



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, March 27, 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 March 13, 2012.**
7. **PC-12-03(02) (Sessom Court)** Consider a request by Ramsey Engineering on behalf of Darren Casey Interest, Inc for a Preliminary Plat for 46 lots on approximately 14.228 acres, located at Loquat Street and Sessom Drive.

Public Hearings:

8. **LDC-12-13 (Revision to Land Development Code)** Hold a public hearing and consider a request for an amendment to the City's Land Development Code to prohibit changing the boundaries of a zoning map amendment request after filing said request.
9. **CUP-12-11 (The Railyard)** Hold a public hearing and consider a request by Matt Hageman on behalf of Railyard Bar & Grill L.L.P. for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on premise consumption at 116 S. Edward Gary Street.

10. **CUP-12-12 (Tantra Coffeehouse)** Hold a public hearing and consider a request by Nathan Todd on behalf of Tantra Coffeehouse for renewal of an existing Conditional Use Permit to allow the continued sale of beer and wine for on premise consumption at 217 W. Hopkins Street.
11. **CUP-12-13 (Cedar's Mediterranean Café & Hookah Bar)** Hold a public hearing and consider a request by Petra Business, Inc. on behalf of Cedar's Mediterranean Cafe for renewal of an existing Conditional Use Permit allowing continued use of a smoking lounge at 220 N. Edward Gary Street.
12. **LUA-11-25 (River Road – Capes Camp)** Hold a public hearing and consider a request by Thornton Family Investments for a land use amendment from Commercial to Medium Density Residential for a 4.2 acre, more or less, tract out of the J.M. Veramendi Survey No. 2, Abstract 17, located along River Road and IH 35.
13. **ZC-11-39 (River Road – Capes Camp)** Hold a public hearing and consider a request by Thornton Family Investments for a zoning change from Future Development (FD) to Multi-family (MF-12) for a 23.16 acre, more or less, tract out of the J.M. Veramendi Survey No. 2, Abstract 17, located along River Road and IH 35.

Non-Consent Agenda:

14. **Discussion and possible direction to staff regarding the appropriate procedure to receive agenda item requests from the Commission.**
15. **Suggestions for future agenda items.**

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

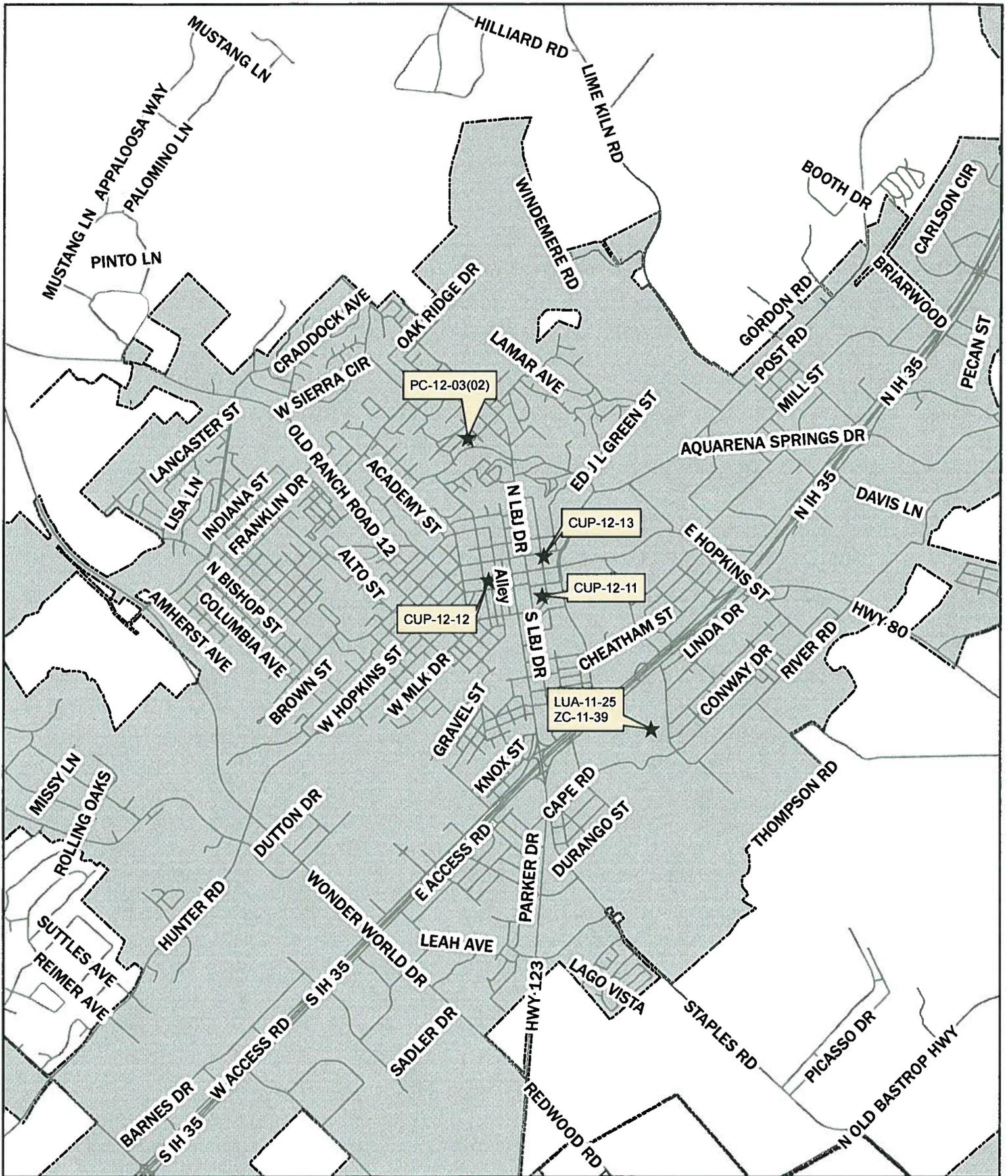
16. Development Services Report

- a. Update regarding Joint Workshop
- b. Update regarding the Comprehensive Plan
- c. Update on 2012 Home Improvement Incentive
- d. Update on Homeowner Permitting
- e. Update regarding various sections of the Land Development Code as follows: Modifying the General Notice Requirements under Section 1.3.2.1; Modifying Overlay Districts by adding Section 4.2.4.2 Hopkins Street Overlay; Modifying the Land Use Matrix under Section 4.3.1.2; Modifying Supplemental Standards by adding Division 3: Multifamily Residential Design Standards; Modifying Tree and Habitat Protection under Chapter 5, Article 5; Modifying Parks and Open Space under Chapter 7, Article 6; and Modifying SmartCode Article 1 and Article 5.

17. **“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.*”**

18. **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
March 27, 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
March 13, 2012**

1. Present

Commissioners:

Bill Taylor, Chair
Kenneth Ehlers
Chris Wood
Corey Carothers
Bucky Couch

City Staff:

Matthew Lewis, Development Services Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Chief Planner
Christine Barton-Holmes, Chief Planner
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 March 13, 2012 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

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

Jaimy Breihen, 134 E. Hillcrest expressed his concerns regarding the Commission not accepting information from the public prior to the meeting. He felt that there is currently not enough time for the public to provide information to the Commission. He requested that the Commission not restrict the public from providing information to the Commission.

Diane Wassenich, 11 Tangelwood spoke regarding Item 9. She said the Commission has a problem in that Commissioners who are bringing projects and has now requested limiting the public on submitting information to the Commission. She felt that it is because of the report submitted by the River Foundation. Ms. Wassenich pointed out that there is not a way for most citizens to know what is going on unless they see it on the agenda. She explained that citizens only have three days to put a report together. Ms. Wassenich added that the Commission is rezoning without gathering all the necessary information. She added that the Commission should be open to listen to citizens any time they want to speak or hand them information and it is up to the discretion of the Commission if they read the information. Ms. Wassenich requested that the Commission not limit what the public can give to the Commission. She felt that the citizens have a disadvantage with only having 3 days to submit comments.

Don Eyssen, 200 Orchard expressed his concerns regarding new urbanism and not being able to understand the philosophy. Mr. Eyssen said excellent plans are being brought forward but placed in the wrong place. He felt the projects should be in cities with urban decay. He added that new urbanism is a great philosophy but in the wrong town. In addition, he expressed his concerns about projects being placed in sensitive areas. He asked that we save the environment areas.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on February 28, 2012.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers the Commission approved on consent to approve the minutes of the Regular Meeting on February 28, 2012. The motion carried unanimously.

Public Hearing

7. CUP-12-03 (Pappas Pasta) Consider a request by Herlinda Lopez for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 2550 Hunter Road, Suite 1100.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers the Commission approved on consent to postpone CUP-12-03. The motion carried unanimously.

Non-Consent Agenda:

8. Report from staff and discussion regarding traffic and density.

Christine Holmes gave a brief presentation. The presentation will be available on the city's website.

9. Discussion and possible direction to staff regarding an orderly way of receiving information from the public prior to the meeting.

The Commission discussed and agreed to continue accepting comments. The Commission will use their discretion to review the comments.

10. Discussion and possible direction to staff regarding requirements for sidewalks.

Staff advised the Commission that a Sidewalk Master Plan is being created and will be included in the next round of Land Development Code revisions.

Commissioner Ehlers asked staff to review the consistency of sidewalk rates.

11. Suggestions for future agenda items.

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Chair Taylor requested to revisit the criteria for direction to staff regarding the appropriate procedure to receive agenda item requests from the Commission.

12. Development Services Report.

1. Update from staff regarding how information is available to the public and My Permit.
2. Update from staff regarding the Comprehensive Plan.

13. Questions from the Press and Public.

Diane Wassenich, 11 Tangelwood said she did not understand the direction given to staff regarding Item #9. In addition, she asked if the Commission understands that we have more density or apartments than any city is planning anywhere near the size of San Marcos or larger. She said she is having a hard time understanding why we want more apartments since San Marcos already has more than other cities.

Jay Hiebert, 209 W. Sierra Circle asked if there are any plans to include historical permits into My Permit Now Software. He referred to Item #8 and asked if there is any city in the south or southwest that is adopting the new urbanism concept. He asked if staff has received commitments to build smaller stores with the new concept that will eliminate traffic.

Jaimy Breihan, 134 Hillcrest commented that surely we are not trying to build new urbanism in existing neighborhoods and around the west side of the University. He added that the code enforcement element in the My Permit Now Software is a good tool.

Don Eysen asked for an explanation of new urbanism. He referred to the Comprehensive Plan and asked why the Steering Committee has been changed from 55 to 23 people. Mr. Eysen asked where did staff get their facts on the Traffic and Density presentation.

14. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 7:14 p.m. on Tuesday, March 13, 2012.

Bill Taylor, Chair

Chris Wood, Commissioner

Corey Carothers, Commissioner

Bucky Couch, Commissioner

Kenneth Ehlers, Commissioner

ATTES:

Francis Serna, Recording Secretary

PC-12-03(02) Preliminary Plat Sessom Court Subdivision



Applicant Information:

Agent: Ramsey Engineering, LLC
3206 Yellowpine Terrace
Austin, Texas 78757

Applicant/Property Owner: Darren Casey Interest, Inc on behalf of Buck Scheib, Donna and
Everette Swinney, Flo Wilks, Harriett Raney and Christian
Espiritu
814 Arion Parkway, Ste. 200
San Antonio, Texas 78216

Notification: **Notification not required**

Type & Name of Subdivision: Sessom Court Subdivision (Preliminary Plat)

Subject Property:
Summary:

This is the preliminary plat for the Sessom Court Subdivision and includes approximately 14.228 acres. This subdivision will reconfigure 19 lots from a previous plat and plat 5.48 acres of a metes and bounds tract, creating 46 lots total.

Traffic / Transportation: The property reflected within this Preliminary Plat fronts on Sessom Drive and proposes the construction or reconstruction of streets that were platted as part of the original 1905 plat, including two alleyways. An additional alleyway will be expanded to become a cul-de-sac, Alpha Street.

Utility Capacity: The City of San Marcos will provide water and wastewater service to the site.

Parks proposal: The required parkland dedication for this development is approximately 0.621 acres or \$15,732.00. Parks staff has indicated that because of the size of the required dedication, fee-in-lieu is preferable. Review of this item will take place at the final plat stage of platting.

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

Surrounding Zoning and Land use:

	Current Zoning	Existing Land Use
N of Property	Public and Institutional	City of San Marcos Parkland
W of Property	Townhomes	Townhomes are under construction
S of Property	Public and Institutional	Stagecoach Trail/ Hernandez Elementary
E of Property	Office Professional	Professional Offices

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.

Since the property is partially platted and partially divided through metes and bounds, it was determined that the Preliminary platting process was the most appropriate. Portions of the property were originally platted in 1905, while the remainder of the site has been divided through metes and bounds. The developer is proposing leaving the original configuration of the dedicated rights-of-way while bringing them up to current standards. Therefore, no abandonments of rights-of-way will be needed. The site will have one cul-de-sac located at the northeast end of the site, where some of the greatest grade changes are. This street, Alpha Street, is one of the former alleyways. An additional offset cul-de-sac is proposed at the end of Peachtree Street, to provide for emergency vehicle turnaround. Part of the subject property was originally platted as part of the 113-parcel Park Addition subdivision, which was partially developed. The developer is proposing to re-plat 19 of those lots, comprising 7.82 acres, along with the remaining 5.48 acre metes and bounds tract, not including rights-of-way, to be platted as part of the new subdivision. The total number of lots in the new subdivision would be 46.

The following criteria shall be used to determine whether the application for a Preliminary Subdivision Plat shall be approved, approved with conditions, or denied where no Subdivision Concept Plat has been approved for the land subject to the proposed plat:

- (1) The plat is consistent with all zoning requirements for the property, and any approved development agreement;
- (2) The plat conforms to the approved Watershed Protection Plan (Phase 1);
- (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans;
- (4) 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; and
- (5) 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 the preliminary plat, subject to the following condition:

- 1. No construction of public improvements shall occur until after the Final Plat is recorded.

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.

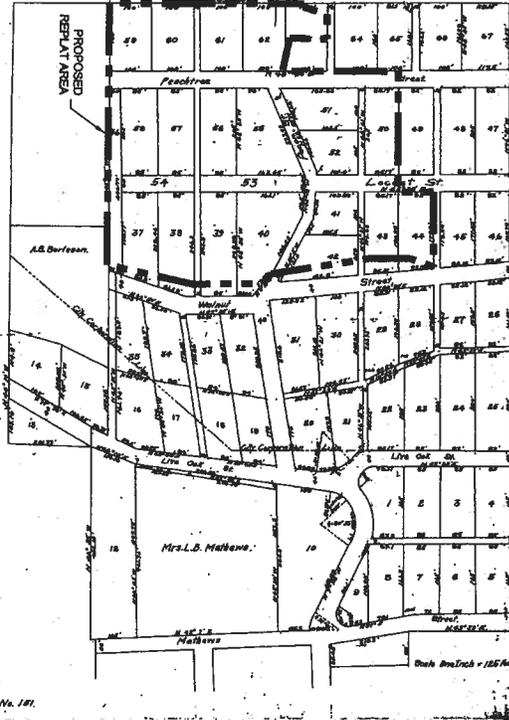
Prepared By:

Christine Barton-Holmes, LEED AP	Chief Planner	March 13, 2012
Name	Title	Date

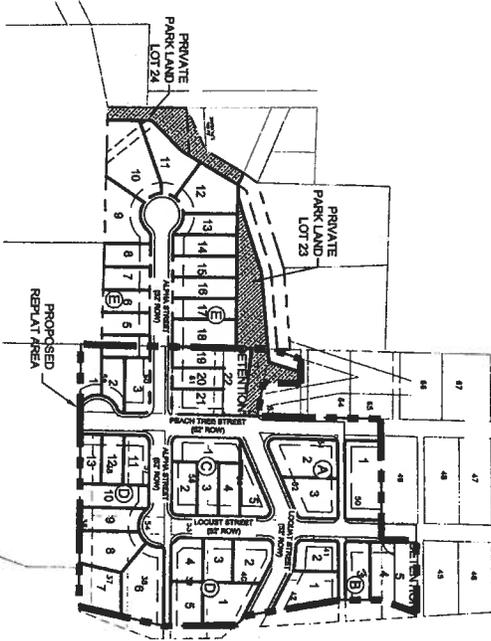
Vol. 5449.420

FIRST AND SECOND DIVISION
 PARK ADDITION
 TO THE
 CITY OF SAN MARCOS, TEX.

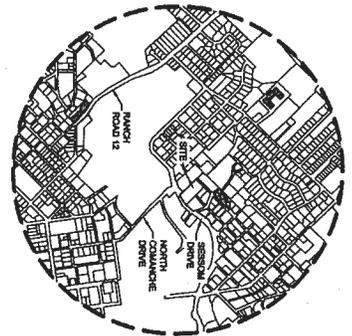
G.A. McHugh



Plan No. 181



PURPOSE OF REPLAT
 REPLAT OF LOTS 36-44, 50-62 AND NORTH 1/2 OF LOT 63 OUT OF
 PARK ADDITION SUBDIVISION, FIRST AND SECOND DIVISION,
 RECORDED IN VOLUME 54 PAGE 420 OF THE HAYS COUNTY
 TEXAS PLAT RECORDS TO ESTABLISH LOTS 1-4, BLOCK A, LOTS
 5-8, BLOCK B, LOTS 9-16, BLOCK C, LOTS 17-23, BLOCK D, LOTS 24-31,
 BLOCK E, LOTS 32-39, BLOCK F, AND PORTION OF LOT 23,
 BLOCK E.



SUBDIVISION NAME SESSOM COURT SUBDIVISION	PROPERTY OWNERS SEE ATTACHED LIST
ENGINEER RAMSEY ENGINEERING, LLC 3206 YELLOWPINE TERRACE AUSTIN, TX 78757 (512) 650-6800	DATE OF PREPARATION: 2/21/2012
SCALE: 1" = 200'	PROJECT NO. 12-001-10
ABSTRACT/SURVEY: THOMAS J. CHAMBERS SURVEY ABSTRACT NO. 2, TRACT 232	

SHEET TITLE PRELIMINARY PLAT	PROJECT SESSOM COURT SUBDIVISION SAN MARCOS, TEXAS
PROJECT NO. 12-001-10	REVISIONS
SHEET NO. 1 OF 2	RECORD

DATE	REVISIONS	RECORD

3/21/12

STEPHEN RAMSEY
 STATE OF TEXAS
 LICENSED PROFESSIONAL ENGINEER
 47870

RAMSEY
 ENGINEERING

Ramsey Engineering, LLC
 Civil Engineering • Consulting
 TBPE Firm No. F-12606

3206 Yellowpine Terrace
 Austin, Texas 78757

Cell: 512-650-6800
 ramsey-eng@att.net

DESIGNED: SR DRAWN: AL REVIEWED: CD, MO



MEMO

To: Planning and Zoning Commission
From: Christine Barton-Holmes, LEED AP, Chief Planner
Date: March 20, 2012
Re: LDC Revisions- Round 5 – LDC-12-13

At the City Council's suggestion, and in response to concern from citizens, an ordinance has been drafted that would prohibit modifying the boundary of a zoning request, after a petition that would necessitate a super majority vote has been submitted.

LDC-12-13 - An amendment to the City's Land Development Code to prohibit changing the boundaries of a zoning map amendment request after filing said request.

- Ordinance would add the following language to Section 1.5.1.4, *Super-Majority Vote*:

A petition for a zoning map amendment may not be modified to change the boundaries of the subject property after a written protest petition requiring a super-majority vote of the city council has been submitted.

- This would allow for consideration and action on the item as originally submitted and noticed.

Next Steps

Staff is proposing the following schedule for adoption:

- March 20th
 - City Council Public Hearing – Review of Ordinance Text
- March 27th
 - P&Z action
- April 3rd
 - City Council Public Hearing
- April 17th
 - City Council Reconsideration

ORDINANCE NO. 2012-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 1.5.1.4 OF THE SAN MARCOS LAND DEVELOPMENT CODE TO PROHIBIT MODIFICATION OF THE BOUNDARIES OF PROPERTY DESCRIBED IN A PETITION FOR A ZONING MAP AMENDMENT AFTER A WRITTEN PROTEST PETITION REQUIRING A SUPER-MAJORITY VOTE OF THE CITY COUNCIL HAS BEEN SUBMITTED; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Section 1.5.1.4, subsection (e) of the San Marcos Land Development Code is hereby amended to read as follows (new language is underlined):

(e) *Super-Majority Vote.* In each of the following circumstances, a zoning amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council:

- (1) When a written protest against the amendment is signed by the owners of 20 percent or more of either the area of the lots or land included in the proposed change, or of the lots or land adjoining or within 200 feet of the lots or land. In computing the percentage of land area, the area of streets and alleys shall be included in the computation. For purposes of this subsection, the following shall apply:
 - a. The written protest of any one owner of land owned by two or more persons shall be presumed to be the protest of all such owners.
 - b. The written protest must be submitted to the City Clerk at least five business days before the date of the meeting at which the proposed change is to be considered.
 - c. A person who wishes to withdraw a signature from a written protest must submit a signed, written request for the withdrawal to the City Clerk by the deadline for submitting a written protest. A signature may not be otherwise withdrawn.

d. A petition for a zoning map amendment may not be modified to change the boundaries of the subject property after a written protest petition requiring a super-majority vote of the city council has been submitted.

