# City of San Marcos

630 East Hopkins
San Marcos, TX 78666

## Regular Meeting Agenda - Final

## Planning and Zoning Commission

**Tuesday, April 8, 2014** | **6:00 PM** | **City Council Chambers**

**630 E. Hopkins**

I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

**1.** Receive a report from the Comprehensive Plan Oversight Committee and discussion.

### CONSENT AGENDA

**2.** Consider approval of the minutes of the Regular Meeting on March 25, 2014.

**3.** PC-13-05_02b (Retreat on Willow Creek Preliminary Plat) Consider a request by Carlson, Brigance and Doering, Inc., on behalf of Preferred Development Partners and KB Home Lone Star, Inc., for approval of an amendment to the Preliminary Plat for the Retreat on Willow Creek Subdivision consisting of approximately 100.885 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Hunter Road to: 1) modify the boundary of the parkland to be dedicated with the Phase 2 Final Plat identified as Lot 56 on the attached plat; and 2) reconfigure an easement area in order to allow more room for improvements associated with construction of the road and bridge across Willow Creek which connects Phases 1-3 and Phase 4..

**4.** PC-14-05_03 (Retreat on Willow Creek Phase 2) Consider a request by Carlson, Brigance and Doering, Inc., on behalf of Preferred Development Partners, for approval of a Final Plat for approximately 15.543 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, establishing the Retreat on Willow Creek Phase 2 subdivision, located near the intersection of Stagecoach Trail and Hunter Road.

### PUBLIC HEARINGS

5. CUP-14-13 (Railyard Bar & Grill) Hold a public hearing and consider a request by Matt Hageman, on behalf of Railyard Bar & Grill, L.L.C., for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 116 S. Edward Gary Street.

6. CUP-14-14 (Louie's Oyster House & Beer Garden) Hold a public hearing and consider a request by Allen Shy, on behalf of Shy SG Group, for renewal of an existing restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 119 E Hutchison Street.

7. PSA-14-01 (Campus Crest) Hold a public hearing and consider a request by Campus Village Communities for a Preferred Scenario Map Amendment to change an Area of Stability to a Medium Intensity Zone for approximately 5.38 acres and 5.02 acres out of the McNaughton Subdivisions and 0.36 acres out of the Thomas J. Chambers Survey. The site is located at the intersection of Sessom Drive and Academy Street and is generally bounded by Orchard Street and Comanche Street.

## NON-CONSENT AGENDA

8. Receive an update from the Engineering / CIP Department Staff and hold discussion on the 2014 Capital Improvements Program and process for consideration.

9. Development Services Report:
   a. Comprehensive Master Plan Implementation Update
   b. Code SMTX update
   c. Multifamily Design Standards 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: _____**

**File #:** ID#13-201, **Version:** 1

**AGENDA CAPTION:**
Receive a report from the Comprehensive Plan Oversight Committee and discussion.
**Meeting date:** April 8, 2014

**Department:** Development Services

**Funds Required:** n/a
**Account Number:** n/a
**Funds Available:** n/a
**Account Name:** n/a

***CITY COUNCIL GOAL***:

***BACKGROUND***:

Following their meetings in February of 2014, the Comprehensive Plan Oversight Committee presents the attached report of the progress toward implementation of *Vision San Marcos: A River Runs Through Us*.

- Completeness of Objectives: 2 objectives were identified as complete
- Progress toward Implementation: 57 objectives were identified as in progress (see attachement)
- Recommendation on Prioritization: All objectives to be considered priorities in the first 5 years of plan adoptions are attached.
- Additional Recommendations: one duplicate objective and one typographical and one grammatical error were identified by the Committee

# Cover Memo

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| To: | City Council |
| From: | Comprehensive Plan Oversight Committee |
| Date: | February 25, 2014 |
| Re: | *Vision San Marcos* Spring 2014 Progress Report |

In accordance with the charge of Ordinance No. 2013-58, the Comprehensive Plan Oversight Committee presents this report along with its attachments to the City of San Marcos City Council.

## Review of the Progress of Implementation of the Comprehensive Plan and Determine Completeness of the Comprehensive Plan Objectives

In the first year of implementation, city staff created a database to track progress of implementation of the Comprehensive Plan. Reports of this work were presented to the Comprehensive Plan Oversight Committee at their introduction meeting on February 4, 2014 and again on February 25, 2014.

Two objectives were determined by the Oversight Committee as being completed during 2013.
*LUG1O1: Update Future Land Use Map that is based on the development of intensities specified in the preferred scenario*
*NHG1O1: Update the current process for Land Use Amendments to provide for more holistic review*

## Progress toward implementation of the Comprehensive Plan

A number of objectives were identified as "in progress" toward implementation of the Comprehensive Plan. These objectives span across all six Plan Elements and a majority of them are tied to the City Departmental Work Plans.

*Please see attachment A: In Progress Comp Plan Objectives - 2014*

## Recommendation on prioritization of objectives

In addition to the objectives "in progress" provided on the report above, the Oversight Committee recommends additional objectives for city staff to consider in their 2015 Departmental Work Plans. These objectives span across all six Plan Elements and have been identified as "short term" for commencement.

The Oversight Committee wishes for priority to be placed on the completion of all Master Plans

*Please see attachment B: Short Term Objectives*

## Additional Recommendations

The Oversight Committee has noted a duplicate objective (PPSFG1O4 / TG2O4) and recommends removal of the objective PPSFG1O4

*Please also see attachment C: Additional Recommendations for Consideration* for a typographical error as well as a grammatical correction for two objectives

# In Progress Comp Plan Objectives - 2014

Wednesday, February 26, 2014
8:39:34 AM

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| **ECONOMIC DEVELOPMENT** | **GOAL 1: Abundant opportunities created by the ingenuity and intellectual capital of university, business, civic, and cultural leaders** | | |
| Objective | EDG1O1 | Create a communications plan to share economic development progress with residents, the development community and target industries | 2014 |
| **ECONOMIC DEVELOPMENT** | **GOAL 2: Workforce and education excellence** | | |
| Objective | EDG2O1 | Develop a strategy with appropriate partners to promote the San Marcos CISD as an educational system of choice | 2014 |
| Objective | EDG2O3 | Pursue partnerships to support Core 4's programming and capital funding needs | 2014 |
| **ECONOMIC DEVELOPMENT** | **GOAL 3: Emerging markets and industry relationships that generate quality entrepreneurial and employment opportunities** | | |
| Objective | EDG3O2 | Increase the amount of Class A office and industrial space attractive to target industries | 2014 |
| Objective | EDG3O4 | Identify gaps in utilities for employment and activity nodes, reprioritize Capital Improvement Projects to support the preferred scenario | 2014 |
| **ECONOMIC DEVELOPMENT** | **GOAL 4: An enhanced and diverse local economic environment that is prosperous, efficient and provides improved opportunities to residents** | | |
| Objective | EDG4O3 | Create a pro-active, comprehensive strategy to attract development consistent with the plan | 2014 |
| Objective | EDG4O5 | Create a regulatory framework that will encourage residential development Downtown | 2014 |
| Objective | EDG4O6 | Integrate economic development into the 2013 Transportation Plan Update | 2014 |
| Objective | EDG4O7 | Create opportunities for local companies to procure contracts with governmental agencies and educational institutions | 2014 |

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| **ECONOMIC DEVELOPMENT** | **GOAL 5: Fiscally responsible incentives for economic development** | | |
| Objective | EDG5O4 | Expedite the entitlement process for high performance local or preferred-industry employers locating in the activity nodes or employment centers of the preferred scenario | 2014 |
| Objective | EDG5O5 | Evaluation of city-owned property that might be sold for economic development in order to raise revenue and/or reduce debt | 2014 |
| **ECONOMIC DEVELOPMENT** | **GOAL 6: Promote and support the maximum potential of the San Marcos Municipal Airport** | | |
| Objective | EDG6O1 | Enact appropriate regulations and plans to protect airport operations and enhance future development. | 2014 |
| Objective | EDG6O2 | Maximize development opportunities within the airport boundary | 2014 |
| Objective | EDG6O3 | Develop connections between community and airport including enhanced road, transit and utility infrastructure | 2014 |
| Objective | EDG6O4 | Build internal airport community | 2014 |

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| **ECONOMIC DEVELOPMENT** | **GOAL 7: Sports tourism, eco-tourism, retail tourism and the community's 13,000- year heritage as an economic generator** | | |
| Objective | EDG7O1 | Engage appropriate partners to create a citywide strategy to better protect the area's natural resources and ecosystem's history | 2014 |
| Objective | EDG7O2 | Create an arts and cultural center/district | 2014 |
| Objective | EDG7O3 | Develop and maintain a high-quality system of parks, natural areas, greenways and trails to draw visitors and encourage new business opportunities | 2014 |
| Objective | EDG7O4 | Develop a transit plan that matches preferred scenario map to encourage connectivity between centers | 2014 |
| Objective | EDG7O5 | Create a strategy to prioritize and complete infrastructure upgrades in Downtown in order to enhance accessibility and the physical appearance | 2014 |
| Objective | EDG7O6 | Develop a strategic plan for Downtown Business Development as recommended in the Downtown Master Plan to ensure Downtown San Marcos retains a diverse mix of businesses to accommodate the entire community and attract tourists | 2014 |
| Objective | EDG7O7 | Establish gateway corridors as identified in the Downtown Master Plan and the preferred scenario | 2014 |
| Objective | EDG7O8 | Coordinate with private efforts to update and expand recreation fields | 2014 |
| **ENVIRONMENT & RESOURCE PROTECTION** | **GOAL 1: Public and private sectors working together to protect water quality and facilitating appropriate development in the San Marcos and Blanco Rivers watersheds, and over the Edwards Aquifer using measurable and scientific methods** | | |
| Objective | ERPG1O4 | Adopt watershed specific regulations based on scientific understanding of water quality impacts | 2014 |
| Objective | ERPG1O5 | Develop a regional detention and water quality strategy (including fee-in-lieu) to improve land efficiency, affordability, and efficacy of systems | 2014 |
| Objective | ERPG1O7 | Incentivize dense development within the activity centers by lifting the regulatory environment, streamlining the development process and proactively building the infrastructure and regional detention facilities to support this growth | 2014 |
| **ENVIRONMENT & RESOURCE PROTECTION** | **GOAL 2: Natural resources necessary to our community's health, well-being, and prosperity secured for future development** | | |
| Objective | ERPG2O1 | Develop a coordinated tree preservation and planting program | 2014 |

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| **ENVIRONMENT & RESOURCE PROTECTION** | **GOAL 3: Pro-active policies that encourage recycling and resource and energy efficiency** | | |
| Objective | ERPG3O3 | Adopt and implement the recommendations of the Municipal Solid Waste Task Force | 2014 |
| Objective | ERPG3O5 | Develop re-claimed water infrastructure plan for activity centers | 2014 |
| Objective | ERPG3O6 | Create connected network for non-automobile travel | 2014 |
| **LAND USE** | **GOAL 1: Direct growth, compatible with surrounding uses** | | |
| Objective | LUG1O2 | Update Annexation/ETJ Management Plan | 2014 |
| Objective | LUG1O4 | Replace the Land Development Code with an updated document to support preferred scenario | 2014 |
| Objective | LUG1O5 | Align infrastructure plans to achieve preferred scenario | 2014 |
| **LAND USE** | **GOAL 2: High-density mixed-use development and infrastructure in the activity nodes, including the downtown area supporting walkability and integrated transit corridors** | | |
| Objective | LUG2O2 | Require all developments dedicate adequate right-of-way to accommodate all modes of transportation | 2014 |
| Objective | LUG2O6 | Maintain a current Thoroughfare Plan in order to preserve necessary right-of-way | 2014 |
| **LAND USE** | **GOAL 3: Set appropriate density and impervious cover limitations in the environmentally sensitive areas to avoid adverse impacts on the water supply** | | |
| Objective | LUG3O1 | Create specifications for the use of pervious materials | 2014 |
| Objective | LUG3O2 | Implement rain water retention and storm water Best Management Practices | 2014 |
| Objective | LUG3O4 | Adopt a Water Quality Model that will ensure water quality standards are met and to minimize water degradation | 2014 |
| **NEIGHBORHOODS & HOUSING** | **GOAL 2: Housing opportunities for students of Texas State University in appropriate areas and create and implement a plan to accomplish this vision** | | |
| Objective | NHG2O1 | Revise development codes in Intensity Zones to allow and streamline the process for appropriate uses and densities | 2014 |

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| **NEIGHBORHOODS & HOUSING** | **GOAL 3: Diversified housing options to serve citizens with varying needs and interests** | | |
| Objective | NHG3O1 | Revise zoning code to allow for more diverse housing types and mixed-use development | 2014 |
| **NEIGHBORHOODS & HOUSING** | **GOAL 4: Well-maintained, stable neighborhoods protected from blight or the encroachment of incompatible land uses** | | |
| Objective | NHG4O1 | Review and update city ordinances regarding maintenance of property | 2014 |
| Objective | NHG4O2 | Develop a process to enforce city codes related to property maintenance | 2014 |
| Objective | NHG4O3 | Update and improve notice requirements for zoning changes | 2014 |
| Objective | NHG4O4 | Create clear criteria for zoning changes to apply to all cases | 2014 |
| Objective | NHG4O5 | Identify and create Character Index studies for neighborhoods inside and outside of intensity zones | 2014 |
| **PARKS, PUBLIC SPACES & FACILITIES** | **GOAL 1: Well-maintained public facilities that meet the needs of our community** | | |
| Objective | PPSFG1O4 | Create a Sidewalk Master Plan | 2014 |
| Objective | PPSFG1O6 | Expand the current library | 2014 |
| **PARKS, PUBLIC SPACES & FACILITIES** | **GOAL 2: A differentiated collection of connected and easily navigated parks and public spaces** | | |
| Objective | PPSFG2O1 | Develop a comprehensive way-finding system for City, including all transportation options (trails to roads) | 2014 |
| Objective | PPSFG2O4 | Develop a beautification schedule for gateways | 2014 |
| **TRANSPORTATION** | **GOAL 1: A safe, well-coordinated transportation system implemented in a an environmentally sensitive manner** | | |
| Objective | TG1O1 | Update Transportation Plan in 2013 to address transportation issues | 2014 |
| Objective | TG1O3 | Evaluate the Traffic Impact Analysis (TIA) process regularly to address future traffic impact expectations | 2014 |
| Objective | TG1O4 | Maintain a current Travel Demand Model (TDM) to be utilized for continued analysis of the transportation network | 2014 |

| TRANSPORTATION | | GOAL 2: A multimodal transportation network to improve accessibility and mobility, minimize congestion and reduce pollution | |
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| Objective | TG2O1 | Focus on non-vehicular transportation improvements in updated Transportation Master Plan | 2014 |
| Objective | TG2O3 | Obtain "Bicycle Friendly Community" designation | 2014 |
| Objective | TG2O4 | Create a Sidewalk Master Plan | 2014 |
| Objective | TG2O5 | Develop and implement a complete streets policy for coordination with other transportation related entities to properly integrate all modes of transportation into the transportation network | 2014 |
| Objective | TG2O7 | Integrate the transportation system by coordinating with all related public entities, including, but not limited to CAMPO, the counties, TxDOT, the University, and the rail district | 2014 |

# Short Term Objectives

Wednesday, February 26, 2014
8:38:02 AM

## ECONOMIC DEVELOPMENT

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| **GOAL 1: Abundant opportunities created by the ingenuity and intellectual capital of university, business, civic, and cultural leaders** | |
| EDG1O1 | Create a communications plan to share economic development progress with residents, the development community and target industries |
| EDG1O2 | Collaborate with social service providers to provide input on barriers for the unemployed and underemployed |
| EDG1O3 | Partner with all community assets to develop programming that engages new audiences in economic development efforts in San Marcos |
| **GOAL 2: Workforce and education excellence** | |
| EDG2O1 | Develop a strategy with appropriate partners to promote the San Marcos CISD as an educational system of choice |
| EDG2O2 | Promote all community education options to local and prospective residents |
| EDG2O3 | Pursue partnerships to support Core 4's programming and capital funding needs |
| **GOAL 3: Emerging markets and industry relationships that generate quality entrepreneurial and employment opportunities** | |
| EDG3O1 | Conduct target industry marketing plans regularly |
| EDG3O2 | Increase the amount of Class A office and industrial space attractive to target industries |
| EDG3O4 | Identify gaps in utilities for employment and activity nodes, reprioritize Capital Improvement Projects to support the preferred scenario |
| **GOAL 4: An enhanced and diverse local economic environment that is prosperous, efficient and provides improved opportunities to residents** | |
| EDG4O2 | Develop programs to support local businesses to encourage job creation and capital investment |
| EDG4O3 | Create a pro-active, comprehensive strategy to attract development consistent with the plan |
| EDG4O5 | Create a regulatory framework that will encourage residential development Downtown |
| EDG4O6 | Integrate economic development into the 2013 Transportation Plan Update |
| EDG4O7 | Create opportunities for local companies to procure contracts with governmental agencies and educational institutions |
| EDG5O1 | Reflect the Comprehensive Plan, Economic Development Strategic Plan and Downtown Master Plan in the City’s incentive policy |

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| ECONOMIC DEVELOPMENT | |
| GOAL 5: Fiscally responsible incentives for economic development | |
| EDG5O2 | Review incentive policies with consideration of current economic development strategy, as well as labor, infrastructure, capital and business cost requirements of target industries |
| EDG5O3 | Develop a standard process for reviewing and scoring prospects for incentives, with weight only going to projects that create permanent diverse, high paying jobs in the areas that are environmentally sustainable |
| EDG5O4 | Expedite the entitlement process for high performance local or preferred-industry employers locating in the activity nodes or employment centers of the preferred scenario |
| EDG5O5 | Evaluation of city-owned property that might be sold for economic development in order to raise revenue and/or reduce debt |
| GOAL 6: Promote and support the maximum potential of the San Marcos Municipal Airport | |
| EDG6O1 | Enact appropriate regulations and plans to protect airport operations and enhance future development. |
| EDG6O2 | Maximize development opportunities within the airport boundary |
| EDG6O3 | Develop connections between community and airport including enhanced road, transit and utility infrastructure |
| EDG6O4 | Build internal airport community |
| GOAL 7: Sports tourism, eco-tourism, retail tourism and the community's 13,000- year heritage as an economic generator | |
| EDG7O1 | Engage appropriate partners to create a citywide strategy to better protect the area's natural resources and ecosystem's history |
| EDG7O2 | Create an arts and cultural center/district |
| EDG7O3 | Develop and maintain a high-quality system of parks, natural areas, greenways and trails to draw visitors and encourage new business opportunities |
| EDG7O4 | Develop a transit plan that matches preferred scenario map to encourage connectivity between centers |
| EDG7O5 | Create a strategy to prioritize and complete infrastructure upgrades in Downtown in order to enhance accessibility and the physical appearance |
| EDG7O6 | Develop a strategic plan for Downtown Business Development as recommended in the Downtown Master Plan to ensure Downtown San Marcos retains a diverse mix of businesses to accommodate the entire community and attract tourists |
| EDG7O7 | Establish gateway corridors as identified in the Downtown Master Plan and the preferred scenario |
| EDG7O8 | Coordinate with private efforts to update and expand recreation fields |
| ENVIRONMENT & RESOURCE PROTECTION | |

| ENVIRONMENT & RESOURCE PROTECTION | |
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| GOAL 1: Public and private sectors working together to protect water quality and facilitating appropriate development in the San Marcos and Blanco Rivers watersheds, and over the Edwards Aquifer using measurable and scientific methods | |
| ERPG1O1 | Incorporate Low Impact Development practices and other best practices early on and throughout the development process |
| ERPG1O2 | Audit the effectiveness of Environmental Code Compliance and use this information to recommend staffing levels, training, and code changes |
| ERPG1O3 | Develop an educational and place-making program illustrating the location of the natural boundaries and environmentally sensitive areas of our city including watersheds and Edwards Aquifer recharge zone and contributing zones |
| ERPG1O4 | Adopt watershed specific regulations based on scientific understanding of water quality impacts |
| ERPG1O5 | Develop a regional detention and water quality strategy (including fee-in-lieu) to improve land efficiency, affordability, and efficacy of systems |
| ERPG1O6 | Establish a team with representatives from the County, City, and other public and private entities to identify lands and develop policies for the preservation and maintenance of environmentally sensitive watershed lands |
| ERPG1O7 | Incentivize dense development within the activity centers by lifting the regulatory environment, streamlining the development process and proactively building the infrastructure and regional detention facilities to support this growth |
| GOAL 2: Natural resources necessary to our community's health, well-being, and prosperity secured for future development | |
| ERPG2O1 | Develop a coordinated tree preservation and planting program |
| ERPG2O2 | Join the regional effort to improve air quality |
| ERPG2O3 | Adopt comprehensive ordinances that actively supports local food production and preservation of agricultural lands for farming |
| ERPG2O4 | Model sustainable practices in infrastructure, operations, and facilities in City projects |
| ERPG2O5 | Adopt a program to implement the greenway system that is identified in the preferred scenario and integrate this trail system with the Parks Master Plan |
| GOAL 3: Pro-active policies that encourage recycling and resource and energy efficiency | |
| ERPG3O1 | Conduct a rate structure study, use the information to balance water and energy conservation goals with the economic viability of the utility |
| ERPG3O3 | Adopt and implement the recommendations of the Municipal Solid Waste Task Force |
| ERPG3O4 | Create a point system to measure the sustainable elements of proposed development in order to qualify for utility, process, and other incentives |
| ERPG3O5 | Develop re-claimed water infrastructure plan for activity centers |
| ERPG3O6 | Create connected network for non-automobile travel |

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| ENVIRONMENT & RESOURCE PROTECTION | |
| GOAL 4: A population prepared for and resilient to man-made and natural disasters | |
| ERPG4O1 | Adopt comprehensive floodplain development regulations |
| ERPG4O2 | Implement an education and outreach program that identifies, and alerts citizens to, risks and responses to all hazards In coordination with other governmental entities |
| LAND USE | |
| GOAL 1: Direct growth, compatible with surrounding uses | |
| LUG1O1 | Update Future Land Use Map that is based on the development intensities specified in the preferred scenario |
| LUG1O2 | Update Annexation/ETJ Management Plan |
| LUG1O3 | Create a Sustainability Plan to identify affordable and realistic sustainability practices to be encouraged |
| LUG1O4 | Replace the Land Development Code with an updated document to support preferred scenario |
| LUG1O5 | Align infrastructure plans to achieve preferred scenario |
| GOAL 2: High-density mixed-use development and infrastructure in the activity nodes, including the downtown area supporting walkability and integrated transit corridors | |
| LUG2O1 | Develop a parking plan in downtown, and other activity nodes, that supports the preferred scenario and implement incentives such as parking reductions for mixed-use developments near transit or employment centers |
| LUG2O2 | Require all developments dedicate adequate right-of-way to accommodate all modes of transportation |
| LUG2O3 | Implement a complete economic development strategy for downtown |
| LUG2O4 | Review and update the Downtown Master Plan |
| LUG2O5 | Create a fiscal impact model to quantify the costs and benefits of incentives |
| LUG2O6 | Maintain a current Thoroughfare Plan in order to preserve necessary right-of-way |
| LUG2O7 | Set aside areas for high quality public spaces during the development process |
| GOAL 3: Set appropriate density and impervious cover limitations in the environmentally sensitive areas to avoid adverse impacts on the water supply | |
| LUG3O1 | Create specifications for the use of pervious materials |
| LUG3O2 | Implement rain water retention and storm water Best Management Practices |
| LUG3O3 | Track and monitor pervious cover at the watershed level |
| LUG3O4 | Adopt a Water Quality Model that will ensure water quality standards are met and to minimize water degradation |
| LUG3O5 | Adopt scientific standards for development in environmentally sensitive areas |
| NEIGHBORHOODS & HOUSING | |

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| NEIGHBORHOODS & HOUSING | |
| GOAL 1: Neighborhoods that are protected and enhanced in order to maintain a high quality of life and stable property values | |
| NHG1O1 | Update the current process for Land Use Amendments to provide for more holistic review |
| NHG1O2 | Improve communication of neighborhood information regarding enforcement and incentives |
| GOAL 2: Housing opportunities for students of Texas State University in appropriate areas and create and implement a plan to accomplish this vision | |
| NHG2O1 | Revise development codes in Intensity Zones to allow and streamline the process for appropriate uses and densities |
| NHG2O2 | Develop a plan to reduce congestion and parking issues caused near campus and in dense housing areas including community transit options that integrate with existing university systems |
| GOAL 3: Diversified housing options to serve citizens with varying needs and interests | |
| NHG3O1 | Revise zoning code to allow for more diverse housing types and mixed-use development |
| GOAL 4: Well-maintained, stable neighborhoods protected from blight or the encroachment of incompatible land uses | |
| NHG4O1 | Review and update city ordinances regarding maintenance of property |
| NHG4O2 | Develop a process to enforce city codes related to property maintenance |
| NHG4O3 | Update and improve notice requirements for zoning changes |
| NHG4O4 | Create clear criteria for zoning changes to apply to all cases |
| NHG4O5 | Identify and create Character Index studies for neighborhoods inside and outside of intensity zones |
| NHG4O6 | Develop a plan to manage parking demand |
| PARKS, PUBLIC SPACES & FACILITIES | |
| GOAL 3: A vibrant central arts district and robust arts and cultural educational opportunities for everyone | |
| PPSFG3O1 | Create funding mechanism(s) for the area designated as the Central Arts District |
| PPSFG3O2 | Establish an Arts District Development Task Force to identify the location for, and implement the creation of, the Central Arts District |
| PPSFG3O3 | Develop an Art in Public Places Program and identify areas of the city that could be used for murals/public art displays |
| GOAL 1: Well-maintained public facilities that meet the needs of our community | |
| PPSFG1O3 | Expand the scope of the local radio station (KZOS) and local TV station |
| PPSFG1O4 | Create a Sidewalk Master Plan |
| PPSFG1O5 | Review and approve infrastructure plans every five (5) years to be consistent with the preferred scenario and comprehensive plan vision and goals. |
| PPSFG1O6 | Expand the current library |

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| PARKS, PUBLIC SPACES & FACILITIES | |
| GOAL 2: A differentiated collection of connected and easily navigated parks and public spaces | |
| PPSFG2O1 | Develop a comprehensive way-finding system for City, including all transportation options (trails to roads) |
| PPSFG2O2 | Create and implement a policy that ensures adequate resources are identified to develop and maintain parks and public space prior to acceptance of dedication |
| PPSFG2O3 | Create a Greenways Master Plan |
| PPSFG2O4 | Develop a beautification schedule for gateways |
| GOAL 4: Funding and staffing to ensure quality public safety and community services | |
| PPSFG4O1 | Make fire and police asset investments that accommodate the more compact, sustainable, and dense development and infrastructure in the preferred scenario |
| PPSFG4O2 | Perform an analysis to create and maintain a fire and police station location plan which identifies, based on nationally recognized and accepted response times, the appropriate locations for future fire, EMS, and police stations |
| PPSFG4O3 | Expand our volunteer system to create a Central Volunteer System. |
| PPSFG4O4 | Establish a park amenities schedule for a maintenance/repair/replacement program |
| GOAL 5: Effective social services delivered to those who can most benefit from them | |
| PPSFG5O1 | Conduct a gap analysis of current social services and facilitate cooperation between the public and private social service providers to better meet community needs |
| PPSFG5O2 | Study and address homelessness issues through qualitative and/or quantitative analysis |
| TRANSPORTATION | |
| GOAL 1: A safe, well-coordinated transportation system implemented in a an environmentally sensitive manner | |
| TG1O1 | Update Transportation Plan in 2013 to address transportation issues |
| TG1O2 | Determine appropriate modes of transportation in and around new developments, subdivisions, site plans, the University and high density residential areas |
| TG1O3 | Evaluate the Traffic Impact Analysis (TIA) process regularly to address future traffic impact expectations |
| TG1O4 | Maintain a current Travel Demand Model (TDM) to be utilized for continued analysis of the transportation network |

| TRANSPORTATION | |
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| GOAL 2: A multimodal transportation network to improve accessibility and mobility, minimize congestion and reduce pollution | |
| TG2O1 | Focus on non-vehicular transportation improvements in updated Transportation Master Plan |
| TG2O3 | Obtain "Bicycle Friendly Community" designation |
| TG2O4 | Create a Sidewalk Master Plan |
| TG2O5 | Develop and implement a complete streets policy for coordination with other transportation related entities to properly integrate all modes of transportation into the transportation network |
| TG2O6 | Pilot Green Street program to minimize environmental impacts and reduce maintenance cost, while improving street aesthetics |
| TG2O7 | Integrate the transportation system by coordinating with all related public entities, including, but not limited to CAMPO, the counties, TxDOT, the University, and the rail district |

# Additional Recommendations for Consideration

## Clarification of Economic Development Goal 3, Objective 1

*"Conduct target industry ~~marking~~ marketing plans regularly"*

Reason for change: typing error

## Clarification of Economic Development Goal 5, Objective 5

***"~~Evaluation of~~ Evaluate city-owned property that might be sold for economic development in order to raise revenue and / or reduce debt"***

Reason for change: to bring in line with general phrasing of goals

**File #:** ID#13-221, **Version:** 1

**AGENDA CAPTION:**
Consider approval of the minutes of the Regular Meeting on March 25, 2014.
**Meeting date:** April 8, 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 25, 2014**

DRAFT

**1. Present**

**Commissioners:**

Chris Wood, Chair
Kenneth Ehlers, Vice Chair
Corey Carothers
Travis Kelsey
Angie Ramirez
Curtis Seebeck
Amy Stanfield
Brian Olson
Jane Hughson

**City Staff:**

Matt Lewis, Development Services Director
Kristy Stark, Development Services Assistant Director
Sam Aguirre, 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 25, 2014, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**Consider the following:**

1. Election of the following officers:

    a. Planning and Zoning Commission Chair
    b. Planning and Zoning Vice Chair

Nominations were made for Christopher Wood and Jane Hughson as Chair. Christopher Wood was elected Chair.

Nominations were made for Kenneth Ehlers and Curtis Seebeck as Planning Commission Vice-Chair. Kenneth Ehlers was elected as Vice Chair.

**Chairperson's Opening Remarks.**

Chair Wood welcomed the audience and viewers.

**30 Minute Citizen Comment Period**

Randy Rogers, 308 Orchard, spoke in opposition to PSA-14-01, Campus Village Communities. He explained that the traffic will drop into Orchard Street and increase traffic. He felt that the proposed development will devalue the neighborhood. Mr. Rogers informed the Commission that they had a neighborhood meeting and are requesting an 8' buffer between the proposed development and their neighborhood. He asked the Commission to deny the zoning request, compensate home owners with lower taxes or include that an 8' buffer be built behind their properties.

Diane Wassenich welcomed all the new Commissioners. She asked the Commission to use their microphones so that the public can hear what has been said. Ms. Wassenich stated it is very important that the Chair follow the rules by not allowing the public to attack staff or individual P&Z members. She added that P&Z members are not allowed to attack people in the audience. She stated that everyone should be treated equally. Ms. Wassenich stated that she wants it be very clear that citizens believe it is wrong to allow people to miss meetings without good excuses.

Terry Norris signed up to speak but deferred his time to speak during the public hearing.

***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.**

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

**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.

Amanda Hernandez, 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 9-0 to approve CUP-14-07 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; and that the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried.

**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.

Amanda Hernandez, 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 Carothers, the Commission voted 9-0 to approve CUP-14-09 with the conditions that the permit shall be valid for one (1) year, provided standards are met subject to the point system; and that the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried.

**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.

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 Kelsey and a second by Commissioner Seebeck, the Commission voted 8-1 to approve CUP-14-10 with the conditions that the permit shall be valid for life of the TABC permit, provided standards are met subject to the point system; and the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried.

**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.

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

Chair Wood opened the public hearing. Eric White, owner of Vodka Street and Green Parrot stated he has been in business on the square for over 22 years. He explained that he was confused regarding his permit because he does not own the building and was not aware his permit was expired. Mr. White added that he never received a notice of the expired permit. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Ehlers and a second by Commissioner Ramirez, the Commission voted 8-0 to approve CUP-14-11 with the conditions that the permit shall be valid for three (3) years, provided standards are met subject to the point system; and the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried. Commissioner Kelsey recused himself.

**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.

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 9-0 to approve CUP-14-12 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; and the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried.

**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.

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

Chair Wood opened the public hearing. Terry Norris, resident on Mill Street, spoke in opposition to the request. He provided the Commission with photos of traffic congestion on Mill Street. Mr. Norris expressed concerns regarding traffic on Mill Street. He felt that the proposed zoning charge will increase traffic. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Ehlers and a second by Commissioner Carothers, the Commission voted 9-0 to approve ZC-14-02 as submitted. The motion carried.

**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.

Amanda Hernandez, 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 Ramirez and a second by Commissioner Kelsey, the Commission voted 8-0 to approve LDC-14-02. The motion carried.

**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.

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

Chair Wood opened the public hearing. Jim Garber, 104 Canyon Fork spoke in support of the changes to the Land Development Code. He felt that drastic changes should be the responsibility of the elected officials. Mr. Garber said that City Council should make the critical decisions. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Hughson and a second by Commissioner Carothers, the Commission voted 7-2 to approve LDC-14-03 with the language added to require a super majority (3/4) vote of the City Council to reverse a decision by the Planning and Zoning Commission. The motion carried.

Chair Wood called a ten minute recess.

**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

Amanda Hernandez, Staff Planner gave an update of the two Preferred Scenario Amendments.

**12**. Development Services Report:

a. Comprehensive Master Plan Implementation Update
b. Multifamily Design Standards Update
c. Code SMTX Update
d. SMTX Talks Update

Matt Lewis and John Foreman gave an update.

**13**. 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.

**14.** Adjournment.

Chair adjourned the Planning and Zoning Commission meeting at 8:05 p.m. on Tuesday, March 25, 2014.

| | |
|---|---|
| _____ | _____ |
| Chris Wood, Chair | Kenneth Ehlers, Vice Chair |
| _____ | _____ |
| Corey Carothers, Commissioner | Travis Kelsey Commissioner |
| _____ | _____ |
| Angie Ramirez, Commissioner | Curtis Seebeck, Commissioner |
| _____ | _____ |
| Amy Stanfield, Commissioner | Jane Hughson, Commissioner |
| _____ | |
| Brian Olson, Commissioner | |

ATTEST:

_____
Francis Serna, Recording Secretary

**File #:** PC-13-05_02b, **Version:** 1

**AGENDA CAPTION:**

PC-13-05_02b (Retreat on Willow Creek Preliminary Plat) Consider a request by Carlson, Brigance and Doering, Inc., on behalf of Preferred Development Partners and KB Home Lone Star, Inc., for approval of an amendment to the Preliminary Plat for the Retreat on Willow Creek Subdivision consisting of approximately 100.885 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Hunter Road to: 1) modify the boundary of the parkland to be dedicated with the Phase 2 Final Plat identified as Lot 56 on the attached plat; and 2) reconfigure an easement area in order to allow more room for improvements associated with construction of the road and bridge across Willow Creek which connects Phases 1-3 and Phase 4..

