marian Oles', written in black ink.

EXISTING



LINE TABLE

LINE	THICKNESS	CONSTRUCTION
1	0.05	CONCRETE
2	0.05	CONCRETE
3	0.05	CONCRETE
4	0.05	CONCRETE

CURVE TABLE

STATION	ANGLE	RADIUS	CHORD	BEARING	CHORD BEARING
1+00.00	90.00	100.00	100.00	N 0.00° E	0.00
1+10.00	90.00	100.00	100.00	N 0.00° E	0.00

NOTES

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A SURVEY TITLE COMMITMENT THERE MAY BE RESTRICTIONS, COVENANTS, OR EASEMENTS NOT SHOWN HEREOF.

2. ACCORDING TO THE NATIONAL FLOOD HAZARD DATA MAP COMMUNITY PANEL NO. 12474-01-0001, DATED SEPTEMBER 8, 2015, THIS LOT IS LOCATED IN ZONE "X", WHICH IS AN AREA OUTSIDE THE 100-YEAR FLOODPLAIN.

I, RICHARD H. TAYLOR, DO HEREBY CERTIFY THAT THIS PLAN OF THE PROPERTY (LOCAL SECTION) WAS PREPARED UNDER A SURVEY PROFESSIONAL SEAL BY CONSULTATION AND SUPERVISOR (PROFESSIONAL SEAL NO. 12474-01-0001) AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROAD OF WAY.

RECORDED IN TAYLOR'S FILE # _____ DATE _____
 REGISTERED PROFESSIONAL LAND SURVEYOR
 IN THE STATE OF TEXAS
 RHT ASSOCIATES, L.L.C.

REVISIONS

NO.	DATE	DESCRIPTION

ASHT & ASSOCIATES
 ARCHITECTS
 12474-01-0001
 12474-01-0001

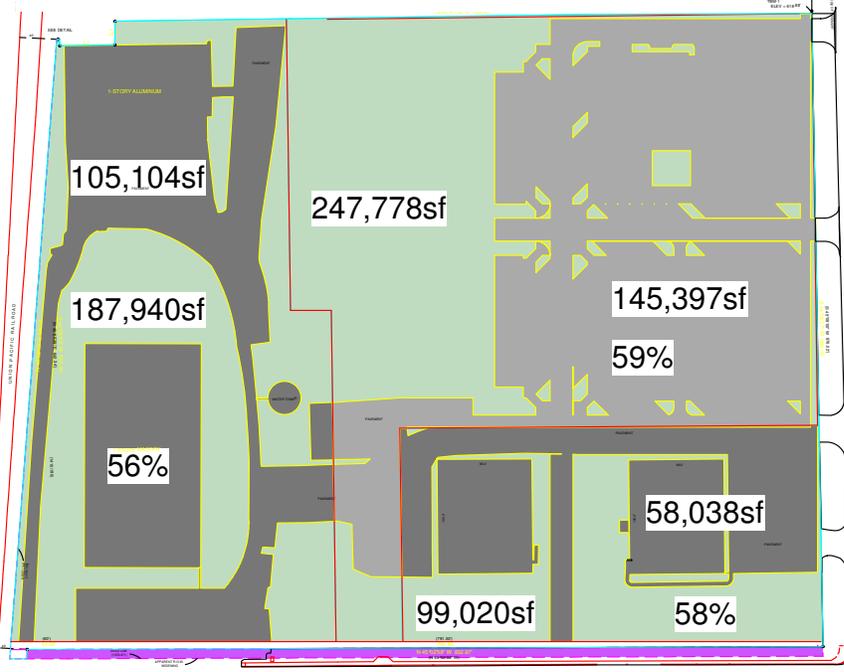
DRAWING INFORMATION

NO.	DATE	DESCRIPTION

COUNTY OF TARRANTS
 JIM VERAMENDI SURVEYOR
 12474-01-0001
 SURVEY OF
 BOUNDARY & TOPOGRAHICAL

DRAWING TOPO
 SHEET 1

PROPOSED



LINE TABLE

LINE	THICKNESS	CONSTRUCTION
1	0.05	CONCRETE
2	0.05	CONCRETE
3	0.05	CONCRETE
4	0.05	CONCRETE

CURVE TABLE

STATION	ANGLE	RADIUS	CHORD	BEARING	CHORD BEARING
1+00.00	90.00	100.00	100.00	N 0.00° E	0.00
1+10.00	90.00	100.00	100.00	N 0.00° E	0.00

NOTES

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RECORDED IN TAYLOR'S FILE # _____ DATE _____
 REGISTERED PROFESSIONAL LAND SURVEYOR
 IN THE STATE OF TEXAS
 RHT ASSOCIATES, L.L.C.

REVISIONS

NO.	DATE	DESCRIPTION

ASHT & ASSOCIATES
 ARCHITECTS
 12474-01-0001
 12474-01-0001

DRAWING INFORMATION

NO.	DATE	DESCRIPTION

COUNTY OF TARRANTS
 JIM VERAMENDI SURVEYOR
 12474-01-0001
 SURVEY OF
 BOUNDARY & TOPOGRAHICAL

DRAWING TOPO
 SHEET 1

From: [frank_gomillion](#)
To: [Foreman, John](#)
Cc: [Carpenter, Tory](#); [Brake, Alison](#)
Subject: Re: Mill street crossing
Date: Monday, January 27, 2014 12:32:25 PM

Hello John-

This email is to confirm that I would like to amend the proposed zoning from VMU to MU, as per our discussion last week. Thank you for all of your help!

Sincerely,

Frank

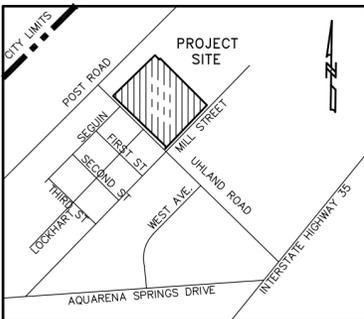
----- Original Message -----

From: "Foreman, John" <JForeman@sanmarcostx.gov>
To: "frank gomillion <frank@gkz-arch.com>" <frank@gkz-arch.com>
Cc: "Brake, Alison" <ABrake@sanmarcostx.gov>; "Carpenter, Tory" <TCarpenter@sanmarcostx.gov>
Sent: Monday, January 27, 2014 12:19 PM
Subject: Mill street crossing

Frank

As we discussed last week, you have an application in for a zoning change to vmu. This requires a preferred scenario amendment prior to consideration. A request for mu will not require a preferred scenario amendment and may proceed to p&z. You may amend the proposed zoning to mu by email or in writing. The plat review may proceed as the zoning change is in process. Please let me know if you have any questions.
John

Sent from my iPad=



VICINITY MAP

STATE OF TEXAS *
 COUNTY OF HAYS *
 KNOW ALL MEN BY THESE PRESENTS

THAT OLD MILL ASSOCIATES, LLP, ACTING BY AND THROUGH HENRY OLES, MANAGING PARTNER, BEING THE OWNERS OF 12.143 ACRES OF LAND OUT OF THE J. M. VERAMENDI SURVEY NO. 2, CITY OF SAN MARCOS, HAYS COUNTY AS CONVEYED BY DEED DATED DECEMBER 31, 1997 AND RECORDED IN VOLUME 1370, PAGE 471, HAYS COUNTY DEED RECORDS AND THAT 0.44 ACRE TRACT OF LAND OUT OF THE J. M. VERAMENDI SURVEY NO. 2 CONVEYED BY DEED DATED JANUARY 26, 1998 AND RECORDED IN VOLUME 1410, PAGE 190, HAYS COUNTY DEED RECORDS DOES HEREBY SUBDIVIDE SAID 12.45 ACRES (12.583 RECORD) OF LAND IN ACCORDANCE WITH THIS PLAT TO BE KNOWN AS "OLD MILL SUBDIVISION", AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND, THIS THE _____ DAY OF _____, 2014, AD

HENRY OLES, MANAGING PARTNER
 OLD MILL ASSOCIATES, LLP
 P.O. BOX 78
 SAN MARCOS, TX 78667

STATE OF TEXAS *
 COUNTY OF HAYS *

BEFORE ME, the undersigned authority, on this day personally appeared HENRY OLES, known to me to be the persons whose name are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, A.D., 2014.

NOTARY PUBLIC
 STATE OF TEXAS

CITY OF SAN MARCOS
 CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____, 2014 BY THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF SAN MARCOS, TEXAS.

MATTHEW LEWIS, CNU-A
 DIRECTOR DEVELOPMENT SERVICES

DATE

FRANCIS SERENA
 RECORDING SECRETARY

DATE

DIRECTOR OF ENGINEERING & CIP

DATE

STATE OF TEXAS *
 COUNTY OF HAYS *

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DAVID SCOTT RATCLIFF, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT AND ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48209C0393F, DATED SEPTEMBER 2, 2005, THIS LOT IS LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 100 YEAR FLOODPLAIN.

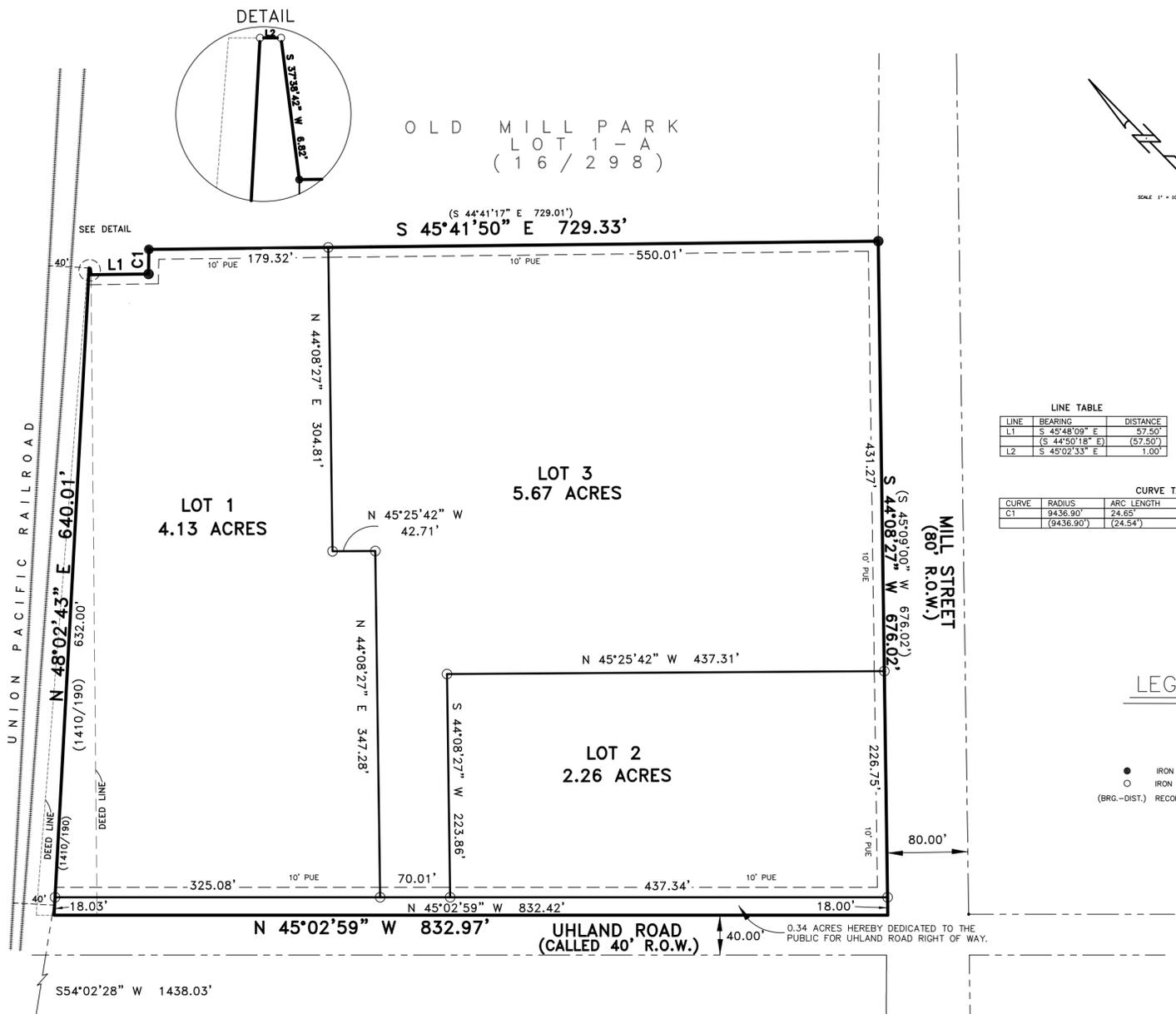
DAVID SCOTT RATCLIFF, P.E.
 REGISTERED PROFESSIONAL
 ENGINEER NO. 97351

DATE

PLAT NOTES:

- 1) THIS SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS OF SAN MARCOS, TEXAS.
- 2) THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE SAN MARCOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
- 3) SIDEWALKS ARE REQUIRED ALONG MILL STREET AT THE TIME OF DEVELOPMENT.
- 4) ALL LOTS WITHIN THIS SUBDIVISION SHALL COMPLY WITH THE DEVELOPMENT STANDARDS SET FORTH IN THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE.
- 5) ALL LOTS WITHIN THIS SUBDIVISION WILL HAVE SHARED ACCESS.
- 6) THIS SUBDIVISION IS NOT LOCATED IN THE EDWARDS AQUIFER TRANSITION ZONE.

BEARING BASIS NOTE:
 BEARING BASIS DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES & NAD83.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 45°48'09" E	57.50'
	(S 44°50'18" E)	(57.50')
L2	S 45°02'33" E	1.00'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	9436.90'	24.65'	S 45°47'44" W	24.65'
	(9436.90')	(24.54')	(N 49°45'49" E)	(24.54')

LEGEND

- IRON ROD FOUND
- IRON ROD SET
- (BRG-DIST.) RECORD CALL

STATE OF TEXAS*
 COUNTY OF HAYS*

I, SHAWN T. ASH, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY UNDER MY SUPERVISION ON THE GROUND AND THAT CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

SHAWN T. ASH
 REGISTERED PROFESSIONAL LAND SURVEY
 STATE OF TEXAS NO. 5687

DATE

STATE OF TEXAS*
 COUNTY OF HAYS*

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2014 AT _____ O'CLOCK _____ M., AND DULY RECORDED ON THE _____ DAY OF _____, 2014 AT _____ O'CLOCK _____ M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____, PAGE _____.

LIZ GONZALEZ
 COUNTY CLERK
 HAYS COUNTY, TEXAS

**PLAT OF
 OLD MILL SUBDIVISION
 CITY OF SAN MARCOS
 HAYS COUNTY, TEXAS**



OWNER: OLD MILL ASSOCIATES
 P. O. BOX 78
 SAN MARCOS, TEXAS 78667

ASH & ASSOCIATES
 SURVEYING - ENGINEERING - ARCHITECTURE

142 JACKSON LANE
 SAN MARCOS, TEXAS 78666
 (512) 392-1719
 FAX (512) 392-1928
 ashandassociates.net

Surveying: 100847-00
 Engineering: F-13483
 Architecture: TX20240

DRAWN: RMM SCALE: PLOT 1"=100'
 REVIEWED: RHT DATE: 06/12/13
 ASH & ASSOCIATES, L.L.C.

PROJECT No.
 13-4357

SHEET 1 OF 1



Legislation Text

File #: ID#13-118, **Version:** 1

AGENDA CAPTION:

LDC-14-02 Hold a public hearing and consider revisions to Chapter 1 of the Land Development Code updating Section 1.5.1.2 "Sequence of Approvals" for Zoning Applications to clarify the twice per year process for Preferred Scenario Amendments and subsequent applications.

Meeting date: 3/25/2014

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL: Customer Friendly Processes

BACKGROUND : Following the adoption of the City's Comprehensive Plan *Vision San Marcos* the Planning & Zoning Commission and City Council approved amendments to the Land Development Code to immediately implement policies from the Plan. One of those policies was the twice per year amendments to the Plan and the Preferred Scenario Map. The intent of that revision was to ensure Map amendments are reviewed holistically and thoroughly. The process of reviewing Map amendments was no longer to be considered concurrently with Zoning and/or Planned Development District requests.

Staff recently found that the language for accepting applications for Planned Development Districts was adjusted so that Map amendments were to be completed first; however the language for Zoning applications remained the same. This LDC Amendment will clarify the intent of the previous amendment and establish the same process for Zoning applications as PDD applications.



MEMO

TO: PLANNING AND ZONING COMMISSION
FROM: AMANDA HERNANDEZ, AICP, CNU-A, SENIOR PLANNER
DATE: MARCH 12, 2014
RE: SECTION 1.5.1.2 SEQUENCE OF APPROVALS FOR ZONING APPLICATIONS

Background

Following the adoption of the City's Comprehensive Plan *Vision San Marcos* the Planning & Zoning Commission and City Council approved amendments to the Land Development Code to immediately implement policies from the Plan. One of those policies was the twice per year amendments to the Plan and the Preferred Scenario Map.

The intent of this revision was to ensure Map amendments are reviewed holistically and thoroughly. The process of reviewing Map amendments was no longer to be considered concurrently with Zoning and/or Planned Development District requests.

Research

Staff found that the language for accepting applications for Planned Development Districts was adjusted so that Map amendments were to be completed first; however the language for Zoning applications remained the same.

Draft Revised Code

In order to guarantee Map amendments are thoroughly reviewed and approved prior to acceptance of a Zoning application, staff recommends the following amendment:

Chapter 1 – DEVELOPMENT PROCEDURES

ARTICLE 5: - ZONING PROCEDURES

Section 1.5.1.2 - Sequence of Approvals

- | (a) *Prior Applications.* A petition for a zoning map amendment shall not be ~~approved~~accepted unless the following petitions, where applicable, have been approved and remain in effect:
 - (1) Any petition for amendment of the City's Comprehensive Plan upon which the petition for zoning map amendment is dependent; and

Subpart B - LAND DEVELOPMENT CODE
Chapter 1 - DEVELOPMENT PROCEDURES
ARTICLE 5: - ZONING PROCEDURES

DIVISION 1: - PETITION FOR ZONING MAP AMENDMENTS

ARTICLE 5: - ZONING PROCEDURES

DIVISION 1: - PETITION FOR ZONING MAP AMENDMENTS

Section 1.5.1.1 - Purpose, Applicability and Effect

- (a) *Purpose.* The purpose of a petition for a zoning map amendment is to establish the initial zoning district classification of land, or to authorize a use of land, or to change the zoning district classification of land, or in the case of overlay zoning districts, to authorize uses or a set of zoning standards for the land that are not presently authorized under the regulations for the zoning district in which the property is located.
- (b) *Applicability.* Where a property owner seeks to establish an initial zoning district classification for land, or to establish a use of land or through an overlay district to apply standards to a proposed use that are not currently authorized by the zoning district regulations currently in effect, the property owner must submit a petition for a zoning map amendment before seeking approval of any quasi-judicial or administrative development application for such land. The requirements of this Division do not apply to land outside of the City limits. The requirements of this Division do apply to land annexed to the City upon the effective date of the annexation.
- (c) *Effect.* Enactment of an ordinance approving a petition for a zoning map amendment results in a change in zoning district classification for the property, and the use of the land thereafter is subject to all requirements of the new zoning district. Approval of a petition for a zoning map amendment authorizes the property owner to establish any use authorized in the new zoning district, subject to the standards applicable within the zoning district, upon obtaining approval of all development applications required by this Land Development Code.

(Ord. No. 2006-45, § 4, 9-19-06)

Section 1.5.1.2 - Sequence of Approvals

- (a) *Prior Applications.* A petition for a zoning map amendment shall not be ~~approved~~ accepted unless the following petitions, where applicable, have been approved and remain in effect:
 - (1) Any petition for amendment of the City's Comprehensive Plan upon which the petition for zoning map amendment is dependent; and
 - (2) Any petition for amendment of the regulations in Chapter 4 of this Land Development Code required to authorize the use in the zoning district requested in the petition.
- (b) *Subsequent Approvals.* No application for a quasi-judicial or administrative development application shall be approved until a petition for a zoning map amendment has been approved authorizing the use or standards proposed in the development application.

Section 1.5.1.3 - Application Requirements

- (a) *Responsible Official.* The Director shall be the responsible official for a petition for a zoning map amendment.
- (b) *Initiation of Zoning Map Amendment.* Only the property owner or the owner's authorized agent (proof of such authorization must be submitted with the zoning application), the Director, the Planning and Zoning Commission, or the City Council on its own motion, may initiate a petition for a zoning map amendment.
 - (1) In the event the ownership stated on a petition is different from that shown in City or appraisal district records, the petitioner shall submit written proof of ownership or verification that the petitioner is acting as an authorized agent for the property owner.

Subpart B - LAND DEVELOPMENT CODE
Chapter 1 - DEVELOPMENT PROCEDURES
ARTICLE 5: - ZONING PROCEDURES

DIVISION 1: - PETITION FOR ZONING MAP AMENDMENTS

- (2) A landowner or agent seeking approval of a petition for a zoning map amendment shall pay or otherwise satisfy all delinquent taxes, paving assessments, impact fees, or any other delinquent debts or obligations for the property to be rezoned at the time the petition is submitted. It shall be the petitioner's responsibility to provide evidence or proof that all taxes and obligations have been paid.
- (c) *Contents.* The petition for a zoning map amendment shall be accompanied by an application prepared in accordance with Chapter 1 of the Technical Manual.

Section 1.5.1.4 - Processing of Application and Decision

- (a) *Notice.* The responsible official(s) shall cause posted notice and personal notice of the public hearing before the Planning and Zoning Commission and published notice and posted notice of the public hearing before the City Council to be given in accordance with Article 3, Division 2 of this Land Development Code.
- (b) *Special Notice.* Whenever the City Council intends to convene a joint public hearing with the Planning and Zoning Commission, the Director shall cause notice of the joint public hearing to be given as prescribed by ordinance of the Council.
- (c) *Action by Commission.* The Planning and Zoning Commission, following the public hearing, shall formulate a report and recommendation on the petition for a zoning map amendment, and shall forward the report and recommendation to the City Council.
- (d) *Decision.* The City Council shall consider the report of the Planning and Zoning Commission and the petition at a public hearing no sooner than seven days after the date of the Planning and Zoning Commission's recommendation and report. The City Council may vote only on a specific proposed amendment that has been recommended for approval or denial by the Planning and Zoning Commission. If the City Council wants to consider a zoning designation other than that recommended by the Planning and Zoning Commission, the Council shall return the petition to the Planning and Zoning Commission with direction to make a recommendation on the alternate designation suggested by the City Council. A decision of the Council reclassifying land to a different zoning district shall be in the form of an ordinance that amends the City's official Zoning Map.
- (e) *Super-Majority Vote.* In each of the following circumstances, a zoning amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council:
 - (1) When a written protest against the amendment is signed by the owners of 20 percent or more of either the area of the lots or land included in the proposed change, or of the lots or land adjoining or within 200 feet of the lots or land. In computing the percentage of land area, the area of streets and alleys shall be included in the computation. For purposes of this subsection, the following shall apply:
 - a. The written protest of any one owner of land owned by two or more persons shall be presumed to be the protest of all such owners.
 - b. The written protest must be submitted to the City Clerk at least five business days before the date of the meeting at which the proposed change is to be considered.
 - c. A person who wishes to withdraw a signature from a written protest must submit a signed, written request for the withdrawal to the City Clerk by the deadline for submitting a written protest. A signature may not be otherwise withdrawn.
 - d. A petition for a zoning map amendment may not be modified to change the boundaries of the subject property after a written protest petition requiring a super-majority vote of the city council has been submitted.
 - (2) When the Planning and Zoning Commission recommends denial of the zoning amendment.
- (f) *Deferral of Decision.* The Planning and Zoning Commission or the Council may, on its own motion, or at the applicant's request, defer its recommendation or decision and table the request to a date certain that is not more than

Subpart B - LAND DEVELOPMENT CODE
Chapter 1 - DEVELOPMENT PROCEDURES
ARTICLE 5: - ZONING PROCEDURES

DIVISION 1: - PETITION FOR ZONING MAP AMENDMENTS

90 calendar days from the date of the initial public hearing, to consider other information or proposed modifications to the request which may have a direct bearing on the recommendation or decision. If the Planning and Zoning Commission or Council elects to table the request, the tabling shall specifically state the meeting date at which the request will reappear on the Commission or Council agenda, and further notice in the newspaper, to the property owner, and to surrounding property owners shall not be required.

- (g) *Consideration of Previously Denied Amendments.* A request to change the zoning district designation for a tract of land shall not be considered by the Planning and Zoning Commission or the City Council within one year of the Council's decision to deny the same requested change for all or any portion of the parcel unless the Commission and Council each determine that there has been a substantial change in conditions surrounding the parcel since the initial request, and agree to reconsider the change by a three-fourths vote of the members present and voting.

(Ord. No. 2012-19, § 2, 4-3-12; Ord. No. 2012-18, § 1, 4-17-12)

Section 1.5.1.5 - Criteria for Approval

- (a) In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:
- (1) Whether the proposed zoning map amendment implements the policies of the plan elements in the adopted Comprehensive Plan, as follows, including the land use classification of the property on the Preferred Scenario Map.;
 - (a) Is the request in an area suitable for development as show on the Land Use Suitability Map? If not, what development constraints exist?
 - (b) Is the request consistent with the Neighborhood Character Study for the area?
 - (c) Is the request near existing parks and public utilities?
 - (d) Based on the Travel Demand Model, is the request in an area with sufficient roadway capacity?
 - (2) Whether the proposed zoning map amendment is consistent with a development agreement in effect;
 - (3) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
 - (4) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; and
 - (5) Any other factors which will substantially affect the public health, safety, morals, or general welfare.



Legislation Text

File #: ID#13-163, **Version:** 1

AGENDA CAPTION:

LDC-14-03 (Height Warrants) Hold a public hearing and consider revisions to Subpart C of the City's Code of Ordinances (SMARTCODE) updating Articles 1, 5, and the Downtown Design Guidelines to amend the warrant process for buildings exceeding 5 stories in height.

Meeting date: March 25, 2011

Department: Development Services - Planning

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

BACKGROUND:

Several recent cases have prompted renewed discussion about what height is appropriate for Downtown and who should have final authority on requests for additional height. After a staff presentation at the March 4th City Council meeting, Council directed staff to initiate a code amendment that will require any requests for height beyond five stories to receive Council review and final approval. Staff was also directed to research and bring forward recommendations on a density bonus program for Downtown. The code revisions requiring Council approval for height are attached. Staff will continue to work on the density bonus program, which will be placed on a future agenda.



MEMO

TO: PLANNING AND ZONING COMMISSION
FROM: **EMILY KOLLER, PLANNER**
DATE: **MARCH 12, 2014**
RE: AMENDMENT TO WARRANT PROCESS FOR HEIGHT BEYOND 5 STORIES

Background

The question of appropriate height was a topic of discussion during the drafting of the SmartCode, and the current Code is the result of a compromise to allow five stories by right with the possibility of additional height through a public process. The height provision was reexamined during the creation of the Architectural Standards in the year following the adoption of the SmartCode. The base standards were not changed, but the Design Guidelines were adopted to assist in the review of requests for warrants.

Several recent cases have prompted renewed discussion about what height is appropriate for Downtown and who should have final authority on requests for additional height. After a staff presentation at the March 4th City Council meeting, Council directed staff to initiate a code amendment that will require any requests for height beyond five stories to receive Council review and final approval. Staff was also directed to research and bring forward recommendations on a density bonus program for Downtown. The code revisions requiring Council approval for height are attached. Staff will continue to work on the density bonus program, which will be placed on a future agenda.

