



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final-Amended Planning and Zoning Commission

Tuesday, May 26, 2015

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 Regular Meeting on May 12, 2015.
2. PC-14-35_02 (Independence Trail Preliminary Plat) Consider a request by Chan & Partners Engineering, LLC, on behalf of M&M Holdings, LLC, for approval of a Preliminary Plat for approximately 72.942 acres, more or less, out of the John Owens Survey, consisting of 57 residential lots located near the intersection of Old Bastrop Highway and Francis Harris Lane.

PUBLIC HEARINGS

3. CUP-15-05 (Stripes Gas Station at The Retreat) Hold a public hearing and consider a request by ETR Development Consulting LLC, on behalf of American Campus Communities, for a Conditional Use Permit to allow fuel sales in conjunction with a convenience store located at 502 Craddock Avenue.
4. CUP-15-09 (Hooters) Hold a public hearing and consider a request by TW Restaurant Holder LLC, on behalf of San Marcos 123 and 35 Partners, LLC, for a Conditional Use Permit to allow for the sale of mixed alcoholic beverages for on-premises consumption at 1305 S IH 35.
5. CUP-15-10 (Showplace Cinema) Hold a public hearing and consider a request by Showplace Cinema Grill, for a renewal of an Unrestricted Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption at 321 N LBJ Street.
6. CUP-15-11 (Starplex Cinema) Hold a public hearing and consider a request by Starplex Cinema Grill, for the renewal of a Conditional Use Permit to allow the continued sale of beer and wine for on-premises consumption at 1250 Wonder World Drive.

- 7. CUP-15-12 (Plant Nursery) Hold a public hearing and consider a request by David Elliot, on behalf of Adventure Ventures, for a Conditional Use Permit to allow a plant nursery in a Mixed Use zoning district at 415 Staples Road.

NON-CONSENT AGENDA

- 8. Development Services Report:
 - a. Chp 14 Building Code Amendments
 - b. Staff Update
- 9. Consider a recommendation to City Council on years 2016-2025 of the City's 10 year Capital Improvement Program.

V. Question and Answer Session with Press and Public.

VI. Adjournment

ADDENDUM

The following item was added after the agenda was posted on Thursday, May 21, 2015:

Item # 9 Consider a recommendation to City Council on years 2016-2025 City's Capital Improvements Program.

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#15-265, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the Regular Meeting on May 12, 2015.

Meeting date: May 28, 2015

Department: Planning and 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

DRAFT

Meeting Minutes

Planning and Zoning Commission

630 East Hopkins
San Marcos, TX 78666

Tuesday, May 12, 2015

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 Wood at 6:00 p.m. on Tuesday, May 12, 2015 in the Council Chambers of the City of San Marcos, City Hall 630 E. Hopkins, San Marcos, Texas 78666

II. Roll Call

Present 8 - Chairperson Chris Wood, Vice Chair Kenneth Ehlers, Commissioner Angie Ramirez, Commissioner Brian Olson, Commissioner Amy Stanfield, Commissioner Jim Garber, Commissioner Shawn Dupont, and Commissioner Saul Gonzales

Absent 1 - Commissioner Travis Kelsey

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Charles O'Neil, 121 E. Hillcrest, representing the San Marcos Greenbelt Alliance (SMGA) read a letter submitted to the Commission from Maggie Hutchins-Wagner, President of SMGA. The Greenbelt Alliance asked the Commission to recommend to City Council the addition of a Greenways and Trails Master Plan in the update of the Transportation Master Plan that is currently under way. He added that SMGA envisions a greenway system that connects everyone in our community, strengthens neighborhoods and businesses, and draws visitors and new residents; in short, a greenway system that sets San Marcos apart from other central Texas communities.

CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting on April 14, 2015 and April 28, 2015.
2. PC-04-10_01K (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 Stanfield, seconded by Commissioner Garber, that the Consent Agenda be approved. The motion carried by the following vote:

For: 8 - Chairperson Wood, Vice Chair Ehlers, Commissioner Ramirez, Commissioner Olson, Commissioner Stanfield, Commissioner Garber, Commissioner Dupont and Commissioner Gonzales

Against: 0

Absent: 1 - Commissioner Kelsey

PUBLIC HEARINGS

3. CUP-15-08 (Pizza Hut) Hold a public hearing and consider a request by Tom Marzano on behalf of Pizza Hut for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 900 Bugg Lane, Suite 118.

Chair Wood opened the public hearing.

Andrea Villalobos, Planning Technician gave an overview of the request.

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

A motion was made by Commissioner Ramirez, seconded by Commissioner Olson, that CUP-15-08 (Pizza Hut) be approved with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; and the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 8 - Chairperson Wood, Vice Chair Ehlers, Commissioner Ramirez, Commissioner Olson, Commissioner Stanfield, Commissioner Garber, Commissioner Dupont and Commissioner Gonzales

Against: 0

Absent: 1 - Commissioner Kelsey

4. PC-15-04_04 (Sac-N-Pac Replat) Hold a public hearing and consider a request by ETR Development Consulting, LLC, on behalf of Sac-N-Pac Stores, Inc., for approval of a replat of Lot 3 of the Sac-N-Pac Centerpoint Subdivision establishing Lots 3A, 3B, and 3C located on South Interstate 35 approximately 580 feet north of Centerpoint Road.

Chair Wood opened the public hearing.

Tory Carpenter, Staff Planner gave an overview of the request.

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

A motion was made by Commissioner Stanfield, seconded by Commissioner Garber, that PC-15-04_04 (Sac-N-Pac) be approved with the following condition that the applicant shall execute a subdivision improvement agreement prior to recordation of the plat. The motion carried by the following vote:

For: 8 - Chairperson Wood, Vice Chair Ehlers, Commissioner Ramirez, Commissioner Olson, Commissioner Stanfield, Commissioner Garber, Commissioner Dupont and Commissioner Gonzales

Against: 0

Absent: 1 - Commissioner Kelsey

5. LDC-15-01 Hold a public hearing and consider revisions to Subpart C of the City's Code of

Ordinances (SMARTCODE) updating Articles 1 and 5 to revise allowable heights within SmartCode Districts.

Chair Wood opened the public hearing.

Will Parrish, Planning Technician gave an overview of the request.

John David Carson, 1911 Corporate Drive, San Marcos, 711 Patterson Drive, Austin Texas stated that the request is an unnecessary change because Planning and Zoning and the City Council already have full discretion to approve or deny any height request over five stories. He explained that the downtown is a landlocked area. Mr. Carson said it is also their best chance in cultivating a walkable community in San Marcos with daily necessities, employment, education and recreation all in one area. He added that we should be encouraging people to these areas and not set up boundaries. Mr. Carson stated that if there is a desire for shorter buildings the problem is not height the problem is the parking requirements. He said he finds the proposal perplexing and asked the Commission to recommend denial of the request and direct staff to modify the multifamily parking requirements in the SmartCode back to the 1 per unit that was recommended in the base SmartCode and by the Planning staff.

Diane Wassenich, 11 Tangelwood spoke in favor of staff's recommendation. She explained that San Marcos has many cheaply built apartments without enough parking that have been built particularly in the last decade. Ms. Wassenich added that we have buildings that are embarrassing to our community as people enter San Marcos. She said that she believes that the staff is trying to help attract a type of apartment developer that will possibly build a better quality apartment. Ms. Wassenich felt that if we want our downtown to look like a thriving healthy business and living place the Commission and staff are doing the right things to bring up the standards in San Marcos so that we don't get the leftovers that every other community is getting around us.

There were no additional citizen comments and the public hearing was closed.

A motion was made by Commissioner Garber, seconded by Commissioner Ramirez, that LDC-15-01 (SmartCode) be approved. The motion failed by the following vote:

- For:** 3 - Commissioner Ramirez, Commissioner Garber and Commissioner Gonzales
- Against:** 5 - Chairperson Wood, Vice Chair Ehlers, Commissioner Olson, Commissioner Stanfield and Commissioner Dupont
- Absent:** 1 - Commissioner Kelsey

A motion was made by Commissioner Stanfield, seconded by Commissioner Olson, that LDC-15-01 (SmartCode) be denied. The motion carried by the following vote:

- For:** 5 - Chairperson Wood, Vice Chair Ehlers, Commissioner Olson, Commissioner Stanfield and Commissioner Dupont
- Against:** 3 - Commissioner Ramirez, Commissioner Garber and Commissioner Gonzales
- Absent:** 1 - Commissioner Kelsey

A motion was made by Commissioner Ramirez, seconded by Commissioner Garber, that LDC-15-10 (SmartCode) reduction in height be allowed within the Downtown T4 districts from 5 stories to 3 stories, as well as to approve a change to table 1.3 in order to fix erroneous clerical error regarding principal height in the T3 district from "not applicable" to 2 stories be approved. The motion failed by the following vote:

For: 3 - Commissioner Ramirez, Commissioner Garber and Commissioner Gonzales

Against: 5 - Chairperson Wood, Vice Chair Ehlers, Commissioner Olson, Commissioner Stanfield and Commissioner Dupont

Absent: 1 - Commissioner Kelsey

A motion was made by Commissioner Stanfield, seconded by Commissioner Olson, that LDC-15-01 (SmartCode) change to table 1.3 in order to fix erroneous clerical errors regarding principal height in the T3 district from "not applicable" to 2 stories be approved. The motion carried by the following vote:

For: 8 - Chairperson Wood, Vice Chair Ehlers, Commissioner Ramirez, Commissioner Olson, Commissioner Stanfield, Commissioner Garber, Commissioner Dupont and Commissioner Gonzales

Against: 0

Absent: 1 - Commissioner Kelsey

6. Public hearing, staff presentation and discussion on the FY 2016-25 Capital Improvements Program.

Chair Wood opened the public hearing.

Laurie Moyer, Director of Engineering/CIP gave an overview of the of the Capital Improvements Program.

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

NON-CONSENT AGENDA

7. Development Services Report:
a. Code SMTX update

Shannon Mattingly, Director of Planning & Development Services gave an update on the May 2nd and 9th Neighborhood Workshops, Swing on the Square scheduled for May 16-17th, and the upcoming May 23rd Neighborhood Workshop.

- 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 Commission Ehlers, seconded by Commissioner Olson, that the meeting be adjourned at 7:41 p.m. The motion carried unanimously.

Chris Wood, Chair

Kenneth Ehlers, Vice Chair

Angie Ramirez, Commissioner

Amy Stanfield, Commissioner

Brian Olson, Commissioner

Jim Garber, Commissioner

Saul Gonzales, Commissioner

Shawn Dupont, Commissioner

ATTEST:

Francis Serna, Recording Secretary

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-14-35_02, **Version:** 1

AGENDA CAPTION:

PC-14-35_02 (Independence Trail Preliminary Plat) Consider a request by Chan & Partners Engineering, LLC, on behalf of M&M Holdings, LLC, for approval of a Preliminary Plat for approximately 72.942 acres, more or less, out of the John Owens Survey, consisting of 57 residential lots located near the intersection of Old Bastrop Highway and Francis Harris Lane.

Meeting date: May 26, 2015

Department: Planning & Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

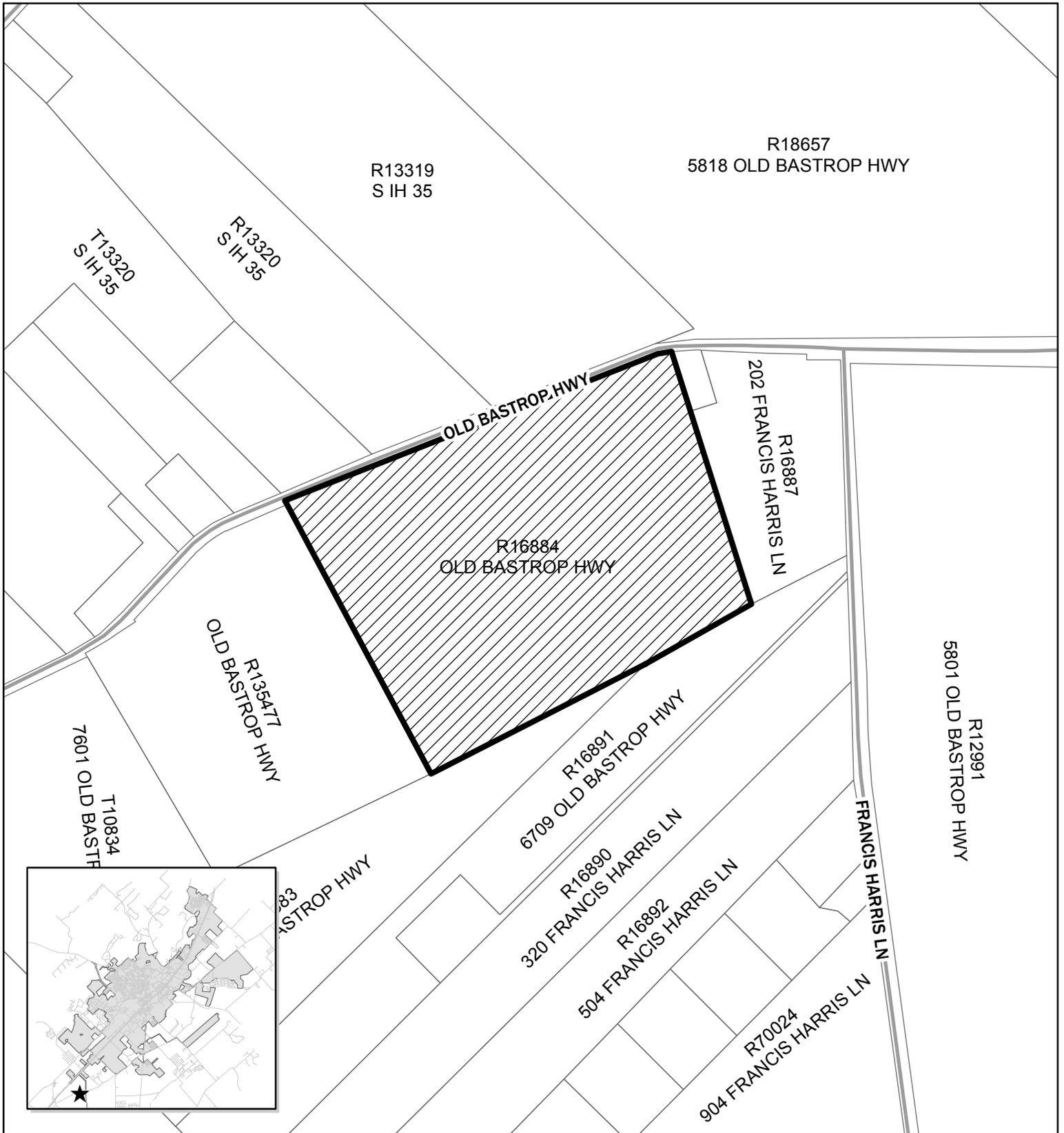
CITY COUNCIL GOAL: Community Wellness/ Strengthen the Middle Class

BACKGROUND:

The subject property is located in Hays County and within the City's Extraterritorial Jurisdiction (ETJ). The developer intends to subdivide for residential development. All lots will front on internal roads with egress to Old Bastrop Highway. Two new connections to the south will provide connections to future development in the area.

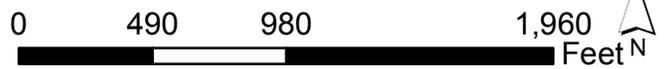
Water service will be provided by Crystal Clear Supply Corporation with infrastructure being extended through the development by the developer. Since each lot is over 1 acre, the properties can be served by on-site wastewater systems.

Staff has reviewed the request and determined that all of the criteria pertaining to preliminary plats has been met and is recommending **approval** of this preliminary plat as submitted.

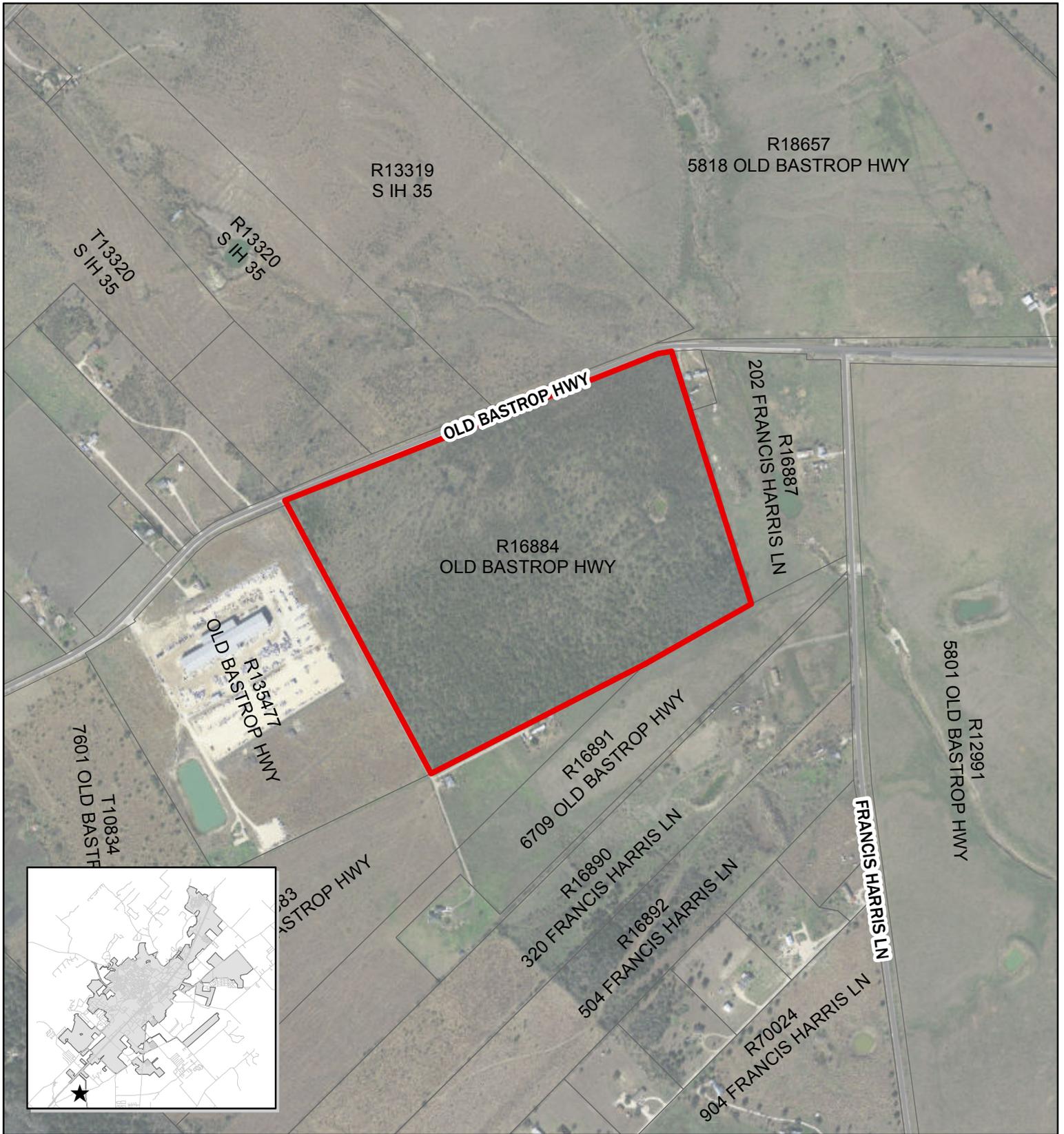


PC-14-35_02
Independence Trail
Preliminary Plat
Map Date: 5/13/2015

●  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-14-35_02
Independence Trail
Preliminary Plat
Map Date: 5/13/2015

● 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-15-35_02 Preliminary Plat Independence Trail



Applicant Information:

Applicant: Chan & Partners Engineering, LLC
4319 James Casey #300
Austin, TX 78745

Property Owner: M&M Holdings LLC
1718 State Street
Houston, TX 77007

Subject Property:

Summary: The subject property is approximately 72.94 acres out of the John Owens Survey, on Old Bastrop Highway south of Francis Harris Lane. The property will be divided into 57 lots intended for residential development.

Zoning: This property is currently within the City of San Marcos Extraterritorial Jurisdiction.

Traffic/ Transportation: Decision Path, Independence Drive, and Liberty Trail will be dedicated and constructed by the developer. Liberty Trail will connect this development to the southeast property. 60 feet of right-of-way dedication along the west portion of the property will provide a connection for a future arterial.

Utility Availability: Water service is provided by Crystal Clear Water Supply Corporation and electric service is provided by Perdenales Electric Cooperative. On-site wastewater systems will be used in accordance with Hays County regulations.

Planning Department Analysis:

The purpose of a Preliminary Plat is to establish lot design for a subdivision, establish utility layouts, and street and intersection design. The Preliminary Plat stage ensures that the final plat design, if final platting is accomplished in phases, is consistent with the overall plan for the area. Preliminary Plats are not recorded and are not the legal document used for sale of lots, but rather are used to allow for comprehensive review of the proposed development.

The subject property is located in Hays County and within the City's ETJ. The developer intends to subdivide for residential development. All lots will front on internal roads with egress to Old Bastrop Highway. Two new connections to the south will provide connections to future development in the area.

Water service will be provided by Crystal Clear Supply Corporation with infrastructure being extended through the development by the developer. Since each lot is over 1 acre, the properties can be served by on-site wastewater systems.

Criteria for Approval

The following criteria shall be used to determine whether the application for Preliminary Subdivision Plat shall be approved, approved with conditions, or denied, where a Subdivision Concept Plat has been approved for the land subject to the proposed plat:

- (1) The plat conforms to the general layout of the Subdivision Concept Plat and is consistent with the phasing plan approved therein;
- (2) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision and meet applicable standards of Chapters 6 and 7 of this Land Development Code;
- (3) The plat conforms to the approved Watershed Protection Plan (Phase 1); and
- (4) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Tex. Loc. Gov't Code Ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county

Staff has reviewed the request and determined that all of the above criteria have been met and is recommending **approval** of this preliminary plat as submitted.

Planning Department Recommendation	
<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative - Postpone
<input type="checkbox"/>	Denial

The Commission's Responsibility:

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

Prepared by:

Tory Carpenter, CNU-A

Planner

May 13, 2015

Name

Title

Date

9/13

Received
11/4/14
mj

PC-14 .35_02

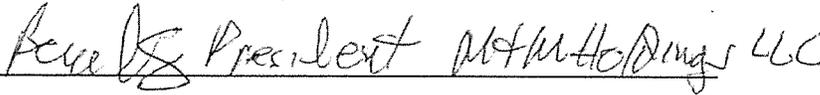
City of San Marcos
SUBDIVISION PLAT APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	Chan & Partners Engineering, LLC	M&M Holdings LLC
Mailing Address	4319 James Casey #300 Austin, Texas 78745	1718 State Street Houston, Texas 77007
Daytime Phone	512 / 480-8155	888 / 774-5720
Email Address	TomC@chanpartners.com	beausking@aol.com

AGENT ACKNOWLEDGEMENT STATEMENT:
 I, M&M HOLDINGS LLC acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize Chan & Partners Engineering, LLC 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: 

Printed Name: M&M HOLDINGS LLC Date: 10/30/14

Signature of Agent: 

Printed Name: Tom Curran, P.E. Date: 10/30/14

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

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

SUBJECT PROPERTY

Subdivision Name: ABS 356 TR 1 JOHN OWENS SURVEY

Address or General Location: OLD BASTROP HWY & FRANCIS HARRIS

Proposed Number of Lots: 60 Acres: 72.942

Appraisal District Tax ID: R16884

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

Proposed Use of Land Residential

**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: Beau S. King, President M.F. King LLC

Printed Name: Beau S. King Date: 10/30/14

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* Pedernales Electric Cooperative

Applicable Utility Service Code(s) B

Comments/Conditions _____

See attached letter from Pedernales Electric Cooperative

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* N/A

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Gas Company Official _____

Title _____ Date _____

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* Crystal Clear Water Supply

Applicable Utility Service Code(s) B

Comments/Conditions _____

See letter from Crystal Clear Water Supply

Signature of Water Utility Official: _____

Title: _____ Date: _____

Name of *Wastewater Service Provider* N/A

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:

Fee Schedule

For Plats Located Inside/Outside of the City Limits	
Subdivision Minor Plat / Amending Plat	\$400 plus \$100 per acre (max \$1000) + \$10.00 Technology Fee
Concept Plan	\$750 plus \$50 acre (max \$2000) + \$10.00 Technology Fee
Preliminary Plat	\$750 plus \$50 acre (max \$2000) + \$10.00 Technology Fee
Final Plat	\$1000 plus \$100 acre (max \$2500) + \$10.00 Technology Fee
Replat, not administrative	\$750 plus \$50 acre (max \$2000) + \$10.00 Technology Fee
Vacation of Previously Recorded Plat	\$150 + \$10.00 Technology Fee
Subdivision Variance Request	\$600 + \$10.00 Technology Fee
Cluster Development Plan	\$25 per acre (\$100 min / \$1500 max) + \$10.00 Technology Fee

STAFF USE ONLY:

Submittal Date: 11/4/14 5 Business Days from Submittal: _____

Completeness Review By: Solomon Nelson Date: _____

Contact Date for Supplemental Info: _____

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

Application Returned to Applicant: _____

Application Accepted for Review: _____ Fee: _____

Comments Due to Applicant _____

Date for Plat Resubmittals _____

Date of Planning and Zoning Commission Meeting: _____

- Complete application
- Required fees \$ 2,010.00 (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 - no lien holders
- One digital copy of submittal materials including CAD file
- 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: Tom Curran, P.E.

Date: 11/4/2014

*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) .
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

For Plats Located Inside/Outside of the City Limits	
Subdivision Minor Plat / Amending Plat	\$400 plus \$100 per acre (max \$1000) + \$10.00 Technology Fee
Concept Plan	\$750 plus \$50 acre (max \$2000) + \$10.00 Technology Fee
Preliminary Plat	\$750 plus \$50 acre (max \$2000) + \$10.00 Technology Fee
Final Plat	\$1000 plus \$100 acre (max \$2500) + \$10.00 Technology Fee
Replat, not administrative	\$750 plus \$50 acre (max \$2000) + \$10.00 Technology Fee
Vacation of Previously Recorded Plat	\$150 + \$10.00 Technology Fee
Subdivision Variance Request	\$600 + \$10.00 Technology Fee
Cluster Development Plan	\$25 per acre (\$100 min / \$1500 max) + \$10.00 Technology Fee

STAFF USE ONLY:

Submittal Date: _____ 5 Business Days from Submittal: _____

Completeness Review By: _____ Date: _____

Contact Date for Supplemental Info: _____

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

Application Returned to Applicant: _____

Application Accepted for Review: _____ Fee: _____

Comments Due to Applicant _____

Date for Plat Resubmittals _____

Date of Planning and Zoning Commission Meeting: _____



Legislation Text

File #: CUP-15-05, **Version:** 1

AGENDA CAPTION:

CUP-15-05 (Stripes Gas Station at The Retreat) Hold a public hearing and consider a request by ETR Development Consulting LLC, on behalf of American Campus Communities, for a Conditional Use Permit to allow fuel sales in conjunction with a convenience store located at 502 Craddock Avenue.

Meeting date: May 26, 2015

Department: Planning and Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

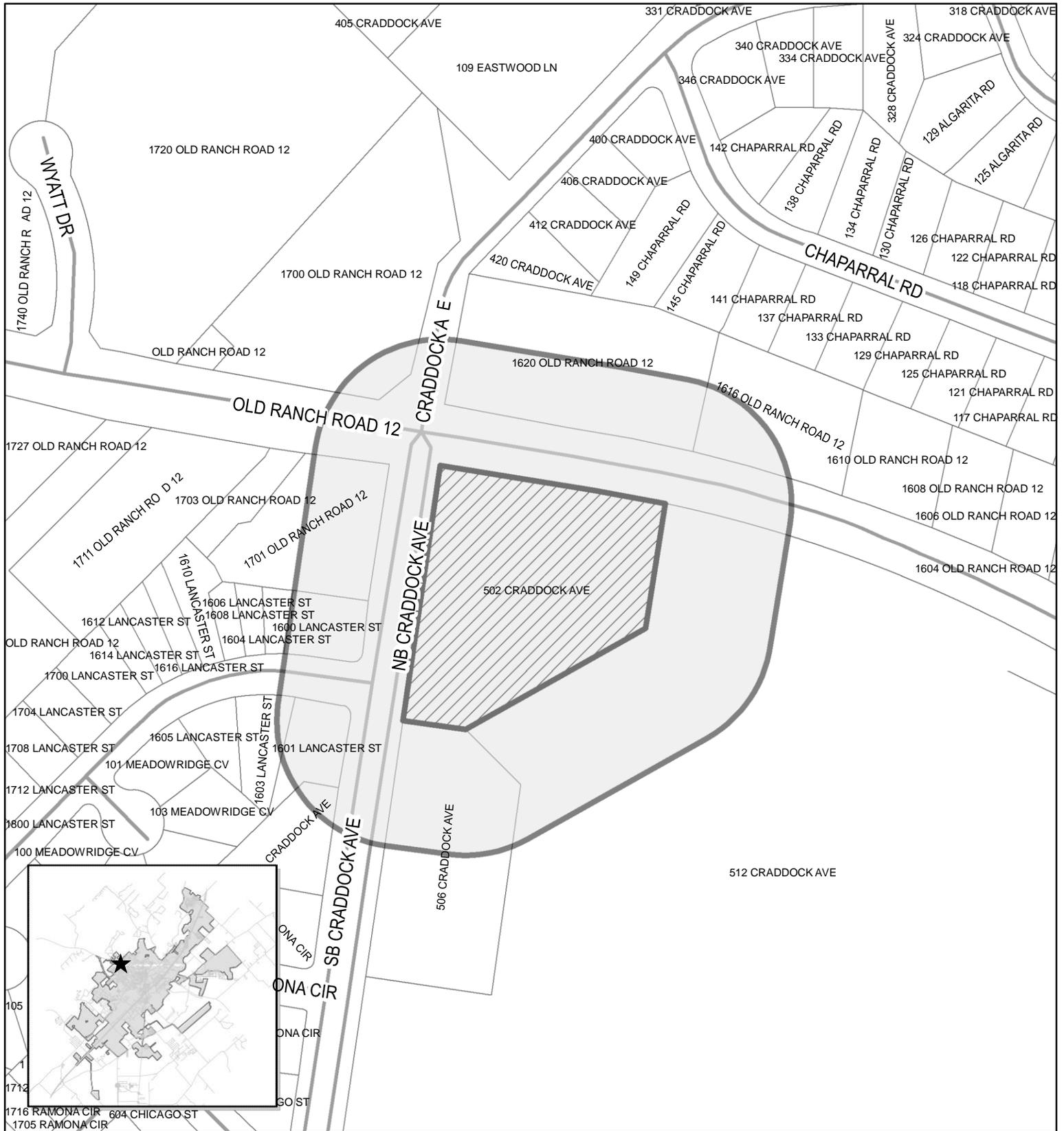
CITY COUNCIL GOAL: Community Wellness/ Strengthen the Middle Class

BACKGROUND:

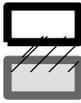
The applicant is requesting a Conditional Use Permit to allow for a "Convenience Store with Gas Sales", a use that is Conditional under the established PDD.

Staff has analyzed the request and recommends **approval** of the Conditional use permit with the following conditions:

- (1) Gas sales be limited to the approximately 2.1 acre tract the applicant is proposing to develop.
- (2) The approval be based upon the submitted site plan;
- (3) The applicant provides parking for all retail as proposed on the submitted site plan;
- (4) The applicant provides a minimum 25 foot wide preservation easement along Old RR12, excluding the proposed driveway;
- (5) The applicant replace the existing 10 foot wide crushed granite shared use path along both Craddock Ave and Old RR12 with 10 foot wide concrete sidewalks;
- (6) The Driveways be constructed in such a way to increase pedestrian safety, including constructing driveways that are right in right out, reducing the maximum width of the proposed driveways, and constructing "pork chop" medians to allow for separation between ingress and egress lanes, creating a pedestrian refuge;
- (7) The applicant preserves a minimum of 163 caliper inches of Specimen Trees as indicated on the Tree Survey that accompanied this application;
- (8) The applicant agrees to provide a joint access easement at their driveway along Old RR12 so as to provide access for the potential build out of the .65 acre lot.
- (9) That this project abides by all other rules and regulations of the PDD and Land Development Code as applicable.



CUP-15-05
ACC OP Stripes Gas Station
802 Craddock
Map Date: 4/16/2015

-  Site Location
-  Notification Buffer (200 feet)

0 125 250 500 Feet



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

Section 1: Introduction, Project Location and Description

Planned Development Districts (PDD's) provide one of the best structures for producing a unified and physically cohesive community. PDD Districts are intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for adjustment to the changing demands to meet the current needs of the community and to result in a higher quality development for the community than would result from the use of conventional zoning districts.

The Retreat at San Marcos is generally located at the southeast corner of Craddock Avenue and Ranch Road 12. The project site contains approximately 48 acres of land that has historically been utilized as a residential homestead. Access to this site will be provided through connections to Ranch Road 12 and Craddock Avenue.

The majority of the site will be developed as a 39 acre multifamily development consisting of 187 units consisting of primarily detached residential cottages, with a maximum of 25 two-unit attached residential cottage structures and 12 four-unit attached residential cottage structures. The gross density of the project will be 4.27 units per acre with a net density of 4.76 units per acre. The occupancy of the multifamily units shall be restricted to one person per lease per bedroom for a maximum of 780 residents.

In addition to the residential cottages, the multifamily will contain a 2.00 acre amenity area for use by the residents which includes, but is not limited to, clubhouse with fitness center, movie theater, and indoor gathering area, a swimming pool facility, recreation courts such as tennis court, basketball court, and sand volleyball court, horseshoe pit, putting green, and other ancillary uses permitted in association with the multifamily development. The multifamily portion of this project will be developed as a single phase and shall be considered a single development.

This PDD also provides a 2.75 acre commercial tract to be located at the corner of Ranch Road 12 and Craddock Avenue. It is anticipated that this commercial tract will be developed with neighborhood oriented services such as a pharmacy, dry cleaning, coffee shop or other similar uses. The Concept Plan indicates 20,000 square feet of first floor retail with the option for second floor office, retail or residential use. This would encourage a mixed use type of development on this commercial tract.

This PDD also provides for a 1.80 acre property that will be donated to the City at the time of final plat approval for this development. This site is anticipated to be utilized by the City for construction of a fire station and/or police substation.

The Concept Plan also illustrates an approximately 4.50 acre tract of land located at the extension of Archie Street and Dolly Street. This area was originally envisioned to be traditional single family residential and the completion of the adjacent Weatherford Heights Subdivision. This area is being designated as parkland to be dedicated to the City of San Marcos. The City's revised Parks, Recreation and Open Space Master Plan envisions the dedication of a regional park facility within the general area of Ranch Road 12 and Craddock Avenue. This dedication would meet the vision of the City's new Parks, Recreation and Open Space Master Plan.

density "neighborhood friendly" or "neighborhood compatible" uses located on the south side of the Hughson Ramona connector road.

The development of this site exceeds this vision by the development of approximately 39 acres of Low Density Residential, 2.75 acres of Commercial, 1.80 acres for the Fire Station and 4.5 acres of public parkland/open space. The Sector 2 Plan identifies Low Density Residential as residential development between 3 and 6 units per acre. The gross density of the project site will be 4.27 units per acre with a net density of 4.76 units per acre which complies with the density limitations of the Sector Plan. There is no Medium Density Residential land use proposed for development and the Commercial land use is being reduced by 7.25 acres over what is envisioned in the Sector 2 Plan. Finally, the development proposes the dedication of 4.5 acres of public parkland which exceeds the Sector 2 Plan vision by 1.5 acres.

Sector 2 Plan Vision Comparison				
Standard	Sector 2 Plan	Proposed PDD	Difference	Compliance with Sector Plan
Low Density Residential (3-6 units per acre)	33 acres	39.30 acres	+ 6.30 acres	Exceeds*** Sector 2 Plan by 6.30 acres
Medium Density Residential (6-12 units per acre)	8 acres	0 acres	- 8.0 acres	Exceeds*** Sector 2 Plan by 8 acres
Commercial	10 acres	2.75 acres	- 7.25 acres	Exceeds*** Sector 2 Plan by 7.25 acres
Open Space	3 acres	4.5 acres	+ 1.5 acres	Exceeds*** Sector 2 Plan by 1.5 acres
Dwelling Units	294 units *	187 units **	- 107 units	Exceeds*** Sector 2 Plan by 107 units
* Based on maximum units permitted within each land use category ((33 X 6) + (12 X 8))				
** Based on maximum unit restriction within PDD				
*** Exceeds means reduction of development intensity				

Section 3: Land Use Designation

3.01 Base Zoning: The Retreat at San Marcos consists of approximately 48 acres featuring Low Density Multifamily Residential and restricted commercial uses. To accomplish this combination of uses successfully, the PDD shall have a base zoning of Community Commercial District (CC) for the commercial area; Multiple-Family Residential District (MF-12) and maintain the existing Single-Family District (SF-6) for the proposed parkland.

The Community Commercial district is established to provide areas for quality larger general retail establishments and service facilities for the retail sale of goods and services. The Community Commercial district is generally intended for retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses. The Multiple-Family Residential District is intended for the development

Photocopying/Duplicating/Copy Shop			P
Washateria/Laundry (Self-Serve)			P
Auto Supply Store for New and Rebuilt Parts			C
Bicycle Sales and/or Repair			C
Convenience Store without gas sales			P
Convenience Store with gas sales			C
Food or Grocery Store with Gasoline Sales			C
Food or Grocery Store without Gasoline Sales			P
Pharmacy			P
Plant Nursery (Retail Sales w/ Outdoor Storage)			C
Recycling Kiosk			P
Restaurant/Prepared Food Sales			P
Restaurant/Prepared Food Sales with drive thru			C
Restaurant/Prepared Food Sales with beer and wine sold for both on-premises and off-premises consumption			C
Retail Store (max. 20,000sf bldg.) outside sales			C
Retail Store (max. 20,000 sf bldg.) no outside sales			P
Veterinarian (Indoor Kennels Only)			C
Auto Repair (General)			C
Car Wash (Self Service; Automated)			C
Full Service Car Wash (Detail Shop)			C
Lube/Oil Change/Minor Inspection			C
Bar			C
Health Club (Physical Fitness; Indoors Only)			C
Museum (Indoors Only)			P
On-Premise Consumption of Alcohol			C
Park and/or Playground	P	P	P
Adult Day Care (No Overnight Stay)			C
Assisted Living Facility/Hospice			C
Child Day Care (Business)			P
Place of Religious Assembly/Church			C
Clinic (Medical)			P
Fire Station/Police Substation		P	P
Fraternal Organization/Civic Club			C

with the requirements of the City of San Marcos. The location of this multiuse path shall be determined at the time of Site Preparation Permit approval and shall be field located during construction to minimize alteration or removal of existing natural vegetation.

6.02 Parking Standards

Parking requirements shall comply with all requirements of Chapter 6, Article 2 of the City of San Marcos LDC as follows:

Multifamily Area:	1.05 spaces per bedroom
Commercial Area:	In accordance with the use developed on the property
Fire Station:	In accordance with City's requirements

In addition to the proposed vehicle parking, the project site shall provide bicycle parking equivalent to a minimum of 10% of the bedroom count. Because of the detached nature of the cottage units, bicycles are typically stored within units, on the front porch or on the back porch of individual units. To avoid unattractive visual clutter, no bicycles may be hung from the ceiling of the front porch or a front second story balcony, if provided.

6.03 Exterior Construction Standards

Intent

Architecture and the built environment make many important contributions to San Marcos's visual context. 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.

Achieving a high quality of architectural design for all buildings within the Development is considered a principal goal of the design standards. Reflecting the vision of the Development, the development standards call for exterior materials that express the natural environment and range of natural materials found in Central Texas. In order to achieve this design intent, a limited palette and range of exterior materials, colors, textures and finishes have been selected for all construction within the Development

1. All facades shall use a palette and range of exterior materials, colors, textures and finishes similar to those included in the representative elevations in Exhibit F.
2. The use of color shall apply equally to additions and/or alterations to existing structures as well as to new detached structures. Garish or unusual colors and color combinations, and/or unusual designs are discouraged.
3. All buildings within the Development shall be designed with a high level of detail, with careful attention to the combination of and interface between materials. All buildings within the multifamily area shall be similar in architecture to the representative elevations attached in Exhibit F. 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.
4. A minimum of 60% of each nonresidential building, excluding doors and windows, shall be masonry consisting of brick, stone, stucco, split face concrete units, faux stone or brick, cementitious fiber board, or a combination

thereof. Each building that is greater than one (1) story in height shall have first floor with a minimum of 80% masonry.

5. A minimum of 100% of each residential building, excluding doors, windows, fascia, soffit, trim, handrails, guardrails, decks, columns, etc., shall be masonry consisting of brick, stone, stucco, split face concrete units, faux stone or brick, cementitious fiberboard or a combination thereof. Fascia, trim, columns, soffits, handrails, guardrails, decks, and other similar architectural details may be constructed of wood or other durable natural material.
6. Residential buildings shall be constructed of a variety of materials and designs in consistent with the building elevations provided in Exhibit F. Brick or stone accents will be included on all proposed structures. The brick or stone accents will extend from the finished grade elevation around the building to a point between the finished floor elevation and the bottom of the ground floor windows. The level of the brick or stone will vary by elevation. Above the brick or stone, buildings shall utilize brick, stone, stucco, faux stone or brick, cementitious fiberboard or a combination thereof.
7. Architectural details may include barn door shutters, faux gable vents or windows or other architectural details consistent with the design intent of the Craftsman cottage theme of the development.
8. E.I.F.S. is not permitted as a building façade material. If such a finish is desired, stucco on masonry backup or a mechanically fastened system is required.
9. Durable materials such as terra cotta and metal fascia may be utilized for architectural detailing and accents where appropriate. A more articulated use of details and accent materials is encouraged at building entries.
10. These standards shall apply equally to additions and/or alterations to existing structures as well as to new detached 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. Alternative designs for accessory structures may utilize different styles and materials than the primary structure upon review and approval by the Director of Development Services and the Permit Center Manager, appealable to the Planning and Zoning Commission.
11. No bright, unfinished or mirrored surfaces will be allowed.
12. Alternative design standards may be utilized upon review and approval by the Director of Development Services and the Permit Center Manager at the time of site planning. Any decision of the Director of Development Services and the Permit Center Manager may be appealed to the Planning and Zoning Commission.
13. The exterior construction standards identified within this section shall be applicable to all facades on each commercial building within the proposed development. The use of four (4) sided design will be utilized to provide an enhanced visual appeal to the surrounding properties. The requirements of this section may be waived upon review and approval of an appropriate design and layout by the Director of Development Services and the Permit Center Manager at the time of site planning, appealable to the Planning and Zoning Commission.

6.04 Parkland Dedication

Parkland dedication is required in accordance with the requirements of the City of San Marcos LDC.

7.02 The Property Owner understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to all penalties that apply to violation of the City's LDC, as amended. The Property Owner further understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to a suit by the City for an injunction to enjoin the violation of these development standards as though they were conditions, restrictions and limitations on use of the Project Site under the City's LDC.

7.03 All obligations of the Property Owner created under these development standards are performable in Hays County, Texas and venue for any action arising under these development standards shall be in Hays County, Texas. These development standards will be construed in accordance with the laws of the State of Texas.

7.04 Nothing in these development standards, express or implied, is intended to confer any rights, benefits or remedies under or by reason of these development standards upon any person or entity other than the City of San Marcos and the Property Owner.

7.05 These development standards shall control the development of the Project Site and, to the extent such development standards modify, amend or supplement specific provisions of the City's Land Development Code, said development standards shall control. To the extent the City's Land Development Code is not specifically amended, modified or supplemented by these development standards, the City's Land Development Code or, as same may exist at the time of approval of these development standards, shall be applicable to and control the development of the Project Site.

