



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda - Final Planning and Zoning Commission

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Tuesday, March 22, 2016

6:00 PM

City Council Chambers

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630 E. Hopkins

- I. Call To Order
- II. Roll Call
- III. Chairperson's Opening Remarks
- IV. 30 Minute Citizen Comment Period

### CONSENT AGENDA

*THE FOLLOWING ITEMS NUMBERED 5 - 7 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.*

1. Consider approval of the minutes of the Regular Meeting on March 8, 2016.

### PUBLIC HEARINGS

2. CUP-16-07 (Root Cellar Bakery) Hold a public hearing and consider a request by Kyle B. Mylius, on behalf of Root Cellar Bakery, for a new Restricted Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 142 N LBJ Drive. (A.Villalobos)
3. CUP-16-08 (Provision Spirit Distillery) Hold a public hearing and consider a request by Tracy Borrel, on behalf of Provision Spirit Distillery, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 110 East MLK Drive, Ste. 100. (A.Villalobos)
4. PDD-15-02 (Lindsey Hill Mixed Use) Hold a public hearing and consider a request by Guadalupe Re, LLC., for a zone change from "P" Public District to "PDD," Planned Development District with a base zoning of "MU" Mixed-Use, on Block 4, Lindsey and Harvey Addition (4.83 +/- acres). The property is generally located at the northwest corner of W. Hutchison Street and Moore Street. (B. Melland)
5. LDC-16-01 Hold a public hearing and consider revisions to Subpart B of the City's Code of Ordinances (Land Development Code) updating Chapters 2, 4, 6, and 8 to clarify

which standards apply to the Extraterritorial Jurisdiction, add Senior Housing as a land use, and amend zoning categories which permit Hospitals. (T. Carpenter)

- 6. Presentation of the 3-year Capital Improvements Program.

**NON-CONSENT AGENDA**

- 7. Development Services Report:
  - 1. National APA Conference (April 2-5, Phoenix)
  - 2. UT Land Use Conference (April 27-29, Austin)

V. Question and Answer Session with Press and Public.

*This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

VI. Adjournment

Notice of Assistance at the Public Meetings

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov*

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

\_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ Title:

\_\_\_\_\_



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Legislation Text

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**File #:** ID#16-161, **Version:** 1

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**AGENDA CAPTION:**

Consider approval of the minutes of the Regular Meeting on March 8, 2016.

**Meeting date:** March 22, 2016

**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

## Meeting Minutes Planning and Zoning Commission

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Tuesday, March 8, 2016

6:00 PM

City Council Chambers

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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 Commissioner Kelsey at 6:00 p.m. on Tuesday, March 8, 2016 in the City Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas.**

### II. Roll Call

#### 1.

Election of the following officers:

1. Planning and Zoning Commission Chair
2. Planning and Zoning Commission Vice-Chair

**A motion was made by Commissioner Kelsey, seconded by Commissioner Gonzales, that Jim Garber be elected as Planning Commission Chair. The motion carried by the following vote:**

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

**A motion was made by Commissioner Garber, seconded by Commissioner Gonzales, that Travis Kelsey be elected as Planning Commission Vice Chair. The motion carried by the following vote:**

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

### III. Chairperson's Opening Remarks

### IV. 30 Minute Citizen Comment Period

**There were no citizen comments.**

2. Present Draft 3-year & 10-year CIP

Shannon Mattingly gave an overview of the draft 3-year and 10-year Capital Improvements Program. She provided the Commission with the Capital Improvements Program Binders.

## CONSENT AGENDA

3. Consider approval of the minutes of the Regular Meeting on February 23, 2016.

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

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

## PUBLIC HEARINGS

4. CUP-16-06 (Elevate) Hold a public hearing and consider a request by Bucky Couch, on behalf of Elevate, for a Conditional Use Permit to sell mixed beverages at 407 Stage Coach Trail, Suite 201. (W. Parrish)

Chair Garber opened the public hearing.

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

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

**A motion was made by Commissioner Kelsey, seconded by Commissioner Dupont, that CUP-16-06 (Elevate) be approved with conditions that the CUP shall be valid for one (1) year, provided standards are met, subject to the point system; the permit shall be effective upon the issuance of the Certificate of Occupancy; and the CUP shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:**

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

5. ZC-15-08 (Blanco Riverwalk) Hold a public hearing and consider a request by Vigil and Associates, on behalf of BRW Office Holdings, LLC, BRW Warehouse Holdings, LLC, and Blanco Riverwalk Business Park, LLC, for a zoning change from "CC" Community

Commercial to "HC" Heavy Commercial with a Planned Development District overlay, "Blanco Riverwalk Business Park PDD" for 83.657 acres, more or less, being Block A, B, and E, out of the Blanco Riverwalk Subdivision. (A. Villalobos)

Chair Garber opened the public hearing.

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

Andrew (last name not provided) 7300 Fire Oak Drive, Austin stated that he noticed the property has been vacant and the roads were built just before the recession. He explained that he is concerned that the only exterior connection is via the IH 35 frontage road.

Richard Reynosa, City of San Marcos City Engineer explained that the property originally went through a map revision of the FEMA map at the time and adjusted the floodplain limits through modeling. Since then, updated modeling has been in the process for the Blanco River showing additional expansion of the floodplain in this area. Mr. Reynosa pointed out that impervious cover and impact must be limited to their development. Therefore, they would need to mitigate through a pond or other measures.

Robert McDonald explained that Griffols is a good example of a biomedical facility. Mr. McDonald explained that the request is good for economic development .

**A motion was made by Commissioner Ramirez, seconded by Commissioner Dupont, that ZC-15-08 be approved.**

**An amended motion was made by Commissioner Garber, seconded by Commissioner Kelsey, to amend Exhibit "D", Land Use Matrix requiring that the use of Travel Trailers/RVs (Short Term Stays) be a Conditional use Permit. The motion carried by the following vote:**

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

**Chair Garber called for a vote on the main motion that ZC-15-8 be approved with the amendment that Exhibit "D", Land Use Matrix be revised to show the use of "Travel Trailers/Rvs (short term stay)" as a Conditional Use.**

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

## **NON-CONSENT AGENDA**

- 6. PC-15-49\_03 (Lodges at Parker's Pond Final Plat) Consider a request by Lodges at Parker's Pond LLC for approval of a Final Plat of approximately 40.41 acres, more or less, out of the L.S. Yeates and J.R. King Surveys Located at the intersection of South Old Bastrop Highway and Horace Howard Drive. (T. Carpenter)

**A motion was made by Commissioner Dupont, seconded by Commissioner Gonzales, that PC-15-49\_03 (Lodges at Parker's Pond Final Plat) be approved with the condition that the finalized drainage easement boundaries be shown on the plat prior to recordation. The motion carried by the following vote:**

**For:** 9 - Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

V. Question and Answer Session with Press and Public.

**There were no questions from the press and public.**

VI. Adjournment

**A motion was made that the meeting be adjourned at 6:42 p.m. The motion carried by a unanimous vote.**

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**Jim Garber, Chair**

**ATTEST:**

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**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

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**File #:** CUP-16-07, **Version:** 1

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**AGENDA CAPTION:**

CUP-16-07 (Root Cellar Bakery) Hold a public hearing and consider a request by Kyle B. Mylius, on behalf of Root Cellar Bakery, for a new Restricted Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 142 North LBJ Drive. (A.Villalobos)

**Meeting date:** March 22, 2016

**Department:** Planning and 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

**COMPREHENSIVE PLAN ELEMENT(S):** n/a

**BACKGROUND:**

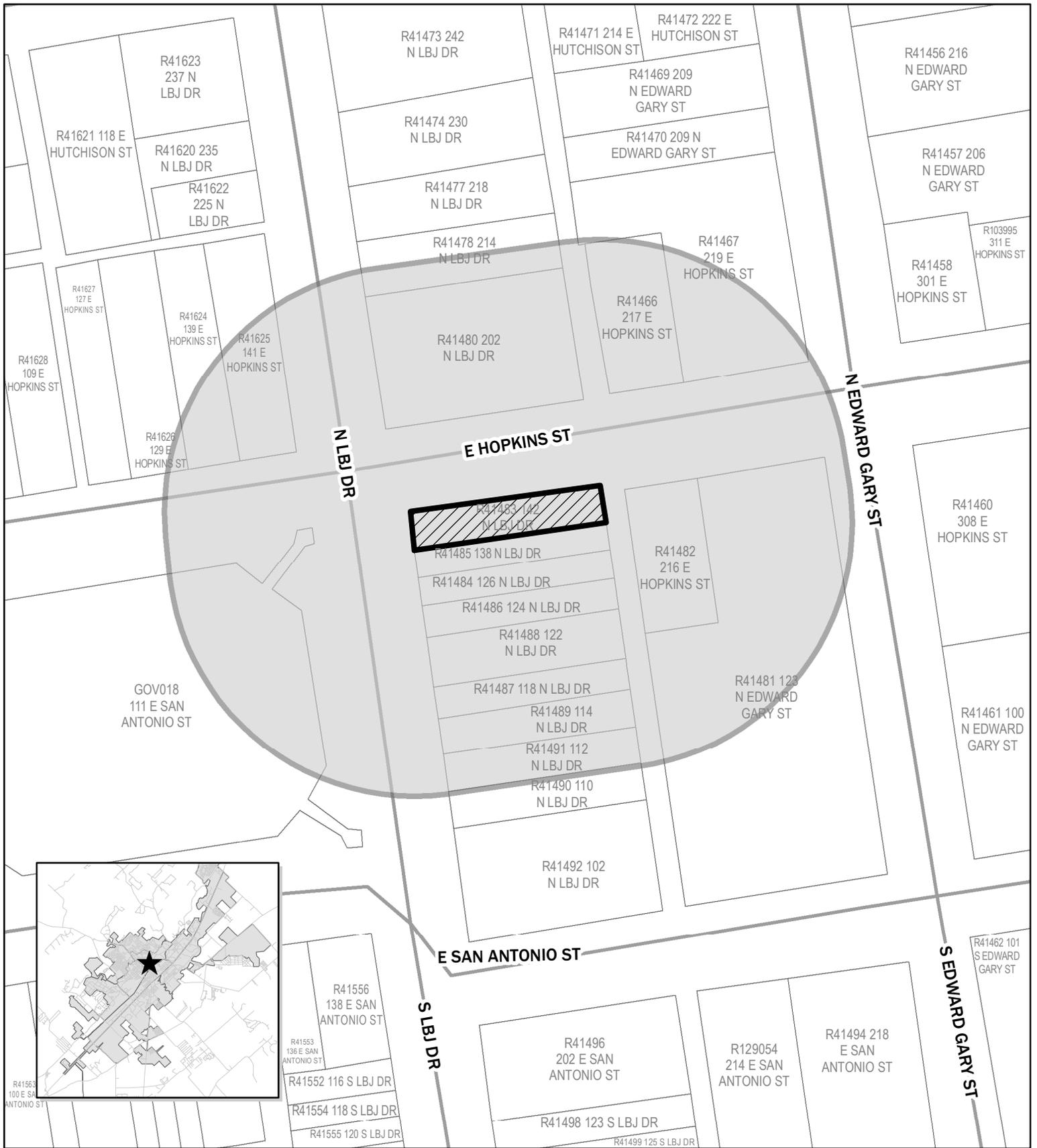
The Root Cellar Bakery is located at the southeast corner of East Hopkins Street and North LBJ Drive. The site is located inside the Central Business Area (CBA) and the SmartCode District. The subject property is currently utilized as a coffee house and bakery selling pastries, desserts, breads, and sandwiches as well as home-brewed coffee and tea. The Root Cellar Bakery has been in operation since May 2014. The business also has a catering service in the adjacent suite at the rear of the lot.

The total gross floor area of the space is 950 square feet with 23 indoor fixed seats and approximately 4 outdoor seats. The applicant has indicated that the Root Cellar Bakery hosts occasional indoor acoustic live music. No other entertainment facilities are proposed at this time. The application indicates hours of operation from 7 a.m. to 10 p.m. Tuesday - Sunday. A menu list has been included as an attachment. Furthermore, per the SmartCode, businesses located within the Central Business Area (CBA) are not required to provide off-street parking.

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

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**

- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**



**CUP-16-07**  
**Root Cellar Bakery**  
**142 N LBJ Drive**  
**Map Date: 3/7/2016**

-  Site Location
-  200ft Buffer



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-16-07

## Restricted Conditional Use Permit

### Root Cellar Bakery

### 142 N LBJ Drive

**Applicant Information:**

**Applicant:** Kyle B. Mylius

**Mailing Address:** Root Cellar Enterprise, LLC  
202 East Hopkins Street  
San Marcos, TX 78666

**Property Owner:** Michael Ousey  
211 Claremont Drive  
San Marcos, TX 78666

**Applicant Request:** Approval of a new Restricted Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine at a restaurant establishment.

**Public Hearing Notice:** Public hearing notification mailed on March 11, 2016

**Response:** None as of Staff Report date.

**Subject Property:**

**Expiration Date:** None

**Location:** 142 North LBJ Drive

**Legal Description:** Original Town of San Marcos, Block 8, North Part of Lot 5

**Frontage On:** North LBJ Drive and East Hopkins Street

**Neighborhood:** Downtown

**Existing Zoning:** SmartCode T5 – Urban Center

**Preferred Scenario Designation:** High Intensity

**Utilities:** Adequate

**Existing Use of Property:** Bakery / Coffee House

**Zoning and Land Use Pattern:**

	Current Zoning	Existing Land Use
<b>N of property</b>	T5	Restaurant/Bar (Vodka Street / Kiva)
<b>S of property</b>	T5	Bar (Mayloo's)
<b>E of property</b>	T5	Alley / Restaurant (Papa John's)
<b>W of property</b>	CS	Civic Space (Courthouse)

### **Code Requirements:**

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

Under Section 4.3.4.2 of the LDC 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).

The applicant has requested a new **Restricted (Restaurant) Conditional Use Permit** which requires that the business must comply with the following standards at all times. There is a limit of 15 Restricted CUPs in the Central Business Area at any time. (Section 4.3.4.2). There are 13 Restricted CUPs currently existing.

- a. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.
- b. The business must apply for, obtain and maintain a food establishment permit in accordance with Chapter 18 of the City Code.
- c. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.
- d. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.

The restaurant must be in operation for 6 months before a permit for beer and wine is issued, and 12 months before a permit for mixed beverages is issued without a previously approved Economic Development Waiver.

### **Case Summary**

The subject property is located at the southeast corner of East Hopkins Street and North LBJ Drive. The site is located inside the Central Business Area (CBA) and the SmartCode District. The subject property is currently utilized as a coffee house and bakery selling pastries, desserts, breads, and sandwiches as well as home-brewed coffee and tea. The Root Cellar Bakery opened in May 2014. The business also has a catering service in the adjacent suite at the rear of the lot.

The total gross floor area of the space is 950 square feet with 23 indoor fixed seats and approximately 4 outdoor seats. The applicant has indicated that the Root Cellar Bakery hosts occasional indoor acoustic live music. No other entertainment facilities are proposed at this time. The application indicates hours of operation from 7 a.m. to 10 p.m. Tuesday – Sunday. A menu list has been included as an attachment. Furthermore, per the SmartCode, businesses located within the Central Business Area (CBA) are not required to provide off-street parking.

**Comments from Other Departments:**

The Police Department has no issues with the proposed establishment and there have been no other comments from other departments.

**Planning Department Analysis:**

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

The applicant is aware of the meal, menu, and serving period requirements as part of the Restricted Conditional Use Permit. Furthermore, since the business has been open since May 2014, it meets the 6 months operational requirement to apply for a permit to serve beer and wine.

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

- Initial approval for 1 year;
- Renewal for 3 years

The Land Development Code however states that Restricted Permits are valid for three years from date of issuance and cannot be valid for more than 3 years. Planning Commission has the discretion to add additional conditions.

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

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

Planning Department Recommendation:	
	Approve as submitted
<b>X</b>	Approve with conditions or revisions as noted
	Alternative
	Denial

**Commission's Responsibility:**

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

The Commission's decision is discretionary. 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 Comprehensive 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:**

Andrea Villalobos

Planning Technician

March 9, 2016

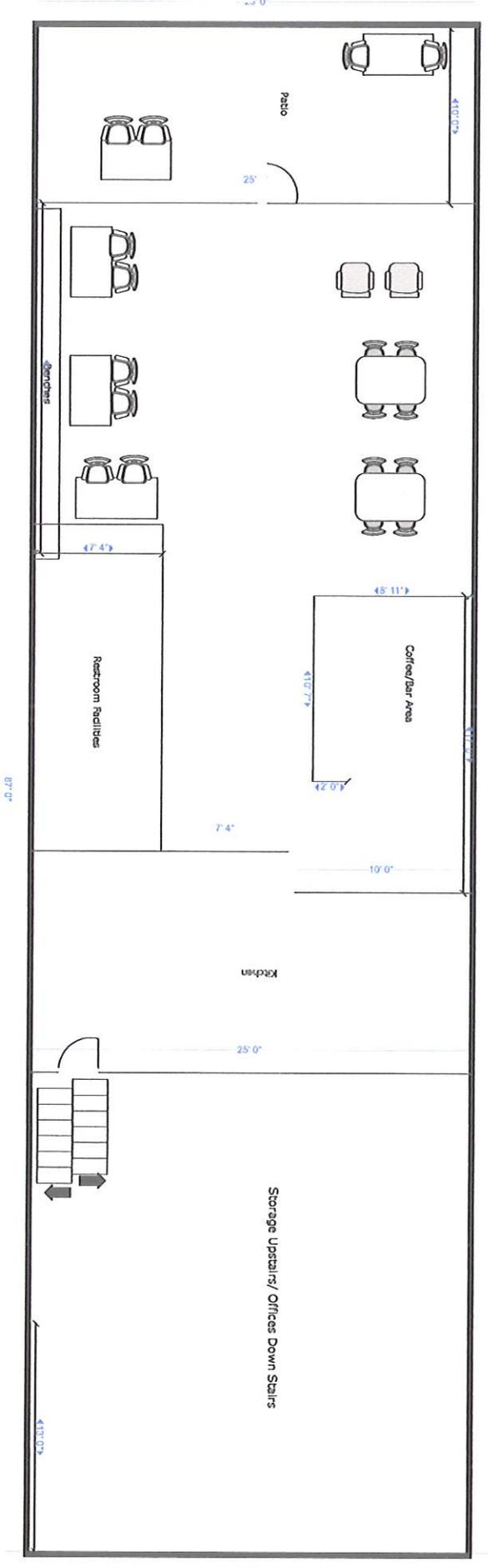
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**Name**

**Title**

**Date**

LR 2



Hopkins

Mayleas

Parking lot



# Root Cellar Bakery & Catering Co.

## 5

### Cherry Chicken Salad on Ciabatta

served with kettle chips  
and fresh baked cookie

### Turkey and Swiss on Wheatberry

served with kettle chips  
and fresh baked cookie

### Tuna Salad on Wheatberry

served with kettle chips  
and fresh baked cookie

### Goat Cheese and Cranberry Salad

spring mix, purple onion, pecans,  
dried cranberries, and goat cheese  
served with our tangy vinaigrette

### Cold Pesto Pasta Salad

our house made parsley pesto tossed  
with penne pasta, topped with grape tomatoes,  
grilled chicken and parmesan cheese

### Assorted Cheese Box

a mix of seasonal cheeses, fresh made  
baguette, and our homemade seasonal jam

*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: Root Cellar Bakery

## Application is filed by:

 Individual  Partnership  Corporation  Other: \_\_\_\_\_Name of Individual or Entity: Root Cellar Enterprise LLC. Phone Number: 512-825-7252Mailing Address: 202 E. Hopkins San Marcos, TX 78666Email Address: Wes.O@rootcellarco.comType of Permit Requested:  Mixed Beverage  Beer & Wine  Other: \_\_\_\_\_**PROPERTY**Street Address: 142 N. LBJ San Marcos, TX 78666 Current Zoning: COMMERCIALLegal Description: Lot N PT OF 5 Block 8 Subdivision ORIGINAL TOWN OF SAN MARCOSTax ID Number: R41483Property Owner's Name: Michael Ousey Phone Number: 512-738-6582Address: 211 CLAREMONT DR San Marcos, TX 78666**BUSINESS DETAILS**Primary Business Use:  Restaurant  Bar  Other: Bakery & CateringHours of Operation: 7am-10pm Tuesday-SundayType of Entertainment Facilities: Occasional Indoor AcousticIndoor Fixed Seats Capacity: 23 Outdoor Fixed Seats: 4Gross Floor Area Including Outdoor Above-ground Decks: 950 Square FeetNumber of Off-Street Parking Spaces Provided: 0Located 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:** \$609 Application fee + \$11.00 Technology Fee (non-refundable)
- **Mixed Beverage Permit:** \$609 Application fee + \$11.00 Technology Fee (non-refundable)
- **Change to Existing Permit/Renewal:** \$305.00 fee + \$11.00 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.*

*Kyle B. Mylius*

**Applicant's Signature**

**Printed Name:** Kyle B Mylius                      **Date:** 2/11/2016

*To be completed by Staff:*

**Meeting Date:** \_\_\_\_\_                      **Application Deadline:** \_\_\_\_\_  
**Accepted By:** \_\_\_\_\_                      **Date:** \_\_\_\_\_

From: **Root Cellar Cafe** rootcellarsanmarcos@yahoo.com  
Subject: Beer and Wine Permit at Bakery  
Date: February 11, 2016 at 5:12 PM  
To: Michael Ousey madhatterousey@gmail.com

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Michael,

We're applying for our Wine&Beer Permit for the building and they need you to give us authorization to do so. They said it can even be an email from you. Would you mind cutting and paste whats written below and emailing it back to us?

*I Michael Ousey authorize Kyle B. Mylius to apply for the Conditional Use Permit for 142 N. LBJ/ San Marcos, TX 78666.*

A handwritten signature in black ink, which appears to be 'Michael Ousey', is written over a horizontal line. Below the signature, the date '2/9/16' is written in a similar cursive style.

Thank you so much for everything!

Wes

Root Cellar Cafe and Brewery  
San Marcos, TX 78866

[www.rootcellarcafe.com](http://www.rootcellarcafe.com)



## Legislation Text

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**File #:** CUP-16-08, **Version:** 1

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**AGENDA CAPTION:**

CUP-16-08 (Provision Spirit Distillery) Hold a public hearing and consider a request by Tracy Borrel, on behalf of Provision Spirit Distillery, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 110 East MLK Drive, Ste. 100. (A.Villalobos)

**Meeting date:** March 22, 2016

**Department:** Planning and 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

**COMPREHENSIVE PLAN ELEMENT(s):** n/a

**BACKGROUND:**

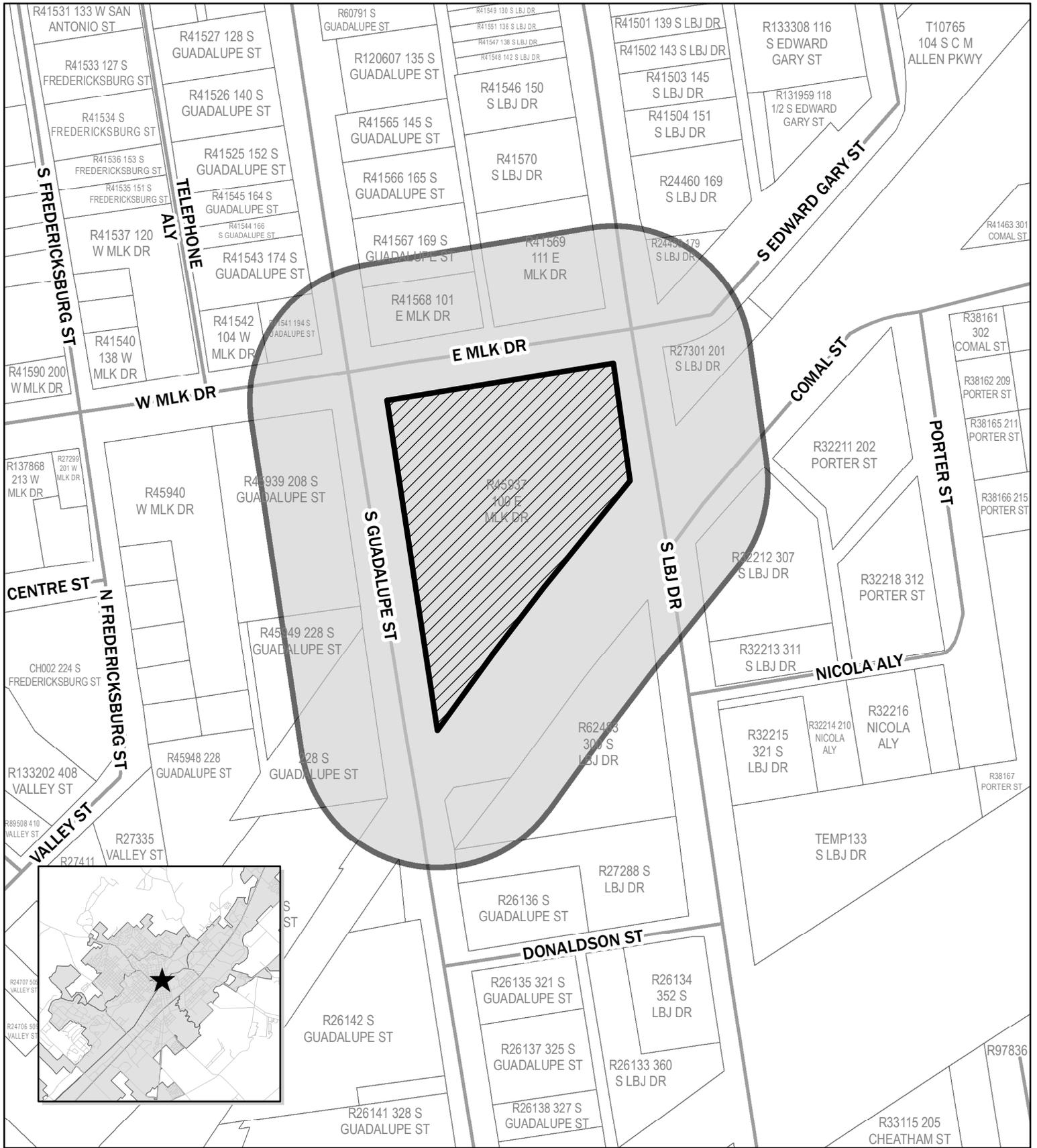
The subject property is located at 110 East MLK Drive, Ste. 100. The site is located within the Downtown SmartCode District and is located just outside the Central Business Area (CBA). The property was previously an HEB grocery store and was later utilized as the Hays County Government Justice Center. The building is currently vacant and Provision Spirit Distillery will be the first tenant to occupy the building. The applicant intends to open the business as a distillery with sampling and tasting services of distilled whiskey, bourbon, vodka, and gin.

The proposed hours of operation are 11 a.m. to 10 p.m. Monday - Sunday. The application indicates that indoor fixed seating capacity is 30 seats with a total gross floor area of approximately 3,981 sq.ft. per SmartCode requirements, the applicant would be required to have 4 off-street parking spaces (3/1000 sq.ft). The application indicates that parking is sufficient with approximately 120 existing off-street parking spaces. Additionally, the applicant has stated that no entertainment facilities or live music is proposed.

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

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**

- 2. The permit shall be effective upon the issuance of the Certificate of Occupancy; and**
- 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**



**CUP-16-08**

**Provision Spirit Distillery**

**110 E MLK Dr Ste. 100**

**Map Date: 3/8/2016**



CUP-16-08



200ft Buffer



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-16-08**

**Provision Spirit Distillery**

**110 E MLK Dr Ste. 100**

**Map Date: 3/8/2016**

 CUP-16-08



0 150 300 600 Feet

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# CUP-16-08

## Conditional Use Permit

### Provision Spirit Distillery

#### 110 E MLK Drive, Ste 100

**Applicant Information:**

**Applicant:** Tracy Borrel

**Mailing Address:** Provision Spirit, LLC  
1506 West 13<sup>th</sup> Street, Ste. 7  
Austin, TX 78703

**Property Owner:** MLKSM, LLC  
510 Hearn Street  
Austin, TX 78703

**Applicant Request:** Approval of a new Conditional Use Permit (CUP) to allow the sale of mixed beverages for on-premise consumption.

**Public Hearing Notice:** Public hearing notification mailed on March 11, 2016

**Response:** None as of Staff Report date.

**Subject Property:**

**Expiration Date:** None

**Location:** 110 East MLK Drive, Ste. 100

**Legal Description:** JS Travis Addition, Block 1, Part of Lot 1, 2, 3, 4

**Frontage On:** South LBJ Street, East MLK Drive, and South Guadalupe Street

**Neighborhood:** Downtown

**Existing Zoning:** SmartCode T5 – Urban Center

**Preferred Scenario Designation:** High Intensity

**Utilities:** Adequate

**Existing Use of Property:** Vacant (Previously Hays County Justice Center)

**Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of property</b>	T5	Commercial (Power Haus Equipment & Golden Chick)
<b>S of property</b>	T5	Railroad / Compass Bank
<b>E of property</b>	T5	Commercial (Dixie Cream Donuts)
<b>W of property</b>	CS	Century Link

### **Code Requirements:**

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

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. 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).

### **Case Summary**

The subject property is located at 110 East MLK Drive, Ste. 100, and has frontage on East MLK Drive, South LBJ Drive and Guadalupe Street. The site is located within the Downtown SmartCode District and is located just outside the Central Business Area (CBA). The property was previously an HEB grocery store and was later utilized as the Hays County Government Justice Center. The building is currently vacant and Provision Spirit Distillery will be the first tenant to occupy the building. The applicant intends to open the business as a distillery with sampling and tasting services of distilled whiskey, bourbon, vodka, and gin.

The proposed hours of operation are 11 a.m. to 10 p.m. Monday – Sunday. The application indicates that indoor fixed seating capacity is 30 seats with a total gross floor area of approximately 3,981 sq.ft. Per SmartCode requirements, the applicant would be required to have 4 off-street parking spaces (3/1000 sq.ft). The application indicates that parking is sufficient with approximately 120 existing off-street parking spaces. Furthermore, as tenants continue to move into the building, staff will be analyzing the required parking to ensure that it is sufficient for all uses within the building. Additionally, the applicant has stated that no entertainment facilities or live music is proposed.

### **Comments from Other Departments:**

The Police Department has no issues with the proposed establishment and there have been no other comments from other departments.

### **Planning Department Analysis:**

Staff has reviewed the request for compliance with the Land Development Code and it appears that the request is consistent with the policies and the general intent of the zoning district and does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic. As shown on the attached overall building floor plan, Provision Spirit Distillery is the first tenant to occupy the existing building and will be followed by several other potential office, restaurant, and retail tenants. Provision Spirit Distillery will be the first distillery in San Marcos and will add to the climate of local breweries in the downtown including Aquabrew and Homebrew Supply.

Furthermore, the applicant intends on constructing an outdoor patio along the existing building façade towards South LBJ Street in accordance with SmartCode requirements. This outdoor patio is not currently within the scope of this CUP request and will be brought forward as an amendment to the CUP at a future date.

In order to monitor new conditional use permits for on-premise consumption of alcohol, the Planning Department's 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
- For the life of the TABC License

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

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

Planning Department Recommendation:	
	Approve as submitted
<b>X</b>	Approve with conditions or revisions as noted
	Alternative
	Denial

**Commission's Responsibility:**

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

The Commission's decision is discretionary. 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 Comprehensive 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.

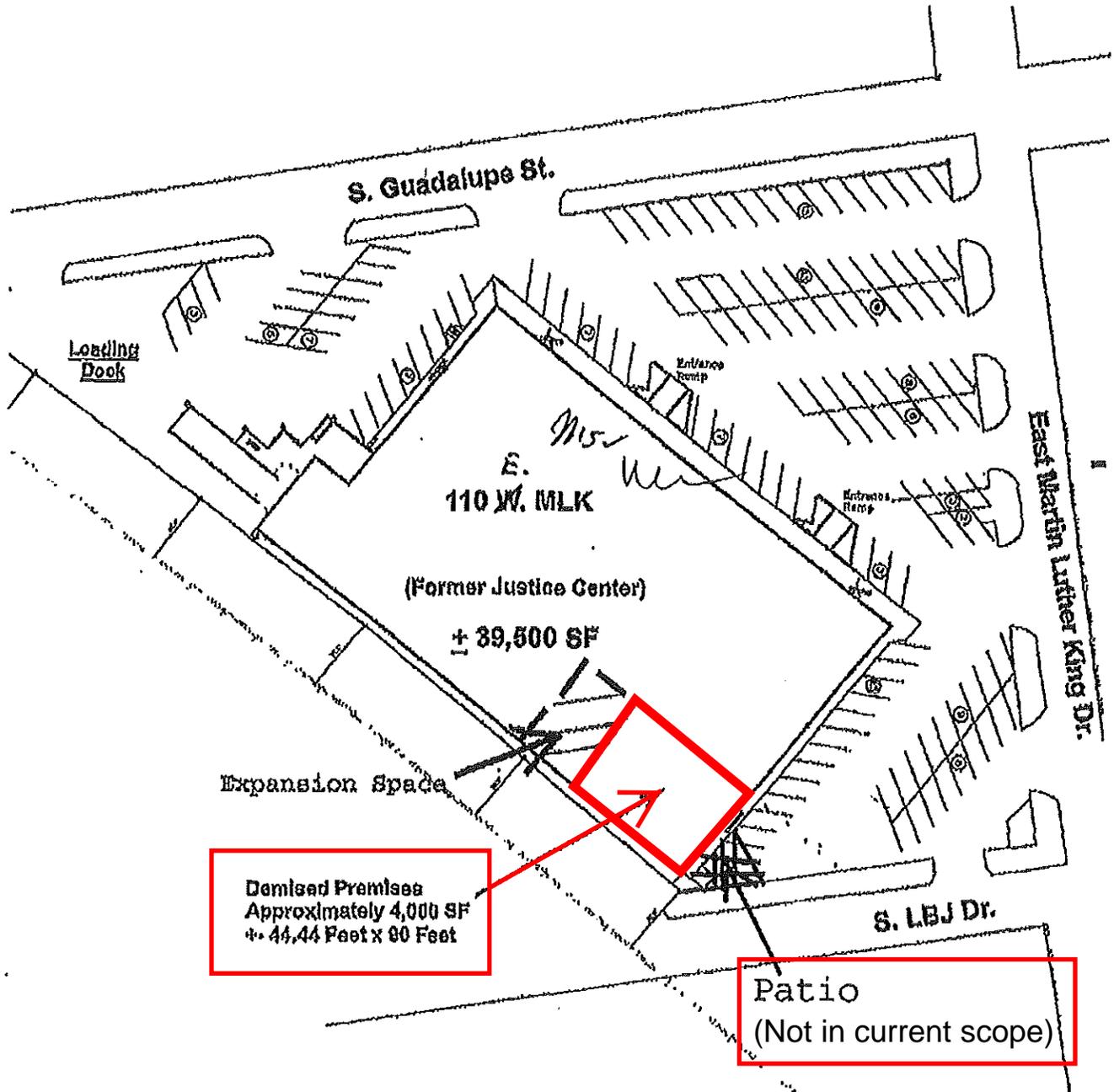
Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

<b>Prepared by:</b> Andrea Villalobos	Planning Technician	March 9, 2016
<b>Name</b>	<b>Title</b>	<b>Date</b>





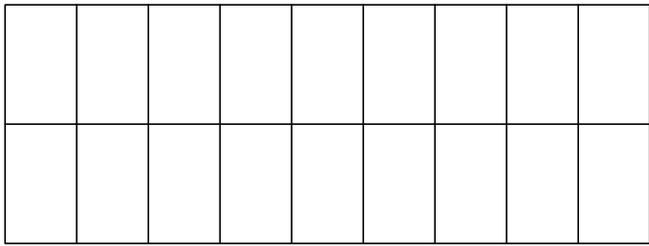
Exhibit "B"  
Site Plan and Demised Premises



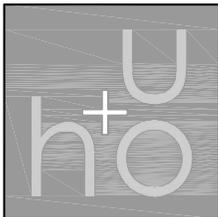
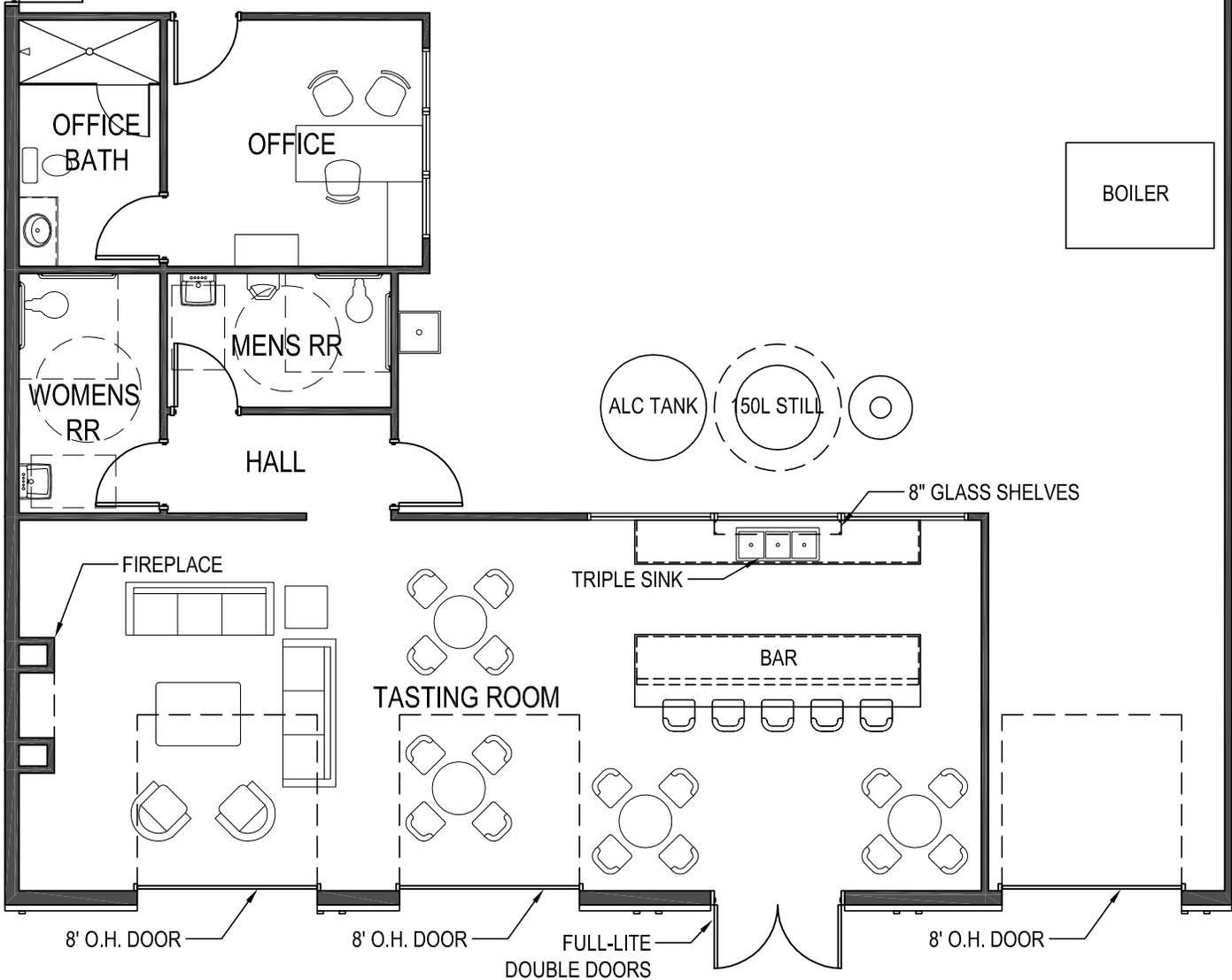
Demised Premises  
Approximately 4,000 SF  
44.44 Feet x 90 Feet

Patio  
(Not in current scope)

*M.S. W*



PALLET RACKS/FINISHED PRODUCT STORAGE



hatch + ulland owen  
architects

1010 East 11th Street  
Austin, Texas 78702  
T: 512.474.8548  
F: 512.474.8643  
www.huoaarchitects.com

**MILAM DISTILLERY**  
CONCEPT PLAN 03.02.2016

SCALE  
1/8" = 1'-0"

*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: Provision Spirit, LLC

Application is filed by:  
 Individual  Partnership  Corporation  Other: LLC

Name of Individual or Entity: Provision Spirit, LLC Phone Number: 512-614-2012

Mailing Address: 1506 W. 13th Street, Suite 7, Austin, TX 78703

Email Address: tborrel@mfliquorlaw.com

Type of Permit Requested:  Mixed Beverage  Beer & Wine  Other: D - Distiller's & Rectifier's Permit

**PROPERTY**  
 Street Address: 110 E. Martin Luther King Dr., Ste. 100 Current Zoning: \_\_\_\_\_

Legal Description: Lot 1, 2, 3 & 4 Block 1 Subdivision JS Travis Addition

Tax ID Number: R 45937

Property Owner's Name: MLKSM, LLC Phone Number: 512-422-1236

Address: 510 Hearn St., Austin, TX 78703

**BUSINESS DETAILS**  
 Primary Business Use:  Restaurant  Bar  Other: Distillery w/ Tasting Room

Hours of Operation: 11:00 am to 10 pm high estimate

Type of Entertainment Facilities: N/A

Indoor Fixed Seats Capacity: 30 seats Outdoor Fixed Seats: 30 seats

Gross Floor Area Including Outdoor Above-ground Decks: 3,981 Square Feet

Number of Off-Street Parking Spaces Provided: shared parking; 120

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:** \$609 Application fee + \$11.00 Technology Fee (non-refundable)
- **Mixed Beverage Permit:** \$609 Application fee + \$11.00 Technology Fee (non-refundable)
- **Change to Existing Permit/Renewal:** \$305.00 fee + \$11.00 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: Marsha Milam Date: 2/24/16

*To be completed by Staff:*

Meeting Date: \_\_\_\_\_ Application Deadline: \_\_\_\_\_  
Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_

# MLKSM, LLC

110 E. Martin Luther King Dr., Ste 100, San Marcos

February 29, 2016

City of San Marcos  
Planning & Development Services  
630 East Hopkins  
San Marcos, TX 78666

RE: Letter of Representation

Dear Sir or Madam:

I, Mark Shields as manager of MLKSM, LLC property owner of 110 E. Martin Luther King Dr., Suite 100 in San Marcos authorize Provision Spirit, LLC to represent said property for all matters relating to its alcoholic beverage permits.

Should you have any questions or require further information, please feel free to contact me at 512-322-2008 or [mark@primusre.com](mailto:mark@primusre.com).

