



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, February 22, 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. **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.**
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.
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.
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.
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.
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.
- 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. Burleson 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. Burleson 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.
- 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.
- 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.

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

Commissioners' Report.

- 30.** Consider approval of the minutes from the Regular Meeting on January 25, 2011.
- 31.** Consider approval of the minutes from the Regular Meeting on February 8, 2011.
- 32.** Questions from the Press and Public.
- 33.** Adjourn.

Notice of Assistance at the Public Meetings:

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DEVELOPMENT
SERVICES-PLANNING

MEMO

TO: PLANNING AND ZONING COMMISSION
FROM: John Foreman, Planner
DATE: February 15, 2011
RE: REVISION TO LDC 4.3.4.2

Recap

At the February 8th meeting, P&Z was able to reach consensus on the following items:

- 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.
- Remove the "50% rule" and replace it with the "four-hour rule."
- The ordinance should contain a provision for annual review by Council.
- Removing the reporting requirement in (c)(5)(a)
- Change (c) (1) to state that Restaurant Permits are valid for up to three years from date of issuance.

No consensus was reached on these items:

1. Whether the CUP is issued to a business owner or property owner
2. Whether to require new restaurants to operate for a period of time prior to serving alcohol as recommended by the Downtown Association and Main Street
3. Whether to require kitchen equipment or to require that an permit for food on-premise from the Health Department be required
4. Reducing the number of entrees required from eight to three.

Action needed

In order to focus and facilitate discussion, each of these items is broken down on the following pages with options identified for the Commission and recommendations where appropriate:

1. Whether the CUP is issued to a business or property owner

Three options are identified for the Commission:

- (1) Issuing the CUP to a business owner – This is how the CUPs are handled city-wide. Should the specific business change ownership, a new CUP is required. This could result in the loss of the CUP if the maximum number is reached, with the new business owner unable to receive a CUP because of a waiting list. Or, if new businesses are required to wait to serve alcohol as stated in #2, this could result in a restaurant that is changing hands losing its right to serve alcohol for a period of time.
- (2) The CUP is issued at the building– The business may change owners or names with no P&Z review. This would effectively lock the market once the maximum number of CUPs is reached, with new businesses able to come and go only at existing CUP holding buildings.
- (3) The CUP is issued to a business owner, but P&Z may add specific language to the ordinance to waive the waiting period or to disregard the waiting list if a currently operating restaurant is in place. This is similar to how Unrestricted CUPs are handled in Section 7 (b) (4).

2. Whether to require new restaurants to operate for a period of time prior to serving alcohol

This was recommended by the Downtown Association and Main Street in the interest of ensuring that new business can operate as restaurants and not bars. Staff is not recommending for or against this as it is setting policy for new downtown businesses. One aspect of the proposal presents problems for administration, section 4 (c). This allows the Planning Director to reduce the waiting period from one year to six months. P&Z indicated at the previous meeting that they preferred to be the decision-maker instead of the Director. Either way, there are no standards identified for approval or denial. Staff feels that any restaurant that remains in operation without serving alcohol for an extended period would prove by its sustained existence that it is not a bar and would therefore be eligible for the reduced period. It is unclear on what grounds the request for the reduced period could ever be defensibly denied.

Staff Recommendation: Should the Commission choose to endorse this option, do not include a discretionary review to reduce the waiting period for a CUP.

3. Whether to require kitchen equipment or to require a permit for food on-premise from the Health Department

The Health Department defines an establishment serving food on-premises very broadly, with simply the presence of ice for drinks enough to require a food handler's certificate. This is not stringent enough to ensure that the establishment is a restaurant.

Staff Recommendation: Maintain the requirement for kitchen equipment.

4. Reducing the number of entrees required from eight to three.

Eliminating the 50% rule makes the definition of a restaurant easier to meet for existing and proposed restaurants. Reducing the number of entrees from eight to three makes it even easier. A restaurant typically has more than three entrees.

Staff Recommendation: Maintain the requirement for eight entrees.



GLOBAL ROCK INVESTMENTS, Ltd.
c/o 333 Pinnacle Parkway
New Braunfels, Texas 78132-4174
Phone / fax: 830-609-6162

February 17, 2011

VIA: E-mail

Planning and Zoning Commission and Staff
City of San Marcos
630 E. Hopkins
San Marcos, TX 78666

When we purchased the buildings, we knew that there were "old rules" that pertained to the buildings. The rules at that time were:

c. The following provisions apply to restaurant permits:

1. To be considered a "bona fide restaurant" for the purposes of this section, a business must meet all of the following standards:
 - A. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation for the entire premises. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.
 - B. The business must apply for, obtain and maintain a food establishment permit in accordance with chapter 18 of this Code.
 - C. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entrée, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. A meal period means a period of at least four hours.
 - D. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.
2. An application for a restaurant permit must be accompanied by all of the following:
 - A. A diagram of the floor layout of the business, clearly indicating areas where food is stored, where food is prepared, and where food is served to customers
 - B. A statement of the total seating capacity of the business, and a statement of the seating capacity of the areas of the business where food is served.
 - C. A menu indicating all food and drink items served at the business.

Through the purchase of the buildings under this "rule", we agreed to abide by these regulations and finished out the buildings accordingly. We made sure that all spaces large enough to contain a restaurant had the ability to have a full kitchen, installed grease traps and a sprinkler system in each building that now require monthly monitoring at a monthly fee and annual inspections, that also cost us. These additional rehabilitation expenses were exorbitant. At the time, it had been indicated to us that the SUP (what it was called back then) went with the building. How can the City make such a drastic change to the 50% rule to properties that were basically empty and unused until we came in and rehabilitated them at great expense and effort? It was all fine and good and everyone was happy to have us restore these beautiful old buildings and then they did this? What were they thinking? Certainly the consequences of their decision was not thoroughly thought out.

Apparently, sometime in 2005, City Council changed this to a CUP with a 50% rule where a business had to sell less than 50% in alcohol of their total gross sales. This came to the forefront and to our attention when we applied for a permit in August 2009. We were never informed of this change by the City either prior to or after the change. We were told it was our responsibility to keep up with what was on the City Council Agenda.

The enclosed letter we previously wrote to the City Council details our concerns, however, as an example, when we purchased the building at 202 N. LBJ, known as the A.B. Rogers building, the property taxes were around \$11,000.00. The tax amount we paid for 2010 was \$32,876.80. This building also had minimal sales tax revenue generating from it when we purchased it. There are now two restaurants, a salon, an accupunture clinic and an attorney's office thereby increasing the sales tax revenue considerably.

We already have to compete with the rest of San Marcos and the Outlet Mall. Only one-half block off the downtown square (across the back alley from us) there are no restrictions, with the exception of parking. It will be very difficult to lease space to a prospective tenant under the regulations that are being recommended. It was difficult enough under the 50% rule. The downtown businesses already have to fight the problem of parking. We have the rest of San Marcos and the Outlet Mall to compete with. We have heard local San Marcos residents say over and over again that they will not go downtown because of parking and having to put up with all the students.

There are currently 12 unrestricted permits in the CBA. These permits stay with the building address. There is currently a proposal to increase this number to 14 as that is the actual number of these permits that have been approved. They go with the building and not the business. Why are they this way when new tenants move into buildings and they can retain this permit?

We ask that the regulations return to and stay in place to the the address of the building to the "old rules" at the time we purchased the buildings and spent a substantial amount of money, took care to make sure the buildings maintained their historical integrity and built them out to adhere to all codes and regulations. If the 50% rule remains in place or the new recommendation of one year of BYOB or have to give alcohol away for free (can be shortened to six months), then one year of beer and wine then finally able to apply for a mixed beverage license, we will not be able to lease the spaces we have when they become vacant. If regulations do not go with the address, then the tenant has controlling power over the building owner. If they know that there are reperussions to the building owner if they move out, this will place them in a position to make demands upon any renewal knowing that we would not be able to rent it to anyone else. There will be vacant spaces on the downtown square in lease space that should be forever viable. We have done our best under the 50% regulation to keep the properties leased to good and viable businesses.

If you are not willing to give us the eight-hour back, then we would like to request that we are changed to unrestricted permits so we are on the same playing field. Perhaps it would be advisable to have the existing businesses, us as well as the other two affected by this, to unrestricted permits?

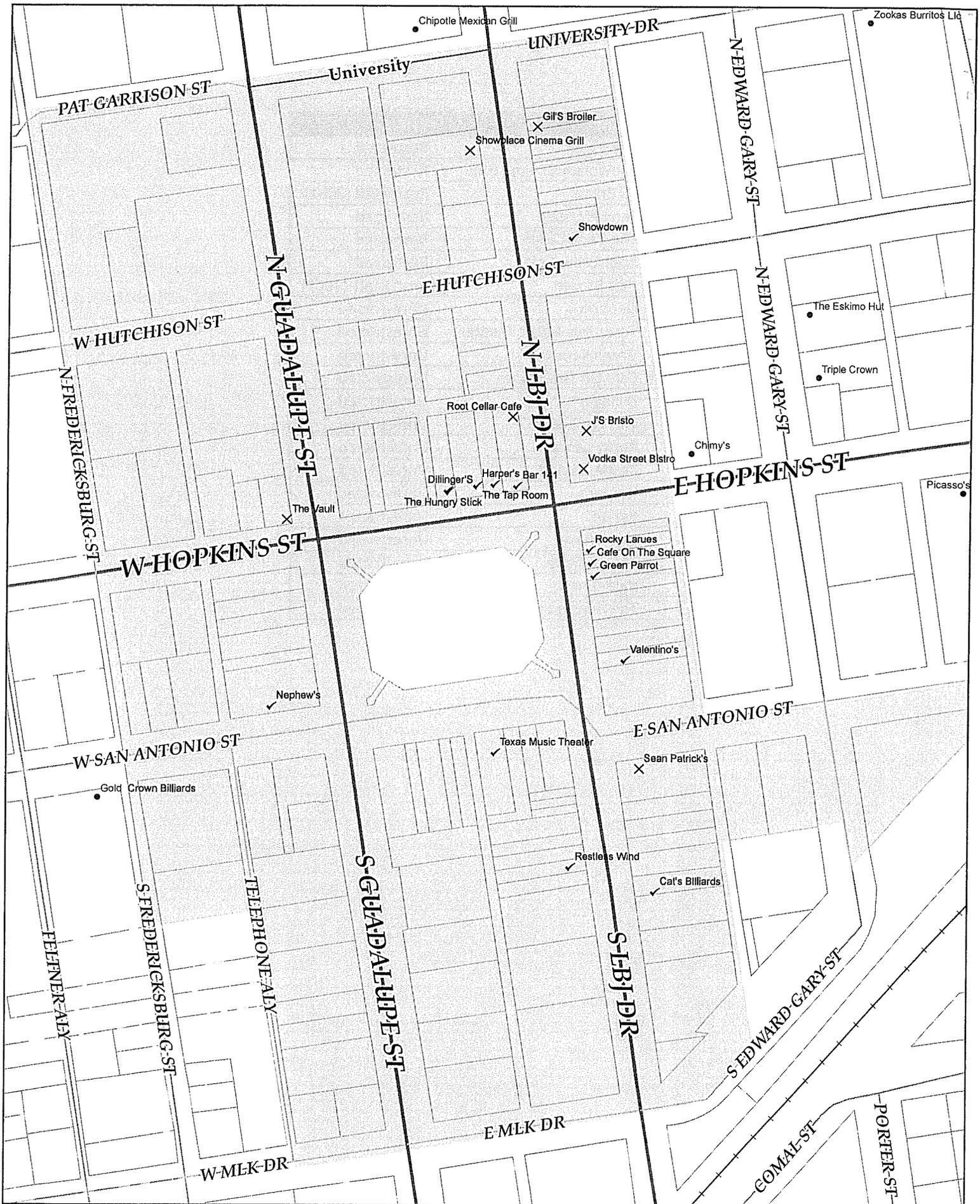
If you have any questions, please do not hesitate to call either Dennis or Dawna Figol at 830-832-4915 (Dennis cell) or 830-832-4914 (Dawna cell).

We sincerely hope you will take this into consideration.

Thank you.

Global Rock Investments

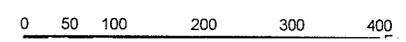
Address	Name	Type
100 W HOPKINS ST	The Vault	Restricted
321 N LBJ DR	Showplace Cinema Grill	Restricted
200 N LBJ DR	J'S Bristo	Restricted (2001)
202 E SAN ANTONIO ST	Sean Patrick's	Restricted
202 N LBJ DR	The Wine Cellar	Restricted
215 N LBJ DR	Root Cellar Cafe	Restricted
328 N LBJ DR	Gil's Broiler	Restricted (2001)
100 N GUADALUPE ST	Nephew's	Unrestricted
120 E SAN ANTONIO ST	Texas Live Music Theater	Unrestricted
124 N LBJ DR	Green Parrot	Unrestricted
126 N LBJ DR	Cafe On The Square	Unrestricted
127 E HOPKINS ST	Dillinger's	Unrestricted
129 E HOPKINS ST	The Tap Room	Unrestricted
138 N LBJ DR	Rocky Larues	Unrestricted
138 S LBJ DR	Restless Wind	Unrestricted
139 E HOPKINS ST	Harper's	Unrestricted
141 E HOPKINS ST	Bar 141	Unrestricted
207 E HUTCHISON ST	Showdown	Unrestricted
143 S LBJ DR	Cat's Billiards	Unrestricted
110 N LBJ DR	Valentino's	Unrestricted
127 E HOPKINS ST	The Hungry Stick	Unrestricted



Location of CUPs for On-Premise Consumption

- CBA
- Outside CBA
- X Restricted
- ✓ Unrestricted

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



“KEETON GRIFFIN BUILDING”

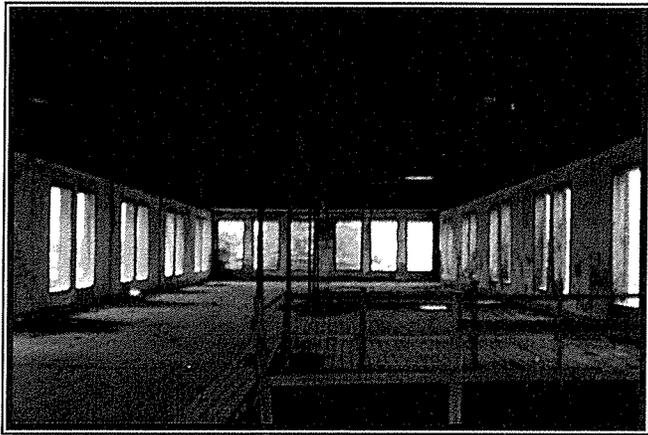
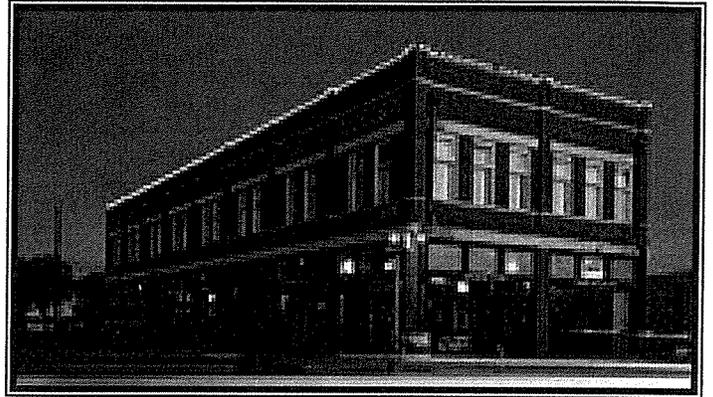
202 E. San Antonio St.
San Marcos, TX 78666

Before restoration

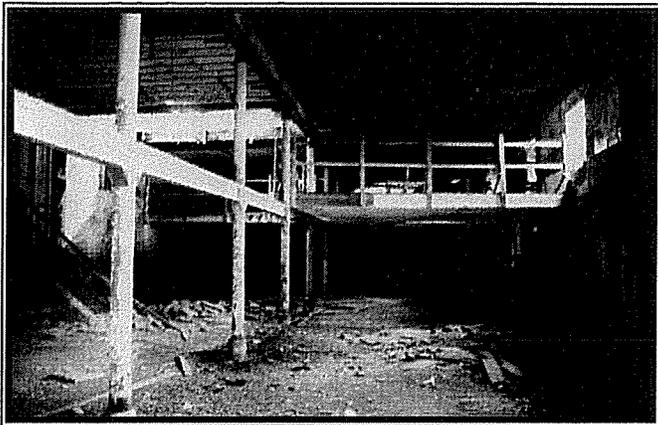
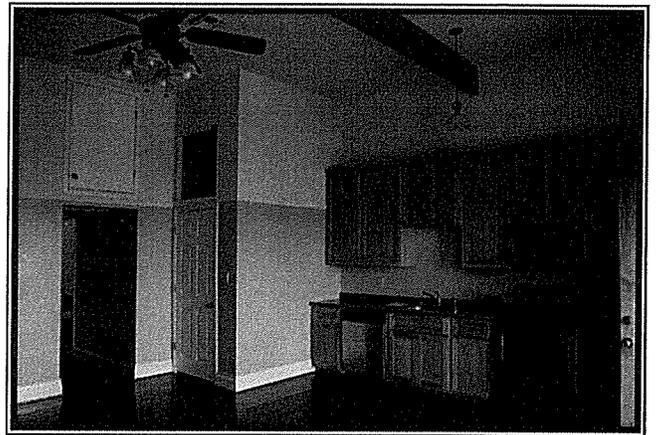
After restoration



Exterior



Second floor



Main floor



Global Rock Investments purchased this building in 2005. The building had been vacant since the 1960's. The main floor windows and doors had blue plywood covering them. The second story windows were open to the elements. The building needed a major restoration. It was in terrible condition. We once again made sure it was up to code, installed a sprinkler system throughout and maintained its original historic integrity. It now has ten apartments and the main floor is commercial.

“OLD STATE BANK BUILDING”

100 W. Hopkins
San Marcos, TX 78666

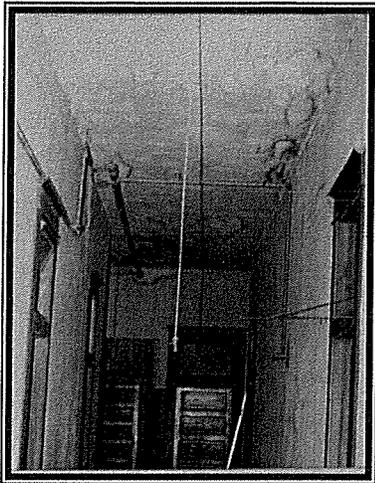
Before restoration



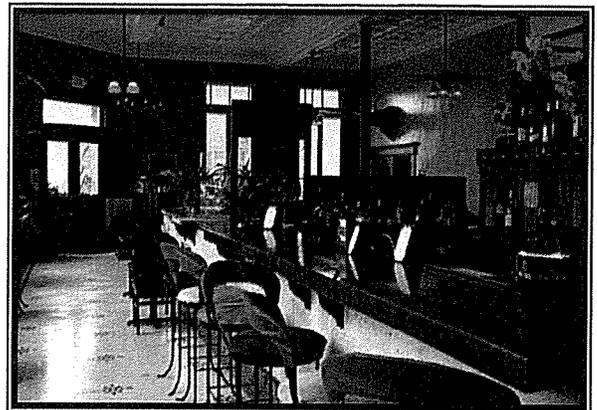
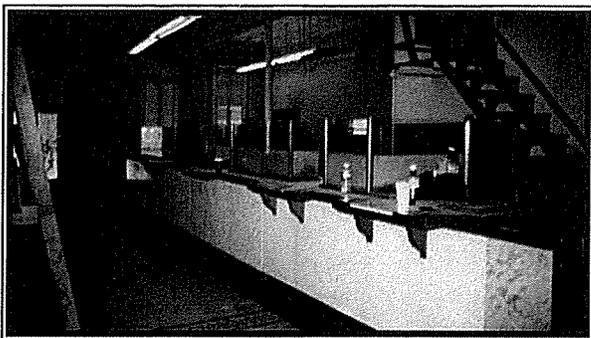
After restoration



Exterior



Second floor



Main floor

Global Rock Investments purchased this building in 2003. This building had been sitting empty for a number of years, actually since the 1960's is our understanding. This building had pinkish paint on it and aluminum front and side doors had been installed on it apparently for the movie "The Getaway". The interior was water stained, rotting in places and in much need a major restoration. We restored the building back to its original grandeur bringing it up to code and installing a sprinkler system throughout. Instead of an empty shell situated at one of the cornerstones of the downtown square, there is now a viable property with four apartments on the second floor and commercial space on the main floor. We not only brought it up to code to make it safe but also maintained its original historic integrity.

"A.B. ROGERS BUILDING"
202 N. LBJ Dr.
San Marcos, TX 78666

Before Restoration

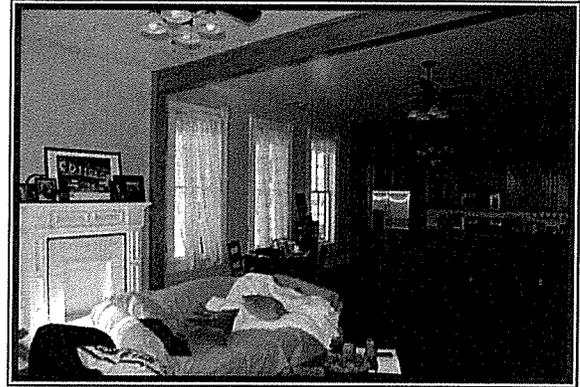
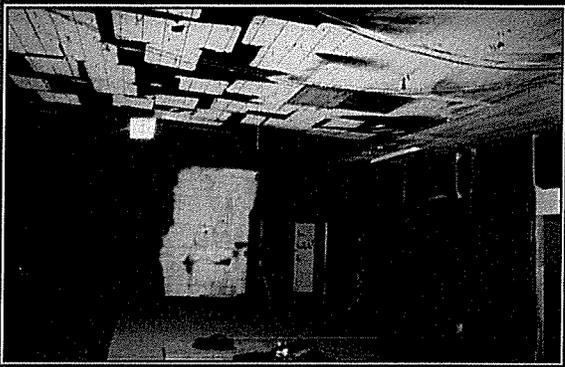


Exterior

After restoration



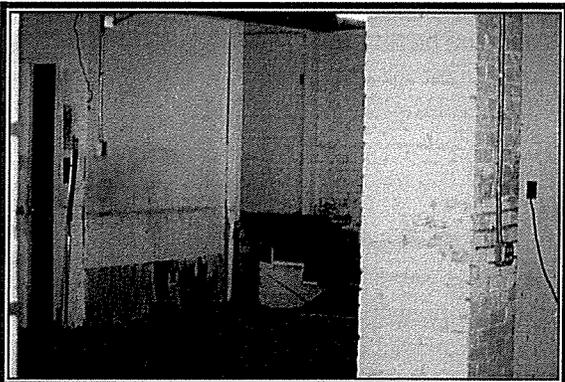
Second floor



Main floor



Basement



Global Rock Investments purchased this building in December 2003. It had an antiques store in the basement and a lazer tag – game room on the main floor. The second story was vacant. The building has fallen into disrepair and needed major restoration. The storefront was all aluminum and windows were boarded up. We again brought the building up to code while maintaining the historical integrity of it. It now has eight apartments on the second floor, the main floor is commercial and there is a piano bar/jazz club in the basement.

Message and Recommendation to the Planning and Zoning Commission and the City Council Regarding Conditional Use Permits in the Central Business Area (“CBA”)

Whereas, it is the desire of the members of the Downtown Association to recommend that the City carefully proceed with changes in the CUP process due to the fragile recovery being experienced in our downtown and

Whereas, it is also the desire of the members of the Downtown Association to promote active and meaningful restaurant development in the central business area (“CBA”), therefore

We propose the following be adopted as part of the revision to the Conditional Use Permit process regarding alcohol sales in the CBA:

1. The number of **Unrestricted CUP’s** be increased to 14.
2. We concur with leaving the current limit of **Restricted CUP’s** to a total of 15.
3. We recommend that the **current operating and planned** 51/49% restaurant permits be converted to the newly proposed “restaurant permit” providing for 2 four hour food segments (this impacts only four establishments: Sean Patrick’s, Vodka Street, The Vault and The Root Cellar along with those two establishments already having this permit: J’s Bistro and Gil’s Broiler).
4. We recommend that no further restaurant permits be issued unless the following occurs:
 - a. All applicants for a restaurant permit are required to operate as a restaurant, in accordance with the proposed ordinance, for a period of at least one (1) year with no CUP
 - b. At that time, the applicant may apply to the city for a probationary CUP for one (1) year allowing for the service of beer and wine only while being subject to all other provisions of the proposed ordinance
 - c. This period prior to application to the City for a CUP may be shortened to six (6) months with the approval of the Planning Director
 - d. At the end of the second year of operation as a restaurant under the restrictions of this ordinance, the applicant may apply for a mixed beverage CUP.
 - e. Upon the application of a hotel, motel or bed and breakfast where alcohol would be served primarily to patrons and guests, we recommend that these requirements be waived or modified
5. To apply for a CUP to serve beer and wine, unless an application is made pursuant to the exceptions listed in 4 e above, we recommend that the applicant have:
 - a. the business equipment required of a legitimate restaurant meaning that it “...must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven or similar heavy equipment” and
 - b. “...the business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.”
6. We ask that the City, under separate ordinance, hold all business operators responsible for keeping the outdoors within (*) of feet around their facilities clean and free of trash and that enforcement and administration of this requirement be placed under the Office of Code Enforcement.

* TABC rules provide a specific area or distance.

The Downtown Association of San Marcos

A Texas Natural!

January 25, 2011

Chairman and Commissioners
San Marcos Planning and Zoning Commission
603 Hopkins
San Marcos, Texas 78666

2011 JAN 25 PM 2 33

RE: CUP Ordinance Changes on Central Business Area (CBA)

Dear Chairman and Commissioners:

On your agenda tonight is an item calling for consideration of changing ordinances in the CBA involving conditional use permits (CUP's). In particular the change relates to eliminating the 51% food/alcohol rule and allowing for an increase to 15 in the number of establishments that could serve alcohol simply by offering food for two four hour segments.

This item went to City Council last week and is now on your agenda for consideration. Please be advised that this issue is also on the Downtown Association agenda for tomorrow night and is expected to be discussed before the San Marcos Main Street Advisory Board in their upcoming meeting effectively eliminating the benefit of any recommendations from either of these organizations whose focus is to protect and preserve our unique downtown.

In previous discussions with a number of the downtown business and building owners and in a subsequent meeting which included several of these owner along with members of City Staff, it was recommended that this increase be limited to include only those establishments currently restricted by the 51% food/alcohol ruling. This would only have an impact on four establishments: Sean Patricks, The Venue, Root Cellar Restaurant and Vodka Street Grill, formerly The Wine Cellar.

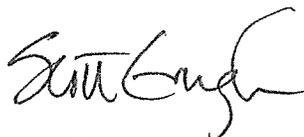
These businesses already have made substantial investments in our downtown and would be harmed if not included in the easing of this restriction. The concern however are the

remaining CUP's that have not been issued. It has always been our objective to not allow for a Sixth Street, Austin atmosphere to take place in downtown. It is the concern of many that releasing these permits unchecked would lead to a proliferation of bar operations in a relatively small area defined as the CBA.

While we all like to see truly unique entrants into the downtown, the obligation to serve food can be simply fulfilled with a toaster oven and microwave. Heatable microwavable foods can be served to meet this requirement creating nothing new or unique in our downtown. We ask that you take the time to study this issue and allow for input from relevant organizations and boards who actively represent downtown. A misstep of this proportion will have far-reaching implications on our on-going downtown revitalization and recovery which is fragile and still in its early stages. Allowing for a proliferation of additional drinking establishments will forever have a negative impact on the current character and beauty we call downtown.

Thanks for your consideration of this input to your decision and thanks for your service to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Gregson". The signature is fluid and cursive, with a large, sweeping initial "S".

Scott Gregson
President

GLOBAL ROCK INVESTMENTS, Ltd.
c/o 333 Pinnacle Parkway
New Braunfels, Texas 78132-4174
Phone / fax: 830-609-6162

October 18, 2010

To Whom It May Concern:

We are writing this to hopefully get some answers to a major issue that has developed during the time that we have started purchasing properties in downtown San Marcos to now.

We, Global Rock Investments, purchased the property at 100 W. Hopkins St. that is known as the "Old State Bank" building in February 2003. After much research, labor and expense, we completed a major restoration of the building and the "Hill Country Grill" opened in May 2004. They applied for a CUP permit. They were granted one that allowed them to sell alcohol as long as they had a kitchen and food storage facilities sufficient to "enable food preparation for the entire premises", they maintained a permit for a food establishment, they served meals during two meal periods each day the business was open that consisted of one "entrée" with a meal period lasting four hours, and they had to advertise as a place where meals could be purchased. It was our understanding that this CUP went with the address of the property once it had been applied for and approved.

We then purchased the property at 202 N. LBJ Dr that is commonly called the "Rogers Building" in December 2003. Again, after much research, labor and expense we completed a major restoration on this building. Commercial tenants starting renting in November 2004. The All-Nighter Diner and J's Bistro both applied for CUP permits. Both of these were granted the same permits as the "Hill Country Grill". J's is still on the premises and operating under the same regulation at this time, however, the All-Nighter Diner – renamed "The Gray Horse Grill" – was sold in August of 2007. When the new entity, Brian Montgomery – "The Wine Cellar", went to apply for the CUP renewal, he was told that he could only receive a CUP under a new regulation that referred to a 50/50 rule. We did not pursue this change at that time as we were told by the new applicant that it was due to him selling wine retail.

The third property we purchased is at 101 S. LBJ Dr., which is known as the "Keeton Griffin" building, (the City then changed the address to 202 E. San Antonio St.) We purchased this property in June 2005. This property had been vacant for several years and in bad need of repair. Once again, we completed research on the property and after major rehabilitation, had it available for tenants. The commercial tenant moved in October 2006. They applied for a CUP and were granted a permit with the 50/50 regulation, to our surprise.

Some time went by, and in June 2009, the "Hill Country Grill" closed its doors. We tried to find a new tenant with the economy such as it was last summer, however we ended up having to remodel and reopen with a new entity. When we applied for the CUP for this entity in the same property that had an existing CUP, we ran into some issues. Initially, we were told by P&Z staff that the permit would be issued under the "old rules" which were the ones that the "Hill Country Grill" operated under. The first P & Z meeting that our application was to be heard by the Planning and Zoning Commission, John Foreman was not in attendance and the other City staff members who did attend did not know the CUP rules and our application was tabled to the next meeting. At the next meeting, it was decided that the permit could only be issued under the new 50/50 rule. We were incredulous. We did not have any idea that the regulations had changed. We were told at that time by City staff not to worry about it, that they were not enforcing it at the time due to the 2:00 AM closing time and the regulation would be changing in the near future. However, even though the City says they are not enforcing this regulation at this time, the Planning and Zoning Commission has their hands tied and can apparently only approve CUP applications under this regulation and the City could start to enforce it at any time that they decide they want to.

Apparently, in February or March 2005, the City of San Marcos City Council amended this regulation unbeknownst to property owners in the CBA – (Central Business Area – downtown). At least, these property owners. We assume there is no requirement by the City to notify property owners if there is a proposed ordinance change in their area, as we were not. We have been informed that the only properties affected at this time by this new ordinance are the three that

Global Rock Investments owns. This is one of our questions. Are the only buildings currently affected and operating under this ordinance owned by us? It was our understanding at one time that the properties that had been issued CUPs under the old ordinance would maintain that regulation through Grandfathering.

In September or October, we spoke with Chuck Swallow who was apparently on a "Night Task Force". We don't know who all was involved in this "Task Force" but our understanding is that was comprised of some of the downtown bar owners as well. He told us that they were planning on meeting in December of 2009 to discuss the CUPs and make a recommendation that everyone be on the same playing field to Planning and Zoning. We called in December and were informed that the meeting had been postponed until January 2010. We called again in January and did not receive a call back from Mr. Swallow. We still have not yet heard anything on this from the City, with the exception of the Smart Code meetings that have been held throughout the year, which have not solved anything to date.

Over the past 2 ½ years, Global Rock Investments has lost close to \$300,000.00 due to this regulation and the restrictions on our commercial rental spaces. When the original restoration projects were under way, we made sure that each building was finished out in its own significant historic beauty, brought up to all building and fire codes, installed sprinkler systems in all the buildings, and installed kitchens in the spaces that were to be rented as restaurants/bars.

We purchased and restored three of the cornerstone buildings in downtown San Marcos that comprise an important aspect to the downtown area. These buildings had either been vacant and an eyesore or not utilized to their full potential. None of them had maintained their beautiful historic vibrance until we came in and restored them back to their once original and wonderful historic beauty. The Old State Bank building was painted pink and had aluminum doors, the Rogers Building has aluminum storefront windows and the Keeton Griffin building was boarded up with blue painted plywood. We spend in the neighbourhood of \$4,000,000.00 purchasing and restoring these incredible properties that we feel make a significant contribution to downtown San Marcos. We could have chosen a different area or even a different City to make these huge investments, but we chose San Marcos as we saw the potential these wonderful properties had to offer.

We assume that City Council members did not fully think this through or realize the ramifications of this decision. It makes it very difficult to rent these commercial properties to tenants. We have been fortunate to have Sean Patrick's in one of the properties and they have been very successful. However, this has not been the case with the other two buildings. Whenever we inform prospective tenants about this 50/50 regulation, they understandably shy away from the property.

This also makes the buildings virtually unmarketable. Why would an investor be interested in purchasing a property with these kind of restrictions on leasing the space?

When Global Rock Investments purchased and restored these fabulous historic buildings at huge expense that contributed greatly to the downtown area, this ordinance was not in effect on two of them and we were not aware nor made aware of it when we purchased the third one. We believe this needs to seriously be looked into to find out who recommended these changes and why it was done and at this time, what can be done to change it.

We were comfortable with the original regulation having to have a kitchen and such but this 50/50 regulation is prejudicial and detrimental to the success of the downtown area. At this time, we have tenants in the buildings however, we feel that they should not have this "cloud" over their heads in their endeavour to be successful. We would like to keep the tenants we have, allow them to be able to operate their individual businesses in a fair and equitable environment and have the opportunity to be able to market the buildings to both prospective tenants and to investors after we invested so much in them. We are doing our best to keep the spaces rented and viable. We assume the City does not want to see these buildings vacant once again due to some regulation that they passed, but they made it very difficult to accomplish this, not impossible yet, but very difficult. There may come a time when it will be impossible.

We are sending this to you as we feel that it is possible that you may not be aware of this regulation and hopefully, can assist us in getting answers to the questions we have mentioned in this writing. We have not had our concerns addressed or our questions answered to date. We have other opportunities for the buildings but cannot move forward with this current regulation. We have now been backed into a corner and need to get this solved as soon as possible. We would like to meet with whomever is necessary to get this corrected. After the amount we have invested, the good that we have done for downtown San Marcos, the amount that we have lost over the past couple of years and the issues with rerenting and marketing the properties, we feel we need to get this issue solved immediately. We would like

to move forward to get this issue resolved and need to determine our best method to get this accomplished. To say that we are upset about this at this time is an understatement.
Our contact numbers are 830-832-4915 – Dennis cell, 830-832-4914 – Dawna cell or dfigol@yahoo.com as well as the address listed above.

Thank you in advance for any assistance you may be able to provide.

Yours truly,
Dennis and Dawna Figol
Global Rock Investments, Ltd



Memo

To: Chuck Swallow, Development Services Manager
From: John Foreman, Planner
Date: April 8, 2009 (updated September 29, 2010)
Re: On-premise consumption CUP status

This is a brief summary of code requirements for Conditional Use Permits (CUP) for on-premise consumption of alcohol along with some additional background on the restricted and unrestricted CUPs in the CBA zoning district.

Overview and history

A 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. CUPs, which were known as SUPs prior to 2004, have been required for on-premise consumption (OPC) of alcohol in San Marcos for over twenty years.

Restricted vs. Unrestricted CUP

Prior to 2001, the number of OPC permits in the CBA was limited to fifteen. At that time an ordinance was adopted creating two special types of permits in the CBA- restricted (also known as restaurant) and unrestricted. An unrestricted CUP does not require food sales as a condition. Council determined that three of the fifteen existing permits could function as restaurants, so the maximum number of unrestricted permits was set at twelve. However, all fifteen of the existing permits were converted to unrestricted permits. A waiting list was created for new permits.

There is a limit of twelve unrestricted CUPs in the CBA at any time. Since the adoption of the restricted/unrestricted provisions in 2001, fourteen of the original fifteen unrestricted permits have remained active, though some have been amended as allowed by code. In the CBA, permits may be amended to change the name of the permit holder or business without regard for any waiting list for new permits. In other words, the limit of twelve has been constantly exceeded. Consequently, although a waiting list has been maintained, no new unrestricted permits have been issued. The three that council determined in 2001 functioned as restaurants still operate in this way, though they are not required to by code.

Restricted (Restaurant) CUPs

Ordinance #2001-86 created the "restaurant permit." A number of restrictions and criteria were attached to this permit, including the "eight-hour rule" requiring that food be served for two meal periods of at least four hours per day. Ordinance #2005-19 modified these standards, replacing the eight-hour rule with a "50% rule" requiring at least 50% of sales to come from sources other than alcohol. This ordinance states that the four restaurant CUPs in existence at the time would continue to operate under the conditions in effect at the time they were approved, presumably the eight-hour rule, until they expired or were revoked or terminated. The maximum number of restricted CUPs was set at fifteen, and there are currently six. Two remain under the 2001 rules ("eight-hour rule") while the rest are under the 2005 rules ("50% rule").

To comply with the standards of the 2005 permit, the businesses must operate as a "bona fide restaurant"-

1. Kitchen facilities to serve eight entrees, including a commercial grill, griddle, fryer, oven or similar
2. A food establishment permit
3. Eight entrees must be served at all times alcohol is sold

November 17, 2010

4. The business must be advertised as a place where food is served

5. No more than 50% of gross receipts may come from alcohol

A series of sales reports must be submitted to the Planning Director to demonstrate compliance with item 5.

History of Individual Restaurant CUPs

200 N LBJ – J's Bistro – approved in 2004. Continues to operate under the eight-hour rule because no expiration was attached to the original permit and none was required under the 2001 ordinance

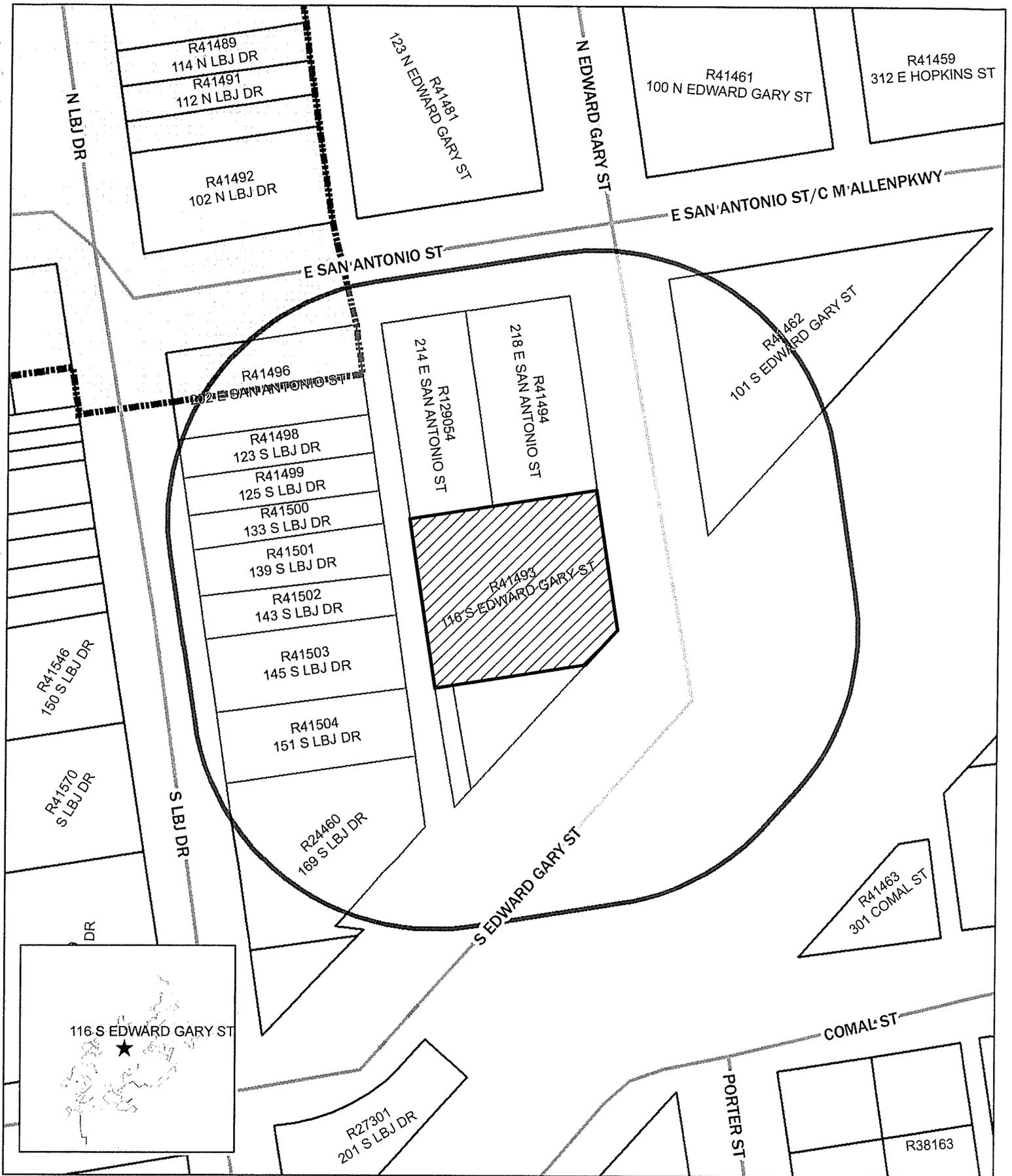
100 W. Hopkins – Hill Country Grill, then Newton Gang's Getaway, now the Vault – approved in 2004 for three years. Renewed in 2007 for three years, though the terms of the renewal did not specify which set of rules the restaurant was to follow. In the minutes, staff states that the restaurant does not submit reports on time, but the only condition attached to the permit was the three-year expiration. In 2009 changed name and license holder of permit. This required the issuance of a new CUP and changed the classification of the business from the 2001 rules to the 2005 rules.

202 N LBJ – Allniter Diner then Grey Horse Grill, now The Wine Cellar – approved in 2004. Amended in 2006 to allow a name change to the Grey Horse Grill and operational changes but continued to operate under the eight-hour rule. After Grey Horse Grill closed, The Wine Cellar was approved for a new restaurant permit, not an amendment, in 2007. Recently closed.

328 N LBJ – Gil's Broiler – approved in 2003. Continues to operate under the eight-hour rule because no expiration was attached to the original permit and none was required under the 2001 ordinance

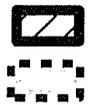
215 N LBJ – Wesray's now the Root Cellar – approved in 2002. The Root Cellar applied for a new restaurant permit in 2006 and was granted the permit under the regulations in place at that time. The staff report states that The Root Cellar had already been operational at that time for about a year. Staff does not know at what time Wesray's closed. It was likely before March 1, 2005 because Ordinance -2005-16 states that there were four restaurant permits active at that time.

202 E. San Antonio St. – Sean Patrick's – approved in 2006.



CUP-11-03

Railyard Bar and Grill.
116 S. Edward Gary
Map Date: 1/27/11

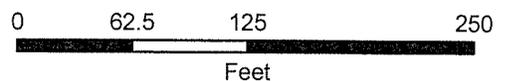


Notification Buffer
(200 feet)

Site Location

Historic District

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



CUP-11-03

Conditional Use Permit

Railyard Bar & Grill

116 S. Edward Gary



Applicant Information:

Applicant: Ryan Hageman
Mailing Address: 5605 Delwood Dr
 Austin TX 78723

Property Owner: Robert Hageman
 PO Box 91383
 Austin TX 78709

Applicant Request: A Conditional Use Permit (CUP) to allow the sale and on-premise consumption of mixed beverages at a new establishment to be located at 116 S. Edward Gary Street in San Marcos.

Public Hearing Notice: Public hearing notification was mailed on February 11, 2010.

Subject Property:

Location: 116 S. Edward Gary

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

Frontage On: Edward Gary, Alley

Existing Zoning: "GC" General Commercial

Sector: Sector 8

Utilities: Adequate

Existing Use of Property: Bar/Restaurant

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	CBA – Central business Area	Apartments/ Parking lot
S of property	GC – General Commercial	Electric Shop
E of property	P – Public	Parking/Railroad Tracks
W of property	CBA – Central business Area	Alley/Various

Code Requirements:

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

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

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

Case Summary

The subject property is located on Edward Gary Street just north of the railroad tracks. The lot was platted last year, and the site is currently vacant. A new establishment will be constructed.

No building or site permits have yet been approved. The site plan submitted with this application indicates an outside recreation area with ping pong tables and horseshoe pits separated from Edward Gary Street by a 6' fence. The applicant has applied for a variance to allow this fence height, which will be heard by the Zoning Board of Adjustments on February 17th. The building is set back approximately 90' from Edward Gary.

The application indicates hours from 11 a.m. to 2 a.m and an interior stage for live music. Fixed seating proposed is 100-150 inside and 40 outside with 30 parking spaces. To meet the LDC requirement for parking with 30 spaces, a maximum of 120 fixed seats could be provided.

Comments from Other Departments:

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

Planning Department Analysis:

This site is within the proposed Downtown Code area. The proposed use is both consistent with the Downtown Master Plan and allowed by the draft code. The proposed design does not meet all requirements of the Downtown Code, primarily because of the deep setback of the building and the location of parking. However, the Downtown Code is not yet adopted.

The site plan submitted with this application does not contain enough information to ensure compliance with all current city codes. Approval of site preparation and building permits will be required prior to construction, which will ensure compliance. Should the design of the site or building change in such a way that could increase impacts on surrounding properties, the applicant will be required to amend this CUP.

Because of the Lindsey Lofts apartments next door, staff recommends that a time limit be placed on amplified live music and that it be limited to the inside stage.

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; and**
- 2. Amplified live music shall end at 10:00 p.m. and shall be limited to the interior only.**

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

Prepared by:

John Foreman

Planner

2/14/2011

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.

EXIST. UTIL. POLE

PAVED ALLEY

N 08°00' W 142.95'

5' SETBACK

BICYCLE PARKING

"BALLYARD BAR & GRILL"
1-STORY BUILDING
RESTAURANT / BAR USE
3713 SQ. FT., HEATED AREA
APPROX. 22' ROOF RIDGE HT.

