



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, May 27, 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

CONSENT AGENDA

1. Consider approval of the minutes of the CIP Workshop on May 13, 2014.
2. Consider approval of the minutes of the Regular Meeting on May 13, 2014.
3. PC-13-42_03 (Lowman Ranch Section 2, Lot 2) Consider a request by Outlet West Investors, Ltd. for approval of a Final Plat for approximately 2.93 acres, more or less, out of the Burleson Survey No. 18, Abstract 63, located near Gregsons Bend and Centerpoint Road.

PUBLIC HEARINGS

4. CUP 14-17 (Showplace Cinema Grill) Hold a public hearing and consider a request by Cinema Grill, Inc. on behalf of Showplace Cinema Grill for approval of a new Unrestricted Conditional Use Permit (CUP) to allow the sale of beer and wine for on-premise consumption at 321 North LBJ Drive.
5. CUP 14-18 (Starplex Cinema Grill) Hold a public hearing and consider a request by Cinema Grill, Inc. on behalf of Starplex Cinema Grill for approval of a new Conditional Use Permit (CUP) to allow the sale of beer and wine for on-premise consumption at 1250 Wonder World Drive.
6. CUP-14-19 (Cody's Bistro & Lounge) Hold a public hearing and consider a request by #3 BPCC, Inc., on behalf of Cody's Bistro and Lounge, for an amendment to an existing Conditional Use Permit to allow the expansion of the service area for the sale of mixed beverages for on-premise consumption with the addition of a new deck at the rear of the property located at 690 Centerpoint Road, Suite 209.

7. CUP 14-20 (Courtyard by Marriott - San Marcos) Hold a public hearing and consider a request by San Marcos Platinum, LLC on behalf of Courtyard by Marriott - San Marcos for approval of a new Conditional Use Permit (CUP) to allow the sale of mixed beverages for on-premise consumption at 625 Commercial Loop.
8. Amendment to Historic Design Guidelines - Hold a public hearing and consider a request for an amendment to the Design Guidelines for the Historic Districts of the City of San Marcos, Texas to include guidelines on sustainability.
9. PDA-14-02 (La Cima) Hold a public hearing and consider a request by ETR Development Consulting on behalf of Lazy Oaks Ranch, LP, for amendments to an existing development agreement for land originally comprised of approximately 1,396.9 acres out of the W. Burke Survey, Abstract No. 68, the W. Smithson Survey, Abstract No. 419, the J Williams Survey, Abstract No. 43, and the J. Huffman Survey, Abstract No. 228, located off of Ranch Road 12 west of Wonder World Drive.
10. ZC-13-16 (Yarrington Commons Multi-Family) Hold a public hearing and consider a request by Ocie Vest for an amendment to the Zoning Map from Future Development (FD) to Multiple-Family Residential (MF-24) for a portion of Yarrington Commons, consisting of 50.339 acres more or less out of the William Ward Survey No. 3 located near the 2700 block of Post Road.
11. Hold a public hearing and consider a recommendation to City Council on the 2015 Capital Improvements Program (CIP).
12. LDC-14-01 (Multifamily Design Standards) Hold a public hearing and discuss revisions to Chapters 4 and 8 of the City's Land Development Code to incorporate Multifamily Design Standards.
13. LDC-14-04 (Private Wells) Hold a public hearing and consider proposed revisions to Chapter 7 of the Land Development Code to add restrictions for the drilling of new wells and the use of existing wells for customers of the water or wastewater systems.

NON-CONSENT AGENDA

14. Development Services Report:
 - a. Code SMTX update
 - b. Student Liaison update
 - c. P&Z Bylaws update

V. Question and Answer Session with Press and Public.

VI. Adjournment

Notice of Assistance at the Public Meetings

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

_____ Title:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-354, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the CIP Workshop on May 13, 2014.

Meeting date: May 27, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes Planning and Zoning Commission

Tuesday, May 13, 2014

5:00 PM

City Council Chambers

630 E. Hopkins-CIP Workshop

I. Call To Order

With a quorum present, the CIP Workshop of the San Marcos Planning and Zoning Commission was called to order by Chair Chris Wood at 5:00 p.m. on Tuesday, May 13, 2014 in the Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

- Present** 7 - Commissioner Corey Carothers, Commissioner Kenneth Ehlers, Commissioner Jane Hughson, Commissioner Travis Kelsey, Commissioner Brian Olson, Commissioner Angie Ramirez, and Commissioner Chris Wood
- Absent** 2 - Commissioner Curtis Seebeck, and Commissioner Amy Stanfield

III. Chairperson's Opening Remarks

PUBLIC HEARINGS

1.

2015 Capital Improvements Program (CIP): Receive a presentation from staff, hold a public hearing, and discuss the 2015 CIP projects, process and funding.

Amanda Hernandez, Senior Planner and Jennifer Shell, Assistant Director of Engineering/CIP gave a presentation of the 2015 CIP Program and schedule.

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

Commissioner Hughson mentioned that the City Council denied the relocation of City Hall. Rodney Cobb, Executive Director Community Services explained that a facility needs assessment will be performed.

Commissioner Ehlers inquired about the numerous power outages in the Hughson Heights Subdivision. Greg Troxell, Assistant Director of Public Services advised that they would look into the issues.

Commissioner Hughson inquired about which projects are related to the Comprehensive Plan. Jennifer Shell, Assistant Director of Engineering/CIP advised that the Downtown Parking Implementation, Two-way streets, Water Quality- SmartCode area, Downtown Feasibility Study and others are associated with the Comprehensive Plan and that details are on the project sheets.

Commissioner Hughson asked if Committees would be created to review the projects. Steve

Parker, Assistant City Manager advised that Mr. Miller has advised that Committees will be created.

Commissioner Hughson inquired about Capes Camp Dam. Rodney Cobb advised that they are aware there is a liability and are looking into fixing the issues.

Commissioner Ehlers asked if the \$250,000 for Capes Camp Dam is for two years. Jennifer Shell informed him that two years is correct.

V. Question and Answer Session with Press and Public.

There were no questions from the press and public.

VI. Adjournment

A motion was made by Commissioner Ehlers, seconded by Commissioner Olson, that the meeting be Adjourned at 5:46 p.m. The motion carried by a unanimous vote.

Notice of Assistance at the Public Meetings

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

_____ Title:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-352, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the Regular Meeting on May 13, 2014.

Meeting date: May 27, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes Planning and Zoning Commission

Tuesday, May 13, 2014

6:00 PM

City Council Chambers

630 E. Hopkins

I. Call To Order

With a quorum present, the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Chair Chris Wood at 6:00 p.m. on Tuesday, May 13, 2014 in the Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

- Present** 7 - Commissioner Corey Carothers, Commissioner Kenneth Ehlers, Commissioner Jane Hughson, Commissioner Travis Kelsey, Commissioner Brian Olson, Commissioner Angie Ramirez, and Commissioner Chris Wood
- Absent** 2 - Commissioner Curtis Seebeck, and Commissioner Amy Stanfield

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

There were no citizen comments.

CONSENT AGENDA

Commissioner Hughson pulled item #2 from the consent agenda.

1. Consider approval of the minutes of the Regular Meeting on April 22, 2014.

An amended motion was made by Commissioner Hughson, seconded by Commissioner Ramirez, that the minutes be approved on consent. The motion carried by the following vote:

For: 7 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez and Commissioner Wood

Against: 0

Absent: 2 - Commissioner Seebeck and Commissioner Stanfield

A motion was made by Commissioner Kelsey, seconded by Commissioner Carothers, that the minutes be approved with corrections. The motion was approved by the following vote:

For: 7 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez and Commissioner Wood

Against: 0

Absent: 2 - Commissioner Seebeck and Commissioner Stanfield

2. PC-04-10_01J (Cottonwood Creek Master Plan) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, LTD., for consent to a one-year extension of the Master Plan of the Cottonwood Creek subdivision, consisting of approximately 471.97 acres at the intersection of State Highway 123 and Monterrey Oak, San Marcos, Texas.

A motion was made by Commissioner Ehlers, seconded by Commissioner Kelsey, that PC-04_10_01J be approved. The motion carried by the following vote:

For: 7 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez and Commissioner Wood

Against: 0

Absent: 2 - Commissioner Seebeck and Commissioner Stanfield

PUBLIC HEARINGS

3. **PSA-14-02 (Whisper Texas)** Hold a public hearing and consider a request by Doucet & Associates for a Preferred Scenario Map Amendment to change an Area of Stability to a Medium Intensity Zone for approximately 216.5 acres out of the Juan M. Veramendi Survey. The site is located between IH 35 and Harris Hill Road north of the Blanco River.

Commissioner Hughson recused herself.

Chair Wood opened the public hearing.

Robert McDonald gave an overview of the project.

Amanda Hernandez, Senior Planner gave a staff report.

David Sissom asked if the development will include apartments.

A motion was made by Commissioner Carothers, seconded by Commissioner Kelsey, that this Action Item be approved. The motion carried by the following vote:

For: 6 - Commissioner Carothers, Commissioner Ehlers, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez and Commissioner Wood

Against: 0

Absent: 2 - Commissioner Seebeck and Commissioner Stanfield

Recused: 1 - Commissioner Hughson

NON-CONSENT AGENDA

4. Development Services Report:
 - a. Code SMTX update
 - b. Multifamily Design Standards update
 - c. Strong Towns Curbside Chat Event
 - d. Condition Use Permit (CUP) update

e. Commission Gathering - Recognition of outgoing Commissioners

John Foreman and Kristy Stark gave updates on the Development Services Reports.

V. Question and Answer Session with Press and Public.

There were no questions from the press and public.

VI. Adjournment

A motion was made by Commissioner Kelsey, seconded by Commissioner Olson, that the meeting be Adjourned at 6:41 p.m. The motion carried by a unanimous vote.

Chris Wood, Chair

Kenneth Ehlers, Commissioner

Corey Carothers, Commissioner

Jane Hughson, Commissioner

Travis Kelsey, Commissioner

Brian Olson, Commissioner

Angie Ramirez, Commissioner

Notice of Assistance at the Public Meetings

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

_____ Title:



Legislation Text

File #: PC-13-42_03, **Version:** 1

AGENDA CAPTION:

PC-13-42_03 (Lowman Ranch Section 2, Lot 2) Consider a request by Outlet West Investors, Ltd. for approval of a Final Plat for approximately 2.93 acres, more or less, out of the Burleson Survey No. 18, Abstract 63, located near Gregsons Bend and Centerpoint Road.

Meeting date: 5/27/14

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL: Big Picture Infrastructure

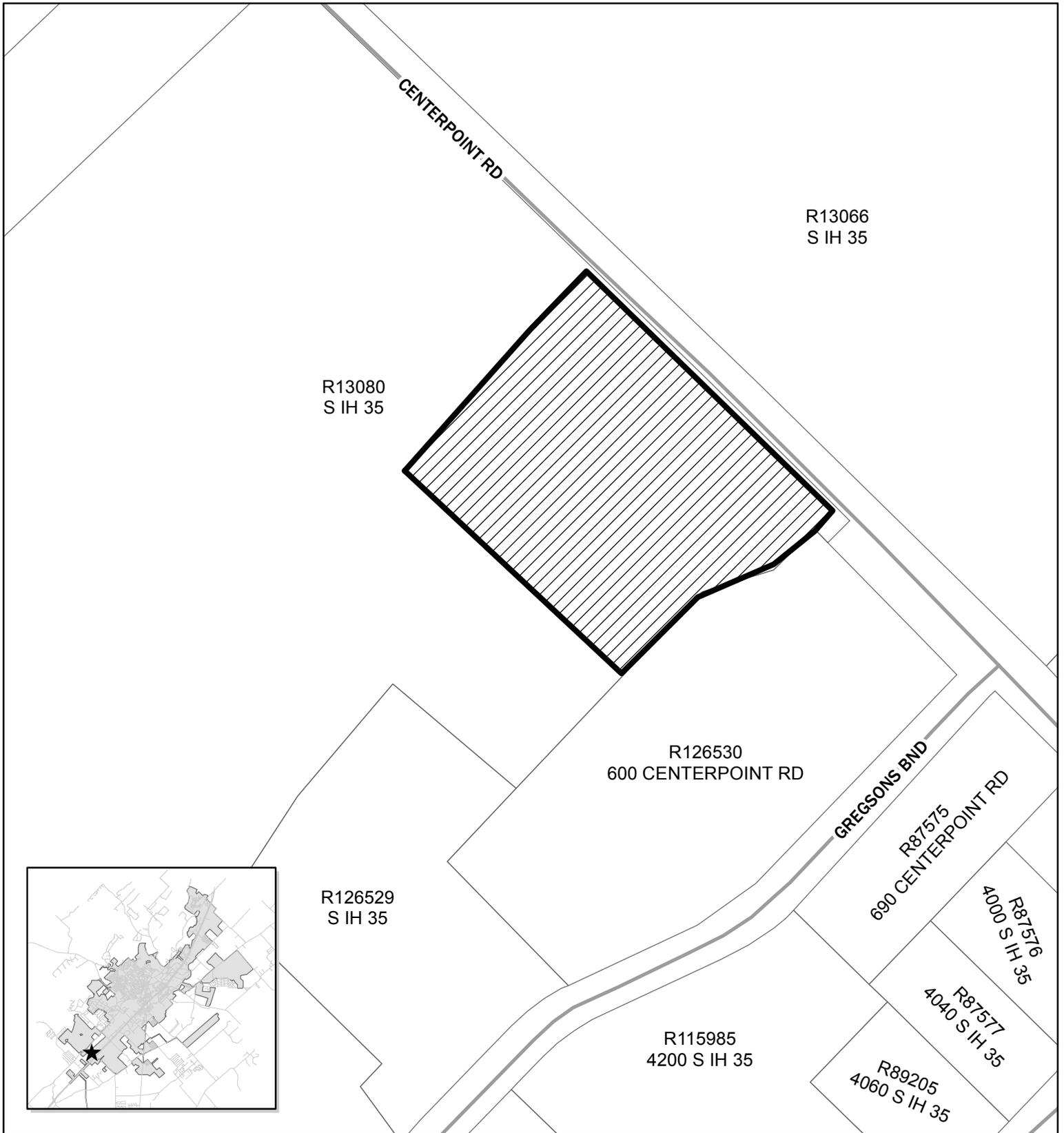
BACKGROUND:

This final plat shows the creation of a 2.44 acre tract and 0.49 acres of right-of-way dedication. The property owner intends to build a hotel on the property.

Proposed public improvements include a commercial collector street and extension of water and wastewater lines through the site.

Because the proposed utilities will serve an area currently outside of the City Limits, an out of city utility extension request and consent to annexation was required. City Council approved this request on May 6, 2014.

Staff has reviewed the request and determined that the plat meets the requirements of Section 1.6.5.5 of the Land Development Code and recommends approval.



PC-13-42_03

Lowman Ranch Sec 2, Lt 2

Map Date: 5/14/2014

•  Site Location •



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

PC-13-42_03

Final Plat

Lowman Ranch, Section 2, Lot 2



Applicant Information:

Applicant: Outlet West Investors, Ltd.
c/o Beeman Strong
1300 Post Oak Blvd. Suite 1650
Houston, Texas 77056

Property Owner: Outlet West Investors, Ltd.
c/o Beeman Strong
1300 Post Oak Blvd. Suite 1650
Houston, Texas 77056

Subject Property:

Summary: The subject property is approximately 2.93 acres out of the Burleson Survey No. 18, Abstract 6-3, located on Centerpoint Rd north of Gregsons Bend.

Zoning: Future Development (FD) with the majority of the site being in the ETJ.

Traffic/ Transportation: The applicant will construct a portion of a new commercial collector street, Transportation Way, which will eventually connect Centerpoint Rd to Posey Rd.

Utility Capacity: A water and wastewater line will be extended along the new road. The property will tie in to these new utilities. Electricity is provided through Perdenales Electric.

Planning Department Analysis:

This final plat shows the creation of a 2.44 acre tract and 0.49 acres of right-of-way dedication. The property owner intends to build a hotel on the property.

An amended concept plat was approved for this subdivision in 2013, which changed the alignment of Transportation Way. The concept plat proposes phases of commercial development for 88.2 acres near Centerpoint Rd and Gregsons Bend.

The Public Improvements Construction Plan includes plans to build a commercial collector street, Transportation Way, and extend water and wastewater lines through the site. The PICP has been approved by the Director of Engineering. Construction of the improvements is being deferred until after recordation of the plat and a subdivision improvement agreement has been submitted.

Because the proposed utilities will serve an area currently outside of the City Limits, an out of city utility extension request and consent to annexation was required. City Council approved this request on May 6, 2014.

RECEIVED
NOV 01 2013

12/12

BY: _____

PC-13 - 42-03

City of San Marcos
SUBDIVISION PLAT APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	Outlet West Investors, Ltd C/o Beeman Strong	Outlet West Investors, Ltd. C/o Robert C. Wilson, III
Mailing Address	1300 Post Oak Blvd. Ste. 1650 Houston, Texas. 77056	1300 Post Oak Blvd, Ste. 1650 Houston, Texas. 77056
Daytime Phone	713-552-1110	713-552-1110
Email Address	bstrong@beemanstrong.com	wilson@kdheo.com

AGENT ACKNOWLEDGEMENT STATEMENT:

I, Outlet West Investors, Ltd. acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize Byrn & Associates, Inc. to serve as my agent to file this application and to work with the Responsible Official on my behalf during the subdivision platting process.

Signature of Property Owner: *Robert C. Wilson III* *OK 10/22/13*

Printed Name: _____ Date: _____
By: Robert C. Wilson, III, President of JOQ GP, LLC, the general partner of Outlet West Investors, Ltd.

Signature of Agent: *David C. Wilson* *Approved JMA 10/22/13*

Printed Name: DAVID C. WILSON Date: 10-30-13

TYPE OF APPLICATION

Development Services-Planning • 630 E. Hopkins • San Marcos, Texas 78666 • 512-393-8230 • FAX 855-759-2843

Subdivision Plats		Development Plats	
Subdivision Concept Plat		Preliminary Development Plat	
Preliminary Subdivision Plat		Final Development Plat	
<input checked="" type="checkbox"/> Final Subdivision Plat			
Variance	Section _____		
Plat Vacation	Accompanying _____		
Minor Subdivision Plats (for Administrative Approval)			
Minor Subdivision Plat			
Revisions to Recorded Plats (for Administrative Approval)			
Amending Plat			
Replat without Vacation			

SUBJECT PROPERTY

Subdivision Name: Lowman Ranch Subdivision, Section 2, Lot 2 & O'Quinn Drive.

Address or General Location: Centerpoint Road east of IH 35

Proposed Number of Lots: 1 + Road Acres: 3.43

Appraisal District Tax ID: R 13080

Located In City Limits ETJ* - Please circle county: Caldwell Comal Guadalupe Hays
S.M. River Corridor Planned Development District

Proposed Use of Land Commercial

**Subdivision plat applications for land in the ETJ may be subject to additional requirements and review as defined by the Interlocal Agreement for the respective county.*

SUBDIVISION IMPROVEMENT AGREEMENT

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

I will complete all required public improvements prior to the Final Subdivision Plat or Final Development Plat.

I wish to defer installation of public improvements and will complete a Subdivision Improvement Agreement with the City.

Signature: *Robert C. Wilson III* *OK 10/22/13*

Printed Name: _____ Date: 22 Oct 13

By: Robert C. Wilson, III, President of JOQ GP, the general partner of Outlet West Investors, L.P.

*Approved
GMM
10/22/13*

Complete application
Required fees \$ _____ (see next page for Fee Schedule)
All legislative requirements complete
Proof of record ownership (recorded deed corresponds to ownership indicated on tax certificate)
Current tax certificate (must show prior year taxes paid by January 31st of current year)
Names and addresses of property lien-holders
One digital copy of submittal materials
Five 18"x24" hard copies of plat document*

I hereby affirm that if I am not the property owner of record, or if the applicant is an organization or business entity, I have been authorized to represent the owner, organization, or business in this application. 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.

Signature of Applicant: _____

Printed Name: By: Robert C. Wilson, III, President of JOQ Gp, LLC, the general partners
of Outlet West Investors, Ltd.

Date: 22 Oct 13

*Plats in the ETJ may require additional hard copies.

ADDITIONAL REQUIREMENTS:

Subdivision Concept Plats:

Watershed Protection Plan (Phase 1)
Residential compatibility site plan (where applicable)
Cluster development plan (where applicable)

Preliminary Subdivision Plats or Preliminary Development Plats

Approved Watershed Protection Plan Phase I (can be submitted concurrently)
Traffic Impact Analysis Worksheet (if commercial development or 100+ unit residential)

Final Subdivision or Final Development Plats:

Preliminary Plat (where applicable)
Approved Watershed Protection Plan Phase II and approved Public Improvement Construction Plan by the Director of Engineering (can be submitted concurrently).
Subdivision Improvement Agreement and surety if public facility construction was deferred.
Traffic Impact Analysis Worksheet (if commercial development or 100+ unit residential)

Minor Subdivision Plats:

Minor subdivisions plats must meet the following qualifications:

Proposed subdivision results in 4 or fewer lots
All lots front onto an existing public street and construction or extension of a street or alley is not required or is considered a minor extension by Director of Engineering.
Extension of municipal facilities is not required or the installation of utilities is considered a minor extension by the Director of Engineering.
Approved WPP Phase II is required if land is located within the Edwards Aquifer Recharge Zone, within a designated stream or river corridor, or if the land contains floodplain, floodway or a waterway as defined by the LDC.

Amending Plats and Replats:

Detailed description of the purposes and circumstances that warrant change of the recorded plat identifying all lots, easements or improvements affected by the proposed change.

FEE SCHEDULE

Development Services-Planning • 630 E. Hopkins • San Marcos, Texas 78666 • 512-393-8230 • FAX 855-759-2843

For Plats Located Inside/Outside of the City Limits	
Subdivision Minor Plat / Amending Plat	\$400 plus \$100 per acre (max \$1000)
Concept Plan	\$750 plus \$50 acre (max \$2000)
Preliminary Plat	\$750 plus \$50 acre (max \$2000)
Final Plat	\$1000 plus \$100 acre (max \$2500)
Replat, not administrative	\$750 plus \$50 acre (max \$2000)
Vacation of Previously Recorded Plat	\$150
Subdivision Variance Request	\$600
Cluster Development Plan	\$25 per acre (\$100 min / \$1500 max)

STAFF USE ONLY:

Submittal Date: 11-1 5 Business Days from Submittal: 11-8

Completeness Review By: Tory C. Date: 11-4

Contact Date for Supplemental Info: NA

Supplemental Info Received (required within 5 days of contact): /

Application Returned to Applicant: /

Application Accepted for Review: 11-4 Fee: \$1393.00

Comments Due to Applicant ~~11-27~~ 12-18

Date for Plat Resubmittals ~~12-6~~ 12-27

Date of Planning and Zoning Commission Meeting: ~~12-24~~ 1-14-14

30-Day Deadline 12-4

Lot 2 Lowman Ranch

WATER AND WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Water Service Provider City of San Marcos

Applicable Utility Service Code(s) B

Comments/Conditions _____

Signature of Water Utility Official: *Tony Salem*

Title: Water Dept Manager Date: 10-22-13

Name of Wastewater Service Provider _____

Applicable Utility Service Code(s) _____

OR, the use of either 1) _____ a private wastewater treatment system, or 2) _____ septic tanks, is approved for all lots in the proposed subdivision which are not required to connect to the City of San Marcos wastewater system.

Comments/Conditions _____

Signature of City or County Wastewater Official: _____

Title: _____ Date _____

TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Telephone Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Telephone Company Official _____

Title: _____ Date _____

SUBMITTAL REQUIREMENTS FOR ALL PLATS:

LOT 2 LOWMAN RANCH SUBD. sec. 2

WATER AND WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Water Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Water Utility Official: _____

Title: _____ Date: _____

Name of Wastewater Service Provider _____

Applicable Utility Service Code(s) _____

OR, the use of either 1) _____ a private wastewater treatment system, or 2) _____ septic tanks, is approved for all lots in the proposed subdivision which are not required to connect to the City of San Marcos wastewater system.

Comments/Conditions _____

Signature of City or County Wastewater Official: _____

Title: _____ Date _____

TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Telephone Service Provider CENTURY LINK

Applicable Utility Service Code(s) A

Comments/Conditions NO EASEMENT REQUIRED IF NEW STREET HAS ENOUGH R.O.W. FOR FACILITIES.

Signature of Telephone Company Official Kelly Z...

Title: Plant Facilities Supv Date 10-21-13

SUBMITTAL REQUIREMENTS FOR ALL PLATS:

ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of *Electric Service Provider* _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Electric Company Official _____

Title _____ Date _____

GAS UTILITY SERVICE ACKNOWLEDGEMENT:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

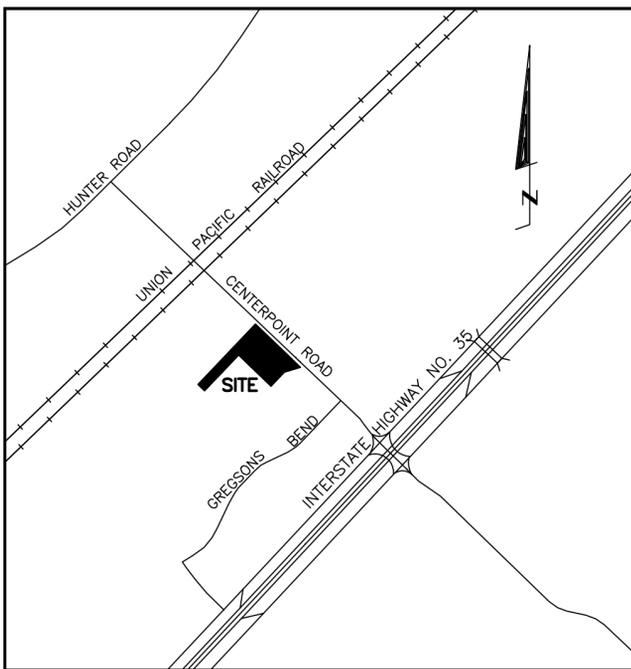
Name of *Gas Service Provider* CenterPoint Energy _____

Applicable Utility Service Code(s) C _____

Comments/Conditions Gas service can be made available.
Please contact to make arrangements.

Signature of Gas Company Official [Signature] _____

Title Sr. Marketing Consultant Date 10-21-13



- LEGEND**
- HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
 - HAYS COUNTY PLAT RECORDS
 - 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
 - 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
 - WIRE FENCE
 - UTILITY LINE, POLE AND GUY

SAN MARCOS LAND ASSOCIATES, L.P. TO SAC-N-PAC STORES, INC. 11/13/2001 (TRACT 1-63.119 AC.)

LINE	BEARING	DISTANCE
L1	N 43°34'23" E	10.30'
L2	S 72°57'04" W	12.87'

ORIGINAL SCALE
1" = 60'

STATE OF TEXAS*
COUNTY OF HARRIS*

I, OUTLET WEST INVESTORS, LTD., ACTING BY AND THROUGH ROBERT C. WILSON, III, PRESIDENT OF JOO GP, LLC, ITS GENERAL PARTNER, THE OWNER OF LOT 2 AND TRANSPORTATION TRACT BEING 3.04 ACRES, BEING A PORTION OF THAT 109.22 ACRE TRACT IN THE EDWARD BURLERSON SURVEY NO. 18, ABSTRACT NO. 63, HAYS COUNTY, TEXAS, CONVEYED TO OUTLET WEST INVESTORS, LTD., BY DEED RECORDED IN VOLUME 1486, PAGE 887 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS AND DESIGNATED AS LOT 2, LOWMAN RANCH SUBDIVISION, SECTION 2, DO HEREBY SUBDIVIDE THIS PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN ON THIS PLAT.

OUTLET WEST INVESTORS, LTD.
BY: JOO GP, LLC, ITS GENERAL PARTNER

BY: ROBERT C. WILSON, III, PRESIDENT

OUTLET WEST INVESTORS, LTD.
C/O TOWERY & ASSOCIATES
3518 TRAVIS, SUITE 200
HOUSTON, TEXAS 77002

STATE OF TEXAS*
COUNTY OF HARRIS*

THIS SUBDIVISION PLAT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____ 2013 BY ROBERT C. WILSON, III, PRESIDENT OF JOO GP, LLC, GENERAL PARTNER OF OUTLET WEST INVESTORS, LTD., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID LIMITED PARTNERSHIP.

NOTARY PUBLIC IN AND FOR _____ COUNTY, TEXAS

MY COMMISSION EXPIRES ON: _____

APPROVED BY THE CITY OF SAN MARCOS PLANNING & ZONING COMMISSION
ON _____ OF _____ 2013.

BILL TAYLOR, CHAIRMAN
PLANNING AND ZONING COMMISSION
DATE _____

MATTHEW LEWIS, CNU-A
DIRECTOR OF PLANNING
AND DEVELOPMENT SERVICES
DATE _____

FRANCIS SERNA
RECORDING SECRETARY
DATE _____

CIP AND ENGINEERING
DATE _____

STATE OF TEXAS *
COUNTY OF HAYS *

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20____ AT _____ O'CLOCK _____M., AND RECORDED ON THE _____ DAY OF _____, 20____ AT _____ O'CLOCK _____M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____ AT PAGE _____.

LIZ GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED, DIRECTOR OF THE HAYS COUNTY DEVELOPMENT AND COMMUNITY SERVICES DEPARTMENT, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL HAYS COUNTY REQUIREMENTS AS STATED IN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN MARCOS.

JAMES C. GARZA, DIRECTOR
HAYS COUNTY DEVELOPMENT AND COMMUNITY SERVICES

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUNDWATER AVAILABILITY. RAINWATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES. NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

TOM POPE, R.S., CFM

JAMES C. GARZA, DIRECTOR
HAYS COUNTY DEVELOPMENT AND COMMUNITY SERVICES

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DAVID C. WILLIAMSON, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

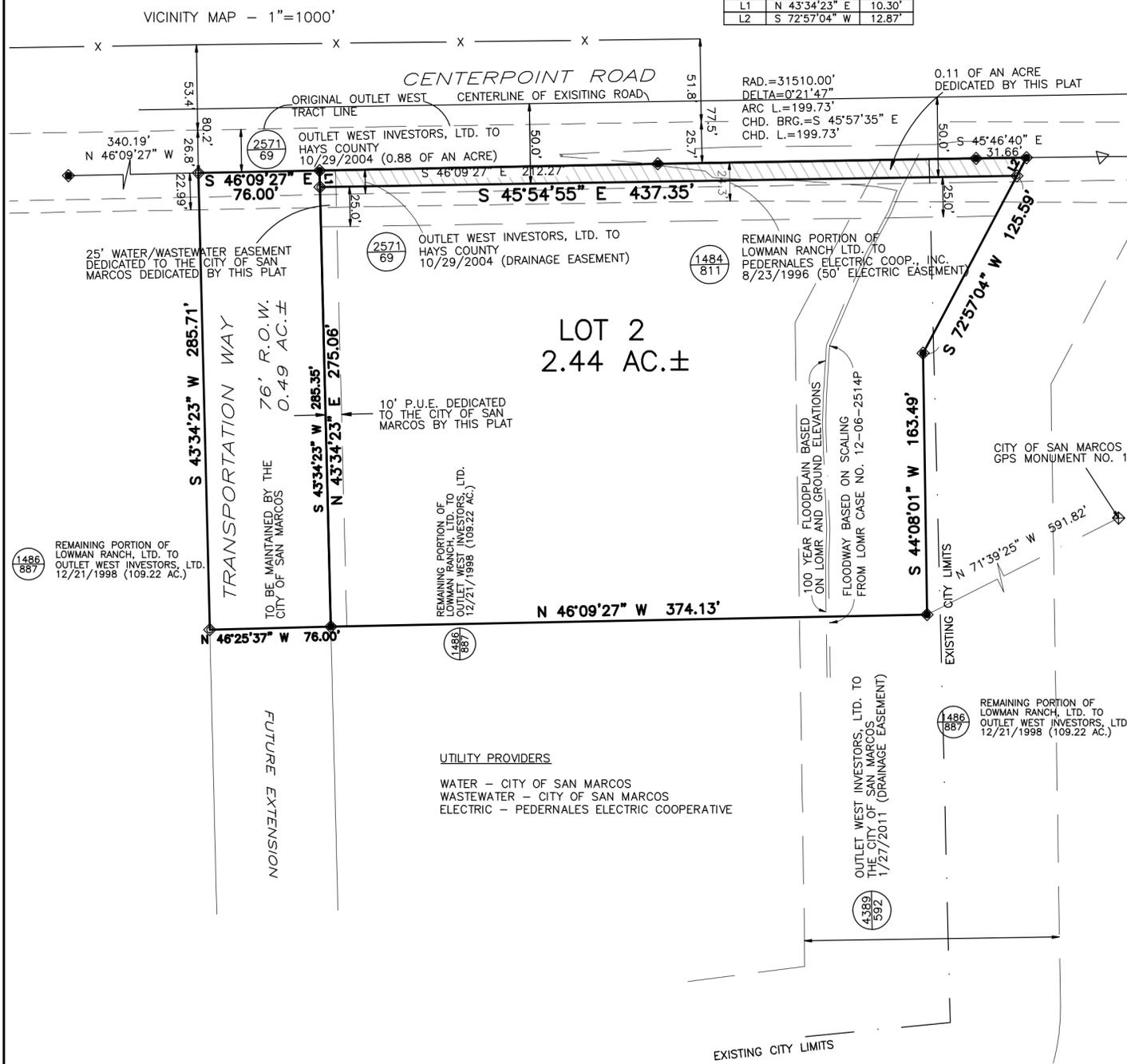
PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.
REGISTERED PROFESSIONAL LAND SURVEYOR
DAVID C. WILLIAMSON, R.P.L.S. NO. 4190

FINAL PLAT

**LOT 2, LOWMAN RANCH
SUBDIVISION, SECTION 2**

BEING 3.04 ACRES, MORE OR LESS, IN THE EDWARD BURLERSON SURVEY NO. 18, A-63, HAYS COUNTY, TEXAS

OWNER: OUTLET WEST ADDRESS CITY, TEXAS ZIP	 ENGINEERS SURVEYORS P.O. BOX 1433 SAN MARCOS, TEXAS 78667 PHONE 512-396-2270 FAX 512-392-2945
DATE: APRIL 10, 2014	
SCALE: 1" = 60'	



UTILITY PROVIDERS
WATER - CITY OF SAN MARCOS
WASTEWATER - CITY OF SAN MARCOS
ELECTRIC - PEDERNALES ELECTRIC COOPERATIVE

GENERAL NOTES

- ACCORDING TO SCALING FROM THE F.E.M.A. LETTER OF MAP REVISION CASE NUMBER 12-06-2514P, WITH AN EFFECTIVE DATE OF MAY 28, 2013, A PORTION OF THIS TRACT LIES WITHIN ZONE AE, (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD).
- SIDEWALKS ARE REQUIRED AT THE TIME OF SITE DEVELOPMENT.
- ACCORDING TO SCALING FROM TCEQ REGULATORY ZONE MAPS DATED SEPTEMBER 2005, THIS TRACT DOES NOT LIE WITHING THE EDWARDS AQUIFER RECHARGE ZONE.

LOT SIZE NOTE

TOTAL NUMBER OF LOTS = 1
AVERAGE SIZE OF LOT = 2.44 ACRES
LOTS 10 ACRES OR LARGER = 0
LOTS LARGER THAN 5.0 ACRES AND SMALLER THAN 10 ACRES = 0
LOTS LARGER THAN 2.0 ACRES AND SMALLER THAN 5.00 ACRES = 1
LOTS LARGER THAN 1.0 ACRE AND SMALLER THAN 2.0 ACRES = 0
LOTS SMALLER THAN 1.0 ACRE = 0

SURVEYORS NOTES

- BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
- THE BEARING BASIS FOR THIS SURVEY PLAT WAS DETERMINED FROM GPS OBSERVATIONS AND REFERS TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE.