Sincerely,



Mark Shields  
MLKSM, LLC



## Legislation Text

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**File #:** PDD-15-02, **Version:** 1

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**AGENDA CAPTION:**

**PDD-15-02 (Lindsey Hill Mixed Use)** Hold a public hearing and consider a request by Guadalupe Re, LLC., for a zone change from “P” Public District to “PDD,” Planned Development District with a base zoning of “MU” Mixed-Use, on Block 4, Lindsey and Harvey Addition (4.83 +/- acres). The property is generally located at the northwest corner of W. Hutchison Street and Moore Street. (B. Melland)

**Meeting date:** March 22, 2016

**Department:** Planning and Development Services Department

**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

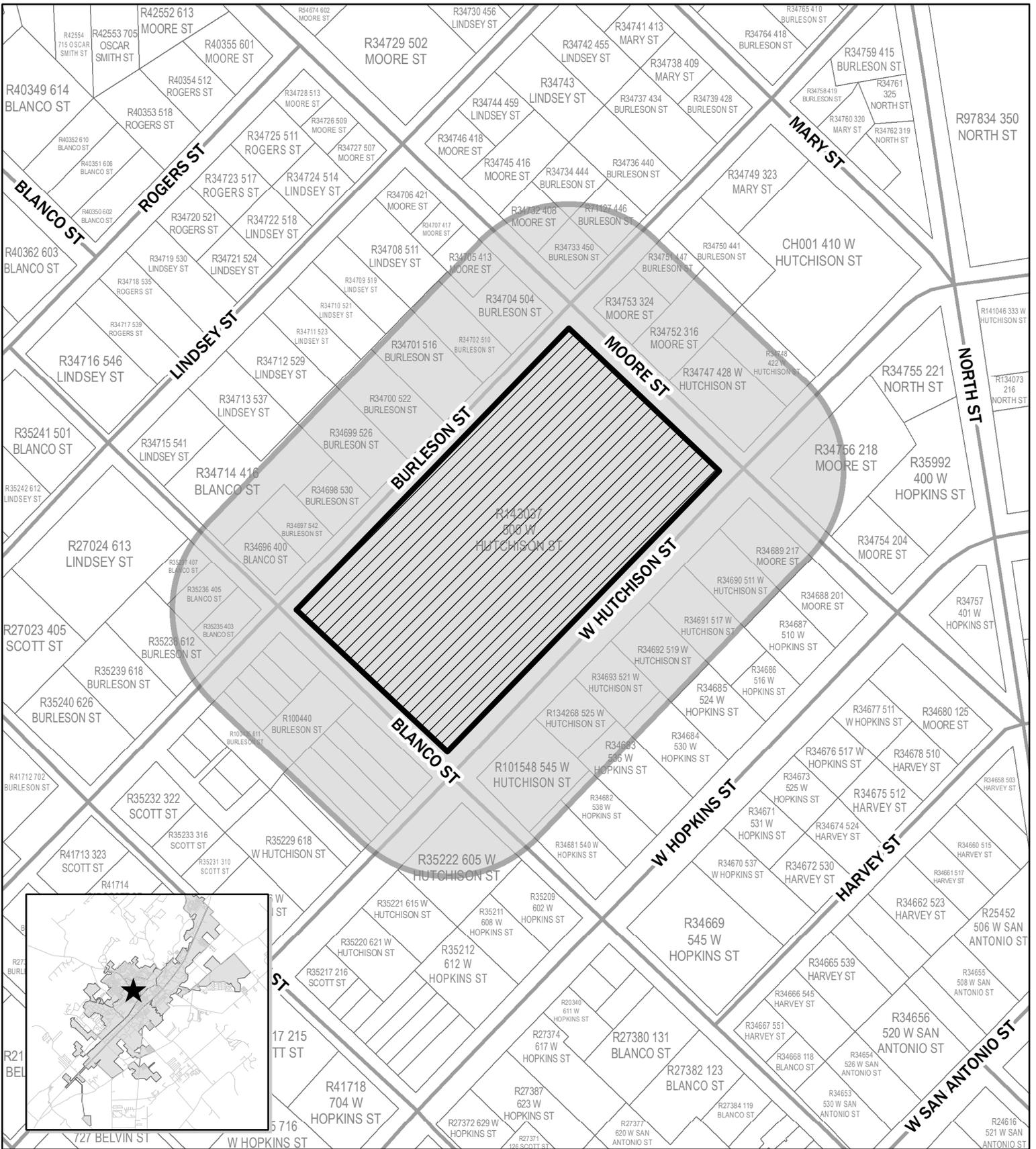
**COMPREHENSIVE PLAN ELEMENT(s):** *Economic Development; Land Use; Neighborhoods*

**BACKGROUND:**

This is a request by Guadalupe Re., LCC for approval of a “PDD”, Planned Development District on the former site of the Lamar School at the northwest corner of West Hutchison Street and Moore Street. This PDD is proposing a base zoning classification of “MU” Mixed-Use District to facilitate the Mixed-Use Development referred to as “Lindsey Hill”. The proposed mix of uses for the project consists of a Hotel, Multi-Family Residential, Retail, and a Restaurant, a parking garage, and the potential for professional offices. Several open spaces are also proposed in the Lindsey Hill PDD that employ the sites natural features.

The Lindsey Hill PDD allows for flexibility in land use through modification from several standards, and also provides for enhancements and amenities above that which is typically required by the San Marcos Land Development Code (LDC). Noteworthy standards within the proposed PDD that are modified, are height, setback, residential density, impervious coverage, and parking. Noteworthy standards that provide for enhancements and amenities within the PDD, are new streetscapes surrounding the entire project site, the proposed public spaces, and a number of architectural guidelines.

Staff presents this request to the Planning and Zoning Commission with a recommendation of **approval.**



**PDD-15-02**  
**Lindsey Hill Planned Development District**  
**500 W Hutchison St**  
**Map Date: 3/10/2016**

 Site Location  
 200 ft. Buffer



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.



**PDD-15-02**  
**Lindsey Hill Planned Development District**  
**500 W Hutchison St**  
**Map Date: 2/19/2016**

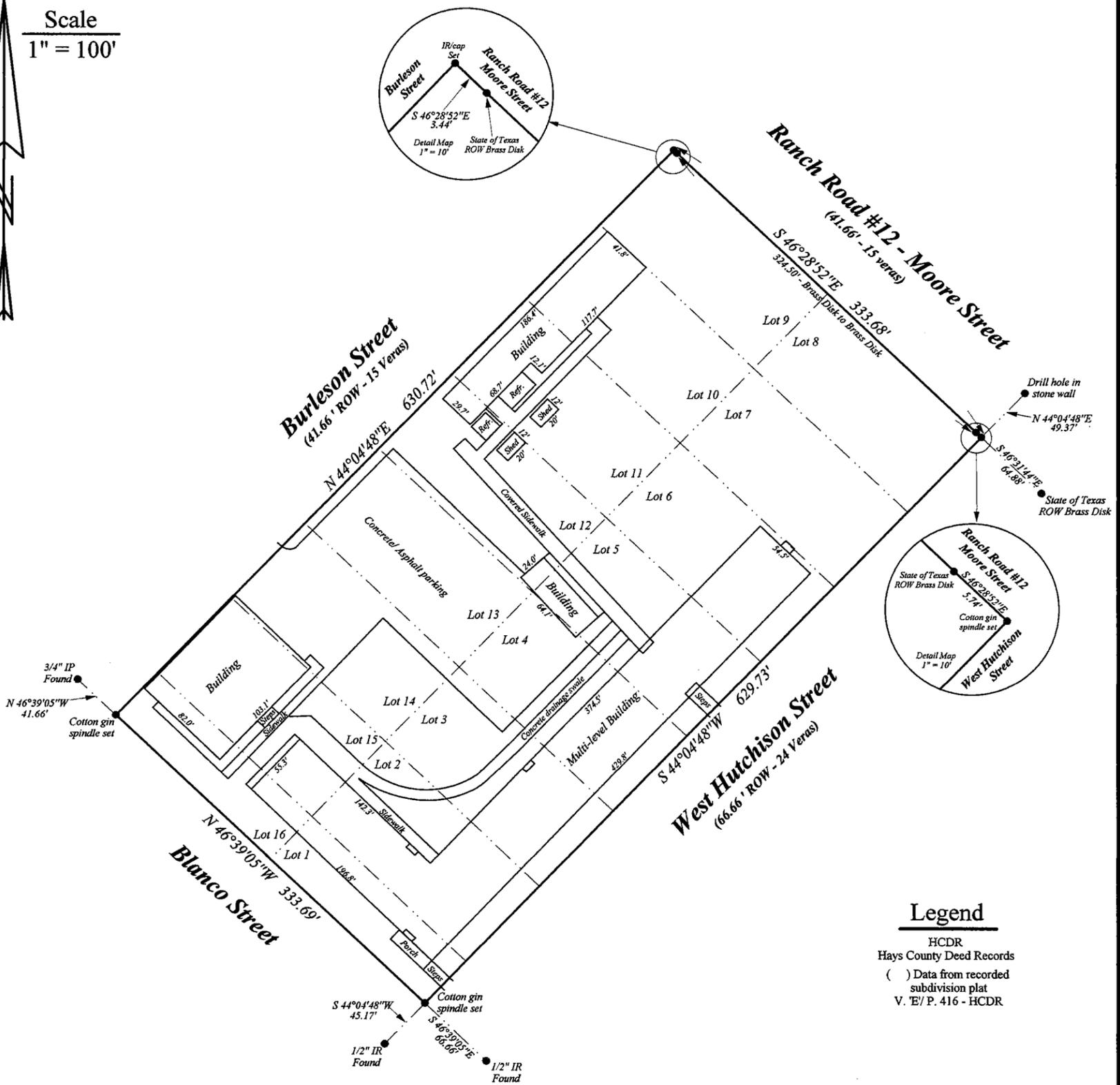
 Site Location



0 165 330 660 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.

Scale  
1" = 100'



**Legend**

- HCDR
- Hays County Deed Records
- ( ) Data from recorded subdivision plat
- V. E/P. 416 - HCDR

Surveyor's Notes: All bearings and distances are based upon Texas State Plane Coordinate System, Texas South Central Zone, NAD 1983 datum. Block 4 contains 4.8275 acres, 210,284.07 sq. ft..

**PLAT SHOWING SURVEY OF BLOCK 4, LINDSEY AND HARVEY ADDITION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME E, PAGE 416, HAYS COUNTY DEED RECORDS.**

**FOR: Guadalupe RE, LLC**

**GF: 14-00869-SM/ Corridor Title**

**DATE: September 18, 2014**

**ADDRESS: 500 West Hutchison Street, San Marcos, Texas.**

The undersigned does hereby certify that this survey was made on the ground of the property legally described hereon and is essentially correct and that there are no visible discrepancies, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown and that said property has access to a public road. Only those plats with a red surveyor's seal and red signature shall be deemed reliable and authentic.

*[Signature]*  
**Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703**

According to the scaling of Map Panel 0389F of the September 2, 2005 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area and determined to be outside the 100 year flood zone.



**HAYES SURVEYING  
 202 SUNFLOWER DRIVE  
 KYLE, TEXAS 78640  
 512-268-4813**

# Zoning Change PDD-15-02 500 West Hutchison



**Summary:** Guadalupe Re, LLC is requesting a zoning change from “P” Public District to “PDD” Planned Development District with a base zoning classification of “MU”, Mixed-Use, on Block 4, Lindsey and Harvey Addition (4.83 +/- acres). (B. Melland)

**Applicant/  
Property Owner:** Guadalupe Re, LLC.  
1519 Spruce Street  
Philadelphia, PA 19102

**Notification:** Personal notification mailed on March 11, 2016

**Response:** 20 written responses – none within 200 foot personal notification area.

## Property/Area Profile:

**Legal Description:** A tract of land containing 4.8275 acres, being all of Block Four (4), of the Lindsey and Harvey Addition, a subdivision in Hays County, Texas according to the plat recorded in Volume “E”, page 416 of the Hays County Deed Records.

**Location:** Generally located at the northwest corner of West Hutchison Street and Moore Street.

**Existing Use of Property:** Partially developed; currently vacant.

**Proposed Use of Property:** Mixed Use: Hotel, Multi-Family Residential, Retail, Office, and Restaurant.

**Intensity:** The property is located within an Area of Stability.

**Existing Zoning:** “P”, Public District

**Historic District:** None

**Proposed Zoning:** “PDD” – Planned Development District; “MU” Mixed-Use base Zoning.

**Utility Capacity:** Limited utility capacity for proposed intensity of use.

## **Area Zoning & Land Use:**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Adjacent Historic District</b>
<b>North</b>	SF-6 & MU	Single-Family & Fraternity House	Lindsey-Rogers
<b>South</b>	TH, MF-24, MF12, MU NC	Townhome, Multi-Family, Fraternity House,	Hopkins Street
<b>East</b>	MF-18, MF-12, P	Multi-Family, Retail	N/A
<b>West</b>	TH, MF-12	Multi-Family, Townhome	Belvin Street Burleson

## **Case Summary**

This is a request by Guadalupe Re., LCC for approval of a “PDD”, Planned Development District on the 4.83 +/- acre tract of land at the northwest corner of W. Hutchison Street and Moore Street. Most recently, the property is the former site of the Lamar School. Prior to, it was the historic site of the Coronal Institute. This PDD is proposing a base zoning classification of “MU” Mixed-Use District and is intended to facilitate the Mixed-Use Development referred to as “Lindsey Hill”.

The proposed mix of uses for the project consists of a Hotel, Multi-Family Residential, Retail, and a Restaurant, as well as an on-site Parking Garage to handle the project’s parking demand. This PDD also includes the option to develop a portion of the multi-family section for office use, depending on market demand. The project proposes to demolish most of the existing structures on the property with exception of the gym and auditorium buildings located along the Blanco Street frontage. They will be repurposed for the use of the hotel. New buildings will vary from 1 to 5 stories, depending on the surrounding neighborhood context. Setbacks will vary depending upon building height, topography and land use.

Additionally, the project proposes to preserve all existing specimen trees on the property with tree canopy over 30 feet; around which the site plan and building configurations have been designed. Several open spaces are also proposed in the Lindsey Hill PDD which utilize the sites natural features and engages the public frontage and private uses on the property. Among the open space proposed is “Poets Corner”, at the corner of West Hutchison Street and Moore Street, which may include an amphitheater.

The Lindsey Hill PDD includes modifications to several standards, while also providing for enhancements and amenities above that which is typically required by the San Marcos Land Development Code (LDC). Noteworthy standards within the proposed PDD that allow *flexibility* are those for height, setback, residential density, impervious coverage, and parking. Noteworthy standards that provide for *enhancements and amenities* within the PDD, are new streetscapes surrounding the entire project site, the proposed public spaces discussed above, and a number of architectural guidelines which respond to the diverse uses surrounding the project site. These standards regarding flexibility and enhancement are further summarized below. It should also be noted that to a large extent, staff has negotiated with the developers to limit variances to specific locations and/or circumstances, rather than through “blanket” application across the entire project site.

## **Planning Department Analysis**

The proposed PDD was reviewed according to Section 4.2.6 “Planned Development Districts” within the City of San Marcos Land Development Code (LDC). More specifically, Section 4.2.6.1 states:

*“The purpose of an overlay planned development zoning district (“PD District”) is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD districts are intended to implement generally the goals and objectives of the City’s Comprehensive Plan. PD districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of 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.”*

### **LAND USE:**

Consistent with the above stated purpose, the proposed PDD plans for a mixed-use development as illustrated in Figure 1-1 within the PDD Standards Book and as summarized below.

- **Hotel:** Located primarily along the Blanco frontage and a portion of the Hutchison frontage. The hotel component plans for a maximum of 120 rooms and a maximum of 17,000 sq.ft. of additional associated space to be used for meeting rooms and additional amenities. This includes the old Lamar School gymnasium and auditorium buildings, which are proposed to remain.
- **Retail:** Proposed to front the Hutchison and Moore Street frontages. There will be a maximum of 17,000 sq.ft. of retail space at these locations. This square footage includes the potential for an 8,500 sq.ft restaurant.

- Multi-Family: Proposed to front the Burleson and Hutchison Street frontage. The multi-family component will contain a maximum of 164 units which equates to 34 units/acre. The “MU” Mixed-Use District allows up to 5.5 units/acre. Total bedroom count be limited to a maximum of 226.
- Office: Proposed as an alternative scenario within the area planned for multi-family along the Hutchison Street frontage. Limited to a maximum of 27,000 sq.ft. of office space. In the event that the office space is developed, the multi-family unit maximum will be reduced to 144 units and 199 bedrooms, in order to ensure for appropriate parking relative to each use.

**BUILDING HEIGHTS AND SETBACKS:**

Building heights will vary from one to five stories depending on location. Buildings along Hutchison Street will be up to five stories. Setbacks along Hutchison will be 16 feet. The existing buildings to remain along Blanco Street are generally two stories and are setback 17 feet. Buildings along Burleson Street will graduate from two stories at the corner of Blanco and Burleson Streets to an eventual height of five stories at the corner of Burleson and Moore Streets. This height graduation is intended to compliment the first three properties from the intersection at Burleson and Blanco Streets which are single-family residential. Buildings along Moore Street will be five stories with a small portion being one story. Setbacks along Burleson and Moore Streets will generally be between eight and 10 feet.

**PARKING:**

A parking garage is also proposed on-site to handle the majority of the project’s parking demand. The garage will be no more than four stories above grade and will be entirely encapsulated by “liner units” to provide architectural sensitivity to adjacent properties and pedestrian ways. As illustrated in Figure 1-7 of the PDD Standards Book, the parking garage will take access from Burleson Street. The increased traffic demand anticipated to be generated by the parking garage on Burleson Street was analyzed. Staff recommends that the east-bound lane of Burleson be converted to a right-turn only lane at the intersection with Moore Street. Required parking in the Lindsey Hill PDD will be 405 spaces without the office component, and 450 spaces with the office component. Approximately 85% of the required parking must be located on-site, within the garage. The remaining 15% may be located off-site, which includes abutting on-street parking. In addition to the parking garage, the PDD proposes for additional vehicle loading and access at the hotel porte-cochere and the loading dock and waste management access point along the Blanco Street frontage, as well as the short-term vehicle loading zone on Burleson Street.

**OPEN SPACE:**

Open Space at Lindsey Hill will consist of three open spaces described below. Each will have varying levels of potential engagement by the general public. All open space in the Lindsey Hill PDD is proposed to remain privately owned, with no parkland being dedicated to the public or city. Therefore, the project will be required to pay a parkland fee-in-lieu amount proportional to final number of multi-family units that are constructed. This project is set to be presented at the Parks Board at their March 17, 2016 meeting.

- Poet’s Corner will be located at the corner of Hutchison and Moore Streets and may include the construction of an amphitheater and other recreational amenities. It will be open to the public, but may be restricted or reserved by the property owner.
- The Grove will be surrounded by the hotel and multi-family uses. It will also be generally open to the public, but may restricted or reserved by the property owner.
- The Courtyard will be a private open space reserved for Lindsey Hill residents.

**PUBLIC IMPROVEMENTS:**

The Lindsey Hill project is also proposing to reconstruct all abutting public streetscapes. Proposed streetscape enhancements generally includes improvement and addition of on-street parking, curb extensions, the creation of a “street-tree” zone, 6 foot minimum sidewalk widths, and landscape buffers between the sidewalk and the building façade. These street improvements are above the street standards currently required by the City. They are intended to enhance the neighborhood and further integrate the Lindsey Hill project into the diverse surrounding area. Additionally, the electrical facilities necessary for the development will be placed underground and an upgraded waterline will be installed to provide necessary fire-flow for the development.

## **PHASING:**

Also consistent with the purpose of the PDD, is the potential for phasing the Lindsey Hill project, though it is the stated intent of the developers to complete the project in one phase. If it is necessary to be phased, Phase 1 of development will include demolition of all existing structures except the existing gym and auditorium; and subsequent construction of the parking garage, the multi-family and retail components surrounding the garage, and Poet's Corner. All proposed streetscapes will also be constructed in Phase 1. Phase 2 will consist of the hotel and remaining multi-family. A possible Phase 3 would consist of the completion of the retail component along the Moore Street frontage.

## **MODIFICATIONS AND ENHANCEMENTS**

Also consistent with the purpose of the PDD, there are modifications to several development standards, as well as enhancements and amenities that are intended to yield higher quality development. These modifications and enhancements are summarized as follows, with specific reference to the corresponding section of the attached PDD Master Plan Document. For a full detailed analysis of specific modifications and enhancements to the LDC, please see Section 6.2 of the attached PDD Standards Book.

NOTE: Items underlined below were not mutually agreed upon between the City and the applicants. These items are "redlined" within the attached PDD Document.

### **Modifications:**

- Decrease in required parking per the LDC. (Section 3.4 "Parking")
- Increased overall impervious coverage for increased density. (Section 1.1 "Site Coverage")
- Increased hillside impervious coverage for increased density. (Section 1.1 "Site Coverage")
- Decreased setbacks to allow for more flexible site design. (Section 5.1 "Building Setbacks")
- Additional permitted land uses for a greater mix of uses. (Section 6.11 "Land Use Matrix")
- Increased Residential Density. (Section 1.13 "Multi-Family Housing")
- Increased building height to allow for increased open space. (Section 5.3 "Building Height")
- Decrease in required percentage of landscaping. (Section 3.2 "On-Site Landscaping")
- Pedestrian gates permitted at various locations. (Section 3.11 "Pedestrian Access")
- Modifications to several signage standards. (Section 3.6 "Signage")
- Encroachment and maneuvering allowed in ROW. (Section 3.5 "Vehicular Loading and Access")
- Porches permitted outside primary building footprint. (Section 5.8 "Balconies and Porches")
- Additional permitted architectural materials. (Section 5.10 "Materials")

### **Enhanced Development Standards:**

- Prohibition of "rent-by-the-bedroom" leasing practices. (Section 1.13 "Multi-Family Housing")
- Additional limits to Multi-family leasing standards. (Section 1.13 "Multi-Family Housing")
- Preservation of existing trees with canopy over 30'. (Section 3.2 "Tree Preservation")
- Parking garage entirely screened. (Section 1.16 "Parking Garage")
- Reconstruction of all surrounding Streetscapes. (Section 4.0 "Street Design and Amenities")
- Addition of on-street parking. (Section 3.42 "On-Street Parking")
- Development of two privately-owned public spaces. (Section 2.2 "Description of Open-Spaces")
- Enhanced Signage Standards (Section 3.6 "Signage")
- Additional architectural standards regulating building frontages. (Section 5.2 "Frontage")
- Contextual Height Stepdown requirements. (Section 5.4 "Contextual Height Stepdown")
- Architectural expression requirements. (Section 5.5 "Expression Requirements")
- Additional transparency requirements. (Section 5.6 "Street Level Glazing and Transparency")
- Requirements for retaining walls at street level. (Section 5.9 "Retaining Walls at Street Level")

**CONFORMANCE WITH COMPREHENSIVE PLAN ELEMENTS**

Planning staff also reviewed the proposed PDD with the City’s Comprehensive Plan, *Vision San Marcos*. Staff finds that the draft submittal for the proposed PDD conforms to the Comprehensive Plan Elements and the following Comprehensive Plan Element “Goals.”

Economic Development:

- *Goal 3: Emerging markets and industry relationships that generate quality entrepreneurial and employment opportunities.*

Land Use:

- *Goal 1: Direct growth compatible with surrounding uses.*
- *Goal 2: High Density mixed-use development and infrastructure in the activity nodes and intensity zones, including the Downtown area supporting walkability and integrated transit corridors.*

Neighborhoods:

- *Goal 3: Diversified housing options to serve citizens with varying needs and interests.*

**CONFORMANCE WITH PREFERRED SCENARIO MAP**

Planning staff also reviewed the proposed PDD with the City’s Future Land Use Plan, better known as the “Preferred Scenario.” The proposed PDD project site is located within an *Area of Stability* on the Preferred Scenario Map. Additionally, the project site is classified by the Comprehensive Plan as “Redevelopment/Infill.” Redevelopment/Infill projects that are located within Areas of Stability generally allow for “single-family-uses with accessory buildings, Bed & Breakfast (5 rooms), Home Offices, Corner Neighborhood Retail and Restaurants – no drive through.”

The base zoning classification of “MU” Mixed Use District requested in this PDD, is a permitted zoning district within an Area of Stability. However, the Lindsey Hill PDD proposes uses and standards more intensive than those listed above. It is staff’s opinion, that given the proximity to downtown, the quality of the enhancements and amenities proposed, and the diverse existing surrounding zoning districts, land uses, and development patterns; this requested Planned Development District (**with staff redlines**), meets the intent of the Comprehensive Plan and the Preferred Scenario.

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
<b>X</b>			<b>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps.</b> <i>Yes, as previously discussed.</i>
		<b>X</b>	<b>Consistency with any development agreement in effect</b> <i>No development agreements are in effect for this property.</i>
<b>X</b>			<b>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</b> <i>The proposed PDD and underlying zoning would be meet the intent of the Comprehensive Plan and Preferred Scenario.</i>
<b>X</b>			<b>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</b> <i>The proposed PDD will provide electrical utility undergrounding and an upgraded water line.</i>
		<b>X</b>	<b>Other factors which substantially affect the public health, safety, morals, or general welfare</b> <i>None noted.</i>

Additionally, the Commission should consider:

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

*Staff evaluation: The property is currently zoned "P" Public District. Some of the surrounding land uses are allowed in a "P" District, and some are not. "P" District allows for duplexes and townhomes, as well as fraternity houses. "P" District does not however allow for single family, multi-family, retail, or office.*

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

*Staff evaluation: No.*

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

*Staff evaluation: No*

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

*Staff evaluation: No*

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

*Staff evaluation: A goal of the Comprehensive Plan is to support "High Density mixed-use development and infrastructure in the activity nodes and intensity zones, including the Downtown area supporting walkability and integrated transit corridors." This area is not within Downtown, but it is adjacent to it. This project provides for higher density mixed-use with walkability to Downtown, the University, and the CART's transit service (Monday-Friday, 7:00am - 6:00 pm.)*

Staff provides this request to the Commission with a recommendation of approval subject to the following conditions:

1. That the attached PDD Master Plan Document is approved with staff redlined revisions.

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

**The Commission's Responsibility:**

To hold a discussion regarding the proposed zoning change. When the item is placed on the agenda for consideration, the Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making a recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's recommendation to the Council is a discretionary decision.

**Prepared by:**

Brandon Melland, AICP	Senior Planner	March 17, 2016
<b>Name</b>	<b>Title</b>	<b>Date</b>

# LINDSEY HILL

San Marcos, Texas

## PDD Standards Book



## **Acknowledgements**

### **Lindsey Hill Development Team: Guadalupe RE, LLC**

David Lerman, Project Developer

Mark Berins, Project Developer and Project Manager

### **City of San Marcos, Texas**

Shannon Mattingly, Director, Planning and Development Services

Kristy Stark, Assistant Director, Planning and Development Services

Brandon Melland, Senior Planner, Planning and Development Services

Kevin Burke, Economic and Development Projects Coordinator

## **Professional Consultants**

### **Overland Partners – Architecture and Project Design**

Samantha Whitney Schwarze, AIA

Michael Rey, AIA, Principal

James Andrews, RIBA, Principal

### **Architectural Engineers Collaborative – Structural Engineer**

G. Charles Naeve, PE, Principal

Karina Tribble, PE, Senior Associate

### **D.A. Mawyer Land Surveying, Inc. – Topographic Survey**

Dakota Mawyer, Project Manager

### **R-K Traffic Engineering, LLC – Transportation Consultant**

James Schwerdtfeger, Principal

### **The Parking Advisory Group – Parking Consultant**

Jerry Marcus, Principal

### **PKF Consulting USA – Hotel Development Consultant**

Randy McCaslin, Senior Vice President

## **Zoning**

This zoning applies to the property located at 500 W. Hutchison Street in San Marcos, Hays County, Texas, more particularly described by metes and bounds in Section 6.4 (the “Property” or the “Project Site”). The Property has been rezoned from “P” Public and Institutional District, to “PDD” Planned Development District, subject to a base zoning classification of “MU” Mixed Use District, as modified by the standards set forth within this document.

This PDD Standards Book (the “PDD Standards Book” or the “Book”) applies to all use of the Property and describes a mixed-use project that is sometimes referred to in this document as “Lindsey Hill” or the “Project.”

Except as varied by this PDD Standards Book, the Property and the Project shall be subject to all use and development standards applicable to the “MU” Mixed Use District (the “Base Regulations”) of the City of San Marcos Land Development Code (the “LDC”) and to the procedural requirements outlined in the LDC and in other San Marcos Codes. In the event of any conflict between the standards, allowances, or any other item outlined in this PDD Standards Book and any requirements outlined within the LDC, this PDD Standards Book shall govern and control.

Additionally, because complete site plan and building design has not yet occurred, the images, drawings, figures, standards in this document are not depictions of actual buildings, final site plan, or other final designs, but instead shall be considered the “Concept Plan”, as required by Section 4.2.6.4 of the City of San Marcos Land Development Code.

In addition to other applicable health and safety ordinance requirements, each phase of the Project will be required to meet Emergency Access requirements (as defined by the International Fire Code) at all stages of development.

# TABLE OF CONTENTS

1.0	<b>PLAN &amp; DESIGN</b> 1.1 Land Use 1.2 Phasing	Plan & Design
2.0	<b>OPEN SPACES</b> 2.1 General Parkland Dedication Requirements 2.2 Description of Open Spaces	
3.0	<b>SITE DESIGN</b> 3.1 Pedestrian and Bicycle 3.2 On-Site Landscaping 3.3 Exterior Lighting 3.4 Parking 3.5 Vehicular Loading and Access 3.6 Signage 3.7 Water Quality & Permanent Best Management Practices 3.8 Sale of Alcoholic Beverages	Site Design
4.0	<b>STREET DESIGN &amp; AMENITIES</b> 4.1 Hutchison Street Streetscape 4.2 Moore Street Streetscape 4.3 Burleson Street Streetscape 4.4 Blanco Street Streetscape 4.5 Streetscape Standards Matrix	
5.0	<b>ARCHITECTURAL GUIDELINES</b> 5.1 Building Setbacks (for new construction) 5.2 Frontage 5.3 Building Height 5.4 Contextual Height Stepdown 5.5 Expression Requirements 5.6 Street Level Glazing & Transparency 5.7 Upper Floor Glazing & Transparency 5.8 Balconies and Porches 5.9 Retaining Walls at Street Level 5.10 Materials 5.11 Mechanical Equipment & Utilities 5.12 Trash Management	Architectural Guidelines
6.0	<b>APPENDIX</b> 6.1 Use Standards 6.2 Variances Matrix 6.3 Land Survey 6.4 Legal Description	

- 1.0 PLAN & DESIGN
- 1.1 Land Use
- 1.2 Phasing

Plan & Design

## 1.1 Land Use

This section provides an overview of the Lindsey Hill concept plan. Additional details and requirements are more specifically described elsewhere in this PDD Standards Book.<sup>1</sup>

### Site Layout

*Figure 1-1* depicts the site layout of Lindsey Hill. Construction of Lindsey Hill shall conform substantially to *Figure 1-1*, except that in the event of any conflict between *Figure 1-1* and other more detailed depictions or standards within this Book, such other more detailed depictions and standards shall govern and control. Any deviations from what is described in this Book shall be subject to the provisions of Section 4.2.6.5 of the LDC regarding “Subsequent Development Applications.”

~~Additionally, because complete site plan and building design has not yet occurred, the images, drawings, and figures below are not depictions of actual buildings, final site plan, or other final designs, but instead are provided as conceptual illustrations, examples, reference points, limitations, and requirements that will be used to provide guidance during the design and development process.~~

### Site Coverage

Lindsey Hill is an urban, mixed-use complex. The Project will include buildings, a parking structure, sidewalks and other pathways, and various other elements. The base zoning of “MU” Mixed Use District allows a maximum site-wide impervious coverage of sixty percent (60%). Instead, pursuant to this PDD Standards Book, the maximum allowable impervious coverage at the Property shall not exceed eight ~~fivey~~ percent (~~8580~~%) of the Project Site’s total land area.

This PDD also permitted additional hillside impervious coverage in the locations specifically illustrated in Section 6.5 “Hillside Impervious Cover” of this document. The maximum impervious coverage allowed within Section 6.5 was determined with respect to the proposed building footprints and streetscape improvements. The Base Regulations further limit slope impervious cover as follows: maximum thirty-five percent (35%) coverage for slopes with a gradient between fifteen and twenty-five percent (15-25%), and

<sup>1</sup> For visual ease and convenience, a separate larger format site layout has been submitted with this Book. It is for reference purposes only.

twenty percent (20%) coverage for slopes with a gradient greater than twenty-five percent (25%). Adjacent to the Project Site, in the downtown core, one hundred percent (100%) lot coverage is permitted, without regard to slopes. Additional impervious coverage at hillsides may be considered or warranted based upon final site design and materials used. Pursuant to existing City of San Marcos codes, the applicant will use appropriate erosion control measures during construction to minimize runoff on steep slopes.

### **Project Density and Square Footage Summary**

Lindsey Hill's Hill will contain a mix of multi-family residential, hotel, and retail. The retail component includes the potential for up to 8,500 sq. ft. of restaurant space. Alternatively, a portion of the area planned for multi-family may be developed for professional offices. The uses permitted at the Lindsey Hill project site shall not exceed the following gross square footages and/or unit counts.

#### Multi-Family Residential

- without office component: 164 units/226 bedrooms
- with Office 144 units/199 bedrooms

#### Hotel

- Guest Rooms: 120 rooms
- Other Spaces: 17,000 sq.ft.

Office 27,000 sq.ft.

Retail 17,000 sq.ft

- Restaurant: 8,500 sq.ft.

Figure 1-1: Site layout of Lindsey Hill.



Note: This drawing (or derivations of this drawing) appear at various places throughout this document. The purpose of this drawing is to depict the uses that will appear at the Project and the approximate building footprint locations where these uses will appear. These drawings do not reflect final committed design.

## 1.11 Open Spaces

The Project's areas for casual social engagement, relaxation, shared events, and experiences (spontaneous and programmed) include—in addition to the retail spaces described in this Book:

- Poet's Corner, a privately-owned public space generally available and open to public use at the Project owner's discretion (as more particularly described in this Book);
- The Courtyard, a private open space available exclusively to residents of Lindsey Hill's multifamily community;
- The Grove, a privately-owned open space available to the public at the owner's discretion, will function as the hotel's entertainment, gathering, special events, and outdoor enjoyment center; and
- Public street frontage adjacent to the Project Site that will foster interaction and social engagement among Lindsey Hill residents, tenants, neighbors, and community members.
- As required by the City of San Marcos LDC, a minimum of 20% of the gross land area within the project site shall be devoted to open space.

See Figure 1-2 for a general depiction of the locations of open spaces at the Project Site.



Figure 1-2: The approximate locations of Lindsey Hill's open (outdoor) spaces are highlighted in green. **Note:** This diagram is intended only to show the general location of open spaces at Lindsey Hill. Landscaping and other project requirements shall be regulated as otherwise described in this PDD Standards Book.

## 1.12 Retail Spaces

Figure 1-3 depicts the locations of ground floor retail spaces at the Project Site, which collectively will be a maximum of 17,000 square feet of leasable space for restaurant, food service, and retail occupancy. Surrounding the retail spaces will be patios, decks, and outdoor dining spaces that soften the retail edges and take advantage of tree canopies for a portion of shade needs.

While the developer desires to locate restaurant and food service options adjacent to Poet's Corner, dining options may be anywhere within the retail areas of Lindsey Hill.

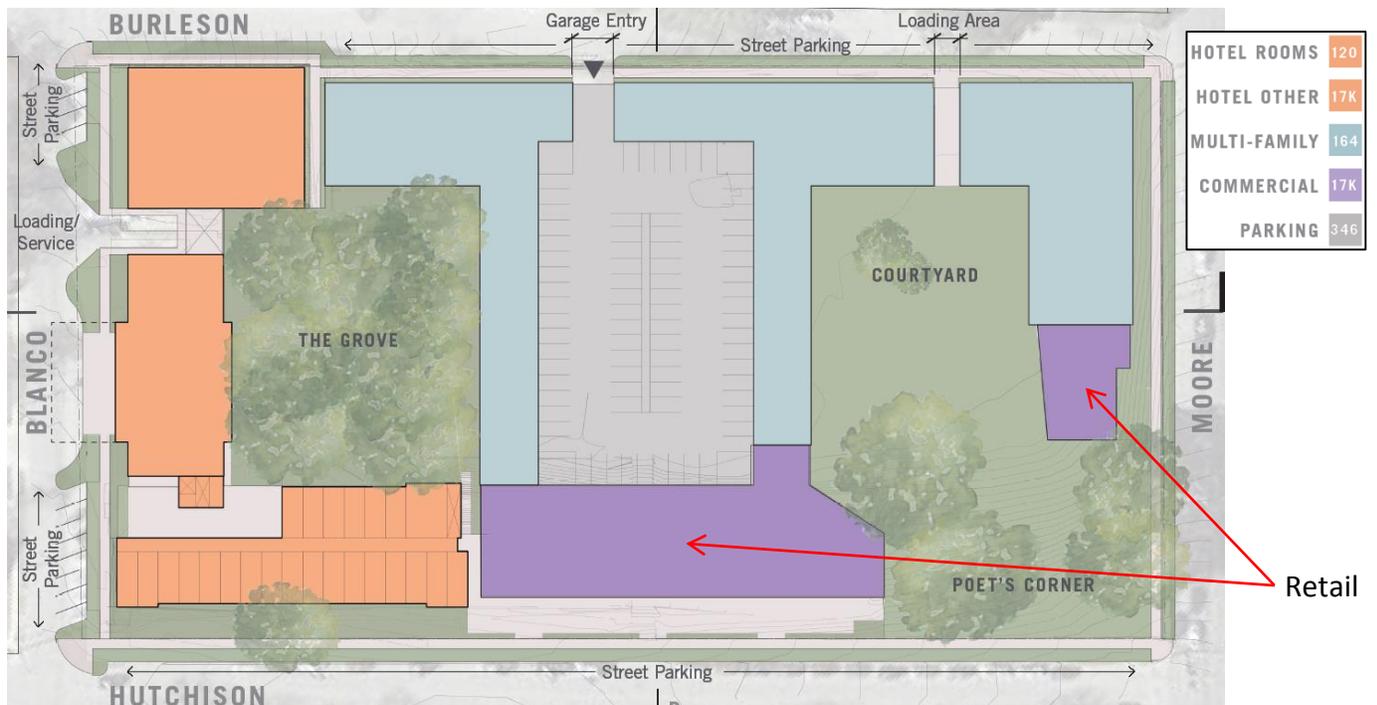


Figure 1-3: Ground floor retail spaces are depicted in purple.

### 1.13 Multifamily Housing

~~Lindsey Hill will include multifamily~~ A combination of one, two, and three bedroom apartments will be developed within the multi-family portion of Lindsey Hill apartments located in the area marked below in *Figure 1-4*. There shall be a maximum of 164 multi-family units (34 units/acre) and 226 bedrooms at Lindsey Hill, with the office component and 144 units (30 units/acre) and 199 bedrooms without the office component. Lindsey Hill's multifamily apartments shall also be subject to the following restrictions and requirements:

1. Lindsey Hill's multifamily landlord shall not be permitted to lease apartments on a "rent by the bedroom" basis.
2. Subject to the requirements of applicable state and federal law, as the same may change from time to time, Lindsey Hill's multifamily landlord shall not be permitted to lease any single one-bedroom or two-bedroom apartment to more than two (2) unrelated individuals between the ages of ~~seventeen–eighteen (17-18)~~ and twenty-two (22), and for three (3) bedroom apartments, Lindsey Hill's multifamily landlord shall not be permitted to lease any single apartment to more than three (3) unrelated individuals between the ages of ~~seventeen–eighteen (17-18)~~ and twenty-two (22). As used in this section, "unrelated" means individuals not related by blood, legal adoption, marriage, or conservatorship.
- ~~3.~~ 3. Lindsey Hill's multifamily landlord shall not permit subleasing ~~without the express prior written consent of landlord (which consent landlord may withhold for any or no reason).~~
- ~~3.4.~~ 3.4. All leases shall require:
  - a. all occupants to be named within the tenant lease; and
  - b. at least one occupant to have a minimum five (5) year credit, property rental, or property ownership history.
- ~~4.5.~~ 4.5. Upon reasonable notice, the City of San Marcos shall be permitted to review tenant leases (limited to those sections of the leases pertaining to these lease requirements) at any time during normal business hours at Lindsey Hill's leasing office.

In the event that there is a possible breach of the requirements of this section, the City of San Marcos shall notify: (i) the tenant; and (ii) Lindsey Hill's multifamily landlord. So long as the tenant lease provides for the requirements of this section, no action shall be taken against Lindsey Hill's multifamily landlord while the landlord is using its best efforts to cure any such breach pursuant to legal and other remedies that may be available to the landlord.

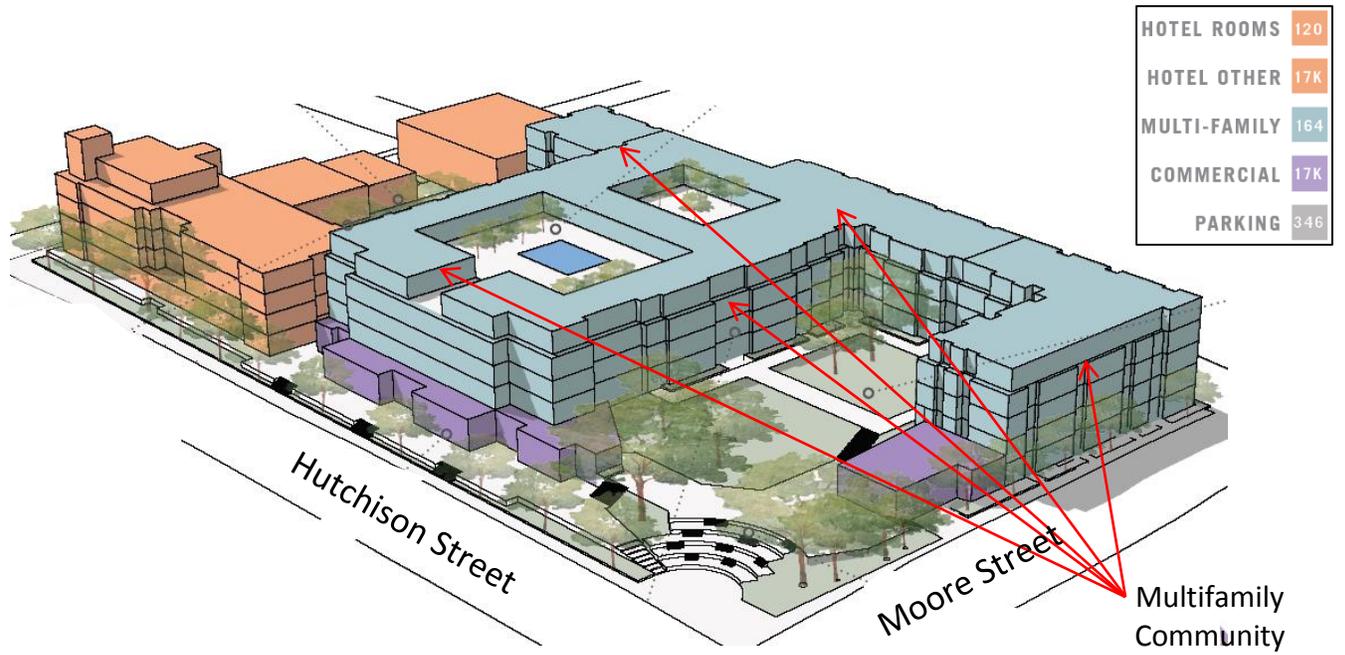


Figure 1-4: Multifamily housing is depicted in light blue.

## 1.14 Hotel

Lindsey Hill will include a hotel containing 120 guest rooms (a mix of traditional rooms to accommodate short-term guests, together with larger suite-style and apartment-style rooms for executive and extended stay patrons). In an effort to preserve some of the Project Site's history, the development team hopes to repurpose and reuse the existing gymnasium and auditorium buildings as part of the hotel facility. The locations of the hotel and the auditorium and gymnasium buildings are depicted below in *Figure 1-5*.

The hotel at Lindsey Hill shall be an establishment providing accommodations and meals, and other hotel-related services for travelers, tourists, and other guests. The hotel at Lindsey Hill shall remain a hotel and may not be converted for use as a student dormitory.

On the roof of the hotel may be amenities shared by the hotel and multifamily community, which may consist of a pool, pool deck, community space, terrace, green roof, gardens, solar panels, etc.

The square footage devoted to the guest rooms will be determined at the time of final design. All other hotel square footage, including the gymnasium, auditorium, rooftop amenities, and other establishments located within the hotel shall be limited to 17,000 square feet.

