



SPECIAL WORKSHOP OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, February 14, 2012

5:30 – 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. Presentation and discussion regarding the law applicable to the Planning and Zoning Commission's consideration of zoning and land use cases.**
- 4. Adjourn.**



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, February 14, 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 December 13, 2011, January 10, 2012, and January 24, 2012.**
7. **PC-12-01(03) (Lot 1, Kyle Hill Subdivision)** Consider a request by Steve Henry to plat one lot, measuring 0.77 acre and zoned MF-24, located at 221 Ramsay Street.

Public Hearings:

8. **CUP-12-04 (Nephew's)** Hold a public hearing and consider a request by Bar Entertainment Inc. dba Nephew's for renewal of an existing Unrestricted Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 100 N. Guadalupe Street.
9. **CUP-12-05 (Cool Mint Café)** Hold a public hearing and consider a request by Cool Mint, Inc., for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 415 Burlinson Street.

10. **CUP-12-06 (Lone Star Deli)** Hold a public hearing and consider a request by Sage Outdoor Services, L.L.C. dba Lone Star Deli, for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 3941 South IH-35, Suite 112.

Non-Consent Agenda:

11. **Presentation from staff and discussion regarding the North LBJ Capital Improvement Project.**
12. **LUA-11-23 (Hillside Ranch Phase 2)** Consider a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a land use map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for 10.925 acres located at 1410 N. LBJ Drive.
13. **ZC-11-37 (Hillside Ranch Phase 2)** Consider a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a zoning change from Single Family Residential (SF-6) to Multi-Family-12 (MF-12) for 10.925 acres located at 1410 N. LBJ Drive.
14. **PDD-11-11 (Hillside Ranch Phase 2)** Consider a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a Planned Development District Overlay (PDD), with a base zoning of Multi-Family-12 (MF-12) for 10.925 acres located at 1410 N. LBJ Drive.
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.

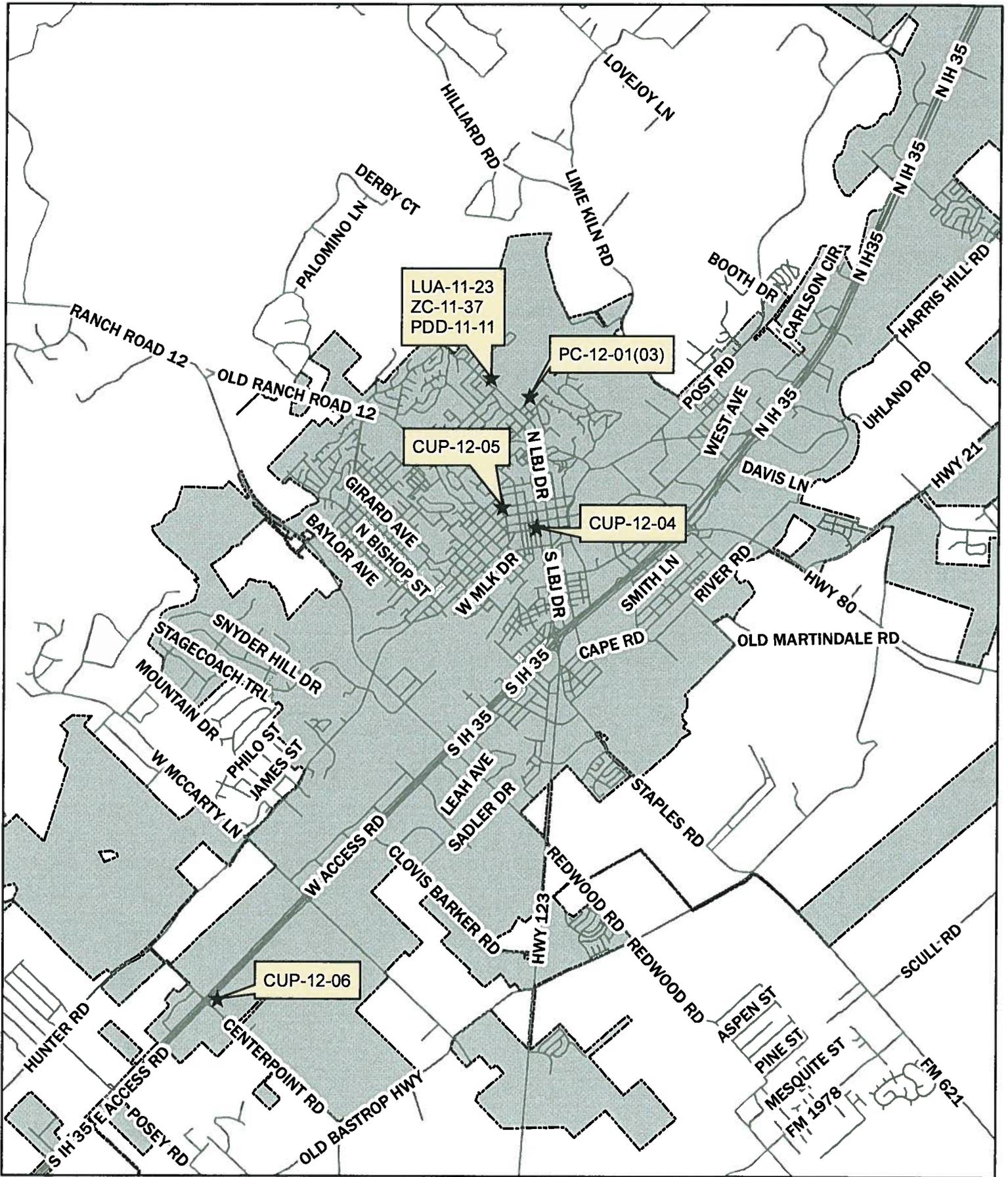
16. Development Services Report

1. **Board and Commission Reception**
2. **Annual Report**

17. Questions from the Press and Public.

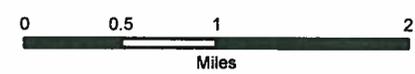
18. Adjourn.

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
February 14, 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
December 13, 2011**

1. Present

Commissioners:

Bill Taylor, Chair
Bucky Couch, Vice Chair
Sherwood Bishop
Kenneth Ehlers
Carter Morris
Chris Wood
Curtis Seebeck
Randy Bryan
Travis Kelsey

City Staff:

Matthew Lewis, Development Services Director
Francis Serna, Recording Secretary
John Foreman, Chief Planner
Christine Barton-Holmes, Chief Planner
Alison Brake, Planner
Abigail Gillfillan, 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 December 13, 2011 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. Citizen Comment Period

Camille Phillips, Franklin Drive stated that if we want to keep people in our neighborhood we need to keep them healthy enough to stay in their homes. Ms. Phillips is teaching courses in How to Not Fall for people over the age of sixty. She explained that the course is offered by Texas State and is free. The first course will be held at First Lutheran on January 4th. Monday and Wednesday afternoon. She asked anyone interested to call First Lutheran Church at 392-2064. Ms. Phillips asked the Commission to vote against the Sessom-Loquat rezoning and others such as the Holland rezoning. She added that she supports students attending Texas State. She pointed out that the city needs to remain a community and wants people to live in San Marcos for a long time. Ms. Phillips mentioned that there are plenty of properties available that can be developed.

Ed Bolton, owner of Nexis Medical Consultant located at 101 Thermon Drive. He said he is before the Commission as a business owner and that he has an independent prospective. He pointed out that he does not do retail and does not have ties to the development. He said he employs people. Mr. Bolton added that we do need to educate people and keep them coming to Texas State but we need to keep people here and show them we are investing in them while they are students. Mr. Bolton stated that he does not want to speak on the negatives. He pointed out that there are a lot of valid points and also faults spread about the project. He added that we need to invest in our properties. Mr. Bolton brought up a couple of points that the project is a green project which takes care of Sessom Creek and the environment; project brings in much needed tax revenue.

Patrick Rose, 627 W. San Antonio Street asked what are you going to do with 14 acres across from the 36th largest university in the country? He stated that he strongly supports the project. He explained that the developer cares about the University and town; he is committed to the project; the developer has dedicated 5 acres of parkland; job creation that result in tax base which will be substantially beneficial to the community; our community success is related to Texas State success and vice versa. Mr. Rose pointed out that there is an opportunity for both the City and the University to thrive in this community. He explained that the University needs projects of this caliber. He added that in his opinion it is logical to have multi-family mixed use and student housing projects adjacent to the university. Mr. Rose asked the Commission for their support.

Chris Harness, 308 E. Melrose San Antonio, TX, Managing Director of the Casey Development Multi-family Group. Mr. Harness clarified that the project was originally named North Campus but the developer was informed that the name was used for a Texas State project directly across the street. He pointed out that there is no relation to their project and Texas State. Mr. Harness gave a brief overview of Casey Development based out of San Antonio, TX. He explained that they have constructed outstanding projects. They have state of the art design and construction process. Mr. Harness said he believes that this is a totally transparent project and they feel they have gotten the word out. He mentioned that as they continue to work with the community, they have incorporated several suggestions that city staff has come up with as well as the community. Mr. Harness asked for the Commission's support.

Greg Gibson, 814 Arron Parkway, San Antonio TX, Development Director for the Casey Development stated he will oversee the retail part of the project. He explained that they have had strong interest from tenants. He stated they are targeting nicer sit down restaurants, fast casual concepts, service oriented retail that would serve the community as well as the students. Mr. Gibson added that they are looking at speaking to people for coffee shops, smoothie businesses and book stores. He explained that the outdoor plaza will have multiple public seating and free Wi-Fi for the public. Mr. Gibson said they have received positive feedback and comfortable with community. He asked the Commission for their support.

Ted Barclay, 10403 Mt. Marey, San Antonio, TX. The Vice President of Design-Construction for Casey Development and Baxter Contracting explained that they have had many meetings with surrounding residents and many concerned interest groups. He stated that the building is a four story building, not seven stories. Mr. Barclay pointed out that they have removed detention as proposed; the development was 600 units now modified to 419 units; in addition they are modifying the design to improve the green nature of the project; the 12/24' water line will be outside of the retaining wall; the filtration will be handled by LID and LEED methods as suggested by Bill Couch and other city staff; bioswales, tree wells and roof gardens and terrace on the northeast corner that will have side drainage from the Scheib property. Sessom Creek will limit height to 10'. Mr. Barclay stated they will continue to review suggestions by the community and welcome any constructive comments.

Darren Casey, 405 Eldon, San Antonio, TX, stated he is involved for the long term with the City of San Marcos and the University, thanked the P&Z and knows it is difficult for all and is here to say he is involved for the long term with the City of San Marcos and Texas State University. Mr. Casey said he has instructed his team to build the best project for San Marcos and Texas State but also for it to be the greenest project possible that will allow it to be used as an example throughout the country and to show the transparency and involvement with the community. He added that they have reached out to the citizens that are concerned for the river and have considered their comments to make the project as sustainable as possible. Mr. Casey commented that no one loves the creek and river more than he does. They are going to do everything

scientifically possible to preserve the creek and river. He thanked everyone for their involvement and the opportunity. He asked the Commissioners for their support.

Steve Ramsey, Ramsey Engineering 3206 Yellow Pine Terrace, Austin Texas said he will speak on the civil engineering aspects of the project. He explained that they are no longer requesting storm water in the creek detention and is happy to report that they are going to provide onsite storm water detention within the project footprint. He added that the project limit of construction will not include disturbance of the existing creek. He reported that he is coordinating with the San Marcos River Foundation and their Engineering Consultant which will provide a second layer of review in addition to the city. Mr. Ramsey added that they have received a letter from the consultant and have made a preliminary review of the letter. He added that they disagree with the findings but will work with the issues and concerns raised and will come to a good solution for the project. He mentioned that they do agree with the Summary in which the State and City have mitigation regulations. Mr. Ramsey explained that the PDD does address mitigation aspects and does exceed State and Local Code requirements. He pointed out that he is contracted through the developer to provide the TPDS permit inspections during construction. He explained that he will inspect the erosion controls within 24 hours of each half inch rainfall or greater. He said if there is no rain he will be out on site every 14 days. He further explained he will write a report of the inspection and provide to the general contractor. Mr. Ramsey added that there will be daily logs.

Buck Scheib 503 Loquat stated that his property includes the 4.5 acres designated to become parkland. He explained when bars close at night, Loquat Street is used for people to go to apartments located behind them. He added that there have been ten accidents at night in the past eight years on Loquat. Mr. Scheib further explained that there are four houses on Loquat which two are empty. He pointed out that the area is no longer a neighborhood. They have listened to the concerns of the neighbors but no one has taken into consideration of the needs for the current Loquat residents. He explained that his family has been and is currently involved in many civic programs and always treats others with class and dignity. In addition they have been a steward of the land for 60 years but feels this is the time and proper way to let it go.

Harriet Raney, 328 Bluffcrest, San Antonio, Texas explained that her parents, Helen and Bob Van Gundy purchased 301 and 303 Loquat and two lots across the street. She explained how she grew upon the property and loved it. She said they have explored the property for four generations and have shared it with her children and grandchildren. Ms. Raney said they have listened and weighed carefully the proposals given by developers and did nothing until they heard from Darren Casey. She added that they investigated his quality of development. They feel it will stand the test of time. She added that this project will enhance the neighborhood. Ms. Raney stated that Darren Casey is involved emotionally, physically and financially with Texas State and the City of San Marcos. She asked the Commission to consider the request.

Melissa Derrick, 109 Kathryn Cove, Franklin Square stated they were currently rezoned from Low Density to Commercial and is not happy there and not happy that it is spreading throughout San Marcos. Ms. Derrick asked what considerations are being made to the Horizons Master Plan. She explained that when current property owners purchased their property they were under the impression that the area would be single family. She said she does not understand why the rezoning is being considered. Ms. Derrick also felt that the development would impact the river and damage the Edward's Aquifer. She asked the Commission to consider the Horizons Master Plan and what was promised to the citizens of San Marcos when making a decision for the request. Ms. Derrick recited the following: Goals Violated by Map adjustments and zoning changes: A. "A community that recognizes its unique environmental setting and actively works to protect the Edwards Aquifer, the San Marcos Springs, the San Marcos River, and other natural resources....#157; B. "Goal 3 - Neighborhood Conservation/Revitalization Provide measures which will stabilize existing neighborhoods and protect them from deterioration or the encroachment of incompatible land uses....#157; These goals are recognized in the land use map definitions. Very low density residential land uses are characterized by single family detached homes on large lots, representing a density range of zero to three dwelling units per acre. Cluster-type developments are also allowed, as long as the overall density within a specific development or area does not exceed three dwelling units per gross acre. Policies Violated by Map adjustments and zoning changes: A. "Policy LU-3.10: The City shall protect existing stable residential neighborhoods from encroachment of commercial or higher density residential uses....#157; B. "Policy LU-1.1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan....#157;

Jan Rudnicki, 123 Rideway Drive stated she was not present to talk about the Casey development but wants to speak as a representative of the west side of San Marcos. She said that she attended a meeting with the developers on the 5th. Ms. Rudnicki stated there were several issues discussed. She pointed out that traffic has the most impact. She provided maps to the Commissioners for their review. She mentioned that the developers said they were going to redesign streets and that the city is going to pay for the redesign. Ms. Rudnicki added that a citizen commented if that is the case the citizens will pay for it. Ms. Rudnicki stressed on the impact on traffic that will occur with the Casey Development. She asked the Commission to please not consider the project.

Diane Wassenich, 11 Tanglewood advised the Commission that she has provided them with an email attachment through staff of the Dr. Lauren Ross report regarding Engineering Review of Water Quality and Drainage Issues Associated with the Proposed Casey Development. She pointed out the difference between this project and the Conference Center which was proposed for above Spring Lake is that a great location was found for the Conference Center that will not harm the river. Ms. Wassenich hopes this could also happen for this project. Ms. Wassenich read the summary of Dr. Ross' report which states that the proposed PDD will significantly contribute to increase storm flows that would tear out the banks and pour more dirt into the river. The effect of the changes would not be fully mitigated by the terms in the proposed PDD entitlement agreement because of the size of the development, its high impervious cover and location in sensitive head water of the creek and slope of land. She continued to say that the potential likelihood of erosion, flooding, water quality degradation is correspondingly high. The State and the City regulations nor this proposed development agreement require mitigation of these consequences. Ms. Wassenich pointed out that we do not have the specifics of the agreement to make a decision at this time. She urged the Commission to get the information and understand the charts and graphs that Dr. Ross provided before a decision is made. She stated she would not address traffic issues because the river is the real issue that should be addressed.

Jim Harrison, 111 Canyon Road stated he has lived there for thirty five years. He does not want project in his neighborhood. He asked why anyone would allow a multi family project in a single family neighborhood. Mr. Harrison asked that they move the project to a different location because he and his neighbors do not want it in their neighborhood.

Vincent Debrock, 100 W Hillcrest said he heard about the project two-three weeks ago. He said he moved to San Marcos in '98. He added that the river and lake make San Marcos and without it the campus would not be here. Mr. Debrock mentioned that development at the top of the river should be carefully considered when it impacts the river and a residential neighborhood. He pointed out that 80% impervious cover will make the water flow go to retention pond and be a loss for the recharge area. He said we are at a time when everyone is talking about water conservation and should consider projects that focus on water conservation. Mr. Debrock there is a counter proposal for a nature preserve. He pointed out that there are currently 14,000 beds in apartments and multi-family development many of which are located near his neighborhood. Mr. Debrock stated we don't need more beds.

Jim Garber, 104 Canyon Fork heard the best way to approach this development is to keep emotions low and keep to the facts. He felt that facts are nonexistent. He pointed out that once again they had heard a new plan for the water detention. Mr. Garber pointed out that no one has done a pedestrian study. He said there are currently 1000 people crossing on Sessom and that is a big problem. Mr. Garber felt that a pedestrian study is as important as a traffic study. He asked where the study for security in the park was; how is the development going to be controlled or patrolled? Mr. Garber asked if the new development would compare to Sagewood with all the trash. He asked about the impact of noise, where is the study on noise and the stability of the hillside. He said we have a long way to go to finding the facts. He said he is not asking the Commission to vote no but asked the Commission to table the request until they can get more information. If no more information is provided then the right thing to do is vote no.

Larry Mock, 107 Canyon Road asked if any of the Commissioners have walked the walk from Alamo Street to LBJ through the woods on Sessom Creek. He urged the Commission to take the walk before making any zoning changes. Mr. Mock stated that somehow we have been convinced that more is better but better is a better judge of quality of life than quantity of life. Quality of life is different from most cities. He explained that Mensor Corp. moved to San Marcos for the quality and quantity but know that quantity only follows quality products. He felt that we can do more with less. He suggested that more manufacturers will move to San Marcos if they believe quality of life trumps the quantity of development that we have. Mr. Mock encouraged the Commission to walk this walk before voting on any zoning changes.

Jaimy L. Breihan, 134 E. Hillcrest, said he knows that the landowners want to sell their property and it's all about money. He said there should be a plan but developing the property is not the plan. He pointed out the property has been untouched for 1000's of years other than the kids that ran around on the property. He added that the canyon goes down to the river and that the natural resources will be gone. Mr. Breihan stated that the development will degrade the quality of life in the neighborhood. He added that there is currently plenty of empty building in San Marcos. He stated the development will not enhance the city and does not see the need to build in the area. Mr. Breihan said there are plenty of other properties to build buildings but not in that location.

Maeghen Strahm, 1328 Chestnut Street stated she has been in the construction industry for 9 years and has her own business doing water quality, watershed and environmental remediation and water mediation for City of Austin. She remediates the water quality detention ponds similar to one showing on the site plans. Ms. Strahm mentioned that she currently does not work in San Marcos because San Marcos does not have very strict water quality regulations in place. She thinks that the Planning & Zoning Commission needs to look at the water quality that is in place now for a project of this size. Ms. Strahm stressed that the environmental studies need to be looked at. She is concerned what the development will do to the value of her home. She added that the area is currently fighting R1 zoning. The inconsistency of the project is also an issue. Ms. Strahm felt that the project should be postponed because there are not enough facts and needs more studying and public awareness for a project of this size.

Carlos Cedilla, 1200 MLK provided the Commission with pictures of the property. He said it was the heart of the land. Mr. Cedilla deferred the remainder of his time to Nancy Moore.

Nancy Moore, 15 Tangelwood asked the Commissioner to protect San Marcos and the Historic River. She called the city attorney and asked the definition of spot zoning. She said the city attorney responded that no one on city staff has ever asked him the questions. She suggested that staff find out the definition of spot zoning. Ms. Moore read the definition she found on the internet for spot zoning. She explained and expressed concerns regarding the increase in traffic to Sessom. She asked the Commission to stop the insanity.

6. Discussion regarding the joint Planning and Zoning Commission and City Council workshop related to Population Analysis and Future Growth Areas and provide direction to staff.

Staff reported the need to reach consensus on the city's population and asked the Commission in what direction to do they want to see growth for the upcoming Comprehensive Plan. The Commission recommended that staff encourage growth to east rather than the Hill Country and also to determine the fiscal impact.

Consent Agenda

7. Consider the approval of the minutes from the Regular Meeting on October 25, 2011 and November 22, 2011.

8. PC-11-40 (South End San Marcos Section One) Consider a request by Carlson, Brigance, and Doering, on behalf of Carson Diversified Land 1, LLC, for a final plat for approximately 2.010 acres, more or less, located along the north side of Wonderworld Drive between Stagecoach Trail and Corporate Drive.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission approved on consent to approve the minutes of the Regular Meeting of November 22, 2011 with corrections and PC-11-40.

Public Hearing

9. CUP-11-18 (Black Rabbit Saloon (currently Dillinger's)) Hold a public hearing and consider a request by FSW Ventures, LLC, on behalf of WC Williams Estate, for an amendment to an Unrestricted Conditional Use Permit allowing on-premise consumption of mixed beverages at 127 E. Hopkins.

Chair Taylor opened the public hearing. Brian Scofield, representing FSW Ventures, LLC said he owns Bar 41 and the property at 141 E. Hopkins. He explained that they intend to upgrade the building similar to the request from Harper's Hall. He asked what the prerequisites for the renewals were after the initial approval. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers, the Commission voted on consensus to approve CUP-11-18 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; all required permits shall be obtained, and all required inspections shall be performed.

10. CUP-11-19 (Zelicks) – Hold a public hearing and consider a request by Zelicks Inc., on behalf of Kevin Katz, for the renewal of a Conditional Use Permit allowing on-premise consumption of mixed beverages at 336 West Hopkins.

Chair Taylor opened the public hearing.

Chris Jones, 206 Kaybarn said he was present to speak on this issue because this was an issue he had left during his tenure at City Council. He said he was not in favor or against the request. He asked the Commission to make a recommendation to Council that they adopt some form of policy that addresses noise issues when there is a business next to another business. Mr. Jones added that we are all a community and we are here to see that everyone is successful. He suggested that conditions be added to the request if they request is approved.

Barry James owns the Young Building at 321 W. Hopkins which is a multipurpose building with apartments upstairs across from Crystal River Inn. He explained that when the original request was submitted it was not presented as an open outside bar. Mr. James pointed out that they did not explain that they would have garage doors that would open up and have loud music. He pointed out that the business fills up Mr. Tidwell's strip center parking lot located next to his property. He mentioned that he does not dislike students but does not like bar patrons that are very noisy. Mr. James said that the request was presented as a neighborhood bar similar to Cheers. He said he wished that the request was accurately presented. Mr. James said the owners say they have to make money but we have invested money since 1986 and he also needs to make money.

Naomi Braden, House Director for Alpha Delta Pi, 316 W. Hopkins was asked to read a letter for Dr. & Mrs. Tidwell, Pecan Plaza shopping center owners, located across the street from Zelick's. The Tidwell's were unable to be here tonight but have strong feelings about use of their property by Zelick's patrons. The letter further explained that when the Tidwell's developed their property they were required to prove there was enough parking for the centers. They felt that the Centers could have been bigger if city allowed them to utilize street parking and adjacent lots the same way Zelick's is doing. She pointed out that Zelick's does not have sufficient parking and feels it is unfair. In addition the center parking lots are jam packed after 11:00 p.m. many nights during the week with trash and insurance issues. The Tidwell's have asked them not to use the parking lot but it continues to happen. They wished Zelick's much success and respectfully asked City Government to treat all taxpaying businesses both old and new fairly. The Tidwell's feel they are being abused and the Zelick's should not be allowed to renew their permit but encouraged to build their late night business outside the city limits where there is plenty of parking and no neighbors to bother.