REVISED 4/10/14

CLIENT: OUTLET WEST
DATE: 10/18/2013
OFFICE: K. SMITH
CREW: C. SMITH, HADEN
FB/PG: 708/47
PLAT NO. 26235-13-c

**City of San Marcos
Subdivision Improvement Agreement**

Subdivision Name: Lowman Ranch Sec. 2, Lt 2
Developer Name: Outlet West Investors, LTD
Developer Address: 1300 Post Oak Blvd. Ste 1650
Houston, TX 77056
Planning Dept. Case No.: PC-13-42-03

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:
City Manager
City of San Marcos
630 E. Hopkins
San Marcos, TX 78666
Fax: 512/396-4656

To the Developer:
Outlook West Investors, LTD
300 Post Oak Blvd, Ste 1650
Houston, TX 77056

Fax: *713-552-1110*

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: _____
Jarred Miller, 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:

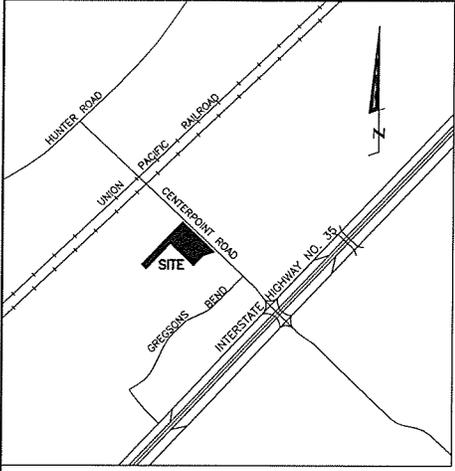
By: _____
Signature

Printed name, title

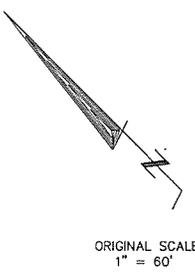
This instrument was acknowledged before me on _____ by _____, known personally by me to be the _____ of _____.

Notary Seal: _____
Notary Public, State of _____

**EXHIBIT A:
PLAT OF PROPERTY**



- LEGEND**
- VOL PG HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
 - VOL PG HAYS COUNTY PLAT RECORDS
 - 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
 - 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
 - x — WIRE FENCE
 - ohu — UTILITY LINE, POLE AND GUY
- 1804 610 SAN MARCOS LAND ASSOCIATES, L.P. TO SAC-N-PAC STORES, INC. 11/13/2001 (TRACT 1—53.119 AC.)



STATE OF TEXAS*
COUNTY OF HARRIS*

I, OUTLET WEST INVESTORS, LTD., ACTING BY AND THROUGH ROBERT C. WILSON, III, PRESIDENT OF JOO GP, LLC, ITS GENERAL PARTNER, THE OWNER OF LOT 2 AND TRANSPORTATION WAY BEING 3.04 ACRES, BEING A PORTION OF THAT 109.22 ACRE TRACT IN THE EDWARD BURLERSON SURVEY NO. 18, ABSTRACT NO. 63, HAYS COUNTY, TEXAS, CONVEYED TO OUTLET WEST INVESTORS, LTD., BY DEED RECORDED IN VOLUME 1486, PAGE 887 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS AND DESIGNATED AS LOT 2, LOWMAN RANCH SUBDIVISION, SECTION 2, DO HEREBY SUBDIVIDE THIS PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN ON THIS PLAT.

OUTLET WEST INVESTORS, LTD.
BY: JOO GP, LLC, ITS GENERAL PARTNER

BY: ROBERT C. WILSON, III, PRESIDENT

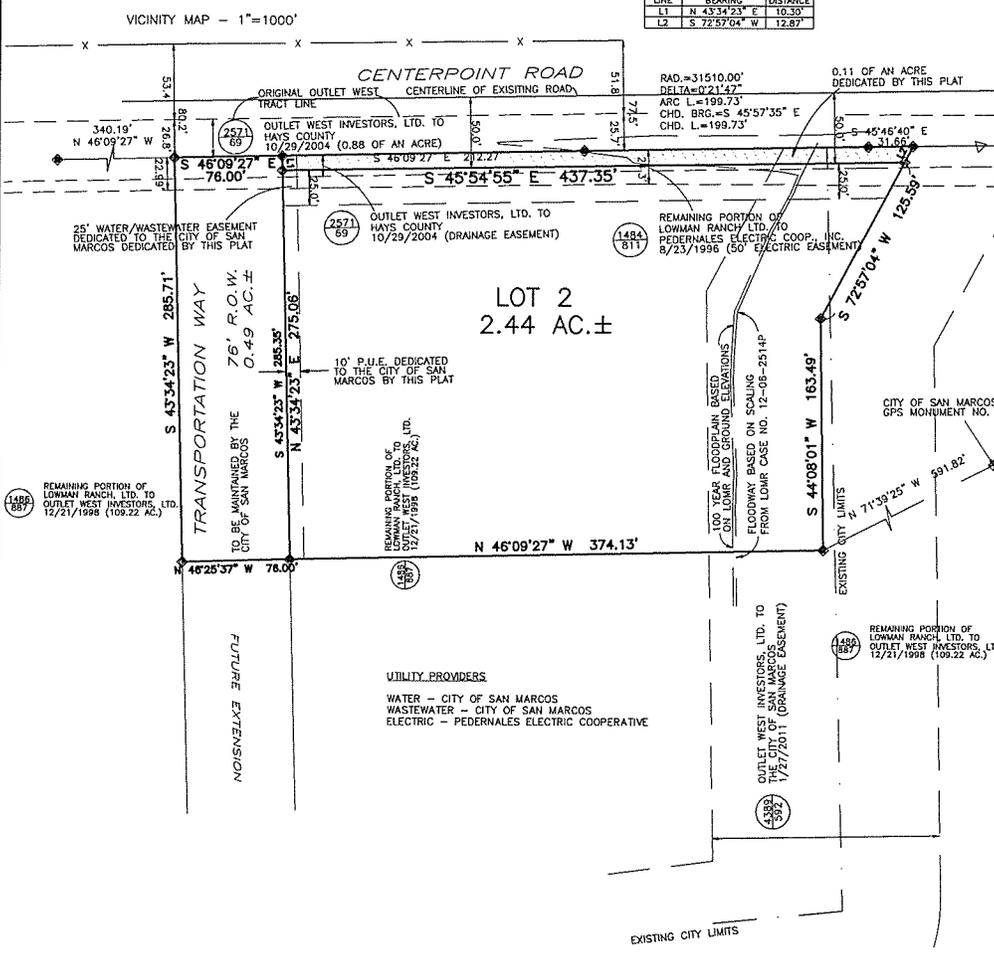
OUTLET WEST INVESTORS, LTD.
C/O TOWERY & ASSOCIATES
3518 TRAVIS, SUITE 200
HOUSTON, TEXAS 77002

STATE OF TEXAS*
COUNTY OF HARRIS*

THIS SUBDIVISION PLAT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____ 2013 BY ROBERT C. WILSON, III, PRESIDENT OF JOO GP, LLC, GENERAL PARTNER OF OUTLET WEST INVESTORS, LTD., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID LIMITED PARTNERSHIP.

NOTARY PUBLIC IN AND FOR _____ COUNTY, TEXAS

MY COMMISSION EXPIRES ON: _____



APPROVED BY THE CITY OF SAN MARCOS PLANNING & ZONING COMMISSION
ON _____ OF _____ 2013.

BILL TAYLOR, CHAIRMAN _____ DATE _____
PLANNING AND ZONING COMMISSION

MATTHEW LEWIS, CHIEF-A _____ DATE _____
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES

FRANCIS SERNA _____ DATE _____
RECORDING SECRETARY

CIP AND ENGINEERING _____ DATE _____

STATE OF TEXAS *
COUNTY OF HAYS *

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____ 20____ AT _____ O'CLOCK _____ M., AND RECORDED ON THE _____ DAY OF _____ 20____ AT _____ O'CLOCK _____ M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____ AT PAGE _____

LIZ GONZALEZ _____
COUNTY CLERK
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED, DIRECTOR OF THE HAYS COUNTY DEVELOPMENT AND COMMUNITY SERVICES DEPARTMENT, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL HAYS COUNTY REQUIREMENTS AS STATED IN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF SAN MARCOS FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN MARCOS.

JAVES C. GARZA, DIRECTOR _____
HAYS COUNTY DEVELOPMENT AND COMMUNITY SERVICES

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TOM POPE, R.S., CFM _____

JAVES C. GARZA, DIRECTOR _____
HAYS COUNTY DEVELOPMENT AND COMMUNITY SERVICES

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DAVID C. WILLIAMSON, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.
REGISTERED PROFESSIONAL LAND SURVEYOR
DAVID C. WILLIAMSON, R.P.L.S. NO. 4199

SUBDIVISION NOTES

1. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
2. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
3. THE BEARING BASIS FOR THIS SURVEY PLAT WAS DETERMINED FROM GPS OBSERVATIONS AND REFERS TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE.
4. ACCORDING TO SCALING FROM THE F.E.M.A. LETTER OF MAP REVISION CASE NUMBER 12-06-2514P, WITH AN EFFECTIVE DATE OF MAY 28, 2013, A PORTION OF THIS TRACT LIES WITHIN ZONE AE, (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD).
5. SIDEWALKS ARE REQUIRED AT THE TIME OF SITE DEVELOPMENT.
6. ACCORDING TO SCALING FROM TCEQ REGULATORY ZONE MAPS DATED SEPTEMBER 2005, THIS TRACT DOES NOT LIE WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

LOT SIZE NOTE

TOTAL NUMBER OF LOTS = 1
AVERAGE SIZE OF LOT = 2.44 ACRES
LOTS 10 ACRES OR LARGER = 0
LOTS LARGER THAN 5.0 ACRES AND SMALLER THAN 10 ACRES = 0
LOTS LARGER THAN 2.0 ACRES AND SMALLER THAN 5.00 ACRES = 1
LOTS LARGER THAN 1.0 ACRE AND SMALLER THAN 2.0 ACRES = 0
LOTS SMALLER THAN 1.0 ACRE = 0

REVISOR 4/10/14

CLIENT: OUTLET WEST
DATE: 10/18/2013
OFFICE: K. SMITH
CREW: C. SMITH, HADEN
FB/PG: 708/447
PLAT NO. 26235-13-c

FINAL PLAT
LOT 2, LOWMAN RANCH
SUBDIVISION, SECTION 2

BEING 3.04 ACRES, MORE OR LESS, IN THE EDWARD BURLERSON SURVEY NO. 18, A-63, HAYS COUNTY, TEXAS

OWNER:
OUTLET WEST
ADDRESS
CITY, TEXAS ZIP

DATE: APRIL 10, 2014

SCALE: 1" = 60'

BYRN & ASSOCIATES, INC.

ENGINEERS SURVEYORS

P.O. BOX 1433 SAN MARCOS, TEXAS 78667
PHONE 512-396-2270 FAX 512-392-2945



Legislation Text

File #: ID#13-324, **Version:** 1

AGENDA CAPTION:

CUP 14-17 (Showplace Cinema Grill) Hold a public hearing and consider a request by Cinema Grill, Inc. on behalf of Showplace Cinema Grill for approval of a new Unrestricted Conditional Use Permit (CUP) to allow the sale of beer and wine for on-premise consumption at 321 North LBJ Drive.

Meeting date: May 27, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

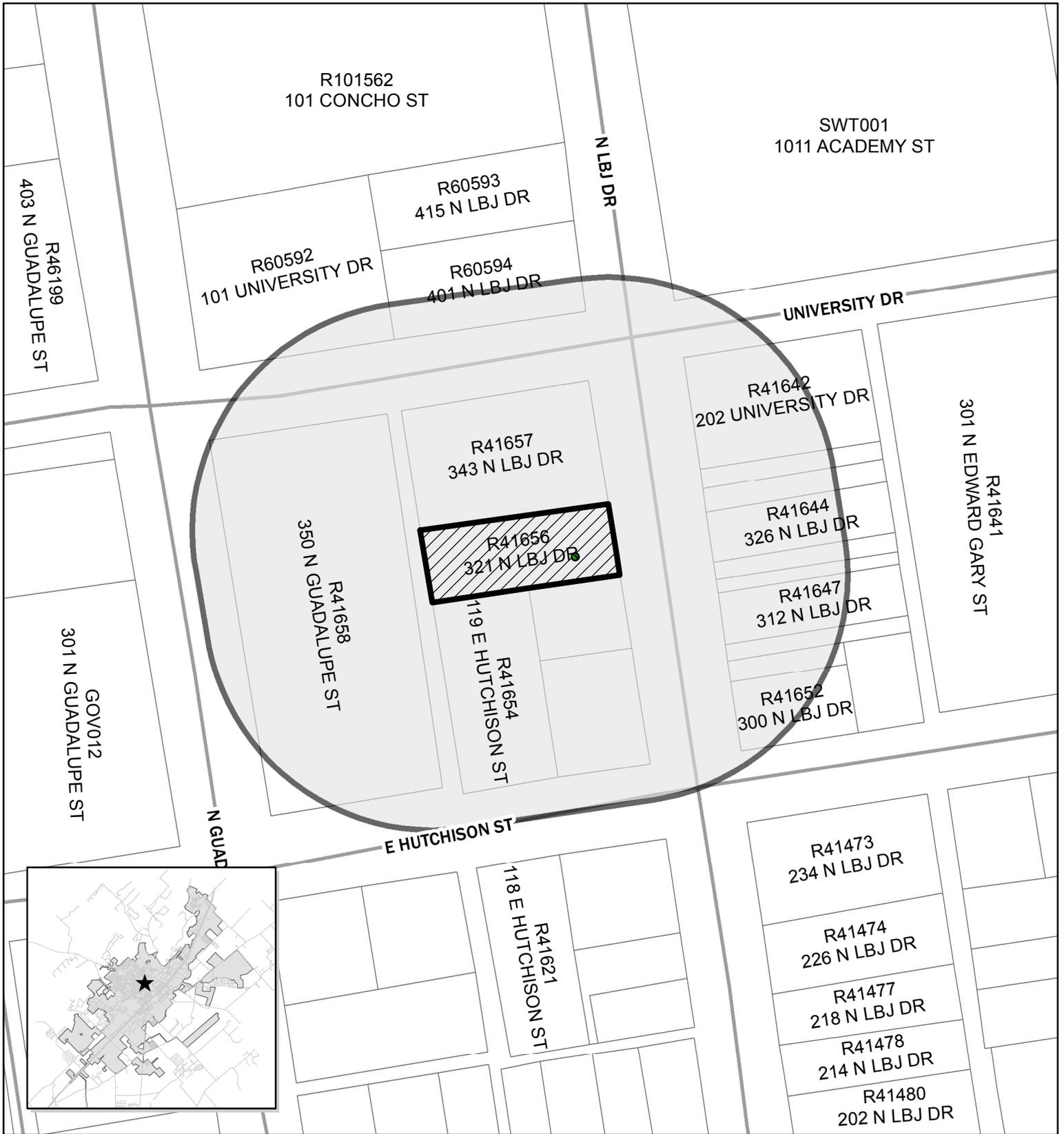
Account Name: n/a

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

BACKGROUND: This is a request for a new Unrestricted Conditional Use Permit for Showplace Cinema Grill located on North LBJ Drive. The location meets the distance requirement to a church, school, hospital or residence and would be the last unrestricted permit allowed within the CBA. Staff has considered the criteria for approval under Section 1.5.7.5 of the Land Development Code and also finds that the request is consistent with the policies applicable in Section 4.3.4.2 of the Land Development Code and makes the following recommendation:

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

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



CUP-14-17
Showplace Cinema Grill ●
321 N LBJ Dr
Map Date: 5/14/2014

-  Site Location
-  Notification Buffer ● (200 feet)



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

CUP-14-17
Unrestricted Conditional Use Permit
Showplace Cinema Grill
321 North LBJ Drive



Summary:

Applicant: Cinema Grill, Inc.
 1250 Wonderworld Drive
 San Marcos 78666

Property Owner: Texas Cinema
 Same

Applicant Request: Request for a new Unrestricted Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine in a T-5, Smart Code, zoning district

Notification Public hearing notification mailed on May 16, 2014.

Response: None as of the date of this report.

Property/Area Profile:

Legal Description: Part of Lot 3, Block 24, Original Town of San Marcos

Location: 321 North LBJ Drive

Frontage On: North LBJ Drive

Neighborhood: Downtown

Existing Zoning: T-5 (SmartCode)

Sector: 8

Utilities: Sufficient

Existing Use of Property Movie Theater

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	T-5	Fast Food Restaurant
S of Property	T-5	Commercial
E of Property	T-5	Commercial
W of Property	T-5	Alley / 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.

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). This location is within the Central Business Area and subject to the additional restrictions with the CBA. One (1) Unrestricted Conditional Use Permit is available in the CBA at this time which became available when the Hungry Stick closed.

Background

The Showplace Cinema Grill is an existing movie theater which is proposing to sell alcohol in addition to the concessions already offered. No off-street parking is required in the Central Business Area. The hours of service are proposed from 5:00 pm – 12:00 am Monday through Friday, 2:00 pm – 1:00 am Saturday and 2:00 pm – 12:00 am Sunday. There are no entertainment facilities, in addition to the theaters, proposed.

In December 2008, the Planning and Zoning Commission approved a Restricted Conditional Use Permit, which has expired. The applicant states that they hold a valid license from TABC, however no alcoholic beverages have been sold at the Cinema.

Comments from Other Departments:

Building, Engineering, Fire, Health, Police, and Code Enforcement have reported no major concerns regarding the subject property.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and the request is consistent with the policies described in Section 4.3.4.2 – *Conditional Use Permits for On-Site Alcoholic Beverage Consumption*. The subject property is surrounded by commercially zoned land and a Conditional Use Permit for alcohol sales is compatible with the surrounding uses. This is an appropriate location for an Unrestricted CUP because the movie theater is not a traditional bar and may serve food. However, it may not meet the definition of a restaurant required under the Restricted CUP. Staff has not received any citizen comments or comments from other departments.

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

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

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

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

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

The Commission's Responsibility:

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

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

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

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

Prepared by:

Amanda Hernandez, AICP, CNU-A

Senior Planner

May 14, 2014

Name

Title

Date

CUP-14-17

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 INFORMATIONTrade Name of Business: Showplace Cinema GrillApplication is filed by: Individual Partnership Corporation Other: _____Name of Individual or Entity: Cinema Grill, Inc. Phone Number: 512/353-7077Mailing Address: 1250 Wonderworld Drive, San Marcos, TX 78666

Email Address: _____

Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____**PROPERTY**Street Address: 321 N. LBJ Drive, San Marcos, TX 78666Legal Description: Lot part of 3 Block 24 Subdivision Original town of San MarcosTax ID Number: R 26-2831908Property Owner's Name: Texas Cinema Phone Number: 512/ 353-7077Address: 1250 Wonderworld Drive, San Marcos, Texas 78666**BUSINESS DETAILS**Primary Business Use: Restaurant (Restricted) Bar (Unrestricted) Other: _____Hours of Operation: Mon-Fri 5pm-12am; Sat 2pm-1am; Sun 2pm-12amType of Entertainment Facilities: movie theatre with full course meals availableIndoor Fixed Seats: 433 Outdoor Fixed Seats: 20Gross Floor Area Including Outdoor Above-ground Decks: 9,500 Square FeetNumber of Off-Street Parking Spaces Provided: 0Located 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: Mitchell Roberts

Date: 4/11/2014

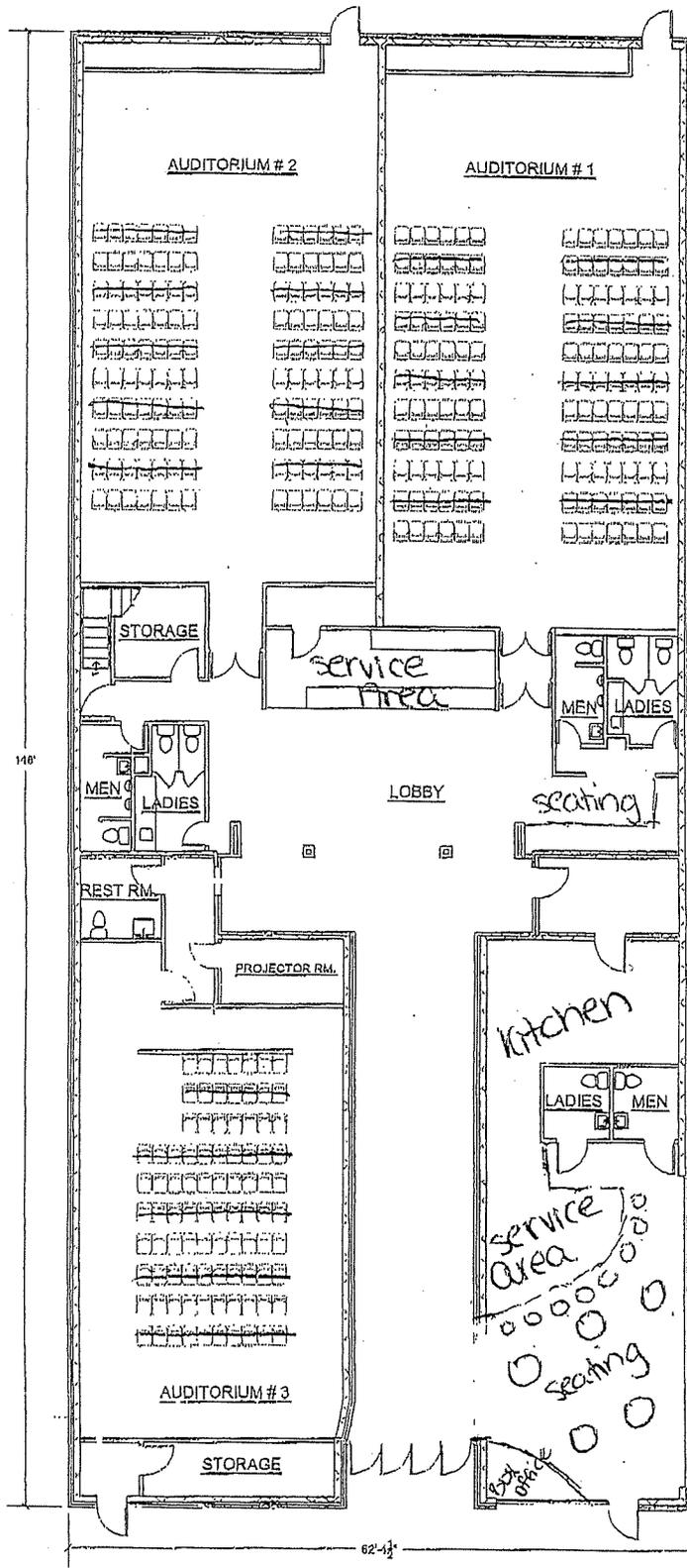
To be completed by Staff:

Meeting Date: _____

Application Deadline: _____

Accepted By: _____

Date: _____



→ Plan to remove every other row of seating and add tables.

EXISTING FLOOR PLAN
3/32" = 1'-0"

<p style="text-align: center;">A-1</p>	<h2 style="margin: 0;">Showplace Cinema Grill</h2> <p style="margin: 0;">SHOWPLACE 321 N. LBJ DRIVE SAN MARCO, TEXAS</p>	<p style="margin: 0;">Persimmon Co., Inc. 125 N. GUADALUPE ST., SUITE 104 SAN MARCO, TEXAS 78666 Ph: 512-523-2018</p>
--	--	--

Direct Dial 972-341-8138
rsievers@addisonlaw.com

April 11, 2014

VIA HAND DELIVERY

Mr. Tory Carpenter
Development Services-Planning
630 East Hopkins
San Marcos, Texas 78666

Re: Conditional Use Permit (“CUP”) Application
Wine & Beer Retailer’s Permit – Showplace Cinema Grill

Dear Mr. Carpenter:

Enclosed please find the following documents needed to apply for a new CUP for Showplace Cinema Grill located at 321 N. LBJ Drive, San Marcos, Texas 78666:

1. Executed Letter from Mitchell Roberts, Vice President of Texas Cinema Corporation, Landlord, giving his permission for tenant to apply for this CUP;
2. Executed original CUP Application;
3. Copy of Site Plan;
4. Our check in the amount of \$500.00 to cover the Application Fee for the Beer and Wine Permit (CUP);
5. Copy of menu; and
6. Copy of TABC Application for Wine and Beer Retailer’s Permit.

Mr. Tory Carpenter
Development Services-Planning
April 11, 2014
Page 2

We would like for the Application to be on the July 13th Commission Meeting. If there is anything else that you need for this Application, do not hesitate to contact me at 972-341-8138 or by email at rsievers@addisonlaw.com. Thank you for your assistance.

Very truly yours,

ADDISON LAW FIRM,
A Professional Corporation

A handwritten signature in black ink, appearing to be 'RS', with a long horizontal line extending to the right.

Robert K. Sievers
Law Clerk JD, MBA

Texas Cinema Corporation
1250 Wonderworld Drive
San Marcos, Texas 78666

April 11, 2014

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Development Services-Planning
630 East Hopkins
San Marcos, Texas 78666

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Dear Mr. Carpenter:

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Very truly yours,

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Mitchell Roberts
Vice President
Texas Cinema Corporation

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

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

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

Signed: 

Date: April 11, 2014

Print Name: Mitchell Roberts

Engineer Surveyor Architect/Planner Owner Agent: _____

Showplace Grill

The Classics

Popcorn

- Tub \$ 6.00

(Free Refills)

- Large \$ 5.00

- Medium \$ 4.25

- Small \$ 3.25

Hot Dog \$ 3.50

Candy

- Small \$ 2.50

Whoppers, Cookie Dough Bites, Hot Tamales, Sour Patch Kids

- Medium \$ 3.00

Gummi Bears, Milk Duds, Junior Mints, Buncha Crunch, Raisinets

- Large \$ 3.25

Twizzlers, M&M Plain, M&M Peanut, Butterfinger, Chocolate Almonds

Pickles \$ 2.00

Ice Cream

- Dibs \$ 3.75

Pizza

10" personal size

- Pepperoni \$ 8.00

- Double Cheese \$ 8.00

- Italian Sausage \$ 8.00

- Mushrooms, Bell Peppers

And Black Olives \$ 8.00

- Pepperoni, Sausage,

And Hamburger \$ 9.00

Chicken Tenders Basket \$7.00

8 Crispy Tenders served with French fries.

* Like em Spicy? Ask for Cajun style!

Piled High Nachos \$ 8.00
 Your choice of beef or chicken added to a Nacho Masterpiece of
 Chips, beans, cheese and sour cream.
 Vegetarian Style \$ 5.00

Extreme Dog \$ 5.00
 100% beef hot dog smothered in chili and cheese.

Just Chips and Dips

Chips and Salsa \$ 3.00
 Add Queso - \$ 2.00
 Add Beef and Queso – \$ 3.00
 Add Guacamole or Bean Dip - \$ 2.00

Buffalo Wings \$ 6.50
 Traditional Buffalo Wings served with Fries and Ranch Dressing.

Drink Menu

Sodas

Large \$ 4.00
 Medium \$ 3.75
 Small \$ 3.25

Draft Beer

16 oz Pint \$ 3.50
 Pitcher \$ 8.00
 (Two I.D.'s per Pitcher)
 "Big Cat" \$ 15.00
 Try our 38 oz. Big Cat and keep
 the mug for refills!
 Refills \$ 6.00

Bottled Beer

Try a bucket! Its 5 for the price of 4!
 Bottle \$ 3.50
 Bucket(5) \$ 14.00

Wine

Glass/Bottle

Beringer White Zinfandel \$ 4.50 / \$15.00
 Woodbridge Chardonnay \$ 5.50 / \$20.00
 Meridian Merlot \$ 5.75 / \$23.00

Hernandez, Amanda

From: Robert Sievers <rsievers@addisonlaw.com>
Sent: Thursday, May 01, 2014 2:30 PM
To: Hernandez, Amanda; mroberts@texascinema.com
Subject: RE: Permit for Showplace/Starplex Cinema Grill

Amanda:

Please amend our recent Conditional Use Permit Application for the location of Showplace Cinema Grill, 321 N. LBJ Drive, San Marcos, Texas, from a Restricted Application to an Unrestricted Application. If you require any additional information, please do not hesitate to contact me. It was a pleasure to speak with you today, and I look forward to working with you on this project. Thank you.

ADDISONLAW

Robert K. Sievers
Law Clerk, JD, MBA
One Lincoln Centre
5400 LBJ Freeway, Suite 1325
Dallas, Texas 75240
972/341-8138 Office
972/960-7719 Fax
214/714-8393 Cellphone
URL: <http://www.addisonlaw.com>

This email message is for the sole use of the intended recipient and may contain confidential and privileged information. Any unauthorized review, use, or distribution is prohibited. If you are not the intended recipient, please contact the sender by telephone or reply email and destroy all copies of the original message.

From: Hernandez, Amanda [<mailto:AHernandez2@sanmarcostx.gov>]
Sent: Thursday, May 01, 2014 12:01 PM
To: mroberts@texascinema.com; Robert Sievers
Subject: Permit for Showplace/Starplex Cinema Grill

Mr. Roberts & Mr. Sievers,

I would like to introduce myself as the case planner for both of your conditional use permit requests for Showplace and Starplex Cinemas.

In the letter from Mr. Sievers it states that you would like the application to be on the July 13th Commission Meeting, however there is no meeting on that day as it is a Sunday. At this time we have you scheduled for May 27th, if that date will not work, I would need a postponement request for any of the following meeting dates: June 10th, June 24th, July 8th or July 22nd.

I have some questions that will help in my evaluation and presentation to the Planning Commission:

Can you please describe the operations of each location? (when they began serving food, anticipated date to begin selling alcohol, etc)

For the location on N LBJ – in order to obtain a restaurant permit, the business needs to be open and selling food for two 4-hour periods. Your application indicates operating hours of 5pm – 12 am on Mon-Fri, which is less than the required timeframe. You have a couple of options that I will try to lay out here, but please call me if you would like clarification:

- Amend the hours of operation and have food service for a total of 8 hours every day – maintain the application for a “Restricted CUP” which must be renewed every 3 years following the initial approvals
- Maintain the hours of operation and have food service at any time – amend the application to an “Unrestricted CUP” which may be approved for the life of the TABC license following the initial approvals.

I look forward to working with you on these cases and as I mentioned, please give me a call at any time if you have any questions!

Amanda Hernandez, AICP, CNU-A

Senior Planner

Development Services

City of San Marcos

ph: 512-393-8248

ahernandez2@sanmarcostx.gov



ATTENTION PUBLIC OFFICIALS:

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act.

Please reply only to the sender. Thank you.

[Back](#) [Export to Excel](#)

[Print Results](#)

License #: BG711771
Trade Name: SHOWPLACE CINEMA GRILL
Owner: CINEMA GRILL INC.
Location Address: 321 N LBJ
 SAN MARCOS , TX 786667530
Mailing Address: 1250 WONDERWORLD DR
 SAN MARCOS , TX 786667530
County: Hays
Status: Expired
Orig. Issue Date: 1/6/2009
Exp. Date: 1/5/2010
Wine Percent: 17
Location Phone No.: 512 353-7077
Subordinates:
Related To: **Gun Sign:** BLUE

License #: BG757547
Trade Name: SHOWPLACE CINEMA GRILL
Owner: CINEMA GRILL INC.
Location Address: 321 N LBJ
 SAN MARCOS , TX 786667530
Mailing Address: 5400 LBJ FWY STE 1325
 DALLAS , TX 75240
 UNITED STATES
County: Hays
Status: Current
Orig. Issue Date: 9/20/2010
Exp. Date: 9/19/2014
Wine Percent: 17
Location Phone No.: 512 353-7077
Subordinates:
Related To: **Gun Sign:** BLUE



Legislation Text

File #: ID#13-325, **Version:** 1

AGENDA CAPTION:

CUP 14-18 (Starplex Cinema Grill) Hold a public hearing and consider a request by Cinema Grill, Inc. on behalf of Starplex Cinema Grill for approval of a new Conditional Use Permit (CUP) to allow the sale of beer and wine for on-premise consumption at 1250 Wonder World Drive.

Meeting date: May 27, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND: This is a request for a new Conditional Use Permit for the Starplex Cinema located on Wonder World Drive east of IH 35. The location meets the distance requirement to a church, school, hospital or residence and is not located within the CBA. Staff has considered the criteria for approval under Section 1.5.7.5 of the Land Development Code and also finds that the request is consistent with the policies applicable in Section 4.3.4.2 of the Land Development Code and makes the following recommendation:

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

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

**CUP-14-18
 Conditional Use Permit
 Starplex Cinema Grill
 1250 Wonder World Drive**



Summary:

Applicant: Cinema Grill, Inc.
 1250 Wonderworld Drive
 San Marcos 78666

Property Owner: Texas Cinema
 Same

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

Notification Public hearing notification mailed on May 16, 2014.

Response: None as of the date of this report.

Property/Area Profile:

Legal Description: Lot 3A, Block 1, McKinley Place, Sec 2 Subdivision

Location: 1250 Wonder World Drive

Frontage On: Wonder World Drive and Leave Avenue

Neighborhood: Cottonwood Creek

Existing Zoning: General Commercial (GC)

Sector: 5

Utilities: Sufficient

Existing Use of Property Movie Theater

**Zoning and Land Use
 Pattern:**

	Current Zoning	Existing Land Use
N of Property	GC / OP / MF-24	Bank, Offices, Apartments, Vacant
S of Property	GC / MF-24	Sam's, Apartments
E of Property	OP / MF-24	Offices, Apartments
W of Property	GC	Lowe's, Retail Businesses, Parking Areas

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.

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). This location is outside the Central Business Area and not subject to the additional restrictions with the CBA.

Background

The Starplex Cinema Grill is an existing movie theater which is proposing to sell alcohol in addition to the concessions already offered. Off-street parking is available on site. The hours of service are proposed from 11:00 am – 12:00 am Monday through Friday, 2:00 pm – 1:00 am Saturday and 2:00 pm – 12:00 am Sunday. There are no entertainment facilities, in addition to the theaters, proposed.

Comments from Other Departments:

Building, Engineering, Fire, Health, Police, and Code Enforcement have reported no major concerns regarding the subject property.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and the request is consistent with the policies described in Section 4.3.4.2 – *Conditional Use Permits for On-Site Alcoholic Beverage Consumption*. The subject property is surrounded by commercial and high density multi-family zoned land and the sale of alcohol as allowed by a Conditional Use Permit. Staff has not received any citizen comments or comments from other departments.