Current Code

A Warrant is a ruling that permits a practice that is not consistent with a specific provision of the Code but is justified by the provisions of Section 1.3 Intent. Warrants are approved by the Planning and Zoning Commission (P&Z) and require public hearing and personal notice. If approved by P&Z, the applicant proceeds to site and building permit applications. Currently, the Code authorizes Warrants for height over five stories, and the Design Guidelines provide additional guidance for reviewing additional height.

Proposed Revisions

- **1.5 Warrants and Variances** - *This section outlines the warrant process. The following language is proposed to be added:*

The Planning and Zoning Commission (P&Z) shall have the authority to approve or disapprove a request for a Warrant pursuant to regulations established **with the exception of requests for additional height. The City Council shall hold a public hearing and finally decide all Warrant requests for height beyond the five story maximum after review and a recommendation has been made by the P&Z.**

- **Table 5.2 Building Configuration** - *This table illustrates the height requirements for each transect. Additional graphics that clearly show the height limits and a reference to Section 1.5 is proposed to be added.*
- **Downtown Design Guidelines** - *Language including the City Council as part of the warrant review process is proposed to be added.*
- **Other Minor Revisions for Consistency**

Table 1.2(k) - Add 2 story minimum to T5

Table 5.9 – Delete 2 story minimum from T4

SAN MARCOS TX

SMARTCODE



T1



T2



T3



T4



T5

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San Marcos, Texas

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ARTICLE 1. GENERAL TO ALL PLANS

1.1. AUTHORITY

- 1.1.1. The adoption of this Code is authorized under Chapters 211 and 212 of the Texas Local Government Code.
- 1.1.2. This Code was adopted as one of the instruments of implementation of the public purposes and objectives of the City's Comprehensive Plan. This Code is declared to be in accord with the City's Downtown Master Plan and Comprehensive Plan.
- 1.1.3. This Code was adopted to promote the health, safety and general welfare of the City and its citizens, including protection of the environment, conservation of land, energy and natural resources, reduction in vehicular traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment, historic preservation, education and recreation, reduction in sprawl development, and improvement of the built environment.
- 1.1.4. Amendments to this Code shall be in accordance with the procedures for amendments to the City's Land Development Code ("LDC").

1.2. APPLICABILITY

- 1.2.1. As applied to the interpretation of this Code, the word "shall" is mandatory, the word "should" is recommended; and the word "may" is permissive.
- 1.2.2. Except as otherwise indicated in this Code the provisions of this Code, when in conflict, shall take precedence over and supersede those of the LDC and other City codes, ordinances, regulations and standards. The provisions of the LDC and such other City codes, ordinances, regulations, and standards shall otherwise continue to be applicable to issues not covered by this Code.
- 1.2.3. The following City codes, ordinances, regulations, and standards shall continue to apply to development of land in the City: those mandated by state or federal law; environmental health and safety ordinances and regulations, including the Edwards Aquifer Authority regulations, water quality regulations, building codes under chapter 14 and fire codes under chapter 38 of the City Code; the requirements of any Historic Overlay District under Chapter 4 of the LDC; ordinances and regulations governing the sale or consumption of alcoholic beverages and ordinances and regulations governing the location and operation of adult-oriented business.
- 1.2.4. The existing City of San Marcos, Code of Ordinances shall continue to be applicable to issues not covered by this Code.
- 1.2.5. Capitalized terms used throughout this Code may be defined in Article 8 Definitions of Terms. Article 8 contains regulatory language that is integral to this Code. Those terms not defined in Article 8 shall be accorded their commonly accepted meanings. In the event of conflicts between the definitions in this Code and those of the LDC or other ordinances of the City, those of this Code shall take precedence.
- 1.2.6. The metrics of the Tables are an integral part of this Code. However, the diagrams and illustrations that accompany them should be considered guidelines, with the exception of those on Tables 5.8 through 5.13 Form-Based Code Graphics, which are also legally binding.
- 1.2.7. Where in conflict, numerical metrics shall take precedence over graphic metrics.

1.3. INTENT

- 1.3.1. The intent and purpose of this Code is to enable, encourage and qualify the implementation of the following policies:
- 1.3.2. **THE REGION**
 - a. That the region should retain its natural infrastructure and visual character

derived from topography, woodlands, farmlands, riparian corridors and the river.

- b. That growth strategies should encourage Infill and redevelopment in parity with New Communities.
- c. That development contiguous to urban areas should be integrated with the existing urban pattern.
- d. That development non-contiguous to urban areas should be organized in the pattern of Clustered Land Development ("CLD") or Traditional Neighborhood Design ("TND").
- e. That Affordable Housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
- f. That transportation Corridors should be planned and reserved in coordination with land use.
- g. That green corridors should be used to define and connect the urbanized areas.
- h. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

1.3.3. THE COMMUNITY

- a. That neighborhoods and Regional Centers should be compact, pedestrian-oriented and Mixed Use.
- b. That neighborhoods and Regional Centers should be the preferred pattern of development and that Districts specializing in a single use should be the exception.
- c. That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
- d. That interconnected networks of Thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
- e. That within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
- f. That appropriate building Densities and land uses should be provided within walking distance of transit stops.
- g. That Civic, Institutional, and Commercial activities should be embedded downtown, not isolated in remote single-use complexes.
- h. That schools should be sized and located to enable children to walk or bicycle to them.
- i. That a range of Open Space including Parks, Squares, and playgrounds should be distributed within neighborhoods and downtown.

1.3.4. THE BLOCK AND THE BUILDING

- a. That buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.
- b. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
- c. That architecture and landscape design should grow from local climate, topography, history, and building practice.
- d. That buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- e. That Civic Buildings and public gathering places should be provided as locations that reinforce community identity and support self-government.
- f. That Civic Buildings should be distinctive and appropriate to a role more im-

- portant than the other buildings that constitute the fabric of the city.
- g. That the preservation and renewal of historic buildings should be facilitated, to affirm the continuity and evolution of society.
 - h. That the harmonious and orderly evolution of urban areas should be secured through form-based codes.
- 1.3.5. **THE TRANSECT**
- a. That Communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
 - b. That the Transect Zone descriptions on Table 1.1 shall constitute the Intent of this Code with regard to the general character of each of these environments.
- 1.4. PROCESS**
- 1.4.1. Any land to be developed under this code must be zoned as a SmartCode District ("SC"). In addition to the prerequisites of this Code, the processes and procedures under Chapter 1 Articles 3 and 5 of the LDC applicable to zoning map amendments shall apply to a petition or request seeking a zoning classification of SC or a change from one transect to another within the Downtown area. However, the requirement to post notification signs on land under Section 1.3.2.1(c) and 1.5.1.4(a) of the LDC or other section of the LDC shall not apply to land regulated by this code or to land subject to a petition for a zoning classification to which this code applies.
- 1.4.2. Within any area zoned as a SmartCode District subject to an adopted Regulating Plan this Code becomes the exclusive and mandatory regulation. Property owners within the plan area may submit Building Scale Plans under Article 5 in accordance with the provisions of this Code. Building Scale Plans requiring no Warrants or Variances shall be approved administratively by the Development Review Committee (DRC).
- 1.4.3. Within the Growth Divisions as shown on the Regional Scale Plan ("Regional Plan"), the provisions of Article 3 and this Code in general shall be available By Right, upon request by the owner.
- 1.4.4. The City of San Marcos hereby creates a DRC comprised of a member from each regulatory department having jurisdiction over the permitting of a project to process administratively applications and plans for proposed projects.
- 1.4.5. The geographic locations of the Divisions and the standards for the Transect Zones shall be determined as set forth in Article 2, Article 3, and Article 5 through a process of public consultation with approval by City Council. Once these determinations have been incorporated into this Code and its associated plans, then projects that require no Variances or Warrants, shall be processed administratively without further recourse to public consultation.
- 1.4.6. An owner may appeal a decision of the DRC to the Planning and Zoning Commission. A written appeal must be filed with the Development Services Department within ten working days from the date of notification of the final decision on the development application. An owner may appeal a decision of the Planning Commission to City Council. The petition must be filed within ten days after the date the decision is filed with the Development Services Department.
- 1.4.7. Should a violation of an approved Regulating Plan occur during construction, or should any construction, site work, or development be commenced without an approved Regulating Plan or Building Scale Plan, the Director of Development Services has the right to require the owner to stop, remove,

and/or mitigate the violation, or to secure a Variance to address the violation.

- 1.4.8. Parkland Dedication shall not be required within the Downtown area. For New Community Plans meeting the Civic Space requirements will fulfill the Parkland Dedication requirements.

1.5. WARRANTS AND VARIANCES

- 1.5.1. There shall be two types of deviation from the requirements of this Code: Warrants and Variances.

- 1.5.2. A Warrant is a ruling that would permit a practice that is not consistent with a specific provision of this Code but is justified by the provisions of Section 1.3 Intent. The Planning and Zoning Commission (P&Z) shall have the authority to approve or disapprove a request for a Warrant pursuant to regulations established, **with the exception of requests for additional height. The City Council shall hold a public hearing and finally decide all Warrant requests for height beyond the five story maximum after review and a recommendation has been made by the P&Z.** A Warrant subject to the review of the P&Z shall require a public hearing and personal notice of the public hearing be sent to property owners within 200 feet of the subject property. Personal notice shall be sent by regular mail before the tenth day before the hearing date.

- 1.5.3. A Variance is any ruling on a deviation other than a Warrant. Variances shall be granted only in accordance with the State of Texas Statutes, Chapter 211 of the Local Government Code, as amended.

- 1.5.4. The request for a Warrant or Variance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.

- 1.5.5. The following standards shall not be available for Warrants:

- a. The maximum dimensions for traffic lanes.
- b. The required provision of Rear Alleys.
- c. The Base Residential Densities.

1.6. INCENTIVES

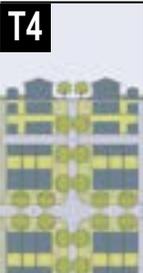
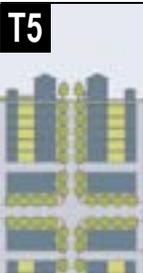
- 1.6.1. Applications that are not subject to mandatory provisions of the Code shall be eligible to utilize the following incentives by right:

- a. Applications under this code shall receive priority review status by the DRC, Planning and Zoning Commission, Zoning Board of Adjustment and the City Council ahead of applications that were eligible to use this code but elected not to do so
- b. Applications under this code shall be processed with priority over those under the LDC, including those with prior filing dates.
- c. The City shall waive the traffic impact analysis for all projects filled under this code.
- d. Reserved for additional Incentives.

San Marcos, Texas

TABLE 1.1. TRANSECT ZONE DESCRIPTIONS.

This table provides descriptions of the general character of each T-zone. It is part of Intent Section 1.3.

	<p>T-1 NATURAL T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.</p>	<p>General Character: Natural landscape with some agricultural use Building Placement: Not applicable Frontage Types: Not applicable Typical Building Height: Not applicable Type of Civic Space: Parks, Greenways</p>
	<p>T-2 RURAL T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and hill country. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.</p>	<p>General Character: Primarily agricultural with woodlands & wetland and scattered buildings Building Placement: Variable Setbacks Frontage Types: Not applicable Typical Building Height: 1- to 2-Story Type of Civic Space: Parks, Greenways</p>
	<p>T-3 SUB-URBAN T-3 Sub-Urban Zone consists of low density walkable residential areas, adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and Thoroughfares irregular to accommodate natural conditions, but designed for slow movement.</p>	<p>General Character: Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally Building Placement: Large and variable front and side yard Setbacks Frontage Types: Porches, fences, naturalistic tree planting Typical Building Height: 1- to 2-Story with some 3-Story Type of Civic Space: Parks, Greenways</p>
	<p>T-4 GENERAL URBAN T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.</p>	<p>General Character: Mix of Houses, Townhouses & small Apartment buildings, with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians Building Placement: Shallow to medium front and side yard Setbacks Frontage Types: Porches, fences, Dooryards Typical Building Height: 2- to 3-Story with a few taller Mixed Use buildings Type of Civic Space: Squares, Greens</p>
	<p>T-5 URBAN CENTER T-5 Urban Center Zone consists of higher density mixed use building that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, regularly spaced street tree planting and buildings set close to the sidewalks.</p>	<p>General Character: Shops mixed with Townhouses, larger Apartment houses, Offices, workplace, and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity Building Placement: Shallow Setbacks or none; buildings oriented to street defining a street wall Frontage Types: Stoops, Shopfronts, Galleries Typical Building Height: 2- to 5-Story with some variation Type of Civic Space: Parks, Plazas and Squares, median landscaping</p>

ARTICLE 1. GENERAL TO ALL PLANS

TABLE 1.2. SUMMARY TABLE - DOWNTOWN



T3 SUB-URBAN ZONE **T4** GENERAL URBAN ZONE **T5** URBAN CENTER ZONE

a. ALLOCATION OF ZONES - not applicable

b. BASE RESIDENTIAL DENSITY (see Section 5.9)

By Right	18 DUA	by design	by design
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c. BLOCK SIZE - not applicable

d. THOROUGHFARES - not applicable

e. CIVIC SPACES - not applicable

f. LOT OCCUPATION

Lot Width	60 ft. min 180 ft. max	18 ft. min 120 ft. max	18 ft. min 196 ft. max
Lot Coverage	40% max	60% max	100% max

DISPOSITION

g. SETBACKS - PRINCIPAL BUILDING (see Table 5.8 - 5.10)

(g.1) Front Setback (Principal)	24 ft. min	6 ft. min 18 ft. max	0 ft. min 12 ft. max
(g.2) Front Setback (Secondary)	12 ft. min	6 ft. min 18 ft. max	0 ft. min 12 ft. max
(g.3) Side Setback	12 ft. min	0 ft. min	0 ft. min 24 ft. max
(g.4) Rear Setback	12 ft. min	3 ft. min *	3 ft. min *
Frontage Buildout	40% min	70% min	80% min

* or 15 ft from centerline of alley

h. SETBACKS - OUTBUILDING (see Table 5.8- 5.10)

(h.1) Front Setback	20 ft. min + bldg setback	20 ft. min + bldg setback	40 ft. max from rear prop
(h.2) Side Setback	3 ft. or 6 ft. at corner	0 ft. min or 5 ft. at corner	0 ft. min
(h.3) Rear Setback	3 ft. min	3 ft. min	3 ft. max

i. BUILDING DISPOSITION (see Table 5.1)

Edgeyard	permitted	permitted	by Warrant
Sideyard	not permitted	permitted	permitted
Rearyard	not permitted	permitted	permitted
Courtyard	not permitted	not permitted	permitted

j. PRIVATE FRONTAGES (see Table 5.3)

Common Yard	permitted	permitted	not permitted
Porch & Fence	permitted	permitted	not permitted
Terrace or Dooryard	not permitted	not permitted	permitted
Forecourt	not permitted	not permitted	permitted
Stoop	not permitted	permitted	permitted
Shopfront	not permitted	permitted	permitted
Gallery	not permitted	permitted	permitted

CONFIGURATION

k. BUILDING CONFIGURATION (see Table 5.2)

Principal Building Height	not applicable	5 stories*	5 stories max, 2 min*
Outbuilding Height	2 stories max	2 stories max	2 stories max

* Buildings located in the downtown historic district shall not exceed a building height of 3 stories/ 1 story or 6+ stories permitted by Warrant for buildings located outside the downtown historic district.

l. BUILDING FUNCTION (see Table 5.4 & Table 5.7)

Residential	restricted use	limited use	open use
Lodging	restricted use	limited use	open use
Office	restricted use	limited use	open use
Retail	restricted use	limited use	open use

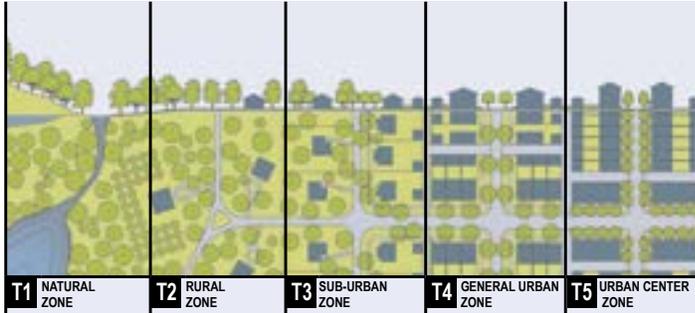
FUNCTION

ARTICLE 5

ARTICLE 1. GENERAL TO ALL PLANS

San Marcos, Texas

TABLE 1.3. SUMMARY TABLE - NEW DEVELOPMENT



	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN ZONE	T4 GENERAL URBAN ZONE	T5 URBAN CENTER ZONE
a. ALLOCATION OF ZONES per Community Unit, applicable to Article 3 only.					
CLD requires	50% min		20 - 40%	10-30%	not permitted
TND requires	no minimum	no minimum	10 - 30%	30 - 60%	10 - 30%
b. BASE RESIDENTIAL DENSITY (see Section 3.8)					
By Right	not applicable	1 unit / 20 ac avg.	10 DUA	by Design	by Design
Other Functions	by Variance	by Variance	20% max	10 - 30%	30 - 50%
c. BLOCK SIZE					
Block Perimeter	no maximum	no maximum	2400 ft. max	2000 ft. max	2000 ft. max *
d. THOROUGHFARES (see Table 3.3)					
					* 2500 with parking structures
HW	permitted	permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted
Rear Lane	not permitted	not permitted	permitted	permitted	not permitted
Rear Alley	not permitted	not permitted	not permitted	permitted	required
Path	permitted	permitted	permitted	not permitted *	not permitted
Passage	not permitted	not permitted	not permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted *	not permitted
Bicycle Lane	permitted	permitted	permitted	not permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted
e. CIVIC SPACES (see Table 3.4)					
					* permitted with Open Space
Park	permitted	permitted	permitted	by Warrant	by Warrant
Green	not permitted	not permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted
Community Garden	permitted	permitted	permitted	permitted	permitted
f. LOT OCCUPATION					
Lot Width	not applicable	by Warrant	60 ft. min 120 ft. max	18 ft. min 120 ft. max	18 ft. min 196 ft. max
Lot Coverage	not applicable	by Warrant	60% max	80% max	100% max
g. SETBACKS - PRINCIPAL BUILDING (see Tables 5.11 - 5.13)					
(g.1) Front Setback (Principal)	not applicable	48 ft. min	24 ft. min	6 ft. min 18 ft. max	0 ft. min 12 ft. max
(g.2) Front Setback (Secondary)	not applicable	48 ft. min	12 ft. min	6 ft. min 18 ft. max	0 ft. min 12 ft. max
(g.3) Side Setback	not applicable	96 ft. min	12 ft. min	0 ft. min or 6 ft. min. total	0 ft. min 24 ft. max
(g.4) Rear Setback	not applicable	96 ft. min	12 ft. min	3 ft. min *	3 ft. min *
Frontage Buildout	not applicable	not applicable	40% min	60% min	80% min
h. SETBACKS - OUTBUILDING (see Tables 5.11 - 5.13)					
					* or 15 ft. from centerline of Lane or Alley
(h.1) Front Setback	not applicable	20 ft. min + bldg setback	20 ft. min + bldg setback	20 ft. min + bldg setback	40 ft. max from rear prop
(h.2) Side Setback	not applicable	3 ft. or 6 ft.	3 ft. or 6 ft.	0 ft. min or 5 ft.	0 ft. min
(h.3) Rear Setback	not applicable	3 ft. min	3 ft. min	3 ft. max	3 ft. max
i. BUILDING DISPOSITION (see Table 5.1)					
Edgeyard	not applicable	permitted	permitted	permitted	by Warrant
Sideyard	not applicable	not permitted	not permitted	permitted	permitted
Rearyard	not applicable	not permitted	not permitted	permitted	permitted
Courtyard	not applicable	not permitted	not permitted	not permitted	permitted
j. PRIVATE FRONTAGES (see Table 5.3)					
Common Yard	not applicable	permitted	permitted	permitted	not permitted
Porch & Fence	not applicable	permitted	permitted	permitted	not permitted
Terrace or Dooryard	not applicable	not permitted	not permitted	permitted	permitted
Forecourt	not applicable	not permitted	not permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted
Shopfront & Awning	not applicable	not permitted	not permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted
k. BUILDING CONFIGURATION (see Table 5.2)					
Principal Building	not applicable	2 Stories max	2 Stories max	3 Stories max	5 Stories max*, 2 min
Outbuilding	not applicable	2 Stories max	2 Stories max	2 Stories max	2 Stories max
l. BUILDING FUNCTION (see Table 5.4 & Table 5.7)					
					* 1 or 6+ stories by Warrant
Residential	not applicable	restricted use	restricted use	limited use	open use
Lodging	not applicable	restricted use	restricted use	limited use	open use
Office	not applicable	restricted use	restricted use	limited use	open use
Retail	not applicable	restricted use	restricted use	limited use	open use

DISPOSITION

CONFIGURATION

FUNCTION

ARTICLE 5
ARTICLE 2, 3, 4

ARTICLE 5. LOT AND BUILDING REGULATIONS

5.1. INSTRUCTIONS

5.1.1. LOT AND BUILDING REGULATIONS

5.1.2. INSTRUCTIONS

5.1.3. Lots and buildings located within a Regulating Plan governed by this Code, and previously approved by City Council, shall be subject to the requirements of this Article.

5.1.4. Such plans require administrative approval by the DRC.

5.1.5. Building and site plans submitted under this Article shall show the following, in compliance with the standards described in this Article:

a. For preliminary site and building approval:

- i. Building Disposition
- ii. Building Configuration
- iii. Building Function
- iv. Number of dwelling units
- v. Base Residential Density
- vi. Building square footage
- vii. Parking Location Standards
- viii. Lot Lines

b. For final approval, in addition to the above:

- i. Landscape Standards
- ii. Signage Standards
- iii. Special Requirements, if any

5.1.6. Special Districts that do not have provisions within this Code shall be governed by the standards of the LDC pre-existing zoning.

PRE-EXISTING CONDITIONS

5.1.7. Existing buildings and appurtenances that do not conform to the provisions of this Code may continue in use as they are until a Substantial Modification is requested, at which time the provisions of this section shall apply.

5.1.8. The modification of existing buildings is permitted By Right if such changes result in greater conformance with the specifications of this Code.

5.1.9. Where buildings exist on adjacent Lots, the DRC may require that a proposed building match one or the other of the adjacent Setbacks and heights rather than the provisions of this Code.

5.1.10. The restoration or rehabilitation of an existing building shall not require the provision of (a) parking in addition to that existing nor (b) on-site stormwater retention/detention in addition to that existing. Existing parking requirements that exceed those for this Code may be reduced as provided by Table 5.5 and Table 5.6.

ARTICLE 5. LOT AND BUILDING REGULATIONS

San Marcos, Texas

5.1.11. Any addition to or modification of a Building of Value that has been designated by the Historic Preservation Commission shall be subject to approval by the Historic Preservation Commission.

5.2. SPECIAL REQUIREMENTS

5.2.1. To the extent that a Regulating Plan for a New Community Plan designates any of the following Special Requirements, standards shall be applied as follows:

- a. Buildings along the A-Grid shall be held to the highest standard of this Code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for Warrants allowing automobile-oriented standards.
- b. A Mandatory or Recommended Retail Frontage designation requires or advises that a building provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. The Shopfront shall be no less than 70% glazed in clear glass and should be shaded by an awning overlapping the Sidewalk as generally illustrated in Table 5.3. Awnings, if present, shall be a minimum of 3 feet deep. The first floor should be confined to Retail use through the depth of the second Layer. (Table 8.1d.)
- c. A Mandatory or Recommended Gallery Frontage designation requires or advises that a building provide a permanent cover over the Sidewalk, either cantilevered or supported by columns (as generally illustrated in Table 5.3). A Gallery Frontage may be combined with a Retail Frontage.
- d. A Mandatory or Recommended porch front requires or advises that a porch be included in the Private Frontage.
- e. A Build-to Line requires the placement of the building Façade along a line.
- f. A Coordinated Frontage designation requires that the Public Frontage (Tables 3.2 and 3.3) and Private Frontage (Table 5.3) be coordinated as a single, coherent landscape and paving design.
- g. A Mandatory or Recommended Terminated Vista designation requires or advises that the building be provided with architectural articulation of a type and character that responds visually to its axial location, as approved by the DRC.
- h. A Cross Block Passage designation requires that a minimum 8-foot-wide pedestrian access be reserved between buildings.

5.3. CIVIC ZONES (CZ)

5.3.1. GENERAL

- a. Civic Zones are designated on Community Plans as Civic Space (CS) or Civic Building (CB).
- b. For Parking Location standards, see Section 5.10.

5.3.2. CIVIC SPACES (CS)

- a. Civic Spaces shall be generally designed as described in Table 3.4.

5.3.3. CIVIC BUILDINGS (CB)

- a. Civic Buildings shall not be subject to the requirements of this Article.

The particulars of their design shall be determined by Warrant.

5.4. SPECIFIC TO T1 NATURAL ZONE

- 5.4.1. Buildings in the T1 Natural Zone are permitted only by approval of the DRC. Permission to build in T1 and the standards for Article 5 shall be determined concurrently as Warrants, in public hearing of City Council.

5.5. BUILDING DISPOSITION

5.5.1. SPECIFIC TO ZONE T2

- a. Building Disposition shall be determined by Warrant.

5.5.2. SPECIFIC TO ZONES T3, T4, T5

- a. Newly platted Lots shall be dimensioned according to Table 1.3f and Tables 5.8 - 5.13.
- b. Building Disposition types shall be as shown in Table 5.1 and Tables 1.2i and 1.3i.
- c. Buildings shall be disposed in relation to the boundaries of their Lots according to Tables 1.2g and 1.3g, Tables 1.2h and 1.3h, and Tables 5.8 - 5.13.
- d. One Principal Building at the Frontage, and one Outbuilding to the rear of the Principal Building, may be built on each Lot as shown in Table 6.1c.
- e. Lot coverage by building shall not exceed that recorded in Table 1.2f and 1.3f, and Tables 5.8 - 5.13.
- f. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback, as specified as Frontage Buildout on Tables 1.2g and 1.3g, and Tables 5.8 - 5.13.
- g. Setbacks for Principal Buildings shall be as shown in Tables 1.2g and 1.3g and Tables 5.8 - 5.13. In the case of an Infill Lot, see Section 5.2.3.
- h. Rear Setbacks for Outbuildings shall be a minimum of 15 feet measured from the centerline of the Rear Alley or Rear Lane easement. In the absence of Rear Alley or Rear Lane, the rear Setback shall be as shown in Table 1.2h and 1.3h, and Tables 5.8 - 5.13.
- i. To accommodate slopes over ten percent, relief from front Setback requirements is available by DRC.
- j. Within T5 onsite site stormwater retention/detention is not required

5.6. BUILDING CONFIGURATION

5.6.1. GENERAL TO ZONES T3, T4, T5

- a. The Private Frontage of buildings shall conform to and be allocated in accordance with Table 5.3, and Tables 1.2j and 1.3j.
- b. Buildings on corner Lots shall have two Private Frontages as shown in Table 8.1. Prescriptions for the second and third Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages.
- c. All non Shopfront Facades shall be glazed with clear glass no less than 30% of the first Story.
- d. Shopfront Frontages shall be glazed with clear glass no less than 70%

ARTICLE 5. LOT AND BUILDING REGULATIONS

San Marcos, Texas

- and may be shaded by an awning overlapping the Sidewalk as generally illustrated in Table 5.3. Awnings, if present, shall be a minimum of 3 feet deep.
- e. Building heights shall conform to Table 5.2, and Tables 1.2k and 1.3k.
 - f. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Function, which shall be a minimum of 11 feet with a maximum of 25 feet. A single floor level exceeding 14 feet, or 25 feet at ground level, shall be counted as two (2) stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional Story.
 - g. In a Parking Structure or garage, each above-ground level counts as a single Story regardless of its relationship to habitable Stories.
 - h. Height limits do not apply to Attics or raised basements, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads. Attics shall not exceed 14 feet in height.
- 5.6.2. **SPECIFIC TO ZONES T2, T3,T4,T5**
- a. The habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not exceed 500 square feet, excluding the parking area.
- 5.6.3. **SPECIFIC TO ZONE T3**
- a. No portion of the Private Frontage may Encroach the Sidewalk.
 - b. Open porches may Encroach the first Layer 50% of its depth. (Table 8.1d)
 - c. Balconies and bay windows may Encroach the first Layer 25% of its depth except that balconies on porch roofs may Encroach as does the porch.
- 5.6.4. **SPECIFIC TO ZONE T4**
- a. Balconies, open porches and bay windows may Encroach the first Layer 50% of its depth. (Table 8.1d)
- 5.6.5. **SPECIFIC TO ZONE T5**
- a. Awnings and Galleries may Encroach the Sidewalk to within 2 feet of the Curb but must clear the Sidewalk vertically by at least 8 feet.
 - b. Stoops, Lightwells, balconies, bay windows, and terraces may Encroach the first Layer 100% of its depth. (Table 8.1d)
 - c. Loading docks and service areas shall be permitted on Frontages only by Warrant.
 - d. When parking is not screened by a building along any part of a Frontage Line, a Streetscreen shall be built co-planar with the Facade.
 - e. Streetscreens should be between 3.5 and 8 feet in height. The Streetscreen may be replaced by a hedge or fence by Warrant. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.
 - f. A first level Residential or Lodging Function shall be raised a minimum of 2 feet from average Sidewalk grade.