7.06 Minor changes to the details contained within the Conceptual Plan incorporated herein which do not substantially and adversely change the Plan and which do not alter the basic physical relationship of the project site to adjacent properties, including, but not limited to, permitted uses, layout of buildings, number and size of buildings, design of parking areas, etc., may be approved administratively by the Director of Development Services. Any changes not deemed to be minor changes by the Director of Development Services shall be deemed major changes and shall be resubmitted following the same procedure required by the original PDD application. In no case shall any proposed change be less than the requirements of these development standards without being resubmitted following the same procedure required by the original PDD application.

7.07 The Exhibits identified herein are incorporated by reference and are adopted as part of this PDD. Any modifications, amendments or supplements to these Exhibits, except for Exhibits E and H, shall require an amendment to this PDD ordinance unless otherwise allowed by City ordinance or State law. The Community Rules and Regulations and ACT standards provided in Exhibit H may be updated or amended, from time to time, as necessary provided, however, the property owner shall not eliminate the Community Rules and Regulations in their entirety nor substantially alter the Community Rules and Regulations without the approval of the Director of Development Services.

7.08 In case one or more provisions of these development standards are deemed invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, these development standards shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

ORDINANCE NO. 2011- 09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, PERTAINING TO A 48.36 ACRE, MORE OR LESS, TRACT OF LAND OUT OF THE ELIJAH CLARK SURVEY NO. 11, ABSTRACT NO. 83, LOCATED AT 508 CRADDOCK AVENUE AND THE 1500 BLOCK OF OLD RANCH ROAD 12 AT THE SOUTHEAST CORNER OF CRADDOCK AVENUE AND OLD RANCH ROAD 12; AMENDING THE FUTURE LAND USE MAP FROM "LDR" LOW DENSITY RESIDENTIAL, "C" COMMERCIAL AND "OS" OPEN SPACE TO "MDR" MEDIUM DENSITY RESIDENTIAL FOR PARTS OF A 41.11 ACRE, MORE OR LESS, PORTION OF SAID TRACT AND FROM "OS" OPEN SPACE TO "C" COMMERCIAL FOR PART OF A 2.75 ACRE PORTION OF SAID TRACT; AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING A 41.11 ACRE PORTION OF SAID TRACT FROM "OP" OFFICE PROFESSIONAL, "SF-6" SINGLE-FAMILY RESIDENTIAL DISTRICT AND "SF-6/PDD" SINGLE-FAMILY RESIDENTIAL DISTRICT WITH PDD OVERLAY TO "PDD" PLANNED DEVELOPMENT DISTRICT WITH BASE ZONING OF "MF-12" MULTIPLE-FAMILY RESIDENTIAL DISTRICT, REZONING A 2.75 ACRE PORTION OF SAID TRACT FROM "SF-6" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "PDD" PLANNED DEVELOPMENT DISTRICT WITH BASE ZONING OF "CG" COMMUNITY COMMERCIAL DISTRICT AND REZONING THE REMAINING 4.5 ACRES, MORE OR LESS, OF SAID TRACT FROM "SF-6" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "PDD" PLANNED DEVELOPMENT DISTRICT WITH BASE ZONING OF "SF-6" SINGLE-FAMILY RESIDENTIAL DISTRICT; APPROVING PLANNED DEVELOPMENT DISTRICT STANDARDS FOR THE RETREAT AT SAN MARCOS PDD; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING FOR PENALTIES.

RECITALS:

1. On February 22 and March 22, 2011, the City Planning and Zoning Commission of the City of San Marcos held public hearings pertaining to a 48.36 acre, more or less tract of land out of the Elijah Clark Survey, Abstract No. 11, located at 508 Craddock Avenue and the 1500 block of Old Ranch Road 12 at the southeast corner of Craddock Avenue and Old Ranch Road 12 as described in the attached Exhibit "A" (the "Project Site") as follows:

(a) regarding requests to change the Future Land Use Map of the *San Marcos Horizons City Master Plan* from "LDR" Low Density Residential, "OS" Open Space and "C" Commercial to "MDR" Medium Density Residential for areas within a 41.11 acre, more or less, portion of the Project Site as described in the attached Exhibit "A-1" ("Tract A");

(b) regarding a request to change the Future Land Use Map of the *San Marcos Horizons City Master Plan* from "OS" Open Space to "C" Commercial for an area within a 2.75 acre, more or less, portion of the Project Site as described in the attached Exhibit "A-2" ("Tract B");

(c) regarding a request to change the zoning for Tract A from "OP" Office Professional District (1.71 acres), "SF-6" Single-Family Residential District and "SF-6/PDD" Single-Family Residential District with PDD Overlay (39.4 acres) to "PDD" Planned Development District, with base zoning of "MF-12" Multiple-Family Residential District;

(d) regarding a request to change the zoning for Tract B from "SF-6" Single-Family Residential District to "PDD" Planned Development District, with base zoning of "CG" Community Commercial; and

(e) regarding a request to change the zoning for the remaining 4.5 acre, more or less, portion of the Project Site ("Tract C") from "SF-6" Single-Family Residential District to "PDD" Planned Development District, with base zoning of "SF-6" Single-Family Residential District.

2. Subsequent to the public hearings on such dates, the Planning and Zoning Commission, on March 22, 2011, considered and voted to approve the requests, and has recommended that the requests be approved by the City Council of the City of San Marcos.

3. The City Council held a public hearing on March 24, 2011, regarding the requests.

4. All requirements of Chapter 1, Development Procedures, of the City Land Development Code pertaining to Future Land Use Map Amendments and Zoning Map amendments have been met.

5. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The Future Land Use Map of the San Marcos Horizons City Master Plan is revised to change the future land use designations within areas of the Project Site as follows:

TRACT A:

Change: From "LDR" Low Density Residential, "OS" Open Space and "C" Commercial to "MDR" Medium Density Residential

Street address: Adjacent to and abutting Tract B at the southeast corner of Craddock Avenue and Old Ranch Road 12

Size: 41.11 acres, more or less

Legal Description: 41.11 acres, more or less, of land area in the Elijah Clark Survey No. 11, Abstract No. 83, City of San Marcos, Hays County, Texas as described in the attached Exhibit "A-1"

TRACT B:

Change: From "OS" Open Space to "C" Commercial

Street address: The southeast corner of Craddock Avenue and Old Ranch Road 12

Size: 2.75 acres, more or less

Legal Description: 2.75 acres, more or less, of land area in the Elijah Clark Survey No. 11, Abstract No. 83, City of San Marcos, Hays County, Texas as described in the attached Exhibit "A-2"

SECTION 2. The Official Zoning Map of the City, as described in Section 4.1.2.2 of the City Land Development Code, is amended to rezone the following tracts of land comprising the Project Site, subject to the provisions of the Planned Development District Standards described in Section 3 of this Ordinance:

TRACT A:

Change: From "OP" Office Professional District (1.71 acres), "SF-6" Single-Family Residential District and "SF-6/PDD" Single-Family Residential District with PDD Overlay (39.4 acres) to "PDD" Planned Development District, with base zoning of "MF-12" Multiple-Family Residential District

Street address: Adjacent to and abutting Tract B at the southeast corner of Craddock Avenue and Old Ranch Road 12

Size: 41.11 acres, more or less

Legal Description: 41.11 acres, more or less, of land area in the Elijah Clark Survey No. 11, Abstract No. 83, City of San Marcos, Hays County, Texas as described in the attached Exhibit "A-1"

TRACT B:

Change: From "SF-6" Single-Family Residential District to "PDD" Planned Development District, with base zoning of "CG" Community Commercial;

Street address: The southeast corner of Craddock Avenue and Old Ranch Road 12

Size: 2.75 acres, more or less

Legal Description: 2.75 acres, more or less, of land area in the Elijah Clark Survey No. 11, Abstract No. 83, City of San Marcos, Hays County, Texas as described in the attached Exhibit "A-2"

TRACT C:

Change: From "SF-6" Single-Family Residential District to "PDD" Planned Development District, with base zoning of "SF-6" Single-Family Residential District

Street address: The southwest corner of the Project Site located at the southeast corner of Craddock Avenue and Old Ranch Road 12

Size: 4.5 acres, more or less

Legal Description: The remaining 4.5 acre, more or less, portion of the Project Site, excluding Tracts A and B, all as described in Exhibits "A", "A-1" and "A-2".

SECTION 3. The Planned Development District Standards for the Retreat at San Marcos Planned Development District, attached to this Ordinance as Exhibit "B" (the "Regulations"), are approved and adopted to regulate the development of the Project Site. The Project Site will be bound by the provisions of the Regulations as though they were conditions, restrictions and limitations on the use of the Project Site under the City's zoning ordinances. Any person, firm, corporation or other entity violating any provisions of the Regulations shall be subject to all penalties and legal remedies that apply to violations of the zoning ordinances of the City of San Marcos, as amended. Any person, firm, corporation or other entity violating any provisions of the Regulations shall be subject to a suit by the City for an injunction to enjoin the violation as though the Regulations were conditions, restrictions and limitations on the use of the Project Site under the City's zoning ordinances.

SECTION 5. Any person violating any provision of this ordinance commits a misdemeanor and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction.

SECTION 6. This Ordinance will become effective upon adoption if not reconsidered at the next regular City Council meeting.

PASSED, APPROVED AND ADOPTED on March 24, 2011, subject to reconsideration at the next regular City Council meeting scheduled for April 5, 2011.

Reconsidered: yes ___ / no

If yes: _____ approved
_____ denied

Date: _____


Daniel Guerrero
Mayor

Attest:


Jamie Lee Pettijohn
City Clerk

Approved:

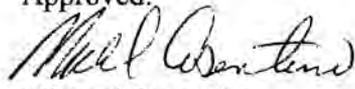

Michael Cosentino
City Attorney

EXHIBIT "A"
Project Site Description
(following page)

EXHIBIT "A-1"
Tract A Description
(following page)

EXHIBIT "A-2"
Tract B Description
(following page)

EXHIBIT "B"
Planned Development District Standards
(following page)

EXHIBIT "A"
Project Site Description
(following page)

DESCRIPTION OF 48.36 ACRES, MORE OR LESS, OF LAND AREA IN THE ELIJAH CLARK SURVEY NO. 11, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 41.42 ACRES IN A DEED FROM WALTER HUFFMEYER AND ELIZABETH HUFFMEYER TO JACK WEATHERFORD DATED JULY 14, 1961 AND RECORDED IN VOLUME 187, PAGE 217 OF THE HAYS COUNTY DEED RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS "FIRST TRACT-5.7 ACRES" IN A DEED FROM ROBERT A. COOPER ET UX TO JACK W. WEATHERFORD DATED JUNE 7, 1967 AND RECORDED IN VOLUME 217, PAGE 578 OF THE HAYS COUNTY DEED RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 5.5 ACRES IN A DEED FROM PAUL HASTINGS, SHERIFF, TO DR. JACK W. WEATHERFORD DATED JANUARY 18, 1994 AND RECORDED IN VOLUME 1045, PAGE 121 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 1.71 ACRES IN A DEED FROM ZAM-NEL JOINT VENTURE TO WHITETAIL, JV DATED MARCH 19, 2004 AND RECORDED IN VOLUME 2426, PAGE 104 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" iron rod found in the curving southwest line of R.M. Highway No. 12 and that tract described as 0.8 acres in a deed from F.J. Rutledge et ux to the State of Texas dated January 8, 1937 and recorded in Volume 112, Page 472 of the Hays County Deed Records for the east corner of the Whitetail, JV 1.71 acre tract, and north corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision as recorded in Volume 5, Page 57 of the Hays County Plat Records;

THENCE leaving R.M. Highway No. 12, the City of San Marcos 0.8 acre tract, and the **PLACE OF BEGINNING**, as shown on that plat numbered 26503-10-3.3-d dated October 1, 2010 prepared for Jon Williams by Byrn & Associates, Inc., of San Marcos, Texas with the common southeast line of the Whitetail, JV, 1.71 acre tract and northwest line of Lot 1, San Marcos Seventh Day Adventist Church Subdivision, S 44°29'59" W 467.11 feet to a 1/2" iron pipe

found in old fence remains in the northeast line of the Weatherford 41.42 acre tract, for the south corner of the Whitetail, JV, 1.71 acre tract and west corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision;

THENCE leaving the Whitetail, JV, 1.71 acre tract with the common southwest line of Lot 1, San Marcos Seventh Day Adventist Church Subdivision and northeast line of the Weatherford 41.42 acre tract and its extension, **S 48°15'59" E 290.37 feet** to the southwest face of a 6" cedar fence corner post found in the northeast line of the previously mentioned Weatherford 5.7 acre First Tract for the south corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision and the west corner of Lot 1, Charles R. Swart Subdivision as recorded in Volume 3, Page 72 of the Hays County Plat Records, pass at approximately 178.4 feet a fence corner for the north corner of the Weatherford 5.7 acre First Tract and for an northerly east corner of the Weatherford 41.42 acre tract;

THENCE leaving the San Marcos Seventh Day Adventist Church Subdivision continuing with the common northeast line of the Weatherford 5.7 acre First Tract and southwest line of Lots 1 and 2 of the Charles R. Swart Subdivision, the following two courses:

1. **S 44°17'01" E 27.20 feet** to a 3/8" iron rod found for an angle point, and
2. **S 44°59'03" E 200.96 feet** to a brass disk in concrete found stamped "Charles Swart Survey" in the approximate southeast line of the previously mentioned E. Clark Survey and northwest line of the T.J. Chambers Survey, Abstract No. 2 and a 15 foot wide access easement recorded in Volume 1388, Page 704 of the Hays County Official Public Records for the south corner of Lot 2, Charles R. Swart Subdivision, for the east corner of the Weatherford 5.7 acre First Tract and this description and for the north corner of that tract described as 5.222 acres in a deed from Thomas A. Glone et ux to Edward R. Caffey et ux dated March 31, 1995 and recorded in Volume 1139, Page 718 of the Hays County Official Public Records;

THENCE leaving the Charles R. Swart Subdivision with the common southeast line of the Weatherford 5.7 acre First tract and northwest line of the 15 foot wide access easement and the Caffey 5.222 acre tract, being with the approximate survey line **S 44°40'00" W 383.19 feet** to a ½" iron rod found for the west corner of the Caffey 5.222 acre tract, and for the northwest corner of Lot 13 and northeast corner of Lot 12 of Oak Heights Subdivision as Recorded in Volume 164, Page 586 of the Hays County Deed Records;

THENCE leaving the 15 foot wide access easement and the Caffey 5.222 acre tract with the common southeast line of the Weatherford 5.7 acre First Tract and northwest line of Oak Heights Subdivision the following two courses:

1. **S 44°31'49" W 153.48 feet** to a ½" iron rod found for an angle point in Lot 12, and
2. **S 44°08'40" W 193.05 feet** to a ½" iron pipe found at a fence corner post in the northwest line of Lot 10, Oak Heights Subdivision for the south corner of the Weatherford 5.7 acre First Tract and an southerly east corner of the Weatherford 41.42 acre tract;

THENCE leaving the Weatherford 5.7 acre First Tract with the common southeast line of the Weatherford 41.42 acre tract and northwest line of Oak Heights Subdivision, **S 44°23'43" W 512.44 feet** to a concrete nail with an aluminum washer stamped "Byrn Survey" set in the northwest line of the Lot 4, Oak Heights Subdivision for the south corner of this description and for the east corner of Lot 19, Block 'A', Weatherford Heights as recorded in Volume 9, Page 169 of the Hays County Plat Records, from which a ½" iron rod found with a plastic cap stamped "Byrn Survey" for the west corner of Oak Heights and south corner of Weatherford Heights and the Weatherford 41.42 acre tract bears **S 44°23'43" W 270.33 feet** (said Weatherford Heights being a portion of the Weatherford 41.42 acre tract);

THENCE leaving Oak Heights entering the Weatherford 41.42 acre tract with the northeast line of Weatherford Heights the following four courses:

1. **N 45°31'27" W 669.22 feet** to a ½" iron rod found with a plastic cap stamped "Burris Surveying" for an angle point in the east line of Lot 4, Block "B", Weatherford Heights,

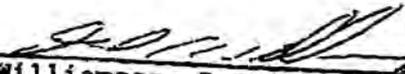
2. **N 08°30'57" E 197.65 feet** to an iron rod found with a plastic cap stamped "Burris Surveying" in the curving northeast line of Archie Street in Oak Heights,
3. With a left-breaking curve having the following characteristics: delta angle = **35°57'57"**, radius **125.00 feet**, arc = **78.47 feet**, and a chord which bears **N 63°34'04" W 77.18 feet**, to an iron rod found with a plastic cap stamped "Burris Surveying" for Point of Tangency, and
4. **N 81°28'01" W 193.42 feet** to a $\frac{1}{2}$ " iron rod set in the east line of Craddock Avenue for the southwest corner of this description and for the southeast corner of a strip of land described as 0.801 acres in a deed from Jack W. Weatherford to the City of San Marcos dated April 26, 2004 and recorded in Volume 2449, Page 491 of the Hays County Official Public Records (said City of San Marcos 0.801 acre strip being a portion of the Weatherford 41.42 acre tract);

THENCE leaving Archie Street and Weatherford Heights with the east line of Craddock Avenue and the City of San Marcos 0.801 acre strip, **N 08°33'34" E 1398.37 feet** to a $\frac{1}{4}$ " iron rod set in the northeast line of the Weatherford 41.42 acre tract and southwest line of the previously mentioned R.M. Highway No. 12 for the northeast corner of the City of San Marcos 0.801 acre strip and for the northwest corner of this description;

THENCE leaving Craddock Avenue and the City of San Marcos 0.801 acre strip with the southwest line of R.M. Highway No. 12 and northeast line of the Weatherford 41.42 acre tract and the previously mentioned Weatherford 5.5 acre tract and Whitetail JV. 1.71 acre tract, the following two courses:

1. **S 80°37'24" E 247.40 feet** to a TXDOT concrete monument found for Point of Curvature, and
2. With a right-breaking curve having the following characteristics: delta angle = **30°38'14"**, radius=**2241.83 feet**, arc = **1198.75 feet**, and a chord which bears **S 65°17'20" E 1184.52 feet**, to the **PLACE OF BEGINNING**.

THERE are contained within these metes and bounds 48.36 acres, more or less, of land area as prepared from public records and a survey made on the ground on October 1, 2010 by Byrn & Associates, Inc., of San Marcos, Texas. All $\frac{1}{2}$ " iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this survey is based on the Texas State Plane Coordinate System, South Central Zone and refers to grid north.


David C. Williamson, R.P.L.S. #4100



Client: Williams, J.
Date: October 1, 2010
Survey: Clark, E. A-83
County: Hays, TX.
Job No.: 26503-10
FND48.36

EXHIBIT "A-1"
Tract A Description
(following page)

DESCRIPTION OF 41.11 ACRES, MORE OR LESS, OF LAND AREA IN THE ELIJAH CLARK SURVEY NO. 11, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 41.42 ACRES IN A DEED FROM WALTER HUFFMEYER AND ELIZABETH HUFFMEYER TO JACK WEATHERFORD DATED JULY 14, 1961 AND RECORDED IN VOLUME 187, PAGE 217 OF THE HAYS COUNTY DEED RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS "FIRST TRACT-5.7 ACRES" IN A DEED FROM ROBERT A. COOPER ET UX TO JACK W. WEATHERFORD DATED JUNE 7, 1967 AND RECORDED IN VOLUME 217, PAGE 578 OF THE HAYS COUNTY DEED RECORDS, BEING A PORTION OF THAT TRACT DESCRIBED AS 5.5 ACRES IN A DEED FROM PAUL HASTINGS, SHERIFF, TO DR. JACK W. WEATHERFORD DATED JANUARY 18, 1994 AND RECORDED IN VOLUME 1045, PAGE 121 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 1.71 ACRES IN A DEED FROM ZAM-NEL JOINT VENTURE TO WHITTAIL, JV DATED MARCH 19, 2004 AND RECORDED IN VOLUME 2426, PAGE 104 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" iron rod found in the curving southwest line of R.M. Highway No. 12 and that tract described as 0.8 acres in a deed from F.J. Rutledge et ux to the State of Texas dated January 8, 1937 and recorded in Volume 112, Page 472 of the Hays County Deed Records for the east corner of the Whitetail, JV 1.71 acre tract, and north corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision as recorded in Volume 5, Page 57 of the Hays County Plat Records;

THENCE leaving R.M. Highway No. 12, the City of San Marcos 0.8 acre tract, and the **PLACE OF BEGINNING**, as shown on that plat numbered 26503-10-3.1-a dated October 1, 2010 prepared for Jon Williams by Byrn & Associates, Inc., of San Marcos, Texas with the common southeast line of the Whitetail, JV, 1.71 acre tract and northwest line of Lot 1, San Marcos Seventh Day Adventist Church Subdivision, **S 44°29'59" W 467.11 feet** to a 1/2" iron pipe

found in old fence remains in the northeast line of the Weatherford 41.42 acre tract, for the south corner of the Whitetail, JV, 1.71 acre tract and west corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision;

THENCE leaving the Whitetail, JV, 1.71 acre tract with the common southwest line of Lot 1, San Marcos Seventh Day Adventist Church Subdivision and northeast line of the Weatherford 41.42 acre tract and its extension, **S 48°15'59" E 290.37 feet** to the southwest face of a 6" cedar fence corner post found in the northeast line of the previously mentioned Weatherford 5.7 acre First Tract for the south corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision and the west corner of Lot 1, Charles R. Swart Subdivision as recorded in Volume 3, Page 72 of the Hays County Plat Records, pass at approximately 178.4 feet a fence corner for the north corner of the Weatherford 5.7 acre First Tract and for an northerly east corner of the Weatherford 41.42 acre tract;

THENCE leaving the San Marcos Seventh Day Adventist Church Subdivision continuing with the common northeast line of the Weatherford 5.7 acre First Tract and southwest line of Lots 1 and 2 of the Charles R. Swart Subdivision, the following two courses:

1. **S 44°17'01" E 27.20 feet** to a 3/8" iron rod found for an angle point, and
2. **S 44°59'03" E 200.96 feet** to a brass disk in concrete found stamped "Charles Swart Survey" in the approximate southeast line of the previously mentioned E. Clark Survey and northwest line of the T.J. Chambers Survey, Abstract No. 2 and a 15 foot wide access easement recorded in Volume 1388, Page 704 of the Hays County Official Public Records for the south corner of Lot 2, Charles R. Swart Subdivision, for the east corner of the Weatherford 5.7 acre First Tract and this description and for the north corner of that tract described as 5.222 acres in a deed from Thomas A. Glore et ux to Edward R. Caffey et ux dated March 31, 1995 and recorded in Volume 1139, Page 718 of the Hays County Official Public Records;

THENCE leaving the Charles R. Swart Subdivision with the common southeast line of the Weatherford 5.7 acre First tract and northwest line of the 15 foot wide access easement and the Caffey 5.222 acre tract, being with the approximate survey line **S 44°40'00" W 383.19 feet** to a ½" iron rod found for the west corner of the Caffey 5.222 acre tract, and for the northwest corner of Lot 13 and northeast corner of Lot 12 of Oak Heights Subdivision as Recorded in Volume 164, Page 586 of the Hays County Deed Records;

THENCE leaving the 15 foot wide access easement and the Caffey 5.222 acre tract with the common southeast line of the Weatherford 5.7 acre First Tract and northwest line of Oak Heights Subdivision the following two courses:

1. **S 44°31'49" W 153.48 feet** to a ½" iron rod found for an angle point in Lot 12, and
2. **S 44°08'40" W 193.05 feet** to a ½" iron pipe found at a fence corner post in the northwest line of Lot 10, Oak Heights Subdivision for the south corner of the Weatherford 5.7 acre First Tract and an southerly east corner of the Weatherford 41.42 acre tract;

THENCE leaving the Weatherford 5.7 acre First Tract with the common southeast line of the Weatherford 41.42 acre tract and northwest line of Oak Heights Subdivision, **S 44°23'43" W 281.67 feet** to a ½" iron rod set for the south corner of this description;

THENCE leaving Oak Heights Subdivision crossing the remaining portion of the Weatherford 41.42 acre tract, the following two courses:

1. **N 45°12'59" W 849.23 feet** to a ½" iron rod set for an angle point, and
2. **N 81°28'01" W 259.03 feet** to a ½" iron rod set in the east line of Craddock Avenue and a strip of land described as 0.801 acres in a deed from Jack W. Weatherford to the City of San Marcos dated April 26, 2004 and recorded in Volume 2449, Page 491 of the Hays County Official Public Records (said City of San Marcos 0.801 acre strip being a portion of the Weatherford 41.42 acre tract);

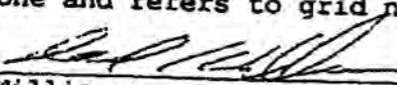
THENCE with the east line of Craddock Avenue and the City of San Marcos 0.801 acre strip, **N 08°33'34" E 914.29 feet** to a ½" iron rod set for the northwest corner of this description;

THENCE leaving Craddock Avenue and the City of San Marcos 0.801 acre strip re-crossing the remaining portion of the Weatherford 41.42 acre tract and the previously mentioned Weatherford 5.5 acre tract the following three courses:

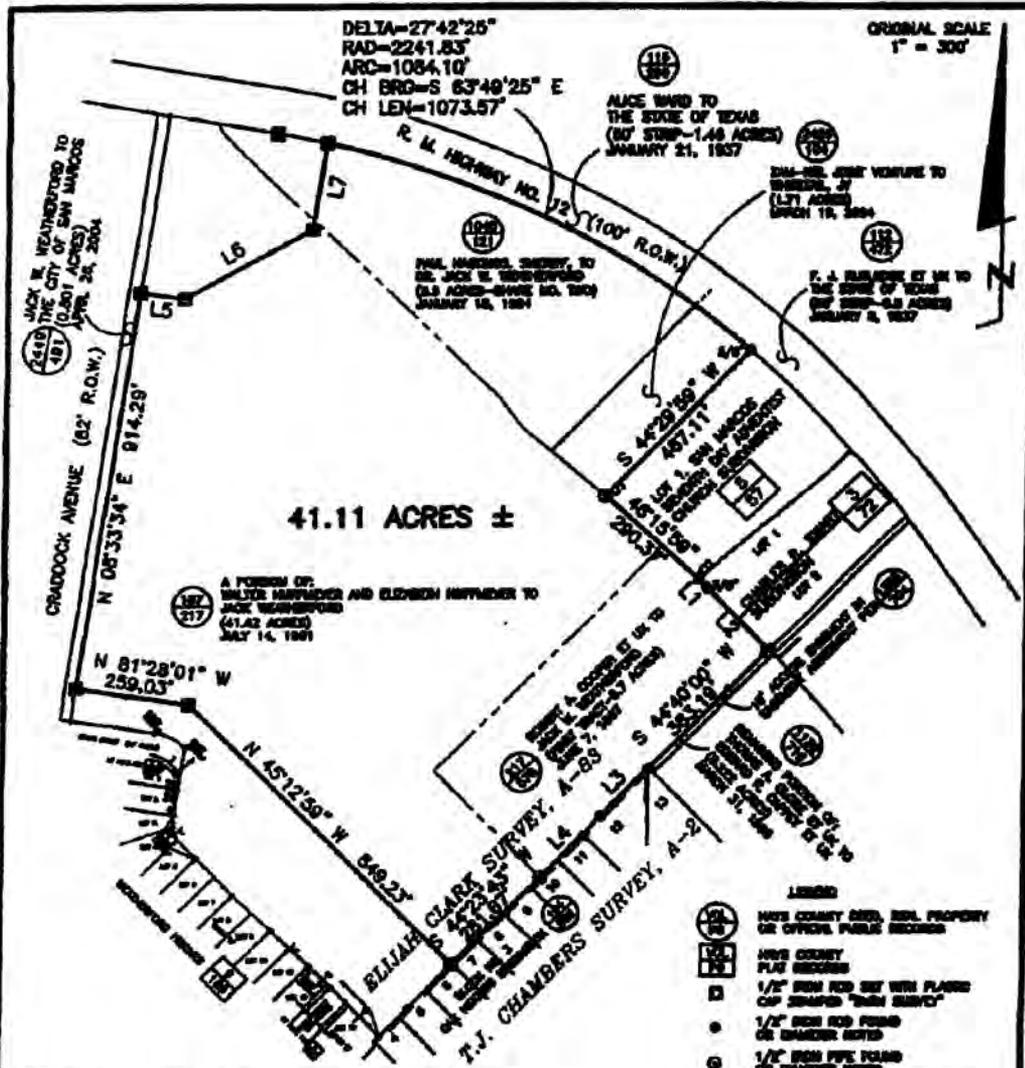
1. **S 82°06'05" E 100.00 feet** to a ½" iron rod set for an angle point,
2. **N 60°55'01" E 327.18 feet** to a ½" iron rod set for an angle point, and
3. **N 09°22'36" E 200.00 feet** to a ½" iron rod set in the curving southwest line of R.M. Highway No. 12 and that tract described as a 50 foot wide strip containing 1.46 acres in a deed from Alice Ward to the State of Texas dated January 21, 1937 and recorded in Volume 115, Page 290 of the Hays County Deed Records for the north corner of this description;

THENCE with the common northeast line of the Weatherford 5.5 acre tract and the previously mentioned Whitetail, JV, 1.71 acre tract and southwest line of R.M. Highway No. 12 and the State of Texas 1.46 acre and 0.8 acre strip, being with a right-breaking curve having the following characteristics: **delta angle = 27°42'25"**, **radius = 2241.83 feet**, **arc = 1084.10 feet**, and a chord which bears **S 63°49'25" E 1073.57 feet** to the **PLACE OF BEGINNING**.

THERE are contained within these metes and bounds 41.11 acres, more or less, of land area as prepared from public records and a survey made on the ground on October 1, 2010 by Byrn & Associates, Inc., of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this survey is based on the Texas State Plane Coordinate System, South Central Zone and refers to grid north.


David C. Williamson, R.P.L.S. #4190

Client: Williams, J.
Date: October 1, 2010
Survey: Clark, E. A-83
County: Hays, TX.
Job No.: 26503-10
FND41.11



41.11 ACRES ±

LINE	BEARING	DISTANCE
L1	S 44°17'01" E	27.20'
L2	S 44°59'03" E	200.98'
L3	S 44°31'49" W	153.48'
L4	S 44°08'40" W	193.05'
L5	S 82°08'05" E	100.00'
L6	N 60°55'01" E	327.18'
L7	N 09°22'36" E	200.00'

RECORDS NOTES

1. FENCES MARKED.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO SCHEDULE FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48080C0017 DATED SEPTEMBER 2, 2004, THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
4. THIS SURVEY WAS DONE IN CONNECTION WITH TITLE COMMITMENT C.F. NO. 10-7700000000 DATED OCTOBER 21, 2010 AND C.F. NO. 10-60000000 DATED SEPTEMBER 24, 2010 PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY. THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONVEYANCES IN TITLE OR CASUALTY. THEREFORE, CERTAIN ENCUMBRANCES MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
5. THIS SURVEY PLAT WAS PREPARED IN CONNECTION WITH A LAND DESCRIPTION DATED OCTOBER 1, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

CLIENT: WILLIAMS, J.
 DATE: OCTOBER 1, 2010
 OFFICE: BRYANT
 CREW: EMMETT, LOZANO, C. SMITH
 FD/PR: 018/44, 701/4
 PLAT NO. 28303-10-31-a

DELTA=27°42'25"
 RAD=2241.83'
 ARC=1084.10'
 CH BRD=S 63°49'25" E
 CH LEN=1073.57'

ALICE WARD TO THE EDGE OF TEXAS (80' STRIP-1.46 ACRES) JANUARY 21, 1937

THE HAYES SURVEY TO MR. JACK W. WEATHERS (0.3 ACRES-0.96 ACRES) JANUARY 18, 1991

THE JUST VENTURE TO WARDEN, J. (1.71 ACRES) MARCH 19, 1894

F. J. BURMAN ET AL TO THE EDGE OF TEXAS (80' STRIP-0.8 ACRES) JANUARY 2, 1937

ORIGINAL SCALE
 1" = 300'

- LEGEND**
- ⊙ HAYS COUNTY DEED, DEED PROPERTY OR OFFICIAL PUBLIC RECORDS
 - ⊠ HAYS COUNTY PLAT RECORDS
 - 1/2" IRON ROD SET WITH PLAIN CAP SHAPED "IRON SURVEY"
 - 1/2" IRON ROD FOUND OR CHAIN SET
 - 1/2" IRON PIPE FOUND OR CHAIN SET
 - ⊞ BRASS NAIL IN CONCRETE FOUND SHAPED "DOUBLE BENT SURVEY" VERICE POST

TO JIM WILLIAMS, ENCLAMMEL, AND FOR USE WITH THE TRANSACTION ONLY.

I HEREBY STATE TO THE BEST OF MY SKILL AND CONSCIENCE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON OCTOBER 1, 2010 AND THAT ALL PROPERTY CORNERS ARE MARKED AS SHOWN HEREON.

[Signature]
 DAVID C. WILLIAMS, R.P.L.S., JNS

BYRN & ASSOCIATES, INC.
 ENGINEERS SURVEYORS
 P.O. BOX 1428 SAN MARCOS, TEXAS 78677
 PHONE 817-393-3270 FAX 817-393-3248

PLAT OF 41.11 ACRES ±, IN THE
 E. CLARK SURVEY, ABSTRACT
 NO. 83, CITY OF SAN MARCOS,
 HAYS COUNTY, TEXAS

EXHIBIT "A-2"
Tract B Description
(following page)

DESCRIPTION OF 2.75 ACRES, MORE OR LESS, OF LAND AREA IN THE ELIJAH CLARK SURVEY NO. 11, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 41.42 ACRES IN A DEED FROM WALTER HUFFMEYER AND ELIZABETH HUFFMEYER TO JACK WEATHERFORD DATED JULY 14, 1961 AND RECORDED IN VOLUME 187, PAGE 217 OF THE HAYS COUNTY DEED RECORDS, BEING A PORTION OF THAT TRACT DESCRIBED AS 5.5 ACRES IN A DEED FROM PAUL HASTINGS, SHERIFF, TO DR. JACK W. WEATHERFORD DATED JANUARY 18, 1994 AND RECORDED IN VOLUME 1045, PAGE 121 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set in the south line of R.M. Highway No. 12 and north line of the Weatherford 41.42 acre tract for the northeast corner of Craddock Avenue and a strip of land described as 0.801 acres in a deed from Jack W. Weatherford to the City of San Marcos dated April 26, 2004 and recorded in Volume 2449, Page 491 of the Hays County Official Public Records (said City of San Marcos 0.801 acre strip being a portion of the Weatherford 41.42 acre tract);

THENCE leaving Craddock Avenue, the City of San Marcos 0.801 acre tract and the PLACE OF BEGINNING as shown of that plat numbered 26503-10-3-a dated October 1, 2010 prepared for Jon Williams by Byrn & Associates, Inc., of San Marcos, Texas, with the common south line of R.M. Highway No. 12 and the north line of the Weatherford 41.42 acre tract and its extension, the following two courses:

1. S 80°37'24" E 247.40 feet to a TXDOT concrete monument found for Point of Curvature, and
2. With a right-breaking curve having the following characteristics: delta = 02°55'49", radius = 2241.83 feet, arc = 114.66 feet, and a chord which bears S 79°08'32" E 114.64 feet, to a ½" iron rod set in the north line of the previously mentioned Weatherford 5.5 acre tract for the northeast corner of this description;

THENCE leaving R.M. Highway No. 12 and crossing the Weatherford 5.5 acre and remaining portion of the Weatherford 41.42 acre tracts the following three courses:

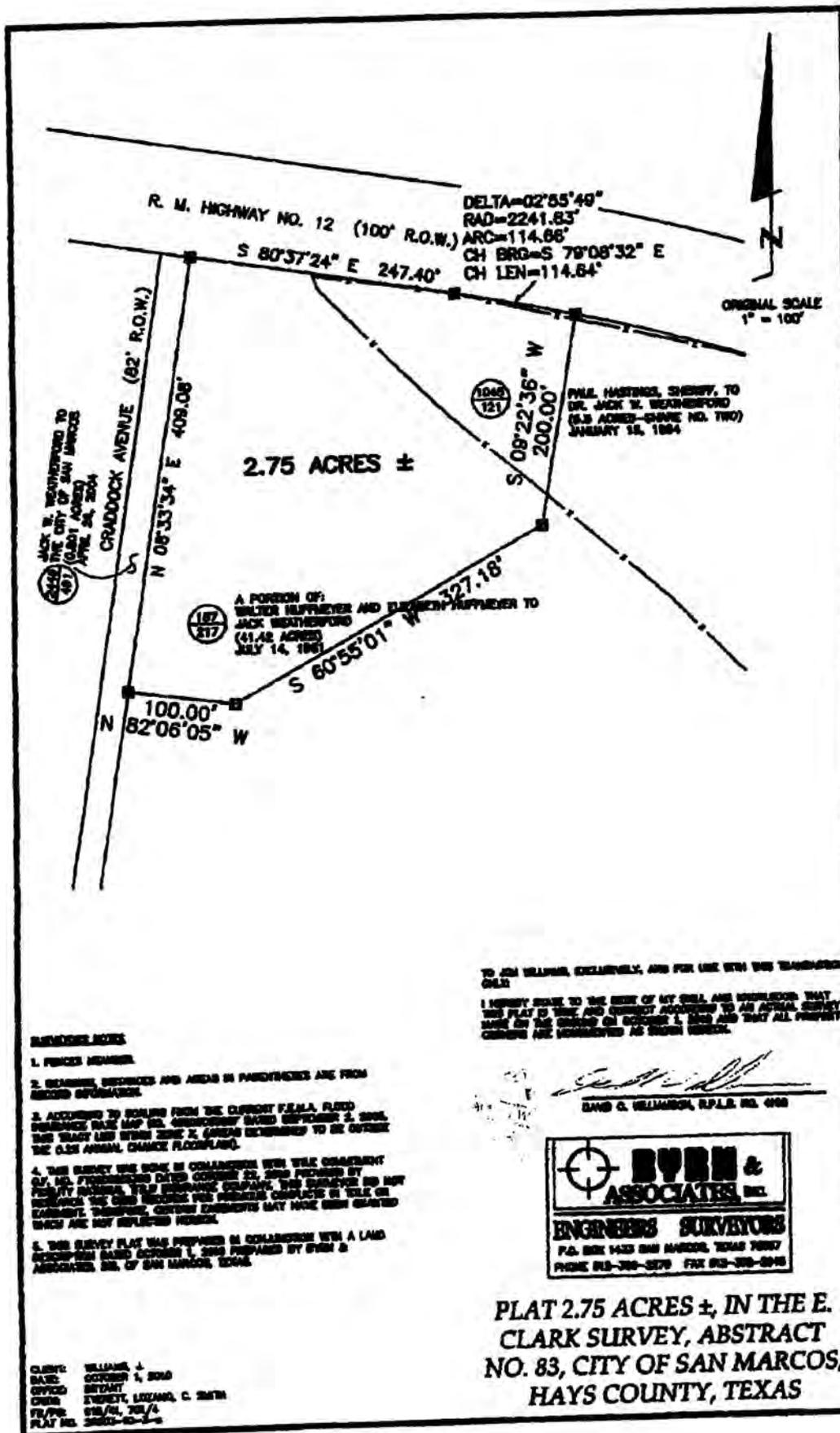
1. S 09°22'36" W 200.00 feet to a ½" iron rod set for an angle point,
2. S 60°55'01" W 327.18 feet to a ½" iron rod set for an angle point, and
3. N 82°06'05" W 100.00 feet to a ½" iron rod set in the east line of Craddock Avenue and the previously mentioned City of San Marcos 0.801 acre tract for the southwest corner of this description;

THENCE with the east line of Craddock Avenue and the City of San Marcos 0.801 acre tract, N 08°33'34" E 409.08 feet to the **PLACE OF BEGINNING**.

THERE are contained within these metes and bounds 2.75 acres, more or less, of land area as prepared from public records and a survey made on the ground on October 1, 2010 by Byrn & Associates, Inc., of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this survey is based on the Texas State Plane Coordinate System, South Central Zone and refers to grid north.


David C. Williamson, R.P.L.S. #4196

Client: Williams, J.
Date: October 1, 2010
Survey: Clark, E. A-83
County: Hays, TX.
Job No.: 26503-10
FND2.75



DELTA=02°55'49"
 RAD=2241.83'
 ARC=114.66'
 CH BRG=S 79°08'32" E
 CH LEN=114.64'

R. M. HIGHWAY NO. 12 (100' R.O.W.)

S 80°57'24" E 247.40'

CRADDOCK AVENUE (82' R.O.W.)

N 08°33'34" E 409.08'

2.75 ACRES ±

S 08°22'36" W 200.00'

P.W. HASTINGS, SHERIFF, TO
 DR. JACK W. WEATHERS
 (5.5 ACRES—GRANT NO. TWO)
 JANUARY 18, 1884

1869
 121

A PORTION OF:
 WALTER HUFFMEYER AND ELMER HUFFMEYER TO
 JACK WEATHERS
 (41.42 ACRES)
 JULY 14, 1891

187
 217

N 100.00'
 82°06'05" W

S 60°55'01" W 327.18'

TO AND WELFARE, EXCLUSIVELY, AND FOR USE WITH THE TRANSMISSION
 CABLE.

I HEREBY ACKNOWLEDGE TO THE BEST OF MY SKILL AND BELIEF THAT
 THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ORIGINAL SURVEY
 MADE BY ME OR UNDER MY SUPERVISION ON OCTOBER 1, 1988 AND THAT ALL PROPERTY
 INTERESTS ARE CORRECTLY SHOWN THEREON.

- REMARKS:**
1. FENCE MEASUREMENTS.
 2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECENT INFORMATION.
 3. ACCORDING TO RECORDS FROM THE COUNTY F.E.A.A. FILED DEPARTMENT OF LAND AND CONSERVATION DATED SEPTEMBER 2, 1988, THE GRANT LIES WITHIN ZONE 2, AREAS DETERMINED TO BE OUTSIDE THE CLASS ANNUAL CHANCE FLOODPLAIN.
 4. THIS SURVEY WAS MADE IN CONFORMANCE WITH TITLE COMMITMENT 8/1, AND PROCEEDED DATED OCTOBER 22, 1988 PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY. THIS SURVEYER DID NOT RESEARCH THE CHAIN RECORDS FOR POSSIBLE CONTACTS OR TOLLS OR ENCUMBRANCES, THEREFORE, CERTAIN ENCUMBRANCES MAY HAVE BEEN CREATED WHICH ARE NOT REFLECTED HEREON.
 5. THIS SURVEY PLAT WAS PREPARED IN CONFORMANCE WITH A LAND ACQUISITION BILL DATED OCTOBER 1, 1988 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

[Signature]
 DAVE C. WILLIAMS, R.P.L.S. NO. 008

BYRN & ASSOCIATES, INC.
 ENGINEERS SURVEYORS
 P.O. BOX 1425 SAN MARCOS, TEXAS 78667
 PHONE 817-392-2270 FAX 817-392-2270

PLAT 2.75 ACRES ±, IN THE E. CLARK SURVEY, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

CLIENT: WILLIAMS, J.
 DATE: OCTOBER 1, 1988
 OFFICE: SURVEY
 CHECK: EMMETT, LOUISE, C. SMITH
 P/P/PR: 018/AL, 701/A
 PLAT NO. 2882-83-1-2

The Retreat at San Marcos



Planned Development District Standards

*Approximately 48.36 acres of land out of the
E. Clark Survey, Abstract No. 83, City of San Marcos,
Hays County, Texas*

**Approved under City of San Marcos
Land Development Code Chapter 4, Article 2, Division 6**

Submitted:

March 7, 2011

Revised:

March 10, 2011

Approved:

*Record
copy*

2011 MAR 12 AM 9 02

Table of Contents

Section 1:	Introduction, Project Location and Description	3
Section 2:	Existing Property Conditions	4
Section 3:	Land Use Designation.....	5
Section 4:	Dimensional and Development Standards	6
Section 5:	Permitted, Conditional and Prohibited Uses	6
Section 6:	Development Standards	12
6.01	Landscape Standards	12
6.02	Parking Standards	14
6.03	Exterior Construction Standards	14
6.04	Parkland Dedication.....	15
6.05	Environmental, Water Quality & Detention Standards	16
6.06	Fence Requirements.....	17
6.07	Community Rules and Regulations and Property Management	17
6.08	Hughson/Ramona Connector Road	17
6.09	Occupancy Restrictions	18
6.10	Signage	18
6.11	Resident Shuttle Service.....	18
6.12	Fire Station/Police Substation Site	18
Section 7:	Miscellaneous.....	18
Section 8:	Table of Code Modifications.....	21
Section 9:	List of Exhibits.....	25

Section 1: Introduction, Project Location and Description

Planned Development Districts (PDD's) provide one of the best structures for producing a unified and physically cohesive community. PDD Districts are intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for adjustment to the changing demands to meet the current needs of the community and to result in a higher quality development for the community than would result from the use of conventional zoning districts.