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

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

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

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

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

The Commission's Responsibility:

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

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

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

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

Prepared by:

Amanda Hernandez, AICP, CNU-A

Senior Planner

May 14, 2014

Name

Title

Date

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: Starplex Cinema Grill
 Application is filed by:
 Individual Partnership Corporation Other: _____
 Name of Individual or Entity: Cinema Grill, Inc. Phone Number: 512/353-7077
 Mailing Address: 1250 Wonderworld Drive, San Marcos, TX 78666
 Email Address: _____
 Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY
 Street Address: 1250 Wonderworld Drive Current Zoning: GC
 Legal Description: Lot 3A Block 1 Subdivision McKinley Place, Sec 2
 Tax ID Number: R 101564
 Property Owner's Name: Texas Cinema Phone Number: 512/353-7077
 Address: 1250 Wonderworld Drive, San Marcos, TX 78666

BUSINESS DETAILS
 Primary Business Use: Restaurant Bar Other: _____
 Hours of Operation: Mon-Fri 11am-12am; Sat 2pm-1am; Sun 2pm-12am
 Type of Entertainment Facilities: movie theatre with full course meals available
 Indoor Fixed Seats Capacity: 2029 Outdoor Fixed Seats: 0
 Gross Floor Area Including Outdoor Above-ground Decks: 35,000 Square Feet
 Number of Off-Street Parking Spaces Provided: 0
 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 + \$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 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: Mitchell Roberts

Date: 4/11/2014

To be completed by Staff:

Meeting Date: 5/27/2014

Application Deadline: 4/14/2014

Accepted By: Mark Hiler

Date: 4/14/2014

Texas Cinema Corporation
1250 Wonderworld Drive
San Marcos, Texas 78666

April 11, 2014

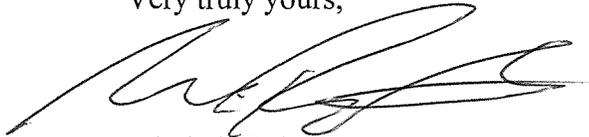
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San Marcos, Texas 78666

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Vice President
Texas Cinema Corporation

09/12

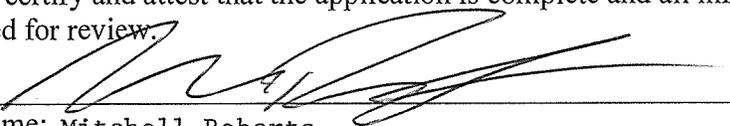


Conditional Use Permit Application Checklist To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input checked="" type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below)	<input type="checkbox"/>	
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<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Copy of State TABC License application	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	Menu	<input type="checkbox"/>	

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

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

Signed:  Date: April 11, 2014
 Print Name: Mitchell Roberts
 Engineer Surveyor Architect/Planner Owner Agent: _____

Direct Dial 972-341-8138
rsievers@addisonlaw.com

April 11, 2014

VIA HAND DELIVERY

Mr. Tory Carpenter
Development Services-Planning
630 East Hopkins
San Marcos, Texas 78666

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4. Our check in the amount of \$500.00 to cover the Application Fee for the Beer and Wine Permit (CUP);
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Mr. Tory Carpenter
Development Services-Planning
April 11, 2014
Page 2

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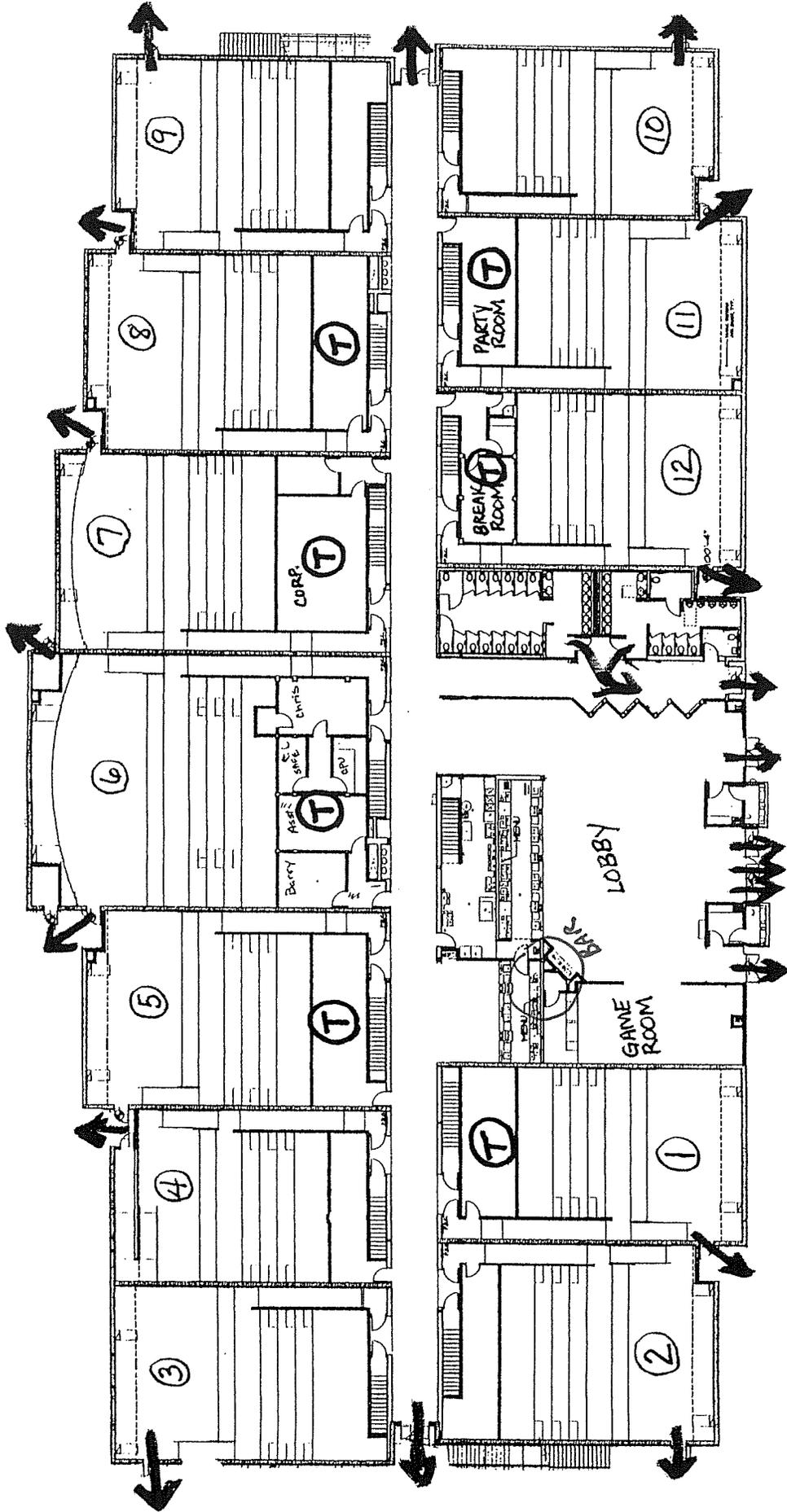
Very truly yours,

ADDISON LAW FIRM,
A Professional Corporation

A handwritten signature in black ink, appearing to be 'RS', with a long horizontal line extending to the right.

Robert K. Sievers
Law Clerk JD, MBA

BACK OF BUILDING



FRONT (BOX OFFICE)

← = EXITS
Ⓣ = TORNADO SHELTER



On-Premise Prequalification Packet L-ON (11/2010)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your pre-qualification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying. Permit applicants will also provide this packet to their local newspaper for certification that you have published the required notice.

Please immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

LOCATION INFORMATION

Type of On-Premise License/Permit

- | | |
|--|---|
| <input checked="" type="checkbox"/> BG Wine and Beer Retailer's Permit | <input type="checkbox"/> LB Mixed Beverage Late Hours Permit |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License | <input type="checkbox"/> MI Minibar Permit |
| <input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License | <input type="checkbox"/> CB Caterer's Permit |
| <input type="checkbox"/> BP Brewpub License | <input type="checkbox"/> FB Food and Beverage Certificate |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats | <input type="checkbox"/> PE Beverage Cartage Permit |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> MB Mixed Beverage Permit | |

Indicate Primary Business at this Location

- | | |
|--|---|
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input type="checkbox"/> Bar | <input checked="" type="checkbox"/> Miscellaneous movie theatre |
| <input type="checkbox"/> Sexually Oriented | |

Trade Name of Location

Starplex Cinema Grill

Location Address

1250 Wonderworld Drive

City	County	State	Zip Code
San Marcos	Hays	TX	78666-7530
Mailing Address	City	State	Zip Code
1250 Wonderworld Drive	San Marcos	TX	78666-7530

Business Phone No.	Alternate Phone No.	E-mail Address
(512) 353 - 7077	(972) 341 - 8138	rsievers@addisonlaw.com

OWNER INFORMATION

Type of Owner

- | | | |
|--|--|---|
| <input type="checkbox"/> Individual | <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Joint Venture | |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust | |

Entity/Applicant	60 Day Sign Date (TABC USE ONLY)
Cinema Grill, Inc.	/ /

If Applicant Is/Who Must Be Listed Below (attach L-OIC if additional space is needed).

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name	First Name	MI	Title
Roberts	David	R	P/S/D/Stk Hld
Last Name	First Name	MI	Title
Roberts	Mitchell	C	VP
Last Name	First Name	MI	Title



Legislation Text

File #: CUP-14-19, **Version:** 1

AGENDA CAPTION:

CUP-14-19 (Cody's Bistro & Lounge) Hold a public hearing and consider a request by #3 BPCC, Inc., on behalf of Cody's Bistro and Lounge, for an amendment to an existing Conditional Use Permit to allow the expansion of the service area for the sale of mixed beverages for on-premise consumption with the addition of a new deck at the rear of the property located at 690 Centerpoint Road, Suite 209.

Meeting date: May 27, 2014

Department: Development Services - Planning

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

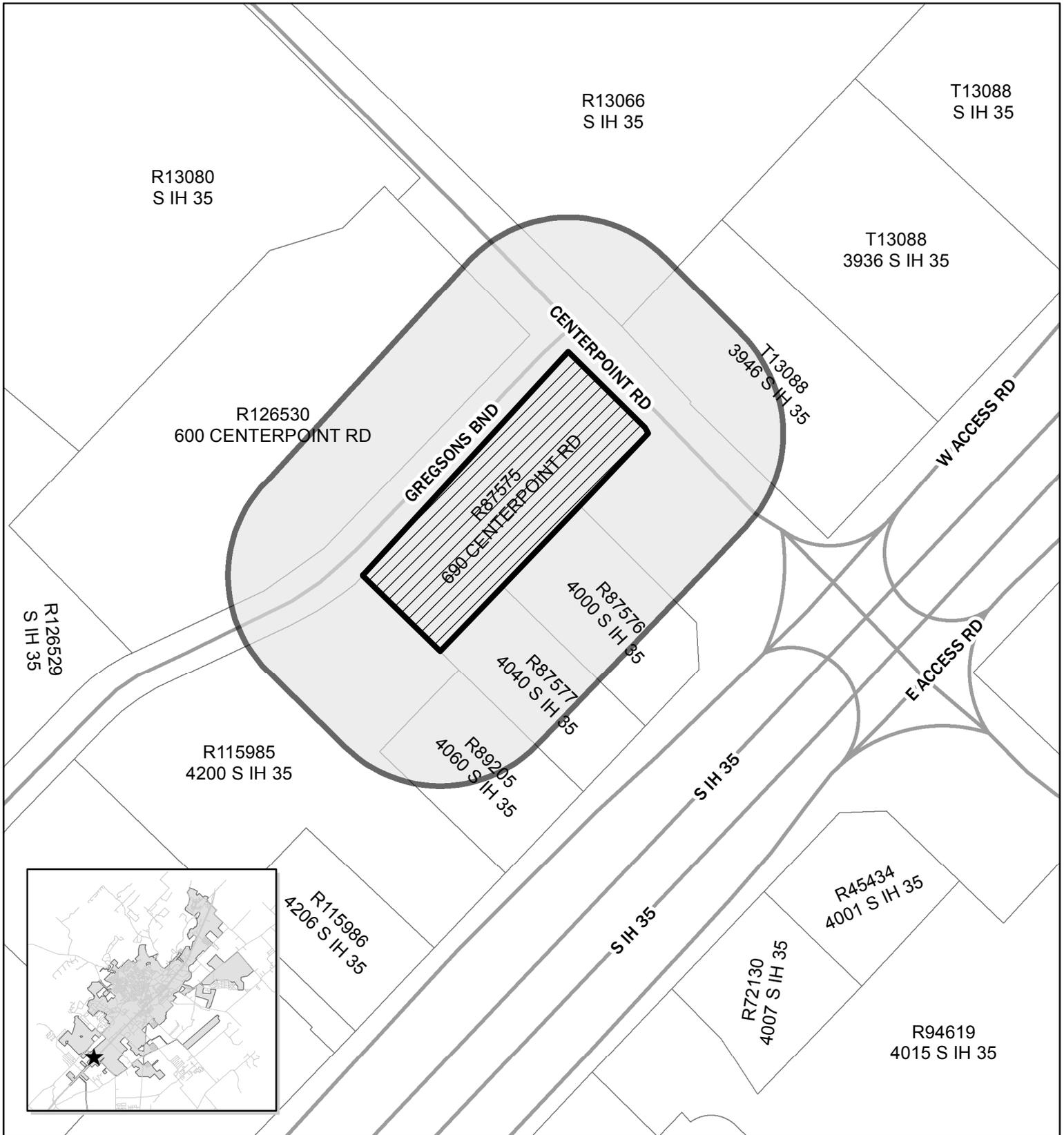
Community Wellness / Encourage the Middle Class

BACKGROUND:

The applicant is requesting to amend the existing CUP to expand the service of on-premise consumption to an outdoor deck. Staff has considered the criteria for approval under Section 1.5.7.5 of the Land Development Code and also finds that the request is consistent with the policies applicable in Section 4.3.4.2 of the Land Development Code and makes the following recommendation:

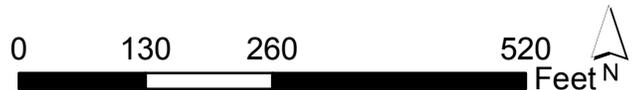
Staff recommends approval of the amendment with the following conditions:

- 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. The permit shall not be effective until the License to Encroach Agreement is approved by City Council.**



CUP-14-19
Cody's Bistro Deck Addition
690 Centerpoint Rd
Map Date: 5/14/2014

-  Site Location
-  Notification Buffer (200 feet)



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

CUP-14-19

Conditional Use Permit

Cody's Bistro & Lounge

690 Centerpoint Road, Suite 209



Applicant Information:

Applicant: #3 BPCC, Inc. (Cody's Bistro & Lounge)

Mailing Address: 203 Sierra Ridge
San Marcos, TX 78666

Property Owner: #1 Blessed Royalty, Inc.
690 Centerpoint Rd., Suite 205
San Marcos, TX 78666

Applicant Request: An amendment to an existing Conditional Use Permit (CUP) to expand the service area for the sale of mixed beverages for on-premise consumption to a new rear deck addition.

Public Hearing Notice: Public hearing notification was mailed on May 16, 2014.

Response: None as of May 22, 2014.

Subject Property:

Expiration Date: September 24, 2016

Location: 690 Centerpoint Road, Suite 209

Legal Description: Sac N Pac Stores, Lot 1, Acres 1.78

Frontage On: Centerpoint

Neighborhood: None

Existing Zoning: "GC" – General Commercial

Sector: Sector 4

Utilities: Adequate

Existing Use of Property: Restaurant

Zoning and Land Use Pattern:

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

Code Requirements:

A Conditional Use Permit (CUP) 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.

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). This location is outside the Central Business Area (CBA) and is not subject to the additional requirements in the CBA.

Background

Cody's Bistro and Lounge is a restaurant and bar located in the Centerpoint Plaza shopping center across the highway from the San Marcos Outlet Malls. The Commission approved the three-year CUP renewal in September. The applicant is amending the CUP to expand the service of on-premise consumption to an outdoor deck. This area is an addition to the outdoor patio that exists at the rear of the business. The gross floor area of the new deck is 450 square feet and has a proposed seating capacity of 20. A site plan has been provided with the request identifying the proposed changes. Photographs the applicant has taken of the proposed location have also been provided; the proposed area is shown with the white string. As the deck will be encroaching into a public utility easement, a License to Encroach Agreement with the City is required. The applicant has applied for the license and it will go to City Council for approval on June 3, 2014.

Comments from Other Departments:

There have been no major concerns regarding the subject property reported by other City Departments.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and it appears that the request is consistent with the policies and the general intent of the zoning district and does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic. Staff has not received any citizen comments or comments from other departments regarding this establishment. The request to expand the service area should not have any adverse effects on adjacent property owners. The applicant is also the property owner and the property across Gregson's Bend is vacant.

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 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. The permit shall not be effective until the License to Encroach Agreement is approved by the City Council.**

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:

Alison Brake, CNU-A

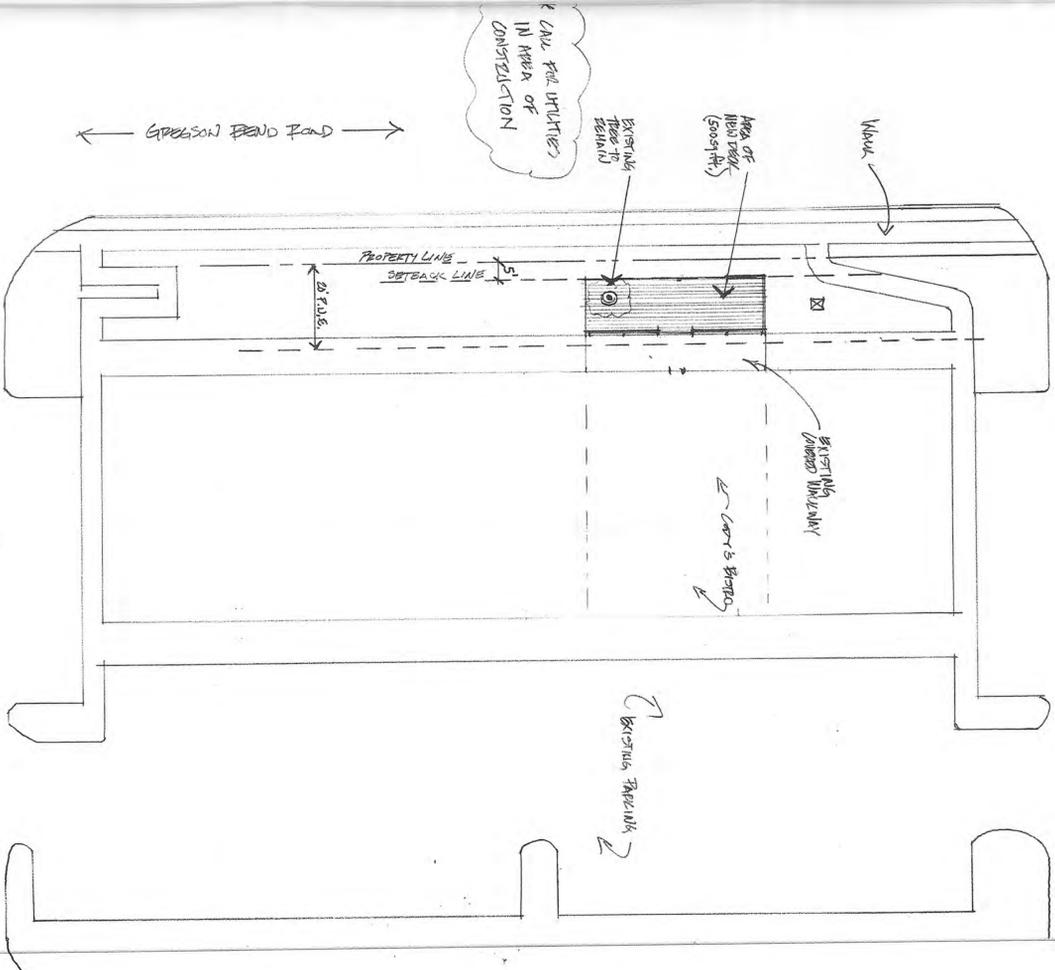
Planner

5/13/2014

Name

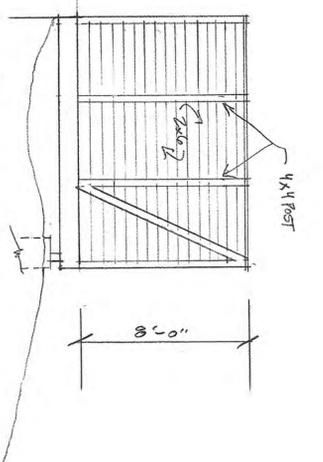
Title

Date

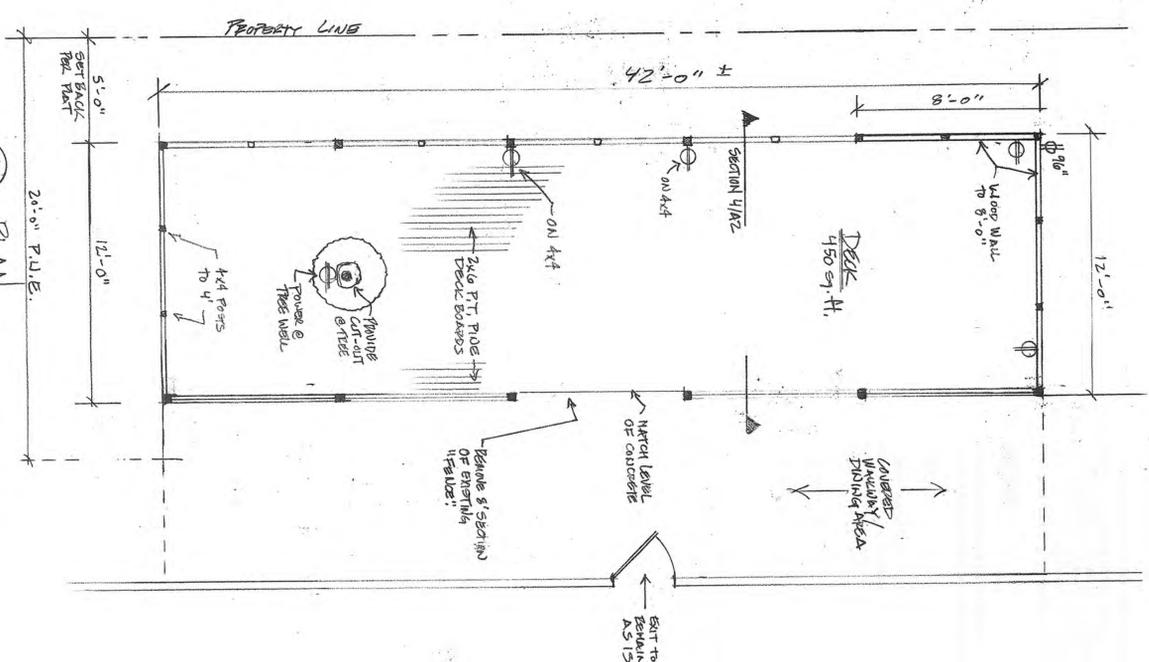
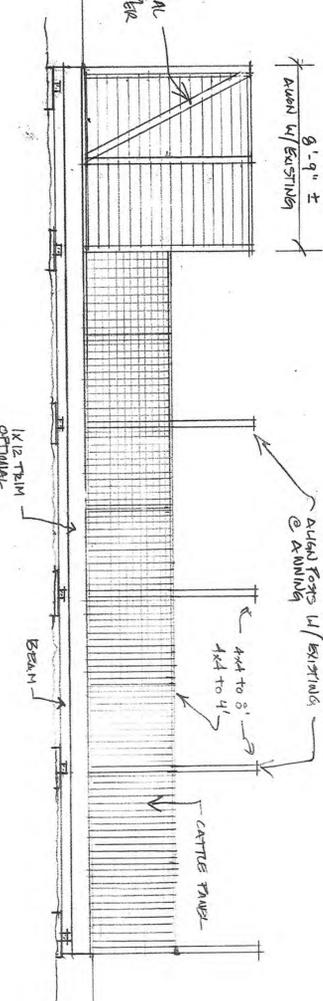


6 SITE PLAN
1/4" = 20'-0"

2 NORTH ELEVATION
1/4" = 1'-0"

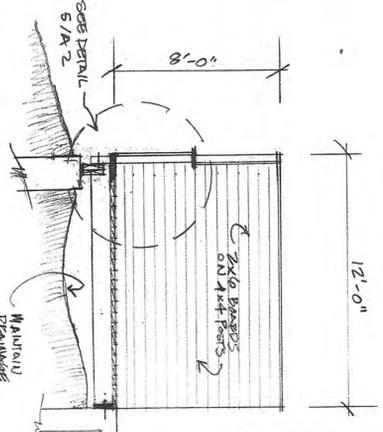


3 WEST ELEVATION
1/4" = 1'-0"

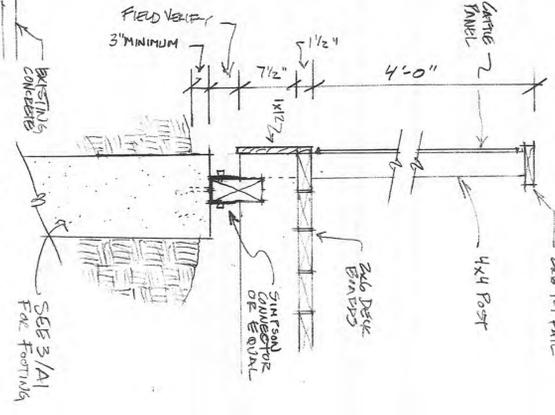


7 PLAN
1/4" = 1'-0"

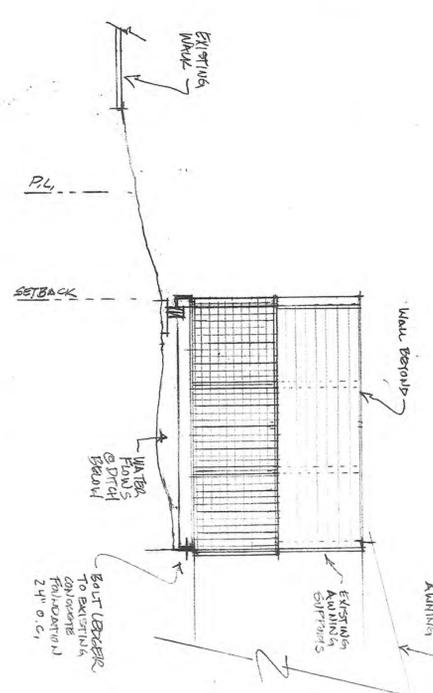
4 SECTION
1/4" = 1'-0"



5 DETAIL
1/4" = 1'-0"



8 SOUTH ELEVATION
1/4" = 1'-0"



Deck @ Cody's Bistro
690 Centerpoint Rd., Suite 209
San Marcos, Texas 78666

Michael Mills - Architect
503 West San Antonio St.
San Marcos, Texas 78666
512-396-9829



V's Bistro
341, Suite 209
3x6x5 78666

Architect
Antonio St.
3x6x5 78666
3829

Architect
Antonio St.
3x6x5 78666
3829

SPECIFICATIONS

CONSTRUCTION NOTES:

1. The Owner will carry Builders Risk Insurance and a standard Liability Policy. The Contractor and all Subcontractors shall agree in writing prior to starting construction, that they carry separate Liability and Workman's Compensation Insurance and shall hold the Owner and the Architect harmless in any direct or third party claim.

2. All communications, questions, clarifications, schedules, substitutions, agreements and addenda shall be addressed to:

Michael Wills
503 West San Antonio
San Marcos, TX 78666
512-386-9829

3. Any discrepancy, error or question arising from the Construction Documents shall be communicated to the Architect prior to continuing the portion of the construction.

4. All Subcontractors shall be required to sign a Waiver of Lien (to accompany each payment of Invoice) stating each has been paid in full for that portion of the work completed, Invoiced and approved assuming the Owner of any liability whatsoever and agreeing to waive any lien whatsoever against the property.

5. All work is expected to be of the highest standard of the industry. While it is important to finish each phase on time, it is equally (and potentially more) important to finish correctly with all joints, finishes and assemblies finished flush, plumb, straight and true. Any work falling short of this may be rejected upon inspection and shall be replaced or rectified by the Contractor at no cost to the Owner.

GENERAL CONDITIONS

1. Contractor shall notify architect of any discrepancy in the drawings before construction. Questions regarding the Construction Documents should be brought up before construction.
2. The architect shall remain the Interpreter of the Construction Documents.
3. The site shall be kept clean at all times.
4. The Contractor shall provide bathroom facilities for all workers.
5. All construction shall conform to the 2009 International Building Code (A-2 - restaurant)

CONCRETE

1. Footings to be built per drawings.
3. Concrete shall be vibrated along all form edges to prevent honey combing.

FRAMING

1. Deck, railings, and wall to be built as shown in the drawings. All lumber to be pressure treated pine unless called out differently. All fasteners, hangers, screws or nails to be compatible with wood product and suitable for exposed location.
2. Provide block-out at trees as needed to allow for deck removal as tree grows.

PANTING

1. All wood products to be stained and sealed per Owner's direction.

OTHER

1. Railing inserts to be 4' x 20" cattle panel attached directly to the outside edge of the vertical 4 x 4 posts. Cut panels as required to align with posts.
2. Existing irrigation system to be modified as required to avoid the deck area.

ELECTRICAL

1. Provide electrical outlets as shown.
2. Use conduit or direct burial cable in all block, brick or underground applications.
3. All electrical to meet National Electrical Code, local code and permit requirements.

GENERAL NOTES

1. All work shall conform to the current editions of national, state, and local codes and other working specifications, and shall be in accordance with the drawings. All subcontractors performing general construction shall be responsible for obtaining all necessary permits and shall comply with applicable sections of the codes having jurisdiction.

Applicable building code:

- A. International Building Code, 2009
- B. Occupancy classification, A-2 (enforcement includes all other codes referenced in the above applicable codes)
- C. This project is the construction of a deck at the back of a restaurant.
- D. The deck is uncovered. The deck is 450 square feet.
- E. Existing is provided per the requirements of the IBC.

2. FIELD VERIFICATION:
The contractor shall verify all existing conditions and dimensions at the job site before proceeding with the work.

ERRORS, INCONSISTENCIES, AND OMISSIONS:

The contractor shall carefully study the contract documents prior to construction and shall immediately report to the architect any error, inconsistency, or omission he may discover. If the contractor performs any work knowing it to be contrary to applicable laws, ordinances, rules or regulations without prior notice to the architect, he shall assume full responsibility therefor and shall bear all costs attributed thereto.

4. CHANGES:
No deviation from contract drawings and specifications shall be made without prior written approval from the architect or owner.

DIMENSIONS:

All dimensions shall be verified in the field. Plan dimensions are to face of block or studs unless otherwise noted. Elevation dimensions are to top of slab or top of plates. Do not scale drawings.

DETAILS:

Reference to any detail or drawing is for convenience only and does not limit the application of such drawing or detail. Larger scale drawings take precedence over smaller scale drawings.

ROUGH-DIMENSIONS:

Builder shall coordinate with all pre-manufactured item suppliers and equipment manufacturers for rough in requirements and dimensions.

COORDINATION:

The contractor shall be responsible for verification and coordination with all subcontractors and suppliers. The contractor shall coordinate with the architect and owner for all subcontractors and suppliers and for completion with the drawings and specifications. Also, the contractor shall verify all dimensions and locations of existing conditions and utilities and provide the architect and owner with a site plan showing the location of all existing conditions and utilities and provide the architect and owner with a site plan showing the location of all existing conditions and utilities.

SITE CLEANUP:

The contractor shall be responsible for continuous cleanup of the site of all construction debris. The contractor is solely responsible for safety in the workplace.

CUTTING AND PATCHING:

It shall be the responsibility of the contractor to supervise all cutting and patching of finished work already in place. Any repairs, changes or other reasons. All replacement work shall match adjoining surfaces for color, texture, workmanship, and material.

METAL:

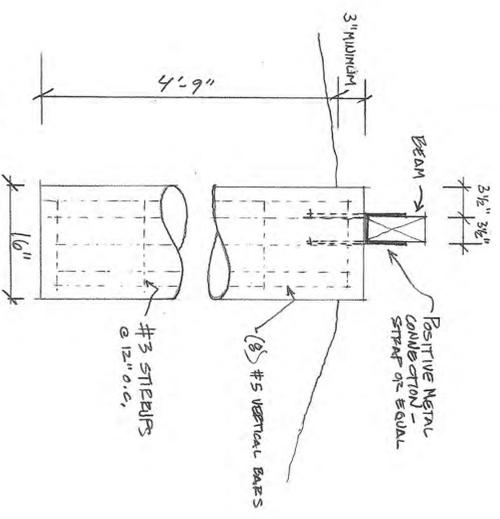
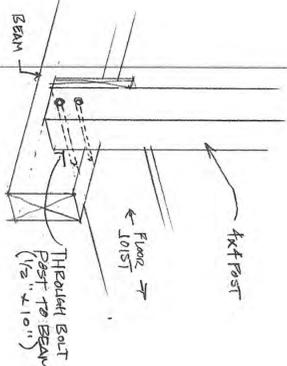
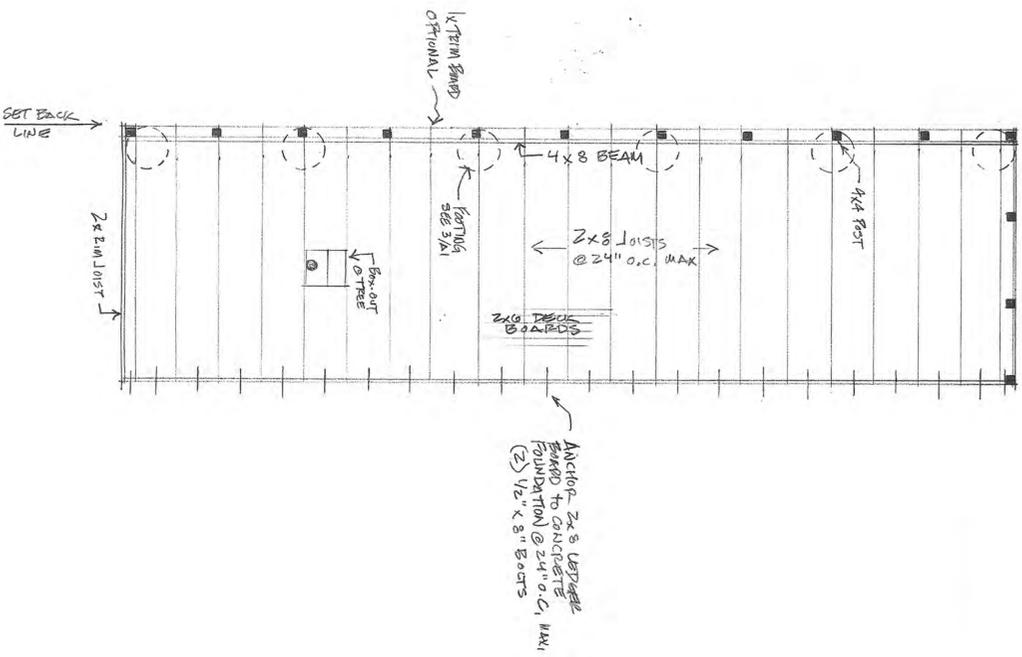
Provide galvanic isolation between dissimilar metals.

SANITARY FACILITIES:

Approved sanitary facilities shall be provided by the contractor for the use of workers during construction unless other arrangements are made with the Owner.

WIRING:

Coordinate with Owners technology providers to allow for installation of cameras, alarms, tvs, speakers, etc.