1' LANDSCAPE AREA

H

6'H FENCE

2 UPSEWER PITS

5' SETBACK

Ted Bryant Electric

EXISTING TREES

CABANA
11' x 11'

2 PING-PONG TABLES

PARKING:
2 HANDICAP
24 REGULAR
4 COMPACT
30 TOTAL

119.71' W 127.1'
158.48' S

543.95' S 38.90' W
518.04' W

2 HOUSEHOLD PITS

LANDSCAPE AREA

2-3' EXIT GATES
EMERGENCY EXIT ONLY
PANIC HARDWARE
ALARM

S 08°00' E 118.04'

ROBERT HAGEMAN SAN MARCOS PROJECT

SITE PLAN 50' x 118.10'

VENTURE FORM ARCHITECTS, INC. Craig Komarske

11.25.11

2011 JUN 25 PM 3 57

EDWARD GARY STREET

LINDSEY
LOFTS
Loft apartment
complex

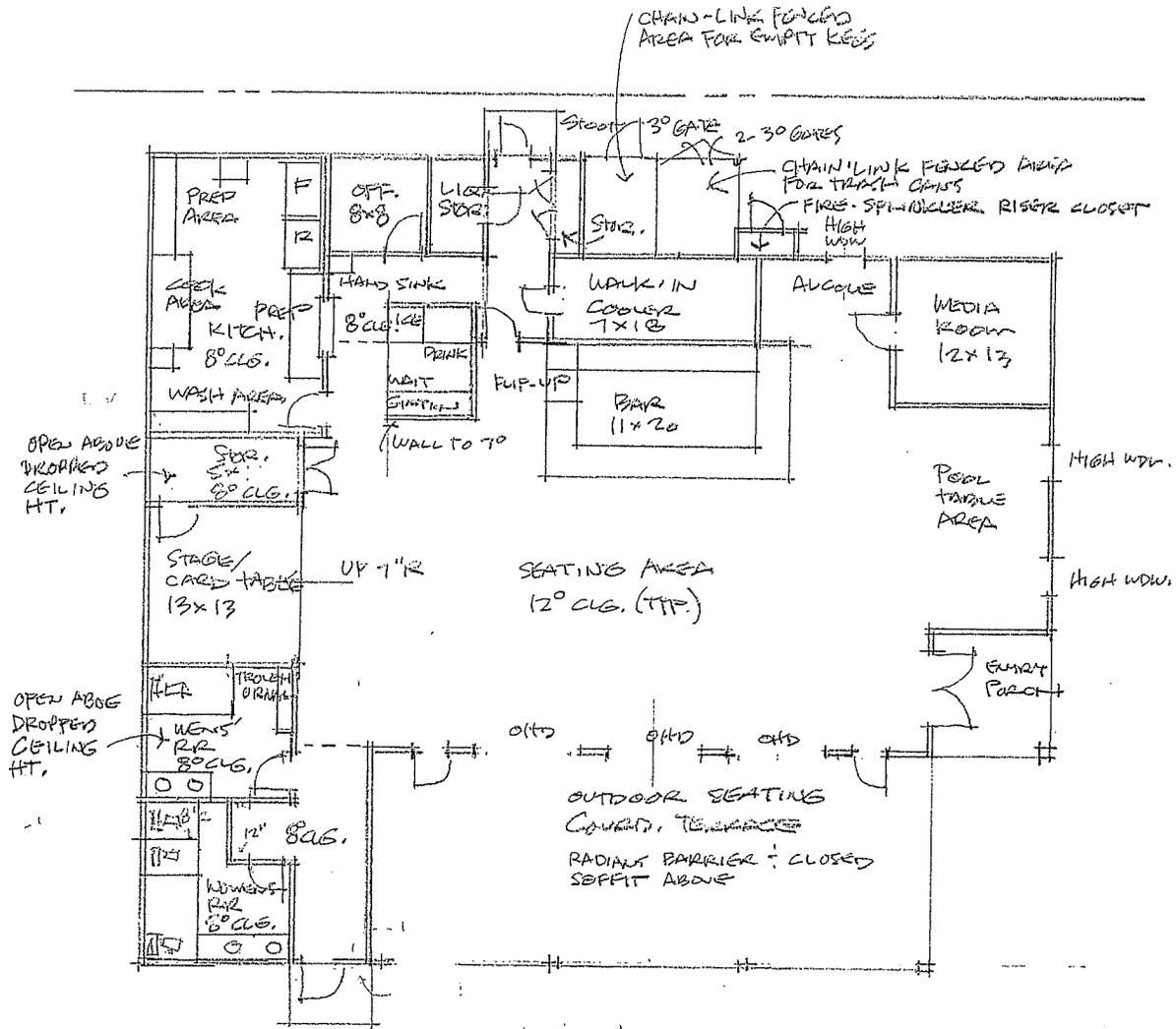
EXISTING 6'H
FENCE @
ADJACENT
PROPERTY
(RESIDENTIAL
USE)

LANDSCAPE ISLAND
NEW TREE

Wells Fargo
Parking Lot

LANDSCAPE
WATER
QUALITY AREA

276 East Main St
 UDDY KITCHEN TRUCK
 SPARKLEFIELD
 (HE KITCHEN, EST. UDDY)



FLOOR PLAN SC: 1" = 10'

1/10/11

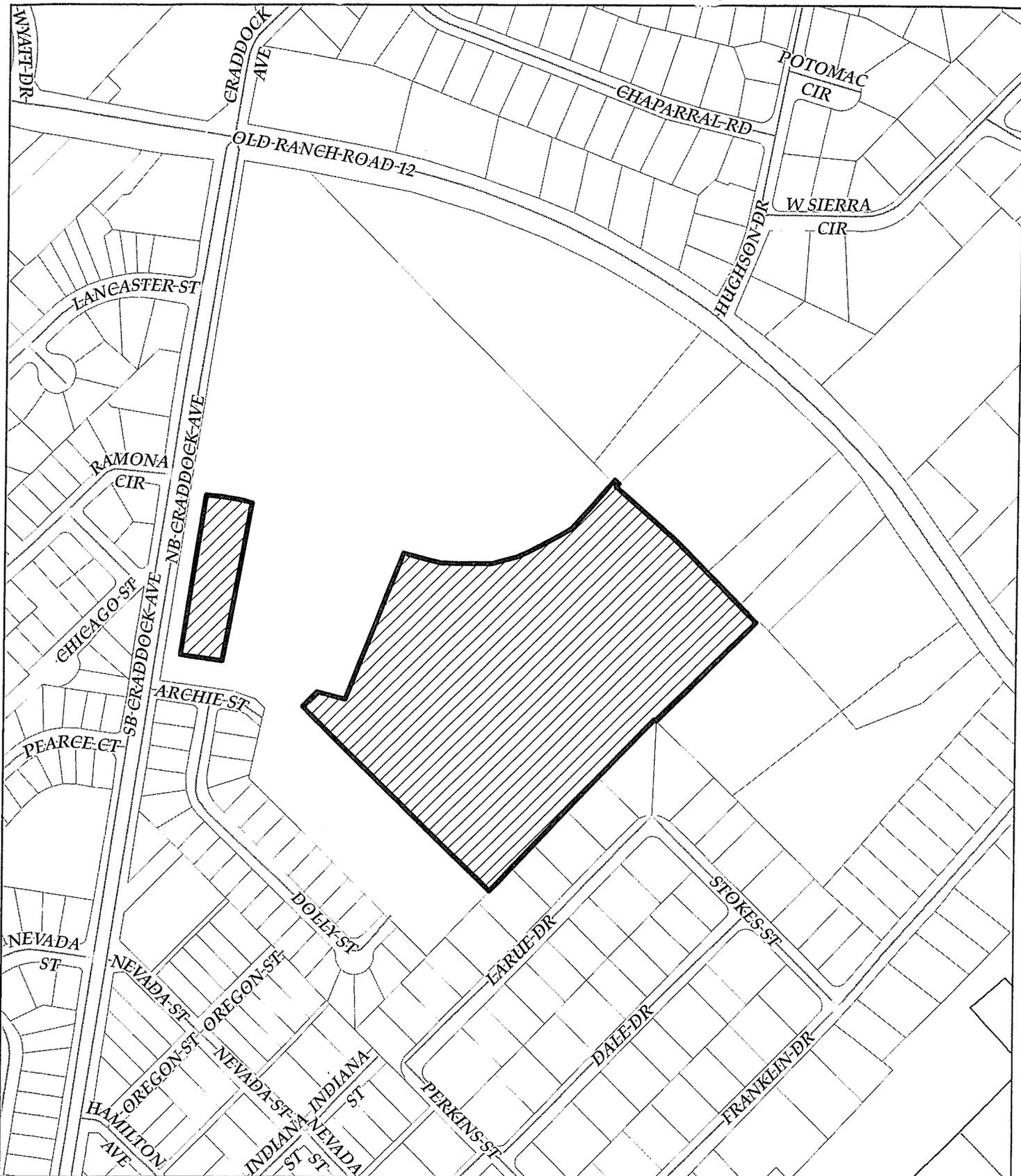
KITCHEN AREA: 3718 SF

COURT PORCH: 900 SF

TOTAL: 4608 SF

VENTURE FOUR ARCHITECTS, INC. Craig Kamenski, Architect

2011 JAN 25 PM 3 57



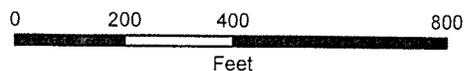
LUA-10-15

**The Retreat at San Marcos
Weatherford Tract**

**Low Density Residential
to Medium Density Residential**

•  Site Location

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



LUA-10-15
508 Craddock Avenue
Land Use Map Amendment
From LDR to MDR



Summary:

The applicant is requesting a Land use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) on two parcels of land located at 508 Craddock Ave.

- Applicant:** Retreat Holdings, LLC
148 Old Will Hunter Road
Athens, Georgia, 30606
- Consultant:** ETR Development Consulting, LLC
401 Dryden Lane
Buda, Texas 78610
- Property Owner:** Jack W. Weatherford
508 Craddock Avenue
San Marcos, TX 78666
- Notification:** Personal notifications of the public hearing were mailed on January 28, 2011 to all property owners within 200 feet of subject property.
- Response:** Attached if received by time of mail-out, all other responses will be provided at time of public hearing.

Subject Property:

- Location:** Two interior parcels of the Weatherford Tract, located on the southeast corner of Craddock Avenue & Old Ranch Road 12. 508 Craddock Avenue.
- Legal Description:** Part of 41.11 acres in the Elijah Clark Survey No. 11, Abstract No. 83, City of San Marcos, Hays County, Texas
- Sector:** Sector 2
- Current Zoning:** SF-6 Single-Family Residential
- Proposed Zoning:** MF-12 Multi-Family Residential
- Current Future Land Use Map Designation:** Low Density Residential-(LDR)

Proposed Future Land Use Map Designation:

Medium Density Residential (MDR)

Surrounding Area:

Proximity	Current Zoning	Existing Land Use
N of Property	SF-6 Single-Family	Low Density Residential
S of Property	SF-6 Single-Family	Low Density Residential
E of Property	SF-6 Single-Family & P Public	Low Density Residential & Public
W of Property	SF-4.5 & SF-6 Single-Family MU Mixed Use	Low Density Residential & Mixed Use

Project Analysis:

This request of one of nine associated with the proposed Retreat at San Marcos development. The below listed applications are being considered concurrently.

- Five Land Use Map Amendment applications:
 - LUA-10-15 Low Density Residential (LDR) to Medium Density Residential (MDR)
 - LUA-10-16 Commercial (C) to Medium Density Residential (MDR)
 - LUA-10-17 Open Space (OS) to Medium Density Residential (MDR)
 - LUA-10-18 Commercial (C) to Medium Density Residential (MDR)
 - LUA-10-19 Open Space (OS) to Commercial (C)

- Three Zoning Change applications:
 - ZC-10-21 Office Professional OP to Multi-Family Residential MF-12
 - ZC-10-22 Single-Family Residential SF-6 to Community Commercial CC
 - ZC-10-23 Single-Family Residential SF-6 to Multi-Family Residential MF-12

- A Planned Development District overlay application:
 - PDD-10-02 The Retreat at San Marcos
 - 2.75 Acre Community Commercial CC tract
 - 39.4 Acre Multi-Family Residential MF-12 tract
 - 4.5 Acres of public parkland

This proposed student housing, multi-family development will be composed of 105 detached residential cottages, 25 two-unit attached residential cottages and 10 four-unit attached residential cottages; for a total of 195 dwelling units with a total of 782 bedrooms. There will be 821 parking spaces provided. A 2.25 acre amenity area with clubhouse, pool, tennis court, basketball court, horseshoe pit, and putting green will be provided.

Request Analysis:

The applicant is requesting a Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) on two parcels of land located in Weatherford Tract.

To evaluate a Land Use Map Amendment request - staff reviews the requested Land Use Map Amendment for consistency with the Land Uses called for in the San Marcos Horizons Sector Plan for the subject area. The subject property is specifically addressed in the Sector Two Plan. The following are excerpts directly out of the Sector Two Plan.

Detailed Planning Area

Community Shopping & Professional Center

The approximately 54 acre property at the southeast corner of Ranch Road 12 and Craddock Ave. (the Weatherford tract) has been designated as Mixed Use in previous plans. The following table shows the breakdown of uses recommended for this property. In addition to the Weatherford tract, this planning area also includes an approximately 1 acre property (the Gilcrease tract) that is designated as Commercial development. This plan recommends that development on this tract be limited to Office-Professional uses (as described below).

Weatherford Land Use	Size
Low Density Residential	33 acres
Medium Density Residential	8 acres
Commercial	10 acres
Open Space	3 acres

The Future Land Use Map shows a particular arrangement of these uses, but the plan is intended to be somewhat flexible regarding the precise arrangement of uses, provided the conditions stipulated below are met:

1. The acreage of land in each category remains the same.
2. Only Low Density Residential uses south of the Hughson/Ramona connector road.
3. Commercial areas should be a mixture of "Community Commercial" and/or "Office-Professional" uses (as described above).
4. The Hughson/Ramona connector road is envisioned as a well-landscaped, divided boulevard that will help buffer the single family residential uses to the south from the more intensive development north of the road.
5. Non-single-family development should be buffered from Ranch Road 12 and Craddock Avenue with a 50 foot wide greenbelt broken only by the Ramona/Hughson connector road and a maximum of two curb cut entries (one each on RR 12 and Craddock Ave). In this buffer existing vegetation should be preserved and additional natural landscaping added as necessary to provide a visual buffer from adjacent streets. The only intrusion allowed into the buffer will be a 10' wide share-use sidewalk/bike path. This buffer should be in addition to additional right-of-way necessary to accommodate future improvements to both Ranch Road 12 (approximately 10') and Craddock Ave. (5' to 10').
6. The Medium Density Residential development is limited to Townhouse, Zero Lot Line single-family, or multi-family senior housing uses.

7. Residential development should include an interconnected street system and walkways providing pedestrian access to commercial area.

Ranch Road 12 is a major entryway into the City of San Marcos. Therefore, development along this corridor should be consistent with the City’s goal of making this an attractive entryway into the city and an attractive gateway to the Hill Country. Well-planned, high-quality commercial developments are expected in this area.

The Sector Two Plan was originally adopted in 1997 and the most recent update was adopted in 2001. And, while process of development a current update for this Sector is overdue, most of the factors that generated the 2001 plan are still in place. This plan recommends that Sector Two remain predominantly single-family residential in use and character, with a mixture of “Community Commercial” and/or “Office-Professional” uses at the corner of Old Ranch Road 12 and Craddock Ave (14 Acres).

Four of the five Land Use Amendment requests are for MDR Medium Density Residential Land Use, which is inconsistent with the Sector Two Plan. MDR Medium Density Residential Land Use allows densities up to twelve units per gross acre. LDR Low Density Residential Land Use allows densities up to six units per gross acre. The applicant is proposing to limit the density of this project to less than six units per gross acre through restrictions in the submitted Plan Development District. In addition, an element of the proposed PDD is the use of open space to buffer the existing single-family development of the surrounding property from the multi-family development of this project.

There are two Land Use Amendment requests that are proposing to change the existing designated land use of OP Open Space for the 50 foot wide areas that front Old Ranch Road 12 and Craddock Avenue to C Commercial and MDR Medium Density Residential, respectively. Through restrictions in the proposed PDD, these areas will remain “Open Space” and will function as a buffer for this project.

The PDD moves the project closer to consistency with Land Uses called for in the Sector Two Plan, but still does not meet all the criteria.

Staff is not making a recommendation.

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
	Denial
X	No Recommendation

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.

Attachments:

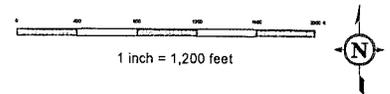
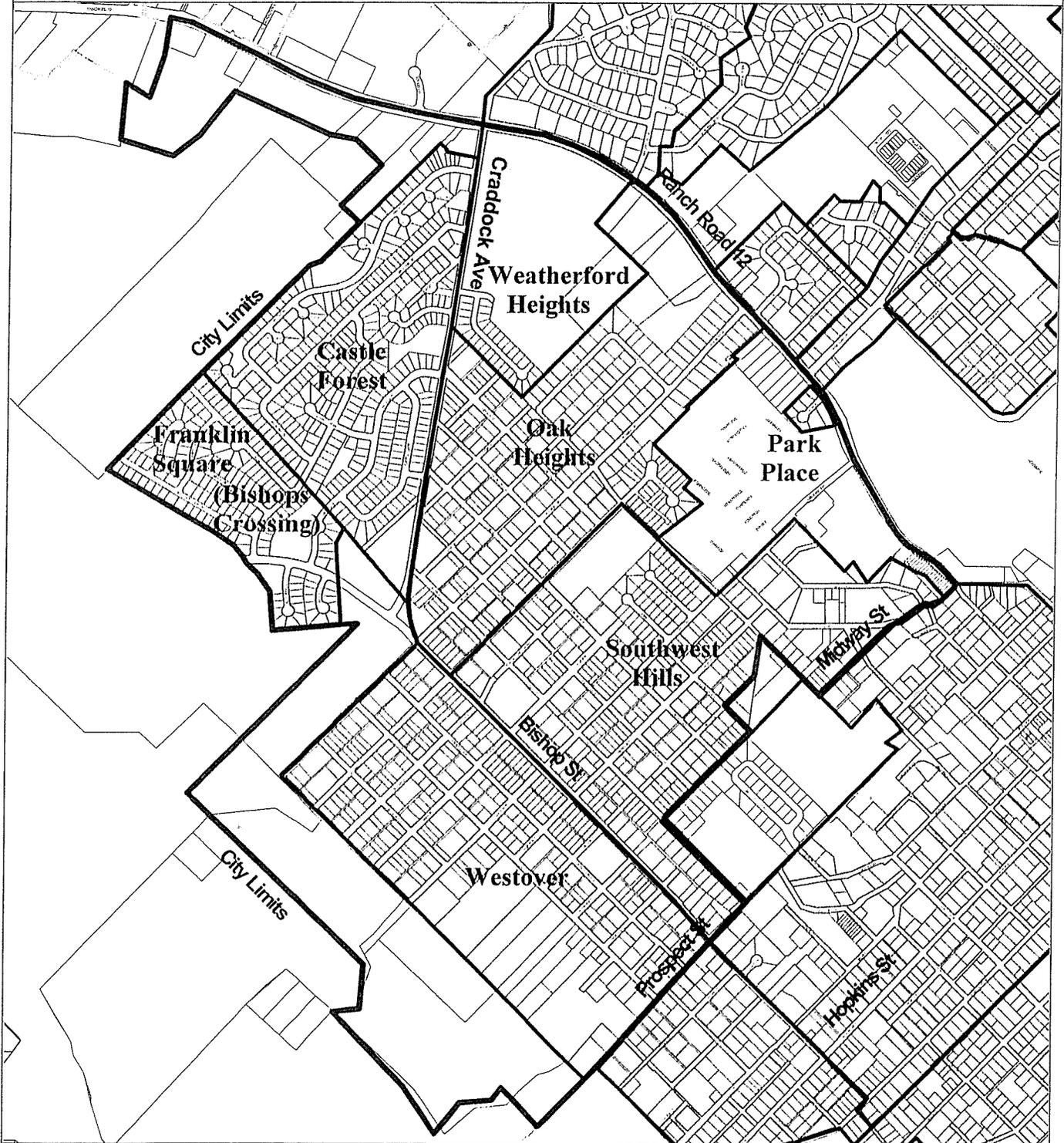
Location Map
Land Use Amendment Map
Survey of Subject Property
Neighborhood Associations Map
Community Character Plan

Prepared by:

Phil Steed	Planner	February 18, 2011
Name	Title	Date

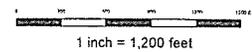
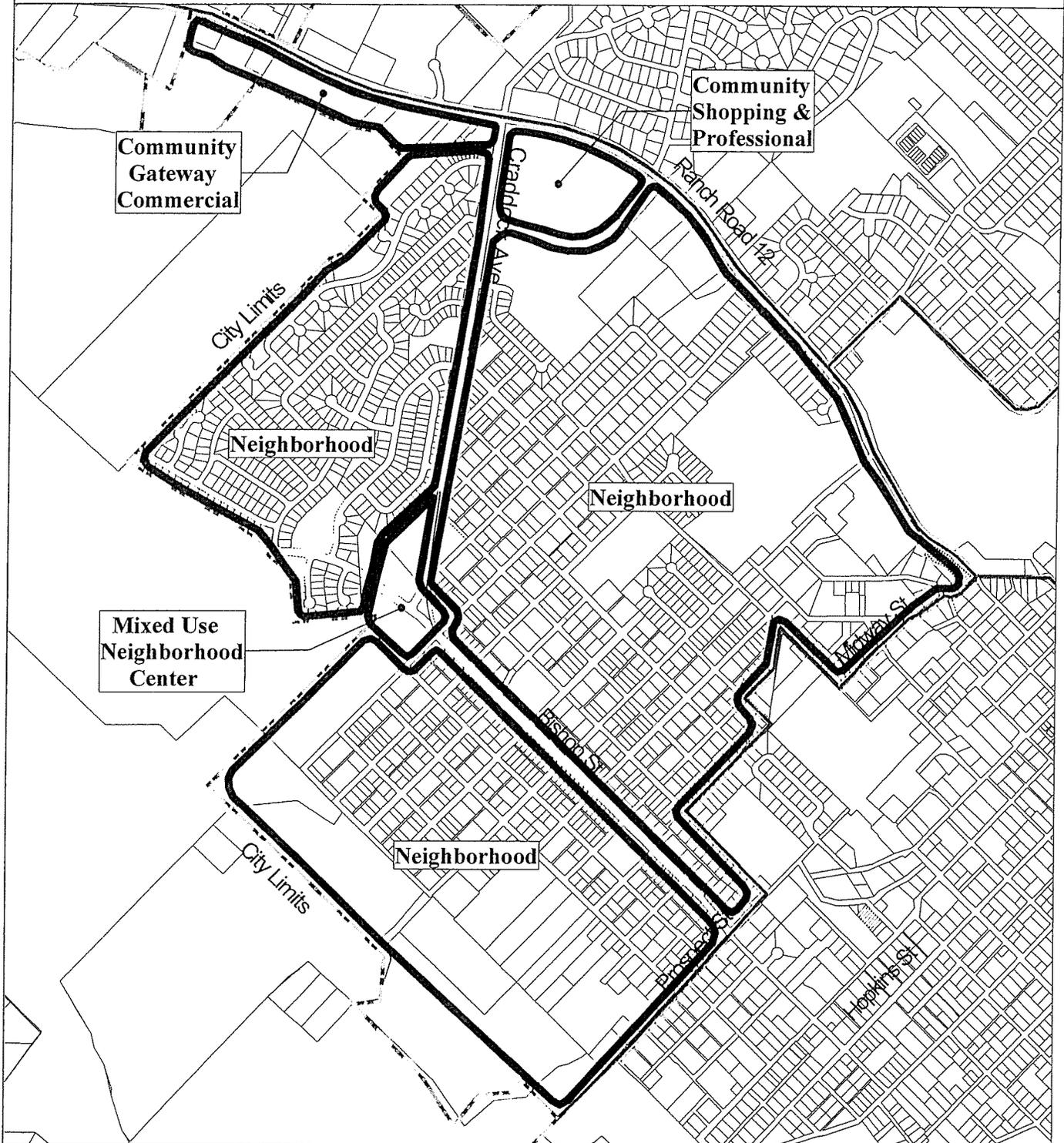
Map 2: Neighborhood Associations Map

City of San Marcos
Sector Two Plan



Map 6: Community Character Plan

City of San Marcos Sector Two Plan



DESCRIPTION OF 41.11 ACRES, MORE OR LESS, OF LAND AREA IN THE ELIJAH CLARK SURVEY NO. 11, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 41.42 ACRES IN A DEED FROM WALTER HUFFMEYER AND ELIZABETH HUFFMEYER TO JACK WEATHERFORD DATED JULY 14, 1961 AND RECORDED IN VOLUME 187, PAGE 217 OF THE HAYS COUNTY DEED RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS "FIRST TRACT-5.7 ACRES" IN A DEED FROM ROBERT A. COOPER ET UX TO JACK W. WEATHERFORD DATED JUNE 7, 1967 AND RECORDED IN VOLUME 217, PAGE 578 OF THE HAYS COUNTY DEED RECORDS, BEING A PORTION OF THAT TRACT DESCRIBED AS 5.5 ACRES IN A DEED FROM PAUL HASTINGS, SHERIFF, TO DR. JACK W. WEATHERFORD DATED JANUARY 18, 1994 AND RECORDED IN VOLUME 1045, PAGE 121 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 1.71 ACRES IN A DEED FROM ZAM-NEL JOINT VENTURE TO WHITETAIL, JV DATED MARCH 19, 2004 AND RECORDED IN VOLUME 2426, PAGE 104 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" iron rod found in the curving southwest line of R.M. Highway No. 12 and that tract described as 0.8 acres in a deed from F.J. Rutledge et ux to the State of Texas dated January 8, 1937 and recorded in Volume 112, Page 472 of the Hays County Deed Records for the east corner of the Whitetail, JV 1.71 acre tract, and north corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision as recorded in Volume 5, Page 57 of the Hays County Plat Records;

THENCE leaving R.M. Highway No. 12, the City of San Marcos 0.8 acre tract, and the PLACE OF BEGINNING, as shown on that plat numbered 26503-10-3.1-a dated October 1, 2010 prepared for Jon Williams by Byrn & Associates, Inc., of San Marcos, Texas with the common southeast line of the Whitetail, JV, 1.71 acre tract and northwest line of Lot 1, San Marcos Seventh Day Adventist Church Subdivision, S 44°29'59" W 467.11 feet to a 1/2" iron pipe

found in old fence remains in the northeast line of the Weatherford 41.42 acre tract, for the south corner of the Whitetail, JV, 1.71 acre tract and west corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision;

THENCE leaving the Whitetail, JV, 1.71 acre tract with the common southwest line of Lot 1, San Marcos Seventh Day Adventist Church Subdivision and northeast line of the Weatherford 41.42 acre tract and its extension, S 48°15'59" E 290.37 feet to the southwest face of a 6" cedar fence corner post found in the northeast line of the previously mentioned Weatherford 5.7 acre First Tract for the south corner of Lot 1, San Marcos Seventh Day Adventist Church Subdivision and the west corner of Lot 1, Charles R. Swart Subdivision as recorded in Volume 3, Page 72 of the Hays County Plat Records, pass at approximately 178.4 feet a fence corner for the north corner of the Weatherford 5.7 acre First Tract and for an northerly east corner of the Weatherford 41.42 acre tract;

THENCE leaving the San Marcos Seventh Day Adventist Church Subdivision continuing with the common northeast line of the Weatherford 5.7 acre First Tract and southwest line of Lots 1 and 2 of the Charles R. Swart Subdivision, the following two courses:

1. S 44°17'01" E 27.20 feet to a 3/8" iron rod found for an angle point, and
2. S 44°59'03" E 200.96 feet to a brass disk in concrete found stamped "Charles Swart Survey" in the approximate southeast line of the previously mentioned E. Clark Survey and northwest line of the T.J. Chambers Survey, Abstract No. 2 and a 15 foot wide access easement recorded in Volume 1388, Page 704 of the Hays County Official Public Records for the south corner of Lot 2, Charles R. Swart Subdivision, for the east corner of the Weatherford 5.7 acre First Tract and this description and for the north corner of that tract described as 5.222 acres in a deed from Thomas A. Glore et ux to Edward R. Caffey et ux dated March 31, 1995 and recorded in Volume 1139, Page 718 of the Hays County Official Public Records;

THENCE leaving the Charles R. Swart Subdivision with the common southeast line of the Weatherford 5.7 acre First tract and northwest line of the 15 foot wide access easement and the Caffey 5.222 acre tract, being with the approximate survey line S 44°40'00" W 383.19 feet to a ½" iron rod found for the west corner of the Caffey 5.222 acre tract, and for the northwest corner of Lot 13 and northeast corner of Lot 12 of Oak Heights Subdivision as Recorded in Volume 164, Page 586 of the Hays County Deed Records;

THENCE leaving the 15 foot wide access easement and the Caffey 5.222 acre tract with the common southeast line of the Weatherford 5.7 acre First Tract and northwest line of Oak Heights Subdivision the following two courses:

1. S 44°31'49" W 153.48 feet to a ½" iron rod found for an angle point in Lot 12, and
2. S 44°08'40" W 193.05 feet to a ½" iron pipe found at a fence corner post in the northwest line of Lot 10, Oak Heights Subdivision for the south corner of the Weatherford 5.7 acre First Tract and an southerly east corner of the Weatherford 41.42 acre tract;

THENCE leaving the Weatherford 5.7 acre First Tract with the common southeast line of the Weatherford 41.42 acre tract and northwest line of Oak Heights Subdivision, S 44°23'43" W 281.67 feet to a ½" iron rod set for the south corner of this description;

THENCE leaving Oak Heights Subdivision crossing the remaining portion of the Weatherford 41.42 acre tract, the following two courses:

1. N 45°12'59" W 849.23 feet to a ½" iron rod set for an angle point, and
2. N 81°28'01" W 259.03 feet to a ½" iron rod set in the east line of Craddock Avenue and a strip of land described as 0.801 acres in a deed from Jack W. Weatherford to the City of San Marcos dated April 26, 2004 and recorded in Volume 2449, Page 491 of the Hays County Official Public Records (said City of San Marcos 0.801 acre strip being a portion of the Weatherford 41.42 acre tract);

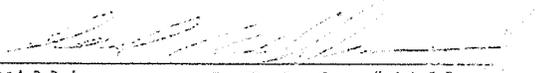
THENCE with the east line of Craddock Avenue and the City of San Marcos 0.801 acre strip, N 08°33'34" E 914.29 feet to a ½" iron rod set for the northwest corner of this description;

THENCE leaving Craddock Avenue and the City of San Marcos 0.801 acre strip re-crossing the remaining portion of the Weatherford 41.42 acre tract and the previously mentioned Weatherford 5.5 acre tract the following three courses:

1. S 82°06'05" E 100.00 feet to a ½" iron rod set for an angle point,
2. N 60°55'01" E 327.18 feet to a ½" iron rod set for an angle point, and
3. N 09°22'36" E 200.00 feet to a ½" iron rod set in the curving southwest line of R.M. Highway No. 12 and that tract described as a 50 foot wide strip containing 1.46 acres in a deed from Alice Ward to the State of Texas dated January 21, 1937 and recorded in Volume 115, Page 290 of the Hays County Deed Records for the north corner of this description;

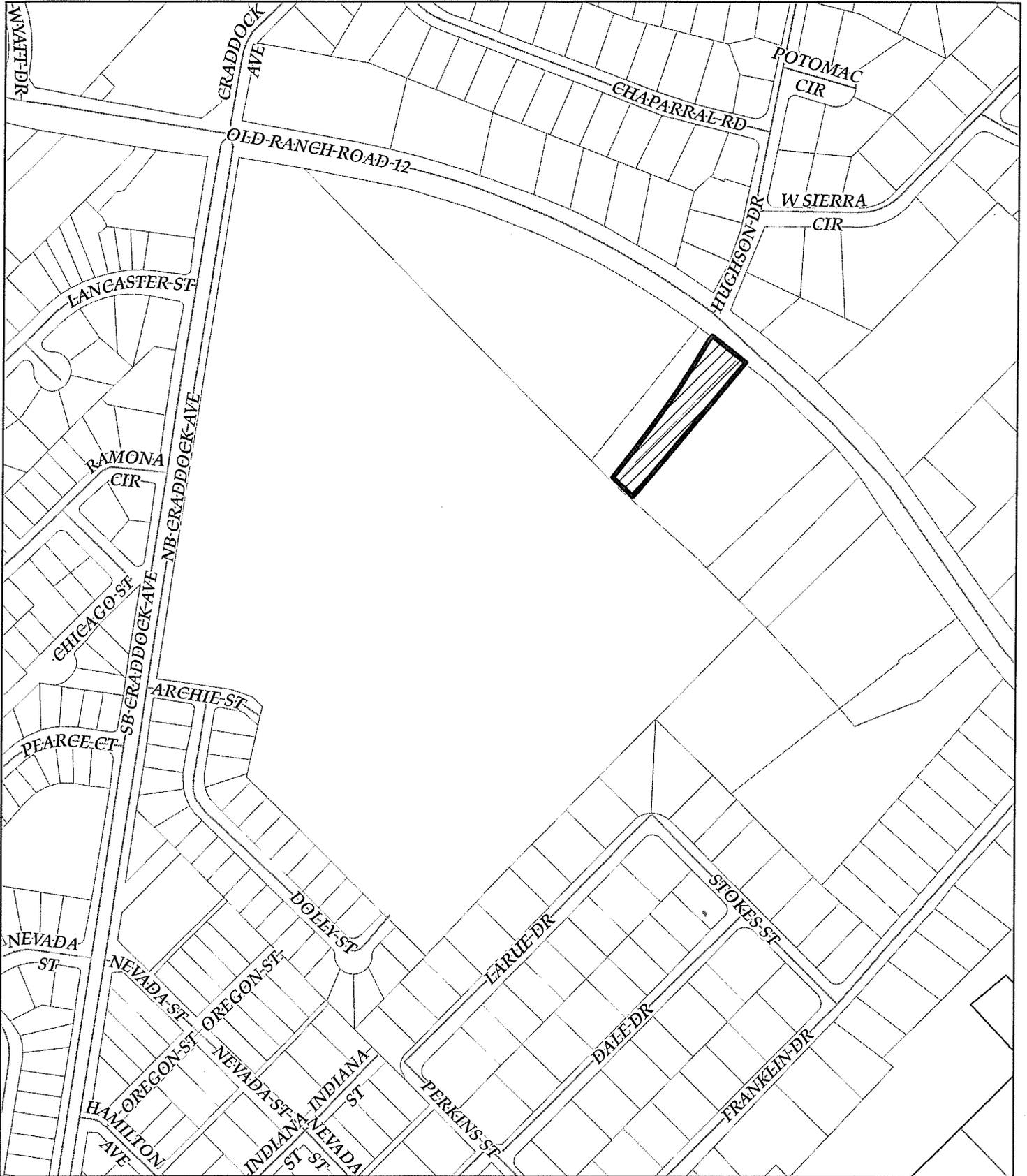
THENCE with the common northeast line of the Weatherford 5.5 acre tract and the previously mentioned Whitetail, JV, 1.71 acre tract and southwest line of R.M. Highway No. 12 and the State of Texas 1.46 acre and 0.8 acre strip, being with a right-breaking curve having the following characteristics: delta angle = 27°42'25", radius = 2241.83 feet, arc = 1084.10 feet, and a chord which bears S 63°49'25" E 1073.57 feet to the PLACE OF BEGINNING.

THERE are contained within these metes and bounds 41.11 acres, more or less, of land area as prepared from public records and a survey made on the ground on October 1, 2010 by Byrn & Associates, Inc., of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this survey is based on the Texas State Plane Coordinate System, South Central Zone and refers to grid north.



David C. Williamson, R.P.L.S. #4190

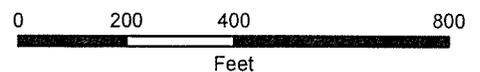
Client: Williams, J.
Date: October 1, 2010
Survey: Clark, E. A-83
County: Hays, TX.
Job No.: 26503-10
FND41.11



LUA-10-16
The Retreat at San Marcos
Gilcrease Tract
Commercial to Medium
Density Residential

●  Site Location

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



LUA-10-16
508 Craddock Avenue
Land Use Map Amendment
From C to MDR



Summary:

The applicant is requesting a Land use Map Amendment from Commercial (C) to Medium Density Residential (MDR) on a parcel of land located in the 1500 Block of Old Ranch Road 12

- Applicant:** Retreat Holdings, LLC
148 Old Will Hunter Road
Athens, Georgia, 30606
- Consultant:** ETR Development Consulting, LLC
401 Dryden Lane
Buda, Texas 78610
- Property Owner:** Whitetail JV
2001 W. McCarty Lane
San Marcos, TX 78666
- Notification:** Personal notifications of the public hearing were mailed on January 28, 2011 to all property owners within 200 feet of subject property.
- Response:** Attached if received by time of mail-out, all other responses will be provided at time of public hearing.

Subject Property:

- Location:** South side of Old Ranch Road 12; across from Hughson Street - In the 1500 Block of Old Craddock Avenue
- Legal Description:** 1.71 acres in the Elijah Clark Survey No. 11, Abstract No. 83, City of San Marcos, Hays County, Texas
- Sector:** Sector 2
- Current Zoning:** OP Office Professional
- Proposed Zoning:** MF-12 Multi-Family Residential
- Current Future Land Use Map Designation:** Commercial (C)

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

Surrounding Area:

Proximity	Current Zoning	Existing Land Use
N of Property	SF-6 Single-Family	Low Density Residential
S of Property	SF-6 Single-Family	Low Density Residential
E of Property	SF-6 Single-Family & P Public	Low Density Residential & Public
W of Property	SF-4.5 & SF-6 Single-Family MU Mixed Use	Low Density Residential & Mixed Use

Planning Department Analysis:

The applicant is requesting a Land Use Map Amendment from Commercial (C) to Medium Density Residential (MDR) on a 1.71 acre tract known as the Gilcrease tract.

To evaluate a Land Use Map Amendment request - staff reviews the requested Land Use Map Amendment for consistency with the Land Uses called for in the San Marcos Horizons Sector Plan for the subject area. The subject property is specifically addressed in the Sector Two Plan. The following are excerpts directly out of the Sector Two Plan.

Detailed Planning Area

Community Shopping & Professional Center

The approximately 54 acre property at the southeast corner of Ranch Road 12 and Craddock Ave. (the Weatherford tract) has been designated as Mixed Use in previous plans. The following table shows the breakdown of uses recommended for this property. In addition to the Weatherford tract, **this planning area also includes an approximately 1 acre property (the Gilcrease tract) that is designated as Commercial development. This plan recommends that development on this tract be limited to Office-Professional uses (as described below).**

Weatherford Land Use	Size
Low Density Residential	33 acres
Medium Density Residential	8 acres
Commercial	10 acres
Open Space	3 acres

The Future Land Use Map shows a particular arrangement of these uses, but the plan is intended to be somewhat flexible regarding the precise arrangement of uses, provided the conditions stipulated below are met:

1. The acreage of land in each category remains the same.

2. Only Low Density Residential uses south of the Hughson/Ramona connector road.
3. Commercial areas should be a mixture of “Community Commercial” and/or “Office-Professional” uses (as described above).
4. The Hughson/Ramona connector road is envisioned as a well-landscaped, divided boulevard that will help buffer the single family residential uses to the south from the more intensive development north of the road.
5. Non-single-family development should be buffered from Ranch Road 12 and Craddock Avenue with a 50 foot wide greenbelt broken only by the Ramona/Hughson connector road and a maximum of two curb cut entries (one each on RR 12 and Craddock Ave).

Ranch Road 12 is a major entryway into the City of San Marcos. Therefore, development along this corridor should be consistent with the City’s goal of making this an attractive entryway into the city and an attractive gateway to the Hill Country. Well-planned, high-quality commercial developments are expected in this area

The area of this request is the area referred to as the Gilcrease tract. The San Marcos Horizons Sector Two Plan specifically calls for this area to be designated as Commercial development and the tract be limited to Office-Professional uses.

The Sector Two Plan was originally adopted in 1997 and the most recent update was adopted in 2001. And, while process of development a current update for this Sector is overdue, most of the factors that generated the 2001 plan are still in place. This plan recommends that Sector Two remain predominantly single-family residential in use and character, with a mixture of “Community Commercial” and/or “Office-Professional” uses at the corner of Old Ranch Road 12 and Craddock Ave (14 Acres).

Four of the five Land Use Amendment requests are for MDR Medium Density Residential Land Use, which is inconsistent with the Sector Two Plan. MDR Medium Density Residential Land Use allows densities up to twelve units per gross acre. LDR Low Density Residential Land Use allows densities up to six units per gross acre. The applicant is proposing to limit the density of this project to less than six units per gross acre through restrictions in the submitted Plan Development District. In addition, an element of the proposed PDD is the use of open space to buffer the existing single-family development of the surrounding property from the multi-family development of this project.

There are two Land Use Amendment requests that are proposing to change the existing designated land use of OP Open Space for the 50 foot wide areas that front Old Ranch Road 12 and Craddock Avenue to C Commercial and MDR Medium Density Residential, respectively. Through restrictions in the proposed PDD, these areas will remain “Open Space” and will function as a buffer for this project.

The PDD moves the project closer to consistency with Land Uses called for in the Sector Two Plan, but still does not meet all the criteria.

Staff is not making a recommendation.

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
	Denial
X	No Recommendation

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.

Attachments:

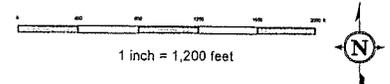
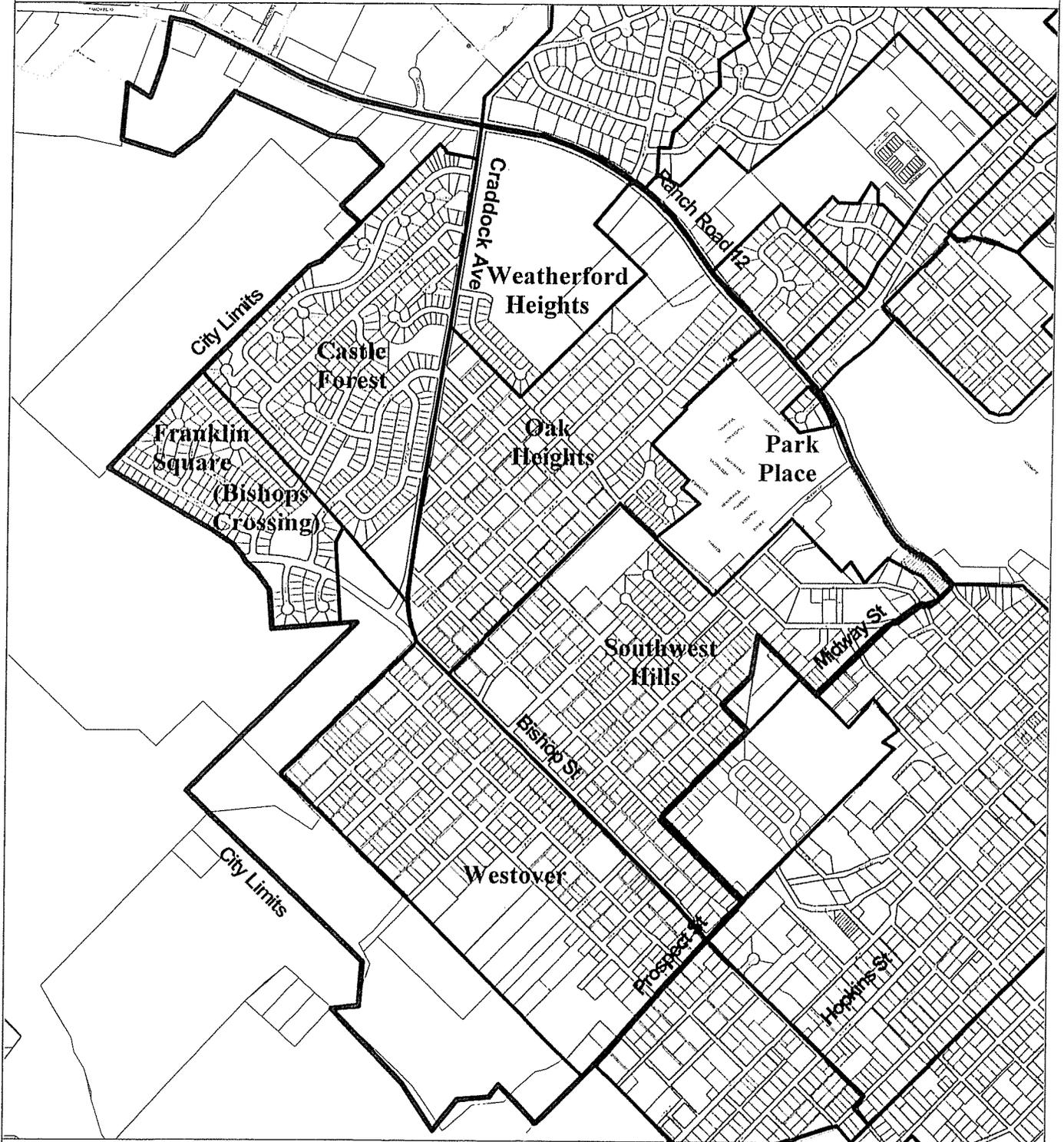
Location Map
Land Use Amendment Map
Survey of Subject Property
Neighborhood Associations Map
Community Character Plan

Prepared by:

Phil Steed	Planner	February 18, 2011
Name	Title	Date

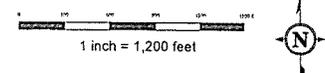
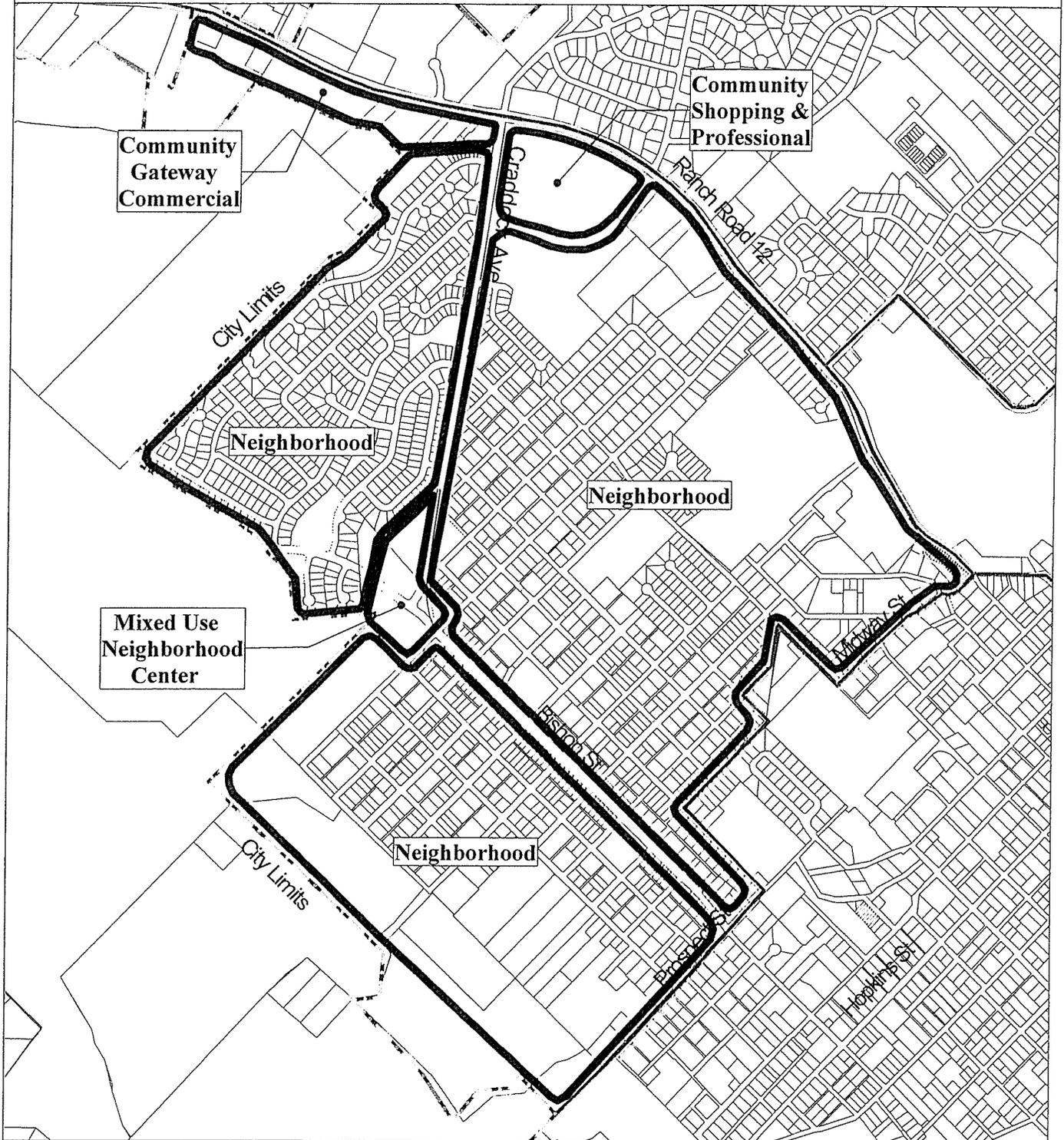
Map 2: Neighborhood Associations Map

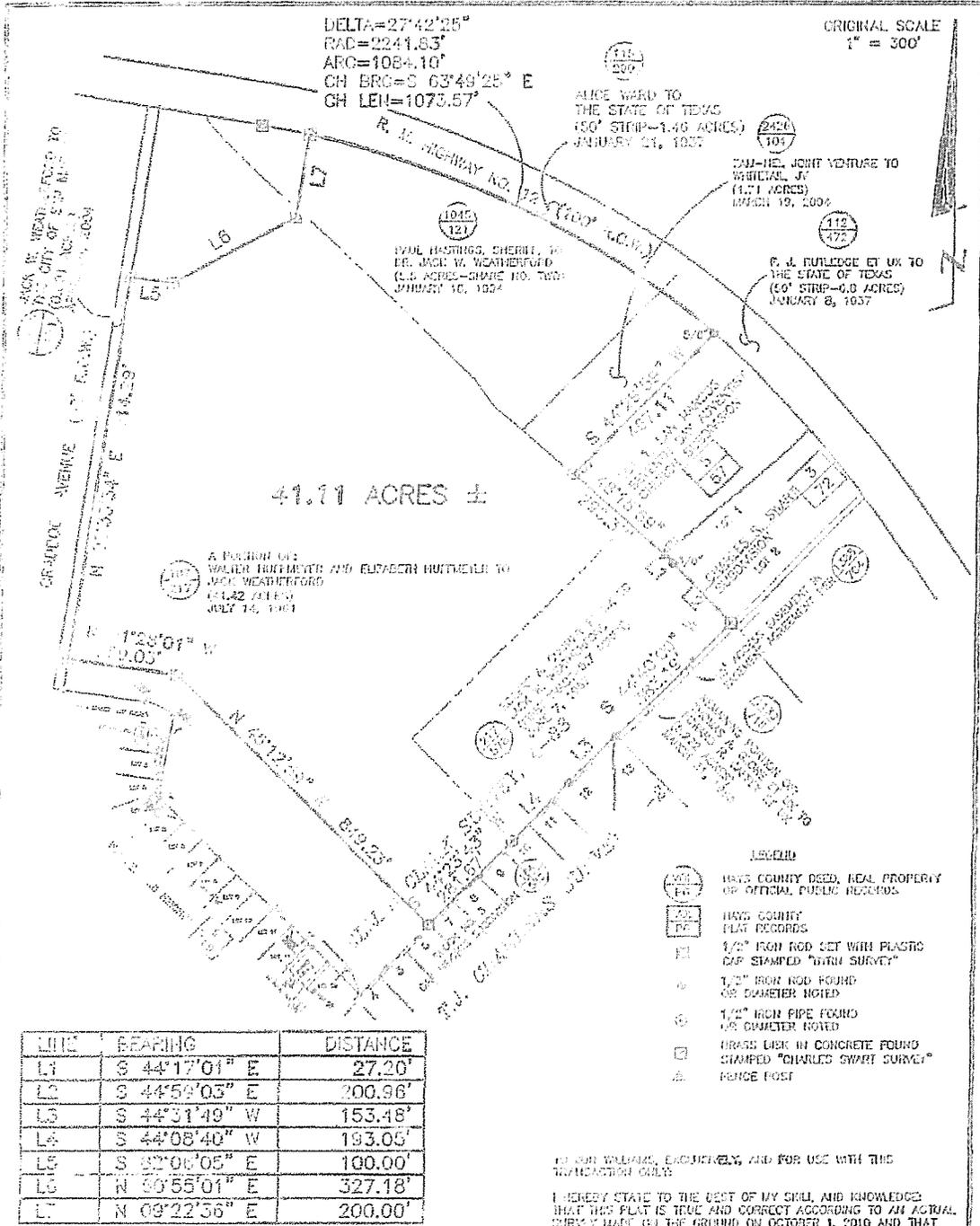
City of San Marcos Sector Two Plan



Map 6: Community Character Plan

City of San Marcos Sector Two Plan





1. PRICES NEAREST

2. CORNERS, BEING THE FOUR CORNERS IN PARALLELS ARE FROM FIELD SURVEY DATA

3. ACCORDING TO DRAWING FROM THE CURRENT F.E.M.A. FLOOD RISK MAP, (F.E.M.A. MAP NO. 48060C0204F DATED SEPTEMBER 2, 2005, THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE GUARANTEED FLOOD HAZARD).

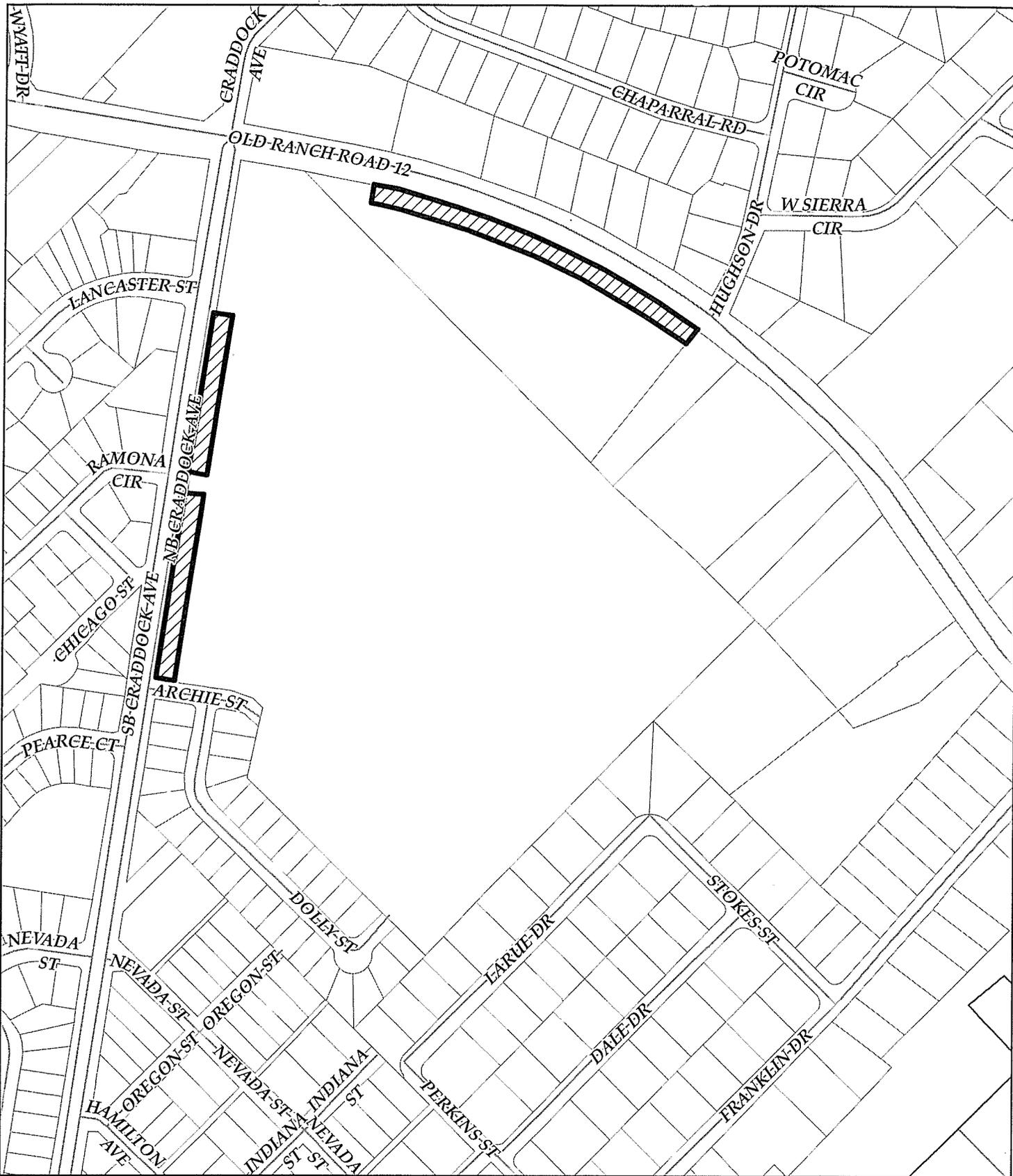
4. THIS SURVEY WAS MADE IN CONNECTION WITH TITLE COMMITMENT NO. 104-170000000000 DATED OCTOBER 22, 2010 AND G.P. NO. 104-170000000000 DATED SEPTEMBER 24, 2010 PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY. THE SURVEYOR DID NOT KNOW OF ANY LEGAL RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR ENCUMBRANCES. THEREFORE, CERTAIN ENCUMBRANCES MAY HAVE BEEN GRANTED AND NOT BE REFLECTED HEREON.

5. THIS SURVEY PLAT WAS PREPARED IN CONNECTION WITH A LAND SURVEY DATED OCTOBER 1, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

DATE: OCTOBER 1, 2010
 SURVEYOR: DAVID G. WILLIAMSON, R.P.L.S. NO. 4199
 COUNTY: HAYS COUNTY, TEXAS
 PLAT NO.: 104-1700-10-1-1-1

BYRN & ASSOCIATES, INC.
 ENGINEERS SURVEYORS
 P.O. BOX 1433 SAN MARCOS, TEXAS 78667
 PHONE (512) 336-2270 FAX 512-362-2945

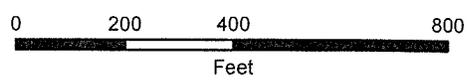
PLAT OF 41.11 ACRES ±, IN THE
 E. CLARK SURVEY, ABSTRACT
 NO. 83, CITY OF SAN MARCOS,
 HAYS COUNTY, TEXAS



LUA-10-17
The Retreat at San Marcos
Weatherford Tract
Open Space to Medium
Density Residential

•  Site Location

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



LUA-10-17
508 Craddock Avenue
Land Use Map Amendment
From OS to MDR



Summary:

The applicant is requesting a Land use Map Amendment from Open Space (OC) to Medium Density Residential (MDR) on a three parcel of land located at 508 Craddock Ave.

- Applicant:** Retreat Holdings, LLC
148 Old Will Hunter Road
Athens, Georgia, 30606
- Consultant:** ETR Development Consulting, LLC
401 Dryden Lane
Buda, Texas 78610
- Property Owner:** Jack W. Weatherford
508 Craddock Avenue
San Marcos, TX 78666
- Notification:** Personal notifications of the public hearing were mailed on January 28, 2011 to all property owners within 200 feet of subject property.
- Response:** Attached if received by time of mail-out, all other responses will be provided at time of public hearing.

Subject Property:

- Location:** Along the road frontage of Craddock Ave and Old Ranch Road - 508 Craddock Avenue
- Legal Description:** Part of a 41.11 acres in the Elijah Clark Survey No. 11, Abstract No. 83, City of San Marcos, Hays County, Texas
- Sector:** Sector 2
- Current Zoning:** SF-6 Single-Family Residential
- Proposed Zoning:** MF-12 Multi-Family Residential
- Current Future Land Use Map Designation:** OS (Open Space)

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

Surrounding Area:

Proximity	Current Zoning	Existing Land Use
N of Property	SF-6 Single-Family	Low Density Residential
S of Property	SF-6 Single-Family	Low Density Residential
E of Property	SF-6 Single-Family & P Public	Low Density Residential & Public
W of Property	SF-4.5 & SF-6 Single-Family MU Mixed Use	Low Density Residential & Mixed Use

Planning Department Analysis:

The applicant is requesting a Land Use Map Amendment from Open Space (OS) to Medium Density Residential (MDR) on three tract of land that front Craddock Ave and Old Ranch Road 12 that are a part of the Weatherford tract.

To evaluate a Land Use Map Amendment request - staff reviews the requested Land Use Map Amendment for consistency with the Land Uses called for in the San Marcos Horizons Sector Plan for the subject area. The subject property is specifically addressed in the Sector Two Plan. The following are excerpts directly out of the Sector Two Plan.

Detailed Planning Area

Community Shopping & Professional Center

The approximately 54 acre property at the southeast corner of Ranch Road 12 and Craddock Ave. (the Weatherford tract) has been designated as Mixed Use in previous plans. The following table shows the breakdown of uses recommended for this property. In addition to the Weatherford tract, this planning area also includes an approximately 1 acre property (the Gilcrease tract) that is designated as Commercial development. This plan recommends that development on this tract be limited to Office-Professional uses (as described below).

Weatherford Land Use	Size
Low Density Residential	33 acres
Medium Density Residential	8 acres
Commercial	10 acres
Open Space	3 acres

The Future Land Use Map shows a particular arrangement of these uses, but the plan is intended to be somewhat flexible regarding the precise arrangement of uses, provided the conditions stipulated below are met:

1. The acreage of land in each category remains the same.
2. Only Low Density Residential uses south of the Hughson/Ramona connector road.

3. Commercial areas should be a mixture of “Community Commercial” and/or “Office-Professional” uses (as described above).
4. The Hughson/Ramona connector road is envisioned as a well-landscaped, divided boulevard that will help buffer the single family residential uses to the south from the more intensive development north of the road.
5. Non-single-family development should be buffered from Ranch Road 12 and Craddock Avenue with a 50 foot wide greenbelt broken only by the Ramona/Hughson connector road and a maximum of two curb cut entries (one each on RR 12 and Craddock Ave).

Ranch Road 12 is a major entryway into the City of San Marcos. Therefore, development along this corridor should be consistent with the City’s goal of making this an attractive entryway into the city and an attractive gateway to the Hill Country. Well-planned, high-quality commercial developments are expected in this area

The area of this request is the area referred to as the 50 foot wide greenbelt buffer area adjacent Ranch Road 12 and Craddock Ave. The San Marcos Horizons Sector Two Plan specifically calls for this area to be a buffer area and to be designated as Open Space.

The Sector Two Plan was originally adopted in 1997 and the most recent update was adopted in 2001. And, while process of development a current update for this Sector is overdue, most of the factors that generated the 2001 plan are still in place. This plan recommends that Sector Two remain predominantly single-family residential in use and character, with a mixture of “Community Commercial” and/or “Office-Professional” uses at the corner of Old Ranch Road 12 and Craddock Ave (14 Acres).

Four of the five Land Use Amendment requests are for MDR Medium Density Residential Land Use, which is inconsistent with the Sector Two Plan. MDR Medium Density Residential Land Use allows densities up to twelve units per gross acre. LDR Low Density Residential Land Use allows densities up to six units per gross acre. The applicant is proposing to limit the density of this project to less than six units per gross acre through restrictions in the submitted Plan Development District. In addition, an element of the proposed PDD is the use of open space to buffer the existing single-family development of the surrounding property from the multi-family development of this project.

There are two Land Use Amendment requests that are proposing to change the existing designated land use of OP Open Space for the 50 foot wide areas that front Old Ranch Road 12 and Craddock Avenue to C Commercial and MDR Medium Density Residential, respectively. Through restrictions in the proposed PDD, these areas will remain “Open Space” and will function as a buffer for this project.

The PDD moves the project closer to consistency with Land Uses called for in the Sector Two Plan, but still does not meet all the criteria.

Staff is not making a recommendation.

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
	Denial
X	No Recommendation

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.

Attachments:

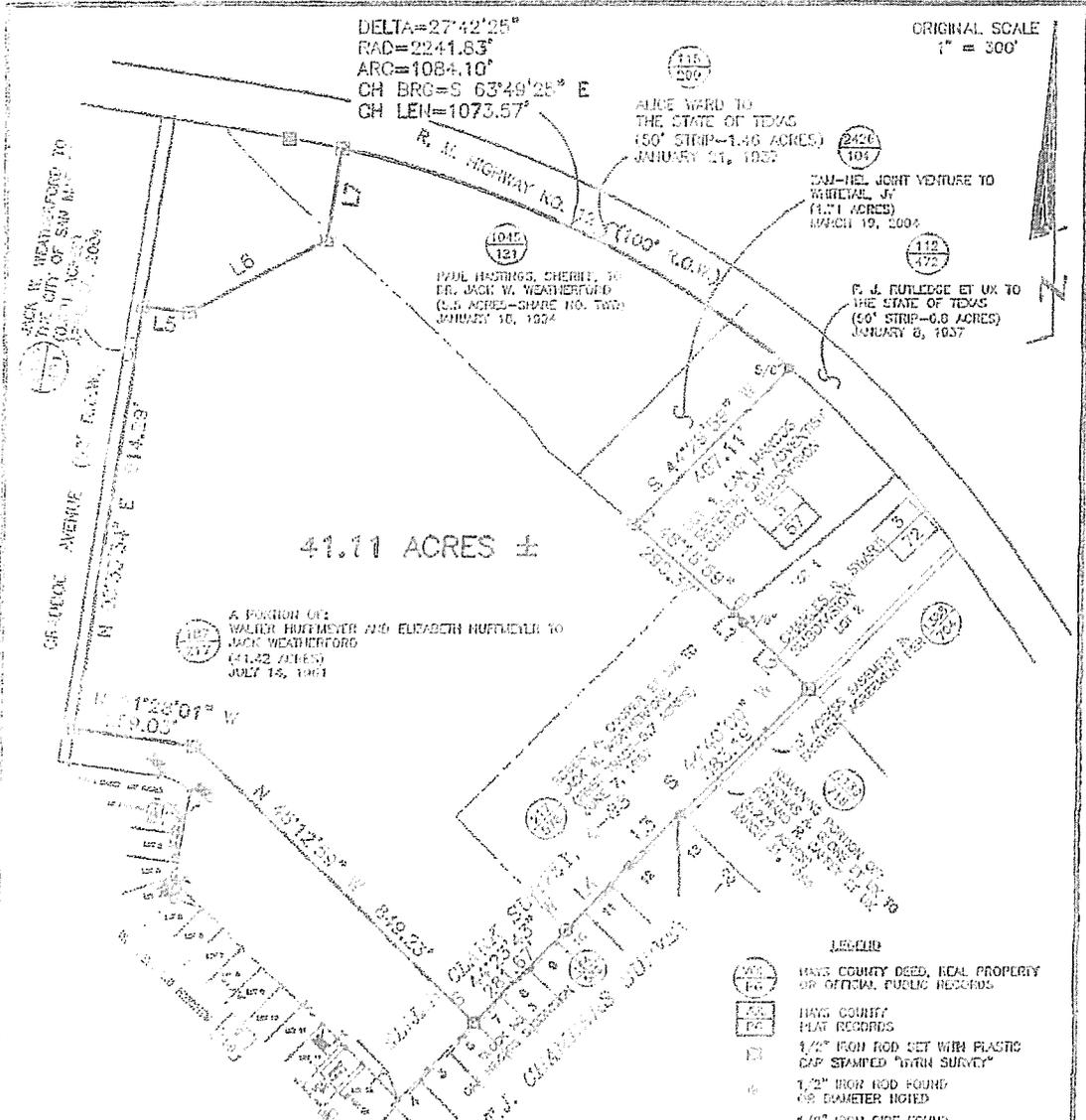
Location Map
Land Use Amendment Map
Survey of Subject Property
Neighborhood Associations Map
Community Character Plan

Prepared by:

Phil Steed	Planner	February 18, 2011
Name	Title	Date



LUA OPEN SPACE to LDR



41.11 ACRES ±

LINE	BEARING	DISTANCE
L1	S 44°17'01" E	27.20'
L2	S 44°59'03" E	200.96'
L3	S 44°31'40" W	153.48'
L4	S 44°08'40" W	193.05'
L5	S 82°06'05" E	100.00'
L6	N 00°55'01" E	327.18'
L7	N 09°22'36" E	200.00'

- LEGEND**
- HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
 - HAYS COUNTY PLAT RECORDS
 - 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
 - 1/2" IRON ROD FOUND OR DIAMETER NOTED
 - 1/2" IRON PIPE FOUND OR DIAMETER NOTED
 - BRASS LINK IN CONCRETE FOUND STAMPED "CHARLES SWART SURVEY"
 - FENCE POST

TO THE PUBLIC, EXCLUSIVELY, AND FOR USE WITH THIS INSTRUMENT ONLY.

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON OCTOBER 1, 2010 AND THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.

1. PRICES MEASURED.
2. ALL BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORDS AND BY DEED.
3. ACCORDING TO RECORDS FROM THE CURRENT F.E.M.A. FLOOD FIRMING CASE NO. 15000000000000000000 DATED SEPTEMBER 2, 2006, THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE OAK RIDGE CHARGE FLOODPLAIN).
4. THIS SURVEY WAS DONE IN CONNECTION WITH TITLE COMMITMENT 072 HA 00000000000000000000 DATED OCTOBER 27, 2010 AND O.P. NO. W-10000000000000000000 DATED SEPTEMBER 24, 2010 PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY. THIS SURVEYOR DID NOT REVIEW THE LEAD RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR ENCUMBRANCE. THEREFORE, CERTAIN ENCUMBRANCES MAY HAVE BEEN GRANTED WHICH WERE NOT REFLECTED HEREON.
5. THIS SURVEY PLAT WAS PREPARED IN CONNECTION WITH A LAND RECORDATION DATED OCTOBER 1, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

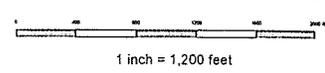
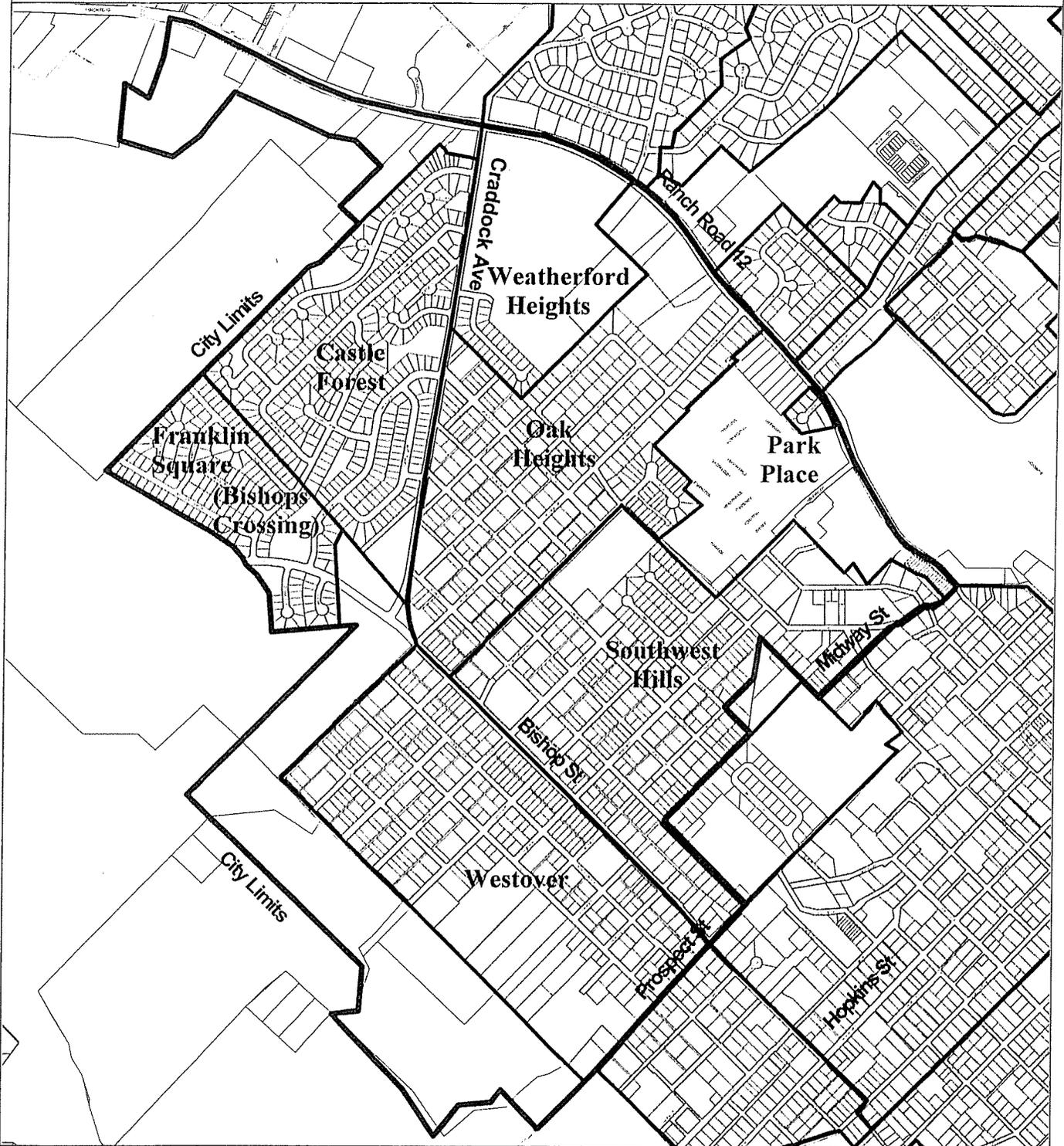
BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
P.O. BOX 1413 SAN MARCOS, TEXAS 76867
PHONE 512-336-2270 FAX 512-332-2945

PLAT OF 41.11 ACRES ±, IN THE E. CLARK SURVEY, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

BYRN & ASSOCIATES, INC.
1000 W. 10TH ST.
SAN MARCOS, TEXAS 76867
PLAT NO. 2010-10-01-6

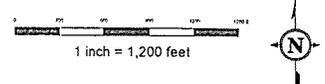
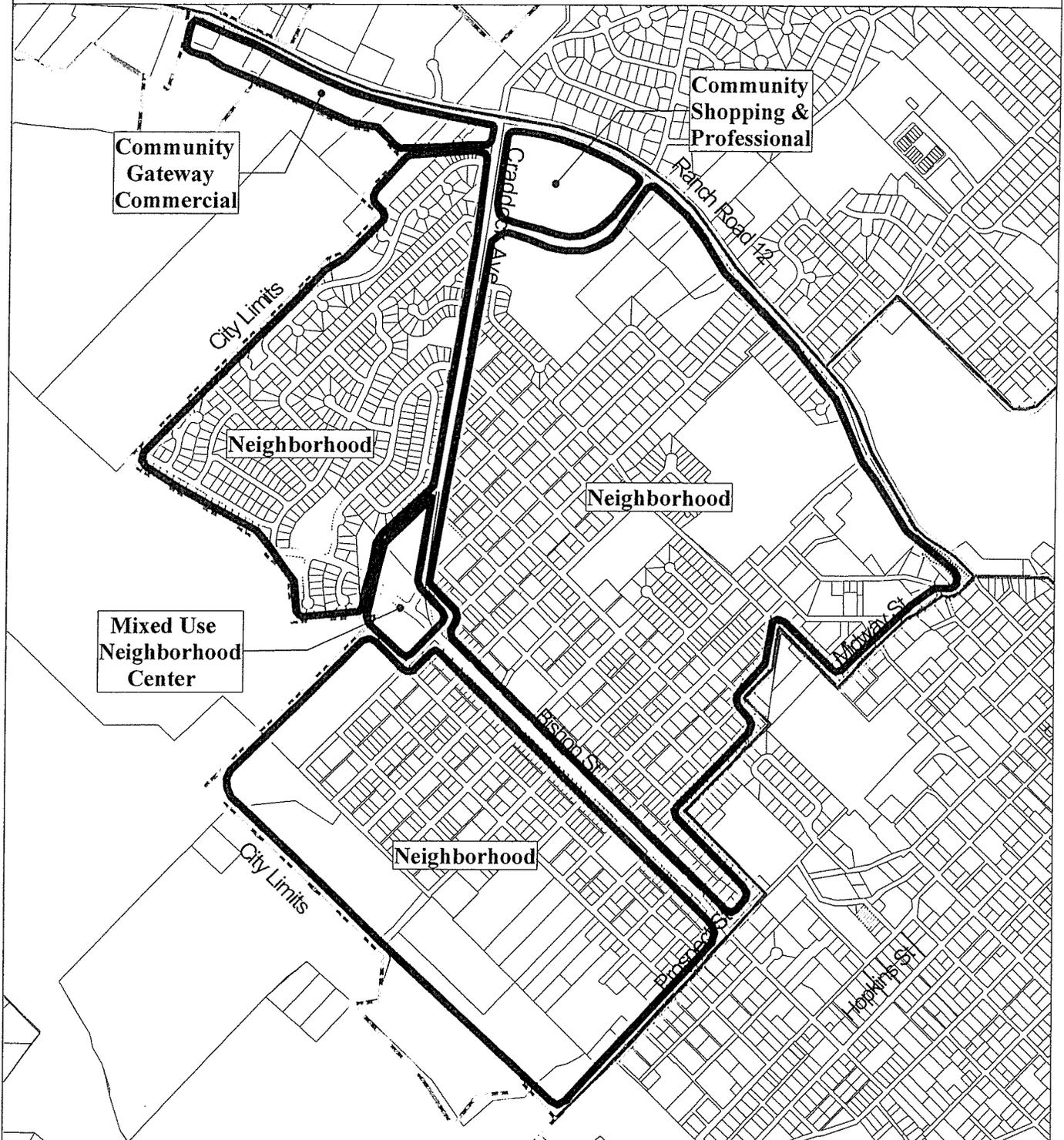
Map 2: Neighborhood Associations Map

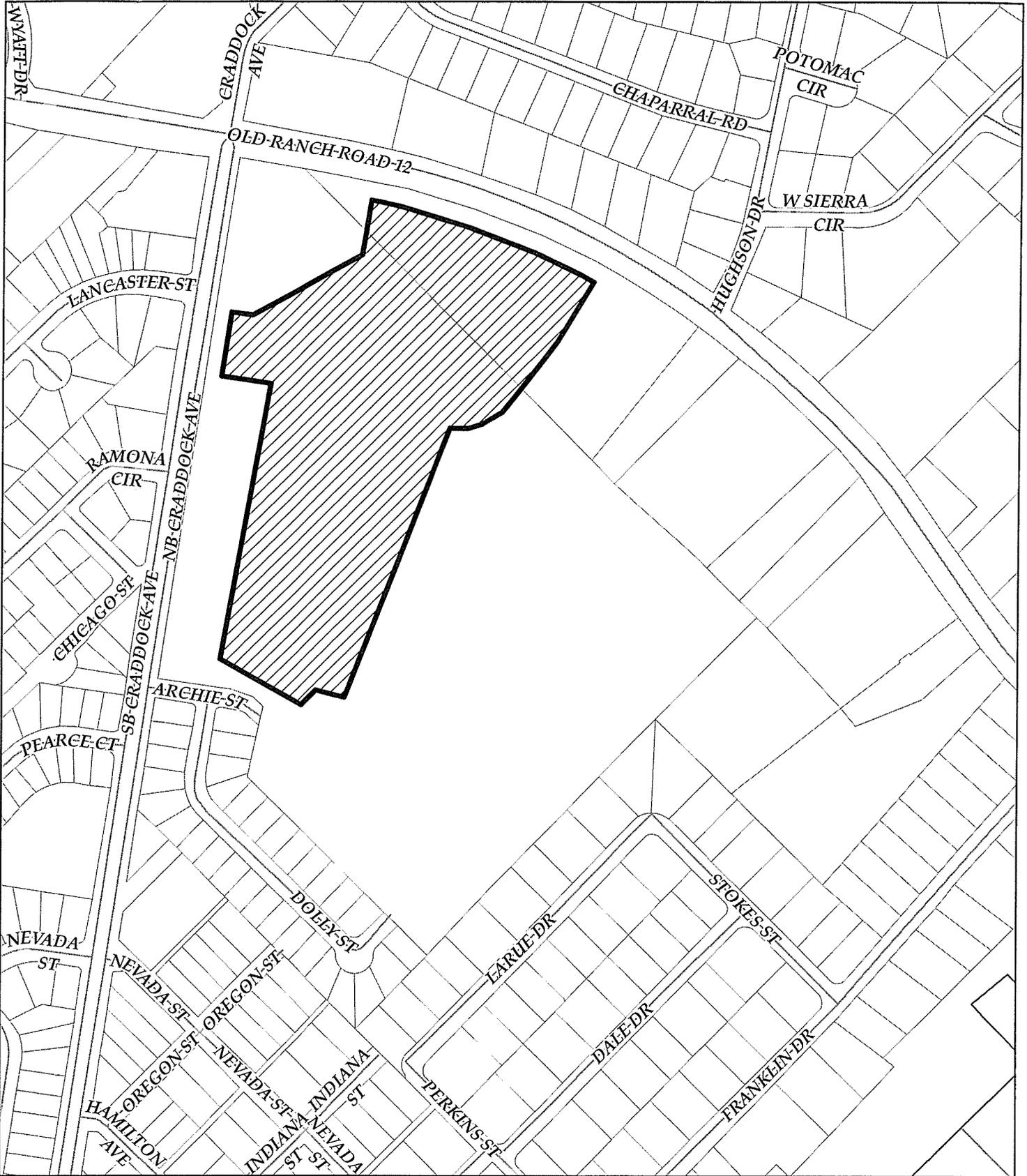
City of San Marcos
Sector Two Plan



Map 6: Community Character Plan

City of San Marcos Sector Two Plan





LUA-10-18

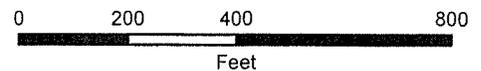
**The Retreat at San Marcos
Weatherford Tract
Commercial to Medium
Density Residential**



Site Location



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



LUA-10-18
508 Craddock Avenue
Land Use Map Amendment
From C to MDR



Summary:

The applicant is requesting a Land use Map Amendment from Commercial (C) to Medium Density Residential (MDR) on a parcel of land located at 508 Craddock Ave.

Applicant: Retreat Holdings, LLC
148 Old Will Hunter Road
Athens, Georgia, 30606

Consultant: ETR Development Consulting, LLC
401 Dryden Lane
Buda, Texas 78610

Property Owner: Jack W. Weatherford
508 Craddock Avenue
San Marcos, TX 78666

Notification: Personal notifications of the public hearing were mailed on January 28, 2011 to all property owners within 200 feet of subject property.

Response: Attached if received by time of mail-out, all other responses will be provided at time of public hearing.

Subject Property:

Location: An interior parcel of the Weatherford Tract, located on the Southeast corner of Craddock Avenue and Old Ranch Road 12 508 Craddock Avenue

Legal Description: Part of a 41.11 acres in the Elijah Clark Survey No. 11, Abstract No. 83, City of San Marcos, Hays County, Texas

Sector: Sector 2

Current Zoning: SF-6 Single-Family Residential

Proposed Zoning: MF-12 Multi-Family Residential

Current Future Land Use Map Designation: Commercial (C)

Proposed Future Land Use Map Designation:

Medium Density Residential (MDR)

Surrounding Area:

Proximity	Current Zoning	Existing Land Use
N of Property	SF-6 Single-Family	Low Density Residential
S of Property	SF-6 Single-Family	Low Density Residential
E of Property	SF-6 Single-Family & P Public	Low Density Residential & Public
W of Property	SF-4.5 & SF-6 Single-Family MU Mixed Use	Low Density Residential & Mixed Use

Planning Department Analysis:

The applicant is requesting a Land Use Map Amendment from Commercial (C) to Medium Density Residential (MDR) on a large parcel of land out of the Weatherford Tract (see attached location map), located at 508 Craddock Avenue.

To evaluate a Land Use Map Amendment request - staff reviews the requested Land Use Map Amendment for consistency with the Land Uses called for in the San Marcos Horizons Sector Plan for the subject area. The subject property is specifically addressed in the Sector Two Plan. The following are excerpts directly out of the Sector Two Plan.

Detailed Planning Area

Community Shopping & Professional Center

The approximately 54 acre property at the southeast corner of Ranch Road 12 and Craddock Ave. (the Weatherford tract) has been designated as Mixed Use in previous plans. The following table shows the breakdown of uses recommended for this property. In addition to the Weatherford tract, this planning area also includes an approximately 1 acre property (the Gilcrease tract) that is designated as Commercial development. This plan recommends that development on this tract be limited to Office-Professional uses (as described below).

Weatherford Land Use	Size
Low Density Residential	33 acres
Medium Density Residential	8 acres
Commercial	10 acres
Open Space	3 acres

The Future Land Use Map shows a particular arrangement of these uses, but the plan is intended to be somewhat flexible regarding the precise arrangement of uses, provided the conditions stipulated below are met:

1. The acreage of land in each category remains the same.

2. Only Low Density Residential uses south of the Hughson/Ramona connector road.
3. Commercial areas should be a mixture of “Community Commercial” and/or “Office-Professional” uses (as described above).
4. The Hughson/Ramona connector road is envisioned as a well-landscaped, divided boulevard that will help buffer the single family residential uses to the south from the more intensive development north of the road.
5. Non-single-family development should be buffered from Ranch Road 12 and Craddock Avenue with a 50 foot wide greenbelt broken only by the Ramona/Hughson connector road and a maximum of two curb cut entries (one each on RR 12 and Craddock Ave).

Ranch Road 12 is a major entryway into the City of San Marcos. Therefore, development along this corridor should be consistent with the City’s goal of making this an attractive entryway into the city and an attractive gateway to the Hill Country. Well-planned, high-quality commercial developments are expected in this area.

The area of this request is the area referred to in the Sector Two Weatherford Detailed Planning Area as the 10 acre Commercial area north of the proposed Hughson/Ramona connector road and part of the 33 acre Low Density Residential area south of this connector road.

The Sector Two Plan was originally adopted in 1997 and the most recent update was adopted in 2001. And, while process of development a current update for this Sector is overdue, most of the factors that generated the 2001 plan are still in place. This plan recommends that Sector Two remain predominantly single-family residential in use and character, with a mixture of “Community Commercial” and/or “Office-Professional” uses at the corner of Old Ranch Road 12 and Craddock Ave (14 Acres).

Four of the five Land Use Amendment requests are for MDR Medium Density Residential Land Use, which is inconsistent with the Sector Two Plan. MDR Medium Density Residential Land Use allows densities up to twelve units per gross acre. LDR Low Density Residential Land Use allows densities up to six units per gross acre. The applicant is proposing to limit the density of this project to less than six units per gross acre through restrictions in the submitted Plan Development District. In addition, an element of the proposed PDD is the use of open space to buffer the existing single-family development of the surrounding property from the multi-family development of this project.

There are two Land Use Amendment requests that are proposing to change the existing designated land use of OP Open Space for the 50 foot wide areas that front Old Ranch Road 12 and Craddock Avenue to C Commercial and MDR Medium Density Residential, respectively. Through restrictions in the proposed PDD, these areas will remain “Open Space” and will function as a buffer for this project.

The PDD moves the project closer to consistency with Land Uses called for in the Sector Two Plan, but still does not all the criteria.

Staff is not making a recommendation.

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
	Denial
X	No Recommendation

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.

Attachments:

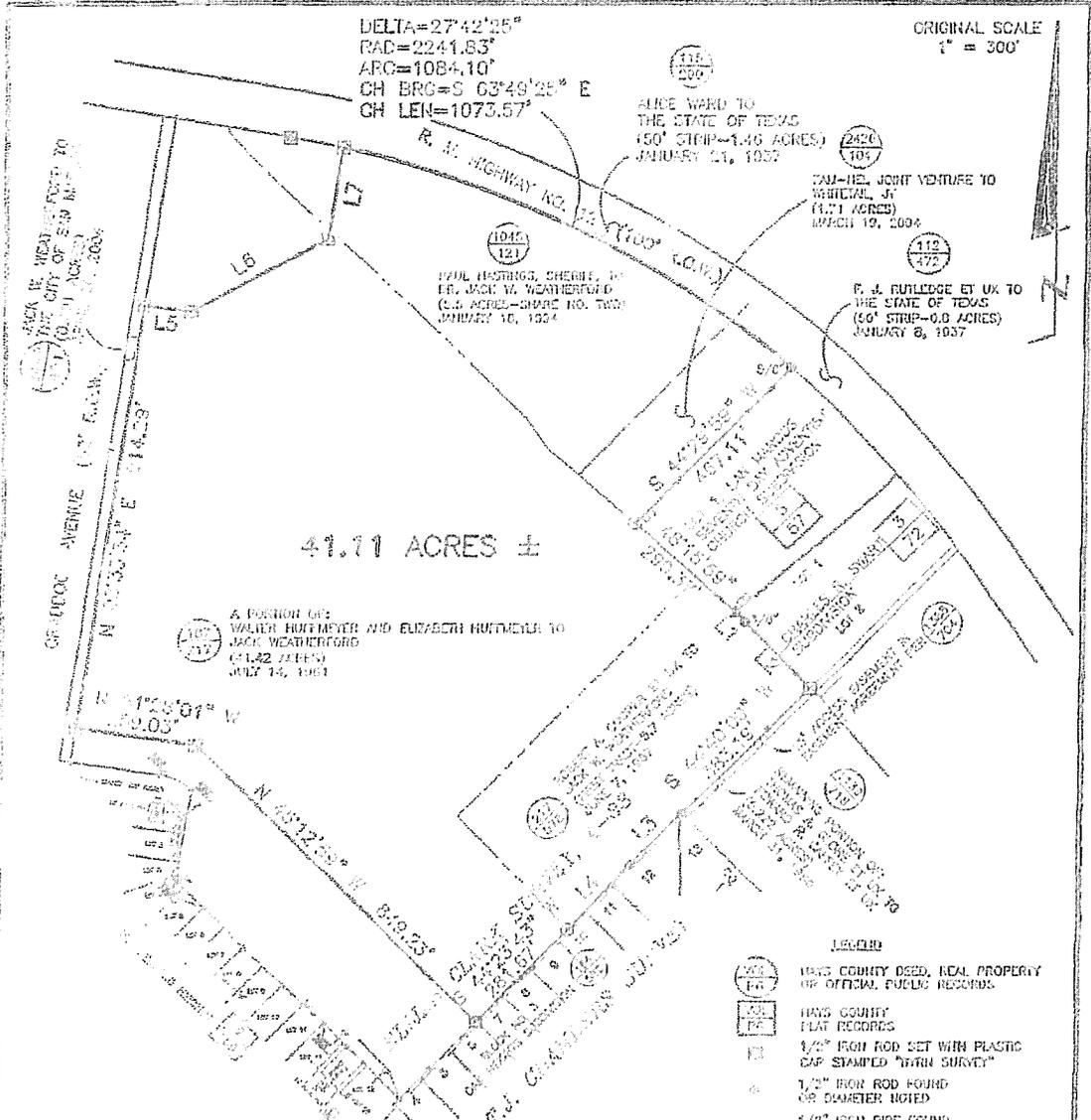
Location Map
Land Use Amendment Map
Survey of Subject Property
Neighborhood Associations Map
Community Character Plan

Prepared by:

Phil Steed	Planner	February 18, 2011
Name	Title	Date



LbA COMMERCIAL to ~~LDR~~
MNR



DELTA=27°42'25"
 RAD=2241.83'
 ARC=1084.10'
 CH BRG=S 63°49'25" E
 CH LEN=1073.57'

ORIGINAL SCALE
 1" = 300'

41.11 ACRES ±

AREA BE. WEAT. TO CITY OF SAN MARCOS
 (0.11 ACRES) 1961
 GRAND AVENUE (10' EASE)
 N 89°04'11" E 114.25'

1900 HASTINGS, SHERIFF, ET AL.
 VS. JACK W. WEATHERFORD
 (0.6 ACRES-SHARE NO. TWO)
 JANUARY 10, 1924

ALICE WARD TO
 THE STATE OF TEXAS
 (50' STRIP-1.46 ACRES)
 JANUARY 21, 1937

JAM-HEL JOINT VENTURE TO
 WALTER J.
 (11.71 ACRES)
 MARCH 19, 2004

F. J. RUTLEDGE ET UX TO
 THE STATE OF TEXAS
 (50' STRIP-0.8 ACRES)
 JANUARY 8, 1937

A PORTION OF
 WALTER HUFFMEYER AND ELIZABETH HUFFMEYER TO
 JACK WEATHERFORD
 (0.42 ACRES)
 JULY 14, 1961

LINE	BEARING	DISTANCE
L1	S 44°17'01" E	27.20'
L2	S 44°59'03" E	200.96'
L3	S 44°31'49" W	153.48'
L4	S 44°08'40" W	193.05'
L5	S 82°06'05" E	100.00'
L6	N 69°55'01" E	327.18'
L7	N 09°22'36" E	200.00'

- LEGEND**
- 1983 COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
 - 1983 COUNTY PLAT RECORDS
 - 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "TWH SURVEY"
 - 1/2" IRON ROD FOUND OR DIAMETER NOTED
 - 1/2" IRON PIPE FOUND OR DIAMETER NOTED
 - BRASS DISK IN CONCRETE FOUND STAMPED "CHARLES SMITH SURVEY"
 - FENCE POST

TO JOHN WILLIAMS, EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY.

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON OCTOBER 1, 2010 AND THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.

- FENCES REMOVED.
- ALL MONUMENTS, INCLUDING THE AREA IN PARENTHESES ARE FROM RECORDS OF THIS TITLE.
- ACCORDING TO DRAWING FROM THE CURRENT FEMA, FLOOD RISK MAP DATE MAP NO. 48060G0004F DATED SEPTEMBER 2, 2006, THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500 ANNUAL CHANCE FLOODPLAIN).
- THIS SURVEY WAS DONE IN CONJUNCTION WITH TITLE COMMITMENT OF HAY COUNTY-FIDELITY-BONDING COMPANY DATED OCTOBER 22, 2010 AND G.F. NO. H-1000000001 DATED SEPTEMBER 24, 2010 PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY. THIS SURVEYOR DID NOT REFER TO THE RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR ENCUMBRANCE. THEREFORE, CERTAIN ENCUMBRANCES MAY HAVE BEEN REFLECTED INCORRECT.
- THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND ACQUISITION DATED OCTOBER 1, 2010 PREPARED BY JOHN & JUDY WILLIAMS OF SAN MARCOS, TEXAS.

DAVID G. WILLIAMS, R.P.L.S. NO. 4190

BYRN & ASSOCIATES, INC.

ENGINEERS SURVEYORS

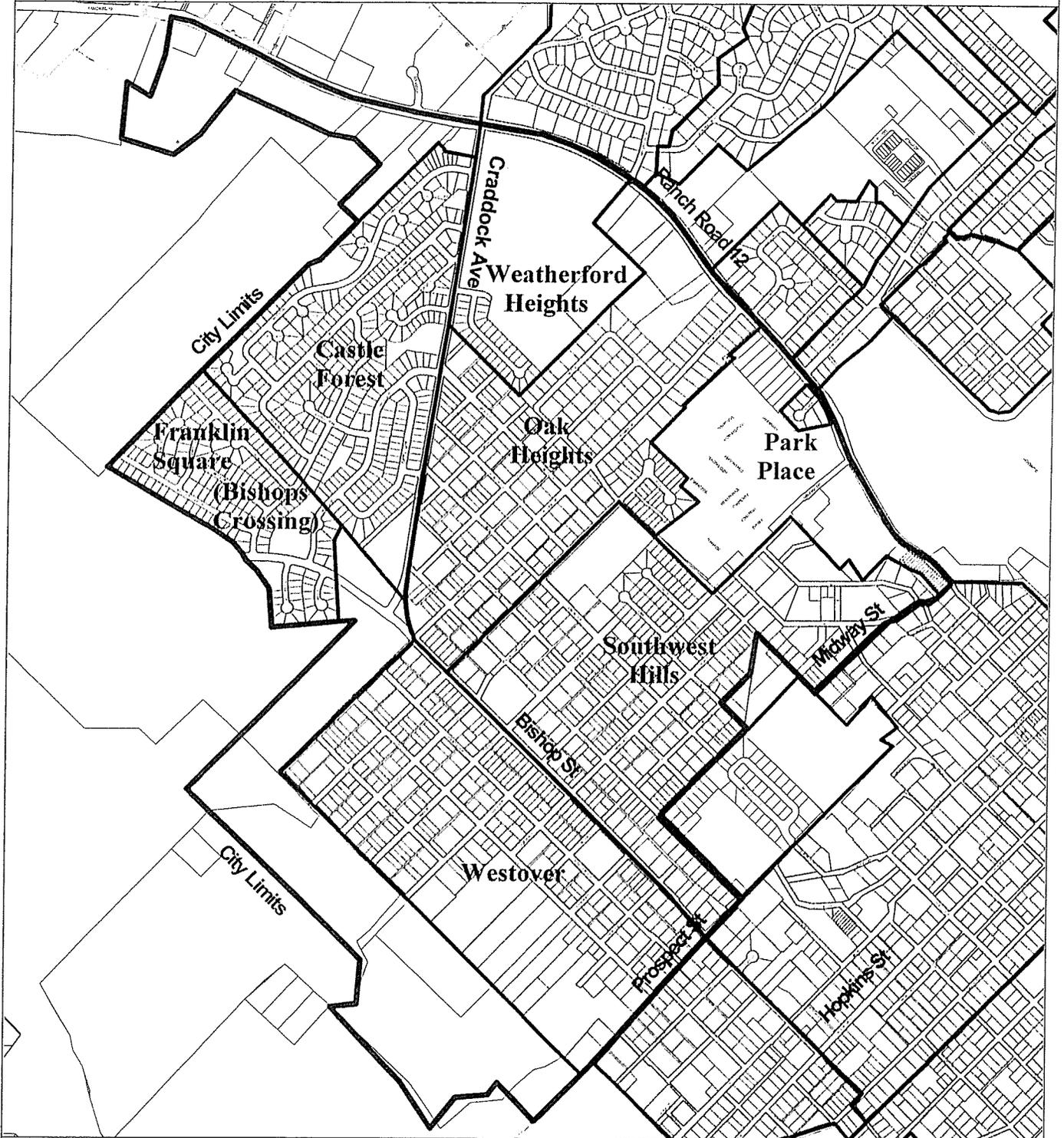
P.O. BOX 1433 SAN MARCOS, TEXAS 78667
 PHONE 512-396-2270 FAX 512-392-2945

**PLAT OF 41.11 ACRES ±, IN THE
 E. CLARK SURVEY, ABSTRACT
 NO. 83, CITY OF SAN MARCOS,
 HAYS COUNTY, TEXAS**

SURVEYOR: DAVID G. WILLIAMS, R.P.L.S. NO. 4190
 DATE: OCTOBER 1, 2010
 COUNTY: HAYS
 CITY: SAN MARCOS, TEXAS
 PLAT NO.: 1000-10-11-a

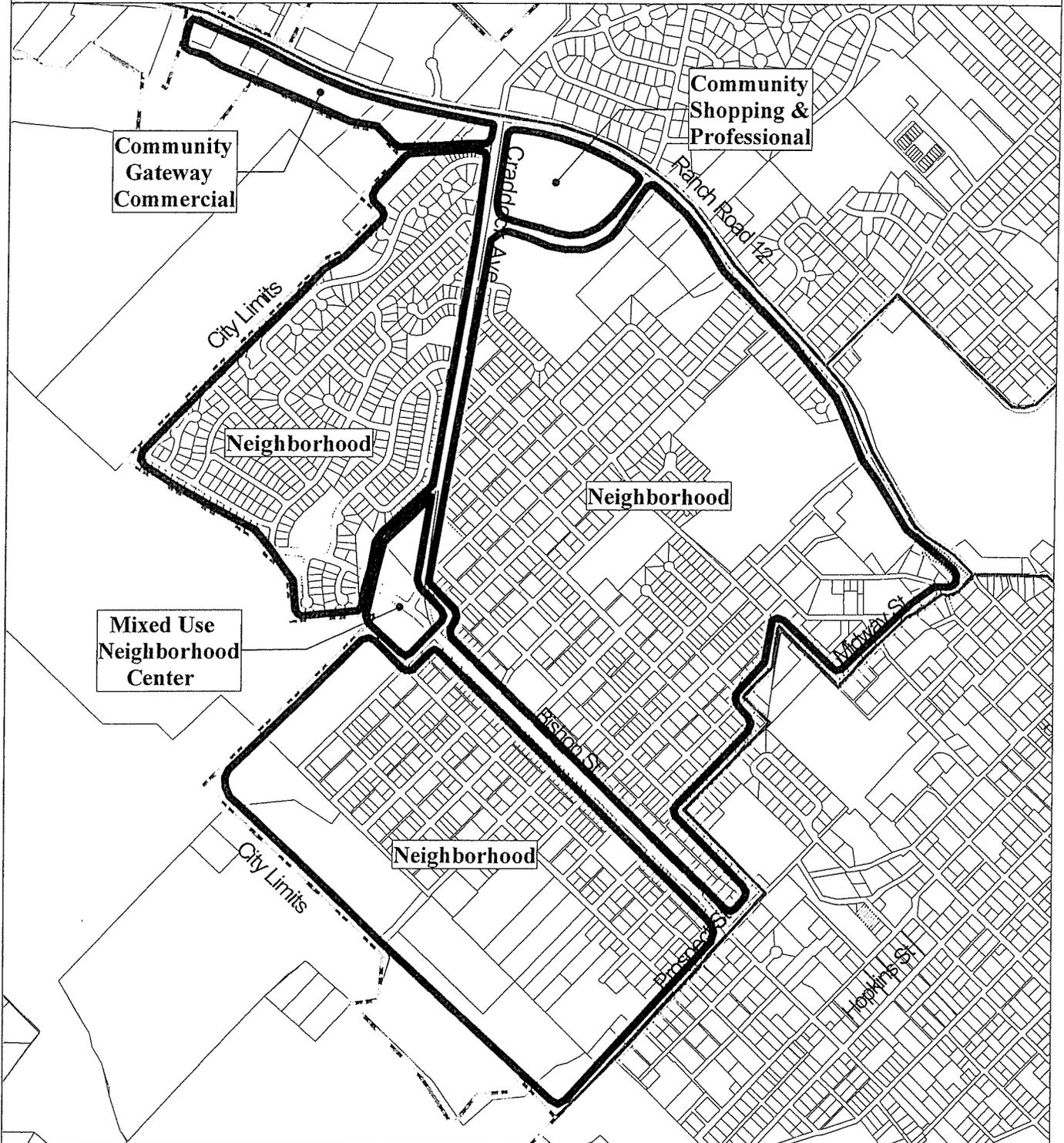
Map 2: Neighborhood Associations Map

City of San Marcos Sector Two Plan



Map 6: Community Character Plan

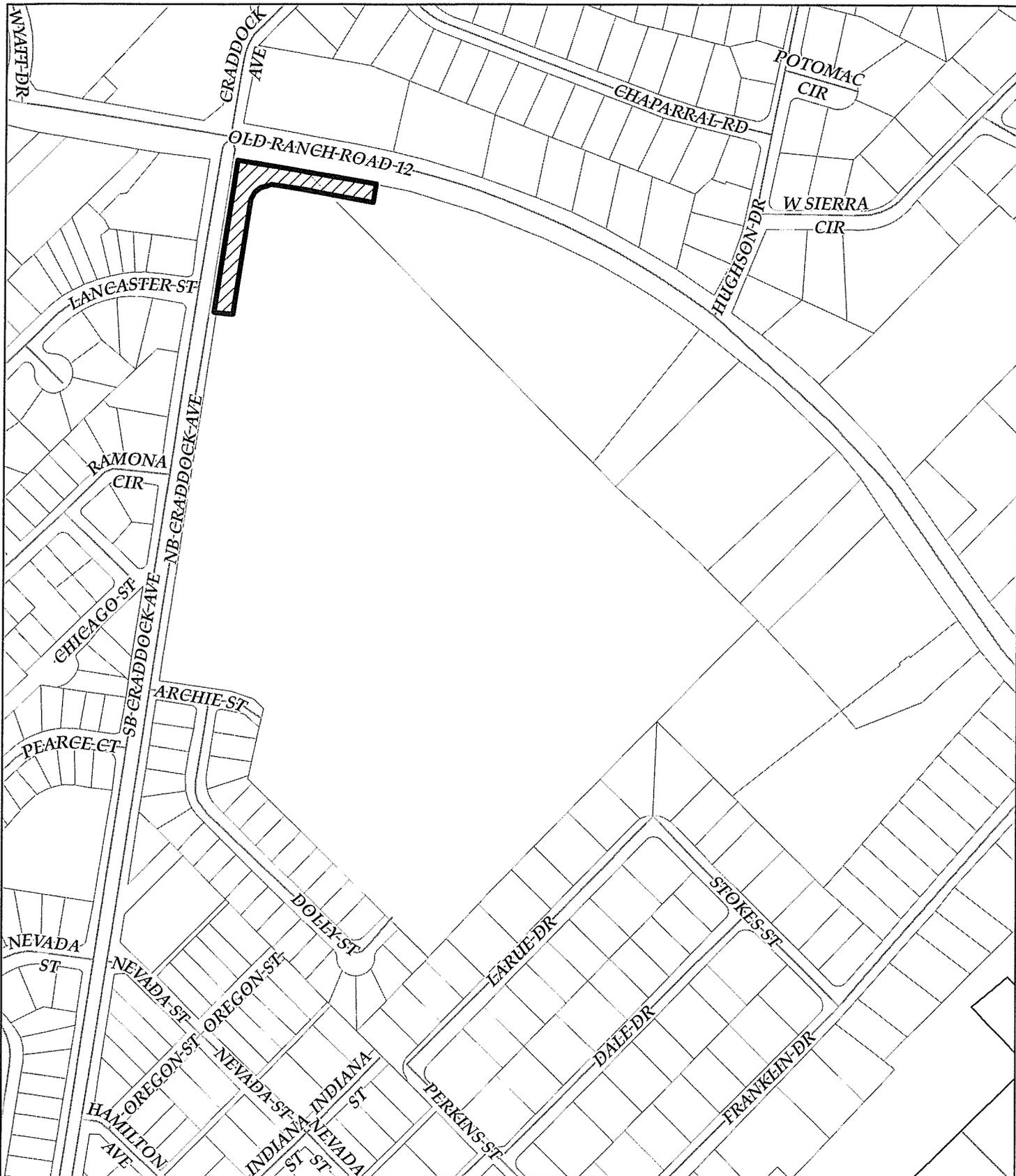
City of San Marcos Sector Two Plan



1 inch = 1,200 feet



City of San Marcos
Planning and Development Services
Adopted: July 23, 2001



LUA-10-19

**The Retreat at San Marcos
Weatherford Tract**

Open Space to Commercial

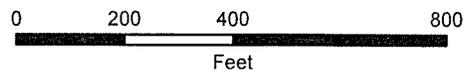
Map Date: 1/14/11



Site Location



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



LUA-10-19
508 Craddock Avenue
Land Use Map Amendment
From OS to C



Summary:

The applicant is requesting a Land use Map Amendment from Open Space (OC) to Commercial (C) on a parcel of land located at 508 Craddock Ave.

Applicant: Retreat Holdings, LLC
148 Old Will Hunter Road
Athens, Georgia, 30606

Consultant: ETR Development Consulting, LLC
401 Dryden Lane
Buda, Texas 78610

Property Owner: Jack W. Weatherford
508 Craddock Avenue
San Marcos, TX 78666

Notification: Personal notifications of the public hearing were mailed on January 28, 2011 to all property owners within 200 feet of subject property.

Response: Attached if received by time of mail-out, all other responses will be provided at time of public hearing.

Subject Property:

Location: Southeast corner of Craddock Avenue and Old Ranch Road 12
508 Craddock Avenue

Legal Description: Part of a 41.11 acres in the Elijah Clark Survey No. 11,
Abstract No. 83, City of San Marcos, Hays County, Texas

Sector: Sector 2

Current Zoning: SF-6 Single-Family Residential

Proposed Zoning: CC Community Commercial

Current Future Land Use Map Designation: OS (Open Space)

Proposed Future Land Use Map Designation: C (Commercial)

Surrounding Area:

Proximity	Current Zoning	Existing Land Use
N of Property	SF-6 Single-Family	Low Density Residential
S of Property	SF-6 Single-Family	Low Density Residential
E of Property	SF-6 Single-Family & P Public	Low Density Residential & Public
W of Property	SF-4.5 & SF-6 Single-Family MU Mixed Use	Low Density Residential & Mixed Use

Planning Department Analysis:

The applicant is requesting a Land Use Map Amendment from Open Space (OS) to Commercial (C) on a tract of land that front Craddock Ave and Old Ranch Road 12 that is a part of the Weatherford tract.

To evaluate a Land Use Map Amendment request - staff reviews the requested Land Use Map Amendment for consistency with the Land Uses called for in the San Marcos Horizons Sector Plan for the subject area. The subject property is specifically addressed in the Sector Two Plan. The following are excerpts directly out of the Sector Two Plan.

Detailed Planning Area

Community Shopping & Professional Center

The approximately 54 acre property at the southeast corner of Ranch Road 12 and Craddock Ave. (the Weatherford tract) has been designated as Mixed Use in previous plans. The following table shows the breakdown of uses recommended for this property. In addition to the Weatherford tract, this planning area also includes an approximately 1 acre property (the Gilcrease tract) that is designated as Commercial development. This plan recommends that development on this tract be limited to Office-Professional uses (as described below).

Weatherford Land Use	Size
Low Density Residential	33 acres
Medium Density Residential	8 acres
Commercial	10 acres
Open Space	3 acres

The Future Land Use Map shows a particular arrangement of these uses, but the plan is intended to be somewhat flexible regarding the precise arrangement of uses, provided the conditions stipulated below are met:

1. The acreage of land in each category remains the same.
2. Only Low Density Residential uses south of the Hughson/Ramona connector road.

3. Commercial areas should be a mixture of “Community Commercial” and/or “Office-Professional” uses (as described above).
4. The Hughson/Ramona connector road is envisioned as a well-landscaped, divided boulevard that will help buffer the single family residential uses to the south from the more intensive development north of the road.
5. Non-single-family development should be buffered from Ranch Road 12 and Craddock Avenue with a 50 foot wide greenbelt broken only by the Ramona/Hughson connector road and a maximum of two curb cut entries (one each on RR 12 and Craddock Ave).

Ranch Road 12 is a major entryway into the City of San Marcos. Therefore, development along this corridor should be consistent with the City’s goal of making this an attractive entryway into the city and an attractive gateway to the Hill Country. Well-planned, high-quality commercial developments are expected in this area

The area of this request is the area referred to in the Sector Two Weatherford Detailed Planning Area to as the 50 foot wide greenbelt buffer area adjacent Ranch Road 12 and Craddock Ave. The San Marcos Horizons Sector Two Plan specifically calls for this area to be a buffer area and to be designated as Open Space. The proposed PDD site plan that is moving concurrently with this Land Use Map Amendment case indicated that this area will be utilized as open space. This Land Use Map Amendment request is inconsistent with the Sector Two Plan and as indicated by the proposed PDD site plat is not necessary.

The Sector Two Plan was originally adopted in 1997 and the most recent update was adopted in 2001. And, while process of development a current update for this Sector is overdue, most of the factors that generated the 2001 plan are still in place. This plan recommends that Sector Two remain predominantly single-family residential in use and character, with a mixture of “Community Commercial” and/or “Office-Professional” uses at the corner of Old Ranch Road 12 and Craddock Ave (14 Acres).

Four of the five Land Use Amendment requests are for MDR Medium Density Residential Land Use, which is inconsistent with the Sector Two Plan. MDR Medium Density Residential Land Use allows densities up to twelve units per gross acre. LDR Low Density Residential Land Use allows densities up to six units per gross acre. The applicant is proposing to limit the density of this project to less than six units per gross acre through restrictions in the submitted Plan Development District. In addition, an element of the proposed PDD is the use of open space to buffer the existing single-family development of the surrounding property from the multi-family development of this project.

There are two Land Use Amendment requests that are proposing to change the existing designated land use of OP Open Space for the 50 foot wide areas that front Old Ranch Road 12 and Craddock Avenue to C Commercial and MDR Medium Density Residential, respectively. Through restrictions in the proposed PDD, these areas will remain “Open Space” and will function as a buffer for this project.

The PDD moves the project closer to consistency with Land Uses called for in the Sector Two Plan, but still does not meet all the criteria.

Staff is not making a recommendation.

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
	Denial
X	No Recommendation

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.

Attachments:

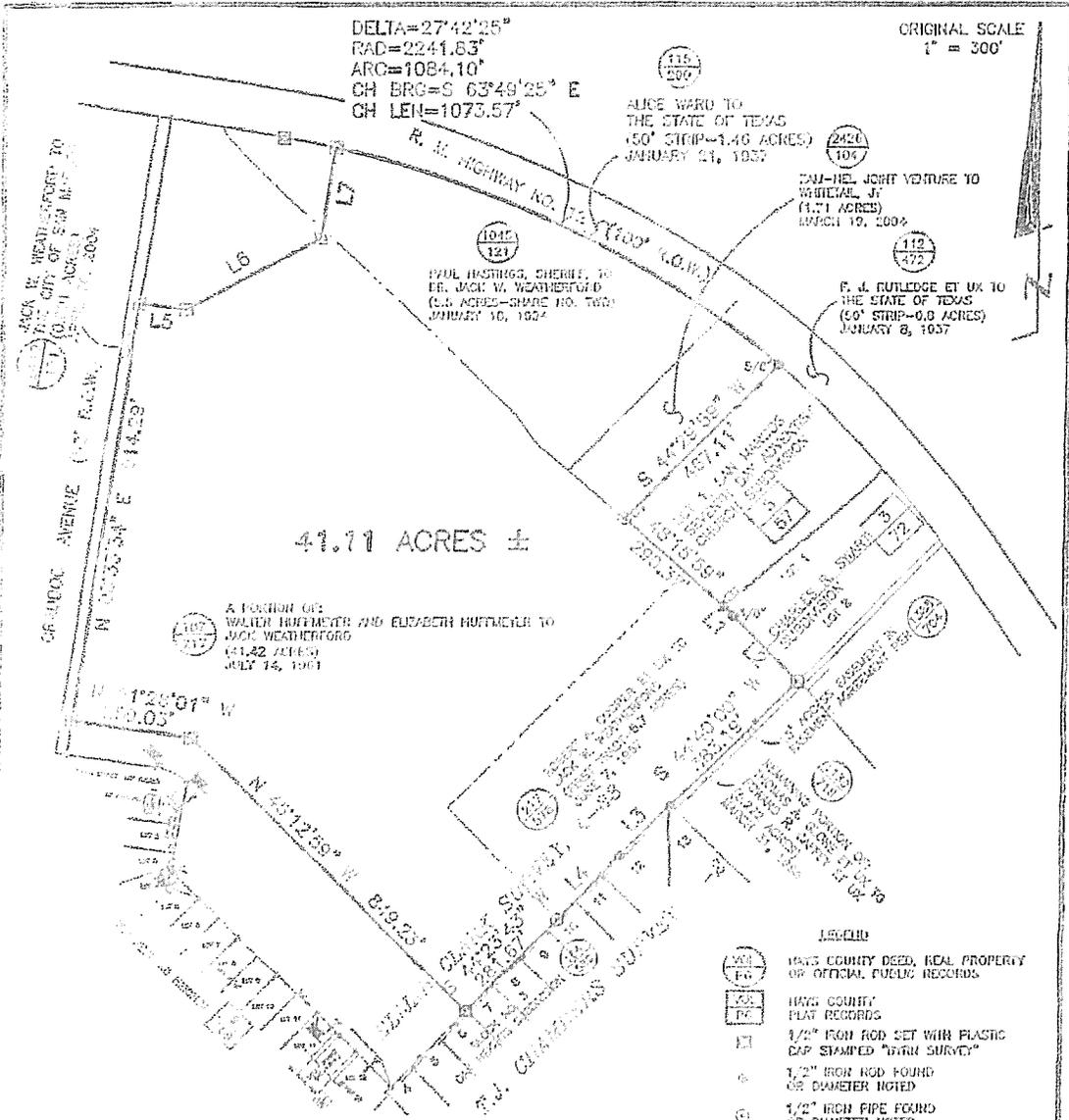
Location Map
Land Use Amendment Map
Survey of Subject Property
Neighborhood Associations Map
Community Character Plan

Prepared by:

Phil Steed	Planner	February 18, 2011
Name	Title	Date



111D OPEN SPACE to [unclear]



41.11 ACRES ±

LINE	BEARING	DISTANCE
L1	S 44°17'01" E	27.20'
L2	S 44°59'03" E	200.96'
L3	S 44°31'49" W	153.48'
L4	S 44°08'40" W	193.05'
L5	S 82°06'05" E	100.00'
L6	N 60°55'01" E	327.18'
L7	N 09°22'36" E	200.00'

- LEGEND**
- HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
 - HAYS COUNTY PLAT RECORDS
 - 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "GWR SURVEY"
 - 1/2" IRON ROD FOUND OR DIAMETER NOTED
 - 1/2" IRON PIPE FOUND OR DIAMETER NOTED
 - BRASS DISK IN CONCRETE FOUND STAMPED "CHARLES SMART SURVEY"
 - FENCE POST

TO DAN WILLIAMS, EXECUTIVELY, AND FOR USE WITH THIS TRANSACTION ONLY.

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON OCTOBER 1, 2010 AND THAT ALL PROPERTY CORNERS ARE LOCATED AS SHOWN HEREON.

1. FENCES NEIGHBOR.
2. MARKERS, INCLUDING THIS AREA IN PARENTHESES ARE FROM RECORD SURVEYS.
3. ACCORDING TO DATA FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 420600000F DATED SEPTEMBER 2, 2005, THE TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE BASE FLOOD HAZARD FLOODPLAIN).
4. THE SURVEY WAS DONE IN CONJUNCTION WITH TITLE COMMITMENT C/F, NO. 10-FT0000025005 DATED OCTOBER 22, 2010 AND C.F. NO. 10-FT0000025005 DATED SEPTEMBER 24, 2010 PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY. THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH WERE NOT REFLECTED HEREON.
5. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND SURVEY DATED OCTOBER 1, 2010 PREPARED BY BURN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

DAVID G. WILLIAMSON, R.P.L.S. NO. 4190



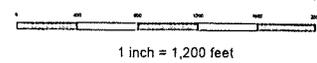
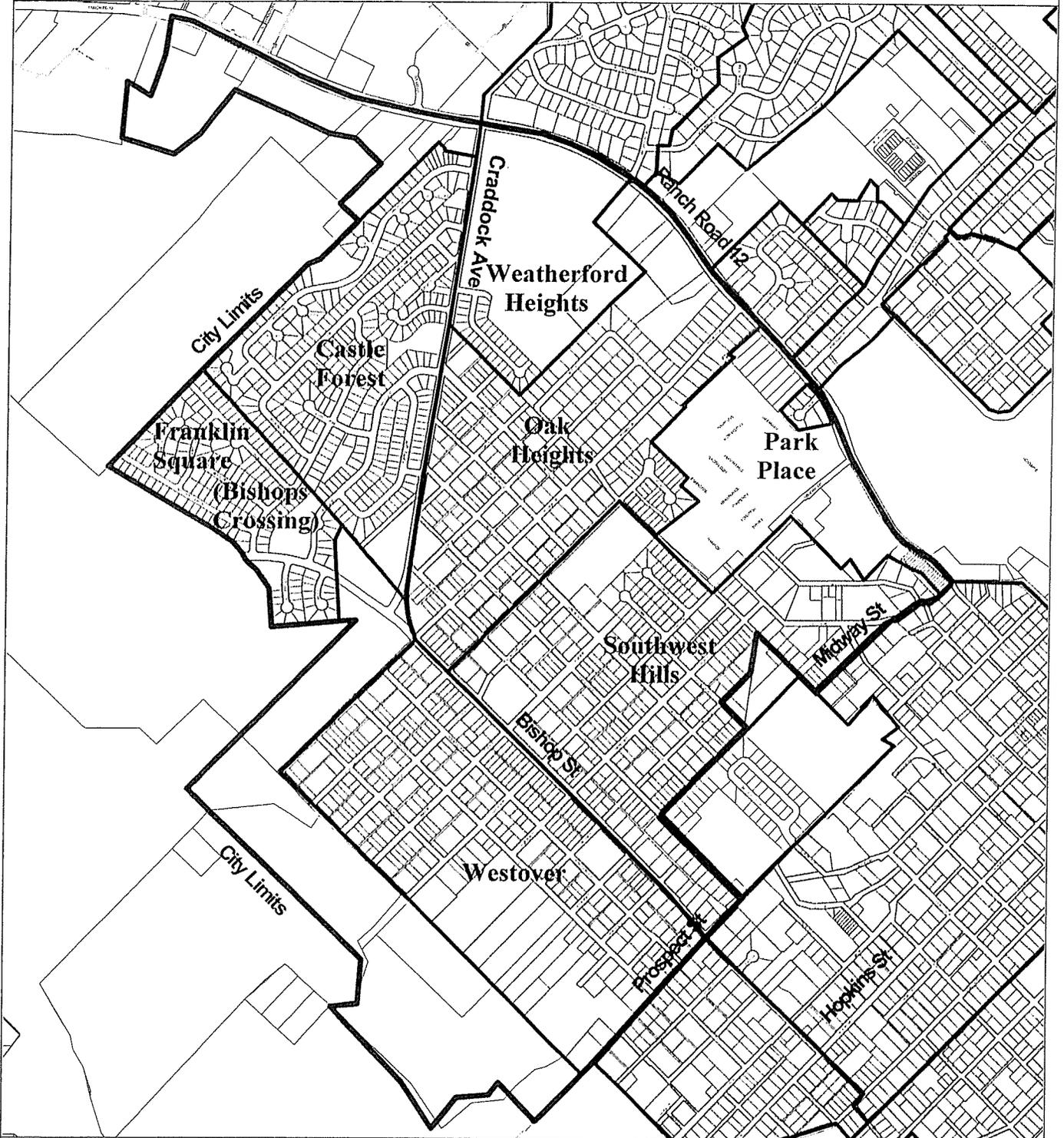
BURN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
 P.O. BOX 1423 SAN MARCOS, TEXAS 78667
 PHONE 512-396-2270 FAX 512-392-2945

PLAT OF 41.11 ACRES ±, IN THE E. CLARK SURVEY, ABSTRACT NO. 83, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

DATE: OCTOBER 1, 2010
 SHEET: 1 OF 1
 CLIENT: DAVID G. WILLIAMSON, G. SMITH
 PROJECT: 10-14-10
 PLAT NO.: 10-10-10-10-10

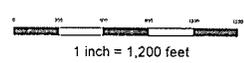
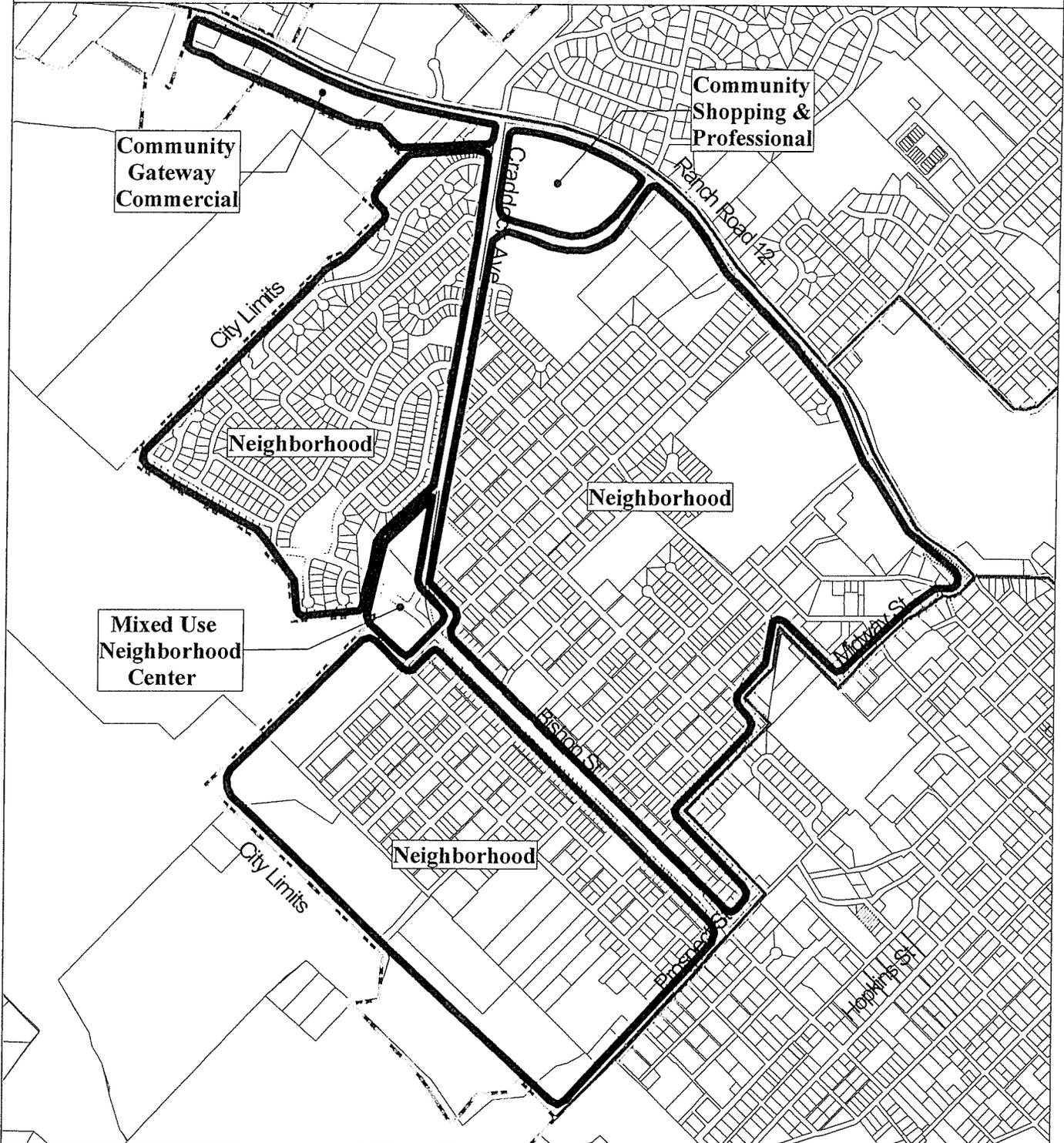
Map 2: Neighborhood Associations Map

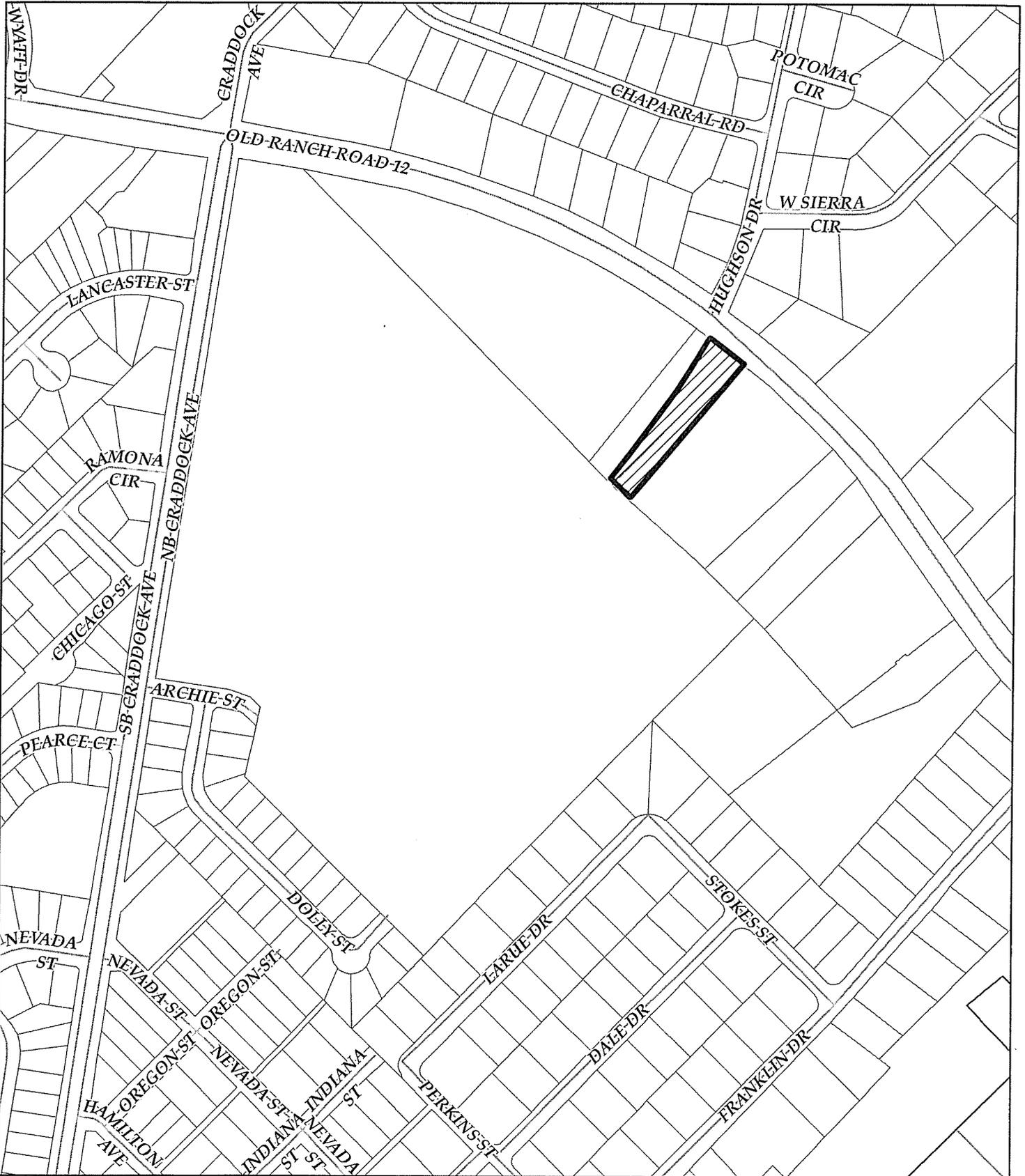
City of San Marcos
Sector Two Plan



Map 6: Community Character Plan

City of San Marcos Sector Two Plan

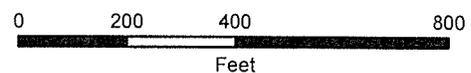




ZC-10-21
The Retreat at San Marcos
Gilcrease Tract
Office Professional (OP)
to Multifamily (MF-12)

●  Site Location

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



**Zoning Change
ZC-10-21
The Gilcrease Tract
Ranch Road 12
The Retreat at San Marcos**



Summary: The applicant is requesting a Zoning Change from Office Professional (OP) to Multi-Family Residential (MF-12) on an 1.71 acre tract of land

Applicant: Retreat Holdings, LLC
148 Old Will Hunter Rd
Main Office
Athens, GA 30606
ETR Dev. Con., LLC
401 Dryden Lane
Buda, Texas 78610

Property Owner: Whitetail JV
2001 W. McCarty Ln
San Marcos TX 78666

Notification: Personal notifications of the public hearing were mailed on January 28, 2011 to all proper owners within 200 feet of subject property.

Response: Please see the attached

**Subject
Property:**

Location: South side of Old Ranch Road 12 approximately 1300 feet east of Craddock.

Legal Description: 1.71 acres out of the E. Clark Survey, Abstract No. 83

Sector: Two

Current Zoning: Office Professional (OP)

Proposed Zoning: Multi-Family Residential (MF-12) with PDD overlay

**Current Future
Land Use
Map**

Designation: Commercial /Open Space

**Proposed
Future Land
Use Map**

Designation: Medium Density Residential

**Surrounding
Area:**

	Current Zoning	Existing Land Use
N of Property	SF-6	Single-family residential
S of Property	SF-6 (MF-12 Proposed)	Single-family residential
E of Property	P/SF-6	Church/ Single-family residential
W of Property	SF-6 (MF-12 Proposed)	Single-family residential

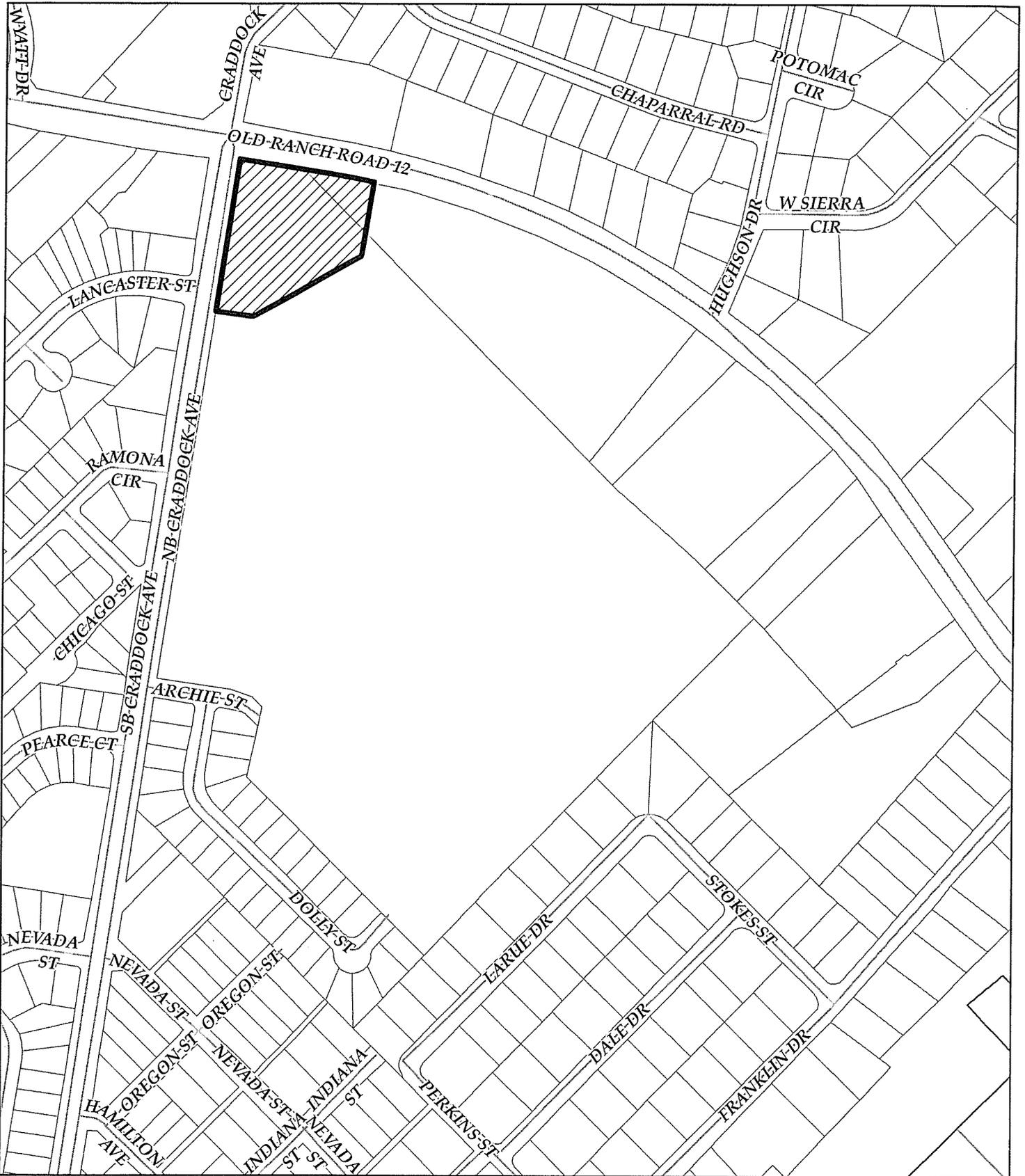
Planning Department Analysis:

The subject property is commonly known as the Gilcrease Tract, located on the south side of Old Ranch Road 12. The 1.71 acre site is undeveloped. The neighborhood surrounding the subject property is primarily single-family. This request is proceeding concurrently with a Land Use Amendment from Commercial to Medium Density Residential and a Planned Development District (PDD) overlay. The applicant is proposing to utilize the subject property as part of a student housing multi-family project within a PDD.

The proposed PDD contains changes to the base zoning that warrant a more detailed review. Please refer to the PDD report.

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
		<p>Whether the proposed zoning map amendment implements the policies of the adopted Master Plan, including the land use classification of the property on the Future Land Use Map and any incorporated section plan maps;</p> <p><i>Comments: See PDD report</i></p>
NA	NA	<p>Whether the proposed zoning map amendment is consistent with a development agreement in effect;</p> <p><i>Comments: No development agreements are in effect for this property.</i></p>
		<p>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;</p> <p><i>Comments: See PDD report</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>
X		<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>Comments: Staff has not identified other issues which substantially affect the public health, safety, morals or general welfare.</i></p>

Planning Department Recommendation:	
<input type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative-Public Hearing only
<input checked="" type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial



ZC-10-22

The Retreat at San Marcos

Weatherford Tract

Single-Family (SF-6)

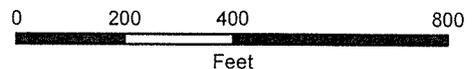
to Community Commercial (CC)



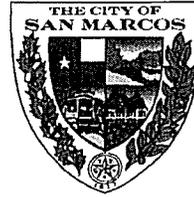
Site Location



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**Zoning Change
ZC-10-22
The Weatherford Tract
Ranch Road 12
The Retreat at San Marcos**



Summary: The applicant is requesting a Zoning Change from Single-Family (SF-6) to Community Commercial (CC) on an 2.75 acre tract of land

Applicant: Retreat Holdings, LLC
148 Old Will Hunter Rd
Main Office
Athens, GA 30606

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

Property Owner: Jack Weatherford
508 Craddock
San Marcos TX 78666

Notification: Personal notifications of the public hearing were mailed on January 28, 2011 to all property owners within 200 feet of subject property.

Response: Please see the emails and call log attached to the PDD report

Subject Property:

Location: 508 Craddock.

Legal Description: 2.75 acres out of the E. Clark Survey, Abstract No. 83

Sector: Two

Current Zoning: Single-Family (SF-6)

Proposed Zoning: Community Commercial (CC) with PDD overlay

**Current Future
Land Use
Map**

Designation: Commercial

**Proposed
Future Land
Use Map**

Designation: Commercial

**Surrounding
Area:**

	Current Zoning	Existing Land Use
N of Property	SF-6	Single-family residential
S of Property	SF-6 (MF-12 Proposed)	Vacant
E of Property	P/SF-6	Church/ Single-family residential
W of Property	SF-6 (MF-12 Proposed)	Single-family residential

Planning Department Analysis:

The subject property is commonly known as part of the Weatherford Tract, located at the intersection of Old Ranch Road 12 and Craddock. The 2.75 acre site is undeveloped except for a portion of a homestead. The neighborhood surrounding the subject property is primarily single-family with commercial at the intersection of Old Ranch Road 12 and Craddock. This request is proceeding concurrently with a Planned Development District overlay. The applicant is proposing to utilize the subject property as a commercial component of a student housing multi-family project within the PDD. This tract is currently proposed to be dedicated to the City as a fire station/police substation. This report reviews only the appropriateness of the rezoning of this tract. Please see the PDD report for a comprehensive analysis.

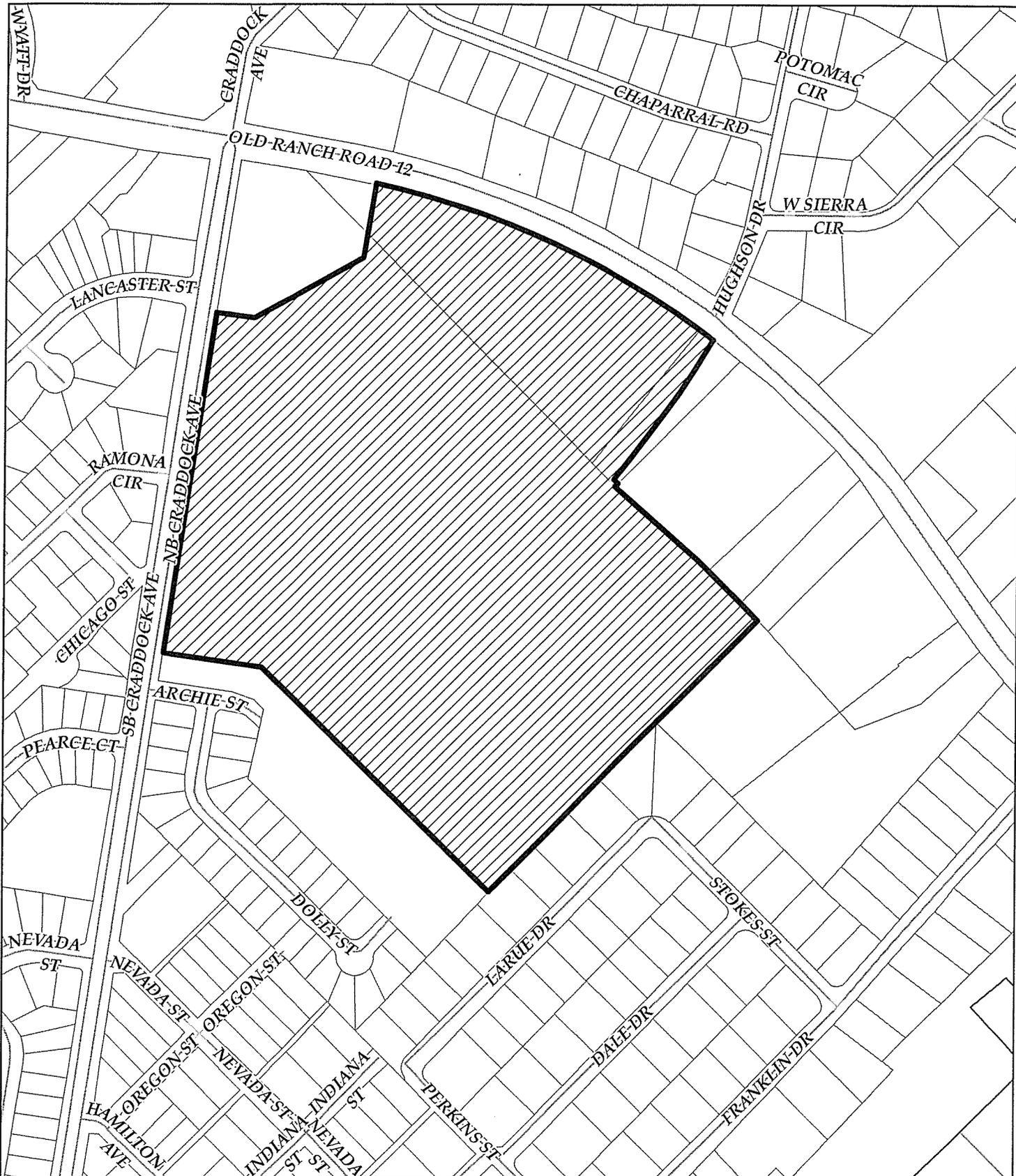
This report reviews only the appropriateness of the rezoning of this tract for the base zoning. The proposed PDD contains changes to the base zoning that warrant a more detailed review. Please refer to the staff report for the PDD.

The Section 1.5.1.5 of the Land Development Code 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 on the next page.

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		<p>Whether the proposed zoning map amendment implements the policies of the adopted Master Plan, including the land use classification of the property on the Future Land Use Map and any incorporated section plan maps;</p> <p><i>Comments: The Sector 2 plan call for this tract to be used as commercial. See PDD report</i></p>
NA	NA	<p>Whether the proposed zoning map amendment is consistent with a development agreement in effect;</p> <p><i>Comments: No development agreements are in effect for this property.</i></p>
X		<p>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;</p> <p><i>Comments: The uses in CC are appropriate</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>
X		<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>Comments: Staff has not identified other issues which substantially affect the public health, safety, morals or general welfare.</i></p>

Based on the criteria above, the changing of the base zoning is consistent with adopted policies and plans of the city regarding development in this area.

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



ZC-10-23

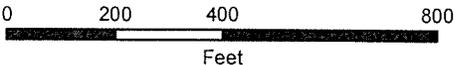
**The Retreat at San Marcos
Weatherford Tract
Single-family (SF-6) to
Multi-family (MF-12)**



Site Location



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



**Zoning Change
ZC-10-23
The Weatherford Tract
508 Craddock
The Retreat at San Marcos**



Summary: The applicant is requesting a Zoning Change from Single-Family (SF-6) to Multi-family (MF-12) on a 39.4 acre tract of land

Applicant: Retreat Holdings, LLC
148 Old Will Hunter Rd
Main Office
Athens, GA 30606
ETR Dev. Con., LLC
401 Dryden Lane
Buda, Texas 78610

Property Owner: Jack Weatherford
508 Craddock
San Marcos TX 78666

Notification: Personal notifications of the public hearing were mailed on January 28, 2011 to all property owners within 200 feet of subject property.

Response: Please see the emails and call log attached to the PDD report

**Subject
Property:**

Location: 508 Craddock

Legal Description: 39.4 acres out of the E. Clark Survey, Abstract No. 83

Sector: Two

Current Zoning: Single-Family (SF-6)

Proposed Zoning: Multi-family (MF-12)

**Current Future
Land Use
Map**

Designation: Low Density Residential/Medium Density Residential/Commercial/Open Space

**Proposed
Future Land
Use Map**

Designation: Medium Density Residential

**Surrounding
Area:**

	Current Zoning	Existing Land Use
N of Property	SF-6	Single-family residential
S of Property	SF-6	Single-family residential
E of Property	P/SF-6	Church/ Single-family residential
W of Property	SF-6/SF-4.5	Single-family residential

Planning Department Analysis:

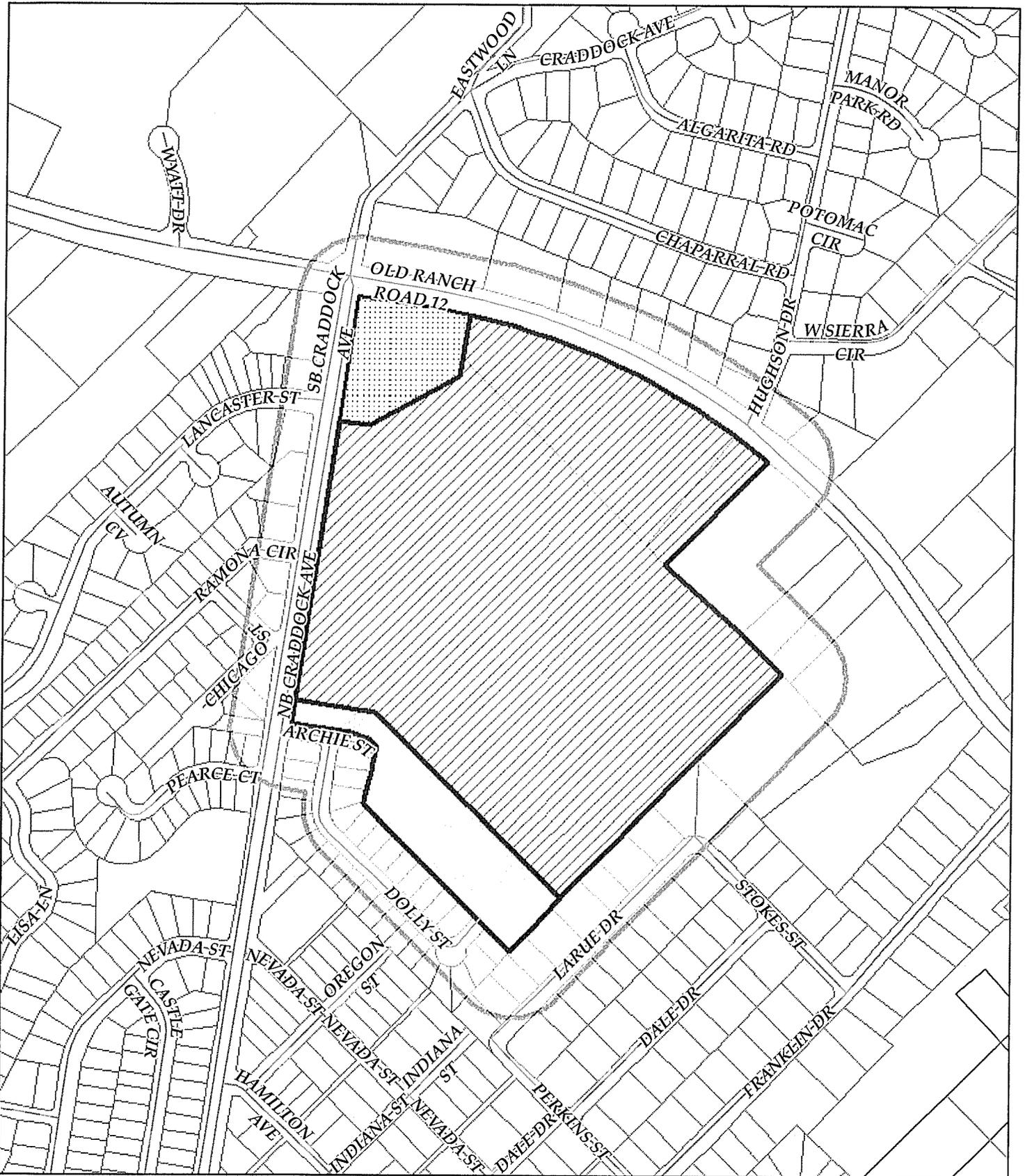
The subject property is commonly known as the Weatherford Tract, located at the intersection of Old Ranch Road 12 and Craddock. The 39.4 acre site is undeveloped except for a portion of a homestead. The neighborhood surrounding the subject property is overwhelmingly single-family with some commercial at the intersection of Old Ranch Road 12 and Craddock. This request is proceeding concurrently with several Land Use Amendments and a Planned Development District overlay. The applicant is proposing to utilize the subject property as part of a student housing multi-family project. This report reviews only the appropriateness of the rezoning of this tract. Please see the PDD report for a comprehensive analysis.

This report reviews only the appropriateness of the rezoning of this tract for the base zoning. The proposed PDD contains changes to the base zoning that warrant a more detailed review. Please refer to the staff report for the PDD.

The Section 1.5.1.5 of the Land Development Code 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 on the next page.

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
		<p>Whether the proposed zoning map amendment implements the policies of the adopted Master Plan, including the land use classification of the property on the Future Land Use Map and any incorporated section plan maps;</p> <p><i>Comments: See PDD report</i></p>
NA	NA	<p>Whether the proposed zoning map amendment is consistent with a development agreement in effect;</p> <p><i>Comments: No development agreements are in effect for this property.</i></p>
		<p>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;</p> <p><i>Comments: See PDD</i></p>
		<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>Comments: The alternate showing the Hughson/Ramona connector is not consistent and requires a Transportation Master Plan Amendment. See PDD report</i></p>
X		<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>Comments: Staff has not identified other issues which substantially affect the public health, safety, morals or general welfare.</i></p>

Planning Department Recommendation:	
<input type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative-Public Hearing only
<input checked="" type="checkbox"/>	No recommendation
<input type="checkbox"/>	Denial



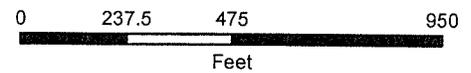
PDD-10-02

**The Retreat at San Marcos
Weatherford and
Gilcrease Tracts**

Map Date: 1/14/11

-  Tract 1 - Proposed Multifamily
-  Tract 2 - Proposed Commercial
-  Tract 3 - Proposed Park
-  Notification Buffer

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



PDD-10-02 Planned Development District The Retreat San Marcos



Summary:

Applicant:	Retreat Holdings, LLC 148 Old Will Hunter Rd Main Office Athens, GA 30606	ETR Dev. Con., LLC 401 Dryden Lane Buda, Texas 78610
Property Owner:	Jack W. Weatherford 508 Craddock Ave San Marcos TX 78666	Whitetail JV 2001 W. McCarty Ln San Marcos TX 78666

Subject Property:

Legal Description: 48.36 acres out of the E. Clark Survey, Abstract No. 83
Location: 508 Craddock, 1500 block Old Ranch Road 12, Weatherford and Gilcrease Tracts
Existing Use of Property: Vacant/Homesteads
Existing Zoning: Office Professional (OP)/Single-family (SF-6)/PDD overlay
Proposed Use of Property: Multi-family/Commercial or fire station
Proposed Zoning: Multi-family (MF-12) and Community Commercial (CC), PDD overlay
Sector: 2
Frontage On: Ranch Road 12, Craddock, Dolly, Archie, future Hughson/Ramona Connector
Utilities: City of San Marcos

Area 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	P/SF-6	Church/ Single-family residential
W of Property	SF-6/SF-4.5	Single-family residential

Project overview

The subject property is commonly known as the Weatherford and Gilcrease Tracts, located at the southeast corner of Old Ranch Road 12 and Craddock Ave. The 48-acre site is mostly undeveloped except for a homestead. An existing PDD was approved on the site in 1999, but the approved use was not developed. This Planned Development District (PDD) overlay, running concurrently with 3 Zoning Changes and 5 Land Use Map Amendments, proposes 41 acres of multifamily, 2.75 acres of commercial at the Craddock/Old Ranch Road 12 intersection, and 4.5 acres of parkland dedication on the southern portion of the tract near Archie and Dolly streets, to be a disc golf course (see attached map). The applicant is proposing a payment of \$7,500 for parking for the disc golf course. There is no phasing plan, but the commercial section is not proposed for development at this time.

The 195 units are craftsman-style attached and detached cottages. There are a variety of unit types, with some 2 and 3 bedrooms and the majority with 4+ bedrooms. The concept plan shows an amenity area near the intersection of Hughson and Old Ranch Road 12. An alternate concept plan shows the proposed Hughson-Ramona connector removed and replaced with a private drive.

Project Timeline

January 14, 2011 – Initial staff comments sent to the applicant

January 18, 2011 – Staff meets with the developers to review the comments

January 27, 2011 – Revised submittal was received by Development Services

February 8, 2011 Planning and Parks staff, the developers, and one P&Z Commissioner tour the site and meet afterwards to discuss comments

February 11, 2011 – Developers meet with Public Services and Administration staff

February 15, 2011 – Revised submittal received by Development Services

Comments from Other Departments:

The original submittal was routed for review by City Departments. Initial staff comments (included in this packet) were transmitted to the applicant. The applicant prepared an amended submittal addressing the comments and a third submittal after the meetings above.

The Parks Board voted to approve the request with the following conditions .

To accept the 4.50 acres and the construction of a 9 (or 18 if the property supports it) hole Disc Golf course, to be constructed at the developer's expense, construction of mulch walking trail and payment of \$7,500 to be applied toward construction of a parking lot for Disc Golf users.

Should the Commission approve the request, staff recommends that P&Z attach these conditions as well.

Planning Department Analysis:

Major Changes from Initial Submittal:

- The commercial tract at the intersection of Old Ranch Road 12 is proposed to be dedicated to the City and used as a fire station/ police substation.
- Addition of a pedestrian access easement along the southeast property line for a possible future trail connection to the park.
- The cross-section for the Hughson-Ramona connector and the private drive have each changed. The same cross-section is proposed for either alternate, with the public street continuing through the development while the private drive terminates on a central green as on the initial submittal. No landscaping is shown on the private drive.
- Addition of a 10' multi-use trail along Old Ranch Road 12
- Locations shown for possible bus stops within the development
- Addition of a landscape buffer between the storm water pond and the rear of the units

This section provides an overview evaluation of the project and whether it meets the criteria in the Land Development Code (LDC). The following sections provide more detailed analyses of several key points.

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

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

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

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

*Staff evaluation: **Inconsistent** – The initial submittal does not conform to staff's interpretation of the Sector 2 Plan. Staff encourages the Commission to read the pages from the Sector 2 Plan attached. See the discussion below.*

- (3) The extent to which the proposed PDD will result in a superior development than could be achieved through conventional zoning classifications.

*Staff evaluation: **Neutral** – In short, the PDD contains enhancements in water quality, parking, the amount of parkland dedication, and exterior design standards. The open space and 10' trail along Old Ranch Road 12, though recommended by the Sector 2 Plan, would not be required by the LDC, nor would the tree preservation areas or the new pedestrian access easement. Within these areas, there is potential for increased tree preservation, although no figures are given to ensure it. See the review of each section of the PDD document below for a more detailed description of the extent of each of these. The Retreat is superior in these regards to a development meeting the minimum standards for MF-12.*

With the exception of the cross-section of the Hughson-Ramona connector and the setbacks along it, this project and its enhancements could be achieved by right in any established MF-12 district. The PDD tool in this case is employed as a way to limit density and offer enhancements to gain entitlements at a location where the proposed base zoning would not meet criteria for approval.

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

*Staff evaluation: **Consistent (with recommended condition)** – Because of the buffers provided, the fact that Craddock and Old Ranch Road 12 are arterials, the topography, and the deep setbacks of the buildings, immediate nuisance issues such as noise should have a minimal effect on surrounding properties, with the exception of the disc golf course described below. However, an apartment complex of this size and scale will have the effect of changing the character of the established single-family area. The addition of the fire station removes the possibility of pedestrian trips or the internal capture of vehicle trips to a commercial use.*

A layer of vegetation and fencing separates most but not all of the houses along Dolly and Archie. There is one house with no fence and several houses with no vegetation. Staff recommends that as part of this development that a fence be built between the existing houses on the Archie and Dolly Street where none exists currently, that a layer of vegetation be retained, and that the tee boxes of the proposed disc golf course be oriented to minimize the impact on the existing houses.

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

*Staff evaluation: **Consistent** –The Watershed Protection Plan Phase I has been deemed substantially complete. A WPP Phase II will be required prior to the final plat.*

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

*Staff evaluation: **Inconsistent** – The proposed use of the commercial tract as a fire station limits the opportunity to develop it as a neighborhood-serving commercial use. At the same time, the addition of 782 bedrooms will increase demand for such a service in the area. This is the only undeveloped or underdeveloped property at this intersection that has a Future Land Use*

designation of Commercial, so any additional commercial in the area will require further amendment to the Master Plan and will be required to go through the entitlement process.

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

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

*Staff evaluation: **Consistent/Inconsistent** – The alternate plan with the public Hughson-Ramona Connector is consistent, but the alternate shows the Hughson/Ramona connector road removed, which is not consistent with the Transportation Master Plan. See discussion below regarding this road.*

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

*Staff evaluation: **Consistent** – The additional parkland dedication, the trail along Old RR 12 and the trail easement, the payment for parking for the disc golf course, the amenity area, and the green space do enhance recreational opportunities.*

Consistency with the Sector 2 Plan

The Future Land Use section of the executive summary of the Sector 2 Plan states, ***“This plan recommends that Sector Two remain predominately single-family residential in use and character.”*** This statement appears in the section “Very Low and Low Density Residential.” The Plan contains a detailed description of the vision for this site, specifically recommending that only Low Density Residential uses be located south of the Hughson/Ramona connector road. Recommended acreages for land uses are given (relevant pages from the Sector 2 plan are attached).

The applicants state that because the proposed density of the project is 5.5 units, which is within the range of Low Density Residential, the project is consistent with the Plan. According to a chart provided by the applicant (see attachment), the overall intensity of the proposed use is less than the maximum intensity allowed, although it is not likely that the site could be developed to this intensity because of the topography and infrastructure requirements such as streets.

However, the density calculations only describe the intensity of the proposal. They do not address use. Though they may overlap at times in intensity, single-family and multifamily are distinctly different uses. Multifamily development at this scale differs from single-family development in its design, form, and function. In single-family zoning districts, the occupancy restriction in Section 4.3.4.5 of the LDC would apply. Single-family lots are under separate ownership and are typically owner-occupied, though they are not required to be. A single-family development would have internal public streets and off-street parking, either in garages or off of alleys. Here parking is handled with 90-degree head in parking in the driveways. Staff agrees with the applicant that the development is consistent with the Sector 2 Plan in terms of **intensity**. Staff does not feel that the amount of multi-family **use** is consistent with the plan.

To determine the overall effect on Sector 2, staff performed an analysis of the character of the Sector, which shows that its population is currently 63% single-family. The current proposal would reduce this to 53% single-family for the entire sector. Staff feels that this reduction is significant and will push the Sector away from being, “predominately single-family residential in use and character.”

Sector 2	Single-family units	Single -family Population	Multi-family Units	Multi-family Population	Percent of Population that is Single-family
Current	1091	2520	503	1469	63.2%
After Retreat buildout	1091	2520	698	2212	53.3%*

*based on 782 beds and assuming 95% occupancy rate.

Source: City of San Marcos GIS/Retreat PDD document

Finally, the new proposal to donate the commercial tract for use as a fire station is a further departure from the Sector 2 Plan as it removes all potential for neighborhood-oriented commercial uses from the site. The relevant pages of the Sector 2 plan are attached to this report, and the Commission is encouraged to read them and to determine if the proposal is consistent.

Review of PDD Document by Section

Only more substantive comments are discussed here. Enhancements to the LDC are noted where applicable. The complete comment list from staff is attached. To assist the Commission, this report is organized using the same topical structure as the PDD documents.

1.0 Introduction, Project Location, and Description

This section originally stated that the proposal offers a variety of uses in one cohesive development. Staff requested more information because it appears to be only a multi-family use with commercial to come later. This section was removed.

Staff also requested the design of the pedestrian access point be included in the PDD for a more cohesive development. The access point was removed as the commercial tract is now proposed as a fire station.

2.0 Existing Property Conditions

Staff requested that the applicant more thoroughly describe the Sector 2 Plan vision for this site and how the proposed development meets it. The applicant has included language regarding density.

3.0 Land Use Designation

The document stated that the project features a mixture of single-family residential, but the concept plan seemed to show only multi-family. Staff asked for clarification. The statement was removed.

4.0 Dimensional and Development Standards

This section listed numerous standards regarding setbacks. Staff asked for clarification, which is reflected in the revised document. Also, staff requested a code comparative table to better identify standards that differ from the LDC. The table in Section 8 was revised.

5.0 Permitted, Conditional, and Prohibited Uses

Staff suggested several changes to the list of uses which were made in the revised document.

6.0 Development Standards

6.01 Landscape Standards

Staff's comments addressed the intent of this section and how exactly it is exceeding the requirements of the LDC, which was addressed by the applicant.

6.02 Parking Standards

Minor comments addressed – bike racks are now provided at 10% of the bedroom count. The applicant is proposing parallel parking in addition to the LDC required parking – 45 spaces for the plan showing the Hughson/Ramona connector or 30 spaces on the alternate.

6.03 Exterior Construction Standards

Minor comments addressed– this section offers modest improvements over the very minimal standards in the LDC.

6.04 Parkland Dedication

This is the most significant enhancement to the LDC requirements. Staff's comments addressed compatibility of the disc-golf course with the adjacent single-family and screening. The parking lot design for the park is not shown, and staff has asked for more information to ensure a quality design for off-street parking.

6.05 Environmental, Water Quality & Detention Standards

The document proposed 85% total suspended solids removal, which is higher than the 70% required by the LDC. Staff asked for more information regarding techniques proposed for water quality and requested that language be added to address maintenance of BMPs. This language was added, and specific BMPs will be identified later. Staff notes that although the property is identified as not in the Recharge Zone, it is in the Contributing Zone within the Transition Zone, which means TCEQ regulations require the same water quality standards as the recharge zone because the water from the site will flow to the Recharge Zone. 85% removal of TSS will meet the standards.

6.06 Fence Requirements

The document shows a fence around the tree preservation area. Comment regarding maintenance addressed.

6.07 Community Rules and Regulations

The document provides a list of Community Rules established by the owner. Staff requests that the rules shall not be substantially altered without approval of the Director of Development Services. This is not typically required by the LDC.

6.08 Hughson/Ramona Connector Road

The alternate that shows the Hughson/Ramona connector removed is not consistent with the Transportation Master Plan, although the applicant has applied for an amendment to this plan, which is proceeding concurrently with this request. The proposed removal will cause the subject property to exceed block length requirements per the LDC along both Craddock and RR 12, and its removal is not consistent with the sector plan, which specifically calls for the collector. Moreover, maintaining connectivity is vital for the long-term viability of this area and the community as a whole. Providing a variety of routes helps to distribute traffic, and smaller blocks function best for pedestrian and bicycle connectivity.

The alternate showing the connector has addressed cut-through traffic and pedestrian safety by utilizing an alternative cross-section and landscape islands at the entrances. In the proposed PDD, the city would have responsibility for the public improvements required for Old Ranch Road 12 at Hughson.

Section 7: Miscellaneous

Minor comments were addressed.

Concept Plan

Comments addressed site design, connectivity, and request for figures for open space and tree preservation to compare with LDC standards. Comments were not fully addressed. Staff suggested adding a 10' shared use path in the tree preservation area along Old Ranch Road 12 using minimal compaction. The path was added with a statement that it would be designed to minimize impact to existing vegetation. Also, staff requested that the applicant update the concept plan to include basic requirements such as proper scale and size, which the revised plan incorporates.

General Comments

See comment list attached

Although the project proposed improves on the minimum requirements of the MF-12 district in several areas, this case does not meet all criteria for approval in 1.5.3.5 of the LDC for a PDD because it is not consistent with the vision for this tract laid out in the Sector 2 Plan, and does not offer sufficient enhancements to standards to mitigate compatibility issues and offset the inconsistencies with the Plan.

Should the Commission recommend approval, the following conditions are recommended:

- **To accept the 4.50 acres and the construction of a 9 (or 18 if the property supports it) hole Disc Golf course, to be constructed at the developer's expense, construction of mulch walking trail and payment of \$7,500 to be applied toward construction of a parking lot for Disc Golf users.**
- **A fence shall be built between the existing houses on the Archie and Dolly Street where none exists currently, a layer of vegetation shall be retained or a vegetative buffer created, and the tee boxes of the proposed disc golf course shall be located to minimize the impact on the existing houses.**

Planning Department Recommendation	
<input type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Public Hearing only
<input type="checkbox"/>	Denial
<input checked="" type="checkbox"/>	No Recommendation

Foreman, John

From: Bailey Verschoyle [bailey.verschoyle@gmail.com]
Sent: Wednesday, February 16, 2011 4:48 PM
To: Steed, Phil
Cc: Foreman, John
Subject: Retreat Proposal Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Members of the Planning and Zoning Commission,

I am writing to you in opposition to the proposed Retreat complex at the corner of Craddock and Ranch Road 12. After attending the February 8, 2011 P&Z meeting and my subsequent meeting (2/16/11) with Planning staff, I believe this complex will be a detriment to the surrounding community.

To give you some perspective on my position, let me share a little about myself. My husband and I have lived in 1920 Ramona for a little less than one year. This is our first home, and we purchased it because of the beautiful community that surrounds it- the tall oak trees, the nearby parks and playgrounds, proximity to work and school, and the friendly neighbors. We loved the fact that every time we viewed the house, there were people walking their dogs along our street. We took a big risk in an uncertain economy to purchase our house, and we've spent lots of time and effort to improve it. We love this home and our neighborhood, and hope to start our family here.

My largest concern is what this proposed complex will do to our property values. It would be a tragedy for members of this community to lose value on the properties that they have worked so hard to maintain. I would hate to see the hard work of myself and my neighbors disappear because of this complex. I am also worried about what the proposed property will look like when it comes time to sell this home. Will potential buyers want to live in a neighborhood surrounded by noisy, cluttered apartment complexes and perpetually busy streets? Will they be able to look past heavy traffic, vehicle-lined streets, and two nearby apartment complexes and see the same beautiful, family friendly neighborhood that drew us to this house? I doubt it.

Secondly, I am concerned about the parking situation for the Retreat. There is not enough parking within this complex (or along the proposed street) to handle the amount of students who will be visiting or parking to use the proposed shuttle stop. This means that students will be parking along Ramona in order to visit their friends or catch the shuttle. According to planning staff, there is no real remedy for homeowners to prevent students from parking along our street. This is especially concerning because sight distance is very limited on Ramona as you approach Craddock, so increased parking along the street has the potential to create a dangerous section of road. There is no sidewalk along this section of Ramona either, so this creates an increased risk for pedestrians and children.

Ed Theriot, AICP
Managing Member
(512) 618-2865
ed@etrdevcon.com



Thomas Rhodes
Managing Member
(512) 618-7449
thomas@etrdevcon.com

January 21, 2011

Mr. John Foreman, Planner
City of San Marcos
630 E. Hopkins Street
San Marcos, Texas 78666

RE: Comment Responses – PDD-10-02 The Retreat at San Marcos

Mr. Foreman,

The following are our responses to comments provided by the City dated January 14, 2011 and as reviewed during our meeting on January 18, 2011. Please do not hesitate to contact us should you have any questions or require any additional information.

Sincerely,

Thomas K. Rhodes, Managing Member
ETR Development Consulting, LLC

PG 3

- (1) Will revise accordingly.
- (2) Will revise accordingly.
- (3) Will revise accordingly.
- (4) Will revise accordingly.

PG 4

- (1) The existing PDD will be repealed. Will clarify in text.
- (2) The vision for this site as outlined in the Sector 2 Plan calls for the development of 33 acres of Low Density Residential, 8 acres of Medium Density Residential, 10 acres of Commercial and 3 acres of Open Space. The Commercial and Medium Density Uses are to be located on the north side of the proposed Hughson/Ramona connector with low density “neighborhood friendly” or “neighborhood compatible” uses located on the south side of the Hughson Ramona connector road.

We believe the development of this site meets or exceeds this vision by the development of 41.11 acres of neighborhood friendly and compatible Low Density Residential, 2.75 acres of Commercial and 4.5 acres of public parkland/open space. The Sector 2 Plan specifically defines Low Density Residential as residential development with a gross density between 3 and 6 units per acre. The gross density of the project site will be 4.08 units per acre with a net density of 5.10 units per acre which complies with the density limitations of the Sector Plan. There is no Medium Density Residential (6 to 12 units per acre) land use proposed for development and the Commercial land use is being reduced by 7.75 acres over what is envisioned in the Sector 2 Plan. Finally, the development proposes the dedication of 4.5 acres of public parkland which exceeds the Sector 2 Plan vision by 1.5 acres.

Sector 2 Plan Vision Comparison			
Standard	Sector 2 Plan	Proposed PDD	Difference
Low Density Residential (3-6 units per acre)	33 acres	41.11 acres	Exceeds*** Sector 2 Plan by 8.11 acres
Medium Density Residential (6-12 units per acre)	8 acres	0 acres	Exceeds*** Sector 2 Plan by 8 acres
Commercial	10 acres	2.75 acres	Exceeds*** Sector 2 Plan by 7.25 acres
Open Space	3 acres	4.5 acres	Exceeds*** Sector 2 Plan by 1.5 acres
Total Dwelling Units Envisioned	294 units *	195 units **	Exceeds*** Sector 2 Plan by 99 units
* Based on maximum units permitted within each land use category ((33 X 6) + (12 X 8))			
** Based on maximum unit restriction within PDD			
*** Exceeds means reduction of development intensity			

For additional details on how this site complies with the Sector 2 Plan, refer to the response to General Comment (8) on Page 7 below.

- (3) (a) Comment will be addressed. We will remove reference to single family.
- (b) Based on discussions during our meeting on January 18th, a request for rezoning to P – Public may be submitted concurrently with the plat of the property.

PG 5

- (1) A Code Comparison Table is provided in Section 8. Please advise if this table needs to be relocated or duplicated.
- (2) (a) The front yard setback will be 10 feet to be consistent with the Hughson/Ramona connector setback. We will revise accordingly.
- (b) We are not proposing to change the existing zoning of the area to be dedicated as a park at this time; however, a zoning change will be submitted concurrently with the plat of the property. Setbacks will be applicable to structures as determined by the LDC for the zoning district.
- (c) The Hughson/Ramona connector is the designated front setback for the multifamily lots. The setbacks from RR 12 and Craddock Avenue would be side yard setbacks for a corner lot. We will modify the table to reflect accordingly.
- (3) (a) Yes, underground storage tanks are permitted by TCEQ in the Contributing Zone within the Transition Zone.
- (b) Laundry/Dry Cleaning is listed as a drop-off/pick-up facility only and is Permitted By-Right in the CC District in the Land Use Matrix. This would be an appropriate neighborhood services use for this area. The Transportation and Automotive Uses have already been restricted from what is listed in the Land Use Matrix. The uses listed in Transportation and Automotive Uses category all require approval of a Conditional Use Permit to allow a detailed review of the appropriateness and compatibility of the use.
- (c) Will add accordingly.
- (d) Will revise accordingly.
- (e) Will revise accordingly.

PG 6

- (1) The Land Development Code outlines the process for classification of new an unlisted uses. We will revise to state “A determination regarding the classification of new and unlisted uses shall be in accordance with Section 4.3.1.1 of the Land Development Code.”

PG 11

- (1) (a) The PDD shall comply with all of the landscaping requirements of the City’s Land Development Code. Project will comply with all applicable landscaping regulations provided in Chapter 6.
- (b) Will add accordingly.

PG 12

- (1) (a) Will discuss and consider. If provided, rainwater storage facilities will be included with the Site Preparation Permit.
- (b) This project does not propose the use of potable makeup water for a wet pond. The project proposes the use of excess stormwater or potable water (or a combination of

- the two) for irrigation purposes. No potable water connection will be provided to the proposed wet pond. We have added language to clarify.
- (c) Section 6.1.1.5.c(10)c of the LDC does not require irrigation systems for undisturbed natural areas or undisturbed existing trees. These areas will continue to survive through natural rainfall or other precipitation.
 - (d) The only sidewalk or trail proposed in a tree preservation area is the ten foot (10') shared use path along RR 12. This path will be constructed to City standards.
 - (e) All proposed landscaping will be maintained in accordance with the requirements of the City's LDC for the life of the project.
- (2) (a) Will revise accordingly. Proposed landscaping will meet or exceed City standards.
 - (b) Will revise accordingly. The use of landscape buffers to mitigate the impacts of higher intensity uses from lower intensity uses is common practice. Numerous municipalities throughout the state require landscape buffers to buffer multifamily and nonresidential uses from adjacent single family residential uses.
 - (c) It is our understanding that any clearing or grading requires approval of a site preparation permit through the City Permit Center. Will revise to state "Unless otherwise approved through a Site Preparation Permit, there shall be no clearing or grading within the natural tree preservation/open space areas."
 - (d) Will revise accordingly. Previous revision in (c) addresses this issue.
 - (e) Will revise accordingly.
- (3) Will add statement regarding on-street parking accordingly. Figure 1-6 of the City's Transportation Design Manual provides for a collector cross section that has on-street parallel parking. The proposed cross section incorporates bike lanes and on-street parallel parking consistent with the cross section the City utilized for the reconstruction of CM Allen Parkway adjacent to the Ramon Lucio Park and the Rio Vista Park. Furthermore, the PDD process allows the City to adopt alternative design standards that vary from the standards outlined in the existing City Code. Based on our meeting on January 18th, the proposed collector cross section may be considered accordingly.

PG 13

- (1) Based on the discussions from our January 18th meeting, we are providing additional description and details regarding use of materials.
- (2) Based on the discussion from our meeting on January 18th, cementitious fiber board is not required to be removed. We are providing additional description and details regarding use of materials.
- (3) As listed, cementitious fiber board is listed as a masonry material. As such, 100% of the exterior facades (with the exception of doors, windows, etc.) would be considered masonry.

PG 14

- (1) Will revise accordingly.
- (2) The PDD proposes an option to cross the road with a license agreement that will be approved separately by the City Council. Based on the discussions during our January 18th meeting with staff, this option is permissible.
- (3) Will revise accordingly.
- (4) Will revise accordingly.
- (5) Will revise accordingly.
- (6) Specific BMP techniques have not been identified at this time. Any BMP's will be in accordance with the requirements of the TCEQ and the City of San Marcos.

- (7) Will add statement accordingly.
- (8) The proposed \$7,500 is based on the calculation of \$500 per parking space which is a reasonable estimation provided by our project engineer. The Land Development Code does not require payment of any park development fee and this requirement of the PDD is voluntarily being provided in excess of the City's requirements. This amount was also recommended for approval by the Parks Advisory Board on January 18th.

PG 15

- (1) Will add/revise accordingly.
- (2) Will add/revise accordingly.
- (3) Will incorporate speed management techniques such as speed cushions, pedestrian bulbouts or raised cross walks.

PG 16

The PDD proposes an alternative concept plan that provides for the removal of the public collector. The alternate concept plan would not be considered a gated community; rather it would be a private property owner restricting access to the property similar to other multifamily projects in the City. Public access is restricted to residents and their guests and would be monitored accordingly.

When the Transportation Master Plan was originally adopted, it was envisioned that a significant amount of commercial development would occur on this site which is consistent with the Sector 2 Plan. It was envisioned that access to Ranch Road 12 and Craddock Avenue would be limited and the Hughson/Ramona connector would serve as the primary point of access for traffic generated by the commercial development. Since the adoption of the Plan, the opening of Wonderworld Drive has significantly reduced the traffic volumes on Ranch Road 12 and Craddock Avenue. Thus the development proposed on this site reduces the commercial acreage envisioned in the Sector 2 Plan by over seven (7) acres and significantly reduces potential traffic generated by commercial development. The proposed Hughson/Ramona connector will only serve the residents of this development. The TIA for this project has indicated that if the City were to construct this thoroughfare prior to any development on this site, the level of service at its intersections with RR 12 and Craddock Avenue would be deemed unacceptable due to significant cut-through traffic.

Since this thoroughfare is unnecessary to serve this development, the proposed alternate concept plan removes the thoroughfare and provides for private driveway connections to RR12 and Craddock Avenue.

PG 17

Some exhibits require flexibility of not requiring an amendment to the PDD (i.e. the Exhibit F which requires final approval by the Parks Director and Exhibit K which may need to be changed to address private enforcement issues that arise after adoption of the PDD. We propose to revise the language to state "Any modifications, amendments or supplements to these Exhibits, except for Exhibits F and K, shall require an amendment to this PDD ordinance unless otherwise allowed by City ordinance or State law. Any modifications, amendments or supplements to Exhibits F and K shall require written approval from the City of San Marcos."

PG 18/19

- (1) Will verify table of code modifications. Please let us know if staff notices any deficiencies.
- (2) As previously determined and confirmed in writing by City staff, gross density means the number of dwelling units per total area of land, including one-half of abutting street rights-of-way, and measured as dwelling units per acre. For the purposes of calculating density for this project, our gross density is 4.08 units per acre which exceeds the maximum density permitted within the MF-12 zoning district by 7.92 units per acre.
- (3) Will revise accordingly.
- (4) Will add/revise accordingly.

Parkland Dedication

Will relocate the clubhouse/amenity center information to another section and will revise language to be more quantitative.

Exhibit A – Concept Plan

We will revise the Concept Plan to include those items necessary from the checklist. Based on our discussions in our January 18th meeting, a separate concept plan submittal will not be required.

The tree survey was submitted with the Watershed Protection Plan. An additional tree survey is being conducted to identify all trees down to four inch (4”) diameter and can be provided when complete.

Exhibit B

Based on our meeting on January 18th, the alternative plan will be allowed to stay within the PDD document to present to the P&Z and City Council as an option in the event they choose to approve an amendment to the Thoroughfare Plan and remove the Hughson/Ramona connector.

Exhibit F

- (1) Will provide. The design and layout of the parking facility is subject to final approval by the Parks Department.
- (2) The layout of the park facilities is subject to final approval by the Parks Department. Adjusting the trail route to locate away from the adjacent single family use would require crossing the Frisbee golf course which creates the potential for conflict between individuals on the trail and those utilizing the golf course.
- (3) Will discuss and consider.

Exhibit I

Will revise and provide accordingly.

Exhibit J

Based on our meeting on January 18th, a fence will not be required.

General Comments

- (1) We are not proposing any variations from the City's requirements for signage. All signage will be in accordance with the requirements of Chapter 6, Article 3 of the LDC. We have added a section accordingly.
- (2) A metes and bounds description will be provided with the subsequent platting and zoning to P – Public.
- (3) The development does propose to coordinate shuttle service with the University. At this time, definitive shuttle stop locations can be determined. A narrative has been added accordingly addressing shuttle service.
- (4) We can agree to provide bicycle parking at 10% of the bedroom count. Because of the uniqueness of this product, bicycle parking is typically not required as bicycles are stored within the units or on the front and/or back porches of the units.
- (5) A 24 X 36 copy of the proposed concept plan(s) will be submitted when revised.
- (6) Based on our meeting on January 18th, a narrative has been added to address additional alternative architectural details that may be provided.
- (7) The granite path constructed along Craddock Avenue was constructed as part of the City's Craddock Avenue improvements project and is an existing facility that meets City requirements. The repair or replacement of this path is not the responsibility of this development.
- (8) The Sector 2 Plan is intended to serve as guide for development and does not function as zoning. Specific zoning and enforceable regulations are being created through the PDD that are consistent with the intent of the Sector 2 Plan. We believe that the neighborhood friendly and compatible Low Density Residential meets or exceeds the vision and intent of the Sector Two Plan.

The Sector 2 Plan states that *development in Sector 2 should be "neighborhood-friendly" by minimizing or mitigating the negative impacts of higher intensity uses.* The Sector Plan indicates that the uses to the south of the Hughson / Ramona collector should be Low Density Residential. Thus, "Neighborhood-friendly" should not be interpreted to mean single family residential uses only. The neighborhood friendly and compatible component is being partially achieved by agreeing, through the standards of the PDD, to construct a low density housing project that consists of almost one-third fewer units on the site than envisioned by the Sector Plan. In addition, significant features such as the oversized public park and the large buffer zones have been incorporated to address expressed neighborhood concerns. Multi-family, at a comparable density, should not be considered a higher intensity use. Comparable density multi-family produces less traffic and consumes less utility capacity than single-family use. The project site provides for buffering from adjacent single family uses through the use of significant natural tree preservation/open space areas and public parkland dedication.

The Sector 2 Plan also indicates that *the visual character of the Sector should be preserved through requirements for generous landscaping, limited commercial signage,*

high quality building materials, reduction of excessive light, reduction of the visual impact of utilities and screening of outdoor storage and equipment. The proposed multifamily portion of the project site will be approximately 48% impervious cover with the remaining 52% of the site being preserved as pervious area consisting of tree preservation areas, landscaping and water quality facilities. This exceeds the impervious cover limitations of the City's code by 32%. Any signage associated with the proposed commercial area will be in accordance with the requirements of the City LDC. The exterior construction and design standards provided for in the PDD exceed the City's existing requirements. The low density nature of the project will limit the amount of light being generated by the site compared to the uses envisioned in the Sector Plan. All utilities for the site will be underground. The multifamily residential portion of the site will be screened from Ranch Road 12 and Craddock Avenue through the use of tree preservation areas and landscaping so as to minimize visual impacts from these roadways.

The Weatherford Land Use table indicates the development of 33 acres of Low Density Residential, 8 acres of Medium Density Residential, 10 acres of Commercial and 3 acres of Open Space. This proposed development provides for 41.11 acres of LDR, no MDR, 2.75 acres of Commercial and 4.5 acres of public parkland/open space. The Sector 2 Plan states that Low Density Residential land uses are characterized by residential housing at an overall density of 3 to 6 units per acre. While City staff has required a FLUM amendment to MDR for the 41.11 acres of multifamily residential to be consistent with the requirements of Section 4.1.5.1, the proposed PDD restricts the project site to a maximum density of 5.5 units per acre which is consistent with the densities indicated for Low Density Residential in the Sector Plan.

The Sector 2 Plan does provide for flexibility regarding the development of this project site with various conditions being stipulated as follows:

The acreage of land in each category remains the same. While the acreage designated as Medium Density Residential will be increasing, this increase is a result of the requirements of City staff to be consistent with Section 4.1.5.1 of the LDC and does not accurately reflect the actual development of the project site. The project site is limited to a maximum of 5.5 units per acre which is consistent with the densities indicated as Low Density Residential in the Sector 2 Plan. The overall density on the site is approximately one-third less than the density envisioned by the Sector Two Plan.

Only Low Density Residential uses south of the Hughson/Ramona connector road. This project meets this condition. The Community Character plan indicates "neighborhood friendly" uses.

Commercial areas should be a mixture of "Community Commercial" and/or "Office-Professional" uses. This project meets this condition by providing Community Commercial zoning on the commercial tract and limiting the uses on this site to neighborhood service type uses.

The Hughson/Ramona connector road is envisioned as a well-landscaped, divided boulevard that will help buffer the single family residential uses to the south from the more intensive development north of the road. The Hughson/Ramona connector road is designated as a Collector on the Transportation Master Plan. This sentence is referring to the recommended design of the Hughson / Ramona collector, not to the recommended land uses on the tract. The divided boulevard was envisioned by the

Sector Plan as a means to buffer the over 18 acres of very intensive commercial and medium density use from the lower intense area to the south of the collector. The City currently does not have any approved collector cross sections that provide for a divided boulevard. Furthermore, the development of this project will be a cohesive development on both sides of the road and is a low density development. Buffering uses on the north side of the Hughson/Ramona connector road from uses on the south side of the road is unnecessary with this project.

Non-single-family development should be buffered from Ranch Road 12 and Craddock Avenue with a 50 foot wide greenbelt broken only by the Ramona/Hughson connector road and a maximum of two curb cut entries (one each on RR 12 and Craddock Ave). In this buffer existing vegetation should be preserved and additional natural landscaping added as necessary to provide a visual buffer from adjacent streets. The only intrusion allowed into the buffer will be a 10' wide shared-use sidewalk/bike path. This buffer should be in addition to additional right-of-way necessary to accommodate future improvements to both Ranch Road 12 (approximately 10') and Craddock Ave. (5'-10'). The project site will be providing adequate buffering through the preservation of existing natural areas and installation of landscaping which meet this requirement. We will be revising the PDD to require the construction of the 10' wide shared-use sidewalk/bike path. The granite path constructed along Craddock Avenue was constructed as part of the City's Craddock Avenue improvements project and is an existing facility that meets City requirements.

The Medium Density Residential development is limited to Townhouse, Zero Lot Line single-family, or multi-family senior housing uses. The project site is being developed as a Low Density Residential project. Staff has required that this site be designated as Medium Density Residential to comply with the requirements of Section 4.1.5.1 of the LDC. The project site incorporates a mixture of 1-unit, 2-unit and 4-unit detached cottages with an average of 4.01 bedrooms per unit. The project site could be developed at an average of 2.75 bedrooms per unit which would equate to 284 units with a project density of 5.94 units per acre. This would still meet the density requirements for Low Density Residential. Furthermore, traditional single family residential housing averages 4 units per acre. Staff's indication that the plan does not envision 3+ bedroom units would prohibit the development of traditional single family residential housing.

Residential development should include an interconnected street system and walkways providing pedestrian access to commercial area. The project site is not conducive to an interconnected street system. The Hughson/Ramona connector is the only necessary street to provide access to the project site. Additional curb cuts onto Ranch Road 12 and Craddock Avenue would not be permitted by TxDOT or the City due to driveway separation standards. Streets are unable to be extended out of the project site on the south side of the Hughson/Ramona connector due to existing surrounding development. There are coordinated driveways along the Hughson/Ramona connector providing access to the multifamily portion of the project. The existing trail on Craddock Avenue and proposed construction of a 10 foot shared use path along Ranch Road 12 as well as internal pedestrian connections from the multifamily portion to the commercial section meet the requirements for pedestrian connectivity to the commercial area.

City of San Marcos
Development Services-Planning
(512) 393-8230
(512) 396-9190 Fax



PDD REVIEW REPORT

TO:	Retreat Holdings LLC 148 Old Will Hunger Road Main Office Athens GA 30606 Whitetail JV 2001 W. McCarty Lane San Marcos TX 78666 ETR Development Consulting 401 Dryden Lane Buda Texas 78610 Jack W. Weatherford 508 Craddock Ave San Marcos TX 78666
FROM:	John Foreman, Planner
DATE:	January 14, 2011
RE:	PDD-10-02 Retreat at San Marcos

The above referenced project has been reviewed by the Development Services Review Team.

PG 3

- (1) Paragraph 2 - typo "Historically been utilized"
- (2) Next to last paragraph of Section 1: the Parks plan does envision a park within this general area, but not necessarily at this particular location.
- (3) Last sentence of section 1: Please provide more details. What constitutes the variety of uses, and how are they cohesive? The current proposal seems to be for a multi-family product with some unidentified commercial to come later. Provide design of pedestrian access point to commercial section.
- (4) Paragraph 6 - typo "products"

PG 4

- (1) Paragraph 1 – is the existing PDD being repealed/vacated by this PDD?
- (2) The Sector 2 Plan gives a much more specific vision for this site than this section conveys. More fully describe this vision and how the proposal achieves it, if applicable.
- (3) Section 3.01
 - (a) "... featuring a mixture of traditional single family residential..." Where is the single family on the concept plan? Single-family detached is not an allowable use in any zoning district, including the SF-6 zoned parkland area where no residential uses are allowed.
 - (b) Although a park is permitted in SF-6 zoning, the more appropriate designation is P-Public

PG 5

- (1) Paragraph 2 is misleading. Show a code comparative table with LDC standard and proposed PDD standard.
- (2) Section 4 –
 - (a) No front setback for MF-12? Where would this apply? The Hughson-Ramona connector is the only public road with buildings fronting it, and it has an identified 10' setback.
 - (b) Why is SF-6 shown if nothing besides a park is permitted? Are these setbacks for park structures?
 - (c) What are the "Setbacks from RR12, Setback from Craddock, and Setbacks from Hughson/Ramona?" Front, side, or rear?
- (3) Section 5 – Permitted Uses
 - (a) Are underground storage tanks permitted by TCEQ in the Contributing Zone within the Transition Zone? If not, remove.
 - (b) Consider removing:
 - Laundry/Dry Cleaning
 - Transportation and Automotive Uses
 - (c) Add as Permitted
 - Place of Religious Assembly
 - School, K-12 Public
 - (d) Restaurant with prepared food sales with drive thru should be changed to "C" rather than "P"
 - (e) Restaurant with prepared food sales with beer and wine sold for both on premise and off premise consumption should be "C" rather than "P"

PG 6

- (1) Change last sentence to "...the Director of Development Services may refer the question to the P&Z or CC or make a determination that may be appealed to the P&Z and CC"

PG 11

- (1) 6.01
 - (a) What does this mean? What does it allow? Please clarify.
 - (b) Add - Approved vegetative buffers and filters shall not include invasive species

PG 12

- (1) Paragraph 1
 - (a) Consider rainwater storage to reduce use of potable water, not just a pond.
 - (b) No potable makeup water for wet ponds permitted may be used. This has not been allowed by council. Rooftop runoff by way of rain gutters or rainwater collection systems and cisterns.

- (c) Provide a plan for ongoing irrigation and maintenance of trees ensuring survival in tree preservation areas through overland flow or with rainwater collection systems and cisterns
 - (d) Sidewalk and trails should be pervious in tree preservation areas and avoid overcompaction
 - (e) Damaged, dead and diseased trees shall be replaced over the life of the project on a caliper per caliper basis
- (2) Paragraph 2
- (a) If the PDD is meeting or exceeding the LDC, why do undisturbed areas count toward landscape requirements when 6.1.1.4 of the LDC states that they do not?
 - (b) The Tree Buffer adjacent to the Oak Heights Neighborhood should not be counted towards the minimum landscaping. We should not be creating buffers to separate uses rather it is a better practice to provide compatible uses adjacent to each other.
 - (c) "No mass clearing or grading should take place without approval from the City of San Marcos" should be changed to "No clearing or grading shall take place without approval of the Director of Development Services".
 - (d) Remove sentence "Minimal clearing of the under canopy..... to minimize potential nuisance conditions"- Minimal is very subjective. Any clearing of trees shall require a permit determination form in the Permit Center.
 - (e) Remove last sentence, a residential compatibility site plan has not been submitted.
- (3) Parking Standards- add a statement to this section indicating on street parking shall not count towards minimum parking requirements. Also, on-street parallel parking is not permitted on this street type in the Transportation Master Plan. An alternate ITE CSS design may incorporate it. See comments on PG 15/Exhibit G

PG 13

- (1) Include logical material and planar changes, i.e. heavy material on bottom, no material switches except at logical points, etc.
- (2) #4 – remove cementitious fiber board.
- (3) #5 – Minimum 100%? Is this correct?

PG 14

- (1) #10 – typo "panning"
- (2) 6.01 – Crossing the Hughson/Ramona connector with private water lines is not permitted.
- (3) 6.04 – Show parkland calculation. Include a calculation based on the number of bedrooms... i.e. $5 \times 781 / 1000 = 3.91$. This shows that the PDD is exceeding even the strictest interpretation of the LDC
- (4) Not the appropriate section to discuss the clubhouse. Move to different section.
- (5) Parkland Dedication- Please include a statement that states "prior to recordation of a final plat the park development fee will be provided"
- (6) 6.05 - What BMP techniques are proposed?

- (7) 85% TSS removal from inlet to point of discharge. Vegetative or structural Filter should make reduction. Add "All BMPs shall be designed maintained to achieve the performance standard of 85% TSS removal by the property owner"
- (8) \$7,500 is not adequate for a parking area. Where did figure come from?

PG 15/Exhibit G

- (1) Add – "All Fencing shall be maintained in good repair by the property owner."
- (2) 6.07
 - (a) Add to end of first paragraph "... or substantially alter without the approval of the Director of Development Services"
- (3) 6.08 Hughson/Ramona connector -
 - (a) Review the ITE CSS manual, particularly chapter 7, for acceptable speed management techniques, including: roundabouts, speed cushions, pedestrian bulbouts, and raised crosswalks. These techniques address both issues raised here by improving pedestrian access while limiting cut-through traffic. Revise proposed cross-section. Also consider a less direct alignment. Should be divided boulevard per sector plan. Consider water quality swales in median. Reduce 12' lanes to 11' and add planting strip.

PG 16

Remove the second paragraph. The alternative shown without the Hughson extension is not acceptable. Gated communities are not permitted within the City of San Marcos. This road is shown on the Transportation Master Plan. A Transportation Master Plan amendment will be required to proceed with the alternate. The proposed removal will cause the subject property to exceed block length requirements along both Craddock and RR 12. Moreover, its removal is not consistent with the sector plan (see below), and maintaining connectivity is vital for the long-term viability of this area and the community as a whole.

PG 17

7.08 – Rewrite as "... supplements to these Exhibits shall require an amendment to this PDD ordinance unless otherwise allowed by City ordinance or State law."

PG18/19

- (1) Please ensure that all deviations requested from the LDC are shown in the table
- (2) Density – lowering the allowable density may reduce the intensity of development but does not necessarily "exceed" city standards.
- (3) Parkland Dedication pg 19 indicates a payment of \$3,000 but in the text of the PDD it says \$7500 will be given for parking for the parkland. Which is it?
- (4) Provide information for water quality

PG 19

Parkland dedication

The 2.25 acre amenity center is not public parkland and does not count as such. Use quantitative figures where possible – “greatly exceeds minimum requirements” is more accurately stated as “exceeds requirements of the LDC by 2.45 acres or by .59 acres when calculated by bedroom.”

Exhibit A – Concept Plan

- (1) Consider natural design (Low Impact Development Practices) in the storm water management area
- (2) Improve internal connectivity
- (3) Proposed parking/drive aisles are too wide because of 90 degree parking. Redesign units to be side or alley loaded with parallel parking in front
- (4) Several turning radii are too narrow (confirm adequacy with Fire Marshall and Transportation Director)
- (5) In open space data, provide calculation for landscaped area based on LDC standard excluding undeveloped areas
- (6) Add 10' shared use path along RR 12
- (7) Consider vertical mixed use where commercial lot backs to multi-family
- (8) Refer to concept plan provided by staff for possible changes. Include a single-family component for consistency with the Sector Plan and to more smoothly transition from commercial along RR12, to medium density, to single-family.
- (9) How many and what size and type of trees are being preserved in the tree preservation areas? Identify species, size and locations
- (10) Update the concept plan to reflect the following requirements
 - (a) Residential Compatibility Site Plan
 - (b) Complete application for a Subdivision Concept Plat
 - (c) 15 copies drawn on 24" X 36" sheets
 - (d) Minimum scale of 1" = 500'
 - (e) Proposed name of subdivision and Steets and private drives
 - (f) Vicinity map showing location in relation to City boundaries
 - (g) Computed acreage of the subdivision
 - (h) Schematic layout of tract to be subdivided, any remainder tract, and relationship of proposed subdivision to adjacent properties and existing adjoining development
 - (i) Designation of each phase of development, the order of development, and a schedule for the development of each phase
 - (j) Proposed major categories of land uses
 - (k) Proposed zoning categories
 - (l) Number of dwelling units with expected population densities
 - (m) Proposed dedication of land or rights-of-way for construction of public improvements intended to serve each proposed phase of subdivision
 - (n) Arterial, collector, and local street layout
 - (o) Location of sites for parks, schools, and public uses (where applicable)

- (p) Provision for electric, water, wastewater and drainage facilities to serve the development
- (q) Significant natural features, including floodplains and wooded areas
- (r) Significant manmade features, including railroads, buildings, utilities, or physical features

SAMPLE CHART FOR SUBDIVISION CONCEPT PLAT

Phasing Plan	Schedule of Phasing	Future Land Use Map Designation	Zoning	Number of Dwelling Units	Population Densities
Phase 1	Fall 2005	Low Density Residential	SF-6	120	240
Phase 2	Spring 2006	LDR, Public and Institutional	SF-6, P/I	80	160
Phase 3	Fall 2006	Commercial, LDR, P/I	C, SF-6, P/I	40	80
Phase 4	Summer 2007	Commercial	C	0	0

Exhibit B – Remove

Exhibit F – Park Plan

- (1) Show parking layout. Ensure that no spots back onto public streets
- (2) Adjust trail route to locate away from adjacent existing single-family
- (3) Consider a drought-tolerant, low temperature resistant vegetative screen “green” fence to create visual and sound screen with security fence.

Exhibit I

If known, label with corresponding unit name from concept plan

Exhibit J

Show fence between park and single-family (see exhibit F (3) above)

General Comments

- (1) Signage? Locations and dimensions
- (2) Provide Metes and Bounds for the proposed park area.
- (3) Is there a plan for a possible shuttle to the university? It is not reflected in the street cross section or concept plan. Show locations of possible bus stops, if applicable.

- (4) No provision given for bike parking. Provide bike parking and lockers at 50% of bedroom count
- (5) Provide a scaled 24x36 concept plan
- (6) Revise architectural standards, remove barn door use shutters, faux gable vents or windows
- (7) Granite path along Craddock frequently washes out and should be repaired or replaced.
- (8) The Sector Plan describes the intended land uses on this tract in detail. The proposal does not seem consistent with several aspects of the Plan. From the Sector Plan, with staff comments in bold:

Detailed Planning Areas:

Community Shopping & Professional Center

The approximately 54 acre property at the southeast corner of Ranch Road 12 and Craddock Ave. (the Weatherford tract) has been designated as Mixed Use in previous plans. Table 3-2, on the right, shows the breakdown of uses recommended for this property. In addition to the Weatherford tract, this planning area also includes an approximately 1 acre property (the Gilcrease tract) that is designated as Commercial development. This plan recommends that development on this tract be limited to Office-Professional uses (as described above).

Table 3-2: Weatherford Land Use

*Low Density Residential 33 acres**

Medium Density Residential 8 acres

Commercial 10 acres

Open Space 3 acres

** includes the connector road acreage*

The Future Land Use Map shows a particular arrangement of these uses, but the plan is intended to be somewhat flexible regarding the precise arrangement of uses, provided the conditions stipulated below are met:

The acreage of land in each category remains the same.

Not met: the acreages have changed

Only Low Density Residential uses south of the Hughson/Ramona connector road.

Partially met: multifamily is proposed south of the connector, but the net density is within the Low Density range. However, the intent here, as shown in the Future Land Use Plan and on the Community Character plan, is for this to be single family, which it is not.

Commercial areas should be a mixture of "Community Commercial" and/or "Office-Professional" uses (as described above).

Potentially met

The Hughson/Ramona connector road is envisioned as a well-landscaped, divided boulevard that will help buffer the single family residential uses to the south from the more intensive development north of the road.

Not met: connector is not a boulevard where shown.

Non-single-family development should be buffered from Ranch Road 12 and Craddock Avenue with a 50 foot wide greenbelt broken only by the Ramona/Hughson connector road and a maximum of two curb cut entries (one each on RR 12 and Craddock Ave). In this buffer existing vegetation should be preserved and additional natural landscaping added as necessary to provide a visual buffer from adjacent streets. The only intrusion allowed into the buffer will be a 10' wide shared-use sidewalk/bike path. This buffer should be in addition to additional right-of-way necessary to accommodate future improvements to both Ranch Road 12 (approximately 10') and Craddock Ave. (5'-10').

Partially met: "tree preservation" areas are shown along Craddock and RR 12, but there is no mention of a 10' shared-use path. The granite path along Craddock frequently washes out. Repair or

January 14, 2011

replacement with pervious pavers as an alternative is recommended. A shared use path along RR12 would provide a connection shown on the Trails Master Plan.

The Medium Density Residential development is limited to Townhouse, Zero Lot Line single-family, or multi-family senior housing uses.

Not met: A variety of multi-family housing types are proposed, but none are townhouses, zero lot-line, or senior housing. Nowhere does the plan call for 3+ bedroom units.

Residential development should include an interconnected street system and walkways providing pedestrian access to commercial area.

Not met: there is no street system beyond the Hughson-Ramona connector, and the internal drives are not well connected.

Please contact me to schedule a meeting to discuss the above comments.

Thank you,

John Foreman, Planner
Development Services, Planning
(512) 393-8148 (direct)
jforeman@sanmarcostx.gov

Future Land Use

Very Low and Low Density Residential:

The majority of land in Sector Two is designated for Very Low Density Residential or Low Density Residential. *This plan recommends that Sector Two remain predominantly single-family residential in use and character.*

Medium Density Residential:

In addition to the mostly developed Medium Density Residential (MDR) areas scattered throughout the Westover and Southwest Hills neighborhoods, this plan designates the following additional areas for MDR:

- *Townhouse, Zero-Lot-Line Single Family, or Senior Housing* along the Ramona Circle / Hughson Drive connector through the Weatherford property (5 acres)
- Medium Density multi-family along Ranch Road 12 east of the Seventh Day Adventist Church (6 acres)
- *Townhouse* or 2nd floor multi-family over commercial in the Mixed Use Neighborhood Center at the intersection of Bishop Street and Craddock Ave and the new entrance to the Franklin Square subdivision (up to 5 acres)

Commercial:

Three general areas of commercial development are shown on the Future Land Use Map:

- A mixture of “*Community Commercial*” and/or “*Office-Professional*” uses at the corner of RR 12 and Craddock Ave., buffered from these streets with a 50 foot greenbelt broken only by the Ramona Circle / Hughson Drive connector and a maximum of two curb cut entries to the development (one from RR 12 and one from Craddock Ave.). (14 acres)
- “*Community Commercial*” uses along the RR 12 corridor west of Craddock Ave. (20 acres)
- “*Neighborhood Commercial*” uses in the Mixed Use Neighborhood Center at the intersection of Bishop St. and Craddock Ave. (up to 5 acres)

Parks & Open Space:

The Future Land Use map includes the existing neighborhood parks in the Castle Forest neighborhood and Prospect Park in the Westover neighborhood. Additional parkland and open space will be developed in the Bishops Crossing subdivision along the drainageway that cuts through the development.

The city has also negotiated the purchase and dedication of over 125 acres of open space adjacent to and southwest of Prospect Preserve. This land would provide a connection to a proposed greenway along Purgatory Creek.

Finally, a fifty foot wide buffer along Ranch Road 12 and Craddock Ave. should be preserved with existing vegetation and additional natural landscaping added as necessary to provide a visual buffer from the adjacent streets. The only intrusion allowed into the buffer will be a 10’ wide shared-use sidewalk/bike path on the inside edge of the buffer.

Future Land Use

Sector Two:

VLDR	96 acres
LDR	375 acres
MDR	50 acres
HDR	3 acres
Public	61 acres
Commercial	39 acres
Industrial	0 acres
Open Space	51 acres

Weatherford Tract:

LDR*	33 acres
MDR	8 acres
Commercial	10 acres
Open Space	3 acres

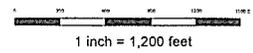
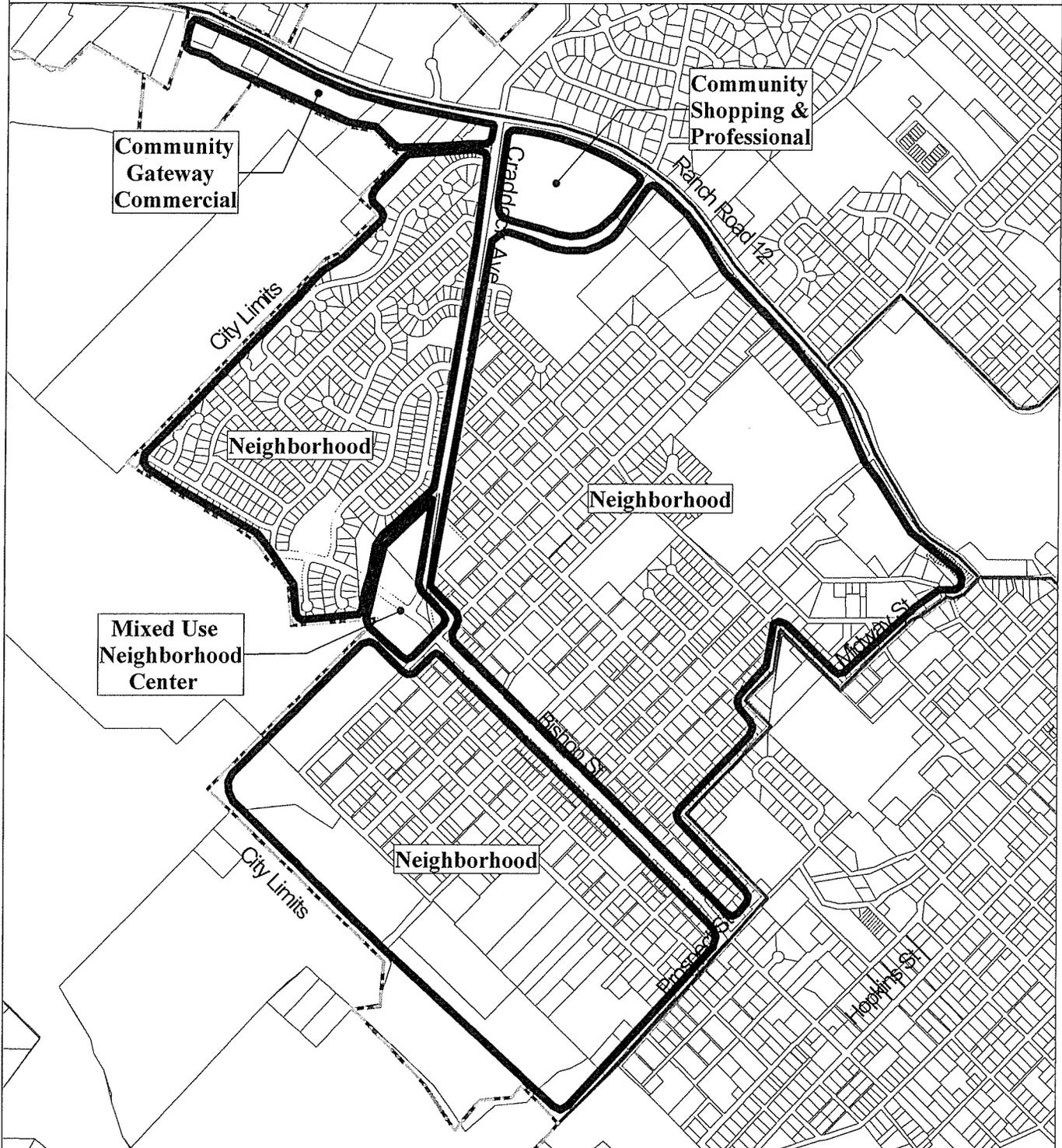
*includes connector road acreage

Bishop Mixed Use Center:

MDR	5 acres
Commercial	5 acres

Map 6: Community Character Plan

City of San Marcos Sector Two Plan



City of San Marcos
Planning and Development Services
Adopted: July 23, 2001

space planning is being done by the Parks and Recreation Department as part of the preparation of a citywide Parks Master Plan.

This plan encourages the acquisition and/or preservation of parks and open space in the Sector as the City expands and develops to the south and west of Sector Two. Parkland emphasis should include: 1) the development of active parkland within neighborhoods; 2) the preservation of sensitive environmental features; and 3) the creation of an interconnected system of parks, trails, and greenways through the strategic location of parks and open space.

Streets

Approximately 17% of the land in Sector Two is designated for streets, including about 14 acres of existing street right-of-way and 3 acres of proposed right-of-way. More detail on planned transportation improvements is provided in the following section.

Detailed Planning Areas:

Community Shopping & Professional Center

The approximately 54 acre property at the southeast corner of Ranch Road 12 and *Craddock Ave.* (the Weatherford tract) has been designated as Mixed Use in previous plans. Table 3-2, on the right, shows the breakdown of uses recommended for this property. In addition to the Weatherford tract, this planning area also includes an approximately 1 acre property (the Gilcrease tract) that is designated as Commercial development. This plan recommends that development on this tract be limited to Office-Professional uses (as described above).

Table 3-2: Weatherford Land Use

Low Density Residential	33 acres*
Medium Density Residential	8 acres
Commercial	10 acres
Open Space	3 acres

* includes the connector road acreage

The Future Land Use Map shows a particular arrangement of these uses, but the plan is intended to be somewhat flexible regarding the precise arrangement of uses, provided the conditions stipulated below are met:

- The acreage of land in each category remains the same.
- Only Low Density Residential uses south of the Hughson/Ramona connector road.
- Commercial areas should be a mixture of “Community Commercial” and/or “Office-Professional” uses (as described above).
- The Hughson/Ramona connector road is envisioned as a well-landscaped, divided boulevard that will help buffer the single family residential uses to the south from the more intensive development north of the road.
- Non-single-family development should be buffered from Ranch Road 12 and *Craddock Avenue* with a 50 foot wide greenbelt broken only by the Ramona/Hughson connector road and a maximum of two curb cut entries (one each on RR 12 and

Craddock Ave). In this buffer existing vegetation should be preserved and additional natural landscaping added as necessary to provide a visual buffer from adjacent streets. The only intrusion allowed into the buffer will be a 10' wide shared-use sidewalk/bike path. This buffer should be in addition to additional right-of-way necessary to accommodate future improvements to both Ranch Road 12 (approximately 10') and *Craddock Ave*. (5'-10').

- The Medium Density Residential development is limited to Townhouse, Zero Lot Line single-family, or multi-family senior housing uses.
- Residential development should include an interconnected street system and walkways providing pedestrian access to commercial area.

Mixed Use Neighborhood Center

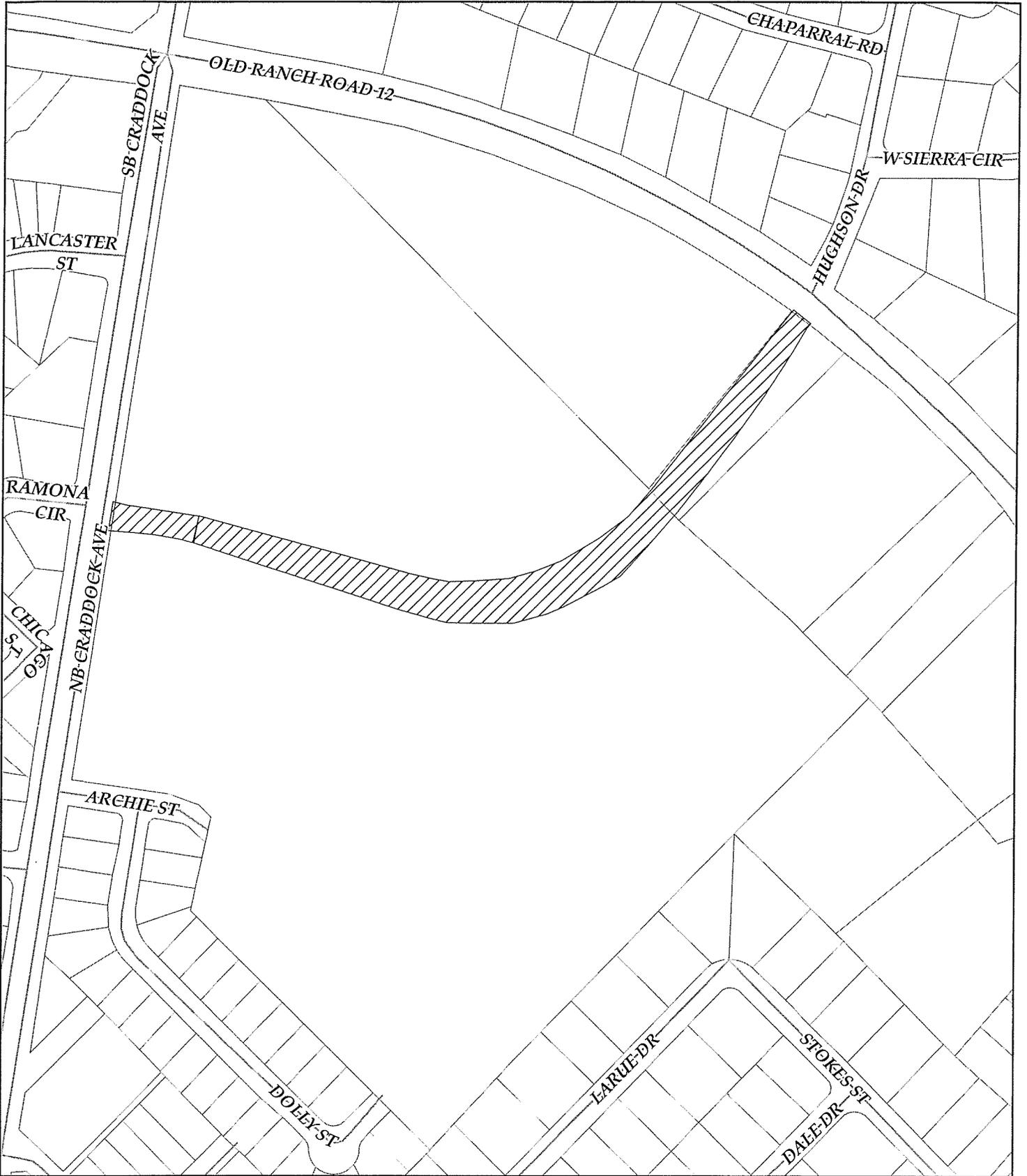
A Mixed Use Neighborhood Center is planned for the approximately 9 acre area shown as Mixed Use on the Future Land Use Map at the corner of Bishop Street and *Craddock Avenue*. This area is envisioned as a small-scale, neighborhood-friendly area with uses that are compatible with, and mainly serve the needs of, nearby residential areas.

The following is a breakdown of uses within this mixed use center:

- Allowable commercial uses are limited to up to 5 acres of "Neighborhood Commercial" and "Office-Professional" (as described above).
- Also allowable within the Neighborhood Commercial areas are 2nd floor multi-family apartments above commercial uses (approved as part of a Planned Development or through a Specific Use Permit).
- Medium Density Residential uses include up to 5 acres of Townhouses.

Ranch Road 12 Community Entryway Corridor

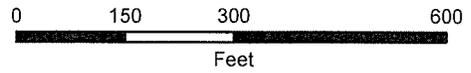
The frontage on Ranch Road 12 from the City Limits to *Craddock Avenue* is designated as a Community Entryway Corridor. Development along this corridor is intended to be commercial uses that serve both the needs of adjacent neighborhoods, as well as community-wide shopping. Uses along this corridor should be a combination of "Community Commercial" (as described above) and other compatible uses. Ranch Road 12 is a major entryway into the City of San Marcos. Therefore, development along this corridor should be consistent with the City's goal of making this an attractive entryway into the city and an attractive gateway to the Hill Country. Well-planned, high-quality commercial developments are expected in this area.

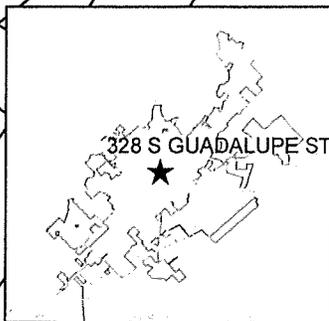
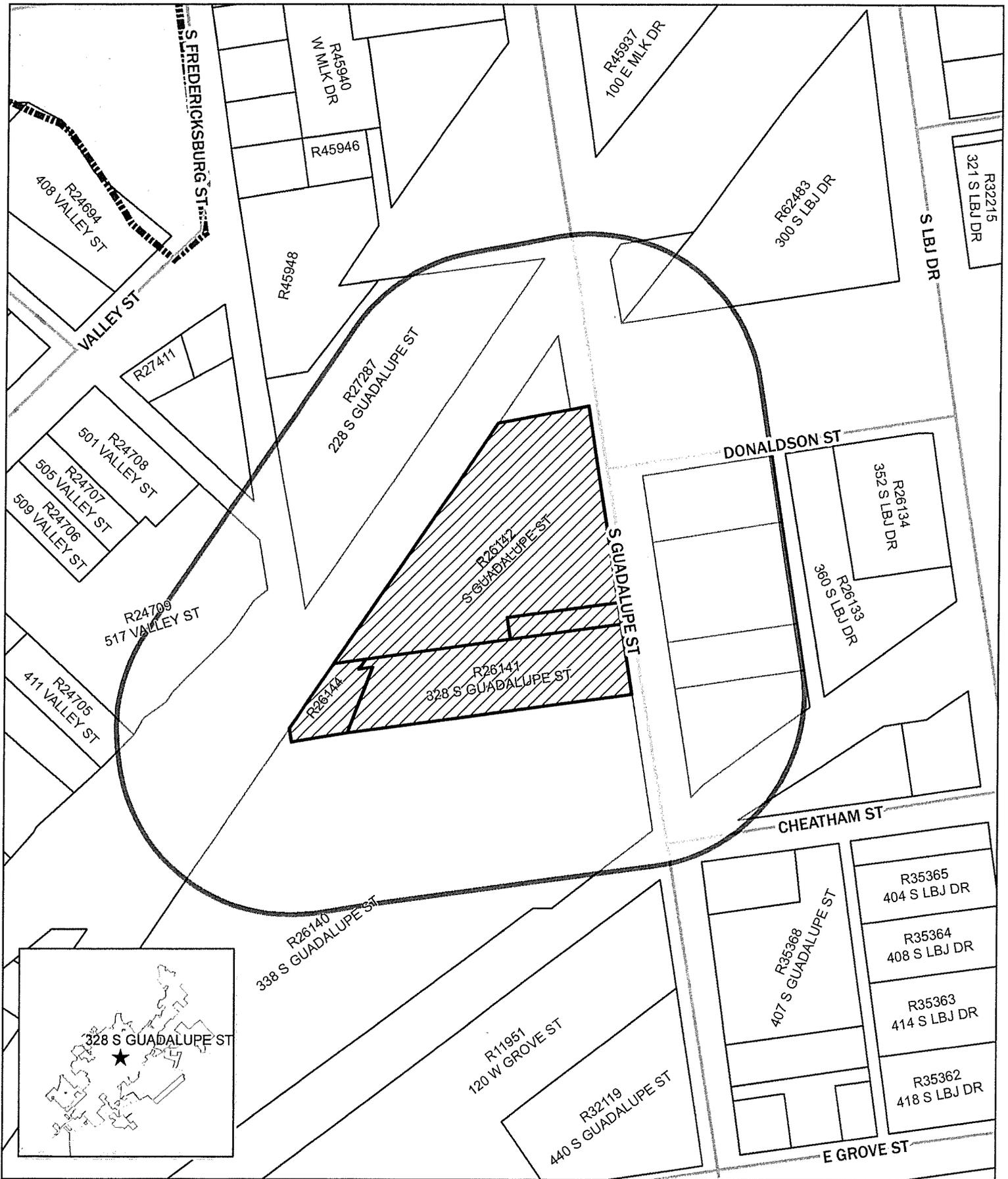


TMA-11-01
The Retreat at San Marcos
Weatherford and
Gilcrease Tracts
Map Date: 1/14/11

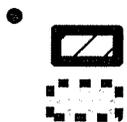
 Hughson Ramona Connector

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





ZC-11-01
328 S. Guadalupe
Map Date: 2/07/11

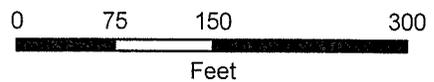


Notification Buffer
(200 feet)

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-11-01
328 South Guadalupe Street
Frank's Automotive**



Administrative Summary:

Applicant: Carlos Hernandez
907 Field Street
San Marcos, Texas 78666

Property Owner: Frank Sanchez
328 South Guadalupe Street
San Marcos, Texas 78666

Notification: Public hearing notification mailed on February 11, 2011

Response: None as of the date of report publication

Property/Area Profile:

Legal Description: 1.572 acres in the BF Donaldson Addition, Block 2, Lot 4A

Location: 328 South Guadalupe Street

Existing Use of Property: Auto repair

Proposed Use of Property: Auto-body repair and painting

Future Land Use Map: Commercial

Existing Zoning: CC/Community Commercial

Proposed Zoning: GC/General Commercial

Utility Capacity: Adequate

Sector: Sector 4

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	CC	Railroad Tracks/Hardware Store	C/Commercial
S of Property	GC	San Marcos Station	C/Commercial
E of Property	CC	Offices/Retail	C/Commercial
W of Property	GC	Car yard/Railroad Tracks	C/Commercial

Planning Department Analysis

The applicant is requesting a zoning change for 1.572 acres, more or less, from CC to GC.

The subject property comprises 1.572 acres, which is currently being used as an auto mechanic shop. A previous variance on this site, VR-01-10, permitted a reduction in required parking. The Future Land Use Map indicates Commercial uses for this site; therefore, no Land Use Amendment is necessary. However, this site does not appear to have been platted. Due to the site’s adjacency to Purgatory Creek, it will be necessary to file Watershed Protection Plans prior to platting. A Conditional Use Permit, CUP-11-02, has been filed concurrently with this Zoning Change request, however, the CUP cannot proceed until the zoning request has been approved and taken effect. A site plan is attached, however, it has not been fully reviewed by all Departments, and its inclusion with this report does not indicate site plan approval.

The subject property is located on the west side of South Guadalupe Street. Surrounding uses include a mix of transportation and auto-related businesses and retail uses. The San Marcos Transportation Station is adjacent immediately to the south, with Purgatory Creek and the railroad tracks running behind the site to the west and north. The parcel of land immediately to the north is not developed. Uses to the east include industrial supply and offices. This area of San Marcos is characterized by numerous auto parts stores, mechanics’ shops, and other auto-related uses.

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:

328 South Guadalupe Street

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps
N/A	N/A	Consistency with any development agreement in effect No development agreements are in effect for this property.
X		Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified The proposed use will not be significantly different from the current use, and is in keeping with adjacent, related businesses.
X		Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area Utility availability appears to be adequate.
X		Other factors which substantially affect the public health, safety, morals, or general welfare The rear portion of the site lies within the Water Quality Zone, and is adjacent to Purgatory Creek. There are some potential concerns that will be addressed with the Conditional Use Permit for auto body work and painting.

The site is located in an area that has a high concentration of businesses and facilities related to auto maintenance and repair, as well as transportation. The proposed use would be in addition to the existing use as a mechanic’s shop. A 5,250-square foot building addition is indicated on the site plan, as well as extensive paving. The applicant will need to work closely with the Planning and Development

Department during the platting and CUP processes, due to the proximity of Purgatory Creek and floodways and floodplains. The site is already zoned Community Commercial, and it is unlikely that changing the zoning to General Commercial will have a significant impact on adjoining properties. Additionally, the site to the south is zoned General Commercial, and all surrounding properties are recommended for Commercial use in the Future Land Use Map.

The requested zoning change is consistent with the surrounding land uses, the criteria listed above for a zoning change and the following policy statements outlined in the Horizons Master Plan:

- Policy LU-6.1: The City shall provide sufficient commercial development opportunities to provide a diversified economic base and employment opportunities for the future population of the City.
- Policy LU-6.3: The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan.
- Policy LU-6.10: The City shall not allow the rezoning of land for more intensive (non-neighborhood) commercial purposes unless the areas meet the following criteria:
 - are along a highly traveled thoroughfare;
 - are central to the market that is served;
 - are of sufficient size to allow adequate buffering from adjacent land uses, adequate parking and truck loading areas, adequate landscaping, and adequate flexibility in design and layout to ensure acceptable development;
 - will not cause traffic to be routed through residential neighborhoods, or force commercial traffic onto residential sized streets;
 - have an adequate transportation system to accommodate the additional traffic;
 - have adequate public facilities, including sewer, water, electricity, and fire protection, to support such development; and
 - have sufficient drainage for the increased percentage of impervious cover and runoff of commercial development.

Staff recommends approval of the zoning request change for 328 South Guadalupe Street.

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

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.

List of Attachments:

Area zoning map
Survey

Prepared by

Christine Barton-Holmes, LEED AP Chief Planner

February 11, 2011

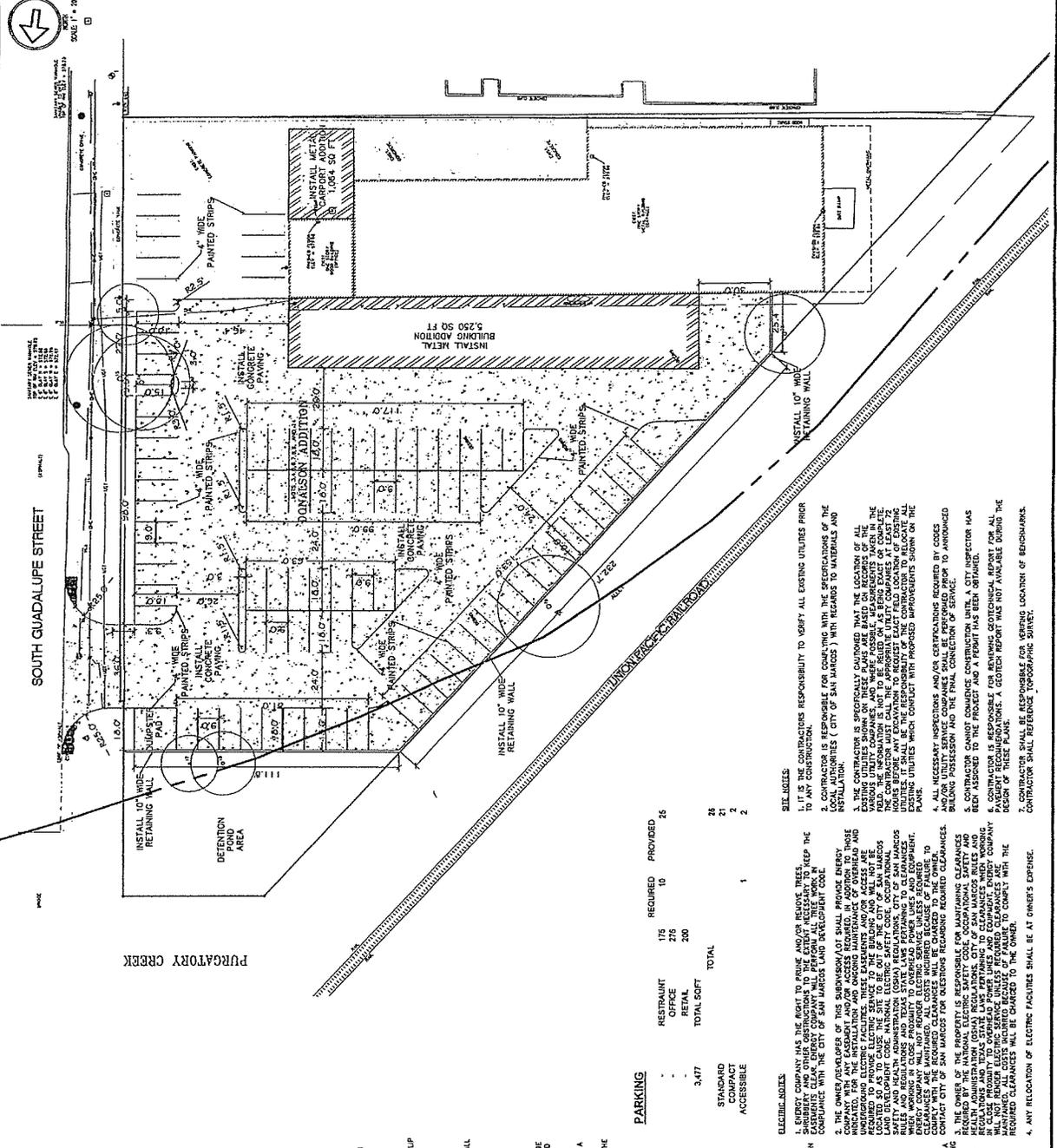
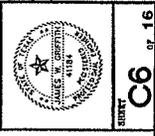
Name	Title	Date
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F~N~F CAD SERVICES
 604 LAKEWAY DRIVE
 GEORGETOWN, TEXAS 78628
 (512) 470-1489

NO.	DATE	REVISION
1	APR 2010	ISSUED FOR PERMITS
2	MAY 2010	ISSUED FOR PERMITS
3	MAY 2010	ISSUED FOR PERMITS
4	MAY 2010	ISSUED FOR PERMITS
5	MAY 2010	ISSUED FOR PERMITS
6	MAY 2010	ISSUED FOR PERMITS
7	MAY 2010	ISSUED FOR PERMITS
8	MAY 2010	ISSUED FOR PERMITS
9	MAY 2010	ISSUED FOR PERMITS
10	MAY 2010	ISSUED FOR PERMITS

FRANK'S AUTOMOTIVE
 GUADALUPE STREET
 SAN MARCOS, TEXAS
 SITE DIMENSIONAL PLAN

GRIFITH CONSULTING
 ENGINEERING SURVEYING PLANNING,
 FIRM # F-10092
 JAMES W. GRIFFITH
 4000 ROCKY HILLS
 ROUND ROCK, TEXAS 78665
 (512) 826-0023
 EMAIL: jwg@gricons.net



- THREE FOOT**
- 1. 1/2" DIA. WIRE
 - 2. 1/2" DIA. WIRE
 - 3. 1/2" DIA. WIRE
 - 4. 1/2" DIA. WIRE
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 - 94. 1/2" DIA. WIRE
 - 95. 1/2" DIA. WIRE
 - 96. 1/2" DIA. WIRE
 - 97. 1/2" DIA. WIRE
 - 98. 1/2" DIA. WIRE
 - 99. 1/2" DIA. WIRE
 - 100. 1/2" DIA. WIRE
- PERMITS LEGEND**
- (G) WATER LETTER
 - (E) AIR CONDITIONER
 - (S) SIGN
 - (C) CURB CUT
 - (U) UNDERGROUND UTILITY WORK
 - (D) DETENTION POND
 - (M) MOUNTAIN
 - (H) HIGHWAY
 - (F) FENCE
 - (L) LIGHT
 - (P) PAVEMENT
 - (R) RAMP
 - (T) TRAIL
 - (W) WALKWAY
 - (Y) YARD
 - (Z) ZONE

- SEWER/ACCESSIBLE ROUTE NOTE:**
1. THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM RISE FOR ANY RAMP IS 30 IN. (7AS 4.8.2, FIG 16).
 2. ALL ACCESSIBLE ROUTES NOT TO EXCEED A MAXIMUM SLOPE OF 1:20 AND A MAXIMUM CROSS SLOPE OF 1:50.
 3. GROUND SURFACES ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM, AND SLIP RESISTANT. (7AS 4.5.1).
- SOLID WASTE DISPOSAL:**
1. ALL SOLID WASTE SERVICE TO THE SITE WILL BE PROVIDED BY THE CITY OF SAN MARCOS. THE CITY OF SAN MARCOS WILL PROVIDE THE NECESSARY MATERIALS FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE PROVIDED BY THE OWNER. THE MATERIALS USED FOR THE PRINCIPAL BUILDING.
 2. ALL EXTERIOR LIGHTING WILL BE HOODED OR SHIELDED FROM THE VIEW OF ADJACENT RESIDENTIAL PROPERTY.
 3. CURB HEIGHT IS 6" UNLESS OTHERWISE INDICATED ON THE DRAWING.
 4. ALL DIMENSIONS AND ANY PERMANENTLY PLACED REFUSE RECEPTACLES WILL BE LOCATED 20 FEET FROM THE PROPERTY LINE OR 20 FEET FROM AN ADJACENT PROPERTY LINE.
 5. THE USE OF HIGHLY REFLECTIVE SURFACES, SUCH AS REFLECTIVE GLASS AND REFLECTIVE METAL ROOFS, WHOSE PITCH IS MORE THAN A RISE OF SEVEN (7) TO A RISE OF TWELVE (12), WILL BE PROHIBITED.
 6. THE NOISE LEVEL OF MECHANICAL EQUIPMENT WILL NOT EXCEED 70 DBA AT THE PROPERTY LINE ADJACENT TO RESIDENTIAL USES.

PARKING

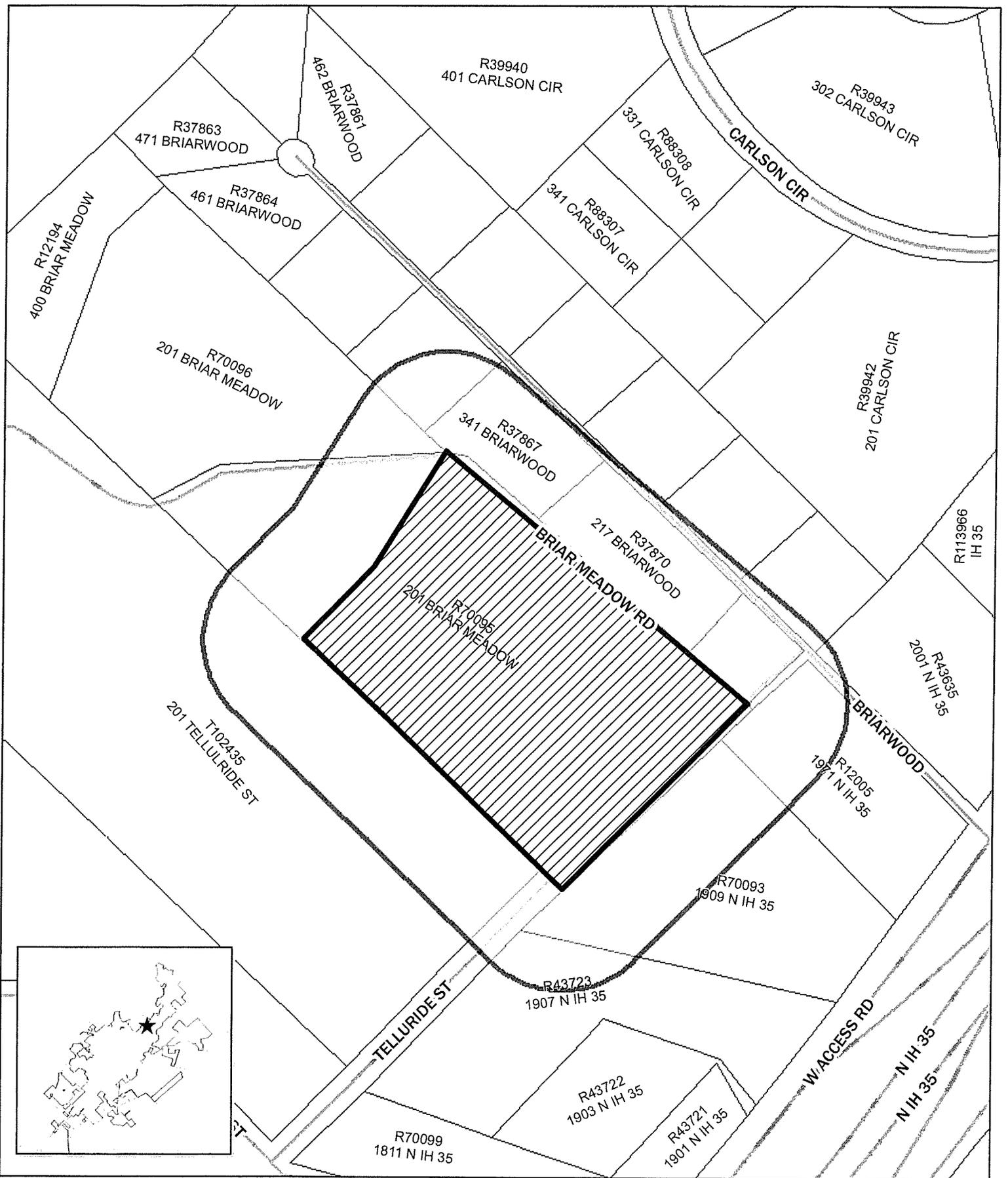
RESTRAINT	REQUIRED	PROVIDED
OFFICE	175	10
RETAIL	275	
TOTAL SOFT	200	
TOTAL	3,477	

STANDARD
 COMPACT
 ACCESSIBLE

- ELECTRICAL NOTES:**
1. ENERGY COMPANY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AGREEMENTS WITH THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE.
 2. THE OWNER/DEVELOPER OF THIS SUBDIVISION SHALL PROVIDE ENERGY COMPANY WITH THE LOCATION OF ALL EXISTING UTILITIES SHOWN ON THESE PLANS. THE LOCATION OF ALL EXISTING UTILITIES SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE CITY OF SAN MARCOS. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF EXISTING UTILITIES WHICH CONFLICT WITH PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.
 3. ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND REGULATIONS SHALL BE OBTAINED BY THE CONTRACTOR PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AGREEMENTS WITH THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE.
 4. ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND REGULATIONS SHALL BE OBTAINED BY THE CONTRACTOR PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AGREEMENTS WITH THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE.
 5. CONTRACTOR CANNOT COMMENCE CONSTRUCTION UNTIL A CITY INSPECTOR HAS BEEN ASSIGNED TO THE PROJECT AND A PERMIT HAS BEEN OBTAINED.
 6. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AGREEMENTS WITH THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE.
 7. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING LOCATION OF BENCHMARKS. CONTRACTOR SHALL REFERENCE TOPOGRAPHIC SURVEY.

- SEE NOTES:**
1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION.
 2. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AGREEMENTS WITH THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE.
 3. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION OF ALL EXISTING UTILITIES SHOWN ON THESE PLANS ARE BASED ON RECORDS OF THE CITY OF SAN MARCOS. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF EXISTING UTILITIES WHICH CONFLICT WITH PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.
 4. ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND REGULATIONS SHALL BE OBTAINED BY THE CONTRACTOR PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AGREEMENTS WITH THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE.
 5. CONTRACTOR CANNOT COMMENCE CONSTRUCTION UNTIL A CITY INSPECTOR HAS BEEN ASSIGNED TO THE PROJECT AND A PERMIT HAS BEEN OBTAINED.
 6. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AGREEMENTS WITH THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE.
 7. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING LOCATION OF BENCHMARKS. CONTRACTOR SHALL REFERENCE TOPOGRAPHIC SURVEY.

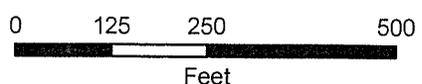
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AGREEMENTS WITH THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE.**



LUA-11-01
Aspen Heights
Telluride St
Map Date: 1/27/11

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

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



Land Use Map Amendment

LUA-11-01

Aspen Heights



Summary:

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

Applicant: Aspen Heights
1301 S. Capital TX Hwy, Ste. B-201
Austin, Texas 78746

Property Owner: 90 San Marcos Ltd & DRFM Inv.
1124 Rutherford Dr/6700 Guadalupe
Austin TX, 78758/Austin, TX 78752

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: Telluride Street
Legal Description: N/A, not platted
Sector: N/A. Adjacent to Sector 7

Current Zoning: GC/General Commercial
MF-12/Multifamily

Proposed Zoning:

Commercial

Current Future Land Use Map Designation:

Proposed Future Land Use Map Designation: Medium Density Residential

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	Unzoned	Residential, warehouses
S of Property	N/A, GC	Undeveloped
E of Property	HC	Multifamily, service stations
W of Property	MF-12 (proposed)	Multifamily residential

History

July 13, 2010

PC-10-07 was approved with the following conditions: 1) dedicated left turn bay to be constructed at Mill St. and Copper Beech St. and 2) review of a TIA be completed and approved for entire Concept Plan. The Concept Plan included the proposed layout for the entire development, including the sections currently under consideration. However, the plans submitted with the current applications differ slightly in layout, and it may be necessary for the applicant to file a Concept Plan Amendment prior to platting.

*Includes area previously approved for PC-09-06 (from April 28, 2009)

- | | |
|---------------------------------------|--------------------------------------|
| LUA-10-01, 02, 03, 04 approved by P&Z | ZC-10-04, 05, 06, 07 approved by P&Z |
| - 1.35 acres from HDR to MDR | - 1.35 acres from unzoned to MF-12 |
| - 4.53 acres from HDR to MDR | - 4.53 acres from unzoned to MF-12 |
| - 5.85 acres from I to MDR | - 5.85 acres from LI to MF-12 |
| - 9.9 acres from C to MDR | - 9.90 acres from GC to MF-12 |

August 3, 2010

City Council approves annexation of 16.31 acres (Ordinance no. 2010-40) and LUA-10-01, LUA-10-02, ZC-10-04 and ZC-10-05. The parcel annexed corresponds approximately to LUA-11-02.

Planning Department Analysis:

The subject property is located in northern San Marcos, west of IH 35 and Telluride Street and east of Post Road and the UPRR tracks. This request is proceeding concurrently with two zoning change requests from General Commercial and Future Development to Multifamily/MF-12. The applicant is proposing to develop the site with multifamily residential, similar to the first section of Aspen Heights, which is currently under construction.

Medium Density Residential (MDR) land uses are typically characterized by apartments and condominiums. The site is located adjacent to the south of two large multifamily developments, one of which is nearing completion, and the other, which is the first section of this project, currently under construction. The site is also located in close proximity to a single-family, large-lot residential development. This development, however, is recommended for High Density Residential development in the Future Land Use Map. This area of the city is characterized by duplexes and multifamily developments, and this project would be in keeping with surrounding uses. However, there are few commercial services in the area, and as the area's population grows, demand for convenient services will increase.

Staff has evaluated the request for consistency with the Horizons Master Plan. The site is not within any of the Sector Plans. However, the site is adjacent to Sector 7, and as it was recently annexed, it would be considered subject to the same expectations for development.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-1-1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.</p> <p><i>Comment: The subject property's proposed land use designation of Medium Density Residential is in keeping with surrounding properties.</i></p>
X			<p>Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: Existing city utilities are in place to serve this property, and the proposed apartments would occupy a lot that is currently vacant.</i></p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the Different housing needs of all income groups of the City's present and future populations. .</p> <p><i>Comment: The proposed change will provide the opportunity for additional, new student housing.</i></p>
X			<p>Policy LU-3.3: The City shall provide adequate space in appropriate locations for residential development in order to provide safe and sanitary housing, to meet the housing and social needs for a desired standard of living for the City's present and future population.</p>
	X		<p>Policy LU-3.14: The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished.</p> <p><i>Comment: Multifamily residential comprises a significant part of the land use in this area.</i></p>
X			<p>Policy LU-4.1: The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is property buffered and adequately served by roads and public utilities.</p> <p><i>Comment: The proposed multifamily housing would be located in an area characterized by a mix of duplexes and single-family, and with multifamily in close proximity. This property is adequately served by roads and public utilities.</i></p>
X			<p>Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.</p> <p><i>Comment: The property has easy access to IH-35 and the Texas State Tram bus route.</i></p>
X			<p>Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.</p> <p><i>Comment: Telluride Street will be extended to provide additional access out of the development, and to IH 35.</i></p>
X			<p>Policy LU-4.4: 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.</p>
	X		<p>Policy LU-6.8: The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential usage of land in commercial districts except where residential uses are planned as part of a mixed-use concept.</p>

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 Medium Density Residential to be supportive of the Horizons Master Plan and recommends approval. However, Sector 7 in particular has a higher percentage of existing medium and high-density residential compared to the city as a whole – 14.06 percent compared to 3.36 city-wide. City-wide, 2,774 multifamily units have been entitled through the zoning process since 2008. While this request is compatible with adjacent uses, and the recommendations of the Sector 7 plan, care should be taken to preserve a mix of uses and services for current and future residents.

	Sector	City-Wide	Sector	City-Wide
Existing Zoning	10.24%	6.91%	—	—
Future Land Use Map	14.06%	3.36%	—	—
Multi-family (all)	71.6% of	57.6% of	1191 units	7764 units

	housing stock	housing stock		
--	---------------	---------------	--	--

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:

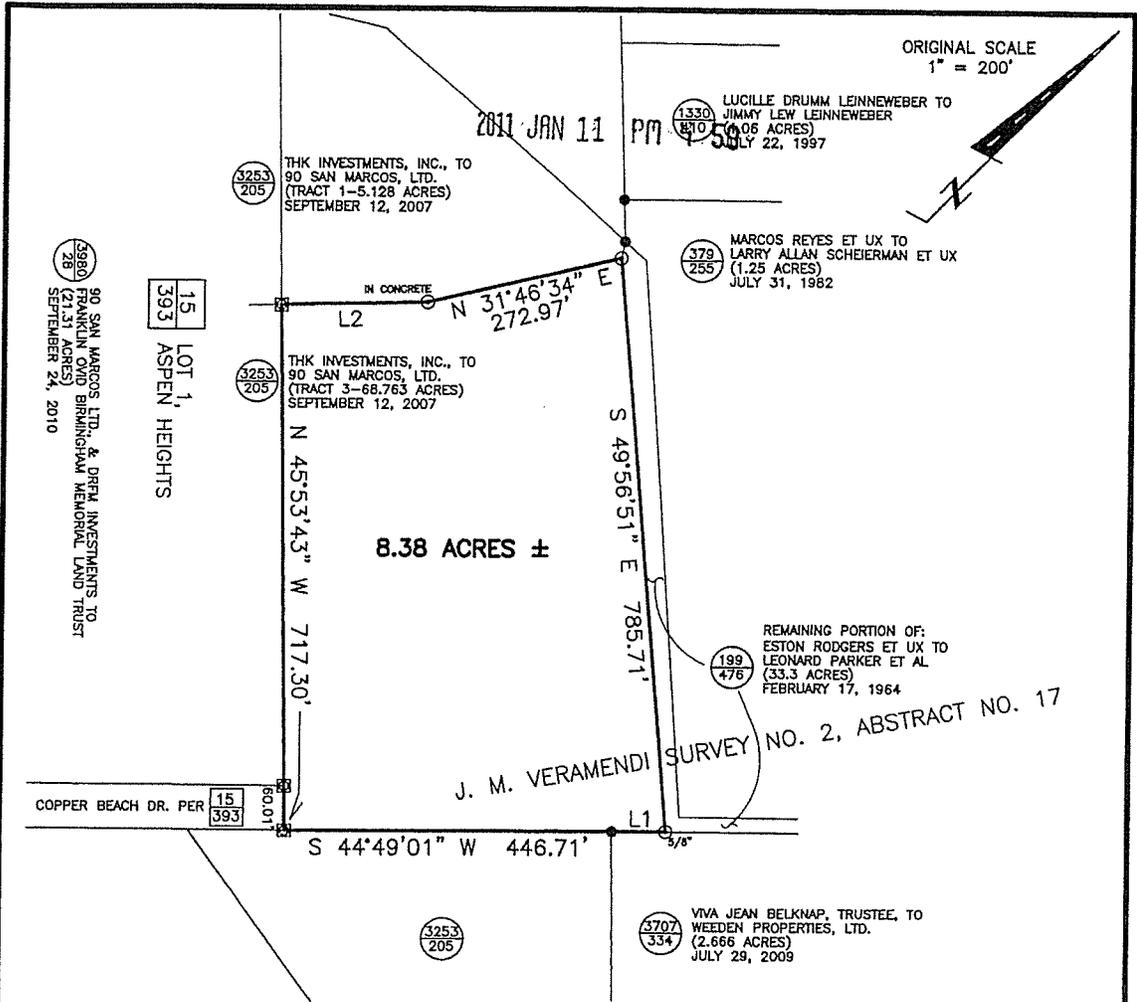
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and 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	Chief Planner	February 11, 2011
Name	Title	Date



LEGEND

- HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- HAYS COUNTY PLAT RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- 1/2" IRON PIPE FOUND OR DIAMETER NOTED
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"

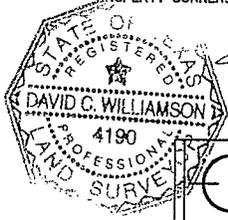
LINE	BEARING	DISTANCE
L1	S 44°54'46" W	74.01'
L2	N 43°39'07" E	198.48'

SURVEYORS NOTES

1. FENCES MEANDER.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. THE BEARING BASIS FOR THIS SURVEY IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AND REFERS TO GRID NORTH.
4. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED DECEMBER 30, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

TO ASPEN HEIGHTS, EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY:

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE: THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON DECEMBER 30, 2010 AND THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.

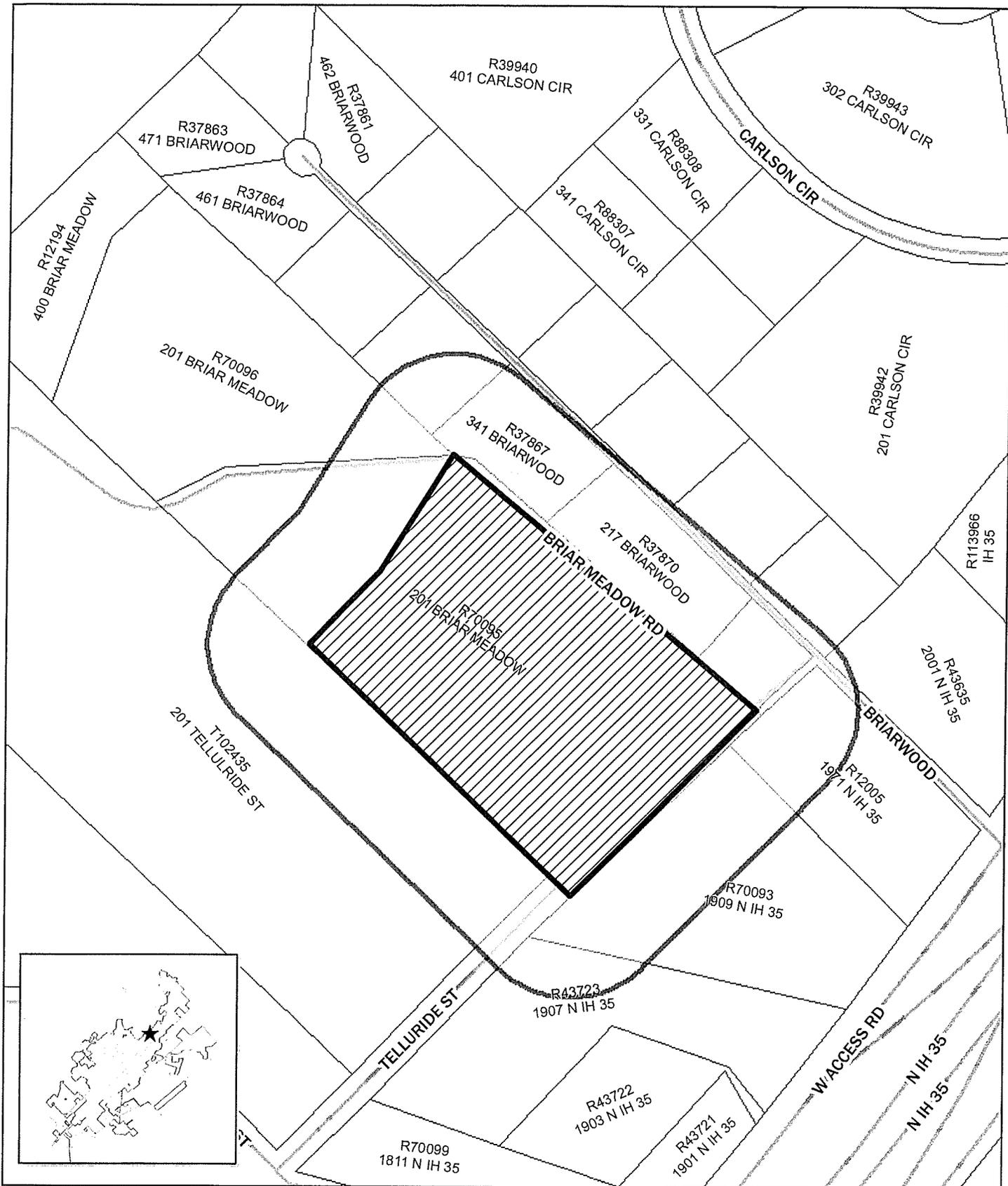


David C. Williamson
DAVID C. WILLIAMSON, R.P.L.S. NO. 4190

BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
P.O. BOX 1433 SAN MARCOS, TEXAS 78667
PHONE 512-396-2270 FAX 512-392-2945

PLAT OF 8.38 AC., MORE OR LESS,
IN THE J. M. VERAMENDI SURVEY
NO. 2, CITY OF SAN MARCOS,
HAYS COUNTY, TEXAS

CLIENT: ASPEN HEIGHTS
DATE: DECEMBER 30, 2010
OFFICE: BRYANT
CREW: EVERETT, LOZANO, C. SMITH
FB/PG: 699/22
PLAT NO. 26348-10-14.2-a



ZC-11-02

**Aspen Heights
Telluride St**

Map Date: 1/27/11

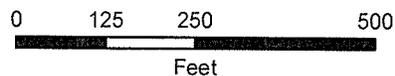


Notification Buffer
(200 feet)

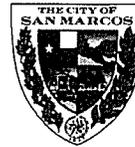
Site Location

Historic District

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



Zoning Change ZC-11-02 Aspen Heights Telluride St.



Administrative Summary: The applicant is requesting a Zoning Change from General Commercial (GC) to Multifamily (MF-12) at Telluride Street

Applicant: Aspen Heights
1301 S. Capital TX Hwy, Ste. B-201
Austin, Texas 78746

Property Owner: 90 San Marcos Ltd & DRFM Invt.
1124 Rutherford Dr/6700 Guadalupe
Austin TX, 78758/Austin, TX 78752

Notification: Public hearing notification mailed on February 11, 2011

Response: None as of February 15, 2011

Property/Area Profile:

Legal Description: N/A, not platted

Location: Telluride St.

Existing Use of Property: Vacant

Proposed Use of Property: Multi-family

Future Land Use Map: Commercial (Proposed Medium Density Residential)

Existing Zoning: General Commercial (GC)

Proposed Zoning: Multi-family (MF-12)

Utility Capacity: Adequate

Sector: Sector 7

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	Unzoned	Single-Family Residential	High-Density Residential
S of Property	GC	Commercial	Commercial
E of Property	GC	Commercial	Commercial
W of Property	MF-12	Apartments (under construction)	Medium-Density Residential

Case Overview

The applicant is requesting a zoning change for 8.38 acres, more or less, from General Commercial (GC) to Multifamily (MF-12).

The subject property is located one lot west of IH 35. This request, along with ZC-11-03, is for the second phase of the Aspen Heights apartment development. Phase One of Aspen Heights is located to the southwest, and Briarwood Court, a large-lot residential development outside the city limits, is located to the north. The request is proceeding concurrently with a Future Land Use Map Amendment. The request is located in Sector 7.

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. Medium-density residential is called for in this area in the Sector 7 Plan. Please see report for Future Land Use Map Amendment case for a more detailed evaluation with master plans.</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, with the exception of the Briarwood subdivision to the north. Screening and buffering requirements in the LDC are intended to ensure compatibility with this area.</i></p> <p><i>The request does not extend to IH 35, which maintains the commercial zoning along the interstate. Retaining some commercial or mixed-use zoning in this area is vital as the population grows because demand will increase for local services.</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

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.

Prepared by
John Foreman

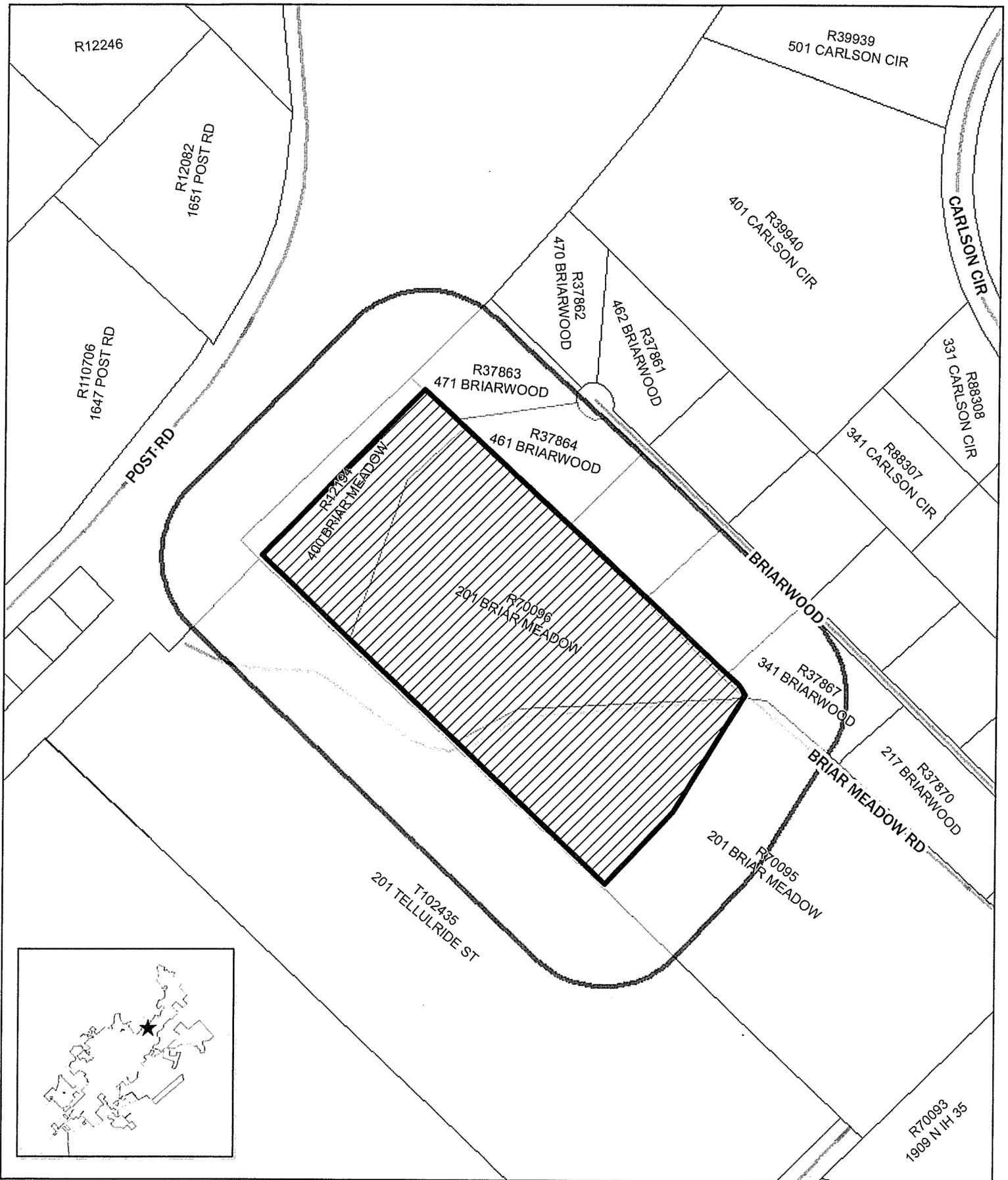
Planner

February 14, 2011

Name

Title

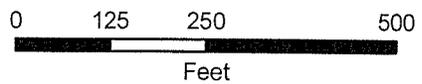
Date



LUA-11-02
Aspen Heights
Telluride St
Map Date: 1/27/11

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

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Land Use Map Amendment

LUA-11-02

Aspen Heights



Summary:

The applicant is requesting a Land use Map Amendment from High Density Residential (HDR) to Medium Density Residential (MDR) at Telluride Street

Applicant: Aspen Heights
1301 S. Capital TX Hwy, Ste. B-201
Austin, Texas 78746

Property Owner: 90 San Marcos Ltd & DRFM Invt.
1124 Rutherford Dr/6700 Guadalupe
Austin TX, 78758/Austin, TX 78752

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: Telluride Street
Legal Description: N/A, not platted
Sector: 7

Current Zoning: FD/Future Development

Proposed Zoning: MF-12/Multifamily

Current Future Land Use Map Designation: High Density Residential

Proposed Future Land Use Map Designation: Medium Density Residential

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	LI	Residential, warehouses
S of Property	N/A, GC	Multifamily
E of Property	MF-12 (Proposed)	Multifamily, service stations
W of Property	N/A, MF-18	Multifamily residential

History

July 13, 2010

PC-10-07 was approved with the following conditions: 1) dedicated left turn bay to be constructed at Mill St. and Copper Beech St. and 2) review of a TIA be completed and approved for entire Concept Plan. The Concept Plan included the proposed layout for the entire development, including the sections currently under consideration. However, the plans submitted with the current applications differ slightly in layout, and it may be necessary for the applicant to file a Concept Plan Amendment prior to platting.

*Includes area previously approved for PC-09-06 (from April 28, 2009)

- | | |
|---------------------------------------|--------------------------------------|
| LUA-10-01, 02, 03, 04 approved by P&Z | ZC-10-04, 05, 06, 07 approved by P&Z |
| - 1.35 acres from HDR to MDR | - 1.35 acres from unzoned to MF-12 |
| - 4.53 acres from HDR to MDR | - 4.53 acres from unzoned to MF-12 |
| - 5.85 acres from I to MDR | - 5.85 acres from LI to MF-12 |
| - 9.9 acres from C to MDR | - 9.90 acres from GC to MF-12 |

August 3, 2010

City Council approves annexation of 16.31 acres (Ordinance no. 2010-40) and LUA-10-01, LUA-10-02, ZC-10-04 and ZC-10-05. The parcel annexed corresponds approximately to this request.

Planning Department Analysis:

The subject property is located in northern San Marcos, west of IH 35 and east of Telluride Street and Post Road. This request is proceeding concurrently with two zoning change requests from General Commercial and Future Development to Multifamily/MF-12. The applicant is proposing to develop the site with multifamily residential, similar to the first section of Aspen Heights, which is currently under construction.

Medium Density Residential (MDR) land uses are typically characterized by apartments and condominiums. The site is located adjacent to the south of two large multifamily developments, one of which was recently completed, and the other, which is the first section of this project, which is under construction. The site is also located in close proximity to a single-family, large-lot residential development. This development, however, is recommended for High Density Residential development in the Future Land Use Map. This area of the city is characterized by duplexes and multifamily developments, and this project would be in keeping with surrounding uses.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 7 Plan. Medium Density Residential is recommended for just over 6% of the total area of Sector 7.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-1-1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.</p> <p><i>Comment: The subject property's proposed land use designation of Medium Density Residential is in keeping with surrounding properties.</i></p>
X			<p>Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: Existing city utilities are in place to serve this property, and the proposed apartments would occupy a lot that is currently vacant.</i></p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the Different housing needs of all income groups of the City's present and future populations. .</p> <p><i>Comment: The proposed change will provide the opportunity for additional, new student housing.</i></p>
X			<p>Policy LU-3.3: The City shall provide adequate space in appropriate locations for residential development in order to provide safe and sanitary housing, to meet the housing and social needs for a desired standard of living for the City's present and future population.</p>
	X		<p>Policy LU-3.14: The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished.</p> <p><i>Comment: The proposed development would be located in an area of the city characterized by a high percentage of multifamily residential.</i></p>
X			<p>Policy LU-4.1: The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities.</p> <p><i>Comment: The proposed duplexes would be located in an area characterized by a mix of duplexes and single-family, and with multifamily in close proximity. This property is adequately served by roads and public utilities.</i></p>
X			<p>Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.</p> <p><i>Comment: The subject property has easy access to IH-35 and the Texas State Tram bus route.</i></p>
X			<p>Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.</p> <p><i>Comment: Telluride Street will be extended to provide additional access out of the development, and to IH 35.</i></p>
X			<p>Policy LU-4.4: 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.</p>
	X		<p>Policy LU-6.8: The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential usage of land in commercial districts except where residential uses are planned as part of a mixed-use concept.</p>

Consistent	Neutral	Inconsistent	Sector 7 Plan Sector Goals
X			Install pedestrian and bicycle facilities on Aquarena Springs, Mill, Uhland, Post, Thorpe, Lime Kiln, Hopkins and along the Blanco River.
X			Assure future development meets the provisions of the Transportation Master Plan, particularly roadway connectivity, pedestrian and cycling facilities.

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 Medium Density Residential to be supportive of the Horizons Master Plan and the Sector 7 Plan and recommends approval. However, Sector 7 in particular has a higher percentage of existing medium and high-density residential compared to the city as a whole – 14.06 percent compared to 3.36 city-wide. City-wide, 2,774 multifamily units have been entitled through the zoning process since 2008. While this request is compatible with adjacent uses, and the recommendations of the Sector 7 plan, care should be taken to preserve a mix of uses and services for current and future residents.

	Sector	City-Wide	Sector	City-Wide
Existing Zoning	10.24%	6.91%	—	—
Future Land Use Map	14.06%	3.36%	—	—
Multi-family (all)	71.6% of housing stock	57.6% of housing stock	1191 units	7764 units

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:

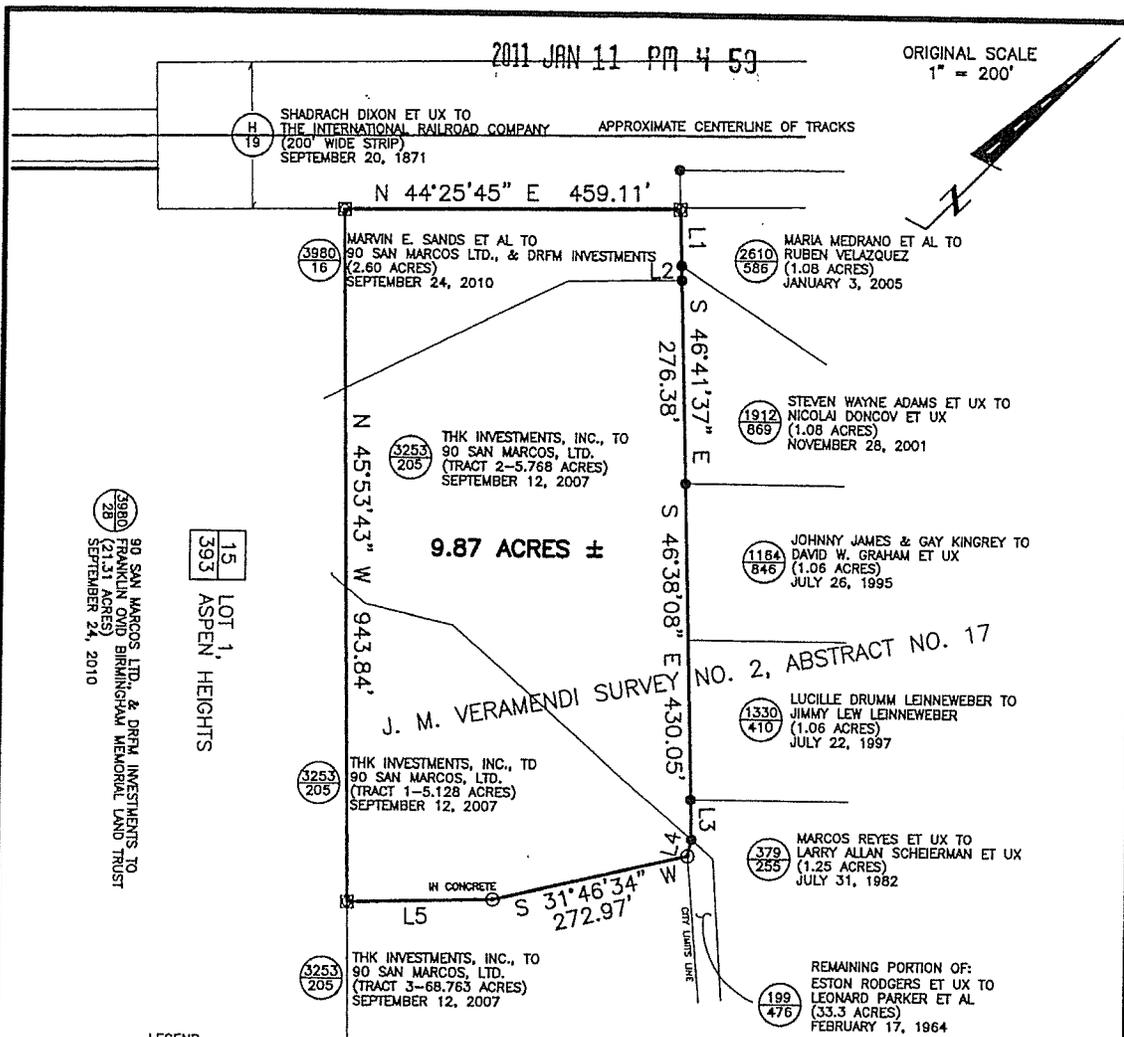
- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers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

Prepared by:

Christine Barton-Holmes	Chief Planner	February 11, 2011
Name	Title	Date

2011 JAN 11 PM 4 59

ORIGINAL SCALE
1" = 200'



90 SAN MARCOS LTD., & DRFM INVESTMENTS TO
 FRANKLIN OVD BIRMINGHAM MEMORIAL LAND TRUST
 (21.31 ACRES)
 SEPTEMBER 24, 2010

15 LOT 1,
 393 ASPEN HEIGHTS

LEGEND

- VOL
PG HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- VOL
PG HAYS COUNTY PLAT RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- 1/2" IRON PIPE FOUND OR DIAMETER NOTED
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"

LINE	BEARING	DISTANCE
L1	S 46°47'39" E	76.59'
L2	S 46°23'02" E	19.97'
L3	S 46°34'55" E	55.83'
L4	S 32°29'44" E	23.27'
L5	S 43°39'07" W	198.48'

SURVEYORS NOTES

1. FENCES MEANDER.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. THE BEARING BASIS FOR THIS SURVEY IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AND REFERS TO GRID NORTH.
4. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED DECEMBER 30, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

TO ASPEN HEIGHTS, EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY:

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE: THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON DECEMBER 30, 2010 AND THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.

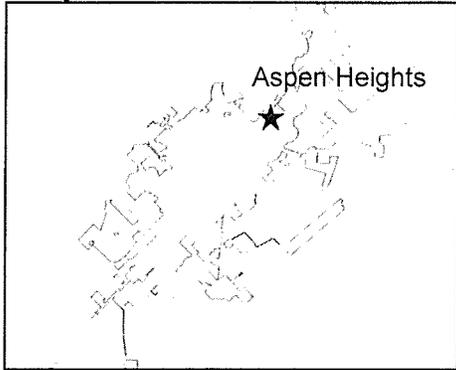
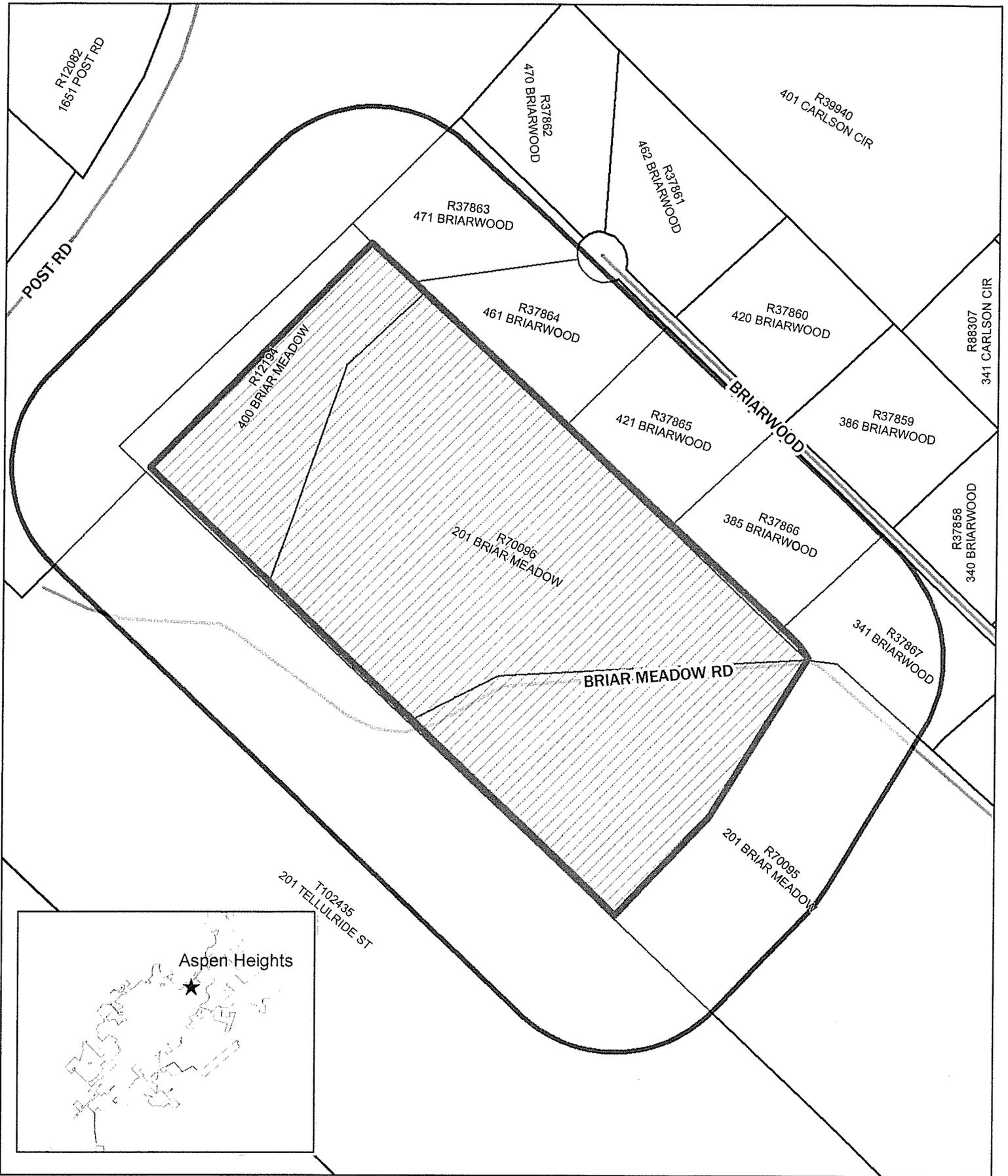
STATE OF TEXAS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 DAVID C. WILLIAMSON
 4190

DAVID C. WILLIAMSON, R.P.L.S. NO. 4190

BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
 P.O. BOX 1433 SAN MARCOS, TEXAS 78667
 PHONE 512-396-2270 FAX 512-392-2945

CLIENT: ASPEN HEIGHTS
 DATE: DECEMBER 30, 2010
 OFFICE: BRYANT
 CREW: EVERETT, LOZANO, C. SMITH
 FB/PG: 699/22
 PLAT NO. 26348-10-14.1-a

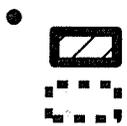
**PLAT OF 9.87 AC., MORE OR LESS,
 IN THE J. M. VERAMENDI SURVEY
 NO. 2, CITY OF SAN MARCOS,
 HAYS COUNTY, TEXAS**



ZC-11-03

**Aspen Heights
Telluride St**

Map Date: 1/27/11

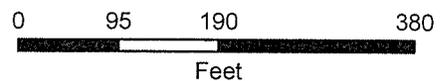


Notification Buffer
(200 feet)

Site Location

Historic District

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



Zoning Change ZC-11-03 Aspen Heights Telluride St.



Administrative Summary: The applicant is requesting a Zoning Change from Future Development (FD) to Multifamily (MF-12) at Telluride Street

Applicant: Aspen Heights
1301 S. Capital TX Hwy, Ste. B-201
Austin, Texas 78746

Property Owner: 90 San Marcos Ltd & DRFM Inv.
1124 Rutherford Dr/6700 Guadalupe
Austin TX, 78758/Austin, TX 78752

Notification: Public hearing notification mailed on February 11, 2011

Response: None as of February 16, 2011

Property/Area Profile:

Legal Description: N/A, not platted
Location: Telluride St.
Existing Use of Property: Vacant
Proposed Use of Property: Multi-family
Future Land Use Map: Commercial (Proposed Medium Density Residential)
Existing Zoning: Future Development (FD)
Proposed Zoning: Multi-family (MF-12)
Utility Capacity: Adequate
Sector: Adjacent to Sector 7

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	-	Post Road/Railroad	
S of Property	GC (MF-12 Proposed)	Vacant	Commercial (Medium Density Residential proposed)
E of Property	Unzoned	Single-family residential	High Density Residential
W of Property	MF-12	Apartments (under construction)	Medium-Density Residential

Case Overview

The applicant is requesting a zoning change for 9.87 acres, more or less, from Future Development (FD) to Multifamily (MF-12).

The subject property is located two lots west of IH 35. This request, along with ZC-11-02, is for the second phase of the Aspen Heights apartment development. Phase One of Aspen Heights is located to the south, and Briarwood Court, a large-lot residential development outside the city limits, is located to the northeast. The request is proceeding concurrently with a Future Land Use Map Amendment. The subject property was annexed in 2010 in preparation for development and is located adjacent to Sector 7.

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. Medium-density residential is called for in this area in the Sector 7 Plan. Please see report for Future Land Use Map Amendment case for a more detailed evaluation with master plans.</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, with the exception of the Briarwood subdivision to the north. Screening and buffering requirements in the LDC are intended to ensure compatibility with this area.</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

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.

Prepared by

John Foreman

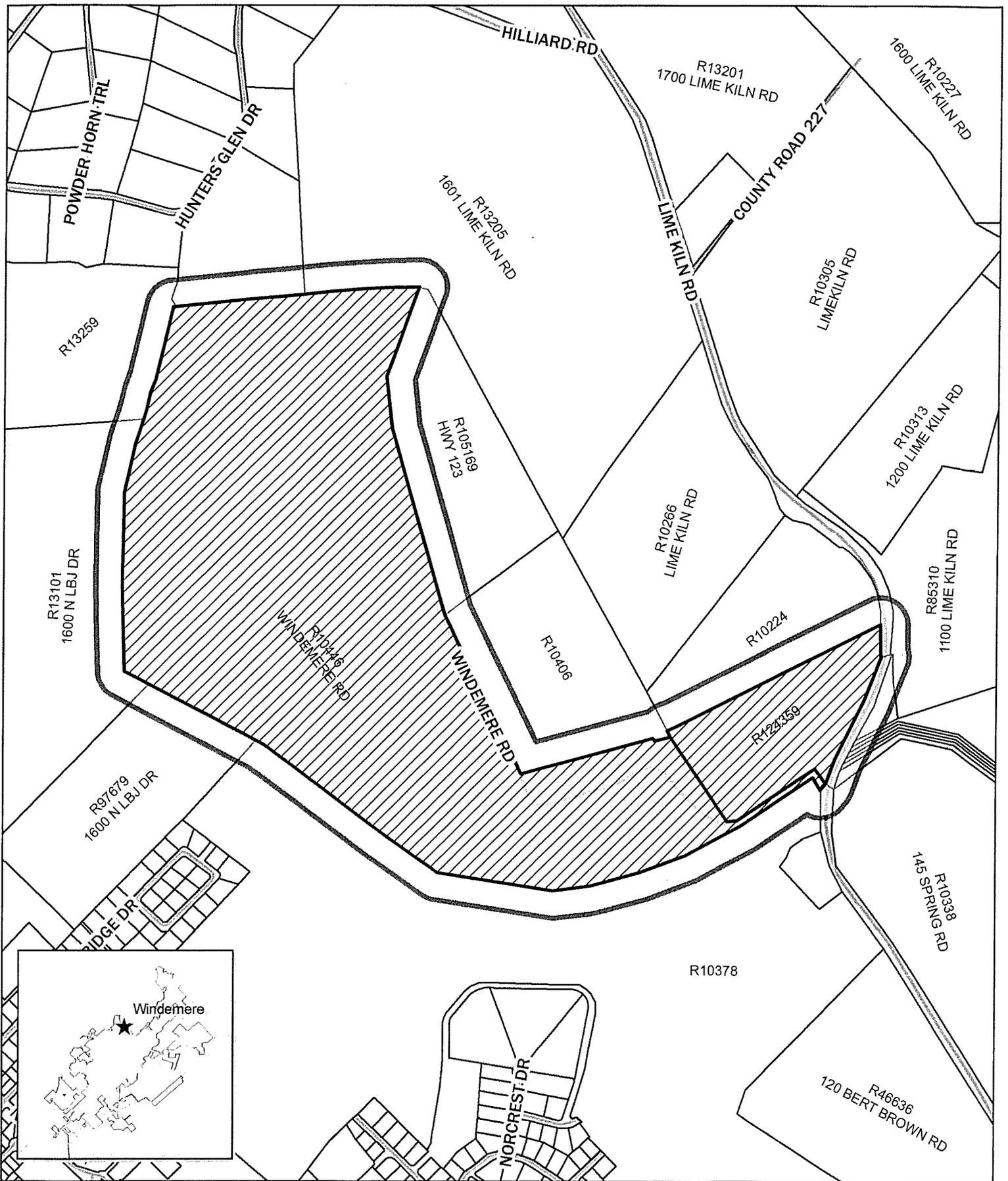
Planner

February 14, 2011

Name

Title

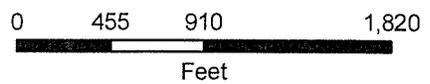
Date



ZC-11-04
The Preserve at
Windemere
Map Date: 2/10/11

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

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Zoning Change

ZC-11-04

Windemere Road



Administrative Summary:

Applicant: Joel Richardson, PE on behalf of
Rob Haug & Vince Wood
4303 Russell Drive
Austin, Texas 78704

Property Owner: Rob Haug & Vince Wood
2009 RR 620 North, Suite 130
Austin, Texas 78734

Notification: Public hearing notification mailed on February 11, 2011

Response: None as of the date of report publication

Property/Area Profile:

Legal Description: 104.41 acres in the TJ Chambers, Edward Burleson, R Clever & E Clark Surveys

Location: Lime Kiln Road approximately one mile northwest of Post Road

Existing Use of Property: Undeveloped

Proposed Use of Property: Single-family residential

Future Land Use Map: Very Low Density Residential

Existing Zoning: FD/Future Development

Proposed Zoning: SF-R/Single-Family Rural Residential

Utility Capacity: Adequate

Sector: NA, adjacent to Sector 3

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	Unzoned	Agricultural/residential	Very Low Density
S of Property	AR/SF-6	Agricultural/residential	Low Density
E of Property	SF-6/P	Agricultural/residential	Low Density
W of Property	AR	Agricultural/residential	Very Low Density

Planning Department Analysis

The applicant is requesting a zoning change for 104.41 acres, more or less, from Future Development to Single-Family Rural Residential.

The subject property comprises 104.41 acres, which is currently undeveloped. It is located in the far northwest section of the city, and was recently annexed. There are four other requests filed on this site; a Concept Plat, two Plat Variances, and a Zoning Variance. The Concept Plat and Plat Variances will proceed concurrently with this Zoning request, and the Zoning Variance will be heard by the ZBOA after the other requests have been heard. The Zoning Variance is a request for reduced lot width, and the Plat Variances are requesting approval for a maximum block length of 6,500 feet and cul-de-sac length not to exceed 560 feet. Please see the comprehensive site history included in the report for PVC-11-01. The Zoning Change request is consistent with the Concept Plan on file, as well as with the Future Land Use Map.

The subject property is located on the west side of Lime Kiln Road, which would provide the only access to the site unless and until Craddock Road is built. Surrounding uses are predominantly residential and agricultural. The site is also located adjacent to the Sink Creek Water Quality Protection Zone and within the Edwards Aquifer Recharge Zone. Impervious ground cover is not permitted within the water quality protection zone. Large-lot single family development typically has less of a negative impact than other, more intense developments.

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:

Windemere Road

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps No change to the Future Land Use Map is necessary, and the proposed development is in keeping with the recommendations of the Master Plan. (see below)
N/A	N/A	Consistency with any development agreement in effect No development agreements are in effect for this property.
X		Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified The proposed development will be similar to existing developments in the area.
X		Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area Utility availability appears to be adequate.
X		Other factors which substantially affect the public health, safety, morals, or general welfare

The requested zoning change is consistent with the surrounding land uses, the criteria listed above for a zoning change and the following policy statements outlined in the Horizons Master Plan:

- Policy LU-3.1: The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided.
- Policy LU-2.6: The City shall continue to prepare and enforce standards for the preservation of springs and streams and for the control of runoff into natural and manmade drainage courses so as not to degrade the water quality of the Edwards Aquifer, San Marcos and Blanco Rivers, Sink Creek, Purgatory Creek, Willow Springs Creek, Cottonwood Creek, or any other natural stream or spring in the San Marcos area.
- Policy LU-3.9: The City shall encourage very low density or cluster-type developments in the Edwards Aquifer Recharge Zone and shall develop appropriate standards for cluster-type development which will be adopted as part of the subdivision and zoning ordinances.

Staff recommends approval of the zoning request change for Windemere Road.

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

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.

List of Attachments:

- Area zoning map
- Survey

Prepared by

Christine Barton-Holmes, LEED AP Chief Planner

February 11, 2011

Name

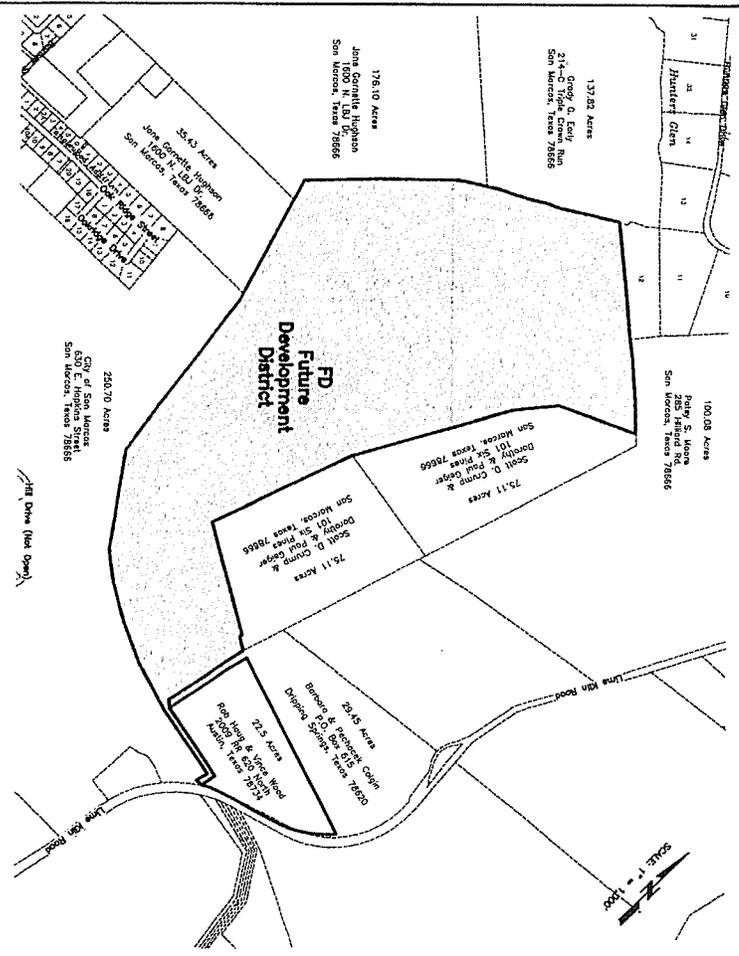
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Date

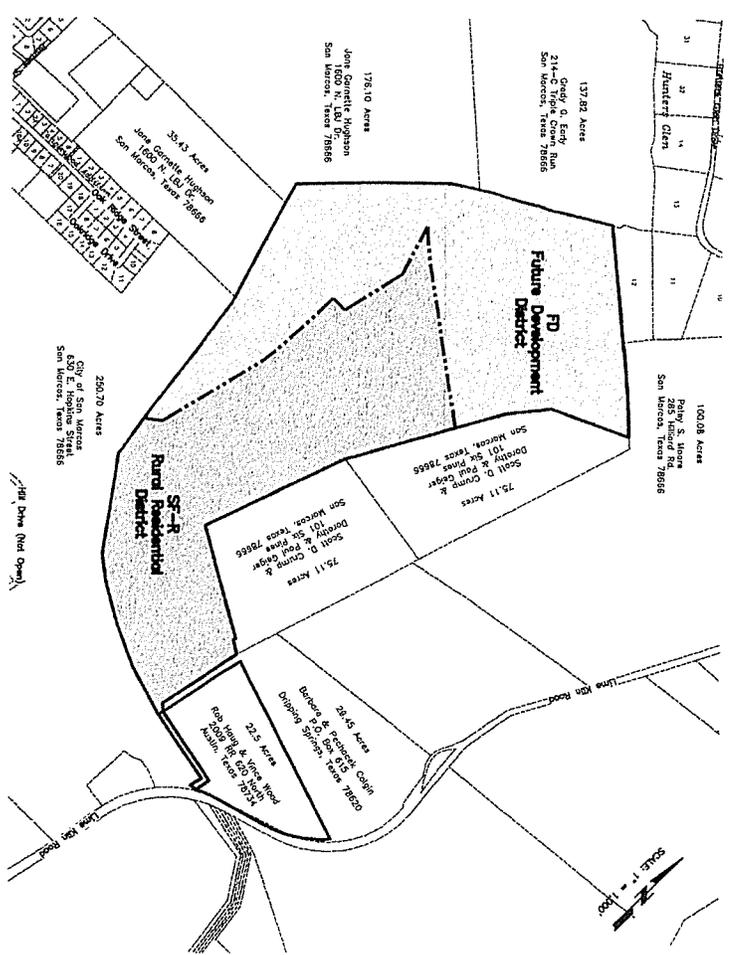
THE PRESERVE AT WINDEMERE ZONING CHANGE EXHIBIT

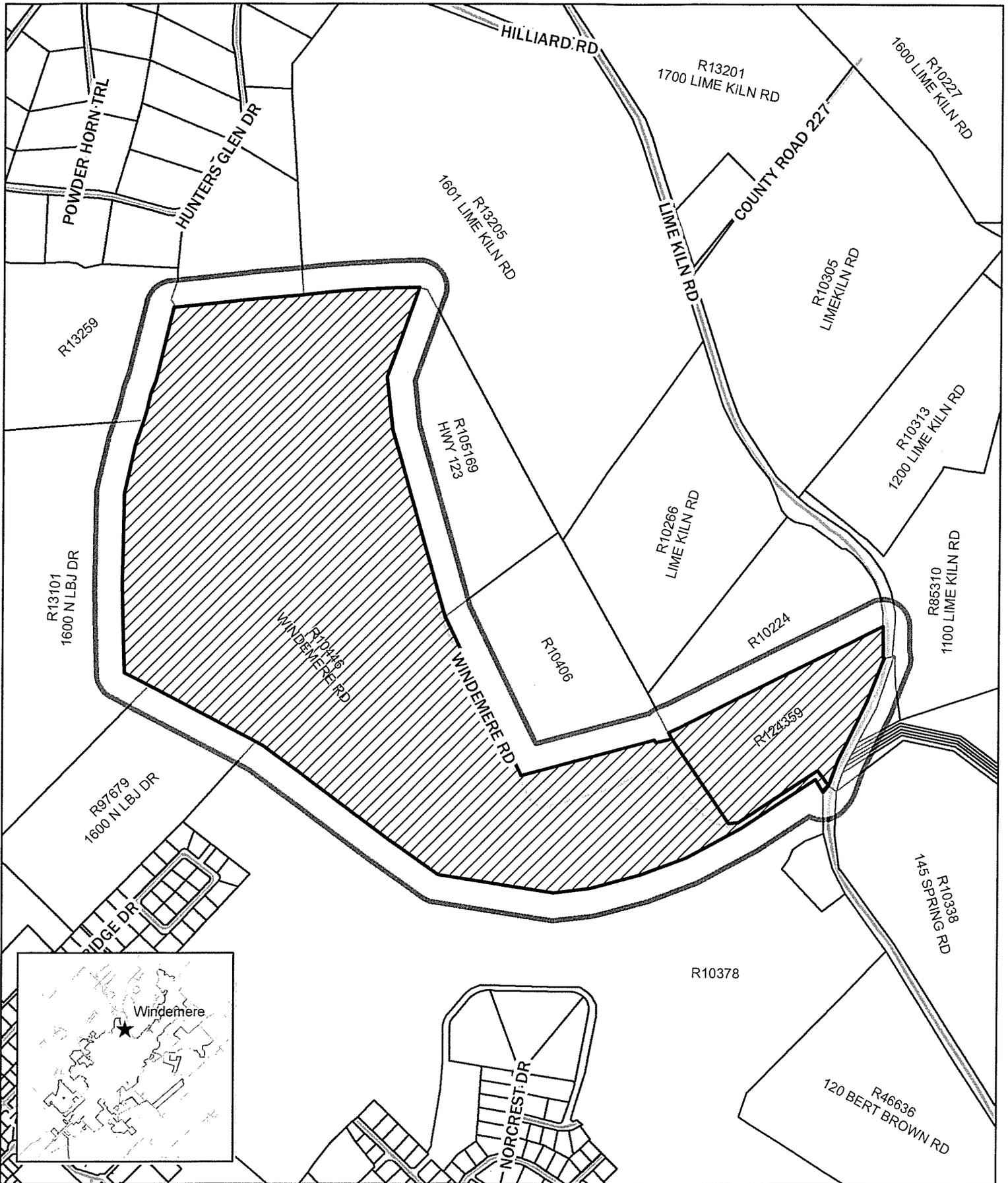
2011 JAN 21 AM 11 48

EXISTING ZONING



PROPOSED ZONING

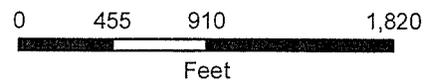




PVC-11-01
The Preserve at
Windemere
Map Date: 2/10/11

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

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



PVC-11-01 Plat Variance The Preserve at Windemere



Applicant Information:

Applicant: Joel Richardson, P.E.
Vigil and Associates
4303 Russell Drive
Austin TX 78704

Property Owner: Rob Haug and Vince Wodd
2009 RR 620 N., Suite 130
Austin, TX 78734

Applicant's Request: The applicant is requesting a variance from Section 6.7.1.1 of the Land Development Code to allow for a maximum block length to exceed 1,200 feet.

Notification: Personal notification letter mailed to all property owners within 200' on February 11, 2011

Response: None as of February 14, 2011

Subject Property:

Location: Lime Kiln Rd approximately 1 mile northwest of Post Rd

Legal Description: 235 acres out of the T.J Chambers, E. Burlison Jr., R. Clever and E. Clark Surveys

Existing Zoning: Future Development (proposed SF-R)

Land Use Map: Very Low Density Residential

Utilities: Property is serviced by PEC for electric and City of San Marcos for Water and Wastewater

Existing Use of Property: Residential

Proposed Use of Property: Residential

Code Requirement and Background Information

The petitioner is requesting a variance to section 6.7.1.1 of the Land Development Code to allow for block lengths that exceed 1200 feet. In specific, the petitioners are requesting a variance to allow a 6,500 foot block length on the southwest side of the street that extends from Lime Kiln Rd to the future extension of Craddock Ave. Staff is supporting this aspect of the variance due to the hardship created by the water quality zone and sink creek bordering this portion of the property. In addition, the petitioners are also requesting the variance on the other side of the street to allow for a 2,415, 1,842, and 1,492 foot block length. Section 7.4.1.4(l) of the Land Development code states that *the Planning and Zoning Commission may approve variances for overlength streets or cul-de-sacs, whether temporary or permanent, upon considering the following:*

- (1) Alternative designs which would reduce street or cul-de-sac length;*
- (2) The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and*
- (3) Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary (or permanent) points of emergency access, and additional fire protection measures.*

The third consideration listed above calls for mitigation including additional mid-block connections or a limitation on the number of lots served or alternative points of emergency access. The subject property has been limited by the Land Development Code to 74 lots. The shape and location of the property limits the ability to provide alternative points of emergency access currently, however the applicants have worked with staff to mitigate this with additional mid block connections to each of the adjacent tracts of land. These connections provide an opportunity for multiple points of access to Lime Kiln Rd in the future. They also provide a possibility for two points of access to each adjacent tract.

The subject property consists of two tracts of land totaling approximately 235 acres. The property is located within the Edwards Aquifer Recharge Zone and is subject to a TCEQ water pollution abatement plan. A portion of the property is also located within the Water Quality zone of Sink Creek. Impervious Cover is not permitted within the water quality zone with the exception of trails for non-motorized access.

The Land Use designation is Very Low Density Residential and the proposed zoning designation is Single Family Rural (SF-R). The SF-R zoning designation allows for a minimum lot size of 1 acre.

The proposed access to the subdivision is located just north of a low water crossing over Sink Creek. Further to the south on Lime Kiln Rd, Sink Creek crosses the roadway again at the Sink Creek Bridge and low water crossing. Hays County has proposed a project to re-build this bridge bringing it out of the flood plain. This road project however would not alleviate the flood hazard conditions affecting access to the site. According to Section 7.4.1.2 of the Land Development Code the maximum number of lots permitted on the site is 74 due to the limited access.

Case History on the Property:

<u>PROJECT ID</u>	<u>PROJECT TYPE</u>	<u>APPLICATION DATE</u>	<u>PROJECT DESCRIPTION</u>	<u>DISPOSITION</u>
PC-08-06(01)	Subdivision Concept Plan	February 07, 2008	On Lime Kiln Rd. 235.056 Acres, Approx. 240 lots. Residential Commercial	Withdrawn
WPP1-08-0002	Watershed Protection Plan I	February 19, 2008	Mixed use commercial and residential development	Approved
LUA-08-05	Land Use Amendment	March 07, 2008	land use map amendment from VLDR to LDR	Withdrawn
PVC-08-03	Plat Variance	June 26, 2008	Variance to Chapter 7.4.1.2 of the LDC to allow 16 lots to take access from medianed street	Withdrawn
PVC-08-02	Plat Variance	June 26, 2008	Variance to Ch. 7.4.2.1(a) to allow the use of hiking trails and wildlife easements for pedestrian circulation- no sidewalks	Withdrawn
PVC-10-04	Plat Variance	August 26, 2010	a variance to 7.4.1.2 (f) of the Land Development Code, which requires right-of-way to be dedicated in accordance with city standards. This request is to allow dedication of less than the minimum required right of way width for a portion of the street within the site. At the narrowest section the right of way dedication is proposed to be 47 feet.	Approved with Conditions
ZC-11-04	Zoning Change	January 21, 2011	FD to SF-R	Proposed
PC-11-01(01)	Subdivision Concept Plan	January 21, 2011		Proposed
VR-11-03	Variance	January 21, 2011	Min. Lot width	Proposed
PVC-11-01	Plat Variance	January 21, 2011	A Variance to Section 6.7 1.1 of the Land Development Code to allow for a maximum block length of 6,500 feet.	Proposed
PVC-11-02	Plat Variance	January 21, 2011	A variance to Section 7.4.1.4(k) of the Land Development Code to allow a maximum Cul-De-Sac length of 560 feet and more generally a single outlet street (with planned future connections) with a length of 6,500 feet.	Proposed

Planning Department Analysis:

The hardships on this property are created by:

- The Water Quality Zone and Sink Creek located along the southwest portion of the tract
- Sensitive Features located on the tract
- The subject property is located over the Edwards Aquifer.

The environmental sensitivity of this area warrants a very minimal amount of impervious cover. Staff believes that this design achieves a minimal amount of impervious cover while preserving the connections for the possibility of two points of access in the future for both this tract and

adjacent tracts of land. These connections will possibly mitigate for potential flooding events in the future.

The subdivision of land is the first and most important step in the development process. This step determines the growth patterns of the City and ensures orderly growth and development including the distribution of City Services, transportation and the protection of sensitive environmental areas. A subdivision variance therefore must meet the criteria listed below for approval.

Staff has evaluated the request with regard to the criteria for subdivision variances.

Section 1.10.2.4 Criteria for Approval	Staff Comment
1. There are special circumstances or conditions arising from the physical surroundings, <u>shape</u> , 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;	Consistent; <i>Special circumstances include the floodplain and park bordering the southwest portion of the tract. In addition the environmental sensitivity of the area calls for a minimal amount of impervious cover.</i>
2. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;	Consistent; <i>Only properties adjacent to the floodplain are similarly affected</i>
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;	Consistent;
4. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;	Consistent; <i>This area is subject to flooding this potential has been mitigated through future points of access as well as a limit on the total number of lots permitted</i>
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;	Consistent; <i>The stub streets provided achieve the desired connectivity without creating an undue amount of impervious cover</i>
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;	Consistent; <i>Granting this variance will not eliminate or reduce compliance with any other aspects of the Land Development Code.</i>
7. The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;	Consistent; <i>The variance is based on the hardship created due to the physical constraints of the land</i>

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 **Consistent;** *The variance is based on the hardship created due to the physical constraints of the land*

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. **Consistent;** *Additional mid-block crossings have been provided*

Planning Department Recommendation

Staff recommends **approval** of the request with the following conditions:

- The number of lots is limited to 74
- Connections are made to each of the adjacent tracts providing for the possibility of future connections
- The development will utilize Low Impact Development (LID) practices incorporating stormwater BMPs with 85% removal efficiency of TSS.

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

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this 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.

Section 1.10.2.4 Criteria for Approval

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.

Prepared by:

Abigail Gillfillan

Planner

February 15, 2011

Name

Title

Date

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 site is bounded to the south and west by Sink Creek and a flood control structure/easement making provision of an intersecting street infeasible until Major Arterial (Craddock) dedicated approximately 6,500 feet (measured along proposed residential collector centerline) from Lime Kiln Road. Intersecting street (stub-outs) are proposed along the north and east frontages of the central residential collector, with a maximum block length of 3,300 feet. Due to the angular geometry of the site, block lengths meeting LDC requirements would result in impractical connections to future development on the adjacent site.

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

The property is bounded for its entire length by Sink Creek to the south and west; this and the site's angular shape do not similarly affect other properties in the vicinity.

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

Literal enforcement of this section of the LDC would result in an impractical design.

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?

Granting this variance will allow development that limits the impact upon Sink Creek. The connections (stub-outs) proposed will promote and preserve the development rights of the surrounding property owners.

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?

The proposed roadways (and resulting block lengths) will provide stub-outs for future connection to adjacent properties in a practical manner.

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

No. The hardship is suffered due to the geometry of the property.

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?

This variance is requested solely to create a more practical design given the shape of the subject tract.

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

Yes. The block length along the south and west side of the proposed residential collector is prescribed by the presence of sink creek and the City's Thoroughfare Plan. The block lengths along the north and east sides of this roadway are minimized (given the geometry of the site) by the proposed intersecting street stub-outs.

W VIGIL & ASSOCIATES
A CONSULTING SERVICES

Firm Registration No. F-4768
4303 Russell Drive, Austin, TX 78704, Phone: (512) 326-2667

2011 JAN 21 AM 11 48

January 10, 2011

City of San Marcos
Planning and Development Department
630 East Hopkins
San Marcos, Texas 78666

Re: The Preserve at Windemere
Variance Request Applications

Dear Planning and Development Services Staff:

The owners of two connected tracts of land located near the intersection of Lime Kiln Road and Sink Creek, wish to develop their land. The total area of the property is 235 acres more or less. The owners have submitted concept plans, preliminary layouts and similar planning documents for several years. The result of previous applications have led the property owners to propose a development plan illustrated in the accompanying application for Subdivision Concept Plat, the first phase of which proposes 74 SF-R residential lots. Several constraints (including property geometry, single point of access & property bounding by Sink Creek) make strict adherence to three requirements of the LDC infeasible. Accompanying this letter are three applications for variance from the requirements of the LDC listed below:

- Section 4.1.6.1 requires a minimum lot width of 150 feet for SF-R lots. We request variance from this requirement to allow SF-R zoned lots with a width of 125 feet.
- Section 6.7.1.1 requires block lengths not to exceed 1,200 feet for the streets proposed on this concept plat. We request variance from this requirement to allow for blocks up to 6,500 feet in length.
- Section 7.4.1.4(k) requires cul-de-sac lengths not to exceed 500 feet. We request variance from this requirement to allow for development consistent with the street layout depicted on Phase 1 of the accompanying Subdivision Concept Plat which proposes isolated cul-de-sac lengths of up to 560 feet and more generally a single outlet street (with planned future connections) with a length of 6,500 feet.

As a result of the previous planning and development applications submitted to the City over the course of the past several years, and specifically the variance for minimum ROW width granted by the City most recently for this project which limits the number of lots to 74, the property owners propose an SF-R subdivision as depicted as Phase 1 on the accompanying Subdivision Concept Plat. The nature of an SF-R

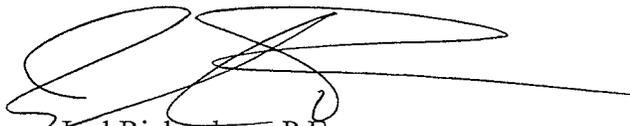
development in conjunction with the narrow, linear nature of the portion of the tract encompassed by the first phase of the site dictate a general development plan consisting of a single roadway (collector identified in the City's Thoroughfare Plan) running centrally through the developable area with additional cul-de-sacs taking access from this roadway. The proposed roadways do not provide adequate frontage to allow all lots to meet the minimum lot width requirements of the LDC.

The site is bounded to the south and west by Sink Creek and the associated Flood Control Structure, making connection of an intersecting street to meet the maximum block length requirements of the LDC for the block created on this side of the proposed collector infeasible. The site's elbow or dog-leg geometry dictates that the central roadway will rotate through a roughly 90 degree curve, resulting in the same property being adjacent to the north and east for the lots created along this side of the roadway. The proposed intersecting streets and associated stub-outs for future connection to adjacent site have been located in a logical manner to promote a orderly access to and development of adjacent sites. However the resulting block lengths along this side of the proposed roadway are in excess of the LDC requirements as well.

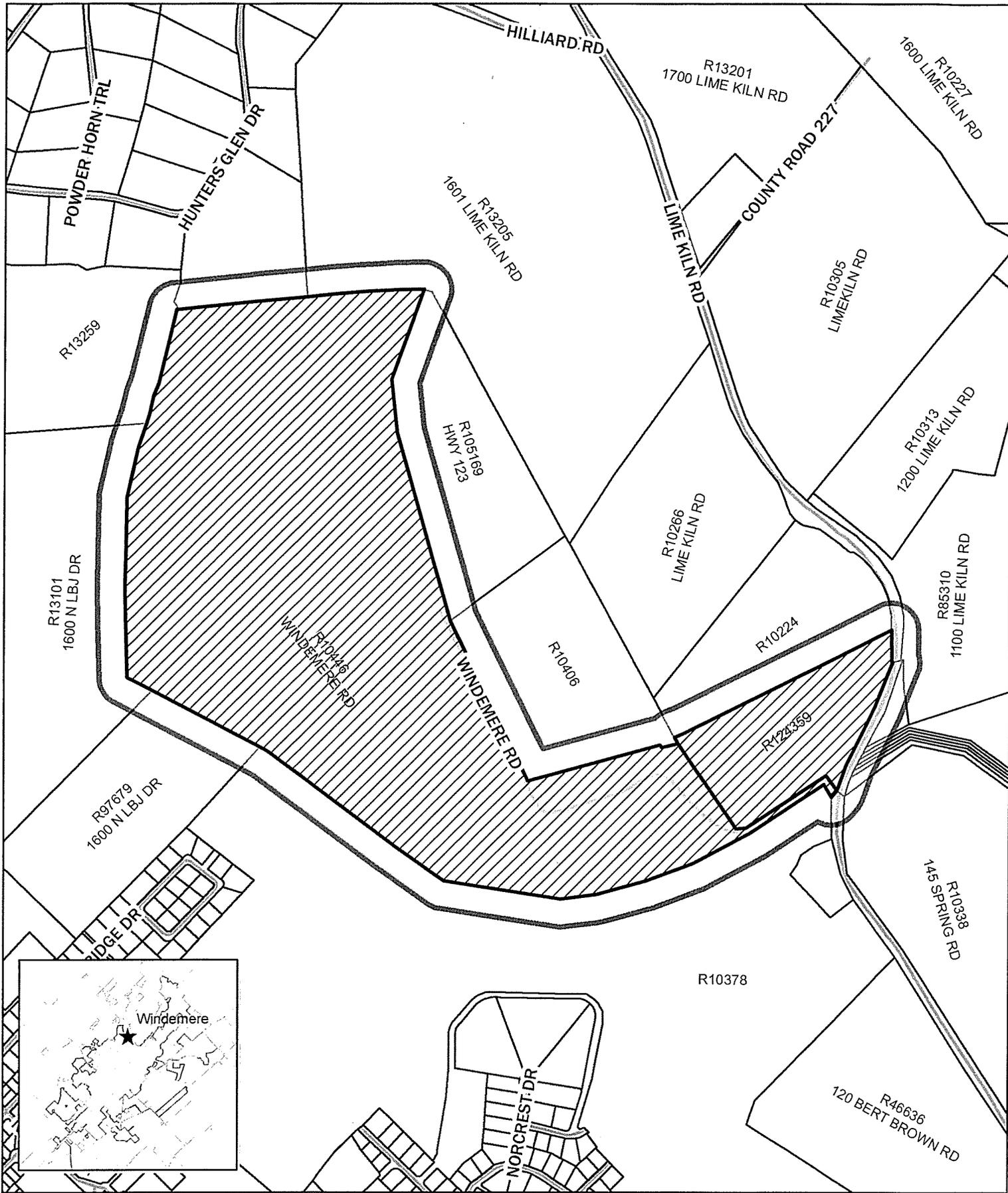
The single available point of access and site geometry dictate a single central roadway as described above. These constraints result in a single outlet roadway with a length in excess of the cul-de-sac requirement of the LDC. Additionally one of the proposed cul-de-sacs taking access from the central roadway exceeds the requirement of the LDC with a length of 560 feet. It should be noted that the central roadway will not be in violation of this LDC stipulation when the future connection to adjacent sites are completed.

Literal application of these requirements would make development of this site as an SF-R subdivision infeasible. Given that the portion of the site for which these variance would apply is already limited to 74 residential lots, we do not feel that granting of this variance would in any way have an adverse impact on public health, safety or general welfare. Further, the "large lot", SF-R nature of the proposed development will limit the impact on the natural environment. The variances requested represents the minimal variance needed to develop the proposed SF-R subdivision given the unique constraints imposed by the subject property. The approval of these requests will facilitate orderly development of other land in the area by providing roadways prescribed by the City's Thoroughfare Plan, namely the residential collector and major arterial (Craddock).

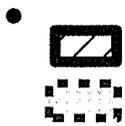
Respectfully submitted,



Joel Richardson, P.E.



PVC-11-02
The Preserve at
Windemere
Map Date: 2/10/11

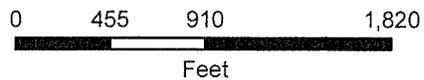


Notification Buffer
(200 feet)

Site Location

Historic District

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



PVC-11-02 Plat Variance The Preserve at Windemere



Applicant Information:

Applicant: Joel Richardson, P.E.
Vigil and Associates
4303 Russell Drive
Austin TX 78704

Property Owner: Rob Haug and Vince Wood
2009 RR 620 N., Suite 130
Austin, TX 78734

Applicant's Request: The applicant is requesting a variance from Section 7.4.1.4(k) of the Land Development Code to allow for a cul-de-sac longer than 500 feet

Notification: Personal notification letter mailed to all property owners within 200' on February 11, 2011

Response: None as of February 14, 2011

Subject Property:

Location: Lime Kiln Rd approximately 1 mile northwest of Post Rd

Legal Description: 235 acres out of the T.J Chambers, E. Burleson Jr., R. Clever and E. Clark Surveys

Existing Zoning: Future Development (proposed SF-R)

Land Use Map: Very Low Density Residential

Utilities: Property is serviced by PEC for electric and City of San Marcos for Water and Wastewater

Existing Use of Property: Residential

Proposed Use of Property: Residential

Code Requirement and Background Information

The petitioner is requesting a variance to Section 7.4.1.4(k) of the Land Development Code limiting cul-de-sac length to 500 feet. In specific, the petitioners are requesting a variance to allow one 6,500 foot temporary cul-de-sac. Section 7.4.1.4(l) of the Land Development code states that *the Planning and Zoning Commission may approve variances for overlength streets or cul-de-sacs, whether temporary or permanent, upon considering the following:*

- (1) Alternative designs which would reduce street or cul-de-sac length;*
- (2) The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and*
- (3) Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary (or permanent) points of emergency access, and additional fire protection measures.*

The subject property consists of two tracts of land totaling approximately 235 acres. The property is located within the Edwards Aquifer Recharge Zone and is subject to a TCEQ water pollution abatement plan. A portion of the property is also located within the Water Quality zone of Sink Creek. Impervious Cover is not permitted within the water quality zone with the exception of trails for non-motorized access.

The Land Use designation is Very Low Density Residential and the proposed zoning designation is Single Family Rural (SF-R). The SF-R zoning designation allows for a minimum lot size of 1 acre.

The proposed access to the subdivision is located just north of a low water crossing over Sink Creek. Further to the south on Lime Kiln Rd, Sink Creek crosses the roadway again at the Sink Creek Bridge and low water crossing. Hays County has proposed a project to re-build this bridge bringing it out of the flood plain. This road project however would not alleviate the flood hazard conditions affecting access to the site. According to Section 7.4.1.2 of the Land Development Code the maximum number of lots permitted on the site is 74 due to the limited access.

Case History on the Property:

<u>PROJECT ID</u>	<u>PROJECT TYPE</u>	<u>APPLICATION DATE</u>	<u>PROJECT DESCRIPTION</u>	<u>DISPOSITION</u>
PC-08-06(01)	Subdivision Concept Plan	February 07, 2008	On Lime Kiln Rd. 235.056 Acres, Approx. 240 lots. Residential Commercial	Withdrawn
WPP1-08-0002	Watershed Protection Plan I	February 19, 2008	Mixed use commercial and residential development	Approved
LUA-08-05	Land Use Amendment	March 07, 2008	land use map amendment from VLDR to LDR	Withdrawn
PVC-08-03	Plat Variance	June 26, 2008	Variance to Chapter 7.4.1.2 of the LDC to allow 16 lots to take access from medianed street	Withdrawn
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ZC-11-04	Zoning Change	January 21, 2011	FD to SF-R	Proposed
PC-11-01(01)	Subdivision Concept Plan	January 21, 2011		Proposed
VR-11-03	Variance	January 21, 2011	Min. Lot width	Proposed
PVC-11-01	Plat Variance	January 21, 2011	A Variance to Section 6.7.1.1 of the Land Development Code to allow for a maximum block length of 6,500 feet.	Proposed
PVC-11-02	Plat Variance	January 21, 2011	A variance to Section 7.4.1.4(k) of the Land Development Code to allow a maximum Cul-De-Sac length of 560 feet and more generally a single outlet street (with planned future connections) with a length of 6,500 feet.	Proposed

Planning Department Analysis:

The hardships on this property are created by:

- The Water Quality Zone and Sink Creek located along the southwest portion of the tract
- Sensitive Features located on the tract
- The subject property is located over the Edwards Aquifer.

The environmental sensitivity of this area warrants a very minimal amount of impervious cover. Staff believes that this design achieves a minimal amount of impervious cover while preserving the connections for the possibility of two points of access in the future for both this tract and

adjacent tracts of land. These connections will possibly mitigate for potential flooding events in the future.

The subdivision of land is the first and most important step in the development process. This step determines the growth patterns of the City and ensures orderly growth and development including the distribution of City Services, transportation and the protection of sensitive environmental areas. A subdivision variance therefore must meet the criteria listed below for approval.

Staff has evaluated the request with regard to the criteria for subdivision variances.

Section 1.10.2.4 Criteria for Approval	Staff Comment
1. There are special circumstances or conditions arising from the physical surroundings, <u>shape</u> , 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;	Consistent; <i>The water quality zone and lot shape limit the ability to construct an internal loop street within the development</i>
2. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;	Consistent; <i>The hardship is partially caused by the lot shape which is not similar for all properties in the area. In addition, only properties adjacent to the floodplain are similarly affected</i>
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;	Consistent
4. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;	Consistent; <i>This area is subject to flooding this potential has been mitigated through future points of access as well as a limit on the total number of lots permitted</i>
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;	Consistent; <i>Connections have been created with each of the adjoining tracts to allow for orderly development in the future.</i>
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;	Consistent; <i>Granting this variance will not eliminate or reduce compliance with any other aspects of the Land Development Code.</i>
7. The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;	Consistent; <i>The variance is based on the hardship created due to the physical constraints of the land</i>

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

Consistent; *The variance is based on the hardship created due to the physical constraints of the land*

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.

Consistent; *The temporary cul-de-sac serving the entire site is the minimum requested to meet the needs of the petitioner*

Planning Department Recommendation

Staff recommends **approval** of the request with the following conditions

- The number of lots is limited to 74
- Connections are made to each of the adjacent tracts providing for the possibility of future connections
- The development will utilize Low Impact Development practices for development over the Edwards Aquifer incorporating stormwater BMPs with 85% removal efficiency of TSS.

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

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this 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.

Section 1.10.2.4 Criteria for Approval

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;

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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.

Prepared by:

Abigail Gillfillan

Planner

February 15, 2011

Name

Title

Date

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?

Due to the geometry of the property, a single outlet onto the surrounding roadway is available (Lime Kiln). Further constraints due to the specific shape of the property make a looped street network internal to the property impractical.

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

The specific geometry of this site and single available point of access do not similarly affect other properties in the vicinity.

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

Literal enforcement of this section of the LDC would make development of this property infeasible.

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?

As this site is limited to 74 residential lots (pending future connection providing additional points of access) granting this variance will not effect public health, safety, or general welfare. As the proposed development provides for future connection to adjacent properties granting this variance will promote the development rights of surrounding property owners.

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?

As the proposed development provides for future connection to adjacent properties granting this variance will promote the development rights of surrounding property owners.

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

No. The hardship is suffered due to the geometry of the property.

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?

This variance is requested solely to allow for access to a majority of this site given the constraints due to the specific geometry of the site.

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

Yes. Specific cul-de-sac lengths are limited to 560 feet and the more general single outlet street length is the minimal amount given the constraints of the site.

W VIGIL & ASSOCIATES
CONSULTING SERVICES

Firm Registration No. F-4768
4303 Russell Drive, Austin, TX 78704, Phone: (512) 326-2667

2011 JAN 21 AM 11 48

January 10, 2011

City of San Marcos
Planning and Development Department
630 East Hopkins
San Marcos, Texas 78666

Re: The Preserve at Windemere
Variance Request Applications

Dear Planning and Development Services Staff:

The owners of two connected tracts of land located near the intersection of Lime Kiln Road and Sink Creek, wish to develop their land. The total area of the property is 235 acres more or less. The owners have submitted concept plans, preliminary layouts and similar planning documents for several years. The result of previous applications have led the property owners to propose a development plan illustrated in the accompanying application for Subdivision Concept Plat, the first phase of which proposes 74 SF-R residential lots. Several constraints (including property geometry, single point of access & property bounding by Sink Creek) make strict adherence to three requirements of the LDC infeasible. Accompanying this letter are three applications for variance from the requirements of the LDC listed below:

- Section 4.1.6.1 requires a minimum lot width of 150 feet for SF-R lots. We request variance from this requirement to allow SF-R zoned lots with a width of 125 feet.
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As a result of the previous planning and development applications submitted to the City over the course of the past several years, and specifically the variance for minimum ROW width granted by the City most recently for this project which limits the number of lots to 74, the property owners propose an SF-R subdivision as depicted as Phase 1 on the accompanying Subdivision Concept Plat. The nature of an SF-R

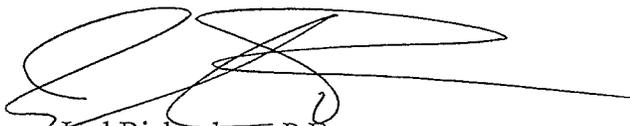
development in conjunction with the narrow, linear nature of the portion of the tract encompassed by the first phase of the site dictate a general development plan consisting of a single roadway (collector identified in the City's Thoroughfare Plan) running centrally through the developable area with additional cul-de-sacs taking access from this roadway. The proposed roadways do not provide adequate frontage to allow all lots to meet the minimum lot width requirements of the LDC.

The site is bounded to the south and west by Sink Creek and the associated Flood Control Structure, making connection of an intersecting street to meet the maximum block length requirements of the LDC for the block created on this side of the proposed collector infeasible. The site's elbow or dog-leg geometry dictates that the central roadway will rotate through a roughly 90 degree curve, resulting in the same property being adjacent to the north and east for the lots created along this side of the roadway. The proposed intersecting streets and associated stub-outs for future connection to adjacent site have been located in a logical manner to promote an orderly access to and development of adjacent sites. However the resulting block lengths along this side of the proposed roadway are in excess of the LDC requirements as well.

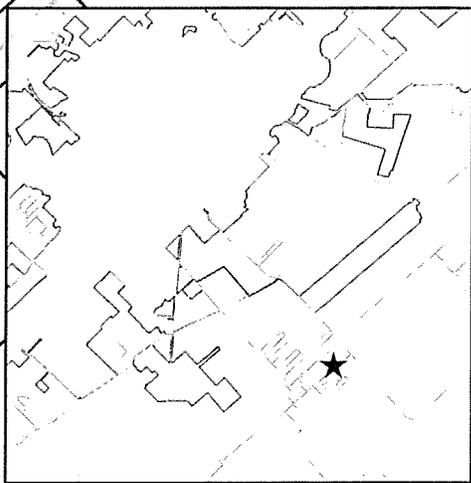
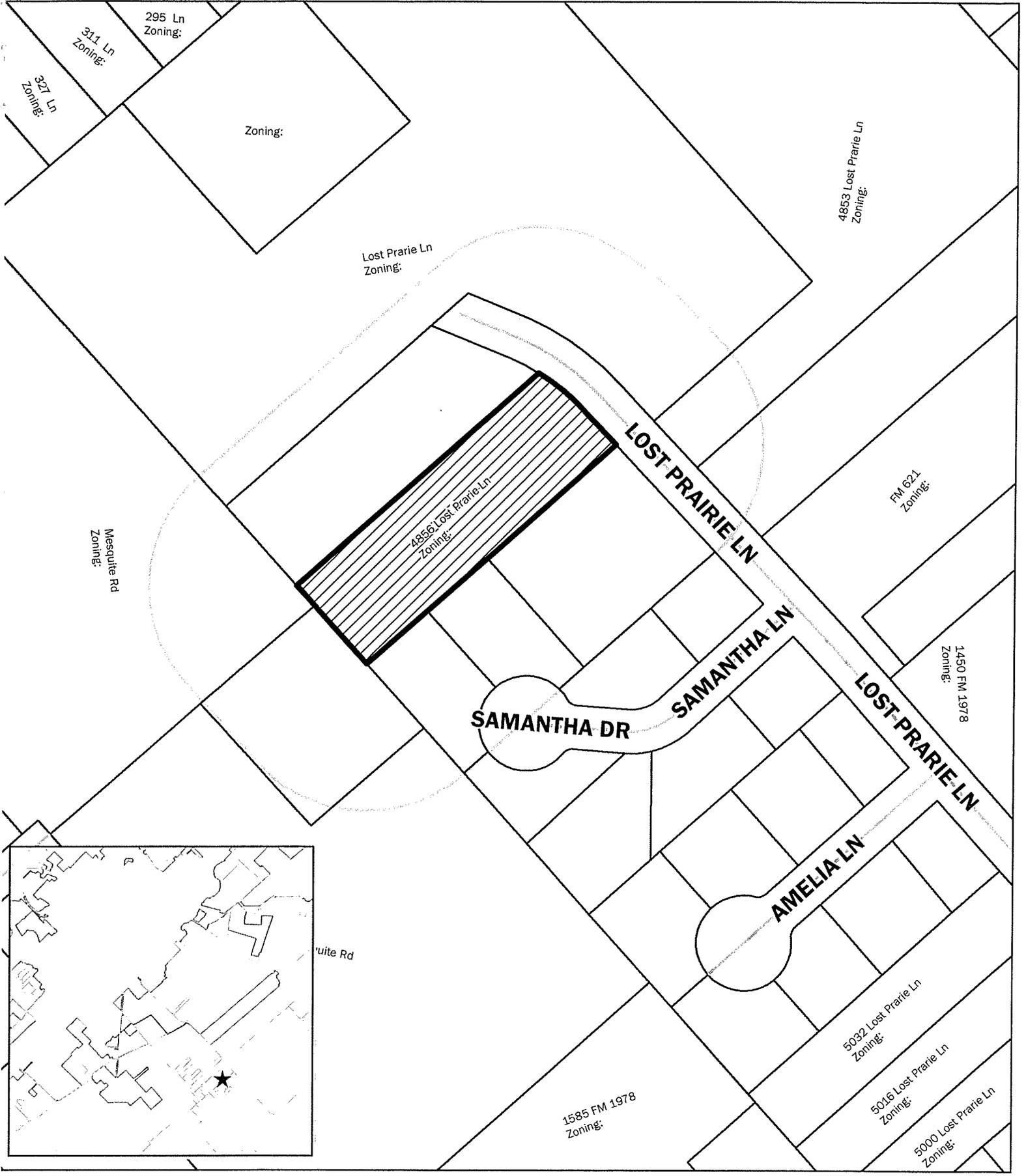
The single available point of access and site geometry dictate a single central roadway as described above. These constraints result in a single outlet roadway with a length in excess of the cul-de-sac requirement of the LDC. Additionally one of the proposed cul-de-sacs taking access from the central roadway exceeds the requirement of the LDC with a length of 560 feet. It should be noted that the central roadway will not be in violation of this LDC stipulation when the future connection to adjacent sites are completed.

Literal application of these requirements would make development of this site as an SF-R subdivision infeasible. Given that the portion of the site for which these variance would apply is already limited to 74 residential lots, we do not feel that granting of this variance would in any way have an adverse impact on public health, safety or general welfare. Further, the "large lot", SF-R nature of the proposed development will limit the impact on the natural environment. The variances requested represents the minimal variance needed to develop the proposed SF-R subdivision given the unique constraints imposed by the subject property. The approval of these requests will facilitate orderly development of other land in the area by providing roadways prescribed by the City's Thoroughfare Plan, namely the residential collector and major arterial (Craddock).

Respectfully submitted,



Joel Richardson, P.E.



PVC-10-06
4848 Lost Prairie Lane
Map Date: 2/9/11

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

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

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Feet

February 17, 2011

Re: Aguilar Variances - Planning and Zoning Meeting

Ms. Abbie Gillfillan
Planning and Zoning Department
City of San Marcos

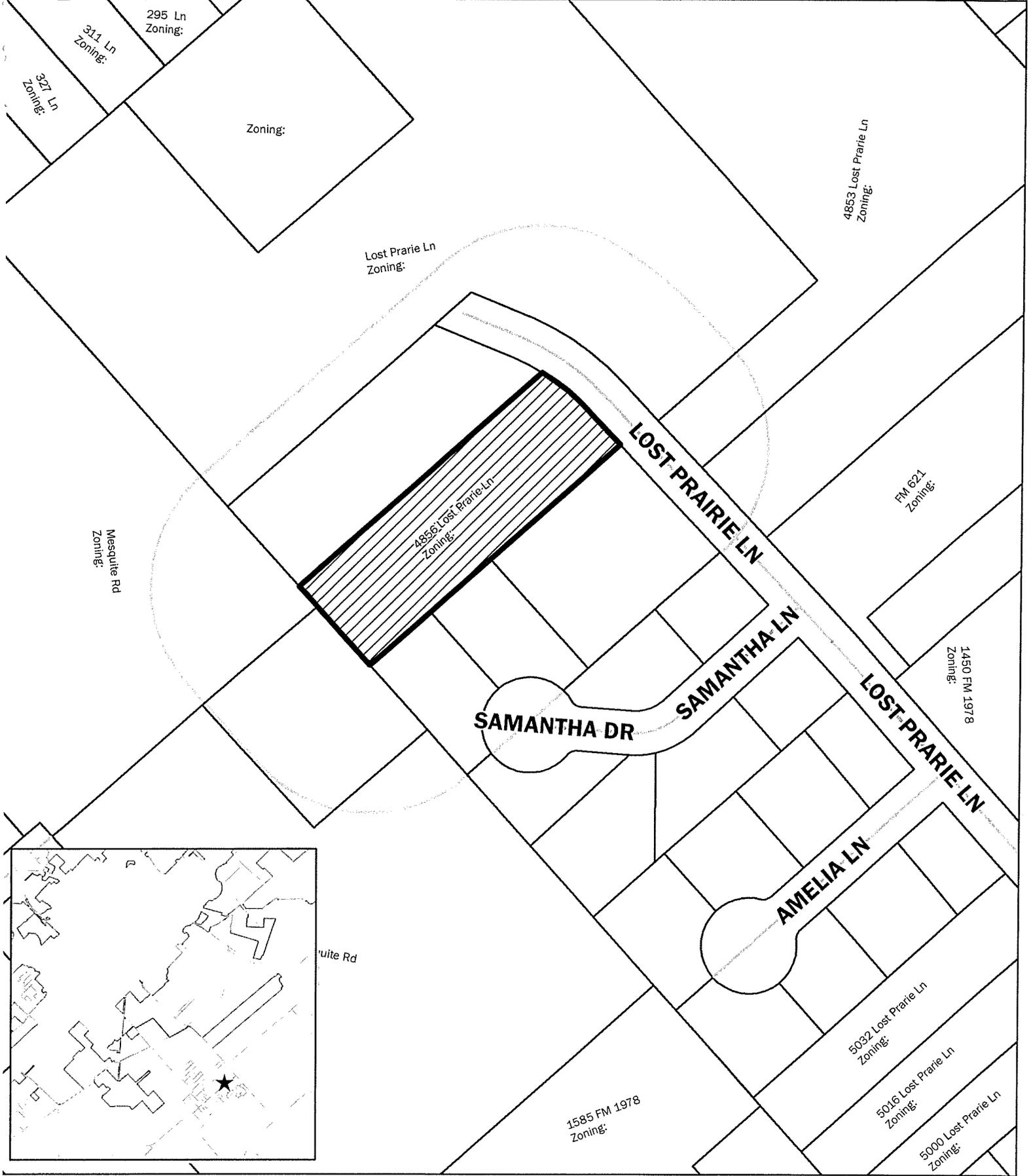
Dear Ms. Gillfillan:

I am writing on behalf of Mr. Martin Aguilar to express our interest in getting a continuance for our meeting before the Planning and Zoning Board. Our meeting is currently scheduled for February 22, 2011. We would like to change the date of our hearing to April 12, 2011. As requested by the Commissioners, we are attempting to explore every possible solution that could help solve this issue. Please let us know if this continuance will be a problem.

Randy Johnson
Student
UT Law Community Development Clinic

Patrick Doll
Student
UT Law Community Development Clinic

Frances Leos-Way
Clinic Supervisor
UT Law Community Development Clinic



PVC-10-05
4848 Lost Prairie Lane
Map Date: 2/9/11

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

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0 85 170 340
 Feet



February 17, 2011

Re: Aguilar Variances - Planning and Zoning Meeting

Ms. Abbie Gillfillan
Planning and Zoning Department
City of San Marcos

Dear Ms. Gillfillan:

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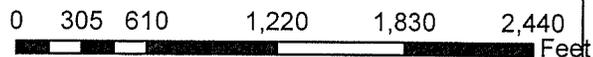
Frances Leos-Way
Clinic Supervisor
UT Law Community Development Clinic



PC-10-14(02)
Buie Tract Subdivision
Phase 1
Map Date: 2/14/11

Legend

-  Parkland Dedication
-  phase1 buie tract



PC-10-14(02) Buie Tract Phase 1 Preliminary Plat



Applicant Information:

Applicant/ Owners' Agent: Ramsey Engineering
3206 Yellowpine Terrace
Austin, Texas 78757

Property Owner: Craddock Avenue Partners, LLC
PO Box 5555
Austin, Texas 78763

Notification: Notification not Required

Type & Name: Preliminary Plat-Phase 1 Buie Tract Subdivision

Subject Property:

Traffic / Transportation: The property reflected within this Preliminary Plat fronts on four existing thoroughfares:

- Craddock Avenue
- Franklin Drive
- Bishop
- Wonder World Drive

While access to Wonder World Drive is restricted, the property will gain the majority of its access off of Craddock Avenue. As required by the City of San Marcos Thoroughfare Plan Phase 2 of the Concept Plan reflects the extension of Bishop (the exact location of the collector will be established at the time of final plat).

Land Use Compatibility: The Preliminary Plat is proposing the development of four phases of development. Phase 1 is zoned MF-12 and MU and is entitled to 453 units.

Utility Availability: The City of San Marcos will provide water and wastewater service and electric services to the site. The developer is proposing to enter into a utility service agreement with the

Case History

- December 2009 - City Council approved a development agreement for the property which addresses annexation and development standards for the site.
- May 4, 2010 - City Council approved MF-12 and Mixed Use zoning for the majority of Phase 1.
- September 15, 2010 - Watershed Protection Plan Phase 1 approved.
- October 19, 2010 - City Council approved Mixed Use zoning for the southwest corner of Craddock Avenue and Bishop.
- January 18, 2010 - The Parks Advisory Board recommended approval of land dedication in the amount of 8 acres located south of Wonder World Drive along with a 10' pedestrian access easement along the 2 creeks reflected on the Concept Plan.
- January 25, 2010- The Planning and Zoning Commission approved the Concept Plan

Planning Department Analysis:

The purpose of a Preliminary Plat is to establish lot design for a subdivision, establish utility layout and street and intersection design. The Preliminary Plat stage ensures that the final plat design, if final platting is accomplished in phases, is consistent with the overall plan for the area. Preliminary plats are not recorded and are not the legal document used for sale of lots, but rather are used to allow for a comprehensive review of the proposed development.

The Phase 1 Preliminary Plat is consistent with the Concept Plat approved for the subdivision. The proposed Preliminary plat identifies 4 sections of development within Phase 1. The first section of this phase of development is Lot 1 Block A. This portion of the subdivision is zoned Multi-Family- 12 and will take access off of Craddock Avenue. The construction of a public lift station along with the extension of utilities is required for this phase of development. The developer is in the process of entering into an oversize utility agreement with the city so that the lift station is sized appropriately for future development. It is also during the first phase of platting that the required open space, identified as Lot 1 Block D and Lot 1 Block E will be dedicated to the City.

The subsequent phases of development are zoned Mixed Use. The portion of the subdivision located between Franklin and Craddock has been identified as phases 3 and 4 and will require public improvements to Franklin Drive, the extension of Columbia Street, and the extension of utilities.

The following criteria shall be used to determine whether the application for a Preliminary Subdivision Plat shall be approved, approved with conditions, or denied, where a Subdivision Concept Plat has been approved for the land subject to the proposed plat:

- (1) The plat conforms to the general layout of the Subdivision Concept Plat and is consistent with the phasing plan approved therein;
- (2) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision and meet applicable standards of Chapters 6 and 7 of this Land Development Code;
- (3) The plat conforms to the approved Watershed Protection Plan (Phase 1); and
- (4) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Tex. Loc. Gov't Code ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
February 8, 2011**

1. Present

Commissioners:

Bill Taylor, Chair
Bucky Couch, Vice-Chair
Sherwood Bishop
Randy Bryan
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

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 8, 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

There were no citizen comments.

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.

Chair Taylor opened the public hearing. Commissioner Kelsey recused himself from the discussion and action on Item #6.

Scott Gregson, 120 W. Hopkins, President of the Downtown Association. He explained that he presided over a meeting of the Downtown Association and the Main Street Advisory Board held the night before. He thanked Sofia Nelson, City Staff for attending the meeting and giving a presentation. In addition, thanked Commissioner Couch for attending the meeting. Mr. Gregson informed the Commission that they have before them a joint recommendation from both the Downtown Association and the Main Street Advisory Board. He stated they do not have a problem with the unrestricted CUPSs increasing from 12 to 14 and the restricted be set at 15. Mr. Gregson explained that they would prefer a new business to begin as a restaurant and not a bar. He pointed out that there are several restaurants downtown that are successful without serving alcohol. Mr. Gregson recommended that a new business begin as a restaurant for one year, at that time they have an option to apply for a conditional use permit to serve alcohol.

Dawna Figol, 333 Pinnacle Pkwy, New Braunfels, TX stated they are property owners in downtown on the square. Ms. Figol explained that they purchased a couple of buildings downtown that needed restoration. She stated that they have put a lot of time, work, effort and money into the buildings. Ms. Figol explained that when they purchased the properties, they were under the original 4 hour rule, then the rule changed and it was very difficult to find tenants that were willing to lease the property under the new rule. She added that all three buildings have been impacted by the 50% rule and have affected the value of the buildings. Ms. Figol explained that they were happy with the four hour rule when they purchased the property. She suggested that the regulations regarding a CUP be invalid once the TABC license has expired for 6 months or the building has been vacant for 6 month is changed to a building permit for 6 months. In addition, regarding the unrestricted license stays with address of buildings and restricted stay with business in place, she prefers to leave the restricted license with the property.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission voted all in favor to approve postpone action on revisions to Section 4.3.4.2 of the Land Development Code to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

7. CUP-11-01 (Low Price Auto Glass) Hold a public hearing and consider a request for a Conditional Use Permit by Saraj Anaem DBA Low Price Auto Glass to allow auto glass replacement and repair, tinting, and alarm installation in a Community Commercial zone at 1802 N IH 35.

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

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Couch the Commission voted all in favor to approve CUP-11-01 with the conditions that no additional auto repair services are allowed on site without a new CUP; property may not be used as a tow yard, vehicle storage, or impoundment; facility shall be landscaped in the front of the property and screened from adjacent residential uses; the applicant shall plat the property; and the site shall meet the LDC requirement for parking. The motion carried unanimously.

8. PVC-10-08 (830 Crest Circle Dr.) Hold a public hearing and consider a request by Karen Moon for a variance to Section 6.7.2.1(j) of the Land Development Code, to allow the platting of a lot that exceeds a lot depth to width ratio of 3 to 1, for a tract of land located at 830 Crest Circle Drive.

Chair Taylor opened the public hearing. Karen Moon, 830 Crest Circle Dr., said that properties in the area do not meet the 3:1 ratio. Ms. Moon added that she feels that she is not setting a precedent because properties in the area have already set a precedent. She thanked the Commission for their time.

Benny Baker, 645 Ridge Drive, San Marcos Texas stated he is the owner of lot 24. He said the bottom line is that she does not meet the requirements. Mr. Baker added that lots were created as 1 acre tracts and feels that granting the variance will set a precedent. He added that if the requirements are not met, he does not want a home on the property.

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

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Seebeck, the Commission voted eight (8) for and one (1) opposed to deny PVC-10-08 with the findings that there are no special circumstances causing the hardship that does not similarly affect all or most properties in the vicinity of the petitioner's land. Addressed in items 1 & 2 of the required variance criteria; the hardship or inequity suffered by the petitioner is causing wholly or in substantial part by the petitioner addressed in item 7 of the required variance criteria; the request is based exclusively on the petitioner's desire for increased financial gain from the property addressed in item 8 of the required variance criteria. The motion carried. Commissioner Seebeck opposed.

9. LUA-10-14 (1311 N. IH 35) A request by ETR Development Consulting for a Future Land Use Map Amendment from Commercial (C) to High Density Residential (HDR) on approximately 2.547 acres, located at 1311 N IH 35.- WITHDRAWN

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop the Commission voted all in favor to all the withdrawal by the applicant of LUA-10-14. The motion carried unanimously.

10. ZC-10-20 (1311 N. IH 35) A request for withdrawal by ETR Development Consulting for a Zoning Change from GC (General Commercial) to MF-24 (Multifamily), on approximately 2.547 acres, located at 1311 N IH 35.-WITHDRAWN

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop the Commission voted all in favor to all the withdrawal by the applicant of ZC-10-20. The motion carried unanimously.

11. LUA-10-15. (The Retreat at San Marcos) Hold a public hearing and consider a request for postponement 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.

12. LUA-10-16. (The Retreat at San Marcos) Hold a public hearing and consider a request for postponement 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.

13. LUA-10-17. (The Retreat at San Marcos) Hold a public hearing and consider a postponement 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.

14. LUA-10-18 (The Retreat at San Marcos) Hold a public hearing and consider a postponement 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.

15. LUA-10-19 (The Retreat at San Marcos) Hold a public hearing and consider a request for postponement 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.

16. ZC-10-21 (The Retreat at San Marcos) Hold a public hearing and consider a request for postponement 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.

17. ZC-10-22 (The Retreat at San Marcos) Hold a public hearing and consider a request for postponement 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.

18. ZC-10-23 (The Retreat at San Marcos) Hold a public hearing and consider a request for postponement 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.

19. PDD-10-02. (The Retreat at San Marcos) Hold a public hearing and discuss 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 approximately 48.36 acre tract located at 508 Craddock Avenue and in the 1500 block of Old Ranch Road 12.

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

Chair Taylor opened the public hearing for LUA-10-15; LUA-10-16; LUA-10-17; LUA-10-18; LUA-10-19; ZC-10-21; ZC-10-22; ZC-10-23; PDD-10-02; and TMA-11-01.

Chair Taylor opened the public hearing. John Williams, Williams and Associates, Athens GA, stated he is representing Retreat Partners. Mr. Williams thanks staff for their time and comments from the Commission. He felt that they are headed in the right direction and stated that it is their intent to submit a revised report before next Tuesday. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Bryan the Commission voted all in favor to postpone LUA-10-15 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck the Commission voted all in favor to postpone LUA-10-16 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck the Commission voted all in favor to postpone LUA-10-17 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Bryan the Commission voted all in favor to postpone LUA-10-18 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Bryan the Commission voted all in favor to postpone LUA-10-19 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck the Commission voted all in favor to postpone ZC-10-21 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Bryan the Commission voted all in favor to postpone ZC-10-22 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck the Commission voted all in favor to postpone ZC-10-23 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck the Commission voted all in favor to postpone PDD-10-02 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck the Commission voted all in favor to postpone TMA-11-01 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

21. ZC-11-01 (Frank's Auto Shop) Hold a public hearing and consider request for postponement 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.

Chair Taylor 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 Wood the Commission voted all in favor to postpone ZC-11-01 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

22. 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.

23. 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 Community Commercial (CC) to General Commercial (GC) for 9.87 acres, more or less, in the J.M. Veramendi Survey Number 2 at Telluride Street.

24. 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 8.38 acres, more or less, in the J.M. Veramendi Survey Number 2 at Telluride Street.

25. 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.

John Foreman advised the Commission that agenda items #22, 23, 24 & 25 were posted incorrectly and therefore the item cannot be heard. Staff recommended that the items be postponed to the February 22, 2011 Planning and Zoning Commission meeting.

Chair Taylor opened the public hearing for LUA-11-01; ZC-11-02; LUA-11-02; and ZC-11-03.

Ray Cortez, 296 Briarwood spoke against the request. He understands a big development company trumps over a small group of homeowners. He felt drainage is a big concern and additional traffic issues will occur with only one outlet. Mr. Cortez suggested that in addition to a six foot fence that trees are left as buffers to the property. He pointed out that the apartment would be 3 stories high and would appreciate privacy once the development has been complete.

Nick Jonkoff, 461 Briarwood, stated he was sorry that the item was postponed. He asked what the vision for the city and end product is when all is said and done. Mr. Jonkoff commented that now we can create something beautiful, we can construct a jewel of a city to live, work and play. He pointed out that our community should include parks, open space, educational facilities. Mr. Jonkoff added that San Marcos development is top heavy with multi-family development. He felt that without raising expectations, San Marcos will have more multifamily development.

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

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop the Commission voted all in favor to postpone ZC-11-01 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop the Commission voted all in favor to postpone LUA-11-01 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop the Commission voted all in favor to postpone LUA-11-02 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop the Commission voted all in favor to postpone ZC-11-03 to the February 22, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

26. PDA-10-02 (C&G Development). Hold a public hearing and consider a request by ETR Development Consulting, on behalf of C&G Development, for a petition for a development agreement for approximately 99.10 acres, out of the TJ Chambers Survey Abstract No. 2 and the John Williams Survey, Abstract No. 490 located at the intersection of Wonder World Drive and Craddock Avenue. Approval of this request would allow the applicant to start negotiations with the City of San Marcos for a development agreement for property located outside the city limits but within the ETJ.

Chair Taylor opened the public hearing. Thomas Rhodes, ETR Development Consulting gave a brief presentation.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Couch the Commission voted eight (8) in favor and one (1) opposed to approve PDA-10-02 with the condition that the permitting of the unpermitted fill work done at 1850 Craddock be done concurrently with the negotiation of the development agreement. The motion carried. Commissioner Bishop voted no.

27. Discussion Items.

Commissioner Seebeck requested that staff look into a solution in the Land Development Code to include language to assist property owners living in the ETJ.

Matthew Lewis advised the Commission that staff is currently working on an Interlocal Agreement with Hays County.

Commissioner Couch commented that he enjoyed the joint City Council and Planning Commission Workshop. He recommended that a meeting with staff, Planning Commissioner and developers of The Retreat prior to the February 22, 2011 Planning and Zoning Commission meeting.

Commissioner Stark asked the Commissioners to view the photos in their packets regarding The Retreat and how the development will be developed.

Commissioner Bishop suggested that staff add history in their staff reports concerning variance requests for property located in the ETJ.

Planning Report

- a. Update on proposed downtown form-based code.

Matthew Lewis thanked the Commission and Council for attending the joint workshop. He added that staff will prepare a draft code and a schedule. Sofia Nelson gave a brief overview of the City Council – Planning & Zoning Commission Workshop held on Wednesday, February 2, 2011.

- b. Planning Commission 2011 retreat

Sofia Nelson informed the Commission that staff is proposing to schedule the retreat during the week from noon til 6:00 p.m. She added that some topics of discussion will include Downtown Code, recap the End of Year Report, the Master Plan Process and the Annexation Plan. Ms. Nelson asked the Commission to submit suggestions to staff.

Commissioners' Report

There was no Commissioners' Report.

28. Questions and answers from the Press and Public.

There were no questions from the public.

29. Adjournment

Chair Taylor adjourned the Planning and Zoning Commission at 8:53 p.m. on Tuesday, February 8, 2011.

Bill Taylor, Chair

Bucky Couch, Vice Chair

Jim Stark, Commissioner

Travis Kelsey, Commissioner

Chris Wood, Commissioner

Randy Bryan, Commissioner

Kenneth Ehlers, Commissioner

Sherwood Bishop, Commissioner

Curtis Seebeck, Commissioner

ATTEST:

Francis Serna, Recording Secretary