The Retreat at San Marcos is generally located at the southeast corner of Craddock Avenue and Ranch Road 12. The project site contains approximately 48 acres of land that has historically been utilized as a residential homestead. Access to this site will be provided through connections to Ranch Road 12 and Craddock Avenue.

The majority of the site will be developed as a 39 acre multifamily development consisting of 187 units consisting of primarily detached residential cottages, with a maximum of 25 two-unit attached residential cottage structures and 12 four-unit attached residential cottage structures. The gross density of the project will be 4.27 units per acre with a net density of 4.76 units per acre. The occupancy of the multifamily units shall be restricted to one person per lease per bedroom for a maximum of 780 residents.

In addition to the residential cottages, the multifamily will contain a 2.00 acre amenity area for use by the residents which includes, but is not limited to, clubhouse with fitness center, movie theater, and indoor gathering area, a swimming pool facility, recreation courts such as tennis court, basketball court, and sand volleyball court, horseshoe pit, putting green, and other ancillary uses permitted in association with the multifamily development. The multifamily portion of this project will be developed as a single phase and shall be considered a single development.

This PDD also provides a 2.75 acre commercial tract to be located at the corner of Ranch Road 12 and Craddock Avenue. It is anticipated that this commercial tract will be developed with neighborhood oriented services such as a pharmacy, dry cleaning, coffee shop or other similar uses. The Concept Plan indicates 20,000 square feet of first floor retail with the option for second floor office, retail or residential use. This would encourage a mixed use type of development on this commercial tract.

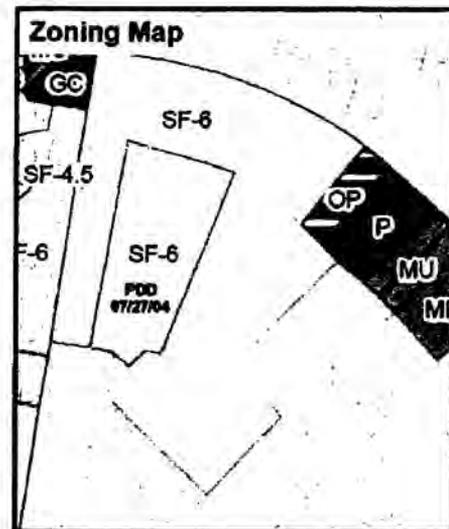
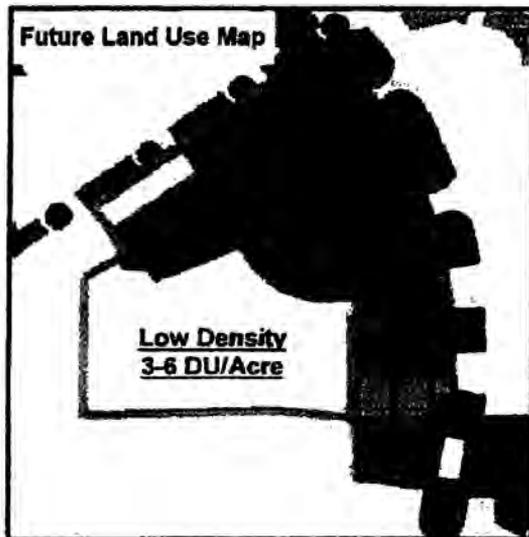
This PDD also provides for a 1.80 acre property that will be donated to the City at the time of final plat approval for this development. This site is anticipated to be utilized by the City for construction of a fire station and/or police substation.

The Concept Plan also illustrates an approximately 4.50 acre tract of land located at the extension of Archie Street and Dolly Street. This area was originally envisioned to be traditional single family residential and the completion of the adjacent Weatherford Heights Subdivision. This area is being designated as parkland to be dedicated to the City of San Marcos. The City's revised Parks, Recreation and Open Space Master Plan envisions the dedication of a regional park facility within the general area of Ranch Road 12 and Craddock Avenue. This dedication would meet the vision of the City's new Parks, Recreation and Open Space Master Plan.

Section 2: Existing Property Conditions

The Retreat PDD is being developed at the southeast corner of Ranch Road 12 and Craddock Avenue on what has been historically referred to as the Weatherford and Gilcrease tracts. This property is predominantly vacant with the only existing structures being associated with the historical homesteads that have been on the Weatherford and Gilcrease tracts. The property is currently zoned as Single Family Residential (SF-6) and Office Professional (OP). The majority of the property (the Weatherford tract) is zoned SF-6 while the remaining portion (the Gilcrease tract) is zoned OP. In addition to the SF-6 zoning on the Weatherford tract, the current zoning allows for a Planned Development Overlay District which was approved in July 2004 for a proposed commercial golf driving range facility. While this use has never been developed, the approved overlay district and associated development standards remain valid over that portion of the property. The adoption of this PDD will repeal and replace the existing PDD regulations on the project site.

The Future Land Use Map (FLUM) has historically designated the Weatherford tract for a mixture of uses including low density residential, medium density residential, commercial and open space. The Gilcrease tract has historically been designated as commercial and the Sector 2 plan specifically recommends that development of this tract be limited to Office-Professional uses. The current FLUM designation indicates approximately 10 acres at the corner of Ranch Road 12 and Craddock as well as the area of the PDD Overlay District as commercial for a total of approximately 19 acres of commercial land use. Medium density residential is designated surrounding the commercial corner and extending south to the Hughson/Ramona connector road. The remainder of the property on the south side of the Hughson/Ramona connector road is designated as low density residential. The following illustrates the existing zoning and land use map conditions on the property:



The Sector 2 Plan contains a recommended vision for the development of this property which provides for 33 acres of Low Density Residential, 8 acres of Medium Density Residential, 10 acres of Commercial and 3 acres of Open Space. The Commercial and Medium Density Uses are to be located on the north side of the proposed Hughson/Ramona connector with low

density "neighborhood friendly" or "neighborhood compatible" uses located on the south side of the Hughson Ramona connector road.

The development of this site exceeds this vision by the development of approximately 39 acres of Low Density Residential, 2.75 acres of Commercial, 1.80 acres for the Fire Station and 4.5 acres of public parkland/open space. The Sector 2 Plan identifies Low Density Residential as residential development between 3 and 6 units per acre. The gross density of the project site will be 4.27 units per acre with a net density of 4.76 units per acre which complies with the density limitations of the Sector Plan. There is no Medium Density Residential land use proposed for development and the Commercial land use is being reduced by 7.75 acres over what is envisioned in the Sector 2 Plan. Finally, the development proposes the dedication of 4.5 acres of public parkland which exceeds the Sector 2 Plan vision by 1.5 acres.

Sector 2 Plan Vision Comparison				
Standard	Sector 2 Plan	Proposed PDD	Difference	Compliance with Sector Plan
Low Density Residential (3-6 units per acre)	33 acres	39.30 acres	+ 6.30 acres	Exceeds*** Sector 2 Plan by 6.30 acres
Medium Density Residential (6-12 units per acre)	8 acres	0 acres	- 8.0 acres	Exceeds*** Sector 2 Plan by 8 acres
Commercial	10 acres	2.75 acres	- 7.25 acres	Exceeds*** Sector 2 Plan by 7.25 acres
Open Space	3 acres	4.5 acres	+ 1.5 acres	Exceeds*** Sector 2 Plan by 1.5 acres
Dwelling Units	294 units *	187 units **	- 107 units	Exceeds*** Sector 2 Plan by 107 units
* Based on maximum units permitted within each land use category ((33 X 6) + (12 X 8))				
** Based on maximum unit restriction within PDD				
*** Exceeds means reduction of development intensity				

Section 3: Land Use Designation

3.01 Base Zoning: The Retreat at San Marcos consists of approximately 48 acres featuring Low Density Multifamily Residential and restricted commercial uses. To accomplish this combination of uses successfully, the PDD shall have a base zoning of Community Commercial District (CC) for the commercial area; Multiple-Family Residential District (MF-12) and maintain the existing Single-Family District (SF-6) for the proposed parkland.

The Community Commercial district is established to provide areas for quality larger general retail establishments and service facilities for the retail sale of goods and services. The Community Commercial district is generally intended for retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses. The Multiple-Family Residential District is intended for the development

of multiple-family, apartment residences and should be located adjacent to major thoroughfares and may serve as a buffer between low and medium density residential development and nonresidential development or high-traffic roadways. As an additional restriction to the proposed multifamily area, this PDD restricts the MF-12 area to a maximum of 5.0 units per gross acre over the entire MF-12 tract. This 5.0 units per acre meets the minimum requirements for low density residential development, which typically permits a maximum of 6 units per gross acre.

While the base zoning districts of SF-6, CC and MF-12 have specific regulations within the City of San Marcos LDC, this PDD contains additional restrictions to limit the types of uses, densities for proposed uses and other applicable dimensional and development standards. The specific uses and development standards for each base zoning district are outlined below.

Section 4: Dimensional and Development Standards

Lot Area, Min. Sq. Ft.	6,000	N/A	6,000
Units per Acre, Max/Gross Acre	5.5	5.0*	N/A
Lot Frontage, Min. Feet	35	40	50
Lot Width, Min. Feet	50	60	50
Lot Depth, Min. Feet	100	100	100
Front Yard Setback, Min. Feet	25	25	20
Side Setback, Interior, Min. Feet	5	10	5
Side Setback, Corner, Min. Feet	15	25	20
Rear Setback, Min. Feet	20	10	5
Setback from Ranch Road 12, Min. Feet	N/A	25	20
Setback from Craddock Ave., Min. Feet	N/A	25	20
Setback from Hughson/Ramona Connector Road, Min. Feet	N/A	10	N/A
Building Height, Max. Stories	2	3	N/A
Impervious Cover, Max. %	50%	75%	80%

* MF-12 density shall be based on net density of multi-family area (39.30 acres as indicated on Concept Plan)

Section 5: Permitted, Conditional and Prohibited Uses

Structures, land or premises shall be used only in accordance with the use(s) permitted in the following use schedule and subject to compliance with the dimensional and development standards for the applicable tract and all other applicable requirements of this PDD.

The uses permitted on this property shall be only those uses identified in this section. In the event that a proposed use is not specifically identified within this section, a determination regarding the classification of new and unlisted uses shall be in accordance with Section 4.3.1.1 of the Land Development Code.

Legend	
Symbol	Definition
P	Use is Permitted in District Indicated
C	Use is Permitted in District Indicated Upon Approval of Conditional Use Permit
	Use is Prohibited in District Indicated

TYPES OF LAND USES	SF-6	MF-12	CC
Residential Uses			
Accessory Building/Structure (No larger than 625 s.f. in size and 12' in height)		P	P
Accessory Building/Structure (Larger than 625 s.f. in size OR 12' in height)		P	C
Bed and Breakfast Inn			P
Caretaker's/Guard's Residence			P
Loft Apartments			P
Multi-Family, including customarily incidental uses such as clubhouse, amenity center, fitness center, laundry facilities, and other similar ancillary uses		P	
Single Family Detached House			
Office Service Type Uses			
Armed Services Recruiting Center			P
Bank, Credit Union or Savings and Loan (w/o Drive-thru)			P
Bank, Credit Union or Savings and Loan (w Drive-thru)			P
Check Cashing Service			P
Offices (Health Services)			P
Offices (Medical Office)			P
Offices (Professional)			P
Personal and Business Service Uses			
Artist or Artisans Studio			P
Automatic Teller Machines (ATM's), as ancillary use incorporated into primary use			P
Automatic Teller Machines (ATM's), freestanding			C
Barber/Beauty Shop, Haircutting (non-college)			P
Dance/Drama/Music School (Performing Arts)			P
Laundry/Dry Cleaning (Drop Off/Pick Up)			P
Martial Arts School			P
Mini-Warehouse/Self Storage Units			C

Photocopying/Duplicating/Copy Shop			P
Washateria/Laundry (Self-Serve)			P
Retail and Service Type Uses			
Auto Supply Store for New and Rebuilt Parts			C
Bicycle Sales and/or Repair			C
Convenience Store without gas sales			P
Convenience Store with gas sales			C
Food or Grocery Store with Gasoline Sales			C
Food or Grocery Store without Gasoline Sales			P
Pharmacy			P
Plant Nursery (Retail Sales w/ Outdoor Storage)			C
Recycling Kiosk			P
Restaurant/Prepared Food Sales			P
Restaurant/Prepared Food Sales with drive thru			C
Restaurant/Prepared Food Sales with beer and wine sold for both on-premises and off-premises consumption			C
Retail Store (max. 20,000sf bldg.) outside sales			C
Retail Store (max. 20,000 sf bldg.) no outside sales			P
Veterinarian (Indoor Kennels Only)			C
Transportation and Automotive Uses			
Auto Repair (General)			C
Car Wash (Self Service; Automated)			C
Full Service Car Wash (Detail Shop)			C
Lube/Oil Change/Minor Inspection			C
Amusement and Recreational Uses			
Bar			C
Health Club (Physical Fitness; Indoors Only)			C
Museum (Indoors Only)			P
On-Premise Consumption of Alcohol			C
Park and/or Playground	P	P	P
Institutional / Governmental Uses			
Adult Day Care (No Overnight Stay)			C
Assisted Living Facility/Hospice			C
Child Day Care (Business)			P
Place of Religious Assembly/Church			C
Clinic (Medical)			P
Fire Station/Police Substation		P	P
Fraternal Organization/Civic Club			C

Nursing/Convalescent Home			C
Philanthropic Organization			P
Place of Religious Assembly			P
Retirement Home/Home for the Aged			C
School, K-12 Public			P
Micro Brewery (onsite mfg. and sales)			C

USES PROHIBITED IN ALL DISTRICTS			
Barns and Farm Equipment Storage			
Bulk Grain and/or Feed Storage/Processing			
Farmers Market			
Farms, General (Crops)			
Farms, General (Livestock/Ranch)			
Hay, Grain, and/or Feed Sales (Wholesale)			
Livestock Sales/Auction			
Plant Nursery (growing for commercial purposes but no retail sales on site)			
Stables			
Stables (Private, Accessory Use)			
Community Home			
Residential Hall or Boarding House			
Duplex/Two-Family/Duplex Condominium			
Four Family (Quadraplex) or Three Family (Tri-Plex)			
Family Home Child Care			
Fraternity or Sorority Building Home Occupation			
HUD code—Manufactured Home			
Private Street Subdivision			
Single Family Industrialized Home			
Single Family Townhouse (Attached)			
Single Family Zero Lot Line/Patio Homes			
Call Service Center			
Appliance Repair			
Ambulance Service (Private)			
Automobile Driving School (including Defensive Driving)			
Barber/Beauty College (barber or cosmetology school or college)			
Bed and Breakfast (No Permanent Residence)			
Communication Equipment (Installation and/or Repair – No outdoor sales or storage)			
Extended Stay Hotels / Motels (Residence hotels)			
Exterminator Service (No outdoor sales or storage)			
Funeral Home			

Hotel/Motel
Kiosk (Providing A Retail Service)
Medical Supplies and Equipment
Off-Premise Freestanding Sign
Sexually Oriented Business
Studio for Radio or Television (without tower)
Tool Rental (Indoor Storage only)
Tool Rental (with Outdoor Storage)
All Terrain Vehicle (go-carts) Dealer / Sales
Auto Dealer (Primarily New/Used Auto Sales as accessory use only)
Auto Dealer, Used Auto Sales
Building Material Sales
Cabinet Shop (Manufacturing)
Department Store
Gravestone/Tombstone Sales
Gun Smith
Home Improvement Center (10,000 s.f. or more)
Lawnmower Sales and/or Repair
Liquor Sales (retail)
Market (Public, Flea)
Retail Store (over 20,000 sf or more Bldg.)
Security Systems Installation Company
Shopping Center (Over 2.5 Acres)
Studio Tattoo or Body Piercing
Temporary Outdoor Retail Sales / Commercial Promotion (4 day time limit; Permit Required by Building Official)
Upholstery Shop (Non-Auto)
Woodworking Shop (Ornamental)
General Vehicular Sales and Service
Auto Body Repair
Auto Muffler Shop
Auto Paint Shop
Auto Repair as an Accessory Use to Retail Sales
Auto Tire Repair /Sales (Indoor)
Auto Wrecker Service/ Tow Yard
Heavy Load Vehicle Sales/Repair
Limousine / Taxi Service
Public Garage / Parking Structure
Tire Sales (Outdoors/Storage)
Transit Terminal
Truck Terminal
Amusement Services or Venues (Indoors)
Amusement Services or Venues (Outdoors)
Billiard / Pool Facility/Nightclub (Three or More Tables) No alcohol consumption
Smoking Lounge

Broadcast Station (with Tower)
Civic/Conference Center
Country Club (Private)
Dance Hall / Dancing Facility
Day Camp
Driving Range
Fair Ground
Motion Picture Theater (Indoors)
Motion Picture Studio, Commercial Film
Travel Trailers / RVs (Short Term Stays)
Rodeo Grounds
RV/Travel Trailer Sales
Tennis Court (Lighted)
Theater (Non-Motion Picture; Live Drama)
Antenna (Non-Commercial)
Antenna (Commercial)
Broadcast Towers (Commercial)
Cellular Communications Tower / PSS
Cemetery and/or Mausoleum
Electrical Generating Plant
Electrical Substation
Emergency Care Clinic
Franchised Private Utility (not listed)
Heliport
Helistop (Non-Emergency)
Household Care Facility
Hospital (Acute care / Chronic Care)
Post Office (Private)
Post Office (Governmental)
Radio/Television Tower (Commercial)
Rectory/Parsonage with Place of Worship
School, K through 12 (Private)
School, K through 12 (Public)
School, Vocational (Business/Commercial Trade)
University or College
Auction Sales (Non-Vehicle)
Bio-Medical Facilities
Caterer
Extermination Service
Feed and Grain Store
Furniture Manufacture
Maintenance/Janitorial Service
Manufactured Home Sales
Metal Fabrication Shop
Moving Storage Company
Portable Building Sales
Taxidermist

Transfer Station (Refuse/Pick-up)
Veterinarian (Outdoor Kennels or Pens)
Warehouse / Office and Storage
Welding Shop
Aircraft Support and Related Services
Airport
Manufacturing
Contractor's Office/Sales, With Outside Storage including Vehicles
Distribution Center
Electronic Assembly/High Tech Manufacturing
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair
Food Processing (no Outside Public Consumption)
Laboratory Equipment Manufacturing
Leather Products Manufacturing
Machine Shop
Manufacturing Processes not Listed
Marble or Stone Finishing
Motor Freight Terminal
Outside Storage (as primary use)
Paint Manufacturing
Petroleum Bulk Storage
Plastic Products Molding/Reshaping
Research Lab (Non-Hazardous)
Sand/Gravel Sales (Storage or Sales)
Sign Manufacturing
Stone/Clay/Glass Manufacturing
Wrecking/Junk Yard

Section 6: Development Standards

6.01 Landscape Standards

The Project Site shall meet or exceed the minimum requirements of Chapter 6, Article 1, Division 1 of the City of San Marcos LDC for landscaping on the Commercial tract. Within the low density multifamily area, a minimum of 25% of the project site shall be landscaped which exceeds the minimum requirements of the City LDC by 5%. In order to achieve the significant tree preservation/open space buffer areas provided along Ranch Road 12 and Craddock Avenue, the requirements of Section 6.1.1.4.c of the LDC related to landscaping within the front and side yards shall not apply. Trees shall be provided along the entry driveways from Ranch Road 12 and Craddock Avenue at a spacing of one (1) tree every 30 linear feet. Where possible, trees within the site that are intended for removal should be relocated utilizing accepted transplanting or relocation practices and may be counted towards the tree preservation credits on the site. The low density multifamily tract shall meet or exceed all other landscaping requirements. For the purpose of this PDD, landscape areas shall be considered those pervious areas contained within the site containing living plant material including, but not limited to, trees, shrubs, flowers, grass or other living ground cover or native vegetation and that are not otherwise dedicated as parkland in accordance with Section 6.04.

All landscape areas 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 in accordance with the City of San Marcos LDC. Irrigation may be provided through the use of excess stormwater from a wet pond, if provided, potable water from the City or a combination thereof. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees. In order to ensure a consistent and efficient landscaping irrigation system, the irrigation system may be permitted to cross public rights-of-way or access easements. Any crossings of public rights-of-way shall require a license agreement and shall install a sleeve or carrier pipe during the construction of the proposed roadway.

The beneficial reuse of excess stormwater from a wet pond, if provided, will allow this project to meet its goals of stewardship to the City of San Marcos, area neighborhoods and the environment. The use of potable water from the City as makeup water for a wet pond shall be strictly prohibited. The overwatering of landscaping facilities to create excess runoff to create makeup water shall be strictly prohibited. The property owner shall be responsible for ensuring the maintenance of any wet pond and shall be responsible for monitoring water levels to ensure that water quality is maintained at maximum functional level.

A natural tree preservation/open space area shall be provided adjacent to the southeast property line as illustrated on the Concept Plan. This natural tree preservation/open space area is intended to serve as a buffer from the rear property lines of the adjacent lots in the Oak Heights Subdivision. The natural tree preservation/open space area will be privately owned and maintained by the Property Owner. Unless otherwise approved through a Site Development Permit, there shall be no clearing or grading within the natural tree preservation/open space area. The natural tree preservation/open space area shall be maintained free of all trash, rubbish, debris or other similar nuisances in accordance with the requirements of the City of San Marcos Code of Ordinances.

In order to allow for future connectivity to the proposed parkland within this development and to other existing City parkland near the project site through a trail network, at the time of platting, the property owner shall dedicate to the City a 100 foot wide pedestrian trail access easement adjacent to the southeast property line within the tree preservation/open space area. This pedestrian trail access easement may be utilized by the City for the construction of a trail system/path. The property owner shall not be responsible for the construction of any improvements within the pedestrian trail access easement.

A tree preservation/open space area shall be provided adjacent to Ranch Road 12 as illustrated on the Concept Plan. This tree preservation/open space area is intended to preserve existing vegetation and additional natural landscaping as necessary to provide a visual buffer from the adjacent streets. The natural tree preservation/open space area will be privately owned and maintained by the Property Owner. Unless otherwise approved through a Site Development Permit, there shall be no clearing or grading within the natural tree preservation/open space area. The natural tree preservation/open space area shall be maintained free of all trash, rubbish, debris or other similar nuisances in accordance with the requirements of the City of San Marcos Code of Ordinances. The Property Owner shall construct a ten foot (10') shared use path adjacent to the tree preservation/open space area along Ranch Road 12 in accordance

with the requirements of the City of San Marcos. The location of this multiuse path shall be determined at the time of Site Preparation Permit approval and shall be field located during construction to minimize alteration or removal of existing natural vegetation.

6.02 Parking Standards

Parking requirements shall comply with all requirements of Chapter 6, Article 2 of the City of San Marcos LDC as follows:

Multifamily Area:	1.05 spaces per bedroom
Commercial Area:	In accordance with the use developed on the property
Fire Station:	In accordance with City's requirements

In addition to the proposed vehicle parking, the project site shall provide bicycle parking equivalent to a minimum of 10% of the bedroom count. Because of the detached nature of the cottage units, bicycles are typically stored within units, on the front porch or on the back porch of individual units. To avoid unattractive visual clutter, no bicycles may be hung from the ceiling of the front porch or a front second story balcony, if provided.

6.03 Exterior Construction Standards

Intent

Architecture and the built environment make many important contributions to San Marcos's visual context. 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.

Achieving a high quality of architectural design for all buildings within the Development is considered a principal goal of the design standards. Reflecting the vision of the Development, the development standards call for exterior materials that express the natural environment and range of natural materials found in Central Texas. In order to achieve this design intent, a limited palette and range of exterior materials, colors, textures and finishes have been selected for all construction within the Development

1. All facades shall use a palette and range of exterior materials, colors, textures and finishes similar to those included in the representative elevations in Exhibit F.
2. The use of color shall apply equally to additions and/or alterations to existing structures as well as to new detached structures. Garish or unusual colors and color combinations, and/or unusual designs are discouraged.
3. All buildings within the Development shall be designed with a high level of detail, with careful attention to the combination of and interface between materials. All buildings within the multifamily area shall be similar in architecture to the representative elevations attached in Exhibit F. 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.
4. A minimum of 60% of each nonresidential building, excluding doors and windows, shall be masonry consisting of brick, stone, stucco, split face concrete units, faux stone or brick, cementitious fiber board, or a combination

- thereof. Each building that is greater than one (1) story in height shall have first floor with a minimum of 80% masonry.
5. A minimum of 100% of each residential building, excluding doors, windows, fascia, soffit, trim, handrails, guardrails, decks, columns, etc., shall be masonry consisting of brick, stone, stucco, split face concrete units, faux stone or brick, cementitious fiberboard or a combination thereof. Fascia, trim, columns, soffits, handrails, guardrails, decks, and other similar architectural details may be constructed of wood or other durable natural material.
 6. Residential buildings shall be constructed of a variety of materials and designs in consistent with the building elevations provided in Exhibit F. Brick or stone accents will be included on all proposed structures. The brick or stone accents will extend from the finished grade elevation around the building to a point between the finished floor elevation and the bottom of the ground floor windows. The level of the brick or stone will vary by elevation. Above the brick or stone, buildings shall utilize brick, stone, stucco, faux stone or brick, cementitious fiberboard or a combination thereof.
 7. Architectural details may include barn door shutters, faux gable vents or windows or other architectural details consistent with the design intent of the Craftsman cottage theme of the development.
 8. E.I.F.S. is not permitted as a building façade material. If such a finish is desired, stucco on masonry backup or a mechanically fastened system is required.
 9. Durable materials such as terra cotta and metal fascia may be utilized for architectural detailing and accents where appropriate. A more articulated use of details and accent materials is encouraged at building entries.
 10. These standards shall apply equally to additions and/or alterations to existing structures as well as to new detached 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. Alternative designs for accessory structures may utilize different styles and materials than the primary structure upon review and approval by the Director of Development Services and the Permit Center Manager, appealable to the Planning and Zoning Commission.
 11. No bright, unfinished or mirrored surfaces will be allowed.
 12. Alternative design standards may be utilized upon review and approval by the Director of Development Services and the Permit Center Manager at the time of site planning. Any decision of the Director of Development Services and the Permit Center Manager may be appealed to the Planning and Zoning Commission.
 13. The exterior construction standards identified within this section shall be applicable to all facades on each commercial building within the proposed development. The use of four (4) sided design will be utilized to provide an enhanced visual appeal to the surrounding properties. The requirements of this section may be waived upon review and approval of an appropriate design and layout by the Director of Development Services and the Permit Center Manager at the time of site planning, appealable to the Planning and Zoning Commission.

6.04 Parkland Dedication

Parkland dedication is required in accordance with the requirements of the City of San Marcos LDC.

Parkland dedication is calculated in accordance with Section 7.6.1.2 as follows:

5 acres (multiplied by) 187 units (multiplied by) 2.1 residents per unit (divided by) 1,000 which equates to 1.97 acres of required parkland dedication.

Multifamily projects lend themselves to reflect a higher resident per unit calculation than indicated in the Land Development Code. For the purpose of accurately reflecting the population density of this project, parkland dedication could be calculated on a per bedroom basis as follows:

5 acres (multiplied by) 780 bedrooms (divided by) 1,000 which equates to 3.90 acres of parkland dedication.

The Concept Plan illustrates the dedication of approximately 4.50 acres of land adjacent to the existing Weatherford Heights Subdivision at the terminus of Archie Street and Dolly Street as public parkland. The property owner shall be responsible for the construction of up to an 18-hole Disc (Frisbee) Golf Course within the proposed public parkland area. The final design and location of the Disc (Frisbee) Golf Course shall be subject to the approval of the Director of the Parks and Recreation Department in coordination with the Property Owner. Furthermore, the property owner shall provide a mulch walking trail within the public parkland area. The multifamily area shall be provided with a minimum of one (1) pedestrian access to the public parkland area. The property owner shall also provide for the payment of a park development fee of \$7,500 to be utilized for the construction parking spaces for the public parkland area. Prior to recordation of the final plat, payment of the aforementioned \$7,500 parkland development fee shall be provided.

Any proposed parkland dedication shall be subject to the review and recommendation of the Parks and Recreation Advisory Board and Planning and Zoning Commission and subject to final approval by the City Council as part of this PDD.

6.05 Environmental, Water Quality & Detention Standards

On-site water quality and detention measures to control stormwater runoff will be required with the development of this site in accordance with the City of San Marcos LDC. This project will adhere to a minimum of 85% TSS removal and no construction shall begin until all required City Plans are approved and a SWPPP is prepared. The 85% TSS removal will be accomplished utilizing a TCEQ-approved BMP as defined by TCEQ Document RG-348 and maintained according to that document. All BMP's shall be designed and maintained by the property owner to achieve the performance standard of 85% TSS removal. Approved vegetative buffers and filters shall not include invasive species.

The Project Site will provide a regional stormwater facility as indicated on the Concept Plan. As this is a regional stormwater facility, it will require stormwater pipes carrying undetained stormwater from all platted lots within the limits of the PDD. This stormwater facility shall be designed and constructed to provide adequate stormwater detention and water quality controls to accommodate the development of the Project Site for all private and public phases of the project at the time of full development.

6.06 Fence Requirements

A minimum six foot (6') tall wooden fence shall be constructed a maximum of 50 feet from the rear of the units on the south side of the Hughson/Ramona connector road adjacent to the northeast property line, then running southeast and turning southwest parallel to the southeast property line as illustrated in Exhibit G. All fencing shall be maintained in good repair by the property owner.

The intent of the proposed fence is to ensure the conservation of the natural tree preservation/open space area and to provide additional screening for the adjacent property owners.

6.07 Community Rules and Regulations and Property Management

The multifamily portion of this property will be subject to Community Rules and Regulations established by the property owner. The Community Rules and Regulations shall be consistent with and similar to the Rules and Regulations attached as Exhibit H. The Community Rules and Regulations may be amended from time to time, as deemed necessary by the property owner provided, however, that the property owner shall not eliminate Community Rules and Regulations in their entirety nor substantially alter the Community Rules and Regulations without the approval of the Director of Development Services.

In addition to the adoption of Community Rules and Regulations, the property owner agrees to participate in the City of San Marcos Achieving Community Together (ACT) program and the requirements thereof as incorporated in Exhibit H.

The property owner shall also be responsible for providing a unit for occupancy by an on-site manager. This manager shall be a full time employee that is responsible for property management and coordination with the ACT program.

6.08 Hughson/Ramona Connector Road

The City of San Marcos Transportation Master Plan indicates a collector street being proposed connecting Hughson Drive to Ramona Circle through this property. The Traffic Impact Analysis (TIA) that was performed for this site indicates that a significant amount of traffic will be utilizing the new collector as a cut-through street going from Craddock Avenue to Ranch Road 12 to avoid the light at the Craddock/RR12 intersection. The resulting through traffic creates a safety concern for the pedestrian activity within this development. The proposed collector creates a significant deterrent to pedestrian activity between the units on the south side of the proposed collector and the units and amenity facilities located on the north side of the collector. Additionally, this proposed collector will create a separation from the units on the north side of the road and the public parkland on the south side of the road.

As a result of the traffic and safety concerns, this PDD proposes an amendment to the Transportation Master Plan which eliminates the construction of the Hughson/Ramona collector and provides for direct driveway access from Ranch Road 12 and Craddock Avenue to serve this development only. The site layout and design for the removal of this roadway is illustrated in Exhibit A. The development of this project shall incorporate adequate stacking measures for residents leaving the project site.

The project site shall be required to construct a minimum ten foot (10') multiuse hike/bike path generally along the alignment of the Hughson/Ramona collector shown on the

Transportation Master Plan. The multiuse path shall be dedicated within a public bike/pedestrian access easement at the time of platting of the property and shall be owned and maintained by the property owner. In addition, the property owner shall be responsible for installing and maintaining signage on Ranch Road 12 and Craddock Avenue at the intersection of the multiuse path with these roadways identifying the location of trail.

The development of this property requires the construction of turn lane improvements at Hughson Drive and Ranch Road 12. This includes mirrored left hand turn lanes that will provide northbound access to the project site and southbound access to the existing Hughson Drive. These turn lane improvements shall be designed by the property owner and approved by the City. The City shall be responsible for the construction of these turn lane improvements.

6.09 Occupancy Restrictions

The project site is not subject to the single family occupancy restrictions identified in Section 4.3.4.5 of the City's LDC. Occupancy of the units within this development shall be restricted to a maximum of one person per lease per bedroom for a maximum of 780 leases. These occupancy restrictions shall not be applicable to families as defined in the City's LDC.

6.10 Signage

The low density multifamily portion of the project shall contain monument entry signage as illustrated at in Exhibit I. These monument entry signs shall be located at the primary entrances to the project adjacent to Craddock Avenue and Ranch Road 12. Typical column logo signs as illustrated in Exhibit I may be provided at the secondary driveway locations accessing the project site. Any additional signage for the low density multifamily shall meet the requirements of the City of San Marcos LDC.

All signage for the commercial project site shall meet the requirements of Chapter 6, Article 3 of the City's LDC.

6.11 Resident Shuttle Service

The property owner shall make every reasonable effort to coordinate with Texas State University regarding possible locations within the project site or along the proposed Hughson/Ramona connector for University bus stops. In the event that University bus shuttle service is unavailable, the property owner shall provide for private daytime shuttle service for use by residents.

6.12 Fire Station/Police Substation Site

The 1.80 acre tract identified on the Concept Plan shall be donated to the City as a site for the construction of a future fire station/police substation. This parcel shall be donated to the City at the time of final plat approval.

Section 7: Miscellaneous

7.01 The Property Owner understands and acknowledges that the Project Site will be bound by the provisions of these development standards as though they were conditions, restrictions and limitations on the use of the Project Site under the City's LDC.

7.02 The Property Owner understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to all penalties that apply to violation of the City's LDC, as amended. The Property Owner further understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to a suit by the City for an injunction to enjoin the violation of these development standards as though they were conditions, restrictions and limitations on use of the Project Site under the City's LDC.

7.03 All obligations of the Property Owner created under these development standards are performable in Hays County, Texas and venue for any action arising under these development standards shall be in Hays County, Texas. These development standards will be construed in accordance with the laws of the State of Texas.

7.04 Nothing in these development standards, express or implied, is intended to confer any rights, benefits or remedies under or by reason of these development standards upon any person or entity other than the City of San Marcos and the Property Owner.

7.05 These development standards shall control the development of the Project Site and, to the extent such development standards modify, amend or supplement specific provisions of the City's Land Development Code, said development standards shall control. To the extent the City's Land Development Code is not specifically amended, modified or supplemented by these development standards, the City's Land Development Code or, as same may exist at the time of approval of these development standards, shall be applicable to and control the development of the Project Site.

7.06 Minor changes to the details contained within the Conceptual Plan incorporated herein which do not substantially and adversely change the Plan and which do not alter the basic physical relationship of the project site to adjacent properties, including, but not limited to, permitted uses, layout of buildings, number and size of buildings, design of parking areas, etc., may be approved administratively by the Director of Development Services. Any changes not deemed to be minor changes by the Director of Development Services shall be deemed major changes and shall be resubmitted following the same procedure required by the original PDD application. In no case shall any proposed change be less than the requirements of these development standards without being resubmitted following the same procedure required by the original PDD application.

7.07 The Exhibits identified herein are incorporated by reference and are adopted as part of this PDD. Any modifications, amendments or supplements to these Exhibits, except for Exhibits E and H, shall require an amendment to this PDD ordinance unless otherwise allowed by City ordinance or State law. The Community Rules and Regulations and ACT standards provided in Exhibit H may be updated or amended, from time to time, as necessary provided, however, the property owner shall not eliminate the Community Rules and Regulations in their entirety nor substantially alter the Community Rules and Regulations without the approval of the Director of Development Services.

7.08 In case one or more provisions of these development standards are deemed invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, these development standards shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Section 8: Table of Code Modifications

Standard	Required Standards (per City LDC)	Proposed Standards (per PDD Ordinance)	Modification Justification
Multifamily Density	Maximum 12 upa gross	Maximum 5.0 upa net	Proposed gross density of 4.27 units per acre exceeds the City's maximum permitted gross density in the MF-12 district by 7.73 units per acre Proposed net density of 4.76 units per acre exceeds maximum permitted gross density of 6.0 units per acre for Low Density Residential by 1.24 units per acre Exceeds City standards for side yard setback by 10 feet Encourages units away from major roadways to provide buffers.
Setback from Ranch Road 12 and Craddock Avenue	No specific setback required; would be considered side yard of 15 feet	Minimum 25 foot setback	Exceeds City standards for side yard setback by 10 feet Encourages units away from major roadways to provide buffers.
Permitted Uses	As outlined in Permitted Use Chart	Restricted based on PDD ordinance	Restrictions within MF zoning limited to multifamily and accessory uses. Restrictions within SF-6 to permit parkland only. Restricted uses within CC zoning to limit uses to community and neighborhood services type uses.

