



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, August 9, 2016

6:00 PM

City Council Chambers

630 E. Hopkins

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

CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting on July 26, 2016.

PUBLIC HEARINGS

2. ZC-16-10 (Springtown Mall) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a zoning change from "GC" General Commercial to "VMU" Vertical Mixed Use for 6.57 acres, more or less out of a portion of Springtown VI, lot 5. (T. Carpenter)

NON-CONSENT AGENDA

- V. Question and Answer Session with Press and Public.
- VI. Adjournment

Notice of Assistance at the Public Meetings

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

_____ Title:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#16-444, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the Regular Meeting on July 26, 2016.

Meeting date: August 9, 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

DRAFT

Meeting Minutes Planning and Zoning Commission

Tuesday, July 26, 2016

6:00 PM

City Council Chambers

630 E. Hopkins

I. Call To Order

With a quorum present the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Vice Chair Kelsey at 6:00 p.m. on Tuesday, July 26, 2016 in the City Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas.

II. Roll Call

- Present** 7 - Commissioner Travis Kelsey, Commissioner Shawn Dupont, Commissioner Saul Gonzales, Commissioner Kate McCarty, Commissioner Douglas Beckett, Commissioner Lee Porterfield, and Commissioner Angie Ramirez
- Absent** 2 - Commissioner Jim Garber, and Commissioner Betseygail Rand

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Lisa M. Coppoletta, 1322 Belvin asked the Commission to be mindful of archeology studies prior to development. She mentioned incentives given to developers to work with Texas State Students to have excavations of some of the developments. She reminded the Commission that we live over the recharge zone. Ms. Coppoletta pointed out that we need to protect the Aquifer Recharge Zone. She also reminded the Commission of the fumes, smells, and demolition dust that comes from new developments. She expressed concerns with building in flood areas. She suggested that 2D Modeling be presented prior to development. Ms. Coppoletta added that she is concerned about building close proximity to caves.

Diane Wassenich, San Marcos River Foundation stated that she attended the Monday meeting. She said HEB tried to meet all citizen concerns and did a great job on most things. She explained that previous PDDs promises were made but never made it into the PDD agreement. Ms. Wassenich pointed out that the PDD must be read to make sure all promises are included in the PDD agreement. She provided the Commission with documentation of some records floods in Central Texas-Info from USGS website which she updated with the 2015 flood information. She pointed out that San Marcos can have a flood twice as bad as in 2015. She pointed out that she explained to HEB that they need to raise their building because it will flood. Ms. Wassenich added that the Commission needs to think of people downstream and what it will do to them when the building is raised. She said starting with a 2D modeling and staying out of

the 100 year flood plain is great. Ms. Wassenich pointed out that we will have worse floods someday than we had in previous years.

Sara Lee Underwood Myers, 1415 Harper said she is so excited about the possibility of an additional HEB store especially a medium size store. Ms. Myers said she hopes the Commission considers the request.

Tom Wassenich, 11 Tangelwood, likes HEB proposal but is concerned with flooding. Mr. Wassenich said he spoke to Ben with HEB and suggested pavers in the parking lots as well as the medians. He explained that pavers reduce flooding.

Elizabeth (last name unknown) 2705 Leslie Lane expressed her concerns with the traffic congestion and the increase of traffic on Wonder World and Hunter Road. She explained that access to business at the intersection on Wonder World and Hunter Road is difficult with the amount of traffic in the area.

CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting on June 28, 2016.
2. PC-15-54_02 (La Cima Phase 1, Sections 1 & 2 Preliminary Plat) Consider a request for Bowman Consulting, on behalf of Lazy Oaks Ranch, L.P., for approval of a Preliminary Plat for approximately 116.6 acres, more or less, out of the J. Williams, J. Maximillon, L. Glasgow Surveys located west of Old Ranch Road 12. (A. Brake)
3. (PC-16-18_03) Consider a request by BEC-LIN Engineering on behalf of Blue Dog Storage for approval of a Final Plat for approximately 3.84 acres, more or less, out of the A.M. Esnaurizar Survey Abstract No. 98, establishing Remington Acres generally located at 7061 Old Bastrop Road. (W. Parrish)

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

For: 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 2 - Commissioner Garber and Commissioner Rand

PUBLIC HEARINGS

4. CUP-16-17 (Trailer Sales) Hold a public hearing and consider a request for a conditional use permit by Richard Wilmont on behalf of Pete Neumann to allow for the sale of light duty trailers at 5680 S IH 35. (W. Parrish)

Vice Chair Kelsey opened the public hearing.

