REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, November 27, 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 November 13, 2012.**

PUBLIC HEARING:

7. **CUP-12-40 (906 Chestnut Street)** Hold a public hearing and consider a request by Roger Jenkins, on behalf of Becky Jenkins, for a Conditional Use Permit to allow portable food facilities at 906 Chestnut Street.

8. **PC-12-16(03) (Park at Willow Creek Replat)** Hold a public hearing and consider a request by Vigil & Associates, on behalf of WDG-Park, LTD., for approval of a replat of Lot 34 and Lot 35, Park at Willow Creek Subdivision, establishing Park Court at Willow Creek Subdivision, located in the 300 block of Stagecoach Trail, and associated subdivision improvement agreement.

9. **LUA-12-08 (142 & 148 W. Holland Street)** Hold a public hearing and consider a request by Kris Richter, on behalf of the Elvin Lee Anderson Estate, for a Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for approximately 2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7, located at 142 and 148 W. Holland Street.

10. **ZC-12-13 (142 & 148 W. Holland Street)** Hold a public hearing and consider a request by Kris Richter, on behalf of the Elvin Lee Anderson Estate, for a Zoning Change from Single-Family Residential (SF-6) to Townhouse Residential (TH) for approximately 2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7, located at 142 and 148 W. Holland Street.

11. **PDD-12-02 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a PDD overlay district, with a base zoning of Multifamily-12 (MF-12) for approximately 45 acres located on the east side of IH-35, south of River Road, west of Cape Road and north of the San Marcos River.

12. **ZC-12-05 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 22.51 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along River Road.

13. **ZC-12-06 (The Woodlands of San Marcos –Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Community Commercial (CC) to Multiple-Family Residential (MF-12) for approximately 0.651acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along the frontage road of IH-35.

14. **ZC-12-11 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

15. **LUA-12-04 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Land Use Amendment from Commercial (C) to Medium Density Residential (MDR) for approximately 4.2 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at River Road and the frontage road of IH-35.

16. **LUA-12-06 (The Woodland of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Land Use Amendment from Very Low Density Residential (VLDR) to Medium Density Residential (MDR) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

17. **LUA-12-09 (Windemere)** Hold a public hearing and consider a request by Vigil and Associates, on behalf of Robert Haug and Vinson Wood, for a Land Use Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR) for approximately 22.5 acres out of the Thomas J. Chambers Survey, Abstract No. 2, located at 200 Lime Kiln Road.

18. **ZC-12-14 (Windemere)** Hold a public hearing and consider a request by Vigil and Associates, on behalf of Robert Haug and Vinson Wood, for a Zoning Change from Single-Family Rural (SF-R) to Single-Family Residential (SF-6) for approximately 22.5 acres out of the Thomas J. Chambers Survey, Abstract No. 2, located at 200 Lime Kiln Road.

NON CONSENT:

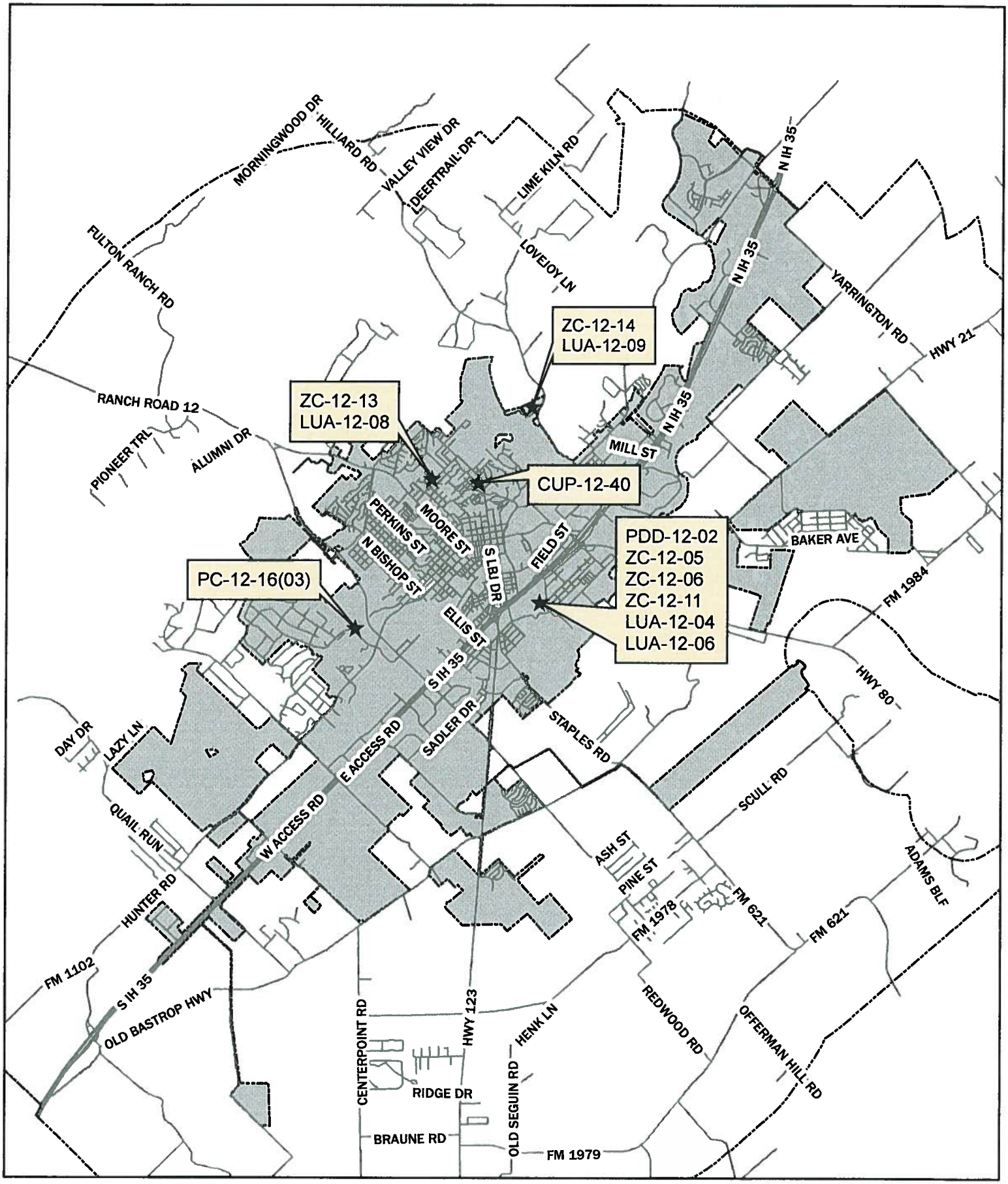
19. **Receive a presentation from staff on possible amendments to the San Marcos SmartCode, and provide direction to staff.**

20. **Development Services Report**
    a) Update from staff on the Comprehensive Plan

21. **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.*

22. Adjourn.

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



Planning and Zoning Commission Meeting November 27, 2012 Location Map

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

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MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
November 13, 2012

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck, Vice Chair
Chris Wood
Carter Morris
Kenneth Ehlers
Randy Bryan

City Staff:

Matthew Lewis, Development Services Director
Kristy Stark, Development Services
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
Alison Brake, Planner
Emily Koller, Planning Tech
John Foreman, Planning Manager
Tory Carpenter, Planning Technician

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 November 13, 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 the audience and viewers. Chair Taylor announced that Items 9 & 10 LUA-12-08 and ZC-12-13 will be postponed at the request of the applicant. In addition, items 12-17, PDD-12-02, ZC-12-05, ZC-12-06, ZC-12-11, LUA-12-04 and LUA-12-06 will also be postponed at the request of the applicant.

Item 18 was moved after the Chairperson's Opening Remarks.

Non Consent Agenda:

18. Discussion regarding Comprehensive Plan and consider recommendation of approval to City Council of Goals and proposed by the Citizens Advisory Committee.

MOTION: A motion was made by Commissioner Morris and a second by Commissioner Seebeck to remove PPF-G3; PPF-G4; PPF-G5; ED G1; ED-G3; and ED G5 from the Finalized Goals. The Commission voted one (1) for and five (5) against to approve removing PPF G3; PPF G4; PPF G5; ED G1; ED G3 and ED G5. The motion failed.

AMENDED MOTION: Upon a motion made by Commissioner Bryan and a second by Commissioner Seebeck, the Commission voted five (5) for and (1) against to add ED G5 back in the Finalized Goals. The motion carried.

AMENDED MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Bryan, the Commission voted all in favor to recommend to City Council to approve all the Finalized Goals as submitted by the Citizen Advisory Committee. The motion carried unanimously.

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

Jaimy Breihen, 134 East Hillcrest, he said he really came to speak on Items 9 & 10 but they were pulled from the agenda. He stated the request is another rezoning in a watershed and a residential neighborhood. Mr. Breihen pointed out that most of the surrounding neighbors are in opposition of the request. He said until the Land Development Code is changed, people can still request a similar zoning change contrary to the Master Plan. Mr. Breihen said he hopes that there will not be a flood gate of applications submitted between now and when the Code is changed. He said that they might be tired but they are not leaving. Mr. Breihen added that they bought their homes in this town and plan to stay. He stated that there are plenty of places to build apartments for students.

Mark Jenssen signed up to speak but was not present.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on October 23, 2012.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Morris, the Commission voted all in favor to approve the consent agenda. The motion carried unanimously.

Public Hearings:

7. A-12-04 (Tuttle Lumber) Hold a public hearing and consider a request by Don Gilbreath on behalf of Tuttle Lumber Company for the abandonment of an approximately .76 acre segment of S. Fredericksburg Street south of the intersection with Valley St.

Chair Taylor opened the public hearing. Don Gilbreath, Tuttle Lumber Company stated he was present to answer any questions. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers, the Commission voted all in favor to approve A-12-04 with the condition that the abandoned portion of Fredericksburg be dedicated as a drainage easement. The motion carried unanimously.

8. A-12-05 (Blanco River Village) Hold a public hearing and consider a request by Scott Bauer, on behalf of Bigelow San Marcos Development, L.L.C., to abandon a 445-foot by 50-foot portion of Rush Haven, a 533-foot by 50-foot portion of Morning Shadow, an 80-foot by 110-foot portion of Morning Shadow, and an 84-foot by 50-foot portion of Trestle Tree located within the Blanco River Village Subdivision.

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 A-12-05 with the condition that a public utility easement is dedicated for the entire abandoned portion of Rush Haven at the time of replatting the property and a public utility easement is dedicated for the abandoned portion of Trestle Tree at the time of replatting the property. The motion carried unanimously.

DRAFT

Item 11 was moved after item 8.

11. PDD-09-01(a) (Retreat on Willow Creek) Hold a public hearing and consider a request by Patrick Christensen, P.C., on behalf of Preferred Development Partners, for amendments to the existing Planned Development District for the Retreat on Willow Creek, consisting of 101.4 acres of land, more or less, out of the J.M. Veramendi Survey No. 1, Abstract No. 17, as originally approved by Ordinance No. 2009-81.

Vice Chair Seebeck opened the public hearing.

Beverly McClintock, 108 Howard Place, immediately adjacent to the Retreat at Willow Creek stated her house sits on 1.25 acres and the existing agreement would allow for 5 thirty foot high on lots nine times smaller than hers. She expressed concerns regarding trees being removed to build a detention pond. She added that the building setback will only be 20'. Ms. McClintock felt that the changes will personally affect her. She said there will be increased noise, light, loss of privacy, loss of wildlife habitat and decreased property values. Ms. McClintock added that the neighborhood is unified in requesting a 50' vegetated buffer, trees shrubs and grasses left in place between their fences and the lots being built. In addition, they are requesting only single story homes be built on the lots closest to their homes with building setbacks of 25.' She explained that they felt that the added provisions in the development agreement will greatly help protect the neighborhood. She pointed out that they understand that there is a need for single family homes in the area. Ms. McClintock explained that the density of the proposed single family development represents a truly different land use that will impact their peaceful neighborhood.

Lee Leavitt, 817 Willow Creek Circle, presented the Commission with images prepared with an image editor to show what the neighborhood will look like once a development is complete. He estimated that seven or eight KB homes will be built on the size of one Willow Creek lot. Mr. Leavitt explained that the neighborhood believes there should be a transition between the two neighborhoods. He suggested a 50' vegetated buffer and one story homes. He pointed out that earlier development plans called for a 200' buffer and they are only asking for 25% of that buffer which is 50.' Mr. Leavitt said that 25' is not enough. He mentioned that they are asking for a 50' buffer in order to protect their privacy and property values. He felt that their request is very reasonable. Mr. Leavitt pointed out that many neighbors were present for the meeting.

Erin Levitt, 817 Willow Creek Circle, Real Estate Agent, addressed the impact that the proposed development will have on their property. She said she called the real estate agenda and was told that the proposed development will absolutely impact their property values. She explained that the Realtors she called are in support of their requests. Ms. Leavitt stated that she understands why people want to live on the West side of town. She explained that the area is beautiful because of the residents that are currently in the area. The properties have big lots with big trees. Ms. Leavitt pointed out that Willow Creek Estates has been there for a long time. She added that there are 13 phases of Willow Creek and they are phase 1. She said they felt that having the development right up against them will greatly impact the neighborhood. Ms. Leavitt said they do not understand why KB cannot put single family homes along the Willow Creek neighbors.

Gene Pettit, 406 Laurel Hill, Laurel Estates stated that he agrees with his neighbors. He added that that the City should think about the capabilities of the sewer system for the homes being serviced by the City and for Laurel Estates when they get annexed into the city.

Nancy McClintock, stated her mother lives at 108 Howard Place. She said they originally requested a 75' vegetated buffer. She pointed out that they have revised their proposal to request a 50' vegetated buffer with a 25' setback from the lot lines and single story homes adjacent to Willow Creek homes. Ms. McClintock stated that communities across the country are struggling with this same issue. She quoted code 6.7.3.1 which requires harmonious transitions between development of different densities for the protection and the care of the value of existing single family residential properties. Ms. McClintock pointed out that she went to Round Rock and looked at comparable development. She said in her observation she is convinced that their concessions are correct and that they would truly protect the quality of life and the property values of the neighborhood.

Patrick Christensen, P.C., on behalf of Preferred Development Partners gave a brief presentation.

DRAFT

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 Ehlers, the Commission voted four (4) in favor and two (2) opposed to approve PDD-09-01(a) with the condition that staff will work with the developer and be the deciding factor to attempt if possible to include a pedestrian easement in the buffer zone; that the subdivision have architectural standards that represent 100% masonry throughout the entire subdivision; and that Low Impact Development Standards and BMP's be used wherever possible within the subdivision set forth by staff. The motion carried.

9. LUA-12-08 (142 & 148 W. Holland Street) Hold a public hearing and consider a request by Kris Richter, on behalf of the Elvin Lee Anderson Estate, for a Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for approximately 2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7, located at 142 and 148 W. Holland Street.

10. ZC-12-13 (142 & 148 W. Holland Street) Hold a public hearing and consider a request by Kris Richter, on behalf of the Elvin Lee Anderson Estate, for a Zoning Change from Single-Family Residential (SF-6) to Townhouse Residential (TH) for approximately 2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7, located at 142 and 148 W. Holland Street.

12. PDD-12-02 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a PDD overlay district with a base zoning of Multifamily-12 (MF-12) for approximately 45 acres located on the east side of IH-35, south of River Road, west of Cape Road and north of the San Marcos River.

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14. ZC-12-06 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Community Commercial (CC) to Multiple-Family Residential (MF-12) for approximately 0.651acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along the frontage road of IH-35.

15. ZC-12-11 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

16. LUA-12-04 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Land Use Amendment from Commercial (C) to Medium Density Residential (MDR) for approximately 4.2 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at River Road and the frontage road of IH-35.

17. LUA-12-06 (The Woodland of San Marcos – Capes Camp) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Land Use Amendment from Very Low Density Residential (VLDR) to Medium Density Residential (MDR) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Morris, the Commission voted all in favor to postpone Item 9 (LUA-12-08); Item 10 (ZC-12-13); Item 12 (PDD-12-02); Item 13 (ZC-12-05); Item 14 (ZC-12-06); Item 15 (ZC-12-11); Item 16 (LUA-12-04) and Item 17 (LUA-12-06) to the November 27, 2012 Planning and Zoning Commission meeting. The motion carried unanimously.

19. Development Services Report

a. Update from staff on Comprehensive Plan
b. Board & Commission Term Expirations

Matthew Lewis announced the Nov. 14th Comp Plan Meeting. He advised the Commission that the Board and Commission Term Expirations have been extended to February 28, 2013. New appointees will begin their term on March 2013.

20. 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.

21. Adjourn.

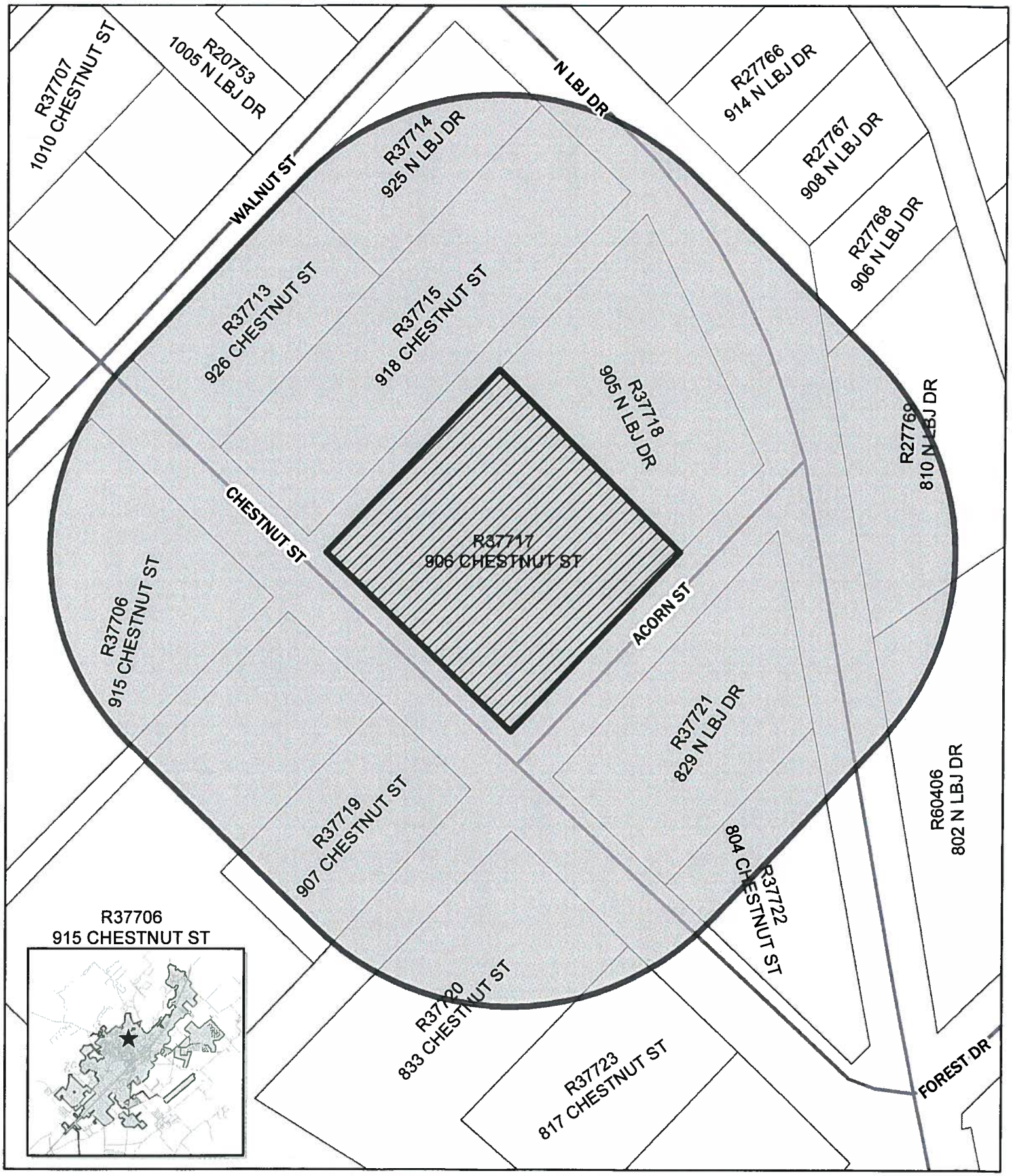
Chair Taylor adjourned the Planning and Zoning Commission at 8:37 p.m. on Tuesday, November 11, 2012.

DRAFT

Bill Taylor, Chair	Curtis Seebeck, Vice Chair
Chris Wood, Commissioner	Kenneth Ehlers, Commissioner
Carter Morris, Commissioner	Randy Bryan, Commissioner

ATTEST:

Francis Serna, Recording Secretary



CUP-12-40
906 Chestnut St
Date: 11/14/2012

Site Location

200 ft Buffer

0 50 100 200
Feet

N

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

CUP-12-40
Conditional Use Permit
Firefly Food Trailer Court
906 Chestnut Street

Applicant Information:

Applicant:	Roger Jenkins 201 Uhland Rd San Marcos, TX 78666
Property Owner:	Becky Jenkins P.O. Box 872 San Marcos TX 78666
Applicant Request:	Conditional Use Permit (CUP) to allow mobile food venders
Notification:	Sent November 16, 2012
Response:	None to date

Subject Property:

Location:	906 Chestnut Street
Legal Description:	Lots 107 and 104 Block 900 of the Park Addition
Frontage On:	Chestnut Street and Acorn St
Neighborhood:	Sessom Creek
Existing Zoning:	MU
Master Plan Land Use:	Commercial
Sector:	Sector 8
Existing Utilities:	Mixed Use
Existing Use of Property:	Single-Family Residence
Proposed Use of Property:	Single-Family Residence / Mobile Food Facility

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	MF-18	Residential
S of Property	NC	Commercial
E of Property	SF-6	Residential
W of Property	MU/P	Vacant

Code Requirements:

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

A director's interpretation specified that mobile food establishments are similar enough in nature to be considered flea markets. A flea market is allowed by right in Heavy Commercial (HC) and with a Conditional Use Permit in Mixed Use (MU), Neighborhood Commercial (NC), General Commercial (GC) and the Central Business Area (CBA).

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

Case Summary

The subject property is located on the northeast corner of Chestnut St and Acorn St. There is an existing single-family residence that will remain on the property. The site is approximately 800 ft from the boundary of Texas State University. Surrounding uses are varied and include a single-family residence, commercial strip center, and open space. The site is considered to be in a transition area between Texas State University and single-family homes further north.

The applicant intends to open a mobile food facility with picnic tables, a covered eating area, and outdoor games. The applicant expressed that initially the hours of operation would be between 7:00am and 3:00pm. The applicant hopes to extend hours of operation to 9:00pm eventually. No amplified music is proposed. According to the site plan the property will have 6 mobile food trailers, a covered eating area, and portable toilets. There is existing parking available on Acorn Street and proposed parking along the alley to the north of the property. There is no proposed on-site parking.

Comments from Other Departments:

There were no comments from water, police, fire, or inspections.

Planning Department Analysis

Firefly Food Trailer Court presents an opportunity to increase pedestrian activity near Texas State University while allowing for the continued use of the property as a single-family residence. This project could act as a third-place for students and residents within walking distance. The term third-place refers to a gathering area separate from home and work.

Firefly Food Trailer Court would depend heavily on foot traffic. Staff does not recommend on-site parking due to the proximity to Texas State University and nearby high density residential developments. However, staff does recommend that the parking along the alley be reserved for employees of Firefly Food Trailer Court.

There are concerns regarding potential noise disrupting the single-family residence to the east of the subject property. Staff recommends that amplified music not be permitted on the premises, hours of operation be between 7:00 am and 9:00 pm Sunday thru Saturday, and the site be screened from 905 N LBJ Drive.

Mobile food facilities are considered a temporary use. Such temporary uses allow for incremental development in transition areas. Staff recommends that no direct hookups to water and/or wastewater be permitted. Staff also recommends that no permanent foundations be placed on the site. The applicant expressed that he intends to use crushed granite for trails and trailer pads.

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

1. **The CUP be valid for one year, provided standards are met, subject to the point system;**
2. **No amplified music be allowed on the property;**
3. **Hours of operation be between 7:00am and 9:00pm Sunday thru Saturday;**
4. **The site be screened from 905 N LBJ Drive;**
5. **Portable toilets be screened from the right-of-way and adjacent properties;**
6. **No direct hookups to water and/or wastewater be allowed;**
7. **No permanent foundation be placed on the site.**

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

<u>The Commission's Responsibility:</u>

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

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

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

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

Prepared by:

Tory Carpenter	Planning Technician	November 21, 2012
Name	**Title**	**Date**

Firefly

Food Trailer Court

Up to 10 Food Trailers

- **Each on a terraced trailer plat**
- **Each with water & electricity**
- **Each with shrubbery surrounding plat**

Firefly Park Amenities:

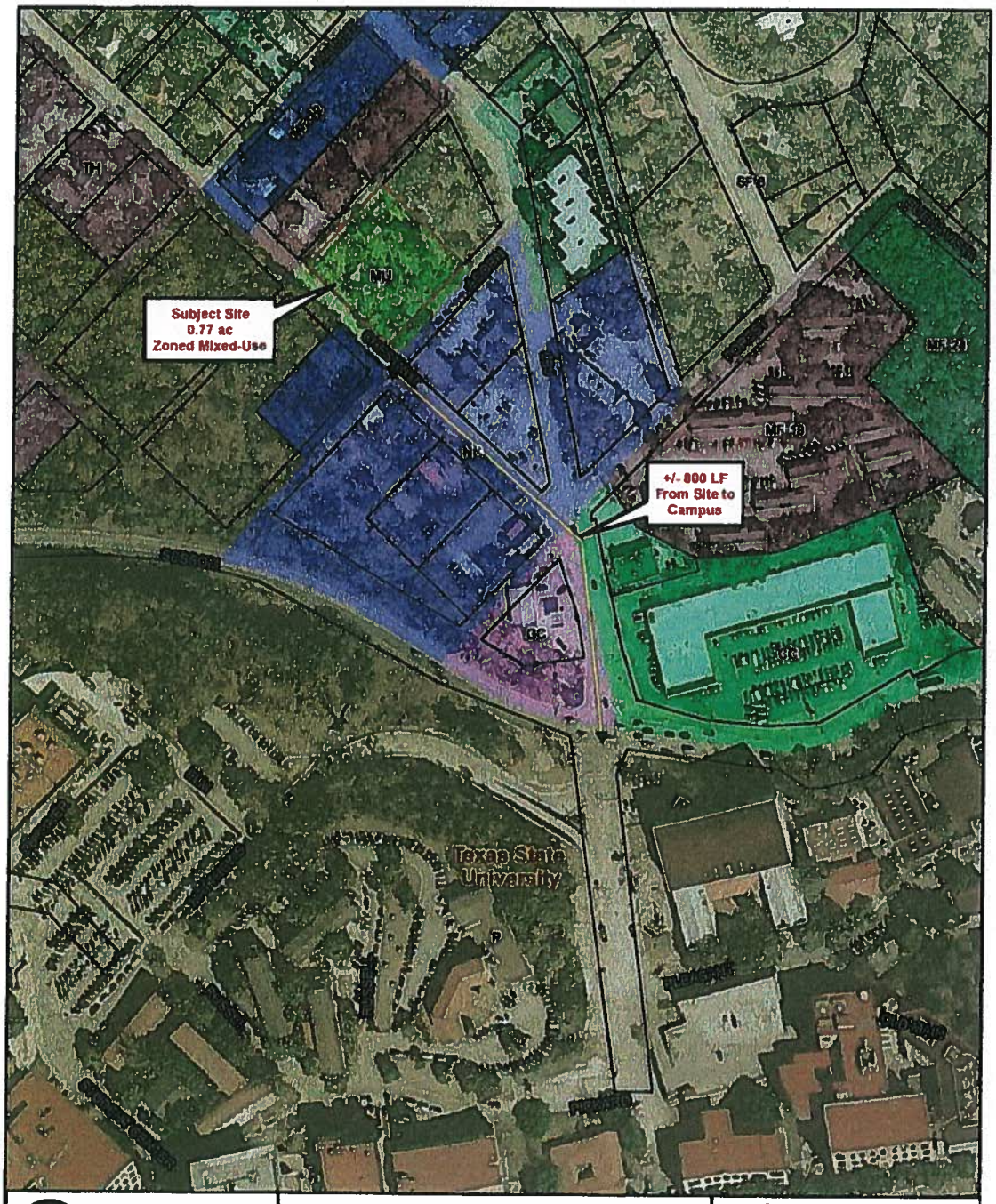
- **WiFi – for student studies**
- **Gas Fire Pits with comfortable surround seating**
- **Picnic Tables – Covered & UnCovered**
- **Comfortable Seating throughout park**
- **Indoor Seating**
- **Games: Bing Bag Toss, Darts, Washers, Ping Pong**
- **Outdoor Heating Units**
- **Hand Washing Facilities**
- **Portable Toilets (temporary) until permanent installed**
- **Dumpster**
- **Handicap access**
- **Open Mic-Night – Acoustic Sounds – Next to Fire Pits**

Firefly Hosted Activities:

- **Weekend Food Trailer Taste Testing**
- **Crazy Hat Days - Winner to get Sandwich named after him/her**
- **Kids Day – with games and balloon twisting**
- **Movie Night**
- **Open Mic-Night – Music / Comedy / Acting**