5.7. BUILDING FUNCTION

5.7.1. GENERAL TO ZONES T2, T3, T4, T5

- a. Buildings in each Transect Zone shall conform to the Functions on Table 5.4, Table 5.7, and Tables 1.2I and 1.3I. Functions that do not conform shall require approval by Warrant or Variance as specified on Table 5.7.

5.7.2. SPECIFIC TO ZONES T2, T3,

- a. Accessory Functions of Restricted Lodging or Restricted Office shall be permitted within an Accessory Building. See Table 5.4.

5.7.3. SPECIFIC TO ZONES T4, T5

- a. Accessory Functions of Limited Lodging or Limited Office shall be permitted within an Accessory Building. See Table 5.4.

5.7.4. SPECIFIC TO ZONE T5

- a. First Story Commercial Functions shall be permitted.
- b. Manufacturing Functions within the first Story may be permitted by Warrant.

5.8. PARKING AND DENSITY CALCULATIONS

5.8.1. SPECIFIC TO ZONES T2, T3

- a. Buildable Density on a Lot shall be determined by the actual parking provided within the Lot as applied to the Functions permitted in Table 5.4 and Table 5.5.

5.8.2. SPECIFIC TO ZONES T4, T5

- a. Buildable Density on a Lot shall be determined by the sum of the actual parking calculated as that provided (1) within the Lot (2) along the parking lane corresponding to the Lot Frontage, and (3) by purchase or lease from a Parking Reserve within the Pedestrian Shed, if available.
- b. The actual parking may be adjusted upward by using the demand calculations as determined by Table 5.6, Parking Occupancy Rates. The applicant shall submit a parking demand summary sheet showing the process for calculating the reduction as outlined in this section.
 - i. The minimum number of parking spaces that are to be provided and maintained for each use shall be determined based on Table 5.5. Parking is not required within the Central Business Area with the exception of new multi-family development.
 - ii. The gross minimum number of parking spaces shall be multiplied by the "occupancy rate" as found in Table 5.6, for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods respectively.
 - iii. The gross minimum numbers of parking spaces for each of the purposes referred to for each time period shall be added to produce the aggregate gross minimum numbers of parking spaces for each time period.
 - iv. The greatest of the aggregate gross minimum numbers of parking spaces for each period shall be determined.
 - v. The Parking Occupancy Rates reduction is available for any Func-

ARTICLE 5. LOT AND BUILDING REGULATIONS

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tions within any pair of adjacent Blocks.

- c. Based on the Effective Parking available, the Density of the projected Function may be determined according to Table 5.5.
- d. Within 1/2 mile radius area of a Transit Oriented Development (TOD) the Effective Parking may be further adjusted upward by 30%.
- e. The total Density within each Transect Zone shall not exceed that specified by an approved Regulating Plan based on Article 3 or Article 4.
- f. Accessory Units do not count toward Density calculations.
- g. Liner Buildings less than 30 feet deep and no more than two Stories shall be exempt from parking requirements.

5.8.3. **SPECIFIC TO ZONE T5**

- a. Buildable Density within the CBA is not determined by the actual parking provided. Properties within the CBA shall have no parking requirements with the exception of new multi-family development.

5.9. **PARKING LOCATION STANDARDS**

5.9.1. **GENERAL TO ZONES T2, T3, T4, T5**

- a. Parking shall be accessed by Rear Alleys or Rear Lanes, when such are available on the Regulating Plan.
- b. Open parking areas shall be masked from the Frontage by a Building or Streetscreen.

5.9.2. For buildings on B-Grids, open parking areas may be allowed unmasked on the Frontage by approval of the DRC, except for corner lots at intersections with the A-Grid.

5.9.3. **SPECIFIC TO ZONES T2, T3**

- a. Open parking areas shall be located at the second and third Lot Layers, except that Driveways, drop-offs and unpaved parking areas may be located at the first Lot Layer. (Table 8.1d)
- b. Garages shall be located at the third Layer except that side- or rear-entry types may be allowed in the first or second Layer by Warrant.

5.9.4. **SPECIFIC TO ZONES T3, T4**

- a. Driveways at Frontages shall be no wider than 12 feet in the first Layer.

5.9.5. **SPECIFIC TO ZONE T4**

- a. All parking areas and garages shall be located at the second or third Layer. (Table 8.1d)
- b. A minimum of one bicycle rack place shall be provided within Public or Private Frontage for every ten vehicular parking spaces

5.9.6. **SPECIFIC TO ZONE T5**

- a. All parking lots, garages, and Parking Structures shall be located at the second or third Layer. (Table 8.1d)
- b. Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet at the Frontage.
- c. Pedestrian exits from all parking lots, garages, and Parking Structures should be directly to a Frontage Line (i.e., not directly into a building) except underground levels that may be exited by pedestrians directly into a building.
- d. Parking Structures on the A-Grid shall have Liner Buildings lining the first and

second Stories.

- e. A minimum of one bicycle rack place shall be provided within the Public or Private Frontage for every ten vehicular parking spaces.

5.10. LANDSCAPE STANDARDS

5.10.1. GENERAL TO ZONES T2, T3, T4, T5

- a. Impermeable surface shall be confined to the ratio of Lot coverage specified in Table 1.3 and Table 1.2
- b. Tree Fee-in-Lieu: When the replacement of trees on-site, as required by LDC Chapter 5 Article 5, is not feasible within Downtown San Marcos, the DRC may allow an applicant to pay a fee-in-lieu for all or part of the required replacement. Payment per caliper inch of required replacement fees shall be paid into the Downtown Tree Fund.
- c. Amount

5.10.2. SPECIFIC TO ZONES T2, T3, T4,

- a. The first Layer may not be paved, with the exception of Driveways as specified in Section 5.10.4 and Section 5.10.6. (Table 8.1d)

5.10.3. SPECIFIC TO ZONE T3

- a. A minimum of two trees shall be planted within the first Layer for each 30 feet of Frontage Line or portion thereof. (Table 8.1d)
- b. Trees may be of single or multiple species as shown on Table 3.5.
- c. Trees shall be naturalistically clustered.

5.10.4. SPECIFIC TO ZONE T4

- a. A minimum of one tree shall be planted within the first Layer for each 30 feet of Frontage Line or portion thereof. (Table 8.1d)
- b. Trees shall be a single type to match the type of Street Trees on the Public Frontage, or as shown on Table 3.5.

5.10.5. SPECIFIC TO ZONE T5

- a. Trees shall not be required in the first Layer.
- b. The first Layer may be paved to match the pavement of the Public Frontage.

TABLE 5.1. BUILDING DISPOSITION

This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

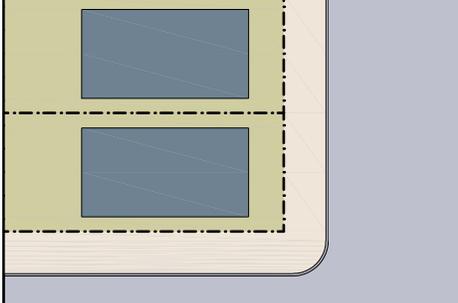
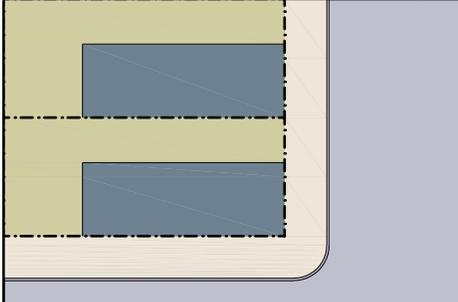
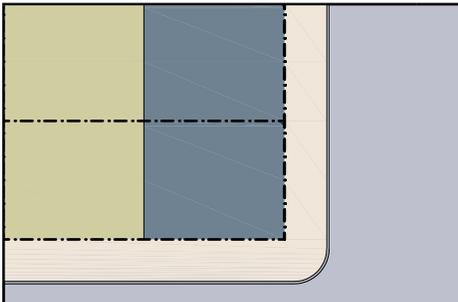
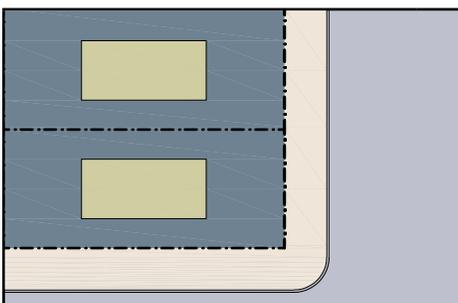
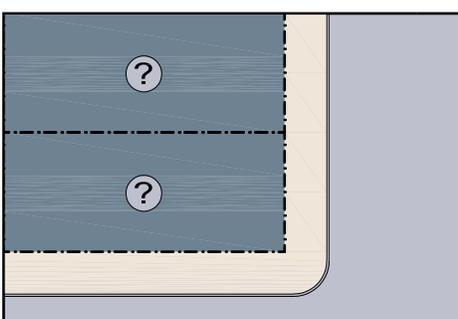
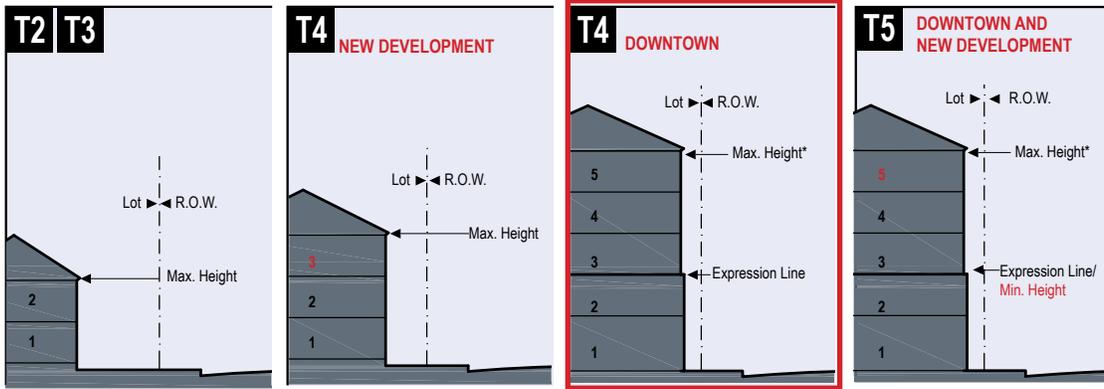
<p>a. Edgeyard: Specific Types - single family House, Cottage, villa, Estate House, urban villa. A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.</p>	 <div style="float: right; text-align: center;"> <div style="background-color: black; color: white; padding: 2px;">T2</div> <div style="background-color: black; color: white; padding: 2px;">T3</div> <div style="background-color: black; color: white; padding: 2px;">T4</div> </div>
<p>b. Sideyard: Specific Types - Charleston single house, double house, zero lot line house, twin. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this Disposition.</p>	 <div style="float: right; text-align: center;"> <div style="background-color: black; color: white; padding: 2px;">T4</div> <div style="background-color: black; color: white; padding: 2px;">T5</div> </div>
<p>c. Rearyard: Specific Types - Townhouse, Rowhouse, Live-Work unit, loft building, Apartment House, Mixed Use Block, Flex Building, perimeter Block. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p>	 <div style="float: right; text-align: center;"> <div style="background-color: black; color: white; padding: 2px;">T4</div> <div style="background-color: black; color: white; padding: 2px;">T5</div> </div>
<p>d. Courtyard: Specific Types - patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>	 <div style="float: right; text-align: center;"> <div style="background-color: black; color: white; padding: 2px;">T5</div> </div>
<p>e. Specialized: A building that is not subject to categorization. Buildings dedicated to manufacturing and transportation are often distorted by the trajectories of machinery. Civic buildings, which may express the aspirations of institutions, may be included.</p>	 <div style="float: right; text-align: center;"> <div style="background-color: black; color: white; padding: 2px;">SD</div> </div>

TABLE 5.2. BUILDING CONFIGURATION

This table shows the Configurations for different building heights for each Transect Zone. Expression Lines shall occur on higher buildings as shown. ~~N~~ = Maximum height as specified in Tables 1.2k and 1.3k.



*Buildings located in the downtown historic district shall not exceed a building height of 3 stories. One-story and six or more stories permitted by Warrant. See Section 1.5 for Warrant process. Buildings in downtown with a height greater than two stories are required to meet the Downtown Design Standards in Article 6.

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TABLE 5.3. PRIVATE FRONTAGE

The Private Frontage is the area between the building Facade and the Lot line.

	SECTION	PLAN
	LOT PRIVATE FRONTAGE R.O.W. PUBLIC FRONTAGE	LOT PRIVATE FRONTAGE R.O.W. PUBLIC FRONTAGE
<p>a. Common Yard: a planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created remains unfenced and may be visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.</p>		<div style="float: right; text-align: right;"> T2 T3 T4 </div>
<p>b. Porch & Fence: a planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence may be used at the Frontage Line to maintain street spatial definition. Porches shall be no less than 8 feet deep.</p>		<div style="float: right; text-align: right;"> T2 T3 T4 </div>
<p>c. Terrace or Lightwell: a Frontage wherein the Facade is set back from the Frontage line by an elevated terrace or a sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Dooryard.</p>		<div style="float: right; text-align: right;"> T4 T5 </div>
<p>d. Forecourt: a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.</p>		<div style="float: right; text-align: right;"> T5 </div>
<p>e. Stoop: a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.</p>		<div style="float: right; text-align: right;"> T4 T5 </div>
<p>f. Shopfront: a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and may have an awning that may overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.</p>		<div style="float: right; text-align: right;"> T4 T5 </div>
<p>g. Gallery: a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.</p>		<div style="float: right; text-align: right;"> T4 T5 </div>

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TABLE 5.4. BUILDING FUNCTION

This table categorizes Building Functions within Transect Zones. Parking requirements on Table 5.5 are correlated to functional intensity. For Specific Function and Use permitted By Right or by Warrant, see Table 5.7.

	T2 T3	T4	T5
a. RESIDENTIAL	Restricted Residential: The number of dwellings on each Lot is restricted to one within a Principal Building and one within an Accessory Building, with 2.0 parking places for the principal building and 1.0 spaces for the accessory building. Both dwellings shall be under single ownership. The habitable area of the Accessory Unit shall not exceed 500 sf, excluding the parking area. Occupancy restrictions per LDC section 4.3.4.5 shall apply	Limited Residential: The number of dwellings on each Lot is limited by the requirement of 1.5 parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 5.6).	Open Residential number of dwellings on each Lot is limited by the requirement of 1.0 parking place for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 5.6).
b. LODGING	Restricted Lodging: The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to five, in addition to the parking requirement for the dwelling. The Lodging must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed fourteen days.	Limited Lodging: The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to twelve, in addition to the parking requirement for the dwelling. The Lodging must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed fourteen days.	Open Lodging: The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom. Food service may be provided at all times. The area allocated for food service shall be calculated and provided with parking according to Retail Function.
c. OFFICE	Restricted Office: The building area available for office use on each Lot is restricted to the first Story of the Principal or the Accessory Building and by the requirement of 3.0 assigned parking places per 1000 square feet of net office space in addition to the parking requirement for each dwelling.	Limited Office: The building area available for office use on each Lot is limited to the first Story of the principal building and/or to the Accessory Building, and by the requirement of 3.0 assigned parking places per 1000 square feet of net office space in addition to the parking requirement for each dwelling.	Open Office: The building area available for office use on each Lot is limited by the requirement of 2.0 assigned parking places per 1000 square feet of net office space.
d. RETAIL	Restricted Retail: The building area available for Retail use is restricted to one Block corner location at the first Story for each 300 dwelling units and by the requirement of 4.0 assigned parking places per 1000 square feet of net Retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store, or food service seating no more than 20.	Limited Retail: The building area available for Retail use is limited to the first Story of buildings at corner locations, not more than one per Block, and by the requirement of 4.0 assigned parking places per 1000 square feet of net Retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store, or food service seating no more than 40.	Open Retail: The building area available for Retail use is limited by the requirement of 3.0 assigned parking places per 1000 square feet of net Retail space. Retail spaces under 1500 square feet are exempt from parking requirements. Bars must comply with the CUP process outlined in the LDC.
e. CIVIC	See Tables 5.5- 5.7	See Tables 5.5 -5.7	See Tables 5.5- 5.7
f. OTHER	See Tables 5.5- 5.7	See Tables 5.5- 5.7	See Tables 5.5- 5.7

Properties within the CBA overlay district are exempt from Parking Requirements with the exception of new multi-family development.

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TABLE 5.5. PARKING CALCULATIONS

The gross minimum number of parking spaces listed below shall be multiplied by the "occupancy rate" as found in Table 5.6, for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods respectively. The gross minimum numbers of parking spaces for each of the purposes referred to for each time period shall be added to produce the aggregate gross minimum numbers of parking spaces for each time period. Properties within the Central Business Area are exempt from parking requirements with the exception of new multi-family development.* New multi-family development within the Downtown SmartCode District shall adhere to the parking requirements of the Land Development Code.

REQUIRED PARKING (See Table 5.4)			
	T2 T3	T4	T5
RESIDENTIAL	2.0 / dwelling	1.0 / dwelling*	1.0 / dwelling*
LODGING	1.0 / bedroom	1.0 / bedroom	1.0 / bedroom
OFFICE	3.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.	2.0 / 1000 sq. ft.
RETAIL	4.0 / 1000 sq. ft.	4.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.
CIVIC	1.0 / 5 seats assembly use 1.0 / 1000 s.f. of exhibition or recreation area	1.0 / 5 seats assembly use 1.0 / 1000 s.f. of exhibition or recreation area	1.0 / 5 seats assembly use 1.0 / 1000 s.f. of exhibition or recreation area
GENERAL		Parking requirement may be reduced according to Table 5.6 Parking Occupancy Rate. 1 Bicycle Rack Space / 20 vehicular spaces required. Parking may be provided off-site within a distance of 1000 ft.	Parking requirement may be reduced according to Table 5.6 Parking Occupancy Rate. 1 Bicycle Rack Space / 10 vehicular spaces required. Parking ratio may be reduced within 1/2 mile radius of a TOD and within 1/4 mile radius of a Transit Corridor by thirty percent (30%). Parking may be provided by ownership or lease offsite within 1000 ft.

TABLE 5.6. PARKING OCCUPANCY RATES

Development Services shall provide a spreadsheet to perform the parking calculations based on the percentages below.

USES	M - F	M - F	M - F	SAT & SUN	SAT & SUN	SAT & SUN
	8 AM - 6 PM	6 PM - 12 AM	12 AM - 8 AM	8 AM - 6 PM	6 PM - 12 AM	6 PM - 12 AM
RESIDENTIAL	60%	100%	100%	80%	100%	100%
OFFICE	100%	20%	5%	5%	5%	5%
RETAIL	90%	80%	5%	100%	70%	5%
HOTEL	70%	100%	100%	70%	100%	100%
RESTAURANT	70%	100%	100%	70%	100%	100%
MOVIE THEATER	40%	80%	10%	80%	100%	10%
ENTERTAINMENT	40%	100%	10%	80%	100%	50%
CONFERENCE	100%	100%	5%	100%	100%	5%
CIVIC (NON-CHURCH)	100%	20%	5%	10%	10%	5%
CIVIC (CHURCH)	20%	20%	5%	100%	50%	5%

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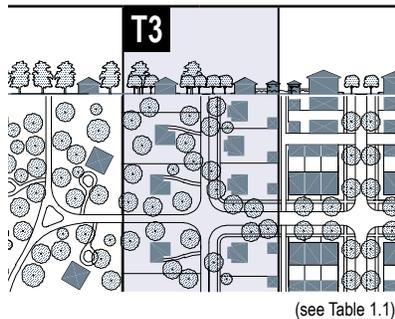
TABLE 5.7. SPECIFIC FUNCTION & USE

This table expands the categories of Table 5.4 to delegate specific Functions and uses within Transect Zones.

a. RESIDENTIAL	T1	T2	T3	T4	T5	SD
Mixed Use Block					▪	
Flex Building				▪	▪	
Apartment Building				▪	▪	
Live/Work Unit			▪	▪	▪	□
Rowhouse				▪	▪	
Duplex			▪	▪	▪	
Courtyard House				▪	▪	
Sideyard House			▪	▪	▪	
Cottage			▪	▪		
House	▪	▪	▪	▪		
Villa	▪					
Accessory Unit	▪	▪	▪	▪	▪	
b. LODGING						
Hotel (no room limit)					▪	□
Inn (up to 12 rooms)		□		▪	▪	
Bed & Breakfast (up to 5 rooms)		□	□	▪	▪	
S.R.O. hostel			□	□	□	□
School Dormitory				▪	▪	▪
c. OFFICE						
Office Building				▪	▪	□
Live-Work Unit			▪	▪	▪	□
d. RETAIL						
Open-Market Building		▪	▪	▪	▪	▪
Retail Building				▪	▪	□
Display Gallery				▪	▪	□
Restaurant				▪	▪	
Kiosk				▪	▪	□
Push Cart					□	□
*Liquor Selling Establishment						
*Adult Entertainment						
e. CIVIC						
Bus Shelter			▪	▪	▪	▪
Convention Center						▪
Conference Center					□	▪
Exhibition Center						▪
Fountain or Public Art	▪	▪	▪	▪	▪	▪
Library				▪	▪	▪
Live Theater					▪	▪
Movie Theater					▪	▪
Museum					□	▪
Outdoor Auditorium	□	▪			▪	▪
Parking Structure					▪	▪
Passenger Terminal					□	▪
Playground	▪	▪	▪	▪	▪	▪
Sports Stadium						▪
Surface Parking Lot				□	□	▪
Religious Assembly	▪	▪	▪	▪	▪	▪
f. OTHER: AGRICULTURE	T1	T2	T3	T4	T5	SD
Grain Storage	▪	▪				□
Livestock Pen	□	□				□
Greenhouse	▪	▪	□			□
Stable	▪	▪	□			□
Kenel	▪	▪			□	□
f. OTHER: AUTOMOTIVE						
Gasoline		□			□	▪
Automobile Service					□	▪
Truck Maintenance						▪
Drive -Through Facility					□	▪
Rest Stop	▪	▪				□
Roadside Stand	▪	▪				□
Shopping Center						□
Shopping Mall						□
f. OTHER: CIVIL SUPPORT						
Fire Station			▪	▪	▪	▪
Police Station				▪	▪	▪
Cemetery		▪	□	□		▪
Funeral Home				▪	▪	▪
Hospital					□	▪
Medical Clinic				□	▪	▪
f. OTHER: EDUCATION						
College					□	▪
High School				□	□	▪
Trade School					□	▪
Elementary School			□	▪	▪	▪
Childcare Center		▪	▪	▪	▪	□
f. OTHER: INDUSTRIAL						
Heavy Industrial Facility						▪
Light Industrial Facility						▪
Truck Depot						▪
Laboratory Facility						▪
Water Supply Facility						▪
Sewer and Waste Facility						▪
Electric Substation	□	□	□	□	□	▪
Wireless Transmitter	□	□			□	▪
Cremation Facility						▪
Warehouse						▪
Produce Storage						▪
Mini-Storage						▪

▪ BY RIGHT
 □ BY WARRANT
 * Refer to the LDC for standards

TABLE 5.8. FORM-BASED CODE GRAPHICS: DOWNTOWN - T3



I. BUILDING FUNCTION (see Table 5.4 & Table 5.7)

Residential	restricted use
Lodging	restricted use
Office	restricted use
Retail	restricted use

k. BUILDING CONFIGURATION (see Table 5.2 & 1.2k)

Principal Building	2
Outbuilding	2 stories max

f. LOT OCCUPATION (see Table 1.2f)

Lot Width	60 ft. min 180 ft. max
Lot Coverage	40% max

i. BUILDING DISPOSITION (see Table 5.1)

Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
Courtyard	not permitted

g. SETBACKS - PRINCIPAL BUILDING (see Table 1.2g)

(g.1) Front Setback Principal	24 ft. min
(g.2) Front Setback Secondary	12 ft. min.
(g.3) Side Setback	12 ft. min.
(g.4) Rear Setback	12 ft. min.*
Frontage Buildout	40% min at setback

h. SETBACKS - OUTBUILDING (see Table 1.2h)

(h.1) Front Setback	20 ft. min. + bldg setback
(h.2) Side Setback	3 ft. or 6 ft at corner
(h.3) Rear Setback	3 ft. min. *

j. PRIVATE FRONTAGES (see Table 5.3)

Common Yard	permitted
Porch & Fence	permitted
Terrace or L.C.	not permitted
Forecourt	not permitted
Scoop	not permitted
Shopfront & Awning	not permitted
Gallery	not permitted

Refer to Summary Table 1.2

PARKING PROVISIONS

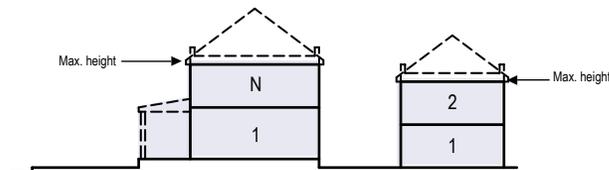
See Tables 5.5 & 5.6

*or 15 ft. from center line of rear lane or alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

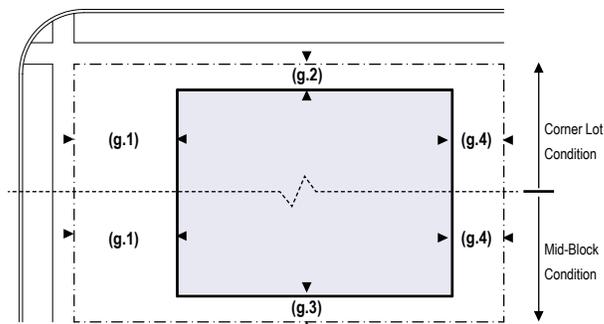
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 feet.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.