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

There were citizen comments and the public hearing was closed.

A motion was made by Commissioner Ramirez, seconded by Commissioner Gonzales, that CUP-16-17 (Trailer Sales) be approved with conditions that the Conditional Use Permit approved the Land Use only, not the proposed site plan, and the "display area" designated on the site plan meet City standards for development of the parking lot. The motion carried by the following vote:

For: 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 2 - Commissioner Garber and Commissioner Rand

5. CUP-16-18 (The Spot) Hold a public hearing and consider a request by Springtown Entertainment, L.L.C., on behalf of The Spot, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 1180 Thorpe Lane, Suite 130. (A. Brake)

Vice Chair Kelsey opened the public hearing.

Alison Brake, Staff Planner gave an overview of the request.

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

A motion was made by Commissioner McCarty, seconded by Commissioner Gonzales, that CUP-16-18 (The Spot) 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: 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 2 - Commissioner Garber and Commissioner Rand

6. LDC-16-03 Hold a public hearing and consider revisions to Subpart B of the City's Code of Ordinances (Land Development Code) updating Chapter 1 to require a zoning change application to accompany any request for a Preferred Scenario Map Amendment and to increase the number of required public hearings for Preferred Scenario Amendments. (T. Carpenter)

Vice Chair Kelsey opened the public hearing.

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

Lisa M. Coppoletta stated that more dialogue is very important for citizen input. She spoke in support of the request and added that she is in support in additional public hearings.

Paul Murray, 102 Barkley spoke in support of the request. He said it is a big step in fixing the process.

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

A motion was made by Commissioner Ramirez, seconded by Commissioner Porterfield, that LDC-16-03 be approved. The motion carried by the following vote:

For: 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 2 - Commissioner Garber and Commissioner Rand

7. ZC-16-09 (132 Jackson Lane) Hold a public hearing and consider a request by Allan Nutt on behalf of Omais Investments, LLC for a zoning change from Office Professional (OP) to Vertical Mixed Use (VMU) at 132 Jackson Lane. (W. Parrish)

Vice Chair Kelsey opened the public hearing.

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

Allen Nutt, 6409 Five Acre Wood, Austin Texas, the applicant asked the Commission for their support and added that their vertical mixed used proposed development is consistent with the changes to the Code. He stated they were aware of soil issues as indicated at the meeting. He explained that they will do their due diligence regarding the soils. Mr. Nutt added he was available to answer questions.

Tom Wassenich, 11 Tangelwood, said he likes the proposed development. He requested Vertical Mixed Use on Thorpe Lane.

Sara Lee Underwood Myers, 1415 Harper, spoke in support of the proposed development.

Paul Murray, 102 Barkley, spoke in support of building in midtown which is consistent with the Comprehensive Plan. Mr. Murray stated he heard concerns about imperious cover and suggested pervious pavers.

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

A motion was made by Commissioner Dupont, seconded by Commissioner Ramirez, that ZC-16-09 (132 Jackson Lane) be approved. The motion carried by the following vote:

For: 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 2 - Commissioner Garber and Commissioner Rand

8. PDD-16-01 (Wonder World Drive and Hunter Road) Hold a public hearing and consider a request by Pape-Dawson Engineers, on behalf of HEB Grocery Company, L.P., for a Zoning Change from Future Development "FD" to Planned Development District "PDD" with a base zoning classification of General Commercial "GC" on 6.4 acres, more or less, out of the J.M. Veramendi Survey, Abstract No. 17, located at the northwest corner of Wonder World Drive and Hunter Road. (A. Brake)

Vice Chair Kelsey opened the public hearing.

Alison Brake, Staff Planner gave an overview of the request.

Ben Scott, HEB, gave a 10 minute presentation on the project.

Michelle Harper, United Way, was in support of the project. She stated that a new HEB would add approximately \$15,000 - \$20,000 in funds back to various partners United Way works with in the City.

Cathy Bertran, 1208 Belvin, stated she likes HEB but is concerned with traffic at the Wonder World Drive and Hunter Road intersection. She explained that it is already difficult to get through. She stated a store on McCarty Road was a more logical choice.

