REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, December 13, 2011, 6:00 p.m.
City Council Chambers
630 E. Hopkins Street

Bill Taylor, Chair
Bucky Couch, Vice-Chair
Sherwood Bishop, Commissioner
Randy Bryan, Commissioner
Curtis O. Seebeck, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner
Kenneth Ehlers, Commissioner
Carter Morris, Commissioner
Brooks Andrews, Texas State University Student Liaison

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. **45 Minute Citizen Comment Period.**

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.**

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.

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.

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.

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.

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.

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.

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.

Consideration:

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.

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.

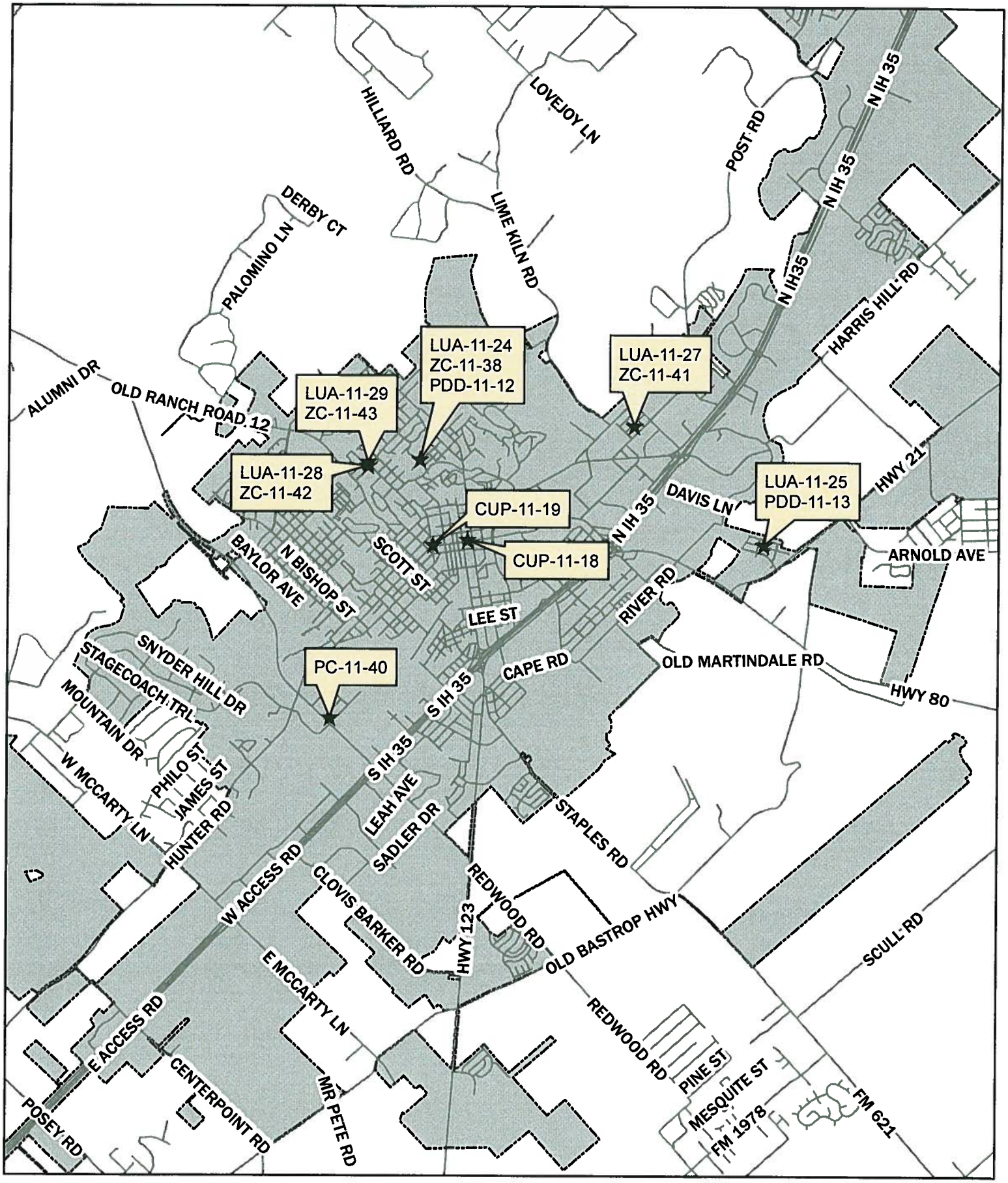
Development Services Report

Commissioners' Report.

23. Questions from the Press and Public.

24. 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 December 13, 2011 Location Map

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

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Miles

DEVELOPMENT
SERVICES-PLANNING

MEMO

TO: **JAMES R. NUSE, P.E., CITY MANAGER**
FROM: Christine Barton-Holmes, Chief Planner & John Foreman, Chief Planner
DATE: December 7, 2011
RE: **JOINT CITY COUNCIL/PLANNING & ZONING COMMISSION WORKSHOP**

Staff gave a presentation and asked for direction on three items: current service population, long-term boundaries, and long-term density. Council Members and Commissioners participated in small-group sessions to look at different growth scenarios and levels of density, and determine which were most appropriate as goals for the City. Although there was not complete consensus and a number of ideas and issues were raised, the topics are broadly broken down as follows:

Topics with general consensus

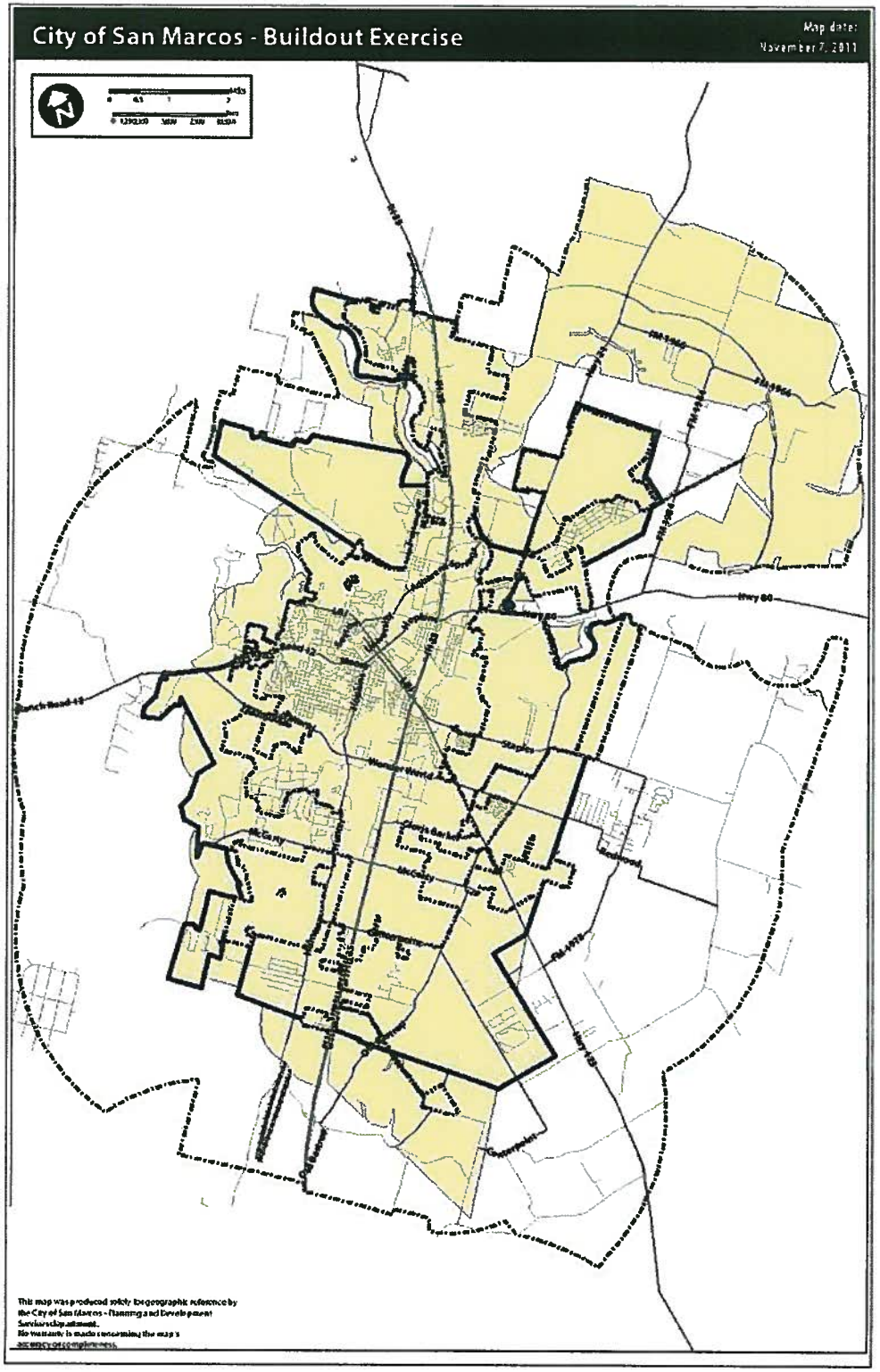
- Current Service Population – 66,116. This figure mitigates for the believed undercount of the 2010 Census and accounts for growth since that time.
- Long-term Density – a density of between 2,000 and 2,500 people per square mile was acceptable to several groups.
- Long-term Area – The area shown in the presentation of roughly 128 square miles.
- Growth areas to the north, south, and west – although there was quite a bit of discussion regarding the type and form of growth in these areas, the areas shown on the map were generally acceptable. (See the attached map)

Topic requiring additional direction

- Eastern boundary, particularly regarding State Highway 130. Several groups expressed a desire to extend jurisdiction to the new highway. One other group expressed concern and suggested that the City focus on areas where services were or could be extended. An attached map shows two potential commerce corridors extending to SH 130, which is approximately three miles beyond the current Extra-Territorial Jurisdiction boundary.

Topics to include in Comprehensive Plan

- The airport is poised to become a major growth sector
- More single-family housing is needed, and a wider variety of such housing
- Growth Focus Area to help guide growth and development patterns on the west side of the City
- Higher density growth is likely around downtown, LStar Rail Station
- Areas of development focused on City's ability to provide services
- Population and density goals could be based on service targets



Area – Long-term

	Additional Area (SQ Miles)
City Limits	30
Water CCN	56
Eastern Edge	35
• Residential around the airport	
• ETJ in Hays County	
Western Edge	7
• Nearest 20% of ETJ	
Long-term Area	128

Legend
Toll Plaza SH130
Proposed SH130
Route 1
Route 2
County Boundary
Lockhart ETJ Dec 2009
Seguin ETJ Dec 2009
York Creek MUD
San Marcos ETJ
Martindale Statutory ETJ
Martindale Voluntary ETJ
Staplesetj
This map is not of survey quality and is for reference purposes only.
0 1 2 4 Miles

MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
October 25, 2011

1. Present

Commissioners:

Bucky Couch, Vice Chair
Sherwood Bishop
Kenneth Ehlers
Carter Morris (late time in-6:15)
Chris Wood
Curtis Seebeck
Randy Bryan
Travis Kelsey

City Staff:

Matthew Lewis, Development Services Director
Francis Serna, Recording Secretary
Christine Barton-Holmes- Chief Planner
Sofia Nelson, Chief Planner
Abigail Gillfillan, Planner
John Foreman, Planner

DRAFT

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 October 25, 2011 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Taylor welcomed the audience.

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

Brenda Smith stated she has lived at 1610 Old RR 12 since 1981. Ms. Smith spoke in opposition to commercial zoning request. She explained that the Horizons Master Plan indicates that the property is residential. Ms. Smith added that the owner has not made an effort to meet with residents in the area. She felt that there are plenty of vacant commercial properties in San Marcos. She also stated that a six foot fence is not sufficient. She suggested neighborhood commercial. Ms. Smith asked that the request be denied.

Tyler Carlson, 136 Hunter's Glen said he speaks on behalf of all residents on Hunter's Glen. He asked the Commission to follow their own rules. He felt that powerless people are not given the same opportunity as people with power. He stated that the property has flooded and if the dam breaks the homes will also flood. Mr. Carlson pointed out that part of the property is located in the recharge zone. He asked that the Commission make their conclusions based on reality.

Leighton Stallones, 163 Hunters Glen, property owner adjacent to the Windemere Ranch asked the Commission to vote against the Windemere PDD. He explained that the property is unsuitable for several reasons including traffic, ingress and egress, and flooding of the property. Mr. Stallones stated that there is already a traffic problem. Mr. Stallling gave a brief description of previous floods in the area. Mr. Stalling asked the Commission to deny the request.

Diane Wassenich, 11 Tanglewood, mentioned that ZBOA denied the variance and reprimanded staff for recommending approval of the request. She added that the same lot drawings are coming back before the Commission in a PDD request. Ms. Wassenich informed the Commission that she has received several signatures in opposition to the request. She said there are alot of people in Hunters Glen that are opposed of the request and are willing to sign the petition. Ms. Wassenich spoke briefly regarding The Retreat development stating she has been working hard trying to find out what is happening with the bulldozed wells. She said that the City does not have procedures in place to plug wells before bulldozing occurs or any dirt has been moved. She added that there is also an issue with the depth of the detention pond. Ms. Wassenich added that it has been very hard to get information from the Planning staff regarding the well. She explained that she has gone to EEA and advised that the City does not have anyone that makes sure that the wells are plugged prior to bulldozing.

Consent Agenda

6. Consider approval of the minutes from the Regular Meeting on October 11, 2011.

7. PC-11-37(01) (JR Keith Addition Concept Plat). Consider a request by Shawn Ash, on behalf of James R. Keith for approval of a waiver of the decision time for a concept plat for approximately 5.4 acres of property located at 203-211 Yale Street and 206 Orchard Street and at the terminus of Yale Street.

8. PC-11-14(03) (JR Keith Addition-Phase 1). Consider a request by Shawn Ash, on behalf of James Keith for approval of a waiver of the decision time for a final plat of approximately 1.172 acres of property located at 203-211 Yale Street and 206 Orchard Street.

9. PC-11-38(03) (Lowman Ranch Subdivision Section 1). Consider a request by Stephen G. Cook Engineering, Inc., on behalf of Outlet West Investors, Ltd., for approval of a Final Subdivision Plat for approximately 4.09 acres of property located at the intersection of S. IH-35 and Commercial Loop.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission approved on consent the minutes of the Regular Meeting on October 11, 2011; PC-11-37(01); PC-11-14(03) and PC-11-38(03). The motion carried unanimously.

Consideration

10. LUA-11-15 (Blanco Riverwalk). Consider a request by Mike Cotter and Vista Del Blanco for a Land Use Map Amendment from Mixed Use (MU) to High-Density Residential (HDR) for approximately 13 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision, located at Riverway Avenue and Cotter Avenue.

11. ZC-11-19 (Blanco Riverwalk). Consider a request by Mike Cotter and Vista Del Blanco for a Zoning Change from Mixed Use (MU) to Multi-Family (MF-24) for approximately 13 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision, located at Riverway Avenue and Cotter Avenue.

12. PDD-11-08 (Blanco Riverwalk). Consider a request by Mike Cotter and Vista Del Blanco for a Planned Development District overlay for approximately 13 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision, located at Riverway Avenue and Cotter Avenue, with a proposed base zoning of MF-24.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Morris, the Commission voted six (6) for and two (2) opposed to approve LUA-11-15; ZC-11-19; and PDD-11-08. The motion carried. Commissioners Bryan and Ehlers voted no.

Public Hearing

13. CUP-11-16 (Gumby's Pizza and Wings). Hold a public hearing and consider a request by John Higdon on behalf of Gumby's Pizza and Wings for a Conditional Use Permit to allow the on-premise consumption of alcoholic beverages at 403A N. Guadalupe St.

Vice-Chair Couch opened the public hearing. There were no 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 all in favor to approve CUP-11-16 with the condition that the permit be valid for one (1) year, provided standards are met, subject to the point system. The motion carried unanimously.

14. PVC-11-05 (830 MLK Drive- lot depth to width plat variance). Hold a public hearing and consider a request by Carlos Hernandez, on behalf of Virgilio Altamirano, for a subdivision plat variance to section 6.7.2.1(j) of the Land Development Code which requires that lot depth shall not exceed three times the lot width for lots platted after March 10, 1975 for a property located at 830 Martin Luther King Drive.

Vice-Chair Couch opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck the Commission voted all in favor to postpone PVC-11-05 to the November 8, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

15. ZC-11-32 (1640 Aquarena Springs Dr). Hold a public hearing and consider a request by ETR Development Consulting, on behalf of Student Housing Association LLC, for a zoning change from General Commercial (GC) to Multi-family-24 (MF-24) for approximately 1.966 acres located at 1640 Aquarena Spring Drive.

Vice-Chair Couch opened the public hearing. Thomas Rhodes, ETR Development Consulting explained they are trying to bring the property into conformance. He advised he was available to answer questions.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission voted seven (7) for and one (1) opposed to approve ZC-11-32. The motion carried. Commissioners Bryan voted no.

16. LUA-11-21 (1305 Haynes Street). Hold a public hearing and consider a request by ETR Development Consulting, on behalf of Lumberton Investments, LTD, for a land use map amendment from Low Density Residential (LDR) to Mixed Use (MU) for approximately 0.21 acre located at 1305 Haynes Street.

17. ZC-11-33 (1305 Haynes Street). Hold a public hearing and consider a request by ETR Development Consulting, on behalf of Lumberton Investments, LTD, for a zoning change from Single-Family Residential (SF-6) to Mixed Use (MU) for approximately 0.21 acre located at 1305 Haynes Street.

Vice-Chair Couch opened the public hearing. Scott Morris, 911 Cheatham, said that he has rented the house on Cheatham since 1998 and asked that the Commission to do nothing that would erode the residential quality of the neighborhood. He admitted that parts of the corner of Hopkins and Cheatham are an eye sore and reiterated the plea to preserve the neighborhood.

Ana Mendoza, 1114 Fields, stated that she has been a resident since 1972 and loves her neighborhood. She asked that the Commission deny and zoning change as well the land use amendment explaining that she felt that there would be a domino effect to the neighborhood. She said that the people who bought the property knew that it was in a neighborhood when they purchased it and that the change would bring too much traffic into the neighborhood. She urged the Commission to please save their neighborhood.

Rosemary Zuniga said that she has lived in Rio Vista Neighborhood for 41 years, that there has always been businesses in the neighborhood and that she felt that the zone change was not in the best interest for the neighborhood. She elucidated that she believed the neighborhood cannot handle the traffic the project would bring. She noted that the City has invested millions of dollars to beautify the roads and neighborhood and while the streets are pretty they are not wider.

Bob Grimm, 1144 Sycamore, said that he moved to San Marcos in 1960 and bought a lot on 719 Bugg Lane which has now become a commercial property. He stated that three years ago he wanted to build on it and the City did not approve because it was in a residential neighborhood. He felt that the City was trying to change the rules.

Jane Hughson, 1600 N. LBJ Drive, stated that she was present to speak regarding PDD-11-10, the Windemere case. She suggested the Commission vote "no" on LUA-11-21 and ZC-11-33 to prevent the domino effect within that neighborhood.

Martha Ash, 1129 Cheatham Street, said that she had lived on Cheatham since 2002. She explained that this area was all she could afford and that she loves the neighborhood. She stated that from her back yard she can see the subject property. She was concerned that the neighborhood would lose the family qualities she loves.

Diane Wassenich, 11 Tanglewood, encouraged the Commission not to allow a parking lot to encroach into a neighborhood.

Thomas Rhodes, ETR Development Consulting, explained that ETR Development Consulting brought two lots along the frontage before the Commission two years ago and that his client has owned the subject property since they bought the other two lots along the frontage. Mr. Rhodes explained that the intent was to use a portion of the corner lot as detention. He said that they had redesigned the site and had moved some of the parking around. He explained that they had originally sought to combine the three lots but after sitting with staff it was recommended to keep the subject lot separate and zoned to MU. He said that would allow parking in conjunction with the parking allowed on the remainder of the site. He stated that they are prepared to install a ten foot buffer as well as a six foot fence. He asked the Commission for a favorable consideration and was available to answer questions.

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 Ehlers the Commission voted all in favor to deny LUA-11-21 and ZC-11-33. The motion carried unanimously.

18. ZC-11-35 (El Camino Real). Hold a public hearing and consider a request by Rio Marc Development for a zoning change from DR (Duplex Restricted) to MF-12 (Multi-Family-12) for approximately 12.904 acres located within the 2600 Block of State Highway 123 and part of the Barnett O. Kane Survey.

Vice-Chair Couch opened the public hearing. Chris Carson with Rio Marc Development explained that this property was the last piece of property that is not final platted. He said that the subject property is a continuous problem with its current zoning of DR and pointed out that there are only 4 or 5 pieces of property that are designated DR. Mr. Carson explained the difference between low density DR (six units per acre) and medium density DR (twelve units per acre). He said what they were requesting was to change from medium density DR to Multi-Family-12 which has the same density as medium density DR.

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

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers the Commission voted all in favor to approve ZC-11-35. The motion carried unanimously.

There was a 10 minute intermission.

19. LUA-11-20 (1620 Old Ranch Road 12). Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of RF Sowell Jr., for a land use map amendment from Low Density Residential (LDR) to Commercial (C) for approximately 2.119 acres located at 1620 Ranch Road 12.

20. ZC-11-31 (1620 Old Ranch Road 12). Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of RF Sowell Jr., for a zoning change from Single Family Residential-6 (SF-6) to Community Commercial (CC) for approximately 2.119 acres located at 1620 Ranch Road 12.

Vice-Chair Couch opened the public hearing. Ed Theriot with ETR Development Consulting, LLC, explained to the Commission that he was there tonight representing the applicant's request. He said that the three other existing corners are currently zoned commercial. He said that they can provide adequate protection to abutting properties and that they support staff's determination.

Diane Wassenich, 11 Tangelwood, said that she lives in the area and is familiar to other three commercial sites which do not abut residential properties. She asked the Commission to think about the real transition as the zoning change would be adjacent to residential property. She felt OP made more sense.

Jane Hughson, 1600 N. LBJ Drive, said that she was interested in property because she has served on the Horizons Master Plan. She does not feel that anyone on that committee would have recommended the subject lot for a commercial lot; the rest of the block is residential. She suggested a much lower level of service which has typical business hours.

Barry James, 1610 RR 12, stated that he lives two doors down but not within 200' notification buffer. He said that the applicant died and the heirs want to sell the property solely with the intent to inflate the property value. He feels that it would be a detriment to property owners. He asked the Commission to deny request.

Camille Philips, Franklin Drive, asked the Commission to deny the request and suggested the zoning change to OP with limited uses and lighting.

MOTION: Upon a motion made by Commissioner Bryan and a second by Commissioner Ehlers the Commission voted two (2) in favor and six (6) against to deny LUA-11-20 and ZC-11-31. The motion to deny failed.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck the Commission voted all in favor to postpone LUA-11-20 and ZC-11-31 to the November Planning and Zoning Commission meeting. The motion carried unanimously.

21. LUA-11-19 (1311 N. IH-35 Luxury Apartments). Hold a public hearing and discuss a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a land use map amendment from Commercial (C) to High Density Residential (HDR) for approximately 2.547 acres located at 1311 N. IH-35.

22. ZC-11-30 (1311 N. IH-35 Luxury Apartment). Hold a public hearing and discuss a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a zoning change from General Commercial (GC) to Multi-Family-24 (MF-24) for approximately 2.547 acres located at 1311 N. IH-35.

23. PDD-11-09 (1311 N. IH-35 Luxury Apartment). Hold a public hearing and discuss a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a Planned Development District (PDD) with a base zoning designation of MF-24 for approximately 10.735 acres located at 1311 N. IH-35.

Vice-Chair Couch opened the public hearing. Ed Theriot, ETR Development Consulting, LLC, said that a few months ago came before the Commission for a zoning change. He stated that they have met with staff at many meetings and have proposed a multi-family development which he gave brief overview of. Mr. Theriot felt it will be a model project and asked for the Commission consideration.

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

The Planning and Zoning Commission will take action on LUA-11-19, ZC-11-30, and PDD-11-09 at the November 8, 2011 meeting.

24. PDD-11-10 (Lime Kiln Rd- The Preserve at Windemere). Hold a public hearing and discuss a request by Vigil and Associates, on behalf of Robert L. Haug and Vinson J. Wood, for a Planned Development District (PDD) with a base zoning district of Single Family Rural Residential (SF-R) for approximately 149.14 acres located off of Lime Kiln Road.

Vice-Chair Couch opened the public hearing. Jane Hughson, 1600 N. LBJ Drive, said that she owned 212 acres that adjoins the Windemere property. She stated that she felt there were good aspects to the plan but asked the Commission to deny the request. She also said that she was proud of ZBOA for denying the 125 wide lots.

The Planning and Zoning Commission will take action on LUA-11-19, ZC-11-30, and PDD-11-09 at the November 8, 2011 meeting.

25. Discussion Items.

Development Services Report

Commissioners' Report

26. Questions and answers from the Press and Public.

There were no questions from the public.

27. Adjournment

Chair Taylor adjourned the Planning and Zoning Commission at 8:41 p.m. on Tuesday, October 25, 2011.

Bucky Couch, Acting Chair	Randy Bryan, Commissioner
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
November 22, 2011

1. **Present**

Commissioners:

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

City Staff:

Matthew Lewis, Development Services Director
John Foreman, Planner
Christine Barton-Holmes, Chief Planner
Alison Brake, Planner
Abigail Gillfillan, Planner
John Stanley, Planner

DRAFT

2. **Call to Order and Quorum is Present.**

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**

Buck Scheib 503 Loquat Street, spoke in favor of the North Campus Housing project and explained that at his age he can no longer maintain his house. He felt that the best way to be a good steward of the land would be this project. He explained that most of his land will be reserved for greenspace with walking trails, bike trails, as well as using native plants. He commended the project for using local developers and felt the project would attract more professionals to the area.

E. Scott Ross, Buda, Texas, said that he was speaking in favor of the North Campus Housing project on behalf of Christian and Diana Espiritu. He stated that the Espiritus had always envisioned selling the property and were excited about the mixed use project as well as the jobs it could potentially bring.

Betsy Robertson, 1410 Progress Street, spoke in favor of the North Campus Housing project and stated that she felt it was an appropriate use of the land being across from the University. She felt it would bring much needed commercial uses into the area. Ms. Robertson said that closing off Loquat Street could be an advantage as far as traffic is concerned. She did have a few reservations because so often promises are not fulfilled. She stated that the developers went above and beyond the requirements to contact the neighborhood.

Becky Patterson, 222 Rush Haven, spoke in regard to LUA-11-25 and PDD-11-13. She said that she loves her home and has witnessed transformation of community. She saw no issues with the technical clean-up of the PDD but wanted clarity on the parkland development as that was the high selling point when buying her home. She stated that she wants better access to the natural area and thanked City staff and Terry Mitchell for talking to neighborhood.

R.C. White, 114 Elm Court, stated that he had lived there for 21 years have lived there. He spoke in regard to LUA-11-23, ZC-11-37, and PDD-11-11. He said that he was in favor of the postponement of the cases in order to give more time to meet with the developer. He said that the developers are getting closer to meeting the needs of the neighborhood each time they meet.

