



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, June 12, 2012, 6:00 p.m.
City Council Chambers
630 E. Hopkins Street

*Bill Taylor, Chair
Curtis Seebeck, Vice-Chair
Randy Bryan, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner
Kenneth Ehlers, Commissioner
Carter Morris, Commissioner
Bucky Couch, Commissioner
Corey Carothers, Commissioner*

AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Chairperson's Opening Remarks.**
4. ***NOTE:*** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*
5. **30 Minute Citizen Comment Period.**

CONSENT AGENDA:

6. **Consider the approval of the minutes from the Regular Meeting on May 22, 2012.**

PUBLIC HEARINGS:

7. **CUP-12-18 (Zelick's)** Hold a public hearing and consider a request by Seth Katz on behalf of Zelick's Inc. for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 336 W. Hopkins.
8. **PDD-11-03(a) (Blanco Vista)** Hold a public hearing and discuss a text amendment to the existing Blanco Vista PDD overlay district for approximately 432.5 acres part of the William Ward Survey No. 3 and the J.W. William Survey and part of the Blanco Vista Subdivision (except Blanco Vista Phase 1-2, Sections 1, 2 and Infrastructure and Blanco Vista Tract I Section A and School Tract, Blanco Vista, Tract C, Section A, and Trail Ridge Pass Church Subdivision), located at the intersection of Blanco Vista Boulevard and Trail Ridge Pass.

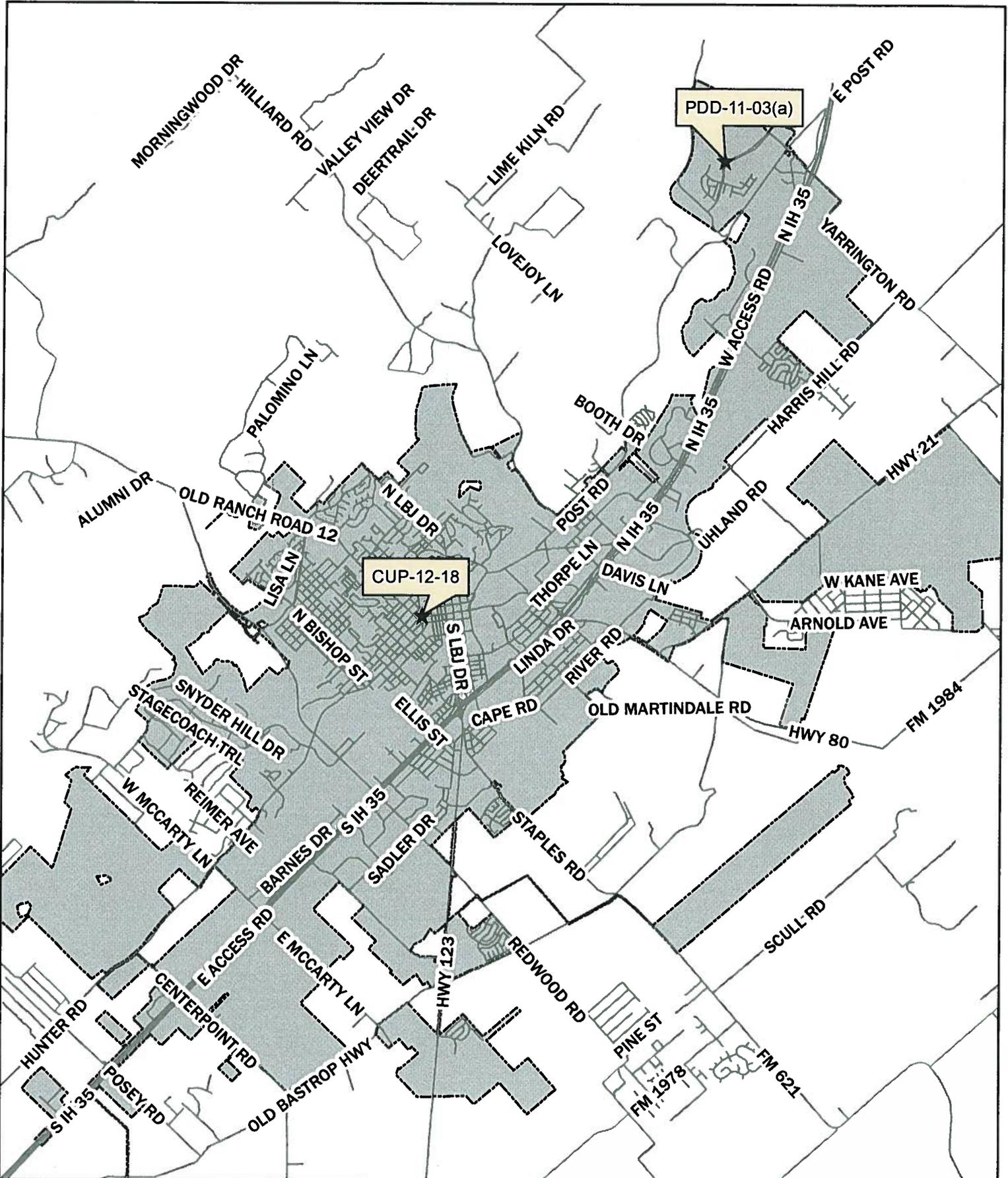
9. Development Services Report

a. Update from staff on the Comprehensive Plan

10. "Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda."*

11. Adjourn.

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



**Planning and Zoning
Commission Meeting
June 12, 2012
Location Map**

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**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
May 22, 2012**

1. Present

Commissioners:

Bill Taylor, Chair
Bucky Couch
Travis Kelsey
Carter Morris (arrived 6:15/left 7:10)
Chris Wood
Corey Carothers
Kenneth Ehlers
Randy Bryan

City Staff:

Matthew Lewis, Development Services Director
Sam Aguirre, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
John Stanley, Planner

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday May 22, 2012, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Taylor welcomed audience and viewers.

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

5. 30 Minute Citizen Comment Period

Lisa Spencer, 100 E. Mimosa Circle, spoke concerning W. San Antonio Street project. She stated that they purchased their home two and a half years ago. She explained that her daughter is currently living in the home and felt it was a good investment. Ms. Spencer explained that they have had problems getting trash picked up because there are always so many vehicles parked and the trash trucks cannot turn around. Ms. Spencer said that in addition to the trash not being picked up that an ambulance cannot get through as well due to the narrow streets and cars being parked along the street. She pointed out that it is an unsafe situation. Ms. Spencer mentioned that the area is a corner stone of the Historic District and they do not need the development that would impede at the end of a historic district. She pointed out that the neighbor has not been a good citizen, toilets have been removed and left on the curb, couches have been torn to shreds and left as well. She added that there has been a POD and a dumpster at the location for a long period of time. Ms. Spencer stated she would hate to give him more authority and cause more safety and health hazards.

Rita Atherton provided written comments.

Karl Furry, 811 W. San Antonio Street, stated he has lived there for six years and is located approximately nine blocks from 1313 W. San Antonio Street. He explained that they have been in the Historic District and have made improvements to their single family home. He asked the Commission to make their recommendations in favor of the neighborhood. He pointed out that it is a historic neighborhood with single family homes. Mr. Furry added that the neighborhood is all that people want for a single family neighborhood. He said, unfortunately with a more dense property you get more cars, traffic, noise and trash. He asked the Commission to protect the jewel of San Marcos. He commented that he has yet to see an apartment building enhance the quality of life in a single family neighborhood.

Kay McCarty, 127 S. Bishop, gave a brief demographic overview of Bishop Street. She explained anyone that drives through the area either are visiting or lost. She added that the street is not large enough for two vehicles to pass. Ms. McCarty read an email she provided to the Commission prior to the meeting. She said she has similar concerns as other speakers and her main concern is safety. Ms. McCarty added that they want the area safe for families in the neighborhood. Ms. McCarty spoke in opposition to request.

Megan O'Neil stated that a year ago she moved out of 1319 W. San Antonio Street. She explained that her parents own the property and it is currently being rented by a couple. Ms. O'Neil stated that traffic is not the best on the street but that there is a curve that is located next to 1321 W. San Antonio. She explained that people fly down the street ignoring the speed limit. She added that children play in the area. Ms. O'Neil mentioned that someone came down the street and killed her dog. She felt that adding more vehicles will cause more traffic accidents and issues. She explained with 50% more vehicles that there will be no room for the Volunteer Fire Department to get through. Ms. O'Neil stated with multi-family zoning comes crime problems. She said the project will not work in the area and is against the project.

David Wagner, Candlelight Lane, referred to the development for Cape's Camp on River Road. Mr. Wagner stated that he is totally against rezoning to Multi family. He explained that any additional encroachment to the river would be disastrous. Mr. Wagner said property near the river should be kept for wildlife and be protected. Mr. Wagner stated he has concerns regarding the lighting used for communities. He suggested balanced lighting.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on May 8, 2012.

7. PC-12-04(03) (Simek Owens Street Addition, Lots 1&2, Block 1) Consider a request by Ash & Associates, LLC on behalf of Carl Simek for approval of a Final Plat for approximately 0.288 acres, more or less out of Vol. 3924, Page 894, T.J. Chambers Survey, Hays County, Texas located at 1508 Owens St.

8. PC-12-10 (03) (Blanco Vista Tract Q, Section 1) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 2.94 acres, more or less, out of the William Ward League, Abstract 467, for 15 lots, located at Easton Drive and Old Settlers Drive.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission approved on consent minutes from the Regular Meeting on May 8, 2012, PC-12-04(03) and PC-12-10(03). The motion carried unanimously.

Public Hearing

9. ZC-12-04 (1313 W. San Antonio St.) Hold a public hearing and consider possible action on a request by Jason Howell for a zoning change from Single Family Residential (SF-6) to Multi-Family-12 (MF-12) for 0.3005 acres located at 1313 W. San Antonio St.

Matthew Lewis, Development Services Director recused himself from Item #9 on the agenda.

Chair Taylor opened the public hearing.

Ellie Stewart stated that she with her husband have lived at 1253 W. San Antonio for 41 years. She said that the neighborhood has always been single family. Ms. Stewart explained that there are several large homes as well as smaller affordable housing suitable for young families and senior citizens which are an asset to the neighborhood. She added that the area is in the historic district and they would like to keep it single family. Ms. Stewart reiterated other traffic concerns and the inability of fire and trash trucks getting through the street. She said that she attended a Transportation meeting and a proposed roundabout was being discussed to correct the current traffic problems in the area. She felt that multifamily units will increase the traffic problems. She asked the Commission to deny the request.

Charles Blue, 101 W. San Antonio, said he and his wife have lived there since 1983. He explained that he bought the home because of the single family homes that San Antonio Street presents. He added that the area has been developed as single family since the 1800's. Mr. Blue indicated that across the street there are six small 1940's type homes and feels that the request will disrupt the area. He added that he has the same concerns as the other neighbors. Mr. Blue pointed out that he submitted an email but felt it was important that he attend the meeting and speak to the Commission. Mr. Blue said he opposes the request.

Matt Chambers, 615 W. MLK Drive said he owns the house located across from 1313 W. San Antonio Street. He explained when he looked at purchasing the property a few years ago he was aware that it was zoned SF-6 but was built as a multi family use. Mr. Chambers said he is not for or against the request but that he is in support of not including the occupancy restrictions on the property. He feels that the property should be grandfathered because it was built for multifamily use. He also added that the parking is an issue but feels a change in site design would help the situation. Mr. Chambers pointed out that the property is located outside the Historic District. He said the bigger issue is flooding in the area. Mr. Chambers stated that he supports Jason Howell's zoning change.

Tim O'Neill said he owns 1319 W. San Antonio which is located a door to 1313 W. San Antonio Street. He feels that he would be the most affected by the zoning change. Mr. O'Neill explained that he is currently leasing the home. Mr. O'Neill stated that he is in opposition to the zoning request. He added that the city needs to maintain the aesthetics to the historic district. Mr. O'Neill said he doesn't know what the applicant is planning, but whatever he builds will directly affect his property. He pointed out that there could be possible crime, more trash and more parties. Mr. O'Neill added that the house is in need of repair. He mentioned that there are no sidewalks and the street is a hazard. The fire trucks have to drive down the street. He added that he is support of growth and making people prosper but feels this area is not suitable for multifamily zoning. Mr. O'Neill stated he is in opposition to the zoning change.

Crystal Benavides is in favor of the zoning change. She said the house was built for multifamily. Ms. Benavides explained that the house is built as three separate units. She gave a brief description of the house. She added that allowing the house to remain will give Mr. Howell to keep his property rights. Ms. Benavides said she feels the zoning request is a good idea.

Jason Howell, 121 W. San Antonio apologized to neighbors for any misunderstanding. He said he read letters of concerns submitted by neighbors. He explained that the zoning change does not allow him to build 12 units per acre. He said he does not plan on tearing down the house. Mr. Howell proposed changing his request to restricted duplex zoning for the property. He pointed out that the house was in much need of repair and that he has spent at least \$50,000 on house repairs. He said his goal is to use the property as it has been historically used. He asked the Commission to consider his request adding that the property has medium density future land use. He added that if the house was not previously used as multifamily he would not be requesting the zoning change. Mr. Howell explained that he has tried to lease the home to comply with the occupancy restrictions and it is impossible. He said he did not hear complaints from neighbors or he would have addressed the issues.

There were not additional citizen comments and the public hearing was closed.

The Commissioners discussed their desire to not rezone to the property to MF-12. The Commission directed staff to work with applicant to explore other less intense rezoning options such as Duplex Restricted.

Jason Howell, the applicant, withdrew his application.

Non Consent Agenda:

10. PC-04-10(02d) (Cottonwood Creek Phase 1) Consider a request by Ramsey Engineering, L.L.C., on behalf of Cottonwood Creek JDR, Ltd., for approval of a preliminary plat for approximately 13.70 acres, more or less, out of the J.F. Geister Survey Nos. 6 and 7, Abstracts 202 and 203, City of San Marcos, Hays County, located along State Highway 123 about one (1) mile south of Clovis Barker Road.

Commissioner Morris recused himself from Item 10.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Kelsey the Commission approved PC-04-10(02d) with the condition that the trail shall be constructed in compliance with ADA standards and the crosswalks shall be striped where the trail intersects any street. The motion carried unanimously.

11. Consider recommendation of approval to City Council of Vision Statements proposed by the Citizens Advisory Committee for the Comprehensive Plan.

Donna Hill, Steering Committee Vice Chair gave a brief overview of the committee member selection process and meeting schedule.

Jane Hughson, Citizen Advisory Committee presented the Vision Statements to the Commission.

Commissioner Couch and Bryan expressed concerns that the University and future housing was not included in the Vision Statements.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Carothers the Commission recommended approval to City Council of the Vision Statements proposed by the Citizens Advisory Committee for the Comprehensive Plan. The motion carried unanimously.

12. Presentation from staff and discussion regarding the Flood Damage Prevention Ordinance and changes to the codified regulations as required by the National Flood Insurance Program.

Matthew Lewis, Director of Development Services informed the Commissioners that the Flood Damage Prevention Ordinance was being removed from the Land Development Code and that the item would be going to City Council for approval on June 5, 2012.

13. Development Services Report

a. Update from staff on Comprehensive Plan

Staff updated the Commission on the calendar for the Comprehensive Plan including dates for work days and public meetings

14. "Question and Answer Session with Press and Public. This is an opportunity for the Press and Public to ask questions related to items on this agenda."

15. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 7:17 p.m. on Tuesday, May 22, 2012.