Ryan Perkins, 727 W. Hopkins thanked staff and the Commission for addressing the issue. He also thanked the Katz brothers for their success in San Marcos. He didn't think that the Katz brothers should be punished or treated differently than the last time they were before the Commission. Mr. Perkins added that they have made any concessions for the sake of being good neighbors and they deserve to be treated fairly. Mr. Perkins pointed out that there are a lot of issues with bars and noise. He explained that the property is surrounded by T5 zoning within the SmartCode District and should not be asked to restrict their games or reduce their hours. He added that he is a neighbor and a patron of the bar and thinks that most of his neighbors that live in the Heritage District frequent Zelick's. They also have people from out of town that ask

them if they are interested in opening a bar similar to Zelick's in their city limits. Zelick's is a success and the two young entrepreneurs should be applauded and commended for their success. Mr. Perkins asked the Commission to renew the request for 3 years with no conditions.

Sandra Kirk, 811 Furman St., stated she attended a wedding at Crystal River Inn and was concerned because the beautiful occasion was ruined by noise from the bar. The noise was from the horseshoe throwing, motorcycle noise and loud music. She explained that they could not enjoy and hear the ceremony due to the noise from Zelick's. Ms. Kirk pointed out that guests were planning to stay at hotel but decided not to stay there because of the noise. The noise was so loud they could not enjoy the wedding. She asked why should we run out one business to accommodate another business.

Chase Katz, 225 Comanche, TX State Alumni and resident of San Marcos. He owns Dos Gatos Bakery and Zelick's with his brother Seth Katz. He explained that they own a home and a business within the SmartCode District. He said Seth and himself have large financial investment in San Marcos. Mr. Katz stated that they are 100% in compliance and have no violations. Mr. Katz strongly encouraged the Board to approve the CUP. He added that they understand the issues and prior to breaking ground they met with the Dillon's. He explained that both businesses are within the heavily traveled business district. Mr. Katz stated that they want to be good neighbors with the fence that lies within 5 feet on their property and they have chosen not to remove the fence. He feels that they have respected neighbors with no outdoor noise. He pointed out that they are in their legal right to have outdoor speakers but have chosen not to. He further explained that the Dillon's came to them and asked them to pick up games and they immediately sound dampened the games. Mr. Katz added that they have had numerous meetings with the Dillon's they informed them they had previous noise issues with noise on Hopkins and had installed windows and have offered to pay for installing additional plexiglass windows to reduce the noise which the Dillon's refused.

Seth Katz, 225 Comanche said although the businesses are similar they are different in some respects. They Dillon's have taken an old building and rebuilt them as they have done. In addition, they have received a Historic Landmark Award as well as the Inn. He said neither business deserves to exist more than the other. Mr. Katz added that they share the same customers and at times have entire wedding parties come to the establishment. He pointed out that there have been several weddings at the Inn where music can be heard at Zelick's. Mr. Katz added that they have complied with requests by the Dillon's. He explained that they have no violations and that the renewal should be granted for 3 years. Mr. Katz encouraged the Commission to approve the request.

Brenda Smith, owner of property at 323 W. Hopkins, across the street. She explained that most nights until 2 a.m. or 2:30 a.m. the noise is so loud it's as if she is listening to the radio in her car. Ms. Smith is requesting that there be no music. She said whatever is done tonight needs to be specific and measurable. She explained that when she has spoken to them, they respond that there is nothing they can do because they can't control the volume or noise. Ms. Smith said when they have the music on inside and the doors open everyone must speak loudly and the noise carries outside. She felt that this is not a livable environment. She suggested if the permit is approved that the request be approved for one year with no music allowed.

Christian Johnson, 323 W. Hopkins said he recently moved to that location. He explained that there is extreme loud noise and is causing him problems.

Clay Stevens stated he lives directly behind Zelick's. He said that Chris Jones nailed the points that need to be addressed. Mr. Stevens told the Commission that he lives and teaches in San Marcos. Mr. Stevens added that he enjoys living downtown but the issue is something that needs to be explored and doesn't see how others can tolerate much more. He said he likes both the Crystal River Inn and Zelick's and hopes something can be resolved. Mr. Stevens had no comments against either the Crystal River Inn or Zelick's.

Kathryn Tracy, 901 Franklin lived at 322 W. Hopkins Ste. B for 12 years until Zelick's opened on May 13th. She explained that two weeks later she gave notice that she would be moving because of the noise from Zelick's. Ms. Tracy said the constant noise from the washers, horseshoes and bottles being thrown away would not allow her to sleep. She stated that she has spoke to the Zelick's and they have told her that there is no law against turning up the music for their employees to clean up. At that point she felt that there was no hope and knew she had to move.

Kathy Dillon, co owner of Crystal River Inn stated that what is difficult is that Zelick's is an awesome place and a good use of historic building. She explained that it's the beauty and charm of San Marcos that has brought guest to their Inn and has made them one of the oldest family-run bed and breakfast in the State. Ms. Dillon pointed out that they contribute taxes to the city as well as Zelick's. She stated that Zelick's is angelic until around 11:00 p.m. until 2:00 a.m. Ms. Dillon mentioned that the business model that was brought before them 18 months ago is not the current model that exists today. She read the Noise Ordinance passed by City Council in 2009. She explained that she bought a decibel meter because the police said they do not have one. She felt that discussions should be made to address the problem of no decibel meters. Ms. Dillon pointed out that she has stood in the middle of her property with the decibel meter which reads about 65-70 decibels.

Carl Brown, 834 W. Hopkins, said he is in support of Zelick's and The Crystal River Inn where he has done business at both locations. Mr. Brown explained that he had a daughter that got married over the Thanksgiving holidays at Crystal River Inn. He was concerned about the venue because of what was located next door. He said he was pleased to find that he could have a wedding which ended around 11 p.m. Mr. Brown added that he did have some complaints from some of the wedding party that stayed at Crystal River Inn. Mr. Brown mentioned that he lives a few blocks away and on weekends is awoken about 2 or 3 in the morning from people walking and talking rather loudly coming from Zelick's. He asked if there can be a resolution on the noise issue and protecting the people that have been in the neighborhood trying to sleep and that the Commission not grant the permit.

Rick Coach, local business owner, stated he was present in support of Zelick's. He explained he has been in San Marcos for awhile. He remembers the two slogans, Keep San Marcos Beautiful and We'd Love Your Company. Mr. Coach said Zelick's embodies the slogans well. He explained that Zelick's is not your typical San Marcos College Bar, it is a beautiful community bar. He asked the Commission to support Zelick's.

Diane Wassenich, 11 Tanglewood stated she has known Mike and Kathy Dillon for 30 years when they first began to remodel the building. She said she is appalled to see that after 27 years of promoting tourism in San Marcos that the Dillon's would be put in position to really go out of business because of what was placed next door to them. She added that the establishment was not represented as the type of establishment is it today. Ms. Wassenich mentioned to the Commission if they want a 6th Street of Austin, to continue to allow things like this to happen in a residential area. If the Commission wants to support business they will have to get concessions from Zelick's because it seems as if they do not want to do concessions.

Rose Brooks stated she has been in San Marcos for 70 years. She said she voted for bars to remain open until 2:00a m. but not to disturb neighborhoods. Ms. Brooks stated that the owners of Crystal River Inn run an excellent business. She said the Crystal River Inn is good for tourism. She expressed concerns regarding noise issues from Zelick's. Ms. Brooks pointed out that she would like to see the Dillon's stay in business. She encouraged the Commission to do the right thing.

Mike Dillon, husband of Cathy Dillon, runs the Crystal River Inn, explained that over a year ago Dr. Katz, his wife and sons came over and advised them that they purchased the property next door. He said the Katz' informed them that they wanted to open a fern bar with acoustics. Mr. Dillon said that Zelick's is the best looking bar in town. He explained that when the business opened, it was not what they got. There were issues with the games and the Katz' took care of it. Mr. Dillon felt that they can work out the noise issues with the Katz'. He said he saw the sign that states 'bikers welcome' and knew there would be an issue. Mr. Dillon explained when bikers leave, the noise is unbearable. He said they have spoke to the Katz' and were told to take care of it themselves. He explained they have tried to mitigate the issue with installing double pane glass, heavier drapes and installed an ac unit downstairs, which has not relieved the noise issues. Mr. Dillon suggested if the Commission approve the request, the request approved for one year to allow them to work things out.

Megan Strahm, 1328 Chestnut, said she frequents Zelick's and sees the two sides of issues. She explained the issue that she has is that the Commission granted Zelick's permission to open the bar next to a bed and breakfast. Ms. Strom stated that the two gentlemen are outstanding citizens of the community and trying to be the new people coming up and developing the town. She feels that it is unfair to go backwards after everything has been granted.

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

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Kelsey, the Commission voted on nine (9) for and zero (0) against the motion to approve CUP-11-29 for six (6) months to allow Zelick's and The Crystal River Inn to work out the issues. The motion carried unanimously.

There was a 15 minute recess.

11. LUA-11-25 (Blanco River Village- Living Court Units) – Hold a public hearing and consider a request by the City of San Marcos for a Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for the existing Living Court Units described as approximately 10.347 acres of land in Blocks E, F, H, and I of the amending plat of the Blanco River Village Subdivision and located east of Shadow Point along Rush Haven and north of Trestle Tree.

12. PDD-11-13 (Blanco River Village PDD) – Hold a public hearing and consider a request by the City of San Marcos for an amendment to the existing PDD and Concept Plan Overlay District for a 103.788 acre, more or less, tract of property located in the 1400 – 1900 blocks of State Highway 21 in the Blanco River Village Subdivision.

Chair Taylor opened the public hearing.

Terry Mitchell, partner in partnership of undeveloped land stated they are committed to working with TX DOT regarding turn lanes. He added that there are no additional changes and thanked the Commission for their time.

Jake Jacobson, 405 Shadow Point stated he has had the opportunity to speak with the folks with Bigelow and Mr. Mitchell since the last meeting. Mr. Jacobson said he is in support of the continuation of development providing the land details have been addressed. He added that he would provide photos to the Commission. He suggested that a secondary access be developed during construction. Mr. Jacobson mentioned that one of his concerns include turning the second phase of the development into high density residential. He suggested that the Commission include conditions to clean up the site; complete pad sites currently begun; that sidewalks are provided within 50 feet of sales office, and remove the fence currently in place. He continued stating the developers put a fence around sales office and now people have to walk on the street to get to the sales office. Mr. Jacobson stated that with the few changes he felt the HOA would be in full support of the request.

Deb Baheiser, 125 Rushhaven, Blanco River Village neighborhood said she is in support of single family homes. She explained that she purchased a home in San Marcos during the city incentive programs being offered. Ms. Baheiser pointed out that if the development is allowed she might as well live in Austin. She bought the home because it is a single family neighborhood.

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

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Bryan, the Commission voted all in favor to approve LUA-11-25 and PDD-11-13. The motion carried unanimously.

13. LUA-11-27 (301 Second St) – Hold a public hearing and consider a request by Shane Scott for a Land Use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU) for Lot 41 of the AM Ramsey Subdivision, located at 301 Second Street.

14. ZC-11-41 (301 Second St) – Hold a public hearing and consider a request by Shane Scott for a Zoning Change from Single Family-6 (SF-6) to Mixed Use (MU) for Lot 41 of the AM Ramsey Subdivision, located at 301 Second Street.

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

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission voted all in favor to approve LUA-11-27 and ZC-11-41. The motion carried unanimously.

15. LUA-11-28 (418 Holland St) – Hold a public hearing and consider a request by Paula Artale for a Land Use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU) for approximately 0.274 acres out of the Thomas J. Chambers Survey, Abstract No. 2, located at 418 W. Holland Street.

16. ZC-11-42 (418 Holland St) - Hold a public hearing and consider a request by Paula Artale for a Zoning Change from Single Family Residential (SF-6) to Mixed Use (MU) for approximately 0.274 acres out of the Thomas J. Chambers Survey, Abstract No. 2, located at 418 W. Holland Street.

Chair Taylor opened the public hearing.

Paula Artale, owner of the house introduced her daughter Sarah, who resides in the home. Ms. Artale explained that she purchased the home for her daughter to live in with possible roommates so that she could live in San Marcos. She pointed out that they do not know anything about zoning. Ms. Artale stated she wants the house to be single family but with zoning it only allows two people to live in the home. She pointed out that the house is a three bedroom, two bath home and want to allow three people to reside in the home. She said that the policeman advised her that they would monitor the home between 10 p.m. – 2 a.m. to make sure there are only two people residing in the home. Ms. Artale said she was uncomfortable with the policeman's response. She asked the Commission how they can be in compliance.

Kenneth Deez, 1412 Alamo St. said the request to rezone the property on Holland Street is a way for property owners to avoid the single family zoning restrictions. He pointed out that the zoning restriction is to protect the privacy and stability of the residents that live with that zoning. He stated that a mixed use zoning is a potential resale for the future owner. Mr. Deez informed the Commission that he spoke to the city attorney and was advised that spot zoning is not legal. He added that spot zoning has been going on for some time and it is time for spot zoning to stop. Mr. Deez stated that it seems that neighborhoods have to fight with the city to stop particularly in the established single family neighborhoods. He added that the city should be working with established neighborhoods rather than advocate for the developer. He said he thinks that many established neighborhoods are being changed to rental subdivisions. Mr. Deez asked the Commission to look strongly at the people that have lived in the neighborhood for many years and he encouraged the Commission to deny the request.

Terry McCabe, 1315 Alamo asked the Commission to deny the zoning change. He said that he counted twelve houses between Sessom and Holland that are occupied by renters. Mr. McCabe stated that only nine houses are owner occupied. He said that the city needs to tighten the zoning codes and encourage the codes to be enforced.

Irene Hindson, 1410 Alamo Street stated she agrees with everything that has been said. She added that the problem with changing the zoning is that once the zoning and land use is changed, you can't go back. Ms. Hindson stated this is a situation that the city needs to deal with. She suggested that the City Council may offer a CUP for situations that a CUP is appropriate.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Bishop, the Commission voted all in favor to deny LUA-11-28 and ZC-11-42. The motion carried unanimously.

17. LUA-11-29 (412 Holland St) – Hold a public hearing and consider a request by Leola Gourley for a Land Use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU) for a one acre tract out of the Thomas J. Chambers Survey, Abstract No. 2, located at 412 W. Holland Street.

18. ZC-11-43 (412 Holland St) – Hold a public hearing and consider a request by Leola Gourley for a Zoning Change from Single Family Residential (SF-6) to Mixed Use (MU) for a one acre tract out of the Thomas J. Chambers Survey, Abstract No. 2, located at 412 W. Holland Street.

Chair Taylor opened the public hearing.

Leola Gourley, has lived at 1414 Owens Street since 1958. She explained that they originally purchased the property for their parents to live in but they since have passed. She said that her grandson is going to Texas State and living in the home. Ms. Gourley added that they do not have any plans to do anything with the one acre located behind the property. She is requesting that the boys continue to live in the home for another year. She added that the boys are good neighbors and have never received any violations. Ms. Gourley stated she would appreciate it if they can do anything to allow the boys to live in the home.

Diane McCabe, 1315 Alamo Street stated they have lived in the home since 1989. She added that they love living in their home and walking to work at the University. Ms. McCabe said the neighborhood is changing but hopes that the Commission does not change the zoning for the Holland Street properties. Ms. McCabe added that the guys are great neighbors and wish there is something that can be worked out.

Kenneth Deez, 1412 Alamo Street said he just wanted to reiterate what has been said. He stated that it is not about the people living there, but about zoning enforcement. Mr. Deez said they get excuses from Code Enforcement about enforcement. He added that it is time for Planning and Zoning and the City to do some things to help out the families and neighborhoods.

Paula Artale, 418 Holland, agree with the other speakers. She said it seems that there should be a zoning classification between single family and multifamily. She added that they also do not want apartments located by the house. She asked the Commission for help.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Bishop, the Commission voted all in favor to deny LUA-11-29 and ZC-11-43. The motion carried unanimously.

Consideration:

Commissioner Morris recused himself from the discussion and vote on items 19-21.

19. LUA-11-24 (Casey Development (North Campus Housing)) – Consider a request by ETR Development, on behalf of Darren Casey Interests, Flow Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use (MU) for approximately 13.51 acres located at Sessom Drive at Loquat Street.

20. ZC-11-38 (Casey Development (North Campus Housing)) – Consider a request by ETR Development, on behalf of Darren Casey Interests, Flow Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a Zoning Change from Single Family Residential- 6 (SF-6) to Mixed Use (MU) for approximately 13.51 acres located at Sessom Drive at Loquat Street.

21. PDD-11-12 (Casey Development (North Campus Housing)) – Consider a request by ETR Development, on behalf of Darren Casey Interests, Flow Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a PDD overlay district, with a base zoning designation of Mixed Use (MU), for approximately 13.51 acres located at Sessom Drive at Loquat Street.

AMENDED MOTION TO THE MAIN MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Seebeck, the Commission voted all in favor to include the conditions to the main motion that the onsite detention facility not be located in the creek channel; an acceleration lane be created; and proper pedestrian signalization be implemented for. The motion carried unanimously.

MAIN MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Ehlers, the Commission voted four (4) for and (4) against to approve the main motion with conditions for LUA-11-24; ZC-11-38; and PDD-11-12. The motion to approve with conditions failed. Commissioners Kelsey, Bishop, Bryan and Seebeck voted no. The motion carried.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Kelsey, the Commission voted four (4) in favor and four (4) against to deny LUA-11-24; ZC-11-38; and PDD-11-12. The motion failed. Commissioners Couch, Ehlers, Seebeck and Taylor voted no. The motion failed.

MOTION: Upon a motion made by Commissioner Bryan and a second by Commissioner Seebeck, the Commission voted two (2) in favor and six (6) against to postpone LUA-11-24; ZC-11-38 and PDD-11-12 until the January 10th Planning & Zoning Commission meeting. The motion failed.

22. Discussion 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.

The Commissioners thanked Commissioner Bishop for his service to the Planning Commission. Commissioner Bishop said he enjoyed working with fellow Commissioners and staff.

Development Services Report

Matthew Lewis thanked Commissioner Bishop for all his hard work.

Commissioners' Report.

There were no reports.

23. Questions from the Press and Public.

Irene Hindson mentioned that there is an ordinance regarding not being allowed to park in the grass. Ms. Hindson pointed out that if not being allowed to park on the grass is enforced then possibly there would not be issues related to single family residential zoning. She suggested that realtors have a zoning information form that they can provide to clients prior to purchase of a property.

24. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 11:25 p.m. on Tuesday, December 13, 2011.

Bill Taylor, Chair

Bucky Couch, Vice Chair

Sherwood Bishop, Commissioner

Chris Wood, Commissioner

Kenneth Ehlers, Commissioner

Carter Morris, Commissioner

Curtis Seebeck, Commissioner

Travis Kelsey, Commissioner

Randy Bryan, Commissioner

ATTEST:

Francis Serna, Recording Secretary

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
January 10, 2012**

1. Present

Commissioners:

Bill Taylor, Chair
Bucky Couch, Vice Chair
Kenneth Ehlers
Carter Morris
Chris Wood
Curtis Seebeck
Randy Bryan
Travis Kelsey

City Staff:

Matthew Lewis, Development Services Director
Francis Serna, Recording Secretary
John Foreman, Chief Planner
Christine Barton-Holmes, Chief Planner
Alison Brake, 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 January 10, 2012 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Election of Officers:

- a. Chair
- b. Vice-Chair

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission approved to postpone Election of Officers to the January 24, 2012 Planning Commission meeting. The motion carried unanimously.

4. Chairperson's Opening Remarks.

5. 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;*

6. Citizen Comment Period

Diane Espiritu, 300 Loquat told the Commission that the Loquat and Sessom Drive intersection is extremely dangerous for their family to cross or pull out of their driveway. She added that their old home is in much need of repair that they cannot afford. She believes that the sharing parkland as proposed in the project will inspire others to share, connect and appreciate nature. Ms. Espiritu wants everyone to know that her family is not a location or contract. She explained that she was born and raised in San Marcos. Her husband moved from California to live in San Marcos. She added that they are a young, environmentally thoughtful family with hopes and dreams and thoughts for their future. Ms. Espiritu stated that no one loves cares for the land more than she does. She stated that they support the request.

Jim Garber, 104 Canyon Fork spoke briefly regarding pedestrian traffic. He explained that a pedestrian study is not required because in ordinary circumstances you wouldn't need one. Mr. Garber pointed out that this is no ordinary cross walk. He felt that the proposed student trip estimates are very low. Mr. Garber mentioned that accidents will happen. He thinks that about 1000 people an hour will cross the intersection with the Texas State schedule. Mr. Garber pointed out that fixing the problem with lights, paint and reflectors will not work. He asked the Commission to do the right thing and said if it is not safe do not approve the request.

Jim Kimmell, 110 Northcrest stated that he is in opposition to the project. To summarize his opposition he read the first and last paragraph from a book he wrote on the San Marcos River. He said the future of the San Marcos is the decision of the Commission.

Diane Wassenich, 11 Tanglewood explained that the photo she sent via email is not about erosion during construction, it is washing out of land downstream by big projects with lots of impervious cover that occurs after the project is built. She felt that the problem occurs because the City does not have a real negotiation process during the permitting and planning process where the City can require slowing down of the runoff. Ms. Wassenich commented that Dr. Ross' report explained what happens after a project is developed. She added that Dr. Ross will be available to answer questions and for the Commission to receive accurate and scientific information and not an Engineer paid by the developer. She gave a quote from the City's Flood Study.

Maeghen Strahm, 1328 Chestnut Street said her issue is the remediation of the environment of a project of this size. She pointed out the tax revenue that the City will have to spend on repairing the infrastructure, restabalizing Sessom Creek and repairing the road and drainage. Ms. Strahm explained that it will cost the City 4.5 million dollars to repair 1 mile of Sessom Creek. Ms. Strahm referred to the City Food Plan and stated that there are five culverts that do not meet code requirements. Lastly, she added that the City does not have a Watershed Department that the City needs for the size of the development. She asked the Commission to carefully consider the ramifications and location for a development of this size.

Amy Madison, President of The Greater San Marcos Partnership and the Executive Director of Economic Development of San Marcos, 1340 Wonder World Drive stated she is in support of the North Campus Housing Project to be located at Sessom Drive and Comanche Street. She felt that the project will bring a much needed mixed use development in an underserved area adding over 17,000 square feet of retail and over 17,000 of outdoor gathering place. Ms. Madison further explained that the continued growth of the University has prompted the developers to invest in the project that will bring additional revenues to the City of San Marcos. She added that the developer is committing 63 million dollars to the project and will target a minimum of 25 percent of construction budget to local suppliers.

Jane Hughson, 1600 N. LBJ Drive asked the Commission to vote no for the Land Use Amendment, Zoning Change and PDD for the Casey Development on Sessom Drive. She advised the Commission that they should carefully and critically review the request and staff reports for flaws and omissions and make a decision for what is best for the surrounding area and the City. She pointed out that the Commission must determine if the change is justified and in the best interest of the town and the neighborhoods. Ms. Hughson commented on how important it is for the Commission to visit the site. She asked that the Commission abide by the City Charter. She told the Commission to not be fooled that the parkland will be a true buffer for the neighborhood. Ms. Hughson told the Commission if they choose to approve the request that they ensure that no dollars from those who pay taxes and utility payments for years be spent to support the project. She commented that Mr. Casey is asking for the change and he should be required to fully fund the project.

Buck Scheib, 503 Loquat said his family has lived on Loquat for more than 60 years. He explained that the 4.5 acres is proposed for parkland dedication. He stated that the project is good for San Marcos. He added that he is pleased that most of his land will be dedicated for green space. He added that his land has never been touched and now offers a saving alternative as park space. Mr. Scheib pointed out that the entire area will change. He explained that there are only four houses left on Loquat and the area is ready for change.