Michael Haley, 119 Ridgeway Drive, said that he lives near the North Campus Housing project and would like for the developers to meet with the neighbors. He felt that would help solve some of the issues.

Sam Huenergardt, 3100 Summit Ridge Drive, stated that he was President and CEO of Central Texas Medical Center and was in support of the North Campus Housing project. He stated that the community needs more diversity as long as it's quality and felt that the project would help recruit high quality people to work in healthcare field

Consent Agenda

6. Consider the approval of the minutes from the Regular Meeting on November 15, 2011.

7. LUA-11-23 (1410 N. LBJ-Hillside Ranch Phase 2). Consider a request to postpone 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 1410 N. LBJ Drive.

8. ZC-11-37 (1410 N. LBJ-Hillside Ranch Phase 2). Consider a request to postpone 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 1410 N. LBJ Drive.

9. PDD-11-11 (1410 N. LBJ-Hillside Ranch Phase 2). Consider a request to postpone 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 MF-1) for 10.925 acres located 1410 N. LBJ Drive.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission approved on consent to approve the minutes of the Regular Meeting of November 8, 2911 and to postpone LUA-11-23, ZC-11-37, and PDD-11-11.

Public Hearing

10. LUA-11-20 (1620 Old Ranch Road 12). Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of RF Sowell Jr., for a land use map amendment from Low Density Residential (LDR) to Commercial (C) for approximately 2.119 acres located at 1620 Ranch Road 12.

11. ZC-11-31 (1620 Old Ranch Road 12). Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of RF Sowell Jr., for a zoning change from Single Family Residential (SF-6) to Neighborhood Commercial (NC) for approximately 2.119 acres located at 1620 Ranch Road 12.

Chair Taylor opened the public hearing for LUA-11-20 and ZC-11-31. Ed Theriot, 5395 Hwy 183, Lockhart, stated that he was there to request a positive recommendation from the Commission and pointed out that they had amended the original request to Neighborhood Commercial. He concured with staff's recommendation and said that the request would allow the Commission to review more intense uses through the Conditional Use Permit process.

Viola Sowel, 1410 Lazy Lane, spoke in favor of request stating that location can make the difference and that the corner lot in question is the ideal location for commercial venture. She said that if a buyer recognizes the potential, the property could be an asset to serve surrounding residents.

Diane Wassenich, 11 tangelwood, urged the Commission to very carefully go over list of what would be allowed within Neighborhood Commercial because the property abuts single family homes. She stated that she was concerned with the impact of noise on the single family homes.

Brenda Smith, 1610 Old Ranch Road 12, spoke in opposition and stated that she had owned her property since 1981. She brought a petition against the request and thought that more neighbors would be receptive of the change if there was a Planned Development District (PDD) along with the request as the neighbors' biggest concern is that they do not know what type of business would be going in.

Susan Nichols, 122 Chaparral, said that she was more in favor of Neighborhood Commercial than the more intense Community Commercial and stated that she did not want a business that would be open all night going in at that location.

Camille Phillips, Franklin Drive, spoke in opposition to the request and echoed the sentiments of Ms. Smith.

Sherry Bilison, urged the Commission to route as PDD with conditions and asked for limits to be placed on construction hours similar to what the Commission did for The Retreat.

Thomas Rhodes, Buda, reiterated that the benefit of going to Neighborhood Commercial is that the Commission can review the more intense uses in the Conditional Use Permit process.

AC Kyle, 711 W San Antonio, stated that he represents the Sowell Estate and said that the subject property was the perfect place for a commercial venture.

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

MOTION: Upon a motion made by Vice Chair Couch and a second by Commissioner Wood, the Commission voted five (5) for and two (2) opposed to approve LUA-11-20 and ZC-11-31, with Commissioners Bryan and Seebeck voting no. Commissioner Morris recused himself prior to the public hearing and consideration.

12. LUA-11-25 (Blanco River Village- Living Court Units) – Hold a public hearing and discuss 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.

13. PDD-11-13 (Blanco River Village PDD) – Hold a public hearing and discuss 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 public hearing. Rich Norton, 264 Newberry Trail, stated that he had no issues with the rezoning of the 10 acres. He asked that the surrounding areas stay Low Density Residential and single stand-alone homes. He read a statement from the property owners at 105 Dashwood Drive who were not able to attend. The letter stated that they would support the developers and suggested that medium density be kept to a minimum.

Charles Laws, 402 Heart Ridge, was concerned mainly with any multifamily aspect of the request.

Jake Jacobson, 405 Shadow Point, stated that he was concerned that the usage remain single family homes and that a new entrance would be needed.

Chet Niederhofer, 410 Heartridge, was curious as to when the park would be developed if there was funding in place for it. He stated that if it was a City park another entrance would be needed.

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

The Planning and Zoning Commission will take action on LUA-11-25 and PDD-11-13 at the December 13, 2011 meeting.

14. LUA-11-24 (North Campus Housing) – Hold a public hearing and discuss 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 for approximately 13.51 acres located at Sessom Drive at Loquat Street.

15. ZC-11-38 (North Campus Housing) – Hold a public hearing and discuss 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.

16. PDD-11-12 (North Campus Housing) – Hold a public hearing and discuss 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.

Chair Taylor opened the public hearing. Larry Mock, 107 Canyon Rd, stated that he has lived there for 14 years and the neighborhood is one of the most unique in the City. His main concern was for the environment and what would happen to Sessom Creek during development.

Kenneth Dees, 1412 Alamo Street, said that he was fearful that his neighborhood would be next to be developed. He was concerned with the traffic impacts along Sessom Drive that the project would create and he was concerned that San Marcos was becoming a bedroom community for Texas State.

Shannon Devine, 115 Canyon Rd., spoke in opposition but understood that as student body grows so does San Marcos. He mentioned a moratorium on building multifamily with a need to focus on sustainable growth.

Ted Uhlers, 124 W. Hillcrest Dr., spoke in opposition. He said that for the past 20 years he has lived in the area and that neither he nor his family was contacted by the developers regarding the project. He had concerns about the increase in traffic and implied that professionals would not be attracted to the area. Mr. Uhlers stated that he was a member of the Parks Advisory Board and saw this project as a lesser of two evils when it was presented to them. He urged the Commission to preserve the single family designation of the area.

John Berger, 112 Canyon Rd, said that he was not totally against the project but said that he had no knowledge of what was going on when the surveyors came through the place. He said that he sees the pros and cons but wishes the developers would have reached out more to the neighbors.

Linda Hopson, 111 Canyon Fork, echoed that she had not been contacted. She was in opposition stating that she did not want to lose the tranquility and peace of the neighborhood.

Jim Garber, 114 Canyon Fork, spoke in opposition and stated that the project would affect more than the neighborhood. He was concerned with the amount of traffic it would bring to the whole north end of San Marcos. He asked the Commission to think long and hard before turning the area into Austin.

Francis Breihan, 111 W. Hillcrest, said she has lived in the neighborhood for 55 years and wondered why she should have to fight for her home and neighborhood. She stated that the neighborhood was being swallowed up.

Nancy Moore, 15 Tangelwood, spoke in opposition she had concerns with lighting as well as noise pollution.

Harold Shetlon, 109 W. Hillcrest, was concerned with future flooding in the area and how the project would affect that.

Michael Edwards, 115 Canyon Road, also had traffic concerns. He stated that he would like to see the results of the discussed traffic studies. He also talked about the environmental impact of the project's footprint and his concern with the impact.

Sally Ploeger, 105 Canyon Road, spoke in opposition and stated that the San Marcos area does not have enough water to supply. She also noted that the economy is uncertain.

Bryan Dupre, 232 W. Sierra Circle, said that he used to live at 118 Hillcrest and one reason he moved was the rampant college growth. He was concerned about construction hours and the environment. He said that the location was not right and suggested the old Target location as an alternative.

Jan Rudnicki, 123 Ridgeway Drive, agreed with the other speakers. She felt like the project was a like having a small city being built next to single family homes and that she could not see a transition zone in the plans.

Jeff Lowe, 1255 N. LBJ, was against the request. He was worried about the affect of runoff during construction on the San Marcos River.

Patrick Duran, 110 W. Hillcrest, said that he lived outside 200' buffer and spoke in opposition. He was concerned that the quality of life in the neighborhood would be completely changed.

Byron Mobley, 108 W Hillcrest, spoke in opposition. Mr. Mobley was concerned with the project causing an increase in crime in the area.

Todd Durkhas, 1410 Progress St., spoke in favor of the request and that his focus was on natural areas and watershed protection.. He said that the developer invited him to review the project and he found that they had exceeded the Land Development Code. He noted that he wanted to see that the green space is preserved in perpetuity.

Jill Keith, 200 Orchard Street, spoke in opposition and brought in arrowheads she found on her property as physical evidence that the area is a particularly environmentally sensitive area.

Don Eising, 901 Peidras Pass, said that he was the project superintendant of Copper Beach and was not against the project itself but mainly the location of the project. He stated that crime will increase. He also stated that he did not hear a thing about the meeting until last week.

Harriet Rainey, 328 Bluff Crest, San Antonio, TX, explained that her family owned the property in discussion. She stated that her sister is Flow Wilks and that they knew the time would come to figure out what to do with the property. She said that they did not make their decision lightly and chose Daren Casey because his promise to preserve the integrity of the property. She also stated that the complaints heard tonight are not new.

The traffic engineer with Kimley-Horn who is working on the traffic studies that were discussed spoke. He explained the Traffic Impact Analysis and stated the main findings of the studies. He said that after the project, Sessom would still receive an acceptable level of operation.

Daren Casey, San Antonio, TX, stated that he and his team have worked diligently to do the right thing and knew it wasn't going to be a popular night. He has a number of projects in the area and said that their intent with notifying the neighbors was to be fully transparent. He introduced the rest of this team and stated that they will continue to meet with neighbors and be a part of the community.

Chris Harness, 308 E, Melrose, San Antonio, TX, is part of Mr. Casey's team and stated that he has been involved in multifamily business for 20 years. He said he recognizes the uniqueness of the site and addressed the noise control comments as property management issues. He stated they have strict regulations for their property management.

Greg Gibson, Director of Development for Casey Development, said that he oversees retail and leasing and will be involved in design. Echoed the sentiment that they have been as transparent as possible and apologized if some felt that they were not transparent.

Ted Barclay, San Antonio, TX, lead in Casey contracting business, reiterated what Mr. Casey stated. He said that it would be easier to build correctly from the beginning rather than going through the TCEQ Volunteer Clean Up Process, which he is familiar with. He said that project could be a noise buffer between University and neighborhood.

Dianne Wassenich, 11 Tangelwood, said that she has talked extensively with the developers and they have taken her concerns regarding the San Marcos River to heart. She said that major concession come when a developer goes above and beyond what is required and said that the parkland is a good buffer. She noted

that the River Foundation will hire an engineer to review the plans as well as property is so environmentally critical.

Jamie Bryan, 134 E. Hillcrest, was concerned with the construction of the parking garage, the traffic impacts and the impacts on any endangered species that may be in the area.

Forest Wilkerson, said that the TIA had not been submitted in time, that it needed to be submitted prior to the zoning application, and because there are archeological artifacts on the property an evaluation should be done.

Patrick Rose, 627 W. San Antonio Street, was in favor of the project and was a business owner in town He said that the University will continue to grow and is not a question of if something will be done with the subject property. He noted that the dedicated parkland as a buffer shows a tremendous good faith effort on the developers part and that the quality of the development is something the University needs. He mentioned that a great deal of outreach was done and the developers know they have to keep reaching.

Vincent Debrock, 100 W. Hillcrest, said that he was not for the project but not against it either. He found it very hard to swallow the concept of a six story garage but understands the efforts that are being put forward by the developer. He was concerned about the neighborhood character being lost.

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

The Planning and Zoning Commission will take action on LUA-11-24; ZC-11-38; and PDD-11-12 at the December 13, 2011 meeting. Commissioner Morris recused himself prior to the public hearing.

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.

Development Services Report

There were no reports.

Commissioners' Report.

There were no reports.

18. Questions from the Press and Public.

There were no questions from the public.

19. Adjourn.

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

Bill Taylor, Chair

Bucky Couch, Vice Chair

Sherwood Bishop, Commissioner

Chris Wood, Commissioner

Kenneth Ehlers, Commissioner

Carter Morris, Commissioner

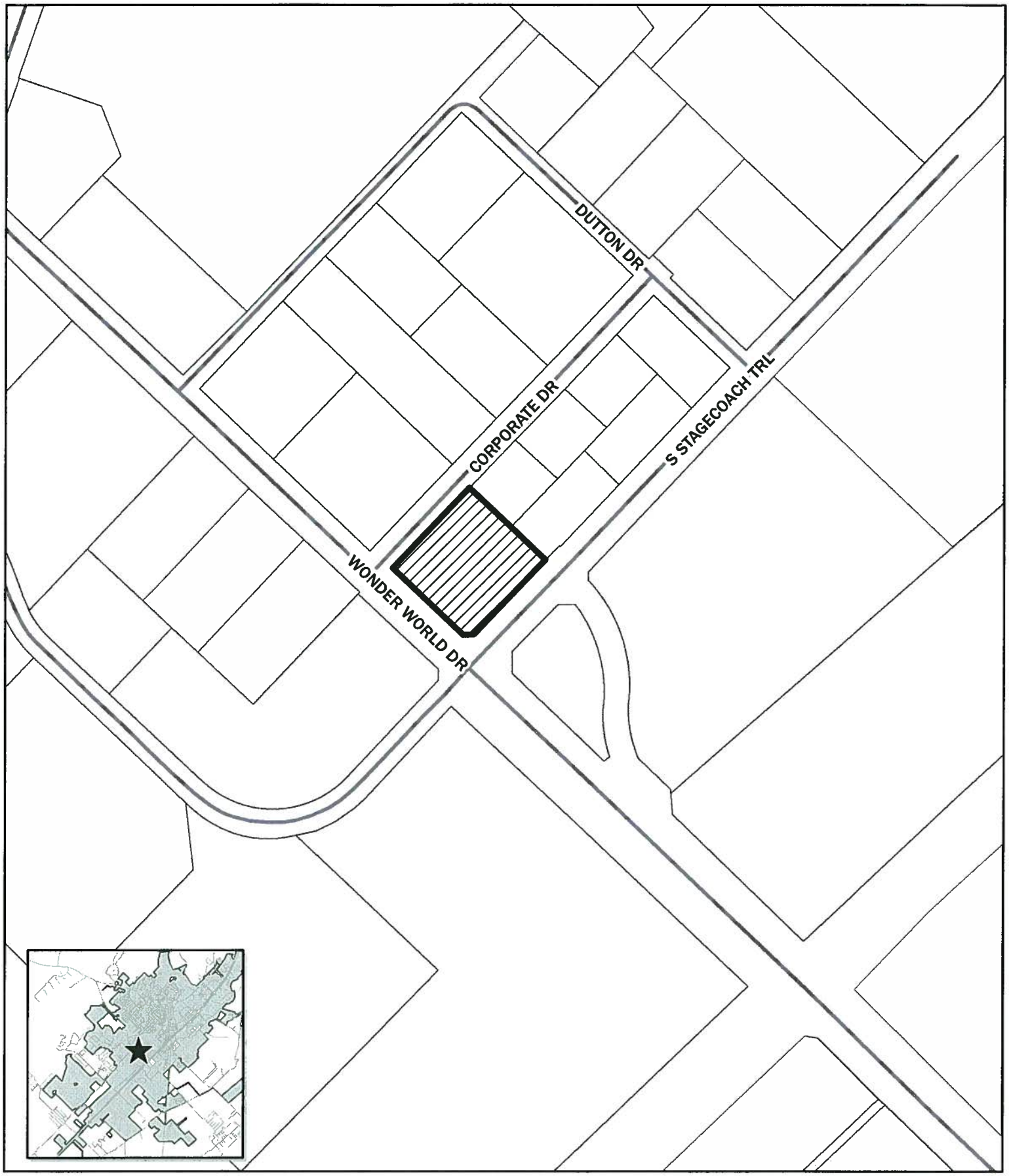
Curtis Seebeck, Commissioner

Travis Kelsey, Commissioner

Randy Bryan, Commissioner

ATTEST:

Francis Serna, Recording Secretary



PC-11-40(03)
South End San Marcos
Section One
Map Date 12/08/11

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.

N

0 255 510 1,020

Feet

PC-11-40(03) Final Plat, South End San Marcos Section One

Applicant Information:

Agent: Carlson, Brigance and Doering
5501 West William Cannon
Austin Tx 78749

Property Owner: Carson Diversified Land 1 LLC
1911 Corporate Drive STE 102
San Marcos TX 78666

Notification: Notification not required

Type & Name of Subdivision: Final Plat South End San Marcos Section 1

Subject Property:

Summary: The subject property is approximately 2.01 acres in size and is located on the north side of Wonderworld Drive between Corporate Dr and Stagecoach. The plat is proposing to vacate all of Lot 1 of the Hays County Government Center Campus and establish 4 lots served by an alley and one new 60' ROW to be referred to as Key St.

Zoning: Property is zoned Smart Code Zoning and within the T5 transect

Traffic/ Transportation: The property is one complete block surrounded by three existing streets including Wonder World Dr, Stagecoach Trl, and Corporate Dr and one newly created street referred to as Key St.

Utility Capacity: All utilities are provided for onsite.

Planning Department Analysis:

The subject property is currently zoned within the SmartCode Zoning district and must meet the lot and block standards of this district. The T5 Transect zone requires the Block Perimeter to be a maximum of 2000 linear feet. The subject property is proposing a block perimeter of roughly 1,145 linear feet. In addition, each of the lots as well as the newly created ROW meet the standards of the SmartCode district.

The project is located partially within the floodplain and is subject to a Public Improvement Construction Plan (PICP) and a Watershed Protection Plan Phase1 (WPP1). The PICPs have been declared substantially complete at this time and the Watershed Protection Plan is approved. One of the City's incentives of the SmartCode zoning district is the waiver of a Traffic Study therefore this project is not subject to a TIA.

The public improvements will be constructed prior to the plat being recorded and staff is recommending the following condition to allow for some flexibility:

1) Easements are subject to minor adjustments based on the exact locations in the field.

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

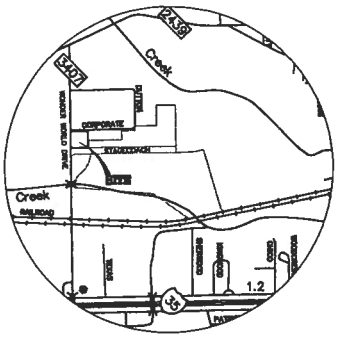
The Commission's Responsibility:

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:

Abigail Gillfillan	Planner	December 8, 2011
Name	**Title**	**Date**

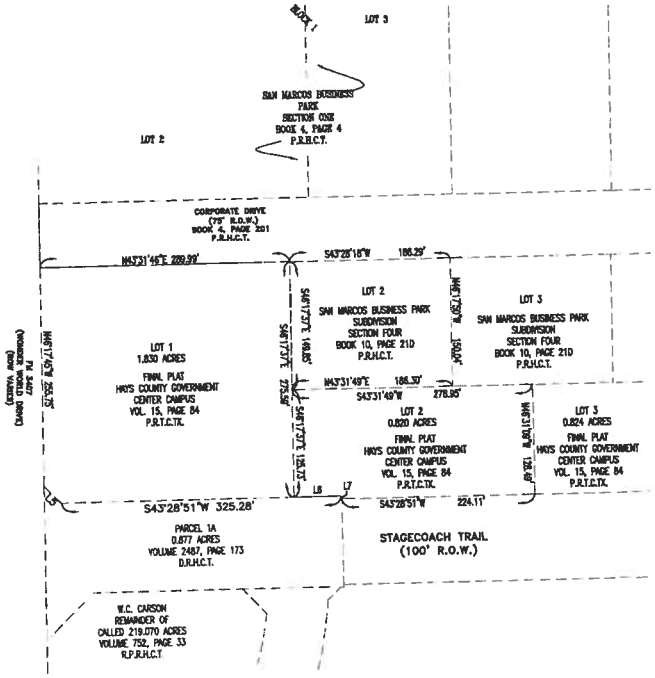
SOUTH END SAN MARCOS
SECTION ONE FINAL PLAT



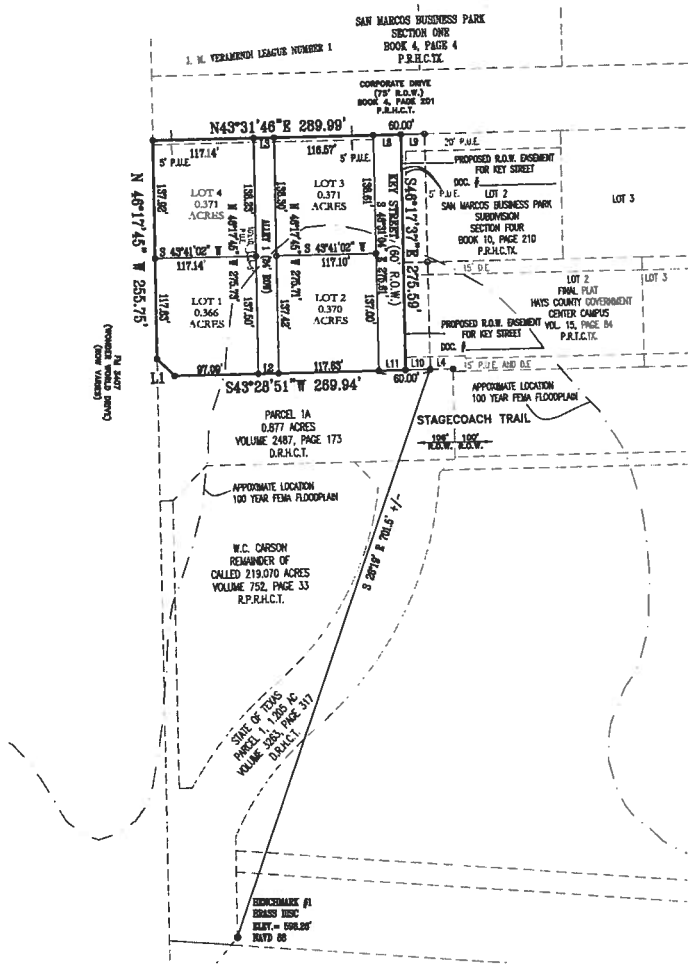
LOCATION MAP
NOT TO SCALE

SCALE: 1" = 100'

LEGEND
- ○ IRON ROD SET
- ● IRON ROD FOUND
- 1 LOT NUMBER
- P.U.E. PUBLIC UTILITY EASEMENT



EXISTING CONDITIONS PRIOR TO LOT 1 VACATION



PROPOSED PLAT LAYOUT

NOTES:
1. ACCORDING TO THE CURRENT FEMA FLOOD INSURANCE RATE MAP NUMBER 48209C 0477F, DATED SEPTEMBER 2, 2005, HAYS COUNTY, TEXAS, A PORTION OF THIS TRACT LIES WITHIN THE DESIGNATED HUNDRED YEAR FLOODPLAIN FLOOD HAZARD AREA

2. SIDEWALKS WILL BE CONSTRUCTED AND STREET TREES PLANTED IN ACCORDANCE WITH THE CITY OF SAN MARCOS SMART CODE T-5.

3. NO LOT SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF SAN MARCOS WATER AND WASTEWATER SERVICE.

LINE TABLE		
LINE	LENGTH	BEARING
L1	28.32	S88°36'48"W
L2	24.00	S43°28'51"W
L3	24.00	N43°31'46"E
L4	26.55	S43°28'51"W
L5	28.32	S88°36'48"W
L6	55.34	N43°28'51"E
L7	3.00	S46°32'23"E
L8	32.29	N43°31'46"E
L9	27.71	N43°32'25"E
L10	28.79	S43°28'51"W
L11	31.21	S43°28'51"W

DATE: DECEMBER 08, 2011

OWNER:
CARSON DIVERSIFIED LAND 1, LLC
1911 CORPORATE DR. SUITE 102
SAN MARCOS, TEXAS 78666
Phone: (512) 392-3322

ENGINEER & SURVEYOR:
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
Phone: (512) 280-5160
Fax: (512) 280-5165

TOTAL OF LOTS:
NO. OF LOTS: 4

TOTAL ACREAGE: 1.831 ACRES

SURVEY: J.M. VERAMENDI LEAGUE NUMBER 1

FEMA MAP No.: 48209C 0477F
HAYS COUNTY, TEXAS
DATED: SEPTEMBER 2, 2005

BEARING BASIS: FINAL PLAT HAYS COUNTY GOVERNMENT CENTER CAMPUS, VOLUME 15, PAGE 84, PLAT RECORDS OF HAYS COUNTY, TEXAS

A SUBDIVISION OF 1.831 ACRES, BEING ALL OF THE VACATED LOT 1, FINAL PLAT HAYS COUNTY GOVERNMENT CENTER CAMPUS, OUT OF THE J.M. VERAMENDI LEAGUE NUMBER 1, HAYS COUNTY, TEXAS

SHEET NO. 1 OF 2

Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
5501 West William Cannon Drive ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

PATH: – J: 4512\SURVEY\PLAT

SOUTH END SAN MARCOS
SECTION ONE FINAL PLAT

STATE OF TEXAS }
COUNTY OF HAYS }

CARSON DIVERSIFIED LAND 1, LLC, AT 1911 CORPORATE DRIVE SUITE, 102, SAN MARCOS, TEXAS, HAYS COUNTY, TEXAS 78666, BEING THE OWNER OF 1.831 ACRES OF LAND OUT OF THE REMAINDER OF A CALLED 219.070 ACRE TRACT, OUT OF THE THE J.M. VERAMENDI LEAGUE NUMBER 1, HAYS COUNTY, TEXAS, AS CONVEYED BY DEED RECORDED IN VOLUME 752, PG. 33 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE 1.831 ACRES OF LAND, TO BE KNOWN AS:

SOUTH END SAN MARCOS SECTION ONE FINAL PLAT

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN ON THIS PLAT.

_____
CARSON DIVERSIFIED LAND 1, LLC,
W.C. CARSON, AUTHORIZED MANAGER
1911 CORPORATE DRIVE SUITE, 102,
SAN MARCOS, TEXAS, 78666

STATE OF TEXAS }
COUNTY OF HAYS}

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ BY W.C. CARSON, AUTHORIZED MANAGER, ON BEHALF OF SAID COMPANY.

_____
NOTARY PUBLIC, STATE OF TEXAS

CITY OF SAN MARCOS}
CERTIFICATE OF APPROVAL}

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF_____, 20__ BY THE PLANNING & ZONING COMMISSION OF THE CITY OF SAN MARCOS.