CREW : EVERETT, BRYANT
F. B. / 306 / 33
PLAT NO. / 22063-01-C

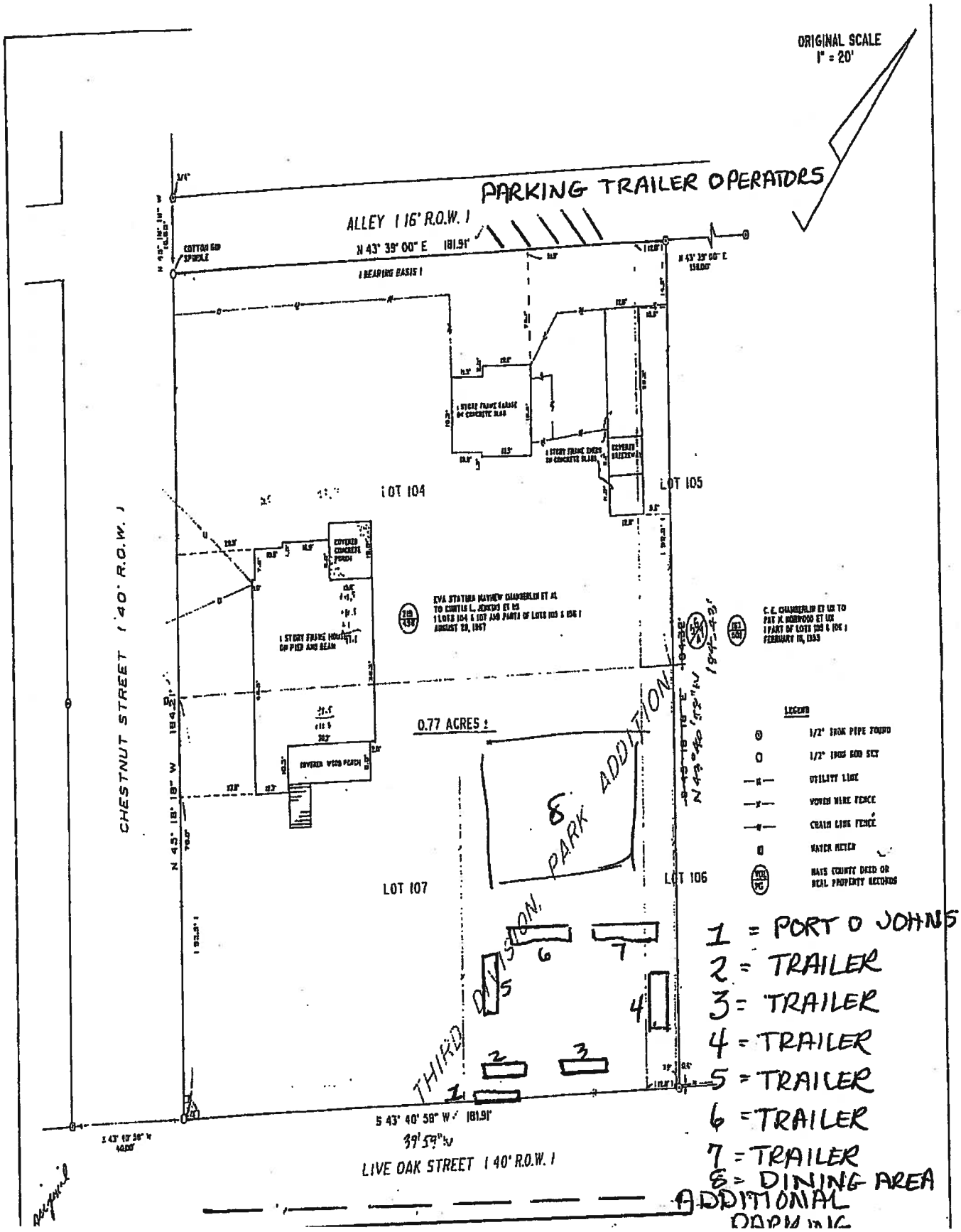
DIVISION OF PARK ADDITION TO THE
CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

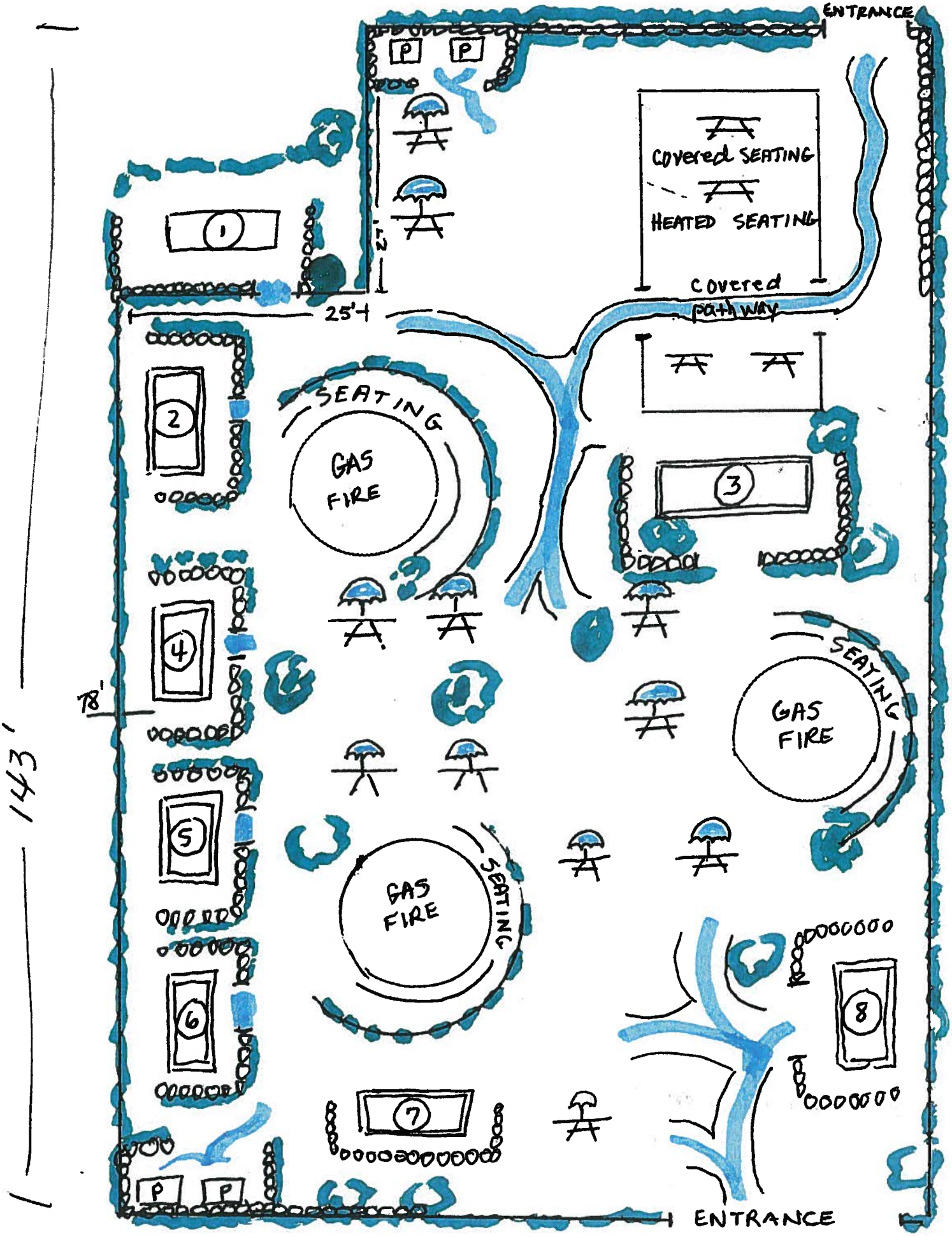


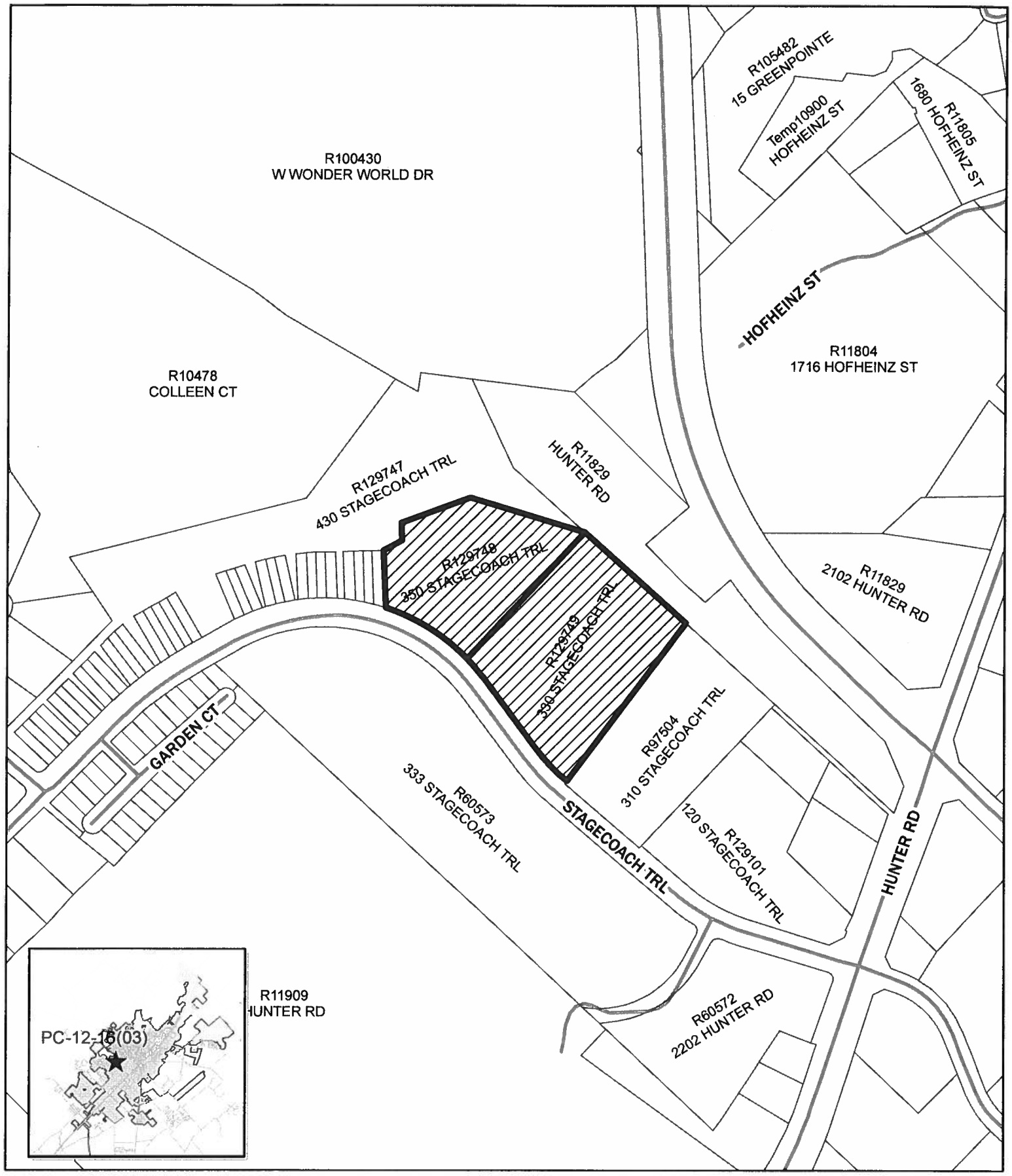
0 50 100 200 Feet

906 Chestnut Street
San Marcos, Hays County, Texas
Site Location Map

BRD
207 West 4th Street
Austin, Texas 78701
512.669.5560
WWW.BIGREDDOG.COM


ORIGINAL SCALE
1" = 20'
PARKING TRAILER OPERATORS
ALLEY (16' R.O.W.)
N 43° 39' 00" E 181.91'
(BEARING BASIS)
LOT 104
LOT 105
LOT 106
LOT 107
0.77 ACRES ±
8. PARK ADDITION
CHESTNUT STREET (40' R.O.W.)
N 43° 18' 18" W
S 43° 40' 58" W 181.91'
LIVE OAK STREET (40' R.O.W.)
THIRD DIVISION
1 = PORT O JOHNS
2 = TRAILER
3 = TRAILER
4 = TRAILER
5 = TRAILER
6 = TRAILER
7 = TRAILER
8 = DINING AREA
ADDITIONAL PARKING


ENTRANCE
P
P
Covered SEATING
HEATED SEATING
Covered pathway
1
25'
2
SEATING
GAS FIRE
3
4
78'
SEATING
GAS FIRE
5
GAS FIRE
SEATING
6
8
7
P
P
ENTRANCE
143'



PC-12-16(03)
Park Court at Willow Creek
Final Plat
Map Date: 09/05/12

Site Location

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

N

0 312.5 625 1,250
Feet

PC-12-16(03), Replat
The Park at Willow Creek, Lots 34 &35 Establishing Park Court at Willow Creek

Applicant Information:

Applicant:	WDG-Park Ltd. 2110A Boca Raton, Suite 201 Austin, TX 78747
Agent:	Joel Richardson Vigil & Associates 4303 Russell Drive Austin, TX 78704
Property Owner:	WDG-Park Ltd. 2110A Boca Raton, Suite 201 Austin, TX 78747
Notification:	Notification of Public Hearing published in newspaper on November 18, 2012
Type & Name of Subdivision:	Replat, Lots 34 & 35, The Park at Willow Creek, establishing Park Court at Willow Creek

Subject Property:

Location:	The subject property is located along Stagecoach Trail, across from Hernandez Elementary School.
Traffic / Transportation:	The property reflected within this replat fronts on Stagecoach Trail and proposes the construction and dedication of a street off of Stagecoach Trail, Primers Lane, which will provide access into the subdivision. The plat also identifies a residential street, Parkside Drive, which results in two cul-de-sacs.
Parkland Dedication:	Parkland dedication was satisfied with the dedication of 34.398 acres adjacent to the subject property in the Master Plan for Willow Creek Estate and The Ridge at Willow Creek.
Utility Capacity:	Water, wastewater, and electric service to this site will be provided by the City of San Marcos.
Land Use Compatibility:	Surrounding land uses are primarily residential, with professional offices and some commercial in the area. The Hays County Government Center is located across Wonder World Drive from the subject property.

Surrounding Zoning and Land use:

Proximity	Current Zoning	Existing Land Use
N of Property	Public and Institutional	City of San Marcos Parkland
S of Property	Public and Institutional	Hernandez Elementary School
E of Property	OP – Office Professional	Professional Office Park
W of Property	TH	Townhomes

Zoning: SF-4.5 (Single Family Residential), TH (Townhomes), and OP (Office Professional)

Planning Department Analysis:

Lots 34 and 35 of The Park at Willow Creek were platted as Development Reserve lots in 2007. The replat will create nine (9) townhome lots, twenty-six (26) single family residential lots, and four (4) professional office lots. Two residential streets, Primers Lane and Parkside Drive, will also be constructed. The applicant will also construct water and wastewater improvements to serve the development, including a lift station. The applicant has chosen to defer the construction of these public improvements until after the final plat is approved. Per Section 1.6.6.3 of the LDC, the property owner will enter into a subdivision improvement agreement when public improvements are deferred until after final plat approval. This agreement includes, but is not limited to, provisions to complete the improvements, covenants to warranty the improvements, and provisions for securing the obligations of the agreement. Section 1.6.6.3 also states that the Planning and Zoning Commission is the governing body to approve the agreement. It has been reviewed for consistency with Section 1.6.6.3 and meets the criteria.

This project is subject to all requirements of the Land Development Code. The proposed replat has been reviewed for consistency with existing City Ordinances and policies. This plat meets all the criteria set out in our LDC for platted lots. The Watershed Protection Plan Phase 2 as well as the PICPS have been submitted and approved.

Staff is recommending **conditional approval** of this replat and subdivision improvement agreement subject to:

- Security is required to be posted for the construction of the public improvements prior to the recordation of the plat.

Planning Department Recommendation	
X	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:

Alison Brake	Planner	11/1/2012
Name	**Title**	**Date**

City of San Marcos
Subdivision Improvement Agreement

Subdivision Name:	Park Court at Willow Creek
Developer Name:	WDG-Park, Ltd.
Developer Address:	2110A Boca Raton, Suite 201
	Austin, Texas 78747
Planning Dept. Case No.:	PC-12-16_03

Recitals:

A. The Developer owns the land included in the proposed final plat of the Subdivision, and more particularly described on the attached **Exhibit A** (the "Property").

B. The Developer desires to develop the Property, and City ordinances and State laws require the Developer to complete all on-site and off-site public improvements (the "Public Improvements") associated with the Subdivision.

C. This Agreement is authorized by Section 1.6.6.3 of the City Land Development Code (the "LDC"), and is executed to memorialize the Developer's responsibilities regarding the Public Improvements.

Agreement:

In consideration of the mutual covenants set forth in this Agreement, the City and the Developer agree as follows:

1. **Recitals Incorporated.** The Recitals are incorporated in this Agreement for all purposes.
2. **Parties**. The parties to this Agreement are the Developer and the City of San Marcos.
3. **Effective Date**. This Agreement is effective on the date the Developer signs it (the "Effective Date").
4. **Construction of Improvements**. The Developer agrees to construct and install, at the Developer's expense, all of the Public Improvements in compliance with applicable City ordinances, standards, and regulations, and in accordance with the construction plans and specifications approved by the City.
5. **Security for Completion of Improvements**. The Developer agrees to provide and continuously maintain security (the "Security") for the completion of the Public Improvements in accordance with Section 1.6.6.4 of the LDC. The Security must be in the amount of 125% of the cost estimate for the Public Improvements approved by the City Director of Engineering.
6. **Warranty and Maintenance Bond.** The Developer agrees to correct all defects in materials or workmanship in the Public Improvements for a period of one year after acceptance by the City. The Developer agrees to provide a maintenance bond in favor of the City in the amount of 20% of the cost of the Public Improvements for a period of two years after acceptance by the City.
7. **Lien Search Certificate.** The Developer agrees to provide, at the time this Agreement is executed, a Lien Search Certificate prepared and signed by a title company acceptable to the City Attorney. The Lien Search Certificate must identify the property, must name all owners of the Property, must name all lienholders having liens against the Property, and must be dated no more than 10 days prior to the Effective Date. The Lien Search Certificate must be accompanied by a Consent of Lienholder signed by an authorized representative of each lienholder identified in the Lien Search Certificate. This Agreement will not be accepted without the Lien Search Certificate and the executed Consent of Lienholder, if applicable.

8. **Acquisition of Property Interests.** The Developer agrees to acquire at its expense all rights-of-way, easements and other real property interests needed for the construction of the Public Improvements, including all off-site improvements, in a manner suitable for dedication of the real property interests to the City. The form of all documents under which real property interests are acquired is subject to approval by the City Attorney. The Developer agrees to record each such document in the official public records of the county in which the Property is located, and to provide a copy of each such recorded document to the City Attorney.
9. **Recording of Plat.** Upon completion of all of the following, the City agrees to record the final plat of the Subdivision in the official public records of the county in which the Property is located:
   A. Approval of this Agreement by the City Planning and Zoning Commission.
   B. Approval of the final plat of the Subdivision by the City Planning and Zoning Commission.
   C. Submission to City of Lien Search Certificate, and executed Consent of Lienholder for each lienholder on the Property.
   D. Approval of the Security by the City Attorney.
   E. Approval by the City Attorney of all conveyance documents for rights-of-way, easements and other real property interests needed for the construction of the Public Improvements.
10. **Conditions of Draw on Security**. The City Director of Engineering may draw upon any Security upon the occurrence of one or more of the following events:
   A. The Developer commenced construction but did not properly construct or complete one or more of the Public Improvements, and failed to remedy the construction deficiency within a reasonable cure period;
   B. The Developer did not renew or replace the Security at least 45 days prior to its expiration date; or
   C. The issuer of the Security, or any third party, has acquired all or any portion of the Property through foreclosure or an assignment or conveyance in lieu of foreclosure.
11. **Drawing on the Security; Use of Draws**. The City Director of Engineering may draw upon the Security by submitting a draft to the issuer that complies with the terms governing the draft. The draw may be in any amount up to the full amount of the Security. The City agrees to restrict its use of funds from draws to purposes associated with the construction, maintenance or repair of the Public Improvements. The parties agree that by making a draw, the City does not waive its rights to enforce any obligation of the Developer under this Agreement, and the City is not accepting the Public Improvements for ownership and maintenance prior to final completion.
12. **Right of Entry.** The Developer grants to the City and its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property to inspect the construction of the Public Improvements, and to construct, inspect, maintain, and repair any public improvements made on the Property by the City.
13. **Remedies**. The remedies available to the City in the event of noncompliance by the Developer with this Agreement are cumulative in nature. These remedies include, but are not limited to, the following:
   A. Refusal to approve or record any plat associated with the Subdivision.
   B. Refusal to provide or allow utility services to all or any part of the Property.
   C. Refusal to accept all or a portion of the Public Improvements for public ownership or maintenance.
   D. Draws against the Security for construction of the Public Improvements.
   E. Injunction against further sale of tracts of land within the Subdivision.
14. **No Third Party Rights**. No person or entity who or which is not a party to this Agreement has any right of action under this Agreement. Nor does any such person or entity, other than the

City (including without limitation a trustee in bankruptcy) have any interest in or claim to any funds drawn by the City on the Security in accordance with this Agreement.

15. **Indemnification. The Developer covenants to indemnify, save, and hold harmless the City and its their respective officers, employees, and agents from, and against, all claims, demands, actions, damages, losses, costs, liabilities, expenses and judgments recovered from or asserted on account of injury or damage to persons or property loss or damage arising in connection with construction performed by or on behalf of the Developer on the Property.**

16. **Miscellaneous.**

A. The Developer may assign its rights and obligations under this Agreement to a purchaser of all or part of the Property, if the Developer delivers written notice of the assignment to the City accompanied by an assignment agreement under which the assignee accepts all of the Developer's obligations under this Agreement and submits new Security for the Public Improvements in a form acceptable to the City Attorney. Any other assignment by a Party of rights or obligations under this Agreement will require the written approval of the other Party.

B. This Agreement, including appendices and referenced attachments, constitutes the entire agreement between the City and the Developer on this subject and supersedes all other proposals, presentations, representations, and communications, whether oral or written, between the parties. This Agreement may be amended only by a written document that is duly approved and executed by all parties.

C. In the event any section, subsection, paragraph, sentence, phrase or word is held invalid for any reason, the balance of this Agreement will remain in effect and will be read as if the parties intended at all times not to include the invalid section, subsection, paragraph, sentence, phrase or word.

D. This agreement shall be governed by the laws of the State of Texas. Exclusive venue for any legal dispute arising under this agreement shall be in Hays County, Texas. The City's execution of and performance under this Agreement will not act as a waiver of any immunity of the City to suit or liability under applicable law. The parties acknowledge that the City, in executing and performing this Agreement, is a governmental entity acting in a governmental capacity.

E. Notices required by this Agreement will be provided by the parties to one another by certified mail, return receipt requested, or by confirmed facsimile transmission, to the following addresses:

To the City:	To the Developer:
City Manager	Robert W. McDonald III
City of San Marcos	WDG-Park, Ltd.
630 E. Hopkins	2110A Boca Raton, Suite 201
San Marcos, TX 78666	Austin, Texas 78747
Fax: 512/396-4656	Fax: (512) 280-3877

If a party changes its address or facsimile number for notice purposes, it will provide written notice of the new address to the other party within 10 days of the change.

F. In the event that the performance by either party of any of its obligations under this contract is interrupted or delayed by events outside of their control such as acts of God, war, riot, or civil commotion, then the party is excused from such performance for the period of time reasonably necessary to remedy the effects of the events.

G. This Agreement constitutes a covenant running with the title to the Property, and the provisions of this Agreement are binding on the Developer and on all successors and assigns of the Developer.

Executed by the parties to be Effective on _____

City of San Marcos, Texas

By:_____
James R. Nuse, P.E., City Manager

This instrument was acknowledged before me on _____, 201___ by James R. Nuse, P.E., known personally by me to be the City Manager of the City of San Marcos, on behalf of the City of San Marcos.

Notary seal:

_____
Notary Public, State of Texas

Developer:
WDG-Park, Ltd.

By:_____
Robert W McDonald III, Manager
Wallace Development Group, General Partner

This instrument was acknowledged before me on _____ by Robert W, McDonald III, known personally by me to be the Manager of Wallace Development Group, General Partner of WDG-Park, Ltd.

Notary Seal:

_____
Notary Public, State of _____

Consent of Lienholder to
Subdivision Improvement Agreement

Subdivision Name: Park Court
Developer Name: WDG-Park, Ltd.
Developer Address: 2110 A Boca Raton Dr., Suite 201
Austin, TX 78747

Lienholder Name: First National Bank
Lienholder Address: PO Box 2230
George West, Texas 78022

Recitals:

A. The Developer is the owner of the property described in the attached and incorporated **Exhibit A** ("Property").

B. The Lienholder is the lienholder of the Property under the terms and conditions of the following document(s):

Deed of Trust dated 01-27-06 from the Developer to Dwayne McWilliams, Trustee, securing the payment of a promissory note payable to the Lienholder. The Deed of Trust is recorded in Volume 2852, page 64 of the Official Public Records of Hays County, Texas.

C. The Developer has requested that the City of San Marcos (the "City") approve and execute a Subdivision Improvement Agreement with the Developer governing installation of all on-site and off-site public improvements (the "Public Improvements") associated with the Subdivision.

Agreement:

In consideration of $10.00 and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Lienholder agrees as follows:

1. The Lienholder consents to the execution of the Subdivision Improvement Agreement and the rights and obligations of the Developer set out therein.
2. The Lienholder subordinates its lien rights on this Property to the rights and interests of the City under the Subdivision Improvement Agreement, and the Lienholder agrees that any foreclosure by the Lienholder of its liens will not extinguish City's rights and interests in the Subdivision Improvement Agreement.

The undersigned has the authority to bind the Lienholder, and that all corporate acts necessary to bind the Lienholder have been taken.

Executed on 09-26-2012

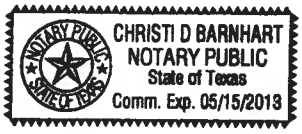
Lienholder:
First National Bank

By:

George T. Johnson Executive V.P.
Printed name, title

This instrument was acknowledged before me on September 26, 2012 by George T. Johnson, known personally by me to be the Executive Vice President of First National Bank.

Notary Seal:



Christi D. Barnhart
Notary Public, State of Texas

EXHIBIT A:
METES AND BOUNDS DESCRIPTION OF PROPERTY

A DESCRIPTION OF A 11.46 ACRE PARCEL OF LAND (THE "PROPERTY"), BEING LOT 34 AND LOT 35 OF THE PARK AT WILLOW CREEK SUBDIVISION, RECORDED IN VOL. 14, PAGE 194 & 195 OF THE OFFICIAL PLAT RECORDS OF HAYS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point along the northern right-of-way line of Stagecoach Trail, also being the shared southernmost corner of said Lot 34 and Lot 32 of The Park at Willow Creek Subdivision (Vol. 14, Pg. 194-195);

THENCE, following the right-of-way of Stagecoach Trail the following 4 courses:

1. along a curve to the right with a radius of 650.00 feet, a distance of 398.14 feet, with a chord bearing S 51°42'35" E, a distance of 391.94 feet;
2. along a line bearing S 34°11'33" E, a distance of 300.00 feet;
3. along a curve to the left with a radius of 550.00 feet, a distance of 120.40 feet, with a chord bearing S 40°28'16" E, a distance of 120.16 feet;
4. along a line bearing S 46°47'17" E, a distance of 25.40 feet;

THENCE, following the eastern line of Lot 35 of the Park at Willow Creek along a line bearing N 38°59'50" E, a distance of 653.65 feet;

THENCE, following the northern line of Lot 35 of the Park at Willow Creek the following 2 courses:

1. along a line bearing N 44°52'07" W, a distance of 33.64 feet;
2. along a line bearing N 45°36'31" W, a distance of 412.40 feet;

THENCE, following the common boundary of Lot 34 and Lot 33 of the Park at Willow Creek the following 4 courses:

1. along a line bearing N 70°42'46" W, a distance of 397.33 feet;
2. along a line bearing S 72°18'18" W, a distance of 240.48 feet;
3. along a line bearing S 00°32'04" E, a distance of 58.40 feet;
4. along a line bearing S 64°08'25" W, a distance of 69.18 feet;

THENCE, following the common boundary of Lot 34 and Lot 32 of the Park at Willow Creek along a line bearing S 00°03'52" E, a distance of 190.11 feet to the POINT OF BEGINNING containing 11.46 acres, more or less.

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT I, ROBERT W. McDONALD III, MANAGER OF WALLACE DEVELOPMENT GROUP, LLC, GENERAL PARTNER OF WDC-PARK, LTD., A TEXAS LIMITED PARTNERSHIP AND OWNER OF 11.48 ACRES OF LAND OUT OF THE J.M. VERAMENDI SURVEY NO. 1 AND T.J. CHAMBERS SURVEY, HAYS COUNTY, TEXAS, SAID LAND BEING LOT 34 AND LOT 35 OF THE PARK AT WILLOW CREEK, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 14, PAGE 194 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, BEING CONVEYED TO WDC-PARK, LTD., BY WARRANTY DEED DATED JANUARY 27, 2006, AND RECORDED IN VOLUME 2852, PAGE 56 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 11.48 ACRES OF LAND TO BE KNOW AS "PARK COURT AT WILLOW CREEK" IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS, ALLEYS AND EASEMENTS SHOWN THEREON FOR THE PURPOSES INDICATED.

WITNESS MY HAND THIS _____ DAY OF ______________ 20___.

ROBERT W. McDONALD, III, MANAGER
WALLACE DEVELOPMENT GROUP, LLC, GENERAL PARTNER
WDC-PARK, LTD.
2110A BOCA RATON, SUITE 201
AUSTIN, TEXAS 78747

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ROBERT W. McDONALD III, MANAGER, WALLACE DEVELOPMENT GROUP, LLC, GENERAL PARTNER, WDC-PARK, LTD., OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF ______________, 20___.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 48209 C 0478 F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS, AND INCORPORATED AREAS, NO PORTION OF THIS SUBDIVISION IS WITHIN ZONE AE (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 100-YEAR FLOODPLAIN).

HERMANN VIGIL, P.E. ______ DATE
4303 RUSSELL DRIVE
AUSTIN, TEXAS 78704
(512) 328-2687

KNOW ALL MEN BY THESE PRESENTS:

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

SIGNATURE OF REGISTERED PUBLIC LAND SURVEYOR

REGISTRATION NO. ______________

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF ______________ 20___ BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS, TEXAS.