John Leonard, Leslie Drive, stated his concerns on traffic and storm runoff.

Miguel Arredondo gave his support to HEB. He expressed the need for a grocery store on the East side of I-35 and stated he was also concerned with traffic. He felt that the intersections issues were the City's and TxDOT's problem to solve.

Phil Hutchison, 202 Mimosa Circle, understood the concerns but was excited and in support of the proposed new HEB.

John Craddock, 507 Pioneer Trail, stated that he understood that San Marcos needs another HEB but that the proposed location was the wrong place. He spoke of the sensitive environmental features in the area.

Rob Roark, 1804 A Hunter Road, stated that he was the closest neighbor to the

property and knew the area well. He stated that HEB was a good corporate neighbor but had concerns with trash, traffic, and flooding that could be associated with the development.

Lisa Marie Coppoletta, 1322 Belvin Street, stated that she was concerned with exhausted from the construction as well as from the slowdown of traffic. She was also concerned with flooding in the area and possible archaeological finds in the area.

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

A motion was made by Commissioner Dupont, seconded by Commissioner Porterfield that PDD-16-01 (Wonder World Drive and Hunter Road) be approved.

A motion was made by Commissioner Kelsey, seconded by Commissioner Ramirez, that the main motion be amended to add the condition that requires HEB to file an annual maintenance report, on the date of the Certificate of Occupancy, on the water filtration system used in the underground detention and to publish that annual report in the San Marcos Daily Record. The motion carried by the following vote:

For: 5 - Commissioner Kelsey, Commissioner Gonzales, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 2 - Commissioner Dupont and Commissioner McCarty

Absent: 2 - Commissioner Garber and Commissioner Rand

A motion was made by Commissioner Kelsey, seconded by Commissioner Dupont, that the main motion be amended to add the condition that requires the truck entrance and exit on Wonder World Drive to be open and allow a left turn onto Wonder World Drive rather than a right-in/right-out only. The motion carried by the following vote:

For: 5 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner Beckett and Commissioner Ramirez

Against: 2 - Commissioner McCarty and Commissioner Porterfield

Absent: 2 - Commissioner Garber and Commissioner Rand

A motion was made by Commissioner Kelsey, seconded by Commissioner McCarty, that the main motion be amended to add the condition that requires HEB to construct the customer parking area using permeable pavers/material. The motion failed by the following vote:

For: 1 - Commissioner Kelsey

Against: 6 - Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Absent: 2 - Commissioner Garber and Commissioner Rand

Vice Chair Kelsey called for a vote on the Main Motion to approve PDD-16-01 (Wonder World Drive and Hunter Road) with the amendments to add the condition that requires HEB to file an annual maintenance report, on the date of the Certificate of Occupancy, on the water filtration system used in the underground detention and to publish that annual report in the San Marcos Daily Record and to add the condition that requires the truck entrance and exit on Wonder World Drive be an open and allow a left turn onto Wonder World Drive rather than a right-in/right-out only. The motion carried by the following vote:

For: 5 - Commissioner Dupont, Commissioner Gonzales, Commissioner Beckett, Commissioner Porterfield and Commissioner Ramirez

Against: 2 - Commissioner Kelsey and Commissioner McCarty

Absent: 2 - Commissioner Garber and Commissioner Rand

NON-CONSENT AGENDA

- 9. Development Services Report:
 - 1. Code SMTX Update

Alison Brake, Staff Planner gave the update on Code SMTX. She informed the Commission that a workshop will be held after the Planning Commission Regular Meeting on August 23, 2016 to discuss Code SMTX.

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 8:13 p.m. The motion carried by a unanimous vote.

Travis Kelsey, Vice-Chair

ATTEST:

Francis Serna, Recording Secretary

Notice of Assistance at the Public Meetings

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

_____ Title:



Legislation Text

File #: ZC-16-10, **Version:** 1

AGENDA CAPTION:

ZC-16-10 (Springtown Mall) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a zoning change from "GC" General Commercial to "VMU" Vertical Mixed Use for 6.57 acres, more or less out of a portion of Springtown VI, lot 5. (T. Carpenter)