_____
BILL TAYLOR, CHAIRMAN
PLANNING & ZONING COMMISSION

_____
FRANCIS SERNA,
RECORDING SECRETARY

APPROVED:

_____
MATTHEW LEWIS, CNU-A
DIRECTOR DEVELOPMENT SERVICES

_____
DATE

STATE OF TEXAS }
COUNTY OF HAYS }

I, LIZ Q. GONZALES, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2011, A.D., AND DULY RECORDED ON THE _____

DAY OF _____, 2011 A.D., AT _____ O'CLOCK ___M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____, PAGE(S)

_____, AND DOCUMENT NUMBER _____.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF_____, 2011, A.D.

_____
LIZ Q. GONZALES
COUNTY CLERK
HAYS COUNTY, TEXAS

STATE OF TEXAS }
COUNTY OF TRAVIS }

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

_____
STEVEN P. CATES, P.E. NO. 93648 DATE
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON
AUSTIN, TEXAS 78749
(512) 280-5160

CARLSON, BRIGANCE & DOERING, INC.
ID# F3791

STATE OF TEXAS }
COUNTY OF TRAVIS }

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

SURVEYED BY: _____
AARON V. THOMASON, R.P.L.S #6214 DATE
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON
AUSTIN, TEXAS 78749
aaron@cbdeng.com

A SUBDIVISION OF 1.831 ACRES, BEING ALL OF THE VACATED LOT 1, FINAL PLAT HAYS COUNTY GOVERNMENT CENTER CAMPUS, OUT OF THE J.M. VERAMENDI LEAGUE NUMBER 1, HAYS COUNTY, TEXAS

SHEET 2 OF 2

Carlson, Brigance & Doering, Inc.
Civil Engineering • Surveying
5501 West William Cannon Drive • Austin, Texas 78749
Phone No. (512) 280-5160 • Fax No. (512) 280-5165

PATH: – J: 4512\SURVEY\PLAT

CUP-11-18
127 E. Hopkins
Map Date 11/10/11

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.

N

0 40 80 160

Feet

CUP-11-18
Unrestricted Conditional Use Permit
Black Rabbit Saloon
(Currently Dillinger's)
127 E. Hopkins

Applicant Information:

Applicant: FSW Ventures LLC
Mailing Address: 1012 B Harwood Place
Austin TX 78704

Property Owner: WC Williams Estate
PO Box 825
San Marcos TX 78667

Applicant Request: Amendment of an Unrestricted Conditional Use Permit (CUP) to allow the sale of mixed beverages for on-premise consumption in a T5- Urban Center zoning district.

Public Hearing Notice: Public hearing notification was mailed on December 1, 2011.

Response: None as of December 7, 2011

Subject Property:

Location: 127 E. Hopkins

Legal Description: Part of Lot 6, Block 20, Original Town of San Marcos

Frontage On: Hopkins

Neighborhood: Downtown

Existing Zoning: T5- Urban Center

Sector: Sector 8

Utilities: Sufficient

Existing Use of Property: Bar

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	T5- Urban Center	Commercial
S of property	T5- Urban Center	Commercial
E of property	T5- Urban Center	Commercial
W of property	T5- Urban Center	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).

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

The subject property is located on Hopkins north of the courthouse. A CUP for on-premise consumption of alcohol has been in place at this location since the 1980s. There are three aspects to this amendment: the name of the CUP holder is changing because the owner is selling the business, the applicant is performing an interior remodel, and the name of the business is changing. The application indicates hours from 3 p.m. to 2 a.m. and no live music has been proposed.

Comments from Other Departments:

The Police Department sent a list of calls to Dillinger's as well as a list of calls to Bar 141, which the new owner of this location also owns. No points have been assessed to either location. The Health Department stated that the new owner has completed the application and paid fees but will not have an inspection until after the remodel. The Building Department stated that no plans have been submitted for the remodel.

Planning Department Analysis:

There are no major changes with the proposed remodel- the bar is not expanding or adding live music. 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, provided standards are met, subject to the point system;**
2. **All required permits shall be obtained, and**
3. **All required inspections shall be performed.**

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

Prepared by:

John Foreman	Chief Planner	12/7/2011
Name	**Title**	**Date**

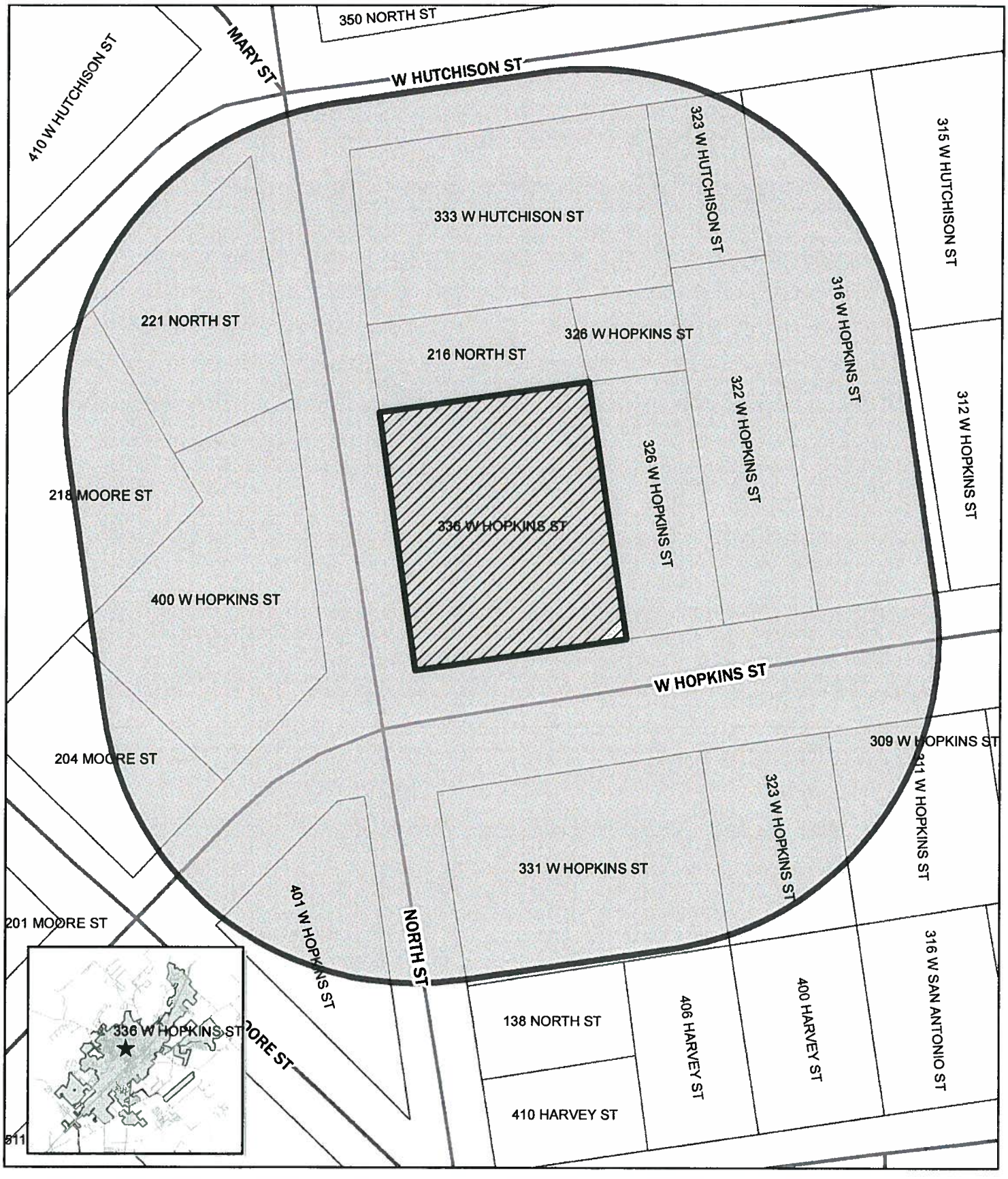
Commission's Responsibility:

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.



CUP-11-19
Zelicks
Map Date 11/30/11

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.

N

0 50 100 200

Feet

CUP-11-19
Conditional Use Permit
Zelick's
336 W. Hopkins

Applicant Information:

Applicant: Seth Katz
Mailing Address: 336 W. Hopkins
San Marcos TX 78666

Property Owner: Kevin Katz
1205 Pin Oak Drive
Dickinson TX 77539

Applicant Request: Renewal of Conditional Use Permit (CUP) to allow the sale and on-premise consumption of mixed beverages in a T5- Urban Center zoning district.

Public Hearing Notice: Public hearing notification was mailed on December 1, 2011.

Response: The Property owners at 326 W. Hopkins St. (Crystal River Inn) have responded with concerns regarding excess noise and nuisance coming from the subject property during the early morning hours.

Subject Property:

Location: 336 W. Hopkins

Legal Description: D P Hopkins #1, Block 3, Lot Pt Of 1, Acres 0.2678

Frontage On: Hopkins, North

Neighborhood: Downtown

Existing Zoning: T5- Urban Center

Sector: Sector 8

Utilities: Sufficient

Existing Use of Property: Bar

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	T5- Urban Center	Commercial
S of property	T5- Urban Center	Commercial
E of property	T5- Urban Center	Crystal River Inn
W of property	T5- Urban Center	Office

Code Requirements:

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

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

Case Summary

The subject property is located on the northeast corner of Hopkins and North Street outside of the Central Business Area. The subject property was previously a state motor vehicle inspection facility, gas station, and U-Haul truck rental facility but was converted into a "Garden Bar" this past year. Significant improvements have been made to the lot as well as the appearance of the building located on the property. A CUP for mixed beverages was granted June 22, 2010 and effective for one (1) year. The renewal application indicates hours from 3 p.m. to 2 a.m. and no live music has been proposed. Outdoor games such as horseshoes and Bache Ball are permitted under the current CUP. There are currently 22 parking spaces provided.

Comments from Other Departments:

No issues were raised from other departments.

Planning Department Analysis:

The prior CUP was granted with the Development Services Department's standard recommendation listed below:

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

At the time of this report, no points have been assessed. The owners of Crystal River Inn have noted several complaints, including excess noise after midnight from bar patrons, especially those playing washers or other games outside. They have also reported excess noise coming from motorcycles which frequent Zelick's.

Separate meetings were held with the owners of Zelick's as well as the owners of the Crystal River Inn. Crystal River Inn provided a list of proposed conditions for the CUP which include: limiting the hours of operation of the bar during weekdays from 2:00 pm until midnight, removing horseshoes from the outside area, reducing the CUP extension from 3 years to 1, ceasing music at midnight and moving the motorcycle parking away from the shared lot line. The owners of Crystal River Inn feel that reduction in noise, especially during the late hours is vital to keep their own customers happy at the inn. The owners reported that customers have complained about the noise preventing them from sleeping and relaxing.

The applicants have told staff that they have tried to work with Crystal River Inn to resolve these issues. They also claim that a reduction in hours or removal of games would severely hamper their business causing a loss in revenue and clientele.

Conditions to Consider:

The owners of Crystal River Inn have suggested the following conditions:

- Signage shall be provided along the side property line adjacent to Crystal River Inn indicating no motorcycle parking.
- No outdoor games after midnight Sunday through Thursday.
- No outdoor live or recorded music after midnight Sunday through Thursday.
- Limiting hours of operation

Additionally, the Commission may:

- Define a renewal period shorter than 3 years.
- Require noise reducing materials for horseshoes and pin (Zelick's has already done this at the request of Crystal River Inn).

It is believed that the addition of signage indicating no motorcycle parking in spaces adjacent to Crystal River Inn will decrease the noise effect created by the motorcycles. Moving motorcycle parking to on-street locations or the northern portion of the lot could aid in decreasing the impact of noise.

Prohibiting outdoor games and music after midnight Sunday through Thursday would preserve Zelick's primary weekend business while providing some noise relief to Crystal River Inn and its patrons during the week.

Limiting hours would reduce noise, but could be detrimental to Zelick's business.

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 recommends approval with the following condition:

1. **The permit shall be valid for three (3) years, provided standards are met, subject to the point system;**

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

Prepared by:

John Stanley	Planner	12/6/2011
Name	**Title**	**Date**

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.

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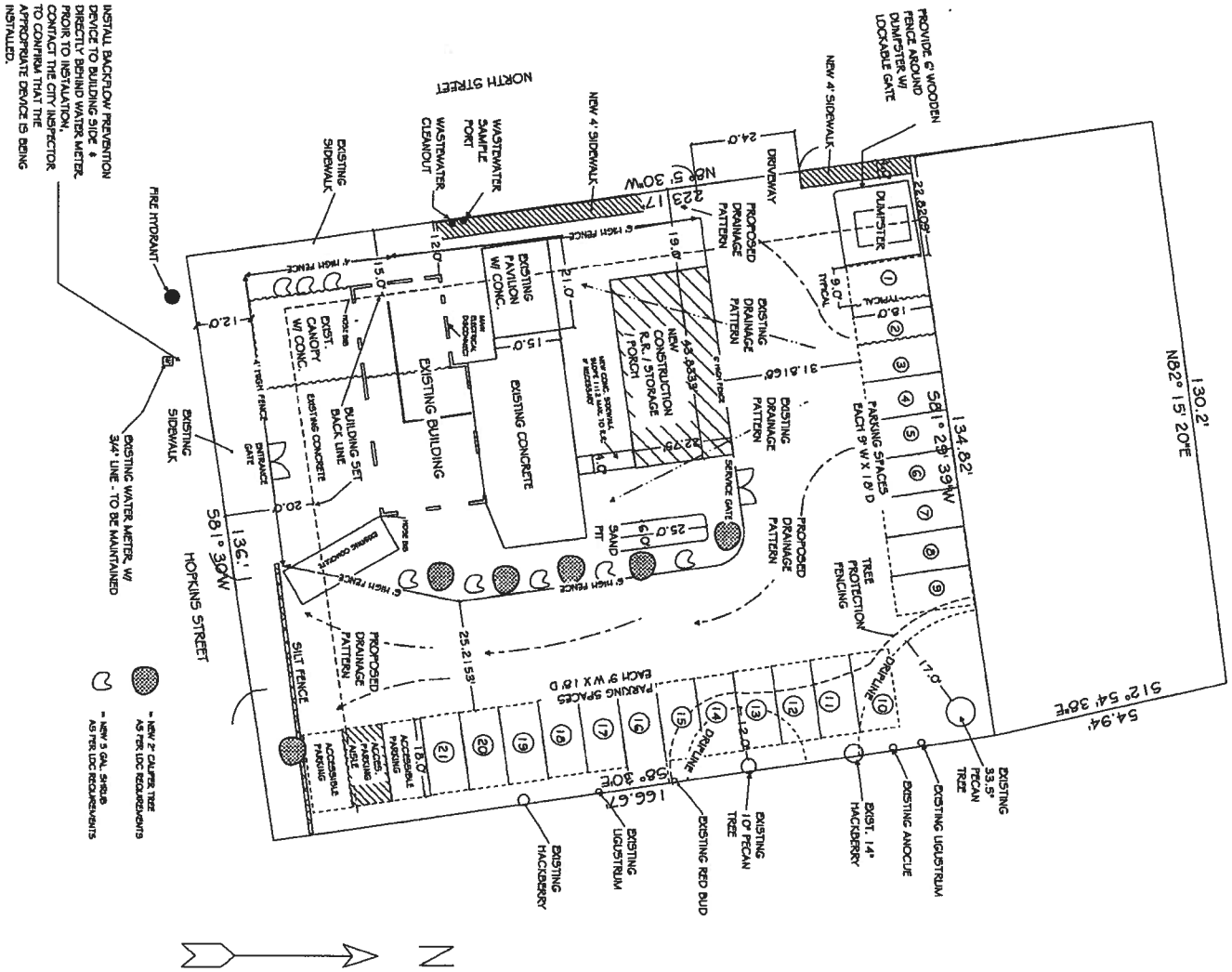

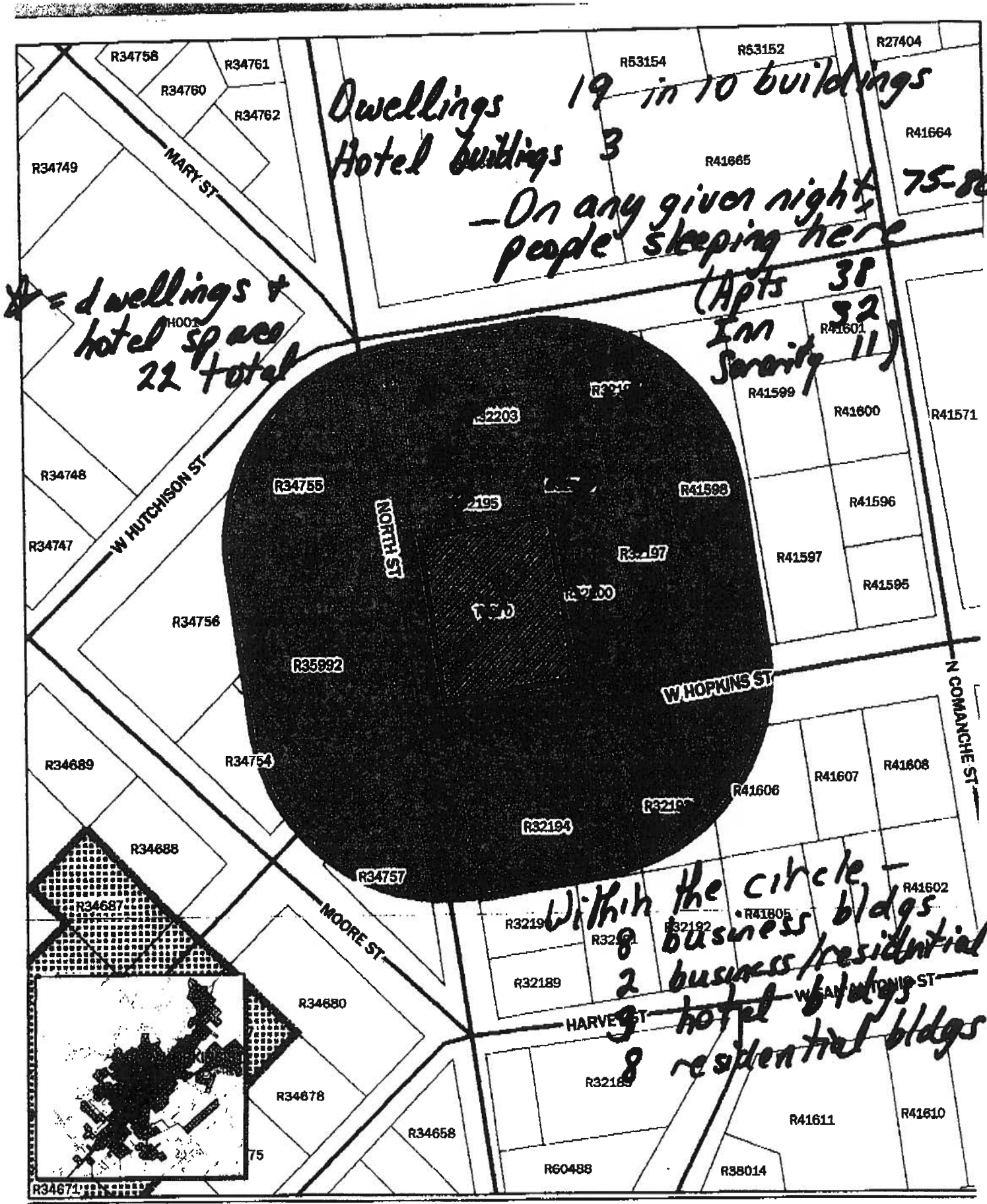

VR-10-12
336 W Hopkins
Map Date: 8/30/10

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.

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12/8/2011

To: City Planning and Zoning Commissioners
From: Cathy and Mike Dillon of Crystal River Inn
Re: Zelick's permit renewal

We will be coming before you on Tuesday night the 13th, to request that Zelicks' conditional use permit be renewed only for another 6 months as opposed to any longer period. We would hope within that time period to arrive at some solutions to the problems that this noisy new business is creating for our neighborhood.

In June of 2010, we wrote you a letter (attached) in which we offered our qualified support to their project, based upon their statements that Zelick's would be a quiet garden bar meant for acoustic music and good conversation. They clearly told us that it would feature neither bands nor amplified music.To quote Chase Katz during the hearing of June 22, 2010 "We are not requesting amplified music"...and "we will keep the noise to a bare minimum". Based on those and similar statements, we envisioned Palmer's courtyard full of happy tourists, and fully supported them up until the 2nd night they were open. Then it became obvious that a huge misconnect had occurred.

For the record, their adaptive reuse of their old building...is beautiful, nothing short of genius. During the day, and up until 11pm each night, the place is a pleasure to have next to us. We send them a lot of customers and are glad to do so.

The problem comes after 11pm, as the hours between then and 3 a.m. are unbearably loud. It is like being next door to a nightly fraternity party. We can no longer offer our guests a peaceful nights' sleep, in spite of our efforts to muffle the sound coming into our buildings, particularly our historic main house at 326 W. Hopkins. Zelick's "bare minimum non-amplified" music possesses a throbbing bass that on occasion rattles windows; and on busy nights will get louder as the night progresses. We are told that people inside the bar often have to shout in order to be heard. Nearby tenants swear it gets even louder at closing time--perhaps to muffle the thunderous racket of motorcycles and cars "peeling" away--perhaps for entertaining lingering partiers—perhaps to energize the staff as they stay to clean up.

And then there are the games--horseshoes, bocce ball, and washers. Late at night these are like Chinese water torture because every pitch is followed by shrieks and whoops. In other words, Zelick's doesn't have just the background hum of a normal party, it's a place where people shout and scream incessantly. It is these spikes of intense noise

(yelling, motorcycles, and so forth) that keeps guests and neighbors awake…and the racket continues until at least 2:30 if not 3 or 4 in the morning. EVERY NIGHT.

Ours is a commercially zoned block, but meets the city ordinance criteria for being a "residential area" because it possesses more dwellings than daytime-only businesses (see Sec. 34.086) There are 19 dwelling units in 10 buildings within a distance 3 lots or less from Zelick's, *excluding* our hotel. All are impacted by the racket. I have purchased my own decibel meter, and it regularly registers 65-70 db's as background noise at 1-2 a.m. when Zelicks is in full-tilt mode, punctuated by spikes of sound as high as 80 and 90 db's. (Section 6.4.2.1) says "A person commits an offense by operating sound equipment at a business that produces sound: in excess of 63 decibels at any time as measured from within the property line of any residential zoning or use."

There is a constant parade of foot traffic between Zelick's, Tantra, and the square. There have been fights on the inn's front lawn, damage to our properties, and trash. Zelicks patrons use our bushes and gardens as a bathroom, often frightening our staff and guests. One of our favorite statues was drop-kicked and broken at 1:30 a.m. by a couple of drunks, right in front of my shocked assistant manager who was cursed at before they laughed and ran back to the bar. Halloween weekend was a nightmare, with almost as much commotion in the middle of Hopkins Street, as was coming from the bar itself. The next morning two rooms of guests left in a fury because of the sleepless night.

We have tried talking to Zelick's management and they aren't sympathetic, indicating that they have a right to make money, they have their permits, no they cannot quiet the screaming drunks, and we should simply soundproof our buildings. That is easier said than done, like putting a bandaid on a hemorrhage. Are all 19 adjacent dwellings supposed to do the same? What about the mayhem in the middle of Hopkins? We are interested in the bigger picture here. Is Hopkins slated to become 6th Street? Where is the next Tantra or Zelick's going to be? Is the square expanding to take over the Historic District also? If so, tell us now because our business….the oldest continually operated family-run bed and breakfast in Texas…. will not survive the assault.

We would ask commissioners to consider placing the following conditions on Zelick's:

1) permit only for the next 6 months to allow for genuine change to occur
2) no music after 11:30 (the same time that we've always ended our weddings to avoid disturbing neighbors)
3) no games after 10pm
4) motorcycles parked only on the North Street side of the facility (can anything else be done to quiet them?)
5) genuine silence after 2 a.m.

If at the end of that time acceptable changes have not occurred, we will return to ask that at the very least, you consider making them adhere to a 12 midnite closing time.

Thanks for your time and attention. *Cathy and Mike Dillon*

6/15/2010

To: City of San Marcos Planning and Zoning
From: Mike and Cathy Dillon
Re: Chase Katz conditional use permit

We are unable to be in San Marcos for the zoning hearing on the 22nd, but make no mistake we are VERY concerned about its outcome!

As an upstanding business which has brought millions of dollars in tourist revenues into this town during our 26 years on W. Hopkins Street, we want to make it plain how much we value peace and quiet in our neighborhood. Our guests do not take kindly to having their sleep disturbed by the constant traffic racket, and by loud partying at the Sanctuary, Tantra Coffeehouse, and wafting over from downtown. The growth of the town is something that we value, and we are well aware that "racket-producing" circumstances have grown up around our ears; and yet, if it becomes any worse it will literally threaten our existence.

That said, the Katz family has presented their plans to us, and we approve of the business as it is being presented. They have said that their business will be a quiet garden bar intended to facilitate conversation, and will never offer amplified music. Quiet acoustic music would be acceptable next door to us.

Loud amplified band music or huge loud gatherings would, quite simply, destroy our inn.

We hope that you will consider our plight and somehow write this restriction into whatever conditional use permit these people are granted.

It is great to have the Uhaul trailers gone, and a pretty garden scheduled to take its place. This block of Hopkins Street is too central and too visible and too important to the town, to have it visually marred by anything ugly.

Sincerely,

Applicable parts of the San Marcos city code (pertinent sections bolded by this writer):

DIVISION 2: - STANDARDS

Section 6.4.2.1 - **Noise**

Noise Level Maximums. A person commits an offense by operating sound equipment at a business that produces sound:

(1)

In excess of 85 decibels for a period exceeding one minute between the hours of 11:00 a.m. and 10:00 p.m., as measured at the property line of the business or beyond.

(2)

In excess of 75 decibels for a period exceeding one minute between the hours of 10:00 p.m. and 11:00 a.m. as measured at the property line of the business or beyond.

(3)

In excess of 63 decibels at any time as measured from within the property line of any residential zoning or use.

(b)

Noise Measurements. Measurement of **noise** shall be made with a sound level meter using the "A" weighting network as specified by the American National Standards Institute.

(c)

Exemptions. The following uses and activities shall be exempt from the **noise** level regulations herein specified.

(1)

Noises not directly under control of the property user.

(2)

Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 9:00 p.m. (daytime hours).

(3)

Noises of safety signals, warning devices and emergency pressure relief valves.

(4)

Transient **noise** of moving sources, such as automobiles, trucks, and airplanes (see other City of San Marcos ordinances for regulation of transient **noise**).

(Ord. No. 2006-45, § 55, 9-19-06; Ord. No. 2010-49, § 9, 9-7-10)

NOISE >>

DIVISION 3. - NOISE [47]

Sec. 34.086. - Definitions.

In this division:

Party means a planned or unplanned gathering of people.

Property manager means a person, other than an owner or tenant, who leases, maintains, or cares for real property owned by another. The term includes managers and assistant managers of apartment complexes and owners or employees of property management companies.

Residence means a dwelling unit in an apartment, townhouse, duplex or other multi-family residential structure, or a single-family residence. Residence includes the entire premises of a residence, including the residence building, garage, carport, driveway and yard, and adjacent common areas, parking areas, sidewalks and streets insofar as the activity in common areas is a continuation of activities inside the residence.

Residential area means an area:

(1)

That is within a residential zoning district, or

(2)

Within which, in a one-block area, a majority of the buildings are designed or used for residential purposes, such as one-family or two-family dwellings, apartments, townhomes and condominiums.

Verified noise complaint means a complaint of excessive noise at a residence that is verified by personal observation of a police officer to constitute a violation of a state law or of any provision of this Code.