**Meeting date:** April 8, 2014

**Department:** Development Services - Planning

**Funds Required:** N/A
**Account Number:** N/A
**Funds Available:** N/A
**Account Name:** N/A

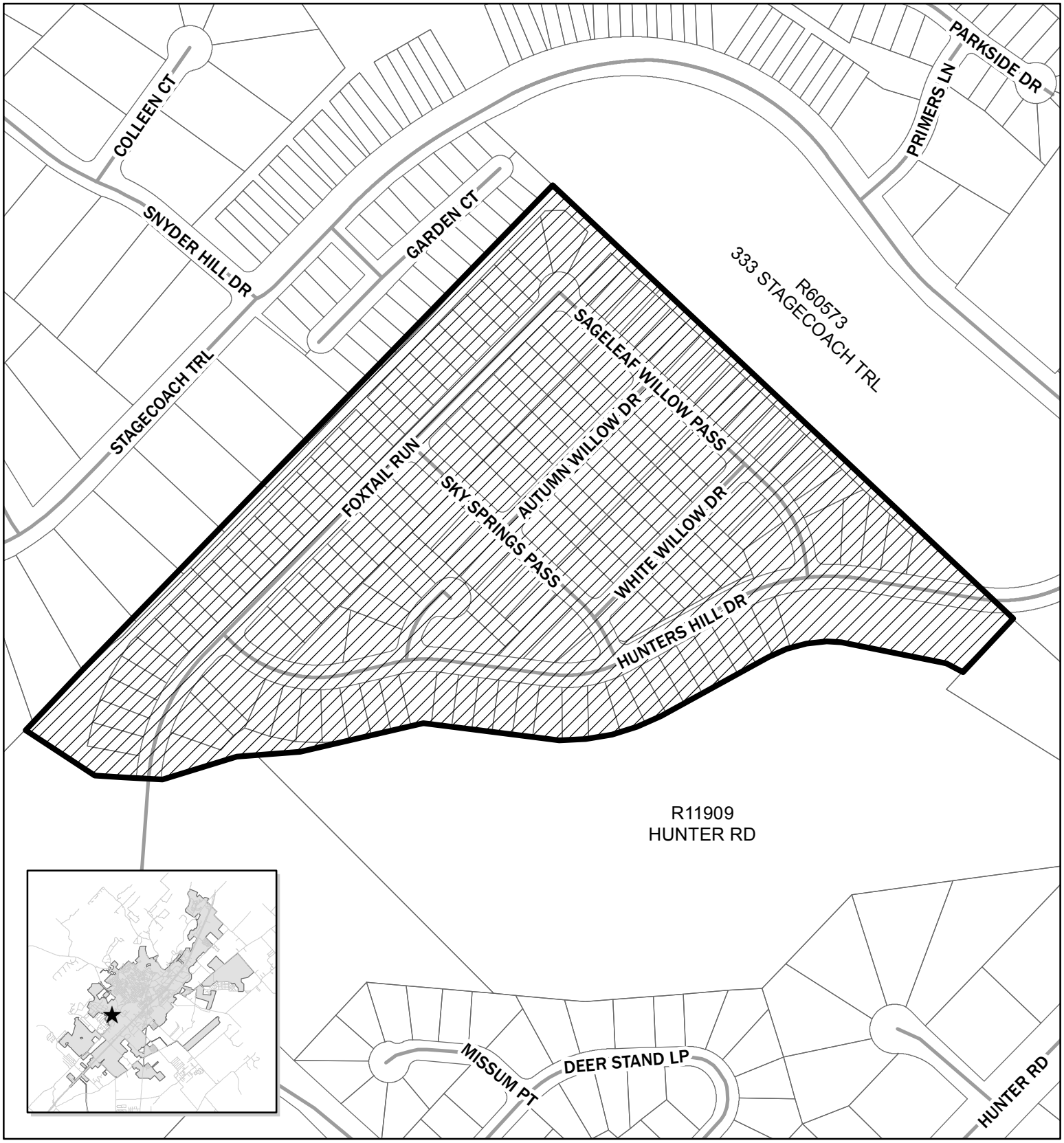
***CITY COUNCIL GOAL***: Community Wellness/Encourage the Middle Class

***BACKGROUND***:

The original Preliminary Plat for the Retreat on Willow Creek was approved by the Planning and Zoning Commission on April 23, 2013. The plat covers the entire land area for the approved PDD (Ordinance 2012-56) and illustrates a four phase development. The base zoning is MU with the PDD overlay which limits the property to single family residential only. There are 147 single family lots planned in Phases 1-3. Lot configuration for Phase 4 has not been determined, but a maximum of 133 lots would be permitted.

This application was submitted concurrently with the Phase 2 Final Plat to make the following amendments: 1) modify the boundary of the Parkland Dedication required during Phase 2 on the northwest side of Foxtail Run; and 2) reconfigure an easement area in order to construct the road and bridge across Willow Creek, which connects Phases 1-3 with Phase 4 and provides the two required points of access.

The amended Preliminary Plat meets the criteria established in Section 1.6.3.5 of the Land Development Code and the requirements of the PDD and staff recommends approval.




**PC-13-05_02b**
**Retreat at Willow Creek**
**Preliminary Plat**
**Map Date: 3/28/2014**

Site Location
Notification Area (200 feet)

0 195 390 780 Feet

N

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.

# PC-13-05_02b
# The Retreat on Willow Creek
# Preliminary Plat Amendment

## Applicant Information:

**Agent:** Carlson, Brigance and Doering Inc.
5501 W. William Cannon
Austin, TX 78744

**Property Owner 1:** KB Home Lonestar, Inc.
10800 Pecan Park, Suite 200
Austin, TX 78750

**Property Owner 2:** Preferred Development Partners
215 W. Bandera, Suite 114-461
Boerne, TX 78006

## Subject Property:

**Summary:** The subject property is approximately 100.88 acres out of the J.M. Veramendi Survey No. 1, Abstract 17, located west of Hunter Road and south of Stagecoach Trail.

**Zoning:** PDD overlay with Mixed Use (MU) base zoning.

**Traffic/ Transportation:** The property will be accessed from Hunters Hill Drive and Foxtail Run. Both will be extended as part of the public improvements for the respective phase of development. The Traffic Impact Analysis has been recommended for approval and requires a pro rata contribution to road and signal improvements on Stagecoach and Hunter Road.

**Utility Capacity:** All utilities are provided for onsite. Some line extensions are required. A public utility easement has been granted by the San Marcos CISD along Hunters Hill Drive to provide electrical service to the property. A water and wastewater line extension is also required.

## Planning Department Analysis:

The amended Retreat on Willow Creek Planned Development District was approved by City Council in December 2012. The original Preliminary Plat was approved by the Planning and Zoning Commission on April 23, 2013. It encompasses the entire land area for the approved PDD and illustrates a four phase development. The base zoning is MU with the PDD overlay which limits the property to single family residential only. There are 147 single family lots in phases 1-3. Lot configuration for Phase 4 has not been determined. The maximum number of permitted lots would be 133.

The applicant is seeking an amendment to the previously approved Preliminary Plat to make the following changes: 1) modify the boundary of the parkland to be dedicated with the Phase 2 Final Plat identified as Lot 56 on the attached plat; and 2) reconfigure an easement area in order to allow more room for improvements associated with construction of the road and bridge across Willow Creek which connects Phases 1-3 and Phase 4. This connection is required to be completed at the time 25 building permits have been issued in the development.

An approved Watershed Protection Plan 1 (WPP1) is required for approval of a Preliminary Plat, and this requirement was met at the time of the original Preliminary Plat review and approval. The developer submitted the more detailed WPP2, which is required for Final Plats, for development Phases 1-3. In addition, the application was considered a Qualified Watershed Protection Plan (QWPP2) due to the reclamation of the floodplain. Reclamation of the floodplain requires a formal process through FEMA which results in a Conditional Letter of Map Revision (CLOMR) – essentially relocation of the floodplain lines on the map.

The CLOMR has been approved by FEMA and as a result, the boundary of the floodplain, which was also the proposed boundary for the Parkland Dedication along Willow Creek has changed. The applicant seeks the amendment to realign the Parkland Dedication boundary in Phase 2 on both the Preliminary Plat and on the Phase 2 Final Plat which was submitted concurrently.

The PDD required 29.39 acres of Parkland Dedication. This requirement was satisfied at the time of plat for Phase 1 (32.628 acres were dedicated). The Parks Board received an update and request on March 26, 2013, for the inclusion of additional acreage in the Parkland Dedication. The Parks Board had no issues with the additional acreage beyond the 29.39. The previously approved Preliminary Plat illustrated 38.072 acres of Parkland Dedication - with the amendments, the total dedication will now be 36.858 acres more or less.

***Code Requirements and Criteria for Approval***

The purpose of a Preliminary Plat is to establish lot design for a subdivision, establish utility layouts, and street and intersection design. The Preliminary Plat stage ensures that the final plat design, if final platting is accomplished in phases, is consistent with the overall plan for the area. Section 1.6.3.7 of the Land Development Code states that minor changes to an approved Preliminary Plat such as an adjustment of street or alley alignments, lengths and paving details, or adjustment of lot lines that do not result in the creation of additional lots may be approved administratively without the filing of a new Preliminary Plat application. The acreage that is no longer included in the boundary of the Parkland (approximately 1.2 acres) will be incorporated into new lots in Phase 4; thus the Planning and Zoning Commission is the decision maker for this amendment to the Preliminary Plat.

Staff has reviewed the amendments and has determined the Preliminary Plat is consistent with Section 1.6.3.5 (Criteria for Approval) and the PDD requirements in Ordinance 2012-56 and recommends approval of the amended Preliminary Plat.

| Planning Department Recommendation | |
|---|---|
| ☒ | Approve as submitted |
| ☐ | Approve with conditions or revisions as noted |
| ☐ | Alternative - Postpone |
| ☐ | Denial |

## The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Preliminary Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, approve with conditions or deny the Preliminary Subdivision Plat application. The action of the Commission shall be noted on two copies of the Preliminary Subdivision Plat, referenced and attached to any conditions determined. One copy shall be returned to the applicant and the other retained in the City's files. A notation of the action taken on each Preliminary Subdivision Plat application and the reasons for the action shall be entered in the minutes of the Commission.

**Prepared by:**

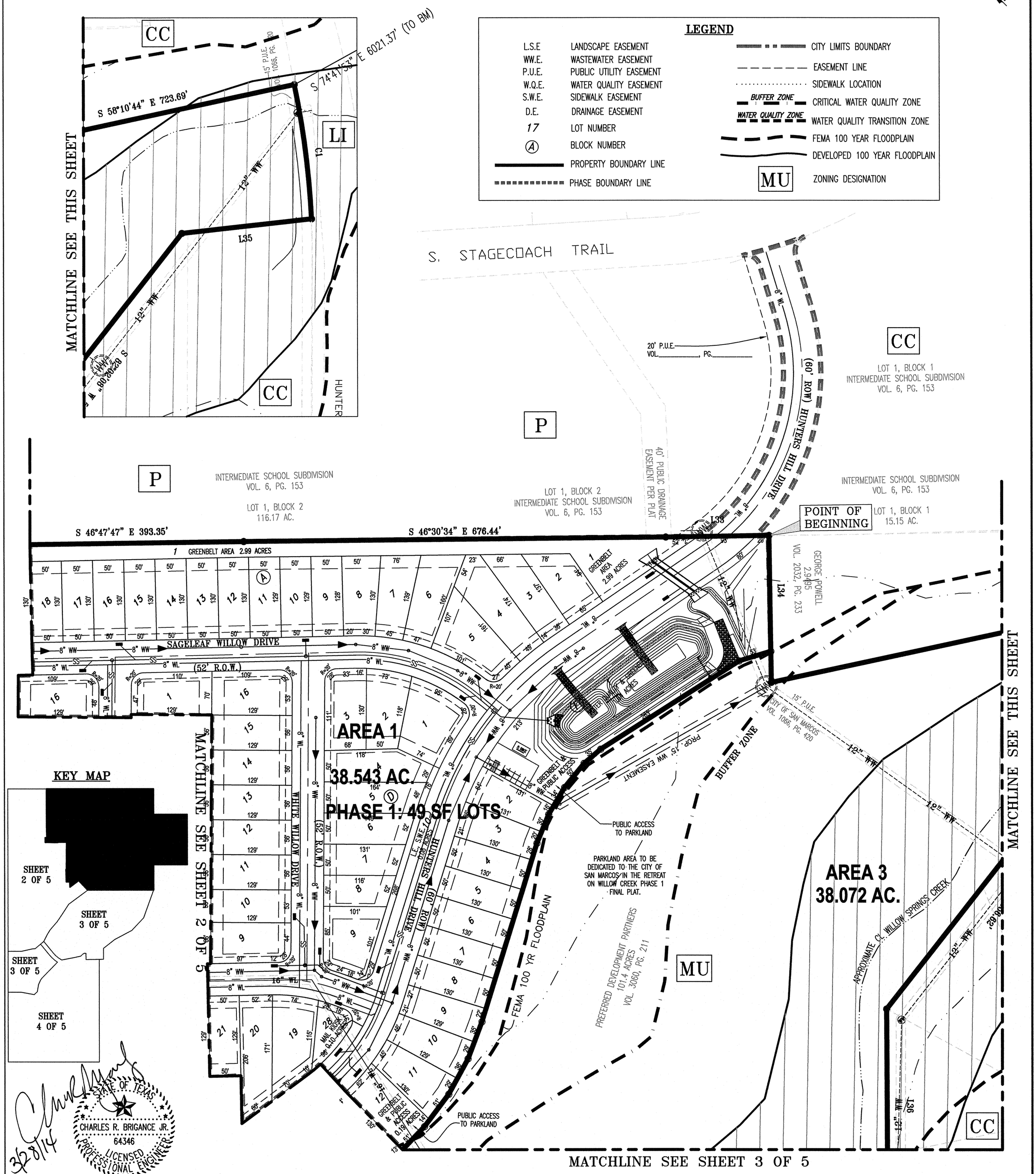
| Emily Koller | Planner | March 27, 2014 |
|---|---|---|
| **Name** | **Title** | **Date** |

# THE RETREAT ON WILLOW CREEK
# PRELIMINARY PLAT AMENDED

SCALE: 1" = 100'

**LEGEND**

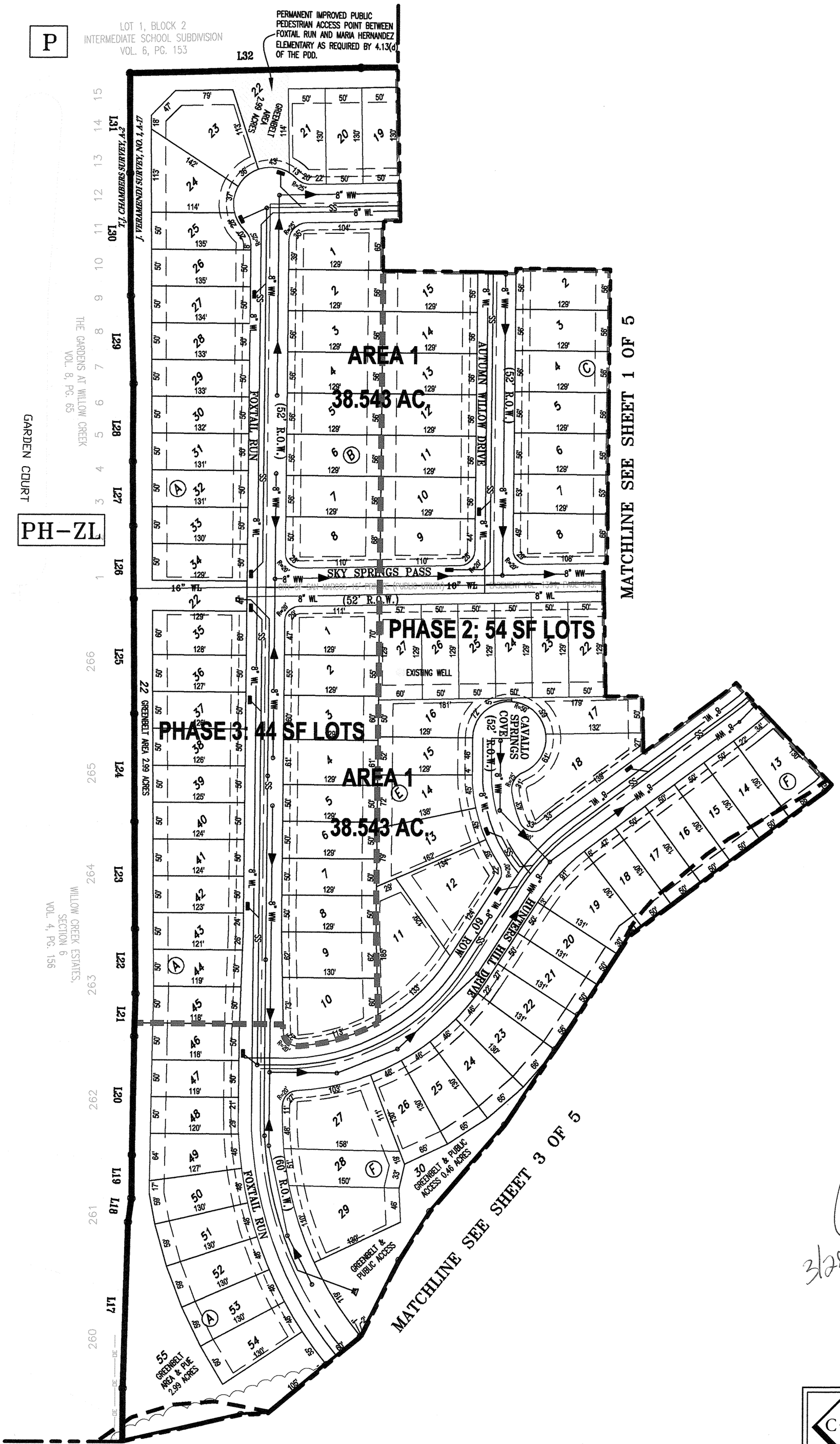
| | |
|---|---|
| L.S.E | LANDSCAPE EASEMENT |
| WW.E. | WASTEWATER EASEMENT |
| P.U.E. | PUBLIC UTILITY EASEMENT |
| W.Q.E. | WATER QUALITY EASEMENT |
| S.W.E. | SIDEWALK EASEMENT |
| D.E. | DRAINAGE EASEMENT |
| 17 | LOT NUMBER |
| (A) | BLOCK NUMBER |
| | PROPERTY BOUNDARY LINE |
| | PHASE BOUNDARY LINE |
| | CITY LIMITS BOUNDARY |
| | EASEMENT LINE |
| | SIDEWALK LOCATION |
| BUFFER ZONE | CRITICAL WATER QUALITY ZONE |
| WATER QUALITY ZONE | WATER QUALITY TRANSITION ZONE |
| | FEMA 100 YEAR FLOODPLAIN |
| | DEVELOPED 100 YEAR FLOODPLAIN |
| MU | ZONING DESIGNATION |




SHEET 1 OF 5

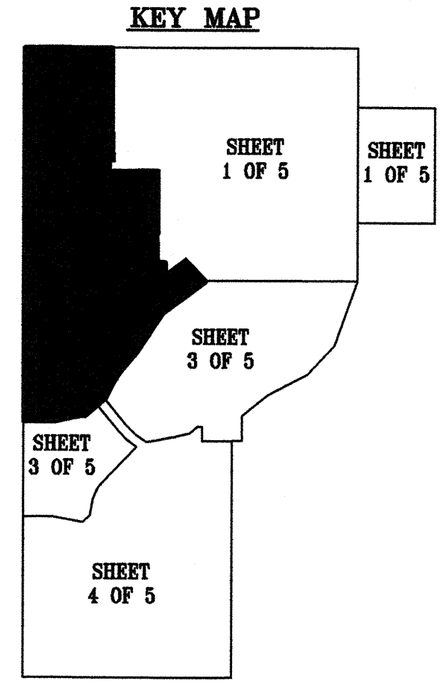

Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
5501 West William Cannon Drive ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

# THE RETREAT ON WILLOW CREEK
# PRELIMINARY PLAT AMENDED




SCALE: 1" = 100'

## KEY MAP




## LEGEND

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| | FEMA 100 YEAR FLOODPLAIN |
| | DEVELOPED 100 YEAR FLOODPLAIN |
| MU | ZONING DESIGNATION |

3/28/14

STATE OF TEXAS
CHARLES R. BRIGANCE JR.
64346
LICENSED PROFESSIONAL ENGINEER

CARLSON, BRIGANCE & DOERING, INC.
ID# F3791

SHEET 2 OF 5


Carlson, Brigance & Doering, Inc.
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Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

# THE RETREAT ON WILLOW CREEK
# PRELIMINARY PLAT AMENDED

SCALE: 1" = 100'

MATCHLINE SEE SHEET 1 OF 5

MATCHLINE SEE SHEET 2 OF 5

MATCHLINE SEE SHEET 4 OF 5

MATCHLINE SEE SHEET 2 OF 5

MATCHLINE SEE SHEET 4 OF 5

CC

MU

SF-6

FEMA FLOODWAY

FEMA FLOODWAY

BUFFER ZONE

15' PRIVATE (PUBLIC UTILITY) EASEMENT

CITY OF SAN MARCOS VOL. 1394, PG. 845

PARKLAND AREA TO BE DEDICATED TO THE CITY OF SAN MARCOS.

PROPOSED FEMA 100 YEAR FLOODPLAIN, BUFFER ZONE & WATER QUALITY ZONE

APPROXIMATE CL WILLOW SPRINGS CREEK

PREFERRED DEVELOPMENT PARTNERS 101.4 ACRES VOL. 3060, PG. 211

HUNTERS HILL SECTION TWO VOL. 8, PG. 101

DEER STAND LOOP

MISSUM POINT

**AREA 3**
**38.072 AC.**

PARKLAND AREA TO BE DEDICATED TO THE CITY OF SAN MARCOS IN THE RETREAT ON WILLOW CREEK PHASE 1 FINAL PLAT.

FOXTAIL RUN (60' R.O.W.)

30' SLOPE ESMT.

70' PUE

PROP. 15' WW EASEMENT

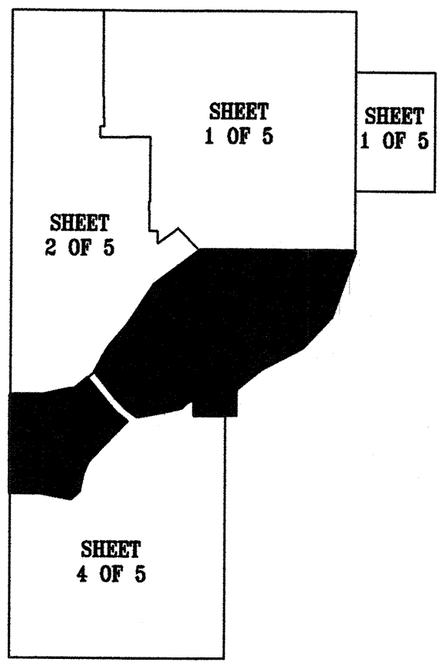
12" WW

PROP. 15' WW EASEMENT

DRAINAGE EASEMENT CITY OF SAN MARCOS VOL. 1066, PG. 414

L37 L38 L39

## KEY MAP




## LEGEND

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| W.Q.E. | WATER QUALITY EASEMENT |
| S.W.E. | SIDEWALK EASEMENT |
| D.E. | DRAINAGE EASEMENT |
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| (A) | BLOCK NUMBER |
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| | FEMA 100 YEAR FLOODPLAIN |
| | DEVELOPED 100 YEAR FLOODPLAIN |
| MU | ZONING DESIGNATION |

N58°49'24"W 165.84' L23

FEMA 100 YR FLOODPLAIN

PREFERRED DEVELOPMENT PARTNERS 101.4 ACRES VOL. 3060, PG. 211

J. VERRAMENDI SURVEY, NO. 1, A-17

T.T. CHAMBERS SURVEY, A-2

VARIABLE WIDTH DRAINAGE, SLOPE & PUE

56

PARKLAND 4.23 ACRES

PARKLAND AREA TO BE DEDICATED IN THE PHASE 2 PLAT

MU

**AREA 3**
**38.072 AC.**

LOT 56 PARKLAND AREA TO BE DEDICATED TO THE CITY OF SAN MARCOS IN THE RETREAT ON WILLOW CREEK PHASE 2 FINAL PLAT.

100 YR FLOODPLAIN PER CLOMR

PROP. 15' WW EASEMENT

12" WW

S02°19'57"E 44.89'

N66°38'50"E 395.58'

FEMA 100 YR FLOODPLAIN

S59°03'55"E 165.41'

BUFFER ZONE

**PHASE 4**

MATCHLINE SEE SHEET 4 OF 5

AMENDED AREA

L16 L15 L14 L13 L12 L22

A. DAN MCINTOK, ET UX 1.00 ACRES VOL. 1[illegible], PG. 464

3/28/14

STATE OF TEXAS
CHARLES R. BRIGANCE JR.
64346
LICENSED PROFESSIONAL ENGINEER

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SHEET 3 OF 5


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# THE RETREAT ON WILLOW CREEK
# PRELIMINARY PLAT AMENDED

**LEGEND**

| | |
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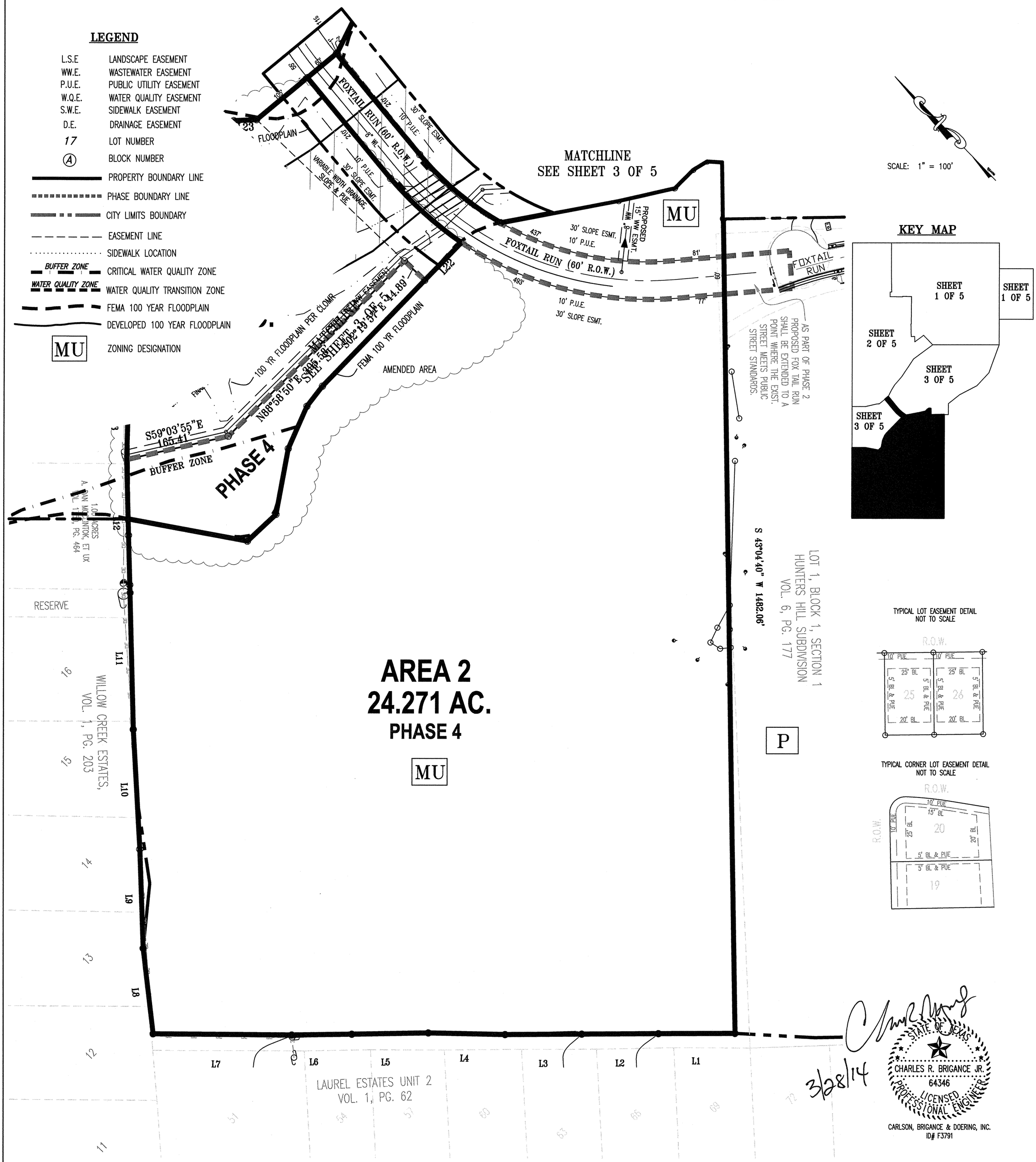
| | DEVELOPED 100 YEAR FLOODPLAIN |
| MU | ZONING DESIGNATION |




**AREA 2**
**24.271 AC.**
**PHASE 4**

MU

3/28/14

STATE OF TEXAS
CHARLES R. BRIGANCE JR.
64346
LICENSED
PROFESSIONAL ENGINEER

CARLSON, BRIGANCE & DOERING, INC.
ID# F3791

SHEET 4 OF 5


Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
5501 West William Cannon Drive ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

# THE RETREAT ON WILLOW CREEK
# PRELIMINARY PLAT AMENDED

DATE: FEBRUARY 11, 2013; AMENDED 3-25-2014

ACREAGE: 100.886 ACRES

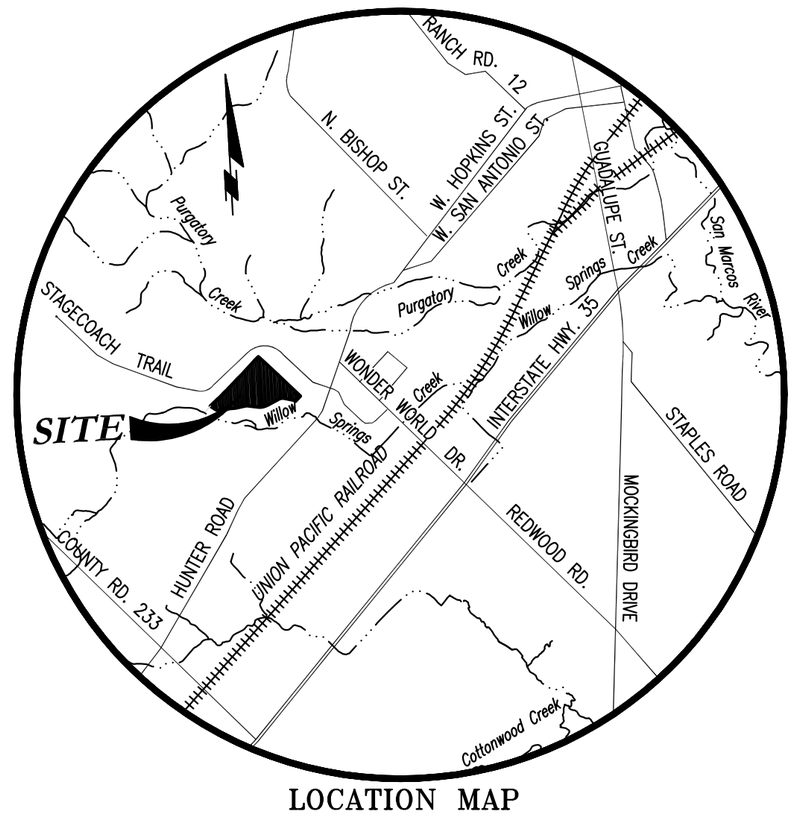
SURVEY: J. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 17, HAYS COUNTY, TEXAS

| | |
|---|---|
| TOTAL NUMBER OF LOTS: | 153 |
| SINGLE FAMILY LOTS | 147 |
| GREENBELT/ACCESS LOT | 2 |
| GREENBELT LOT | 1 |
| MAIL KIOSK LOT | 1 |
| LANDSCAPE/SIDEWALK LOT | 1 |
| WATER QUALITY/GREENBELT LOT | 1 |
| NUMBER OF BLOCKS | 6 |


OWNER:
PREFERRED DEVELOPMENT PARTNERS, LTD.
DONALD J. KUYRKENDALL
12040 COLWICK
SAN ANTONIO, TEXAS 78216
(210) 979-0800 phone

OWNER:
KB HOME
ATTN: JOHN ZINSMEYER
10800 PECAN PARK, SUITE 200
AUSTIN, TEXAS 78750
(512) 651-8064 phone

ENGINEER & SURVEYOR:
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
(512) 280-5160 phone
(512) 280-5165 fax


LOCATION MAP
NTS

NOTES:

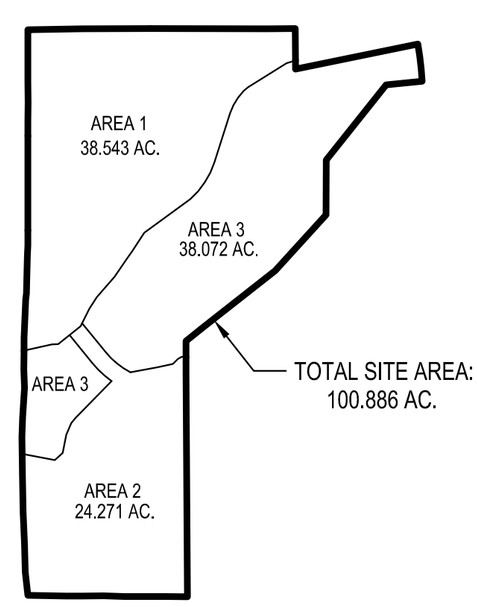
1. PARKLAND DEDICATION REQUIREMENTS WILL BE SATISFIED WITH THE FIRST FINAL PLAT.
2. DEVELOPMENT OF THIS PROJECT, INCLUDING TREE MITIGATION, SHALL COMPLY WITH THE TERMS OF THE PDD APPROVED FOR THIS SUBDIVISION.
3. THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED IMMEDIATELY UPON APPROVAL OF THE PICP FOR EACH PHASE.
4. THERE ARE CURRENTLY 49 HOMES LOCATED WITHIN THE EXISTING HUNTERS HILL SUBDIVISION. TO SATISFY 4.13(a) OF THE PDD, NO MORE THAN 25 HOMES SHALL BE CONSTRUCTED WITHIN PHASE 1 PRIOR TO THE CONSTRUCTION OF THE PORTION OF FOXTAIL RUN CROSSING THE PARKLAND LOT (AREA 3 AS DESIGNATED IN THE PDD) ALLOWING A SECONDARY ACCESS POINT.
5. GREENBELT AREAS SHALL BE OWNED AND MAINTAINED BY EITHER THE DEVELOPER OF THE PROPERTY OR THE RESULTING SUBDIVISION'S MANDATORY HOA.
6. PUBLIC ACCESS TO PARKLAND LOT (AREA 3) SHALL BE PROVIDED THROUGH LOTS 1, 12 AND 30 BLOCK F. PUBLIC ACCESS TO MARIA HERNANDEZ ELEMENTARY SHALL BE PROVIDED THROUGH LOT 22 BLOCK A. PUBLIC ACCESS EASEMENTS SHALL BE DEDICATED AT THE TIME OF FINAL PLAT.
7. A PUBLIC ACCESS EASEMENT TO DORIS MILLER MIDDLE SCHOOL WILL BE PROVIDED AT THE TIME OF FINAL PLAT FOR AREA 2.
8. ANY ROADWAY IMPROVEMENTS REQUIRED AS A RESULT OF THE TRAFFIC IMPACT ANALYSIS SHALL BE IDENTIFIED PRIOR TO APPROVAL OF A FINAL PLAT AND ADDRESSED WITHIN THE PICP FOR ALL OR ANY PORTION OF THE PROPERTY IMPACTED BY THE ROADWAY IMPROVEMENTS.
9. NO PORTION OF THIS PROJECT IS LOCATED IN THE EDWARDS AQUIFER RECHARGE ZONE OR CONTRIBUTING ZONE.
10. THE WATER QUALITY POND ON LOT 1, BLOCK F, SHALL BE OWNED AND MAINTAINED BY EITHER THE DEVELOPER OR RESULTING SUBDIVISION'S MANDATORY HOA.
11. DRAINAGE CONVEYANCE THROUGH LOT 56, BLOCK "A" SHALL BE ALLOWED PENDING REVIEW AND APPROVAL BY THE CITY OF SAN MARCOS.

LEGAL DESCRIPTIONS:

AREA 1 IS 38.543 ACRES OF LAND OUT OF THE JUAN M. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 18 SITUATED IN HAYS COUNTY, TEXAS

AREA 2 IS 24.271 ACRES OF LAND OUT OF THE JUAN M. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 17 SITUATED IN HAYS COUNTY, TEXAS

AREA 3 IS 38.072 ACRES OF LAND OUT OF THE JUAN M. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 17 SITUATED IN HAYS COUNTY, TEXAS




SITE MAP
N.T.S.

FLOODPLAIN NOTE:
ACCORDING TO THE CURRENT FEMA FLOOD INSURANCE RATE MAP NUMBER 48209C 0476F AND 0477F, DATED SEPTEMBER 2, 2005, HAYS COUNTY, TEXAS, A PORTION OF THIS TRACT LIES WITHIN THE DESIGNATED HUNDRED YEAR FLOODPLAIN FLOOD HAZARD AREA.