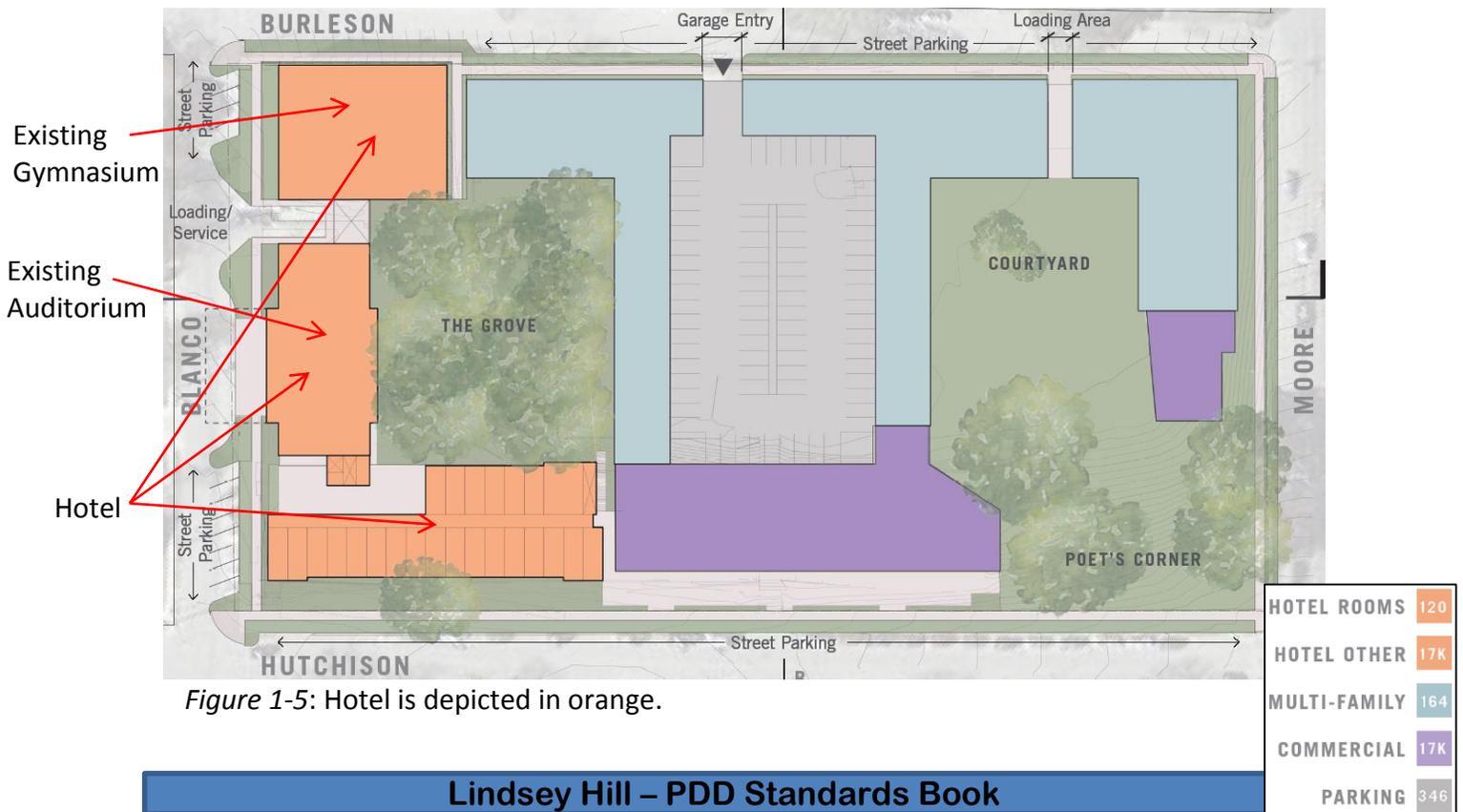
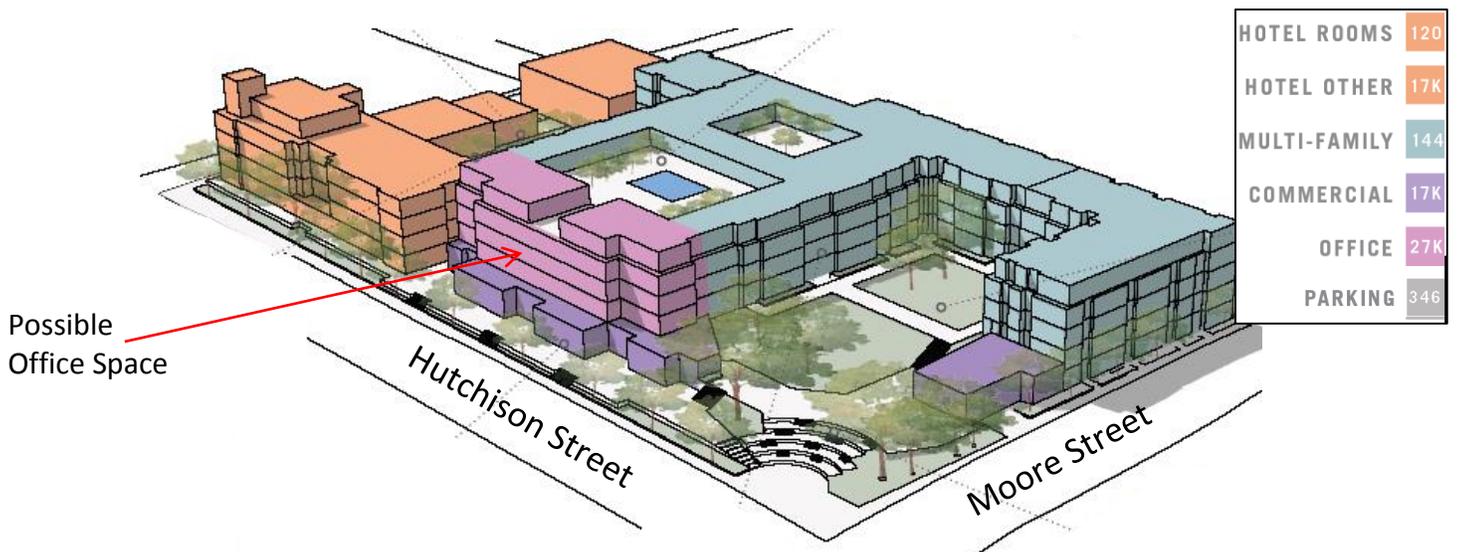


Figure 1-5: Hotel is depicted in orange.

## 1.15 Office Space

As previously stated, a portion of the multifamily section of the Project adjacent to Hutchison Street may be designed as “dual-use” space—so that if, during development, an office user expresses interest, that space can be completed as office. Alternatively, if no office user is secured, that space will be absorbed into the multifamily portion of Lindsey Hill. If a portion of the multi-family section is developed for office, the multi-family units shall not exceed 144 units and 199 bedrooms.

This “dual-use” space may contain a maximum of 27,000 square feet of office space and is depicted below in *Figure 1-6*. The office space will be strategically positioned above the Project’s main retail component in order to provide additional daytime activity to Lindsey Hill’s retail merchants, as well as additional activity to the more urban frontage and the adjacent public spaces.



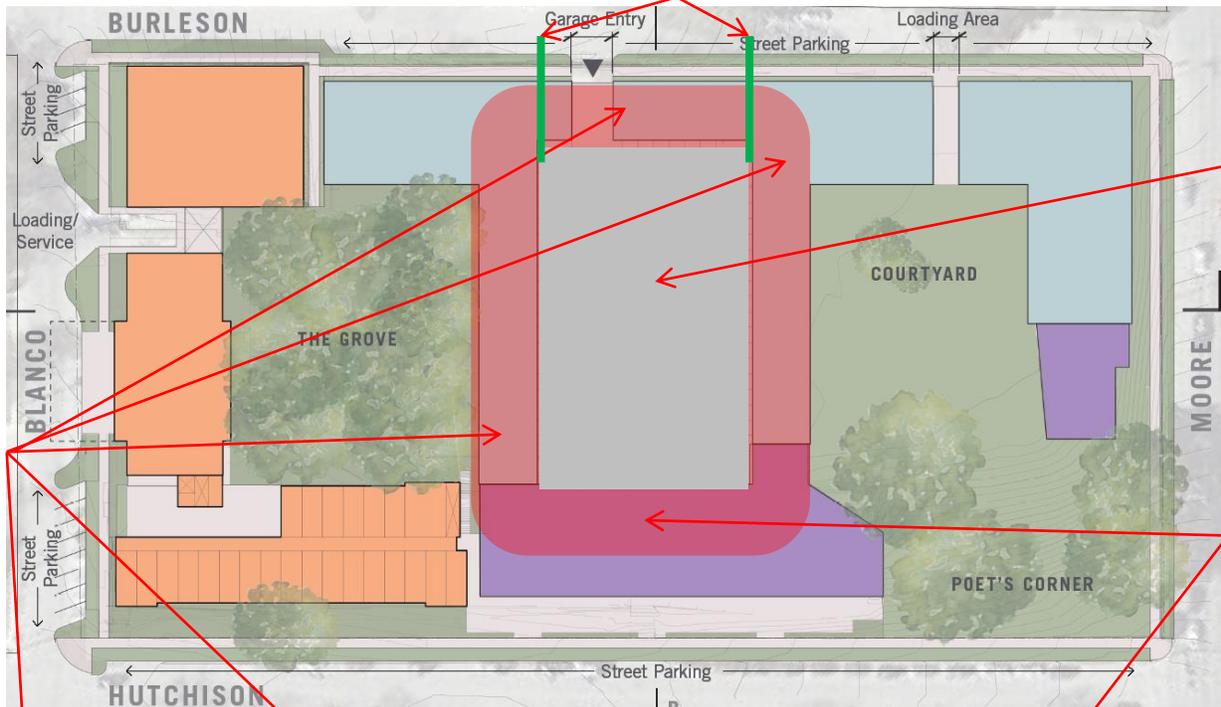
*Figure 1-6:* Possible office space is shown in pink. Note location is above retail activity and adjacent to public spaces.

## 1.16 Parking Garage

The parking garage structure will handle the majority of the parking needs of Lindsey Hill. The structure may include one or more below-grade parking levels and four or more above-grade parking levels (as depicted in *Figures 1-7, 1-8, and 1-9* below). On the roof of the parking garage may be amenities shared by the hotel and multifamily community, which may consist of a pool, pool deck, community space, terrace, green roof, gardens, solar panels, etc.

All parking levels, including the roof top, shall be wrapped by apartment “liner units” as illustrated below in Figure 1-9, with the exception of the opening at the Hutchison frontage as also illustrated below. (and, if applicable, office space lining the Hutchison Street side) surrounding its entirety, so that no portion of the parking structure is visible from street-level view.

Note: Parking garage vehicular access point may be positioned anywhere between these green lines and may be up to 36’ wide (plus adjacent pedestrian exit).



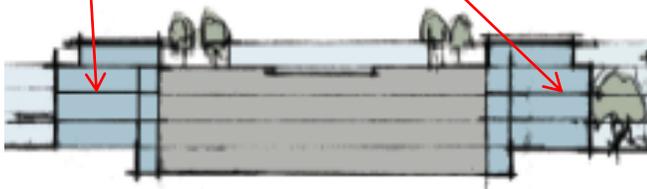
Liner units

Parking Garage

Liner units above retail will be apartments or office.

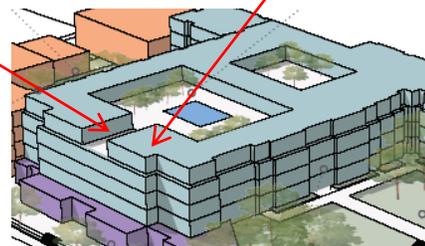
*Figure 1-7:* Location of parking garage is depicted in gray. Liner units surrounding garage are depicted in the red ringed area and include units above the retail space.

HOTEL ROOMS	120
HOTEL OTHER	17K
MULTI-FAMILY	164
COMMERCIAL	17K
PARKING	346



*Figure 1-8:* Section view of garage depicting one level below grade and four levels above grade. Note liner units in light blue surrounding garage.

Opening



*Figure 1-9:* Garage will be surrounded by liner units hiding it from view. Garage entrance will be visible

## 1.2 Phasing

The Project is intended to be constructed in a single phase and in a manner that is consistent with the Concept Plan (but with allowances for deviation pursuant to LDC Section 4.2.6.5(b)). However, economic conditions and operational considerations may dictate otherwise. In the event that Lindsey Hill is completed in phases, the following phasing plan shall apply. All existing LDC Development and permitting regulations apply to all project phases.

### 1.21 Platting, Dedications, and Public Improvements

Prior to submission of building plans for review and permit, Final Plat approval shall be required for the Project Site. Rights-of-way and easements may be required to be dedicated at that time, subject to and in accordance with existing provisions of the LDC. Also subject to and in accordance with existing provisions of the LDC, prior to Final Plat approval, Public Improvements Construction Plans (“PICPs”) shall be required to be submitted and approved for both on-site and off-site improvements, and such improvements shall be required to be constructed at the owners expense, or fiscal surety provided by the developer. Required improvements shall include underground utilities and the proposed streetscapes for all street frontages as illustrated in *Figures 4.1-4.7*, to the extent required under existing LDC provisions and this PDD Standards Book. If necessary, streetscape improvements may be phased as the development of the site occurs, if fiscal surety has been provided.

## 1.22 Phase 1

At a minimum, the first phase will include demolition of all buildings other than the existing auditorium and gymnasium. As soon thereafter as practical, the developer will commence and complete construction of the parking garage and the components wrapping the garage. Additionally, Phase 1 will include completion of Poet's Corner described in this Book, and completion of the on-street parking, street-tree zone, and sidewalk zone improvements along all rights-of-way adjacent to the entire Project Site, as illustrated below in Figures 4-1 through 4-7. Figure 1-10 depicts Phase 1 improvements.

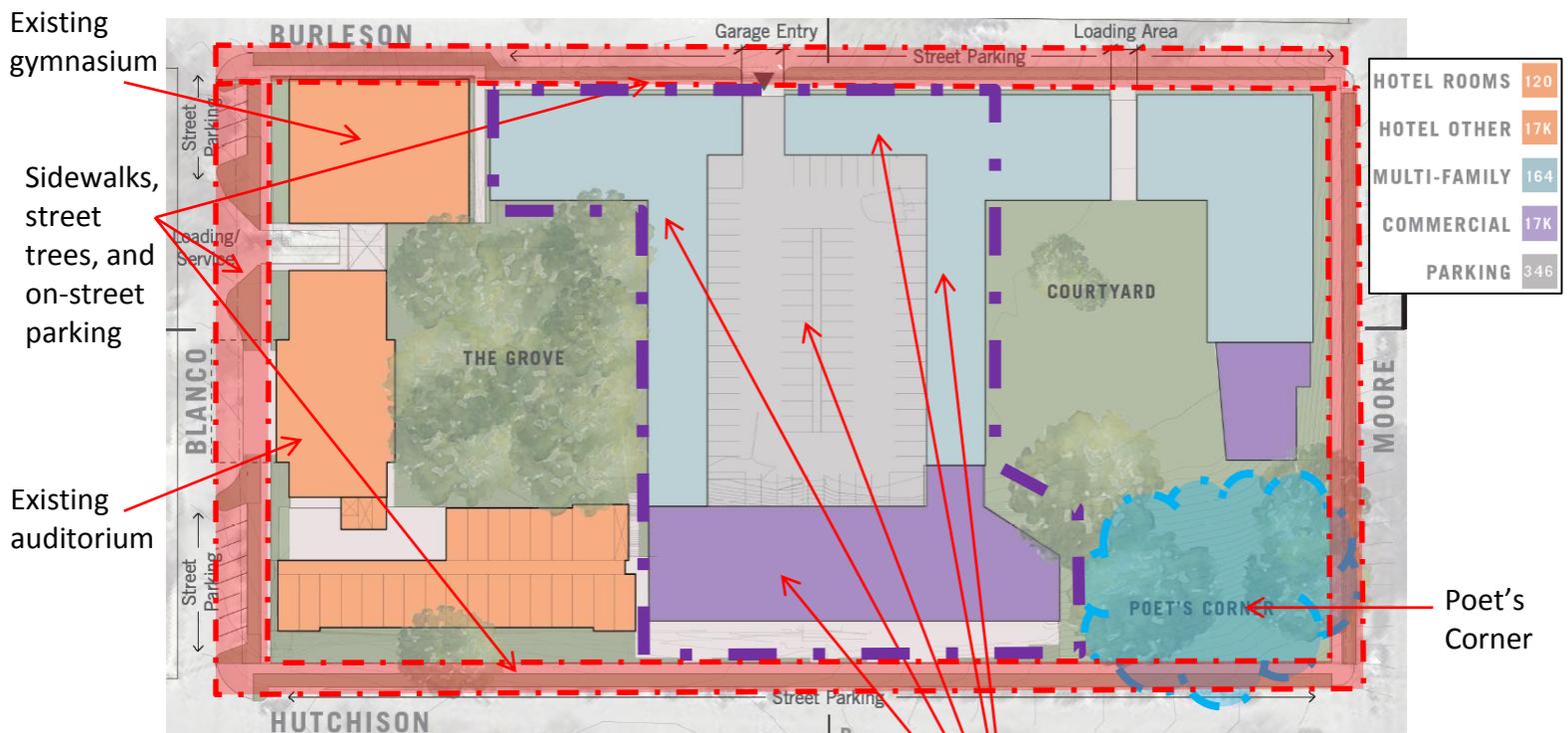


Figure 1-10: Portions of the Project improvements to be completed during Phase 1 are outlined as dashed, shaded areas.

Garage, Hutchison retail, and liner buildings

### 1.23 Phase 2

The second phase will include either completion of the hotel and adjacent outdoor spaces or the remaining portion of the apartment complex located in the area near Burleson and Moore Streets and the adjacent outdoor spaces (which also may occur as part of Phase 1), or both the hotel and remaining portion of the apartment complex along with their adjacent outdoor spaces. A depiction of Phase 2 components is included below in *Figure 1-11*.



Figure 1-11: Portions of the Project to be completed during Phases 2 or 3 are outlined as dashed, shaded areas.

### 1.24 Phase 3

In the event that the Project is not completed during Phases 1 and 2, Phase 3 will include completion of the balance of the Project other than the Moore Street retail space depicted in *Figure 1-11*, which shall not be a required project element.

- 2.0 OPEN SPACES
- 2.1 General Parkland Dedication Requirements
- 2.2 Description of Open Spaces

Open Spaces

## 2.1 General Parkland Dedication Requirements

The LDC requires the public dedication of one (1) acre of parkland per ninety-four (94) multifamily dwelling units. As this document specifies a maximum of one hundred sixty-four (164) multifamily dwelling units, approximately 1.75 acres would be required to be publicly dedicated to parkland.

The LDC also requires approximately twenty percent (20%) of the entire gross land area within a PDD to be devoted to open space that may be publicly-owned or a combination of publicly- and privately-owned. The Project Site is approximately five (5) acres and is therefore required to have a minimum of one (1) acre of open space.

The Project will meet the open space requirements for a PDD. However, none of the Project's open spaces will be publicly dedicated, as required generally under the LDC and discussed above. To meet the LDC's general parkland dedication requirement, the Project instead shall be required to provide a maximum payment of \$43,750 (subject to reduction if fewer multifamily units are constructed) as a fee-in-lieu of the public dedication of parkland for the Project. Payment shall be received by the city prior to final construction permitting. ~~Additionally, because the fee in lieu payment is an alternative to parkland dedication, the Project shall receive credit toward the fee in lieu payment for Project provided Poet's Corner improvements that "benefit the character and quality" of the Project pursuant to LDC Section 7.6.1.2(i).~~



## 2.2 Description of Open Spaces

### 2.2.1 Poet's Corner

Poet's Corner, located at the corner of Hutchison and Moore Streets, will be a privately-owned open space that generally will be open and available for public use and enjoyment in the Project owner's discretion. It will be managed, maintained, and controlled by the Project owner. Because this space is on the corner of Lindsey Hill that is closest to Downtown San Marcos, Poet's Corner will be designed to invite and encourage the public to enter, explore, and enjoy Lindsey Hill.

Poet's Corner may include an amphitheater-type element that can be utilized for, among other things, artistic performances, special events, lounging, reading, and interacting with neighbors. Poet's Corner shall be available for the use and enjoyment of residents and non-residents in accordance with rules

Examples of amphitheater-type elements and spaces that may be incorporated into Poet's Corner



and regulations of the Project owner, including but not limited to restrictions as to manner of use and hours of use.

**Poet's Corner Requirements and Checklist:**

1. Preservation and maintenance of specimen trees.
2. The Project shall be responsible for ongoing maintenance of Poet's Corner.
3. Terracing to define various recreational areas.
4. Lighting.
5. Landscaping, bike rack, seating (may be built-in, moveable, benches, chairs, etc.), public drinking water fountain, trash receptacles, and a sculpted slope.
6. Optional Improvements: Way finding signage, public art, bollards along road frontages, playscapes, water features, shade structures, exercise equipment, playing field, spray ground, game table(s), fenced off-leash dog area, and event space.

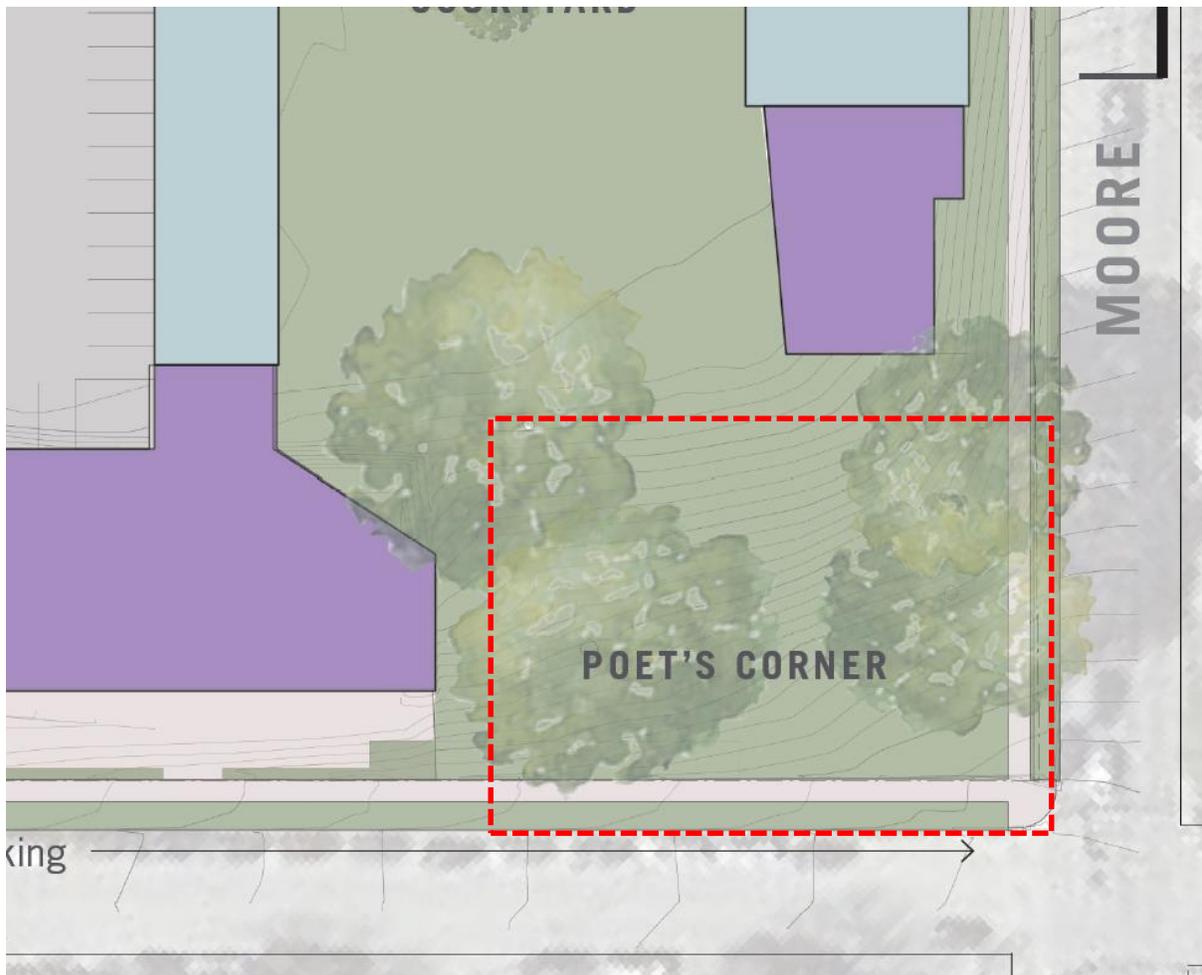


Figure 2-1: Approximate area of the Project Site to be known as Poet's Corner is depicted in red.

## 2.22 The Grove

The Grove will be a privately-owned open space that generally will be open and available for public use and enjoyment, but sometimes will be reserved for special events related to the hotel and/or other parts of the Project. The development team currently envisions renovation of the auditorium building to include glass-lined front and rear walls that will become a jewel box of sorts, allowing pedestrians walking along Blanco Street to see into and through the lobby building and to enjoy the magnificent oak trees and green space beyond. That view will invite the public to enjoy a space that will include furnished patios and decking.



## 2.23 The Courtyard

The Courtyard will be a private open space reserved for residents of Lindsey Hill's multifamily community. The Courtyard will be separated from Poet's Corner with a fence or wall.



- 3.0 SITE DESIGN
- 3.1 Pedestrian and Bicycle
- 3.2 On-Site Landscaping
- 3.3 Exterior Lighting
- 3.4 Parking
- 3.5 Vehicular Loading and Access
- 3.6 Signage
- 3.7 Water Quality & Permanent Best Management Practices
- 3.8 Sale of Alcoholic Beverages

Site Design

### 3.1 Pedestrian and Bicycle

#### 3.1.1 Pedestrian Access

The Lindsey Hill Project Site will be open to the public on a controlled basis, but also may close due to special events and security purposes. *Figure 3-1* depicts entrances that will be available to the pedestrian, and includes detail about whether such entrance will be gated or secured in some other manner.

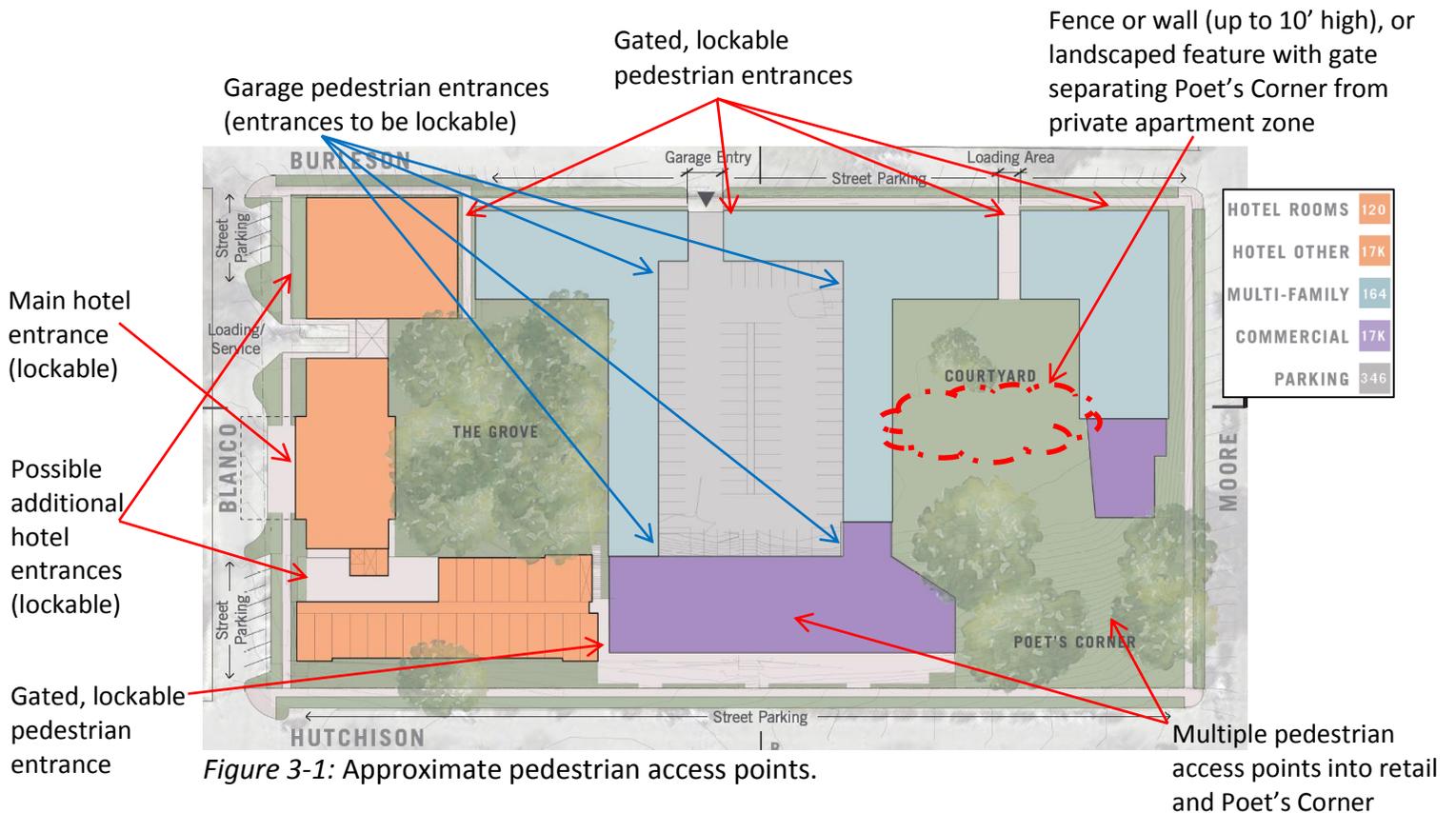


Figure 3-1: Approximate pedestrian access points.

#### Pedestrian Gates & Fencing

1. Gates along streetscapes shall be setback a minimum of four feet (4') from the building face (other than Moore Street gates described in Street Design & Amenities).
2. *Figure 3-2* provides examples of acceptable and unacceptable gates.
3. Gates may be a maximum of ten feet (10') high. Any gate above eight feet (8') high shall be at least seventy-five percent (75%) transparent and use metal as its predominant structural material. Any gate above six feet (6') high shall be at least fifty percent (50%) transparent. All other gates six feet (6') high or less shall be at least twenty-five (25%) percent transparent.

Notwithstanding the foregoing, there shall be no transparency requirement for the loading dock gate or for forecourt gates along the Moore Street frontage.

- Fencing shall be allowed only as illustrated above in Figure 3-1 and shall not exceed 10 feet in height. Fencing shall also be subject to the transparency requirements discussed above.

Figure 3-2: Examples of acceptable and unacceptable gate and fencing types within the PDD.



Simple wooden picket gate or fence - Not acceptable



Chain link gate or fence - Not acceptable



Decorative wooden gate and fencing - Acceptable



Metal gate and fencing - Acceptable



Greater than 8' tall, but at least 75% transparent and crafted of metal - Acceptable



Greater than 8' tall, but at least 75% transparent and crafted of metal - Acceptable



Less than 6' tall, but at least 25% transparent and with metal as structural material - Acceptable

### 3.12 Bicycle Parking

Bicycling will be encouraged by creating convenient bike storage locations, some of which will include covered bicycle parking for guests, and secured bicycle storage for residents.

#### **Bicycle Parking Requirements and Checklist:**

1. A minimum of sixteen (16) bicycle parking spaces shall be located within the street tree zone along the Hutchison frontage, not more than seventy-five feet (75') from the Project's retail component.
2. A minimum of sixteen (16) bicycle parking spaces shall be located within the parking garage.
3. In the event of a city-wide bike sharing program, space shall be provided for a bike-share rack.
4. There shall be no multifamily distance-to-door requirement for bicycle parking.



### 3.2 On-Site Landscaping

Except for the modifications and clarifications outlined below and in the attached Variances Matrix, landscaping shall be governed by the Base Regulations.

Because the base zoning of the PDD is MU, Mixed Use District, the Base Regulations require that a minimum of twenty percent (20%) of the entire site to be landscaped. Additionally, the Base Regulations require that a minimum of seventy-five percent (75%) of this required landscaping be installed between the property line and the building façade. However, because the Project may observe smaller setbacks than are permitted by right under the Base Regulations, satisfying the standard landscape requirements may not be possible. Therefore, landscaping may be achieved within the green space illustrated within *Figure 1-2* and as provided below.



Examples of drought-tolerant, flowering plants.

#### **Landscape Requirements and Checklist:**

1. Notwithstanding the Project's mixture of uses, the entire Project Site shall have a fifteen percent (~~15~~20%) minimum required landscape area.
2. One hundred percent (100%) of Lindsey Hill's new plantings shall be chosen from San Marcos Preferred Plant List.
3. At least sixty-five percent (65%) of new plantings (other than grass and trees) shall be drought-tolerant, flowering plants.
4. The landscape plan submitted to the City of San Marcos for review and permitting shall exhibit a visible priority for areas with greatest visibility from the street in satisfying required tree, shrub, and groundcover landscaping requirements.



### Tree Preservation

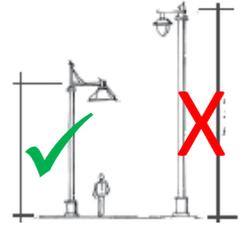
As depicted in *Figure 3-3*, the Project Site currently contains ten specimen trees with canopy sizes of at least 30'. Each of these ten trees will be preserved and protected as part of the Lindsey Hill project.



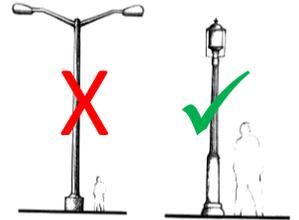
*Figure 3-3:* The green circles depict existing trees with canopy sizes of 30' or greater.

### 3.3 Exterior Lighting

The Project shall provide pedestrian scaled lighting along Lindsey Hill's pedestrian pathways. Light fixtures may be pole or building mounted, and lighting may be integrated into the trees and landscaped areas. Pole mounted fixtures may not exceed 20 feet in height.



Pedestrian scaled?



ACCEPTABLE



Lighting integrated into trees

ACCEPTABLE



Pedestrian-scaled building-mounted exterior lighting

ACCEPTABLE



Tree and landscape lighting

### 3.4 Parking

~~An Urban Land Institute (“ULI”) based parking study was completed for this Project (the “Parking Study”) and submitted to the City. The Parking Study examines the mixture of uses at the Project Site and the Project’s varied parking demand throughout the day. The parking study concluded that Lindsey Hill’s peak parking need, which occurs only on Friday and Saturday evenings during the 10:00 hour, totals 346 parking spaces.~~

~~The Parking Study’s ULI based model considers three variables: shared parking potential, modal split (arrival by means other than a car that will be parked in the Project’s parking garage), and captive market factor (factor considered when patrons visit more than one use within a single development).~~

~~Due to the Project’s proximity to downtown San Marcos and the Project’s proposed development intensity, which is consistent with development under San Marcos’ SmartCode, the Parking Study also compares the results of the ULI model to the Downtown SmartCode’s Shared Parking Model. The Parking Study’s ULI approach concluded that the Project would have a peak parking demand of 317 spaces with the office component, and 346 spaces without the office component. By way of comparison, application of the SmartCode’s Shared Parking Model and available transit reduction results in a peak parking demand of 275 spaces with the office component, and 286 spaces without.~~

**Parking Comparison Table**

	<u>Without Office</u>	<u>With Office</u>
Peak Demand (per Parking Study)	346 spaces	317 spaces
SmartCode Requirement	286 spaces	275 spaces
Surplus of Peak Demand Versus SmartCode Requirement	60 additional spaces	42 additional spaces

~~Across the nation, cities of all sizes are reducing and/or eliminating parking requirements, particularly for urban core development. Based on the rapid growth and measurable experiences of Uber, Lyft and other similar companies, transportation is evolving quickly whereby people’s dependence on and desire to own individual cars is rapidly decreasing. That clear fact is coupled with the Project developer’s goal to incorporate car sharing through Car2Go and other on-site rental opportunities, the availability of bus service one block away from the Project Site, and the Project’s urban location and focus on walkability and bikeability. Those alternative transit opportunities support the SmartCode’s conclusion about how much parking actually should be required for this type of Project at this location.~~

At Lindsey Hill, approximately 315 Required parking for the Lindsey Hill development spaces shall be provided on-site in the Project's proposed parking garage structure shall be dependent on the development of the office component. If the office component is not included in the final development of the project, the total parking required shall be approximately 405 spaces. If the office component is included, the total parking required shall be approximately 450 spaces. The following chart provides a detailed analysis of the required on-site parking requirements based on the land use square footage and unit maximum described in Section 1.1 – Land Use. Based on the Parking Study, all of the Project's daytime parking demand and 94.6% of the Project's weekly peak parking demand will be accommodated within the parking garage. During peak demand periods, valet parking can be utilized to "stack" vehicles thereby increasing garage capacity. Additionally, street parking will be available to relieve peak period needs.

**LINDSEY HILL PARKING REQUIREMENTS - WITHOUT OFFICE**

LAND USE	LINDSEY HILL - NO OFFICE					TOTAL
	Multi-Family (Bedrooms)	Hotel (rooms)	Hotel (Other)	Retail	Restaurant	
Unit (bedrooms/rooms/sqft.)	226	120	17000	8500	8500	n/a
PARKING RATIOS (spaces/unit)	0.85	0.85	0.003	0.003	0.004	n/a
REQUIRED PARKING SUPPLY						
On-Site	192	102	51	26	34	405

**LINDSEY HILL PARKING REQUIREMENTS - WITH OFFICE**

LAND USE	LINDSEY HILL - WITH OFFICE						TOTAL
	Multi-Family (Bedrooms)	Hotel (rooms)	Hotel (Other)	Office	Retail	Restaurant	
Unit (bedrooms/rooms/sqft.)	199	120	17000	27000	8500	8500	n/a
PARKING RATIOS (spaces/unit)	0.85	0.85	0.003	0.0025	0.003	0.004	n/a
REQUIRED PARKING SUPPLY							
On-Site	169	102	51	68	26	34	450

**3.41 Off-Site Parking**

To provide on-site flexibility in meeting the overall parking requirements discussed above, the Lindsey Hill project may locate up to 15% of required parking supply off-site, which is equal to approximately 61 spaces without office or 68 spaces with office. For the purposes of this document, off-site parking includes leased or owned private properties and the on-street parking located along Blanco Street and Burlson Street directly abutting the project site. Legal documentation, including a long-term agreement, shall be provided prior to final issuance of a Certificate of Occupancy that confirms the dedication of off-site parking for the Lindsey Hill project.

Additionally, if the project elects to locate a portion of its required parking off-site, and if after a period of at least one year following full build-out and full occupancy, it can be demonstrated that a portion or all of the off-site parking is not necessary for the project, the parking requirements of the Lindsey project listed above in Section 3.4 may be reduced up to 15%. This reduction may occur administratively.

### **3.4142 On-Street Parking**

~~While 94.6% of Lindsey Hill's weekly peak parking demand will be handled within Lindsey Hill's parking garage, some patrons of the retail spaces and visitors will prefer to park their vehicles along the street.~~ As illustrated in Figures 4-1 through 4-7, on-street parking shall be provided along Hutchison, Blanco, and Burleson Streets. Those parking opportunities represent a relatively small amount of spaces, but are intended to provide additional spaces for the Project and existing adjacent developments.

On the Blanco Street frontage, the existing school use was supported by parking that was fully within the Property's boundaries. As part of the planned Lindsey Hill redevelopment, the Project's Blanco frontage expands the pedestrian right-of-way by including wide sidewalks with landscape/tree well zones on each side of the sidewalk causing the existing Blanco parking spaces to turn into a hybrid where a portion of each space is within the Project Site and a portion extends into the public right-of-way. ~~Since the developer is creating an improved condition by providing an enhanced pedestrian frontage as well as these now publicly available parking spaces, Blanco spaces will be credited to the Project's peak parking requirement.~~

On the Hutchison frontage, parking will continue to be available on both sides of the street, ~~but~~. It is anticipated that approximately five (5) additional street spaces will be added to the Project's side. ~~Because sufficient street parking exists to support all property owners on this double block, Hutchison Street parking on the Project's side of the street will be counted toward Lindsey Hill's peak parking requirement.~~

The Burleson Street block currently does not ~~permit parking on the Property's side of the street~~ have improved on-street parking. Overall, Burleson Street is improved to the level of an alley (e.g., poor, intermittent sidewalks, signage, and curbing), thus it is unclear whether parking is meant to be permitted on the opposite side of the street even though a small number of vehicles currently park there anyway. Under the PDD, at the Project's expense the Burleson frontage of the Property will be substantially upgraded with a high-quality pedestrian right-of-way including wide sidewalks, street trees and landscaping, and pedestrian-focused building design. Additionally, clearly

marked street parking will be provided for a likely total of eighteen (18) parking spaces on this frontage. ~~Because of this improved streetscape condition and the addition of clearly marked parking spaces provided by the Project, Burleson Street spaces will be counted toward Lindsey Hill's peak parking requirement.~~

### **3.4243 Parking Garage**

Lindsey Hill's total parking garage capacity takes into account the need to support a minimum of one parking space per multifamily unit and 0.05 parking spaces per unit for multifamily visitor parking.

The parking garage may have a single access point with up to three lanes (thereby reducing points of conflict between pedestrians and motor vehicles) and an adjacent pedestrian access point. The service and loading dock driveway is the only other location where vehicles will cross sidewalks surrounding the Project Site.

The garage's rooftop level may be used for parking and/or for Project amenity opportunities. In order to potentially make that space available and still provide sufficient parking for Lindsey Hill, a portion of the parking garage will be underground.

#### **Parking Garage Attributes and Allowances:**

1. Parking garage may include below-grade parking.
2. Parking garage will be hidden from public view through the use of liner buildings.
3. Hotel and multifamily amenities and related event spaces may be on the parking structure's rooftop level.
4. Parking garage entrance/exit gates, doors, etc. shall be recessed from the main building façade a minimum of four feet (4').
5. Curb stops will be provided as necessary throughout the parking garage.
6. Parking spaces within the PDD shall be a minimum of 8'6" wide.
7. No parking spaces shall be required to be marked as "visitor" parking spaces.
8. Spaces or sections within the garage can be blocked off with signage, gates, etc. as necessary for valet use, resident use, and/or other purposes.
9. A minimum of 1 space per multifamily unit provided for residential use.
10. A minimum of 0.05 spaces per unit provided for visitor parking for multifamily residential.



### 3.5 Vehicular Loading and Access

In addition to the parking garage, vehicle loading and access shall be restricted to the hotel porte-cochere, the short-term vehicle loading zone on Burleson Street, and the loading dock and waste management access point along the Blanco Street frontage.

#### 3.51 Porte-Cochere

As illustrated in *Figure 3-4*, the Project plans to locate a porte-cochere along a portion of the Blanco Street frontage. The porte-cochere will be a drop-off and passenger loading point for hotel guests and may be used for valet parking for the hotel and retail spaces.

Because the porte-cochere likely will extend from an existing structure that the developer hopes to adapt for the Project, a space constraint exists which creates the need for the porte-cochere to extend into the Blanco Street right-of-way. Thus, the developer will be required to obtain approval of a right-of-way use agreement by the City of San Marcos, outside of the approval of this document.

The City is under no obligation to enter into such agreement and final approval of a right-of-way use agreement shall be contingent upon the submittal and review of construction documents for the porte-cochere.

The proposed right-of-way use agreement and final design of the porte-cochere, to be submitted by the developer to the City for review, shall adhere to the following requirements:

- a. All porte-cochere structural elements shall be located within the boundaries of the Property.
- b. Any portion of the porte-cochere overhanging the public right-of-way shall be at least fourteen feet (14') above the street grade below.
- c. The porte-cochere must be setback a minimum of two feet (2') from any adjacent travel lane along Blanco Street.



Porte-cochere examples



Porte-cochere examples



### 3.52 Short Term Vehicle Loading Zone on Burleson

A loading zone may be provided on the Burleson Street frontage adjacent to the pedestrian entrance on Burleson near Moore Street. The approximate location of that loading zone is depicted above in *Figure 1-1*.

#### **Burleson Street Loading Zone Requirements and Checklist:**

1. Burleson Street loading zone may be located within the parking lane only.
2. Appropriate signage shall be installed at the Project's expense.
3. Loading zone to have a maximum length of forty feet (40').
4. Loading zone shall be in front of the Burleson Street building entrance closer to Moore Street.



### 3.53 Loading Dock and Waste Management Access

Commercial loading/unloading and trash pickup for the PDD are centralized in order to reduce pedestrian realm disruptions. Depicted below in *Figure 3-4* is a concept diagram showing the loading dock and waste management areas that will service the PDD, and a depiction of truck movements related to those areas.



#### **Loading Dock and Waste Management Access Requirements and Checklist:**

1. To utilize the loading dock, truck movement may occur within the public right-of-way (as further depicted in *Figure 3-4*).
2. Trucks will be permitted to back across the sidewalk in the loading dock area.
3. Trucks may cross the pedestrian plane in forward or in reverse.
4. In the area where trucks cross the pedestrian plane, additional measures shall be taken in order to enhance pedestrian safety. Such measures may include different pavement, special signage, special lighting, sound-making devices, gates, and/or other barriers.
5. Loading dock doors, gates, etc. may be up to ten feet (10') tall, but shall not have a transparency requirement. The loading dock gates alone shall satisfy loading dock screening requirements under LDC Section 6.1.2.4(a).
6. Loading dock gates, doors, etc. shall be setback a minimum of four feet (4') from adjacent building frontages.
7. Loading dock throat (depicted in *Figure 3-4*) width of up to twenty-five feet (25').
- 7.8. Trash receptacles will be entirely screened from public view and will be located behind the loading dock gates.