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on the ___ day of _____, 2012.

PASSED, APPROVED AND ADOPTED on second reading on the ___ day of _____, 2012.

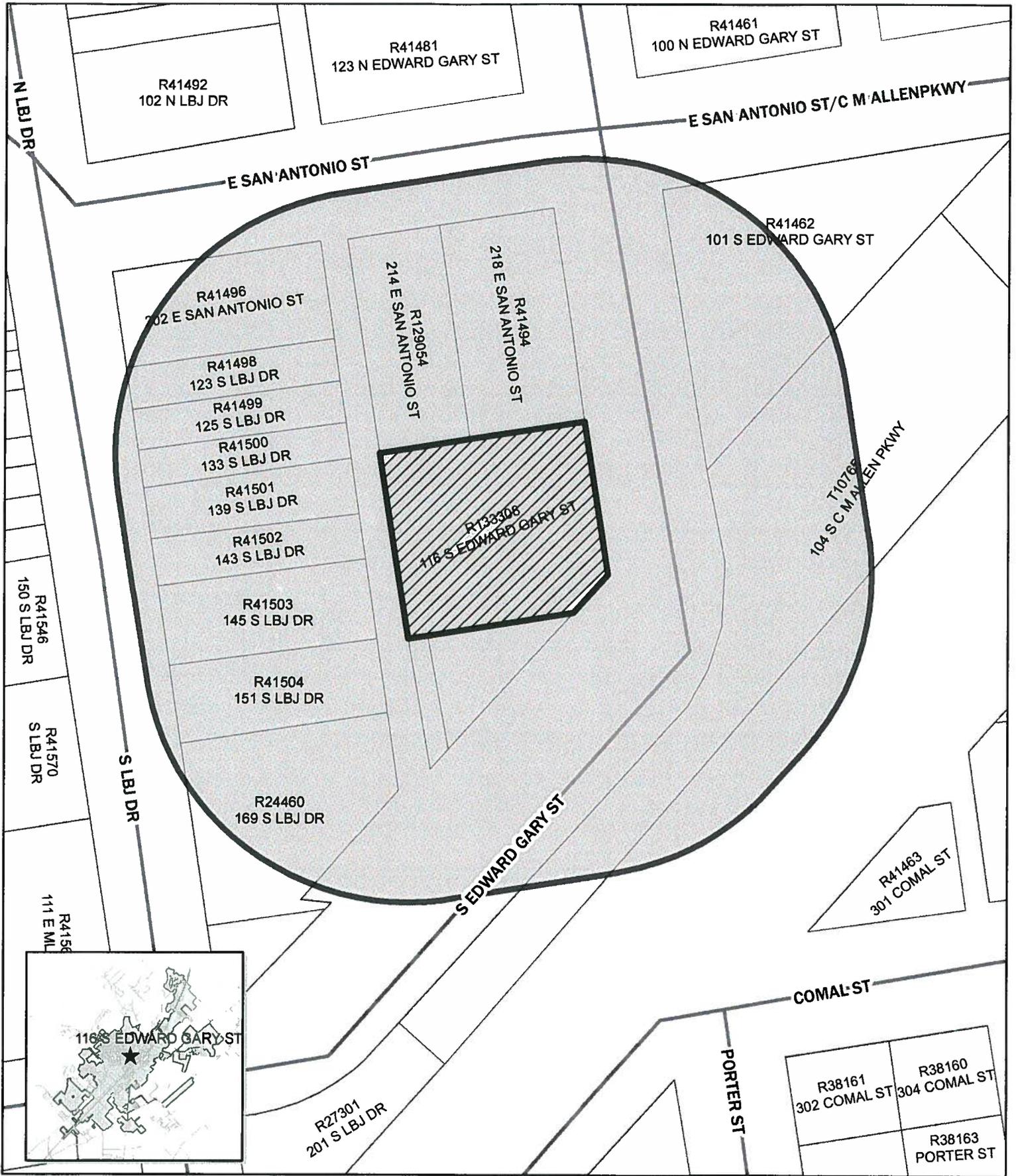
Daniel Guerrero
Mayor

Attest:

Approved:

Jamie Lee Pettijohn
City Clerk

Michael J. Cosentino
City Attorney

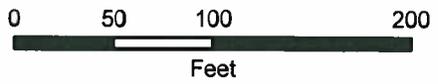


CUP-12-11

Railyard Bar & Grill
116 S. Edward Gary St
Map Date: 02/24/12

-  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.



CUP-12-11
Conditional Use Permit
Railyard Bar and Grill
116 S. Edward Gary Street



Applicant Information:

Applicant: Railyard Bar and Grill, LLP
 Matt Hageman
 116 S. Edward Gary Street
 San Marcos, Texas 78666

Property Owner: Reliant Solutions
 PO Box 91383
 Austin, Texas 78709-1383

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

Notification: Public hearing notification mailed on March 9, 2012

Response: None to date

Subject Property:

Location: 116 S. Edward Gary Street.

Legal Description: Original Town of San Marcos Lot 2A, Block 9.

Frontage On: Edward Gary Street

Expiration Date: February 22, 2012

Neighborhood: Downtown

Existing Zoning: T5

Master Plan Land Use: Commercial

Sector: Sector 8

Existing Utilities: Adequate

Existing Use of Property: Restaurant/Bar

Proposed Use of Property: Restaurant/Bar

Zoning and Land Use
 Pattern:

	Current Zoning	Existing Land Use
N of Property	T5/CS	Commercial
S of Property	T5	Commercial
E of Property	T5	Commercial
W of Property	T5	Commercial

Code Requirements:

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

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

This location is outside the CBA, and is not subject to the additional requirements in the CBA.

Case Summary

The subject property is located on Edward Gary Street just north of the railroad tracks. A Conditional Use Permit for mixed beverages was approved for one year on February 22, 2011, prior to the establishment opening. Since the approval of the initial CUP, the SmartCode was approved, and this site is now within the T5 Transect. The applicant filed for renewal prior to the expiration of the initial CUP.

The application indicates hours from 11 am to 2 am and an interior stage for live music. Fixed seating includes approximately 100 seats inside and 40 outside, as part of an outdoor recreation area with washers and horseshoe pits. The site has 31 parking spaces. Parking is adequate under the requirements of the SmartCode.

Comments from Other Departments:

Building, Engineering, Police Fire, Environmental Health, and Code Enforcement have reported no major concerns regarding the subject property. The Police Department has not reported any points assessed against the establishment, nor noise complaints.

Planning Department Analysis

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

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

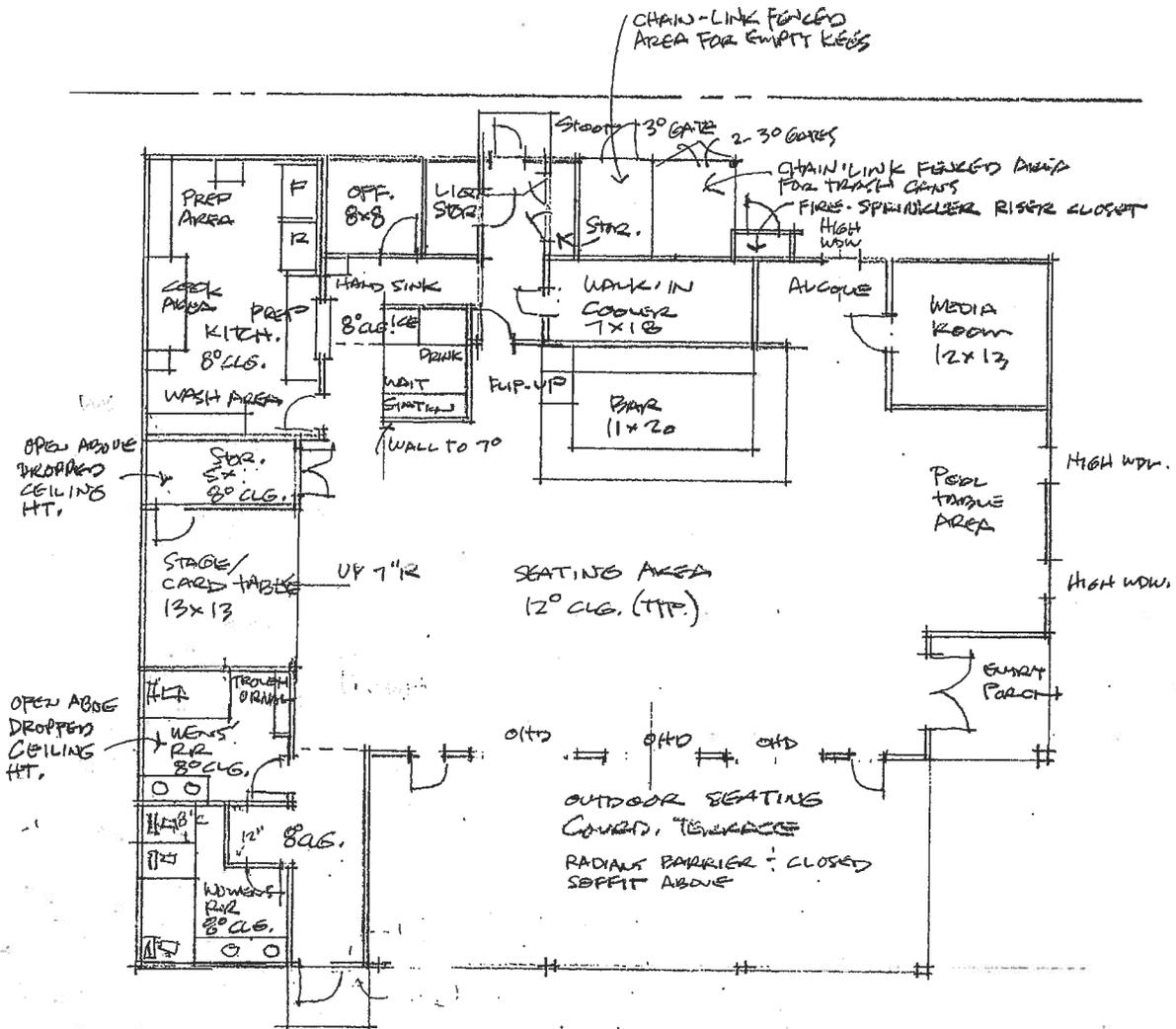
Considering there have been no complaints lodged or points recorded against this site, staff recommends a renewal for a three-year period.