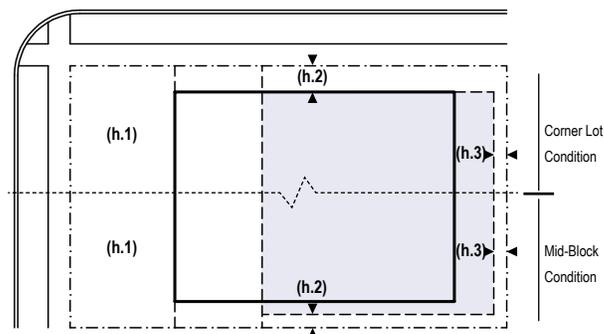
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 8.1d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1d). Side- or rear-entry garages may be allowed in the first or second Layer by Warrant.
3. Trash and recycling containers shall be stored within the third Layer.

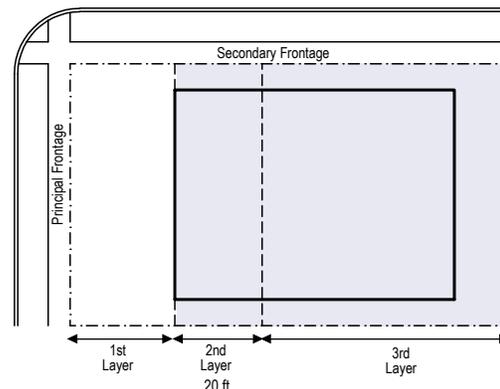
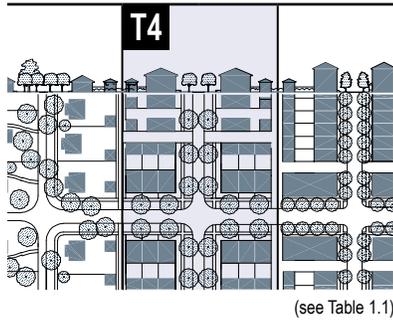
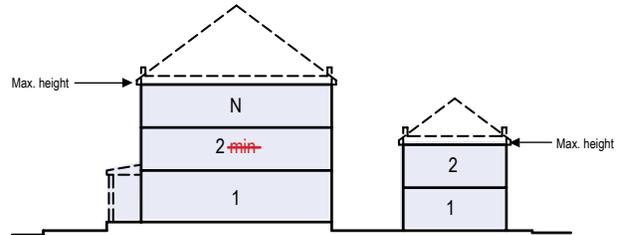


TABLE 5.9. FORM-BASED CODE GRAPHICS: DOWNTOWN - T4



BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.



I. BUILDING FUNCTION (see Table 5.4 & Table 5.7)

Residential	limited use
Lodging	limited use
Office	limited use
Retail	limited use

k. BUILDING CONFIGURATION (see Table 5.2 & 1.2k)

Principal Building	5 stories max 2-min**
Outbuilding	2 stories max

f. LOT OCCUPATION (see Table 1.2f)

Lot Width	18 ft min 120 ft max
Lot Coverage	60% max

i. BUILDING DISPOSITION (see Table 5.1)

Edgeyard	permitted
Sidyard	permitted
Rearyard	permitted
Courtyard	not permitted

g. SETBACKS - PRINCIPAL BUILDING (see Table 1.2g)

(g.1) Front Setback Principal	6 ft. min. 18 ft. max.
(g.2) Front Setback Secondary	6 ft. min. 18 ft. max
(g.3) Side Setback	0 ft. min.
(g.4) Rear Setback	3 ft. min.*
Frontage Buildout	70% min at setback

h. SETBACKS - OUTBUILDING (see Table 1.2h)

(h.1) Front Setback	20 ft. min. + bldg. setback
(h.2) Side Setback	0 ft. min. or 5 ft at corner
(h.3) Rear Setback	3 ft. min *

j. PRIVATE FRONTAGES (see Table 5.3)

Common Yard	permitted
Porch & Fence	permitted
Terrace or L.C.	not permitted
Forecourt	not permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 1.2

PARKING PROVISIONS

See Tables 5.5 & 5.6

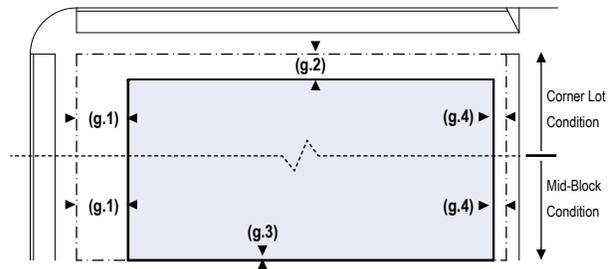
*or 15 ft. from center line of alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

** One-story or 6+ stories may be permitted by Warrant

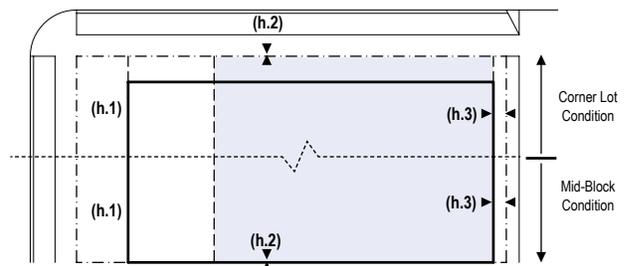
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



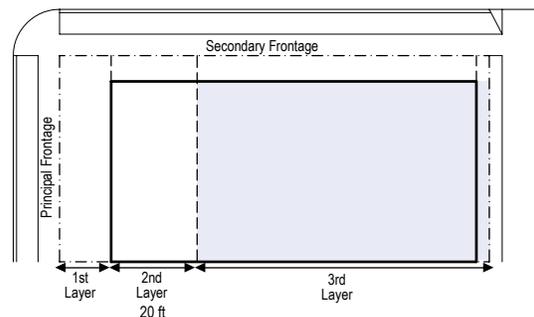
SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

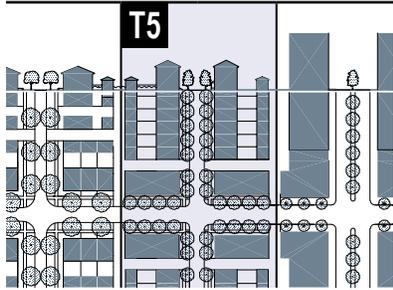
1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 8.1d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1d).
3. Trash and recycling containers shall be stored within the third Layer.



ARTICLE 5. LOT AND BUILDING REGULATIONS

San Marcos, Texas

TABLE 5.10. FORM-BASED CODE GRAPHICS: DOWNTOWN - T5



(see Table 1.1)

I. BUILDING FUNCTION (see Table 5.4 & Table 5.7)

Residential	open use
Lodging	open use
Office	open use
Retail	open use

k. BUILDING CONFIGURATION (see Tables 5.2 & 1.2k)

Principal Building	5 stories max, 2 min**
Outbuilding	2 stories max.

f. LOT OCCUPATION (see Table 1.2f)

Lot Width	18 ft min 196 ft max
Lot Coverage	100% max

i. BUILDING DISPOSITION (see Table 5.1)

Edgeyard	by Warrant
Sidyard	permitted
Rearyard	permitted
Courtyard	permitted

g. SETBACKS - PRINCIPAL BUILDING (see Table 1.2g)

(g.1) Front Setback Principal	0 ft. min. 12 ft. max.
(g.2) Front Setback Secondary	0 ft. min. 12 ft. max.
(g.3) Side Setback	0 ft. min. 24 ft. max.
(g.4) Rear Setback	3 ft. min.*
Frontage Buildout	80% min at setback

h. SETBACKS - OUTBUILDING (see Table 1.2h)

(h.1) Front Setback	40 ft. max. from rear prop.
(h.2) Side Setback	0 ft. min.
(h.3) Rear Setback	3 ft. max.*

j. PRIVATE FRONTAGES (see Table 5.3)

Common Yard	not permitted
Porch & Fence	not permitted
Terrace or L.C.	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 1.2

PARKING PROVISIONS

See Tables 5.5 & 5.6

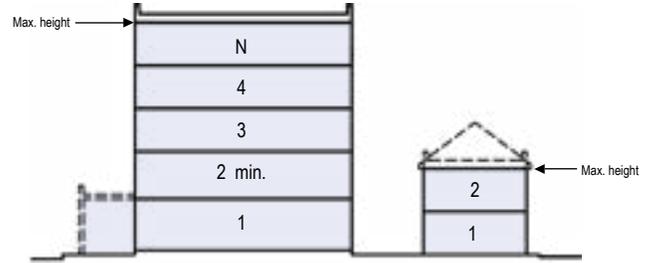
*or 15 ft. from center line of alley

"N" stands for any Stories above those shown, up to the maximum.

** Buildings within the downtown historic district are limited to a maximum building height of 3 stories. 1-story and 6+ stories permitted by Warrant for buildings located outside the downtown historic district.

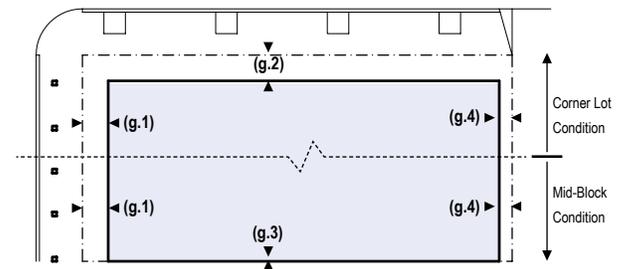
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.
4. Expression Lines shall be as shown on Table 5.2.



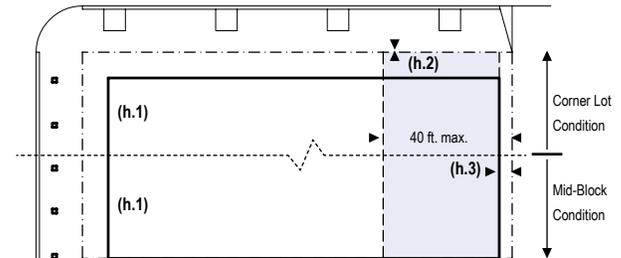
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 8.1).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1).
3. Trash containers shall be stored within the third Layer.

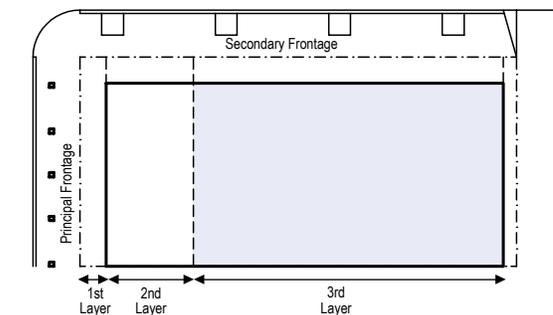
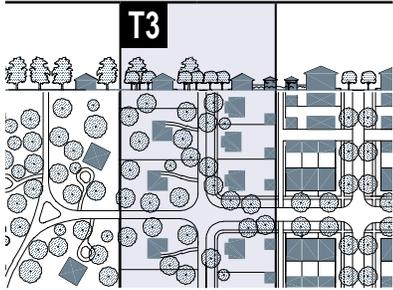


TABLE 5.11. FORM-BASED CODE GRAPHICS: NEW DEVELOPMENT - T3



(see Table 1.1)

I. BUILDING FUNCTION (see Table 5.4 & Table 5.7)

Residential	restricted use
Lodging	restricted use
Office	restricted use
Retail	restricted use

k. BUILDING CONFIGURATION (see Table 5.2 & 1.3k)

Principal Building	2 stories max.
Outbuilding	2 stories max.

f. LOT OCCUPATION (see Table 1.3f)

Lot Width	60 ft. min 120 ft. max
Lot Coverage	60% max

i. BUILDING DISPOSITION (see Table 5.1)

Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
Courtyard	not permitted

g. SETBACKS - PRINCIPAL BUILDING (see Table 1.3g)

(g.1) Front Setback Principal	24 ft. min
(g.2) Front Setback Secondary	12 ft. min.
(g.3) Side Setback	12 ft. min.
(g.4) Rear Setback	12 ft. min.
Frontage Buildout	40% min at setback

h. SETBACKS - OUTBUILDING (see Table 1.3h)

(h.1) Front Setback	20 ft. min. + bldg setback
(h.2) Side Setback	3 ft. or 6 ft at corner
(h.3) Rear Setback	3 ft. min. *

j. PRIVATE FRONTAGES (see Table 5.3)

Common Yard	permitted
Porch & Fence	permitted
Terrace or L.C.	not permitted
Forecourt	not permitted
Stoop	not permitted
Shopfront & Awning	not permitted
Gallery	not permitted

Refer to Summary Table 1.3

PARKING PROVISIONS

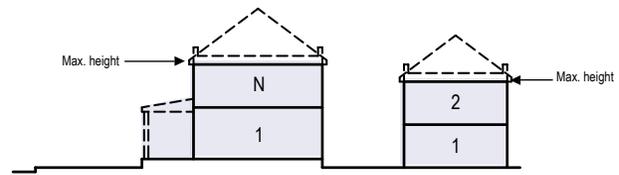
See Tables 5.5 & 5.6

*or 15 ft. from center line of rear lane or alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

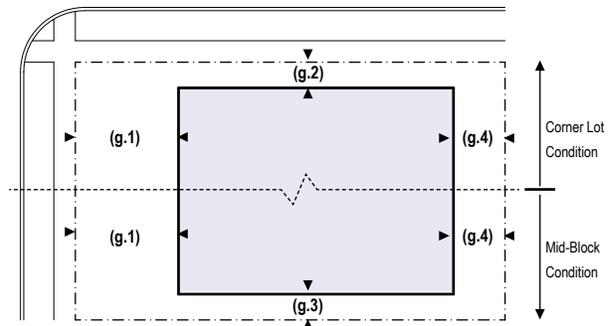
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 feet with a maximum of 25 feet.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.



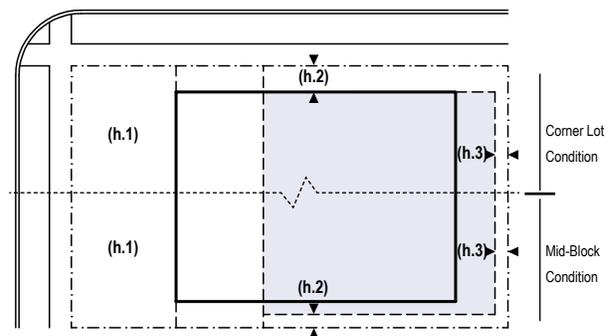
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



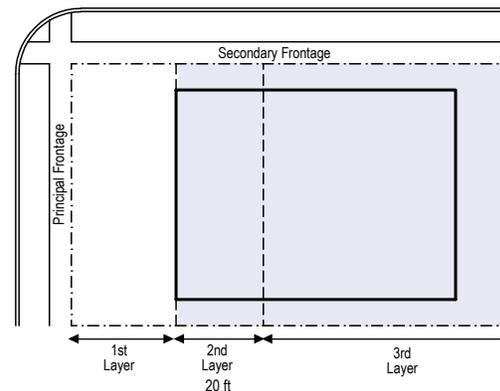
SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

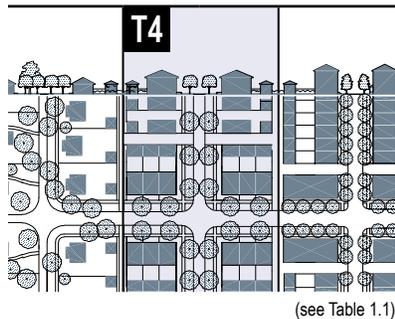
1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 8.1d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1d). Side- or rear-entry garages may be allowed in the first or second Layer by Warrant.
3. Trash and recycling containers shall be stored within the third Layer.



ARTICLE 5. LOT AND BUILDING REGULATIONS

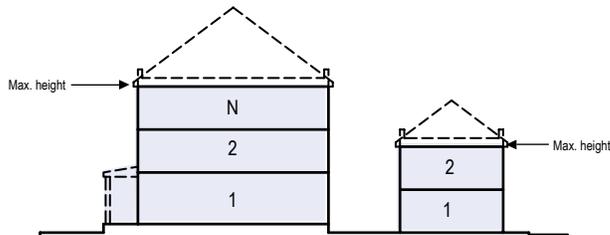
San Marcos, Texas

TABLE 5.12. FORM-BASED CODE GRAPHICS: NEW DEVELOPMENT - T4



BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.



I. BUILDING FUNCTION (see Table 5.4 & Table 5.7)

Residential	limited use
Lodging	limited use
Office	limited use
Retail	limited use

k. BUILDING CONFIGURATION (see Table 5.2 & 1.3k)

Principal Building	3 stories max.
Outbuilding	2 stories max.

f. LOT OCCUPATION (see Table 1.2f)

Lot Width	18 ft min 120 ft max
Lot Coverage	80% max

i. BUILDING DISPOSITION (see Table 5.1)

Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	not permitted

g. SETBACKS - PRINCIPAL BUILDING (see Table 1.3g)

(g.1) Front Setback Principal	6 ft. min. 18 ft. max.
(g.2) Front Setback Secondary	6 ft. min. 18 ft. max.
(g.3) Side Setback	0 ft. min. or 6 ft. min. total
(g.4) Rear Setback	3 ft. min.*
Frontage Buildout	60% min at setback

h. SETBACKS - OUTBUILDING (see Table 1.3h)

(h.1) Front Setback	20 ft. min. + bldg. setback
(h.2) Side Setback	0 ft. min. or 5 ft at corner
(h.3) Rear Setback	3 ft. min *

j. PRIVATE FRONTAGES (see Table 5.3)

Common Yard	permitted
Porch & Fence	permitted
Terrace or L.C.	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 1.3

PARKING PROVISIONS

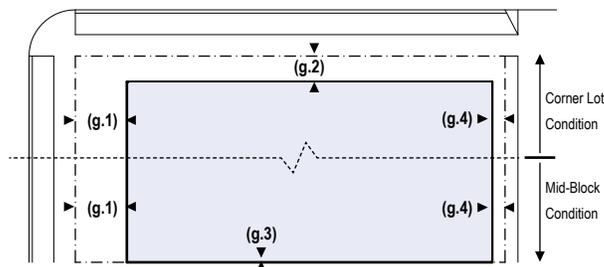
See Tables 5.5 & 5.6

*or 15 ft. from center line of alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

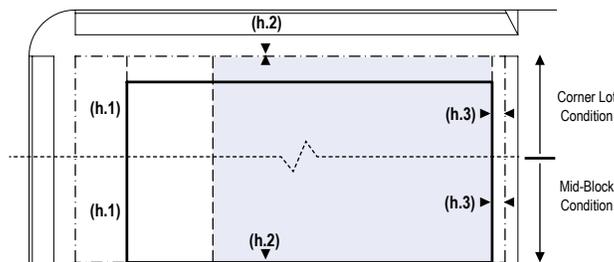
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 8.1d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1d).
3. Trash containers shall be stored within the third Layer.

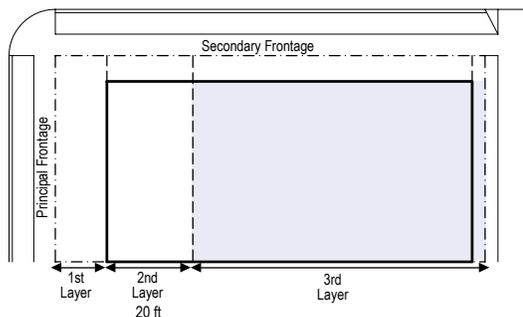
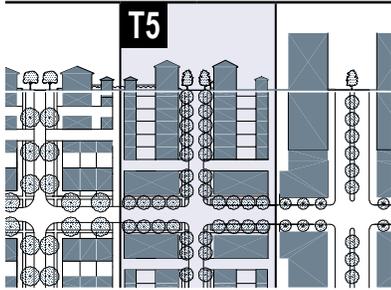


TABLE 5.13. FORM-BASED CODE GRAPHICS: NEW DEVELOPMENT - T5



(see Table 1.1)

I. BUILDING FUNCTION (see Table 5.4 & Table 5.7)

Residential	open use
Lodging	open use
Office	open use
Retail	open use

k. BUILDING CONFIGURATION (see Table 5.2 & 1.3k)

Principal Building	5 stories max, 2 min**
Outbuilding	2 stories max

f. LOT OCCUPATION (see Table 1.3f)

Lot Width	18 ft min 196 ft max
Lot Coverage	100% max

i. BUILDING DISPOSITION (see Table 5.1)

Edgeyard	by Warrant
Sidyard	permitted
Rearyard	permitted
Courtyard	permitted

g. SETBACKS - PRINCIPAL BUILDING (see Table 1.3g)

(g.1) Front Setback Principal	0 ft. min. 12 ft. max.
(g.2) Front Setback Secondary	0 ft. min. 12 ft. max.
(g.3) Side Setback	0 ft. min. 24 ft. max.
(g.4) Rear Setback	3 ft. min.*
Frontage Buildout	80% min at setback

h. SETBACKS - OUTBUILDING (see Table 1.3h)

(h.1) Front Setback	40 ft. max. from rear prop.
(h.2) Side Setback	0 ft. min.
(h.3) Rear Setback	3 ft. max.*

j. PRIVATE FRONTAGES (see Table 5.3)

Common Yard	not permitted
Porch & Fence	not permitted
Terrace or L.C.	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted

Refer to Summary Table 1.3

PARKING PROVISIONS

See Tables 5.5 & 5.6

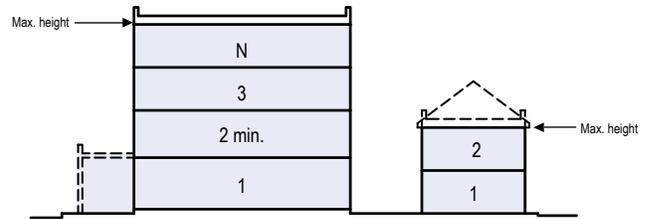
*or 15 ft. from center line of alley

**N stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

**One-story or 6+ stories permitted by Warrant.

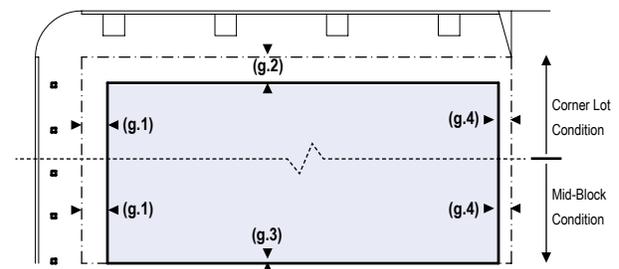
BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 25 ft.
3. Height shall be measured to the eave or roof deck as specified on Table 5.2.
4. Expression Lines shall be as shown on Table 5.2.



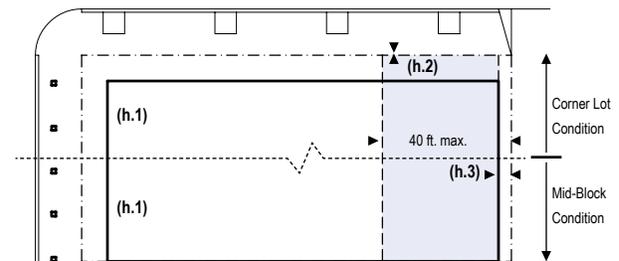
SETBACKS - PRINCIPAL BLDG

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



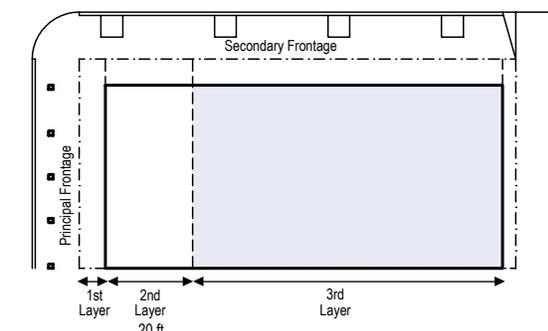
SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 8.1).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 8.1).
3. Trash containers shall be stored within the third Layer.



Introduction

The regulations in the SmartCode establish the basic requirements for building mass and scale throughout the downtown (see Design Context Map on page 5 for downtown boundary). These design guidelines supplement the SmartCode standards in the following ways:

- As advisory information for those who wish to better understand the intent of the design standards in the downtown SmartCode.
- As part of design review for the “administrative approval” process when alternatives are applied for.
- As part of design review for the “by warrant” process when alternatives are applied for.

About the Design Guidelines

The guidelines within this document focus on allowing for flexibility in design while also protecting the character of downtown and enhancing its pedestrian-friendly atmosphere. The guidelines and the review process through which they are administered seek to maintain downtown as a cohesive, livable place. Maintaining an attractive pedestrian-oriented environment is a fundamental concept. In addition, the guidelines serve as educational and planning tools for property owners and their design professionals who seek to make improvements downtown.

The design guidelines also provide a basis for making consistent decisions about the appropriateness of improvement projects requesting alternative strategies through the City’s design review process. This includes both Administrative Review by the Development Review Committee as well as Planning and Zoning ~~Board~~ **Commission and City Council** review through the Warrant process. The Design Standards in the SmartCode and the City’s adopted Building Codes have been codified to meet the intent of the Design Guidelines. Projects that meet those standards and are not requesting exceptions shall be judged to have met the Downtown Design Guidelines.



Legislation Text

File #: ID#13-172, **Version:** 1

AGENDA CAPTION:

Receive an update from staff and hold discussion regarding the Spring 2014 Preferred Scenario Amendment process for consideration and hear details on each of the two (2) applications received:

PSA-14-01 Campus Village Communities - approximately 5.38 acres between Sessom Drive, Orchard Street, Academy Street and Comanche Street - Medium Intensity

PSA-14-02 Doucet & Associates - approximately 216.5 acres located along the east side of IH 35, north of the Blanco River - Medium Intensity

Meeting date: March 25, 2014

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL: Big Picture Infrastructure

BACKGROUND: The process for review of these applications includes updates to the Neighborhood Commission, CONA, Planning & Zoning Commission and Council followed by public hearings and action by P&Z and Council.