(Ord. No. 2000-7, § 1, 1-24-00; Ord. No. 2002-24, § 1, 3-25-02)

Sec. 34.088. - Excessive noise violations; penalties

(a) ***(Why does the below paragraph not apply to noisy businesses? ccd)***

It is unlawful for a person who owns, occupies or acts as a property manager for a residence or is present at any residence to cause, make, or allow excessive noise to be made there if it can be heard across property lines or enters another residence. Factors to be used in determining whether noise is excessive shall include but need not be limited to: the time of day; the size of any gathering of persons making or contributing to the noise; the use of noise amplification equipment; the magnitude or disruptive effect of the noise; the duration of the noise; or whether the noise would tend to cause distress, discomfort, annoyance, or injury to a person of ordinary sensibility. Sources of excessive noise may include but are not limited to live or recorded human voices or sounds produced by radio, stereo, television, musical instruments or other devices.

(b)

An excessive noise violation shall be punished, upon conviction, by a fine not to exceed $500.00 as provided in subsection 1.015(b) of the San Marcos City Code.

(Ord. No. 2002-24, § 1, 3-25-02; Ord. No. 2009-21, § 1, 4-7-09)

Partial Log of Crystal River Inn's issues with Zelick's ...starting May 2011

1) **From:** Tracey [traceyc@gmail.com]
Sent: Saturday, May 14, 2011 3:00 AM
To: cri@grandecom.net
Subject: Zelicks

You asked me to scope out the noise and It was so much worse than I was expecting. I was mentally prepared for (and dreading) the sound of voices and laughter like at a party. I've been downtown enough times at 2 to know what it sounds like when the bars all close. I wasn't expecting loud drunken voices, yelling and cheering, the clink of the horseshoes, the thump of the washers and the clash of the bottles hitting bottles as they tossed the empties. I guess I was thinking in monotone and it turned out to be quadraphonic. I could hear them in my bathroom two lots away, so no doubt the Thomas and Rock houses could hear them too. The Main House rooms must have been miserable. Tracey

2) **From:** info [mailto:info@crystalriverinn.com]
Sent: Tuesday, May 17, 2011 6:31 PM
To: 'cri'
Subject: zelicks

First thing Monday morning I asked to meet with Chase and Seth to tell them that what we heard this weekend, is NOT what they promised. Loud music, yelling and screaming, and all of it went on til the wee hours of the morning. They agreed to try to soften the clink of the horseshoes, but as to the rest of it, weren't especially sympathetic. Whoa. This is not what I was expecting, on all fronts.

3) **From:** info [mailto:info@crystalriverinn.com]
Sent: Friday, May 20, 2011 6:34 PM
To: mikedillon@grandecom.net
Subject: zelick's and the police
Mike--remember how we discussed that any Zelick's noise issues would probably be dealt with by the police, since they have always been so responsive to us when we have called about parties at the Sanctuary? Well, guess what. Today I spent a long time on the phone with the assistant police chief, who tells me that their hands are tied since this is a commercially zoned block. They can do NOTHING about this, apparently! And all we can do is wait for their conditional permit to come up for renewal in a year! What are we going to do? If guest complaints begin hitting cyberspace, we are toast. ~~ccd

4) **From:** info [mailto:info@crystalriverinn.com]
Sent: Sunday, May 22, 2011 2:59 AM
To: cri@grandecom.net
Subject: Zelicks

I went over to Zelicks at 1:50 to experience their close. I did hear "last call" before 2 am but not "we're closed, you have 15 minutes to finish your drinks" at 2am or any call at 2:15 to "pick them up." At 2:30 when the motorcycles were reving their engines, I said to one guy, "do you know there is a bed and breakfast next door?" and he said, "that's their fault for being there. I said "they have been there for 27 years and this place has been here for one week!" He said "fuck

them." When I went back inside and complained about the noise at 2:30--the music was still on and the workers were still talking loudly, one of the owners said "I can see you're upset, so let's talk about it tomorrow;" I said "of course I'm upset--my guests can't sleep and you are doing nothing to fix it." I don't know if it is worth talking to them, but I wanted to let you know what happened. Cat

5) From: Palmers Manager [mailto:manager@palmerstexas.com]
Sent: Monday, May 30, 2011 10:47 AM
To: info@crystalriverinn.com
Subject: Late nite

Hey guys – I noticed you all had some late night partying going on next to you Fri night from the Zelicks place?
Was/is this effecting business?
We have had some issues w/ their staff and guests parking in the 400 buildings lot. Not only trash but urinating and improper parking.
Take care,

Monte Sheffield
Palmer's Restaurant Bar & Courtyard

6) From: info [mailto:info@crystalriverinn.com]
Sent: Saturday, June 11, 2011 9:31 AM
To: ;
Subject: Zelicks
Friday June 10, 2011 Pedernales Room in Thomas House complained of loud music about 10-11 pm (as did I, 9 blocks away at Burleson). She went to sleep. About 2-3 am she heard bull horns, says coming from Zelicks. Need to check Police blotter. Mike

7) From: info [mailto:info@crystalriverinn.com]
Sent: Wednesday, July 27, 2011 2:00 AM
To: mikedillon@grandecom.net
Subject: zelicks is making everyone crazy

We have a whole group of school administrators staying here for a 2 day retreat. They have a 7a.m. meeting. At 1:45 the music was much louder than usual, and the yelling was ridiculous.....guests not happy campers and I don't blame them.. I went over there to ask if it would be possible to tune it down some, and a manager-type guy (owners had gone home) made a show of at first being nice, but basically informed me there was nothing he could do. No he couldn't turn down the music and no he wouldn't speak to the shrieking patrons. "the owners have a permit to be here" and "you should just get off our property." IT'S A WEEKNIGHT FOR GOODNESS SAKE !!!!!!! WHY DOESN'T THIS STUPIDITY STOP AT A REASONABLE HOUR????????????

8) *Simon Posner, a rock musician from Beverly Hills, stayed here Nov.4, and had considerable negative feedback when he checked out. We wrote to him to get him to put his complaints in writing, but never heard back from him. Below is how assistant manager Jane Ramirez summarized the things he told her upon departure.*

---- Original Message ----
From:
To:
Sent: Wednesday, November 9, 2011 7:34 PM
Subject: your stay at Crystal River Inn

Hi Simon--
I hope your travels are going well! I just wanted to follow up with you on your comments that you made when you were checking out of our Inn on November 4th. As I mentioned, we have received numerous complaints about the noise coming from Zelick's (the bar next door) from our guests. As I remember, the following were your remarks...

- after you came in from your performance at Texas Music Hall at around 2:30am the noise from next door was so loud you couldn't sleep
- not only was there loud music, there were very loud voices yelling
- there was also a lot of noise from motorcycles revving their engines while in the parking lot
- you went out onto the balcony and saw two men come from Zelick's and onto Crystal River Inn property to urinate in our bushes. They saw you on the balcony and initiated a yelling match with you; they were drunk, rude, and disrespectful.

Would you consider this an accurate description of events? If it is incomplete, can you add in what I've missed? And of course, if I've misrepresented anything, please correct my errors.

If you could go over this, make any changes/additions/corrections then send back with your name as an electronic signature, that would help us out immensely.

We really enjoyed hosting all of you and we are so sorry your stay with us wasn't as restful as I'm sure you'd hoped. If your travels ever bring you through San Marcos again, you always have a place to stay with us!

Sincerely,
Jane R.
Innkeeper, Crystal River Inn

9) From: info [mailto:info@crystalriverinn.com]
Sent: Sunday, November 13, 2011 1:10 AM
To: cri@grandecom.net
Subject: 11/12 decibels

Our wedding: measured across the fence at Zelicks, at the end of our driveway, and then in the THomas House driveway....did not exceed 65 db. Mostly below 60. Measured under the tent and in kitchen: 70

8pm....Standing in Zelicks parking lot at 8pm, their music was even softer, 60 db max. Not many cars however and no audible horseshoes. .A really quiet night!

1a.m. .....not so quiet any longer. The usual, yelling and clanking and loud voices. and their music is definitely louder than before.
1:45pm.....called the police. Lots of screaming and the music is really loud now. At the property line 75 db. AT 1:45 IN THE MORNING!!!

Crystal River Inn

Dick & Shirley Helveston stayed here May 17, 2011.*

We were repeatedly awakened by the sounds of horseshoes, loud laughter and cheering between 10:30 and 2:15 am.

Shirley C. Helveston
Richard R. Helveston
6714 Highlands Creek Loop
Lakeland, FL 33813
rhelveston@tampabay.rr.com

*Tuesday night

The Frio
5/28 + 29

Mike + Cathy,

The noise from the bar next door was excessive around 2:00 a.m. It awakened us a little after 2:00 a.m. On Saturday night / Sunday morning. The noise of people and vehicles continued until around 4:00 a.m. Even with the thick curtains we could still hear all the noise.

Kendall
+
Leanne
Anderson

July 3, 2011

Kim + I stayed in two room. Kim got about 5 hrs. sleep and I stayed up + looked ~~up~~ out the window thinking our car was being damaged. Too much noise - sounded like guys were ~~up~~ out there screaming + yelling - we figured out it was coming from business next door. Not a place to stay if you want quiet.

Linda Tenneman

Crystal River Inn

Bed and Breakfast Lodgings in the Spirit of the Hill Country

Summer, 2011

Dear Guests--

Thank you very much for choosing to stay with us. We are so glad you are here! For 27 years, the Crystal River Inn has welcomed Hill Country travelers with our unique blend of beauty, quirkiness, fun, and down-home comfort.

Something brand-new (as of May 20) is that a garden bar has opened right next door to the inn. The owners of the bar took an ancient service station and have done a fabulous adaptive reuse of it, adding artwork, plantings, a fountain, pleasant music, and games such as horseshoes and Bocce ball. It's quite a pleasant spot in the evening, especially midweek when it's otherwise fairly quiet hereabouts. Many of our guests have reported having a wonderful time there! We encourage you to pay them a visit during your stay, and it would be great if you mentioned that you are staying with us.

However, this bar is causing more late-night noise and commotion than anyone expected. On weekends they don't have to close down until 2 a.m. which was a surprise to us. If you are disturbed at any time after 11pm, we would welcome your willingness to put your comments in writing. Once we get enough such reactions (if we do; it may be that the problems are isolated and uncommon) we can officially bring the issue before City Council.

But don't wait until morning to say something. If at any time the noise is excessive, the police are our buddies these days, so call on us for help! Cathy's cell phone is 512 787-6294 and Mike's is 512 395-7035.

We want your visit here to be pleasant and memorable, so don't limit your calls to noise complaints. Looking for good food? A massage, facial, or pedicure? Travel directions? Inner tubes? Coupons for the outlet mall? Entertainment ideas? Bouquet of roses? We are here to help with whatever you need or want.

Again, thank you for staying with us. We hope that by the time you head home, the Hill Country will have worked its magic, leaving you smiling and rested.

Most sincerely,

Kathy Dillon

326 West Hopkins, San Marcos, Texas 78666 | www.crystalriverinn.com | info@crystalriverinn.com | 1.888.398.3739 | Fax: 512.396.6311

Crystal River Inn

Bed and Breakfast Lodgings in the Spirit of the Hill Country

CATHY & MIKE,

IT WAS WONDERFUL STAYING HERE!!

7/27/2011

THE ONLY COMMENT I WOULD HAVE CONCERNS THE NOISE COMING FROM THE BAR NEXT DOOR. ON TUESDAY NIGHT, AROUND 12:30, THE MUSIC LEVEL SIGNIFICANTLY INCREASED & STAYED WELL ABOVE ACCEPTABLE LIMITS. I COULD NOT SLEEP. LAST NIGHT (WED) THE NOISE WAS BETTER, HOWEVER I STILL FOUND IT DIFFICULT TO SLEEP. QUITE SIMPLY, THE NOISE WAS TOO MUCH.

DALE MITCHELL

Summer, 2011

Dear Guests--

Thank you very much for choosing to stay with us. We are so glad you are here! For 27 years, the Crystal River Inn has welcomed Hill Country travelers with our unique blend of beauty, quirkiness, fun, and down-home comfort.

Something brand-new (as of May 13) is that a garden bar has opened right next door to the inn. The owners of the bar took an ancient service station and have done a fabulous adaptive reuse of it, adding artwork, plantings, a fountain, pleasant music, and games such as horseshoes and Bocce ball. It's quite a pleasant spot in the evening, especially midweek when it's otherwise fairly quiet hereabouts. Many of our guests have reported having a wonderful time there! We encourage you to pay them a visit during your stay, and it would be great if you mentioned that you are staying with us.

However, this bar is causing more late-night noise and commotion than anyone expected. On weekends they don't have to close down until 2 a.m. which was a surprise to us. If you are disturbed at any time after 11pm, we would welcome your willingness to put your comments in writing. Once we get enough such reactions (if we do; it may be that the problems are isolated and uncommon) we can officially bring the issue before City Council.

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Again, thank you for staying with us. We hope that by the time you head home, the Hill Country will have worked its magic, leaving you smiling and rested.

Most sincerely,

Cathy & Mike Dillon,

Innkeepers

326 West Hopkins, San Marcos, Texas 78666 | www.crystalriverinn.com | info@crystalriverinn.com | 1.888.396.3739 | Fax: 512.396.6311

info

From: Jennifer Braun [jenniferbraun18@yahoo.com]
Sent: Tuesday, August 09, 2011 1:20 PM
To: info
Subject: Re: Your stay at Crystal River Inn

Jane,

Thank you for a nice stay this weekend. We enjoyed the time at your Inn. There were a couple of things that I wanted to mention. One, it was rather warm upstairs and in the dining room. We enjoyed the environment of the Inn other than the heat.

We also contacted you regarding the loud music at Zelicks. This occurred for both nights of our stay. (Friday and Saturday). While in our room, we could clearly hear the music (especially the loud base rhythm). There was also much traffic. Of particular bother was the loud revving of the motercylclists.

Thanks again for your hospitality. We wish you luck with your new neighbors.

Jennifer & Shannon Braun

From: info <info@crystalriverinn.com>
To: jenniferbraun18@yahoo.com
Sent: Monday, August 8, 2011 2:25 PM
Subject: Your stay at Crystal River Inn

Hi Jennifer & Shannon,
We were so happy to have you here with us this weekend and were upset to find that Zelick's kept you up at night. If it's not too much trouble, could you send us a note detailing what you experienced? We are trying to understand exactly what the patterns are so we can try to find a solution. Your information is greatly appreciated! In fact, we will be sending you a gift certificate for a free weekday stay--in a room that does NOT overlook Zelick's!

Thanks again for offering to help us out with this.
Jane R. (Innkeeper)
The Dillons (Owners)

December 8, 2011

Matthew Lewis
Development Services Director
San Marcos, Texas

Dear Mr. Lewis:

I am writing to you regarding the matter of renewing the liquor license for Zelick's on West Hopkins Street. During early presentations about the business they proposed, the owners described it as a quiet little gathering spot with soft acoustic music and good conversation iin a garden setting. Once open, however, the bar appealed to a very different demographic. The crowds and noise levels are loud and rowdy until the wee hours of the morning.

Cathy and Mike Dillon, owners of Crystal River Inn which is right next door, have expressed concern to me that the noise and late night revelry has become detrimental to their business as well as to the numerous apartment dwellers who live in the same block. Neither guests nor tenants can sleep next to this unpleasantly loud place with its horseshoes, cheering, and motorcycles.

I appreciate the good work that has been done to re-purpose the old gas station building and also am happy that the owners have founded a successful business, but it seems that the bar business might be driving out the long-time bed and breakfast business that the Dillons have run for over 25 years, and which brings thousands of tourists every year into San Marcos. Theirs is the only B&B in downtown San Marcos. Are streets lined with bars the future of our quaint little town?

The allure of downtown San Marcos is the historic charm of our buildings and the diversity of businesses. All must understand each others' needs and figure out ways to get along so that all might succeed.

I am a past president and current board member of the Heritage Association of San Marcos and I am part of a group which strives to preserve the historic nature of San Marcos. I urge you to consider the impact that Zelick's is having on this formerly peaceful and charming neighborhood which is so visible, and is of longstanding importance to our city.

Thank you.

Sincerely,
Marianne Moore

Marianne Moore
3010 Summit Ridge Dr.
San Marcos, Texas 78666
512-392-6966

November, 12, 2011

Christian Johnson
323 West Hopkins Street, Apt. C
San Marcos, Texas 78666

To:

City of San Marcos Planning and Zoning Commission

I am starting university course work in January 2012 and I thought this would be an excellent location for me to begin studies. Unfortunately, however, I am having a difficult getting the appropriate amount of sleep to perform necessary daily tasks.

Since living here I've experienced many separate incidents that have inhibited my ability to function properly and perform my daily obligations. Zelick's bar, across the street, is open late into the night and maintains zero control over the level of noise coming from the establishment. I am often woken throughout the night by the ranting and ravings of belligerent party-goers and am unable to regain peaceful rest.

For example, on one occasion I witnessed a drunken fight across the street involving two women. This wasn't what I expected to witness standing in my kitchen. I'm very concerned about how i will manage getting enough good rest between both work and school.

Please all I ask that the noise be brought to a halt immediately. If you have any questions regarding my complaint feel free to contact me at the following number.

Christian Johnson
323 W. Hopkins Apt. C
210-328-8008

12/5/2011

Kelsey Giles
323 Hutchison Street
San Marcos, TX 78666
December 8, 2011

To Whom It May Concern:

I am writing in regard to Zelick's Icehouse. I am a college student living in an apartment behind Zelick's, and I understand that it is a bar in which it is necessary to stay open late in order to maintain business. My only concern is the noise level that it maintains on weeknights, Thursdays especially. I have classes early Friday mornings, and Thursday nights I often have trouble falling asleep simply because I can still hear everything going on at Zelick's late into the night. I understand the noise level on weekends, and that does not upset me really. It's simply the weeknights in which they are permitted to be open late and remain loud until 2:00 A.M that disturb me.

Sincerely, Kelsey Giles

Kelsey Giles

info

From: info [info@crystalriverinn.com]
Sent: Thursday, December 08, 2011 12:21 PM
To: cir@grandecom.net
Cc: s_bagley@gmail.com
Subject: Saralynn's comments re Zelick's

Saralynn Bagley is at 329 W. Hutchison #1

From: cri [mailto:cri@grandecom.net]
Sent: Thursday, December 08, 2011 3:31 AM
To: cri@grandecom.net; s_bagley@gmail.com
Subject: FW: music at Zelick's

Cathy --you asked if I was having any kind of trouble with Zelick's. During the day, no, it looks great and is peaceful and pleasant. Then comes late nites, and it's a whole different place. The worst thing is the loud music . The thumping and throbbing of the bass, goes on almost nightly, and sometimes doesn't quit until 3 or 3:30 a.m. That's weeknites too, by the way, not just weekends. I have lived in my quiet little apartment for 3 years, and not even the parties at Sanctuary Loft is this bad. Incidentally, I have gone there as a customer a couple of times, and found that it's hard to talk over the loud music. Maybe that's why there is so much screaming, because nobody can hear over the music! The bass is bad enough, but then comes the revving of the motocycles when the place closes. It's just crazy noisy, but only in the middle of the night, which I am starting to dread. Aren't there ordinances about this kind of thing?

Saralynn Bagley

info

To: info

Subject: Zelicks Sound Levels

From: jarrod tomlinson [mailto:jarrodtomlinson@live.com]
Sent: Thursday, December 08, 2011 12:33 AM
To: info@crystalriverinn.com
Subject: Zelicks Sound Levels

Zelicks waits until they close to crank their music to very loud levels from around 2:30-3:30, after the posted closing time. Also around this time the sound of several peel outs can be heard. The constant whooping and yelling during posted hours is loud but with the even louder music at closing time makes it hard to get to sleep.

329. W Hutchinson st. #2 San Marcos tx 78666

December 3, 2011

To: City of San Marcos

I moved into 323 W. Hopkins in October, 2011 and am writing to complain about the excessive noise coming from Zellick's. There have been many evenings when I have been unable to get to sleep due to the volume of noise from both Zellick's customers and their jukebox, or sound system.

In the short time I've lived here, I've witnessed a drunk back into a parked car and leave the scene. I've been woken up by the screams of fighting frat kids stumbling home from Zellick's, and have watched the police show up after being called to the establishment.

Considering the fact that there are mixed residential and commercial zones in this area, it would be of service to the residents to limit the extent of noise coming from any establishment to a reasonable time in the evening. Please let me know if there is anything we can do to rectify the constant late-night ruckus.

Robert Crader
323 W. Hopkins
San Marcos, Tx 78666
512-216-1441

Catherine Tracey
322 West Hopkins Street, Suite B
San Marcos, Texas 78666

May 27, 2011

Cathy and Mike Dillon
c/o Crystal River Inn
326 West Hopkins Street
San Marcos, Texas 78666

Dear Cathy and Mike:

It is with great sadness that I am sending you this letter to give you 30 days notice that I will be moving at the end of June. I have loved living in the carriage house for the past 12 years, being able to walk to the stores and downtown, but since Zelick's opened two weeks ago, I have not been able to get any sleep.

You know I am a night owl, and if the noise wasn't so loud and late, I wouldn't complain. It's not just the constant crash of bottles being thrown in the trash and the thump-thump of the washers and the clang-clang of the horseshoes, but the accompanying cheers and jeers that go with each toss.

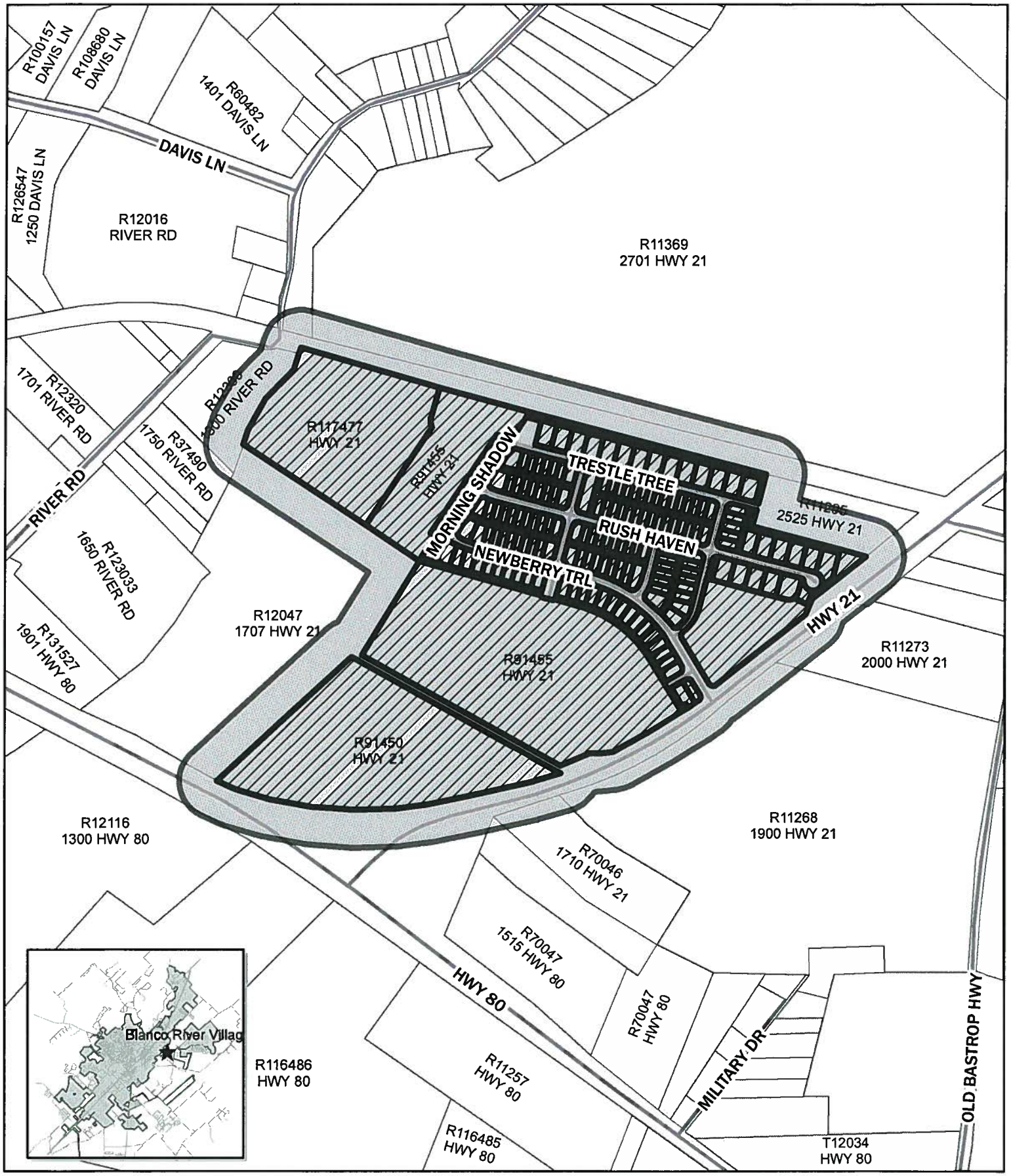
It doesn't stop at 2 a.m. when the bar closes. From 2 to 2:30 when the customers leave, I hear their yells goodbye and the roar of motor cycle engines. Then they pump up the music for the staff to listen to while they are cleaning and closing up. By 4 a.m. I can finally sleep. After only two weeks of this, I am exhausted and see no end to the noise.

I expect to be gone by the end of June and will give you all the keys then.

Best regards,

Catherine Tracey

Catherine Tracey



PDD-11-13
LUA-11-25
Blanco River Village
Map Date 11/10/11

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.

N

0 500 1,000 2,000

Feet

PDD-11-13
LUA-11-25
Blanco River Village Subdivision

Summary:

Applicant: City of San Marcos
630 East Hopkins
San Marcos, Texas 78666

Property Owners: See Attached

Master Developer: Etheridge Development San Marcos, L.P
c/o Terry Mitchell
P.O. Box 5654
Austin, TX 78763

Builder/ Developer: Bigelow Homes
c/o Jamie Bigelow
421 Shadowpoint
San Marcos, TX 78666

Subject Property:

Legal Description:

Case # PDD-11-13:
Approximately 103.788 acres of land out of the Juan Martin DeVeramendi Survey No. 2, Abs. No. 17 and the Thomas McGehee Survey Abs. No. 11

Case # LUA-11-25:
Approximately 10.347 acres of land in Blocks E, F, H, and I of the amending plat of the Blanco River Village Subdivision

Existing Use of Property: Single Family residential neighborhood, Parkland

Existing Zoning: PDD – Planned Development District

Proposed Use of Property: Predominately a single family residential neighborhood with a Mixed Use and a Parkland Area

Proposed Zoning: Amended PDD Overlay district

Project overview:

Blanco River Village is currently within the City Limits of San Marcos and has an active PDD that was enacted September 20, 2004. A portion of this PDD was then amended in 2008 to include a provision for Medium Density Residential. This area has been developed and is referred to as the Living Court Units located along RushHaven and north of TrestleTree. At the time of this 2008 amendment the Future Land

Use Map was not amended to comply with the change in density. The Land Use amendment is being initiated by the City of San Marcos to clean up the designation on the City's Official Future Land Use Map so that it is in compliance with the existing and allowable density on-site.