Example of paving to safeguard pedestrians at vehicular crossings



Example of signage to safeguard pedestrians at vehicular crossings

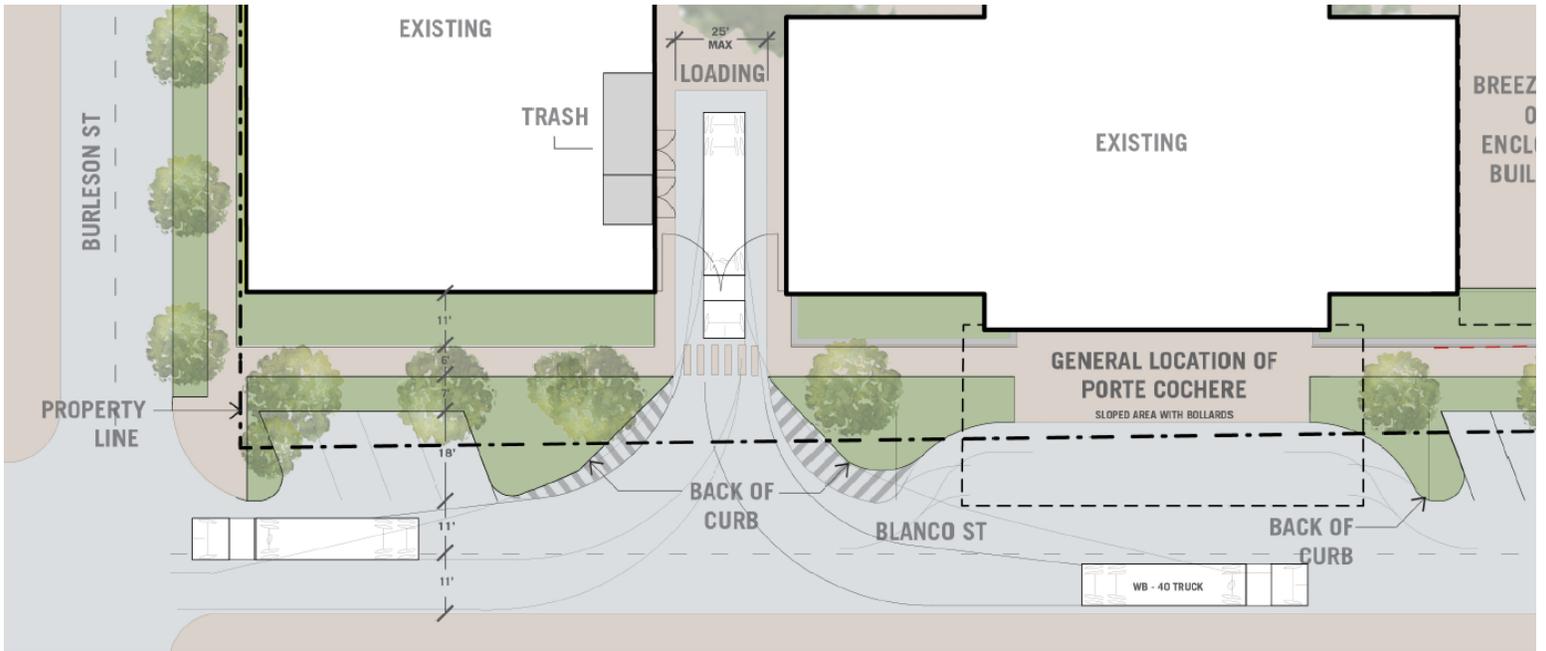


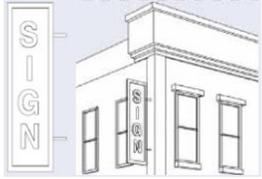
Figure 3-4: Loading dock and waste pickup area concept drawing.

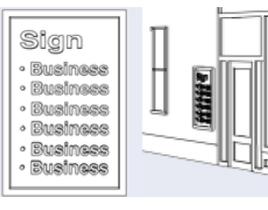
### 3.6 Signage

Signage within the Project Site shall be subject to the signage standards applicable under the Base Regulations and the standards set forth below. In the event that a conflict may arise between the two, the standards contained within this PDD Standards Book shall prevail.

Figure 3-5 depicts the sign types permitted within the PDD and their permitted frontages.

Figure 3-5: Permitted sign types and frontages

<u>Sign Type Defined</u>	<u>Depiction</u>	<u>Permitted Frontage(s)</u>
<p><b>Awning or Canopy Sign:</b> A sign painted on or attached flat or flush against the surface of an awning or canopy.</p>		<p>Hutchison Blanco Moore (on retail only)</p>
<p><b>Projecting Sign:</b> A sign that is attached directly to the building wall and which extends out from the face of the wall.</p>		<p>Hutchison Blanco Moore Burluson (limited to wayfinding signage for parking garage only)</p>
<p><b>Hanging Sign:</b> A sign that is hanging or suspended (such as by chains or hooks) from a canopy, awning, or building overhang.</p>		<p>Hutchison Blanco Moore (on retail only)</p>
<p><b>Sandwich Board:</b> A portable sign designed in an A-frame or other fashion, and having back-to-back sign faces.</p>		<p>Hutchison Blanco Moore (near retail only)</p>
<p><b>Retaining Wall Sign:</b> A sign that is engraved, painted on, or attached directly to a retaining wall.</p>		<p>Hutchison Moore (adjacent to Poet's Corner)</p>

<p><b>Wall Sign:</b> A sign that is engraved, painted on, or attached directly to the building wall within a Sign Band on the building facade.</p>		<p>Hutchison Blanco Moore</p>
<p><b>Monument Sign:</b> A sign that is erected on a solid base placed directly on the ground, and that is itself constructed of a solid material.</p>		<p>Hutchison Blanco Moore (on retail only) Burluson (limited to wayfinding sign for parking garage only)</p>
<p><b>Directory Sign:</b> A sign that displays the tenant name and location for a building containing multiple tenants.</p>		<p>Hutchison Burluson Moore</p>
<p><b>Window Sign:</b> Signs affixed, painted, or etched to windows or hanging inside of windows that are visible to the exterior of the building.</p>		<p>Hutchison Blanco Moore (on retail only)</p>

**PDD Signage Standards**

1. General

- a. Freestanding pole signage shall not be permitted at the Project Site.
- b. The sign area is calculated as the largest area of the sign visible at any one time from any one point and enclosed by a rectangle, including any framing or trim, but not including any structural parts lying outside the limits of the sign and which do not form an integral part of the display. If the copy is enclosed by a box, outline or frame, area is the total area of the enclosure. If the sign consists of individual letters, numbers or symbols, on a surface or having no frame, area shall be the sum of the areas of the rectangles which can encompass each portion of the copy. The area of four-side signs is considered the same as two double-faced signs.
- c. Shopfront window signage may be up to 30% of the window area and may be neon or LED lit.
- d. Basic sign types permitted include awning or canopy signs, projecting signs, hanging signs, sandwich boards, and wall signs.
- e. Special sign types permitted include shopfront window signs, directory signs, monument signs, and retaining wall signs.



Pole-mounted signs not allowed

## 2. Illumination

a. Signage within the PDD shall be externally illuminated, except as follows:

- i. Signage within the shopfront glazing may be neon or LED lit.
- ii. The parking garage monument sign, signage located along Moore Street, and signage at the corner of Moore and Hutchison Streets may be neon (or LED equivalent), halo, or internally illuminated.

iii. Wall signs serving the hotel on Blanco and retail or office tenants on the Hutchison frontage may be neon ~~(or LED equivalent), halo, or diffused internal illumination,~~ LED lit, or diffused internal illumination (as defined below)

iii.—***Diffused Internal Illumination:*** A source of illumination entirely within the sign which makes the sign content visible at night by means of the light being transmitted through a translucent material, but wherein the source of the illumination is diffused by a solid front panel. The source of illumination shall include 3/16 or 1/4 inch translucent white, acrylic plexi-glass.

## 3. Directory Signs

- a. One directory sign is permitted at each street-level entrance to upper-floor businesses and residences, and on facades facing entrances to alleys, rear lanes and parking lots.
- b. The area of a directory sign shall not exceed six square feet (6 SF).
- c. Directory signs shall be no taller than three feet (3').

## 4. Awning or Canopy Signs

- a. One awning or canopy sign is permitted per business.
- b. The sign may be placed on either the vertical valance flap, the sloped portion, or on a side panel of the awning or canopy.
- c. The sign shall not extend below or above the awning or canopy to which it is attached.
- d. When properly installed on canopies, canopy signs may extend into Setback Zones.
- e. An awning or canopy sign shall not exceed three feet (3') in height.
- f. An awning or canopy sign shall not exceed twelve feet (12') in length.

## 5. Projecting Signs

- a. One projecting sign is permitted per building façade.
- b. Sign area shall not exceed nine square feet (9 SF) for each projecting sign. Notwithstanding the foregoing, one projecting sign on the Moore Street frontage may be up to eighteen square feet (18 SF).
- c. A projecting sign must maintain a minimum eight foot (8') clearance above the sidewalk or finished ground surface below the sign.
- d. A projecting sign may be attached to the building façade.
- e. For single story buildings up to sixteen feet (16') in height, a projecting sign may extend no more than fifty percent (50%) of the sign height up to a maximum of two feet (2') above the parapet or roof of the

- structure to which it is attached. For all other building heights, a projecting sign may not extend above the parapet or roof of the structure to which it is attached.
- f. Projecting signs may penetrate the Setback Zone by up to thirty-six inches (36") from the building face.
6. Hanging Signs
    - a. One hanging sign is permitted per business.
    - b. A hanging sign must maintain a minimum eight foot (8') clearance above the sidewalk or finished ground surface below the sign.
    - c. Sign area shall not exceed six square feet (6 SF) for each hanging sign.
    - d. Hanging Signs are permitted within Setback Zones adjacent to retail spaces.
  7. Sandwich Board Signs
    - a. One sandwich board sign is permitted per business.
    - b. The area of each face of sandwich board shall not exceed twelve square feet (12 SF).
    - c. The overall sign shall be no taller than four feet (4').
    - d. A sandwich board within the public right-of-way must be placed such that at least a six foot (6') unobstructed sidewalk width remains.
    - e. Sandwich board signs may be "A-frames" or spring base.
    - f. A sandwich board must have a stable base.
    - g. Sandwich boards shall be removed at the close of business each day.
  8. Wall Signage
    - a. One wall sign is permitted per business.
    - b. Wall signs shall be located within a single external sign band located on the first story façade. Additionally, in the event that office space is incorporated into the Project, signage for office tenants may be located within a second sign band near the top of the building on the Hutchison Street frontage.
    - c. Wall signs should be attached flat to the wall. Three-dimensional signage is permitted, but shall not extend more than sixteen inches (16") beyond the face of the wall.
    - d. The sign band shall not exceed three feet (3') in height.
  9. Monument Signage
    - a. Monument signs shall incorporate a supporting base that is at least seventy-five percent (75%) of the width of the sign face at its widest point. The supporting base shall be constructed of brick, stone, masonry, or scored concrete.
    - b. Sign area shall not exceed eighteen square feet (18 SF).
    - c. Sign height shall not exceed four feet (4').
    - d. Monument signs may be installed within Setback Zones, but shall be at least two feet (2') behind sidewalks.
    - e. One monument sign may be installed on Burleson Street for parking garage wayfinding. The following special rules apply to that sign:



Sandwich board signs allowed (with restrictions)

- i. Sign may be located in the street tree zone adjacent to the parking garage entrance.
- ii. Sign area shall not exceed fifteen square feet (15 SF). Sign height may be up to five feet (5’).
- iii. Sign may be constructed of metal and shall not be subject to the supporting base materials requirement of Subsection 9.a. above.

10. Retaining Wall Signage

- a. Two retaining wall signs are permitted near the corner of Hutchison and Moore Streets adjacent to Poet’s Corner.
- b. Signs shall be attached to the retaining wall. Three-dimensional signage is permitted, but shall not extend more than twelve inches (12”) beyond the face of the wall.
- c. Signs shall not exceed four feet (4’) in height and sixteen feet (16’) in length.
- d. Signs shall not extend beyond or above retaining wall edges.
- e. Signs shall be located behind sidewalks.

11. Temporary Signage

- a. A maximum of two (2) temporary signs shall be permitted on each of the Hutchison, Moore, and Blanco Street frontages.

12. Hotel Tower Element

- a. In addition to other allowable signage, the hotel’s tower element (described in this Book) may include signage.
  - i. This sign may be wall mounted (with or without a sign band), projecting, roof mounted, or may wrap around the tower element.
  - ii. Total square footage shall not exceed ~~two one~~ hundred square feet (~~200-100~~ SF) per face, with up to three faces (or a total of ~~600-300~~ SF in the aggregate).
  - iii. May not be internally illuminated, but may be neon ~~(or LED equivalent) or halo or LED lit.~~
  - ~~iv. If a projecting sign, may project a maximum of six feet (6’) from the façade to which it is attached.~~

### **3.7 Water Quality and Permanent Best Management Practices**

The growth of impervious surfaces within urbanizing watersheds has the potential to reduce water quality. Pollutants that collect on pavement and other impervious surfaces may be washed into local creeks and rivers. The San Marcos community goals include protecting water quality by limiting impervious cover and requiring Permanent Best Management Practices (“PBMPs”) when necessary.

The base regulations limit impervious cover to sixty percent (60%). Increasing impervious cover may have negative impacts on water quality. In an attempt to

reduce potential water quality impact, the following standards shall apply to the Project Site:

- A. That portion of impervious cover that is greater than sixty percent (60%) of the Project Site shall be designed and operated to achieve storm-water pollutant removal through the use of PBMPs reasonably approved by the City.
- B. Removal of a minimum of seventy percent (70%) of the Project’s increase of Total Suspended Solids (“TSS”) shall be achieved for that portion of impervious cover that is greater than sixty percent (60%) of the Project Site.

### 3.8 Sale of Alcoholic Beverages

The sale of alcoholic beverages is intended to be a use permitted at the Property, subject to the more specific requirements of LDC Section 4.3.4.2 – Conditional Use Permits for On-Site Alcoholic Beverage Consumption and LDC Chapter 1, Article 5, Division 7, which governs conditional use permits generally. During design, development, and lease-up, requests will be submitted to the City of San Marcos for Conditional Use Permits (“CUP”) for the service and sale of alcoholic beverages. Figure 3-6 depicts the various locations where alcohol likely will be served at the Project Sites planned to be sold and or served.

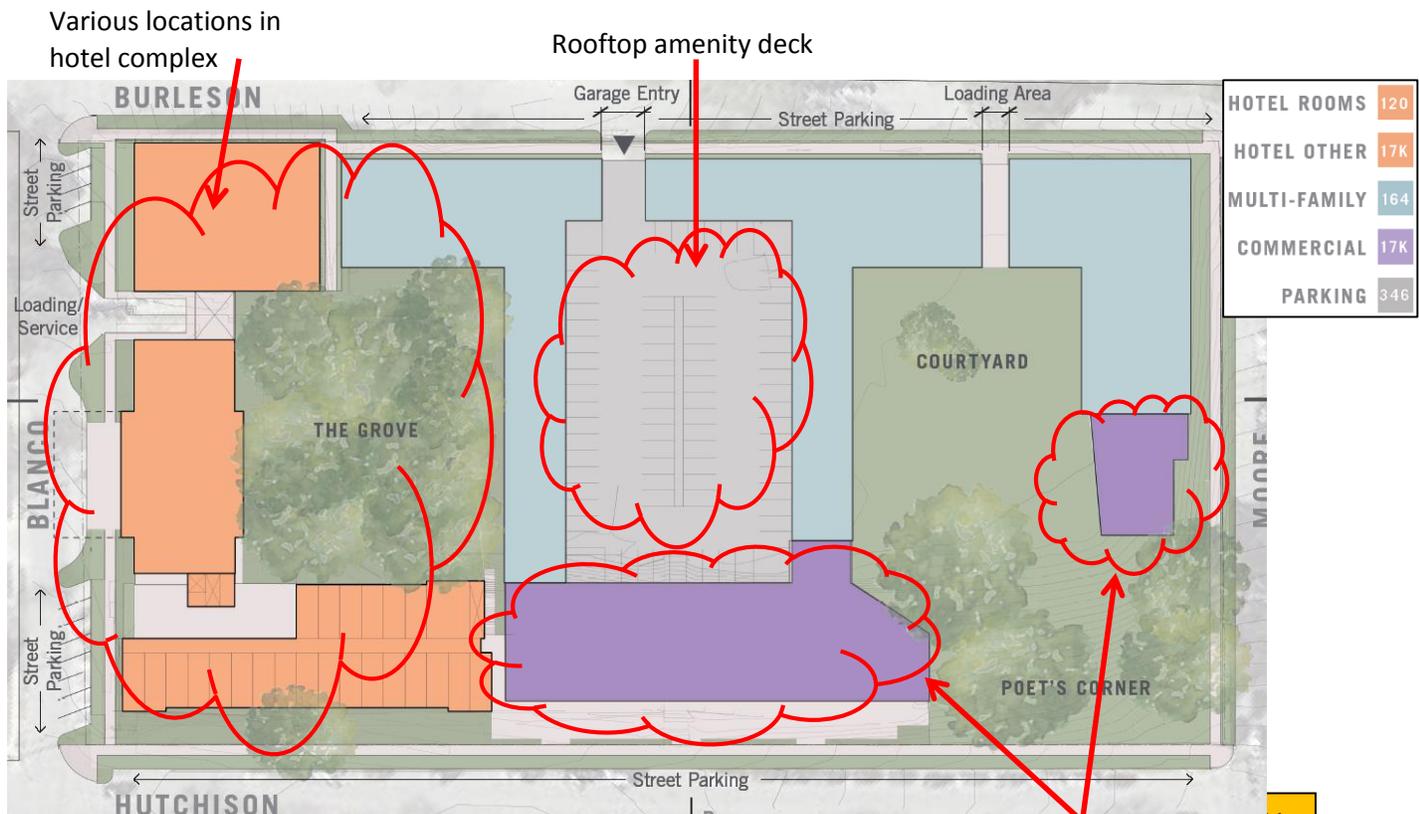


Figure 3-6: Locations Where Alcohol May be Sold and/or Served.

- 4.0 **STREET DESIGN & AMENITIES**
- 4.1 Hutchison Street Streetscape
- 4.2 Moore Street Streetscape
- 4.3 Burleson Street Streetscape
- 4.4 Blanco Street Streetscape
- 4.5 Streetscape Standards Matrix

Streetscapes

## 4.0 Street Design & Amenities

Special attention will be paid to streetscape design in order to create an interesting and inviting pedestrian environment that softens the transition from public to private, blends Lindsey Hill's buildings into the existing historic district, and sets the tone for future neighboring redevelopment. In addition, street design will take into consideration the added demand that the Lindsey Hill development places on the existing neighborhood and streets.

A Traffic Impact Analysis (the "TIA") was completed by the developer and submitted to the City prior to completion of this PDD Standards Book. The TIA concluded that the Project will cause minimal impact to the surrounding roadway network. However, prior to the issuance of any Certificates of Occupancy for the project, the east bound lane of Burleson at the intersection with Moore, shall be converted to a right-turn-only lane. This conversion shall be implemented by the development in cooperation with the City of San Marcos Engineering and Transportation Departments and at the expense of the developer. ~~a level of service ("LOS") decrease during the PM peak period was observed for the eastbound movement of Burleson Street at Moore Street, resulting in a diminished traffic flow during that time.~~

~~To mitigate that LOS decrease, the Project's traffic engineer recommended the installation of a traffic signal at the Burleson/Moore intersection and the City's engineering department agrees with that approach. Pursuant to the TIA, the Project's fair share of the cost of that traffic signal is \$26,750. Upon commencement of construction at the Project Site, the Project shall pay that sum to the City of San Marcos and prior to completion of Phase 1 of the Project, the City shall work with the Texas Department of Transportation to complete the installation of a traffic signal at that intersection.~~

The following street sections and diagrams, and the matrixes that follow those drawings incorporate the above goals and provide additional specificity about streetscape design on each street adjacent to Lindsey Hill. Setbacks and yard requirements within the Project shall be consistent with the measurements depicted in this section and summarized in the matrixes.

~~Note, however, that~~ the street sections below are provided ~~only~~ to illustrate ~~concepts~~ conceptual design and to outline ~~certain~~ required ~~basic~~ elements that will be part of Lindsey Hill's streetscape. These illustrations ~~shall not dictate building or streetscape design, other than~~ are also intended to establish minimum dimensions of required streetscape elements and streetscape-related setbacks, and right-of-way components. These illustrations are not intended however, to dictate building design.

~~City Staff (including the transportation/engineering department) has reviewed and provided input on the right-of-way specifications (including parking areas, dimensions, drive lanes, etc.) outlined below. The City confirms that the public right-of-way designs and dimensions provided below are acceptable to be incorporated into the areas fronting and surrounding the Project Site.~~

## 4.1 Hutchison Street Streetscape

Figures 4-1 and 4-2 depict typical design elements and dimensions that will be incorporated into the design of the Hutchison Street frontage. Figure 4-1 depicts the design concept of the streetscape area along the retail frontage and Figure 4-2 depicts the design concept of the area adjacent to the hotel building.

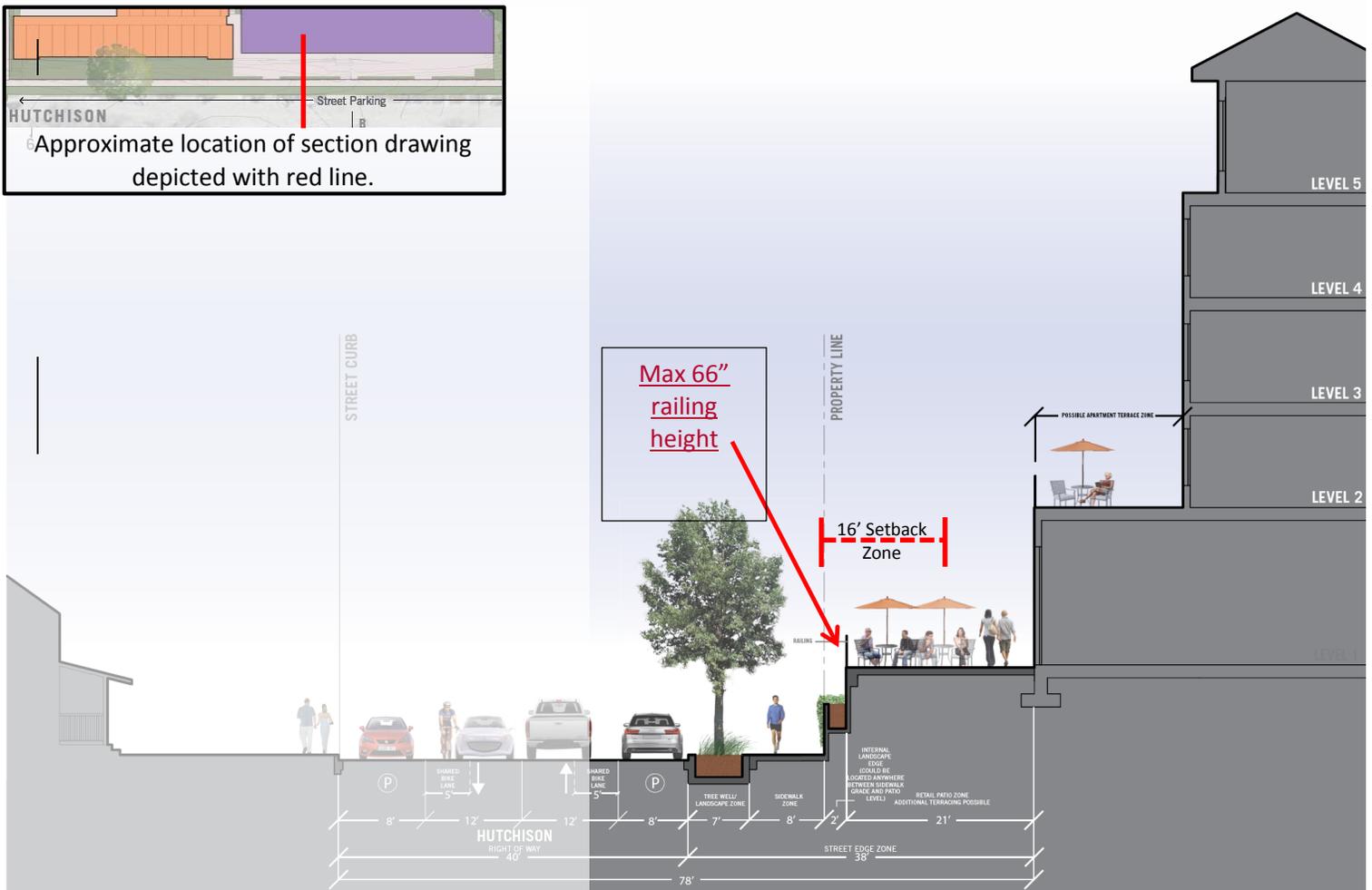


Figure 4-1: Hutchison Street streetscape design concept adjacent to retail space.

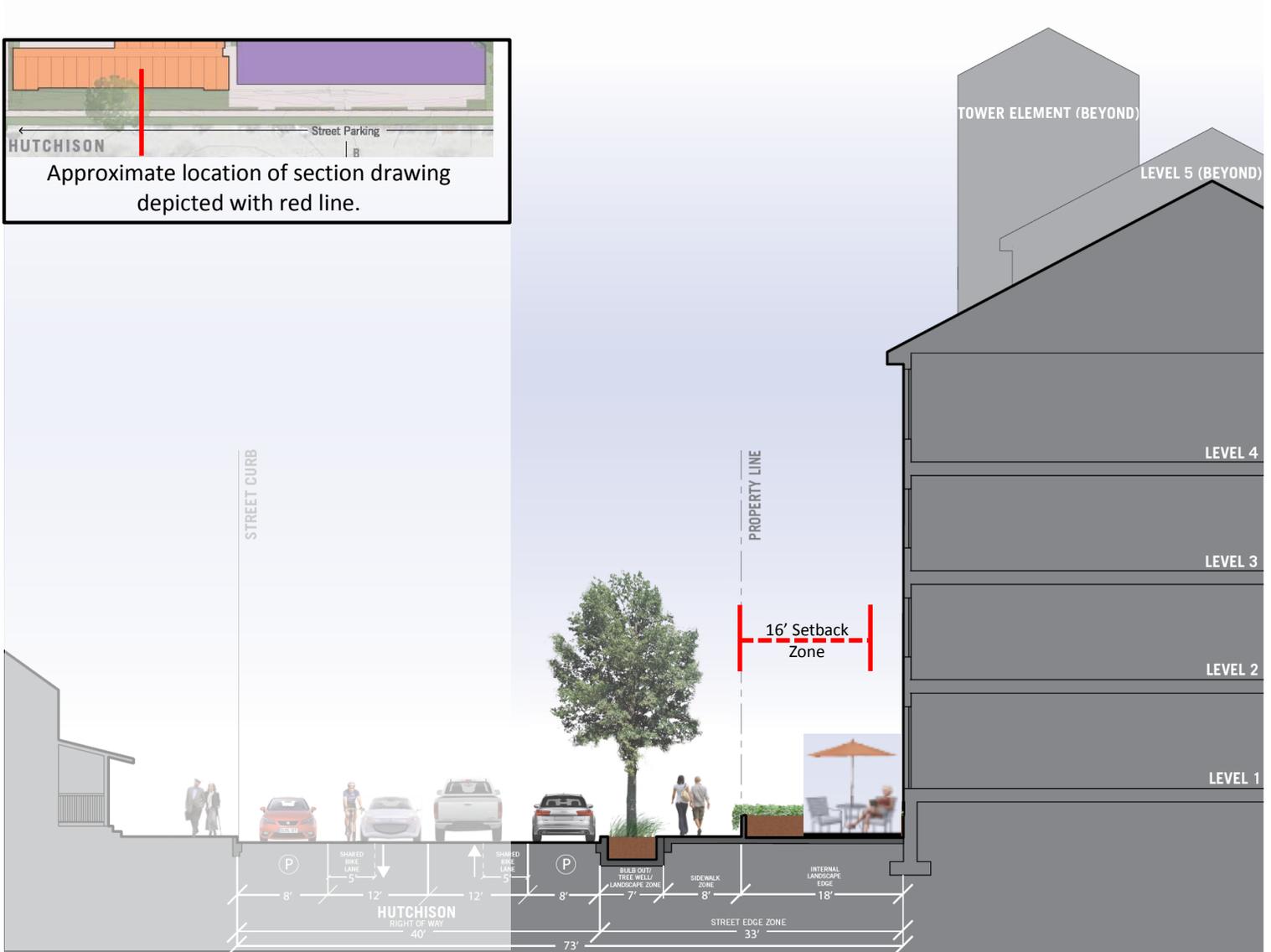
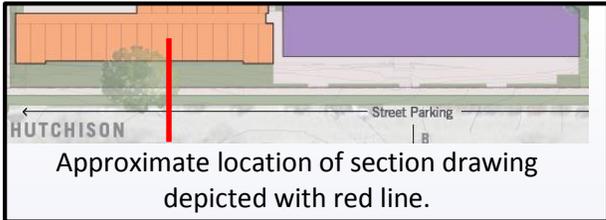


Figure 4-2: Hutchison Street streetscape design concept adjacent to hotel.

## 4.2 Moore Street Streetscape

Figure 4-3 depicts the typical streetscape design concept along the Moore Street frontage.

To provide comfort and enjoyment of ground floor apartment residents and for additional screening along the Moore Street frontage, a low wall and landscaping will be constructed to shield the forecourts and apartment entry doors beyond. The forecourt wall may be made of stone, brick, concrete, masonry, wood, metal or other innovative materials and may be topped with semi-transparent fencing for a total height of 66" above grade. Inclusion of that wall/landscaping shall fully satisfy the screening requirement under LDC Section 6.1.2.1(b)(1) related to multifamily use on the Moore Street frontage.

To provide further privacy for Moore Street forecourts, each forecourt entryway within the wall also may have an entry gate incorporated into (and "in-line" with) the wall. These entry gates have no transparency requirement and may be up to 66" tall. There shall be no easement or land dedication to the City related to the wall/landscaping for maintenance or for any other purposes.

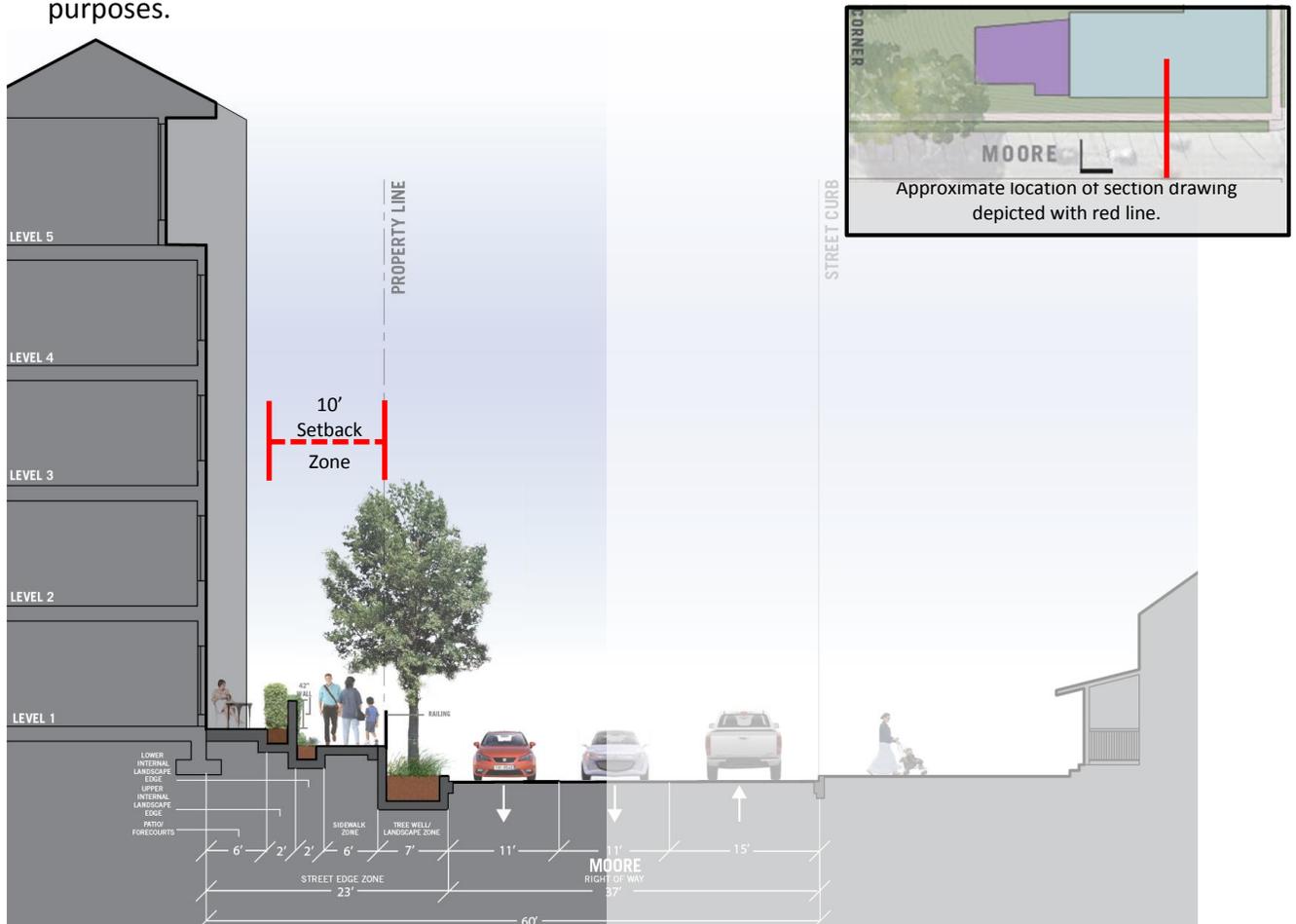


Figure 4-3: Moore Street streetscape design concept adjacent to multifamily building.

### 4.3 Burleson Street Streetscape

A substantial portion of Lindsey Hill’s Burleson Street frontage is across from properties that are zoned single-family. The entirety of those properties are within the Lindsey-Rogers Historic District.

Because a portion of that frontage is more sensitive than the other street frontages, the Burleson streetscape’s street tree zone shall be softened by plantings and landscaping.

Figures 4.4, 4.5, and 4.6 depict the minimum design criteria and related setback requirements for the Burleson Street streetscape.

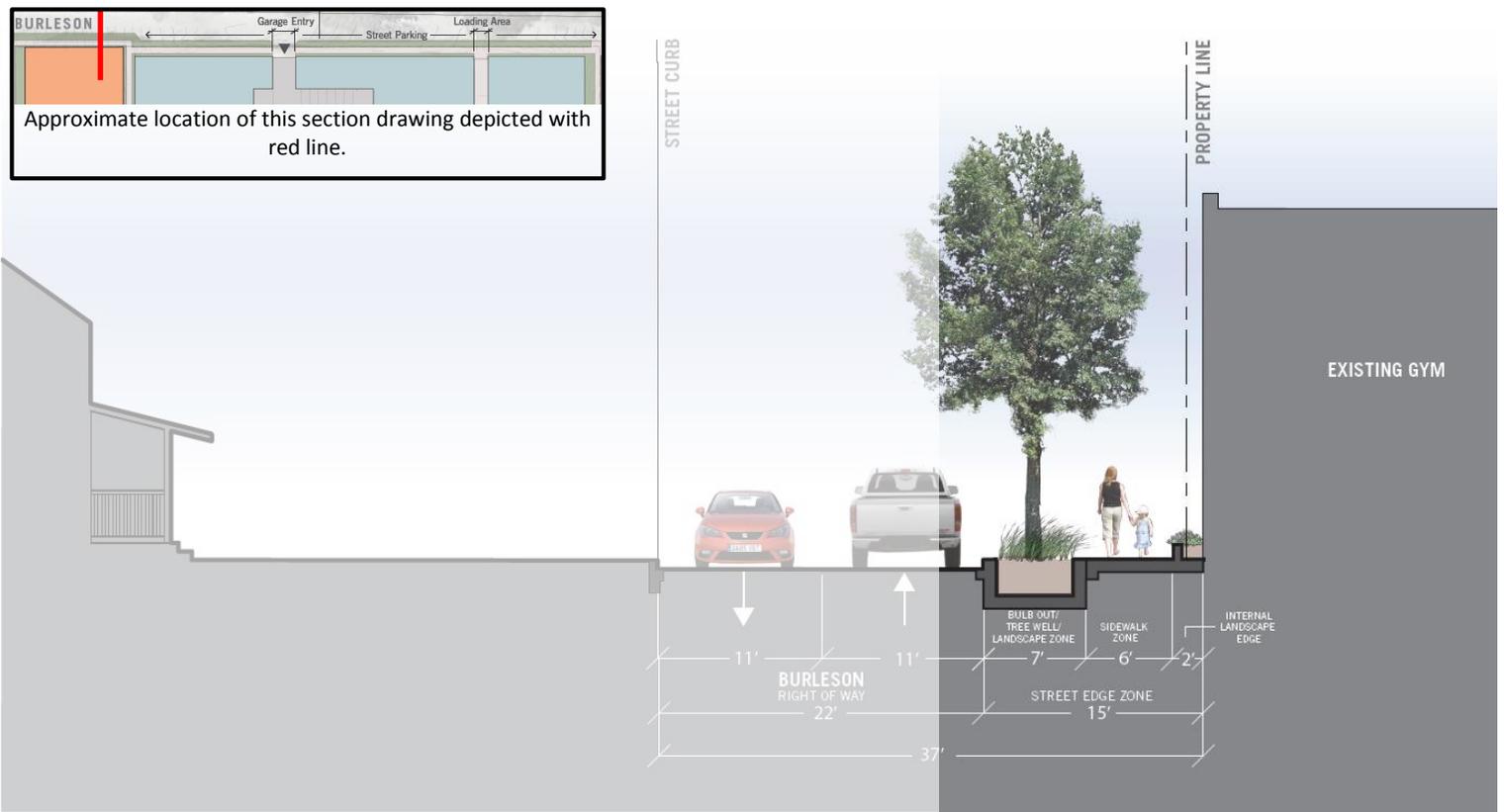


Figure 4-4: Burleson Street streetscape design concept adjacent to existing gymnasium building.

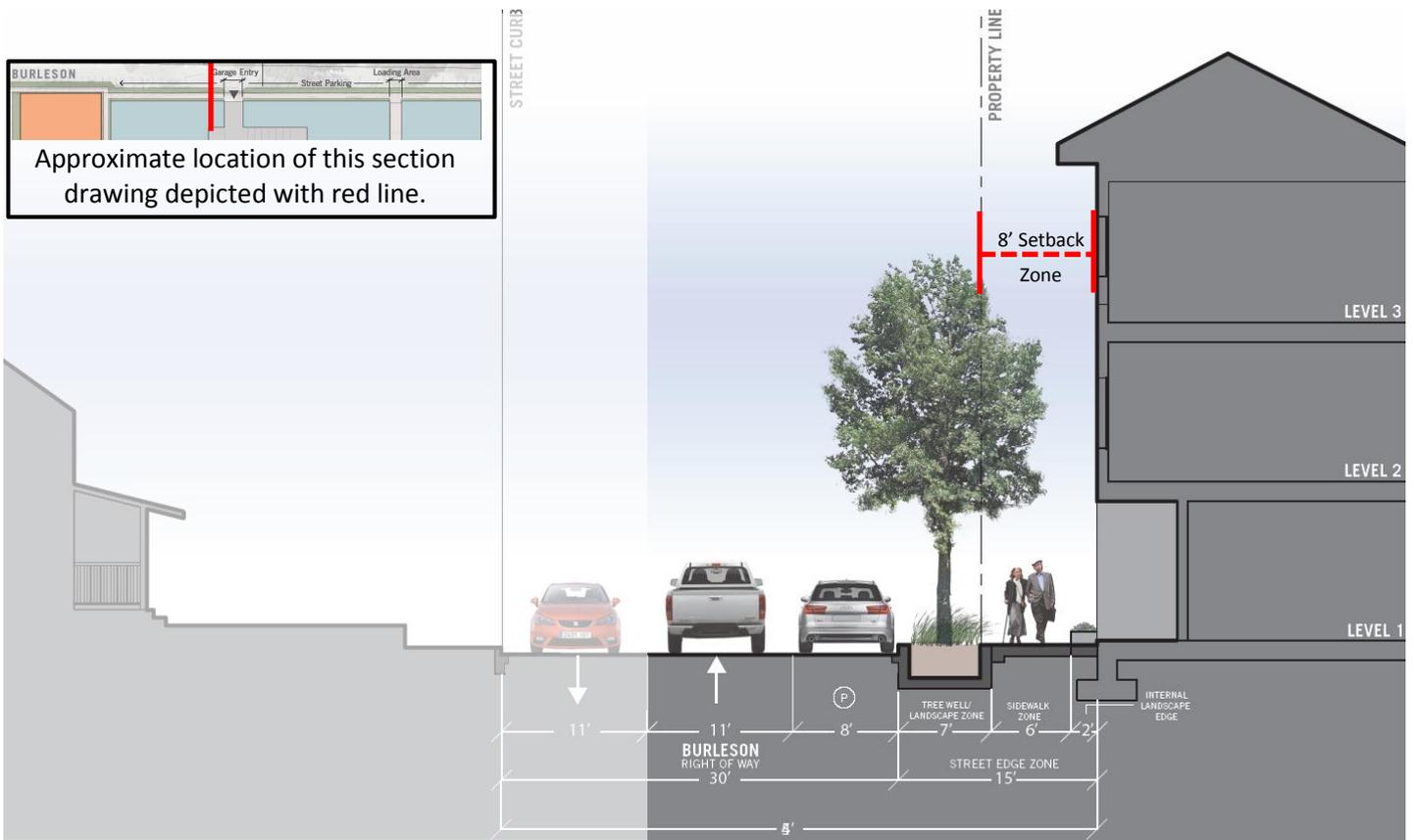


Figure 4-5: Burleson Street streetscape design concept adjacent to multifamily building, where building expression is closer to the right-of-way.

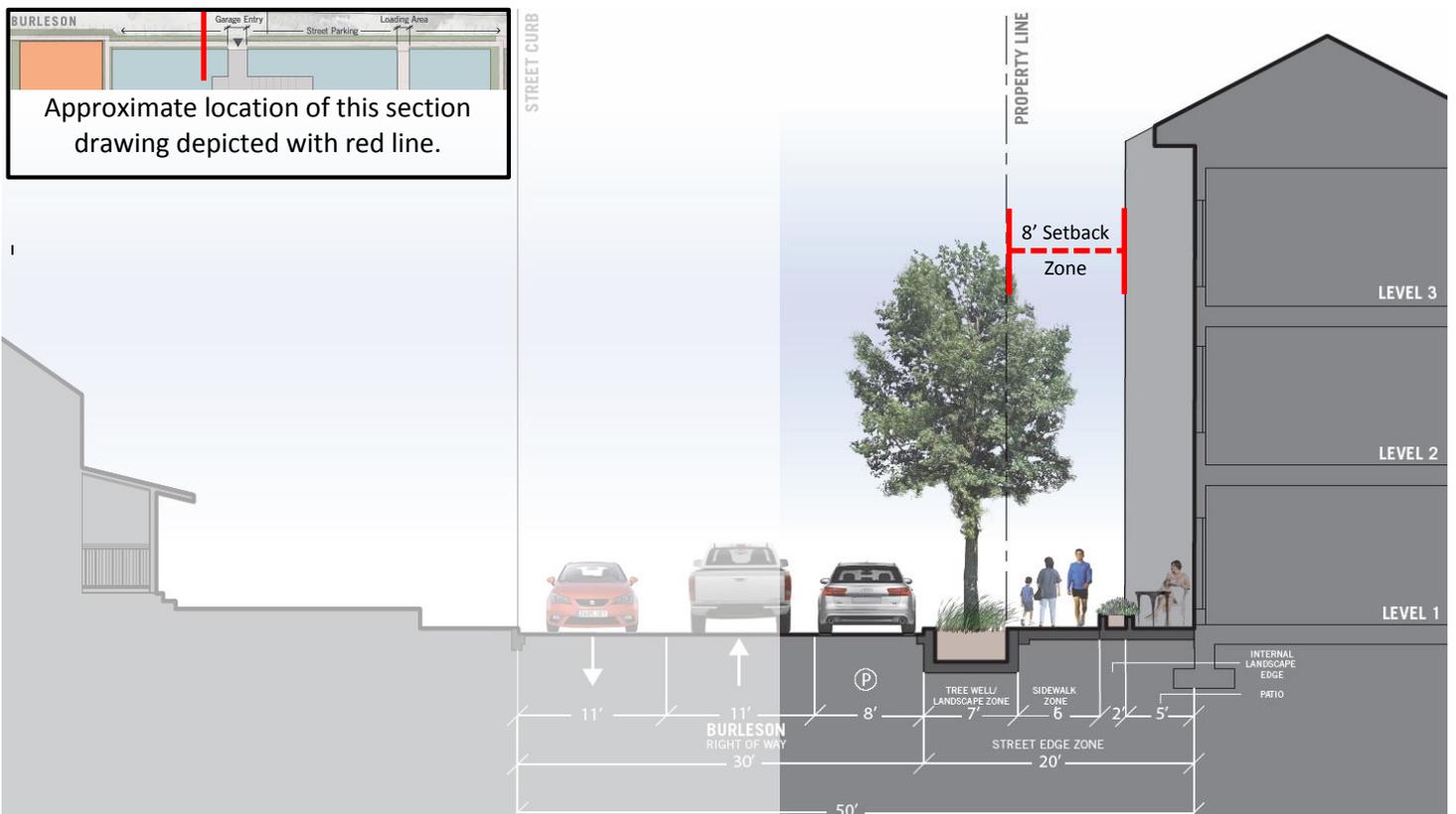


Figure 4-6: Burleson Street streetscape design concept adjacent to multifamily building, where building expression is farther from the right-of-way.

