



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

Tuesday, March 8, 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*  
*Jim Stark, Commissioner*  
*Chris Wood, Commissioner*  
*Travis Kelsey, Commissioner*  
*Kenneth Ehlers, 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. **Workshop on the Downtown SmartCode.**
7. **CUP-11-04. (609 McGehee)** Hold a public hearing and consider a request by Florencio J. Cuevas, on behalf of Zulema Cuevas, to allow an existing accessory structure to be converted to an accessory dwelling in an SF-6 zone at 609 McGehee St.
8. **PC-11-03(01). (H & H Industrial Park)** Consider a request by MBC Engineers, agent for H & H Dorado, LTD for the approval of a concept plat for approximately 32 acres of property located at 5680 South IH-35.
9. **PC-11-04(03). (H & H Industrial Park Sec. 4)** Consider a request by MBC Engineers, agent for H & H Dorado, LTD for the approval of a final plat for approximately 3.08 acres of property located at 5680 South IH-35.
10. **ZC-11-05. (Holt Tract)** Hold a public hearing and consider a request by Byrn and Associates, on behalf of Armbruster Holt, Ltd., for a Zoning Change from Future Development (FD) to General Commercial (GC) on a 2.04 acre, more or less, tract of land out of the J.M. Veramendi Survey No. 2, located at the northeast corner of IH 35 and River Ridge Parkway.

**11. LUA-11-03 (Holt Tract)** Hold a public hearing and consider a request by Byrn and Associates, on behalf of Armbruster Holt, Ltd., for a Land Use Amendment from Commercial (C) to High-Density Residential (HDR) on a 23.99 acre, more or less, tract of land out of the J.M. Veramendi Survey No. 2, located at the northeast corner of IH 35 and River Ridge Parkway.

**12. ZC-11-06 (Holt Tract)** Hold a public hearing and consider a request by Byrn and Associates, on behalf of Armbruster Holt, Ltd., for a Zoning Change from Future Development (FD) to Multifamily (MF-18) on a 23.99 acre, more or less, tract of land out of the J.M. Veramendi Survey No. 2, located at the northeast corner of IH 35 and River Ridge Parkway.

**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**

- a. Planning Commission 2011 retreat
- b. Student Liaison Position

**Commissioners' Report.**

**14.** Consider approval of the minutes from the Regular Meeting on February 22, 2011.

**15.** Questions from the Press and Public.

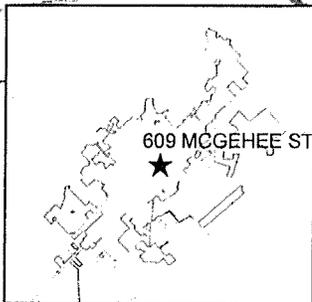
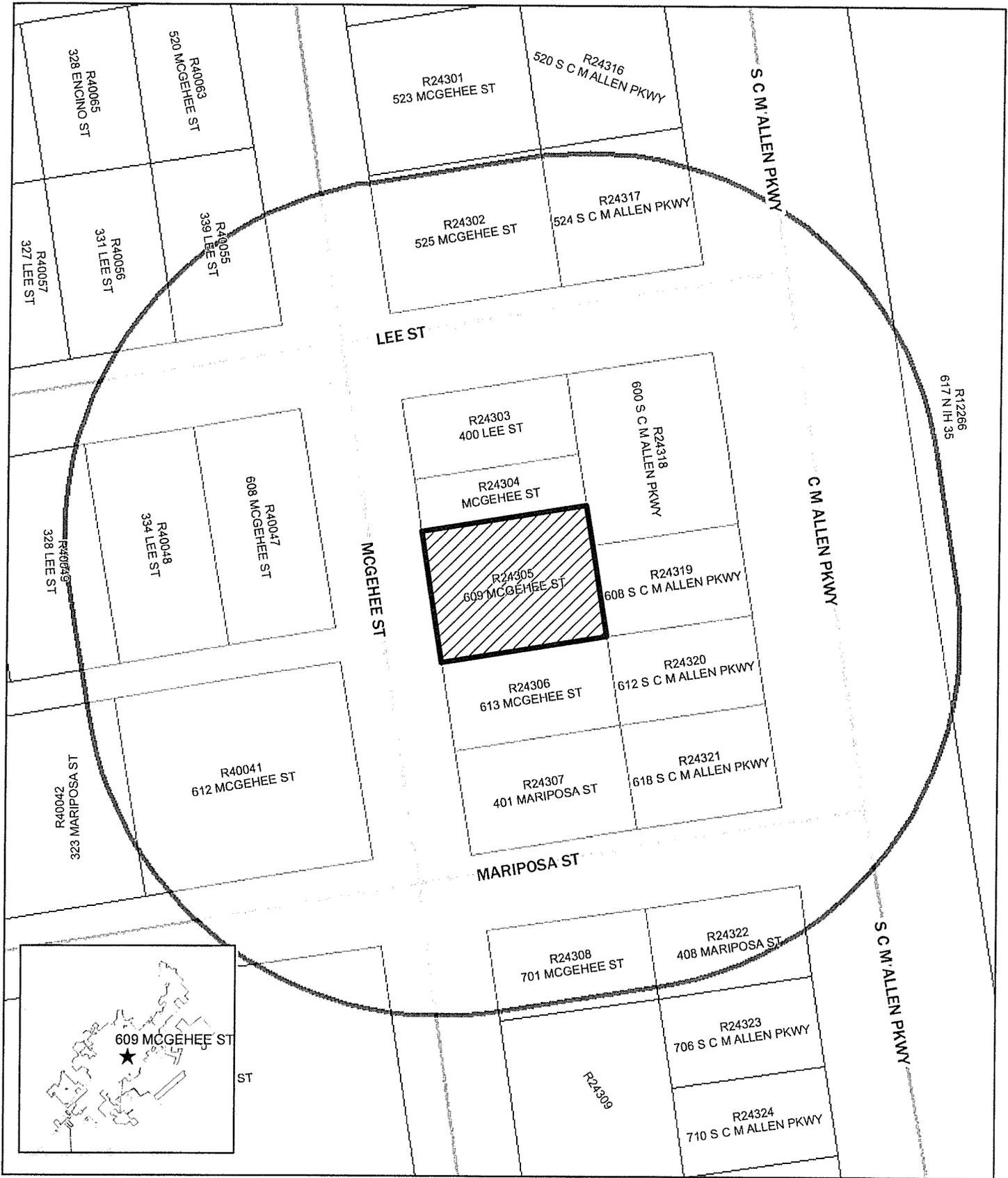
**16.** Adjourn.

*Notice of Assistance at the Public Meetings:*

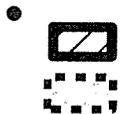
*The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.*





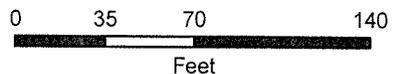


**CUP-11-04**  
**609 McGehee**  
**Map Date: 2/25/11**



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.





**Conditional Use Permit  
CUP-11-04  
609 McGehee St.  
Accessory Dwelling Unit**



**Applicant Information:**

Applicant: Florencio J. Cuevas  
609 McGehee St  
San Marcos TX 78666

Property Owner: Zulema Cuevas  
512 Lockwood  
San Marcos TX 78666

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 Friday, February 25, 2011.  
No responses as of March 1, 2011

**Subject Property:**

Location: 609 McGehee

Legal Description: J Q Cliett I, Lot 14 & 20 Feet of 13

Frontage On: McGehee

Neighborhood: East Guadalupe

Existing Zoning: Single-Family (SF-6)

Master Plan Land Use: Low-Density Residential

Sector: Sector 4

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:

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	SF-6	Single-Family Residential
<b>S of Property</b>	SF-6	Single-Family Residential
<b>E of Property</b>	SF-6	Single-Family Residential
<b>W of Property</b>	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 an interior lot on McGehee Street, which is one block west of C.M. Allen. The applicant proposes to add plumbing and electric service to the existing accessory structure for use as a living quarter by a family member. The structure is approximately 192 square feet. The applicant is proposing to add two parking spaces.

### **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, and the Building department stated that the layout would have to show a minimum room area of 120 square feet. 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 meet the requirements of the LDC. In this case, the two spaces proposed 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 existing structure is 5' from the rear and 7' from the side. Because it is an existing nonconforming structure, the LDC does not allow the structure to be expanded. The accessory structure is approximately 35 feet from the neighboring house to the east.

This neighborhood is primarily single-family. The Sector Four plan identifies this street as single-family. This request, with conditions, will allow the owner additional flexibility with his property while maintain 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;
- Two parking spaces shall be added;
- 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:

John Foreman

Planner

March 1, 2011

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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.

Ref: CUP-11-04

Feb. 28, 2011

609 McGehee St

Current owner of 613 McGehee: Baudelia Arredondo

I give my approval for the request.

And if approved, i will also make the same request.

The request would be the same to be converted to an accessory dwelling using the existing building behind the existing house.

I look forward for the approval on their request.

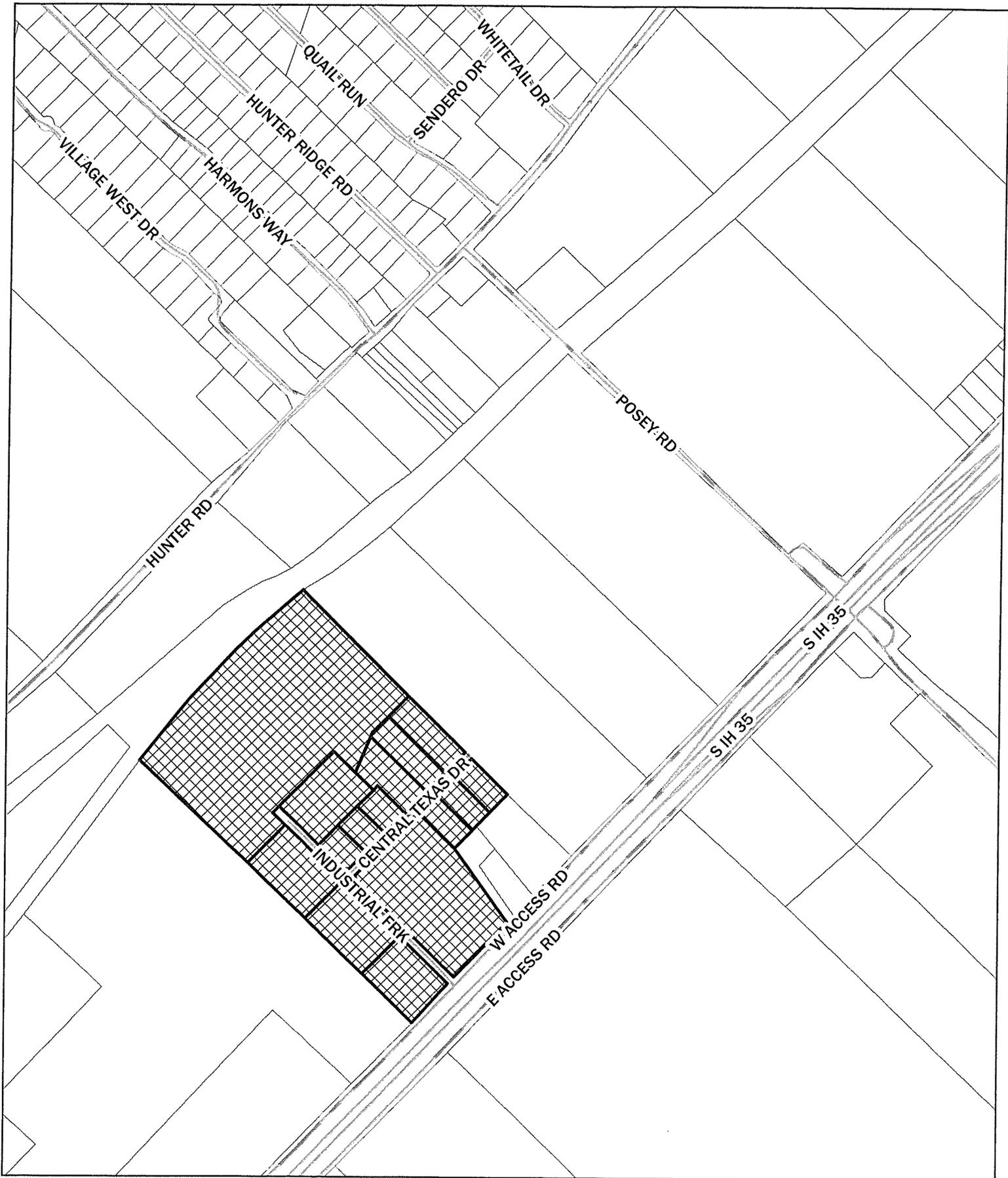
Thank you,

A handwritten signature in black ink, appearing to read "Baudelia Arredondo". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

Baudelia Arredondo

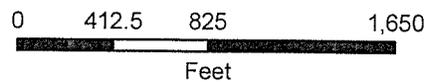
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**PC-11-03(01)**  
**H&H Industrial Park**  
**Concept Plat**  
**Map Date: 3/02/11**

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# PC-11-03(01) Concept Plat

## H & H Industrial Park



**Applicant Information:**

**Applicant:** MBC Engineers  
1035 Central Parkway North  
San Antonio, TX 78232

**Property Owner:** H & H Dorado, LTD  
12500 Network Blvd, Suite 103  
San Antonio, TX 78249

**Notification:** Notification not required

**Name of Subdivision:** H & H Industrial Park

**Type & Purpose:** Concept Plat, the purpose of this plat is to provide information about the Phasing for the remaining undeveloped tracts on this property.

**Subject Property:**

**Location:** Subject property is located in the southwest quadrant of the City, south of Posey Road, at the very edge of the City Limits.

**Traffic / Transportation:** This concept plat establishes the last 420 feet of the street, 'Industrial Fork' and 1,500 feet of an Industrial Collector, 'Dorado Bluffs Road.'

**Utility Capacity:** Water service will be provided by the City of San Marcos. Wastewater service will be provided by the private on-site septic systems, as there are no wastewater lines in this area. Pedernales Electric Coop provides electrical service to this area.

**Land Use Compatibility:** Surrounding land uses are compatible with the proposed land use of this property.

**Surrounding Zoning and Land use:**

Proximity	Current Zoning	Existing Land Use
<b>N of Property</b>	None, Outside City	Agricultural
<b>S of Property</b>	None, Outside City	Industrial
<b>E of Property</b>	AR, Agricultural	IH -35
<b>W of Property</b>	None, Outside City	Railroad

**Zoning:** HI Heavy Industrial District

**Planning Department Analysis:**

This concept plat is the third concept plat submitted on this 81.55 acre project. The first concept plat for this project was approved by the Planning & Zoning Commission on June 25, 2002, and the second concept plat was approved on January 23, 2007. This concept plat delineates the remaining 32.97 acres of this development into two phases:

- Phase 1 delineates 3.08 acres for road infrastructure.
- Phase 2 establishes 29.89 acres for development reserve, as future industrial.

This concept plat is subject to all requirements of the Land Development Code; and has been reviewed for consistency with existing City Ordinances and policies.

The City of San Marcos Environment & Engineering Department has:

- Approved the Traffic Impact Analysis
- Declared the Watershed Protection Plan Phase 2 as substantially complete.
- Declared the required Public Improvements Construction Plans (PICP) as substantially complete.

Staff is recommending **approval** of this final plat as submitted.

<b>Planning Department Recommendation</b>	
<b>X</b>	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

**The Commission's Responsibility:**

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.

**List of Attachments:**

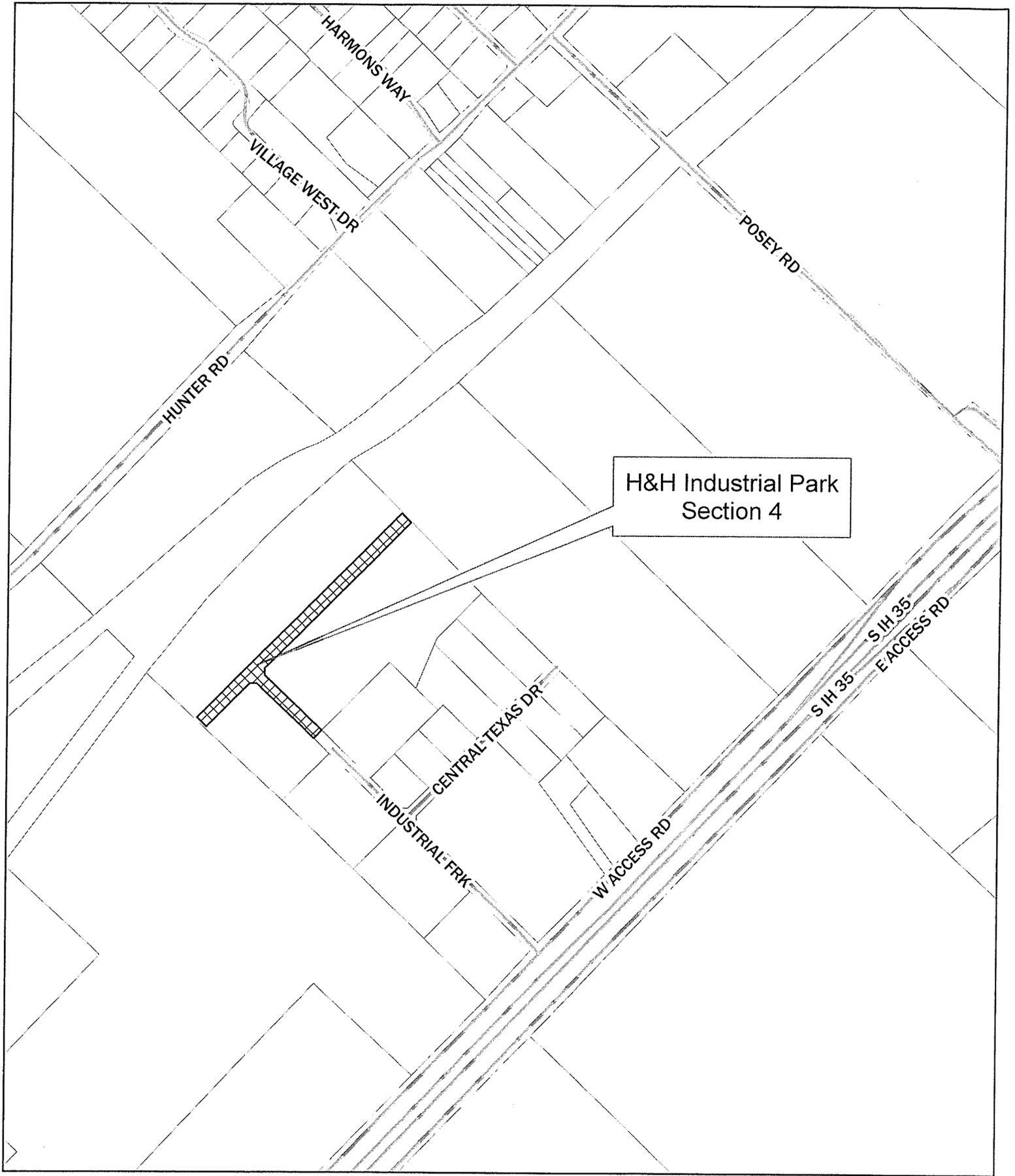
Location Maps  
Proposed Plat

**Prepared by:**

Phil Steed, Planner

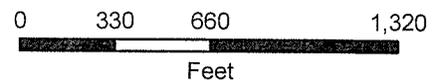






**PC-11-04(03) Final Plat**  
**H&H Industrial Park**  
**Section 4**  
**Map Date: 3/02/11**

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# PC-11-04(03) Final Plat

## H & H Industrial Park, Section 4



**Applicant Information:**

**Applicant:** MBC Engineers  
1035 Central Parkway North  
San Antonio, TX 78232

**Property Owner:** H & H Dorado, LTD  
12500 Network Blvd, Suite 103  
San Antonio, TX 78249

**Notification:** Notification not required

**Name of Subdivision:** H & H Industrial Park, Section 4

**Type & Purpose:** Final Plat, this plat does not establish any lots, the purpose of this plat is to establish the remaining Streets, PUEs, and Drainage Easements.

**Subject Property:**

**Location:** Subject property is located in the southwest quadrant of the City, south of Posey Road, at the very edge of the City Limits.

**Traffic / Transportation:** This plat establishes the last 420 feet of the street, 'Industrial Fork' and 1,500 feet of an Industrial Collector, 'Dorado Bluffs Road.'

**Utility Capacity:** Water service will be provided by the City of San Marcos. Wastewater service will be provided by the private on-site septic systems, as there are no wastewater lines in this area. Pedernales Electric Coop provides electrical service to this area.

**Land Use Compatibility:** Surrounding land uses are compatible with the proposed land use of this property.

**Surrounding Zoning and Land use:**

Proximity	Current Zoning	Existing Land Use
N of Property	None, Outside City	Agricultural
S of Property	None, Outside City	Industrial
E of Property	AR, Agricultural	IH -35
W of Property	None, Outside City	Railroad

**Zoning:** HI Heavy Industrial District

**Planning Department Analysis:**

This final plat is subject to all requirements of the Land Development Code; and has been reviewed for consistency with existing City Ordinances and policies.

The City of San Marcos Environment & Engineering Department has:

- Approved the Traffic Impact Analysis
- Deemed the Watershed Protection Plan Phase 2 as substantially complete.
- Deemed the required Public Improvements Construction Plans (PICP) as substantially complete.

Staff is recommending **approval** of this final plat as submitted.

<b>Planning Department Recommendation</b>	
<b>X</b>	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

**The Commission's Responsibility:**

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.

**List of Attachments:**

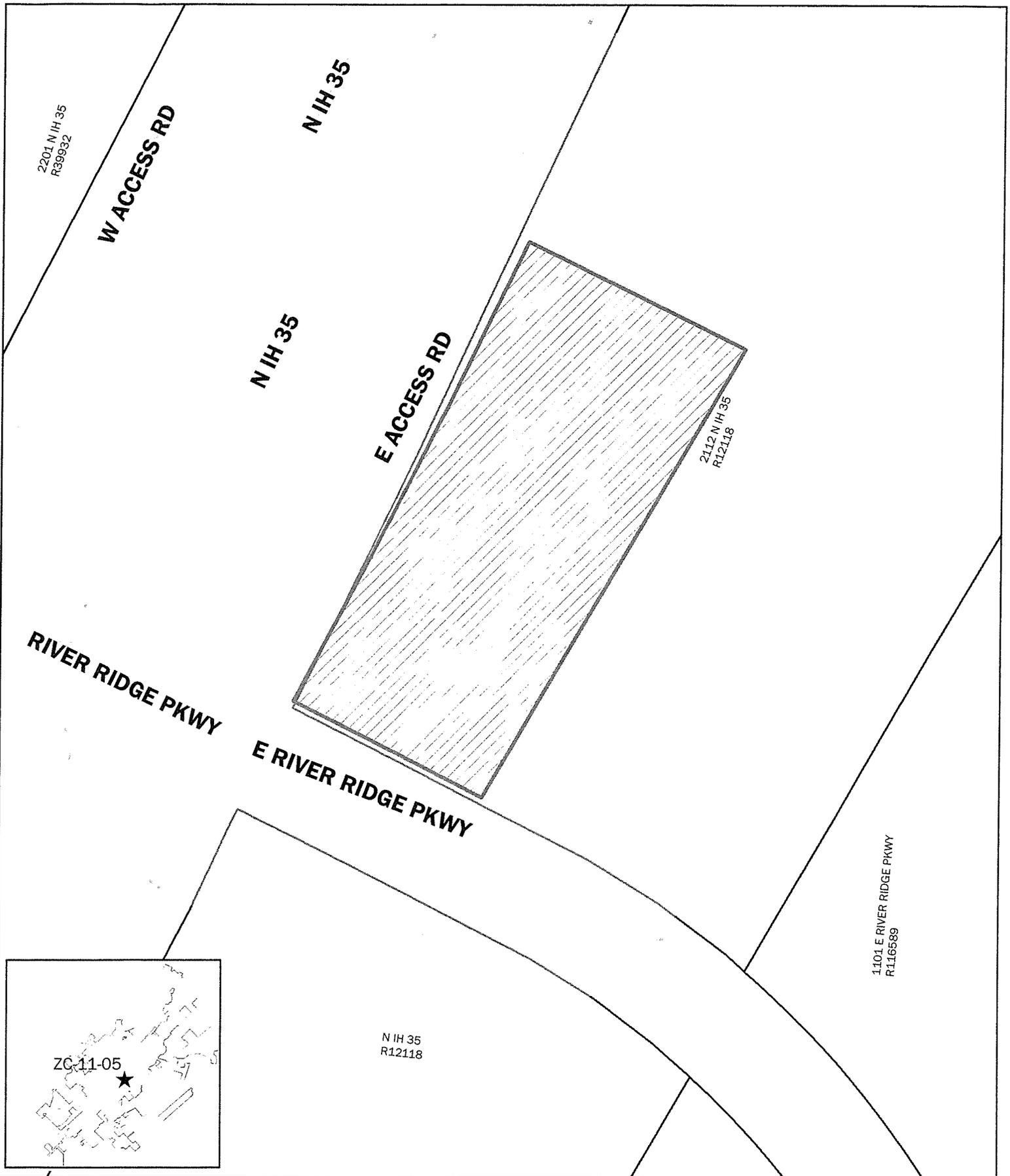
Location Maps  
Proposed Plat

**Prepared by:**

Phil Steed, Planner



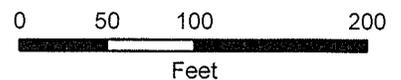




**ZC-11-05**  
**Holt Tract**  
**Map Date: 2/25/11**

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

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# Zoning Change

## ZC-11-05

### Holt Tract

### 2200 Block IH 35 N



**Administrative Summary:** The applicant is requesting a Zoning Change from Future Development (FD) to General Commercial (GC)

<b>Applicant:</b>	Byrn and Associates, Inc PO Box 1433 San Marcos TX 78666	ETR Dev. Con., LLC 401 Dryden Lane Buda, Texas, 78610
<b>Property Owner:</b>	Ambruster Holt, LTD PO Box 2183 Manchaca TX, 78652	
<b>Notification:</b>	Public hearing notification mailed on February 25, 2011	
<b>Response:</b>	None as of February 28, 2011	

#### Property/Area Profile:

<b>Legal Description:</b>	2.04 acres more or less out of the J.M. Veramendi Survey No. 2
<b>Location:</b>	2200 Block N IH 35
<b>Existing Use of Property:</b>	Vacant
<b>Proposed Use of Property:</b>	Commercial
<b>Future Land Use Map:</b>	Commercial
<b>Existing Zoning:</b>	Future Development (FD)
<b>Proposed Zoning:</b>	General Commercial (GC)
<b>Utility Capacity:</b>	Adequate
<b>Sector:</b>	Sector 6

#### Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
<b>N of Property</b>	FD (MF-proposed)	Vacant	Commercial
<b>S of Property</b>	FD	Vacant	Commercial
<b>E of Property</b>	PDD	Multifamily	High-Density Residential
<b>W of Property</b>	-	IH-35	-

**Case Overview**

The applicant is requesting a zoning change for 2.04 acres, more or less, from Future Development (FD) to General Commercial (GC).

The subject property is located on the west side of IH 35 at the intersection of the frontage road and River Ridge. This request, along with ZC-11-06, is part of a larger development including a tract to the east, which is subject to the Blanco Shoals Planned Development District (PDD) overlay. This tract is outside the PDD area. The proposed development will contain multi-family residential and commercial.

**Planning Department Analysis**

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	
X		<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps.</p> <p><i>Comment: The requested zoning category is consistent with the Future Land Use Map designation. The Horizons Master Plan contains policy statements recommending that a sufficient amount of property be zoned for commercial to serve the population. The plan recommends that this property be located at intersections and along key corridors and be of adequate size and shape for proper development. The subject property meets these requirements.</i></p>
N/A	N/A	<p>Consistency with any development agreement in effect</p> <p><i>Comment: No development agreements are in effect for this property.</i></p>
X		<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>Comment: The immediate area is predominately multi-family. There are few nearby services, and the GC designation requested allows for a variety of commercial to serve the nearby multifamily while the size of the lot ensures that no commercial uses will be out of scale with the surrounding residential.</i></p>
X		<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>Comment: Utility availability appears to be adequate.</i></p>
X		<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>Comment: Staff has not identified other issues affecting health, safety, or welfare.</i></p>

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

Prepared by John Foreman	Planner	March 2, 2011
<b>Name</b>	<b>Title</b>	<b>Date</b>

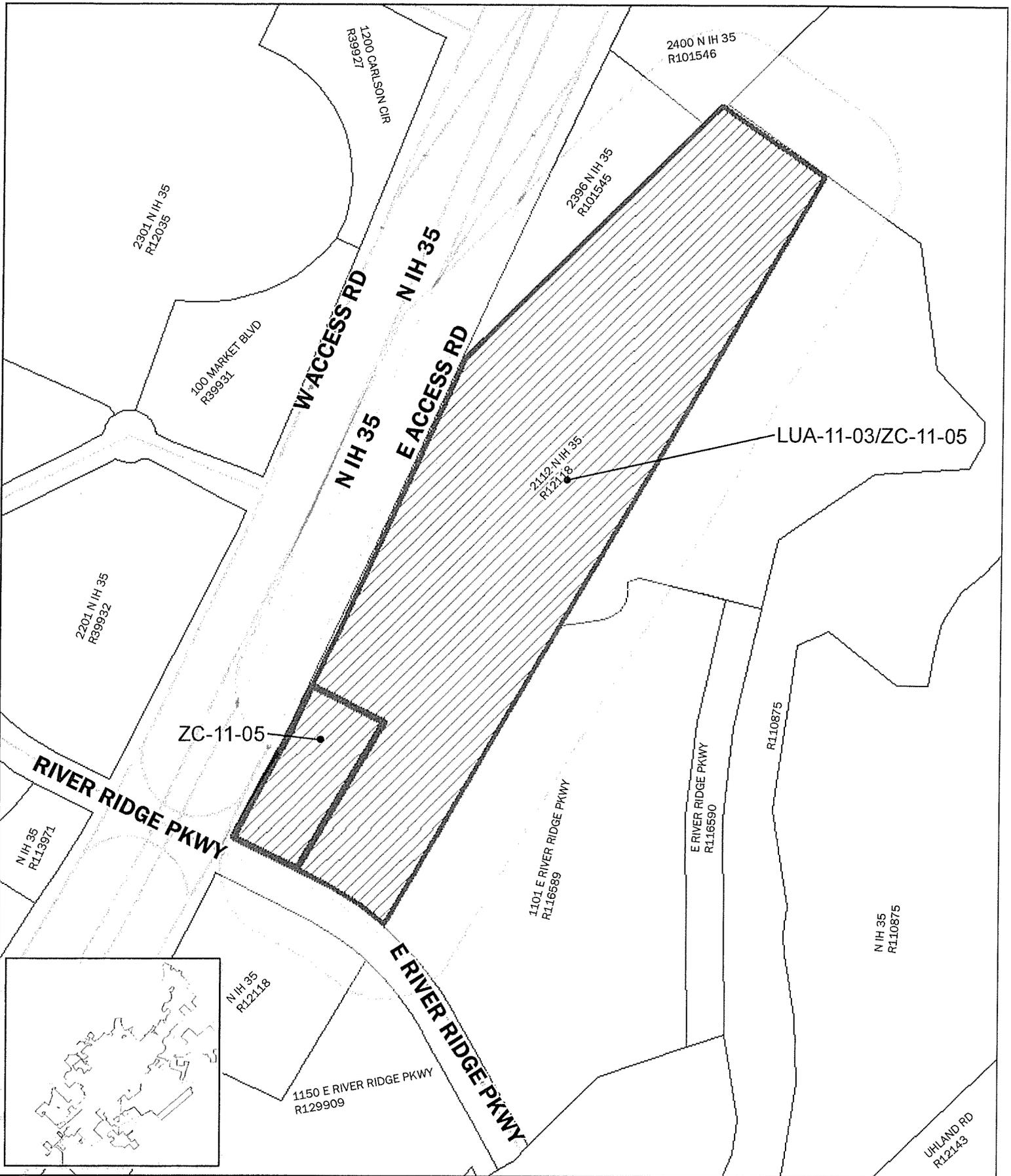
**The Commission's Responsibility:**

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.

The Commission's advisory recommendation to the Council is a discretionary decision. Section 1.5.1.5 charges the Commission and the Council to consider:

- (1) Whether the proposed zoning amendment 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;
- (2) Whether there is a development agreement in effect;
- (3) 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;
- (4) 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; and
- (5) Other factors which substantially affect the public health, safety, morals, or general welfare.

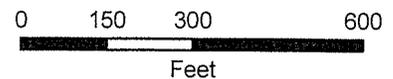




**ZC-11-05**  
**LUA-11-03/ZC-11-06**  
**Holt Tract**  
**Map Date: 2/25/11**

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

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**Land Use Map Amendment  
LUA-11-03  
The Holt Tract**



**Summary:** The applicant is requesting a Land use Map Amendment from Commercial (C) to High Density Residential (HDR) at the northeast corner of N IH 35 and River Ridge Parkway

**Applicant:** Byrn & Associates  
PO Box 1433  
San Marcos, Texas 78667

**Property Owner:** Armbruster Holt, Ltd.  
PO Box 2183  
Manchaca, Texas 78652

**Notification:** Personal notifications of the public hearing were mailed on to all property owners within 200 feet of the subject property.

**Response:** None as of date of report publication.

**Subject Property:**

**Location:** 2112 N IH 35  
**Legal Description:** 23 acres, more or less, of the J.M. Veramendi Survey No. 2  
**Sector:** Sector 6

**Current Zoning:** FD/Future Development, PDD/Planned Development District  
MF-18/Multifamily

**Proposed Zoning:**  
  
**Commercial**

**Current Future Land Use  
Map Designation:**

**Proposed Future Land  
Use Map Designation:** High Density Residential

**Surrounding Area:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
N of Property	CC/PDD	Model Homes/Undeveloped
S of Property	MU/MF-18	Multifamily
E of Property	PDD	Multifamily
W of Property	GC	Undeveloped

**History**

July 18, 2002

City Council approved ZC-02-12, granting the C/Commercial designation on 4.23 acres in the J.M. Veramendi Tract, and PDD/Planned Development District, on 129 acres in the same tract.

The multifamily development The Exchange has been developed on part of this tract, and is adjacent to the east and south of the site.

The applicant has indicated that they will follow this PDD for the portions of the subject site affected by it.

**Planning Department Analysis:**

The subject property is located in northeastern San Marcos, east of IH 35 and immediately north of River Ridge Parkway. This request is proceeding concurrently with two zoning change requests from Future Development to Multifamily/MF-18. The applicant is proposing to develop the site with multifamily residential.

Medium Density Residential (MDR) land uses are typically characterized by apartments. The site is located adjacent to the north and west of two large multifamily developments. The area around these multifamily developments is largely undeveloped; however, large tracts to the north and west across IH 35 are zoned for General Commercial, which could provide necessary services as this area approaches build-out. A 50' wide LCRA easement bisects the site from north to south. The site is also adjacent to the Blanco River, to the east. Part of the subject parcel, at the far northeast end, lies near the Water Quality Zone for the Blanco River. Part of the original PDD provided for access to the river, however, access currently appears to be across an unpaved track at the stub end of River Ridge Parkway, and because both adjacent apartment complexes are gated, there is no available parking for those wishing to gain access to the river. When the applicant reaches the Concept Planning phase, discussions should be had with the Parks and Recreation Department concerning access points and parking.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 6 Plan.

Consistent	Neutral	Inconsistent	<b>Horizons Master Plan Policy Statement</b>
X			<p><b>Policy LU-1-1:</b> The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.</p> <p><i>Comment: The subject property's proposed land use designation of High Density Residential is in keeping with surrounding properties.</i></p>
X			<p><b>Policy LU-1.21:</b> The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: Existing city utilities are in place to serve this property, and the proposed apartments would occupy a lot that is currently vacant.</i></p>
X			<p><b>Policy LU-3.2:</b> The City shall provide safe and adequate housing opportunities to meet the Different housing needs of all income groups of the City's present and future populations. .</p> <p><i>Comment: The proposed change will provide the opportunity for additional housing.</i></p>
X			<p><b>Policy LU-3.3:</b> The City shall provide adequate space in appropriate locations for residential development in order to provide safe and sanitary housing, to meet the housing and social needs for a desired standard of living for the City's present and future population.</p>
X			<p><b>Policy LU-3.14:</b> The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished.</p>

Consistent	Neutral	Inconsistent	<b>Horizons Master Plan Policy Statement</b>
X			<b>Policy LU-4.1:</b> 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.
X			<b>Policy LU-4.2:</b> 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.  <i>Comment: The property has easy access to IH-35 and the Texas State Tram bus route.</i>
X			<b>Policy LU-4.3:</b> 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			<b>Policy LU-4.4:</b> The City shall require medium and high density residential developments 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.
X			<b>Policy LU-6.8:</b> The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential use of land in commercial districts except where residential uses are planned as part of a mixed-use concept.

Consistent	Neutral	Inconsistent	<b>Sector 6 Plan Sector Goals</b>
X			Improved open space and recreational opportunities
X			Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety.
X			"Neighborhood-friendly" development mitigating negative impacts of higher intensity uses.

The applicant's request is a reduction in the intensity of the Future Land Use. Staff considers the request to change land use classification to High Density Residential to be supportive of the Horizons Master Plan and recommends approval.

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

**The Commission's Responsibility:**

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

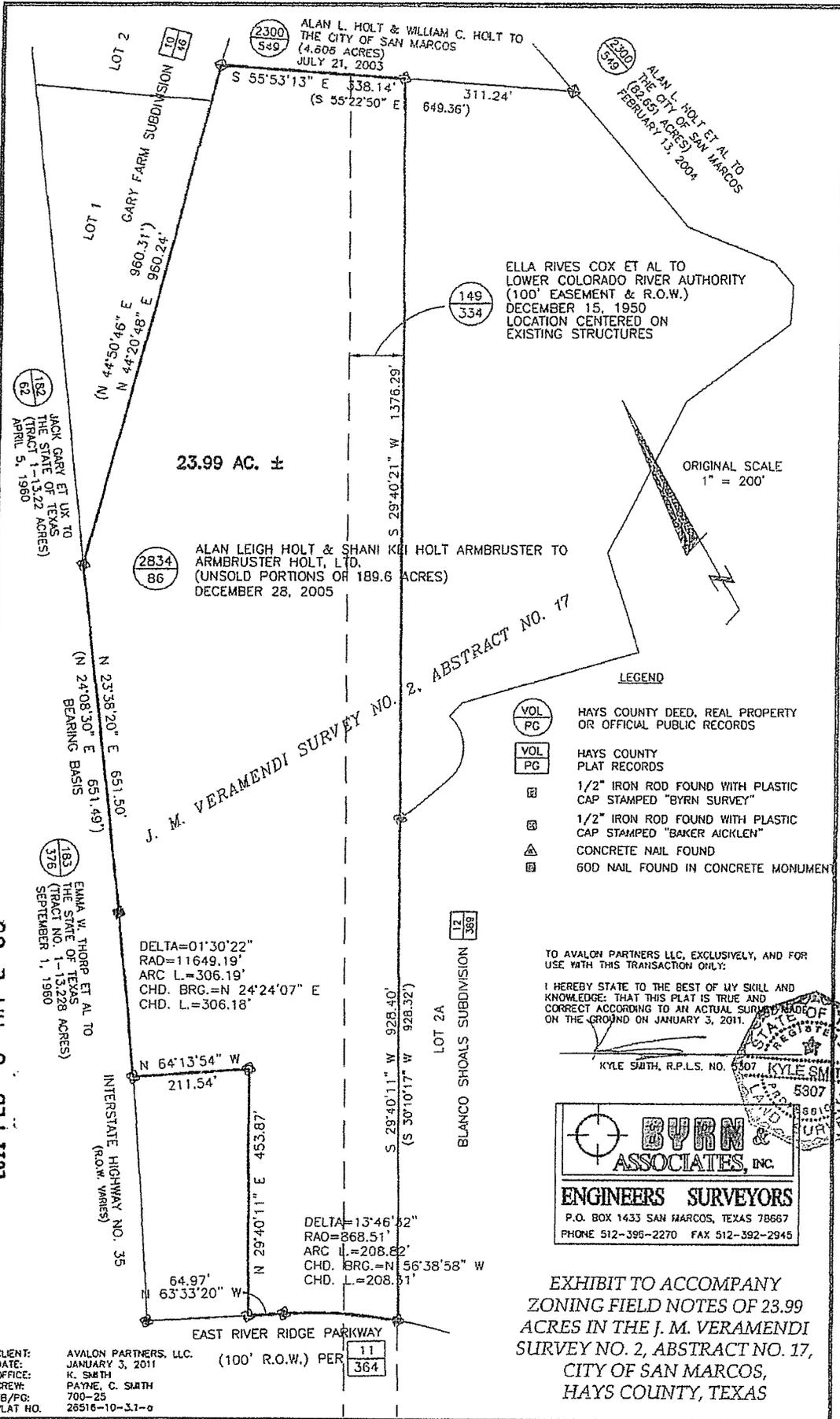
After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the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

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

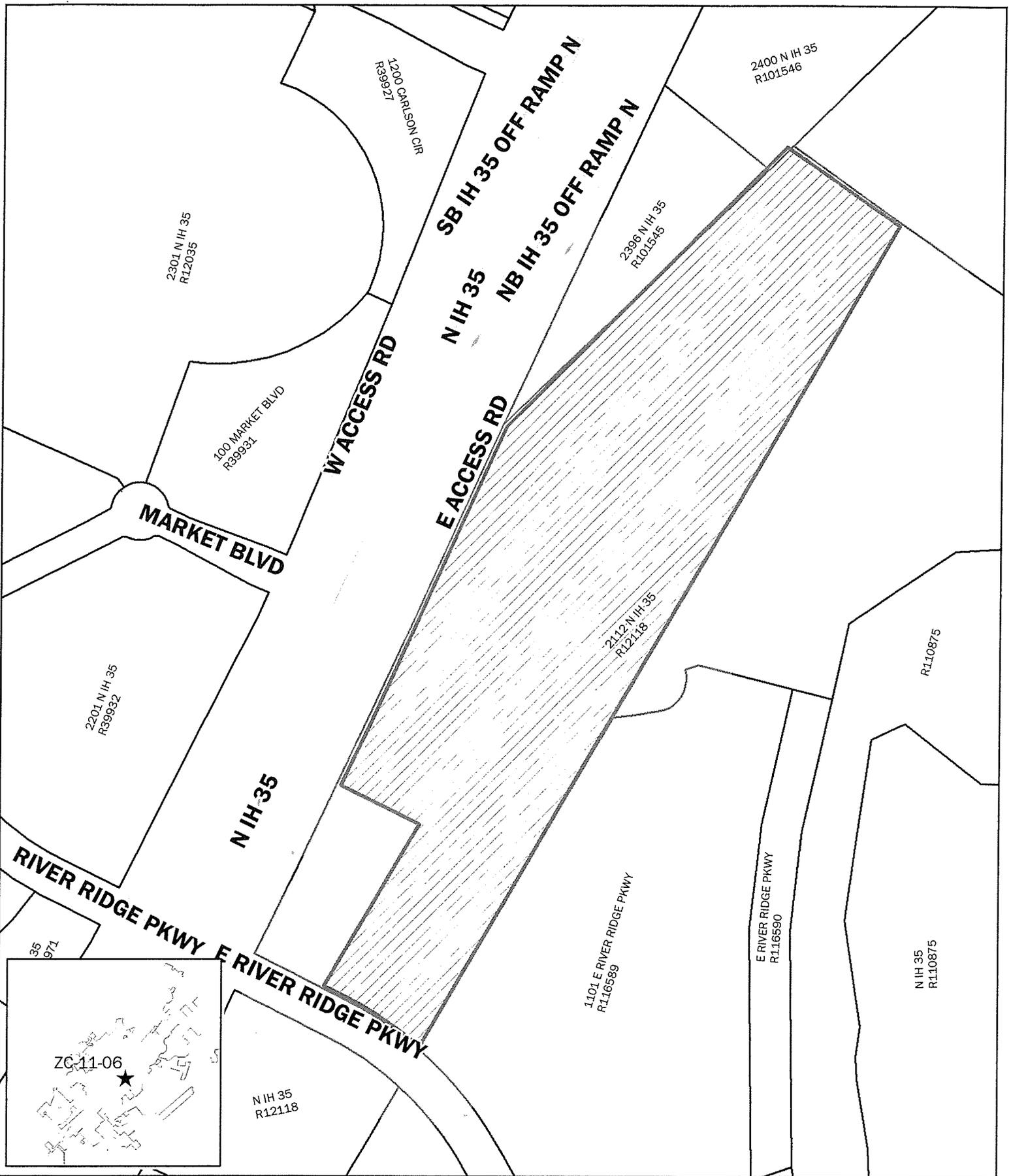
Prepared by:

Christine Barton-Holmes, LEED AP	Chief Planner	February 27, 2011
Name	Title	Date

2011 FEB 8 AM 2:36



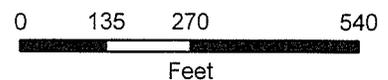




**ZC-11-06**  
**Holt Tract**  
**Map Date: 2/25/11**

- 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.





# Zoning Change

## ZC-11-06

### Holt Tract

### 2200 Block IH 35 N



**Administrative Summary:** The applicant is requesting a Zoning Change from Future Development (FD) to Multifamily (MF-18)

**Applicant:** Byrn and Associates, Inc  
 PO Box 1433  
 San Marcos TX 78666

ETR Dev. Con., LLC  
 401 Dryden Lane  
 Buda, Texas, 78610

**Property Owner:** Ambruster Holt, LTD  
 PO Box 2183  
 Manchaca TX, 78652

**Notification:** Public hearing notification mailed on February 25, 2011

**Response:** None as of February 28, 2011

#### Property/Area Profile:

**Legal Description:** 23.99 acres more or less out of the J.M. Veramendi Survey No. 2

**Location:** 2200 Block N IH 35

**Existing Use of Property:** Vacant

**Proposed Use of Property:** Apartments

**Future Land Use Map:** Commercial (High-Density Residential proposed)

**Existing Zoning:** Future Development (FD)

**Proposed Zoning:** Multifamily (MF-18)

**Utility Capacity:** Adequate

**Sector:** Sector 6

#### Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
<b>N of Property</b>	FD (MF-proposed)	Vacant	Commercial
<b>S of Property</b>	FD	Vacant	Commercial
<b>E of Property</b>	PDD	Multifamily	High-Density Residential
<b>W of Property</b>	-	IH-35	-

**Case Overview**

The applicant is requesting a zoning change for 23.99 acres, more or less, from Future Development (FD) to Multifamily (MF-18).

The subject property is located on the west side of IH 35 at the intersection of the frontage road and River Ridge. This request, along with ZC-11-05, is part of a larger development including a tract to the east, which is subject to the Blanco Shoals Planned Development District (PDD) overlay. This tract is outside the PDD area. The proposed development will contain multi-family residential and commercial.

**Planning Department Analysis**

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	
X		<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps.</p> <p><i>Comment: The requested zoning category is consistent with the proposed Future Land Use Map designation. The Horizons Master Plan contains policy statements recommending that multifamily development be on sites with access to arterial streets that are large enough to allow for proper buffering, landscaping, and parking. The site meets these requirements. The subject property is at a location recommended for High Density Residential in the Sector 6 Plan.</i></p>
N/A	N/A	<p>Consistency with any development agreement in effect</p> <p><i>Comment: No development agreements are in effect for this property.</i></p>
X		<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>Comment: This request is consistent with the surrounding area, which is predominately multi-family.</i></p>
X		<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>Comment: Utility availability appears to be adequate. Development of the property will allow for the creation of an access point to the Blanco River for a future park.</i></p>
X		<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>Comment: Staff has not identified other issues affecting health, safety, or welfare.</i></p>

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

Prepared by John Foreman	Planner	March 2, 2011
<b>Name</b>	<b>Title</b>	<b>Date</b>

### **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.

The Commission's advisory recommendation to the Council is a discretionary decision. Section 1.5.1.5 charges the Commission and the Council to consider:

- (1) Whether the proposed zoning amendment 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;
- (2) Whether there is a development agreement in effect;
- (3) 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;
- (4) 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; and
- (5) Other factors which substantially affect the public health, safety, morals, or general welfare.



**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
February 22, 2011**

**1. Present**

**Commissioners:**

Bucky Couch, Vice-Chair  
Sherwood Bishop  
Randy Bryan (left at 9:15 p.m.)  
Travis Kelsey  
Jim Stark  
Chris Wood  
Kenneth Ehlers  
Curtis Seebeck

**City Staff:**

Matthew Lewis, Interim Director  
Francis Serna, Recording Secretary  
Sofia Nelson, Senior Planner  
Phil Steed, Planner  
John Foreman, Planner  
Christine Holmes, Chief Planner  
Abby Gillfillan, Planner

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

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday February 22, 2011 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Chair Bishop 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**

John McBride, 703 Franklin Drive stated he is present to speak in opposition to The Retreat. Mr. McBride pointed out that the developer has mentioned that they are providing onsite management for a gated community and all will be calm. He explained he read the San Marcos Daily Record which listed four apartment complexes where the police have responded to disturbances and many are repeat offenders. Mr. McBride further stated that he went to three of the apartment complexes which are new, gated, provided onsite management similar to the proposed Retreat. All apartments had allot of police activity. He said he received information for an open records request from the police department which he has not had time to thoroughly review. Mr. McBride pointed out that he received 81 pages for the last three years for calls to four areas that are apartments that cater to students, young adults and professionals. He asked the Commission to compare police calls for apartment housing and



neighborhoods. Mr. McBride stated that the proposed development is not compatible with the neighborhood.

Nancy Huenergardt, 317 Craddock Ave. #1101 stated she is a long time resident of San Marcos and her rent is going up. She has searched for an apartment but the cost per bedroom is approximately \$585.00. Ms. Huenergardt explained that she visited some apartment complexes but was advised that they only rent to students. She told the Commission that apartment's rented by bedroom is not good.

Paul Geiger, 101 Sixth Pines Road, San Marcos spoke regarding the variances to the Windermere project. He stated that there is a lot of concern by people and adjoining property owners what this request will do to the safety of the people that are already there. He added that there is traffic and the entrance will be in a flood zone where it has flooded many times. He asked the Commission to carefully consider what the adjoining property owners have concerns regarding the project. In addition, he asked the Commission to carefully consider granting the variances.

**18. ZC-11-01 (Frank's Auto Shop)** Hold a public hearing and consider a request by Carlos Hernandez for a Zoning Change from CC (Community Commercial) to GC (General Commercial), being approximately 1.572 acres, located at 328 South Guadalupe Street.

Vice-Chair Couch opened the public hearing. Carlos Hernandez stated he is doing the design on the project and is available to answer questions. 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 Bryan, the Commission voted all in favor to approve ZC-11-01. The motion carried unanimously.

Commissioner Stark recused himself from the discussion and vote for item #28 PC-10-14(02).

**28. PC-10-14(02) (Buie Tract).** Consider a request by Craddock Avenue Partners for approval of a phase 1 preliminary plat for approximately 59.42 acres of property located at 1314 Franklin Dr and west of Craddock Avenue.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission voted six (six) for and one (1) opposed to approve PC-10-14(02). Commissioner Bishop voted no. The motion carried.

**7. CUP-11-03. (Railyard Bar and Grill)** Hold a public hearing and consider a request by Ryan Hageman for a Conditional Use Permit to allow on premise consumption of mixed beverages in a General Commercial (GC) zone at 116 S Edward Gary.

Vice-Chair Couch opened the public hearing. Matt Hageman, representing developer stated that they are the same company that owns Lindsey Lofts. He said they are trying to design a place that will not affect his residents. Mr. Hageman stated that he is continuing with the fence variance. He added that he is 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 Kelsey, the Commission voted all in favor to approve CUP-11-03 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; and amplified live music shall end at 10:00 p.m. and shall be limited to the interior only. The motion carried unanimously.

There was a ten minute recess.

Commissioner Kelsey recused himself from the discussion and action on Item #6.

**6. Hold a public hearing and consider revisions to Section 4.3.4.2 of the Land Development Code: Conditional Use Permits for On-site Alcoholic Beverage Consumption.**

Vice Chair Couch opened the public hearing. Dawna Figol, 333 Pinnacle Pkwy, New Braunfels, stated she was present because they own buildings in downtown San Marcos. She said she provided the Commission with a letter. Ms. Figol explained that they have spent over four million dollars on the building in the downtown with the understanding that they purchased the building under the four hour rule regulations. She pointed out that the 50% requirement is very difficult. Ms. Figol commented that the Commission is considering fifteen 15 Restricted CUP's and asked them to think of businesses that are currently in downtown. She stated she was available to answer questions. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Bishop, the Commission voted all in favor to recommend to City Council revisions to Section 4.3.4.2 of the Land Development Code to increase the maximum number of Unrestricted CUPs from 12 to 14 in order to remove the two nonconformities; leave the maximum number of Restricted CUPs at 15. The ordinance should contain a provision for annual review by the Planning and Zoning Commission and Change (c) (1) to state the Restaurant Permits are valid for up to three years from date of issuance. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Bryan and a second by Commissioner Ehlers, the Commission voted all in favor to recommend to City Council revisions to Section 4.3.4.2 of the Land Development Code to remove the reporting requirement in (c)(5)(a). The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Seebeck, the Commission voted six (6) for and one (1) opposed to recommend to City Council revisions to Section 4.3.4.2 of the Land Development Code to remove the "50% rule" and replace it with the "two four-hour rule." The motion carried. Commissioner Stark voted no.

**MOTION:** Upon a motion made by Commissioner Ehlers and a second by Commissioner Bryan, the Commission voted all in favor to recommend to City Council revisions to Section 4.3.4.2 of the Land Development Code to maintain the requirement for kitchen equipment and maintain the requirement for 8 entrees. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Bishop, the Commission voted six (6) for and one (1) opposed to recommend to City Council revisions to Section 4.3.4.2 of the Land Development Code leave the CUP as is issued to applicant and not property or business owner and no requirement for a period of time before alcohol is served. The motion carried. Commissioner Bryan voted no.

Commissioner Kelsey recused himself from the discussion and action on items #8-17.

**8. LUA-10-15. (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Future Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for two tracts of land located at 508 Craddock Avenue.

**9. LUA-10-16. (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Future Land Use Map Amendment from Commercial (C) to Medium Density Residential (MDR) for a 1.71 acre tract of land located in the 1500 Block of Old Ranch Road 12.

**10. LUA-10-17. (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Future Land Use Map Amendment from Open Space (OS) to Medium Density Residential (MDR) for three tracts of land located at 508 Craddock Avenue.

**11. LUA-10-18 (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Future Land Use Map Amendment from Commercial (C) to Medium Density Residential (MDR) for a tract of land located at 508 Craddock Avenue.

**12. LUA-10-19 (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Future Land Use Map Amendment from Open Space (OS) to Commercial (C) for a tract of land located at 508 Craddock Avenue.

**13. ZC-10-21 (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Zoning Change from Office Professional (OP) to Multi-Family Residential (MF-12) for a 1.71 acre tract located in the 1500 Block of Old Ranch Road 12.

**14. ZC-10-22 (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Zoning Change from Single Family Residential (SF-6) to Community Commercial (CC) 2.75 acre tract located at 508 Craddock Avenue.

**15. ZC-10-23 (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Zoning Change from Single Family Residential (SF-6) to Multi-Family Residential (MF-12) for a 39.4 acre tract located at 508 Craddock Avenue.

**16. PDD-10-02. (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Planned Development District (PDD) overlay with a Multi-Family Residential (MF-12) and a Community Commercial (CC) base zoning for an approximately 48.36 acre tract located at 508 Craddock Avenue and in the 1500 block of Old Ranch Road 12.

The applicant gave a twenty minute presentation

Vice Chair Couch opened the public hearing.

Kevin Karswell, 132 County Lane, stated what he liked about the project is that the project helps bring students into what is perceived to a single family home environment. He explained that he has several friends that live in San Marcos with students living next door to them. In some cases it works well and in others it does not. Mr. Karswell stated that he recommends the project for San Marcos.

Jay Lagg, 900 Castle Ridge in Austin, TX stated he is the Real Estate Broker representing Dr. Weatherford. He said he wrote a letter to the Commission in support of the request. He stated he believes that the proposal is appropriate and highest and best use of the property. He added that the proposal is taking safeguards to protect the neighbors. Mr. Lagg explained he has been working on the project for 18 months with several interests from other multifamily developers. He felt that no other proposal has been as nice as the one presented. He said he hopes the Commissioners support the project.

Lisa Jasek, 1924 Ramona Circle, stated she is concerned that the proposed rezoning will change the character of the neighborhood. She said they are connected with their neighbors and share similar interests and lifestyles. Ms. Jasek pointed out that the Sector 2 plan states that the neighborhood remain predominantly single family homes in use and character. She felt that the proposed development does not meet the Sector 2 Plan criteria. Ms. Jasek added that she hopes the Commissions keeps in mind their family members when they make their decision.

Danielle Elizabeth Madsen, Post Graduate Student at Texas State University stated she was present in support of The Retreat. She explained that she lives at 2801 Ranch Road 12, and works at Christian Baptist Academy and a volunteer at Cypress Creek Church in Wimberley. She said she is representative of the type of student that would like to live at The Retreat. Ms. Madsen comments if you don't want students in your neighborhood where do you want them to go. She added that Texas State is growing in attendance and that there are responsible students at Texas State. She strongly urged the Commission to approve the request so that students like her can live in a nourishing environment. She felt that the proposed development will benefit the economy of San Marcos. Ms. Madsen pointed out that Texas State is a jewel of San Marcos.

Bailey VerSchoyle, 1920 Ramona Circle stated her and her husband are very concerned about the project and are not in favor of project. Have lived on Ramona Circle for a year and took a risk. Ms. VerSchoyle explained that they were drawn to the neighborhood because of the community; people walking their dogs, families riding bikes, and kids playing. She said the neighborhood is very family oriented and a quiet community. She felt that the developers are missing the point when you put a multi family development in the middle of a single family subdivision. She said there is a difference in atmosphere and attitude. Ms. VerSchoyle stated she is concerned with parking along Ramona Circle which will create a serious risk for walkers and bikers.

Jane Hughson, 1600 N. LBJ Drive asked the Commission to consider what the future reality is going to be for this unit. How many people will really be staying there and how many cars will be on the property? What is the property going to look like in 20-30 years? She stated that the proposed rules sound good. What if or when they want to sell the property. Ms. Hughson asked the Commission to consider all concerns.

Marcie McCollum stated that she has lived in San Marcos for 46 years. She pointed out that then San Marcos was a college town and is now a college town. Ms. McCollum pointed out that San Marcos needs to provide housing for college students. She explained that business people in San Marcos hire college students. She added that students are responsible people. Ms. McCollum stated that Dr. Weatherford has the right to sell his property to the Retreat.

Anita Fuller 121 Kathryn Cove stated that homeowners complain about students although turns their houses in to rental property for college students. Many houses are not managed well and are used as investments. Ms. Fuller felt that The Retreat is creating a low impact home environment where student can enjoy all the amenities of a house yet live according to the rules and regulations of a well managed property. She added that The Retreat has the potential of meeting the great need in San Marcos. Ms. Fuller asked the Commission to support the project and make a real effort in restoring the neighborhoods by doing so as it pulls the students in for a wonderful place for them to live.

David Jasek, 1924 Ramona Circle stated he agreed with Anita Fuller. He felt that students are not the problem; it's keeping the family values of the neighborhood. Mr. Jasek said that The Retreat has a great product but should not be placed in the middle of a single family neighborhood

Camille Phillips, Franklin Drive stated that the intent of the Sector 2 Plan is to keep the area predominately single family. She advised the Commission that they have turned in a petition with 300 signatures against the request. Ms. Phillips asked the Commission to please deny the request. She added that it is very gracious and generous of them to give the land for a potential fire station. She hoped that that would not influence the Commissions vote.

Russ Krump, 1000 Allgood Road, Athens GA, one of the owners of Retreat Holdings thanked the Commission for their time to listen to their project. He feels that this is a vibrant and good project for community.

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 Stark the Commission voted four (4) in favor and three (3) opposed to deny LUA-10-15, LUA-10-16, LUA-10-17, LUA-10-18, LUA-10-19, ZC-10-21, ZC-10-22, ZC-10-23, and PDD 10-02. The motion to deny carried. Commissioners Bryan, Couch, Ehlers voted no.

There was a ten minute recess.

Commissioner Kelsey recused himself from discussion and vote on TMA-11-01. Commissioner Bryan left the meeting at 9:15.

**17. TMA-11-01. (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for an amendment to the city's Thoroughfare Plan removing the Hughson-Ramona Collector.

Vice Chair Couch opened the public hearing. John Williams thanked the Commission for their consideration based on all comments from all citizens. He added that they do intend to despite the prior recommendation to continue forward with the project. Mr. Williams said they would appreciate their consideration for this issue based on all the citizen comments. We do not want a cut through road as well as the citizens. He asked the Commission to approve the TMA.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers, the Commission voted four (4) in favor and two (2) opposed to approve TMA-11-01 conditional upon approval of the PDD for The Retreat. The motion carried. Commissioners Bishop and Seebeck voted no. Commissioner Bryan was absent from the vote.

**19. LUA-11-01 (Aspen Heights)** Hold a public hearing and consider a request by Aspen Heights, agent for 90 San Marcos Ltd & DRFM Investments, for a Land use Map Amendment from Commercial (C) to Medium Density Residential (MDR) for 8.38 acres, more or less, in the J.M. Veramendi Survey Number 2 at Telluride Street.

**20. ZC-11-02 (Aspen Heights)** Hold a public hearing and consider a request by Aspen Heights, agent for 90 San Marcos Ltd & DRFM Investments, for a Zoning Change from General Commercial (GC) to Multi-family (MF-12) for 8.38 acres, more or less, in the J.M. Veramendi Survey Number 2 at Telluride Street.

**21. LUA-11-02 (Aspen Heights)** Hold a public hearing and consider a request by Aspen Heights, agent for 90 San Marcos Ltd & DRFM Investments, for a Land use Map Amendment from High Density Residential (HDR) to Medium Density Residential (MDR) for 9.87 acres, more or less, in the J.M. Veramendi Survey Number 2 at Telluride Street.

**22. ZC-11-03 (Aspen Heights)** Hold a public hearing and consider a request by Aspen Heights, agent for 90 San Marcos Ltd & DRFM Investments, for a Zoning Change from Future Development (FD) to Multi-Family (MF-12) for 9.87 acres, more or less, in the J.M. Veramendi Survey Number 2 at Telluride Street.

Vice Chair Couch opened the public hearing.

Jerry Halfrich stated he resides on Briarwood Drive which is adjacent to the proposed project. He added that in 1978 they realized there was a water problem. He stated flooding has the tendency to occur in this neighborhood. Mr. Halfrich stated he did not have an opposition to the development. His concern is when you put that many roofs and asphalt on a hill, water will drain and we are at the low area of the property. He pointed out that if drainage is addressed and they can keep water off the property, he doesn't care what goes on the property. Mr. Halfrich said they have flooded before and that is his main concern of flooding again.

Ray Cortez, 296 Briarwood, echoed and agreed with Mr. Halfrich. He stated that Aspen Heights has not met and spoken to any of the adjacent property owners for comments or concerns. In addition, they are not willing to place a buffer between the properties. Mr. Cortez said it was brought to his attention that bulldozing has begun on the property. He said he has concern with a buffer zone and flooding. Mr. Cortez commented that he wished that Aspen Heights had taken interest from neighbors as The Retreat did for their neighbors.

Nick Dankoff, 461 Briarwood said the San Marcos Horizons Plan is an exceptionally visionary document that makes a real effort to address the goals of the city development by balancing peoples various needs and wants but still preserving the character of the City. He pointed out that student housing is not a regular development. Student housing increases stress and hostility. The existing Briarwood Subdivision is stable and people have lived in the neighborhood for many years. Mr. Dankoff added that as city grows it is important to look at the more intense uses and if a buffer is needed. He stated that the topography of the property is such that the runoff from impervious cover is likely to end up at the south end of the 1101 tract.

Mike Dallas, 900 Congress Avenue, Austin, Texas representing land owners. He explained that they presented a concept plan to the Commission eighteen to twenty four months ago designating the property as High Density Residential. He pointed out that the Concept plan was approved. Mr. Dallas stated that regarding the drainage concerns, the developer can't fix other subdivision drainage problems but will not cause additional problems.

Larry Shireman stated he purchased his property in 1982, 341 Briarwood. Mr. Shireman has concerns regarding flooding. He explained that water flows down Briarwood. Mr. Shireman added that a serious rain could cause a big problem for the neighborhood.

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

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Kelsey, the Commission voted two (2) for and five (5) opposed to approve LUA-11-01 and LUA-11-02 with conditions. The motion to approve with conditions failed. Commissioner Bishop and Kelsey voted yes.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission voted six (6) for and one (1) opposed to approve LUA-11-01 and LUA-11-02 as submitted. The motion carried. Commissioner Bishop voted no.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Stark, the Commission voted six (6) for and one (1) opposed to approve ZC-11-02 and ZC-11-03 as submitted. The motion carried. Commissioner Kelsey voted no.

**23. ZC-11-04. (Windemere)** Hold a public hearing and consider a request by Joel Richardson on behalf of Rob Haug and Vince Wood for a Zoning Change from FD (Future Development) to SF-R (Single-Family Rural), for two tracts approximately 235 acres in size in the T.J Chambers, E. Burleson Jr., R. Clever and E. Clark Surveys, located at Lime Kiln Road approximately one mile northwest of Post Road.

**24. PVC-11-01 (Windemere)** Hold a public hearing and consider a request by Joel Richardson on behalf of Rob Haug and Vince Wood for a Variance to Section 6.7.1.1 of the Land Development Code which requires that block lengths shall not exceed 1,600 feet in length along major thoroughfares and 1,200 feet along other streets for two tracts approximately 235 acres in size in the T.J Chambers, E. Burluson Jr., R. Clever and E. Clark Surveys. This request is to allow for blocks up to 6,500 feet in length.

**25. PVC-11-02 (Windemere)** Hold a public hearing and consider a request by Joel Richardson on behalf of Rob Haug and Vince Wood for a Variance to Section 7.4.1.4(k) of the Land Development Code which requires that a cul-de-sac street shall not be longer than 500 feet for two tracts approximately 235 acres in size in the T.J Chambers, E. Burluson Jr., R. Clever and E. Clark Surveys. This request is to allow isolated cul-de-sac lengths up to 560 feet, and more generally a single outlet street (with planned future connections) with a length of 6,500 feet.

Vice Chair Couch opened the public hearing.

Diane Wassenich stated she needed to remind the Commission about the concern with flooding and fires in this area. In addition to the problems it will cause during the times when people are trying to exit the property. Ms. Wassenich pointed out that the Fire Department and several residents have told the Commission their concerns about the issues related to the egress of the property. She stated that as additional variances are being considered she must warn the Commission that subdivision rules are written for public safety reasons. She told the Commission they had to have really good reasons to allow variances. Ms. Wassenich explained that if someone purchases property and because of its shape cannot develop the property, it is not the Commissions duty to allow variances to the property. She expressed concerns regarding erosion control. She asked the Commission to ask questions about wastewater being available for the development.

Joel Richardson, Engineer for the project and the Agent representing the property owners stated he was available to answer any questions. He pointed out that during review process he worked with staff to reduce the degree of variance from the Land Development Code requirements for the project. Mr. Richardson briefly explained the changes to the proposed project. Mr. Richardson stated that they will meet any sedimentation removal requirements for the City of San Marcos identified in the Land Development Code in addition to providing all the required protections for TCEQ.

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 Stark, the Commission voted all in favor to approve ZC-11-04. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Seebeck, to approve PVC-11-01 as submitted.

**MOTION:** Upon a motion to amend the motion made by Commissioner Stark and a second by Commissioner Ehlers, the Commission voted all in favor to amend the motion to approve PVC-11-01 to include conditions that the number of lots is limited to 74; connections are made to each of the adjacent tracts providing for the possibility of future connections; and the development will utilize Low Impact Development (LID) practices incorporating storm water BMPs with 85% removal efficiency of TSS. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Seebeck, the Commission voted all in favor to approve PVC-11-01 with conditions that the number of lots is limited to 74; connections are made to each of the adjacent tracts providing for the possibility of future connections; and the development will utilize Low Impact Development (LID) practices incorporating storm water BMPs with 85% removal efficiency of TSS. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Ehlers, the Commission voted all in favor to approve PVC-11-02 with conditions that the number of lots is limited to 74; connections are made to each of the adjacent tracts providing for the possibility of future connections; and the development will utilize Low Impact Development (LID) practices incorporating storm water BMPs with 85% removal efficiency of TSS. The motion carried unanimously.

**26. PVC-10-05 (Lost Prairie Lane)** Hold a public hearing and consider a request by Patrick Doll, on behalf of Martin Aguillar, for a variance to 6.7.2.1(b) of the Land Development Code, which requires that each lot on a plat shall front onto a dedicated, improved public street, for an approximately 1.0012 acre tract out of and part of the S.A and M.G railroad co. Survey No. 534 Abstract No. 308 in Guadalupe County, Texas.

**27. PVC-10-06 (Lost Prairie Lane)** Hold a public hearing and consider a request by Patrick Doll, on behalf of Martin Aguillar, for a variance to 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 1.0012 acre tract out of and part of the S.A and M.G railroad co. Survey No. 534 Abstract No. 308 in Guadalupe County, Texas.

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 Stark and a second by Commissioner Bishop, the Commission voted all in favor to postpone PVC-10-05 and PVC-10-06 to the April 12, 2011 Planning and Zoning Commission meeting.

**29. Discussion Items.**

Commissioner Bishop commented that the new census numbers came out and there was a discrepancy in the population. He advised that the discrepancy may create changes to the ETJ. Commissioner Bishop asked staff for an update at a future meeting.

Matthew Lewis advised that staff will contest the population through the formal appeal process with the Census Bureau.

**Planning Report**

- a. Update on proposed downtown form-based code.
- b. Planning Commission 2011 retreat

Matthew Lewis reported that the Downtown form-based code workshop will be held on March 8, 2011. The Historic Preservation Commission open house is Sunday, February 27<sup>th</sup> from 2-4 p.m. at the LBJ Museum. The student liaison requested by the Commission is moving forward. The resumes for interested student will be provided to the Commission at the next Planning Commission meeting. An email will be sent out concerning available dates for the P&Z Retreat.

**Commissioners' Report**

There was no Commissioners' Report.

30. Consider approval of the minutes from the Regular Meeting on January 25, 2011.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Stark, the Commission voted all in favor to approve the minutes of the Regular Meeting on January 25, 2011. The motion carried unanimously.

31. Consider approval of the minutes from the Regular Meeting on February 8, 2011.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Stark, the Commission voted all in favor to approve the minutes of the Regular Meeting on February 8, 2011. The motion carried unanimously.

**32. Questions and answers from the Press and Public.**

There were no questions from the public.

**33. Adjournment**

Vice Chair Couch adjourned the Planning and Zoning Commission at 10:46 p.m. on Tuesday, February 22, 2011.

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Bucky Couch, Vice Chair

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Sherwood Bishop, Commissioner

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Jim Stark, Commissioner

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Travis Kelsey, Commissioner

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Chris Wood, Commissioner

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Randy Bryan, Commissioner

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Kenneth Ehlers, Commissioner

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Sherwood Bishop, Commissioner

ATTEST:

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Francis Sema, Recording Secretary