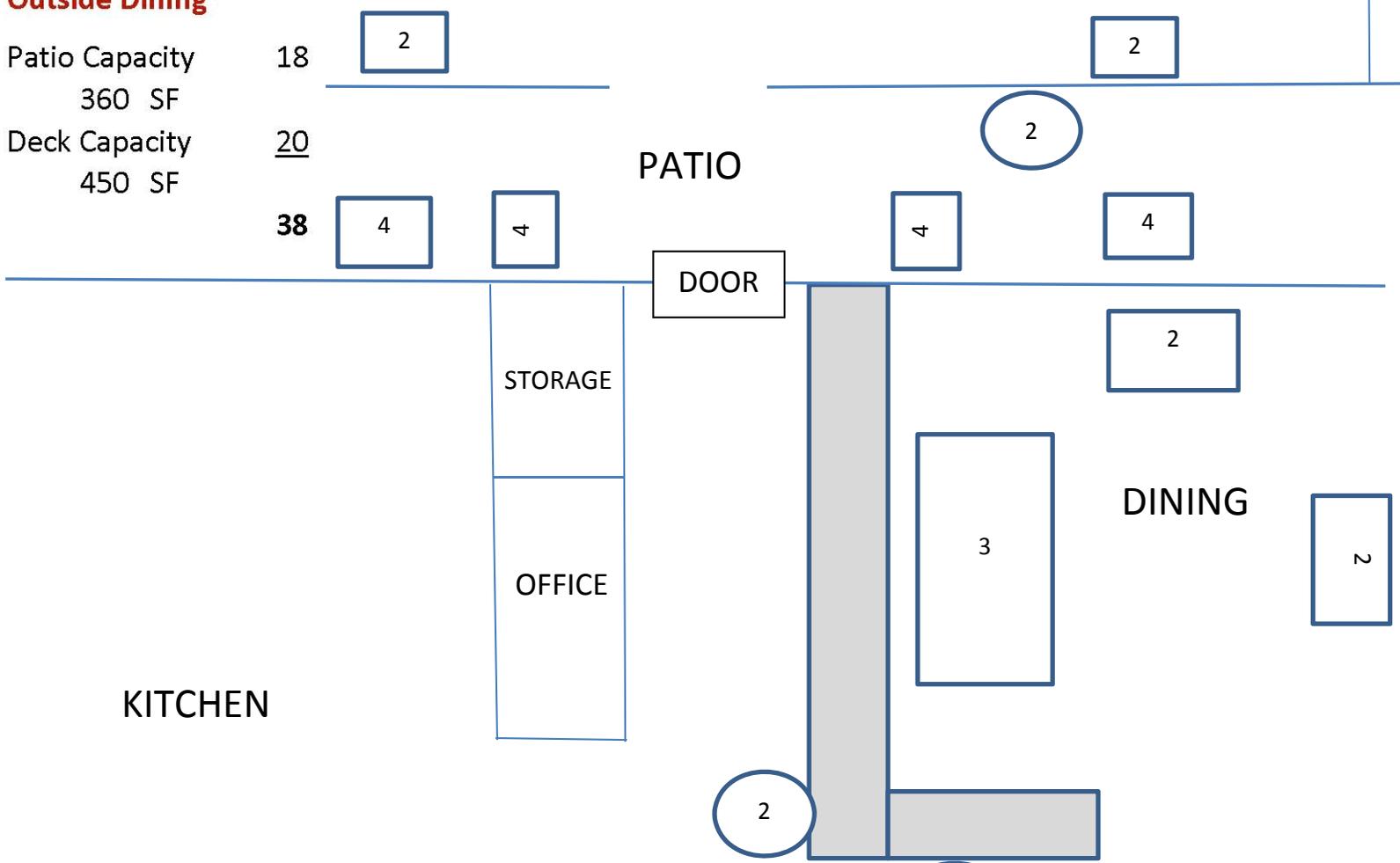
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Michael Wills - Architect
503 West San Antonio St.
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512-386-9829

PROPOSED DECK

Outside Dining

Patio Capacity 18
360 SF
Deck Capacity 20
450 SF

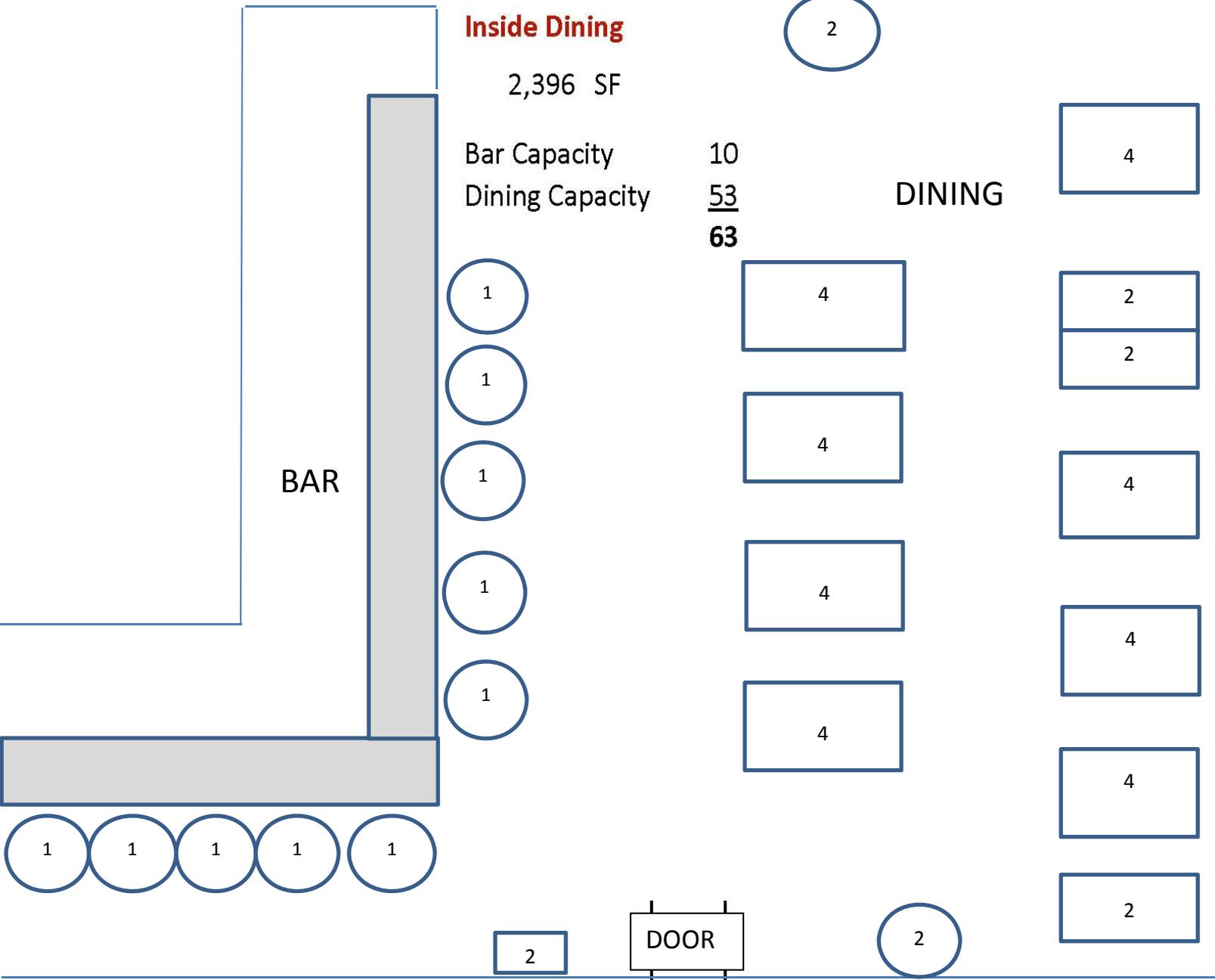


KITCHEN

Inside Dining

2,396 SF

Bar Capacity 10
Dining Capacity 53
63









Cody's

Cody's

Cody's

Cody's





Cody's

Cody's

Cody's

TEXAS
CVD-5550





Cody's

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213







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: #2 Couch Enterprises, Inc D/B/A ^{COUCH} BUSTRO LOUNGE
 Application is filed by:
 Individual Partnership Corporation Other: _____
 Name of Individual or Entity: Bucky Couch Phone Number: 512-757-1004
 Mailing Address: 203 Sierra Ridge SM TX
 Email Address: buckycouch@gmail.com
 Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY
 Street Address: 690 Centerpoint Rd Suite 209 GC Current Zoning: GC
 Legal Description: Lot 1 Block _____ Subdivision EDWARD BIRKSON SURVEY #18, A-63
 Tax ID Number: R 45-5300375
 Property Owner's Name: Bucky Couch Phone Number: 512 757 1004
 Address: 203 Sierra Ridge SM TX

BUSINESS DETAILS
 Primary Business Use: Restaurant Bar Other: _____
 Hours of Operation: M-F 11-11 ; SAT 11-12 ; SUN 11-4
 Type of Entertainment Facilities: N/A
 Indoor Fixed Seats Capacity: 60-65 Outdoor Fixed Seats: - 0 -
 Gross Floor Area Including Outdoor Above-ground Decks: 2850 Square Feet
 Number of Off-Street Parking Spaces Provided: see survey; 14
 Located more than 300 feet from church, public school, hospital, low density residential? Y N

09/12



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

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

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

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

Signed: *Bucky Cox* Date: 4-16-14
 Print Name: Bucky Cox
 Engineer Surveyor Architect/Planner Owner Agent: _____

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. ^{Conditional Use} Nature of Change: ADDING WOODEN DECK TO EXISTING PATIO; 450 SQ FT added

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 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.

Buckey Casch
Applicant's Signature

Printed Name: Buckey Casch Date: 4-16-14

To be completed by Staff:

Meeting Date: 6/10/2014 Application Deadline: 4/28/2014

Accepted By: Mark Hiler Date: 4/16/2014

STATE OF TEXAS*
COUNTY OF HAYS*

That the Sac-N-Pac Stores, Inc., a Texas Corporation, with its address at 1405 United Drive, Suite 115, San Marcos, Texas, owners of 3.61 acres as conveyed to it by deed dated November 3, 1995, and recorded in Volume 1186, Page 531 of the Hays County Deed Records, and owners of 0.21 acres as conveyed to it by deed dated January 17, 1996, and recorded in Volume 1201, Page 574 of the Hays County Deed Records, DOES HEREBY SUBDIVIDE 3.82 ACRES out of the Edward Burleson Survey No. 18, A-63, Hays County, Texas, to be known as "SAC-N-PAC STORES", in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and does hereby dedicate to the public the use of the streets shown hereon.

IN WITNESS WHEREOF the said SAC-N-PAC STORES INC., has caused these presents to be executed by its PRESIDENT, GARLAND WARREN, thereunto duly authorized, this the 14th day of May 1997.

SAC-N-PAC STORES INC.
Garland Warren
GARLAND WARREN
PRESIDENT

STATE OF TEXAS*
COUNTY OF HAYS*

BEFORE ME, the undersigned authority appeared Garland Warren known by me to be the person whose name is subscribed to the foregoing instrument as President of Sac-N-pac Stores Inc., and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein states.

GIVEN under my hand and seal of office this the 14th day of May 1997.

Richard McDaniel
Notary Public
State of Texas



Note:
Sidewalks are required along Gregson's bend Road.

FLOOD INSURANCE RATE NOTE:

The tract of land shown hereon lies within Zone "X", areas determined to be outside the 500 year Flood Plain, as delineated on the Flood Insurance Rate Map (FIRM) Community Panel Number 480321 0230 B, dated June 16, 1993, for unincorporated areas of Hays County, Texas.

STATE OF TEXAS
COUNTY OF HAYS

I, MARGIE VILLALPANDO, 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 29th day of May A.D., 1997, at 3:15 o'clock P.M., and duly recorded on the 29th day of May A.D., 1997 at 3:21 o'clock P.M., in the Plat Records of Hays County, Texas, in Book 7, Page 380

WITNESS MY HAND AND SEAL OF OFFICE this the 29th day of MAY A.D., 1997.

Margie T. Villalpando By: Patricia J. Lackey, Deputy
MARGIE VILLALPANDO
COUNTY CLERK
HAYS COUNTY, TEXAS

CITY OF SAN MARCOS
CERTIFICATE OF APPROVAL

Approved this the 13 day of May 1997, by the Planning and Zoning Commission of the City of San Marcos, Texas.

Kim L. Schaefer
KIM L. SCHAEFER
SECRETARY

Michael R. Davis
MICHAEL R. DAVIS
CHAIRMAN

Approved for Acceptance

George Doeker
GEORGE DOEKER
DIRECTOR OF PUBLIC WORKS

Ron F. Patterson
RON F. PATTERSON
DIRECTOR OF PLANNING AND DEVELOPMENT

Date May 23 1997

Date May 16 1997

Accepted and authorized for record by the Planning and Zoning Commission, City of San Marcos, Texas, this the 29 day of May 1997.

Kim L. Schaefer
KIM L. SCHAEFER
SECRETARY

Michael R. Davis
MICHAEL R. DAVIS
CHAIRMAN

STATE OF TEXAS
COUNTY OF HAYS

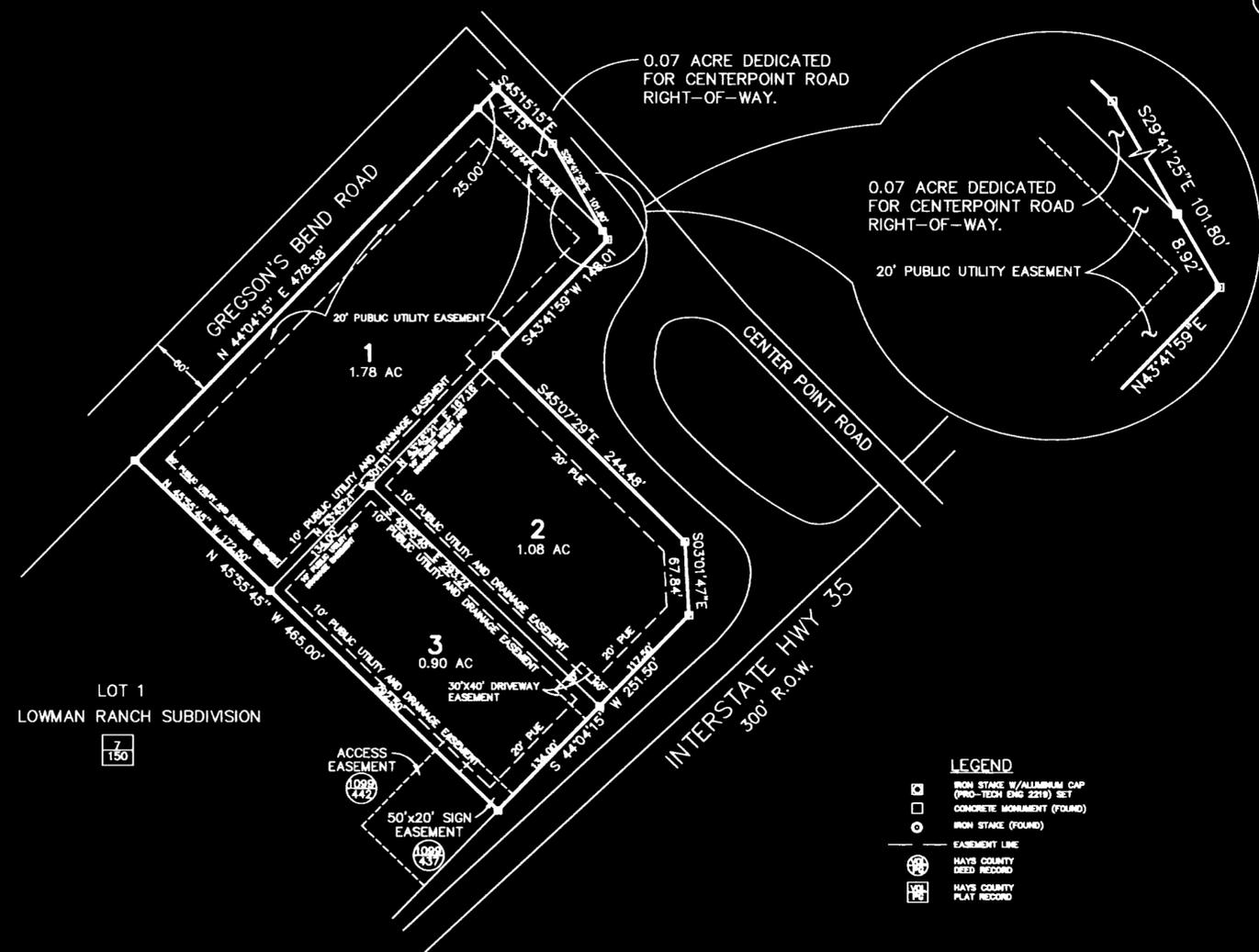
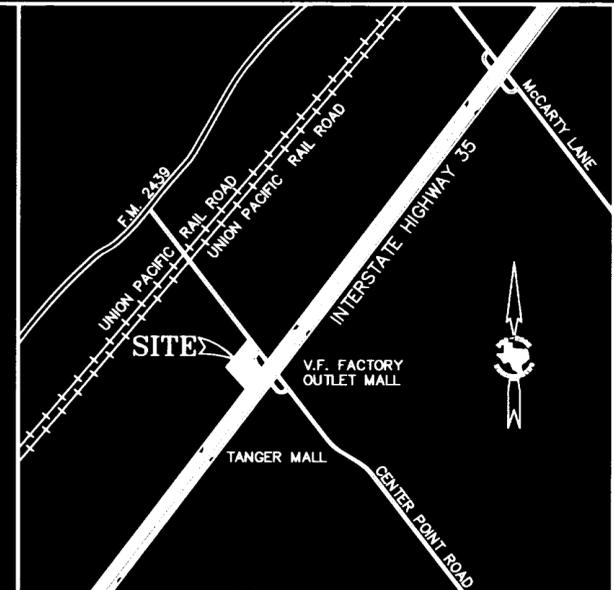
KNOW ALL MEN BY THESE PRESENTS: I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correctly made and is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were found or properly placed under my supervision.

Kelly Kilber
KELLY KILBER
REGISTERED PROFESSIONAL LAND SURVEYOR No. 2219

E.O. 14495
FB: 316 PG: 67
PLAN No. 5147
EDSC\DWG\14495\PLAT.DWG



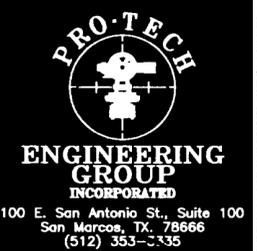
SAC-N-PAC STORES A SUBDIVISION OF 3.82 ACRES OUT OF THE EDWARD BURLESON SURVEY, No. 18, A-63 CITY OF SAN MARCOS HAYS COUNTY, TEXAS 3 LOTS



LEGEND

- IRON STAKE W/ALUMINUM CAP (PRO-TECH ENG 2219) SET
- CONCRETE MONUMENT (FOUND)
- IRON STAKE (FOUND)
- EASEMENT LINE
- HAYS COUNTY DEED RECORD
- HAYS COUNTY PLAT RECORD

SCALE: 1"=100'





Legislation Text

File #: ID#13-322, **Version:** 1

AGENDA CAPTION:

CUP 14-20 (Courtyard by Marriott - San Marcos) Hold a public hearing and consider a request by San Marcos Platinum, LLC on behalf of Courtyard by Marriott - San Marcos for approval of a new Conditional Use Permit (CUP) to allow the sale of mixed beverages for on-premise consumption at 625 Commercial Loop.

Meeting date: May 27, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

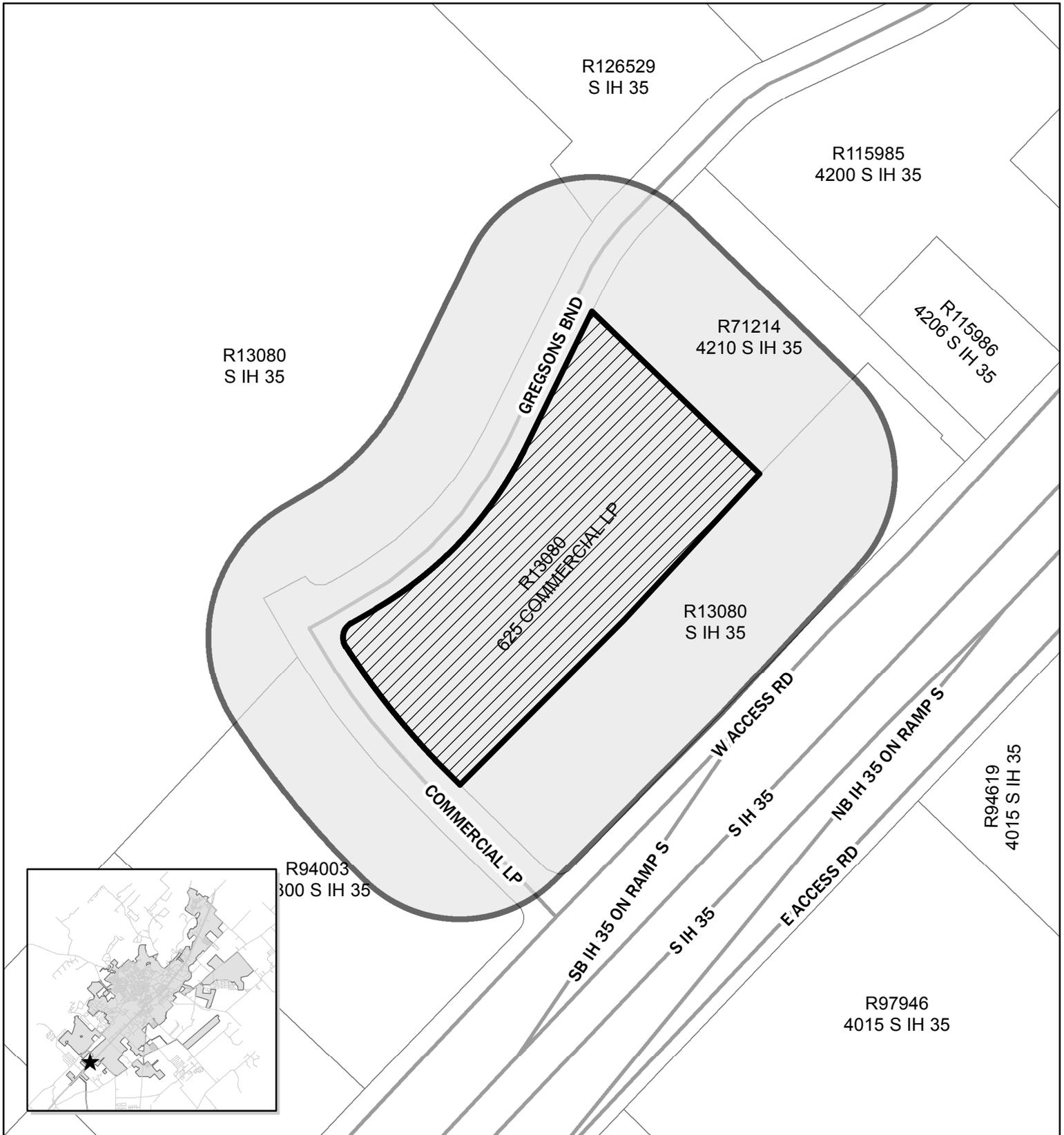
Account Name: n/a

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

BACKGROUND: This is a request for a new Conditional Use Permit for the Courtyard by Marriott - San Marcos hotel located near IH 35 south of Centerpoint Road. The location meets the distance requirement to a church, school, hospital or residence and is not located within the CBA. Staff has considered the criteria for approval under Section 1.5.7.5 of the Land Development Code and also finds that the request is consistent with the policies applicable in Section 4.3.4.2 of the Land Development Code and makes the following recommendation:

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

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



CUP-14-20
Marriott Hotel
625 Commercial Lp
Map Date: 5/14/2014

-  Site Location
-  Notification Buffer (200 feet)



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

CUP-14-20 Conditional Use Permit Courtyard by Marriott – San Marcos 625 Commercial Loop



Summary:

Applicant: San Marcos Platinum, LLC
226 Jackson Meadows Dr.
Hermitage, TN 37076

Property Owner: Same

Applicant Request: Request for a Conditional Use Permit (CUP) to allow on-premise consumption of mixed beverages in a General Commercial zoning district

Notification Public hearing notification mailed on May 16, 2014.

Response: None as of the date of this report.

Property/Area Profile:

Legal Description: Lot 4, Section 1, Lowman Ranch Subdivision

Location: 625 Commercial Loop

Frontage On: Commercial Loop / Gregsons Bend

Neighborhood: N/A

Existing Zoning: General Commercial (GC)

Sector: 4

Utilities: Sufficient

Existing Use of Property Hotel (under construction)

**Zoning and Land Use
Pattern:**

	Current Zoning	Existing Land Use
N of Property	GC	Hotel
S of Property	GC	Car Dealership
E of Property	GC	Vacant
W of Property	GC	Vacant

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.

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). This location is outside the Central Business Area and not subject to the additional restrictions with the CBA.

Background

The Courtyard by Marriott is a new four-story hotel scheduled to open in mid-June. The site provides 108 parking spaces based on the number of rooms and commercial area. The hours of service are proposed from 5:00 a.m. to 11:00 p.m. There are no entertainment facilities. Food and beverages are served from two locations – the bar and the market – in the lobby of the hotel.

Comments from Other Departments:

Building, Engineering, Fire, Health, Police, and Code Enforcement have reported no major concerns regarding the subject property.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and the request is consistent with the policies described in Section 4.3.4.2 – *Conditional Use Permits for On-Site Alcoholic Beverage Consumption*. The subject property is surrounded by commercially zoned land and a Conditional Use Permit for alcohol sales is compatible with the surrounding uses. Staff has not received any citizen comments or comments from other departments.

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

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

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

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The permit shall be effective upon issuance of the Certificate of Occupancy;**
- 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

The Commission's Responsibility:

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

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

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

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

Prepared by:

Amanda Hernandez, AICP, CNU-A

Senior Planner

May 13, 2014

Name

Title

Date

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: Courtyard by Marriott - San Marcos

Application is filed by:

Individual Partnership Corporation Other: LLC

Name of Individual or Entity: San Marcos Platinum LLC Phone Number: 615 277-1102

Mailing Address: 226 Jackson Meadows Dr Hermitage TN 37076

Email Address: Julia.Keppel@platinumcos.com

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

PROPERTY

Street Address: 625 Commercial Loop Current Zoning: GC

Legal Description: Lot 4 Block _____ Subdivision Lowman Ranch Sec 1

Tax ID Number: R 126533

Property Owner's Name: San Marcos Platinum LLC Phone Number: 615-277-1102

Address: 226 Jackson Meadows Dr Hermitage TN 37076

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: Hotel

Hours of Operation: 5 Am to 11 pm

Type of Entertainment Facilities: None

Indoor Fixed Seats Capacity: 45 Outdoor Fixed Seats: 20

Gross Floor Area Including Outdoor Above-ground Decks: 60,000 Square Feet

Number of Off-Street Parking Spaces Provided: 108

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 + \$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 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: Brian Rahmander Date: 04/16/14
VP Finance

To be completed by Staff:

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

09/12

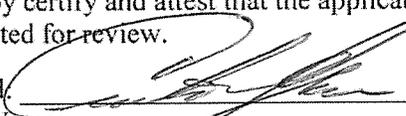


Conditional Use Permit Application Checklist To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

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

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

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

Signed:  Date: 4-17-14
 Print Name: _____
 Engineer Surveyor Architect/Planner Owner Agent: OTHER

SITE LAYOUT

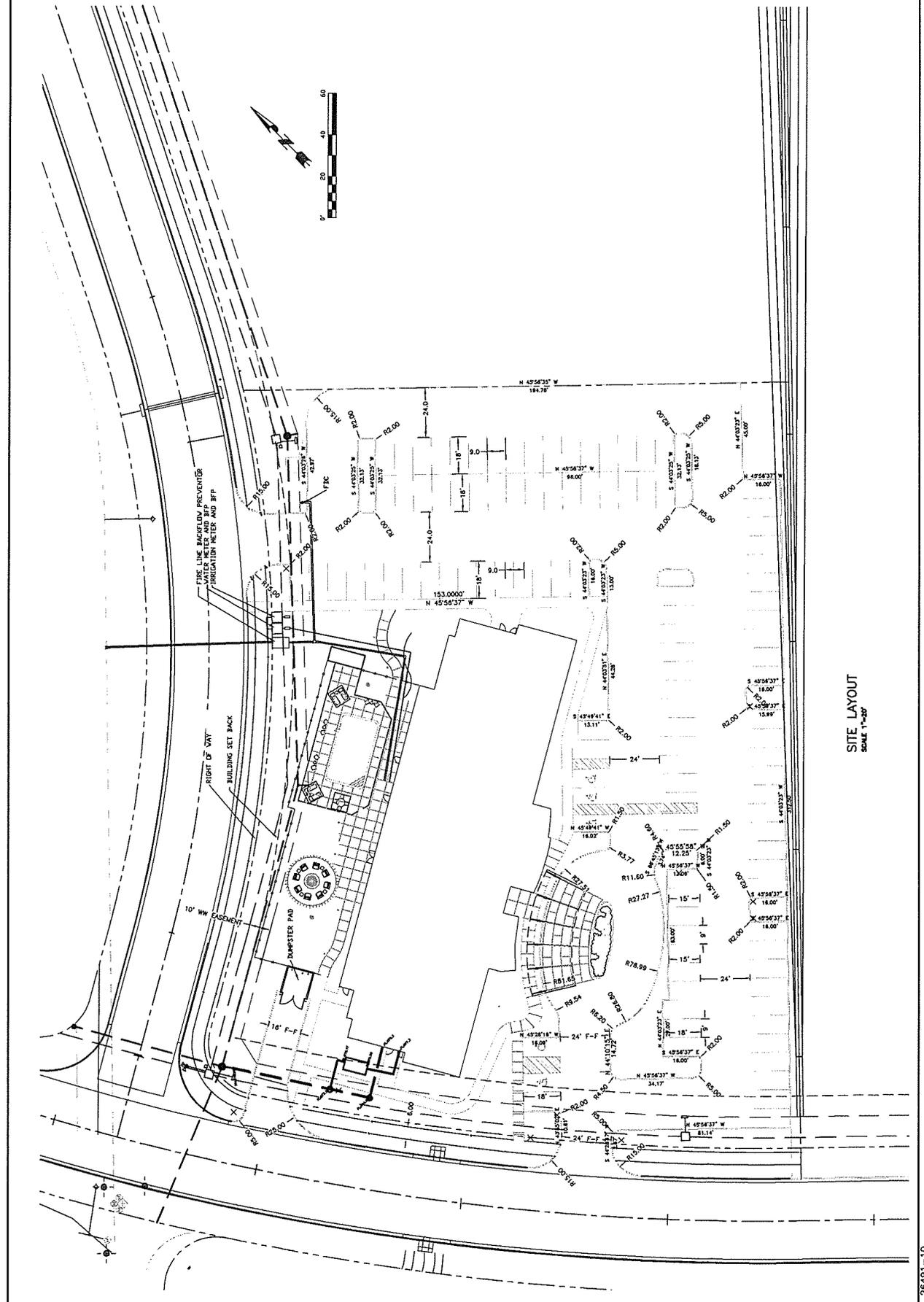
COURTYARD BY MARRIOTT
SAN MARCOS, TEXAS

APRIL 16, 2011



BURN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
A TEXAS REGISTERED ENGINEERING FIRM # 1814
115 W. MAIN ST., SAN MARCOS, TEXAS 78682-1433
PHONE 512-382-2270 FAX 512-382-2845

NO.	DATE	REVISIONS
13	XX	
12	XX	
11		
10		
9		
8		
7		
6		
5		
4		
3		
2		
1		



SITE LAYOUT
SCALE 1"=20'



On-Premise Prequalification Packet

L-ON
(09/2013)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your pre-qualification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying.

Please immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

LOCATION INFORMATION

1. Type of On-Premise License/Permit

- | | |
|---|--|
| <input type="checkbox"/> BG Wine and Beer Retailer's Permit | <input type="checkbox"/> LB Mixed Beverage Late Hours Permit |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License | <input type="checkbox"/> MI Minibar Permit |
| <input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License | <input type="checkbox"/> CB Caterer's Permit |
| <input type="checkbox"/> BP Brewpub License | <input type="checkbox"/> FB Food and Beverage Certificate |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats | <input checked="" type="checkbox"/> PE Beverage Cartage Permit |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input checked="" type="checkbox"/> MB Mixed Beverage Permit | |

2. Indicate Primary Business at this Location

- | | |
|--|--|
| <input type="checkbox"/> Restaurant | <input checked="" type="checkbox"/> Sporting Arena, Civic Center, <u>Hotel</u> |
| <input type="checkbox"/> Bar | <input type="checkbox"/> Miscellaneous _____ |
| <input type="checkbox"/> Sexually Oriented | |

3. Trade Name of Location

Courtyard by Marriott - San Marcos

4. Location Address

625 Commercial Loop

City <u>San Marcos</u>	County <u>Hays</u>	State <u>TX</u>	Zip Code <u>78666</u>
---------------------------	-----------------------	--------------------	--------------------------

5. Mailing Address

<u>226 Jackson Meadows Dr</u>	City <u>Hermitage</u>	State <u>TN</u>	Zip Code <u>37076</u>
-------------------------------	--------------------------	--------------------	--------------------------

6. Business Phone No.

(615) 277-1100

Alternate Phone No.

(615) 277-1102

E-mail Address

Julia.Keppel@platinumcos.com

OWNER INFORMATION

7. Type of Owner

- | | | |
|--|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Corporation | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership | <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Joint Venture | |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust | |

8. Entity/Applicant

San Marcos Platinum LLC

9. If Applicant Is/Must Be Listed Below (attach L-OIC if additional space is needed).

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name <u>Patel</u>	First Name <u>Mitul</u>	MI <u>✓</u>	Title <u>manager</u>
---------------------------	----------------------------	----------------	-------------------------

Last Name	First Name	MI	Title
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Last Name	First Name	MI	Title
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Legislation Text

File #: ID#13-252, **Version:** 1

AGENDA CAPTION:

Amendment to Historic Design Guidelines - Hold a public hearing and consider a request for an amendment to the *Design Guidelines for the Historic Districts of the City of San Marcos, Texas* to include guidelines on sustainability.

Meeting date: May 27, 2014

Department: Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

Community Wellness / Strengthen the Middle Class

BACKGROUND:

As more citizens are looking to conserve energy where they can, the Historic Preservation Commission (HPC) is faced with making decisions regarding such items as the installation of solar panels on historic properties or the replacement of windows on historic homes.

While there are design guidelines on building characteristics and components, materials, and general information for residential and commercial buildings in the Design Guidelines for the Historic Districts of the City of San Marcos, Texas, the document lacks specific recommendations on sustainability measures, such as solar power.

Staff has worked with HPC to produce the attached draft Sustainability Guidelines as an amendment to the existing Design Guidelines. The Sustainability Guidelines were drafted using a template from the City of Fort Worth and incorporating best practices from the Secretary of the Interior and other sources. The red text indicates changes based on discussions with the Commission.

HPC held a workshop on the draft guidelines on February 20, 2014, and staff presented the draft guidelines to HPC at a public hearing during their March 6, 2014 meeting. The HPC unanimously recommended approval of the amendment to include the Sustainability Guidelines.

The City Council may, after receiving recommendations from the Historic Preservation Commission and the Planning and Zoning Commission, approve revisions to the Design Guidelines.

STANDARDS AND GUIDELINES FOR SUSTAINABILITY

DRAFT

INTRODUCTION

Design and construction of historic structures maximized the use of natural resources such as light and ventilation. This chapter will explore old and new techniques to assist you in maintaining your home and provide additional energy efficient options. These techniques and options will allow your home to operate efficiently while maintaining its character defining features. **Proof of an Energy Audit from the City of San Marcos' Conservation Coordinator is recommended prior to undertaking the following techniques. The least visible improvements shall be undertaken first. The more visible improvements should only be considered once the least visible improvements have been completed.**

MAINTAINING WOOD WINDOWS

STORM DOORS AND WINDOWS

SHUTTERS

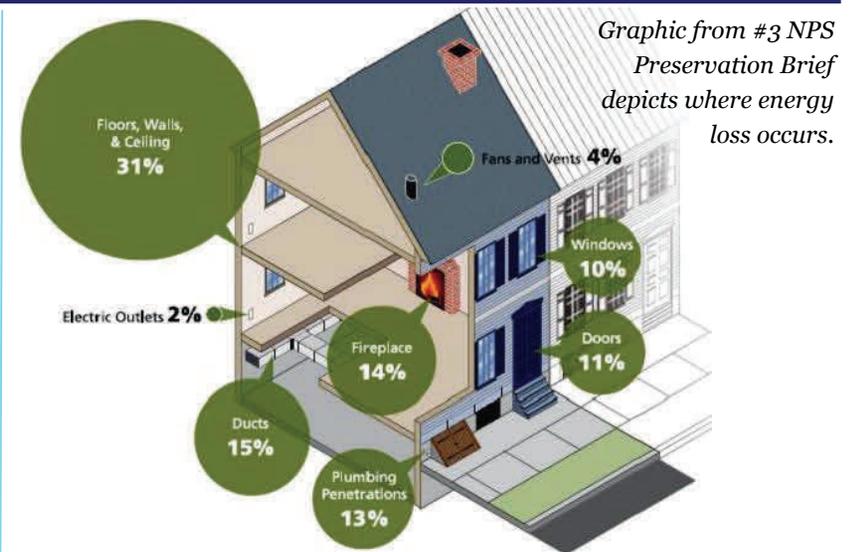
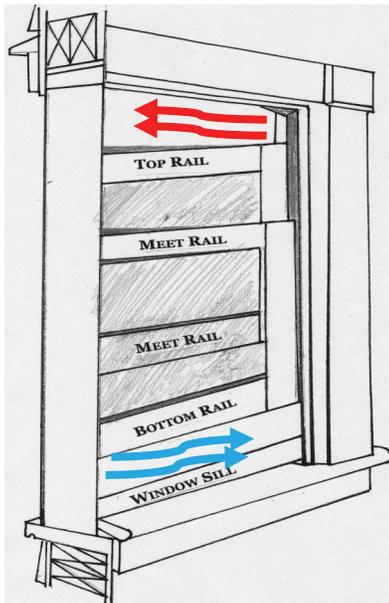
SCREEN DOORS AND WINDOWS

COOL ROOFS

SOLAR TECHNOLOGY

WOOD WINDOWS—MAINTENANCE AND EFFICIENCY

The US Department Of Energy estimates that windows account for roughly 10% of a structure's air loss. Three basic steps can be taken to reduce the amount of air loss through the window unit; maintenance and the installation of low-e film and storm windows.