#### **4.4 Blanco Street Streetscape**

The Blanco Street frontage includes the hotel entrance and porte-cochere, a loading dock, waste management facilities, and parking. In order to better define these elements, a basic depiction of the likely format of that area is provided below as *Figure 4-7*. Final design will be within the limitations described below and elsewhere in this PDD Standards Book.

The following special features shall be applicable to the Blanco Street frontage (with more specific details on these features included in various sections within this PDD Standards Book).

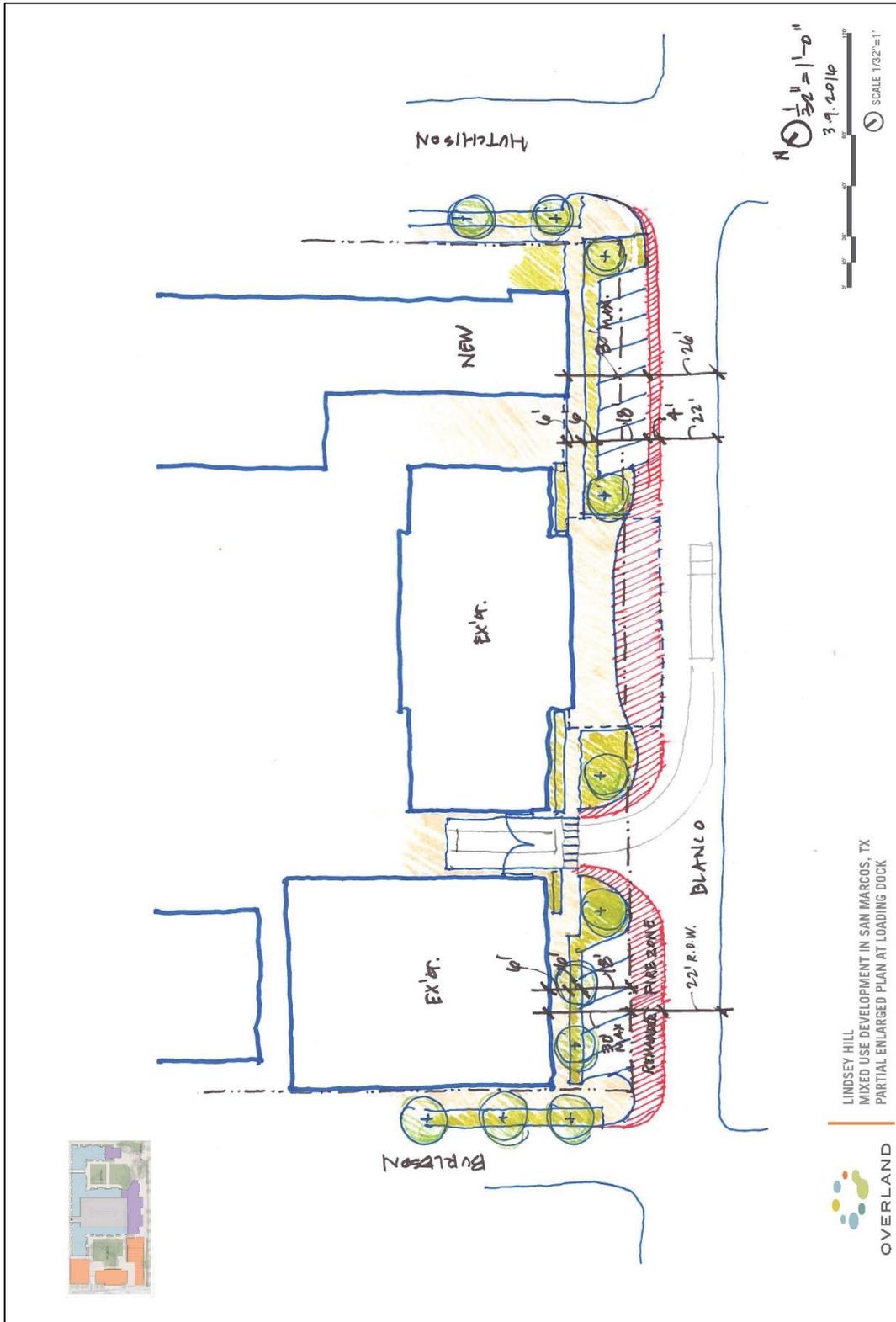
Of additional note, the 2015 version of the IFC (International Fire Code) requires that buildings over 30 feet in height, be setback no more than 30 feet from the nearest adjacent fire lane. Although IFC also states that the City of San Marcos Fire Marshal has some discretion regarding this requirement, this PDD seeks to provide an alternative Blanco street design, in the event that this IFC requirement is determined to be an issue at the time of site and building permitting.

##### **Blanco Street Frontage Special Features:**

1. The hotel porte-cochere may penetrate the public right-of-way.
2. The hotel porte-cochere must be set back a minimum of two feet (2') from any adjacent travel lane along Blanco Street.
3. Passenger vehicle loading and unloading may occur in the public right-of-way under and near the porte-cochere.
4. Valet parking may occur in and around the porte-cochere.
5. A truck loading dock will be provided along the Blanco frontage.
6. Waste and recycling pickup may occur in the area adjacent to or within the truck loading dock.
7. Landscaped areas at and adjacent to the Blanco Street parking area shall be as depicted in *Figure 4-7*.
8. Street trees along the Blanco frontage may be clustered to allow for the needs of the porte-cochere, parking, loading dock, and other Blanco frontage elements.



Figure 4-8: Alternative Blanco Street frontage conceptual design plan.




  
 OVERLAND
   
 LINDSEY HILL
   
 MIXED USE DEVELOPMENT IN SAN MARCOS, TX
   
 PARTIAL ENLARGED PLAN AT LOADING DOCK

## 4.5 Streetscape Standards Matrix

R - Required Condition
P - Permitted Condition
D - Discouraged Condition
U - Prohibited

### Pedestrian Streetscape Standards

	City Standard	Hutchison	Moore Street	Burleson Street	Blanco Street
Sidewalk Width (feet, minimum)	4	8	6	6	6
Sidewalks constructed of cast-in-place concrete, stamped concrete, pavers, tile, and/or other similar materials that meet City standards. <sup>d</sup>		R	R	R	R
Pedestrian-scaled lighting along sidewalks.		R	R	R	R
Street Tree Zone Width (feet, minimum)		7	7	7	7 <sup>f</sup>
Spacing Between Street Trees Required in Street Tree Zones (feet, maximum)		30	30	30	30 <sup>f</sup>
Waste Receptacles in Street Tree Zone <sup>c, e</sup>		R	R	R	R
Bicycle Racks in Street Tree Zone <sup>c, e</sup>		R	P	R	R
Internal Landscape Edge <sup>b</sup> (feet, minimum)		2	2	2	2

### Vehicular Right-of-Way Standards<sup>g</sup>

	City Standard	Hutchison	Moore Street	Burleson Street	Blanco Street
Total Vehicular ROW Width Including Parking Lane(s) (feet) <sup>g</sup>	53	40	37	30 <sup>j</sup>	40
Number of Vehicle Travel Lanes	2	2	3	2	2
Travel Lane Width (feet)	10 - 11 <sup>i</sup> (11 - 12 <sup>h</sup> )	12 (with sharrow)	11 (east bound) 15 (west bound)	11	11
Parking	Yes - 2 sides (Restricted <sup>h</sup> )	2 sides	None	South side only <sup>j</sup>	East side only
Parking Type		Parallel	N/A	Parallel <sup>j</sup>	Head-in or angled
Parking Lane Width (feet)		8	None	8 <sup>j</sup>	18 (depth)
Vehicles May Back Into Public Right-of-Way		U	U	U	p <sup>k</sup>
Parking Spaces may be reserved or closed by Lindsey Hill, and may be blocked-off using signs, cones, temporary pylons, etc.		U	N/A	U	P

<sup>b</sup> - Internal Landscape Edge adjacent to hotel may be at any elevation, or at multiple elevations (terraced, sloped, etc.). Internal landscape edge adjacent to retail area may be at sidewalk grade, patio grade, or anywhere in between.

<sup>c</sup> - Bike racks and waste receptacles shall be located adjacent to retail spaces and Poet's Corner, among other locations.

<sup>d</sup> - Except as necessary for handicapped accessibility, internal sidewalks may be constructed with any of these materials or with crushed granite or other pervious or semi-pervious materials.

<sup>e</sup> - Bike racks and waste receptacles shall be located convenient to hotel access points and other pedestrian entrances.

<sup>f</sup> - Street tree zone shall be designed in a manner that allows for the needs of the porte-cochere, parking, loading dock, and other Blanco frontage elements, including clustering of street trees as necessary.

<sup>g</sup> - Proposed vehicular right-of-way alterations to existing city streets are based on City professional staff requests and feedback.

<sup>h</sup> - Moore Street only.

<sup>i</sup> - For streets with parking lanes.

<sup>j</sup> - Condition varies adjacent to existing gym building and in Burleson St. Loading Area. See *Figure 4-4* for further detail.

<sup>k</sup> - Blanco St. parking may be sited less than five feet (5') from the public R.O.W. and/or may be partially within the public R.O.W. and partially on the Property. Because of that, vehicles may be required to back into the public right-of-way from the Property.

- 5.0 ARCHITECTURAL GUIDELINES
  - 5.1 Building Setbacks (for new construction)
  - 5.2 Frontage
  - 5.3 Building Height
  - 5.4 Contextual Height Stepdown
  - 5.5 Expression Requirements
  - 5.6 Street Level Glazing & Transparency
  - 5.7 Upper Floor Glazing & Transparency
  - 5.8 Balconies and Porches
  - 5.9 Retaining Walls at Street Level
  - 5.10 Materials
  - 5.11 Mechanical Equipment & Utilities
  - 5.12 Trash Management

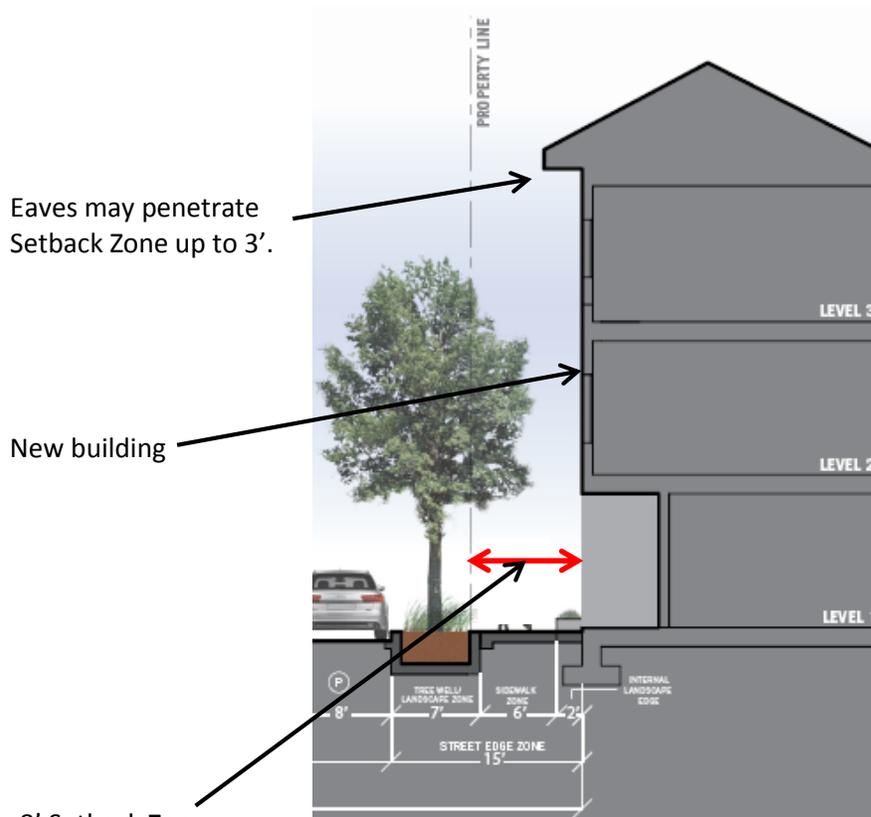
Architectural Guidelines

## 5.1 Building Setbacks (for new construction)

The following minimum setbacks shall be applicable for buildings along each frontage at the Project Site. These setbacks shall be for new construction only and shall not apply to buildings existing prior to the creation of the PDD.

<u>Street Frontage</u>	<u>Building Facade Setback Zone</u>
Hutchison Street	16 feet
Moore Street	10 feet
Burleson Street	8 feet
Blanco Street	17 feet

**Measuring Setback Zones; Prohibited Features in Setback Zones.** As depicted in *Figure 5-1*, Setback Zones shall be measured from the property line. All new buildings and projections (other than those items described in this PDD Standards Book that are specifically permitted within the Setback Zone) shall be located behind the Setback Zone.



*Figure 5-1:* The red line depicts the Setback Zone, with measurement of the Setback Zone beginning at the property line.

**Permitted Features in Setback Zones:** The following are permitted to encroach into the Setback Zone:

- lighting, fans, heaters, outdoor fireplaces, fountains, art, decorative elements, and all other similar elements and amenities;
- architectural features such as eaves, overhangs (including building roof overhangs), gutters and downspouts, bay windows, cornices, uncovered stairs and ramps, planters, retaining walls, canopies, shade structures, arbors, and awnings;
- signage (as specifically described in the Signage section of this book);
- ground-floor forecourts and patios;
- seating, dining areas, knee walls and partition walls, and other elements associated with seating and dining areas; and
- adjacent to the retail areas on Hutchison and Moore Streets, single-level or tiered decks, porches, and patios (and any associated railings, benches, or barriers), and patio-roof coverings.

Frontage (defined below) elements also shall be allowed within the Setback Zone.

*Figure 5-2:* The following examples depict some of the elements permitted within Setback Zones at Lindsey Hill.



Patio dining, awnings and overhangs, and associated posts and structural elements.



Shade covering, patio roof coverings, dining areas, heaters, lighting.



Patio seating, awnings and associated structural elements, decorative features.



Multi-level decks/patios serving retail ground floor uses, patio dining, fans, lighting, heaters.

## 5.2 Frontage

Frontage in this PDD Standards Book shall be considered the area between the building façade and the lot line. *Figure 5-3* depicts the various Frontage conceptual types that are permitted at the Project Site and on which street fronts those Frontage styles may be incorporated. Notwithstanding *Figure 5-3*, features including sidewalks, Setback Zones, tree well and landscape zones, and parking may be located within the lot line. Detailed depictions of features located within and outside of the lot lines can be found above in the Street Design & Amenities section. Frontage elements and design shall be subject to the requirements of the Building Setbacks and Street Design & Amenities standards described above.

Figure 5-3: Frontage conceptual types.

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

In addition to the above Frontage styles, the basic layouts of the frontages depicted within the Street Design & Amenities section of this Book are permitted at the Project Site, regardless of whether they fit precisely within the styles depicted in *Figure 5-3*. Additionally, the items listed above as Permitted Features in Setback Zones also are permitted to occur within the Frontage.

#### **Pedestrian Streetscape and Building Entrances Checklist**

1. Special focus on architectural variety at first and second levels.
2. Street facing windows on all levels.
3. A minimum of fifty percent (50%) of windows in multifamily buildings shall be operable.
4. A minimum of fifty percent (50%) of ground-floor apartment entrances along Burleson Street to be along the street. A minimum of fifty percent (50%) of ground-floor apartment entrances along Moore Street to be along the street.
5. Awnings or overhangs protecting street level entries.

### **5.21 Retail Frontage**



#### **Retail Frontage Requirements and Checklist:**

1. Outdoor seating and dining opportunities on terraces and decks.
2. Retail decks and/or terraces are permitted to front Hutchison and Moore Streets only.
3. Decks/terraces may be a single level or may be tiered with multiple levels.
4. Retail areas may also include decks and/or terraces along the edges of and facing into Poet's Corner.

### **5.22 Hotel Frontage**

So long as Internal Landscape Edge adjacent to hotel maintains at least eight feet (8') of landscaped width, portions of that zone may be paved and used for building areas, patios, decks, sidewalks, etc. and may include street-level

access to hotel rooms. Similarly, lighter-weight, upper-level terraces are allowable above the Internal Landscape Edge. Upper floor hotel balconies not contained within the footprint of the building shall follow the requirements outlined in the Balconies and Porches section of this Book.

### **5.23 Multifamily Frontage**

Balconies may be incorporated into portions of the upper floor designs. Upper floor balconies not contained within the footprint of the building shall follow the requirements outlined in the Balconies and Porches section of this Book.

### 5.3 Building Height

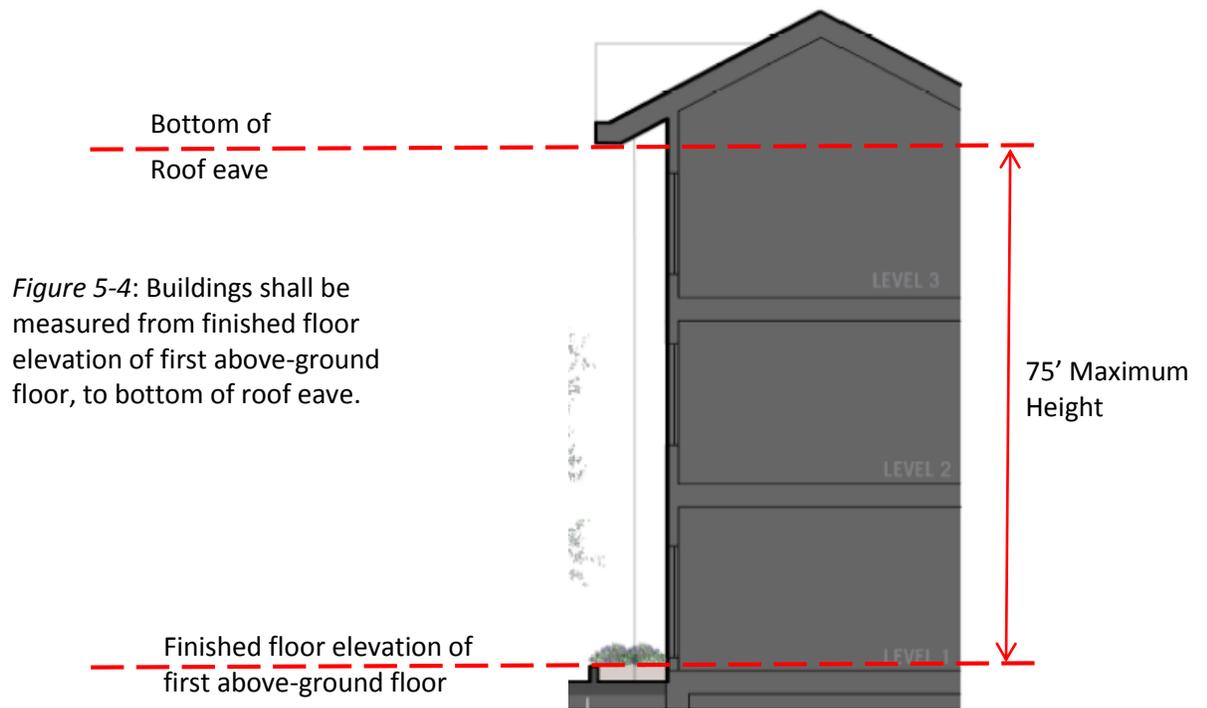
Building heights and the calculation of building heights shall be as described in this PDD Standards Book, notwithstanding any provision of the LDC and without the need for a conditional use permit (“CUP”).

#### **Building Heights Requirements and Checklist:**

1. Maximum building height within the PDD shall be five (5) stories with a maximum height of seventy-five feet (75') for habitable building areas (other than the tower element described below). Non-habitable areas (e.g., roof elements, etc.) may extend above the seventy-five foot (75') height limit.
2. For gabled, hipped, and pitched roofs, building height shall be measured from finished floor elevation ~~of the first above ground floor~~ at natural grade, to a point at the bottom of the roof eave at the upper most floor. *Figure 5-4* depicts how to measure building height for these types of roofs.
3. For roofs with a parapet, building height shall be measured from finished floor elevation ~~of the first above ground floor~~ at natural grade, to the highest point of the parapet wall.
4. Architectural features such as attics, spires, cupolas, towers, gabled and pitched roofs, green roofs, rooftop gardens, and mechanical equipment shall not be calculated as part of building height calculations.
  - a. For attics, spires, cupolas, towers (other than the Hotel Tower Element described and governed by the guidelines expressed in that section below), green roofs, rooftop gardens and mechanical equipment, a maximum additional height of up to twelve feet (12') shall be permitted. This equals a total height of up to eighty-seven (87')-
  - b. For gabled, hipped, and pitched roofs, a maximum additional height of up to sixteen feet (16') shall be permitted, as measured vertically from a point at the bottom of the eave, along a line that is, as close as possible, parallel to the buildings facade, to the building's highest point, typically the roof ridge, to the roof ridge. This equals a total height of up to ninety-one (91')
  - c. ~~No additional building setbacks shall be required as a result of these roof heights.~~
5. The following design guideline pertains to ground level residential units on the Burselon frontage (“Burselon 1<sup>st</sup> Floor Units”). As illustrated in Figure X.X (to be provided by applicant), if the proposed finished floor elevation of any Burselon 1<sup>st</sup> Floor Unit exceeds five feet (5') measured from the grade of the immediately abutting sidewalk, the portion of

the building in which that unit is located shall be set back from the property line a minimum of twelve feet (12'). To accommodate this change in grade, a retaining wall having a maximum height of five feet (5') may be built adjacent to the sidewalk, followed by a landscaped terrace. The landscaped terrace area may be utilized by adjacent apartments. Railings that follow the requirements set forth in the Balconies and Porches section of this Book may be installed above the retaining wall. Knee walls up to five feet (5') high may be installed perpendicular to the building within the landscaped terrace in order to separate one apartment's landscaped terrace from another.

6. Storage spaces, raised areas necessary to account for changes in grade, basements, and other similarly usable spaces that may be able to be tucked under buildings, but are not meant for general habitation shall not be included when calculating building height (whether or not those areas include functional space). An example of this condition is illustrated below in *Figure 5-5*.
7. Retail spaces may have a maximum interior height up to 25'.



*Figure 5-5: Example of utilizing grade change to create partially subterranean space that could be provided for bicycle storage, pet washing station, general storage, basement space, etc. These spaces may not be used for general habitation and shall not be included in overall building height calculations.*

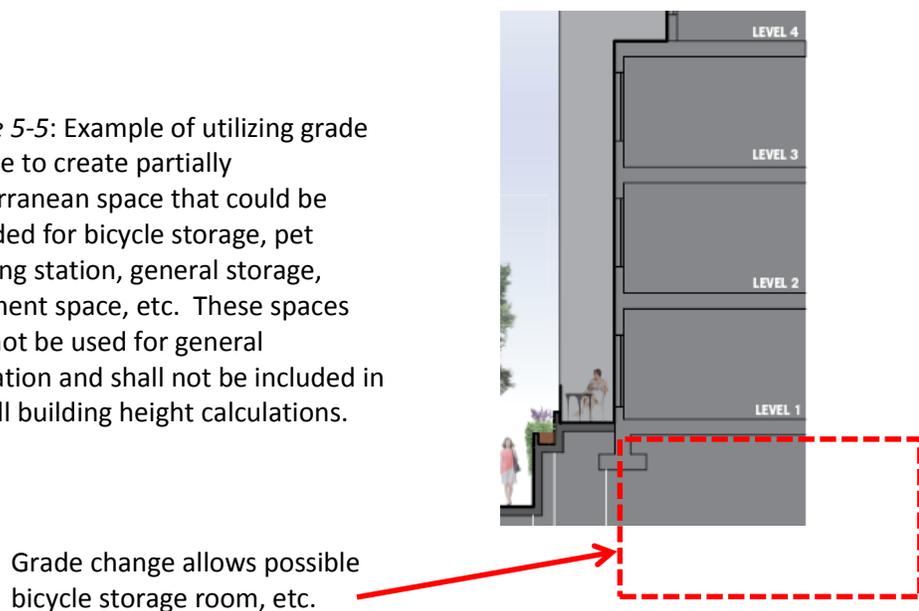
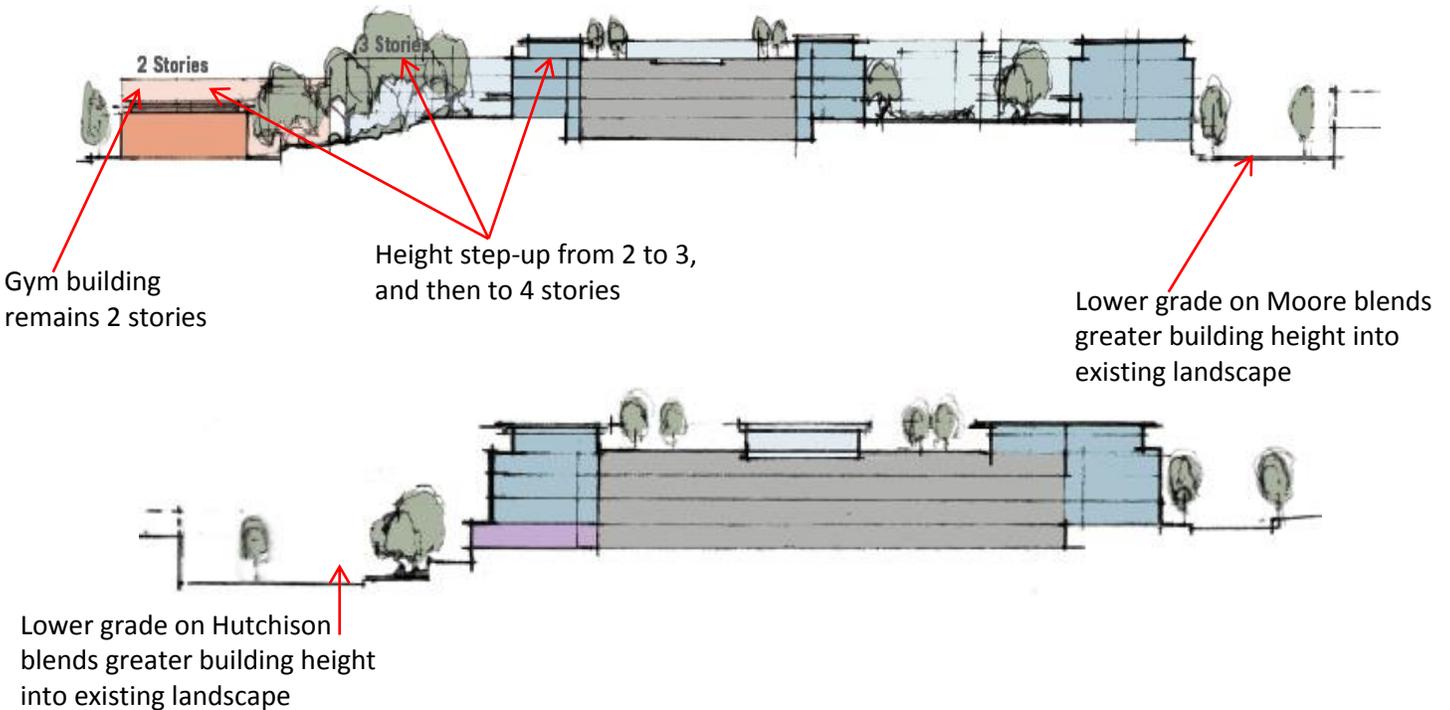
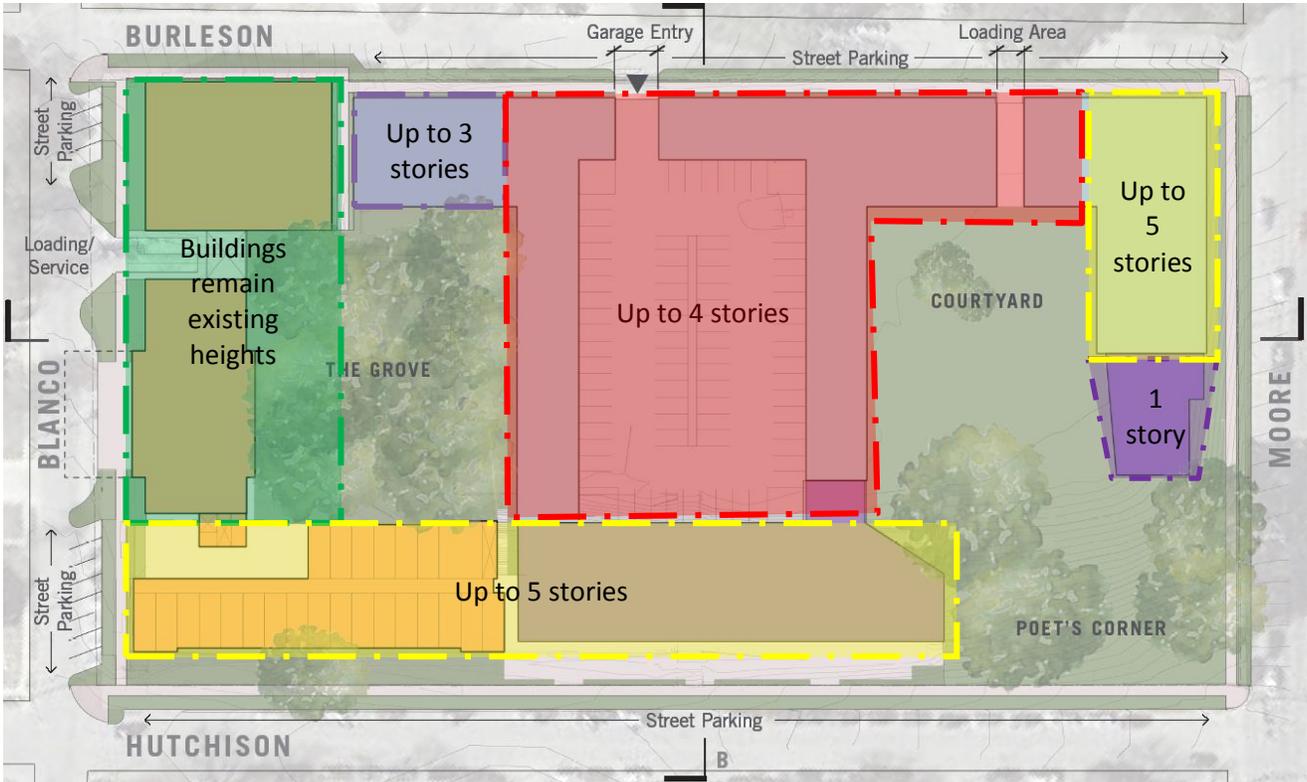
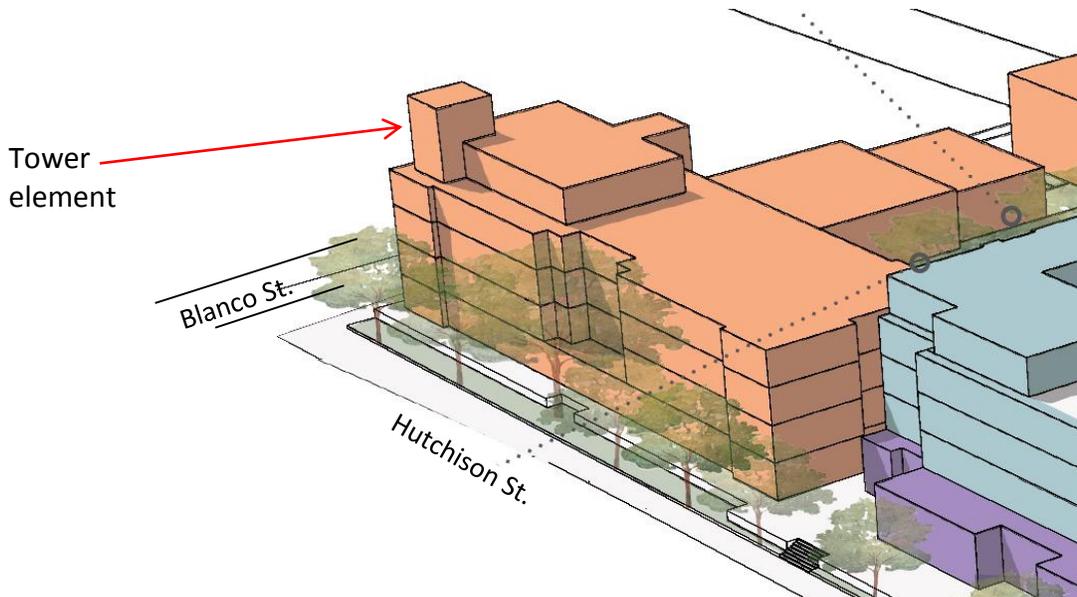


Figure 5-6: Maximum building heights throughout the Project Site.



## Hotel Tower Element

The hotel at Lindsey Hill will be sited on the far side of the Project Site from Downtown San Marcos. To provide added visibility and a unique distinctive feature for the hotel and for Lindsey Hill, the developer contemplates that a tower element may be added to the top of the hotel building. *Figure 5-7* depicts the approximate location of the hotel building's tower element.



*Figure 5-7: Approximate location of hotel tower element.*

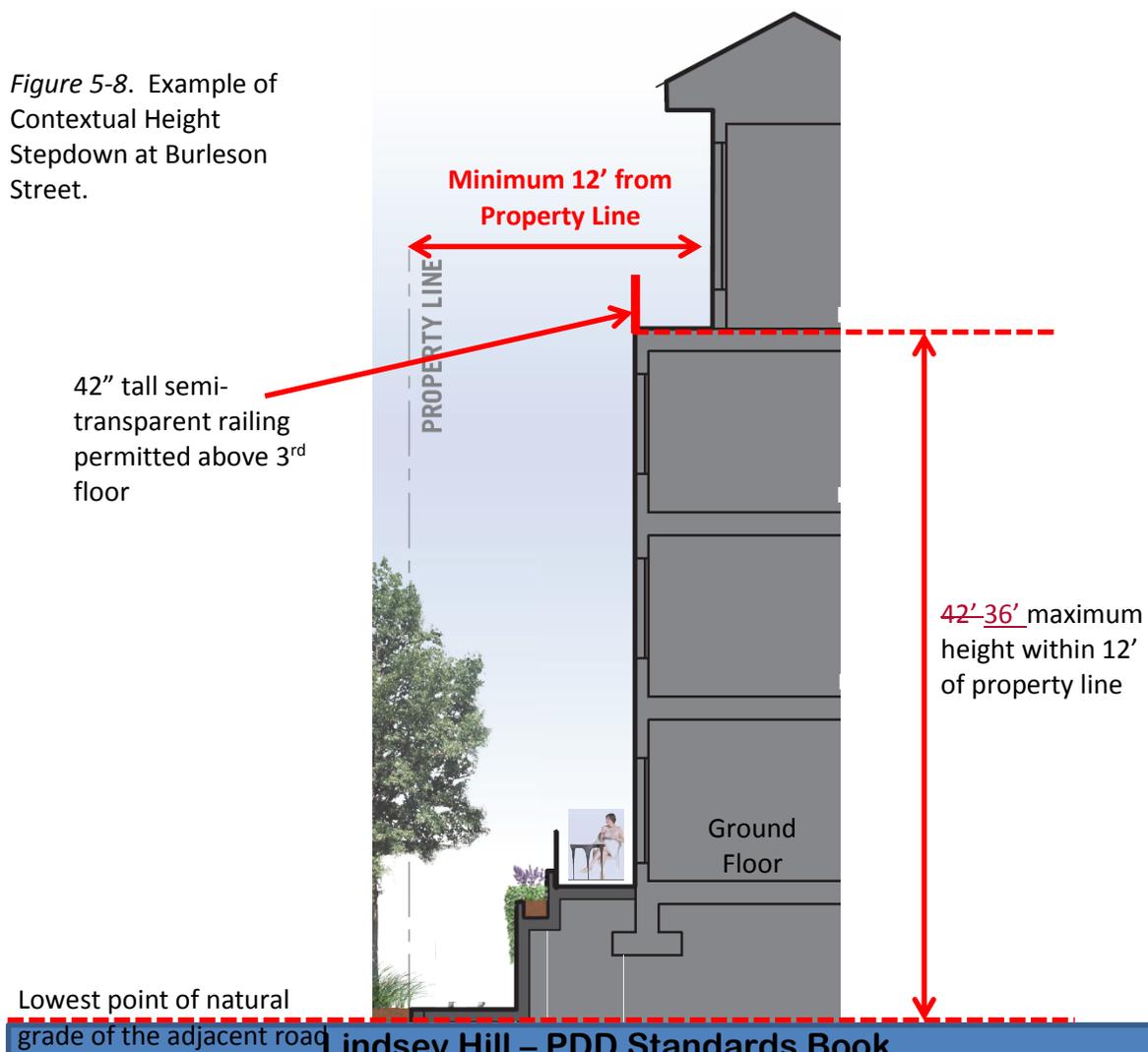
### **Tower Element Requirements and Checklist:**

1. The main structure of the tower element may extend up to twelve feet (12') above the hotel's roof structure. The tower element's roof may extend above that 12' height limit and shall be designed in a logical proportion to the tower element itself.
2. Tower element may be usable, habitable space.
3. Tower element may be an extension of the building design, or a decorative element like a water tower or other feature.
4. Special signage (described further in the Signage section of this PDD Standards Book) shall be allowed as part of the tower element.
5. The tower shall maintain the required setbacks ~~(but no additional setbacks)~~ for both the Hutchison and Blanco Street frontages discussed above.
6. The tower element shall also maintain the Contextual Height Stepdown requirements discussed in Section 5.4.

## 5.4 Contextual Height Stepdown

For new construction along all street frontages, a maximum building height of ~~forty-two~~thirty-six feet (42'36') is permitted within twelve feet (12') of the property line. Due to grade change along Burleson Street however, a maximum building height of forty-two feet (42') is permitted along the eastern-most 100 feet of the Burleson Street frontage. This requirement applies to any portion of the building, including multi-story balconies not contained within the primary building footprint. Height at step down shall be measured from the lowest point of the natural grade of the adjacent road, along a line that is, as close as possible, perpendicular to the roadway, to the building's highest point that is within twelve feet (12') of the property line (except for buildings with pitched roofs, which shall be measured to the underside of roof eaves). Overhanging eaves of buildings affected by the contextual height stepdown requirement, may extend no more than 24 inches into the required 12 foot setback. Notwithstanding the foregoing, a forty-two inch (42") tall semi-transparent railing (constructed of the railing materials permitted in the Balconies and Porches section of this Book) is permitted above the maximum height in order to allow use of the stepped-back area above. An example of the Contextual Height Stepdown is depicted in *Figure 5-8*.

*Figure 5-8.* Example of Contextual Height Stepdown at Burleson Street.



## 5.5 Expression Requirements

All new buildings within the PDD shall incorporate a minimum of two Horizontal Expression Tools from the matrix below. Buildings within the PDD may incorporate more than two of the Horizontal Expression Tools if desired. Additionally, all new buildings shall incorporate Wall Offsets as a Vertical Expression Tool.

<u>Horizontal Expression Tool</u>	<u>Pictorial Depiction</u>	<u>Frontage</u>
<p><b>a. Varied Roof Height:</b> An offset in parapet height (for flat roofs) or varied roof structure heights (for gabled or hipped roofs) of at least 2 ft. spaced at a minimum of every 60 ft. across the building frontage.</p>		<p>Hutchison Moore Burleson Blanco</p>
<p><b>b. Canopy:</b> Canopies or awnings which run across the full width of fenestrations on the first floor façade.</p>		<p>Hutchison Blanco</p>
<p><b>c. Second Floor Expression Line:</b> A line prescribed at a certain level of a building for the major part of the width of a façade, expressed by a variation in material or by a limited projection such as a molding or balcony.</p>		<p>Hutchison Moore Burleson Blanco</p>
<p><b>d. Cornice:</b> A cornice detail of at least 18 in. height and 6 in. in depth for the entire width of the frontage.</p>		<p>Hutchison Blanco</p>

<u>Vertical Expression Tool</u>	<u>Pictorial Depiction</u>	<u>Frontage</u>
<p><b>Wall Offset:</b> Façade modules of a maximum length of 60 ft. with a minimum of a 4 ft. offset from an adjacent module.</p>		<p>REQUIRED ON ALL FRONTAGES Hutchison Moore Burluson Blanco</p>

## 5.6 Street Level Glazing & Transparency

In order to maintain the residential character and scale of the existing neighborhood, the following glazing and transparency requirements will be applicable for the street level (first floor) of building facades facing public streets.

### Commercial street level (first floor) of building facades facing public streets:

1. Retail facades shall be glazed with no less than seventy percent (70%) clear glass on the first story.
2. Non-retail facades shall be glazed with clear glass no less than ~~thirty~~thirty-five percent (~~30~~35%) of the first story.
3. Spacing between windows shall not exceed ten feet (10') on all new buildings.
- ~~4. Windows and transparency on existing structures to remain, shall not be removed or decreased. Notwithstanding the foregoing:~~
  - ~~a. the existing gymnasium building described in this Book shall have no street level minimum glazing requirement; and~~
  - ~~b. the ten foot (10') window spacing requirement shall not apply to:~~
    - ~~i. the first X feet (X') of the left side of the auditorium building; or~~
    - ~~ii. the first X feet (X') of the right side of the auditorium building.~~

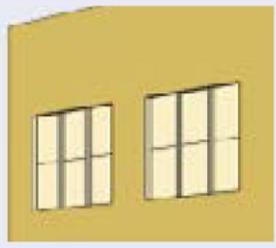
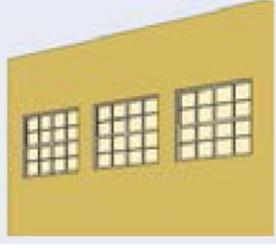
### Residential street level (first floor) of building facades facing public streets:

1. All residential facades shall be glazed with clear glass no less than thirty percent (30%) of the first story.
2. Windows shall have a lower sill not more than five feet, six inches (5'6") above finished floor.
3. Spacing between windows shall not exceed ten feet (10')

## 5.7 Upper Floor Glazing & Transparency

For any new construction at the PDD, all upper floors of street-facing facades shall have a minimum glazed area of ~~twenty-three~~ (2030%) percent and shall use a minimum of one upper floor window design tool specified in the table below. Additionally, windows and transparency on existing structures to remain, shall not be removed or decreased.

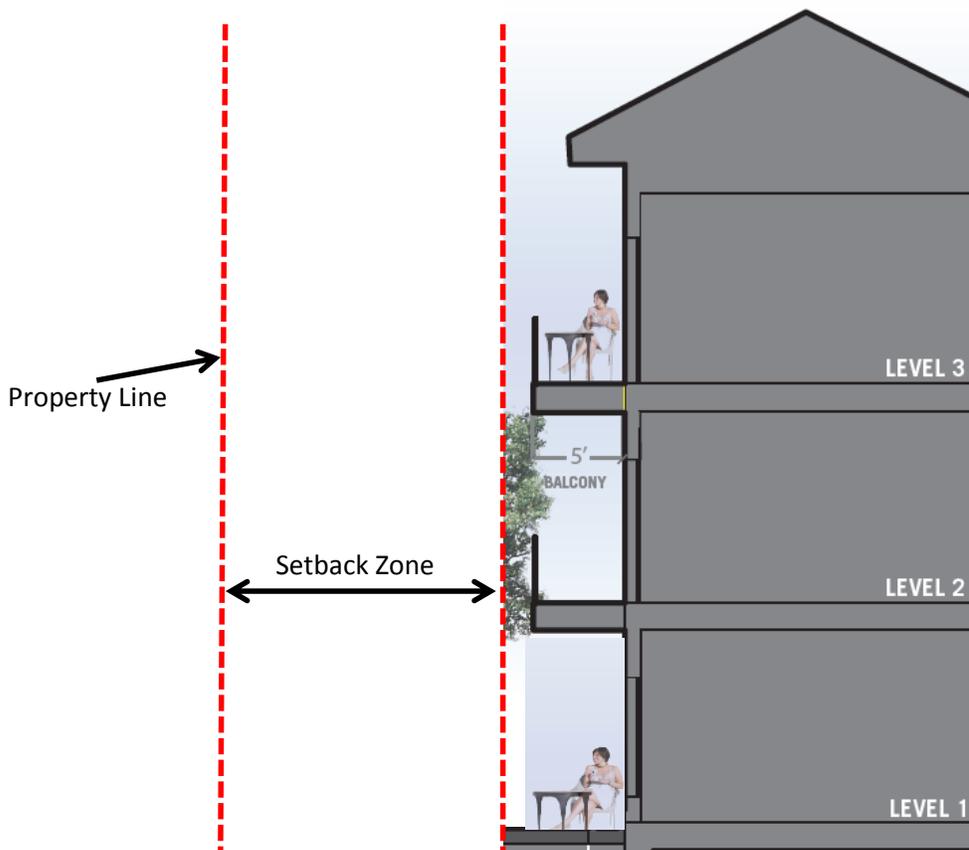
Upper Floor Window Design Table

<p><b>a. Window Inset:</b> The window pane is inset a minimum of 3 in. behind the surface of the wall.</p>	
<p><b>b. Window Frame:</b> Each window opening is framed with trim that is a minimum of 1 in. depth and 2 in. width.</p>	
<p><b>c. Window Sill:</b> Each window opening is defined by a sill, which extends a minimum of 2 in. from the wall surface, with a height of 3 in. and runs a minimum width equal to each window.</p>	
<p><b>d. Traditional Vertical Proportions:</b> The window is proportioned similar to that of traditional buildings, with a height to width ratio of between 1.75:1 and 2.5:1. Traditionally proportioned windows may be "ganged" to create larger fenestration areas where the dividers between the windows have a depth of at least 2" and project at least 2" in front of the surface of the glass.</p>	
<p><b>e. True Divided Lights:</b> Windows shall use true muntins.</p>	

## 5.8 Balconies and Porches

Balconies and porches either within the building façade or protruding from the building edge may be used throughout the Project, including along street frontages and adjacent to Lindsey Hill’s open spaces.