Landscape Standards	<p>Minimum 20% landscape required.</p> <p>Minimum 75% landscaping required in front and side yards</p> <p>No buffers required adjacent to residential.</p>	<p>Minimum 25% landscaping required for low density multifamily tract</p> <p>Multifamily not required to achieve 75% landscaping in front and side yards</p> <p>Commercial tract will meet or exceed landscape requirements</p> <p>Tree preservation/open space areas provided adjacent to Ranch Road 12, Craddock Avenue and adjacent to residential</p>	<p>Multifamily tract exceeds landscaping requirements by 5%</p> <p>Landscaping within front and side yards would not achieve intent of new urbanism walkable streetscape with buildings close to the street</p> <p>Tree preservation/open space areas along Ranch Road 12, Craddock Avenue and adjacent to residential exceeds minimum buffering standards required in LDC</p>
Parking Requirements	<p>1.05 spaces per bedroom for MF area</p> <p>Commercial based on proposed use</p> <p>On-street parking not required</p>	<p>Multifamily and Commercial provided in accordance with requirements of LDC</p> <p>On street parking required to provide additional parking for guests and public parking.</p>	<p>Providing on-street parking to provide for guest and public parkland overflow parking.</p>
Exterior Construction Standards	<p>Minimal exterior construction standards required</p>	<p>60% masonry for commercial</p> <p>100% masonry required for MF with proposed elevations</p> <p>Brick or stone accents between finished grade elevation and a point between ground floor windows; cementitious fiber board required above brick</p>	<p>Exceeds minimum exterior construction standards</p>

Exterior Construction Standards (cont'd)		Providing for four-sided design standards for commercial buildings	
Parkland Dedication	Minimum 1.97 acres required (5 acres multiplied by 187 units multiplied by 2.1 people per unit divided by 1000)	Approximately 4.50 acres provided as public parkland Construction of Disc (Frisbee) golf course within public parkland Construction of mulch trail within public parkland area Payment of \$7,500 for construction of parking within public parkland area	Parkland dedication exceeds minimum requirement of City LDC by 2.53 acres or 0.60 acres when calculated by bedroom Construction of parkland improvements and payment of additional fee-in-lieu of improvements not required by LDC
Hughson/Ramona Collector Cross-Section	Required to be constructed as part of Transportation Master Plan	Proposing construction of private driveway connections to Ranch Road 12 and Craddock Avenue with 10 foot multiuse path to mitigate negative impacts of cross-through traffic	Requires amendment to the Transportation Master Plan
Community Rules and Regulations	None required	Sample rules and regulations provided for incorporation into PDD and enforceable by the City	Requires enforceable rules and regulations otherwise not required by Code
Water Quality Standards	Requires 80% TSS removal	Commitment to participate in City's ACT program Requiring 85% TSS removal Use of wet pond has potential to achieve 95% TSS removal	Participation in ACT program not required by code Exceeds City standards for TSS removal by 5% Potential to exceed City standards for TSS removal by 15%

Water Quality Standards (cont'd)		Permitting the use of excess stormwater detained in wet pond to provide for beneficial reuse of naturally occurring precipitation and limiting the impacts on the City's water system	
Block Length Requirements	1,200 feet or 1,600 feet along major thoroughfares	Will exceed block length requirements if removal of Hughson/Ramona connector is approved	Only applicable if approved concurrent Transportation Plan amendment
Shuttle Service	None required	Requires coordination with Texas State University or private shuttle service to provide shuttle service to site for residents	Requires shuttle service of not required
Donation of Fire Station and/or Police Substation Site	None Required Would require purchase by the City	Required per PDD	Will help mitigate impacts of traffic generated by development of 1.80 acre tract indicated on the Concept Plan the City

Section 9: List of Exhibits:

- Exhibit A: Concept Plan**
- Exhibit B: Project Metes & Bounds Description**
- Exhibit C: Commercial Zoning Metes & Bounds Description**
- Exhibit D: Multi-Family Zoning Metes & Bounds Description**
- Exhibit E: Park Plan**
- Exhibit F: Project Architectural Elevations**
- Exhibit G: Fence Location**
- Exhibit H: Community Rules & Regulations & ACT Regulations**
- Exhibit I: Low Density Multifamily Signage**

Exhibit A: Conceptual Plan



Williams & Associates
 ENGINEERING • SURVEYING
 LANDSCAPE ARCHITECTURE
 2470 Paradise Ridge Road, Suite 101
 San Marcos, TX 78666
 P: 787.511.9101
 www.gaplanimg.com

The Retreat at San Marcos
 CITY OF SAN MARCOS, TEXAS
 48.36 ACRES

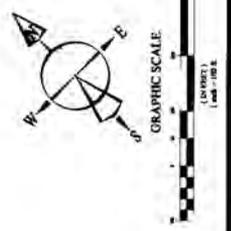
DATE: 03/07/2011

REVISIONS	DATE	COMMENTS

CONCEPT PLAN
 10053
PDD



IF BULKHEAD MAIN TO BE FIELD LOCATED DURING CONSTRUCTION, CONTACT THE CITY OF SAN MARCOS FOR NATURAL VEGETATION



ITEM #	DESCRIPTION	QUANTITY	UNIT	AMOUNT	TOTAL AMOUNT
1	Site Preparation	1	Lot	1.00	1.00
2	Site Grading	1	Lot	1.00	1.00
3	Site Erosion Control	1	Lot	1.00	1.00
4	Site Planting	1	Lot	1.00	1.00
5	Site Fencing	1	Lot	1.00	1.00
6	Site Utilities	1	Lot	1.00	1.00
7	Site Access	1	Lot	1.00	1.00
8	Site Security	1	Lot	1.00	1.00
9	Site Maintenance	1	Lot	1.00	1.00
10	Site Restoration	1	Lot	1.00	1.00
11	Site Decommissioning	1	Lot	1.00	1.00
12	Site Relocation	1	Lot	1.00	1.00
13	Site Abandonment	1	Lot	1.00	1.00
14	Site Remediation	1	Lot	1.00	1.00
15	Site Reclamation	1	Lot	1.00	1.00
16	Site Rehabilitation	1	Lot	1.00	1.00
17	Site Renovation	1	Lot	1.00	1.00
18	Site Reconstruction	1	Lot	1.00	1.00
19	Site Rebuilding	1	Lot	1.00	1.00
20	Site Reinstatement	1	Lot	1.00	1.00
21	Site Reestablishment	1	Lot	1.00	1.00
22	Site Reinstatement	1	Lot	1.00	1.00
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99	Site Reestablishment	1	Lot	1.00	1.00
100	Site Reinstatement	1	Lot	1.00	1.00

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Exhibit B: Project Metes & Bounds Description & Associated Plot Illustration

DESCRIPTION OF 48.36 ACRES, MORE OR LESS, OF LAND AREA IN THE ELIJAH CLARK SURVEY NO. 11, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 41.42 ACRES IN A DEED FROM WALTER HUFFMEYER AND ELIZABETH HUFFMEYER TO JACK WEATHERFORD DATED JULY 14, 1961 AND RECORDED IN VOLUME 187, PAGE 217 OF THE HAYS COUNTY DEED RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS "FIRST TRACT-5.7 ACRES" IN A DEED FROM ROBERT A. COOPER ET UX TO JACK W. WEATHERFORD DATED JUNE 7, 1967 AND RECORDED IN VOLUME 217, PAGE 578 OF THE HAYS COUNTY DEED RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 5.5 ACRES IN A DEED FROM PAUL HASTINGS, SHERIFF, TO DR. JACK W. WEATHERFORD DATED JANUARY 18, 1994 AND RECORDED IN VOLUME 1045, PAGE 121 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 1.71 ACRES IN A DEED FROM ZAM-NEL JOINT VENTURE TO WHITETAIL, JV DATED MARCH 19, 2004 AND RECORDED IN VOLUME 2426, PAGE 104 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" iron rod found in the curving southwest line of R.M. Highway No. 12 and that tract described as 0.8 acres in a deed from F.J. Rutledge et ux to the State of Texas dated January 8, 1937 and recorded in Volume 112, Page 472 of the Hays County Deed Records for the east corner of the Whitetail, JV 1.71 acre tract, and north corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision as recorded in Volume 5, Page 57 of the Hays County Plat Records;

THENCE leaving R.M. Highway No. 12, the City of San Marcos 0.8 acre tract, and the **PLACE OF BEGINNING**, as shown on that plat numbered 26503-10-3.3-d dated October 1, 2010 prepared for Jon Williams by Byrn & Associates, Inc., of San Marcos, Texas with the common southeast line of the Whitetail, JV, 1.71 acre tract and northwest line of Lot 1, San Marcos Seventh Day Adventist Church Subdivision, **S 44°29'59" W 467.11 feet** to a ½" iron pipe

found in old fence remains in the northeast line of the Weatherford 41.42 acre tract, for the south corner of the Whitetail, JV, 1.71 acre tract and west corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision;

THENCE leaving the Whitetail, JV, 1.71 acre tract with the common southwest line of Lot 1, San Marcos Seventh Day Adventist Church Subdivision and northeast line of the Weatherford 41.42 acre tract and its extension, **S 48°15'59" E 290.37 feet** to the southwest face of a 6" cedar fence corner post found in the northeast line of the previously mentioned Weatherford 5.7 acre First Tract for the south corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision and the west corner of Lot 1, Charles R. Swart Subdivision as recorded in Volume 3, Page 72 of the Hays County Plat Records, pass at approximately 178.4 feet a fence corner for the north corner of the Weatherford 5.7 acre First Tract and for an northerly east corner of the Weatherford 41.42 acre tract;

THENCE leaving the San Marcos Seventh Day Adventist Church Subdivision continuing with the common northeast line of the Weatherford 5.7 acre First Tract and southwest line of Lots 1 and 2 of the Charles R. Swart Subdivision, the following two courses:

1. **S 44°17'01" E 27.20 feet** to a 3/8" iron rod found for an angle point, and
2. **S 44°59'03" E 200.96 feet** to a brass disk in concrete found stamped "Charles Swart Survey" in the approximate southeast line of the previously mentioned E. Clark Survey and northwest line of the T.J. Chambers Survey, Abstract No. 2 and a 15 foot wide access easement recorded in Volume 1388, Page 704 of the Hays County Official Public Records for the south corner of Lot 2, Charles R. Swart Subdivision, for the east corner of the Weatherford 5.7 acre First Tract and this description and for the north corner of that tract described as 5.222 acres in a deed from Thomas A. Glore et ux to Edward R. Caffey et ux dated March 31, 1995 and recorded in Volume 1139, Page 718 of the Hays County Official Public Records;

THENCE leaving the Charles R. Swart Subdivision with the common southeast line of the Weatherford 5.7 acre First tract and northwest line of the 15 foot wide access easement and the Caffey 5.222 acre tract, being with the approximate survey line **S 44°40'00" W 383.19 feet** to a ½" iron rod found for the west corner of the Caffey 5.222 acre tract, and for the northwest corner of Lot 13 and northeast corner of Lot 12 of Oak Heights Subdivision as Recorded in Volume 164, Page 586 of the Hays County Deed Records;

THENCE leaving the 15 foot wide access easement and the Caffey 5.222 acre tract with the common southeast line of the Weatherford 5.7 acre First Tract and northwest line of Oak Heights Subdivision the following two courses:

1. **S 44°31'49" W 153.48 feet** to a ½" iron rod found for an angle point in Lot 12, and
2. **S 44°08'40" W 193.05 feet** to a ½" iron pipe found at a fence corner post in the northwest line of Lot 10, Oak Heights Subdivision for the south corner of the Weatherford 5.7 acre First Tract and an southerly east corner of the Weatherford 41.42 acre tract;

THENCE leaving the Weatherford 5.7 acre First Tract with the common southeast line of the Weatherford 41.42 acre tract and northwest line of Oak Heights Subdivision, **S 44°23'43" W 512.44 feet** to a concrete nail with an aluminum washer stamped "Byrn Survey" set in the northwest line of the Lot 4, Oak Heights Subdivision for the south corner of this description and for the east corner of Lot 19, Block 'A', Weatherford Heights as recorded in Volume 9, Page 169 of the Hays County Plat Records, from which a ½" iron rod found with a plastic cap stamped "Byrn Survey" for the west corner of Oak Heights and south corner of Weatherford Heights and the Weatherford 41.42 acre tract bears **S 44°23'43" W 270.33 feet** (said Weatherford Heights being a portion of the Weatherford 41.42 acre tract);

THENCE leaving Oak Heights entering the Weatherford 41.42 acre tract with the northeast line of Weatherford Heights the following four courses:

1. **N 45°31'27" W 669.22 feet** to a ½" iron rod found with a plastic cap stamped "Burriss Surveying" for an angle point in the east line of Lot 4, Block "B", Weatherford Heights,

2. **N 08°30'57" E 197.65 feet** to an iron rod found with a plastic cap stamped "Burris Surveying" in the curving northeast line of Archie Street in Oak Heights,
3. With a left-breaking curve having the following characteristics: delta angle = **35°57'57"**, radius **125.00 feet**, arc = **78.47 feet**, and a chord which bears **N 63°34'04" W 77.18 feet**, to an iron rod found with a plastic cap stamped "Burris Surveying" for Point of Tangency, and
4. **N 81°28'01" W 193.42 feet** to a $\frac{1}{2}$ " iron rod set in the east line of Craddock Avenue for the southwest corner of this description and for the southeast corner of a strip of land described as 0.801 acres in a deed from Jack W. Weatherford to the City of San Marcos dated April 26, 2004 and recorded in Volume 2449, Page 491 of the Hays County Official Public Records (said City of San Marcos 0.801 acre strip being a portion of the Weatherford 41.42 acre tract);

THENCE leaving Archie Street and Weatherford Heights with the east line of Craddock Avenue and the City of San Marcos 0.801 acre strip, **N 08°33'34" E 1398.37 feet** to a $\frac{1}{2}$ " iron rod set in the northeast line of the Weatherford 41.42 acre tract and southwest line of the previously mentioned R.M. Highway No. 12 for the northeast corner of the City of San Marcos 0.801 acre strip and for the northwest corner of this description;

THENCE leaving Craddock Avenue and the City of San Marcos 0.801 acre strip with the southwest line of R.M. Highway No. 12 and northeast line of the Weatherford 41.42 acre tract and the previously mentioned Weatherford 5.5 acre tract and Whitetail JV. 1.71 acre tract, the following two courses:

1. **S 80°37'24" E 247.40 feet** to a TXDOT concrete monument found for Point of Curvature, and
2. With a right-breaking curve having the following characteristics: delta angle = **30°38'14"**, radius=**2241.83 feet**, arc = **1198.75 feet**, and a chord which bears **S 65°17'20" E 1184.52 feet**, to the **PLACE OF BEGINNING**.

THERE are contained within these metes and bounds 48.36 acres, more or less, of land area as prepared from public records and a survey made on the ground on October 1, 2010 by Byrn & Associates, Inc., of San Marcos, Texas. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this survey is based on the Texas State Plane Coordinate System, South Central Zone and refers to grid north.


David C. Williamson, R.P.L.S. #4100



Client: Williams, J.
Date: October 1, 2010
Survey: Clark, E. A-83
County: Hays, TX.
Job No.: 26503-10
FND48.36

Exhibit C: Commercial Zoning Metes & Bounds Description & Associated Plot Illustration

DESCRIPTION OF 2.75 ACRES, MORE OR LESS, OF LAND AREA IN THE ELIJAH CLARK SURVEY NO. 11, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 41.42 ACRES IN A DEED FROM WALTER HUFFMEYER AND ELIZABETH HUFFMEYER TO JACK WEATHERFORD DATED JULY 14, 1961 AND RECORDED IN VOLUME 187, PAGE 217 OF THE HAYS COUNTY DEED RECORDS, BEING A PORTION OF THAT TRACT DESCRIBED AS 5.5 ACRES IN A DEED FROM PAUL HASTINGS, SHERIFF, TO DR. JACK W. WEATHERFORD DATED JANUARY 18, 1994 AND RECORDED IN VOLUME 1045, PAGE 121 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set in the south line of R.M. Highway No. 12 and north line of the Weatherford 41.42 acre tract for the northeast corner of Craddock Avenue and a strip of land described as 0.801 acres in a deed from Jack W. Weatherford to the City of San Marcos dated April 26, 2004 and recorded in Volume 2449, Page 491 of the Hays County Official Public Records (said City of San Marcos 0.801 acre strip being a portion of the Weatherford 41.42 acre tract);

THENCE leaving Craddock Avenue, the City of San Marcos 0.801 acre tract and the **PLACE OF BEGINNING** as shown of that plat numbered 26503-10-3-a dated October 1, 2010 prepared for Jon Williams by Byrn & Associates, Inc., of San Marcos, Texas, with the common south line of R.M. Highway No. 12 and the north line of the Weatherford 41.42 acre tract and its extension, the following two courses:

1. **S 80°37'24" E 247.40 feet** to a TXDOT concrete monument found for Point of Curvature, and
2. With a right-breaking curve having the following characteristics: **delta = 02°55'49"**, **radius = 2241.83 feet**, **arc = 114.66 feet**, and a chord which bears **S 79°08'32" E 114.64 feet**, to a ½" iron rod set in the north line of the previously mentioned Weatherford 5.5 acre tract for the northeast corner of this description;

THENCE leaving R.M. Highway No. 12 and crossing the Weatherford 5.5 acre and remaining portion of the Weatherford 41.42 acre tracts the following three courses:

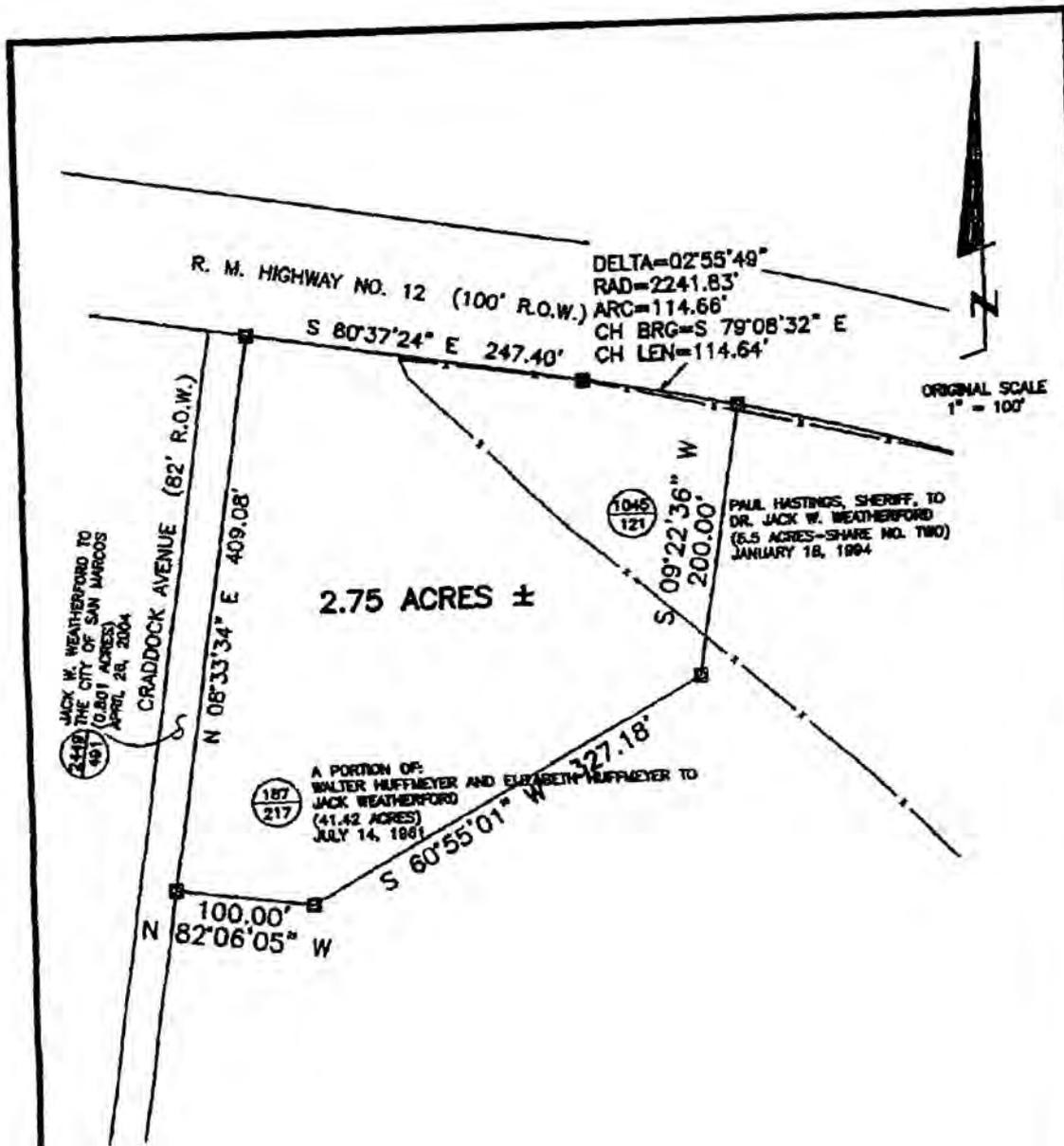
1. **S 09°22'36" W 200.00 feet** to a ½" iron rod set for an angle point,
2. **S 60°55'01" W 327.18 feet** to a ½" iron rod set for an angle point, and
3. **N 82°06'05" W 100.00 feet** to a ½" iron rod set in the east line of Craddock Avenue and the previously mentioned City of San Marcos 0.801 acre tract for the southwest corner of this description;

THENCE with the east line of Craddock Avenue and the City of San Marcos 0.801 acre tract, **N 08°33'34" E 409.08 feet** to the **PLACE OF BEGINNING**.

THERE are contained within these metes and bounds 2.75 acres, more or less, of land area as prepared from public records and a survey made on the ground on October 1, 2010 by Byrn & Associates, Inc., of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this survey is based on the Texas State Plane Coordinate System, South Central Zone and refers to grid north.


David C. Williamson, R.P.L.S. #4190

Client: Williams, J.
Date: October 1, 2010
Survey: Clark, E. A-83
County: Hays, TX.
Job No.: 26503-10
FND2.75



ORIGINAL SCALE
1" = 100'

JACK W. WEATHERFORD TO
THE CITY OF SAN MARCOS
(0.801 ACRES)
APRIL 28, 2004

PAUL HASTINGS, SHERIFF, TO
DR. JACK W. WEATHERFORD
(6.5 ACRES-SHARE NO. TWO)
JANUARY 18, 1994

2.75 ACRES ±

A PORTION OF:
WALTER HUFFMEYER AND ELIZABETH HUFFMEYER TO
JACK WEATHERFORD
(41.42 ACRES)
JULY 14, 1991

TO JON WILLIAMS, EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY.

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON OCTOBER 1, 2010 AND THAT ALL PROPERTY COPIERS ARE MARKED/NOTED AS SHOWN HEREON.

SURVEYOR'S NOTES

1. FENCES MEASURED.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48030C030101 DATED SEPTEMBER 2, 2005, THIS TRACT LIES WITHIN ZONE X. (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
4. THIS SURVEY WAS DONE IN CONNECTION WITH TITLE COMMITMENT C.F. NO. FFD000000000 DATED OCTOBER 22, 2009 PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY. THE SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
5. THIS SURVEY PLAT WAS PREPARED IN CONNECTION WITH A LAND DESCRIPTION DATED OCTOBER 1, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

DAVID C. WILLIAMSON, R.P.L.S. NO. 4180

BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
P.O. BOX 1433 SAN MARCOS, TEXAS 78667
PHONE 512-386-2270 FAX 512-386-2846

PLAT 2.75 ACRES ±, IN THE E.
CLARK SURVEY, ABSTRACT
NO. 83, CITY OF SAN MARCOS,
HAYS COUNTY, TEXAS

CLIENT: WILLIAMS, J.
DATE: OCTOBER 1, 2010
OFFICE: BRYANT
CREW: EVERETT, LOZANO, C. SMITH
PLOT NO.: 28603-10-3

Exhibit D: Multi-Family Zoning Metes & Bounds Description & Associated Plot Illustration

DESCRIPTION OF 41.11 ACRES, MORE OR LESS, OF LAND AREA IN THE ELIJAH CLARK SURVEY NO. 11, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 41.42 ACRES IN A DEED FROM WALTER HUFFMEYER AND ELIZABETH HUFFMEYER TO JACK WEATHERFORD DATED JULY 14, 1961 AND RECORDED IN VOLUME 187, PAGE 217 OF THE HAYS COUNTY DEED RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS "FIRST TRACT-5.7 ACRES" IN A DEED FROM ROBERT A. COOPER ET UX TO JACK W. WEATHERFORD DATED JUNE 7, 1967 AND RECORDED IN VOLUME 217, PAGE 578 OF THE HAYS COUNTY DEED RECORDS, BEING A PORTION OF THAT TRACT DESCRIBED AS 5.5 ACRES IN A DEED FROM PAUL HASTINGS, SHERIFF, TO DR. JACK W. WEATHERFORD DATED JANUARY 18, 1994 AND RECORDED IN VOLUME 1045, PAGE 121 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 1.71 ACRES IN A DEED FROM ZAM-NEL JOINT VENTURE TO WHITETAIL, JV DATED MARCH 19, 2004 AND RECORDED IN VOLUME 2426, PAGE 104 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" iron rod found in the curving southwest line of R.M. Highway No. 12 and that tract described as 0.8 acres in a deed from F.J. Rutledge et ux to the State of Texas dated January 8, 1937 and recorded in Volume 112, Page 472 of the Hays County Deed Records for the east corner of the Whitetail, JV 1.71 acre tract, and north corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision as recorded in Volume 5, Page 57 of the Hays County Plat Records;

THENCE leaving R.M. Highway No. 12, the City of San Marcos 0.8 acre tract, and the **PLACE OF BEGINNING**, as shown on that plat numbered 26503-10-3.1-a dated October 1, 2010 prepared for Jon Williams by Byrn & Associates, Inc., of San Marcos, Texas with the common southeast line of the Whitetail, JV, 1.71 acre tract and northwest line of Lot 1, San Marcos Seventh Day Adventist Church Subdivision, **S 44°29'59" W 467.11 feet** to a 1/2" iron pipe

found in old fence remains in the northeast line of the Weatherford 41.42 acre tract, for the south corner of the Whitetail, JV, 1.71 acre tract and west corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision;

THENCE leaving the Whitetail, JV, 1.71 acre tract with the common southwest line of Lot 1, San Marcos Seventh Day Adventist Church Subdivision and northeast line of the Weatherford 41.42 acre tract and its extension, **S 48°15'59" E 290.37 feet** to the southwest face of a 6" cedar fence corner post found in the northeast line of the previously mentioned Weatherford 5.7 acre First Tract for the south corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision and the west corner of Lot 1, Charles R. Swart Subdivision as recorded in Volume 3, Page 72 of the Hays County Plat Records, pass at approximately 178.4 feet a fence corner for the north corner of the Weatherford 5.7 acre First Tract and for an northerly east corner of the Weatherford 41.42 acre tract;

THENCE leaving the San Marcos Seventh Day Adventist Church Subdivision continuing with the common northeast line of the Weatherford 5.7 acre First Tract and southwest line of Lots 1 and 2 of the Charles R. Swart Subdivision, the following two courses:

1. **S 44°17'01" E 27.20 feet** to a 3/8" iron rod found for an angle point, and
2. **S 44°59'03" E 200.96 feet** to a brass disk in concrete found stamped "Charles Swart Survey" in the approximate southeast line of the previously mentioned E. Clark Survey and northwest line of the T.J. Chambers Survey, Abstract No. 2 and a 15 foot wide access easement recorded in Volume 1388, Page 704 of the Hays County Official Public Records for the south corner of Lot 2, Charles R. Swart Subdivision, for the east corner of the Weatherford 5.7 acre First Tract and this description and for the north corner of that tract described as 5.222 acres in a deed from Thomas A. Glore et ux to Edward R. Caffey et ux dated March 31, 1995 and recorded in Volume 1139, Page 718 of the Hays County Official Public Records;

THENCE leaving the Charles R. Swart Subdivision with the common southeast line of the Weatherford 5.7 acre First tract and northwest line of the 15 foot wide access easement and the Caffey 5.222 acre tract, being with the approximate survey line **S 44°40'00" W 383.19 feet** to a ½" iron rod found for the west corner of the Caffey 5.222 acre tract, and for the northwest corner of Lot 13 and northeast corner of Lot 12 of Oak Heights Subdivision as Recorded in Volume 164, Page 586 of the Hays County Deed Records;

THENCE leaving the 15 foot wide access easement and the Caffey 5.222 acre tract with the common southeast line of the Weatherford 5.7 acre First Tract and northwest line of Oak Heights Subdivision the following two courses:

1. **S 44°31'49" W 153.48 feet** to a ½" iron rod found for an angle point in Lot 12, and
2. **S 44°08'40" W 193.05 feet** to a ½" iron pipe found at a fence corner post in the northwest line of Lot 10, Oak Heights Subdivision for the south corner of the Weatherford 5.7 acre First Tract and an southerly east corner of the Weatherford 41.42 acre tract;

THENCE leaving the Weatherford 5.7 acre First Tract with the common southeast line of the Weatherford 41.42 acre tract and northwest line of Oak Heights Subdivision, **S 44°23'43" W 281.67 feet** to a ½" iron rod set for the south corner of this description;

THENCE leaving Oak Heights Subdivision crossing the remaining portion of the Weatherford 41.42 acre tract, the following two courses:

1. **N 45°12'59" W 849.23 feet** to a ½" iron rod set for an angle point, and
2. **N 81°28'01" W 259.03 feet** to a ½" iron rod set in the east line of Craddock Avenue and a strip of land described as 0.801 acres in a deed from Jack W. Weatherford to the City of San Marcos dated April 26, 2004 and recorded in Volume 2449, Page 491 of the Hays County Official Public Records (said City of San Marcos 0.801 acre strip being a portion of the Weatherford 41.42 acre tract);

THENCE with the east line of Craddock Avenue and the City of San Marcos 0.801 acre strip, **N 08°33'34" E 914.29 feet** to a ½" iron rod set for the northwest corner of this description;

THENCE leaving Craddock Avenue and the City of San Marcos 0.801 acre strip re-crossing the remaining portion of the Weatherford 41.42 acre tract and the previously mentioned Weatherford 5.5 acre tract the following three courses:

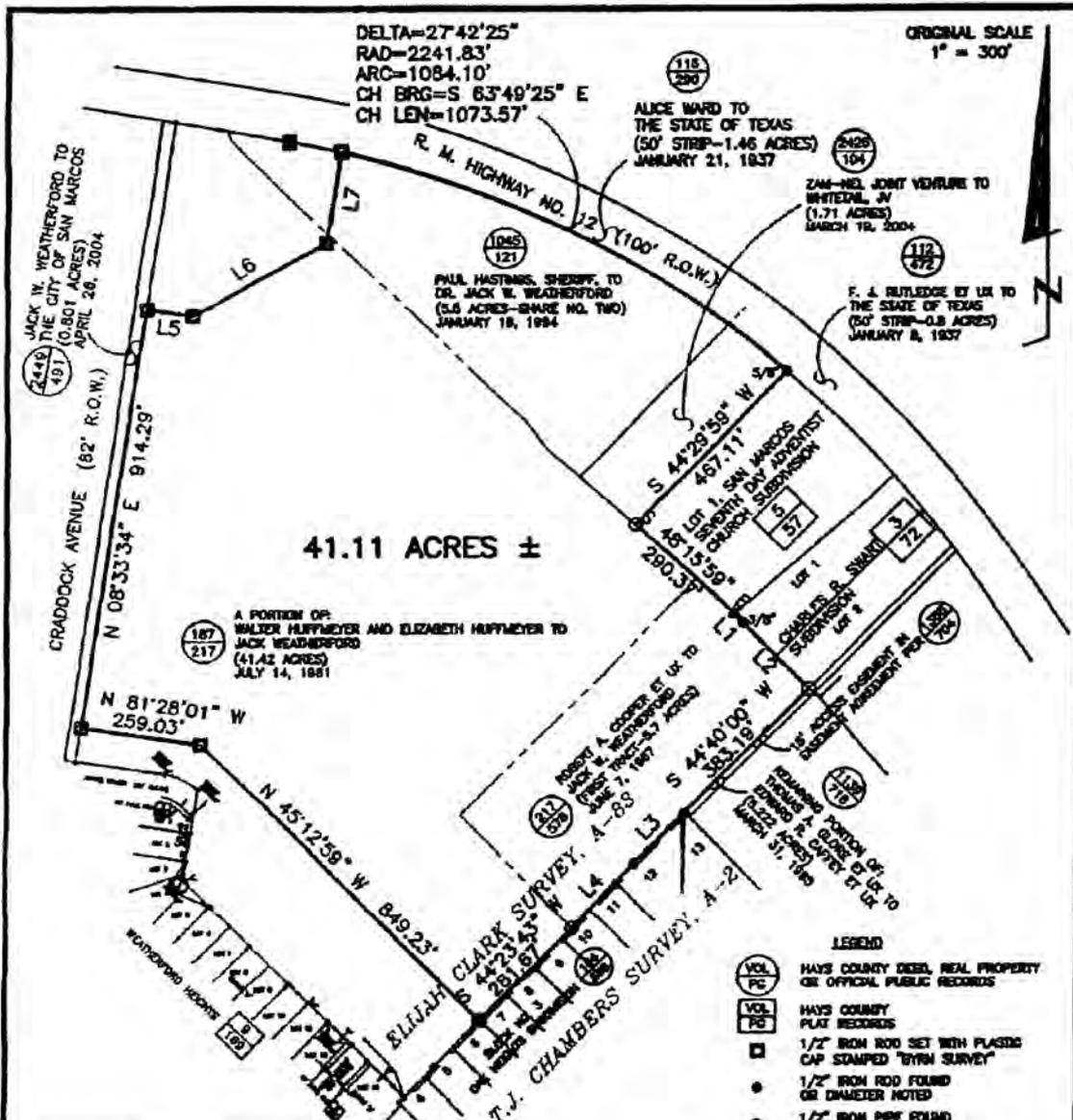
1. **S 82°06'05" E 100.00 feet** to a ½" iron rod set for an angle point,
2. **N 60°55'01" E 327.18 feet** to a ½" iron rod set for an angle point, and
3. **N 09°22'36" E 200.00 feet** to a ½" iron rod set in the curving southwest line of R.M. Highway No. 12 and that tract described as a 50 foot wide strip containing 1.46 acres in a deed from Alice Ward to the State of Texas dated January 21, 1937 and recorded in Volume 115, Page 290 of the Hays County Deed Records for the north corner of this description;

THENCE with the common northeast line of the Weatherford 5.5 acre tract and the previously mentioned Whitetail, JV, 1.71 acre tract and southwest line of R.M. Highway No. 12 and the State of Texas 1.46 acre and 0.8 acre strip, being with a right-breaking curve having the following characteristics: **delta angle = 27°42'25"**, **radius = 2241.83 feet**, **arc = 1084.10 feet**, and a chord which bears **S 63°49'25" E 1073.57 feet** to the **PLACE OF BEGINNING**.

THERE are contained within these metes and bounds 41.11 acres, more or less, of land area as prepared from public records and a survey made on the ground on October 1, 2010 by Byrn & Associates, Inc., of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this survey is based on the Texas State Plane Coordinate System, South Central Zone and refers to grid north.


David C. Williamson, R.P.L.S. #4190

Client: Williams, J.
Date: October 1, 2010
Survey: Clark, E. A-83
County: Hays, TX.
Job No.: 26503-10
FND41.11



LINE	BEARING	DISTANCE
L1	S 44°17'01" E	27.20'
L2	S 44°59'03" E	200.96'
L3	S 44°31'49" W	153.48'
L4	S 44°08'40" W	193.05'
L5	S 82°06'05" E	100.00'
L6	N 60°55'01" E	327.18'
L7	N 09°22'36" E	200.00'

- LEGEND**
- HAS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
 - HAS COUNTY PLAT RECORDS
 - 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
 - 1/2" IRON ROD FOUND OR DIAMETER NOTED
 - 1/2" IRON PIPE FOUND OR DIAMETER NOTED
 - BRASS DISK IN CONCRETE FOUND, STAMPED "CHARLES BRYAN SURVEY"
 - FENCE POST

- SURVEYOR'S NOTES:**
- FENCES MEANDER.
 - BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
 - ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 4820900300F DATED SEPTEMBER 2, 2005, THIS TRACT LIES WITHIN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
 - THIS SURVEY WAS DONE IN CONJUNCTION WITH TITLE COMMITMENT C.F. NO. 10-F70000025395 DATED OCTOBER 22, 2010 AND G.F. NO. 10-0000026635 DATED SEPTEMBER 24, 2010 PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY. THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREIN.
 - THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED OCTOBER 1, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

CLIENT: WILLIAMS, J.
 DATE: OCTOBER 1, 2010
 OFFICE: BRYANT
 CREW: EVERETT, LOZANO, C. SMITH
 FB/PG: 618/44, 701/4
 PLAT NO. 26503-10-31-0

TO JON WILLIAMS, EXCLUSIVELY AND FOR USE WITH THIS TRANSACTION ONLY.

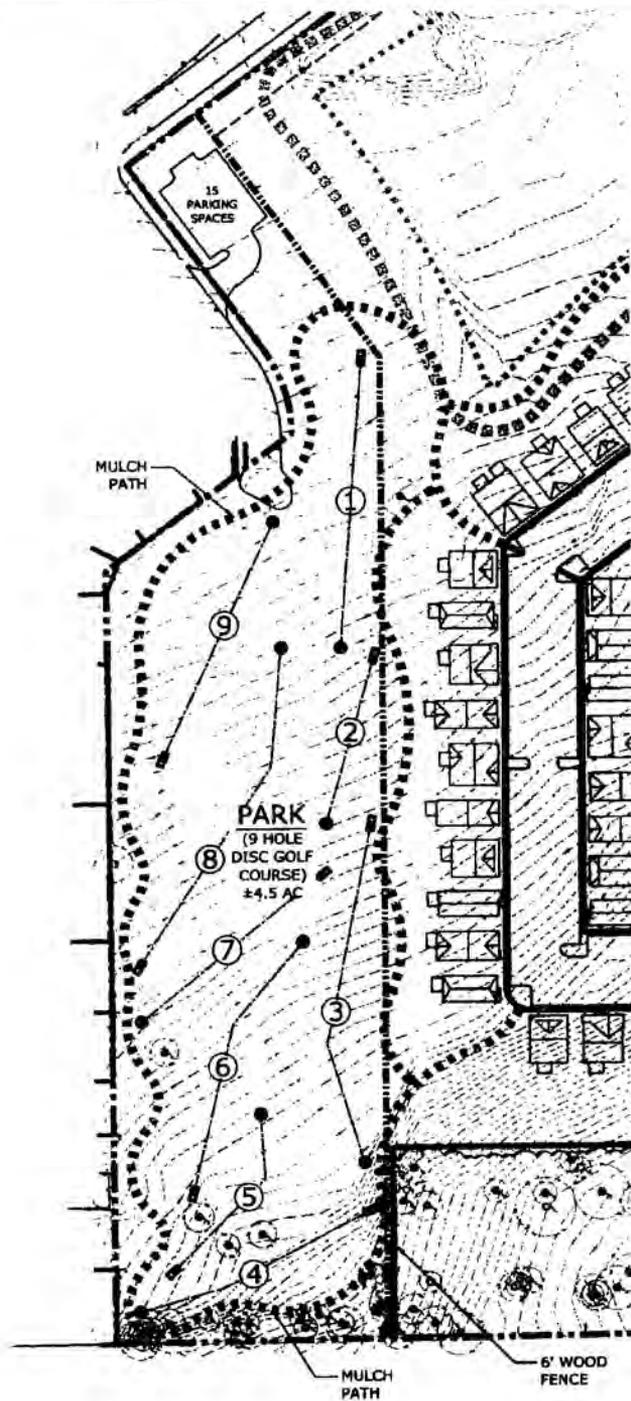
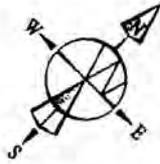
I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON OCTOBER 1, 2010 AND THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREIN.

David C. Williamson
 DAVID C. WILLIAMSON, R.P.L.S. NO. 4190

BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
 P.O. BOX 1433 SAN MARCOS, TEXAS 78687
 PHONE 512-388-2270 FAX 512-388-2845

PLAT OF 41.11 ACRES ±, IN THE E. CLARK SURVEY, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

Exhibit E: Park Plan



**ENGINEERING • SURVEYING
LANDSCAPE ARCHITECTURE**

2470 Daniells Bridge Road, Suite 161
Athens, Georgia 30606
P. 706.310.0400
F. 706.310.0411

**Williams
& Associates**

www.gaplanning.com

PARK PLAN

RR 12 & CRADDOCK AVE. - SAN MARCOS, TEXAS
48.36 ACRES

PLAN TYPE:
PARKLAND EXHIBIT

PROJECT NO:
10053

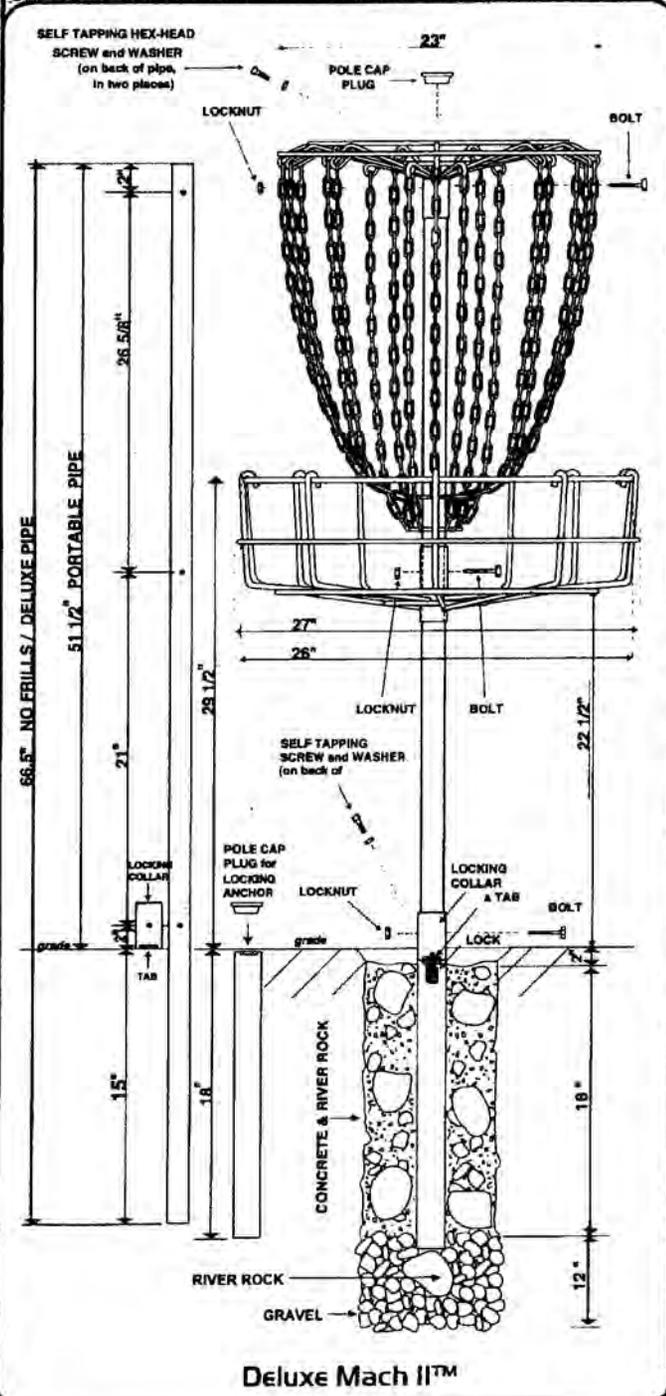
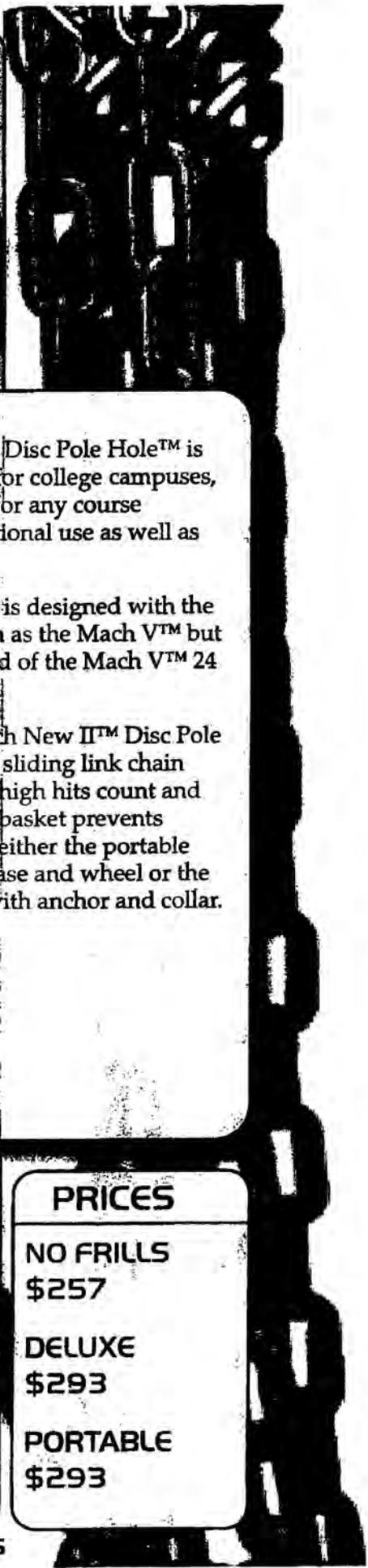
SCALE:
1" = 150'

DATE:
12/06/10



Mach New II Disc Pole Hole™

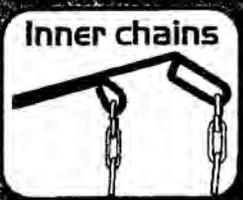
**18 Welded
& hot-dipped
galvanized
chains.**



The Mach New II™ Disc Pole Hole™ is an excellent choice for college campuses, summer camps, or for any course designed for recreational use as well as tournament play.

The Mach New II™ is designed with the same spread pattern as the Mach V™ but has 18 chains instead of the Mach V™ 24 chain configuration.

In addition, the Mach New II™ Disc Pole Hole™ features our sliding link chain holder which helps high hits count and the deep Trapper™ basket prevents bounce-outs. Select either the portable model with metal base and wheel or the permanent model with anchor and collar.



