



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

Tuesday, January 25, 2011, 6:00 p.m.  
City Hall Council Chambers  
630 E. Hopkins Street

*Sherwood Bishop, Chair*  
*Bill Taylor, Vice-Chair*  
*Randy Bryan, Commissioner*  
*Bucky Couch, 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. **Election of Officers:**
  - a. **Chair**
  - b. **Vice-Chair**
4. **Chairperson's Opening Remarks.**
5. ***NOTE:*** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
6. **Citizen Comment Period.**
7. **2010 End of the Year Planning and Zoning Commission Report.**
8. **CUP-10-35 (Cheatham St. Warehouse)** Hold a public hearing and consider a request for a Conditional Use Permit by CSW Management, LLC to allow the on-premise consumption of mixed beverages at 119 Cheatham St.
9. **CUP-10-36 (Aloha Taxi)** Hold a public hearing and consider a request for a Conditional Use Permit by William Kennon, on behalf of Refugio Rodriguez Jr., to allow a taxi/limousine service at 415 Staples.
10. **PC-10-14(01a) (Buie Tract)** Hold a public hearing and consider a request by Craddock Avenue Partners for approval of a concept plat for approximately 153.15 acres of property located at 1314 Franklin Dr and west of Craddock Avenue.

11. **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.
12. **LUA-10-15. (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 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.
13. **LUA-10-16. (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 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.
14. **LUA-10-17. (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 Future Land Use Map Amendment from Open Space (OS) to Medium Density Residential (MDR) for three tracts of land located at 508 Craddock Avenue.
15. **LUA-10-18 (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 Future Land Use Map Amendment from Commercial (C) to Medium Density Residential (MDR) for a tract of land located at 508 Craddock Avenue.
16. **LUA-10-19 (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 Future Land Use Map Amendment from Open Space (OS) to Commercial (C) for a tract of land located at 508 Craddock Avenue.
17. **ZC-10-21 (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 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.
18. **ZC-10-22 (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 Zoning Change from Single Family Residential (SF-6) to Community Commercial (CC) 2.75 acre tract located at 508 Craddock Avenue.
19. **ZC-10-23 (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 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.
20. **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.
21. **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**
22. **Discussion Items.**

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

**Planning Report**

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

**Commissioners' Report.**

- 23.** Consider approval of the minutes from the Regular Meeting on January 11, 2011.
- 24.** Questions from the Press and Public.
- 25.** Adjourn.

*Notice of Assistance at the Public Meetings:*

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

## **2010 Planning and Zoning Commission**

### **End of the Year Report**

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The end of the year report is a look back at 2010 and the work of the Planning and Zoning Commission. While the report captures the number of meetings, types of cases, and training sessions the Planning and Zoning Commission attended, the true intention of the report is to move beyond each case and review the effect they have had on the city as a whole. This report will analyze the following:

- Cases reviewed by the Planning and Zoning Commission
- Review of the 2010 work plan including current and long range planning initiatives and trainings attended
- Development trends that are unfolding in San Marcos
- Goals the Planning and Zoning Commission set at the February 2010 P&Z retreat.

## A Quick Glimpse Back At 2010

- **Number of Planning and Zoning Commission Meetings:** 19 meetings
- **Cases:**
  - Subdivision Plat Cases: 23
  - Conditional Use Cases: 32
    - General Conditional Use Permits: 18
    - TABC Conditional Use Permits: 14
  - Plat Variance cases: 7
  - Land Use Amendments: 13
  - Zoning Cases: 16
    - PDD cases: 2
  - Street Name Changes: 2
  - Qualified Watershed Protection Plan: 2
- **Annexations:** 947.43 acres
- **Commissioners:** Commissioner Shy and Commissioner Prather stepped down from the Planning and Zoning Commission and were replaced by Commissioner Kelsey and Commission Ehlers.
- **Training Sessions Attended:**
  - Yearly Planning and Zoning Commission Retreat (February 2010)
  - State APA Conference (October 2010)
  - SmartCode Training (Summer of 2010)

## Zoning

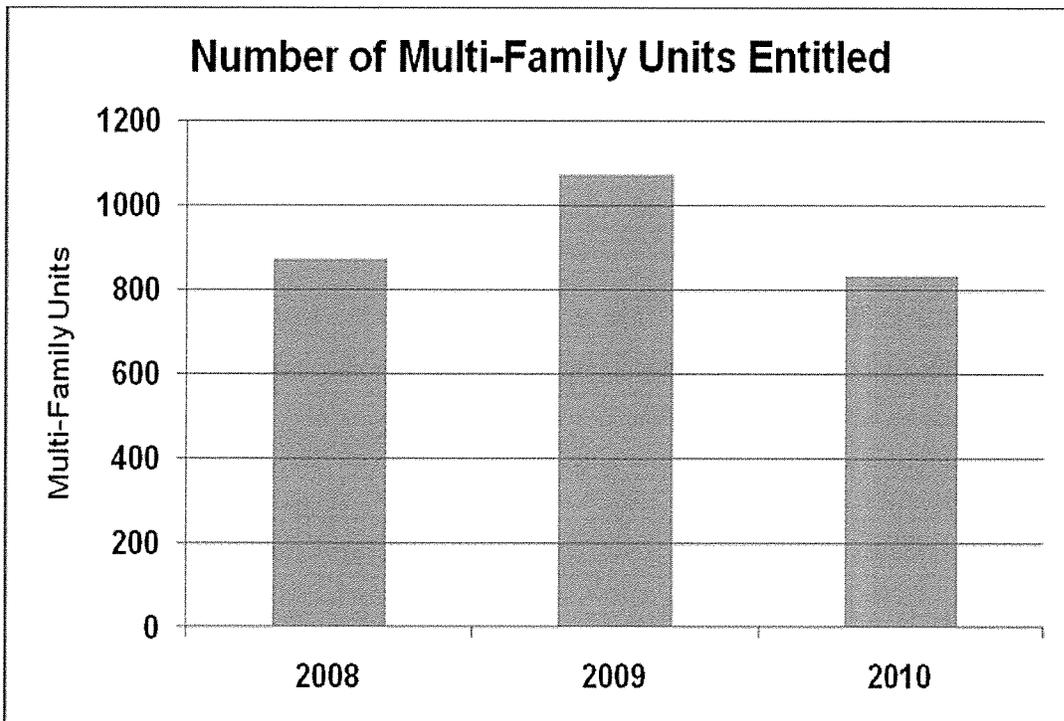
As identified in the “Quick Glimpse” section of the report, the Planning and Zoning Commission has made recommendations on 13 land use map amendments, 16 zoning cases and 2 Planned Development Districts resulting in the following:

- 49.149 acres of new commercial property
- 64 acres of multi-family property
- 1293.38 acres of mixed use property (*1278 acres of the property rezoned to mixed use is a result of the Paso Robles development*)
- 5.87 acres of single family property
- 832 new multi-family units
- 26 new single family units
- 3,450 new residential units (*This number reflects the Paso Robles development and could be a combination of multi-family, single family or two family units*)

While the location of the multi-family requests has not been concentrated in a specific sector of town, Sector 2 saw the largest increase in multi-family units with the rezoning of the Buie Tract (from single family residential and unzoned to MF-12, creating 453 multi-family units). Since 2008, 2774 multi-family units have been entitled through the rezoning process. With the increase in multi-family development, staff has seen a shift from construction of 1, 2, or 3 bedroom apartments, being rented out as one unit, to the construction of 3, 4, and sometimes 5 bedroom apartments with each bedroom rented out separately. As

this trend has progressed three significant issues have emerged:

- There is a significant lack of multi-family development that is geared toward young professionals, couples, and the aging population.
- Multi-family development is continuing to locate in areas where multi-family is already established resulting in dozens of acres of exclusively multi-family development and areas where the option of walking to daily necessities is nonexistent.
- Bedrooms are being leased out separately rather than by the apartment unit and as a result, the definition of a unit and the calculation of density needs to be reviewed.



As identified in the "Quick Glimpse" section of the report the Paso Robles Development entitled 3,450 new residential units through the use of PDD with a base zoning of Mixed Use. The development of the subdivision was allowed a combination of multi-family, single family, two family units or it could be exclusively one of the three uses. In the case of both Paso Robles and the Blanco Vista Subdivision Concept Plan amendment, the Commission discussed the importance of providing the community with a high degree of predictability of how land within the community will be developed.

Due to the lack of new residential subdivisions both the number of single family residential rezonings and residential subdivision plats have not been substantial. Staff has seen increased interest in infill development. While there are a few young builders in the community that have been creative and have done a good job of building on these smaller infill lots, the majority of these cases do not proceed due to need for variances to the zoning requirements such as to lot size, setbacks, lot depth, etc.

### **Conditional Use Permits**

As in previous years, the conditional use permits have made up nearly a one-third of the cases the Planning and Zoning Commission has reviewed. Of the 32 conditional use permit cases the Commission reviewed, 14 were TABC conditional use permits and 18 were general conditional use permits.

## **Building Report**

The following is a breakdown in the building permit valuation, new commercial square footage permitted and new multi-family units permitted. The most significant change from 2009 is the number of new multi-family units permitted.

	<b>Total Value of Building Permits Issued</b>	<b>Infill Permits Issued</b>	<b>New Commercial Square Footage</b>	<b>New Multi-Family Units Permitted</b>	<b>Single-Family Residence Building Permits</b>
<b>2009</b>	\$100,359,676	13	474,092	458	158
<b>2010</b>	\$175,759,417	11	237,753	1,141	153

## Work Program Accomplishments

At the beginning of each year the Planning and Zoning Commission establishes goals and a work program that includes current and long range projects for the year. The following is a summary of the work program accomplishments and review of the 2010 goals:

- A 5 year annexation plan is underway and is anticipated to be ready for the Planning and Zoning Commission review by May.
- The Planning and Zoning Commission adopted the ITE Context Sensitive Design Solutions Manual and updated the Thoroughfare Plan to include the extension of Leah Avenue.
- A 4 day form-based code charette was held in April along with dozens of public meetings throughout the year. A draft version of a form-based code has been put together and a successful outreach program was completed in December.
- The Planning and Zoning Commission continued to refine the Land Development Code with revisions to the land use matrix, maximum building height, landscape requirements, off-street parking standards, noise ordinance and sidewalk requirements.
- Adoption of an Adult Oriented Businesses (AOB) Ordinance.
- The Planning and Zoning Commission celebrated Community Planning Month by hosting an open house, a proclamation by the Mayor, a form base code webinar, and the *1<sup>st</sup> Annual My Favorite Place in San Marcos Art Contest*.
- Continued participation in regional planning efforts such as:
  - Envision Central Texas- Greenprint for Growth initiative

- Capital Area Metropolitan Planning Organization
- Congress for New Urbanism- Central Texas Chapter
- American Planning Association- Central Texas Chapter

One of the reasons for taking a look back at 2010 is to keep the goals established at the Planning and Zoning Commission retreat active. The following is a list of the goals established last February and a look back at how they were accomplished or how we can continue to work towards them:

- Pull people into downtown from the outlet mall
  - *Two trolleys have been purchased by the City with the intention of getting people from the outlet mall, and Embassy Suites to downtown San Marcos.*
- Create a variety of housing types
  - *Accomplishing this goal can seem challenging when the majority of the requests for housing are multi-family requests. Not that a multi-family product can't aid in the diversity, however the student housing currently being developed will not fill that void. There are two ways of accomplishing this goal. The first way is to review the ordinances in place and analyze what is standing in the way of getting the housing products that are absent from San Marcos. The second strategy is utilizing requests for PDDs to get a superior housing product compared to what we have in place. The requirements of the PDD should be very detailed and specific to assure a predicable product.*
- Reduce "brain drain"
  - *Reducing brain drain requires not only the creation of jobs but also the creation of housing for young professionals. The San Marcos housing options currently in place are significantly limited with respect to type of residential unit, location, and availability of non-student multi-family.*
- Discourage segregation of students from the rest of the community
  - *This continues to be a challenging goal. Throughout the year we have discussed the notion of complete neighborhoods. Neighborhoods that have a mixture of land uses that not only include access to your daily needs within walking distance but also contain housing for the different stages of one's life. Creating a mixture of housing does not require*

*multi-family to be next to single family and does not require the creation of a 200' buffer to segregate the uses. It does however require appropriate transitions between uses rather than segregation of uses. Establishing multi-family standards development standards is also another way of ensuring a smoother transition between uses.*

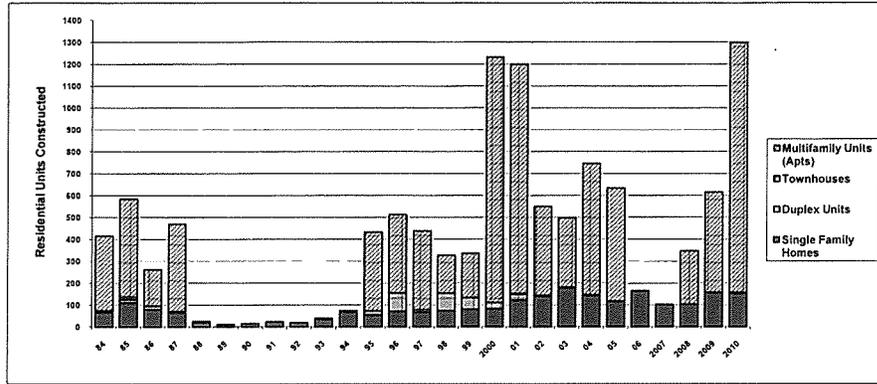
- Encourage infill
  - *The proposed SmartCode is a step towards fulfilling this goal. However, single family areas adjacent to the SmartCode study area present countless opportunities for infill development but cannot meet the requirements of the Land Development Code. Reviewing the development standards to allow the opportunity for the redevelopment of these lots would be a significant step towards accomplishing this goal. Additionally, the City continues to offer infill incentives for infill housing sold at or below \$106,000.00*
  
- Encourage dense development downtown
  - *The adoption of the SmartCode is a significant step towards creating a dense downtown. Also, analyzing the standards in place for areas adjacent to the SmartCode areas to allow infill development is another way for encourage a dense development of downtown. Additionally, incorporating CIP projects into the annual CIP plan that provide for adequate utilities and address infrastructure constraints to support a more dense downtown is essential.*
  
- Appoint a student liaison to the Planning and Zoning Commission
  - *Staff will start soliciting resumes for the Planning and Zoning Commission's review.*
  
- Protecting and enhancing gateways
  - *Protecting and enhancing gateways can be done through a variety of ways. One way of enhancing the major gateways into our community is through enhanced development standards that include signage, location of utilities, and landscaping. Current code provisions don't promote this to the level they could be enhanced.*



## Residential Units Constructed in San Marcos 1982 to Present

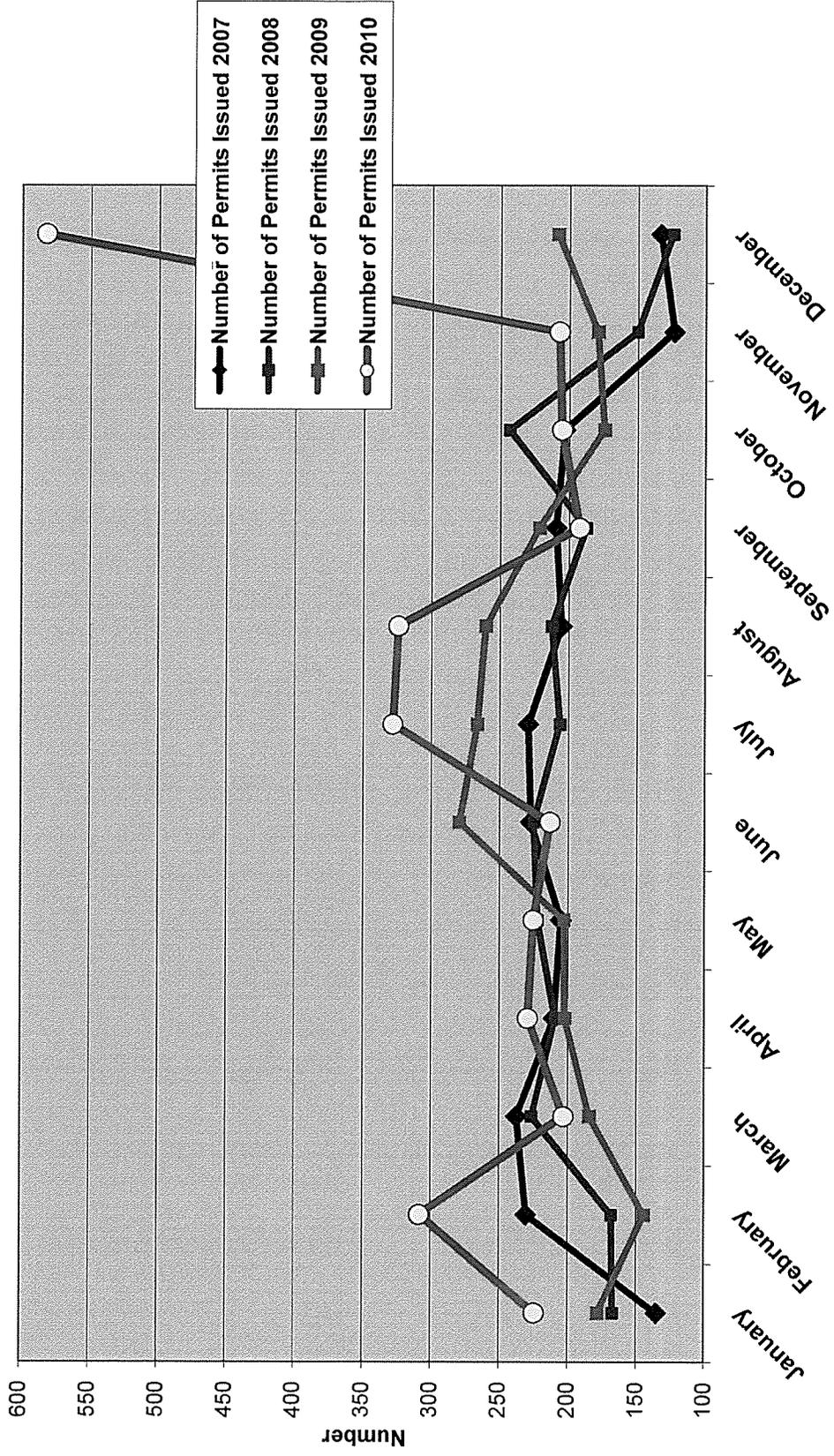
Type of Residential Units	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	2000	01	02	03	04	05	06	2007	2008	2009	2010
Single Family Homes	45	76	66	111	79	65	20	11	15	24	20	34	68	55	71	68	74	60	83	122	140	177	144	118	165	103	104	157	153
Duplex Units	2	47	8	14	16	4	6	0	0	0	0	6	6	18	84	10	80	54	28	26	4	0	0	0	0	0	0	0	0
Townhouses	0	27	1	13	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	4	3	0	0	0	0	0	4
Multifamily Units (Apts)	422	1054	341	447	166	399	0	0	0	0	0	0	0	360	358	361	173	202	1121	1047	408	318	600	515	0	0	244	458	1141
<b>Total units by year:</b>	<b>469</b>	<b>1204</b>	<b>416</b>	<b>585</b>	<b>242</b>	<b>470</b>	<b>26</b>	<b>11</b>	<b>15</b>	<b>24</b>	<b>20</b>	<b>40</b>	<b>74</b>	<b>432</b>	<b>513</b>	<b>429</b>	<b>327</b>	<b>336</b>	<b>1232</b>	<b>1290</b>	<b>559</b>	<b>499</b>	<b>747</b>	<b>634</b>	<b>165</b>	<b>103</b>	<b>348</b>	<b>615</b>	<b>1298</b>

Active in December  
Cottonwood Creek  
Aspen Heights



Note: Residential starts include only units permitted within the city limits. For a total picture of the San Marcos area housing starts, these totals must be combined with Hays County information

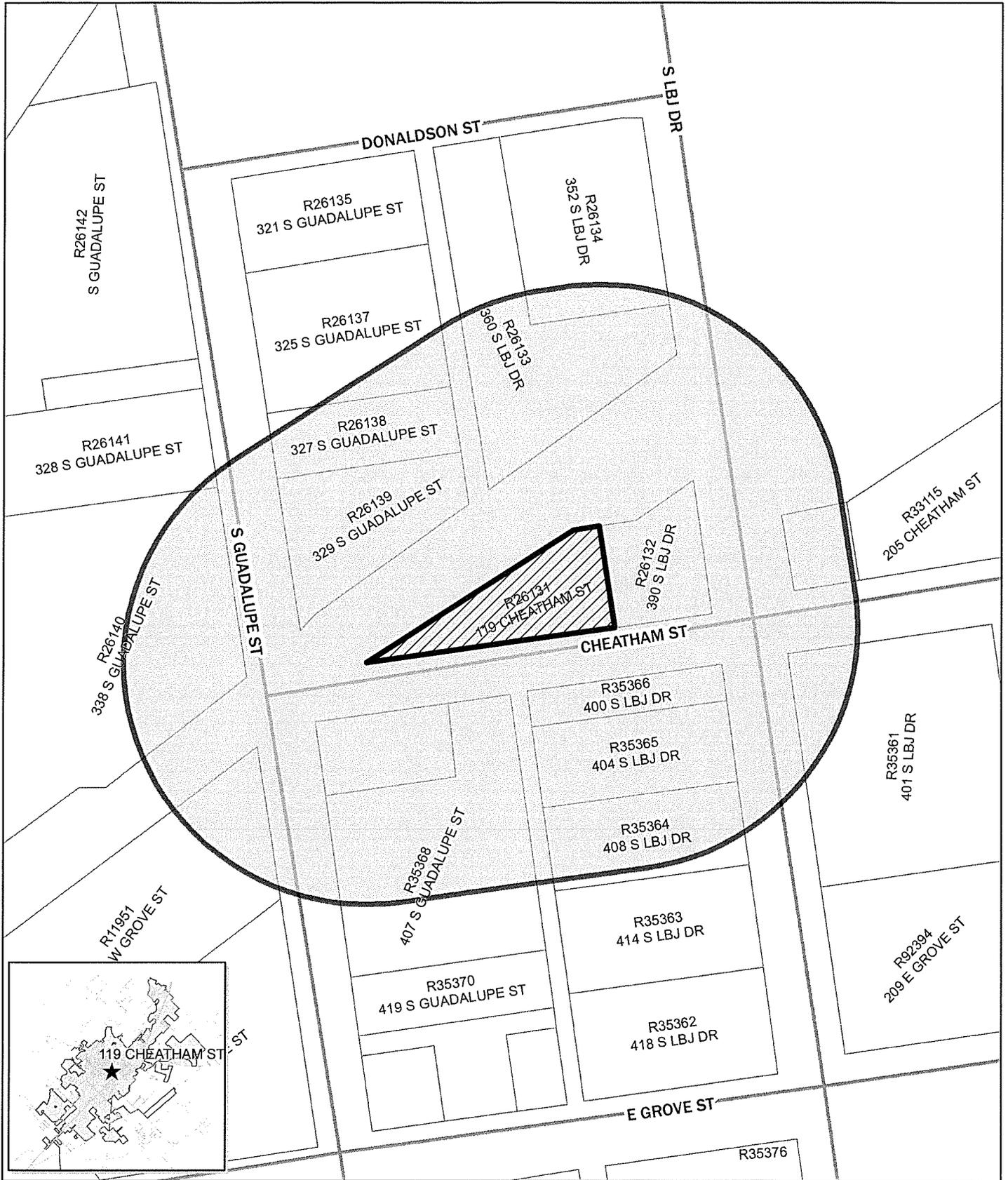
Number of CoSM Permits Issued 2007 to 2010



# Permit Center Monthly Report for December 2010

	2010	2010 Year To Date	2009	2009 Year To Date
Building Plans In for Review	31	352	23	331
Construction Permits issued	582	3,250	208	2,498
Total Value of Building Permits Issued	\$26,178,504	\$175,759,414	\$8,160,704	\$ 100,359,676
Site Plans In for Review	2	28	1	43
Site Plans Issued	1	22	1	50
Number of Inspections	2,929	26,001	918	15,939
Daily Inspections Average	146	108	46	64
Daily Inspections Highest Number On Date:	236 (Dec 14 <sup>th</sup> )	339 (Nov 12 <sup>th</sup> )	131 (Dec 15 <sup>th</sup> )	320 (July 23 <sup>rd</sup> )
Walk in Customers	389	5,620	427	5,473
Sign Permits Issued	8	74	11	99
New Single Family Residences	4	153	21	158
New Duplexes	0	0	0	0
New Town homes	0	4	0	0
New Multifamily Units (Apts)	212	1,141	0	458
Remodel Commercial Square Footage Total	15,198	263,145	18,700	195,424
New Commercial Square Footage Total	0	237,753	36,436	474,092
Residential Remodel Permits	1	54	2	72
Infill Houses	0	11	2	13

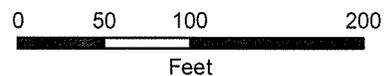
Significant New Projects for the Month:  
Aspen Heights Multifamily Development



**CUP-10-35**  
**119 Cheatham St.**  
**Map Date: 1/06/11**

-  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-10-35

## Conditional Use Permit

### Cheatham Street Warehouse

### 119 Cheatham Street



**Applicant Information:**

**Applicant:** CSW Management LLC  
**Mailing Address:** 119 Cheatham Street  
 San Marcos TX 78666

**Property Owner:** Cheatham Street Music Foundation  
 119 Cheatham Street  
 San Marcos TX 78667

**Applicant Request:** A Conditional Use Permit to allow the sale and on-premise consumption of mixed beverages at a music venue located at 119 Cheatham Street in San Marcos.