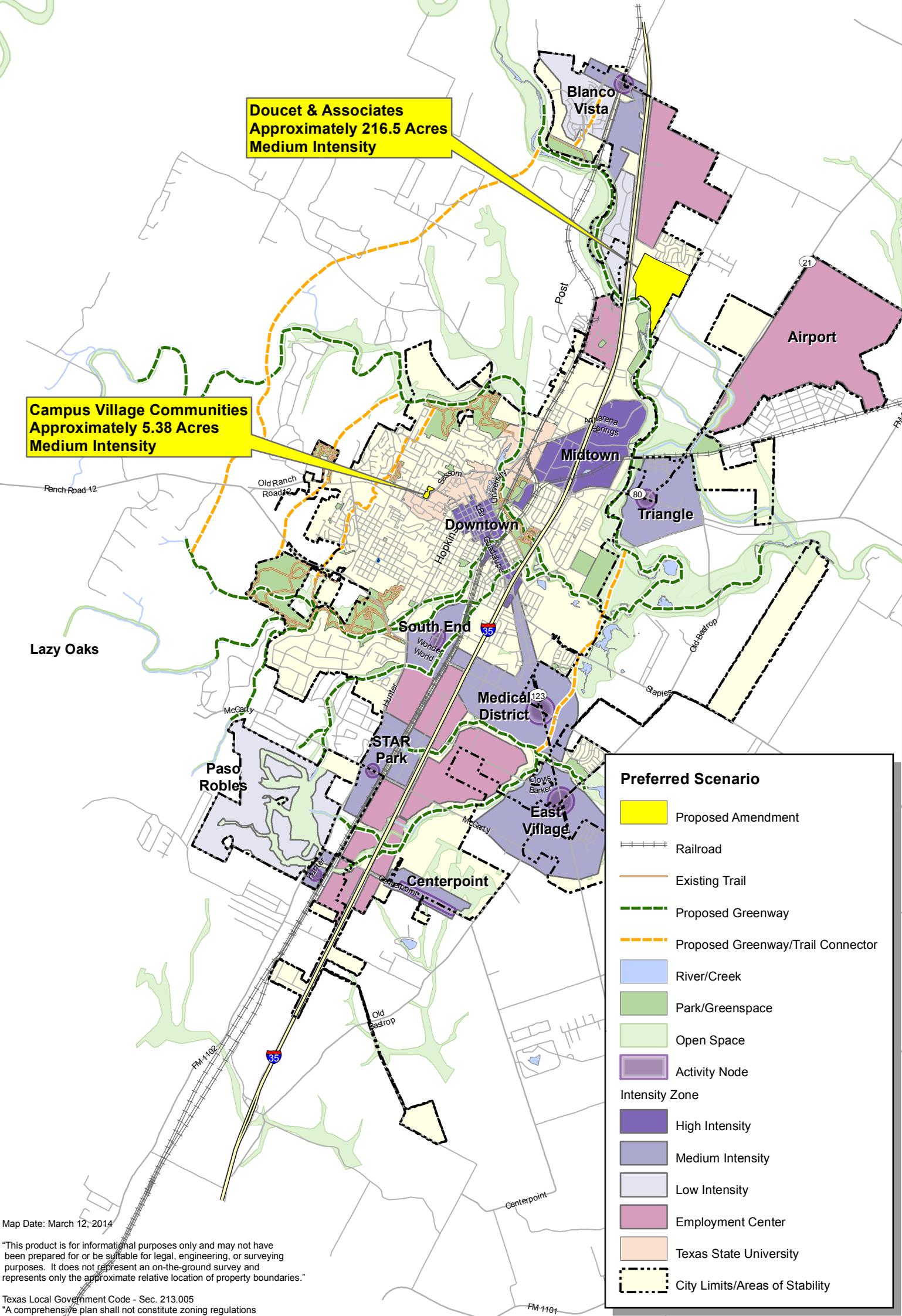
Two (2) applications were received for the Spring 2014 Preferred Scenario Amendment (PSA) Deadline:

PSA-14-01 Campus Village Communities - approximately 5.38 acres between Sessom Drive, Orchard Street, Academy Street and Comanche Street - Medium Intensity

PSA-14-02 Doucet & Associates - approximately 216.5 acres located along the east side of IH 35, north of the Blanco River - Medium Intensity



Preferred Scenario Amendment



Preferred Scenario

- Proposed Amendment
- Railroad
- Existing Trail
- Proposed Greenway
- Proposed Greenway/Trail Connector
- River/Creek
- Park/Greenspace
- Open Space
- Activity Node

Intensity Zone

- High Intensity
- Medium Intensity
- Low Intensity
- Employment Center
- Texas State University
- City Limits/Areas of Stability

Map Date: March 12, 2014

"This product is for informational purposes only 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."

Texas Local Government Code - Sec. 213.005
"A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries."

Preferred Scenario Amendments Request Summary Spring 2014



Summary:

Two (2) applications were received for the Spring 2014 Preferred Scenario Amendment (PSA) Deadline.

(Applicant – area & location – requested intensity)

- 1) Campus Village Communities – approximately 5.38 acres between Sessom Drive, Orchard Street, Academy Street and Comanche Street – Medium Intensity
 - 2) Doucet & Associates – approximately 216.5 acres located along the east side of IH 35, north of the Blanco River – Medium Intensity
-

Process:

Application Deadline:	February 24, 2014
Courtesy Notice:	March 7, 2014
CONA Discussion	March 17, 2017
Update to P&Z:	March 25, 2014
Neighborhood Commission Discussion:	March 26, 2014
Public Hearing Notice for P&Z:	March 28, 2014
Update to Council:	April 1, 2014
Action by P&Z:	April 8, 2014
Public Hearing Notice for Council:	April 20, 2014*
Action by Council:	May 6, 2014*
Reconsideration by Council:	May 20, 2014*
Application window for Zoning or PDD request:	May 7 – 9, 2014*

*subject to change based on previous action

Project 1: (Campus Crest)

Campus Village Communities is requesting a change from an Area of Stability to a Medium Intensity Zone for approximately 5.38 acres located between Sessom Drive, Orchard Street, Academy Street and Comanche Street. The property consists of approximately 5.02 acres out of the McNaughton Subdivisions and 0.36 acres out of the Thomas J. Chambers Survey.

The applicant states that the change will allow for the development of a mixed use retail / multi-family project.

Project 2: (Whisper Texas)

Doucet & Associates is requesting a change from an Area of Stability / Open space to a Medium Intensity Zone for approximately 216.5 acres located along the east side of IH 35 north of the Blanco River. The property consists 216.5 acres out of the LM Veramendi League Survey No. 2

The applicant indicates that the Whisper Texas project will include a mixture of residential and commercial uses, including the following specific uses: Community Commercial, Neighborhood Commercial, Office, Single Family Residential, Duplex Residential, Multi-Family Residential, Golf Course, Trails, Open Space, Water Quality Areas.

PSA-14-01(CAMPUS CREST) Preferred Scenario Amendment Review
(By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (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 st Century Workforce	Provides / Encourages educational opportunities	X		
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business	X		
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity	X		

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

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

ENVIRONMENT & RESOURCE PROTECTION –

Located in Subwatershed:	Sessom Creek				
		0-25%	25-50%	50-75%	75-100%
Modeled Impervious Cover Increase Anticipated for watershed	X				
Notes: No additional impervious cover was anticipated, or modeled in this subwatershed, the Plan recommends implementing BMPs for any development that may occur in order to protect the water quality of Sessom Creek. The subwatershed was highlighted as being important to protect due to its proximity to the headwaters of the San Marcos River, the home of several endangered species.					

NEIGHBORHOODS – Where is the property located

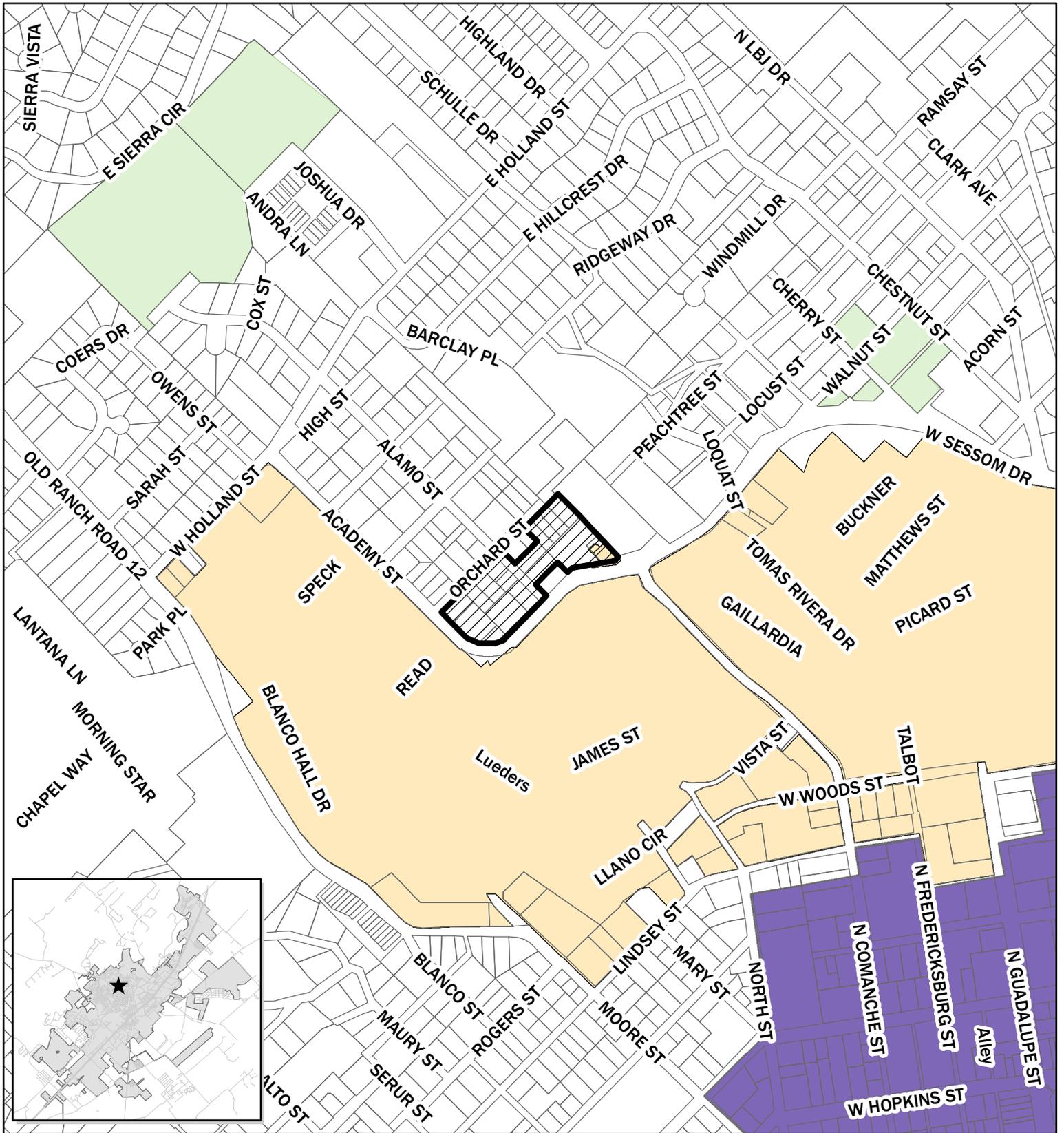
CONA Neighborhood(s):	Holland Hills
Neighborhood Commission Area(s):	Sector 3
Neighborhood Character Study Area(s):	Not applicable at this time.

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

		YES	NO
Will Parks and / or Open Space be Provided? Dedication or Fee in Lieu with plat			
Will Trails and / or Green Space Connections be Provided?		X	
	Low (maintenance)	Medium	High (maintenance)
Wastewater Hotspot	X		
Water Hotspot	X	X	
Public Facility Availability			
		YES	NO
Parks / Open Space within ¼ mile (walking distance)?			X
Wastewater service available?		X*	
Water service available?		X	

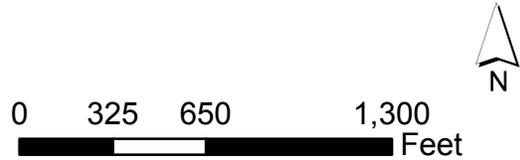
TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

		A	B	C	D	F
Existing Daily LOS	ROADWAY 1: Sessom Drive Academy Street	X X				
Existing Peak LOS	ROADWAY 1: Sessom Drive Academy Street	X	X			
Preferred Scenario Daily LOS	ROADWAY 1: Sessom Drive Academy Street	X X				
Preferred Scenario Peak LOS	ROADWAY 1: Sessom Drive Academy Street	X			X	
			N/A	Good	Fair	Poor
Sidewalk Availability			X	X		
		YES		NO		
Adjacent to existing bicycle lane?				X		
Adjacent to existing public transportation route?				X		
Notes: Sessom Drive is listed as a Major Arterial and Academy Street as a Minor Arterial on the Thoroughfare Plan.						



Preferred Scenario

- Activity Node
- High Intensity
- Medium Intensity
- Low Intensity
- Open Space
- Employment Center
- Texas State University
- Site



● **PSA-14-01** ●
Campus Crest
Map Date: 3/11/2014

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Land Development Code Zoning Classifications :: Vision San Marcos Comprehensive Plan Intensity Zone / Development Pairs

TRANSLATION TABLE

**Campus Crest
Current Condition**

Requested Change

Zoning Abbreviation	Intensity Zone / Development Pairs										
	LS-PC	LS-RI	LS-ND	M-PC	M-RI	M-ND	H-PC	H-RI	H-ND	EC	OA*
FD	✓	✓	✓								✓
AR	✓		✓								✓
SF-R	✓	✓	✓								
SF-11	✓	✓	✓								
SF-6	✓	✓	✓	✓	✓	✓					
SF-4.5		✓	✓	✓	✓	✓	✓	✓	✓		
D		✓	✓	✓	✓	✓					
DR		✓	✓	✓	✓	✓	✓	✓	✓		
TH		✓	✓	✓	✓	✓	✓	✓	✓		
PH-ZL		✓	✓	✓	✓	✓	✓	✓	✓		
MF-12		✓	✓	✓	✓	✓	✓	✓	✓		
MF-18				✓	✓	✓	✓	✓	✓		
MF-24				✓	✓	✓	✓	✓	✓		
MR	✓	✓	✓								
MH		✓	✓	✓	✓	✓					
MU		✓	✓	✓	✓	✓	✓	✓	✓		
VMU				✓	✓	✓	✓	✓	✓	✓	
P	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
OP				✓	✓	✓	✓	✓	✓	✓	
NC		✓	✓	✓	✓	✓	✓	✓	✓		
CC					✓	✓	✓	✓	✓		
GC					✓	✓	✓	✓	✓	✓	
HC					✓	✓	✓	✓	✓	✓	
CBA							✓	✓	✓		
SC			✓	✓	✓	✓	✓	✓	✓	✓	
LI									✓	✓	
HI										✓	
PDD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

*OA is generally intended where shown on the Preferred Scenario Map

LS - Low Intensity and Areas of Stability
M - Medium Intensity
H - High Intensity

PC - Neighborhood Area Protection /Conservation
RI - Redevelopment / Infill
ND - New Development

EC - Employment Center
OA - Open Space / Agricultural

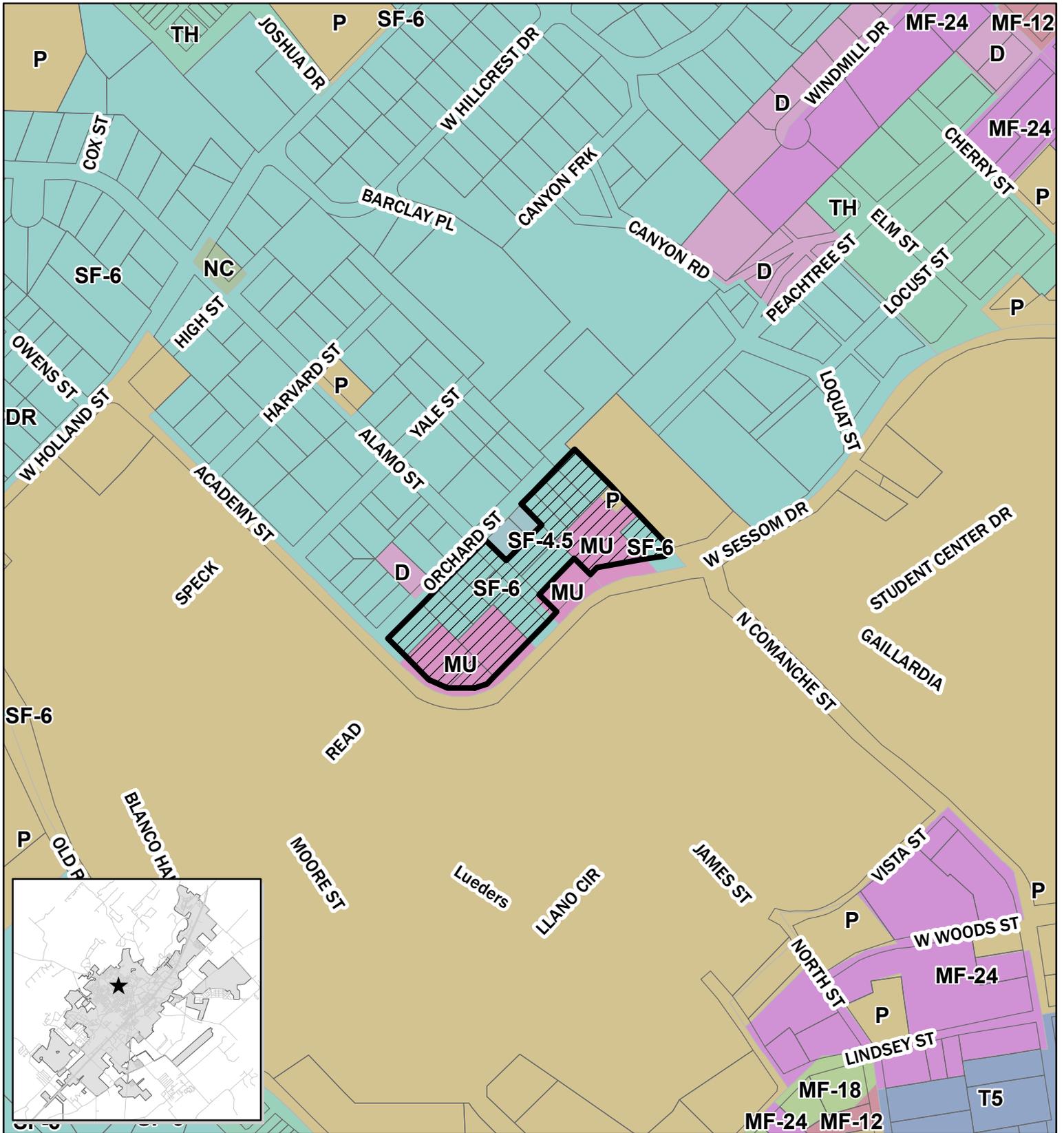


Aerial



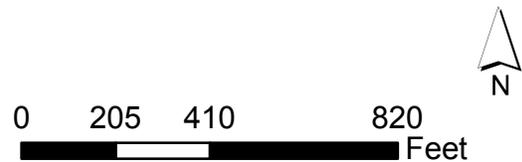
● **PSA-14-01** ●
Campus Crest
Map Date: 3/11/2014

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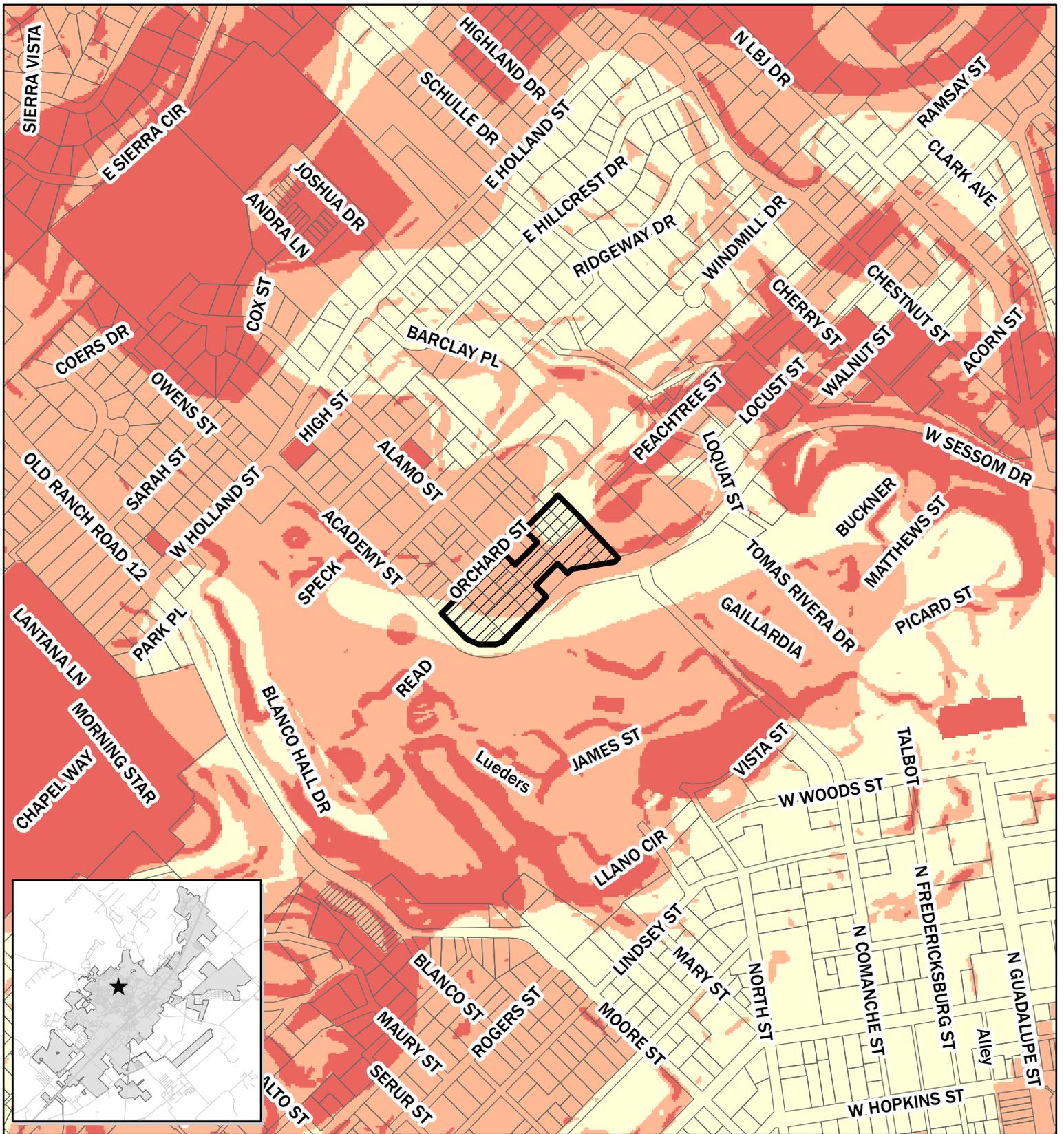


Existing Zoning

- | | |
|--|---|
|  Duplex Residential (D) |  Public and Institutional (P) |
|  Mixed Use (MU) |  Single Family (SF-4.5) |
|  Multiple Family Residential (MF-12) |  Single Family (SF-6) |
|  Multiple Family Residential (MF-18) |  Townhouse Residential (T) |
|  Multiple Family Residential (MF-24) |  T-5 Urban Center |
|  Neighborhood Commercial (NC) |  Site |



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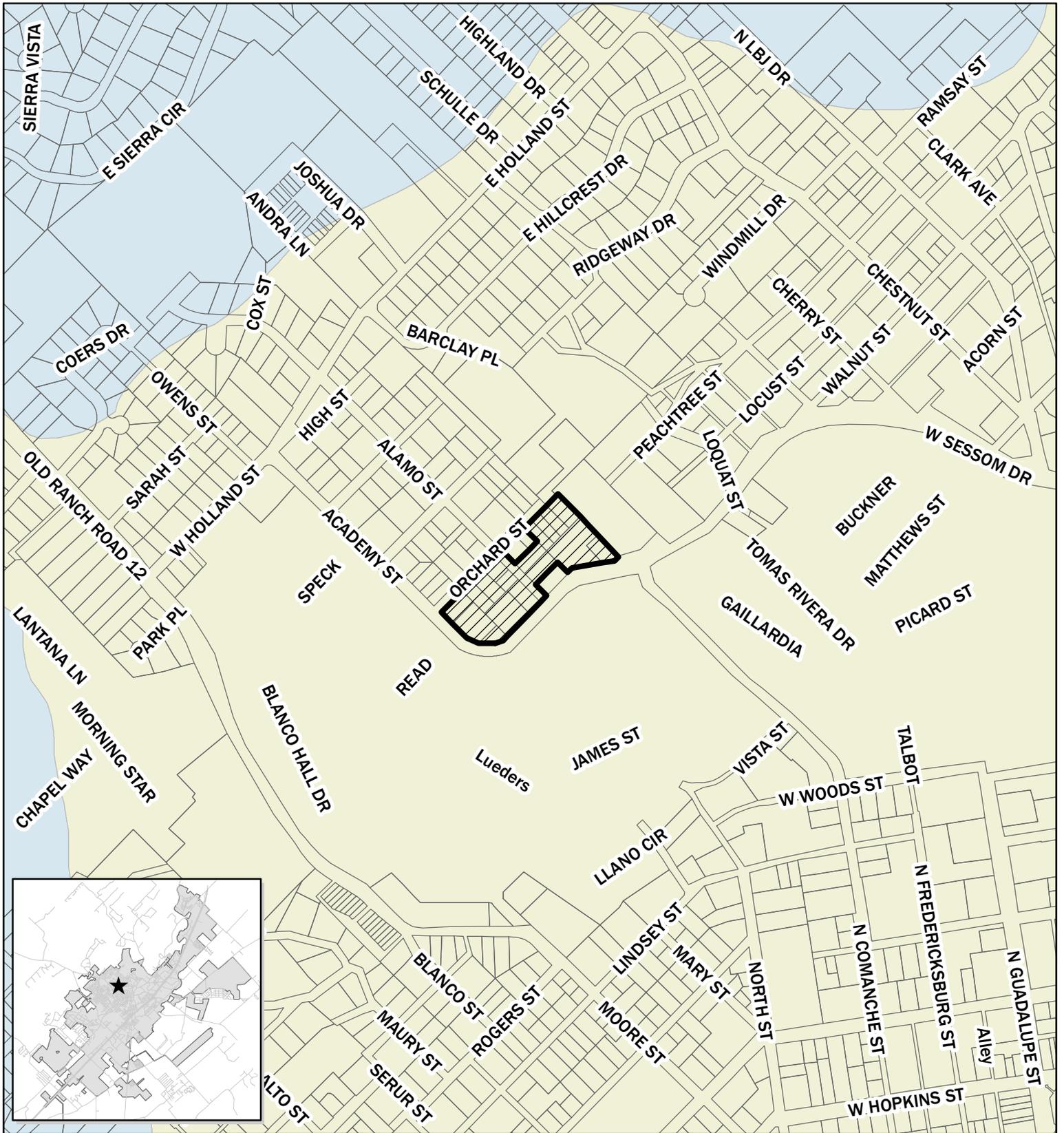
Land Use Suitability

- 1- Least Constrained
- 2
- 3 - Moderately Constrained
- 4
- 5 - Most Constrained
- Site



PSA-14-01
Campus Crest
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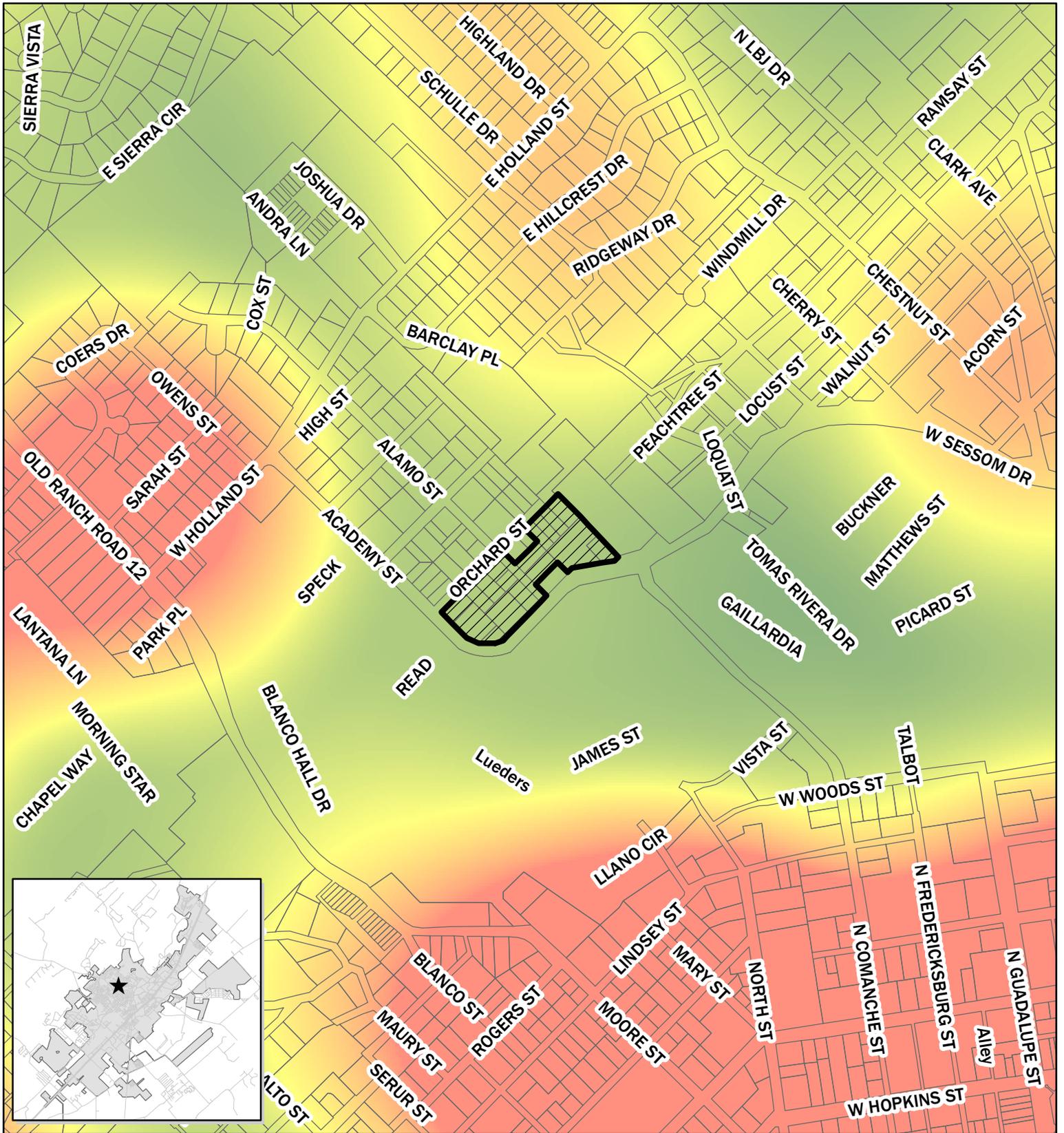
Environmental Features