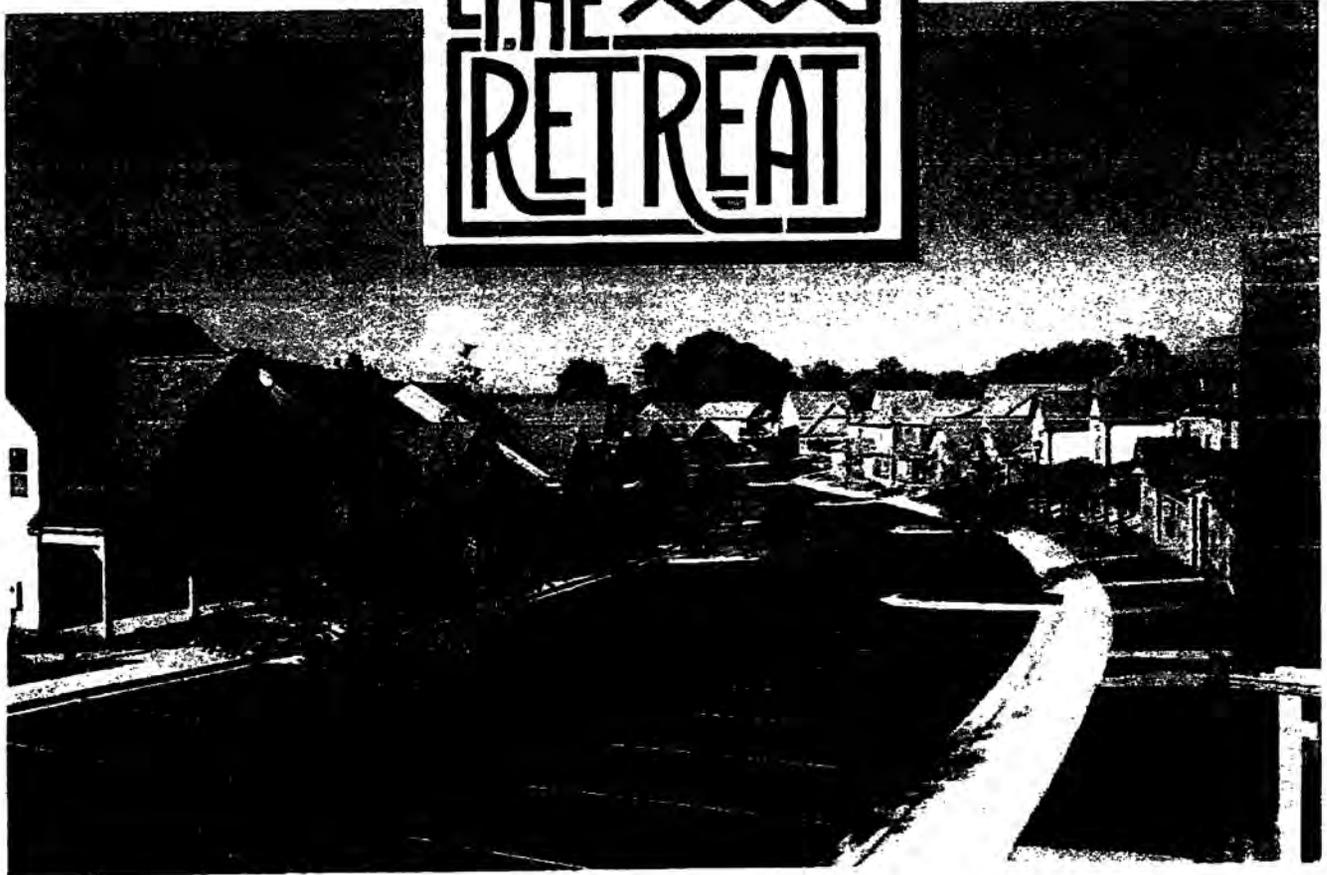
PRICES	
NO FRILLS	\$257
DELUXE	\$293
PORTABLE	\$293

Exhibit F: Project Architectural Elevations

San Marcos

Representative Architecture

THE
RETREAT

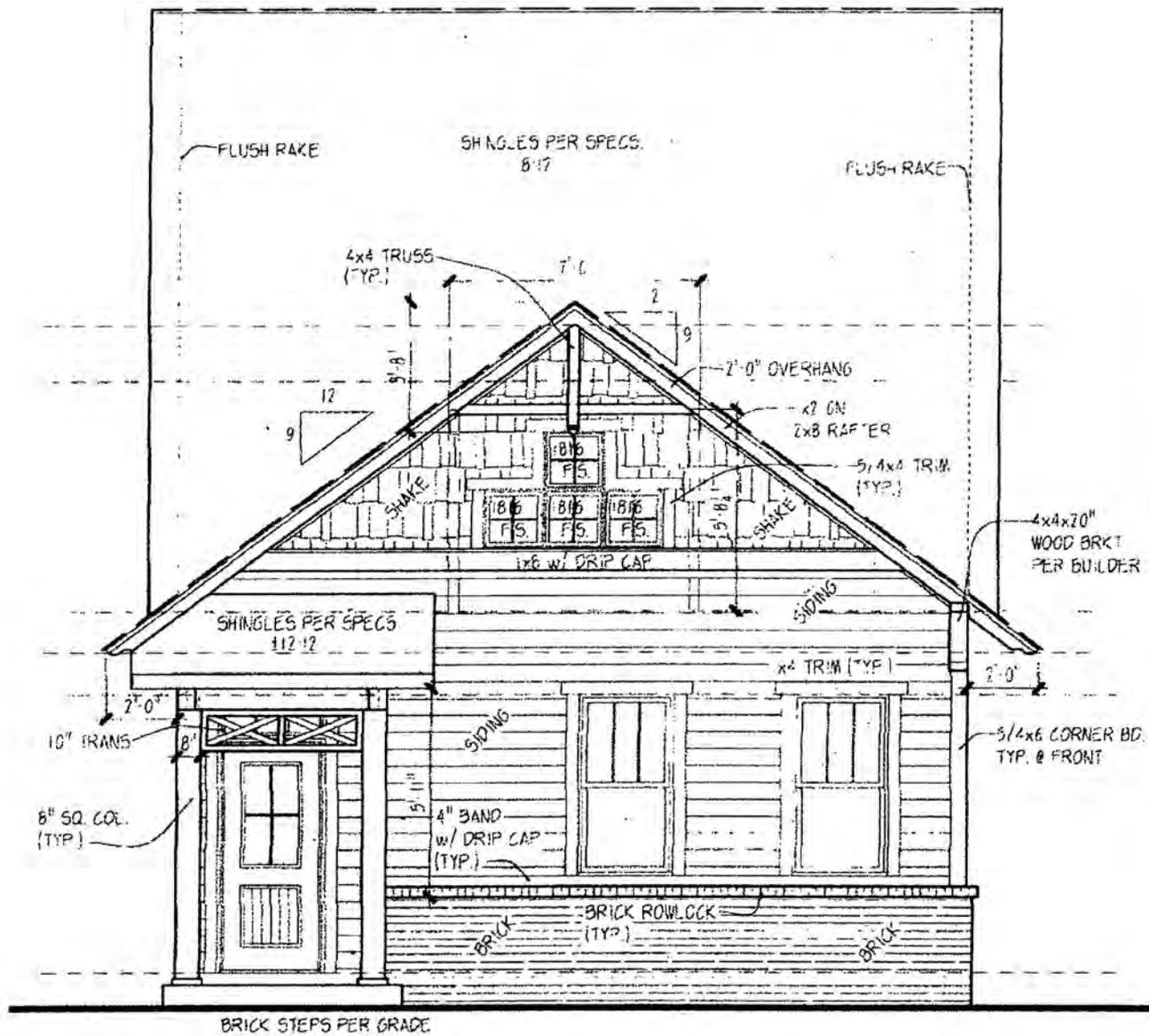


LANDMARK
PROPERTIES

www.landmark-properties.com



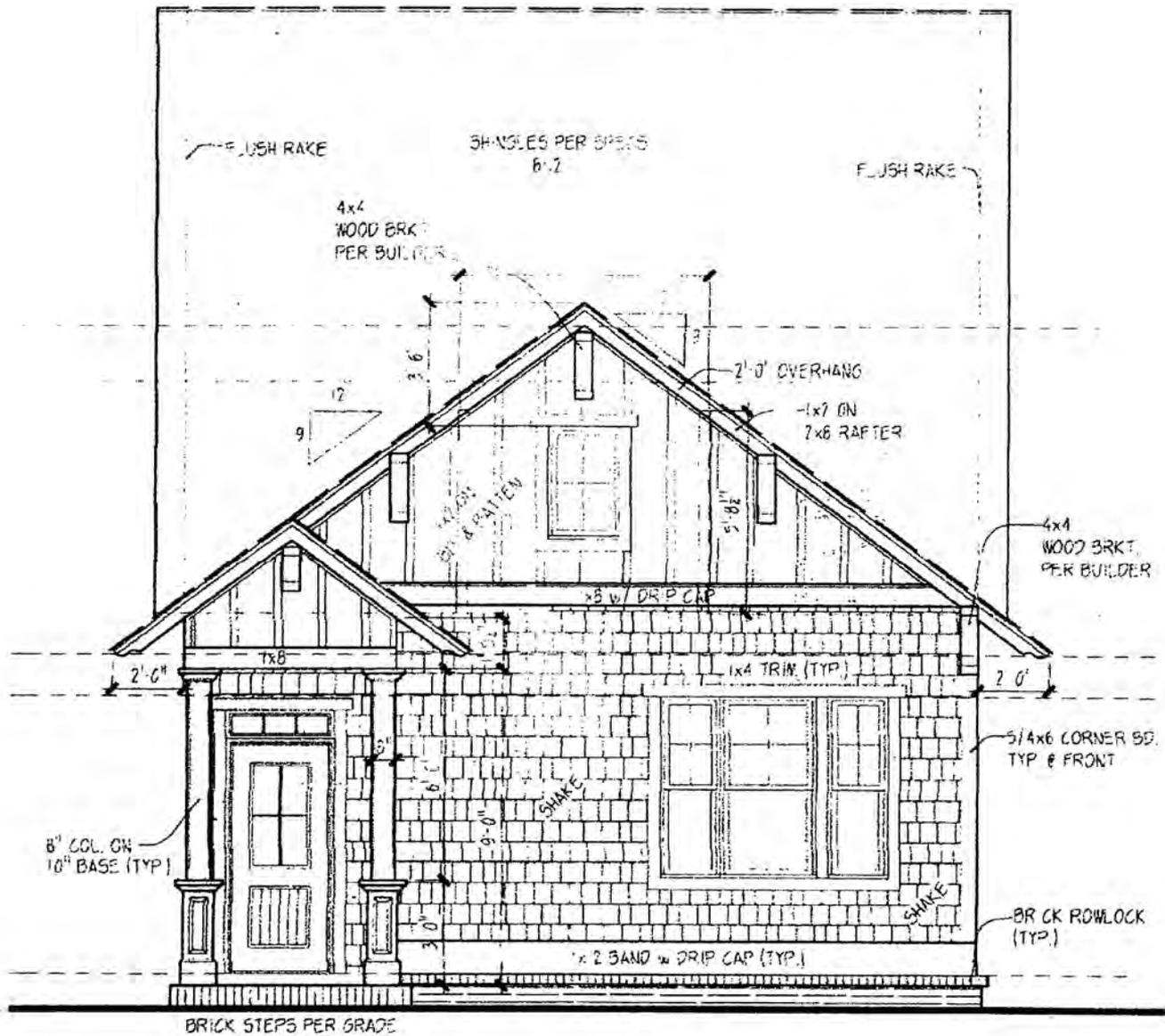
**Williams
& Associates**
Engineering • Surveying
Landscape Architecture
WWW.GAFLANNING.COM



UNIT 1-B BROOKSHIRE

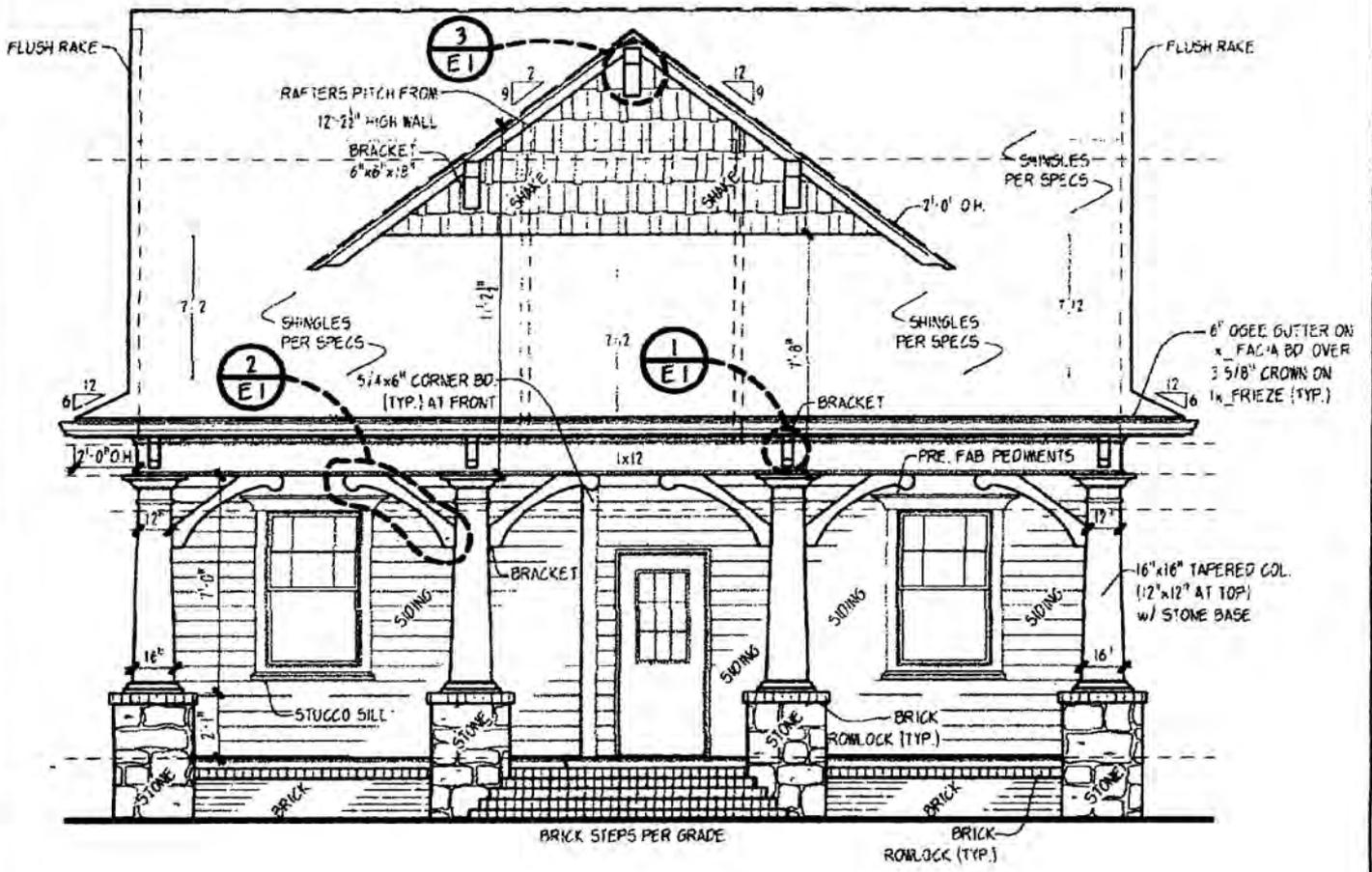
PLAN TYPE:
Elevation
SCALE:
n.t.s.

PROJECT NO:
RETREAT PARTNERS, LLC
DATE:
2.1.11



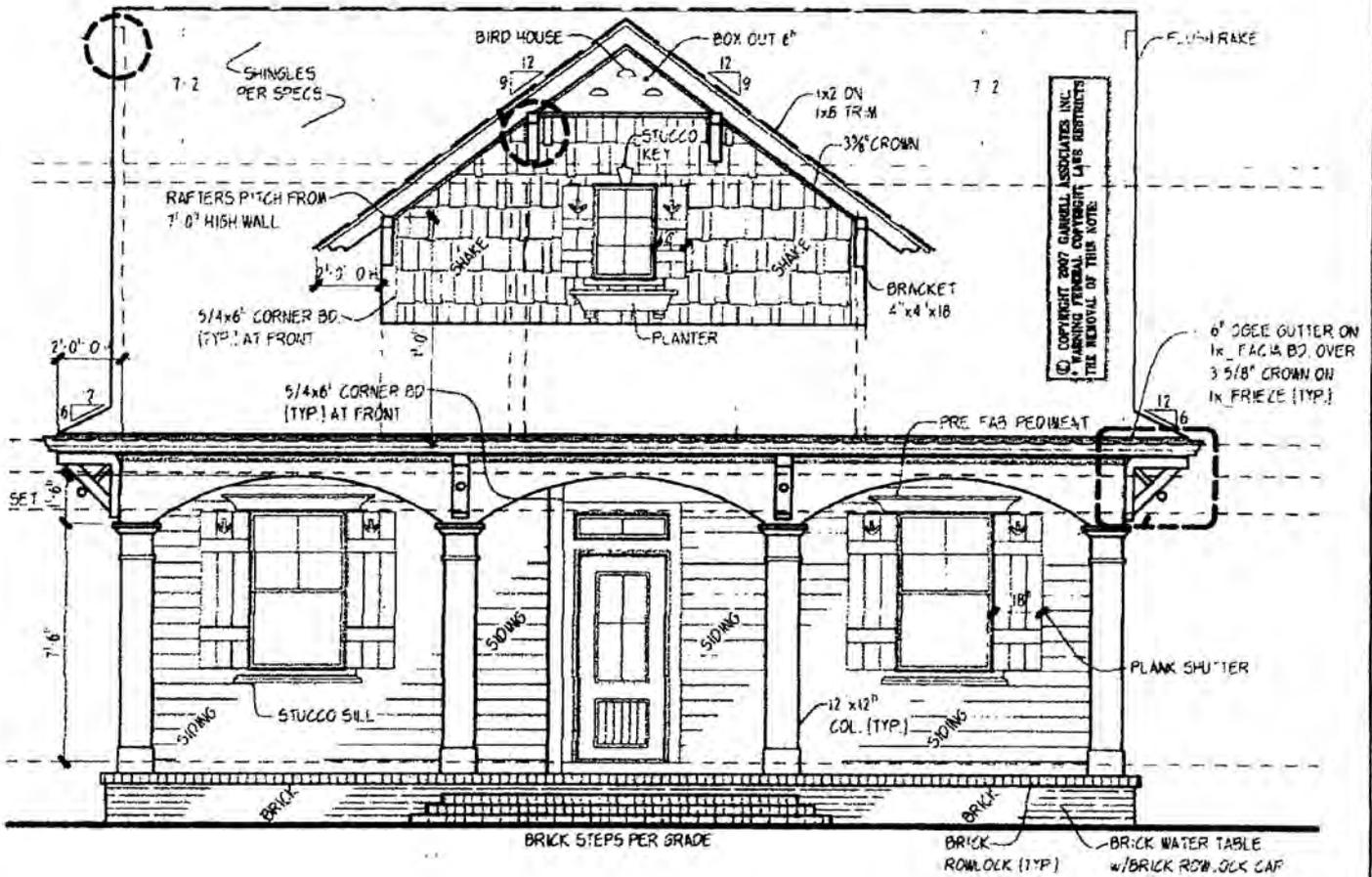
UNIT 1-C BROOKSHIRE

PLAN TYPE: Elevation	PROJECT NO: RETREAT PARTNERS, LLC
SCALE: N.L.S.	DATE: 2.1.11



UNIT 2-A THORNBERRY

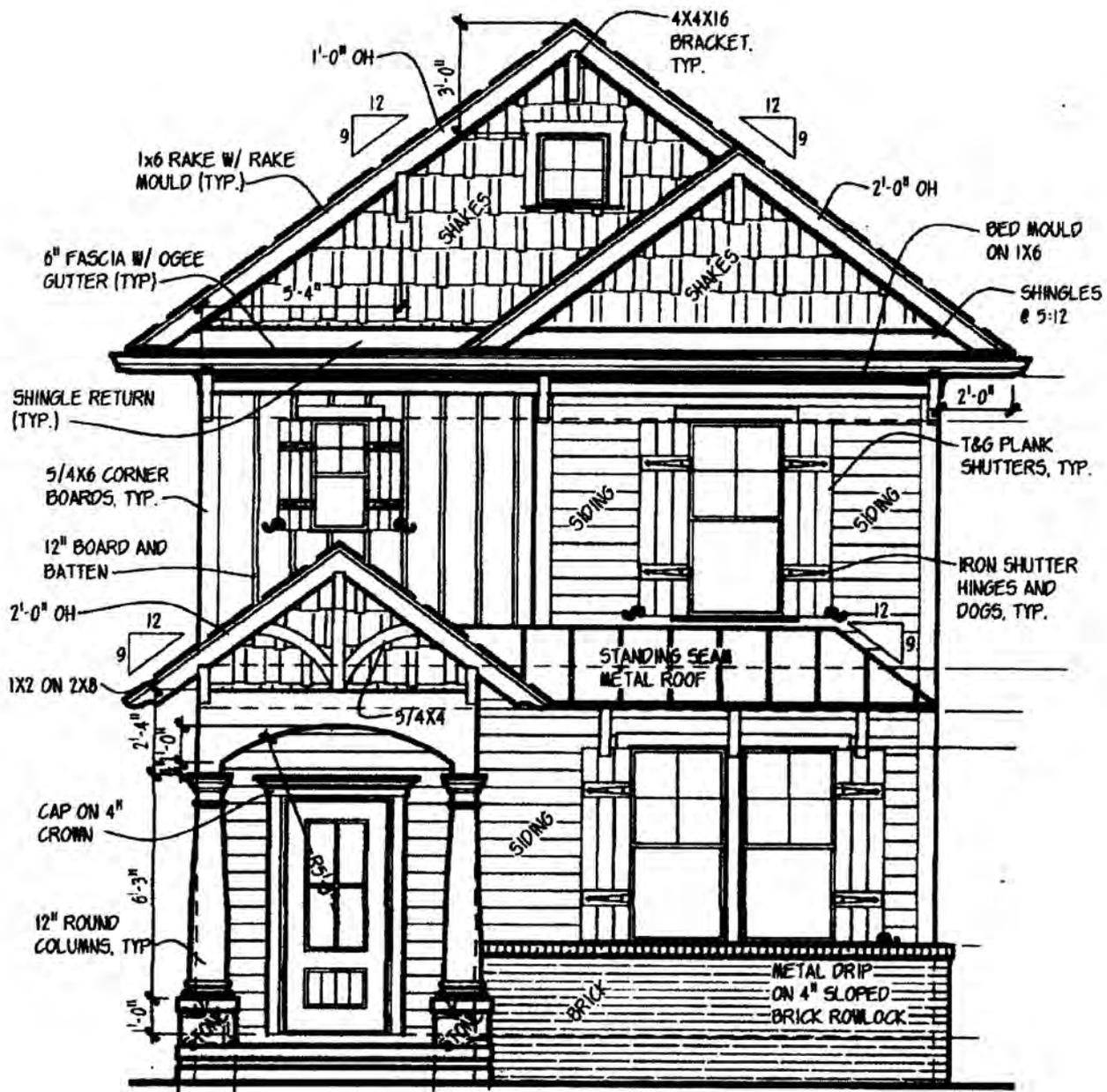
PLAN TYPE: Elevation	PROJECT NO: RETREAT PARTNERS, LLC
SCALE: n.l.s.	DATE: 2.1.11



UNIT 2-B THORNBERRY

PLAN TYPE:
Elevation
SCALE:
n.l.s.

PROJECT NO:
RETREAT PARTNERS, LLC
DATE:
2.1.11



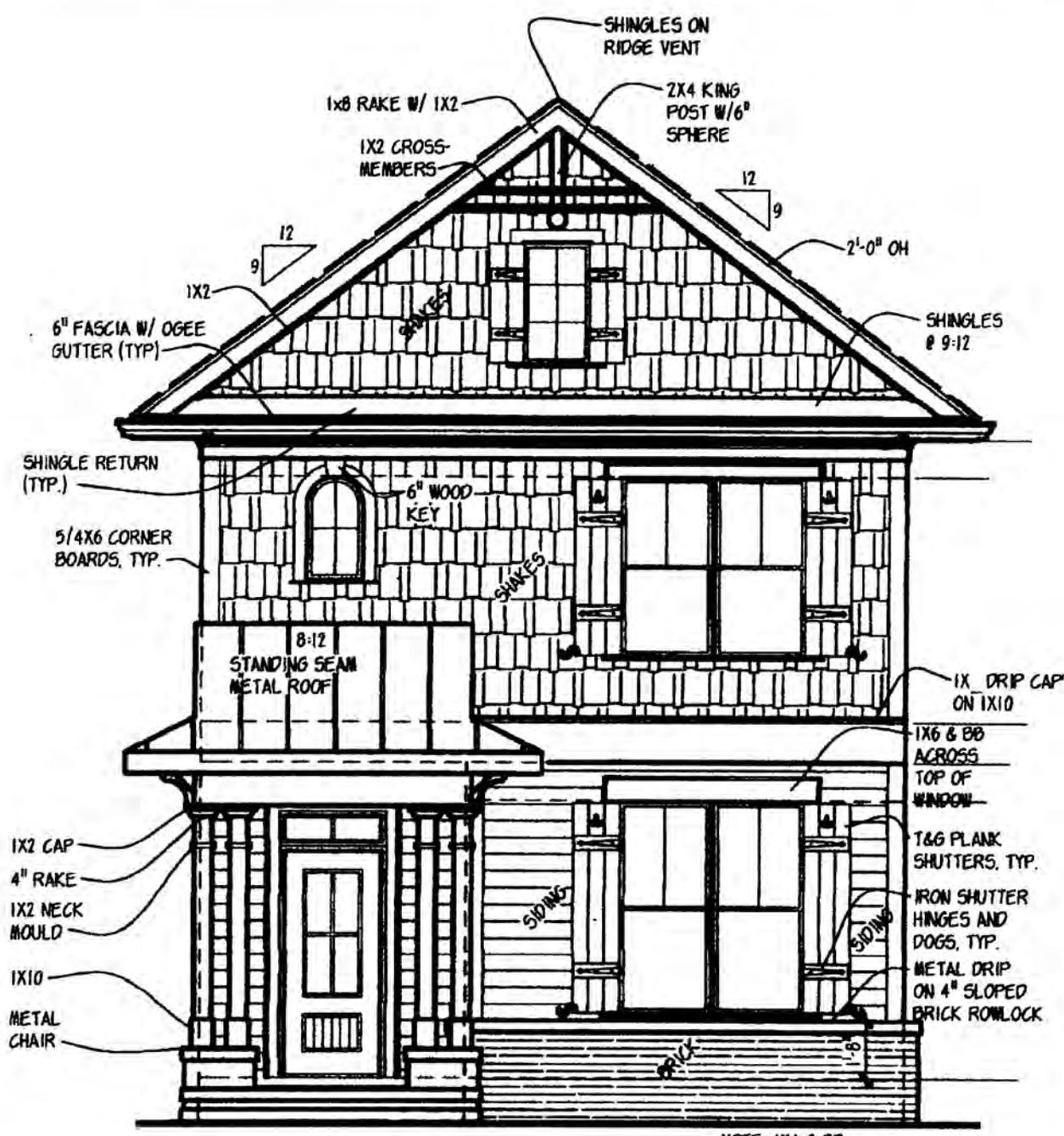
NOTE: 1X4 TRIM AROUND ALL FRONT DOORS AND WINDOWS.



UNIT 3-A ARTISAN

PLAN TYPE:
 Elevation
 SCALE:
 n.s.

PROJECT NO:
 RETREAT PARTNERS, LLC
 DATE:
 2.1.11

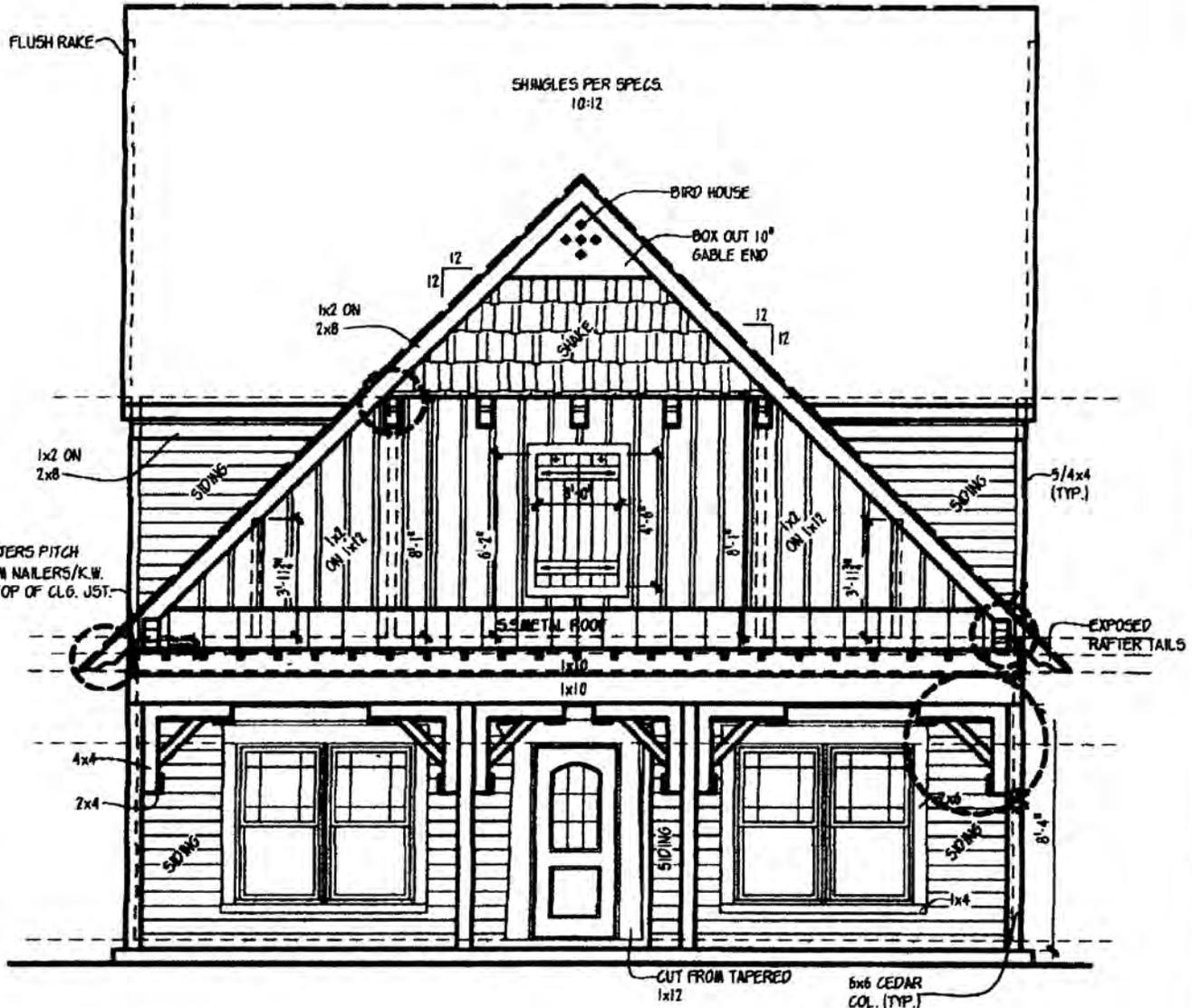


NOTE: 1x4 & BB
AROUND ALL FRONT
OPENINGS.



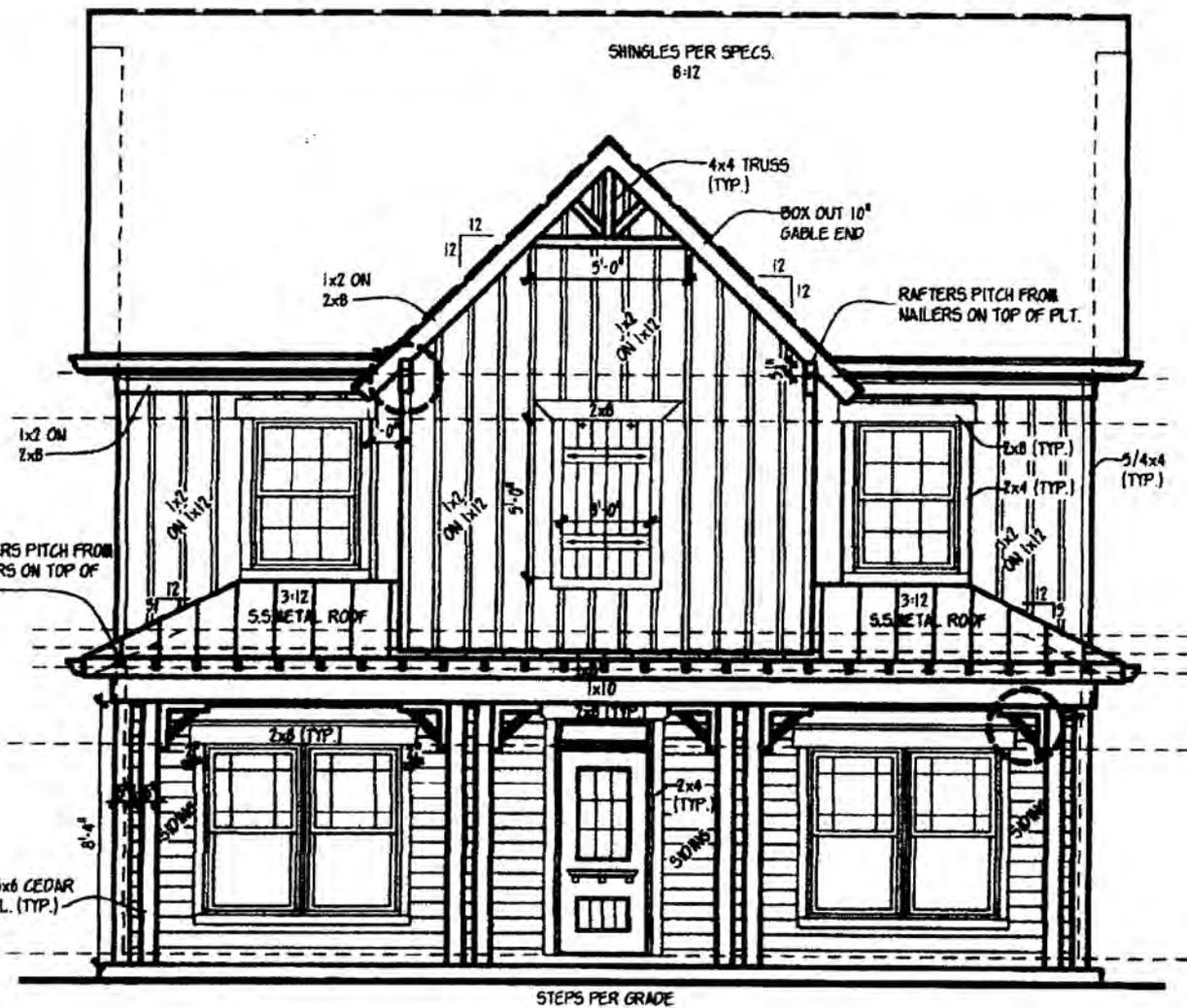
UNIT 3-C ARTISAN

PLAN TYPE: Elevation	PROJECT NO: RETREAT PARTNERS, LLC
SCALE: n.t.s.	DATE: 2.1.11



UNIT 4-A MAGNOLIA

PLAN TYPE: Elevation	PROJECT NO: RETREAT PARTNERS, LLC
SCALE: n.l.s.	DATE: 2.1.11



UNIT 4-B MAGNOLIA

PLAN TYPE:

Elevation

SCALE:

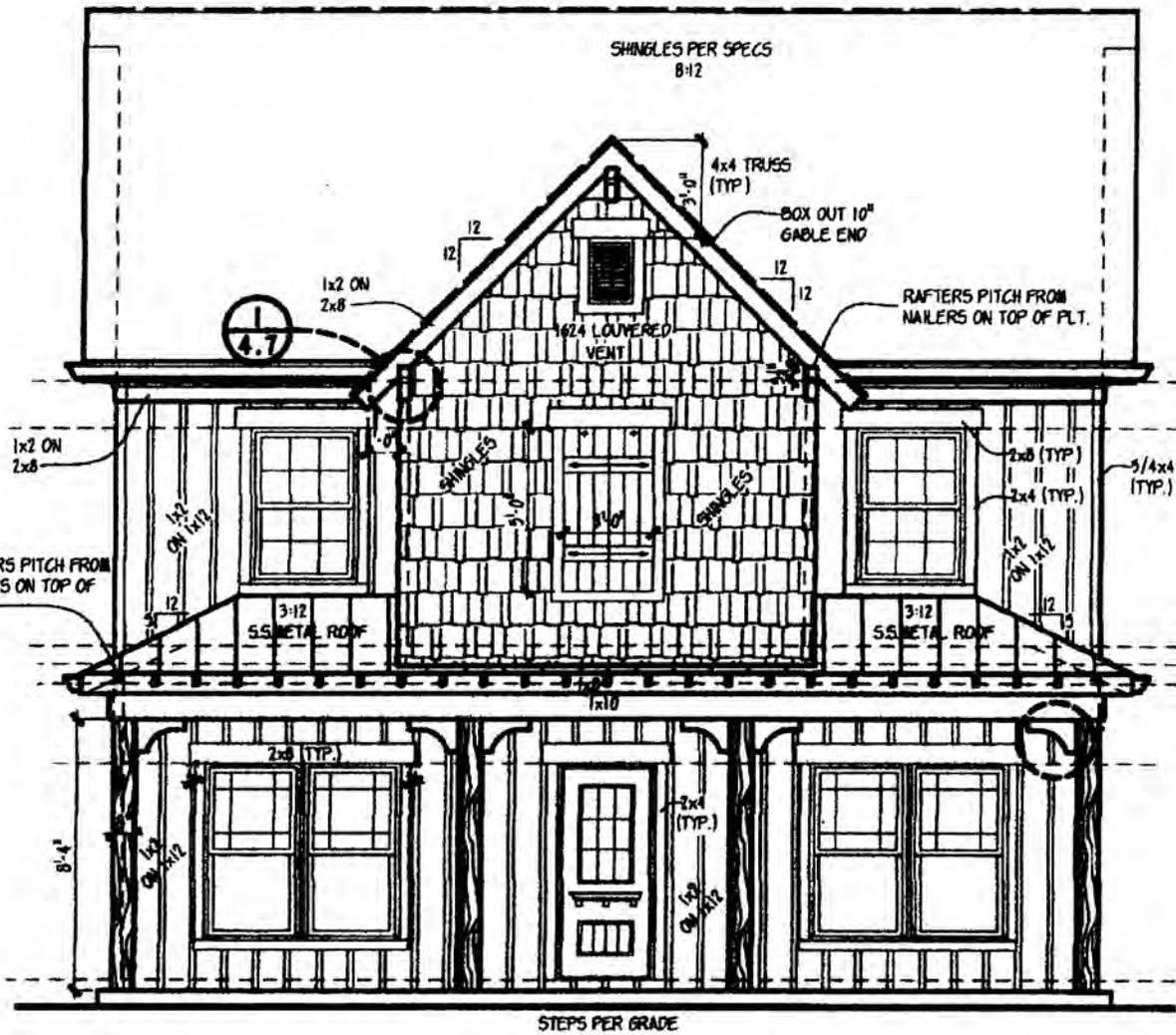
n.i.s.

PROJECT NO:

RETREAT PARTNERS, LLC

DATE:

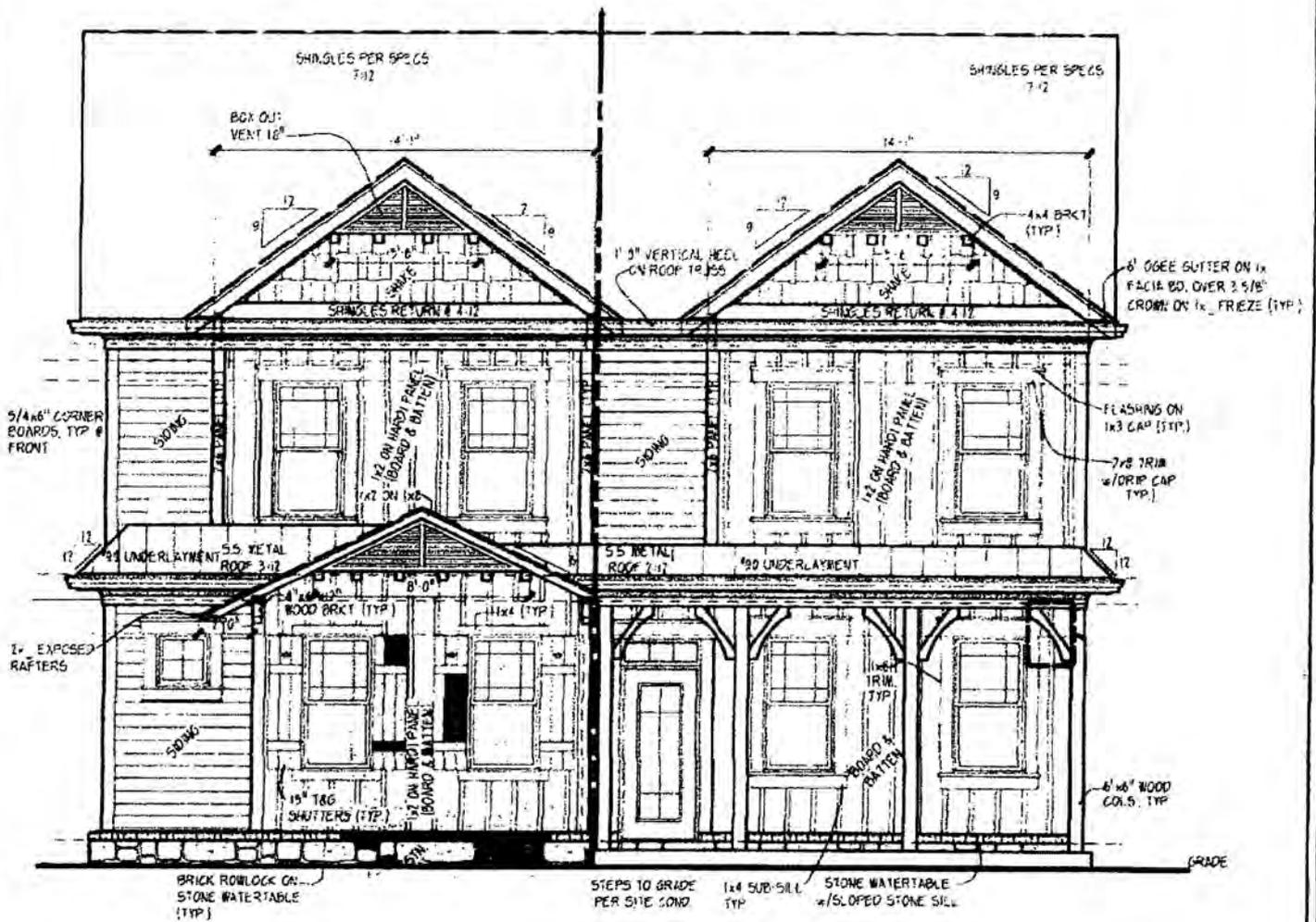
2.1.11



UNIT 4-C MAGNOLIA

PLAN TYPE:
Elevation
SCALE:
n.l.s.

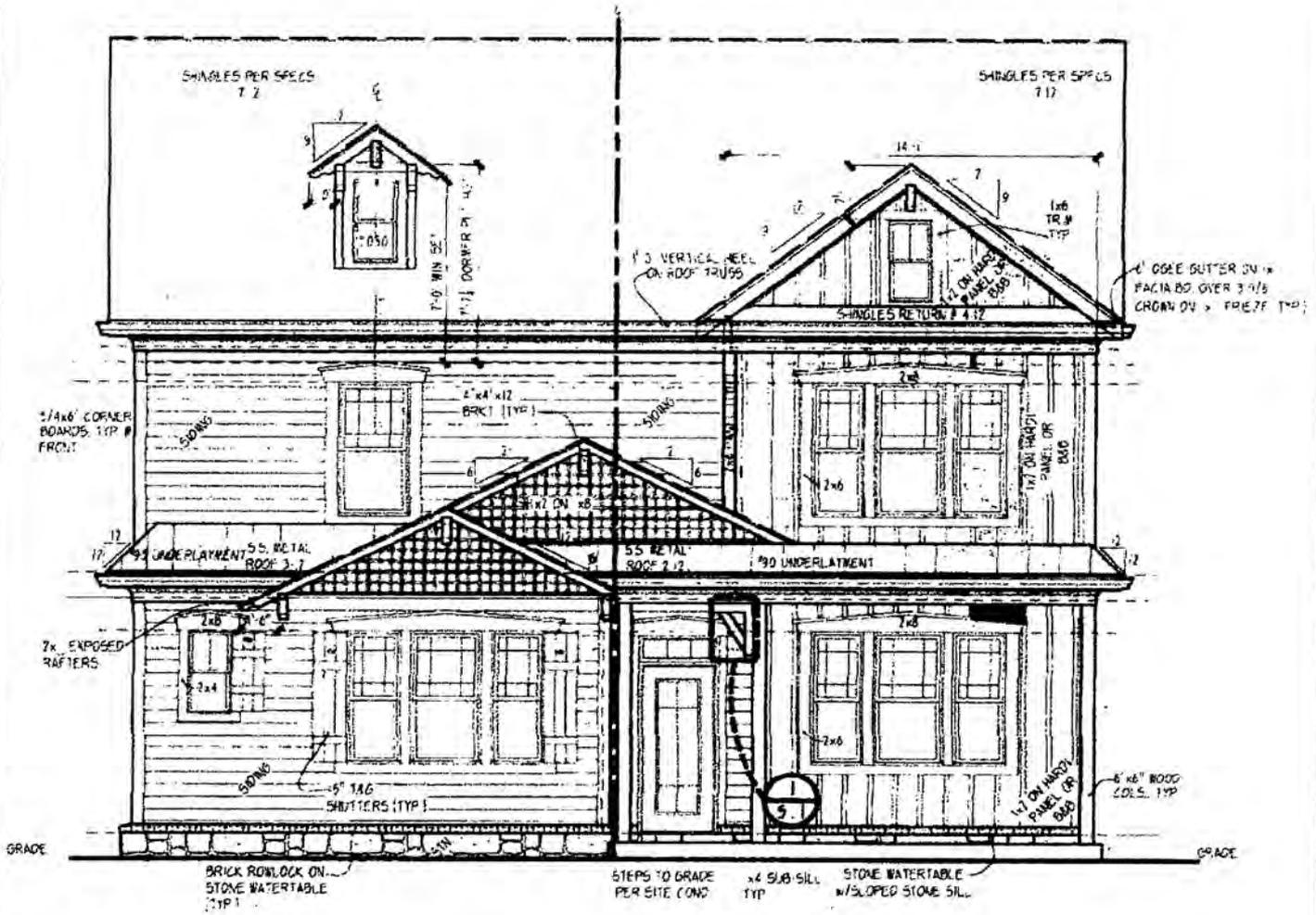
PROJECT NO:
RETREAT PARTNERS, LLC
DATE:
2.1.11



UNIT 5-B BIRCHMORE

PLAN TYPE:
Elevation
SCALE:
n.l.s.