Jay Hiebert, 209 W. Sierra Circle stated he has three issues, traffic, safety, and neighborhood integrity. He asked the Commission if they understood how many cars will be on the street. He felt that there is a discrepancy in the TIA regarding the measurements based on the number of units. He stated that there will be an increase of 6000 cars per day. Mr. Hiebert touched on safety stating how many people are going to get killed. He pointed out that Loquat drops off with a blind hill. In addition he asked what will happen to the wild life that gets trapped between the fence and the dorms at Texas State. How many accidents will that cause? Lastly, he added that there are over 200 families that live in the neighborhood. He said that they have all bought into the American Dream to have a home. He stated that the dream will be ruined when the property taxes increase due to the development. He felt that crime and noise will increase and will be unsafe for all the children.

Patrick Rose, 627 W. San Antonio Street thinks from the Commission's prospective, they should be thinking of the best alternative use of the property. He said it is not if something is going to be built but what will be built. Mr. Rose stated that we have an opportunity of certainty that that Mr. Casey is in the area and that the project will be done right. He said at the end of the day the project will be good for the University. Mr. Rose stated the project is good for the community and from a economic development standpoint. In addition, he feels it is the highest and best use of the property. He said it is a difficult decision but wise for the community and urged the Commission to support the request.

Vincent Debrock, 100 W. Hillcrest said he has no doubt that the Casey team develops great projects. Mr. Debrock mentioned that he is Arborist. He said he noticed that there is not a fee in lieu for tree mitigation. He stated that there should be a contractual agreement that the trees removed will be replaced. Mr. Debrock pointed out that we will lose Federal funding for government improvement projects due to the Clean Air Act Requirements. He said that every project should consider tree and land preservation. He said his goal is to keep trees inside the city limits. Secondly, he said he noticed the inconsistency in staff comments regarding rezoning. He asked the Commission to be consistent and realize that we are not considering single family neighborhoods and the San Marcos Horizons Master Plan. Mr. Debrock recommended that the Commission vote against the project.

Larry Mock, 107 Canyon Rd., asked the Commission to vote no to the proposed development located on Sessom and Loquat. He said he is concerned for the neighborhood. He pointed out City goals and policies from the City Council Budget Policy Statement, San Marcos Horizon Master Plan Sector 3, Horizons Master Plan Goal #3, and San Marcos Land Use Policy. Mr. Mock said he felt that the request is incompatible to the area.

Kevin Beahn, 936 Cheatham, Graduate Student at Texas State University. He said he feels he has a very unique prospective upon the issue. He stated as students they need both jobs and a place to live. He added that he understands that the needs of the students need to balance with the needs of the community. Mr. Beahn explained that traffic has increased and as an avid cyclist he can testify to the consequences of the rapid growth. He said there are people present trying to convince the Commission that traffic will decrease but that is incorrect. The reality is that students going to school also have to work and unless the developer can offer a job to all students, traffic will increase. Mr. Beahn explained that since the development is on top of the hill, students will not ride bikes or walk because Sessom is a dangerous road. He added that he has lost peers due to alcohol and driving on Sessom. Mr. Beahn commented that the first step in solving the problem is to stop creating problems for the future. He asked the Commission to stop the development.

Harriet Raney, 328 Bluffcrest, San Antonio stated she has listened for three sessions to all the concerns that have been brought up and felt that they are legitimate. She questioned herself if she has done the right thing to sell the property to the developer. Ms. Raney explained that the property has been for sale for 4 years and have had other developers interested in the property. She added that there is nothing on the property now only buildings. She added that many of us would not be here if it was not for the economic impact that has been made in San Marcos. Ms. Raney stated she has no regrets and is grateful that Darren Casey has showed her the proposed plans. She added that he is an excellent developer with great integrity. She further stated that his development will not deteriorate in ten or fifteen years. She said it will be a beautiful development for San Marcos.

Darren Casey, 814 Arion Parkway, San Antonio thanked the Commission and stated that it has been difficult for all involved. He said as they continue to work on the project and through the process that he feels it is getting better and better. Mr. Casey explained that with more challenges they have received, they have brought in more time, effort and technical experts have been brought into the process. Mr. Casey said the development will be a monumental, first class and rise to the occasion of what the City of San Marcos, citizens and the University expect. He asked the Commission for their support. Mr. Casey reminded everyone that this is the first phase of the project and that they have to go through many more processes before the project begins. Once again, he asked the Commission for their support.

Greg Gibson, 814 Arion Parkway, San Antonio, TX, Director of Development for Casey Development overseeing the retail and commercial portion of project. Mr. Gibson said he will reiterate from what he said at the last meeting that they have very strong interest from prospective tenants for the commercial space. He added that people are really excited about the outdoor plaza for the tenants and the community. Mr. Gibson thanked the Commission for their time and asked for their support.

Tedford Barclay, 814 Arion Parkway, San Antonio, TX addressed the building height issues. He explained that the property slopes downhill and the project will step downhill. The six stories of garage, each door lines up with the residential floor. Mr. Barclay added that there are a couple of floors at grade that will be for overflow and visitor traffic. He pointed out that none of the buildings will be higher than the water tower. Mr. Barclay added that he has been a construction manager for another company in San Antonio and in Houston. The two projects in San Antonio were under the jurisdiction of TCEQ. He further explained that both construction projects 12 to 14 months under TCEQ, EPA and several other organizations. In addition, there were no breeches to the SWPPP construction filtration systems on either project. Mr. Barclay said that the site plan submitted has incorporated all city staff recommendations. He added that they will continue to modify the project as they go forward to improve the project.

David Wendel, 118 E. Holland said that in the past few weeks our town has been taken part in a heated debate with Mr. Darren Casey Development over the Sessom Creek Project and the eventual impact of the community and environment. He stated that the public has been diligent in educating themselves in their rebuttals. Mr. Wendel put forth one more argument stating that on the surface may seem trivial but cannot be ignored which has to do with college culture and what will turn out to be a dangerous and deadly scenarios. Mr. Wendel explained he was once a college student and has seen students use bad judgment. He further explained that the development will house 1000's of people between the ages of 20-27. In addition, there is a dorm across Sessom Drive which will house 600 students. Mr. Wendel gave a brief overview of the other building in the area with students between the ages of 17-20. There is a zero tolerance with drinking and driving and no drinking in dorms. The apartment across the road housing one of their fellow students of drinking age will be very attractive. He felt that a development of that size would most likely be a party destination. Mr. Wendel added that there will be deadly consequences with students trying to navigate on a four lane road. He pointed out that that street is dangerous. He added that there is an environmental angle that the proposed parkland will not serve as a buffer.

Jaimy Breihen allowed Don Eyseen to speak on his behalf, 200 Orchard said that after listening to Mr. Casey's team, he did not feel that he received any concrete information. He said in his opinion he hears what Mr. Casey is saying but he still does not know what he is going to do. Mr. Eyseen added that all developers are required to follow the TCEQ and OSHA regulations. He pointed out that everyone that the Commission heard speak in support of the project has a financial interest in the property. He added that everyone who spoke in opposition to the request attended and spoke on their own free will. Mr. Eyseen said he understood that the park dedication has not been accepted by the Parks Board. He added that the zoning does not need to change and asked that the zoning remain single family residential.

Public Hearing

7. CUP-11-20 (Root Cellar) Hold a public hearing and consider a request by Kyle Mylius on behalf of Root Cellar Café, for a renewal of a Restricted Conditional Use Permit to allow the on-premise consumption of mixed beverages, beer, and wine as well as an amendment to allow a roped-in patio for a restaurant located at 215 N. LBJ Drive.

Chair Taylor opened the public hearing. Kyle Mylius, the applicant advised he is available to answer questions. There were no additional citizen comments and the public hearing was closed.

AMENDED MOTION: Upon a motion made by Commission Wood and a second by Commissioner Seebeck, the Commission voted all in favor to approve the amended motion to include conditions that the permit shall be valid for three (3) years, provided standards are met; subject to the point system for beer and wine only. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Morris the Commission approved on consent to approve CUP-11-20.

8. LUA-11-30 (River City Mixed Use - 430 W. Holland) Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of River City Loans, Inc., for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use (MU) for one lot totaling approximately 0.309 acre on Lot 9C out of the A.G. Coers Subdivision located at 430 W. Holland Street.

9. ZC-11-44 (River City Mixed Use – 430 W. Holland) Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of River City Loans, Inc., for a Zoning Change from Low Single-Family Residential – 6 (SF-6) to Vertical Mixed Use (VMU) for one lot totaling approximately 0.309 acre on Lot 9C out of the A.G. Coers Subdivision located at 430 W. Holland Street.

Vincent Gerard, Vincent Gerard & Associates gave a brief presentation.

Chair Taylor opened the public hearing.

Kenneth Deez, 1412 Alamo Street, pointed out that SF-6 has regulations for a reason. Regulations are to protect the integrity and privacy of the neighborhoods. He pointed out that neighborhoods keep getting affected by the request for rezoning. Mr. Deez read Section 4.2.2.1. and 4.2.2.2. of the Ordinance. He added that Holland Street is not a transition zone. He explained that Holland Street is used by a lot of people. He felt that if mixed use was allowed the traffic will increase by homeowners and students in the area. Mr. Deez said that that the homes should be rented as complete houses and not per bedroom. He pointed out that the rezoning will completely change the quality of life for the neighbors that surround the area. He said he hoped that the Commission would not honor the zoning request. Mr. Deez asked that the Commission keep the homes as family residences. He added that we continue to provide housing opportunities for students at the expense of permanent residents. He asked the Commission to deny the request.

Diane Wassenich, 11 Tanglewood said Holland Street is a street of single family homes. She explained that neighbors have spoken at past meeting to preserve a single family neighborhood. Ms. Wassenich stated that she doesn't think that they deserve to have their neighborhood converted to multifamily and commercial zoning. Ms. Wassenich added that several citizens of San Marcos have decided that a petition is necessary to make the Commission understand that the entire town feels the same way about rezoning single family neighborhoods to apartments. She explained that the petition started with 100 signatures and is up to 200 prior to the meeting. She advised the Commission that they will see the petition in the next few weeks. Ms. Wassenich plans on submitting the petition to the City Council and possibly to the Planning Commission at a later date. She explained that they are requesting a moratorium on all rezoning of single family neighborhoods to apartment complexes.

Lou Norris, 436 W. Holland said she has lived on Holland since 1960 and has no current plans to move. She said a multi-use building is out of character for the neighborhood. She stated that there are very few neighborhoods intact that are adjacent to the University. She believes the neighborhoods should remain consistent and vibrant as allowed by the low density residential zoning. Ms. Norris mentioned that she is not against change, but felt that in this case the change will devalue the character of the neighborhood and increase traffic and parking issues into the neighborhood. Ms. Norris asked the Commission that they deny the request in order to preserve the residential nature of Holland Street as well as the surrounding streets.

Sherwood Bishop, 124 Elm Hill Court provided the Commission with an aerial photograph which shows the area of the project. He asked the Commission to review the photo and determine if the area is mainly apartments or an area that is rapidly changing. He pointed out that there are apartments along LBJ that have been there for many years. He added that there are very few apartments in the area. He challenged the Commission to show any new apartments or commercial buildings that have been built over the last 15 years that exist in the area. Mr. Bishop pointed out that the area is an established neighborhood with mainly single family homes. He mentioned that we need to protect the existing neighborhoods so that people will want to bring their families to San Marcos. He asked the Commission to vote against the request.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Morris, the Commission approved on consent to deny LUA-11-20 and ZC-11-44. The motion carried unanimously.

10. LUA-11-31 (River City Mixed Use – 442 W. Holland) Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of River City Loans, Inc., for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use (MU) for one lot totaling approximately 0.232 acres on part of Lot 7 out of the A.G. Coers Subdivision, located at 442 W. Holland Street.

11. ZC-11-45 (River City Mixed Use – 442 W. Holland) Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of River City Loans, Inc., for a Zoning Change from Single-Family Residential – 6 (SF-6) to Vertical Mixed Use (VMU) for one lot totaling approximately 0.232 acres on part of Lot 7 out of the A.G. Coers Subdivision, located at 442 W. Holland Street.

Chair Taylor opened the public hearing.

Ken Deez, 1412 Alamo Street said the residents in the neighborhood do not deserve to have the traffic increase and commercial property put in their back yard. He said they deserve to remain a single family residential district. Mr. Deez said he hopes that the Commission accepts the staff recommendation of denial.

John Neez said he was helping his friend Ms. Norris. He explained that Ms. Norris feels that the request is for spot zoning which the City of San Marcos has been against for many years.

Cori Schwartz, 101 W. Mimosa Circle said they moved to San Marcos because her husband works at the University. She explained that they deliberately chose to live in the city limits on the edge of campus because they wanted to be close to the University in an established neighborhood. Ms. Schwartz said she hopes that the Commission would deny the spot zoning. She felt that if the Commission would encroach on this neighborhood, no neighborhood would be safe. She asked that they deny the request.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Seebeck, the Commission approved on consent to deny LUA-11-31 and ZC-11-45. The motion carried unanimously.

12. LUA-11-32 (River City Mixed Use- 448 W. Holland) Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of Fry Ventures, LLC, for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use (MU) for one lot totaling approximately 0.243 acres on part of Lot 6Aout of the A.G. Coers Subdivision, located at 448 W. Holland Street.

13. ZC-11-46 (River City Mixed Use – 448 W. Holland) Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of Fry Ventures, LLC, for a Zoning Change from Single-Family Residential – 6 (SF-6) to Vertical Mixed Use (VMU) for one lot totaling approximately 0.243 acres on part of Lot 6Aout of the A.G. Coers Subdivision, located at 448 W. Holland Street.

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

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Seebeck, the Commission approved on consent to deny LUA-11-32 and ZC-11-46. The motion carried unanimously.

There was a 15 minute recess.

Consideration:

14. LUA-11-24 (Casey Development (North Campus Housing)) – Consider a request by ETR Development, on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use (MU) for approximately 13.51 acres located at Sessom Drive at Loquat Street.

15. ZC-11-38 (Casey Development (North Campus Housing)) – Consider a request by ETR Development, on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a Zoning Change from Single Family Residential- 6 (SF-6) to Mixed Use (MU) for approximately 13.51 acres located at Sessom Drive at Loquat Street.

16. PDD-11-12 (Casey Development (North Campus Housing)) – Consider a request by ETR Development, on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a PDD overlay district, with a base zoning designation of Mixed Use (MU), for approximately 13.51 acres located at Sessom Drive at Loquat Street

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Ehlers, the Commission approved LUA-11-24, ZC-11-38 and PDD-11-12 with conditions that the applicant determine whether onsite or offsite detention will be permitted by the Parks Board; provide a performance bond or similar measure to ensure construction phase erosion control will be fully supported and that any necessary clean-ups are the responsibility of the applicant; no building permit shall be issued until the improvements delineated in the final city-approved traffic impact analysis have been installed or securitized; no permits shall be issued until the right-of-way abandonments have been approved by the City Council; no permits shall be issued until the Geotechnical Report has been received and approved by the City; Language in the PDD regarding tree preservation to be changed from "...may be planted at a City park..." to "...utilizing one of the following methods..." Commissioners Seebeck and Kelsey voted no.

17. Discussion 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.

Commissioner Wood asked staff to put sidewalks on the next agenda for discussion.

Commissioner Kelsey asked staff to put CUP renewals on the next agenda for discussion.

Development Services Report

Matthew Lewis announced that Brooks Andrews, Texas State Student Liaison has resigned. Staff will work with Mark Carter to have the position filled.

Commissioners' Report.

Commissioner Morris reported that Commissioner Carothers was absent due to medical reasons.

18. Questions from the Press and Public.

Sherwood Bishop asked if it was possible that an item could be reposted as a public hearing when the project was postponed.

Jeff Lowe asked if Commissioner Carothers would be present at the next Planning Commission meeting. Chair Taylor advised that Commissioner Carothers would be present.

19. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 9:39 p.m. on Tuesday, January 10, 2012.

Bill Taylor, Chair

Bucky Couch, Vice Chair

Chris Wood, Commissioner

Randy Bryan, Commissioner

Kenneth Ehlers, Commissioner

Carter Morris, Commissioner

Curtis Seebeck, Commissioner

Travis Kelsey, Commissioner

ATTEST:

Francis Serna, Recording Secretary

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
January 24, 2012**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck, Vice-Chair
Kenneth Ehlers
Carter Morris
Chris Wood
Corey Carothers
Randy Bryan

City Staff:

Matthew Lewis, Development Services Director
Francis Serna, Recording Secretary
John Foreman, Chief Planner
Christine Barton-Holmes, Chief Planner
John Stanley, Planner
Abigail Gillfillan, 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 January 24, 2012 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Election of Officers:

a. Chair

Upon a nomination made by Commissioner Morris and a second by Commissioner Ehlers, the Commission voted all in favor to elect Bill Taylor as Planning & Zoning Commission Chairman.

b. Vice-Chair

Upon a nomination made by Commissioner Morris and a second by Commissioner Ehlers, the Commission voted all in favor to elect Curtis Seebeck as Planning & Zoning Commission Vice Chairman.

4. Chairperson's Opening Remarks.

5. 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;*

6. Citizen Comment Period

Diane Wassenich, 11 Tanglewood spoke for the San Marcos River Foundation about the Windemere Project. She said the flooding concerns are serious at the entrance of the project. Ms. Wassenich explained that a variance was granted to allow the road to be constructed. She felt that it was not a wise move. Ms. Wassenich pointed out that they believe many lots will be under water and that Sink Creek will flood violently and when the two dams overflow it will be very dangerous for people who have homes downstream of the

two dams along the creek. She added the Mr. Stalone covered the ordinances that the Commission is to follow regarding granting variances. She said that they will continue to remind the Commission of their concerns when the item is on the agenda. They feel that it is not an appropriate place for development.

David Wendel, 118 E. Holland stated he wished Travis Kelsey was present to thank for his vote against the Sessom Creek Development. He felt that the comments from Commissioner Kelsey and Seebeck were ignored by the remainder of the Commission. Mr. Wendel pointed out that Commissioner Kelsey conveyed the mission statement of the Planning Commissioner and what it is about and every reason for voting against the project. He added that Mr. Kelsey expressed his concerns about the integrity of the neighborhoods, the health and well being of the citizens and the concerns for the compromised environment. Mr. Wendel stated that the Commission ignored the criteria to be voted on and used rational confusing fear tactics regarding the University expansion and the probability that the City would be filled with much needed tax money. Mr. Wendel pointed out that the project is in a bad location because it is a threat to the integrity to one of the neighborhoods with a poor buffer zone. He said the project will have serious and likely fatal traffic problems. He added that the project is a threat to the environment with a direct threat to the San Marcos River.

Jay Hiebert, 209 W. Sierra Circle, informed the Commission that he has been reviewing different elements of the San Marcos Horizons Master Plan. He said after the study of the Master Plan he has come away with much respect for the wisdom of the city elders who wrote the plan fifteen years ago. Mr. Hiebert said the city has doubled in size and the infrastructure must be enlarged to accommodate the future growth perhaps doubling in the next ten years. He added that he is certain for the need to stop zoning changes. Mr. Hiebert presented charts from a presentation made by Laurie Moyer. He explained that owner occupied middle class is declining. He said that the owner occupied is at 26% in 2010. He added that in 1980 apartment complexes started getting built and they need to stop. Mr. Hiebert commented that San Marcos has more renters. He gave a brief comparison to other states. Mr. Hiebert presented a chart that showed developed land and vacant land by zoning category. He said if we take the multifamily and mixed use properties, we would have 2,287 acres available for mixed use and apartment development. He asked the Commission to please vote against the zoning change.

Lisa Prewitt, 619 Maurey thanked all the Commission for opening up the doors and listening to the community. She stated that reference has been made to the Master Plan and how outdated it is. Ms. Prewitt explained that the vision goals and policies are good and should stay intact. She added that the vision is perfect for San Marcos. Ms. Prewitt stated that times have changed and we have learned allot in the last 17 years. She added that the mission statement should not be dismissed. She felt that the map should be reviewed and determine what is best for the city for its present and future growth needs. Ms. Prewitt felt that we should currently grant permits where land is appropriate but do not remove acres of trees and possibly damage the river and encroach on a neighborhood. She pointed out that we can make a difference in our town and can control it now while the city and community embarks on the new Master Plan. She told the Commission to look at jewel that we have been given to protect. Ms. Prewitt said she has learned allot in the last six to eight weeks and everything San Marcos has to offer.

Jim Garber, 104 Canyon Fork, spoke about traffic on Sessom Drive. He pointed out that there was a wreck Thursday on Sessom where a motorcycle was trapped under a bus. He explained that traffic studies have been done and the City's traffic expert has informed them that the intersection of Aquarena and Sessom is failing at a level E. In addition, the City's traffic expert has said that it is impractical and that there are no practical solutions because it will involve adding lanes. Mr. Garber told the Commission not to take his word but to listen to the city expert, Mr. Avila.

Jaime Briehan, 134 E. Hillcrest provided the Commission with a watershed map in relation to an overlay of the current multifamily development. He explained that the map shows the percentage of impervious cover already created which the river currently receives runoff. He added that there have been some improvements on Holland. Mr. Briehan stated that there is a fast flow of water downstream in a short time. He said if the density and traffic increases people will not be able to get through the traffic and have to drive around to Ranch Road 12. Mr. Briehan added that someone should not have to get in their vehicle and drive out of their way to get around because of new development.

Tyler Carlson, 136 Hunters Glen Drive gave a brief history of when Windemere was purchased and the problems with ecology. Mr. Carlson said that the homes are being placed where the homes would have been flooded in 1998. He expressed concerns regarding traffic on Post Road. He explained that traffic will increase with additional homes. Mr. Carlson cautioned the Commission in allowing high density in the area. He felt that there is no commitment from the developers that they are going to keep properties to one house per acre. He reminded that Commission that there are people who are watering on certain days of the week and taking care of the river. He can't image what they would think when they find out what the City has done or will do to endanger the quality of the river with developments along Sessom and Sink Creek.

Jeff Lowe, 1255 N. LBJ across from Hillside Ranch said he has lived there for 20 years and has seen the changes throughout the years. He said he thought the development would have two entrances or two exits. He asked if Hillside Ranch II will use the same entrances and exits for the current Hillside Ranch. Mr. Lowe explained that there are currently traffic issues and asked the Commission to look into it. He added that traffic would be a big mess if people are allowed to use the existing entrances and exits. Mr. Lowe thanked the developer for opening up a separate exit. He pointed out that people cannot see the small exit signs.

Harold Stern, 201 Oakridge Drive spoke against the Hillside Ranch Phase 2 zoning change request. He stated that zoning is a compact that the city makes with the residents and potential newcomers. He added that the city provides stability and reasonable expectations for residents and in exchange the residents are willing to make long term commitments to the City. Mr. Stern explained that the compact is beneficial to both sides and zoning should only be changed under extremely compelling reasons. He added that they chose to live in San Marcos because of its beauty and stability in neighborhoods. Mr. Stern mentioned that he reviewed the Master Plan and zoning carefully prior to the purchase of their home. He said they trusted the City to preserve the integrity of their neighborhood. Mr. Stern felt that their neighborhood is being threatened by a proposed rezoning. He said there are plenty of underutilized and undeveloped areas already zoned for apartments. Mr. Stern added that he and his neighbors have kept their part on the zoning compact by investing their lives, energy and dreams in San Marcos. He asked the Commission to keep their promise.