In addition to the Land Use Case, the City is also initiating a text amendment to the PDD that will incorporate the changes made in 2008 into the original and completed document. This amendment will also serve to clarify any inconsistencies between the two documents and to bring the standards that are included in the PDD up to date with current development standards. The amendment does not add any additional units that were not already entitled through the original PDD. The City has chosen to be the applicant on this case in order to facilitate the creation of a uniform and enforceable code throughout the development.

Along with the text amendments the Concept Plan is being modified to remove some of the detail reflected on the initial Concept Plan. The initial approved Concept Plan showed more detail than required including minor streets, alleys, and lot lines. Due to a change in the economic and physical conditions of this site and the surrounding area over the past eight years since the Concept Plan was first adopted the developers would like some flexibility in the creation of the street network and lot layout that is reflected on the adopted concept plan. The proposed changes to the concept plan would adjust the alignment of the second entrance road into the development from SH 21 and remove all the minor roads and lot lines reflected in the adopted concept plan in order to allow the desired flexibility needed in platting the final lots.

Planning Department Analysis:

The purpose and intent of the Blanco River Village Subdivision is the "creation of a single contiguous project that is under unified control. The development will result in the creation of a mixed-use community that is compact and pedestrian scaled and is supportive of the older established neighborhoods in the City of San Marcos." The PDD supports a variety of uses with the predominant amount of area being reserved for low density residential development (66.3 acres). In addition the development supports some Medium Density Residential (10.3 acres), Mixed Use Development (14.1 acres) and Parkland (13.0 acres).

A discussion of the changes to the PDD are included below:

Document	Original	Proposed
PDD Text	**Section 2.3.14** The first phase of development will be a section of the low density residential area and parkland. Three phases of development follow within the Low Density Residential Area, concluding with development of the Mixed-Use Area.	**Section 2.3.15** The first phase of development will be a section of the low density residential area and parkland. Multiple phases of development occur within the Low Density Residential Area, High Density Residential Area of the Mixed Use Area and Parkland. Any phase may be developed in any order, provided utilities and appropriate access (as determined by the City) has been provided
	This change provides the needed flexibility in developing the rest of the tracts while retaining the establishment of the parkland prior to further development	
PDD Text	**Section 2.3.9 5D** Surface Parking lots are permitted within the Mixed-Use Area, provided that they are not located adjacent to boundary streets to the Mixed Residential Area.	**Section 2.3.9 5D** Parking for the mixed use section shall meet the code requirements applicable to such use. Surface parking lots are permitted within the Mixed-Use Area, provided they are not located next to the low density residential area.
	The change in this section brings the parking standards up to current code requirements and clarifies the intent of the PDD to encourage on street parking and to have the development of the mixed use area respect the street edge.	

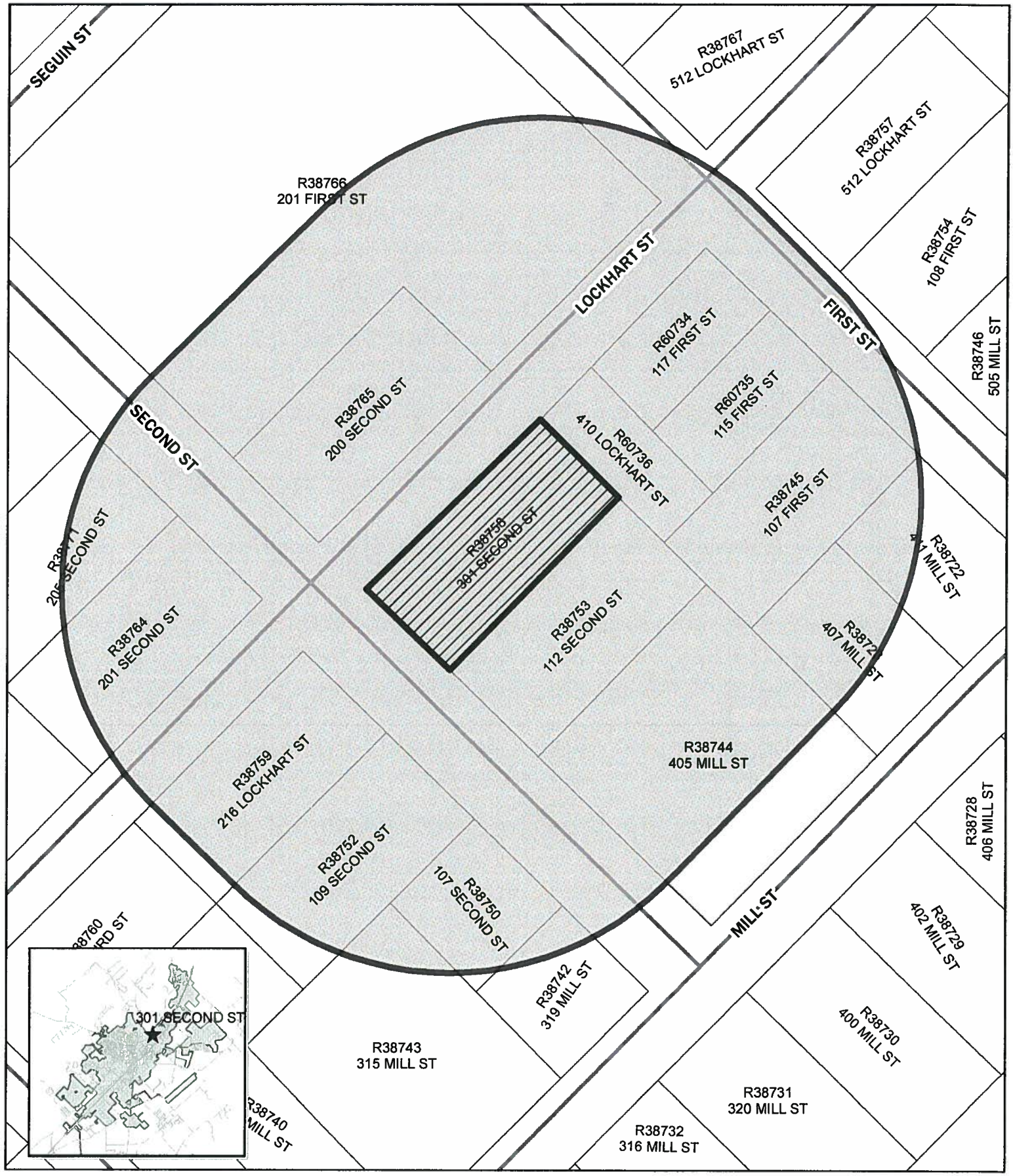
Concept Plan Amendments	Lot lines and minor streets and alleys are depicted on the original plan but removed on the updated plan
	The inclusion of lot lines and minor roadways are not a requirement for the concept plan and they limit the flexibility of the development to react to physical and environmental constraints during platting
	The Living Court Units still reflected the Low Density Residential land use on the Concept Plan; this has been updated
	This correctly reflects the density throughout the development
	Re-alignment of the entrance road to reflect TxDOT developments
	The re-alignment reflects the modification of SH 21 and aligns the entrance with an established driveway across SH 21
	Re-assignment of Right of Way (ROW) widths and cross-sections and elimination of several larger cross-sections.
	The re-assignment of ROW Widths and cross sections more closely matches current standards for the creation of a pedestrian friendly environment.
	On the original Concept Plan the street ROW adjacent to the mixed use section continues and stubs out into the adjacent tract in order to create a connection that could give the development direct access to HWY 80 the plan has been amended to include a Cul-de-sac with the reservation of ROW for future development to tie into.
	There is a gas line present in the PUE and significant cost will be incurred to construct the ROW over this Easement.

The changes referenced above meet the intent of the original PDD and serve to unify the document and provide more predictability in enforcement for the residents and developer. Staff has worked closely with the developer to unify this document and is recommending approval of the changes as submitted.

Planning Department Recommendation	
☒	Approve as submitted
☐	Approve with conditions or revisions as noted
☐	Public Hearing only
☐	Denial

Prepared by:

Abigail Gillfillan	Planner	December 8, 2011
Name	**Title**	**Date**



LUA-11-27

301 Second Street

Map Date: 11/22/11

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.

N

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Feet

LUA-11-1
Land Use Map Amendment
301 Second Street

Summary: The applicant is requesting a Land Use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU)

Agent: Shane Scott
301 Second Street
San Marcos, Texas 78666

Owners: Same

Notification: Personal notice sent and signs posted on December 2, 2011

Response: None as of date of report publication.

Subject Property:

Location: 301 Second Street

Legal Description: 0.275 acres, Lot 41 of the AM Ramsey Subdivision

Sector: Sector Seven

Current Zoning: Single Family (SF-6)

Proposed Zoning: Mixed Use (MU)

Current Future Land Use Map Designation: Low Density Residential (LDR)

Proposed Future Land Use Map Designation: Mixed Use (MU)

Surrounding Area:

	Zoning	Existing Land Use	Future Land Use
N of Property	MU/MF-24	Mixed retail & residential uses	High & Med Density Res
S of Property	SF-6/SF-4.5	Residential	Low Density Residential
E of Property	SF-6/MF-12	Single & multifamily residential	Medium Density Residential
W of Property	MU/MR	Mixed uses and manufactured homes	Low Density Residential

Case Summary: **Proposed Land Use Map Amendment from Low Density Residential to Mixed Use**

The subject site is one platted lot within the AM Ramsey Subdivision, and measures just over one-quarter acre. There are two structures on the property, one of which serves as a residence, the other serving as a studio. Surrounding uses are predominantly residential, ranging from low-density single-family to high-density multifamily and duplexes. Two of the parcels immediately opposite the site are zoned Mixed Use, and there are several commercial tracts located two blocks to the northeast.

This request is proceeding concurrently with a zoning change from Single-Family Residential (SF-6) to Mixed Use (MU).

Planning Department Analysis:

Mixed Uses typically are small-scale, neighborhood-serving uses such as offices, cafes and salons. Additional uses are permitted through the Conditional Use Permit process. They are intended to attract foot traffic as well as vehicular traffic, and tend not to draw people from as wide an area as more intense, larger commercial uses. They also permit single-family residential, which would allow the current dwelling to remain in use as dwellings under the proposed zoning, as well as the studio.

The parcel, prior to the City-wide rezone, was zoned M, which permitted a mix of single and two-family dwellings and neighborhood businesses. At that time, the uses occurring on the lot were permitted. The approval of this land use amendment and rezoning request would permit the continued legal use of the site as a residence and movie studio.

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

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			**Policy LU-5.5:** The City shall encourage neighborhood planning so individual developments relate to the neighborhood and provide for complementary land uses.
X			**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.
X			**Policy LU-6.9:** The City shall designate sufficient space in residential areas for commercial services that are compatible with, and cater to, the convenience needs of the neighborhood. These neighborhood convenience areas will be encouraged to locate within walking distance of all residences, preferably at the intersection of collectors.

The Sector Seven Plan contains goals such as walkable neighborhoods, interconnected streets, and maintaining visual character while accommodating infill. Mixed Use Districts are compatible with all of these goals, providing for low-density, small-scale retail and office uses and residential within the fabric of the neighborhood.

Staff finds that the request is generally consistent with policies in the Horizons Master Plan and the Sector Seven Plan and recommends approval.

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

Prepared by:

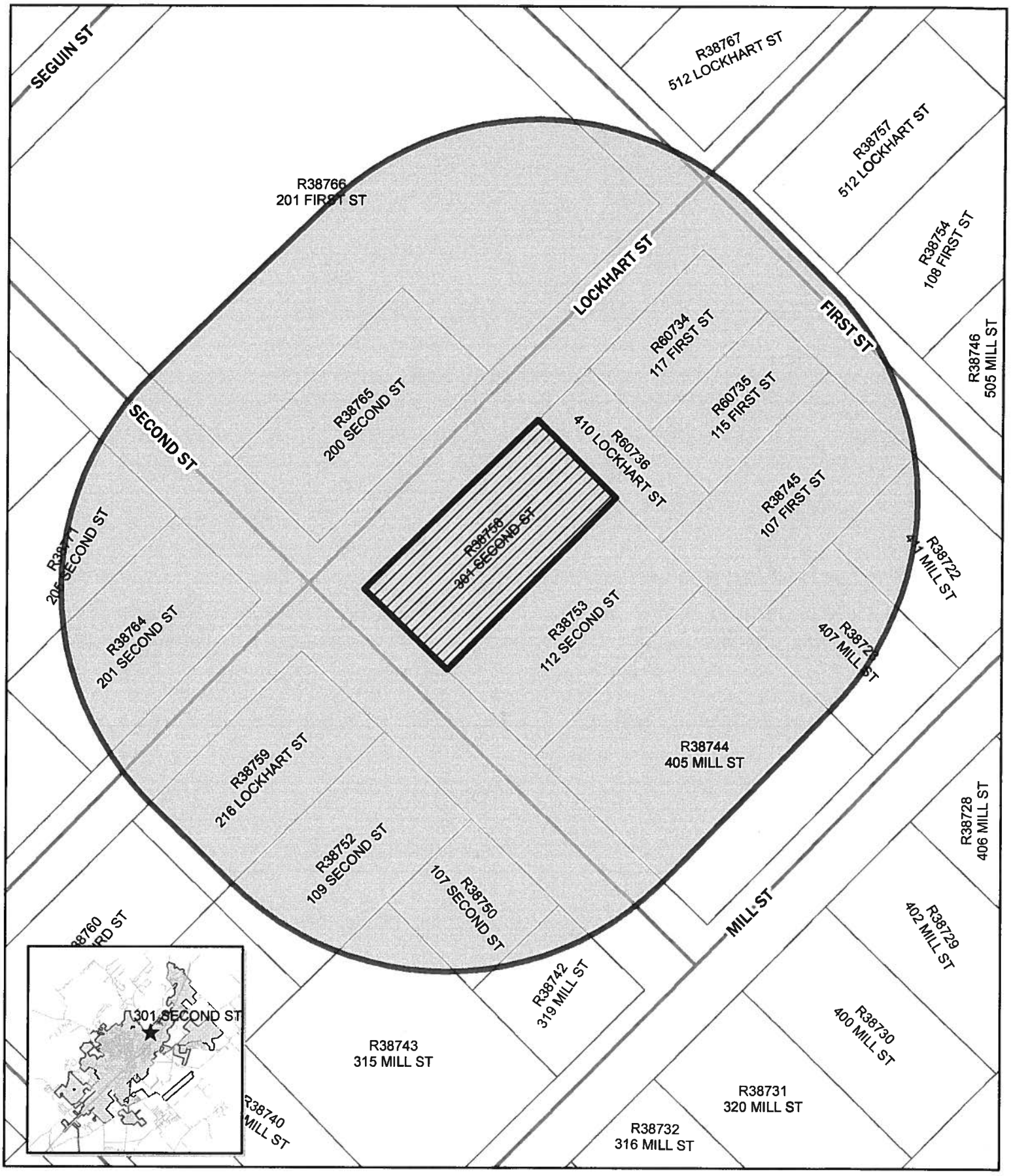
Christine Barton-Holmes, LEED AP	Chief Planner	November 30, 2011
Name	**Title**	**Date**

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.



ZC-11-41
301 Second Street
Map Date: 11/22/11

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.

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Feet

ZC-11-41
301 Second Street

Summary: The applicant is requesting a Zoning Change from Single Family Residential-6 (SF-6) to Mixed Use (MU).

Applicant: Shane Scott
301 Second Street
San Marcos, Texas 78666

Property Owner: Same

Subject Property:

Legal Description: 0.275 acres, Lot 41 of the AM Ramsey Subdivision
Location: 301 Second Street
Existing Use of Property: Film Studio/Residential
Existing Zoning: Single Family Residential (SF-6)
Proposed Use of Property: Film Studio/Residential
Proposed Zoning: Mixed Use (MU)
Current Future Land Use Map Designation: Low Density Residential (LDR)
Proposed Future Land Use Map Designation: Mixed Use (MU)
Sector: Sector Seven
Frontage On: Second Street
Utilities: City of San Marcos

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	MU/MF-24	Mixed retail & residential uses
S of Property	SF-6/SF-4.5	Residential
E of Property	SF-6/MF-12	Single & multifamily residential
W of Property	MU/MR	Mixed Use and manufactured homes

Planning Department Analysis

The applicant is requesting a Zoning Change and Land Use Map Amendment for one platted lot, which measures just over one-quarter acre, within the AM Ramsey Subdivision, from Single Family Residential (SF-6) and Low Density Residential (LDR) to Mixed Use (MU).

There are two structures on the property, one serving as a residence, while the other serves as a film studio. Surrounding uses are predominantly residential, ranging from low-density single-family to high-density multifamily and duplexes. Two of the parcels immediately opposite the subject property, which also front Second Street, are zoned Mixed Use, and there are several commercial tracts located two blocks to the northeast. The subject parcel, prior to the City-wide rezone, was zoned M which allowed a mix of single and two-family dwellings along with neighborhood businesses. At that time, the uses

occurring on the subject lot were permitted. The approval of rezoning request along with the land use amendment would permit the continued legal use of the site as a residence and film studio. Maximum lot coverage within the Mixed Use zoning designation is 60%. The site cannot expand much more as the improvements currently on the lot cover approximately 30% on the lot. The existing uses have been in place for x number of years without any known detrimental impact on the surrounding area. It is therefore unlikely that any future impact would arise. The site is not under any enforcement action.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
		X	**Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps** The future land use designation of the property is Low Density Residential. A future land use map amendment to Mixed Use has been submitted concurrently with this request.
		X	**Consistency with any development agreement in effect** No development agreements are in effect for this property.
X			**Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.** The proposed development standards would be similar to what is currently required. Mixed Use provides for neighborhood scale uses, and is a buffer between residential uses and more intense commercial uses.
X			**Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area** All utilities are in place.
X			**Other factors which substantially affect the public health, safety, morals, or general welfare.** While commercial zoning within an established residential area could bring negative impacts, the properties located across and cattycorner to the subject property are currently zoned Mixed Use. The requested rezone may serve as a buffer between the more and less intense zoning districts on either side.

The Mixed Use designation provides for the site to be continued to be used as a single-family residential lot by right while allowing the continued utilization of the second structure as a film studio. Mixed Use designation provides for uses that are less intense and more compatible with residential uses than some of the other commercial designations.

Staff finds that the request is generally consistent with the surrounding development patterns and that the request will not dramatically affect the immediate area and recommends approval.

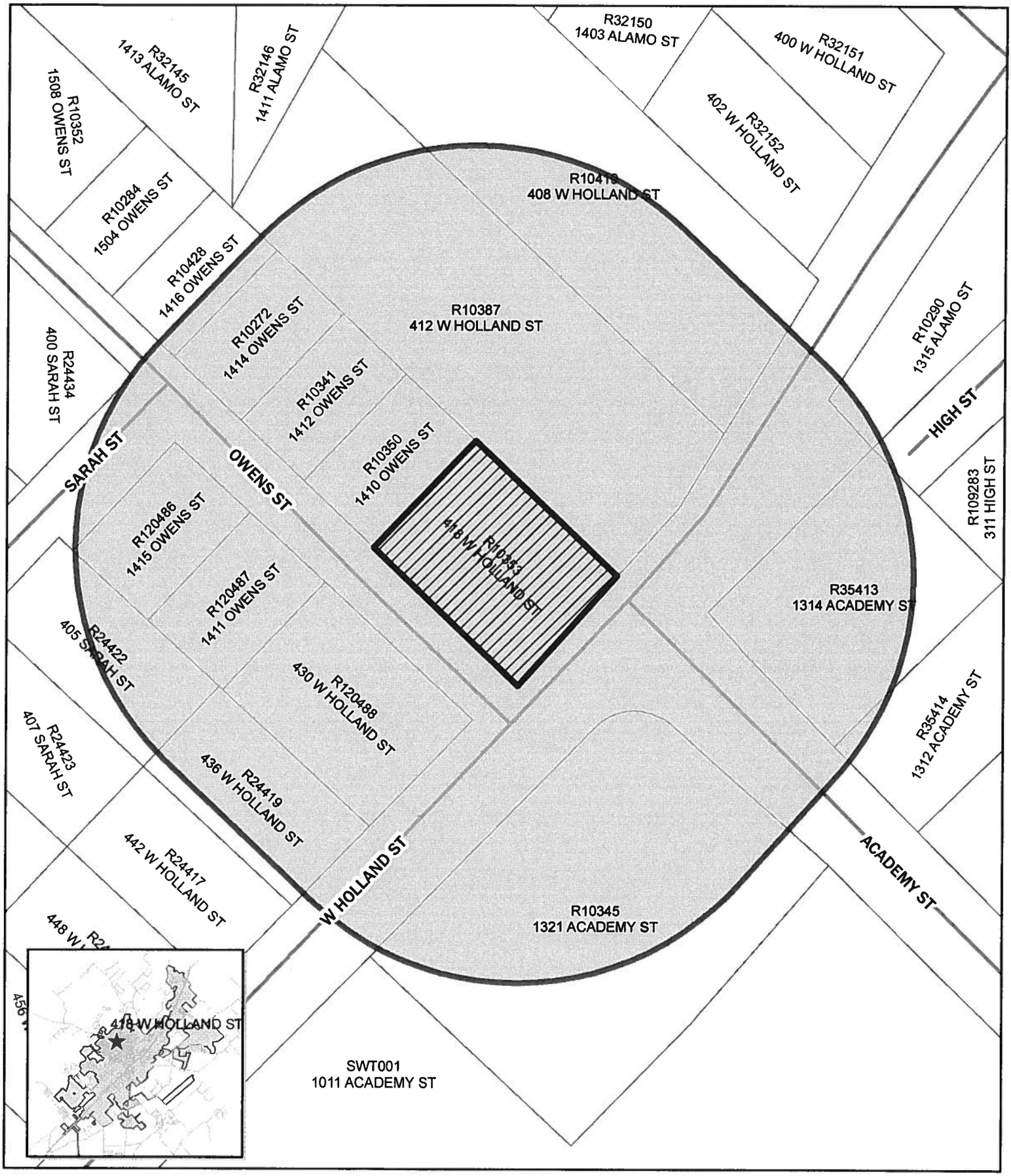
Planning Department Recommendation:	
☒	**Approve as submitted**
☐	**Approve with conditions or revisions as noted**
☐	**Alternative**
☐	**Denial**

The Commission's Responsibility:

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

Prepared by:

Alison Brake	Planner	December 5, 2011
Name	**Title**	**Date**



LUA-11-28

418 W. Holland Street

Map Date 11/22/11

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.

N

0 50 100 200

Feet

LUA-11-28
Land Use Map Amendment
418 Holland Street

Summary:	The applicant is requesting a Land use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU)
Applicant:	Paula Artale 116 Buckskin Drive Boerne, Texas 78006
Property Owner:	Same
Notification:	Personal notice sent and signs posted on December 2, 2011
Response:	None as of date of report publication

Subject Property:

Location:	418 W. Holland Street
Legal Description:	0.274 acres out of the Thomas J. Chambers Survey, Abstract No. 2
Sector:	Sector 3
Current Zoning:	Single-Family Residential (SF-6)
Proposed Zoning:	Mixed Use (MU)
Current Future Land Use Map Designation:	Low Density Residential
Proposed Future Land Use Map Designation:	Mixed Use

Surrounding Area:

	Zoning	Existing Land Use	Future Land Use
N of Property	SF-6	Residential	Low Density Residential
S of Property	SF-6/P/DR	Residential/Texas State University	Low Density Residential/Public & Institutional
E of Property	SF-6/P	Residential/Texas State University	Low Density Residential
W of Property	SF-6/MF-24	Residential	Low Density Residential/Medium Density Residential

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

The property is located adjacent to Texas State University in northwestern San Marcos. The property is unplatted, as are the properties to the immediate north and south; however, there are several single-family and duplex subdivisions nearby. The area is characterized primarily by single-family residential with some commercial adjacent to Old Ranch Road 12. This request is proceeding concurrently with a Zone Change request, from Single-Family (SF-6) to Mixed Use (MU). There is another request for a zoning and land use amendment change, for 412 West Holland Drive, proceeding at the same time as this request.

The applicant has requested a land use amendment change as well as a zoning change from Low Density Residential to Mixed Use, to allow for a wider range of permissible uses, and to remove the occupancy restriction.

Comments from Other Departments:

Staff received an email on November 30, 2011 from Code Enforcement Officer Will Schwall stating that this property was found to be in violation of the occupancy restriction regulation and that Code Enforcement does not support the land use amendment change or the rezone request.

Planning Department Analysis:

Mixed Use land uses are typically characterized by ground-floor or street-front retail, and residential uses above and/or behind the commercial uses. They are intended to attract foot traffic as well as vehicular traffic, and tend not to draw people from as wide an area as more intense, larger commercial uses. They can provide a denser environment than found in typical residential developments. They also permit single-family residential, which would allow the current dwelling to remain in use as a dwelling under the proposed zoning. While this particular parcel, at one quarter-acre, is likely too small to accommodate some of the less appropriate or larger uses allowed in the Mixed Use District, it does represent commercial encroachment into a predominantly residential area. The request could promote the erosion of the adjacent residential areas.

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	**Policy LU-3.10:** The City shall protect existing stable residential neighborhoods from encroachment of commercial or higher density residential uses. *Comment: The subject property is located on the edge of a Single Family Residential neighborhood.*
		X	**Policy LU-4.4:** The City shall require medium and high density residential developments be located on larger sites to allow for proper buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development. *Comment: The property is one quarter-acre in size which is likely not large enough to allow adequate buffering, parking, and landscaping that would be associated with future development.*
X			**Policy LU-5.4:** The City shall maintain a strong code enforcement program to make sure that substandard buildings and rental property are not allowed to contribute to the deterioration of a neighborhood. *Comment: The property is under enforcement action for violating the City's occupancy restriction regulation.*
		X	**Policy LU-6.3:** The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan. *Comment: The location of the Mixed Use land designation does not lend itself to more intense commercial uses.*
X			**Policy LU-6.6:** The City shall discourage the speculative zoning or rezoning of property solely for the intent of inflating the property's market value or where the zoning is to the benefit of the applicant and to the detriment of the adjacent property owners. *Comment: The occupancy restriction regulations do not apply to mixed use development and amending the future land use would remove the protection of the restriction.*
	X		**Policy LU-6.15:** The City shall encourage the location of neighborhood shopping centers generally at the intersections of major or minor arterials. *Comment: While Mixed Use land use can benefit an established neighborhood by encouraging neighborhood shopping centers, the location of the proposed amendment could negatively impact the surrounding residences with higher traffic loads.*

The Sector 3 Plan contains goals such as walkable neighborhoods, interconnected streets, and a variety of housing types. From a land-use perspective, Mixed Use can be consistent with these goals but the sector plan as well as the Horizon's Master Plan does not call for this area to be mixed use. The largest percentage of acreage in Sector Three is designated on the future land use plan as low density residential (56.06%) and the proposed land use amendment would allow for encroachment of higher density uses. There is only 0.67% Mixed Use land use within Sector 3. West Holland Street is designated on the City's Thoroughfare Plan as a minor arterial. Minor arterials serve less concentrated traffic-generating areas such as neighborhood shopping centers.