LOTS AFFECTED BY FEMA FLOODPLAIN:

| LOT | BLOCK | MINIMUM FFE |
|---|---|---|
| 13 | F | 626.80 |
| 14 | F | 626.80 |
| 15 | F | 624.80 |
| 16 | F | 624.60 |
| 17 | F | 626.20 |
| 18 | F | 627.15 |
| 19 | F | 631.50 |

LANDUSE TABLE:

| AREA | LANDUSE |
|---|---|
| 1 | MU |
| 2 | MU |
| 3 | MU |

BENCHMARK INFORMATION:

"X" CUT ON CURB INLET, APPROXIMATELY 148' SOUTH OF CULVERT ALONG HUNTER ROAD (FM 2439), OPPOSITE LOT 8, WILLOW SPRINGS CENTER REPLAT, VOL. 12, PG. 27,
N-13862087.0
E-2296342.1
ELEVATION=616.17'

STATE OF TEXAS
CHARLES R. BRIGANCE JR.
64346
LICENSED
PROFESSIONAL ENGINEER
CARLSON, BRIGANCE & DOERING, INC.
ID# F3791




Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
5501 West William Cannon Drive ◆ Austin, Texas 78749
Phone No. (512) 280-5160◆Fax No. (512) 280-5165

**File #:** PC-14-05_03, **Version:** 1

**AGENDA CAPTION:**
PC-14-05_03 (Retreat on Willow Creek Phase 2) Consider a request by Carlson, Brigance and Doering, Inc., on behalf of Preferred Development Partners, for approval of a Final Plat for approximately 15.543 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, establishing the Retreat on Willow Creek Phase 2 subdivision, located near the intersection of Stagecoach Trail and Hunter Road.

**Meeting date:** April 8, 2014

**Department:** Development Services - Planning

**Funds Required:** N/A
**Account Number:** N/A
**Funds Available:** N/A
**Account Name:** N/A

***CITY COUNCIL GOAL***: Community Wellness/ Strengthen the Middle Class

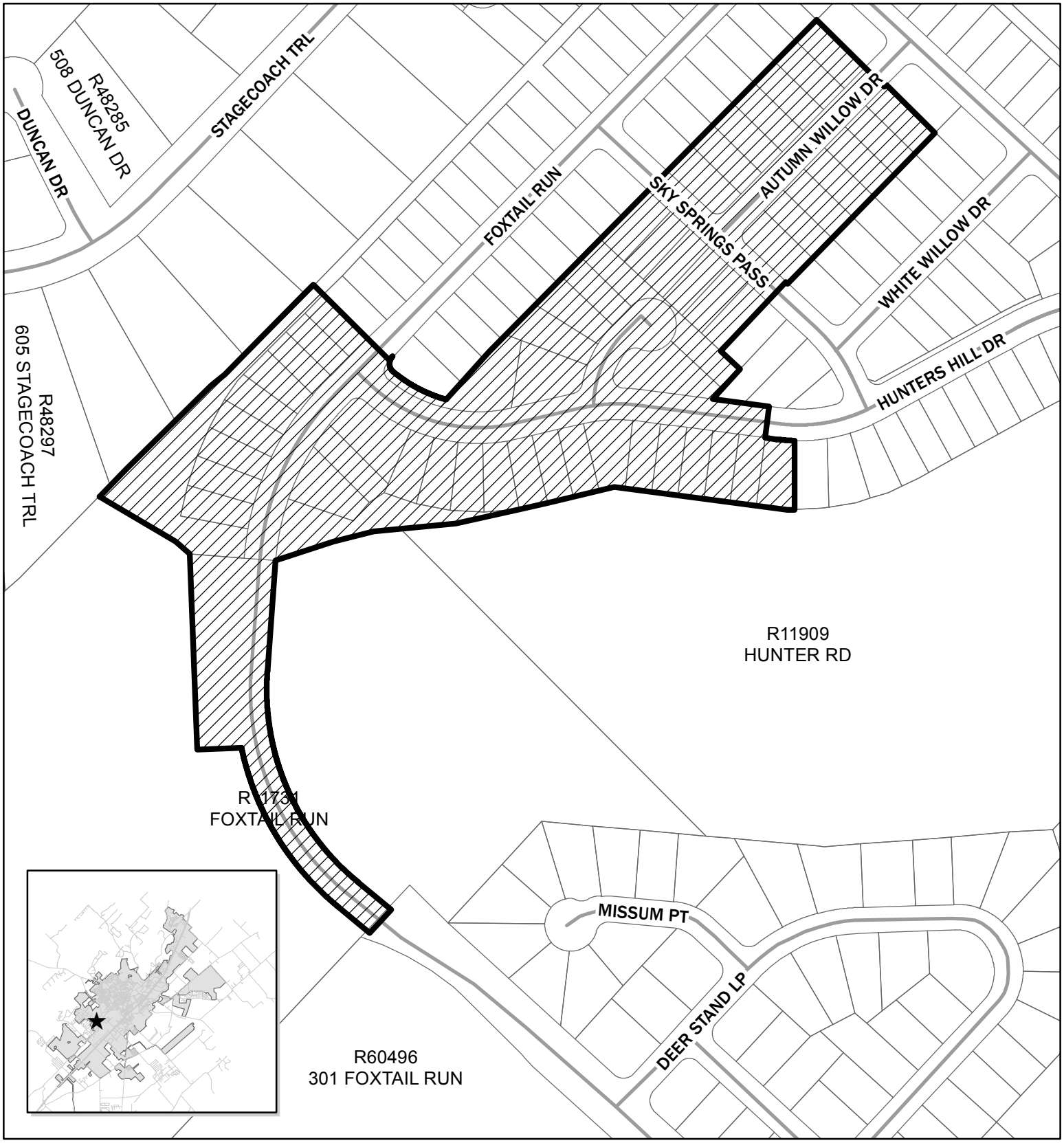
***BACKGROUND***:

The subject property is part of the Retreat on Willow Creek Planned Development District and has a base zoning of Mixed Use. The PDD overlay limits the property to single family residential only. Phase 2 consists of 54 single family lots. There are 147 total lots in Phases 1-3.

The Phase 2 Final Plat is consistent with the Preliminary Plat. A new Preliminary Plat application was submitted concurrently with the Phase 2 Final Plat to make amendments that modify the boundary of the Parkland Dedication required during Phase 2 and reconfigure an easement area in order to construct the road and bridge across the creek. The amended Preliminary Plat is recommended for approval on this agenda.

The Public Improvements Construction Plan for Phase 2 and Watershed Protection Plan Phase 2 have been approved by the Engineering Department. The improvements are being deferred until after recordation of the plat.

Staff has reviewed the request and determined that the plat meets the requirements of the Land Development Code as well as the requirements of the Retreat on Willow Creek Planned Development District and recommends approval.




**PC-14-05_03**
**Retreat on Willow Creek Ph2**
**Foxtail Dr @ Hunters Hill Dr**
**Map Date: 3/28/2014**

Site Location
Notification Buffer (200 feet)

0 165 330 660 Feet N

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.

# PC-14-05_03
# Final Plat
# The Retreat on Willow Creek Phase 2

## Applicant Information:

**Agent:** Carlson, Brigance and Doering, Inc.
5501 W. William Cannon Drive
Austin, TX 78744

**Applicant:** KB Home Lonestar, Inc.
10800 Pecan Park, Suite 200
Austin, TX 78750

**Property Owner:** Preferred Development Partners
215 W. Bandera Road
Boerne, TX 78006

## Subject Property:

**Summary:** The subject property is approximately 15.543 acres out of the J.M. Veramendi Survey No. 1, Abstract 17, located west of Hunter Road and south of Stagecoach Trail.

**Zoning:** PDD overlay with Mixed Use (MU) base zoning.

**Traffic/ Transportation:** The property will be accessed from Hunters Hill Drive, which is being extended from Stagecoach Trail as part of the public improvements. The Traffic Impact Analysis (TIA) has been recommended for approval and requires a pro rata contribution to road and signal improvements on Hunter Road.

**Utility Capacity:** All utilities are provided for onsite. Some line extensions are required. A public utility easement has been granted by the San Marcos CISD along Hunters Hill Drive to provide electrical service to the property. A water and wastewater line extension is also required.

## Planning Department Analysis:

The subject property is part of the Retreat on Willow Creek Planned Development District and has a base zoning of Mixed Use. The PDD overlay limits the property to single family residential only. A Preliminary Plat was approved for this subdivision on April 23, 2013. An application was submitted concurrently with the Phase 2 Final Plat to make amendments to the Preliminary, which include: 1) modifying the boundary of the Parkland Dedication required during Phase 2 on the northwest side of Foxtail Run; and 2) reconfiguring an easement area in order to construct the road and bridge across the creek. The amended Preliminary Plat meets the criteria established in Section 1.6.3.5 of the Land Development Code and it is recommended for approval on this same agenda.

There are 54 single family lots in Phase 2. Due to the requirements of the PDD, a maximum of 25 homes are permitted to be constructed in all phases of the development prior to the completion of the bridge across Willow Creek. This provides the required two points of access. The Public Improvements Construction Plan

for Phase 2 includes the plans for the bridge. The PICP and the Watershed Protection Plan Phase 2 have been approved by the Director of Engineering. Construction of the improvements is being deferred until after recordation of the plat.

The Subdivision Improvement Agreement has been executed by the property owner (attached) as well as an Assignment and Assumption of Subdivision Improvement Agreement, assigning development rights for Phase 2 to KB Home Lonestar Inc.

Public parkland dedication totaling 32.628 acres was completed in Phase 1. This exceeds the requirement of 29.39 acres in the PDD. An additional 4.23 acres will be dedicated in Phase 2 for a total Parkland Dedication for the development of 36.858 acres more or less.

The Traffic Impact Analysis has been recommended for approval. Recommendations are based on the full build-out of the entire Retreat on Willow Creek development – 253 single family homes. Signal and intersection improvements are called for at Hunter Road and Foxtail Run, as well as at Hunter Road and Wonder World Drive. These will be required at the time Foxtail Run is extended through the subdivision connecting Phases 1-3 (153 lots) on the north side of Willow Creek and Phase 4 (approximately 100 lots) on the south side.

Staff has reviewed the request and determined that the plat meets the requirements of Section 1.6.5.5 of the Land Development Code as well as the requirements of the Retreat on Willow Creek Planned Development District and recommends approval.

| Planning Department Recommendation | |
|---|---|
| ☒ | Approve as submitted |
| ☐ | Approve with conditions or revisions as noted |
| ☐ | Alternative - Postpone |
| ☐ | Denial |

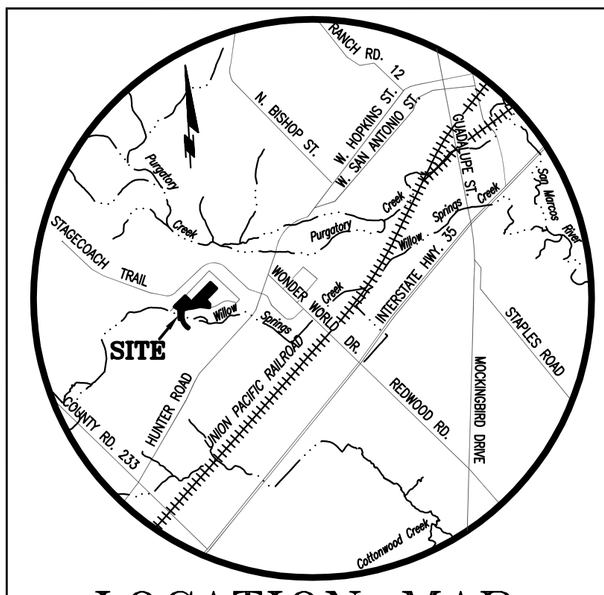
## The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Final Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

**Prepared by:**

| Emily Koller | Planner | March 26, 2014 |
|---|---|---|
| **Name** | **Title** | **Date** |

# THE RETREAT ON WILLOW CREEK PHASE 2

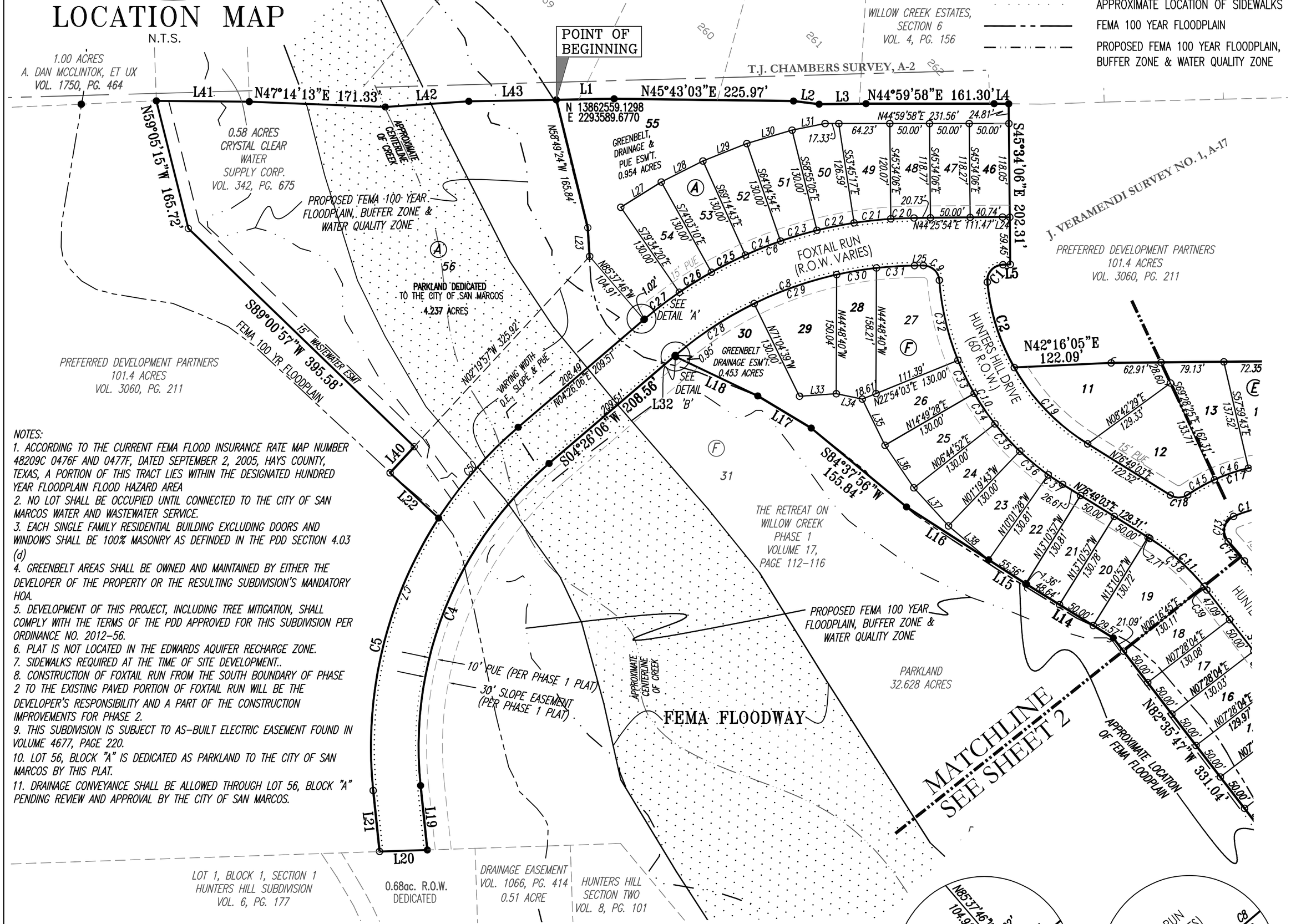



LOCATION MAP
N.T.S.

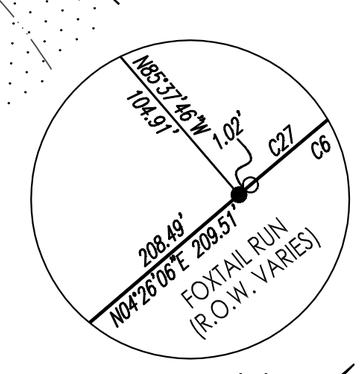
SCALE: 1" = 100'

LEGEND

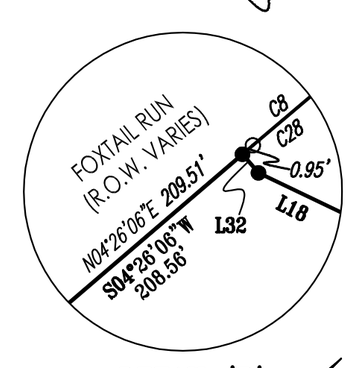
| | |
|---|---|
| △ | CALCULATED POINT |
| ○ | IRON ROD SET |
| ● | IRON ROD FOUND |
| BL | BUILDING SETBACK LINE |
| PUE | PUBLIC UTILITY EASEMENT |
| 25 | LOT NUMBER |
| Ⓐ | BLOCK DESIGNATION |
| | APPROXIMATE LOCATION OF SIDEWALKS |
| | FEMA 100 YEAR FLOODPLAIN |
| | PROPOSED FEMA 100 YEAR FLOODPLAIN, BUFFER ZONE & WATER QUALITY ZONE |




NOTES:
1. ACCORDING TO THE CURRENT FEMA FLOOD INSURANCE RATE MAP NUMBER 48209C 0476F AND 0477F, DATED SEPTEMBER 2, 2005, HAYS COUNTY, TEXAS, A PORTION OF THIS TRACT LIES WITHIN THE DESIGNATED HUNDRED YEAR FLOODPLAIN FLOOD HAZARD AREA
2. NO LOT SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF SAN MARCOS WATER AND WASTEWATER SERVICE.
3. EACH SINGLE FAMILY RESIDENTIAL BUILDING EXCLUDING DOORS AND WINDOWS SHALL BE 100% MASONRY AS DEFINDED IN THE PDD SECTION 4.03 (d)
4. GREENBELT AREAS SHALL BE OWNED AND MAINTAINED BY EITHER THE DEVELOPER OF THE PROPERTY OR THE RESULTING SUBDIVISION'S MANDATORY HOA.
5. DEVELOPMENT OF THIS PROJECT, INCLUDING TREE MITIGATION, SHALL COMPLY WITH THE TERMS OF THE PDD APPROVED FOR THIS SUBDIVISION PER ORDINANCE NO. 2012-56.
6. PLAT IS NOT LOCATED IN THE EDWARDS AQUIFER RECHARGE ZONE.
7. SIDEWALKS REQUIRED AT THE TIME OF SITE DEVELOPMENT..
8. CONSTRUCTION OF FOXTAIL RUN FROM THE SOUTH BOUNDARY OF PHASE 2 TO THE EXISTING PAVED PORTION OF FOXTAIL RUN WILL BE THE DEVELOPER'S RESPONSIBILITY AND A PART OF THE CONSTRUCTION IMPROVEMENTS FOR PHASE 2.
9. THIS SUBDIVISION IS SUBJECT TO AS-BUILT ELECTRIC EASEMENT FOUND IN VOLUME 4677, PAGE 220.
10. LOT 56, BLOCK "A" IS DEDICATED AS PARKLAND TO THE CITY OF SAN MARCOS BY THIS PLAT.
11. DRAINAGE CONVEYANCE SHALL BE ALLOWED THROUGH LOT 56, BLOCK "A" PENDING REVIEW AND APPROVAL BY THE CITY OF SAN MARCOS.




DETAIL 'A'
1"=10'




DETAIL 'B'
1"=10'

DATE: MARCH 06, 2014

ACREAGE: 19.057 ACRES

SURVEY: J. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 17, HAYS COUNTY, TEXAS

| | |
|---|---|
| TOTAL NUMBER OF LOTS: | 57 |
| SINGLE FAMILY LOTS | 54 |
| GREENBELT/DRAINAGE LOTS | 2 |
| PARKLAND LOTS | 1 |
| NUMBER OF BLOCKS | 5 |

OWNER: PREFERRED DEVELOPMENT PARTNERS, LTD.
215 WEST BANDERA ROAD, SUITE 114-461
BOERNE, TEXAS 78006
(830) 755-6491 phone

DEVELOPER: KB HOME
LONE STAR, INC.
10800 PECAN PARK BLVD., STE.200
AUSTIN, TEXAS 78750
(512) 651-8100 phone
(512) 795-6181 fax

ENGINEER & SURVEYOR:
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
(512) 280-5160 phone
(512) 280-5165 fax

STATE OF TEXAS }
COUNTY OF TRAVIS }

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

DO HEREBY CERTIFY THAT A PORTION OF THIS PROPERTY IS LOCATED WITHIN A DESIGNATED 100-YEAR FLOOD ZONE AREA, AS DELINEATED ON THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANELS 48209C 0476F, AND 0477F, DATED SEPTEMBER 2, 2005, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ADDITIONALLY, STORMWATER RUNOFF FROM THE 100 YEAR STORM EVENT SHALL BE CONTAINED WITHIN THE DRAINAGE FACILITIES TO BE LOCATED WITHIN THE RIGHTS-OF-WAY, AND /OR OPEN SPACE AND DRAINAGE EASEMENT LOTS.

CHARLES R. BRIGANCE, Jr., P.E. No. 64346 DATE
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON
AUSTIN, TEXAS 78749
(512) 280-5160

STATE OF TEXAS
CHARLES R. BRIGANCE JR.
64346
LICENSED
PROFESSIONAL ENGINEER

CARLSON, BRIGANCE & DOERING, INC.
ID# F3791

STATE OF TEXAS }
COUNTY OF TRAVIS }

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

SURVEYED BY: DATE
AARON V. THOMASON, R.P.L.S #6214
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON
AUSTIN, TEXAS 78749
aaron@cbdeng.com

STATE OF TEXAS
REGISTERED
AARON V. THOMASON
6214
PROFESSIONAL
LAND SURVEYOR

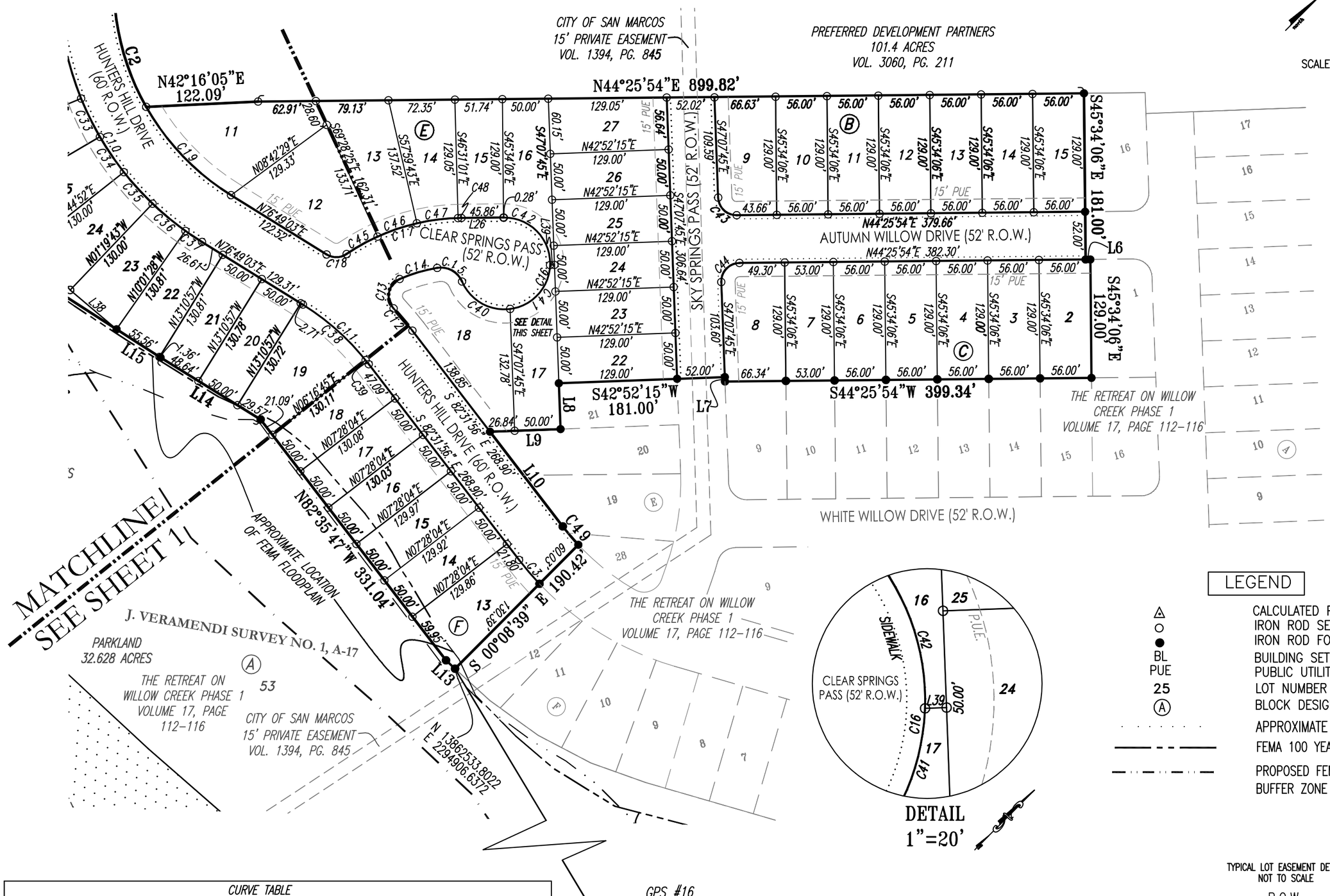
SHEET 1 OF 3

A SUBDIVISION OF 19.057 ACRES BEING THE RETREAT ON WILLOW CREEK PHASE 2, IN THE J. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 17, HAYS COUNTY, TEXAS

Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
5501 West William Cannon Drive ◆ Austin, Texas 78749
Phone No. (512) 280-5160◆Fax No. (512) 280-5165

PATH-J:\4589\SURVEY\PLAT-PH 2

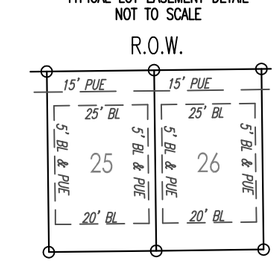
# THE RETREAT ON WILLOW CREEK PHASE 2



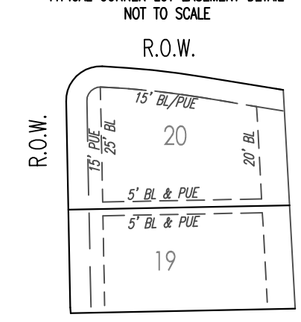

GPS #16
CITY OF SAN MARCOS
ALUMINUM DISC SET IN CONCRETE

N 13860690.8100
E 2302276.4700

TYPICAL LOT EASEMENT DETAIL
NOT TO SCALE




TYPICAL CORNER LOT EASEMENT DETAIL
NOT TO SCALE




| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | RADIUS | LENGTH | CHORD | CHORD BEARING | TANGENT |
| C1 | 20.00' | 33.13' | 29.47' | S03°01'00"E | 21.79 |
| C2 | 270.00' | 113.64' | 112.80' | S62°31'22"E | 57.67 |
| C3 | 330.00' | 34.23' | 34.21' | S85°30'12"E | 17.13 |
| C4 | 470.00' | 454.33' | 436.85' | S23°15'28"E | 246.68 |
| C5 | 530.00' | 359.82' | 352.95' | N31°30'04"W | 187.16 |
| C6 | 530.00' | 369.98' | 362.51' | S24°26'00"W | 192.89 |
| C7 | 530.00' | 512.33' | 492.62' | S23°15'28"E | 278.17 |
| C8 | 470.00' | 328.09' | 321.47' | S24°26'00"W | 171.05 |
| C9 | 20.00' | 30.20' | 27.41' | S87°41'02"W | 18.82 |
| C10 | 330.00' | 311.70' | 300.24' | S76°07'23"E | 168.57 |
| C11 | 270.00' | 97.31' | 96.79' | S87°08'34"W | 49.19 |
| C12 | 330.00' | 31.76' | 31.75' | N85°17'21"W | 15.89 |
| C13 | 20.00' | 38.21' | 32.66' | S33°18'27"E | 28.29 |
| C14 | 174.00' | 42.76' | 42.65' | S28°28'16"W | 21.49 |
| C15 | 25.00' | 33.31' | 30.90' | S73°40'46"W | 19.65 |
| C16 | 50.00' | 215.91' | 83.19' | N11°51'37"W | 74.95 |
| C17 | 226.00' | 133.03' | 131.12' | S27°34'08"W | 68.50 |
| C18 | 20.00' | 23.08' | 21.82' | N43°45'43"E | 13.02 |
| C19 | 270.00' | 134.78' | 133.39' | S88°52'53"E | 68.83 |
| C20 | 530.00' | 29.28' | 29.28' | S42°50'56"W | 14.64 |
| C21 | 530.00' | 46.44' | 46.43' | S38°45'21"W | 23.24 |
| C22 | 530.00' | 47.76' | 47.75' | S33°39'49"W | 23.90 |
| C23 | 530.00' | 47.76' | 47.75' | S28°30'00"W | 23.90 |
| C24 | 530.00' | 47.76' | 47.75' | S23°20'12"W | 23.90 |
| C25 | 530.00' | 47.92' | 47.90' | S18°09'53"W | 23.98 |
| C26 | 530.00' | 47.61' | 47.59' | S13°00'04"W | 23.82 |
| C27 | 530.00' | 55.43' | 55.41' | S07°25'53"W | 27.74 |
| C28 | 470.00' | 118.84' | 118.53' | S11°40'44"W | 59.74 |
| C29 | 470.00' | 110.47' | 110.22' | S25°39'22"W | 55.49 |
| C30 | 470.00' | 50.75' | 50.73' | S35°28'59"W | 25.40 |
| C31 | 470.00' | 48.03' | 48.01' | S41°30'14"W | 24.04 |
| C32 | 330.00' | 103.88' | 103.45' | S58°04'53"E | 52.37 |
| C33 | 330.00' | 46.52' | 46.48' | S71°08'14"E | 23.30 |
| C34 | 330.00' | 46.52' | 46.48' | S79°12'50"E | 23.30 |
| C35 | 330.00' | 46.52' | 46.48' | S87°17'25"E | 23.30 |
| C36 | 330.00' | 46.52' | 46.48' | N84°37'59"E | 23.30 |
| C37 | 330.00' | 21.76' | 21.75' | N78°42'23"E | 10.88 |
| C38 | 270.00' | 91.71' | 91.27' | S86°32'54"W | 46.30 |
| C39 | 270.00' | 5.60' | 5.60' | N83°07'35"W | 2.80 |
| C40 | 50.00' | 64.77' | 60.34' | N74°44'09"E | 37.83 |
| C41 | 50.00' | 70.31' | 64.65' | N02°39'29"W | 42.38 |
| C42 | 50.00' | 80.83' | 72.31' | N89°15'15"W | 52.35 |
| C43 | 20.00' | 30.87' | 27.90' | N88°39'04"E | 19.46 |
| C44 | 20.00' | 31.96' | 28.67' | S01°20'56"E | 20.55 |
| C45 | 226.00' | 38.74' | 38.69' | S15°36'59"W | 19.42 |
| C46 | 226.00' | 45.28' | 45.20' | S26°15'56"W | 22.71 |
| C47 | 226.00' | 45.28' | 45.20' | S37°44'38"W | 22.71 |
| C48 | 226.00' | 3.74' | 3.74' | S43°57'26"W | 1.87 |
| C49 | 270.00' | 26.25' | 26.24' | S85°19'04"E | 13.14 |
| C50 | 530.00' | 152.51' | 151.98' | S03°48'30"E | 76.78 |

| LINE TABLE | | |
|---|---|---|
| LINE | LENGTH | BEARING |
| L1 | 72.83' | N44°01'20"E |
| L2 | 32.48' | N51°58'45"E |
| L3 | 59.03' | N44°22'02"E |
| L4 | 18.44' | N45°36'21"E |
| L5 | 9.27' | S42°44'02"W |
| L6 | 5.15' | N44°25'54"E |
| L7 | 4.89' | S47°07'45"E |
| L8 | 50.00' | S47°07'45"E |
| L9 | 76.84' | N42°52'15"E |
| L10 | 130.05' | N82°31'56"W |
| L13 | 13.49' | S87°31'45"W |
| L14 | 128.21' | S76°45'12"W |
| L15 | 56.92' | S77°45'33"W |
| L16 | 123.07' | S77°45'33"W |
| L17 | 78.49' | S76°03'37"W |
| L18 | 114.45' | S70°29'47"W |
| L19 | 81.56' | N50°57'03"W |
| L20 | 60.15' | S43°04'40"W |
| L21 | 77.34' | N50°57'03"W |
| L22 | 83.54' | S87°56'28"W |
| L23 | 36.27' | N48°42'30"W |
| L24 | 9.27' | S46°07'45"W |
| L25 | 11.21' | N44°25'54"E |
| L26 | 46.14' | S44°25'54"W |
| L27 | 60.11' | S13°02'16"W |
| L28 | 58.81' | S18°12'05"W |
| L29 | 59.46' | S23°20'12"W |
| L30 | 59.46' | S28°30'00"W |
| L31 | 42.32' | S33°39'49"W |
| L32 | 1.71' | N85°37'46"W |
| L33 | 46.47' | S41°00'34"W |
| L34 | 33.46' | N56°42'02"E |
| L35 | 64.79' | N71°08'14"W |
| L36 | 64.79' | N79°12'50"W |
| L37 | 64.79' | N87°17'25"W |
| L38 | 66.26' | S85°14'25"W |
| L39 | 4.71' | N42°53'57"E |
| L40 | 44.89' | N02°19'57"W |
| L41 | 117.10' | N45°29'36"E |
| L42 | 105.50' | N41°08'38"E |
| L43 | 110.20' | N44°01'20"E |

| LOT SIZE | NO. |
|---|---|
| < 1 ACRE | 56 |
| 1-2 ACRE | 0 |
| 2-5 ACRE | 1 |
| 5-10 ACRE | 0 |
| > 10 ACRE | 0 |
| MINIMUM LOT SIZE: 0.136 AC (5,903 sq. ft.) | |
| AVERAGE LOT SIZE: 0.263 AC (11,466 sq. ft.) | |

## SHEET 2 OF 3

A SUBDIVISION OF 19.057 ACRES BEING THE RETREAT ON WILLOW CREEK PHASE 2, IN THE J. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 17, HAYS COUNTY, TEXAS


Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
5501 West William Cannon Drive ◆ Austin, Texas 78749
Phone No. (512) 280-5160◆Fax No. (512) 280-5165


PATH-J:\4589\SURVEY\PLAT-PH 2

# THE RETREAT ON WILLOW CREEK PHASE 2

STATE OF TEXAS }
COUNTY OF HAYS }

PREFERRED DEVELOPMENT PARTNERS, LTD., BEING THE OWNER OF 101.4 ACRES OF LAND OUT OF THE J. VERAMENDI SURVEY, NUMBER 1, ABSTRACT NUMBER 17 SITUATED IN HAYS COUNTY, TEXAS AS CONVEYED BY DEED RECORDED IN VOLUME 3060, PAGE 211 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE 19.057 ACRES OF LAND, TO BE KNOWN AS:

**"THE RETREAT ON WILLOW CREEK PHASE 2"**

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN ON THIS PLAT.

_____
NORMAN REITMEYER, MANAGER
PREFERRED DEVELOPMENT PARTNERS, LTD.
215 WEST BANDERA ROAD, SUITE 114–461
BOERNE, TEXAS 78006

STATE OF TEXAS }
COUNTY OF HAYS}

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ BY NORMAN REITMEYER, ON BEHALF OF SAID COMPANY.

_____
NOTARY PUBLIC, STATE OF TEXAS

CITY OF SAN MARCOS}
CERTIFICATE OF APPROVAL}

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF_____, 20__ BY THE PLANNING & ZONING COMMISSION OF THE CITY OF SAN MARCOS.

_____
CHRIS WOOD, CHAIRMAN
PLANNING & ZONING COMMISSION

_____
FRANCIS SERNA,
RECORDING SECRETARY

APPROVED:

_____
MATTHEW LEWIS, CNU–A
DIRECTOR DEVELOPMENT SERVICES

_____
DATE

_____
LAURIE MOYER, P.E., DIRECTOR OF CIP AND ENGINEERING
DIRECTOR OF ENGINEERING

_____
DATE

STATE OF TEXAS }
COUNTY OF HAYS }

I, LIZ Q. GONZALES, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20____, A.D., AND DULY RECORDED ON THE _____

DAY OF _____, 20____ A.D., AT _____ O'CLOCK ___.M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____, PAGE(S)

_____, AND DOCUMENT NUMBER _____.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF_____, 20____, A.D.

_____
LIZ Q. GONZALES
COUNTY CLERK
HAYS COUNTY, TEXAS

SHEET 3 OF 3

*A SUBDIVISION OF 19.057 ACRES BEING THE RETREAT ON WILLOW CREEK PHASE 2, IN THE J. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 17, HAYS COUNTY, TEXAS*

**Carlson, Brigance & Doering, Inc.**
Civil Engineering ◆ Surveying
5501 West William Cannon Drive ◆ Austin, Texas 78749
Phone No. (512) 280-5160◆Fax No. (512) 280-5165

PATH–J:\4589\SURVEY\PLAT–PH 2

**City of San Marcos**
**Subdivision Improvement Agreement**

Subdivision Name: THE RETREAT AT WILLOW CREEK PHASE 2
Developer Name: PREFERRED DEVELOPMENT PARTNERS, LTD.
Developer Address: 215 W. BANDERA ROAD, SUITE 114-461
BOERNE, TX 78006

Planning Dept. Case No.: PC-14-05-03

**Recitals:**

**A.** The Developer owns the land included in the proposed final plat of the Subdivision, and more particularly described on the attached **Exhibit A** (the "Property").