Cory Swartz, 101 W. Mimosa Circle thanked everyone for speaking and said she agrees with their sentiments. She asked the Commission to keep in mind the big picture of the hydrology of the area. She added that unfortunately the University sits on three different watersheds. Once again, she asked the Commission to keep in mind the big picture when they are considering making changes from low density to high density. Ms. Swartz explained that her husband, a Texas State Hydrology Professor in the Biology Department went out to the Sink Creek property and walked up the drainages toward the Hillcrest Phase I apartments. She explained that there are two drainages that meet where the power lines cross. She added that her husband took pictures that clearly show drainage coming down from Hillcrest Apartments Phase I which is washing out the streambed and depositing sediment on the green space. In addition, she said you can see where the water is recharging prior to reaching the recharge zone. Ms. Swartz asked the Commission to please keep all information in mind when considering building in the areas. She pointed out that there are plenty of areas that do not impact the watershed areas. She informed the Commission that there are over two thousand people who have signed a petition for a moratorium for no more rezoning.

Consent Agenda:

7. Consider the approval of the minutes from the Regular Meeting on December 13, 2011.

8. PC-11-01(02) (Windemere) Consider a request by Vigil & Associates, on behalf of Vinson Wood and Robert Haug for a Preliminary Plat for 74 lots on approximately 235 acres, located at 200 Lime Kiln Road.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers, the Commission voted on consent to pull items 7 and 8 from the consent agenda. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Seebeck, the Commission voted five (5) and one (1) to not approve the minutes of the Regular Meeting on December 13, 2011. The motion carried.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Carter, the Commission voted on consent to approve PC-11-01(02). The motion carried unanimously.

Public Hearing

9. CUP-12-02 (Texas Music Theater) Hold a public hearing and consider a request by San Marcos Entertainment, L.L.C., for renewal of an Unrestricted Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 120 E. San Antonio Street.

Chair Taylor opened the public hearing.

Scott Gregson, 120 W. Hopkins, representing Texas Music Theater stated that he has met with most of the neighbors and they seem be favorable compared to the previous operation that was at the location. He explained that they keep the sidewalks clean and power wash regularly. Mr. Gregson pointed out that the business is a place of entertainment and not a bar. He stated he was available to answer any questions.

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

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Morris, the Commission voted on consent to approve CUP-12-02 for three years provided standards are met, subject to the point system. The motion carried unanimously.

10. PDA-11-03 (Lazy Oaks Ranch) Hold a public hearing and consider a request by ETR Development Consulting on behalf of Lazy Oaks Ranch, L.P., for a petition for a development agreement for approximately 1,396.9 acres out of the W. Burke Survey, Abstract No. 68, the W. Smithson Survey, Abstract No. 419, the J. Williams Survey, Abstract No. 43, and the J. Huffman Survey, Abstract No. 228, located off of Ranch Road 12 west of Wonder World Drive.

Chair Taylor opened the public hearing.

Thomas Rhodes, ETR Development Consulting, 401 Dryden Lane, Buda introduced his two partners, Bill Bryant and Brian Lee. Mr. Rhodes requested authorization to move forward in the negotiation process for a very low density single family residential subdivision.

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

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission voted on consent to approve PDA-11-03. The motion carried unanimously.

11. A-11-03 (S. LBJ Drive & Guadalupe Street) Hold a public hearing and consider a request by Richard E. Kinsey for the abandonment of a 285.86' X 16.67' undeveloped alleyway between S. LBJ Drive and S. Guadalupe Street and bound by the Donaldson Right-of-Way to the north and railroad tracks to the south.

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

AMENDED MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Curtis, the Commission voted on consent to amend the main motion to change "owner" to "applicant" in number two and three of the conditions. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Seebeck, the Commission approved on consent to approve A-11-03 with the conditions that the applicant will dedicate 15' wastewater easement centered along the path of an existing 8" wastewater main that crosses the subject tracts; the owner will obtain an appraisal and metes and bounds survey description/exhibit of the alleyway to determine a monetary value of the subject tract; the owner will obtain an appraisal and metes and bounds survey description /exhibit of the 15' wastewater easement for dedication to the city; if feasible, future wastewater main relocation and consideration will be included in the easement dedication statement; and a license to encroach within the 15' wastewater easement may be pursued by the owner of an existing building

on the property noted in the application which the 8" wastewater main passes underneath as shown in Exhibit "A." The motion carried unanimously.

12. LUA-11-23 (Hillside Ranch Phase 2) Hold a public hearing and consider possible action on a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a land use map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for 10.925 acres located at 1410 N. LBJ Drive.

13. ZC-11-37 (Hillside Ranch Phase 2) Hold a public hearing and consider possible action on a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a zoning change from Single Family Residential (SF-6) to Multi-Family-12 (MF-12) for 10.925 acres located at 1410 N. LBJ Drive.

14. PDD-11-11 (Hillside Ranch Phase 2) Hold a public hearing and consider possible action on a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a Planned Development District Overlay (PDD), with a base zoning of Multi-Family-12 (MF-12) for 10.925 acres located at 1410 N. LBJ Drive.

Sherwood Bishop, 24 Elm Hill Court stated that they were originally against the request and signed a petition. He explained that they would have liked a single family subdivision. However, they are very aware about a KB Home subdivision which is a growing number of houses with a large number of students living in them. Mr. Sherwood explained that cars block traffic and houses are packed with three to four trucks per house. He added that the owners of Hillside offered to negotiate with the neighborhood and over a period of weeks they have agreed to most all of the changes the neighborhood has requested and stated that the PDD will be better for surrounding neighborhood and community. He explained that the provisions of the PDD offer a large buffer area of parkland dedication; limitations of apartment density to 12 units per acre compared to 24 units at the current Hillside Ranch; and less environmental impact than a single family neighborhood would have. Mr. Bishop added that almost everyone has signed a petition to remove their names. He said he is very thankful for the negotiations of the Hillside Ranch owners.

Diane Wassenich, 11 Tanglewood spoke as a neighbor and resident of the neighborhood. She explained that the public has not had a chance to see the Traffic Study. Ms. Wassenich hoped that the Commission would postpone the request due to the information not submitted on time. She mentioned that one small section of a small street in the neighborhood has been pressured enough to withdraw their petition signatures. Ms. Wassenich pointed out that they have a petition of 2,240 signatures of people who are asking to stop destabilizing their neighborhood by rezoning from single family to apartments. She added that she has hundreds of signatures in Elm Court that are opposing the request. Ms. Wassenich stated that the same traffic issues that have been discussed about Sessom Drive also apply to this request. She asked the Commission to not destroy the few good neighbors that are left in the City. She told them not to encroach further in the neighborhood with apartments. Ms. Wassenich asked the Commission to follow the Master Plan. She added that she would like to meet with each of the Commission to discuss engineering issues.

Frances Horne, 204 Oakridge Drive stated that he has removed his name off of the petition because he does not like petitions. He said he does not have a major issue with new plan except with the issue of LBJ. Mr. Horne explained the street is a fairly decent street until it comes to Holland and it narrows. He felt lights are needed. He explained that students run the stop sign. He said LBJ needs to be widened. Mr. Horne said he is concerned about the traffic.

David Sergi, 904 Bursleson stated he is a former resident of Tulle Street and has had the opportunity to observe the traffic and the environment of the area. He said he was present to speak about the character of the neighborhood. Mr. Sergi pointed out that the Community has spoken about development. He asked the Commission to step back. Mr. Sergi said he is pro development and is in support of intelligent development. He said in his opinion, we need to step back, stop spot zoning and look at a comprehensive plan. He explained that 4000 acres have been set aside for apartment and that the issues need to be addressed as a community.

Leah Cantu, 7107 Maverick Court, Buda Texas said she is not currently in San Marcos, but has 15 family members in San Marcos. She explained that in the flood of 1998 three households in her family along the San Marcos River were affected by the flood. Ms. Cantu added that they lost about ¾ of their belongings. She mentioned that she rode up Hwy 80 and was delayed for hours to come into town. She explained she tried going up Sessom but it was blocked off and no way of getting up the hill. Ms Cantu pointed out that the 2005 FEMA map is outdated. She mentioned that the 2007 FC report shows that the location is a continuous location of creeks that are part of the Edward's Aquifer. Ms. Cantu said Sink Creek, Sessom and Purgatory Creek, and Schulle Canyon Creek all go downhill and into the San Marcos River. She pointed out that there are several endangered species by the Freeman building and in Sewell Park where there are four endangered species and critical habitat. Ms. Cantu added that the salamander now only has 20 meters of the 50 meters they used to have due to construction runoff up by the University.

Jane Hughson stated that she was not speaking for or against the request. She pointed out that she is in support for not rezoning anymore single family until Land Use Plan has been reviewed and updated. She mentioned that she has signed the petition and keeps one with her in case anyone else would like to sign the petition. Ms. Hughson addressed concerns regarding access on Holland and the ability for a fire truck to drive onto the trail and get to the preserve.

Patrick Montgomery, 807 Center Street said with this particular development he felt that keeping the integrity of the town is not a priority. He stated that growth of Texas State is inevitable and protecting the existing neighborhoods does not seem to factor in the equation. Mr. Montgomery felt that the duties of the Planning and Zoning are to protect what is here and knowing the opportunities that are available. He pointed out that there is plenty of raw land on the edges of San Marcos for development. Mr. Montgomery added that they have a great plan but in the wrong place and is in opposition of the request. He added that the developers see the trees, rocks, nature and see an opportunity; we see it as a way of life. He asked the Commission to consider all aspects and to protect their homes.

Vincent Debrock, 100 W. Hillcrest Drive said he sees allot of effort put in the project but the problem is the location. He said he is glad the Commission is trying to save the trees. Mr. Debrock expressed his concerns regarding transplant trees that are of lower quality and have a short life span. Mr. Debrock asked the Commission to consider an amendment and hold the developer liable for keeping the heritage trees alive for at least 3-5 years. He pointed out that if trees don't last it is because of construction stress and trees should be replaced. Mr. Debrock said his other concern is the crossroad of Holland and LBJ.

Nancy Moore, 15 Tangelwood said she wants the Commission to think about traffic from North to Sagewood and the traffic that they will put on the LBJ neighborhood. She said they were told that traffic would not go LBJ but City Council has opened the thoroughfare. Ms. Moore pointed out that she has had thousands of dollars worth of damage to her property with cars coming down Tanglewood thinking it is street and have run right through huge boulders and telephone poles. She asked the Commission to keep the neighborhood single family. Ms. Moore explained that the Planning Department said the development would be required to have a detention pond if it was a single family neighborhood. She said a 200' buffer is not very much. She asked the Commission to postpone the request.

Annie Sergi, 904 Burluson said the process in which the Commission uses is not right. She felt that the rules are being moved aside and that the Commission is going by what might benefit them other than the purpose of the conditions. Ms. Sergi asked what would benefit our town. She added that the zoning is not outdated as discussed. She asked the Commission to think about the voting process what the ethical and moral thing to do.

Cynthia Gonzales, 113 Elm Hill Court stated that at the last meeting she was very much against the project. She explained that she has signed the petition in favor of it. Ms. Gonzales pointed out that the immediate neighborhoods are in support of the request. She added that the developers have listened to the neighborhood requests and have developed a sense of trust. Ms. Gonzales said people outside of the neighborhood are speaking against the request and concerned about traffic issues. She asked if a roundabout has been considered. Ms. Gonzales stated that she has firsthand experience of the traffic because she drives LBJ and Holland regularly.

Jennifer Jenson, 203 Oakridge Drive said after the Sessom Creek project she have lost faith in the Planners to make the right decision. She added that not only will Elm Hill Court neighbors be impacted but all the surrounding neighbors outside of the 200' buffer. Ms. Jenson said she is frustrated by the process and asked the Commission to not approve the request. She requested that the Commission stop converting single family residential to multifamily.

Jaimy Breihan, 134 E. Hillcrest said he resides approximately 800' from the project. He said that the most critical issue is traffic. He explained that on a Thursday, Friday and Saturday you can double the traffic until 3 or 4 a.m. on Holland, Hillcrest and LBJ. Mr. Breihan said considering the amount of land available for this type of development, he requested that the request be postponed. He added that the Commission considers the voice of the community.

RC White, 114 Elm Hill Court said he and his wife have lived on Elm Hill Court for 21 years and have seen the 10 acres outside their back yard. He said they would like to look at acreage for an additional 20+ plus years but knows that it is not going to happen. Mr. White said he was concerned if Hillside Ranch does not expand onto the property, what will happen. He doubted that quarter acre homes would not be built on the property. He felt that if the property was developed the property would become similar to Holland Park. Mr. White explained the concerns of Holland Park. He pointed out that the Sessom Creek development is not the same as this request. He added that he hopes the Commission approves the project.

Jeana Flemming, Dartmouth Street said she is one of the 2,240 people that signed the petition. She stated that she wants the zoning changes to come to a pause. Ms. Flemming mentioned that she has been looking for a house for four years. She added that the many zoning changes discourage people from buying a home in San Marcos. Ms. Flemming said there is an existing traffic problem on LBJ and Sessom. She added that when a development increases the density and traffic people are insecure. She mentioned that there seems to be some sort of premise that we need to develop if there is a little bit of open space. She added that with as much development that we already have on LBJ and on an incline it is more important to leave some vacant land that will provide a buffer to mediate the runoff.

Sylvia Alba Love, 106 Elm Hill Court said she feels that the project should not be developed other than single family. She added that if we are going to expand the University, we need to expand to house professors and not students. Ms. Love said the traffic is insane and invited the Commission to drive on Holland, LBJ and Sessom during rush hour. She asked the Commission why they are so insistent to develop every piece of property that we have in San Marcos. She pointed out that they do have to worry about Sink Creek because it going into the San Marcos river. She told the Commission to think about it.

Lee Stern, 201 Oakridge said she can hear parties on Craddock and functions downtown and expressed concerns regarding the buffer between Hillside Ranch II and Elm Hill Court. She pointed out that many people object to the KB homes built on Holland because there are too many cars. She pointed out that there is a mechanism in place for dealing with the issues. Ms. Stern advised that people need to call the police to report occupancy restriction violations.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers, the Commission voted on consent to postpone LUA-11-23, ZC-11-37 and PDD-11-11. The motion carried unanimously.

Non-Consent Agenda:

15. Receive presentation from staff regarding new permit software.

Abigail Gillfillan gave a brief presentation on Mypermit Now Software.

16. Discussion regarding policy establishing the timeframe when items can be considered by the City Council after going before Planning and Zoning Commission.

Matthew Lewis explained that Planning & Zoning Commission items will not be considered at City Council until seven days after a Planning Commission meeting.

17. Suggestions for future agenda items.

The Commission asked that staff be prepared to speak on behalf of concerns related to the LBJ and Hillside Ranch projects.

Commissioner Seebeck requested a presentation concerning spot zoning.

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.

18. Development Services Report

- 1. Agenda Process**
- 2. Level of Service**
- 3. Downtown Architectural Standards**

19. Questions from the Press and Public.

20. Adjourn.

21. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 9:14 p.m. on Tuesday, November 8, 2011.

Bill Taylor, Chair

Curtis Seebeck, Vice Chair

Randy Bryan, Commissioner

Chris Wood, Commissioner

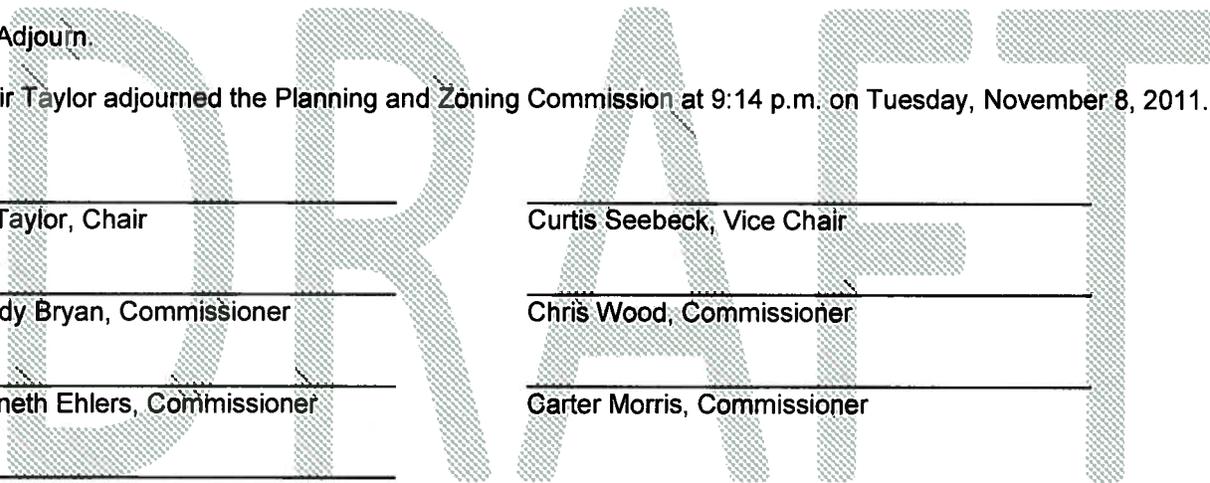
Kenneth Ehlers, Commissioner

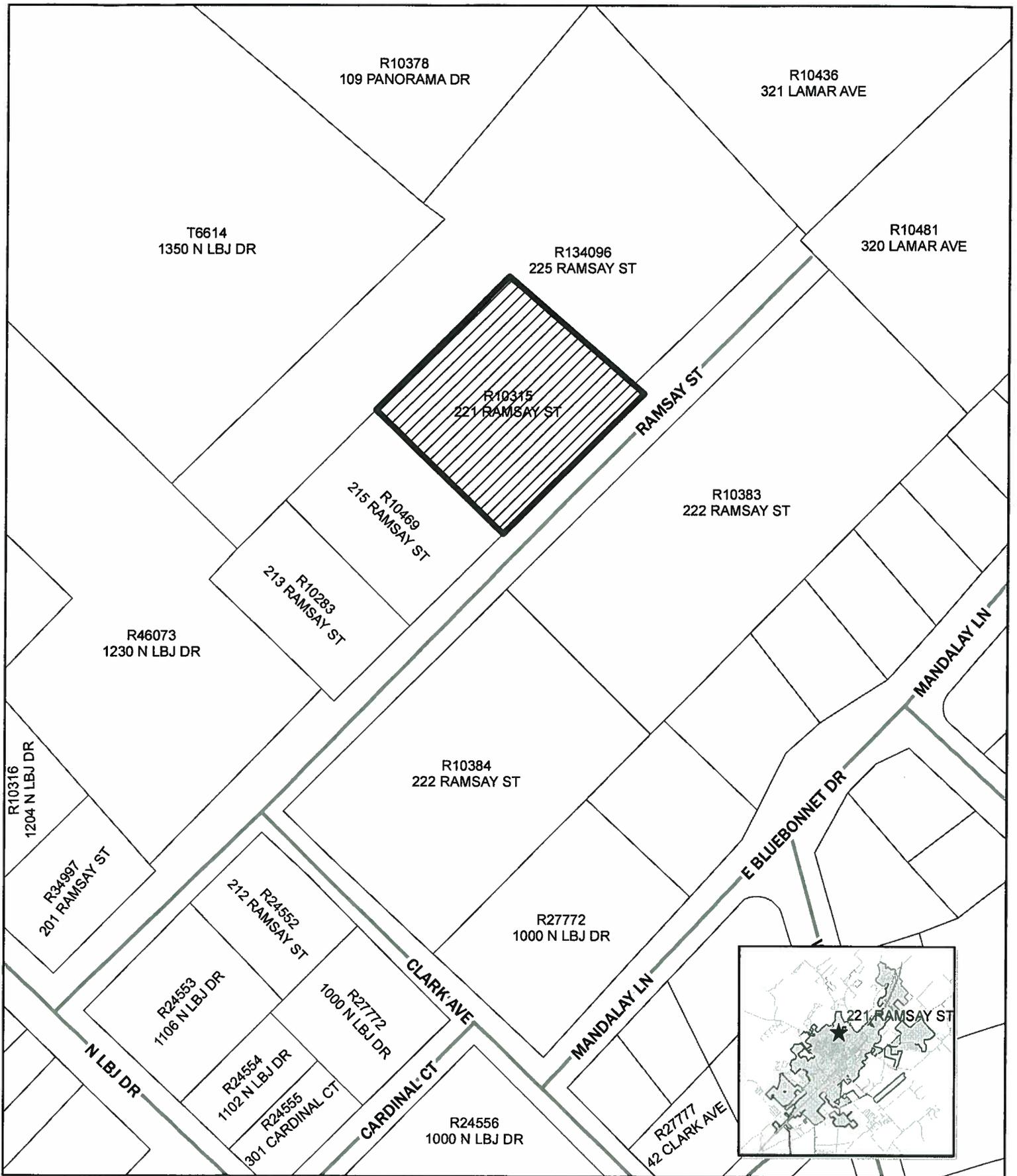
Garter Morris, Commissioner

Corey Carothers, Commissioner

ATTEST:

Francis Serna, Recording Secretary





PC-12-01(03)
Kyle Hills Subdivision
221 Ramsay St
Map Date: 02/02/12



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-12-01(03) Final Plat, Lot One, Kyle Hill Addition



Applicant Information:

Agent: Steve J. Henry
229 Cam, LLC
13501 Ranch Road 12, Suite 103
Wimberley, Texas 78676

Property Owner: Same

Notification: Notification not required

**Type & Name of
Subdivision:** Final Plat, Lot One, Kyle Hill Addition

Subject Property:

Summary: The subject property is approximately 0.77 acre in size and is located on Ramsay Street.

Zoning: Multifamily/MF-24

Traffic/ Transportation: The property is located on Ramsay Street. Eleven feet of right-of-way along Ramsay is requested to be dedicated as part of this Final Plat.

Utility Capacity: All utilities are provided for onsite.

Planning Department Analysis:

The subject property is zoned Multifamily/MF-24, and is surrounded by multifamily developments. The applicant is proposing a single, 18-unit structure with 35 bedrooms. The proposed plat would be consistent with developments in the area and meets the requirements of the LDC.

The site is a single lot, and is not located in floodplain or floodway. A Comprehensive Site Preparation Permit, which includes a Watershed Protection Plan Phase 2, will be submitted for review following approval of this plat.

Based on the size and proposed use of the site, either parkland dedication of 0.189 acre or fee-in-lieu of \$4,799 is required. The Parks Department has requested fee-in-lieu, because of the size of the site.

When the parcel adjacent to the northeast was platted, eleven feet of right-of-way was required to be dedicated to the City. In order to ensure consistency, eleven feet of right-of-way is requested to be dedicated for this parcel as well.

The Planning Department recommends approval, subject to the following condition:

- 1) Eleven feet of right-of-way for Ramsay Street shall be dedicated.