CHAIRMAN, PLANNING AND ZONING COMMISSION

SECRETARY

APPROVED:

DIRECTOR, DEVELOPMENT SERVICES ______ DATE

DIRECTOR OF ENGINEERING ______ DATE

STATE OF TEXAS
COUNTY OF HAYS

I, LIZ Q. GONZALES, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF ______________, 20___ AT _____ O'CLOCK ___M., AND RECORDED ON THE _____ DAY OF ______________ 20___ AT _____ O'CLOCK ___M., IN THE PLAT RECORDS OF HAYS, COUNTY, TEXAS IN BOOK _____, AT PAGE _____

LIZ Q. GONZALES, COUNTY CLERK
HAYS COUNTY, TEXAS

CURVE TABLE						
CURVE	ARC LENGTH	RADIUS	TANGENT	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	120.40'	550.00'	60.44'	12°32'34"	N40°28'16"W	120.16'
C2	398.14'	650.00'	205.53'	35°05'41"	N51°42'35"W	391.94'
C3	27.59'	650.00'	13.80'	2°25'56"	N68°02'26"W	27.59'
C4	35.70'	650.00'	17.86'	3°08'50"	N65°14'55"W	35.70'
C5	30.36'	650.00'	15.18'	2°40'34"	N62°20'04"W	30.36'
C6	30.18'	650.00'	15.09'	2°39'36"	N59°39'59"W	30.17'
C7	35.07'	650.00'	17.54'	3°05'30"	N56°47'26"W	35.07'
C8	20.00'	650.00'	10.00'	1°45'46"	N54°21'47"W	20.00'
C9	35.02'	650.00'	17.51'	3°05'12"	N51°38'17"W	35.01'
C10	30.09'	650.00'	15.05'	2°39'10"	N49°04'06"W	30.09'
C11	30.24'	650.00'	15.12'	2°39'55"	N46°24'34"W	30.23'
C12	30.45'	650.00'	15.23'	2°41'02"	N43°44'06"W	30.44'
C13	46.23'	650.00'	23.12'	4°04'29"	N40°21'21"W	46.22'
C14	47.15'	650.00'	23.58'	4°09'22"	N36°14'26"W	47.14'
C15	153.56'	272.50'	78.88'	32°17'12"	N34°48'13"E	151.53'
C16	67.85'	327.50'	34.10'	11°53'14"	S24°38'14"W	67.83'
C17	105.91'	327.50'	53.42'	18°31'46"	S27°55'30"W	105.45'
C18	37.97'	327.50'	19.00'	6°38'32"	S33°52'07"W	37.94'
C19	22.33'	15.00'	13.82'	85°16'33"	N05°27'53"W	20.33'
C20	32.21'	272.50'	16.12'	6°46'22"	N51°30'20"W	32.19'
C21	90.42'	272.50'	45.63'	19°00'39"	N57°37'29"W	90.00'
C22	50.44'	272.50'	25.29'	10°36'20"	N60°11'42"W	50.37'
C23	7.78'	272.50'	3.89'	1°37'36"	N66°18'50"W	7.78'
C24	17.09'	15.00'	9.61'	65°17'14"	S80°13'35"W	16.18'
C25	12.56'	50.00'	6.32'	14°24'32"	N54°47'24"E	12.55'
C26	52.44'	50.00'	28.92'	60°05'25"	S87°37'27"E	50.07'
C27	35.71'	50.00'	18.66'	40°55'32"	S37°26'39"E	34.96'
C28	35.00'	50.00'	18.25'	40°06'25"	S03°04'00"W	34.29'
C29	237.77'	50.00'	47.90'	272°27'41"	S03°46'48"W	69.18'
C30	35.00'	50.00'	18.25'	40°06'25"	S43°10'25"W	34.29'
C31	58.30'	50.00'	32.97'	66°48'14"	N83°22'15"W	55.05'
C32	8.74'	50.00'	4.38'	10°00'47"	N44°57'45"W	8.73'
C33	7.11'	15.00'	3.63'	27°10'28"	S53°32'35"E	7.05'
C34	108.65'	327.50'	54.84'	19°00'39"	N57°37'29"W	108.17'
C35	31.92'	327.50'	15.97'	5°35'06"	N64°20'15"W	31.91'
C36	47.33'	327.50'	23.70'	8°16'47"	N57°24'18"W	47.29'
C37	29.41'	327.50'	14.72'	5°08'45"	N50°41'32"W	29.40'
C38	22.31'	272.50'	11.16'	4°41'27"	S50°27'53"E	22.30'
C39	18.25'	272.50'	9.13'	3°50'14"	S50°02'16"E	18.25'
C40	4.06'	272.50'	2.03'	0°51'13"	S52°23'00"E	4.06'
C41	12.87'	15.00'	6.86'	49°10'04"	S77°23'39"E	12.48'
C42	242.09'	50.00'	43.21'	278°20'08"	N37°11'23"E	65.38'
C43	33.90'	50.00'	17.63'	38°50'34"	N82°33'24"W	33.25'
C44	41.43'	50.00'	21.99'	47°28'20"	N39°23'57"W	40.25'
C45	35.71'	50.00'	18.66'	40°55'32"	N04°47'59"E	34.96'
C46	19.83'	50.00'	10.04'	22°45'06"	N36°49'16"E	19.70'
C47	35.71'	50.00'	18.66'	40°55'32"	N68°38'37"E	34.96'
C48	35.71'	50.00'	18.66'	40°55'32"	S70°25'51"E	34.96'
C49	40.43'	50.00'	21.38'	46°19'32"	S26°48'19"E	39.33'
C50	12.87'	15.00'	6.86'	49°10'04"	N26°13'35"W	12.48'
C51	3.61'	327.50'	1.81'	0°37'56"	S52°29'39"E	3.61'
C52	23.73'	15.00'	15.17'	90°37'36"	S82°30'21"W	21.33'
C53	88.13'	272.50'	44.45'	18°31'46"	S27°55'30"W	87.74'
C54	55.08'	272.50'	27.63'	11°34'49"	S31°23'39"W	54.98'
C55	33.05'	272.50'	16.55'	6°56'57"	S22°08'06"W	33.03'
C56	184.55'	327.50'	94.80'	32°17'12"	N34°48'13"E	182.12'
C57	111.22'	327.50'	56.15'	19°27'30"	N28°23'22"E	110.69'
C58	73.33'	327.50'	36.82'	12°49'41"	N44°31'58"E	73.17'

LINE TABLE		
LINE	LENGTH	BEARING
L1	20.00'	S74°20'13"W
L2	39.91'	N64°44'15"W

NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE LDC AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

PLAT NOTES:

1. LOT 1 IS HEREBY DEDICATED AS AN ACCESS EASEMENT FOR THE CONSTRUCTION OF COMMON ELEMENTS, INCLUDING A PRIVATE ACCESS DRIVE FOR THE EXCLUSIVE BENEFIT OF THE PROPERTY OWNERS SUBJECT TO PUBLIC UTILITY, ELECTRIC, DRAINAGE AND SIDEWALK EASEMENTS AS SHOWN.
2. A COMMON PRIVATE ACCESS DRIVE SHALL BE CONSTRUCTED ON LOT 1 FOR VEHICULAR ACCESS TO LOTS 2, 3, 4, 5, 6, 7, 8, 9 AND 10. THESE LOTS SHALL NOT TAKE ACCESS FROM STAGECOACH TRAIL.
3. A PROPERTY OWNERS ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF ALL COMMON ELEMENTS, INCLUDING THE COMMON PRIVATE ACCESS DRIVE.
4. LOTS 11 THROUGH 37 SHALL HAVE A FRONT BUILDING SETBACK LINE OF TWENTY (20) FEET UNLESS NOTED OTHERWISE, A SIDE BUILDING SETBACK LINE OF FIVE (5) FEET AND A REAR BUILDING SETBACK LINE OF FIFTEEN (15) FEET.
5. THIS REPLAT DOES NOT REMOVE ANY COVENANTS OR RESTRICTIONS ESTABLISHED UNDER THE PARK AT WILLOW CREEK SUBDIVISION PLAT RECORDED IN VOLUME 14, PAGE 194 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS. EASEMENTS DEDICATED ON THE PARK AT WILLOW CREEK SUBDIVISION PLAT ARE HEREBY VACATED AS INDICATED HEREON.
6. PORTIONS OF THIS SUBDIVISION ARE LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE AND THE EDWARDS TRANSITION ZONE.
7. ALL LOTS ARE SUBJECT TO THE BUILDING SETBACK LINES AND IMPERVIOUS COVER PER CITY OF SAN MARCOS DEVELOPMENT REGULATIONS.
8. SIDEWALKS ARE REQUIRED ALONG STAGECOACH ROAD, PRIMERS LANE, AND THE SOUTH SIDE OF PARKSIDE DRIVE AND WILL BE INSTALLED AT THE TIME OF LOT DEVELOPMENT.
9. THE 20 FOOT TEMPORARY ACCESS EASEMENT TO SAN MARCOS ELECTRIC UTILITY ACROSS LOT 20 SHALL BE VOID UPON THE COMPLETION OF THE PUBLIC IMPROVEMENT CONSTRUCTION ASSOCIATED WITH THIS SUBDIVISION.
10. LOW IMPACT DEVELOPMENT (LID) FEATURES PROVIDED FOR THIS SUBDIVISION SHALL BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION ESTABLISHED FOR THIS SUBDIVISION, INCLUDING RAIN GARDENS TO BE LOCATED WITHIN CUL-DE-SAC BULBS.
11. THIS SUBDIVISION IS SUBJECT TO COVENANTS AND RESTRICTIONS RECORDED IN DOCUMENT NO. ______________ IN THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

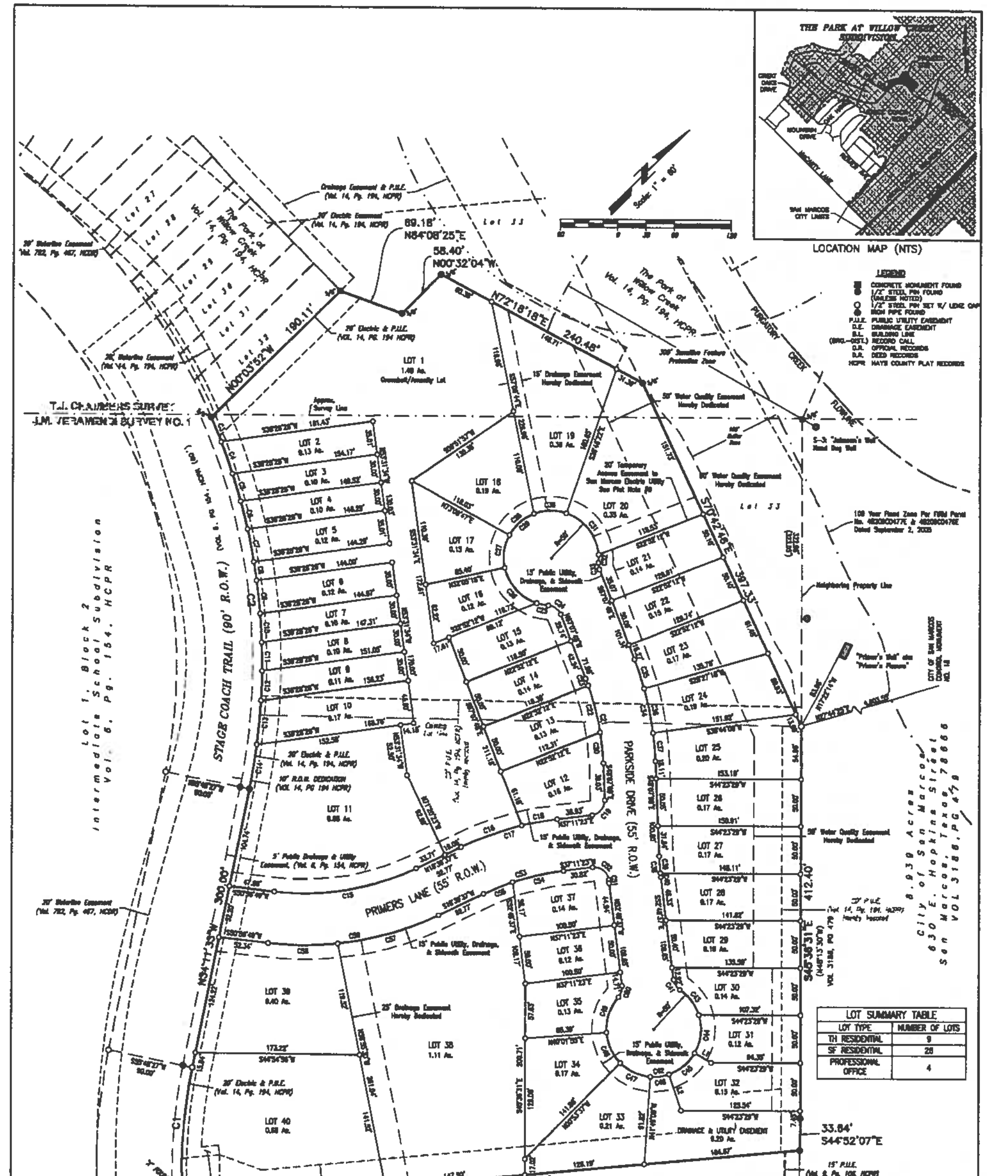
PURPOSE OF REPLAT:

THE PARK AT WILLOW CREEK SUBDIVISION ESTABLISHED LOTS 34 AND 35 AS DEVELOPMENT RESERVES AND NOTED THAT THESE LOTS WOULD BE PLATTED AT A LATER DATE. THE PURPOSE OF THIS REPLAT IS TO ESTABLISH THE LOTS, RIGHTS OF WAY AND EASEMENTS FOR THE DEVELOPMENT RESERVE PROPERTY.

THIS REPLAT VACATES A TWENTY (20) FOOT P.U.E. ALONG THE EASTERN LINE OF DEVELOPMENT RESERVE LOT 34, A TWENTY (20) FOOT P.U.E. ALONG THE NORTHERN LINE OF DEVELOPMENT RESERVE LOT 35 AND A THIRTY (30) FOOT TEMPORARY ACCESS EASEMENT ALONG THE EASTERN LINE OF DEVELOPMENT RESERVE LOT 35, ALL OF WHICH WERE FOR THE INSTALLATION AND MAINTENANCE OF PROPOSED SANITARY SEWER LINES. THIS SUBDIVISION ESTABLISHES NEW RIGHTS OF WAYS AND EASEMENTS THAT TO REPLACE THOSE BEING VACATED.

REPLAT OF LOT 34 AND 35 OF THE PARK AT WILLOW CREEK AND ESTABLISHING
PARK COURT AT WILLOW CREEK

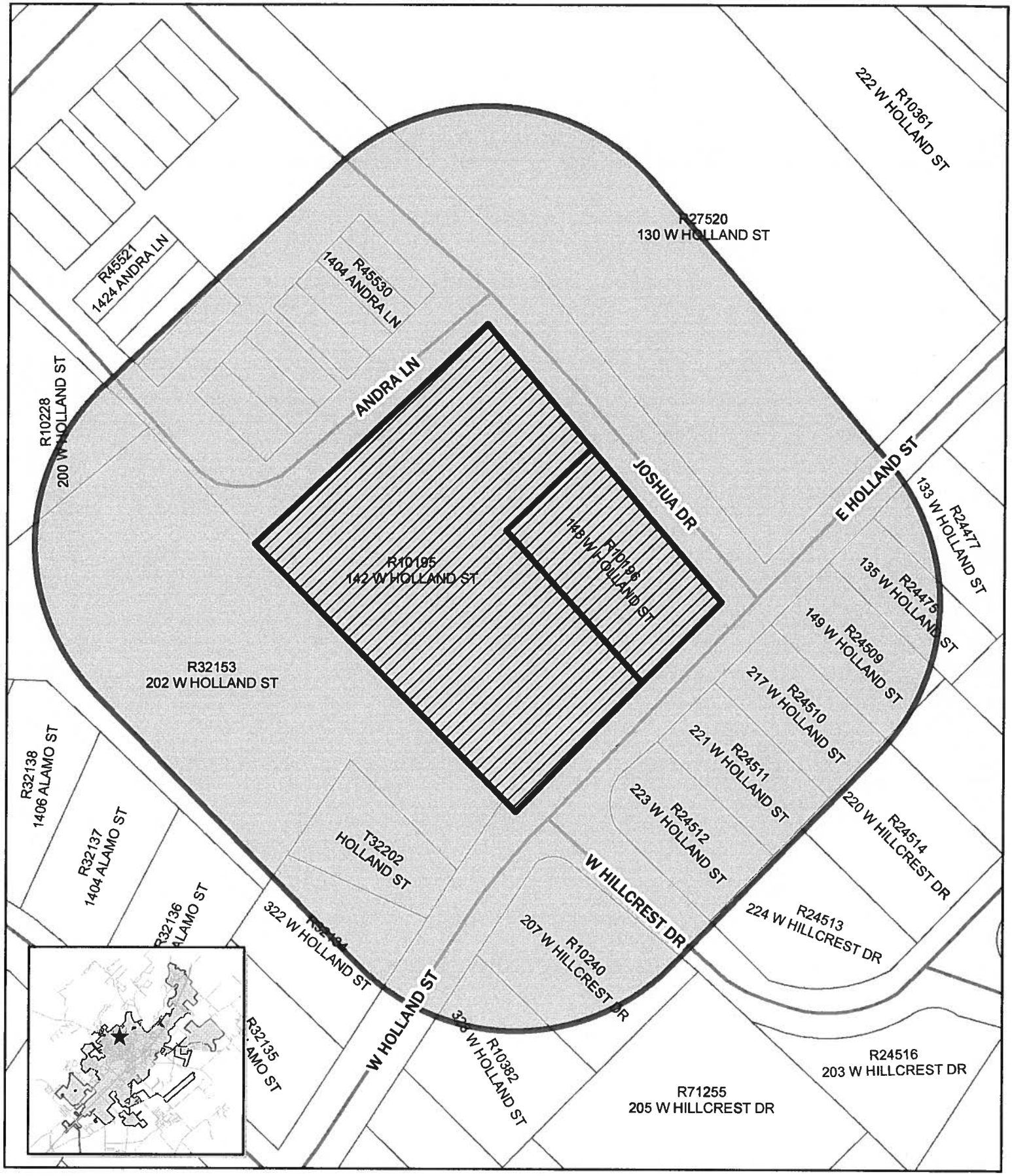
OWNER: WDC-PARK, LTD., 2110A BOCA RATON, SUITE 201, AUSTIN, TEXAS 78747, TELE: (512) 280-5353
ENGINEER: VIGIL AND ASSOCIATES, 4303 RUSSELL DRIVE, AUSTIN, TEXAS 78704, TELE: (512) 328-2687
SHEET 1 of 2
DATE: 08/1/12



LOT SUMMARY TABLE	
LOT TYPE	NUMBER OF LOTS
TH RESIDENTIAL	9
SF RESIDENTIAL	28
PROFESSIONAL OFFICE	4

REPLAT OF LOT 34 AND 35 OF THE PARK AT WILLOW CREEK AND ESTABLISHING
PARK COURT AT WILLOW CREEK

OWNER: WDC-PARK, LTD., 2110A BOCA RATON, SUITE 201, AUSTIN, TEXAS 78747, TELE: (512) 280-5353
ENGINEER: VIGIL AND ASSOCIATES, 4303 RUSSELL DRIVE, AUSTIN, TEXAS 78704, TELE: (512) 328-2687
SHEET 2 of 2
DATE: 08/1/12



ZC-12-13
LUA-12-08
142/148 Holland St
Date: 10/31/2012

Site Location

200 ft Buffer

0 50 100 200
Feet

N

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

LUA-12-08
Land Use Map Amendment
142 & 148 W. Holland Street

Summary:

The applicant is requesting a Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR)

Applicant:

Kris Richter
27934 Copper Crest
San Antonio, TX 78260

Property Owners:

Elvin Lee Anderson Estate
c/o Evelyn J. George
11910 Briar Path Street
San Antonio, TX 78249

Notification:

Personal notice sent and signs posted on November 1, 2012

Response:

No written response as of November 8, 2012. Staff has received a few telephone calls wanting general questions answered. **Staff held a meeting with the neighborhood representatives on Tuesday, November 20, 2012 and will update the Commission on the outcome during the meeting**.

Subject Property:

Location:

142 & 148 W. Holland Street

Legal Description:

2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7

Sector:

Sector Three

Current Zoning:

Single Family (SF-6)

Proposed Zoning:

Townhouse (TH)

Current Future Land Use Map Designation:

Low Density Residential (LDR)

Proposed Future Land Use Map Designation:

Medium Density Residential (MDR)

Surrounding Area:

	Zoning	Existing Land Use	Future Land Use
N of Property	TH	Townhouse residential	Medium Density Residential
S of Property	SF-6	Single family residential	Low Density Residential
E of Property	P	Church	Public & Institutional
W of Property	SF-6	Single family residential	Low Density Residential

Case Summary: **Proposed Land Use Map Amendment from Low Density Residential to Medium Density Residential**

The subject site consists of two unplatted parcels out of the Thomas J. Chambers Survey which measure approximately 2.17 acres. There is one occupied home located at 142 W. Holland Street. According to the applicant, this home serves as a rental property and there is a large accessory structure on-site that may have been used for agricultural purposes. A vacant dwelling, which the applicant states is not repairable, is located at 148 W. Holland Street. Surrounding uses are predominantly single-family residential and the property located immediately north of the subject site is zoned Townhouse Residential. There is one property, the corner of Alamo Street and W. Holland Street, that is zoned Neighborhood Commercial on which a small Mexican food restaurant is located.

The applicant is proposing to construct cottage-style townhomes on the subject site. Attachment "A" shows a picture of a similar style townhouse development. With the property being 2.17 acres in size, the maximum number of units allowed under the proposed TH zoning district is 26 units. Prior to the building permit being issued, the property will have to be platted.

This request is proceeding concurrently with a zoning change from Single-Family Residential (SF-6) to Townhouse Residential (TH).

Planning Department Analysis:

Medium Density Residential land use designation may include a variety of residential types as long as the overall density within a specific development or area is between six and twelve dwelling units per acre. It may accommodate several zoning categories, including:

- Single Family District, min. 4,500 square foot lots (SF-4.5)
- Duplex Restricted District (DR)
- Townhouse Residential (TH)
- Patio Home, Zero-Lot Line Residential District (PH-ZL)
- Multiple-Family Residential District (MF-12)
- Manufactured Home District (MH)

Incorporating the subject site as Medium Density Residential is not an incompatible land use in this area as the subject site sits adjacent to property that is designated as Medium Density Residential. There are townhouses located on that property. The use of townhomes in the area offers another housing type option that is not very prevalent in the City. The subject property is located along West Holland Street which is designated as a residential collector on the City's Thoroughfare Plan in this area of the City. Collectors serve to collect and distribute traffic between arterials and local streets. West Holland Street distributes traffic between N. LBJ Drive and Old Ranch Road 12.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector Three Plan.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			**Policy LU-1-1:** The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan. *Comment: The subject property's proposed land use designation of Medium Density Residential is in keeping with surrounding properties.*
X			**Policy LU-1.21:** The City shall encourage new development to locate in areas already served by utilities and other community facilities. *Comment: The property is adequately served by City facilities, including wastewater, water and electric.*

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			**Policy LU-3.2:** The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations. *Comment: The proposed change will provide the opportunity for additional, new housing.*
X			**Policy LU-4.1:** The City shall determine the need for multifamily dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities. *Comment: The property is adequately served by public utilities and the property to the north is designated as Medium Density Residential. The land use amendment request is in keeping with the character.*
X			**Policy LU-4.4:** The City shall require medium and high density residential developments be located on larger sites to allow for proper buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development. *Comment: The property is 2.17 acres in size and is adequate to support a maximum of 26 units on the site.*

The Sector 3 Plan contains goals such as walkable neighborhoods, interconnected streets, and a variety of housing types. The request is consistent with these general goals. Holland Street was reconstructed to include the addition of bicycle lanes, sidewalks, and speed bumps for traffic calming measures. Proposed changes to a higher density can be considered on a case-by case basis and should be reviewed based on the surrounding uses and potential impacts to the surrounding neighborhood, including noise, traffic, etc. This proposal is consistent with the surrounding neighborhood and because of its size will have minimal impacts.

Staff finds that the request is generally consistent with policies in the Horizons Master Plan and the Sector Three Plan and recommends approval.

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

Prepared by:

Alison Brake	Planner	October 30, 2012
Name	**Title**	**Date**

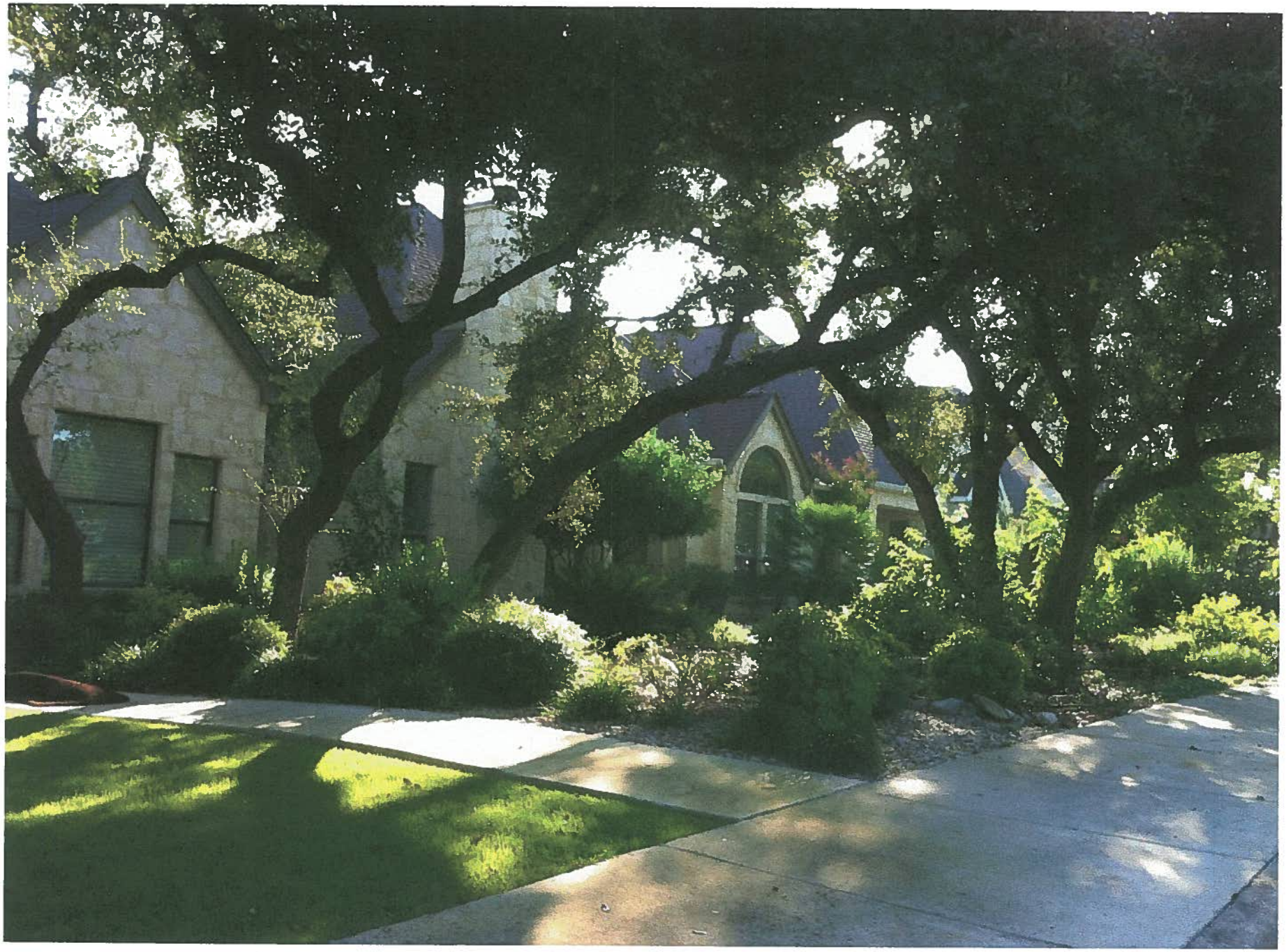
The Commission's Responsibility:

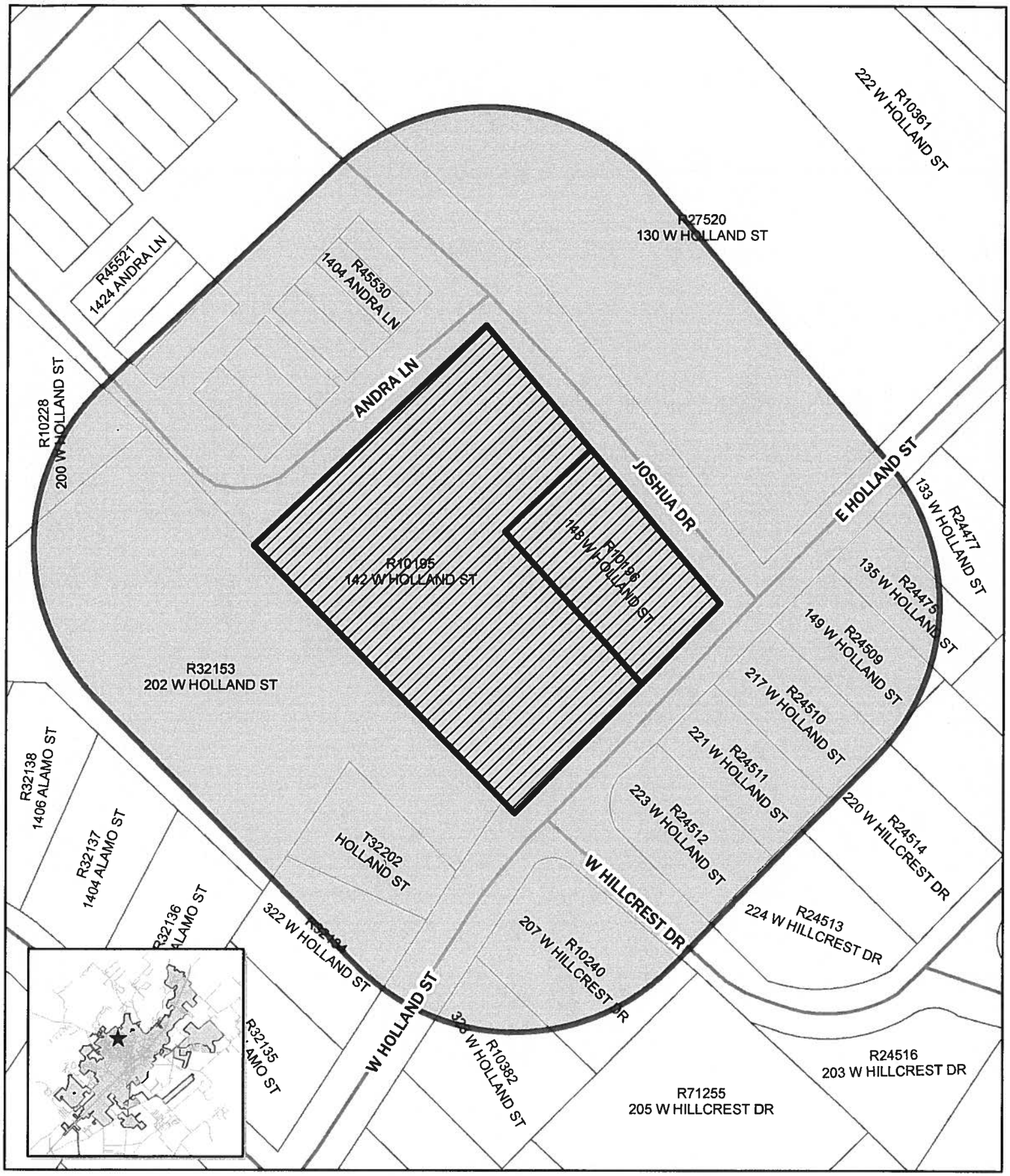
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

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

ATTACHMENT "A"





ZC-12-13
LUA-12-08
142/148 Holland St
Date: 10/31/2012

Site Location

200 ft Buffer

0 50 100 200
Feet

N

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Zoning Change
ZC-12-13
142 & 148 W. Holland Street

Summary: The applicant is requesting a zoning change from Single Family Residential – 6 (SF-6) to Townhome (TH) for two lots located at 142 & 148 W. Holland St.

Applicant: Kris Richter
27934 Copper Crest
San Antonio, TX 78260

Property Owners: Elvin Lee Anderson Estate
c/o Evelyn J. George
11910 Briar Path Street
San Antonio, TX 78249

Notification: Personal notifications of the public hearing were mailed on Thursday, November 1, 2012 to all property owners within 200 feet of the subject property.