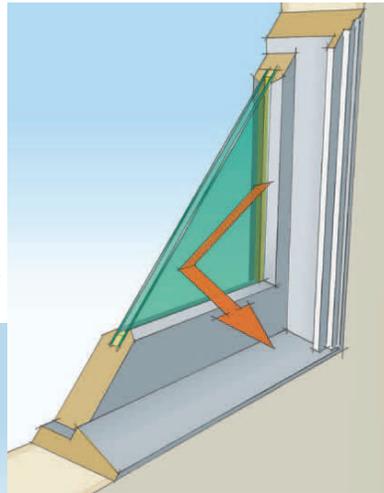
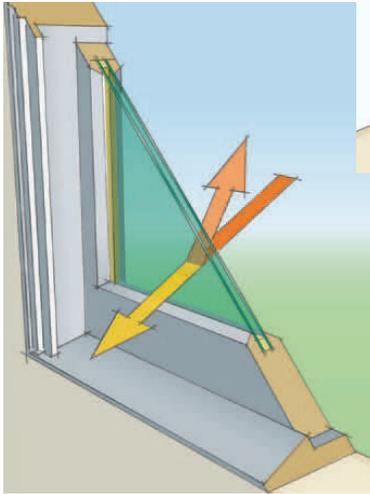
MAINTENANCE, WEATHER STRIPPING AND CAULKING

Maintaining windows on a regular basis to ensure that they operate properly will significantly reduce the amount of air loss. This includes replacing rotten wood, painting, and adding weather stripping and caulk. Weather stripping should be used between the movable parts of a window. It can easily become ripped, torn, loose, bent or otherwise damaged so follow the manufacturers instructions for installation and routinely inspect and replace if needed. Caulk and other sealants can be used on the exterior of your building where different materials meet or where expansion and constriction occur.

REMINDER: All exterior work visible from the right-of-way requiring a building permit requires a Certificate of Appropriateness and must conform with all of City of San Marcos ordinances. It is helpful when using these guidelines to be familiar with your architectural style.

LOW-E FILM

A quick and inexpensive fix is to apply Low-emissivity film (Low-E). This can reduce your window energy loss by 30% to 50%. In warmer climates the film should be applied to the exterior of the window pane to reflect solar radiation out. In cooler climates the film should be placed on the interior of the window pane. So heat is reflected back into the house. The film can be purchased at your local hardware store and has a lifespan of approximately 10-15 years.



LEFT: Windows with Low-E coating reflect back part of the summer sun. ABOVE: Windows with Low-E coating reflect back part of room's heat. IMAGE SOURCE: Energy Savers, U.S. Department of Energy.

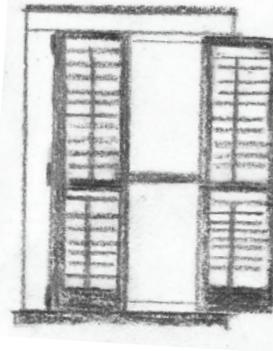
STORM WINDOWS AND DOORS

Storm windows can be installed either on the interior or exterior of the structure to increase the thermal performance of your window. The addition of a storm window to a single pane window will have an energy rating close to that of a double pane replacement unit. Storm windows avoid the irreplaceable seal failure on insulated glass units (IGUs). The typical life span of an IGU is approximately 25 years. Storm windows can also be purchased with a Low-E coating. Storm windows and doors should not be installed in locations where they damage or conceal significant features and should fit the opening.

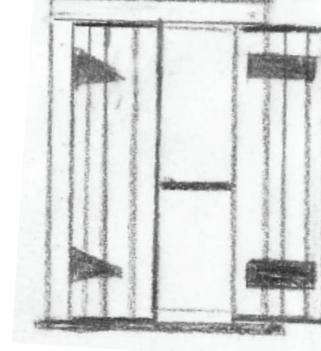


SHUTTERS

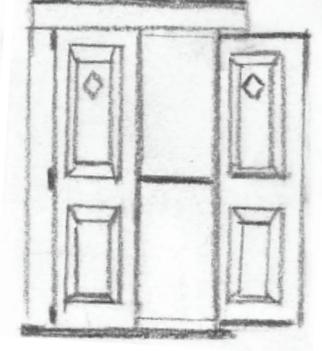
Historic windows are recessed within the wall of the structure. This allows for either a shutter or a screen to sit within the frame of the window unit. When the shutter is closed it creates a flush condition that provides protection from storms and intruders. Exterior shutters, historically have been used to provide privacy and security while controlling light and air circulation. For this reason, **all shutters shall be operational (hinged)**. The style of shutter is dependent upon the architectural style and not all styles can accommodate shutters. Styles that cannot accommodate shutters can accommodate wood screens and awnings on the exterior and blinds on the interior.



A. LOUVERED



B. BOARD AND BATTEN



C. PANELED

- A. LOUVERED: Provide the most control for light and air circulation. They can be closed and locked, with the louvers open. This provides protection from rain and security while allowing light and air in. Louvered shutters are appropriate for all style of homes.
- B. BOARD AND BATTEN: Are vertical boards, usually beaded tongue and groove, fastened by horizontal battens. They provide security, but do not allow for the control of air circulation and light. They are appropriate for Arts and Crafts style structures, with or without a decorative cutout and Tudor style structures. They are NOT appropriate for Victorian style structure.
- C. PANELED: These shutters have panels and don't afford much control of air circulation or light infiltration. They are appropriate for Arts and Craft style structures, with a decorative cutout, and for ground floor commercial Victorian style structures, without a decorative cutout.

SCREENS FOR DOORS AND WINDOWS



Screening became popular in the 1880s and remained popular throughout the United States. It fell out of favor as air conditioning became affordable. During the beginning of the 20th century it was so popular that a 1930 survey from *The Journal of Home Economics* ranked window screening as the third most important “household appliance” behind running water and sewage disposal. Screen doors can be simple in design or can match the style of the main structure. Paired and ribbon windows will not accommodate shutters; however, wood screens can be installed to help control light and air circulation. Screens also provide some protection from rain and sun. Screens can be combined with shutters. Structures that have shutters located on the exterior will have screens located on the interior; while, windows that can not accommodate shutters will often have screens on the exterior with blinds on the interior.

SOLAR SCREEN

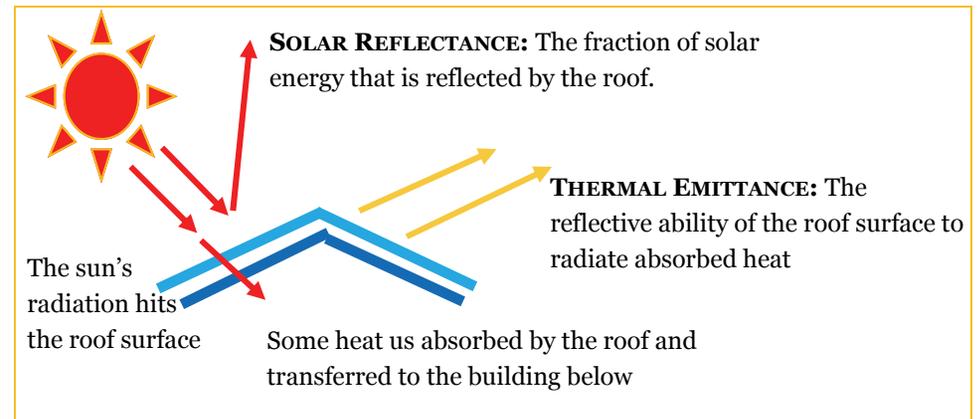
Solar screening is more opaque than traditional screening. This allows for more privacy while still allowing for air circulation. It will reduce the amount of light infiltration, by reflecting the sun’s rays and because of its thickness it will help to trap heat in the winter months. The reflection of the sun ray’s will also extend the life of your window unit.

COOL ROOFS

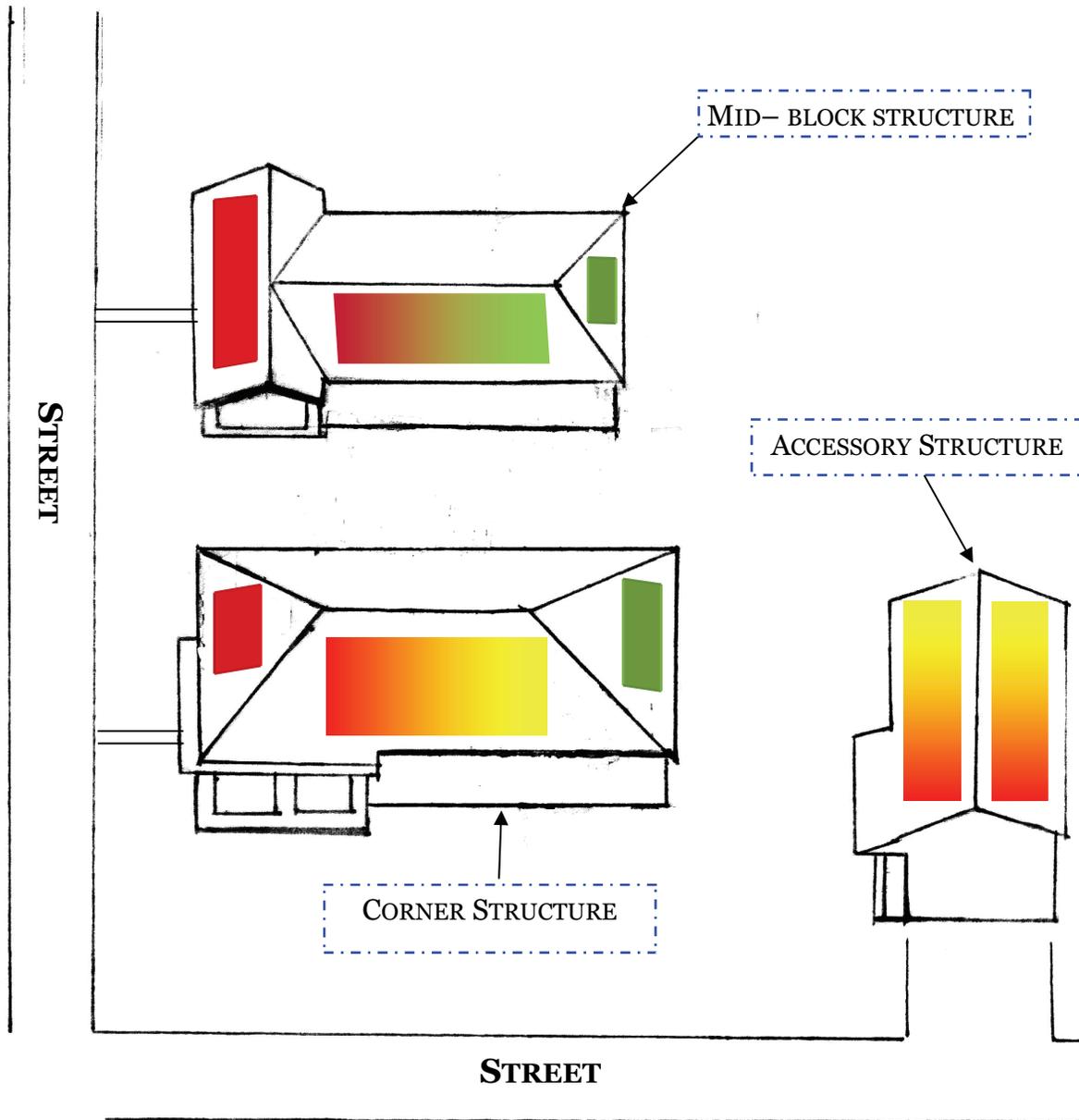
Cool roofs reflect and emits the sun’s heat back into the sky instead of transferring it to the structure. Their average energy saving range from 7-10%. There are several different types of cool roofs. They range from coatings for metal roofs and flat roofs to reflective granules on asphalt and other synthetic shingles.



ABOVE: Cool Roofs come in three colors in asphalt/ fiberglass shingles. They are typically lighter and more reflective than traditional roof shingles.



SOLAR PANELS



Prior to installing solar technology on-site, try improving the energy efficiency of the structure through other passive methods such as awnings, and screens.

When placing solar panels on-site, consider the impact that the technology will have on the historic character and fabric of the site. Consider the following locations prior to requesting the installation of solar technology on historic structures:

1. Pole mounted below the fence line
2. Non-historic structures on the site

If the desired energy efficiency cannot be achieved in the above location then consider the following location:

3. Historic Accessory structures

If the desired energy efficiency cannot be achieved by placing solar technology in the above three areas, and the technology must be placed on the historic structure, then the following locations should be considered in the order listed below.

4. Non-visible roof slope
5. Rear roof slope
6. Rear portion of side or secondary roof slope
7. Side or secondary roof slopes
8. Front or primary roof slope

In addition solar panels installed on the main structure should conform to the slope of the roof and not extend past the ridge line or eave line of the roof.

ABOVE: The above illustration shows where the most and least appropriate locations for solar panels.

Solar panels may be permissible if visible only along an alley.

 <p>NOT APPROPRIATE</p>	 <p>LEAST APPROPRIATE</p>	 <p>MORE APPROPRIATE</p>
---	--	---

ADDITIONAL RESOURCES

- NPS Preservation Brief #3 Improving Energy Efficiency in Historic Buildings
- NPS Preservation Brief #9: The Repair of Historic Wooden Windows
- NPS Preservation Brief #44: The Use of Awnings on Historic Buildings: Repair, Replacement and New Design
- The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings
- Energy Savers, US Department of Energy
- National Trust for Historic Preservation's Preservation Green Lab
- National Trust for Historic Preservation's "Repair or Replace Old Windows: A Visual Look at the Impacts"
- National Trust for Historic Preservation's "Energy Advice for Owners Historic and Older Homes"

SUSTAINABILITY STANDARDS

1. Proof of an Energy Audit from the City of San Marcos' Conservation Coordinator is recommended prior to undertaking the following techniques. The least visible improvements shall be undertaken first. The more visible improvements should only be considered once the least visible improvements have been completed.
2. Desired locations of solar panels shall be: pole mounted (not visible above fence line), rear roof slopes and rear portion of side (secondary) roof slopes, alleyways, and the least visible portion of non-historic accessory structures.
3. Solar panels located on front roof slopes or primary roof slopes shall only be permitted provided that they increase energy production by more than 10%.
4. Solar panels shall conform to the slope of the roof.
5. Solar panels shall not extend above the ridge line of the roof.
6. Shutters shall be operational (hinged) and fit the opening.
7. Shutters on paired or ribbon windows are prohibited.
8. Vinyl and metal shutters are prohibited.
9. Storm doors and windows shall not damage or conceal significant features and shall fit the opening.
10. Screen doors and windows should be made of wood and shall not damage or conceal significant features and shall fit the opening.
11. Metal screens or storm doors and windows shall have a factory painted finish or shall be painted to match the window frame or sash.



Legislation Text

File #: PDA-14-02, **Version:** 1

AGENDA CAPTION:

PDA-14-02 (La Cima) Hold a public hearing and consider a request by ETR Development Consulting on behalf of Lazy Oaks Ranch, LP, for amendments to an existing development agreement for land originally comprised of approximately 1,396.9 acres out of the W. Burke Survey, Abstract No. 68, the W. Smithson Survey, Abstract No. 419, the J Williams Survey, Abstract No. 43, and the J. Huffman Survey, Abstract No. 228, located off of Ranch Road 12 west of Wonder World Drive.

Meeting date: May 27, 2014

Department: Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

Big Picture Infrastructure

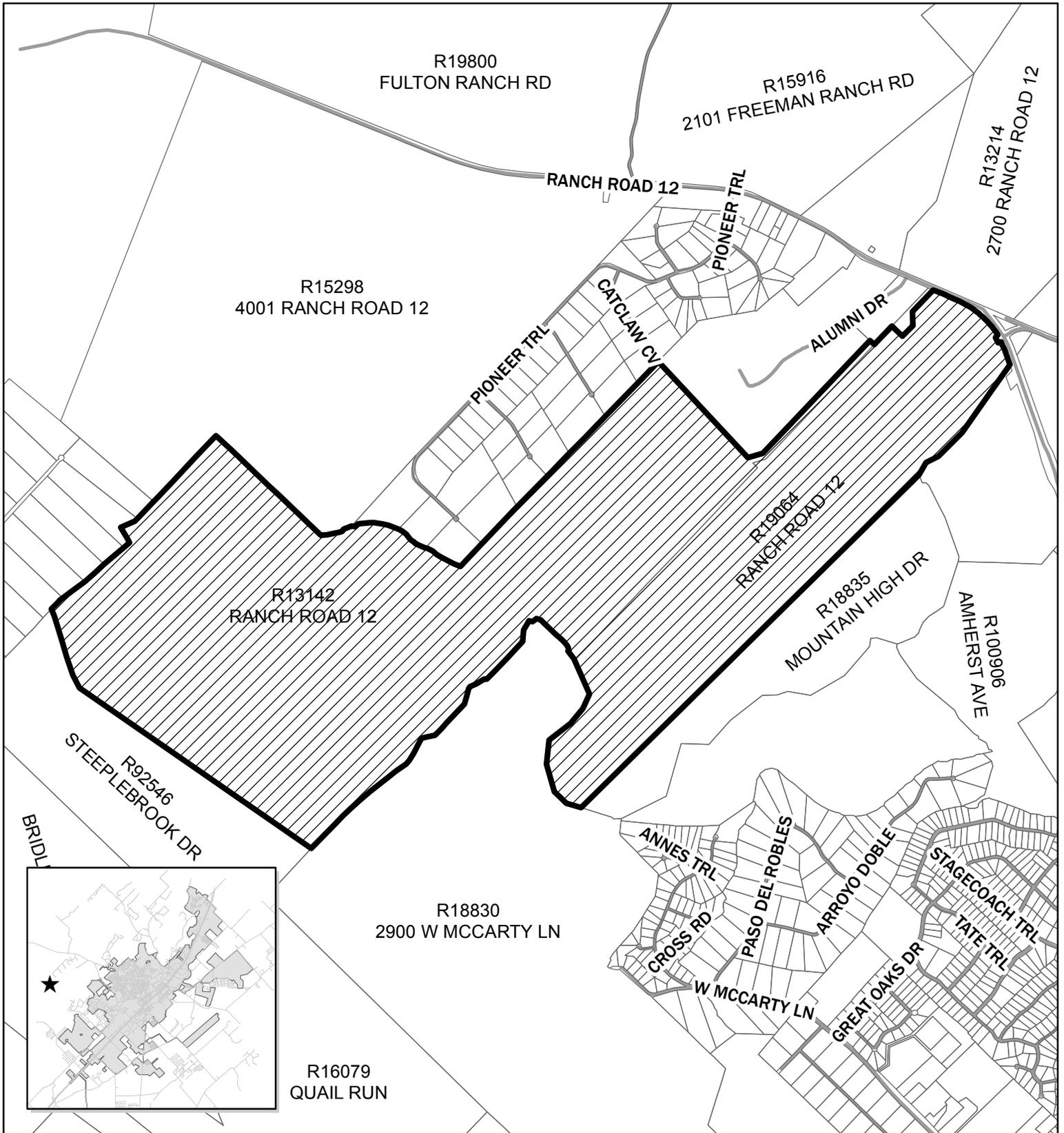
BACKGROUND:

The applicant is requesting approval of a petition for amendments to the existing Lazy Oaks Ranch Development Agreement which was approved in early 2013. Prior to beginning negotiations of a Development Agreement or any amendments, the Land Development Code requires that the Planning and Zoning Commission and City Council hold public hearings and approve the petition for a development agreement.

The property is undesignated on the Preferred Scenario Map of the Vision San Marcos Comprehensive Plan. A few items that are proposed for amendment from the existing Lazy Oaks Ranch Development Agreement include but are not limited to:

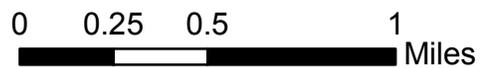
- Name of the development from “Lazy Oaks Ranch” to “La Cima”
- Addition of approximately 635 acres to the south to overall project site
- Developer extension of City water and wastewater infrastructure through creation of a Public Improvement District (PID) funded by Hays County
- Timing for annexation
- Additional land designated as Hays County Regional Habitat Conservation Preserve.

A development agreement can be an effective tool to outline the development while ensuring conservation of sensitive land therefore, Staff recommends approval of the request so that negotiations may begin on amending the terms of the existing development agreement.



MUD-14-02
La Cima
Map Date: 4/30/2014

●  Site Location ●



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

PDA-14-02

La Cima

Ranch Road 12



Applicant Information:

Property Owner/ Applicant: Lazy Oaks Ranch LP
700 Lavaca Street Suite 1300
Austin TX 78701

Agent: ETR Development Consulting
Thomas Rhodes
5395 Highway 183
Lockhart, TX 78644

Subject Property:

Summary: This site is located in the western ETJ. The applicant is requesting approval of a Petition for amendments to an existing Development Agreement to provide for the future annexation of approximately 2,031.49 acres to develop very low density single-family residential, non-residential, and the remainder as conservation/preservation/open space. The applicant is proposing amendments that include, but are not limited to, the addition of acreage as well as the timing for annexation and the construction of infrastructure. Approval of the petition allows staff to begin negotiating the amended agreement.

Traffic / Transportation: The site takes its main access from the intersection of Old Ranch Road 12 and Wonder World Drive with a secondary entrance near the San Marcos Baptist Academy.

Utility Capacity: The City of San Marcos will provide water and wastewater service to the site. The applicant is proposing a Public Improvement District (PID) through Hays County.

Code Requirements

The purpose of a petition for approval of a development agreement is to determine whether the City wishes to authorize, by binding contract, a plan of development for land located in the City's extraterritorial jurisdiction. The agreement can outline terms and a schedule for annexation.

Prior to beginning negotiations, the Land Development Code requires that the Planning and Zoning Commission and City Council hold public hearings and approve the petition for a Development Agreement. The same is true for amendments to existing Development Agreements. If Council approves the petition for approval of amendments, the City Manager shall coordinate efforts to negotiate the amendments to the Development Agreement with the property owner. The Council may utilize the same

subcommittee that negotiated the original Development Agreement or may appoint a new subcommittee of its members for purposes of reviewing and facilitating negotiations with the property owner.

The draft amended agreement is then presented to City Council for a final decision. The Council may accept, accept with modifications, or deny the proposal (1.4.2.4).

The Lazy Oaks Ranch Development Agreement was approved in early 2013.

Staff Analysis and Recommendation

The property is undesignated on the Preferred Scenario Map of the new Vision San Marcos Comprehensive Plan. A few items that are being proposed for amendment from the original Lazy Oaks Development Agreement are:

- Name of the development from “Lazy Oaks Ranch” to “La Cima”
- Addition of approximately 635 acres to the south to overall project site
- Developer extension of City water and wastewater infrastructure through creation of a Public Improvement District (PID) funded by Hays County
- Timing for annexation
- Additional land designated as Hays County Regional Habitat Conservation Preserve.

The entire site is over the Edwards Aquifer Recharge Zone and staff finds that a development agreement can be an effective tool to outline the proposed development while ensuring conservation of a large area of sensitive land.

Staff recommends approval of the request so that negotiations may begin on amending the terms of the existing Development Agreement.

Planning Department Recommendation	
X	Approve
	Approve with conditions
	Alternative
	Denial

The Commission's Responsibility:

The following policies shall be taken into consideration in deciding a petition for approval of a development agreement (2.2.1.2):

- (a) Development of the property under the proposed agreement and land use plan should implement the policies of the Master Plan;
- (b) Extension of public facilities and services to the property under the agreement should not compromise the City's ability to timely provide adequate public facilities to property inside the City or degrade

environmental resources;

- (c) Water quality impacts arising from the proposed development should be mitigated by measures provided in the development agreement (or as a minimum required by TCEQ for areas over the recharge zone).
- (d) The agreement should not further creation or expansion of other utility providers to the City's detriment;
- (e) The agreement should authorize application of the City's zoning and development standards to the uses proposed, which otherwise could not be applied to the proposed development;
- (f) The agreement should authorize the City to recoup the costs of capital improvements provided to the development while it remains in the extraterritorial jurisdiction;
- (g) The schedule of annexation proposed in the agreement should further the City's policies on expansion and growth of the City;
- (h) The agreement should not create future barriers to annexation of land contiguous to the area subject to the agreement; and
- (i) The agreement should not promote economic development that undermines or inhibits economic development within the City center or other economic centers of the community;
- (j) Proposed development transfers should substantially further protection of water quality and result in compatible development on the receiving site.

Prepared By:

Alison Brake, CNU-A

Planner

May 1, 2014

Name

Title

Date

This AMENDED AND RESTATED DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into as of the _____ day of _____, ~~2014~~2014 (the "Effective Date"), by and between the **CITY OF SAN MARCOS, TEXAS**, a Texas municipal corporation (the "City") and **LAZY OAKS RANCH, LP**, a Texas Limited Partnership ("Lazy Oaks Ranch", "LOR" or the "Owner"). The City and Lazy Oaks Ranch are sometimes hereinafter referred to individually as "Party", and collectively as the "Parties". The Parties agree as follows:

PURPOSES AND CONSIDERATIONS

WHEREAS, ~~Lazy Oaks Ranch currently owns~~the City and Lazy Oaks Ranch entered into that certain Development Agreement dated February 5, 2013, approved by Resolution 2013-18R and recorded under Document Number 2013-13005585 in the Official Public Records of Hays County, Texas (the "Existing Development Agreement"), related to that certain 1,396.90 acre, more or less, parcel of land ("the Existing Property") located in the Extraterritorial Jurisdiction ("ETJ") of the City, Hays County, Texas, and more particularly described in **Exhibit "A"**, ~~which is~~ attached hereto and incorporated herein for all purposes; ~~and~~

WHEREAS, Lazy Oaks Ranch has acquired an adjoining 634.59 acre, more or less, parcel of land (the "Additional Property") located in the ETJ of the City, Hays County, Texas, and more particularly described in Exhibit "B" attached and incorporated herein for all purposes;

WHEREAS, Lazy Oaks Ranch desires to develop the Existing Property and the Additional Property (collectively, the "Property") as a single family residential, limited ~~commercial~~nonresidential and conservation, preservation and open space development generally in accordance with the **Conceptual Land Use Plan**, as more particularly described in **Exhibit "BC"** attached hereto and incorporated herein for all purposes; and

WHEREAS, the City is authorized to amend the Existing Agreement and to make and enter into this Agreement with Lazy Oaks Ranch in accordance with Subchapter G, Chapter 212, Local Government Code and ~~Chapter~~Chapters 1 and 2 of the City's Land Development Code ("LDC"), to accomplish the following purposes:

- A. Extend the City's planning authority in accordance with the Conceptual Land Use Plan and the development regulations contained herein under which certain uses and development of the Property is authorized; and
- B. Authorize enforcement by the City of municipal land use and development regulations to the extent the same are consistent with the development regulations contained herein and in the same manner the applicable regulations are enforced within the City's municipal boundaries; and
- C. Authorize enforcement by the City of land use and development regulations other than those that apply within the City's boundaries, as may be agreed to by the Parties and included in this Agreement; and
- D. Specify the uses and development of the Property before and after annexation, if annexation is

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agreed to by the Parties; and

- E. Provide for infrastructure including, but not limited to, streets and roads, street and road drainage, land drainage, and water, wastewater and other utility systems; and
- F. Include such other lawful terms and considerations the Parties consider appropriate.

NOW THEREFORE, the City and Lazy Oaks Ranch in consideration of the premises, the mutual covenants and agreements of the Parties hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, hereby amend and restate the Existing Development Agreement and agree as follows:

SECTION 1: GENERAL TERMS AND CONDITIONS

1.01 Conceptual Land Use Plan

The City hereby approves the general use and development of the Property in accordance with the Conceptual Land Use Plan, which is incorporated herein as Exhibit "BC". The Conceptual Land Use Plan shall constitute the land use plan under Section 1.4.2.4(g) of the LDC. The Conceptual Land Use Plan may be amended from time to time in accordance with the processes and procedures outlined in Section 1.4.2.6(c) of the City's LDC. Development applications for the Property shall be consistent with the Conceptual Land Use Plan.

1.02 Annexation

~~Upon approval of A. Subject to the terms and conditions set forth in this Agreement, Lazy Oaks Ranch agrees to the full purpose annexation of the Property at the time the corporate limits of the City becomes adjacent to the Property. Provided, however, that the City hereby agrees to phase the annexation of the Property as follows: At all or portions of the Property that are platted for nonresidential use permitted pursuant to Section 1.04.A.2 of this Agreement ("Nonresidential Area"). The City, at its option but not obligation, may annex for full purposes all or portions of the Nonresidential Area at the time the City's corporate limits become adjacent to the Property, the City may initiate the full purpose annexation of all or any portion of the Property on which Nonresidential Area and a subdivision plat application (preliminary plat, or final plat) has been submitted for such Nonresidential Area. Upon full purpose annexation of all or any portions of the Property Nonresidential Area, the applicant Owner shall initiate a zoning change for said annexed portions to establish a zoning district(s) that is (are) consistent with the terms and conditions of this Agreement. The City hereby guarantees the continuing ETJ status of the remainder of the Property not subject to a submitted plat application until such time that a subdivision plat application is submitted for all or any portion of such remainder of the Property. The Parties hereby agree that all applicable regulations and planning authority of the City's LDC may be enforced on the Property. The limitations on the City's annexation authority shall apply only during the term of this Agreement.~~

B. The City, at its option but not obligation, may annex all or any portion of the Property that is not the Nonresidential Area (the "Remainder Property") under the following terms and according to the following schedule:

1. For parts of the Remainder Property for which Public Improvement District bonds ("PID bonds") are then outstanding, the City may full purpose annex the area upon the retirement of all outstanding PID bonds and the release of all PID assessments against the portion of the Remainder Property to be annexed (it being agreed that PID bonds will not be issued with a maturity date greater than thirty (30) years):
2. Concurrent with the annexation of any land pursuant to 1.02.A, the City may annex any portions of the Remainder Property necessary to establish contiguity between the land annexed and the then-existing full purposes City limits, provided, however, unless

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otherwise required by law or authorized in writing by Owner or the owner of the property affected, the maximum width annexed for such contiguity purposes shall be no greater than, at the City's option, either (a) fifty (50) feet in width whether over land or adjacent to existing right of way, or (b) the width of an existing right of way if the City elects to annex right of way to establish contiguity. The City shall negotiate with Owner regarding the location of land annexed to establish contiguity. In the event the City and Owner do not reach agreement on the location of such land annexed for contiguity, the City first shall attempt to establish contiguity along or adjacent to existing public rights of way, rather than annexing over land, to the extent feasible in the City's reasonable determination;

3. The City may annex for full purposes any portion of the Remainder Property which remains unannexed on or after the date which is forty-five (45) years from the Effective Date.

C. Before the date which is thirty (30) years following the Effective Date, the City shall not annex any part of the Remainder Property for full purposes except as provided in Section 1.02.A of this Agreement or in any one of subsections 1.02.B.1 through 1.02.B.3 of this Agreement.

D. The Parties hereby agree that all applicable regulations and planning authority of the City's LDC (as may be amended by this Agreement) may be enforced on the Property.

1.03 Governing Development Regulations

A. Development of the Property shall be governed by the following:

1. The Conceptual Land Use Plan and this Agreement; and
2. The applicable provisions of the City's LDC and Ordinances; and
3. Construction plans and final plats for all or any portion of the Property that are approved from time to time by the City (collectively, the "Approved Plats").
4. The Parties acknowledge that prior to or concurrent with the submittal of the first plat application for development on the Property or any portion thereof, a Watershed Protection Plan, Phase One, including any required environmental studies and/or geologic assessments, and a Traffic Impact Analysis (the "TIA") will be required (collectively "the Required Studies"). At the time of submittal of the TIA, the traffic impacts shall be evaluated based on the full build-out development of the entire project (as defined in Section 1.04, below) and not on the individual plat.
5. Applicable provisions of the Texas Local Government Code, and other state and federal laws ("Other Laws").

B. The Conceptual Land Use Plan, this Agreement, the LDC, the Approved Plats, the Required Studies and Other Laws shall hereinafter be referred to collectively as the "Governing Regulations."

C. Plat Approval: Lazy Oaks Ranch and the City agree that the approved land uses in each final plat of portions of the Property shall be consistent with the Conceptual Land Use Plan, as may be amended from time to time.

D. Enforcement: The Parties agree that the City shall be entitled to enforce all applicable municipal land use and development regulations for the Property and the Governing Regulations in the same manner that such land use and development regulations and Governing Regulations are or could be enforced within the entirety of the City's corporate boundaries.

E. No Contractual Enlargement of Exemption from City Standards: Notwithstanding any other provision in this Agreement, including references to such things as the "Governing Regulations" or the "Time of Submittal", this Agreement shall in no manner be construed to create any exemption from applicable ordinances or laws, entitlement or vesting of rights beyond what is expressly provided in Chapter 245. Lazy Oaks Ranch specifically acknowledges that development of the Property shall be subject to the ~~city~~City's ordinances, regulations, and

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policies regarding water and sewer utility connections, including those that address development over the Edwards Aquifer Recharge Zone, as amended from time to time.

- F. The Governing Regulations shall be applicable to control the development of the Property. Unless otherwise specifically authorized by the City, the Property may not be developed to a lesser standard than that required by the Governing Regulations.

1.04 Permitted Uses, Project Density and Dimensional and Development Standards

Lazy Oaks Ranch envisions the development of the Property as a predominantly single family residential development with limited ~~commercial~~nonresidential development, open space, conservation and preservation areas in accordance with the Conceptual Land Use Plan (~~the~~ “Project”). The existing topography and natural areas on the Property provide for opportunities to develop the Property as a conservation development where pods of smaller lot sizes may be clustered to provide for preservation of existing natural features and open space. The Property may be developed as a conservation development, a conventional development or a combination thereof. In order to achieve the maximum development flexibility possible within the Project, this Agreement establishes a variety of uses and lot types and sizes that may be developed on the Property.

