



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, July 24, 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.**
6. **Presentation and discussion regarding the Gas Lamp District project.**

CONSENT AGENDA:

7. **Consider the approval of the minutes from the Regular Meeting on July 10, 2012.**

PUBLIC HEARINGS:

8. **PC-12-08(04) (Stagecoach Business Park Replat)** Hold a public hearing and consider a request by Byrn & Associates, Inc., on behalf of South Stagecoach Business Park, LTD., for approval of a replat of Lot 9, Stagecoach Business Park, establishing Lots 9-A and 9-B, located at the corner of Wonder World Drive and South Stagecoach Trail.
9. **CUP-12-25 (Ruby Heels Wine Shoppe - General)** Hold a public hearing and consider a request by RAK Hestand, LLC on behalf of Ruby Heels Wine Shoppe for granting of a Conditional Use Permit to allow a microbrewery use within a T-5 Smart Code Zoning District at 100 N. Edward Gary Street, Suite C.
10. **CUP-12-24 (Ruby Heels Wine Shoppe - TABC)** Hold a public hearing and consider a request by RAK Hestand, LLC on behalf of Ruby Heels Wine Shoppe for granting of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 100 N. Edward Gary Street, Suite C.

11. **CUP-12-26 (The Square Peg)** Hold a public hearing and consider a request by Brass Holdings LLC on behalf of The Square Peg, for the granting of a Restricted (Restaurant) Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 179 S. LBJ Drive.
12. **CUP-12-27 (Harper's Public House)** Hold a public hearing and consider a request by Shy Inc., on behalf of Harper's Public House, for a renewal of the existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 139 E. Hopkins Street.

NON CONSENT AGENDA:

13. **PC-12-18(03) (Hillside Ranch Phase 2)** Consider a request by Ash & Associates, LLC on behalf of GEM Hillside Ranch, L.P. and Daniel C. Anderson for approval of a final plat for approximately 10.925 acres, more or less, out of the Thomas J Chambers Survey, Tract 179 at 1410 N. LBJ Drive and to find that the parkland dedicated by such plat has exceptional recreational value that warrants its acceptance.

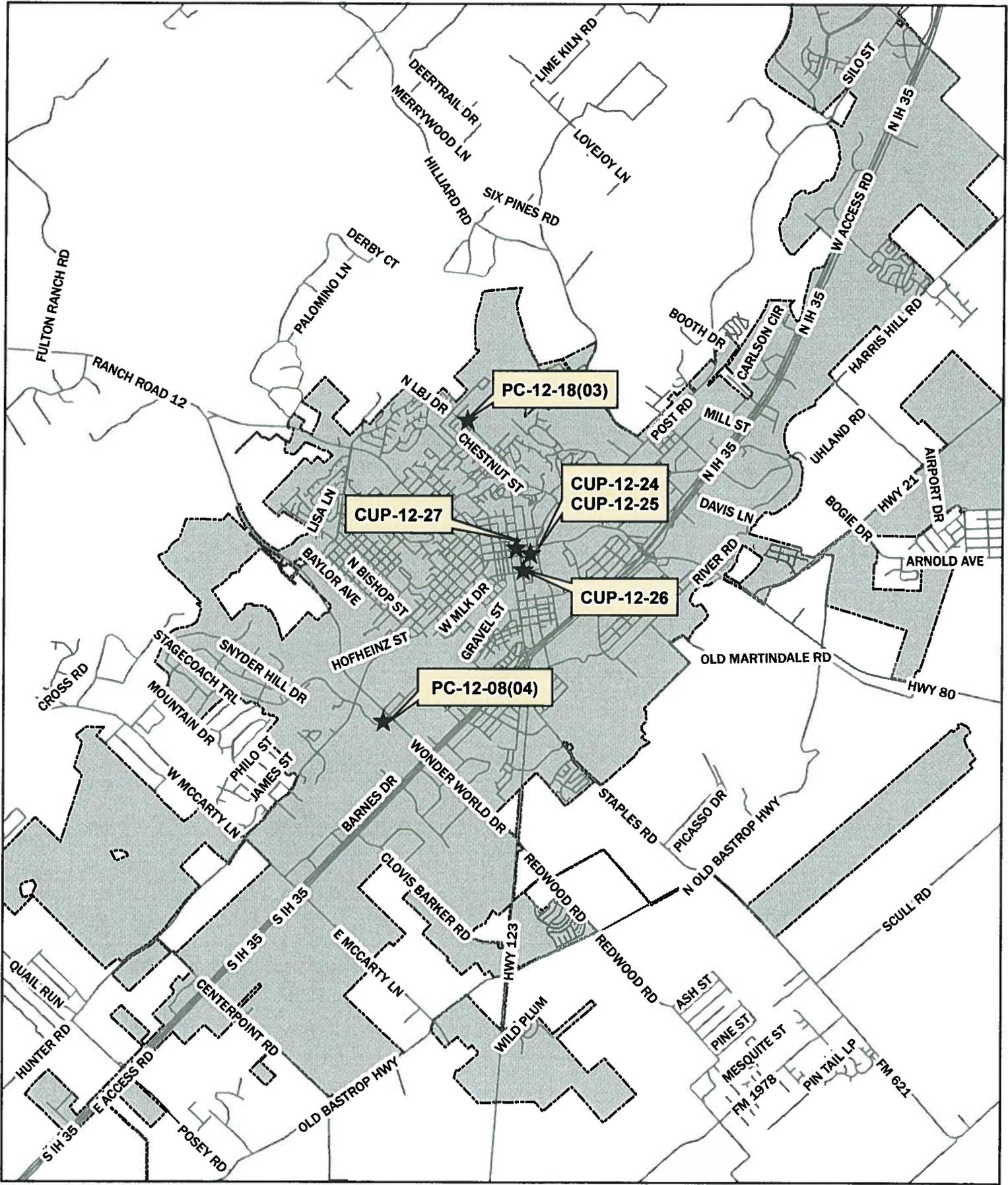
14. **Development Services Report**

- a. Update from staff on the Comprehensive Plan

15. **“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.*”

16. Adjourn.

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



**Planning and Zoning
Commission Meeting
July 24, 2012
Location Map**

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**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
July 10, 2012**

1. Present

Commissioners:

Bill Taylor Chair
Bucky Couch
Carter Morris
Chris Wood
Corey Carothers
Travis Kelsey
Randy Bryan

City Staff:

Matthew Lewis, Development Services Director
Kristy Stark, Development Services Assistant Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
Alison Brake, Planner
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 July 10, 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

There were no citizen comments.

6. Presentation on Subdivision Process.

Consent Agenda:

7. Consider the approval of the minutes from the Regular Meeting on June 26, 2012.

8. PC-11-28(03) (Royal Subdivision Phase 2) Consider a request by Byrn & Associates, Inc. on behalf of Logan Ridge, L.L.C. for approval of a Final Plat for approximately 3.65 acres, more or less out of the J.M. Veramendi Survey No. 2, Abstract 17, City of San Marcos, Hays County located at 1651 Post Road.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission approved on consent the minutes from the Regular Meeting on June 26, 2012 and PC-11-28(03) (Royal Subdivision Phase 2). The motion carried unanimously.

Public Hearing:

9. CUP-12-22 (Bobcat Nation Sports Bar & Grill) Hold a public hearing and consider a request by Brandon Stone, on behalf of Bobcat Nation Sports Bar & Grill, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 700 N. LBJ Drive, Suite 109.

Chair Taylor opened the public hearing. Keith Whittington, Lynx Property Services, Property Manger representing the Center on behalf of Bobcat Nation Sports Bar & Grill. He said he leased the space to the gentlemen and is excited about the proposed plans. Mr. Whittington added that he thinks it is going to give an alternative to everything on the downtown square. He said he was available to answer questions. Terry Wagner said he is a hometown boy and a mail carrier for 36 years. He said they are excited to bring the project together with other partners. Mr. Wagner added that he has spoken to people and they are real excited about a Bobcat theme business in San Marcos. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission voted all in favor to approve CUP-12-22 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; the permit shall not be valid until an approved TABC Permit is issued to the applicant and a copy is submitted to the Director; the permit shall not become effective until a Certificate of Occupancy is received; and all Environmental Health permitting requirements must be met. The motion carried unanimously.

10. CUP-12-23 (Cody's Bistro and Lounge) Hold a public hearing and consider a request by #3 BPCC, Inc., on behalf of Cody's Bistro and Lounge, for a new Conditional Use Permit to allow the sale for on-premise consumption of mixed beverages at 690 Centerpoint Road, Suite 209.

Commissioner Couch recused himself from Item 10.

Chair Taylor opened the public hearing. Cody Couch, 203 Sierra Ridge Drive said he is available to answer any questions. He explained that they will have an upscale bar, quality food, drinks and service. They are located on the other end of the square. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commission Kelsey, the Commission all in favor to approve CUP-12-23 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; the permit shall not be valid until an approved TABC Permit is issued to the applicant and a copy is submitted to the Director, the permit shall not become effective until a Certificate of Occupancy is received, and all Environmental Health permitting requirements must be met. The motion carried unanimously.

11. Development Services Report

- a. Update from staff on Comprehensive Plan

Matthew Lewis gave an update on the upcoming meetings for the Comprehensive Plan.

12. "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."

There were no questions from the press and public.

13. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 6:35 p.m. on Tuesday, July 10, 2012.

Bill Taylor, Chair

Travis Kelsey, Commissioner

Corey Carothers, Commissioner

Carter Morris, Commissioner

Bucky Couch, Commissioner

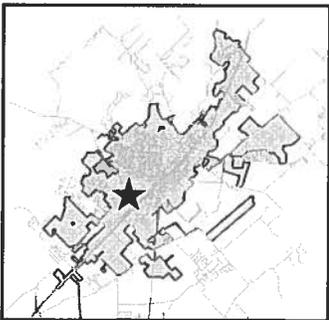
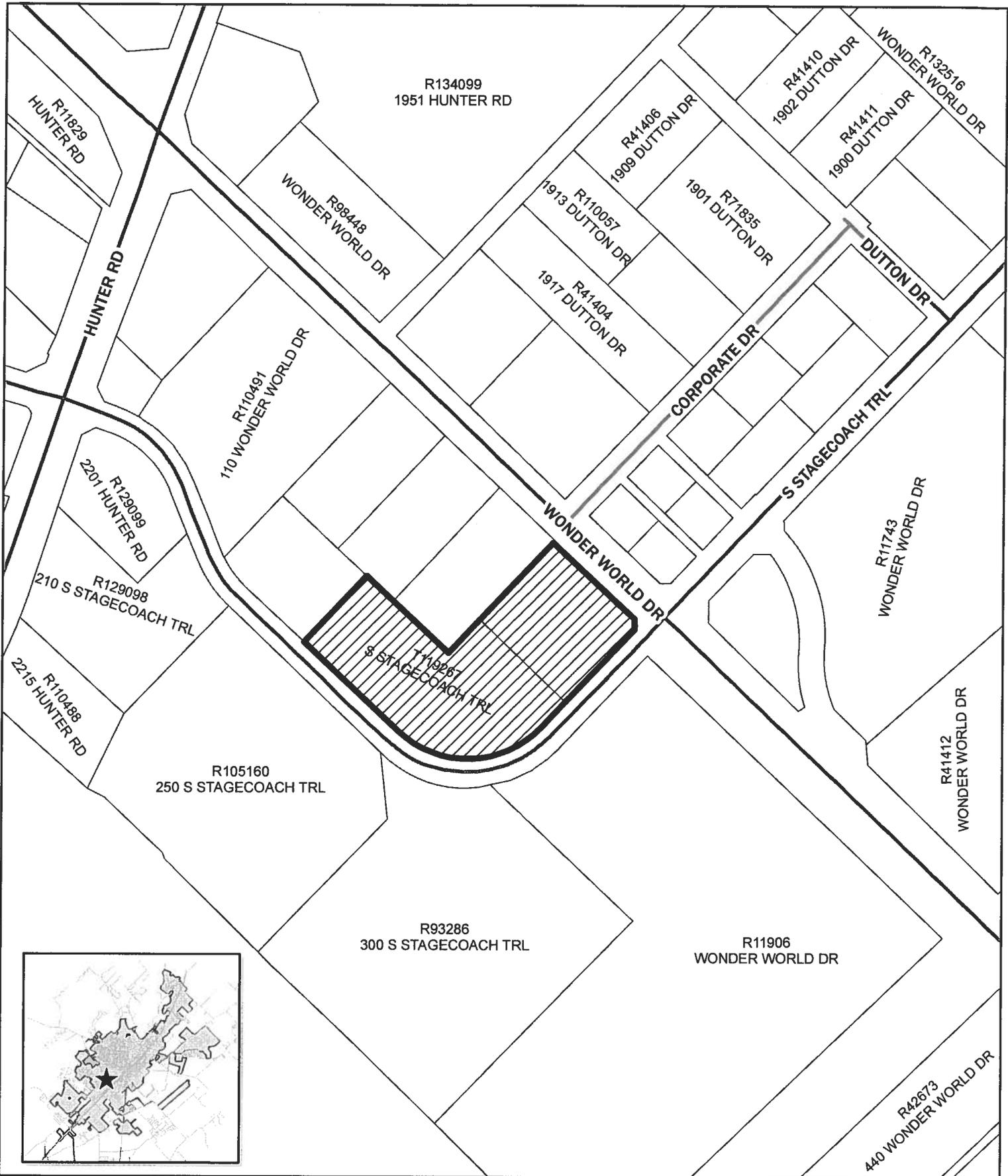
Chris Wood, Commissioner

Randy Bryan, Commissioner

ATTEST:

Francis Serna, Recording Secretary

DRAFT



PC-12-08(04)

Replat, Lot 9

Stagecoach Business Park

Map Date: 07/17/12

●  Site Location

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



**PC-12-08(04), Replat
Stagecoach Business Park, Lot 9
Establishing Lots 9-A and 9-B**



Applicant Information:

Applicant: South Stagecoach Business Park, Ltd.
c/o Andrew Gary
108 E. San Antonio Street
San Marcos, TX 78666

Agent: David C. Williamson, R.P.L.S
Byrn & Associates, Inc.
P.O. Box 1433
San Marcos, TX 78667

Property Owner: South Stagecoach Business Park, Ltd.
c/o Andrew Gary
108 E. San Antonio Street
San Marcos, TX 78666

Notification: Notification of Public Hearing published in newspaper on July 10, 2012

Type & Name of Subdivision: Replat, Lot 9, Stagecoach Business Park, establishing Lots 9-A and 9-B

Subject Property:

Location: The subject property is located at the South Stagecoach Trail and Wonder World Drive.

Traffic / Transportation: This property has 320.22 +/- feet of frontage along Wonder World Drive and 697.05 +/- feet of frontage along South Stagecoach Trail which are both designated as a major arterial by the San Marcos Transportation Master Plan.

Utility Capacity: Water, wastewater, and electric service to this site will be provided by the City of San Marcos. The applicant is proposing to extend wastewater service to lot 9-A and security for this will need to be posted prior to the plat being recorded.

Land Use Compatibility: Surrounding land uses are primarily commercial, multifamily, and undeveloped property. The Hays County Government Center is located across Wonder World Drive from the subject property.

Surrounding Zoning and Land use:

Proximity	Current Zoning	Existing Land Use
N of Property	T5 – Urban Center	Commercial
S of Property	MF-24, Multi-Family	Multi-Family
E of Property	GC – General Commercial	Undeveloped
W of Property	GC – General Commercial & LI – Light Industrial	Commercial

Zoning: GC, General Commercial

Planning Department Analysis:

This project is subject to all requirements of the Land Development Code. The proposed replat has been reviewed for consistency with existing City Ordinances and policies

Through this replat the following objectives will be achieved:

- The creation of Lot 9-B, which will be the location of a new Sac-n-Pac convenient store with the sale of gas.
- The extension of a wastewater main line to service Lot 9-A, which will be developed at a later date.

This plat meets all the criteria set out in our LDC for platted lots. A Watershed Protection Plan Phase 2 will be submitted with the Comprehensive Site Plan and is required to be approved prior to site plan approval for the two lots created by this replat.

Staff is recommending **conditional approval** of this final plat subject to:

- Security is required to be posted for the extension of the wastewater line to Lot 9-A prior to the recordation of the plat.

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

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Subdivision Preliminary 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 to statutorily deny (an action that keeps the applicant "in process") the plat.

Prepared by:

Alison Brake

Planner

7/17/2012

Name

Title

Date



VICINITY MAP - NOT TO SCALE

PLAT NOTES

1. ACCORDING TO SCALING FROM THE F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 48209C0477F, DATED SEPTEMBER 2, 2005, THIS TRACT IS WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
2. SIDEWALKS ARE REQUIRED AND WILL BE CONSTRUCTED TO CITY OF SAN MARCOS STANDARDS AT THE TIME OF DEVELOPMENT OF THESE LOTS.
3. THESE LOTS ARE SUBJECT TO THE CITY OF SAN MARCOS DRAINAGE AND EROSION CONTROL ORDINANCE.
4. THE 10'-FOOT WIDE SERVICE ACCESS EASEMENT STRIPS SHOWN ON LOT 9A AND 9B ARE DEDICATED TO THE CITY OF SAN MARCOS FOR THE PURPOSE OF PROVIDING THE CITY WITH REASONABLE ACCESS TO SERVICE THE DRAINAGE EASEMENTS AND SEWER EASEMENTS LOCATED ON LOT 9A AND LOT 9B, INCLUDING SEWER LINES AND MANHOLES LOCATED WITHIN SUCH EASEMENTS, AND SUCH DEDICATION OF THE SERVICE ACCESS EASEMENT STRIPS IS EXPRESSLY SUBJECT TO THE RESERVATION FOR THE BENEFIT OF CURRENT AND/OR SUCCESSIVE OWNERS OF ANY PORTION OF LOT 9A AND LOT 9B WHICH INCLUDES A PORTION OF THE SERVICE ACCESS EASEMENT STRIPS TO UTILIZE THE SERVICE ACCESS EASEMENT STRIPS FOR ANY PURPOSE THAT DOES NOT PRECLUDE THE CITY'S ACCESS OVER AND ACROSS SUCH SERVICE ACCESS EASEMENT STRIPS, INCLUDING, BUT NOT LIMITED TO THE RIGHTS RESERVED TO OWNERS TO PAVE AND UTILIZE THE SERVICE ACCESS EASEMENT STRIPS FOR PARKING AND ON-SITE ACCESS, AND FOR ON-SITE UNDERGROUND UTILITIES AND OVERHEAD UTILITY LINES.
5. PURPOSE OF THE PLAT IS TO REPLAT ONE OR MORE LOTS FRONTING ON AN EXISTING STREET.
6. A WATERSHED PROTECTION PLAN PHASE 2 WILL NEED TO BE APPROVED BY THE CITY OF SAN MARCOS PRIOR TO SITE PLAN APPROVAL ON THESE LOTS.

STATE OF TEXAS *
COUNTY OF HAYS *

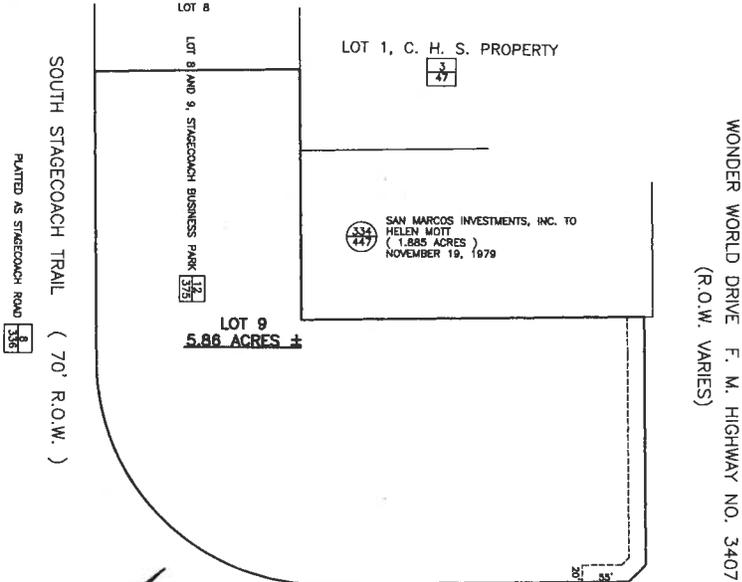
WE, THE OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED AS LOT 9-A AND LOT 9-B, STAGECOACH BUSINESS PARK, SUBDIVIDE THIS PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, THIS INSTRUMENT IS EXECUTED ON THIS ____ DAY OF ____ 2012.

SOUTH STAGECOACH BUSINESS PARK, LTD.
BY: ANDREW GARY, GENERAL PARTNER

STATE OF TEXAS
COUNTY OF HAYS
THIS SUBDIVISION PLAT WAS ACKNOWLEDGED BEFORE ME ON ____
BY: _____

NOTARY PUBLIC, STATE OF _____



EXISTING LOT CONFIGURATION

LOT 9, STAGECOACH BUSINESS PARK, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

LEGEND

- Ⓜ HAYS COUNTY PLAT RECORDS
- Ⓜ HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND
- PUE PUBLIC UTILITY EASEMENT

APPROVED BY THE CITY OF SAN MARCOS PLANNING & ZONING COMMISSION
ON ____ OF ____ 2012.

BILL TAYLOR, CHAIRMAN
PLANNING AND ZONING COMMISSION DATE _____

MATTHEW LEWIS
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES DATE _____

FRANCIS SERNA
RECORDING SECRETARY DATE _____

STATE OF TEXAS *
COUNTY OF HAYS *

I, LIZ Q. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE ____

DAY OF ____ 20__ AT ____ O'CLOCK ____M., AND

RECORDED ON THE ____ DAY OF ____ 20__ AT ____

O'CLOCK ____M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK ____ AT PAGE ____.

LIZ Q. GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

KNOW ALL MEN BY THESE PRESENTS:

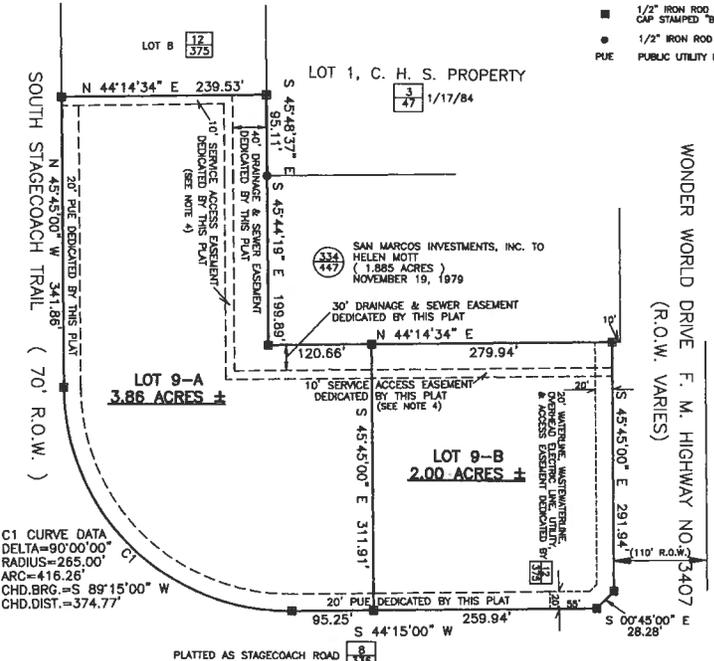
THAT I, DAVID C. WILLIAMSON, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

REGISTERED PROFESSIONAL LAND SURVEYOR
DAVID C. WILLIAMSON, R.P.L.S. NO. 4190

STATE OF TEXAS *
COUNTY OF HAYS *

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED DAVID C. WILLIAMSON, REGISTERED PUBLIC LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF ____ 20__.



REPLAT OF LOT 9

ESTABLISHING LOT 9-A AND 9-B, STAGECOACH BUSINESS PARK, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

- SURVEYOR'S NOTES**
1. FENCES REMOVED.
 2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.

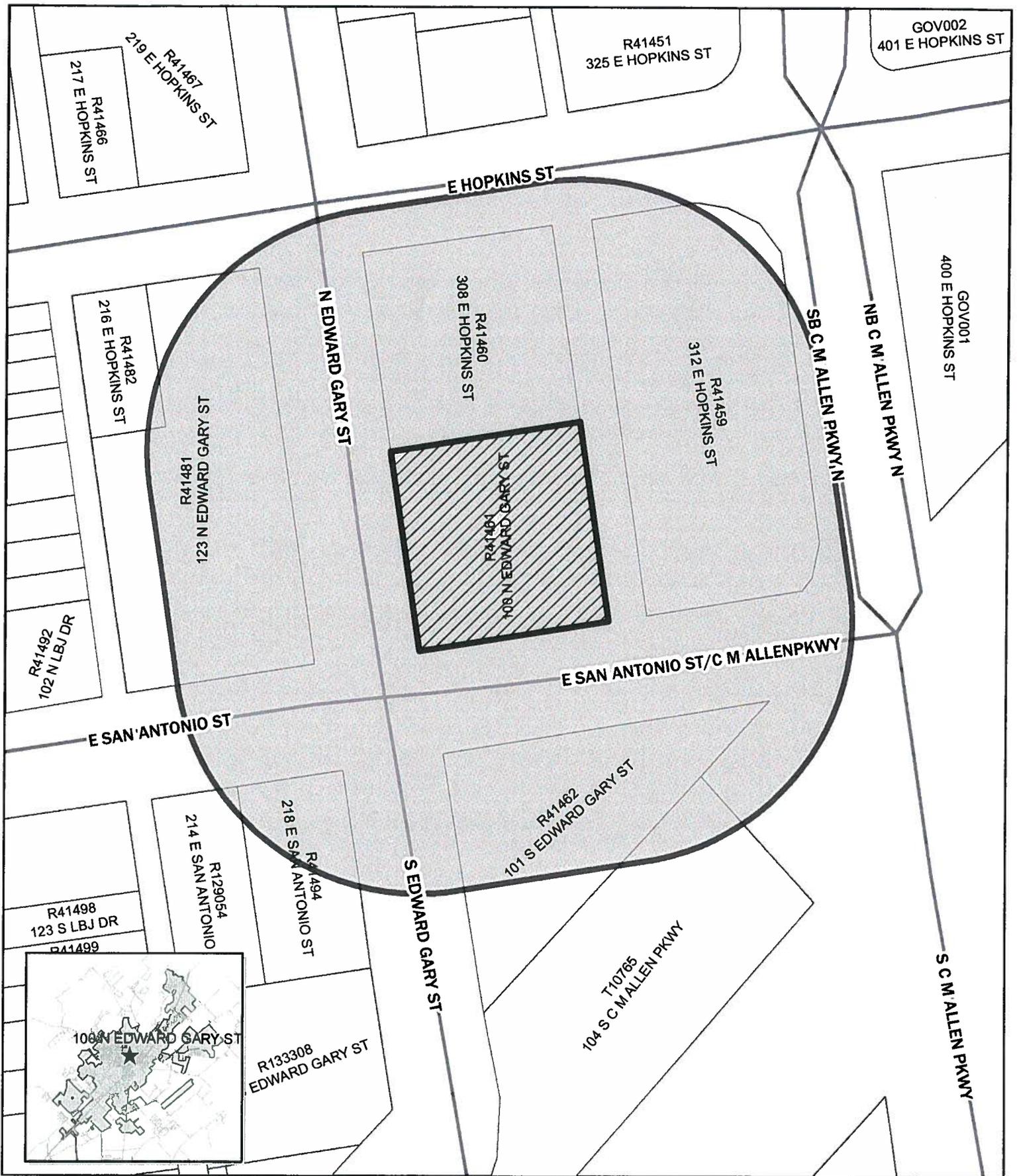
CLIENT: GARY, A.
DATE: MARCH 20, 2012
OFFICE: BRYANT
CREW: C. SMITH, HADEN
FB/P/G: 636/716
PLAT NO. 28568-12-2-c

REPLAT OF LOT 9 ESTABLISHING
**LOT 9-A AND 9-B,
STAGECOACH BUSINESS PARK**
BEING A RESUBDIVISION OF LOT 9, STAGECOACH BUSINESS PARK,
CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

OWNER: SOUTH STAGECOACH BUSINESS PARK, LTD.
ANDREW GARY, GENERAL PARTNER
108 EAST SAN ANTONIO STREET
SAN MARCOS, TEXAS 78666
(512) 396-2541

DATE: MARCH 20, 2012
SCALE: 1" = 100'

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



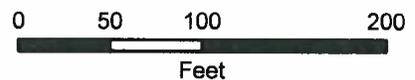
CUP-12-24
CUP-12-25
Ruby Heels Wine Shoppe
100 N Edward Gary St
Map Date: 07/13/12



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-12-24 & CUP-12-25 Conditional Use Permit Ruby Heels Wine Shoppe 100 N. Edward Gary St. Suite C



Applicant Information:

Applicant: RAK Hestand, LLC DBA Ruby Heels Wine Shoppe

Mailing Address: 417 Jester Ridge
New Braunfels, TX 78130

Property Owner: Constance Hanson-Skiles Family Trust
100 N. Edward Gary St., Suite A
San Marcos, TX 78666

Applicant Request: Granting of a General Conditional Use Permit to allow a Wine Shop in a T-5 Zoning District. Granting of an Alcohol CUP to allow the on-premise consumption of Beer and Wine at 100 N. Edward Gary St.

Public Hearing Notice: Public hearing notification was mailed on July 13, 2012

Response: None as of July 17, 2012.

Subject Property:

Location: 100 N. Edward Gary St. Suite C

Legal Description: Original Town of San Marcos, Block 5, Lot 7-8, 0.6058 acres

Frontage On: N. Edward Gary St.

Neighborhood: Downtown

Existing Zoning: T-5 "Urban Center"

Sector: Sector 8

Utilities: Sufficient

Existing Use of Property: Commercial

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	T-5	Bank of America
S of property	T-5	Ace Hardware
E of property	T-5	Commercial
W of property	T-5	Wells Fargo

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.

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.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

Case Summary

The site is located at the corner of N. Edward Gary Street and E. San Antonio Street in a retail/office center which currently contains several insurance agencies, a real estate office and other uses. The proposed use would be utilizing the existing building which already has 35 parking spaces available (though not required in a T-5 Zoning District). The proposed hours of operation are Monday-Saturday 11AM – 7PM and Sunday 1PM – 7PM. The gross floor area is 2,408 square feet with no indoor or outdoor fixed seats proposed. No entertainment or live music has been proposed.

This proposed use has been classified as a microbrewery since on-site wine production is proposed. The Smart Code and LDC dictate that a microbrewery be a conditional use in this zoning classification. The Commission must determine whether or not they want to approve the production and consumption of wine at this location.

The applicant is proposing that this establishment produce, bottle and sell wine. Ruby Heels will purchase the juice from a wholesaler resulting in no "crushing" equipment being required on the premises. The applicant also proposes that wine be sold at the establishment with wine samples being available for customers to taste prior to purchase. A general Conditional Use Permit is required for this use since it is not expressly allowed within the Smart Code. The proposed use is conditional under "micro brewery" in the Land Development Code. In addition, a TABC CUP (alcohol CUP) is also required since on-premise consumption is proposed.

As you can see in the attached site plan, Ruby Heels Wine Shoppe is proposing a suite partitioned in the middle to allow for one side to be used as a taste testing and eating facility with tables and a counter while the other side will be used for production of the wine. The site plan is tentative and not yet approved as no permits have been applied for at the time this staff report was prepared.

Comments from Other Departments:

Police and Fire have not reported any issues. The establishment must meet all health related codes per the Health Department.

Planning Department Analysis:

CUP-12-25

Staff has reviewed the request for compliance with the applicable codes and it appears that the request is consistent with the policies and general intent of the zoning district. Staff believes that this use is acceptable within a T-5 Zoning District as it is located near other commercial establishments in the downtown area. The Smart Code aims to allow for a variety of uses on a pedestrian scale within walking distance of one another. This use is unique to the area but still appears to fit well within the downtown area. Staff believes that a wine shop use will not have a detrimental impact on surrounding properties and will not endanger public health, safety or welfare.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit to allow for a microbrewery use within a T-5 Zoning District at 100 N. Edward Gary, Suite C.

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

CUP-12-24

Staff believes that the on-premise consumption of beer and wine at the location would not negatively affect the surrounding area. Elevated noise levels are not expected based on the nature of the proposed use and no entertainment uses are proposed that could potential cause interference or disrupt other businesses in the general area.

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 to allow on-premise consumption at 100 N. Edward Gary, Suite C with the following conditions:

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The permit shall not be valid until an approved TABC Permit is issued to the applicant and a copy is submitted to the Director;**
- 3. The permit shall not become effective until a Certificate of Occupancy is received;**
- 4. All Environmental Health permitting requirements must be met;**

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

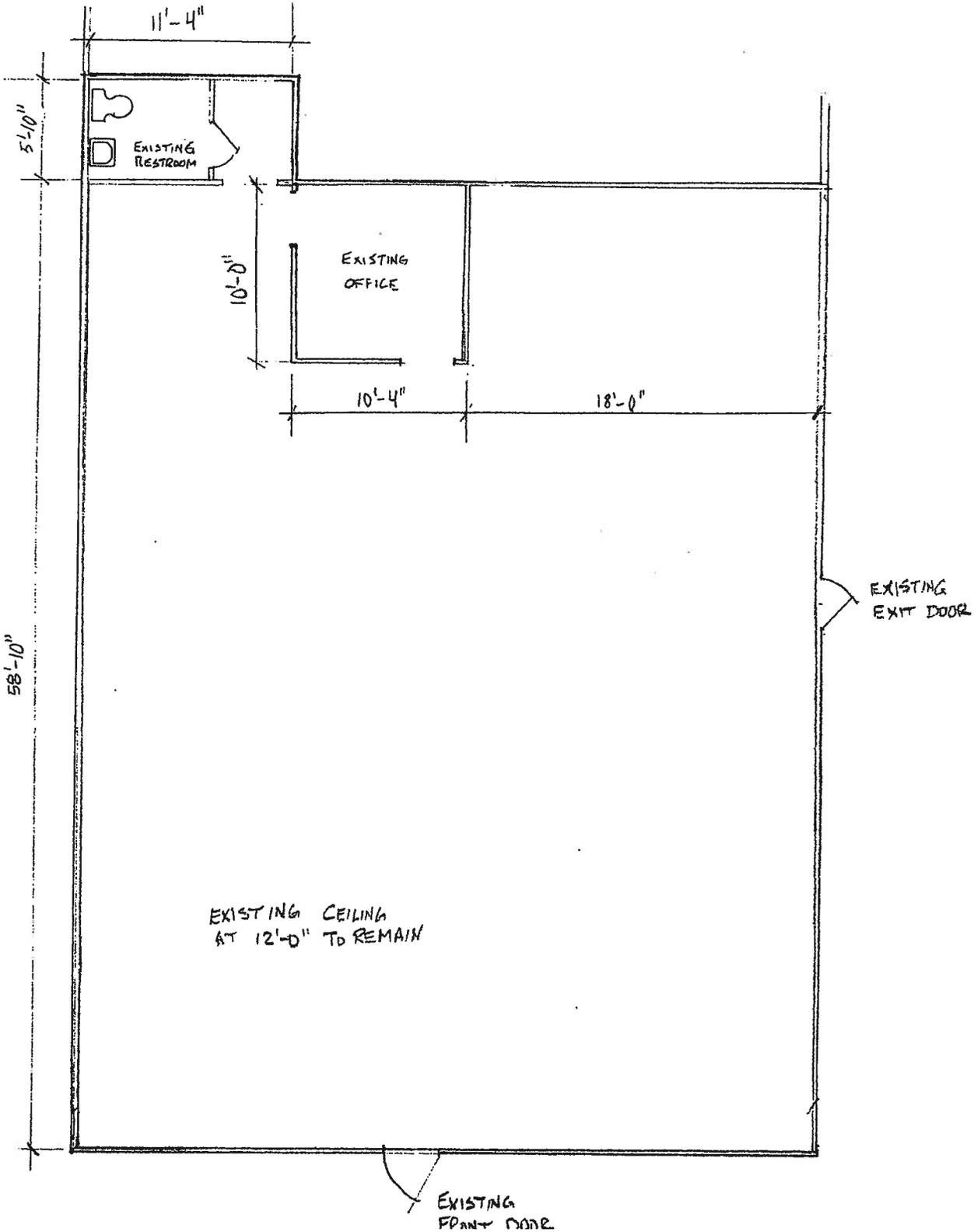
7/17/2012

Name

Title

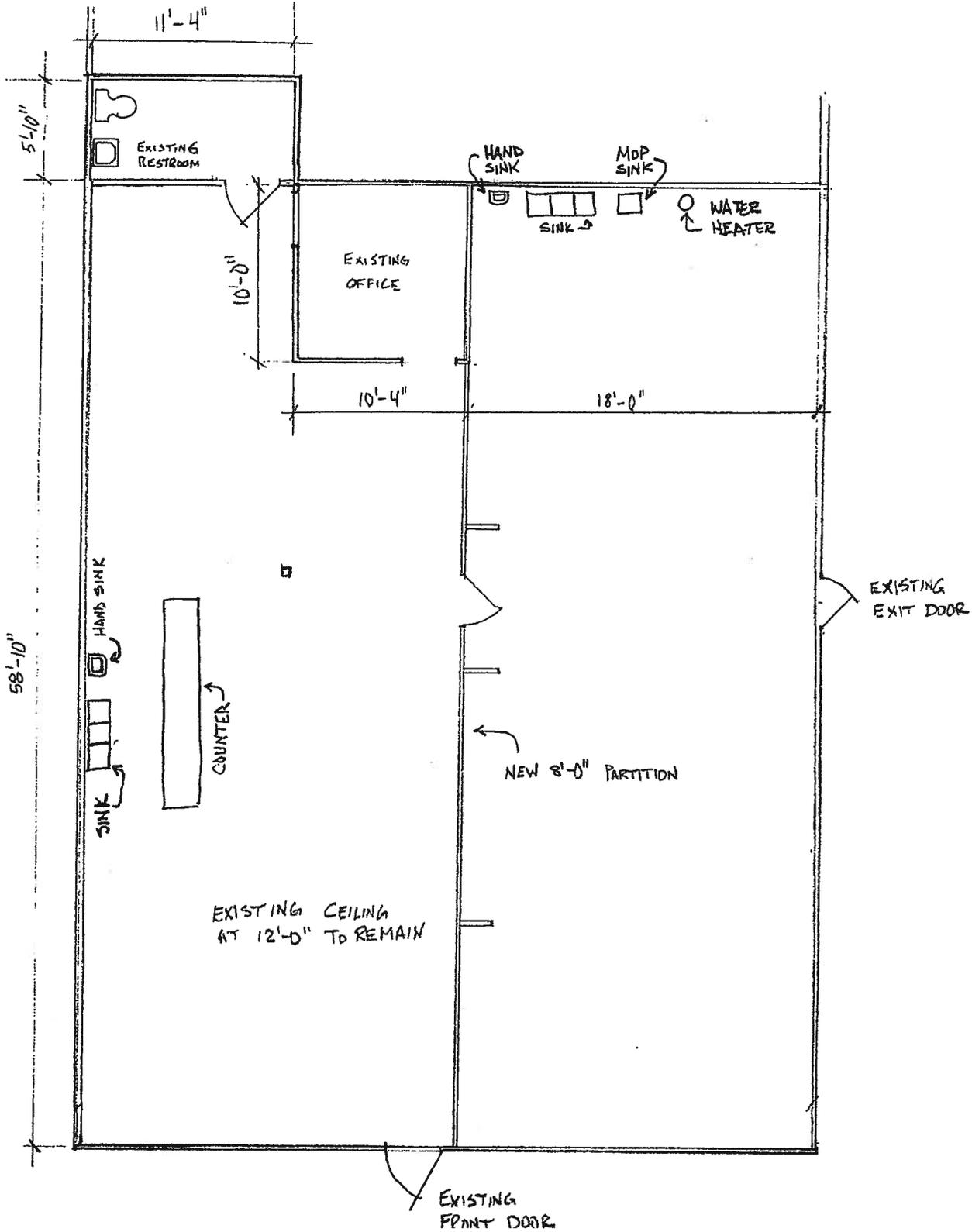
Date

EXISTING SPACE

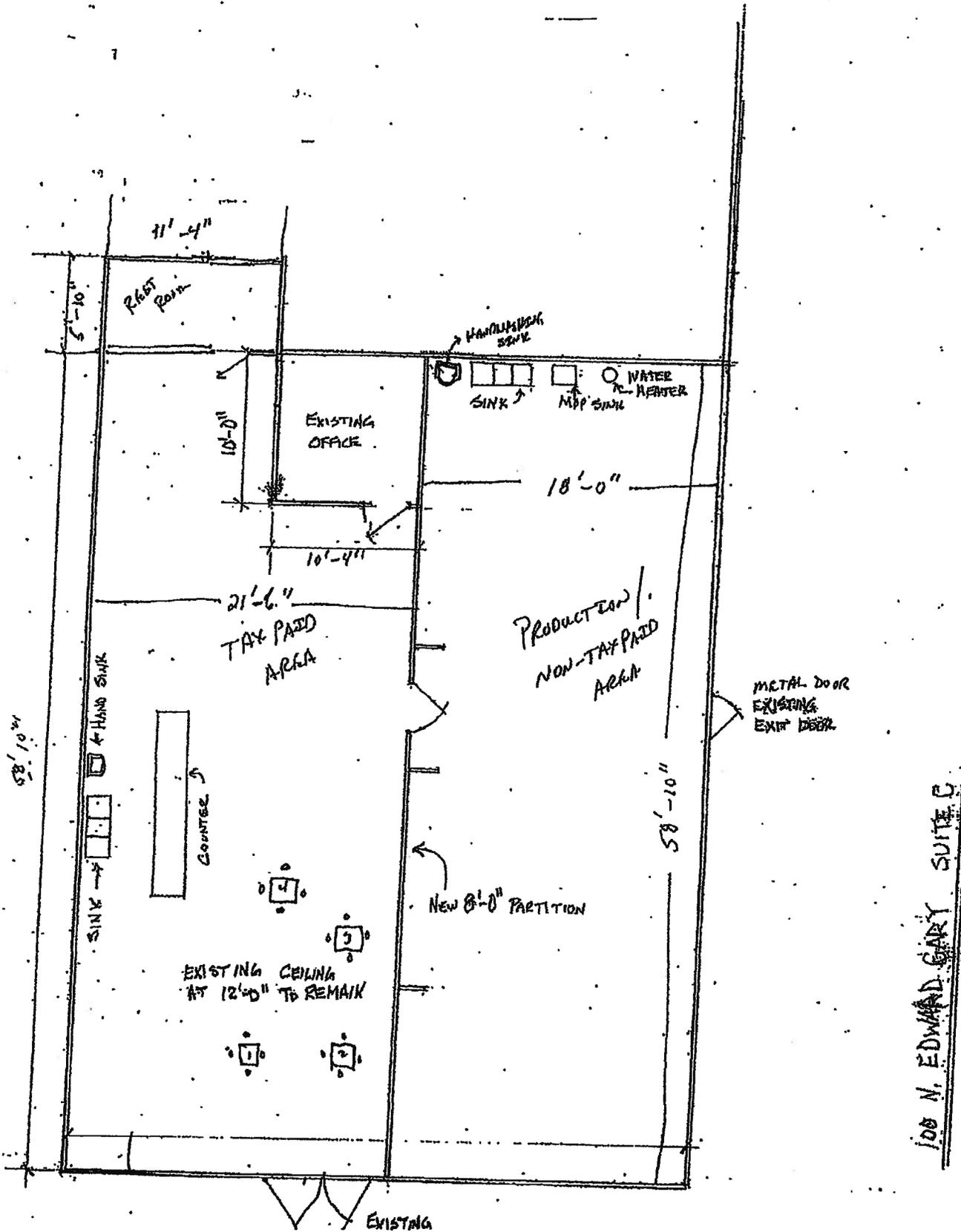


100 N. EDWARD GARY SUITE C

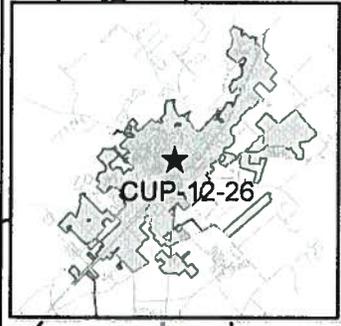
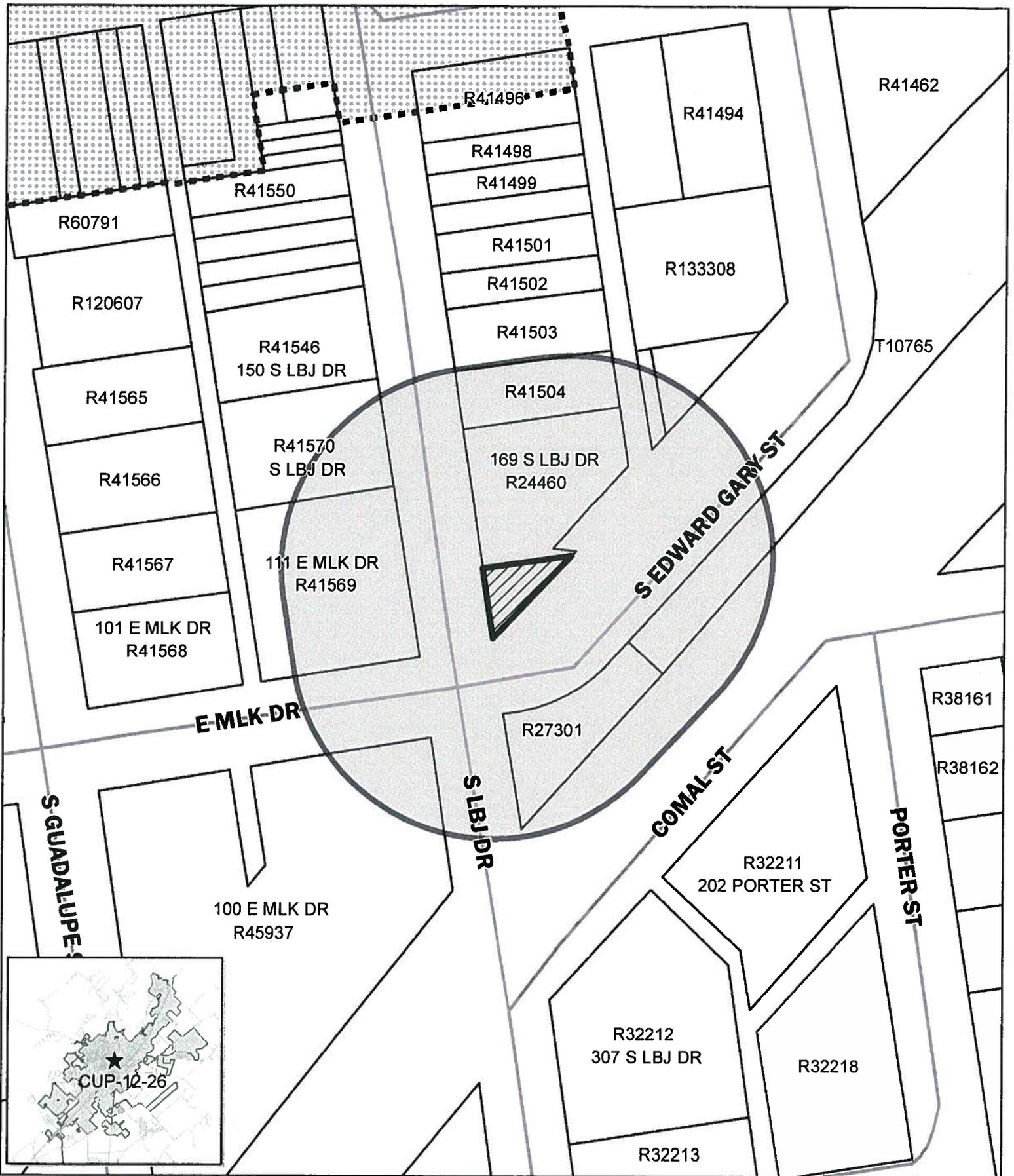
NEW LAYOUT



100 N. EDWARD GARY SUITE C



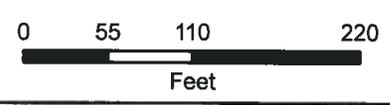
100 N. EDWARD GARY SUITE C



CUP-12-26
The Square Peg
Map Date: 7/13/12

-  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-12-26

Restricted Conditional Use Permit

The Square Peg

179 S. LBJ Dr.



Applicant Information:

Applicant: Brass Holdings LLC

Mailing Address: 10001 S. 1st St. #1215
Austin, TX 78748

Property Owner: Frayezur Properties LP
1122 Hwy 123
San Marcos, TX 78666

Applicant Request: Granting of a Restaurant (Restricted) Conditional Use Permit (CUP) to allow the on-premise consumption of mixed-beverages.

Public Hearing Notice: Public hearing notification was mailed on July 13, 2012.

Response: None as of July 17, 2012.

Subject Property:

Location: 179 S. LBJ Dr.

Legal Description: ME Coffield 3-50, Lot 1, Block 9

Frontage On: S. LBJ and S. Edward Gary St.

Neighborhood: Downtown

Existing Zoning: "T-5" – Urban Center

Sector: Sector 8

Utilities: Sufficient

Existing Use of Property: Liquor Store

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	T-5	Desert Rose
S of property	T-5	Dixie Cream
E of property	T-5	R.O.W.
W of property	T-5	Moore Supply Company

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.

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.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

Brass Holdings LLC has requested a Restricted Conditional Use Permit which requires that the business must comply with the following standards at all times. The list of standards were revised in 2011. (Section 4.3.4.2):

a) The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.

b) The business must apply for, obtain and maintain a food establishment permit in accordance with chapter 18 of the City Code.

c) The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, 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.

Case Summary

The Square Peg is redevelopment of a 1960s 2,055 square foot building previously used as a Spirit's Liquor Store. The applicant has proposed expanding the building to include a new full service kitchen, roof and side yard dining patios. In addition, the restaurant would include the first late-night dinner menu in the downtown area. It is located at 179 S. LBJ at the corner of S. LBJ and S. Edward Gary. The location is within the T-5 Smart Code Zoning District and is surrounded by other commercial uses. The site is also located within the Central Business Area which makes it subject to a Restricted (Restaurant) Conditional Use Permit.

The hours of operation for the Square Peg are proposed to be from 11:30 AM to 2 AM. A menu is attached to this staff report showing the entrees, which consist of a variety of burgers, specialty sandwiches, as well as salads and a dessert. 66 indoor fixed seats are proposed as well as 60 outdoor fixed seats. The gross floor area of the establishment is proposed to be 3,485 square feet. 34 off-street parking spaces will be provided. The Smart Code does not require parking spaces for an establishment located within the T-5 Zone. Live music has not been proposed on the premises. A site plan is attached.

The applicant has also submitted an Economic Development Incentive Waiver that will be heard by City Council on July 31st. If approved, this waiver will waive the LDC requirement that a Restricted Conditional Use Permit not go into effect until the business has been operating for 1 year. This Restricted CUP will not be issued until a waiver has been granted or the business has been operating for one year. Economic Development San Marcos (EDSM) staff is prepared to

recommend approval of this waiver to City Council on July 31st (At the time this staff report was completed).

Comments from Other Departments:

No comments were received from police, fire or inspections.

Planning Department Analysis:

The Square Peg represents an opportunity for a reuse of an existing building. As with any new CUP application, staff has reviewed the location of the proposed restaurant and determined that the general area surrounding the location is commercially focused with several restaurants in the vicinity. The allowance of a Restricted CUP at this location should not negatively impact surrounding properties, and the site is suitable as proposed for the use. If the CUP is approved, staff will monitor the progress of the Square Peg including review of site plans and ensuring that the restaurant meets all meal period and other requirements of a Restricted CUP.

The Restricted (Restaurant) Permit process is different from the typical CUP timeline which generally calls for an initial 1 year approval followed by a 3 year renewal then renewal for the life of the permit. Per Section 4.3.4.2(8)(c) of the Land Development Code, Restricted (Restaurant) Permits are valid for 3 years from the date of issuance. In addition, each business which holds a Restaurant Permit must apply for and obtain a renewal permit every three years.

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

- 1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system;**
- 2. The Restricted Conditional Use Permit shall not be issued until the applicant has received an Economic Development Incentive Waiver from City Council or has been in operation for one (1) year;**
- 3. The permit shall not be valid until an approved TABC Permit is issued to the applicant and a copy is submitted to the Director;**
- 4. The permit shall not become effective until a Certificate of Occupancy is received;**
- 5. All Environmental Health permitting requirements must be met;**

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

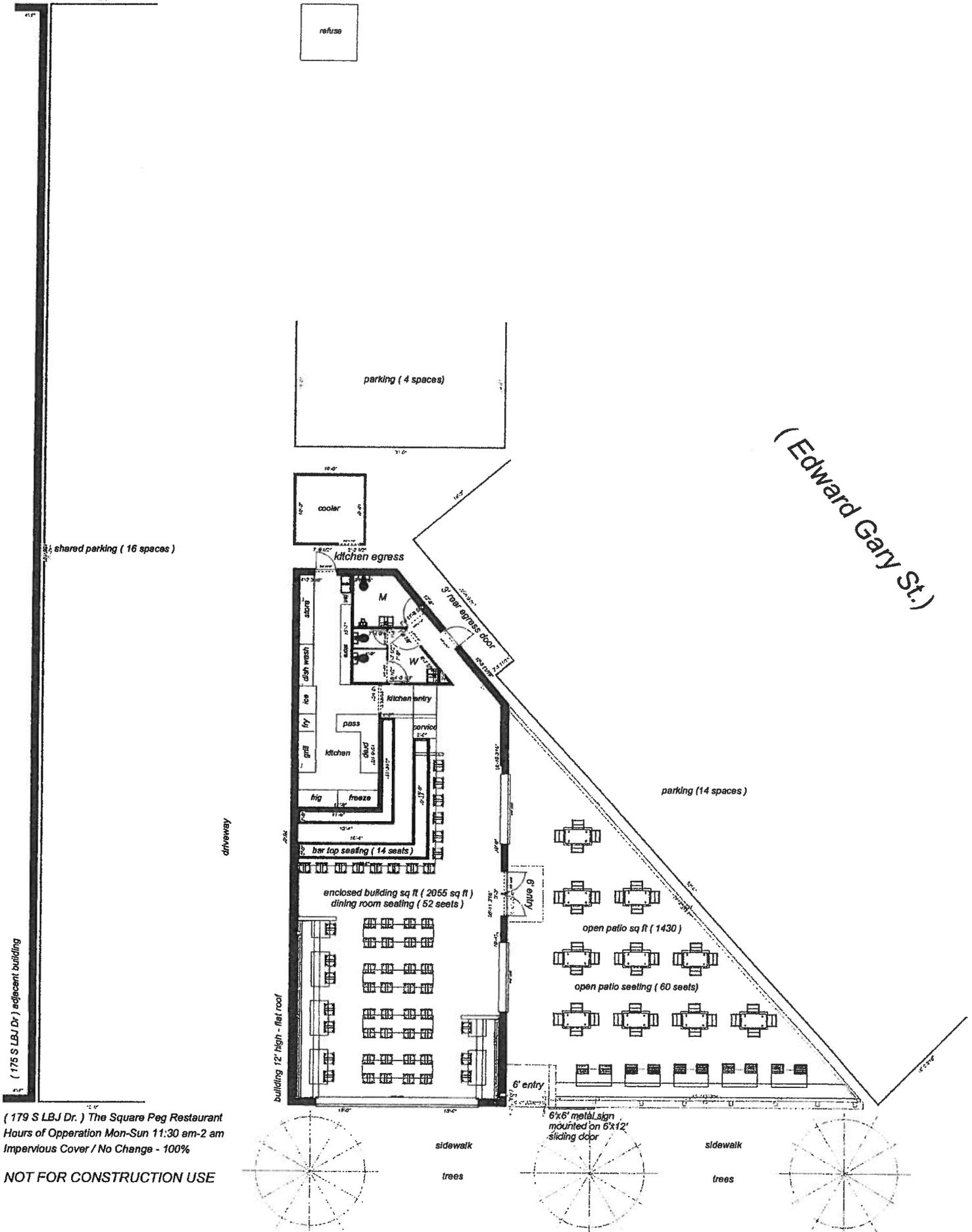
Planner

7/17/2012

Name

Title

Date



(Edward Gary St.)

(175 S LBJ Dr.) adjacent building

(179 S LBJ Dr.) The Square Peg Restaurant
 Hours of Operation Mon-Sun 11:30 am-2 am
 Impervious Cover / No Change - 100%

NOT FOR CONSTRUCTION USE

BURGERS

STEP 1. PICK YOUR PATTY → Beef, Chicken, Veggie

STEP 2. CHOOSE YOUR FLAVOR →

1. The Genuine – Melted Tillamook Cheddar, Applewood-Smoked Bacon, Lettuce, Red Onion, Beefsteak Tomato
2. The Blue Bull – Melted Blue Cheese Crumbles, Buffalo Sauce, Caramelized Onion, Lettuce, Beefsteak Tomato.
3. El Hefe – Melted Tillamook Pepper Jack, Grilled Chorizo, Cilantro Aioli, Lettuce, Red Onion, Beefsteak Tomato.
4. The Fogetaboutit - Melted Provolone, Thin Sliced Grilled Prosciutto, Horseradish Mustard Sauce, Sautéed Mushrooms, Baby Greens, Red Onion, Beefsteak Tomato.
5. The Sucker Punch - Melted Tillamook Pepper Jack, Applewood-Smoked Bacon, Triple-6 Habanero Sauce, Roasted Poblano Chilies, Lettuce, Red Onion, Beefsteak Tomato.
6. The Kona Kid- Pure Luck Farms Goat Cheese, Grilled Pineapple, Balsamic Honey Sauce, Caramelized Onion, Baby Greens.
7. The Big Easy – Melted Tillamook Cheddar, Thin Sliced Grilled Prosciutto, Fried Egg, Applewood-Smoked Bacon, Mayo, Sautéed Onion, Lettuce, Beefsteak Tomato.
8. The M.O.A.B. – A helmet of melted Tillamook Cheddar/ Jack Cheese engulfing Applewood-Smoked Bacon, Garlic Parmesan Fries, Sautéed Mushrooms and Onions, Lettuce, Beefsteak Tomato.

SPECIALTY

The Great White Bite – Sushi Grade Ahi Tuna atop a Toasted Bun with Avocado Wasabi Cream Slaw.

The F Bomb - Falafel Patty on a Toasted Bun, topped with T Sauce, Lettuce, Red Onion, Beefsteak Tomato.

STEP 3. ADD SOME ROUGHAGE →

SALADS

The Wedgie - 3 wedge portions topped with grilled Applewood-Smoked Bacon, Blue Cheese Crumbles, Red Onion Rings, Diced Tomato, and drizzled with Blue Cheese Dressing.

Twig N Berries- Baby Greens tossed with a delicate mixture of Balsamic Raspberry Vinaigrette, Cranberries, and Candied Cayenne Almond Slivers, finished with Pear slices and Pure Luck Farms Goat Cheese.

(Add Beef, Chicken, Tuna, or Falafel to any Salad)

STEP 4. ADD A SIDE →

SIDES

Hand Cut Fries- Garlic Parmesan or Sea Salted

Corn on the Cob- Fried and served with a side of Lime Cayenne Mayo or Clarified Butter and Sea Salt

DIPPING SAUCES

Curry Ketchup

Blue Cheese Sauce

Lime Cayenne Mayo

Buffalo Sauce

Cilantro Aioli

Triple-6 Habanero
Sauce

Balsamic Honey
Sauce

T Sauce

Horseradish Mustard
Sauce

House Ranch

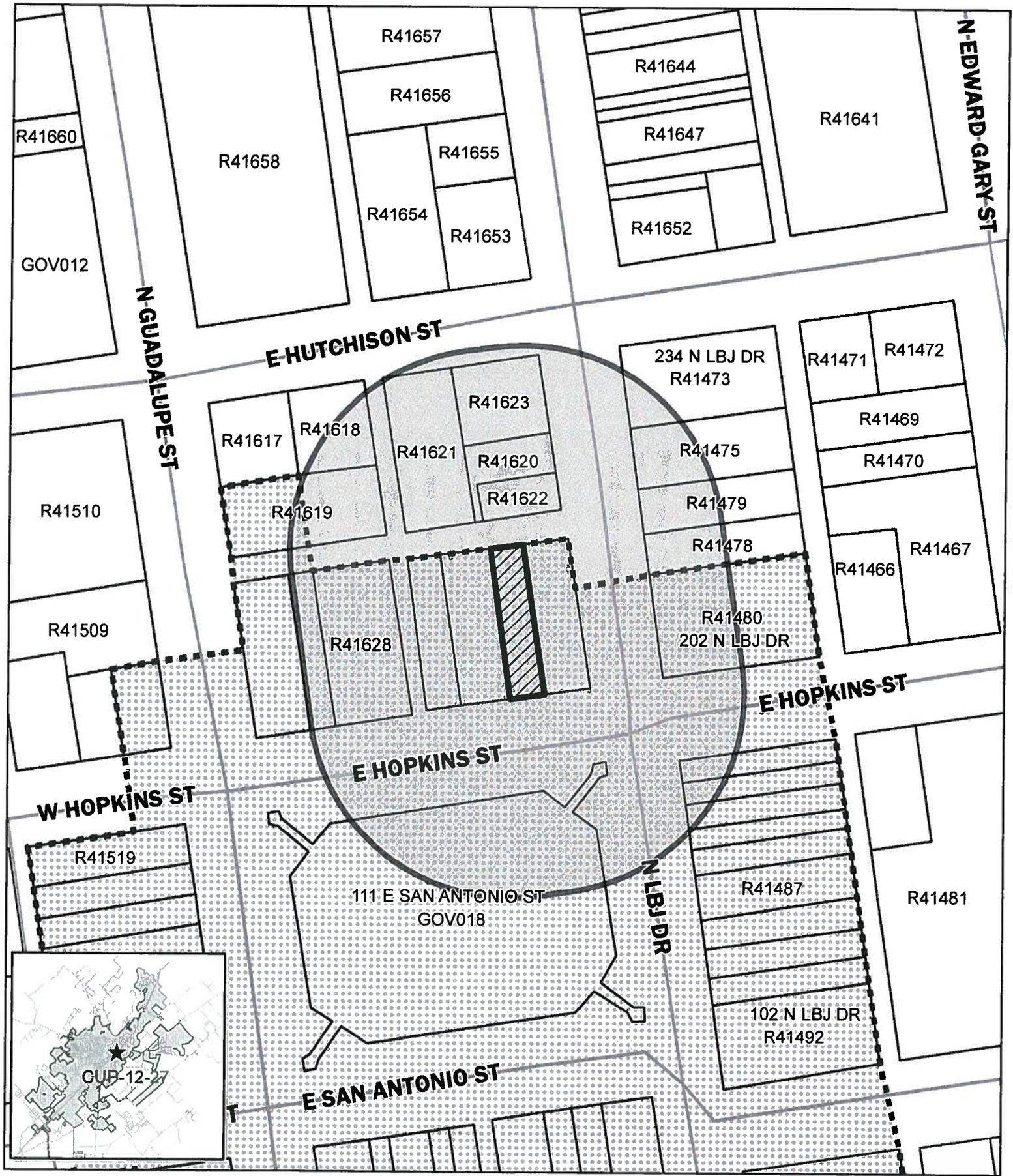
Avocado Wasabi
Cream Sauce

House Mayo

STEP 5. ENTER A SUGAR COMA →

DESSERT

The Sinner – Cinnamon Bun that's big as your face and full of flavor with swirls of hot cinnamon sugar dough and sweet glaze.



CUP-12-27

Harper's Public House

Map Date: 7/13/12

-  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-12-27

Unrestricted Conditional Use Permit

Harper's Public House

129 E. Hopkins Street



Applicant Information:

Applicant: Shy Inc. (Harper's Public House)

Mailing Address: 139 E. Hopkins Street
San Marcos, TX 78666

Property Owner: Shy, Inc.
139 E. Hopkins Street
San Marcos, TX 78666

Applicant Request: Request for renewal of an existing Unrestricted Conditional Use Permit allowing for on-premise consumption of mixed beverages at Harper's Public House in the CBA.

Public Hearing Notice: Public hearing notification was mailed on July 13, 2012.

Response: None as of July 19, 2012

Subject Property:

Expiration Date: July 14, 2012

Location: 139 E. Hopkins Street

Legal Description: Original Town of San Marcos, Block 20, Lot PT of 5

Frontage On: Hopkins Street

Neighborhood: CBA – Downtown Association

Existing Zoning: "T5" – Urban Center

Sector: Sector 8

Utilities: Adequate

Existing Use of Property: Bar

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	T5	Commercial
S of property	T5	Commercial / Institutional
E of property	T5	Commercial
W of property	T5	Commercial

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.

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 Central Business Area (CBA) and is not subject to the additional requirements in the CBA.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

There is a limit of 14 unrestricted CUPs in the CBA at any time. An unrestricted CUP does not require food sales as a condition. If a CUP is restricted, the business must comply at all time with the standards for "bona fide restaurants." This location currently owns one of the unrestricted permits within the CBA. The CUP may be amended to change the name of the permit holder without regard for any waiting list for new permits (4.3.4.2 (7))

Case Summary

Harper's Public House is a bar that is located on the Square across the street from the Courthouse. In 2009, the Commission approved a renewal of the CUP for three years. The applicant is now seeking a renewal to that CUP which has expired. The applicant has a current TABC license for mixed beverages. There have been no changes from the previous CUP renewal. There are no off-street parking requirements in the CBA and business hours remain 4:00 p.m. to 2:00 a.m.

Comments from Other Departments:

Building, Police, Engineering, Fire, Environmental Health, and Code Enforcement have not reported major concerns regarding the subject property.

Planning Department Analysis:

In January of 2012, staff sent out reminder letters to those businesses that had expired or expiring CUPs. Unfortunately, Harper's Public House did not receive one of the reminder letters and as a consequence, the CUP that was issued in 2009 expired on July 14, 2012.

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.

Although the applicant's CUP expired on July 14, staff does not feel they should be penalized for this due to the applicant not receiving a renewal notice as did other businesses. Staff recommends a renewal for the life of the permit based on the standard recommendation system used for CUPs.

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

1. The permit shall be valid for approval of the life of the TABC license, provided standards are met, subject to the point system

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

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:

Alison Brake

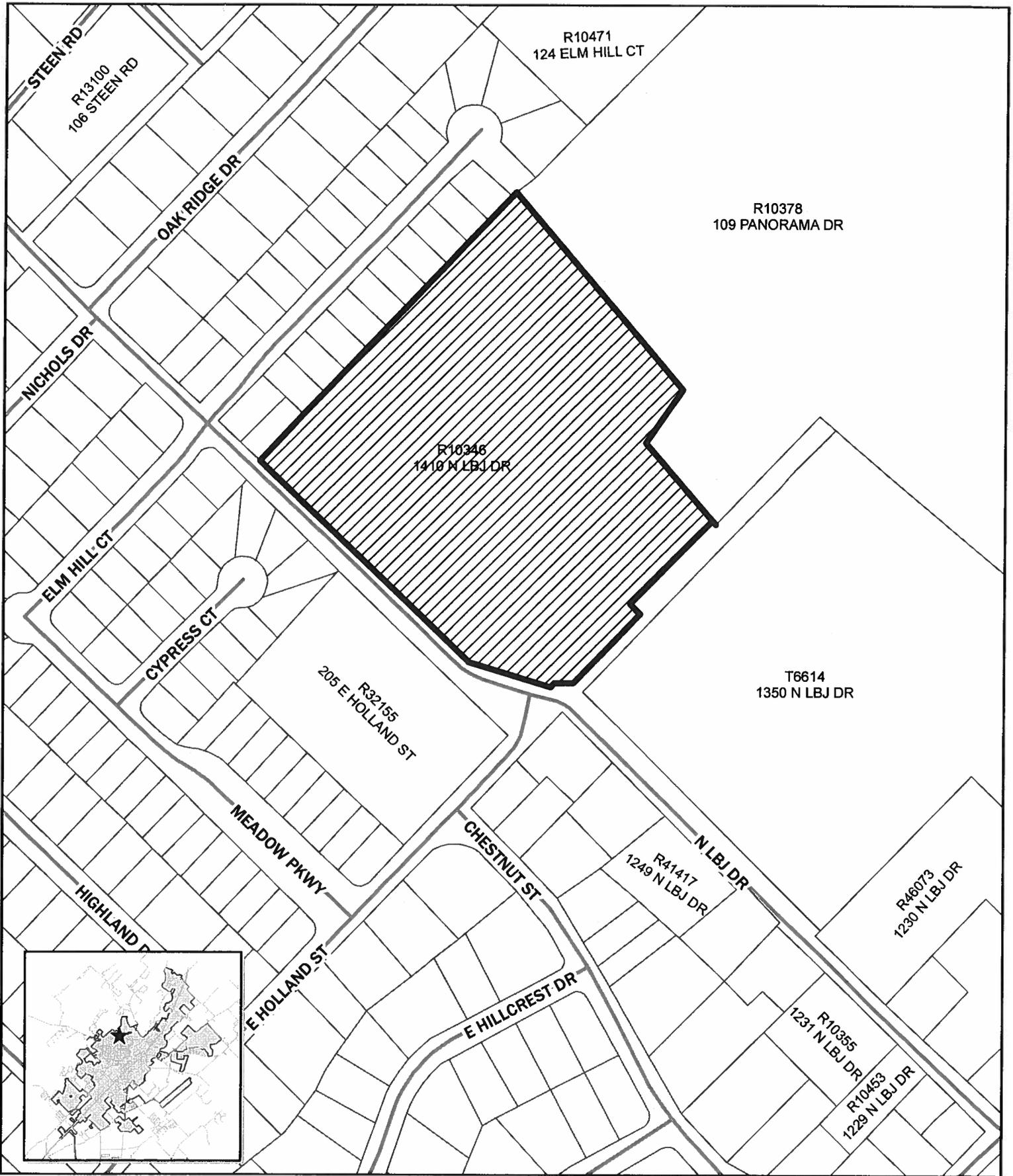
Planner

7/16/2012

Name

Title

Date



PC-12-18(03)
Hillside Ranch Phase 2
Map Date: 07/18/12



Site Location



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



PC-12-18(03) Final Plat Hillside Ranch Phase 2



Applicant Information:

Applicant: Ramsey Engineering, LLC
3206 Yellowpine Terrace
Austin, TX 78757

Property Owner: Daniel C. Anderson through Jared Schenk, GEM Hillside Ranch, L.P.
900 N. Michigan Ave., Suite 1450
Chicago, IL 60611

Notification: Notification not required

Type & Name of Subdivision: Final Plat, Hillside Ranch Phase 2

Subject Property:

Summary: This is the Final Plat for Hillside Ranch Phase 2. The proposed subdivision will create one 8.485 acre multi-family residential tract with an additional 2.120 acre parkland tract to be dedicated to the city.

Traffic / Transportation: The property reflected within this Final Plat fronts onto N. LBJ Dr. The property is at the edge of the N. LBJ improvements project to be done by the Capital Improvements Department.

Utility Capacity: There are currently wastewater line capacity issues in the area. A Capital Improvements project is being bid to upsize the Sessom Wastewater Line which would bring capacity to the site. The applicant and City have entered into a surety agreement for the applicant to provide water and wastewater utilities to the site if the capital improvements project is not completed in the estimated timeframe.

Parks proposal: The applicant proposes a 2.120 acre parkland dedication along with a \$22,000 (.88 acre) amount to be paid to the Parks Department in order to fulfill the 3 acre dedication/fee-in-lieu minimum required by the PDD. The applicant also proposed that private drainage facilities be located within the parkland through a mutually agreeable maintenance agreement with the City of San Marcos. The Parks Board reviewed and recommended the dedication of 1.32 acres of parkland in October 2011. An update regarding the additional parkland dedication was made to the Board on June 26, 2012 with the Board voting to approve the parkland dedication as well as the location of the private drainage facilities within the parkland.

Zoning: The property is zoned PDD with a base zoning of MF-12.

Surrounding Zoning and Land use:

	Current Zoning	Existing Land Use
N of Property	SF-6/ P	Residences and Spring Lake Preserve
W of Property	SF-6	Residences
S of Property	SF-6/P/MF-24	Residences, Church of Christ, Hillside Ranch Phase 1
E of Property	MF-24	Hillside Ranch Phase 1

Case Summary:

This final plat is proposing the subdivision of a 10.925 acre lot into two separate lots. The first lot will be 8.485 acres to be used for multi-family residences. The second lot will be dedicated as parkland to the City of San Marcos and will consist of 2.120 acres. This final plat is subject to the Hillside Ranch Phase 2 Planned Development District Ordinance #2012-13 which was adopted on April 3, 2012 as well as the approved preliminary plat. The site is not located within the 100 year floodplain or floodway and is currently zoned PDD with an MF-12 base zoning. The property is surrounded by a mixture of uses including single family residences, public land, and the existing Hillside Ranch Phase 1. The site is within the Edwards Aquifer Contributing Zone within the Transition Zone and is not further limited in impervious cover. The site has a maximum impervious cover limit of 75%.

Planning Department Analysis:

There is an existing house, barn and slaughter house on the property. The house and barn will be removed by the developer, while the slaughter house will remain on the property. Per the PDD, a license agreement will be pursued by the developer in order to provide access between Lot 1, Block A (Hillside Ranch Phase 2) and the Hillside Villas Subdivision (Hillside Ranch Phase 1). The general area of the license agreement is shown on the plat and will cross over existing unimproved public right-of-way.

The plat is dedicating 17.5 feet of right-of-way which is the proportionate share for the property in order to reach the 85' requirement for minor arterials per the Thoroughfare Master Plan. The developer and San Marcos Electric Utility have agreed to remove the existing poles along the current ROW and bury the electric lines underground. Century Link and SMEU easements will be dedicated by separate instrument after the final plat in order to account for as-built conditions. The plat will dedicate additional ROW at the south corner of Lot 1, Block A at the terminus of Holland St. for the provision of a future roundabout. The developer has agreed to post \$30,000 towards completion of the roundabout and must have deposited the money prior to receipt of a Site Preparation Permit. Surety for public improvements will be provided prior to recording of the final plat.

There will be two private drainage easement areas on the property as a whole. One will be located at the east corner of the multi-family lot. The second will be located within Lot 2, Block A (Parkland tract) at the north corner of the property. This private drainage easement will contain stormwater detention, water quality and bioretention swale improvements that will service Lot 1 Block A (Multi-family tract).

Per the PDD, the plat has noted that a minimum 6' tall hanging invisible fence will be required along the west property line of Lot 2, Block A. There will also be a minimum 90' vegetative buffer between the Elm Hill Court Subdivision and the site. Both of these requirements are designed to provide additional buffer to the Elm Hill Court neighborhood.

Prior to recordation of the plat, a Private Drainage Easement and maintenance agreement (contained within the easement) agreeable to the City must be completed by the developer and recorded with the county. Security for all public improvements must be provided to the City prior to recordation of the plat. Parkland fees must also be paid to the Parks Department prior to recordation of the plat. A Watershed Protection Plan Phase 2 and Public Improvement Construction Plan have been deemed acceptable by the City of San Marcos Engineering Department.

Since private drainage facilities are proposed within parkland, the Commission must find that the proposed parkland to be dedicated provides exceptional recreational value that warrants its acceptance as parkland per Section 7.6.1.2(e). Typically, drainage ditches and detention ponds are not accepted for parkland dedication. In this case, staff believes this parkland DOES provide exceptional recreational value as it provides a trail connection to the Spring Lake Preserve from LBJ. Staff believes that the addition of the 2.120 acres of parkland will provide the public with added access to the Spring Lake Preserve and add value to the public park system within the city. The Parks Board reviewed the proposed parkland dedication and recommended approval of the dedication of parkland with the private drainage easement located within the parkland lot. In addition, this Commission approved the preliminary plat which contained the detention facilities and private drainage easement within the parkland on June 26, 2012.

Staff has reviewed the request and determined that all criteria have been met including all requirements put in place by the Land Development Code and mediated settlement. In addition, staff believes the proposed parkland dedication provides exceptional recreational value and is recommending approval of the final plat subject to the following condition:

- 1. The plat shall not be recorded with the county until private drainage easement within the parkland lot, agreeable to the City of San Marcos, has been recorded with the county.**

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

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Subdivision Preliminary 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 to statutorily deny (an action that keeps the applicant "in process") the plat.

Prepared By:

John Stanley	Planner	July 17, 2012
Name	Title	Date

STATE OF TEXAS *
COUNTY OF HAYS *
KNOW ALL MEN BY THESE PRESENTS:

THAT JARED SCHEMK, AUTHORIZED AGENT FOR DANIEL C. ANDERSON AND MARGARET J. ANDERSON (DECEASED), RECORD OWNERS OF THAT CALLED 10.94 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY NO. 2, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, DESCRIBED IN A WARRANTY DEED DATED SEPTEMBER 10, 1992 AND RECORDED IN VOLUME 948, PAGE 248, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND OWNERS OF THAT CALLED 0.13 ACRE TRACT OF LAND AS DESCRIBED BY INSTRUMENT RECORDED VOLUME 1853, PAGE 409, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 10.94 ACRES TO BE KNOWN AS "HILLSIDE RANCH - PHASE 2" AND HEREBY CERTIFY THAT THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OF RECORD, IS A TRUE AND CORRECT REPRESENTATION OF THE PUBLIC USE OF THE STREETS AND EASEMENTS SHOWN HEREON, UNLESS OTHERWISE NOTED.

WITNESS MY HAND, THIS THE ____ DAY OF _____, A.D., 2012.

JARED SCHEMK, AGENT
C/O CEM HILLSIDE RANCH, L.P.
800 N. MICHIGAN AVE., SUITE 1450
CHICAGO, ILLINOIS 60611
312-543-7883

STATE OF _____ *
COUNTY OF _____ *

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, JARED SCHEMK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, A.D., 2012.

NOTARY PUBLIC _____
STATE OF _____

STATE OF TEXAS *
COUNTY OF HAYS *

KNOW ALL MEN BY THESE PRESENTS:

THAT I, STEPHEN RAMSEY, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS HEREBY AFFIRM THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT AND ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48209C00389, DATED SEPTEMBER 2, 2009, THIS LOT IS LOCATED IN A DESIGNATED FLOOD HAZARD AREA, BUT PLAIN, IN ZONE X, AREAS DETERMINED TO LIE OUTSIDE THE 100 YEAR FLOOD PLAIN.

STEPHEN RAMSEY, F.E.
REGISTERED PROFESSIONAL
ENGINEER NO. 47970

STATE OF TEXAS*
COUNTY OF HAYS*

KNOW ALL MEN BY THESE PRESENTS:

I, RICHARD H. TAYLOR, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY REPRESENTS THE PROPERTY AND INTERESTS OF THE PARTIES AND THAT CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

RICHARD H. TAYLOR
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 3986

DATE _____

CITY OF SAN MARCOS
CERTIFICATE OF APPROVAL
APPROVED AND AUTHORIZED TO BE RECORDED ON THE ____ DAY OF _____
CITY OF SAN MARCOS, TEXAS.

LINDA GRUBBS HUFF, P.E.
DIRECTOR OF ENGINEERING

CITY OF SAN MARCOS
CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE ____ DAY OF _____
OF THE CITY OF SAN MARCOS, TEXAS.

MATTHEW LEWIS, CHU-A
DIRECTOR OF DEVELOPMENT SERVICES

CITY OF SAN MARCOS
CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE ____ DAY OF _____
CITY OF SAN MARCOS.

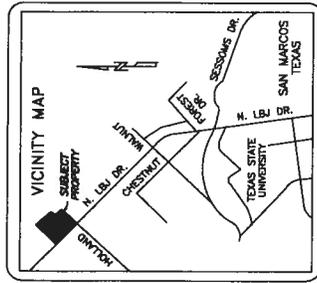
BILL TAYLOR, CHAIRMAN
PLANNING & ZONING COMMISSION

FRANCIS SERNA
RECORDING SECRETARY

STATE OF TEXAS*
COUNTY OF HAYS*

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, 2012 AT ____ O'CLOCK ____ M., AND DULY RECORDED ON THE ____ DAY OF _____, 2012 AT ____ O'CLOCK ____ M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____ PAGE _____.

LIZ GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

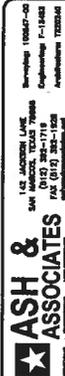


NOTES:

1. THIS PLAT IS SUBJECT TO THE PUD AGREEMENT WITH THE CITY OF SAN MARCOS, ORDINANCE 2012-13 APPROVED ON APRIL 3, 2012.
2. PROPOSED CENTURY LINK AND SAN MARCOS ELECTRIC UTILITY EASEMENTS TO BE PROVIDED BY SEPARATE INSTRUMENT AND WILL ACCOUNT FOR AS-BUILT CONDITIONS. FUTURE EASEMENTS THROUGH LOT 2 BLOCK A FOR UNDERGROUND UTILITIES FOR FUTURE REMOVAL OF EXISTING POWER POLES ALONG NORTH LBJ AND EAST PROPERTY LINE.
3. A MINIMUM 90' VEGETATIVE BUFFER TO BE PROVIDED BETWEEN ELIJAH HILL SUBDIVISION AND SITE DEVELOPMENT WEST SIDE PARKING AND DRIVE ASLE AS PROVIDED IN PUD ORDINANCE #2012-13.
4. A MINIMUM 6' TALL WAKING IMPERMEABLE FENCE TO BE PROVIDED ALONG THE WEST PROPERTY LINE OF LOT 2, BLOCK A, CONFORMING TO PUD SECTION LOT REQUIREMENTS.
5. THE SITE IS WITHIN THE LIMITS OF THE EDWARDS AQUIFER CONTRIBUTING ZONE WITHIN THE TRANSITION ZONE. NO PORTION OF THE SITE IS WITHIN THE LIMITS OF THE EDWARDS AQUIFER RECHARGE OR TRANSITION ZONES.
6. LICENSE AGREEMENT WITH CITY OF SAN MARCOS IS PROPOSED FOR ACCESS BETWEEN LOT 1 BLOCK A AND HILLSIDE RANCH PHASE 1 SUBDIVISION IN THE AREA INDICATED.
7. PRIVATE DRAINAGE EASEMENT AND RELATED FACILITIES ON LOT 2, BLOCK A FOR THE OFF-SITE DRAINAGE AND WASTEWATER IMPROVEMENTS ARE SUBJECT TO THE TERMS OF EASEMENT ACCEPTABLE TO THE CITY OF SAN MARCOS PRIOR TO RECORDATION. THE CITY OF SAN MARCOS HAS A DRAINAGE DIVISION FOR A PUBLIC PARK LAND TRAIL SYSTEM (10' CRUSHED GRANITE TRAIL) THROUGH THE EASTMENT AREA ACCEPTABLE TO THE CITY OF SAN MARCOS.
8. DETENTION AND WATER QUALITY FACILITIES IN LOT 2, BLOCK A WILL BE PRIVATELY MAINTAINED BY OWNER OF LOT 1 BLOCK A, SUBJECT TO TERMS OF EASEMENT OR MAINTENANCE AGREEMENT APPROVED BY CITY OF SAN MARCOS PRIOR TO RECORDING.
9. THIS PLAT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE DRAINAGE EASEMENT FOR DRAINAGE AND DETENTION OF STORM WATER FROM LOT 1, BLOCK A TO AND WITHIN LOT 2, BLOCK A, AS RECORDED UNDER INSTRUMENT NO. _____ VOLUME _____ PAGE _____ HAYS COUNTY OFFICIAL PUBLIC RECORDS.
10. IN ORDER TO RECORD THE FINAL PLAT, ALL PUBLIC IMPROVEMENTS INCLUDING OFF-SITE WATER AND WASTEWATER IMPROVEMENTS FOR THE PROPOSED DEVELOPMENT MUST BE CONSTRUCTED OR SURETY PROVIDED. SIDEWALKS WILL BE REQUIRED AT DEVELOPMENT.
12. DRIVEWAY ACCESS FROM PROPERTY TO NORTH LBJ DRIVE IS PROHIBITED, EXCEPT AS APPROVED BY THE CITY OF SAN MARCOS.

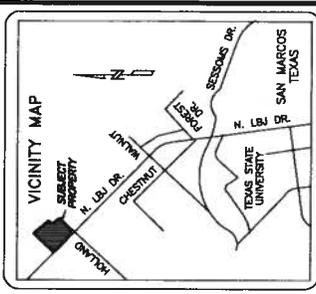
HILLSIDE RANCH - PHASE 2 CITY OF SAN MARCOS HAYS COUNTY, TEXAS

OWNERS: MARGARET J. ANDERSON
& DANIEL C. ANDERSON
14 W. NORTH LBJ DRIVE
SAN MARCOS, TEXAS 76866
312-398-8072



GRAPHIC SCALE: 1" = 60'
0 30' 60' 120'

PROJECT NO. 12-4042
SHEET 1 OF 2



CURVE TABLE

CHORD BEARING	CHORD LENGTH	CURVE CENTER	CHORD LENGTH
C1	11.83	11.83	11.83
C2	11.83	11.83	11.83
C3	11.83	11.83	11.83
C4	11.83	11.83	11.83
C5	11.83	11.83	11.83
C6	11.83	11.83	11.83
C7	11.83	11.83	11.83
C8	11.83	11.83	11.83
C9	11.83	11.83	11.83
C10	11.83	11.83	11.83
C11	11.83	11.83	11.83
C12	11.83	11.83	11.83
C13	11.83	11.83	11.83
C14	11.83	11.83	11.83
C15	11.83	11.83	11.83
C16	11.83	11.83	11.83
C17	11.83	11.83	11.83
C18	11.83	11.83	11.83
C19	11.83	11.83	11.83
C20	11.83	11.83	11.83
C21	11.83	11.83	11.83
C22	11.83	11.83	11.83
C23	11.83	11.83	11.83
C24	11.83	11.83	11.83
C25	11.83	11.83	11.83
C26	11.83	11.83	11.83
C27	11.83	11.83	11.83
C28	11.83	11.83	11.83
C29	11.83	11.83	11.83
C30	11.83	11.83	11.83
C31	11.83	11.83	11.83
C32	11.83	11.83	11.83
C33	11.83	11.83	11.83
C34	11.83	11.83	11.83
C35	11.83	11.83	11.83
C36	11.83	11.83	11.83
C37	11.83	11.83	11.83
C38	11.83	11.83	11.83
C39	11.83	11.83	11.83
C40	11.83	11.83	11.83
C41	11.83	11.83	11.83
C42	11.83	11.83	11.83
C43	11.83	11.83	11.83
C44	11.83	11.83	11.83
C45	11.83	11.83	11.83
C46	11.83	11.83	11.83
C47	11.83	11.83	11.83
C48	11.83	11.83	11.83
C49	11.83	11.83	11.83
C50	11.83	11.83	11.83
C51	11.83	11.83	11.83
C52	11.83	11.83	11.83
C53	11.83	11.83	11.83
C54	11.83	11.83	11.83
C55	11.83	11.83	11.83
C56	11.83	11.83	11.83
C57	11.83	11.83	11.83
C58	11.83	11.83	11.83
C59	11.83	11.83	11.83
C60	11.83	11.83	11.83
C61	11.83	11.83	11.83
C62	11.83	11.83	11.83
C63	11.83	11.83	11.83
C64	11.83	11.83	11.83
C65	11.83	11.83	11.83
C66	11.83	11.83	11.83
C67	11.83	11.83	11.83
C68	11.83	11.83	11.83
C69	11.83	11.83	11.83
C70	11.83	11.83	11.83
C71	11.83	11.83	11.83
C72	11.83	11.83	11.83
C73	11.83	11.83	11.83
C74	11.83	11.83	11.83
C75	11.83	11.83	11.83
C76	11.83	11.83	11.83
C77	11.83	11.83	11.83
C78	11.83	11.83	11.83
C79	11.83	11.83	11.83
C80	11.83	11.83	11.83
C81	11.83	11.83	11.83
C82	11.83	11.83	11.83
C83	11.83	11.83	11.83
C84	11.83	11.83	11.83
C85	11.83	11.83	11.83
C86	11.83	11.83	11.83
C87	11.83	11.83	11.83
C88	11.83	11.83	11.83
C89	11.83	11.83	11.83
C90	11.83	11.83	11.83
C91	11.83	11.83	11.83
C92	11.83	11.83	11.83
C93	11.83	11.83	11.83
C94	11.83	11.83	11.83
C95	11.83	11.83	11.83
C96	11.83	11.83	11.83
C97	11.83	11.83	11.83
C98	11.83	11.83	11.83
C99	11.83	11.83	11.83
C100	11.83	11.83	11.83

LINE TABLE

LINE NO.	BEARING	LENGTH	AREA
1	S 40° 30' 48" E	807.52'	
2	S 34° 21' 30" W	150.24'	
3	S 60° 41' 02" E	200.42'	
4	S 43° 51' 48" W	230.92'	
5	S 43° 52' 58" W	188.45'	
6	S 43° 51' 48" W	188.45'	
7	S 43° 52' 58" W	188.45'	
8	S 43° 51' 48" W	188.45'	
9	S 43° 52' 58" W	188.45'	
10	S 43° 51' 48" W	188.45'	
11	S 43° 52' 58" W	188.45'	
12	S 43° 51' 48" W	188.45'	
13	S 43° 52' 58" W	188.45'	
14	S 43° 51' 48" W	188.45'	
15	S 43° 52' 58" W	188.45'	
16	S 43° 51' 48" W	188.45'	
17	S 43° 52' 58" W	188.45'	
18	S 43° 51' 48" W	188.45'	
19	S 43° 52' 58" W	188.45'	
20	S 43° 51' 48" W	188.45'	
21	S 43° 52' 58" W	188.45'	
22	S 43° 51' 48" W	188.45'	
23	S 43° 52' 58" W	188.45'	
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29	S 43° 52' 58" W	188.45'	
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31	S 43° 52' 58" W	188.45'	
32	S 43° 51' 48" W	188.45'	
33	S 43° 52' 58" W	188.45'	
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65	S 43° 52' 58" W	188.45'	
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73	S 43° 52' 58" W	188.45'	
74	S 43° 51' 48" W	188.45'	
75	S 43° 52' 58" W	188.45'	
76	S 43° 51' 48" W	188.45'	
77	S 43° 52' 58" W	188.45'	
78	S 43° 51' 48" W	188.45'	
79	S 43° 52' 58" W	188.45'	
80	S 43° 51' 48" W	188.45'	
81	S 43° 52' 58" W	188.45'	
82	S 43° 51' 48" W	188.45'	
83	S 43° 52' 58" W	188.45'	
84	S 43° 51' 48" W	188.45'	
85	S 43° 52' 58" W	188.45'	
86	S 43° 51' 48" W	188.45'	
87	S 43° 52' 58" W	188.45'	
88	S 43° 51' 48" W	188.45'	
89	S 43° 52' 58" W	188.45'	
90	S 43° 51' 48" W	188.45'	
91	S 43° 52' 58" W	188.45'	
92	S 43° 51' 48" W	188.45'	
93	S 43° 52' 58" W	188.45'	
94	S 43° 51' 48" W	188.45'	
95	S 43° 52' 58" W	188.45'	
96	S 43° 51' 48" W	188.45'	
97	S 43° 52' 58" W	188.45'	
98	S 43° 51' 48" W	188.45'	
99	S 43° 52' 58" W	188.45'	
100	S 43° 51' 48" W	188.45'	

- LEGEND**
- IRON PIPE FOUND
 - BRASS ROD SET
 - WOODEN POST
 - CONCRETE
 - PAVE W/DRY
 - WATER METER
 - POWER POLE
 - TELEPHONE
 - WIRE FENCE
 - DOWN SLOPE
 - PAVE PUBLIC UTILITY EASEMENT
 - PAVE DRAINAGE CHAN.
 - PAVE RECORD CALL
 - PAVE CLEANOUT
 - PAVE PORT OF BURNING

NOTE: NO VISIBLE EVIDENCE OF WATER WELLS ON SITE.

LAND USE SUMMARY TABLE

LAND USE	ZONING	NO. OF LOTS	AREA (ACRES)
MULTI-FAMILY RESIDENTIAL	MF-12	1	8.495
PARKLAND	MF-12	1	2.120
R.O.W. DEDICATION	MF-12	1	0.320

HILLSIDE RANCH - PHASE 2

CITY OF SAN MARCOS HAYS COUNTY, TEXAS

OWNERS: MARGARET J. ANDERSON & DANIEL C. ANDERSON
1410 NORTH LBJ DRIVE
SAN MARCOS, TEXAS 78666
912-389-8872

11-3713-B
SAN MARCOS, TEXAS 78666
Engineering P-1483
P.L.L.C. 01/23/2008
AMERICAN INSTITUTE OF ARCHITECTS

SCALE: 1" = 60'

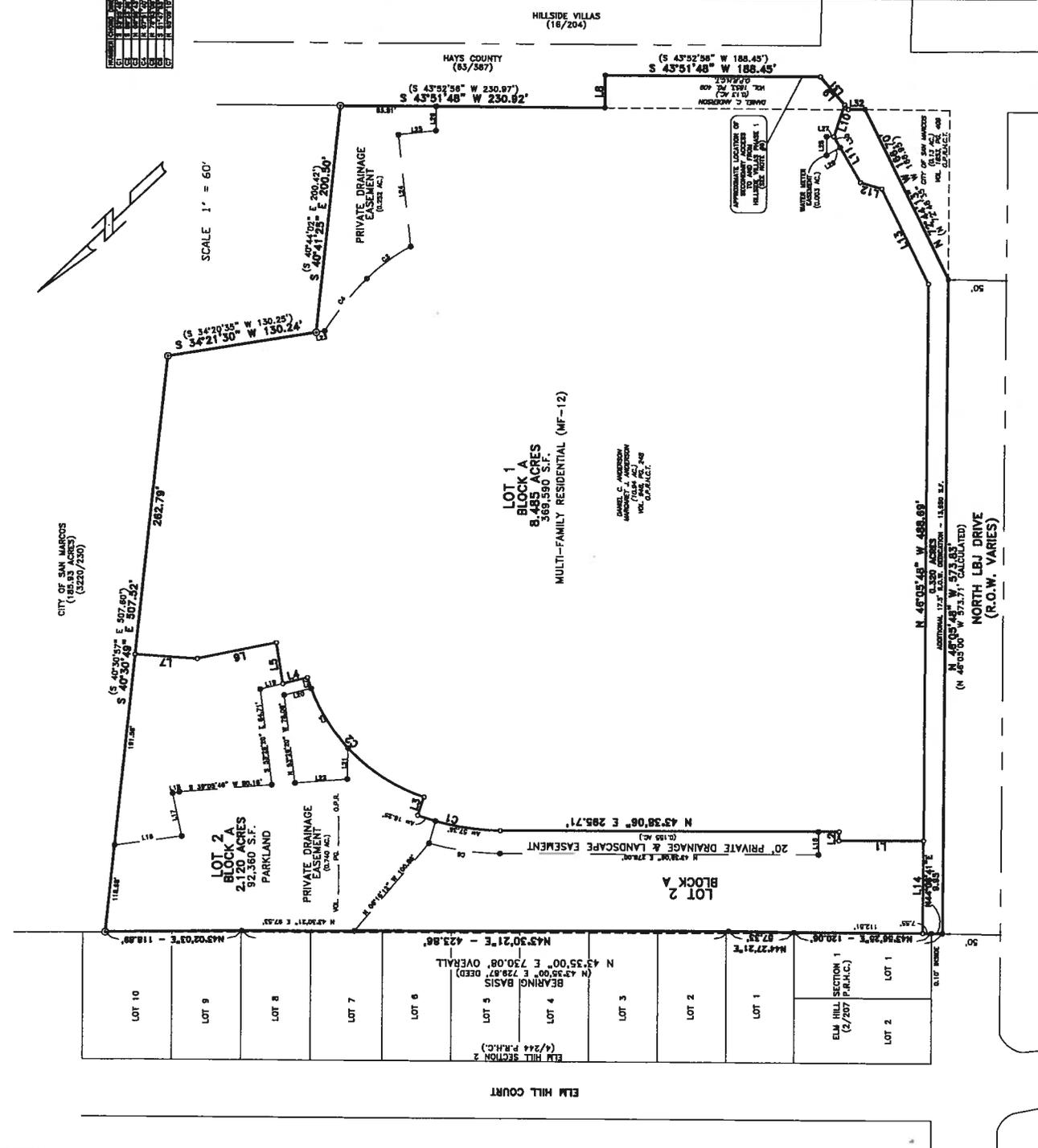
DRAWING: LOT SCALE: 1" = 60'

REVISED: DATE: 09/29/13

OWNER: ANDERSON, L.L.C.

PROJECT NO. 12-4042

SHEET 2 OF 2



ELM HILL COURT