**B.** The Developer desires to develop the Property, and City ordinances and State laws require the Developer to complete all on-site and off-site public improvements (the "Public Improvements") associated with the Subdivision.

**C.** This Agreement is authorized by Section 1.6.6.3 of the City Land Development Code (the "LDC"), and is executed to memorialize the Developer's responsibilities regarding the Public Improvements.

**Agreement:**

**In consideration of the mutual covenants set forth in this Agreement, the City and the Developer agree as follows:**

**1. Recitals Incorporated.** The Recitals are incorporated in this Agreement for all purposes.

**2. Parties.** The parties to this Agreement are the Developer and the City of San Marcos.

**3. Effective Date.** This Agreement is effective on the date the Developer signs it (the "Effective Date").

**4. Construction of Improvements.** The Developer agrees to construct and install, at the Developer's expense, all of the Public Improvements in compliance with applicable City ordinances, standards, and regulations, and in accordance with the construction plans and specifications approved by the City.

**5. Security for Completion of Improvements.** The Developer agrees to provide and continuously maintain security (the "Security") for the completion of the Public Improvements in accordance with Section 1.6.6.4 of the LDC. The Security must be in the amount of 125% of the cost estimate for the Public Improvements approved by the City Director of Engineering.

**6. Warranty and Maintenance Bond.** The Developer agrees to correct all defects in materials or workmanship in the Public Improvements for a period of one year after acceptance by the City. The Developer agrees to provide a maintenance bond in favor of the City in the amount of 20% of the cost of the Public Improvements for a period of two years after acceptance by the City.

**7. Lien Search Certificate.** The Developer agrees to provide, at the time this Agreement is executed, a Lien Search Certificate prepared and signed by a title company acceptable to the City Attorney. The Lien Search Certificate must identify the property, must name all owners of the Property, must name all lienholders having liens against the Property, and must be dated no more than 10 days prior to the Effective Date. The Lien Search Certificate must be accompanied by a Consent of Lienholder signed by an authorized representative of each lienholder identified in the Lien Search Certificate. This Agreement will not be accepted without the Lien Search Certificate and the executed Consent of Lienholder, if applicable.

**8. Acquisition of Property Interests.** The Developer agrees to acquire at its expense all rights-of-way, easements and other real property interests needed for the construction of the Public Improvements, including all off-site improvements, in a manner suitable for dedication of the real

property interests to the City. The form of all documents under which real property interests are acquired is subject to approval by the City Attorney. The Developer agrees to record each such document in the official public records of the county in which the Property is located, and to provide a copy of each such recorded document to the City Attorney.

**9. Recording of Plat.** Upon completion of all of the following, the City agrees to record the final plat of the Subdivision in the official public records of the county in which the Property is located:

A. Approval of this Agreement by the City Planning and Zoning Commission.
B. Approval of the final plat of the Subdivision by the City Planning and Zoning Commission.
C. Submission to City of Lien Search Certificate, and executed Consent of Lienholder for each lienholder on the Property.
D. Approval of the Security by the City Attorney.
E. Approval by the City Attorney of all conveyance documents for rights-of-way, easements and other real property interests needed for the construction of the Public Improvements.

**10. Conditions of Draw on Security.** The City Director of Engineering may draw upon any Security upon the occurrence of one or more of the following events:

A. The Developer commenced construction but did not properly construct or complete one or more of the Public Improvements, and failed to remedy the construction deficiency within a reasonable cure period;
B. The Developer did not renew or replace the Security at least 45 days prior to its expiration date; or
C. The issuer of the Security, or any third party, has acquired all or any portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure.

**11. Drawing on the Security; Use of Draws.** The City Director of Engineering may draw upon the Security by submitting a draft to the issuer that complies with the terms governing the draft. The draw may be in any amount up to the full amount of the Security. The City agrees to restrict its use of funds from draws to purposes associated with the construction, maintenance or repair of the Public Improvements. The parties agree that by making a draw, the City does not waive its rights to enforce any obligation of the Developer under this Agreement, and the City is not accepting the Public Improvements for ownership and maintenance prior to final completion.

**12. Right of Entry.** The Developer grants to the City and its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property to inspect the construction of the Public Improvements, and to construct, inspect, maintain, and repair any public improvements made on the Property by the City.

**13. Remedies.** The remedies available to the City in the event of noncompliance by the Developer with this Agreement are cumulative in nature. These remedies include, but are not limited to, the following:

A. Refusal to approve or record any plat associated with the Subdivision.
B. Refusal to provide or allow utility services to all or any part of the Property.
C. Refusal to accept all or a portion of the Public Improvements for public ownership or maintenance.
D. Draws against the Security for construction of the Public Improvements.
E. Injunction against further sale of tracts of land within the Subdivision.

**14. No Third Party Rights.** No person or entity who or which is not a party to this Agreement has any right of action under this Agreement. Nor does any such person or entity, other than the City (including without limitation a trustee in bankruptcy) have any interest in or claim to any funds drawn by the City on the Security in accordance with this Agreement.

**15. Indemnification. The Developer covenants to indemnify, save, and hold harmless the City and its their respective officers, employees, and agents from, and against, all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments recovered from or**

**asserted on account of injury or damage to persons or property loss or damage arising in connection with construction performed by or on behalf of the Developer on the Property.**

**16. Miscellaneous. A.** The Developer may assign its rights and obligations under this Agreement to a purchaser of all or part of the Property, if the Developer delivers written notice of the assignment to the City accompanied by an assignment agreement under which the assignee accepts all of the Developer's obligations under this Agreement and submits new Security for the Public Improvements in a form acceptable to the City Attorney. Any other assignment by a Party of rights or obligations under this Agreement will require the written approval of the other Party.

**B.** This Agreement, including appendices and referenced attachments, constitutes the entire agreement between the City and the Developer on this subject and supersedes all other proposals, presentations, representations, and communications, whether oral or written, between the parties. This Agreement may be amended only by a written document that is duly approved and executed by all parties.

**C.** In the event any section, subsection, paragraph, sentence, phrase or word is held invalid for any reason, the balance of this Agreement will remain in effect and will be read as if the parties intended at all times not to include the invalid section, subsection, paragraph, sentence, phrase or word.

**D.** This agreement shall be governed by the laws of the State of Texas. Exclusive venue for any legal dispute arising under this agreement shall be in Hays County, Texas. The City's execution of and performance under this Agreement will not act as a waiver of any immunity of the City to suit or liability under applicable law. The parties acknowledge that the City, in executing and performing this Agreement, is a governmental entity acting in a governmental capacity.

**E.** Notices required by this Agreement will be provided by the parties to one another by certified mail, return receipt requested, or by confirmed facsimile transmission, to the following addresses:

| To the City: | To the Developer: |
|---|---|
| City Manager | PREFERRED DEVELOPMENT PARTNERS, LTD. |
| City of San Marcos | ATTN: NORMAN REITMEYER |
| 630 E. Hopkins | 215 W. BANDERA ROAD, SUITE 114-461 |
| San Marcos, TX 78666 | BOERNE, TX 78006 |
| Fax: 512/396-4656 | Fax: (210) 979-0001 |
| | E-MAIL: NORMAN@PDPTEXAS.COM |

If a party changes its address or facsimile number for notice purposes, it will provide written notice of the new address to the other party within 10 days of the change.

**F.** In the event that the performance by either party of any of its obligations under this contract is interrupted or delayed by events outside of their control such as acts of God, war, riot, or civil commotion, then the party is excused from such performance for the period of time reasonably necessary to remedy the effects of the events.

**G.** This Agreement constitutes a covenant running with the title to the Property, and the provisions of this Agreement are binding on the Developer and on all successors and assigns of the Developer.

**Executed** by the parties to be Effective on _____

[signatures on following page]

City of San Marcos, Texas

By:_____
James R. Nuse, P.E., City Manager

This instrument was acknowledged before me on _____, 201___ by James R. Nuse, P.E., known personally by me to be the City Manager of the City of San Marcos, on behalf of the City of San Marcos.

Notary seal:

_____
Notary Public, State of Texas

Developer:
PREFERRED DEVELOPMENT PARTNERS, LTD.

By:_____
Signature
NORMAN REITMEYER, MANAGER PDS LLC, GENERAL PARTNER
Printed name, title

This instrument was acknowledged before me on March 28, 2014 by Norman Reitmeyer, known personally by me to be the Manager of PDS LLC, General Partner

Notary Seal:

Renee Reiter
Notary Public, State of Texas

**Consent of Lienholder to**
**Subdivision Improvement Agreement**

Subdivision Name: RETREAT AT WILLOW CREEK PHASE 2
Developer Name: PREFERRED DEVELOPMENT PARTNERS, LTD.
Developer Address: 215 W. BANDERA ROAD, SUITE 114-461
BOERNE, TX 78006

Lienholder Name: WESTERN NATIONAL BANK
Lienholder Address: 508 W. WALL, SUITE 1000
MIDLAND, TX 79701

**Recitals:**

**A.** The Developer is the owner of the property described in the attached and incorporated **Exhibit A** ("Property").

**B.** The Lienholder is the lienholder of the Property under the terms and conditions of the following document(s):

Deed of Trust dated 11/28/06 from the Developer to MICHAEL USSERY, Trustee, securing the payment of a promissory note payable to the Lienholder. The Deed of Trust is recorded in Volume 3060, page 220 of the Official Public Records of HAYS County, Texas.

**C.** The Developer has requested that the City of San Marcos (the "City") approve and execute a Subdivision Improvement Agreement with the Developer governing installation of all on-site and off-site public improvements (the "Public Improvements") associated with the Subdivision.

**Agreement:**

In consideration of $10.00 and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Lienholder agrees as follows:

1. The Lienholder consents to the execution of the Subdivision Improvement Agreement and the rights and obligations of the Developer set out therein.
2. The Lienholder subordinates its lien rights on this Property to the rights and interests of the City under the Subdivision Improvement Agreement, and the Lienholder agrees that any foreclosure by the Lienholder of its liens will not extinguish City's rights and interests in the Subdivision Improvement Agreement.

The undersigned has the authority to bind the Lienholder, and that all corporate acts necessary to bind the Lienholder have been taken.

Executed on MARCH 31, 2014

Lienholder:
WESTERN NATIONAL BANK

By: [signature]

James R. Kreuz, President - San Antonio
**Printed name, title**

This instrument was acknowledged before me on March 31, 2014 by James R. Kreuz, known personally by me to be the President-San Antonio of Western National Bank.

Notary Seal:

VIRGINIA V MARTIN
Notary Public
State of Texas
My Comm. Expires 6-21-2017

Virginia V. Martin
Notary Public, State of Texas

## EXHIBIT A:
## METES AND BOUNDS DESCRIPTION OF PROPERTY

# FIELD NOTES

**BEING THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND PART OF THE JUAN M. VERAMENDI SURVEY NO. 1, ABSTRACT 17, SITUATED IN HAYS COUNTY, TEXAS, SAID TRACT OF LAND BEING A PORTION OF A 101.4 ACRE TRACT OF LAND CONVEYED TO PREFERRED DEVELOPMENT PARTNERS, IN VOLUME 3060, PAGE 211 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 19.057 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING,** at a capped ½" iron rod found in the southeastern line of Lot 259, Willow Creek Estates, Section 6, a subdivision recorded in Volume 4, Page 156 of the Plat Records of Hays County Texas (P.R.H.C.TX.), also being in the northwestern line of said Preferred Development Partners tract for the westernmost corner and **POINT OF BEGINNING** of the herein described tract,

**THENCE**, with the common boundary line of said Willow Creek Estates, Section 6, and said Preferred Development Partners tract, the following six (6) courses and distances, numbered 1 through 6,

1. N44°01'20"E, a distance of 72.83 feet to a capped ½" iron rod found,
2. N45°43'03"E, a distance of 225.97 feet to a capped ½" iron rod found,
3. N51°58'45"E, a distance of 32.48 feet to a capped ½" iron rod found,
4. N44°22'02"E, a distance of 59.03 feet to a capped ½" iron rod found,
5. N44°59'58"E, a distance of 161.30 feet to an iron rod found, and
6. N45°36'21"E, a distance of 18.44 feet to a capped ½" iron rod found,

**THENCE**, leaving the common boundary line of said Willow Creek Estates, Section 6, and said Preferred Development Partners tract, and crossing said Preferred Development Partners tract, the following six (6) courses and distances, numbered 1 through 6,

1. S45°34'06"E, a distance of 202.31 feet to a capped ½" iron rod set,
2. S42°44'02"W, a distance of 9.27 feet to a capped ½" iron rod set at a point of curvature to the left,
3. with said curve to the left, having a radius of 20.00 feet, an arc length of 33.13 feet, and whose chord bears S03°01'00"E, a distance of 29.47 feet to a capped ½" iron rod set at a point of curvature to the left,
4. with said curve to the left, having a radius of 270.00 feet, an arc length of 113.64 feet, and whose chord bears S62°31'22"E, a distance of 112.80 feet to a capped ½" iron rod set,
5. N42°16'05"E, a distance of 122.09 feet to a capped ½" iron rod set, and
6. N44°25'54"E, a distance of 899.82 feet to a capped ½" iron rod found at the westernmost corner of Lot 16, Block B, The Retreat On Willow Creek, Phase 1, a subdivision recorded in Volume 17, Pages 112-116, of P.R.H.C.Tx., and being the northernmost corner of the herein described tract,

**THENCE**, with the common boundary line of said The Retreat On Willow Creek, Phase 1, and said Preferred Development Partners tract, the following twenty-three (23) courses and distances, numbered 1 through 23,

1. S45°34'06"E, a distance of 181.00 feet to a capped ½" iron rod found,
2. N44°25'54"E, a distance of 5.15 feet to a capped ½" iron rod found,
3. S45°34'06"E, a distance of 129.00 feet to a capped ½" iron rod found,

4. S44°25'54"W, a distance of 399.34 feet to a capped ½" iron rod found,
5. N47°07'45"W, a distance of 4.89 feet to a capped ½" iron rod found,
6. S42°52'15"W, a distance of 181.00 feet to a capped ½" iron rod found,
7. S47°07'45"E, a distance of 50.00 feet to a capped ½" iron rod found,
8. S42°52'15"W, a distance of 76.84 feet to a capped ½" iron rod found,
9. S82°31'56"E, a distance of 130.05 feet to a capped ½" iron rod found at a point of curvature to the left,
10. with said curve to the left, having a radius of 270.00 feet, an arc length of 26.25 feet, and whose chord bears S85°19'04"E, a distance of 26.24 feet to a capped ½" iron rod found,
11. S00°08'39"E, a distance of 190.42 feet to a capped ½" iron rod found,
12. S87°31'45"W, a distance of 13.49 feet to a capped ½" iron rod found,
13. N82°35'47"W, a distance of 331.04 feet to a capped ½" iron rod found,
14. S76°45'12"W, a distance of 128.21 feet to a capped ½" iron rod found,
15. S77°45'33"W, a distance of 56.92 feet to a capped ½" iron rod found,
16. S77°45'33"W, a distance of 123.07 feet to a capped ½" iron rod found,
17. S84°37'56"W, a distance of 155.84 feet to a capped ½" iron rod found,
18. S76°03'37"W, a distance of 78.49 feet to a capped ½" iron rod found,
19. S70°29'47"W, a distance of 114.45 feet to a capped ½" iron rod found,
20. N85°37'46"W, a distance of 1.71 feet to a capped ½" iron rod found,
21. S04°26'06"W, a distance of 208.56 feet to a capped ½" iron rod found at a point of curvature to the left,
22. with said curve to the left, having a radius of 470.00 feet, an arc length of 454.33 feet, and whose chord bears S23°15'28"E, a distance of 436.85 feet to a capped ½" iron rod found, and
23. S50°57'03"E, a distance of 81.56 feet to a capped ½" iron rod found in the western boundary line of a 0.68 acre tract conveyed for Right-Of-Way (Foxtail Run), and the southeastern boundary line of said Preferred Development Partners tract,

**THENCE**, with the common boundary line of said 0.68 acre tract, and said Preferred Development Partners tract, S43°04'40"W, a distance of 60.15 feet to a capped ½" iron rod set,

**THENCE**, leaving the common boundary line of said 0.68 acre tract, and said Preferred Development Partners tract, and crossing said Preferred Development Partners tract, the following six (6) course and distances, numbered 1 through 6,

1. N50°57'03"W, a distance of 77.34 feet to a capped ½" iron rod set at a point of curvature to the right,
2. with said curve to the right, having a radius of 530.00 feet, an arc length of 359.82 feet, and whose chord bears N31°30'04"W, a distance of 352.95 feet to an iron rod found,
3. S87°56'28"W, a distance of 83.54 feet to a capped ½" iron rod set,
4. N02°19'57"W, a distance of 44.89 feet to a capped ½" iron rod set,
5. S89°00'57"W, a distance of 395.58 feet to a capped ½" iron rod set, and
6. N59°05'15"W, a distance of 165.72 feet to an iron rod found at the eastern corner of that certain 1.00 acre tract of land conveyed to A. Dan McClintok, Et Ux, recorded in Volume 1750, Page 464 of the Official Public Records of Hays County, Texas (O.P.R.H.C.Tx.), and the southern corner of that certain 0.58 acre tract of land conveyed to Crystal Clear Water Supply Corporation, recorded in Volume 342, Page 675 of the Deed Records of Hays County, Texas, also being the western line of said Preferred Development Partners tract,

**THENCE**, with the common boundary line of said 0.58 acre tract, and said Preferred Development Partners tract, N45°29'36"E, a distance of 117.10 feet to an iron rod found at the eastern corner of said 0.58 acre tract, and the southern corner of said Willow Creek Estates, Section 6,

**THENCE**, with the common boundary line of said Willow Creek Estates, Section 6, and said Preferred Development Partners tract, the following three (3) courses and distances, numbered 1 through 3,

1. N47°14'13"E, a distance of 171.33 feet to a capped ½" iron rod found,
2. N41°08'38"E, a distance of 105.50 feet to an iron rod found, and
3. N44°01'20"E, a distance of 110.20 feet to the **POINT OF BEGINNING**, and containing 19.057 acres of land.

Surveyed by: _____ 28 Mar 2014

AARON V. THOMASON, R.P.L.S. No. 6214
***Carlson, Brigance and Doering, Inc.***
5501 West William Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
aaron@cbdeng.com

STATE OF TEXAS
REGISTERED
AARON V. THOMASON
6214
PROFESSIONAL
LAND SURVEYOR

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83

**File #:** ID#13-198, **Version:** 1

**AGENDA CAPTION:**

**CUP-14-13 (Railyard Bar & Grill)** Hold a public hearing and consider a request by Matt Hageman, on behalf of Railyard Bar & Grill, L.L.C., for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 116 S. Edward Gary Street.

**Meeting date:** April 8, 2014

**Department:** Development Services

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

***CITY COUNCIL GOAL***:

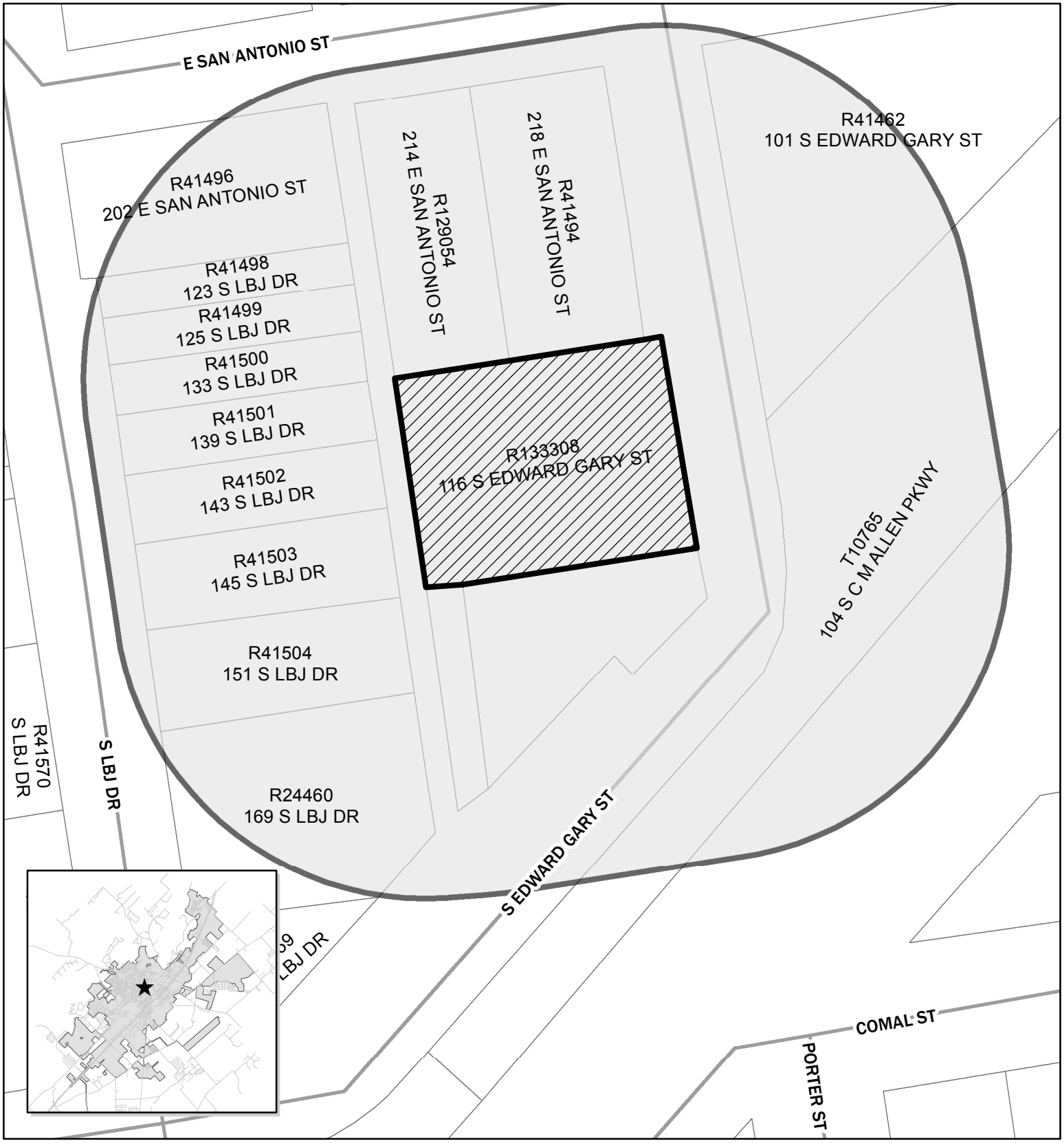
Community Wellness/Encourage the Middle Class

***BACKGROUND***:

Railyard Bar & Grill is located on Edward Gary Street just north of the railroad tracks and is located within the T5 Zone of the Downtown SmartCode. The Commission approved a CUP in April of last year for the duration of one year to allow the on-premise consumption of mixed beverages due to the expiration of the previous CUP. The current CUP will expire on April 9th. No major changes to the site or the building are proposed. 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;
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy; and,
3. All live music shall be restricted to the indoor stage and may continue until 2 a.m.




**CUP-14-13**
**Railyard Bar & Grill**
**CUP Renewal**
**116 S Edward Gary St.**
**Map Date: 3/21/2014**

Site Location
Notification Buffer (200 feet)

0 50 100 200 Feet

N

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-14-13
# TABC Conditional Use Permit Renewal
# Railyard Bar and Grill
# 116 S. Edward Gary Street

## Applicant Information:

| | |
|---|---|
| Applicant: | Matt Hageman<br>Railyard Bar and Grill, L.L.P.<br>116 S. Edward Gary Street<br>San Marcos, TX 78666 |
| Property Owner: | Robert & Lynn Hageman<br>P.O. Box 91383<br>Austin, TX 78709 |
| 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 28, 2014. |
| Response: | None to date |

## Subject Property:

| | |
|---|---|
| Expiration Date: | April 9, 2014 |
| Location: | 116 S. Edward Gary Street |
| Legal Description: | Original Town of San Marcos, Lot 2A, Block 9 |
| Frontage On: | Edward Gary Street |
| Neighborhood: | Downtown |
| Existing Zoning: | T-5 – Urban Center |
| Utilities: | Adequate |
| Existing Use of Property: | Restaurant/Bar |

Zoning and Land Use Pattern:

| | Current Zoning | Existing Land Use |
|---|---|---|
| **N of Property** | T-5 | Commercial |
| **S of Property** | T-5 | Commercial |
| **E of Property** | T-5 | Commercial |
| **W of Property** | T-5 | 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 Central Business Area (CBA), and is not subject to the additional requirements in the CBA such as food sale requirements or a waiting period for alcohol sales.

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)

**Case Summary**

The subject property is located on Edward Gary Street just north of the railroad tracks and is located within the T5 Zone of the Downtown SmartCode. The Commission approved a CUP in April of last year for the duration of one year to allow the on-premise consumption of mixed beverages due to the expiration of the previous CUP.

The application indicates hours from 11 a.m. to 12 a.m. Sunday through Wednesday and 11 a.m. to 2 a.m Thursday through Saturday. The application indicates that fixed seating includes approximately 58 seats inside, with an interior stage for live music and 112 outside, as part of an outdoor recreation area with washers and horseshoe pits. The condition recommended below regarding live music is a continued condition of previous CUPs. The site has adequate parking under the requirements of the SmartCode.

**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. It does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic. 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;**
2. **The permit shall be posted in the same area and manner as the Certificate of Occupancy; and,**
3. **All live music shall be restricted to the indoor stage and may continue until 2 a.m.**

| 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.

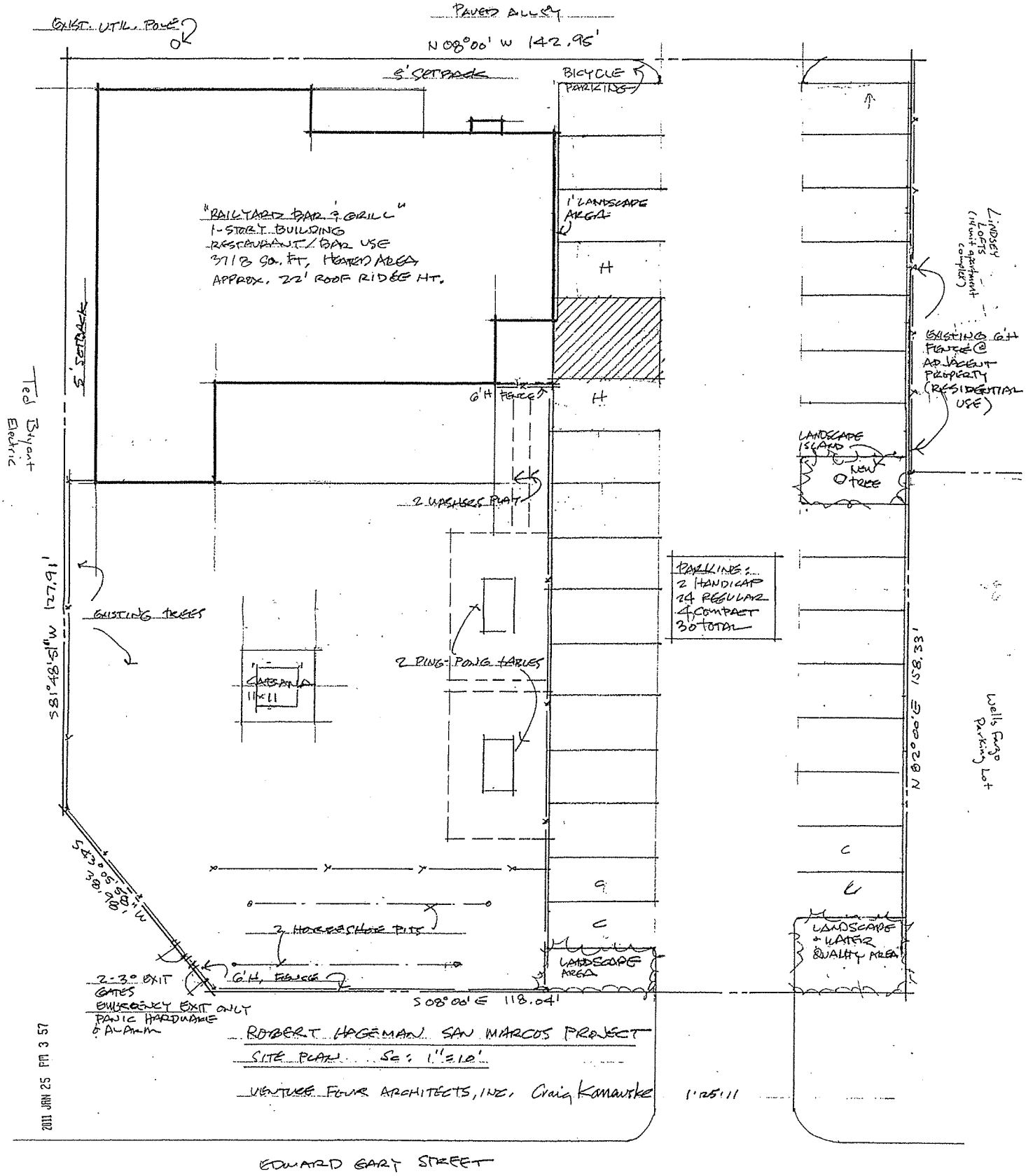
The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- 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, CNU-A | Planner | 3/21/2014 |
|---|---|---|
| **Name** | **Title** | **Date** |


PAVED ALLEY
EXIST. UTIL. POLE
N 08°00' W 142.95'
5' SETBACK
BICYCLE PARKING
"RAILYARD BAR & GRILL"
1-STORY BUILDING
RESTAURANT/BAR USE
3718 SQ. FT. HEATED AREA
APPROX. 22' ROOF RIDGE HT.
1' LANDSCAPE AREA
H
5' SETBACK
6'H FENCE
LINDSEY LOFTS (14 unit apartment complex)
EXISTING 6'H FENCE @ ADJACENT PROPERTY (RESIDENTIAL USE)
LANDSCAPE ISLAND
NEW TREE
Ted Bryant Electric
2 UMBRELLAS PLAY
PARKING:
2 HANDICAP
24 REGULAR
4 COMPACT
30 TOTAL
S 81°48'15" W 127.91'
EXISTING TREES
2 PING-PONG TABLES
CABANA 11'x11'
N 82°00'00" E 158.33'
Wells Fargo Parking Lot
S 43°05'58" W 38.98'
2 HORSESHOE PITS
LANDSCAPE AREA
LANDSCAPE & WATER QUALITY AREA
2-3' EXIT GATES
EMERGENCY EXIT ONLY
PANIC HARDWARE & ALARM
6'H. FENCE
S 08°00' E 118.04'
ROBERT HAGEMAN SAN MARCOS PROJECT
SITE PLAN SC: 1"=10'
VENTURE FOUR ARCHITECTS, INC. Craig Komanske
1'25'11
2011 JAN 25 PM 3 57
EDWARD GARY STREET

*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** |
| ☐ | A pre-application conference with staff is recommended | ☐ | |
| ☐ | A completed application for Conditional Use Permit and required fees. * (see note below) | ☐ | |
| ☐ | A site plan *drawn to scale* 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) | ☐ | |
| ☐ | Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities | ☐ | |
| ☐ | All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties | ☐ | |
| ☐ | Authorization to represent the property owner, if applicant is not the owner | ☐ | |
| **Any of the following pieces of information as requested by the Director of Development Services : *(see note below)** | | | |
| ☐ | Landscaping and/or fencing of yards and setback areas and proposed changes | ☐ | |
| ☐ | Design of ingress and egress | ☐ | |
| ☐ | Off-street loading facilities | ☐ | |
| ☐ | Height of all structures | ☐ | |
| ☐ | Proposed uses | ☐ | |
| ☐ | The location and types of all signs | ☐ | |
| ☐ | Copy of State TABC License application | ☐ | |
| ☐ | Impervious cover or drainage issues or impacts | ☐ | |
| ☐ | Menu | | |

* 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: Matt Hagemann

☐ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☑ Agent: Manager

CUP-14-13

*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:** Railyard Bar + Grill LLC

**Application is filed by:**

☐ Individual ☐ Partnership ☑ Corporation ☐ Other: _____

**Name of Individual or Entity:** Matt Hageman **Phone Number:** 512-426-7355

**Mailing Address:** 116 S. Edward Gary St.

**Email Address:** mhageman78@gmail.com

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

**PROPERTY**

**Street Address:** 116 S. Edward Gary St. **Current Zoning:** CS

**Legal Description:** Lot 1A Block 9 Subdivision Original town of San Marcos

**Tax ID Number:** R ~~27-4578368~~

**Property Owner's Name:** Robert + Lynn Hageman **Phone Number:** 512-301-3432

**Address:** P.O. Box 91383 Austin TX 78709

**BUSINESS DETAILS**

**Primary Business Use:** ☑ Restaurant ☐ Bar ☐ Other: _____

**Hours of Operation:** 11-12 S-W 11-2am T-Sat

**Type of Entertainment Facilities:** Inside Stage, Ping-Pong, ~~Pool~~ Horseshoes, Washers

**Indoor Fixed Seats Capacity:** 158 **Outdoor Fixed Seats:** N/A

**Gross Floor Area Including Outdoor Above-ground Decks:** 3800 Square Feet

**Number of Off-Street Parking Spaces Provided:** 32

**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.*

**Applicant's Signature**

**Printed Name:** Matt Hageman **Date:** 2/11/2013

*To be completed by Staff:*

Meeting Date: _____ Application Deadline: _____

Accepted By: _____ Date: _____

**File #:** ID#13-196, **Version:** 1

**AGENDA CAPTION:**

**CUP-14-14 (Louie's Oyster House & Beer Garden)** Hold a public hearing and consider a request by Allen Shy, on behalf of Shy SG Group, for renewal of an existing restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 119 E Hutchison Street.

**Meeting date:** 4/08/2014

**Department:** Development Services

**Funds Required:** N/A
**Account Number:** N/A
**Funds Available:** N/A
**Account Name:** N/A

***CITY COUNCIL GOAL***:

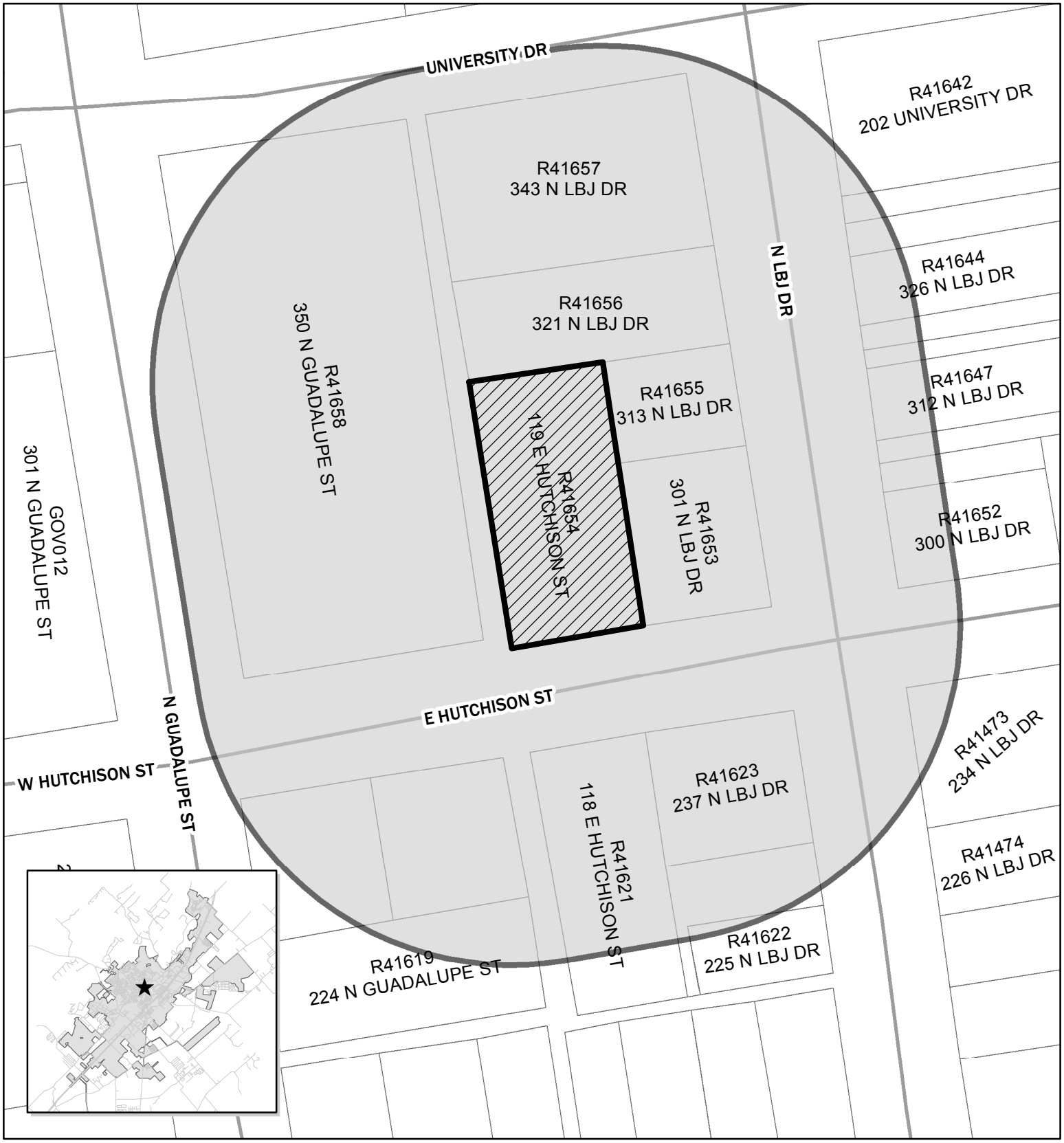
***BACKGROUND***: A Conditional Use Permit was approved by the Planning and Zoning Commission on April 9, 2013 for one year.