Based on the criteria above, staff believes the applicant's request is not consistent with adopted policies and plans of the city regarding development in this area. The future land use map is designated as low density residential in this area to preserve the residential area. *Also, attempting to rezone the property to avoid a code enforcement violation will set a negative precedent for the City*. **Staff recommends denial of this Land Use Map Amendment request.**

Planning Department Recommendation:	
☐	Approve as submitted
☐	Approve with conditions or revisions as noted
☐	Alternative – Public Hearing only
☒	Denial

The Commission's Responsibility:

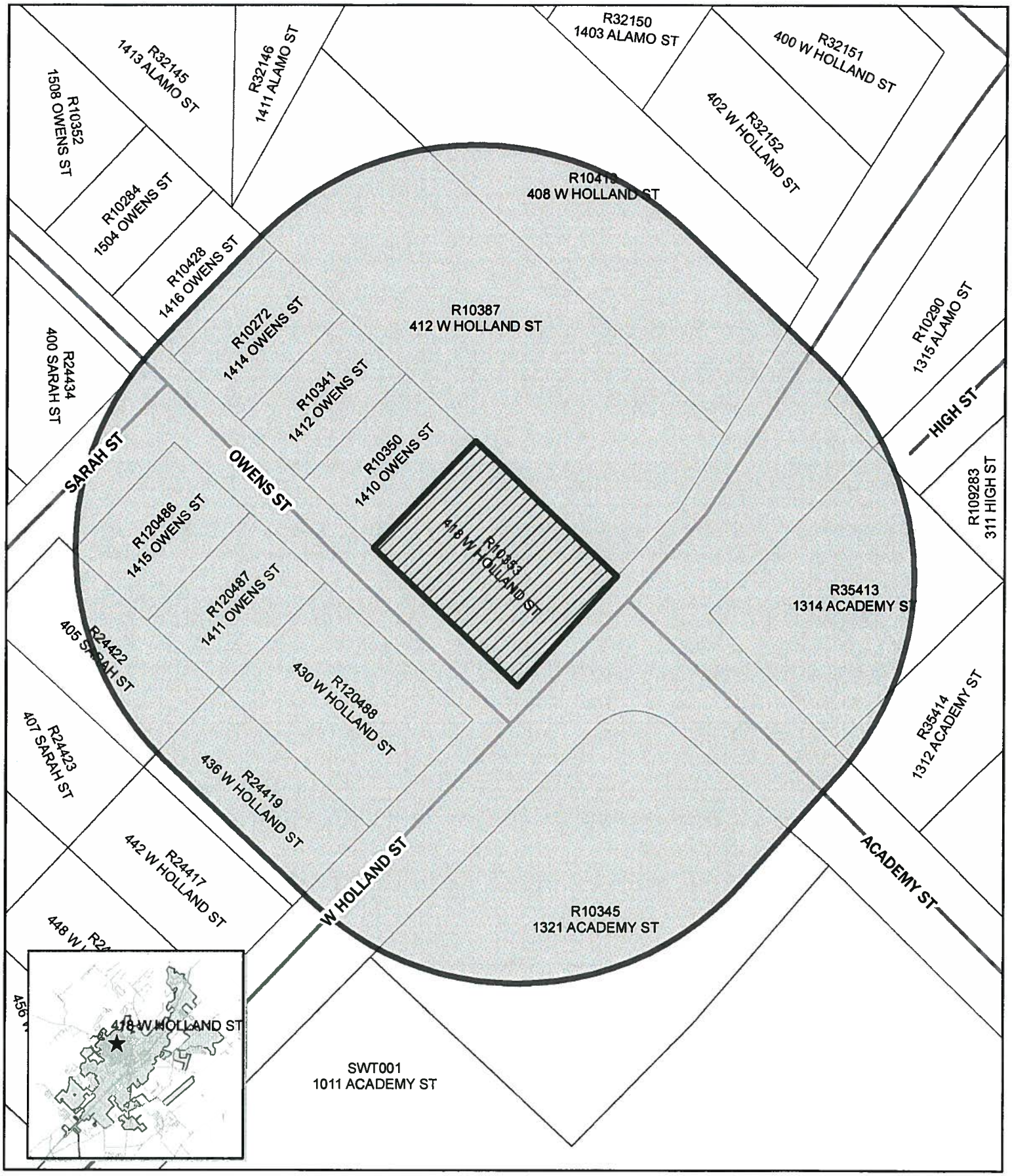
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

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

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

Prepared by:

Alison Brake	Planner	December 2, 2011
Name	**Title**	**Date**



ZC-11-42
418 W. Holland Street
Map Date 11/22/11

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.

N

0 50 100 200
Feet

Zoning Change
ZC-11-42
418 Holland Street

Summary:

The applicant is requesting a Zoning Change from Single Family Residential-6 (SF-6) to Mixed Use (MU)

Applicant: Paula Artale
116 Buckskin Drive
Boerne, Texas 78006

Property Owner: Same

Notification: Personal notice sent and signs posted on November 30, 2011

Response: This site is currently under Code Enforcement.

Subject Property:

Location: 418 Holland Street

Legal Description: 0.274 acres out of the Thomas J. Chambers Survey, Abstract No. 2

Sector: Sector 3

Current Zoning: Single-Family Residential (SF-6)

Proposed Zoning: Mixed Use (MU)

Current Future Land Use Map Designation: Low-Density Residential (LDR)

Proposed Future Land Use Map Designation: Mixed Use (MU)

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	SF-6	Residential
S of Property	SF-6/P/DR	Residential/Texas State University
E of Property	SF-6/P	Residential/Texas State University
W of Property	SF-6/MF-24	Residential

Case Summary

The property is located in northwestern San Marcos, adjacent to Texas State University. The site itself is unplatted, as are the sites to the immediate north and south; however, there are several single-family and duplex subdivisions nearby. The area is characterized primarily by single-family residential with some commercial adjacent to Old Ranch Road 12. This request is proceeding concurrently with a Land Use Map Amendment, from Low Density Residential (LDR) to Mixed Use (MU). There is another request for a zoning and land use amendment change, for 412 West Holland Drive, proceeding at the same time as this request.

History

There are no previous land use applications filed for this site.

Single-Family Residential and Mixed Use

The applicant has requested a zoning and land use amendment change from SF-6 to Mixed Use, to allow for a wider range of permissible uses, and to remove the occupancy restriction. The table below illustrates the differences and similarities between SF-6 and Mixed Use with regards to site development. With the exception of impervious cover and rear yard setback, the site development requirements are similar. From the standpoint of building impact, using the site for Mixed Use or Single Family would have little difference on surrounding properties. However, the Mixed Use category provides for many more uses than are permitted in the SF-6 District.

From Table 4.1.6.1	**SF-6**	**Mixed Use**
Lot Size minimum	6000 square feet	6000 square feet
Units per acre, max.gross	5.5 units per acre	5.5 units per acre
Lot frontage minimum	35 feet	50 feet
Lot width minimum	50 feet	50 feet
Front Yard Setback min	25 feet	25 feet
Side setback interior minimum	5 feet	7.5 feet
Side setback corner minimum	15 feet	15 feet
Rear yard setback minimum	20 feet	5 feet
Lot depth minimum	100 feet	100 feet
Impervious cover minimum	50%	60%
Building height maximum	2 stories	30 feet (approx. 2.5 stories)

Mixed Uses typically are small-scale, neighborhood-serving uses such as offices, cafes and salons. Additional uses are permitted through the Conditional Use Permit process. They are intended to attract foot traffic as well as vehicular traffic, and may not to draw people from as wide an area as more intense, larger commercial uses. They also permit single-family residential, which would allow the current dwelling to remain in use under the proposed zoning. While Mixed Use Districts often serve primarily the neighborhoods they are located in, they are most appropriately located on major arterials, to offset the additional traffic they may bring.

Comments from Other Departments

Staff received an email from Will Schwall, Code Enforcement Officer, dated November 30, 2011 indicating that both this address and 412 Holland Street have recently been found in violation of the Occupancy Restriction 4.3.4.5.

Planning Department Analysis:

Generally speaking, uses permitted in the Mixed Use District are considered compatible with residential uses, however, the overall scale of mixed uses may not be. Additionally, some uses are not as appropriate, such as hotels, and do not encourage pedestrian access. Staff is generally supportive of requests for mixed-use zoning, because it allows for a broader range of permissible uses that serve the neighborhood. However, the possibility of negative impacts, such as increased traffic, in appropriate uses in the center of a residential area, and additional noise and light, must be weighed. While this particular parcel, at one quarter-acre, is likely too small to accommodate some of the less appropriate or larger uses allowed in the Mixed Use District, it does represent commercial encroachment into a predominantly residential area.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
	X		Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps *A Future Land Use Map Amendment is required for this site.*
		X	Consistency with any development agreement in effect *No development agreements exist on this tract*
	X		Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified. *The current and proposed use, as a residence, is consistent, and the proposed development standards would be similar to what is currently required. However, the proposed district would permit uses that would not be appropriate in the immediate area.*
		X	Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area *The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.*
		X	Other factors which substantially affect the public health, safety, morals, or general welfare. *The proposed use, as a residence, is unlikely to have a greater impact on surrounding properties. However, the proposed rezone increases the possibility of negative impacts on the area, should*

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
			the site redevelop.

Staff finds that while the request is generally consistent with the surrounding development patterns and that the request will not dramatically affect the immediate area it is inconsistent with some of the policies in the Master Plan and may have a negative impact on the area should the site be redeveloped. Staff is therefore recommending denial based on the following findings:

- Uses allowed by right or by the granting of a Conditional Use Permit may significantly impact the neighborhood, if the site were to be redeveloped
- The site may be used for its requested use with the current zoning designation
- The request is inconsistent with the Future Land Use Map designation.

Planning Department Recommendation:	
☐	Approve as submitted
☐	Approve with conditions or revisions as noted
☐	Alternative – Public Hearing only
☒	Denial

The Commission's Responsibility:

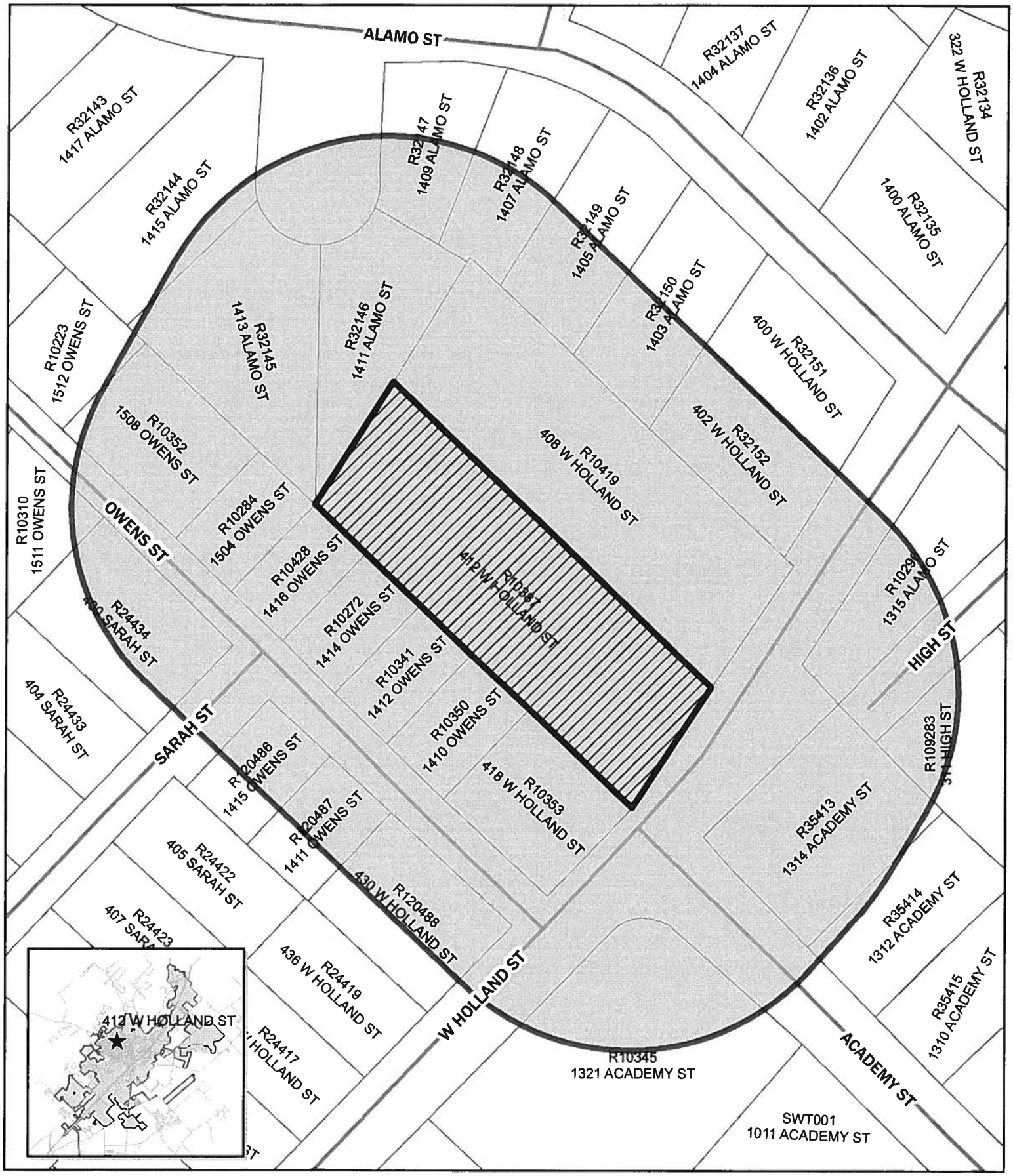
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

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

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

Prepared by:

Christine Barton-Holmes, LEED AP	Chief Planner	November 30, 2011
Name	Title	Date



LUA-11-29

412 W. Holland

Map Date 12/02/11

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.

N

0 50 100 200

Feet

LUA-11-29
Land Use Map Amendment
412 Holland Street

Summary: The applicant is requesting a Land use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU)

Applicant: Leola Gourley
1414 Owens Street
San Marcos, Texas 78666

Property Owner: Same

Notification: Personal notice sent and signs posted on December 2, 2011

Response: Staff received two letters in opposition. Please see attached.

Subject Property:

Location: 412 W. Holland Street

Legal Description: One acre out of the Thomas J. Chambers Survey, Abstract No. 2

Sector: Sector 3

Current Zoning: Single-Family Residential (SF-6)

Proposed Zoning: Mixed Use (MU)

Current Future Land Use Map Designation: Low Density Residential

Proposed Future Land Use Map Designation: Mixed Use

Surrounding Area:

	Zoning	Existing Land Use	Future Land Use
N of Property	SF-6	Residential	Low Density Residential
S of Property	SF-6/P/DR	Residential/Texas State University	Low Density Residential/Public & Institutional
E of Property	SF-6/P	Residential/Texas State University	Low Density Residential
W of Property	SF-6/MF-24	Residential	Low Density Residential/Medium Density Residential

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

The property is located adjacent to Texas State University in northwestern San Marcos. The property is unplatted, as are the properties to the immediate north and south; however, there are several single-family and duplex subdivisions nearby. The area is characterized primarily by single-family residential with some commercial adjacent to Old Ranch Road 12. This request is proceeding concurrently with a Zone Change request, from Single-Family (SF-6) to Mixed Use (MU).

The applicant has requested a land use amendment change as well as a zoning change from Low Density Residential to Mixed Use, to allow for a wider range of permissible uses, and to remove the occupancy restriction.

Comments from Other Departments:

Staff received an email on November 30, 2011 from Code Enforcement Officer Will Schwall stating that this property was found to be in violation of the occupancy restriction regulation and that Code Enforcement does not support the land use amendment change or the rezone request.

Planning Department Analysis:

Mixed Use land uses are typically characterized by ground-floor or street-front retail, and residential uses above and/or behind the commercial uses. They are intended to attract foot traffic as well as vehicular traffic, and tend not to draw people from as wide an area as more intense, larger commercial uses. They can provide a denser environment than found in typical residential developments. Mixed Use land uses also would allow the current dwelling to remain in use as a single-family residence. This particular parcel could meet the development standards for Mixed Use as it is one acre in size but the use of the site in the future could bring negative impacts to the surround residential neighborhood. The request could promote the erosion of the adjacent residential areas.

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	**Policy LU-3.10:** The City shall protect existing stable residential neighborhoods from encroachment of commercial or higher density residential uses. *Comment: The subject property is located on the edge of a Single Family Residential neighborhood.*
	X		**Policy LU-3.12:** The City shall encourage land uses which are compatible with and support the neighborhood, such as neighborhood shopping centers. Such uses shall be located on the periphery of the neighborhood. *Comment: While the proposed Mixed Use land use designation could be beneficial to the neighborhood, it could also negatively impact the surrounding residential areas by increasing traffic, noise and light.*
	X		**Policy LU-4.4:** The City shall require medium and high density residential developments be located on larger sites to allow for proper buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development. *Comment: The property is an acre in size which is likely large enough to allow adequate future development for the proposed land use amendment but could negatively impact the adjacent residential neighborhood.*
X			**Policy LU-5.4:** The City shall maintain a strong code enforcement program to make sure that substandard buildings and rental property are not allowed to contribute to the deterioration of a neighborhood. *Comment: The property is under enforcement action for violating the City's occupancy restriction regulation.*
		X	**Policy LU-6.3:** The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan. *Comment: The location of the property does not lend itself to commercial uses. The proposed amendment could bring more intense commercial land uses to an area that is designated as Low Density Residential.*
X			**Policy LU-6.6:** The City shall discourage the speculative zoning or rezoning of property solely for the intent of inflating the property's market value or where the zoning is to the benefit of the applicant and to the detriment of the adjacent property owners. *Comment: The occupancy restriction regulations do not apply to mixed use development and amending the future land use would remove the protection of the restriction.*

The Sector 3 Plan contains goals such as walkable neighborhoods, interconnected streets, and a variety of housing types. From a land-use perspective, Mixed Use can be consistent with these goals but the sector plan as well as the Horizon's Master Plan does not call for this area to be mixed use. The largest percentage of acreage in Sector Three is designated on the future land use plan as low density residential (56.06%) and the proposed land use amendment would allow for encroachment of higher density uses. There is only 0.67% Mixed Use land use within Sector 3. West Holland Street is designated on the City's Thoroughfare Plan as a minor arterial. Minor arterials serve less concentrated traffic-generating areas such as neighborhood shopping centers.

Based on the criteria above, staff believes the applicant's request is not consistent with adopted policies and plans of the city regarding development in this area. The future land use map is designated as low density residential in this area to preserve the residential area. *Also, attempting to rezone the property to avoid a code enforcement violation will set a negative precedent for the City*. **Staff recommends denial of this Land Use Map Amendment request.**

Planning Department Recommendation:	
☐	Approve as submitted
☐	Approve with conditions or revisions as noted
☐	Alternative – Public Hearing only
☒	Denial

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

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

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

Prepared by:

Alison Brake	Planner	December 2, 2011
Name	**Title**	**Date**

I own the house at 1312 Academy
My comments are that if the
sole reason the applicants
seek a zoning change is to
be able to have more than
2 unrelated tenants occupy
the residences, then I feel
the request should be denied.
My residence at 1312 Academy
is tenant occupied and
I have to abide by the
single family zoning rules,
so if the applicants'
request is approved, then
it sets a precident in which
all landlords in the area
should be allowed the same
zoning change (including myself)
Sincerely,
Robert L. Zook

The Zook Family
~~102 Autumn Cv.~~ 433 W. San Antonio
San Marcos, TX 78666 Suite F

2011 DEC 8 AM 9 52

ZC-11-43
LUA-11-29

had the wrong address listed, however, the map itself was
her side of this letter.

blic Hearing
t and Zoning Change
and Street

ly Residential (SF-6) to Mixed Use (MU) (ZC-11-43) on one
nbers Survey, Abstract No. 2 and located at 412 W. Holland

t, for the same site, from **Low Density Residential (LDR)** to

ove or deny the request. Before making its decision, the
its. Because you are listed as the owner of property located
fy you of the public hearing and seek your opinion of the

ity Hall, 630 East Hopkins, on **Tuesday, December 13th** at
icipate in the public hearing. If you cannot attend but wish to

Development Services-Planning
630 East Hopkins
San Marcos, TX 78666
planning_info@sanmarcostx.gov

our written comments will be given to the Planning and Zoning Commission if they are received before 5 PM on the day of
e meeting. For more information regarding this request, contact Development Services-Planning at 512-393-8230. When
illing, please refer to the case numbers above.

dividuals who require auxiliary aids and services for this meeting should contact the City of San Marcos Development
ervices-Planning at 393-8230 or Relay Texas at 1-800-735-2989.

EVELOPMENT SERVICES-PLANNING
nclosure: Map (See Reverse)

LUA-11-24
ZC-11-43

Development Services-Planning

We received your letter regarding the Zoning Change a few days ago and have given it a lot of thought. We understand the need for progress, and, at our age, we have seen a great deal of change, some good and some not good. We also understand someone wanting to make more money for their property-who doesn't. But what are the consequesnces of this move?

If this Zoning Change is made for one person, then the others on that street will want the same thing done very quickly, isn't that only fair. When the apartments are built on that land, which backs up to our property, then the whole nature of the neighborhood changes. With that change comes the change of the nature of the neighborhood, and the reason why so many people, including us, wanted to move here. It will no longer be a quiet single family residential neighborhood, which decreases the value of our homes and the quality of our lives. We see many people walking on our street in the afternoons with their families and pets because it is a quiet safe haven for them to come to for their walks. They have come from other neighborhoods for a reason.

When you make your decisions on these Zoning Changes, please consider four questions:

1. Who benefits and who loses?

2. With all of the apartments under construction now, is there really some urgent need for more?

3. Is destroying all of the older established neighborhoods in this city, and changing the nature of the city really something that will be appreciated in the future by the people who live here full time?

4. Where is the cutting off point for rezoning for these purposes? Is there some point at which you have to say, this is where we have to start rethinking what the town in going to look like in another 10 years, because this will be our legacy?

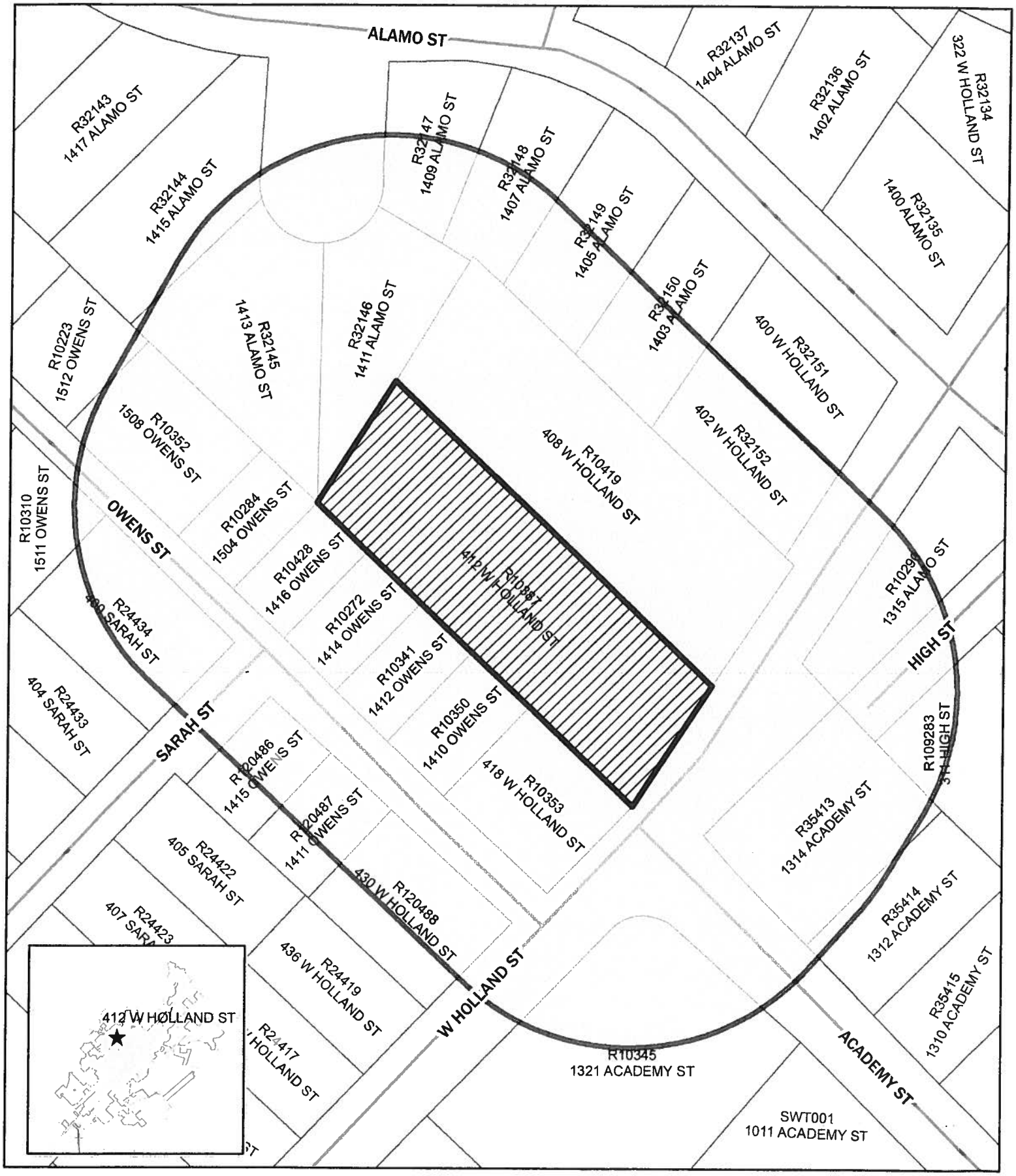
Thank you for your consideration,

Fred and Dolly McCowan, 1409 Alamo St.

Fred McCowan

Dolly McCowan

2011 DEC 6 AM 10 18



ZC-11-43
412 W. Holland
Map Date 12/02/11

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.

N

0 50 100 200
Feet

Zoning Change
ZC-11-43
412 Holland Street

Summary:

The applicant is requesting a Zoning Change from Single Family Residential-6 (SF-6) to Mixed Use (MU)

Applicant: Leola Gourley
1414 Owens Street
San Marcos, Texas 78666

Property Owner: Same

Notification: Personal notice sent and signs posted on December 2, 2011

Response: This site is currently under Code Enforcement

Subject Property:

Location: 412 Holland Street

Legal Description: One acre out of the Thomas J. Chambers Survey, Abstract No. 2.

Sector: Sector 3

Current Zoning: Single-Family Residential (SF-6)

Proposed Zoning: Mixed Use (MU)

Current Future Land Use Map Designation: Low-Density Residential (LDR)

Proposed Future Land Use Map Designation: Mixed Use (MU)

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	SF-6	Residential
S of Property	SF-6/P/DR	Residential/Texas State University
E of Property	SF-6/P	Residential/Texas State University
W of Property	SF-6/MF-24	Residential

Case Summary

The property is located in northwestern San Marcos, adjacent to Texas State University. The site itself is unplatted, as are the sites to the immediate north and south; however, there are several single-family and duplex subdivisions nearby. The area is characterized primarily by single-family residential with some commercial adjacent to Old Ranch Road 12. This request is proceeding concurrently with a Land Use Map Amendment, from Low Density Residential (LDR) to Mixed Use (MU).