Balconies and Porches shall not protrude into Setbacks (other than as specifically described above) and may not overhang sidewalks. *Figure 5-9* depicts allowable design for upper floor balconies that are not integrated into a building façade.



*Figure 5-9:* Allowable conceptual design for upper level balconies not integrated into building façade. Note that balconies must be outside of Setback Zones.

### **Balconies and Porches Checklist:**

1. Railings must allow for visibility between the balcony and the street or other spaces below.
2. Balconies not contained within the primary building envelope and attached to the building’s exterior shall be ~~crafted using composed of~~ ornamental metal, including cast iron. Concrete or wood however, may be used for decking. concrete, and/or wood structural components that are finished with paint, stain, or an exterior cladding material

~~permitted under the Materials section of this Book.~~ Railings for these balconies ~~may shall also~~ be constructed of ~~wrought ornamental metal, including cast iron, painted steel, aluminum, glass, painted wood, or synthetic materials.~~

3. Balconies and railings shall be designed so that they blend into the buildings' architectural form.

## 5.9 Retaining Walls at Street Level

Additional design consideration shall be given to retaining walls, also referred to as low walls or knee walls that may occur at street level adjacent to sidewalks due to the Project Site's diverse and varying topography.

### Requirements for Retaining Walls at Street Level Adjacent to Sidewalks:

1. Shall not exceed five feet (5') in height, as measured from the grade of the immediately abutting sidewalk.
2. Shall be articulated or broken by pilasters, piers, benches, planters, entrances, steps, or a similar feature or architectural design treatment at intervals of not less than ~~forty-two~~ feet (40'20').
3. Shall be articulated by a landscape bed that is a minimum of twenty-four inches (24") in depth measured from the sidewalk face of the retaining wall.

Figure 5-10 depicts the landscape bed and retaining wall height requirements.

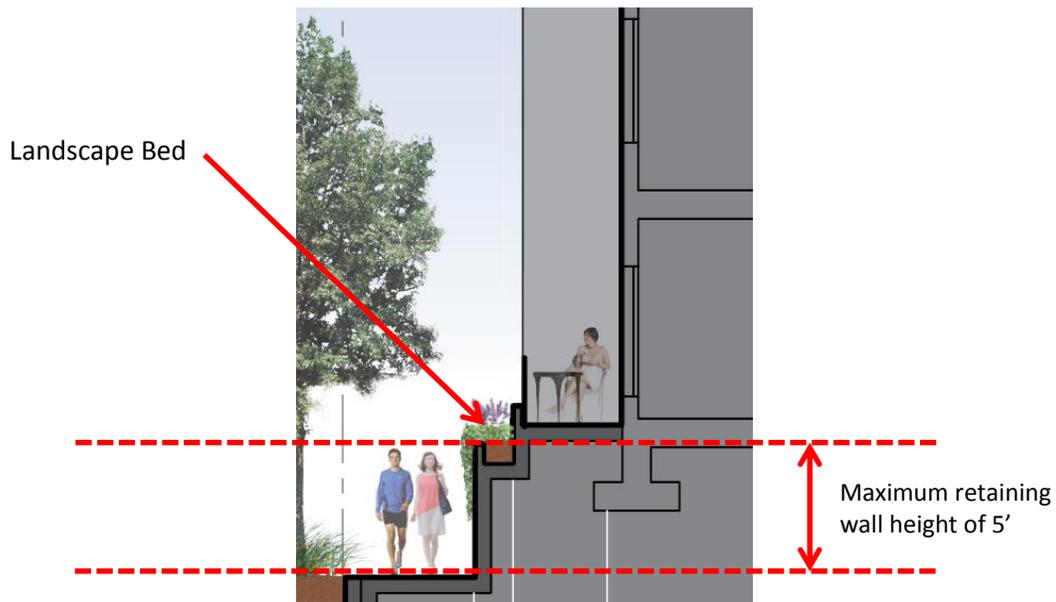


Figure 5-10: Sidewalk-adjacent retaining wall requirements.

## 5.10 Materials

New multifamily buildings shall be subject to LDC Section 4.4.3.2(2)(b) Multifamily Residential Design Standards, Materials. In addition to the materials permitted in LDC Section 4.4.3.2(2)(b), the following material types are permitted to be mixed into new building exterior design on a secondary basis (less than ~~twenty-ten~~ percent [~~20~~10%] of any façade) in order to allow for additional architectural detail: stained or painted wood (but not pressure treated wood), rustic wood (rough sawn), polyurethane, ~~fiberglass or other synthetic materials~~, decorative, textured or split-face concrete block, precast stone, glass fiber reinforced concrete (GFRC), Nichiha, tile, concrete (pre-cast or otherwise), and/or metal. EIFS is not a material permitted ~~for any new construction~~ at the Project Site.

## 5.11 Mechanical Equipment & Utilities

~~With the exception of mechanical equipment installed at the loading dock behind the loading dock gates, For new construction and renovation of existing buildings throughout the Project Site, rooftop all~~ mechanical equipment ~~or mechanical equipment installed above the loading dock~~ shall be subject to the provisions of Section 4.4.3.2(1)(f) of the LDC. Rooftop mechanical equipment shall not be calculated as part of building height calculations and may extend to an additional height of up to twelve feet (12') above the maximum allowable building height for that portion of the building, and without any additional setback requirement. Rooftop mechanical equipment shall not be permitted to be mounted to gabled, hipped, or sloped roofs. Regardless, all rooftop mechanical equipment, including new and existing mechanical equipment mounted to existing buildings, shall be screened in accordance with Section 4.4.3.2(1)(f) of the LDC.

New electrical, cable, telephone, and other similar lines required to service the Project shall be buried ~~or hidden from view in other similar ways~~. Such new lines serving the Project shall not be aerially mounted.

## 5.12 Trash Management

At Lindsey Hill, waste and recycling will be ~~handled within one centralized location for the entire Project (the approximate location of those services located within the loading dock and behind the loading dock gates, and also as~~ depicted in Figure 4-7). This centralized waste handling will reduce large vehicle traffic entering the streets surrounding the Project Site and will consume less land area that instead can be utilized for open space and usable building areas.

In order to provide waste disposal convenience for the Project's multifamily residents, trash chutes and waste closets will be available inside the multifamily building or in the parking garage within 350 feet of each multifamily unit.



Acceptable utility screening examples above, unacceptable below.



- 6.0 APPENDIX
  - 6.1 Use Standards
  - 6.2 Variances Matrix
  - 6.3 Land Survey
  - 6.4 Legal Description



Appendix

## **6.1 Use Standards**

The specific changes in use listed below will clarify uses that are contemplated to be part of the Project and will create options and opportunities to allow Lindsey Hill to become an urban, walkable, bikeable project, including allowing uses that will keep the Project activated and lively.

### **Permitted Uses**

The PDD permits all of those permitted and conditional uses, as modified, that are allowed in the MU-Mixed Use District within the LDC, which uses are outlined below in Section 6.11 – San Marcos Land Development Code Land Use Matrix. Additional Permitted Uses are outlined below in Section 6.12 – Additional Permitted Uses.

## 6.11 San Marcos Land Development Code Land Use Matrix

(Modifications from base standards are indicated in red)

### Land Use Matrix

P = Permitted Uses

C = Conditional Uses

	MU
Barns and Farm Equipment Storage	
Bulk Grain and/or Feed Storage/Processing	
Farmers Market	P
Farms, General (Crops)	P
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)	
Accessory Building/Structure (No larger than 625 s.f. in size and 12' in height)	P
Accessory Building/Structure (Larger than 625 s.f. in size OR 12' in height)	C
Accessory Dwelling (One Accessory Dwelling Per Lot)	C
Bed and Breakfast Inn	P
Caretaker's/Guard's Residence	P
Community Home	P
Residential Hall or Boarding House	C
Duplex/Two-Family/Duplex Condominiums	C
Family Home Child Care	P
Four Family (Quadraplex) or Three Family (Tri-Plex)	C
Fraternity or Sorority Building	C
HUD code-Manufactured Home	
Loft Apartments	P
Multifamily (Apartments)	€ P
Single Family Detached House	P
Single Family Industrialized Home	P
Single Family Townhouse (Attached)	P
Single Family Zero Lot Line/Patio Homes	C
Armed Services Recruiting Center	P
Bank or Savings and Loan (w/o Drive-thru)	P
Bank or Savings and Loan (w Drive-thru)	C
Check Cashing Service	C
Offices (Health Services)	P
Offices (Medical Office)	P

	MU
Offices (Professional)	P
Call Service Center	
Appliance Repair	C
Artist or Artisans Studio	P
Ambulance Service (Private)	
Automobile Driving School (including Defensive Driving)	P
Automatic Teller Machines (ATM's)	P
Barber/Beauty College (barber or cosmetology school or college)	P
Barber/Beauty Shop, Haircutting (non-college)	P
Bed and Breakfast (No Permanent Residence)	P
Communication Equipment (Installation and/or Repair - No outdoor sales or storage)	
Dance/Drama/Music Schools (Performing Arts)	P
Extended Stay Hotels/Motels (Residence hotels)	€ P
Exterminator Service (No outdoor sales or storage)	P
Funeral Home	
Hotel/Motel	P
Kiosk (Providing A Retail Service)	P
Laundry/Dry Cleaning (Drop Off/Pick Up)	P
Martial Arts School	P
Medical Supplies and Equipment	P
Mini-Warehouse/Self Storage Units	C
Off-Premises Freestanding Sign	
Photocopying/Duplicating/Copy Shop	P
Studio for Radio or Television (without tower)	P
Tool Rental (Indoor Storage only)	P
Tool Rental (with Outdoor Storage)	
Washateria/Laundry (Self Serve)	
All Terrain Vehicle (go-carts) Dealer/Sales	
Antique Shop (with outside storage)	€ P
Auto Dealer (Primarily New/Used Auto Sales as accessory use only)	
Auto Dealer, Used Auto Sales	
Auto Supply Store for New and Rebuilt Parts	C
Bike Sales and/or Repair	P
Building Material Sales	

	MU
Cabinet Shop (Manufacturing)	
Convenience Store Without Gas Sales	P
Convenience Store With Gas Sales	C
Department Store	
Food or Grocery Store with Gasoline Sales	C
Food or Grocery Store without Gasoline Sales	P
Gravestone/Tombstone Sales	
Gun Smith	
Home Improvement Center (10,000 s.f. or more)	C
Lawnmower Sales and/or Repair	C
Liquor Sales (retail)	P
Market (Public, Flea)	C
Pharmacy	P
Plant Nursery (Retail Sales/Outdoor Storage)	€ P
Recycling Kiosk	P
Restaurant/Prepared Food Sales	P
Restaurant/Prepared Food Sales with beer/wine off-premises consumption	P
Restaurant/Prepared Food Sales with drive thru	C
Retail Store (Misc.) with Drive Thru Service	C
Retail Store (Misc.) without Drive Thru Service (Under 100,000 s.f. Bldg.)	€ P
Retail Store (100,000 s.f. or more Bldg.)	
Retail Store (over 10,000 s.f. or more Bldg.) outside sales	C
Retail Store (under 10,000 s.f. or more Bldg.) outside sales	€ P
Retail Store (under 10,000 s.f. or more Bldg.) no outside sales	P
Security Systems Installation Company	
Shopping Center (Over 5 Acres)	
Studio Tattoo or Body Piercing	C
Temporary Outdoor Retail Sales / Commercial Promotion (4 day time limit; Permit Required by Building Official)	P
Upholstery Shop (Non-Auto)	
Veterinarian (Indoor Kennels)	€ P
Woodworking Shop (Ornamental)	P
General Vehicular Sales and Service	C
Auto Body Repair	
Auto Muffler Shop	
Auto Paint Shop	
Auto Repair (General)	C
Auto Repair as an Accessory Use to Retail Sales	C

	MU
Auto Tire Repair/Sales (Indoor)	C
Auto Wrecker Service/Tow Yard	
Car Wash (Self Service; Automated)	C
Full Service Car Wash (Detail Shop)	C
Heavy Load Vehicle Sales/Repair	
Limousine/Taxi Service	C
Public Garage/Parking Structure	€ P
Tire Sales (Outdoors/Storage)	
Transit Terminal	
Truck Terminal	
Amusement Services or Venues (Indoors)	€ P
Amusement Services or Venues (Outdoors)	C
Bar	C
Billiard/Pool Facility/Nightclub (Three or More Tables) No alcohol consumption	
Smoking Lounge	C
Broadcast Station (with Tower)	
Charitable Gaming Facility	
Civic/Conference Center	P
Country Club (Private)	C
Dance Hall/Dancing Facility	
Day Camp	
Driving Range	
Fair Ground	
Health Club (Physical Fitness; Indoors Only)	P
Motion Picture Theater (Indoors)	€ P
Motion Picture Studio, Commercial Film	
Museum (Indoors Only)	P
On-Premises Consumption of Alcohol	C
Park and/or Playground	P
Travel Trailers/RVs (Short Term Stays)	
Rodeo Grounds	
RV/Travel Trailer Sales	
Tennis Court (Lighted)	C
Theater (Non-Motion Picture; Live Drama)	€ P
Adult Day Care (No Overnight Stay)	P
Assisted Living Facility/Hospice	P
Cemetery and/or Mausoleum	

	MU
Child Day Care (Business)	P
Meeting Place/Nonreligious	P
Place of Religious Assembly/Church	P
Clinic (Medical)	P
Electrical Generating Plant	
Electrical Substation	C
Emergency Care Clinic	P
Fraternal Organization/Civic Club	P
Governmental Building or Use (Municipal, State or Federal)	P
Heliport	C
Helistop (Non-Emergency)	
Household Care Facility	C
Hospital (Acute Care/Chronic Care)	C
Nursing/Convalescent Home	P
Philanthropic organization	P
Post Office (Private)	P
Post Office (Governmental)	P
Rectory/Parsonage with Place of Worship	P
Retirement Home/Home for the Aged	P
School, K through 12 (Private)	€ P
School, K through 12 (Public)	P
School, Vocational (Business/Commercial Trade)	€ P
University or College	€ P
Auction Sales (Non-Vehicle)	
Bio-Medical Facilities	
Caterer	P
Extermination Service	
Feed and Grain Store	
Furniture Manufacture	
Maintenance/Janitorial Service	C
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	

	MU
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	
Micro Brewery (onsite mfg. and sales)	C
Motor Freight Terminal	
Outside Storage (as primary use)	
Paint Manufacturing	
Petroleum Bulk Storage	
Plastic Products Molding/Reshaping	
Research Lab (Non-Hazardous)	P
Sand/Gravel Sales (Storage or Sales)	
Sign Manufacturing	
Stone/Clay/Glass Manufacturing	
Wrecking/Junk Yard	

## 6.12 Additional Permitted Uses

The following are additional By Right/permitted uses within the PDD:

1. Civic, civic support, and similar gathering uses including but not limited to outdoor parks, gardens, civic spaces, public art, fountains, libraries, and indoor or outdoor auditoriums and assembly spaces, community gathering spaces, and other similar spaces whether at grade, on amenity decks, or on rooftops, and any storage, improvements, or amenities related to such spaces.
2. Bus shelters, fire and police stations.
- ~~3. Mixed-use buildings, live/work spaces, and rowhouses.~~
- ~~4.3.~~ Outdoor conference, meeting, gathering, exhibit, theater, movie, entertainment, and event spaces as part of the hotel facility, apartment complex, open spaces, or mixed-use complex.
- ~~5.4.~~ Indoor or outdoor galleries and exhibition type uses.
- ~~6.5.~~ Push carts and transient vendors.
- ~~7.6.~~ Art markets, craft and food markets and festivals, and other similar public markets.
- ~~8. Surface parking areas (permitted only within the area along the Blanco Street frontage where on-street parking will be partially within the Project Site's boundary).~~
- ~~9.7.~~ Wireless transmitters and radio/television communications towers extending not more than 50' above the highest element where it is sited, provided that such elements are located horizontally within 150' of the right-of-way line of Moore St.
- ~~10.8.~~ Manufacturing as part of an artist's or artisan's studio and/or retail operation, including within any live/work spaces.
- ~~11.9.~~ R&D offices and research laboratories (up to and including BSL-2 labs as defined by the Centers for Disease Control).
- ~~12. Micro breweries and micro distilleries as part of an on-site retail or food service operation (see Note below).~~
- ~~13.10.~~ Outdoor/sidewalk sales as an ancillary part of a retailer's existing operations within the PDD or in connection with special events at the Project Site.
- ~~14.11.~~ Electrical substations, generators, and/or similar or related equipment ancillary to the needs of Lindsey Hill, but not for offsite purposes.
- ~~15.12.~~ Indoor and outdoor health and fitness facilities (including, but not limited to indoor facilities that may open to the outdoors).
- ~~16.13.~~ Storage units and areas for tenants/residents of Lindsey Hill (so long as such storage areas are not visible from the public right-of-way).
- ~~17.14.~~ Retail buildings, retail stores, open-market buildings.
- ~~18. Sale of alcohol for on-premises consumption (including, but not limited to within bars and restaurants, etc.) shall be a permitted use, provided such businesses follow governmental licensure requirements (see Note below).~~

~~**Note:** Uses incorporating the sale of alcohol are intended to be permitted uses within the PDD. However, to the extent that any such use is required to follow the City of San Marcos Conditional Use Permitting process for the sale of alcohol (the "CUP Process"), that process first shall be followed such that the use will be considered conditional (but conditioned only on the satisfaction of the CUP Process) until the CUP Process is satisfied. Upon satisfaction of the CUP Process, that use will be a permitted use.~~

## 6.2 Variations & Enhancements Matrix

**Note:** This document is offered as a “quick-reference” tool to make navigation of the PDD Standards Book easier and more convenient. Please refer to PDD Standards Book for complete details. Variations, enhancements, modifications, and other rights described either in the PDD Standards Book or in this matrix shall apply to the PDD, even if any such item is not expressly mentioned both in this document and also in the PDD Standards Book.

PDD Sections	CoSM Sections	Subject	Existing Regulation	PDD Modification	Modification, Clarification, Enhancement
6.1, 6.11, 6.12	LDC 4.3.1.2 4.2.2.1(b)	Permitted Uses	Land Use Matrix includes numerous conditional and permitted uses.	Various use changes consistent with Lindsey Hill’s vision and mixed-use goals.	Modification
5.1	LDC 4.1.6.1 4.2.2.1(d)(4) 4.4.1.1(d)(3)	Setbacks, Front Yard Measurement	25’ front yard setback 7.5’ side yard setback 15’ corner side setback 5’ rear yard setback Additional rear setback for heights greater than 24’.	Setbacks by frontage and as described in PDD Book. Hutchison – 16’ Moore – 10’ Burleson – 8’ Blanco – 17’ No additional setback required for permitted building heights.	Modification
5.3	LDC 4.1.6.1 4.2.2.1(d)(5) 4.4.1.2(a)	Maximum Building Height; Calculation of Building Height	4 stories, with CUP required for greater height. Heights calculated based on street grade and roof height.	5 stories, no CUP needed.	Modification
5.3 5.11	LDC 4.4.1.2(b)	Mechanical Equipment, Pitched Roofs, and Decorative Features Heights	Up to 50’ above average grade line of building, but in some cases with additional setback requirements.	Up to 12’ above building for mechanical equipment. Pitched roofs up to 16’ of additional height. Tower Element has specific allowances, but a 12’ max additional main structural height. <del>No additional setback requirements for these special heights.</del>	Modification

PDD Sections	CoSM Sections	Subject	Existing Regulation	PDD Modification	Modification, Clarification, Enhancement
5.3 5.4	LDC 4.4.3.2(1)(o)(i) 4.4.3.2(1)(a)	Residential Compatibility	Maximum building height of 30 feet shall apply to portions of a structure within 70 feet of a single family zoning designation (measured from centerline of street).	Maximum height of <del>42'</del> <u>36'</u> is permitted within 12 feet of the property line along all street frontages. <u>Maximum height of 42' permitted at specific locations.</u> For pitched roofs, height measured to underside of eave.	Modification & Enhancement
5.3	LDC 4.1.6.1	Maximum Floor Height	14' from finished floor to finished ceiling.	Retail spaces have a max interior height of 25'. Gym and auditorium buildings permitted to keep existing ceiling heights.	Modification & Enhancement
1.1 3.7	LDC 4.1.6.1 4.2.2.1(c) 5.1.1.5 Table 4.1.6.1	Impervious Cover	60% maximum	<del>85</del> <u>80</u> % maximum impervious cover permitted. Impervious cover over 60% to include pollutant removal through PBMPs and enhanced TSS removal.	Modification & Enhancement
1.1	LDC 4.1.6.1	Units Per Acre	5.5	164 total multifamily units permitted. <del>(32.834/ac)</del>	Modification
	<del>LDC 5.1.1.3 7.5.1.7</del>	<del>Runoff Attenuation; Impervious Cover Calculation</del>		<del>Project receives credit for remaining and/or replacement of existing impervious coverage.</del>	<del>Modification</del>
1.1	LDC 5.1.1.5 and 7.5.1.4	Hillside Impervious Cover	Limits hillside impervious cover based on slope: 35% coverage permitted for 15-25% slopes, 20% coverage permitted for slopes greater than 25%.	15-25% slopes and slopes greater than 25% permit <del>maximum 75% impervious coverage.</del> <u>permitted additional impervious coverage located in Section 6.5.</u>	Modification

PDD Sections	CoSM Sections	Subject	Existing Regulation	PDD Modification	Modification, Clarification, Enhancement
4.0 5.1	LDC 4.4.1.1(d)(3) Figure 4-8	Front Porch Dimensional Limits	Up to 30" above grade within front yard. Porch without posts may extend into front yard up to 4'.	No height or distance limits within front yard, but must follow Building Setbacks section requirements.	Modification & Enhancement
5.5 5.6 5.7	LDC 4.4.3.2(2)(a) 4.4.2.2(c)	Façade Design Criteria	Requires certain minimum façade articulation and design elements in order to maintain visual interest.	Supplements with additional façade articulation methods, windows, balconies, and other façade-related requirements.	Enhancement & Clarification
5.10	LDC 4.4.3.2(2)(b)(i)	Multifamily Exterior Materials	Provides a <del>very limited</del> list of materials allowed to be utilized within multifamily building exteriors.	Maintains the existing LDC requirement such that those materials continue as the primary building material options, but provides <u>for additional materials that may be a list of materials that can be</u> utilized for additional architectural detail (limited to <del>20</del> <u>10</u> % of exteriors).	Modification & Enhancement
Figure 1.1	LDC 4.4.3.2(2)(f)	Street-Facing Garages	No garages allowed on facades facing street.	Structured parking garage entrance (but no other garages) will face street.	Modification
5.6	LDC 4.4.3.2(2)(g)	Residential Glazing & Transparency	Multifamily street facing facades shall have minimum glazed area of 20%.	Residential facades shall have minimum glazed area of 30% at ground level.	Enhancement

PDD Sections	CoSM Sections	Subject	Existing Regulation	PDD Modification	Modification, Clarification, Enhancement
5.6	LDC 4.4.2.2	Commercial Glazing & Transparency	No standard.	1. Retail facades shall have minimum glazed area of 70% at ground level. 2. Non-retail facades shall have minimum glazed area of <del>30</del> 50% at ground level. 3. Specific allowances for repurposed buildings.	Enhancement
5.2	LDC 4.4.3.2(2)(g)	Operable Windows	All walls and elevations on all floors of MF buildings must contain operable windows.	A minimum of 50% of multifamily building windows shall be operable.	Modification
<del>3.2</del>	<del>LDC 6.1.1.4(b) Table 6.1.1.4</del>	<del>Minimum Landscaped Percentage</del>	<del>20% of total lot shall be devoted to landscaping in Mixed-Use Districts.</del>	<del>PDD requires 15% minimum total lot landscaping.</del>	<del>Modification</del>
4.5 4.4	LDC 6.1.1.4(b)(2)	Street Trees; Street Tree Clustering	Street trees required every 50' on average.	Street trees required every 30', except along Blanco Street where street trees may be clustered.	Modification & Enhancement
3.2	LDC 6.1.1.4(c)	Location of Landscaping	75% of required landscaped area in Table 6.1.1.4 to be within streetscape areas.	No minimum percentage required along streetscapes. Landscaping shall exhibit a visible priority for areas with greatest visibility from the street.	Modification
4.0 4.2 4.3 5.1	LDC 6.1.2.1(b)(1) 6.1.2.1(b)(2)	Non-residential and Multifamily Screening and Setback Requirements	6' opaque fence and additional setbacks required for screening of MF or commercial uses.	Screening and setbacks throughout the Project Site shall be as required within the PDD Standards Book.	Modification & Enhancement

PDD Sections	CoSM Sections	Subject	Existing Regulation	PDD Modification	Modification, Clarification, Enhancement
4.4	LDC 4.2.2.1(d)(7) 6.1.2.2	Parking Area Screening	Nonresidential parking areas to be screened from SF uses. Parking spaces shall be buffered from street view and from adjacent properties.	No screening or buffering required for portion of Blanco St. parking area that is within the Project Site.	Modification & Clarification
4.2	LDC 6.1.2.3	Screening Along Roadways	Where rear or side yards of a subdivision are adjacent to an arterial, a 6' tall masonry wall or other form of screening is required. Any such screening requires a maintenance easement to HOA or City.	Each frontage of the Project shall be considered a front yard.	Clarification
3.42 3.53	LDC 6.1.3.1(b)(1)	Gates for Vehicular Access	Gates for vehicle access to be set back 24' from property line.	Parking garage and loading dock gates shall be setback a minimum of 4' from the building face.	Modification
3.11 3.53 4.2	LDC 6.1.3.3(a)(4)	Fences Between Buildings on the Same Lot	Maximum fence height of 8'.	Maximum fence height of 10', with specific transparency requirements.	Modification
3.11	LDC 4.4.3.2(1)(i)i)	Pedestrian Access	Pedestrian entrances shall connect sidewalks to internal walkways and shall not be gated.	The Pedestrian entrances illustrated in <i>Figure 3-1</i> may be gated to separate public and private areas.	Modification
<del>2.1</del>	<del>LDC 7.6.1.2 City Council Resolution</del>	<del>Parkland Dedication</del>	<del>Parkland dedication, or a fee-in-lieu shall occur when new residential subdivisions are developed. Credit toward fee-in-lieu shall be given for developer-provided improvements that benefit the quality and character of the subdivision.</del>	<del>Project will meet Open Space requirement for PDD, but not LDC. Fee-in-lieu to be paid, but fee-in-lieu credit shall be given to Project for Poet's Corner improvements that benefit the character and quality of the Project.</del>	<del>Enhancement</del>

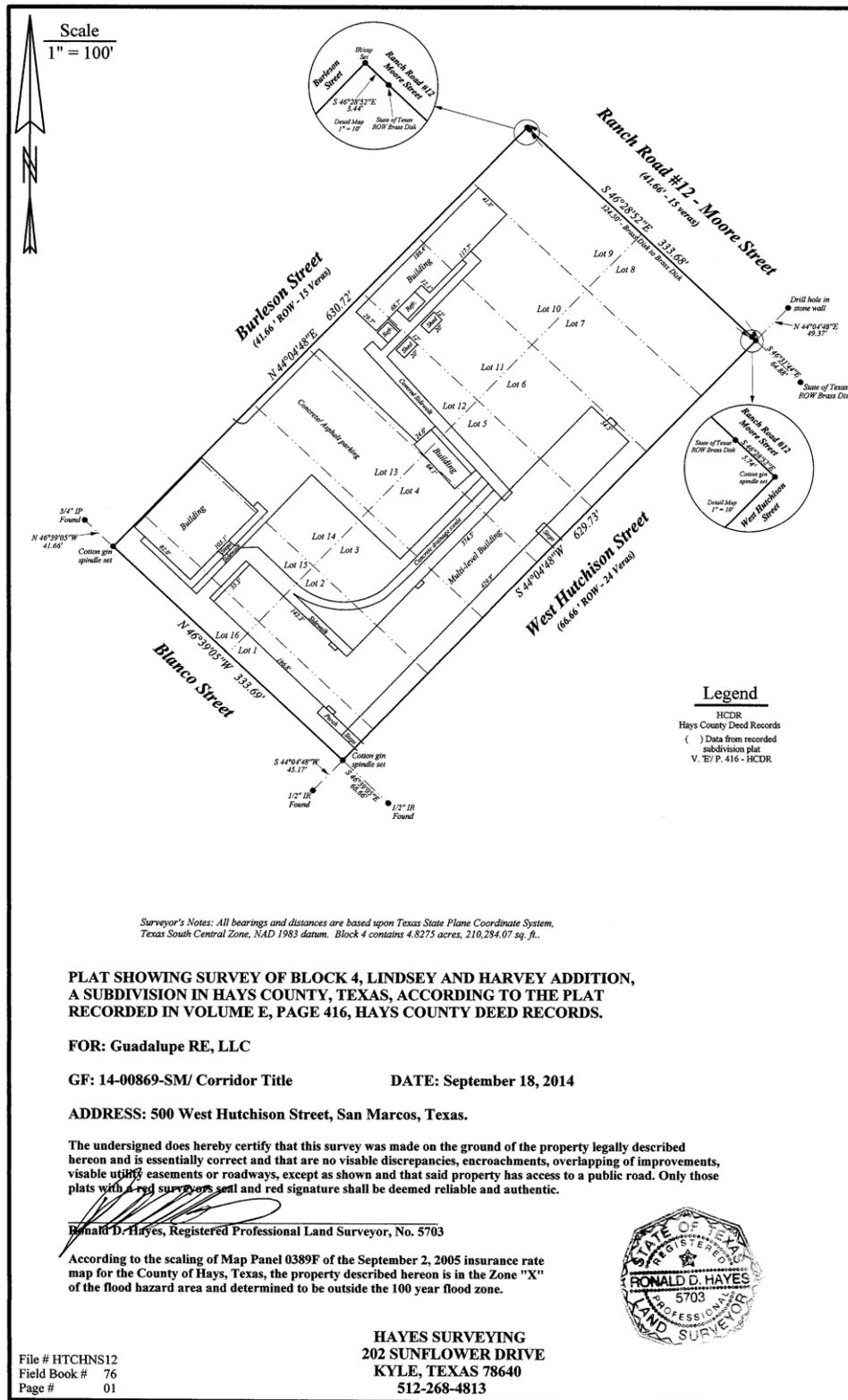
PDD Sections	CoSM Sections	Subject	Existing Regulation	PDD Modification	Modification, Clarification, Enhancement
3.4	LDC 6.2.1.2	Parking	Describes the parking requirements under the LDC.	Parking standards shall follow the requirements of the PDD Standards Book <del>(which is based on a parking study).</del>	Modification
3.53	LDC 6.2.1.2(j)	Loading Space and Maneuvering	All vehicular maneuvering required for use of loading spaces shall occur outside of ROW.	Loading dock maneuvering allowed within ROW, but limited to PDD Standards Book requirements. Minimum of single-berth loading dock permitted for the PDD.	Modification
<del>3.41</del>	<del>LDC 6.2.2.1(a)</del>	<del>Public Street Parking</del>	<del>Public street parking shall not be counted toward off-street parking requirements.</del>	<del>Street spaces touching the PDD on Blanco, Burleson, and Hutchison shall be counted toward off-street parking requirements.</del>	<del>Modification</del>
3.42	LDC 6.2.2.1(d)	Parking Space Dimensions	Minimum 9' parking space width for non-parallel spaces.	Minimum 8'6" parking space width for non-parallel spaces.	Modification
3.53 4.5	LDC 6.2.2.1(g)	Backing into Public Streets and Sidewalks	No parking space shall require backing into a public street or across a sidewalk.	Blanco Street spaces (which mostly are within the ROW, but may partially be within the Project Site) only will back into public street. Loading dock will require backing across sidewalk.	Modification
4.5	LDC 6.2.2.1(n)	Parking Space Setbacks	Parking spaces must be set back a minimum of 5' from ROW.	Blanco Street spaces are partially on the Project Site and partially within ROW.	Modification & Enhancement

PDD Sections	CoSM Sections	Subject	Existing Regulation	PDD Modification	Modification, Clarification, Enhancement
3.51 4.4 4.5		Use of Public ROW for Porte-Cochere and/or Valet Parking		Notwithstanding anything in this Book to the contrary, any use of public right-of-way for valet parking or the porte-cochere shall be subject to a mutually-agreeable lease or use agreement with the City, and the City shall be under no obligation to enter into any such agreement or lease.	
3.6	LDC 6.3.1.2	Sign Standards Applicability	When two sign standards conflict, the more restrictive standards shall apply.	If PDD sign standards conflict with Base Regulation standards, PDD standards shall govern and control.	Clarification
3.42 4.5	LDC 6.3.1.7(a)(5)	Signage Restrictions	Parking spaces may not be blocked off by signage except for public safety needs.	Spaces or sections within the parking garage and/or on Blanco Street can be blocked off for repair, special events, valet, etc. using signs, cones, pylons, etc.	Modification & Enhancement
3.6 5.3	LDC 6.3.1.7(a)(7)	Signage Restrictions	Only government or holiday signs can be on roofs.	Tower element signage permitted per PDD Book.	Modification Enhancement
3.6	LDC 6.3.1.7(a)(10)	Signage Restrictions	Sidewalk signs permitted only in CBA, but must maintain 5' wide clear sidewalk path.	Sidewalk signs (sandwich board, spring base, etc.) permitted at the PDD. 6' wide clear sidewalk required.	Modification
3.6	LDC 6.3.1.7(a)(11)	Signage Restrictions	All signs to have a 5' minimum setback from all property lines.	Monument signs, retaining wall signs, and canopy signs shall be installed behind sidewalks. Sidewalk signs permitted within sidewalk areas.	Clarification

PDD Sections	CoSM Sections	Subject	Existing Regulation	PDD Modification	Modification, Clarification, Enhancement
3.6	LDC 6.3.3.2(a)	Signage Area Calculation	Base Regulation does not provide clarity on how to measure façade to determine allowable sign area.	With some modification, line by line incorporation of SmartCode signage regulations, which are more restrictive.	Enhancement
3.6	LDC 6.3.3.2(a)(1)	On-Premises Attached Signs	Attached signs shall not extend above roofline or into setback zone.	Hotel tower element signage and certain projecting signs may extend above roofline. Canopy, projecting, hanging, retaining wall, sidewalk, and monument signs permitted within setback zones on a limited basis.	<u>Clarification Modification</u>
3.6	LDC 6.3.3.2 6.3.3.3	Sign Types	LDC includes two broad categories of permitted on-premises signage.	PDD Standards Book provides detailed descriptions of permitted signs in Section 3.6.	Enhancement & Clarification
3.6	LDC 6.3.3.3(a)	Sign Types	Pole signs permitted in certain locations.	Pole signs are not permitted at the PDD.	Enhancement
3.6	LDC 4.4.3.2(1)(n)ii (4)	Sign Illumination	Monument signs shall not be internally lit.	Parking monument sign, and signage located along Moore St. may be neon (or LED equivalent), halo, or internal illumination.	Modification
3.6	LDC 6.3.3.5(c)	Temporary Signs	Temporary signs limited to one per street frontage and two total per lot.	A maximum of two temporary signs shall be permitted on each of the Hutchison, Moore, and Blanco Street frontages.	Modification

<b>PDD Sections</b>	<b>CoSM Sections</b>	<b>Subject</b>	<b>Existing Regulation</b>	<b>PDD Modification</b>	<b>Modification, Clarification, Enhancement</b>
1.1 1.16 3.12 3.4 3.5 4.4 4.5	LDC 4.4.3.2(1)(c)	Parking Site Design	Provides requirements for parking lot locations, curb stops, bicycle parking, and visitor parking signage and location.	Permitted parking locations and parking requirements are detailed in PDD Standards Book. Bicycle parking shall not be calculated redundantly. No distance-to-door requirements for bike parking. Covered bike parking shall be in parking garage. No requirement to label visitor parking.	Modification & Clarification
	4.4.3.2(1)(j)	Neighborhood Parking Programs	Developer to pay a fee toward neighborhood parking program based on project impact.	No fees required based on City's review and approval of the Project's parking program as being appropriate for Project's overall mixed-use needs.	Clarification
	LDC 4.4.3.2(1)(k)	Public Transit Facility Lighting	Lighting to be provided along pedestrian walkway connections and adjacent to transit stops.	Lighting to be provided for pedestrian walkway connections and transit stops located at or immediately adjacent to the Project Site.	Clarification
5.12	LDC 4.4.3.2(1)(m) ii	Trash/Dumpsters for Multifamily	Trash and recycling dumpsters to be provided within 500 feet of entrances to ground floor units.	Trash chutes are required within 350' of each multifamily unit.	Enhancement

### 6.3 Land Survey



## 6.4 Legal Description

### **METES & BOUNDS DESCRIPTION FOR BLOCK FOUR (4), LINDSEY AND HARVEY ADDITION**

**A tract of land containing 4.8275 acres, being all of Block Four (4), of the Lindsey and Harvey Addition, a subdivision in Hays County, Texas, according to the plat recorded in Volume "E", Page 416 of the Hays County Deed Records, and being more particularly described by metes and bounds as follows:**

**BEGINNING at a cotton gin spindle set at the intersection of the northeast right-of-way of Blanco Street with the southeast right-of-way of Burleson Street for the northwest corner of Block 4;**

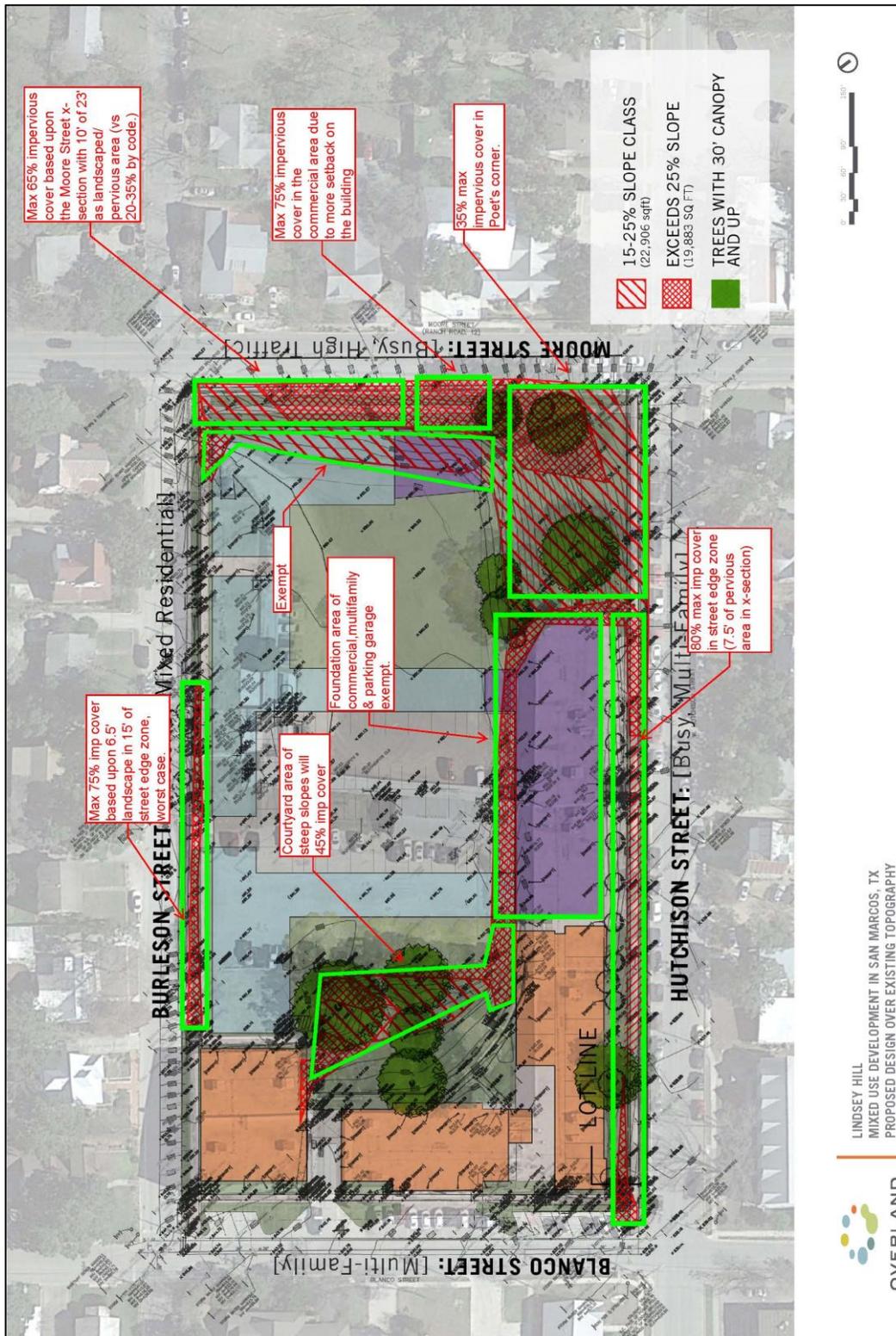
**THENCE N 44° 04' 48" E, along Burleson Street right-of-way, a distance of 630.72 feet to an iron rod with a cap set at the intersection of the southeast right-of-way of Burleson Street with the southwest right-of-way of Ranch Road #12, Moore Street, for the northeast corner of Block 4;**

**THENCE S 46° 28' 52" E, along the Ranch Road #12 right-of-way, a distance of 333.68 feet to a cotton gin spindle set at the intersection of the southwest right-of-way of Ranch Road #12 with the northwest right-of-way of West Hutchison Street for the southeast corner of Block 4;**

**THENCE S 44° 04' 48" W, along the West Hutchison Street right-of-way, a distance of 629.73 feet to a cotton gin spindle set at the intersection of the northwest right-of-way of West Hutchison Street with the northeast right-of-way of Blanco Street for the southwest corner of Block 4;**

**THENCE N 46° 39' 05" W, along the Blanco Street right-of-way, a distance of 333.69 feet to the POINT OF BEGINNING, containing all of Block 4, 4.8275 acres.**

## 6.5 Variance from LDC Section 5.1.1.5 & 7.5.1.4 "Hill-Side Slopes"





### City of San Marcos

## ZONING CHANGE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name:	Guadalupe RE, LLC	Same as Applicant
Mailing Address:	c/o David Lerman 1519 Spruce St. Philadelphia, PA 19102	_____
Telephone No.:	215-545-4545	_____
E-mail address:	dlerman@arqeo.com	_____

**PROPERTY DESCRIPTION:**

Street Address: 500 W. Hutchison St.

Subdivision: Lindsey & Harvey Addition Block: 4 Lot(s): \_\_\_\_\_

Other Description (if unplatted) \_\_\_\_\_ metes and bounds description attached  
 \* a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 143037 Acres: 4.8275

Lien Holder(s) - for notification purposes:  
 Name: Rosalie C. Lerman

Mailing Address: c/o David Lerman, 1519 Spruce St., Philadelphia, PA 19102

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

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

**ZONING CHANGE INFORMATION:**

Zoning Designation: Current: P, Public and Institutional Requested: MU, Mixed Use

Master Plan Designation: Area of Stability Land Use Map Amendment Required? No

Present Use of Property: SMCISD school and back office functions

Desired Use of Property/Reason for Change: Mixed use PDD development (for more information, please see the PDD application submitted for this property)

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

I am the property owner of record; or

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

Signature: Guadalupe RE, LLC Date: 4/27/2015

Printed Name: Mark Berins, authorized agent

## APPLICATION FOR CITY OF SAN MARCOS ZONING CHANGE

### FEE INFORMATION:

Fee Schedule:

Zoning Change to MF 12, 18, 14	\$1,000 plus \$50 acre (\$3,000 maximum) + \$10.00 Technology Fee
Zoning Change to all other categories	\$750 plus \$50 acre (\$2,000 maximum) + \$10.00 Technology Fee
Zoning variance/Special Exception	\$600 + \$10.00 Technology Fee
Renotification fee	\$75 + \$10.00 Technology Fee

### APPLICATION PROCESS:

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

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

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

**To be completed by Staff:**

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

Meeting Date: \_\_\_\_\_    Deadline: \_\_\_\_\_    Accepted By: \_\_\_\_\_    Date: \_\_\_\_\_

## AGREEMENT TO THE PLACEMENT OF ZONING NOTIFICATION SIGNS

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

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

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

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

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

---

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

GUADALUPE RE, LLC

By: \_\_\_\_\_

Signature of Applicant  
Mark Berins, authorized agent

27  
April 27, 2015

Date

**FOR STAFF USE ONLY:**

Sign (s) were placed by staff on \_\_\_\_\_ by \_\_\_\_\_.