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

The current Conditional Use Permit limits live music to 12:00 pm thru 11:00 pm. The applicant, however, requested that live music be permitted during his normal business hours, i.e. 11:00 am thru 12:00 am. Typically, staff would recommend approval for three years for a CUP that has operated for a year without issue. However, with the extended hours for live music, staff recommends approval for 1 year to ensure that the change is not detrimental to the surrounding properties.

**Staff recommends approval with the following conditions:**

1. **The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
2. **Live music shall be limited to 11:00am - 12:00am Sunday thru Saturday.**
3. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**




**CUP-14-14**
**Louie's Oyster Bar and Beer Garden**
**119 E Hutchison St**
**Map Date: 3/20/2014**

Site Location
Notification Buffer (200 feet)

0 50 100 200 Feet

N

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-14-14
# Conditional Use Permit
# Louie's Beer Garden & Oyster House
# 119 E. Hutchison Street

## Applicant Information:

**Applicant:** Shy SG Group
**Mailing Address:** 2686 Black Bear Dr
New Braunfels, TX 78132

**Property Owner:** Shy Penn L.T.D.
139 E Hopkins St, Suite A
San Marcos TX 78666

**Applicant Request:** Renewal of an existing Restricted Conditional Use Permit allowing mixed-beverage at 119 E. Hutchison Street.

**Public Hearing Notice:** Public hearing notification was mailed on March 28, 2014

**Response:** None to date

## Subject Property:

**Location:** 119 E Hutchison

**Legal Description:** Part of lots 1-2, block 24, Original Town of San Marcos

**Frontage On:** Hutchison

**Neighborhood:** Downtown

**Existing Zoning:** T5- Urban Center

**Sector:** Sector 8

**Utilities:** Sufficient

**Existing Use of Property:** Restaurant

**Zoning and Land Use Pattern:**

| | Current Zoning | Existing Land Use |
|---|---|---|
| N of property | T5- Urban Center | Commercial |
| S of property | T5- Urban Center | Commercial |
| E of property | T5- Urban Center | Commercial |
| W of property | T5- Urban Center | 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 in a residential zoning district that limits density to 6 units per acre or less. This 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).

The applicant has requested a renewal of a **Restricted (Restaurant) Conditional Use Permit** which requires that the business must comply with the following standards at all times. The standards were revised in 2011. (Section 4.3.4.2):

**a)** The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.

**b)** The business must apply for, obtain and maintain a food establishment permit in accordance with chapter 18 of the City Code.

**c)** The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.

**d)** The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.

**e)** The restaurant must be in operation for 6 months before a permit for beer and wine is issued, and 12 months before a permit for mixed beverages is issued.

**Case Summary**

The subject property is located on the north side of Hutchison Street between LBJ Drive and Guadalupe Street inside of the Central Business Area and the SmartCode district. Surrounding uses include a strip retail center, tire shop, movie theater, and fire station.

The current hours of operation are 11 a.m. to 12 a.m. Sunday thru Saturday, although the business does hold a late hours permit allowing them to remain open until 2 a.m. and the applicant has indicated closing at 2 a.m. on this and the previous application. Outdoor games such as horse shoes and washers are available. Menu items include oysters, gumbo, lobster rolls, and boudin balls. The restaurant has 13 off-street parking spaces, 34 indoor fixed seats, and 165 outdoor fixed seats.

**Comments from Other Departments:**

There were no comments from police, fire or health departments.

**Planning Department Analysis:**

Staff has reviewed the request for compliance with the Land Development Code and has found 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.

On March 19, 2013 the San Marcos City Council approved an Economic Development Incentive Agreement to grant a waiver of the twelve month waiting period for on-premise sales of alcohol for a restricted Conditional Use Permit. The applicant then received a Conditional Use Permit for mixed beverages April 9, 2013 for one year.

Staff does not consider noise a major issue as their peak hours are compatible with surrounding businesses and there are no single-family residences nearby. The nearest apartment complex, University Place, is approximately 700 feet from the site, and there are some single-unit apartments downtown. The current Conditional Use Permit limits live music to 12:00 pm thru 11:00 pm. The applicant, however, requested that live music be permitted during his normal business hours, i.e. 11:00 am thru 12:00 am. Since noise has not been an issue, this is a reasonable request from the applicant. Typically, staff would recommend approval for three years for a CUP that has operated for a year without issue. However, with the extended hours for live music, staff recommends approval for 1 year to ensure that the change is not detrimental to the surrounding properties.

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 recommends approval with the following condition:**

1. **The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
2. **Live music shall be limited to 11:00am - 12:00am Sunday thru Saturday; and**
3. **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 |

## 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:**

| | | |
|---|---|---|
| Tory Carpenter, CNU-A | Planning Technician | 3/27/14 |
| **Name** | **Title** | **Date** |

# STARTERS

| | | | |
|---|---|---|---|
| ONION RINGS | $6.99 | CRAB STUFFED JALAPENO | $8.99 |
| FRENCH FRIES | $4.99 | FRIED PICKLES | $7.99 |
| SWEET POTATO FRIES | $5.99 | CEVICHE | $8.99 |
| BOUDIN BALLS | $8.99 | PEEL & EAT SHRIMP | FULL $9.99 / ½ $5.99 |

# CHARGRILLED OYSTERS

| | FULL/½ ORDER | | FULL/½ ORDER |
|---|---|---|---|
| OYSTERS SAN MARCOS (GARLIC BUTTER & PICO) | $17.99/ $9.99 | OYSTERS TEXAN (GARLIC BUTTER, BACON, CHEDDAR & GREEN ONION) | $17.99/ $9.99 |
| OYSTERS BOURBON ST ((GARLIC BUTTER, BOURBON SAUCE) | $17.99/ $9.99 | OYSTERS ITALY (GARLIC BUTTER, PESTO, CRACKER CRUMBS) | $17.99/ $9.99 |
| OYSTERS EN FUEGO (SIRACHI & JALAPENO SLICE W/BUTTER) | $17.99/ $9.99 | OYSTERS BBQ (BUTTER, BBQ SAUCE) | $17.99/ $9.99 |
| OYSTERS NEW ORLEANS (GARLIC BUTTER, ROMANO/PARMESAN HERBS) | $17.99/ $9.99 | OYSTERS LOUIE'S (FIRE CRACKER SAUCE, CRACKER CRUMBS) | $17.99/ $9.99 |

OYSTERS ROCKEFELLER $17.99/ $9.99
(GARLIC BUTTER, CHEESE, HERBS, CRACKER CRUMBS)

# OYSTERS ON THE HALF SHELL

GULF COAST $MKT EAST COAST $MKT

# SOUP AND SALADS

SHRIMP GUMBO$3.99/ $5.99

CAESAR SALAD $2.99/ $5.99 HOUSE SALAD $2.99/ $5.99

ADD: CHICKEN $2.99 SHRIMP $3.99 LOBSTER $4.99

DRESSINGS: RANCH, CAESAR, CHIPOTLE RANCH, FAT FREE VINAIGRETTE AND ITALIAN

# DAILY LUNCH SPECIALS

11AM-3PM

| | |
|---|---|
| MONDAY: GUMBO & HOUSE SALAD | $6.99 |
| TUESDAY: CHICKEN SALAD ROLL | $5.99 |
| WEDNESDAY: SHRIMP BASKET | $6.99 |
| THURSDAY: CRAWFISH ROLL | $7.99 |
| FRIDAY: CATFISH BASKET | $6.99 |

# CHILDRENS MENU

(SERVED WITH FRIES & DRINK)

*12 AND UNDER ONLY*

| | |
|---|---|
| GRILLED CHEESE | $3.99 |
| CHICKEN STRIPS | $4.99 |
| CATFISH BASKET | $4.99 |
| SHRIMP BASKET | $5.49 |

# HOW TO ORDER:

1. CHOOSE FROM ROLLS, BASKETS OR PLATES
2 CHOOSE YOUR HEAT: LOUIE'S ORIGINAL, MEDIUM OR HOT
3 YOU HAVE OPTIONS OF GRILLED, BLACKENED OR FRIED

## ROLLS

SERVED W/ ONE SIDE, ONE SAUCE AND TWO HUSHPUPPIES

| | |
|---|---|
| LOBSTER ROLL (G,B) | $12.99 |
| OYSTER ROLL (F) | $8.99 |
| CATFISH ROLL (G,B,F) | $8.99 |
| SHRIMP ROLL (G,B,F) | $8.99 |
| CRAWFISH ROLL (B,F) | $9.99 |
| CHICKEN SALAD ROLL | $7.99 |

G=GRILLED
B=BLACKENED
F=FRIED

## BASKETS

SERVED W/ ONE SIDE, ONE SAUCE AND TWO HUSHPUPPIES

| | |
|---|---|
| ALLIGATOR (B,F) | $11.99 |
| OYSTERS (F) | $9.99 |
| CATFISH (G,B,F) | $8.99 |
| SHRIMP (G,B,F) | $7.99 |
| CRAWFISH (B,F) | $8.99 |
| FROG LEGS (F) | $8.99 |
| CHICKEN STRIPS (G,B,F) | $8.99 |

## PLATES (LARGER PORTIONS)

SERVED WITH TWO SIDES, TWO SAUCES AND TWO HUSHPUPPIES

| | | | |
|---|---|---|---|
| CRAWFISH (B,F) | $11.99 | OYSTERS (F) | $13.99 |
| CATFISH (G,B,F) | $9.99 | SHRIMP (G,B,F) | $10.99 |
| FROG LEGS (F) | $11.99 | | |
| COMBO: CHOOSE ANY TWO | $15.99 | | |

## HOMEMADE SAUCES

ALL SAUCES ARE $.50

| | |
|---|---|
| LEMON GARLIC BUTTER | HANK'S BBQ |
| AWESOME SAUCE | BOURBON |
| ORANGE MARMALADE | REMOULADE |
| HABANERO MUSTARD | COCKTAIL |
| RASPBERRY CHIPOTLE | TARTAR |
| HORSE RADISH | FIRE CRACKER |
| CHIPOTLE RANCH | |

## SIDES

BUTTERED CORN $1.99
PINTO BEANS $1.99
COLE SLAW $1.99
GREEN BEANS $1.99
FRENCH FRIES $1.99
SWEET POTATO FRIES $2.99
SIDE SALAD $2.99
ONION RINGS $3.99

All items are cooked to order and may be served raw or undercooked. Consuming raw or undercooked meats, poultry, seafood, or shellfish may increase your risk of food-borne illness.

# LOUIE'S DRAUGHT BEERS

## HEFEWEIZEN/WHEAT BEER

LIVE OAK HEFE
LUFTWEISS HEFE
PEDERNALES HEFE
THIRSTY PLANET WHEAT
BLUE MOON
BRECKENRIDGE AGAVE WHEAT
HARPOON HEFE
HOEGARDEN
LEINEKUGAL SUNSET WHEAT
SHOCK TOP
AGAVE WHEAT

## CIDER/FRUIT BEER

ACE CIDER
STRONGBOW CIDER

## SEASONAL BEER

LIVE OAK SEASONAL
RAHR SEASONAL
SHINER SEASONAL
ST. ARNOLD SEASONAL

## PORTER BEER

512 PECAN PORTER
VANILLA PORTER

## STOUT BEER

BOULEVARD DRY STOUT
GUINNESS

## IPA

512 IPA
FEUER JALAPENO IPA
RAHR STORMCOULD IPA
THIRSTY PLANET IPA
BRIDGEPORT IPA
HARPOON IPA

## ALE'S

512 PALE ALE
AUSTIN AMBER
BOOTLEGGER BROWN ALE
FIREMAN'S 4
THIRSTY PLANET AMBER
ZEIGENBOCK
ABITA AMBER
BASS
FAT TIRE
MAGIC HAT #9
MOOSEDROOL BROWN ALE
SIERRA NEVADA PALE ALE

## LAGER

LIVE OAK PILSNER
LOBO TEXAS LAGER
SHINER BOCK
SHINER PREMIUM
ST ARNOLD LAWNMOWER
BROOKLYN LAGER
DOS XX
SAM ADAMS
STELLA ARTOIS

## MISC.

DEVIL'S BACKBONE (TRIPLE)

## BLENDS

BLACK & TAN – (GUINESS / BASS)
BLACK SATIN – (1/3 GUINESS / 2/3 ACE)
BLACK VELVET – (GUINESS / CIDER)
CREAM OF WHEAT – (GUINESS / HOEGARDEN)
YELLOW JACKET – (GUINESS / HEFEWEIZEN)
LUNAR ECLIPSE – (GUINESS / BLUE MOON)
SNAKEBITE – (BASS / ACE)

# LOUIE'S BOTTLE BEERS

CIDER/FRUIT BEER
ANGRY ORCHARD
ANGRY ORCHARD GINGER CIDER
LEINEKUGAL LEMON/BERRY SHANDY
REDD'S APPLE
WOODCHUCK RASPBERRY

SEASONAL BEER
ABITA SEASONAL
ANGRY ORCHARD SEASONAL
FOUNDERS SEASONAL
LEINEKUGAL SEASONAL
SAM ADAMS SEASONAL
BLUE MOON SEASONAL

PORTER BEER
ANCHOR PORTER
BRECKENRIDGE VANILLA PORTER

STOUT BEER
LEFTHAND NITRO STOUT

IPA
DESCHUTZ WHITE IPA
DOGFISH 60 IPA
DOGFISH 90 IPA
FOUNDERS CENTENNIAL IPA
HORNEY GOAT IPA
LOST GOLD IPA
SAM ADAMS WHITEWATER IPA

ALE'S
ABITA RESTORATION
ABITA TURBO DOG
ALASKAN WHITE ALE
HARPOON IRISH RED
HORNY GOAT EXPOSED CRÈME ALE
NEWCASTLE

LAGER
ANCHOR STEAM
ABITA PURPLE HAZE
BATCH 19
BLACKENED VOODOO
BOHEMIA
HARP
HEINEKEN
HORNY GOAT BLONDE
CORONA
CORONA LIGHT
IMPERIAL
MODELO ESPECIAL
NEGRO MODELO
PACIFICO
TECATE
TECATE LIGHT
VICTORIA
FOSTERS
LANDSHARK
RED STRIPE
ROLLING ROCK
AMSTEL LIGHT
BUD LIGHT
BUD LIGHT LIME
BUDWEISER
BUDWEISER SELECT
COORS BANQUET
COORS LIGHT
LONE STAR
LONE STAR BOCK
MICHELOB ULTRA
MILLER LIGHT
PBR
SELECT 55

MISC.
O'DOULS

*09/12*

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

* 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: 2-24-14

Print Name: Allen Shy

☐ Engineer ☐ Surveyor ☐ Architect/Planner ☑ Owner ☐ Agent: _____

09/12

CUP-14 - 14

# 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:** Louie's Oyster House & Beer Garden

**Application is filed by:** ☐ Individual ☐ Partnership ☐ Corporation ☐ Other: _____

**Name of Individual or Entity:** Shy SG Group **Phone Number:** 512-627-5459

**Mailing Address:** 2686 Black Bear Dr. New Braunfels TX, 78132

**Email Address:** shyinvestments@gmail.com

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

**PROPERTY**

**Street Address:** 119 E. Hutchison, San Marcos TX 78666

**Legal Description:** Lot _____ Block _____ Subdivision _____

**Tax ID Number:** R _____

**Property Owner's Name:** ShyPenn L.T.D. **Phone Number:** 512-627-5459

**Address:** Same as Above

**BUSINESS DETAILS**

**Primary Business Use:** ☑ Restaurant (Restricted) ☐ Bar (Unrestricted) ☐ Other: _____

**Hours of Operation:** 11:00 am - 2:00 am

**Type of Entertainment Facilities:** Restaurant & Bar

**Indoor Fixed Seats:** 94 **Outdoor Fixed Seats:** 90

**Gross Floor Area Including Outdoor Above-ground Decks:** 7,500 Square Feet

**Number of Off-Street Parking Spaces Provided:** 12

**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:** Allen Shy **Date:** 2-24-14

*To be completed by Staff:*

Meeting Date: _____ Application Deadline: _____

Accepted By: _____ Date: _____

Merchant ID: 5225572 Term ID: 001

## Sale - Approved

Date: 02/26/14 Time: 12:34:22
Card Type: MasterCard
Entry Method: Manual
Card #: XXXXXXXXXXXX0556

Invoice #: 123456
Approval Code: 021775
AVS Resp: H
V-Code Resp: M
Customer Ref: CUP-14-14

**Amount $310.00**

I agree to pay the above total amount according to the card issuer agreement. (Merchant agreement if credit voucher)

X_____

Merchant Copy

**DEVELOPMENT SERVICES-PLANNING**

February 7, 2014

Certified Mail # 7009 1410 0001 6249 1494

ShyPenn Ltd.
Attn: Allen Shy
139 E. Hopkins St., Suite A
San Marcos, TX 78666

RE: Notice of Renewal for Restricted Conditional Use Permit for Louie's Beer Garden & Seafood Shack, 119 E. Hutchison Street (CUP-13-07)
**EXPIRATION DATE: April 9, 2014**

Mr. Shy:

A Restricted Conditional Use Permit (CUP) to allow on-premise consumption of mixed beverages at 119 E. Hutchison Street, San Marcos, TX, was granted by the Planning and Zoning Commission on April 9, 2013 for a period of one (1) year.

Your CUP will expire on **April 9, 2014**. Without a valid CUP, the sale of mixed beverages for on-premise consumption is not allowed at this location. To limit any disruption in service, a complete application for the renewal of the CUP, including the **$310 fee ($300 = application fee; $10 = technology fee)** and all support materials, must be filed with the City no later than **February 24, 2014**.

For your convenience, I have provided an application form. Please complete the application and turn it in by the date previously referenced in order for the renewal request to be placed on the **April 8, 2014** Planning and Zoning Commission agenda.

Planning staff is here to assist you in this process. Should you have any questions or if you believe this request is in error, please contact me directly at 512-393-8232.

Thank you for your attention to this matter.

Sincerely,

Alison E. Brake

Alison E. Brake
Planner
Development Services
City of San Marcos

**File #:** ID#13-199, **Version:** 1

**AGENDA CAPTION:**

**PSA-14-01 (Campus Crest)** Hold a public hearing and consider a request by Campus Village Communities for a Preferred Scenario Map Amendment to change an Area of Stability to a Medium Intensity Zone for approximately 5.38 acres and 5.02 acres out of the McNaughton Subdivisions and 0.36 acres out of the Thomas J. Chambers Survey. The site is located at the intersection of Sessom Drive and Academy Street and is generally bounded by Orchard Street and Comanche Street.

**Meeting date:** April 8, 2014

**Department:** Development Services

**Funds Required:** n/a
**Account Number:** n/a
**Funds Available:** n/a
**Account Name:** n/a

***CITY COUNCIL GOAL***: Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

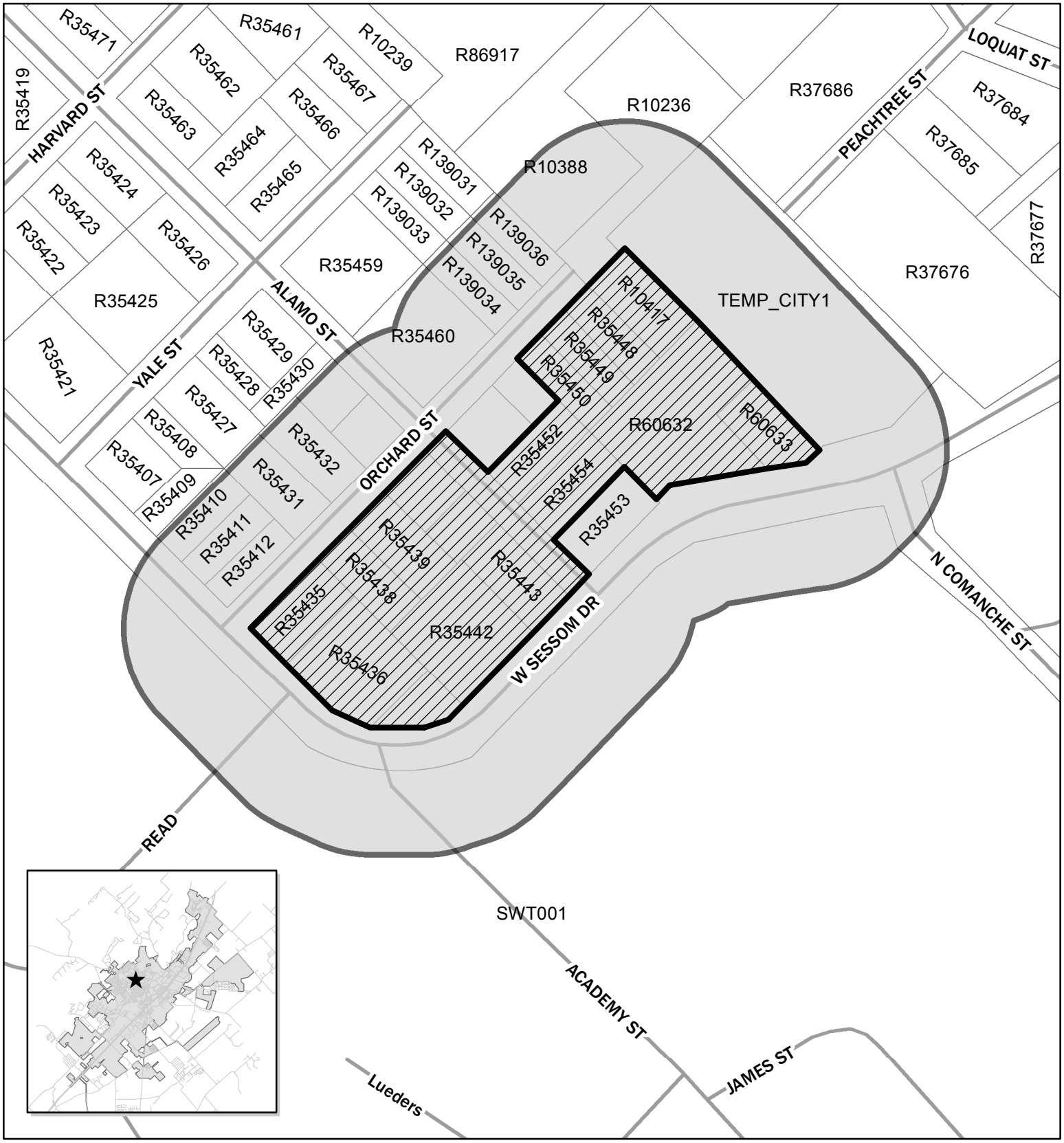
***BACKGROUND***:

This request to change the Preferred Scenario Map has been reviewed with *Vision San Marcos* and was found to be somewhat consistent with the Plan as outlined in the staff report. All figures used to review this case are attached along with letters in opposition and support of the request.

Staff has concerns with the properties score on the Land Use Suitability map, traffic safety, utility capacity and drainage. Some of these items may be remedied through studies and future improvements if the properties develop. In addition, the Neighborhood Character Study for this priority area will be conducted in the next year and during the Comprehensive Planning Process, this area was discussed but not defined for increased density and additional housing types.

At this time the Commission is acting on a request to change the Preferred Scenario Map. Any future changes in the zoning of the property would be required to follow the standard process of notice and public hearing. Zoning requests are considered separately and require a full staff analysis.

**Staff recommends Denial of the request to change from an Area of Stability to a Medium Intensity Zone.**




**PSA-14-01**
**Campus Crest**
**Map Date: 3/7/2014**

Site Location
Notification Buffer (200 feet)

0 125 250 500 Feet

N

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***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 21st 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% | 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** | |

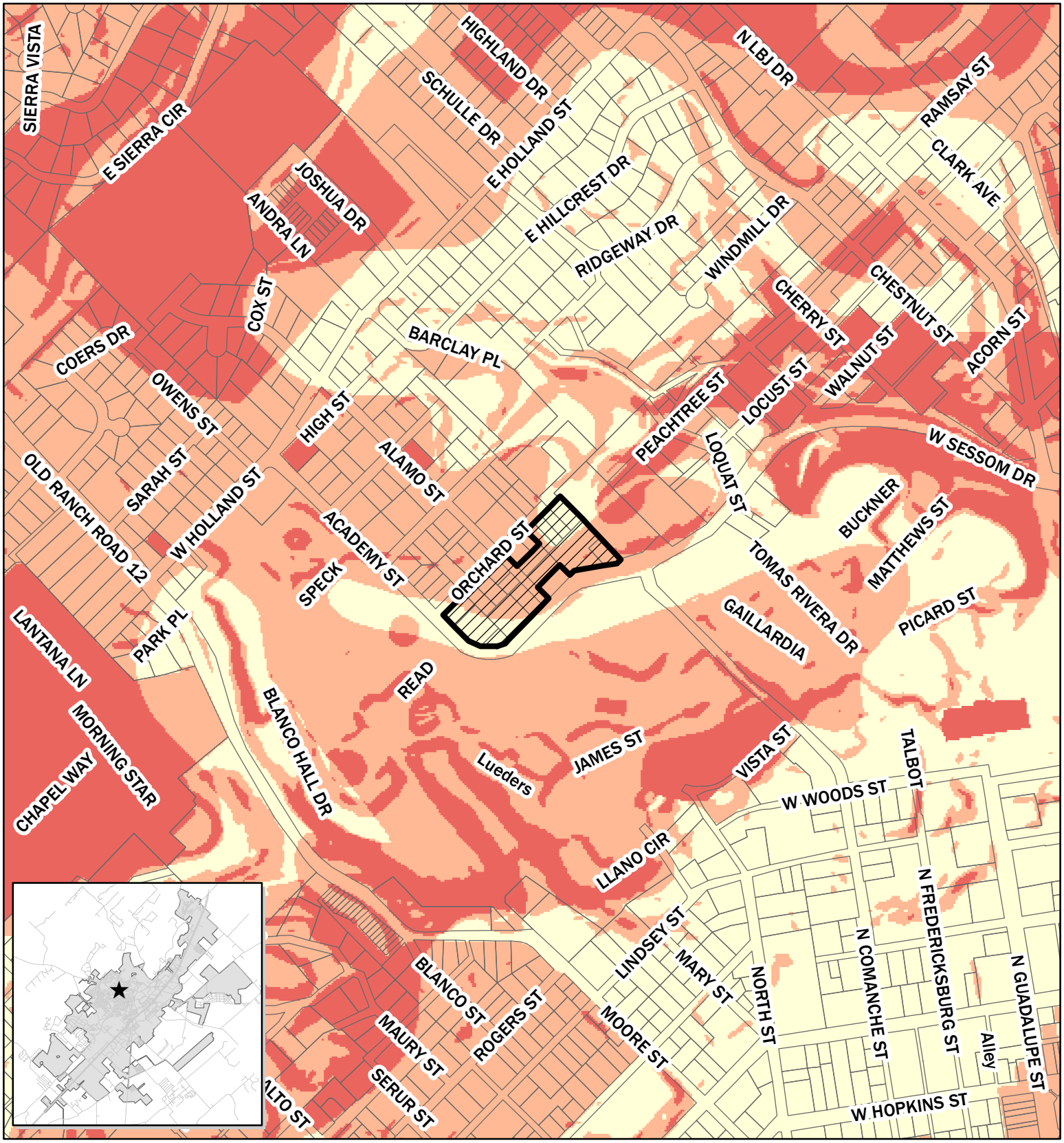
**TRANSPORTATION** – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

| | | A | B | C | D | F |
|---|---|---|---|---|---|---|
| Existing Daily LOS | ROADWAY 1: **Sessom Drive** | **X** | | | | |
| | **Academy Street** | **X** | | | | |
| Existing Peak LOS | ROADWAY 1: **Sessom Drive** | **X** | | | | |
| | **Academy Street** | | **X** | | | |
| Preferred Scenario Daily LOS | ROADWAY 1: **Sessom Drive** | **X** | | | | |
| | **Academy Street** | **X** | | | | |
| Preferred Scenario Peak LOS | ROADWAY 1: **Sessom Drive** | | | | **X** | |
| | **Academy Street** | **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.**




**Land Use Suitability**

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

N

0 325 650 1,300 Feet

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

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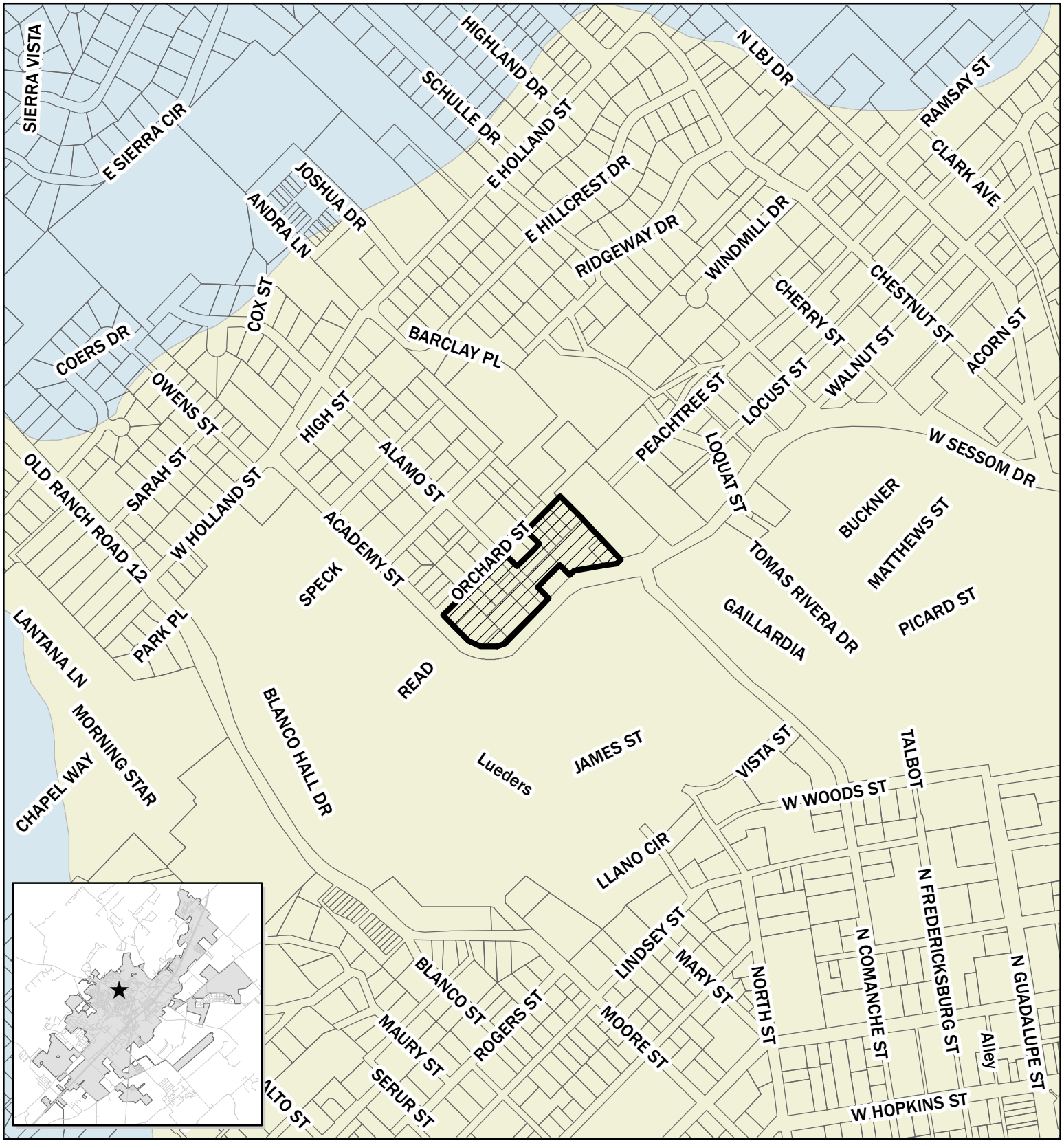


## Environmental Features

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

N

0 325 650 1,300 Feet

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**Campus Crest**
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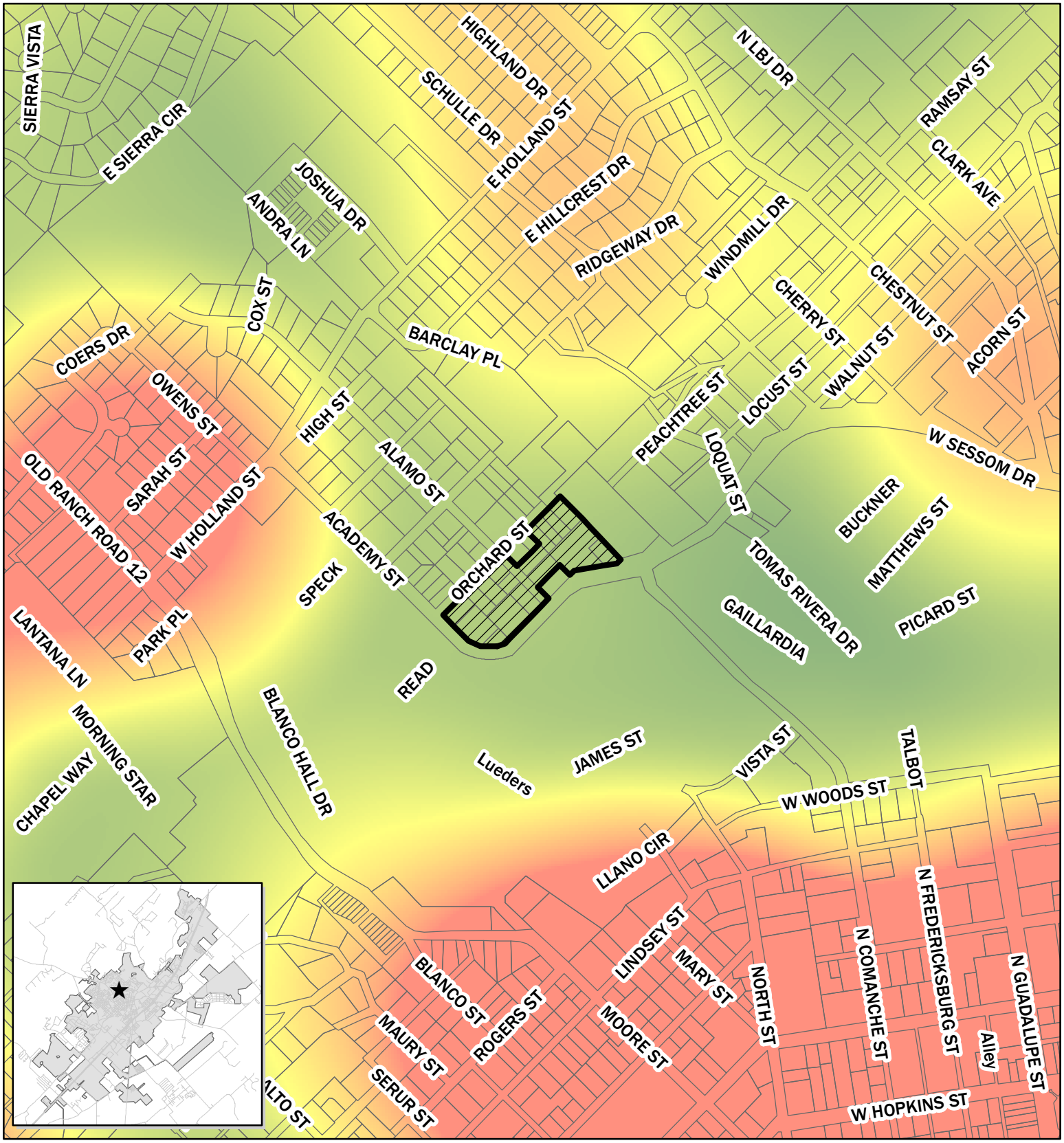