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

1. **The CUP be valid for three years, provided standards are met, subject to the point system.**
2. **Amplified music shall be limited to the indoor stage only, and shall end at 10:00 pm.**

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

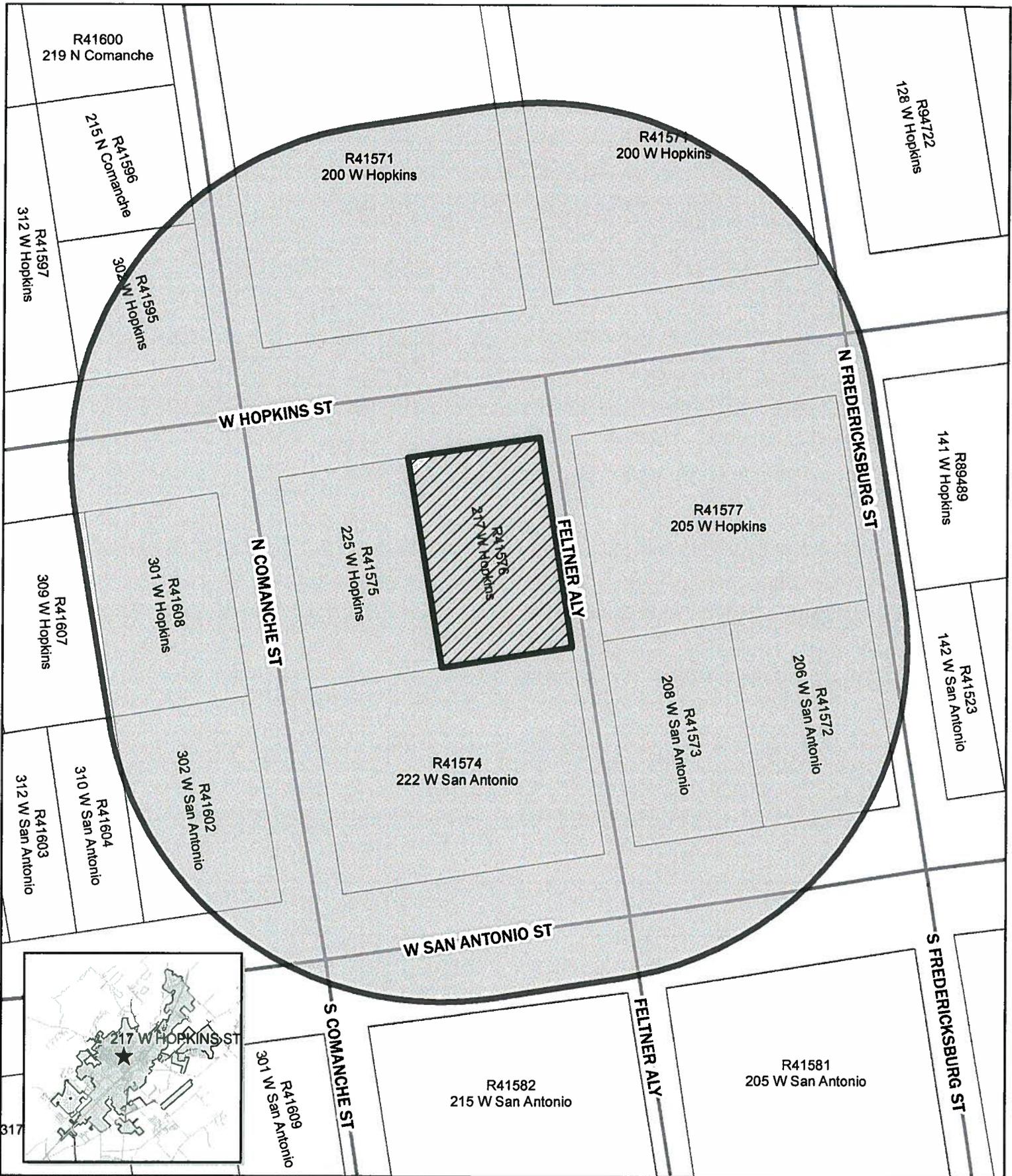
2x6 EXT WALLS 24" OC
 WOOD ROOF TRUSS
 SPRINKLERED
 (1/2" RATED, EXT. WALLS)



LOOK PLAN SC: 1"=10'

1/10/11
 HEATED AREA: 3718 SF
 COURT PORCH: 900 SF
 TOTAL: 4608 SF
 VENTURE FOLE ARCHITECTS, INC.

2011 JUN 25 PM 3 57
 Clara Kamowska, Architect



CUP-12-12

Tantra Coffehouse
217 W. Hopkins St

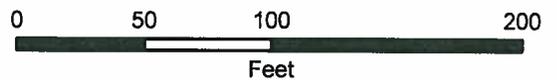
Map Date: 03/02/12



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.



**CUP-12-12
Conditional Use Permit
Tantra Coffeehouse
217 W. Hopkins**



Applicant Information:

Applicant: Nathan W. Todd
903 Belvin St.
San Marcos TX 78666

Property Owner: L.O. Backus
901 Franklin
San Marcos, TX 78666

Applicant Request: Renewal of an existing Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine at a coffeehouse/retail store.

Notification: Public hearing notification mailed on March 14, 2012.

Response: Kyle, a managing member of Tantra notified staff that measures are being taken to dampen noise and improve sound buffering between Tantra and surrounding businesses. In addition, Kyle informed staff that decibel meters have been purchased for monitoring noise on site.

Subject Property:

Location: 217 W. Hopkins St.

Legal Description: Original Town of San Marcos Lot 6, Block 15.

Frontage On: Hopkins St.

Expiration Date: June 12, 2010

Neighborhood: Downtown

Existing Zoning: T5

Master Plan Land Use: Commercial

Sector: Sector 8

Existing Utilities: Adequate

Existing Use of Property: Coffeehouse/retail

Proposed Use of Property: Coffeehouse/retail

Zoning and Land Use
Pattern:

	Current Zoning	Existing Land Use
N of Property	Hopkins St./T5	ROW, HEB
S of Property	CS	Civic Space, Price Center
E of Property	T5	Commercial
W of Property	T5	Benchmark Insurance Company

Code Requirements:

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

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

Case Summary:

Tantra Coffeehouse is located at 217 W. Hopkins Street west of the Central Business Area. The location is surrounded by other businesses with T5 Smart Code zoning. Hours of operation are Sunday-Friday 7AM - 12AM and Saturday 7AM – 1AM. Tantra hosts live music and has an indoor fixed seating capacity of 30 seats with a gross floor area of 1,840 square feet. Outdoor fixed seating varies.

Tantra Coffeehouse was originally granted a Conditional Use Permit for on-premise sales and consumption of beer and wine in 2006. The permit was renewed for 3 years in 2007. Live music is permitted at the establishment. The current permit expired in June, 2010. Staff notified the applicant on December 22, 2011.

Several conditions have applied to the previous CUPs including:

- All musicians must use the sound system provided by Nathan Todd (Business owner). The acceptable pre-set volume is in accordance with the Land Development Code and cannot be exceeded regardless of the type of music at any time.
- The sale and consumption of beer and wine will be allowed after 10 A.M. Monday-Saturday and 12 P.M. Sunday.
- A written statement from the business owner (Mr. Todd) shall be provided stating that he will require all employees to maintain a current TABC certification.
- Resolution of over-flow event parking, which may include an off-site parking agreement.

A verbal off-site parking agreement was established between Tantra and Benchmark Insurance Group. There are currently 9 off-site parking spaces provided in addition to the parking agreement with Benchmark.

Comments from Other Departments:

The Police Department noted that there have been numerous calls over the last year. None of the recorded calls involved parking issues. Noise complaints have been recorded with the police department and a decibel meter has been used to measure the volume of noise at the location. One reading noted an 85 decibel noise level as recorded from Hopkins Street.

No comments were received from other departments.

Planning Department Analysis

This is a request for the renewal of a Conditional Use Permit allowing beer and wine sales for consumption on premise. This is the second request for a CUP renewal which typically leads to approval for the life of the State TABC license. Staff feels that a renewal for the life of the TABC

license is not warranted based on the volume of complaints received by the Police Department. The excessive length of expiration (over a year and a half) in addition to over fifteen noise complaints over the last two years has led staff to believe that a renewal for the life of the TABC Permit would not be justified. Instead, staff recommends that the renewal be approved for six months based on similar recent cases. The six month renewal would allow the applicant time to address the noise issues expressed by the Police Department and give the Commission the ability to monitor the progress of noise mitigation during a shorter timeframe.

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

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

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

- 1. The CUP be valid for six months, provided standards are met, subject to the point system;**
- 2. All musicians must use the sound system provided by Tantra. The acceptable pre-set volume shall be accordance with Section 6.4.2.1 of the Land Development Code and cannot be exceeded regardless of the type of music being performed;**
- 3. The sale and consumption of beer and wine will be allowed after 10 A.M. Monday-Saturday and 12 P.M. Sunday;**
- 4. Mr. Todd shall continue to require all employees to maintain a current TABC certification per his written statement submitted at the initial granting of the CUP on March 14, 2006.**
- 5. Proof of maintenance of over-flow parking agreement with Benchmark Insurance Group shall be submitted.**

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

The Commission's Responsibility:

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

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

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

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

Prepared by:

John Stanley

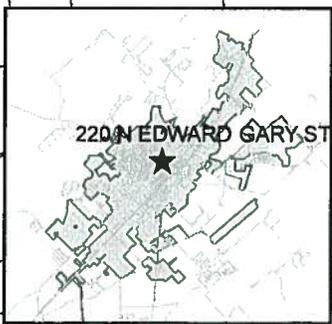
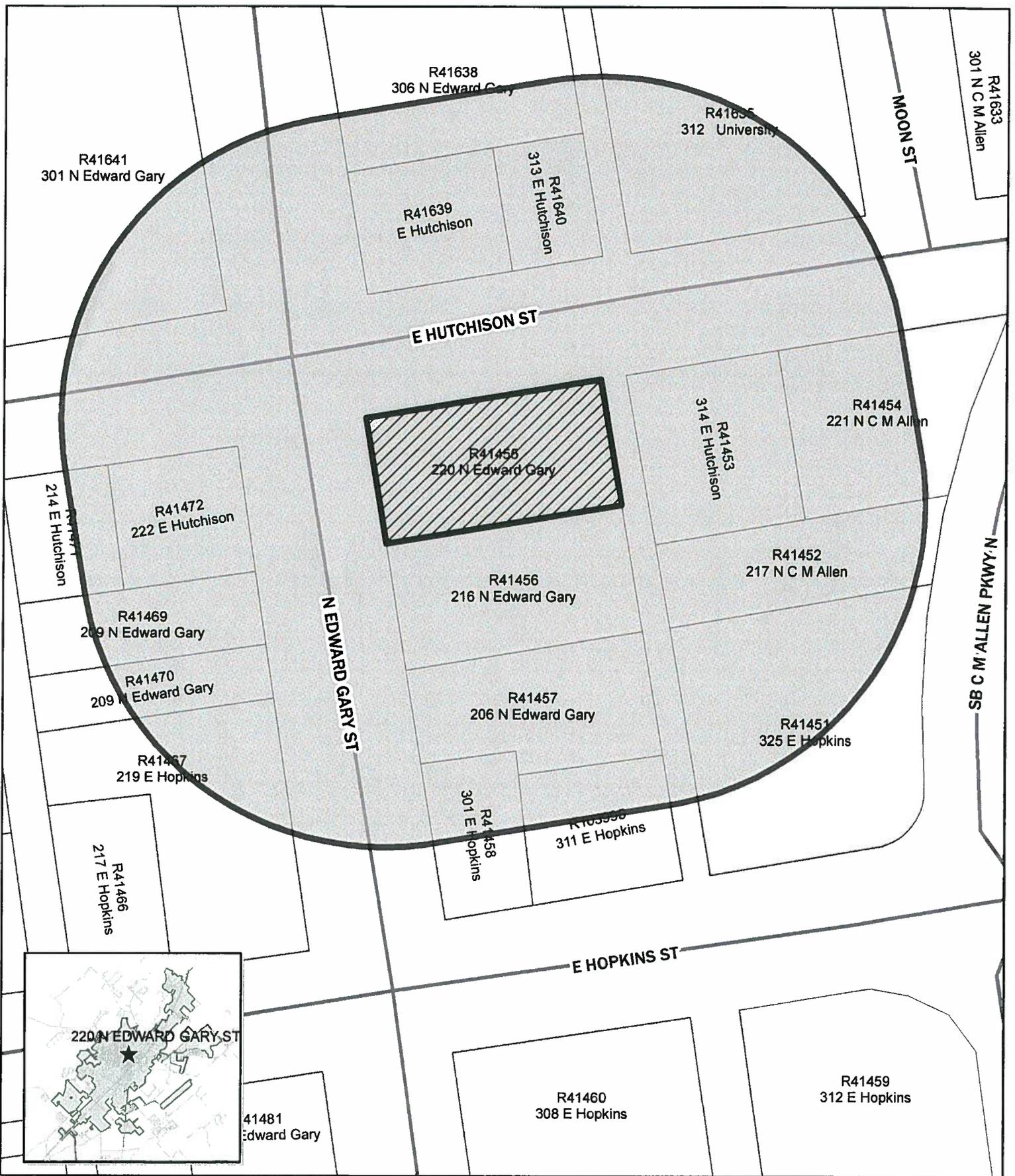
Planner

March 19, 2012

Name

Title

Date



CUP-12-13
Cedar's Cafe
220 N Edward Gary St
Map Date: 03/02/12

-  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.



CUP-12-13
Conditional Use Permit
Cedars Mediterranean Cafe
220 N. Edward Gary Street



Applicant Information:

Applicant: Petra Business Inc.
 220 N. Edward Gary Street
 San Marcos TX 78666

Property Owner: Carson Diversified Properties 2, LLC
 1911 Corporate Dr. Suite 102
 San Marcos, TX 78666

Applicant Request: Request for renewal of an existing Conditional Use Permit allowing a Smoking Lounge in a T5 zoning district.

Notification: Public hearing notification mailed on March 13, 2012.

Response: None

Subject Property:

Location: 220 N. Edward Gary Street.

Legal Description: Lot 5, Block 4, Original Town of San Marcos

Frontage On: N. Edward Gary Street and E. Hutchinson

Expiration Date: July 24, 2010

Neighborhood: Downtown

Existing Zoning: T5

Master Plan Land Use: Commercial

Sector: 8

Existing Utilities: Adequate

Existing Use of Property: Restaurant & Hookah Lounge

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	T5	C
S of Property	T5	C
E of Property	T5	C
W of Property	T5	C

Code Requirements:

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

A smoking/hookah lounge was not originally listed in the land use matrix. The Commission held a public hearing to consider appropriate zoning for this use on June 13, 2006. It was determined

that a smoking lounge should be permitted by right in HC, GC and I, and a conditional use in MU, CC, NC and CBA zoning districts.

With the adoption of the Smart Code, Cedar's is now in a T5 zoning. A Hookah Lounge is not expressly permitted by right within the Smart Code land use matrix. It is up to the Commission to determine if this use shall be allowed by warrant since it is not consistent with a specific provision of the Code. A warrant (CUP) may be issued if the Commission determines that this use is justified by the provisions of Section 1.3 Intent as seen below.

1.3. INTENT

1.3.1. The intent and purpose of this Code is to enable, encourage and qualify the implementation of the following policies:

1.3.3. The Community

- a. That neighborhoods and Regional Centers should be compact, pedestrian oriented and Mixed Use.
- b. That neighborhoods and Regional Centers should be the preferred pattern of development and that Districts specializing in a single use should be the exception.
- c. That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.**
- d. That interconnected networks of Thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
- e. That within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
- f. That appropriate building Densities and land uses should be provided within walking distance of transit stops.**
- g. That Civic, Institutional, and Commercial activities should be embedded downtown, not isolated in remote single-use complexes.**
- h. That schools should be sized and located to enable children to walk or bicycle to them.
- i. That a range of Open Space including Parks, Squares, and playgrounds should be distributed within neighborhoods and downtown.

1.3.4. The Block and the Building

- a. That buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.
- b. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.

1.3.5. The Transect

- a. That Communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- b. That the Transect Zone descriptions on Table 1.1 shall constitute the Intent of this Code with regard to the general character of each of these environments.

Case Summary:

This property is located on the northeast corner of the intersection of North Edward Gary Street and East Hutchinson Street and is within the T5 Smart Code Zoning. It is surrounded by commercial uses. The subject property is a one story, wood frame, brick veneer structure containing 4,505 Sq. Ft. This structure was designed to function as a restaurant. The Cedars Mediterranean Café opened in November of 2006. There are 114 indoor fixed seats and none outside.

The subject property has 24 Off-Street parking spaces which meets Smart Code standards.

Comments from Other Departments:

There were no issues reported by Fire, Code Enforcement, SMEU, Police or Engineering.

Planning Department Analysis:

Staff feels that the hookah bar is a compatible use with the surrounding area and that the maintenance of its current use would not create adverse effects on surrounding businesses. The original CUP expired in July, 2010. Based on the fact that this CUP has been expired for over a year and a half, staff is recommending that the CUP only be renewed for 6 months as has been the precedent recently with expired CUP renewals.

Staff believes the current use as a restaurant and hookah lounge meets the intent of the Smart Code under Section 1.3. The Smart Code calls for commercial activities to be embedded downtown and within walking distance of most dwellings. Cedar's is located in close proximity to the university and provides amenities meeting the nature of those called for within the Smart Code.

According to the City's Clean Air Ordinance (Section 34.256 et seq.), tobacco specialty shops are not required to designate a no-smoking area, although they are encouraged to do so whenever possible. A clearly visible sign should be placed at the entrance stating "Smoking is permitted throughout the entire area."

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

- 1. The permit shall be valid for six (6) months, provided standards are met, subject to the point system;**
- 2. Signage requirements of the Clean Air Ordinance are met;**
- 3. A clearly visible sign shall be posted at the entrance stating that "Smoking is permitted throughout the entire area".**

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

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment on this application. After considering the public input, the Commission is charged with making a decision to approve, approve with conditions, or deny the Conditional Use Permit. The applicant or any interested person may appeal the decision to City Council within 10 working days.

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

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

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

John Stanley	Planner	March 19, 2012
Name	Title	Date



DEVELOPMENT SERVICES-PLANNING

December 22, 2011

Cedar's Cafe
Hussam Al-Dmour
220 N. Edward Gary Street
San Marcos TX 78666

RE: Conditional Use Permit for 220 N. Edward Gary St.
EXPIRATION DATE: July 24, 2010

Dear Mr. Al-Dmour:

A Conditional Use Permit (CUP) to allow on premise consumption of alcoholic beverages at 220 N. Edward Gary St. San Marcos, TX, was granted by the Planning and Zoning Commission on July 24, 2007 for three (3) years.

Your CUP has expired. Without a valid CUP, the sale of alcoholic beverages for on-premise consumption is not allowed at this location. To limit any disruption in service, a complete application for a new CUP, including the fee and all support materials must be filed with the City as soon as possible. For your convenience, I have provided an application form.

Planning staff is here to assist you in this process. If we do not hear from you or receive a completed application within 10 days after the receipt of this letter, it may be necessary for the City to consider enforcement action as permitted under the Land Development Code. Should you have any questions or if you believe this request is in error, please contact me directly at 512-393-8230.

Thank you for your attention to this matter.