- A. Permitted Uses: The following uses shall be permitted on the Property in accordance with the City’s zoning districts as defined on the Effective Date:
1. Residential: All permitted uses identified in the SF-R, Single Family Rural Residential District, SF-11, Single Family District, SF-6, Single Family District, SF-4.5, Single Family District, TH, Townhouse Residential District and the PH-ZL, Patio Home Zero Lot Line Residential District.
 2. Nonresidential: All permitted uses identified in the NC, Neighborhood Commercial District, and in the CC, Community Commercial District (provided that CC, Community Commercial District permitted uses shall be located solely within the Additional Property and shall not exceed 200 acres). Nonresidential uses, if developed, are intended to be located at appropriate locations, such as along thoroughfare corridors or at the intersections of major thoroughfares, within the development.
 3. Conditional uses authorized in the above residential and nonresidential base districts shall only be permitted if approved by the City in accordance with the procedures and requirements of the City’s LDC.
 4. Notwithstanding anything in this Agreement or in the City’s LDC or ordinances to the contrary, no extraction of or exploration for surface or sub-surface mineral resources or natural resources may be conducted on the Property, including but not limited to quarries, borrow pits, sand or gravel operations, oil or gas exploration or extraction activities, and mining operations. This prohibition shall not be interpreted to prohibit excavation of soil in connection with the development of the Property consistent with this Agreement.
- B. Project Density: The Project shall be restricted to a maximum of ~~4,750~~2,400 dwelling units for an overall project density of ~~4.25~~1.18 units per acre (“UPA”). Project density shall be further restricted as follows: (i) approximately 558.8 acres of the Additional Property as illustrated on the Conceptual Land Use Plan, shall be restricted to 200 acres of nonresidential permitted uses identified as CC, Community Commercial, as set forth in Section 1.04.A.2. of this Agreement, with the portion of such 558.8 acres not developed as such nonresidential uses developable as residential with a maximum of 3 units per acre and all lot types provided for in Section 1.04.C of this Agreement; (ii) the approximately ~~374~~325.1 acre residential area located east of Purgatory Creek and adjacent to the San Marcos Academy property that is part of the Existing Property as illustrated on the Conceptual Land Use Plan shall be restricted to a maximum of 3 units per acre and all lot types provided for in Section 1.04.C of this Agreement; (iii) the approximately ~~283~~249.2 acre residential area located west of Purgatory Creek and being the southern ~~half~~portion of the residential permitted west of Purgatory Creek that is part of the Existing

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Property as illustrated on the Conceptual Land Use Plan shall be restricted to a maximum of 2 units per acre and the Single Family Residential Estate and Single Family Residential Rural Lots provided for in Sections 1.04.C.1 and 1.04.C.2 of this Agreement, ~~(iii)~~ (iv) the approximately ~~213~~ 73.9 acre residential area located west of Purgatory Creek and being the northern ~~half~~ portion of the residential permitted west of Purgatory that is part of the Existing Property as illustrated on the Conceptual Land Use Plan shall be restricted to a maximum of 1 unit per acre and the Single Family Residential Estate Lots as provided for in Section 1.04.C.1 of this Agreement, and ~~(iv) the approximately 60-acre residential area located in the northwest corner of the property as illustrated on the Conceptual Land Use Plan shall be~~ if the first series of PID bonds have not been issued by _____, 20____, all of the 259.2 acres designated as the new "Conservation Open Space or Proposed Habitat (RHCP) Preserve" area shall cease to be designated as "Conservation Open Space or Proposed Habitat (RHCP) Preserve" and may be developed as residential restricted to ~~lots with a minimum size of 10 acres~~ a maximum of 1 unit per acre and the Single Family Residential Estate Lots as provided for in Section 1.04.C.1 of this Agreement. Project density may be distributed evenly or may be clustered utilizing a conservation or clustered development plan provided that the maximum density ~~does not exceed 3 units per acre on the east side of Purgatory Creek and does not exceed the 2-unit per acre, 1-unit per acre, and the~~ for each of the designated areas above does not exceed the applicable the maximum density for such designated area and subject to the applicable use, lot type and size restrictions ~~west of Purgatory Creek~~ for such designated area, all as described herein and depicted on the Conceptual Land Use Plan.

C. Dimensional and Development Standards: The Property shall be developed in compliance with the following lot sizes, dimensions and development regulations:

1. Single Family Residential Estate Lots
 - Lot Area, Minimum: 43,560 sq. ft
 - Lot Width, Minimum: 150 feet
 - Lot Depth, Minimum: 200 feet
 - Lot Frontage, Minimum: 100 feet
 - Front Yard Setback, Minimum: 20 feet
 - Side Yard Setback, Interior, Minimum: 10 feet
 - Side Yard Setback, Corner, Minimum: 20 feet
 - Rear Yard Setback, Minimum: 20 feet
 - Building Height, Maximum: 2.5 stories
 - Impervious Cover, Maximum: 40%

2. Single-Family Residential Rural Lots
 - Lot Area, Minimum: 11,000 sq. ft.
 - Lot Width, Minimum: 80 feet
 - Lot Depth, Minimum: 100 feet
 - Lot Frontage, Minimum: 60 feet
 - Front Yard Setback, Minimum: 10 feet
 - Side Yard Setback, Interior, Minimum: 10 feet
 - Side Yard Setback, Corner, Minimum: 10 feet
 - Rear Yard Setback, Minimum: 10 feet
 - Building Height, Maximum: 2.5 stories
 - Impervious Cover, Maximum: 50%

3. Single Family Residential Manor Lots
 - Lot Area, Minimum: 6,000 sq. ft.
 - Lot Width, Minimum: 50 feet
 - Lot Depth, Minimum: 100 feet

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Lot Frontage, Minimum: 35 feet
Front Yard Setback, Minimum: 10 feet
Side Yard Setback, Interior, Minimum: 5 feet
Side Yard Setback, Corner, Minimum: 10 feet
Rear Yard Setback, Minimum: 10 feet
Building Height, Maximum: 2 stories
Impervious Cover, Maximum: 60%

4. Single Family Residential Cottage Lots

Lot Area, Minimum: 4,500 sq. ft.
Lot Width, Minimum: 40 feet
Lot Depth, Minimum: 100 feet
Lot Frontage, Minimum: 35 feet
Front Yard Setback, Minimum: 10 feet
Side Yard Setback, Interior, Minimum: 5 feet
Side Yard Setback, Corner, Minimum: 10 feet
Rear Yard Setback, Minimum: 10 feet
Building Height, Maximum: 2 stories
Impervious Cover, Maximum: 60%

5. Garden/Patio Home/Zero Lot Line Homes

Lot Area, Minimum: 2,700 sq. ft.
Lot Width, Minimum: 28 feet
Lot Depth, Minimum: 90 feet
Lot Frontage, Minimum: 25 feet
Front Yard Setback, Minimum: 10 feet
Side Yard Setback, Interior, Minimum: 0/5 feet*
Side Yard Setback, Corner, Minimum: 10 feet*
Rear Yard Setback, Minimum: 5 feet
Garage Side Yard Setback Opposite House: 0 feet
Garage Setback from Front of House: 10 feet
Building Height, Maximum: 2 stories
Impervious Cover, Maximum: 75%

* Refer to Section [89](#) below for additional clarification regarding side yard setback.

6. Townhouse Residential Lots

Lot Area, Minimum: 2,500 sq. ft.
Lot Width, Minimum: 25 feet
Lot Depth, Minimum: 90 feet
Lot Frontage, Minimum: 25 feet
Front Yard Setback, Minimum: 10 feet
Side Yard Setback, Interior, Minimum: 0 feet attached walls / 5 feet end walls
Side Yard Setback, Corner, Minimum: 10 feet
Rear Yard Setback, Minimum: 10 feet
Building Height, Maximum: 2 stories
Impervious Cover, Maximum: 75%

7. ~~Neighborhood Commercial~~[Nonresidential](#)

Lot Area, Minimum: 6,000 sq. ft.
Lot Width, Minimum: 50 feet
Lot Depth, Minimum: 100 feet

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Lot Frontage, Minimum: 50 feet
 Front Yard Setback, Minimum: 10 feet
 Side Yard Setback, Interior, Minimum: 5 feet
 Side Yard Setback, Corner, Minimum: 10 feet
 Rear Yard Setback, Minimum: 5 feet
 Building Height, Maximum: N/A
 Impervious Cover, Maximum: 80%

8. Lot Width to Depth Ratio

To help achieve the flexibility envisioned and the goals for the development of Lazy Oaks Ranch, the exceptions to the Lot Width to Depth ratio provided in Section 6.7.2.1(j) of the City's LDC shall include and be applicable to Garden/Patio Home/Zero Lot Line lots.

9. Additional Setback Standards for Zero Lot Line Buildings

The primary structure/dwelling may be constructed with a 0 side yard on one side, and a side yard of not less than 5 feet on the other side. A detached accessory structure such as a garage or storage building may have a 0 side yard on the 5 foot side provided, however, the structure is located behind the rear façade of the primary building on the lot. On the 0 side, the structure may be set back a maximum of 1 foot. A 5 foot wide maintenance, drainage, and roof overhang easement extending the full depth of the lot shall be designated along the side property line which abuts the zero side yard on an adjacent lot, and shall be indicated on the Final Plat. In all cases, there shall be at least a 10 foot side yard on corner lots where adjacent to a street right-of-way or alley.

10. Cluster/Conservation Development

Cluster or conservation development is a form of land development in which higher density lot types are grouped together on the most buildable portions of a property thus saving the remaining land area for open space, conservation areas, active or passive recreational activities, agricultural use, wildlife habitat or preservation of natural drainage systems, vegetation or other natural features. While cluster development often results in smaller areas of higher density residential land uses, the preservation of these undeveloped areas helps control stormwater runoff and soil erosion and can result in an overall lower density on a property. Clustering also encourages the installation of pedestrian pathways and bikeways linking residential areas to open space areas which can enhance the sense of community and promote social interaction among neighbors. To encourage cluster development within Lazy Oaks Ranch, the following limitations on the location of the above lot types shall be applicable:

Slope Limitations	
Slope Gradient	Lot Types Permitted
0% to 15%	Single Family Residential Rural Lots Single Family Residential Manor Lots Single Family Residential Cottage Lots Garden/Patio Home/Zero Lot Line Homes Townhouse Residential Lots Open Space and Conservation Areas
15% to 25%	Single Family Residential Rural Lots Single Family Residential Manor Lots Single Family Residential Cottage Lots Garden/Patio Home/Zero Lot Line Homes Open Space and Conservation Areas
Over 25%	Single Family Residential Rural Lots

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	Single Family Residential Manor Lots Open Space and Conservation Areas
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D. Phasing: The development of the Property, or portions thereof, may be phased into one or more phases as determined by the Owner, so long as related infrastructure is adequately in place to serve the phase intended for development.

E. Architectural Design Standards

Architecture and the built environment are important elements to the development of Lazy Oaks Ranch. Due to the importance of these elements, all architectural styles should produce a cohesive visual framework while maintaining architectural variety. All architecture should reflect high quality and craftsmanship, both in design and construction. The use of unusual shapes, colors, and other characteristics that cause disharmony should be avoided. A Texas Hill Country style should be reflected through the use of natural materials and textures.

Achieving a high quality of architectural design for all buildings within the Development is considered a principal goal of these design standards. A variety of lot and dwelling types within the neighborhood should be encouraged. Careful design of a neighborhood can mix different housing types and price ranges. Reflecting the vision of the Project, these development standards call for exterior materials that express the natural environment and range of natural materials found in Central Texas.

The Owner shall record deed restrictions regulating the development of the Property which deed restrictions shall incorporate the standards and requirements of this section E. The deed restrictions shall be enforceable by a homeowner's association created by the Owner and shall be subject to the provisions of Section 1.09.

1. Project Residential Architectural Design Standards

- a. A minimum of 100% of each residence on a Single Family Residential Estate lot in accordance with Section 1.04.C.1, excluding doors, windows, fascia, trim, handrails, guardrails, decks, columns, etc., shall be masonry consisting of brick, stone, stucco or a combination thereof.
- b. A minimum of 80% of each residence on the lots identified in Section 1.04.C.2 – 1.04.C.6, excluding doors, windows, fascia, trim, handrails, guardrails, decks, columns, etc., shall be masonry consisting of brick, stone, stucco or a combination thereof.
- c. The number of primary exterior materials shall be limited to three (3) excluding architectural accent features, roof materials, and windows or doors.
- d. Exterior facades shall have a variety of earth tone colors including, but not limited to, reds, browns, light tans, natural and warm whites (stark whites shall be prohibited), buffs, beiges, creams and regionally quarried stone colors.
- e. All facades of a building shall be of consistent design and treatment unless the building facade is not visible from public view.
- f. The use of window awnings, overhangs and shutters is encouraged. Materials and colors shall be the same or complimentary to the exterior of the building.
- g. All single family detached dwellings are encouraged to have front porches or porticos.
- h. Detached garages are permitted and encouraged.
- i. Detached garages with second level dwelling units are permitted provided, however, that second level dwelling units and the primary structure shall be on a single service meter and the occupancy restrictions of the City's LDC prohibiting occupancy by more than more than two unrelated persons will apply.
- j. Corner dwelling units shall present a façade that is consistent in design and architecture to both streets.
- k. Corner dwelling units are encouraged to have wrap around porches.

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- l. Corner lots shall have landscaping that is consistent in design and treatment on both street frontages.
 - m. Pool and HVAC equipment on corner lots shall be located on the interior side or rear property line.
 - n. Trash and waste containers shall be located in an area that is screened from public view.
 - o. These standards shall apply equally to additions and/or alterations to existing structures as well as to new structures. All accessory structures shall be constructed in such a manner so as to be compatible in look, style and materials as the primary structures on the project site.
 - p. Alternative design standards for all structures may be utilized upon review and approval by the Director of Development Services at the time of site planning. Any decision of the Director of Development Services may be appealed to the Planning and Zoning Commission.
2. Project Nonresidential Architectural Design Standards
- a. All facades shall use one or more of ~~three~~four native limestone colors: Lueders, Cordova Cream, Sandstone, and Shell Stone, or a similar matching manufactured stone. Comparable materials in color, finish, durability, and quality may be substituted for the referenced materials upon review and approval by the Director of Development Services, appealable to the Planning and Zoning Commission.
 - b. Architectural façades that clearly define a base, middle and cap are required. These materials should be responsive to climate, adjacent context, site orientation and building usage.
 - c. All buildings within the Project shall be designed with a high level of detail, with careful attention to the combination of and interface between materials. Materials chosen shall be appropriate for the theme and scale of the building, compatible with its location within the development, and expressive of the community's desired character and image. Details and materials shall be consistent on all sides of buildings.
 - d. A minimum of 80% of each building, excluding doors and windows, shall be masonry consisting of brick, stone, stucco, split face concrete units, or faux stone or brick.
 - e. Front facades shall be oriented towards the street right-of-way as appropriate.
 - f. Building entrances shall be recessed from the front façade or located under a shade device such as an awning or portico.
 - g. Off-street parking areas shall be shielded from view from the right-of-way through the use of landscape plantings, landscape berms or a combination thereof.
 - h. These standards shall apply equally to additions and/or alterations to existing structures as well as to new structures. All accessory structures shall be constructed in such a manner so as to be compatible in look, style and materials as the primary structures on the project site.
 - i. Alternative design standards for all structures may be utilized upon review and approval by the Director of Development Services at the time of site planning. Any decision of the Director of Development Services may be appealed to the Planning and Zoning Commission.

F. Additional Landscape Standards

In addition to the requirements of the City's LDC, the following landscape standards shall be applicable to the development of Lazy Oaks Ranch:

- 1. The use of drought tolerant, native landscape materials, xeriscaping or a combination thereof, is strongly encouraged for all portions of Lazy Oaks Ranch.
- 2. Where feasible, native vegetation shall be preserved and remain undisturbed and shall be maintained consistent with any installed landscaping.
- 3. Where possible, trees that are intended for removal should be relocated utilizing accepted

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transplanting or relocation practices. Any trees that are relocated may be counted towards any required tree preservation credits.

4. A minimum of 25% of the total lot area of a ~~nonresidential~~NC, Neighborhood Commercial lot and 10% of the total lot area of a CC, Community Commercial lot shall be dedicated to landscaping. All landscape areas on nonresidential lots shall be provided with an irrigation system designed by a Texas Licensed Irrigator consisting of one of, or a combination of, an automatic underground spray or drip irrigation system or a hose attachment. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
5. Where a solid ground cover or lawn is proposed for the front yard of a residential lot, the use of an automatic spray or drip irrigation system is strongly encouraged. At a minimum, a hose attachment shall be required within 100 feet of all front yard landscaping to ensure proper hand watering/irrigation.
6. A minimum 100 foot wide tree preservation/open space landscape buffer setback shall be provided adjacent to the existing Fox Ridge single family residential subdivision along the northwest property line and along the portion of Purgatory Creek that borders the existing Settlement subdivision. The Conceptual Land Use Plan illustrates the location of this tree preservation/open space landscape buffer and provides GIS coordinates at various points along the buffer for reference. This tree preservation/open space landscape buffer is intended to serve as a buffer from the adjacent lots in the Fox Ridge and Settlement Subdivisions. The tree preservation/open space landscape buffer setback will be privately owned and maintained by the Property Owner. Unless otherwise approved through a Site Development Permit, there shall be no clearing, grading or public access within the tree preservation/open space landscape buffer setback area except as may be necessary to allow for the construction of a fence along a property line. The tree preservation/open space landscape buffer setback area shall be maintained free of all, trash, rubbish, debris or other similar nuisances and fire hazards in accordance with this agreement and the requirements of the City of San Marcos Code of Ordinances.
7. The boundary between the Residential 1 U/A area and southeastern most portion of the "Conservation or Open Space or Proposed Habitat (RHCP) Preserve" as illustrated on the Conceptual Land Use Plan and generally located between the existing Fox Ridge/Settlement subdivisions and the Residential 1 U/A area within Lazy Oaks Ranch, south of Purgatory Creek, has been delineated with GIS coordinates as provided on the Conceptual Land Use Plan.

1.05 Public Infrastructure Improvements

- A. The City hereby agrees to allow the extension of City water and wastewater facilities to provide service to the Project, subject to a determination of adequate capacity, location of existing and proposed infrastructure or other applicable determinations. All water and wastewater infrastructure required to serve the Project shall be built to the City's construction standards and in conformance with all rules, regulations and ordinances related to the construction and extension of water and wastewater utilities in effect at the time of submittal of construction plans. The property owner/developer shall be responsible for the payment of all costs associated with the extension of infrastructure required to properly serve the development of the Property. Notwithstanding the foregoing, nothing herein shall be construed to prohibit the parties and/or adjacent developments or subdivisions from mutually agreeing to cost participate or oversize reimbursement on specifically defined infrastructure in accordance with applicable City and State requirements for such participation or reimbursement. Nothing contained herein shall be construed to be a reservation of capacity. To ensure a high quality, attractive development, where feasible, all utility infrastructure, including but not limited to water, wastewater and electrical infrastructure, for the Project shall be placed underground. All utility appurtenances that are required to be above ground may be placed above ground as necessary to serve the development of the Property. All extensions shall be made in a public

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utility easement or public right-of-way (ROW). The property owner hereby agrees to allow the City to expand its water and wastewater Certificate of Convenience and Necessity areas as necessary to serve the development of the Project.

- B. ~~The development of the Project includes the construction of a subdivision entry road that will be privately owned and maintained until such time that said entry road is required to be dedicated as a public right-of-way to serve the Project. The subdivision entry road shall be built to City construction standards and shall be reviewed, inspected and approved by the City at the time of construction. To ensure compliance with City standards at the time of dedication as a public right-of-way, the subdivision entry road shall be subject to re-inspection by the City, prior to acceptance.~~ City hereby acknowledges that the Owner has submitted a petition to Hays County (the "County") requesting the creation of a Public Improvement District ("PID") on the Property. The basic terms of the PID are attached hereto as Exhibit "D". The City hereby agrees to not oppose the creation of the PID on the Property nor any subsequent issues of PID bonds.

1.06 Impervious Cover

The maximum allowable impervious cover for the Property ~~shall be 20% of the gross area of the Property~~ ("Permitted Maximum Allowable Property Impervious Cover") shall be 20% of the 2,031.49 acres of the gross area of the Property (which gross area expressly includes the 700.2 acres of gross area of the Conversation Open Space or Proposed Habitat (RHCP) Preserve and the 100.3 acres of additional Purgatory Creek Open Space shown on the Conceptual Land Use Plan attached hereto as Exhibit "C", regardless of whether Owner conveys a perpetual conservation or other easement or fee simple title to any portion of such areas to the City, the County, or any other governmental entity or conservation organization). The total Permitted Maximum Allowable Property Impervious Cover may be distributed throughout the Property or may be clustered as necessary provided that the total impervious cover on the 2,031.49 acres of the gross area of the Property does not exceed the Permitted Maximum Allowable Property Impervious Cover.

Clustering Incentives in accordance with Section 5.2.8 of the City's LDC may be utilized within the Property subject to the City's approval of a Qualified Watershed Protection Plan Phase 1 and shall be subject to review and approval of all applicable City of San Marcos permits including Watershed Protection Plans, Site Preparation Permits and Environmental and Geologic Assessments and shall be subject to all City of San Marcos and TCEQ regulations for buffering and protection of sensitive features, if any such features are identified on the Property.

1.07 Environmental, Water Quality & Detention Standards

Development of the Property will adhere to a standard for removal of a minimum of 85% of the increase in Total Suspended Solids (TSS) after full development of the Property over the baseline existing conditions before development of the Property. The 85% TSS removal may be accomplished utilizing traditional best management practices (BMP's), approved low-impact development (LID) practices designed in accordance with the City of Austin Environmental Criteria Manual, the City of San Marcos LID manual, or a combination thereof. All BMP's shall be designed and maintained by the Owner to achieve the performance standard of 85% TSS removal. BMP's for treatment and detention of stormwater proposed for development of this Property may include, but shall not be limited to traditional BMP's such as detention ponds, grass-lined swales, rain gardens, bioswales, biofiltration ponds and native drought-tolerant plants for landscaping, ~~or non-traditional, innovative BMP's. The technical design of traditional BMP's shall be in accordance with applicable TCEQ guidelines for the Edwards Aquifer, where available. The use of innovative or non-traditional BMP's shall be approved by the City and used within the Property when accompanied by supporting documentation (i.e. product research / testing or acceptance from other jurisdictions) illustrating the effectiveness of the BMP's in achieving treatment standards identified herein. The technical design of innovative or non-traditional BMP's shall be in accordance with supplied supporting documentation.~~ Approved vegetative buffers and filters shall not include invasive

species.

Low Impact Development (LID) techniques allow for greater development potential with less environmental impacts through the use of smarter designs and advanced technologies that achieve a better balance between conservation, growth, ecosystem protection, public health, and quality of life. Where feasible and practical to achieve maximum water quality standards, the development within the Property may incorporate various LID techniques, in one form or another, that work in conjunction with traditional BMP's to achieve the 85% TSS removal indicated.

Development of the Property may incorporate pervious paving materials such as pervious pavers, pervious concrete (grasscrete or ecocrete) or other pervious paving materials where appropriate. For pervious paving materials used, technical documentation demonstrating the pervious nature of the specific system or systems as installed shall be provided and approved by the City. In the event that City approved pervious paving materials are utilized, the development of the Property shall receive credit towards the Permitted Maximum Allowable Impervious Cover.

During the construction process, stabilization and protection measures shall be utilized to limit site disturbance to the construction perimeter (the limits of construction). The type and adequacy of the erosion and sedimentation controls shall be subject to approval of the Director of Development Services prior to installation. All erosion and sedimentation controls shall be monitored and maintained at all times during the construction process. A combination of various approved erosion and sedimentation control measures will be implemented where appropriate.

Discharge of sediment from the construction site shall be minimized and controlled as per applicable City, State and Federal requirements. It shall be the responsibility of the Owner and its contractors to clean up any discharge of sedimentation from the Property. No construction shall begin until all required City Plans are approved and a stormwater pollution prevention plan (SWPPP) is produced by the Owner and approved by the City. An erosion and sedimentation control program shall include construction sequencing and sedimentation/erosion control measures to be implemented during construction. The type and adequacy of the erosion and sedimentation controls shall be subject to City approval prior to installation. All erosion and sedimentation controls shall be monitored and maintained at all times during the construction process, and shall be inspected on an appropriate frequency, as specified in the SWPPP, and results shall be available for inspection by the City at all times.

A full Water Pollution Abatement Plan (WPAP) including a geologic assessment and geotechnical report, prepared by a licensed third-party engineer and/or professional geologist selected by the Owner and approved by the City of San Marcos Director of Engineering and Capital Improvements, shall be provided by the Owner and approved by the City, prior to the approval of any final plat on the Property or any portion thereof. The WPAP documents shall include construction sequencing and detailed means and methods for drainage and sedimentation/erosion control measures to be implemented during construction. The type and adequacy of the erosion and sedimentation controls shall be subject to City approval prior to installation. All erosion and sedimentation controls shall be monitored and maintained at all times during the construction process, and shall be inspected on an appropriate frequency (as specified in the approved WPAP) by a qualified, third-party engineering inspector, and results shall be provided to the City following each inspection.

A maintenance agreement for the permanent BMPs on the Property written according to Sections 5.1.1.7 and 5.1.1.8 of the LDC shall be submitted. The maintenance agreement shall include provisions for testing and monitoring BMPs to make sure required volumes and other characteristics are still intact as originally designed. An easement for inspection and monitoring purposes in favor of an in a form acceptable to the City must be provided by the property owner.

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1.08 Parkland and Open Space Dedication

- A. In the event the Property is fully built out (~~ie~~i.e., the maximum ~~1,750~~2,400 units under Section 1.04B is achieved across the entire property), the maximum total required parkland dedication shall be ~~23.63~~32.40 acres. The development of the Property will meet or exceed all applicable parkland dedication requirements of the City. Except as may otherwise be permitted by the City, dedication of all or any portion of the required parkland shall occur in conjunction with the final plat on all or any portion of the Property.
- B. In addition to the required public parkland dedication amount indicated above, a variety of private active and passive recreational facilities ranging from small neighborhood pocket parks to larger improved common areas or parks are envisioned. These facilities shall be connected through a pedestrian network consisting of sidewalks and/or trails.
1. The minimum width for a sidewalk shall be six feet (6').
 2. Sidewalks shall be constructed of concrete or asphalt.
 3. Sidewalks may be located adjacent to the street right-of-way and incorporated into an appropriate street cross-section.
 4. The minimum width for a trail shall be eight feet (8').
 5. Trails may be constructed of concrete, asphalt, crushed granite, mulch or other material common in trail construction.
 6. Trails may be located adjacent to the street right-of-way and be incorporated as part of an alternative street cross-section upon the approval by the Director of Development Services or may be constructed in open space areas or improved common areas.
 7. The location of sidewalks and trails shall be determined at the time of preliminary platting and development of infrastructure construction plans and shall be included as part of a Subdivision Improvement Agreement.
- C. The floodplain area of Purgatory Creek located on the boundary of the Additional Property and located in between the 3 unit per acre residential portion east of Purgatory Creek and the 2 unit per acre/1 unit per acre residential portion west of Purgatory Creek in the Existing Property (the Lazy Oaks Ranch Purgatory Creek Floodplain Area) shall be preserved as a natural open space and drainage area as illustrated on the Conceptual Land Use Plan, except for any ROW area necessary for construction of ~~a road~~one or more roads connecting the east and west sides of the Creek. The Property Owner shall by plat or separate instrument provide for an easement or other form of access acceptable to the City across the Lazy Oaks Ranch Purgatory Creek Floodplain Area at the time of the earlier of the issuance of the initial PID bond or final plat for any or all portions of the property to allow for future connectivity. If connections cannot be made because of slopes or other constraints within the Lazy Oaks Ranch Purgatory Creek Floodplain Area, the easement or other method of access will be required within areas adjacent to the Lazy Oaks Ranch Purgatory Creek Floodplain Area. In the event that (i) Lazy Oaks Ranch begins platting on the portion of the property west of Purgatory Creek and easements are dedicated in accordance with this Section, and (ii) the City determines that future connection to the existing City owned Purgatory Creek Greenspace is not possible or necessary, then any easements dedicated in accordance with this Section may be vacated or abandoned through appropriate methods as mutually agreed by the Parties.

1.09 Deed Restrictions and Creation of Homeowner's Association

The Owner shall create a homeowner's association responsible for, among other things, enforcement of deed restrictions required under this Agreement. The homeowner's association shall be created and deed restrictions recorded before commencement of any development on all or any portion of the Property. The deed restrictions shall be submitted to the City for review to determine consistency with this Agreement before recording. The homeowner's association shall be duly authorized, under applicable laws, to enforce the deed restrictions against all owners and developers of land within the Property. Any deed restrictions, and amendments thereto, regulating

development of the Property shall be recorded in the Official Public Records of Hays County, Texas. Any deed restrictions regulating development of the Property, and any amendments thereto, shall be subject to this Agreement. Such deed restrictions shall further include a statement that they are subject to this Agreement and that, in the event of a conflict between the deed restrictions and this Agreement, this Agreement shall govern.

- 1.10 Hays County Regional Habitat Conservation Plan & Endangered Species Act
Prior to any development activity as defined in the City's LDC, the Owner shall comply with the Endangered Species Act, specifically related to the golden-cheeked warbler or black-capped vireo, by either obtaining approvals from the U.S. Fish and Wildlife Service or through voluntary participation in the Hays County Regional Habitat Conservation Plan ("RHCP").

SECTION 2: MISCELLANEOUS PROVISIONS

2.01 Term

- A. ~~The Initial term of this~~ This Agreement ~~will~~ shall commence and bind the Parties on the Effective Date and continue ~~for ten (10) years thereafter~~ until all of the Property has been annexed for full purposes by the City (the "Term"), unless sooner terminated as provided in Section 2.01.C below. If, however, no progress toward completion of the Project, as defined under Section 245.005 of the Texas Local Government Code, is made within five (5) years of the date of this Agreement, this Agreement shall expire and Owner hereby agrees that any development of the Property shall comply with the ordinances in effect at the time the first plat application for any portion of the property is filed. This written Agreement may be extended for additional terms as allowed by law upon mutual written agreement of the parties.
- B. After the expiration or termination of this Agreement, this Agreement will be of no further force and effect.
- C. This Agreement may be terminated or amended as to all or any portion of the Property at any time by mutual written agreement between the City and LOR.

2.02 Authority

This Agreement is entered into, in part, under the statutory authority of Section 212.172 of the Texas Local Government Code and the applicable provisions of the Texas Constitution and the laws of the State of Texas. By virtue of this Agreement, LOR agrees to authorize the full purpose annexation of the Property, by the City, ~~at the time the corporate limits of the City becomes adjacent to the Property~~ subject to applicable provisions of Chapter 43 of the Texas Local Government Code. and in accordance with the terms and conditions set forth in this Agreement.

2.03 Equivalent Substitute Obligation

If any Party is unable to meet an obligation under this Agreement due to a court order invalidating all or a portion of this Agreement, preemptive state or federal law, an imminent and bona fide threat to public safety that prevents performance or requires different performance, changed circumstances or subsequent conditions that would legally excuse performance under this Agreement, or any other reason beyond the Party's reasonable and practical control, the Parties will cooperate to revise this Agreement to provide for an equivalent substitute right or obligation as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid and enforceable, or other additional or modified rights or obligations that will most nearly preserve each Party's overall contractual benefit under this Agreement.

2.04 Cooperation

The Parties agree to execute and deliver all such other and further documents or instruments and undertake such other and further actions as are or may become necessary or convenient to

effectuate the purposes and intent of this Agreement.

2.05 Litigation

In the event of any third-party lawsuit or other claim relating to the validity of this Agreement or any action taken by the Parties hereunder, LOR and the City agree to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution of their respective rights and obligations under this Agreement, but only to the extent each party determines, in its sole discretion, that its interests are aligned or not in conflict with the other party's interests. The filing of any third-party lawsuit relating to this Agreement or the development of the Property will not delay, stop, or otherwise affect the development of the Property or the City's processing or issuance of any approvals for the development of the Property, unless otherwise required by a court of competent jurisdiction. The City agrees not to stipulate or agree to the issuance of any court order that would impede or delay the City's processing or issuance of approvals for the development of the Property.

2.06 Default

Notwithstanding anything herein to the contrary, no Party shall be deemed to be in default hereunder until the passage of thirty (30) business days after receipt by such party of notice of default from the other Party. Upon the passage of thirty (30) business days without cure of the default, such Party shall be deemed to have defaulted for all purposes of this Agreement. In the event of a non-cured default, the non-defaulting Party shall have all the rights and remedies available under applicable law, including the right to institute legal action to cure any default, to enjoin any threatened or attempted violation of this Agreement, or to enforce the defaulting Party's obligations under this Agreement by specific performance. Nothing herein shall prevent the Parties from extending the above specified time frames for default and/or cure by mutual written agreement.

2.07 Governmental Powers; Waiver of Immunity

It is understood that by execution of this Agreement the City does not waive or surrender any of its governmental powers, immunities or rights.

2.08 Governing Law and Venue

The City and Owner agree that this Agreement has been made under the laws of the State of Texas in effect on this date, and that any interpretation of this Agreement at a future date shall be made under the laws of the State of Texas. The City and the Owner further agree that all actions to be performed under this Agreement are performable in Hays County, Texas.

2.09 Attorney's Fees

If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing Party shall be entitled to recover reasonable attorney's fees from the other Party. The amount of fees recoverable under this paragraph may be set by the court in the trial of the underlying action or may be enforced in a separate action brought for that purpose, and any fees recovered shall be in addition to any other relief that may be awarded.

2.10 Entire Agreement

This Agreement, together with any exhibits attached hereto, constitutes the entire agreement between the Parties and supersedes any prior or contemporaneous written or oral understandings or representations of the Parties with respect to this Agreement.

2.11 Exhibits/Amendment

All exhibits attached to this Agreement are incorporated by reference and expressly made part of

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this Agreement as if copied verbatim. This Agreement may be amended only by mutual agreement of the Parties and in accordance with the applicable procedures outlined in Section 1.4.2.6(c) the City's LDC.

2.12 Severability

If any section, subsection, sentence, clause, phrase, paragraph, part or provision of this Agreement be declared by a court of competent jurisdiction to be invalid, illegal, unconstitutional or unenforceable in any respect, such unenforceability, unconstitutionality, illegality or invalidity shall not affect any of the remaining sections, subsections, sentences, clauses, phrases, paragraphs, parts or provisions of this Agreement as a whole, or in any part, since the same would have been enacted by the City Council without the incorporation in this Agreement of any such invalid, illegal, unconstitutional or unenforceable section, subsection, sentence, clause, phrase, paragraph, part or provision.

2.13 Interpretation

This Agreement shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity hereof. Wherever required by the context, the singular shall include the plural, and the plural shall include the singular. Each term herein may be used in its singular or plural form whether or not so defined.

2.14 Notice

Any notice, request or other communication required or permitted by this Agreement shall be in writing and may be affected by overnight courier or hand delivery, or by sending said notice by registered or certified mail, postage prepaid, return receipt requested, and addressed to the Parties as set forth below. Notice shall be deemed given when deposited with the United States Postal Service with sufficient postage affixed.

Any notice mailed to the City shall be addressed to:

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

Any notice mailed to LOR shall be addressed to:

Lazy Oaks Ranch, LP
c/o Dubois, Bryant & Campbell, LLP
Attn: Mr. William C. (Bill) Bryant, Manager
700 Lavaca Street, Suite 1300
Austin, Texas 78701

2.15 Force Majeure

Owner and the City agree that the obligations of each party shall be subject to force majeure events such as natural calamity, fire or strike.

2.16 Assignment

As of the Effective Date, LOR owns the Property. LOR may assign its rights and obligations under this Agreement to any third party (ies) only after providing written notice of assignment to the City. The terms of this Agreement shall be covenants running with the land and binding on successors and assigns.

2.17 Signatures

The City represents that this Agreement has been approved and duly adopted by the City Council of the City in accordance with all applicable public meeting and public notice requirements including, but not limited to, notices required by the Texas Open Meetings Act, and that the individual executing this Agreement on behalf of the City has been authorized to do so. LOR represents and warrants that this Agreement has been approved by appropriate action of LOR and that the individual executing this Agreement on behalf of LOR has been authorized to do so.

2.18 Successors and Assigns and Recordation

The terms of this Agreement shall be covenants running with the land and binding on successors and assigns. Pursuant to the requirements of Section 212.172(f), Local Government Code, this Agreement shall be recorded in the official public records of Hays County, Texas. The terms of this Agreement shall be binding upon: (a) the Parties; (b) the Parties' successors and assigns; (c) the Property; and (d) future owners of all or any portion of the Property. Notwithstanding the foregoing, however, this Agreement shall not be binding upon, and shall not constitute any encumbrance to title as to, any end-buyer of a fully developed and improved lot within the Property except for land use and development regulations within this Agreement that apply to specific lots, including architectural, environmental and water quality, landscaping and setback and dimensional standards, and impervious cover limits, together with applicable rights of enforcement in this Agreement as to such land use and development regulations.

2.19 Counterpart Originals

This Agreement may be executed in counterparts, each of which shall be deemed to be an original.

[Signature Page Follows]

EXECUTED to be effective as of the Effective Date first stated above.