-  Site
-  100 Year Floodplain
-  Edwards Aquifer Contributing Zone (in Transition)
-  Edwards Aquifer Transition Zone



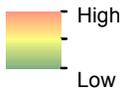
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Wastewater Hot Spots

Wastewater Work Order Density

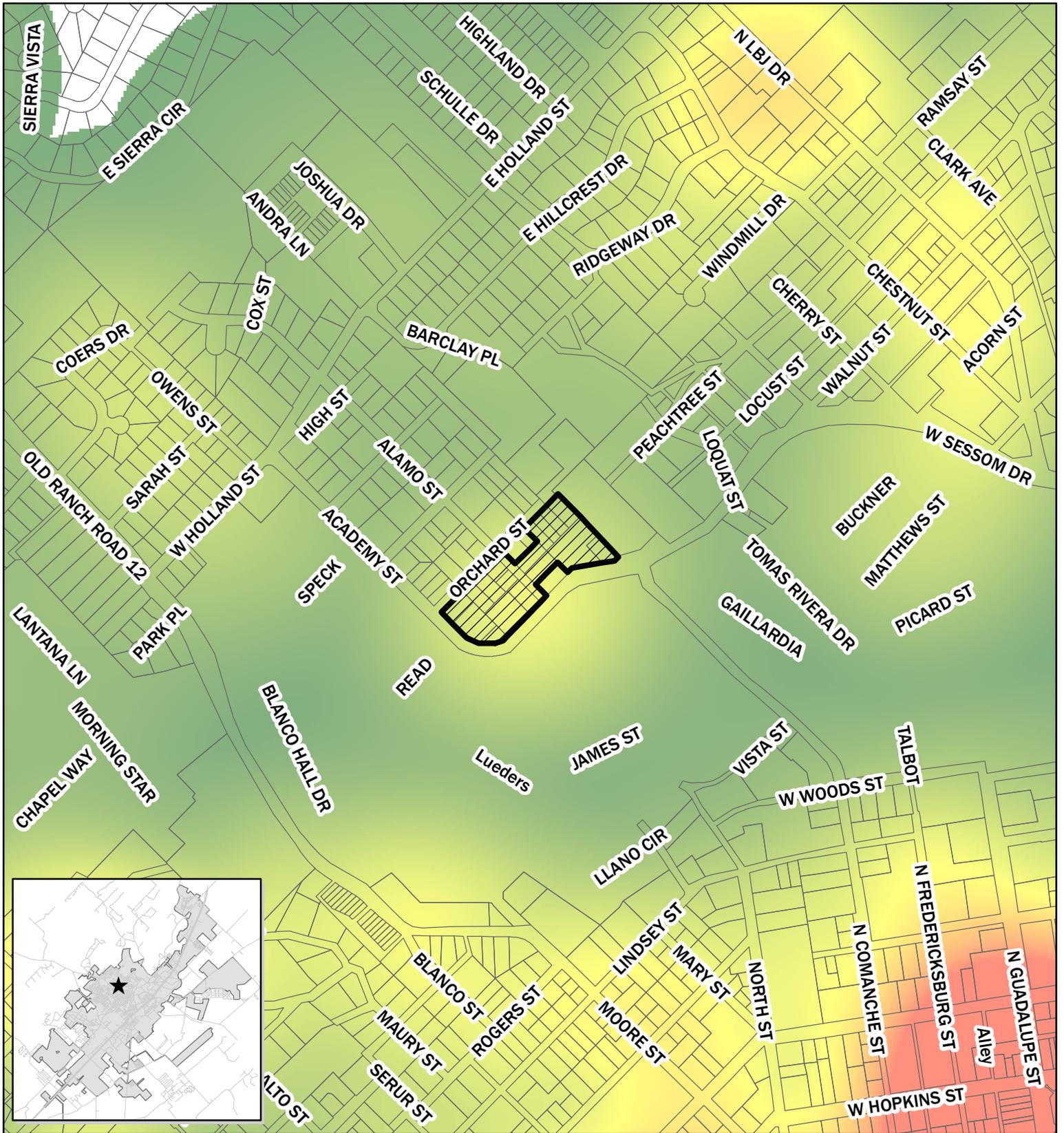


Site



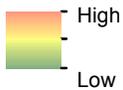
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Campus Crest
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Water Hot Spots

Water Work Order Density

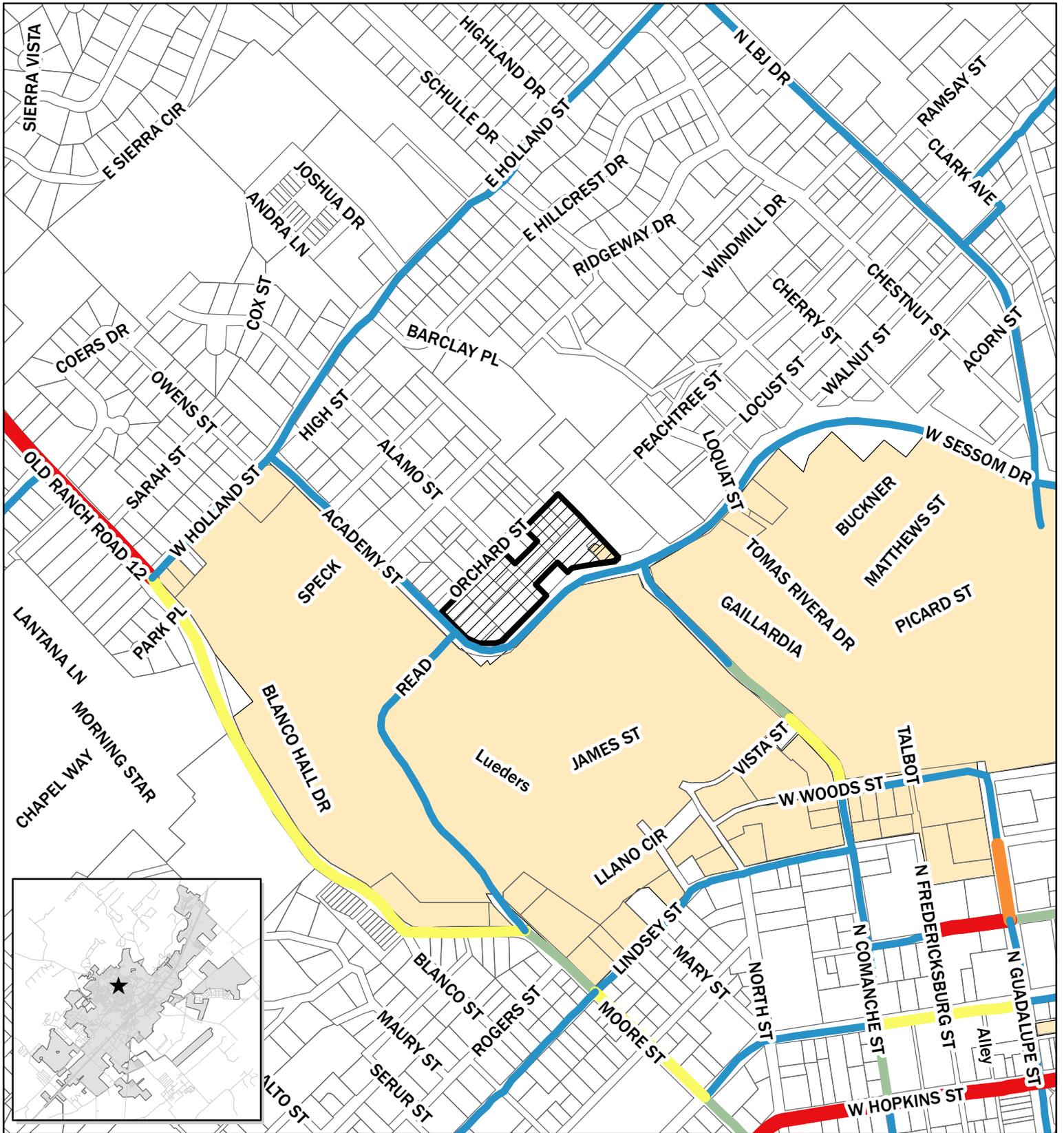


Site



PSA-14-01
Campus Crest
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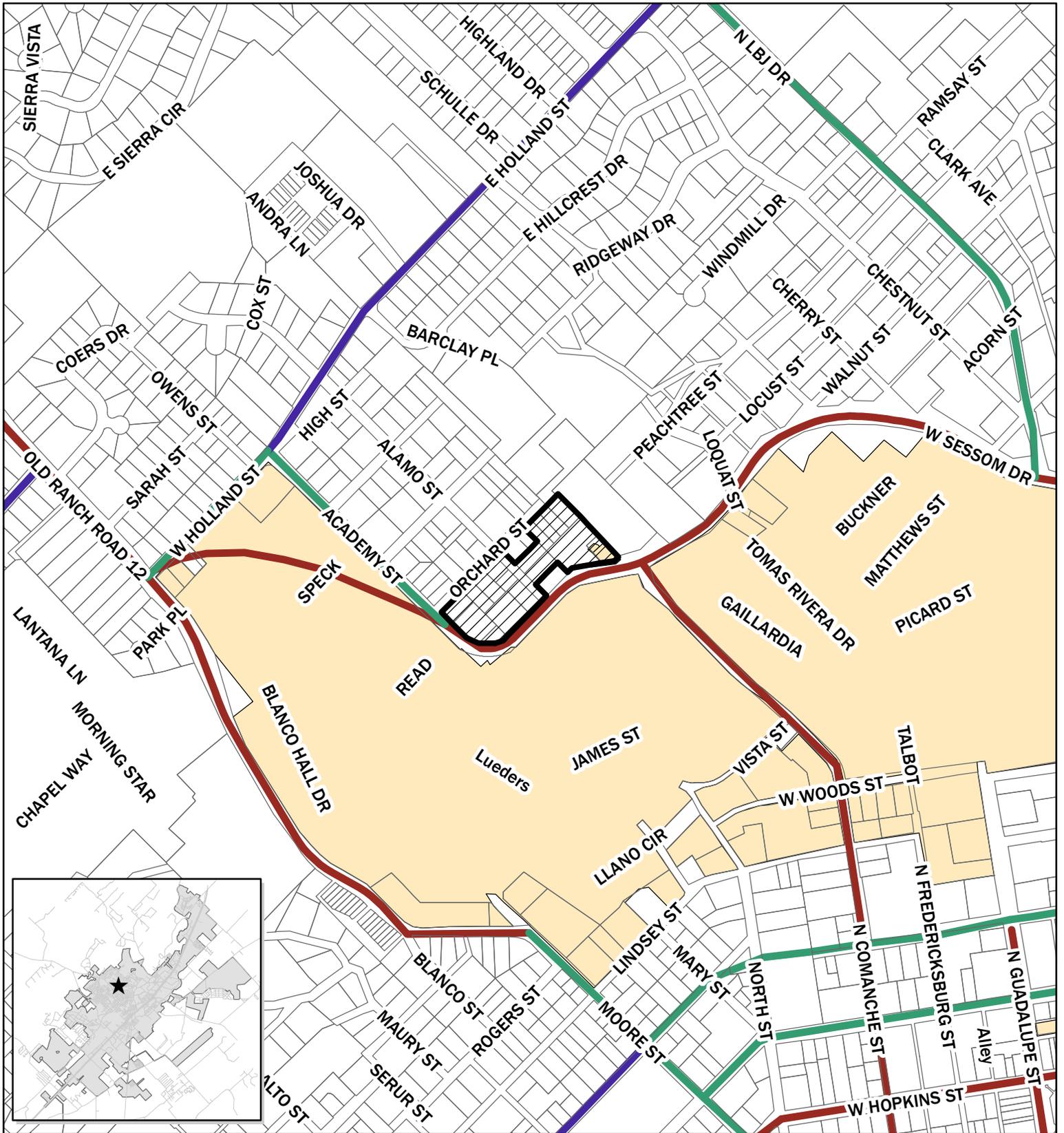
Travel Demand Model - Existing Conditions

- LOS A
- LOS B
- LOS C
- LOS D
- LOS F
- Texas State University
- Site



**PSA-14-01
Campus Crest
Map Date: 3/11/2014**

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Thoroughfare Plan

- Collector
- Minor Arterial
- Major Arterial
- Freeway
- Texas State University
- Site



**PSA-14-01
Campus Crest
Map Date: 3/11/2014**

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PLANNING & DEVELOPMENT SERVICES

3/7/2014

PSA-14-01

Courtesy Notice Preferred Scenario Amendment Approximately 5.38 acres between Sessom, Orchard, Academy and Comanche

Campus Village Communities has requested a **Preferred Scenario Amendment** to allow a **Medium Intensity Zone** for an approximately 5.02 acres out of the McNaughton Subdivisions and 0.36 acres out of the Thomas J. Chambers Survey. The property is located between Sessom Drive, Orchard Street, Academy Street and Comanche Street.

The City of San Marcos Planning Staff is inviting the applicant, developer, engineer, etc. and all interested parties to the **Neighborhood Commission Meeting** to hear an update on this and all other Preferred Scenario requests. The Neighborhood Commission will meet on **Wednesday March 26, 2014** in the **City Hall Conference Room (630 East Hopkins)** at **6:00 pm**. Please take advantage of this opportunity to gather more information on the future plans for this property.

If you cannot attend but wish to inquire on this request you may contact Planning & Development Services Staff:
(please reference case number PSA-14-01)

planning_info@sanmarcostx.gov
512-393-8230

The San Marcos Planning and Zoning Commission will be advised of this and all other Preferred Scenario requests at their regular meeting on March 25th and is scheduled to take action on April 8th during a public hearing. The City Council will be advised of this request at their regular meeting on April 1st and is scheduled to take action on May 6th during a public hearing.

Please be advised that this is not a notification of public hearing. Property owners located within 200 feet of the subject property will receive further notification of the public hearing(s). This courtesy notice has been prepared to alert stakeholders of changes being requested at this location and to allow a dialogue regarding the project to occur outside of the setting of a public hearing. Planning staff hopes to answer any questions and hear and address comments and concerns prior to making its recommendation. A summary of the dialogue during this outreach process, if applicable, will be presented by staff at the public hearings

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

PLANNING & DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

OWNERNAME	ADDRESS1	ADDRESS2	CITY	STATE
TEXAS STATE UNIVERSITY-SAN MARCOS	% VP FOR FINANCE AND SUPPORT SERVICES	601 UNIVERSITY DR JCK 920	SAN MARCOS	TX
BOYLE PATRICK & MATTHEW	106 LEHMANN ST		BOERNE	TX
STRAHL STEPHEN C & ANN W	106 MANOR PARK RD		SAN MARCOS	TX
MONTALBANO, ANTHONY C	1111 ALAMO ST		SAN MARCOS	TX
RRTL PARTNERSHIP LTD	134 E SIERRA CIR		SAN MARCOS	TX
KEITH JILL ANN	200 ORCHARD ST		SAN MARCOS	TX
BAZAN STEVE & LINDA RUTH	220 ORCHARD ST		SAN MARCOS	TX
PEREZ, MARTINA C	2200 E MCCARTY LN		SAN MARCOS	TX
BLACKBURN KERRY S & STENNETT CORI D	306 ORCHARD ST		SAN MARCOS	TX
GILLIAM, HARDY L	308 OAK RIDGE DR		SAN MARCOS	TX
LYON EDWIN & GLADYS MARITAL TRUST SHARE 2	402 REIMER AVE		SAN MARCOS	TX
SCHEIB, BUCK T	503 LOQUAT		SAN MARCOS	TX
OSBORNE, MADELYN J	7900 MARBLE RIDGE DR		AUSTIN	TX
EMMONS AMANDA & MORGAN &	EMMONS JAY & CRYSTAL	1022 ALAMO ST	SAN MARCOS	TX
HORNE, F R & L M LIVING TRUST	HORNE FRANCIS R & LINDA M TRUSTEES	204 OAKRIDGE DR	SAN MARCOS	TX
FRAZELL, RICHARD	P O BOX 1504		SAN MARCOS	TX
ICON PROPERTIES LTD	P O BOX 867		VENICE	CA
Current Property Owner	204 Orchard St		SAN MARCOS	TX
Current Property Owner	212 ORCHARD ST		SAN MARCOS	TX
Current Property Owner	208 Orchard St		SAN MARCOS	TX
CONA Rep Kenneth Dees	1412 Alamo St		San Marcos	TX
CONA Rep Diann McCabe	1315 Alamo St		San Marcos	TX
Neighborhood Commissioner Edwin Kuny	212 Sierra Ridge Dr.		San Marcos	TX

Hernandez, Amanda

From: Foreman, John
Sent: Saturday, March 01, 2014 4:05 PM
To: Hernandez, Amanda
Subject: Fwd: Proposals for Alamo

Sent from my iPhone

Begin forwarded message:

From: Yvonne Eixmann <yeixmann@gmail.com>
Date: March 1, 2014 at 3:12:26 PM CST
To: "Lewis, Matthew" <MLewis@sanmarcostx.gov>, "Stark, Kristy" <KStark@sanmarcostx.gov>, "Foreman, John" <JForeman@sanmarcostx.gov>
Subject: Proposals for Alamo

Kenneth Dees had shared some of the development plans for Alamo Street with some of us, and asked that I forward my response to you. We live at 1402 Alamo and very much appreciate having mostly foot traffic down our part of the street as well as Schulle Canyon! I hope the city will focus on the dangerous situation already at Alamo and Sessom and not encourage even more dense development on our street. Thank you.

Yvonne Eixmann

My comments:

What I don't "get" is why it seems the developers always come in with high rises....\$\$\$\$ I'm sure....but I've walked to my McCoy office on campus via Alamo quite a few times, and it is scary/dangerous as heck to try to get across Sessom (even in a car!) where so many students cross on a daily basis. The University really does not have access at that point...you have jump over the wall and down to the sidewalk or just walk on the path in the grass. I've asked for an access point, but to no avail. Most of the time the solution you hear is that people should walk down to the light at Comanche...it's NOT gonna happen!

I agree that replacing some of the homes down at that end would be nice...I've even tried to get Bobcat Build to help with that tiny unpainted shack on the right, but it may be beyond help. Personally, I think some two story townhomes more like those craftsman style on North LBJ (although that complex is too huge!) would look really nice and perhaps not create so much additional traffic. Anything that's a business would create additional issues, of course. I would even like to see the abandoned taco place not be commercial. Safety should be a major consideration in all of this, and obviously Casey and other developers are not considering that at all.

March 16, 2014

Dear City Staff Members,

Regarding the proposed large student apartment building at the end of Alamo St, intersecting with Sessoms Dr., I understand that this property is already zoned Mixed Use. The proposed change to Medium Density and possibly to Vertical Mixed Use is, on the one hand, logical, due to the close proximity to the University, assuming students and possibly faculty would live there and walk to school.

However, we have concerns:

- How will the increase in traffic (of some 600 drivers) be managed on a dangerous curve packed with already overburdened traffic?
- Will the established homeowners on Alamo St. and the intersecting streets from Orchard to Holland St. have to anticipate additional large student apartment buildings in the neighborhood?
- Established families near the proposed development will, understandably, hope to change their zoning in hopes of selling their property at a higher price. Is such a practice going to be the norm for our neighborhood—and for many areas in San Marcos?
- What will determine the boundary between Vertical Mixed Use (or Medium Density) and Single Family homes?
- Should we expect further such “development” in this neighborhood?

Why we love it here:

We have lived in our house for 25 years, having bought it from the original owner, Irene Holland. Our two sons have grown up on Alamo St. and our granddaughter is getting to know it. We just made significant improvements to the exterior of our home and spend much of our free time working in our (wild) yard. We have helped prepare the Alamo St. Neighborhood Garden and delight in seeing it bloom on a daily basis. We love having the freedom of walking to our work at the University. Families have bought houses in the neighborhood in the past few years and have made lovely homes. The great sidewalks down Alamo and Holland St. provide for diverse pedestrian traffic including walkers for exercise, joggers, dog walkers, skate boarders, bicyclists, students and faculty like us getting to the University and back. There is a wonderful charm in this neighborhood, especially with the connection to the green space where Alamo St. dead-ends.

This could really change.

Thank you for your attention to this matter.

Sincerely, Terry and Diann McCabe, 1315 Alamo St., 512.644.5904 (Diann)

Hernandez, Amanda

From: Paul Murray <paulcmurray333@gmail.com>
Sent: Monday, March 17, 2014 9:22 AM
To: Hernandez, Amanda
Subject: Preferred Scenario Map Amendment

Dear Ms. Hernandez,

On February 20, I met with Ed Theriot and his client Greg Schaefer, Executive Vice President of Business Development for Campus Village Communities, of Rochester, Michigan. Mr. Theriot had called me and requested a meeting to discuss Campus Village Communities development plans for Alamo Street. I invited Dr. Jim Garber and Tom Wassenich to help represent the neighborhood perspectives on redevelopment in that area.

Mr. Schaefer explained that his firm wished to amend the Preferred Scenario Map to Medium Intensity in order to allow for Vertical Mixed Use zoning. VMU would permit their plans to build a multi-story complex of mixed retail and housing. According to Mr. Schaefer, the complex would include 500 to 600 beds and 5,000 square feet of retail, a concrete parking garage located in the center of the complex, and an "entrepreneurial hub." The plan would be to rent by the bedroom, with the number of one bedroom units bringing the average bedroom per unit down to around 2.5. Mr. Theriot suggested that this housing would attract professionals. The building height would be four stories on Sessom Drive, "tapering" to three stories on Orchard Street. The plans were not final, and were only preliminary.

Mr. Theriot and Mr. Schaefer deserve credit for sitting down and talking with residents, as we have urged other developers to do. There is nothing I know of requiring them do so, and it is early enough in the life of the project that there is a chance for changes to be made to benefit everyone. We enjoyed a civil conversation, and both Mr. Theriot and Mr. Schaefer appeared receptive to ideas, though there was no agreement.

The building site is just south and west of the intersection of Sessom Dr. and Comanche St. You must recall that we have been through a difficult process including fruitless meetings with the developer of the property just north and east of the same intersection. The same difficulties regarding traffic, infrastructure and impact on surrounding neighborhoods exist for both locations. I hope that there is no need to go through these arguments again at each level of the rezoning process.

The irony is that this area needs redevelopment. It would be hard to say that the dominant current landowner has been a good steward of the land for San Marcos. It would be an improvement to the neighborhood to see appropriate redevelopment. The current density and zoning classifications allow for many uses within the current Master Plan. There are profitable uses for this land that do not include this intense and high density proposal. We offered a list of many such uses to Mr. Schaefer and Mr. Theriot and they asked for and received copies.

Our list was compiled assuming the current Preferred Scenario Map classification of Low Intensity/Area of Stability remains. Much of the property is already zoned as Mixed Use. Using the less restrictive Low Intensity and Area of Stability Redevelopment Infill, possible residential uses on the lots zoned MU would be:

- Townhomes
- B&B
- Loft apartments

Possible business uses would be:

- Various office uses such as bank, medical or professional offices
- Copy shop/ private post office
- Retail less than 10,000 sq ft
- Convenience Store - no gas
- Restaurant/Caterer, Coffeehouse

- Pharmacy
- Medical/Emergency Care Clinic
- Health Club

These are not all the permitted uses. There are other conditional uses requiring approval by the Planning and Zoning Commission. You know better than I the various uses that this property could be put to that would benefit to the neighborhoods, university students and our city.

The neighbors that I have spoken to would all like to see residential, retail and professional redevelopment at the location, appropriate in scale to the current neighborhood.

I urge you to recommend denial of this application, and to work with the landowners to seek redevelopment options that are within the current preferred Scenario Map and Comprehensive Master Plan.

Respectfully,

Paul Murray

Neighborhood Rep, Sessom Creek Neighborhood Association

March 17, 2014

City of San Marcos - Planning Dept

RE: Proposal request for zone change land / Sessom Dr and Alamo St area

This just keeps the same question of what lines are established by City and very soon amend these lines. It seems like all your, council, and P&Z time is spent change, change, change what you just have created and passed.

I ask you - Where do we draw the line?

I know what is in the area you are looking at may rate to be as suitable as what you propose but what would be next?

Some people next to this property have just established single family type living homes. What does this say to them?

Thank you,

Ted Breihan
111 W. Hillcrest
San Marcos, TX 78666
Ph: (512)396-3615

cc: Sessom Creek Neighbors

Hernandez, Amanda

From: robert.william.fischer@gmail.com on behalf of Bob Fischer <fischer@txstate.edu>
Sent: Tuesday, March 18, 2014 10:12 AM
To: Hernandez, Amanda
Subject: Campus Crest

Dear Ms Hernandez,

I am writing to express my concern about the "Campus Crest" zoning change request. I am one of the few new faculty members who has chosen to buy a home in San Marcos. (The vast majority of new faculty move to Austin. I know because I ask them whenever I meet them - and I've met many.) One reason why faculty move to Austin is that there are very few homes in family neighborhoods that are near campus. For our family, my being able to walk to work outweighed the benefits of living a big city. It's allowed us to have one car, and the money we've saved has allowed my wife to stay home with our son. But we wouldn't have bought a home here if all our neighbors would be students.

If this request is approved, here's what will happen. New apartments will go in. Then, the city will stop enforcing occupancy violations on nearby streets. Then, once those streets are mostly students anyway, there will be another zoning change request. Please stop this process from getting started.

Sincerely,

Dr. Robert William Fischer
Assistant Professor of Philosophy
Texas State University

Ms. Hernandez,

My name is Petra Duran and I live on 110 West hillcrest Dr. in the, Sessom Creek neighborhood.

I want you to know that I am against the proposed change to make the area between Sessom Drive, Orchard Street, Academy Street and Comanche Street into a medium Intensity Zone.

I feel that San Marcos already has an imbalance between multifamily and single family neighborhoods.

To change the zoning in this area would set a precedent which will help future developers make their case in changing yet another part .By eating away the low density on the outskirts of our neighborhood I feel that you put the whole area in jeopardy. This neighborhood could

be a low density single family neighborhood haven among the already existing apartments.