Sincerely,

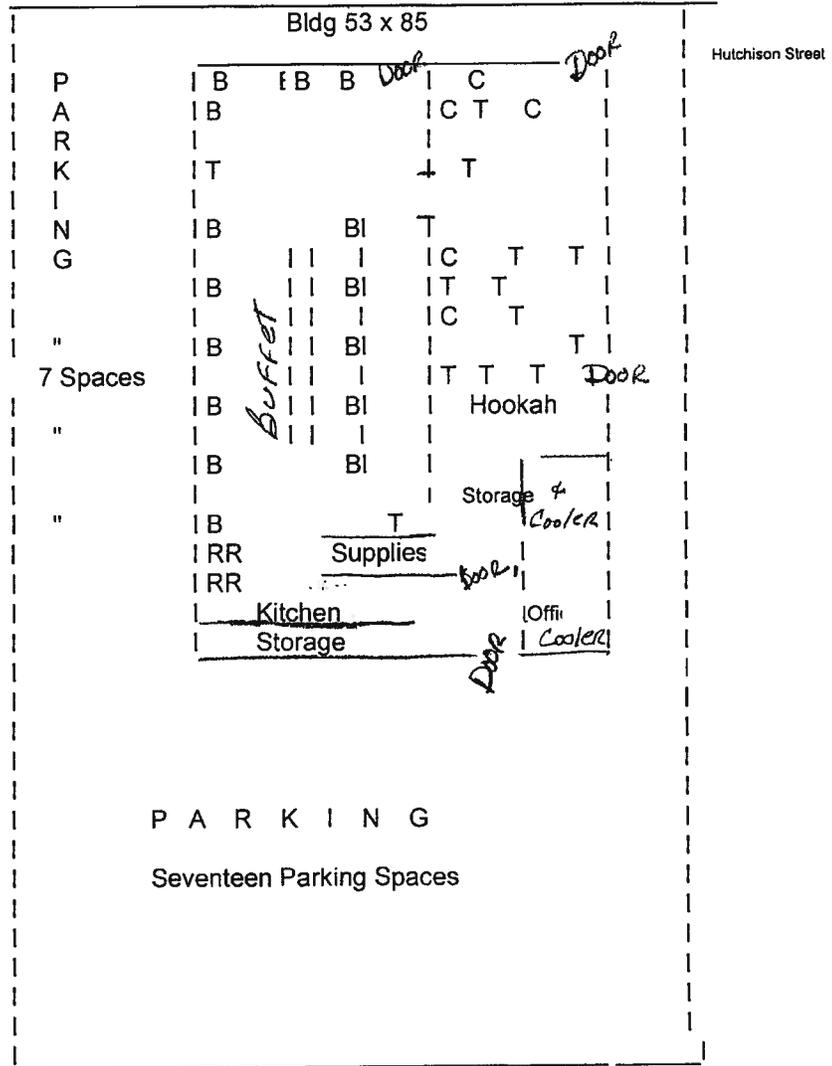
John Foreman

Chief Planner

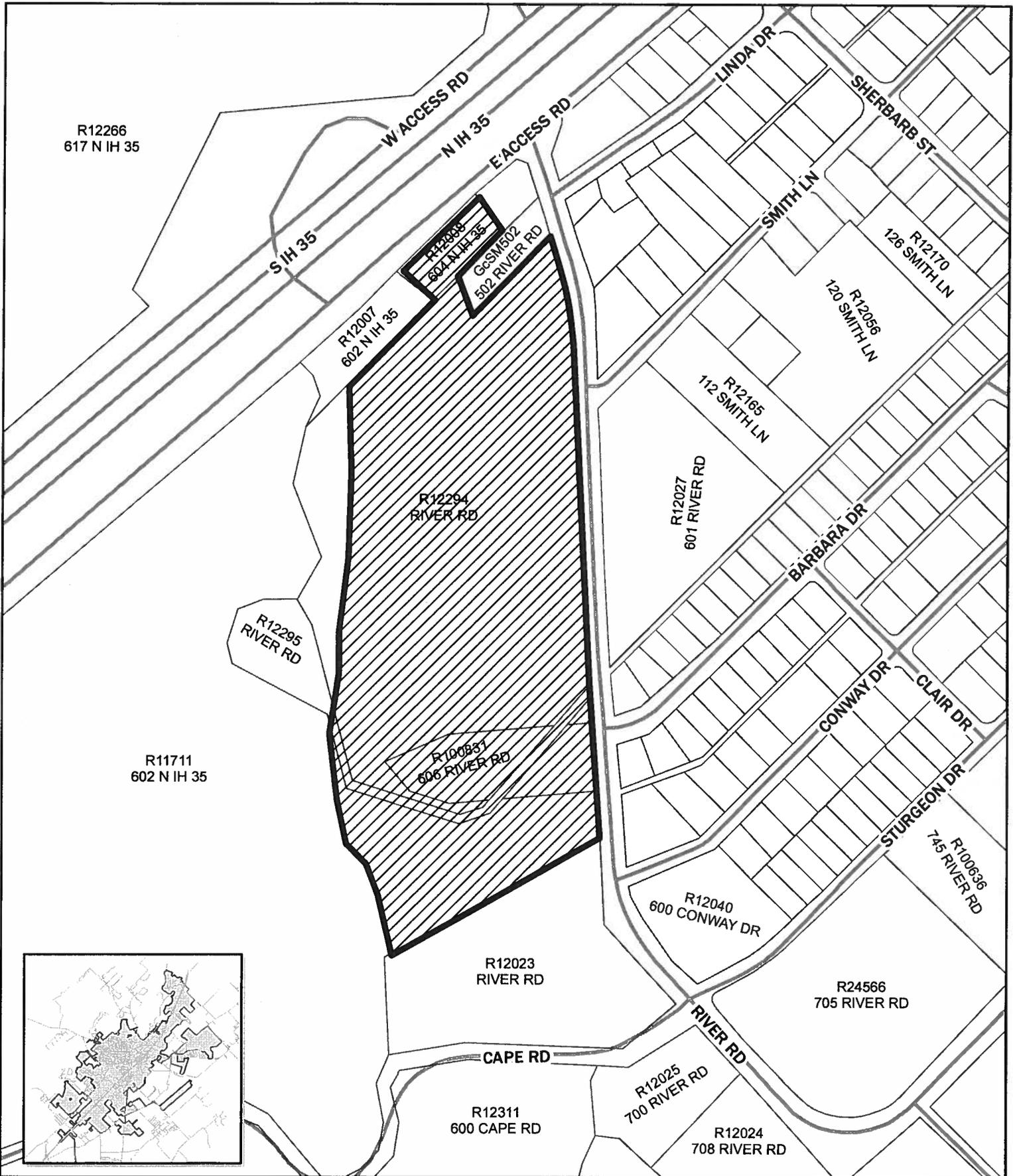
Cedars Mediterranean Cafe
 220 N Edward Gary, San Marcos, Tx 78666

Lot size 84 x 156

Eskimo Subs
 Next Door



B=Booth
 T=Table
 C=Couch



R12266
617 N IH 35

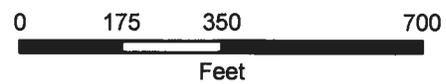
R11711
602 N IH 35



LUA-11-25
Capes Camp
Map Date 3/15/12

-  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.



Land Use Map Amendment LUA-11-25 Capes Camp - River Road



Summary:

The applicant is requesting a Land use Map Amendment from Commercial (C) to Medium Density Residential (MDR)

Applicant:

Thornton Family Investments
P.O. Box 1430
San Marcos, TX 78667

Property Owner:

Thornton Family Investments
P.O. Box 1430
San Marcos, TX 78667

Notification:

Personal notifications of the public hearing were mailed on March 15, 2012 to all property owners within 200 feet of the subject property.

Response:

Saul Gonzales called with concerns over drainage and traffic issues already present in the Capes Camp area. He has firmly requested that the land not be rezoned and that the Land Use Map not be amended.

Loraine Bursleson, the neighborhood representative for Blanco Gardens Neighborhood, expressed her neighborhood's desire that the land use and zoning not be changed. She mentioned that she had received more than 5 calls from residents wishing her to pass on their feeling that more apartments would be detrimental to the vitality of the Blanco Gardens Neighborhood.

A representative from a nearby apartment complex called with questions regarding the type of multi-family that may be built.

Subject Property:

Legal Description:

4.2 +/- Acres, in the J.M. Veramendi Survey No. 2, Abstract No. 17, City of San Marcos, Hays County, Texas

Location:

West of River Road, south of existing commercial fronting IH-35, east of San Marcos River, north of vacant land.

Sector: 6

Current Zoning: Future Development (FD)

Proposed Zoning: MF-12, Multi-Family Residential District (Maximum 12 units per gross acre)

Current Future Land Use Map Designation: Commercial (C)

Proposed Future Land Use Map Designation: Medium Density Residential (MDR)

Surrounding Land Use and Zoning pattern:

Proximity	Zoning	Existing Land Use	Future Land Use
N of property	GC, CC, P	Single family residential, public & institutional	Commercial
S of property	FD	Vacant	Medium density residential
E of property	MF-12, MU	multi-family residential	Medium density residential
W of property	FD	Open Space, commercial	Open Space

Background Information:

The Land Use Map Amendment proposed is part of a larger 23.16 acre application running concurrently, including a zoning change from Future Development (FD) to Multi-Family 12 (MF-12). The entire site lies within the San Marcos River Corridor and Floodplain.

This application involves 4.2 acres of land currently designated as Commercial on the City’s Future Land Use Map. The applicant desires to change the Land Use designation to Medium Density Residential. The proposed area fronts River Road to the east and I-35 frontage to the north. The applicant has indicated that he hopes to put multi-family housing on the larger 23.16 acre tract of land, dedicating land to the west of the tract as parkland along the river. The Future Land Use change would allow for the property to be rezoned to MF-12 and used for access from the property to the IH-35 frontage road. The property was annexed by the city in 1982.

If Approved along with Zoning:

If the land use amendment and zoning change are approved the applicant would have the ability to move forward with a Watershed Protection Plan (WPP). This plan must be approved before plat approval. The WPP would govern future development on the site and precisely identify all environmental features. The maximum allowable impervious cover (30%) would be indicated along with the proposed distribution of such cover. The impervious cover may be apportioned based on the overall site, minus the minimum required area for parkland dedication. The impervious cover could potentially be concentrated to the area east of the river rezoned as MF-12 with the remainder of the site planned for dedication as public parkland with minimal or no impervious cover. Any area dedicated as parkland above the required amount for the development may be used as part of the gross acreage used in calculation of impervious cover on the final lot platted for development.

After the WPP is approved, the platting process may begin. Dedication of the parkland (which may be greater than the minimum required) will be completed at this stage. A plat note will memorialize the

impervious cover allowance on each resulting lot as approved on the WPP. Site preparation and building would follow after approval of the plat.

Planning Department Analysis:

The subject property is located in within Sector 6 just south of Interstate Highway 35 within city limits. The 4.2 acres at question are an environmentally sensitive area due to their close proximity to the San Marcos River. The San Marcos River Corridor (SMRC) is an overlay district that limits the impervious cover allotment to 30% (LDC 5.3.1.1). The purpose of the corridor is to protect the environmental and recreational value of the San Marcos River by minimizing the impact of development on the area and preserving as much as possible the natural vegetation and characteristics of the river and the surrounding area. The entire site falls within the corridor. In addition, the proposed land use amendment area also includes a small portion of land along the IH-35 frontage road, sandwiched by commercial uses. The site does not appear ideal for commercial development. The frontage area is not near an off-ramp for the highway. In addition, the portion of the tract fronting IH-35 is significantly lower in elevation than the highway, reducing visibility. The proximity to the river does present the possibility of commercial uses associated with recreation. The requested land use would represent a reduction in intensity of use including infrastructure, signage, lighting, etc.

Recent growth patterns indicate that there is a need for additional housing stock in the area. 17% of the acreage within Sector Six is zoned Commercial making it the second largest zoning classification in the sector behind Public and Institutional (P). Less than 1% of the acreage is designated as Medium Density Residential. The Future Development (FD) land use classification comprises about 13% of Sector 6. The proposed Land Use Map Amendment would bring the district into conformity with adjacent land use recommendations.