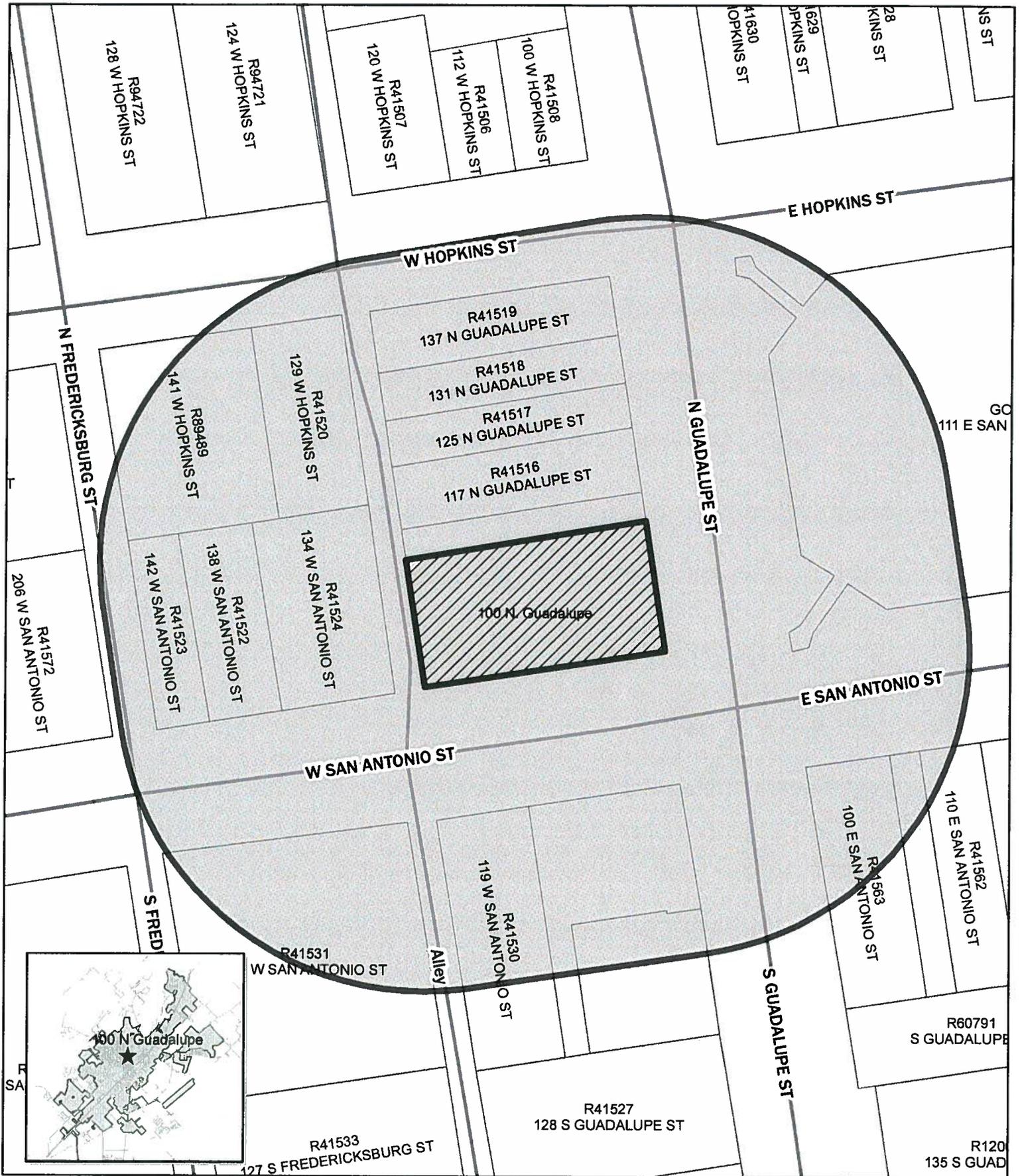
Planning Department Recommendation	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Statutory Denial

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:

Christine Barton-Holmes, LEED AP	Chief Planner	February 6, 2012
Name	Title	Date



CUP-12-04

**Nephew's
100 N. Guadalupe**

Map Date: 01/26/12

-  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.



Unrestricted Conditional Use Permit CUP-12-04 Nephews



Applicant Information:

Applicant: Joe Flanagan
Bar Entertainment Inc. dba Nephews
100 N Guadalupe
San Marcos TX 78666

Property Owner: Charles Ramsey
PO Box 2319
San Marcos TX 78666

Applicant Request: Renewal of existing unrestricted CUP for on premise consumption of mixed beverages.

Notification: Public hearing notification mailed on February 2, 2012.

Response: None as of February 8.

Subject Property:

Location: 100 N. Guadalupe

Legal Description: Original Town of San Marcos Block 11, Lot 2

Frontage On: Guadalupe, San Antonio

Neighborhood: Downtown

Existing Zoning: T5 – Urban Center

Master Plan Land Use: Commercial

Sector: Sector 8

Existing Utilities: Adequate

Existing Use of Property: Bar

Proposed Use of Property: Bar

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	T5	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.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

There is a limit of 14 unrestricted CUPs in the CBA at any time. An unrestricted CUP does not require food sales as a condition. If a CUP is restricted, the business must comply at all time with the standards for "bona fide restaurants." This location currently owns one of the unrestricted permits within the CBA. The CUP may be amended without regard for any waiting list for new permits (4.3.4.2.b (7)).

Case Summary

Nephews is located on the northwest corner of Guadalupe and San Antonio streets and holds one of the fourteen Unrestricted CUPs in the CBA. This business has held a CUP for several decades. Business hours are from 8 p.m. to 2 a.m.

This is the first renewal since the granting of a modification to the Unrestricted CUP allowing for the addition of a patio. The modification was approved by the Planning and Zoning Commission in September, 2010. The site plan showed four picnic tables for seating and no bar services or entertainment facilities on the patio.

The approved CUP called for the patio to be used primarily as a smoking area with no live music. The patio is located at the rear of the building and surrounded by buildings on three sides. A small parking area separates the patio from the alley. To date, there have been no recorded violations or known issues with the patio according to city staff.

Comments from Other Departments:

Police, Fire and Inspections noted no complaints or issues.

Planning Department Analysis:

Several conditions were put in place previously to address noise and are included below. Staff recommends that the conditions below remain in place in order to ensure that noise will not become an issue for the neighboring properties. There have been no recorded complaints from neighbors in the past year.

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

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

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

- 1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system;**
- 2. Doors to the exterior patio area shall only be opened as necessary for ingress and egress;**
- 3. No speakers or live music shall be allowed outside;**
- 4. The applicant shall comply with all regulations regarding occupant load, ingress and egress, and sprinkler coverage as directed by the Fire Marshal;**

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

February 2, 2012

Name

Title

Date

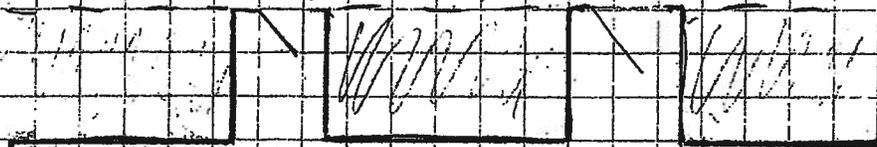


1 SQUARE = 2 FEET

DOORWAY INTO
EODI ADDITION
AREA

DOORWAY INTO
DANCE FLOOR
AREA

AREA ABOVE BROKEN
LINE SAME AS
EXISTING CUT



BAR
AREA

OUTSIDE
STORAGE

FENCE

RETAINING
WALL / BENCH
SEAT

PICNIC
TABLE

BACK
WALL
OF
NEIGHBORS
BUILDING

NEIGHBORS
PARKING
AREA

FLOWER
BED

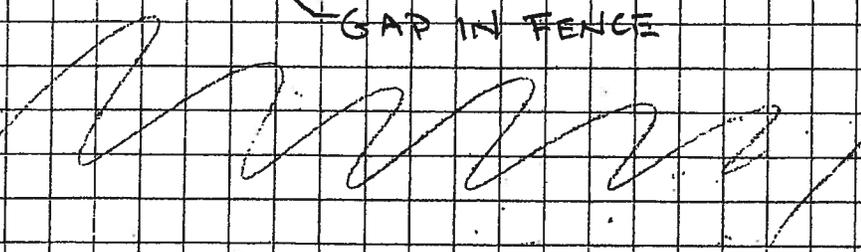
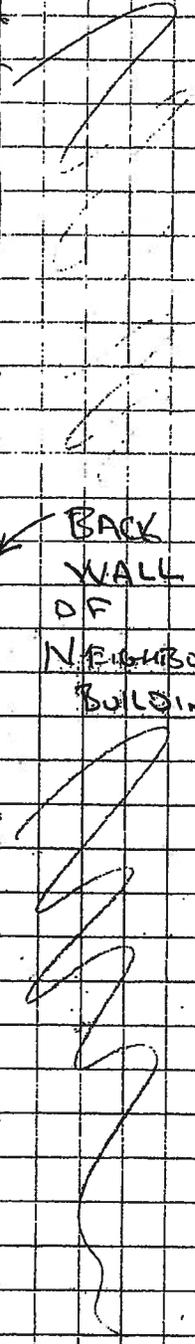
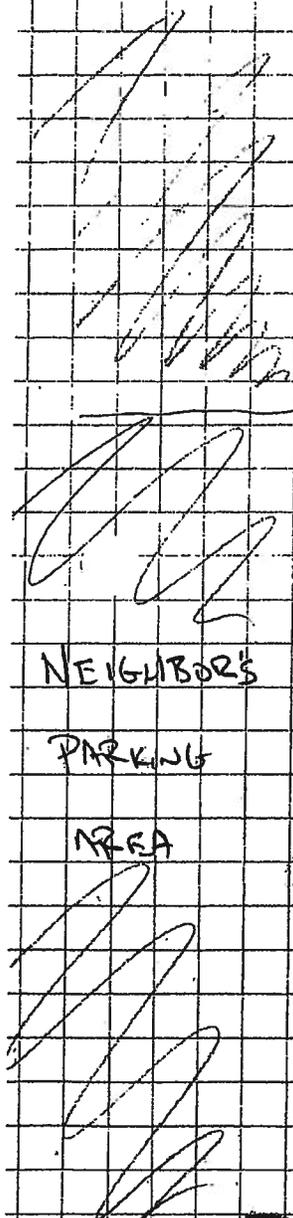
AREA

TEMPORARY FENCE

GAP IN FENCE

42'

TO
BACK
ALLEY



CUP-12-05

Conditional Use Permit

Cool Mint Café

415 Burleson Street



Applicant Information:

Applicant: Cool Mint, Inc.
415 Burleson
San Marcos TX 78666

Property Owner: ODAD Real Estate
111 Red Corral Ranch Rd.
Wimberley, TX 78676

Applicant Request: Renewal of a Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine at a restaurant establishment. Approval was granted for an initial one year period in 2006, and a 3-year period in 2007.

Notification: Public hearing notification mailed on January 27, 2012. A list of property owners notified is attached.

Response: None to date

Subject Property:

Location: 415 Burleson
 Legal Description: Lot 2 & part of 1, Block 13, Lindsey & Harvey Addition
 Frontage On: Burleson
 Neighborhood: None
 Existing Zoning: "MU" Mixed Use
 Master Plan Land Use: Mixed Use
 Sector: Sector 8
 Existing Utilities: Adequate
 Existing Use of Property: Café and restaurant
 Proposed Use of Property: Same
 Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	P/MF-24	Church, Multifamily
S of Property	MU	Residential
E of Property	T5	Sanctuary Lofts
W of Property	MF-18	Residential

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 interior of this historic house was renovated to operate as a restaurant with 40 interior seats. Cool Mint Cafe opened in May 2006, and requested a CUP to allow the sale of adult beverages to be served with menu food items. The CUP was approved, and a three-year CUP was granted in 2007.

The initial and subsequent CUP requests were granted based on the standard approval conditions for an alcohol CUP. Over the past few years, there have been no police or disturbance reports issued at this location.

Response from Other Departments

Health, Fire and the Police Department have not indicated any concerns with the renewal of this permit.

Planning Department Analysis:

The subject property is surrounded by commercial uses and is an established restaurant. A Conditional Use Permit for alcohol sales is compatible with the surrounding uses. Staff has not received any citizen comments or comments from other departments.

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

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

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

- 1. The permit shall be valid for the lifetime of the State TABC license, provided standards are met.**

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

Commission's Responsibility:

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

The Commission's decision is discretionary. 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:

Christine Barton-Holmes, LEED AP Chief Planner February 6, 2012

Name	Title	Date
------	-------	------

Cool Mint Café

White & Rosé Wines

Fontana Terre Griffi Franscata	7.	22.
Caposaldo – Pinot Griggio - Italy	7.	24.
Borgo Conventi-Sauvignon Blanc -Italy	--	28.
Darcie Kent Chardonnay – California -	--	24.
Angelini Sangiovese Rosé – Italy	8.	24.

Red Wines

IlIahe – Pinot Noir – Willamette --		45.
Jekel-Merlot-Monterey, CA	10.	31.
Diseno – Malbec - Argentina	8.	25.
Landon – Tempranillo – West Texas	--	48.
Graham Beck Shiraz – So. Africa	9.	27.
Peachy Canyon – Zinfandel – CA	8.	24.
Five Rivers - Cabernet - CA	7.	23.
Blue Rock – Cabernet Sauvignon Napa -	-	60.

Half Bottles

Freixenet – Carte Nevada Brut -		6.
Carmel Road-Chardonnay, Monterey, CA		14.
Parducci-Sustainable Red, Mendocino --		14.

Sparkling Wines

Domaine Ste Michelle Blanc de Blanc	WA.	25.
Montemartre Brut	France	7.00 25.

Cold Beer

Fireman's 4 (blonde ale)	3.50
Brewhouse Brown	3.50
Oktoberfest	3.50
Shiner Bock	3.00
Dos XX	3.50

Refreshing Beverages

Fresh Lemonade or Limeade-made with Stevia	3.50
"Cool Mint" Iced Tea	2.50
Hibiscus Mint Iced Tea	3.00
Hot Tea – herbal caffeinated and decaf	3.00
Regular and Decaf Coffee	2.50
Perrier Water	3.25
Mexican Coke (pure cane sugar-No HFCS)	3.75
Dublin Dr. Pepper	3.75
Diet Coke & Diet Dr. Pepper	3.00
Fresh OJ Mimosa	7.00

We will gladly open any bottle in the house if you purchase 2 Or more glasses – prices vary.

All wines available for retail purchase at \$10 off.

R13088 R13087
3936 S IH 35 3946 S IH 35

W ACCESS RD

S IH 35

S IH 35

E ACCESS RD

R60394
3939 S IH 35

R27246
3941 S IH 35

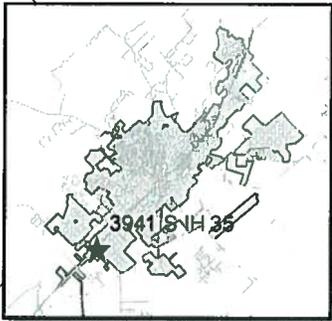
R27245
3943 S IH 35

S IH 35 TURN LANE

R27244
3939 S IH 35

CENTERPOINT RD

R27244
3939 S IH 35



19
H 35

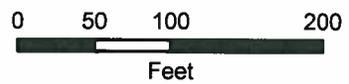
CUP-12-06

Lone Star Deli
3941 S IH 35

Map Date: 01/20/12

-  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-12-06

Conditional Use Permit

Lone Star Deli

3941 South IH-35, Suite 112



Applicant Information:

Applicant: Robert Nami
 Sage Outdoor Services, L.L.C. dba Lone Star Deli

Mailing Address: 3941 South IH-35, Suite 112
 San Marcos, TX 78666

Property Owner: BLN Properties No. 3, L.L.C.
 16418 Encanto Pass
 San Antonio, TX 78247

Applicant Request: Renewal of a Conditional Use Permit (CUP) to allow the on-premise consumption of beer and wine.

Public Hearing Notice: Public hearing notification was mailed on February 2, 2012.

Response: None as of February 7, 2012

Subject Property:

Location: 3941 South IH-35, Suite 112

Legal Description: Lot 4, Factory Shops, Acres 1.288

Frontage On: IH-35

Neighborhood: Located within San Marcos Premium Outlets

Existing Zoning: "GC" – General Commercial

Sector: Sector 5

Utilities: Sufficient

Existing Use of Property: Deli

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	GC	Commercial
S of property	GC	Commercial
E of property	GC	Commercial
W of property	GC	Commercial

Code Requirements:

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

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

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

Case Summary

Lone Star Deli is located at the San Marcos Premium Outlets. In December 2009, the Commission approved a CUP for the duration of one year to allow the on-premise consumption of beer and wine at a walk-up concession stand. The walk-up concession stand operated out of what was then the Bath Junkie retail store. This store was remodeled to operate as a deli in March 2011. This is a request for a renewal of the Conditional Use Permit. The main dining area is approximately 2,500 square feet with sixty indoor seats and four outdoor benches. The application indicates hours of operations from 11 a.m. to 7 p.m. and no live music has been proposed. Currently, the applicant has an active TABC permit to allow the on-premise consumption of beer and wine. The applicant is not proposing any other improvements to the structure at this time.

Comments from Other Departments:

Health, Building, Engineering, Police, and Code Enforcement have not reported major concerns regarding the subject property.

Planning Department Analysis:

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

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

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

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

- 1. The permit shall be valid for one (1) year, as the business has transitioned from walk-up concession stand to a sit-down deli restaurant, provided standards are met, subject to the point system;**
- 2. No open containers of alcohol shall be issued for off-premise consumption; and**

3. Signs remain posted where seating is located and at the purchase window stating: "It is prohibited for open containers of alcohol to be taken off premise."

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

Commission's Responsibility:

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

The Commission's decision is discretionary. 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:

Alison Brake

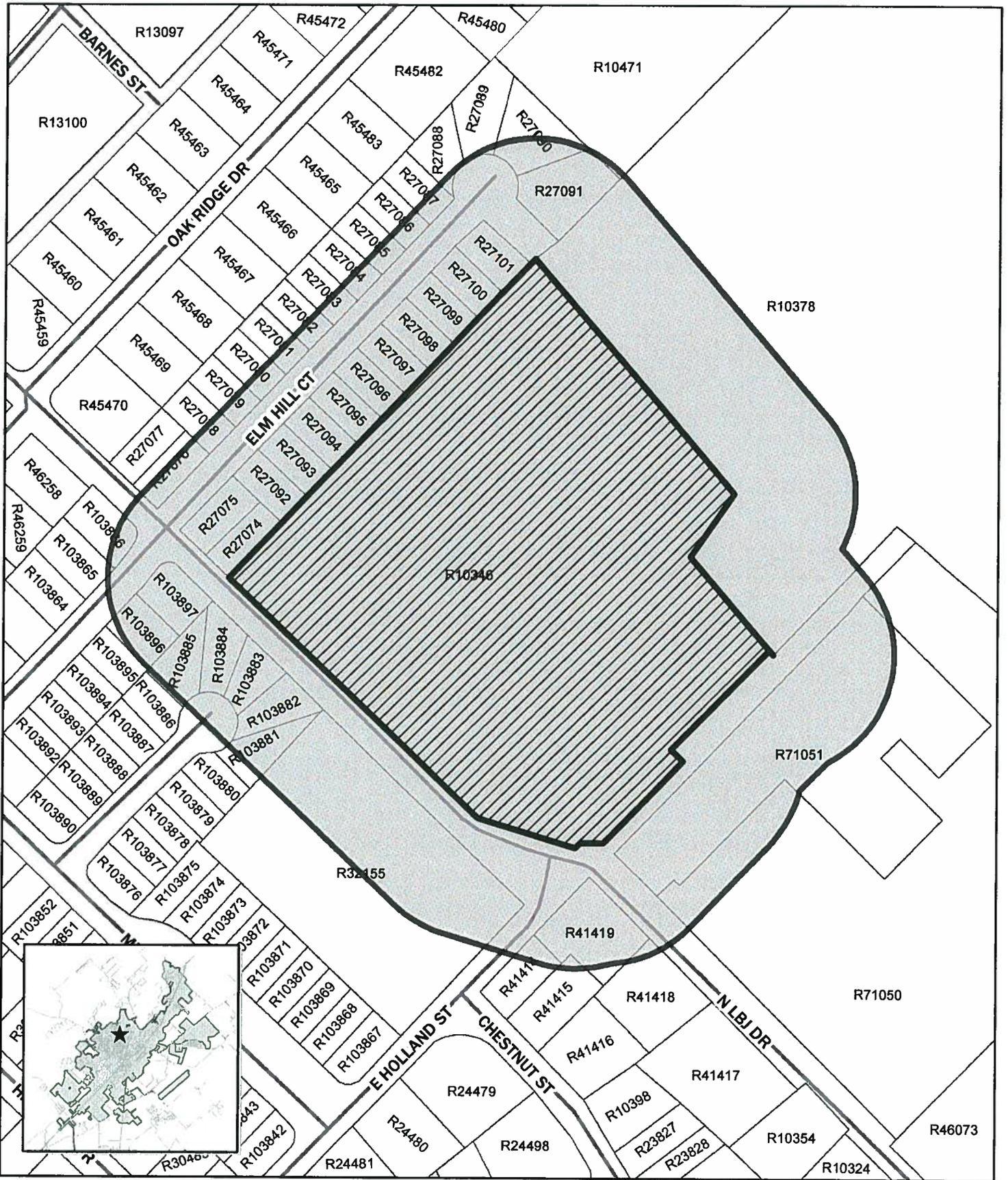
Planner

2/8/2012

Name

Title

Date



LUA-11-23
Hillside Ranch
Phase 2

Map Date: 10/27/11

-  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.



**LUA-11-23
Land Use Map Amendment
Hillside Ranch Phase 2
1350 N. LBJ**



Summary:

The applicant is requesting a Land use Map Amendment from Low Density Residential to Medium Density Residential

Consultant:

ETR Development
401 Dryden Lane
Buda, TX 78610

Applicant:

Jared Schenk, GEM Hillside Ranch
1350 N. LBJ
San Marcos TX 78666

Property Owner:

Dan Anderson
1410 N. LBJ
San Marcos TX 78666

Notification:

Personal notice sent and signs posted on January 13, 2012

Response:

See attached

Subject Property:

Location:

1410 N LBJ

Legal Description:

10.925 acres out of the Thomas Chamber survey

Sector:

Sector 3

Current Zoning:

Single-family (SF-6)

Proposed Zoning:

Multifamily (MF-12) with Planned Development District overlay

Current Future Land

Use Map Designation:

Low Density Residential

Proposed Future Land

Use Map Designation:

Medium Density Residential

Surrounding Area:

	Zoning	Existing Land Use	Future Land Use
N of Property	SF-6	City of San Marcos Parkland	Low Density Residential
S of Property	P/ MF-24	Church/apartment complex	High Density Residential
E of Property	MF-24	Apartment complex	High Density Residential
W of Property	SF-6	Single-family	Low Density Residential

Case Summary: Proposed Land Use Map Amendment from Low Density Residential to Medium Density Residential.

The subject property is approximately 10.925 acres and is located at the intersection of Holland Drive and N.LBJ Drive. This request is proceeding concurrently with a proposed base zoning change from single-family (SF-6) to multifamily (MF-12) and a Planned Development District (PDD) overlay.

The property is bounded by single family residences to the north, multi-family residences to the south and the Spring Lake Preserve to the east. The proposed development is an extension of the existing Hillside Ranch Apartments and would add up to 130 units (up to 390 bedrooms) to the area. Although designated Low Density Residential, the adjacent tract to the northeast is city parkland and will not be developed for residential use.

Planning Department Analysis:

Medium Density Residential (MDR) land uses have a density range of six to twelve dwelling units per acre and may include a variety of residential types such as duplexes, triplexes, fourplexes, townhomes, and zero lot-line homes. A variety of housing types may be allowed, so long as the overall density within a specific development or area is between six and twelve dwelling units per acre.

The subject property is located in a transition area between higher-density residential uses closer to the University and established residential neighborhoods to the west. Medium Density Residential Land Uses in this area can act as a transition between the more intense uses and the Low Density Residential. Medium Density Residential also provides an opportunity for a mix of housing types all located within the same area with access to commercial services. However, because of the large size of the lot and the fact that it is adjacent to thirteen single-family lots, the design of the development is vital. Adjacent tracts to the south and southwest are designated High Density Residential, while other tracts are designated Low Density Residential.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 3 Plan.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: Existing city utilities are in place to serve this property.</i></p>
X			<p>Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations.</p> <p><i>Comment: The proposed change will provide the opportunity for additional housing opportunities.</i></p>
X			<p>Policy LU-3.3: The City shall provide adequate space in appropriate locations for residential development in order to provide safe and sanitary housing, to meet the housing and social needs for a desired standard of living for the City's present and future population.</p>

Horizons Master Plan Policy Statement

Consistent	Neutral	Inconsistent	
X			<p>Policy LU-3.10: The City shall protect existing stable residential neighborhoods from encroachment of commercial or higher density residential uses.</p> <p><i>Comment: This location is between the higher-density residential near the university and the existing neighborhoods. The request is consistent with this statement because this project functions as a transition between these two areas and does not encroach within the neighborhood. The PDD provides measures to protect the existing neighborhood by transitioning from the existing High Density Residential to Medium Density Residential, which further transitions as outlined in the PDD.</i></p>
X			<p>Policy LU-3.14: The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished.</p> <p><i>Comment: The location near the parkland and the university ensure adequate amenities.</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 process of determining the need for multi-family units is ongoing. The location between High Density and Low Density Residential is appropriate for Medium Density Residential. The primary challenge for this location is the fact that single-family lots are adjacent to the property, and under the proposed base zoning, the 130 units could be placed in any arrangement on the lot. Without careful attention to the design of the lot, compatibility is not ensured. However, the proposed PDD design distributes density toward the adjacent High-Density Residential area, orients buildings away from the houses along Elm Hill, adds a natural buffer, and calls for a fence.</i></p>
X			<p>Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.</p> <p><i>Comment: Existing and proposed commercial uses and Texas State University are within walking distance, and improvements to LBJ Drive will improve pedestrian and bicycle access in the area.</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 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: The thoroughfare plan classifies LBJ as an arterial and Holland as a collector. Access to each allows for trip distribution. Although Holland is classified as a collector, there are some low-density residential properties along it. The Traffic Impact Analysis (TIA) shows 35% of the traffic generated from the site will use Holland, approximately 278 trips per day. This causes no Level of Service impact on the surrounding intersections. The TIA does not account for alternate modes such as walking or biking to campus, which could potentially reduce traffic on the surrounding network.</i></p>
X			<p>Policy LU-4.4: The City shall require medium and high density residential developments to be located on larger sites to allow the property buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development.</p>
	X		<p>Policy LU-5.6: The City shall not allow the rezoning of any property to a more intensive residential district without proof that the street system, utilities, drainage, and other requirements are adequate for the proposed density.</p> <p><i>Comment: Although utilities are in place, there is an existing wastewater capacity concern that city staff is working to address.</i></p>

The Sector 3 Plan contains goals such as walkable and bikeable neighborhoods, enhanced visual character through design requirements, open space and recreational activities, interconnected streets, and a variety of housing types. From a land-use perspective, Medium Density Residential at this location is consistent with these goals. The Sector 3 plan also recommends that Medium Density Residential within the sector be located near the University along LBJ.