**Public Hearing Notice:** Public hearing notification was mailed on January 14, 2010. A list of notified property owners is attached.

**Subject Property:**

**Location:** 119 Cheatham Street

**Legal Description:** B F DONALDSON 24-63 LOT PT OF 1 & 10 BLK 1

**Frontage On:** Cheatham Street

**Existing Zoning:** "CC" Community Commercial

**Sector:** Sector 4

**Utilities:** Adequate

**Existing Use of Property:** Live Music Venue

**Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of property</b>	<b>GC – General Commercial CC – Community Commercial</b>	<b>Commercial</b>
<b>S of property</b>	<b>CC – Community Commercial</b>	<b>Commercial</b>
<b>E of property</b>	<b>CC – Community Commercial</b>	<b>Commercial</b>
<b>W of property</b>	<b>GC – General Commercial</b>	<b>Commercial</b>

**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 Cheatham Street just south of the railroad tracks. The applicant is requesting to change from a beer and wine permit to a mixed beverage permit. Also, the permit holder is changing from a sole proprietor to an LLC. Business hours are from 3:00 p.m. to 2:00 a.m., and the establishment features live music. Except for the addition of liquor sales, no changes to operations, building, or site improvements are proposed with this request.

**Comments from Other Departments:**

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

**Planning Department Analysis:**

This location has maintained a CUP (previously an SUP) for on-premise consumption for a number of years. In 1999, the SUP was modified at the applicant's request to allow only beer and wine because he wanted the location to be more family-friendly. Staff feels that the request to again allow mixed beverages is acceptable since there is no physical or operational expansion proposed, which could negatively impact surrounding properties.

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

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

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

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**

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

**Commission's Responsibility:**

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

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

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

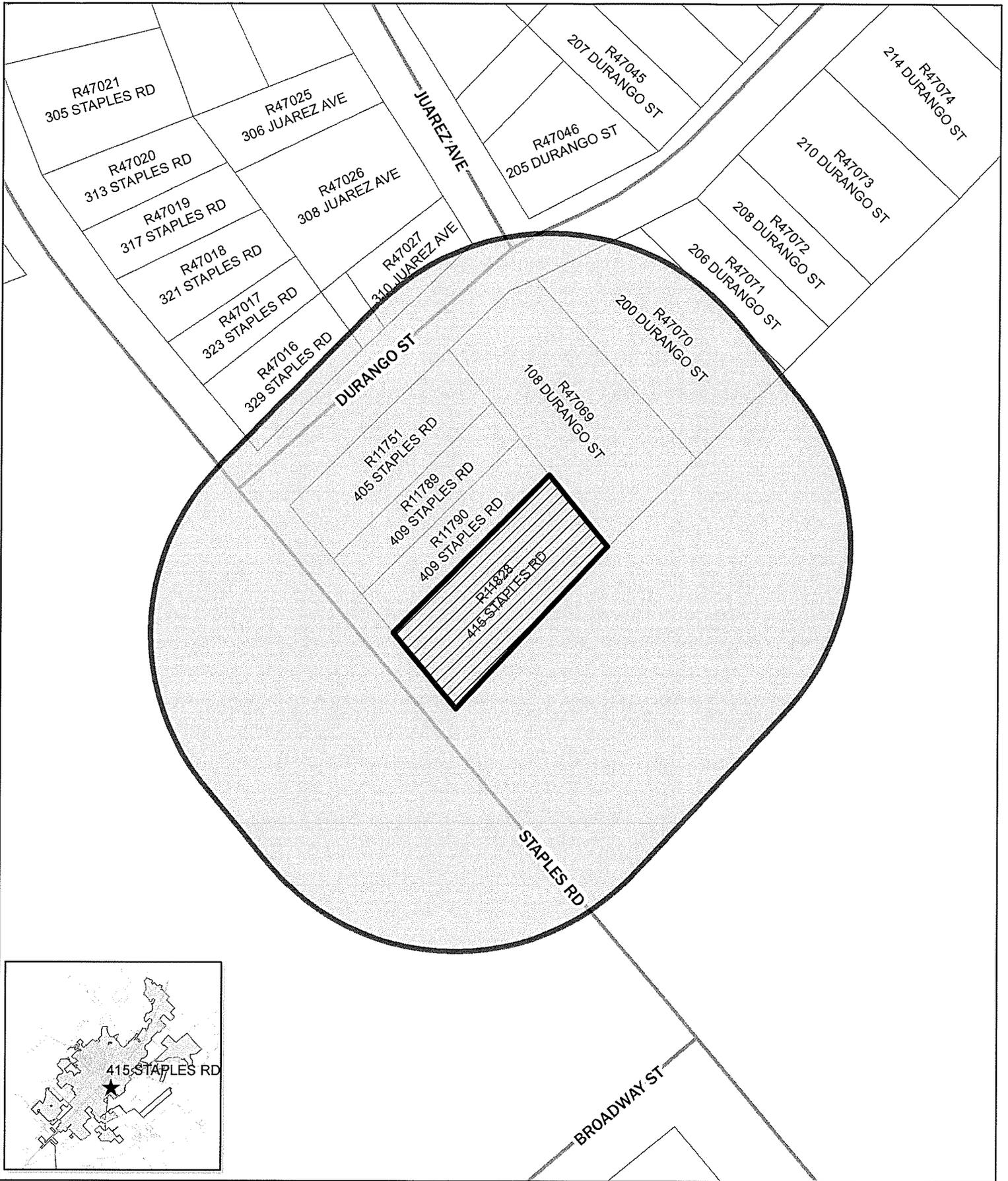
Prepared by:  
John Foreman

Planner

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Name

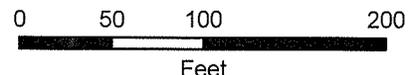
Title



**CUP-10-36**  
**415 Staples Rd.**  
**Map Date: 1/06/11**

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

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# City of San Marcos CONDITIONAL USE PERMIT APPLICATION - GENERAL

<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name: <u>William H Kennon</u>	<u>Refugio Rodriguez, Jr.</u>
Mailing Address: <u>2020 H. Harvard Rd.</u> <u>San Marcos TX 78666</u>	_____
Telephone No.: <u>808-371-1061</u>	_____
E-mail address: <u>AlohaTaxi@yahoo.com</u>	_____

mixed use

Property Address: 415 Staples Rd.  
 Legal Description (if platted): Lot 1 Block 12 Subdivision \_\_\_\_\_  
 Tax ID Number: ABS 17-1 TR 135 102-63 Zoning District: Multi-Use/Conditional

R11828

**PROPOSED USE**  
 Brief description of Proposed Use (attach separate page if needed): This property will be used as a taxi cab base station.  
We will be open Monday - Thursday 7:00am - 3am  
Friday & Saturday - 24 Hrs

I certify that the information in this application is complete and accurate. I understand that I or another representative should be present at all meetings concerning this application.

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

Signature of Applicant: \_\_\_\_\_ Date: 12-20-10

**To be completed by Staff:**

Meeting Date: <u>1/25/2010</u>	Application Deadline: <u>12/28/2010</u>
Accepted by: <u>John F</u>	Date: <u>12/28/2010</u>

2010 DEC 28 PM 2:34

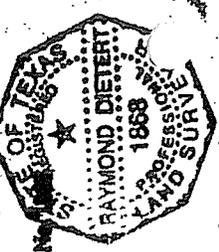
Plat Showing 0.3166 of an acre of land called 0.38 of an acre conveyance recorded in Volume 246, Page 485, Deed Records, J. M. Veramendi Survey, Abstract No. 17, City of San Marcos, Hays County, Texas According to FIRM 48209C0231 E Dated Feb. 18, 1998 this site is not located in a flood zone.

Adjacent Residence

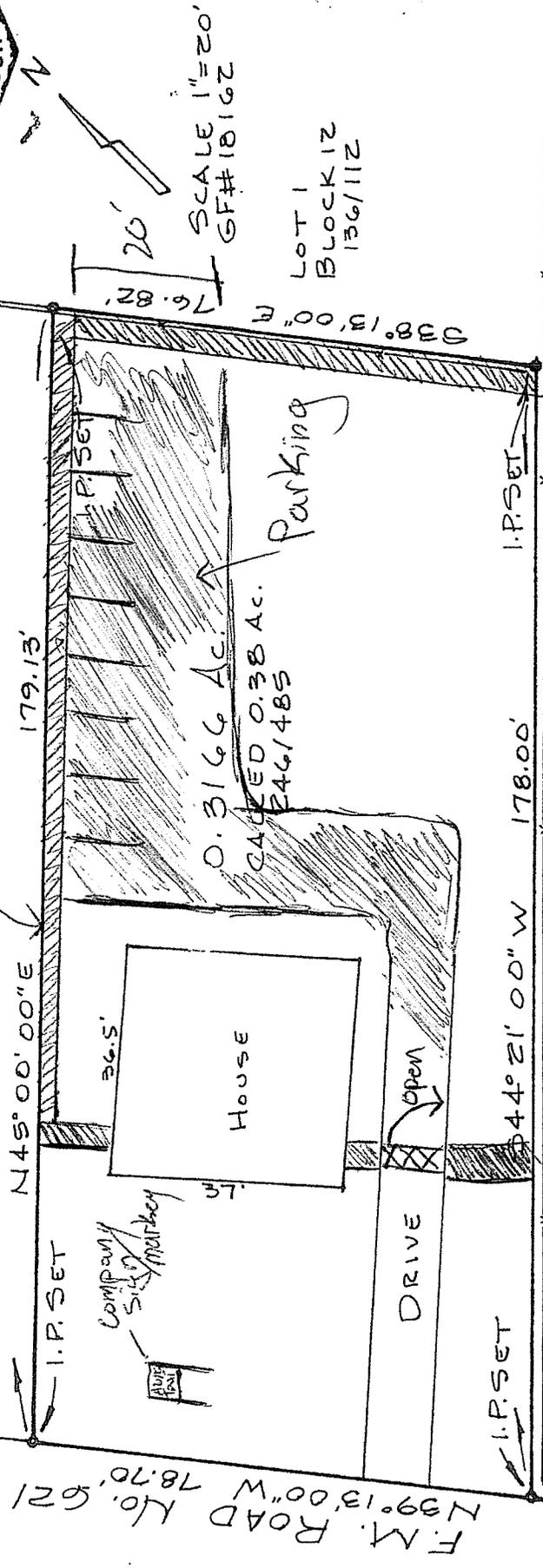
Proposed Changes

I, do hereby certify that the plat shows herein accurately represents the results of an on the ground survey made under my direction and supervision in 5/07 and all corners are as shown herein. There are no encroachments, conflicts or prohibitions apparent on the ground except as shown.

Raymond Dietert  
 Registered Professional Land Surveyor, No. 11482  
 P.O. Box 1253  
 Luling, Texas 78648  
 830-675-9592 Fax 830-675-3388



0.331 A.C.  
 250/825  
 = Privacy Fence  
 = Gate  
 = Paved Parking



Buyer: Steve Gawlik and Roger Steifer  
 Address: 415 Staples Road

135/414

Fish Hatchery

The undersigned hereby acknowledge that the survey has been reviewed and accepted.

Raymond Dietert  
 Surveyor  
 Date: May 16, 2007

# CUP-10-36

## Conditional Use Permit

### Aloha Taxi

### 415 Staples Road



**Applicant Information:**

**Applicant:** William H. Kennon  
**Mailing Address:** 2020 Hilliard Rd.  
 San Marcos TX 78666

**Property Owner:** Refugio Rodriguez, Jr.  
 415 Staples Rd.  
 San Marcos TX 78666

**Applicant Request:** A Conditional Use Permit to allow the tract of land at 415 Staples Road to be used as the base station for a limousine/taxi service.

**Subject Property:**

**Location:** 415 Staples Road

**Legal Description:** Lot 1 Block 12

**Frontage On:** Staples Road

**Existing Zoning:** "MU" Mixed Use

**Sector:** Sector 5

**Existing Use of Property:** Single-Family Residence

**Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of property</b>	<b>SF-6</b>	<b>Single-family Residences</b>
<b>S of property</b>	<b>Public and Institutional</b>	<b>SMCISD offices- former Bowie Elementary</b>
<b>E of property</b>	<b>Future Development</b>	
<b>W of property</b>	<b>Mixed Use</b>	<b>Single Family Residences</b>

**Code Requirements:**

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

**Case Summary**

The site is zoned Mixed Use and appears to be previously used as a single family residence. The applicant is requesting a conditional use permit to allow a taxi service on a Mixed Use zoned property.

**Planning Department Analysis:**

The subject property is located on a major arterial road and acts as a gateway into San Marcos. While the majority of the property along Staples Road is zoned Mixed Use the uses on this segment of road primarily include single family homes and SMCISD schools/ offices. As Staples Road approaches the intersection of HWY 123 there is a small grocery store and a convenience store, along with an office/retail center that takes access off of Hwy 123.

The applicant has identified his hours of operation from Monday - Thursday from 7:00 am to 3 am and on Friday and Saturday 24 hours a day. Additionally, he has indicated that currently he has 3 taxis but is eventually hoping to increase his fleet. In the proposed site plan the applicant has indicated that the existing house would be used as an office and there would be a paved driveway leading to a paved parking lot, located in the rear of the property, with approximately 9 spaces.

The Land Development Code identifies the purpose of Mixed Use zoning on tracts of one acre or less to permit small scale mixed use buildings that have residential units above retail or office uses, especially on existing residential use properties. It is not the purpose of this zoning district to permit or encourage properties used for single-family residences to be converted to exclusively commercial or multi-family use. Furthermore the Sector Plan for this area calls for "neighborhood friendly" development mitigating negative impacts of higher intensity uses and compatible infill development and redevelopment along major thoroughfares. Due to the higher intensity uses along HWY 123 the Mixed Use zoned property along Staples Road is intended to act as a transition into the single family residential neighborhood to the north.

**Staff has reviewed the request and recommending DENIAL for the following reasons:**

- Because the property is intended to act as a transition from the commercial corridor along HWY 123 and the residential neighborhood to the north the proposed use at the specified location is not consistent with the policies embodied in the adopted Sector Plans.
- The proposed use is not consistent with the general purpose and intent of the Mixed Use Zoning District.

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

**Commission's Responsibility:**

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

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

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

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

List of Attachments:

- Application
- Site Plan

Prepared by:  
Sofia Nelson

---

Name  
Senior Planner

---

Title

PC-10-14(01a)  
Buie Tract Subdivision Concept Plan



**Legend**

 Buie Tract

# Concept Plan PC-10-14(01a) Buie Tract



## Applicant Information:

**Agent:** Steve Ramsey  
Ramsey Engineering  
3206 Yellow Pine Terrace  
Austin, Texas

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

**Notification:** **Notification not required**

**Type & Name of  
Subdivision:** Buie Tract Concept Plan (first stage in platting)

## Subject Property:

**Traffic / Transportation:** The property reflected within this Concept Plan 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 Concept Plan is proposing the development of three phases of development.

- Phase 1- is zoned MF-12 and MU and is entitled to 453 units.
- Phase 2- is currently located outside the city limits and has a future land use designation of very low density.
- Phase 3- is currently located outside the city limits and has a future land use designation of very low density. The development agreement for the property limit's the development of this phase to 4 units.

The property is zoned in accordance with the land uses indicated on the proposed Concept Plan for this subdivision.

**Utility Capacity:**

The City of San Marcos will provide water and wastewater service and electric services to the site.

**Project Summary:**

The following is a case history of prior approvals and recommendations:

- 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.

**Planning Analysis:**

The Concept Plan stage is the first stage in platting and is specifically required when a property is proposed to be developed in phases, as this one is proposing. The purpose of a Subdivision Concept Plan is to delineate the sequence and timing of a development within a proposed subdivision. It is also used to determine compliance with the City Master Plans and the availability and capacity of public utilities needed not only for the proposed subdivision but for the surrounding service area as well.

The subject property is located over the Edwards Aquifer Recharge Zone and as a result the property is limited to 20% impervious cover. 30.63 acres is the permitted project impervious cover and may be clustered into Phase 1 of the project with any remaining permitted project impervious cover being allocated to Phase 3 (the impervious cover for phase 3 shall not exceed 6% of the Phase 3 area). As identified on the Concept Plan the subject property is encumbered with numerous recharge features that are required to be protected through buffers and other measures identified by both TCEQ and the City of San Marcos.

The proposed parkland dedication for the Buie Tract will not only expand the boundaries of Purgatory Park but will also allow for a continuous park trail starting in Purgatory Park and extending through the Buie Tract, Franklin Square Park, Castle Forest Subdivision and onto Craddock Avenue. The continuation of this trail is a significant step towards accomplishing the Parks Master Plan goal of creating connective corridors between parks.

Staff has reviewed the request and is recommending approval of the Concept Plan for the following reasons:

- The Subdivision Concept Plan is consistent with all the zoning requirements for the property and approved development agreements.

- The Concept Plan conforms to the approved Watershed Protection Plan (Phase 1).
- The proposed provision and configuration of roads, water, wastewater, drainage and park facilities is adequate to serve each phase of the subdivision and generally meets the standards of Chapter 7 Article 1.
- The location, size, and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plan.

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

**The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this proposed concept plat. The City Charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or approve the plat with conditions.

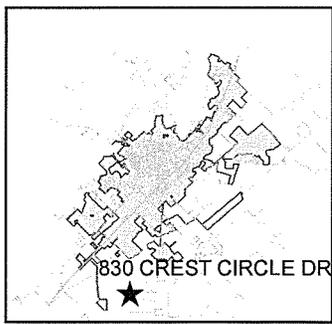
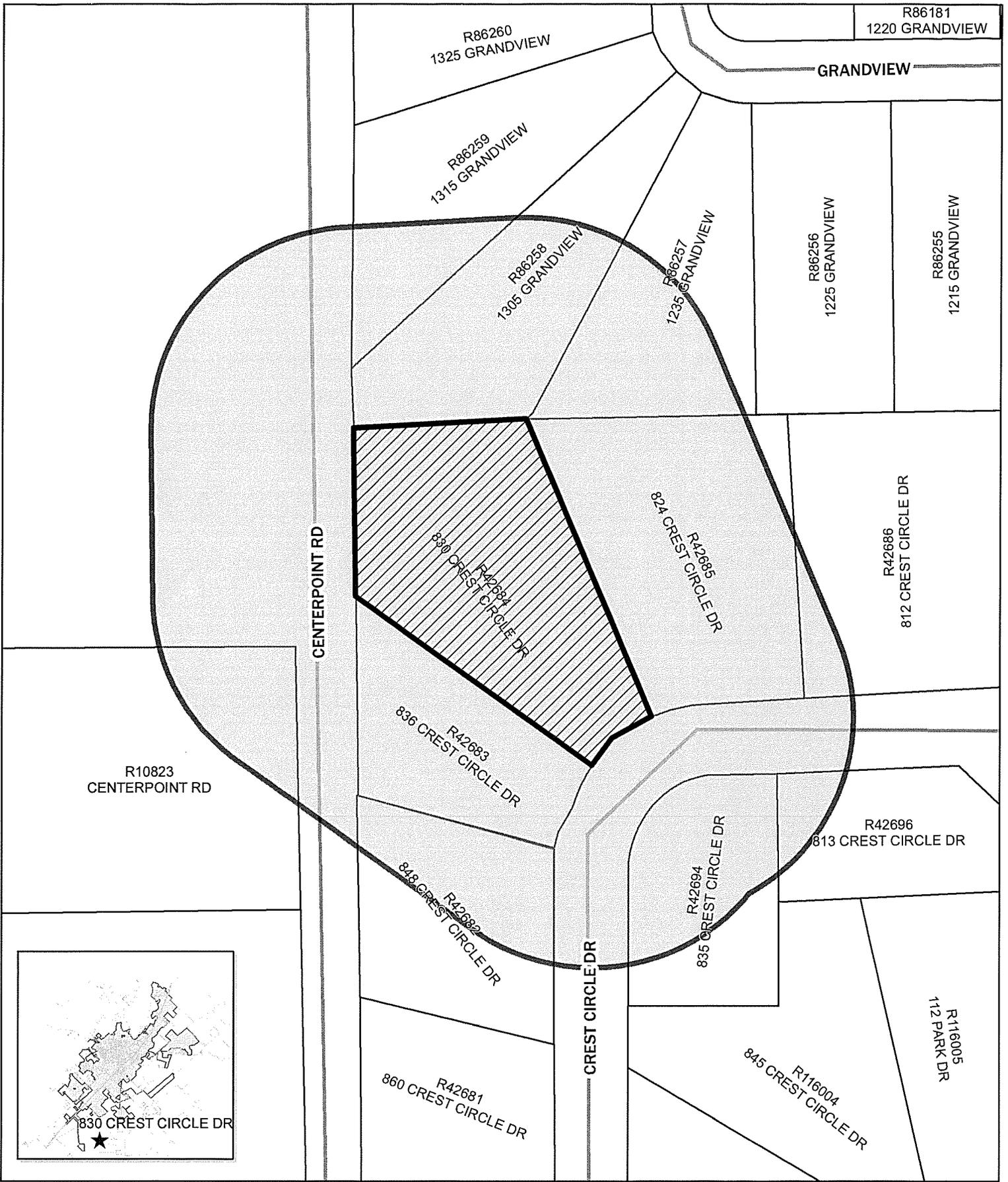
**List of Attachments:**

Location map  
Concept Plan

**Prepared By:**

Sofia Nelson, Senior Planer

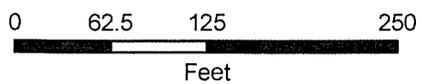
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**PVC-10-08**  
**830 Crest Circle Drive**  
**Map Date: 1/11/11**

-  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-10-08  
830 Crest Circle Drive  
San Marcos ETJ**



**Applicant Information:**

**Applicant:** Karen Moon  
830 Crest Circle Drive  
San Marcos, TX 78666

**Property Owner:** Same

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

**Subject Property:**

**Location:** 830 Crest Circle Drive, San Marcos, TX 78666  
Subject property is in the northwest corner of the Southridge Estates subdivision, located off of Centerpoint Road, approximately one and a half miles south of Old Bastrop Hwy. This property is located in Hay County within the southeastern edge of the City of San Marcos ETJ.

**Legal Description:** Lot 23 and part of Lots 22 & 24, Southridge Estates; being a 2.22 acre tract.

**Existing Zoning:** None (outside City limits)

**Land Use Map:** Not designated.

**Utilities:** Water service is provided by Crystal Clear Water Supply Corporation. Wastewater service is provided by a private on site septic system. Electrical service is provided by Bluebonnet Electric Co-Op.

**Existing Use of Property:** Residential.

**Proposed Use of Property:** Residential.

**Planning Department Analysis:**

The subject property is a 2.22 acre parcel of land in the Southridge Estates subdivision that is comprised of one lot (Lot 23) and part of the two lots on either side of that lot (Lots 22 & 24). The owner is proposing to create an amending plat to subdivide this tract into two lots. One lot will contain 1.5 acres and have a lot depth of 267 feet (calculated as an average of each side property lines) and a lot width of 85 feet (width calculated at the building set-back line) and consequently have a depth to width ration of 3.14. The second lot will contain .72 acres and have a lot depth of 299 feet and a lot width of 83 feet, and consequently, have a depth to width ration of 3.6.

This request is for a variance to allow the platting of a lot that meet the current Land Development Code subdivision lot dept to width ratio requirements (lot depth 267 feet, lot width 100 feet) into two lots that are in excess of the maximum allow three to one length to width ratio.

The purpose of subdivision regulations are to:

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

Staff does not believe this request meets the Criteria for Approval as cited in Section 1.10.2.4 of the Land Development Code.

- There are **NO** circumstances causing the hardship that does not similarly affect all or most properties in the vicinity of the petitioner's land. Many of the neighboring parcels are similar to the subject property in shape, i.e. narrow and deep. Addressed in Items 1 & 2 of the required variance criteria.
- The hardship or inequity suffered by the petitioner **IS CAUSED WHOLLY OR IN SUBSTANTIAL PART BY THE PETITIONER**. Addressed in Item 7 of the required variance criteria.
- The request for a variance **IS BASED EXCLUSIVELY ON THE PETITIONER'S DESIRE FOR INCREASED FINANCIAL GAIN** from the property by creating another lot that will be a home site. Addressed in Item 8 of the required variance criteria.

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

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

**Attachments**

Site Map  
Application  
Proposed replat  
Survey

Prepared by:

Phil Steed

Planner

January 18, 2011

Name

Title

Date

**City of San Marcos**  
**SUBDIVISION VARIANCE APPLICATION**

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>KAREN MOON</u>	<u>KAREN MOON</u>
Mailing Address	<u>830 CREST CIRCLE DR</u> <u>SAN MARCOS, TX 78666</u>	<u>SAME</u>
Daytime Phone	<u>512 228-7403</u>	
Email Address	<u>KMOON@SANMARCOS.NET</u>	

REC'D  
 CIVIL  
 11/2/14  
 10:05

**PROPERTY DESCRIPTION:**

Street: CREST CIRCLE DRIVE Address No: 830

Legal Description (if platted): SOUTH RIDGE ESTATES LOT 23 & PT of 22  
+ 24. 2.2

Tax ID: R 42684

Acres 2.2 Zoning Classification SINGLE RESIDENCE

Located In  Floodway  Edwards Aquifer Recharge Zone  
 S.M. River Corridor  Historic District

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

REC'D  
 CIVIL  
 11/2/14  
 10:05



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?

*Depth to width ratio is off - but all of property land is the same depth.*

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

*N/A No*

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

*Unable to build a smaller home and sell my primary residence next door, for my retirement.*

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?

*None*

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

*None*

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

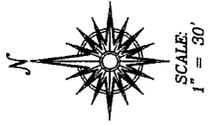
*No*

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?

*Reducing financial hardship is primary for this approval. My former husband has emptied the savings account and <sup>not split</sup> will help me in retirement.*

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

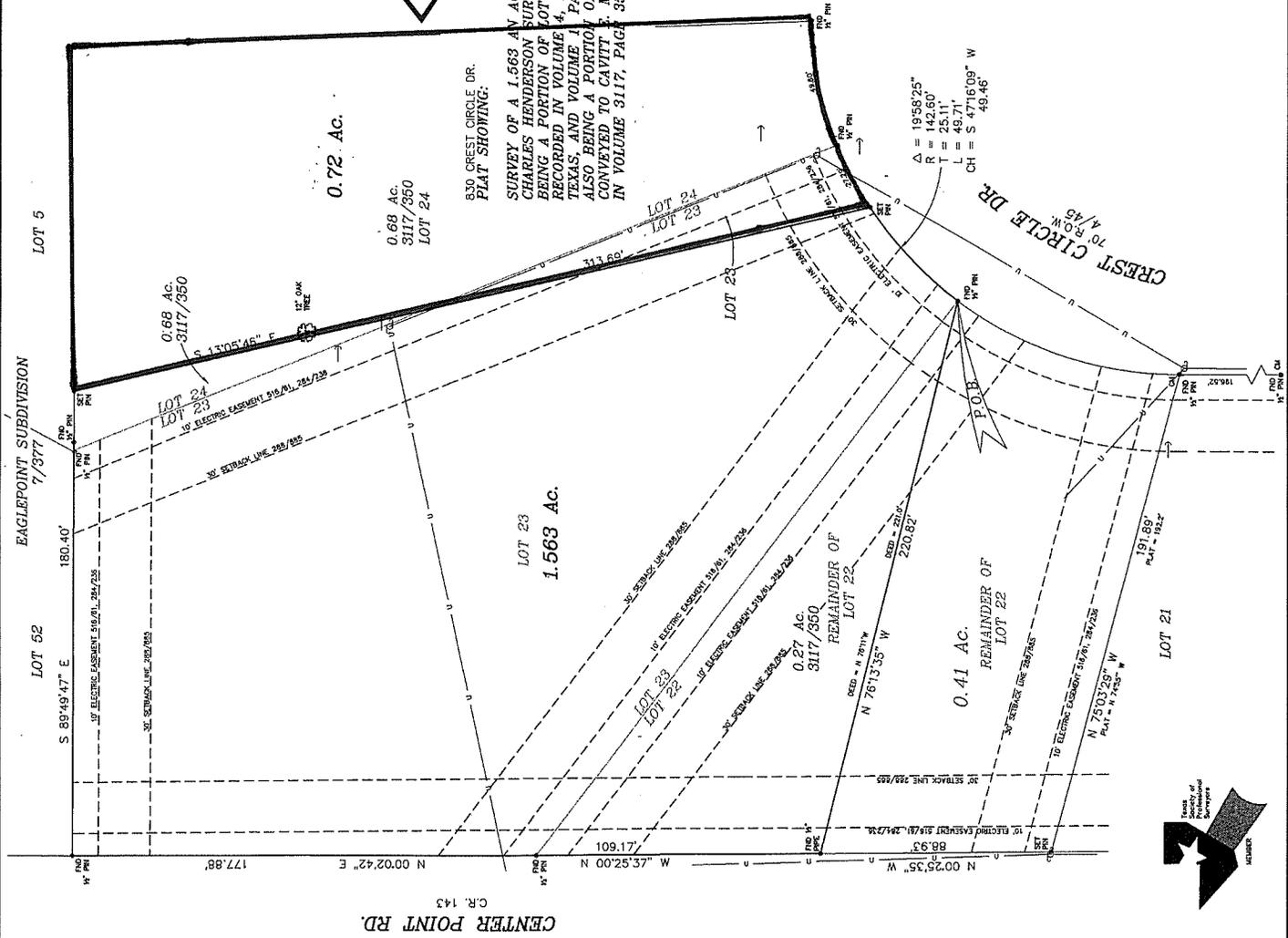
*Yes, and place a septic for new house.*



SCALE:  
1" = 30'

**Subject**

**SURVEY OF A 1.563 ACRE TRACT OF LAND SITUATED IN THE CHARLES HENDERSON SURVEY, ABSTRACT 147, HAYS COUNTY, TEXAS, BEING A PORTION OF LOT 22, 23 AND 24 SOUTHRIDGE ESTATES, PLAT RECORDED IN VOLUME 4, PAGE 45, PLAT RECORDS, GUADALUPE COUNTY, TEXAS, AND VOLUME 1, PAGE 129, PLAT RECORDS, HAYS COUNTY, TEXAS, ALSO BEING A PORTION OF A TRACT OF LAND CALLED 0.68 AC. CONVEYED TO CAVITT L. MOON AND KAREN L. MOON, BY DEED RECORDED IN VOLUME 3117, PAGE 350, OFFICIAL RECORDS, HAYS COUNTY, TEXAS.**



STATE OF TEXAS:  
COUNTY OF GUADALUPE:  
I, AUBREY C. HOLLAND, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION ON THE GROUND AND I AM WORKING UNDER MY OWN PERSONAL KNOWLEDGE OF THE FACTS OR ENCROACHMENTS EXCEPT AS SHOWN.  
*Aubrey C. Holland*  
AUBREY C. HOLLAND  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4493  
SURVEYED, FEBRUARY 13, 2008 DWG. NO.: 0801125  
PROJECT NO.: 0801125

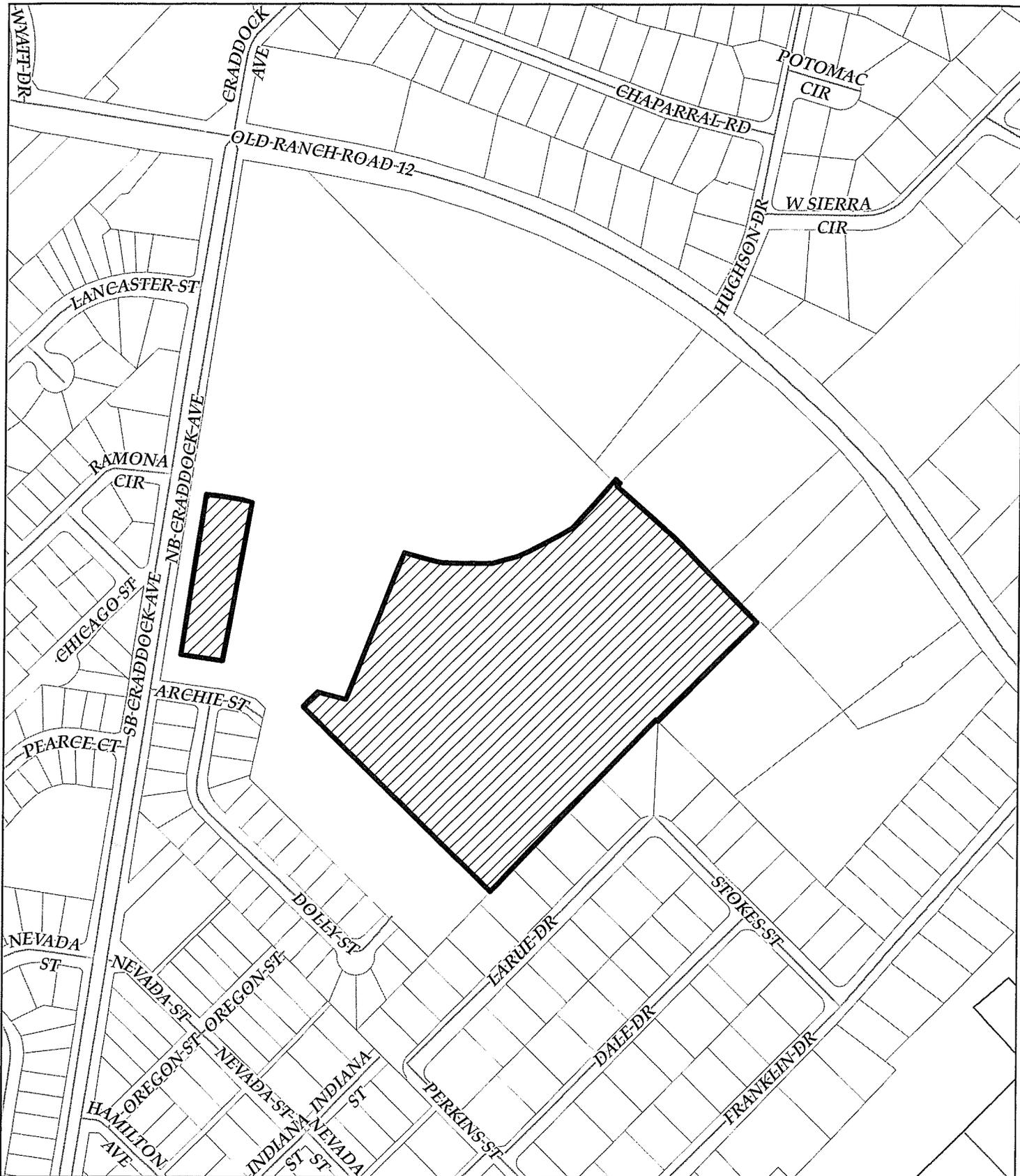
NOTES:  
BASIS OF BEARING IS THE WEST R.O.W. LINE OF CREST CIRCLE DR. AS FOUND MONUMENTED ON THE GROUND.  
CORRESPONDING FIELD NOTES PREPARED.  
ALL SET PINS ARE 1/2" DIAMETER  
ALL SET PINS ARE PLASTIC  
CAP STAMPED "TRI-COUNTY"

IMPROVEMENTS NOT SHOWN.  
HAYS COUNTY RESTRICTIONS:  
VOL. 1, PG. 329 P.R.  
VOL. 288, PG. 065 D.P.R.  
VOL. 794, PG. 358 R.P.R.  
VOL. 1153, PG. 701 R.P.R.  
GUADALUPE COUNTY RESTRICTIONS:  
VOL. 511, PG. 817 D.R.  
VOL. 524, PG. 70 D.R.  
VOL. 686, PG. 861 O.R.  
VOL. 1149, PG. 196 O.R.

- — CONTRIBUTING LUMBER
- — UTILITY POLE
- — UTILITY PALE
- — WATER METER
- — CITY MAN HOLE
- — RISER

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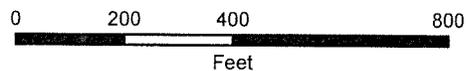
**LUA-10-15**

**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 14, 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).

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 San Marcos Horizons Sector Two Plan specifically calls for this area to be only Low Density Residential and speaks in terms of "single family residential uses."

This Land Use Map Amendment request is inconsistent with Land Use called for in the Sector Two Plan. **Staff recommends denial of this request.**

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
X	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.

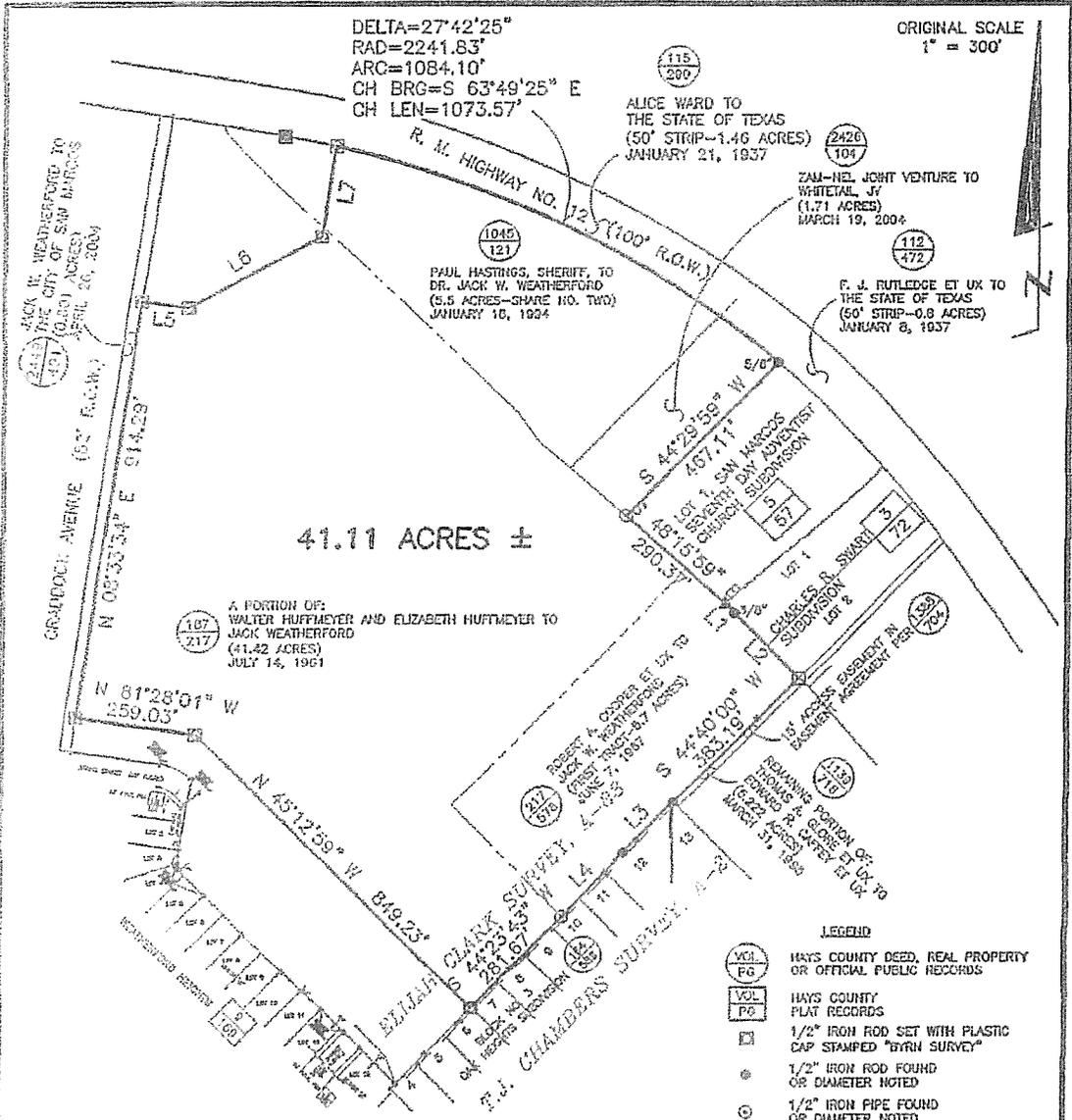
**Attachments:**

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

**Prepared by:**

Phil Steed	Planner	January 18, 2011
Name	Title	Date





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'

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.

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

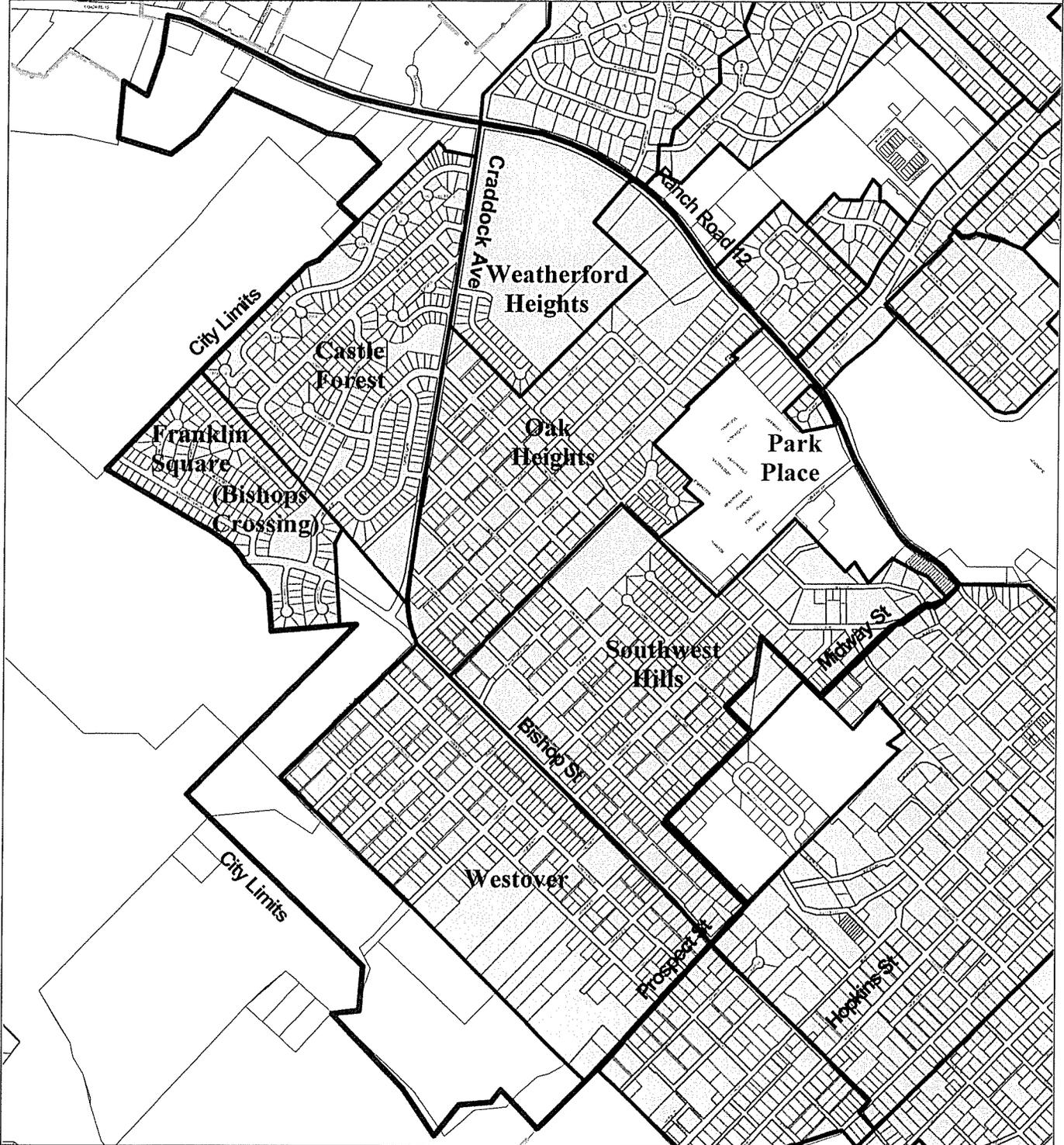
ENGINEER'S NOTES

- FENCES MEASURD.
- BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
- ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 4820600390F DATED SEPTEMBER 2, 2005, THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
- THIS SURVEY WAS DONE IN CONJUNCTION WITH TITLE COMMITMENT C.F. NO. 10-F7000025395 DATED OCTOBER 22, 2010 AND C.F. NO. 10-0690026635 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 EASEMENT. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
- THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED OCTOBER 1, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

CUDA: WILLIAMS, J.  
 DATE: OCTOBER 1, 2010  
 OFFICE: DRYWANT  
 CREW: EVERETT, LOZANO, C. SMITH  
 PLAT NO. 26009-10-31-0

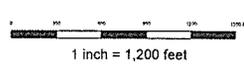
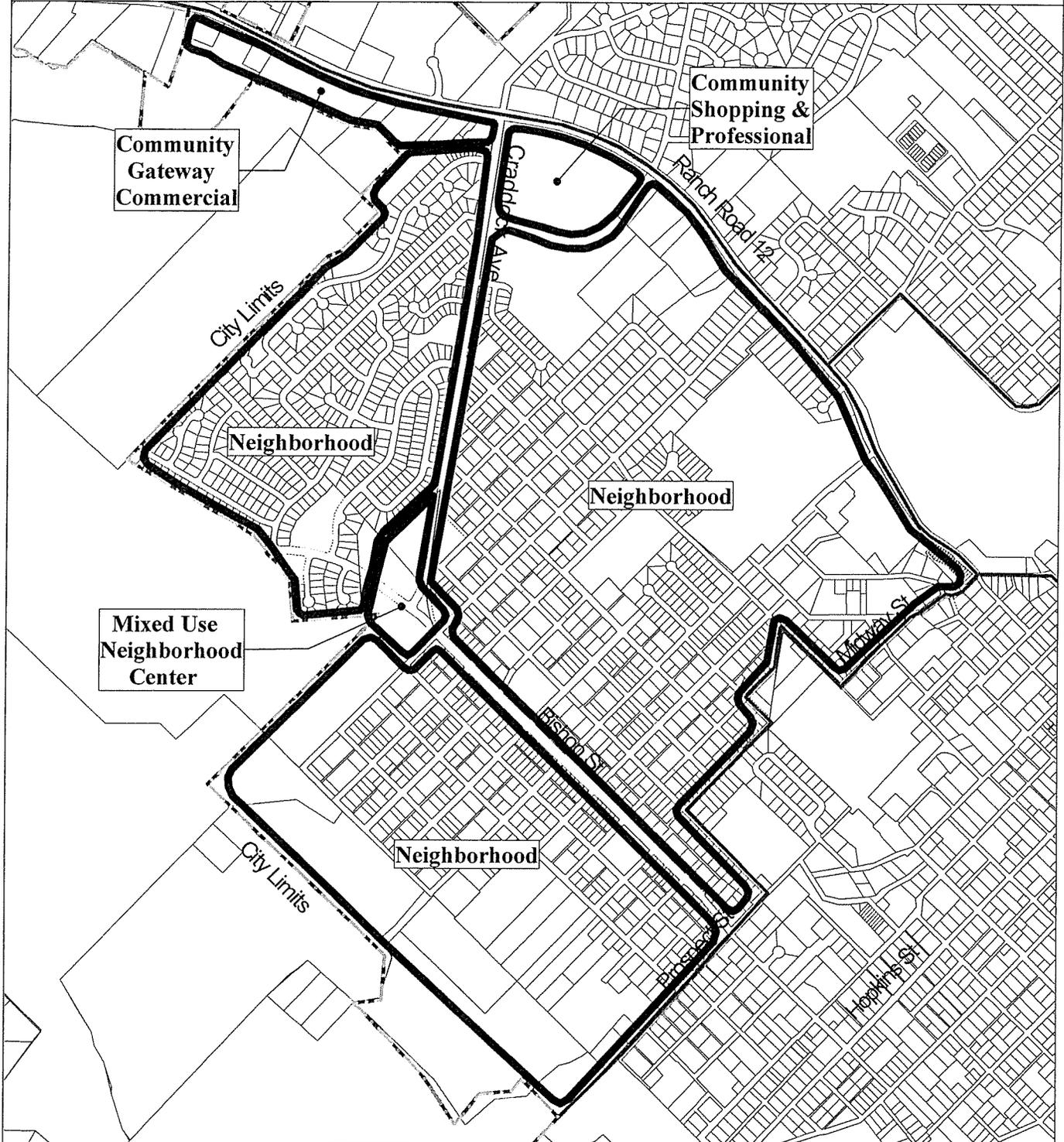
# Map 2: Neighborhood Associations Map

## City of San Marcos Sector Two Plan



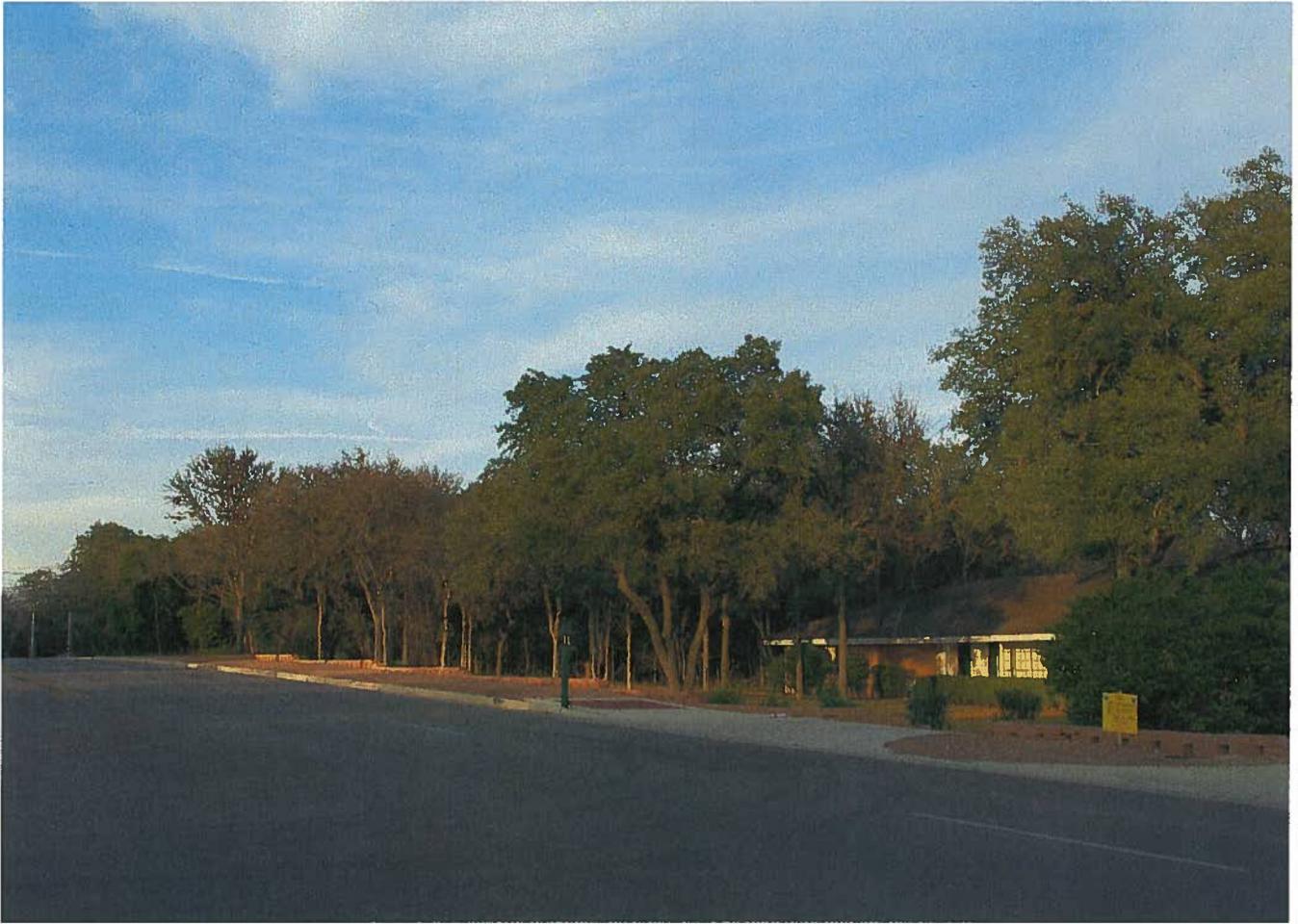
# Map 6: Community Character Plan

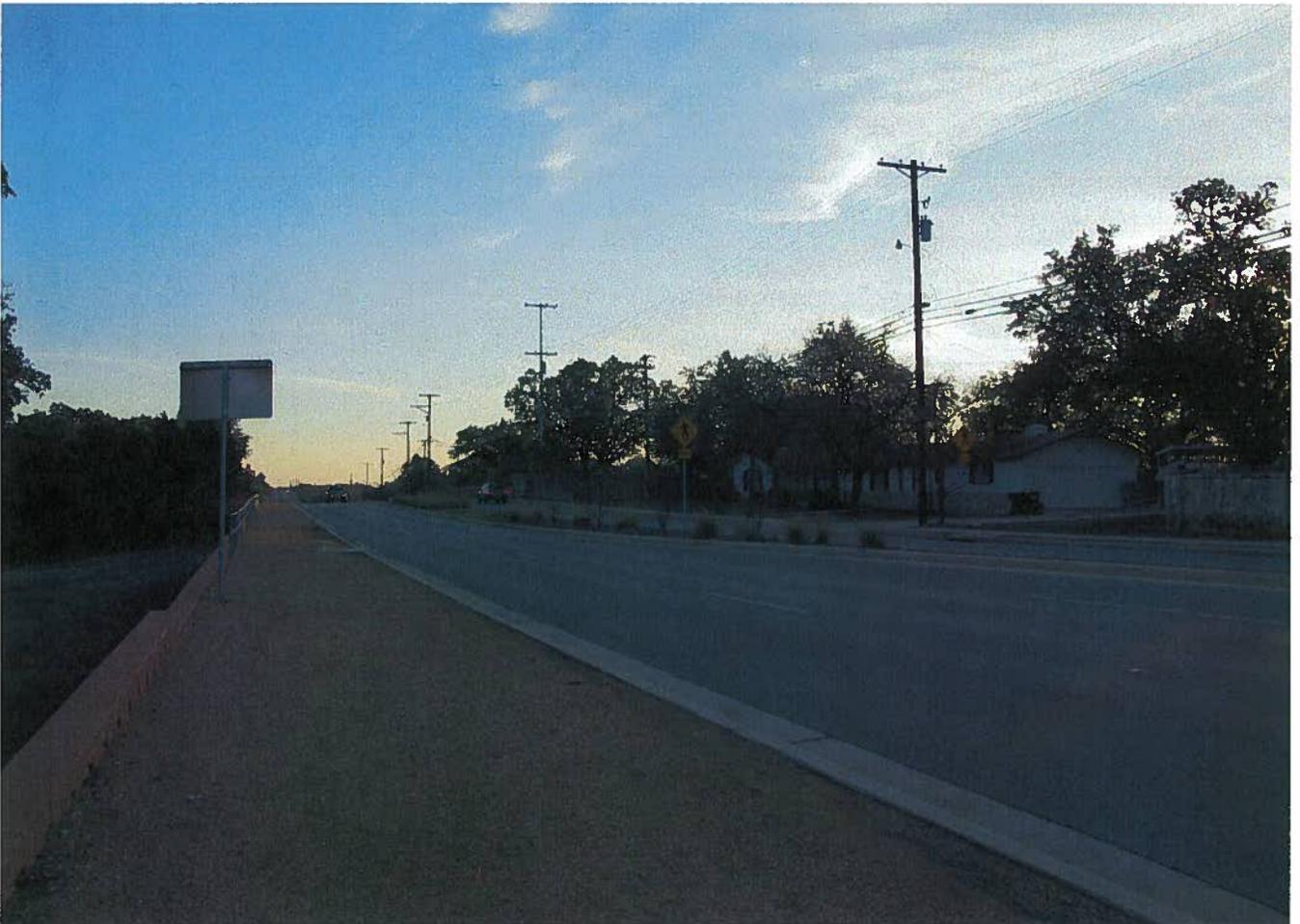
## City of San Marcos Sector Two Plan





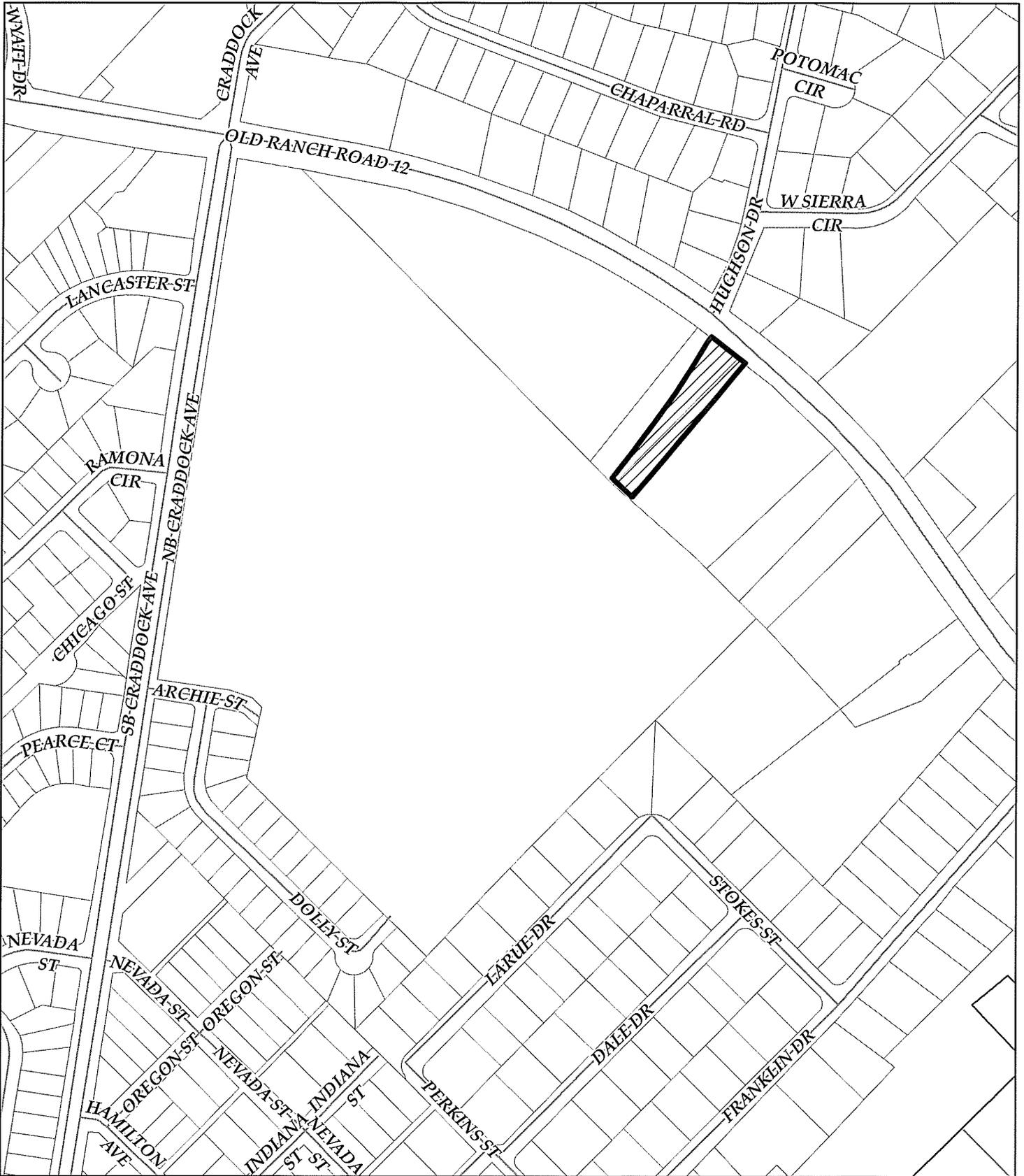












**LUA-10-16**

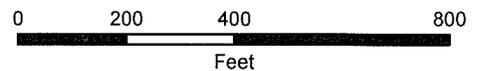
**The Retreat at San Marcos  
 Gilcrease Tract  
 Commercial to Medium  
 Density Residential**



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 14, 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.

This Land Use Map Amendment request is inconsistent with Land Use called for in the Sector Two Plan. **Staff recommends denial of this request.**

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
X	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.

**Attachments:**

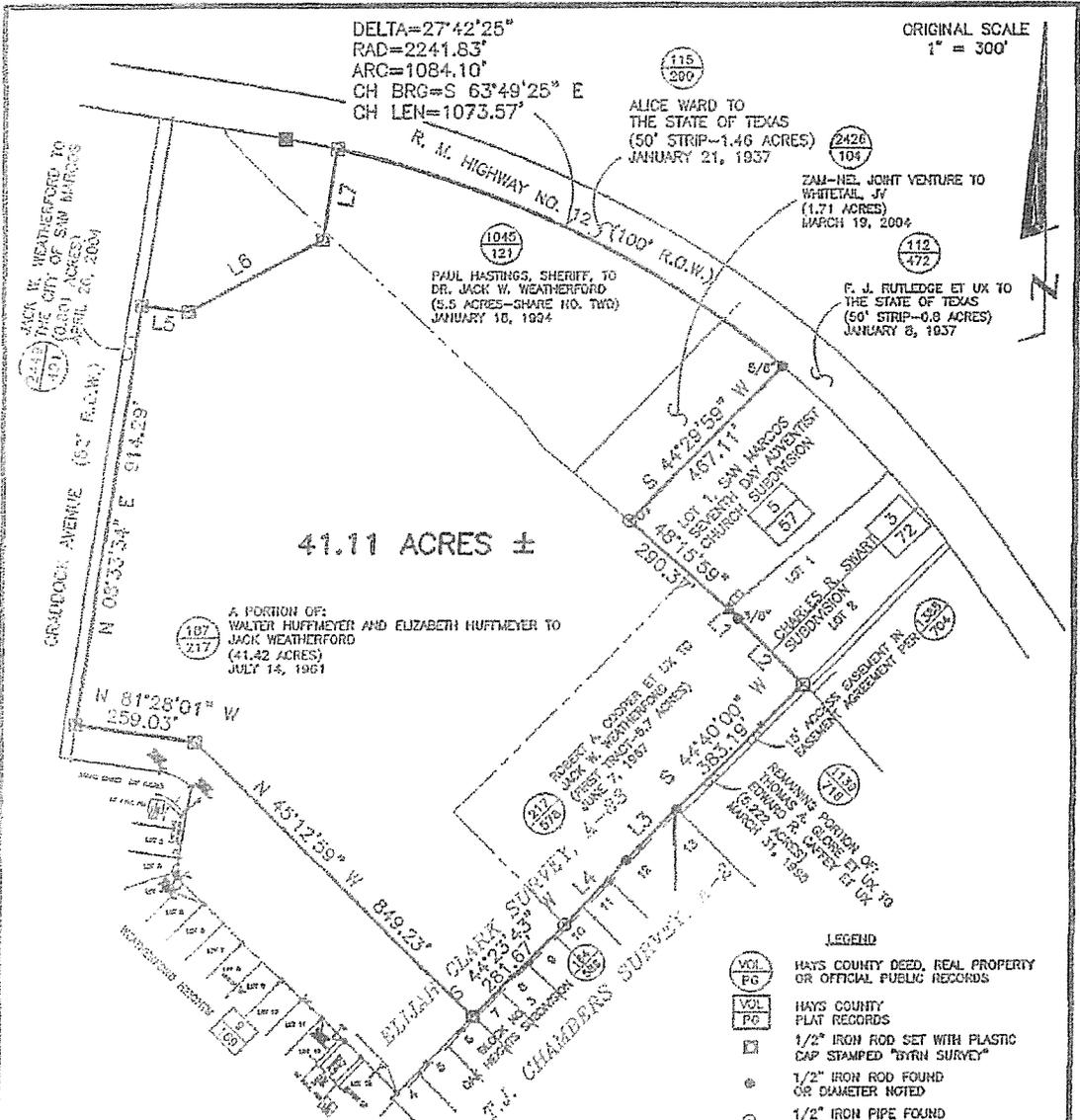
Location Map  
Land Use Amendment Map  
Survey of Subject Property  
Neighborhood Associations Map  
Community Character Plan

**Prepared by:**

Phil Steed	Planner	January 18, 2011
Name	Title	Date

---





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**
- 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
  - BRASS DISK IN CONCRETE FOUND STAMPED "CHARLES SWART SURVEY"
  - FENCE POST

- SUBJECT NOTES:**
- FENCES MEASURD.
  - BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
  - ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48205C0389F DATED SEPTEMBER 2, 2005, THIS TRACT LIES WITHIN ZONE X, (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
  - THIS SURVEY WAS DONE IN CONJUNCTION WITH TITLE COMMITMENT C.F. NO. 10-F70000025395 DATED OCTOBER 22, 2010 AND C.F. NO. 10-0000020035 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 ARE NOT REFLECTED HEREON.
  - THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED OCTOBER 1, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

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.

DAVID G. WILLIAMSON, R.P.L.S. NO. 4180

**BYRN & ASSOCIATES, INC.**

**ENGINEERS SURVEYORS**

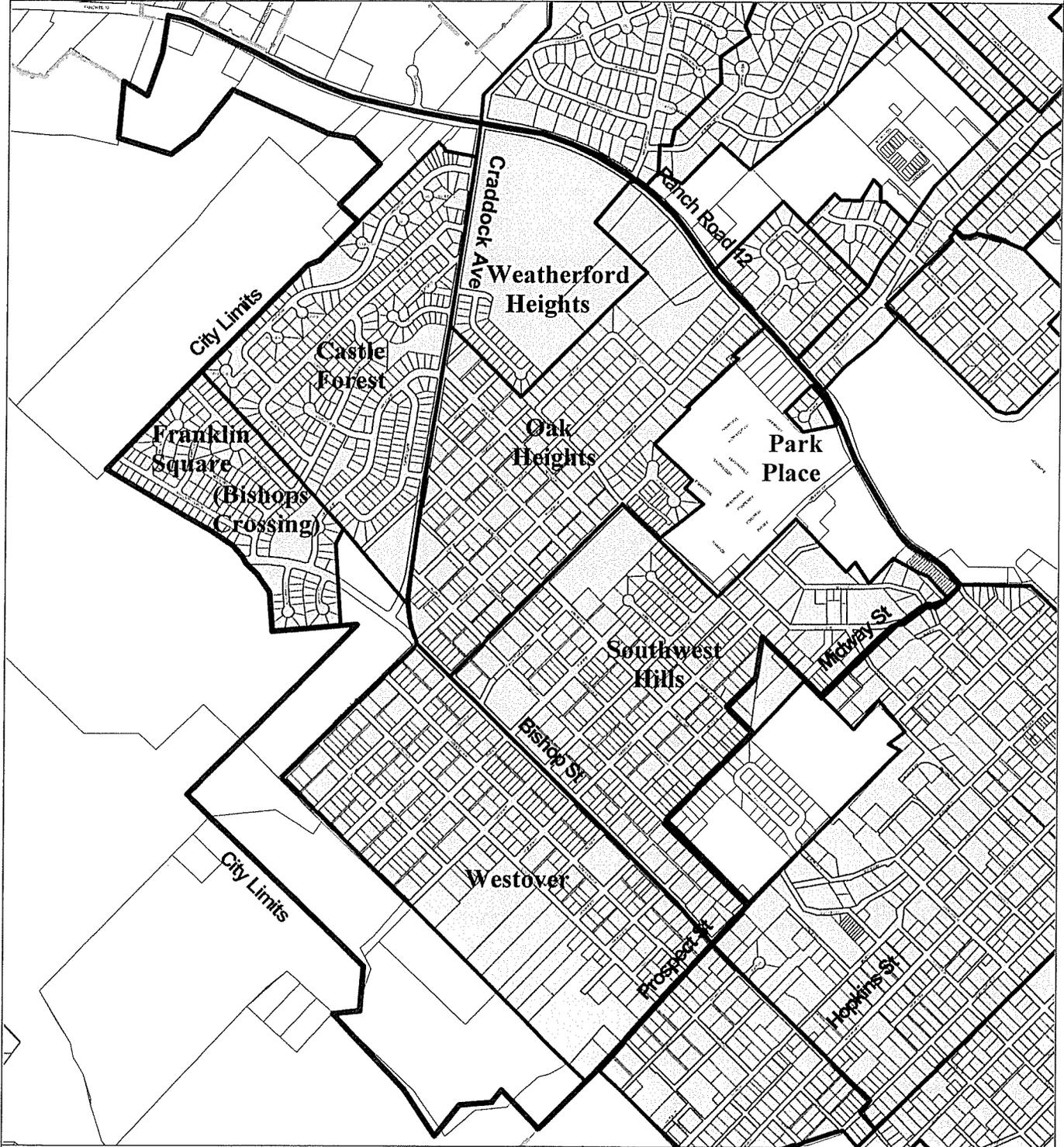
P.O. BOX 1433 SAN MARCOS, TEXAS 78667  
PHONE 512-396-2270 FAX 512-392-2945

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

CLIENT: WILLIAMS, J.  
DATE: OCTOBER 1, 2010  
OFFICE: ERYAHT  
CREW: EVERETT, LOZANO, C. SMITH  
PC/PP: 810/4, 701/4  
PLAT NO. 54005-10-31-0

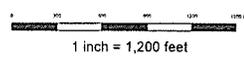
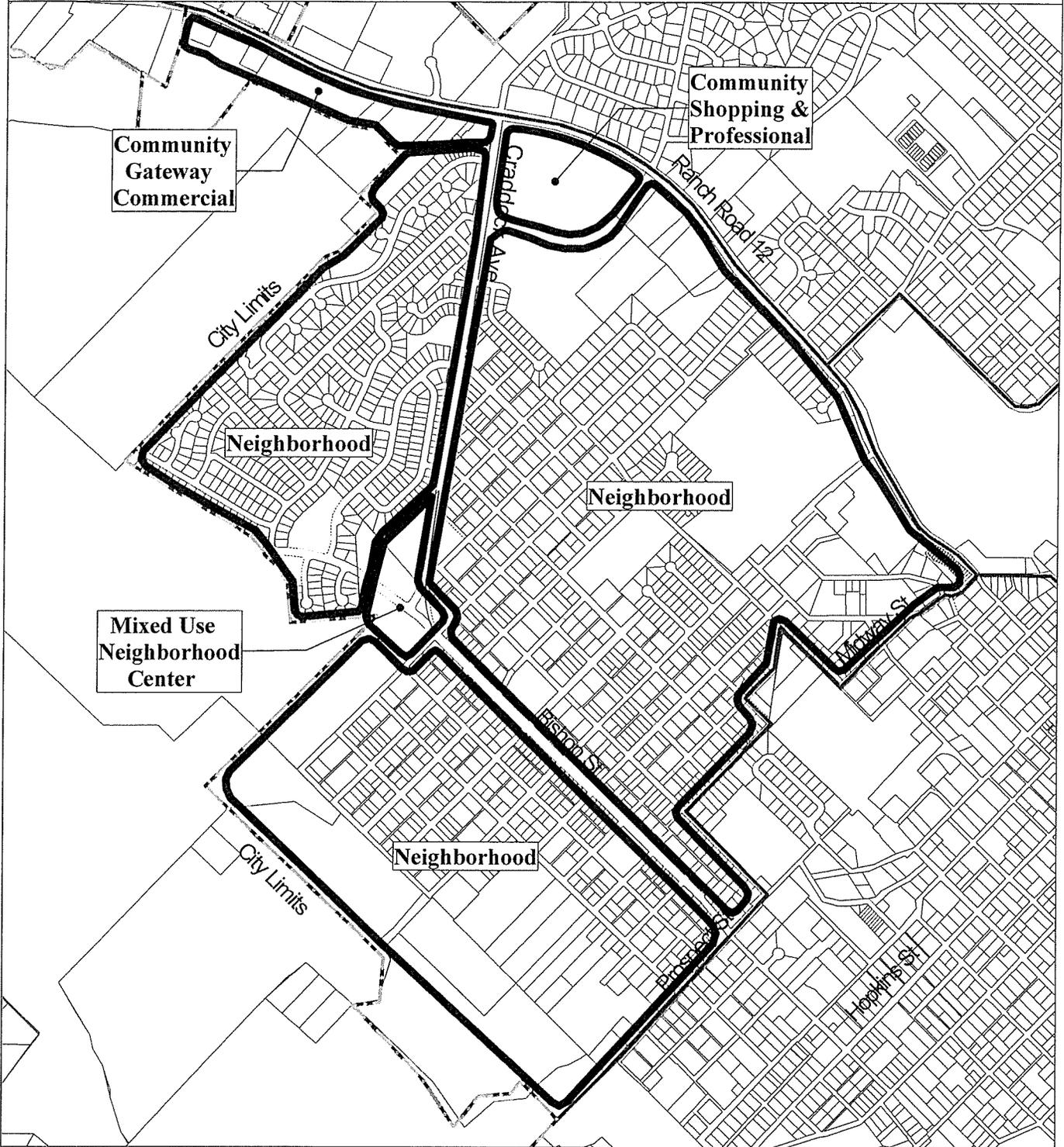
# Map 2: Neighborhood Associations Map

## City of San Marcos Sector Two Plan

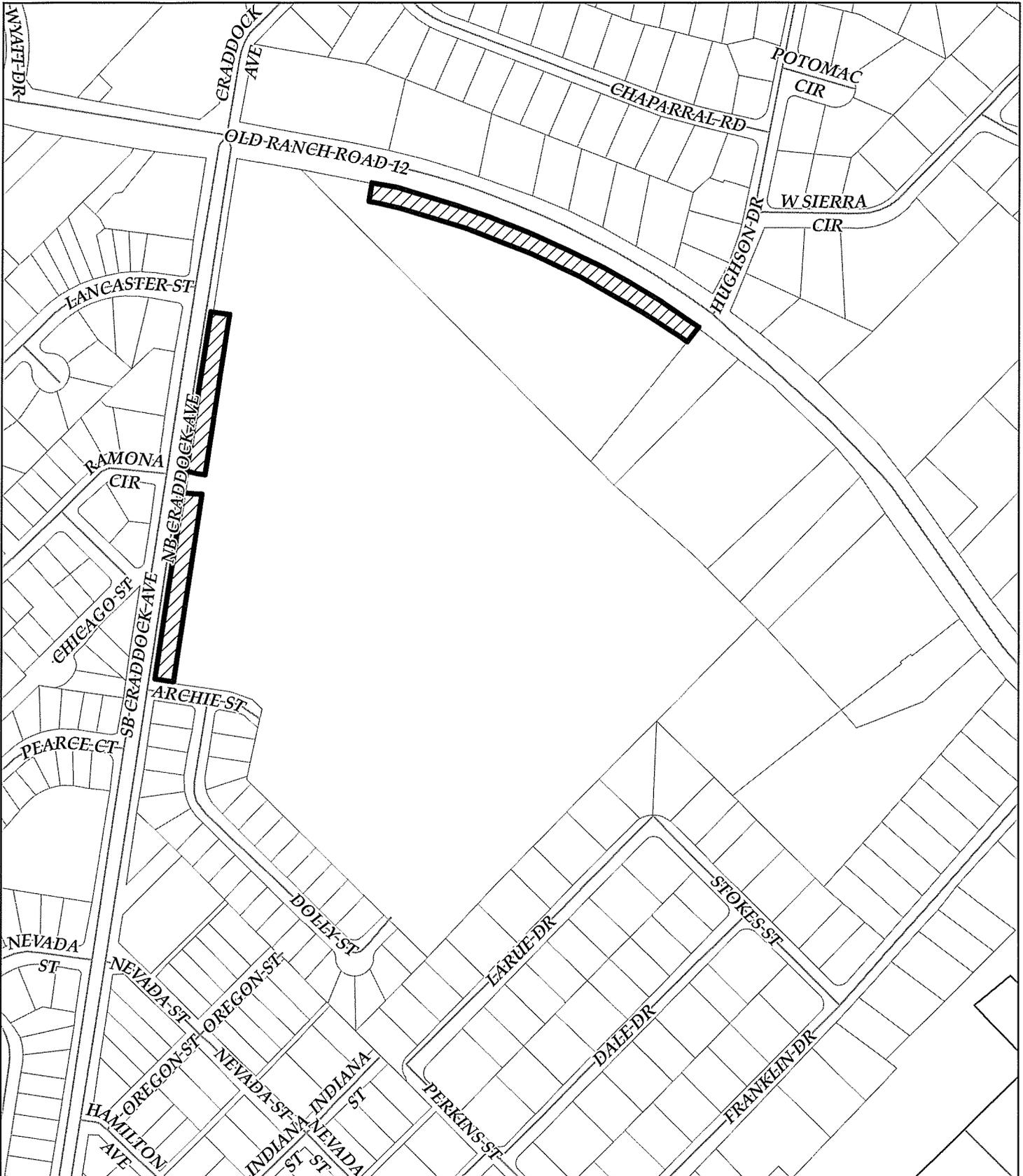


# Map 6: Community Character Plan

## City of San Marcos Sector Two Plan



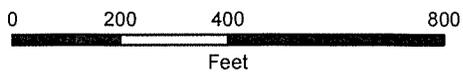
City of San Marcos  
Planning and Development Services  
Adopted: July 23, 2001



**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 14, 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.

This Land Use Map Amendment request is inconsistent with Land Use called for in the Sector Two Plan. **Staff recommends denial of this request.**

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
X	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.

**Attachments:**

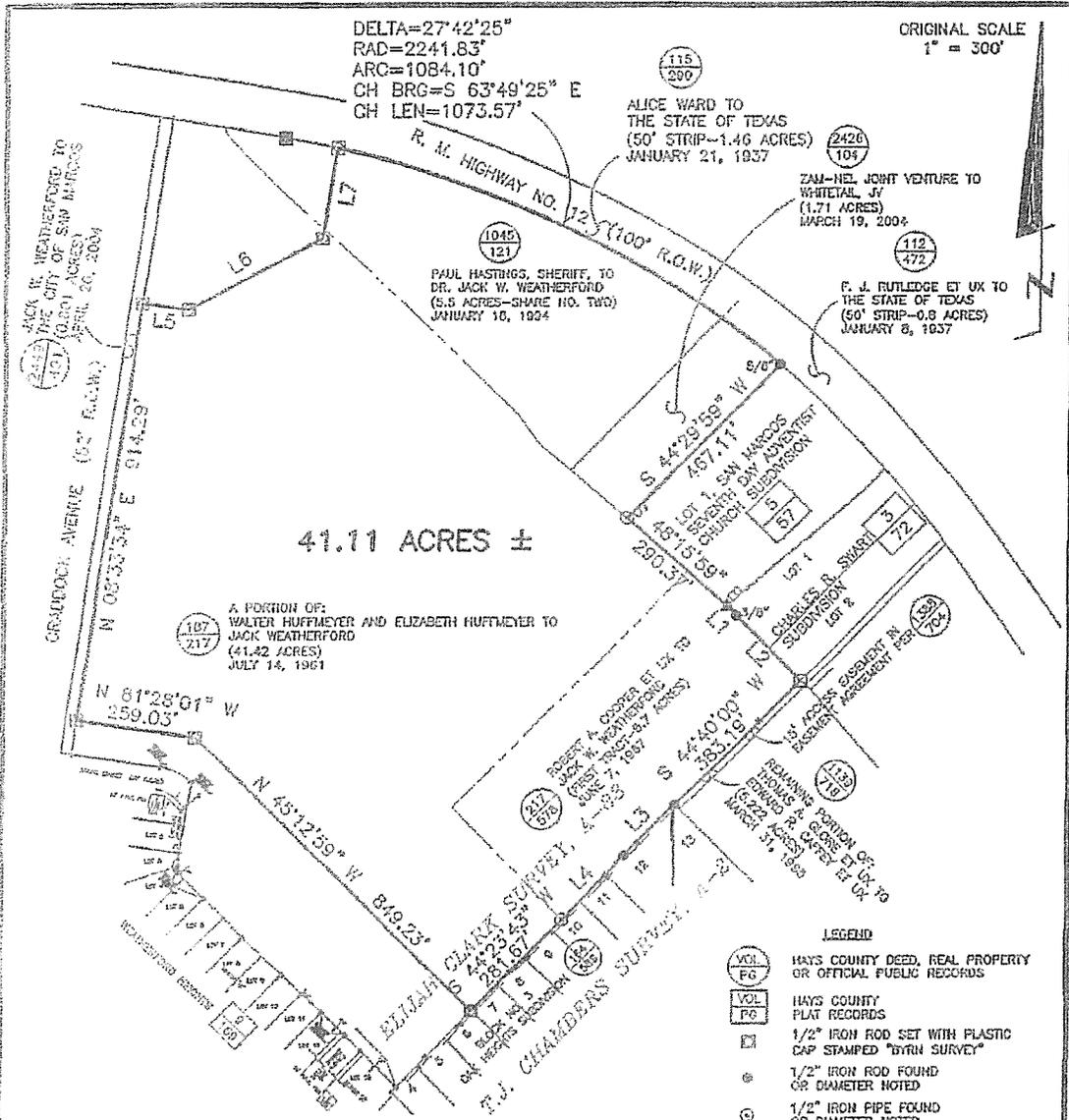
Location Map  
Land Use Amendment Map  
Survey of Subject Property  
Neighborhood Associations Map  
Community Character Plan

**Prepared by:**

Phil Steed	Planner	January 18, 2011
Name	Title	Date

---





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°22'56" 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
  - GRASS DISK IN CONCRETE FOUND STAMPED "CHARLES SMART 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.

- CONVEYOR'S NOTE**
- FENCES MEANDER.
  - BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD RESEARCH.
  - ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0599F DATED SEPTEMBER 2, 2006, THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
  - THIS SURVEY WAS DONE IN CONJUNCTION WITH TITLE COMMITMENT C.F. NO. 10-F1000025395 DATED OCTOBER 22, 2010 AND C.F. NO. 10-000002035 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 EASEMENT. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
  - THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED OCTOBER 1, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

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

**BYRN & ASSOCIATES, INC.**

**ENGINEERS SURVEYORS**

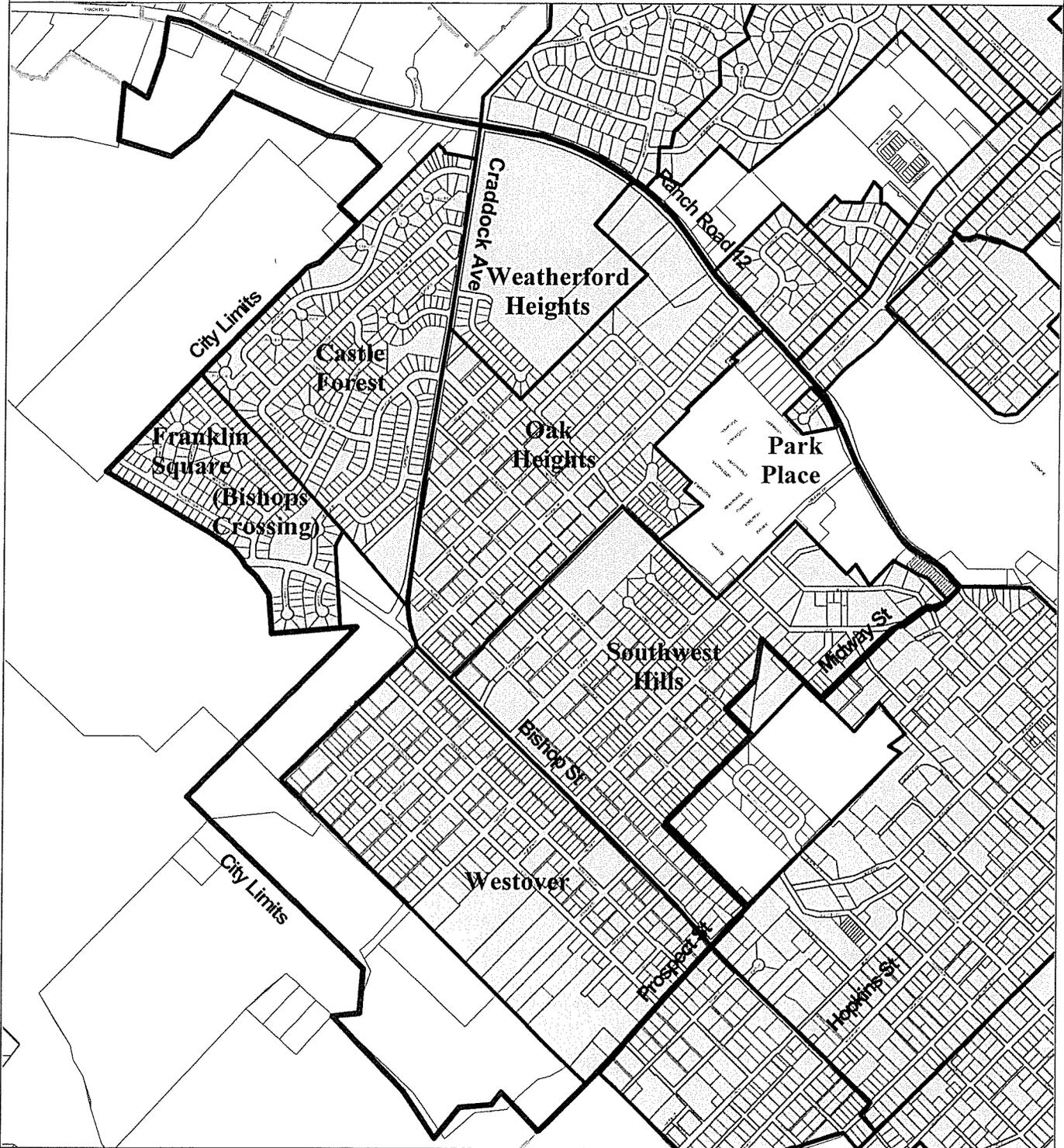
P.O. BOX 1433 SAN MARCOS, TEXAS 78667  
PHONE 512-396-2270 FAX 512-392-2945

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

CUSTOMER: WILLIAMS, J.  
DATE: OCTOBER 1, 2010  
OFFICE: BRYANT  
CREW: EVERETT, LOZANO, C. SMITH  
FP/PT: 810/14, 701/4  
PLAT NO. 20005-10-31-a

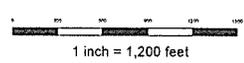
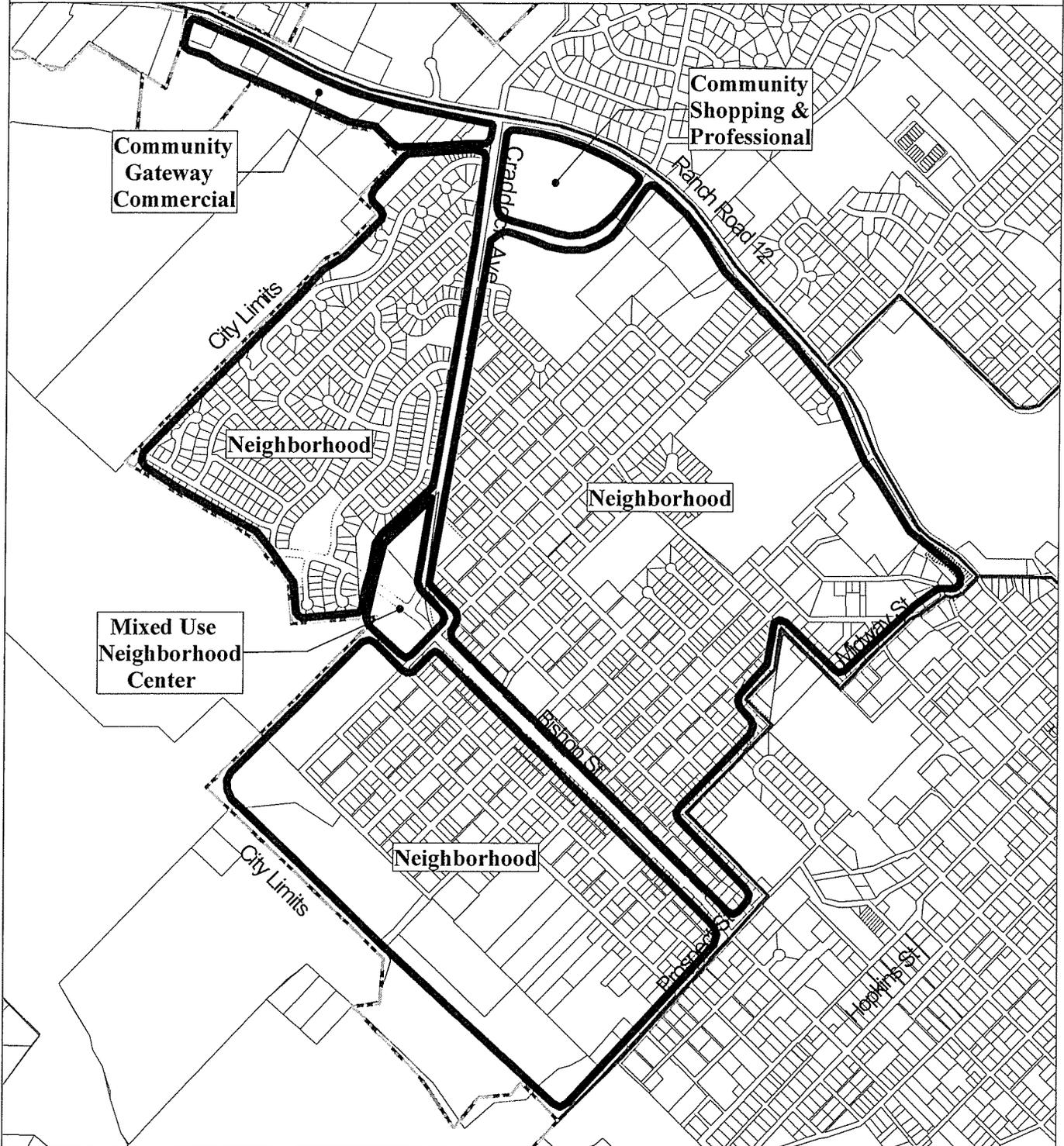
# Map 2: Neighborhood Associations Map

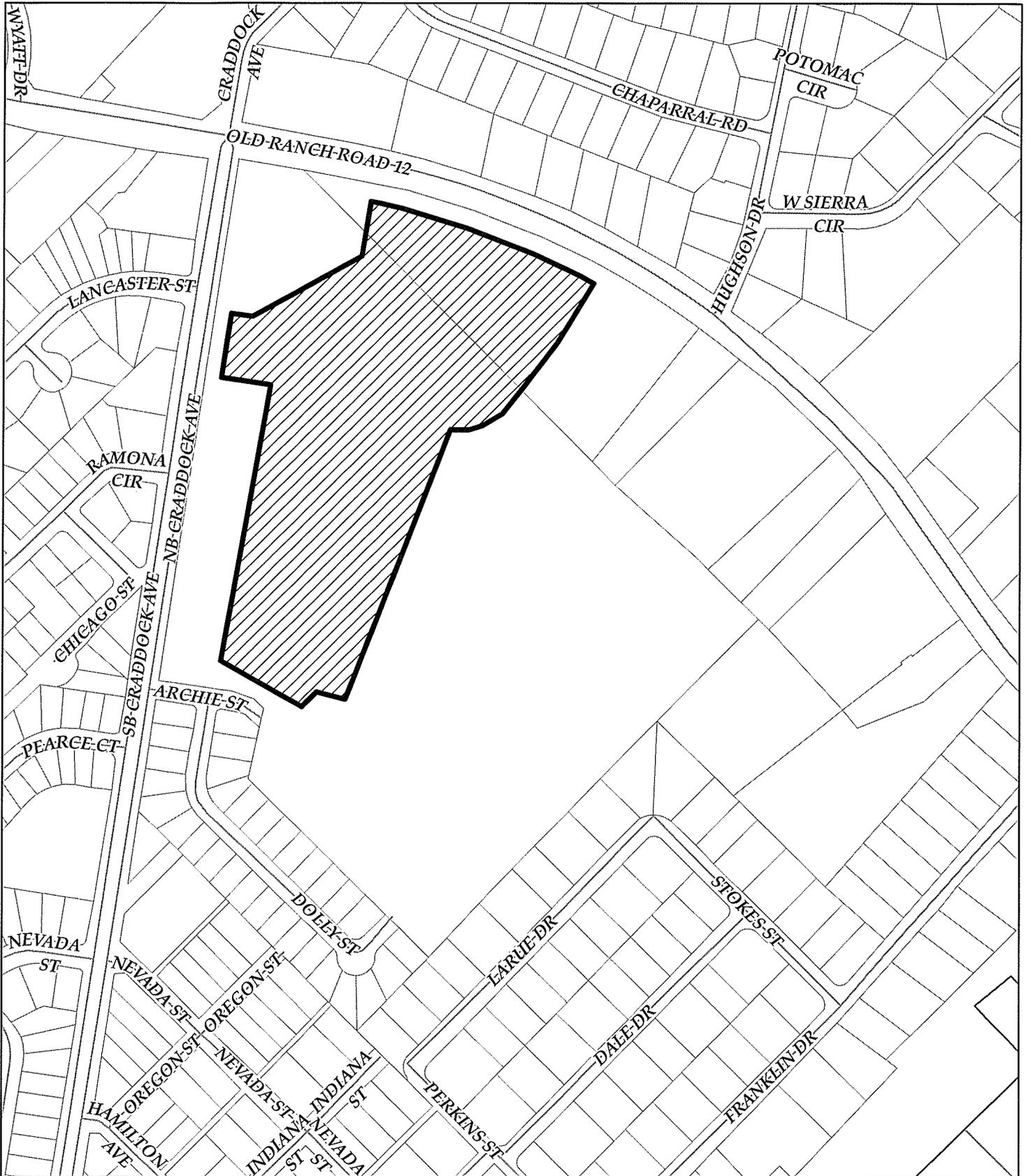
## City of San Marcos Sector Two Plan



# Map 6: Community Character Plan

## City of San Marcos Sector Two Plan





**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.

0 200 400 800  
 Feet



**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 14, 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.

This Land Use Map Amendment request is inconsistent with the Sector Two Plan.  
**Staff recommends denial of this request.**

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
X	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.

**Attachments:**

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

**Prepared by:**

Phil Steed	Planner	January 18, 2011
Name	Title	Date

---



LdA COMMERCIAL to ~~LDR~~ MDR

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. This Land Use Map Amendment request is inconsistent with the Sector Two Plan.

**Staff recommends denial of this request.**

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
X	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.

**Attachments:**

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

**Prepared by:**

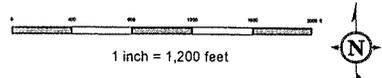
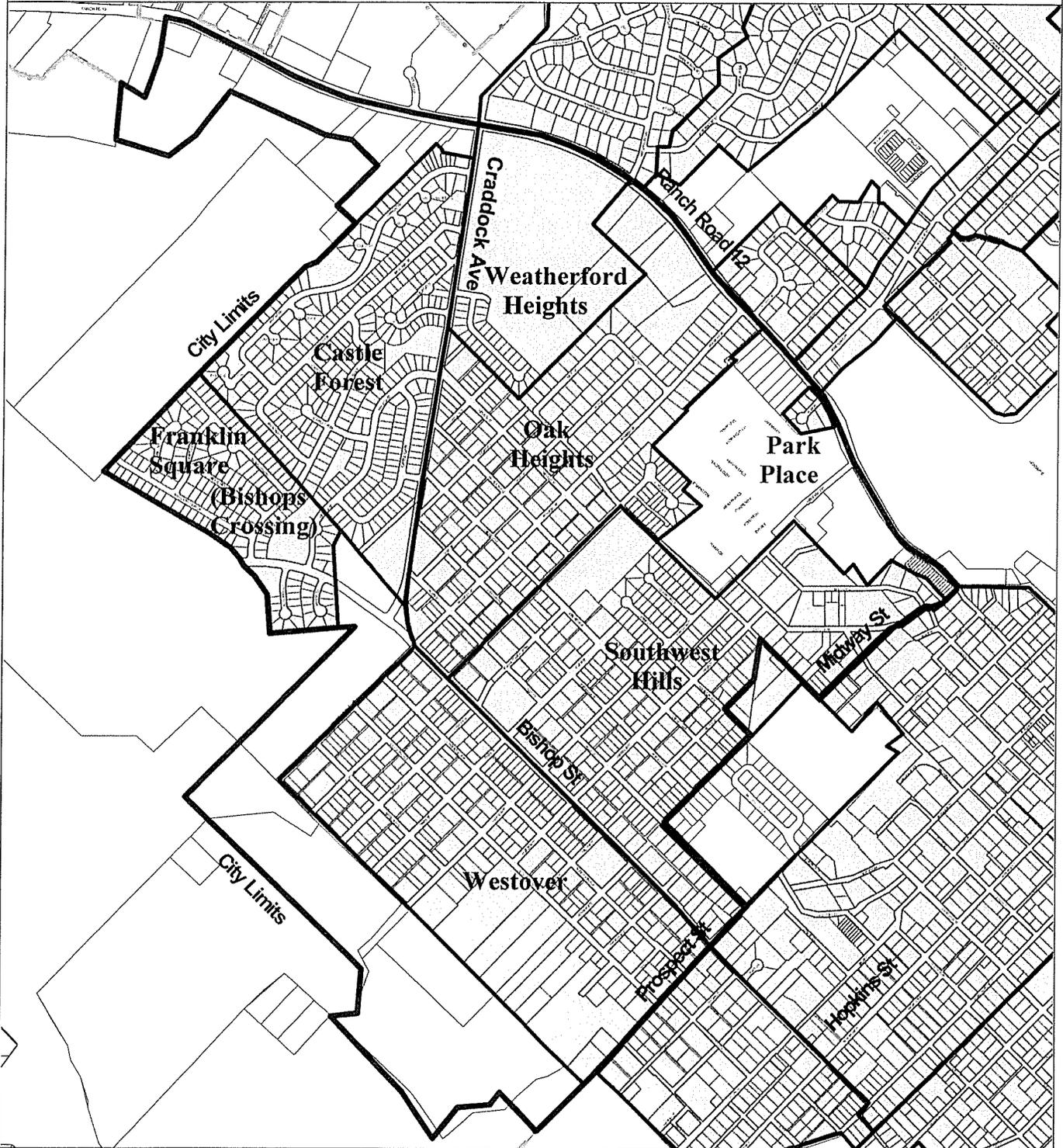
Phil Steed	Planner	January 18, 2011
Name	Title	Date

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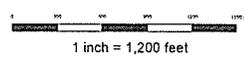
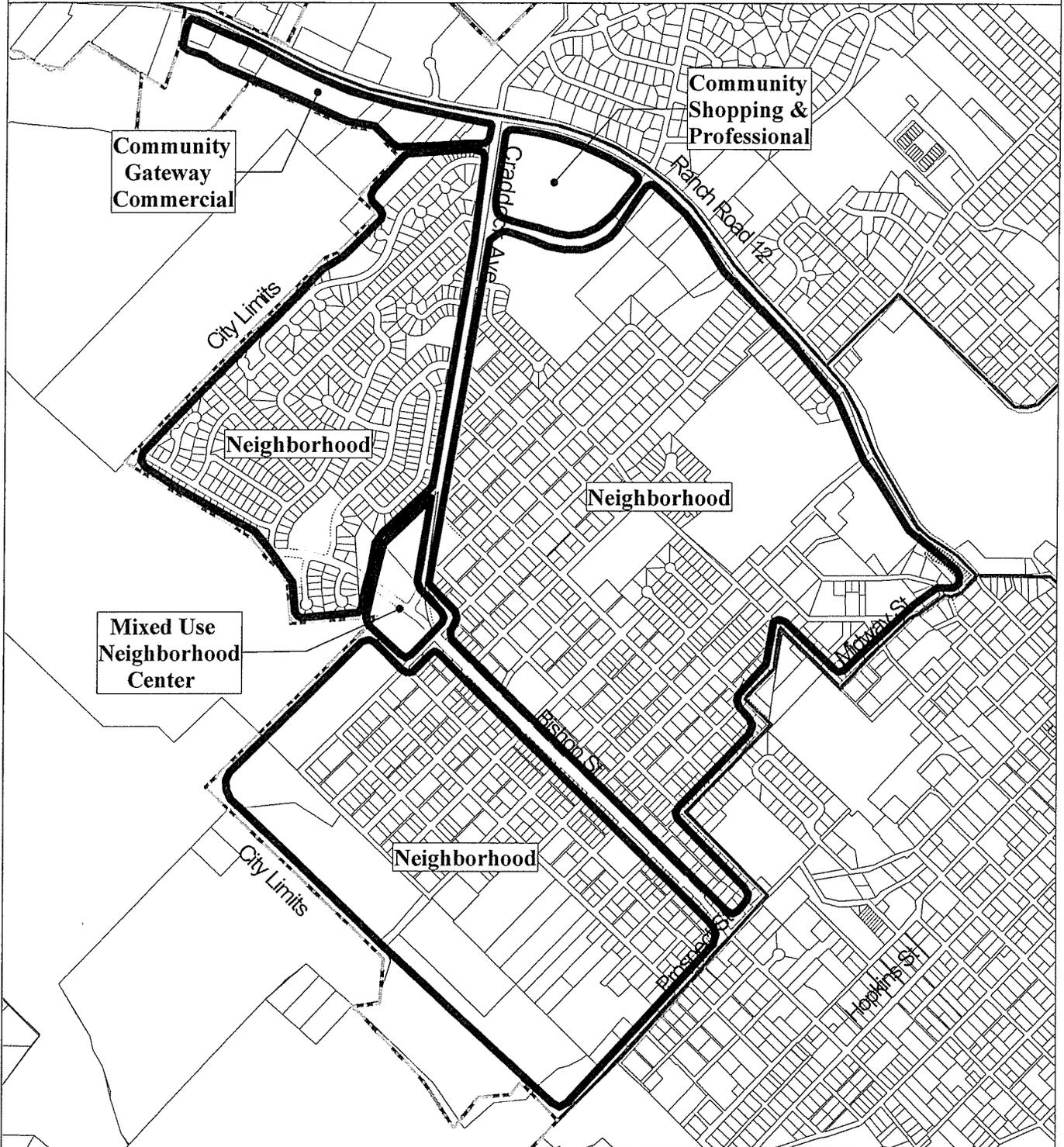
# Map 2: Neighborhood Associations Map

## City of San Marcos Sector Two Plan

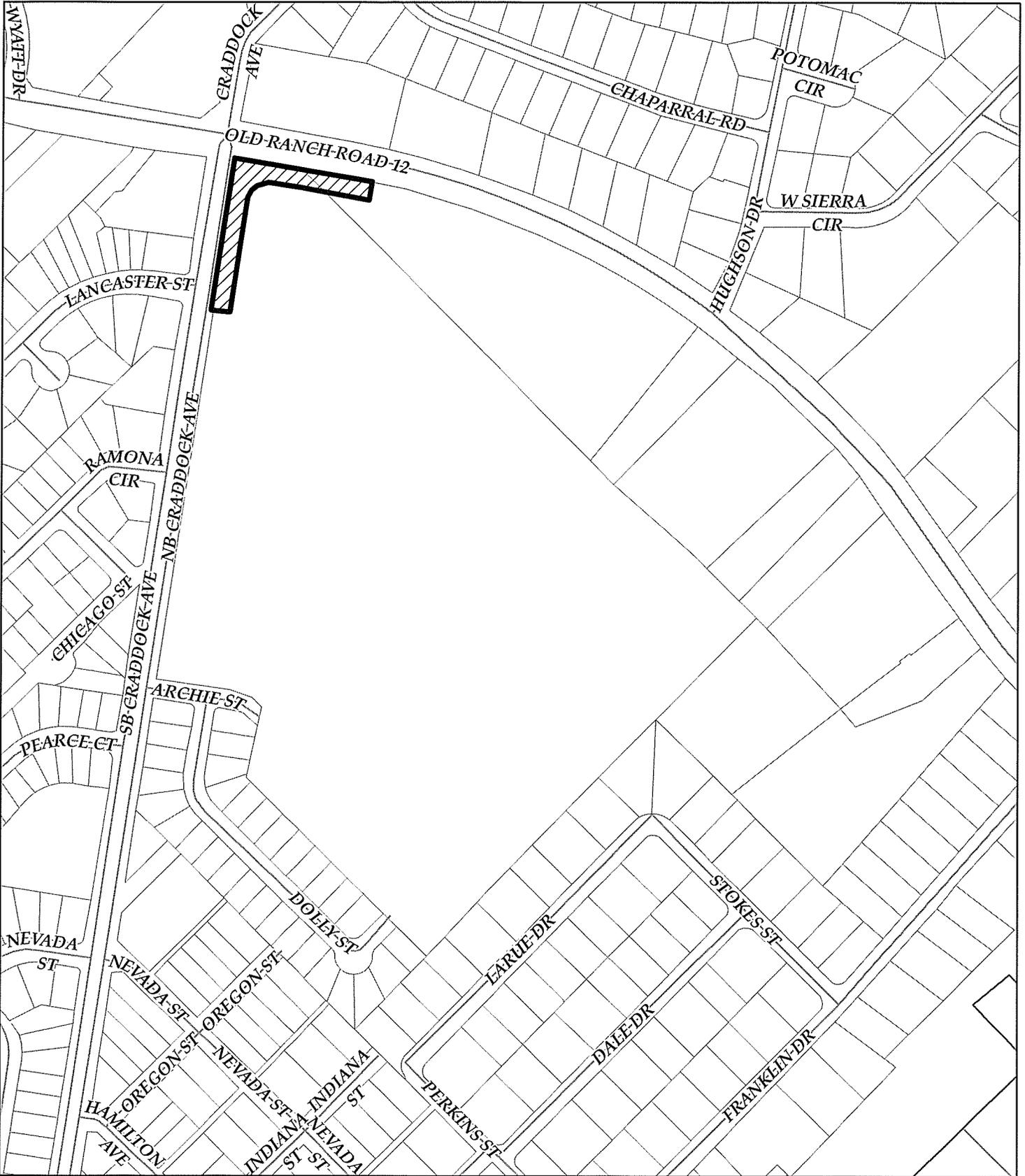


# Map 6: Community Character Plan

## City of San Marcos Sector Two Plan



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



**LUA-10-19**

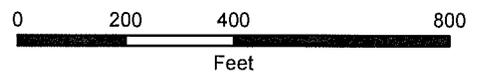
**The Retreat at San Marcos  
Weatherford Tract**

**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 14, 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.

**Staff recommends denial of this request.**

Planning Department Recommendation:	
	Approve as submitted
	Approve with revisions as noted
	Alternative-Postpone
X	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.

**Attachments:**

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

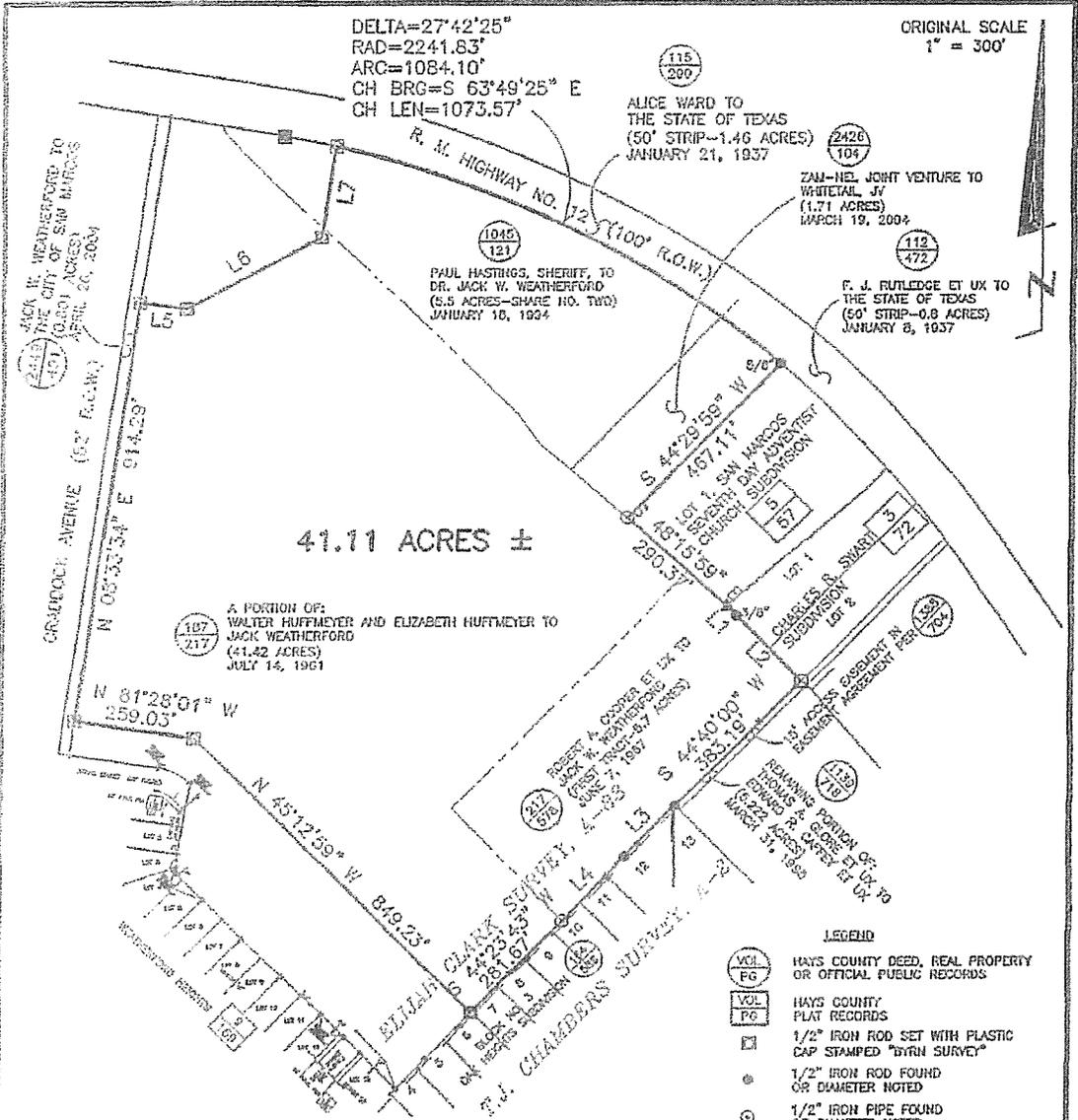
**Prepared by:**

Phil Steed	Planner	January 18, 2011
Name	Title	Date

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LUA OPEN space to Commercial



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**
- ⊖ VOL. FC HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
  - ⊖ VOL. PC 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 DISK IN CONCRETE FOUND STAMPED "CHARLES SWART 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.

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

- CONVEYOR NOTES**
- FENCES MEANDER.
  - BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
  - ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48266C0389F DATED SEPTEMBER 2, 2006, THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
  - THIS SURVEY WAS DONE IN CONJUNCTION WITH TITLE COMMITMENT C.F. NO. 10-F79930025395 DATED OCTOBER 22, 2010 AND C.F. NO. 10-099302035 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 EASEMENT. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
  - THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED OCTOBER 1, 2010 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

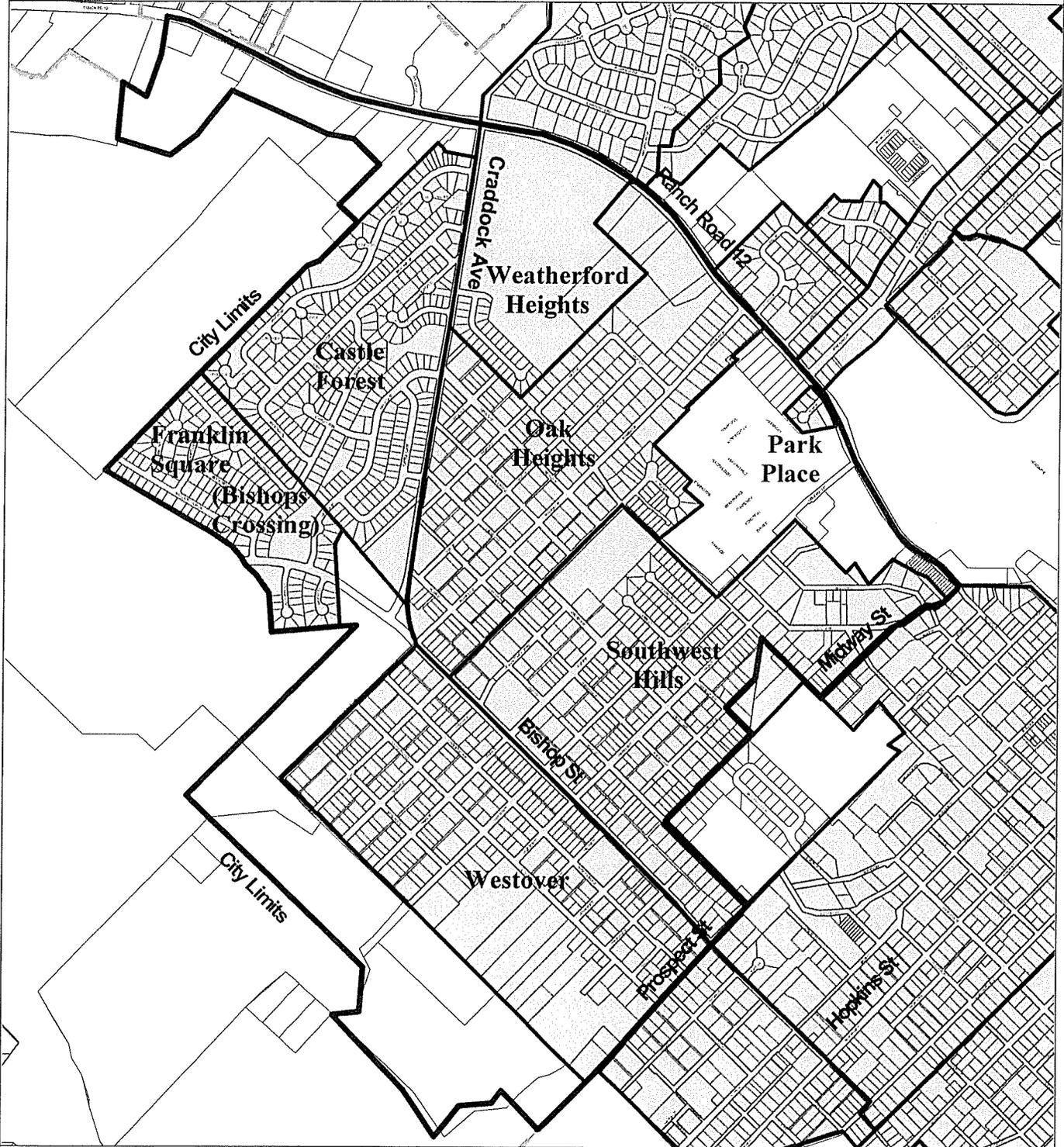
CLIENT: WILLIAMS, J.  
 DATE: OCTOBER 1, 2010  
 OFFICE: DRYANT  
 CREW: EVERETT, LOZANO, C. SMITH  
 PLOT NO. 26000-10-31-a

**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**

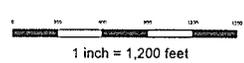
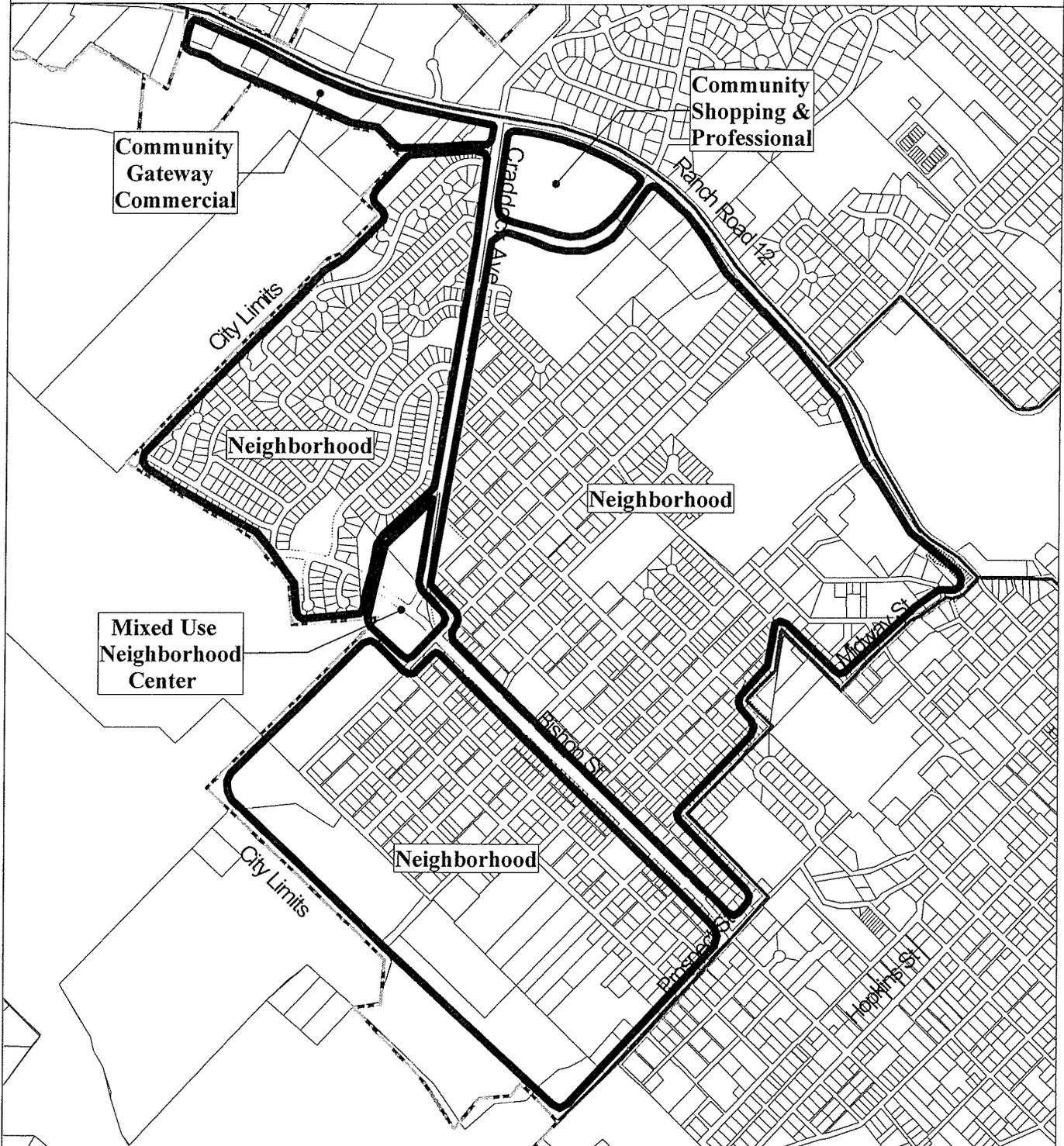
# Map 2: Neighborhood Associations Map

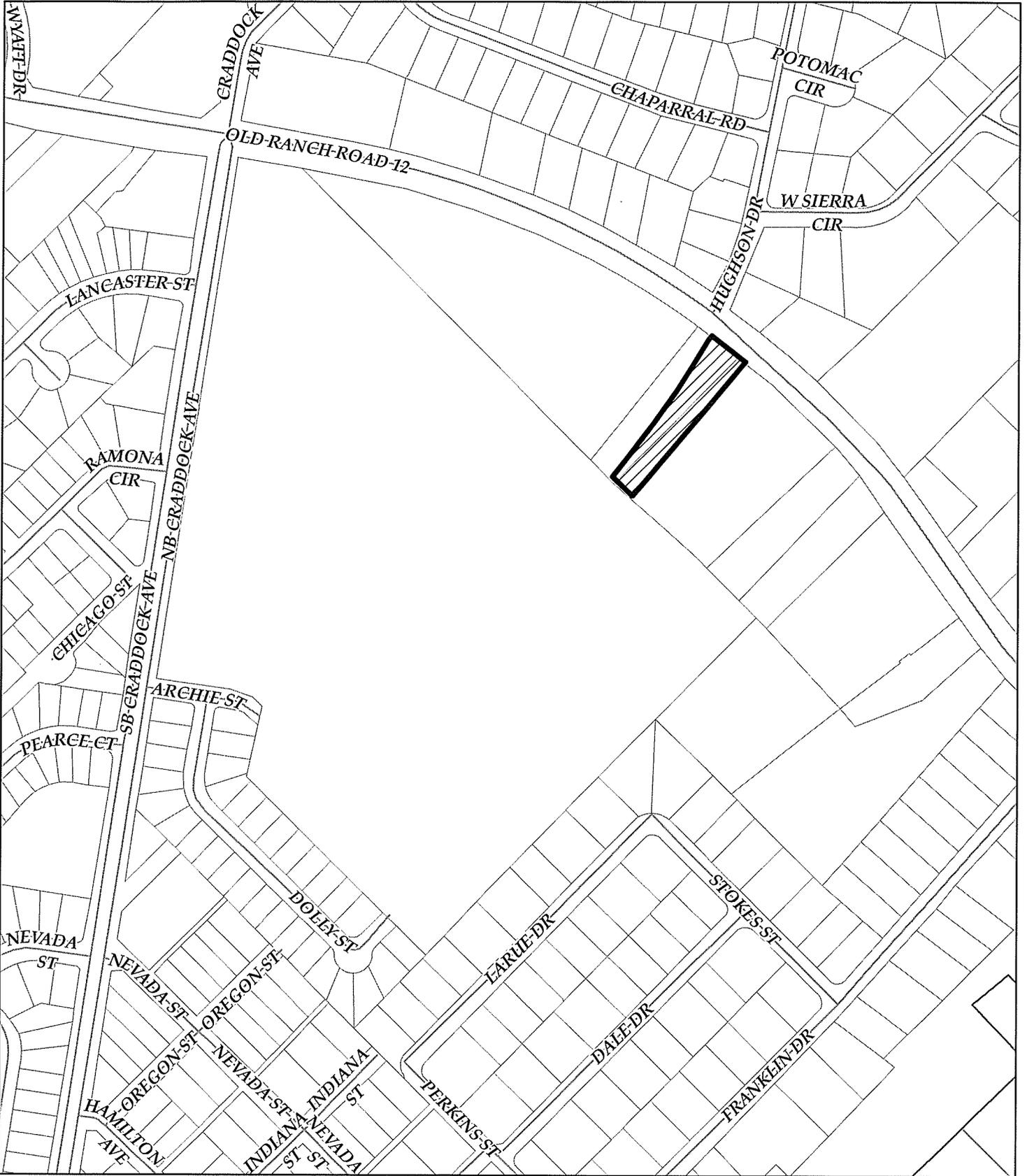
## City of San Marcos Sector Two Plan



# Map 6: Community Character Plan

## City of San Marcos Sector Two Plan





**ZC-10-21**

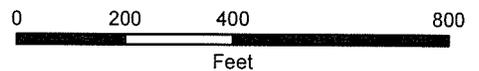
**The Retreat at San Marcos  
 Gilcrease Tract  
 Office Professional (OP)  
 to Multifamily (MF-12)**



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 14<sup>th</sup> to all property owners within 200 ft of subject property and a courtesy copy was sent to adjacent neighborhood representatives. This notice contained an error, and a corrected notice was sent on January 19<sup>th</sup>.

**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:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
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 overwhelmingly single-family. This request is proceeding concurrently with a Land Use Amendment from Commercial to Medium Density Residential and a Planned Development District overlay. The applicant is proposing to utilize the subject property as part of a student housing multi-family project within a PDD. This report reviews only the appropriateness of the rezoning of this tract. Please see the PDD report for a comprehensive analysis.

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.

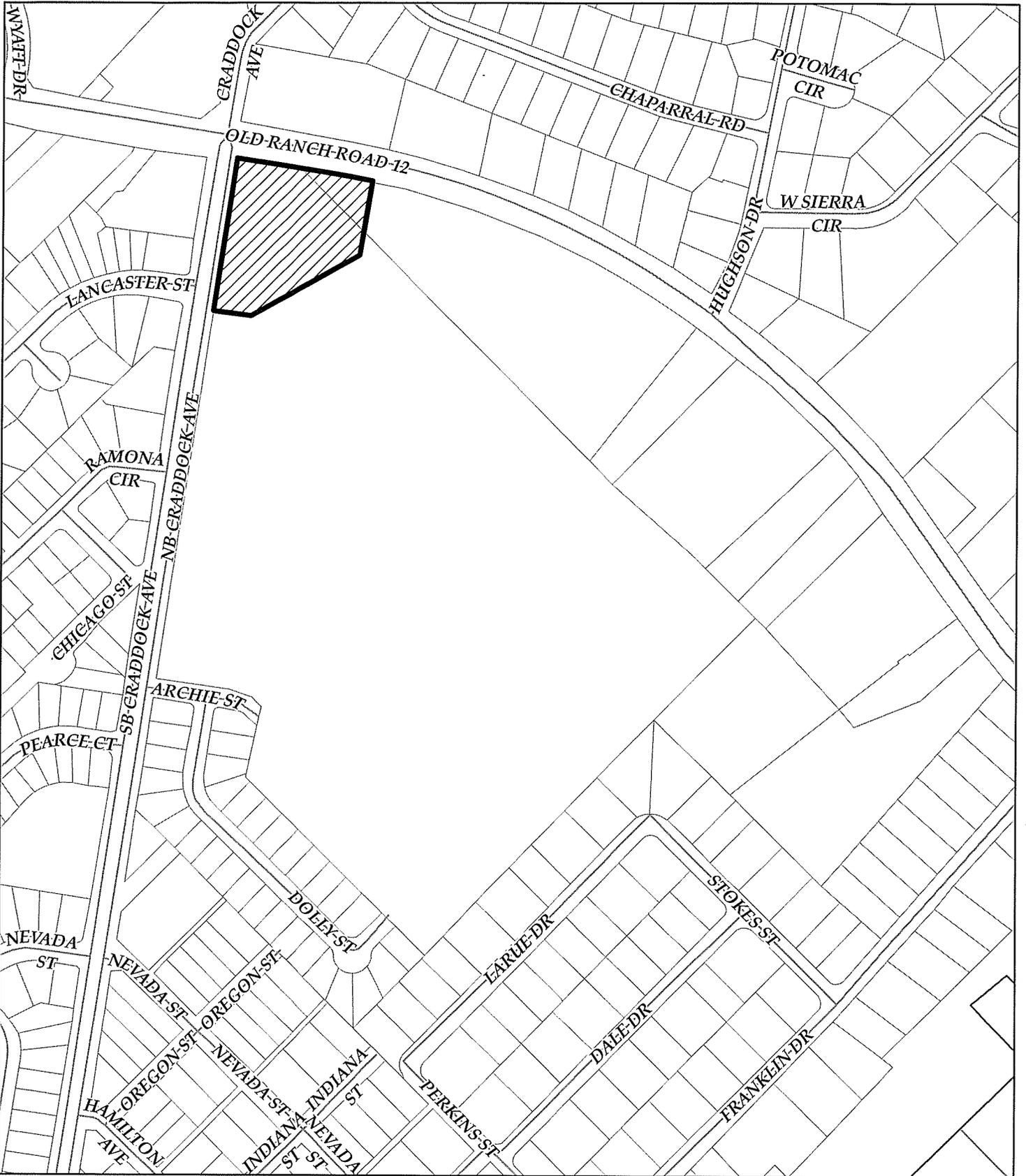
Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
	X	Whether the proposed zoning map amendment implements the policies of the adopted Master Plan, including the land use classification of the property on the Future Land Use Map and any incorporated section plan maps; <i>Comments: The Sector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

Based on the criteria above, the changing of the base zoning is not consistent with adopted policies and plans of the city regarding development in this area.

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

Prepared by:

John Foreman	Planner	January 20, 2011
Name	Title	Date

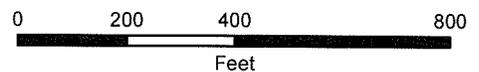


**ZC-10-22**

**The Retreat at San Marcos  
Weatherford Tract  
Single-family (SF-6) to  
Community Commercial (CC)**

●  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-10-22**  
**The Weatherford 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 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 14<sup>th</sup> to all property owners within 200 ft of subject property and a courtesy copy was sent to adjacent neighborhood representatives. This notice contained an error, and a corrected notice was sent on January 19<sup>th</sup>.

**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:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
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 overwhelmingly 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 report reviews only the appropriateness of the rezoning of this tract. Please see the PDD report for a comprehensive analysis.

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:

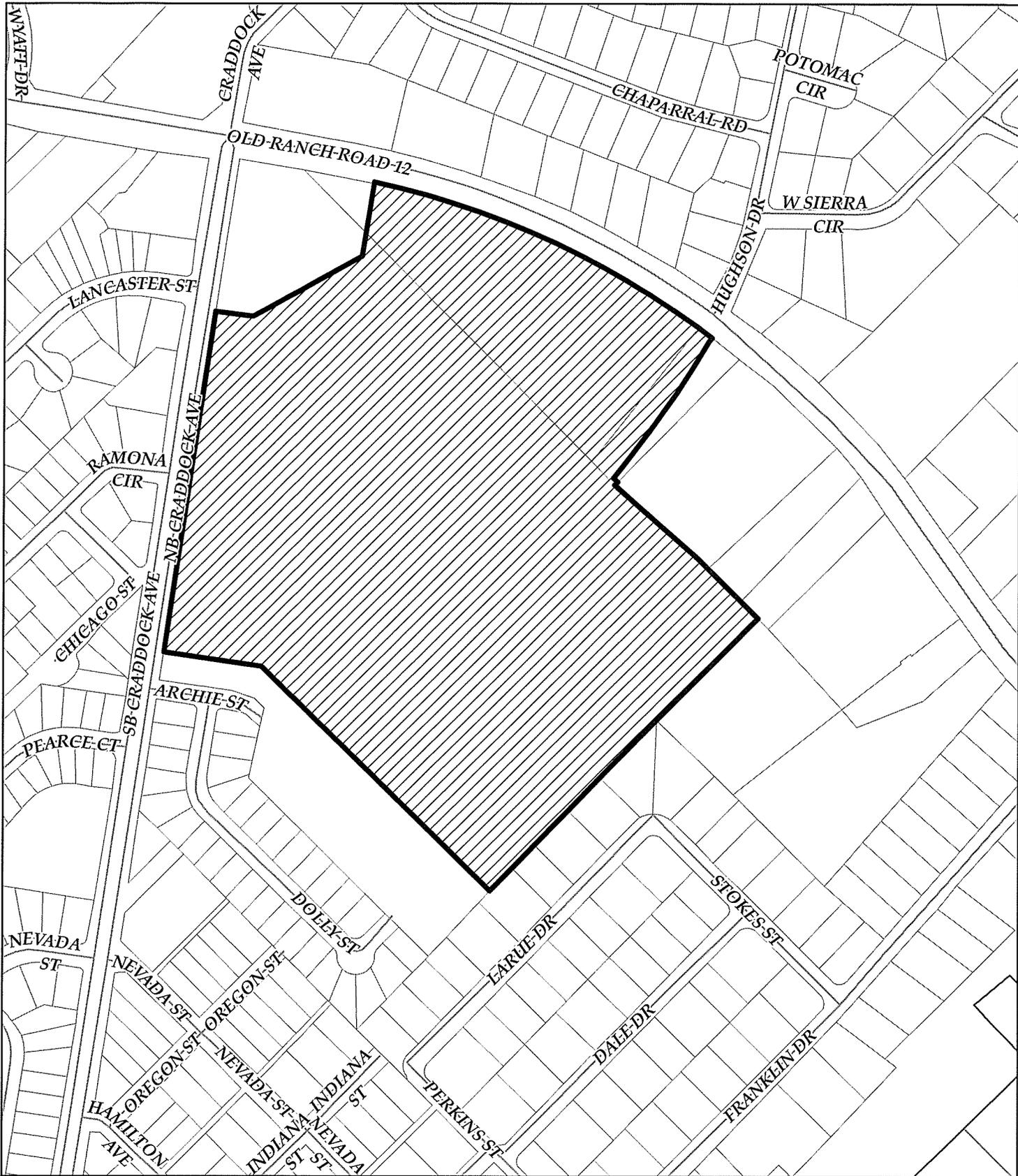
Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		<p>Whether the proposed zoning map amendment implements the policies of the adopted Master Plan, including the land use classification of the property on the Future Land Use Map and any incorporated section plan maps;</p> <p><i>Comments: 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, though staff has some concerns with items in the PDD.</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 type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input checked="" type="checkbox"/>	Alternative-Public Hearing only
<input type="checkbox"/>	Denial

Prepared by:

John Foreman	Planner	January 20, 2011
Name	Title	Date

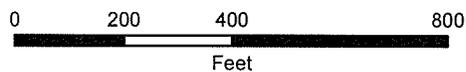


**ZC-10-23**

**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 Community Commercial 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 14<sup>th</sup> to all property owners within 200 ft of subject property and a courtesy copy was sent to adjacent neighborhood representatives. This notice contained an error, and a corrected notice was sent on January 19<sup>th</sup>.

**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:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
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.

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:

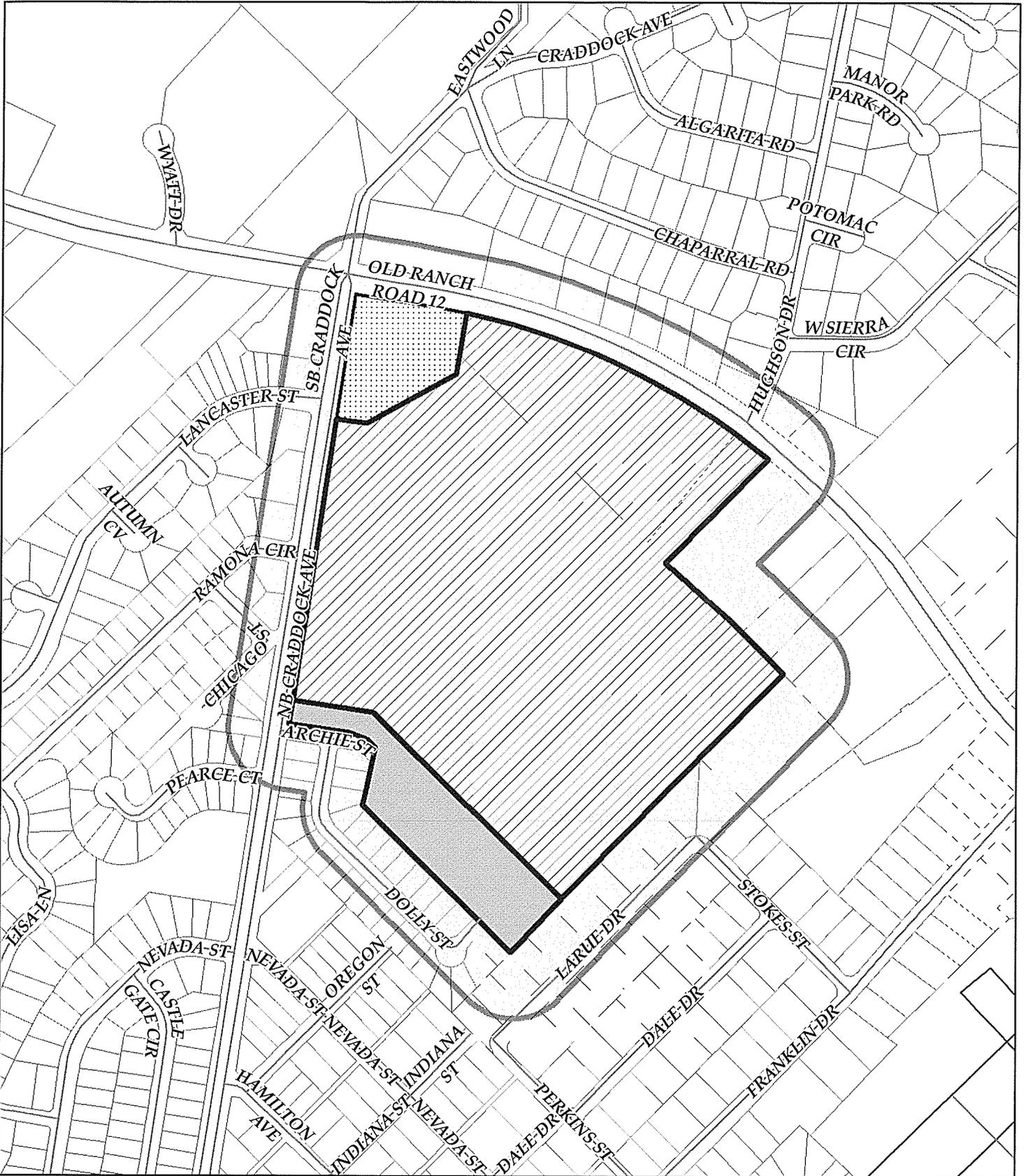
Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
	X	Whether the proposed zoning map amendment implements the policies of the adopted Master Plan, including the land use classification of the property on the Future Land Use Map and any incorporated section plan maps; <i>Comments: The Sector 2 plan call for this tract to be used as a mix of single-family, townhouses, patio homes, or possibly a senior apartment complex. See PDD report</i>
NA	NA	Whether the proposed zoning map amendment is consistent with a development agreement in effect; <i>Comments: No development agreements are in effect for this property.</i>
	X	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; <i>Comments: Multifamily at this scale is not an appropriate use at this location.</i>
X	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; <i>Comments: The alternate showing the Hughson/Ramona connector is not consistent and requires a Transportation Master Plan Amendment. See PDD report</i>
X		Other factors which substantially affect the public health, safety, morals, or general welfare <i>Comments: Staff has not identified other issues which substantially affect the public health, safety, morals or general welfare.</i>

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

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

Prepared by:

John Foreman	Planner	January 20, 2011
Name	Title	Date

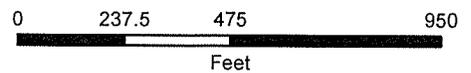


**PDD-10-02**

**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

## Subject Property:

**Legal Description:** 48.36 acres out of the E. Clark Survey, Abstract No. 83  
**Location:** 508 Craddock, Weatherford and Gilcrease Tracts  
**Existing Use of Property:** Vacant/Homesteads  
**Existing Zoning:** Community Commercial/SF-6  
**Proposed Use of Property:** Multi-family/Commercial  
**Proposed Zoning:** Multi-family (MF-12) and Community Commercial (CC), PDD overlay 2  
**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:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	SF-6	Single-family residential
<b>S of Property</b>	SF-6	Single-family residential
<b>E of Property</b>	P/SF-6	Church/ Single-family residential
<b>W of Property</b>	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, and no specific commercial type or tenant is identified in the PDD.

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 gated drive.

Initial staff comments were sent to the applicant January 14, 2011. Staff met with the applicant to review the comments on January 18, 2011. This staff report is based on the original PDD materials because revisions were not received prior to the staff report deadline; staff comments to the applicant are included in the supporting documents.

### **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 is currently preparing an amended submittal addressing the comments. The applicant anticipates providing additional exhibits and renderings prior to the Commission meeting.

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 at the February 8<sup>th</sup> meeting, staff recommends that P&Z attach these conditions as well.

### **Planning Department Analysis:**

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. 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: **Inconsistent** – In short, the initial submittal contains enhancements in water quality, parking, the amount of parkland dedication, and exterior design standards. Also, there is potential for increased tree preservation, although no figures are given to ensure it. The extent of these enhancements is limited or not identified. See the review of each section of the PDD document below for a more detailed description of the extent of each enhancement. Based on discussions with the applicant, staff anticipates that a revised submittal may be more consistent.*

separating different uses than when they are combined with transitions in use and intensity. Although there are buffers, an apartment complex of this size and even the proposed disc golf course will have impacts on the surrounding properties, including traffic and noise. Providing additional single-family within the development or imposing the occupancy restriction in 4.3.4.5 would better mitigate these issues, as would providing a fence between the disc golf course and the existing single-family for screening and preventing trespassing.

- (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** – See #4 above. Also, the reduction in the size of the commercial tract along with the fact that there is no end use identified in the PDD limits the opportunity to develop it as a larger neighborhood-serving use such as a grocery store while at the same time greatly increasing demand for such a service in the area.

- (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 primary submittal 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 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.

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 would apply.

Single-family lots are under separate ownership and are typically owner-occupied. 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

**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 states that the proposal offers a variety of uses in one cohesive development. Staff requests more information because it appears to be only a multi-family use with commercial to come later. Staff also requests the design of the pedestrian access point be included in the PDD for a more cohesive development.

**2.0 Existing Property Conditions**

Staff requests that the applicant more thoroughly describe the Sector 2 Plan vision for this site and how the proposed development meets it.

**3.0 Land Use Designation**

The document states that the project features a mixture of single-family residential, but the concept plan seems to show only multi-family. Staff has asked for clarification.

**4.0 Dimensional and Development Standards**

This section lists numerous standards regarding setbacks. Staff has asked for clarification. Also, staff has requested a code comparative table to better identify standards that differ from the LDC.

**5.0 Permitted, Conditional, and Prohibited Uses**

Staff suggests several changes to the list of uses.

**6.0 Development Standards**

**6.01 Landscape Standards**

Staff's comments address the intent of this section and how exactly it is exceeding the requirements of the LDC.

#### **6.02 Parking Standards**

Minor comments – LDC standards will be met but not exceeded in terms of alternative facilities such as bike racks. However, the applicant is proposing parallel parking in addition to the LDC required parking – 85 spaces for the plan showing the Hughson/Ramona connector or 54 spaces on the alternate.

#### **6.03 Exterior Construction Standards**

Minor comments – 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 address 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.

#### **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 has asked for more information regarding techniques proposed for water quality and requested that language be added to address maintenance of BMPs. Concerns are also related to the wet pond and how this will be managed during drought conditions.

#### **6.06 Fence Requirements**

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

#### **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 will come before the P&Z on February 8th. As noted in the comments to the applicant, cut-through traffic and pedestrian safety can be addressed with acceptable speed management techniques, including: roundabouts, speed cushions, pedestrian bulbouts, and raised crosswalks. 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.

The proposed removal will cause the subject property to exceed block length requirements along both Craddock and RR 12, and its removal is not consistent with the sector plan, which specifically calls for the collector to be a divided boulevard. 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.

### **Section 7: Miscellaneous**

Minor comments

**Concept Plan**

Comments address site design, connectivity, and request for figures for open space and tree preservation to compare with LDC standards. Staff suggests adding a 10' shred use path in the tree preservation area along Old Ranch Road 12 using minimal compaction. Also, staff requests that the applicant update the concept plan to include basic requirements such as proper scale and size.

**General Comments**

See comment list attached

**Staff feels that this case does not meet the criteria for approval in 1.5.3.5 of the LDC because it is not consistent with the vision for this tract laid out in the Sector 2 Plan, and the initial submittal does not offer sufficient enhancements to standards to mitigate compatibility issues and offset the inconsistencies with the Plan. The applicant will meet with Staff following this meeting to discuss their submittal and the Commission's comments. Following, they may make revisions to the submittal. Staff will prepare a new staff report identifying areas of consensus and/or disagreement. The new submittal and report will be brought back to the Commission at the February 8, 2011 meeting.**

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

**Prepared by:**

John Foreman

Planner

1/20/2011

**Name**

**Title**

**Date**

Provided by ETR Development Consulting

<b>Sector 2 Plan Vision Comparison</b>			
<b>Standard</b>	<b>Sector 2 Plan</b>	<b>Proposed PDD</b>	<b>Difference</b>
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			

## 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 2<sup>nd</sup> 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

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:

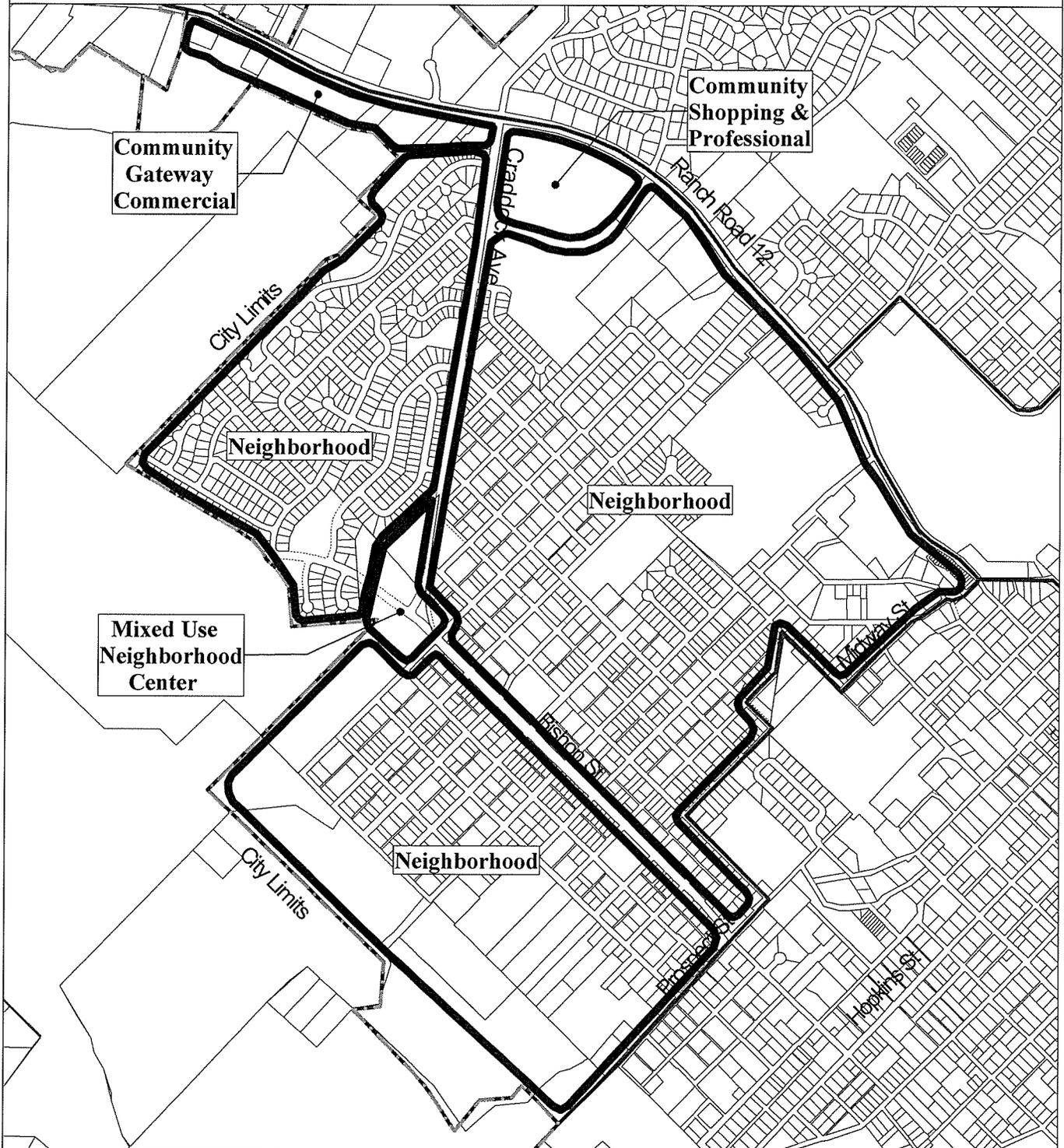
- Allowable commercial uses are limited to up to 5 acres of “Neighborhood Commercial” and “Office-Professional” (as described above).
- Also allowable within the Neighborhood Commercial areas are 2<sup>nd</sup> floor multi-family apartments above commercial uses (approved as part of a Planned Development 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.

# Map 6: Community Character Plan

## City of San Marcos Sector Two Plan



Address	Name	Comments	Give Comments to P&Z?
702 Chicago	Scott Kelley	Request for information	
121 E. Sierra Circle	Kathleen Hicks	Oppose proposed development	Y
1816 Lancaster	Ann Martin	Opposed to development due to traffic increases, including the Buie Tract, and constant zoning changes. Would be in favor of single family residential and community commercial along RR 12	Y; Out of town for meeting, will submit a letter
709 Chicago	Dirk Dahlman	Opposed, Concerned about Traffic, and students.	Y; Wants to submit a letter and attend the meeting
1808 Ramona Cir	Aaron Spielvogel Rhonda	opposed	Y
207 W. Sierra Cir	Galloway	Opposed	Y
107 Chapparall	Ed Davis	Opposed - concerned about concentration of students, worried it will be like Sagewood, worried it could harm the neighborhood	Y
101 Dolly	Catherine Link	Very concerned. Separate Archie street from parking area, rear yard fence not 6', should be a fence to separate from disc golf course	y

January 17, 2011

City Council and Planning and Zoning Commissioners  
City of San Marcos  
630 E. Hopkins Street  
San Marcos, Texas 78666

Dear Council and Commissioners,

I am the owner of 46.65 acres of the tract encompassing the majority of the acreage included in the proposed Retreat at San Marcos Planned Development District. Retreat Holdings, LLC is purchasing the property from me and is working with a local development team to prepare the PDD and to eventually construct this predominantly low density residential project. I am in full support of their request and I hope that you will acknowledge the extent to which our team has gone to bring forward a project that addresses the intent of the City's Master Plan and that reflects our commitment to protecting the integrity of adjacent residential subdivisions.

As you know, I and others have attempted to reasonably develop this land for over ten years and each time we have faced serious opposition from some in the nearby residential neighborhoods. I expect this this time will be no different. However, I do feel that that Retreat Holdings has gone to great lengths to address most if not all of the legitimate concerns that we have heard during three neighborhood meetings that we have had with the adjacent residents. The proposed PDD contains a detailed Concept Plan and regulations that will provide concrete assurances to the City and surrounding property owners that the development will occur as it has been presented.

Again, I ask you to please convey your positive recommendation and approval for our requests. The local development team and I are available at any time to answer your questions and we look forward to our chance to discuss this project.

Sincerely,



Dr. Jack Weatherford

2011 JAN 21 PM 11 55

## Foreman, John

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**From:** Shane Berry [shane@hillcountryrocks.net]  
**Sent:** Saturday, January 15, 2011 4:56 PM  
**To:** Planning Information  
**Cc:** Foreman, John  
**Subject:** Student Housing Development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

My name is Shane Berry, and I live at 701 Chicago St. My house backs right up to Craddock, and at my elevation, I can see this whole field from my backyard. I am fully **AGAINST** this development being proposed, as it will not only be a huge eye sore, but there are many other issues. The noise is going to be a problem, the trash, as well as our home values decreasing. If that development was there before I bought my home I would have not purchased it, and looked for something elsewhere. I have talked with many of my neighbors, and everyone I have talked to so far is on the same page as I.

Thanks for your time,

Shane Berry  
701 Chicago St  
San Marcos, TX 78666

512-618-7561  
[shane@hillcountryrocks.net](mailto:shane@hillcountryrocks.net)

## Foreman, John

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**From:** Lewis, Matthew  
**Sent:** Friday, January 14, 2011 11:44 AM  
**To:** Foreman, John; Steed, Phil  
**Subject:** Fwd: Zoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sent from my iPhone

Begin forwarded message:

**From:** Ed Kuny <ekuny@grandecom.net>  
**Date:** January 14, 2011 11:39:57 AM CST  
**To:** "Lewis, Matthew" <MLewis@sanmarcostx.gov>  
**Subject:** Zoning

Mr. Lewis: With regard to the Planning and Zoning Commission consideration of a zoning request for allowing apartments to be built on the tract of land on Old RR 12 and Craddock. The property is currently Zoned SF-6 (single family), and according to the city's master plan it should stay that way. To continue to allow high density apartment development in the middle of low density single family zoned areas is to completely disregard the citizens of San Marcos who chose to move here, buy property, build homes, and enjoy the peace and quiet of family neighborhoods. San Marcos is growing and there is little we can do to curtail that, given our location on I-35 and having Texas State University in our community. But that very fact makes it extremely important that growth be done in a manner so as not to disturb property values of our current citizens. I refer to the mistaken zoning some years ago of property on Craddock between RR12 and LBJ, including Sagewood.

The traffic flow at Hughson and Old RR12 is already so high that it is quite dangerous. To add to that with some 1200 or more automobiles that would be generated by the developers plans would create the kind of traffic that stretch of road simply will not be able to handle. The Wonder World extension was created to relieve traffic in the heart of San Marcos, including the neighborhoods along Moore Street (Old RR12). Allowing this requested development will negate any relief gained by that...and actually increase traffic over what was there before.

I urge the Commission to not grant the request.  
Sincerely, Edwin F. Kuny, 212 Sierra Ridge Dr., San Marcos, TX 78666, 353-4339.

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San Marcos, TX ...Business Week Top 10 Places to Raise Kids in the U.S

**To: Mayor Guerrero and City council**  
**From: Concerned Voter and property tax payer**  
**Re: Buie Tracts and now “the RETREAT”?**

Here is hoping that our new Mayor and our City council embrace some of the traditional San Marcos quality of life characteristics that we would like to see preserved:

A safe town in which one can still find older, single family residence neighborhoods, a community that treasures our preserves and our Aquifer. A town in which parents can raise their children and enjoy their grand-children in residential areas offering a quality of life for which they pay dearly through their property taxes.

Our neighborhoods fought long and hard last year to defend our rights against the encroachment of yet more apartment buildings and shops just to find out that those whose support we sought were already bought and paid for.

It is now our hope that with a new year and new blood comes the possibility to present our case again.

We chose these neighborhoods because they were PROTECTED in the City Master and Sector plans by the designation of VERY LOW DENSITY residential.

We pay for the protection of our quality of life with our property taxes, our votes and our hard work.

After being ignored and maligned last year in our efforts to fight the Buie Tract nightmare, we now find that insult is going to be added to injury and there is seemingly no stopping the attempts to destroy our neighborhoods, our peace of mind and our property values to say nothing of our faith in our elected representatives.

Are we going to have to resort to calling FOX news and bringing our plight into the media circus in order for someone to listen to us?

We don't oppose progress or industry or growth. What we do oppose is that said entities are not being developed or encouraged in areas that are available, where infrastructure is more readily supportive of said growth and where new communities can be set up to welcome younger and less structured life styles than those of people who still have to get up at 4:30 in the morning or those who have already retired from a lifetime of hard work and earned the right to a peaceful, tranquil golden age. Before you tell us about the “need” for more student housing, please click on <http://www.yellowpages.com/san-marcos-tx/apartments> and note that on this site alone, there are 110 entries for just apartments. Please walk our neighborhoods and notice that there are an unheard of number of houses for sale, lease and rent. I walk my dogs every evening and am appalled by the new number I see weekly, sometimes daily.

Our company was bought 3 years ago by a huge Intl Corporation and NONE of our current management team or the incoming mgt team lives in San Marcos. All their property tax money is going to SA, NB and Austin. NB is especially well known for their stalwart protection of residential areas and the zoning therein. Why would anyone make the largest investment of their life in a town that will sell out what they thought was a STATED protected zoning at the drop of a developer's wallet?

Once again, we are not against progress, we are against the violation of the protections in the City Master and Sector Plans. There is ample room for "progress" all along the IH 35 corridor.

479 housing units and shops right over the Edward's Aquifer Recharge Zone is not progress, it is irresponsible and to this they are now proposing adding another 821 which will result in funneling of thousands of additional cars through streets like Franklin, Hamilton, Dale etc? Residential streets where children walk to one of the only neighborhood schools left in San Marcos. There is NO infrastructure to support this and extending Hughson to Ramona will definitely not accommodate the added influx of vehicles.

2008 and 2009 saw the worst drought in decades and we experienced level three water rationing. Where is the EXTRA water coming from for all of these new apartments?

We ask that you take into consideration the justified grievances of your constituents and not just the empty promises of the pot of gold at the end of the developing rainbow. Once they have made their money in our neighborhoods, they will soon be appearing at a neighborhood near you.

Please don't insult our intelligence by bringing up all of the BIG jobs that are coming to SM. Companies in SM are hiring from the outside to fill the white collar positions, keeping the local population within the salary ranges that can be verified on the demographics page which shows that the median income is \$25,500 vs \$48,250 for the State and that our median resident age is 23 vs 32 for the State also, please note that the majority of these residents don't remain in San Marcos after completing their studies.

In conclusion, we VEHEMENTLY oppose the proposed change to PDD zoning. Anyone who thinks this is a good idea for our neighborhoods is invited to propose this for their own neighborhood, we will not stand in your way.

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



## **PDD REVIEW REPORT**

<b>To:</b>	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
<b>FROM:</b>	John Foreman, Planner
<b>DATE:</b>	January 14, 2011
<b>RE:</b>	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](mailto:jforeman@sanmarcostx.gov)



DEVELOPMENT  
SERVICES-PLANNING

# MEMO

**TO: PLANNING AND ZONING COMMISSION**  
**FROM:** John Foreman, Planner  
**DATE:** January 20, 2011  
**RE: REVISION TO LDC 4.3.4.2**

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Following reports from staff and input from downtown business owners, at the January 18, 2011, meeting, City Council directed staff to draft the following revisions to the section of the Land Development Code (LDC) dealing with Restricted and Unrestricted Conditional Use Permits (for a detailed history of these CUPs, please see the attached memo):

- 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."
  - Reduce the number of entrees required from eight to three.
- Restricted CUPs shall be issued at a building and shall be valid until the TABC license has expired for 6 months or the building has been vacant for 6 months

These changes are reflected in the attached revised code excerpt provided by the City Attorney. One additional change recommended by council has not yet been drafted and included in the document:

- The ordinance should contain a provision for annual review by Council.

The sunset/review clause will be added to the actual ordinance that amends the code when it goes to Council. Additionally, staff is proposing that the Commission review and consider recommending changes to the following:

- Remove the reporting requirement to the city in (c) (5) (a). This section asks for a copy of sales reports submitted from Restricted CUP holders to TABC. According to TABC, no sales reports are submitted to them. They receive this information from the comptroller. Moreover, staff does not see the need for reports to be submitted if there are no minimum requirements for food sales.
- Change (c) (1) to state that Restaurant Permits are valid for up to three years from date of issuance. This would allow for an initial one-year approval period. Currently, all new Restricted CUPs may only be approved for three years, no more or less.

(7) Limitations in the CBA district.

- a. A business in the central business area zoning district that wishes to dispense alcoholic beverages for on-premise consumption, and does not operate a bona fide restaurant on the premises, must apply for, obtain and maintain an unrestricted Conditional Use Permit, to be known as an "unrestricted permit". A business in the central business area zoning district that wishes to dispense alcoholic beverages for on-premise consumption, and does operate a bona fide restaurant on the premises, must apply for, obtain and maintain either an unrestricted permit, or a restricted Conditional Use Permit, to be known as a "restaurant permit". Except as noted in subdivisions b and c below, both unrestricted permits and restaurant permits are subject to all provisions of this chapter that apply to Conditional Use Permits, including those pertaining to revocation of permits.
- b. The following provisions apply to unrestricted permits:
  1. The number of active unrestricted permits in the central business area zoning district shall not exceed ~~42~~14.
  2. If there are ~~42~~14 active unrestricted permits, any further applications for unrestricted permits in the district shall be placed on a waiting list and individually referred to the Commission for consideration within 45 days, in the same order as submitted, when the number of unrestricted permits is less than ~~42~~14.
  3. If the Commission authorizes a new unrestricted permit to be issued in the district, and a waiting list exists for further applications, the applicant whose permit was authorized must obtain the permit within 180 days of the Commission decision to authorize the permit, or the authorization is void and the next application on the waiting list will be referred to the Commission for consideration within 45 days.
  4. The following revisions to unrestricted permits in the district may be considered and made without regard for any waiting list that may exist for new unrestricted permits in the district:
    - a) Administratively approved revisions under subsection (b)(6)d above.
    - b) Revisions to a current valid permit from a beer and wine permit to a mixed beverage permit, or vice-versa.
    - c) Revisions due to the remodeling of a business that is not subject to administrative approval under subsection (b)(6)d above.
  5. An unrestricted permit shall be issued for on-premises consumption at a particular building. The unrestricted permit for a particular building shall be deemed revoked if the building remains vacant for more than 6 months or if no TABC permit for on-premises consumption is in effect at that building location for more than a 6

month period. In such event, a new unrestricted permit for that building is required and may be issued by the Commission only if there are less than 14 unrestricted permits currently in effect in the Central Business Area.

c. The following provisions apply to restaurant permits:

1. Restaurant permits are valid for three years from date of issuance. Each business holding a restaurant permit must apply for and obtain a renewal permit every three years, no later than the expiration date of the current permit. A renewal permit for a current permit holder may be administratively issued if the applicant has complied with all of the provisions of this Chapter, all provisions of the permit, and any other applicable statutes during the previous permit period, and has not been assessed any violation values under this section. Otherwise, the application for the renewal permit shall be considered by the Commission after a public hearing.
2. A business holding a restaurant permit must become operational and open to the public within one year of issuance, or the permit shall expire. Upon request of the permit holder for good cause, the Planning Director may permit one six-month extension. ~~A business holding a restaurant permit may not cease operations or close to the public for a continuous period of more than one year, or the permit shall expire.~~ A restaurant permit shall be issued for on-premises consumption at a particular building. The restaurant permit for a particular building shall be deemed revoked if the building remains vacant for more than 6 months or if no TABC permit for on-premises consumption is in effect at that building location for more than a 6 month period. In such event, a new restaurant permit for that building is required and may be issued by the Commission only if there are less than 15 restaurant permits currently in effect in the Central Business Area District.
3. A business holding a restaurant permit must comply at all times with all of the following standards for "bona fide restaurants":
  - a) The business must have a kitchen and food storage facilities of sufficient size to enable food the preparation, ~~and service of eight or more different entrees.~~ The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment. [Are these kitchen equipment standards necessary if the "three entrées" requirement can be met by serving sandwiches under subsection (c) ?]
  - b) The business must apply for, obtain and maintain a food establishment permit in accordance with chapter 18 of the City Code.

- c) ~~The business must maintain the same hours of operation for the sale and service of food and alcoholic beverages, except that food may be sold or served before or after the legal hours for sale of alcoholic beverages. During all times at which alcoholic beverages are served, the business must offer at least eight different entrees. 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. At least three entrees must be available during each meal period. 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.
  - e) ~~The business must not derive more than 50 per cent of its gross receipts aggregated over any nine month period from alcoholic beverage sales.~~
4. 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.
  - d) ~~The hours of operation of the business.~~
5. The holder of a restaurant permit must submit to the Director:
- a) A complete written update of all information required under the section above each year within 30 days of the annual renewal date of the state TABC license or permit for the holder's business; and a copy of each report submitted to the TABC that contains an indication of the portion of revenues of the business that are derived from alcoholic beverage sales, within five days of the submission of the report to the TABC
  - b) ~~For one year after the start of business operation under a new Conditional Use Permit, a monthly report on a form approved by the Director, bearing the signature of a Certified Public Accountant, indicating the gross receipts of the business and the portion of the gross receipts of the business derived from alcoholic beverage sales. The report~~

~~must be submitted by the 25<sup>th</sup> day of each month to cover the preceding month or any applicable portion thereof; and~~

- ~~c) After the first year after the start of business operation under a new Conditional Use Permit, a quarterly report on a form approved by the Director, bearing the signature of a Certified Public Accountant indicating the gross receipts of the business and the portion of the gross receipts of the business derived from alcoholic beverage sales. The report must be submitted by the 25<sup>th</sup> day of each January, April, July and October to cover the preceding quarter or any applicable portion thereof.~~
- 6. The holder of a restaurant permit agrees, as a condition of the permit, to allow the Planning Director or an authorized representative to enter and inspect the business premises at any time during normal business hours to verify compliance with the requirements for restaurant permits under this section.
- 7. The number of active restaurant permits in the central business area zoning district shall not exceed 15. If there are 15 active restaurant permits, any further applications for restaurant permits in the district shall be placed on a waiting list and individually referred to the commission for consideration within 45 days, in the same order as submitted, when the number of restaurant permits is less than 15.
- ~~8. In addition to all other provisions of this chapter that apply to restaurant permits, including those pertaining to revocation of Conditional Use Permits, the following provisions apply:~~
  - ~~a) A restaurant permit holder who fails to submit the reports required under subsection c.5. by the date specified shall be deemed out of compliance, and the holder's permit will be subject to revocation by the Planning and Zoning Commission.~~
  - ~~b) Monthly reports required under subdivision c.5.b) will be reviewed by the Planning Director or an authorized representative on a monthly basis. The Director will notify a permit holder if a review shows a business to have alcoholic beverage (including beer and wine) revenues in excess of 50 per cent of its gross receipts for the month. If a review of reports for any nine consecutive months shows that a permit holder's alcoholic beverage revenues are more than 50 per cent of its gross receipts, the permit shall be subject to revocation proceedings.~~
  - ~~e) Quarterly reports required under subdivision c.5.c) will be reviewed by the Planning Director or an authorized representative on a quarterly basis. The Director will notify a permit holder if a review shows a business to have alcoholic beverage (including beer and wine) revenues in~~

~~excess of 50 per cent of its gross receipts for the quarter. If a review of any nine consecutive months shows that a permit holder's alcoholic beverage revenues are more than 50 per cent of its gross receipts, the permit shall be subject to revocation proceedings.~~

~~(Ord. No. 2005-19, §§ 1-7, 3-1-05)~~

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



# 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

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.

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
January 11, 2011**

**1. Present**

**Commissioners:**

Sherwood Bishop, Chair  
Bill Taylor, Vice-Chair  
Bucky Couch  
Randy Bryan  
Travis Kelsey  
Jim Stark  
Chris Wood  
Kenneth Ehlers

**City Staff:**

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

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

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday January 11, 2011 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Election of Officers:**

- a. **Chair**
- b. **Vice-Chair**

Chair Bishop announced the Commissioner Seebeck was not present and requested that the election of officers be postponed to the January 25, 2011 Planning Commission meeting.

**MOTION:** Upon a motion made by Commissioner Couch and a second by Commissioner Kelsey, the Commission voted all in favor to postpone the election of Chair and Vice-Chair to the January 25, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

**4. Chairperson's Opening Remarks.**

Chair Bishop welcomed the audience.

**5. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

## **6. Citizen Comment Period**

There were no citizen comments.

**7. CUP-10-33 (Shipley's Drive Thru)** Hold a public hearing and consider possible action on a request by Carlos Hernandez, agent for Hom Kear for a Conditional Use Permit to allow a Food Service/Drive-In establishment to be located within a Community Commercial (CC) zoning district located at 1602 Aquarena Springs Drive.

Commissioner Ehlers recued himself from the discussion and vote.

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

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Bryan, the Commission voted all in favor to approve CUP-10-33 with the conditions that the submitted site plan meet all requirements of the Land Development Code, including tree mitigation; the entrance/exit drive from Aquarena Springs be "right-hand" turn only; and the that adequate screening be provided between the subject site and adjacent property. The motion carried unanimously.

**8. CUP-10-34 (Wok & Roll Restaurant)** Hold a public hearing and consider possible action on a request by Mei Wan Lai to allow the sale of beer and wine for on premise consumption at a restaurant at 812 S Guadalupe St.

Chair Bishop opened the public hearing. John Lai, stated he moved from Helotes, TX to San Marcos to open a restaurant. Mr. Lai mentioned that he has left message for staff regarding a temporary sign permit and has not received a return call. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Bryan, the Commission voted all in favor to approve CUP-10-34 with the conditions permit shall be valid for one (1) year, provided the standards are met, subject to the point system; the applicant shall submit plans and receive all required permits from the Health Department; and the applicant shall submit a temporary sign information sheet and comply with all other requirements of the Land Development Code with regard to temporary signage. The motion carried unanimously.

**9. WPP2-10-0003** – Hold a public hearing and consider possible action on a request by Byrn & Associates, Inc., on behalf of Outlet West Investors, LTD, for a Qualified Watershed Protection Plan Phase 2 for the realignment and channelization of a portion of Cottonwood Creek (from the Union Pacific Railroad culvert southwest of Centerpoint Road to the Cottonwood Creek crossing of Centerpoint Road northwest of Gregson's Bend).

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

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Kelsey, the Commission voted all in favor to approve WPP2-10-0003 with the following conditions: the Developer shall execute and have recorded with County Property Records a Drainage Easement and Detention Pond Agreement acceptable to the City; the developer shall adhere to all requirements of that document, including maintenance by the property owner, and all requirements of the Mitigation Plan authorized by the USACOE. The motion carried unanimously.

**10. PDD-10-01. 222 Ramsay.** Hold a public hearing and consider a request by Iconic Development, on behalf of San Marcos Green Investors, for a Planned Development District (PDD) overlay with a Multi Family (MF-24) base zoning for approximately 3.86 acres located at 222 Ramsay Street.

Commissioner Ehlers recused himself from the discussion and vote.

Chair Bishop opened the public hearing. Pat Biernacki, 222 Ramsay explained that they reevaluated the parking concerns. He advised the Commission that the property is 98% occupied with twelve month leases. He stated that they currently require all residents to register for parking. They have 179 parking spots and 164 registered residents which are given a sticker for their vehicle. In addition, a towing company comes twice a week to make sure parking is utilized correctly. Mr. Biernacki further explained that they have forty five parking spaces that can be converted to compact parking which will add five parking spaces. In addition, they will add 10% for bike parking. He felt that they have a set a good precedent in redevelopment. He stated he was available to answer questions and asked for the Commissioners approval of the request. 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 Bryan, the Commission voted all in favor to approve PC-04-10(03c) as submitted. The motion carried unanimously.

**11. LUA-10-14 (1311 N. IH 35)** Hold a public hearing and consider possible action on a request by ETR Development Consulting, agent for Darren Casey Interest, Inc. for a Future Land Use Map Amendment from Commercial (C) to High Density Residential (HDR) for a 2.547 acre tract located at 1311 N IH-35.

Chair Bishop opened the public hearing for LUA-10-14 and ZC-10-20. Ed Theriot, ETR Development Consulting, representing Darren Casey, stated that Greg Gibson, Darren Casey Co was also present. Mr. Theriot provided the Commission with a letter in support of the applications for LUA-10-14 and ZC-10-20. He gave a brief overview of the letter. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to postpone the request to the February 8, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

**12. ZC-10-20 (1311 N. IH 35)** Hold a public hearing and consider possible action on a request by ETR Development Consulting, agent for Darren Casey Interest, Inc, for a Zoning Change from General Commercial (GC) to Multi-family (MF-24), for a 2.547 acre tract located at 1311 N IH 35.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Couch, the Commission voted all in favor to postpone the request to the February 8, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

### **13. Discussion Items.**

Commissioner Stark requested that the Land Development Code Tree Ordinance be placed on a future agenda for discussion.

### **Planning Report**

- a. End of Year Report.
- b. Planning Commission 2011 retreat

Matthew Lewis advised the Commission that items a. and b. will be discussed at the January 25, 2011 Planning Commission meeting.

Matthew Lewis also informed the Commission that the City Council and Planning Commission workshop will be held on Wednesday, February 2, 2011 from 11-2 p.m.

Commissioners Wood, Couch and Kelsey advised that they would not be available to attend.

- c. Planning Article- Placemaking as an antidote for shrinking city budgets.

Erika Ragsdale gave a brief overview of the Planning Article.

**Commissioners' Report**

Chair Bishop on behalf of the Commission wished a rapid recovery to Commissioner Seebeck.

Chair Bishop welcomed Commissioner Ehlers to the Planning and Zoning Commission.

- 14. Consider approval of the minutes from the Regular Meeting on December 14, 2010.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Couch, the Commission voted all in favor to approve the minutes of the regular meeting on December 14, 2010. The motion carried unanimously.

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

There were no questions from the public.

**16. Adjournment**

Chair Bishop adjourned the Planning and Zoning Commission at 7:42 p.m. on Tuesday, January 11, 2011.

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Sherwood Bishop, Chair

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Bill Taylor, Commissioner

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Jim Stark, Commissioner

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Travis Kelsey, Commissioner

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Chris Wood, Commissioner

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Randy Bryan, Commissioner

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Kenneth Ehlers, Commissioner

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Bucky Couch, Commissioner

ATTEST:

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Francis Serna, Recording Secretary