Changing the Future Land Use and subsequent Zoning of the portion of the tract along the highway would allow for site access along the frontage road potentially minimizing the impact along River Road as well as improving access for emergency vehicles.

Staff has analyzed the request for consistency with the *Horizons Master Plan*:

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
	X		<p>Policy LU-2.2: The city shall regulate development and encourage suitable land uses over the Edwards Aquifer and adjacent to the San Marcos and Blanco Rivers.</p> <p><i>Comment: This property is located in the San Marcos River Corridor and within the 100 year flood plain. Development within the floodplain is not ideal, but the City requires that new structures be elevated at least a foot above base flood elevation. Restrictions have been put in place to protect the potential development as well as any construction or use runoff that could affect the San Marcos River to the west. The subject property is located within 200 feet of the San Marcos River placing it within FEMA's Water Quality Buffer Zone. A 30% impervious cover limit is mandated by the SMRC overlay. Impervious cover shall be limited based on the gradient of the land being developed in accordance with the city's Land Development Code. Clustering of development away from the river is recommended in order to protect the river. (Section 5.1.2.4).</i></p>
X			<p>Policy LU-2.3: The city shall strive on a continuing basis to purchase or otherwise set aside as much land as possible along the San Marcos River, Blanco River and creeks, especially that area within the 100-year flood plain, and develop that land as contiguous greenbelts.</p> <p><i>Comment: Substantial acreage along the San Marcos River will be dedicated as parkland in order to preserve the character and health of the river. This land will be dedicated to the city upon platting.</i></p>
			<p>Policy LU-3.1: The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be</p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>avoided.</p> <p><i>Comment: The subject property's proposed land use designation of Medium Density Residential is compatible with the neighboring properties to the south and east which are a mix of single and multi-family residential.</i></p>
X			<p>Policy LU-3.01: The City shall protect existing stable residential neighborhoods from encroachment of commercial or higher density residential uses.</p> <p><i>Comments: The proposed amendment represents a moderate increase in density and the site will be appropriately buffered by landscaping and is separated by Right of Way.</i></p>
X			<p>Policy LU-4.1 The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is property buffered and adequately served by roads and public utilities.</p> <p><i>Comment: The proposed Medium Density Residential would be surrounded by various uses and densities. Including low, medium and high density residential and commercial uses. The subject property is adequately served by River Road, IH-35 frontage and water/waste-water services.</i></p>
X			<p>Policy LU-4.3: The city shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate the traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.</p> <p><i>Comment: Development would have direct access to River Road which is a 4 lane collector street as well as I-35. River Road already handles traffic generated by existing medium and high density residential located across the street from the subject property. Low Density Residential currently uses River Road as a collector serving IH-35. The addition of more medium density residential could create added traffic issues on River Road. The direct access to IH-35 would likely contain the bulk of the traffic generated by the future multi-family development. River Road would likely receive only minor increases in traffic. Approval of this request would minimize the impact on River Road by allowing for access directly to IH-35.</i></p>

Consistent	Neutral	Inconsistent	Sector 6 Plan Sector Goals
X			<p>Continue to improve the Sector 6 neighborhood parks and consider acquiring additional parks and open space.</p> <p><i>Acquisition of Parkland along the San Marcos River would further the Future Implementation Guidelines proposed. Currently, there is little parkland available on the east side of IH-35. The proposed parkland dedication would provide an important connection along the river under IH-35 and further connections on the east side.</i></p>
	X		Traffic calming solutions should be implemented on appropriate neighborhood streets to reduce "cut-through" traffic.
	X		Internal circulation in new commercial development to prevent traffic problems common in strip commercial development.
	X		Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety.
X			<p>Interconnected streets in future development.</p> <p><i>Access is proposed to IH-35 and River Road which would help relieve potential congestion on River</i></p>

Consistent	Neutral	Inconsistent	Sector 6 Plan Sector Goals
			<i>Road and give residents an additional access point to the frontage road.</i>
X			"Neighborhood-friendly" development mitigating negative impacts of higher intensity uses. <i>The request represents a reduction in potential intensity of uses adjacent to the existing neighborhood.</i>
	X		High-quality, attractive development along Interstate 35, Hopkins, Aquarena Springs, Highway 80 and Highway 21 as community gateways
X			Improved open space and recreational opportunities. <i>The dedication of parkland at platting would provide public access to the San Marcos River and Capes Camp area. Currently the property is privately owned.</i>

Summary of Findings:

- There are known drainage issues on the overall site. Approval of this request would allow for clustering of development away from the river would reduce the impacts of development on the river.
- Water Quality Standards must be followed in accordance with FEMA regulation as well as the Land Development Code.
- Amending the Land Use designation along the IH-35 is not consistent with the designation found in the Future Land Use Map. IH-35 frontage is typically classified for commercial uses rather than residential.
- Any change from Commercial to Residential along IH-35 should be carefully considered. The change would reduce the potential intensity of use.
- The frontage along IH-35 within this application is not viewed by staff as being ideal for commercial development.
- Allowing the site to be used for access to a potential multifamily development could reduce the traffic impact on River Road.
- There is a mix of land uses around the site area including single and multifamily housing.

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

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision.

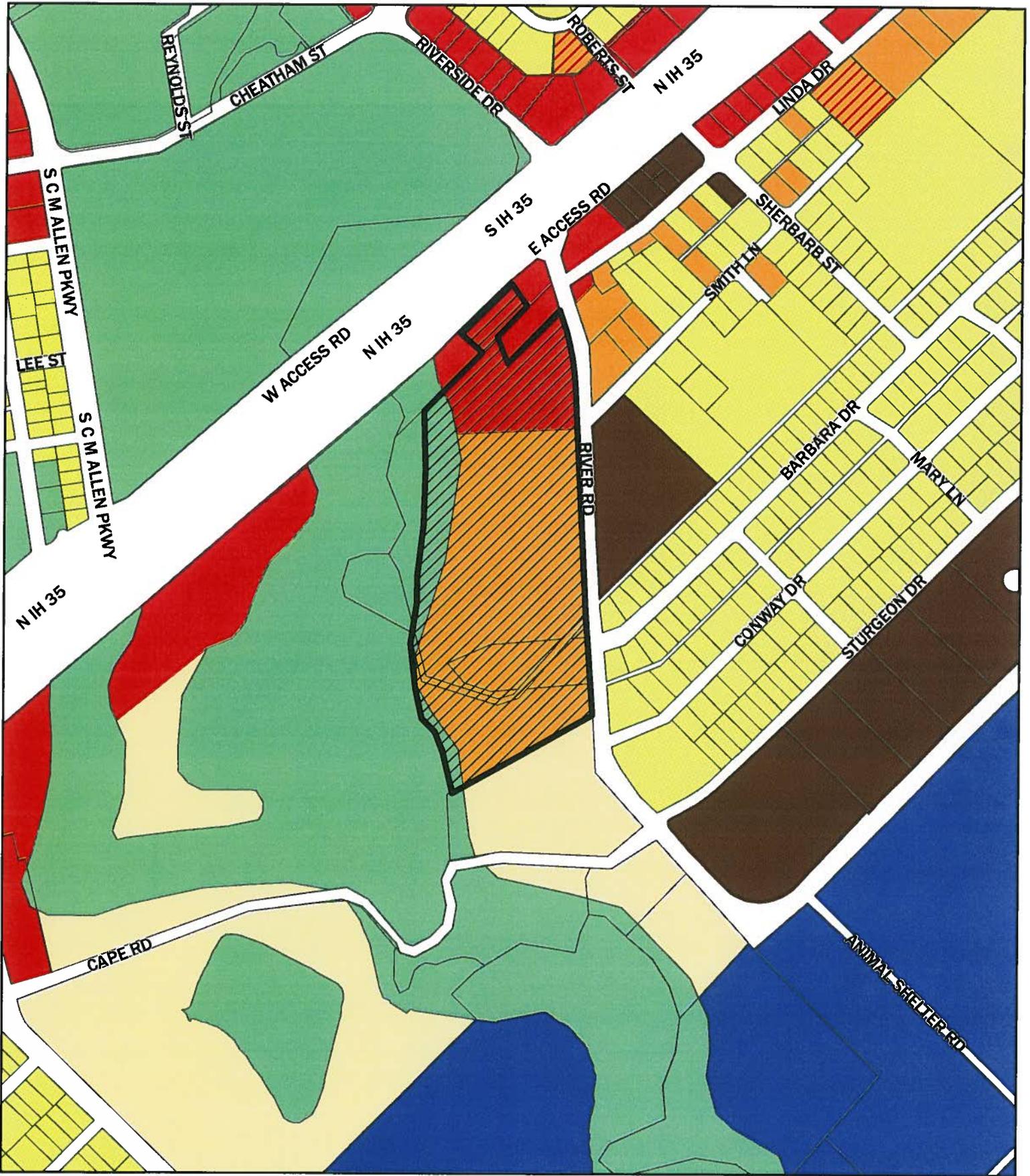
The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

John Stanley	Planner	March 19, 2012
Name	Title	Date



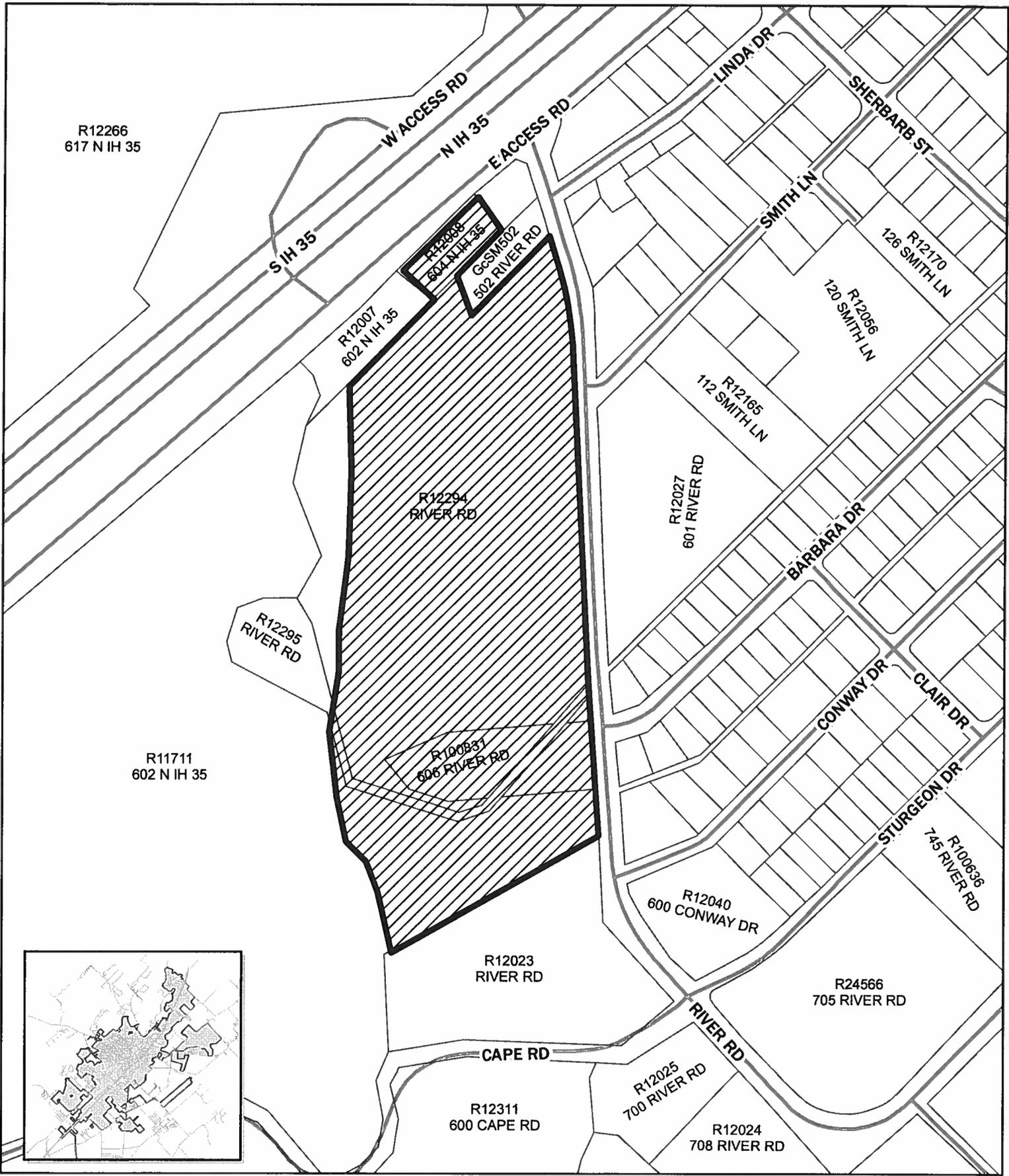
Capes Camp
Future Land Use Map
Map Date: 03/22/12

- Subject Property**
- Subject Property
- Future Land Use**
- | | |
|----------------------|------------------|
| Very Low Density Res | High Density Res |
| Low Density Res | Commercial |
| Med Density Res | Public & Inst |
| Open Space | Mixed Use |

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

0 300 600 1,200
 Feet

N



ZC-11-39
Capes Camp
Map Date 3/15/12

-  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.

0 175 350 700
 Feet



Zoning Change

ZC-11-39

Capes Camp

Summary: The applicant is requesting a zoning change for 23.16 acres from FD (Future Development) to MF-12 (multi-family 12 units per acre).

Applicant: Thornton Family Investments
PO Box 1430
San Marcos TX 78667

Owner: Same

Notification: Personal notifications of the public hearing were mailed on Friday, March 16, 2012 to all property owners within 200 feet of the subject property.

Response: See report for LUA-11-25

Property/Area Profile:

Legal Description: 23.16 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17

Location: Southeast of the intersection of River Road and IH 35

Existing Use of Property: Single farmhouse

Proposed Use of Property: Multi-family Development

Future Land Use Map: Medium Density Residential

Existing Zoning: Future Development (FD)

Proposed Zoning: Multi-family, 12 units per acre (MF-12)

Area Land Use and Zoning Pattern

	Current Zoning	Existing Land Use
N of Property	GC, CC, P	Single-Family residential, lift station, commercial
W of Property	FD/Future Development	Undeveloped/Commercial
S of Property	FD/Future Development	Undeveloped
E of Property	MF-12, MU, SF-6	Single and multifamily residential

Planning Department Analysis

The subject property is located in the San Marcos River Corridor with frontage on River Road and IH 35. The 23.16 acres requested for rezoning is part of a larger 39 acre, more or less, tract. The San Marcos River runs through the approximate center of the site. It is currently zoned Future Development (FD) with two Future Land Use Designations – Commercial and Medium Density Residential. The FD District is intended to provide areas for land that is relatively undeveloped and/or agricultural in nature. The FD district is also a default district for newly annexed land that is not yet ready to be zoned for a particular intended use. This site has been zoned FD (or PD, Predevelopment, which was the equivalent zoning district prior to the citywide rezoning) since its annexation in 1982.

Because of this site's proximity to the river, impervious cover is limited to 30% over the entire 39 acre tract. The applicant intends to cluster this impervious cover in the area proposed for rezoning and has stated the intention to dedicate the remainder of the tract as parkland. Combined with the block length requirement for access every 1,200 feet in the Land Development Code, this creates the opportunity for increased public access to the San Marcos River and much-needed parkland east of IH 35.

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The majority of the site is designated Medium Density Residential, and the proposed zoning is consistent with this designation. The portion of the site along IH 35 is currently designated Commercial. Please see the Land Use Amendment staff report for the analysis of this request.</i></p>
X		<p>Consistency with any development agreement in effect</p> <p><i>No development agreements are in effect for this property.</i></p>
X		<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>The proposed use and the associated standards are consistent with adjacent and nearby uses. The Riverview Apartments, located across River Road are zoned MF-24, the lots along the north side of Smith Lane are zoned Mixed Use. There is single-family zoning across River Road along Barbara.</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>There are adequate utilities in place. There is a lift station located at the northeast corner of the site.</i></p>

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>Staff has not indicated any factors that will substantially affect public health, safety, morals, or general welfare</i></p>

Additionally, the Commission should consider:

Is the property suitable for use as presently zoned?

Staff evaluation: As it is currently zoned, the property can be used only for very low-density residential. Although the property is suitable for this use, it is inconsistent with the property's Future Land Use Designation, as well as adjacent land uses, and the site's proximity to IH 35.

Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: The area has developed substantially around the site since 1982, and the proposed rezoning would be compatible with adjacent zoning classifications.

Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: It will provide additional residential opportunities as well as access to the river east of IH 35. Currently, there is little public river access east of Rio Vista Park.

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

Staff evaluation: The owner would receive no special benefit and the environmental regulations in the Land Development Code are in place to protect the San Marcos River.

Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: The development of this site creates the potential for additional public access to the San Marcos River and provides parkland east of IH 35.

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

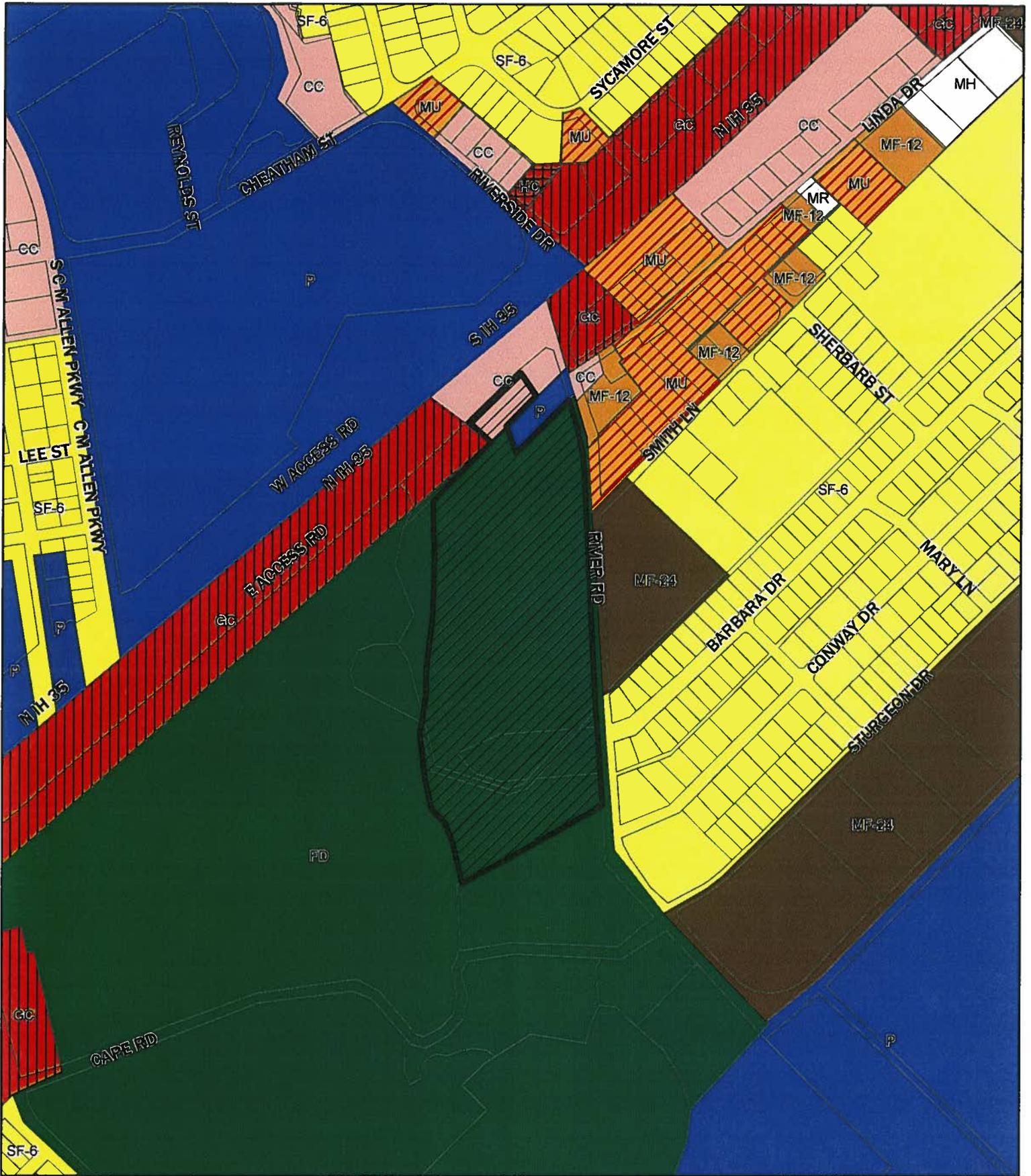
The Commission's Responsibility:

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 Foreman
Name

Planning Manager
Title

March 20, 2012
Date



Capes Camp
Zoning
Map Date: 03/22/12

 Subject Property	 SF-6	 TH	 CC
 FD	 MF-12	 GC	 HC
 SF-4.5	 MF-18	 P	 MU
 DR	 MF-24	 NC	
 D			

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