Staff finds that the request is generally consistent with the goals of the Horizons Master Plan and the Sector 3 plan and promotes the health, safety, and welfare of the City by providing additional housing options in an infill area served by utilities within walking distance of the university while protecting the existing neighborhood. Staff recommends approval.

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

Prepared by:

John Foreman

Chief Planner

February 8, 2012

Name

Title

Date

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.

PDD-11-11/ ZC-11-37 Planned Development District (PDD) Hillside Ranch Phase 2



Summary:

Applicant/ Property Owner: Dan Anderson
1410 N. LBJ Drive
San Marcos, Texas

Consultant: ETR Development
401 Dryden Lane
Buda, Texas 78610

Jared Schenk, GEM Hillside
1350 N. LBJ Drive
San Marcos, Texas

Subject Property:

Legal Description: 10.925 acre tract situated in the JM Veramendi League Number 2 Survey.

Location: 1410 N. LBJ Drive

Existing Use of Property: Single Family residence

Existing Zoning: SF-6

Proposed Use of Property: Multi-family

Proposed Zoning: PDD overlay with a MF-12 base zoning

Sector: 3

Frontage On: N. LBJ Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-6	Single Family Residences
S of Property	MF-24	Multi-family
E of Property	SF-6/P	Spring Lake Preserve
W of Property	P	Church

Updates to the PDD since the January 24th Meeting

- A section has been added to 6.13 Limits of Construction Activities requiring a schedule of construction for the project to be submitted with the Site Preparation Permit and further requiring the project’s construction timeline to be revised as necessary to accommodate the City’s LBJ Improvements project.
- The driveway has been relocated and is now across from the intersection where Holland dead ends at LBJ. The developer will participate with the City in improving the entire intersection of North LBJ Drive and Holland with a roundabout or similar improvement (6.16). Final design will be conducted at the time of platting. This driveway location improves safety by improving visibility for turning traffic, and conceptually it is an improvement to the overall intersection by reducing speeds while still handling adequate capacity.
- 6.04 – As part of the parkland dedication, the developer will extend construction of the trail into the Preserve to connect to the trail network.
- 6.10 – Trees designated preserved that die within 3 years of the issuance of the Certificate of Occupancy will be required to be replaced in accordance with the tree mitigation standards in the PDD.

- Section 4 and Exhibit B – The maximum density has been clarified. The PDD allows a maximum of 130 units at an overall maximum average of 3 bedrooms, for a total maximum number of 390 bedrooms.
- A revised Traffic Impact Analysis has been approved.

Additional Information requested by the Commission on January 24th

- Design, timeline, and schedule of the North LBJ Project – Engineering staff will provide a presentation to the Commission at the February 14th meeting. There are actually two separate projects planned on LBJ. The first, scheduled to start this summer and to take between 3-6 months, is the installation of a portion of a water line connecting the Spring Lake tower with the Comanche tower. This will affect LBJ from Forest Street to Peachtree Street. The LBJ improvements project is a separate project set to begin in November and scheduled to take 16-18 months. It involves improving wastewater lines under LBJ along with transportation improvements including adding bike lanes, adding sidewalks where none exist, and expanding sidewalks to between 6 and 8 feet, as well as street repair.

Planning, Engineering, and Permit Center staff worked with the applicant to develop the language in the PDD to ensure that the project's construction timeline will not interfere with the LBJ project or cause additional traffic issues during construction.

- Wastewater capacity – Capacity in this area will be improved by fixing a chokepoint near Sessom and Aquarena Drive. This project is scheduled to begin in the fall and to take approximately 6 months.
- Environmental issues – section 6.05 of the PDD addresses Total Suspended Solid removal, construction stabilization and protection, and monitoring of Best Management Practices (BMPs). The Land Development Code contains additional controls to address off-site downstream erosion.
- Clarification on ingress and egress – access to this site is provided from a near the intersection of LBJ and Holland as shown in Exhibit B. Planning and Engineering staff A secondary access point is proposed to connect to Hillside Ranch Phase I. This is subject to a separate agreement with the City because it would cross undeveloped right-of-way. From a planning perspective, this secondary access is useful for emergency access and minimizing traffic on LBJ and Holland.
- The Legal Department will give a presentation regarding legal aspects of zoning at the February 14th meeting.
- Tree mitigation after construction has been addressed in the most recent PDD.

Project Overview

The subject property is approximately 10.925 acres and is located at the intersection of Holland Drive and N. LBJ Drive, between an existing high-density residential multi-family development and an existing single-family residential neighborhood. The site is located in the Edwards Aquifer Transition Zone and currently is used as one single family residence. The applicants have held numerous meetings with the adjacent neighbors, and have incorporated a number of their suggestions into the PDD.

Site Development

- 10.925 acre site.
- The project features 2 to 3 story cottage-style apartment units.
- 130 units maximum.
- Divided into two density zones.
- Enhanced streetscape standards to include 6' sidewalk and street trees every 30 feet along LBJ.
- All parking requirements will be met plus bicycle parking is provided.

- Construction hours will be limited.
- Parkland dedication of a trail connection to Spring Lake Preserve.

Density

Density on the site is limited to 12 units per acre maximum in Section 4. The concept plan submitted shows a layout for 111 units, although 130 is the maximum allowed in the PDD.

The PDD divides the site in two density zones. Zone 1, 4.62 acres, borders the single-family homes on Elm Hill Court. Density in this area is limited to 6 units per acre, which is consistent with the level of density in Low-Density Residential areas. The remainder of the units will be located in Zone 2, 6.3 acres, which is closer to Hillside Ranch Phase I. Overall, a maximum of three bedrooms per unit is proposed.

Exterior construction standards

The PDD establishes a minimum of 80% masonry and various sustainable design elements.

Parkland Dedication

The applicant is proposing to dedicate approximately 1.34 acres of land for the construction of a hike/bike trail that would lead from N. LBJ Drive to the Spring Lake Preserve. In addition, the PDD would require that the applicant to provide materials for the trail and to construct public parking and signage at the trailhead. This is consistent with the recommendation of the Parks Advisory Board (see attached).

Water Quality

The development will provide 85% Total Suspended Solids (TSS) removal using Low Impact Development (LID) techniques. This is a standard that is not currently required by the Land Development Code.

Buffer and Compatibility

In order to provide a transition to the adjacent single-family neighborhood, the applicant has designed the site to provide a buffer between the lots fronting on Elm Hill Court. This buffer / park area ranges 90 to 100 feet to the first internal driveway and 150 feet to the face of the first home and extends from N. LBJ all the way to the Spring Lake Hills Nature Preserve. This buffer mirrors the distance from the curb of the Elm Hill Court residences to the backyard fences of these homes. Also, at the request of the adjacent property owners, the PDD requires an invisible hanging fence along the common property line with the Elm Hill Court lots (see illustration in PDD document).

The PDD requires that the site will participate in the Achieving Community Together (ACT) program, imposes an occupancy restriction of one person per lease per bedroom, and outlines pet restrictions.

Access to Hillside Ranch Phase I

The PDD proposes to provide a driveway connection to Hillside Ranch Phase I across approximately 25' of city right-of-way in order to reduce the impact on LBJ north of Holland. This would be negotiated as a license agreement or other separate process, and approval of this PDD does not guarantee approval of this agreement. Should an agreement not be approved, the PDD must be revised to reflect only a single point of access.

Comments from Other Departments

Electric stated that an easement will be required to ensure access to a feeder main, and National Electric Code clearance to buildings must be maintained. Staff advised the applicant of this, and these issues will be addressed at the platting and site design phases.

Comments from the Public

A petition in opposition was received in November. Since that time several people who signed the petition have asked to be removed. A letter in opposition is attached.

Planning Department Analysis:

The subject property is located approximately a half mile from the Texas State University campus and is within Sector 3, which encompasses approximately 1.5 square miles north of Texas State University and as a result feels the effects of the growth of the University more than any other sector in the City. As is evident in the number of rezoning requests that the Planning and Zoning Commission has seen in Sector 3 more and more developers are seeking to develop or redevelop sites within walking distance to campus. This sector of the City is currently experiencing a transition from what was once a mixture of residential uses to multi-family development. While staff believes that this request has incorporated site development planning techniques to provide a smooth transition between low density-single family homes and a high-density multi-family development within this area it is important for the Planning and Zoning Commission to discuss the long range benefits and challenges associated with increased density in this area. While this area is not only serves as a gateway to the Texas State University campus it also functions as a gateway into multiple established single family residential neighborhoods. As a gateway location it is critical to review the request not only with regard to how many units per acre will be allowed, but also to pay close attention to the site design of the development and the architectural quality of the development.

The LDC outlines the following criteria to be used by P&Z in deciding whether to approve, approve with modifications, or deny a petition for a PDD:

- (1) The extent to which the land covered by the proposed PDD fits one or more of the special circumstances in Section 4.2.6.1 warranting a PDD classification.

Staff evaluation: The property fits the description of 4.2.6.1 (b) (1): The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards;

- (2) The extent to which the proposed PDD furthers the policies of the Master Plan generally, and for the sector in which the proposed PDD is located.

Staff evaluation: The request for a PDD supports the following Sector 3 Goals:

- *"Walkable" pedestrian-friendly neighborhoods*
- *Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety.*
- *"Neighborhood friendly" development mitigating negative impacts on higher intensity uses.*
- *Preserve and enhance visual character through a variety of design requirements.*
- *Improve open space and recreational activities*

The request supports the following Master Plan Goals (see LUA-11-23 staff report for further analysis):

- *Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities.*

- *Policy LU-3.14: The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished.*
 - *Policy LU-3.15: The City shall encourage physical buffers, such as permanent open space, land uses that are transitional and unobtrusive, landscaping, fencing, or walls be used, as appropriate, between residential areas and nonresidential areas, and between residential areas of different densities except where mixed land uses are desired.*
 - *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.*
 - *Policy LU 4.2- The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.*
 - *Policy LU-4.4: The City shall require medium and high density residential developments to be located on larger sites to allow the property buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development.*
- (3) The extent to which the proposed PDD will result in a superior development than could be achieved through conventional zoning classifications.

Staff evaluation: – In short, the PDD contains enhancements in water quality, streetscape improvements, tree preservation, and exterior design standards. The request is superior in these regards to a development meeting the minimum standards for MF-12. However, there is nothing in the MF-12 standards that prevent most of these enhancements. With the exception of the reduced setbacks for the townhomes along LBJ, this project and its enhancements could be achieved by right in an established MF-12 district.

- (4) The extent to which the proposed PDD will resolve or mitigate any compatibility issues with surrounding development.

Staff evaluation – Because of the buffers provided, the density zones established, the occupancy restrictions imposed, and participation in the ACT program, immediate nuisance issues such as noise should have a minimal effect on surrounding single-family properties, and the layout of the site and smaller buildings in zone 1 maintain the low-density character of the adjacent property.

- (5) The extent to which the PDD is generally consistent with the criteria for approval of a watershed plan for land within the district.

Staff evaluation –The Watershed Protection Plan Phase I has been approved. A WPP Phase II will be required prior to the final plat.

- (6) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses;

Staff evaluation – The proposed multi-family use is not typically compatible with the surrounding single-family neighborhoods, though the PDD does mitigate this incompatibility as described in #4.

- (7) The extent to which the proposed development is consistent with adopted master facilities plans, including without limitation the water facilities, master wastewater facilities, transportation, drainage and other master facilities plans;

Staff evaluation – No variation from adopted plans is proposed.

- (8) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

Staff evaluation –The proposed trail and parking area provides the entire area access to the Spring Lake Preserve.

Additionally, the Commission should consider:

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

Staff evaluation: The property could be developed as single-family, although buffering and appropriate subdivision layout would be necessary because of the adjacent Hillside Ranch Phase I, zoned MF-24.

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

Staff evaluation: Texas State University has continued to increase enrollment, and the area north of campus is densifying. Hillside Ranch Phase I was constructed in 1996 and additional units are currently being added.

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

- (4) 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 PDD contains a number of design requirements to prevent detrimental effects on the surrounding land, particularly density allocation and buffer requirements.

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

Staff evaluation: In addition to the public access to the Spring Lake Preserve for the area, the request expands housing options near the university in an infill area served by public utilities.

Staff finds that the request is generally consistent with the goals of the Horizons Master Plan and the Sector 3 plan and promotes the health, safety, and welfare of the City by providing additional housing options in an infill area served by utilities within walking distance of the university while protecting the existing neighborhood. Staff recommends approval.

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

Prepared by:

John Foreman

Chief Planner

January 19, 2012

Name

Title

Date



City of San Marcos
Community Services - Parks and Recreation Department

PARKS ADVISORY BOARD
Regular Session

Tuesday, October 25, 2011

The following represents the action taken by the City of San Marcos, Parks Advisory Board in the order they occurred during the meeting. While the minutes may not be in sequential order, all agenda items were discussed.

Board Members in attendance:

Stephen Sundquist, Chairman
Gary Aalen, Vice-Chair
Bill Taylor
Sheila Torres-Blank
Chad Williams
Ted Ingwersen
H.L. "Butch" Crunk
Rick Henderson
Vacancy

Others Present:

See Sign-in List

Staff Members in attendance:

Rodney Cobb, Director of Community Services
William Ford, Asst. Director of Community Services and Parks and Recreation
Ken Claybourn, Facility Manager
Oscar Hairell, Operations Manager
Richard Merritt, Athletic Manager
Melani Howard, Watershed Protection Manager
Lisa Morris, Recreation Manager
Debbie Dietz, Recording Secretary

VI – Discussion and/or Recommendation – Hillside Ranch Park Proposal –

Sophia Nelson did the presentation saying that the property is approximately 10.925 acres and is located at the intersection of Holland Drive and North LBJ Drive. The property is bounded by single family residences to the north, multi-family residences to the south and the Spring Lake Preserve to the east. The proposed development is an extension of the existing Hillside Ranch apartments and would add approximately 106 units (approximately 400 bedrooms) to the area. The owner of the property is proposing the following to meet the parkland dedication requirements of the code.

- The applicant is committing to calculating the required parkland dedication based on the number of bedrooms (400) rather than basing it on the number of units (126). The change in calculation results in an additional 0.68 acres of dedication.
- The property owner will dedicate a minimum of a 30 ft. wide public pedestrian access easement parallel to the rear property lines of lots in the adjacent Elm Hill subdivision. The owner will be responsible for construction of a minimum ten foot width multi-use path within the public pedestrian access easement.
- Dedication of a .23 acre neighborhood park. The owner has committed to the construction of a gazebo or covered patio, picnic tables, or benches and a water fountain within the parkland area.

Planning and Development staff has reviewed the parkland proposal for the development and found the following:

- The proposed trail connection to Spring Lake Preserve supports the parkland connectivity goals of both the City's comprehensive Master Plan and the Parks Master Plan.
- While staff does agree that an active neighborhood park is needed north of campus, staff is concerned about the amount of usage a park of the proposed size would get. Additionally the cost of the associated maintenance for the park is of concern to the staff.

Staff is recommending approval of the construction and dedication of a 10" trail to be counted towards the required parkland dedication requirements. Additionally staff is recommending that in lieu of the neighborhood park, proposed by the property owner, the remainder of the parkland dedication requirements be satisfied through fee-in-lieu of dedication and the construction of a trail head.

Parks staff concurs with Planning and Development staff, and request approval from the Parks Board if the above items can be implemented in the development plan.

After discussion with the public, board members and staff a **motion** was made by Chad Williams that the board recommend that we receive the required 1.22 acres parkland dedicated on the northwest side of the trailhead.

Gary Aalen offered a friendly amendment to add that there will be a minimum width 50 ft. buffer between the trail and homes. Chad Williams accepts the amendment.

The **motion** is seconded by Gary Aalen and the motion passes (8-0).



January 19, 2012

Planning and Zoning Commission
630 E. Hopkins
San Marcos, Texas 78666

RE: ENVIRONMENTAL FEATURES OF HILLSIDE RANCH PHASE II PROJECT, SAN MARCOS, TEXAS

Dear Sirs:

The Hillside Ranch Phase II project is a multi-family housing development on a 10.925 acre site. The development proposes to include planning and design that goes beyond the minimum environmental requirements for the City of San Marcos.

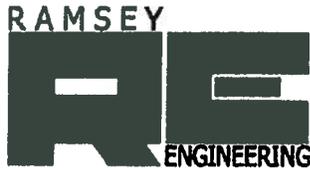
1. The project is voluntarily complying with water quality regulations within the PDD that exceed the current standards of the City of San Marcos and the Texas Council of Environmental Quality (TCEQ). The site is not within the boundaries of the Edwards Aquifer Recharge Zone, but the proposed standards and methods used will exceed the local and state standards for the sensitive area abutting a significant preserve for the City of San Marcos (parkland to the north).
2. Tree and Vegetation Protection Program –
 - A tree survey has been developed and will be used in the planning and design of the site improvements.
 - The project team has identified significant heritage trees as well as areas of significant native vegetation to be preserved and included in the landscape plan for the development. The current site plan saves 23 of the heritage trees on the site.
 - The project will preserve areas of native vegetation adjacent to the neighborhood to the west. A significant portion of the tree and brushy landscape will be preserved to screen the parking lot as well as the structures of the new housing.
 - Other areas of selected native vegetation will be incorporated into the site design to allow further infiltration of stormwater.
3. The project will include Water Quality protection devices and structures which will be blended into the site and will provide infiltration, biofiltration and other means of lessening the impact of stormwater pollutants. The landscape plans will be coordinated with the civil engineering to ensure a seamless merging of landscape and water quality controls.
4. The clustering approach to the site planning allows better flexibility in siting landscape infiltration features as well as storm water controls. Minimizing the alteration of existing terrain will also help in lessening the impact of the new construction. Wildlife will be more attracted to the zones of preserved vegetation with this approach.
5. Depending on the final design and construction techniques used, the type and configuration of the LID water quality techniques that are incorporated into the project may allow the project to increase the actual Total Suspended Solids (TSS) removal to a level above 90%.
The following water quality techniques will be considered in the landscape and engineering plans:
 - a. Vegetated Filter Strips: Engineered vegetated slopes that pretreat stormwater as it sheet drains across them.
 - b. Bioswales: Vegetated swales with check-dams that slow, clean, and infiltrate stormwater as it is conveyed through the site.
 - c. Rain Gardens: Depressed and vegetated areas where stormwater is channeled for cleansing and infiltration.

- d. Biofiltration Pond: Similar to sand filtration ponds with the addition of vegetation to provide a higher degree of pollutant removal.
- e. Pervious Paving in Parking Spaces: allow stormwater to infiltrate through paving rather than running off.
- f. Native Plants for Landscaping: reduce irrigation water demand, provide wildlife habitat, and retain a small volume of stormwater.



J. Robert Anderson, FASLA

J. Robert Anderson Landscape Architects
3718 Manchaca Rd.
Austin, TX 78704
512-440-1049



Ramsey Engineering, LLC

Civil Engineering - Consulting
TBPE Firm No. F-12606

3206 Yellowpine Terrace
Austin, Texas 78757
Cell: 512-650-6800
skramsey53@att.net

January 19, 2012

City of San Marcos
Planning & Zoning Commission
630 E. Hopkins Street
San Marcos, Texas 78666

RE: Hillside Ranch Phase 2
1410 North LBJ Drive
San Marcos, Texas
Preliminary Engineering Evaluation Report
Project No. 11-017-11

Dear Commissioners:

Please accept this letter with attachments as our preliminary engineering evaluation report. This report is provided in conjunction with the pending re-zoning and Planned Development District (PDD) overlay cases with the City. A summary of our findings is highlighted following.

- The proposed impervious cover is approximately 47.5% of the project site and less than the 50% allowed for SF-6 zoning.
- The Sink Creek watershed area, to the confluence point for this project drainage, is about 43.7 square miles, or, almost 28,000 acres. The proposed project impervious cover represents only about 0.02% of the Sink Creek watershed area (to confluence point).
- 2-Year and 25-Year on-site stormwater detention to be provided. Stormwater runoff peak flow rates will not be increased over the existing conditions.
- Stormwater runoff velocities will not be increased. Erosion potential will not be increased as a result of this project.
- Water quality best management practices for 85% removal of Total Suspended Solids (TSS) increase over existing conditions to be provided, and, will exceed TCEQ or City requirements.
- Project will not result in an adverse impact to downstream properties.

Existing Project Site Conditions

This 10.925-acre tract is located along North LBJ Drive, opposite the Holland Street intersection. This tract is predominately undeveloped, with only one (1) single family residence, a small barn and a small one-story rock building. The existing impervious cover is approximately 0.39 acres or about 3.6% of the total tract area.

Topographically, this tract is predominately gently sloping, with some steep slopes, from south to north (from North LBJ frontage to the rear of the property). A topographic high point or ridge splits the tract into two (2) on-site drainage areas. Approximately 2/3 of the tract drains to the northwest property corner, with the remaining approximate 1/3 draining to the northeast corner. No off-site drainage is conveyed through this tract from the south and east sides. North LBJ Drive provides for a drainage divide along the south side of the tract. An existing ephemeral creek, just off-site and along the east property line, conveys stormwater runoff from the surrounding developed areas and away from this tract. The existing single family lots along Elm Hill Court, to the west of and abutting this tract, drain to the property. Consequently, off-site drainage conveyance through this tract is limited to this west side only.

The project is located within the Edwards Aquifer Contributing Zone within the Transition Zone. Therefore, in addition to the City of San Marcos, the Texas Commission on Environmental Quality (TCEQ) will have jurisdictional authority over the project development.

Proposed Site Development Conditions

Attachment A provides the proposed Site Plan. This site development, i.e., buildings, parking, drives, site disturbance, etc., have been located and aligned so to account for three (3) important development and construction aspects. They are: (1) to substantially preserve all of the on-site existing specimen trees (24" and larger in diameter); (2) to improve the site constructability by working with and parallel to the existing slopes, to the greatest extent possible; and (3) to minimize rock excavation and the resulting dust associated with that type of excavation. We feel these three project aspects are important to note because they all work together and toward minimizing site disturbance and preserving the natural character of the property.

For the Site Plan in Attachment A, we estimate the proposed impervious cover for the project to be approximately 5.19 acres or about 47.5% of the total tract area. This impervious cover ratio is well below the 75% maximum allowed in the proposed PDD Standards. This proposed impervious cover is also less than that allowed for single family residential zoning (50% allowed).