History

There are no previous land use applications filed for this site.

Single-Family Residential and Mixed Use

The applicant has requested a zoning and land use amendment change from SF-6 to Mixed Use, to allow for a wider range of permissible uses, and to remove the occupancy restriction. The table below illustrates the differences and similarities between SF-6 and Mixed Use with regards to site development. With the exception of impervious cover and rear yard setback, the site development requirements are similar. From the standpoint of building impact, using the site for Mixed Use or Single Family would have little difference on surrounding properties. However, the Mixed Use category provides for many more uses than are permitted in the SF-6 District.

From Table 4.1.6.1	**SF-6**	**Mixed Use**
Lot Size minimum	6000 square feet	6000 square feet
Units per acre, max.gross	5.5 units per acre	5.5 units per acre
Lot frontage minimum	35 feet	50 feet
Lot width minimum	50 feet	50 feet
Front Yard Setback min	25 feet	25 feet
Side setback interior minimum	5 feet	7.5 feet
Side setback corner minimum	15 feet	15 feet
Rear yard setback minimum	20 feet	5 feet
Lot depth minimum	100 feet	100 feet
Impervious cover minimum	50%	60%
Building height maximum	2 stories	30 feet (approx. 2.5 stories)

Mixed Uses typically are small-scale, neighborhood-serving uses such as offices, cafes and salons. Additional uses are permitted through the Conditional Use Permit process. They are intended to attract foot traffic as well as vehicular traffic, and may not to draw people from as wide an area as more intense, larger commercial uses. They also permit single-family residential, which would allow the current dwelling to remain in use under the proposed zoning. While Mixed Use Districts often serve primarily the neighborhoods they are located in, they are most appropriately located on major arterials, to offset the additional traffic they may bring.

Comments from Other Departments

Staff received an email from Will Schwall, Code Enforcement Officer, dated November 30, 2011 indicating that both this address and 418 Holland Street have recently been found in violation of the Occupancy Restriction 4.3.4.5.

Planning Department Analysis:

Generally speaking, uses permitted in the Mixed Use District are considered compatible with residential uses, however, the overall scale of mixed uses may not be. Additionally, some uses are not as appropriate, such as hotels, and do not encourage pedestrian access. Staff is generally supportive of requests for mixed-use zoning, because it allows for a broader range of permissible uses that serve the neighborhood. However, the possibility of negative impacts, such as increased traffic, in appropriate uses in the center of a residential area, and additional noise and light, must be weighed. In this instance, given the size of the site and its location on Holland Drive, which is a minor arterial and predominantly residential, the likelihood of negative impacts to adjacent residences is high.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
	X		Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps *A Future Land Use Map Amendment is required for this site.*
		X	Consistency with any development agreement in effect *No development agreements exist on this tract*
	X		Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified. *The current and proposed use, as a residence, is consistent, and the proposed development standards would be similar to what is currently required. However, the possible scale and use if the site were to be redeveloped would not be appropriate for the immediate area.*
		X	Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area *The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.*
		X	Other factors which substantially affect the public health, safety, morals, or general welfare. *The proposed use, as a residence, is unlikely to have a greater impact on surrounding properties. However, the proposed rezone increases the possibility of negative impacts on the area, should the site redevelop.*

Staff finds that while the request is generally consistent with the surrounding development patterns and that the request will not dramatically affect the immediate area it is inconsistent with some of the policies in the Master Plan and may have a negative impact on the area should the site be redeveloped. Staff is therefore recommending denial based on the following findings:

- Uses allowed by right or by the granting of a Conditional Use Permit may significantly impact the neighborhood, if the site were to be redeveloped
- The site may be used for its requested use with the current zoning designation
- The request is inconsistent with the Future Land Use Map designation.

Planning Department Recommendation:	
☐	Approve as submitted
☐	Approve with conditions or revisions as noted
☐	Alternative – Public Hearing only
☒	Denial

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

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

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

Prepared by:

Christine Barton-Holmes, LEED AP	Chief Planner	November 30, 2011
Name	Title	Date

I own the house at 1312 Academy
My comments are that if the
sole reason the applicants
seek a zoning change is to
be able to have more than
2 unrelated tenants occupy
the residences, then I feel
the request should be denied.
My residence at 1312 Academy
is tenant occupied and
I have to abide by the
single family zoning rules,
so if the applicants'
request is approved, then
it sets a precident in which
all landlords in the area
should be allowed the same
zoning change (including myself)
Sincerely,
Robert L. Zook

The Zook Family
~~102 Autumn Cv.~~ 433 W. San Antonio
San Marcos, TX 78666 Suite F

2011 DEC 8 AM 9 52

ZC-11-43
LUA-11-29

had the wrong address listed, however, the map itself was
her side of this letter.

blic Hearing
t and Zoning Change
and Street

ly Residential (SF-6) to Mixed Use (MU) (ZC-11-43) on one
nbers Survey, Abstract No. 2 and located at 412 W. Holland

t, for the same site, from **Low Density Residential (LDR)** to

ove or deny the request. Before making its decision, the
its. Because you are listed as the owner of property located
fy you of the public hearing and seek your opinion of the

ity Hall, 630 East Hopkins, on **Tuesday, December 13th** at
icipate in the public hearing. If you cannot attend but wish to

Development Services-Planning
630 East Hopkins
San Marcos, TX 78666
planning_info@sanmarcostx.gov

our written comments will be given to the Planning and Zoning Commission if they are received before 5 PM on the day of
e meeting. For more information regarding this request, contact Development Services-Planning at 512-393-8230. When
illing, please refer to the case numbers above.

dividuals who require auxiliary aids and services for this meeting should contact the City of San Marcos Development
ervices-Planning at 393-8230 or Relay Texas at 1-800-735-2989.

EVELOPMENT SERVICES-PLANNING
nclosure: Map (See Reverse)

LUA-11-24
ZC-11-43

Development Services-Planning

We received your letter regarding the Zoning Change a few days ago and have given it a lot of thought. We understand the need for progress, and, at our age, we have seen a great deal of change, some good and some not good. We also understand someone wanting to make more money for their property-who doesn't. But what are the consequesnces of this move?

If this Zoning Change is made for one person, then the others on that street will want the same thing done very quickly, isn't that only fair. When the apartments are built on that land, which backs up to our property, then the whole nature of the neighborhood changes. With that change comes the change of the nature of the neighborhood, and the reason why so many people, including us, wanted to move here. It will no longer be a quiet single family residential neighborhood, which decreases the value of our homes and the quality of our lives. We see many people walking on our street in the afternoons with their families and pets because it is a quiet safe haven for them to come to for their walks. They have come from other neighborhoods for a reason.

When you make your decisions on these Zoning Changes, please consider four questions:

1. Who benefits and who loses?

2. With all of the apartments under construction now, is there really some urgent need for more?

3. Is destroying all of the older established neighborhoods in this city, and changing the nature of the city really something that will be appreciated in the future by the people who live here full time?

4. Where is the cutting off point for rezoning for these purposes? Is there some point at which you have to say, this is where we have to start rethinking what the town in going to look like in another 10 years, because this will be our legacy?

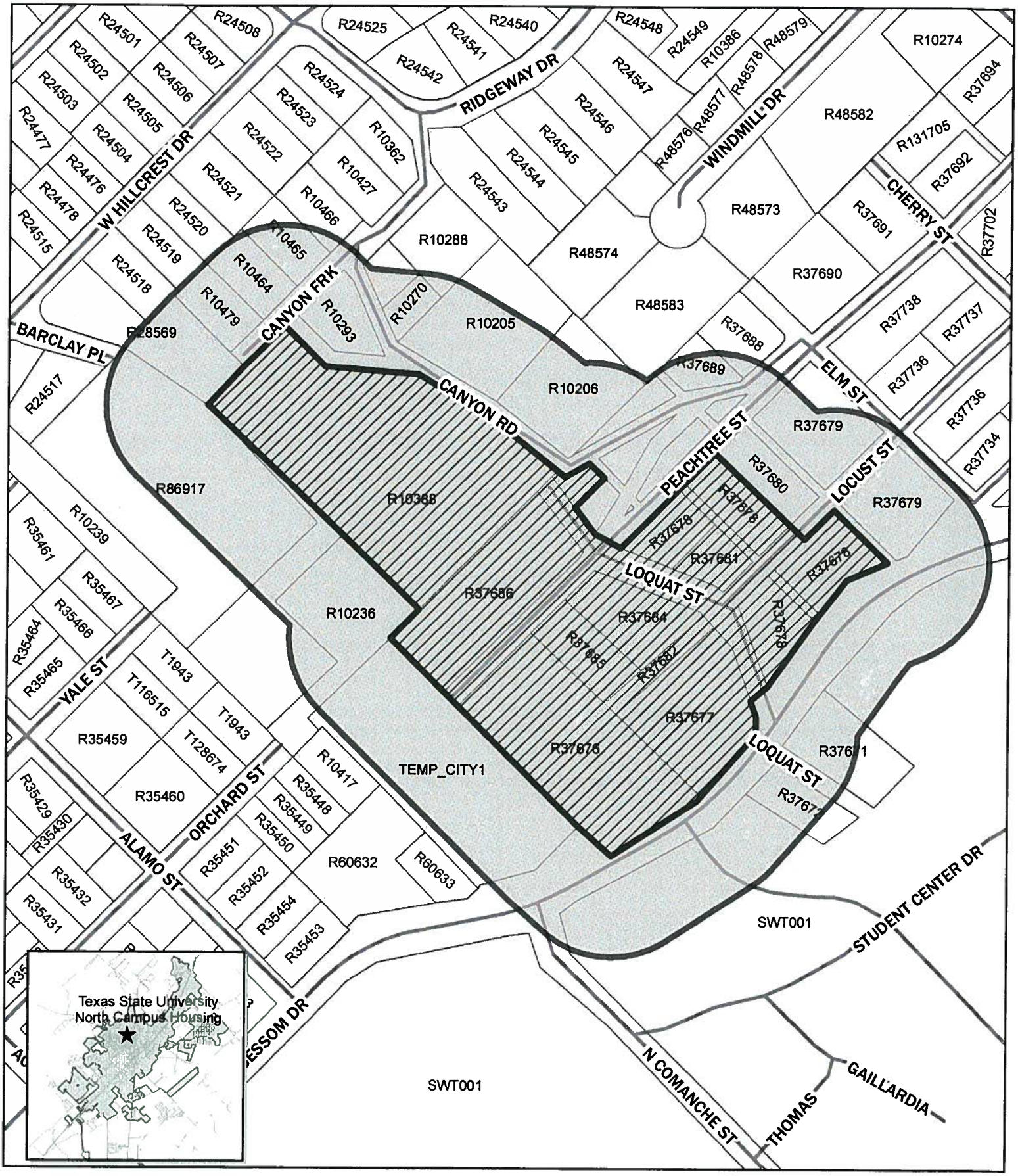
Thank you for your consideration,

Fred and Dolly McCowan, 1409 Alamo St.

Fred McCowan

Dolly McCowan

2011 DEC 6 AM 10 18



LUA-11-24

Texas State University
North Campus Housing
Map Date 11/18/11

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.

N

0 150 300 600

Feet

Land Use Map Amendment
LUA-11-24
Casey Development (North Campus Housing)

Administrative Summary:

Applicant:	ETR Development Consulting 401 Dryden Lane Buda TX 78610
Property Owner:	Darren Casey Interest, Inc 814 Arion Parkway, Ste. 200 San Antonio, Texas 78216
Notification:	Public hearing notification mailed on November 10, 2011 and signs posted on November 12, 2011.
Response:	Mailed comments - included

Property/Area Profile:

Legal Description:	9.10 acres out of the Park Addition, including Lots 36, 37, 38, 54, 57, 58, 53, 55, 56, 59, 60, 61, 62, part of 63, 41, 50, 51, part of Lots 42, 43 and 44, 52, and part of Lots 39 & 40 as well as 4.40 acres out of the Thomas J. Chambers Survey, Abstract 2, Tract 232, comprising **13. 51** acres total.
Location:	Sessom Drive at Loquat Street
Existing Use of Property:	Single-Family Residential
Proposed Use of Property:	Mixed Use & Multi-family residential
Existing Future Land Use Map:	Low Density Residential (LDR)
Proposed Future Land Use Map:	Mixed Use (MU)
Existing Zoning:	Single-Family Residential (SF-6)
Proposed Zoning:	Mixed Use (MU) Base Zoning with a PDD Overlay
Utility Capacity:	Adequate
Sector:	Three

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	SF-6/Single-Family Residential	Single-Family Residential	Low Density Residential
S of Property	P/Public	Texas State University	Public & Institutional
E of Property	SF-6/Duplex/TH/Townhouse	Single and multifamily residential	Low density residential
W of Property	SF-6/Single-Family Residential	Single-Family Residential	Low Density Residential

Update for December 13 Hearing

Please see the Zoning Change and PDD staff report for updates on this request. There have been no changes to the Land Use Amendment portion of the request.

Planning Department Analysis

The applicant is requesting a Land Use Map Amendment change for 13.51 acres, more or less, from Low Density Residential (LDR) to Mixed Use (MU).

The subject property is 13.51 acres, with frontage on Loquat and Sessom Streets, Peachtree Street, Canyon Road, and Canyon Fork. It is comprised of a total of nine parcels, and is located immediately north of Texas State University. This current request is being processed together with a Zoning Change request, to change the zoning designation from Single Family Residential (SF-6) to Mixed Use (MU), and a Planned Development District Overlay (PDD).

Adjacent uses include Texas State University to the south, and a mix of housing, predominantly single-family, to the north, east and west. Similar uses to the proposed are in development less than a quarter of a mile away, along Chestnut Street and North LBJ.

Staff has evaluated the request for consistency with the Horizons Master Plan:

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			**Policy LU-1.21:** The City shall encourage new development to locate in areas already served by utilities and other community facilities. *Comment: Existing city utilities are in place to serve this property.*

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			**Policy LU-3.1:** The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided. *Comment: This section of the City is becoming more dense, to serve the student population closer to Texas State University. Increased density and proximity to uses and services can foster increased walkability, thereby relieving traffic pressures on area roads.*
X			**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. *Comment: The proposed change will provide the opportunity for additional housing opportunities.*
X			**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.
X			**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. *Comment: The surrounding area is characterized by a mix of multifamily, single-family, and commercial uses. The proposed project will be compatible with all surrounding land uses.*
X			**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. *Comment: This area is highly walkable, and there are several services and commercial uses within walking and biking distance, as well as the retail uses proposed within the project.*
X			**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.
X			**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.

Consistent	Neutral	Inconsistent	Sector 3 Plan Sector Goals
X			Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety, and streets should not sacrifice safety of neighborhood residents for additional traffic and higher speeds.
X			"Neighborhood friendly" development mitigating negative impacts of higher intensity uses
X			Preserve & enhance visual character through variety of design requirements

Consistent	Neutral	Inconsistent	Sector 3 Plan Sector Goals
X			Preserved & enhanced visual character through variety of design requirements
X			Improved open space and recreational opportunities

Staff finds that the request is generally consistent with policies in the Horizons Master Plan and the Sector Three Plan and recommends approval.

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.

Planning Department Recommendation	
☒	Approve as submitted
☐	Approve with conditions or revisions as noted
☐	Public Hearing only
☐	Denial

Prepared by:

Christine Barton-Holmes, LEED AP	Chief Planner	November 17, 2011
Name	Title	Date

Holmes, Christine

From: Serna, Francis
Sent: Wednesday, December 07, 2011 2:31 PM
To: Holmes, Christine
Subject: FW: Dec. 13 meeting

Importance: High

From: Dianne Wassenich [mailto:wassenich@grandecom.net]
Sent: Wednesday, December 07, 2011 2:25 PM
To: Planning Information
Subject: Dec. 13 meeting

Dear Planning and Zoning Commissioners:

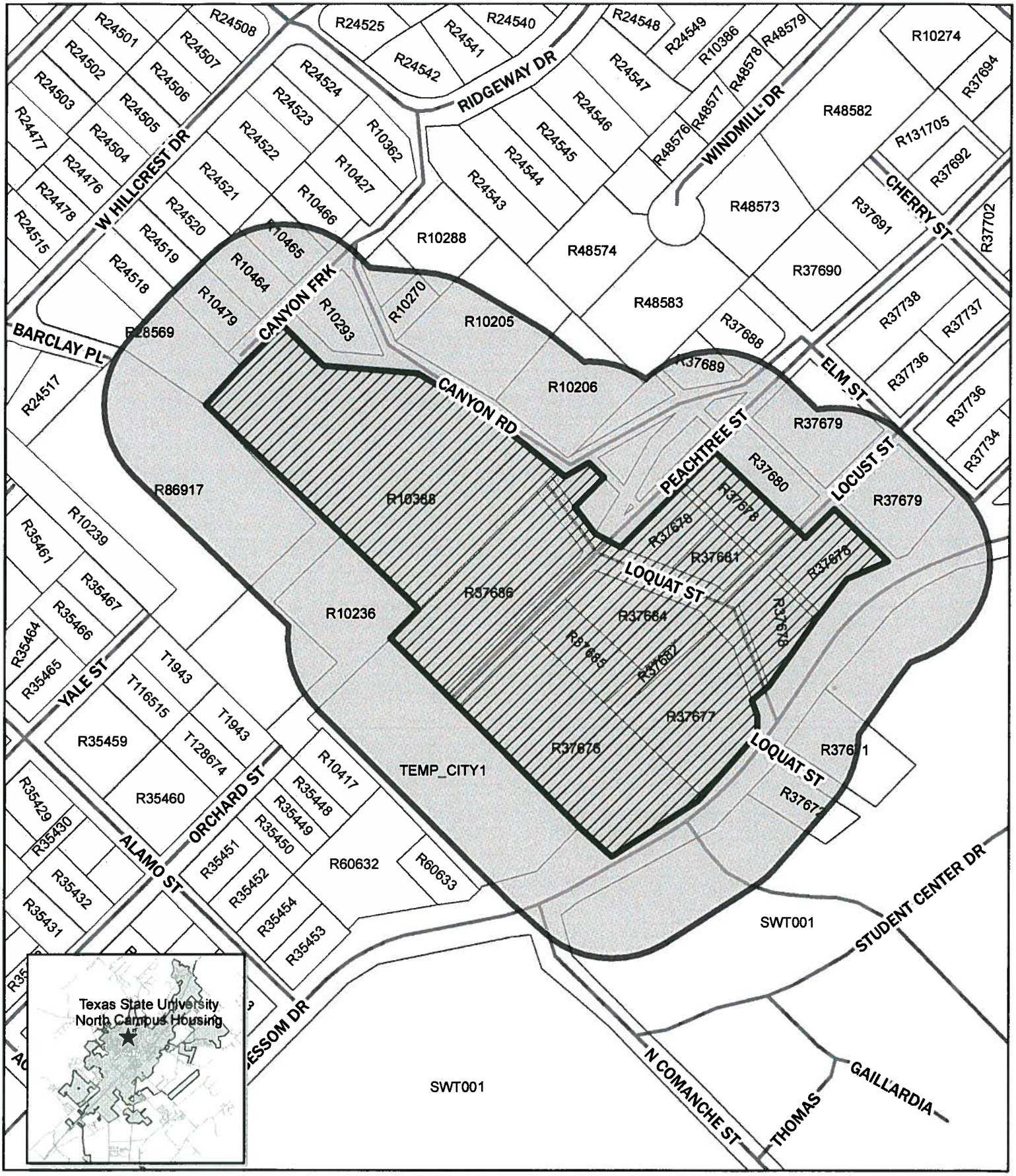
The review of the Sessoms Creek apartments PDD needs to be tabled Tuesday night December 13, so that there is time for everyone to see the traffic study comments that the staff makes on the recently completed traffic study, or any other comments the staff makes on detention or other issues like the SMRF information from that independent engineering review of the project.

The fast track turnaround of this project showing up the very next day at Council is not appropriate for such a major landscape-changing project that is so close to the river. The protection of the river is high on the goals list of the Council, and that obviously goes for the community as well.

The deliberations on this project should be careful and deliberate, not hurried. Any information that is just coming to light of day on Tuesday deserves time to be adequately reviewed and understood by you and the Council, and the community and staff. The neighbors in single family homes who surround this site want the time to understand what the city is doing to review this project. They will not be able to ask questions and get answers the way this schedule is set up.

Thank you for considering a postponement. Dianne Wassenich

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



ZC-11-38
PDD-11-12
Texas State University
North Campus Housing
Map Date 11/18/11

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.

N

0 150 300 600

Feet

PDD-11-12/ZC-11-38
Planned Development District/Zoning Change
Casey Development (North Campus Housing)

Administrative Summary:

Applicant:	ETR Development Consulting 401 Dryden Lane Buda TX 78610
Property Owner:	Darren Casey Interest, Inc 814 Arion Parkway, Ste. 200 San Antonio, Texas 78216
Notification:	Public hearing notification mailed on November 10, 2011 and signs posted on November 12, 2011.
Response:	Mailed comments - included

Property/Area Profile:

Legal Description:	**9.10** acres out of the Park Addition, including Lots 36, 37, 38, 54, 57, 58, 53, 55, 56, 59, 60, 61, 62, part of 63, 41, 50, 51, part of Lots 42, 43 and 44, 52, and part of Lots 39 & 40 as well as **4.40** acres out of the Thomas J. Chambers Survey, Abstract 2, Tract 232, comprising **13. 51** acres total.
Location:	Sessom Drive at Loquat Street
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Proposed Use of Property:	Mixed Use & Multi-family residential
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Proposed Future Land Use Map:	Mixed Use (MU)
Existing Zoning:	Single-Family Residential (SF-6)
Proposed Zoning:	Mixed Use (MU) Base Zoning with a PDD Overlay
Utility Capacity:	Adequate
Sector:	Three

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	SF-6/Single-Family Residential	Single-Family Residential	Low Density Residential
S of Property	P/Public	Texas State University	Public & Institutional
E of Property	SF-6/Duplex/TH/Townhouse	Single and multifamily residential	Low density residential
W of Property	SF-6/Single-Family Residential	Single-Family Residential	Low Density Residential

Updates for the December 13 Hearing

The applicant submitted a revised PDD, dated December 5th, 2011. Changes made in the revised PDD include the following:

- Project name change from Texas State University North Campus Housing to Casey Development – Sessom Drive Multifamily
- Increase in residential parking to meet LDC requirements
- Bicycle and pedestrian access over the detention pond to the parkland, to provide access from the neighborhood and parkland to the proposed development
- Commitment in the PDD document to detention for the 2-year, 25-year and 100-year storm event
- Commitment to construction of sedimentation and erosion controls prior to any other earthwork, and the use of three methods of sedimentation and erosion control during construction
- Use of local contractors and suppliers, and limits on construction activity
- A reduction in maximum height from seven stories to six, including the parking garage
- Solar-powered bus shelter on-site, and a minimum of two electric vehicle charging stations
- Designated pedestrian crossing areas with barriers

Additionally, staff has asked for clarification on Low Impact Development practices to be implemented; access to the parkland, including handicapped access and parking; and use of pervious materials in the plaza and surface parking areas. The applicant and staff are continuing to work on revisions and improvements to the Watershed Protection Plan, including implementing Low Impact Development methods and sedimentation and erosion controls. The Traffic Impact Analysis was submitted on December 5th, and has been given a preliminary review by staff.

Between the November 22nd hearing and the December 13th hearing, staff, the developers, and neighbors have met several times to discuss concerns and ideas for the project. Some of the concerns raised by residents in these meetings included tree removal; runoff in Sessom Creek and the San Marcos River; and impacts on traffic; impacts on the adjoining neighborhoods.

The intent of a Planned Development District is to provide a project that exceeds the requirements of the LDC. This is particularly important in an area that is ecologically sensitive, has topographical features, or is infill development. Development must be offset by mitigation. In this instance, fully one-third of the site will be dedicated as parkland, with public access provided. There are also numerous measures which will help limit runoff during and after construction, including a commitment to remove 85% of all Total Suspended Solids.

While impacts on traffic and adjacent neighborhoods are inevitable for any project, particularly during construction, there are several elements in the PDD document that go above and beyond City requirements, particularly those related to stormwater quantity and quality that will help mitigate negative

impacts, and material requirements designed to lessen the buildings' use of water and energy. The applicant is currently working with staff engineers to determine whether in-stream detention with the capacity to hold a 100-year flood event, or out-of-stream detention with a 25-year flood event capacity will have the least amount of environmental impact. The final detention method will be determined prior to platting. The LDC requires detention for a 25-year flood event.

The applicant has also committed to improving roadway intersections that will be most impacted by the project, bringing them up to an acceptable level of service. One intersection improvement will be done as part of the overall development, and the other is already in the City's Capital Improvements Plan, but is several years away and will be completed early as a result of this project. While the project is intended to encourage pedestrian and bicycle transportation particularly to campus, the intersection improvements planned are based on the full potential number of residents and visitors to the site. The Legal Department recommends that the overall zoning for the site will take effect, if approved, once the abandonments have been approved.

Project overview

North Campus Housing is proposed to be developed as a 419-unit mixed use development that incorporates underground and surface parking, ground floor retail, and up to five stories of loft apartments above. The project site is located across Sessom Drive from Texas State University, on a site that is heavily wooded, and characterized by steep slopes and single-family residential structures. There are commercial and service uses located to the northwest at the intersection of Old RR 12 and Holland Drive, and south at the intersection of Sessom Drive and North LBJ. The project is proposing to add approximately 20,000 square feet of retail space, which would serve the proposed residential area as well as surrounding residences both on campus and off.

The project is proposing the partial abandonment of Loquat Street and interior platted but undeveloped rights-of-way. Currently, although the City's GIS does not indicate it, Loquat Street provides a connection between Sessom Drive and Holland Drive. Street abandonment requires the filing of an Alley/Street Abandonment Application and public hearings before the Planning & Zoning Commission and the City Council. The total acreage of rights-of-way proposed to be vacated is 2.275 acres. The overall site will be replatted prior to development.

Density

- The applicant is requesting a density of 29 units an acre (70 bedrooms an acre) rather than the 5.5 units per acre allowed as part of the Mixed Use zoning district. This is comparable or less than similar projects nearby, such as the Chestnut Street Lofts.

Site Improvements

- The applicant is requesting a maximum impervious cover of 60% as allowed in the Mixed Use zoning district.

Environmental and Water Quality

- The development will provide 85% TSS removal. This is a standard that is not currently required by the Land Development Code.

Parking

- The applicant is providing parking at the rate of one space per bedroom, plus one space per 400 square feet of retail, for a total of 1120 spaces provided. This is slightly below the 1.05 spaces per bedroom required by the LDC, which would provide for 1051 spaces just for the residential component. Retail parking is provided at the rate required by the LDC.
- The development will provide bike parking equivalent to 10% of required bicycle parking.

Tree Preservation

- The development will mitigate protected trees at a rate of 1 caliper inch replaced for every 1 caliper inch removed, and specimen trees at a rate of 2 caliper inches replaced for every one caliper inch removed. Because the site is heavily wooded, extensive tree removal around the building site is anticipated. The applicant has indicated in the PDD document that tree mitigation may occur off-site once the site is fully mitigated.
- While the front section of the site, which will be developed, will have virtually all trees removed, the rear portion of the site will remain untouched.

Street Abandonment

- As part of the overall development, the applicant is proposing to abandon several rights-of-ways and alleys within the project parameters. Loquat Street, Locust Street, Peachtree Street and two alleys, totaling 2.275 acres, are included. This would prevent access from Holland Street through Loquat Street onto Sessom Drive, which would mitigate the impact of a multifamily residential project on adjoining residences. The only access to the project would be from two entrances on Sessom Drive. One entrance would utilize the existing curb cut of Loquat Street, and the other would be new. The abandonment process will be initiated shortly, and once the rights-of-way have gone through the review and assessment process, they will take on the same zoning as the surrounding parcels by right. No additional zoning will be necessary for the rights-of-way.

Parks Advisory Board Recommendation

The proposed development will consist of 419 units with approximately 20,000 square feet of retail uses and clubhouse area serving residents. The developer is proposing to dedicate approximately 4.51 acres of land for parkland dedication purposes. The proposed parkland is located northwest of the project and would be bounded by Canyon Fork, Canyon Road. The proposed parkland dedication would add to the Sessom Creek Greenbelt and create a higher degree of connectivity between parks. Originally, 564 units were proposed, and the proposed parkland was approximately 1.41 acres short of the required 5.92 acres required by the Land Development Code. This was reduced to the current 419 units, and the proposed dedication meets the requirements of the Code.

On October 25, 2011 the Parks Advisory Board recommended the approval of the parkland dedication.

ZC-11-38/LUA-11-24

The subject property is 14.328 acres, with frontage on Loquat and Sessom Streets, Peachtree Street, Canyon Road, and Canyon Fork. It is comprised of a total of nine parcels, and is located immediately north of Texas State University. The rezone request is to change the zoning designation from Single Family Residential (SF-6) to Mixed Use (MU), with a Planned Development District Overlay (PDD), and is being processed together with a Land Use Amendment request to change the Land Use designation from Low-Density Residential to Medium-Density Residential.

Adjacent uses include Texas State University to the south, and a mix of housing, predominantly single-family, to the north, east and west. Similar uses to the proposed are in development less than a quarter of a mile away, along Chestnut Street and North LBJ.

Planning Department Analysis:

The subject property is located on Sessom Drive, in an area that is predominantly residential to the west, and directly across Sessom Drive from Texas State University to the east. There are commercial services to the northwest, and internal to campus, but not within this immediate area. The proposed project would bring concentrated residential density as well as commercial amenities to the area.

Sessom Drive is not pedestrian-friendly in this location; the proposed development would include sidewalks which will enhance walkability and pedestrian safety.

While the project would bring greater residential and commercial density into an area that is currently predominantly single-family residential, it would be similar in scale to the student housing currently under construction, across Sessom Drive on the Texas State University Campus. It would also bring amenities within walking distance, to an area that currently has few amenities residents can walk to. This in turn has the potential to reduce the number of vehicles on Sessom Drive.

As is evident in the number of rezoning requests that the Planning and Zoning Commission has seen in this sector of the City more and more developers are seeking to redevelop or develop for the first time 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 sets a good example for redevelopment 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.

Conformance with Sector and Master Plan Goals

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

- "Walkable" pedestrian-friendly neighborhoods
- Traffic calming to reduce "cut-through" traffic
- 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.

The request supports the following Master Plan Goals:

- **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-4.3:** The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate the traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.
- **Policy LU- 6.8:** The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential usage of land in commercial districts except where residential uses are planned as part of a mixed use concept.
- **Policy LU-1.21:** The City shall encourage new development to locate in areas already served by utilities and other community facilities.

Staff is recommending APPROVAL of the request with the following conditions:

- Determine whether on-site or off-site 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 contractor

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.

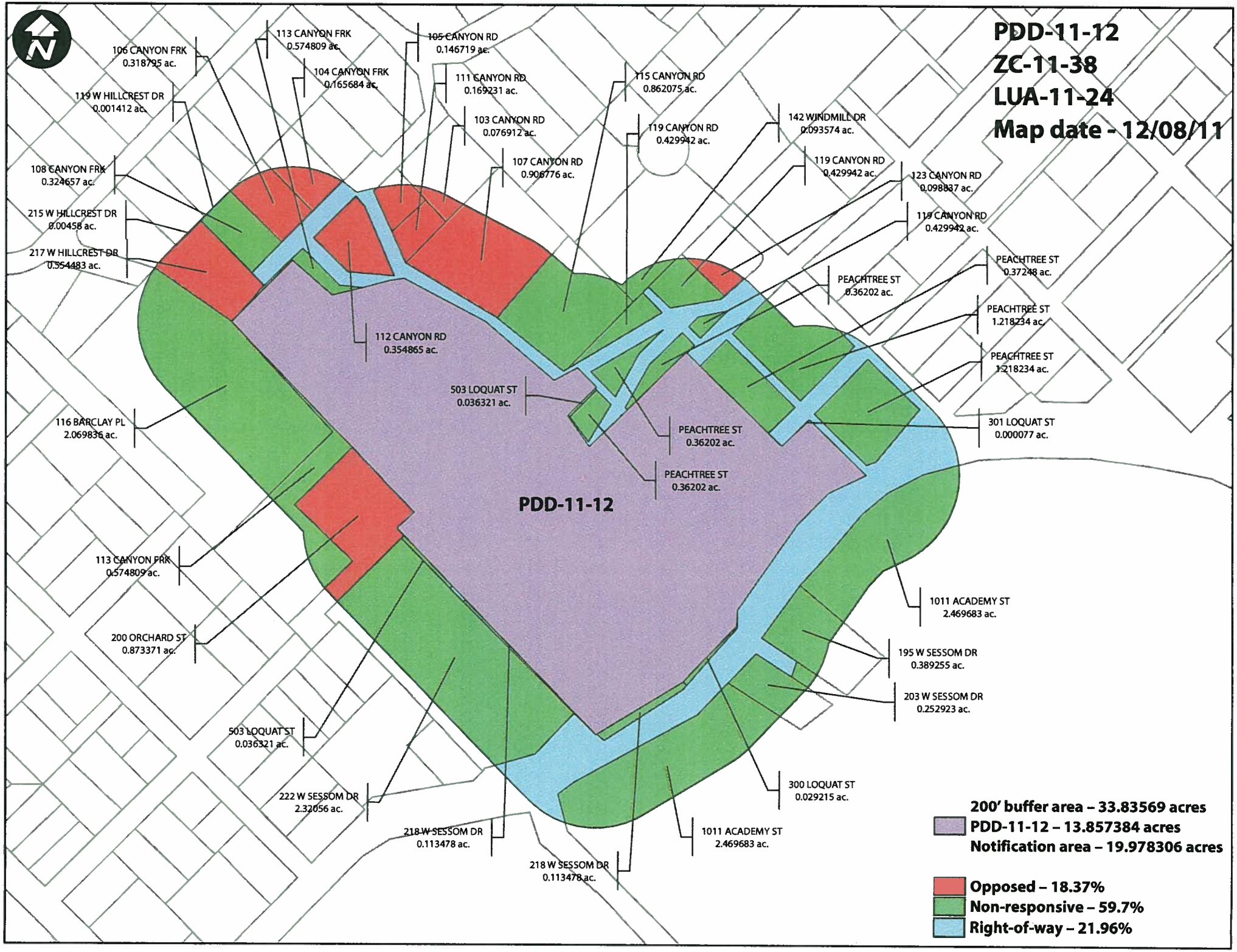
After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the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

Planning Department Recommendation	
☐	Approve as submitted
☒	Approve with conditions or revisions as noted
☐	Public Hearing only
☐	Denial

Prepared by:

Christine Barton-Holmes, LEED AP	Chief Planner	December 6, 2011
Name	Title	Date


PDD-11-12
ZC-11-38
LUA-11-24
Map date - 12/08/11
106 CANYON FRK 0.318795 ac.
113 CANYON FRK 0.574809 ac.
105 CANYON RD 0.146719 ac.
104 CANYON FRK 0.165684 ac.
111 CANYON RD 0.169231 ac.
115 CANYON RD 0.862075 ac.
119 W HILLCREST DR 0.001412 ac.
103 CANYON RD 0.076912 ac.
142 WINDMILL DR 0.093574 ac.
119 CANYON RD 0.429942 ac.
108 CANYON FRK 0.324657 ac.
107 CANYON RD 0.906776 ac.
119 CANYON RD 0.429942 ac.
123 CANYON RD 0.098837 ac.
215 W HILLCREST DR 0.00458 ac.
119 CANYON RD 0.429942 ac.
217 W HILLCREST DR 0.554483 ac.
PEACHTREE ST 0.37248 ac.
PEACHTREE ST 0.36202 ac.
PEACHTREE ST 1.218234 ac.
112 CANYON RD 0.354865 ac.
PEACHTREE ST 1.218234 ac.
503 LOQUAT ST 0.036321 ac.
116 BARCLAY PL 2.069836 ac.
PEACHTREE ST 0.36202 ac.
301 LOQUAT ST 0.000077 ac.
PEACHTREE ST 0.36202 ac.
PDD-11-12
113 CANYON FRK 0.574809 ac.
1011 ACADEMY ST 2.469683 ac.
200 ORCHARD ST 0.873371 ac.
195 W SESSOM DR 0.389255 ac.
203 W SESSOM DR 0.252923 ac.
503 LOQUAT ST 0.036321 ac.
300 LOQUAT ST 0.029215 ac.
222 W SESSOM DR 2.32056 ac.
218 W SESSOM DR 0.113478 ac.
1011 ACADEMY ST 2.469683 ac.
218 W SESSOM DR 0.113478 ac.
200' buffer area – 33.83569 acres
PDD-11-12 – 13.857384 acres
Notification area – 19.978306 acres
Opposed – 18.37%
Non-responsive – 59.7%
Right-of-way – 21.96%

Comments from the 2nd City-Facilitated Neighborhood Meeting for the Casey Development Project

- Can you guarantee that a bar or similar venue won't rent the retail space? Loud music travels up the canyon. What is the value of this property?
- The project does not provide adequate parking for the park space.
- Need another exit for dead end of Canyon Road – like extend to Chestnut
- It's time for Planning staff to stop making the case for the developers. Not sure if it is happening here, but it has for Windemere and the Sowell property
- It's time to stop rezoning SF to MF. There's plenty of MF acres to last us for quite a while.
- Thanks to the developers for having two meetings on this topic
- Can this be a smaller project? (Not as many stories? 655 beds?) What about the developer dedicating more parkland? More than 4 acres? Larger buffer?
- Who ensures that the plans are ACTUALLY followed? Craddock & RR 12 is a DISASTER. That can't happen here, it's too sensitive a spot.
- The open house format is ok, but please have all participants wear name tags CLEARLY stating their affiliation: ie, town engineering, water quality, P&Z, developer, realtor. I have no idea who most of these folks are or what they do.
- Concerning drainage & 85% reduction/removal in TSS. I would recommend explicitly requiring that these performance standards are met, and that there are financial provisions (bonding?) for modifying or improving stormwater structures to meet the standard. Also, funding should be set aside beforehand to perform the stormwater sampling.
    - If this will be primarily students, who are noise pollution issues being addressed?
    - Also, please require low-light-pollution lighting. The town really needs less light pollution, especially from taller buildings.
    - The biggest issue not being adequately addressed with this project is: how is the already horrible traffic on Sessom Drive going to be impacted, and those impacts addressed?
- Pedestrians crossing Sessom are going to be problematic. PEOPLE WILL DIE.
- "Secondary" ins-and-outs are a huge problem. Those driving late, under the influence of alcohol will do whatever they need to do to get in or out. PEOPLE WILL DIE.
- Management of displaced wildlife?
- Public parking for green zone is too limited (5 spaces). People will park in the residential area NW of the green zone. Translation = 5 spaces is not enough.
- To help conserve energy + resources:
    - Low flow shower heads/faucets. .5 GPM is the best
    - Low flush toilets. Niagara Conservation makes "stealth" .8 GPM
    - Minimize impervious surfaces, minimize turf grass (dog park needs grass)
    - Xeriscaping/native landscaping reduces water needs and attracts wildlife (birds, bees, insects, etc)
    - Provide lots of shade, lots of trees!
    - Double-pane windows to reduce heating/cooling cost

    - Sufficient bike infrastructure
    - Secluded community compost
    - Thank you
- What are the traffic projections and how will Sessom Drive handle it?
- I think the vote on P&Z on Wednesday followed by the Council vote on Thursday is too quick – there is a great concern on this project and it should be discussed.
- Will the public have access to the parkland from Canyon Fork and Canyon Road? Will they be allowed to park on these roads and walk into the park area? Will the area be fenced off?

Casey Development at Loquat & Sessom Analysis

PDD comparison with the LDC

	SF-6	Mixed Use	PDD
Density	5.5 units per acre gross	5.5 units per acre gross	30 units per acre gross
Impervious Cover	50%	60%	60% gross/85% net
Parking	2 spaces per unit	Depends on use(s)	1.05 spaces per bedroom/1 space per 400 sf of retail
Building Height	2 stories	30 feet	6 stories
Setbacks – front/side/corner/rear	25' front/5' side/15' corner/20' rear	25' front/7.5' side/15' corner/5' rear	0' front/5' side/15' corner/5' rear
Drainage	Runoff shall be equal or less after construction compared to before construction; drainage shall handle a 25-year storm event	Runoff shall be equal or less after construction compared to before construction; drainage shall handle a 25-year storm event	Runoff shall be equal or less after construction compared to before construction; drainage shall handle a 25-year storm event or 100-year storm event, depending on final design of detention. Drainage and detention shall utilize Low Impact Development methods
Total Suspended Solids Removal	No requirement	No requirement	85% removal
Landscaping	2 large shade trees, two ornamental trees, 4 evergreen shrubs & 8 small shrubs per lot	Minimum 20% landscaped area, with 1 tree & 3 5-gallon shrubs every 1000 sf. Minimum of 2 large trees per lot	Minimum 20% landscaped area, with 1 tree & 3 5-gallon shrubs every 1000 sf. Minimum of 2 large trees per lot Trees will be planted to reduce wind and heat island effect
Tree Preservation	Trees over 9" in caliper, less than 24" within footprint of building not required to be replaced; trees over 9" but less than 24" that are not w/in building footprint	Trees over 9" in caliper, less than 24" within footprint of building not required to be replaced; trees over 9" but less than 24" that are not w/in building	Trees over 9" in caliper, less than 24" within footprint of building not required to be replaced; trees over 9" but less than 24" that are not w/in

	that are approved to be removed shall be replaced on site at a ratio of 2.5 trees for every tree removed. Specimen trees (larger than 24") are required to be replaced caliper-for-caliper	footprint that are approved to be removed shall be replaced on site at a ratio of 2.5 trees for every tree removed. Specimen trees (larger than 24") are required to be replaced caliper-for-caliper	building Specimen trees shall be replaced at a rate of two caliper inches for one caliper inch, protected trees shall be replaced at a rate of 1:1 caliper inch

Concerns & clarifications

Concerns	Clarifications
The site is home to the Golden-Cheeked Warbler	While the Warbler may feed and perch at the site, the site is not habitat for the Warbler[1]
Construction and the resulting buildings and parking lot will fill Sessom Creek and the San Marcos River with sediment	The amount of sediment can be greatly reduced due to the controls the applicant will put into place. These include three silt walls, and staggered construction with the detention pond being built first, retaining walls second, then streets, and finally grading. Flow and sedimentation will be controlled through a series of Low Impact and Traditional methods. No construction is entirely risk-free, but it can be greatly mitigated.
Erosion is inevitable	Erosion can be mitigated by constructing the permanent retaining wall prior to any other elements, and by maintaining tree root systems as earthwork is done
All of the trees will be removed	Tree removal will occur at the construction site, however the rear of the site, 4.5 acres, will remain untouched.
Everyone will drive	From a study by the National Personal Transportation Survey, doubling densities can reduce car use (vehicle miles travelled) by up to 38% [2], provided there are amenities & jobs to walk to
None of the projects going up nearby are factored into the traffic analyses - Chestnut Street Lofts - Peachtree Lofts - Hillside Ranch - The Retreat	The specific projects are not included, because they will not be completed. However, all of them have done their own TIAs, which factor in the City's growth rate as well as each project's unit count. The City has asked the developer of this project to include traffic information for nearby

[1] Information from City staff

[2] *Apartment Complex Study*, Greater San Marcos Economic Development Corporation, 2010

	projects in their revised TIA. Additionally, the City is revisiting its methodology in determining growth rates for TIAs.
There are empty apartments all over the city	Based on an occupancy study done by Greater San Marcos in 2010, the occupancy rate is consistently above 90% for all types of residential leases, and as high as 98% for unfurnished typical leases[3]
This is spot zoning	Spot zoning typically refers to rezoning very small parcels of land to uses that are not compatible to surrounding uses. Residential uses are generally not considered incompatible with other residential uses or mixed uses
This will negatively impact property values	Based on studies by the NAHB, the Census and HUD, houses near other single-family houses appreciate at a rate of 2.66% annually, while houses near mid-rise multifamily appreciate at a rate of 2.79% annually[4]
Traffic will be worse than it is now	The TIA submitted by the applicant studied five intersections adjacent to the project. Of the 5, 2 are considered failing. The developer will improve the intersection at Sessom & Comanche, and will also improve the intersection at Sessom & Aquarena. The latter is a City project, but will be completed early by the developer to accommodate the additional traffic. The improvements made will bring both intersections up to an acceptable level of service.
This project does not follow the recommendations of the Horizons Master Plan or the Sector Three Plan	Please see attached chart
This project has not followed the timelines for public process and is moving too fast	Please see attached calendar

Calendar & Public Hearing Process

Casey Project	**Public Hearing Process Required by State Law**
TIA worksheet & Application Submitted = October 11th	Application submitted by October 11 deadline for November 8 hearing
Application Routed for Review= October 17th	
TIA conversation begins = October 21st	
Comments Issued to applicant= October 24th	

[3] Robert Dunphy and Kimberly Fisher, "Transportation, Congestion, and Density: New Insights," *Transportation Research Record,* 1996

[4] NAHB data in *American Housing Survey*, 1997 & 1999, Census data & HUD data 1997 & 1999

Meeting with applicant to discuss comments = October 24th	
Meeting moved to November 22nd to allow additional review time	
Parks Advisory Board review of parkland dedication= October 25th (next available Parks Meeting)	
Notice sent to adjoining properties = November 10	Notice sent and signs posted ten days prior to hearing
Signs posted for public hearing = November 12	
Revised PDD submitted for review = November 15th (reflects staff comments to date)	
Re-revised PDD submitted for review = November 18th (reflects additional stormwater/erosion protection measures)	
Planning and Zoning Commission Meeting (Public Hearing only) = earliest possible date November 22nd	Public hearing before Planning & Zoning Commission (only one hearing is required before the Planning & Zoning Commission)
First City-facilitated Neighborhood Meeting = December 5th	
TIA submitted for review = December 5th	
Public comment at City Council Hearing = December 6th	
Revised PDD submitted for review, P&Z Commission Packet = December 7th	
Second City-facilitated Neighborhood Meeting = December 7th	
Planning and Zoning Commission Meeting (Action only) = earliest possible date December 13th	
City Council Public Hearing= earliest possible date December 14th	First Public hearing before City Council
City Council Meeting (possible reconsideration) = earliest possible date January 3rd	Second hearing – Reconsideration – before City Council
Additional meetings held by the developer = 4	

Horizons Master Plan and Sector Three Plan

Horizons Master Plan Policy Statement
Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities. *Comment: Existing city utilities are in place to serve this property.*
Policy LU-3.1: The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided. *Comment: This section of the City is becoming more dense, to serve the student population closer to Texas State University. Increased density and proximity to uses and services can foster increased walkability, thereby relieving traffic pressures on area roads.*
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. *Comment: The proposed change will provide the opportunity for additional housing opportunities.*
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. *Comment: The surrounding area is characterized by a mix of multifamily, single-family, and commercial uses. The proposed project will be compatible with all surrounding land uses.*
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. *Comment: The surrounding area is characterized by a mix of multifamily, single-family, and commercial uses. The proposed project will be compatible with all surrounding land uses.*
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. *Comment: This area is highly walkable, and there are several services and commercial uses within walking and biking distance, as well as the retail uses proposed within the project.*
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.
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.
Policy LU-2.2: The City shall regulate development and encourage suitable land uses over the Edwards Aquifer and adjacent to the San Marcos and Blanco Rivers

Horizons Master Plan Policy Statement
Policy LU-2.3: The City shall strive on a continuing basis to purchase or otherwise set aside as much land as possible along the San Marcos River, Blanco River and creeks, especially that area within the 100-year floodplain, and develop that land as contiguous greenbelts
Policy LU-2.12: The City shall strive to protect the water quality in all rivers and creeks by reducing point and non-point pollution sources
Policy LU-2.19: The City shall continue and strengthen existing erosion and sedimentation control standards for all development.
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 to be used, as appropriate, between residential and nonresidential areas, and between residential areas of different densities except where mixed land uses are desired.

Sector 3 Plan Sector Goals
Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety, and streets should not sacrifice safety of neighborhood residents for additional traffic and higher speeds.
"Walkable", pedestrian-friendly neighborhoods
"Neighborhood friendly" development mitigating negative impacts of higher intensity uses
Preserve & enhance visual character through variety of design requirements
Safe, well connected bicycling routes on all major streets
Traffic calming to reduce "cut-through" traffic
Improved internal circulation in new commercial development to prevent traffic problems common in "strip" commercial development
Establish bicycling routes on all major streets to connect neighborhoods with desirable locations
Promote interconnected street grids in future development
Promote high quality, attractive development along Craddock Avenue and Ranch Road 12 as community gateways
Improved open space and recreational opportunities

Holmes, Christine

From: Serna, Francis
Sent: Thursday, December 08, 2011 3:18 PM
To: Holmes, Christine
Subject: FW: Sessoms Creek

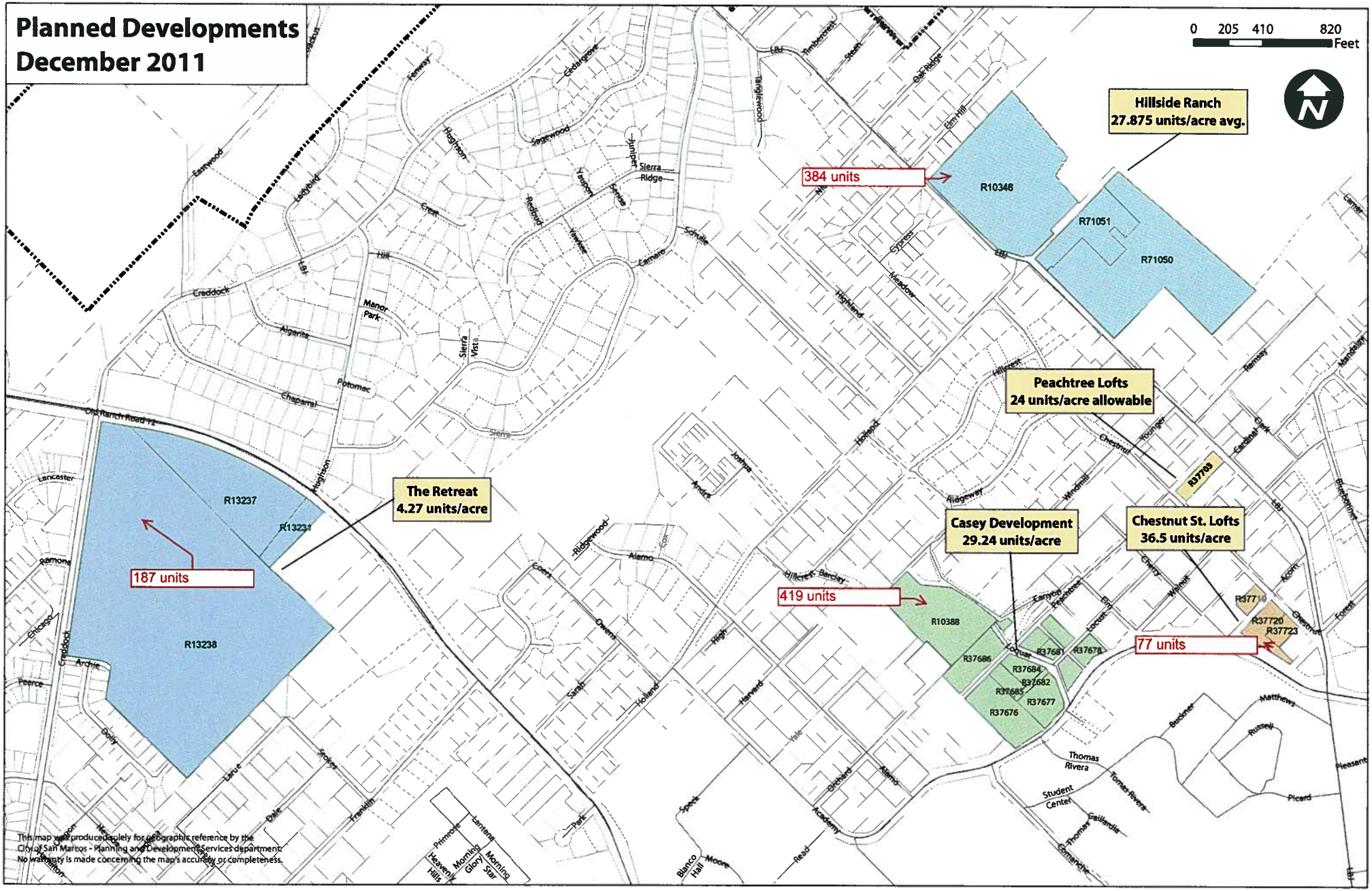
Follow Up Flag: Follow up
Flag Status: Flagged

From: Gilbert Natal [mailto:gnatal@hayscad.com]
Sent: Thursday, December 08, 2011 3:08 PM
To: Planning Information; Mayor & Council Information
Subject: Sessoms Creek

There are still many issues being brought to light that need time to
> be examined by the Sessoms Creek neighborhood residents. I hear the
> Developer wants to have this project done in a certain timeline, I'm
> sure that a rezoning change and approval would make him very happy .
> This neighborhood will never be happy or will ever be the same if this zoning is
> approved. So I think the least you could do is give the courtesy to
> table this rezoning case so we The Sessomes Creek neighborhood
can have some more questions answered . Myself I'm strongly opposed of this project.
> Thank you for your sincere understanding on this very sensitive matter.
>
>
>

Gilbert A. Natal
GIS Coordinator
Lex Word Building
Hays Central Appraisal District
21001 N. IH 35
Kyle, Texas 78640
Office 512-268-2522
Fax. 512-268-2715
gnatal@hayscad.com

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


Planned Developments
December 2011
0 205 410 820
Feet
Hillside Ranch
27.875 units/acre avg.
384 units
R10346
R71051
R71050
Peachtree Lofts
24 units/acre allowable
The Retreat
4.27 units/acre
R13237
R13231
187 units
R13238
Casey Development
29.24 units/acre
Chestnut St. Lofts
36.5 units/acre
419 units
R10388
77 units
R37686
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R37723
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