Sign (s) were removed by staff on \_\_\_\_\_ by \_\_\_\_\_.

**GUADALUPE RE, LLC**  
c/o David Lerman  
1519 Spruce St.  
Philadelphia, PA 19102  
Tel: 215-545-4545

April 27, 2015

Planning and Development Services Department  
City of San Marcos  
630 E. Hopkins  
San Marcos, TX 78666

Re: 500 W. Hutchison Property Ownership and Authorized Agents

Dear Ladies and Gentlemen,

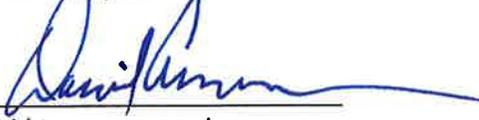
Please accept this letter as certification and confirmation of the following:

1. 500 W. Hutchison in San Marcos, TX is owned by Guadalupe RE, LLC, a Texas limited liability company.
2. David Lerman and Mark Berins are the members and authorized agents of Guadalupe RE, LLC.

Please contact us if we can answer any other questions.

Sincerely,

GUADALUPE RE, LLC

By:   
David Lerman, member

## EXHIBIT A

### **METES & BOUNDS DESCRIPTION FOR BLOCK FOUR (4), LINDSEY AND HARVEY ADDITION**

A tract of land containing 4.8275 acres, being all of Block Four (4), of the Lindsey and Harvey Addition, a subdivision in Hays County, Texas, according to the plat recorded in Volume "E", Page 416 of the Hays County Deed Records, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a cotton gin spindle set at the intersection of the northeast right-of-way of Blanco Street with the southeast right-of-way of Burleson Street for the northwest corner of Block 4;

**THENCE** N 44° 04' 48" E, along Burleson Street right-of-way, a distance of 630.72 feet to an iron rod with a cap set at the intersection of the southeast right-of-way of Burleson Street with the southwest right-of-way of Ranch Road #12, Moore Street, for the northeast corner of Block 4;

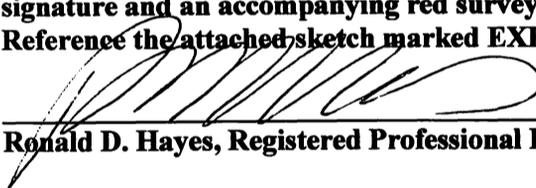
**THENCE** S 46° 28' 52" E, along the Ranch Road #12 right-of-way, a distance of 333.68 feet to a cotton gin spindle set at the intersection of the southwest right-of-way of Ranch Road #12 with the northwest right-of-way of West Hutchison Street for the southeast corner of Block 4;

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**THENCE** N 46° 39' 05" W, along the Blanco Street right-of-way, a distance of 333.69 feet to the **POINT OF BEGINNING**, containing all of Block 4, 4.8275 acres.

All bearings and distances are based upon Texas State Plane Coordinate System, Texas South Central Zone, NAD 1983 datum.

This is to certify that this description of land represents an actual survey made on the ground under my supervision in September of 2014. Only those documents with a red surveyor's signature and an accompanying red surveyor's seal shall be deemed reliable and authentic. Reference the attached sketch marked EXHIBIT B, File HTCHSN12.

  
\_\_\_\_\_  
Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703



# TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County  
712 S. Stagecoach Trail  
San Marcos, TX 78666  
Ph: 512-393-5545 Fax: 512-393-5517



Receipt Number: **SM-2015-823273**

Payor: GUADALUPE RE LLC (00187252)  
% DAVID LERMAN  
1519 SPRUCE ST  
PHILADELPHIA, PA 19102

Owner: GUADALUPE RE LLC (00187252)  
% DAVID LERMAN  
1519 SPRUCE ST  
PHILADELPHIA, PA 19102

Quick Ref ID: R143037  
Owner: GUADALUPE RE LLC (00187252) - 100%

Property: 11-4950-0400-00000-3  
Legal Description: LINDSEY & HARVEY ADDN, BLOCK 4,  
ACRES 4.8275;... TAXABLE %  
12/01/2014

Owner Address: % DAVID LERMAN  
1519 SPRUCE ST  
PHILADELPHIA, PA 19102

Schedule	Charge	Payment Amount
Tax Certificate	10.00	10.00
<b>Total Payment Amount</b>		<b>10.00</b>
	Cash Tendered	100.00
	Total Tendered	<b>100.00</b>
	Change	90.00
	Remaining Balance Due, including other fees, as of 4/22/2015	<b>0.00</b>

Date Paid: 04/22/2015  
Effective Date: 04/22/2015  
Station/Till: trishal/PATRICIA'S TILL  
Cashier:

# TAX CERTIFICATE

Luanne Caraway Tax Assessor-Collector, Hays County

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

This certificate includes tax years up to 2014

**Entities to which this certificate applies:**

RSP - Special Road Dist  
 CSM - City Of San Marcos

SSM - San Marcos CISD  
 GHA - Hays County

**Property Information**

Property ID : 11-4950-0400-00000-3  
 Quick-Ref ID : R143037

**Value Information**

Land HS : \$0.00  
 Land NHS : \$1,051,430.00  
 Imp HS : \$0.00  
 Imp NHS : \$1,494,860.00  
 Ag Mkt : \$0.00  
 Ag Use : \$0.00  
 Tim Mkt : \$0.00  
 Tim Use : \$0.00  
 HS Cap Adj : \$0.00  
 Assessed : \$2,546,290.00

LINDSEY & HARVEY ADDN,  
 BLOCK 4, ACRES 4.8275;...  
 TAXABLE % 12/01/2014

**Owner Information**

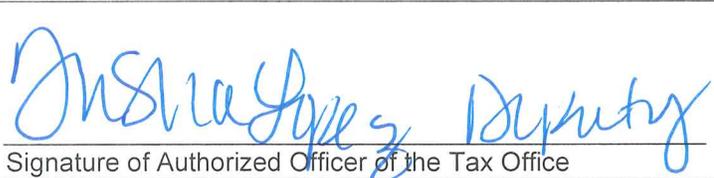
Owner ID : 00187252  
 GUADALUPE RE LLC  
 % DAVID LERMAN  
 1519 SPRUCE ST  
 PHILADELPHIA, PA 19102  
 Ownership: 100.00%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
SSM	2014	2,959.48	0.00	0.00	0.00	0.00
RSP	2014	91.67	0.00	0.00	0.00	0.00
GHA	2014	889.88	0.00	0.00	0.00	0.00
CSM	2014	1,109.62	0.00	0.00	0.00	0.00

**Total for current bills if paid by 4/30/2015 : \$0.00**  
**Total due on all bills 4/30/2015 : \$0.00**  
 2014 taxes paid for entity SSM \$2,959.48  
 2014 taxes paid for entity RSP \$91.67  
 2014 taxes paid for entity GHA \$889.88  
 2014 taxes paid for entity CSM \$1,109.62  
**2014 Total Taxes Paid : \$5,050.65**  
**Date of Last Payment : 04/10/15**

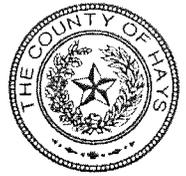
If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document.  
 This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (i) of the Texas Property Tax Code.

  
 Signature of Authorized Officer of the Tax Office

Date of Issue : 04/22/2015  
 Requestor : GUADALUPE RE LLC  
 Receipt : SM-2015-823273  
 Fee Paid : \$100.00  
 Payer : GUADALUPE RE LLC

# REPRINTED TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County  
712 S. Stagecoach Trail  
San Marcos, TX 78666  
Ph: 512-393-5545 Fax: 512-393-5517



Receipt Number: **SM-2015-822733**

Payor: 301 N GUADALUPE, LLC ()  
1519 SPRUCE STREET, 1ST FL  
PHILADELPHIA, PA 19102

Owner: GUADALUPE RE LLC (O0187252)  
% DAVID LERMAN  
1519 SPRUCE ST  
PHILADELPHIA, PA 19102

Quick Ref ID: R143037

Property: 11-4950-0400-00000-3

Owner: GUADALUPE RE LLC (O0187252) - 100%

Legal Description: LINDSEY & HARVEY ADDN, BLOCK 4,  
ACRES 4.8275;... TAXABLE %  
12/01/2014

Owner Address: % DAVID LERMAN  
1519 SPRUCE ST  
PHILADELPHIA, PA 19102

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2014					
San Marcos CISD	209,284	1.414100	2,959.48	2,959.48	2,959.48
Special Road Dist	209,284	0.043800	91.67	91.67	91.67
Hays County	209,284	0.425200	889.88	889.88	889.88
City Of San Marcos	209,284	0.530200	1,109.62	1,109.62	1,109.62

Total Payment Amount	<b>5,050.65</b>
Check Payment (Ref # 1094) Tendered	5,050.65
Total Tendered	<b>5,050.65</b>

Remaining Balance Due, including other fees,  
as of 4/22/2015 **0.00**

Date Paid: 04/10/2015  
Effective Date: 04/10/2015  
Station/Till: Monica/Monica's Till  
Cashier:

## Consistency with Vision San Marcos: A Matrix Comparing Lindsey Hill to the Goals and Objectives of Vision San Marcos

[**Please note:** Portions of the passages within the right-hand column of the charts in this document have been taken, verbatim, from *Vision San Marcos*. Other portions are editorialized based on the developer’s analysis and belief as to the intent of those sections. Reference at the beginning of each section of the chart below to “*Vision Statement*” identifies language taken directly from *Vision San Marcos*.]

### **Economic Development**

*Vision Statement:* We envision San Marcos with economic, educational and cultural opportunities that develop a stronger middle class and grow our local economy. We foresee a vibrant community that strategically leverages the University and all available community assets to support environmentally sustainable industry, technological excellence, local business development and the arts.

<b>Vision San Marcos Goals &amp; Objectives</b>	<b>How That Goal is Achieved Through Lindsey Hill</b>
Abundant opportunities created by the ingenuity and intellectual capital of University, business, civic and cultural leaders.	Exciting, dynamic, sophisticated, engaging community serves as a magnet and helps attract tier #1 faculty members, business leaders, and arts and culture leaders to San Marcos.
Workforce and Education excellence.	Exciting, dynamic, sophisticated, engaging community serves as a magnet and helps attract tier #1 faculty members, business leaders, and arts and culture leaders to San Marcos.
Emerging markets and industry relationships that generate quality entrepreneurial and employment opportunities.	Lindsey Hill has the potential to increase the amount of Class A office space that may be attractive to target industries.
An enhanced and diverse local economic environment that is prosperous, efficient and provides improved opportunities to residents.	Lindsey Hill is a development that is consistent with the comprehensive plan and provides new housing opportunities to residents and future residents.  Lindsey Hill will add that housing in a professional and family-focused downtown residential development.
Fiscally responsible incentives for economic development.	
Promote and Support the Maximum Potential of the San Marcos Municipal Airport.	
Sports tourism, eco-tourism, retail tourism and the community’s 13,000 year heritage as an economic generator.	Lindsey Hill adds to the high-quality system of civic engagement spaces, parks, natural areas, greenways and trails to draw visitors and encourage new business opportunities.  Lindsey Hill’s infill location fits into a transit plan that matches the Preferred Scenario Map to encourage connectivity between centers.  Lindsey Hill is part of a strategy to prioritize and complete infrastructure upgrades in Downtown in order to enhance accessibility and the physical appearance.  Lindsey Hill will be the gateway linking Downtown, the University, and historic neighborhoods.

## Environment and Resource Protection

*Vision Statement:* We envision San Marcos to be a community of outstanding stewards of our irreplaceable unique natural environment. We value our resource and energy efficiency and our community’s health, well being and prosperity.

Vision San Marcos Goals & Objectives	How That Goal is Achieved Through Lindsey Hill
Public and Private sectors working together to protect water quality and facilitating appropriate development in the San Marcos and Blanco Rivers watersheds, and over the Edwards Aquifer using measureable and scientific methods.	Lindsey Hill aims to incorporate cost-effective low impact development practices early on and throughout the development process.  Lindsey Hill is a dense development within an existing activity center already served by public utilities, but not within an environmentally sensitive zone.
Natural resources necessary to our community’s health, well-being, and prosperity secured for future development.	Lindsey Hill will be the model for a coordinated tree preservation and planting program.
Pro-active policies that encourage recycling and resource and energy efficiency.	Lindsey Hill would like to be the first project participating in a point system to measure the sustainable elements of proposed development in order to qualify for utility, process, and other incentives.  Lindsey Hill will be a model and case study example for development that is within a connected network for non-automobile, non-carbon emitting travel – a community designed to favor the pedestrian by making it faster and easier to walk or bike.
A population prepared for and resilient to man-made and natural disasters.	More efficient support by first responders of community population that is clustered rather than spread out.

## Land Use

*Vision Statement:* We envision San Marcos as a community with balanced and diverse land uses that expand our lifestyle choices while protecting and enriching our historical, cultural, and natural resources.

Vision San Marcos Goals & Objectives	How That Goal is Achieved Through Lindsey Hill
Direct growth, compatible with surrounding uses.	Lindsey Hill is situated across the street from a described High Density zone in the Future Land Use Map that is based on the development intensities specified in the preferred scenario.
High-density mixed-use development and infrastructure in the activity nodes and intensity zones, including the downtown area supporting walkability and integrated transit corridors.	Lindsey Hill is a dense, mixed-use development in an area that is underserved by civic spaces, but in an intense activity node with strong employment centers (Downtown and the University) and with substantial existing infrastructure including utilities and transit (CARTS stop is one block away)  Lindsey Hill will have adequate facilities to accommodate all modes of transportation.

**\*\*NOTE: Document prepared by the applicants and provided at their request.**

	Lindsey Hill creates new public engagement spaces that complement the City’s parks, open spaces, and other key activity nodes.
Set appropriate density and impervious cover limitations in the environmentally sensitive areas to avoid adverse impacts on the water supply.	Lindsey Hill is outside of environmentally sensitive areas.  Lindsey Hill aims to implement cost-effective rain water retention and stormwater Best Management Practices.

### Neighborhoods and Housing

*Vision Statement:* We envision San Marcos to have a strong, more comprehensive foundation of safe stable neighborhoods while preserving and protecting the historical, cultural, and natural identities of those neighborhoods.

Vision San Marcos Goals & Objectives	How That Goal is Achieved Through Lindsey Hill
Neighborhoods that are protected and enhanced in order to maintain a high quality of life and stable property values.	Lindsey Hill will enhance the surrounding neighborhoods and increase property values by creating a high-quality, walkable development that provides quality of life opportunities, including civic engagement space, dining, and entertainment options to neighboring residents.
Housing opportunities for students of Texas State University in appropriate areas and create and implement a plan to accomplish this vision.	Lindsey Hill is not a student-focused development since the historic district is not, in the developer’s opinion, an appropriate area for a student housing project.  Lindsey Hill will reduce congestion and parking issues caused in dense housing areas by providing an on-site garage, a walkable and bikeable focus, and will integrate into the existing CARTS transit option.
Diversified housing options to serve citizens with varying needs and interests.	Lindsey Hill will add a new housing type within a mixed-use development.
Well maintained, stable neighborhoods protected from blight or the encroachment of incompatible land uses.	Lindsey Hill will add a new high quality mixed-use multifamily residential development to an existing area comprised mostly of multifamily residential and commercial uses.  Lindsey Hill has the potential to catalyze substantial investment and redevelopment in surrounding, partially blighted neighborhoods.  Lindsey Hill will employ smart, quality design and utilize long-lasting materials.

### Parks, Public Spaces & Facilities

*Vision Statement:* We envision San Marcos with safe and attractive parks, public spaces and facilities which provide a range of amenities and experiences. We envision a connected system of parks and natural areas that focus on our unique cultural and environmental heritage.

Vision San Marcos Goals & Objectives	How That Goal is Achieved Through Lindsey Hill
Well-maintained public facilities that meet the needs of our community.	Lindsey Hill will include quality, carefully designed civic engagement spaces currently unavailable in this area of the City.

**\*\*NOTE: Document prepared by the applicants and provided at their request.**

A differentiated collection of connected and easily navigated parks and public spaces.	Lindsey Hill’s civic engagement spaces will become an important part of the City’s connected public spaces.
A vibrant central arts district and robust arts and cultural educational opportunities for everyone.	Lindsey Hill will be a welcoming location for the future Art in Public Places Program, and has been identified by the developer as an area of the city that could be used for murals/public art displays.
Funding and staffing to ensure quality public safety and community services.	
Effective social services delivered to those who can most benefit from them.	

## Transportation

*Vision Statement:* We envision San Marcos to have a connected network of efficient, safe and convenient multimodal transportation options while protecting the environment.

<b>Vision San Marcos Goals &amp; Objectives</b>	<b>How That Goal is Achieved Through Lindsey Hill</b>
A safe, well-coordinated transportation system implemented in an environmentally sensitive manner.	Lindsey Hill’s goals of walkability and bikeability focus on the transit modes that are the most environmentally sensitive (and healthy) transit options.  Lindsey Hill is one block from an existing CARTS bus stop.
A multimodal transportation network to improve accessibility and mobility, minimize congestion and reduce pollution.	Lindsey Hill will be a step ahead by catering to non-vehicular transportation improvements that will be part of the updated Transportation Master Plan.  Lindsey Hill is correctly situated to be part of a multimodal transportation system that integrates with existing university and proposed regional systems.  Lindsey Hill likely will help the City obtain “Bicycle Friendly Community” designation and may enhance the City’s walkability ratings from Walk Score®.  Lindsey Hill will be an important part of the future Sidewalk Master Plan.  Lindsey Hill’s bike-friendly, walkable design will be ready for the implementation of a complete streets policy for coordination with other transportation related entities to properly integrate all modes of transportation into the transportation network.

**\*\*NOTE:** Document prepared by the applicants and provided at their request.

# LINDSEY HILL

San Marcos, Texas

## PDD Vision Book



**\*\*NOTE: Document prepared by the applicants and provided at their request.**

## **Preface**

### **The Past Becomes the Future**

Lindsey Hill holds a prominent place in the history of San Marcos. It was home to the Coronal Institute (est. 1868), one of San Marcos' original key public institutions. Coronal Institute served as school, public gathering place, cultural and performance venue, and "vision-making center" for the City of San Marcos.

Coronal Institute was known throughout the State of Texas, and it helped put San Marcos on the map as a visionary, forward-thinking, dynamic community. The prominence and prestige of the Coronal Institute attracted others—including San Marcos' leading citizens—to build their homes and places of business nearby.

Since the founding of Coronal Institute, Lindsey Hill has functioned as a definable neighborhood with its own history, traditions, character, and role. It has made singular contributions to the city as the "connector" and "community-building" neighborhood, weaving together and bringing harmony to the neighborhoods that grew up around it. That role as community nexus—and the physical majesty, prominence, and prestige of the site—are elements that the development team wishes to re-express and honor at Lindsey Hill.

**\*\*NOTE:** Document prepared by the applicants and provided at their request.

## **Table of Contents**

1. Vision and Mission
2. Guiding Principles
3. Elements and Uses
4. Neighborhood Compatibility
5. Environmental and Resource Efficiency

## 1. Vision and Mission

To create an iconic, walkable, mixed-use community unique to central Texas in a thoughtfully designed urban setting.

Lindsey Hill offers new experiences and opportunities in living, working, dining, and social engagement, and invites use and enjoyment by residents, guests, neighbors, and community members. Most importantly, Lindsey Hill is a community designed with San Marcos' permanent population in mind—an oasis for those who have chosen to call San Marcos home.

## 2. Guiding Principles

Lindsey Hill's vision will be accomplished through the following guiding principles:

### I. **Preservation – Existing topography and specimen trees are the control points around which the entire Project is organized.**

**Nature** – Magnificent heritage oak trees are located in two distinct stands at the property. Lindsey Hill will preserve and honor these precious trees by enhancing their surroundings and making them the centerpieces of the Project's public spaces.

**Topography** – The Project Site's beautiful hillside topography will be substantially preserved and sculpted in order to blend the Project into the existing landscape and to create an invitation for the public to enter and enjoy Lindsey Hill's public spaces.

**History** – Celebrate the Project Site's long history of leadership, progress, and prominence by welcoming the community back to a reinvigorated place of public interaction.

**Architectural Legacy** – Respond to the neighboring Historic Districts' rich architectural tradition by creating buildings and public spaces that will leave a lasting legacy for the permanent population of San Marcos.

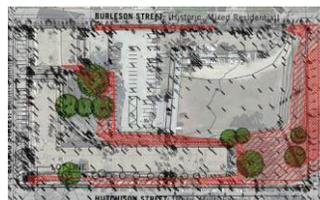
**Repurpose** – If possible, repurpose and reuse the property's existing gymnasium and auditorium buildings within the redevelopment.

### II. **Community – Design Lindsey Hill in a way that brings people together to learn from and engage with one another.**

**Civic Engagement** – Throughout the Project Site, design accessible spaces that foster civic engagement and social interaction.

**Reconnect** – Reconnect the Historic Districts to Downtown by creating an active and interactive pedestrian-friendly link.

**Public Spaces** – Utilize a substantial portion of the Project Site for high-quality public and semi-public open spaces.



**\*\*NOTE:** Document prepared by the applicants and provided at their request.

**III. Opportunities – Provide a mixture of uses to create new opportunities in living, dining, shopping, work, and play.**

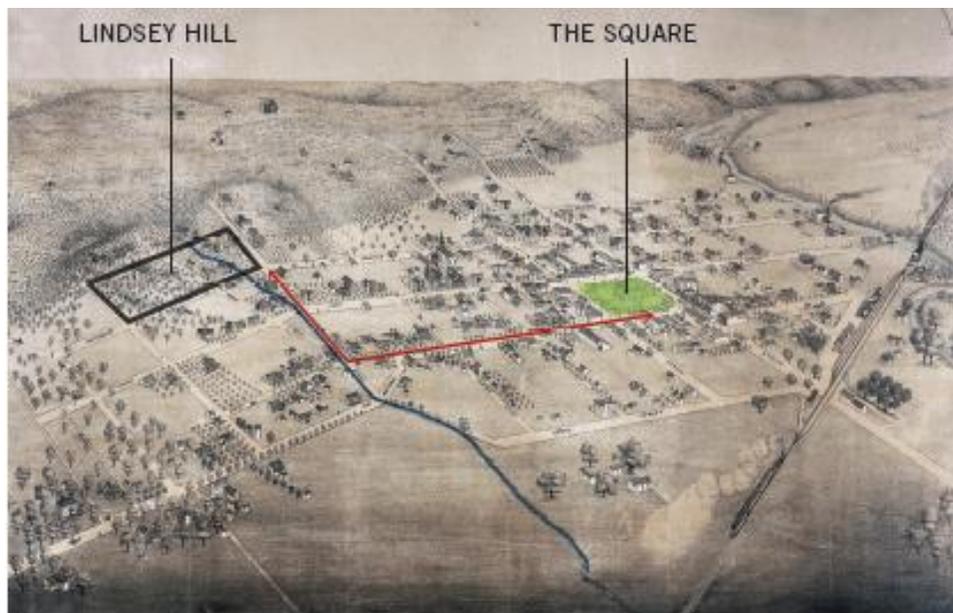
**Housing Choice** – Provide professional housing that will give a new, Downtown living option to San Marcos’s growing permanent population.

**New Businesses** – Bring to Lindsey Hill restaurants and other much needed businesses for the use and enjoyment of San Marcos’ residents.

**Downtown Residents** – Further enliven the Downtown district by adding new activities and increasing the Downtown area’s tourist and permanent populations.

**Boutique Hotel** – Create a high-quality and interesting Downtown lodging option that currently is unavailable in San Marcos.

**Betterment** – Provide a new and exciting asset that will catalyze redevelopment and urban investment.



Originally developed in 1868, Lindsey Hill was a pioneer, and the catalyst to high-quality growth and progress in its young neighborhood.

### **3. Elements and Uses**

**Lindsey Hill is a mixed-use community that will include active public spaces, restaurant and retail uses, a boutique hotel, multi-family housing, a parking garage, and possible office space.**

Consistent with *Vision San Marcos's* Land Use Vision Statement, Lindsey Hill will further the city's desire to create "a community with balanced and diverse land uses that expand our lifestyle choices while protecting and enriching our historical, cultural, and natural resources."<sup>1</sup>

The multifamily, hotel, and retail components are core use elements of the Project. The City of San Marcos has encouraged the development team to consider also the inclusion of office space at Lindsey Hill. Because current market demand for that use is unclear, the development team has identified a portion of the multifamily element that could be shifted to office use in the event that during development and construction an office user expresses interest.

Lindsey Hill enjoys a unique urban location that is adjacent to and within easy walking distance of the Square, the Downtown retail and service core, and Texas State University. It is located in the most employment-dense section of San Marcos. It offers residents, tenants, and guests the opportunity to live an environmentally friendly personal and/or business lifestyle. Apartment residents, hotel guests, office occupants, and the public at large, will enjoy on-site dining, retail, and civic and social engagement opportunities. Most importantly, they will be able to walk or bike to and from the supermarket, drugstore, other Downtown merchants, culture, entertainment, and sports venues, and the many other indoor and outdoor activities that make San Marcos consistently rank nationally as a "best places to live and work" city.

#### **3.1 Civic Engagement Spaces**

Central to the development team's vision and goals for Lindsey Hill are reinvigoration of Lindsey Hill's historic role as "connector" and community focal point, encouragement of social interaction, and community-building. Achieving these goals requires lively open spaces for public interaction—referred to by the developer as "Civic Engagement Spaces"—featuring areas for planned and spontaneous social interaction, thriving retail, and active dining venues (indoor and outdoor).

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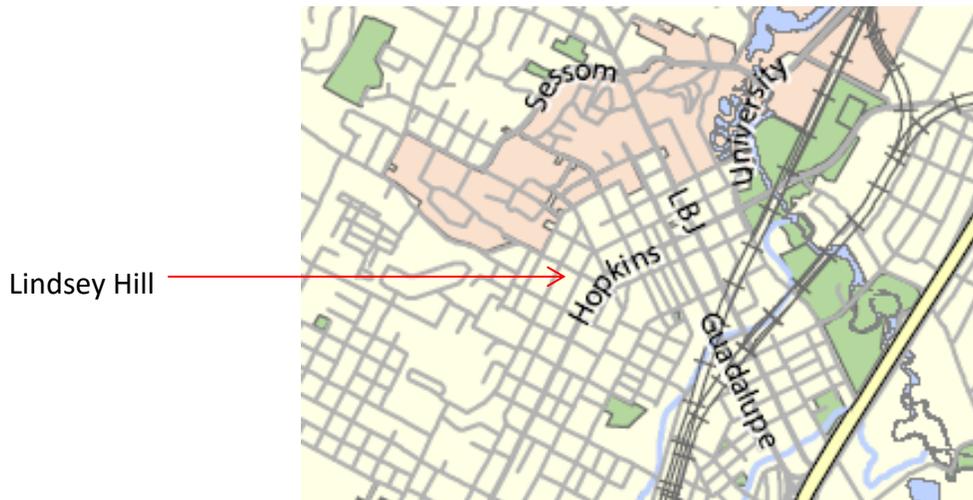
<sup>1</sup> San Marcos, Texas, Master Plan *Vision San Marcos: A River Runs Through Us*, 42.

**\*\*NOTE: Document prepared by the applicants and provided at their request.**

Lindsey Hill’s Civic Engagement Spaces will encourage active use by residents, guests, neighbors, and community members alike. Activity leads to more activity, which then leads to a greater feeling of comfort and safety for residents, neighbors, and surrounding businesses.<sup>2</sup> More simply stated, “Something happens because something happens because...”<sup>3</sup>

Developments of the size and scale of Lindsey Hill often are imagined and executed as self-contained, inwardly-focused “fortress” projects. Lindsey Hill, by contrast, is imagined as the exact opposite: an outwardly-facing, open and welcoming, neighborhood-friendly community.

According to the Parks and Greenspaces map provided within the *Vision San Marcos* exhibits (an excerpt of which is shown as *Figure 3-1*), there currently is no park space located on the western edge of Downtown. Based on the City’s desire for densification of the Downtown area, publicly-accessible recreation space is very much needed within this area.



*Figure 3-1: Excerpt from Existing Parks and Greenspace Map (source: Vision San Marcos).*

Because Lindsey Hill will include green open areas and complementary Civic Engagement Space available to the public, the City of San Marcos will have the benefit of thoughtfully designed public activity space, but without having to expend tax dollars traditionally needed to condemn, purchase, and maintain infill/downtown parkland.

<sup>2</sup> “The lively city sends friendly and welcoming signals with the promise of social interaction. The presence of other people in itself signals which places are worthwhile. Gehl, Jan, *Cities for People* (Washington, DC: Island Press, 2010) 63.

<sup>3</sup> *Ibid.*, p. 65.

### **3.2 Multifamily Housing**

Although permanent population growth is coming to San Marcos (see *Figure 5-4* for growth projections), no new multifamily housing options for that demographic are being added near San Marcos’s Downtown core. *Vision San Marcos* recognizes that “smart growth” best practices encourage development in areas where public infrastructure and capacity (streets, utilities, and public transportation systems) already exist—and preferably in areas proximate to where the greatest employment density exists.

The needs of several distinct audiences who might prefer an “in-town” housing opportunity in San Marcos currently are not being met. Among others:

- National housing data indicate that young professionals—the most coveted demographic to modern industry and business—have a strong preference for walkable, “alive,” environmentally efficient, urban environments. This same data suggest that “employers follow employees”—meaning that communities that appeal to the residential and lifestyle needs of this population also have the best chance of attracting new industry.
- Texas State University reports that more than 40% of its faculty members live outside of San Marcos, with the most frequently cited reason for their out-of-town residence being “lack of attractive housing opportunities close to the university.”
- Older residents who live in the neighboring Historic Districts and who would like to downsize currently have no meaningful options that will allow them to “age in place” and to remain conveniently attached to their familiar points of connection, engagement, and involvement in the community.

Lindsey Hill apartments will “allow for more diverse housing types [in a] mixed-use development,”<sup>4</sup> addressing the needs of these three constituencies and others seeking a convenient small city living option.

Many residents—as an expression of personal lifestyle decision and commitment—will choose to live at Lindsey Hill so they can be within walking or bicycling distance of their places of employment. Immediate proximity to Downtown and the Square will allow residents to satisfy many of their daily needs on foot or by bicycle—including grocery shopping (HEB is only two blocks away) and the pharmacy (CVS is about six blocks away). These trips will be faster on foot or on bicycle, resulting in fewer automobile trips and a more active and vibrant Downtown.

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<sup>4</sup> San Marcos, Texas, Master Plan *Vision San Marcos: A River Runs Through Us*, 45.

### **3.3 Boutique Hotel**

The development team aspires to create a landmark hotel that is distinctive, memorable, and expressive of the unique qualities of San Marcos, Central Texas, and the Texas Hill Country. Hotel guests will enjoy the pleasure of leaving their cars behind and exploring San Marcos on foot, including Wonder World, the neighboring Historic Districts, Downtown, Texas State University campus, Sewell Park, and the Meadows Center at Spring Lake.

### **3.4 Office Space**

Both the City of San Marcos and the Greater San Marcos Partnership have asked the development team to consider including an office component at Lindsey Hill. The development team believes that welcoming office patrons into Lindsey Hill would be beneficial to the Project, and would create an extraordinary business lifestyle opportunity for companies considering relocation to San Marcos. The presence of office occupants at Lindsey Hill also would further activate and energize the restaurants, retail businesses, and Civic Engagement Spaces at Lindsey Hill, and would drive significant new business to merchants and service providers in the Downtown core.

### **3.5 Parking Garage**

At the center of the site and largely hidden from the surrounding community is a parking garage that, along with other on-site and on-street parking spaces, will handle projected parking needs of Lindsey Hill. The parking garage will be wrapped by apartment “liner units” (and, if applicable, office space lining the Hutchison Street side) surrounding its entirety.

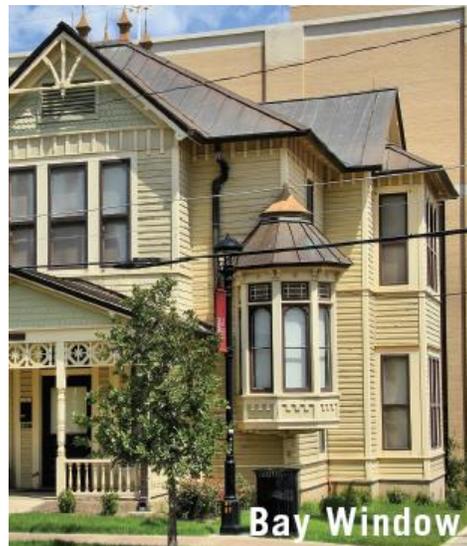
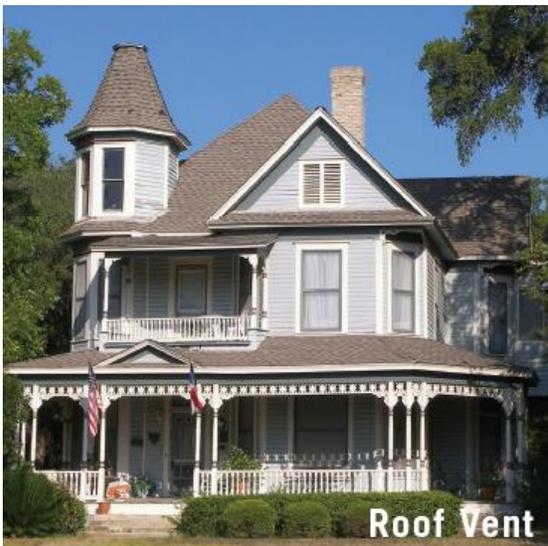
**\*\*NOTE:** Document prepared by the applicants and provided at their request.

#### 4. Neighborhood Compatibility

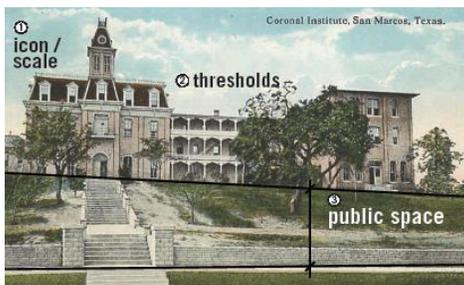
As a project imagined around the needs and desires of San Marcos permanent population, Lindsey Hill’s design, architectural context, size, scale, and uses focus on blending into, enhancing, and connecting the Property’s surrounding neighborhoods.

##### 4.1 Inspiration and Architectural Cues

The development team is inspired by San Marcos’s history, spirit, and architecture, and is committed to responding to those traditions within the Project’s overall design aesthetic. Architectural cues shall be taken from the rich building stock within the City, particularly within neighboring historic districts.



These images represent some of the architectural cues that inform building design at Lindsey Hill.



The Coronal Institute



## **4.2 Minimizing Impacts on Neighboring Properties**

Although most of the properties across Burleson Street are zoned single-family, only those that are at or near the corner of Burleson and Blanco Streets are actually utilized as owner-occupied, single-family homes. The Project design will focus on minimizing, to the extent possible, visual, sunlight, and other impacts on those property owners in the ways next described.

### **Methods to Minimize Impact on Neighboring Properties:**

1. Existing gym building to remain in place.
2. Existing gym building to be re-façaded in order to create a more pleasant view and pedestrian experience.
3. Three-story building height limitation for those buildings within the PDD that are across from the three owner-occupied Burleson Street homes (the first three properties just east of the corner of Burleson and Blanco).
4. Building height steps up to four stories on Burleson toward Moore.
5. Comfortably-sized sidewalks with generous street tree zones.
6. Additional landscaping will be added throughout the street tree and landscape zone on the Burleson frontage.
7. Street-level apartment entrances along Burleson Street.
8. Soft-edged Burleson streetscape that incorporates porches and patios in order to encourage neighbors to engage and interact with one another.

## **4.3 Streetscapes and Frontages**

Lindsey Hill’s pedestrian orientation requires thoughtful planning and design in order to create an engaging and welcoming environment within the zones most critical to public view and pedestrian interaction: streetscapes and street frontages.

**Retail Frontage:** Retail spaces within Lindsey Hill shall be designed in a way that brings life and activity to the Project Site, especially to Poet’s Corner. Numerous studies prove that the availability of food and beverages increases use and enjoyment of public spaces. The retail area also functions as an important Civic Engagement Space allowing residents, guests, and the public opportunities to interact within the frontage zone.

**Multifamily Frontage:** Important (and typically more spontaneous and casual) social interactions occur frequently in residential frontages, especially

**\*\*NOTE: Document prepared by the applicants and provided at their request.**

across private and public zones. These interactions have dual value: they promote community and they enhance public safety by giving neighborhood residents a chance to know and feel responsible for one another.

To encourage that type of community interaction, the “street curb to building front door” design at Lindsey Hill aims at creating a positive relationship between private and public realms. They shall be designed in a way that encourages interaction, but also clearly delineates the public versus private frontage, and protects the publicly-viewable private zones.

At ground-floor level, buildings will be designed with a soft edge and in a way that is pedestrian-scaled and comfortable to the pedestrian experience. Many ground floor units will include street-level entrances (or shared street-level entrances) and some ground floor areas of the multifamily buildings may feature patios and/or forecourts facing the street edges. These spaces function like “front-porches” on single-family homes, encouraging casual social interaction “between sidewalk and porch” and providing eyes on the street to increase street safety.

Visible upper floor balconies



Figure 4-1: Representative example of frontage zone features.

6' sidewalks

Visible patios with seating

Protected street-level entries

Landscaped edges

**\*\*NOTE: Document prepared by the applicants and provided at their request.**

**Moore Street Streetscape:** Moore Street presents particular pedestrian challenges because of the busy, state-maintained roadway that is adjacent to the pedestrian corridor. To account for that difficulty, the hillside at this frontage will be reduced in order to allow enough room for safer pedestrian passage. Additionally, depending on topography and in an effort to increase pedestrian safety and comfort, sidewalks may be at street grade or above street grade. Similarly, elevations of the Tree Well and the Upper and Lower Landscape Edges may be adjusted based on topography and other needs.

**Balconies and Porches:** Balconies are useful in adding interest and definition to large walls, and are desirable for providing outdoor enjoyment and to add eyes on and interaction with the street and other public spaces

#### **4.4 Density and Height**

The 164-unit maximum allowable multifamily residential density and 1.5:1 maximum allowable site-wide Floor to Area Ratio (“FAR”) for habitable, conditioned spaces of Lindsey Hill is, in fact, modest considering the Project’s urban context and almost 5-acre size. Instead of trying to absolutely maximize density and yield with the greatest amount of multifamily units on the site, Project design is driven by the developer’s primary goal of showcasing the Project Site’s existing and irreplaceable natural features: its mature specimen trees and interesting hillside topography, with buildings molded around and into those features.

Sufficient density, however, is critical to the development team’s ability to achieve another primary project goal: the creation of active, lively, community-building uses and civic engagement spaces.

Buildings at Lindsey Hill will be constructed on a scale that allows for much-needed central city densification, but in a manner that is: (a) consistent with the likely scale of future redevelopment based on existing zoning; and (b) respectful of existing uses of neighboring properties.

#### **4.5 Use**

Lindsey Hill is focused on fostering a mixed-use environment that is appropriate for the Project Site’s Downtown/transitional location. Having uses consistent with other urban/mixed-use environments will allow Lindsey Hill to blend into those uses already found and/or permitted in the areas surrounding and within immediate proximity to the Project Site, and into a Downtown that one day may appear very similar to Lindsey Hill.

## 5. Environmental and Resource Efficiency

Lindsey Hill’s attributes that will produce an environmentally-sensitive project that meets and exceeds the goals of the base zoning regulations include:

- location outside the Edwards Aquifer environmentally-sensitive recharge zone in a previously developed area;
- location in an area that already is serviced by roadway, utility, and public transportation services infrastructure;
- site design that prioritizes preservation of legacy specimen trees and showcases the shared use of unique topographic features;
- possible repurposing of existing buildings that recall and honor the modern history of the community; and
- walkable and bikeable community that reduces carbon footprint and traffic congestion.

### 5.1 Specimen Trees

As depicted in *Figures 5-1* and 5-2, the Project Site includes ten heritage oak trees with canopies of at least 30 feet in diameter. The most important element driving the Project’s design is the development team’s priority to preserve, protect, integrate, and allow for the enjoyment of these irreplaceable natural assets while making them the centerpieces of Lindsey Hill’s public spaces. That effort will allow “Significant stands of native trees [to be] preserved and protected from destruction or alteration”<sup>5</sup> in order to be enjoyed by guests, residents, tenants, and the public.



*Figure 5-1: Existing large-canopy trees are depicted with green circles showing each tree’s relative canopy size.*

<sup>5</sup> San Marcos, Texas, Municipal Code Section 4.2.6.3(d)(3).

**\*\*NOTE:** Document prepared by the applicants and provided at their request.



Figure 5-2: Aerial image showing actual magnitude of specimen trees and location of existing auditorium and gymnasium buildings.

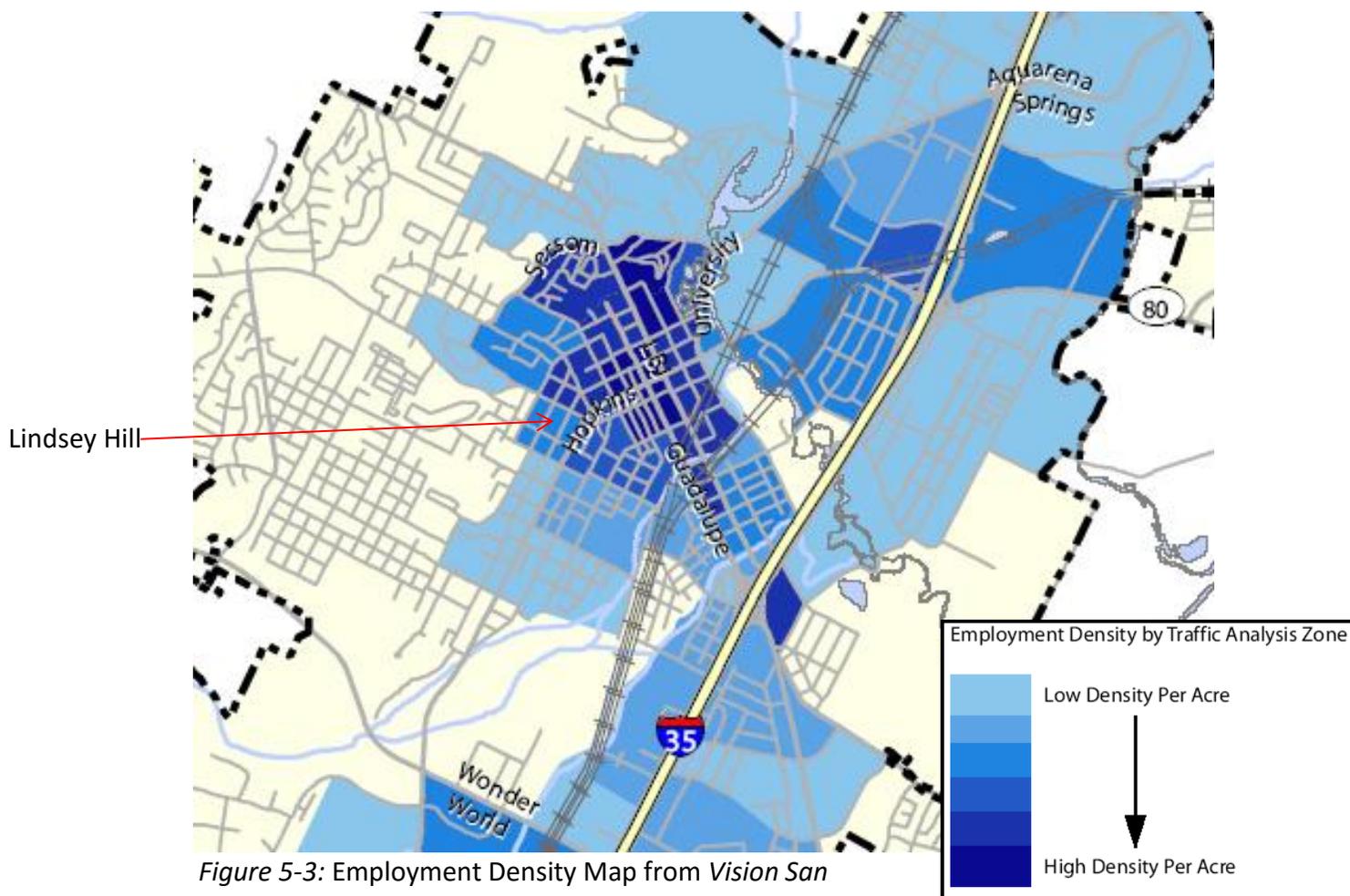
## 5.2 Building Reuse

With specimen trees as the focal point of The Grove, the existing auditorium and gymnasium buildings wonderfully frame that open space in a way that will create a peaceful, internal courtyard setting. The Project's structural engineer believes that of the buildings on the Project Site, the existing auditorium and gymnasium buildings (depicted in *Figure 5-2*) can be reused and integrated into the Project's hotel component.