More importantly, the proposed impervious cover represents only about 0.02% of the total Sink Creek watershed area (to this drainage confluence to the creek). We have verified the approximate total watershed area to this location to be about 43.7 square miles or almost 28,000 acres (see Attachment B). The watershed boundary goes almost to the Ranch Road 12 and Farm To Market Road 32 intersection, near Wimberley. Because of the inconsequential amount of impervious cover with this project, relative to this very large watershed area, and in combination with no increase in stormwater peak flow rates and velocities from the development (see below), this project will not and cannot result in an adverse impact to the downstream properties and the receiving Sink Creek.

On-site stormwater detention improvements will be included with the project development. In consideration of the existing topography (see above), one (1) on-site detention pond will be constructed at or near to each rear property corner. Both ponds will be designed to detain the

increase in stormwater peak flow rates for the 2-year and 25-year design storms. We will also evaluate the 100-year storm to ensure no adverse impact downstream. A level flow spreader and velocity dissipater will be provided at the outlet of each pond. These pond outlet improvements will ensure non-erosive velocities and to prevent point discharge of the stormwater, i.e, returning the discharge to a sheet flow condition, similar to the existing conditions.

We wish to point out that the primary function of a stormwater detention pond is to maintain the peak flow rates, for a particular design storm, at or below the existing conditions. The increase in stormwater runoff volume (from the existing conditions) is detained and released over an extended time period. By doing so, and by providing certain pond outlet improvements (see above), discharge velocities from the development, and, velocities in the receiving creek or channel are not increased. With no increase in stormwater velocities, the erosion potential in the receiving drainageway cannot be increased, over the existing conditions, as a result of this project.

In addition, on-site water quality controls are to be provided. Both the City and TCEQ will require these controls since the project is located within the Edwards Aquifer Contributing Zone. Both entities will require 80% removal of the increase in Total Suspended Solids (TSS) loadings over the existing conditions (calculated in pounds [lbs] per year). The proposed project controls will exceed this requirement by providing 85% removal of the TSS increase. Consequently, the project development will provide an improved mitigation to this pollutant loading from the site. Of special note is the fact that neither the City or TCEQ require 100% removal of the TSS increase. Both entities recognize that such a removal efficiency is not warranted.

City Watershed Protection Plan Permitting

The Watershed Protection Plan Phase 1 (WPP1) Permit was approved by the City on October 13, 2011. The approval certificate number is WPP1-11-08. This permit addressed the existing site and soil conditions, topography, and trees 9" and larger in diameter, as well as providing for the preliminary proposed improvements plan.

Prior to final platting and after zoning entitlements are obtained, the City will require a Phase 2 (WPP2) Permit application and approval. This permit will specifically address the final design and construction/installation of the temporary and permanent erosion and sedimentation controls, on-site stormwater detention and on-site water quality controls.

TCEQ Contributing Zone Plan

Concurrent with the above City WPP2 Permit application, we will submit a Contributing Zone Plan (CZP) application to TCEQ. This CZP entails similar requirements as the City watershed permit.

Site Visits/Observations

With consideration to all of the above, numerous site and area visits have been made to observe the existing conditions. These observations are critical in understanding the existing drainage

conditions, in particular. We have observed no noticeable soil erosion within or from this 10.925-acre tract.

However, we understood there was a neighborhood concern regarding erosion in this immediate area. We did observe some off-site soil erosion near the east property line. This soil erosion is downstream of an existing City 36" storm culvert and sedimentation basin for Holland Street. An existing dry creek, partially located on the existing Hillside Ranch Apartment complex at 1350 North LBJ Drive, conveys stormwater runoff to the north to Sink Creek. Photographs have been taken to document this existing drainage condition. Refer to Attachment C. We believe this observed soil erosion is the result of erosive velocities due to the existing steep slopes downstream of the existing City drainage improvement. Further, it is our opinion this soil erosion is not the result of stormwater discharge from this 10.925-acre tract or the existing Hillside Ranch Apartments at 1350 North LBJ.

Summary

The proposed project development will have a total impervious cover less than that allowed for SF-6 zoning. Further, the proposed impervious cover represents only 0.02% of the Sink Creek watershed to the project drainage confluence with the creek. This is like "a grain of sand at a very large beach". Additionally, stormwater runoff peak flow rates will not be exceeded for the 2-year and 25-year storms. By providing on-site detention for the smaller but more frequent storm events, non-erosive velocities can be ensured. Thus, streambank erosion can be minimized and not be increased as a result of this project. Therefore, it is our opinion that this project would not result in an adverse impact to the downstream properties.

We trust you will find this preliminary engineering report to be satisfactory. Please advise if you need anything else.

Sincerely,



Stephen Ramsey, P.E.
Manager/President

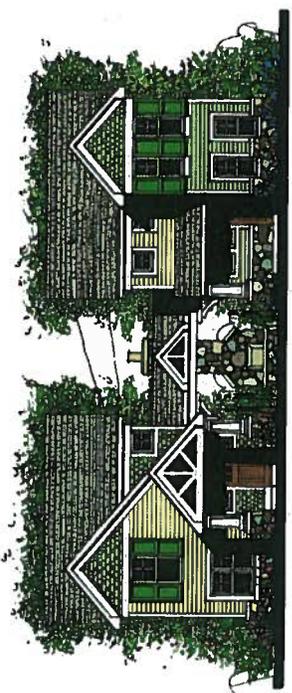
Enc.



ATTACHMENT A

HILLSIDE RANCH PHASE II

01-19-2012
PROJECT # 11078



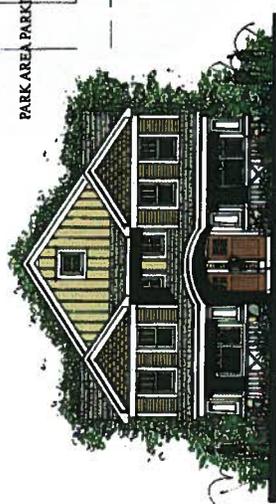
VAIL ELEVATION



TELLURIDE ELEVATION



AJAX ROWHOUSE(L/R) ELEVATION



WHISTLER ELEVATION



ZONE 1 (REDUCED DENSITY- HILLSIDE OF ELM HILL - MIRROR SF-6)
6 UNITS PER ACRE; 4.62 ACRES

ZONE 2
6.30 ACRES

Hillside Ranch - Phase II
Project No. 11078
February 19, 2012

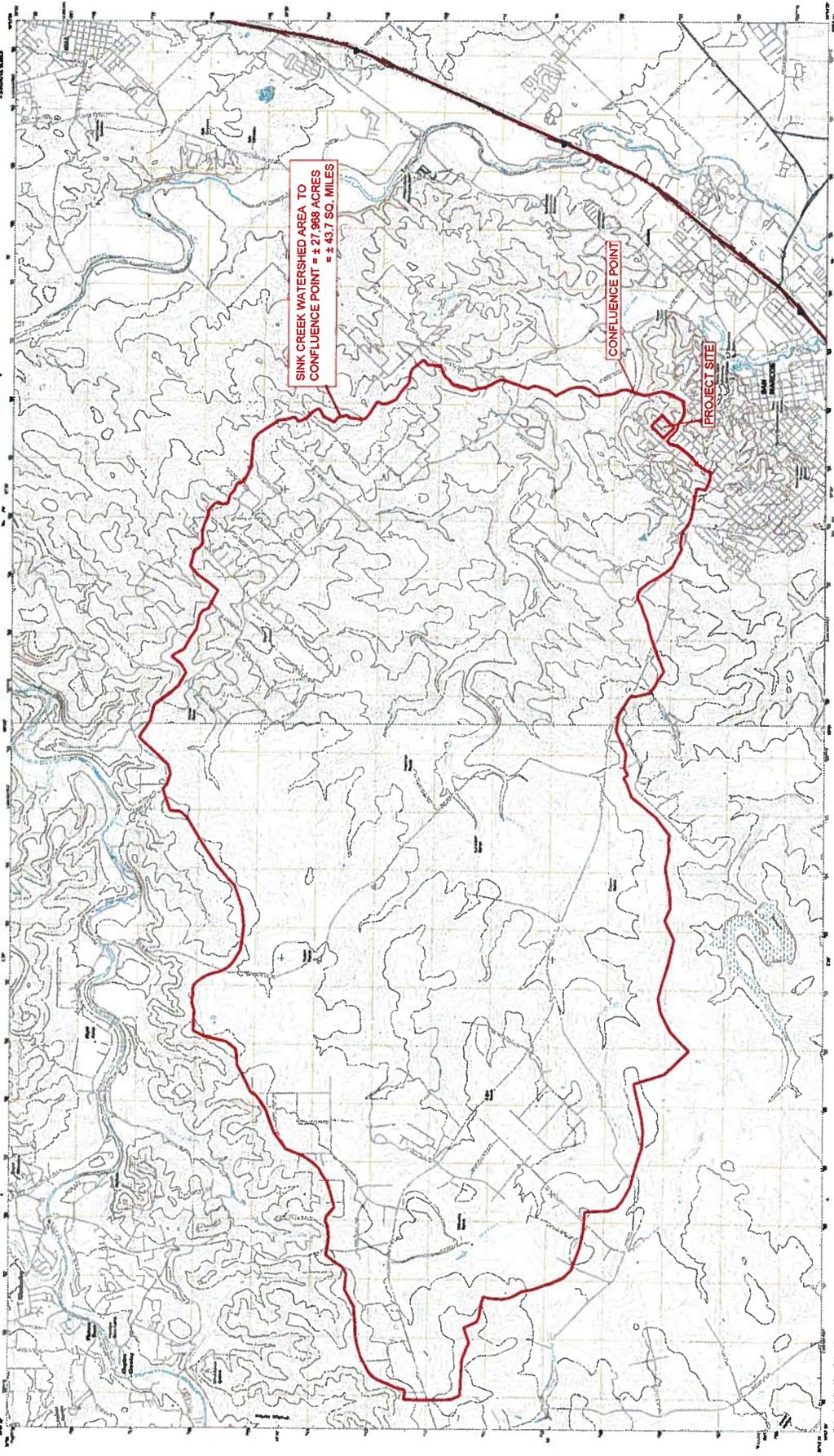
ILLUSTRATION DEVELOPMENT AND DESIGN CONCEPTS

Existing Zoning	DR
Existing Lot Use	DR
Proposed Zoning	DR (M-2)
Proposed Lot Use	DR (M-2) Units
Total Acreage	53.25
Proposed Units	1,100 units/DR
Parking Spaces Required	1,100 spaces/DR
Parking Spaces Subtotal	421
Net for up to 25% compact car spaces and	86 (at approx)
Designated Park Area Provided	2,142 Acres
Designated Recreational Area Provided	10% of DR
Recycle Parking	10% of DR

* Actual numbers of units and independent subject to compliance with MFC 2.2 density limitations. Parking and parkland dedication amounts will be per LDC requirements.

Design+

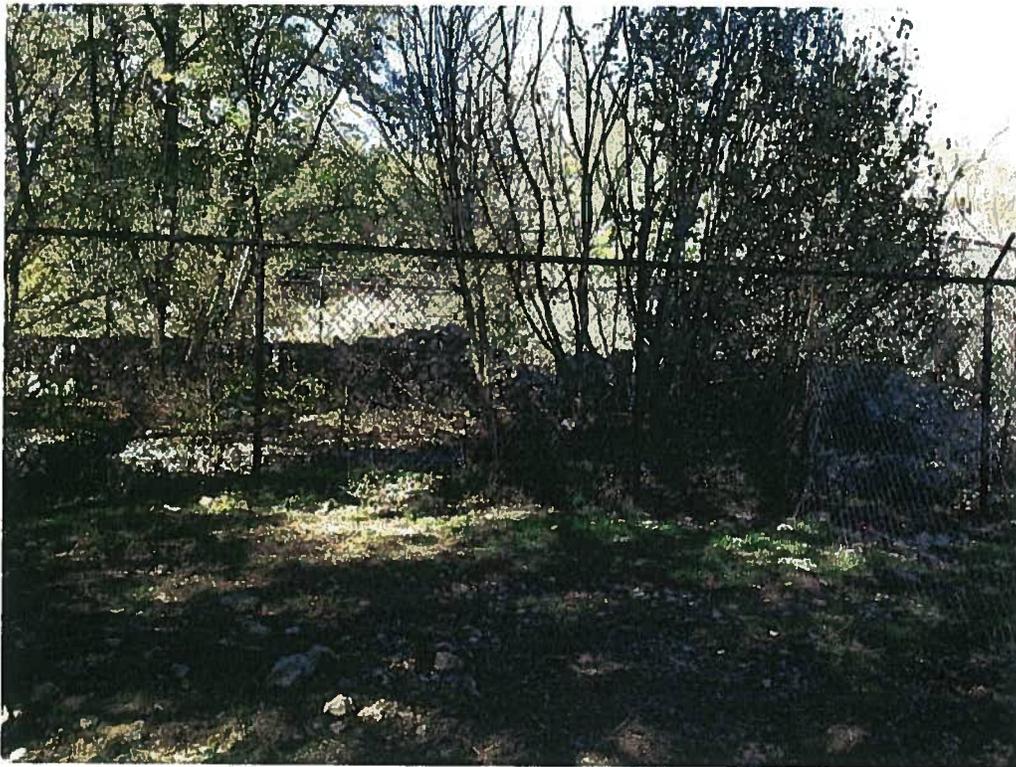
ATTACHMENT B



ATTACHMENT C



City 36" RCP and Sedimentation Basin Downstream of and For Holland



City 36" RCP and Sedimentation Basin Downstream of and For Holland



Existing Soil Erosion Downstream of City Drainage



Existing Soil Erosion Downstream of City Drainage



Existing Soil Erosion Downstream of City Drainage



Existing Soil Erosion Downstream of City Drainage



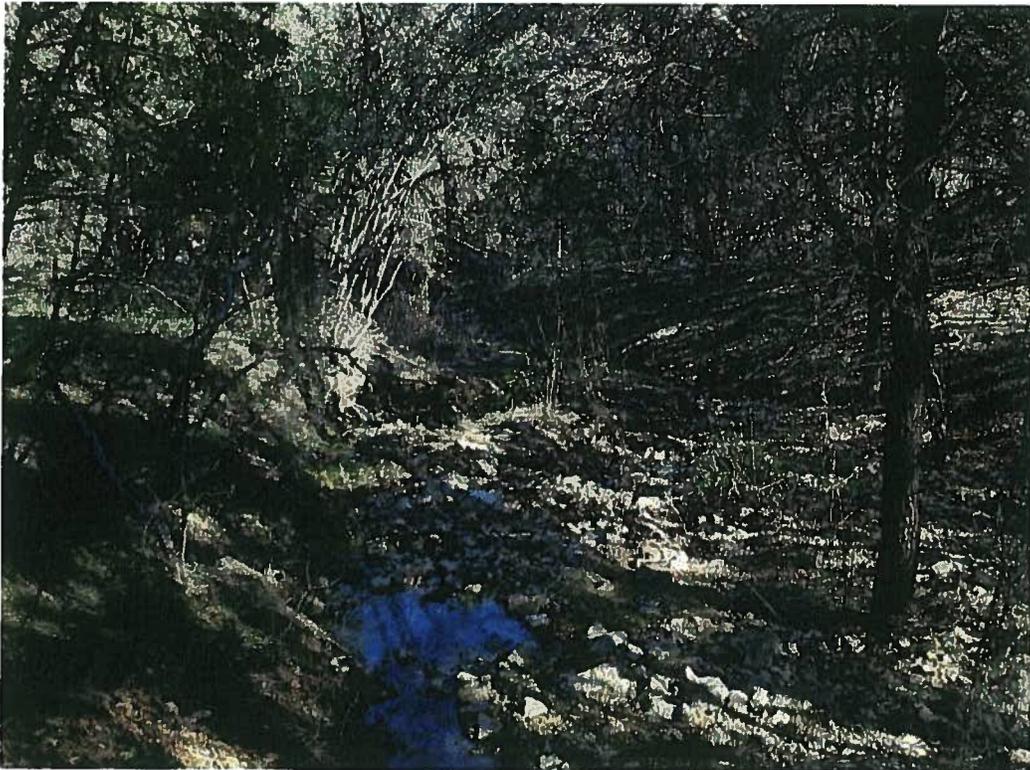
Existing Soil Erosion Downstream of City Drainage



Existing Soil Erosion Downstream of City Drainage



Existing Soil Erosion Downstream of City Drainage



Existing Soil Erosion Downstream of City Drainage

**City of San Marcos
Protest to Proposed Rezoning**

Notes:

1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: Hillside Ranch Phase 2 (Fill in with street address or legal description, or attach a map) from single family current zoning to multi family. (proposed zoning).

Printed Name	Signature/Date	Residence Address	Legal Description or Street Address of your property
not within 200 ft. → Dianne + Tom Wassenich	11/9/11 <i>Dianne H. Wassenich</i>	11 Tanglewood San Marcos TX 78666	11 Tanglewood San Marcos TX
Jaime + Rosario Hernandez	11/10/11 <i>Rosario Hernandez</i>	115 Elm Hill Ct San Marcos TX 78666	115 Elm Hill Ct San Marcos TX 78666
J ERIGOR MINAR	11/19/11 <i>[Signature]</i>	108 Elm Hill Ct San Marcos, TX	108 Elm Hill Ct San Marcos, TX
Alexander Vardell	11/19/11 <i>[Signature]</i>	1422 N. LBJ San Marcos, TX	1422 N LBJ DR San Marcos, TX
* DON & BETE SINGLTON	11/10/11 <i>[Signature]</i>	96 Elm Hill Ct San Marcos TX	96 Elm Hill Ct San Marcos, TX 78666
Ryan Gotcher	11/10/2011 <i>[Signature]</i>	1420 N LBJ 78666	1420 N LBJ 78666
PAT CORLEY	Pat Corley 11/10/2011	104 Elm Hill Ct. SAN MARCOS, TX	104 Elm Hill Ct SAN MARCOS, TX
GARY FRO	Gary Fro 11/10/11	103 Elm Hill Ct San Marcos, TX	103 Elm Hill Ct San Marcos, TX
Linda FORE	Linda Fore 11/10/11	103 Elm Hill Ct San Marcos, TX	103 Elm Hill Ct San Marcos, TX

Circulator=s statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature: Jeff Lowe Printed Name: Jeff Lowe Date: 11/10/11

FOR CITY CLERK'S USE ONLY

Petition received on the 15 day of November, 2011.

[Signature]
City clerk/deputy city clerk

**City of San Marcos
Protest to Proposed Rezoning**

Notes:

1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: Hillside Ranch Phase 2 (Fill in with street address or legal description, or attach a map) from single family (current zoning) to multi family (proposed zoning).

Printed Name	Signature/Date	Residence Address	Legal Description or Street Address of your property
(Guejardo) → Cynthia Gonzalez	 10 Nov 2011	113 Elm Hill Ct SM TX 78667	113 Elm Hill Ct. SM TX 78667
Elizabeth Hernandez	 10 Nov 2011	126 Cypress Ct.	126 Cypress Ct.
JANICE Golick	 11 Nov 2011	102 Elm Hill Ct. SAN MARCOS, TX	102 Elm Hill Ct. SAN MARCOS, TX 78666
Sarah Sullivan	 11/11/11	1336 Chestnut San Marcos, TX	1336 Chestnut San Marcos, TX
Linda Portin	 11/11/11	119 Elm Hill Ct San Marcos TX	119 Elm Hill Court San Marcos, TX
ARNOLD ANAYA	 11/11/11	101 ELM HILL CT. SAN MARCOS, TX	101 ELM HILL COURT SAN MARCOS, TX
FERNANDO ZAMORA	 11/12/11	125 CYPRESS COURT SAN MARCOS TX	125 CYPRESS COURT SAN MARCOS TX
R 27089 R 27090 Carol Fernandez	 11/12/11	125 Elm Hill Ct SAN MARCOS, TX	125 Elm Hill Ct SAN MARCOS, TX 78666
Nancy Fisher	 11-12-11	95 ELM HILL CT SM TX 78666	95 ELM HILL CT. SM, TX 78666

Circulator's statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature: Jeff Low Printed Name: Jeff Low Date: 11-12-11

FOR CITY CLERK'S USE ONLY

Petition received on the 15 day of November, 2011.

City clerk/deputy city clerk

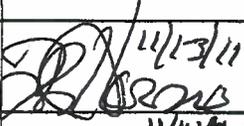
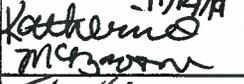
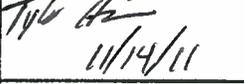
**City of San Marcos
Protest to Proposed Rezoning**

Notes:

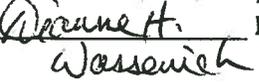
1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: Hillside Ranch 2 (Fill in with street address or legal description, or attach a map) from single family (current zoning) to apartments (proposed zoning).

Printed Name	Signature/Date	Residence Address	Legal Description or Street Address of your property
FR HORNE	 11/13/11	204 London San Marcos	105 Elm Hill Ct
Katherine McBroom	 11/14/11	111 Elm Hill Ct	111 ELM HILL CT
Tyler Heideke	 11/14/11	1424 N LBJ	1424 N LBJ
Cynthia Alba-Lou		106 Elm Hill Ct	106 Elm Hill CT

Circulator=s statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature:  Printed Name: Dianne H. Wassenich Date: 11/13

FOR CITY CLERK'S USE ONLY

Petition received on the 15 day of November, 2011. 
City clerk/deputy city clerk

**City of San Marcos
Protest to Proposed Rezoning**

Notes:

1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: Hillside Ranch 2 (Fill in with street address or legal description, or attach a map) from single family (current zoning) to apartment (proposed zoning).

Printed Name	Signature/Date	Residence Address	Legal Description or Street Address of your property
Sally Ploeger	<u>Sally Ploeger</u> 11-12-11	(P.O. Box 173 San Marcos) 105 Canyon	1255 N. LBJ DR.

2 lots

Circulator=s statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature: Jeff Lowe Printed Name: Jeff Lowe Date: 11-14-11

FOR CITY CLERK'S USE ONLY

Petition received on the 15 day of November, 2011.

Samuel [Signature]
City clerk/deputy city clerk

**City of San Marcos
Protest to Proposed Rezoning**

Notes:

1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: Hillside Ranch 2 (Fill in with street address or legal description, or attach a map) from single family (current zoning) to apartments (proposed zoning).

Printed Name	Signature/Date	Residence Address	Legal Description or Street Address of your property
BRYAN KNOX	<i>Bryan Knox</i> 01/15/12	113 ELM HILL CT. SAN MARCOS, TX 78666	113 ELM HILL CT. SAN MARCOS, TX 78666

Circulator's statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature: Dianne Wassenich Printed Name: Dianne Wassenich Date: 1/8/12
(I mailed the petition form to Mr. Knox.)

FOR CITY CLERK'S USE ONLY

Petition received on the _____ day of _____, 200____. _____
City clerk/deputy city clerk

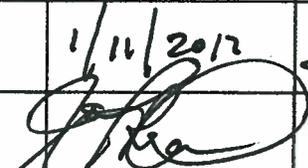
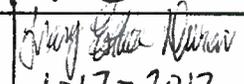
**City of San Marcos
Protest to Proposed Rezoning**

Notes:

1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: Hillside Ranch 2 (Fill in with street address or legal description, or attach a map) from single family (current zoning) to apartments (proposed zoning).

Printed Name	Signature/Date	Residence Address	Legal Description or Street Address of your property
John Duran	 1/11/2012	1337 N. LBJ DR San Marcos TX 78666	1337 N. LBJ San Marcos TX 78666
MARY ESTHER DURAN	 1-17-2012	110 Elm Hill Ct. SAN MARCOS, TX 78666	110 Elm Hill Ct. SAN MARCOS, TX 78666

Circulator=s statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature: Dianne Wassenich Printed Name: Dianne Wassenich Date: 1/6/12

this form was mailed to the homeowner by me on this date, so I did not witness the signature,

FOR CITY CLERK'S USE ONLY

Petition received on the _____ day of _____, 200_____

City clerk/deputy city clerk

**City of San Marcos
Protest to Proposed Rezoning**

Notes:

1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: Hillside Ranch 2 (Fill in with street address or legal description, or attach a map) from single family (current zoning) to apartments (proposed zoning).