Bill Taylor, Chair

Bucky Couch, Commissioner

Corey Carothers, Commissioner

Travis Kelsey, Commissioner

Carter Morris, Commissioner

Chris Wood, Commissioner

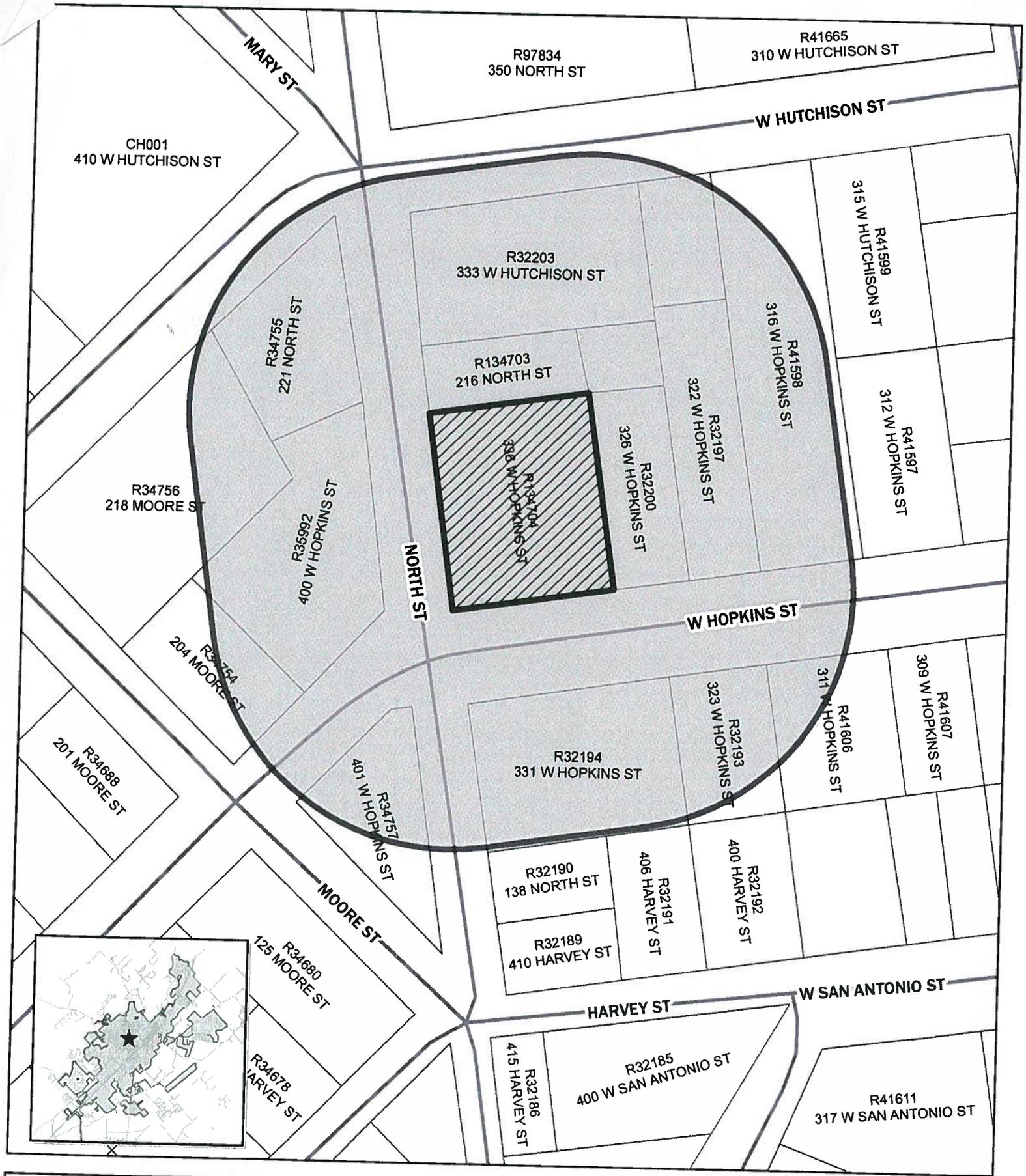
Travis Kelsey, Commissioner

Randy Bryan, Commissioner

ATTEST:

Francis Serna, Recording Secretary

DRAFT



CUP-12-18
Zelick's
336 W Hopkins St
Map Date: 05/17/12

-  Notification Buffer (200 feet)
-  Site Location

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



CUP-12-18

Conditional Use Permit

Zelick's

336 W. Hopkins



Applicant Information:

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

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

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

Public Hearing Notice: Public hearing notification was mailed on June 1, 2012.

Response: See attached Spreadsheet

Subject Property:

Location: 336 W. Hopkins
Legal Description: D P Hopkins #1, Block 3, Lot Pt Of 1, Acres 0.2678
Frontage On: Hopkins, North
Neighborhood: Downtown
Existing Zoning: T5- Urban Center
Sector: Sector 8
Utilities: Sufficient
Existing Use of Property: Bar

Zoning and Land Use Pattern:

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

Code Requirements:

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

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

Case Summary

The subject property is located on the northeast corner of Hopkins and North Street outside of the Central Business Area. The subject property was previously a state motor vehicle inspection facility, gas station, and U-Haul truck rental facility but was converted into a "Garden Bar" in 2010. Significant improvements have been made to the lot as well as the appearance of the building located on the property. A CUP for mixed beverages was granted June 22, 2010, and effective for one (1) year. This CUP expired in June of 2011. A renewal application was received by staff on November 16, 2011.

The Planning and Zoning Commission heard the renewal request at the December 13, 2011 meeting. Concerns were raised by the neighboring Crystal River Inn (Mike and Cathy Dillon) regarding noise produced by the bar. The Planning and Zoning Commission approved a 6 month renewal of the CUP and tasked staff, the applicants and Crystal River Inn to work through mediation to find solutions to the noise concerns. Concerns were raised by the Dillons over the spikes in noise from Zelick's patrons late at night. The primary concerns involved the horseshoes and other games outside, as well as, the motorcycles which frequent the establishment. Staff included some recommendations from the Dillons for restrictions to the hours of operation, outdoor game hours and live/recorded music, but no conditions were put in place on the CUP outside of the 6 month renewal.

Following the December 13, 2011 hearing, staff contacted Walt Krudop who handles conflict resolution for the Hays County Mediation Coordination Services and introduced him to the Katzes and Dillons. In addition to mediation, discussions with the Dillons and Katzes were held with staff. Staff made follow up phone calls in June to both parties in order to understand what progress toward a resolution has been made over the past 6 months. While no final solution has been determined, both sides have actively worked with one another to try to come to a resolution. The Katzes informed staff that they have explored sound mitigation methods through Acoustical Solutions, but that a noise barrier solution was not currently feasible. The Katzes have also stated that they have made bikers aware of the noise concerns and encourage the bikers to park away from the shared lot line and minimize idle running during the evening hours. Both parties have been active in discussions and have met the Commission's desire of seeking an outside mediator.

On June 5, Staff met with Mr. and Mrs. Dillon, the owners of Crystal River Inn, and received feedback from them regarding the results of the mediation. The Dillons felt that no permanent solution or progress was made and requested that additional conditions be added to the CUP to limit noise.

Staff also attempted to contact Mr. Krudop by phone in order to receive feedback regarding the mediation meetings, but was unable to reach him prior to the completion of this staff report.

The renewal application indicates hours from 3 p.m. to 2 a.m. and no live music has been proposed. Outdoor games such as horseshoes and Bache Ball are permitted under the current CUP. There are currently 22 parking spaces provided.

Comments from Other Departments:

No issues were raised from other departments.

Planning Department Analysis:

The prior CUP renewal was granted for 6 months in order to pursue mediation of concerns held by both involved parties. At this point there have been no permanent structural changes made to either property to mitigate noise. Both sides have explored options, with none being perceived as feasible. At the time of this report there have been no points assessed by City enforcement and the Police Department has not reported any violations.

Staff believes that both the Katzes and Dillons have attempted to mitigate the noise issues at hand. Both have met the requests of the Commission to seek mediation and have actively participated in the meetings in an attempt to find a solution to the noise problem. Staff believes that ongoing cooperation must be done in order for both property owners to coexist harmoniously. Staff believes a one (1) year renewal would provide Zelick's more time to improve noise mitigation while also allowing for a full school year to be completed in order to determine the months where noise becomes a greater issue. Staff urges the applicants to continue to communicate and seek alternative means of reducing the noise impact on one another.

Staff recommends several conditions be added to the CUP in order to decrease the noise impact created by bar patrons. The first two conditions below were conditions to consider on the previous staff report in 2011 but were not included in the Commission's determination. Staff believes that the following conditions would help improve noise issues while limiting the impact on bar operations. These conditions are listed below.

- Signage shall be provided along the side property line adjacent to Crystal River Inn indicating no motorcycle parking along the shared property line.
- No outdoor games or music after midnight Sunday through Thursday and gaming hours clearly posted within facility and gaming areas.

In addition, the original permit application noted that there would be no amplified music. Despite this, no condition has been placed on this CUP regarding music or speakers. Staff interprets this to mean no live music was proposed, but the Commission has the ability to clarify by adding a condition regarding live music. The Commission may wish to discuss amplified and live music.

Staff recommends approval with the following conditions:

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. Signage shall be provided along the side property line adjacent to Crystal River Inn indicating no motorcycle parking along the shared property line;**
- 3. No outdoor games or music after midnight Sunday through Thursday and gaming hours clearly posted within facility and gaming areas.**

| | |
|-------------------------------------|---|
| Planning Department Recommendation: | |
| | Approve as submitted |
| X | 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 Stanley

Planner

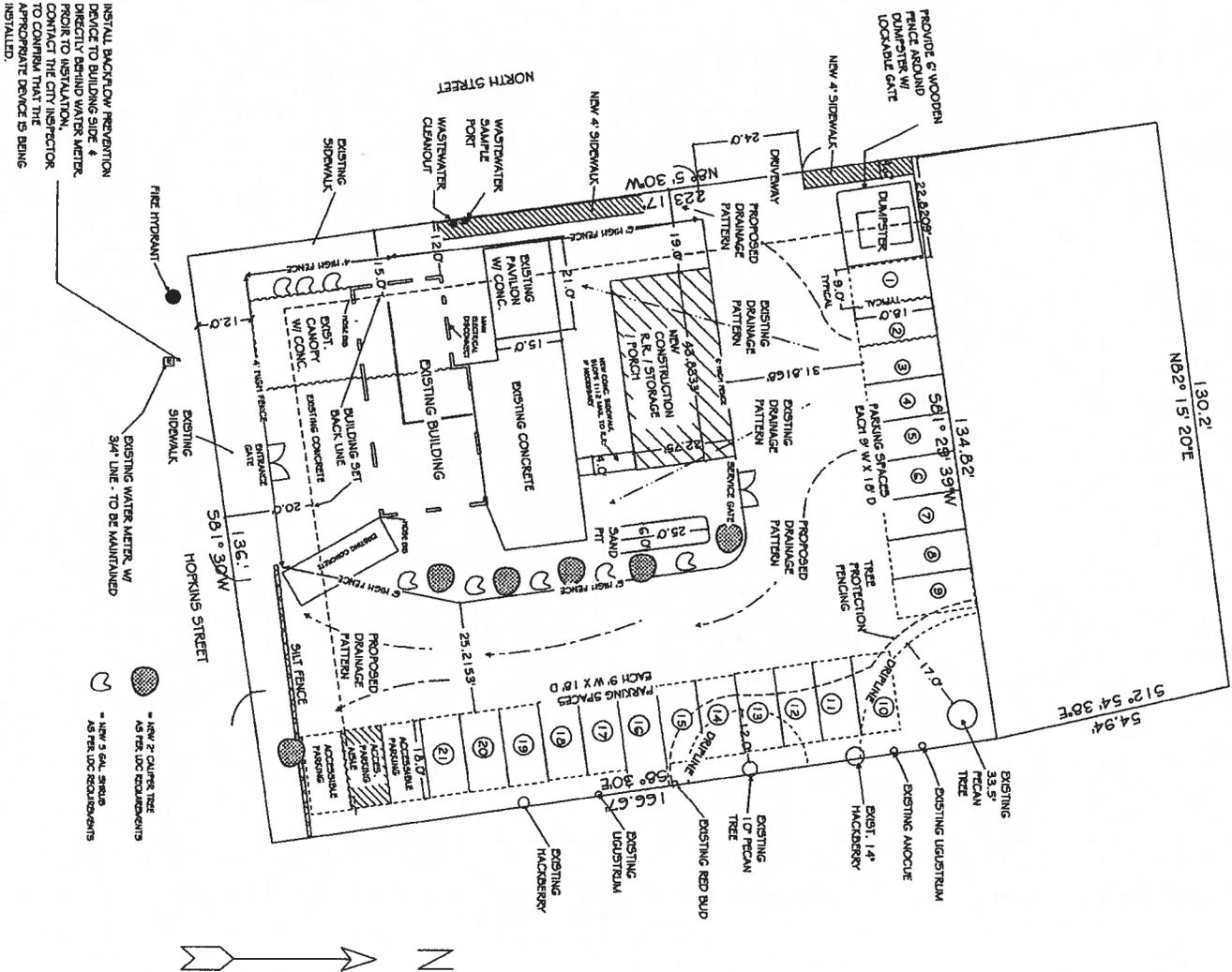
6/6/12

Name

Title

Date

2011 NOV 16 PM 3 16



INSTALL BACKFLOW PREVENTION DEVICE TO BUILDING SIDE & DIRECTLY BEHIND WATER METER. PROBE TO INSTALLATION. CONTACT THE CITY INSPECTOR TO CONFIRM THAT THE APPROPRIATE DEVICE IS BEING INSTALLED.

● = NEW 2" CULVERT TREE AS PER UDC REQUIREMENTS
 ○ = NEW 3 GAL. BRUSH AS PER UDC REQUIREMENTS

1313 W. San Antonio Citizen Response

| Name | Address | Comment |
|-----------------------|----------------|---|
| Mike and Cathy Dillon | 326 W. Hopkins | Provided letters from self and patrons regarding noise. See attached. |
| Lisa Campbell | Amarillo, TX | CRI Visitor, Concerns about noise, see attached letter. |
| Thomas Scott | 331 W. Hopkins | Letter attached. |
| Brenda Smith | 323 W. Hopkins | Letter attached. |
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April 26, 2012

Mayor Daniel Guerrero
630 East Hopkins
San Marcos, Texas 78666
Mayor_Council_Info@sanmarcostx.gov

Jim Nuse, City Manager
630 East Hopkins
San Marcos, Texas 78666
City_Manager_Info@sanmarcostx.gov

Matthew Lewis
Development Services Director
630 E. Hopkins Street
San Marcos, Texas 78666
Planning_Info@sanmarcostx.gov

Mayor Guerrero, Mr. Nuse and Mr. Lewis,

My husband and I recently visited San Marcos for the first time the weekend of March 30th – April 2nd. I must commend the city on a few things. During that weekend, there were several young adults doing a cleanup project, a farmers market with a band, cute shops, etc. that made it a memorable weekend. We traveled from Amarillo, hoping to see the bluebonnets, enjoy some relaxation and soak in the sights of your historic city. A few weeks prior, I had contacted Cathy Dillon and reserved a room at The Crystal River Inn, after doing some research. We were very excited, after reading of this home in the historic district of San Marcos. We enjoy history and looked forward to learning more about San Marcos.

Upon our arrival, we were a bit dismayed to see and hear what appeared to be a biker bar next door to this beautiful B&B. We do own a Harley Ultra Classic and brought it along for some riding. My husband and I prefer B & B's over hotels so we've stayed in many over the past 30 years. Cathy and her staff were so pleasant. We checked into our room late Friday night on the 30th and I had surprised my husband with champagne and chocolates that were delicately prepared. We went on the veranda to enjoy them and couldn't hear each other talk over the loud engines and music from the bar next door. The bar ruined what was supposed to be a peaceful time. We were awake most of the night by music, loud talking, engines racing as well. The next evening, April 1st, my husband and I both were awake at 2:40am, listening to more noise next door including music and loud talking. The next evening was the same although I'm not sure when the noise stopped. We're not against biker bars at all, obviously, since we own a Harley and frequent these establishments along our travels, although they are not in historic areas of the towns we visit. Besides the bar and the associated motorcycle noise, loud music, shouting,

yelling until the middle of the night, our stay was perfect. After walking through the town, visiting with some prop I guess I'm writing to the three of you for a couple of reasons:

- Why did San Marcos approve a biker bar to be built next to a bed and breakfast? We've stayed at many and have never run into this before. I asked a few proprietors in town about it out of curiosity and the responses were the same. They felt sorry for Cathy and Mike and didn't understand why it was ever approved, especially because that is a historic area. One proprietor said, "Crystal River Inn symbolizes grace, elegance in our town and I feel so sorry for what has happened to them." A few indicated that there might have been a conflict of interest as some who approved it also are frequent guests of the establishment and may have known the business owners. I pulled a document from the State of Texas Attorney General's Web Page (https://www.oag.state.tx.us/AG_Publications/pdfs/conflict_easy.pdf) that states the following

1. What conflict of interest laws apply to local public officials in Texas?

The general conflict of interest laws for Texas city and county officials, as well as officials of other Texas political subdivisions, is found in chapter 171 of the Local Government Code.¹ Chapter 171 establishes the standard for determining when a local official has a conflict of interest that would affect his or her ability to discuss, decide or vote on a particular item.² Chapter 171 conflict of interest provisions apply to all local public officials.³ Within a governmental unit, "local public officials" are defined to include:

1. elected officials such as the members of the city council or county commissioners (whether paid or unpaid); and
2. appointed officials (paid or unpaid) who exercise responsibilities that are more than advisory in nature.⁴

It should be noted that other state and federal laws, as well as local provisions, may be applicable to officials in a particular situation. Whether a law is applicable depends on the activity that the official is undertaking. Officials should work with their own legal counsel to determine whether their activities are subject to any such additional provisions.

2. Do conflict of interest laws apply to persons appointed to local boards and commissions (e.g., planning and zoning commission members)?

Chapter 171 conflict of interest laws apply to persons appointed to local boards and commissions if the board or commission exercises powers that are more than advisory in nature.⁵ For example, members of a city's planning and zoning commission would likely be subject to chapter 171 conflict of interest provisions. Accordingly, the ability of such officials to discuss or vote on an item would potentially be limited by these laws if the official is considered to have a conflict of interest on the issue.

conflict of interest:

- Cathy and Mike didn't say a lot except that when they were first approached by the business owners, the proposed business was not what is there today. If this is the case, why are they allowed to stay open and hurt a business that has graced your beautiful city for years if they misrepresented themselves? Also, why would the Planning and Zoning Committee allow a biker bar to be open until 2am right next door to a Bed and Breakfast?
- Does your police force check the decibel level through that area? I asked Cathy and I think she said that the police force didn't have these monitors. That's an option that would certainly be of benefit to your visitors as they are not all students.

This is a sad situation that sounds like it can still be resolved and I hope it is as we look forward to visiting a "quiet" Crystal River Inn in the near future, definitely not listening to a biker bar past midnight.

I'm sure there is another place in the non-historic part of town where the bar would be more appropriate.

I appreciate everything your city of San Marcos has to offer a visitor. The town is truly special and has so much to offer. I hope this situation is resolved.

Respectfully,

Lisa Campbell

Lisa Campbell

cc: Office of the Attorney General
PO Box 12548
Austin, Texas 78711-2548
greg.abbott@texasattorneygeneral.gov

Brian Bondy, President, San Marcos Chamber of Commerce
PO Box 2310
San Marcos, TX 78666
brianb@sanmarcostexas.com

Cathy and Mike Dillon, Innkeepers, The Crystal River Inn
326 W. Hopkins
San Marcos, Texas 78666
info@crystalriverinn.com

Rebecca Ramirez, Director, San Marcos Convention and Visitors' Bureau
617 IH 35 North
San Marcos, Texas 78666
rebeccar@sanmarcostexas.com

323 W. Hopkins St.
San Marcos, Texas 78666
June 7, 2012 2012 MAY 38 AM 8 36

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

Re: CUP 12-18, Zelicks Bar, 336 W. Hopkins St.

Dear Commissioners,

I wish I could tell you that there has been an improvement in the management of Zelick's since this matter was heard last December, but, unfortunately, that is not the case. There does not appear to have been any effort to improve the situation or try any of the suggestions put forth in the previous meeting.

There has been live amplified music on more than one occasion as well as crowd noise past 2 am on too many nights. In a new development, there is what could best be described as someone screeching loudly into a microphone of an amplified sound system on an also too frequent basis. This is more disturbing than the loud music. Motorcycle parking does not seem to be controlled, nor does motorcycle noise.

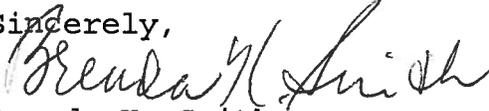
I have attempted to contact both Chase and Seth Katz on their mobile phones as well as the phone for the bar during several of these incidents to attempt resolution. Unfortunately, the calls are not answered nor are voice mails returned. Pertinent emails are attached.

I would like to believe that Zelick's could be a good neighbor with some guidance and rules set down by the commission. I am requesting the ban on live amplified music be continued, and that a 45 decibel limit be imposed on other music beginning at 11 pm Sunday through Thursday and at midnight Friday and Saturday nights. The microphone should be off limits. Motorcycle parking should be limited to the North Street side of the property.

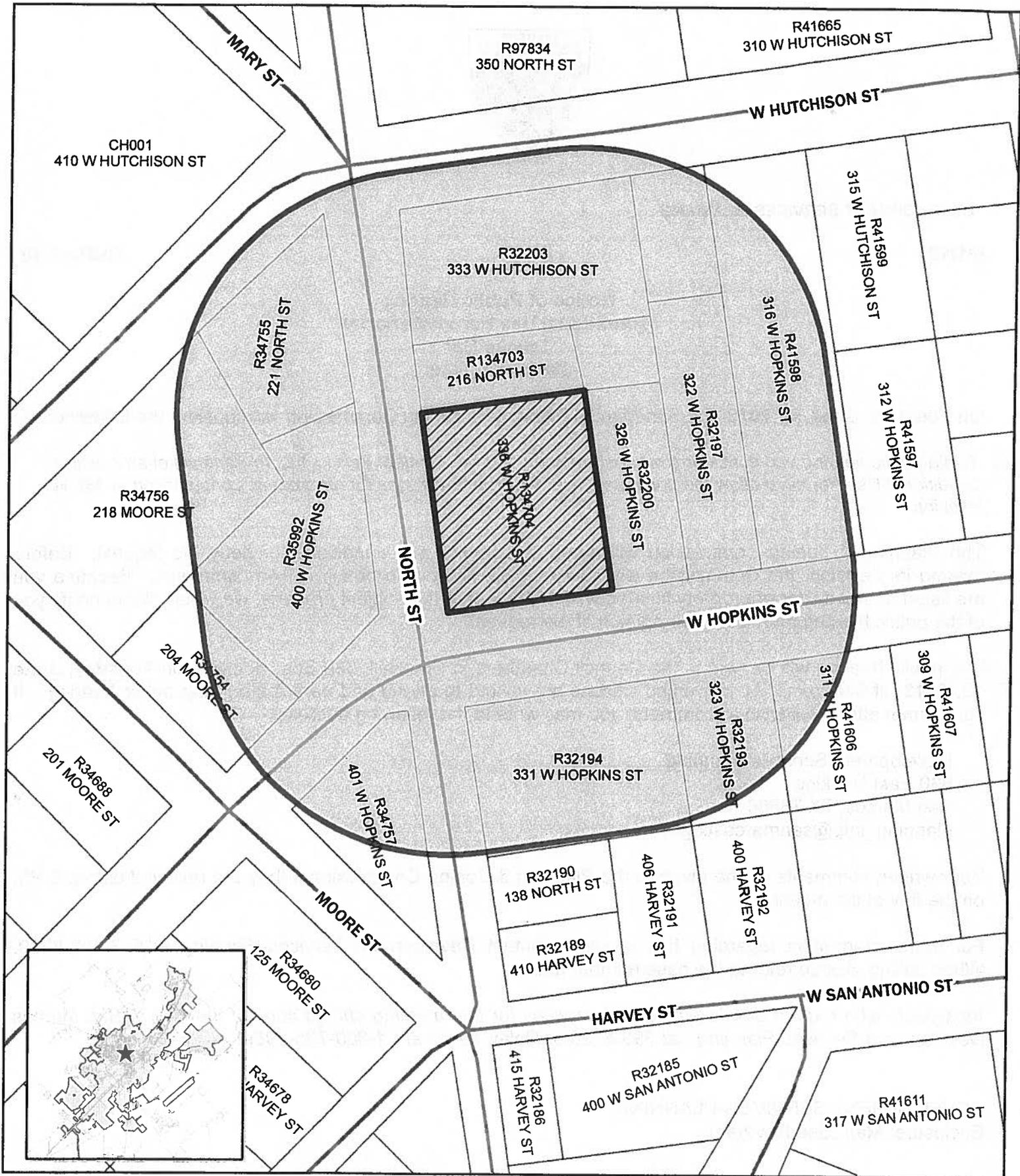
This business is not being operated as it was represented when the permit was granted. I am requesting no more than a six-month extension so this situation can be closely monitored.

Thank you for your attention and courtesies in this matter.

Sincerely,


Brenda K. Smith

Enclosures



CUP-12-18

Zelick's

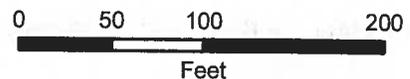
336 W Hopkins St

Map Date: 05/17/12

 Notification Buffer
(200 feet)

 Site Location

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



Re: noise

From: **Zelicks** (zelickssm@yahoo.com)
Sent: Fri 1/27/12 11:39 AM
To: Brenda Smith (judgebrenda@hotmail.com)

2012 MAY 38 AM 8 37

Brenda,

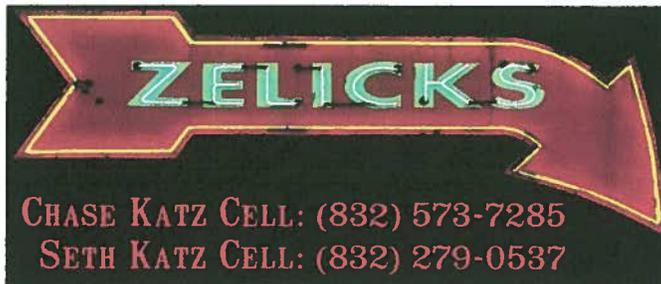
I apologize for the inconvenience. If you discuss with us who specifically is being bothered we could potentially come up with a solution.

Seth and I are working with a company who sells sound dampening materials to cut down as much noise as possible.

We have been considerate of our neighbors by not installing outdoor speakers and by sound dampening our games. These concessions seem to overlooked by our neighbors. I understand folks in the area also have revenue to generate and we want to be considerate. With school back in the crowd is larger than during the winter break and this could explain the change of pace. We both have businesses to run and it seems that our neighbors will only be happy with us if we shut our doors at midnight or sooner. We too have made a large investment in this community and must see a return on our investment. I say this with the utmost respect towards you and your business. At the same time it will literally put us under if we close before 2am. Seth and I are very willing to sit and discuss realistic solutions that work for both of us.

I also live in the neighborhood and hear tantra clearly from my bedroom. I live at 225 north Comanche st. across from the little HEB. I understand there are businesses next to residences in the area, the city of San Marcos has zoned this area T5 which is the most densely populated area. We feel the T5 zoning is a benefit to all businesses in the area, folks can live, work and shop all in downtown. I personally feel that there are tenants that would love to reside in your building for those reasons. I hope you are able to seek these folks out and charge a premium for being so centrally located to....well everything.

Respectfully,
Chase Katz



Is there a reason the music and crowd noise have to be so much louder tonight than usual? I guess that's why you couldn't hear the telephone when I called. People who live near the bar have to work in the morning and prefer to not be kept up all night. Please be considerate of us and we will be considerate of you

Zelick's SUP

From: **Brenda Smith** (judgebrenda@hotmail.com)

Sent: Fri 3/02/12 8:38 PM

To: mlewis@sanmarcostx.gov

I hope this message finds you well.

Did Zelick's get its SUP amended to allow for live amplified music? It is louder than usual this evening. Chase and Seth aren't answering their phones, nor is the bar phone answered.

Thanks,
Brenda Smith
3924105

28 April 2012

Just wanted to say how nice
everything is EXCEPT for the late nite
noise next door!

Zellicks (?) looked like a good place
for a drink yesterday (about 5:30pm)
But where we came back after
dinner (9:30-ish) the crowd had changed
to quite a noisy, rough group of 20-
somethings. As the night progressed,
so did the noise level.

Its a shame that they moved in -
really disturbs the peaceful atmosphere
of your B&B.

Jynn, Sandra & Jayna

Dear Council Member,

We stayed at the Crystal River Inn this past weekend. The Crystal River is a wonderful representation for San Marcos. We participated in a Mystery Weekend. It was wonderful! - except that Friday night when we went to our room around 11:30 pm, we heard motorcycles coming going along with group cheers every few minutes! We had a horrible night! The trial running on the TV to cover the noise but it did not help much. On Saturday, we retired about 10:45 pm. The noise continued to escalate & the night wore on. Again, we had a sleepless night.

You have a wonderful resource in the Crystal River Inn. It is a shame that this club next door has the potential to destroy this great resource.

As I understand ~~Mr. & Mrs. Dillon~~ actually helped their neighbors get a permit with the understanding that this club would be a positive & quiet addition to the neighborhood. How disappointing it must be to the Dillons to have extended a hand of friendship, only to be betrayed!

We have many friends we would like to refer on this Mystery Weekend but we are hesitant due to our sleepless nights.

Please change the zoning for this irritating club next to the Inn! Sincerely,

Mr. & Mrs. Peter Broom

Spring, 2012

Dear Guests:

Thank you very much for choosing to stay with us. We are so glad you are here! For 28 year, the Crystal River Inn has welcomed Hill Country travelers with our unique blend of beauty, quirkiness, fun, and down-home comfort.

Something brand-new (as of June 2011) is that a garden bar has opened right next door to the inn. The owners of the bar took an ancient service station and have done a fabulous adaptive reuse of it, adding artwork, plantings, a fountain, and games such as horseshoes and Bocce ball. It's quite a pleasant spot in the evening, especially midweek when it's otherwise fairly quiet hereabouts. Many of our guests have reported having a wonderful time there! We encourage you to pay them a visit during our stay, and it would be great if you mentioned that you are staying with us. Bring us your tab, and first drinks are on us!

Occasionally, however, this bar causes late-night noise and commotion. On weekends they don't have to close down until 2 a.m. which was a surprise to us. If you are disturbed at any time after midnight, call on us for help! Cathy's cell phone is 512-787-6294.

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

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

Most sincerely,

Cathy and Mike Dillon
innkeepers

Lynn + Phil
Millner

4/27/12

As we mentioned to you, on Friday 4/27/12, we were staying at your B+B and unfortunately the music and noise from next door was extremely loud going on until 2:00 am. On top of the loud music, there was revving of engines, + the "topper" a loud "Sawyer" yell! No sleep for us until 11:00. (???)

info

From: Jeanne Hatfield [jeanneh@swbell.net]
Sent: Tuesday, May 01, 2012 1:23 PM
To: Crystal River Inn
Cc: Don and Jeanne Hatfield
Subject: Formal Noise Complaint (Confirmation #120767)

This follows our conversation this past Saturday morning concerning on our stay at your Inn last Friday night (conf. # shown above). We expected some noise when we pulled up to the Inn and saw you were right on a major street, but being next door to a noisy bar that was open until 2 a.m. was intolerable. You really need to stay in one of your rooms facing it to get the full affect.

In my case, I did not get to sleep until about 3 a.m. And that was with earplugs and a pillow over my head. Then I woke up about 7a with the traffic noise picking up out front.

In addition, we received no warning of the problem either before or during our check-in, either verbally or in writing. Our only hint that there may be a problem was the noise abatement machine I saw in our room when we carried up our bags. I asked Jane, on your staff, about it and she assured me there was no problem. Saying there was just a murder mystery group in the Inn that would be winding it down about 11P.

11P is acceptable on a weekend. Not 2 a.m. And, as you mentioned, formerly unbeknownst to you midnight to 2 a.m. is often the busiest time. We are reconfirming all of this in writing to you as a courtesy, instead of just giving you a bad review on your website. It sounds like you were mislead about the nature and loudness of the bar when the permit was requested and we hope you are able to find some relief soon. Until then, we will not be staying there again nor recommending you to anyone else.

Hm Tel#: (214) 363-6106
New Cell#: (469) 999-2809

From: Crystal River Inn <info@crystalriverinn.com>
To: jeanneh@swbell.net
Sent: Thu, April 12, 2012 5:37:54 PM
Subject: Crystal River Inn - Confirmation: #120767

Thu, Apr 12, 2012

Dear Don,

We look forward to your visit and want you to know that we will do everything possible to make your stay pleasant, enjoyable, and fun.

Your confirmation number is: #120767. We have you confirmed for:

6/7/2012

info

From: Crystal River Inn [info@crystalriverinn.com]

Sent: Sunday, April 29, 2012 10:12 AM

To: info@crystalriverinn.com

Subject: zelicks

Clara DeSilva in Medina 4/29.....noise went on "all night" and the worst thing was the motorcycles

info

From: info [info@crystalriverinn.com]

Sent: Monday, April 30, 2012 7:50 PM

To: 'Crystal River Inn'

Subject: more Zelicks

guest from Frio said that he laid awake listening to someone imitating "Tarzan" long after 2 a.m. on Saturday night. He said the guy did the Tarzan yell over and over again, punctuated with motorcycles. Also said the clanking of the games went on until almost 3. Fortunately he wasn't as angry as most.

info

From: Stacey Welu [staceywelu@gmail.com]

Sent: Sunday, May 13, 2012 5:13 PM

To: info@crystalriverinn.com

Subject: Recent Stay

Jane, thank you for a warm and inviting place to stay last week. As I mentioned, I decided to cut my visit short in part because of my inability to sleep well due to the loud music and crowd at the bar next door. I know it is out of your control and I wish you the best in figuring out how to minimize this problem for your future guests.

Sincerely,

--

Stacey Welu

612-206-6896

6/7/2012

info

From: Crystal River Inn [info@crystalriverinn.com]

Sent: Wednesday, May 16, 2012 1:49 AM

To: cri@grandecom.net

Subject: Zelicks May 12

the racket at 1:45 was unbelievable. I called the police just so that they could read the decibel meter with me, and we agreed that well inside my property line, it was 68 db sustained, with spikes up to 80 and more when motorcycles revved up.

6/7/2012

info

From: Crystal River Inn [info@crystalriverinn.com]

Sent: Wednesday, May 16, 2012 1:54 AM

To: cri@grandecom.net

Subject: zelicks May 15

Music is loud tonight, and lots of voices, but meter only showing 54-58 db's. No real spikes tonight, just a constant loud racket. We decided to keep main building clear of guests all this week since we aren't full, and the Thomas House isn't nearly as noisy.

6/7/2012

info

From: Crystal River Inn [info@crystalriverinn.com]

Sent: Wednesday, May 16, 2012 1:52 AM

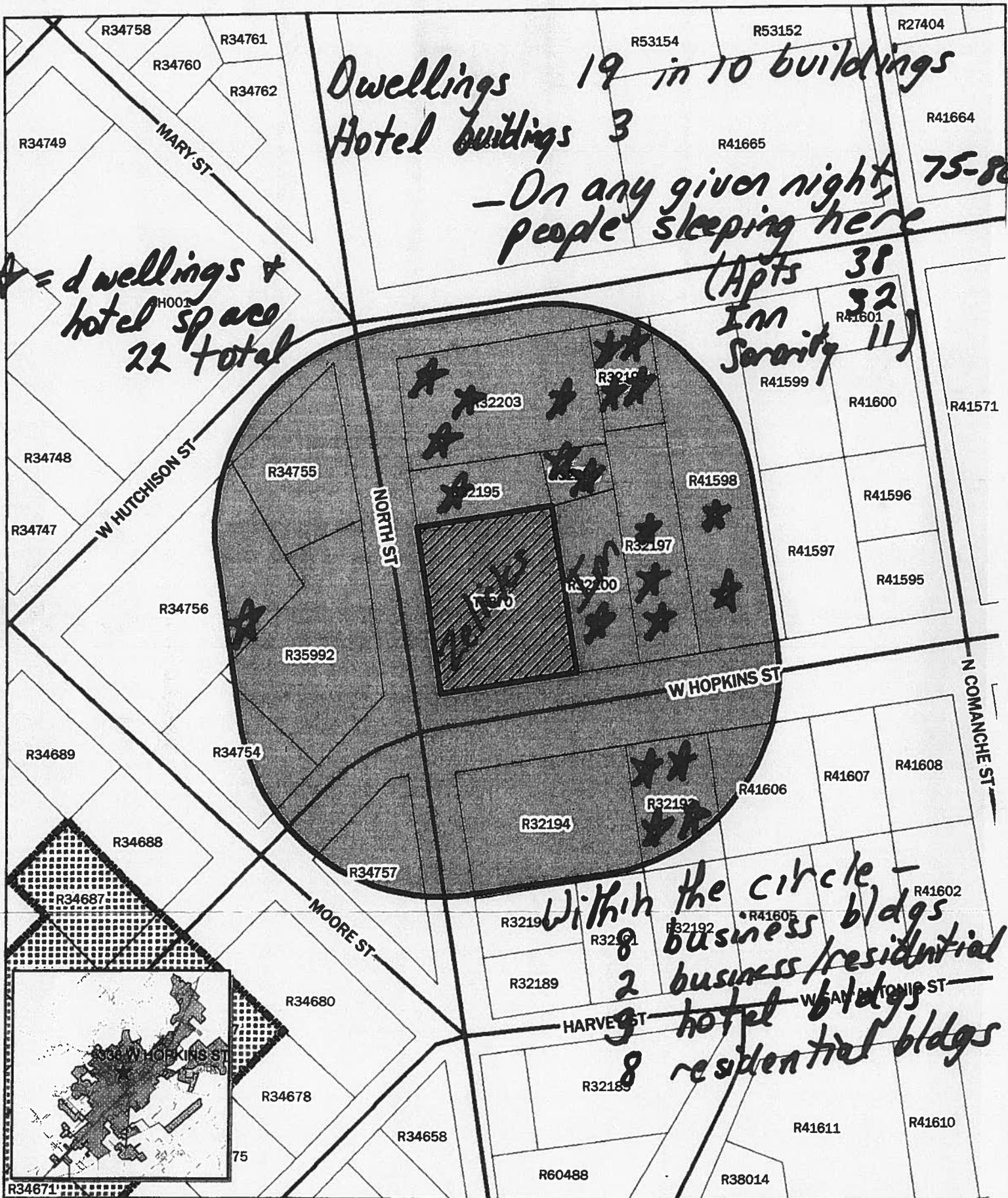
To: cri@grandecom.net

Subject: Zelick's May 13

What a hoot! The police were called because of racket from us, at 11pm. By the time the officer arrived the DJ had already stopped; but we had a long talk about the problem. I asked him to look at decibel meter with me, and he agreed, but at 11pm it was negligible.

By 2 it was a different story and I didn't call them back to document, but it was 70 sustained . At least there weren't any motorcycles tonight. Those are the worst.

6/7/2012



Dwellings 19 in 10 buildings
 Hotel buildings 3

-On any given night, 75-80 people sleeping here

(Apts 38
 Inn 32
 Serenity 11)

* = dwellings + hotel space 22 total

Within the circle -
 8 business bldgs
 2 business/residential
 3 hotel bldgs
 8 residential bldgs

VR-10-12
 336 W Hopkins
 Map Date: 8/20/10

-  Notification Buffer (200 feet)
-  Site Location

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



DIVISION 2: - STANDARDS

Section 6.4.2.1 - Noise

Section 6.4.2.2 - Smoke and Particulate Matter

Section 6.4.2.3 - Odorous Matter

Section 6.4.2.4 - Fire or Explosive Hazard Material

Section 6.4.2.5 - Toxic and Noxious Matter

Section 6.4.2.6 - Vibration

Section 6.4.2.1 - Noise

(a)

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

(1)

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

(2)

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

(3)

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

(b)

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

(c)

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

(1)

Noises not directly under control of the property user.

(2)

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

(3)

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

(4)

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

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

NOISE >>

DIVISION 3. - NOISE ^[47]

Sec. 34.086. - Definitions.

Sec. 34.087. - Noise from motor vehicles.

Sec. 34.088. - Excessive noise violations; penalties

Sec. 34.089 - Notification of property owners; abatement strategies; remedies

Sec. 34.090. - Suspension of electric service.

Secs. 34.091—34.097. - Reserved.

Sec. 34.098. - Fees.

Sec. 34.099. - Reserved.

Stanley, John

From: Serna, Francis
Sent: Thursday, June 07, 2012 1:53 PM
To: Stanley, John
Subject: FW: CUP-12-18 - 336 W Hopkins DBA Zelicks
Attachments: sharpdata@frostbank.com_20120607_125609.pdf

Importance: High

-----Original Message-----

From: Tom.Scott@frostbank.com [mailto:Tom.Scott@frostbank.com]
Sent: Thursday, June 07, 2012 1:49 PM
To: Planning Information
Subject: CUP-12-18 - 336 W Hopkins DBA Zelicks

Dear Sir / Madam:

In reference to your letter dated 6/1/12.

We as agent and manager for the landlord of 331 W. Hopkins are not opposed to the renewal of an existing CUP for the above referenced address known as Zelicks, Inc provided that the ownership and management of that establishment actively discourages their customers from parking on adjacent or nearby private properties.

Please include the attached letter to the minutes of the public hearing scheduled for June 12, 2012.

Sincerely,

Thomas T. Scott
Vice President
Frost Wealth Advisors - Trust Real Estate
401 Congress Ave., 12th Floor
Austin, TX 78701
PH (512) 473-4802
FX (512) 473-4331

----- Forwarded by Tom Scott/CFBI on 06/07/2012 01:45 PM -----

Scanned image from MX-M450N

sharpdata@frostbank.com
to:
tom.scott

06/07/2012 01:42 PM

PDD-11-03(a) Blanco Vista Subdivision



Summary:

Consultant: ETR Development Consulting,
L.L.C.
401 Dryden Lane
Buda, TX 78610

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

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

Subject Property:

Legal Description: Approximately 432.5 acres part of the William Ward Survey No. 3 and the J.W. William Survey and part of the Blanco Vista Subdivision (except Blanco Vista Phase 1-2, Sections 1, 2 and Infrastructure and Blanco Vista Tract I Section A and School Tract, Blanco Vista, Tract C, Section A, and Trail Ridge Pass Church Subdivision), located at the intersection of Blanco Vista Boulevard and Trail Ridge Pass

Neighborhood: Blanco Vista

Existing Zoning: Mixed Use

Sector: 7

Utilities: Sufficient

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

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

Proposed Zoning: Amend PDD overlay district

Project overview

Blanco Vista located within the City Limits of the City of San Marcos and is zoned Mixed Use District (MU). The subdivision is currently designated on the Future Land Use Map as Mixed Use, Public and Institutional and Open Space. Existing land uses include open space and hike and bike trails, a church, a community amenity center, an elementary school and single-family detached homes. The Blanco Vista Concept Plan was originally approved in June 2004 with a minor amendment in January 2005. At that time, the Concept Plan was developed based on conventional, straight zoning classifications. In response to the need for flexibility in housing types, Brookfield Residential (formerly Carma Developer) revised the Concept Plan in February 2007 and rezoned the property in April 2007 to Mixed Use (MU). For that reason, Mixed Use is maintained as the base zoning for this PDD. In July 2011, the Commission recommended the approval of the Planned Development District overlay and it was approved by City Council in August of last year.

The applicant is now seeking to amend “Section 5: Dimensional and Development Standards” of the PDD overlay. The purpose of the request is to amend the minimum front yard setbacks to allow a variety housing products to establish a staggered street yard as well as allowing different housing types including rear alley loaded and other alternate housing types.

Planning Department Analysis:

The Blanco Vista subdivision is primarily a residential subdivision seeking to provide a mixture of residential uses with a possible commercial node on both the south and north entrances of the subdivision. The PDD allows as much flexibility as possible in locating the variety of residential uses the throughout the development. The residential uses that were approved in the PDD include, single family estate lots, residential manor lots, single family cottage lots, garden home/zero lot line homes, townhomes, and multi-family residential.

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

| Document | Original | Proposed |
|----------|--|--|
| PDD Text | Section 5.01 Single-Family Estate Lots Front Yard Setback, Minimum: 20 feet | Section 5.01 Single-Family Estate Lots Front Yard Setback, Minimum: 10 feet |
| | Section 5.02 Single-Family Residential Manor Lots Front Yard Setback, Minimum: 20 feet | Section 5.02 Single-Family Residential Manor Lots Front Yard Setback, Minimum: 10 feet |
| | Section 5.03 Single-Family Residential Cottage Lots Front Yard Setback, Minimum: 20 feet | Section 5.03 Single-Family Residential Cottage Lots Front Yard Setback, Minimum: 10 feet |
| | Section 5.04 Garden Home/Zero Lot Line Homes (G/ZL) Front Yard Setback, Minimum: 15 feet | Section 5.04 Garden Home/Zero Lot Line Homes (G/ZL) Front Yard Setback, Minimum: 10 feet |
| | <i>This change provides the needed flexibility in developing the staggered street yard and allowing for different housing types</i> | |
| PDD Text | Section 5.04 Garden Home/Zero Lot Line Homes (G/ZL) (See Exhibit 3) | Section 5.04 Garden Home/Zero Lot Line Homes (G/ZL) |
| | <i>The change in the title of Section 5.04 is a change that should have come out prior to the original PDD being approved. Exhibit 3 originally referenced a prototypical lot layout and was originally removed from the proposed PDD after discussions with Staff. This change helps to clean up the document language.</i> | |

The changes referenced above meet the intent of the original PDD while allowing a variety of housing types within the single-family residential areas of the subdivision. Staff is recommending approval of the changes as submitted.

In order to allow for a thorough understanding and discussion of the request this request is scheduled for a public hearing and discussion only. Action on this case is scheduled for June 26, 2012.

| 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 |

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision. Section 1.5.3.5 of the Land Development Code establishes the following criteria for approval:

- (1) The extent to which the land covered by the proposed PD district fits one or more of the special circumstances in Section 4.2.6.1 warranting a PD district classification.
 - (2) The extent to which the proposed PD district furthers the policies of the Master Plan generally, and for the sector in which the proposed PD district is located.
 - (3) The extent to which the proposed PD district will result in a superior development than could be achieved through conventional zoning classifications.
 - (4) The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development.
 - (5) The extent to which the PD district is generally consistent with the criteria for approval of a watershed plan for land within the district.
 - (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;
 - (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; and
 - (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.
- (b) *Conditions.* The Planning and Zoning Commission may recommend and the Council may impose such conditions to the PD district regulations and Concept Plan as are necessary to assure that the purpose of the PD district is implemented

Prepared by:

Alison Brake

Planner

June 1, 2011

Name

Title

Date

Section 5: Dimensional and Development Standards

5.01 Single-Family Estate Lots

| | |
|---------------------------------------|------------------------|
| Lot Area, Minimum: | 11,000 sq. ft. |
| Lot Width, Minimum: | 80 feet |
| Lot Depth, Minimum: | 100 feet |
| Front Yard Setback, Minimum: | 20 -10 feet |
| Side Yard Setback, Interior, Minimum: | 10 feet |
| Side Yard Setback, Corner, Minimum: | 15 feet |
| Rear Yard Setback, Minimum: | 10 feet |
| Building Height, Maximum: | 2.5 stories |
| Impervious Cover, Maximum: | 50% |

Permitted Location: All Tracts except F & U

5.02 Single Family Residential Manor Lots

| | |
|---------------------------------------|------------------------|
| Lot Area, Minimum: | 6,000 sq. ft. |
| Lot Width, Minimum: | 50 feet |
| Lot Depth, Minimum: | 100 feet |
| Front Yard Setback, Minimum: | 20 -10 feet |
| Side Yard Setback, Interior, Minimum: | 5 feet |
| Side Yard Setback, Corner, Minimum: | 15 feet |
| Rear Yard Setback, Minimum: | 10 feet |
| Building Height, Maximum: | 2 stories |
| Impervious Cover, Maximum: | 60% |

Permitted Location: All Tracts except F & U

5.03 Single Family Residential Cottage Lots

| | |
|---------------------------------------|------------------------|
| Lot Area, Minimum: | 4,500 sq. ft. |
| Lot Width, Minimum: | 40 feet |
| Lot Depth, Minimum: | 100 feet |
| Front Yard Setback, Minimum: | 20 -10 feet |
| Side Yard Setback, Interior, Minimum: | 5 feet |
| Side Yard Setback, Corner, Minimum: | 15 feet |
| Rear Yard Setback, Minimum: | 10 feet |
| Building Height, Maximum: | 2 stories |
| Impervious Cover, Maximum: | 60% |

Permitted Location: All Tracts except F & U

5.04 Garden Home/Zero Lot Line Homes (G/ZL) ~~(See Exhibit 3)~~

| | |
|---------------------------------------|------------------------|
| Lot Area, Minimum: | 2,700 sq. ft. |
| Lot Width, Minimum: | 28 feet |
| Lot Depth, Minimum: | 90 feet |
| Front Yard Setback, Minimum: | 15 -10 feet |
| Side Yard Setback, Interior, Minimum: | 0/5 feet* |

Side Yard Setback, Corner, Minimum: 10 feet*
Rear Yard Setback, Minimum: 5 feet
Garage Side Yard Setback Opposite House: 0 feet
Garage Setback from Front of House: 10 feet
Building Height, Maximum: 2 stories
Impervious Cover, Maximum: 75%

Permitted Location: Tracts E, J & P

* Refer to Section 5.09 for additional clarification regarding side yard setback.

5.05 Townhome Lots (TH)

Lot Area, Minimum: 2,500 sq. ft.
Lot Width, Minimum: 25 feet
Lot Depth, Minimum: 90 feet
Front Yard Setback, Minimum: 10 feet
Side Yard Setback, Interior, Minimum: 0/5 feet
Side Yard Setback, Corner, Minimum: 10 feet
Rear Yard Setback, Minimum: 10 feet
Building Height, Maximum: 2 stories
Impervious Cover, Maximum: 75%

Permitted Location: Tracts E & P

Maximum Number of Units Permitted: 70 units

5.06 Multiple-Family Residential (MFR)

Lot Area, Minimum: 12,000 sq. ft.
Lot Width, Minimum: 60 feet
Lot Depth, Minimum: 100 feet
Front Yard Setback, Minimum: 25 feet
Side Yard Setback, Interior, Minimum: 10 feet
Side Yard Setback, Corner, Minimum: 15 feet
Rear Yard Setback, Minimum: 10 feet
Building Height, Maximum: 4 stories
Impervious Cover, Maximum: 75%

Permitted Location: Tract F

Maximum Number of Units Permitted: 180 units

5.07 Commercial

Lot Area, Minimum: 6,000 sq. ft.
Lot Width, Minimum: 50 feet
Lot Depth, Minimum: 100 feet
Front Yard Setback, Minimum: 20 feet
Side Yard Setback, Interior, Minimum: 5 feet
Side Yard Setback, Corner, Minimum: 15 feet

| | |
|-----------------------------|--------|
| Rear Yard Setback, Minimum: | 5 feet |
| Building Height, Maximum: | N/A |
| Impervious Cover, Maximum: | 80% |

| | |
|---------------------|-------------------|
| Location Permitted: | Tracts F, G and U |
|---------------------|-------------------|

5.08 Lot Width to Depth Ratio

To help achieve the flexibility envisioned and goals for development of the Blanco Vista Community, the provisions of Section 6.7.2.1 related to lot width to depth ratios shall not be applicable.

5.09 Additional Setback Standards for Zero Lot Line Buildings

The primary structure/dwelling may be constructed with a 0 side yard on one side, and a side yard of not less than 5 feet on the other side. A detached accessory structure such as a garage or storage building may have a 0 side yard on the 5 foot side provided, however, the structure is located behind the rear façade of the primary building on the lot. On the 0 side, the structure may be set back a maximum of 1 foot. A 5 foot wide maintenance, drainage, and roof overhang easement extending the full depth of the lot shall be designated along the side property line which abuts the zero side yard on an adjacent lot, and shall be indicated on the Final Plat. In all cases, there shall be at least a 10 foot side yard on corner lots where adjacent to a street right-of-way or alley.