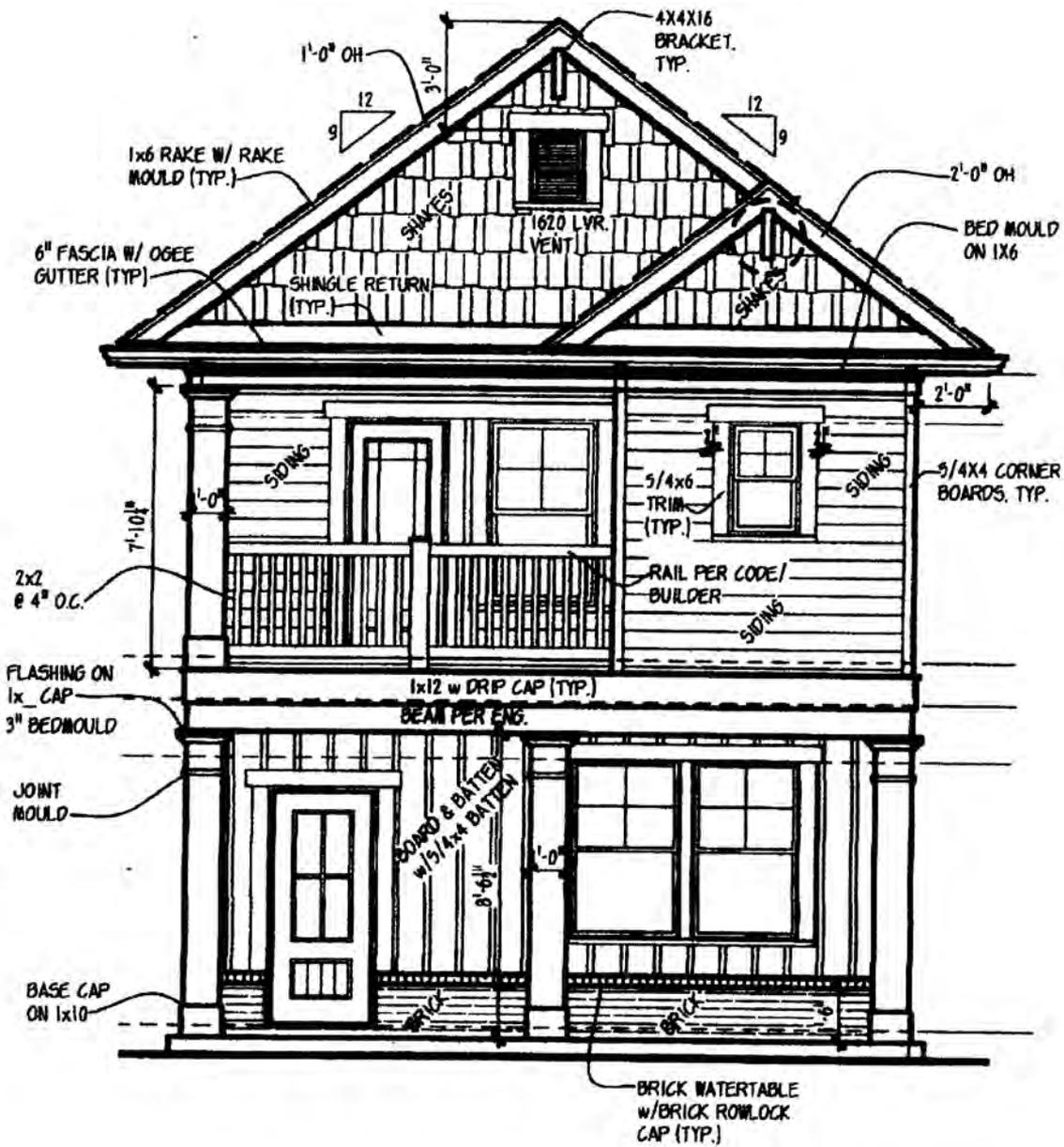
PROJECT NO:
RETREAT PARTNERS, LLC
DATE:
2.1.11



UNIT 5-C BIRCHMORE

PLAN TYPE:
Elevation
SCALE:
n.t.s.

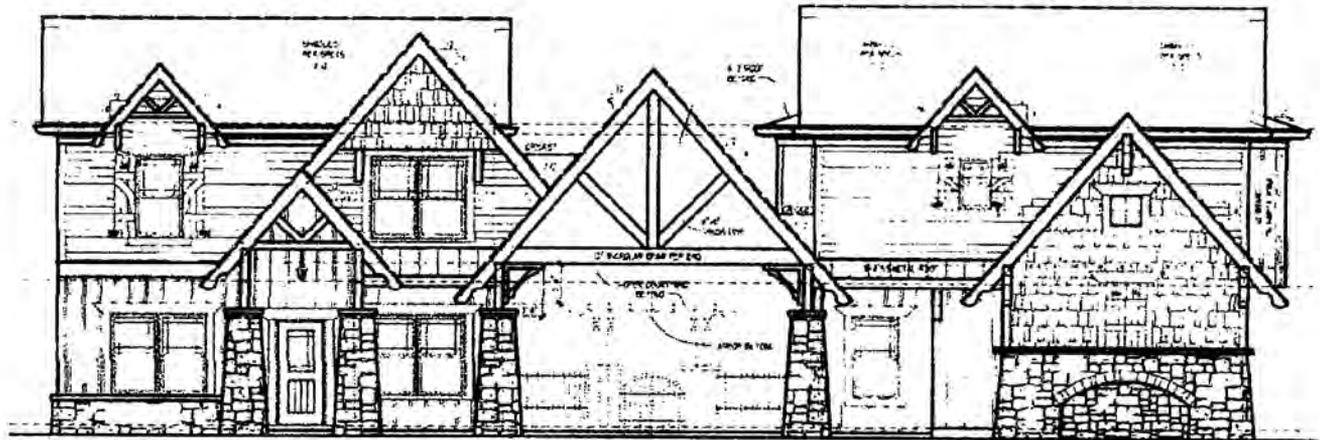
PROJECT NO:
RETREAT PARTNERS, LLC
DATE:
2.1.11



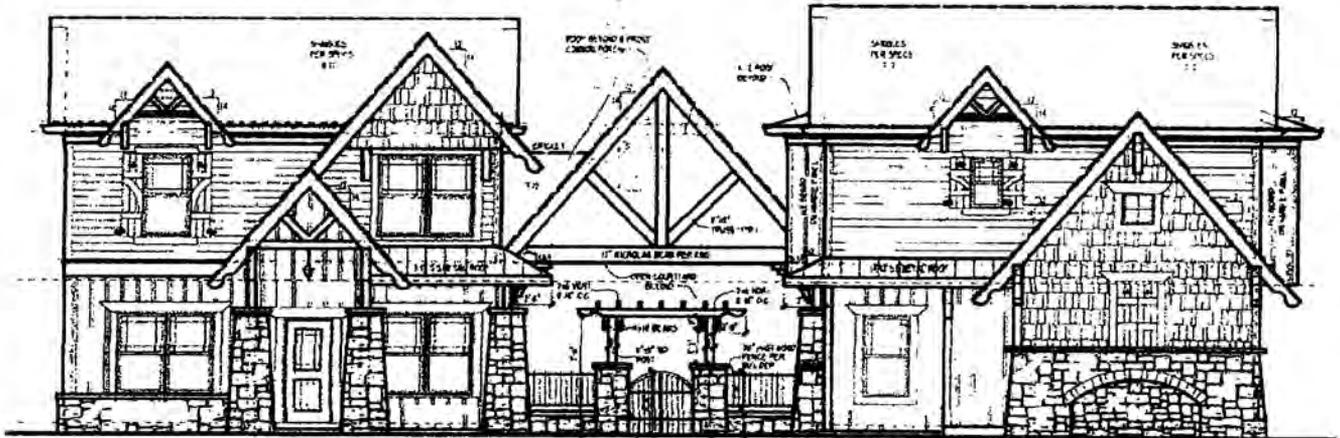
UNIT 7 BLOOMFIELD

PLAN TYPE:
Elevation
SCALE:
N.E.S.

PROJECT NO:
RETREAT PARTNERS, LLC
DATE:
2.1.11



FRONT ELEVATION



REAR ELEVATION



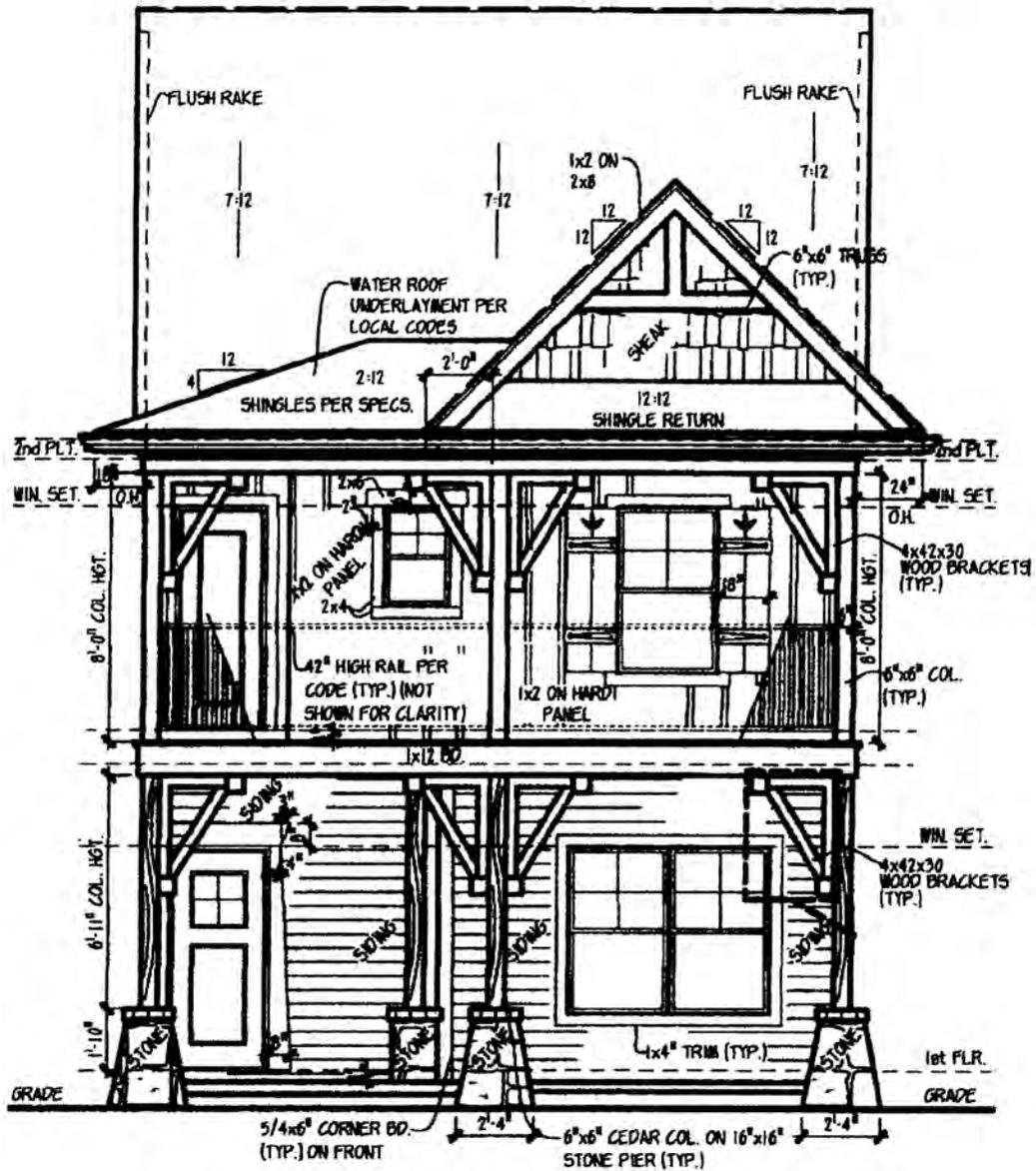
UNIT 9 COURTYARD

PLAN TYPE:
Elevation

SCALE:
R.L.S.

PROJECT NO:
RETREAT PARTNERS, LLC

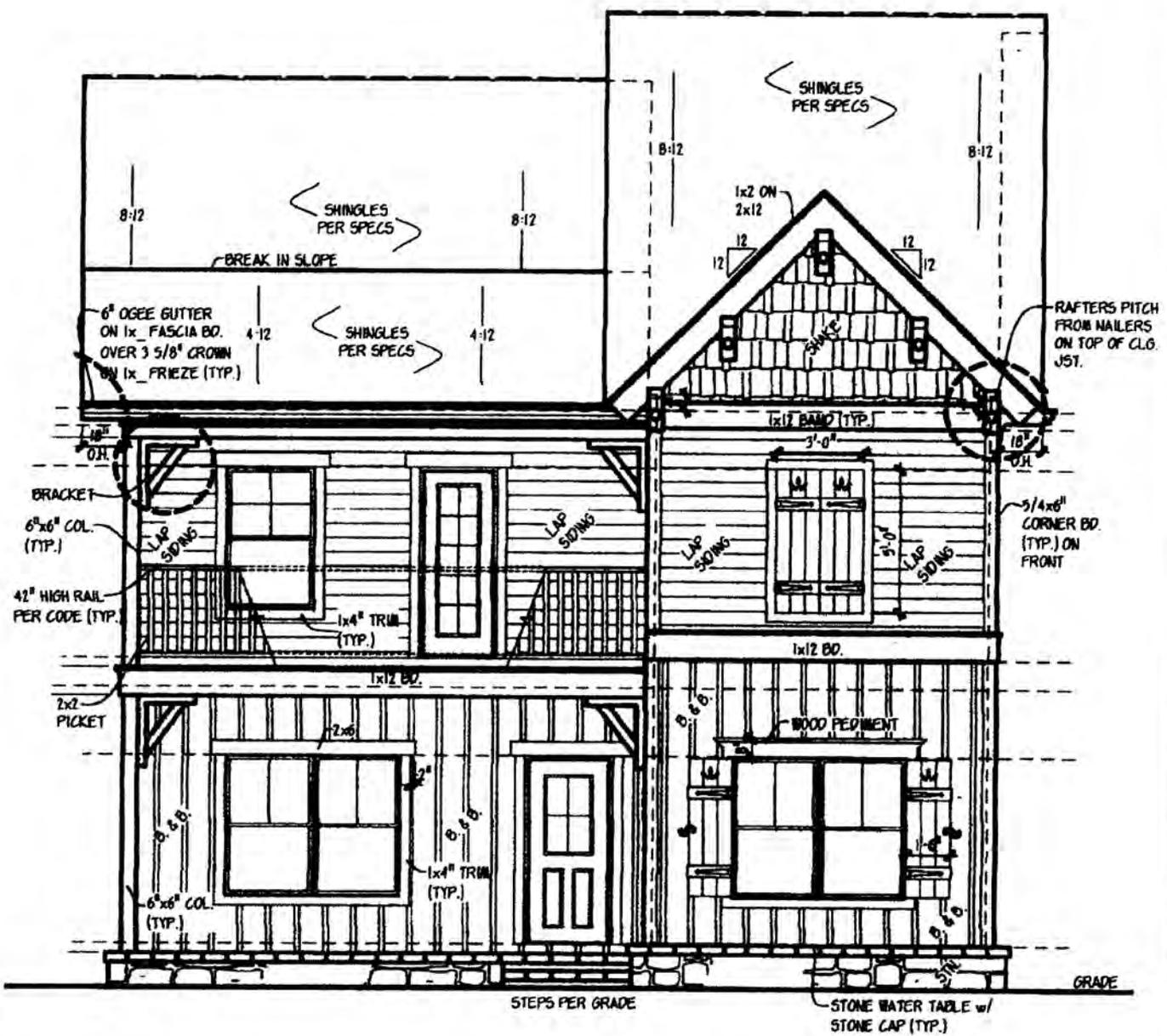
DATE:
2.1.11



UNIT 10 RUTHERFORD

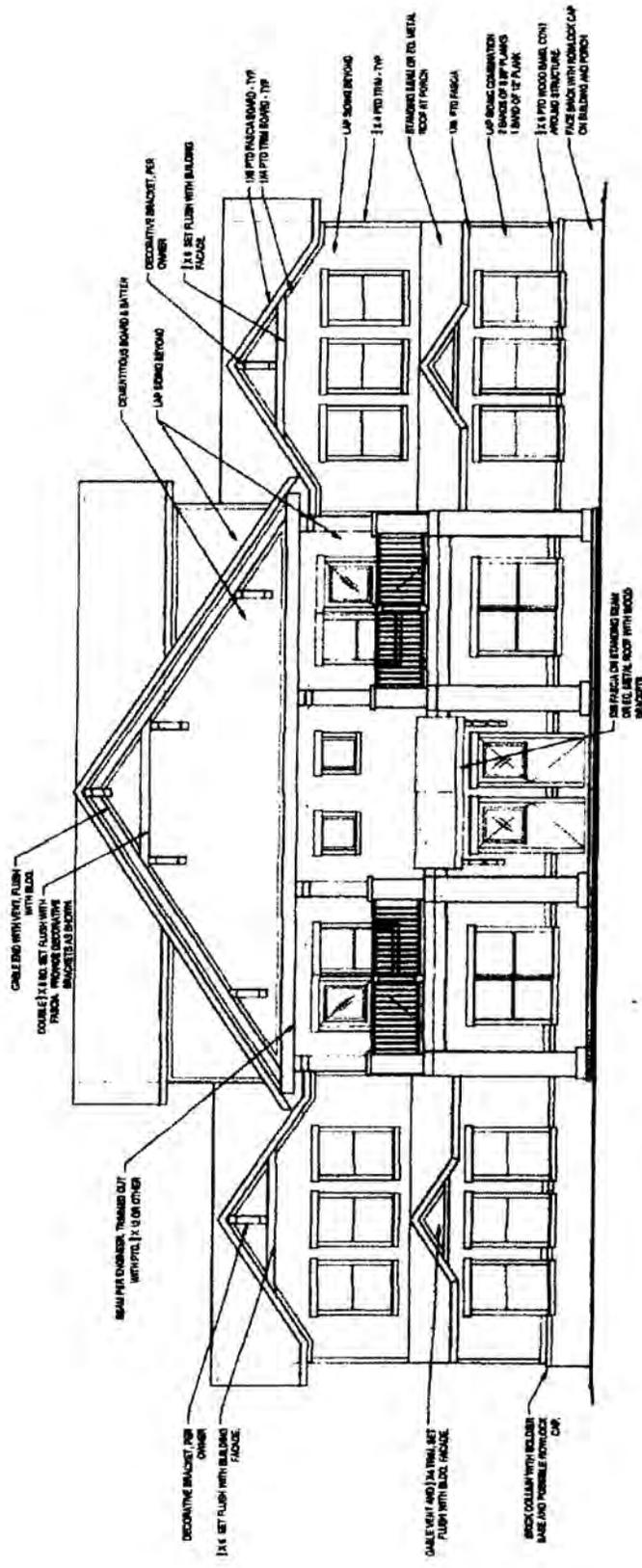
PLAN TYPE:
Elevation
SCALE:
n.l.s.

PROJECT NO:
RETREAT PARTNERS, LLC
DATE:
2.1.11



UNIT 11 HAWTHORNE

PLAN TYPE: Elevation	PROJECT NO: RETREAT PARTNERS, LLC
SCALE: n.t.s.	DATE: 2.1.11



UNIT 16

Milledge

PLAN TYPE:	PROJECT NO:
Division	RETREAT PARTNERS, LLC
SCALE:	DATE:
N/A	2.11.11



UNIT 19
Sycamore

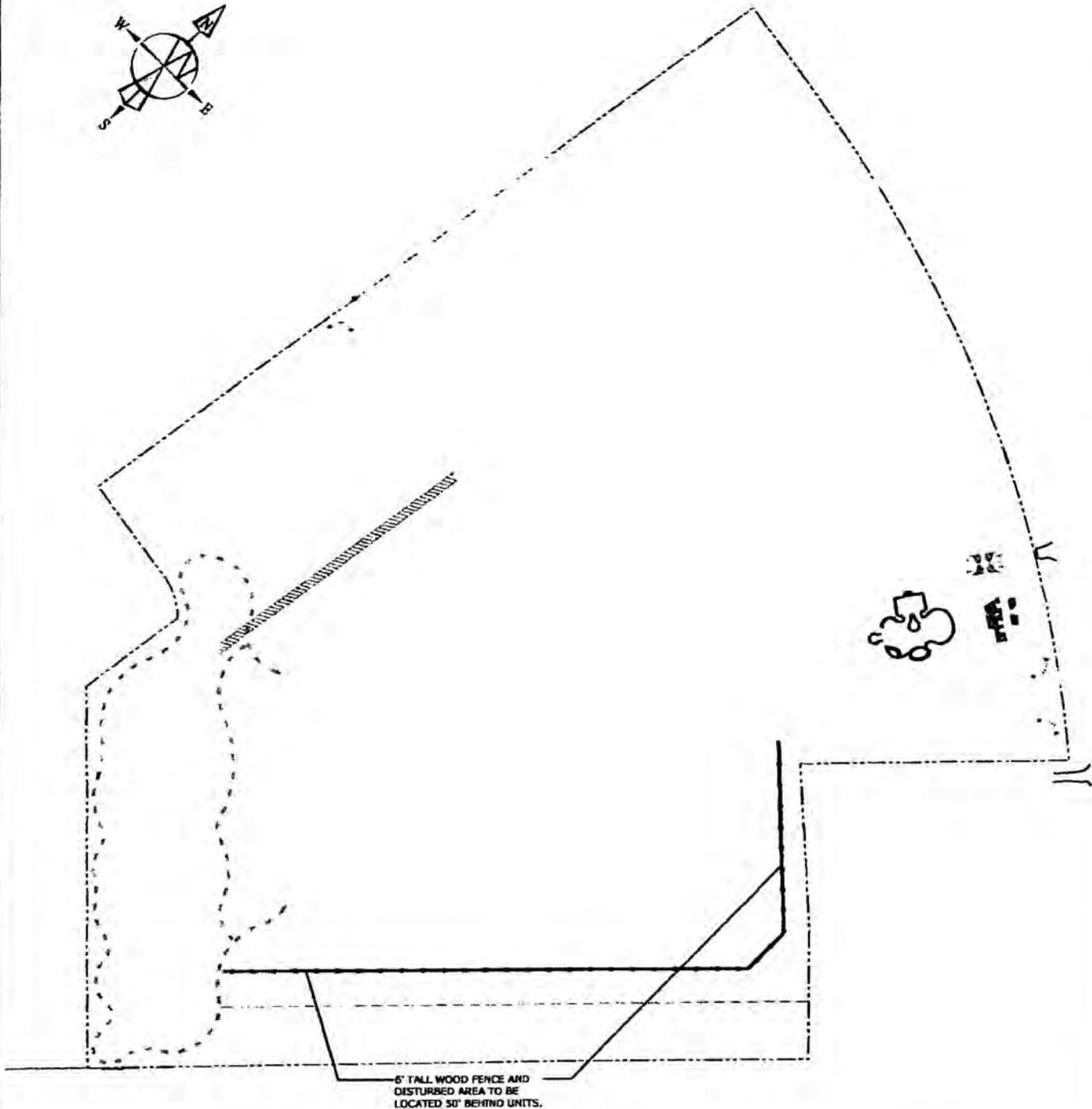
PLAN TYPE:
Division

PROJECT NO.
RETREAT PARTNERS, LLC

DATE:
2.1.11

SCALE:
N/A

Exhibit G: Fence Location



6' TALL WOOD FENCE AND
DISTURBED AREA TO BE
LOCATED 50' BEHIND UNITS.



ENGINEERING • SURVEYING
LANDSCAPE ARCHITECTURE

2470 Daniells Bridge Road, Suite 161
Athens, Georgia 30606
P. 706.310.0400
F. 706.310.0411

**Williams
& Associates**

www.gaplanning.com

FENCE LOCATION

RR 12 & CRADDOCK AVE - SAN MARCOS, TEXAS
48.36 ACRES

PLAN TYPE:
FENCE EXHIBIT

PROJECT NO:
10053

SCALE:
1" = 250'

DATE:
03/07/11

Exhibit H: Community Rules & Regulations & ACT Standards

Rules and Regulations for Incorporation in PDD

- A. The patios and/or balconies that are a part of the Premises must be kept clean and uncluttered. The structure or appearance of any patio or balcony area may not be changed. Patios or balconies may not be used for storage purposes, fenced in, wired in, or otherwise enclosed. Objects may not be thrown from patios, balconies or windows. Tenants may only have furniture designated for outdoor use on the patio or balcony.
- B. Tenants may not distribute, post or hang any signs or notices in any portion of the Facility.
- C. All utilities to each unit must be kept active.
- D. The use or possession of illegal drugs and underage drinking is strictly prohibited. Drug paraphernalia shall also be prohibited because they are associated with the use of illegal substances. Drug paraphernalia shall include, but is not limited to, bongs, hash pipes, blow tubes and water pipes.
- E. Bicycles and other personal property may not be parked or left outside a Premises, except on private patios, balconies, or bicycle racks that may provided by Management. Tenants may not chain or hang bicycles in Common Area breezeways.
- F. Team sports such as football, baseball, basketball, kickball, soccer, dodgeball, volleyball, etc., are not permitted to be played in the parking and pool areas. The exception is basketball or volleyball in designated areas.
- G. Use of the common areas of the Facility including, but not limited to, the Clubhouse/Leasing Center, pool area, basketball court and fitness center, is for all tenants and up to a maximum of one guest per Tenant. Tenants with guests using these facilities must accompany their guest(s) at all times. If a person using the facilities is 16 years of age or under, that person must be accompanied by a guardian or sponsor who is 19 years or older.
- H. All trash and garbage will be placed in the trash compactor located in the Facility. Tenants agree to cause trash and refuse to be deposited directly into such compactor and not left in the units or the common area, hallways, balconies or similar areas. Tenants agree to place trash on inside of the compactor, not outside the compactor or in the surrounding area.
- I. Barbeque grills, hibachis or other similar devices are prohibited on patios or balconies.
- J. Tenant shall not park any motor vehicle at the Facility without first registering with, and purchasing a parking permit from, Landlord. Tenant is not entitled to a parking permit, and if Landlord declines to issue a parking permit to Tenant for any reason, then Tenant shall not park at the Facility. Landlord may issue additional rules and regulations regarding parking at any time, which additional rules and regulations shall be binding on Tenant.
- K. Tenant shall park only in designated areas. Tenant shall not block other cars or park in front of the trash dumpsters. Tenant shall not park on the grass, along curbs or sidewalks.
- L. Tenant's parking permit must be displayed on his or her vehicle at all times.

- M. Tenant's vehicle must have current state registration and state inspection to be parked at the Facility.
- N. Tenant shall not abandon any vehicle at the Facility.
- O. Tenant shall not perform maintenance on or wash vehicles at the Facility.
- P. The swimming pool in the Facility is available for the use and enjoyment by all tenants and each tenant is limited to a maximum of one (1) guest. If a Tenant and that Tenant's guest use any of the facilities, they both must comply with the pool guidelines that are posted. No glass containers are permitted in the pool area at any time.
- Q. All parties/gatherings of 15 or more guests must be registered with Management.
- R. No more than 15 party guests may be outside a Tenant's Premises at any given time or the courtesy officer will shut the party down.
- S. All parties must be held in accordance with City Ordinances.
- T. The following shall apply to complaints concerning Tenants' and their guest's violation of the Party Guideline's:
 - 1st complaint: A written warning will be issued and the party will be shut down;
 - 2nd complaint: A \$100.00 fine will be assessed against Tenant and the party will be shut down.
 - 3rd complaint: A \$200.00 fine will be assessed against Tenant and the party will be shut down.
 - 4th complaint: A \$300.00 fine will be assessed against Tenant, the party will be shut down and Tenant will become subject to eviction.
- U. Neither Tenant nor Tenant's guests will be allowed to engage in the following prohibited activities: loud or obnoxious conduct, disturbing or threatening the rights, comfort, health, safety or convenience of others in or near the Facility; possessing, selling or manufacturing illegal drugs or illegal drug paraphernalia; engaging in or threatening violence; possessing a weapon (unless authorized by law); discharging a firearm in the Facility; displaying a gun, knife or other weapon in the Facility in a threatening manner; Tenant conflict or harassment; soliciting business or contributions; operating a business or child care service within the Premises; tampering with utilities; or bringing hazardous materials into the Facility.
- V. Hazing by any club, group, organization or individual is strictly forbidden. Hazing includes "any act that injures, degrades, disgraces, any fellow student or person."
- W. Pledging activities by any club, group, organization or individual are prohibited.



ACT Ally Program Participation Agreement

"We are Texas State—We are San Marcos"

Texas State University ~ City of San Marcos, TX

As a participant in the ACT ALLY program, and on behalf of the apartment community or property management company I represent, I agree to promote the purpose of the ACT program, fulfill the responsibilities outlined below, and share/meet the expectations for residents and landlords/property owners.

Purpose of the ACT Program

To promote collaboration between the ACT (Achieving Community Together) Committee and Property Owners/Managers to better educate their student and non-student residents about community expectations and to promote positive citizenship in the City of San Marcos.

ACT Ally Responsibilities (The ACT Ally year runs August to August)

- Identify a Liaison/Contact (who is a non-manager from each complex) whose responsibility is to disseminate educational materials and dialog with residents about community expectations and who will meet with the ACT Committee twice a semester (November/April).
- Conduct a Resident Orientation at the property to include sharing the community expectations, the role of Liaison/Contact, the ACT Calendar of Events, and the goals of the ACT Program.
- Have a representative attend at least three of the quarterly joint ACT and Austin Area Apartment Association meetings each year.
- Conduct an annual survey (mid-year) to assess satisfaction and compliance with ACT Ally Program initiatives and meet the deadline for submission.
- Attend an Orientation program for Landlords and Property Managers/Owners conducted by the ACT Committee.
- Adhere to community expectations for property owners/managers as delineated by the ACT Committee.

Benefits of Membership

- Participation in the Off Campus Housing Fair on Texas State campus, at a reduced registration fee, including priority placement and designation as an ACT Ally.
- Listed as an ACT Ally on the Off Campus Student Services and ACT web pages.
- Listed as an ACT Ally on Off Campus Student Services Bus Ad (run once per semester and any time we have empty space).
- Receive an official ACT Ally certificate to display.
- Use of the affiliation membership with the ACT Program for advertisement/solicitation.
- Training for the Property Owner/Manager Liaison/Contact and ongoing communication with the ACT Program Committee.

ACT Program Community Expectations for Residents

- Know your neighbors
- Turn down the volume
- Practice courtesy when driving and parking
- Be clean, green and trash free
- Show pride in your neighborhood
- Have good rapport with fellow residents and law enforcement
- Voluntarily comply with local, state and federal rules and laws and with deed and lease restrictions
- Keep San Marcos safe
- Engage in positive interactions in the community
- Participate in community service within the San Marcos community

ACT Program Community Expectations for Landlords/Property Owners

- Educate residents about community expectations
- Maintain a healthy environment
- Maintain your property
- Show pride in your property
- Be accessible to residents and give timely responses
- Have good rapport with residents, with Texas State University, and with the City of San Marcos

ACT ALLY PROGRAM CONTACTS:

Michelle Lopez, Associate Director, LBJ Student Center, Texas State University, 512-245-3219,
ml32@txstate.edu

Lisa Dvorak, Assistant Chief of Police, San Marcos Police Department, 512-753-2104,
ldvorak@sanmarcostx.gov

Joanne H. Smith, Ph.D., Vice President for Student Affairs, Texas State University, 512-245-2152,
js14@txstate.edu

Apartment Community or Property Management Company

Participant Name

Liaison Name

Address

Address

Primary Phone#

Primary Phone #

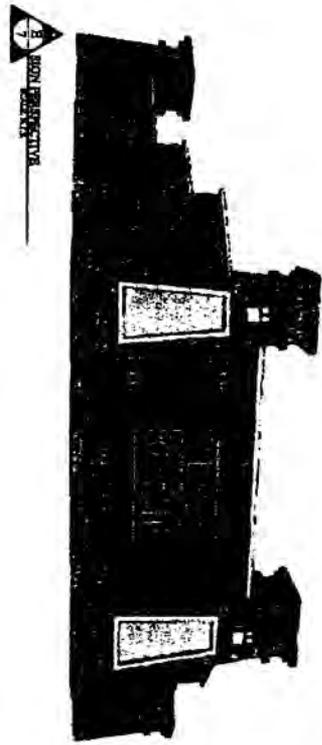
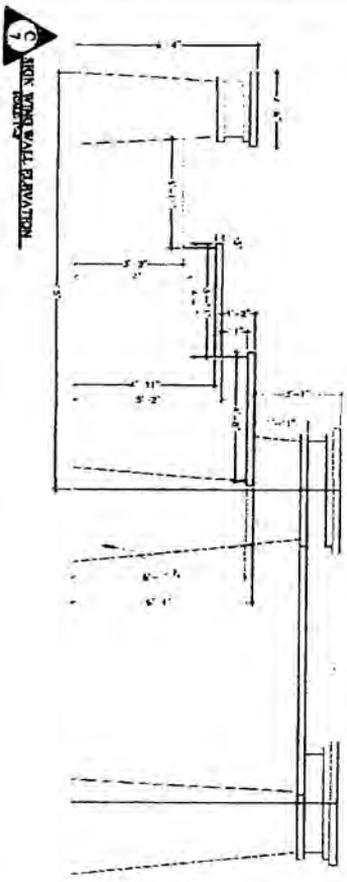
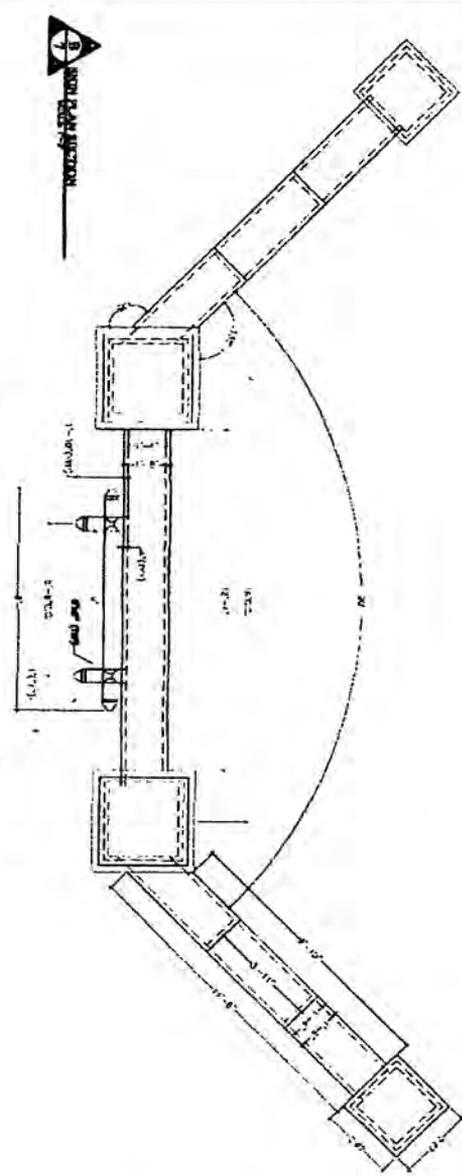
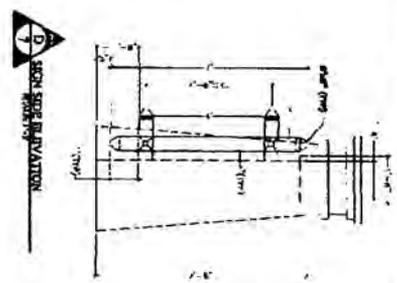
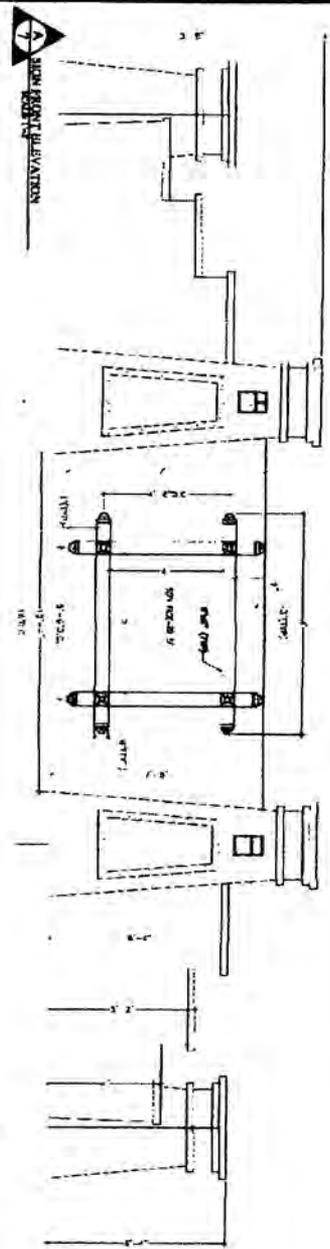
Email Address

Email Address

Signature

Signature

Exhibit I: Low Density Multifamily Signage



NOTE:
 SHALL BE SET AS OUTLINE AND COLUMN FILLED TO BE
 COLORED TO MATCH THE SIGN AND FINISHED BY THE CONTRACTOR
 PRIOR TO INSTALLATION.

NOTE:
 ANY DIMENSIONS SHALL BE REFERRED TO WALLING AND ASSOCIATED
 ELEMENTS.

NOTE:
 ALL COLLARS SHALL BE FINISHED BY THE FIELD BY A LICENSED CARPENTER.

NOTE:
 SEE NEXT SHEET - SIGN DETAILS II - FOR ANNOTATED DETAILS ON THE LOCATION
 AND FUNCTION OF THIS SIGN.

RETREAT @ SAN MARCOS

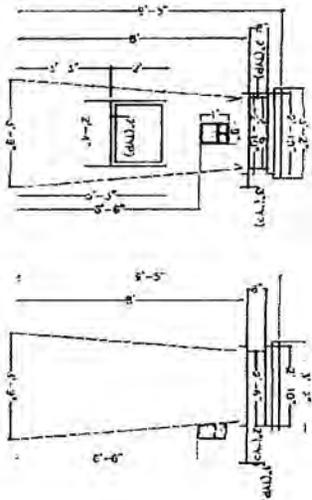
CITY OF SAN MARCOS, TEXAS
 48 ACRES

Williams & Associates
 ENGINEERING • SURVEYING
 LANDSCAPE ARCHITECTURE
 1100 N. UNIVERSITY
 SUITE 100
 SAN MARCOS, TEXAS 78682
 WWW.WILLIAMSANDASSOCIATES.COM

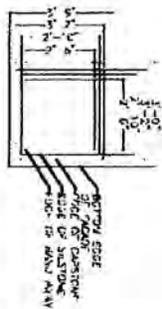
NO.	DATE	REVISIONS

NOT FOR CONSTRUCTION

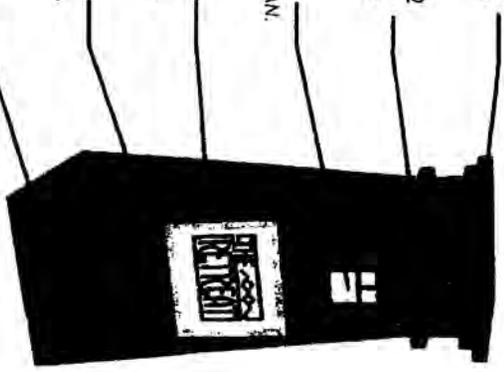
10013
 ENTRANCE SIGN
 DETAIL



TYPE 'C' CULTURED STONE
RECURRING



- CAPSTONES AND SIL STONES TO BE CULTURED STONE. SPECIFIC TYPE TO BE COORDINATED WITH OWNER PRIOR TO INSTALLATION
- UPPER BAND INLAY TO BE CULTURED STONE. SPECIFIC TYPE TO BE COORDINATED WITH OWNER PRIOR TO INSTALLATION
- SEE LIGHTING SHEET FOR SPECIFIC LAMPS. TO BE FEATURED ONLY ON COLUMNS INDICATED IN LIGHTING PLAN.
- COFFER TRIM TO BE EXTRUDED 1" AND MADE OF CULTURED STONE. SPECIFIC TYPE TO BE COORDINATED WITH OWNER PRIOR TO INSTALLATION
- COFFER INLAY TO BE GRANITE. SPECIFIC TYPE TO BE COORDINATED WITH OWNER PRIOR TO INSTALLATION.
- STONE FACADE TO BE CULTURED STONE. SPECIFIC TYPE TO BE COORDINATED WITH OWNER PRIOR TO INSTALLATION



TYPE 'C' CULTURED STONE
RECURRING

NOTE:
ALL DIMENSIONS SHALL BE REFERRED TO INLAND AND ADJUSTED THEREAFTER.

NOTE:
MATERIALS SUCH AS CAPSTONES AND COLUMNS INLAY TO BE COORDINATED WITH OWNER AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

NOTE:
ALL COLLARS SHALL BE RATED BY THE FIELD BY A LICENSED SURVEYOR.

REVISIONS

DATE	REVISION

**RETREAT @
SAN MARCOS**

CITY OF SAN MARCOS, TEXAS

48 ACRES

Williams & Associates

LANDSCAPE ARCHITECTS

10053 ENTRANCE SIGN DETAIL 11

NOT FOR CONSTRUCTION

10053

ENTRANCE SIGN DETAIL 11

ALL DIMENSIONS SHALL BE REFERRED TO INLAND AND ADJUSTED THEREAFTER.

MATERIALS SUCH AS CAPSTONES AND COLUMNS INLAY TO BE COORDINATED WITH OWNER AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

ALL COLLARS SHALL BE RATED BY THE FIELD BY A LICENSED SURVEYOR.

www.gwpblanning.com

City of San Marcos
CONDITIONAL USE PERMIT APPLICATION - GENERAL

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name:	ETR Development Consulting, LLC	ACC OP (Retreat SM), LLC
Mailing Address:	5395 Highway 183 N. Lockhart, Texas 78644	c/o American Campus Communities, Inc. 12700 Hill Country Blvd., Ste. T-200 Austin, Texas 78738
Telephone No.:	(512) 618-2865	
E-mail address:	ed@etrdevcon.com	

Property Address: 508 Craddock Avenue
 Legal Description (if platted): Lot 2 Block _____ Subdivision The Retreat Subdivision
 Tax ID Number: R 135857 Zoning District: CC

PROPOSED USE
 Brief description of Proposed Use (attach separate page if needed): To allow fuel sales at a permitted convenience store.

I certify that the information in this application is complete and accurate. I understand that I or another representative should be present at all meetings concerning this application.

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

Signature of Applicant: [Signature] Date: 03/16/2015

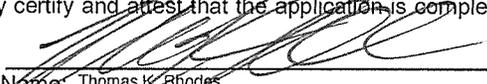
To be completed by Staff:
 Meeting Date: _____ Application Deadline: _____
 Accepted by: _____ Date: _____

Conditional Use Permit Application Checklist: GENERAL



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	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A site plan illustrating the location of all structures on the subject property and on adjoining properties	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Application Fee \$600 + \$10 Technology Fee	<input type="checkbox"/>	
<input type="checkbox"/>	Renewal Fee \$300	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Planning Director:			
<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"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district	<input type="checkbox"/>	

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

Signed:  Date: 03/16/2015
 Printed Name: Thomas K. Rhodes

Engineer Surveyor Architect/Planner Owner Agent: ETR Development Consulting, LLC

Land Development Code: Conditional Use Permit

Purpose, Applicability, Exceptions and Effect

Purpose. The purpose of a Conditional Use Permit is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as conditional uses in a particular zoning district, or those nonconforming uses which are damaged or destroyed, and which are permitted to be reestablished under this Land Development Code, shall be authorized as conditional uses.

Effect. Approval of a Conditional Use Permit authorizes the use or development of the property in accordance with the conditions of the permit. Approval of a Conditional Use Permit shall be deemed to authorize only the particular use for which the permit is issued and shall apply only to the property for which the permit is issued (i.e., it is not personal to the applicant), except for uses authorized under Section 4.3.4.2 or Section 4.3.4.3 of this Code. No conditionally permitted use shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new Conditional Use Permit in accordance with the procedures set forth in this section. Initiation or development of the use shall not be authorized until the applicant has secured all the permits and approvals required by this Land Development Code.