Response: No written response as of November 8, 2012. Staff has received a few telephone calls wanting general questions answered. **Staff held a meeting with the neighborhood representatives on Tuesday, November 20, 2012 and will update the Commission on the outcome during the meeting.**

Property/Area Profile:

Legal Description: 2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7

Location: 142 & 148 W. Holland Street

Existing Use of Property: Single-Family Residential (rental) & Vacant single-family dwelling

Proposed Use of Property: Townhomes

Future Land Use Map: Low Density Residential

Existing Zoning: SF-6 (Single Family Residential)

Proposed Zoning: TH (Townhomes)

Utility Capacity: Adequate

Sector: Sector 3

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	TH	Townhouse residential	Medium Density Residential
S of Property	SF-6	Single family residential	Low Density Residential
E of Property	P	Church	Public & Institutional
W of Property	SF-6	Single family residential	Low Density Residential

Case Summary

The subject site consists of two unplatted parcels out of the Thomas J. Chambers Survey which measure approximately 2.17 acres. There is one occupied home located at 142 W. Holland Street. According to the applicant, this home serves as a rental property and there is a large accessory structure on-site that may have been used for agricultural purposes. A vacant dwelling, which the applicant states is not repairable, is located at 148 W. Holland Street. Surrounding uses are predominantly single-family residential and the property located immediately north of the subject site is zoned Townhouse Residential. There is one property, the corner of Alamo Street and W. Holland Street, that is zoned Neighborhood Commercial on which a small Mexican food restaurant is located.

The applicant is proposing to construct cottage-style townhomes on the subject site. Attachment "A" shows a picture of a similar style townhouse development. With the property being 2.17 acres in size, the maximum number of units allowed under the proposed TH zoning district is 26 units. Prior to the building permit being issued, the property will have to be platted.

This request is proceeding concurrently with a land use amendment from Low Density Residential (LDR) to Medium Density Residential (MDR).

Planning Department Analysis

The applicant is requesting a zoning change from Single Family Residential – 6 (SF-6) to Townhome (TH) for two lots located at 142 & 148 W. Holland Street. The subject property fronts on W. Holland Street, a residential collector street that extends from N. LBJ Drive to Ranch Road 12.

The property is located in Sector 3. Sector 3 is located north of Texas State University and encompasses neighborhoods such as Spring Lake Hills, Forest Hills, Ridgeway/Hillcrest, Alamo, Holland Hills, Highland, Tanglewood, and Hughson Heights. It contains a mix of single-family homes, apartment complexes, townhomes, and duplexes. The university's influence is evident in Sector 3 with heavy rental presence, low median age, smaller households and more multi-unit dwellings. There are a few businesses in Sector 3 mostly located along Ranch Road 12 and at the intersection of N. LBJ and Sessom Drive. The largest percentage of acreage in the Sector is zoned for single-family (65%).

The subject property is located within walking distance to Texas State University – San Marcos. While the area is predominately owner-occupied single-family homes there are rental homes in this area. According to the Sector 3 Plan, the only medium density townhouse residential district (12 dwelling units or fewer per gross acre) is the property located adjacent and directly north of the subject property which includes a townhome complex on Joshua Drive.

The rezoning of this particular property will not change the residential nature of the neighborhood as it creates another option of residential use within it. Furthermore, the rezoning of this property supports the intent of townhome zoning to accommodate single-family attached residences with designs that bridge the gap between rental apartment units and single-family homes. It is the intent of this zoning district that townhouse units be designed and constructed for individual ownership although rental units are not prohibited. The occupancy restrictions found in Section 4.3.4.5 of the Land Development Code do apply to the TH zoning designation.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
X			**Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps** *A future land use map amendment is pending for this property. The Future Land Use Amendment staff report indicates changing to a Medium Density Residential future land use designation is consistent with a number of policy statements found in the Horizons Master Plan.*
		X	**Consistency with any development agreement in effect** *No development agreements are in effect for this property.*
X			**Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified** *The proposed use of Townhome is compatible and appropriate for the neighborhood. The subject property is adjacent to property that is zoned TH.*
X			**Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area** *The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.*
X			**Other factors which substantially affect the public health, safety, morals, or general welfare** *Seeing as the property directly north of the subject property is zoned townhouse residential, the proposed rezone should not have a greater impact on surrounding properties.*

Additionally, the Commission should consider:

(1) Is the property suitable for use as presently zoned?

Staff evaluation: The property could be redeveloped as single-family homes under the SF-6 zoning classification.

(2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: No, the surrounding neighborhood has been and remains a mix of residential uses, including single-family homes, duplexes, townhomes, and multifamily.

(3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: This would not address a substantial unmet need. However, the proposed re-zoning would create an option of residential uses within a neighborhood.

(4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: No, there is no special benefit to the landowner because a rezoning would make the property consistent with those surrounding it.

(5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: While the rezoning does not serve a substantial public purpose, one home on the subject property has already become vacant and the other home on the property could become vacant in the future. This could leave the property underutilized.

Staff recommends **approval**.

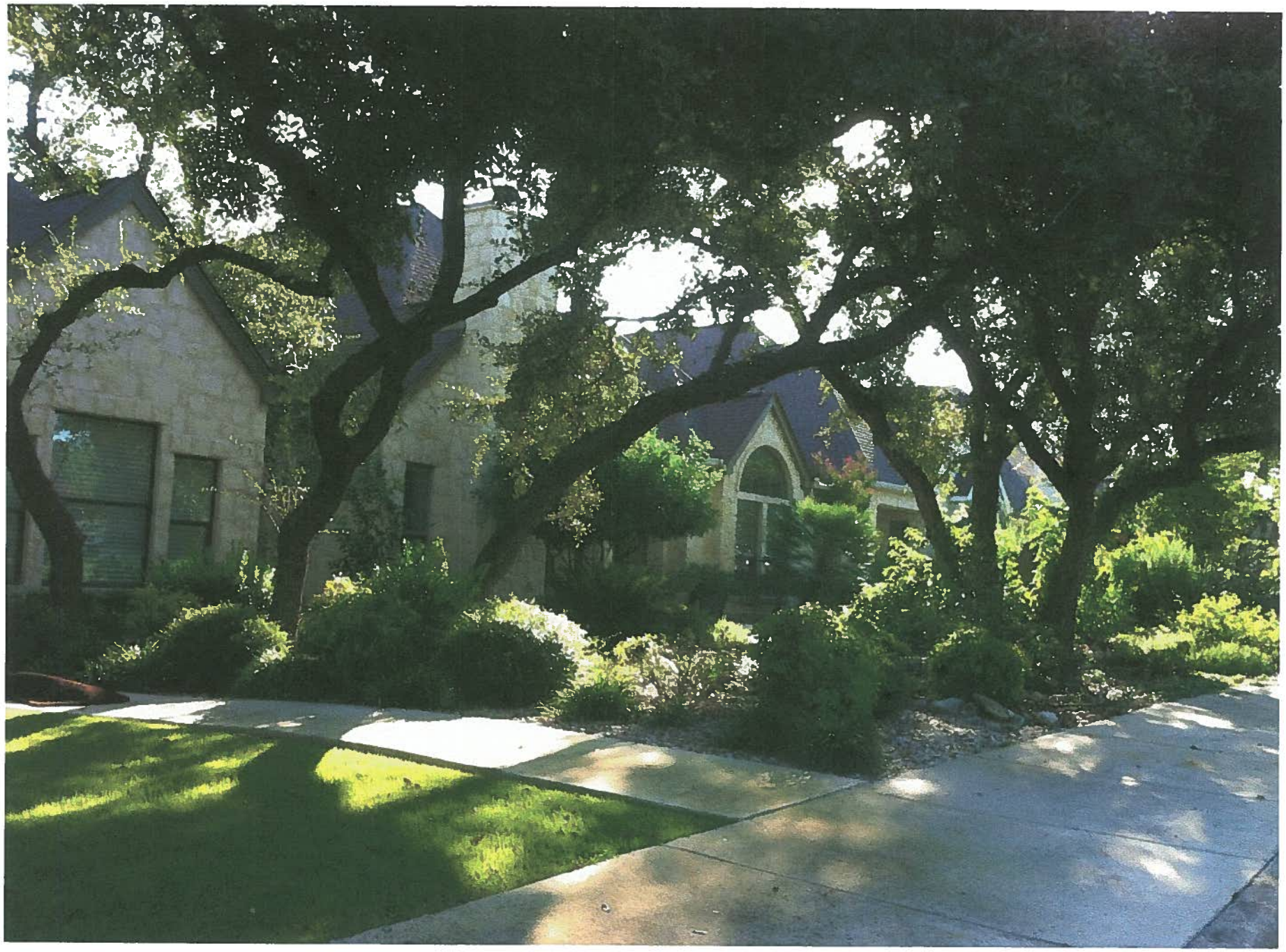
The Commission's Responsibility:

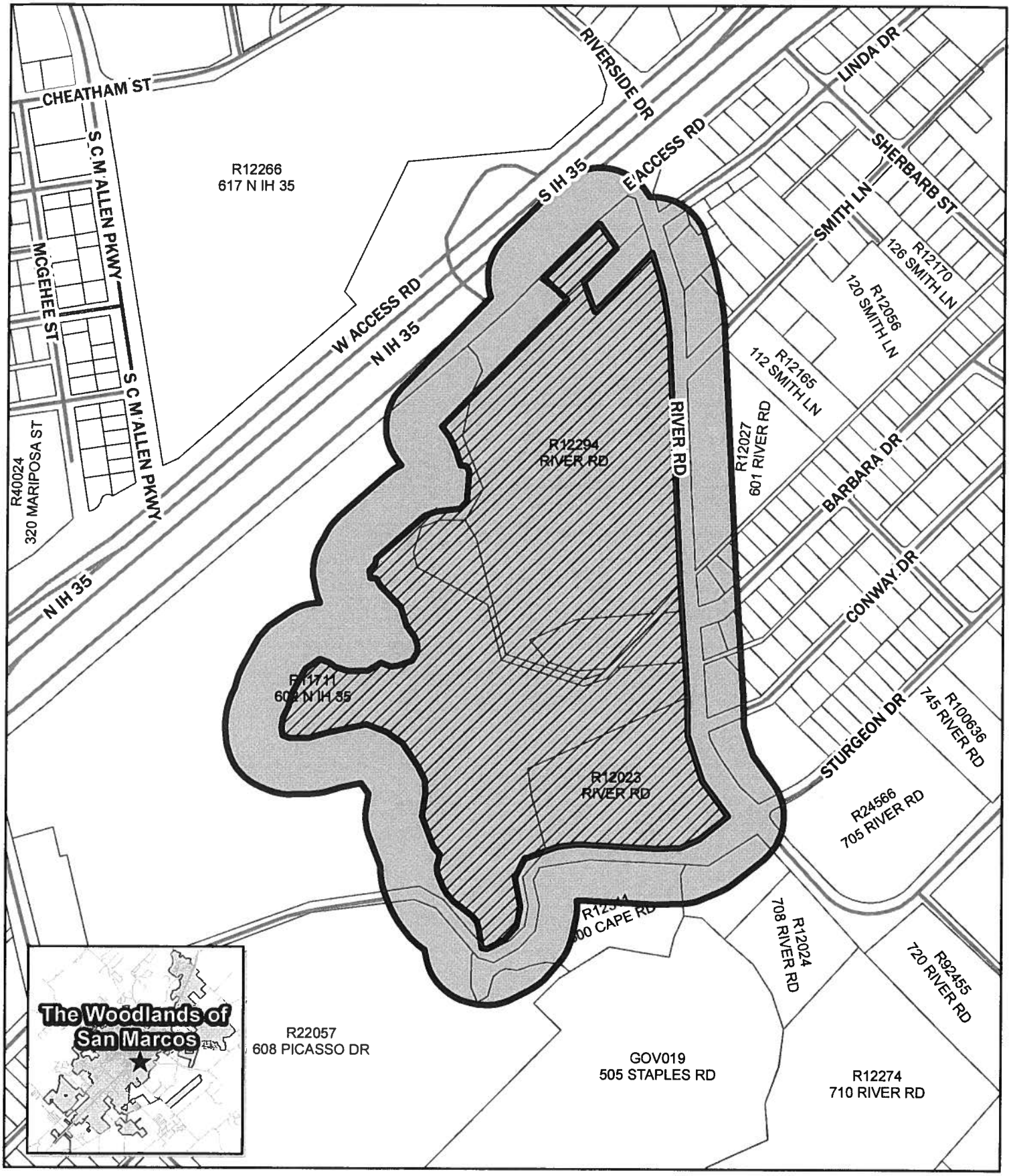
The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

Prepared by:

Alison Brake	Planner	October 30, 2012
Name	**Title**	**Date**

ATTACHMENT "A"





PDD-12-02
ZC-12-05
ZC-12-06
ZC-12-11
LUA-12-04
LUA-12-06
The Woodlands of San Marcos
Map Date 09/27/12

Notification Buffer (200 feet)

Site Location

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

N

0 337.5 675 1,350

Feet

PDD-12-02/ZC-12-05/ZC-12-06/ZC-12-11/LUA-12-04/LUA-12-06
Planned Development District (PDD) Zoning Change
Land Use Amendment
The Woodlands of San Marcos

Summary:

Applicant/Property Owner: Dovetail Development, LLC
1150 Timothy Road, Suite 201
Athens, GA 30606

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

Subject Property:

Legal Description: Approximately 45 acres of land out of the J.M. Veramendi Survey No. 2, Abstract No. 17.

Location: River Road and Cape Road

Existing Use of Property: Commercial along frontage of IH-35 and vacant along River Road and Cape Road

Existing Zoning: "CC" Community Commercial and "FD" Future Development

Proposed Use of Property: Multi-family residential (student housing)

Proposed Zoning: PDD overlay with a MF-12 base zoning

Sector: 6

Frontage On: IH-35 Frontage Road and River Road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-6/MF-24/CC/GC/P	Single family residences and multi-family residences (Blanco Gardens), Commercial, and City lift station location
S of Property	FD	Vacant
E of Property	FD	Stokes Park, some residential
W of Property	GC & P	Commercial and City Parkland

Background

The Woodlands of San Marcos is approximately 45 acres of land, historically known as Cape's Camp and Thompson's Island, located on the east side of IH 35, south of River Road, west of Cape Road and north of the San Marcos River. The project is proposed to be developed as a 306-unit, 1,000-bedroom student housing multifamily community that will front along IH-35. Each unit is proposed to be no more than three-stories in height. The primary entrance to the development is proposed to be provided through a connection to the Interstate frontage road. The project is proposed to be restricted to a maximum density of 12 units per acre over the entire project site with the occupancy of the multifamily units being restricted to one person per lease per bedroom. The project site is located across from Blanco Gardens Neighborhood, a predominately single-family neighborhood. There are some multifamily and commercial pockets located across from the subject property.

ZC-12-05/ZC-12-06/ZC-12-11/LUA-12-05/LUA-12-06

The subject property was annexed in 1982 (Ordinance 1982-12) and was zoned Predevelopment (PD). During the City-wide rezoning in 2005, the property was re-named Future Development (FD). Currently, the majority of the subject property has a zoning designation of FD with a portion, along the frontage road of Interstate 35, having a zoning designation of Community Commercial (CC). The Future Land Use Map shows the property to have multiple designations that include Commercial (C), Medium Density Residential (MDR), Very Low Density Residential (VLDR) and Open Space (OS). The 1983 Master Plan's Future Land Use Map shows the area as "Permanent Open Space/Floodway" and this remained the case until the Sector 6 Plan was adopted in 1999 (Ordinance 1999-78).

The zoning categories listed under the Very Low Density Residential land use designation are as follows:

- Future Development District (FD)
- Agricultural Ranch District (AR)
- Rural Residential District (SF-R)

The zoning categories listed under the Medium Density Residential land use designation are as follows:

- Single Family District, min. 4,500 square foot lots (SF-4.5)
- Duplex Restricted District (DR)
- Patio Home, Zero-Lot Line Residential District (PH-ZL)
- Multiple-Family Residential District (MF-12)
- Manufactured Home District (MH)

The rezone requests to change the zoning designations are as follows:

- Future Development (FD) to Multifamily Residential (MF-12) for approximately 28.15 acres
- Community Commercial (CC) to Multifamily Residential (MF-12) for approximately 0.651 acres
- A Planned Development District Overlay (PDD) for approximately 45 acres total

The requests for Land Use Amendments are as follows:

- Commercial (C) to Medium Density Residential (MDR) for approximately 4.2 acres
- Very Low Density Residential (VLDR) to Medium Density Residential (MDR) for approximately 5.64 acres

Adjacent uses include the State Fish Hatchery to the southeast, as well as a mix of housing, predominantly single-family, to the north. Blanco Gardens Neighborhood is located across from the subject property on River Road. There are some commercial service-type businesses that are located across from the subject property along the IH-35 frontage road.

Proposed Site Development

- Project site is approximately 45 acres total.
- Multifamily Residential for student housing of 306 units/1,000 bedrooms; maximum 3-story units
- 12 units per acre maximum
- All parking requirements will be met plus bicycle parking is provided.
- Maximum Gross Impervious Cover = 30%
- Maximum Clustered Impervious Cover = 75%
- The project commits to a water quality performance rate of 85% removal of all Total Suspend Solids.
- Parkland dedication of 20 acres of land, including Thompson's Island, in addition to the area located within the floodway and land located within the Water Quality Zone. The project was presented to the Parks and Recreation Advisory Board for their recommendation on the dedication on September 25, 2012. The Board did not make a recommendation at that meeting. The project was again presented to the Parks and Recreation Advisory Board for a recommendation on the dedication on October 16, 2012. The dedication of 20 acres remained as before with the addition of park improvements such as parking and trail construction. The Board motion and recommendation was as follows:

Ted Ingwerson made the motion to **deny** the PDD for the following reasons:

1. Parkland dedication is not large enough to support 1,000 plus students and friends as well as the surrounding neighborhood;
2. There have been numerous other suitable locations identifies for this type of development;
3. Building along the river is irresponsible and irreversible;
4. Not a smart investment for the future;
5. This was not in the Comprehensive Master Plan – "Vision San Marcos: A River Runs Through Us";
6. Conversation by the Parks Board in previous meetings was to commit to the community to preserve this area.

AMENDMENT TO MOTION:
Chad Williams added an **amendment** supporting the denial of the PDD for the reason that 100% of the dedication is either in the Floodway or Floodplain. The **amendment** was accepted by Ted Ingwerson.

The **motion** and the **amendment** passed unanimously (7-0).

Density

MF-12 zoning would allow for a maximum density of not more than 12 units per acre. With this zoning, the project site would be allowed to contain a maximum of 540 units over the entire site. The PDD proposes a maximum of 306 units. The current zoning of FD allows 0.40 units per acre.

Parking Standards

The applicant is providing 1.05 spaces per bedroom which is required by the Land Development Code (LDC), which amounts to 1,050 spaces. Bicycle parking is proposed at a minimum of 10% of the bedroom count, which amounts to 100 spaces. Also, the applicant is proposing that parking rows cannot extend for greater than 10 spaces without an interrupting landscape island.

Exterior Construction Standards

Through the PDD, the applicant is proposing the use of four-sided design as well as utilizing a variety of sustainable design standards.

Parkland Dedication

The applicant has proposed to dedicate approximately 20 acres of land to satisfy the requirement to dedicate parkland. This dedication includes the 10 acres that comprise Thompson's Island and all the area within the floodway and Water Quality Zone. Along with the dedication, the applicant has agreed to the following improvements:

1. Construction of a minimum 10-foot wide decomposed granite trail with limestone border located within the 100-foot Water Quality Zone from the property boundary adjacent to IH-35 east to Cape Road;
2. Payment of a parkland development fee of a maximum of $75,000 as contribution for the construction of off-site parking facilities;
3. Dedication of up to 35 feet of ROW along Cape Road, as necessary, to provide for adequate space of on-street parking;
4. Construction of 12 spaces of on-street parking located on Cape Road adjacent to the project site;
5. Striping of a pedestrian crossing across Cape Road to provide a connection from Stokes Park to the above referenced trail; and

6. Installation of a security gate or bollards at trail end on Cape Road to prevent vehicular access to dedicated parkland area, except for emergency and maintenance vehicles.

The applicant is proposing to provide a minimum 10-foot pedestrian access easement east from IH-35 along the property boundary and then south along the property line to the trail, which will allow connectivity to the City pedestrian trail along IH-35. Prior to the approval of the Final Plat of the subject property the terms of the access easement shall be established and the executed. The construction of the off-site parking facilities as indicated in Item #2 above will be the responsibility of the City. Prior to the recordation of the plat, all park improvements will need to be engineered and constructed or will need to be paid for.

Environmental and Water Quality

The intent of a Planned Development District is to provide a higher quality development for the community than would result from the use of conventional zoning districts [Section 4.2.6.1(a)]. This is particularly important in an area that is ecologically sensitive or has topographical features. The location of the property, adjacent to the San Marcos River, requires great care taken in regards to stormwater best management practices (BMPs). The PDD proposes to utilize a combination of traditional BMPs and LID practices to accomplish the commitment to remove a minimum of 85% Total Suspended Solids (TSS).

Impervious Cover

The maximum impervious cover for the entire 45 acres is 30 percent. The applicant has proposed to cluster the development. The Detailed Illustrative Conceptual Plan, shown as "Exhibit D" shows some of the parking elements as well as what appears to be amenities of the community (i.e. pool and clubhouse) will be constructed in the 100-foot Buffer Zone.

Streetscape

The PDD proposes a layout that fronts buildings on River Road and Cape Road with a street landscape buffer with street trees and parking wrapped with buildings located on the interior of the site. It also proposes a 6-foot wide sidewalk along River Road with street trees. These trees will be spaced at 1 tree for every 30 linear feet and pedestrian scale lighting is proposed. The PDD also proposes entrance drives will align with focal points in the development such as a landmark tower or landscape feature.

Maximum Block Length

The PDD, as proposed, exceeds the maximum block length as required in Section 7.4.1.4(j) of the LDC. This requirement is intended for the health and safety of residents of any development. "Exhibit D" shows the development having two entrance/exit driveways. While the Project Site does not meet the intent of Section 7.4.1.4(j), two internal connection points are created, which provide for alternate routes for emergency access.

Planning Department Analysis:

In March 2012, the Planning and Zoning Commission tabled a request to rezone the subject property from FD to MF-12 with the direction a PDD be negotiated and for the applicant to discuss the project with the neighborhood. The rezoning and land use amendment requests were subsequently withdrawn. A series of public meetings were held by the applicant following the withdrawal of the requests. A request for a PDD was submitted in May 2012. That submittal was revised on September 11, 2012 when the applicant added the 5.64 acre Stokes Tract at the corner of River Road and Cape Road to the original PDD boundary.

City Engineering and Transportation Staff have completed an initial review of the Traffic Impact Analysis (TIA) for the project. Their review found that the construction of a deceleration lane along the IH 35 northbound frontage road from the bridge over the San Marcos River to the proposed main entrance and on River Road will be required to accommodate vehicular traffic for the project.

Staff has reviewed the request against the criteria for spot zoning and has determined that the request **does not** meet the criteria to be considered spot zoning. The evaluation is below:

(1) Is the property suitable for use as presently zoned?

Staff evaluation: The property is currently zoned Future Development which could only be developed with lots that are a minimum of 2-acres. This zoning designation is intended to provide areas for land that is relatively undeveloped or agricultural in nature. It is also the default district for newly annexed land. The property could be developed as a variety of single-family housing and duplex housing but the current Future Land Use Designation slates approximately 35%, or 15.8 acres, of the property as suitable for Medium Density Residential.

(2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: No. The neighborhood surrounding the property has not undergone a substantial change of conditions.

(3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: No. The proposed rezoning will not address a substantial public need that has gone unmet.

(4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: The owner would receive no special benefit. The subject property is located within the San Marcos River Corridor. Special attention is needed to prevent substantial detriments to such an ecologically sensitive area. The PDD will need to propose itemized lists of intended BMPs for mitigation.

(5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: The proposed parkland dedication of 20 acres along with the park improvements would serve a public purpose.

The intent of a Planned Development District is to provide a higher quality development for the community than would result from the use of conventional zoning districts [Section 4.2.6.1(a)]. The proposed use of bicycle parking, restricting the height of the units to 3-stories, the proposed parking landscaping, the streetscape along River Road, the architectural standards, the dedication of approximately 20 acres of land along with improvements for parking for the parkland and the construction of a trail and on street parking with a payment of $75,000 toward additional park parking were all negotiated as part of achieving a higher development than what is required in the LDC.

Staff reviewed the request against the criteria the Planning and Zoning Commission would use to decide whether to approve, approve with modifications, or deny a petition for a PDD. Staff found that the request **did meet** the criteria for the applicability for a PDD to be utilized. The review of the applicability criteria is below:

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

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

4.2.6.1(b)(2): The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property; and

4.2.6.1(b)(7): The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Master Plan.

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

Staff evaluation: The review of this question needed more in-depth detail and is discussed later in this report.

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

Staff evaluation: In short, the PDD contains enhancements in water quality, streetscape improvements, bicycle parking, exterior design standards and parkland dedication and parking. The request is superior in these regards to a development meeting the minimum standards for MF-12. The majority of the project site is designated on the Future Land Use Map as Medium Density Residential. MF-12 is the highest zoning classification allowed under Medium Density Residential.

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

Staff evaluation –The development will provide a neighborhood scale building height however the massing of the complex as a whole is overwhelming to the character of the existing neighborhood. The site does have the ablity to support a neighborhood commercial use as well that could help eliminate traffic by providing services to existing citizens in the area.

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

Staff evaluation – A Qualified Watershed Protection Plan is in review. The PDD proposes to remove 85% of Total Suspended Solids through the use of traditional BMPs and LID practices.

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

Staff evaluation – While the area to the north of the project site is predominately single-family, there are pockets of medium and high density residential directly across the street, MF-12 and MF-24. The proposed PDD is compatible with those areas.

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

Staff evaluation – No variation from adopted plans is proposed.

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

Staff evaluation –The dedication of the 20 acres of parkland to the City along with the proposed trail and parking area provides the entire area access.

Staff reviewed the extent to which the proposed PDD furthers the Goals for the sector in which the proposed PDD is located. Staff found that the request supports most of the Sector 6 Goals but that there were a few Goals of Sector 6 that the request did not support. The review is below:

Staff evaluation: The request for a PDD supports the following Sector 6 Goals:

1. *Walkable, pedestrian-friendly neighborhoods.* ***The streetscape that has been negotiated as part of the PDD allows for street trees (1 tree for every 30 linear feet) along with pedestrian scale lighting. The PDD also allows for the design of building wrapped parking so the neighborhood across River Road is not forced to look at a parking lot.***
2. *Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety.* ***Again, the streetscape will add to the context-sensitive street design. A slowing effect occurs when buildings are brought forward toward the street, as shown in the Illustrative Detailed Concept Plan. River Road has been restriped, adding a bike lane, by the City.***
3. *Preserved & enhanced visual character through variety of design requirements.* ***While the community preference would be to preserve the area as open space, Architectural standards were negotiated in the PDD. The applicant has agreed to the use of four-sided design as part of the exterior construction standards.***
4. *Improved open space and recreational opportunities.* ***Approximately 20 acres of parkland was negotiated through the PDD. Along with the dedication of the land, the applicant has agreed to construct parking improvements and a payment of $75,000 for offsite park parking, along with a decomposed granite trail.***

The request for the PDD does not support the following Sector 6 Goals:

1. *Interconnected streets in future development.* ***The project does not propose any internal streets within the project site but rather internal drive isles.***
2. *"Neighborhood friendly" development mitigating negative impacts of higher intensity uses.* ***The project does not bring any neighborhood services to the area and will be gated from the community. There is a shortage of neighborhood services in the area which means that residents will have to drive to other parts of town for daily services. This will lead to an increase in traffic in the area.***

Following the review of the request against the Sector 6 Goals, staff reviewed the extent to which the request furthers the policies of the Master Plan generally.

Staff found that the request **supported** the following Master Plan Goals:

1. *Policy LU-3.5: The City shall encourage community-based elementary schools and parks which are located centrally and within walking distance of any section of a neighborhood.* ***The dedication of the parkland is somewhat centrally located in the city and is within walking distance of not only the proposed project site but the neighborhood to the north.***
2. *Policy LU-3.8: The City shall encourage land use patterns that reflect inward functioning neighborhoods. The interior of the neighborhood units will generally contain low or, at the most, medium density uses. Heavy traffic generators, such as apartments or commercial*

uses, will be located outside neighborhoods along the designated arterials in corridors of intensified development. ***The project site is located outside a neighborhood along a designated arterial. There is multifamily in the area north of the property already.***

3. *Policy LU-3.15: The City shall encourage physical buffers, such as permanent open space, land uses that are transitional and unobtrusive, landscaping, fencing, or walls be used, as appropriate, between residential areas and nonresidential areas, and between residential areas of different densities except where mixed land uses are desired.* ***To act as transitions, the project site is proposing streetscape on River Road and has the San Marcos River on the opposite side.***
4. *Policy LU-4.1: The City shall determine the need for multifamily dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities.* ***Streetscape is proposed and can serve to soften the buildings from the roadway andthe neighborhood to the north.***
5. *Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate the traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.* ***The project site has access to the frontage road of IH-35 and River Road which is designated as a Minor Arterial on the City's Thoroughfare Plan.***

Staff found that the request **does not support** the following Master Plan Goals:

1. *Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations.* ***The project is a student housing development. It is not a different housing type within the City of San Marcos other than the adjacent natural amenities.***
2. *Policy LU-3.4: The City shall provide, within the framework of the Future Land Use Plan, a wide choice of owner-occupied and rental housing types that will give adequate housing to families and individuals of all income levels.* ***The project is targeted to student housing and does not offer the intended wide range of owner-occupied and rental housing types to families and individuals of all income levels. The project is adding to the large market of student housing apartments already constructed.***
3. *Policy LU-3.12: The City shall encourage land uses which are compatible with and support the neighborhood, such as neighborhood shopping centers. Such uses shall be located on the periphery of the neighborhood.* ***The project as proposed does not support the neighborhood. It is solely a student housing community; there are no neighborhood services proposed in this project. However, the site has the ability to meet this goal.***
4. *Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.* ***There are no areas for shopping and work that are proposed with the project. There are very litmited options for shopping in the area as a whole.***
5. *Policy LU-5.1: The City shall preserve the single family character of the existing neighborhoods and the small town atmosphere of the city as a whole.* ***The project does not meet this land use policy. However, no development would meet this unless it was either single-family homes or smaller scaled development with neighborhood commercial uses. The Future Land Use designation for the property is either Medium Density Residential or Commercial, with the exception of the piece at the intersection of Cape Road and River Road which is Very Low Density Residential.***

There is a very real concern with flooding in the area. In times of heavy flooding the backwater from the Blanco River is what causes the most destructive issues. These flooding concerns are not adequately addressed within the PDD and must be addressed during the site plan process in order to achieve the development. Also, the student housing product proposed is not a new housing type in San Marcos. The City is in need of a more diversified housing stock. This project does not bring any neighborhood services, which are lacking, to the existing neighborhoods. The request does not meet the land use policy outlined in the Horizon's Master Plan LU-5.1. The development of apartments does not meet this land use policy. The only way that this policy could be met is if the project was a single family development or development on a smaller scale, such as townhomes. The area could be well suited for a development of townhouses or condominiums along with a neighborhood center, where one would find small, daily needed goods and service. Condominiums and alternative single family homes are housing types that are not prevalent in San Marcos and could fit well within this site.