## Wastewater Hot Spots

**Wastewater Work Order Density**

High

Low

Site

N

0 325 650 1,300 Feet

**PSA-14-01**
**Campus Crest**
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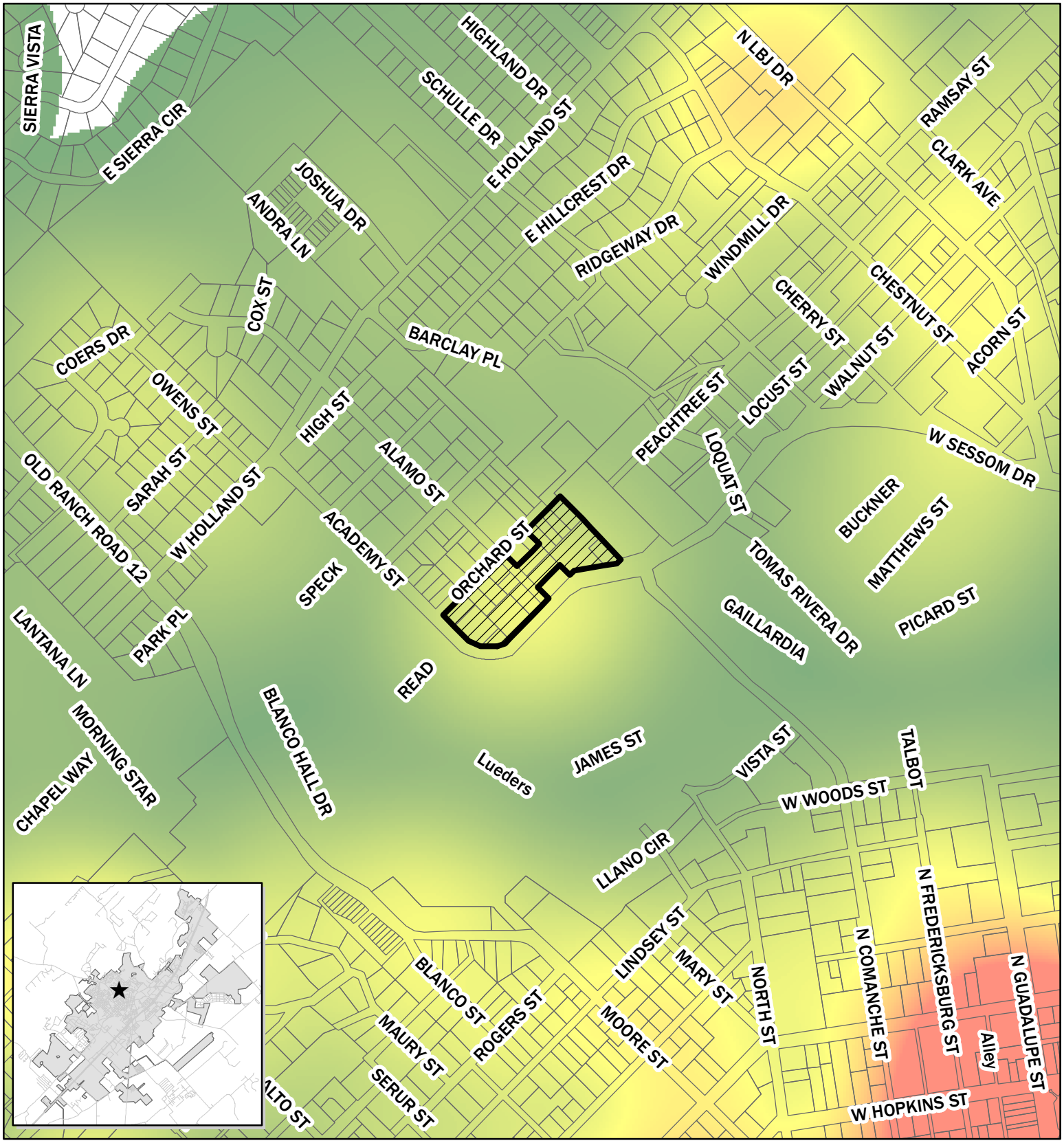


## Water Hot Spots

**Water Work Order Density**

High

Low

Site

N

0 325 650 1,300 Feet

**PSA-14-01**
**Campus Crest**
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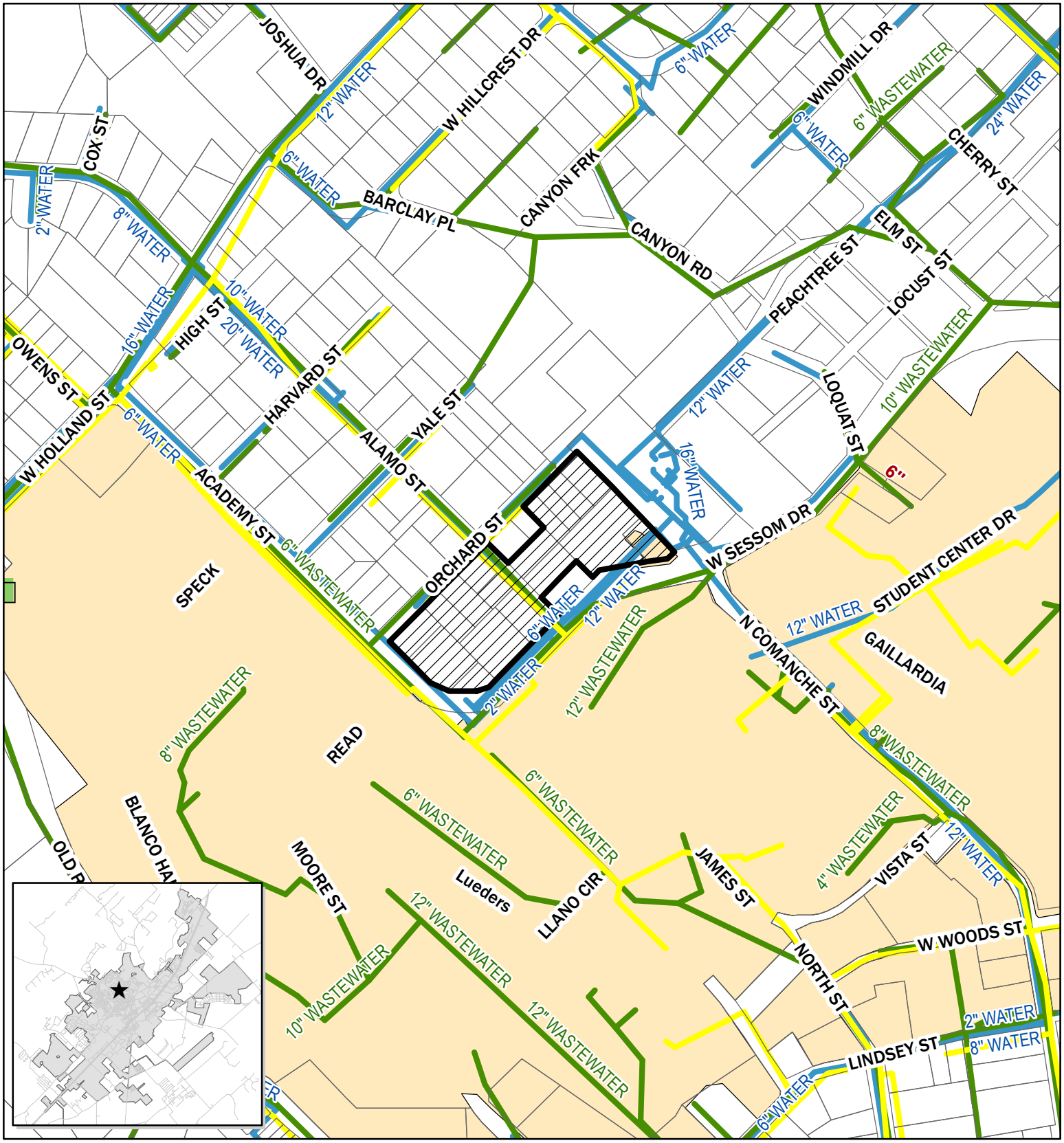


**Utilities**

- Gas Line
- Lift Station
- WW Main
- Water Line
- Texas State University
- Site

N

0 205 410 820 Feet

**PSA-14-01**
**Campus Crest**
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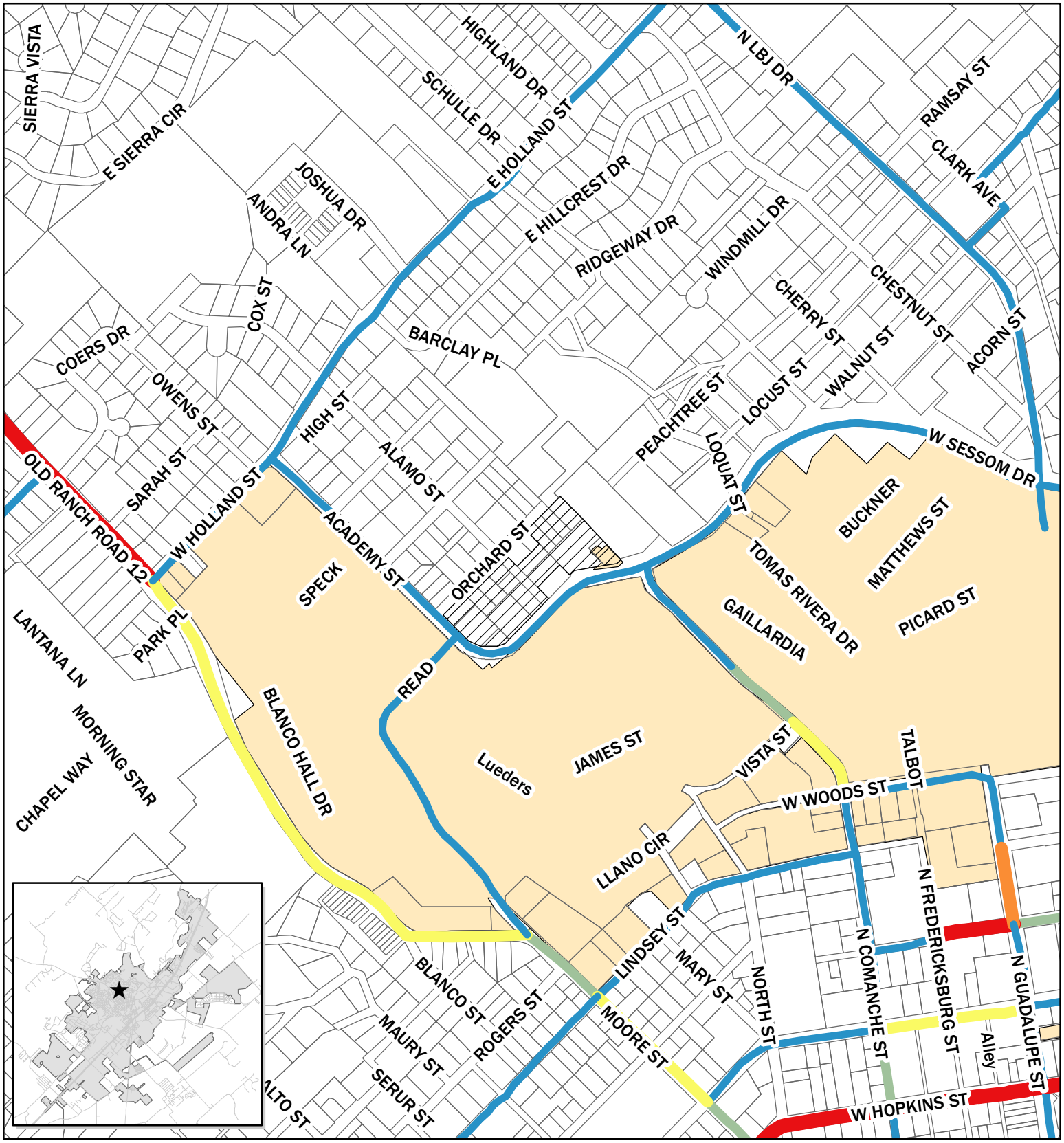


## Travel Demand Model - Existing Conditions (DAILY)

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

N

0 325 650 1,300 Feet

**PSA-14-01**
**Campus Crest**
**Map Date: 3/18/2014**

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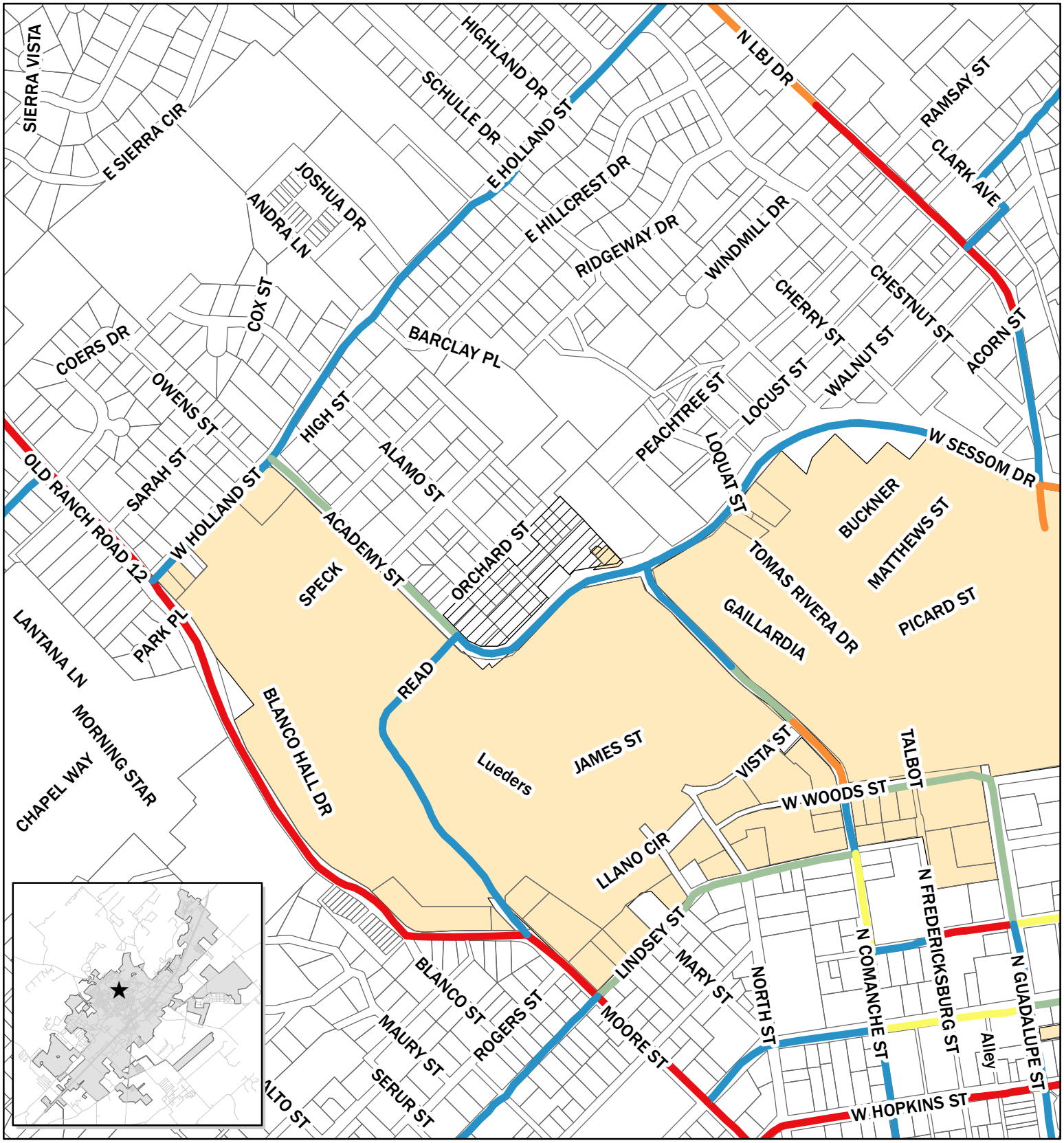


## Travel Demand Model - Existing Conditions (AM PEAK)

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

N

0 325 650 1,300 Feet

**PSA-14-01**
**Campus Crest**
**Map Date: 3/18/2014**

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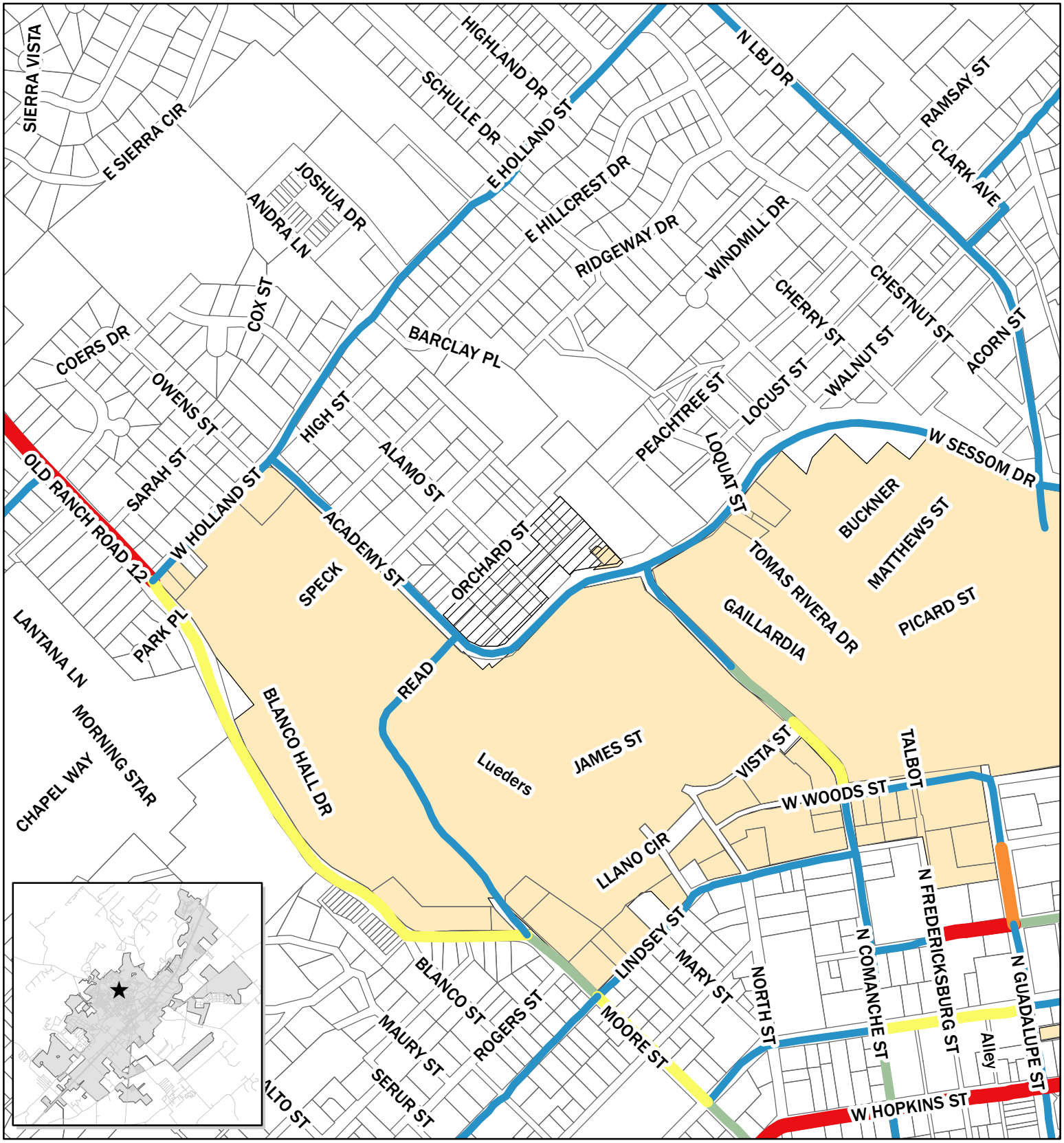


**Travel Demand Model - Future Conditions (DAILY)**

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

N

0 325 650 1,300 Feet

**PSA-14-01**
**Campus Crest**
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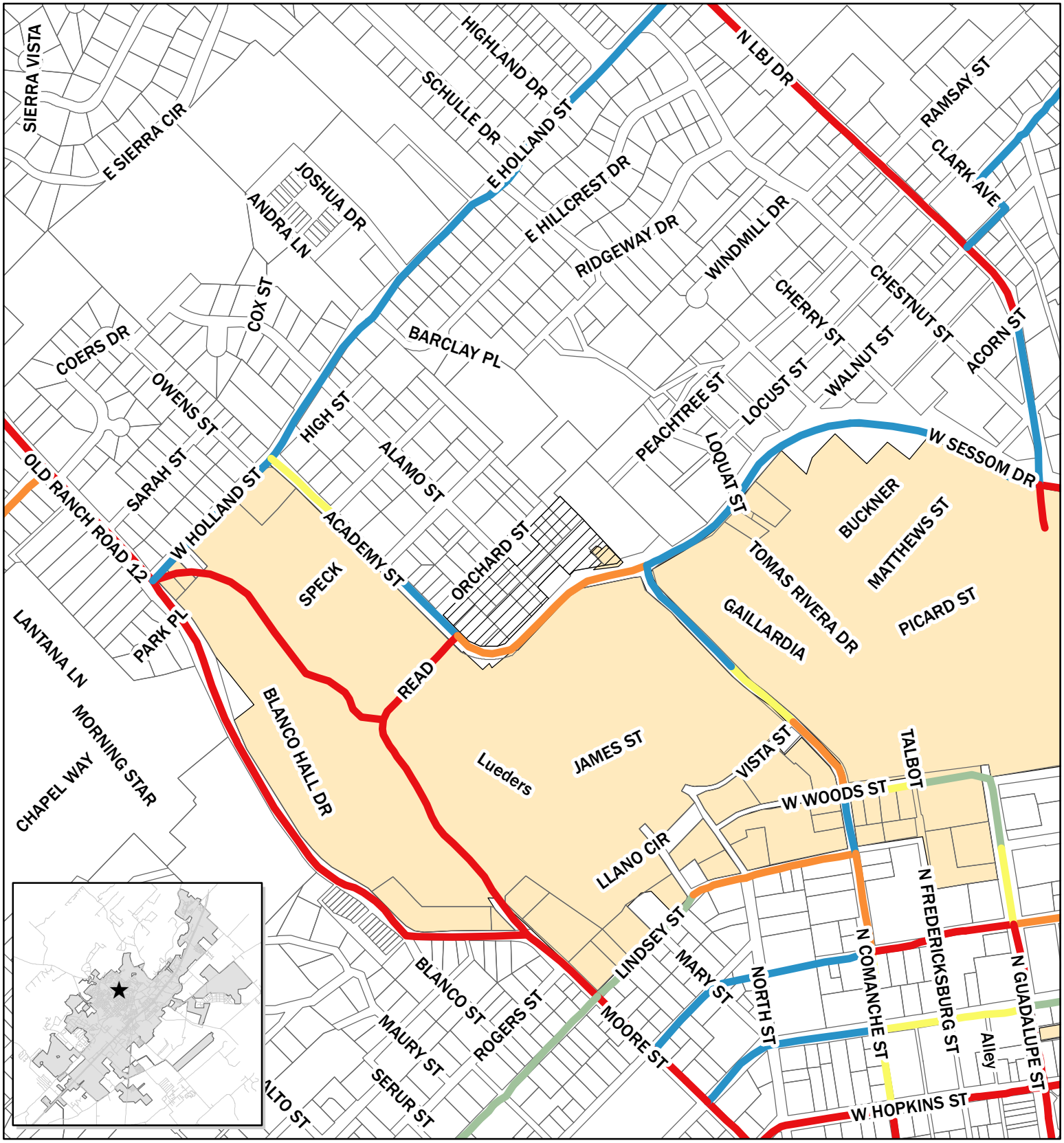


## Travel Demand Model - Future Conditions (AM PEAK)

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

N

0 325 650 1,300 Feet

**PSA-14-01**
**Campus Crest**
**Map Date: 3/18/2014**

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# PSA-14-01
# Preferred Scenario Amendment
# Campus Crest
# Sessom Dr & Academy St

## Summary:

**The applicant is requesting a change from Area of Stability to Medium Intensity on the Preferred Scenario Map.**

**Applicant:** Campus Village Communities
919 W. University, Suite 700
Rochester, MI 48307

**Property Owners:** *FR & LM Horne, Living Trust*: 205, 207, 209, 307, 309 Orchard St, 1010, 1012, 1014 Academy St
*Martina Perez*: 1022 Academy St
*Stephen & Ann Strahl:* 1023 Alamo St
*Edwin & Gladys Lyon Marital Trust*: 1019 Alamo St
*Patrick & Matthew Boyle*: 1001 Alamo St
*Hardy Giliam:* 1020 Alamo St
*Texas State University-San Marcos:* Sessom Dr

**Notification:** Courtesy notice sent on March 7, 2014 with updates at CONA March 17, 2014; Planning & Zoning Commission March 25, 2014; Neighborhood Commission March 26th; and City Council April 1, 2014.

Personal notice sent and signs posted on March 28, 2014 for the April 8th, Public Hearing.

**Response:** Approximately 40 people attended the CONA meeting on March 17th, approximately 6 attended P&Z on March 25th and approximately 7 attended Neighborhood Commission on March 26th.

All written questions and comments from these meetings can be found in the public input attachment as well as in the attached letters of opposition (12) and support (1).

Common concerns include the impact of increased density and general opposition to student housing encroaching into and changing the character of the existing neighborhoods.

**Subject Property:**

**Location:** Sessom Drive, Orchard Street, Academy Street and Comanche Street

**Legal Description:** Approximately 5.02 acres out of the McNaughton Subdivisions and 0.36 acres out of the Thomas J. Chambers Survey

**Sector:** Sector Three (3)

**Current Zoning:** Mixed Use (MU), Single Family (SF-6), and Public (P)

**Current Preferred Scenario Designation:** Area of Stability

**Proposed Preferred Scenario Designation:** Medium Intensity

**Surrounding Area:**

| | Zoning | Existing Land Use | Preferred Scenario |
|---|---|---|---|
| **N of Property** | P | Water Tower | Stability |
| **S of Property** | P | TxState | Stability |
| **E of Property** | MU/P | Residential, TxState | Stability |
| **W of Property** | SF-6/SF4.5/D | Residential | Stability |

## Preferred Scenario Amendments, Generally:

With the adoption of Vision San Marcos, the city's comprehensive plan, the Preferred Scenario Map replaced the City's previous Future Land Use Map, and the process for requesting changes to the Map was amended. In order for a property to develop, the appropriate zoning must be in place. If a zoning change is necessary, the underlying designation on the Preferred Scenario, (Area of Stability, Intensity Zone, or Employment Area) must support the proposed zoning – this is determined by using the Preferred Scenario Map and Land Use Intensity Matrix from Vision San Marcos as well as the Zoning Translation Table in the Land Development Code. If the proposed zoning is not permitted based on the Preferred Scenario and Intensity Matrix designation, an applicant may request an amendment to the Preferred Scenario.

The Comprehensive Plan recommends that amendments to the Preferred Scenario Map only be considered twice per year, and this language was adopted as part of the City's Land Development Code. Preferred Scenario Amendment requests should be carefully examined using the tools provided in *Vision San Marcos*.

The process adopted in the Land Development Code in response to Vision San Marcos also separates the zoning request from the Preferred Scenario Request. Only with an approval recommendation from the Planning and Zoning Commission and a motion for approval by the City Council can an applicant file for a zoning change request.

Standard procedures for reviewing and taking action on zoning change and planned development district requests have not changed as part of this process except as noted above.

These changes more appropriately handle the natural sequence for development to occur.

## Property Description & Current Conditions:

The subject site consists of approximately 5.38 acres out of the McNaughton Subdivisions and the Thomas J. Chambers Survey. The property is located on the northwest corner of Sessom Drive and Academy Street and is bound by Orchard Street and the City Owned water tower property adjacent to Comanche Street.

This site is in an Area of Stability and given the surrounding zoning is considered Neighborhood & Area Protection / Conservation on the Land Use Intensity Matrix. This matrix, attached, provides general uses that Vision San Marcos recommends in this type of area. Also attached is the Zoning Translation Table. This table is currently part of the Land Development Code and indicates what types of zoning can be requested for properties based on their Preferred Scenario Map classification. The site currently falls under the LS-PC (Low / Stability-Protection / Conservation) column.

Currently the site consists of multiple residential structures, most of which are rental properties and a cellular tower. The properties are zoned Mixed Use (MU), Single Family (SF-6) and Public (P). Surrounding land uses include single-family homes, rental homes, a water tower and Texas State University.

If this request is not granted, the applicant is able to maintain and develop under the existing zoning categories or apply for a change to single family residential zoning districts, up to SF-6. P&Z and Council approval would be required for any proposed zoning changes. A summary of what is currently permitted at this location is attached.

## Request: Change from Area of Stability to Medium Intensity on the Preferred Scenario Map

The applicant is proposing a mix of uses at this location which would require the site to be designated as Medium Intensity on the Preferred Scenario map. The current proposal for development of the properties is a mixed use, retail and multifamily project.

If the request is granted, the site would be classified as Medium Intensity – Neighborhood & Area Protection / Conservation on the Land Use Intensity Matrix and the Zoning Translation Table (M-PC). The list of general uses and applicable zoning categories can be found on these attachments. An increase to medium intensity would allow higher density residential zoning options and some commercial options. Examples include small lot single family to high density multi-family, mixed use, office and neighborhood commercial uses permitted in the Land Development Code.

## Vision San Marcos Plan Elements:

### Economic Development (ED)

The ED chapter of Vision San Marcos looks specifically at the strategies of the Core 4 Collaboration moving forward. The three collaborative actions identified by the Core 4 are 1) Preparing the 21st Century Workforce, 2) Competitive Infrastructure and Entrepreneurial Regulation and 3) Creating the Community of Choice. Staff analyzed this request based on the three action items to determine if the request supports, contradicts or is neutral toward the actions. Staff also took into consideration the applicants, attached, letter addressing the comprehensive plan elements and provides the following table of the analysis:

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

| STRATEGY | SUMMARY | | Supports | Contradicts | Neutral |
|---|---|---|---|---|---|
| Preparing the 21st Century Workforce | Provides / Encourages educational opportunities | | | | X<br>The applicant indicates that educational enhancements will be incorporated into the project. |
| Competitive Infrastructure & Entrepreneurial Regulation | Provides / Encourages land, utilities and infrastructure for business | | X<br>The applicant indicates that the project will include a business area for retail and office | | |
| The Community of Choice | Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity | | | | X<br>The applicant indicates that the project will include the concept of an entrepreneurial hub with offices, conference rooms, etc. |

**Environment & Resource Protection (ERP)**

The ERP chapter of Vision San Marcos provides useful analysis tools. The Land Use Suitability Map considers the constraints as listed in the table below in its creation to determine what areas are most suitable for development. The water quality model provides a watershed-level analysis of the impacts of adding impervious cover for developments.

The land use suitability for this site varies from two (3) to five (5) with five being the most constrained. The majority of the site is a four (4) largely due to the location in Sessom Creek Watershed and the presence of erosive soils. The very small area with a classification of five (5) is also the location of a steep slope. Please refer to the attached Land Use Suitability and Environmental Features maps for further clarification. The table below indicates the scores for this site for each of the variables used in creating the Land Use Suitability Map and the results of the water quality model.

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 – Water Quality Model Results

| Located in Subwatershed: | Sessom Creek | | | | |
|---|---|---|---|---|---|
| | | | | | |
| | 0-25% | 25-50% | 50-75% | 75-100% | 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. | | | | | |

**Land Use (LU)**

The LU chapter of Vision San Marcos focuses on the Preferred Scenario Map. This site is located in an Area of Stability. A map is attached which shows a detailed view of the preferred scenario zones within and surrounding this property.

**Neighborhoods & Housing (NH)**

The NH chapter of Vision San Marcos focuses on the Neighborhood Character Studies which will be conducted as part of the update to the Land Development Code in 2014. Staff received direction from the Planning and Zoning Commission to make this neighborhood area one of the highest priorities for completion. The site is located in Holland Hills neighborhood which is proposed to be combined with Forest Hills and Sessom Creek neighborhoods for study purposes.

**Parks, Public Spaces & Facilities (PPSF)**

The PPSF chapter of Vision San Marcos discusses the city's recreational facilities as well as the water, wastewater and other public infrastructure. The table below is an analysis of the facilities in the area. Wastewater service is available in the area; however the adequacy of the system may need to be analyzed with any proposed increase in density. In addition, there is open space located within ¼ mile but it is not an accessible park area. The site is adjacent to Texas State University campus which contains park and open space areas.

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**

A Travel Demand Model (TDM) was created to analyze the traffic impacts of growth in San Marcos. The table below is a summary of the TDM results and other transportation modes surrounding the site. The TDM analyzes the overall transportation network of the existing network and the Preferred Scenario. It is not a measure of the impact of this particular change. The results of the TDM indicate that improvements may be required, and a Traffic Impact Analysis (TIA) would describe these improvements in more detail.

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 | X | | | | |
| | Academy Street | X | | | | |
| Existing Peak LOS | ROADWAY 1: Sessom Drive | X | | | | |
| | Academy Street | | X | | | |
| Preferred Scenario Daily LOS | ROADWAY 1: Sessom Drive | X | | | | |
| | Academy Street | X | | | | |
| Preferred Scenario Peak LOS | ROADWAY 1: Sessom Drive | | | | X | |
| | Academy Street | 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.

## Staff Analysis:

### Comments from Other Departments

The Public Services Department noted that while there is water and wastewater service in the area, the adequacy of the service will need to be analyzed if additional density is approved at this location. In addition, there is existing stormwater infrastructure that would need to be addressed in some way.

The Engineering and CIP Department noted that the traffic impacts will need to be assessed. They also noted that there is an existing drainage channel running through the site. The water that currently flows through the channel would need to be conveyed in some way if development occurs.

### Planning Department Analysis

Planning Department staff, following a review of *Vision San Marcos*, finds that this request is somewhat consistent with the plan. The project has the potential to promote economic development by providing new retail and office space and the requirements of parkland dedication, traffic impact analysis and utility studies could address concerns with these items at the time of subdivision.

Staff has concerns with the results of the Land Use Suitability map. The majority of the site is a four (4) largely due to the location in Sessom Creek Watershed and the presence of erosive soils. The Sessom Creek Watershed was highlighted in the Comprehensive Plan as being an important watershed to protect due to its proximity to the headwaters of the San Marcos River. This area has been known to flood during rain events, so the increase in impervious cover is also a concern. Any development would be required to convey rain water.

Traffic safety is also a concern to staff. The City of San Marcos Police Department records indicate 20 accidents within two blocks of the intersection of Sessom Drive and Academy Street in the last year. The University has indicated that they plan to build a new dorm near Holland Street between Old Ranch Road 12 and Academy Street in the future which could potentially increase traffic near this proposed development site. If development occurs at this location, a traffic impact analysis may be required and recommend improvements to the transportation network, and increase safety in the area.

Based on the location across the street from the Texas State campus, this is a logical location to consider for higher intensity development. However, during the Comprehensive Planning process, there were discussions about increasing density through allowing additional housing types in the neighborhoods north of campus. These higher density areas were proposed to extend 600 and 1,200 feet from the edge of campus and along North LBJ Drive. Data on the owner vs. renter occupied units was collected and presented to the community for consideration. Higher density in these areas was ultimately not included in the Comprehensive Plan following outreach and input from the public. The community postponed any decision on increases in density in this area until after the neighborhood character studies.