Meeting date: August 9, 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

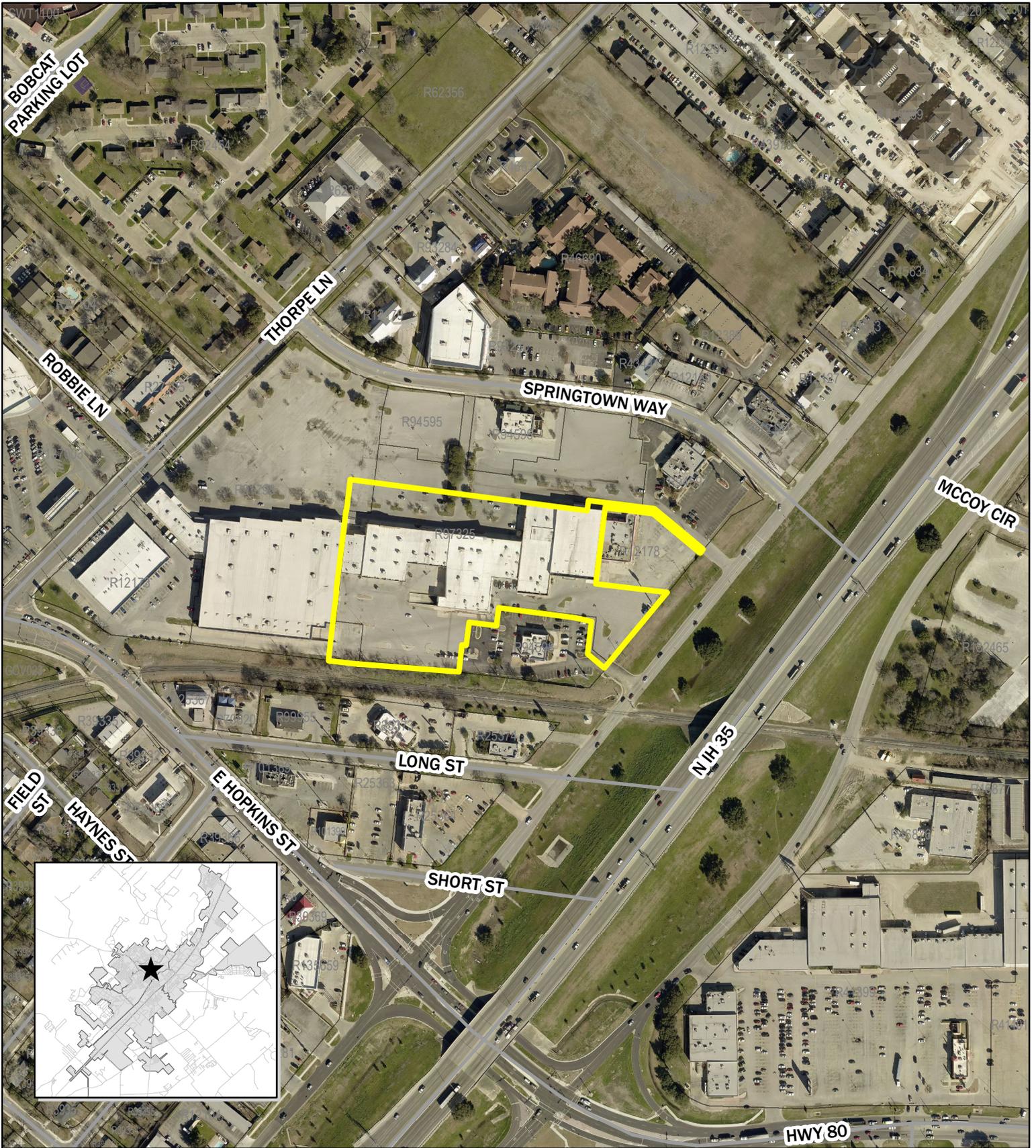
COMPREHENSIVE PLAN ELEMENT(s): N/A

BACKGROUND:

The subject property is approximately 6.57 acres out of the Springtown Mall. The site is located on IH 35 near Springtown Way and Thorpe Lane. The site is currently zoned General Commercial (GC) and the applicant is requesting to rezone to Vertical Mixed Use in order to integrate first floor retail and loft apartments into the mixed use development. The applicant has indicated that the site has been configured into an irregular shaped lot due to lease agreements with their current tenants. This property is located in the Midtown High Intensity area as designated on the Preferred Scenario Map. VMU is an allowable zoning classification in the Midtown High Intensity area.

The applicant proposes development of a mixed-use product which includes approximately 30,000 square feet of ground-floor retail and a student housing component of 184 loft apartments consisting of 459 bedrooms. Residential density of the site with the proposed unit count is ≈ 32.4 units/acre. The overall height of the building would be 4 stories. This section of the development is shown to be oriented toward the interior of the lot.

Staff finds this land use is consistent with the Comprehensive Plan Elements and recommends **approval**.



ZC-16-10
Springtown Mall
GC to VMU
200 Springtown Way
Map Date: 7/28/2016

 Site Location



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

Zoning Change ZC-16-10 200 Springtown Way



Summary: The applicant is requesting a zoning change from General Commercial (GC) to Vertical Mixed Use (VMU) for 6.57 acres

Applicant: Humpty Dumpty SSM, Ltd.
500 W 5th Street, Suite 700
Austin, TX 78701

Property Owners: Humpty Dumpty SSM, Ltd.
500 W 5th Street, Suite 700
Austin, TX 78701

Notification: On July 29, 2016 personal notifications of the public hearing were mailed to all property owners within 200 feet of the subject property. Additionally, signs were posted on the site.

Response: There have been no citizen comments as of the staff report date.

Property/Area Profile:

Legal Description: Approximately 6.57 acres out of a portion of Springtown VI, Lot 5.

Location: 200 Springtown Way

Existing Use of Property: Big Box Retail (Vacant)

Proposed Use of Property: Vertical Mixed Use

Preferred Scenario Map: High Intensity – Midtown

Existing Zoning: General Commercial (GC)

Proposed Zoning: Vertical Mixed Use (VMU)

Utility Capacity: The property is served by water and wastewater.

Sector: Sector Seven (7)

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Preferred Scenario
N of Property	GC	Parking Lot	High Intensity
S of Property	GC	Strip Retail	High Intensity
E of Property	GC	Big Box Retail	High Intensity
W of Property	GC	Restaurant	High Intensity

Case Summary

The subject property is approximately 6.57 acres out of the Springtown Mall. The site is located on IH 35 near Springtown Way and Thorpe Lane. The site is currently zoned General Commercial (GC) and the applicant is requesting to rezone to Vertical Mixed Use in order to integrate first floor retail and loft apartments into the mixed use development. The applicant has indicated that the site has been configured into an irregular shaped lot due to lease agreements with their current tenants. This property is located in the Midtown High Intensity area as designated on the Preferred Scenario Map. VMU is an allowable zoning classification in the Midtown High Intensity area.

Springtown mall has been largely vacant since the relocation of its anchor tenants – Target, JC Penny, and Best Buy – in the late 2000's. Wanting to promote redevelopment of the site to create jobs and increase tax revenues, City Council approved an Economic Development Incentive Agreement for the property to promote redevelopment of the site into a "Class A" retail shopping center. This agreement waived several development standards including; impervious cover limitations, landscaping, material standards, sidewalk requirements, and certain sign standards. Additionally, the agreement offered tax incentives for the development. Through this agreement the owners, Endeavor Real Estate Group, agreed to make an additional capital investment in the site of at least \$14-million.

The applicant proposes development of a mixed-use product which includes approximately 30,000 square feet of ground-floor retail and a student housing component of 184 loft apartments consisting of 459 bedrooms. Residential density of the site with the proposed unit count is ≈ 32.4 units/acre. The overall height of the building would be 4 stories. This section of the development is shown to be oriented toward the interior of the lot.

Springtown Mall currently consists of multiple platted lots. If this request is approved by City Council, the property will be replatted to match the zoning boundary lines presented.

Planning Department Analysis

The subject property is located within the Midtown High Intensity area. *Vision San Marcos Comprehensive Plan* provides the following description of the future vision for Midtown:

"Because of its central location and accessibility, Midtown will be a high-density mixed use area, possibly the densest area in San Marcos, with housing for many household types. Midtown residents will have easy access to services, city facilities, the University, and the San Marcos River. They will have the most diverse options for transportation including transit connections to the University and the rest of the city."

The Land Development Code provides the following description of Vertical Mixed Use Districts:

"The VMU, Vertical Mixed Use District, is intended to provide for a mixture of retail, office, and dense residential uses in close proximity to enable people to live, work, and purchase necessities in a single location. It is not the purpose of this zoning district to permit or encourage properties to be converted to exclusively commercial or multi-family use."

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

It is important to note on the Comprehensive Plan worksheet that there are two items in the Land Use Suitability table that stand out. The first is the Soils category, which rates the soil beneath this lot as a category 4 soil. This means that it will be more difficult, and more expensive to construct heavier structures due to the soil conditions. Secondly the Watershed category is rated a level 5, due to the fact that this property is located within the Sewell Park Watershed. The Comprehensive Plan and Preferred Scenario anticipated denser development in the Sewell Park Watershed due to the location of Midtown. The site is currently almost 100% impervious cover.

Staff finds this land use amendment request is consistent with the Comprehensive Plan Elements as summarized below:

- The property is located within the Midtown High Intensity district on the Preferred Scenario Map;
- The property being considered for rezoning is located in a moderately constrained area according to the Land Use Suitability Map;
- The subject property is not located in a wastewater or water “hot spot”. Water and wastewater service are available to the subject property; however, depending on the density the developer wishes to achieve they may be required to increase the size of the existing water and wastewater lines.
- While a Traffic Impact Analysis is not required for a Zoning Change, staff has some concern with how the proposed development will impact traffic in the area, as well as traffic patterns on the Springtown site. The Travel Demand Model (TDM) shows Thorpe Lane remains an A for Daily Level of Service (LOS), only dropping to a B LOS during the future peak. The Southbound IH-35 Frontage Road Daily LOS does deteriorate from a C & D to an F, while the Peak LOS remains an F.

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

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
x			<p>The proposed change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The change is consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos. See the analysis above and the attached Comprehensive Plan Worksheet.</i></p>
		x	<p>Consistency with any development agreement in effect</p>
x			

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>The zoning designation of Vertical Mixed Use is consistent with the designation of surrounding parcels which are multifamily and commercial districts.</i></p>
		X	<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is within the City's water and wastewater service area. Depending on the desired density, the developer may need to increase the size of the water and wastewater lines servicing this site.</i></p>
		X	<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>

Additionally, the Commission should consider:

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

Staff evaluation: The property is currently developed as a big box retail center. However, the current zoning category does not permit the density and mixture of uses envisioned by the Comprehensive Plan.

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

Staff evaluation: Uptown Square, a 316-unit student housing development was completed in 2015. Also, vacancies at the existing Springtown Mall site are beginning to fill.

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

Staff evaluation: Approval of this zoning change would allow the property to develop according to the vision of the Comprehensive Plan, which states that the community needs diversified housing options (Neighborhood and Housing Goal 3), and high density mixed use development in the intensity zones (Land Use Goal 2).

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

Staff evaluation: No, there is no special benefit to the landowner as the proposed zoning district meets the intent of the Comprehensive Plan's vision.

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

Staff evaluation: The rezoning does serve a substantial public purpose as it furthers the goals and vision of the Comprehensive Plan.

Staff provides this information with **recommendation of approval** for the zoning change request.

The Commission's Responsibility:

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

Prepared by:

Tory Carpenter

Planner

July 27, 2016

Name

Title

Date

ZC-16-10 (200 Springtown Way) Zoning Change Review (By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (map amendment required)
Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?	X	

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

STRATEGY	SUMMARY	Supports	Contradicts	Neutral
Preparing the 21 st Century Workforce	Provides / Encourages educational opportunities			Applicant has not indicated that educational facilities will be included.
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business			Applicant has not indicated that infrastructure will be extended.
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity			The applicant proposed retail-level jobs and services.

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

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

ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed:	Sewell Park

	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed	X				
Notes: The Sewell subcatchment will have a higher overall impervious cover with the Preferred Scenario (58%) compared to the trend scenario (53%). Most of the changes with the Preferred Scenario will occur on previously developed urban areas. This means that developments for the Preferred Scenario, such as the midtown area, will have a high amount of impervious cover. The increase in impervious cover with the Preferred Scenario could result in a 7 percent increase of TSS with a similar increase in bacteria (8.8%) generally during rain events.					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	Millview West
Neighborhood Commission Area(s):	7
Neighborhood Character Study Area(s):	N/A

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

		YES	NO
Will Parks and / or Open Space be Provided?			X
Will Trails and / or Green Space Connections be Provided?			X
Maintenance / Repair Density			
	Low (maintenance)	Medium	High (maintenance)
Wastewater Infrastructure	X		
Water Infrastructure	X		
Public Facility Availability			
		YES	NO
Parks / Open Space within ¼ mile (walking distance)?			X
Wastewater service available?		X	
Water service available?		X	

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

		A	B	C	D	F
Existing Daily LOS	Thorpe Lane Southbound IH-35 Frontage Road	X		X	X	
Existing Peak LOS	Thorpe Lane Southbound IH-35 Frontage Road	X				X
Preferred Scenario Daily LOS	Thorpe Lane Southbound IH-35 Frontage Road	X				X
Preferred Scenario Peak LOS	Thorpe Lane Southbound IH-35 Frontage Road		X			X
The Transportation Demand Model shows that Thorpe Lane remains at a level of service A for the Daily LOS, however it drops from an A to a B LOS in the Preferred Scenario Peak LOS. The TDM shows a deterioration of the						

Daily LOS from a C & D to an F on the Southbound IH 35 Frontage Road. Additionally Southbound IH-35 Frontage Road remains at an F level LOS in the Preferred Scenario Peak LOS. Jackson Lane is not represented in the TDM as it is a relatively minor street.

	N/A	Good	Fair	Poor
Sidewalk Availability (Required to build.)	X			
	YES		NO	
Adjacent to existing bicycle lane?			X	
Adjacent to existing public transportation route?	X			
Notes:				



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

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

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

Signed: Buck Cook

Date: 06.27.16

Print Name: Buck Cook

Engineer Surveyor Architect/Planner Owner Agent: _____

City of San Marcos

ZONING CHANGE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name:	<u>Humpty Dumpty SSM, Ltd.</u>	<u>Humpty Dumpty SSM, Ltd.</u>
Mailing Address:	<u>500 W. 5th Street, Suite 700</u> <u>Austin, Texas 78701</u>	<u>500 W. 5th Street, Suite 700</u> <u>Austin, Texas 78701</u>
Telephone No.:	<u>(512) 682-5500</u>	<u>(512) 682-5500</u>
E-mail address:	<u>bcody@endeavor-re.com</u>	<u>bcody@endeavor-re.com</u>

PROPERTY DESCRIPTION:

Street Address: 200 Springtown Way, San Marcos

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

Other Description (if unplatted) Being approximately 6 Acres out of a portion of Springtown VI, Lot 5 (to be replatted)
 * a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 97325 Acres: Approximately 6.57 acres

Lien Holder(s) - for notification purposes:

Name: _____

Mailing Address: _____

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

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

ZONING CHANGE INFORMATION:

Zoning Designation: Current: GC Requested: VMU

Master Plan Designation: High Intensity - MidTown Land Use Map Amendment Required? No

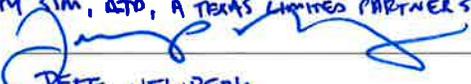
Present Use of Property: Retail

Desired Use of Property/Reason for Change: Add residential component to existing retail to create a mixed-use development meeting the vision and intent of the City's Preferred Scenario Map.

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

I am ^{AUTHORIZED TO SIGN FOR} the property owner of record; or

I have attached authorization to represent the owner, organization, or business in this application.
HUMPTY DUMPTY SSM, LTD, A TEXAS LIMITED PARTNERSHIP BY ERM MANAGEMENT, LLC ITS GENERAL PARTNER

Signature:  Date: 6-27-16

Printed Name: JEFF NEWBERH TITLE: EVP

APPLICATION FOR CITY OF SAN MARCOS ZONING CHANGE

FEE INFORMATION:

Fee Schedule:

Zoning Change to MF 12, 18, 14	\$1,015 plus \$51 acre (\$3,000 maximum) + \$11.00 Technology Fee
Zoning Change to all other categories	\$762 plus \$51 acre (\$2,000 maximum) + \$11.00 Technology Fee
Zoning variance/Special Exception	\$609 + \$11.00 Technology Fee
Renotification fee	\$77 + \$11.00 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 10th day before the scheduled public hearing based on the following criteria:

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

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

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

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

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

*HUMPTY DUMPTY SIM, A TEXAS LIMITED PARTNERSHIP
BY: EMT RETAIL MANAGEMENT, LLC HIS GENERAL PARTNER*

BY: 
Signature of Applicant
NAME: JEFF NEWBERH TITLE: EVR

6-27-16
Date

FOR STAFF USE ONLY:

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

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