Should the Commission decide to approve the PDD, staff recommends the following conditions be added:

1. **The landscape islands in the proposed parking areas be designed following Low Impact Development (LID) practices.**
2. **The project will be subject to the Architectural Renderings and Elevations as shown in "Exhibit E".**
3. **All park improvements will need to be engineered and constructed or will need to be paid for prior to the recordation of the plat.**
4. **Itemization of the structural and non-structural LID practices that will be focused on on-site, distributed, at the source controls, per the City of San Marcos Green Infrastructure – LID Practices Manual.**
5. **Itemization of the end of network of structural and non-structural LID BMPs.**
6. **Pervious material will be used for the parking and the pool area in the Buffer Zone.**
7. **A deceleration lane will be constructed along the IH 35 northbound frontage road from the bridge over the San Marcos River to the proposed main entrance and on River Road.**

Planning Department Recommendation	
☐	**Approve as submitted**
☐	**Approve with conditions or revisions as noted**
☐	**Discussion only**
☐	**Denial**
☒	**No recommendation**

Prepared by:

Alison Brake	Planner	October 24, 2012
Name	**Title**	**Date**

The Woodlands of San Marcos

The Dovetail Companies

Planned Development District Standards

Approximately 44.67 acres of land out of the
JM Veramendi Survey No. 2 Abstract 17,
City of San Marcos, Hays County, Texas

Approved under City of San Marcos
Land Development Code Chapter 4, Article 2, Division 6

Submitted:

September 11, 2012

Revised:

October 11, 2012

Approved:

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Section 1: Introduction, Project Location and Description

Planned Development Districts (PDD's) provide one of the best structures for producing a unified and physically cohesive development. PDD Districts are intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for adjustment to the changing demands to meet the current needs of the community and to result in a higher quality development for the community than would result from the use of conventional zoning districts.

The Woodlands of San Marcos (the Project) is located on the east side of IH 35, south of River Road, west of Cape Road and north of the San Marcos River. The Project Site contains approximately 45 acres of land, as described in Exhibit "A", attached hereto and made a part hereof, that have been historically known as Cape's Camp and Thompson's Island and owned by two historical San Marcos families. The primary entrance to this development will be provided through a connection to the IH 35 frontage road with a secondary entrance/exit onto River Road.

The Project will consist of multiple-story, multifamily attached residential dwellings and a significant amount of open space areas. Attached residential dwellings are dwellings that contain 2 or more separate and independent dwelling units within a single structure sharing a common wall. The Project shall be restricted to a maximum of 306 units and 1,000 bedrooms. The occupancy of the multifamily units shall be restricted to one person per lease per bedroom. The Concept Plan provided as Exhibit "B", attached hereto and made a part hereof, illustrates the general location of the uses within the project. Exhibit "C" is an aerial of the Project Site.

A Detailed Illustrative Conceptual Plan has been included as Exhibit D. This plan is intended to illustrate the proposed layout of the project site. Building locations, parking layout, etc. may be modified during the detailed engineering and site planning phase so long as the overall project does not exceed the number of units and bedrooms indicated herein and the streetscape along River Road is maintained.

This Project includes the proposed dedication of approximately 20 acres of land including approximately 10 acres known as Thompson's Island, all of the area contained within the floodplain as well as the land contained within the Water Quality Zone in accordance with Watershed Protection Plan. The dedication of this land will provide for direct connectivity between the existing Stokes Park City Park on Cape Road and existing City owned parkland on the west side of IH-35.

The Project proposes to incorporate various innovative urban oriented and environmentally conscious features including Low Impact Development (LID) practices for water quality, site and building layouts that preserve existing tree canopy, especially specimen trees, and enhanced streetscape with street trees and a shared path to allow for pedestrian connectivity from existing and future City parkland on both sides of IH 35.

Section 2: Existing Property Conditions

The Project is being developed between IH 35 and Cape Road and between River Road and the San Marcos River on predominantly agricultural land. Approximately 27 acres of the project site is flat, upland area along River Road. The remainder of the Project Site is predominantly

native riparian terrain that slopes gently toward the River. This project is located within the San Marcos River Corridor and is subject to all regulations of that ordinance.

The Project Site is primarily zoned Future Development (FD) with a limited amount of Community Commercial zoning along the IH 35 frontage. The FD District is intended to provide for areas for land that is undeveloped and/or agricultural in nature and is also a default district for newly annexed land that is not yet ready to be zoned for a particular intended use.

The Future Land Use Map (FLUM) designates the Project Site for a mixture of Commercial, Medium Density Residential (MDR), Very Low Density Residential (VLDR) and Open Space land uses. The majority of the project site is designated as MDR. The Commercial designation is located at the northwest corner of the project site adjacent to IH 35 and River Road. The VLDR designation is located at the corner of Cape Road and River Road. The Open Space designation is located generally along the San Marcos River and its floodplain area.

The Project Site has historically been held in an interim zoning classification of FD with limited development options. This zoning classification is intended to be applied to agricultural land until such time that a specific development is proposed for the property. The proposed development of the property for a medium density multifamily project is consistent with the existing MDR FLUM designation.

Section 3: Proposed Zoning and Land Use Designation

The Project Site consists of approximately 45 acres with a proposed maximum 306 units and 1,000 bedrooms. The appropriate base zoning for this PDD is the Multiple-Family Residential (MF-12) District which is consistent with the FLUM designation of MDR with an overall density of 0-12 units per acre. The MF-12 District is intended for development of multiple-family, apartment residences at not more than 12 units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.

River Road is designated as a minor arterial on the City's Thoroughfare Plan. Across River Road from the Project Site is a variety of uses including low density single and multiple family dwellings, medium density multiple family residential and high density multifamily residential. The majority of the developable area of the Project Site is currently designated as MDR which is an appropriate land use designation for the development of the Project Site. The Commercial land use designation on the Project Site is located in an area with limited interstate frontage and has a significant area designated as Public over the area of an existing lift station. The lack of adequate commercial frontage and the division of the area for the existing public utilities makes the existing Commercial area unsuitable for development in accordance with the existing FLUM designation. The area designated as VLDR on the corner of Cape Road and River Road is located on the opposite corner from an area with existing high density multifamily residential development. While a FLUM change to MDR for this corner is required to comply with the proposed MF-12 base zoning designation, no additional density is being proposed for the development of this Project as a result of this change.

While the base zoning district of MF-12 has specific regulations within the City of San Marcos Land Development Code (LDC), this PDD contains additional restrictions to limit the types of

uses and other applicable dimensional and development standards. The specific uses and development standards for the base zoning district are outlined in the following sections.

Section 4: Dimensional and Development Standards

Dimensional/Development Standard	MF-12
Lot Area, Min. Sq. Ft.	N/A
Lot Area, Max. Sq. Ft.	N/A
Units per Acre, Max/Gross Acre	12.0
Lot Frontage, Min. Feet	40
Lot Width, Min. Feet	60
Lot Depth, Min. Feet	100
Front Yard Setback, Min. Feet	10
Side Setback, Interior, Min. Feet	10
Side Setback, Corner, Min. Feet	15
Rear Setback, Min. Feet	10
Building Height, Max. Stories	3*
Impervious Cover, Max. %	30% / 75% **
* Stories may not exceed 14 feet in height from finished floor to finished ceiling.	
** 30% maximum Impervious Cover over the total gross acreage; 75% maximum impervious cover in the clustered MF-12 development area.	
Balconies above the first floor may be permitted to overhang into the applicable setback provided, however, that no balconies may extend beyond the property boundary.	

Section 5: Permitted, Conditional and Prohibited Uses

Structures, land or premises shall be used only in accordance with the use(s) permitted in the following use schedule and subject to compliance with the dimensional and development standards for the applicable tract and all other applicable requirements of this PDD.

The uses permitted on the Project Site shall be only those uses identified in this section. In the event that a proposed use is not specifically identified within this section, a determination regarding the classification of new and unlisted uses shall be in accordance with Section 4.3.1.1 of the LDC.

TYPES OF LAND USES
Multiple-Family Residential Dwellings (primary use)
Accessory Building/Structures, in connection with the primary multiple-family use
Accessory and Customarily Incidental uses in connection with the primary multiple-family use including, but not limited to, health/physical fitness center, technology/data center, clubhouse/gathering area, amenity center, laundry facilities

Section 6: Development Standards

6.01 Landscape Standards

The Project Site shall meet or exceed the minimum requirements of Chapter 6, Article 1, Division 1 of the City of San Marcos LDC for landscaping. The landscape standards for the Project that will exceed the requirements of the LDC are outlined in this Section 6. For the purpose of this PDD, landscape areas shall be considered those pervious areas contained within the Project Site containing living plant material including, but not limited to, trees, shrubs, flowers, grass or other living ground cover or native vegetation and that are not otherwise dedicated as parkland in accordance with Section 6.04 of this PDD.

Where possible, trees within the Project Site that are intended for removal should be relocated utilizing accepted transplanting or relocation practices and may be counted towards the tree preservation credits on the Project Site.

All landscape areas shall be provided with an irrigation system designed by a Texas Licensed Irrigator consisting of one of, or a combination of, an automatic underground spray or drip irrigation system or a hose attachment in accordance with the City of San Marcos LDC. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

6.02 Parking Standards

Parking requirements shall comply with all requirements of Chapter 6, Article 2 of the City of San Marcos LDC as follows:

Multifamily:	1.05 spaces per bedroom

Parking rows cannot extend for greater than 10 spaces without an interrupting landscape island.

In addition to the proposed vehicle parking, the project site shall provide bicycle parking spaces equivalent to a minimum of 10% of the bedroom count. To avoid unattractive visual clutter, no bicycles may be hung from the ceiling of the front porch or a front second story balcony, if provided.

6.03 Exterior Construction Standards

The standards and criteria contained within this section are applicable to all portions of the Project Site. These standards are intended to supplement any requirements of the City's LDC.

1. Facades: Facades must be articulated by using, wall planes, arrangement, or change in material to emphasize the façade elements. Exterior wall planes may be varied in height, depth or direction. Design elements and detailing, including the presence of windows and window treatments (for walls that face the public right-of-way), trim detailing, and exterior wall material, must be continued completely around the structure. Doors and windows must be detailed to add visual interest to the façade. All facades or sides of a building shall be designed

with architectural style and building materials consistent with the front façade. Lesser quality materials or details for side or rear walls are prohibited.

2. Materials: The following materials are required for design: brick; cedar; stone, stucco, split face concrete masonry units (CMU), faux stone or brick (stone/brick veneer), finished concrete, and lap-sided fiber cement. The use of more than one material on individual buildings is encouraged, however, heavier materials such as brick or stone should always be placed on the bottom of the structure, with lighter materials such as wood or stucco above.
3. Building entries: Building entries next to a public street, private drive or parking area must be pedestrian scaled in relation to building size. Doors, windows, entranceways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale. Doors shall be fully articulated with the use of such elements as pilasters, columns, fanlights and transoms. Primary entries must be fully visible and easily accessible.
4. Windows and transparency: All exterior walls and elevations on all floors must contain windows except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entryways and common areas. Windows shall be fully articulated with at least one of the following: sills, lintels, framing, and/or shades, etc.
5. Mechanical equipment screening: Rooftop mechanical equipment must be hidden or screened with architecturally integral elements at least as high as the equipment to be screened. Ground mounted mechanical equipment must be hidden or screened with architecturally integral wing walls and/or landscaping. Mechanical equipment must be located where their acoustics will not be disruptive to residents. Solar panels are exempt from mechanical equipment screening standards.
6. Finishes: All finishes and sealants used internally and externally shall be low-VOC. This shall include paints, glazes, floor seals, and built-in components such as countertops.
7. Shading: All windows, with the exception of those facing north, shall be provided with some form of shading. Acceptable forms of shading include solar screens, awnings, eaves measuring at least 12" deep, and lintels.
8. Accessory Structures: All accessory structures shall be constructed in such a manner so as to be compatible in look, style and materials as the primary structures on the project site. Alternative designs for accessory structures may utilize different styles and materials than the primary structure upon review and approval by the Director of Development Services, appealable to the Planning and Zoning Commission.
9. The Building design will incorporate a minimum of 3 Sustainable Design Standards utilizing high efficiency lighting fixtures, a variety of energy-star rated appliances, double-paned low-E windows, occupancy sensors and automatic shut-off fixtures in public areas to reduce energy demand, day-lighting, low-flow toilets and plumbing fixtures in all units, and non-toxic materials and low VOC paints that promote healthy indoor air quality.

6.04 Parkland Dedication

Parkland dedication and/or payment of any fee in lieu of dedication is required in accordance with the requirements of the City of San Marcos LDC.

Parkland dedication is calculated in accordance with Section 7.6.1.2 as follows:

5 acres (multiplied by) 306 units (multiplied by) 2.1 residents per unit (divided by) 1,000 which equates to 3.21 acres of required parkland dedication.

The area of land commonly known as Thompson's Island which contains approximately 10 acres of land shall be dedicated as public parkland. In addition, all of the area located within the floodway as well as the area contained within the Water Quality Zone as indicated on the Watershed Protection Plan shall be dedicated as public parkland. The total combined area of proposed parkland dedication is approximately 20 acres.

In addition to the above indicated parkland land dedication, the Project Site owner shall provide for the following parkland development improvements:

1. Construction of a pedestrian trail located within the 100 foot Water Quality Zone from the property boundary adjacent to IH-35 east to Cape Road.
2. Payment of a parkland development fee of a maximum of $75,000 as contribution for the construction of off-site parking facilities.
3. Dedication of up to 35 feet of ROW along Cape Road, as necessary, to provide for adequate space for on-street parking.
4. Construction of 12 spaces of on-street parking located on Cape Road adjacent to the project site.
5. Striping of a pedestrian crossing across Cape Road to provide a connection from Stokes Park to the above referenced trail.
6. Installation of a security gate at trail end on Cape Road to provide for emergency access to dedicated parkland area.

The construction of the parking facilities as indicated above shall be the responsibility of the City.

The Project Site shall provide a minimum ten foot (10') pedestrian access easement east from IH-35 along the property boundary and then south along the property line to the proposed trail in the Water Quality Zone to allow connectivity to IH-35.

6.05 Environmental, Water Quality & Detention Standards

On-site water quality measures to control and treat stormwater runoff will be required with the development of this site in accordance with the City of San Marcos LDC as well as enhancements described herein. Development of the Project will adhere to a standard for removal of a minimum of 85% of the increase in total suspended solids (TSS) after full development of the Property over the baseline existing conditions prior to development of the Property. The 85% TSS removal will be accomplished utilizing a combination of traditional Best Management Practices (BMP's) and approved LID practices designed in accordance with the TCEQ Edwards Aquifer Protection Program and the City of San Marcos LID manual. All BMP's shall be designed and maintained by the property owner to achieve the performance standard of 85% TSS removal. BMP's for treatment of stormwater proposed for this project may include, but shall not be limited to water quality ponds, rain gardens, bioswales, biofiltration ponds and native drought-tolerant plants for landscaping. Final design of all LID facilities/practices shall be subject to review and approval by the City. Approved vegetative buffers and filters shall not include invasive species. The BMP's shall be located as close as possible to the source of pollutants. Pollutant removal of 85% TSS shall be achieved by structural and non-structural LID practices focused on on-site, distributed, at the source controls, per the

City of San Marcos Green Infrastructure – LID Practices Manual. End of pipe stormwater management systems shall only be used at the end of the network of structural and non-structural LID BMPs.

LID techniques allow for greater development potential with less environmental impacts through the use of smarter designs and advanced technologies that achieve a better balance between conservation, growth, ecosystem protection, public health, and quality of life. Where feasible to achieve maximum water quality standards, the development of the Project shall incorporate various LID techniques, in one form or another, that will work in conjunction with traditional BMP's to achieve the 85% TSS removal indicated.

The Project Site is limited to a maximum of 30% impervious cover of the total gross acreage of the Project Site in accordance with the requirements of the San Marcos River Corridor limitations under the LDC. Impervious cover may be clustered onto any portion of the Project Site, so long as the total impervious cover does not exceed 30% over the entire Project Site. The Project may incorporate pervious paving materials such as pervious pavers, pervious concrete (grasscrete or ecocrete) or other pervious paving materials where appropriate. For pervious paving materials used, technical documentation demonstrating the pervious nature of the specific system or systems as installed shall be provided and approved by the City.

During the construction process, stabilization and protection measures shall be utilized to limit site disturbance to the construction perimeter (the limits of construction). The type and adequacy of the erosion and sedimentation controls shall be subject to approval of the Director of Development Services prior to installation. All erosion and sedimentation controls shall be monitored and maintained at all times during the construction process. A combination of various approved erosion and sedimentation control measures will be implemented where appropriate.

Discharge of sediment from the construction site shall not be permitted. It shall be the responsibility of the Project Site owner and its contractors to clean up any discharge of sedimentation from the Project Site. No construction shall begin until all required City Plans are approved and a Stormwater Pollution Prevention Plan (SWPPP) is produced by the developer and approved by the City. An erosion and sedimentation control program shall include construction sequencing and sedimentation/erosion control measures to be implemented during construction. The type and adequacy of the erosion and sedimentation controls shall be subject to City approval prior to installation. All erosion and sedimentation controls shall be monitored and maintained at all times during the construction process, and shall be inspected on an appropriate frequency, as specified in the SWPPP, and results shall be available for inspection by the City at all times.

A maintenance agreement for the permanent BMPs on the site written according to Sections 5.1.1.7 and 5.1.1.8 of the LDC shall be submitted. The maintenance agreement shall include provisions for testing and monitoring BMPs to make sure required volumes and other characteristics are still intact as originally designed. An easement for inspection and monitoring purposes in favor of and in a form acceptable to the City must be provided by the Project Site owner.

The Project Site is located entirely within the San Marcos River Corridor. In addition to the above environmental and water quality standards, the following standards from Chapter 5, Article 3 of the City's LDC shall also be applicable to the property.

Water quality detention or sedimentation basins, if required, shall be situated and constructed to capture and hold at least the first one-half inch of runoff from all impervious cover. All subsequent runoff in excess of the design capacity of the basins shall bypass the basins and remain segregated from the contained runoff waters in a peak shaving basin up to the capacity specified in the Austin Drainage Criteria Manual.

The design of all water quality basins, if required, shall allow an average residence time of 24 hours for the first one-half inch of runoff from all impervious cover. The design of all water quality basins shall incorporate efficient removal of contaminants, including but not limited to lead, zinc, iron, total phosphorous, total nitrogen, total suspended solids, and fecal coliform bacteria generated as a consequence of the SMRC development for which a basin is designed as approved by the Engineering Director in accordance with the Contaminant Removal Guidelines of the City of San Marcos. These basins shall be maintained at all times so that efficient removal of the contaminants is continuous.

Disposal of removed or filtered contaminants shall be as approved by the Engineering Director in accordance with the Contaminant Removal Guidelines of the City of San Marcos.

Input to and release from water quality basins shall utilize grass-lined swales and/or overland flow dispersion measures.

Natural drainage patterns shall be preserved whenever possible, and the loss of the previous character of the soil should be limited in order to prevent erosion and attenuate the impact of contaminants collected and transported by stormwater. Open surface drainage through grass-lined swales is preferred. Drainage objectives can best be accomplished by leaving portions of a subdivision in an underdeveloped and natural state and located to receive runoff from the developed areas for purposes of unchannelized, overland flow. The use of streets as the central drainage network is prohibited.

Construction of enclosed storm sewers and impervious channel linings are permitted only when the Engineering Director, on the basis of competent engineering evidence, concludes that the storm sewers or impervious linings are the only justifiable option available. If stormwater drainage systems and/or culverts are necessary, these systems shall be designed to mitigate their impact on water quality through the use of approved control strategies to control sediment, neutralize contaminants and dissipate energy by the use of multiple smaller outlets, whenever practical, by locating discharges to maximize overland flow and by any other strategies that will accomplish the objectives defined and discussed in the LDC.

Impervious cover on land within the San Marcos River Corridor outside a water quality zone shall be limited by the gradient of the land to be developed, as follows:

1. 30 percent on areas having a slope with a gradient of less than 15 percent; or
2. 20 percent on areas having a slope with a gradient of between 15 and 25 percent; or

3. Ten percent on areas having a slope with a gradient greater than 25 percent.
4. Credit shall be given for the use of pervious surfaces and materials in direct proportion to the pervious character of the material.

6.06 Project Layout and Streetscape

The project layout shall designed to provide for buildings fronting on and addressing River Road and Cape Road, a street landscape buffer with street trees and building wrapped parking located on the interior of the Project Site. Additional buildings may be located and scattered through the interior of the project site as feasible.

A street landscape buffer shall be provided along River Road which includes a minimum six foot (6') sidewalk, street trees at a spacing of one (1) tree for every 30 linear feet, and pedestrian scale lighting. Street trees may be clustered together or distributed evenly along the street frontage so as to create an attractive and functional streetscape. Street tree species should be selected for tolerance to polluted and drought conditions, disease and pest resistance, biodiversity, and visibility. Any street trees provided shall be maintained by the property owner and must be replaced if dead or diseased. Where feasible, the property owner shall provide for seating benches and trash receptacles along River Road. Entrance drives should align with focal points in a development such as landmark towers or landscape features.

The Detailed Illustrative Conceptual Plan included as Exhibit D is intended to illustrate the proposed layout of the project site. Building locations, parking layout, etc. may be modified during the detailed engineering and site planning phase so long as the overall project does not exceed the number of units and bedrooms indicated herein, the design complies with the narrative design standards contained herein, and the streetscape along River Road is maintained.

6.07 Community Rules and Regulations and Property Management

The Project Site owner agrees to participate in the City of San Marcos Achieving Community Together (ACT) program and the requirements thereof.

6.08 Occupancy Restrictions

Occupancy of all units within this development shall be restricted to a maximum of one person per lease per bedroom. These occupancy restrictions shall not be applicable to families as defined in the City's LDC.

6.09 Tree Preservation & Mitigation Requirements

The Project Site is subject to the Tree and Habitat Protection requirements of the City's LDC. Any trees that are removed or damaged during development of the Project Site shall be mitigated on the Project Site as follows:

Tree Classification	Mitigation Ratio
Exempt Trees (per Section 5.5.2.1(b))	N/A
Trees less than 9" caliper	N/A
Trees within Building Footprint, within 10 feet of the Building Footprint or within Site Access Areas	In accordance with requirements of Section 5.5.2.2(g)

Protected Trees	1:1 caliper inch
Specimen Trees	2:1 caliper inch

To the greatest extent possible, the site layout and building locations on the Project Site shall avoid removal of preferred trees, especially specimen trees. The preservation of existing protected and specimen trees on the Project Site shall count toward mitigation requirements identified of this section. In the event that a tree designated for protection and preserved in accordance with this section dies within 3 years of issuance of certificates of occupancy on the Project Site, loss of such tree tree shall be mitigated in accordance with this section.

6.10 Lighting Requirements

The Project will provide lighting levels in conformance with LDC requirements and that are compatible with safety and industry standards.

1. Light levels: by illuminating landscape and vertical surfaces the project will achieve lighting comfort that requires lower lighting levels and yet offers full visibility and security.
2. Color of light: The project will only use lamps that provide warm color light with a range greater than 5,000 Kelvins. This is the color spectrum of incandescent light. It can be achieved by different means and it is generally less glaring and makes public spaces friendlier and more hospitable.
3. No glare: All light will be carefully down shielded utilizing Dark Sky technologies as to provide no glare to neighboring buildings, as well as pedestrians and motorist circulating around the building.

6.11 Dumpsters

The dumpster(s) for the Project shall be located within an enclosed area not visible from the street. The enclosed area shall be consistent in its design and materials with the rest of the Project. Maneuvering area shall be provided within the project for a truck to conveniently pick up and service the dumpsters. Separate dumpsters adequate for collection of solid waste materials and recyclables shall be required.

6.12 Maximum Block Length

Section 7.4.1.4(j) of the LDC indicates a maximum block length of 1,200 feet. The Project Site has approximately 2,000 feet of frontage on River Road. The topography, environmental and development constraints of the Project Site make the future development of a public roadway south of River Road, parallel to IH-35 unlikely. As a result, the development of the Project Site proposes to exceed the maximum block length indicated in Section 7.4.1.4(j) of the LDC and provide for a single block between IH-35 and Cape Road.

6.13 Texas State Bus Service

The property owner shall make every reasonable effort to coordinate with Texas State University regarding possible locations within the project site or along River Road for University bus stops.

Section 7: Miscellaneous

7.01 The Project Site Owner understands and acknowledges that the Project Site will be bound by the provisions of these development standards as though they were conditions, restrictions and limitations on the use of the Project Site under the City's LDC.

7.02 The Project Site 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 City's LDC, as amended. The Project Site Owner 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 though they were conditions, restrictions and limitations on use of the Project Site under the City's LDC.

7.03 All obligations of the Project Site Owner 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.

7.04 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 and the Project Site Owner.

7.05 These development standards shall control the development of the Project Site and, to the extent such development standards modify, amend or supplement specific provisions of the City's Land Development Code, said development standards shall control. To the extent the City's Land Development Code is not specifically amended, modified or supplemented by these development standards, the City's Land Development Code or, as same may exist at the time of approval of these development standards, shall be applicable to and control the development of the Project Site.

7.06 Minor changes to the details contained within the Exhibits incorporated herein by reference which do not substantially and adversely change the Project and which do not alter the basic physical relationship of the Project Site to adjacent properties, including, but not limited to, permitted uses, layout of buildings, number and size of buildings, design of parking areas, etc., may be approved administratively by the Director of Development Services, subject to the requirements of the City of San Marcos LDC. Any changes not deemed to be minor changes by the Director of Development Services shall be deemed major changes and shall be resubmitted following the same procedure required by the original PDD application. In no case shall any proposed change be less than the requirements of these development standards without being resubmitted following the same procedure required by the original PDD application.

7.07 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.

Section 8: Table of Code Modifications

Standard	Required Standards (per City LDC)	Proposed Standards (per PDD Ordinance)	Modification Justification
Water Quality Standards	Requires 80% TSS removal (*LDC Chapter 5*)	Requiring 85% TSS removal Commitment to use of LID techniques for improved water quality Committing to use of TECQ Edwards Aquifer Program and San Marcos LID Manual	Exceeds City standards for TSS removal by 5% Potential to exceed City standards through use of LID
Tree Preservation & Mitigation	Mitigation for protected trees 1 – 2.5" caliper tree per tree removed Mitigation for specimen trees – 1:1 caliper ratio (*LDC Chapter 5, Article 5*)	Mitigation for protected trees – 1:1 caliper ratio Mitigation for specimen trees – 2:1 caliper ratio	Exceeds City's tree preservation requirements
Occupancy Restrictions	Not applicable in MF-12 District. (*LDC Section 4.3.4.5*)	Restricting occupancy of all units to one person per bedroom per lease	Providing occupancy restrictions exceeds code requirements
Parking Standards	1.05 spaces/bedroom for vehicle parking Bicycle parking not required (*LDC Chapter 6, Article 2*)	Meeting vehicle parking requirements Providing bicycle parking at 10% of vehicle parking	Bicycle parking exceeds LDC code requirements

Parkland Dedication	3.21 acres required (*LDC Section 7.6.1.2*)	20 acres provided Construction of parking facilities and contribution toward additional off-site parking facilities Construction of trail connecting from IH-35 to Cape Road	Exceeding parkland dedication requirements by over 16 acres Providing for construction and contribution of funds for parkland improvements
River Road Streetscape	Street tree plantings required (*LDC Section 6.1.1.4*)	In addition to existing requirements, providing for enhanced street tree planting requirements, berms, benches, trash receptacles and 6 foot sidewalk	Exceeding City standards for landscaping, benches, trash receptacles, wider sidewalks.
Block Length	Maximum of 1,200 feet (*LDC Section 7.4.1.4(j)*)	Waived for River Road	Existing site development constraints limit ability for future public roadway between IH-35 and Cape Road.