However, it is my opinion that to keep this area interesting for middle class families you need to be firm on the boundaries. Potential home buyers need to know this is an area of stability

because who would like to invest in an area where the zoning can change? I

urge you to deny this proposal. It will send a strong message to the people who live in this neighborhood and it would be in favor of quality of life in San Marcos.

Thank you for your time.

Petra Duran.

Hernandez, Amanda

From: Kate Berger <kate.j.berger@gmail.com>
Sent: Tuesday, March 18, 2014 10:00 AM
To: Hernandez, Amanda
Subject: Rezoning the Corner of Sessom and Alamo Streets.

I am writing with MUCH concern and FEAR about the rezoning of the corner of Alamo Street and Sessom Street to allow for yet another apartment complex. I am at a loss understanding why we need MORE apartment space there. In the last few months I have counted some 10 new complexes being built in San Marcos with more to come. Do we really need to destroy this neighborhood for more student housing? I am curious if the memories of the Casey Project are now a blur. Our neighborhood DID NOT WANT THAT in our backyard. Now, within just a few feet away from that area, you are reviewing yet another such project. Please think carefully on your decision. Sessom creek is a stone's throw from this project. It is already polluted and flowing that pollution into the San Marcos River. Our neighborhood is a peaceful place. Please don't let money drive yet another cheaply built complex that will, in less that 7 years, (common construction points for cheap building...a 7 year limit on sustainability) start falling in disrepair and lowering the property values of a very old neighborhood.

Thank you for your consideration. \
Kate Berger
112 Canyon Road
San Marcos, TX 78666



Jim Keith

1001 A Bishop, 203 Yale, 207 Yale, 211 Yale, 204 Orchard, 208 Orchard, 212 Orchard
San Marcos, Texas

March 17, 2014

Planning and Development Services
City of San Marcos
630 East Hopkins
San Marcos, Texas

Re: PSA-14-01

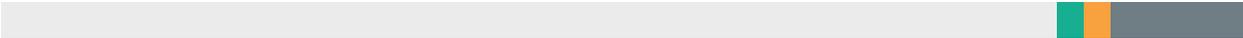
To All Concerned,

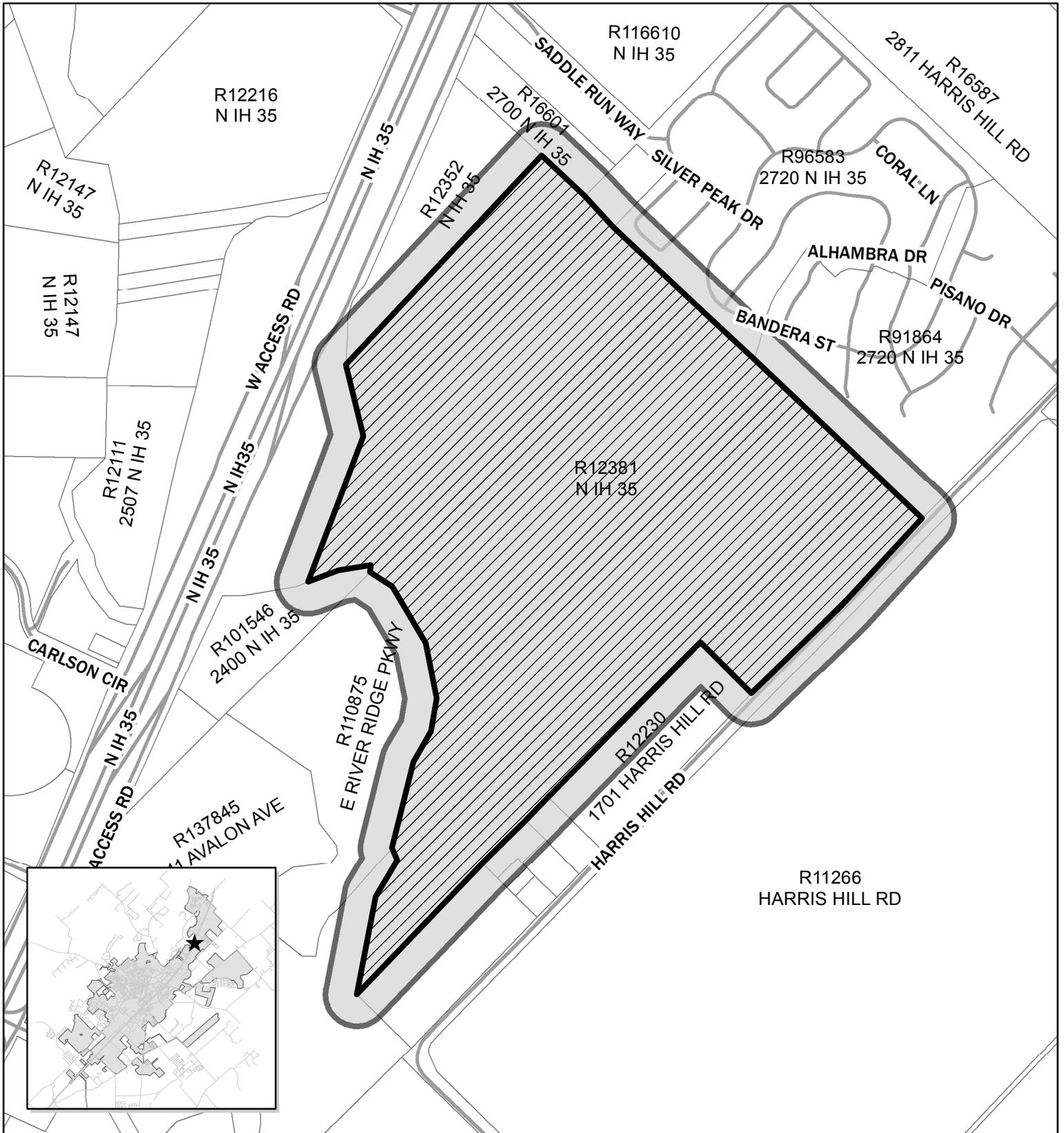
This letter is to express my approval for the rezoning and development of the area near Sessom Drive and Academy Streets as described in PSA-14-01.

Please call or e-mail anytime with any questions about this statement.

Regards,

Jim Keith
713-859-7445
jim.keith30@yahoo.com





PSA-14-02
Whisper Texas
Map Date: 3/7/2014

-  Site Location
-  Notification Buffer (200 feet)

0 500 1,000 2,000 Feet



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**PSA-14-01(WHISPER TEXAS) Preferred Scenario Amendment Review
(By Comp Plan Element)**

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (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 st Century Workforce	Provides / Encourages educational opportunities			X
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business	X		
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity	X		

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

INCLUDE MAP	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint		X	X	X	X
Constraint by Class (Higher Constraints Mostly Along the Blanco River and a tributary of the San Marcos River)					
Cultural	X				
Edwards Aquifer	X				
Endangered Species	X				
Floodplains	X	X		X	X
Geological	X				
Slope	X		X		X
Soils	X				
Vegetation	X				
Watersheds		X	X		
Water Quality Zone	X			X	X

ENVIRONMENT & RESOURCE PROTECTION –

Located in Subwatershed:	Blanco River & Lower San Marcos River				
		0-25%	25-50%	50-75%	75-100%
Modeled Impervious Cover Increase Anticipated for watershed	X			X	
Notes: Both of the studies for these subwatersheds indicate a concern with bacteria during rain events. In the Blanco River subwatershed Best Management Practices are recommended to reduce the potential increase of bacteria with development. In the Lower San Marcos River subwatershed, landscape management methods are proposed to provide a vegetative filter strip.					

NEIGHBORHOODS – Where is the property located

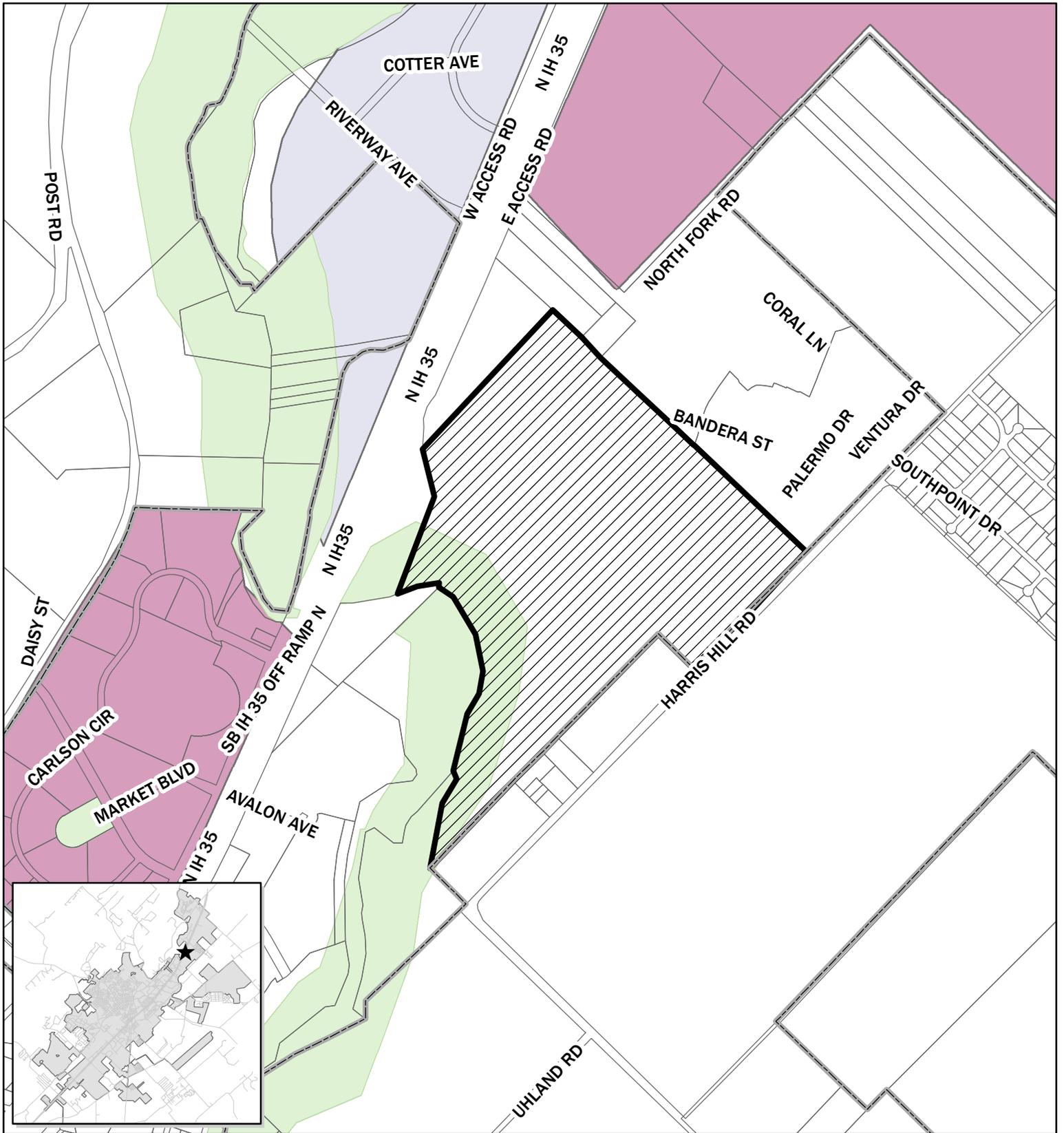
CONA Neighborhood(s):	N/A
Neighborhood Commission Area(s):	Sector 6
Neighborhood Character Study Area(s):	Not applicable at this time.

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

		YES	NO
Will Parks and / or Open Space be Provided? Dedication or Fee in Lieu with plat			
Will Trails and / or Green Space Connections be Provided?		X	
	Low (maintenance)	Medium	High (maintenance)
Wastewater Hotspot	N/A		
Water Hotspot	N/A		
Public Facility Availability			
		YES	NO
Parks / Open Space within ¼ mile (walking distance)?			X
Wastewater service available?		X	
Water service available? **Applicant has requested release from Maxwell CCN			

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

		A	B	C	D	F
Existing Daily LOS	ROADWAY 1: N IH 35 Frontage Harris Hill Road	X		X	X	
Existing Peak LOS	ROADWAY 1: N IH 35 Frontage Harris Hill Road	X		X		
Preferred Scenario Daily LOS	ROADWAY 1: N IH 35 Frontage Harris Hill Road				X	X
Preferred Scenario Peak LOS	ROADWAY 1: N IH 35 Frontage Harris Hill Road	X				X
		N/A	Good	Fair	Poor	
Sidewalk Availability		X				
		YES	NO			
Adjacent to existing bicycle lane?					X	
Adjacent to existing public transportation route?					X	
Notes: Various roadways are proposed on the City’s Thoroughfare Plan, these will have to be addressed at the time of subdivision.						



Preferred Scenario

- Activity Node
- High Intensity
- Medium Intensity
- Low Intensity
- Open Space
- Employment Center
- City Limits
- Site



PSA-14-02
Whisper Texas
Map Date: 3/12/2014

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Land Development Code Zoning Classifications :: Vision San Marcos Comprehensive Plan Intensity Zone / Development Pairs

TRANSLATION TABLE

**Whisper Texas
Current Condition**

Requested Change

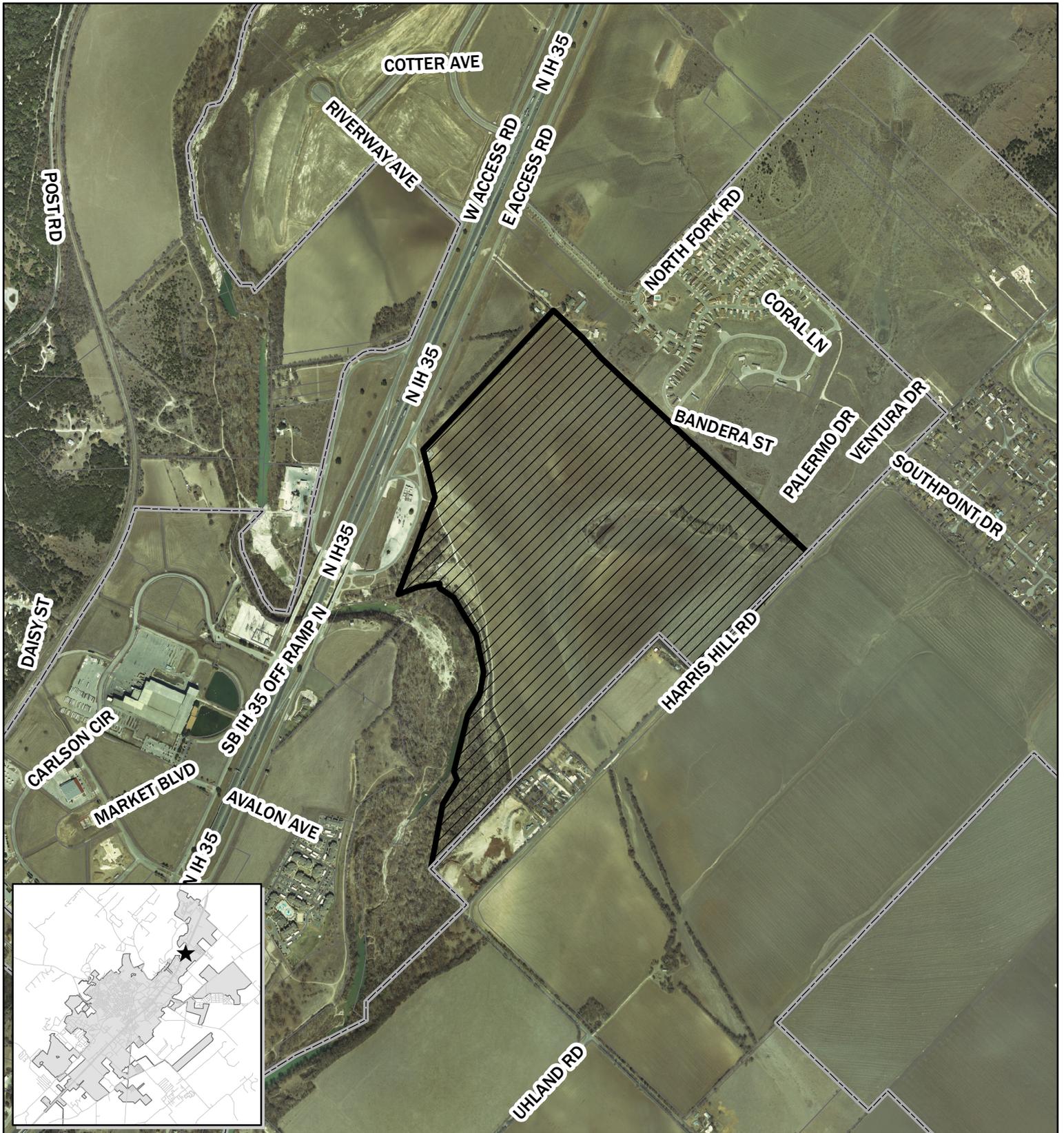
Zoning Abbreviation	Intensity Zone / Development Pairs										
	LS-PC	LS-RI	LS-ND	M-PC	M-RI	M-ND	H-PC	H-RI	H-ND	EC	OA*
FD	✓	✓	✓								✓
AR	✓		✓								✓
SF-R	✓	✓	✓								
SF-11	✓	✓	✓								
SF-6	✓	✓	✓	✓	✓	✓					
SF-4.5		✓	✓	✓	✓	✓	✓	✓	✓		
D		✓	✓	✓	✓	✓					
DR		✓	✓	✓	✓	✓	✓	✓	✓		
TH		✓	✓	✓	✓	✓	✓	✓	✓		
PH-ZL		✓	✓	✓	✓	✓	✓	✓	✓		
MF-12		✓	✓	✓	✓	✓	✓	✓	✓		
MF-18				✓	✓	✓	✓	✓	✓		
MF-24				✓	✓	✓	✓	✓	✓		
MR	✓	✓	✓								
MH		✓	✓	✓	✓	✓					
MU		✓	✓	✓	✓	✓	✓	✓	✓		
VMU				✓	✓	✓	✓	✓	✓	✓	
P	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
OP				✓	✓	✓	✓	✓	✓	✓	
NC		✓	✓	✓	✓	✓	✓	✓	✓		
CC					✓	✓	✓	✓	✓		
GC					✓	✓	✓	✓	✓	✓	
HC					✓	✓	✓	✓	✓	✓	
CBA							✓	✓	✓		
SC			✓	✓	✓	✓	✓	✓	✓	✓	
LI									✓	✓	
HI										✓	
PDD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

*OA is generally intended where shown on the Preferred Scenario Map

LS - Low Intensity and Areas of Stability
M - Medium Intensity
H - High Intensity

PC - Neighborhood Area Protection /Conservation
RI - Redevelopment / Infill
ND - New Development

EC - Employment Center
OA - Open Space / Agricultural



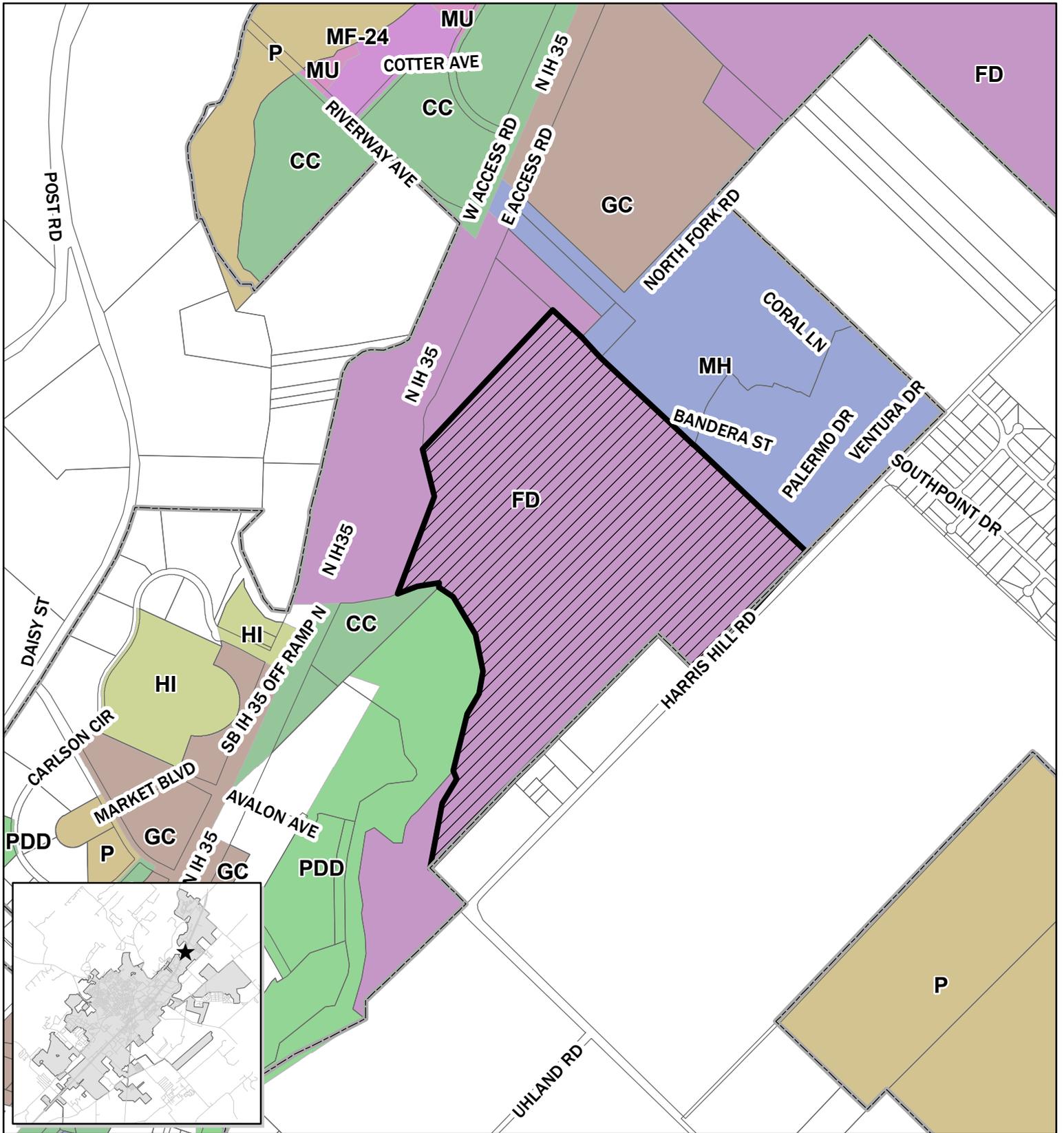
Aerial

-  City Limits
-  Site



● **PSA-14-02** ●
Whisper Texas
Map Date: 3/12/2014

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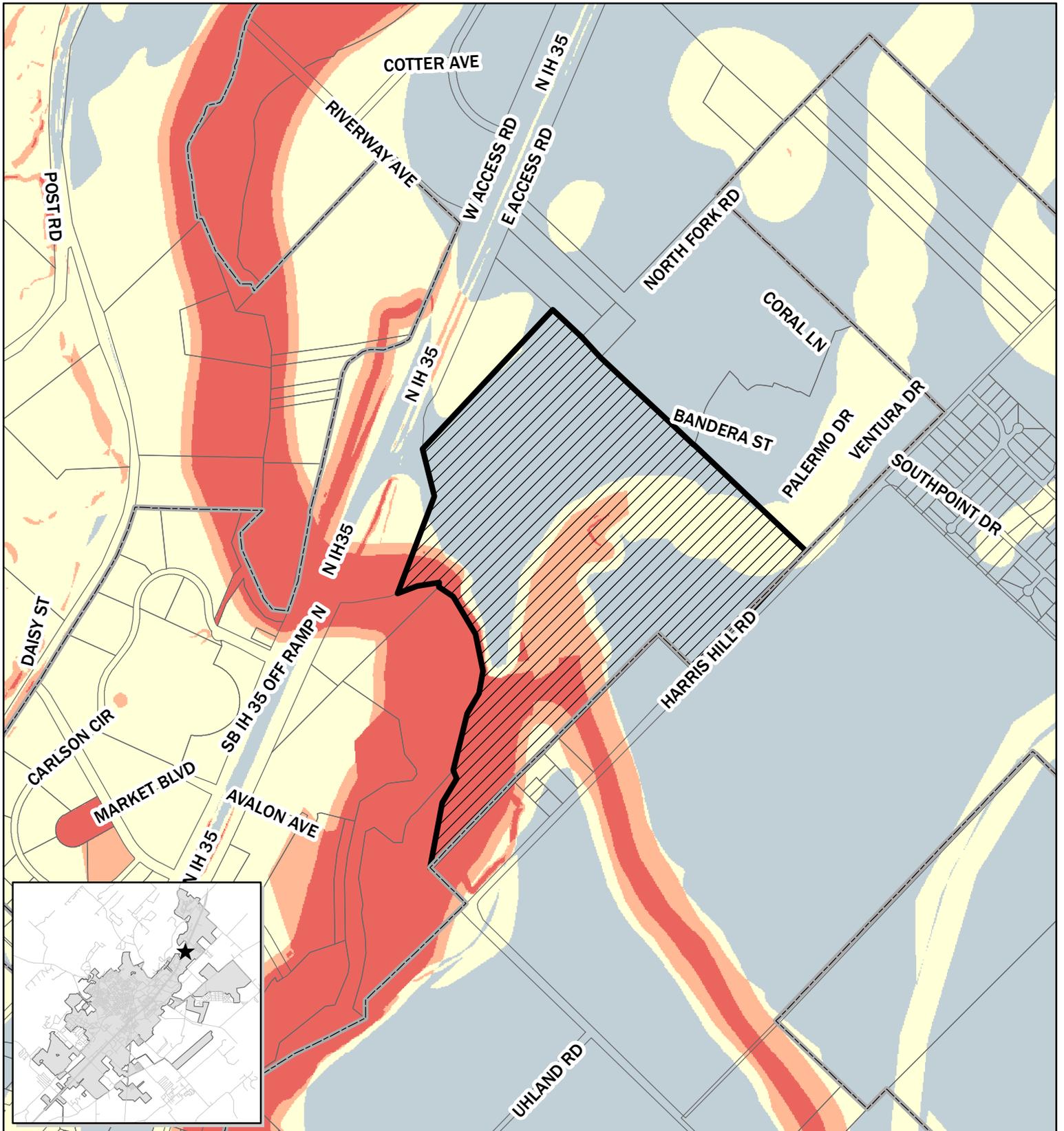


Existing Zoning

- | | |
|--|---|
|  Future Development (FD) |  General Commercial (GC) |
|  Public and Institutional (P) |  Heavy Industrial (HI) |
|  PDD Overlay (PDD) |  Manufactured Home (MH) |
|  Multiple Family Residential (MF-24) |  Mixed Use (MU) |
|  Community Commercial (CC) |  City Limits |
| |  Site |