If these buildings can be repurposed, the Project and the citizens of San Marcos will benefit by keeping materials out of the landfill and saving a bit of San Marcos history through adaptive reuse of the former San Marcos high school gym and auditorium. The development team also hopes to save and reuse within Lindsey Hill some seating and flooring materials from within those buildings.

### 5.3 Walkability/Bikeability

Many residents, hotel guests, and commercial tenants will choose to locate at Lindsey Hill as a personal and/or business lifestyle choice and commitment. Lindsey Hill offers substantial opportunity for eliminating and/or reducing car dependency. Many daily needs (getting to work, shopping, dining, recreation, and entertainment) can be accomplished on site or by walking or biking to the Square, Downtown, Texas State University, and other nearby destinations. Lindsey Hill is located adjacent to San Marcos's densest employment clusters based on the Employment Density map found in the exhibits to Vision San Marcos (an excerpt of that map is included as *Figure 5-3*).



*Figure 5-3: Employment Density Map from Vision San Marcos. (Source: Vision San Marcos)*

## 5.4 Existing Infrastructure/Developed Neighborhood

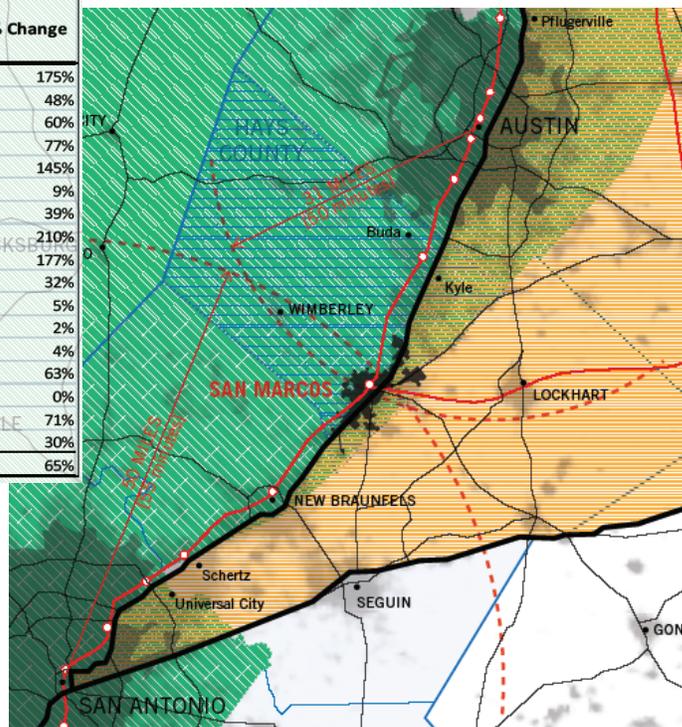
As depicted in *Figure 5-4*, significant growth is coming to San Marcos. Lindsey Hill is located within a previously developed neighborhood in an area already serviced by existing high-capacity roadway network, utility infrastructure and capacity, and public transportation network.

These existing resources will allow the City to welcome a portion of that growth in a walkable, bikeable, mixed-use community that:

- has minimal impact on community services and costs, and on the area’s natural environment; and
- helps preserve open spaces surrounding the City of San Marcos.

County	Population 2000	Projected Population 2030	% Change
Bandera	17,645	48,577	175%
Bexar	1,392,931	2,059,112	48%
Blanco	8,418	13,487	60%
Burnet	34,147	60,382	77%
Comal	78,021	190,873	145%
Edwards	2,162	2,364	9%
Gillespie	20,814	28,845	39%
Hays	97,589	302,795	210%
Kendall	23,743	65,752	177%
Kerr	43,653	57,565	32%
Kimble	4,468	4,702	5%
Llano	17,044	17,360	2%
Mason	3,738	3,876	4%
Medina	38,304	62,416	63%
Real	3,047	3,042	0%
Travis	812,280	1,385,236	71%
Uvalde	25,926	33,802	30%
<b>Region</b>	<b>2,623,930</b>	<b>4,340,186</b>	<b>65%</b>

Source: Hill Country Alliance



*Figure 5-4: San Marcos and Central Texas growth projections and map.*

To Whom It May Concern:

This letter is in reference to the proposed development, referred to as Lindsey Hill, on the Lamar School property at the corner of Hutchison Street and Ranch Road 12.

My name is Amy Moore Meeks and I currently live in the Belvin Street Historic District. I first moved to the district as a six-year-old child with my parents and lived with them until I left for college. I returned to the district 20 years ago with my two children and remain in the house we purchased at that time.

I like change and usually embrace newness with enthusiasm, especially if such change will help us progress toward a greater good and better life. I believe the proposed Lindsey Hill development can be such an event but only if we walk through the details slowly and conscientiously, having an inclusive conversation with all those involved. This letter is an attempt to extend the conversation to all people, developers as well as citizens of San Marcos, so all ideas and concerns can become part of the dialogue.

The developers of the property, David Lerman and Mark Berins, held one neighborhood meeting two weeks ago (on Monday, February 29, 2016) where they spoke of their intentions for this 5-acre tract of land. It is slated to become a Multi-use property with retail, restaurants, convention facilities, boutique hotel rooms, and one-bedroom apartments for lease. There will also be a multi-level parking garage in the middle of the property as well as an open green space for use by the public.

Change will inevitably come to this location and repurposing the Lamar property seems to be a logical step. I am less concerned about change happening and more concerned about the type of change that may occur.

I wonder if the property can effectively accommodate all of the proposed new uses and enact each of them well. I wonder if the parking that will come with new retail and new restaurants and a visiting public to the green space will become a problem for the surrounding neighbors and neighborhoods. I wonder if the convention center, when in use, will create it's own set of problems. I wonder if this new type of development on one side of Hutchison Street will eventually extend across the street and encompass the remaining houses currently located there. I wonder if one-bedroom apartments averaging 900 square feet will look appealing to university students. I wonder if the traffic on RR12 will disturb/effect/disrupt the green space intended to run parallel to RR12. I wonder if restaurant and retail hours of operation will affect the surrounding neighbors and neighborhoods. I wonder if the finished exterior of the proposed buildings will compliment or distract from the adjoining historic homes and districts. I wonder if we can create a plan which allows the Lindsey Hill development to become a unique asset within San Marcos and precludes the development from becoming a 5-acre mistake, even though well-intentioned.

I would like for this development to work and for Lindsey Hill to become a stellar part of the ever-changing, always progressive San Marcos. I applaud the developers for beginning this conversation and believe with continued dialogue we can ascertain many of the answers to the aforementioned questions. But we need time to discuss, consider, and discover the right answers for San Marcos.

Therefore, I will ask that the Planning and Zoning Commission on Tuesday night, March 22, 2016, at their regularly scheduled meeting, table the request for a zoning change asked for by the developers. My hope is that we can continue our conversation with the developers and quickly arrive at viable solutions for Lindsey Hill so this development can proceed.

Respectfully submitted,

Amy M. Meeks

Amy M. Meeks  
amymmeeks@yahoo.com

March 14, 2016

My name is Nelwyn Moore and I have lived in the historic district on Belvin Street since 1964 when my husband and I bought the home where I still reside. We raised our two children here and they attended Lamar when it was used as a middle school for the SMCISD. Those of us who live in close proximity to Lamar have seen many changes in its' use over the years. When I first arrived in San Marcos in 1947 as a 17 year old freshman attending Southwest Texas Teachers College the Lamar building was being used by the San Marcos School District to educate students of all ages. All of those buildings which were related to the property's original use, the Coronal Institute, were destroyed in 1949 so a new high school could be built. The building currently standing on the Lamar property is that high school.

The recounting of that small amount of history is to say I realize change is a necessary part of growth and one which often means we are a thriving community. I do understand the need to repurpose the structures and land on the Lamar property and I look forward to some of the new uses proposed by the developers. However, I do worry that such an extensive list of functions (hotel, apartments, parking garage, convention facilities, park land) will not serve the property or the surrounding neighborhoods well. The abundance of good ideas is a great start to transforming Lamar into a viable, thriving part of our community but reality calls for us to engage in thorough discussion and consideration of the facts at hand. In my opinion, it will be this type of discussion that will provide us with the most direct route, and perhaps the only route, to sound decisions.

I look forward to seeing the Lamar property repurposed and used wisely and well for all of San Marcos. It is, after all, our duty as the current generation to make the best, most measured decisions of which we are capable.

At this time I believe we should pause the development process of the Lamar property, not stop it or negate it, and continue our inclusive conversation with the developers, the surrounding neighborhoods and the city. This is our best chance of getting it right.

Sincerely,

A handwritten signature in cursive script that reads "Nelwyn B. Moore". The signature is written in dark ink and is positioned above the printed name.

Nelwyn B. Moore

## Melland, Brandon

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**Subject:** FW: lindsey hills project

**From:** tina simek [[mailto:tina\\_simek@yahoo.com](mailto:tina_simek@yahoo.com)]

**Sent:** Wednesday, March 16, 2016 2:53 PM

**To:** Serna, Francis <[FSerna@sanmarcostx.gov](mailto:FSerna@sanmarcostx.gov)>

**Cc:** Cathy Dillon <[cri@grandecom.net](mailto:cri@grandecom.net)>

**Subject:** lindsey hills project

This is my letter for input on the traffic issues this project will create.

Sent from my iPhone

Begin forwarded message:

**From:** tina simek <[tina\\_simek@yahoo.com](mailto:tina_simek@yahoo.com)>

**Date:** March 5, 2016 at 7:40:54 AM CST

**To:** Daniel Guerrero <[daniel@guerrero.com](mailto:daniel@guerrero.com)>, "[jprather@sanmarcostx.gov](mailto:jprather@sanmarcostx.gov)"

<[jprather@sanmarcostx.gov](mailto:jprather@sanmarcostx.gov)>, "[jcitycouncil@gmail.com](mailto:jcitycouncil@gmail.com)"

<[jcitycouncil@gmail.com](mailto:jcitycouncil@gmail.com)>, "[lprewitt@sanmarcostx.gov](mailto:lprewitt@sanmarcostx.gov)"

<[lprewitt@sanmarcostx.gov](mailto:lprewitt@sanmarcostx.gov)>, "[jhughson@sanmarcostx.gov](mailto:jhughson@sanmarcostx.gov)"

<[jhughson@sanmarcostx.gov](mailto:jhughson@sanmarcostx.gov)>, "[sgregson@sanmarcostx.gov](mailto:sgregson@sanmarcostx.gov)"

<[sgregson@sanmarcostx.gov](mailto:sgregson@sanmarcostx.gov)>, "[mderrick@sanmarcostx.gov](mailto:mderrick@sanmarcostx.gov)"

<[mderrick@sanmarcostx.gov](mailto:mderrick@sanmarcostx.gov)>

**Subject:** lindsey project

**Reply-To:** tina simek <[tina\\_simek@yahoo.com](mailto:tina_simek@yahoo.com)>

Hello City Council and Mayor Gurerro,

I am Tina Simek, a resident of the historic district on Scott and Burleson Street. I am concerned, as well as all the neighborhood attendees at the developer's meeting in the Lamar Annex on 2/29, about the traffic this project will create. I think and would like your help, to consider keeping all entrances, exits, deliveries and all traffic services off of Burleson Street. This could help keep some of the traffic from cutting through our residential neighborhoods. Also, I can't help but imagine the nightmare for OUR city this current plan will create with their only access from Burleson and how this will work with the intersection on Moore and Burleson and the current mess Moore Street has already? Lindsey project has three good commercial streets to use, please keep them off of Burleson. Other than that I am pleased with the developer's intent and ideas, and am glad this project will hopefully be a big step up from The Vistas or The Woods.

Sincerely, Tina Simek

p.s. I will be at the meeting on March 15.

## Melland, Brandon

---

**From:** Serna, Francis  
**Sent:** Wednesday, March 16, 2016 4:13 PM  
**To:** Melland, Brandon  
**Subject:** FW: Proposed Development on the Lamar School Property

**From:** britaascot@gmail.com [mailto:britaascot@gmail.com] **On Behalf Of** Brita Northcutt  
**Sent:** Wednesday, March 16, 2016 4:13 PM  
**To:** Serna, Francis <FSerna@sanmarcostx.gov>; Brita Northcutt <brita@ascottravel.com>; Cathy Dillon <cri@grandecom.net>; rccbobcats@aol.com  
**Subject:** Proposed Development on the Lamar School Property

To Whom It May Concern,

On behalf of the Heritage Association of San Marcos I wish to express our concern about the possible development on the land into an apartment complex-Hotel Rooms- Restaurant-etc on Lindsey Hill. This property is next to the Historical District an area that the people of San Marcos wish to maintain as a Historical District not a commercial property and certainly not Another Apartment Complex.

The Planning and Zoning Committee is to have a meeting on Tuesday March 22, 2016 to discuss this request and we feel that the discussion should be postponed until several people read the entire proposal (in detail). We as citizens of San Marcos would like to keep our Historical District as it is and not allow developers to come in and destroy what has taken years to build and keep.

It is time that we do not always look at the bottom dollar but at the History of our city.

Your consideration and cooperation of is greatly appreciated. Please take the time to listen to the citizens of San Marcos and not developers from out of state.

Respectfully, On behalf of the Board Members.

Brita Northcutt, President  
Heritage Association of San Marcos  
400 East Hopkins Street  
P. O. Box 1806  
San Marcos, Texas 78666

\*\*\*\*\*

Brita Northcutt  
Ascot Travel  
512-353-3636 ext. 108 (San Marcos)  
[brita@ascottravel.com](mailto:brita@ascottravel.com)  
<http://www.ascottravel.com>

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## Melland, Brandon

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**From:** Serna, Francis  
**Sent:** Wednesday, March 16, 2016 4:40 PM  
**To:** Melland, Brandon  
**Subject:** FW: proposed Lindsey Hill development at P&Z on Mar 22

**From:** Camille Phillips [mailto:camille.phillips2@gmail.com]  
**Sent:** Wednesday, March 16, 2016 4:39 PM  
**To:** Serna, Francis <FSerna@sanmarcostx.gov>  
**Subject:** proposed Lindsey Hill development at P&Z on Mar 22

Dear Ms. Mattingly, planning staff, and members of the Planning and Zoning Commission:

I hope you are well.

The Lindsey Hill development is scheduled to be heard at P&Z on March 22.

Members of the community are interested in what is being proposed for the old Lamar School site and want to hear the presentation about it on Tuesday.

However, this is a large site and hearing about it a few minutes at the meeting is not enough time to grasp the scope of the project.

After the presentation and discussion, I respectfully request that no vote be taken that night and that the item be tabled.

Thank you for your consideration.

Best,  
Camille Phillips

My husband and I own a historic hotel/apartment complex (the Crystal River Inn) on one end of San Marcos' historic district, and a historic home near its other end. We have spent 32 years of our lives fiercely loving and protecting and promoting the historic legacy of this town.

Yet we were asleep at the switch when the Sanctuary Lofts project, across the street from the back of our inn, was proposed. We relied on the word of others who said that it would just be a two-story apartment complex surrounding the magnificent and intact old Baptist Church. "How bad could it be?" we thought. "We have no right to dictate what others can do with their property because our area is commercially zoned, we'll just trust the city planners and sit this one out". 2 filthy loud miserable years later, the old Baptist church had been swallowed up by a 5-story apartment box and we were sentenced to nightly loud parties with varying results including at least one death of someone who fell from a 5<sup>th</sup> floor balcony.

Then came Zelick's, next door to the inn. Having learned a lesson from the Sanctuary experience, this time we talked to the developers themselves, who asked our support for their quiet little garden bar. We gave it, wrongly concluding that it was to be like Palmer's hospitable courtyard. We did not expect the wee hours racket from a pretty place that turned out to appeal to drunken screaming nightowls.... not okay with our clientele who have the right to sleep.

Four years later, we have forged a fragile working relationship with Zelick's owners, who to their credit have become much more proactive and sensitive to our plight. But the real problem in this case was that an OUTDOOR BAR should never have been allowed next to HISTORIC HOUSES-TURNED-INN. It served both properties badly.

We had a chance to sell the inn recently for a lot of money, but we didn't do it because we naively hope that our presence will serve as a buffer against the very real threat that downtown "stuff" will creep into the historic residential side of Moore Street, and eat its way toward its irreplaceable core of magnificent old homes. Indeed, that intact residential area is something that every bit of San Marcos promotional literature touts. It and the river are the very heart and soul of this community.

The Lindsey Hill development will bring commercial and retail and yet another 5-story apartment box and an up-to-120 room hotel (bigger than any hotel currently in town except for the Embassy) and hundreds of cars per day dumped onto historic area streets. Need I say that I am terrified? Not unlike the huge hotel which was proposed to be built up above Aquarena Springs, this huge thing wants to feed off our glorious unique asset, in the process of which I believe they would launch its eventual destruction. The developers state that they really care about preserving and promoting all that is wonderful about the Historic District-into the very gateway of which they want to shoehorn themselves.

Really? Why on earth do we need this? How about: as a community who owes it to our forefathers and our history and our children, we draw a circle drawn around the entire historic residential area, and the city allows nothing and no one to cross that zoning line. Not for any non-residential reason whatsoever.

It is the greatest gift we can give the future of this exploding town.

## Melland, Brandon

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**From:** Serna, Francis  
**Sent:** Wednesday, March 16, 2016 4:04 PM  
**To:** Melland, Brandon  
**Subject:** FW: Lindsey Hill project

**From:** Christine Brown [mailto:christine.brown.mft@gmail.com]  
**Sent:** Wednesday, March 16, 2016 4:04 PM  
**To:** Serna, Francis <FSerna@sanmarcostx.gov>  
**Subject:** Lindsey Hill project

Dear Commissioners,

Please....don't let this happen.

I left Southern California and chose San Marcos for a reason; let me explain.

Huntington Beach was already a large city when I first moved there more than 30 years ago, but the downtown area at the foot of the pier retained its charm. It had historic buildings and a quaint, old-school surf city feel. Sadly, over the years, the planning and zoning commission sacrificed that charm on the altar of high income development. Down came the old buildings and up went expensive hotels, high rise apartments and condos. Traffic, both pedestrian and auto, became a nightmare. Small businesses were pushed out and the chain stores moved in. Huntington Beach lost any sense of its history and became indistinguishable from any other high end beach city. Great for the city's coffers, but not good for most residents. Careless development made me want to leave.

When I visited San Marcos less than a year ago, I honestly fell in love with this city. The historic districts, with their bygone era homes and tree lined streets, were a balm for my soul. I purchased a home last September, and am now a proud San Marcos resident-for-life.

I beg you to NOT do what Huntington Beach has done. I understand that the city is growing, but it is your duty to see that this growth is directed toward suitable locations. A five-story hotel and dense condominiums at the gateway to the historic district is not a suitable location. The traffic congestion alone should be reason enough to deny this use.

But, of course, there's more than that. A high rise box on the front stoop of our most beautiful historic homes is a Southern California mistake that I hope with all my heart won't be repeated in this beautiful Texas city.

Thank you for your consideration.

Christine Brown

Christine Brown, LMFT  
201 Camaro Way

San Marcos, TX 78666  
(714) 717-2521

Ellen T. K. Ault  
816 Belvin St.  
San Marcos, TX. 78666

Dear P & Z Board,

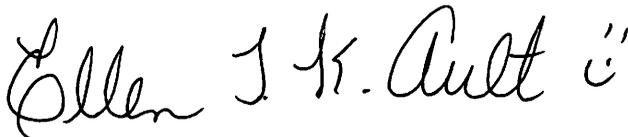
Thank you for serving on this board as I can only imagine how challenging it is at times.

San Marcos is growing and this is very exciting! I want us to grow but as I call it, "grow smart". I am writing over my concerns on the new proposed development Lindsey Hill at the old Lamar building on Hutchison and Ranch Road 12. It sounds like an incredible idea: restaurants, stores, Boutique hotel with over 120 rooms, upscale apartments-164, convention center, parking, and a green space park, all on only 5 acres of land. I want to support and encourage new businesses; I feel this is a bit overzealous and would be better if it was scaled down quite a bit.

For feasibility purposes, I know they said they had done a study and there would be enough parking, but lets be practical and honest- NO way! This development is in the Historic District; therefore, we need to be cautious to uphold the integrity of this area. The Historic District is a unique treasure in San Marcos. In other towns and cities development has not often not had the foresight to protect this precious treasure sighting the need for modernization and forward thinking. We do not want this to happen in San Marcos and must be cognizant of the existing rules surrounding the Historic District.

Again thank for doing your due diligence.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ellen T. K. Ault" followed by a small flourish.

Ellen T. K. Ault  
March 15, 2016

Karen Tellepsen  
826 West Hopkins  
San Marcos, TX 78666

To Whom It My Concern:

As a big city gal originally from Houston, I applaud thoughtful, well-researched development. With this in mind, I have a series of questions which I feel need to be addressed in relation to the plans for the property at the old Lamar site. They are:

1. Does the 5 acre tract give the square footage needed to provide the adequate parking for the planned convention center?
2. Do the demographics of San Marcos lend itself to the suggested upscale shops, boutiques, hotel and apartments? I ask this question for the growth of San Marcos is best exemplified by the demographics of the San Marcos Consolidated School District. Does this population shop at upscale stores; stay at boutique hotels; rent top-of-the-line one bedroom apartments? Every venture wants and needs to be successful; thus success is predicated on the audience to which it will appeal. Does this audience exist in San Marcos?
3. The one bedroom apartment with underground parking (this is a must), on site amenities, and services for its tenants would appeal to the young professionals (who abound in Houston) but are not a part of the citizenry of San Marcos.

Looking at this objectively, I have concerns as to the success of this project. The plans should be vetted with all of the above taken into consideration as well as the impact on the neighboring residents. Thank you for your attention to my concerns and those of others .

With respect for your due diligence, I remain,

*Karen Tellepsen*

From the desk of:  
Carl H, Deal III  
P.O. Box 753  
San Marcos, Texas 78667  
512-749-8000  
[JetSetJoe@GMAIL.com](mailto:JetSetJoe@GMAIL.com)

Tuesday, March 15, 2016

P&Z  
San Marcos, Texas

Dear Good Citizens:

As you know, the Lamar Middle School property on Hutchison Street is scheduled for a zoning change to "mixed use", setting in motion the development of a five-story 120 room hotel and 160 unit single bedroom apartment complex. When the struggle over unbridled growth and development first reared its ugly head here - we used to say in a slow country drawl, "Well, if you wanna stay small, you gotta think small". Most people didn't understand what that really meant. We are way past that now and the pressures on the fabric and institutions of our hometown root their demise every day by continued encroachment into the peace and tranquility of our neighborhoods.

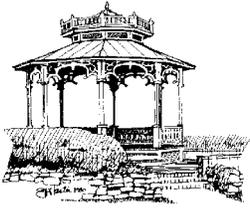
Imagine a new hotel and yet another apartment development on the corner of the University and at the very gateway to the Historic District - the obstruction of view, the overflow of traffic and parking, the elevated murmur of growth whistling through the trees as you lounge in your back yard on a sunny afternoon. The folks on Lindsey Street have already fashioned homemade signs in their yards trying to protect the limited space in front of their homes from the daily invasion of students parking close to, yet off of campus.

The worst promise is the promise that is broken. This proposition comes on the heels of the still unhappy ending of the Sessoms Canyon high-rise and the rapidly depreciating, twice flooded apartment complex on the Indian Campgrounds. People should be allowed to make their million bucks - but not without a plan in both design and integration that is in keeping with the history and heritage of this little cow town of cotton fields, Hill Country Springs and Mills. And certainly - another blank check is unacceptable.

A promise made is a debt unpaid and men with good intentions make promises. Only men with good character keep them. Something in this town deserves to earn its seniority and equity. If the preservation of our history and our heritage is among our priorities, development for development's sake on the front doorstep of the Historic District is indeed another nail in the coffin of what we hold dear.

Respectfully Submitted,

Carl H. Deal III



# The Heritage Association of San Marcos, Inc.

Founded 1975

"Preserving the Past for the Present and the Future"

March 15, 2016

Planning and Zoning Commission  
City of San Marcos  
630 E. Hopkins  
San Marcos, TX 78666

Re: Zoning Changes for 500 W. Hutchison Street (Old Lamar School)

Dear Commissioners:

The Board of Directors of the Heritage Association of San Marcos respectfully request that you postpone any zoning changes of 500 W. Hutchison Street until the developer has successfully provided a complete set of plans along with architectural renderings of the facades of this building and the specs for the building.

If you have any questions, please contact me at 512-392-5580.

Thank you in advance,

Robert Cotner  
Parliamentarian/Member at Large

Resolution, March 14, 2016

## Melland, Brandon

---

**From:** Serna, Francis  
**Sent:** Wednesday, March 16, 2016 5:00 PM  
**To:** Melland, Brandon  
**Subject:** FW: Lindsey Hill development

**From:** Marianne Moore [mailto:marimoore2001@yahoo.com]  
**Sent:** Wednesday, March 16, 2016 4:56 PM  
**To:** Serna, Francis <FSerna@sanmarcostx.gov>  
**Subject:** Fw: Lindsey Hill development

[Sent from Yahoo Mail on Android](#)

On Wed, Mar 16, 2016 at 4:54 PM, Marianne Moore  
<[marimoore2001@yahoo.com](mailto:marimoore2001@yahoo.com)> wrote:

Dear Frances Serna,

Please pass my comments along to the powers that be.

I write concerning the Lindsey Hill development. Just what we need: another multi-story (5-story? seriously?) apartment building in the middle of an established neighborhood. And an historic neighborhood at that. Three things scream out to me.

1. Must every sector of San Marcos be home to multi-level apartments which house students? And who else would be living in one-bedroom apartments three blocks from campus? Apartments and student housing is swallowing up our town.
2. Traffic is already gridlocked most times of day at Hutchinson, Moore and Hopkins Streets. Just how are hundreds more cars supposed to navigate these intersections?
3. Our historic districts are the character of our town. They should be OFF LIMITS to any large construction projects like this.

Please rethink this project which will be the beginning of the end of the charm of San Marcos.

Sincerely,  
Marianne Moore  
2930 Summit Ridge Drive  
San Marcos TX 78666  
512-665-6048

[Sent from Yahoo Mail on Android](#)

## **Major Development Comes to the Historic District**

Dear Editor:

One of the unique assets of San Marcos is its Historical District. Bounded by Burleson, Moore, San Antonio, and Bishop Streets, stately old homes, centuries old live oak trees, and manicured lawns characterize several neighborhoods within the District. Now comes

a Philadelphia developer who wants to build more apartments and a five story, 120 room

boutique hotel on the old Lamar school site at the corner of Hutchinson and Moore streets. With a 300+ car parking garage, some of the District's residents are concerned about the increase in traffic and congestion the development will bring. Others are concerned that the Lindsey Hills Apartments / Hotel is just the beginning of more development that could occur on other properties within the District. At a meeting held recently at the school, developer Mark Lerman promised residents that the large trees and some of the green space on the property would be preserved. This is commendable.

But some Historical District residents feel that the Lindsey Hill project will forever change

the character of what has been a quiet and safe residential area unique to the city.

# J. KAMA DAVIS, ATTORNEY AT LAW

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16 March 2016

Francis Serna  
Administrative Coordinator  
City of San Marcos  
Planning & Development  
San Marcos, Texas 78666

*Via Electronic Mail fserna@sanmarcostx.gov*

Re: Lindsey Hill Project

Dear Francis Serna,

I am writing to let the City of San Marcos know that I am highly opposed to the Lindsey Hill Project as it is proposed. I have lived in San Marcos for 42 years. I actually went to Lamar Middle School! Now, I have my own private law practice, work full time at Texas State University, and live in San Marcos near the historic district.

I grew up on Hopkins Street, in the historic district. My parents Dr. Karen Brown and Reverend Karl Brown still live in that home. Over the years, as our tiny town has grown, so has the permanent population and the University population. We have seen huge apartment complexes, the expansive outlet mall, and new housing developments go up with lightening speed. Our city simply cannot continue to congest the neighborhoods with retail shops, more large apartment complexes, and developments that require vast space to accommodate their parking needs.

I am absolutely in favor of growth in San Marcos. But, it must be responsible growth that takes into consideration the needs of the permanent residents and the student population. This project could be built elsewhere, especially some place that is not already congested. A different type of development at the proposed site would be appropriate, even. Big business and San Marcos' small town feel are compatible. They just aren't compatible with the current Lindsey Hill Project. Thank you.

Kind regards,

*J. Kama Davis*

J. Kama Davis

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512.757.8695 p  
512.757.8696 f

323West Hopkins, San Marcos, Texas 78666

www.attorneykama.com  
judith\_kama@hotmail.com

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16 March 2016

ATTN: Francis Serna

RE: Lindsey Hill Project

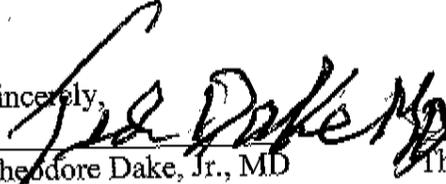
I am writing regards the proposed Lindsey Hill Project. I am a resident of the Historic District as are two other generations of our family, all of whom work and live in San Marcos.

Although we certainly support the growth and development of San Marcos, we do oppose future construction that seems to be benign at start and end up as a "malignant tumor."

This project on the surface may sound good, but considering the scope, size and traffic density it requires more time for all citizens of San Marcos to have adequate information and input regards its appropriateness. It does not give us confidence that what the developer says they would do, is what they will do.

Please consider delaying in this project so more of us citizens can be involved and informed. I do not want this to be like Obama Care, pass it and then we find out what it really involves.

Sincerely,

  
Theodore Dake, Jr., MD

  
Thea M Dake, LCSW

# Kristen Davis Kline || Brownsville, Texas

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16 March 2016

Francis Serna  
Administrative Coordinator  
City of San Marcos  
Planning & Development  
San Marcos, Texas 78666

*Via Electronic Mail fserna@sanmarcostx.gov*

Re: Lindsey Hill Project

Dear Francis Serna,

It has come to my attention that the "Lindsey Hill Project" is being considered as a possible choice for the property currently occupied by the Lamar Middle School. As I understand it, scant written information is available at this time, but I have been briefed by family members who attended a neighborhood meeting last night regarding this project. From what they described, the proposed project sounds similar to the monstrosity that sits where the First Baptist Church used to be, i.e. Sanctuary Lofts, and if such is the case, I am utterly opposed to it.

Although I no longer live in San Marcos, I grew up there and consider it my home town. Friends and family still live in and around the nearby historic district, and I visit my childhood neighborhood on a regular basis. It is true that the old school building has become dilapidated and would serve the people of San Marcos best if it were renovated or replaced by something else, but a multi-story apartment complex and parking garage are NOT what a quiet neighborhood needs. Already the streets of San Marcos are congested, and unbridled, galloping growth will serve no one in the community long term.

There is a need for smart growth<sup>1</sup> in Texas communities, San Marcos included. Too many times I have seen the interests of a few take precedence over the many, and the Lindsey Hill Project as I understand it would be no different. The neighborhoods of San Marcos need parks, places of reflection and refuge from the hustle and bustle of daily life. They do not need more traffic, nor rowdy students who will leave San Marcos after they finish university. It seems to me that a green space, community center, or museum would serve the entire community better than yet another profit-driven multi-plex.

I await more information about this project and urge City officials to carefully consider the re-purposing of the Lamar Middle School property.

Kind regards,



Kristen D. Kline

<sup>1</sup><http://www.smartgrowthamerica.org/what-is-smart-growth>

March 16, 2016

Dear San Marcos Planning and Zoning Commission,

I respectfully request that the proposed development plan known as Lindsey Hill be given more time before it is voted upon. A development of this scope will have a huge impact on its surrounding neighborhoods and it is not wise to rush into a decision for all concerned.

There are several facets to this project that need to be fully explained and time given to be fully explored and understood.

Thank you for your consideration,  
LeAnne Smith  
San Marcos, TX 78666

## Melland, Brandon

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**From:** Serna, Francis  
**Sent:** Thursday, March 17, 2016 4:14 PM  
**To:** Melland, Brandon  
**Subject:** FW: Lindsey Hill Project

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

From: karl brown [mailto:kwbrown@austin.rr.com]  
Sent: Thursday, March 17, 2016 3:37 PM  
To: Serna, Francis <FSerna@sanmarcostx.gov>  
Cc: Karl Brown <kwbrown@austin.rr.com>; karen brown <jkbrown@austin.rr.com>  
Subject: Lindsey Hill Project

Memo To San Marcos City Council and Planning & Zoning Commission  
From: Karl and Karen Brown  
RE: Lindsey Hill Project

First of all, thank you for your service and for your decision to remove what's left of Cape's Dam.

We are writing out of our concerns about the Lindsey Hill Project.

We attended the first neighborhood meeting on February 29 with the developers of this project and were pleased with their friendly efforts to explain their vision onsite and to answer questions. After a lengthy session that evening, we left feeling that the developers were more interested in explaining their vision than in receiving real input from the neighborhood.

Among the strengths of the project are: providing enclosed parking; preserving trees; providing a public green space area; appealing by design to attract more permanent residents; and by seeking to be compatible with our historic neighborhood.

Among our main concerns are: the size of the project will definitely add significantly more traffic to an area that is already overwhelmed with cars and trucks - the developers indicated that they want to encourage a lot of traffic on IH-35 that passes by San Marcos daily to come to Lindsey Hill; the five-story apartment section, commercial strip, 300+ parking garage and a 120 room "boutique" hotel are unacceptable as a gateway into our historic district - likely having a domino effect on other development in the district; and finally, the negative impact of this project, when combined with the already existing problems nearby with Sanctuary Lofts and Zelicks, is exponential.

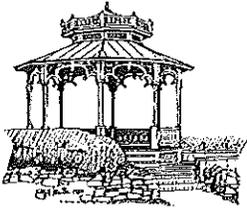
We appreciate the efforts of the City to address some of our issues with the current Hopkins Street Redevelopment Project that is now in the planning stage. Real input from our neighborhood has been sought by our City and is being incorporated into the design. This project, when completed, should be a significant help, especially for those of us living on Hopkins Street. But much more will need to be done to handle present as well as future quality of life concerns in all San Marcos neighborhoods.

We request your continued thoughtful and careful consideration of the Lindsey Hill project in a effective and comprehensive manner. We will be open to continuing the conversation with the developers this Monday as we seek common ground on this important matter. We regret that we will be out of town on March 22, but we hope our views will be heard.

Thank you.

Respectfully,

Karl & Karen Brown  
834 W. Hopkins Street  
San Marcos, Texas 78666



# *The Heritage Association of San Marcos, Inc.*

*Founded 1975*

*"Preserving the Past for the Present and the Future"*

March 15, 2016

Planning and Zoning Commission  
City of San Marcos  
630 E. Hopkins  
San Marcos, TX 78666

Re: Zoning Changes for 500 W. Hutchison Street (Old Lamar School)

Dear Commissioners:

The Board of Directors of the Heritage Association of San Marcos respectfully request that you postpone any zoning changes of 500 W. Hutchison Street until the developer has successfully provided a complete set of plans along with architectural renderings of the facades of this building and the specs for the building.

If you have any questions, please contact me at 512-392-5580.

Thank you in advance,

Robert Cotner  
Parliamentarian/Member at Large

Resolution, March 14, 2016

Received 3/17/16 10:18am

## Melland, Brandon

---

**From:** Serna, Francis  
**Sent:** Friday, March 18, 2016 12:25 PM  
**To:** Melland, Brandon  
**Subject:** FW: Lindsey Hill

**From:** Robert Bermea [mailto:rbermea@gmail.com]  
**Sent:** Friday, March 18, 2016 12:06 PM  
**To:** Serna, Francis <FSerna@sanmarcostx.gov>  
**Subject:** Lindsey Hill

To the zoning and planning commission:

As a resident in the neighborhood of the Lindsey Hill Project, I would like for more time to be allowed to fully understand the nature and scope of the project before being acting upon by the Zoning and Planning Commission and being sent forward to the City Council.

During the Feb 29th presentation, the neighborhood residents were presented with 'concepts' of the project but few details.

I feel the following issues need to be fully addressed and understood by both the project developer and neighborhood residents.

Naturally many concerns of the neighborhood residents were raised such as:

- Parking for development residents, hotel and business customers. Personally I don't think there will be enough and we will have "Lindsey Hill" patrons parking through out our neighborhood.
- Additional traffic that will be generated through the neighborhood. There's enough congestion on Blanco and Hutchinson right now as it is. I think 'how traffic will be addressed' needs to be part of the proposal being put forward.
- Feasibility of have the majority of the apartments 1 bedrooms.
- Nature of the business that will go into commercial aspects of the project. We don't need establishments that serve alcohol in our neighborhood.
- Fitting in with the nature of the historical district adjacent to the project.

A concern that was not addressed at the meeting but that I have is that the height of the project 4 - 5 stories would be so out of character with the neighborhood that it would 'stand out from the rest of the structures in the area.

Thank you for allowing me present my concerns.

Robert Bermea  
712 Maury  
San Marcos





# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Legislation Text

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**File #:** LDC-16-01, **Version:** 1

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**AGENDA CAPTION:**

LDC-16-01 Hold a public hearing and consider revisions to Subpart B of the City's Code of Ordinances (Land Development Code) updating Chapters 2, 4, 6, and 8 to clarify which standards apply to the Extraterritorial Jurisdiction, add Senior Housing as a land use, and amend zoning categories which permit Hospitals. (T. Carpenter)

**Meeting date:** March 22, 2016

**Department:** Planning & Development Services

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**CITY COUNCIL GOAL:** N/A

**COMPREHENSIVE PLAN ELEMENT(s):** N/A

**BACKGROUND:**



# MEMO

TO: PLANNING AND ZONING COMMISSION  
FROM: **TORY CARPENTER, PLANNER**  
DATE: **MARCH 9, 2016**  
RE: AMENDMENT TO LAND DEVELOPMENT CODE

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## **Background**

This proposed Land Development Code (LDC) amendment serves 3 purposes: to clarify which standards apply to the Extraterritorial Jurisdiction (ETJ), to add Senior Housing as a land use, and to allow hospitals by right in Public and Institutional zoning districts.

## **ETJ Standards**

Chapter 2 of the LDC specifies which regulations apply in the ETJ. Section 2.1.1.1(a)5 currently states that the following articles of Chapter 6 be enforced in the ETJ through platting procedures:

- Article 1 – Landscaping, Screening, and Fencing
- Article 6 – Easements

Article 1 is not regulated through platting procedures and is not enforced in the ETJ. However, Chapter 6, Article 7 (Lot design and Improvement Standards), which is not included in the list above, is regulated through platting procedures. Staff intends to remove article 1 from the list above and include article 7.

## **Senior Housing Community**

Senior Housing Community is not listed as a land use in the LDC. This amendment includes: adding the Senior Housing Community to the Land Use Matrix, adding parking standards for a Senior Housing Community, and adding a definition for Senior Housing Community.

## **Hospitals**

Hospitals are currently a conditional use in "P," Public and Institutional zoning districts. Furthermore, the Central Texas Medical Center is located within a "P" zoning district, meaning any expansion would require a Conditional Use Permit. Staff feels that hospitals are an appropriate use in the "P" zoning district.

### Changes to Section 2.1.1.1 - Regulations Applicable to the Extraterritorial Jurisdiction

- (a) Regulations and authority. The following regulatory standards shall govern development in the City's extraterritorial jurisdiction and shall be applied in deciding development applications in the extraterritorial jurisdiction:
- (1) Standards governing annexation and development agreements in this Chapter 2, Article 2, on the authority of and pursuant to Tex. Loc. Gov't Code chs. 43 and 212, subchapter G;
  - (2) Policies and standards governing utility extensions in this Chapter 2, Article 3;
  - (3) Policies and maps of the adopted Comprehensive Plan and interpretive rules, on the authority of and pursuant to Tex. Loc. Gov't Code ch. 213, in accordance with Chapter 3, Article 1;
  - (4) Environmental standards in Chapter 5, Articles 1- 4, on the authority of and pursuant to Tex. Loc. Gov't Code ch. 401 and Texas Water Code chs. 16 and 26;
  - (5) Development standards in Chapter 6, Articles ~~46~~ and ~~67~~, when applied through platting procedures in Chapter 1, Article 6, on the authority of and pursuant to Tex. Loc. Gov't Code ch. 212 and ch. 242;
  - (6) Development standards in Chapter 6, Article 3, when made applicable to the extraterritorial jurisdiction by this Land Development Code, on the authority of and pursuant to Tex. Loc. Gov't Code ch. 216;
  - (7) Public facilities standards and park fees in Chapter 7, Articles 1 - 6 and 8 - 10, when applied through platting procedures in Chapter 1, Article 6, on the authority of and pursuant to Tex. Loc. Gov't Code ch. 212 and ch. 242;
  - (8) Impact fees for water, wastewater and drainage facilities, in accordance with Chapter 7, Article 7, on the authority of and pursuant to Tex. Loc. Gov't Code ch. 395;
  - (9) Land use, zoning and development standards otherwise applicable only within City limits, when applied through development agreements approved pursuant to Chapter 1, Article 4, on the authority of and pursuant to Tex. Loc. Gov't Code chs. 43 and 212, subchapter G; and
  - (10) All procedures in Chapter 1 required to apply the standards to developments in the extraterritorial jurisdiction under the same authority and pursuant to Texas laws authorizing the application of substantive standards to such development proposals.
- (b) Incorporation of statutory authorization. Each and every authorization to regulate development in the City's extraterritorial jurisdiction contained in Texas statutes, as may be amended from time to time, and which are identified generically in subsection (a) and implemented by this Land Development Code hereby is adopted and incorporated herein.

[\(Ord. No. 2013-35, § 1\(Exh. A\), 8-6-13\)](#)

Changes to Section 4.3.1.2 – Land Use Matrix

	FD	AR	SF-R	SF-11	SF-6	SF-4.5	D	DR	TH	PH-ZL	MF-12	MF-18	MF-24	MR	MH	MU	VMU	P	NC	OP	CC	GC	HC	CBA	LI	HI	
Hospital (Acute Care/Chronic											C	C	C			C	C	<del>CP</del>	C	C	C	P	P		P	P	
<u>Senior Housing Community</u>											<u>P</u>	<u>P</u>	<u>P</u>								<u>P</u>	<u>P</u>					

Changes to Section 6.2.1.2 - Minimum Requirements and Standards

(a) Requirements for Off-Street Parking. Requirements are as follows:

Use	Minimum
<u>Senior Housing Community</u>	<u>1.5 spaces per dwelling unit</u>

## Changes to Section 8.2 – Land Use Definitions

Senior Housing Community – A residential complex containing multifamily, townhomes, or fourplex dwellings designated for and occupied by senior adults of ages 55 or greater. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from an assisted living facility as elsewhere defined. Maximum density shall be as required by the applicable zoning district; or if not designated by the zoning district, maximum density shall be 12 units per acre.



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Legislation Text

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**File #:** ID#16-162, **Version:** 1

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**AGENDA CAPTION:**

Presentation of the 3-year Capital Improvements Program.

**Meeting date:** March 22, 2016

**Department:** Engineering/Capital Improvements Program

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

**CITY COUNCIL GOAL:**

**COMPREHENSIVE PLAN ELEMENT(s):**

**BACKGROUND:**



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Legislation Text

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**File #:** ID#16-99, **Version:** 1

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**AGENDA CAPTION:**

Development Services Report:

1. National APA Conference (April 2-5, Phoenix)
2. UT Land Use Conference (April 27-29, Austin)

**Meeting date:** March 22, 2016

**Department:** Planning and Development Services

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**CITY COUNCIL GOAL:** N/A

**COMPREHENSIVE PLAN ELEMENT(s):**

**BACKGROUND:**