CITY OF SAN MARCOS, TEXAS

By: _____
~~James R. Nuse, P.E.~~ Mr. Jared Miller, City
Manager

LAZY OAKS RANCH, LP, a Texas Limited Partnership

By: Lazy Oaks GP, LLC, its general partner

By: _____
William C. Bryant,
Its: Manager

Acknowledgements

STATE OF TEXAS §
 §
COUNTY OF §

This instrument was acknowledged before me on _____, ~~2012, 2014~~, by William C. Bryant, Manager, of Lazy Oaks GP, LLC, general partner of Lazy Oaks Ranch, L.P., a Texas Limited Partnership, in such capacity, on behalf of said ~~entity~~entities.

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Notary Public, State of Texas

STATE OF TEXAS §

§

COUNTY OF §

This instrument was acknowledged before me on _____, ~~2012, 2014~~, by ~~James R. Nuse, P.E.~~ [Jared Miller](#), City Manager of the City of San Marcos, in such capacity, on behalf of said entity.

Notary Public, State of Texas

Document comparison by Workshare Compare on Wednesday, April 02, 2014
8:06:40 PM

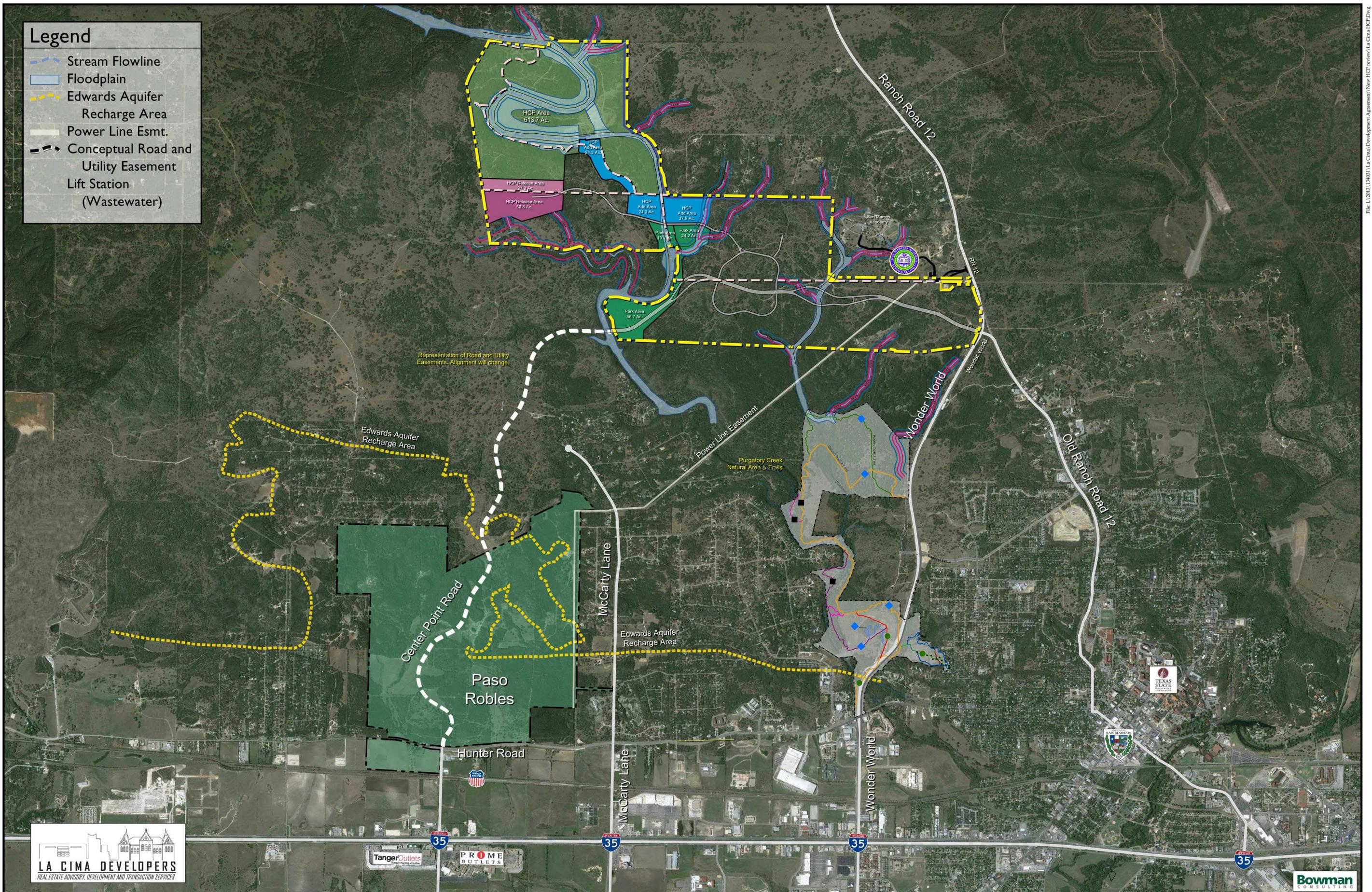
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Description	#1848200v1<Interwoven> - Lazy Oaks Development Agreement Final Version
Document 2 ID	interwovenSite://IMANAGE/Interwoven/1848201/6
Description	#1848201v6<Interwoven> - Lazy Oaks Amended Development Agreement
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	86
Deletions	58
Moved from	5
Moved to	5
Style change	0
Format changed	0
Total changes	154

Legend

- Stream Flowline
- Floodplain
- Edwards Aquifer Recharge Area
- Power Line Esmt.
- Conceptual Road and Utility Easement
- Lift Station (Wastewater)



Representation of Road and Utility Easements. Alignment will change.

Edwards Aquifer Recharge Area

Center Point Road

Paso Robles

Hunter Road

McCarty Lane

Edwards Aquifer Recharge Area

McCarty Lane

Power Line Easement

Purgatory Creek Natural Area & Trails

Wonder World

Wonder World

Ranch Road 12

Old Ranch Road 12



La Cima
San Marcos, Texas

Vicinity Map - New HCP and Park Limits

SCALE: 1" = 1,200'
0' 600' 1,200' 2,400'
DATE: 03-27-2014



712 Congress Avenue, Suite 300
Austin, TX 78701
Tel: (512) 480-0032 Fax: (512) 480-0617
www.rvplanning.com



All information furnished regarding this property is from sources deemed reliable. However, RVI has not made an independent investigation of these sources and no warranty or representation is made by RVI as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. Land plan is subject to change. The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.

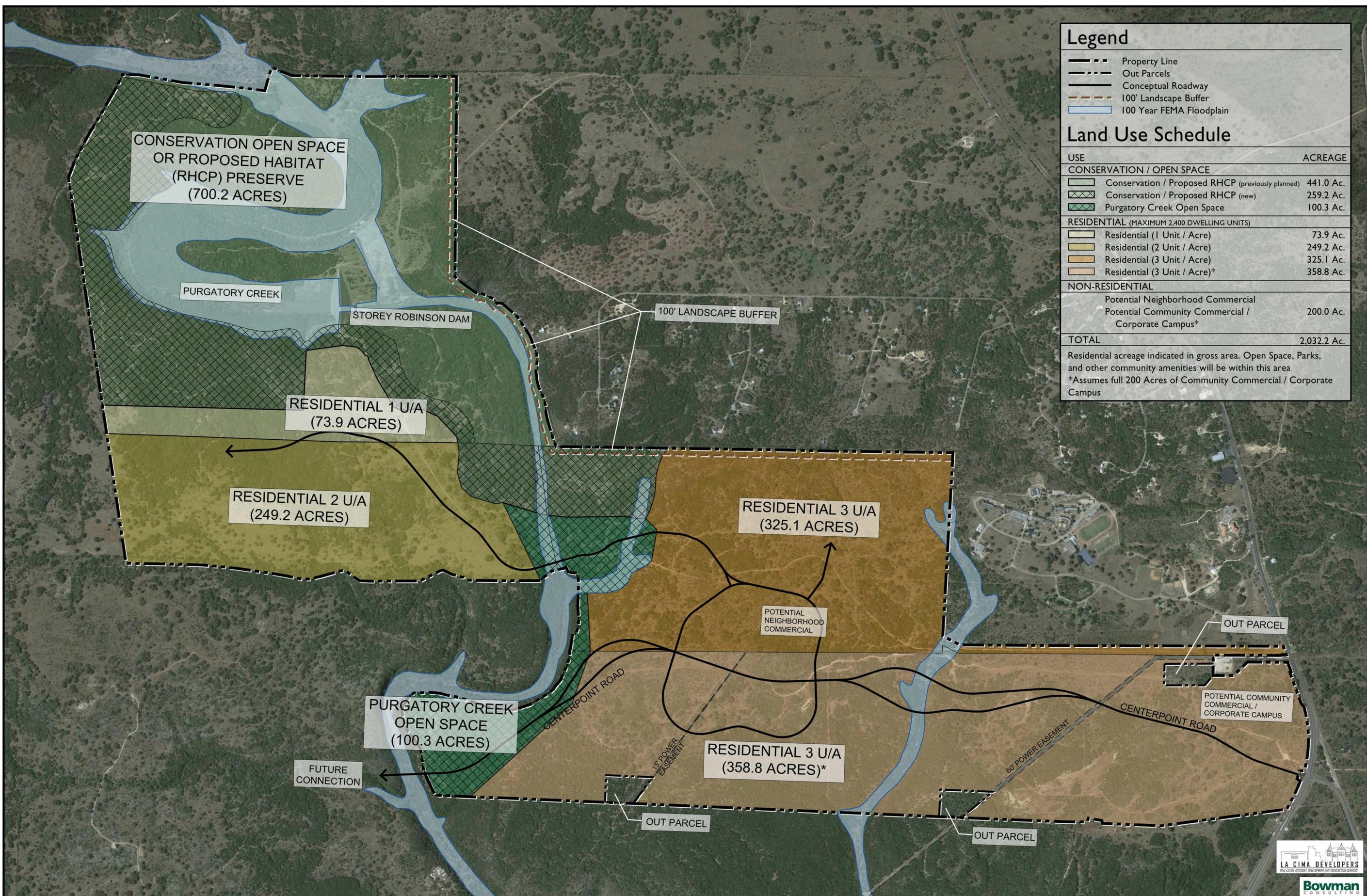
Legend

- Property Line
- Out Parcels
- Conceptual Roadway
- 100' Landscape Buffer
- 100 Year FEMA Floodplain

Land Use Schedule

USE	ACREAGE
CONSERVATION / OPEN SPACE	
Conservation / Proposed RHCP (previously planned)	441.0 Ac.
Conservation / Proposed RHCP (new)	259.2 Ac.
Purgatory Creek Open Space	100.3 Ac.
RESIDENTIAL (MAXIMUM 2,400 DWELLING UNITS)	
Residential (1 Unit / Acre)	73.9 Ac.
Residential (2 Unit / Acre)	249.2 Ac.
Residential (3 Unit / Acre)	325.1 Ac.
Residential (3 Unit / Acre)*	358.8 Ac.
NON-RESIDENTIAL	
Potential Neighborhood Commercial Potential Community Commercial / Corporate Campus*	200.0 Ac.
TOTAL	2,032.2 Ac.

Residential acreage indicated in gross area. Open Space, Parks, and other community amenities will be within this area
 *Assumes full 200 Acres of Community Commercial / Corporate Campus



Lazy Oaks
San Marcos, Texas

CONCEPTUAL LAND USE PLAN

SCALE: 1" = 500'
0' 250' 500' 1,000'
DATE: 03-07-2014



712 Congress Avenue, Suite 300
Austin, TX 78701
Tel: (512) 480-0032 Fax: (512) 480-0617
www.rvplanning.com



All information furnished regarding this property is from sources deemed reliable. However, RVPL has not made an independent investigation of these sources and no warranty or representation is made by RVPL as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. Land plan is subject to change. The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.



Legislation Text

File #: ID#13-327, **Version:** 1

AGENDA CAPTION:

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

Meeting date: May 27, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

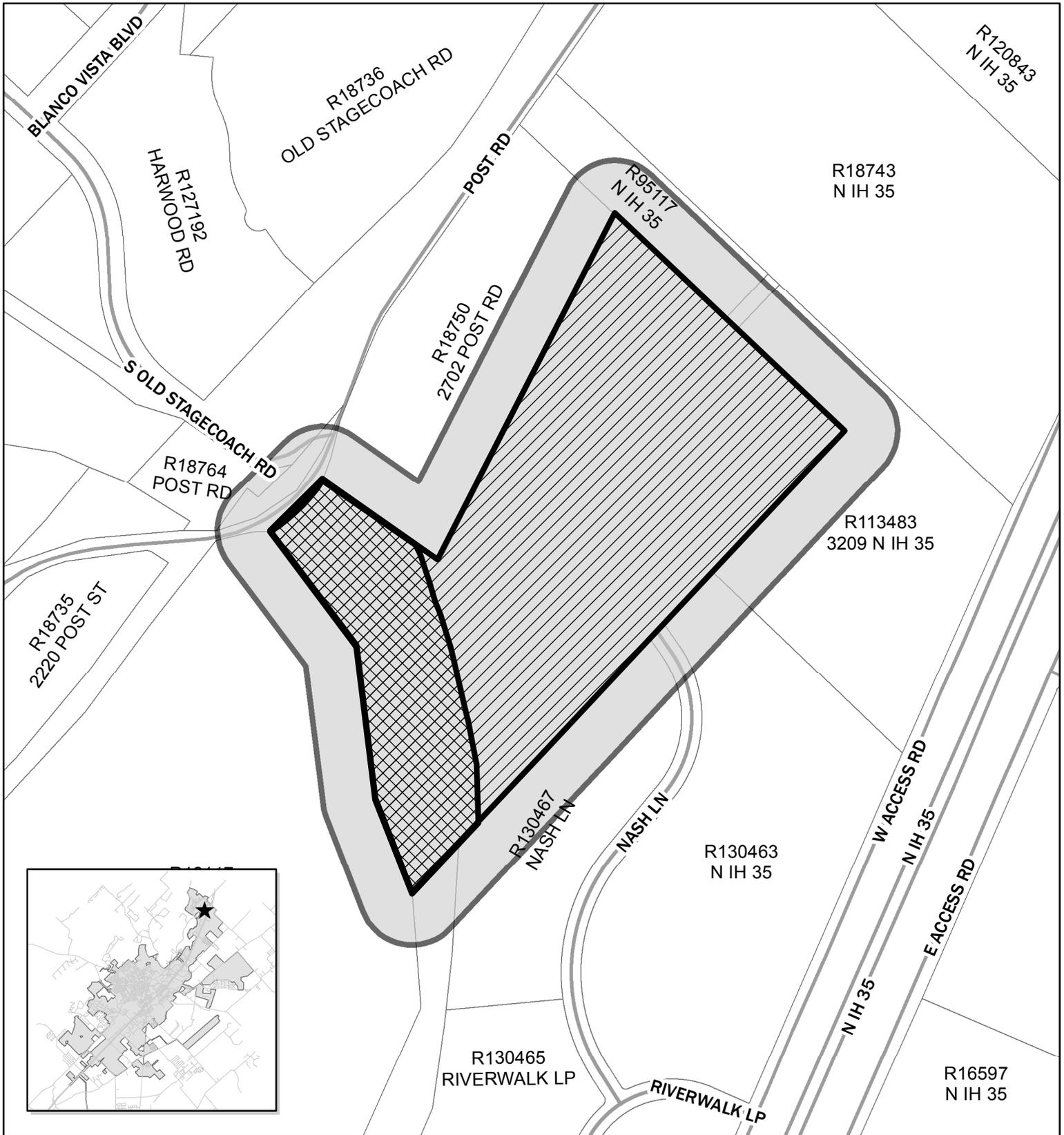
Account Name: n/a

CITY COUNCIL GOAL: Community Wellness / Encourage the Middle Class

BACKGROUND: This Zoning Change request follows a previously approved Preferred Scenario Amendment for Yarrington Commons. The request for Multiple Family (MF-24) Zoning complies with the intent of the Land Development Code and Vision San Marcos. (Comp Plan Review Worksheet Attached)

This request was heard at the December 10, 2013 Planning and Zoning Commission meeting. An action was made to postpone the item until March 11, 2014 to allow time for multifamily design standards to be created. The applicant subsequently postponed the item twice in order to be heard at the same meeting as the proposed multifamily design standards - May 27, 2014.

Staff recommends approval of the request as submitted.



ZC-13-16
Yarrington Commons
FD to MF-24
Map Date: 11/25/2013

-  Site Location
-   Notification Buffer (200 feet)
-  Open Space



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

Zoning Change ZC-13-16 Yarrington Commons +/- 50.339 Acres FD to MF-24



Summary: The applicant is requesting a zoning change from Future Development (FD) to Multiple-Family Residential District (MF-24) for approximately 50.339 acres out of the William Ward Survey No. 3 located along Post Road at the Blanco River.

Applicant: Ocie Vest
5949 Sherry Lane, Suite 1250
Dallas, TX 75225

Property Owners: SLF II – HWY 360 & Camp Wilson, L.P.
SLF II – San Marcos, L.P.
5949 Sherry Lane, Suite 1250
Dallas, TX 75225

Notification: Personal notifications of the public hearing were mailed on Wednesday, November 27, 2013 to all property owners within 200 feet of the subject property.

Additional personal notification was mailed on Friday, February 28, 2014 and Friday, May 16, 2014

Response: None as of the date of this report

Property/Area Profile:

Legal Description: approximately 50.339 acres out of the William Ward Survey No. 3

Location: along Post Road at the Blanco River

Existing Use of Property: Vacant

Proposed Use of Property: Multi-Family Residential

Preferred Scenario Map: Medium Intensity

Existing Zoning: FD (Future Development)

Proposed Zoning: MF-24 (Multiple-Family)

Utility Capacity: Adequate

Sector: Sector 7

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Preferred Scenario
N of Property	FD/GC	Vacant	Medium Intensity
S of Property	GC, CC, MU, P	Vacant, Auto Dealership, Blanco River	Low Intensity Open Space
E of Property	IH 35, FD, LI	Vacant	Employment Center
W of Property	MU	Residential	Low Intensity

Case Summary

The subject property consists of approximately 50 acres on the east side of Post Road. The property is located adjacent to an existing auto dealership, Blanco Vista and Blanco Riverwalk. The property is bound by the Blanco River to the south and the proposed general commercial portion of Yarrington Commons to the north. On November 19, 2013 City Council approved an amendment to the Preferred Scenario Map which designated this area as a Medium Intensity Zone with the exception of the Floodway and Water Quality Zones which were maintained as Open Space. MF-24 is a compatible zoning district in a Medium Intensity Zone, but will not apply to the approximately 12.5 acres which remain Open Space. The subject property is surrounded by vacant land, an auto dealership, and single family residences. The tract is currently vacant. The proposed MF-24 zoning would allow a multi-family development.

This request was heard at the December 10, 2013 Planning and Zoning Commission meeting. An action was made to postpone the item until March 11, 2014 to allow time for multifamily design standards to be created. The applicant subsequently postponed the item twice in order to be heard at the same meeting as the proposed multifamily design standards – May 27, 2014.

Planning Department Analysis

The zoning change request has been reviewed using *Vision San Marcos: A River Runs Through Us* as well as the guidance criteria in Section 1.5.1.5 of the Land Development Code. A review worksheet is attached to this report which details the analysis of the zoning change using Comprehensive Plan Elements. Staff finds this request is consistent with the Comprehensive Plan Elements as summarized below:

- Approximately 37.5 acres of the subject tract lies within a Medium Intensity Zone on the Preferred Scenario Map – MF-24 is an eligible zoning category. **The floodway and water quality zones along the Blanco River are Open Space – this zoning request does not apply in the Open Space designated area**
- It is located in the Blanco River watershed and as a result of its location within a Medium Intensity Zone, additional impervious cover for the site is already accounted for within the Plan's Water Quality Model.
- The majority of the tract is "least/moderately" constrained according to the Land Use Suitability Map – this is due mainly to the presence of erodible soils in the area. The site includes some higher constraints area along the Blanco River, mostly within the Open Space designated area.
- It is not located in a wastewater or water "hot spot." Both services are available and a future CIP project will increase the water capacity in the area.
- Parkland is not located within walking distance. However, a portion of this tract has been preserved as Open Space.
- While transportation access to the site is adequate, the Travel Demand Model shows a decrease in the Level of Service in 2035. Yarrington Road overpass will assist in increasing the level of service, and future improvements may become necessary as the area is developed

In addition, the consistency of this proposed change to the LDC criteria is detailed below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
X			<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The change is consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos. See the analysis above and the attached Comprehensive Plan Worksheet.</i></p>
		X	<p>Consistency with any development agreement in effect</p> <p><i>No development agreements are in effect for this property.</i></p>
X			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>MF-24 is compatible and appropriate for this area.</i></p>
X			<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is currently served with City water and wastewater with the exception of a small southern portion served by Maxwell Water Supply Corporation. There is a Capital Improvement Plan project to extend a water line to the area along Post Road.</i></p>
X			<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>

Additionally, the Commission should consider:

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

Staff evaluation: Yes, although FD is considered a placeholder zoning classification.

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

Staff evaluation: The surrounding area, specifically Blanco Vista is a rapidly developing residential subdivision with a school and church.

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

Staff evaluation: This would not address a substantial unmet public need. However, the proposed re-zoning would create an option of residential uses on the north end of the City.

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

Staff evaluation: No, there is no special benefit to the landowner.

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

Staff evaluation: As stated above, this would not serve a substantial public purpose but would allow additional housing options in this part of the City.

Although the request meets criteria for approval in *Vision San Marcos* and the Land Development Code, there are several important considerations. 37.5 acres is a large area for a single use. A rezoning to MF-24 could result in up to 900 units. Considering the current lack of services in the area, this will likely require new residents to drive either to central San Marcos or Kyle for all necessities, which will have an immediate impact on the transportation network.

Staff presents this request to the Commission and recommends approval.

Prepared by:

Amanda Hernandez, AICP

Senior Planner

May 13, 2014

Name

Title

Date

The Commission's Responsibility:

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

PSA-13-01 Yarrington Commons 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?	Map Amendment approved by Council (11/2013)	

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

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

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint		X	X	X	X
Constraint by Class					
Cultural		X		X A small portion of one of the properties and the auto dealership-owned property is part of an Archeological Site (2003)	
Edwards Aquifer	X				
Endangered Species	X				X Along Blanco River
Floodplains	X	X		X Along Blanco River	X Along Blanco River
Geological	X				
Slope			X		
Soils	X		X		X Along Blanco River
Vegetation	X	X		X Based on erosivity - small areas, mostly along Post Rd are Gruene Clay	
Watersheds	X				
Water Quality Zone	X			X Along Blanco River	X Along Blanco River

ENVIRONMENT & RESOURCE PROTECTION –

Located in Subwatershed:	Blanco River				
ANALYSIS FOR PSA ONLY	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed			X		
Additional Impervious Cover Increase Anticipated					
This data is expected from the Meadows Center and will presented under separate cover					
Anticipated pollutants:					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	N/A – adjacent to Blanco Vista
Neighborhood Commission Area(s):	Sector 7
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?			
Will Trails and / or Green Space Connections be Provided?			
Parks and Trails are not indicated on the illustrative plan, however staff will recommend, at time of subdivision, the inclusion of parks & trails			
	Low (maintenance)	Medium	High (maintenance)
Wastewater Hotspot	X		
Water Hotspot	X		
Public Facility Availability	YES	NO	
Parks / Open Space within ¼ mile (walking distance)?	X		
Wastewater service available?	X		
Water service available?	X		

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

	A	B	C	D	F
Existing Daily LOS	Yarrington Road Post Road IH 35 Frontage Road	X X	X	X	
Future Daily LOS	Yarrington Road Post Road IH 35 Frontage Road Future Collector from IH 35 to Post Road	→ X X X	X → →	X →	→ X X
		N/A	Good	Fair	Poor
Sidewalk Availability	Sidewalks will be required at time of subdivision	X			
		YES		NO	
Adjacent to existing bicycle lane?				X	
Adjacent to existing public transportation route?				X	
Transportation Notes: The city’s current thoroughfare plan indicates two collector roads connecting the IH 35 Frontage Road to Post Road. At the time of subdivision, the applicant will be required to comply with the Thoroughfare Plan. Depending on the date of subdivision, the applicant may be subject to the 2014 Transportation Master Plan, in which the City will review and update the current Thoroughfare Plan.					

09/12

City of San Marcos

ZONING CHANGE APPLICATION

	APPLICANT	PROPERTY OWNER
Name:	<u>OCIE VEST</u>	<u>SLF III - HWY 360 & CAMP WISDOM, L.P.</u> <u>SLF II - SAN MARCOS, L.P.</u>
Mailing Address:	<u>5949 SHERRY LANE #1750</u> <u>DALLAS, TX 75225</u>	<u>5949 SHERRY LANE #1750</u> <u>DALLAS, TX 75225</u>
Telephone No.:	<u>214-239-2373</u>	<u>214-239-2373</u>
E-mail address:	<u>OVEST@STRATFORDLAND.COM</u>	<u>OVEST@STRATFORDLAND.COM</u>

PROPERTY DESCRIPTION:

Street Address: (SEE ATTACHED LEGAL DESCRIPTION)

Subdivision: _____ Block: _____ Lot(s): _____

Other Description (if unplatted) (SEE ATTACHED LEGAL DESCRIPTION)

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

Appraisal District Tax ID No.: R 120844 Acres: 50.339

Lien Holder(s) - for notification purposes:

Name: N/A

Mailing Address: _____

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

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

ZONING CHANGE INFORMATION:

Zoning Designation: Current: FUTURE DEVELOPMENT Requested: MF-24

Master Plan Designation: MEDIUM INTENSITY Land Use Map Amendment Required? NO

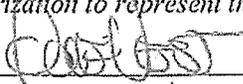
Present Use of Property: VACANT LAND / AGRICULTURE

Desired Use of Property/Reason for Change: MULTIFAMILY DEVELOPMENT

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

I am the property owner of record; or

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

Signature:  Date: 11/8/2013

Printed Name: OCIE VEST

APPLICATION FOR CITY OF SAN MARCOS ZONING CHANGE

Development Services-Planning • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230 • FAX 855-759-2843

FEE INFORMATION:

Fee Schedule:

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

APPLICATION PROCESS:

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

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

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

To be completed by Staff:

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

Meeting Date: 12-10 Deadline: 11-8 Accepted By: Tory C Date: 11-15

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

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

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

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

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

It is unlawful for a person to alter any notification sign, or to remove it while the case is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

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



Signature of Applicant

11/8/2013

Date

FOR STAFF USE ONLY:

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

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

REVISED
FIELD NOTES
FOR
A 50.339 ACRE TRACT

Being a 50.339 acre tract of land situated in the William Ward Survey No. 3, Abstract No. 467, Hays County, Texas, being a part of a tract called 55.13 acres recorded in Volume 174, Page 152 (Second Tract), of the Deed Records of Hays County, Texas, and all bearings referred to in this description are rotated to and referenced to a bearing of N 36°46' 29" E (reference Volume 1892, Page 3) between monumentation found along the Southeast line of Post Road (County Road No. 140), said 50.339 acre tract of land surveyed under the supervision of Richard A. Goodwin, RPLS #4069, S. Craig Hollmig, Inc., and being more particularly described as follows:

BEGINNING: At a 1 1/2" iron pipe found for the East corner of the above referenced 55.13 acre tract, being an interior corner of a 27.48 acre tract recorded in Volume 1892, Page 17 of the Official Public Records of Hays County, Texas, same being an interior corner of Lot 1, Nash Subdivision, recorded in Volume 11, Page 283 of the Map and Plat Records of Hays County, Texas, for the East corner of this tract;

THENCE: With the Southeasterly line of the above referenced 55.13 acre tract and along a Northwesterly line of said 27.48 acre tract, partly along said Lot 1, S 44°54' 15" W at 728.56 feet a 1/2" iron pin found for a West corner of said 27.48 acre tract, a West corner of said Lot 1, at 2192.89 feet a 1" pipe found on the Southeast line of the above referenced 55.13 acre tract, at 2346.78 feet a 80 D nail set near the water's edge of the Blanco River and continuing a total distance of 2398.78 feet to the centerline, more or less, of the Blanco River, for the South corner of the above referenced 55.13 acre tract, same being a Northeasterly line of a 219.77 acre tract recorded in Volume 956, Page 118 of the Official Public Records of Hays County, Texas, for the South corner of this tract;

THENCE: With the approximate centerline of the Blanco River, N 19°35' 11" W 383.56 feet, N 05°13' 34" W 584.99 feet, and N 35°06' 28" W 545.11 feet to the Southeasterly line of Post Road (County Road No. 140) (reference Yarrington to the State of Texas, Tract 1, 1.93 acres, Volume 106, Page 90), for the West corner of this tract;

THENCE: Continuing with the Southeast line of Post Road (County Road No. 140), the Southeast line of said Tract 1, 1.93 acres, in a curve to the left, having a radius of 633.0 feet, an arc length of 281.33 feet and a chord bearing and distance of N 47°14' 42" E 279.02 feet to a 1/2" iron pin found in same, for the West corner of that certain 2.96 acre tract recorded in Volume 2014, Page 875 of the Official Public Records of Hays County, Texas, for a corner of this tract;

THENCE: Leaving the Southeast line of Post Road (County Road No. 140) and with the Southwest line of said 2.96 acre tract, S 53°11' 31" E 532.51 feet to a 1/2" iron pin found for the South corner of said 2.96 acre tract, for an original interior corner of the above referenced 55.13 acre tract, for an interior corner of this tract;

THENCE: With a Westerly line of the above referenced 55.13 acre tract, the Easterly line of a 19.1 acre tract recorded in Volume 149, Page 272 of the Deed Records of Hays County, Texas, N 29°07' 13" E 1471.70 feet to a 1/2" iron pin set for the North corner of the above referenced 55.13 acre tract, situated on a Southwesterly line of said 27.48 acre tract, for the North corner of this tract;

THENCE: With said Southwest line, the Northeast line of the above referenced 55.13 acre tract and partly with Lot 1, Nash Subdivision, S 44°49' 35" E 1193.72 feet to the Point of Beginning and containing 50.339 acres of land, more or less.

Hernandez, Amanda

From: Ocie Vest <OVest@stratfordland.com>
Sent: Tuesday, March 04, 2014 4:28 PM
To: Hernandez, Amanda
Cc: Stark, Kristy; Christian Nilsson; Steve Sanders
Subject: MF24 zoning request for Yarrington Commons

Amanda,

Per our conversation today, please accept this request to delay our March 11th Planning and Zoning meeting until April 22, 2014 for the above referenced zoning case. Per direction from the Commissioners at our last meeting, we understand that city staff is making progress toward a new set of multifamily design guidelines and we would like to accommodate that process before moving forward with our proposal.

Thanks,
Ocie Vest
Stratford Land

Sent from my iPad



April 4, 2014

Ms. Amanda Hernandez, AICP, CNU-A
Senior Planner
Development Services
City of San Marcos
San Marcos, Texas

Subject: MF-24 Zoning Request for Yarrington Commons

Dear Ms. Hernandez:

Please accept this letter as our request to postpone our public hearing for the above referenced zoning case at the Planning and Zoning Commission until May 27th to allow for the new multifamily design standards to be considered by the Commission prior to considering our zoning request. As always, please feel free to call or email with any questions or comments in this matter.

Thanks,



Ocie L. Vest, PE
Senior Vice President – Entitlements



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-339, **Version:** 1

AGENDA CAPTION:

Hold a public hearing and consider a recommendation to City Council on the 2015 Capital Improvements Program (CIP).

Meeting date: May 27, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:



MEMO

TO: PLANNING AND ZONING COMMISSION
FROM: JENNIFER SHELL, P.E., CITY ENGINEER
DATE: MAY 21, 2014
RE: FOLLOW-UP INFORMATION FOR 10-YEAR CAPITAL IMPROVEMENTS PROGRAM (CIP) FOR FISCAL YEAR 2015

Since the May 17th Planning and Zoning Meeting, two projects have been revised in the 10-year CIP. They are listed below with explanations for each.

1. Adding one new project to Fiscal Year 2015 General Fund, *City Facility Renovations Public Services – Transportation Facility, \$70,000.*
 - This project will add a portable building behind the Transportation Division to house personnel. The Division has grown, and staff meetings are held outside to make daily assignments. This project was put on hold pending the decision to build a new Public Services Complex, but it is required in the interim to improve the functionality of the Division.
2. Moving one project up from Fiscal Year 2016 General Fund to Fiscal Year 2015 General Fund, *Airport T-Hangars, \$120,000.*
 - This project will construct an 8-unit T-hangar, as well as a taxiway to access them. There is currently a waiting list to rent T-hangars, and it is anticipated the City investment will be paid back within four years. This project is being moved up because it is a joint project with TxDOT, and TxDOT recently informed the City they are ready to move forward with the project. The City match is only 10% for the project.

Planning and Zoning Next Steps. The P&Z Commission will hold a Public Hearing on May 27, 2014 to review the 10-Year CIP. Upon discussion and possible approval, the 10-Year CIP would be recommended to City Council.

Your participation in this process is greatly appreciated.



Legislation Text

File #: ID#13-342, **Version:** 1

AGENDA CAPTION:

LDC-14-01 (Multifamily Design Standards) Hold a public hearing and discuss revisions to Chapters 4 and 8 of the City's Land Development Code to incorporate Multifamily Design Standards.

Meeting date: May 27, 2014

Department: Development Services

Funds Required:

Account Number:

Funds Available:

Account Name:

CITY COUNCIL GOAL:

BACKGROUND:

More than 1,800 new apartment units have been completed in the last two years, with about 1,300 more under construction. Combined, these new units contain about 8,500 new bedrooms.

Both the Planning and Zoning Commission and City Council directed staff to pursue higher standards to improve the quality of multi-family developments, to ensure they maintain their appearance and value over time, and to create multi-family projects that are compatible with the community.

The draft standards improve the quality of new multi-family development through:

- building improvements including attractive building materials and design
- site design requirements that create quality places
- process updates for student-oriented complexes
- fire safety improvements in the building code

Staff has reviewed existing multifamily development in San Marcos and surrounding cities, examined standards in other cities in Texas, worked with other city departments, and researched best practices in other university communities across the country. On April 30, over forty citizens attended an open house to review and comment on the standards, and other community members have provided constructive feedback as well.

The draft was revised based on the public's comments and is presented to the Commission for discussion. They will be brought back for action at the June 10th meeting.

ARTICLE 4: SUPPLEMENTAL STANDARDS

DIVISION 3: MULTIFAMILY RESIDENTIAL DESIGN STANDARDS

Section 4.4.3.1 Purpose and Applicability

The standards and criteria contained within this Article are applicable to any multifamily residential development in the following zoning districts: MF-12, MF-18, MF-24, MU, or VMU. In addition, 2 (b), *Building Materials*, shall be applicable to multifamily development in the T5 transect of the SmartCode. The standards in this Article are supplemental to any other applicable standards in this Code or the SmartCode and such other standards will continue to apply except to the extent of a conflict with these standards, in which event, these standards will govern.