Section 9: List of Exhibits:

Exhibit A:	Metes & Bounds Description
Exhibit B:	Concept Plan
Exhibit C:	Project Site Aerial
Exhibit D:	Detailed Illustrative Conceptual Plan
Exhibit E:	Architectural Renderings & Elevations

Exhibit A: Metes & Bounds Description

DESCRIPTION OF 44.67 ACRES, MORE OR LESS, OF LAND AREA IN THE J.M. VERAMENDI SURVEY NO. 2, ABSTRACT NO. 17, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING ALL OF THAT TRACT DESCRIBED AS "SECOND TRACT-38.53 ACRES" IN A DEED FROM E. M. CAPE ET UX TO J. R. THORNTON ET AL DATED OCTOBER 11, 1967 AND RECORDED IN VOLUME 220, PAGE 169 OF THE HAYS COUNTY DEED RECORDS, SAID 38.53 ACRE TRACT BEING A PORTION OF THAT TRACT DESCRIBED AS SEVERAL TRACTS TOTALING 73.490 ACRES IN A DEED FROM MARY LOUISE CAPE THORNTON ET AL TO THORNTON FAMILY INVESTMENTS, L.P., DATED OCTOBER 23, 1998 AND RECORDED IN VOLUME 1471, PAGE 769 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING A PORTION OF THAT TRACT DESCRIBED AS 0.7027 ACRES IN A DEED FROM FLORENCE ALLYN BINGHAM TO THE CLARA LOUISE CAPE TESTAMENTARY TRUST DATED JULY 18, 2003 AND RECORDED IN VOLUME 2268, PAGE 483 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 0.023 ACRES IN A DEED FROM THE CITY OF SAN MARCOS TO JOHN J. STOKES DATED MAY 31, 1990 AND RECORDED IN VOLUME 831, PAGE 610 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS "PROPERTY 2-0.607 ACRES" AND A PORTION OF THAT TRACT DESCRIBED AS "PROPERTY 1-6.52 ACRES" IN A DEED FROM JOHN J. STOKES AND FRANCES B. STOKES TO STOKES FAMILY PARTNERS, LTD., DATED AUGUST 10, 1992 AND RECORDED IN VOLUME 941, PAGE 675 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 5.230 ACRES IN A DEED FROM STOKES FAMILY PARTNERS, LTD., TO RAM CONSOLIDATED HOLDINGS, LLC DATED APRIL 19, 2007 AND RECORDED IN VOLUME 3181, PAGE 462 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set in the north line of the Cape 38.53 acre tract for the northwest corner of that tract described as a 0.272 acre right-of-way, drainage and public utility easement in a deed from J. R. Thornton et al to the City

of San Marcos dated February 24, 1993 and recorded in Volume 978, Page 533 of the Hays County Official Public Records (said 0.272 acre tract being a portion of River Road) in the southeast line of that tract described as 0.69 acres in a deed from E. M. Cape to the City of San Marcos dated January 20, 1959 and recorded in Volume 179, Page 382 of the Hays County Deed Records;

THENCE leaving the **PLACE OF BEGINNING** as shown on that plat numbered 26582-12-6-b dated April 26, 2012 prepared for The Dovetail Development by Byrn & Associates, Inc., of San Marcos, Texas, with the southeast line of the City of San Marcos 0.69 acre tract and north line of the Thornton 38.53 acre tract and the City of San Marcos 0.272 acre easement, **N 45°19′50″ E 9.58 feet** to a calculated point in the west line of River Road and the City of San Marcos 0.272 acre easement for the northeast corner of the Thornton tract and southeast corner of the City of San Marcos 0.69 acre tract;

THENCE leaving the City of San Marcos 0.69 acre tract with the east line of the Thornton tract and the City of San Marcos 0.272 acre easement and west line of River Road the following seven courses:

1. **S 15°50′29″ E 91.63 feet** to calculated point for an angle point, from which an aluminum disc in concrete stamped "City of San Marcos" found for a Point of Curvature in the west line of the City Of San Marcos 0.272 acre easement bears N 52°37′15″ W 12.99 feet,

2. **S 13°09′29″ E 50.00 feet** to a calculated point for an angle point,

3. **S 10°08′29″ E 50.00 feet** to a calculated point for an angle point,

4. **S 07°17′29″ E 50.00** feet to a calculated point for an angle point,

5. **S 04°28′29″ E 50.00 feet** to a calculated point for an angle point, from which an aluminum disc in concrete stamped "City of San Marcos" found for a Point of Tangency in the west line of the City of San Marcos 0.272 acre easement bears N 59°00′35″ W 10.80 feet,

6. **S 01°35′29″ E 898.00 feet** to a calculated point for an angle point, from which an aluminum disc in concrete

stamped "City of San Marcos" found for an angle point in the west line of the City of San Marcos 0.272 acre easement bears N 13°09'06" W 43.27 feet, and

7. **S 02°40'39" E 403.68 feet** to a calculated point for the southeast corner of the Thornton tract and the City of San Marcos 0.272 acre easement and northeast corner of the aforereferenced Ram 5.230 acre tract and that 0.001 acre right-of way, drainage and public utility easement described in a deed from John J. Stokes to the City of San Marcos dated may 17, 1990 and recorded in Volume 831, Page 614 of the Hays County Official Public Records, said 0.001 acre tract being a portion of the Ram 5.230 acre tract;

THENCE leaving the Thornton tract and the 0.272 acre easement with the common east line of the Ram 5.230 acre tract and 0.001 acre easement and west line of River Road, **S 02°42'54" E 69.14 feet** to a ½" iron rod set for the south corner of the 0.001 acre easement and north corner of the previously mentioned Stokes 0.023 acre tract;

THENCE leaving the Ram 5.230 acre tract and the 0.001 acre easement with the common east line of the Stokes 0.023 acre tract and west line of River Road the following two courses:

1. **S 03°33'25" E 70.24 feet** to a ½" iron rod set for Point of Curvature, and

2. with a left-breaking curve having the following characteristics: delta angle=36°23'54", radius=273.57 feet, arc=173.79 feet, and a chord which bears **S 21°47'00" E 170.88 feet** to a ½" iron rod set in the northeast line of the previously mentioned Stokes Family 0.607 acre Property 2 tract for Point of Tangency;

THENCE leaving the Stokes 0.023 acre tract with the common northeast line of the Stokes Family 0.607 acre Property 2 Tract and southwest line of River Road, **S 39°57'45" E 155.34 feet** to a calculated point for the southeast corner of this description, the west corner of the intersection of River Road and Cape Road, the east corner of the Stokes Family 0.607 acre Property 2 Tract and that 0.007 acre easement described as Tract "B" in the previously mentioned deed to the City of San Marcos and the north corner of that tract described as 0.252 acres in a deed from J. M. Cape, Executor, to the Cape Family Limited Partnership dated December 15, 1992 and recorded in Volume 964,

Page 343 of the Hays County Official Public Records, (a portion of Cape Road being within the Cape Family 0.252 acre tract);

THENCE leaving River Road with the common southeast line of the Stokes Family 0.607 acre Property 2 Tract and northwest line of Cape Road and the Cape Family 0.252 acre tract the following two courses:

1. **S 47°30′33″ W 131.31 feet** to a 1″ iron rod found in concrete for an angle point, and

2. **S 62°26′11″ W 73.20 feet** to an iron rod found for the southeast corner of the Ram consolidated 5.230 acre tract, the northwest corner of the Cape Family 0.252 acre tract, the southwest corner of the Stokes Family 0.607 acre Property 2 Tract, and the northeast corner of the Stokes Family 6.52 acre Property 1 Tract and that tract described as 5.576 acres in a deed from Stokes Family Partners, Ltd., to the Texas Parks and Wildlife Department dated December 31, 1992 and recorded in Volume 986, Page 793 of the Hays County Official Public Records, (the Texas Parks & Wildlife 5.576 acre tract being a portion of the Stokes Family 6.52 acre Property 1 Tract);

THENCE leaving the Ram 5.230 acre tract, the Stokes Family 0.607 acre Property 2 Tract and the Cape Family 0.252 acre tract entering the Stokes Family 6.52 acre Property 1 Tract with the north line of Cape Road and the Texas Parks & Wildlife 5.576 acre tract the following seven courses:

1. **S 83°19′26″ W 86.99 feet** to a ½″ iron rod found for an angle point,

2. **S 89°55′33″ W 212.41 feet** to a ½″ iron rod found for an angle point,

3. **S 87°22′11″ W 62.47 feet** to a ½″ iron rod found for an angle point,

4. **S 79°52′30″ W 74.49 feet** to a ½″ iron rod found for an angle point,

5. **S 66°58′21″ W 50.00 feet** to a ½″ iron rod found for an angle point,

6. **S 50°28′41″ W 62.00 feet** to an iron rod with a plastic cap stamped "Survtex LLC" found for an interior north corner of the Texas Parks & Wildlife 5.576 acre tract, and

7. **N 38°18′56″ W 80.83 feet** to an iron rod with a plastic cap found in the east line of the aforereferenced Thornton 38.53 acre tract for the southwest corner of the Ram 5.230 acre tract and an exterior northwest corner of the Texas Parks & Wildlife 5.576 acre tract;

THENCE leaving the Ram 5.230 acre tract and the remaining portion of the Stokes 5.62 acre tract with the common south line of the Thornton tract and north line of the Parks & Wildlife 5.576 acre tract the following five courses:

1. **S 81°00′08″ W 15.52 feet** to a calculated point in a mill race for an angle point,

2. **S 27°08′39″ W 79.08 feet** to an iron rod with a plastic cap stamped "Survtex LLC" found for an angle point,

3. **S 09°39′23″ E 105.54 feet** to a hole in concrete found for an angle point,

4. **S 13°22′45″ W 70.99 feet** to an iron rod with a plastic cap stamped "Survtex LLC" found in the occupied north line of Cape Road for an angle point, and

5. **S 41°55′14″ W 64.62 feet** to an iron rod with a plastic cap stamped "Survtex LLC" found for an angle point,

THENCE continuing with the common south line of the Thornton tract and north line of the Stokes 5.62 acre tract, being in conflict with a small portion of the Parks & Wildlife 5.576 acre tract the following two courses:

1. **S 63°48′35″ W 71.00 feet** to a ½″ iron rod set for an angle point, and

2. **N 73°46′25″ W 19.26 feet** to a concrete nail with an aluminum washer stamped "Byrn Survey" set in a concrete bridge in the approximate east line of the San Marcos River for the southwest corner of the Thornton tract and northwest corner of the Stokes 5.62 acre tract;

THENCE leaving the occupied Cape Road and the Stokes 5.62 acre tract crossing the Thornton 73.490 acre tract with the west line of the Thornton 38.53 acre tract being with the approximate east line of the San Marcos River the following fifty-six courses:

1. **N 06°55′37″ W 64.27 feet** to a point for an angle point,

2. **N 12°42′08″ W 29.94 feet** to a point for an angle point,

3. **N 37°28′30″ W 29.10 feet** to a point for an angle point,

4. **N 51°53′28″ W 82.80 feet** to a point for an angle point,

5. **N 38°45′54″ W 34.75 feet** to a point for an angle point,

6. **N 29°08′13″ W 30.79 feet** to a point for an angle point,

7. **N 21°20′20″ W 49.07 feet** to a point for an angle point,

8. **N 06°22′43″ W 24.65 feet** to a point for an angle point,

9. **N 15°45′52″ E 46.24 feet** to a point for an angle point,

10. **N 39°13′35″ W 35.89 feet** to a point for an angle point,

11. **N 19°42′04″ W 115.67 feet** to a point for an angle point,

12. **N 09°59′46″ E 84.15 feet** to a point for an angle point,

13. **N 03°34′07″ W 47.78 feet** to a point for an angle point,

14. **N 25°07′16″ W 50.45 feet** to a point for an angle point,

15. **N 33°08′49″ W 101.79 feet** to a point for an angle point,

16. **N 53°00′35″ W 68.05 feet** to a point for an angle point;

17. **N 68°16′31″ W 78.25 feet** to a point for an angle point,

18. **S 78°38′56″ W 141.08 feet** to a point for an angle point,

19. **S 74°34′28″ W 65.27 feet** to a point for an angle point,

20. **S 89°53′47″ W 69.78 feet** to a point for an angle point,

21. **N 67°10′30″ W 27.38 feet** to a point for an angle point,

22. **N 08°56′05″ W 23.96 feet** to a point for an angle point,

23. **N 07°41′11″ E 38.76 feet** to a point for an angle point,

24. **N 26°29′12″ E 42.87 feet** to a point for an angle point,

25. **N 16°46′28″ E 51.07 feet** to a point for an angle point,

26. **N 29°33′00″ E 99.89 feet** to a point for an angle point,

27. **N 56°03′42″ E 61.13 feet** to a point for an angle point,

28. **S 68°47′44″ E 35.19 feet** to a point for an angle point,

29. **S 51°01′21″ E 26.22 feet** to a point for an angle point,

30. **S 72°08′52″ E 50.04 feet** to a point for an angle point,

31. **S 89°40′08″ E 69.42 feet** to a point for an angle point,

32. **N 58°41′17″ E 54.31 feet** to a point for an angle point,

33. **S 67°21′33″ E 35.95 feet** to a point for an angle point,

34. **N 87°22′32″ E 26.77 feet** to a point for an angle point,

35. **N 69°44′39″ E 53.68 feet** to a point for an angle point,

36. **N 33°24′58″ E 34.35 feet** to a point for an angle point,

37. **N 01°34′45″ E 27.34 feet** to a point for an angle point,

38. **N 19°27′28″ W 28.26 feet** to a point for an angle point,

39. **N 32°55′46″ W 49.39 feet** to a point for an angle point,

40. **N 17°27′37″ W 70.35 feet** to a point for an angle point,

41. **N 42°08′14″ W 103.28 feet** to a point for an angle point,

42. **N 30°17′27″ W 30.06 feet** to a point for an angle point,

43. **N 84°42′55″ W 19.78 feet** to a point for an angle point,

44. **N 10°25′48″ W 26.23 feet** to a point for an angle point,

45. **N 41°14′39″ E 33.10 feet** to a point for an angle point,

46. **N 13°29′16″ E 20.27 feet** to a point for an angle point,

47. **N 49°23′06″ E 229.34 feet** to a point for an angle point,

48. **N 71°00′55″ E 44.19 feet** to a point for an angle point,

49. **N 84°05′06″ E 85.07 feet** to a point for an angle point,

50. **N 44°28′14″ E 33.33 feet** to a point for an angle point,

51. **N 05°27′45″ E 110.17 feet** to a point for an angle point,

52. **N 29°24′34″ W 22.23 feet** to a point for an angle point,

53. **N 86°58′51″ W 19.66 feet** to a point for an angle point,

54. **N 14°46′30″ W 51.70 feet** to a point for an angle point,

55. **N 23°20′38″ W 55.11 feet** to a point for an angle point, and

56. **N 35°23′36″ W 48.70 feet** to a point for the northwest corner of the Thornton 38.53 acre tract and this description;

THENCE leaving the San Marcos River with the northwest line of the Thornton tract and its extension **N 45°24′40″ E 617.01 feet** to a ½″ iron rod with an aluminum cap stamped "Byrn Survey" found for the south corner of that tract described as 0.7027 acres in a deed from Florence Allyn Bingham to the Clara Louise Cape Testamentary Trust dated July 18, 2003 and recorded in Volume 2268, Page 483 of the Hays County Official Public Records, for the east corner of that tract described as 0.833 acres and south corner of that tract described as 0.0411 acres in a deed from D2 Power Holdings, LLC, to Benjamin J. Kvanli and Michelle Clements dated March 24, 2005 and recorded in Volume 3597, Page 801 of the Hays County Official Public Records, pass at 161.99 feet a ½″ iron rod with an aluminum cap stamped "Byrn Survey" found for the south corner of the Kvanli & Clements 0.833 acre tract;

THENCE leaving the Kvanli & Clements 0.833 acre tract with the southeast line of the Kvanli & Clements 0.0411 acre tract and the Cape 0.7027 acre tract, **N 44°35′27″ E 16.22 feet** to a ½″ iron rod with an aluminum cap stamped "Byrn Survey" found for the east corner of the Kvanli & Clements 0.0411 acre tract;

THENCE leaving the Thornton 38.53 acre tract crossing the Cape 0.7027 acre tract with the northeast line of the Kvanli & Clements 0.0411 acre tract, **N 46°00'46" W 112.16 feet** to a ½" iron rod with a plastic cap stamped "Byrn Survey" found in the southeast line of Interstate Highway No. 35 and that tract described as 2.017 acres in a deed from S. V. Bingham et ux to the State of Texas dated May 18, 1961 and recorded in Volume 186, Page 466 of the Hays County Deed Records for the north corner of the Kvanli & Clements 0.0411 acre tract;

THENCE leaving the Kvanli & Clements 0.0411 acre tract with the common northwest line of the Cape 0.7027 acre tract and southeast line of Interstate 35 and the State of Texas 2.017 acre tract, **N 46°32'59" E 276.43 feet** to a ½" iron rod found for the north corner of the Cape tract and this description, the west corner of that tract described as 0.342 acres in a deed from Ernest Valdez, Jr., & Bernadine Valdez to Gaspar Vences & Olga Vences dated May 10, 2006 and recorded in Volume 2920, Page 295 of the Hays County Official Public Records, and the south corner of that tract described as 0.118 acres in a deed from S. V. Bingham et ux to the State of Texas dated May 18, 1961 and recorded in Volume 186, Page 465 of the Hays County Deed Records;

THENCE leaving Interstate 35 and the State of Texas tracts with the common northeast line of the Cape 0.7027 acre tract and southwest line of the Vences 0.342 acre tract, **S 33°06'44" E 105.49 feet** to a ½" iron rod found in the northwest line of the previously mentioned City of San Marcos 0.69 acre tract for the east corner of the Cape 0.7027 acre tract and south corner of the Vences 0.342 acre tract;

THENCE leaving the Vences 0.342 acre tract with the common southeast line of the Cape 0.7027 acre tract and northwest line of the City of San Marcos 0.69 acre tract, **S 44°48'24" W 166.96 feet** to a ½" iron rod with an aluminum cap stamped "Byrn Survey" found for the west corner of the City of San Marcos 0.69 acre tract and an exterior north corner of the Thornton 38.53 acre tract;

THENCE leaving the Cape 0.7027 acre tract with the common north line of the Thornton tract and southwest and southeast lines of the City of San Marcos 0.69 acre tract the following two courses:

1. **S 19°20′11″ E 111.26 feet** to a ½″ iron rod set for the south corner of the City of San Marcos 0.69 acre tract, and

2. **N 45°19′50″ E 282.53 feet** to the **PLACE OF BEGINNING.**

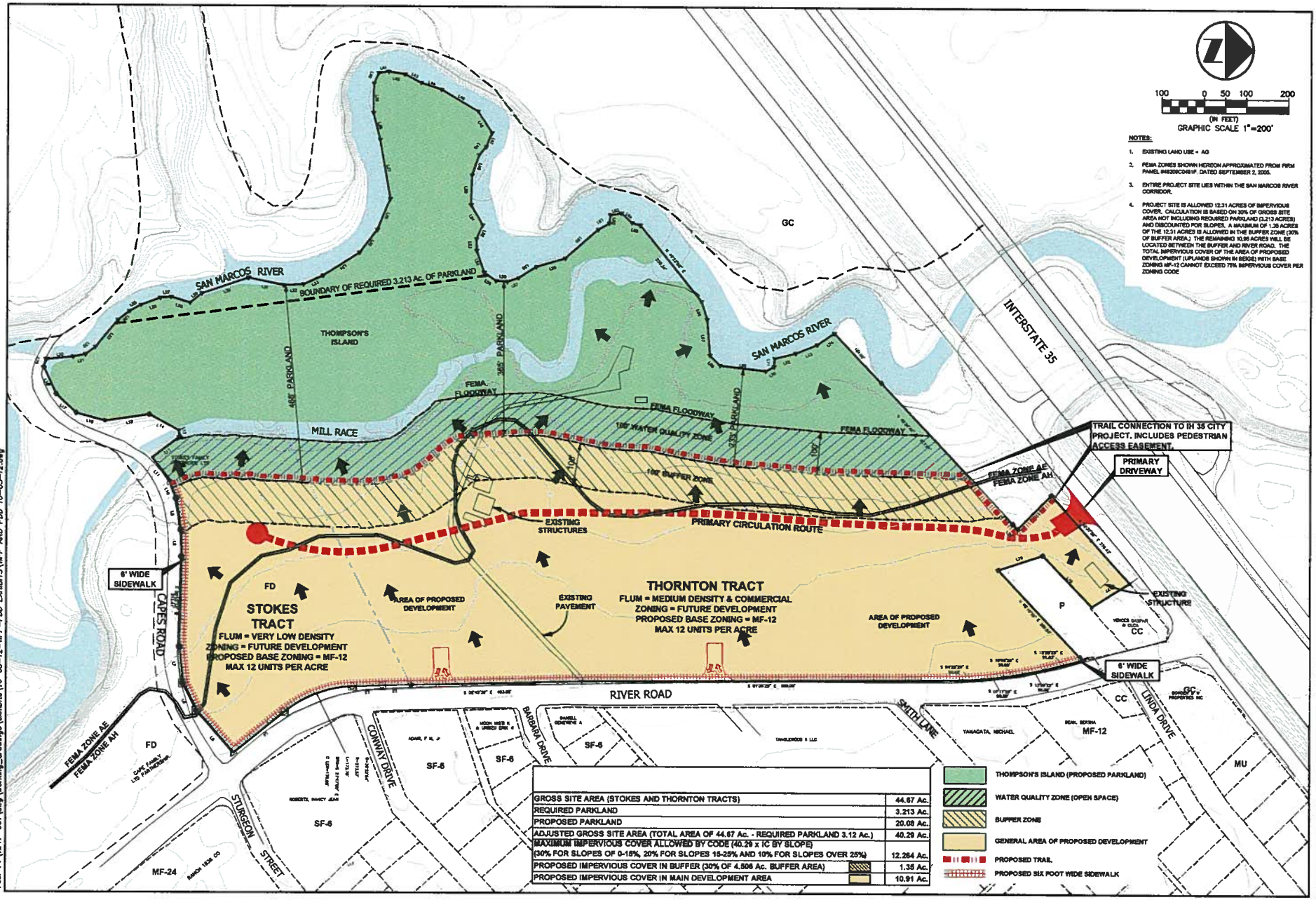
There are contained within these metes and bounds 44.67 acres, more or less, as prepared from public records and a survey made on the ground in 2011 and on April 26, 2012 by Byrn & Associates, Inc., of San Marcos, Texas. All ½″ iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this description is based on the Texas State Plane Coordinate System, South Central Zone, and refers to Grid North.

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

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

Client: The Dovetail Development
Date: April 26, 2012
Survey: Veramendi No. 2, J. M., A-17
County: Hays, Texas
Job No.: 26582-12-6
FND44.67

Exhibit B: Concept Plan



NOTES:

1. EXISTING LAND USE = AG
2. FEMA ZONES SHOWN HEREON APPROXIMATED FROM FIRM PANEL #48209C0481F. DATED SEPTEMBER 2, 2005.
3. ENTIRE PROJECT SITE LIES WITHIN THE SAN MARCOS RIVER CORRIDOR.
4. PROJECT SITE IS ALLOWED 12.31 ACRES OF IMPERVIOUS COVER. CALCULATION IS BASED ON 30% OF GROSS SITE AREA NOT INCLUDING REQUIRED PARKLAND (3.213 ACRES) AND DISCOUNTED FOR SLOPES. A MAXIMUM OF 1.35 ACRES OF THE 12.31 ACRES IS ALLOWED IN THE BUFFER ZONE (30% OF BUFFER AREA.) THE REMAINING 10.96 ACRES WILL BE LOCATED BETWEEN THE BUFFER AND RIVER ROAD. THE TOTAL IMPERVIOUS COVER OF THE AREA OF PROPOSED DEVELOPMENT (UPLANDS SHOWN IN BEIGE) WITH BASE ZONING MF-12 CANNOT EXCEED 75% IMPERVIOUS COVER PER ZONING CODE

GROSS SITE AREA (STOKES AND THORNTON TRACTS)	44.67 Ac.
REQUIRED PARKLAND	3.213 Ac.
PROPOSED PARKLAND	20.08 Ac.
ADJUSTED GROSS SITE AREA (TOTAL AREA OF 44.67 Ac. - REQUIRED PARKLAND 3.12 Ac.)	40.29 Ac.
MAXIMUM IMPERVIOUS COVER ALLOWED BY CODE (40.29 x IC BY SLOPE) (30% FOR SLOPES OF 0-15%, 20% FOR SLOPES 15-25% AND 10% FOR SLOPES OVER 25%)	12.264 Ac.
PROPOSED IMPERVIOUS COVER IN BUFFER (30% OF 4.506 Ac. BUFFER AREA)	1.35 Ac.
PROPOSED IMPERVIOUS COVER IN MAIN DEVELOPMENT AREA	10.91 Ac.

- THOMPSON'S ISLAND (PROPOSED PARKLAND)
- WATER QUALITY ZONE (OPEN SPACE)
- BUFFER ZONE
- GENERAL AREA OF PROPOSED DEVELOPMENT
- PROPOSED TRAIL
- PROPOSED SIX FOOT WIDE SIDEWALK

FIRM REGISTRATION #3937
Dunet & Associates, Inc.
2601 B Highway 71 West, Suite 100, Austin, Texas 78735
Phone: (512) 263-8500 Fax: (512) 263-8501
www.dunetandassociates.com
ALSO TEXAS TRAVEL TRAILS ASSOCIATION, INCORPORATED

CONCEPT PLAN

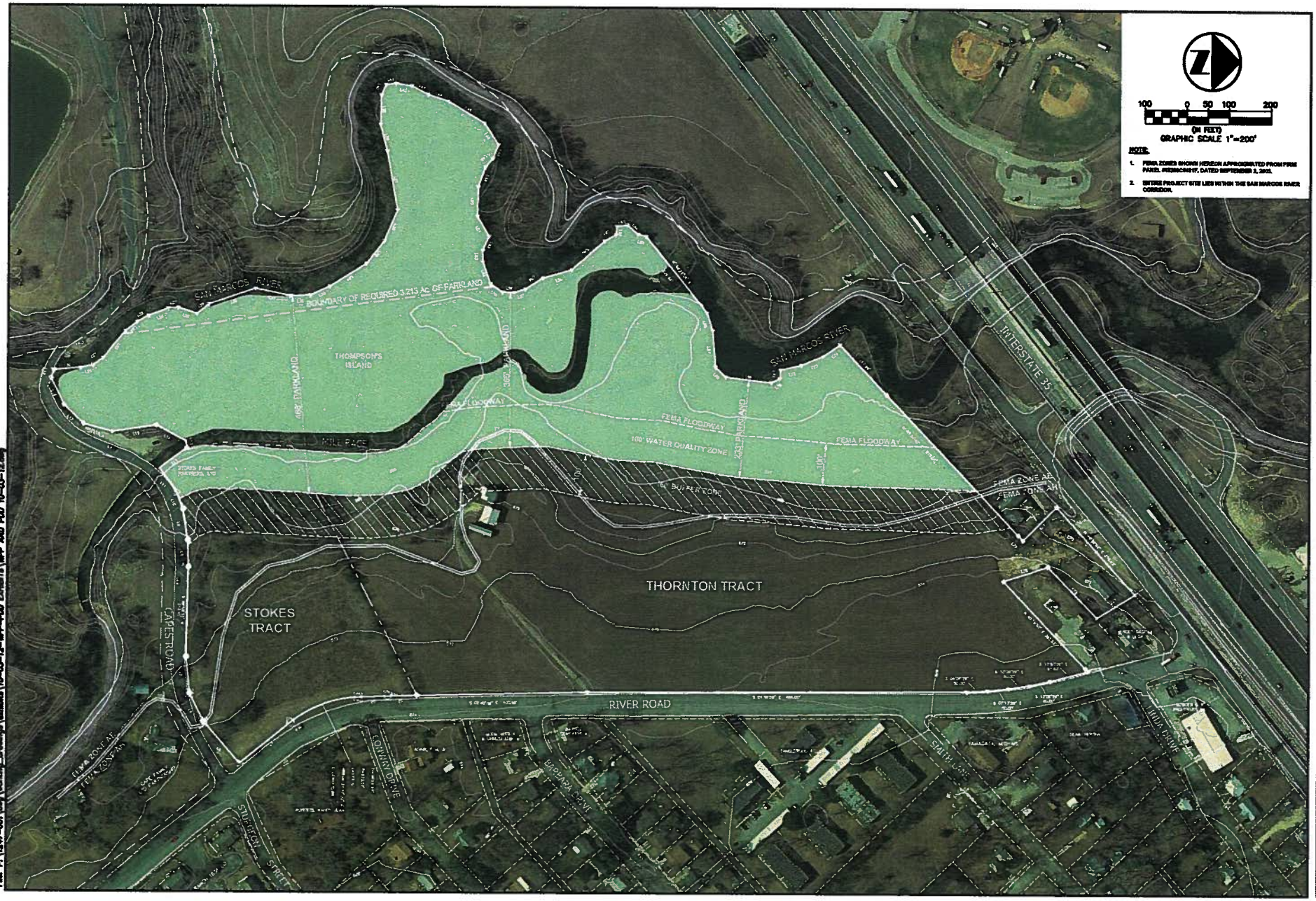
THE WOODLANDS OF SAN MARCOS PLANNED DEVELOPMENT DISTRICT

B of 2

Project No. 1247-001

Date: Oct 03, 2012, 11:14am User ID: wsantiago
File: P:\1247-001\dwg\working_drawings\exhibits\10-03-12-WPP-PDD EXHIBITS\WPP AND PDD 10-03-12.dwg

Exhibit C: Project Site Aerial



FIRM REGISTRATION #[illegible]

Dosset & Associates, Inc.

AERIAL PHOTOGRAPH

THE WOODLANDS OF SAN MARCOS
PLANNED DEVELOPMENT DISTRICT

A of 2

1247-001

Date: Oct 03, 2012, 11:07am User ID: [illegible]
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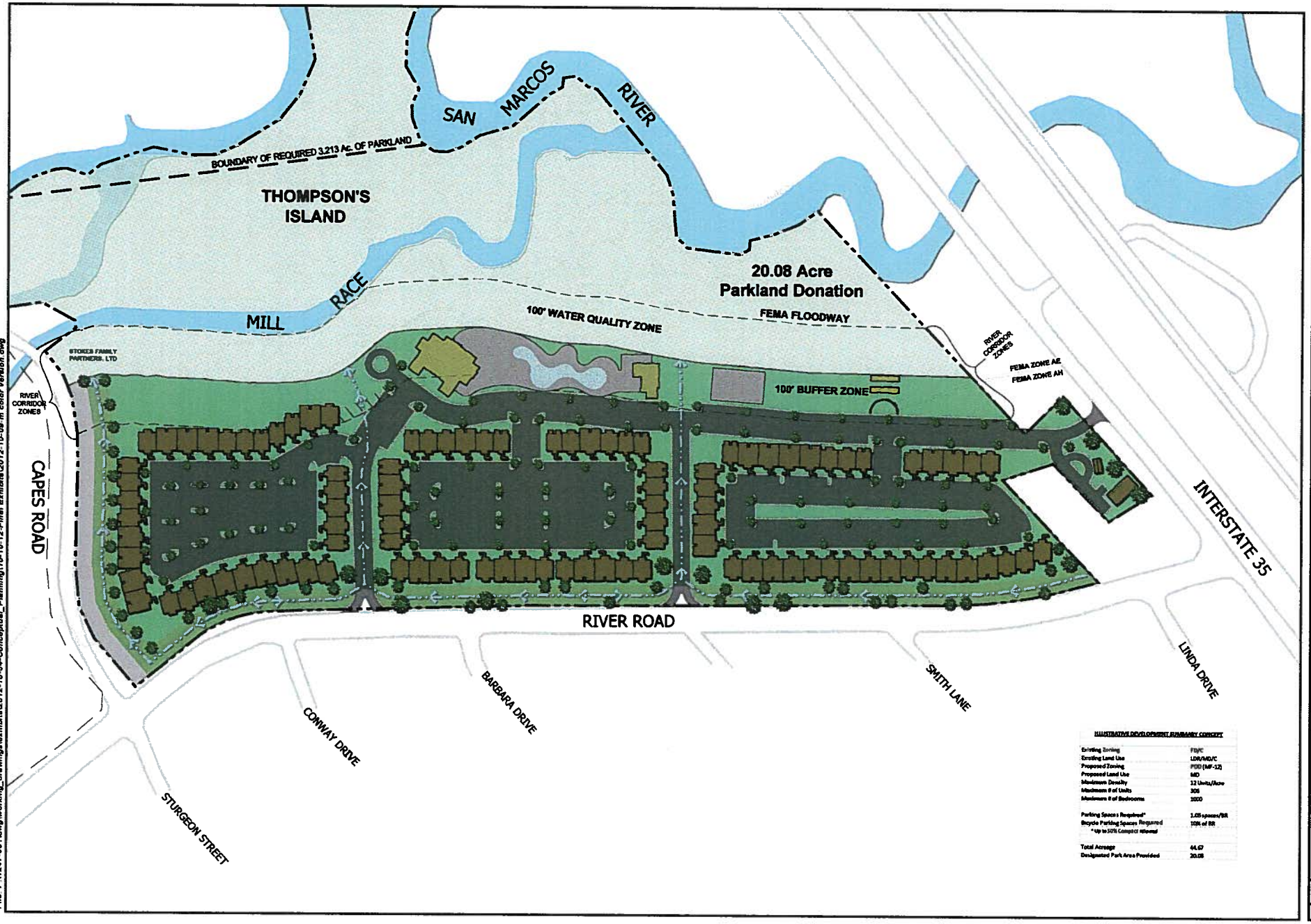
Exhibit D: Detailed Illustrative Conceptual Plan



ILLUSTRATIVE DEVELOPMENT SUMMARY CONCEPT

Existing Zoning	FD/C
Existing Land Use	LDR/MD/C
Proposed Zoning	PDD (MF-12)
Proposed Land Use	MD
Maximum Density	12 Units/Acre
Maximum # of Units	305
Maximum # of Bedrooms	1000
Parking Spaces Required*	1.05 spaces/BR
Bicycle Parking Spaces Required	10% of BR
* Up to 50% Compact Allowed	
Total Acreage	44.67
Designated Park Area Provided	20.08

DOUCET & ASSOCIATES

Civil Engineering - Planning - Surveying/Mapping
7401 B. Highway 71 W, Suite 160
Austin, Texas 78735, Phone: (512)-583-2600
www.doucetandassociates.com
Firm Registration Number: 2727

DETAILED ILLUSTRATIVE CONCEPTUAL PLAN

THE WOODLANDS OF SAN MARCOS PLANNED DEVELOPMENT DISTRICT

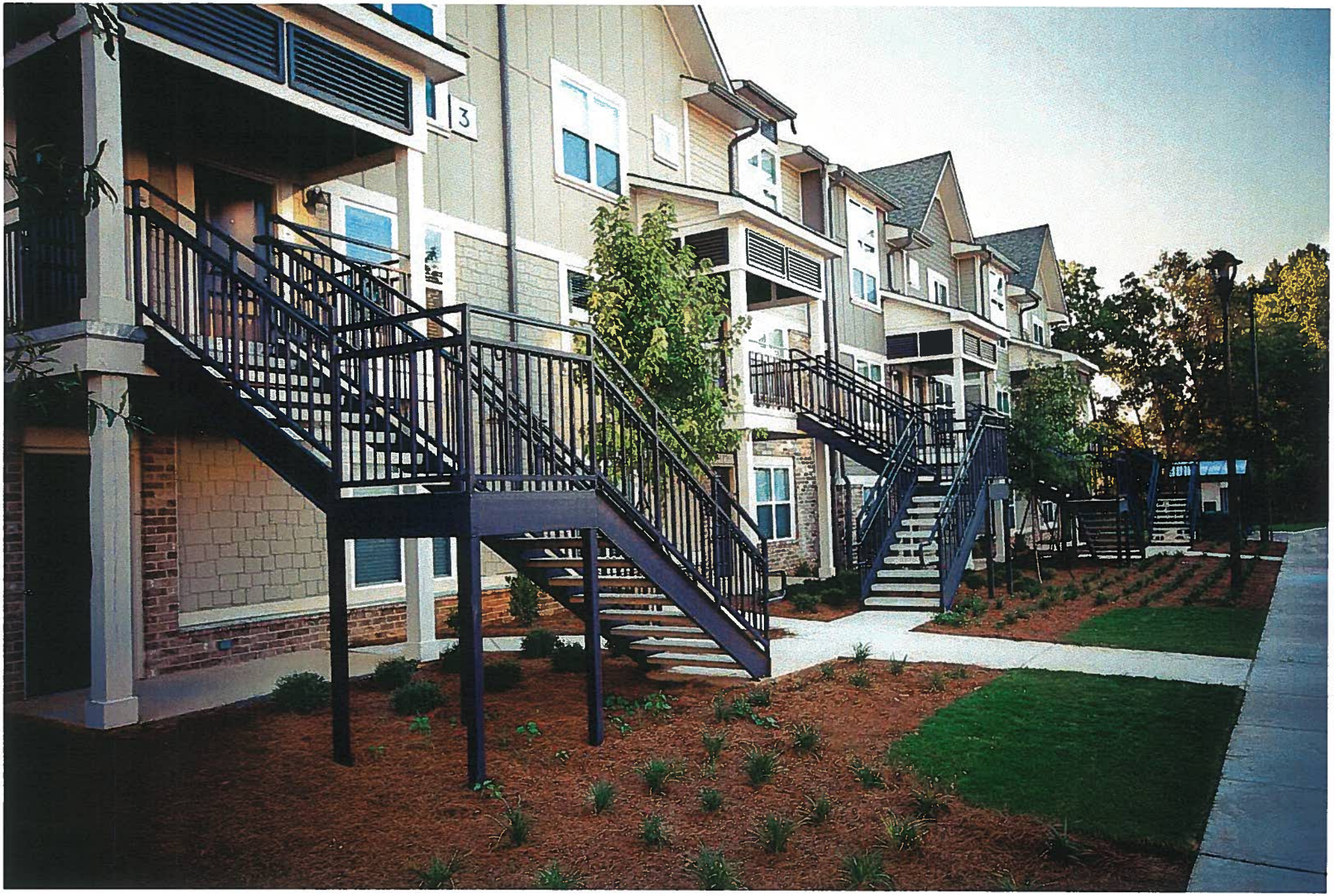
EXHIBIT-D

Project No. 1247-001

Date: Oct 11, 2012, 4:57pm User ID: weanlago
File: P:\1247-001\dwg\working_drawings\exhibits\2012-10-04-Conceptual_Planning\10-10-12-Final Exhibits\2012-10-09-m color version.dwg

Exhibit E: Architectural Renderings & Elevations

17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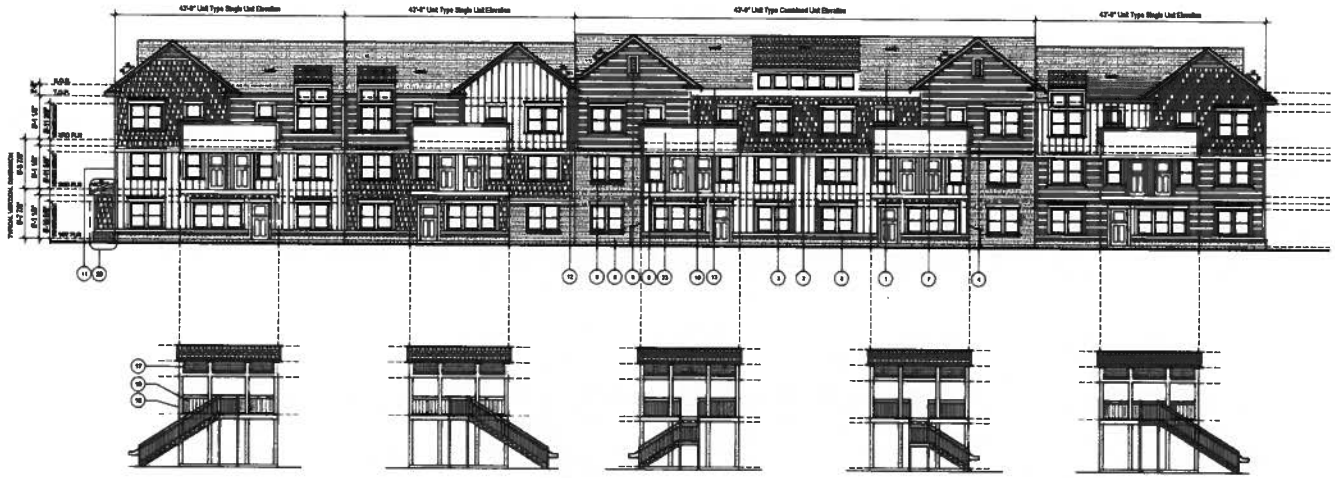
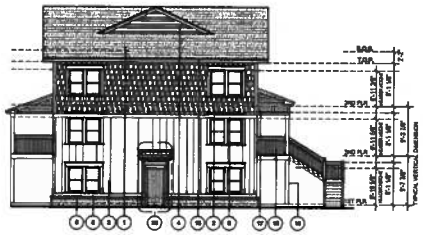
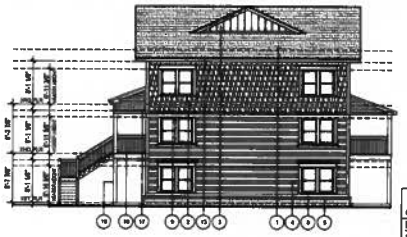


elevation 1 A3.02 Front Elevation Building 2
3/32" = 1'-0"

elevation 2 A3.02 Rear Elevation Building 2
3/32" = 1'-0"



elevation 3 A3.02 Side Elevation Building 2
3/32" = 1'-0"



elevation 4 A3.02 Side Elevation Building 2
3/32" = 1'-0"

NOTE: TYPICAL VERTICAL DIMENSIONS MEASURED FROM FIRST FLOOR FINISHED FLOOR (TYPICAL).
CONTRACTOR TO CORRECT FOR VARIATIONS IN FIRST FLOOR FINISHED FLOOR ELEVATIONS
FOR ALL WINDOWS IN ELEVATION - WHERE 2 ADJACENT WINDOWS ARE SHOWN, THEY ARE A SINGLE UNIT OF TWO WINDOWS AND NOT TWO SINGLE WINDOWS. SIMILARLY, WHERE 3 ADJACENT WINDOWS ARE SHOWN, THEY ARE A SINGLE UNIT OF THREE WINDOWS AND NOT THREE SINGLE WINDOWS.
ALL TRANSOMS IN ELEVATION ARE TYPE 'C' WINDOW. REFER SHEET A7.01

ELEVATION NOTES:

1. ALL COLORS BY OWNER - SEE BUILDING COLOR SCHEDULES
2. REFER UNIT SHEETS FOR WINDOW, DOOR TYPES & LOCATIONS

ELEVATION KEY:			
1	COMPOSITE SHINGLES	13	8"OGEE PREFINISHED GUTTER
2	CEMENT FIBRE BD.	14	SHED DORMER w/ WINDOW
	SIMULATED SHAKE SHINGLES	15	8x8 PT WOOD COLUMNS
3	CEMENT FIBER BD W/ BATTEN STRIPS	16	STEEL PICKETS, 1"&1/2" WIDTH
4	4" LAP SIDING	17	ALUMINUM LOUVRES
5	BRICK VENEER	19	CORNER POST
6	LOUVRED VENT	20	WATER METER ROOM
7	KDAT 2x4 TRIM	21	JULIET BAL. w/ STEEL PICKETS
8	KDAT 2x8 TRIM	22	SHED ROOF w/ BRACKET
9	KDAT 2x8 TRIM	23	HARDI PANEL
10	KDAT 2x12 TRIM	24	VERT. CONTROL JOINT - BRICK
11	CORNER BD. 2X8 KDAT,TYP.	25	FAUX VENT
12	CRICKET		B.O.S. - BOTTOM OF SOFFIT
			T.O.P. - TOP OF PLATE

JOB NUMBER: 110055.00
DRAWN BY: APH
CHECKED BY: DLM

Niles Bolton Associates, Inc.
One Buckhead Plaza
3060 Peachtree Road, NW.
Suite 600
Atlanta, Georgia
404-365-7600
Fax 404-365-7610
nbs@nilesbolton.com

REVISIONS DATE	DESCRIPTION
PERMIT SET	10/15/10

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Woodlands at Baton Rouge

Baton Rouge, LA

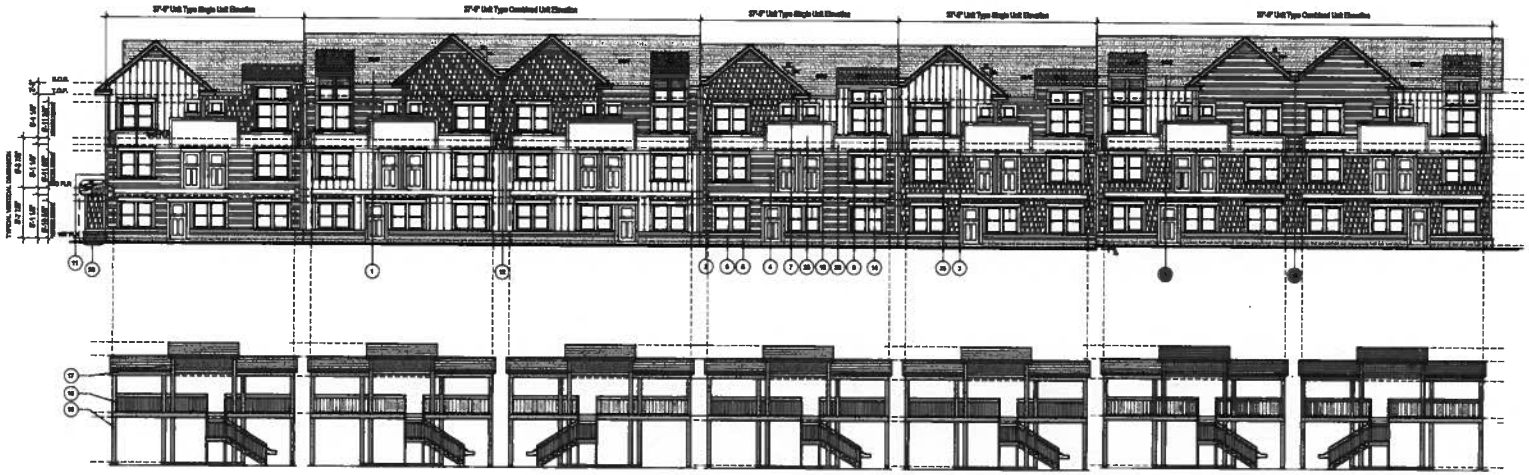
Building 2 Elevation

A3.02

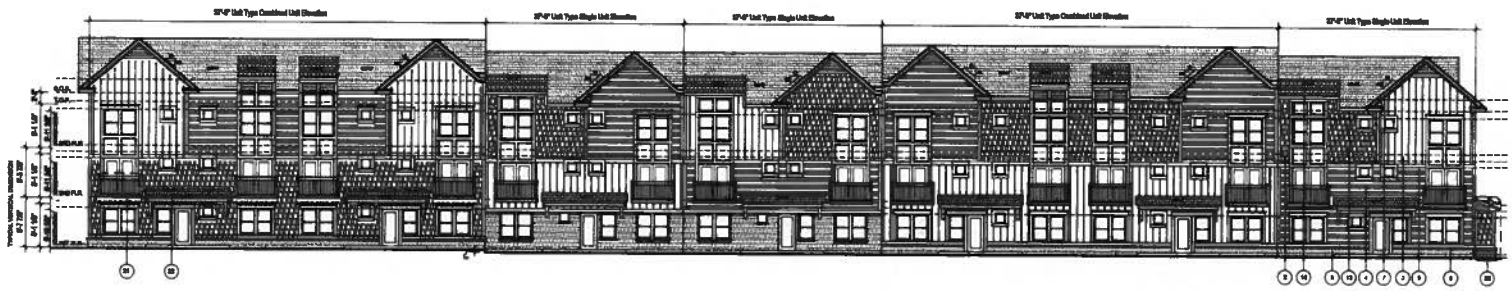
DATE: 10/15/2010

RELEASED FOR CONSTRUCTION.

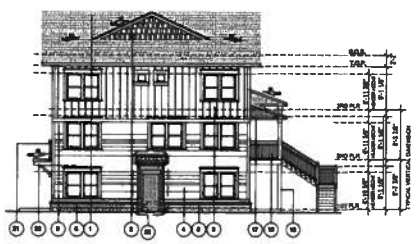
Z:\ARCH10\110055\10_Docs\A3.02.dwg Plotted: Oct 28, 2010 - 5:23pm by hicks



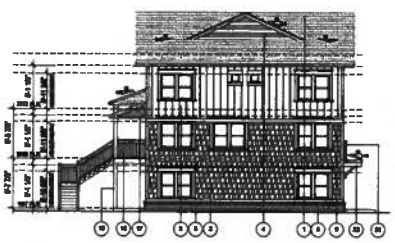
elevation 1 A3.06 — Front Elevation, Building 6
3/32" = 1'-0"



elevation 2 A3.06 — Rear Elevation, Building 6
3/32" = 1'-0"



elevation 3 A3.06 — Side Elevation, Building 6
3/32" = 1'-0"



elevation 4 A3.06 — Side Elevation, Building 6
3/32" = 1'-0"

NOTE: TYPICAL VERTICAL DIMENSIONS MEASURED FROM FIRST FLOOR FINISHED FLOOR (TYPICAL). CONTRACTOR TO CORRECT FOR VARIATIONS IN FIRST FLOOR FINISHED FLOOR ELEVATIONS
FOR ALL WINDOWS IN ELEVATION - WHERE 2 ADJACENT WINDOWS ARE SHOWN, THEY ARE A SINGLE UNIT OF TWO WINDOWS AND NOT TWO SINGLE WINDOWS. SIMILARLY, WHERE 3 ADJACENT WINDOWS ARE SHOWN, THEY ARE A SINGLE UNIT OF THREE WINDOWS AND NOT THREE SINGLE WINDOWS.
ALL TRANSOMS IN ELEVATION ARE TYPE 'C' WINDOW. REFER SHEET A7.01

ELEVATION NOTES:
1. ALL COLORS BY OWNER - SEE BUILDING COLOR SCHEDULES
2. REFER UNIT SHEETS FOR WINDOW, DOOR TYPES & LOCATIONS

ELEVATION KEY:			
1	COMPOSITE SHINGLES	13	S'OGEE PREFINISHED GUTTER
2	CEMENT FIBRE BD.	14	SHED DORMER w/ WINDOW
	SIMULATED SHAKE SHINGLES	15	8x8 PT WOOD COLUMNS
3	CEMENT FIBER BD W/ BATTEN STRIPS	16	STEEL PICKETS, 1"&1/2" WIDTH
4	4" LAP SIDING	17	ALUMINUM LOUVRES
5	BRICK VENEER	18	CORNER POST
6	LOUVRED VENT	19	WATER METER ROOM
7	KDAT 2x4 TRIM	20	JULIET BAL. w/ STEEL PICKETS
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11	CORNER BD. 2X8 KDAT, TYP.	24	FAUX VENT
12	CRICKET		B.O.S. - BOTTOM OF SOFFIT
			T.O.P. - TOP OF PLATE

JOB NUMBER: 10058.00
DRAWN BY: APH
CHECKED BY: DBM

Niles Bolton Associates, Inc.
One Buckhead Plaza
3060 Peachtree Road, NW.
Suite 600
Atlanta, Georgia
404-365-7900
Fax 404-365-7910
nba@nilesbolton.com

REVISIONS
DATE DESCRIPTION
PERMIT SET 10/18/10

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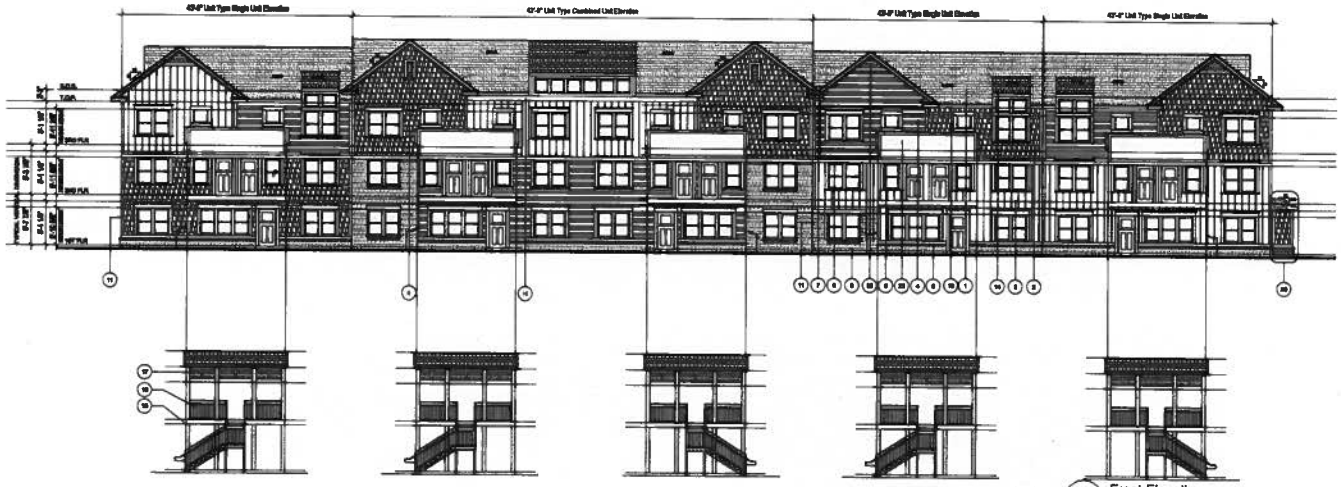
Woodlands at Baton Rouge
Baton Rouge, LA

Building 6 Elevation

A3.06

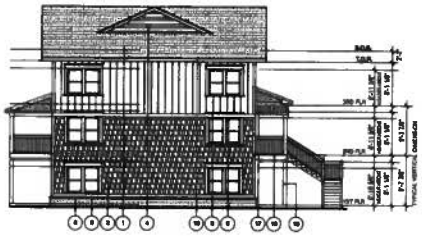
DATE: 10/18/2010

RELEASED FOR CONSTRUCTION:

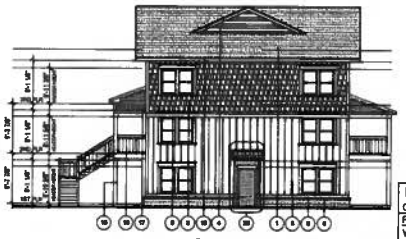


elevation 1 A3.07 Front Elevation Building 7
3/32" = 1'-0"

elevation 2 A3.07 Rear Elevation Building 7
3/32" = 1'-0"



elevation 3 A3.07 Side Elevation Building 7
3/32" = 1'-0"



elevation 4 A3.07 Side Elevation Building 7
3/32" = 1'-0"

ELEVATION NOTES:

1. ALL COLORS BY OWNER - SEE BUILDING COLOR SCHEDULES
2. REFER UNIT SHEETS FOR WINDOW, DOOR TYPES & LOCATIONS

ELEVATION KEY:			
1	COMPOSITE SHINGLES	13	6"OGEE PREFINISHED GUTTER
2	CEMENT FIBRE BD.	14	SHED DORMER w/ WINDOW
	SIMULATED SHAKE SHINGLES	15	8x8 PT WOOD COLUMNS
3	CEMENT FIBER BD W/ BATTEN STRIPS	16	STEEL PICKETS, 1"&1/2" WIDTH
4	4" LAP SIDING	17	ALUMINUM LOUVRES
5	BRICK VENEER	19	CORNER POST
6	LOUVRED VENT	20	WATER METER ROOM
7	KDAT 2x4 TRIM	21	JULIET BAL. w/ STEEL PICKETS
8	KDAT 2x6 TRIM	22	SHED ROOF w/ BRACKET
9	KDAT 2x8 TRIM	23	HARDI PANEL
10	KDAT 2x12 TRIM	24	VERT. CONTROL JOINT - BRICK
11	CORNER BD. 2X6 KDAT,TYP.	25	FAUX VENT
12	CRICKET		B.O.S. - BOTTOM OF SOFFIT
			T.O.P. - TOP OF PLATE

NOTE: TYPICAL VERTICAL DIMENSIONS MEASURED FROM FIRST FLOOR FINISHED FLOOR (TYPICAL). CONTRACTOR TO CORRECT FOR VARIATIONS IN FIRST FLOOR FINISHED FLOOR ELEVATIONS FOR ALL WINDOWS IN ELEVATION - WHERE 2 ADJACENT WINDOWS ARE SHOWN, THEY ARE A SINGLE UNIT OF TWO WINDOWS AND NOT TWO SINGLE WINDOWS. SIMILARLY, WHERE 3 ADJACENT WINDOWS ARE SHOWN, THEY ARE A SINGLE UNIT OF THREE WINDOWS AND NOT THREE SINGLE WINDOWS.
ALL TRANSOMS IN ELEVATION ARE TYPE 'C' WINDOW. REFER SHEET A7.01

JOB NUMBER: 110055.00
DRAWN BY: APH
CHECKED BY: DWM

Niles Bolton Associates, Inc.
One Buckhead Plaza
3060 Peachtree Road, NW.
Suite 600
Atlanta, Georgia
404-355-7500
Fax 404-355-7510
nbs@nilesbolton.com

REVISIONS
DATE DESCRIPTION
PERMIT SET 10/18/10

This drawing, as an instrument of service, is and shall remain the property of the Architects and shall not be reproduced, published or used in any way without the permission of the Architect.

Woodlands at Baton Rouge

Baton Rouge, LA

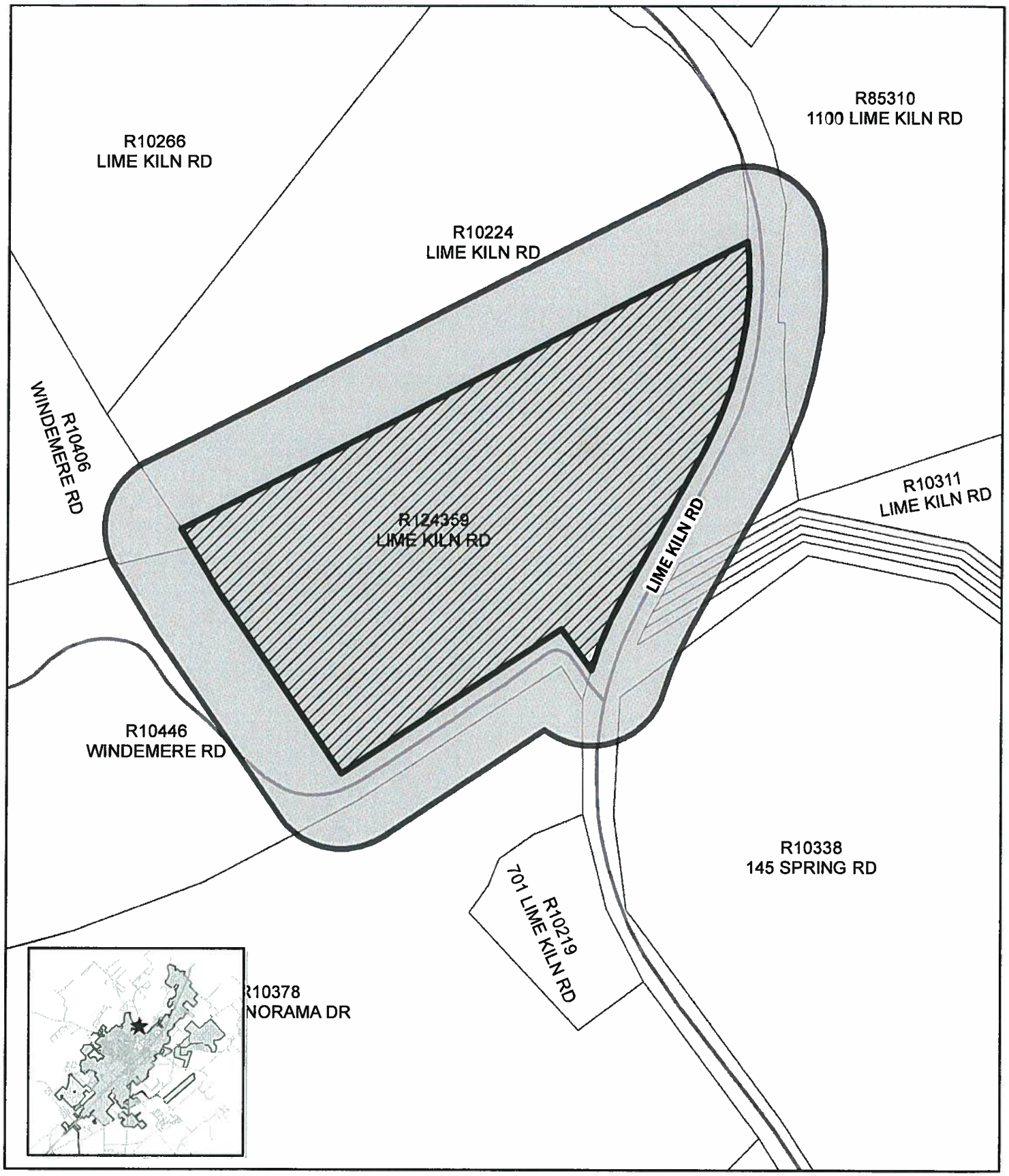
Building 7 Elevation

A3.07

DATE: 10/18/2010

RELEASED FOR CONSTRUCTION.

Z:\ARCH10\110055\10_Docs\A3.07.dwg Plotted: Oct 26, 2010 - 5:24pm by hicks



LUA-12-09
Windemere Phase 2
Date: 11/14/2012

Site Location
200 ft Buffer

0 200 400 800
Feet

N

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

LUA-12-09
Windemere Phase 2
200 Lime Kiln Road

Summary: The applicant is requesting a Land Use Map Amendment from Very Low Density Residential (VLD) to Low Density Residential (LDR)

Applicant: Joel Richardson
4303 Russell Dr
Austin, TX 78704

Property Owners: Robert L Haug and Vinson J Wood
2009 RR 620 North #130
Austin, Texas 78734

Notification: Personal notice sent and signs posted on November 16, 2012

Response: No written response as of 11/21/2012

Subject Property:

Location: 200 Lime Kiln Road

Legal Description: 22.5 acres out of the TJ Chambers A-2 Survey

Sector: Adjacent to Sector Three

Current Zoning: Single Family Rural (SF-R)

Proposed Zoning: Single Family (SF-6)

Current Future Land Use Map Designation: Very Low Density Residential (VLDR)

Proposed Future Land Use Map Designation: Low Density Residential (LDR)

Surrounding Area:

	Zoning	Existing Land Use	Future Land Use
N of Property	ETJ	Open space	ETJ
S of Property	ETJ	Open Space	ETJ
E of Property	ETJ	Agriculture	ETJ
W of Property	SF-R	Open Space	Very Low Density Residential

<u>Case Summary:</u> Proposed Land Use Map Amendment from Very Low Density Residential to Low Density Residential

The subject property is a 22.5 acre portion of a larger 235 acre tract located on the west side of Lime Kiln Road, which would provide the only access to the entire site unless and until Craddock Road is built. The surrounding uses are predominantly residential and agricultural. The site is also located adjacent to the Sink Creek Water Quality Protection Zone and within the Edwards Aquifer Recharge Zone.

The property is located within the Edwards Aquifer Recharge Zone and is subject to a TCEQ water pollution abatement plan. A portion of the property is also located within the Water Quality zone of Sink Creek.

<u>Case History</u>

A summary of cases for the overall 235 acre site is outlined below. A Planned Development District Overlay is in place for Phase 1, which does not include the subject property in this case.

- February 2008 – A Concept Plan was applied for and withdrawn by the applicant
- February 2008 – Watershed Protection Plan Phase I approved
- March 2008 – Land Use Map Amendment from VLDR to LDR was applied for and then withdrawn by the applicant
- June 2008 – A plat variance to allow 16 lots access from a medianed street was applied for and withdrawn
- August 2010 – A Plat Variance to allow less than the minimum required ROW for a 47 foot portion of the street was Approved with Conditions
- January 2011 – A Plat Variance to allow for a 6,500 foot block was approved with conditions
- January 2011 – A Plat Variance to allow a maximum temporary cul-de-sac length of 6,500 feet was approved with conditions
- January 2011 – A zoning change from FD to SFR was applied for and was approved.
- January 2011 – A Variance to the minimum lot width was applied for and approved by ZBOA
- February 2011 – Parks Advisory Board recommended approval of a Fee-in-lieu in the amount equivalent to .99 acres equaling $24,750.
- March 2011 – A Concept Plat was submitted and approved
- September 2011 – A Planned Development District Overlay for Phase I (150 acres) was applied for and was approved.
- July 2012 – A Planned Development District overlay for Phase II (22.5 acres) was applied for. The applicant subsequently requested postponement to pursue other options.

