



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, July 12, 2011, 6:00 p.m.
City Hall 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

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. **Citizen Comment Period.**
6. **CUP-11-08 (1252 W. San Antonio St)** Hold a public hearing and consider a request by Matthew Chambers, for a conditional use permit to construct an accessory dwelling adjacent to the primary dwelling in an SF-6 zone at 1252 West San Antonio Street.
7. **CUP-11-09(1208 IH 35 South – La Fonda)** Hold a public hearing and consider a request by Lorenzo Valadez on behalf of La Fonda Restaurant to allow the on premise consumption of beer and wine at 1208 IH 35 South.
8. **CUP-11-10(217 E Hopkins St – Chimy's)** Hold a public hearing and consider a request by Baccus Enterprises LLC on behalf of Chimy's Restaurant to allow an expansion of the existing Conditional Use Permit (CUP) to incorporate an outdoor patio area at 217 E. Hopkins St.
9. **PDD-11-03 (Blanco Vista).** Hold a public hearing and discuss a request by ETR Development Consulting., LLC., on behalf of Brookfield RP, for a PDD overlay district for approximately 435.9 acres of the original 575 acre subdivision part of the William Ward Survey No. 3 and the UW. William Survey and part of the Blanco Vista Subdivision (except Blanco Vista Phase 1-2, Sections 1, 2 and Infrastructure and Blanco Vista Tract I Section A and School Tract and Trail Ridge Pass Church Subdivision), located at the intersection of Blanco Vista Blvd and Trail Ridge Pass.

10. **PDD-11-04 (Blanco Vista-City Initiated).** Hold a public hearing and discuss a request by the City of San Marcos for a PDD overlay district for approximately 140 acres out of the original 575 acre subdivision and part of the Blanco Vista Subdivision Phase 1-2, Section 1, 2, and Infrastructure, Blanco Vista Subdivision Tract I Section A and School Tract and Trail Ridge Pass Church Subdivision located at north east corner of Trail Ridge Pass and Jacob Lane, the southwest corner of Trail Ridge Pass and Blanco Vista and extending south to include Phase 2 of the Blanco Vista Subdivision, and located at the interaction of Blanco Vista Blvd. and Old Settlers to include Phase 1 of the Blanco Vista Subdivision.
11. **PDD-11-05 (Paso Robles).** Hold a public hearing for an amendment to a Planned Development District for the tract of land known as the Paso Robles Subdivision, located west of Hunter Road, south of McCarty Lane and north of Centerpoint Road (approximately 1338.584 acres).
12. **PVC-11-03 (San Marcos Community Church).** Hold a public hearing and consider a request by San Marcos Community Church, on behalf of Texas Conf. Association of 7th Day Adventists, for a 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 an approximately 22.99 acre tract out of the Rebecca Brown Survey in Hays County, Texas.

13. Discussion Items.

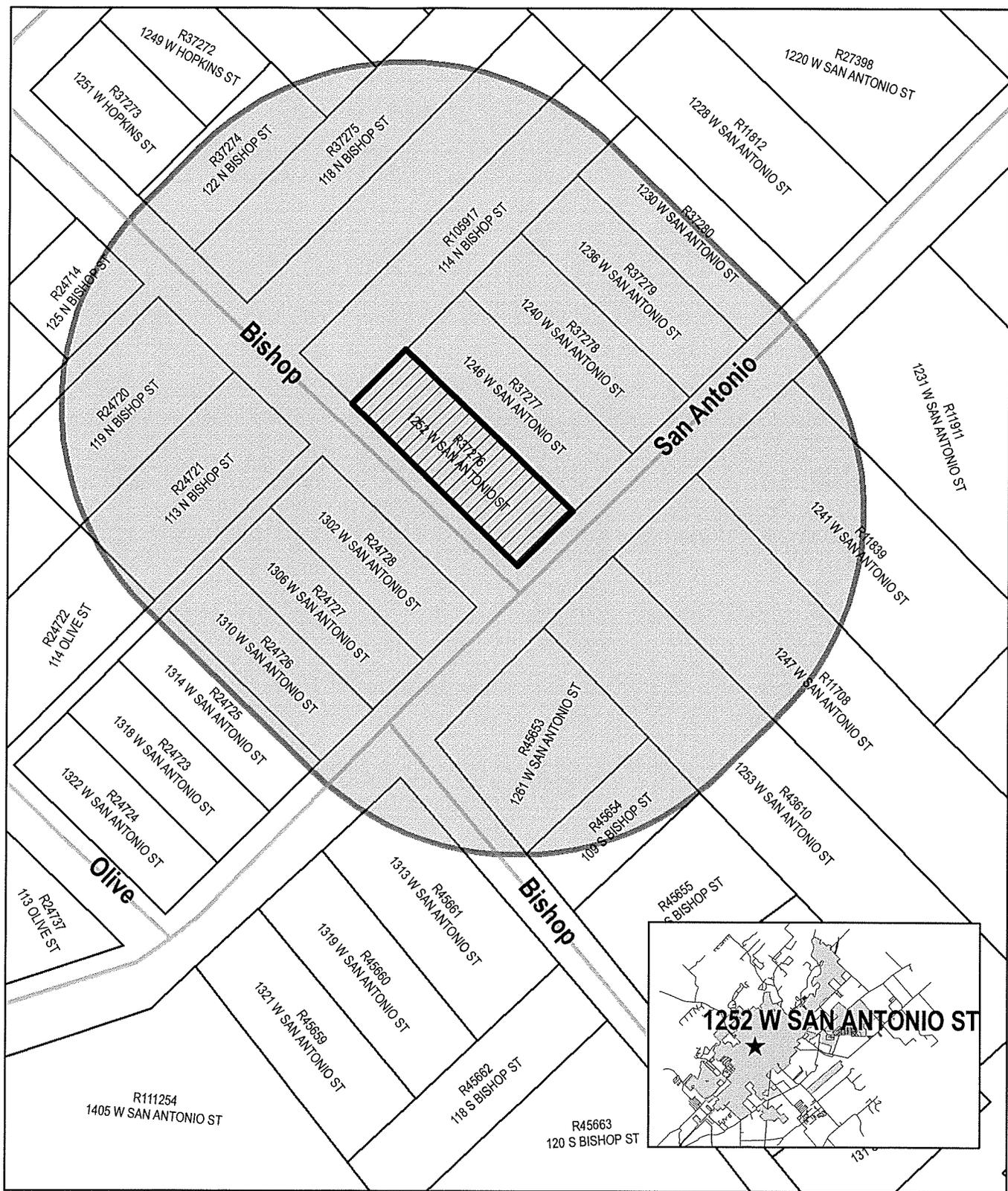
Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Planning Report

Commissioners' Report.

14. Consider approval of the minutes from the Regular Meeting on June 28, 2011.
15. Questions from the Press and Public.
16. 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.



CUP-11-08
1252 W. San Antonio
Map Date: 06-17-11

- Legend**
-  Subject Location
 -  200' Notification Buffer



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



**Conditional Use Permit
CUP-11-08
1252 W. San Antonio St
Accessory Dwelling Unit**



Applicant Information:

Applicant: Matthew Chambers
625 W. MLK Drive
San Marcos, TX 78666

Property Owner: Same

Applicant Request: A Conditional Use Permit (CUP) to allow an accessory dwelling unit in an SF-6 zone

Notification Response: Public hearing notification mailed on Wednesday, June 29, 2011.
No responses as of the date of publication.

Subject Property:

Location: 1252 W. San Antonio St

Legal Description: Lot 5, Wm. Gelker's Block

Frontage On: Bishop St & W. San Antonio St

Neighborhood: East Guadalupe

Existing Zoning: Single-Family (SF-6)

Master Plan Land Use: Low-Density Residential

Sector: Sector 1

Utilities: Existing

Existing Use of Property: Single Family Residence

Proposed Use of Property: Single Family Residence with Accessory Dwelling Unit

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-6	Single-Family Residential
S of Property	SF-6	Single-Family Residential
E of Property	SF-6	Single-Family Residential
W of Property	SF-6	Single-Family Residential

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.

An Accessory Dwelling Unit (ADU) is defined by the Land Development Code (LDC) in the following manner:

A secondary living space that is on-site with a primary living space and that may be contained within the space structure as the primary, or may be contained in a separate structure. A guest house and a garage loft are examples of accessory dwellings. Occupants of secondary living spaces typically include a caretaker, servant, or farm worker employed by the owner/occupant, or a guest or family member of the owner/occupant.

It is not the intent of the code to allow a second living unit in SF-6 zoning. The entire property is restricted to occupancy by no more than two persons who are unrelated. The accessory dwelling may not be on separate utilities or rented separately from the main residence.

Case Summary

The subject property is located on the northwest corner of Bishop and San Antonio Street. The applicant is proposing to construct an accessory dwelling unit in the rear of the property. The proposed structure would be approximately 544 square feet in size (44' long X 16' wide) and approximately 15' tall. As shown on the attached survey the proposed structure would be constructed parallel to Bishop Street with the front door facing Bishop Street and setback from the street approximately 19 feet. Cement board siding would be used as the exterior finish on the structure, along with a metal roof to match the primary structure.

Comments from Other Departments:

No departments, including Engineering, Building, Police, and Code Enforcement, have reported major concerns regarding the subject property. The Fire Marshal's office stated that a building permit would be required. A condition is recommended below to address these comments.

Planning Department Analysis:

In the past, P&Z has approved ADUs for homeowners, typically for the purpose of housing family members, so long as the application meets the requirements of the LDC. Common conditions included not allowing the unit to be used as a rental, not allowing separate utility meters, and requiring the permit be renewed if the property is sold. Some past cases have required additional parking for the ADU.

The application appears to largely meet the requirements of the LDC. The accessory structure is less than 50% of the size of the main structure, which is consistent with the LDC requirement. The setback requirement for accessory structures is 10' from side and rear property lines. The site plan submitted with the application indicates a five-foot side-yard setback. The structure will need to be set back ten feet from the side yard. Additionally, only two accessory structures are permitted on a residential lot.

This neighborhood is primarily single-family. The Sector One plan identifies this street as low-density residential, and recommends maintaining historic/traditional neighborhood character while accommodating infill. This request, with conditions, will allow the owner additional flexibility with his property while maintaining the neighborhood's single-family character.

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

- The structure shall meet all requirements of the 2009 International Residential Code;
- The permit is granted to the applicant and the current owner and is required to be renewed if the property is sold;
- The accessory dwelling may not be rented separately from the main residence;
- The single-family occupancy restriction applies to the entire property; and,
- There shall be no separate utility meters.

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

Prepared by:

Christine Barton-Holmes

Chief Planner

July 7, 2011

Name

Title

Date

The Commission's Responsibility:

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

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

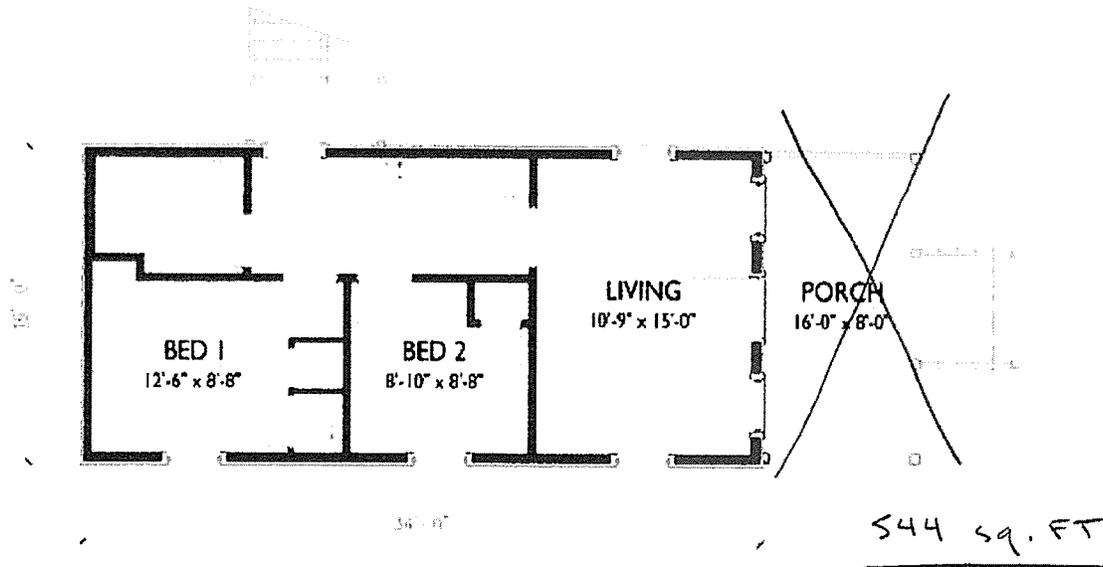
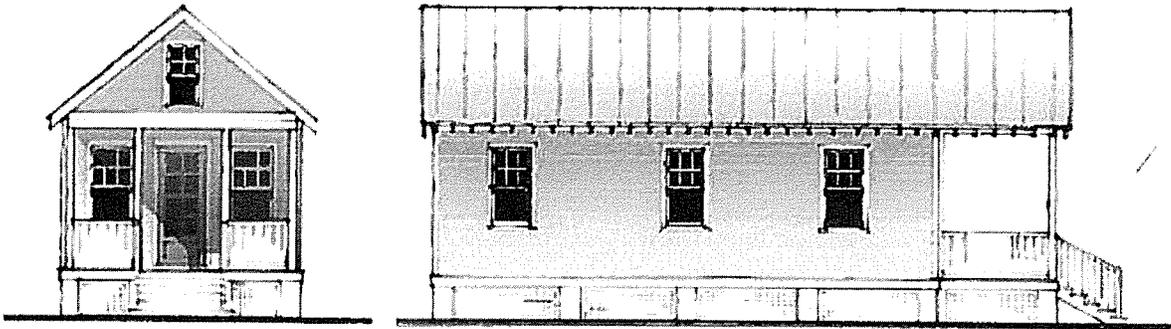
- The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and 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.

<C 544

Designer Marianne Cusato
Bedrooms 2
Bathrooms 1
Ceiling height 9 feet
Conditioned living area 544 sq. ft.
Overall dimensions (including porch) 44'-0" long x 16'-0" wide
Notes

Compact and efficiently planned, this 2 bedroom cottage is perfectly sized to sit on the back of a lot as a guest house, or clustered with other cottages to create small villages.

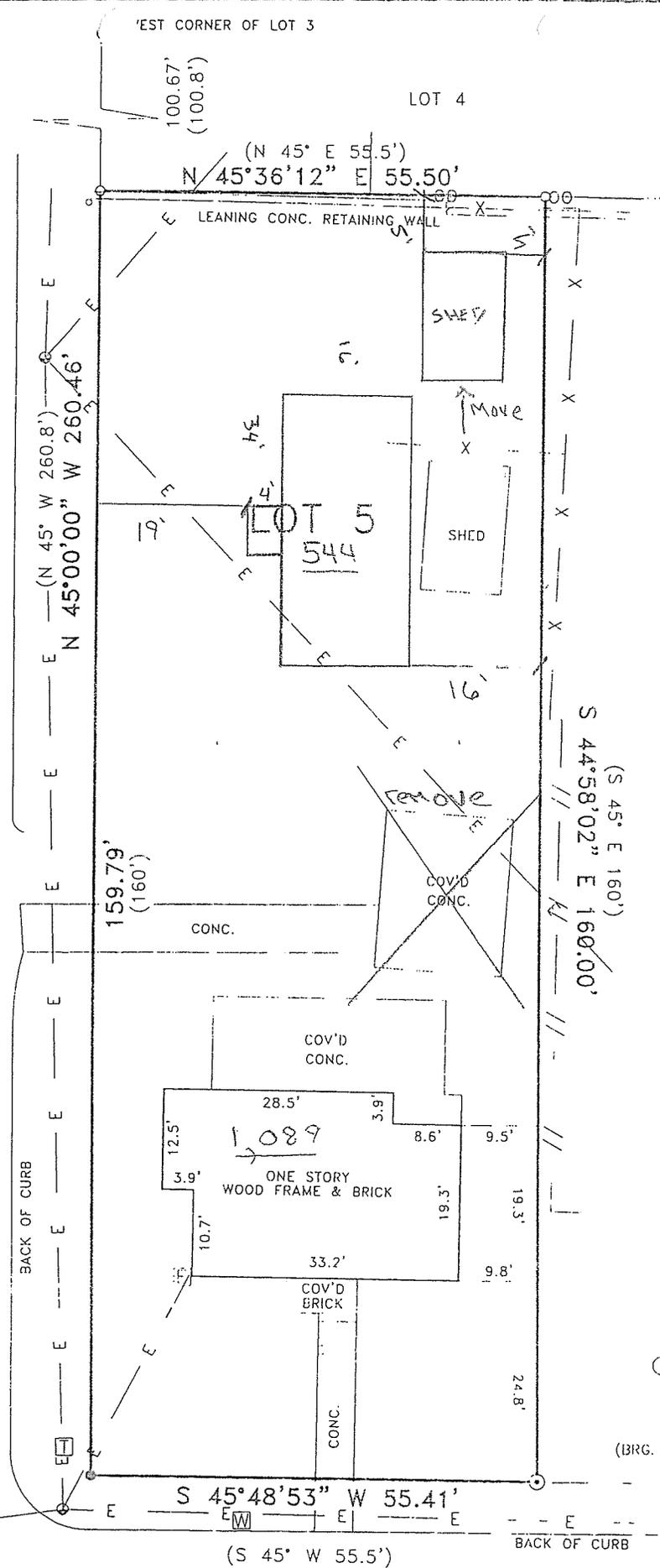


Renderings are approximate and are not literal representations of the designs. Designs are subject to change without notice.

SCALE 1" = 20'

BISHOP STREET
(R.O.W. VARIES)

BEARING BASIS

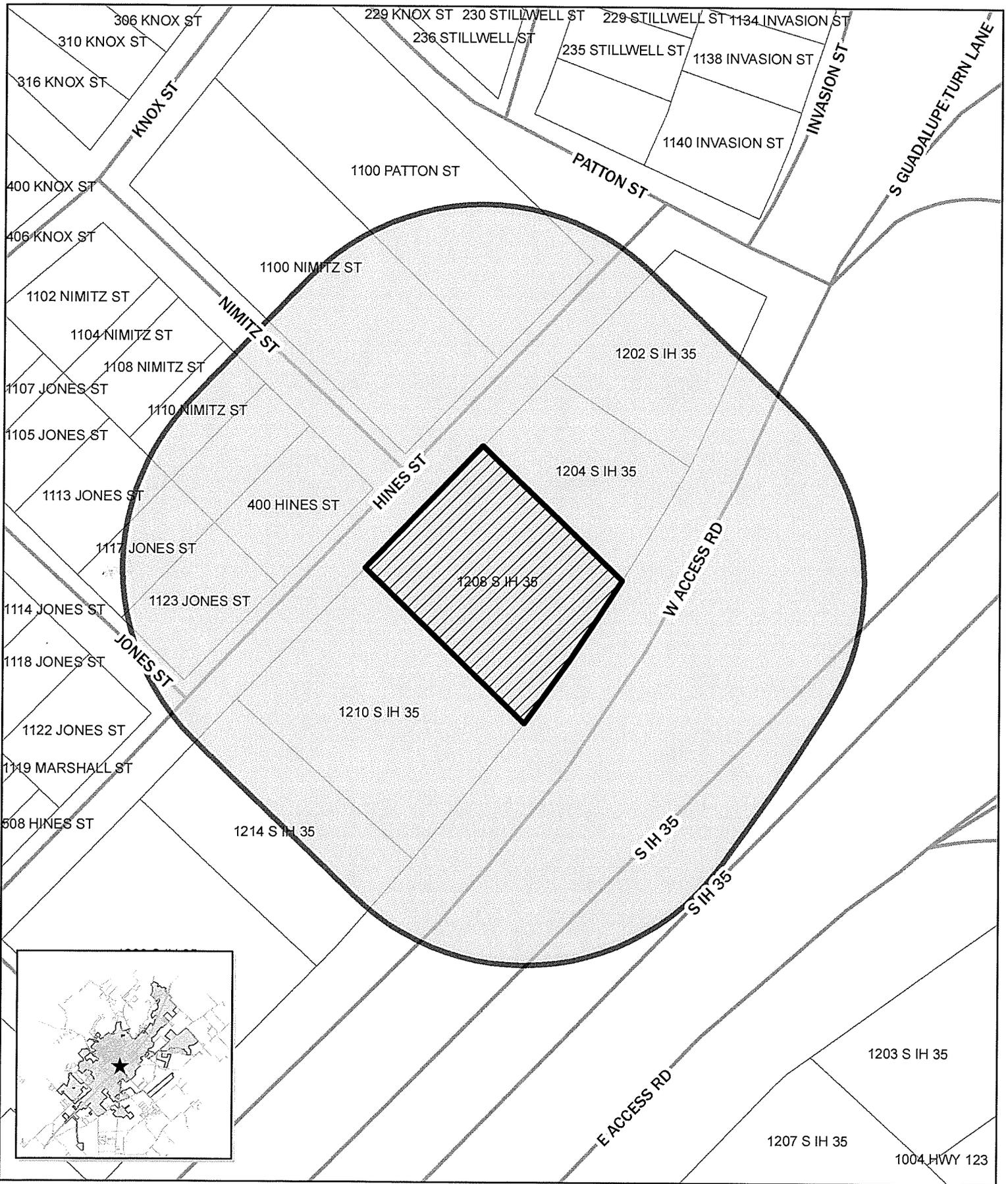


LEGEND

- ⊙ IRON PIPE FOUND
- IRON ROD FOUND
- IRON ROD SET
- ⊞ ELECTRIC METER
- ⊞ TELEPHONE PEDI STAL
- ⊞ WATER METER
- ⊙ POWER POLE
- // WOOD FENCE
- ⊞ CHAIN LINK FENCE
- x- WIRE FENCE
- ⊞ OVERHEAD ELFC. LINE
- ⊞ DOWN GUY
- P.U.I. PUBLIC UTILITY EASEMENT
- D.I. DRAINAGE ESMT.
- B.L. BUILDING LINE
- (BRG. -DIST.) RECORD CALL

NOTES:

WEST SAN ANTONIO STREET
(R.O.W. VARIES)

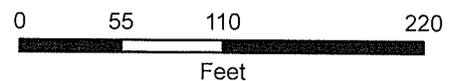


CUP-11-09
La Fonda Resaurant
1208 IH 35 S
Map Date: 6/16/11



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.



CUP-11-09

Conditional Use Permit

La Fonda Restaurant

1208 IH 35 South



Applicant Information:

Applicant: Lorenzo Valadez
Mailing Address: 521 Lockwood St
 San Marcos TX 78666

Property Owner: Lorenzo and Fidel Valadez
 521 Lockwood St
 San Marcos TX 78666

Applicant Request: A Conditional Use Permit (CUP) to allow the sale and on-premise consumption of beer and wine at La Fonda Restaurant located at 1208 IH 35 South in San Marcos.

Public Hearing Notice: Public hearing notification was mailed on June 23, 2011.

Subject Property:

Location: 1208 IH 35 South

Legal Description: Lot 1A, Block 43, Victory Gardens Subdivision

Frontage On: IH 35 South

Existing Zoning: "GC" General Commercial

Sector: Sector 4

Utilities: Adequate

Existing Use of Property: Bar/Restaurant

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	CC- Community Commercial	Restaurant; Meeting Hall
S of property	CC- Community Commercial	Restaurant
E of property	IH 35	IH 35
W of property	CC- Community Commercial	Commercial Uses

Code Requirements:

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

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

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

Case Summary

The subject property is located on IH 35 just south of Guadalupe St. The lot was platted last year, and the property owners have made significant improvements to the property and have brought the site up to current code requirements.

The application indicates hours from 11 a.m. to 11 p.m. and live music is not proposed at this time. Fixed seating is 93 inside with no outdoor seating. There are 34 off street parking spaces located on the property. Due to recent improvements the site does meet all requirements of the Land Development Code

Planning Department Analysis:

This site is located in Sector 4 of the City and the current land use is permitted along IH 35. Sector 4 encourages a mixture of uses with more intense uses located adjacent to the IH 35 corridor. While this site is surrounded by commercial uses the Victory Gardens neighborhood is located within walking distance from the restaurant. This restaurant acts as a buffer from the IH 35 corridor and can service this adjacent neighborhood. Staff has not received any citizen comments or comments from other departments.

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

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

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

- 1. The permit shall be valid for one (1) year, 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:

Abigail Gillfillan

Planner

7/5/2011

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.

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION

Trade Name of Business: La Fonda Restaurant

Application is filed by:

Individual Partnership Corporation Other:

Name of Individual or Entity: Lorenzo Valadez Phone Number:

Mailing Address: 521 Lockwood, San Marcos, TX 78666

Email Address: Neddie.vg@yahoo.com

Type of Permit Requested: Mixed Beverage Beer & Wine Other:

PROPERTY

Street Address: 1208 H 35 S. Current Zoning:

Legal Description: Lot 1-A Block 43 Subdivision Victory Gardens

Tax ID Number: R 32043647067 R 46597

Property Owner's Name: Lorenzo Fidel Valadez Phone Number: 512-3926119

Address: 521 Lockwood, San Marcos, TX 78666

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other:

Hours of Operation: 10:30am - 12am

Type of Entertainment Facilities: Restaurant - Dine in / No Live Music

Indoor Fixed Seats Capacity: 93 Outdoor Fixed Seats: 0

Gross Floor Area Including Outdoor Above-ground Decks: Square Feet

Number of Off-Street Parking Spaces Provided: 34

Located more than 300 feet from church, public school, hospital, low density residential? Y N

HO T Wd. H.T. NMP 1102

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

- New request**, no existing TABC CUP Permit at this location
- Change** to existing TABC Permit. Nature of Change: _____
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

- **Beer and Wine Permit: \$500 Application fee** (non-refundable)
- **Mixed Beverage Permit: \$1,000 Application fee** (non-refundable)
- **Change to Existing Permit/Renewal: \$75.00 fee** (non-refundable)
- **Site Plan drawn to scale**, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

- I am the property owner of record; or*
- I have attached authorization to represent the owner, organization, or business in this application.*

Lorenzo Valadez
Applicant's Signature

Printed Name: Lorenzo Valadez

Date: 6/14/11

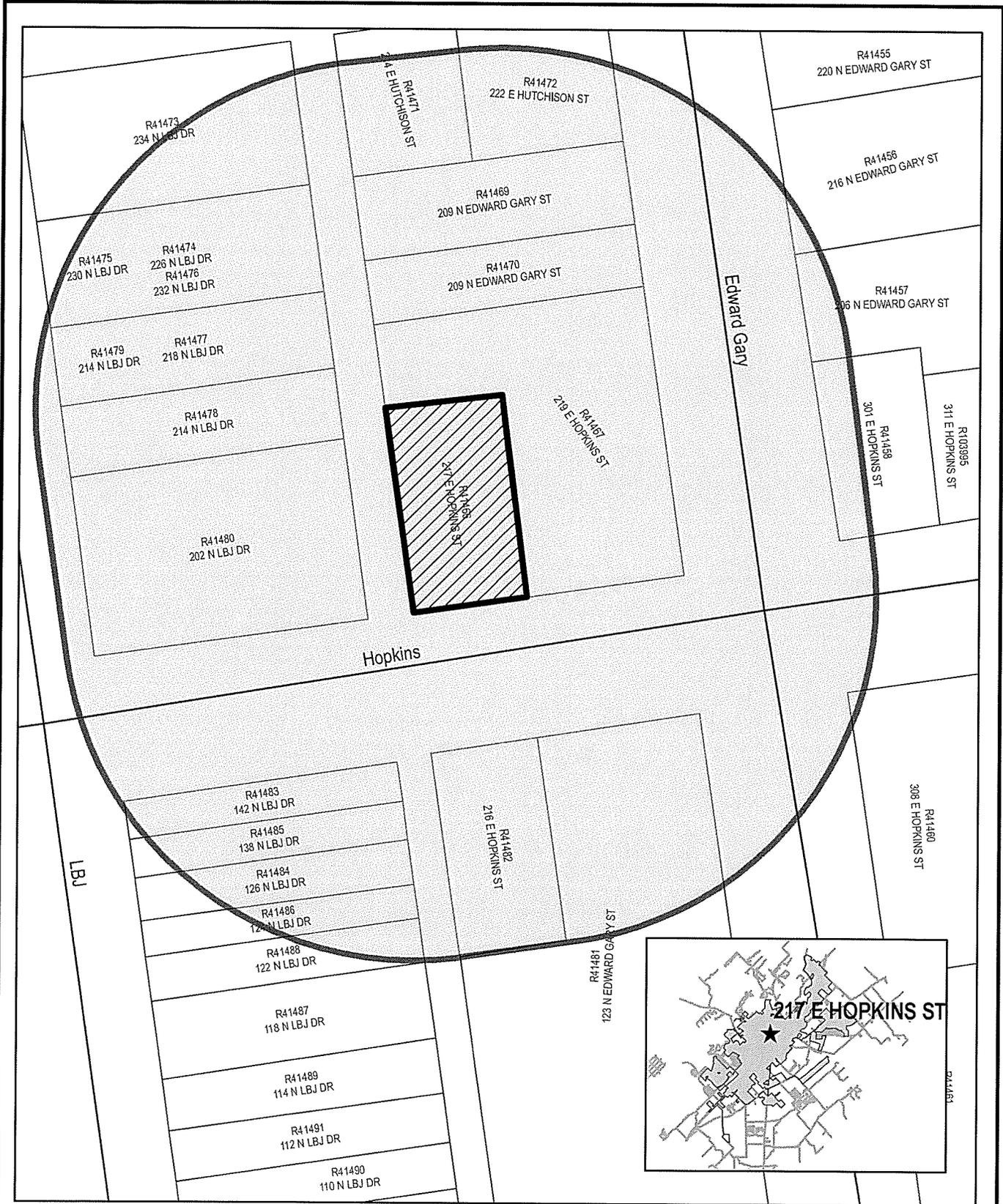
To be completed by Staff:

Meeting Date: 7/12

Application Deadline: 6/14

Accepted By: John Forcman

Date: 6/14



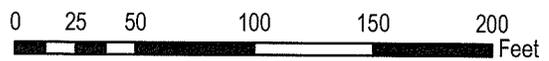
CUP-11-10

Chimy's

Map Date: June 28, 2011

Legend

-  Subject Property
-  200' Notification Buffer



This map was produced solely for geographic reference by the City of San Marcos- Planning and Development Services department. No warranty is made concerning the map's accuracy or completeness.



CUP-11-10

Conditional Use Permit

Chimy's

217 E. Hopkins St



Applicant Information:

Applicant: Baccus Enterprises LLC.

Property Owner: James Piper
2617 IH 35 South
San Marcos TX 78666

Applicant Request: Change of a current Conditional Use Permit (CUP) allowing the sale of mixed beverages for on-premise consumption to incorporate an outdoor patio area located at 217 E. Hopkins St

Public Hearing Notice: Public hearing notification was mailed on June 23, 2011. No responses received as of report date.

Subject Property:

Location: 217 E. Hopkins St

Legal Description: Part of Lot 1 and 2 Block 7 Original Town of San Marcos

Frontage On: East Hopkins St

Existing Zoning: T5

Sector: Sector 8

Utilities: Adequate

Existing Use of Property: Restaurant/ Bar

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	CC-Community Commercial	Parking
S of property	CC-Community Commercial	Bank/Restaurant
E of property	CC-Community Commercial	Auto Service
W of property	CBA- Central Business Area	Bar/Restaurant

Code Requirements:

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

review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

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

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

Case Summary

Chimy's is located on the north side of Hopkins just east of the square. The site has an existing CUP that covers the interior of the restaurant but is proposing to create an additional 15' x 60' patio space totaling 900 square feet at the rear of the restaurant. Business hours proposed are from 11 a.m. to 2 a.m. No live music is proposed. The restaurant currently has approximately 52 fixed seats on the interior; the proposed patio will not have any additional fixed seats but will have standing room and tall tables. Chimy's currently has 21 off-street parking spaces and has a shared parking agreement with Goodyear providing the additional required parking. The property owner is proposing to build a roof over the patio that will contain some of the noise or disturbance created from the addition of an outdoor patio. A site plan has been provided with the request identifying the proposed changes.

Comments from Other Departments:

The Health Department, Police, Fire, Engineering, Code Enforcement, and Building have not reported concerns.

Planning Department Analysis:

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

Considering that staff, other departments, and the public have not stated concerns regarding the request, staff recommends approval of the Conditional Use Permit with the following condition:

- 1. The permit shall be valid for one (1) year, 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:

Abigail Gillfillan

Planner

7/5/2011

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.

11/09



Conditional Use Permit Application Checklist To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input checked="" type="checkbox"/>	A pre-application conference with staff is recommended	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below)	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input checked="" type="checkbox"/>	<i>Patio floorplan</i>
<input checked="" type="checkbox"/>	All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input checked="" type="checkbox"/>	
Any of the following pieces of information as requested by the Director of Development Services : *(see note below)			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Copy of State TABC License application	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	Menu	<input type="checkbox"/>	

* For renewals, staff may accept a written statement that no changes have been made to these items if copies are available on file.

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

Signed: *Brandt Stricker* Date: 6-13-11
 Print Name: Brandt Stricker
 Engineer Surveyor Architect/Planner Owner Agent: _____

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION
 Trade Name of Business: Chimys
 Application is filed by:
 Individual Partnership Corporation Other: LLC
 Name of Individual or Entity: Bellus Enterprises Phone Number: 512-216-6175
 Mailing Address: 217 E. Hopkins San Marcos TX 78666
 Email Address: bstrcarlo@gmail.com
 Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY
 Street Address: 217 E. Hopkins Current Zoning: _____
 Legal Description: Lot _____ Block _____ Subdivision _____
 Tax ID Number: R 1-27-3177896-0
 Property Owner's Name: James Piper Phone Number: 512-396-7433
 Address: 2617 S IH 35 San Marcos TX 78666

BUSINESS DETAILS
 Primary Business Use: Restaurant Bar Other: _____
 Hours of Operation: 11:00 AM to 12:00 AM
 Type of Entertainment Facilities: _____
 Indoor Fixed Seats Capacity: 221 Outdoor Fixed Seats: _____
 Gross Floor Area Including Outdoor Above-ground Decks: 3,600 Square Feet
 Number of Off-Street Parking Spaces Provided: 21 *this does not count the shared parking agreement*
 Located more than 300 feet from church, public school, hospital, low density residential? Y N

11/09

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

- New request, no existing TABC CUP Permit at this location
- Change to existing TABC Permit. Nature of Change: _____
- Renewal
- Change in name of license holder of existing business at same location
- Change in name of existing business at this location

SUBMITTAL REQUIREMENTS

- Beer and Wine Permit: \$500 Application fee (non-refundable)
- Mixed Beverage Permit: \$1,000 Application fee (non-refundable)
- Change to Existing Permit/Renewal: \$75.00 fee (non-refundable)
- Site Plan drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

- I am the property owner of record; or
- I have attached authorization to represent the owner, organization, or business in this application.

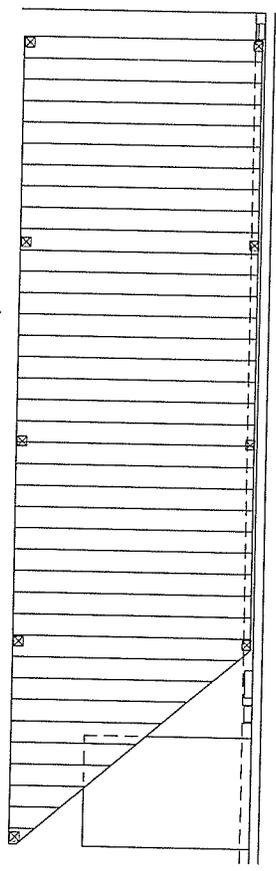
Brandt Stravlo
Applicant's Signature

Printed Name: Brandt Stravlo Date: 6-13-11

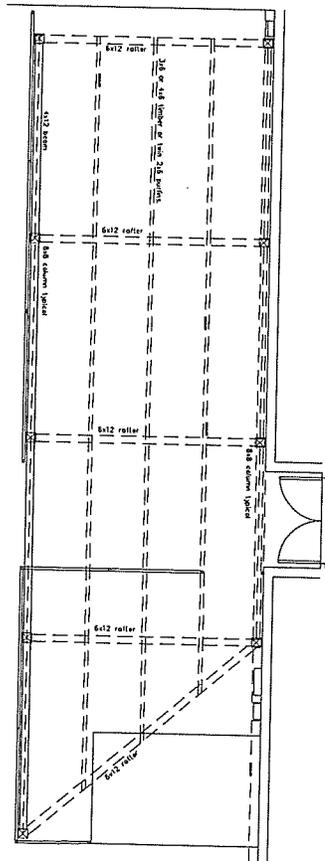
To be completed by Staff:

Meeting Date: 7/12/11 Application Deadline: 6/14/11
Accepted By: Sofia Nelson Date: 6/13/11

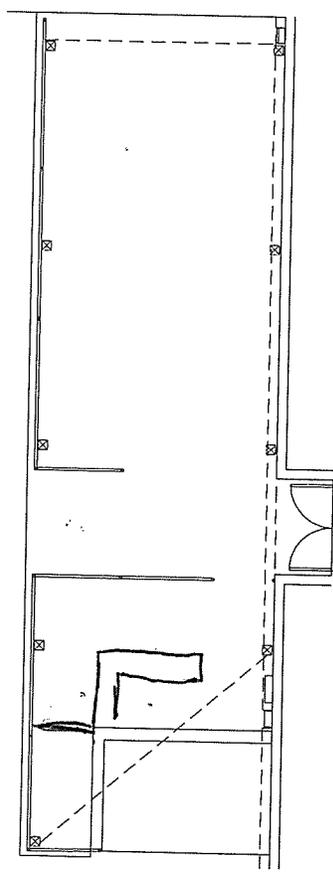
2011 JUN 14 PM 3 47



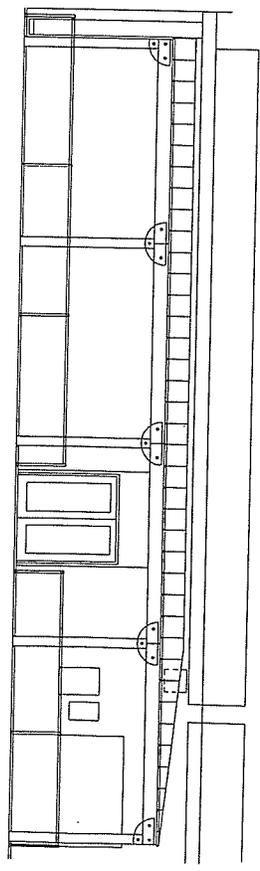
1 PATIO ROOF PLAN
A-1 SCALE: 1/4" = 1'-0"



2 PATIO FRAMING PLAN
A-1 SCALE: 1/4" = 1'-0"



3 PATIO FLOOR PLAN
A-1 SCALE: 1/4" = 1'-0"



4 PATIO ELEVATION
A-1 SCALE: 1/4" = 1'-0"



DRAWING NO.
A-1
OF 1



CHIMY'S CERVECERIA
PATIO ADDITION
217 EAST HOI
SAN MARCOS, TEXAS

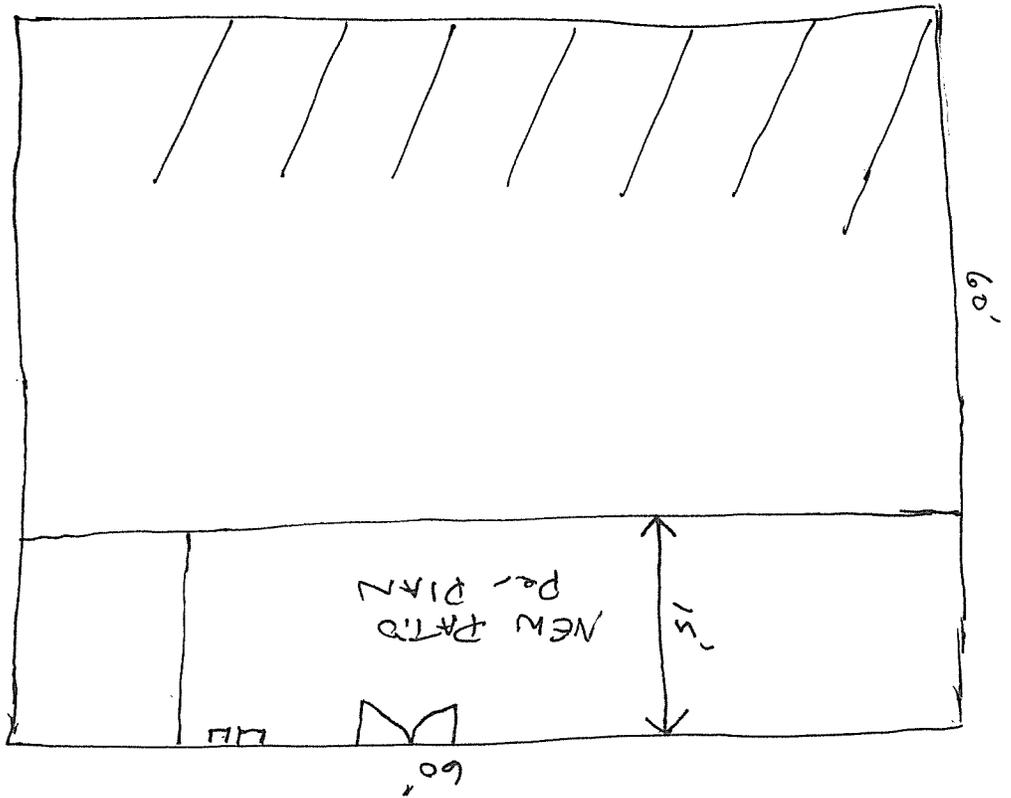


DAN MASTERS- ARCHITECT
588 SERP WOODS CIRCLE
CANYON TEXAS 78133
806-438-1803

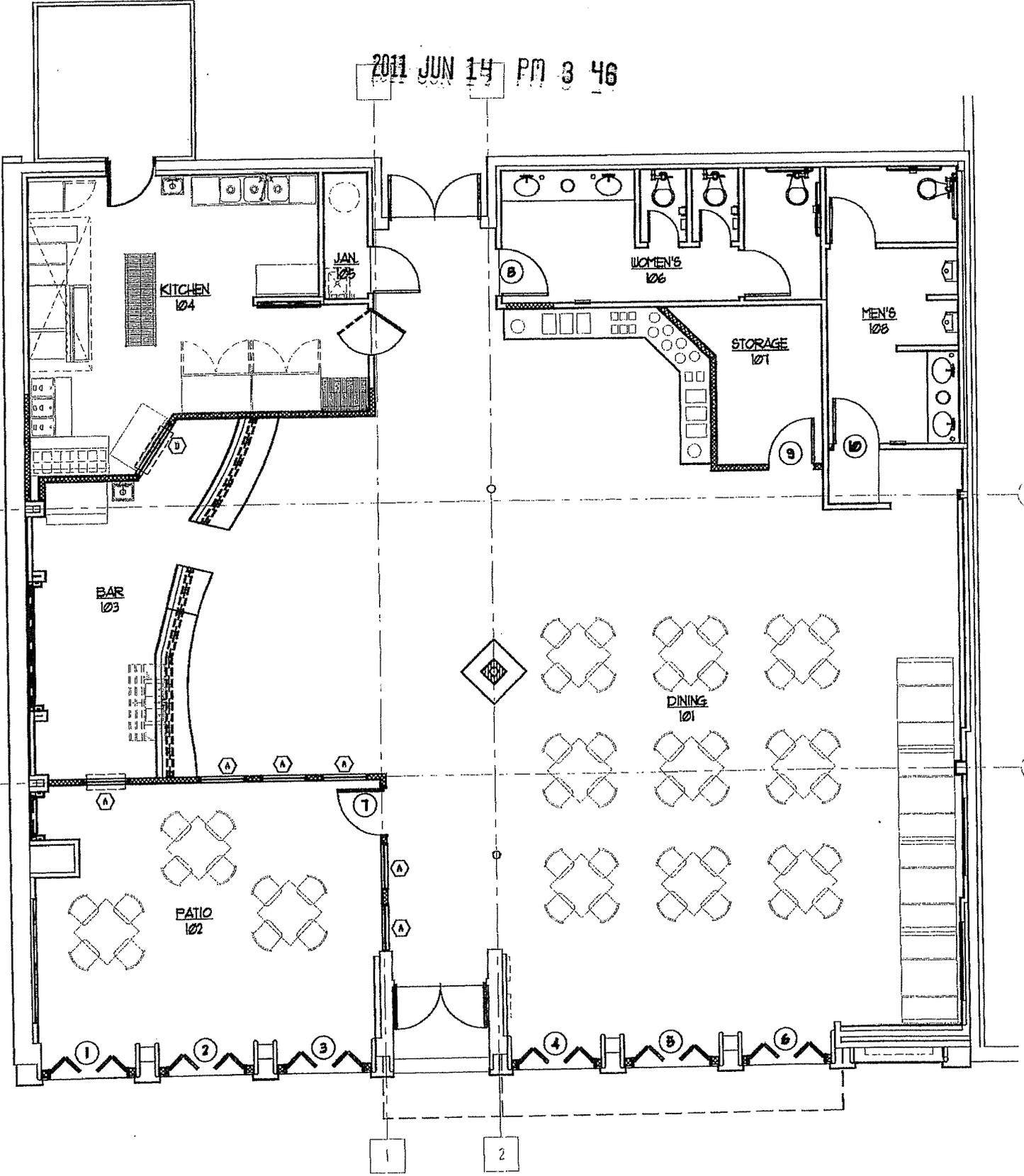
ISSUED- preliminary

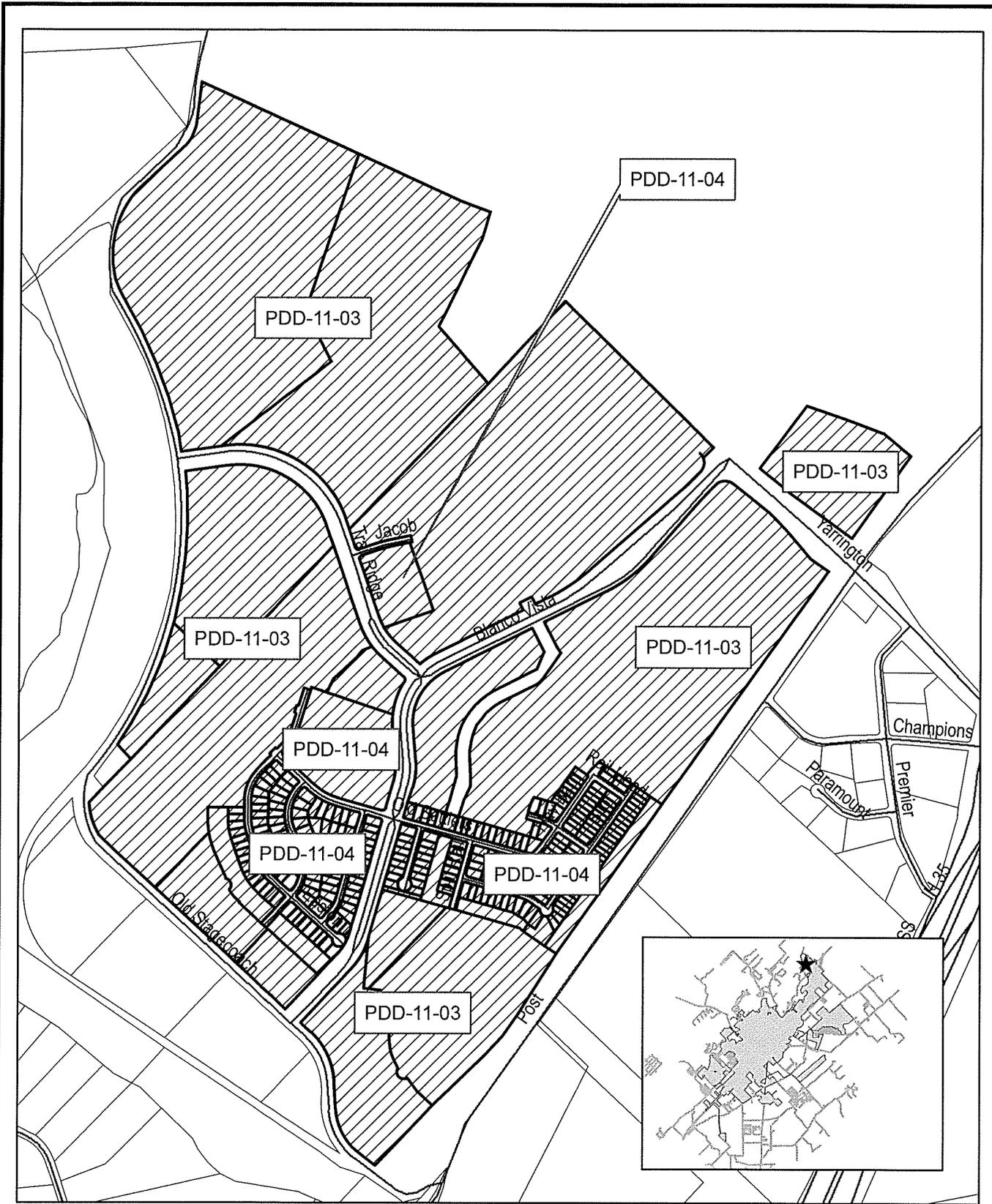
SET NO.

PH 8 171 12 101 104



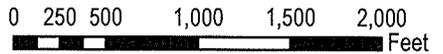
2011 JUN 14 PM 3 46





PDD-11-03- 11-04
Blanco Vista Subdivision
Map Date: June 28, 2011

- Legend**
-  Site Location
 -  200 Feet



This map was produced solely for geographic reference by the City of San Marcos- Planning and Development Services department. No warranty is made concerning the map's accuracy or completeness.



PDD-11-03/ PDD-11-04 Blanco Vista Subdivision



Summary:

Case# PDD-11-03

Applicant: Brookfield RP
9737 Great Hills Trail Suite 260
Austin, Texas 78759

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

Case# PDD-11-04

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

Subject Property:

Legal Description:

Case # PDD-11-03:

Approximately 435.9 acres part of the William Ward Survey No. 3 and the UW William Survey No. 3 and the UW. William Survey and part of the Blanco Vista Subdivision (except Blanco Vista Phase 1-2, Sections 1, 2 and Infrastructure and Blanco Vista Tract I Section A and School Tract and Trail Ridge Pass Church Subdivision)

Case # PDD-11-04:

Approximately 140 acres and part of the Blanco Vista Subdivision Phase 1-2, Section 1, 2, and Infrastructure, Blanco Vista Subdivision Tract I Section A and School Tract and Trail Ridge Pass Church Subdivision.

Existing Use of Property: Single Family residential neighborhood, elementary school, and church

Existing Zoning: Mixed Use

Proposed Use of Property: Predominately a single family residential neighborhood with an elementary school site, proposed multi-family development, church site, and two possible commercial nodes located at the entrances of the subdivision.

Proposed Zoning: PDD overlay with a Mixed Use base zoning

Project overview

Blanco Vista is currently within the City Limits of the City of San Marcos and is zoned Mixed Use District (MU). The subdivision is currently designated on the Future Land Use Map as Mixed Use, Public and Institutional and Open Space. Existing land uses include open space and hike and bike trails, a church, a community amenity center, an elementary school and approximately 104 single-family detached homes. The Blanco Vista Concept Plan was originally approved in June 2004 with a minor amendment in January 2005. At that time, the Concept Plan was developed based on conventional, straight zoning classifications. In response to the need for flexibility in housing types Brookfield Residential (formerly Carma Developer) revised the Concept Plan in February 2007 and rezoned the property in April 2007 to Mixed Use (MU). For that reason, Mixed Use is maintained as the base zoning for this PDD. In August of 2010 the developer submitted a concept plan amendment with the intent of providing for a greater degree of development flexibility within the subdivision. It was during the review of their application for a concept plan amendment that both staff and the Planning and Zoning Commission recommended the developer submit a Planned Development District.

Due to the number of lots within the subdivision that have already been sold the subdivision PDD overlay district has been broken-up into two cases. The City of San Marcos is the applicant for the developed sections of the subdivision, which includes Phase 1 and 2 of the subdivision along with the church, elementary school and the amenity center sites. Brookfield RP is the applicant for the PDD overlay for the remainder of the undeveloped site.

Planning Department Analysis:

PDD-11-03

Uses

The Blanco Vista subdivision is primarily a residential subdivision seeking to provide a mixture of residential uses with a possible commercial node on both the south and north entrances of the subdivision. In order to provide as much flexibility as possible in locating the variety of residential uses the developer has submitted a PDD overlay district outlining a variety of residential uses permitted throughout the development. The residential uses proposed for the site include, single family estate lots, residential manor lots, single family cottage lots, garden home/zero lot line homes, townhomes, and multi-family residential.

Parkland

As part of the original concept plan and development of the subdivision the developer dedicated land for the Dudley Johnson and Paul Vetter parks, paid a fee for improvements to the park and has dedicated open space throughout the subdivision for the use of the residents of the subdivision.

Development Standards

While many of the development standards outlined in the PDD differ from the base Mixed Use zoning designation the proposed development standards are in line with other residential zoning standards such as SF-11, SF-4.5, Patio-Home/ Zero Lot Line and Townhome.

PDD-11-04

The purpose of the City-initiated PDD is to code for the development standards outlined on the approved subdivision concept plan. Currently there are a number of development standards outlined on the concept plan that differ from the actual zoning of the property. The difference between the concept plan standards and zoning standards have created a number of permitting and platting problems that we hope to rectify as part of this PDD. The proposed PDD outlines the following:

- Section 1- Introduction, Project Location and Description
- Section 2- Existing subdivision conditions
- Section 3- Existing conditions of the city initiated zoning portion of the subdivision
- Section 4- Base zoning designation
- Section 5- Dimensional and Development Standards
- Section 6- Permitted Use
- Section 7- Development Standards- landscape, parking, parkland, and infrastructure.

As indicated above, due to the number of lots that have been sold within the already developed sections of the subdivision the City of San Marcos is initiating the PDD overlay district for Phase 1-2, and Church, and school sites. The PDD development standards outline requirements for 6,000 square foot and 4,800 square foot single family lots and differs to the public and institutional development standards for the church and school sites. Additionally, the PDD standards outline a requirement for no additional detention or water quality standards to be required for the subdivision as long as the 60% impervious cover design standards is not exceeded. If the impervious cover is exceeded then Low Impact Development practices shall be utilized where applicable for water quality and necessary stormwater detention. Finally, the developer has requested that the following requirement regarding exterior construction standards be added to the PDD: Prior to issuance of a building permit involving exterior alterations to any existing buildings within the Blanco Vista Community the Architectural Control Committee must approve the alterations.

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

Prepared by:

Sofia Nelson Chief Planner July 6, 2011

Name **Title** **Date**

City of San Marcos
PLANNED DEVELOPMENT DISTRICT
ZONING / LAND USE PLAN / WRITTEN DEVELOPMENT STANDARDS

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>	<u>CONSULTANT</u>
Name:	<u>Brookfield R.P.</u>	<u>Same</u>	<u>ETR Dev. Con., LLC</u>
Mailing Address:	<u>9737 Great Hills Trail, Ste. 260</u> <u>Austin, Texas, 78759</u>	<u>(See Attached)</u>	<u>401 Dryden</u> <u>Buda, Texas 78610</u>
Telephone No.:	<u>(512) 391-1330</u>		<u>(512) 618-2865</u>
E-mail address:	<u>walt.elias@brookfieldrp.com</u>		<u>ed@etrdevcon.com</u>

PROPERTY DESCRIPTION:

Street: Blanco Vista Blvd. & Trail Ridge Pass **Address No.:** _____

Legal Description (if platted): 435.9 acres +/-

Proposed Subdivision Name (if not platted): Blanco Vista Subdivision

Appraisal District Tax ID No.: R See Attached **Acres:** 435.9

Current Master Plan Land Use Designation(s): Mixed Use

Property is located in: City Limits ETJ (County) _____
 San Marcos River Corridor Edwards Aquifer Recharge Zone

Total Land Area Within 100-Year Floodplain, if any See Concept Plan **Acre(s)**

Lien Holder(s) - for notification purposes:

Name: _____

Mailing Address: _____

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

PROPOSED DEVELOPMENT:

Proposed New Base Zoning Classification: Mixed Use District (Current Zoning, No Change)

Proposed New Master Plan Land Use Designation(s), if any: Mixed Use (Current, No Change)

Proposed Use(s) of Land and Buildings: Mixed Residential, Public, and Non- Residential Use

Number of Lots: _____ Residential Density: Varies (Units/Acre)

Total Number of Dwelling Units, if any: 1,853 Remaining LUE Maximum Per Agreement

Total Land Area Allocated to Non-Residential Use, if any: 23.1 Acre(s)

SUBMITTAL REQUIREMENTS:

- Application Fee of \$25 per acre (\$1,500 maximum) payable to the City of San Marcos.
- Name(s) and Mailing Address(es) of Property Lien-Holder(s), if any.
- If not platted, a metes and bounds legal description of the property.
- One Reproducible or 15 Non-Reproducible Copies of the proposed Land Use Plan.
- Written Development Standards
- If in the San Marcos River Corridor, an SMRC Development Application, if not incorporated in the PDD Development Plan, a separate SMRC site Plan.

I certify the preceding information is complete and accurate. If I am not the property owner of record, or if the applicant is an organization or business entity, I hereby affirm that I have been authorized to represent the owner, organization, or business in this application.

Signature: 

Date: 7/27/11

Printed Name: THOMAS K RHODES

To be completed by Staff:

Meeting Date: _____

Application Deadline: _____

Accepted By: _____

Date: _____

City of San Marcos
PLANNED DEVELOPMENT DISTRICT
ZONING / LAND USE PLAN / WRITTEN DEVELOPMENT STANDARDS

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>	<u>CONSULTANT</u>
Name:	<u>City of San Marcos</u>	_____	_____
Mailing Address:	<u>630 E. Hopkins</u>	_____	_____
	<u>San Marcos, Tx</u>	_____	_____
Telephone No.:	<u>393 8230</u>	_____	_____
E-mail address:	_____	_____	_____

PROPERTY DESCRIPTION:

Street: Blanco Vista Blvd. Address No.: see attached

Legal Description (if platted): Blanco Vista Phase 1-2, Sections 1, 2 & 1/2 Infrastructure; Blanco Vista Tract 1 Section A School 1/2 Tract; Trail 1/2 Ridg Pass Church Subdivisor

Proposed Subdivision Name (if not platted): Blanco Vista PDD

* a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R see attached Acres: 71

Current Master Plan Land Use Designation(s): Mixed Use

Property is located in: City Limits ETJ (County) _____
 San Marcos River Corridor Edwards Aquifer Recharge Zone

Total Land Area Within 100-Year Floodplain, if any _____ Acre(s)

Lien Holder(s) - for notification purposes:

Name: _____

Mailing Address: _____

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

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

11/09

PROPOSED DEVELOPMENT:

Proposed New Base Zoning Classification: Mixed Use (Current zoning), No change

Proposed New Master Plan Land Use Designation(s), if any: Mixed Use (Current), No change

Proposed Use(s) of Land and Buildings: Mixed Residential, Public Non-Residential

Number of Lots: 250 Residential Density: Varies (Units/Acre)

Total Number of Dwelling Units, if any: _____

Total Land Area Allocated to Non-Residential Use, if any: _____ Acre(s)

SUBMITTAL REQUIREMENTS:

- Application Fee of \$25 per acre (\$1,500 maximum) payable to the City of San Marcos.
- Name(s) and Mailing Address(es) of Property Lien-Holder(s), if any.
- If not platted, a metes and bounds legal description of the property.
- One Reproducible or 15 Non-Reproducible Copies of the proposed Land Use Plan.
- Written Development Standards
- If in the San Marcos River Corridor, an SMRC Development Application, if not incorporated in the PDD Development Plan, a separate SMRC site Plan.

I certify the preceding information is complete and accurate. If I am not the property owner of record, or if the applicant is an organization or business entity, I hereby affirm that I have been authorized to represent the owner, organization, or business in this application.

Signature: MHL Date: 7.5.11

Printed Name: MATTHEW LEWIS, Director of Development Services

To be completed by Staff:

Meeting Date: 7/12/11 Application Deadline: 7/14/11

Accepted By: Sophia Nelson Date: 7/5/11

PARCEL_ID	ADDRESS	STREET	STTYPE
R122361	134	Split Rail	Dr
R122329	210	Old Settlers	Dr
R122411	109	Silo	St
R122429	154	Silo	St
R122428	150	Silo	St
R122427	146	Silo	St
R122415	150	Fence Line	Dr
R122352	133	Farm House	Rd
R122344	110	Farm House	Rd
R122343	106	Farm House	Rd
R122353	129	Farm House	Rd
R122354	125	Farm House	Rd
R122357	113	Farm House	Rd
R122358	109	Farm House	Rd
R122360	101	Farm House	Rd
R122359	105	Farm House	Rd
R122364	110	Split Rail	Dr
R122367	122	Split Rail	Dr
R122366	118	Split Rail	Dr
R122365	114	Split Rail	Dr
R122368	126	Split Rail	Dr
R122369	130	Split Rail	Dr
R122362	102	Split Rail	Dr
R122363	106	Split Rail	Dr
T122331	202	Old Settlers	Dr
T122332	138	Old Settlers	Dr
R122335	126	Old Settlers	Dr
R122337	118	Old Settlers	Dr
R122340	106	Old Settlers	Dr
R122341	102	Old Settlers	Dr
R122399	201	Field Corn	Ln
R122326	222	Old Settlers	Dr
R122327	218	Old Settlers	Dr
R122328	214	Old Settlers	Dr
T122330	206	Old Settlers	Dr
R122377	117	Old Settlers	Dr
R122379	109	Old Settlers	Dr
R122378	113	Old Settlers	Dr
R122402	145	Silo	St
R122413	101	Silo	St
R122408	121	Silo	St
R122406	129	Silo	St
R122404	137	Silo	St
R122403	141	Silo	St
R122373	101	Split Rail	Dr
R122372	105	Split Rail	Dr

R122370	113	Split Rail	Dr
R122374	129	Old Settlers	Dr
R122383	106	Hay Barn	St
R122382	102	Hay Barn	St
R122375	125	Old Settlers	Dr
R122381	101	Old Settlers	Dr
R122376	121	Old Settlers	Dr
R122407	125	Silo	St
R122431	202	Silo	St
R122433	210	Silo	St
R122432	206	Silo	St
R122425	138	Silo	St
R122423	130	Silo	St
R122422	126	Silo	St
R122421	122	Silo	St
R122420	118	Silo	St
R122419	114	Silo	St
R122416	102	Silo	St
R122441	242	Silo	St
R122392	118	Fence Line	Dr
R122391	114	Fence Line	Dr
R122440	238	Silo	St
R122389	106	Fence Line	Dr
R122388	102	Fence Line	Dr
R122444	306	Silo	St
R122443	302	Silo	St
R122437	226	Silo	St
R122396	134	Fence Line	Dr
R122398	142	Fence Line	Dr
R122397	138	Fence Line	Dr
R122436	222	Silo	St
R122435	218	Silo	St
R122393	122	Fence Line	Dr
R122434	214	Silo	St
R122462	209	Silo	St
R122447	210	Hay Barn	St
R122455	237	Silo	St
R122446	206	Hay Barn	St
R122448	214	Hay Barn	St
R122463	205	Silo	St
R122458	225	Silo	St
R122466	235	Hay Barn	St
R122467	231	Hay Barn	St
R122469	223	Hay Barn	St
R122472	202	Field Corn	Ln
R122474	210	Field Corn	Ln
R122475	214	Field Corn	Ln

R122492	4040	Trail Ridge	Pass
R127188	509	Easton	Dr
R127190	517	Easton	Dr
R127093	610	Irvin	Dr
R127091	618	Irvin	Dr
R127125	606	Harwood	Dr
R127134	602	Easton	Dr
R127132	623	Irvin	Dr
R127120	519	Gladney	Dr
R127119	515	Gladney	Dr
R127108	503	Old Settlers	Dr
R127110	511	Old Settlers	Dr
R127111	515	Old Settlers	Dr
R127181	2951	Blanco Vista	Blvd
R18754			
R122350	134	Farm House	Rd
R122349	130	Farm House	Rd
R122348	126	Farm House	Rd
R122347	122	Farm House	Rd
R122346	118	Farm House	Rd
R122345	114	Farm House	Rd
R122342	102	Farm House	Rd
R122355	121	Farm House	Rd
R122356	117	Farm House	Rd
R122333	134	Old Settlers	Dr
R122334	130	Old Settlers	Dr
R122336	122	Old Settlers	Dr
R122338	114	Old Settlers	Dr
R122339	110	Old Settlers	Dr
R122400	205	Field Corn	Ln
R122324	306	Old Settlers	Dr
R122325	302	Old Settlers	Dr
R122715	131	Fence Line	Dr
R122716	127	Fence Line	Dr
R122401	122	Hay Barn	St
R122386	118	Hay Barn	St
R122410	113	Silo	St
R122713	139	Fence Line	Dr
R122714	135	Fence Line	Dr
R122412	105	Silo	St
R122409	117	Silo	St
R122405	133	Silo	St
R122371	109	Split Rail	Dr
R122385	114	Hay Barn	St
R122384	110	Hay Barn	St
R122718	119	Fence Line	Dr
R122720	111	Fence Line	Dr

R122717	123	Fence Line	Dr
R122430	158	Silo	St
R122418	110	Silo	St
R122417	106	Silo	St
R122390	110	Fence Line	Dr
R122439	234	Silo	St
R122442	246	Silo	St
R122438	230	Silo	St
R122414	146	Fence Line	Dr
R122395	130	Fence Line	Dr
R122394	126	Fence Line	Dr
R122456	233	Silo	St
R122449	218	Hay Barn	St
R122452	230	Hay Barn	St
R122461	213	Silo	St
R122459	221	Silo	St
R122457	229	Silo	St
R122445	202	Hay Barn	St
R122454	238	Hay Barn	St
R122450	222	Hay Barn	St
R122460	217	Silo	St
R122464	201	Silo	St
R122470	219	Hay Barn	St
T84179		Trail Ridge	Pass
R122424	134	Silo	St
R127182	403	Easton	Dr
R127183	407	Easton	Dr
R127184	411	Easton	Dr
R127185	415	Easton	Dr
R127097	406	Easton	Dr
R127186	501	Easton	Dr
R127096	410	Easton	Dr
R127187	505	Easton	Dr
R127095	414	Easton	Dr
R127189	513	Easton	Dr
R127094	606	Irvin	Dr
R127128	607	Irvin	Dr
R127092	614	Irvin	Dr
R127129	611	Irvin	Dr
R127166	607	Easton	Dr
R127167	611	Easton	Dr
R127130	615	Irvin	Dr
R127090	622	Irvin	Dr
R127124	610	Harwood	Dr
R127168	615	Easton	Dr
R127089	626	Irvin	Dr
R127131	619	Irvin	Dr

R127169	619	Easton	Dr
R127088	630	Irvin	Dr
R127170	623	Easton	Dr
R127135	606	Easton	Dr
R127122	618	Harwood	Dr
R127087	634	Irvin	Dr
R127136	610	Easton	Dr
R127133	627	Irvin	Dr
R127171	627	Easton	Dr
R127121	622	Harwood	Dr
R127137	614	Easton	Dr
R127086	638	Irvin	Dr
R127148	607	Harwood	Dr
R127138	618	Easton	Dr
R127085	642	Irvin	Dr
R127116	503	Gladney	Dr
R127173	703	Easton	Dr
R127117	507	Gladney	Dr
R127118	511	Gladney	Dr
R127139	622	Easton	Dr
R127084	702	Irvin	Dr
R127150	615	Harwood	Dr
R127174	707	Easton	Dr
R127140	702	Easton	Dr
R127083	706	Irvin	Dr
R127151	701	Harwood	Dr
R127175	711	Easton	Dr
R127176	715	Easton	Dr
R127107	502	Gladney	Dr
R127142	710	Easton	Dr
R127102	702	Harwood	Dr
R127106	506	Gladney	Dr
R127153	709	Harwood	Dr
R127081	714	Irvin	Dr
R127105	510	Gladney	Dr
R127177	719	Easton	Dr
R127104	514	Gladney	Dr
R127143	714	Easton	Dr
R127101	706	Harwood	Dr
R127103	518	Gladney	Dr
R127154	713	Harwood	Dr
R127080	718	Irvin	Dr
R127144	718	Easton	Dr
R127109	507	Old Settlers	Dr
R127179	727	Easton	Dr
R127100	710	Harwood	Dr
R127145	722	Easton	Dr

R127112	519	Old Settlers	Dr
R127156	721	Harwood	Dr
R127113	523	Old Settlers	Dr
R127146	726	Easton	Dr
R127099	714	Harwood	Dr
R127157	725	Harwood	Dr
R127114	718	Harwood	Dr
R127147	730	Easton	Dr
R127158	729	Harwood	Dr
R127159	733	Harwood	Dr
R127164	734	Easton	Dr
R127163	738	Easton	Dr
R127160	737	Harwood	Dr
R127162	742	Easton	Dr
R127161	744	Easton	Dr
R127082	710	Irvin	Dr

PDD-11-05 PDD Amendment Paso Robles



Summary:

Applicant: The City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

Property Owner: Carma Paso Robles
9737 Great Hills Trail-Suite 206
Austin, Texas 78759

Subject Property:

Location: This site is located approximately one-half mile northwest of the Interstate 35 and Centerpoint Drive interchange. Centerpoint Drive currently terminates approximately in the middle of Paso Robles boundary at Hunter Road.

Existing Use of Property: The site is currently undeveloped

Existing Zoning: PDD overlay with a Mixed Use base zoning

Proposed Use of Property: The PDD proposes approximately 3,450 dwellings units and Mixed Use commercial within the 1278 acres west of Hunter Road and 60.3 acres of General Commercial south of Centerpoint Rd., east of Hunter Rd and west of the Railroad Tracks.

Frontage On: Hunter Road. The proposed development would be responsible for the extension of Hunter Road.

Utilities: City of San Marcos

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	Not zoned	Single family residences and church
S of Property	Not zoned	Single Family Residences and undeveloped
E of Property	Not zoned	Vacant undeveloped
W of Property	Not zoned	Hunter Road

Project overview

On September 29, 2010 the City Council approved a PDD overlay district for the Paso Robles Development. The approved PDD proposed a gated community with approximately 3,450 dwelling units, 60.3 acres of general commercial development and approximately 349.7 acres of open space. The proposed thoroughfare network included the extension of Centerpoint Road along with an arterial roadway that would extend off of Centerpoint Road and go north to McCarty Lane and south to Quail Run. The proposed PDD amendment is requesting approval of the removal of the north-south arterial roadway located along the western boundary of the property and the collector from the southeast corner of the development from the PDD concept plan.

Planning Analysis

City staff has been working with Brookfield Developers to establish a Tax Increment Reinvestment Zone (TIRZ) related to the Paso Robles Development. The City and the developer are also in negotiations with the County to ask for their participation in funding the TIRZ. The County has indicated that parts of the PDD might need to be amended in order for them to financially participate in the reinvestment zone. Specially, the county requested that the arterial roadway located on the western boundary of the property and the collector located on the southeast corner of the property be removed from the PDD. As you may recall during the PDD public hearings there was strong opposition by the residents of the adjacent subdivisions regarding the construction of the connecting roadways and the additional traffic that they felt would be added to their neighborhoods.

In an effort to address the County’s concerns the City Council directed staff to amend the PDD to remove the north-south arterial roadway, located on the western boundary of the property, and the planned collector located on the southeast corner of the property.

While there is still concern regarding street connectivity in this area of the City, staff feels that a more comprehensive review of this area is needed to analyze the current and future transportation needs of the City. As part of the Horizon’s Plan update staff is working with the County to analyze both land use and transportation master plans so that proposed streets complement the desired land use of an area.

Prepared by:

Sofia Nelson	Chief Planner	July 5, 2011
Name	Title	Date

City of San Marcos
PLANNED DEVELOPMENT DISTRICT
ZONING / LAND USE PLAN / WRITTEN DEVELOPMENT STANDARDS

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>	<u>CONSULTANT</u>
Name:	<u>City of San Marcos</u>	<u>Carma Passo Robles</u>	_____
Mailing Address:	<u>630 E Hopkins</u> <u>SAN MARCOS, TX</u>	<u>9737 Great Hills Drail Suite 206</u> <u>Austin, TX 78759</u>	_____
Telephone No.:	<u>393 8230</u>	_____	_____
E-mail address:	_____	_____	_____

PROPERTY DESCRIPTION:

Street: Hunter^{pd}@Centurpoint Address No.: _____

Legal Description (if platted): _____

Proposed Subdivision Name (if not platted): PASSO ROBLES - PDD Ammendment

* a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 18826, R18824, R13963, R13085 Acres: 1,338.5
R, 13086, R10444, R10147, R13078

Current Master Plan Land Use Designation(s): _____

Property is located in: City Limits ETJ (County) _____
 San Marcos River Corridor Edwards Aquifer Recharge Zone

Total Land Area Within 100-Year Floodplain, if any _____ Acre(s)

Lien Holder(s) - for notification purposes:

Name: _____

Mailing Address: _____

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

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

2011 JUL 5 PM 4:03 Dec.

11/09

PROPOSED DEVELOPMENT:

Proposed New Base Zoning Classification: MU

Proposed New Master Plan Land Use Designation(s), if any: MU

Proposed Use(s) of Land and Buildings: The purpose of the PDD is to remove the north/south
arterials from the PDD.

Number of Lots: 3500 Residential Density: 2.7 upa (Units/Acre)

Total Number of Dwelling Units, if any: 3,450

Total Land Area Allocated to Non-Residential Use, if any: 60 +/- Acre(s)

SUBMITTAL REQUIREMENTS:

- Application Fee of \$25 per acre (\$1,500 maximum) payable to the City of San Marcos.
- Name(s) and Mailing Address(es) of Property Lien-Holder(s), if any.
- If not platted, a metes and bounds legal description of the property.
- One Reproducible or 15 Non-Reproducible Copies of the proposed Land Use Plan.
- Written Development Standards
- If in the San Marcos River Corridor, an SMRC Development Application, if not incorporated in the PDD Development Plan, a separate SMRC site Plan.

I certify the preceding information is complete and accurate. If I am not the property owner of record, or if the applicant is an organization or business entity, I hereby affirm that I have been authorized to represent the owner, organization, or business in this application.

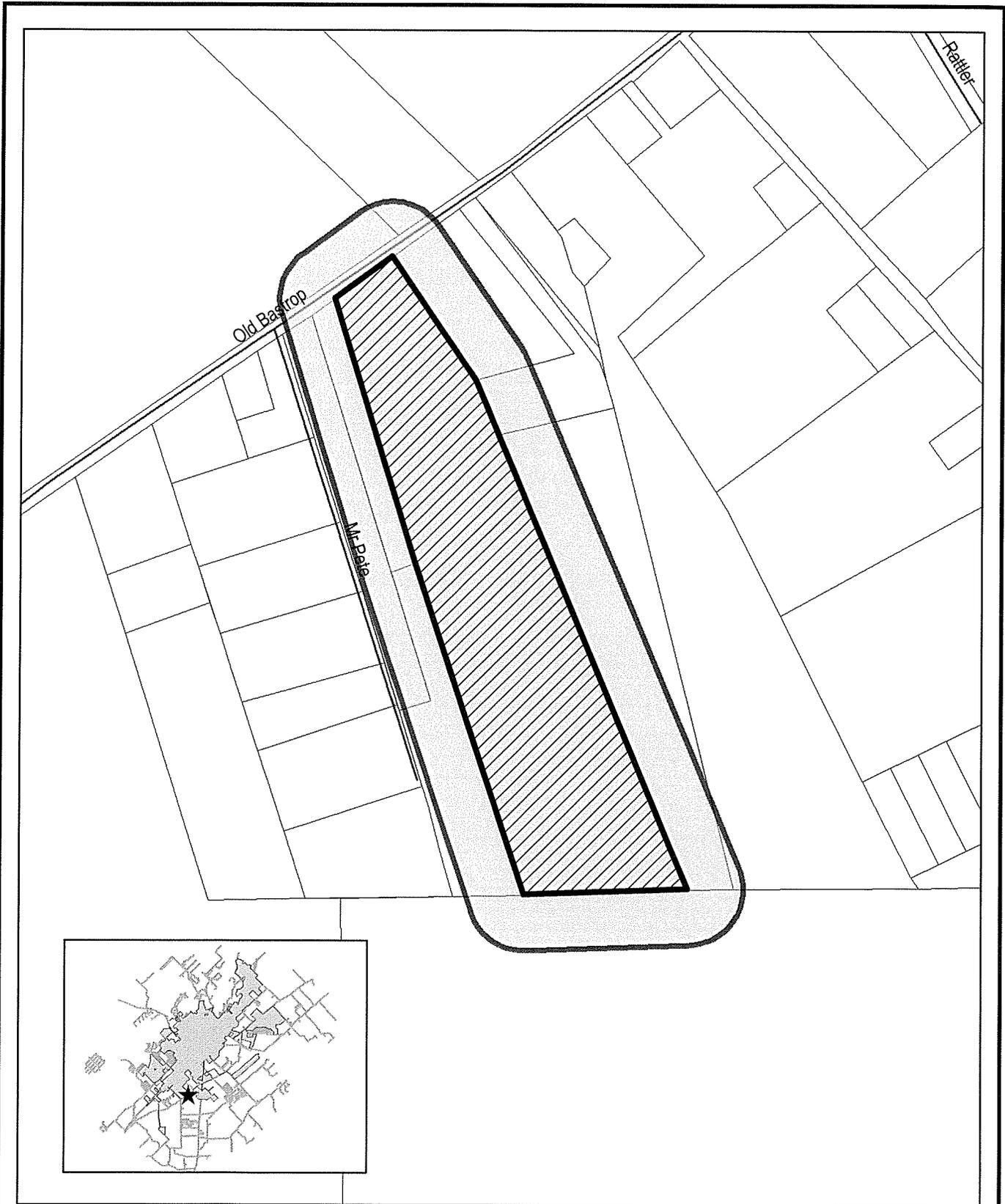
Signature: MHL Date: 7-5-11

Printed Name: MATTHEW LEWIS, Director of Development Services.

To be completed by Staff:

Meeting Date: 7/12/11 Application Deadline: 6/14/11

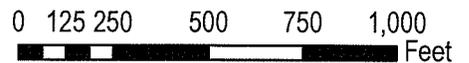
Accepted By: Sonia Nelson Date: 7/5/11



PVC-11-03
San Marcos
Community Church
Map Date: June 28, 2011

Legend

-  Site Location
-  200 Feet



This map was produced solely for geographic reference by the City of San Marcos- Planning and Development Services department. No warranty is made concerning the map's accuracy or completeness.



PVC-11-03
San Marcos Community Church-
Old Bastrop Road.
San Marcos ETJ



Applicant Information:

Applicant: San Marcos Community Church
PO Box 854
San Marcos, TX 78666

Property Owner: Texas Conf. Association of 7th Day Adventist

Applicant's Request: The applicant is requesting a variance from Section 6.7.2.1 (J) of the Land Development Code, which requires that lot depth shall not exceed the three times the lot width for lots platted after March 10, 1975.

Subject Property:

Location: Old Bastrop Road (approximately .396 miles south of McCarty Lane and approximately .753 miles north of Centerpoint)

Legal Description: Abs 46 TR Rebecca Brown Survey 22.99 acres

Existing Zoning: None (outside City limits)

Land Use Map: Low Density Residential

**Existing
Use of Property:** undeveloped

**Proposed
Use of Property:** Church site

Planning Department Analysis:

The subject property is a 22.96 acre parcel of land located approximately ½ a mile south of the San Marcos High School. It is located in area that over the last several years has seen an increase in both residential development and an investment by both the City and the County in infrastructure development. The applicant is proposing to plat the subject property with the intention of developing the lot into a future site for a church and other church related uses. Because the applicant would like to plat the property for the intention of developing the lot into something other

than one single-family residence the property must meet the lot depth to width ratio requirements, which requires that lot depth shall not exceed the three times the lot width for lots platted after March 10, 1975. The proposed lot would be approximately 222 feet in width by approximately 1257 feet in length, leaving the lot with a proposed lot depth ratio of over five times the width of the property.

A minimum lot width to depth ratio prevents the creation of long and narrow lots, as well as the crowding of buildings along access roads while leaving the land behind the buildings vacant and unserviceable. Additionally, the purpose of subdivision regulations are to:

- Promote the development and the utilization of land in a manner that assures an attractive and high quality community environment.
- Assist orderly, efficient and coordinated development within the City's limits and its extraterritorial jurisdiction.
- Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts.
- Protect the character and the social and economic stability of all parts of the community, and encourage the orderly and beneficial development of all parts of the community.
- Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize conflicts among the uses of land and buildings.
- Prevent pollution of the air, streams, bodies of water, and aquifers; assure the adequacy of drainage facilities; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land.

In deciding the variance petition, the decision-maker shall apply the following criteria:

1. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development Code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;
2. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
4. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
5. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;
6. Granting the variance petition is consistent with any special criteria applicable to varying particular standards, as set forth in Chapters 4 through 7 of this Land Development Code;
7. The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;
8. The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship; and
9. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.

Staff has reviewed the request against the above criteria and has made the following findings:

- Many of the surrounding tracts of land, in their current configurations, also exceed the required lot to depth ratio requirements. At the time of development these tracts of land will also be subject to the lot depth to width requirements, if developing something other than one single family residence. Therefore the circumstances causing the hardship do similarly affect all or most properties in the vicinity of the petitioner's land.
- There does not appear to be any are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development Code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;
- Staff has reviewed the request and has determined that the subject property could be developed either as one single family residence or combined with one or more other tracts and subdivided into developable lots that meet the lot depth to width development standards. As a result staff has determined the variance is not necessary for the preservation and enjoyment of a substantial property right of the petitioner
- The request for a variance does not appear to be based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship
- Without a site plan for the proposed church campus it is difficult to determine if the degree of variance requested is the minimum amount necessary to meet the needs of the petitioner and to satisfy the standards in this section.
- As indicated above this property is approximately ½ a mile south of the San Marcos High School and is located in an area identified in the Horizon's Master Plan as the city's preferred growth area. There has been a tremendous investment in infrastructure within this sector of the city in order to promote orderly development. The granting of this variance could hinder the ability to provide additional connectivity and provide for growth that is in keeping with the goals and policy statements of the Horizon's Master Plan. Staff has determined that the granting the variance petition will have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property.

Staff is recommending **denial** of this request; for the following reasons:

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

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this variance request. The city charter delegates all platting variances 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 or deny this variance request.

Attachments

- Location Map
- Application
- Survey of property

Prepared by:

Sofia Nelson

Chief Planner

July 7, 2011

Name

Title

Date

PVC- 11-03

City of San Marcos
SUBDIVISION VARIANCE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	San Marcos Community Church	Texas Conf.Assoc.of 7 th Day Adventists
Mailing Address	PO Box 854 San Marcos Tx 78667	PO Box 800 Alvarado Tx 76009 – 0800
Daytime Phone	(512) 805-8290	(800) 847-2792
Email Address	john@sanmarcoscommunitychurch.org	mdoucoumes@txsda.org

PROPERTY DESCRIPTION:

Street: Old Bastrop Highway

Address No: TBD future 911 addressing

Legal Description (if platted): not platted – Abs 46 TR Rebecca Brown Survey 22.99 Acres

Tax ID: R12975

Acres: 22.99

Zoning Classification: None - unrestricted

Located In Floodway
 S.M. River Corridor

Edwards Aquifer Recharge Zone
 Historic District

Note: If the variance is to waive, in its entirety, either a required Subdivision Master Plan or a required plat, a metes and bounds legal description or survey drawing indication the outer boundary of the subject property must be attached.

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REQUESTED SUBDIVISION VARIANCE:

Variance to Chapter 6.7.2.1 (j) of the Land Development Code which requires...

Lot depth shall not exceed three times the lot width for lots platted after March 10, 1975

Description of Proposed Variance from the Requirements of the Land Development Code:

To allow development of the property for use other than 1 single family residence.

SUBMITTAL REQUIREMENTS:

\$150 Application Fee, payable to the City of San Marcos

Answer the questions on the following pages, as evidence that this request complies with the conditions required for approval of a variance (extra pages and supplemental illustrations or photographs may be used if needed or desired).

I certify the preceding information is complete and accurate, and it is understood that I or another representative should be present at all meetings concerning this application.

I am the property owner of record, or

I have attached authorization to represent the owner, organization, or business in this application.

Signature: Mike Doucournes Date: 6-13-11

Printed Name: Mike Doucournes

TO BE COMPLETED BY STAFF:

Submittal Date: 6/11/ 5 Business Days from Submittal: 6/21

Completeness Review By: John F Date: 6/14

Contact Date for Supplemental Info: _____

Supplemental Info Received (required within 5 days of contact): _____

Application Returned to Applicant: _____

Application Accepted for Review: _____ Fee: _____

The following information is provided by the applicant and may or may not be consistent with the Development Services-Planning information contained in the staff report for this request.

1. What special circumstances or conditions affect the subject property such that strict application of the provisions of the Land Development Code would create an unnecessary hardship or inequity upon the applicant or would deprive the applicant of the reasonable and beneficial use of the property?

The property is being purchased in its present shape, and it is both limited by and is not conducive to further change in shape. As a result, it is currently limited for only for 1 single family residence or agricultural use.

2. Do the circumstances or conditions causing the hardship similarly affect all or most of the properties in the vicinity of the subject property?

Yes & No. Some of the surrounding properties are of similar shape and are being used as agricultural land or single family residences. Other properties in the area have already been subdivided into smaller tracts that were subdivided to accommodate single family residences. Also, there are some larger tracts of land, in the area, that remain as raw land for possible, future, development consideration.

3. What substantial property right would not be preserved or enjoyed if the provisions of the Land Development Code were literally enforced?

The ability for this property's use would be limited to 1 single family residence or to the current open land /agricultural state that exists now.

4. What effect, if any, would the variance have on the rights of owners or occupants of surrounding property, or on the public health, safety, or general welfare?

We see no adverse effects of the granted variance to surrounding property owners or on the public health, safety or general welfare.

5. What effect, if any, would the variance have on the orderly subdivision of other land in the area in accordance with the provisions of the Land Development Code?

None that we can see. The shape of this land and the shape of the adjacent properties are not conducive to future subdividing.

6. Is the hardship or inequity suffered by the applicant caused wholly or in substantial part by the property owner or applicant?

No. The code simply limits the use of the property based on the length and width stipulations of Chapter 6.7.2.1(j)

7. To what extent is the request for a variance based upon a desire of the owner, occupant, or applicant for increased financial gain from the property, or to reduce an existing financial hardship?

The request is not based on any future financial gain.

8. Is the degree of variance requested the minimum amount necessary to meet the needs of the applicant or property owner?

Yes. Both parties simply desire the ability to build something other than 1 single family residence on this property.

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
June 28, 2011**

1. Present

Commissioners:

Sherwood Bishop, Acting Chair
Travis Kelsey
Chris Wood
Kenneth Ehlers
Randy Bryan
Curtis Seebeck
Carter Morris

City Staff:

Matthew Lewis, Development Services Director
Francis Serna, Recording Secretary
Phil Steed, Planner
Abigail Gillfillan, Planner

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday June 28, 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

There were no citizen comments.

6. CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 10 AND 11 MAY BE ACTED UPON BY ONE MOTION. NO SEPERATE DISCUSSION OR ACTION ON ANY OF THE TIEMS IS NECESSARY UNLESS DESIRED BY A PLANNING COMMISSION MEMBER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUECE AFTER THE ITEMS NOT REQUIRING SEPERATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

7. PC-11-15(03) (The Retreat at San Marcos) Consider a request by Retreat Holdings, LLC, on behalf of Jack Weatherford and Whitetail JV, for approval of a final plat for approximately 48.36 acres of property from the E. Clark Survey, at the southeast corner of Old Ranch Road 12 and Craddock Avenue.

8. PC-11-23(03) (Capital Pre-Cast). Consider a request by Capital Pre-Case, Inc., on behalf of Nancy Haenel Watson, et. Al., for approval of a final plat for approximately 46.029 acres, more or less, in the John Owens Survey, the Paul Somnitz Survey, the Samuel Craft Survey and the A.M. Eznarizar Survey, Hays

County, located on the southeast corner of Old Bastrop Highway (C.R. 266) and Nathan Harris Lane, approximately, one half mile north of Comal County Line.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bryan, the Commission voted all in favor to approve PC-11-15(03) and PC-11-23(03) as submitted. The motion carried unanimously.

9. ZC-11-20 (Benjamin Johnson). Hold a public hearing and consider a request by Shawn Ash on behalf of Benjamin Johnson for a change in zoning from Agricultural (AG) to General Commercial (GC) for an approximately 10,000 square foot (.23 acre) tract of land out of the William H. Van Horn Survey, Abstract No. 464 located west of IH 35, and approximately 1,700 feet south of Posey Road.

Chair Bishop 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 Kelsey, the Commission voted all in favor to approve ZC-11-20 as submitted. The motion carried unanimously.

10. Discussion Items.

Chair Bishop welcomed Carter Morris to the Planning Commission.

Commissioner Seebeck thanked the Development Services staff for their condolences after the passing of his father.

Planning Report

Commissioners' Report

11. Consider approval of the minutes from the Regular Meeting on June 14, 2011.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers, the Commission voted all in favor to approve the minutes of the Regular Meeting on June 14, 2011. The motion carried.

12. Questions and answers from the Press and Public.

There were no questions from the public.

13. Adjournment

Chair Taylor adjourned the Planning and Zoning Commission at 6:13 p.m. on Tuesday, June 28, 2011.

Sherwood Bishop, Acting Chair

Randy Bryan, Commissioner

Kenneth Ehlers, Commissioner

Travis Kelsey, Commissioner

Chris Wood, Commissioner

Curtis Seebeck, Commissioner

Carter Morris, Commissioner

Chris Wood, Commissioner

ATTEST:

Francis Serna, Recording Secretary