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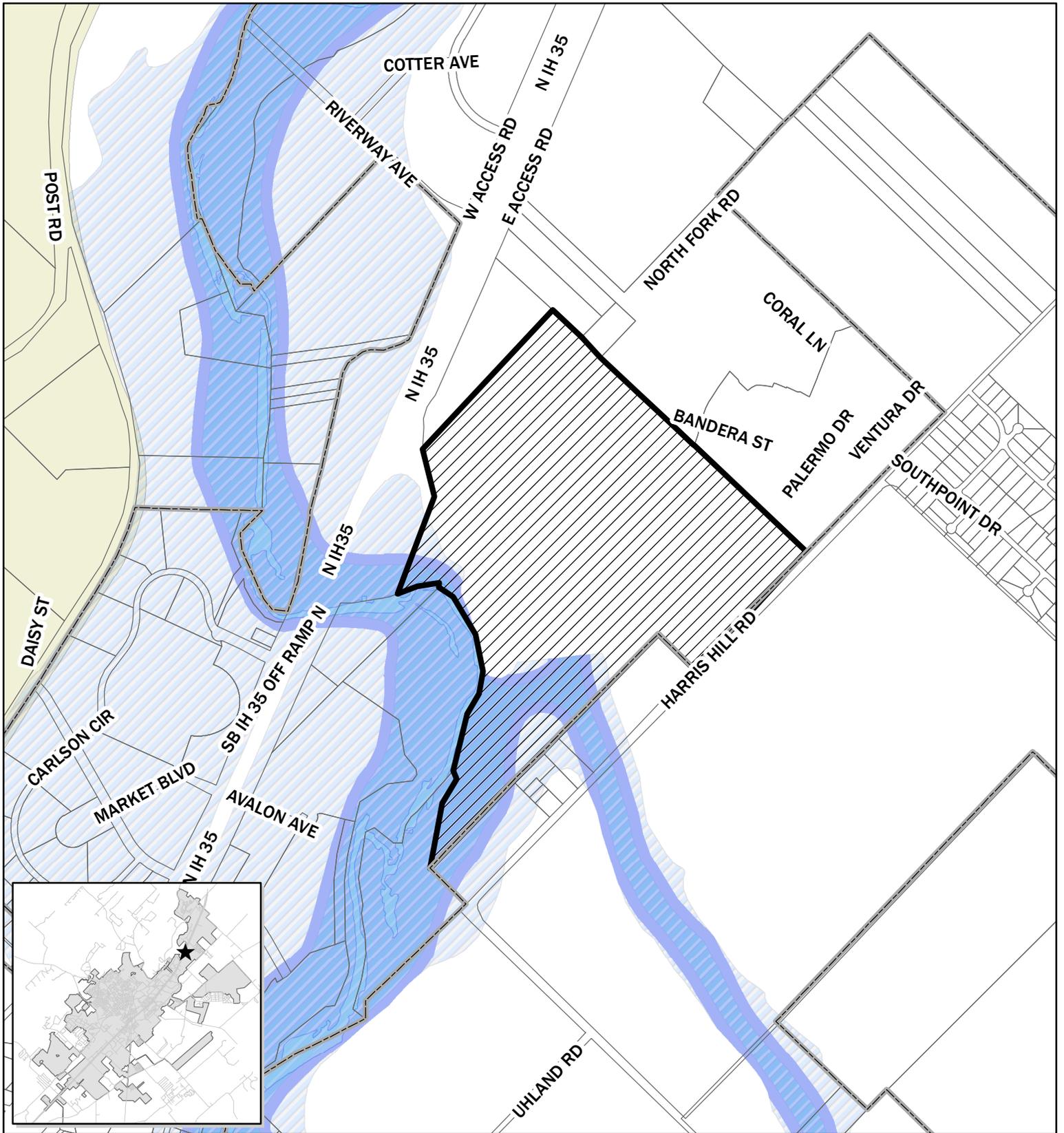
Land Use Suitability

- 1- Least Constrained
 - 2
 - 3 - Moderately Constrained
 - 4
 - 5 - Most Constrained
- City Limits
 - Site



PSA-14-02
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Environmental

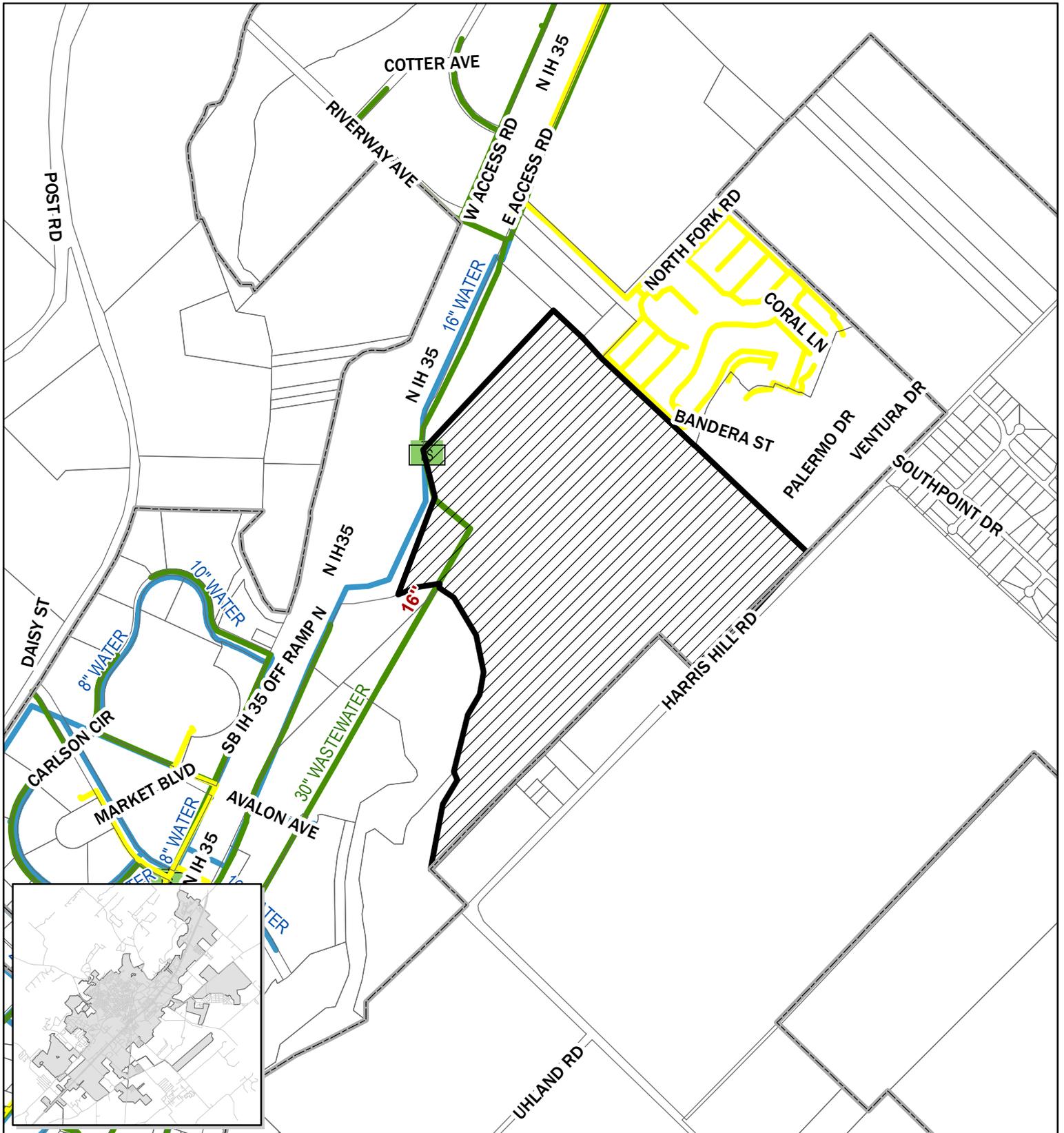
-  River
-  Floodway
-  Water Quality Zone
-  100 Year Floodplain
-  Edwards Aquifer Transition Zone

-  City Limits
-  Site



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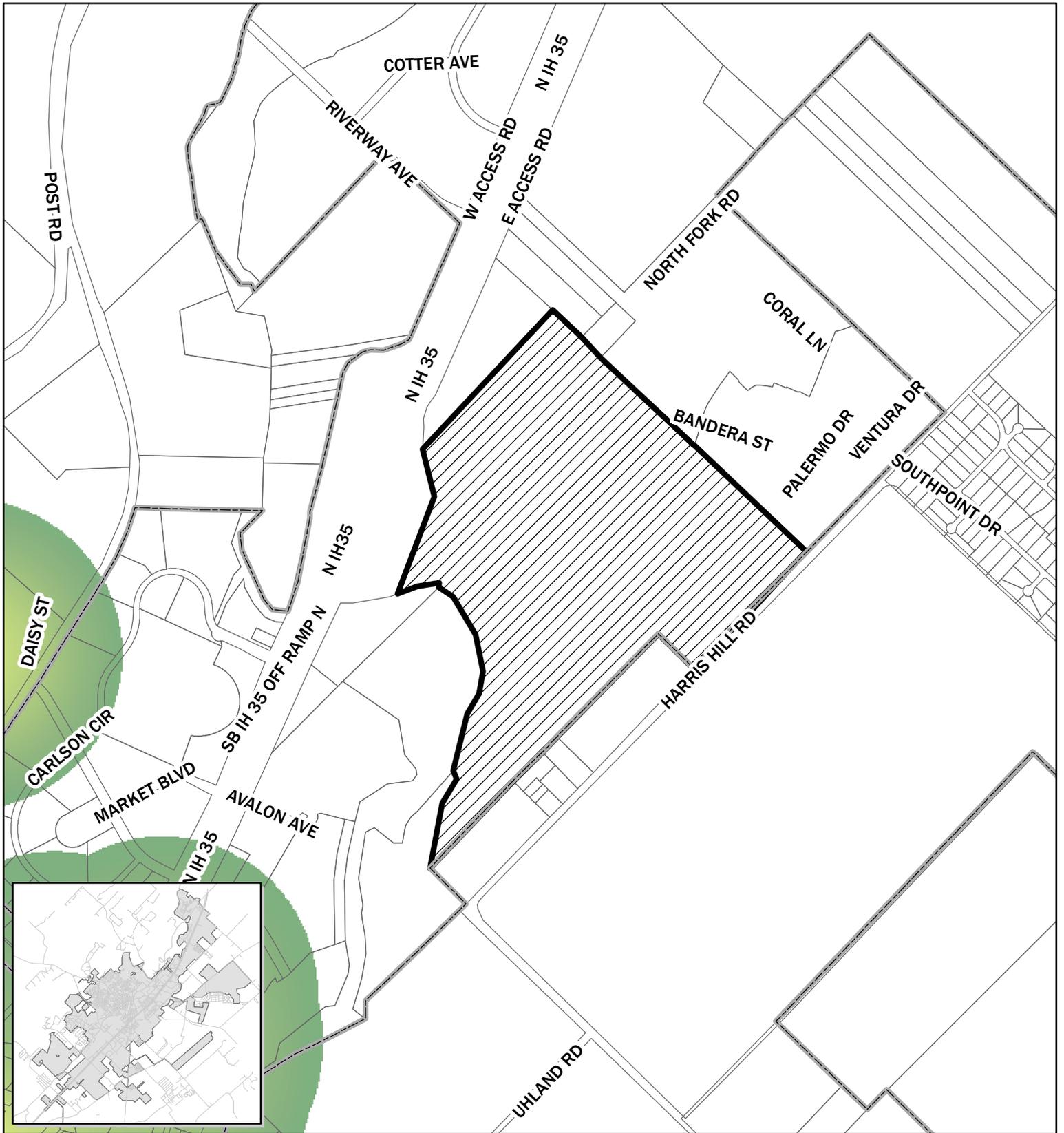
Utilities

- Gas Line
- City Limits
- Lift Station
- Site
- WW Main
- Water Line

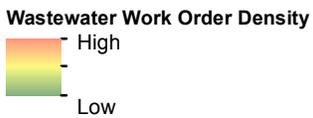


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Wastewater Hot Spots

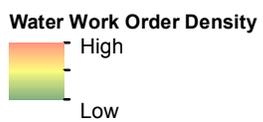


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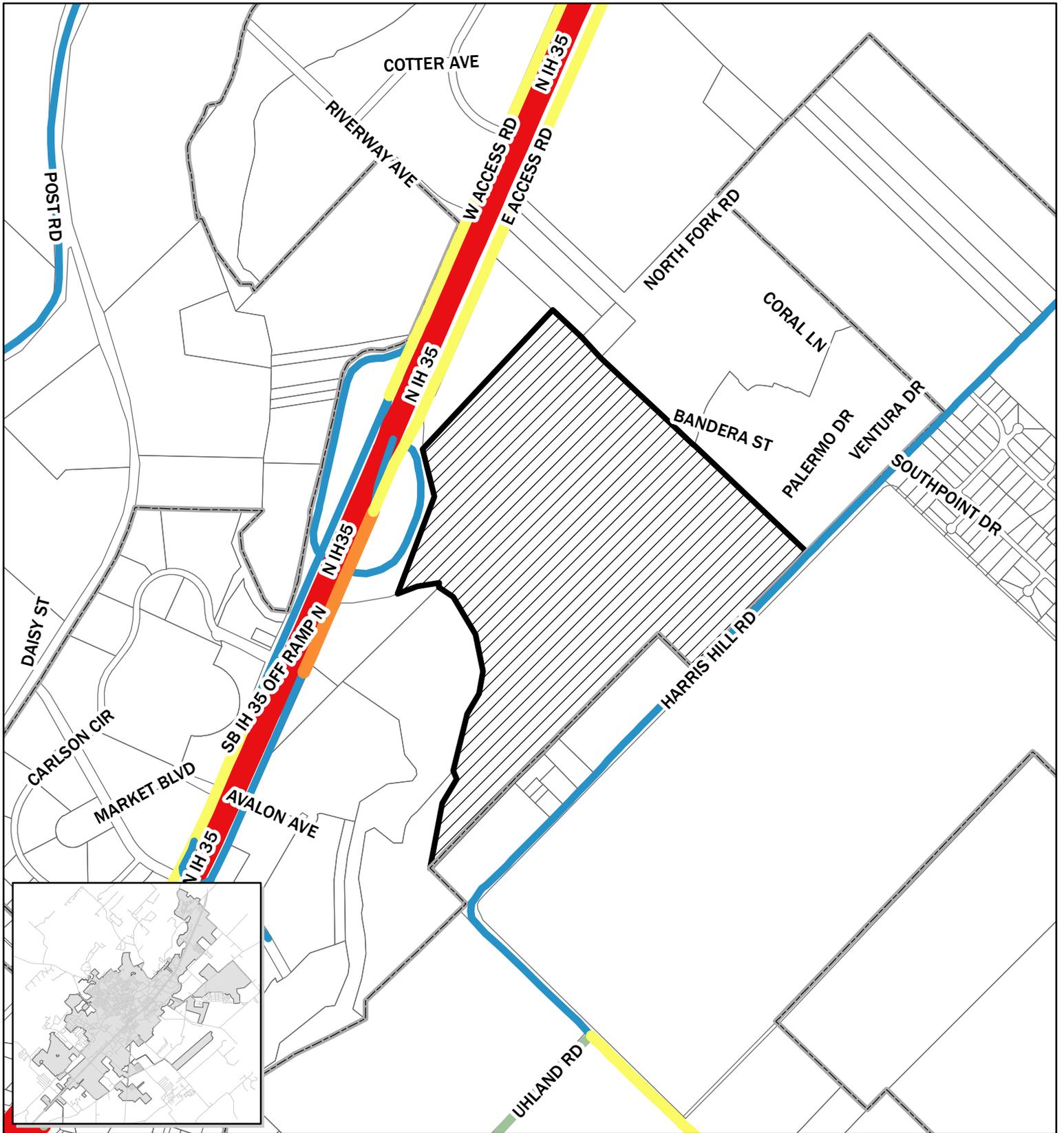


Water Hot Spots



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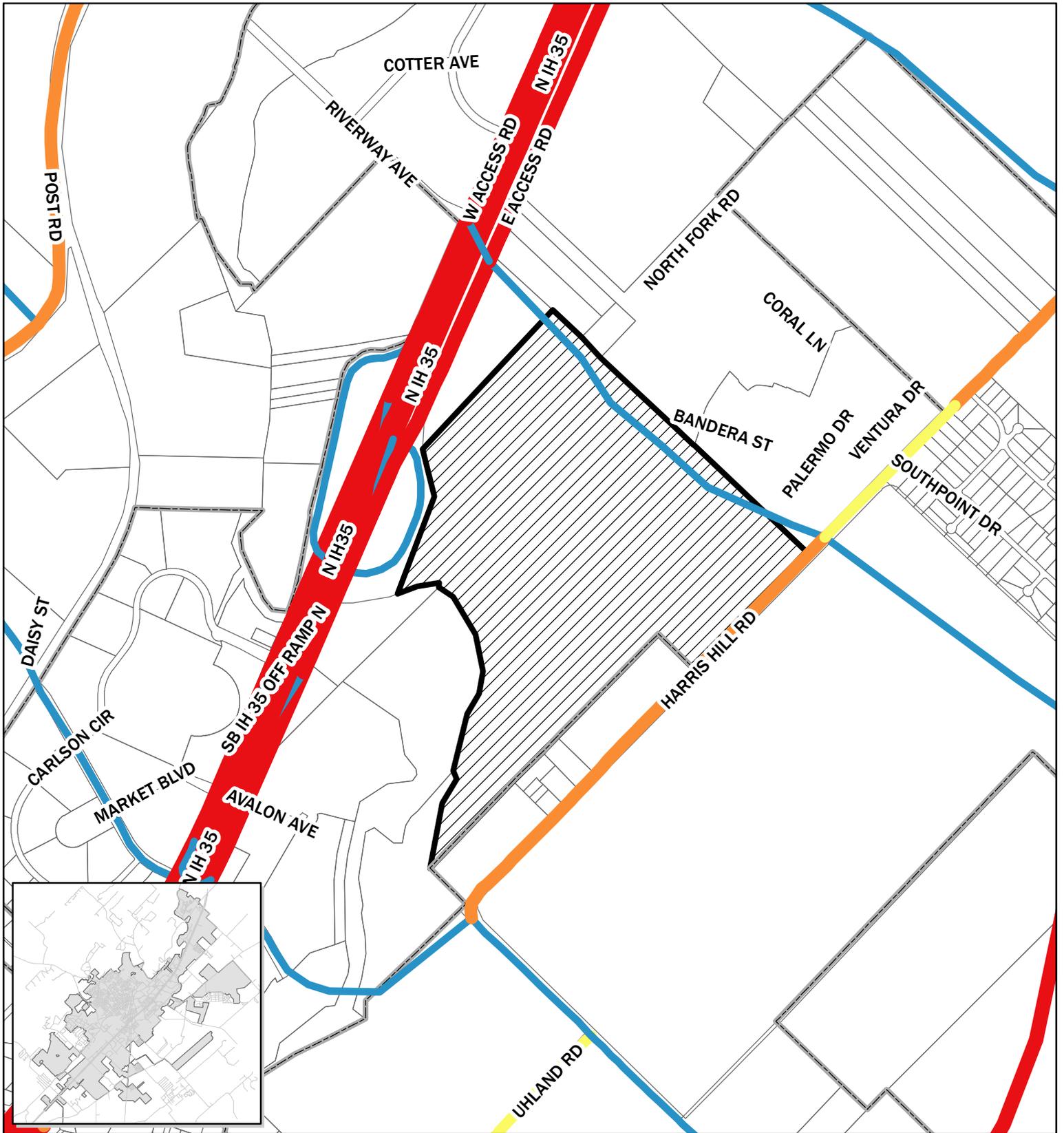
Travel Demand Model - Existing Conditions

- LOS A
- LOS B
- LOS C
- LOS D
- LOS F
- City Limits
- Site



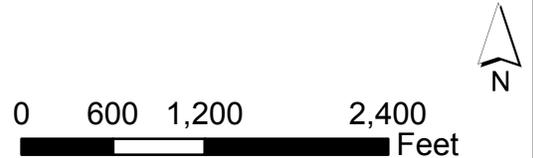
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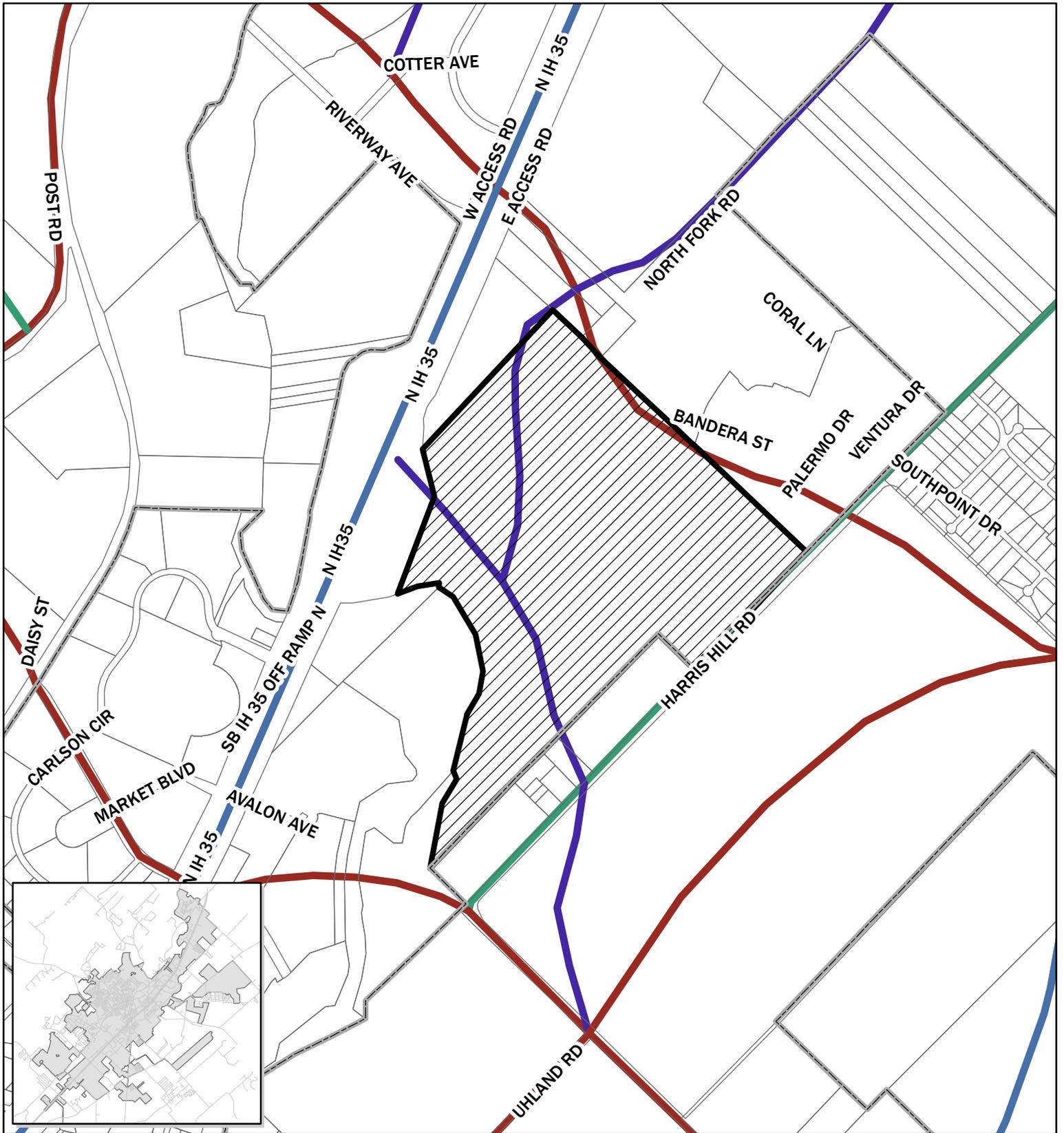
Travel Demand Model - Future Conditions

- LOS A
- LOS B
- LOS C
- LOS D
- LOS F
- City Limits
- Site



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Thoroughfare Plan

- Collector
- Minor Arterial
- Major Arterial
- Freeway
- City Limits
- Site



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PLANNING & DEVELOPMENT SERVICES

3/7/2014

PSA-14-02

Courtesy Notice Preferred Scenario Amendment Approximately 216.5 acres along the east side of IH 35 north of the Blanco River

Doucet & Associates has requested a **Preferred Scenario Amendment** to allow a **Medium Intensity Zone** for an approximately 216.5 acre tract out of the JM Veramendi League Survey No. 2. The property is located along the east side of IH 35, north of the Blanco River.

The City of San Marcos Planning Staff is inviting the applicant, developer, engineer, etc. and all interested parties to the **Neighborhood Commission Meeting** to hear an update on this and all other Preferred Scenario requests. The Neighborhood Commission will meet on **Wednesday March 26, 2014** in the **City Hall Conference Room (630 East Hopkins)** at **6:00 pm**. Please take advantage of this opportunity to gather more information on the future plans for this property.

If you cannot attend but wish to inquire on this request you may contact Planning & Development Services Staff:
(please reference case number PSA-14-02)

planning_info@sanmarcostx.gov
512-393-8230

The San Marcos Planning and Zoning Commission will be advised of this and all other Preferred Scenario requests at their regular meeting on March 25th and is scheduled to take action on April 8th during a public hearing. The City Council will be advised of this request at their regular meeting on April 1st and is scheduled to take action on May 6th during a public hearing.

Please be advised that this is not a notification of public hearing. Property owners located within 200 feet of the subject property will receive further notification of the public hearing(s). This courtesy notice has been prepared to alert stakeholders of changes being requested at this location and to allow a dialogue regarding the project to occur outside of the setting of a public hearing. Planning staff hopes to answer any questions and hear and address comments and concerns prior to making its recommendation. A summary of the dialogue during this outreach process, if applicable, will be presented by staff at the public hearings

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

PLANNING & DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

OWNERNAME	ADDRESS1	ADDRESS2	CITY	STATE
CLYDE & SONS REVOCABLE LIVING TRUST	1403 HARRIS HILL RD		SAN MARCOS	TX
GARY WILLIAM M EST	Attn: LEE G GARY	10501 LA COSTA DR	AUSTIN	TX
HOPSON, J W	545 W HOPKINS ST		SAN MARCOS	TX
N O B 216 HOLDINGS LTD	102 WONDER WORLD DR STE 304 PMB 110		SAN MARCOS	TX
NIXON, ROBERT G, Sr	6505 KING GEORGE DR		AUSTIN	TX
REASONER HARRY MAX	1001 FANNIN ST	FIRST CITY TOWER STE 2500	HOUSTON	TX
RIZK, JOE	1701 HARRIS HILL RD		SAN MARCOS	TX
SALINAS PROPERTIES LTD	EDUARDO E SALINAS GEN PARTNER	4209 HWY 621	SAN MARCOS	TX
SUN SADDLE BROOK LTD	27777 FRANKLIN RD	STE 200	SOUTHFIELD	MI
WEHRMAN JEAN ETAL	P O BOX 273		SAN MARCOS	TX
Neighborhood Commissioner Joe Gonzales	621 Barbara Dr		San Marcos	TX



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-125, **Version:** 2

AGENDA CAPTION:

Development Services Report:

- a. Comprehensive Master Plan Implementation Update
- b. Multifamily Design Standards Update
- c. Code SMTX Update
- d. SMTX Talks Update

Meeting date: March 25, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:

From: [frank_gomillion](#)
To: [Foreman, John](#)
Cc: [Carpenter, Tory](#); [Brake, Alison](#)
Subject: Re: Mill street crossing
Date: Monday, January 27, 2014 12:32:25 PM

Hello John-

This email is to confirm that I would like to amend the proposed zoning from VMU to MU, as per our discussion last week. Thank you for all of your help!

Sincerely,

Frank

----- Original Message -----

From: "Foreman, John" <JForeman@sanmarcostx.gov>
To: "frank gomillion <frank@gkz-arch.com>" <frank@gkz-arch.com>
Cc: "Brake, Alison" <ABrake@sanmarcostx.gov>; "Carpenter, Tory" <TCarpenter@sanmarcostx.gov>
Sent: Monday, January 27, 2014 12:19 PM
Subject: Mill street crossing

Frank

As we discussed last week, you have an application in for a zoning change to vmu. This requires a preferred scenario amendment prior to consideration. A request for mu will not require a preferred scenario amendment and may proceed to p&z. You may amend the proposed zoning to mu by email or in writing. The plat review may proceed as the zoning change is in process. Please let me know if you have any questions.
John

Sent from my iPad=