The Development Services Department is in the process of selecting and entering into a contract with a consultant to assist in the Land Development Code Rewrite, CodeSMTX. Neighborhood Character Studies will be a large part of the CodeSMTX process and the Planning and Zoning Commission recommended the Holland Hills / Sessom Creek / Forest Hills neighborhood group as one of the priority study areas. During the Neighborhood Character Studies, the community will be given opportunities to provide input on the types of development they wish to see in their neighborhoods and the locations where they feel it is appropriate along with standards developments must follow. Given this direction, the upcoming CodeSMTX process and the response from the community at stakeholder meetings, staff feels that this Preferred Scenario request is premature.

In addition to the impacts of development on the neighborhood, staff is concerned about the properties located on the same block which are not included in the request. Areas of Stability and Medium Intensity Zones are different in scale, intensity, and type of development. Having both on the same block could lead to a piecemeal pattern of land use and development. Depending on the type of redevelopment, the properties in the Area of Stability outside of this request could be adversely impacted by increased density. At the intersection of Sessom Drive and Alamo Street there is a two story residential dwelling that was recently remodeled. At the intersection of Orchard Street and Alamo Street there is a single story residential dwelling that was also recently remodeled. Staff believes both of these properties to be rental units. Along Orchard Street is a two story residential dwelling built in 2013 which is directly adjacent to the requested change. Across Orchard Street, two newer residential dwellings exist, one of which was constructed in 2012. The remodeling and construction of new homes in this area indicates the will of some property owners to reinvest in the existing fabric of the neighborhood. A change to Medium Intensity would allow for development that is out of scale with the surrounding area.

At this time the Commission is acting on the request which will change the City's Preferred Scenario Map. As many options for development may occur with or without the approval of this request, the Commission should consider all aspects of this staff report, the attached maps and figures as well as the existing Codes in their decision. A summary of what may be permitted at this location, if the map amendment is approved, is attached. Any changes in zoning following this request would be required to follow the standard process of notice and public hearing. Zoning requests are considered separately and would require a full staff analysis for consistency with the Comprehensive Plan as well as any other applicable standards.

**The Commission's Responsibility:**

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Preferred Scenario Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should consider whether the amendment is consistent with the following policies of the Comprehensive Plan as stated in section 1.4.1.5 of the Land Development Code:

- Is the request in an area suitable for development as shown on the Land Use Suitability Map and if not what development constraints exist;
- Is the request consistent with the Neighborhood Character Study for the area;
- Is the request near existing parks and public utilities; and,
- Based on the Travel Demand Model, is the request in an area with sufficient roadway capacity.

## Recommendations & Options for Action:

**Based on the analysis provided in this report, staff recommends denial of the request to change from an Area of Stability to a Medium Intensity Zone.**

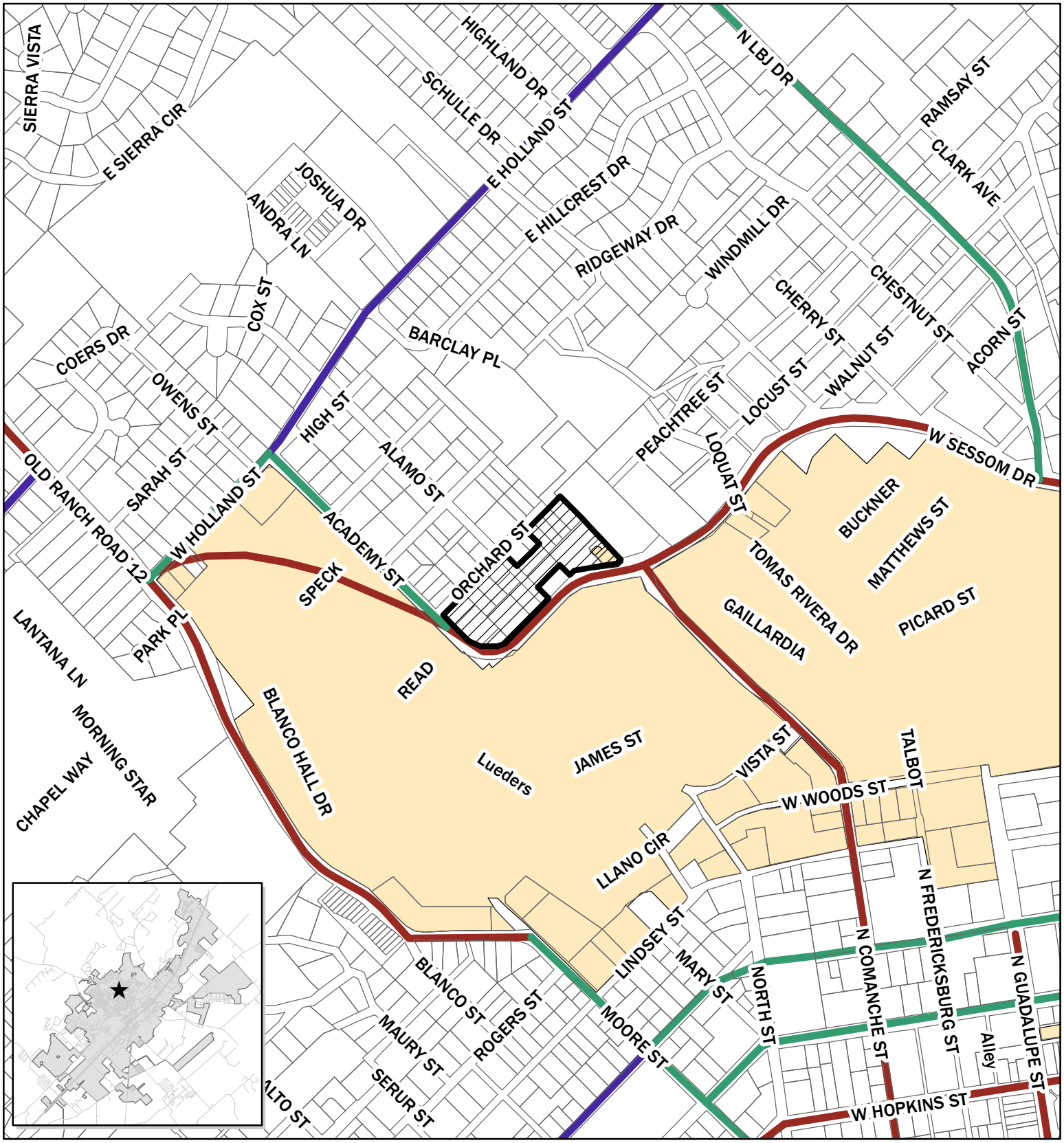
Options for the Commission include:

- Denial of the request
- Approval of a portion of the request
- Approval of the request as submitted

| Planning Department Recommendation: | |
|---|---|
| ☒ | Denial |
| ☐ | Alternative approval |
| ☐ | Approve as submitted |

Prepared by:

| Amanda Hernandez, AICP | Senior Planner | March 27, 2014 |
|---|---|---|
| **Name** | **Title** | **Date** |




**Thoroughfare Plan**

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

N

0 325 650 1,300 Feet

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

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.

PSA - 14 - 01

# City of San Marcos

# PREFERRED SCENARIO MAP AMENDMENT APPLICATION

| | APPLICANT | PROPERTY OWNER |
|---|---|---|
| Name | Campus Village Communities | See Attached |
| Mailing Address | 919 W. University, Suite 700 | |
| | Rochester, MI 48307 | |
| Daytime Phone | 248-609-0402 | |
| E-mail | schaefer.greg@campusvillage.com<br>ed@etrdevcon.com | |

**PROPERTY DESCRIPTION:**

**Address** 1000 Block of Alamo Street

**Legal Description** *(if platted)* See Attached

**Appraisal District Tax I.D.** R See Attached **Acres** 5.38

**Current Intensity Zone** Area of Stability **Proposed Intensity Zone** Medium Intensity

**Zoning Classification** "MU", "SF-6" **Proposed New Zoning, if any** TBD

**Located In**
- ☐ Floodway
- ☐ S.M. River Corridor
- ☐ Edwards Aquifer Recharge Zone
- ☐ Historic District

**Existing use of land and building(s)**

single-family rental Housing

PSA - _____ - _____

# APPLICATION FOR CITY OF SAN MARCOS PREFERRED SCENARIO AMENDMENT

**REQUESTED AMENDMENT:**

**Proposed new use of property** Mixed use multi-family/Retail project.

**Reasons which support this request**

see attached submittal letter.

**SUBMITTAL REQUIREMENTS:**

**$750 plus $50 per acre ($2000 max)** payable to the City of San Marcos

**Name(s) and Address(es) of Property Lien-Holder(s)**, if any

**Metes and Bounds legal description or a map/survey to scale (if not platted),** submitted on paper no larger than 11" x 17" showing the location and boundaries of the property (if the amendment involves changing more than one existing designation, show the boundaries of such designations within the property).

*I certify the preceding information is complete and accurate, and it is understood that I or another representative should be present at all meetings concerning this application.*

☐ *I am the property owner of record; or*

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

**Signature**: Ed Theriot **Date**: 2/24/14

**Printed Name**: Ed Theriot

***To be completed by Staff:***

Meeting Date: _____ Application Deadline: _____

Accepted By: _____ Date: _____

# Preferred Scenario Map Amendment Application Checklist

- ☑ Pre-application conference with staff recommended
- ☑ A completed application for a Preferred Scenario Amendment and required fees
- ☑ Reasons for the change
- ☐ Visual representations of the change
- ☐ Other information as requested by the City
- ☑ Certificate of no tax delinquency

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

Signed: Ed Theriot Date: 2/24/14

Print Name: Ed Theriot

☐ Engineer ☐ Surveyor ☑ Architect/Planner ☐ Owner ☑ Agent: _____

*STAFF COMMENTS:* _____

Ed Theriot, AICP
Managing Member
(512) 618-2865
ed@etrdevcon.com

ETR
Development
Consulting, LLC

Thomas Rhodes
Managing Member
(512) 618-7449
thomas@etrdevcon.com

February 24, 2014

John Foreman, Planning Manager
City of San Marcos
630 E. Hopkins Street
San Marcos, Texas 78666

Mr. Foreman;

Attached, please find our complete submittal for an amendment to the City's Preferred Scenario Map. The amendment proposes a change from the current Area of Stability to a designation of Medium Intensity to allow for the development of a mixed use retail / multi-family project. We believe the request is appropriate and is supported by the elements of the Vision San Marcos Plan as follows:

# Economic Development

| Strategy | Supporting Project Feature |
|---|---|
| Preparing the 21st Century Workforce | Project will provide for an underserved housing opportunity for professionals and students immediately adjacent to the campus of Texas State University. Educational enhancement features will be incorporated into the project to support the resident's educational efforts. |
| Competitive Infrastructure and Entrepreneurial Regulation | Project will include a business area for retail and office use. |
| The Community of Choice | Project will include the concept of the entrepreneurial hub. Shared offices, conference rooms, technology center, and support services (copiers, etc.) will be provided. Facilities will be available to residents working to start and manage small businesses. |

# Environment and Resource Protection ERP

| Environmental feature | Impact Analysis |
|---|---|
| Cultural | Existing developed site. No known archeological sites, however, additional study will be performed. |
| Edwards Aquifer | Not located within Edwards Aquifer contributing or recharge zone. |
| Endangered Species | Existing developed site. No known habitat for endangered species, however, additional study will be performed. |
| Floodplains | No floodway or floodplains on or adjacent to the project site. |
| Geological | Existing developed site. No known geological features, however, additional study will be performed. |
| Priority Watershed | Located within the Sessom Creek watershed. Existing developed site and additional water quality treatment will be provided. |
| Slope | Entire project site is well below the top of the 0 to 15% slope range. No additional restrictions on impervious cover required. |
| Soils | Soils are suitable for development and are listed as moderately erosive. |
| Vegetation | Existing developed site. Moderate tree cover on site and additional study and mitigation plan will be developed. |
| Water Quality Zones | No existing natural drainage channels on site. No water quality zones will be required. |

# Land Use, Neighborhood, and Housing

| Existing Conditions | Analysis |
|---|---|
| Zoning | Property currently zoned Mixed Use and SF-6. Public zoning is located on the TSU property to the south and west, SF-6 and Duplex on the land to the north, and Public on the City water tower land to the east.<br><br>Project would propose rezoning to VMU Vertical Mixed Use. A VMU project in this location will allow for its residents to live, work, play, go to school, and purchase necessities all within easy walking distance. The project will provide for an appropriate transition from the High Intensity development located across Sessom to the south and west to the mixed single-family / duplex neighborhood to the north.<br><br>The project will help meet the housing demand created by the university in a way that offers an opportunity to live a car-free lifestyle without negatively impacting surrounding properties. |
| Existing Land Use | The structures on the property are currently 100% rental housing with high student occupancy. Most of the structures are in moderate to poor condition.<br><br>This project will involve the infill redevelopment of the existing below standard housing infrastructure. |
| Neighborhood Housing Conditions | Surrounding neighborhood is a mixture of rental and owner occupied housing. Several duplexes are also located in close proximity to the site.<br><br>Current project plans reflect an average of approximately 2 bedrooms per unit. In addition, a high percentage of the units will be one bedroom suitable for occupancy by working professionals or graduate students. |

# Parks, Public Spaces, and Facilities

| Public Facility | Analysis |
|---|---|
| Parks and Open Space | Land for parkland dedication is available, however, the City may wish to receive a fee-in-lieu to purchase or improve a preferred park site. Sidewalk / trails will be constructed to provide for safe future pedestrian connectivity to parks and open spaces.<br><br>Existing City open space area is within ¼ mile of the project site. |
| Drainage and Stormwater systems | Project site contains considerable existing impervious cover and development with minimal Drainage facilities. Existing flooding problems occur regularly on and adjacent to the site. Project will include the installation of advanced drainage and water quality systems and will address existing area drainage problems. |
| Water Service | Adequately sized water is available to the project. The project site is located within an area designated as a moderate hotspot for water service. |
| Wastewater Service | Adequately sized wastewater is available to the project. The project site is not located within an area designated as a hotspot for wastewater service. |

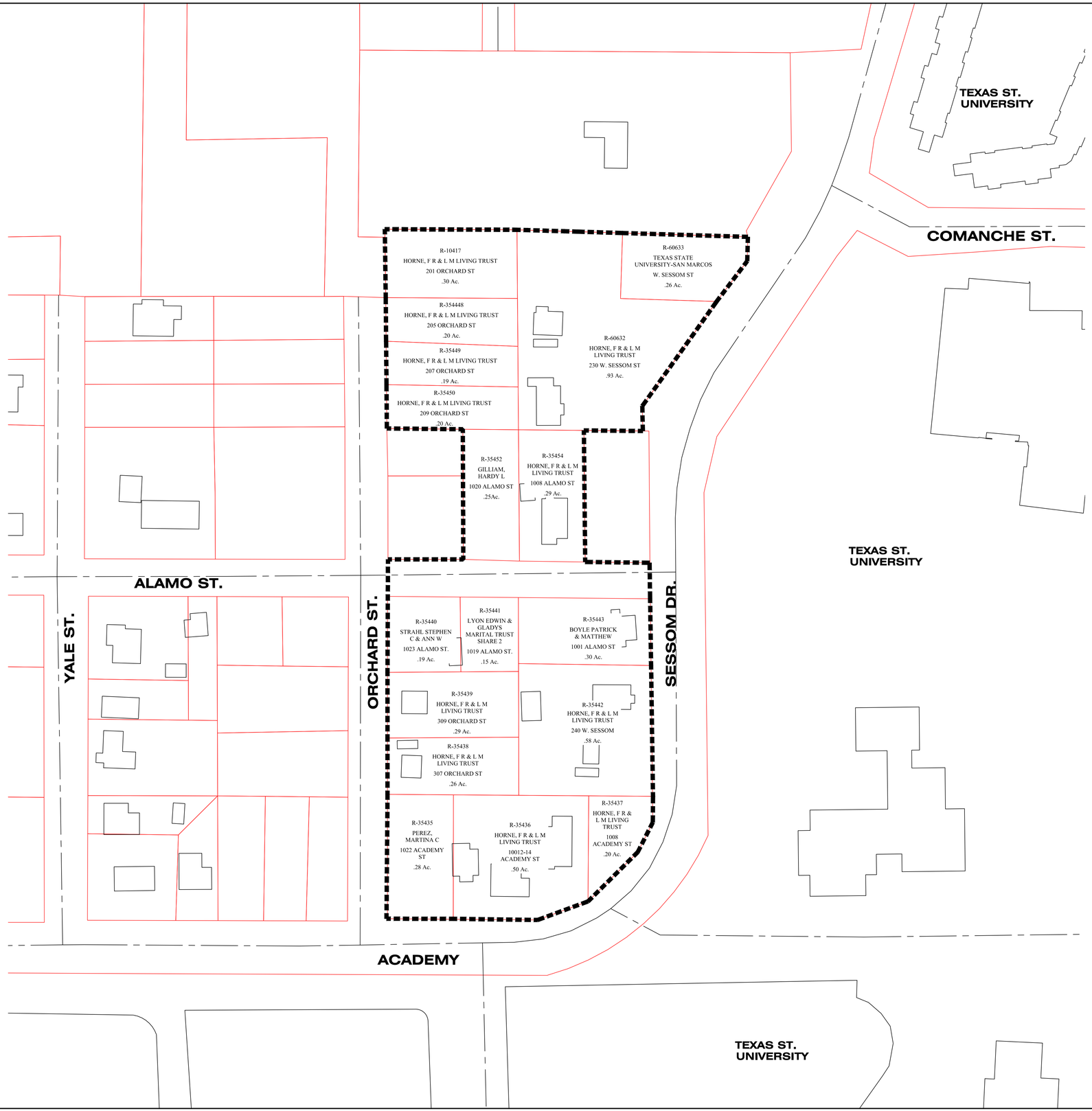
# Transportation

| Existing Conditions | Analysis |
|---|---|
| Street and Intersection safety and Levels of Service | A full traffic impact analysis will be required concurrent with the submittal of the future zoning request. The TIA may recommend improvements to streets and intersections to improve or maintain acceptable Levels of Service. Safety of site accessibility will be improved through the closure of approximately 6 - 8 existing curb cut / driveways. |
| Sidewalk availability | No sidewalks currently exist along Sessom Drive. The existing heavy student pedestrian traffic is forced to walk in the street or behind the curb in the dirt or grass.<br><br>The proposed project will include full streetscape improvements to include wide sidewalks, benches, landscaping, and human scale lighting. In addition, it is anticipated that pedestrian crossing improvements will be facilitated at the Commanche / Sessom intersection. |
| Bicycle Infrastructure | No bike lanes or facilities currently existing on or adjacent to the project site. Full facilities for the storage and use of bicycles will be incorporated into the project. In addition, the project will include facilities to provide for the safe accessibility of the TSU campus for bicycle traffic. |

Please contact me at (512) 618-2865 if you have any questions regarding the request or if you need additional supporting information.

Sincerely,

Ed Theriot, AICP




TOTAL PROJECT ACREAGE= 5.38 Ac.

DATE: 3-07-14


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


DESIGNED: SR DRAWN: JM REVIEWED: CD, MG

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

SHEET TITLE/PROJECT
CAMPUS VILLAGE COMMUNITIES
ACADEMY CENTER
PROPERTY EXHIBIT

PROJECT No.
13-016-10

SHEET No.
1 OF 1

G:\CompanyData\Clients\0420-Ramsey Engineering LLC_S\0420-044-13-Campus Village\Exhibits\PROPERTY EXHIBIT- 3-7-14.dwg; Layout: "Layout1"; Fri, Mar 07, 2014, 11:54am, by CIO38_MiguelG

ACADEMY CENTER
PREFERRED SCENARIO AMENDMENT
LEGAL DESCRIPTION

The project legal description is comprised of the following:

1. Lots 1, 5, 6, 7 and 10, Block 4, and Lots 5 and 6, Block 7, G.A. McNaughton First Addition, Recorded in Volume 55, Page 593, Hays County, Texas Plat Records
2. Lots 4A and 8A, Block 4, G.A. McNaughton Replat, Recorded in Volume 5, Page 315, Hays County, Texas Plat Records
3. Resubdivision of Lots 2 and 3, Block 4, G.A. McNaughton Addition, For Lots 2A, 2B and 3A, Recorded in Volume 2, Page 314, Hays County, Texas Plat Records
4. Lots 7B and 8C, Block 7, McNaughton Addition, Recorded in Volume 6, Page 253, Hays County, Texas Plat Records
5. McNaughton Addition Resubdivision Showing Lots 1A, 1B and 2A, Block 7, Recorded in Volume 4, Page 159, Hays County, Texas Plat Records
6. 0.36 Acres out of Thomas J. Chambers Survey, Abstract 2, Tract 264, Recorded in Book 3927, Page 200, Hays County, Texas Deed Records
7. Part of Lots 3 and 4, Block 7, G A MCNAUGHTON First Addition, Recorded in Volume 55, Page 593, Hays County, Texas Plat Records

| Tax ID Number | Property Owner | Property Address | Legal Description |
|---|---|---|---|
| R10417 | FR & LM Horne, Living Trust | Orchard Street | Thomas J. Chambers Survey, Abstract 2, Tract 264 |
| R35448 | FR & LM Horne, Living Trust | 205 Orchard Street | GA McNaughton Addition, Lot 1A, Block 7 |
| R35449 | FR & LM Horne, Living Trust | 207 Orchard Street | GA McNaughton Addition, Lot 1B, Block 7 |
| R35450 | FR & LM Horne, Living Trust | 209 Orchard Street | GA McNaughton Addition, Lot 2A, Block 7 |
| R60632 | FR & LM Horne, Living Trust | Sessom Drive | GA McNaughton Addition, Lot 7B, Block 7 |
| R35454 | FR & LM Horne, Living Trust | N/A | GA McNaughton Addition, Lots 5 & 6, Block 7 |
| R35435 | Martina Perez | 1022 Academy | GA McNaughton 1st Addition, Lot 1, Block 4 |
| R35436 | FR & LM Horne, Living Trust | 1012/1014 Academy | GA McNaughton Addition, Lot 4A, Block 4 |
| R35437 | FR & LM Horne, Living Trust | 1010 Academy | GA McNaughton Addition, Lot 4A, Block 4 |
| R35438 | FR & LM Horne, Living Trust | 307 Orchard Street | GA McNaughton Addition, Lot 5, Block 4 |
| R35439 | FR & LM Horne, Living Trust | 309 Orchard Street | GA McNaughton Addition, Lots 5 & 6, Block 4 |
| R35440 | Stephen C & Ann W Strahl | 1023 Alamo Street | GA McNaughton 1st Addition, Lot 6 & 7, Block 4 |
| R35441 | Edwin & Gladys Lyon Marital Trust | 1019 Alamo Street | GA McNaughton Addition, Lot 6 & 7, Block 4 |
| R35442 | FR & LM Horne, Living Trust | Sessom Drive | GA McNaughton Addition, Lot 8A, Block 4 |
| R35443 | Patrick & Matthew Boyle | 1001 Alamo Street | GA McNaughton 1st Addition, Lot 10, Block 4 |
| R60633 | Texas State University-San Marcos | Sessom Drive | GA McNaughton Addition, Lot 8C, Block 7 |
| R35452 | Hardy Gilliam | 1020 Alamo Street | GA McNaughton 1st Addition, Lots 3 & 4, Block 7 |

# ***ADDENDUM #1***

## REQUEST FOR COMPETITIVE SEALED PROPOSALS

## FOR

## SALE OF SURPLUS LAND

TEXAS STATE

*The rising STAR of Texas*™

**RFP #754-14-Surplus Land**

**Submittal Due Date: February 28, 2014**
**2:00 PM (Local Time)**

*Texas State University is a member of The Texas State University System*

Below are questions and responses that were received within the deadline stipulated in the RFP. Also included is a calendar of the City of San Marcos: Preferred Scenario Amendments Calendar for Spring 2014

1. Do you have the dimensions of the abandoned right of way parcel?

   Answer. The abandoned ROW parcel is described by field notes in Volume 1128, Page 658 of the Official Public Records, Hays County Clerk's office, Hays County, Texas.

2. Are there access easements cutting through the tract?

   Answer. An adjoining property owner does currently access a home and commercial tower site by crossing the subject parcel. There is no easement or grant providing rights for this use. You may wish to consult an attorney about whether a private individual or company can claim adverse possession against a State entity.

3. Do you have an Ariel picture of the tract?

   Answer. Not with property boundaries or other pertinent information, only general aerial coverage available thru Google Maps, Google Earth, or similar public sources.

4. Do you have a survey?

   Answer. No. We only have the conveyance documents and associated field notes.

5. What is the min price expected?

   Answer. Market Value as established by the offers received and comparable sales in the area.

6. In the City of San Marcos, what was formerly known as the Future Land Use Map is now known as the Preferred Scenario. In the past developers could have submitted an application to change the Land Use Map at any time. Now, the City has their Preferred Scenario, and it can only be amended twice per year. The next application cycle in San Marcos is next Monday, Feb 24. After that, it would be October. Would it be okay with the school to include your lot in our Amendment to the Preferred Scenario Map?

   Answer. Yes, at your sole risk and expense.

7. In the RFP, it states several times in the document that offers must be good for six months to allow the University time to do it's due diligence and full process. The dates they list for the process happen much quicker (two months) but if the University decides to take six months, I am not sure that would work with our timeline. What is your expected time frame to make a decision?

   Answer. Pursuant to the terms of the RFP, Texas State intends to notify the successful bidder on or before March 14, 2014, and thereafter enter into a Purchase Contract to support a closing within the 6 months the offer is required to be valid.

8. You have a 90-day feasibility in the RFP. You had indicated that you really didn't care how long it took to close. Can the 90 days be extended?

   Answer. Yes, with cause.

January 31, 2014

City of San Marcos
Planning and Developmental Services
630 East Hopkins
*San Marcos, Texas 78666*

RE: Zoning, Plat, Site Plan and Other Development Applications
Property owned by Edwin & Gladys Lyon Martial Trust Share 2
Located at 1019 Alamo in San Marcos

To Whom It May Concern,

This letter serves as acknowledgement and authorization for Campus Village Communities, their engineers, and consultants to work with the City of San Marcos in the application for Vertical Mixed-Use or Multi-Family zoning, the application for revisions to the City of San Marcos Future Land Use Plan Map, an application for a Subdivision Plat, Site Development Permit, and other necessary applications on the property owned by Edwin & Gladys Lyon Martial Trust.

This letter authorizes Campus Village Communities, or a designated representative, to submit applications and present information acting on behalf of the property owners.

We authorize the applications for a mixed-use or multi-family development.

Sincerely,

Edwin & Gladys Lyon Martial Trust Share 2

By: Paul Lyon
Paul Lyon

Howard F. Lyon
Howard F. Lyon

Susan Moneyhon
Susan Moneyhon

January 31, 2014

City of San Marcos
Planning and Developmental Services
630 East Hopkins
San Marcos, Texas 78666

RE: Zoning, Plat, Site Plan and Other Development Applications
Property owned by Steve and Ann Strahl
Located at 1023 Alamo in San Marcos

To Whom It May Concern,

This letter serves as acknowledgement and authorization for Campus Village Communities, their engineers, and consultants to work with the City of San Marcos in the application for Vertical Mixed-Use or Multi-Family zoning, the application for revisions to the City of San Marcos Future Land Use Plan Map, an application for a Subdivision Plat, Site Development Permit, and other necessary applications on the property owned by Steve and Ann Strahl.

This letter authorizes Campus Village Communities, or a designated representative, to submit applications and present information acting on behalf of the property owners.

We authorize the applications for a mixed-use or multi-family development.

Sincerely,

Steve and Ann Strahl

By: Stephen C. Strahl
Ann W Strahl

January 10, 2014

City of San Marcos
Planning and Developmental Services
630 East Hopkins
San Marcos, Texas 78666

RE: Zoning, Plat, Site Plan and Other Development Applications
Property owned by Matthew Boyle and Patrick Boyle
1001 Alamo, San Marcos

To Whom It May Concern,

This letter serves as acknowledgement and authorization for Campus Village Communities, their engineers, and consultants to work with the City of San Marcos in the application for Vertical Mixed-Use or Multi-Family zoning, the application for revisions to the City of San Marcos Future Land Use Plan Map, an application for a Subdivision Plat, Site Development Permit, and other necessary applications on the property owned by Matthew Boyle and Patrick Boyle.

This letter authorizes Campus Village Communities, or a designated representative, to submit applications and present information acting on behalf of the property owners.

We authorize the applications for a mixed-use or multi-family development.

Sincerely,

Patrick Boyle
106 Lehmann
Boerne, TX 78006

By:

Matthew Boyle

By:

January 10, 2014

City of San Marcos
Planning and Developmental Services
630 East Hopkins
San Marcos, Texas 78666

RE: Zoning, Plat, Site Plan and Other Development Applications
Property owned by F.R. & L.M. Horne Living Trust
Located on the 2 Blocks bounded by Sessom, Alamo, Academy and Orchard in San Marcos

To Whom It May Concern,

This letter serves as acknowledgement and authorization for Campus Village Communities, their engineers, and consultants to work with the City of San Marcos in the application for Vertical Mixed-Use or Multi-Family zoning, the application for revisions to the City of San Marcos Future Land Use Plan Map, an application for a Subdivision Plat, Site Development Permit, and other necessary applications on the property owned by F.R. & L.M. Horne Living Trust.

This letter authorizes Campus Village Communities, or a designated representative, to submit applications and present information acting on behalf of the property owners.

We authorize the applications for a mixed-use or multi-family development.

Sincerely,

F.R. & L.M. Horne Living Trust

By: Francis R. Horne
Francis R. Horne
1/10/14

January 17, 2014

City of San Marcos
Planning and Developmental Services
630 East Hopkins
San Marcos, Texas 78666

RE: Zoning, Plat, Site Plan and Other Development Applications
Property owned by Martina Perez
Located at 1022 Academy in San Marcos

To Whom It May Concern,

This letter serves as acknowledgement and authorization for Campus Village Communities, their engineers, and consultants to work with the City of San Marcos in the application for Vertical Mixed-Use or Multi-Family zoning, the application for revisions to the City of San Marcos Future Land Use Plan Map, an application for a Subdivision Plat, Site Development Permit, and other necessary applications on the property owned by Martina Perez.

This letter authorizes Campus Village Communities, or a designated representative, to submit applications and present information acting on behalf of the property owners.

We authorize the applications for a mixed-use or multi-family development.

Sincerely,

Martina Perez

By: Martina Perez 1-30-14
Martina Perez

February 25, 2014

City of San Marcos
Planning and Developmental Services
630 East Hopkins
San Marcos, Texas 78666

RE: Zoning, Plat, Site Plan and Other Development Applications
Property owned by Hardy Gilliam
1020 Alamo, San Marcos

To Whom It May Concern,

This letter serves as acknowledgement and authorization for Campus Village Communities, their engineers, and consultants to work with the City of San Marcos in the application for Vertical Mixed-Use or Multi-Family zoning, the application for revisions to the City of San Marcos Future Land Use Plan Map, an application for a Subdivision Plat, Site Development Permit, and other necessary applications on the property owned by Hardy Gilliam.

This letter authorizes Campus Village Communities, or a designated representative, to submit applications and present information acting on behalf of the property owners.

I authorize the applications for a mixed-use or multi-family development.

Sincerely,

Hardy Gilliam
308 Oak Ridge
San Marcos, TX 78666

By: Hardy Gilliam

## 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

## Hernandez, Amanda

**From:** fbloggs78644 <fbloggs78644@yahoo.com>
**Sent:** Monday, March 17, 2014 4:27 PM
**To:** Hernandez, Amanda
**Cc:** Lewis, Matthew
**Subject:** Alamo apartment block project

Sessoms forms a natural boundary beyond which all neighborhood residents will resist any development of campus sprawl into our residential neighborhood.

M/m ginsberg
323 west holland st. san marcos
Sent from Samsung tablet

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:** 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

## Hernandez, Amanda

**From:** lynrd kypuros <lynrd1@gmail.com>
**Sent:** Tuesday, March 18, 2014 10:05 PM
**To:** Hernandez, Amanda
**Subject:** Rezoning for rent by room apartments

Please vote "no" to rezoning of housing area at Sessoms St.and Academy & Orchard St.. This will devalue existing houses. We do not need more apartments in San Marcos! Many new apartment complexes have been built already or are under construction right now. Thanks, Lynne K Kypuros

## 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

## Hernandez, Amanda

**From:** biekgiek@yahoo.com
**Sent:** Tuesday, March 18, 2014 11:56 AM
**To:** Hernandez, Amanda
**Subject:** Proposed apartments on Sessims

Hello,

We do not need any more apartments in San Marcos. Please do not allow the consideration to build an apartment building at Sessoms and Academy to move forward.

Thank you,

Sean Welch
SMTX Homeowner

i Sent from my Phone

March 18, 2014

Hello Ms. Hernandez,

Thank you for your presentation at the CONA meeting last night.

I am against the zoning change for Campus Crest at Sessom Drive and Alamo Street.

As the president of the Greater San Marcos Partnership, Adriana Cruz, pointed out in the presentation before yours, our city is lacking in middle class single family homes. Ms. Cruz has been unable find a suitable middle-class home for herself.

My area of town, the Sessom Creek neighborhood, is one of the few remaining, established middle class single family neighborhoods in the core city. Yet, we are continually under pressure from the encroachment of high density, rent-by-the-bedroom apartments. It is no secret to potential home buyers that tomorrow the zoning may change and you could wake up to one-thousand students living next door. Under these circumstances, it is not surprising that people like Ms. Cruz are not rushing to buy property in Sessom Creek.

One cannot rightfully argue that this neighborhood does not want diversity or apartments or students. We have all of the above and it has led to a pleasant quality of life. Now, the Sessom Creek neighborhood is at a tipping point. Will it remain mainly a single-family neighborhood or will be become a bedroom for the University? We are on the precipice looking over and what we see below is not pretty. Should more apartments be constructed, I believe we will tumble over the edge and it is only a matter of time before this middle-class, single-family neighborhood will be lost.

On the other hand, if the City loudly committed itself to the masterplan and to the preservation of my neighborhood, it is likely that we will see more middle-class buyers interested in living here. Imagine if the City said, “Sessom Creek is for single families and you may not, under any circumstances, build apartments there.” It is true that the big developers with big budgets would lose interest; but new home buyers, local home renovators, and custom home builders would not. In this scenario, my single-family neighborhood thrives and the city establishes a quaint, thriving neighborhood of tree-covered streets and rolling hills that is perfect for the young families and professionals we want to attract to San Marcos. In Sessom Creek there is incredible potential. Let’s not destroy it.

The zoning now allows for new construction that is compatible with the neighborhood. Townhomes, a small grocery store, and other small businesses are welcome. The zoning does not need to change.

Sincerely,

Patrick Duran

110 W. Hillcrest Dr.
San Marcos, Texas 78666
512-353-2790

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.

March 24, 2014

To Whom It May Concern:

Re: Campus Crest

We would like to voice our opposition to this development. In essence it is a similar project to the Casey development, which was planned just around the corner. The inappropriateness of this project follows along some of the same lines as that of Casey and would cause additional stress and concern to a neighborhood that has been fighting to express its individualism and its vision.

The area, though in some transition, has the potential to offer land for single family homes, as evidenced by some newly built homes, or smaller badly needed housing projects for retirees and young professionals. It can also serve as a buffer between the university buildings and the existing neighborhoods.

Inner city neighborhoods are being recaptured in many cities, including Austin. We have this true gem that needs to be protected to offer variety in housing to future San Marcos residents who will be looking for housing with neighborhood character close to the university and downtown, not wanting to be herded to cookie cutter housing in outer parts of the city, and not wanting to be housed with students.

All of the new plans that citizens have been working on, and that were asked for by city leaders, the last 2 years, express the desire to protect neigborhoods and their character from unwanted and unnecessary intrusion of projects that in no way add any value to those neighborhoods. Please don’t spit in their faces by continuing to but square pegs in round holes in direct opposition to the voice of the citizens.

Sincerely,
Travis and Linda Jefferson Hopson

P. S. It occurs to us that any city staff member that is in charge of making decisions on how San Marcos should grow, should be required to live in San Marcos so their voices would have some frame of reference. How can they be allowed to make decisions about what they do not know.