Processing of Application and Decision

Hearing and Notification. The Director shall schedule a public hearing before the Planning and Zoning Commission on the application for a Conditional Use Permit, and shall cause personal notice to be given in accordance with the LDC.

Commission Decision. The Planning and Zoning Commission shall be the initial decision maker, subject to appeal to the City Council, on whether to approve, approve with conditions or modifications, or deny the permit. The Planning and Zoning Commission may also recommend whether any requested variations from the standards in the zoning district regulations should be granted by the Zoning Board of Adjustments.

Criteria for Approval

Factors. When considering an application for a Conditional Use Permit, the Planning and Zoning Commission shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

(5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;

(6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and

(7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

Conditions. The Planning and Zoning Commission may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the Planning and Zoning Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.

Expiration and Revocation

Time of Expiration. A Conditional Use Permit shall expire if:

(1) A building permit, if any, for the use has not been approved within one year of the date of approval of the permit;

(2) The building permit subsequently expires;

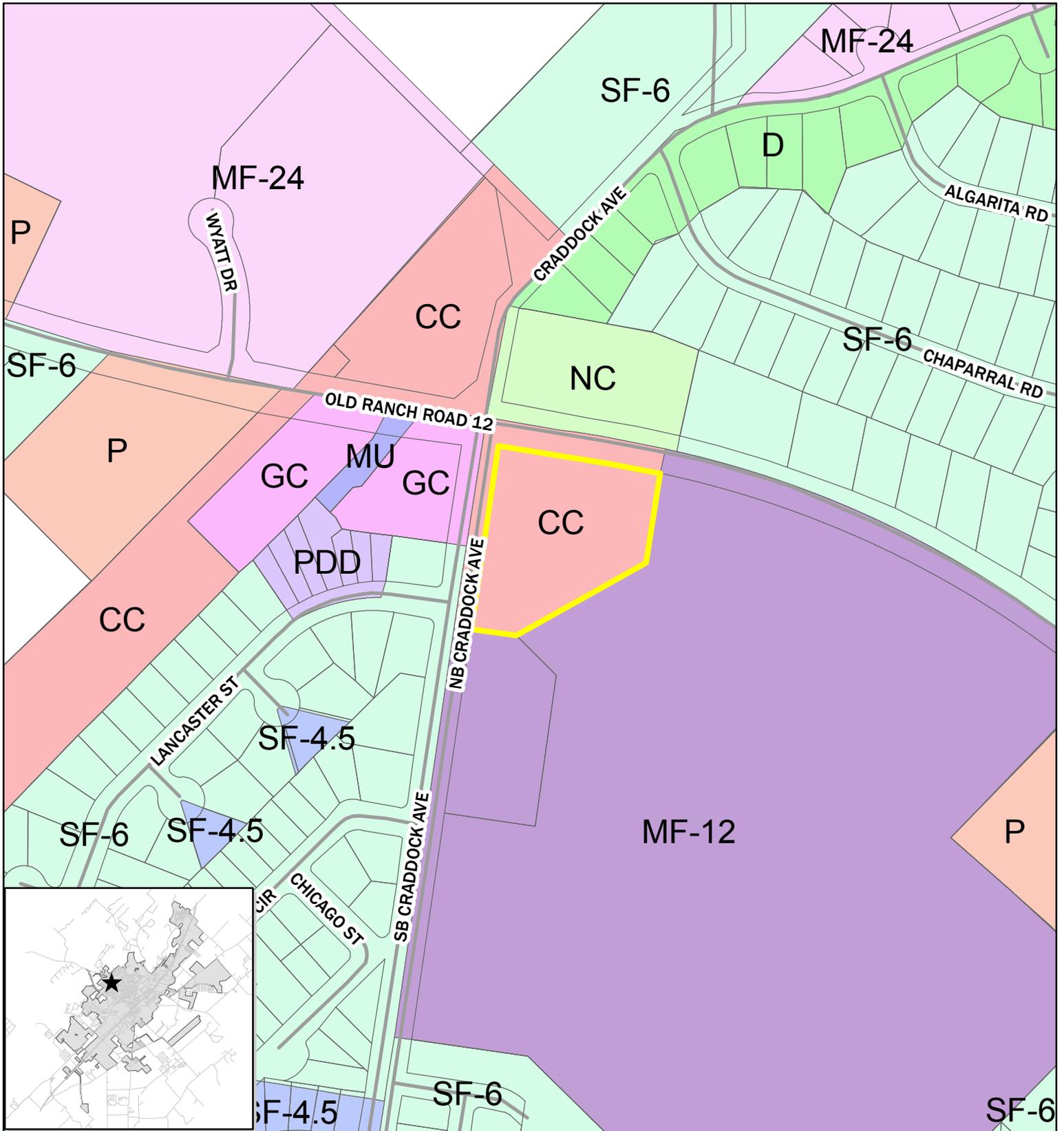
(3) The use has been discontinued for a period exceeding six months; or

(4) A termination date attached to the permit has passed.

Revocation. The Planning and Zoning Commission may revoke any Conditional Use Permit that is in violation of any condition imposed on the use in accordance with the procedures of Article 3, Division 7 of this Chapter 1.

Appeals

The applicant or other interested person may appeal the decision of the Planning and Zoning Commission to grant or deny a permit to the City Council in accordance with Article 10, Division 1, of this Chapter 1. The Council shall apply the criteria in Section 1.5.7.5 in deciding whether the Commission's action should be upheld, modified or reversed. A three-fourths vote of all of the members of the City Council shall be necessary to reverse a decision of the Planning and Zoning Commission to deny a permit.



CUP-15-05
ACC OP Stripes Gas Station
502 Craddock Ave
Map Date: 5/19/2015

 Site Location

0 170 340 680 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-15-05
ACC OP Stripes Gas Station
502 Craddock
Map Date: 5/13/2015



Site Location

0 125 250 500 Feet



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







SUNNY'S PIZZA

We Appreciate

Pizza



CUP-15-05
Conditional Use Permit
502 Craddock
Convenience Store with Gas Sales



Applicant Information:

Applicant: ETR Development Consulting, LLC
5395 Hwy 183 N
Lockhart TX 78644

Property Owner: ACC OP (Retreat SM), LLC
c/o American Campus Communities Inc
12700 Hill Country Blvd Ste T-200
Austin TX 78738

Applicant Request: A Conditional Use Permit (CUP) to allow for a convenience store with gas sales.

Notification: Public hearing notification mailed April 29, 2015

Response: None to date

Subject Property:

Location: 502 Craddock Avenue

Legal Description: Lot 2 The Retreat Subdivision

Frontage On: Craddock Avenue and Old Ranch Road 12

Neighborhood: Western (Oak Heights)

Existing Zoning: CC with a PDD Overlay

Preferred Scenario: Area of Stability

Utilities: Existing

Existing Use of Property: Vacant

Proposed Use of Property: Convenience store with gas sales

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	NC	Single family home
S of Property	PDD	Vacant
E of Property	PDD	Multifamily (The Retreat)
W of Property	GC/SF-6	Convenience store with gas sales, single family homes

Code Requirements:

This is a request for a conditional use permit (CUP) for a convenience store with gas sales within the Community Commercial (CC) portion of The Retreat Planned Development District (PDD). Section 5 of The Retreat PDD states that a convenience store with gas sales may not be allowed within the CC district without a CUP. A 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.

Background

The subject property is located on the Southeast corner of the intersection at Old Ranch Road 12 and Craddock Avenue. This tract of land is subject to The Retreat PDD which was approved in 2011. The Retreat property was divided into 4 lots, a 39 acre multifamily lot, a commercial lot, and two lots which were dedicated to the City for parkland and a potential fire or police station. The Retreat PDD specifies this approximately 2.75 acre lot to function as a commercial tract to serve the surrounding neighborhood. Section 1 of The Retreat PDD states that:

“It is anticipated that this commercial tract will be developed with neighborhood oriented services such as a pharmacy, dry cleaning, coffee shop or other similar uses. The Concept Plan indicates 20,000 square feet of first floor retail with the option for second floor office, retail, or residential use. This would encourage a mixed use type of development on this commercial tract.”

Additionally, Section 3 of The Retreat PDD borrows directly from Section 4.2.2.6(a) of the Land Development Code (LDC) and states that:

“The Community Commercial district is established to provide areas for quality larger general retail establishments and service facilities for the retail sale of goods and services. The Community Commercial district is generally intended for retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses.”

Section 5 of the Planned Development District addresses the types of land uses that will be allowed within the PDD. Generally uses such as office, restaurant and smaller service oriented retail are permitted by right, while uses that focus on providing service to and for automobiles require a Conditional Use Permit. The “Convenience Store with Gas Sales” use is called out as requiring a Conditional Use Permit.

Additionally, the Retreat PDD states that all commercial structures must adhere to a higher design standard than is currently required under the Land Development Code, including higher standards for materials, articulation, and requiring four sided design.

It is important to note that the applicant is not proposing to develop the entire lot, or the entire 20,000 square feet of retail, but is proposing to subdivide the property and develop a convenience store with gas sales on approximately 2.1 acres, while the remaining .65 acre lot will be available for other potential retail uses in the future. The proposed convenience store, including the gas canopy that will house 10 double sided pumps, equals 14,344 square feet of retail. The remaining 5,658 square feet would be required to be constructed on the other lot. The CUP being requested for the sale of gas would only apply to the approximately 2.1 acre portion of the property.

Comments from Other Departments:

None.

Planning Department Analysis:

The applicant has worked with staff to minimize some of the potential impacts to the surrounding neighborhood, as well as to improve the existing shared use path that provides pedestrian access along both street frontages.

There are numerous trees on this lot, including 10 Specimen trees (24 inches in caliper or greater). The applicant has proposed to save 5 of these large caliper trees, equaling 163 caliper inches. In addition, the applicant has proposed to establish a minimum 25 foot wide preservation easement that would run the length of the Old RR12 frontage, with the exception of the driveway, to save existing trees.

The applicant has also agreed to replace the current 10 foot wide crushed granite shared use path that is slowly eroding away with a 10 foot wide concrete sidewalk along both frontages. In order to improve pedestrian safety, the applicant has agreed to right in right out driveways, with extended "pork chop" medians to provide pedestrian refuge.

The applicant is proposing that the convenience store and associated gas sales be located on approximately 2.1 acres of the 2.75 acre lot, and the remaining .65 acres be subdivided and be potentially developed by another user. The applicant has provided a site plan that illustrates what a potential build out of the full 20,000 square feet of retail, required by the PDD might look like if another development were to build out the second lot. The second phase will potentially contain additional neighborhood services or a restaurant use.

Evaluation of a request for a CUP is subject to the criteria in Section 1.5.7.5 of the LDC concerning impacts of the use on surrounding properties.

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;

- The Preferred Scenario Map identifies the area in which this property is located as an Area of Stability. Within Areas of Stability, the Comprehensive Plan recommends that gas sales not be allowed. However, the Comprehensive Plan also recognizes that Corridors exist within these districts, and allows for commercial uses at major nodes, with no mention of restricting gas sales. The Comprehensive Plan identifies Old RR12 between Holland and Wonderworld as one such Corridor.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

- The text of the PDD indicates that the intent of this zoning district is a mixed use retail development that is oriented towards neighborhood services, indicating the potential for a pharmacy, dry cleaner, coffee shop or other similar uses. While gas sales does not appear to be a similar use to the examples provided, the Land Use Table specifically identifies "Convenience Store with Gas Sales" as an eligible land use if it receives a Conditional Use Permit.

3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;

- This property is located at an intersection that is developing into a commercial node, with two of the corner lots being occupied by commercial uses; a gas station and a Walgreens. The third corner is zoned Neighborhood Commercial, but is currently occupied by a single family house. The property on which the

applicant is proposing to construct is a somewhat densely wooded lot directly in front of a multi-family development.

- The applicant has offered to designate a 25 foot wide preservation easement along approximately 190 feet of the Old RR12 frontage, in order to preserve some of the existing trees, as well as provide a location to plant trees required for mitigation, in order to help retain some of the natural character of the lot. The applicant has also stated that they will preserve 5 of the 10 Specimen Trees (24 inches in caliper or greater) equaling 163 caliper inches, on the approximately 2.1 acre lot.

4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

- The lot currently has a crushed granite multi-use trail for pedestrians and bicyclists along both frontages. The applicant has agreed to replace the existing crushed granite multi-use trail on both frontages which has been slowly eroding with 10 foot wide concrete sidewalks to match the existing width of the trail.
- Development of a commercial use on this property will increase the amount of vehicle traffic crossing the multi-use trail, so the applicant has agreed to provide additional safety features at driveways, such as limiting driveways to right in right out movements, while providing “pork chop” medians that provide shelter for pedestrians.

5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;

- The proposed project will limit all driveways to right in right out movements in order to decrease the potential of traffic congestion caused by this project.
- The illustration provided indicates a shared driveway along the Old RR12 frontage which will decrease potential conflicts and increase safety for vehicles and pedestrians along Old RR12.

6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and

- The applicant has stated that they will preserve half of the Specimen trees on the lot, as well as place a preservation easement along approximately 190 feet of Old RR 12 frontage.

7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

- The applicant is proposing that the 20,000 square feet of retail uses could be spread out over two lots, and constructed by different entities. The applicant has produced an illustration to demonstrate that it is possible to meet the 20,000 square foot requirement, as well as meet all of the parking requirements, if spread into two separate lots.
- Retail is parked at 1 space per every 250 square feet of gross floor area, which would require 80 parking spaces. The conceptual site plan the applicant has provided shows 61 parking spaces with another 20 parking spaces at the 10 double sided pumps.
- The applicant has agreed to meet the standards established by the PDD and

Land Development Code as applicable.

Staff has analyzed the request and recommends **approval** of the Conditional use permit with the following conditions:

- (1) Gas sales be limited to the approximately 2.1 acre tract the applicant is proposing to develop.
- (2) The approval be based upon the submitted site plan;
- (3) The applicant provides parking for all retail as proposed on the submitted site plan;
- (4) The applicant provides a minimum 25 foot wide preservation easement along Old RR12, excluding the proposed driveway;
- (5) The applicant replace the existing 10 foot wide crushed granite shared use path along both Craddock Ave and Old RR12 with 10 foot wide concrete sidewalks;
- (6) The Driveways be constructed in such a way to increase pedestrian safety, including constructing driveways that are right in right out, reducing the maximum width of the proposed driveways, and constructing “pork chop” medians to allow for separation between ingress and egress lanes, creating a pedestrian refuge;
- (7) The applicant preserves a minimum of 163 caliper inches of Specimen Trees as indicated on the Tree Survey that accompanied this application;
- (8) The applicant agrees to provide a joint access easement at their driveway along Old RR12 so as to provide access for the potential build out of the .65 acre lot.
- (9) That this project abides by all other rules and regulations of the PDD and Land Development Code as applicable.

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed CUP. 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 may approve, approve with conditions or modifications or deny the permit. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission, pursuant to Section 1.5.7.5 of the LDC, should consider the extent to which:

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

the proposed conditional use on adjacent properties; and

7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

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

Prepared by:

Will Parrish

Planning Technician

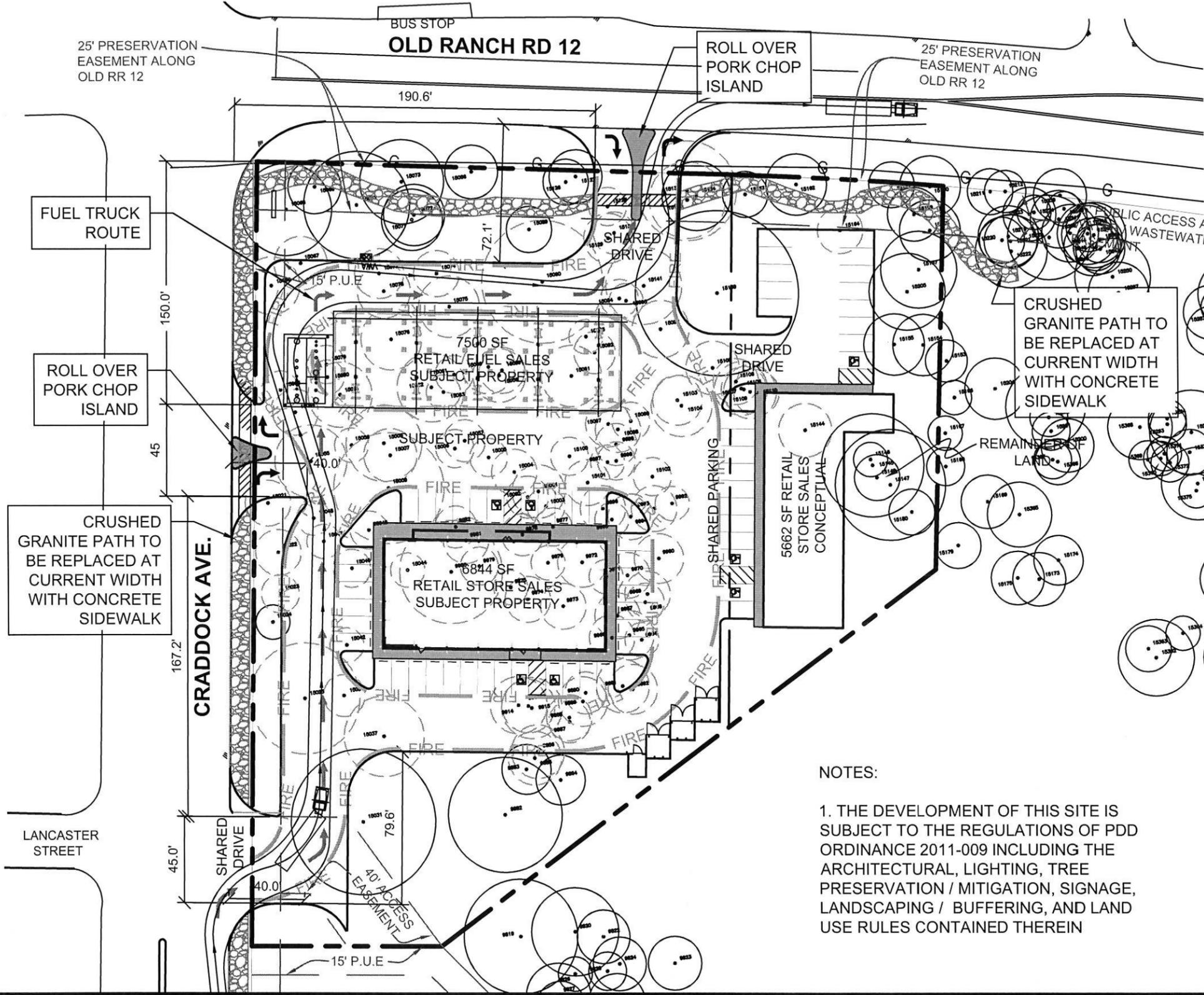
May 21, 2015

Name

Title

Date

C:\CompanyData\Clients\Sunoco-Stripes Convenience Stores\0359-003-15 Stripes San Marcos Store\Stripes San Marcos\EXHIBIT- CONCEPTUAL LAYOUT PH 1 TREES.dwg Wed, May 06, 2015, 1:31pm



TREE LIST
 * (R) TREES TO REMOVE
 * (B) TREES IN BLDG AREA
 * (D) TREES IN SITE ACCESS AREA OR EASEMENT

- 9882 30" LIVE OAK
- 9883 13" ELM
- 9884 13" ELM
- 9885 14" ELM (R)
- 9886 14" ELM (D)
- 9887 11" LIVE OAK (D)
- 9888 12" LIVE OAK (D)
- 9889 13" LIVE OAK (D)
- 9890 11" LIVE OAK (R)
- 9891 14" LIVE OAK (R)
- 9892 13" LIVE OAK (D)
- 9914 15" LIVE OAK (D)
- 9915 16" LIVE OAK (D)
- 9916 14" LIVE OAK (D)
- 9964 9" LIVE OAK (R)
- 9965 13" ELM (R)
- 9966 12" ELM (B)
- 9967 12" ELM (B)
- 9968 10" ELM (R)
- 9969 12" LIVE OAK (R)
- 9970 12" ELM (R)
- 9971 9" ELM (B)
- 9972 13" ELM (B)
- 9973 12" ELM (B)
- 9974 12" ELM (B)
- 9975 9" ELM (B)
- 9976 9" ELM (B)
- 9977 10" LIVE OAK (B)
- 9978 11" ELM (B)
- 9979 10" ELM (B)
- 9980 27" LIVE OAK (B)
- 9981 12" ELM (B)
- 9982 11" ELM (B)
- 9990 13" ELM (D)
- 9992 9" ELM (D)
- 9993 12" LIVE OAK (D)
- 9994 12" ELM (R)
- 9995 9" ELM (R)
- 9996 12" ELM (R)
- 9997 9" ELM (D)
- 9998 10" LIVE OAK (D)
- 9999 11" LIVE OAK (D)
- 15001 14" LIVE OAK (B)
- 15002 11" LIVE OAK (R)
- 15003 10" LIVE OAK (R)
- 15004 12" LIVE OAK (D)
- 15005 10" LIVE OAK (D)
- 15006 10" ELM (D)
- 15007 14" LIVE OAK (D)
- 15008 20" LIVE OAK (D)
- 15009 29" LIVE OAK (D)
- 15021 12" ELM (D)
- 15022 12" ELM (D)

- 15023 10" ELM (D)
- 15024 9" ELM
- 15025 29" LIVE OAK (D)
- 15031 38" LIVE OAK
- 15037 21" LIVE OAK (D)
- 15038 11" ELM (D)
- 15042 9" ELM (R)
- 15044 9" ELM (B)
- 15045 10" ELM (B)
- 15046 10" ELM (R)
- 15047 9" ELM (D)
- 15048 9" ELM (D)
- 15055 19" LIVE OAK (D)
- 15056 9" ELM (D)
- 15057 11" ELM (D)
- 15058 14" LIVE OAK (B)
- 15059 12" LIVE OAK (B)
- 15060 14" LIVE OAK (B)
- 15061 10" LIVE OAK (B)
- 15062 18" LIVE OAK (B)
- 15063 9" ELM (B)
- 15064 12" ELM (D)
- 15065 10" ELM (D)
- 15066 15" CEDAR (D)
- 15067 14" CEDAR (D)
- 15068 24" LIVE OAK
- 15069 14" CEDAR
- 15070 28" LIVE OAK
- 15071 16" LIVE OAK
- 15072 16" LIVE OAK
- 15073 22" CEDAR
- 15074 12" LIVE OAK (D)
- 15075 16" LIVE OAK (B)
- 15076 16" LIVE OAK (B)
- 15077 13" LIVE OAK (D)
- 15078 14" LIVE OAK (D)
- 15079 10" LIVE OAK (B)
- 15080 9" LIVE OAK (B)
- 15081 17" LIVE OAK (B)
- 15086 14" CEDAR
- 15089 12" CEDAR
- 15090 32" LIVE OAK (D)
- 15091 16" CEDAR (B)
- 15092 11" LIVE OAK (B)
- 15093 9" LIVE OAK (B)
- 15094 10" ELM (B)
- 15095 9" ELM (D)
- 15096 15" CEDAR (D)
- 15097 12" LIVE OAK (B)
- 15098 12" LIVE OAK (B)
- 15099 10" ELM (B)
- 15100 10" LIVE OAK (D)
- 15101 12" LIVE OAK (D)
- 15102 10" ELM (D)
- 15103 13" LIVE OAK (D)
- 15104 16" ELM (D)
- 15105 14" CEDAR (R)
- 15126 12" CEDAR
- 15127 14" CEDAR

- 15128 10" ELM (D)
- 15129 13" LIVE OAK (D)
- 15130 11" ELM (D)
- 15132 26" LIVE OAK (D)
- 15133 20" LIVE OAK (D)
- 15134 18" CEDAR
- 15139 43" LIVE OAK
- 15141 20" LIVE OAK (D)

TREES EXEMPT FROM MITIGATION

(D)(B)(9"-24") = 950"

TREES MITIGATION REQUIRED

(D)(B)(24"+) = 143"
 (R)(9"-24") = 168"
 (R)(24"+) = 0"
 TOTAL (R) = 311"

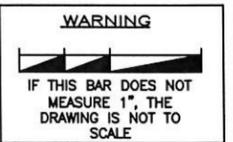
TOTAL TREES PRESERVED

(9"-24") = 67"
 (24"+) = 163"
 230"

*THIS TOTAL EXCLUDE 180" OF CEDAR, HACKBERRY, AND LIGUSTRUM TREES AS SHOWN N LIST

NOTES:

1. THE DEVELOPMENT OF THIS SITE IS SUBJECT TO THE REGULATIONS OF PDD ORDINANCE 2011-009 INCLUDING THE ARCHITECTURAL, LIGHTING, TREE PRESERVATION / MITIGATION, SIGNAGE, LANDSCAPING / BUFFERING, AND LAND USE RULES CONTAINED THEREIN



SCALE: _____ SCALE
 DRAWN BY: DED DATE: 04/15
 CHECKED BY: CD DATE: 04/15

CONCEPTUAL LAYOUT SITE PLAN FOR STRIPES CONVENIENCE STORE WITH FUEL

STRIPES SAN MARCOS
 SITE EXHIBIT



Southwest Engineers, Inc.
 Civil - Environmental - Planning
 Gonzales Austin
 www.swengineers.com
 T&E No. F-1909



Legislation Text

File #: CUP-15-09, **Version:** 1

AGENDA CAPTION:

CUP-15-09 (Hooters) Hold a public hearing and consider a request by TW Restaurant Holder LLC, on behalf of San Marcos 123 and 35 Partners, LLC, for a Conditional Use Permit to allow for the sale of mixed alcoholic beverages for on-premises consumption at 1305 S IH 35.

Meeting date: May 26, 2015

Department: Planning and Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL: Strengthen the Middle Class

BACKGROUND:

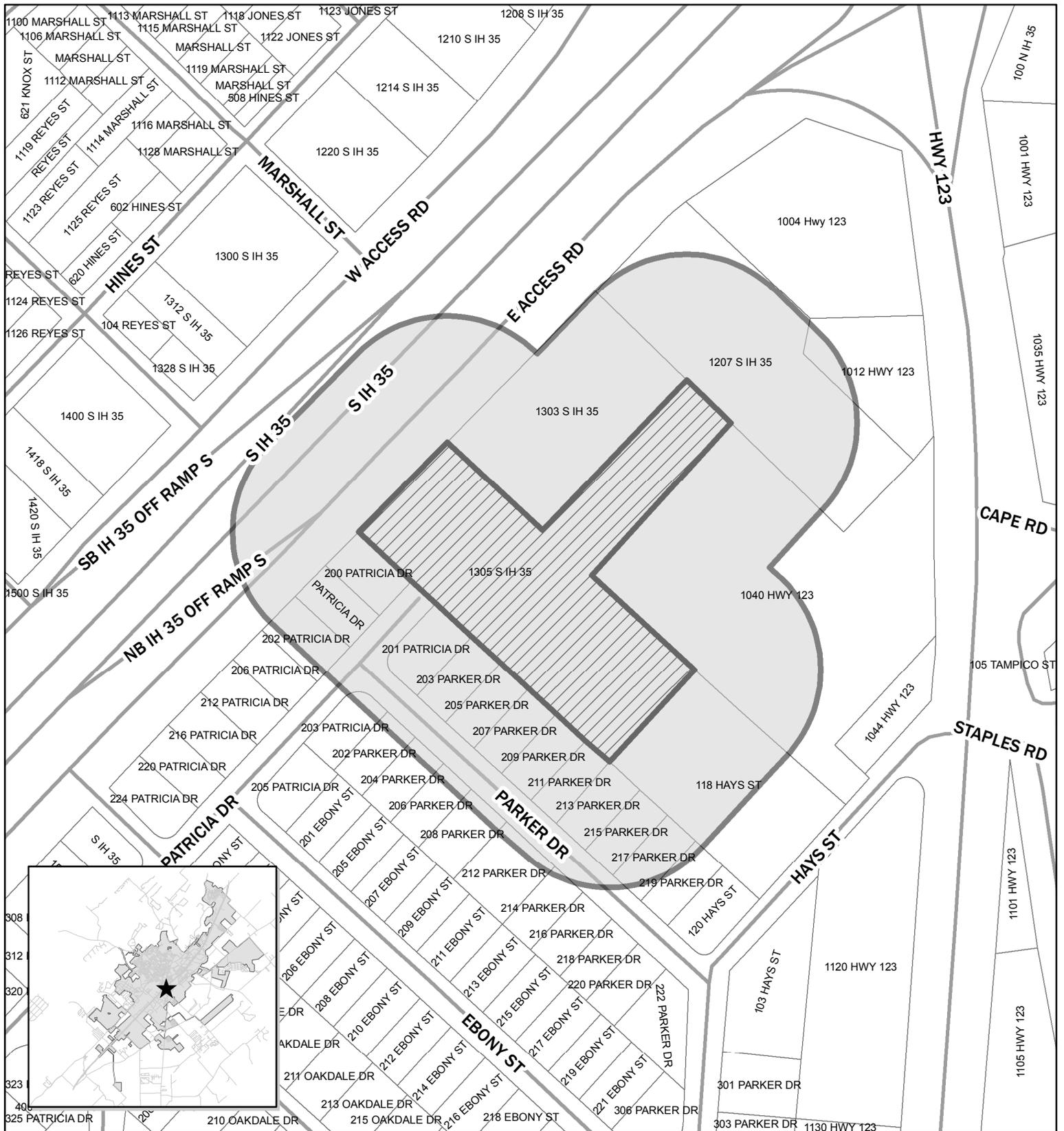
The proposed restaurant project consists of an approximately 6,600 square foot building including an attached patio.

The proposed structure meets the 300 foot distance requirement from the nearest single family neighborhood as detailed in the Land Development Code. The proposed structure does include an outdoor patio on West side of the structure, and the manner in which the building is proposed to be built will create a sound barrier between the patio and the nearest single family dwellings. In addition, the building is proposed to be set back 40 feet from the property line shared with residential uses.

Staff has reviewed the request for compliance with the Land Development Code and has found that the request is consistent with the policies and the general intent of the zoning district and does not generate pedestrian or vehicle traffic which is hazardous or conflicts with existing traffic.

Therefore, staff recommends approval with the following conditions:

- 1. The CUP shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The building is constructed in a manner consistent with the provided site plan, where the building acts as a sound barrier between the patio and the nearest neighborhood;**
- 3. The building is constructed no closer than 40 feet to the nearest residential property;**
- 4. The CUP shall be posted in the same manner and location as the Certificate of Occupancy.**



CUP-15-09
Hooters
1305 S IH 35
Map Date: 5/13/2015

-  Site Location
-  Notification Buffer (200 feet)

0 100 200 400 Feet



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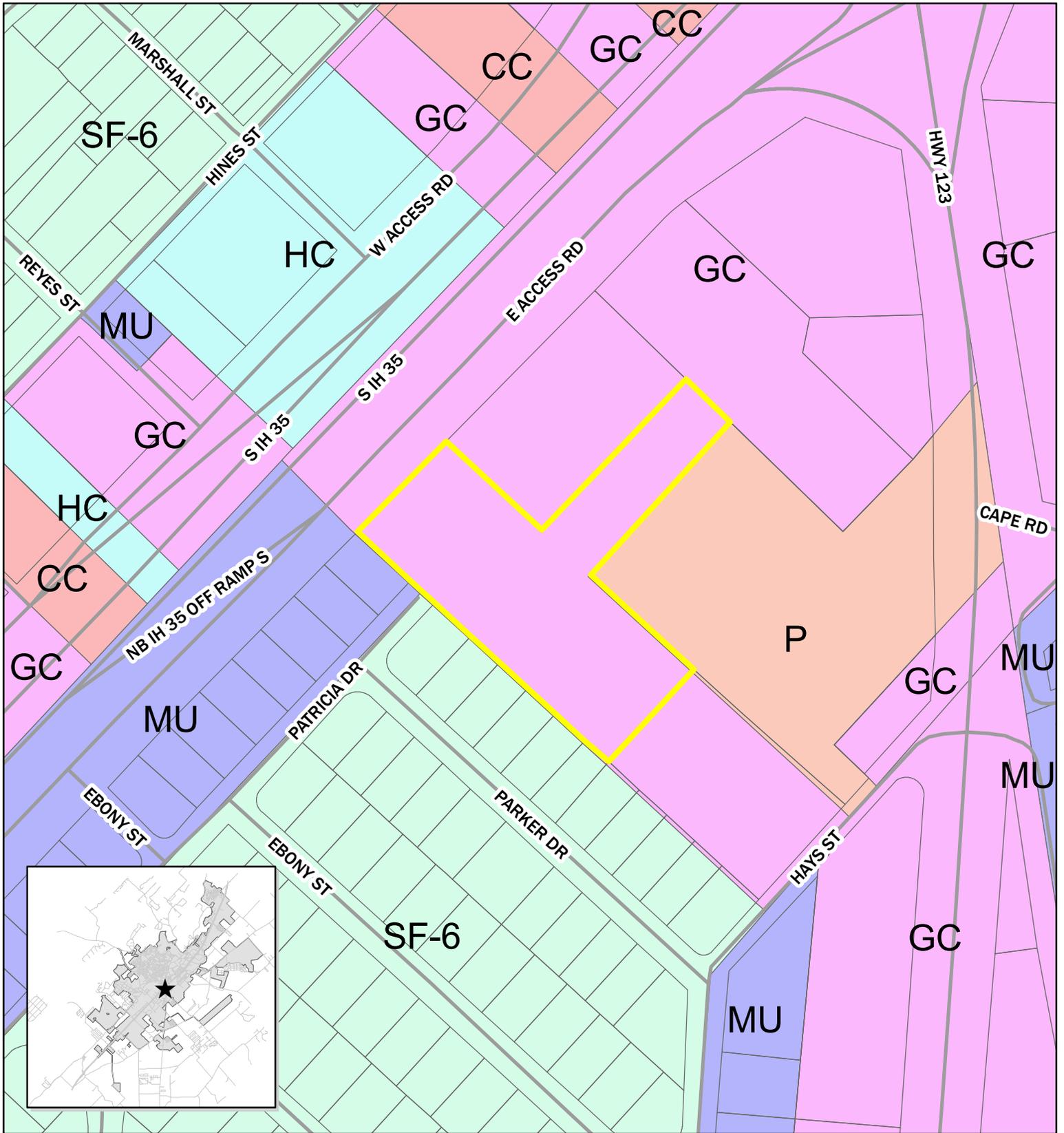
CUP-15-09
Hooters
1305 S IH 35
Map Date: 5/13/2015

 Site Location

0 100 200 400
Feet



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CUP-15-09
Hooters
1305 S IH 35
Map Date: 5/19/2015

 Site Location

0 100 200 400
 Feet



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CUP-15-09

Conditional Use Permit

Hooters

1305 S IH 35



Applicant Information:

Applicant: TW Restaurant Holder LLC
1815 The Exchange SE
Atlanta GA, 30339-2027

Property Owner: San Marcos 123 and 35 Partners, LLC
750 East Mulberry Ave. Ste. 305
San Antonio TX 78212

Applicant Request: Approval of a Conditional Use Permit (CUP) to allow on-premise consumption of mixed beverages at a restaurant establishment.

Notification: Public hearing notification mailed on May 15, 2015

Response: None to date

Subject Property:

Expiration Date: NA

Location: 1305 S IH-35

Legal Description: Simon Addition Lot 1

Frontage On: IH-35

Neighborhood: None

Existing Zoning: General Commercial

Preferred Scenario Designation: High Intensity

Existing Utilities: Adequate

Existing Use of Property: Car Dealership

Proposed Use of Property: Restaurant/Bar

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	GC	Restaurant / IH 35
S of Property	SF-6/MU	Single Family Homes
E of Property	P	San Marcos Electric Utility
W of Property	SF-6/MU	Single Family Homes

Code Requirements:

A business applying for on-premise consumption of alcohol must not be within 300 feet (measured along the property lines of street fronts, from front door to front door) of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. The location **does** meet these distance requirements. The CUP will be subject to the standards for on-premise consumption of alcoholic beverages, and the penalty point system for violations (Section 4.3.4.2).

The business is not within the CBA.

Section 6.1.2.1 of the Land Development Code (LDC) requires that any new construction non-residential use that is contiguous to any residential property (other than multifamily) be separated by no less than double the required setback, and requires a minimum 6 foot tall opaque screening fence between the uses. In addition Section 6.1.2.4 of the LDC requires that any fence used for screening purposes incorporate landscaping elements along the majority of the fence.

Comments from Other Departments:

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

Case Summary

The applicant is proposing to build a new approximately 6,600 square foot building, including a proposed outdoor patio. The proposed restaurant will offer a full menu and have 227 seats, 36 of which will be located on the patio. The patio will face the neighboring commercial property, upon which is slated to be built as a 54th Street Restaurant and Draft House. The applicant has stated that there will be 159 off street parking spaces.

The proposed hours of operation will be from 11 a.m. to 12:00 p.m. Sunday-Thursday and 11 a.m. to 1:00 a.m. Friday -Saturday.

Planning Department Analysis:

While this location does meet the distance requirement to be further than 300 feet from the front door of the business to the front door of the nearest residential house (measured along the property lines of street fronts), this property abuts the rear or side yards of 7 homes within the Sunset Acres Neighborhood along Parker Drive and Patricia Drive. In order to help mitigate against potential nuisances, the applicant is proposing to place the building no closer than 40 feet from the property line that separates them from the residential neighborhood. Typically, GC zoned properties have a 5 foot side setback, so a 40 foot side setback is substantially larger than the Land Development Code (LDC) requirement in Section 6.1.2.1 Nonresidential Screening of doubling the 5 foot setback. In addition, Section 6.1.2.1 requires an opaque screening fence that is at least 6 feet tall, and is required to have landscaping incorporated along the majority of the fence under Section 6.1.2.4(a)(3).

The applicant was willing to work with staff and revised their original building orientation to face the patio away from the neighborhood, so that the restaurant itself acts as a barrier to sound emanating from the patio. The applicant was also willing to move their trash containers which are located at the rear of the building, further away from the neighborhood.

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

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

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

1. **The CUP shall be valid for one (1) year, provided standards are met, subject to the point system;**
2. **The building is constructed in a manner consistent with the provided site plan, where the building acts as a sound barrier between the patio and the nearest neighborhood;**
3. **The building is constructed no closer than 40 feet to the nearest residential property;**
4. **The CUP shall be posted in the same manner and location as the Certificate of Occupancy.**

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. Provided the request meets the minimum requirements of section 4.3.4.2 of the LDC, the Commission shall also evaluate the impact of the proposed conditional use on surrounding properties under section 1.5.7.5 of the LDC, by considering 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:

Will Parrish	Planning Technician	May 13, 2015
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: Hooters

Application is filed by:

Individual Partnership Corporation Other: Limited liability company

Name of Individual or Entity: TW Restaurant Holder LLC Phone Number: 770-951-2040

Mailing Address: 1815 The Exchange SE, Atlanta, GA 30339-2027

Email Address: sfulton@hooters.com

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

PROPERTY

Street Address: 1305 S. I.H. 35 Current Zoning: GC

Legal Description: Lot 1 Block _____ Subdivision Simon Addition

Tax ID Number: R 42264

Property Owner's Name: San Marcos 123 and 35 Partners, LLC Phone Number: (512) 280-5353

Address: Attn: R.W. McDonald, IV, 750 East Mulberry Ave., Ste. 305, San Antonio, TX 78212

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: Sunday through Thursday 11 am - midnight; Friday through Saturday: 11 AM - 1 AM (following day)

Type of Entertainment Facilities: Full service restaurant with bar and merchandise sales

Indoor Fixed Seats Capacity: 227 seats, 194 unconcentrated seats in Dining room & 33 concentrated seats in bar Outdoor Fixed Seats: 36 unconcentrated seats

NO FIXED SEATS IN LOCATION

Gross Floor Area Including Outdoor Above-ground Decks: 6,618 Square Feet

Number of Off-Street Parking Spaces Provided: 159

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

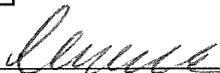
SUBMITTAL REQUIREMENTS

- **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: Claudia Levitas **Date:** 3/25/15

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 checked="" type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Director of Development Services : *(see note below)			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Copy of State TABC License application	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input checked="" 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: 3/30/15

Print Name: Marcus Schwartz

Engineer
 Surveyor
 Architect/Planner
 Owner
 Agent: Marcus Schwartz, Gardere Wynne Sewell, LLP

March 25, 2015

City of San Marcos
Development Services-Planning/P&Z
630 East Hopkins
San Marcos, TX 78666

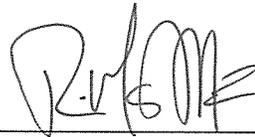
Re: **TW Restaurant Holder LLC d/b/a Hooters**
Owner of Property Permission for Application for Conditional
Use Permit Application To Allow On-Premise Consumption of
Alcoholic Beverages Outside the Central Business Area

Dear Sir/Madam,

I am the current owner of the property located at 1305 S. I.H. 35, San Marcos, TX 78666.

This letter is meant to inform you that I hereby give consent to TW Restaurant Holder LLC d/b/a Hooters to seek a conditional use permit application to allow on-premise consumption of alcoholic beverages outside the central business area (the "CUP") in order to allow alcohol sales at its location at 1305 S. I.H. 35, San Marcos, TX 78666 and for its agent/representative, Gardere Wynne Sewell LLP, to act on my behalf to do and perform any act in connection with the CUP in order for said location to allow for sales of mixed beverages at the business located thereon.

Sincerely,



R.W. McDonald, IV
Manager of

San Marcos 123 and 35
Partners, LLC

APPETIZERS



BUFFALO SHRIMP STRIPS - 8.99
GET 10 OR 20 HANDS
BREAD AND FRIED
SHRIMP SERVED WITH
SPECIAL SAUCE.
10 Pieces - 8.99
20 Pieces - 15.99

CHICKEN BREAST STRIPS - 8.99

CHICKEN BREAST STRIPS BREAD AND FRIED IN YOUR FAVORITE WING SAUCE OR SERVED WITH BEEF SAUCE.



FRIED PICKLES - 6.99
SALAD PICKLES BREAD AND FRIED
SERVED WITH OUR TANGY DIPPING SAUCE.

BUFFALO PLATTER 15.99

6 BUFFALO SHRIMP, 6 BONELESS WINGS, 6 BONE IN WINGS, ALL TOSSED IN YOUR FAVORITE WING SAUCE AND SERVED WITH A SKEW OF DRESSING.

FRIED JALAPENOS - 6.99

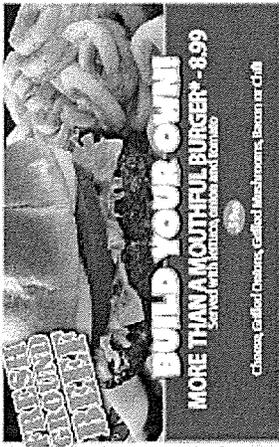
SLICED BREAD AND ONION SLICES LIGHTLY BREAD AND FRIED IN YOUR FAVORITE WING SAUCE.

*BURGER SLIDERS

FRESH CHICKEN SLIDERS TOPPED WITH YOUR FAVORITE WING SAUCE OR CHEESE SAUCE SERVED WITH ONION RINGS.
4 Sliders - 8.99



BUFFALO CHICKEN DIP - 7.99
TANGY SHREDDED CHICKEN, SPICY BUFFALO SAUCE AND CREAMY MELTED CHEESE. SERVED WITH SEASONED TORTILLA CHIPS.



BUILD YOUR OWN!

MORE THAN A MOUTHFUL BURGER - 8.99
SERVED WITH FRENCH FRIES AND BUN.

Choose from 10 different toppings, including Bacon and Chili.

WESTERN BBQ* - 9.99
BREAD AND FRIED WITH
BACON, CHEDDAR CHEESE, SLICED SAUCE,
AND CRISP ONION RINGS.

MUSHROOM SWISS* - 9.99
WITH MUSHROOM SAUCE, BACON, AND GRILLED MEAT.

TEXAS MEAT* - 9.99
SERVED WITH
CHEDDAR CHEESE, BACON, GRILLED
ONIONS, AND DARTONA SAUCE.

SANDWICHES

Submarine Sandwiches served with French Fries, Onion Rings or a Side Salad (for only .29)

SMOTHERED CHICKEN - 9.99

CHICKEN LEGS COATED WITH
BREAD CRUMBS, GREEN PEPPERS, SAUTÉED MUSHROOMS
AND ANDRÉ'S CHEESE.

HOOTERS* CHICKEN STRIP CHEESE - 9.99

CHICKEN STRIPS TOSSED IN
WING SAUCE, TOPPED WITH
CHEESE. SERVED ON 16 OZ. BUNS.

PHILLY CHEESE STEAK - 8.99

STEAK ON CHICKEN TOPPED WITH
GRILLED ONIONS, GREEN PEPPERS,
MUSHROOMS AND ANDRÉ'S CHEESE.
SERVED ON A HOAGIE BUN.

BKG FISH - 9.99

FRIED OR GRILLED. SERVED ON A HOAGIE.
SMOTHERED WITH FRESH BREAD AND
TOPPED WITH GRILLED ONIONS, GREEN
PEPPERS, MUSHROOMS AND ANDRÉ'S CHEESE.

BLKND CHICKEN SANDWICH - 10.59

CHEESE SAUCE, BACON, GRILLED
ONIONS, AND DARTONA SAUCE.
SERVED ON A BUN.

BLKND WASH SANDWICH - 10.59

CHEESE SAUCE, BACON, GRILLED
ONIONS, AND DARTONA SAUCE.
SERVED ON A BUN.

BLKND WASH SANDWICH - 10.59

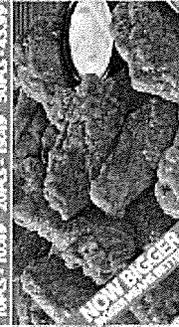
CHEESE SAUCE, BACON, GRILLED
ONIONS, AND DARTONA SAUCE.
SERVED ON A BUN.

1/2 LB. BURGERS

WORLD FAMOUS WINGS

OUR FAVORITE WINGS ARE ALWAYS FRESH, NEVER FROZEN.

SEARED WITH DRESSING
10PCS - 10.49 20PCS - 19.49 30PCS - 23.99



ORIGINAL HOOTERS* STYLE WINGS
SERVED WITH FRENCH FRIES AND BUN.

BLKND WASH SANDWICH - 10.59
CHEESE SAUCE, BACON, GRILLED ONIONS, AND DARTONA SAUCE. SERVED ON A BUN.



HOOTERS* DARTONA BEACH STYLE WINGS
SERVED WITH FRENCH FRIES AND BUN.



BONELESS WINGS
HAND BREAD TO ORDER. SERVED WITH FRENCH FRIES AND BUN.



BURGER MONDAY
Dine in only
Chesaburger & Fries
Only 7.99
1.00 more for
Specialty Burgers.

WINGS DAY
Dine in only
Every Wednesday - 7.99*
10 Boneless Wings
served with fries
and dressing.
9.99 every other day of the week.
*Depends on how many wings you order.

FRESH ENTRÉE SALADS



CHOPPED COBB SALAD - 8.99
CHICKEN, CHEESE, TOMATOES,
AND CRISP ONION RINGS.

SHRIMP & SPINACH SALAD - 8.99
SHRIMP, SPINACH, CHEESE,
AND CRISP ONION RINGS.

BUFF CHICK SALAD - 8.99
CHICKEN, CHEESE, TOMATOES,
AND CRISP ONION RINGS.

CHICKEN GARDEN SALAD - 8.99
CHICKEN, CHEESE, TOMATOES,
AND CRISP ONION RINGS.

CHICKEN CAESAR SALAD - 8.99
CHICKEN, CHEESE, TOMATOES,
AND CRISP ONION RINGS.

CHICKEN GARDEN SALAD - 2.99
CHICKEN, CHEESE, TOMATOES,
AND CRISP ONION RINGS.

CHICKEN GARDEN SALAD - 2.99
CHICKEN, CHEESE, TOMATOES,
AND CRISP ONION RINGS.

SEAFOOD

STEAMED SHRIMP HALF ORDER - 11.49
FULL ORDER - 19.99

FISH & CHIPS - 10.99
TEMPERED FRESH FISH SERVED WITH FRIES AND COLE SLAW

***OYSTERS - 11.99**
1 DOZEN - RAW OR THE HALF SHELL

ALASKAN CRAB LEGS - 15.99
FROM THE FLY WHEEL
ALASKAN CRAB LEGS
CANTONIDEAL

10% GRATUITY IS BECOMING MORE COMMON
FOR PARTIES OF 6 OR MORE.



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FOR PARTIES OF 6 OR MORE.



Legislation Text

File #: CUP-15-10, **Version:** 1

AGENDA CAPTION:

CUP-15-10 (Showplace Cinema) Hold a public hearing and consider a request by Showplace Cinema Grill, for a renewal of an Unrestricted Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption at 321 N LBJ Street.

Meeting date: May 26, 2015

Department: Planning and Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL: Strengthen the Middle Class

BACKGROUND:

The Showplace Cinema Grill is an existing movie theater which is proposing to renew an Unrestricted Conditional Use Permit to sell beer and wine in addition to the concessions already offered at 321 N LBJ Street. To date, there have been no alcohol sales at this location.

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-15-10
Showplace Cinema Grill
321 N LBJ Drive
Map Date: 5/13/2015

-  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-15-10
 Unrestricted Conditional Use Permit
 Showplace Cinema Grill
 321 North LBJ Drive**



Summary:

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

Property Owner: Texas Cinema
 Same as above

Applicant Request: Request for a renewal of an 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 15, 2015

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)

Preferred Scenario: Area of High Intensity

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 within the CBA. This property was awarded the last Unrestricted Conditional Use Permit in the CBA last year which became available when the Hungry Stick closed.

Background

The Showplace Cinema Grill is an existing movie theater which is proposing to renew an Unrestricted Conditional Use Permit to sell beer and wine 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 p.m. – 12:00 a.m., Monday through Friday, 2:00 p.m. – 1:00 a.m. on Saturday and 2:00 p.m. – 12:00 a.m. on 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 expired prior to the applicant selling any alcohol. In May 2014, the Planning and Zoning Commission approved an Unrestricted Conditional Use Permit which is now up for renewal. The applicant holds a valid license from TABC, however no alcoholic beverages have been sold at the Cinema to date.

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.

As there have been no alcohol sales to date at this location, Staff recommends that the Commission continue with a one (1) year approval until such time that the applicant demonstrates they are able to abide by all rules and regulations regarding the Unrestricted CUP while actively selling alcohol.

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.**

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:

Will Parrish

Planning Tech

May 15, 2015

Name

Title

Date

15-10
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 INFORMATION

Trade Name of Business: CINEMA GRILL
Application is filed by: Individual Partnership Corporation Other: _____
Name of Individual or Entity: SHOWPLACE CINEMA GRILL Phone Number: 512-353-7077
Mailing Address: 321 NORTH LBS DRIVE, SAN MARCOS, TX 78666
Email Address: corporate@texascinema.com
Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY

Street Address: 321 NORTH LBS DRIVE, SAN MARCOS, TX 78666
Legal Description: Lot _____ Block _____ Subdivision _____
Tax ID Number: R 32037314385
Property Owner's Name: DAVID ROBERTS Phone Number: 512-353-7077
Address: 1250 WONDER WORLD DR, SAN MARCOS, TX 78666

BUSINESS DETAILS

Primary Business Use: Restaurant (Restricted) Bar (Unrestricted) Other: MOVIE THEATRE
Hours of Operation: 6.00pm - 12.00am
Type of Entertainment Facilities: MOVIE THEATRE
Indoor Fixed Seats: _____ Outdoor Fixed Seats: _____
Gross Floor Area Including Outdoor Above-ground Decks: _____ Square Feet
Number of Off-Street Parking Spaces Provided: _____
Located more than 300 feet from churches, public schools, hospitals, low density residential? Yes No

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

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

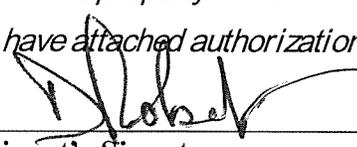
SUBMITTAL REQUIREMENTS

- 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: DAVID ROBERTS **Date:** 04/08/2015

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted By: _____ Date: _____



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

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

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

Signed:

Date: 04/08/2015

Print Name: DAVID ROBERTS

Engineer Surveyor Architect/Planner Owner Agent: _____



Cinema Grill
1250 Wonder World Drive
San Marcos, TX 78666

Re: Cup 14-17 (Showplace Cinema Grill) and Cup 14-18 (Starplex Cinema Grill)

Dear Mr. Carpenter:

Attached please find applications for renewal of Conditional Use Permits for Showplace Cinema Grill and Starplex Cinema Grill. There have been no changes to either the floor plans or site plans since the 5/28/2014 renewal was approved.

Sincerely,

David Roberts



Legislation Text

File #: CUP-15-11, **Version:** 1

AGENDA CAPTION:

CUP-15-11 (Starplex Cinema) Hold a public hearing and consider a request by Starplex Cinema Grill, for the renewal of a Conditional Use Permit to allow the continued sale of beer and wine for on-premises consumption at 1250 Wonder World Drive.

Meeting date: May 26, 2015

Department: Planning and Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

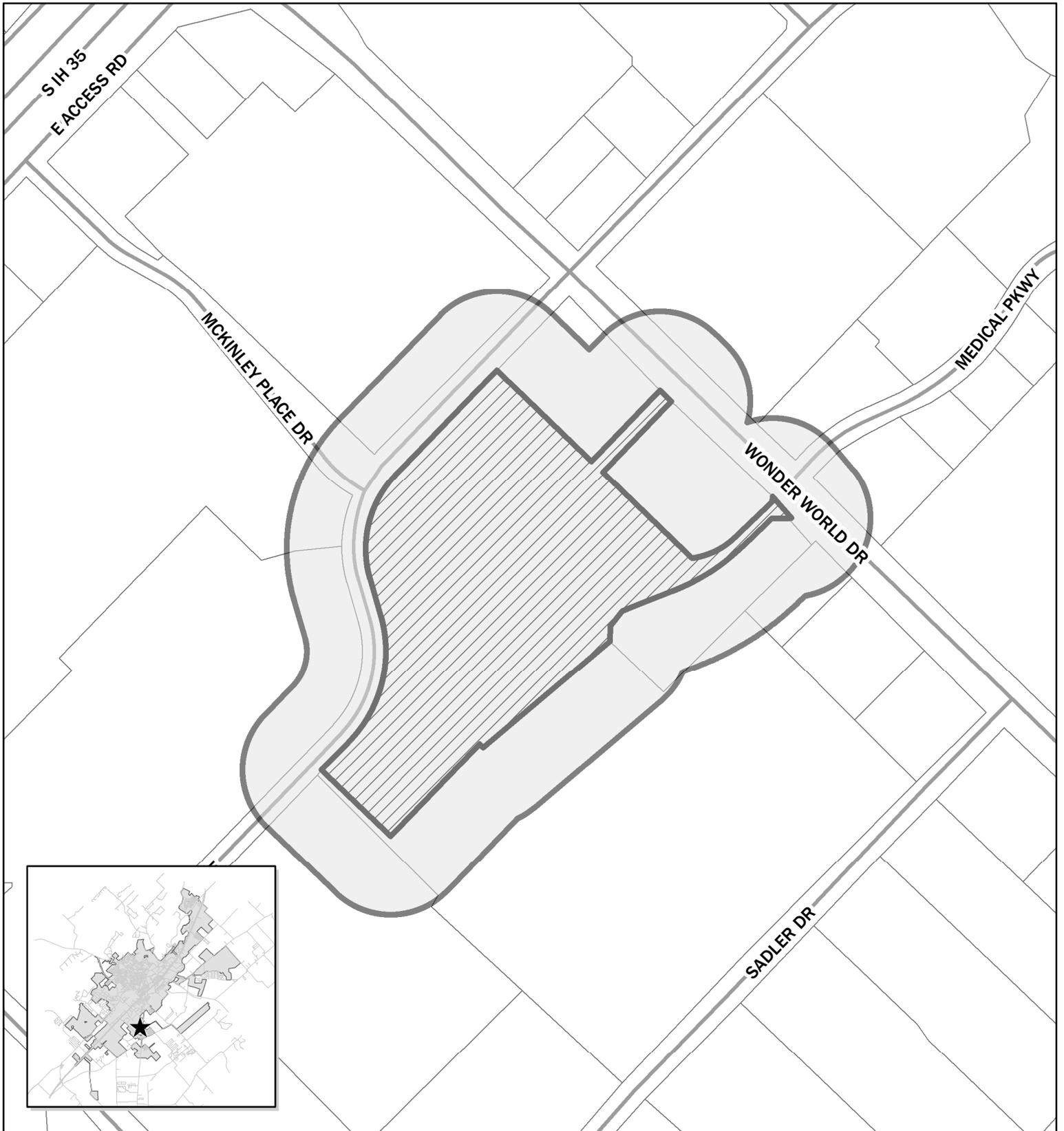
CITY COUNCIL GOAL: Strengthen the Middle Class

BACKGROUND:

The Starplex Cinema Grill is a movie theater located at 1250 Wonder World Drive that is requesting a renewal of a Conditional Use Permit for the sale of beer and wine, which the Planning and Zoning Commission originally granted in May 2014.

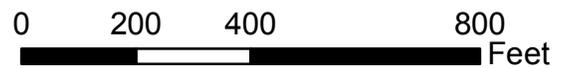
Staff recommends approval of the Conditional Use Permit with the following conditions:

- 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.**

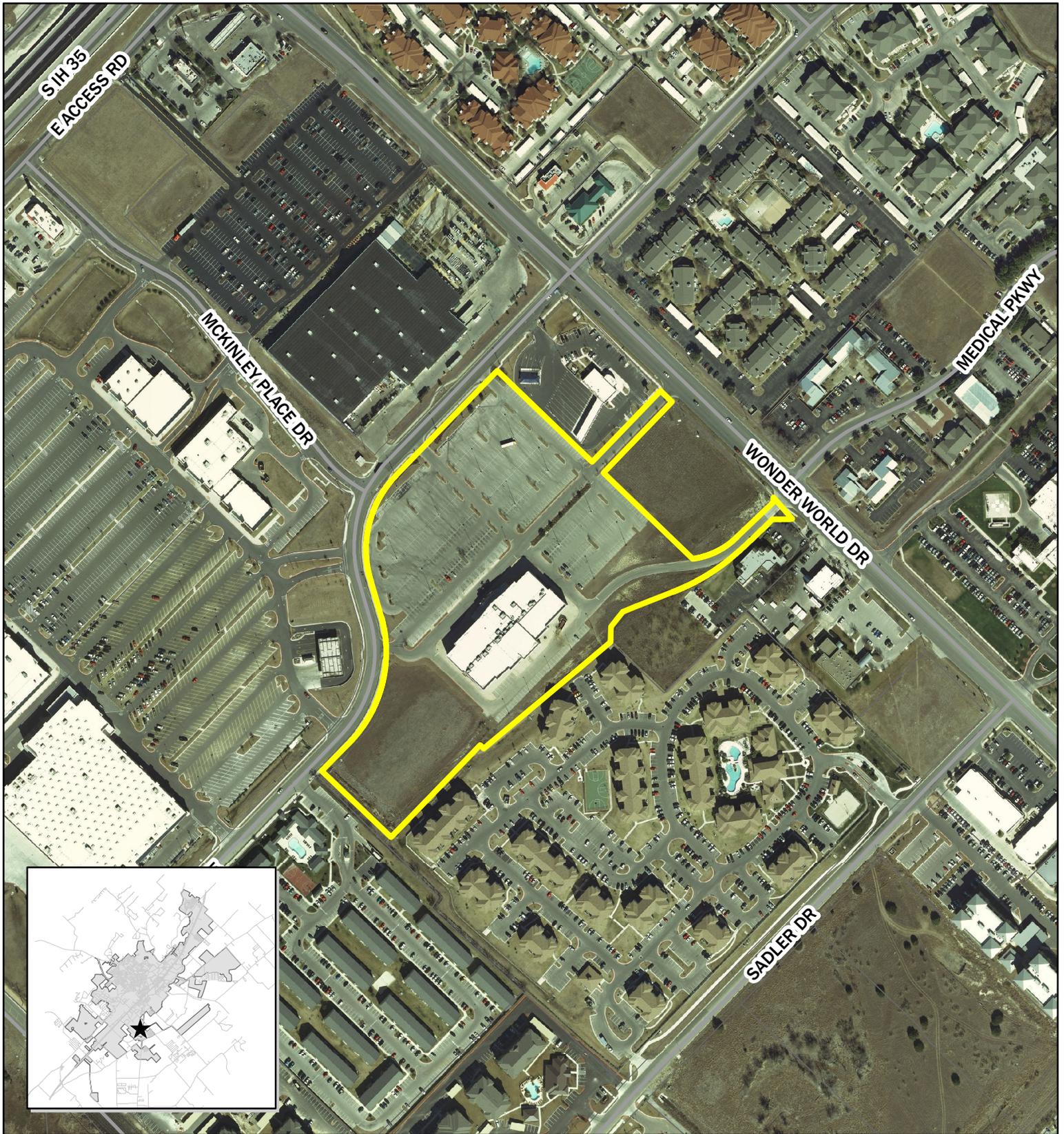


CUP-15-11
Starplex Cinema Grill
1250 Wonderworld Drive
Map Date: 5/13/2015

-  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-15-11
Starplex Cinema Grill
1250 Wonderworld Drive
Map Date: 5/19/2015

 Site Location

0 200 400 800 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-15-11
 Conditional Use Permit
 Starplex Cinema Grill
 1250 Wonder World Drive**



Summary:

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

Property Owner: Texas Cinema
 Same as above

Applicant Request: Request for a renewal of a 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 15, 2015.

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 Leah Avenue

Neighborhood: Medical Center

Existing Zoning: General Commercial (GC)

Preferred Scenario: Medium Intensity

Utilities: Sufficient

Existing Use of Property Movie Theater

**Zoning and Land Use
 Pattern:**

	Current Zoning	Existing Land Use
N of Property	GC / OP	Bank, Offices, Lowes
S of Property	MF-24	Apartments
E of Property	OP / GC	Offices, Retail
W of Property	GC	Retail Businesses, Sam's, 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 the Planning and Zoning Commission granted a CUP for the sale of beer and wine in May 2014. The theatre also offers additional movie-going concessions and off-street parking is available on site. The hours of service are from 10:00 a.m. to 10:30 p.m., Monday-Sunday. There are no entertainment facilities, in addition to the existing theaters and arcade, 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 is allowed through 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 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.**

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:

Will Parrish

Planning Technician

May 13, 2015

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: CINEMA GRILL

Application is filed by:

Individual Partnership Corporation Other: _____

Name of Individual or Entity: STARPLEX CINEMA GRILL Phone Number: 512-353-7077

Mailing Address: 1250 WONDER WORLD DRIVE, SAN MARCOS, TX. 78666

Email Address: corporate@texascinema.com

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

PROPERTY

Street Address: 1250 WONDER WORLD DR Current Zoning: _____

Legal Description: Lot _____ Block _____ Subdivision _____

Tax ID Number: R 32037314385

Property Owner's Name: DAVID ROBERTS Phone Number: 512-353-7077

Address: 1250 WONDER WORLD DR, SAN MARCOS, TX 78666

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: 10:00am - 10:30pm

Type of Entertainment Facilities: MOVIE THEATRE

Indoor Fixed Seats Capacity: _____ Outdoor Fixed Seats: _____

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

Number of Off-Street Parking Spaces Provided: _____

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

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

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

SUBMITTAL REQUIREMENTS

- Beer and Wine Permit: \$600 Application fee + \$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: DAVID ROBERTS

Date: 04/08/2015

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted By: _____ Date: _____



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: 04/08/2015

Print Name: DAVID ROBERTS

Engineer Surveyor Architect/Planner Owner Agent: _____



Cinema Grill
1250 Wonder World Drive
San Marcos, TX 78666

Re: Cup 14-17 (Showplace Cinema Grill) and Cup 14-18 (Starplex Cinema Grill)

Dear Mr. Carpenter:

Attached please find applications for renewal of Conditional Use Permits for Showplace Cinema Grill and Starplex Cinema Grill. There have been no changes to either the floor plans or site plans since the 5/28/2014 renewal was approved.

Sincerely,

A handwritten signature in black ink, appearing to read "David Roberts", with a long, sweeping flourish extending to the right.

David Roberts



Legislation Text

File #: CUP-15-12, **Version:** 1

AGENDA CAPTION:

CUP-15-12 (Plant Nursery) Hold a public hearing and consider a request by David Elliot, on behalf of Adventure Ventures, for a Conditional Use Permit to allow a plant nursery in a Mixed Use zoning district at 415 Staples Road.

Meeting date: May 26, 2015

Department: Planning and Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL: Strengthen the Middle Class

BACKGROUND:

The subject property is zoned Mixed Use and is located on approximately 1/3rd of an acre at 415 Staples Road, across from the Bonham Pre-Kindergarten Facility and abutting the State Fish Hatchery. There is an existing structure on the property that the applicant is proposing to remodel. The applicant is proposing to divide the existing structure into a residence and a plant nursery.

Staff has analyzed the request and recommends **approval** of the Conditional Use Permit with the following conditions:

- (1) The approval be based upon the submitted site plan;
- (2) This project abides by all other rules and regulations of the Land Development Code as applicable.



CUP-15-12
Plant Nursery
415 Staples Road
Map Date: 5/13/2015

-  Site Location
-  Notification Buffer (200 feet)

0 50 100 200 Feet



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CUP-15-12
Plant Nursery
415 Staples Road
Map Date: 5/13/2015

 Site Location
 Notification Buffer
 (200 feet)

0 50 100 200
 Feet



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

**CUP-15-12
 Conditional Use Permit
 415 Staples Road
 Plant Nursery**



Applicant Information:

Applicant: David Elliott
 13200 Sandtown Rd
 Carmine, TX 78932

Property Owner: Adventure Ventures LLC
 16535 Avaranche Way
 Round Rock TX 78681

Applicant Request: A Conditional Use Permit (CUP) to allow for a plant nursery.

Notification: Public hearing notification mailed May 15, 2015

Response: None to date

Subject Property:

Location: 415 Staples Road

Legal Description: .316 acres out of the Juan Veramendi Survey

Frontage On: Staples Road

Neighborhood: Wallace Addition

Existing Zoning: Mixed Use

Preferred Scenario: Area of Stability

Utilities: Existing

Existing Use of Property: Vacant

Proposed Use of Property: Plant Nursery and residence

Zoning and Land Use
 Pattern:

	Current Zoning	Existing Land Use
N of Property	MU	Single family home
S of Property	FD	State Fish Hatchery
E of Property	SF-6	Vacant
W of Property	P	Bonham Kindergarten

Code Requirements:

This is a request for a conditional use permit (CUP) for a plant nursery on a property within the Mixed Use (MU) zoning district. Section 4.3.1.2 states that a plant nursery requires a CUP within MU zoning districts. A 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.

Background

The subject property is on approximately 1/3rd of an acre located at 415 Staples Road, across from the Bonham Pre-Kindergarten Facility and abutting the State Fish Hatchery. There is an existing structure on the property that the applicant is proposing to remodel. The applicant is proposing to divide the existing structure into a residence and a plant nursery. This tract of land, along with all of the lots within the Wallace Addition facing Staples Road, is zoned Mixed Use (MU). Section 4.2.2.1 of the Land Development Code states that:

“On tracts of one acre or less, the MU, Mixed Use District is intended to permit small scale mixed use buildings that have residential units above retail or office uses, especially on existing residential use properties. Bed-and-breakfast establishments could also be located in this district. Additionally, pedestrian walkways and open area are desired in order to promote a pedestrian-friendly environment. It is not the purpose of this zoning district to permit or encourage properties used for single-family residences to be converted to exclusively commercial or multi-family use. The following are key concepts that should be acknowledged through development practices within Mixed Use Districts:

- (1) Residential uses in conjunction with nonresidential activities, possibly located above retail and office establishments;
- (2) All types of residential uses, including single-family homes, townhouses, and loft-style multiple-family units;
- (3) Central green spaces;
- (4) Traffic flows that enable people to move freely without the use of an automobile by emphasizing the pedestrian; and
- (5) Outside spaces, such as small parks, courtyards, and outdoor eating areas.”

There is an existing structure on the property that the applicant is proposing to remodel. The applicant is proposing to divide the existing structure into a residence and a plant nursery. To meet the parking requirement, a five car parking lot will be constructed in front of the building. The rear of the property will be used primarily for a plant display area and planting beds.

Comments from Other Departments:

None.

Planning Department Analysis:

The applicant in this case has worked with staff to create a viable live/work project in a Mixed Use zoning district. As the LDC states in section 4.2.2.1, the intent of the Mixed Use zoning district is not to convert single family homes into exclusively commercial buildings, but to integrate residential and small commercial uses into the same project. As proposed, the project is integrating a residence and a low impact commercial use on a small lot, allowing the owner to both live and work in their neighborhood.

The applicant has also worked with staff to minimize some of the potential impacts to the surrounding neighborhood. In order to ease potential negative impacts on the neighborhood, the applicant has located the five car parking lot and trash/recycling receptacles as far away from the residential areas as possible,

instead locating them adjacent to the State Fish Hatchery. The applicant will also have to abide by the screening requirements to help ensure compatibility between residential and commercial properties.

Evaluation of a request for a CUP is subject to the criteria in Section 1.5.7.5 of the LDC concerning impacts of the use on surrounding properties.

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;

- The Preferred Scenario Map identifies the area in which this property is located as an Area of Stability. The Comprehensive Plan recommends that Areas of Stability retain their existing zoning, and encourages neighborhood retail where appropriate zoning categories are present.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

- The proposed use of the property is consistent with the general purpose and intent of the Mixed Use zoning district as can be demonstrated by the live/work component of the project. Section 4.2.2.1 of the Land Development Code states that the:

“Mixed Use District is intended to permit small scale mixed use buildings that have residential units above retail or office uses, especially on existing residential use properties.”

While in this case the residential component is not located above the retail component, Section 4.2.2.1 provides several key concepts, the first two of which clarify that while residential above retail is preferred, it is not always required.

- (1) Residential uses in conjunction with nonresidential activities, possibly located above retail and office establishments;
- (2) All types of residential uses, including single-family homes, townhouses, and loft-style multiple-family units;

3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;

- This project abuts the State Fish Hatchery and is located on the edge of a residential neighborhood, across from the new pre-kindergarten facility. All of the lots that face Staples Road within the Wallace Addition Neighborhood are zoned MU, though they are primarily single family in use or are vacant. There is an existing sidewalk along both sides of the street.

4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

- Staff does not believe that a plant nursery of this size will generate enough pedestrian or vehicle traffic to be hazardous to the neighborhood. Existing sidewalks on both sides of Staples Road will be able to handle anticipated pedestrian traffic.

5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;

- Staff does not anticipate that a project of this size will generate enough traffic to require any additional traffic control measures.
- 6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and**
- All commercial uses located adjacent to residential uses (other than multifamily) must provide an opaque screening fence at least six feet in height. All new structures must be set back to twice the required setback. In this case, an existing structure is being remodeled, and therefore would not need to be moved further away from the property line.
- 7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.**
- The proposed use meets the standards for the zoning district.

Staff has analyzed the request and recommends approval of the Conditional Use Permit with the following conditions:

- (1) The approval be based upon the submitted site plan;
- (2) This project abides by all other rules and regulations of the Land Development Code as applicable.

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed CUP. 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 may approve, approve with conditions or modifications or deny the permit. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission, pursuant to Section 1.5.7.5 of the LDC, should consider the extent to which:

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

the proposed conditional use on adjacent properties; and

7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

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

Prepared by:

Will Parrish

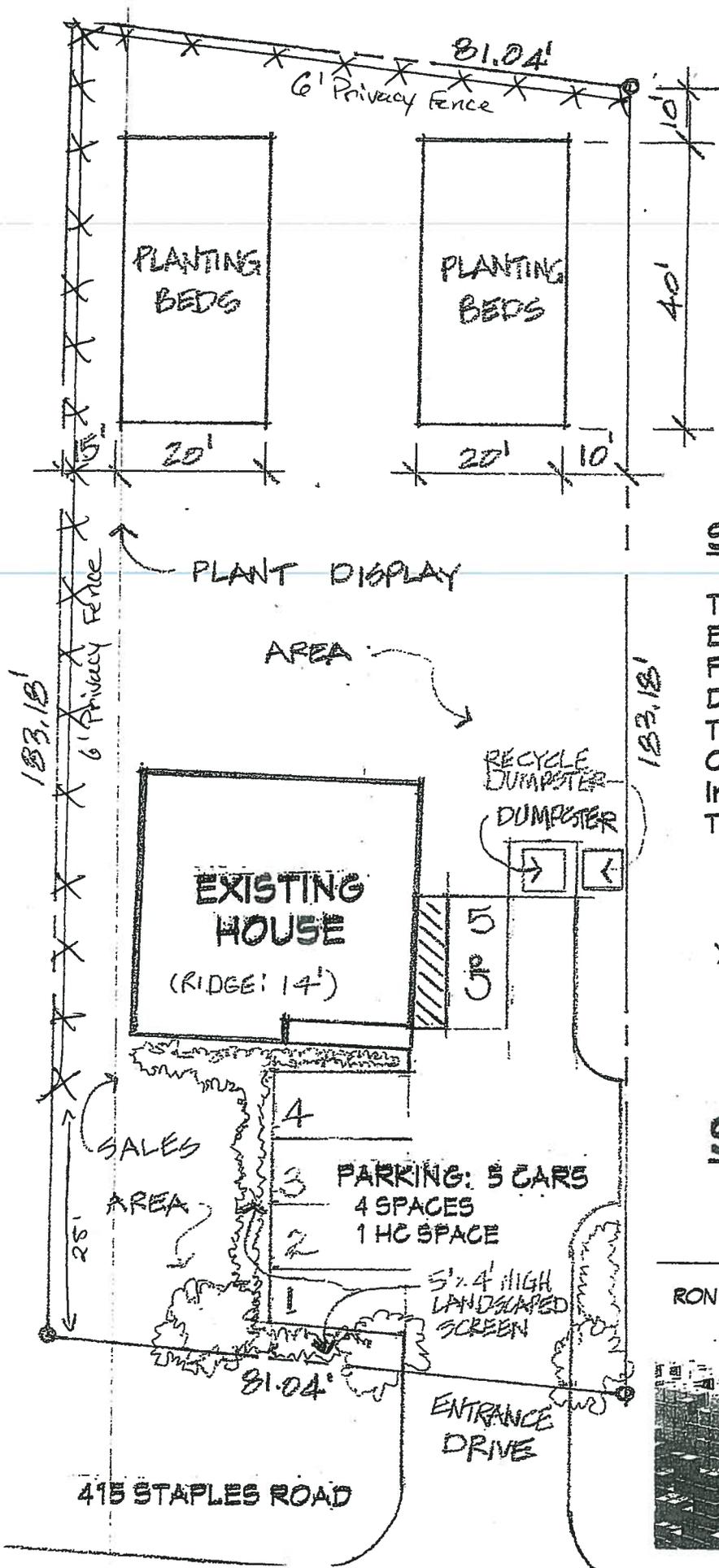
Planning Technician

May 21, 2015

Name

Title

Date



SITE CALCULATIONS

Total Lot:	13,804 SF
Existing Building:	1,284 SF
Proposed Parking & Driveway:	2,344 SF
Total Impervious Cover:	3,628 SF
Impervious Cover %:	26.3%
Total Parking:	5 Cars

X X X X 6' Privacy Fence

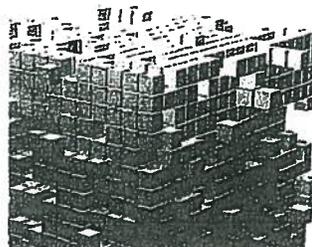
SITE PLAN

SCALE: 1"=20'



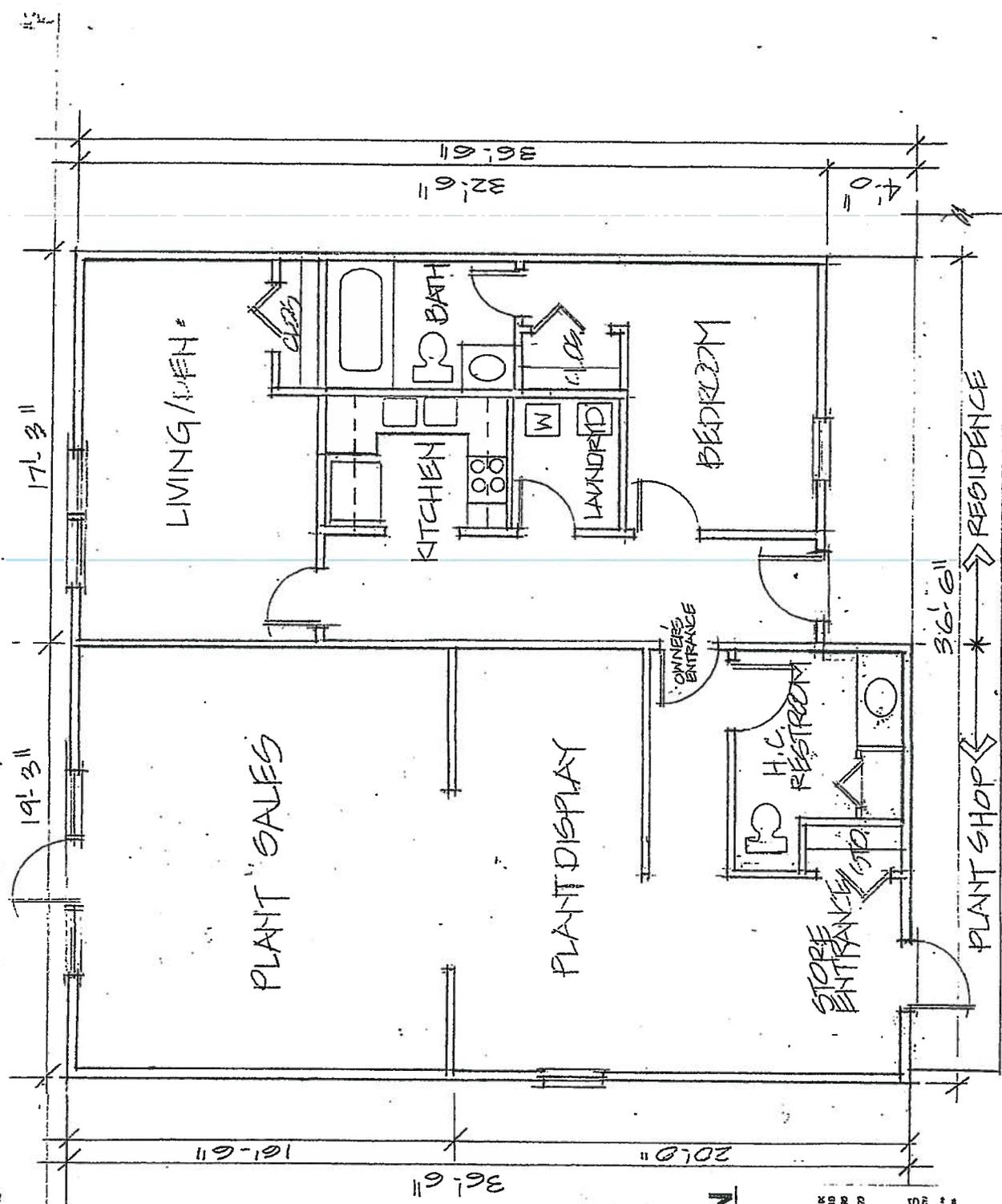
RON KENT, AIA

3350 HIGHWAY SIX
SUITE 238
SUGAR LAND, TEXAS 77478
281-685-7579



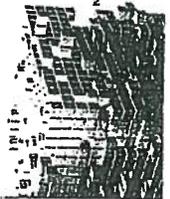
OUTSIDE THE LINES
INNOVATIONS IN ARCHITECTURE/CONSTRUCTION

outside_the_lines@hotmail.com
outsidethelines.com



FLOOR PLAN
SCALE: 3/4" = 1' - 0"

RON KENT, AIA
 6820 LORWAY ST
 SUITE 200
 FOCKER LAGO, TEXAS 77109
 281-685-7570



OUTSIDE THE LINES
 INFORMATION & ARCHITECTURE
 10000 N. Loop West, Suite 200
 Houston, TX 77040
 281-462-2200

City of San Marcos CONDITIONAL USE PERMIT APPLICATION - GENERAL

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name:	<u>DAVID ELLIOTT</u>	<u>ADVENTURE VENTURES LLC</u>
Mailing Address:	<u>13200 SANDTOWN RD CARMINE, TX 78932</u>	<u>JAMES FELLERS</u>
Telephone No.:	<u>713-384-5650</u>	<u>512-789-3000</u>
E-mail address:	<u>DAVID@URBANBUILDERSHOUSTON.COM</u>	

Property Address: 415 STAPLES RD
 Legal Description (if platted): Lot _____ Block _____ Subdivision Not platted
 Tax ID Number: R R11828 Zoning District: MU

PROPOSED USE
 Brief description of Proposed Use (attach separate page if needed): RETAIL PLANT NURSERY
WITH OUTSIDE SALES

I certify that the information in this application is complete and accurate. I understand that I or another representative should be present at all meetings concerning this application.

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

Signature of Applicant: David Elliott Date: 4-10-2015

To be completed by Staff:
 Meeting Date: 5/26/15 Application Deadline: 4/13/15
 Accepted by: Matt Johnson Date: 4/13/15

Land Development Code: Conditional Use Permit

Purpose, Applicability, Exceptions and Effect

Purpose. The purpose of a Conditional Use Permit is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as conditional uses in a particular zoning district, or those nonconforming uses which are damaged or destroyed, and which are permitted to be reestablished under this Land Development Code, shall be authorized as conditional uses.

Effect. Approval of a Conditional Use Permit authorizes the use or development of the property in accordance with the conditions of the permit. Approval of a Conditional Use Permit shall be deemed to authorize only the particular use for which the permit is issued and shall apply only to the property for which the permit is issued (i.e., it is not personal to the applicant), except for uses authorized under Section 4.3.4.2 or Section 4.3.4.3 of this Code. No conditionally permitted use shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new Conditional Use Permit in accordance with the procedures set forth in this section. Initiation or development of the use shall not be authorized until the applicant has secured all the permits and approvals required by this Land Development Code.

Processing of Application and Decision

Hearing and Notification. The Director shall schedule a public hearing before the Planning and Zoning Commission on the application for a Conditional Use Permit, and shall cause personal notice to be given in accordance with the LDC.

Commission Decision. The Planning and Zoning Commission shall be the initial decision maker, subject to appeal to the City Council, on whether to approve, approve with conditions or modifications, or deny the permit. The Planning and Zoning Commission may also recommend whether any requested variations from the standards in the zoning district regulations should be granted by the Zoning Board of Adjustments.

Criteria for Approval

Factors. When considering an application for a Conditional Use Permit, the Planning and Zoning Commission shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;

(4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

(5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;

(6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and

(7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

Conditions. The Planning and Zoning Commission may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the Planning and Zoning Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.

Expiration and Revocation

Time of Expiration. A Conditional Use Permit shall expire if:

(1) A building permit, if any, for the use has not been approved within one year of the date of approval of the permit;

(2) The building permit subsequently expires;

(3) The use has been discontinued for a period exceeding six months; or

(4) A termination date attached to the permit has passed.

Revocation. The Planning and Zoning Commission may revoke any Conditional Use Permit that is in violation of any condition imposed on the use in accordance with the procedures of Article 3, Division 7 of this Chapter 1.

Appeals

The applicant or other interested person may appeal the decision of the Planning and Zoning Commission to grant or deny a permit to the City Council in accordance with Article 10, Division 1, of this Chapter 1. The Council shall apply the criteria in Section 1.5.7.5 in deciding whether the Commission's action should be upheld, modified or reversed. A three-fourths vote of all of the members of the City Council shall be necessary to reverse a decision of the Planning and Zoning Commission to deny a permit.



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#15-267, **Version:** 1

AGENDA CAPTION:

Development Services Report:

- a. Chp 14 Building Code Amendments
- b. Staff Update

Meeting date: May 26, 2015

Department: Planning and Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#15-266, **Version:** 1

AGENDA CAPTION:

Consider a recommendation to City Council on years 2016-2025 of the City's 10 year Capital Improvement Program.

Meeting date: May 26, 2015

Department: Engineering / CIP

Funds Required:

Account Number:

Funds Available:

Account Name:

CITY COUNCIL GOAL:

BACKGROUND:



May 26, 2015

The Honorable Mayor Guerrero and Council of the City of San Marcos
630 E. Hopkins St.
San Marcos, TX 78666

Mayor Guerrero and City Council,

The Planning and Zoning Commission of San Marcos was presented with information on the 2016-20125 Capital Improvement Program on April 14, 28 and May 12, 2015. Public Hearings were conducted on April 28th and May 12th to receive comments from the community. Based upon community input the Commission recommended the following changes to the original proposed C.I.P.:

- ✓ Moving up **Mill Street Reconstruction** from Fiscal Year 2017 Multi Fund to Fiscal Year 2016 Multi Fund, \$2,200,000
 - This project was originally split between Fiscal Year 2016 and 2017, the Commission requested to move all funds to 2016. An additional \$690,000 is needed for the traffic signal improvements at the Mill and Uhland Intersection, additional drainage and street costs.
 - In order to accommodate the priority of Mill Street with the Eng/CIP Department workload limitations the following projects have been revised:
 - i. **Factory Shops WW Construction** – this project is funded for construction but is delayed pending easement acquisition and construction scheduling with the Premium Outlet Mall. Construction will be delayed to 2017.
 - ii. **Pat Garrison Improvements** – this project is underway with a preliminary design. The project has been moving slowly in order to fully coordinate with the downtown vision. The final design and construction will be delayed from 2016/2017 to 2017/2018.
 - iii. **William Pettus Drainage** – Delay construction funding from 2016 to 2017.

During our review process the following changes were identified by City staff and are also recommended by the Commission:

- ✓ Adding new project, **Transportation Oversize**, to Fiscal Year 2016, General Fund, \$100,000.
 - This project will provide a funding source for the City to participate in transportation projects with new development. This will allow for the construction of facilities beyond the proportional impact of new development.
- ✓ Adding new project, **Stagecoach Drive Widening**, to Fiscal Year 2016, General Fund, \$175,000
 - This project is a joint effort with SMCISD to widen Stagecoach Drive between Hernandez and Synder Hill. It will alleviate congestion through the addition of a second west bound

lane. The project also includes a construction of a bio-swale to treat the runoff from the additional pavement.

- ✓ Moving up **Greenways Master Plan** from Fiscal Year 2018 to 2016, \$90,000
 - The use of Greenways as a transportation option is a viable way to encourage alternatives to the automobile. Moving the plan will allow it to be completed as part of the Transportation Master Plan and coordinate with the update to the Comprehensive Plan updates.

At the May 26th meeting, the Commission recommended the CIP through the motion below, to the City Council on a vote in favor. The recommendation complies with the City Charter requirement that the Commission recommend a CIP at least 120 days prior to the beginning of the next fiscal year. The recommended Fiscal Year 2016 through 2025 Capital Improvements Program is attached.

Motion

- Recommendation to City Council to approve the 10 year CIP as modified.

In conclusion, the Commission recognizes the importance of investment to maintain our current infrastructure, maintain and improve levels of service, and expand San Marcos' ability to serve future growth. We thank you for the opportunity to serve the City in this capacity.

Sincerely,

Chris Wood, Chair
City of San Marcos Planning and Zoning Commission



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#15-302, **Version:** 1

AGENDA CAPTION:

The following item was added after the agenda was posted on Thursday, May 21, 2015:

Item # 9 Consider a recommendation to City Council on years 2016-2025 City's Capital Improvements Program.