Printed Name	Signature/Date	Residence Address	Legal Description or Street Address of your property
LANI L. BURTON	<i>Lani L. Burton</i> 1/14/12	112 ELM HILL CT SAN MARCOS, TX	112 ELM HILL CT. SAN MARCOS, TX

Circulator=s statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature: *Dianne H. Wassenich* Printed Name: Dianne Wassenich Date: 1/8/12

(I mailed this petition form to the Burtons.)

FOR CITY CLERK'S USE ONLY

Petition received on the _____ day of _____, 200_____

City clerk/deputy city clerk

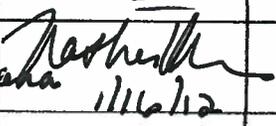
**City of San Marcos
Protest to Proposed Rezoning**

Notes:

1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: Hillside Ranch 2 (Fill in with street address or legal description, or attach a map) from single family (current zoning) to apartments (proposed zoning).

Printed Name	Signature/Date	Residence Address	Legal Description or Street Address of your property
Nathan Kouhara	 1/16/12	109 Elm Hill Ct.	109 Elm Hill Ct.

Circulator=s statement: I circulated this petition and all of the signatures were placed on it in my presence.
 Signature: Dianne Wassenich Printed Name: Dianne Wassenich Date: 1/8/12
 (I mailed this petition form to Mr. Kouhara.)

FOR CITY CLERK'S USE ONLY

Petition received on the _____ day of _____, 200____. _____
 City clerk/deputy city clerk

**City of San Marcos
Protest to Proposed Rezoning**

Notes:

1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: Hillside Ranch 2 (Fill in with street address or legal description, or attach a map) from single family (current zoning) to apartments (proposed zoning).

Printed Name	Signature/Date	current Residence Address	Legal Description or Street Address of your property
Lucy Bloor (now Lucy Heston)	<i>[Signature]</i> 12/11/12	15290 Faubism Trail Leander, Tx 78641	200 E. Holland San Marcos, TX 78666

Circulator's statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature: Dianne H. Wassenich Printed Name: Dianne Wassenich Date: 1/8/12

I mailed this petition form to Lucy Bloor, + she mailed it back, signed.

FOR CITY CLERK'S USE ONLY

Petition received on the _____ day of _____, 200____. _____
City clerk/deputy city clerk

**City of San Marcos
Protest to Proposed Rezoning**

Notes:

1. A protest to a proposed rezoning of property must be signed by the owners of at least 20 percent of either 1) the area of the proposed change, or 2) the area of the lots or land within a 200 foot perimeter around the area of the proposed change.
2. Copies of this form may be used, but all signatures must be original, and all forms must be submitted to the City Clerk's office at five (5) business days before the scheduled City Council public hearing on the rezoning.
3. You must be an owner of property for your signature to count in determining the protest area.

To the San Marcos City Council:

We, the undersigned, protest the proposed rezoning of the following property: Hillside Ranch 2 (Fill in with street address or legal description, or attach a map) from single family (current zoning) to apartments (proposed zoning).

Printed Name	Signature/Date	Residence Address	Legal Description or Street Address of your property
Hilary T. Childre	<i>[Signature]</i> 1-16-2012	130 Cypress Court San Marcos, TX	130 Cypress Court 1-16-2012 San Marcos, TX 78666
Patricia L. Childre	<i>[Signature]</i> 1-16-2012	130 Cypress Court San Marcos, TX 78666	130 Cypress Court San Marcos, TX 78666

Circulator=s statement: I circulated this petition and all of the signatures were placed on it in my presence.

Signature: *[Signature]* Printed Name: Dianne Wassenich Date: 1/8/12
(I mailed this form to the Childres.)

FOR CITY CLERK'S USE ONLY

Petition received on the _____ day of _____, 200____. _____
 City clerk/deputy city clerk

Foreman, John

From: Serna, Francis
Sent: Wednesday, January 25, 2012 8:10 AM
To: Foreman, John
Subject: FW: no to hillside ranch 2

From: sally ploeger [mailto:sallyploeger@yahoo.com]
Sent: Tuesday, January 24, 2012 5:22 PM
To: Planning Information; taproomtexas@hotmail.com; Curtis@builtbydoc.com; chrisswood2@gmail.com; buckycouch@gmail.com; kenneth@kerhomes.com; netchecks@gmail.com
Cc: dangekeeout@hotmail.com
Subject: no to hillside ranch 2

January 24, 2012

Dear Commissioners:

Thank you for your service on the commission. As you know it is the mission of the planning and zoning commission to 'protect the integrity of our natural resources and neighborhoods and to enforce the state and local statutes and ordinances.'

As a property owner within the 200 ft zone of the proposed Hillside project I am opposed to the zoning change from single family to multifamily for several reasons. Those reasons include but are not limited to traffic, noise, environment, drainage, public safety, master plan, and over development of multifamily housing.

The intersection at LBJ and Holland can not tolerate the extra traffic load that the project will bring. People who live on LBJ now can hardly pull out onto the street without risking their safety. Even with improvements to the street, I do not think the city should be encouraging more traffic than the street can already handle.

There are school buses that stop near the entrance to the current Hillside and small children have been in harms way due to the traffic.

It is very dangerous there. Hillside uses one entrance mainly for their entrance and exit until recently when they unlocked an additional gate.

The project is by Sink Creek and this area drains to the San Marcos River. There are currently drainage issues in this area. The proximity to this sensitive area makes it unsuitable for high density development.

Also, the site is near habitat area for wildlife and birds, some endangered, and development will have a negative effect.

I appreciate the fact that the student liaison has lived there since August but I assure you that I have been familiar with the current Hillside since it was constructed around 1995. Past tenants of the project have complained of the poor construction quality, the break ins (when it was gated) and now, among other things.

The complex is not adequately lighted and has no security. Witnesses have seen what appear to be drug activities, exchanges behind the rock sign, heard women screaming in the darkness, etc. The entrance is dark at night and leads into a dark area that encompasses several acres.

I have seen their residents slam into the boulders at the intersection, drag utility poles and transformer lines as they try to escape, and run on foot into the complex to hide in an apartment. The fire department and EMS are frequently called to the complex. Also, there was a "beat down" where someone was severely injured at night by a crowd of violent offenders on the grounds. Just recently there were fireworks set off and aimed at the Sink Creek area. If there is someone on duty at night there I have not been able to find them.

Another point that I would like to make is that changing the zoning to high density multifamily is against the master plan. A plan that the city spent time and money on, had experts review, etc. It is not to be taken lightly. People who bought homes in the area counted on the master plan. The city offered incentives to people to buy homes in the area. If the area is

rezoned this seems to me to be sort of a bait and switch type of scheme perpetrated by the city officials.

Recently the city has added at least 12000 new bedrooms in the form of high density multifamily housing. I have noticed promotions such as \$500.00 gift cards and balloons at the current Hillside Ranch. I have seen promotional banners all over town at these huge multifamily developments so apparently there is a hard time leasing them. It seems to me that anymore development is dangerously close to asking for a housing market collapse. I do not think this is what the city officials have in mind for San Marcos.

Please consider voting no to this project. Thank you for your time.

Sally Ploeger
105 Canyon Rd

Transparency is Golden!
Texas Comptroller's Gold Leadership Circle Award for Financial Transparency

20007 Cedar Branch
Garden Ridge, Texas 78266
January 15, 2012

2012 JAN 19 AM 10 50

Development Services-Planning (DSP)
630 East Hopkins
San Marcos, Texas 78266

Dear Sir:

My wife, Nancy B. Fisher, and I are writing in response to your (DSP) letter of January 12, 2012, regarding "Notice of Public Hearing for Planned Development District Zoning Change & Land Use Amendment at Hillside Ranch Phase 2, 1410 North LBJ Drive, San Marcos, Texas" in which you are requesting a Zoning Change from Single Family Residential to Multi-Family Residential status and a Land Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for 10.925 acres located at 1410 North LBJ Drive, San Marcos, Texas. We are requesting that this letter be read into the minutes of the upcoming public hearing to be held in the City Council Chambers of City Hall, 630 Hopkins, on Tuesday, January 24th, 2012, at 6: p.m., since we are not able to attend the meeting.

We own a single-family residence located at 95 Elm Hill Court, San Marcos, Texas. Therefore, our property, according to the above mentioned DPS letter and map, is located within the proposed affected rezoning area, and specifically, our property is depicted on the map as existing within 200 feet of the subject property.

We are STRONGLY OPPOSED to any rezoning of the subject area which would allow Multi-Family Residences (MFR) to be constructed in the future. One of the main reasons for the latter opposition is that there was no specific information as to the exact type of MFR's which would be built. It is logical and reasonable for the property owners to know what type of MFR's the developer plans to construct. Also, it would appear that the developer, ETR Development, may already know the exact type of MFR's they desire to construct since this would be the main thrust of their rezoning request. Could you please advise us as to what type of MFR's this area is proposed to include? Will the proposed results of this rezoning issue include the Planning & Zoning Commission allowing the developer to construct public housing/project units, multi-storied and low-rent apartment units or middleclass and tastefully constructed duplex, triplex and/or fourplex units on single lots, cottage homes and/or townhome units?

Our property on 95 Elm Hill Court currently exists among other dwellings as a well-kept, tranquil and safe middleclass neighborhood of SFR's. The only negative aspect about this immediate area is that North LBJ Drive is in need of widening, and it is overdue for repaving to keep up with the increased vehicular traffic especially if the DPS intends on constructing MFR's in that area. Also, it is our particular concern that depending on what type of MFR's are constructed, this neighborhood could become a breeding ground for the type of citizenry which would decrease both the quality of life and property values of property owners and as always follows in these types of rezoning scenarios. It would result in a higher rate of both personal and property crimes.

We request and would greatly appreciate a response from DSP regarding the above questions; to include what type of MFR's would be built in the rezoned area before the planned meeting, if possible. We thank you in advance.

Sincerely,


O. Theodore Fisher, Jr.


Nancy B. Fisher

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature

Cynthia L. Gonzales

Printed Name Signature

Cynthia L. Gonzales

Property Address

113 Elm Hill Ct. SM TX 78666

2012 JAN 17 PM 2 40

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature Janice B. Golick

Printed Name Signature JANICE B. Golick

Property Address 102 Elm Hill Ct, SAN MARCOS, TX 78666

2012 JAN 17 PM 2 40

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Zoning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature



Printed Name Signature

PAT CORLEY

Property Address

104 Elm Hill Ct.

2012 JAN 17 PM 2 40

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature Arnold Anaya

Printed Name Signature ARNOLD ANAYA

Property Address 101 ELM HILL CT.

2012 JUN 17 PM 2 40

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Zoning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature Linda Sue Porter

Printed Name Signature Linda Sue Porter

Property Address 119 Elm Hill Court, San Marcos, TX 78666

2012 JAN 17 PM 2 40

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature Carol Fernandez

Printed Name Signature Carol Fernandez

Property Address 125 + 127 Elm Hill Court
San Marcos, TX
78666-3028

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature



Printed Name Signature

DON SINGLETON 1/18/12

Property Address

96 Elm Hill Ct

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature Ryan Gatchen

Printed Name Signature Ryan Gatchen

Property Address 1420 N LBJ

2012 JAN 20 PM 12 13

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Zoning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature Nancy B. Fisher

Printed Name Signature Nancy B. Fisher

Property Address 95 Elm Hill Ct. San Marcos, TX

78666

2012 JAN 20 PM 12 14

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Zoning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature Alexander Vardell

Printed Name Signature Alexander Vardell

Property Address 1422 N LBJ DR, San Marcos, TX

2012 JAN 20 PM 12 13

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

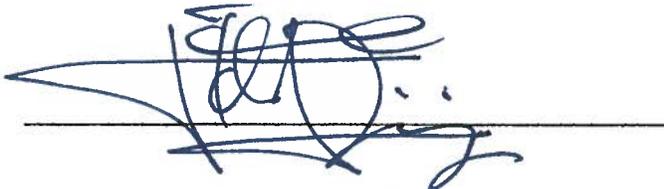
The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature



Printed Name Signature

JAI ME HERNANDEZ MIJANGOS

Property Address

115 Elm Hill Court

2012 JAN 02 PM 10 57
2/2/2012

2012 FEB 6 PM 10 59

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature 

Printed Name Signature GRIGORI VINJAR

Property Address 108 Elm Hill Ct., San Marcos, TX 78666

2012 JAN 37 AM 10 57

2012 FEB 6 AM 10 59

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature Gary C. Fuge

Printed Name Signature Gary C Fuge

Property Address 103 Elm Hill Ct

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature Francis Horne

Printed Name Signature FRANCIS HORNE

Property Address 204 Oakridge Dr. (105 Elm Court)

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature Elizabeth S. Hernandez

Printed Name Signature Elizabeth S. Hernandez

Property Address 124 Cypress Ct.

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Coning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature

Alicia Ortiz

Printed Name Signature

ALICIA ORTIZ

Property Address

125 CYPRESS COURT

January, 2012

Re: Elm Hill Court Support of the proposed 1410 N. LBJ Development (Hillside Ranch Phase II)

To the San Marcos City Planning & Zoning Staff, Members of the Planning and Zoning Commission and the San Marcos City Council:

The residents of Elm Hill Court have been actively working with the proposed developer of 1410 N. LBJ in refining the PDD for the proposed multifamily development at this location. This has resulted in numerous revisions to the originally proposed plan resulting in a final proposal that we consider favorable. We ask you, the members of the Planning & Zoning Commission and the City Council to likewise vote for approval of this project.

We feel that the provisions specified in the revised PDD, which are the result of good-faith negotiations between us and the project developer, will provide a project, which will be superior to the traditional single-family development, which might otherwise be built there. The PDD will provide us with a wide buffer of dedicated parkland between Elm Hill Court property lines and the closest apartments, with a trail through the parkland giving our neighborhood direct access to the Spring Lake Hills Preserve. Also, the density of apartment units in Zone 1, the 4.62 acres closest to our neighborhood will be limited to six units per acre, the same density as surrounding single-family neighborhoods.

This has been a collaborative effort. The specifications of the PDD achieve the goals of our neighborhood.

Please remove my name from the Protest to Proposed Rezoning petition that I signed last year.

Property Owner Signature

Tyler Halder

Printed Name Signature

Tyler Halder

Property Address

1424 N. LBJ Dr.

Planning & Zoning Commission

Annual Report 2011

The end of the year report is a look back at 2011 and the work of the Planning and Zoning Commission. While the report captures the number of meetings, types of cases, and training sessions the Planning and Zoning Commission attended, the true intention of the report is to move beyond each case and review the effect they have had on the city as a whole. This report will analyze the following:

- Cases reviewed by the Planning and Zoning Commission
- Review of the 2011 work plan including current and long range planning initiatives and training attended
- Permits issued, including valuations
- Annual highlights
- Upcoming projects
- Development trends that are unfolding in San Marcos
- Goals the Planning and Zoning Commission set at the March 2011 P&Z retreat.

The report will also touch on accomplishments and changes of the Planning and Development Services Department. In accordance with the stated Council goal of being more "Customer Friendly", several changes in process have been made in both the Planning and Permit divisions. These changes will be covered in more depth later in the report.

A Quick Glimpse Back At 2011

- **Number of Planning and Zoning Commission Meetings:** 24
- **Cases:** 153 (compared to 97 in 2010)

Case Type	2011	2010
Subdivision Plat	40	23
CUP – General	9	18
CUP – TABC	10	14
Plat Variance	5	7
Land Use Amendment	29	13
Zoning Cases	43	16
PDDs	13	2
Street Name Change	0	2
Qualified Watershed Protection Plan	4	2
	153	97

- **Annexations:** 51.14 acres (Five Mile Dam soccer fields and park)
- **Commissioners:** Commissioner Carter Morris replaced Commissioner Jim Stark.
- **Training Sessions Attended by Commissioners:**
 - Yearly Planning and Zoning Commission Retreat (March 2011)
 - State APA Conference (October 2011)
 - Training on Systemic Development of Informed Consent

Zoning

As identified in the “Quick Glimpse” section of the report, the Planning and Zoning Commission has made recommendations on 29 land use map amendments, 43 zoning cases and 13 Planned Development Districts resulting in the following:

- acres of new commercial property: 6.56
- acres of multi-family property : 119.48
- acres of mixed use property: 0.23
- acres of planned development district property: 904.94
- acres of single family property: 104.41
- new multi-family units: approximately 1438
- new single family units: 179

Zoning Trends and Highlights

The Planning and Zoning Commission and staff were kept busy this year with 56 more cases than were processed last year. Several major projects were also completed, or begun. Some of the highlights of this past year include:

- Adoption of the SmartCode in April, 2011
- Implementation of MyPermitNow in December, 2011
- Creation of a Downtown Tax Increment Reinvestment Zone (TIRZ) in December 2011
- Implementation of a new, more transparent CIP process in Spring 2011
- Dream San Marcos – a citywide visioning and idea-gathering tool, which is ongoing
- Two extensive revisions to the LDC
- Successfully negotiated Interlocal Agreements with Guadalupe, Comal and Caldwell Counties
- Firm hired for Downtown Implementation Plan to implement the Downtown Master Plan
- Drafting Architectural Standards for development within the SmartCode area
- Drafting the Hopkins Street Overlay District to provide for a broader range of uses
- Request for Proposals for Horizons Master Plan update issued, submittals in final review
- Permit Center Renovation & Open House, October 2011
- New Mobile Food Vendor permitting process
- Homeowner’s Improvement Incentive program
- New Renewable Energy permitting process

Zoning trends this year included a continuation of the previous years’ trend of multifamily district requests, particularly near Texas State University and existing multifamily. While not as many units were built this year, many more were entitled than in previous years. Staff expects an increase in the number of multifamily permits during the next year. To date, approximately 1438 units have been entitled, and since 2006, 4,747 units with 11,829 bedrooms are in consideration, under construction, or occupied.

The number of multifamily district requests has raised concern among some sectors of the City. Currently, San Marcos stands at about 74% rental, 26% home ownership, far below neighboring communities but fairly typical of college towns. The majority of apartments being built are intended to serve the student population, and one of the concerns raised is that not enough housing is being provided to encourage the students to stay after graduation, or to house young professionals who would like to locate in the area. As we work on our Horizons Master Plan update and ongoing LDC revisions, this will likely become a major point of discussion.

The City saw a reduction in requests for Commercial zoning and building permits, however, there are still numerous commercial spaces to be filled in existing centers.

2011 was the first year requests could be filled under the new SmartCode. More permits for infill building were also issued, reflecting a trend for construction and redevelopment in existing neighborhoods. Some of the infill projects entitled include additional units to be built in an existing apartment complex; a new bar and grill with Low-Impact Development elements in its landscaping; and redevelopment on the site of a former restaurant and bakery.

Nearly twice as many plats were filed this year, compared to last year. Plats filed included large industrial sites adjacent to IH-35, large-lot single-family residential off Lime Kiln Road and in Blanco Vista, and numerous replats and amendments throughout existing neighborhoods. Because of the desire to live in existing, historic neighborhoods, and because plats in those neighborhoods may never have been done, the plat amendment process was made more streamlined to facilitate infill redevelopment.

Conditional Use Permits

The conditional use permits made up 12% of the cases the Planning and Zoning Commission has reviewed. Of the 19 conditional use permit cases the Commission reviewed, 10 were TABC conditional use permits and 9 were general conditional use permits. Staff anticipates a much higher number of TABC CUPs to be processed in the coming year, as we strengthen our enforcement program and initiate renewals of expired CUPs.

Building Report

The following is a breakdown in the building permit valuation, new commercial square footage permitted and new multi-family units permitted.

- Total Value of Building Permits Issued: \$70,143,915 (compared to a 2010 figure of \$175,759,417 – the Hays County Government Center accounts for most of the difference between 2010 and 2011)
- Infill Building Permits Issued: 20 (compared to 11 in 2010)
- New Commercial Square Footage: 145,106 (compared to a 2010 square footage of 237,753)
- New multi-family units permitted: 187 (compared to 458 units in 2009 and 1,141 in 2010)
- Building permits for single family residences: 184 (including one duplex) (compared to 153 in 2010)

Work Program Accomplishments

At the beginning of each year the Planning and Zoning Commission establishes goals and a work program that includes current and long range projects for the year. The goals and work plan are established at the annual retreat, and help guide the Commission and staff throughout the year. Large planning projects that are anticipated to begin or are underway are also discussed at the retreat. This past year, discussion items included updating the Horizons Master Plan; Low Impact Development (LID)

practices; the SmartCode; and the recently adopted Parks Master Plan. The Commission gave the staff direction on the Horizons Master Plan update, summarized below:

- Establish a vision and set benchmarks and goals to implement the vision
- The new plan should delineate utilities, and be proactive. Development should occur where there is existing or planned infrastructure
- A Citizens' Advisory Committee will be a key component of the process, to help ensure all voices are heard and that public trust is gained and maintained throughout the process
- Sustainable building and site design practices, such as LID and LEED, should be encouraged

One of the reasons for taking a look back at 2011 is to keep the goals established at the Planning and Zoning Commission retreat active. The following is a list of the goals established last February and a look back at how they were accomplished or how we can continue to work towards them.

Focus on cleaning up the Local Development Code

Since the annual retreat, staff has taken a number of revisions to the Local Development Code through the hearing process. These changes include:

- The creation of a Vertical Mixed Use district to encourage infill
- Relief from lot width to depth requirements for Townhouse lots
- The creation of an Administrative Approval process for certain standards of the code, for changes under 10%
- Standards for renewable energy systems
- Revisions to fence standards
- Revisions for recycling facility standards
- Refinement of the Watershed Protection Plan process
- Clarification of the Site Preparation Permit process
- Revision of development standards in the MF-12, MF-18 and MU districts
- Creation of a standards section for streetlights
- Revision of the sidewalk requirements
- Clarification of definitions

Customer-Friendly process

The first step toward a more customer friendly process was the renovation of the permit center. This transformation provides more professional, efficient and inviting surroundings to our visitors and customers, while also allowing our staff to have pride in their work place. Our Open House in October not only gave the public the opportunity to view the physical changes to the office, but also to hear about other upcoming development goals and initiatives.

Our new permitting and planning program, MyPermitNow, went live as of January 3, 2012. Staff worked to customize, test and train on this software during the last quarter of 2011. MyPermitNow is a web-based permitting system that allows applicants, staff and the general public to track the status of all permitted projects within the City. All permitting and planning information is available 24 hours a day to anyone who creates a customer account. Other convenient features include the applicant's ability to upload plan sets online, desktop plan review by staff and real time inspection results provided to the contractor by phone.

Professionalism – provide clear information and recommendations to the Commission and public

Staff has been working internally to present more consistent maps and staff reports to the Commission, and to improve public speaking.

Clarify the charge

As part of the drive for transparency, staff has been including sections of the LDC in staff reports, with citations. The MyPermitNow system also provides a high degree of transparency and ease of use to the planning and permitting process for both customers and staff.

Work on the Horizons Master Plan Update

Staff issued a Request for Proposals for the Master Plan update and the Transportation Master Plan update in late October. Ten firms responded, and four firms were shortlisted. Staff anticipates making the final selection and beginning work on the Plans in January.

Ensure a clear and understandable CIP process

Staff initiated a new and more transparent process, both internally and externally, for the CIP. The process included several meetings and open houses, and a Map Book which showed where all of the projects were proposed, how much was requested, and which Departments were involved.

Department Accomplishments

The annual work program of the Planning and Development Services Department is closely aligned with the stated mission and priorities of the City Council and the Planning and Zoning Commission. The department's activities include support of the Council's priorities through the following on-going activities of the department:

Training Sessions Attended by Planning Staff

- 1) SmartCode Advanced Training in El Paso
- 2) TXAPA in Austin
- 3) CNU in Madison
- 4) MyPermitNow training
- 5) Attended LEED GA Training Class
- 6) Attended AICP Training Class
- 7) Achieved CNU-A accreditation