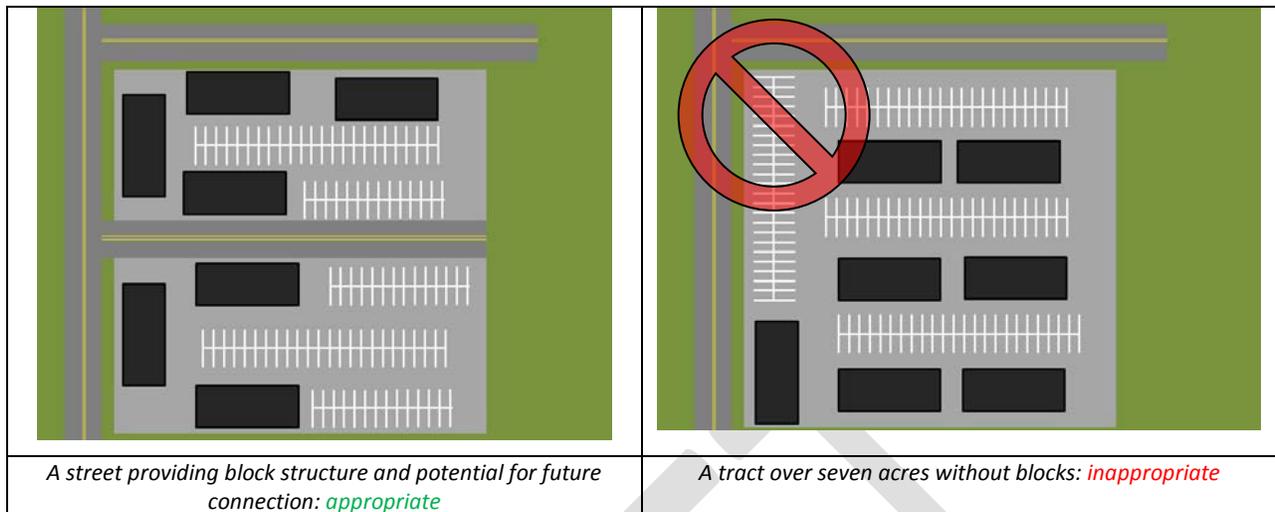
- 1) The provisions of this chapter shall apply to all development meeting one (1) or more of the following thresholds:
 - a. All new construction requiring building permits; and/or
 - b. Major Redevelopment, including
 - i. Additions to a building.
 - ii. Alterations of more than 50% of the exterior elevation of any building within a three year period.
 - iii. Any building being expanded or altered as described above shall comply with Division 1, *mechanical equipment screening, pedestrian connectivity and residential compatibility* and Division 2, *Building Design*.
- 2) In order to provide flexibility and creativity of project designs, departures from these design standards may be approved by the Director of Development Services, subject to the limitations in Section 1.2.2.2(c) upon a determination by the Director that:
 - a. The strict interpretation or application of these Design Standards would be inconsistent with related provisions of the Land Development Code; or
 - b. The departure creates a project design that better meets the overall purpose and intent of the design standards.

If the Director of Development Services denies a request for a departure from these design standards, the applicant requesting the departure may file a variance petition in accordance with Article 10, Division 2 of Chapter 1. This subsection shall not, otherwise, be construed to prevent an owner of property from seeking a variance from these standards by filing a variance petition in accordance with Article 10, Division 2 of Chapter 1.

Section 4.4.3.2 Site and Building Design Criteria

- 1) *Site Design*
 - a) *Block Requirements*. The intent is to ensure that multifamily development is built to a scale that is compatible with surrounding areas and provides options for all modes of transportation.
 - i) All developments shall comply with the applicable standards set forth below, unless the decision maker determines that compliance with a specific element of the standard is infeasible due to unusual topographic features, existing development, safety factors or a natural area or feature. In such case, the block size must still conform to Section 6.7.1.1.
 - ii) *Block Structure* – Each multi-family project shall be developed as a series of complete blocks bounded by streets or street-like private drives. (See Figures below). Public streets shall be used to meet this requirement except where there are no possible connections to other public streets. All references to streets in this Article shall refer to both streets and street-like private drives. Natural areas, irrigation ditches, high-voltage power lines, operating railroad tracks and other similar substantial physical features may form up to two (2) sides of a block.
 - iii) *Block Size* – All blocks shall be limited to a maximum size of seven (7) acres

iv) *Connectivity to Adjacent Sites* – All streets and pedestrian entrances shall connect to adjacent properties, except for pedestrian connections adjacent to single family sites.

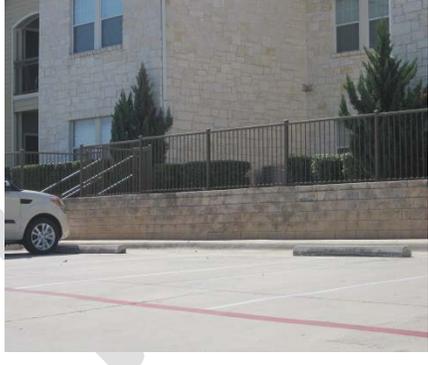


- b) *Building location* – The intent is to create an external orientation to the streetscape, and an internal orientation to the residential environment with unifying open space and pedestrian pathways. The pedestrian shall be given design consideration equal to the automobile through strategies including the placement of parking in less prominent locations.
- i) *Minimum Building Frontage* –At least fifty (50) percent of the frontage along streets shall consist of principal buildings, publicly accessible plazas, transit stops, or other functional open space focused on the corners of the block.
 - ii) The facades of all structures fronting on a street are encouraged to parallel the street.
 - iii) On corner lots, both street-facing facades are encouraged to parallel the intersecting streets.



- c) *Parking* – The intent is to integrate accessible and convenient vehicular and bicycle parking into the development while ensuring that parking does not dominate the streetscape and site design.
- i) A reduction in required parking through a variance, waiver, Planned Development District or other mechanism shall require approval of a parking management plan, in accordance with the technical manual, by the Director of Development Services.
 - ii) Parking lots shall be located in the center and rear of the property rather than between buildings and streets. See the block size exhibit above.

- iii) Curb stops shall be provided where parking spaces (not including parallel) are located directly adjacent to buildings or sidewalks (interior or exterior)
- iv) A minimum of one sheltered bicycle parking space shall be provided for each ten dwelling units.
- v) Bicycle parking shall be located within 150 feet of the entrance to each ground floor unit, measured from the front entrance of the unit and along approved pedestrian paths. The Director may allow alternate bicycle parking configurations, provided that they are determined to have met the intent of this section.
- vi) Carports and covered bicycle parking shall compliment the primary buildings in terms of materials and trim.
- vii) The 5 % visitor parking required under 6.2.1.1 shall be signed as “Visitor Parking” and should be located near the amenity center.

		
<p>Carports complement the building in terms of materials and trim: <i>appropriate</i></p>	<p>Bike parking not sheltered: <i>inappropriate</i></p>	<p>Curb stops for parking spaces directly adjacent to sidewalks: <i>appropriate</i></p>

- d) **Mailbox location and design** - The intent is to provide a safe and sheltered area for cluster mailbox service accommodating multiple residents.
 - i) A weather-protected shelter/facility shall be built to allow for the pickup and drop-off of mail that is safe and provides sufficient light.
 - ii) Pedestrian access to the mailbox location shall be provided and clearly identified as a safe and clear passage for pedestrians.
 - iii) The shelter material and design shall be consistent with the primary building.
 - iv) The shelter shall be well lit and free of blind spots or hiding places.
 - v) The shelter shall incorporate secured trash and recycling bins.

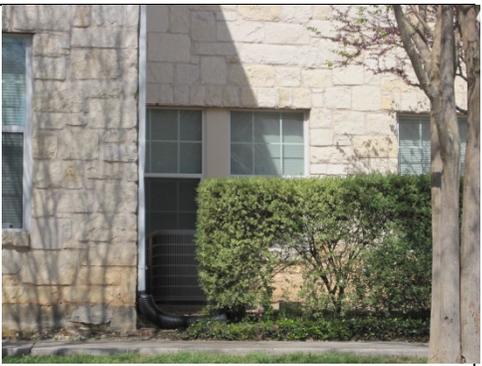
		
<p>Weather-protected shelter with material and design that are consistent with the primary structure: <i>appropriate.</i></p>	<p>No weather protection: <i>inappropriate</i></p>	<p>Shelter which has clear pedestrian access: <i>appropriate</i></p>

- e) **Lighting** – The intent is to enhance day and night time appearances, establish a safe environment for residents and minimize light pollution, while minimizing glare and light trespass onto adjacent properties.

- i) The lighting of all parking areas, pedestrian walkways, entrances, and exterior portions of the site shall be designed for its specific task and shall comply with the provisions of Chapter 6, Article 5. Lighting shall be: vandal-proof; compatible with building architecture; and, scaled (dimension and intensity) to complement its location context.
- ii) Lighting shall not be obscured by landscaping.

		
<p><i>Pedestrian scale lighting along an internal sidewalk: appropriate</i></p>	<p><i>Architecturally incompatible and out of scale automobile oriented lighting: inappropriate</i></p>	<p><i>Automobile scaled lighting within the parking area: appropriate</i></p>

- f) **Mechanical equipment screening**- The intent is to place equipment in less visible locations and obscure them from view while maintaining a safe environment.
 - i) Rooftop mechanical equipment shall be hidden or screened with architecturally integral elements at least as high as the equipment to be screened.
 - ii) Ground mounted mechanical equipment shall be hidden or screened with architecturally integral wing walls and/or landscaping.
 - iii) Wall mounted equipment shall be screened with compatible materials and/or painted to match the structure.
 - iv) Mechanical equipment shall be located where their acoustics will not be disruptive to residents.
 - v) All utilities shall be screened from streets and passageways.
 - vi) Screening of all electric utilities shall meet the minimum requirements of San Marcos Electric Utility or applicable electric provider’s guidelines for granting safe access to equipment for operation and maintenance and for ventilation and cooling.
 - vii) Large utilities that will be difficult to screen should be carefully placed in areas that will help to conceal them, such as landscape beds, wall cut outs, etc. while allowing for maintenance access and service.

		
<p><i>Screened and painted wall-mounted electrical: appropriate</i></p>	<p><i>Careful placement using grades and fencing: appropriate</i></p>	<p><i>Landscape screening: appropriate</i></p>

g) *Detention location and design* – Multifamily developments shall be held to the highest standard of the Stormwater Technical Manual, Appendix N – Aesthetically Enhanced Detention and Water Quality Basins.

<p>Attractive curvilinear facility built as a natural-looking amenity: <i>appropriate</i></p>	<p>Rectangular facility with concrete walls fenced and built at the street edge: <i>inappropriate</i></p>

h) *Fencing and Screening*– The intent is to coordinate the design and location of fences to maximize interrelationship of buildings, public streets and open space while avoiding long, unarticulated fences that hinder connectivity.

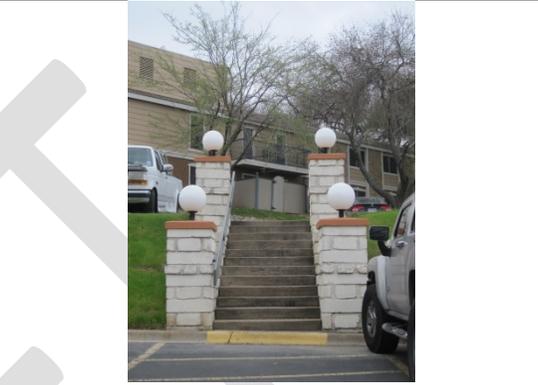
- i) Perimeter fences around multifamily developments, if used, shall be at least 50 percent transparent. The location and height of fencing shall be subject to Section 6.1.3.3.
- ii) Fences or gates shall not cross public streets or street-like private drives.
- iii) Wrought iron fences shall be articulated with masonry columns spaced at a maximum of every 25 feet.
- iv) Where solid walls are proposed in lieu of perimeter fencing, they may be no taller than 4 feet along the street frontage, and must be constructed of brick, stone or other masonry material.

<p>Unarticulated perimeter fence: <i>inappropriate</i></p>	<p>Perimeter fence with more than 50% opening and pedestrian access: <i>appropriate</i></p>	<p>Solid perimeter fence: <i>inappropriate</i></p>

i) *Pedestrian Access and Circulation* - The intent is to enhance pedestrian safety and convenience by providing an integrated pedestrian circulation system throughout the development. Contact points between pedestrians and vehicular paths should be minimized; where necessary they should be designed to alert drivers to crossing pedestrians.

- i) One pedestrian entrance shall be provided connecting the multifamily site to the street for block faces up to 500 feet. Two pedestrian entrances shall be provided for block faces longer than 500 feet. Pedestrian entrances shall connect sidewalks to the internal walkway network and shall be open and not gated. Driveways without separate pedestrian facilities shall not be used to meet this requirement.

- ii) Pedestrian walkways shall be provided between buildings, and along streets, driveways, community spaces, and off-street parking.
- iii) Walkways shall transect common open space to enhance visual access while minimizing conflicts between vehicles, bicycles, and pedestrians
- iv) Crosswalks shall be distinguished from driving surfaces via painted striping or materials such as pavers, bricks, stamped concrete, etc.
- v) Pedestrian walkways shall use lighting scaled to the pedestrian.
- vi) If walkways are sheltered, structures shall reflect a design and finish similar to the principal building(s).
- vii) Sudden changes of grade or sharp turns resulting in "blind spots" are discouraged.

		
<p><i>Pedestrian crosswalk distinguished from the driving surface via painted striping: appropriate</i></p>	<p><i>Walkways not provided to transect common open space: inappropriate</i></p>	<p><i>Framed pedestrian walkway between buildings at different grades: appropriate</i></p>

- j) ***Vehicular and Bicycle Access and Circulation*** – The intent is to provide adequate access and capacity while reducing curb cuts and providing for pedestrian safety.
 - i) Access to multi-family developments shall be from a major or minor arterial wherever possible.
 - ii) Dead end streets shall be permitted only where there is no possible connection with an adjacent street.
 - iii) Clear bicycle access from the right-of-way to designated bicycle parking shall be provided.
 - iv) The following measures may be required on neighborhood streets near a new development if appropriate to control traffic, providing any access restrictions are approved by the City of San Marcos Fire Department as not adversely impacting fire and life safety access:
 - (1) Crosswalks marked with a change in paving and pedestrian crossing lights;
 - (2) Chicanes (mid-block narrowing of the street to slow traffic);
 - (3) Traffic circles;
 - (4) A bicycle path adjacent to and in addition to other required street frontage improvements;
 - (5) For any development within 200 feet of a neighborhood participating in the Residential Parking Permit (RPP) program, the development shall pay a fee for signage, striping, enforcement, or other items related to the RPP program. The fee shall be proportionate to the development’s impact based on the number of units and amenity center size and shall be required prior to the issuance of a Certificate of Occupancy.
- k) ***Public Transit Facilities*** – The intent is to promote public transportation access as an amenity in multi-family developments and ensure that site design considers convenience and comfort factors for residents accessing the facilities.
 - i) Access points and shelter locations for current and future public transit facilities must be included in developments that could generate high volumes of transit use or that are along existing or proposed transit routes.
 - ii) Developments shall be oriented to transit stops whenever possible.

- iii) Uninterrupted pedestrian paths, composed of an all-weather surface, or similar innovative material, shall be provided to connect transit stops with all adjacent sidewalks or pedestrian paths.
- iv) Lighting shall be provided along pedestrian walkway connections and adjacent to transit stop facilities.
- v) Seating for multiple people, signage and shade (structured or landscaping) shall be provided at all transit stops.

	
<p>Pedestrian access point and shelter location with a <u>gated</u> pedestrian path: <i>inappropriate</i></p>	<p>Pedestrian access point and transit stop location with an <u>uninterrupted</u> path: <i>appropriate</i></p>

- l) *Landscaping* – The intent is to promote quality landscape design as an integral part of the overall site plan with the purpose of enhancing building design, public views and spaces while providing buffers, transitions and screening. Landscaping can be used, and is often preferred, to satisfy utility and parking screening requirements.
 - i) *Trees*
 - (1) *Street Trees*
 - (a) One shade tree shall be provided per 30 feet of street frontage and must be located within 10 feet of the outside edge of the sidewalk. Where existing utilities prevent installation, alternative tree selection must be approved by the Development Services Director in consultation with the utility provider. Small ornamental trees such as Crape Myrtles will not be considered to satisfy this section.
 - (2) *Specimen Trees*
 - (a) When there are existing Specimen Trees (24 caliper inch or greater) development should be planned around, and not disturb such trees. A consultation with staff is required prior to an application that would result in the removal of such trees.
 - (3) *Parking Area Trees*
 - (a) Landscaping used to meet the requirements of 6.1.1.4 (e) shall include a tree. Small ornamental trees such as Crape Myrtles will not be considered to satisfy this section.
 - (b) Reduced tree requirements for covered parking may be approved by the Director if they are determined to have met the intent of this section.

		
<p>Small Ornamental Street Tree: <i>inappropriate</i></p>	<p>Shade trees planted less than 30 feet apart along the street frontage: <i>appropriate</i></p>	<p>Parking spaces more than 60 feet from a tree: <i>inappropriate</i></p>

- m) **Refuse and Recycling Dumpsters** – The intent is to provide convenient access to dumpsters for residents to reduce littering and outside storage of trash.
- i) **Equal Amenities** – Equal amenities shall be provided for trash and recycling.
 - ii) **Location** – All multifamily developments shall provide both trash and recycling dumpsters located next to each other. Both shall be located within 400 feet of the entrance to each ground floor unit measured from the front entrance of the unit and along improved pedestrian paths. The Director may allow alternate facilities, such as chutes, provided that the request is determined to have met the intent of this Section.
 - iii) **Screening** – Screening shall be designed to reduce the escape of trash and in accordance with Section 6.1.2.4(a)(2). Material and design shall be consistent with the primary building.
 - iv) **Signage** – Dumpsters and recycle bins shall each be clearly marked

		
<p>Dumpster screening consistent with the primary building: <i>appropriate</i></p>	<p>Dumpsters screened with materials inconsistent with the primary building: <i>inappropriate</i></p>	<p>Recycle bins provided instead of recycle dumpsters with no screening: <i>inappropriate</i></p>

- n) **Signage**- The intent is to create attractive signage that is visible from the right of way and compatible with the residential nature of multifamily projects.
- i) No free standing sign type other than monument and directional signage is allowed. Flag poles greater than 25 feet in height shall be considered a free standing sign, and will not be permitted.
 - ii) Monument signs
 - (1) No portion of a multifamily sign shall exceed 7 feet in height. The sign face shall not exceed 80 square feet.

- (2) Monument signage material and design shall be consistent with the primary building.
- (3) Monument signage shall not be located within 10 feet of any property line
- (4) All monument signs shall be lit from the exterior.

iii) Directional signs

- (1) No directional sign shall exceed 12 square feet
- (2) Directional signage should be located within the project to indicate the building number flow at each drive isle intersection
- (3) Directional signage should be used to indicate exit/enter only drive isles
- (4) Directional signage shall not be internally illuminated.

o) *Residential Compatibility* – The intent is to achieve a compatible transition between zones of differing height and scale requirements. Consideration should be given to the scale and design of surrounding buildings to promote compatibility and complement or enhance the character of existing neighborhoods.

i) Where adjacent to single family zoning, all multifamily development shall incorporate:

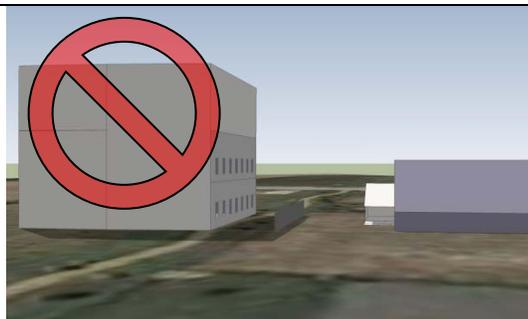
- (1) Height stepback - A maximum building height of thirty (30) feet shall apply to portions of a structure within eighty (80) feet of a single family zoning designation.
- (2) One of the buffer options below:
 - (a) A thirty-five foot (35') wide densely vegetated landscape buffer. Minimum quantity of landscaping shall be determined by the following requirements:
 - (i) The buffer area remains in its natural state if it contains sufficient trees and shrubs.
 - (ii) Along the shared property line of the single-family and multifamily tracts, one tree per 50 linear feet with a minimum caliper of four inches, selected from the list of approved evergreen tree species in the Preferred Plant List; or
 - (iii) Along the shared property line of the single-family and multifamily tracts, one tree per 25 linear feet with a minimum caliper of two inches, selected from the list of approved evergreen tree species in the Preferred Plant List.
 - (b) A street-like private drive so long as any on-street parking is oriented away from the adjacent single-family zoning and the drive is at least thirty-five feet (35') in width. Sidewalks shall not be required on the side of the drive adjacent to the single-family lot, and
- (3) A minimum six foot tall masonry wall along the shared property line of the single-family and multifamily tract. A wrought iron fence may be used instead of masonry along with the buffer option in 2(a) above.

ii) Where across a public street from single family zoning, all multifamily development shall incorporate:

- (1) Height stepback - A maximum building height of thirty (30) feet shall apply to portions of a structure within seventy (70) feet of a single family zoning designation (measured from the centerline of the street).



Natural buffer with trees and height stepback from rear lot line:
appropriate



Four-story structure built close to rear lot line shared with single-family zoning : *inappropriate*

2) *Building Design*

- a) *Façades* – The intent is to create visual interest through architectural form, massing, and detailing. All façades open to view by the public, whether viewed from a public right-of-way or private property, shall have architectural treatments.
- i) *Articulation* refers to the giving of emphasis to architectural elements (such as windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. An *interval* is the measure of articulation – the distance before architectural elements repeat. *Modulation* is a measured and proportioned inflexion or setback in a building’s face. Together, articulation, modulation and their interval create a sense of scale important to residential buildings.
 - ii) Four-sided design is required. All building elevations shall reflect consistent design, textures, colors, and features. All walls shall be articulated and modulated to enhance architectural complexity.
 - iii) Building façades shall be articulated with architectural elements that break up long blank walls, add visual interest, and enhance the character of the neighborhood. Vertical articulation shall occur at intervals of no more than forty (40) feet.
 - iv) Three (3) or more of the following methods of articulation shall be used such that the combination of features project a residential character:
 - (1) Providing a balcony, bay window, porch, patio, deck, or clearly defined entry for each interval.
 - (2) Providing a decorative lighting fixture, trellis, prominent ornamental tree or other landscape feature within each interval.
 - (3) Providing architectural features such as setbacks, indentations, overhangs, projections, cornices, bays, canopies, or awnings. Building modulations shall be a minimum of two (2) feet in depth and two (2) feet in width. The sum of the modulation depth and modulation width shall be no less than eight (8) feet.
 - (4) Use of material variations such as contrasting colors, brick or metal banding, or textural changes.
 - (5) Artwork or building ornamentation.
 - v) A variety of modulations and articulations shall be employed. No more than four (4) consecutive uniform modulations shall be used.
 - vi) Front façades incorporating a variation in building setback shall include within the setback such architectural elements as covered or recessed building entries, plazas or courtyards, or seating and planting areas.

		
<p><i>Bay Windows, Indentations, Use of Materials (3 items): appropriate</i></p>	<p><i>Use of Materials (only 1 item): inappropriate</i></p>	<p><i>Balconies, Indentations, Use of Materials (3 items): appropriate</i></p>

- b) *Materials* – The intent is to promote quality design and create visual interest through texture, color and detailing. Materials should be durable so that the development will continue to be an attractive part of the community over time. The following materials are allowed for multifamily residential design: brick, stone, stucco, architectural metal beams and glazing. The use of more than one material on individual buildings is encouraged; however, heavier materials such as brick or stone should be placed on the bottom of the structure, with lighter materials such as stucco above. At the time of submittal of building plans, elevations must be provided with a chart stating the material composition percent for each elevation of a building.

- i) Cement fiber board and similar products may be used only in the following locations:
 - (1) Covered balconies, porches, and patios.
 - (2) Fascia and soffits.
 - (3) Interior portions of covered stairways and covered stair towers.
 - (4) Breezeways, hallways, corridors and walkways which have a roof covering.

	
<p>Use of stone and stucco <i>appropriate</i></p>	<p>Use of cement fiber board: <i>inappropriate</i></p>

- c) *Building variation* – The intent is to create visual interest and balanced massing while avoiding repetition and the monotonous appearance of similar building types. Buildings shall be considered similar unless they vary significantly in footprint size and shape, architectural elevations and entrance features, within a coordinated overall theme of roof forms, massing proportions and other characteristics. To meet this standard, such variation shall not consist solely of different combinations of the same building features.
 - i) For any development containing at least three (3) and not more than five (5) buildings (excluding clubhouses/ leasing offices), there shall be at least two (2) distinctly different building designs.
 - ii) For any such development containing more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least three (3) distinctly different building designs.
 - iii) For all developments, there shall be no more than two (2) similar buildings placed next to each other along a street.

		
<p>Multiple buildings of the same design: <i>inappropriate</i></p>	<p>Multiple buildings with different building designs: <i>appropriate</i></p>	<p>Multiple buildings without distinctly different building designs: <i>inappropriate</i></p>

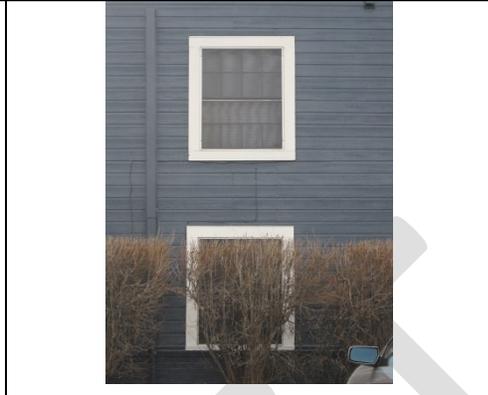
- d) *Balconies and stairwells* – All stairwells, porches, balconies, and elevator shafts shall be contained within the footprint of the building and shall be incorporated into the design of the façade using consistent and compatible materials and design. Porches located on galleries in VMU or MU zoning districts are exempt from this provision.

		
<p><i>Balconies not contained within the footprint of the building and of a different material and design: inappropriate</i></p>	<p><i>Balconies integrated into the facade: appropriate</i></p>	<p><i>Balconies and stairways contained within the footprint of the building and incorporated into the design of the façade: appropriate</i></p>

- e) *Quality Building Amenities* – The intent is to ensure that taller buildings are of the highest quality. The following shall apply to buildings over three (3) stories.
- i) Elevators shall be required.
 - ii) Stairways and corridors shall be located in an enclosed space.
- f) *Building entries*- The intent is to provide human-scaled entries that are prominent and highly visible from other buildings and public areas with safe alignment of sidewalks and paths.
- i) At least 50% of all ground-level, street-facing units shall have a street-oriented front entrance.
 - ii) Building entries next to a street or parking area must be pedestrian scaled in relation to building size and covered via canopies or overhangs.
 - iii) Doors, windows, entranceways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale. Doors shall be fully articulated with the use of such elements as pilasters, columns, fanlights and transoms.
 - iv) Primary entries shall be fully visible and easily accessible.
 - v) No garages shall be allowed on facades fronting streets.
- g) *Glazing and transparency* – The intent is to provide relief, detail and variation on façades through the use of window architectural styling that lends human scale to the building type and increases safety by providing eyes on the street. All exterior walls and elevations on all floors of multiple household buildings must contain operable windows except when necessary for health or safety such as fire separation.
- i) Street-facing facades shall have a minimum glazed area of 20 percent. All other building facades shall have a minimum glazed area of 10 percent.
 - ii) In order to provide relief and variation, a minimum of two (2) of the following requirements for windows shall be met:
 - (1) Windows shall be accented with a drip cap, sill, and trim. The drip cap shall be a minimum of three (3) inches in height and one (1) inch in depth; sills shall be a minimum of three (3) inches in width. Trim shall be a minimum of two (2) inches in width and one (1) inch in depth;
 - (2) Windows shall be accented through use of multiple panes;
 - (3) Windows shall be vertically oriented with a height one and one-half (1-1/2) to two (2) times the width;

(4) Windows shall be accented through the use of contrasting trim color and other detailing.

iii) Windows should be located to maximize the possibility of occupant surveillance of entryways and common areas.

		
<p><i>Horizontally oriented windows without proper treatments: inappropriate</i></p>	<p><i>Vertically oriented with contrasting trim color: appropriate</i></p>	<p><i>Exterior walls with no windows on any floor: inappropriate</i></p>

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Table 4.1.6.1
Dimensional and Development Standards

* See Chapters 4 and 6 for additional standards or requirements.

** There may be additional standards or requirements for development within the Edwards Aquifer Zone, (Chapter 5, Article 2), the San Marcos River Corridor (Chapter 5, Article 3), developments utilizing development transfer techniques (Section 5.3.1.5), and developments utilizing cluster techniques (Section 5.3.1.5).

Standard Category	Residential Districts														
	FD	AR	SF-R	SF-11	SF-6	SF-4.5	D*	DR*	TH	PH-ZL	MF-12	MF-18	MF-24	MR	MH
Lot/Parcel Area, Minimum Sq. Ft.	87120	217800	43560	11000	6000*	4500*	11000	5400	2500*	4000	*	*	12000	6000*	3200*
Lot/Parcel Area, Maximum Acres	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Units per Acre, Maximum/Gross Acre	0.40	0.15	0.80	3.0	5.5	7.5	6.0	6.0	6/12	7.5	12.0	18.0	24.0	5.5	9.0
Lot Frontage Minimum Feet	150	200	150	80	35	35	60	40	25	35	40	60	60	35	40
Lot Width, Minimum Feet	200	200	150	80	50*	50*	90	50	25	40	60	70	60	60	40
Front Yard Setback, Minimum Feet	50	40	40	30	25	20	25	25	20	20	25 10	25 10	25 10	25	10
Side Setback, Minimum Feet, Interior	20	20	20	10	5	5	5	5	0*	0/10*	10	10	10	7.5	5
Side Setback, Corner, Minimum Feet	25	25	25	15	15	15	10	15	12	10	15	15	15	15	25
Rear Yard Setback, Minimum*	20%	20%	20%	20%	20ft.	15ft.	20ft.	15ft.	10ft.	10ft.	10ft.	10ft.	10ft.	20ft.	20ft.
Lot Depth, Minimum Feet	200	200	200	100	100	90	100	90	N/A	85	100	100	100	100	80
Impervious Cover, Max. %**	30%	15%	40%	40%	50%	60%	75%	75%	70%	75%	75%	75%	75%	50%	N/A
Building height, Maximum Stories*	2	2	2	2	2	2	2	2	2	2	4	4	4	2	2

* Stories may not exceed 14 feet in height from finished floor to finished ceiling.

Other Items

Chapter 8 Definitions:

- *Street-like private drive* – a privately maintained driveway built to look like a public street within a public access easement, including drive lanes, a minimum 6' sidewalk on both sides, and street trees spaced at 30'. Bike lanes and either parallel or angle parking are optional.

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Multi Family Design Standards Items for Consideration

	Recommended Process
Architecture	
Balcony location and design	Design Standards
Stair location and design	Design Standards
Window minimums	Design Standards
Dumpster Screening Material	Design Standards
Materials	Design Standards
Building variation	Design Standards
Window treatments	Design Standards
Building Articulation	Design Standards*
Site	
Building orientation	Design Standards
Parking location	Design Standards
Dumpster locations	Design Standards
Parking screened from right-of way	Design Standards
Mailbox location and design	Design Standards
Bike parking & connectivity	Design Standards
Pedestrian Entrances & connectivity	Design Standards
Internal and external connectivity	Design Standards Code SMTX
Detention location and design	Design Standards Environmental Rev.
Internal Screening	Design Standards
Landscape strips	Design Standards*
Lighting	Design Standards*
Compatibility standards between multifamily and single-family	Code SMTX**
Trees	Design Standards*
Parking screened from adjacent tract not under the same ownership	Design Standards*
Other	
Build to condo specifications	Building Code Code SMTX
Maximum block size	Design Standards*
Additional building types/diversity	Code SMTX
Rent by the bedroom vs. Rent by the unit	Design Standards* Code SMTX
Energy Efficiency	Building Code Code SMTX
Amenity minimums	Code SMTX

*Added to Design Standards at P&Z's Recommendation

**Added to Design Standards at Council's Recommendation



Legislation Text

File #: LDC-14-04, **Version:** 1

AGENDA CAPTION:

LDC-14-04 (Private Wells) Hold a public hearing and consider proposed revisions to Chapter 7 of the Land Development Code to add restrictions for the drilling of new wells and the use of existing wells for customers of the water or wastewater systems.

Meeting date: 05/27/2014

Department: Public Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL: Protect and Maintain the River

BACKGROUND:

The purpose for these changes is to clearly restrict the drilling of new wells and the use of existing non-permitted wells for potable or nonpotable purposes for customers of the water or wastewater systems. The Utilities ordinances in Chapter 86 are generally restrictive concerning wells, the LDC however prohibited the use of wells in Section 7.2.1.3 Individual Wells but allowed for the use of an "alternate water source" for irrigation purposes in Section 7.2.1.1. The issue with this is that there is no definition for "alternative water source" in the LDC. Definitions for "alternative water" are found in both the Conservation and Backflow Prevention ordinances in the Chapter 86 Utilities codes. Both of these definitions included wells as an alternative source of water. Included in the proposed changes to the well language in the LDC is a definition for "Alternative Water", the same definition is proposed for the Chapter 86 ordinances to provide clarity and consistency throughout all ordinance sections.

Land Development Code – Chapter 7 Public Facilities Standards, Article 2: Water, Division 1: Facilities

Section 7.2.1.1 The City System

- (a) *Installation of Water Facilities.* Where water is to be provided through the City system, the developer shall install adequate water facilities, including fire hydrants, in accordance with the current Rules and Regulations for Public Water Systems of the TCEQ, and the firefighting standards of the Texas Board of Insurance, and the standards and specifications of the City.
- (b) *Facilities for Health and Safety Emergencies; ~~Alternate Water Sources.~~* All water facilities connected to the City's water system shall be capable of providing water for health and emergency purposes, including fire protection.
- (c) *Alternative Water Sources.* Where a development is served by the City water system, aAn alternative source of water source, excluding a well, within a development may be used for irrigation purposes, subject to City approval and the obtaining of all appropriate permits from the U.S. Army Corps of Engineers, the TCEQ, and any other applicable agency. Pursuant to Section 7.2.1.3, a well is prohibited and may not be used for irrigation purposes under this subsection. An alternative water source may not be used for potable (i.e., drinking) water supply under any circumstances. The design and construction of water system improvements and alternative water sources shall comply with the following standards:
- (1) Design and construction of a water source on the site shall be in accordance with applicable regulations of the TCEQ.
 - (2) Design and construction of water service from the City shall be in accordance with the standards in the City's TCSS Manual.
 - (3) Design and construction of a fire protection and suppression system shall be in accordance with the standards in the TCSS Manual, and in accordance with the City's Fire Department and Fire Code (also see Chapter 86 of the City Code for cross-connection control and backflow prevention).

Section 7.2.1.3 Individual Wells

- (a) *No City Service to Property with Wells. ~~Within the City Limits.~~* The provision of water or wastewater supply or service to a new or existing development served by individual wells, whether such wells are for irrigation or any other-fer potable or nonpotable uses, within the City limits is prohibited. No owner or developer of property having one or more water wells may connect from such property to a city water or wastewater system unless such owner or developer first abandons the water well or wells on the property under applicable water well abandonment laws and regulations.
- (b) *Other Wells Within the ETJ.* Individual wells on property within the ETJ that is not served by the city water or wastewater system shall be subject to approval by the county health

official, and this approval shall be documented by the health official's signature on the water system statement on the plat. The developer must submit with the plat application a certificate from a professional engineer registered in this state or a geoscientist licensed to practice in this state verifying the adequacy of the proposed source of well supply prior to plat approval.

(c) *Compliance with Other Regulations.* Installation, operations and maintenance of individual wells that are not otherwise prohibited under subsection (a), shall comply with City standards, regulations of the TCEQ, any other applicable State rules and regulations, and applicable regulations of groundwater conservation districts. In the event of conflict among these regulations, whichever is the most stringent shall apply.

(d) The prohibition of a well or wells within the City limits does not apply to Texas State University properties being served by the Texas State University public water system or existing wells permitted prior to July 1, 2014.

Land Development Code – Chapter 8 Definitions, Article 1: General Definitions

Alternative water means any water from a source on or available to a customer's premises from a source other than directly from the Ceity's water source system. Alternative water sources include the following:

- (1) Water from a natural source such as a spring, pond, or river (if permitted)
- (2) Reclaimed water.
- (3) Gray water.
- (4) Rain water.
- (5) Any water supplied by the city water system that has passed through a point of delivery and is no longer controlled by the City's public water system.

The term does not include water from a well.



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-353, **Version:** 1

AGENDA CAPTION:

Development Services Report:

- a. Code SMTX update
- b. Student Liaison update
- c. P&Z Bylaws update

Meeting date: May 27, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND: