



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

Tuesday, September 11, 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 August 28, 2012.**
7. **PC-12-23(03) (Cottonwood Creek, Phase 1, Section 1-D Final Plat)** Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, LTD, for approval of a Final Plat for approximately 13.562 acres out of the previously recorded Cottonwood Creek Phase 1, Section 1-A, Subdivision near the intersection of State Highway 123 and Monterrey Oak.

### **PUBLIC HEARINGS:**

8. **A-12-02 (Dale Drive)** Hold a public hearing and consider a request by San Marcos Unitarian Universalist Fellowship to abandon a 300 foot by 50 foot portion of Dale Drive between Furman Avenue and Allen Street.
9. **PDD-11-13(a) (Amendment to Blanco River Village PDD)** Hold a public hearing and discuss a request by Scott Bauer, on behalf of Bigelow San Marcos Development, L.L.C., to amend the text of the existing Development Standards for the Blanco River Village Planned Development District ("PDD"), consisting of 103.788 acres of land, more or less, located in the 1400 through 1900 blocks of State Highway 21, as originally approved by Ordinances 2004-61 and 2008-49, and amended by Ordinance 2012-02, for the purpose of allowing a smaller street section to allow a courtyard housing type.

**10. PDA-12-03 (Cotton Center)** Hold a public hearing and consider a request by Armbrust & Brown, PLLC on behalf of Walton Texas, LP ET AL, for a petition for a development agreement for approximately 1206 acres, more or less, out of the Thomas Maxwell Survey, Abstract No. 188, and the William Pettus Survey, Abstract No. 21, located off of State Highway 142 north of State Highway 80. Approval of this request would allow the applicant to start negotiations with the City of San Marcos for a development agreement for property located outside the city limits but within the Extra Territorial Jurisdiction.

**NON CONSENT:**

**11. Development Services Report**

a) Update from staff on 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.*

**13. 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.*



**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
August 28, 2012**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Chris Wood  
Corey Carothers  
Kenneth Ehlers  
Carter Morris

**City Staff:**

Matthew Lewis, Development Services Director  
Kristy Stark, Development Services Assistant Director  
Sam Aguirre, Assistant City Attorney  
Francis Serna, Recording Secretary  
John Foreman, Planning Manager  
Alison Brake, Planner  
John Stanley, Planner  
Emily Koller, Planning Tech

**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 August 28, 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. Chair Taylor announced that Items 10, 12, 13 and 14 have been withdrawn by the applicant.

**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 August 14, 2012.**

**7. PC-11-26(03) (Blanco Shoals Subdivision Phase 2)** Consider a request by Byrn & Associates, Inc., on behalf of Armbruster Holt, LTD., for approval of a Final Plat for approximately 39.03 acres more or less out of the Juan Veramendi Survey #2, Tract 154 located at the northeast corner of IH-35 and River Ridge Parkway.

**8. PC-12-21(03) (San Marcos Academy Entrance Road Development Plat)** Consider a request by Jacobs Engineering Group, Inc., on behalf of San Marcos Baptist Academy and Lazy Oaks Ranch, L.P., for approval of a Development Plat for approximately 22.812 acres, more or less, out of the J. Maximillian, Jr. Survey, Abstract 299, J. Williams Survey, Abstract 490, and a portion of an 8.73 acre tract out of the J. Williams Survey, Abstract 430, Hays County, located at 2801 Ranch Road 12.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission voted on consent to approve the minutes from the Regular Meeting on August 14, 2012, PC-11-26(03) and PC-12-21(03). The motion carried unanimously.

**Public Hearings:**

**9. CUP-12-29 (The Vault)** Hold a public hearing and consider a request by Mike Keyser, on behalf of The Vault, for a renewal of the existing Restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 100 W. Hopkins Street.

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

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission voted all in favor to approve CUP-12-29 with the condition that the CUP shall be valid for three (3) years, provided standards are met, subject to the point system and The Vault shall meet all requirements for Restricted CUPs. The motion carried unanimously.

**10. A-12-01 (Loquat Street, a/k/a Pecan Street, Locust Street and Peachtree Street)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, to abandon streets and alleys in the Park Addition, First and Second Division, as follows: a 16 foot alley between lots 43 and 50 to the north and lots 41, 42, 51 and 52 to the south from Sessom Drive to Peachtree Street; a 16 foot alley between lots 39, 53, 56 and 61 to the north and lots 38, 54, 57 and 60 to the south from Sessom Drive to the northwest boundary of said Park Addition; Locust Street from Loquat Street (a/k/a Pecan Street) to the northeast corner of lot 50; Loquat (a/k/a Pecan) Street from Sessom Drive to Peachtree Street; and Peachtree Street from the southwest boundary of said Park Addition to the northwest corner of lot 50.

Withdrawn by applicant on August 27, 2012.

**11. LDC-12-13 (SmartCode Architectural Standards)** Hold a public hearing and consider various revisions to Subpart C of the City Code (the SmartCode) including modifying the signage and lighting standards and adding architectural requirements.

Chair Taylor opened the public hearing. John David Carson, 1101 Corporate Drive, addressed and explained the concerns submitted in a memorandum from the San Marcos Area Board of Realtors, Inc. The memorandum was submitted in the Planning and Zoning Commission packet. Mr. Carson specifically expressed concerns regarding the warrant process and lighting standards. 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 table the consideration until the next Planning Commission meeting on September 11, 2012 with the expectation that Staff would draft wording for the appeal process as well as have the cost analysis for the new required lighting standards. The motion carried unanimously.

**Non Consent:**

**12. LUA-12-05 (Casey Development – Sessom Drive Multifamily Community)** Discuss a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Scheib, for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use (MU) for approximately 7.885 acres of land out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

Withdrawn by applicant on August 27, 2012.

**13. ZC-12-10 (Casey Development – Sessom Drive Multifamily Community)** Discuss a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Scheib, for a Zoning Change from Single Family Residential (SF-6) to Vertical Mixed Use (VMU) for approximately 7.885 acres out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

Withdrawn by applicant on August 27, 2012.

**14. PDD-12-04 (Casey Development – Sessom Drive Multifamily Community)** Discuss a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Scheib, for a PDD overlay district, with a base zoning of Vertical Mixed Use (VMU) for approximately 9.5 acres out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

Withdrawn by applicant on August 27, 2012.

**Non Consent Agenda:**

**15. Development Services Report**

- a. Update from staff on Comprehensive Plan

Matthew Lewis gave an update on the upcoming Design Rodeo scheduled from September 10-14<sup>th</sup>.

**16. 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.

**17. Adjourn.**

Chair Taylor adjourned the Planning and Zoning Commission at 6:50: p.m. on Tuesday, August 28, 2012.

\_\_\_\_\_  
Bill Taylor, Chair

\_\_\_\_\_  
Chris Wood, Commissioner

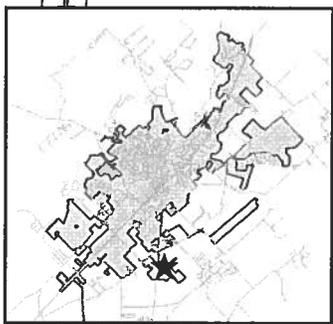
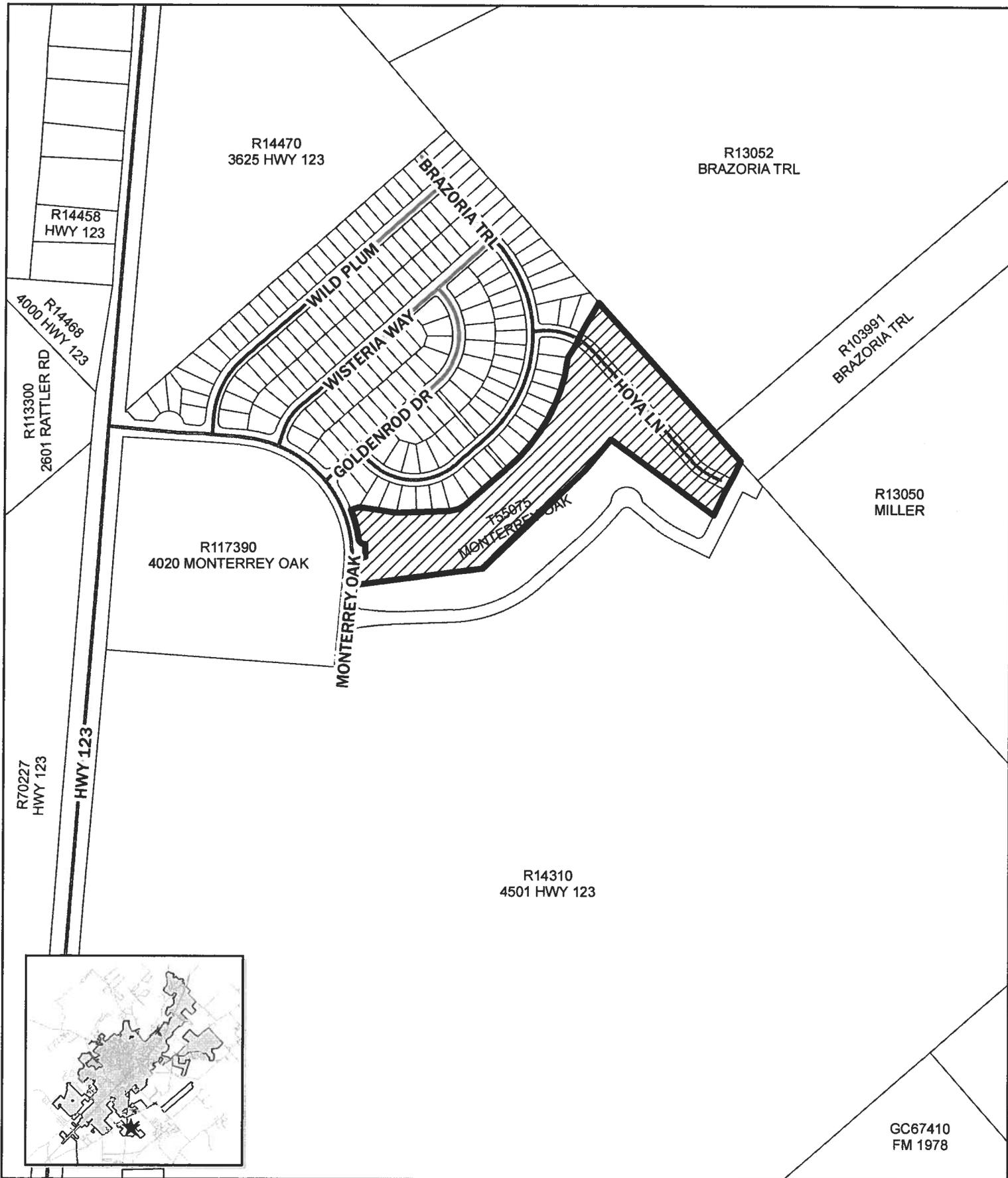
\_\_\_\_\_  
Corey Carothers, Commissioner

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Kenneth Ehlers, Commissioner

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Carter Morris, Commissioner

ATTEST:

\_\_\_\_\_  
Francis Serna, Recording Secretary



**PC-12-23(03)**  
**Cottonwood Creek**  
**Ph.1Sec.1-D**  
**Map Date: 09/06/12**



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-12-23(03) Final Plat Phase 1, Section 1-D Cottonwood Creek



**Applicant Information:**

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

**Property Owner:** Cottonwood Creek JDR, Ltd  
333 Cheatham St  
San Marcos TX 78666

**Applicant's Agent:** Steve Ramsey

**Notification:** Notification not required

**Type & Name:** Final Plat Phase 1, Section 1-D Cottonwood Creek

**Subject Property:**

**Summary:** The subject property is located in southeast San Marcos along State Highway 123, about one mile south of Clovis Barker Rd. The applicant is proposing to plat 71 residential lots, with three private parkland lots. The plat totals 13.562 acres.

**Traffic / Transportation:** This plat will extend Hoya Lane and Primrose Lane in addition to providing a future stub out for Cedar Sage Street. The total additional R.O.W. being added is 2.72 acres.

**Land Use Compatibility:** This property is surrounded by single-family residential to the north, a school to the west, undeveloped land zoned for patio homes to the south, and undeveloped land outside city limits to the east.

**Utility Availability:** Water and wastewater service will be provided to this property by the City of San Marcos. Electrical service will be provided by Bluebonnet Electric.

**Parks Proposal:** Parkland dedication was satisfied through the Cottonwood Creek Planned Development District.

**Zoning:** Subject property is currently zoned SF-6

**Surrounding Zoning and Land use:**

	Current Zoning	Existing Land Use
<b>N of Property</b>	SF-6	Residential
<b>W of Property</b>	P	Bowie Elementary School
<b>S of Property</b>	PH-ZL	Undeveloped
<b>E of Property</b>	SF-6	Undeveloped

**Planning Department Analysis:**

This is the next phase of the Cottonwood Creek subdivision extending south of Section 1-C and east of Bowie Elementary School. The subject property is not located within floodplain and has an approved Watershed Protection Plan Phase 2. The 16-foot trail dividing Block H and Block I is a continuation of the trail that was approved in 2010. The trail will be privately owned and maintained by the homeowner's association and there is a note on the plat that the construction of the trail will occur no later than the private park improvements. An additional .08 acre private parkland tract has been included in the south-east corner of the tract to provide another future access point for residents. Lot 5 Block J originally contained 30' of an existing 60' PUE. Staff believes that reducing the lot size and preventing the overlap of the PUE would protect the integrity of the existing utility infrastructure.

A Public Improvement Construction Plan was approved for the site by the Director of Engineering. The applicant has chosen to install all public improvements required to serve this phase prior to the recordation of the plat.

**Staff has reviewed the request and determined that this plat meets all required criteria for a final subdivision plat and conforms to the approved existing preliminary subdivision plat. Based on these findings staff recommends approval of the final subdivision plat as submitted.**

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

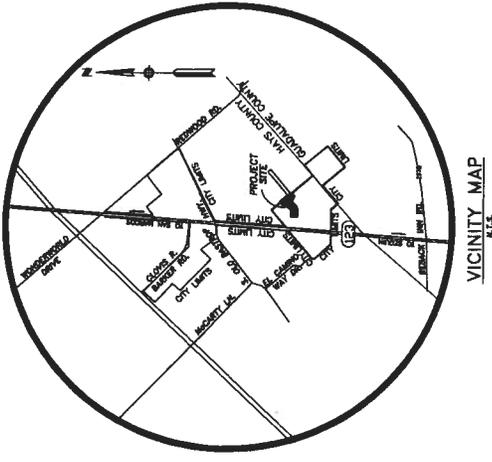
**The Commission's Responsibility:**

The 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	9/6/12
<b>Name</b>	<b>Title</b>	<b>Date</b>





VICINITY MAP  
4.12

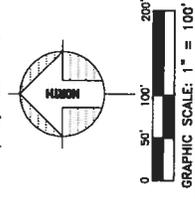
**COTTONWOOD CREEK SUBDIVISION  
PHASE 1 - SECTION 1D  
CITY OF SAN MARCOS  
HAYS COUNTY, TEXAS**

**OWNER:**  
COTTONWOOD CREEK, JDR, LTD.  
RANDALL MORRIS, PRESIDENT  
333 CHEATHAM STREET  
SAN MARCOS, TEXAS 78666  
(512) 393-1776

**RAMSEY ENGINEERING**  
3206 Yellowknife Terrace  
Austin, Texas 78757  
Call: 512-650-6800  
SRAMSEY@GMAIL.COM

**ASH & ASSOCIATES**  
REGISTERED PROFESSIONAL ENGINEERS  
11000 Katy Freeway, Suite 1000  
Houston, Texas 77058  
Phone: (281) 300-1000  
Fax: (281) 300-1001  
www.ash-engineers.com

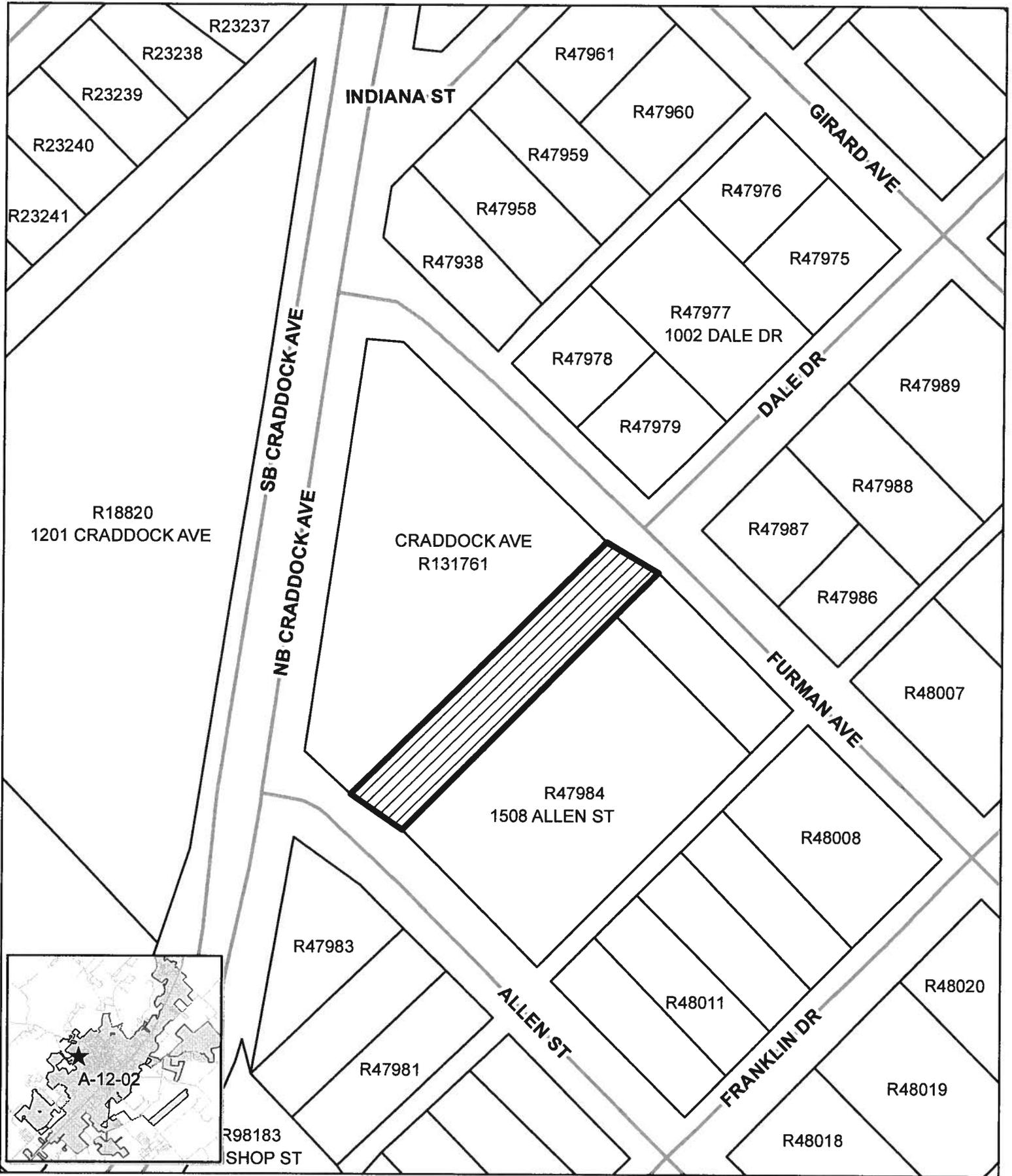
PROJECT No. 12-4019  
DATE: 09/09/12  
SHEET 2 OF 2



CURVE	LENGTH	RADIUS	DELTA	ANGLE	CHORD	BEARING	CHORD	BEARING	CHORD
C1	154.73	250.00	38.21	115.51	195.51	S44°56'00"	195.51	S44°56'00"	195.51
C2	274.96	600.00	32.27	104.56	322.72	M4°56'30"W	322.72	M4°56'30"W	322.72
C3	91.41	273.50	19.02	54.44	107.00	M3°20'15"W	107.00	M3°20'15"W	107.00
C4	23.56	15.00	90.00	180.00	23.56	S48°30'00"W	23.56	S48°30'00"W	23.56
C5	66.71	225.00	16.29	49.16	135.42	M3°08'00"W	135.42	M3°08'00"W	135.42
C6	66.41	274.00	16.29	49.16	135.42	M3°08'00"W	135.42	M3°08'00"W	135.42
C7	66.41	274.00	16.29	49.16	135.42	M3°08'00"W	135.42	M3°08'00"W	135.42
C8	21.78	15.00	90.00	180.00	21.78	S48°30'00"W	21.78	S48°30'00"W	21.78
C9	15.36	15.00	90.00	180.00	15.36	S48°30'00"W	15.36	S48°30'00"W	15.36
C10	15.36	15.00	90.00	180.00	15.36	S48°30'00"W	15.36	S48°30'00"W	15.36
C11	15.36	15.00	90.00	180.00	15.36	S48°30'00"W	15.36	S48°30'00"W	15.36
C12	15.36	15.00	90.00	180.00	15.36	S48°30'00"W	15.36	S48°30'00"W	15.36
C13	15.36	15.00	90.00	180.00	15.36	S48°30'00"W	15.36	S48°30'00"W	15.36
C14	15.36	15.00	90.00	180.00	15.36	S48°30'00"W	15.36	S48°30'00"W	15.36
C15	15.36	15.00	90.00	180.00	15.36	S48°30'00"W	15.36	S48°30'00"W	15.36
C16	15.36	15.00	90.00	180.00	15.36	S48°30'00"W	15.36	S48°30'00"W	15.36
C17	23.56	15.00	90.00	180.00	23.56	S48°30'00"W	23.56	S48°30'00"W	23.56
C18	23.56	15.00	90.00	180.00	23.56	S48°30'00"W	23.56	S48°30'00"W	23.56
C19	74.79	225.00	16.29	49.16	148.38	M3°08'00"W	148.38	M3°08'00"W	148.38
C20	67.79	225.00	16.29	49.16	135.42	M3°08'00"W	135.42	M3°08'00"W	135.42
C21	66.41	274.00	16.29	49.16	135.42	M3°08'00"W	135.42	M3°08'00"W	135.42
C22	66.41	274.00	16.29	49.16	135.42	M3°08'00"W	135.42	M3°08'00"W	135.42
C23	3.72	273.50	19.02	54.44	7.44	M3°20'15"W	7.44	M3°20'15"W	7.44
C24	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C25	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C26	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C27	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C28	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C29	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C30	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C31	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C32	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C33	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C34	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C35	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C36	90.00	273.50	19.02	54.44	180.00	M3°20'15"W	180.00	M3°20'15"W	180.00
C37	14.57	25.00	32.86	102.47	29.14	S27°28'24"	29.14	S27°28'24"	29.14
C38	23.56	15.00	90.00	180.00	23.56	S48°30'00"W	23.56	S48°30'00"W	23.56
C39	23.56	15.00	90.00	180.00	23.56	S48°30'00"W	23.56	S48°30'00"W	23.56
C40	78.77	273.00	18.77	53.70	157.54	S49°45'27"W	157.54	S49°45'27"W	157.54
C41	63.56	13.00	90.00	180.00	63.56	S49°45'27"W	63.56	S49°45'27"W	63.56
C42	63.56	13.00	90.00	180.00	63.56	S49°45'27"W	63.56	S49°45'27"W	63.56
C43	63.56	13.00	90.00	180.00	63.56	S49°45'27"W	63.56	S49°45'27"W	63.56
C44	50.07	273.00	18.77	53.70	100.14	S49°45'27"W	100.14	S49°45'27"W	100.14
C45	50.07	273.00	18.77	53.70	100.14	S49°45'27"W	100.14	S49°45'27"W	100.14
C46	50.07	273.00	18.77	53.70	100.14	S49°45'27"W	100.14	S49°45'27"W	100.14
C47	36.25	273.00	18.77	53.70	72.50	S49°45'27"W	72.50	S49°45'27"W	72.50
C48	10.37	15.00	90.00	180.00	10.37	S49°45'27"W	10.37	S49°45'27"W	10.37
C49	10.37	15.00	90.00	180.00	10.37	S49°45'27"W	10.37	S49°45'27"W	10.37
C50	10.37	15.00	90.00	180.00	10.37	S49°45'27"W	10.37	S49°45'27"W	10.37
C51	10.37	15.00	90.00	180.00	10.37	S49°45'27"W	10.37	S49°45'27"W	10.37
C52	92.27	22.48	19.22	54.44	184.54	S56°47'06"W	184.54	S56°47'06"W	184.54
C53	21.78	15.00	90.00	180.00	21.78	S48°30'00"W	21.78	S48°30'00"W	21.78
C54	33.34	256.56	8.25	23.33	66.68	S45°53'04"W	66.68	S45°53'04"W	66.68
C55	37.61	273.00	18.77	53.70	75.22	M3°08'00"W	75.22	M3°08'00"W	75.22
C56	43.92	273.00	18.77	53.70	87.84	M3°08'00"W	87.84	M3°08'00"W	87.84

LINE	LENGTH	BEARING
L171	126.56	S44°56'00"
L172	126.56	M4°56'30"W
L173	32.27	M4°56'30"W
L174	15.07	S48°30'00"W
L175	23.56	S48°30'00"W
L176	23.56	S48°30'00"W
L177	126.56	S44°56'00"
L178	15.00	M4°56'30"W
L179	15.00	M4°56'30"W
L180	15.00	M4°56'30"W
L181	15.00	M4°56'30"W
L182	15.00	M4°56'30"W
L183	15.00	M4°56'30"W
L184	15.00	M4°56'30"W
L185	15.00	M4°56'30"W
L186	15.00	M4°56'30"W
L187	15.00	M4°56'30"W
L188	15.00	M4°56'30"W
L189	15.00	M4°56'30"W
L190	15.00	M4°56'30"W
L191	15.00	M4°56'30"W
L192	15.00	M4°56'30"W
L193	15.00	M4°56'30"W
L194	15.00	M4°56'30"W
L195	15.00	M4°56'30"W
L196	15.00	M4°56'30"W
L197	15.00	M4°56'30"W
L198	15.00	M4°56'30"W
L199	15.00	M4°56'30"W
L200	15.00	M4°56'30"W
L201	15.00	M4°56'30"W
L202	15.00	M4°56'30"W
L203	15.00	M4°56'30"W
L204	15.00	M4°56'30"W
L205	15.00	M4°56'30"W
L206	15.00	M4°56'30"W
L207	15.00	M4°56'30"W
L208	15.00	M4°56'30"W
L209	15.00	M4°56'30"W
L210	15.00	M4°56'30"W
L211	15.00	M4°56'30"W
L212	15.00	M4°56'30"W
L213	15.00	M4°56'30"W
L214	15.00	M4°56'30"W
L215	15.00	M4°56'30"W
L216	15.00	M4°56'30"W
L217	15.00	M4°56'30"W
L218	15.00	M4°56'30"W
L219	15.00	M4°56'30"W
L220	15.00	M4°56'30"W
L221	15.00	M4°56'30"W
L222	15.00	M4°56'30"W
L223	15.00	M4°56'30"W
L224	15.00	M4°56'30"W
L225	15.00	M4°56'30"W
L226	15.00	M4°56'30"W
L227	15.00	M4°56'30"W
L228	15.00	M4°56'30"W
L229	15.00	M4°56'30"W
L230	15.00	M4°56'30"W
L231	15.00	M4°56'30"W
L232	15.00	M4°56'30"W
L233	15.00	M4°56'30"W
L234	15.00	M4°56'30"W
L235	15.00	M4°56'30"W
L236	15.00	M4°56'30"W
L237	15.00	M4°56'30"W
L238	15.00	M4°56'30"W
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L240	15.00	M4°56'30"W
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L245	15.00	M4°56'30"W
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L248	15.00	M4°56'30"W
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L255	15.00	M4°56'30"W
L256	15.00	M4°56'30"W
L257	15.00	M4°56'30"W
L258	15.00	M4°56'30"W
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L262	15.00	M4°56'30"W
L263	15.00	M4°56'30"W
L264	15.00	M4°56'30"W
L265	15.00	M4°56'30"W
L266	15.00	M4°56'30"W
L267	15.00	M4°56'30"W
L268	15.00	M4°56'30"W
L269	15.00	M4°56'30"W
L270	15.00	M4°56'30"W
L271	15.00	M4°56'30"W
L272	15.00	M4°56'30"W
L273	15.00	M4°56'30"W
L274	15.00	M4°56'30"W
L275	15.00	M4°56'30"W
L276	15.00	M4°56'30"W
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L282	15.00	M4°56'30"W
L283	15.00	M4°56'30"W
L284	15.00	M4°56'30"W
L285	15.00	M4°56'30"W
L286	15.00	M4°56'30"W
L287	15.00	M4°56'30"W
L288	15.00	M4°56'30"W
L289	15.00	M4°56'30"W
L290	15.00	M4°56'30"W
L291	15.00	M4°56'30"W
L292	15.00	M4°56'30"W
L293	15.00	M4°56'30"W
L294	15.00	M4°56'30"W
L295	15.00	M4°56'30"W
L296	15.00	M4°56'30"W
L297	15.00	M4°56'30"W
L298	15.00	M4°56'30"W
L299	15.00	M4°56'30"W
L300	15.00	M4°56'30"W

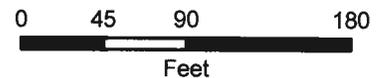
LINE	LENGTH	BEARING
L301	15.00	M4°56'30"W
L302	15.00	M4°56'30"W
L303	15.00	M4°56'30"W
L304	15.00	M4°56'30"W
L305	15.00	M4°56'30"W
L306	15.00	M4°56'30"W
L307	15.00	M4°56'30"W
L308	15.00	M4°56'30"W
L309	15.00	M4°56'30"W
L310	15.00	M4°56'30"W
L311	15.00	M4°56'30"W
L312	15.00	M4°56'30"W
L313	15.00	M4°56'30"W
L314	15.00	M4°56'30"W
L315	15.00	M4°56'30"W



**A-12-02**  
**Dale Drive**  
**Map Date: 8/31/12**

-  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.



# A-12-02

## Abandonment Dale Drive



**Summary:** Abandonment of a 300 foot portion of Dale Drive between Furman Avenue and Allen Street with a 50-foot right-of-way.

**Applicant:** San Marcos Unitarian Universalist Fellowship  
PO Box 1053  
San Marcos, TX 78667

**Property Owners:** **San Marcos Unitarian Universalist Fellowship** **Caroline Schwitz**  
PO Box 1053 **John Schwitz**  
San Marcos, TX 78667 1508 Allen Street  
San Marcos, TX 78666

**Notification:** Personal notifications of the public hearing were mailed on Friday, August 31, 2012.

### **Property/Area Profile:**

**Location:** An undeveloped 300 foot portion of Dale Drive, formerly known as Cool Street running between Allen Street to the south and Furman Avenue to the north. The segment is within Zach Williamson's Third Addition and adjoins lot 97A and lots 105-110.

**Size:** Approximately .34 acres

**Existing Utilities:** None. A short waterline is mapped in GIS, but this is incorrect.

**Existing Use of Property:** Undeveloped right-of-way. Of the seven adjoining lots, six are vacant.

### **Comments from other Departments:**

Engineering stated the existing waterline extending 60 feet from Furman Avenue should be abandoned or an easement provided, but the Water Department confirms the waterline that is mapped in GIS is incorrect. It is likely a short connection that may not extend beyond the Furman Avenue ROW. Engineering noted that lots 108-110 need to be provided water and wastewater service.

### **Background Information:**

The San Marcos Unitarian Universalist Fellowship Church is requesting an abandonment of the undeveloped portion of Dale Drive between Furman and Allen in order to replat the entire block and eventually construct a new church building. The church owns lot 97A which they replatted in 2009. In the spring of 2012, they purchased lots 108-110. They are working with the owners of lots 105-107 who have given their consent to forfeit their half of the R.O.W and also participate in the eventual replat of all lots.

**Planning Department Analysis**

The street that is currently proposed to be abandoned is not used for transportation. It is an undeveloped segment of Dale Drive between Furman Avenue and Allen Street. The surrounding properties are primarily single family or vacant. The San Marcos Unitarian Universalist Fellowship has acquired the majority of the adjoining property to the right-of-way and is working closely with the one owner of the remaining adjacent parcels. SMUUF intended to replat the lots from the beginning and create a suitable site for development of a new church building. The church understands that the abandonment of the right-of-way will not meet the criteria in the Land Development Code unless all the lots are replatted.

As the Engineering Department noted, abandoning Dale Drive will landlock lots 108-109 and water and wastewater utilities will need to be provided for lots 108-110. However, if the church-owned tracts are replatted into one or two larger lots, utilities can be provided from the right-of-way that is most feasible. In the new configuration, all lots will have the required public frontage as well. Replatting has been the intention of SMUUF since the beginning of the process and they are ready to hire a surveyor and proceed with the plat application.

The San Marcos City Code indicates four (4) standards that must be met when considering the abandonment of a street or alley. The following analysis addresses the standards that must be met from the code:

Evaluation		Abandonment Standards (Section 74.087 of the San Marcos City Code)
Consistent	Inconsistent	
X		<p><b>Street and alleys will be abandoned only in whole segments, except that a portion of a dead-end street or alley may be abandoned if the abandonment does not cause a part of the street or alley to become landlocked.</b></p> <p>Dale Drive is being abandoned in a whole segment.</p>
	X	<p><b>A street or alley abandonment will not be approved if it causes substantial interference with access to any tract or parcel of property.</b></p> <p>The proposed abandonment of Dale Drive will cause interference with access to lots 108 and 109 if the lots are not replatted.</p>
X		<p><b>A street or alley containing public utility facilities will be abandoned only if the facilities are relocated out of the street or alley or if a public utility easement is recorded covering the area occupied by the facilities. Unless otherwise agreed by the owners of the utilities, the cost of relocating the facilities or preparing survey descriptions for easements will be borne by the owners of the property abutting the segment to be abandoned.</b></p> <p>There are no existing utilities in the Dale Drive right-of-way.</p>
X		<p><b>A street or alley abandonment will be approved only if the street or alley is not needed for future road or utility improvements.</b></p> <p>Dale Drive is not needed for future road or utility improvements.</p>



1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20

**TERRAIN REPRESENTATION**

ACCORDING TO THE CITY OF SAN MARCOS 201 PLANNING AND ZONING MAP THE LOT IS ZONED "R-1" SINGLE FAMILY DISTRICT AND IS SUBJECT TO THE FOLLOWING RESTRICTIONS:

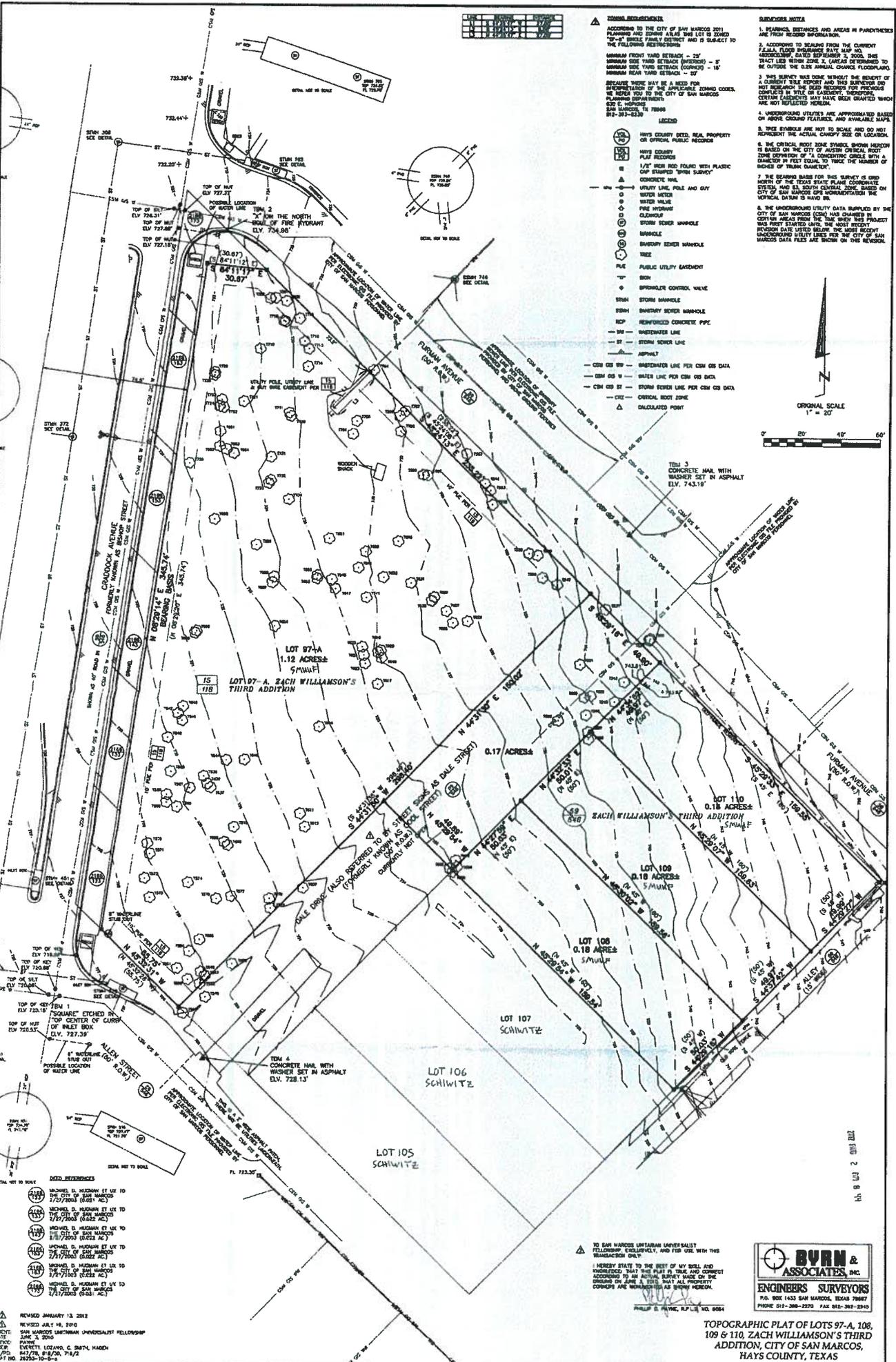
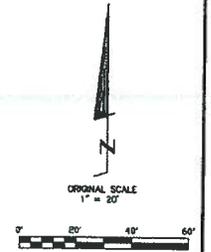
MINIMUM FRONT YARD SETBACK - 25'  
 MINIMUM SIDE YARD SETBACK (FRONT) - 5'  
 MINIMUM SIDE YARD SETBACK (CORNER) - 10'  
 MINIMUM REAR YARD SETBACK - 20'

BECAUSE THERE MAY BE A NEED FOR RECONSTRUCTION OF THE ADJACENT EDWARDS COOKS PLUMBING SHOP (SHED) THE CITY OF SAN MARCOS HAS APPROVED THE FOLLOWING:

SAN MARCOS, TX 78666  
 817-393-2330

- REVISIONS LIST**
1. SPACING, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
  2. ACCORDING TO RECORDS FROM THE CURRENT TEXAS FLOOD INSURANCE RATE MAP AND RECORDING DATED SEPTEMBER 3, 2008, THIS TRACT LIES WITHIN ZONE 2, (AREAS DETERMINED TO BE OUTSIDE THE 100 YEAR FLOOD FLOODPLAIN).
  3. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TIE SURVEY AND THE SURVEYOR DID NOT RESEARCH THE FIELD RECORDS FOR PREVIOUS SURVEYS BY THIS OR ANY OTHER SURVEYOR. CERTAIN ENCUMBRANCES MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
  4. UNDERGROUND UTILITIES ARE APPROXIMATED BASED ON ABOVE GROUND FEATURES, AND AVAILABLE MAPS.
  5. TREE SYMBOLS ARE NOT TO SCALE AND DO NOT REPRESENT THE ACTUAL CANOPY SIZE OR LOCATION.
  6. THE CRITICAL ROOT ZONE SYMBOLS SHOWN HEREON IS BASED ON THE CITY OF AUSTIN CRITICAL ROOT ZONE DEFINITION OF A 1/4 CONCRETE CIRCLE WITH A DIAMETER IN FEET EQUAL TO THREE TIMES THE NUMBER OF INCHES OF TRUNK DIAMETER.
  7. THE BEARING BASIS FOR THIS SURVEY IS GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, HAYES SOUTH CENTRAL ZONE, BASED ON THE CITY OF SAN MARCOS GPS MONUMENTATION THE NOTION DATUM IS HAYES 84.
  8. THE UNDERGROUND UTILITY DATA SUPPLIED BY THE CITY OF SAN MARCOS HAS BEEN CHANGED IN CERTAIN AREAS FROM THE DATE WHEN THIS PROJECT WAS FIRST ESTABLISHED. THE MOST RECENT REVISION DATE LISTED BELOW THE MOST RECENT UNDERGROUND UTILITY LINES FOR THE CITY OF SAN MARCOS DATA FILES ARE SHOWN ON THIS REVISION.

- LEGEND**
- HAYES COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
  - HAYES COUNTY PLAT RECORDS
  - 1/4" BUBBLES FOUND WITH PLASTIC OR STAMPED "SPIN SURVEY"
  - CONCRETE WALL
  - UTILITY LINE, POLE AND GUY
  - WATER METER
  - WATER VALVE
  - SEWER METER
  - SEWER REEFER MANHOLE
  - MANHOLE
  - SEWER REEFER MANHOLE
  - TREE
  - PUBLIC UTILITY EARTHMENT
  - SEWER
  - SPRINKLER CONTROL VALVE
  - STAIR
  - STORM MANHOLE
  - SEWER REEFER MANHOLE
  - SEWER REEFER MANHOLE
  - REINFORCED CONCRETE PIPING
  - UNDERWEAR LINE
  - STORM SEWER LINE
  - ASPHALT
  - CONCRETE WALL PER CSM GIS DATA
  - WATER LINE PER CSM GIS DATA
  - STORM SEWER LINE PER CSM GIS DATA
  - CRITICAL ROOT ZONE
  - UNCALCULATED POINT



- DEED REFERENCES**
- 1187 MICHAEL D. HEGMAN ET UX TO THE CITY OF SAN MARCOS 2/17/2003 (0.022 AC)
  - 1188 MICHAEL D. HEGMAN ET UX TO THE CITY OF SAN MARCOS 2/17/2003 (0.022 AC)
  - 1189 MICHAEL D. HEGMAN ET UX TO THE CITY OF SAN MARCOS 2/17/2003 (0.022 AC)
  - 1190 MICHAEL D. HEGMAN ET UX TO THE CITY OF SAN MARCOS 2/17/2003 (0.022 AC)
  - 1191 MICHAEL D. HEGMAN ET UX TO THE CITY OF SAN MARCOS 2/17/2003 (0.022 AC)
  - 1192 MICHAEL D. HEGMAN ET UX TO THE CITY OF SAN MARCOS 2/17/2003 (0.022 AC)

REVISED JANUARY 13, 2011  
 REVISED JAN 19, 2010  
 CITY: SAN MARCOS (UTTERMAN UNDERPLATT FELLOWSHIP)  
 DATE: JUNE 3, 2010  
 CLIENT: PAVNA  
 CREW: EVERETT LOZANO, C. DANIEL HAZEN  
 FILE NO. 84778, 81870A, 71672  
 PLAT NO. 2055-12-B-4

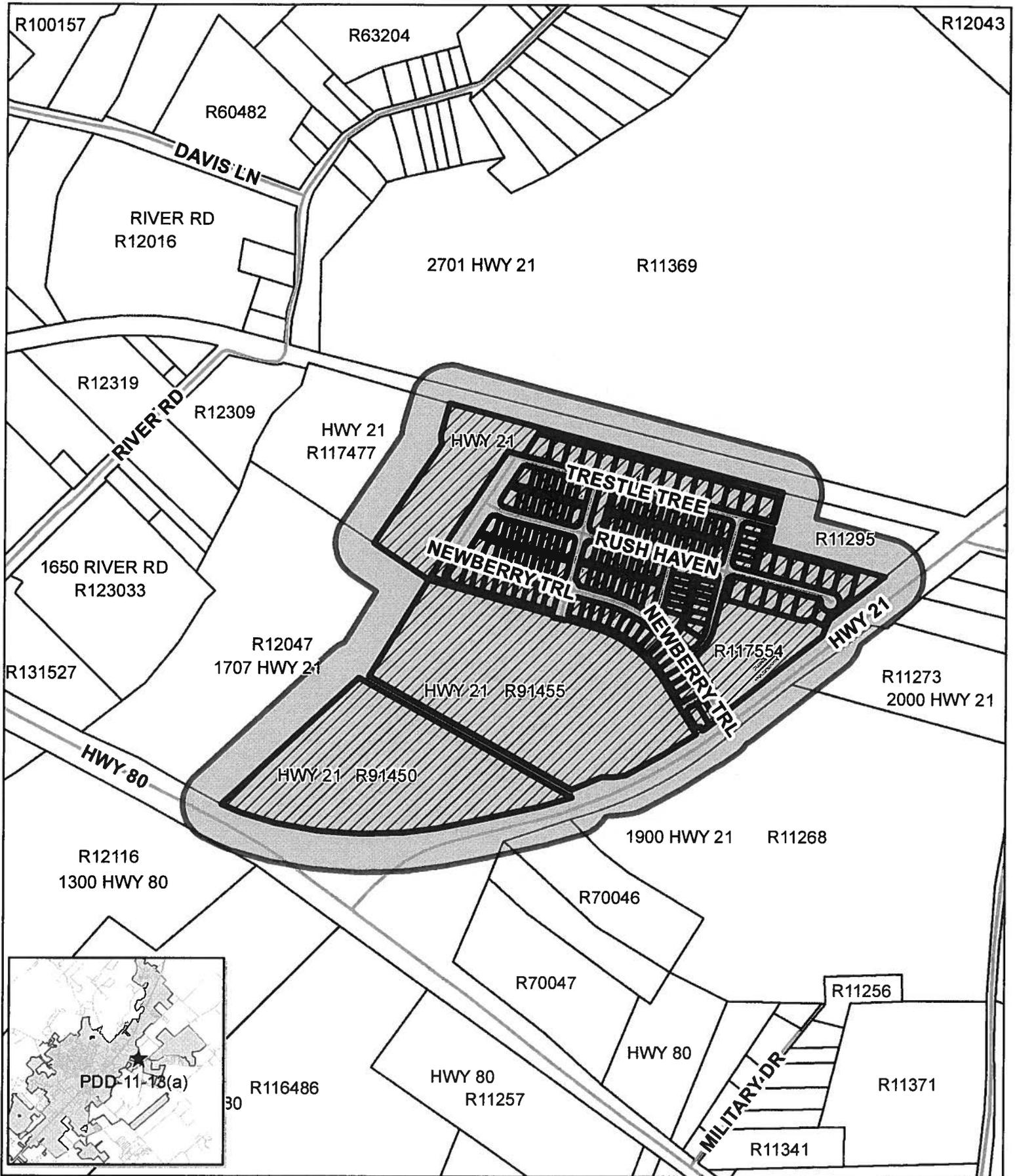
TO SAN MARCOS (UTTERMAN UNDERPLATT FELLOWSHIP) EXCLUSIVELY, AND FOR USE WITH THIS REASSURANCE:

I HEREBY STATE TO THE BEST OF MY SKILL AND UNDERSTANDING, THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO MY BEST BELIEF, BASED ON THE RECORDS AND MEASUREMENTS SHOWN HEREON.

PHILIP D. BYRN, S.P.L.S. NO. 6264

**BYRN & ASSOCIATES, INC.**  
 ENGINEERS SURVEYORS  
 P.O. BOX 1433 SAN MARCOS, TEXAS 78667  
 PHONE 817-393-2820 FAX 817-393-2943

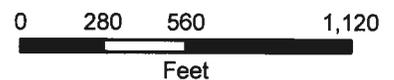
TOPOGRAPHIC PLAT OF LOTS 97-A, 105, 106 & 109, ZACH WILLIAMSON'S THIRD ADDITION, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS



**PDD-11-13(a)**  
**Blanco River Village**  
**PDD Amendment**  
**Map Date: 8/31/12**

-  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.



# PDD-11-13(a) Blanco River Village PDD Amendment



## Summary:

**Applicant:** Scott Bauer  
P.O. Box 848  
San Marcos, Texas 78666

**Property Owner:** Bigelow San Marcos Development,  
L.L.C.  
P.O. Box 848  
San Marcos, TX 78666

## Subject Property:

**Legal Description:** Approximately 103.788 acres of land, located in the 1400 through 1900 blocks of State Highway 21

**Neighborhood:** Blanco River North

**Existing Zoning:** PDD

**Sector:** 6

**Utilities:** Sufficient

**Existing Use of Property:** Single Family residential neighborhood and parkland

**Proposed Use of Property:** Predominately a single family residential neighborhood with a Mixed Use and a Parkland Area

**Proposed Zoning:** Amend PDD overlay district

## Project overview

Blanco River Village is currently within the City Limits of San Marcos and has an active PDD that was enacted September 20, 2004. A portion of this PDD was then amended in 2008 to include a provision for Medium Density Residential. This area has been developed and is referred to as the Living Court Units located along Rush Haven and north of TrestleTree. The PDD was amended in late 2011 to clean up the designation on the City's Official Future Land Use Map in order to bring it in compliance with the existing and allowable density on-site per the PDD. In addition to the land use map amendment the PDD document also incorporated changes that clarified any inconsistencies between the original document in 2004 and the amended PDD in 2008. That particular text amendment brought standards included in the PDD up-to-date with current development standards; no additional units were added in that amendment.

The applicant is now seeking to amend "Section 2.3.10 Roadway Improvements" of the PDD overlay. The purpose of the request is to establish a smaller street section, a one-way street, which would be the primary access for a new housing type in the subdivision, courtyard homes. The amendment does not add any additional units that were not already entitled through the original PDD.

### **Planning Department Analysis:**

The purpose and intent of the Blanco River Village Subdivision is the "creation of a single contiguous project that is under unified control. The development will result in the creation of a mixed-use community that is compact and pedestrian scaled and is supportive of the older established neighborhoods in the City of San Marcos." The PDD supports a variety of uses with the predominant amount of area being reserved for low density residential development (66.3 acres). In addition the development supports some Medium Density Residential (10.3 acres), Mixed Use Development (14.1 acres) and Parkland (13.0 acres).

The applicant is proposing a courtyard-style home in Blocks I and J, Section 1 of the subdivision. The homes will face each other with a linear park between them rather than facing a street. The base zoning, SF-4.5, of these blocks will remain. The courtyard housing type is not to be confused with the Living Court product located along Tressle Tree; the Living Courts are condominiums whereas this new housing type is a single-family housing type. Examples of these types of homes have been included in the packet. Rush Haven is proposed to be abandoned by the applicant thus becoming the central green that these new homes would front. Primary access to these homes would be through a one way street with a 20-foot right-of-way (ROW).

Section 2.3.10(12) would be added to the PDD Development Standards to establish the One Way Street type as follows:

12. Street Type: ST 2-20: One Way Street – Description:
  - A. Dedicated Utility Easement (D.U.E.) width: 20'
  - B. Design Speed: 10 M.P.H.
  - C. Pavement Width: 12'
  - D. Travelway: One lane in one direction 12' in width
  - E. No minimum centerline radius for curves
  - F. Minimum tangent between reverse curves: 0'
  - G. Curb radii: 10'
  - H. Parking: No parking permitted in One Way Street
  - I. No Street Trees are required in One Way Street
  - J. Drainage: Stormwater drainage shall be conveyed in a center valley gutter
  - K. Maintenance: One Way Street ROW to be maintained by Homeowners' Association

The ROW is considerably smaller than what is required by the LDC; residential streets have a minimum of 52-foot ROW. However, this housing type is one that is not seen in San Marcos and does meet the intent of the original PDD while promoting more compact site development and encouraging a diversity of housing types.

In order to allow for a thorough understanding and discussion of the request, this item is scheduled for a public hearing and discussion only. Action on this case is scheduled for September 25, 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

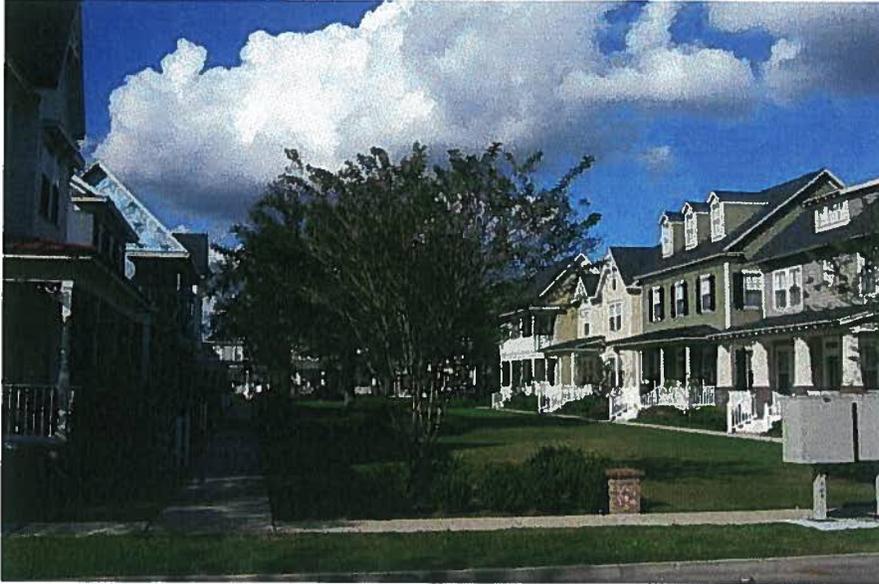
September 5, 2012

**Name**

**Title**

**Date**

**Examples of Courtyard Homes**



**Baldwin Park, Orlando**



**Stapleton, Denver**



Stapleton, Denver



Mueller, Austin

- D. Travelway: One lane 9' wide in each direction
  - E. Curb radii: 10'
  - F. Minimum centerline radius for curves: 60'
  - G. Minimum tangent between reverse curves: 50'
  - H. Minimum sidewalk width: 5'
  - I. Maximum Planting Strip width: 7'
  - J. Along Mixed Use Areas, designated parallel parking stalls may be provided, with bulb-out planting islands.
11. Street Type: RS-50: Residential Street with 50' R.O.W. – Description:
- A. Public Right of Way width: 50'
  - B. Design Speed: 20 M.P.H.
  - C. Pavement Width: 27' (includes two - 8' parking lanes, one on each side)
  - D. Travelway: One shared lane 11' in width for both directions
  - E. Curb radii: 10'
  - F. Minimum centerline radius for curves: 60'
  - G. Minimum tangent between reverse curves: 50'
  - H. Minimum sidewalk width: 4'
  - I. Maximum Planting Strip width: 7½'
12. Street Type: ST2-20: One-way street with 20' D.U.E. – Description:
- A. Dedicated Utility Easement (D.U.E.) width: 20'
  - B. Design Speed: 10 M.P.H.
  - C. Pavement Width: 12'
  - D. Travelway: One lane in one direction 12' in width
  - E. No minimum centerline radius for curves
  - F. Minimum tangent between reverse curves: 0'
  - G. Curb radii: 10'
  - H. Parking: No parking permitted in One way street
  - I. Street Trees: No Street Trees are required in One way street
  - J. Drainage: Storm water drainage shall be conveyed in a center Valley gutter
  - K. Maintenance: One way street R.O.W. to be maintained by Homeowners' Association
13. Street Type: AL1-20: One-way Alley with 20' D.U.E. – Description:
- A. Dedicated Utility Easement (D.U.E.) width: 20'
  - B. Design Speed: 10 M.P.H.
  - C. Pavement Width: 12'
  - D. Travelway: One lane in one direction 12' in width
  - E. No minimum centerline radius for curves
  - F. Minimum tangent between reverse curves: 0'
  - G. Curb radii: 10'
  - H. Parking: No parking permitted in Alleys
  - I. Street Trees: No Street Trees are required in Alleys
  - J. Drainage: Storm water drainage shall be conveyed in a center Valley gutter
  - L. Maintenance: Alley R.O.W. to be maintained by Homeowners' Association

**EXHIBIT "C"**

# **BLANCO RIVER VILLAGE**

**PLANNED DEVELOPMENT DISTRICT**

**AMENDED AND RESTATED  
DEVELOPMENT STANDARDS**

**SAN MARCOS, HAYS COUNTY, TEXAS**

\_\_\_\_\_, 2012

# BLANCO RIVER VILLAGE

## PLANNED DEVELOPMENT DISTRICT (PDD)

### CONTACT INFORMATION

#### MASTER

DEVELOPER: Etheredge Development San Marcos, L.P.  
c/o Terry Mitchell  
P.O. Box 5654  
Austin, Texas 78763  
Phone: 512-391-1789  
Fax: 512-233-2331

BUILDER/DEVELOPER: Bigelow Homes  
c/o Jamie Bigelow  
421 Shadowpoint  
San Marcos, Texas 78666  
Phone: 512-392-6700  
Fax: 512-392-6708

#### PROPERTY:

BEING 103.788 ACRES OF LAND, SURVEYED BY BASELINE LAND SURVEYORS, INC., OUT OF THE JUAN MARTIN DeVERAMENDI SURVEY NO. 2, ABSTRACT NO, 17 AND THE THOMAS G. McGEHEE SURVEY, ABSTRACT NO. 11, BOTH IN HAYS COUNTY, TEXAS, AND BEING COMPRISED OF THE FOLLOWING FIVE TRACTS: TRACT ONE BEING A 85.606 ACRE TRACT OF LAND CONVEYED AS 85.596 ACRES TO BAPTIST FOUNDATION OF TEXAS BY DEED OF RECORD IN VOLUME 1505, PAGE 38 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; TRACT TWO BEING A 7.030 ACRE TRACT OF LAND CONVEYED AS 7.020 ACRES TO BAPTIST FOUNDATION OF TEXAS BY INSTRUMENT OF RECORD IN DOCUMENT NO. 9904054 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; TRACT THREE BEING A 9.00 ACRE TRACT OF LAND CONVEYED AS 9.00 ACRES TO SAN MARCOS BAPTIST ACADEMY BY INSTRUMENT OF RECORD IN DOCUMENT NO. 9908628 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; TRACT FOUR BEING A 1.724 ACRE PORTION OF A REMAINDER OF A 128.67 ACRE TRACT OF LAND CONVEYED TO ERNEST E. CUMMINGS BY DEED OF RECORD IN VOLUME 228, PAGE 527 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; AND TRACT FIVE BEING A 0.428 ACRE TRACT OF LAND QUITCLAIMED AS 0.424 ACRES TO SAN MARCOS BAPTIST ACADEMY, BY THE STATE OF TEXAS, BY DEED OF RECORD IN VOLUME 2137, PAGE 202 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AS DESCRIBED IN EXHIBIT "A".

<u>Exhibit "A-1"</u>	Park legal (P)	13.003 acres
<u>Exhibit "A-2"</u>	Mixed Use (MU)	14.103 acres
<u>Exhibit "A-3"</u>	Residential (SF4.5)	66.336 acres
<u>Exhibit "A-4"</u>	Living Court (MF12)	10.347 acres

## 1. PURPOSE AND INTENT

1.1. The Blanco River Village PDD (the “*Project*”) is planned as a single contiguous project that is under unified control. The development will result in the creation of a mixed-use community that is compact and pedestrian scaled and is supportive of the older, established neighborhoods in the City of San Marcos (the “*City*”). The City Council shall adopt these development standards (the “*Development Standards*”) by ordinance (as amended from time to time, the “*Ordinance*”). The Ordinance amends and restates (i) City Ordinance 2004-61 (the “*2004 Blanco River Village Ordinance*”) and (ii) City Ordinance 2008-49 (the “*2008 Blanco River Village Ordinance*”), and these development standards amend and restate the development standards adopted in connection with and pursuant to the 2004 Blanco River Village Ordinance and the 2008 Blanco River Village Ordinance.

1.2. The Project contains a variety of uses: Low Density SF4.5 Residential Area (approximately 66.336 acres) and MF-12 Multi-Family Residential (Living Court) Area (approximately 10.347 acres, and total residential of 76.683 acres), Mixed-Use Area (14.1 acres) and City Parkland (13.0 acres) that will contribute to a neighborhood with opportunities for live, shop and recreational spaces.

1.3. The Project utilizes standards from other implemented traditional neighborhood developments (TND’s) including Plum Creek (Kyle), Cedar Park Town Center (Cedar Park), Highland Park (Pflugerville) and Turtle Creek Village (Round Rock). The Project provides for a compact residential area, which permits for an innovative small lot design and alley service to garages using several different sized residential lots. This new residential design is combined with multi-family uses within the Mixed-Use Area to provide a variety of housing opportunities within the Project.

1.4. The Project also creates specialized street standards that have been designed to maintain efficient traffic circulation while promoting pedestrian use.

1.5. The Project’s land use plan (attached as Exhibit “B” to the Ordinance and these Development Standards) provides for a network of open spaces that will include pocket parks and parkland with frontage to the Blanco River that will be an amenity to the neighborhood and city.

1.6. The Project will encourage high quality development and innovative design through the adaptive reuse of the detention pond serving the residential area as a HOA-owned and maintained recreational amenity for the neighborhood. A second detention pond serving the Mixed-Use Area shall be constructed and maintained as a recreational amenity.

1.7. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing or failing to prohibit residential use of a single family residential dwelling in this area by more than two unrelated individuals in accordance with the City of San Marcos Land Development Code Section 4.3.4.5 Occupancy Restrictions.

1.8. The Project designates specific site development standards for the Property that address lot size and width, setbacks and building coverage limits that are in accordance with the intent of TND’s and mixed-use infill development. The Developer seeks to create a mixed-use, pedestrian scaled environment that will promote compact development with an emphasis on reduction of automotive dependency and open space preservation. The Project’s land use plan establishes unique development standards, thereby promoting more compact site development that will promote a diversity of housing types and encourage economic development of the community.

1.9. Words and terms used herein, not specifically defined in this section, shall have their usual force and meaning, or as defined in the San Marcos City Code, hereinafter referred to as the “*City Code*”. For the purposes of these Development Standards and the Ordinance, the following terms, phrases, words and their derivations shall have the meaning ascribed to them in this section:

1.9.1. “*CCRs*” means a declaration of covenants, conditions, and restrictions or similar legal document imposed upon the Project or portions of the Project, which, subject to these development standards, shall govern the development and use of the Project.

1.9.2. “*Environmental Graphics*” means signage and graphics used in an exterior setting for identifying uses, providing directions and information and for decorative purposes, including banners and flags, and whether for temporary or permanent display.

1.9.3. “*Front Façade*” means the Front Façade of any building shall be considered to be the side of the building that provides the primary entrance into the building.

1.9.4. “*Front Porch*” means an un-airconditioned roofed structure attached to the front of a house.

1.9.5. “*Living Court Lots*” means all lots in Amending Plat of Blocks E, F, H, and I, Blanco River Village, Section One, according to the map or plat thereof recorded under Document No. 2009-90002025, in Volume 3578, Page 484, of the Official Public Records of Hays County, Texas..

1.9.6. “*Masonry*” means, for the purposes of this Project, brick, stone, faux stone, cast stone, stucco, or cementitious plank products, such as Hardiboard or Hardiplank, or exterior insulation finishing system (E.I.F.S.).

1.9.7. “*Mixed Use Area*” means, for purposes of this Project, the area within this Project that may contain multi-family, office, retail or other permitted use (outlined herein) and does not refer to a Mixed Use District or other zoning category not otherwise specifically referenced herein.

1.9.8. “*Open Style Fence*” means a fence designed to enclose a private yard, which abuts a park, green strip, or alley. The required features of this fence include the ability to see through the fence (a minimum of 40% of the fence surface area shall be open), construction of low maintenance materials. The maximum height of an open style fence shall be 42 inches in a street yard (street yards do not include alleys) and five (5) feet for fences other than wrought iron or equivalent fences in other yards. Wrought iron (or similar) or equivalent fences shall not exceed six feet in height. Masonry columns are permitted as part of all Open Style Fences. Low maintenance materials include fence vinyl, painted wood or wrought iron. In the case of the Mixed Use Area, where property borders Highway 21 and/or Highway 80, a wrought iron or equivalent fence is allowed and shall not exceed 6’ in height.

1.9.9. “*Planting Strip*” means a portion of land of public street right-of-way or a portion of land abutting private property, which is reserved for the purpose of landscaping and installation of street trees. Cross sections of various street rights-of-way and abutting private property reflecting these planting strips are indicated on the street sections in Exhibit “I”.

1.9.10. “*Private Interior Drive*” means a minor private access way either two-way or one-way, located within Residential Condominium development areas and providing vehicular and other access to public streets. All private interior drives will be maintained by the Property Owners Association for the area

1.9.11. “*Private Open Space*” means open space that is owned and maintained by a Property Owners Association or by an individual property owner.

1.9.12. “*Property*” means the 103.788 acres of land, more or less, out of the Juan Martin DeVeramendi Survey No. 2, Abstract No, 17 and the Thomas G. McGehee Survey, Abstract No. 11, both in Hays County, Texas, and being more particularly described in Exhibit “A” attached to and incorporated herein (and being the same property described in Exhibit “A” to the Ordinance).

1.9.13. “*Property Owners Association*” or “*POA*” means an organization made up of the property owners in the area, which is responsible for maintenance of private streets, alleys, and the open spaces not

conveyed to the City, and which shall have the authority to make and collect assessments sufficient to operate and maintain private streets, alleys and open spaces. There may be more than one POA.

2. **DEVELOPMENT STANDARDS**

2.1. **General Project Description.**

The Project will be developed for use as Low Density Residential (base zoning SF4.5, Medium Density Residential (base zoning MF-12), Mixed-Use (base zoning MU Mixed Use) and parkland (base zoning P Public District). The Property has been annexed. A portion of the Property currently lies within the FEMA 100-year flood plain. A flood plain modification will be necessary (a CLOMR has been already been approved by FEMA). A PDD will result in a superior development compared with a conventional subdivision due to the proximity of the Property to the city center and its location in relation to the Blanco River. The mixed-use concept of the Project allows the flexibility to make this development feasible while providing parkland to the city adjacent to the river that will provide an excellent buffer.

2.2. **Detailed Description of Land Uses.**

The Land Use Plan for the Project is attached as Exhibit "B" and incorporated herein by reference.

The land use areas within the Project are included in the following table:

	Primary Land Use	Street ROW	Private Open Space	Gross Acreage	Maximum Units Allowed	Average People per unit	Anticipated Maximum Density	Maximum F.A.R. Ratio
Low Density Residential Area [base zoning: SF4.5 single-family dwellings]	44.9 Acres	16.1 Acres	5.4 Acres	66.4 Acres	388	2.8	1,115	N/A
Living Courts Residential area [base zoning MF-12 multifamily]	8.3	2.0	0.0	10.3		2.0		N/A
Mixed-Use Area [base zoning: MU Mixed Use]	14.1 Acres	N/A	N/A	14.1 Acres	254	2.5	635	.500
Parkland [base zoning: P Public and Institutional District]	13.0 Acres	N/A	N/A	13.0 Acres	N/A	N/A	N/A	N/A
Totals	80.3 Acres	18.1 Acres	5.4 Acres	103.8 Acres	714		1,923*	

2.3. **Additions and Exceptions to the San Marcos City Code.**

2.3.1. **Building Limitations and Requirements - General**

1. Parking facilities will conform to City Standards, and as modified by this PDD ordinance.
2. All new utilities internal to the Project shall be placed underground.
3. Metal-sided buildings will be allowed only as temporary structures during project construction.
4. Sidewalks shall be of a width and location as set forth herein (varying widths of four feet (4') to six feet (6')).
5. Block lengths in the Project shall not exceed 1,200 feet except along major thoroughfares, railroads or along open space that is parallel and adjacent to the right-of-way internal to the site.
6. For condominium lots that have rear entry garages, each condominium building will be provided with a service drive, private alley or public alley within the lot or abutting the rear lot line.

2.3.2. **Restrictive Covenants.** The Developer shall prepare, submit for review by the City Legal Department, execute and record in the official public records of Hays County, Texas CCRs for the Mixed Use Area and CCRs for the Low Density Residential and High Density Residential Areas before a building permit may be issued by the City in each Area of the District. The CCRs shall:

1. Create one or more Property Owners' Associations with mandatory membership for each property owner. If the Mixed-Use Area is used for a use other than single family use has two or more owners, a separate Property Owners' Association must be created. If the Mixed-Use Area has a single owner, such association is not required; provided, however, that such mixed use owner shall enter into a landscape maintenance agreement providing (i) for the sharing of perimeter landscaping (along boundary streets), and (ii) that the Residential Area and the Mixed Use Area shall each maintain their respective pond areas.. Any land within the Mixed Use Area used for single family purposes shall be subject to the CCRs for the Residential Area. There shall be one Property Owners' Association for the Residential Areas of this Project, provided, however, that, as to any annexations of new lots within the Property, the property owner may reserve architectural control committee approval rights (subject to this PDD);
2. Provide for the ownership, development, management and maintenance of alleys and open space (except private open space owned by individual residential property Owners);
3. Be effective for a term of not less than fifty (50) years and be automatically renewable; and
4. Require that the Property Owners' Association(s) obtain the written approval of the City Director of Planning or successor official (the "*Director*") for amendments to the CCRs that relate to provisions required herein.

2.3.3. **Property Owners Association**

1. The Developer shall establish one or more Property Owners Association(s) (if required) as part of the CCRs for the Property prior to the first building permit being issued by the City. Additional Property Owners' Associations may be created from time to time hereafter as described in this PDD.

2. At the Developer's option, separate sub-associations may be created in different areas of the Project.
3. Except as otherwise permitted in this PDD, each property owner in the Project shall be a member of one of the Property Owners' Associations which shall collect fees from each property owner for payment for the following common services: landscaping, promotions and events, cleaning, security, marketing, architectural control and project administration.
4. If a property owner fails to timely pay its association fees, the Property Owners Association's declaration of covenants shall enable it to file a lien against that owner's property.

**2.3.4. Architectural Control Committee**

1. The Developer must create one or more Architectural Control Committees as part of the CCRs for the Property, which shall be funded by the Property Owners Associations (as applicable).
2. The Developer or other person proposing the construction of a building must submit architectural drawings including proposed size, elevations, percentage of masonry, and overall home design for approval from the Architectural Control Committee charged with reviewing such plans.
3. All building exteriors, site plans and signage and environmental graphic designs must be approved by the Architectural Control Committee prior to approval of a building permit by the City. The Developer or other person proposing the construction of a building shall present a copy of the written approval of the Committee at the time of submission of a building permit application to the City.

**2.3.5. Street Lights in Public ROW.** The Developer may, with the written approval of the Director, incorporate alternative lighting standards in the public rights-of-way designed to aesthetically enhance the Property.

**2.3.6. Fences and Gates**

1. The maximum height of an Open Style Fence in a street yard shall be forty-two (42) inches. Masonry columns are permitted as part of all Open Style Fences.
2. Privacy or security fences up to six foot (6') in height are permitted along the side yards. Six foot (6') privacy fences are not permitted to extend into a front yard setback or corner side setback. Open picket fences are also permitted alongside yards or between buildings or along the outer perimeter of the Mixed Use Area.
3. Fences that abut Parks and Alleys shall be Open Style Fences and/or privacy fences up to four feet (4') in height.
4. Where an alley is provided adjacent to lots in the Low Density Residential Area and such lots have fences adjacent to the alley, a pedestrian passageway, or gate, shall be provided from the rear or side yard to the alley of such lots.

**2.3.7. Building Limitation and Requirements to the Low Density Residential Area (base zoning: SF4.5 single family).**

1. Minimum lot area:
  - A. Internal: 4,000 square feet
  - B. Corner: 5,000 square feet
2. Minimum lot width:
  - A. Internal: forty feet (40')

- B. Corner. Fifty feet (50')
- 3. No SF4.5 development shall exceed a density of more than 6 dwelling units per gross acre.
- 4. Minimum Lot depth: 100 feet.
- 5. Minimum depth of front setback: ten feet (10').
- 6. Minimum depth of rear setback (principal building): fifteen feet (15').
- 7. Minimum depth of rear setback (garage): five feet (5').
- 8. A detached garage (with or without an Accessory Dwelling Unit above) may be located two feet (2') from an interior side lot line.
- 9. Maximum building coverage as a percentage of lot area: 60%
- 10. Maximum height of structures: thirty-five feet (35') or 2½ stores, whichever is less.
- 11. Open terraces, decks and porches not over 30 inches above the average level of the adjoining ground may project a distance not exceeding five feet (5') into required yards; provided, however, that no at-grade projection shall extend closer than five feet (5') to any interior side or rear property line, or closer than seven feet (7') to a front property line or 15 feet to an exterior side property line. Subject to applicable fire codes, a room or fireplace may project two feet into the minimum side yard. The minimum side yard setback shall be 4'-6" measured from the lot line to the face of foundation. If roof gutters are installed, AC condensers may be located within the minimum side yard; however, no two AC condensers on adjacent lots may be within 3'-6" of each other. At grade projections or porch may extend no closer than six feet to an exterior side property line. For purpose of determining maximum projections to lot lines at corners, the lot lines shall be deemed to terminate with straight lines not arcs.
- 12. The two required parking spaces for each lot may be parallel to the alley ROW and they may encroach three feet (3') on the alley ROW; provided, however, that such parking spaces may not encroach on the alley paving.
- 13. No portion of a structure may encroach on a PUE, public sidewalk, public street ROW or alley ROW.

**2.3.8. Additional requirements to the Low Density Residential Area**

- 1. Front Porch Regulations
  - A. Single family detached residential units shall comply with the following:
    - (1) Eighty percent (80%) of the principal dwelling structures shall be required to include a front porch with a minimum of forty (40) square feet of total front porch area.
    - (2) Twenty percent (20%) of the principal dwelling structures shall not be required to comply with any minimum front porch regulations set forth herein.
    - (3) The foregoing notwithstanding, if seventy percent (70%) of the principal dwelling structures in the Low Density Residential Area have covered front porches that have at least seventy (70) square feet of area, the remainder of the principal dwelling structures may have uncovered front porches/garden patios that have at least sixty (60) square feet of area.
- 2. There are no front porch requirements for single family attached residential.
- 3. Front porch measurements:
  - A. Dimensions of front porches shall be based on the extent of exposed slab.
  - B. Percentage of compliance as set forth above shall be measured on a plat-by-plat basis.

4. **Roof Regulations:**
  - A. Pitched roofs may be clad in painted or galvanized metal, clay or concrete tile, or twenty-five (25) year minimum composition shingles.
  - B. Flat roofs are permitted only if habitable as a roof terrace.
  - C. Principal pitched roofs shall have a pitch no less than 5:12. Porch and stoop roofs may be 2:12 minimum pitch. Provided, however, with respect to Prairie or Craftsman style homes as described in A Field Guide to American Houses by McAlester, pitched roofs on a principal dwelling structure may be 3:12 minimum pitch.
5. **Residential Façades:** Residential building exteriors may be finished in painted cementitious siding, LP siding, wood siding, brick, stone, cast stone, stucco, or exterior insulation finishing system (E.I.F.S.). Vinyl siding and metal siding is prohibited.
6. **Garage/Carport Regulations:** Garages or carports shall be accessed from the rear of the lot, unless otherwise approved by the Director. Garages or carports shall be either attached or detached and accessible from an alley or private interior drive. Two-car garages shall be required for all single family detached residential units. The Director may approve a garage entry facing the street provided that the garage is at least twenty (20) feet behind the front property line and at least ten feet (10') behind the front wall of the principal structure. Carports may otherwise be used provided that they are accessed from alleys and are screened from view of streets.
7. **Tandem Parking:** Tandem parking shall be permitted and shall count toward the required parking spaces.
8. **Rear Yard Parking:** Adequate space shall be provided to allow for four (4) on-site parking spaces for single family detached residential units, including the parking within the alley R.O.W. permitted pursuant to Section 2.3.7.12 above. Such parking may encroach into the alley R.O.W., but only to the extent permitted pursuant to Section 2.3.7.12 above. The on-site parking space depth is eighteen feet (18').
9. **Additional Requirements:**
  - A. Two shade trees are required per lot, one of which shall be a street tree, located in the planter strip. Required trees must be maintained and watered by the home owner.
  - B. Residential buildings shall be a minimum of 75% masonry, understanding that Hardiplank or other cementitious sidings are considered masonry..
  - C. Front yard lawn areas shall be sodded.

**2.3.9. Building Limitation and Requirements to the Mixed-Use Area** (base zoning: MU Mixed Use)

1. All uses permitted in the MF-12 district, including specific uses, as regulated in the City Code, as it may be amended from time to time by the City.
2. Minimum depth of front setback (internal streets only): fifteen feet (15'). Front porches facing a public street may encroach five feet (5') into required front setback.
3. Maximum building coverage as a percentage of lot area: 60%; maximum impervious cover: 80%.
4. Façade treatment design for buildings in the Mixed-Use Area shall conform with the Visual Guidelines as set forth in Exhibit "2".
5. **Additional requirements for the Mixed-Use Area**
  - A. **Purpose:** The Mixed-Use Area may (but is not required to) contain retail, commercial, civic and residential uses to meet the needs of community residents. The Area may include commercial services, including shops, restaurants and neighborhood services. The Area will also have a high potential for office and

Multifamily residential development, all oriented to the public framework of streets and open spaces. The Mixed-Use Area should be designed to encourage pedestrian movement between Mixed-Use Area and the Low Density Residential Area.

B. Prohibited Uses: The following uses shall be prohibited within the Mixed-Use Area of the Property:

(1) Drive-through restaurant commercial uses where patrons remain in automobiles.

(2) Retail uses containing more than 30,000 square feet of floor area per certificate of occupancy.

C. Commercial Building Requirements: All commercial buildings, that may include optional residential uses, must comply with the following requirements.

(1) Façades and Exterior Walls:

(a) No uninterrupted length of any façade shall exceed fifty (50) horizontal feet.

(b) Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 40% of their horizontal length.

(2) Materials and Colors: Façades and roofs shall be of low reflectance, subtle, neutral or earth tone or other colors approved by the Architectural control committee. The use of high intensity colors, metallic colors or fluorescent colors is prohibited.

(3) Roofs: Roofs shall have at least one of the following features:

(a) If a flat roof is constructed, all sides of the building shall have a mansard or built-up parapet wall roof at least four feet (4') in height.

(b) Subject to applicable fire codes, overhanging eaves, extending no less than three feet (3') past the supporting walls.

(c) Three or more roof slope planes, if a sloped roof is utilized. This requirement does not apply to flat roofs with parapets.

D. Additional Requirements

(1) Building Exteriors: The exposed exterior walls of each building must contain 80% masonry, with Hardiplank or other cementitious siding product considered masonry.

(2) Exterior Building Lights: Lights shall be placed on buildings in a manner so as not to be a nuisance.

(3) HVAC Systems: All ground level air conditioner condenser units must be screened from street view or placed on the roof.

(4) Backyard Walls: These shall be constructed 100% masonry materials or wrought-iron or similar fencing. Any gates must be constructed of wrought iron or similar materials.

(5) Height: The height of Mixed-Use Area buildings shall provide a harmonious scale transition to the Low Density Residential Area and shall be treated in such a way that will promote architectural identity that is in scale with the community (e.g., articulation of building base and middle with distinctive roof silhouette). An example would be buildings showing a variety of two and three story elevations.

(6) Surface Parking Lots: Parking for the Mixed Use Area shall meet the Code requirements applicable to such use. Surface parking lots are

permitted within the Mixed-Use Area, provided that they are not located adjacent to boundary streets next to the Low Density Residential Area. All surface lots shall be well landscaped; hedges and other types of low planting and screening shall be provided along all street frontages and other public places. The Mixed Use Area may provide the standard depth parking space, as well as compact spaces, all of which shall meet current code standards. In the Mixed Use Area where parking stalls have been constructed within the right-of-way adjacent to the Mixed Use Area, such parking shall count towards parking requirements in both the Mixed Use Area and the Single Family Residential Area.

(7) Location of Unsightly Equipment: Dumpsters, mechanical equipment, storage areas and areas used for refuse collection shall be located or screened so as to not detract from public use areas, as determined by the Director.

(8) Designated loading and service areas shall not be permitted along boundary streets to the Mixed Residential Area, except for designated bus stops.

(9) Additional Parking Regulations: The required parking for a use may be located anywhere in the Mixed-Use Area and in parking stalls constructed in adjacent rights-of-way. Community parking facilities are encouraged.

### 2.3.10. Roadway improvements

1. All roadway improvements shall be built to City specifications and dedicated as public roads. Right-of-Way and Pavement Sections will be in accordance with Exhibit "1" and as described below, and as shown on the Land Use Plan, Exhibit "B".

2. Streets classified as BVD-74, and RS-58 may be referred to collectively as "Major Streets"; streets classified as RS-50, may be referred to collectively as "Residential Streets"; and alleys classified as AL1-20 may be referred to collectively as "Alleys".

3. The following general provisions apply to all streets in the Project:

A. Generally Applicable Standards:

(1) The minimum centerline radius for horizontal curves: sixty feet (60')

(2) The minimum radii of right-of-way arcs at corners are:

(a) At the intersection of a Major Street with another Major Street or a Residential Street: fifteen feet (15').

(b) At the intersection of a Residential Street with another Residential Street or an Alley: ten feet (10').

(c) At the intersection of an Alley with a Major Street, a Residential Street, or another Alley: ten feet (10').

(d) For the purpose of determining a Corner Lot, a Lot abutting an alley and a street is not considered a Corner lot.

B. Intersection Turning Radius. The foregoing notwithstanding, streets and intersections (excluding alleys) will be designed and constructed in such a manner so as to create an effective minimum twenty-five foot (25') inside radius and fifty foot (50') outside radius travelway turning path, without conflict with on-street parking, medians or other fixed obstacles on the intersecting streets. This shall create a twenty-five (25') radii for the front wheel path (inside radius) and 50' radius for the rear wheel path (outside radius) from travel lane to travel lane at all intersections (excluding intersections with alleys), regardless of the locations of curbs or parking spaces.

4. Generally Applicable Parking Standards:

A. All turning radius designs on streets and alleys must be approved by the Director of Engineering and Public Works to allow for garbage, utility and emergency vehicle access and circulation.

B. Parallel parking is permitted on all street types except AL1-20. Designated parallel parking shall have a stall length of twenty-two feet (22') and a stall width of eight feet (8').

C. Angled parking, if any, shall (a) be 45 to 60 degrees angled parking; (b) have a depth of 18', measured perpendicular from the curb; and (c) have a parking stall width of nine feet (9').

5. Alley Regulations:

A. Alleys may be designed with an inverted crown.

B. Intersecting Alleys or Utility Easements - Where two alleys intersect or turn at a right angle, a sight triangle of not less than ten feet (10') measured from the point of intersection of the property or easement line, shall be provided along each property or easement line where practical. Minimum inside turning radius (alley pavement) of thirty-five feet (35'), with a minimum inside turning radius (alley pavement) of fifteen feet (15') at street intersections.

C. The rear yard fencing and alley design shall accommodate one-sided, side loaded garbage vehicle pick up on one side of the alleys only.

6. Roundabouts. "Roundabouts" are circular intersections that can be an effective intersection type with lower speeds than conventional intersections, requiring less maintenance. For a Roundabout to work properly it shall be designed for restricted speeds. The most significant feature that will restrict the speed is adequate deflection. Entry and exit radii and the size of the central island control vehicle deflection, Minimum standards shall be those of an urban single-lane Roundabout. Particular note should be taken that the Roundabout:

A. For Local Street/Collector Street intersections, Roundabouts shall be designed for bus movement.

B. Roundabouts shall have a mountable curb on the inside radius;

C. Roundabout signage shall be provided.

D. Raised splitter islands shall be used to preclude left turn movements prior to the Roundabout unless otherwise approved by the Director.

E. Any vegetation in the island shall be designed in compliance with the City of Austin Transportation Criteria Manual.

F. No parking shall be allowed within Roundabouts and within twenty feet (20') on all approach roadways; parking shall be restricted to twenty feet (20') past the end of the splitter island.

7. Generally Applicable Street Tree Standards.

A. All required street trees must be 45 gallon container-grown Type I shade trees, unless a street tree species is unavailable as container-grown at the time of installation. In this case, boxed material or balled and burlapped material of equivalent size may be substituted.

B. All street types except AL1-20 require that the street trees be planted on average every 45' on center within the Planting Strip, with 7½ feet horizontal clearance from each side of property corners adjacent at Dry Utilities services. Every 45' on center is a standard, but flexible. In cases where designated off-street parking is being provided within the right-of-way, street trees may be located in "bulb-outs" or along the sidewalks on private property, as designated by the Director of Planning.

C. There shall be a five foot (5') horizontal clearance between a street tree along both sides of a sideyard lot line.

D. Where practical, street trees should be planted in the center of the Planting Strip, between the sidewalk and the street. The Developer may make allowances for utilities, light poles, fire hydrants, traffic signs, other required street signage, traffic light and signal poles, and similar infrastructure, as well as sight and visibility triangles, street breaks, and crosswalks.

8. Street Trees.

A. Street Trees shall be located along all streets, except AL1-20 (except where existing trees remain in the right-of-way).

B. Street trees include suitable shade tree varieties. The following tree species are permitted:

- Bur Oak
- Cedar Elm
- Chinese (Lacebark) Elm
- Chinquapin Oak
- Live Oak
- Monterey Oak
- Shumard Oak
- Texas Red Oak

C. The planting criteria for street trees are:

(1) Street trees should be kept out of (i) intersection triangles at a minimum of 25' by 25' and (ii) alley/street intersection triangles at a minimum of 15' by 15', as measured from the center of the intersection.

(2) Street trees shall be planted to avoid interference with street lights, signage and other fixtures.

(3) Planting shall remain at least five feet (5') from edge of driveways.

(4) Planting should be at least five feet (5') from fire hydrants.

(5) Street trees and median trees shall be planted a minimum of 4' from the back of the curb, or as otherwise designated by the Director of Planning.

9. Street Type: BVD-74: Boulevard with 74' R.O.W. - Description:

- A. Public Right of Way width: 74'
- B. Design Speed: 25 M.P.H.
- C. Pavement Width: Two - 20' lanes
- D. Travelway: One lane in one direction 12' in width
- E. Curb radii: 15'
- F. Minimum centerline radius for curves: 300'
- G. Minimum tangent between reverse curves: 100'
- H. Minimum sidewalk width: 5'
- I. Planting Strip width: 7'
- J. Landscape Median: 10'

10. Street Type: RS-58: Residential Collection Street with 58' R.O.W. - Description:

- A. Public Right of Way width: 58'
- B. Design Speed: 20 M.P.H.
- C. Pavement Width: 34' (includes two - 8' parking lanes, one on each side)

- D. Travelway: One lane 9' wide in each direction
  - E. Curb radii: 10'
  - F. Minimum centerline radius for curves: 60'
  - G. Minimum tangent between reverse curves: 50'
  - H. Minimum sidewalk width: 5'
  - I. Maximum Planting Strip width: 7'
  - J. Along Mixed Use Areas, designated parallel parking stalls may be provided, with bulb-out planting islands.
11. Street Type: RS-50: Residential Street with 50' R.O.W. – Description:
- A. Public Right of Way width: 50'
  - B. Design Speed: 20 M.P.H.
  - C. Pavement Width: 27' (includes two - 8' parking lanes, one on each side)
  - D. Travelway: One shared lane 11' in width for both directions
  - E. Curb radii: 10'
  - F. Minimum centerline radius for curves: 60'
  - G. Minimum tangent between reverse curves: 50'
  - H. Minimum sidewalk width: 4'
  - I. Maximum Planting Strip width: 7½'
12. Street Type: ST2-20: One-way street with 20' D.U.E. – Description:
- A. Dedicated Utility Easement (D.U.E.) width: 20'
  - B. Design Speed: 10 M.P.H.
  - C. Pavement Width: 12'
  - D. Travelway: One lane in one direction 12' in width
  - E. No minimum centerline radius for curves
  - F. Minimum tangent between reverse curves: 0'
  - G. Curb radii: 10'
  - H. Parking: No parking permitted in One way street
  - I. Street Trees: No Street Trees are required in One way street
  - J. Drainage: Storm water drainage shall be conveyed in a center Valley gutter
  - K. Maintenance: One way street R.O.W. to be maintained by Homeowners' Association
13. Street Type: AL1-20: One-way Alley with 20' D.U.E. – Description:
- A. Dedicated Utility Easement (D.U.E.) width: 20'
  - B. Design Speed: 10 M.P.H.
  - C. Pavement Width: 12'
  - D. Travelway: One lane in one direction 12' in width
  - E. No minimum centerline radius for curves
  - F. Minimum tangent between reverse curves: 0'
  - G. Curb radii: 10'
  - H. Parking: No parking permitted in Alleys
  - I. Street Trees: No Street Trees are required in Alleys
  - J. Drainage: Storm water drainage shall be conveyed in a center Valley gutter
  - L. Maintenance: Alley R.O.W. to be maintained by Homeowners' Association

### 2.3.11. Private Open Space

1. Private Open Space Regulations: Owner will designate approximately 5.4 acres as shown on the Land Use Plan (Exhibit "B") as private open space to be maintained by the Property Owners Association, as applicable. The private open space may contain open space improvements such as a swimming pool, amenity center and other related uses as well as seating, landscaping and irrigation.
2. Site Development Regulations: The following site development regulations shall apply to Open Space uses within the Open Space area:
  - A. Minimum Lot size. The minimum Lot size within a Private Open Space area shall be 3,500 square feet, except for landscaped Lots in the right-of-way, which may be smaller.
  - B. Maximum Height. No buildings within an Open Space shall exceed 35 feet in height.
  - C. Minimum Lot Width. There is no minimum Lot Width within a Private Open Space area.
  - D. Minimum Setbacks.
    - (1) Front Yard. The minimum front yard Setback within an Open Space area shall be fifteen feet (15').
    - (2) Side Yard. The minimum Side Yard Setback within an Open Space area shall be ten feet (10').
    - (3) Rear Yard. The minimum rear yard Setback within an Open Space area shall be ten feet (10').
3. Residential Private Open Space Conveyance: Private Open Space structures thereon (if constructed) shall be conveyed to the Property Owners Association or some other party responsible at time of final plat for maintaining common buildings, areas and land within the community. Private Open Space shall be restricted to the uses specified on the final plat and which provide for the maintenance of Private Open Space in a manner which assures its long term maintenance and for its intended purpose.
4. Private Open Space Parking Regulations: Parking for Private Open Space uses within the District is provided from adjacent On-Street Parking unless, at the Developer's option, Off Street parking is provided within an Open Space lot. On-Street Parking may be credited toward the required parking spaces of the intended use.

2.3.12. **Landscaping.** Landscaping with native, locally adapted, and naturalized Central Texas plants are encouraged to reduce the water, fertilizer, and pesticide needs of the Project. A plant list is contained within Exhibit "3".

### 2.3.13. Environmental.

1. Water Quality will conform to the City's Water Quality Standards in effect as of the date of the first application for this project.
2. No portion of the site lies within the Edwards Aquifer Recharge Zone.
3. All Slopes within the buildable areas are less than 15%

2.3.14. **Environmental Graphics and Signage.** All Environmental Graphics shall comply with the standards set forth in Exhibit "4".

2.3.15. **Project Phasing.** The first phase of development will be a section of the low density residential area. Multiple phases of development occur within the Low Density Residential Area, High Density Residential Area of the Mixed-Use Area and Parkland. Any phase may be constructed in any order, provided utilities and appropriate access (as determined by the City) have been provided and provided that the dedication of the Parkland shall be made in connection with the first development phase.

2.3.16. **Accessory Dwelling Units.** An Accessory Dwelling Unit with no more than one bedroom may be built over a two car or three car garage. Any Accessory Dwelling Unit with more than one bedroom requires a conditional use permit. Although most Accessory Dwelling Units are occupied by family members of the principal residence, or as a guest suite, these units may be rented. An Accessory Dwelling Unit may be served by the same utility connections as the primary residential structure, shall not count in density calculations, shall not count as a separate dwelling unit, and shall be exempt from additional impact fees.

### 2.3.17. **Standards Relating to Living Courts**

1. Base Zoning MF-12 Multiple Family Residential.
2. Unless specifically designated in this document, all development shall conform to the MF-12 standards and other applicable standards found in Subchapter B of the Land Development Code.
3. The density of the Living Court Section of the development shall not exceed 12.3 dwelling units per acre Net (10.5 DUA Gross).
4. Minimum depth of front setback and corner side setback shall be ten feet (10').
5. Minimum depth of rear setback shall be two feet (2'); one foot (1') at open space.
6. Minimum depth of interior side yard shall be two and one-half feet (2½').
7. Each house shall have a front porch or front patio with a five feet (5') minimum width. The preferred width shall be seven feet (7'). Dimensions of front porches shall be based on the extent of exposed slab.
8. Roof Regulations:
  - A. Pitched roofs may be clad in painted or galvanized metal, clay or concrete tile, or twenty-five year minimum composition shingles.
  - B. Flat roofs are permitted only if habitable as a roof terracc.
  - C. Principal pitched roofs shall have a pitch no less than 5:12. Porch and stoop roofs may be 2:12 minimum pitch. Garage roofs shall have a pitch no less than 3:12.
9. Residential Façades: Residential building exteriors may be finished in painted cementitious siding, LP siding, wood siding, brick, stone, cast stone, stucco, or exterior insulation finishing system (E.I.F.S.). Vinyl siding and metal siding are prohibited.
10. Open terraces, decks, and covered porches may project a distance not exceeding 5 feet into required yards.
11. Motor Court:
  - A. There shall be no outside parking on the Motor Court.
  - B. The Motor Court shall be 16' wide.
  - C. The garage apron shall be designed at 4' wide.
  - D. When a parking pad is provided at the terminus of a motor court it shall be signed as follows or with acceptable language; "Visitor parking only". Where applicable it shall also be posted as "high pressure water line park at own risk".

12. Garages shall be accessed from the Motor Court. Two car garages shall be required for each residential unit.
  - A. The parking spaces in the garage shall fulfill the requirements for residential parking and may not be used for storage.
  - B. No garage shall be converted to a use other than parking and storage.
  - C. The garage shall have minimum outside face of stud dimensions of 20' x 24' or 22' x 22'.
13. The Living Court Section shall conform to the Typical Living Court Site Plan attached hereto.
14. Additional Requirements:
  - A. Two shade trees are required per lot, one of which shall be a street tree, located in the planter strip. Required trees must be maintained and watered by the home owner.
  - B. All lawn areas shall be sod.
  - C. Private yards shall be sodded.
15. Each Living Court Lot will be a part of a condominium homeowners association (Condo HOA) operated as a condominium association in accordance with Laws and Regulations of the State of Texas.
16. The Condo HOA documents shall include the following provisions:
  - A. No Dwelling Unit may be occupied by more than two (2) unrelated persons.
  - B. Owners must obtain a Leasing Permit in order to lease a Dwelling Unit.
  - C. Leasing Permits will not be issued for more than 20% of the Dwelling Units, and Leasing Permits will not be issued for more than 25% of the Dwelling Units on any one lot.
  - D. If due to hardship, an owner may request a Hardship Leasing Permit which the Board shall have the discretionary authority to issue or deny.

### 3. MISCELLANEOUS

3.1. The Developer understands and acknowledges that the Property will be bound by the provisions of these Development Standards as though they were conditions, restrictions and limitations on use of the Property under the City's zoning ordinances.

3.2. The Developer, as fee simple owner of the Property, in consideration for the City's approval of the rezoning of the Property, including these Development Standards as an integral part thereof, declares and establishes the following restrictive covenants on the Property in favor of the City. The Developer, on behalf of itself and its successors and assigns with respect to ownership of the Property, covenants and agrees to comply with these Development Standards, and in particular, the following:

- 2.2 Descriptions of land uses
- 2.3 Additions and exceptions to City Code
- 3.0 Miscellaneous

The Developer and the City stipulate that (i) this covenant touches and concerns the Property, (ii) notice will be given by filing of this instrument in the public records of Hays County, Texas, and (iii) these covenants are reasonable in connection with the Project. These covenants run with the title to the Property and are binding on the Property Owner and the Developer's successors and assigns. These covenants may be amended only with the written consent of the City.

3.3. The Property Owner understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these Development Standards shall be subject to all penalties that apply to violation of the zoning ordinances of the City of San Marcos, as amended. The Developer further understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these Development Standards shall be subject to a suit by the City for an injunction to enjoin the violation of these Development Standards as restrictive covenants, and as though they were conditions, restrictions and limitations on use of the Property under the City's zoning ordinance.

3.4. All obligations of the Developer created under these Development Standards are performable in Hays County, Texas and venue for any action arising under these Development Standards shall be in Hays County, Texas. These Development Standards will be construed in accordance with the laws of the State of Texas.

3.5. Nothing in these Development Standards, express or implied, is intended to confer any rights, benefits or remedies under or by reason of these Development Standards upon any person or entity other than the City of San Marcos.

3.6. These Development Standards may be revised and amended only in accordance with the procedures described in the City's zoning and planned development district ordinances, as amended.

3.7. In case one or more provisions of these Development Standards are deemed invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, these Development Standards shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

3.8. These Development Standards amend and restate the development standards adopted in connection with the 2004 Blanco River Village Ordinance and the 2008 Blanco River Village Ordinance, in their entirety.

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EXECUTED on \_\_\_\_\_, 2012.

**Etheredge Development San Marcos, Ltd.**  
(a Texas limited partnership)

By: Blanco River Village GP LLC  
(a Texas limited liability company)  
*Its General Partner*

By: \_\_\_\_\_  
Terry E. Mitchell, Manager

STATE OF TEXAS                    §  
   §  
COUNTY OF \_\_\_\_\_       §

This instrument was acknowledged before me, the undersigned authority, this \_\_\_\_ day of \_\_\_\_\_, 2012, by Terry E. Mitchell, Manager of Blanco River Village GP LLC, a Texas limited liability company, general partner of Etheredge Development San Marcos, Ltd., a Texas limited partnership, on behalf of said company and said partnership.

\_\_\_\_\_  
Notary Public ★ State of Texas

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



**EXHIBIT "A"**

**BLANCO RIVER VILLAGE  
AMENDED AND RESTATED PDD**

**PROPERTY DESCRIPTION**

*[see attached pages]*

**EXHIBIT "B"**

**BLANCO RIVER VILLAGE  
AMENDED AND RESTATED PDD**

**LAND USE PLAN**

**EXHIBIT "1"**  
**BLANCO RIVER VILLAGE**  
**AMENDED AND RESTATED PDD**  
**STREETS**

Exhibit "1"  
Streets

**EXHIBIT "2"**

**BLANCO RIVER VILLAGE  
AMENDED AND RESTATED PDD**

**VISUAL GUIDELINES**

Blanco River Village

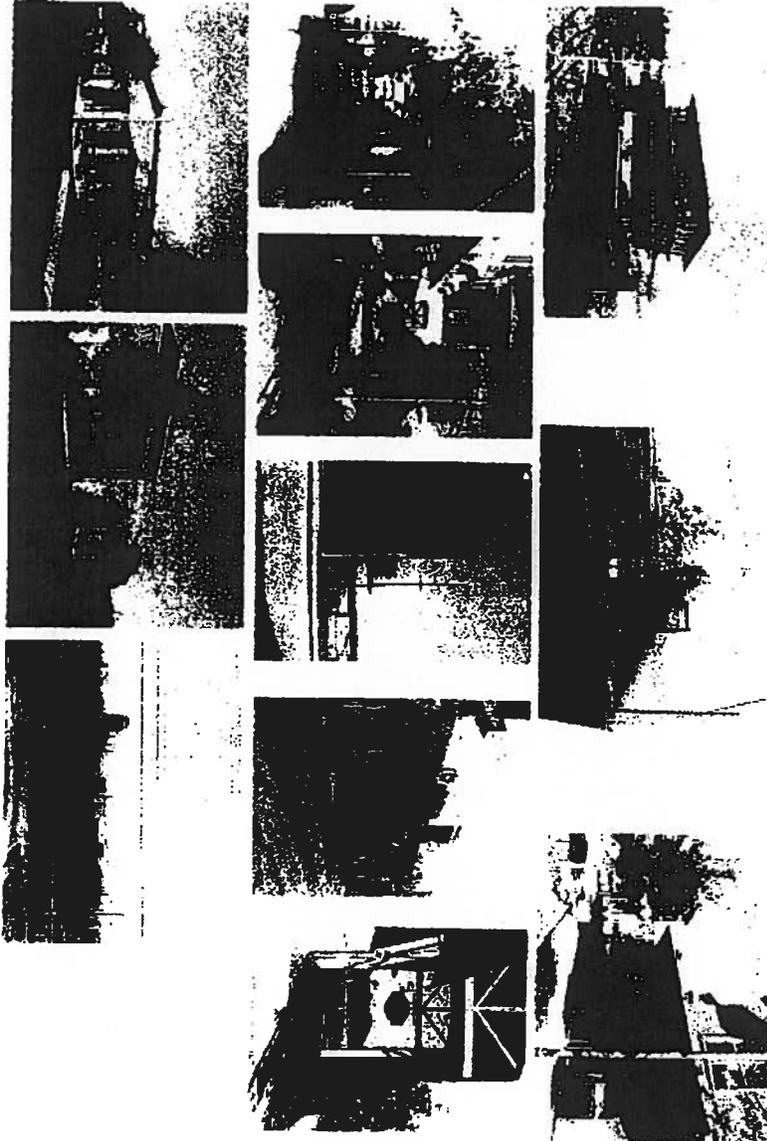


Exhibit "2"

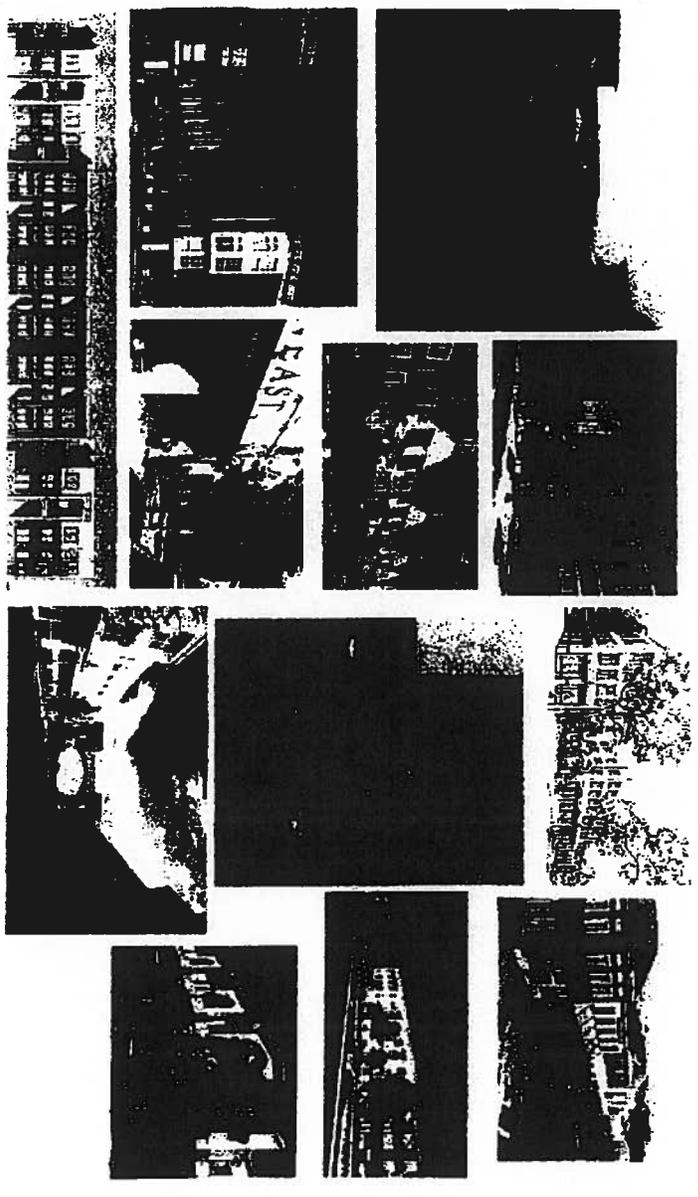
Appropriate Character - Visual Guidelines supplement to Blanco River Village Architectural Guidelines

Below are examples of appropriate neighborhood sensitive building facade design and site planning elements, which fit the scale, proportion, massing and spatial relationships of the historic character of the village.

Appropriate Character - Visual Guidelines Supplement to Blanco River Village Architectural Guidelines

Examples of Massing and Materials

Below are examples of appropriate town center building facade design and site planning elements, which fit the scale, character, massing, and urban character of the proposed character of Blanco River Village.



Blanco River Village

Exhibit "2"

## EXHIBIT "3"

### BLANCO RIVER VILLAGE AMENDED AND RESTATED PDD

#### PLANT LIST

This Exhibit "3" is a list of plants composed of selective native, adaptive and naturalized plant material suitable for the project. This is not an all-exclusive plant list, but rather a list of appropriate plant materials, which for the most part, are readily available in the local nursery trade. As regional and xeriscape planting techniques become more mainstream, additional native plant species may become available in the marketplace. Therefore, the list of approve plants may be amended from time to time.

Due to the more structured character of Blanco River Village, the area available for landscaping of individual lots is in many cases limited. Landscape planting is provided in the form of street trees, and landscaped open spaces such as squares and parks. Landscape planting is required for large streetyards and parking lots, as more fully set forth in the Planned Development District. Live Oak trees may not be planted as ornamental trees.

#### A. Type 1: Shade Trees

Bald Cypress, *Taxodium disichum*  
Cedar Elm, *Ulmus crassifolia*  
Drake Elm, *Ulmus parvifolia*  
Live Oak Tree-Live Oak, *Quercus virginiana*  
Monterey Oak  
Pecan, *Carya illinoensis*  
Shumard Red Oak, *Quercus shumardii*  
Texas Red Oak, *quercus texana*  
Mexican Sycamore  
Texas Ash

#### B. Type 2 : Informal Trees

##### 1. Large Shade Trees (Mature Height Over 30')

Afghan Black Pine, *Pinus elderica*  
American Elm, *Ulmus americana*  
Arizona Cypress, *Cupressus arizonica*  
Anacua, *Ehretia anacua*  
Bigtooth Maple, *Acer grandidentatum*  
Bur Oak, *Quercus macrocarpa*  
Chinkapin Oak, *Quercus muhlenbergii*  
Common Persimmon, *Diospyros virginiana*  
Durand Oak, *Quercus sinuate*  
Drummond Red Maple, *Acer rubrum var. Drummondii*  
Eastern Red Cedar, *Juniperus virginiana*  
Green Ash, *Fraxinus pennsylvanica*  
Honey Locust, *Gleditsia triacanthos*  
Lacey Oak, *Quercus glaucoides*  
Mexican sycamore, *Platanus Texana*  
Mexican White Oak, *Quercus polymorpha*  
Montezuma Cypress, *Taxodium mucronatum*  
Post Oak, *Quercus stellata*  
Shin Oak, *Quercus sinuata*  
Southern Magnolia, *Magnolia grandiflora*  
Sweetgum, *Liquidambar styraciflua*  
Sycamore, *Platanus occidentalis glabrata*  
Texas Ash, *Fraxinus texensis*

Texas Black Walnut, *Juglans microcarpa*  
Texas Buckeye, *Aesculus arguta*  
Vasey Oak, *Quercus pungens* 'Vaseyana'  
Western Soapberry, *Sapindus saponaria* var. *drummondii*

2. **Small Trees (Mature Height 30' or less)**

Anacacho Orchid Tree, *Bauhinia congesta*  
Aristocrat Pear, *Pyrus calleryana* 'Aristocrat'  
Blanco Crabapple, *Malus ionensis*  
Bradford Pear, *Pyrus calleryana* 'Bradford'  
Carolina Buckthorn, *Rhamnus caroliniana*  
Carolina Cherry Laurel, *Prunus caroliniana*  
Cherry Laurel, *Prunus caroliniana*  
Chinese Pistache, *Pistacia chinensis*  
Crape Myrtle, *Lagerstroemia indica*  
Desert Willow, *Chilopsis linearis*  
Deciduous Yaupon, *Ilex vomitoria*  
Desert Willow, *Chilopsis linearis*  
Escarpment Cherry, *Prunus serotina* 'Escarpment'  
Fiddlewood, *Citharexylum berlandieri*  
Flameleaf Sumac, *Rhus copallina and lanceolata*  
Goldenball Leadtree, *Leucaena retusa*  
Goldenraintree, *Koelreutaria paniculata*  
Honey Mesquite, *Prosopis glandulosa*  
Huisache, *Acacia farnesiana*  
Japanese Black Pine, *Pinus thunbergii*  
Japanese Persimmon, *Diospyros kaki*  
Kawakami Pear, *Pyrus kawakamii*  
Lilac Chaste Tree, *Vitex agnus-castus*  
Loquat, *Eriobotrya japonica*  
Mexican Buckeye, *Ungnadia speciosa*  
Mexican Plum, *Prunus mexicana*  
Mountain Hawthorn, *Crataegus tracyi*  
Mountain Laurel, *Kalmia latifolia*  
Mexican Olive, *Cordia boissieri*  
Mexican Redbud, *Cercis canadensis mexicana*  
Prairie Flameleaf Sumac, *Rhus lanceolata*  
Mexican Walnut, *Juglans microcarpa*  
Possumhaw Holly, *Ilex deciduas*  
Purple Leafed Plum, *Prunus cerracifera* 'purpurea'  
Red Buckeye, *Aesculus pavia*  
Retama, Jerusalem Thorn, *Parkinsonia aculeata*  
Reverchon Hawthorn, *Crataegus reverchonii*  
Rough Leaf Dogwood, *Cornus drummondii*  
Smooth Sumac, *Rhus glabra*  
Texas Black Persimmon, *Diospyros texana*  
Texas Ebony, *Pithecellobium ebano*  
Texas Kidneywood, *Eysenhardtia texana*  
Texas Madrone, *Arbutus texana*  
Texas Mountain Laurel, *Sophora secundiflora*  
Texas Persimmon, *Diospyros virginiana*  
Texas Pistache, *Pistacia texana*  
Texas Redbud, *Cercis canadensis texensis*  
Texas Sabal Palm, *Sabal texana*  
Texas Smoke Tree, *Cotinus obovatus*  
Vitex, Lilac Tree, *Vitex agnus-castus*  
Whitebud, *Cercis Canadensis alba*  
Woolly-Bucket Bumelia, *Bumelia lanuginosa*  
Wright's Acacia, *Acacia wrightii*  
Xylosma, *Xylosma congesta*  
Yaupon Holly, *Ilex vomitoria*

Exhibit "3"  
Plant List

C. **Type 3: Drought Tolerant Shrubs**

Agarita, *Berbis trifoliolata*  
Agave/ Century Plant, *Agave Americana*  
Althaea, *Hibiscus syriacus*  
American Beautyberry, *Callicarpa Americana*  
American Smoke Tree, *Continus obovatus*  
Aralia, *Fatsia japonica*  
Arkansas Yucca, *Yucca arkansana*  
Arrowwood, *Viburnum dentatum*  
Aspidistra, *Aspidistra elatior*  
Autumn Sage, *Salvia greggii*  
Barbados Cherry, *Malpighia glabra*  
Birds of Paradise, *Caesalpinia gilliesii*  
Black Dalea, *Dalea frutescens*  
Bluc Yucca, *Yucca rigida*  
Burford Holly, *Ilex cornuta* -- 'Burfordii'  
Butterflybush, *Buddleja spp.*  
Button Bush, *Cephalanthus occidentalis*  
California Fan Palm, *Washingtonia filifera*  
Chinese Photinia, *Photinia serrulata*  
Convent Cenizo, *Leucophyllum frutescens* 'Convent'  
Coral Bean, *Erythrina herbacea*  
Coralberry, *Symphoricarpos*  
Cotoneaster, *Cotoneaster horizontalis*  
Creek Plum, *Prunus rivularis*  
Damianita, *Chrysactinia mexicana*  
Devil's Shoestring, *Nolina lindheimeriana*  
Dwarf Burford Holly, *Ilex cornuta* -- 'Burfordii Nana'  
Dwarf Chinese Holly, *Ilex cornuta* -- 'Dwarf Chinese'  
Dwarf Germander, *Teucrium laciniatum*  
Dwarf Palmetto, *Sabal minor*  
Dwarf Wax Myrtle, *Myrica pusilla*  
Dwarf Yaupon Holly, *Ilex vomitoria* - 'Nana'  
Elaeagnus, *Elaeagnus pungens*  
Escallonia, *Escallonia spp.*  
Evergreen Sumac, *Rhus virens*  
Eve's Necklace, *Sophora affinis*  
Flame Acanthus, *Anisacanthus wrightii*  
Flowering Quince, *Chaenomeles japonica*  
Forsythia, *Forsythia intermedia spectabilis*  
Fragrant Sumac, *Rhus aromatica*  
Glossy Abelia, *Abelia grandiflora*  
Grayleaf Cotoneaster, *Cotoneaster glaucophylla*  
Indian Hawthorne, *Raphiolepis indica*  
Indigobush, *Amorpha fruticosa*  
Italian Jasmine, *Jasminium humile*  
Japanese Acuba, *Aucuba japonica*  
Japanese Boxwood, *Buxus macrophylla*  
Japanese Barberry, *Berberis thunbergii atropurpurea*  
Japanese Yew, *Podocarpus macrophyllus*  
Juniper, *Juniperus sp.*  
Mediterranean Fan Palm, *Chamaerops humilis*  
Mexican Oregano, *Poliomintha longiflora*  
Nandina, *Nandina domestica*  
Ocotillo, *Fouquieria splendens*  
Oleander, *Nerium oleander*  
Orange Zexmenia, *Zexmenia hispida*  
Ornamental Pepper, *Capsicum spp.*  
Pale Leaf Yucca, *Yucca pallida*  
Pampas Grass, *Cortaderia selloana*

Exhibit "3"  
Plant List

Pinapple Guava, *Feijoa sellowiana*  
 Pomegranate, *Punica granatum*  
 Possum Haw Holly, *Ilex decidua*  
 Prickly Pear, *Opuntia phaeacantha*  
 Primrose Jasmine, *Jasminum mesnyi*  
 Privet, *Ligustrum sinense 'variegatum'*  
 Red Yucca, *Hesperaloe parviflora*  
 Reverchon Hog Plum, *Prunus reverchonii*  
 Rock Cotoneaster, *Cotoneaster horizontalis*  
 Rose, *Rosa sp.*  
 Rosemary, *Rosmarinus officinalis*  
 Rusty Blackhaw Viburnum, *Viburnum rufidulum*  
 Sacahuista Bear Grass, *Nolina texana*  
 Sago Palm, *Cycas revoluta*  
 Scullcap, *Scutellaria suffrutescens*  
 Shrubby Boneset, *Eupatorium havanense*  
 Sierra Bouquet Cenizo, *Leucophyllum candidum*  
 Silk Tassel, *Garrya ovata*  
 Silverleaf Cotoneaster, *Cotoneaster glaucophylla*  
 Spanish Dagger, *Yucca aloifolia*  
 Spicebush, *Lindera benzoin*  
 Texas Elbow Bush, *Forestiera pubescens*  
 Texas Lantana, *Lantana horrida*  
 Texas Mahonia, *Mahonia swaseyi*  
 Texas Mock Orange, *Philadelphus texensis*  
 Texas Persimmon, *Diospyros texana*  
 Texas Sage, *Leucophyllum frutescens*  
 Texas Sotol, *Dasyllirion texanum*  
 Turks Cap, *Malvaviscus drummondii*  
 Twisted-leaf Yucca, *Yucca rupicola*  
 Wax Myrtle, *Myrica cerifera*  
 Windmill Palm, *Trachycarpus fortunei*  
 Yaupon Holly, *Ilex vomitoria*

**D. Type 4: Flowering Perennials**

Artemisia, *Artemisia schmidtiana*  
 Autumn Sage, *Salvia greggii*  
 Bamboo Muhly Grass, *Muhlenbergia dumosa*  
 Beach Vitex, *Vitex rotundifolia*  
 Beautyberry, *Callicarpa americana*  
 Bicolor Iris, *Iris sp.*  
 Bicolor Sage, *Salvia sinaloensis*  
 Bird of Paradise, *Caesalpinia gillisei*  
 Black-eyed Susan, *Rudbeckia hirta*  
 Blackfoot Daisy, *Melampodium leucanthum*  
 Blue-eyed Grass, *Sisyrinchium spp.*  
 Blue Princess Verbena, *Verbena Blue Princess*  
 Blue Larkspur, *Delphinium carolinianum*  
 Blue Plumbago, *Plumbago auriculata*  
 Brazos Penstemon, *Pentstemon tenuis*  
 Butterfly Weed, *Asclepias tuberosa*  
 Cardinal Flower, *Lobelia cardinalis*  
 Cedar Sage, *Salvia roemeriana*  
 Cigar Plant, *Cuphea micropetala*  
 Chile Petin, *Capsicum annuum*  
 Clustered Gold Flowers, *Hymenoxys scaposa*  
 Compact Gold Calylophus, *Calylophus drummondianus*  
 Copper Canyon Daisy, *Tagetes lemmonii*  
 Coralbean, *Dalea greggii*  
 Coreopsis, *Coreopsis lanceolata*  
 Damianita, *Chrysactinia mexicana*

Exhibit "3"  
 Plant List

Daylily, *Hemerocallis* spp.  
 Engelmann Sage, *Salvia engelmannii*  
 Fall Aster, *Aster oblongifolius*  
 Firebush, *Erythrina herbacea*  
 Four Nerve Daisy, *Tetaneuris scaposa*  
 Gayfeather, *Liatris mucronata*  
 Goldenwave, *Coreopsis tinctoria*  
 Gray Shrub Sage, *Salvia chamaedryoides*  
 Greggs Mistflower, *Eupatorium greggi*  
 Harvard Penstemon, *Penstemon havardii*  
 Heartleaf Hibiscus, *Hibiscus cardiophyllus*  
 Hill Country Penstemon, *Penstemon triflorus*  
 Hinkley's Columbine, *Aquilegia* - "Hinckleyana"  
 Hoja Santa, *Piper sanctum*  
 Homestead Verbena, *Verbena canadensis* 'Homestead purple'  
 Husker Red Penstemon, *Penstemon digitalis* 'Husker Red'  
 Hymenoxys, *Hymenoxys scaposa*  
 Indian blanket, *Gaillardia* sp.  
 Indigo Spires Sage, *Salvia* 'Indigo Spires'  
 Inland Sea Oats, *Chasmanthium latifolium*  
 Irene Lantana, *Lantana* 'Irene'  
 Lamb's Ear, Esperanza, *Tecoma stans*  
 Lily of the Nile, *Agapanthus orientalis*  
 Lollie Jackson Mexican Sage, *Salvia leucantha*  
 Lyre-leaf Sage, *Salvia lyrata*  
 Maximillian Sunflower, *Helianthus maximiliani*  
 Mealy Blue Sage, *Salvia farinacea*  
 Mexican Marigold Mint, *Tagetes lucida*  
 Mexican Oregano, *Poliomentha longiflora*  
 Mexican Sage, *Salvia leucantha*  
 Michaelmas Daisy, *Aster frikarti*  
 Moss Verbena, *Verbena* sp.  
 Mountain Sage, *Salvia regal*  
 Native Mallow (velvet leaf), *Wissadula holosericea*  
 New Gold Lantana, *lantana* sp. 'New Gold'  
 Nuevo Leon Sage, *Salvia greggii* "Nuevo Leon"  
 Oxeye Daisy, *Chrysanthemum leucanthemum*  
 Pecos Penstemon, *Penstemon* spp.  
 Peruvian Verbena, *Verbena peruviana*  
 Peruvian Rock Rose, *Pavonia lasiopetala*  
 Pigeonberry, *ivina humilis*  
 Pink Gaura, *Gaura lindheimerii* 'Siskiyou Pink'  
 Pink Lantana, *Hamelia patens*  
 Pink Skullcap, *Scutellaria suffretescens*  
 Plumbago, *Plumbago* sp.  
 Pringle's Beebalm, *Monardia pringlei*  
 Prostrate Rosemary, *Rosmarinus officinalis*  
 Purple Coneflower, *Echinacea purpurea*  
 Purple Leaf Sage, *Salvia blepharophylla*  
 Rain Lily, *Cooperia pedunculata*  
 Rock Penstemon, *Penstemon baccharifolius*  
 Royal / Scarlet Sage, *Salvia coccinea*  
 Scarlet Sage, *Salvia coccinea*  
 Silver Bush Germander, *Teucrium fruticans*  
 Skeleton Leaf Goldeneye, *Viguiera stenoloba*  
 Spanish Lavender, *Lantana camara*  
 Spiderwort, *Tradescantia* sp.  
 Texas Betony, *Stachys coccinea*  
 Texas Star Hibiscus, *Hibiscus coccineus*  
 Toothleaf Goldeneye, *Viguiera*  
 Tropical Sage, *Salvia coccinea dentate*

Exhibit "3"  
 Plant List

Tropical Milkweed, *Asclepias currassavica*  
 Turk's Cap, *Malvastrum drummondii*  
 White Gaura, *Gaura lindheimeri*  
 White Rain Lily, *Zephyranthes candida*  
 Whitemouth Dayflower, *Commelina erecta*  
 Wild Foxglove, *Penstemon cobea*  
 Wild Petunia, *Ruellia nudiflora*  
 Winecup, *allirhoe involucrata*  
 Woolly Bee Brush, *Aloysia macrostachya*  
 Yarrow, *Achillea millefolium*  
 Yellow Bells, *Tecoma stans*  
 Yellow Evening Primrose, *Oenothera missouriensis*  
 Zexmenia, *Wedelia texana*  
 Zexmenia, *Zexmenia hispida*

**E. Type 5: Annuals, Biennals and Short-Lived Perennials**

Antelope, Antelope Horns, *Asclepias asperula*  
 Bluebonnet, *Lupinus texensis*  
 Cosmos, *Cosmos bipinnatus*  
 Gaillardia "Indian Blanket", *Gaillardia pulchella*  
 Horsemint, *Monarda citriodora*  
 Indian Paintbrush, *Castilleja indivisa*  
 Maximilian Sunflower, *Helianthus maximiliani*  
 Mountain Pink, *Centaurium beyrichii*  
 Prairie Verbena, *Verbena bipinnatifida*  
 Scarlet Flax, *Linum rubrum*  
 Texas Bluebell, *Eustoma grandiflorum*

**Annuals**

**Winter/Spring:**

Calendula  
 Geranium  
 Acalypha  
 Daffodil (bulb)  
 Hyacinth (bulb)  
 Ornamental Kale  
 Pansy  
 Poppy  
 Primula  
 Snapdragon  
 Tulip (bulb)  
 Ornamental Pepper  
 Dianthus

**Spring/Summer**

Geranium  
 Marigold  
 Periwinkle  
 Petunia

**Summer/Fall**

Acalypha  
 Ageratum  
 Alyssum  
 Amaranthus  
 Begonia  
 Caladium  
 Chrysanthemum  
 Coleus  
 Impatiens  
 Marigold  
 Ornamental Pepper  
 Periwinkle  
 Phlox  
 Portulaca  
 Purslane

**F. Type 6: Groundcovers**

Ajuga, *Ajuga reptans*  
 Algerian Ivy, *Hedera canariensis*  
 Asiatic Jasmine, *Trachelospermum asiaticum*  
 Beargrass, *Nolina texana*  
 Bigleaf Periwinkle, *Vinca major*  
 Cast Iron Plant, *Aspidistra elatior*  
 Cedar Sage *Salvia, romeriana*  
 Cherry Sage, *Salvia greggii*  
 Confederate Jasmine, *Trachelospermum jasminoides*  
 Columbine, *Aquilegia Canadensis*  
 English Ivy, *Hedera helix*

Gray Santolina, *Santolina chamaecyparissus*  
 Green Santolina, *Santolina virens*  
 Hardy Verbena, *Verbena elegans asperata*  
 Holly Fern, *Cyrtomium falcatum*  
 Horsetail, *Calyptocarpus vialis*  
 Liriope, *Liriope muscari*  
 Littleleaf Periwinkle, *Vinca minor*  
 Maidenhair Fern, *Adiantum capillus-veneris*  
 Monkey Grass, *Ophiopogon japonicus*  
 Pavonia, *Pavonia lasiopetala*  
 Phlox, *drummondii*  
 Prairie Verbena, *Verbena bipinnatifida*  
 Purple Trailing Lantana, *Lantana montevidensis*  
 River Fern, *Thelypteris ovata*  
 Spiderwort, *Tradescantia spp.*  
 Shore Juniper, *Juniperus conferta 'Blue Pacific'*  
 Thrift Phlox, *subulata*  
 Trailing Juniper, *Juniperus sp.*  
 Trailing Rosemary, *Rosmarinus officinalis 'Prostratus'*  
 Wood Fern, *Dryopteris spp.*  
 Yarrow, *Achillea millefolium*

**G. Type 7: Ornamental Grasses**

Big Bluestem, *Andropogon gerardii*  
 Big Muhly, *Muhlenbergia lindheimeri*  
 Blue Fescue, *Festuca glauca*  
 Blue Grama, *Bouteloua gracillis*  
 Burro Grass, *Scleropogon brevifolius*  
 Bushy Bluestem, *Andropogon glomeratus*  
 Common Curly Mesquite, *Hilaria belangeria*  
 Deer Muhly, *Muhlenbergia rigens*  
 Eastern Gamagrass, *Tripsacum dactyloides*  
 Gulf Coast Muhly, *Muhlenbergia capillaris*  
 Green Sprangletop, *Leptochloa dubia*  
 Hairy Tridens, *Erioneuron pilosum*  
 Indian grass, *Sorghastrum nutans*  
 Little Bluestem, *Andropogon scoparius*  
 Maiden Grass, *Miscanthus sinensis 'Gracillimus'*  
 Mexican Feathergrass, *Stipa tenuissima*  
 Muhly Grass, *Muhlenbergia spp.*  
 Perennial Dropseed, *Sporobolus cryptandrus*  
 Plains Lovegrass, *Eragrostis intermedia*  
 Purple Threeawn, *Aristida purpurea*  
 Red Grama, *Bouteloua trifida Thurb.*  
 Rescue Grass, *Bromus unioloides*  
 Seep Muhly, *Muhlenbergia reverchonii*  
 Side Oats Gramma, *Bouteloua curtipendula*  
 Switchgrass, *Panicum virgatum*  
 Tall Fescue, *Festuca spp. 'Arid'*  
 Texas Grama, *Bouteloua rigidiseta*  
 Wright's Threeawn, *Dichanthelium oligosanthes*  
 Zebra Grass, *Miscanthus sinensis 'Zebrinus'*

**H. Type 8: Turf**

Buffalo Grass	<i>Buchloe dactyloides</i> var. "609" var. Prairie var. Stampede
---------------	---

Exhibit "3"  
Plant List

Bermuda Grass	Cynodon spp. var. Tex-Turf var. 'Sahara New Mex'
Zoysia Grass	Zoysia spp. var. Zcon var. El Toro

I **Type 9: Vines**

Black Spanish Grapes, *Vitis spp.*  
 Boston Ivy, *Parthenocissus tricuspidata*  
 Bougainvillea, *Bougainvillea sp*  
 Carolina Yellow Jessamine, *Gelsemium sempervirens*  
 Champanel Grapes, *Vitis spp.*  
 Climbing Rose, *Rosa x bracteaeta*  
 Confederate Jasmine, *Trachelospermum jasminoides*  
 Coral Honeysuckle, *Lonicera sempervirens*  
 Crossvine, *Bignonia capreolata*  
 Cypress Vine, *Ipomoea quamoclit*  
 Greenbriar, *Smilax bona-nox*  
 Honeysuckle, *Lonicera fragrantissima*  
 Fig ivy, *Ficus pumila (repens)*  
 Lady Banksia, *Rosa banksia*  
 Leather Flower, *Clematis pitcheri*  
 Mexican Flame Vine, *Senecio confuses*  
 Passionflower, *Passiflora incarnata*  
 Pepper Vine, *Ampelopsis arborea*  
 Perennial Morninglory, *Ipomoea tricolor*  
 Queen's Wreath, *Antigonon leptopus*  
 Ratan, *Berchemia scandens*  
 Silverlace vine, *Polygonum aubertii*  
 Trumpet Vine, *Campsis radicans*  
 Snapdragon Vine, *Mauranda antirrhiniflora*  
 Sweet Autumn Clematis, *Clematis paniculata*  
 Virginia Creeper, *Parthenocissus quinquefolia*

J. **Type 10: Shade Tolerant/ Moist Area Plants**

Bacopa, Creeping Waterhyssop, *Bacopa repens*  
 Canada Wildrye, *Elymus canadensis*  
*Carex amphibala*  
 Carex Sedges, *Carex spp*  
 Maidenhair Fern, *Adiantum capilli-veneris*  
 Pickerel Weed, *Pontederia cordata*  
 Prairie Cordgrass, *Spartina pectinata*  
 Pukea, *Cyrtandra pupukeaensis*  
 Spike Rush, *Eleocharis montevidens*  
 Spilandes, *Spilandes spp.*  
 Star Sedge, *Carex pauciflora*  
 Three Flowered Melic, *Melica nitens*

## EXHIBIT "4"

### **BLANCO RIVER VILLAGE AMENDED AND RESTATED PDD**

#### ENVIRONMENTAL GRAPHICS AND SIGNAGE STANDARDS

The purpose of the regulations set forth in this Exhibit "4" is to coordinate the type, placement, and physical dimensions of signs and environmental graphics within the Property.

1. **Permitted Signs.** The following types of advertising signs are permitted on the Property, subject to the standards set forth in this Section.

(a) **Window Signs.** Food and Entertainment uses may use internally lit window signs (made of decorative neon) inside of their businesses. Any business shall be limited to a maximum of two (2) window signs.

(b) **Projecting Signs.** Projecting Signs, which are mounted under canopies or projected in a sidewalk easement perpendicular to a building facade, are permitted up to ten (10) square feet in size per sign, provided that there is a clearance of at least eight feet (8') between the bottom of the sign and the ground.

(c) **Rental Signs.** Temporary, non-illuminated signs advertising the sale, lease or rental of the premises upon which the sign is located are permitted.

(d) **Name Plates.** Professional name plates and signs not exceeding three (3) square feet in size are permitted. Name plates may be mounted, projecting or shingle.

(e) **Information Signs.** Information signs are permitted. Information signs may be freestanding or mounted. Signs shall not encroach into the Sight Triangle at street intersections.

(f) **Temporary Signs and Banners.** Temporary banners and signs promoting a special event, such as, but not limited to, a fair, exposition, play, concert, or meeting sponsored by a governmental, charitable, educational, or religious organization are permitted.

(g) **Special Events Signs.** The Master Architectural Control Committee may approve the use of signs for special events.

(h) **Wall Signs.** The size of a wall sign shall be limited to the size of the building wall it is attached to: either 10 percent of the wall area or 1.5 square feet for each linear foot of the building's wall, whichever is less.

(i) **Awning Signs.** Individual letters on awning signs shall not exceed eight inches (8") in height.

(j) **Grand Opening Signs.** When a certificate of occupancy has been issued for a new business and within one (1) year thereafter, one (1) Grand Opening Sign permit shall be allowed to advertise the new business. On-Site signs may include either a banner or pennant, which may be in addition to any other legal sign allowed by these regulations. The height and area of such signs shall be limited to the applicable regulations for the sign classification. In addition to the on-site Grand Opening Sign, a temporary sign may be placed off-premises with the permission of the property owner. The permit holder shall be the responsible party for compliance with the Grand Opening Sign Permit regulations. A Grand Opening Sign permit shall not be valid for more than sixty (60) days. No permit fee shall be required for a Grand Opening Sign permit. After the expiration of the initial sixty (60) day period, a business may request sixty (60) day extensions during the one (1) year period, subject to the approval of the City Council.

(k) Sandwich Board Signs. One (1) temporary Sandwich Board sign shall be allowed per business, provided such sign does not exceed forty-eight inches (48") high and thirty-six inches (36") wide and is located in front of the business site. Sandwich Board Signs may be placed in front of another business site with the approval of that business owner. For the purpose of this regulation, Sandwich Board signs shall include casels and podiums.

(l) Monument Signs. Freestanding signs mounted on landscape walls, or in medians of adjacent entry streets or internal drive aisles.

2. Prohibited Signs. The following types of signs are prohibited on the Property:

(a) Permanent High Intensity Signs. Signs which contain or consist of spinners, strings of light bulbs, flashing lights, or other similar moving devices are prohibited, with the exception of special event signs or decorations approved by the City Manager. These devices, when not part of any sign, are similarly prohibited.

(b) Signs on Vehicles. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign are prohibited. This does not apply to allowed temporary signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

(c) Illegal Activities. Signs advertising activities which are illegal under federal, state or city law or regulations are prohibited.

(d) Signs Above Roof Lines. Signs which are mounted so as to be displayed above the roof line or parapet of the building to which they are attached are prohibited.

(e) Portable Signs. Portable signs are prohibited, with the exception of those approved by the City.

(f) Billboard Signs and Monopole Signs. All billboards and other freestanding signs mounted on monopoles are prohibited, except in areas of the Property which are not yet developed, in which case billboard or freestanding signs advertising a Developer's project on the Property may be erected with the approval of the applicable Architectural Control Committee, subject to the City's sign ordinance.

(g) Internal lit box signs.

3. Illumination of Signage

(a) Shielded Light. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision or operations of vehicles moving on adjacent streets. Light shall not shine or reflect in an offensive manner on or into residential structures, including motels or hotels or create an unreasonable glare on adjacent buildings.

(b) Permitted signs may be internally lit.

(c) Exposed Bulbs. No exposed reflective-type bulbs or incandescent lamps may be used on the exterior surface of any sign in such a manner that will cause glare on adjacent property or create a traffic hazard.

(d) Beacon Lights. No revolving beacon lights are permitted.

4. Street signs. At developer's option, alternative street identification signs may be used (incorporated to aesthetically enhance the PDD development). Such signs shall be approved by the City.

# PDA-12-03 Cotton Center Highway 142/Valley Way Drive



## **Applicant Information:**

**Property Owner/ Applicant:** Walton Texas, LP ET AL  
515 N. Congress Avenue, Suite 2050  
Austin, Texas 78701

**Agent:** Armbrust & Brown, PLLC  
Amanda Morrow  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701

## **Subject Property:**

**Summary:** This site is located in the north eastern ETJ. The applicant is requesting approval of a Petition for a Development Agreement to provide for the future annexation of approximately 1,206 acres to develop a master-planned mixed use community. Approval of the petition allows staff to begin negotiating the agreement.

**Traffic / Transportation:** The site takes access from Highway 142 and Valley Way Drive near Highway 80. A proposed major arterial is located near the eastern boundary of the property.

**Utility Capacity:** The City of San Marcos will not provide water and wastewater service to the site. The applicant will seek water service from existing providers in the area, Martindale Water Supply Corporation or Maxwell Water Supply Corporation. Wastewater does not currently fall within any Certificates of Convenience and Necessities (CCN's).

## **Code Requirements**

The purpose of a petition for approval of a development agreement is to determine whether the City wishes to authorize, by binding contract, a plan of development for land located in the City's extraterritorial jurisdiction. The agreement can outline terms and a schedule for annexation.

Prior to beginning negotiations, the Land Development Code requires that the Planning and Zoning Commission and City Council hold public hearings and approve the petition for a Development Agreement. If Council approves the petition, the City Manager shall coordinate efforts to negotiate the agreement and a land use plan for the property with the property owner. The Council may appoint a subcommittee of its members for purposes of reviewing and facilitating negotiations with the property owner.

The draft agreement will then be presented to City Council for a final decision. The Council may accept, accept with modifications, or deny the proposal (1.4.2.4).

**Staff Analysis and Recommendation**

The Future Land Use Map calls for Industrial, Low Density Residential, and Open Space on this site, and the stated intention of the proposal is consistent with this. Walton also plans to submit for consent to the creation of a Municipal Utility District (MUD) on this site in conjunction with the requested development agreement. Considering that utilities will not be provided by the City and the site is not located in an environmentally sensitive area, staff finds that a development agreement can be an effective tool to outline the proposed development while ensuring City development standards are being met in the extraterritorial jurisdiction (ETJ).

No other issues have been identified at this point that would make compliance with 2.2.1.2 impossible. Staff recommends approval of the request so that staff may begin negotiating terms of the Development Agreement.

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

**The Commission's Responsibility:**

The following policies shall be taken into consideration in deciding a petition for approval of a development agreement (2.2.1.2):

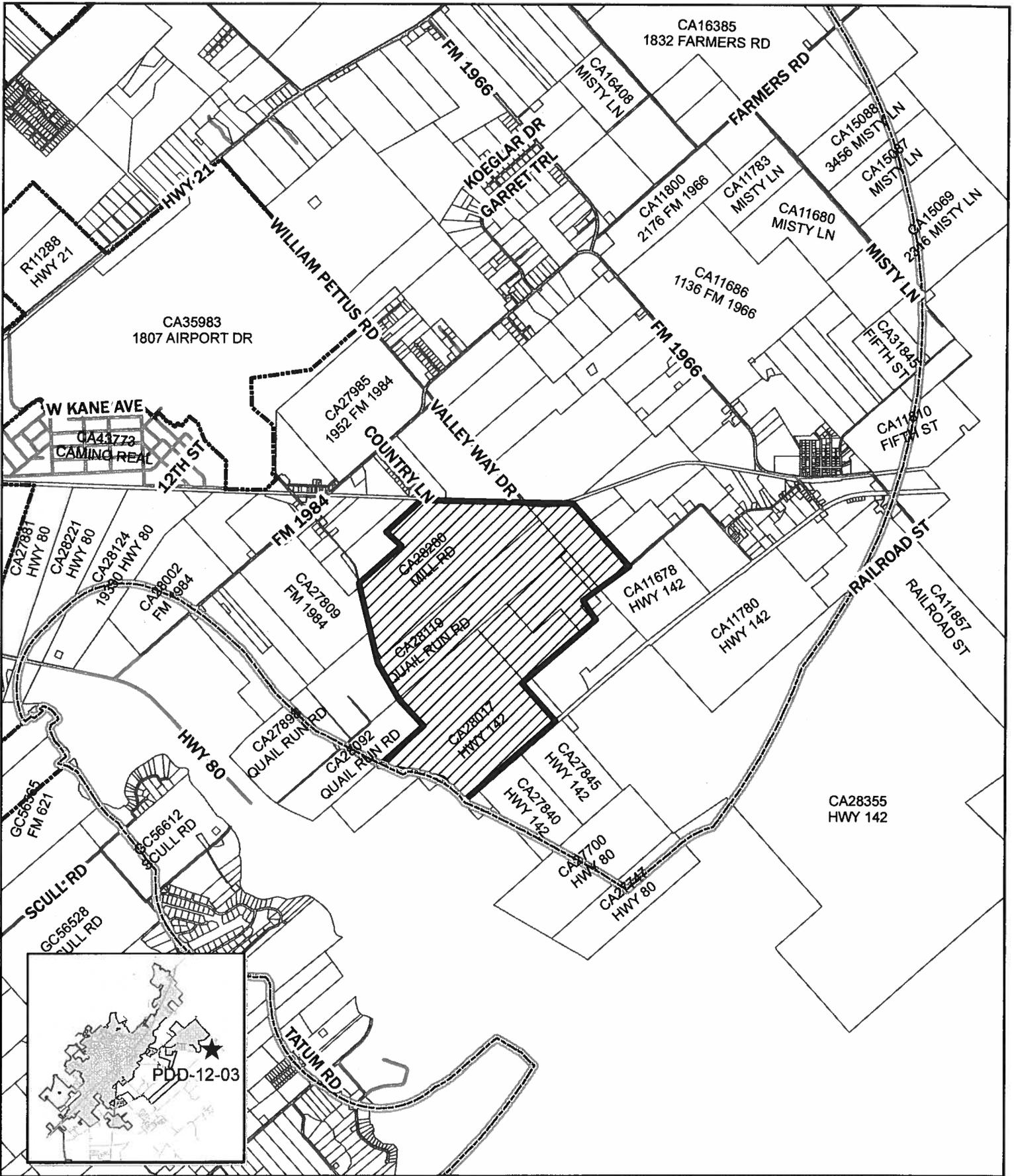
- (a) Development of the property under the proposed agreement and land use plan should implement the policies of the Master Plan;
- (b) Extension of public facilities and services to the property under the agreement should not compromise the City's ability to timely provide adequate public facilities to property inside the City or degrade environmental resources;
- (c) Water quality impacts arising from the proposed development should be mitigated by measures provided in the development agreement (or as a minimum required by TCEQ for areas over the recharge zone).
- (d) The agreement should not further creation or expansion of other utility providers to the City's detriment;
- (e) The agreement should authorize application of the City's zoning and development standards to the uses proposed, which otherwise could not be applied to the proposed development;
- (f) The agreement should authorize the City to recoup the costs of capital improvements provided to the development while it remains in the extraterritorial jurisdiction;
- (g) The schedule of annexation proposed in the agreement should further the City's policies on expansion and growth of the City;
- (h) The agreement should not create future barriers to annexation of land

contiguous to the area subject to the agreement; and

- (i) The agreement should not promote economic development that undermines or inhibits economic development within the City center or other economic centers of the community;
- (j) Proposed development transfers should substantially further protection of water quality and result in compatible development on the receiving site.

**Prepared By:**

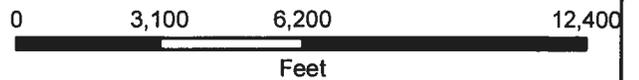
Andrew Freeman	Development Operations Coordinator	September 5, 2012
<b>Name</b>	<b>Title</b>	<b>Date</b>



**PDA-12-03**  
**Cotton Center**  
**Map Date: 09/06/12**

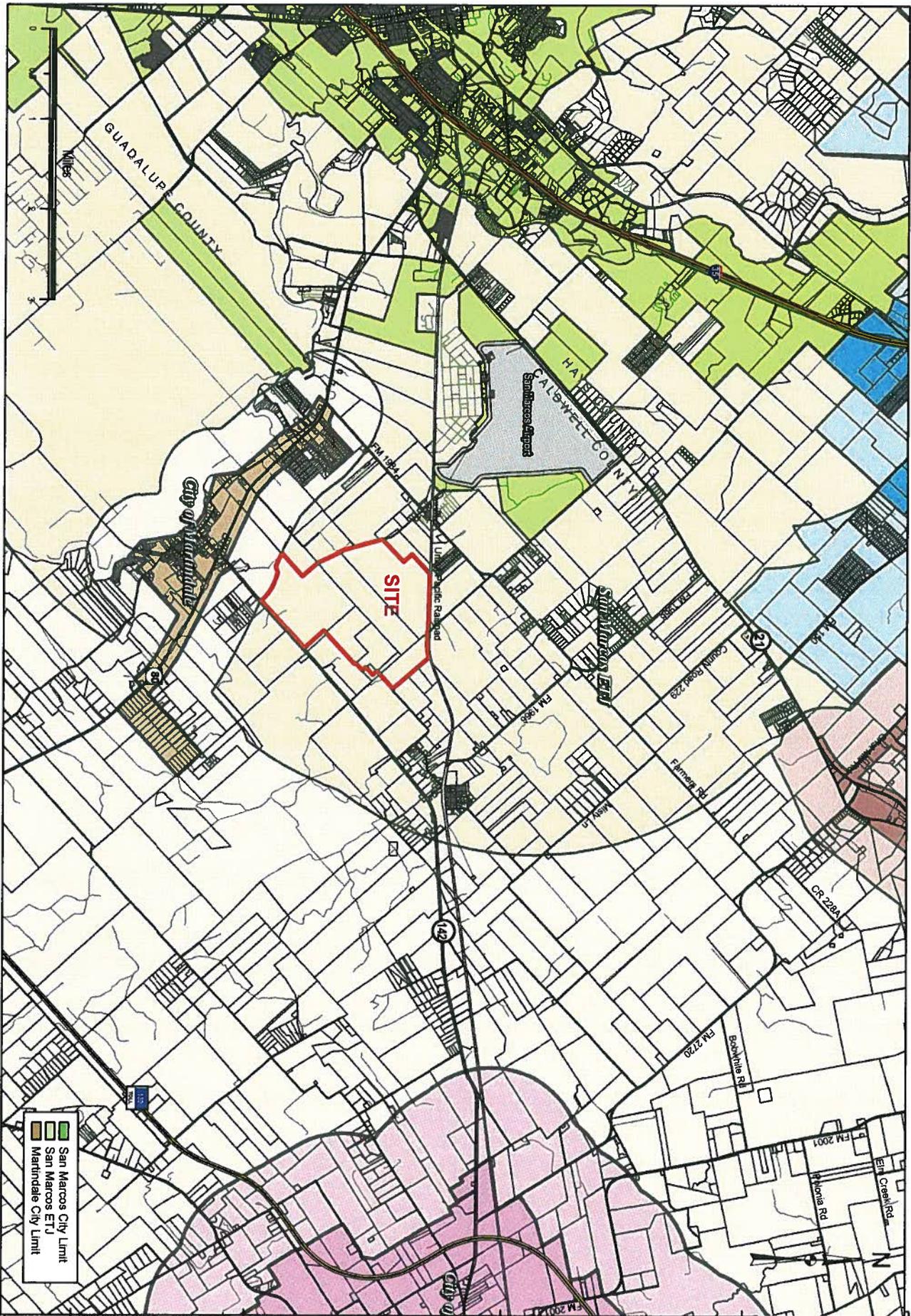


Site Location



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





- San Marcos City Limit
- San Marcos ETJ
- Martindale City Limit

<b>EXH</b> SHEET	PROJECT SCALE: 1" = 1/4"    DATE: 8/22/2014
	FILE: J:\BUSDEV\Walton International\Central TX\
	DRAWN BY: JEB
	REVIEWED BY: CS
PROJECT NO.: 103932-10-004	

**COTTON CENTER**

**Walton**  
Investing on Solid Ground®

**SITE LOCATION MAP**

**Bury Partners**  
221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel. (512) 328-0011 Fax (512) 328-0325  
TBPE Registration Number F-1048  
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Plan: 103932-10-004-MapSheet 00 Report and Document 01 Engineering 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# **ARMBRUST & BROWN, PLLC**

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May 22, 2012

Mr. Matthew Lewis, Development Services Director  
City of San Marcos, Texas  
630 East Hopkins  
San Marcos, TX 78666

Re: Walton Request for Pre-Application Review of a Petition for Development Agreement for Cotton Center

Dear Mr. Lewis:

This letter is intended to serve as a request for a pre-application review meeting for a development agreement application pursuant to Subpart B, Chapter 1, Article 4, Division 2 of San Marcos' Land Development Code ("Code"). This request is submitted on behalf of Walton Texas, LP, a Texas limited partnership ("Walton"), the owner of approximately 1,107 acres of land located in the City's ETJ and commonly known as Cotton Center.

Walton intends the Property be developed as a high-quality, master-planned, mixed use community, including parkland, open space, and other public and private amenities that will benefit and serve the present and future citizens of the City pursuant to development regulations contained in the Agreement.

Some items required by the City's Code for development agreement petitions are specific and require consultation with City staff to finalize. The development agreement attached in this submittal is preliminary in nature. We feel it is in our best interest to formally submit this petition to the City to commence discussions with staff. This development agreement application is being submitted simultaneously with a municipal utility district request.

Enclosed with this application are the following materials:

- (a) Filing fee in the amount of \$2,500.00
- (b) Draft Development Agreement between Walton and the City containing:
  - (i) Description of requested variances from the City's land development code
  - (ii) Development standards specific to Cotton Center

- (iii) Proposed utilities to serve Cotton Center
- (iv) Location map showing Cotton Center
- (v) Annexation schedule
- (vi) Base zoning classifications for Cotton Center
- (vii) Environmental features
- (c) Preliminary Engineering Report which includes:
  - (i) site location map
  - (ii) soils map
  - (iii) site photos
  - (iv) existing and projected population information
  - (v) cost estimates of proposed improvements
  - (vi) existing and proposed drainage maps
  - (vii) summary of environmental features
  - (viii) summary of water, wastewater and dry utility providers
  - (xi) water and wastewater certificate and convenience maps
  - (xii) property survey
  - (xiii) environmental map
  - (xiv) land use map
- (d) Fifteen (15) copies of a land use plan for Cotton Center depicting:
  - i. Number of dwelling units by type of residential use
  - ii. Estimated population and employment growth
  - iii. Prospective zoning district classifications
- (e) Copy of the petition for municipal utility district and related materials

**ARMBRUST & BROWN, PLLC**

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On behalf of Walton, we look forward to continuing to work with you, your staff and the City.

Thank you.

Very truly yours,



David B. Armbrust

cc: Jim Nuse  
Alexa Knight  
Charlie Fowler  
Amanda Morrow  
Eric deYoung  
Will Withers  
Michael Cosentino (City Attorney)