## Hernandez, Amanda

**From:** Hernandez, Addison
**Sent:** Tuesday, March 25, 2014 2:30 PM
**To:** Hernandez, Amanda
**Subject:** FW: "CampusCrest" project

-----Original Message-----
From: Charles ONeil [mailto:coneil@grandecom.net]
Sent: Tuesday, March 25, 2014 2:29 PM
To: Lewis, Matthew; Stark, Kristy; sforeman@sanmarcostx.gov; Hernandez, Addison
Subject: "CampusCrest" project

Dear Planners,
My wife and I wish to register our objections to granting an exception for this project. The project is out os step with the neighborhood, and will create traffic and other problems.
There is no doubt that some of the exiting structures on this property should be replaced. But they should be replaced with high end housing, town houses or some other low density buildings. The Comanche-Alamo-Academy intersections are already difficult and adding four hundred people to the area will do nothing to improve it.
If you check the records you will see that three substantial single family homes have been built in the last few years around Orchard and Yale streets.This area can attract faculty and others who will add to the neighborhood's stability, not disrupt it.
The neighborhood just went through a very difficult fight over the Casey project. To us at least the Campus Crest just looks like a smaller version of the same, with the same problems.
We hope that you will urge the P&Z to reject the exception.
Sincerely,
Charles and Sharon O'Neil
121 E. Hillcrest Drive

## Hernandez, Amanda

**From:** Serna, Francis
**Sent:** Monday, March 31, 2014 8:34 AM
**To:** Hernandez, Amanda
**Subject:** FW: Alamo St. apartment Comp[lex

-----Original Message-----
From: Richard McBride [mailto:docdik@grandecom.net]
Sent: Sunday, March 30, 2014 9:23 PM
To: Planning_Info
Cc: Paul Murray
Subject: Alamo St. apartment Comp[lex

I oppose this project. The massive proliferation of these types of apartment complexes is destroying the family communities in San Marcos. The lifestyles in these complexes is largely weekend parties which are loud and disruptive. It is becoming impossible to raise a family within two miles of campus. How many more of these massive monstrosities can we stand? I visualize many underutilized and decaying apartment complexes in not very many years as students flock to the newer ones offering ever more party opportunities.

San Marcos is trying to lure good businesses here with high paying, nonpolluting jobs. Companies will not move here when they cannot find good housing for their employees. Think about the other issues rather than always bowing to developer's desires.

Richard McBride
724 Snyder Hill Dr.
San Marcos, TX 78666

## Hernandez, Amanda

**From:** Peter Ingwersen <swtheo@hotmail.com>
**Sent:** Sunday, March 30, 2014 8:45 PM
**To:** Lewis, Matthew; Stark, Kristy; Foreman, John; Hernandez, Amanda; Miller, Jared; Contreras, Lidia; Sessom Creek Neighbors
**Subject:** from a concerned citizen

Dear Planning Department, Neighborhood Commission, Mr. Miller, and Planning & Zoning Commissioners,

I'm writing regarding the proposed zoning change at the corner of Sessoms and Alamo Street. I am not anti-development. I am, however, opposed to development that threatens our neighborhood, the security in our neighborhood, and the financial investment I have made in my home. First, I would like to relay some information to you:

At 4am this morning, I awoke to shouting and laughing in the street in front of my home, one block away from Alamo St. Between 5 and eight young people (it was dark-- I couldn't tell how many, and I can't say if they were students) had stopped their vehicle in the middle of the street. I don't know what they were doing besides shouting and laughing, or why they were there. I'm fairly certain they were highly intoxicated, thus clueless as to how loud and inconsiderate they were being. This went on for roughly 10 minutes. Again, it was dark, but I'm fairly certain one of them urinated in the street because he had stepped away from the rest. They then drove one house away from me and parked in front of Ted Breihan's home and the laughing and shouting continued for another few minutes. They finally drove off, leaving two of them behind who walked away.

This is the kind of unpreventable nonsense that will happen on a large scale if a rent-by-the-bedroom complex is built in our neighborhood. All of us were young once, and I'm certain you understand what I'm saying when I say it is unpreventable. I'm not begrudging anyone from having fun. I had lots of fun when I was that age. Admittedly, I had no concept of how my actions might have affected other people. It never occurred to me. Maturity is what has allowed me to look back on those days and understand. I'm sure those kids had no idea they woke me up at 4am. They didn't mean to— it's just the way it is. It's life: those kids are discovering who they are and most of them are experiencing freedom for the first time. It's a natural part of being that age. Some say we CAN prevent this through education and programs such as ACT. I disagree due to the enormity of the task: a new group of young people come to San Marcos every year. It's a never-ending cycle. And thus: unpreventable.

I don't want to live next to something like that. This neighborhood is quiet. Please help us keep it that way. This neighborhood could one day be like Hyde Park in Austin if the planning department would invest in us instead of tearing us down. Please vote no on the zoning change and make a recommendation that the project at Alamo and Sessom be completely removed from consideration. There is plenty of land along IH35. Please do everything you can to steer those who want to invest in our community to land that is suitable for rent-by-the-bedroom complexes. Thank you for your time.

Ted Ingwersen
124 W. Hillcrest Dr.

## Hernandez, Amanda

**From:** Larry Mock <lbm1957@austin.rr.com>
**Sent:** Sunday, March 30, 2014 9:50 PM
**To:** City Manager Information; Planning_Info; Lewis, Matthew; Stark, Kristy; Foreman, John; Hernandez, Amanda
**Subject:** respect our new Comprehensive Plan

I am writing to let you know that:

I am opposed to the proposed amendment to the Preferred Scenario Map for rent-by-the-room-apartment complex (currently known as the Campus Village Communities) on Sessom Drive and Alamo Street!

Please respect our new Comprehensive Plan and do not amend.

Thank you,

Larry Mock
107 Canyon Road
San Marcos, TX 78666
512-217-7696

## Hernandez, Amanda

**From:** Serna, Francis
**Sent:** Monday, March 31, 2014 10:41 AM
**To:** Hernandez, Amanda
**Subject:** FW: Proposed Highrises @ Sessoms/Alamo

**From:** soda [mailto:vegancowboy@gmail.com]
**Sent:** Monday, March 31, 2014 10:12 AM
**To:** Planning_Info
**Subject:** Proposed Highrises @ Sessoms/Alamo

Dear ladies and gentlemen,
As a long time resident of Alamo street I would be very disappointed to see highrise apartments built here. This is a very nice neighborhood and should remain as it is.
Sincerely,
Timothy T. Covey
1002 Alamo St. Apt. C

## Hernandez, Amanda

**From:** chesstaipan@gmail.com on behalf of Thomas Waymouth <texaswildricefestival@gmail.com>
**Sent:** Monday, March 31, 2014 12:03 PM
**To:** Planning_Info
**Cc:** City Manager Information; Lewis, Matthew; Stark, Kristy; Foreman, John; Hernandez, Amanda
**Subject:** Please, not another one...

Good afternoon Planning and Zoning,

I urge you to please deny the proposal for another apartment complex on Sessom and Alamo. This Detroit developer is not coming to our City with our best interests at hand, nor do they understand the fragile eco-system that lies beneath these areas.. We already have so many student housing complexes, the last thing our City needs is another one. There are plenty of housing options, please don't allow this one to be built.

The Comprehensive Mater Plan has already identified this neighborhood as an Area of Stability; allowing this complex to be built and disturb that stability would leave the door open for future amendments to the Master Plan. If the MP is not to be followed then, why create it in the first place?

I urge you to deny the building of this complex. We love our neighborhoods, our trees, our Springs, our Aquifer, our family oriented city; please, do not take this neighborhood away from us. A rent by the bedroom apartment is not a place to raise a family.

This city has more to it than just a University; should you really be upholding what is best for that institution over what is best for your community as a whole?

Thank you for your consideration and sticking to what has been proposed in the Master Plan.

Keep San Marcos Flowing,

Thomas Waymouth and Ashley Wright

## Hernandez, Amanda

**From:** Kenneth & Donna Dees <kddees@grandecom.net>
**Sent:** Monday, March 31, 2014 4:59 PM
**To:** Hernandez, Amanda
**Cc:** Mayor_Cuoncil_info@sanmarcostx.gov
**Subject:** PSA-14-01

I am very concerned about the request for the preferred scenario amendment on Sessom Drive. I agree that area could use some serious revitalization, but to allow medium density multifamily apartments and retail on that section of Sessom would be a "nightmare" for everyone on this side of town. The current low density zoning would allow new duplexes and townhomes that would provide upscale living for professionals wanting to live near the University and town. Medium density apartments would create auto and foot traffic across an already busy street. Add in retail and you magnify the problem. This type of project would be as bad or worst than the Casey project we had to go up against last year.

Those of us that live in the neighborhoods adjacent to this area, would be negatively affected with the additional traffic the medium density zoning would create. Our property values and quality of life would be in jeopardy. We should not have to continually fight to protect our neighborhoods from developers that want to build student residences in our neighborhoods. We made this point very clear when the "overlay" was proposed for this side of town during the development of the Comprehensive Master Plan.

I am asking you to not recommend this development amendment. I am further asking you to request that any building in this area be developed in such a way that we do not get another Sagewood" neighborhood. Regulations and ordinance enforcement clauses must be put into the development plan that will protect the permanent residents in this neighborhood.

Thank you for taking your time with this amendment. I appreciate you coming to CONA and explaining how this process would proceed.

Sincerely,
Kenneth Dees
CONA representative for Holland Hills Neighborhood
CONA Board of Directors and Secretary/Treasurer
1412 Alamo Street
512-396-2090

## Hernandez, Amanda

**From:** Kim Blackson <kim@pfq.com>
**Sent:** Monday, March 31, 2014 5:00 PM
**To:** City Manager Information; Lewis, Matthew; Foreman, John; Stark, Kristy; Hernandez, Amanda
**Subject:** Campus Crest

Dear City of San Marcos representative,

Please accept my **protest** against the proposed apartment complex on Sessom at Alamo Drive.

This is in my residential area and as a home owner and full time resident this complex would not only damage the integrity of our area as a neighborhood but show us disrespect. This project does not follow our new comprehensive plan and I resent that a plan was made to placate citizens.

Sessom is already overpopulated with traffic. I sat for 3 lights at Sessom and LBJ today at 3:30pm.

Respectfully submitted,
--
Kim Blackson
808 W. Bluebonnet
San Marcos, TX 78666

## Hernandez, Amanda

**From:** Hernandez, Addison
**Sent:** Tuesday, April 01, 2014 8:09 AM
**To:** Hernandez, Amanda
**Subject:** FW: Alamo Street Neigborhood - Zoning Change Proposal

Yours?

---

**From:** Medina, Richard R [mailto:rm77@txstate.edu]
**Sent:** Monday, March 31, 2014 5:13 PM
**To:** Hernandez, Addison; Planning_Info
**Subject:** Alamo Street Neigborhood - Zoning Change Proposal

To Whom it may Concern,
It appears that we are heading for another fight to avoid any change in existing density restrictions affecting the Alamo Street Neighborhood. The same line of reasoning brought up in the proposed Casey Develop should also apply in this case. How quickly we forget how hard the residents are willing to fight to maintain existing family neighborhoods in this area. I oppose any changes to existing zoning ordinances. The last thing I want to see is high rise apartments and retail stores built on Sessoms. Traffic in this area is already deplorable. Add the fact that Texas State will be bringing on line another 600 bed facility in the vicinity of Academy and Holland in 2016 will only add to traffic congestion.

I would appreciate any information you can provide me as to when I can publicly speak out against the proposed zoning (density) changes for this area.

Respectfully

Richard Medina
200 Harvard Street
512-217-8910

## Hernandez, Amanda

**From:** Serna, Francis
**Sent:** Tuesday, April 01, 2014 1:17 PM
**To:** Hernandez, Amanda
**Subject:** FW: PSA for Campus Village Communities

**From:** Sheila Torres-Blank [mailto:sheilatb2@gmail.com]
**Sent:** Tuesday, April 01, 2014 9:15 AM
**To:** Planning_Info
**Subject:** PSA for Campus Village Communities

To whom it may concern,

I hope you will deny the preferred scenario amendment request for the proposed development at Alamo and Sessom. This plan would drop a higher density multi-family complex smack in the middle of a single-family neighborhood. This would have detrimental impact on the homeowners and residents of the neighborhood.

Another reason I oppose this plan is that the streets in the area can not accommodate the additional traffic generated by higher density development. The intersection of Sessom and Comanche is badly congested, especially during rush hour. The situation is made worse by a shared turn lane and a major campus entrance less than block south on Comanche. The turn where Sessom meets Academy is also problematic. This area is already dangerous for all the cyclists and pedestrians trying to get to and from campus. This development will make matters much worse. I pass through the Sessom/Comancheat intersection at least twice every day by bicycle traveling between work and home. I do not feel entirely safe but it is the least unsafe option to get where I need to go. Please do not make a bad situation worse by approving the amendment.

The staff and citizens responsible for the preferred scenario spent a great deal of time and effort considering a wide range of factors to determine the best, highest use for all areas in our community. One developer hoping to make a quick buck is NOT sufficient reason to disregard the e plan. Yes, students need convenient off-campus a places to live. But there is plenty of land zoned for higher density immediately south and west of campus.

Thank you for your consideration.

Sheila Torres-Blank
217 W. Hillcrest Dr.
sheilatb2@gmail.com

April 1, 2014

Ms Amanda Hernandez, AICP, CNU-A
Senior Planner, Development Services
City of San Marcos
630 East Hopkins,
San Marcos, Tx 78666

Ms. Hernandez,

Subject: Proposed changes to land use preference map allowing apartment development on Sessom and Alamo Streets

Thank you for explaining the planning process to Karen and me today. We appreciate your time and effort.

Changes in land use preference, as you correctly pointed out, must define a long term improvement to the City of San Marcos. A change to a "stable" area that allows apartment development in the Sessom / Alamo Street is not a long term improvement for the city and, therefore, we oppose it for several reasons.

1. Money is always a motivating factor that we all understand.
    A. We appreciate some owners may want to sell but money to a few owners is not an improvement to the City and should not be a consideration.
    B. Developers frequently develop a project then move on. They do not live within immediate proximity of their effort. Developer profit is not an improvement to the City of San Marcos and not a consideration for changes in preferred use.

2. We recognize the area in question is in poor repair; needing improvement. However, a multilevel apartment may be a short term improvement then only prove to be a long term detriment. High density developments frequently degrade over time. When new -attractive but evolve into another "urban project" that decays into "urban blight" over time. (See duplexes off Holland where many cars and trash containers remain on the streets with a deleterious effect)

3. Sessom Street is a multi-use facility not limited to University students and staff but is used by residents in getting back and forth to work, shopping, etc. Additional traffic moving across traffic flow, as they turn into and out of an apartment complex, would be extremely negative to traffic movement. In this area it would be simply wrong.

4. Sessom Creek area and along Sessom Street itself is populated with many trees. It is important in that traffic and high population densities in the area produce green house gasses as $CO_2$ & CO as well as traffic noise. Photosynthesis removes many of these pollutants. As a matter of fact a green zone should be established around the entire University campus as a means of noise and gas pollutant control. Sessom Creek, itself, should be designated as a "protected wilderness".

5. Land use preferences currently indicate Sessom / Alamo street to be in a stable area. A change risks other changes in the future that could result in multi occupant developments spreading throughout a “stable” area. This becomes a threat to resident owners currently in the area and wanting to remain in the area. A stable area with maintained homes should be encouraged; not put at risk.

6. The immediate community was made aware of this proposed change in the preferred use map by posted signs on Alamo and Sessom Streets. A change in this important map requires more consideration that just a few weeks. If this proposed change is a viable improvement, it will survive in-depth scrutiny over time and should not be a result of limited input. Take time to meet with residents of the immediate surrounding area and allow comments from those affected by such changes. Then make the change, if viable, after due consideration.

Thank you for your consideration,

Richard Creelman (signed)
Karen Creelman (signed)

1301 Alamo St.
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

## March 17, 2014 CONA PSA Update Discussion Written Comments / Questions

| Name | Question |
|---|---|
| Tom Wassenich | What can they build now? |
| Charles ONeil | What is the current allowable density under the current zoning for the properties (campus crest)? How many people can legally live there now? What would be the allowable density under the proposal and how many people could live there under the proposal? (if not people, then how many units?) |
| Melissa Derrick | Impact on surrounding neighborhood – will this significant change allow further apartments in the neighborhood? |
| Forrest Fulkerson | Why does staff continue to support contentious projects? Why don't they seek and support any kind of community development? |
| Diann McCabe | Traffic and effect on neighborhood |
| Kenneth Dees | Why is there a need to change density? |
| Patrick Duran | Why must we continually go through this? |
| Linda Hopson | Casey Project just smaller |
| Paul Ginsberg | Why are you trying to encroach on our neighborhood? Sessom forms a natural dividing line for campus sprawl. |
| Jim Garber | Land use maximus |

## March 25, 2014 P&Z PSA Update Discussion Written Comments / Questions

| Name | Question |
|---|---|
| No Written Comments / Questions | |

## March 26, 2014 Neighborhood Commission PSA Update Discussion Written Comments / Questions

| Name | Question |
|---|---|
| No Written Comments / Questions | |

**Aerial**

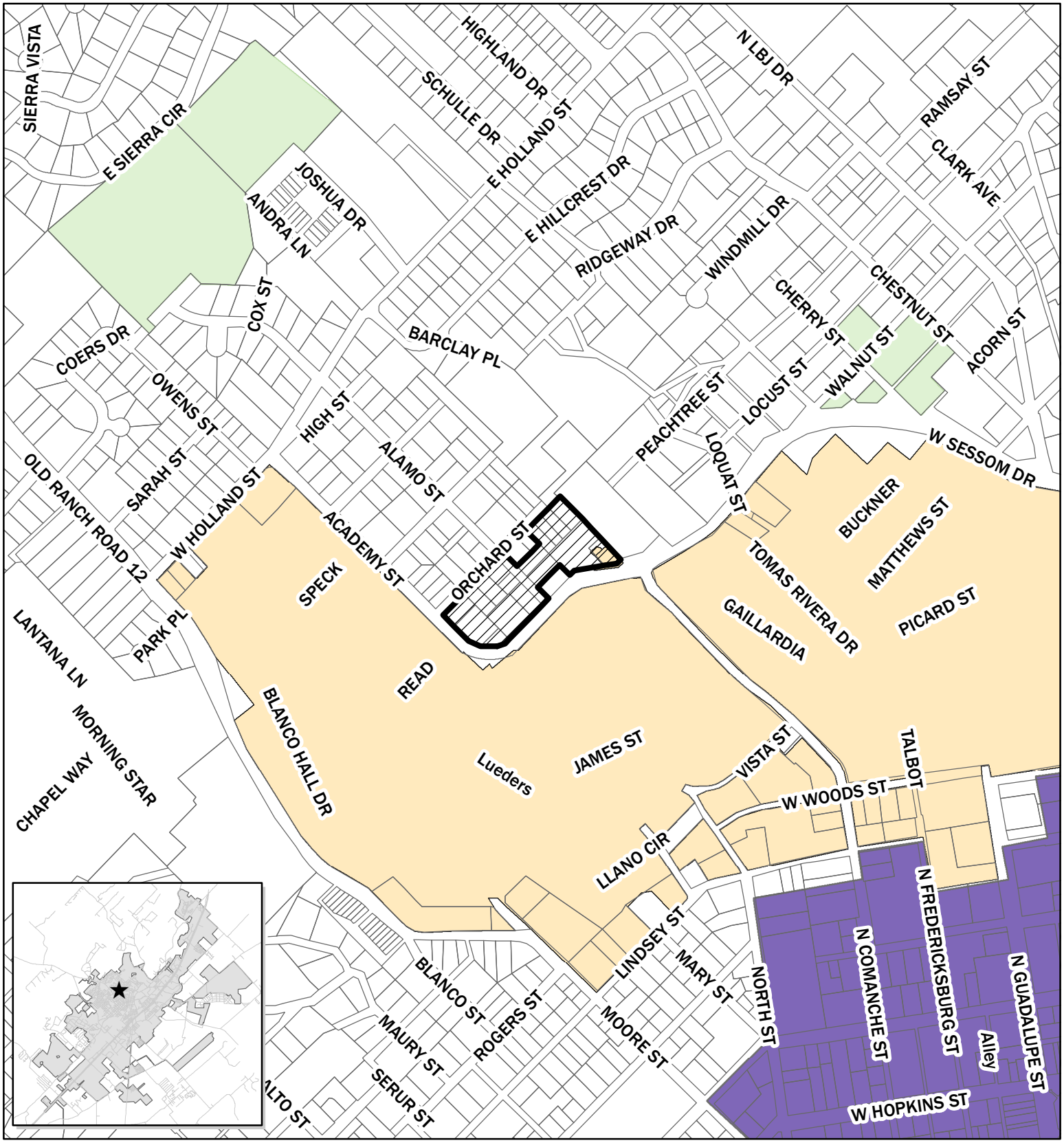
Site

N

0 325 650 1,300 Feet

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

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.




**Preferred Scenario**

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

N

0 325 650 1,300 Feet

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

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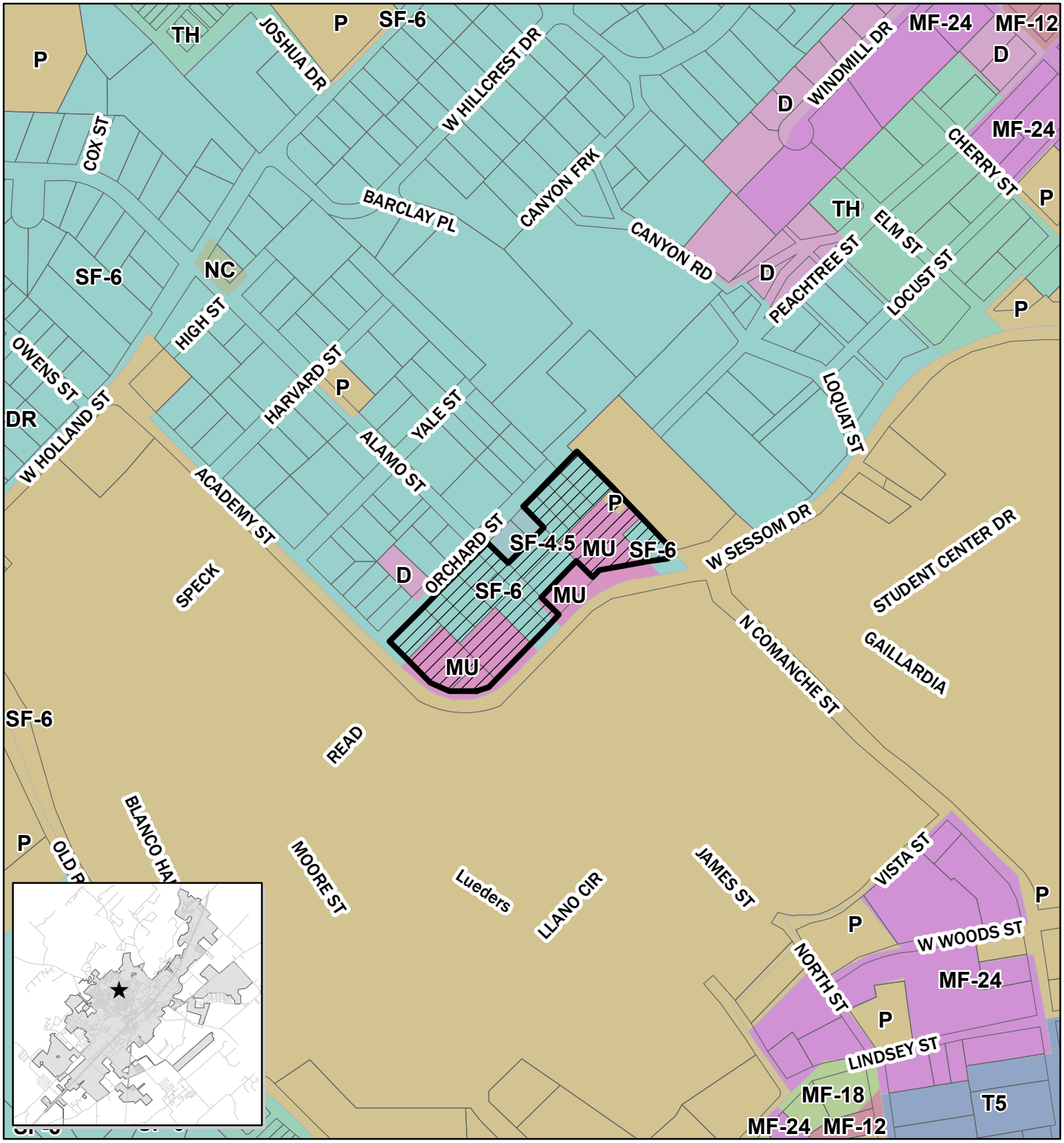


## Existing Zoning

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

N

0 205 410 820 Feet

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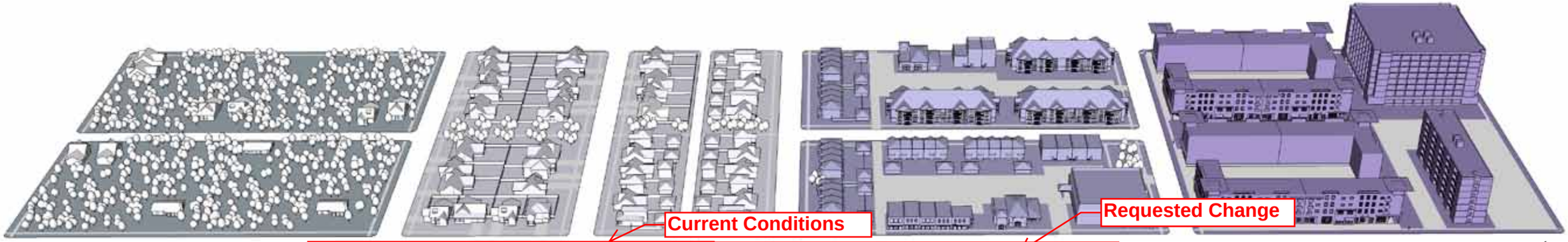
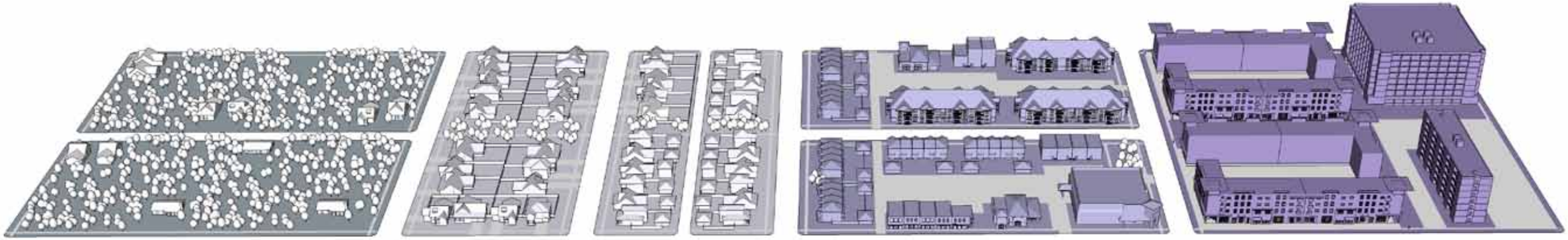



| | Open Space / Agricultural | Low Intensity and Areas of Stability | Medium Intensity | High Intensity |
|---|---|---|---|---|
| Neighborhood & Area Protection / Conservation | **Preserve Areas**<br>Hiking Trails<br>Community Gardens<br><br>**Active Recreation Areas**<br>Recreation-related Commercial<br>Camping<br>Hiking Trails<br>Community Gardens<br><br>**Agricultural / Ranching**<br>Single Family Residential<br>Bed & Breakfast<br>Home Office<br>Produce Stands<br>Hiking Trails<br>Community Gardens | **General Use Categories:** Single Family, Home Office, Corner Neighborhood Retail - no gas<br><br>**Building Types:** 1-2 Story, 3 with CUP<br><br>**Examples:** Existing Predominately Single-Family Neighborhoods, Default Classification for any area not classified, Utilize Land Use Suitability Map | **General Use Categories:** Single Family, Duplex, Multi-family at nodes, Bed & Breakfast, Home Office, Corner Neighborhood Retail - gas with CUP, Office, Convenience Retail, Restaurants - no drive through<br><br>**Building Types:** 1-3 Story, Mixed-use at nodes and corridors<br><br>**Preferred Scenario Examples:** Triangle - single family | **General Use Categories:** Single Family, Duplex, Multi-family, Bed & Breakfast, Home Office, Corner Store, Office / Flex Space, Retail, Restaurants, Lodging<br><br>**Building Types:** 1-4 Story, Mixed-use at nodes and corridors |
| Redevelopment Infill | | **General Use Categories: Single Family with accessory building, Bed & Breakfast (5 rooms), Home Office, Corner Neighborhood Retail - no gas, Restaurants - no drive through**<br><br>**Building Types:** 1-3 Story, Mixed-use at nodes and corridors<br><br>**Examples:** Existing Mixed Residential Areas | **General Use Categories:** Single Family, Duplex, Multi-family at nodes, Lodging, Home Office, Office / Flex Space at nodes, Corner Store, Convenience Retail with gas, Restaurants<br><br>**Building Types:** 1-3 Story, Mixed-use at nodes and corridors<br><br>**Preferred Scenario Examples:** South End | **General Use Categories:** Single Family, Duplex, Multi-family, Bed & Breakfast, Home Office, Corner Store, Office / Flex Space, Retail, Restaurants, Lodging<br><br>**Building Types:** 1-5 Story, Mixed-use at nodes and corridors<br><br>**Preferred Scenario Examples:** Downtown, Midtown |

NOTES: Recreation-related commercial uses in active recreation areas will require special standards

NOTES: Commercial at major nodes and along corridors (with uses that are predominately non-single-family residential); One lot depth for commercial along corridors and at nodes; Corridors include but are not limited to: Old RR 12: Holland to Wonderworld, LBJ east of Holland, Arterials in the Edwards Recharge Zone

NOTES: Commercial and Multi-family at major nodes and along corridors; One lot depth for commercial in Protection / Conservation; Two lot depth in all other areas; Corridors include but are not limited to: Hopkins east of Moore, University: Sessom to Hopkins, RR12: Lindsay to Hopkins, Hunter: San Antonio to Wonderworld



| New Development | Low Intensity and Areas of Stability | Medium Intensity | High Intensity |
|---|---|---|---|
| | **General Use Categories: Single Family with accessory building, Bed & Breakfast (5 rooms), Home Office, Corner Neighborhood Retail - no gas, Restaurants - no drive through**<br><br>**Building Types:** 1-3 Story, Mixed-use at nodes and corridors<br><br>**Preferred Scenario Examples:** Blanco Vista, Paso Robles Default classification for sites with 20 acres or more | **General Use Categories:** Single Family, Duplex, Multi-family, Lodging, Home Office, Office / Flex Space at nodes, Corner Store, Convenience Retail with gas, Restaurants, Light Industrial with CUP<br><br>**Building Types:** 1-5 Story, Mixed-use at nodes and corridors<br><br>**Preferred Scenario Examples:** Blanco Vista, Paso Robles, East Village, Medical District, South End, Star Park, Triangle | **General Use Categories:** Single Family, Duplex, Multi-family, Bed & Breakfast, Home Office, Corner Store, Office / Flex Space, Retail, Restaurants, Lodging, Light Industrial with CUP<br><br>**Building Types:** 1-5 Story, Mixed-use at nodes and corridors |

NOTES: Commercial and Multi-family at major nodes and along corridors; One lot depth for commercial in Protection / Conservation; Unlimited lot depth in all other areas; Corridors include but are not limited to: LBJ south of Sessom, Aquarena Springs: Sessom to IH 35, Guadalupe: University to IH 35

GENERAL NOTES:
Uses in potential Employment Centers include: Industrial, Office Parks and Retail Malls with standards
Uses and intensity must comform with the City's Edwards Aquifer regulations
Corridor intensity varies with intensity zone
Development intensity decreases with distance from a node or corridor
Home Office - no signage, no sales, one employee
All on-premise consumption of alcohol requires a CUP
The Urban Land Institute defines Convenience Retail as: minimart, restaurant, beauty parlor, dry cleaner, fast food service, medical and dental office
Civic uses are permitted in all development types / intensity zones
All commercial uses in Protection / Conservation and Redevelopment / Infill should follow compatibility standards including architectural standards
Lot depth for corridors is typically 120 feet

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

## Existing Zoning Categories (subject site)

### Single-Family District (SF-6)

- The site contains approximately 3.2 acres of SF-6
- 10 homes exist on the SF-6 Zoned properties
- Approximately 13 homes could exist on the SF-6 Zoned Properties

### Mixed Use District (MU)

- The site contains approximately 2.2 acres of MU
- 8 residential structures exist on the MU Zoned properties
- MU standards are similar to SF-6 for density
- This land could be used for a mix of uses including: bed and breakfast, home child care, loft apartments, single family residences, office, art studio, beauty shop, dry cleaning, dance and martial arts school, grocery without gas, pharmacy, restaurant, small retail, park or playground, government and recreational uses and religious assembly
- Many uses are conditional in an MU district

- There is a portion of this site zoned “P” which contains a cell tower and was not addressed in this analysis

## Permitted Zoning Categories & Uses in Area of Stability-Protection / Conservation

### Single-Family Districts (SF-R, SF-11, SF-6, MR)

- These SF districts allow 1 unit per acre, 3 units per acre and 5.5 units per acre respectively
- Uses include single family residences, accessory buildings, home child care, art studio, park or playground, religious assembly, and some conditional uses for governmental and recreational purposes
- MR is similar to SF-6 in density and use

### Other Zoning Districts (FD, AR, P, PDD)

- FD is a place holder for newly annexed properties
- AR is the agricultural district for nurseries, farms and ranches
- P is public zoning meant for schools, governmental and some office and residential uses
- PDD is an overlay district which allows for variations from an established base zoning and is intended to encourage flexible and creative planning and development

# PERMITTED ZONING CATEGORIES AND USES IN MEDIUM INTENSITY-PROTECTION / CONSERVATION

## SINGLE FAMILY DISTRICTS

**(SF-6, SF-4.5, PH-ZL, MH)**

- These SF districts allow 5.5 units per acre and 7.5 units per acre respectively
- Uses include single family residences, accessory buildings, home child care, art studio, park or playground, religious assembly, and some conditional uses for governmental and recreational purposes
- PH-ZL allows 7.5 units per acre and uses similar to SF with the addition of zero lot line patio homes
- MH allows 9 units per acre and similar SF uses

## OTHER RESIDENTIAL DISTRICTS

**(D, TH, MF12, 18 & 24)**

- D allows 6 units per acre and the following uses: duplexes, accessory buildings, single family residences, park or playground, religious assembly and some conditional uses for governmental and recreational purposes
- TH allows 12 units per acre and uses similar to D with the addition of attached townhouses
- MF allows 12, 18 and 24 units per acre respectively and the following uses: single family residences, accessory buildings, residential halls, duplexes, three and four family residences, loft apartments, multifamily apartments, townhouses, patio homes, bed and breakfast, park or playground, tennis court, religious assembly, nursing / retirement home, and some conditional uses for governmental and recreational purposes

## OTHER DISTRICTS

**(MU, VMU, P, OP, NC, PDD)**

- MU allows 5.5 units per acre and the following uses: bed and breakfast, home child care, loft apartments, single family residences, office, art studio, beauty shop, dry cleaning, dance and martial arts school, grocery without gas, pharmacy, restaurant, small retail, park or playground, government and recreational uses and religious assembly, many uses are conditional, including multifamily apartments
- VMU allows 40 units per acre and the uses are similar to MU
- P is public zoning meant for schools, governmental and some office and residential uses
- OP is limited to office, religious assembly and governmental uses
- NC allows bed and breakfast, offices, art studio, dance and martial arts school, barber shop, woodworking shop, indoor health club, museum, park or playground, religious assembly, schools and governmental

**File #:** ID#13-229, **Version:** 1

**AGENDA CAPTION:**
Receive an update from the Engineering / CIP Department Staff and hold discussion on the 2014 Capital Improvements Program and process for consideration.

**Meeting date:** April 8, 2014

**Department:** Engineering / CIP

**Funds Required:** n/a
**Account Number:** n/a
**Funds Available:** n/a
**Account Name:** n/a

***CITY COUNCIL GOAL***:

***BACKGROUND***:

**File #:** ID#13-222, **Version:** 1

**AGENDA CAPTION:**

Development Services Report:

a. Comprehensive Master Plan Implementation Update
b. Code SMTX update
c. Multifamily Design Standards update

**Meeting date:** April 8, 2014

**Department:** Development Services

**Funds Required:** n/a
**Account Number:** n/a
**Funds Available:** n/a
**Account Name:** n/a

***CITY COUNCIL GOAL***:

***BACKGROUND***: