



**REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION**

Tuesday, May 22, 2012, 6:00 p.m.
City Council Chambers
630 E. Hopkins Street

*Bill Taylor, Chair
Curtis Seebeck, Vice-Chair
Randy Bryan, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner
Kenneth Ehlers, Commissioner
Carter Morris, Commissioner
Bucky Couch, Commissioner
Corey Carothers, Commissioner*

AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Chairperson's Opening Remarks.**
4. ***NOTE:*** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*
5. **30 Minute Citizen Comment Period.**

CONSENT AGENDA:

6. **Consider the approval of the minutes from the Regular Meeting on May 8, 2012.**
7. **PC-12-04(03) (Simek Owens Street Addition, Lots 1&2, Block 1)** Consider a request by Ash & Associates, LLC on behalf of Carl Simek for approval of a Final Plat for approximately 0.288 acres, more or less out of Vol. 3924, Page 894, T.J. Chambers Survey, Hays County, Texas located at 1508 Owens St.
8. **PC-12-10(03) (Blanco Vista Tract Q, Section 1)** Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 2.94 acres, more or less, out of the William Ward League, Abstract 467, for 15 lots, located at Easton Drive and Old Settlers Drive.

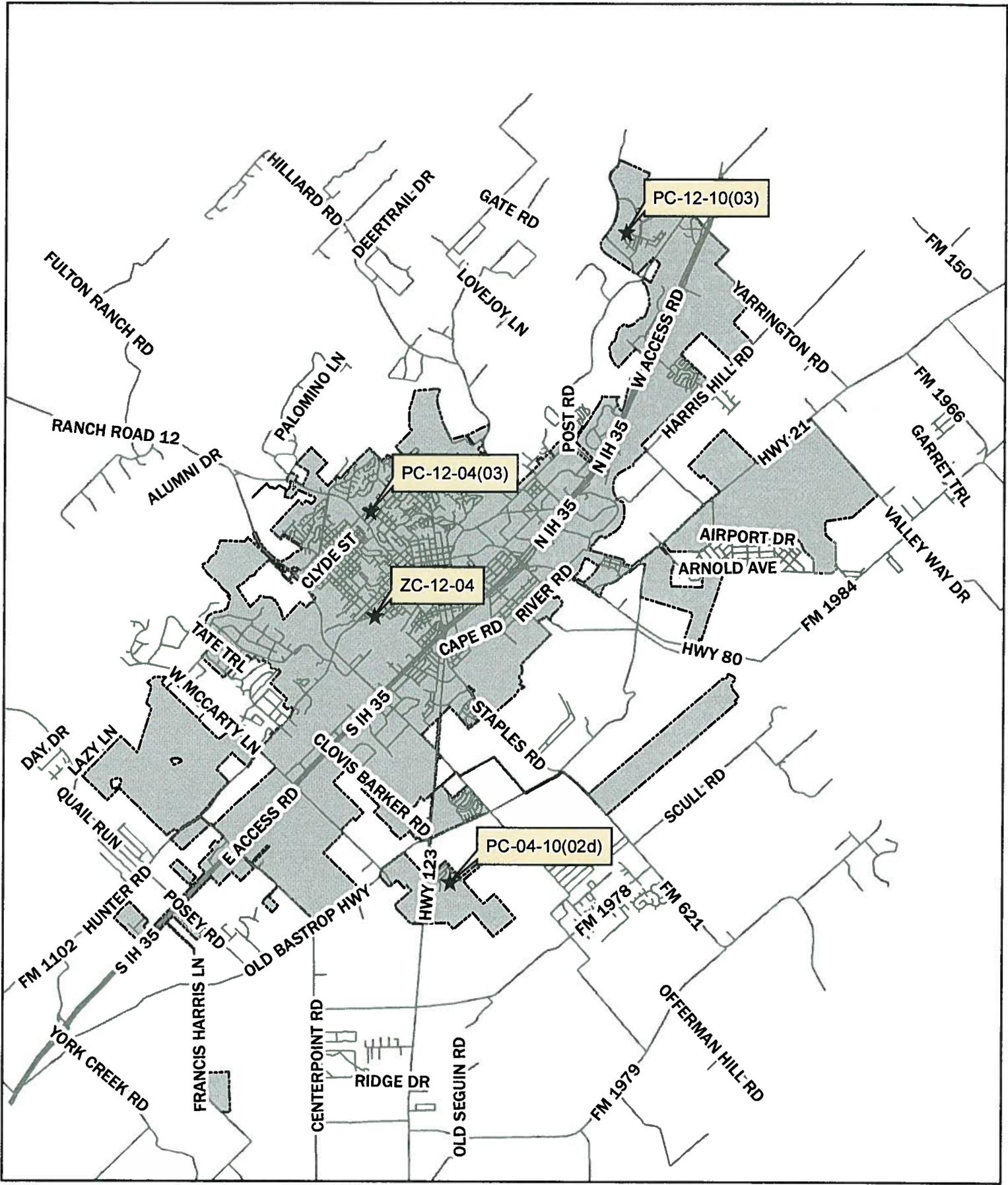
PUBLIC HEARINGS:

9. **ZC-12-04 (1313 W. San Antonio St.)** Hold a public hearing and consider possible action on a request by Jason Howell for a zoning change from Single Family Residential (SF-6) to Multi-Family-12 (MF-12) for 0.3005 acres located at 1313 W. San Antonio St.

NON CONSENT AGENDA:

10. **PC-04-10(02d) (Cottonwood Creek Phase 1)** Consider a request by Ramsey Engineering, L.L.C., on behalf of Cottonwood Creek JDR, Ltd., for approval of a preliminary plat for approximately 13.70 acres, more or less, out of the J.F. Geister Survey Nos. 6 and 7, Abstracts 202 and 203, City of San Marcos, Hays County, located along State Highway 123 about one (1) mile south of Clovis Barker Road.
11. Consider recommendation of approval to City Council of Vision Statements proposed by the Citizens Advisory Committee for the Comprehensive Plan.
12. Presentation from staff and discussion regarding the Flood Damage Prevention Ordinance and changes to the codified regulations as required by the National Flood Insurance Program.
13. **Development Services Report**
 - a. Update from staff on the Comprehensive Plan
14. **“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.”*
15. Adjourn.

Notice of Assistance at the Public Meetings: The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.



**Planning and Zoning
Commission Meeting
May 22, 2012
Location Map**

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
May 8, 2012**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck, Vice Chair
Travis Kelsey
Carter Morris
Chris Wood (late in 6:25)
Corey Carothers
Kenneth Ehlers

City Staff:

Kristy Stark, Development Services Assistant Director
Sam Aguirre, Assistant City Attorney
Francis Serna, Recording Secretary
Alison Brake, Planner
John Stanley, Planner

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday May 8, 2012 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Taylor welcomed audience and viewers.

4. NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

5. 30 Minute Citizen Comment Period

There were no citizen comments.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on April 24, 2012.

7. PC-11-07(01H) (Cottonwood Creek). Consider a request by Ramsey Engineering, L.L.C., on behalf of Cottonwood Creek JDR, Ltd., for approval of the Master Plan renewal of Cottonwood Creek subdivision, consisting of approximately 471.97 acres at the intersection of State Highway 123 and Monterrey Oak, San Marcos Texas.

Commissioner Seebeck pulled Item 8 from the Consent Agenda.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey the Commission approved on consent items 6 and 7. The motion carried unanimously.

8. PC-12-06(03) (Hunter's Crossing Lot 2) Consider a request by PSCE, Inc. on behalf of Surecap-Village TX Partners I, L.P. for approval of a Final Plat for approximately 0.89 acres, more or less, out of the J.M. Veramendi Survey No. 1, Abstract 17, City of San Marcos, Hays County located at 115 Wonder World Drive.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers the Commission approved on consent PC-12-06(03) with the conditions that the Notary text paragraph encroaching upon Joint Use Access Easement drawing area will be removed from the easement boundaries; remove blank lines next to P.U.E. measurements; and remove 2050' measurements along Wonder World Drive in the southwest corner of the lot. The motion carried unanimously.

Public Hearing

9. VR-12-01 (Pappa Pasta's) Hold a public hearing and consider a request by Herlinda Lopez for a variance to allow a restaurant serving alcohol less than 300 feet from a public school, but not less than 200 feet from the primary entrance to the school, to seek a Conditional Use Permit [LDC 4.3.4.2(b)(3)].

Chair Taylor opened the public hearing. Herlinda Lopez, applicant thanked the Commission for their time and said she would appreciate their support. There were not additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Carothers the Commission approved VR-12-01 with the conditions that the following statement shall be included on the restaurant menu: "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages."

10. CUP-12-03 (Pappa Pasta's) Hold a public hearing and consider a request by Herlinda Lopez for renewal of a Conditional Use Permit to allow the continued sale of beer and wine for an on premise consumption at 2550 Hunter Road Suite 1100.

Chair Taylor opened the public hearing for CUP-12-03. There were no citizen comments and the public hearing was closed.

MOTION. Upon a motion made by Commissioner Carter and a second by Commissioner Kelsey the Commission voted six (6) for; zero (0) against and (1) abstained to approve CUP-12-03 with the condition that the CUP be valid for 1 year provided standards are met, subject to the point system; they include the statement "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages," on the restaurant menus; the restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met; alcoholic beverages shall not be served earlier than 11 a.m. or later than 10 p.m.; and the CUP shall be effective upon approval of the variance by Council.

11. CUP-12-17 (Del Taco) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Lumberton Investments, Ltd., for a Conditional Use Permit to allow a Restaurant/Prepared Food Sales with a drive thru to be located within a Community Commercial (CC) zoning district located at 660 E. Hopkins Street.

Chair Taylor opened the public hearing for CUP-12-17. Thomas Rhodes, ETR Development Consulting, 401 Dryden Lane, Buda stated that last fall they came before the Commission for the same location. They heard the public outcry and got together with the neighbors. He explained that the neighbors concerns were that they only use the current property. Mr. Rhodes gave a brief overview of the proposed project. He stated he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Carter and a second by Commissioner Wood the Commission voted seven (7) for and zero (0) against to approve CUP-12-17 with the conditions that the exit drive on Hopkins is a right-in/right-out only; and that the CUP is conditional upon approval with TxDOT approval of the driveway on Hopkins.

Non Consent Agenda:

12. Development Services Report

- a. Update from staff on Comprehensive Master Plan

Staff updated the Commission on the calendar for the Comprehensive Plan including dates for work days and public meetings

13. "Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*"

14. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 7:00 p.m. on Tuesday, May 8, 2012.

Bill Taylor, Chair

Curtis Seebeck, Commissioner

Corey Carothers, Commissioner

Travis Kelsey, Commissioner

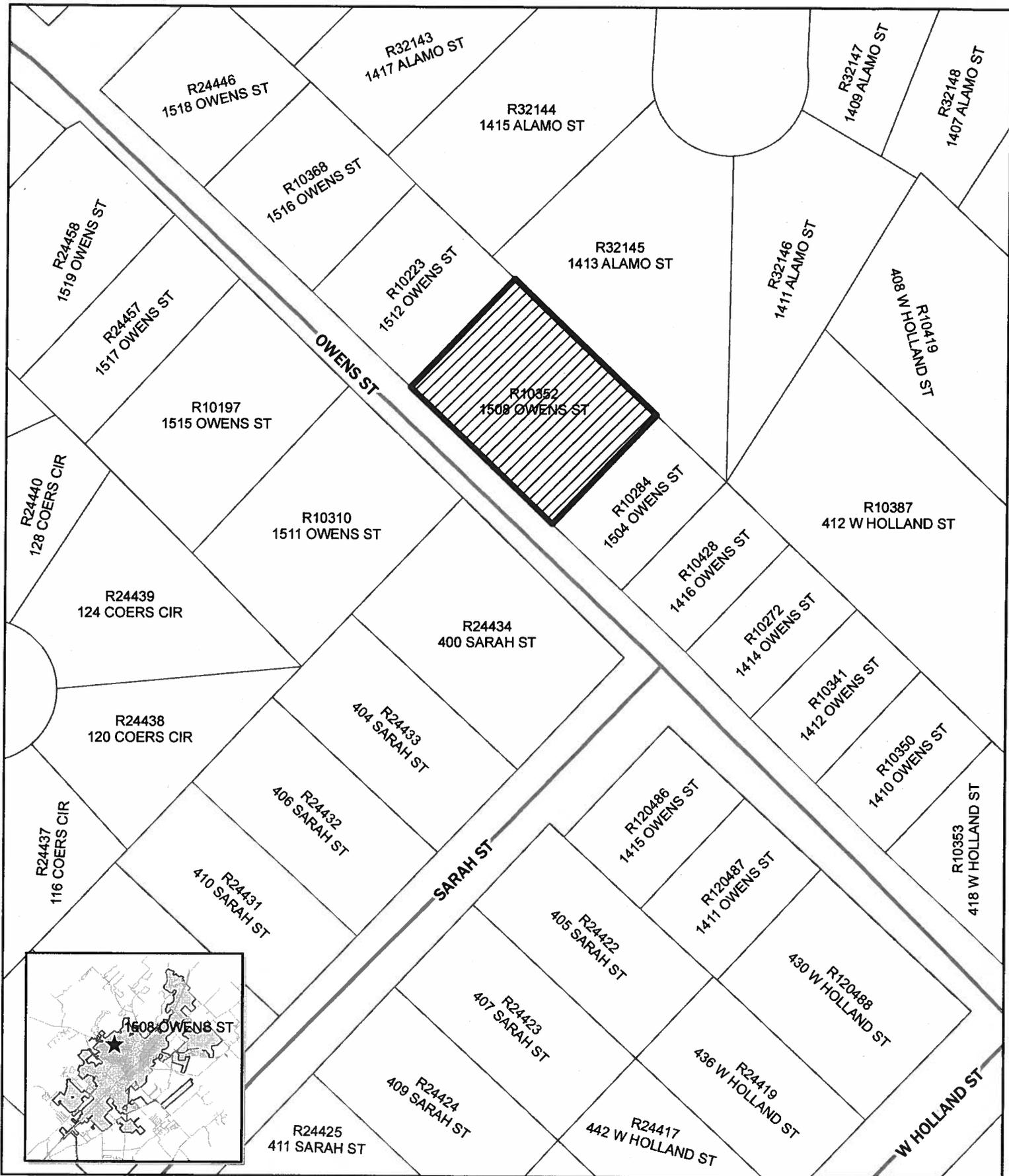
Carter Morris, Commissioner

Chris Wood, Commissioner

Travis Kelsey, Commissioner

ATTEST:

Francis Serna, Recording Secretary



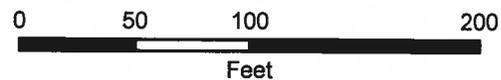
PC-12-04(03)

1508 Owens St

Map Date: 05/17/12

●  Site Location ●

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



PC-12-04(03) Final Plat Simek Owens St. Addition



Applicant Information:

Applicant: Ash & Associates, LLC
142 Jackson Lane
San Marcos, TX

Property Owner: Carl Simek
356 E. Kessler
New Braunfels, TX

Notification: Notification not required

Type & Name of Subdivision: Final Plat, Lots 1&2-Block 1 Simek Owens Street Addition

Subject Property:
Summary:

This is the final plat for Lots 1&2-Block 1 Simek Owens Street Addition. This subdivision will create two tracts one being 0.127 acres the other 0.161 acres for a total of 0.288 acres.

Traffic / Transportation: The property reflected within this Final Plat fronts on Owens St.

Utility Capacity: The City of San Marcos provides Water and Wastewater to the site.

Parks proposal: A Parkland Fee-in-Lieu payment of \$684 will be required prior to recording of the plat with the County.

Zoning: The property is zoned Single Family-6 (SF-6).

Surrounding Zoning and Land use:

	Current Zoning	Existing Land Use
N of Property	SF-6	Residence
W of Property	SF-6	Residence
S of Property	SF-6	Residence
E of Property	SF-6	Residence

Planning Department Analysis:

This plat is the subdivision of an existing unplatted lot into two legal lots. A 10' Public Utility Easement and Right-of-Way Easement has been dedicated at the front of the property in order to allow for any utility lines as well as any future widening of Owens St. (not anticipated in the near future). In addition, a 15' Public Utility Easement has been dedicated at the rear of the property in order to allow San Marcos Electric Utility access to any lines for maintenance work. Since this is a residential subdivision, parkland dedication is required. The Parks Department has confirmed that a fee-in-lieu is appropriate for this site as it is restricted by its small size (0.288 acres total). The fee-in-lieu of \$684 has not yet been received. The fee will need to be paid to the city prior to recordation of the plat.

The subject property is zoned SF-6 and is surrounded by single family uses. The site is not located within floodplain or floodway.

Staff has reviewed the request and determined that all criteria have been met and is recommending approval of the final plat.

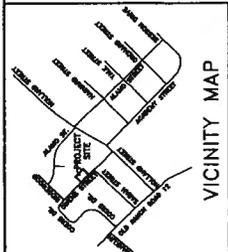
Planning Department Recommendation	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

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

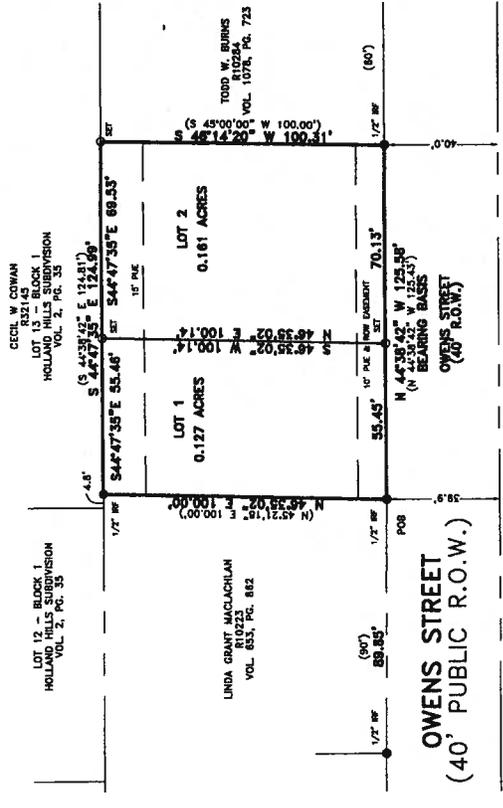
Prepared By:

John Stanley	Planner	May 14, 2012
Name	Title	Date



NOTES:
1. SIDEWALKS WILL BE REQUIRED AT DEVELOPMENT.

- LEGEND:
- SIDE POLE FOUND
 - IRON ROD FOUND
 - IRON ROD SET
 - CONCRETE
 - FIRE HYDRANT
 - WATER METER
 - WATER METER VALVE
 - POWER POLE
 - FENCE
 - HOOD POLE
 - 2" - 4" SINK TRENCH
 - OVERHEAD BELL LINE
 - () PUBLIC UTILITY EASEMENT
 - () PRIVATE UTILITY EASEMENT
 - () EASEMENT
 - () RECORD DUAL



OWENS STREET
(40' PUBLIC R.O.W.)

LOTS 1 & 2 - BLOCK 1
SIMEK OWENS STREET ADDITION
(0.288 ACRES)

STATE OF TEXAS }
COUNTY OF HAYS }

WHEREAS CARL SIMEK, ACTING THROUGH ITS DULY AUTHORIZED REPRESENTATIVE, OWNER OF 0.28 ACRES OF LAND, DO HEREBY PLAT THE FOLLOWING PROPERTY TO BE KNOWN AS LOTS 1 & 2 - BLOCK 1 - SIMEK OWENS STREET ADDITION, AN ADDITION TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND HEREBY TO THE USE OF THE PUBLIC, ALL PUBLIC STREETS, ALLEYS, PARKS, DRIVEWAYS, INTERCOURSES, EASEMENTS AND PUBLIC PLACES SHOWN ON THIS PLAT:

CARL SIMEK
OWNER

STATE OF TEXAS
COUNTY OF _____
BEFORE ME, the undersigned authority, on this day personally appeared CARL SIMEK known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____ A.D., 2012.

NOTARY PUBLIC
STATE OF _____
COUNTY OF _____

CITY OF SAN MARCOS
CERTIFICATE OF APPROVAL
APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____ BY THE PLANNING & ZONING COMMISSION OF THE CITY OF SAN MARCOS.

BILL TAYLOR, CHAIRMAN
PLANNING & ZONING COMMISSION

FRANCIS STRAIN
RECORDING SECRETARY

APPROVED: _____ DATE _____

MATTHEW LEWIS, CHAIRMAN
DIRECTOR DEVELOPMENT SERVICES

STATE OF TEXAS
COUNTY OF HAYS

I, Shawn T. Ash, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correctly made and is prepared from an original and that corner monuments were properly placed under my supervision.

Shawn T. Ash _____ Date _____
Registered Professional Land Surveyor
State of Texas, No. 5667

STATE OF TEXAS
COUNTY OF _____
BEFORE ME, the undersigned authority, on this day personally appeared Shawn T. Ash known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein stated.

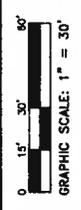
GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____ A.D., 2012.

NOTARY PUBLIC
STATE OF _____
COUNTY OF _____

STATE OF TEXAS
COUNTY OF HAYS
I, Liz Gonzalez, County Clerk of Hays County, Texas, certify that this plat was filed for record in my office on the _____ day of _____ 2011, at _____ o'clock _____ M., and recorded on the _____ day of _____ 2008 at _____ o'clock _____ M., in the Plat Records of Hays County, Texas, in Volume _____ Pages, _____

LIZ GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

FLAT OF LOTS 1 & 2 - BLOCK 1
SIMEK OWENS STREET ADDITION
0.288 ACRES OF LAND
T.J. CHAMBERS SURVEY
CITY OF SAN MARCOS
HAYS COUNTY, TEXAS



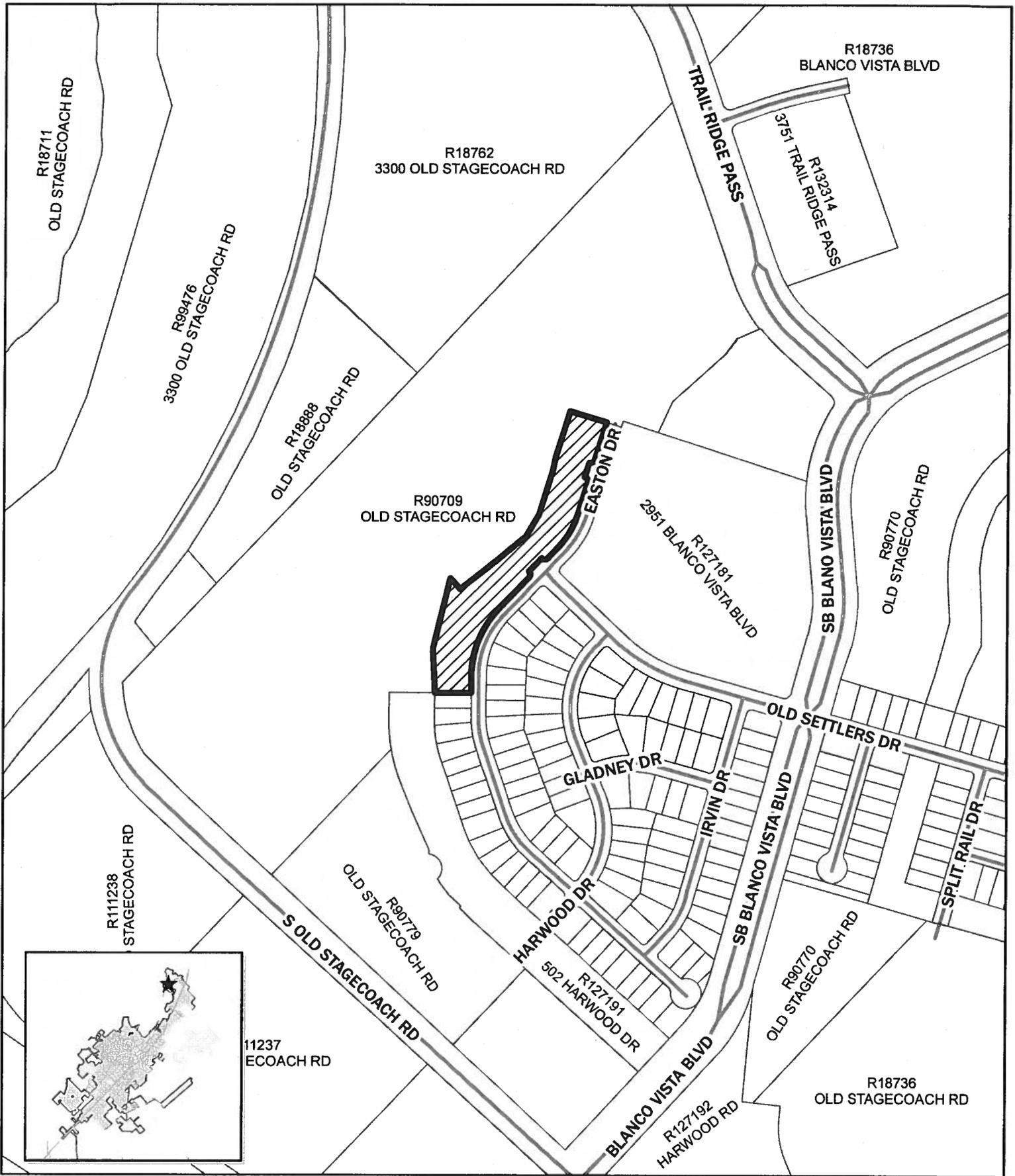
OWNER: CARL SIMEK
358 E. KESSLER
NEW BRAUNFELS, TEXAS 78130
(512) 383-4786



145 JACKSON LANE
SHELBYVILLE, TEXAS 78152
PHONE (512) 383-1128
FAX (512) 383-1128
www.ashandassociates.com

PROJECT No.
11-3715-B
DRAWING TITLE: SCALE: 1\"/>

SHEET 1 OF 1



PC-12-10(03)
Blanco Vista, Tract Q, Section 1
Map Date: 05/14/12



Notification Buffer
(200 feet)

Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



PC-12-10(03) Final Plat, Blanco Vista, Tract Q, Section 1



Applicant Information:

Agent: CSF Civil Group
3636 Executive Center Drive
Suite 209
Austin, Texas 78731

Property Owner: Brookfield Residential
9737 Great Hills Trail
Suite 260
Austin, Texas 78759

Notification: Notification not required

**Type & Name of
Subdivision:** Final Plat, Blanco Vista Tract Q, Section 1

Subject Property:

Summary: The subject property is approximately 2.94 acres, more or less, and is located at the intersection of Easton Drive and Old Settlers Drive.

Zoning: Mixed Use/PDD/Single-Family

Traffic/ Transportation: The property is at the intersection of Easton Drive and Old Settlers Drive. Sidewalks will be installed as part of the development of this plat.

Utility Capacity: All utilities are provided for onsite.

Planning Department Analysis:

The subject property is part of the Blanco Vista Planned Development District, and has a base zoning of Mixed Use. This section is within the single-family portion of the development and provides for the development of 15 lots. The proposed plat would be consistent with developments in the area and meets all the requirements of the Land Development Code and the PDD. The site is part of the continued build-out of the Blanco Vista subdivision.

The site is not located in floodplain or floodway. A Comprehensive Site Preparation Permit, which includes a Watershed Protection Plan Phase 2, was submitted and approved with Blanco Vista Tract I, Section A. Easton Drive has been constructed and accepted for maintenance by the City; it was previously platted with Blanco Vista Tract I, Section A.

Parkland dedication was completed with the initial phase of this project, and is not required for this individual plat.

The Planning Department recommends approval of the platting request.

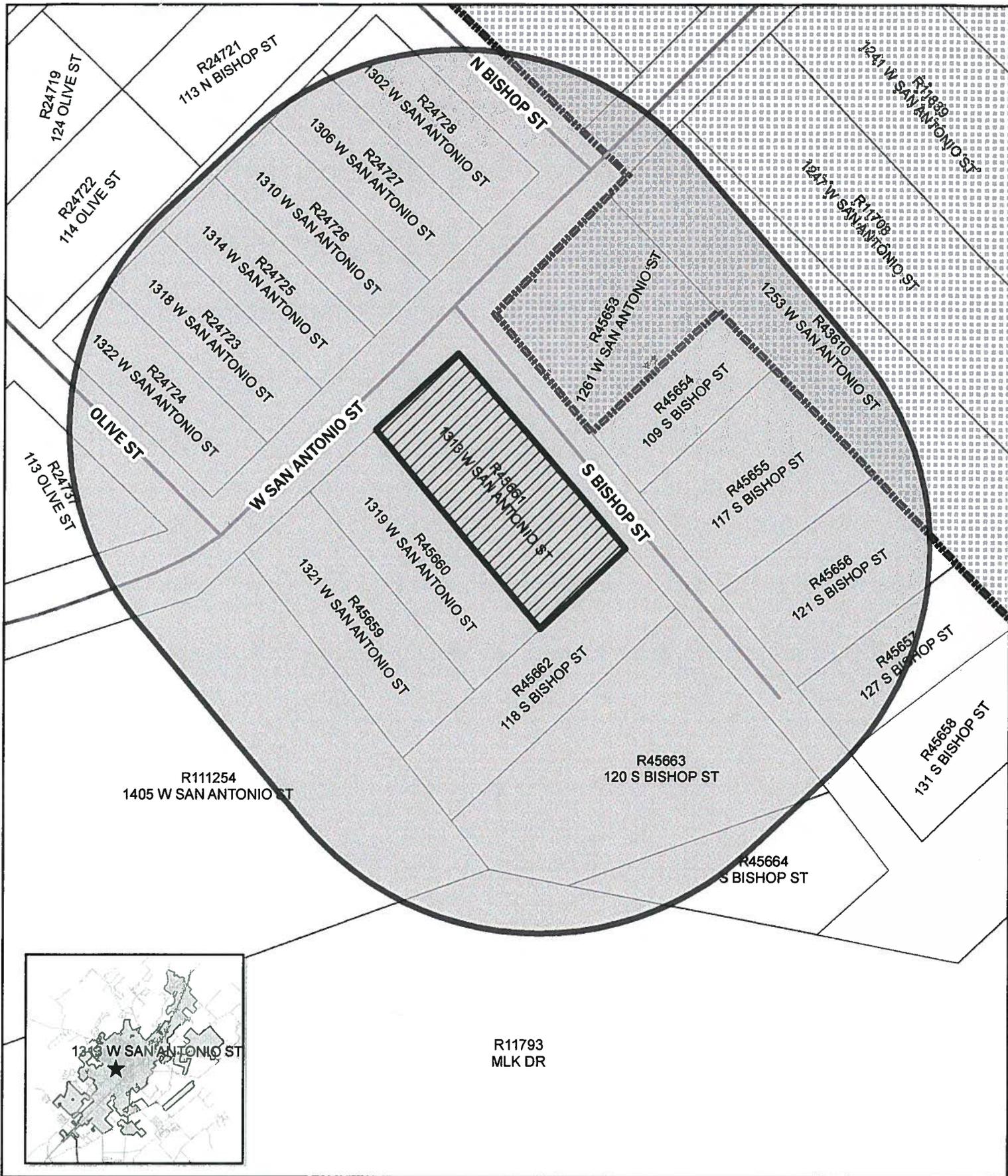
Planning Department Recommendation	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Statutory Denial

The Commission's Responsibility:

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

Prepared By:

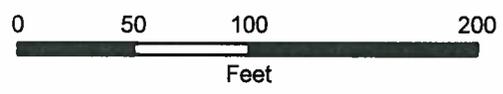
Alison E. Brake	Planner	May 15, 2012
Name	Title	Date



ZC-12-04
1313 W San Antonio St •
Map Date: 05/11/12

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



Zoning Change

ZC-12-04

1313 W. San Antonio



Summary: The applicant is requesting a zoning change from Single-Family (SF-6) to Multi-Family – 12 (MF-12)

Agent: Jason Howell
350 N. Guadalupe Suite 140
San Marcos, TX 78666

Owner: Same

Notification: Personal notifications of the public hearing were mailed on Friday, May 11, 2012 to all property owners within 200 feet of the subject property as well as the CONA Representative for the neighborhood.

Response: Mark Salas called with concerns regarding parking and trash problems. He requested that the request be denied.
Mark Doehne called with questions regarding the zoning change and any potential construction on site.

Property/Area Profile:

Legal Description: Jack Thomas Subdivision Block 2, Lot 3
Location: 1313 W. San Antonio
Existing Use of Property: Rental House (In violation of Occupancy Restrictions)
Proposed Use of Property: Rental House
Future Land Use Map: Medium Density Residential
Existing Zoning: Single Family (SF-6)
Proposed Zoning: Multi-Family – 12 (MF-12)
Sector: 1

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	SF-6	Single Family	P Public
S of Property	SF-6	Single Family	High Density Residential
E of Property	SF-6	Single Family	Medium Density Residential
W of Property	SF-6	Single Family	Medium Density Residential

Comments from other Departments:

Code enforcement alerted staff that a warning was sent to the owner in February regarding occupancy restriction violations. Neighbors have complained about parking and trash issues. Code enforcement noted that the property averaged between 6 and 10 cars on or along the property at night. Four separate contracts for rent were in place with the owner at the time of the warning. Education meetings done by code enforcement were held with the owner and the renters were asked to move off the property. Code enforcement believes that the subject property is close to if not already in compliance with the occupancy restrictions as of the time of this staff report.

There were no other issues reported by the Police Department, Engineering, Building Inspection, or other City departments.

Background Information:

The applicant is requesting a zoning change from Single Family (SF-6) to Multi-Family (MF-12). The property is located just outside the San Antonio Street Historic District and has been serving as a rental house for college students. The subject property is roughly 0.3 acres. The applicant has received a citation for occupancy restriction violations at the property.

Planning Department Analysis

While the zoning on the property is SF-6, the Future Land Use designation for the property is Medium Density Residential (MDR). Corresponding zoning classifications for MDR include: Single Family 4.5, Duplex Restricted, Townhouse Residential, Patio Homes, Multi-Family 12 and Manufactured Homes. The applicant desires to change the zoning on the property to MF-12, which would correspond with the Future Land Use Designation of MDR but would also represent the highest density allowed under the Future Land Use Classification.

Because of this, these elements should be considered by the Commission.

Density & Design

The 0.3 acre site is an acceptable size for its current zoned use as SF-6. If it were to be rezoned to MF-12, the lot would have parking, landscaping and buffering requirements that would be difficult to do on this size lot. Typically, MF-12 zoned lots are larger than 1/3 acre. If the rezoning were to occur to the maximum density allowed and proper parking, landscaping and buffering were to be put in place, the lot would be out of scale and character with the surrounding neighborhood.

Other Factors

- The property is located within an existing Single Family dominated area with SF-6 zoning surrounding the property.
- Several issues have been reported in the area including the overcrowding of the street as well as waste collection limitations resulting from excessive amount of cars being located on the street.
- Rezoning the lot not only allows the current use, but would also entitle the lot to being re-developed with increased units and impervious cover which, when considered with the standards related to MF-12 could disrupt the fabric of the predominately single family neighborhood.
- Re-zoning this individual tract to a higher density than all surrounding tracts does not conform to best zoning practices. Currently, the subject property is surrounded by SF-6 zoning. There are multi-family and commercial uses in the area, but they are along Hopkins St. over 200 feet away. All properties fronting San Antonio are zoned single-family from the 600 block to near the intersection with Hopkins. There is Future Development zoning south of the neighborhood near the creek.

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
	X		<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The subject property is located within the Existing Traditional Neighborhood Community Character Area as designated by the Sector 1 Master Plan. The plan calls for only single-family-restricted developed to be allowed. Single family detached homes are the predominant form of development and should be the only form except where noted on the Future Land Use Map.</i></p> <p><i>Although this site is designated MDR the intent is clear to preserve the existing single family neighborhood. SF-4.5 would be a more appropriate medium density zoning category.</i></p>
		X	<p>Consistency with any development agreement in effect</p> <p><i>No development agreements exist on this tract</i></p>
	X		<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.</p> <p><i>The uses permitted by the proposed change would allow for greater density on the property. This would be out of scale and character with the current single-family densities in the area. See above discussion.</i></p>
		X	<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area. The site is located on San Antonio St. which serves as a neighborhood street designed to support Single family uses and traffic generation.</i></p>
		X	<p>Other factors which substantially affect the public health, safety, morals, or general welfare.</p> <p><i>The proposed use would have a greater impact on traffic and congestion in the general area. Enforcement has noted that complaints have been received regarding 6-10 cars parked at the residence daily. This amount of cars for one single-family property is excessive and can cause congestion along residential streets.</i></p>

Additionally, the Commission should consider:

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

Staff evaluation: Yes, the property's size and characteristics make it suitable for single-family use. The existing structure could be used as a single-family dwelling.

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

Staff evaluation: No, the surrounding neighborhood has remained predominately single family with much of the surrounding area being located in the Historic District. Minimal changes have occurred in the general area over the past few years.

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

Staff evaluation: The proposed re-zoning would allow for the structure to be used as a rental space, but would not provide a substantial service to the need for student housing within the city.

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

Staff evaluation: It would enable the property owner to avoid occupancy restrictions. It could possibly have detrimental effects on the surrounding properties through increased traffic and parked cars as well as issues for trash collection and strain on a neighborhood road.

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

Staff evaluation: Staff has not identified a substantial public purpose that would be met by the rezoning.

Staff has reviewed and analyzed the request and recommends denial based on the following findings:

- The request does not meet the criteria for zoning changes outlined above.
- While the proposed zoning change is within the range of zoning allowed for by the Future Land Use designation for the property, the zoning change would not fit the character of the neighborhood and would be the only multi-family zoned property in the general vicinity.
- The request is not supportive of the Sector 1 plan.
- Added occupancy in this neighborhood could lead to further street congestion and parking issues on site as well as along the surrounding properties.

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

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:

John Stanley

Planner

May 14, 2012

Name

Title

Date

From: Serna, Francis
Sent: Tuesday, May 15, 2012 3:00 PM
To: Stanley, John
Subject: FW: Rezoning 1313 San Antonio Street

From: McCarty, Larita Kay [mailto:lm67@bxstate.edu]
Sent: Tuesday, May 15, 2012 2:59 PM
To: Planning Information
Subject: Rezoning 1313 San Antonio Street

Mr. Stanley,

We recently received an email about rezoning at the end of our street (1313 West San Antonio Street). We live at 127 South Bishop Street.

The problem we have noticed is that when multi-residents live at that address, vehicles sometimes park on San Antonio Street (in front of the residence) and that makes it difficult to pull out from South Bishop onto San Antonio because you are not able to see oncoming traffic on San Antonio Street.

Another concern we have is when vehicles park on our street, South Bishop, it is often difficult to get through. Our garbage was not picked up one week because the truck could not get down the street. If we are turning from San Antonio Street onto South Bishop, we sometimes had to wait until vehicles moved and that left us stranded with traffic coming both ways on San Antonio Street.

More importantly, if rescue vehicles such as an ambulance or fire truck could not get down the street, it would jeopardize the safety of our residents.

We realize that Mr. Howell purchased the properties to be rental housing and that is his income, but as a residential neighborhood, we are want to be safe for the residents who are permanent residents of this area.

Thank you for your consideration.

Kay and Jimmy McCarty
512 392 6173

**Lisa and Jim Spencer
100 E. Mimosa Circle
San Marcos, TX 78666**

facsimile transmittal

To: Development Services-Planning Fax: 512-396-9190
From: Jim Spencer Date: 5/15/2012
Re: Notice of Public Hearing Zoning Change Pages: 3 including this sheet
1313 W. San Antonio St.

Cc:

Urgent For review Please comment Please reply Please recycle

Attached are written comments to be given to the Planning & Zoning Commission. If there are any questions, contact me at 512-878-2920.

Thanks,
Jim Spencer

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Development Services-Planning

May 15, 2012

To all concerned:

Regarding the request for a zoning change from SF-6 to MF-12 at 1313 W. San Antonio Street...

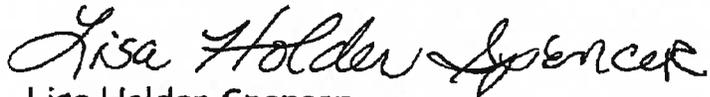
We are San Marcos citizens and own two properties in the City, Lisa is a Zoning Board of Adjustments Member and we are near-by property owners (121 S. Bishop); **we strongly oppose this requested zoning change.** The surrounding area is an anchor on the southwest end of the San Marcos Historic District. This rezoning change would cause irreparable damage to the property values of the surrounding properties.

The current house is allowed 6 units on a 1/3 acres lot; this is very high density as it is. 12 units on a 1/3 acre site are beyond any reason. Where will they park? Current resident parking often uses nearly half of available parking along S. Bishop as well as along W. San Antonio. What about the peaceful ambiance of the neighborhood? Likely, this will be student housing, which could easily house 24 active students. The 7 houses (109,117,121,127,118,120,122) on South Bishop are ALL SINGLE FAMILY. There does not need to be a "dorm atmosphere" in this quiet neighborhood. The residents take pride in the appearance of their homes along this street. The house in question now takes very little pride in the area, with trash and a non-maintained appearance being common. That will probably worsen with doubling the number of people allowed to domicile there.

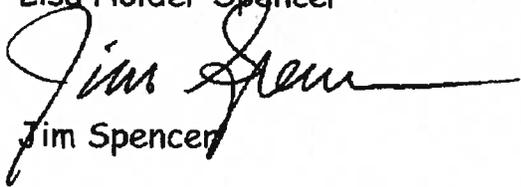
We put a sizable amount of money into restoring the old house at 121 S. Bishop. The single family owners of 120 and 122 S. Bishop have also invested in the fix up of their homes.

Just a few doors away, 1253 W. San Antonio Street is one of the most beautiful and well maintained homes within the historic district. This rezoning would severely damage their property value as well and severely damage the efforts of those in San Marcos who have worked so hard for the Historic District.

We thus encourage you to deny this request for rezoning!



Lisa Holder Spencer



Jim Spencer

May 15, 2012

TO: Planning & Zoning Commission

FROM: Catherine Clayton
1310 W. San Antonio

RE: Request for Zoning Change: ZC-12-04
1313 W. San Antonio
Jason Howell

This memo is written in opposition to Mr. Howell's request for a zoning change for the above-referenced property. I own the home at 1310 W. San Antonio and have lived there since 1996; the subject property is directly across the street from my home. I will not be able to attend the hearing on May 22 and will appreciate your attention to and consideration of this memo.

In the time that Mr. Howell has owned the subject property, he has used the house on this lot as rental property. In that regard, Mr. Howell has not shown respect or concern for nearby homeowners as he does not seem to carefully screen rental applications. In the past, the occupancy of the house by multiple persons has generated additional noise as well as increased parking and traffic congestion in the area. Further, the tenants often do not maintain the property well; the yard is often overgrown and there is trash on the property. Mr. Howell does little or nothing to correct this situation.

My understanding is that, if the request for zoning change is granted, Mr. Howell could continue to rent the property to multiple tenants; I oppose the request because of the problems the neighborhood has experienced in the past due to such rentals. I also understand that, if the request is granted, Mr. Howell could have up to twelve (12) units/acre and could possibly remove the house and build a small apartment complex on the property. Of course, this would only add to the parking and traffic congestion and noise in the area. There is already quite a bit of rental property nearby and the lots in this area are small. For those reasons alone, quite a bit of parking and traffic congestion and noise exists in the neighborhood and I am opposed to any change that could worsen the situation.

I think the Commission should also consider the fact that the neighborhood surrounding the subject property borders a Historic District which will also be negatively impacted if the requested zoning change is granted.

Again, I appreciate your consideration of this memo and hope that you will agree with me that Mr. Howell's request should be denied.

Catherine Clayton
1310 W. San Antonio
San Marcos, TX 78666
512/754-0654
clayton.catherine@yahoo.com

Date: May 16, 2012

To: Planning and Zoning Commissioners
From: Harry and Ellie Stewart, 1253 W. San Antonio St.

Re: ZC-12-04 Zoning Change at 1313 W. San Antonio St.

In response to the above-referenced zoning change, we would like you to know that we are vehemently opposed to this change. This has been a single-family neighborhood since zoning was first instituted. There are nothing but single-family homes in this area and it needs to remain that way. While some of the homes are small, it has been a very nice, quiet place for families to live.

There have been numerous tenants living in the home at 1313 W. San Antonio, and the problems that have arisen are numerous. The parking has made it very unsafe and, at times, impossible for the people living down Bishop Street to even get to their homes. The Hays County Fire Station is a short distance beyond and getting a fire truck down San Antonio St, I am sure, must be a challenge! There is simply not room for any type of multi-family building on this part of San Antonio Street.

There are several changes going on in this part of town concerning the streets and traffic patterns. The City has given this a lot of thought and is trying to come up with a good way to solve the traffic problems. They are doing a good job. The last thing we need at this point is to complicate it by re-zoning a single family home or any property along San Antonio Street to be multi-family.

We are already having so many problems with changes from SF to MF all over San Marcos. Please, please don't allow this change!

Thank you, Harry and Ellie Stewart

Jason Howell
1313 W. San Antonio St.
Rezoning Request

**Reasons that rezoning to MF 12 is the appropriate measure for 1313
W. San Antonio St.**

- 1. The property was built and has functioned as three separate rentals for many decades. With .3 acres MF 12 zoning will allow for the three existing units to be occupancy legal and not provide for any more units to be added.**
- 2. The property is located in an area deemed for future land use of medium density which allows for MF 12.**
- 3. The property is located in an area at the end of San Antonio St. which has a variety of different current and future uses. Included are high density residential, mixed use, commercial, community commercial, open spaces, public space (fire department).**
- 4. The history of the west end of San Antonio St. (San Antonio St. and Bishop) included commercial (lumber yard) and community commercial (bishop female college). Hence the reason for the need of a more concentrated housing to be built. New development near the end of San Antonio St.(Purgatory Creek Apartments and Wonder World Extension) has increased quite significantly to justify this change as well.**

Thank you chair and board members for your time and consideration.

Bishop Female College, 1884

The Bishop Female College was located where now (1962) is 1261 W. San Antonio Street. As early as 1884, Professor J. W. Bishop, a confederate veteran and his wife, Mary Pitts Bishop, daughter of William and Ann Armstrong Pitts, established this school for young ladies.

The courses offered were book-keeping, shorthand, typing, arithmetic and grammar. In 1886, there was an enrollment of 16.

In February, 1887, Mrs. Bishop's father, William C. Pitts, fell on a loose board of the stair way, and died as a result of sustained injuries.

Bishop operated the school until 1898, and in 1901 the family moved to Victoria. The county records show that Prof. Bishop sold the place to J. D. Tant of Victoria in 1902.

In 1908, Mr. and Mrs. Jack Thomas and family moved to San Marcos and bought the property. Thomas built a lumber yard on the site (facing what is now Bishop Street).

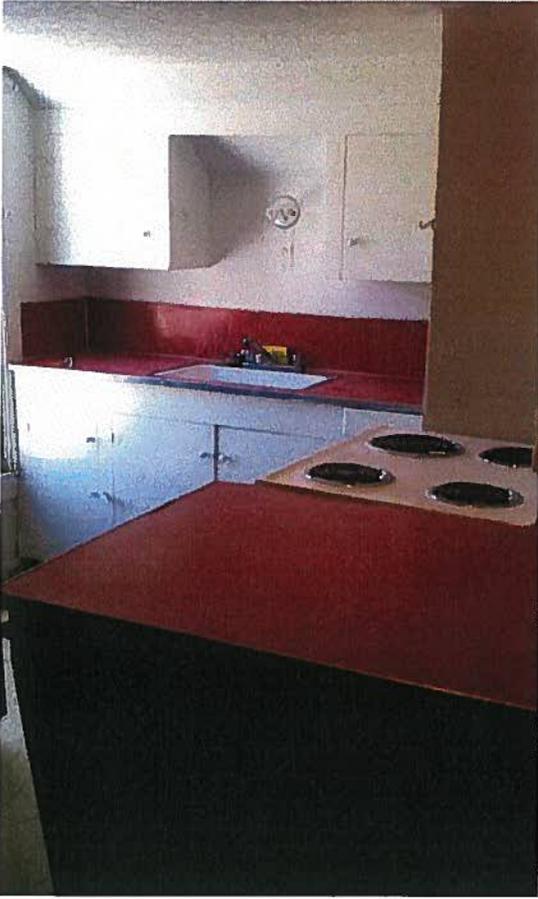
The Thomas family lived there until 1924, when the present home at 322 W. Hopkins was built. Soon after this, the old school building was torn down.

History of area showing that commercial applications and higher density have frequently occurred here.

Efficiency



**Separate rear west
entrance to efficiency
apartment.**



Upstairs apartment interior, can we say vintage? Original hard wood floors.

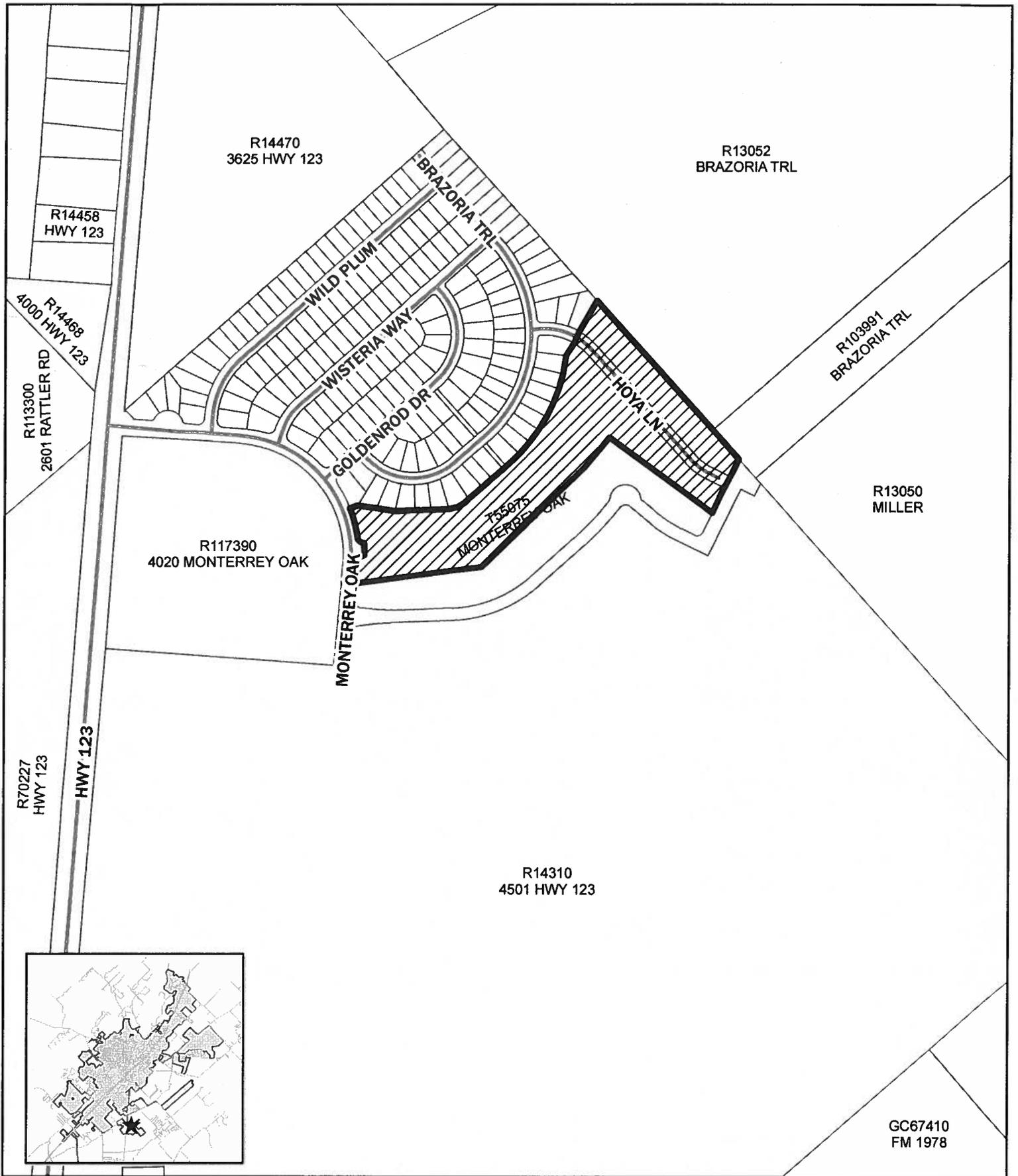


Separate upstairs apartment entrance at left staircase.



**Upstairs
Apartment**



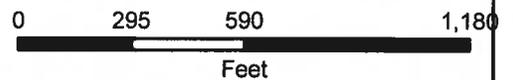


PC-04-10(02d)
 Cottonwood Creek
 Ph.1Sec.1-D
 Map Date: 05/14/12



Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness. N



PC-04-10(02d) Preliminary Plat Phase 1, Section 1-D Cottonwood Creek



Applicant Information:

Applicant: Ramsey Engineering, LLC
3206 Yellowpine Terrace
Austin TX 78757

Property Owner: Cottonwood Creek JDR, Ltd
333 Cheatham St
San Marcos TX 78666

Applicant's Agent: Steve Ramsay

Notification: Notification not required

Type & Name: Preliminary Plat Phase 1, Section 1-D Cottonwood Creek

Subject Property:

Summary: The subject property is located in southeast San Marcos along state highway 123, about one mile south of Clovis Barker Rd. The applicant is proposing to plat 71 residential lots, with two private parkland lots.

Traffic / Transportation:

Land Use Compatibility: This property is surrounded by single-family residential to the north, a school to the west, undeveloped land zoned for patio homes to the south, and undeveloped land outside city limits to the east.

Utility Availability: Water and wastewater service will be provided to this property by the City of San Marcos. Electrical service will be provided by Bluebonnet Electric.

Zoning: Subject property is currently zoned SF-6

Planning Department Analysis:

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

This is the next phase of the Cottonwood Creek subdivision extending south of Section 1-C and east of Bowie Elementary School. The subject property is not in the floodplain and does not require a watershed protection plan. The 16-foot trail dividing Block H and Block I is a continuation of the trail that was approved in 2010. The trail will be privately owned and maintained by the homeowner's association and there is a note on the plat that the construction of the trail will occur no later than the private park improvements.

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

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

Staff has reviewed the request and determined that all of the above criteria have been met and is recommending approval of this preliminary plat as submitted with the following conditions:

- The trail shall be constructed in compliance with ADA standards.
- Crosswalks shall be striped where the trail intersects any street.

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

The Commission's Responsibility:

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

Prepared By:

Alison Brake	Planner	5/15/2012
Name	Title	Date



MEMO

TO: PLANNING AND ZONING COMMISSION
FROM: John Foreman, Planning Manager
Matthew Lewis, Director of Development Services
DATE: May 18, 2012
RE: SAN MARCOS VISIONING PROJECT

As part of the Comprehensive Project, the Citizens Advisory Committee is presenting the attached vision statements to the Planning and Zoning Commission. These statements are the result of several months of community input and work from the Comprehensive Plan Committees and city staff. The Committees will use this broad Vision to establish the goals of the Comprehensive Plan.

Visioning Elements

- Dream San Marcos on Ideascale – The City utilized “Crowdsourcing” – the use of online and social media tools, to obtain input from the public. The website generated 243 ideas from 437 individual users and 847 comments. Users voted ideas up or down, allowing them to be ranked. There were over 7,000 votes.
- “Core 4” – City staff and a consultant met with various groups to discuss their hopes dreams for San Marcos. The resulting report identified a “Core 4” – the City, Hays County, Texas State University, and San Marcos CISD, and contained recommendations for Economic Development.
- Public Vision Workshop on April 21 – Workshop participants took part in hands-on activities and worked with members of the Committees to draft vision statements. The event included an open house with a review of the Horizons Master Plan and ideas received through the Dream San Marcos process.

Project timeline

August 2011 – beginning of Visioning
September-February – Dream San Marcos Website Active on Ideascale
September-December – Meetings with groups for “Core 4” report
October 15 – Dream San Marcos event at Arts and Eco Fest
January – “Core 4” Report Finalized
April 11 – First Comprehensive Plan Committee Meeting, Introduction to Visioning
April 21 – Vision Workshop at Texas Music Theater
May 2 – Committees draft Vision Statements
May 16 – Committees finalize Vision Statements

Committee Vision Process

The Committees received a packet with summaries of the results of each of the visioning elements, as well as all original data. Committee members used this information along with their own values and experiences to craft the attached statements through a variety of exercises. The statements were finalized at the May 16 meeting with the understanding that staff would review the grammar and provide a final version to the Committees for consideration. Both the statements as approved by the Committees and the proposed staff edits are attached. Staff recommends that the Commission vote to approve the proposed Vision Statements.

Final Draft Vision Statements from May 16th Committee meeting

Environment and Resource Protection

We envision San Marcos to be outstanding stewards of our irreplaceable, unique, natural environment. We value our resource and energy efficiency and our community's health, well being, and prosperity.

Parks and Public Facilities

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

Economic Development

We envision San Marcos with economic, educational, and cultural diversity. We see a vibrant community that prides itself in technological excellence, local business development, and the arts that supports environmentally sustainable industry.

Transportation

We envision San Marcos to have efficient, safe and convenient transportation options with a connective network while protecting the environment.

Land Use

We envision San Marcos as a community with balanced and diverse land uses including protection for our historical, cultural and natural resources.

Neighborhoods and Housing

We envision a San Marcos built on a foundation of safe stable neighborhoods that preserve and protect the historical, cultural and natural identities of our established and future neighborhoods.

Final Draft Vision Statements with Staff Edits

Environment and Resource Protection

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.

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

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We envision San Marcos with economic, educational, and cultural diversity. We see-foresee a vibrant community that prides itself in-on technological excellence, local business development, and the arts that-while supportings environmentally sustainable industry.

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We envision a San Marcos to-have-that provides efficient, safe, and convenient transportation options with a connective network while protecting the environment.

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