Planning Department Analysis:

Low Density Residential land use designation may include a variety of residential types as long as the overall density within a specific development or area is no more than three units per acre. It may accommodate several zoning categories, including:

- Single Family District, min. 11,000 square foot lots (SF-11)
- Single Family District, min. 6,000 square foot lots (SF-6)
- Duplex Residential District (D)
- Townhouse Residential (TH)

Staff has evaluated the request for consistency with the Horizons Master Plan.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
		X	**Policy LU-1-1:** The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan. *Comment: The subject property's proposed land use designation of Low Density Residential is different from the majority of the surrounding area, which is primarily Agricultural and Very Low Density Residential (see attached map)*
X			**Policy LU-1.21:** The City shall encourage new development to locate in areas already served by utilities and other community facilities. *Comment: The property is adequately served by City facilities, including wastewater, water and electric.*
X			**Policy LU-3.2:** The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations. *Comment: The proposed change will provide the opportunity for additional, new housing.*
		X	**Policy LU-3.9**: The City shall encourage very low density or cluster-type developments in the Edwards Aquifer Recharge Zone and shall develop appropriate standards for cluster-type development which will be adopted as part of the subdivision and zoning ordinances. *Comment: Cluster development would be a useful approach to this site, but no provisions for clustering are included in this request.*
		X	**Policy LU-3.13:** The City shall discourage residential development in areas that do not have adequate public facilities and services, including, but not limited to, streets, police and fire protection, sewage disposal, water supply and pressure, telephone, gas, electricity, schools, and parks. *Comment: Emergency access has been a concern at this location because of the single point of access and the history of flooding on Sink Creek.*

The letter from the applicant indicates that the application is consistent with the direction received from staff for previous applications. While staff agrees that the subject property is the least environmentally sensitive portion of the 235 acre site, the direction given to the applicant was to pursue a "cluster" or "conservation" design, in which density from the more sensitive areas on the overall site is allocated to this front portion while the overall site density is not increased. However, this application for a Future Land Use Map Amendment is not accompanied by any provision for clustering. It is simply an increase in density, which would still allow for development of any of Phase II and Phase III when access is obtained. Staff finds that any increase in density on this subject property should only be considered as part of a strategy to conserve sensitive features on the overall site.

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

Prepared by:

John Foreman	Planning Manager	November 20, 2012
Name	**Title**	**Date**

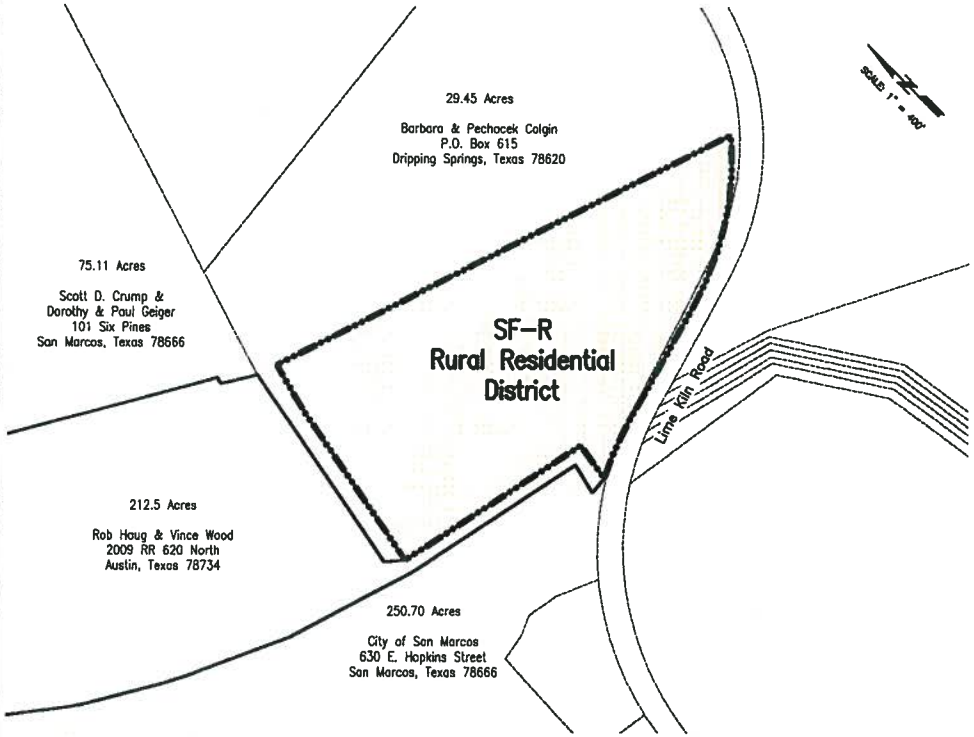
The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

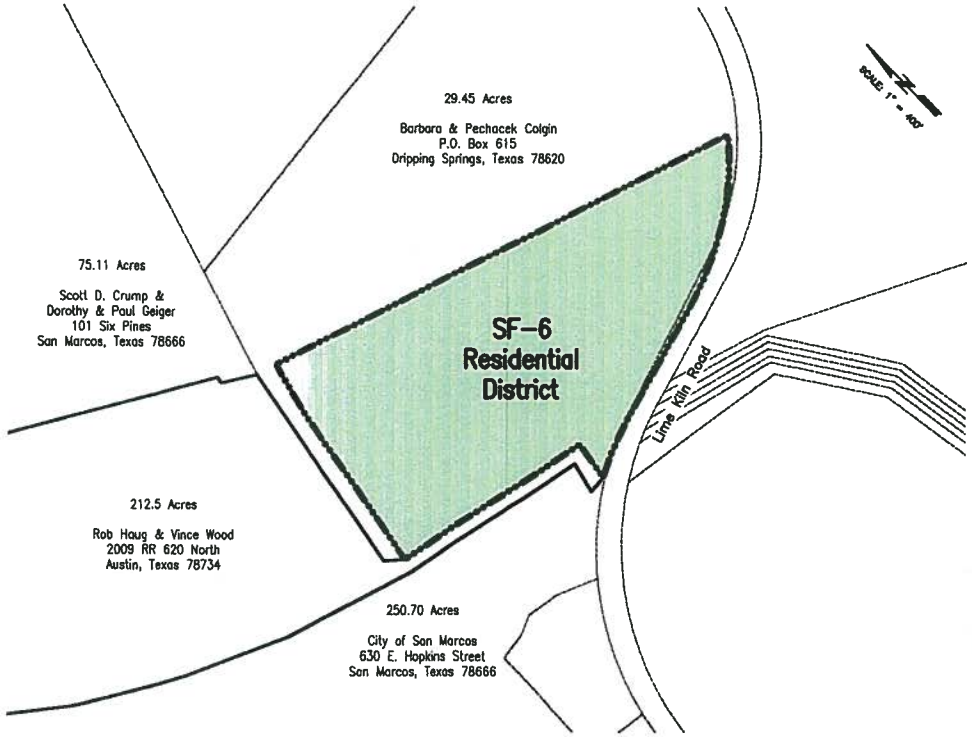
After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

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

THE ENCLAVE AT WINDEMERE
ZONING CHANGE EXHIBIT

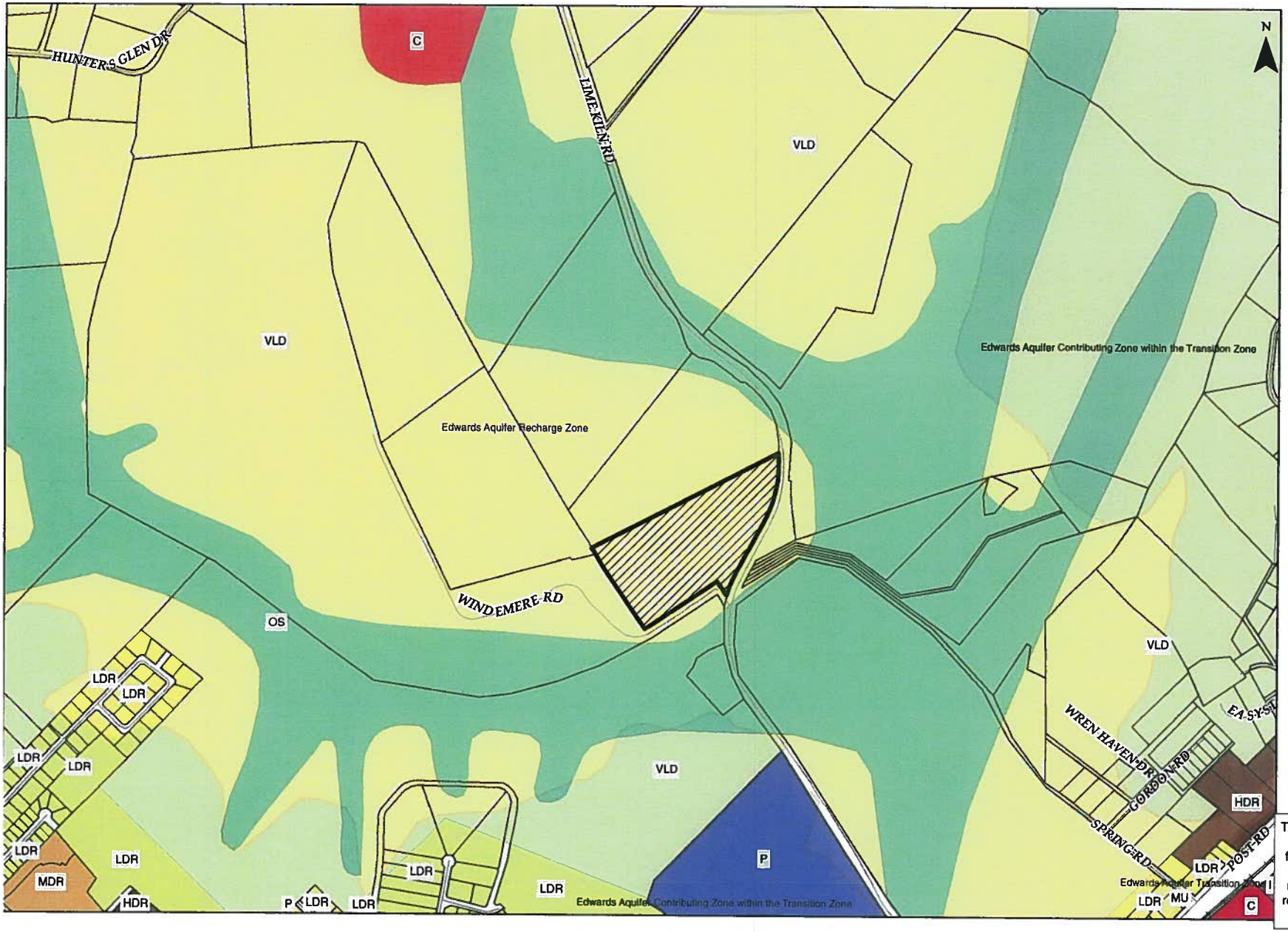


EXISTING ZONING



PROPOSED ZONING

Windemere Future Land Use



Subject Property

Future Land Use

- Very Low Density Residenti
- Low Density Residential
- Med Density Residential
- High Density Residential
- Commercial
- Neighborhood Commercial
- Community Commercial
- Office
- General Commercial
- Heavy Commercial
- Public and Institutional
- Industrial
- Open Space
- Future Road
- Mixed Use

0 0.05 0.1 0.2 Miles

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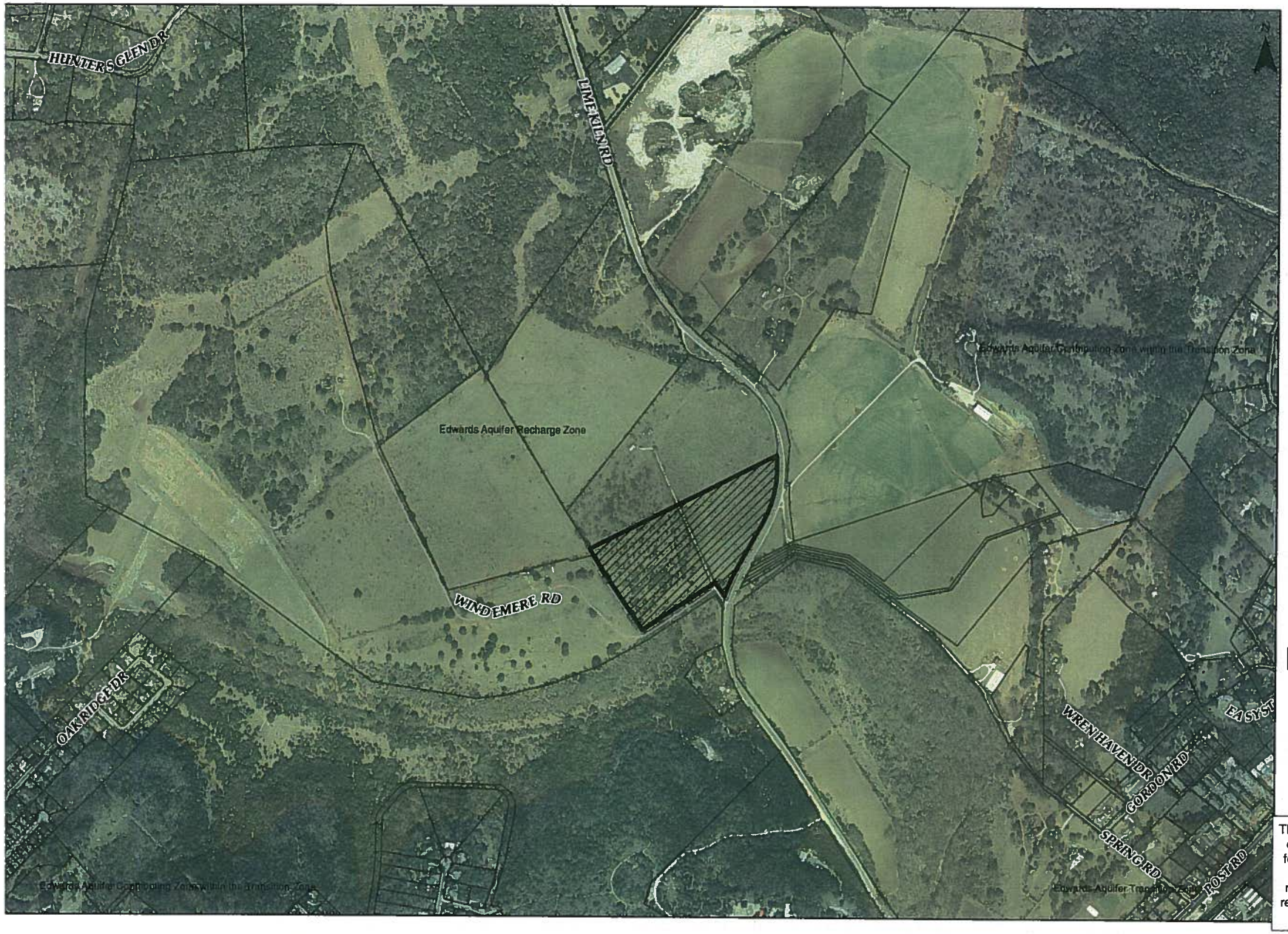
Windemere Aerial



Subject Property

0 0.05 0.1 0.2 Miles

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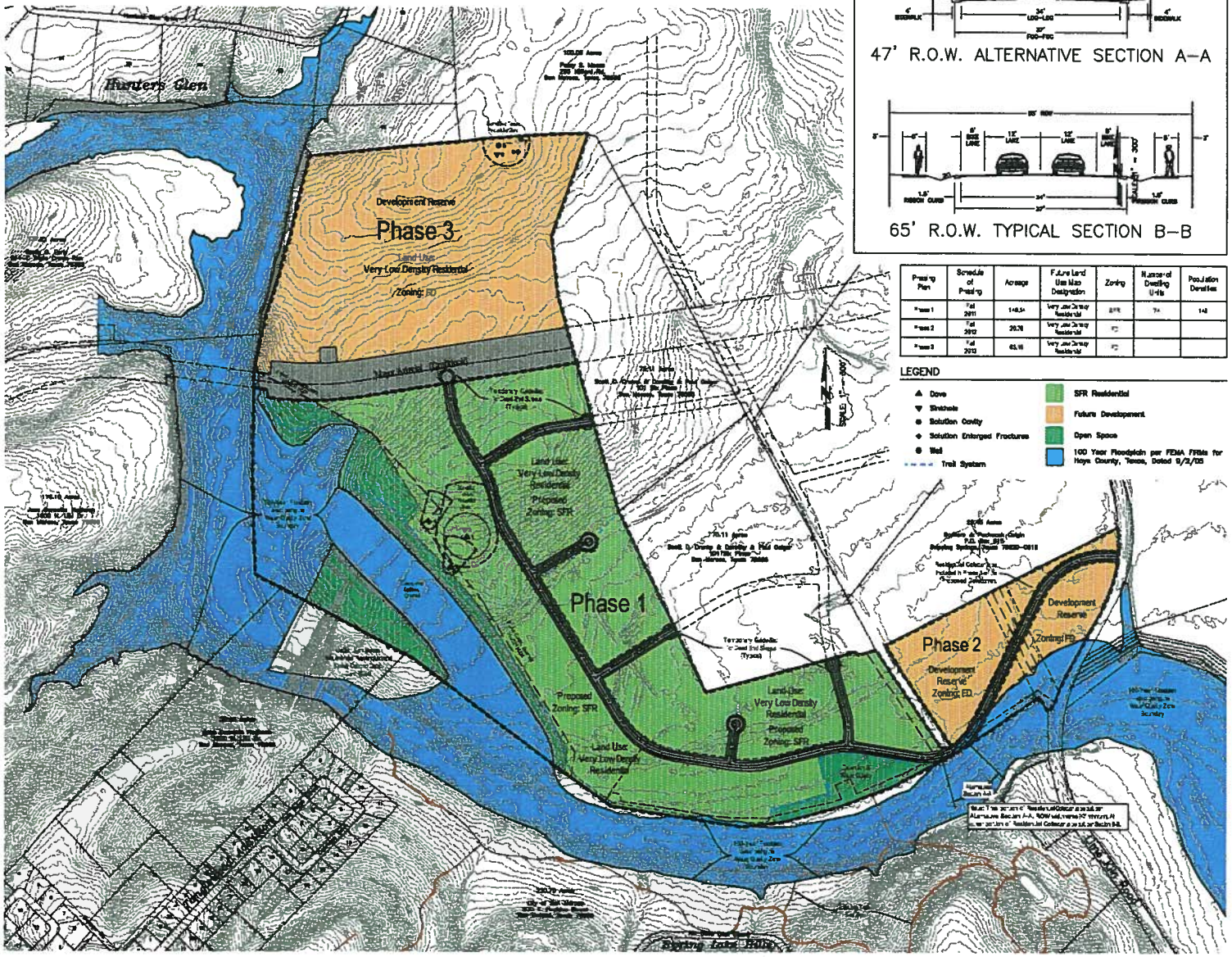
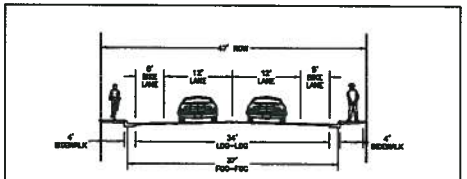
THE PRESERVE AT WINDEMERE
SUBDIVISION CONCEPT PLAT





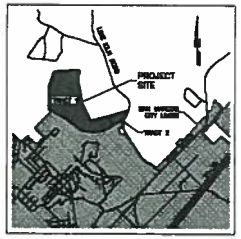
47' R.O.W. ALTERNATIVE SECTION A–A

65' R.O.W. TYPICAL SECTION B–B

Phasing Plan	Schedule of Phasing	Acreage	Future Land Use Map Designation	Zoning	Number of Dwelling Units	Population Densities
Phase 1	Fall 2011	148.5±	Very Low Density Residential	SFR	74	148
Phase 2	Fall 2012	30.78	Very Low Density Residential	FD		
Phase 3	Fall 2013	63.18	Very Low Density Residential	FD		

LEGEND

- Dove
- Sinkhole
- Solution Cavity
- Solution Enlarged Fractures
- Well
- Trail System
- SFR Residential
- Future Development
- Open Space
- 100 Year Floodplain per FEMA Flifile for Hays County, Texas, Dated 9/2/05



VICINITY MAP

Notes:

1. The site is composed of two tracts:

   Tract 1: 212.556 Acre tract in the T.J. Chambers, Edward Burleson, R. Clover and E. Clark Surveys in Hays County, Texas, as described in Warranty Deed recorded in Vol. 3062 Pg. 23 of the Official Deed Records of Hays County Texas.

   Tract 2: 22.500 Acre tract in the T.J. Chambers Survey, A-9, in Hays County, Texas.

2. Plat Variances Granted:

   PVC-10-04: from Section 7.4.1.2(f) of the LDC allowing reduced right-of-way width for a portion of the proposed residential collector approved September 28, 2010.

   PVC-11-01: from Section 6.7.1.1 of the LDC allowing block lengths to exceed 1,200 feet approved February 22, 2011.

   PVC-11-02: from Section 7.4.1.4(h) of the LDC allowing cul-de-sac lengths longer than 500 feet approved February 22, 2011.

3. A TCEQ Water Pollution Abatement Plan (WPAP) is required for this property under the Edwards Aquifer Rules TAC Chapter 213.

4. All temporary dead ends will have a temporary cul-de-sac or hammerhead for fire department access.

5. This development is limited to 74 residential lots in conformance with section 7.4.1.2(d) until a second point of access is available to the site.

6. The proposed residential collector, including that portion providing access to the SFR zoned section from Lime Kiln Road through Phase 2, shall be included in Phase 1 of the proposed development.

7. Water and Wastewater service will be provided by City of San Marcos.

SUBDIVISION LAND USE/DEVELOPMENT SUMMARY:

Total Subdivision Area:	= 10,239,055 sf	= 235.06 ac
Tract 1:		
Gross Site Area	= 9,258,920 sf	= 212.56 ac
Thoroughfare Plan R.O.W. Deductions:		
"Windemere" Residential Collector	= 312,875 sf	= 7.18 ac
"Craddock" Major Arterial	= 481,719 sf	= 11.06 ac
Net Site Area	= 8,464,325 sf	= 194.32 ac
Allowable Impervious Cover (20% of NSA)	= 1,692,865 sf	= 38.88 ac
Phase 1:		
Proposed Land Use:		
Non-Thoroughfare Plan R.O.W. Dedication	= 156,228 sf	= 3.59 ac
SFR Residential (74 Lots)	= 3,893,402 sf	= 89.43 ac
Open Space	= 2,023,635 sf	= 46.53 ac
Anticipated Impervious Cover:		
Non-Thoroughfare Plan Pavement	= 61,412 sf	= 1.41 ac
74 SFR Lots (6,000 sf/lot)	= 444,000 sf	= 10.19 ac
Decomposed Granite Trails (25% I.C.R.)	= 21,298 sf	= 0.49 ac
Subtotal	= 526,708 sf	= 12.09 ac
Phase 3:		
Proposed Land Use:		
Development Reserve (FD)	= 2,366,882 sf	= 54.10 ac
Anticipated Impervious Cover:		
Development Reserve (FD)	= 1,166,157 sf	= 26.77 ac
Total Anticipated Impervious Cover:	= 1,692,865 sf	= 38.86 ac
Percent of Tract 1 Net Site Area	= 20.00%	
Tract 2:		
Gross Site Area	= 980,135 sf	= 22.50 ac
Thoroughfare Plan R.O.W. Deductions:		
"Windemere" Residential Collector	= 105,332 sf	= 2.42 ac
Net Site Area	= 874,803 sf	= 20.08 ac
Allowable Impervious Cover (20% of NSA)	= 174,961 sf	= 4.02 ac
Phase 2:		
Proposed Land Use:		
Development Reserve (FD)	= 874,803 sf	= 20.08 ac
Anticipated Impervious Cover:		
Development Reserve (FD)	= 174,961 sf	= 4.02 ac
Percent of Tract 2 Net Site Area	= 20.00%	

THE PRESERVE AT WINDEMERE

SCALE: 1"=300'
DATE: 3/1/2011

OWNER:
ROBERT L. HAUG & VINSON J. WOOD
2009 RR 620 NORTH, SUITE 130
AUSTIN, TEXAS 78734
TELE: (512) 266-0652
FAX: (512) 266-0656

ENGINEER:
VIGIL AND ASSOCIATES
4303 RUSSELL DRIVE
AUSTIN, TEXAS 78704
TELE: (512) 329-3667

VIGIL & ASSOCIATES
CONSULTING SERVICES

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

October 20, 2012

Tory Carpenter
City of San Marcos
Planning and Development Services
630 East Hopkins
San Marcos, Texas 78666

Re: The Enclave at Windemere
Land Use Map Amendment Application

Dear Tory:

Enclosed with this letter please find applications for Land Use Map Amendment for the 22.5 acre tract of land, being the same parcel for which PDD application was made in July for the Enclave at Windemere and Zoning Change application was made on October 26. Vigil and Associates on behalf of the property owners, Rob Haug and Vince Wood, request amendment of the Future Land Use Map from Very Low Density Residential designation to Low Density Residential designation for the 22.5 acre parcel. On October 29 City of San Marcos Planning and Development Service staff provided comments stating the Land Use Map Amendment would be required in conjunction with the Zoning Change application.

The property is located along Lime Kiln Road near the Sink Creek crossing northwest of Post Road. The property is currently undeveloped and unplatted. This application applies to the 22.5 acre tract in the TJ Chambers, A-2 Survey. A metes and bounds legal description of the property was provided with the zoning change application. An exhibit depicting the existing and proposed Future Land Use Map designation is provided with this application.

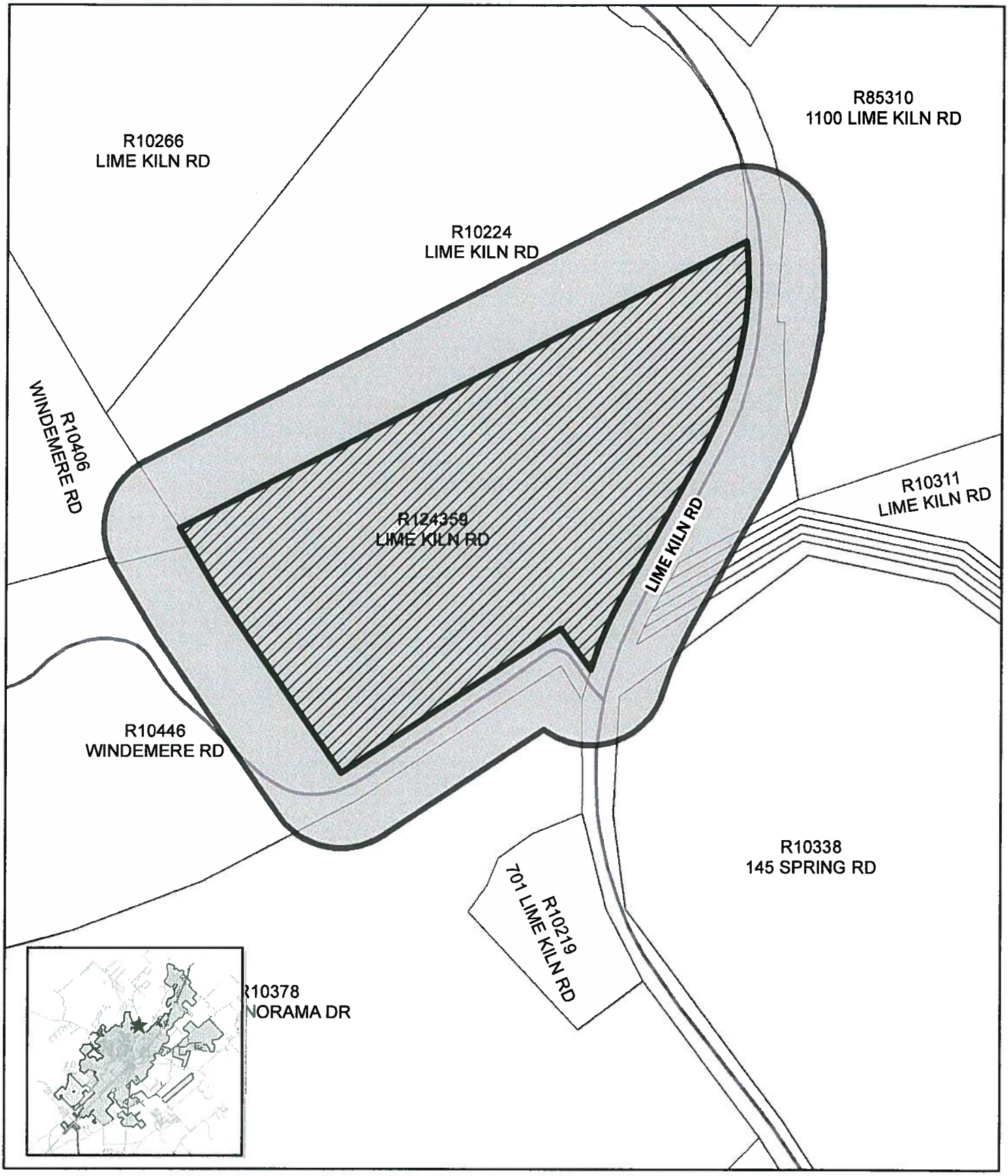
This request is intended to allow the development of the 22.5 acre tract of land in the manner presented to staff in various meetings over the last two months, consisting generally of approximately 52 singe family residential lots. A Concept Plat depicting the proposed development was provided to staff with the referenced PDD application.

We feel the proposed designations will allow development of the property consistent with the direction received from staff for the previous applications to the City of San Marcos for this property. This portion of the larger Windemere tract represents the least environmentally sensitive portion of the overall 235 acre development site, and therefore we feel that this portion

of the site is appropriate for higher density development proposed. The proposed use is compatible with adjacent land uses. Please contact me if you have questions or comments or if you require any further information. Thank you in advance for consideration of these applications.

Sincerely

Joel Richardson, P.E.
Vigil & Associates



ZC-12-14
Windemere Phase 2
Date: 11/14/2012

Site Location
200 ft Buffer

0 200 400 800
Feet

N

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Zoning Change
ZC-12-14
Windemere Phase 2
200 Lime Kiln Road

Summary: The applicant is requesting a zoning change from Single Family Rural (SF-R) to Single Family Residential (SF-6)

Applicant: Joel Richardson
4303 Russell Dr
Austin, TX 78704

Property Owners: Robert L Haug and Vinson J Wood
2009 RR 620 North #130
Austin, Texas 78734

Notification: Personal notifications of the public hearing were mailed on November 16, 2012

Response: No written response as of November 21, 2012

Property/Area Profile:

Legal Description: NA

Location: 200 Lime Kiln Road

Existing Use of Property: Undeveloped

Proposed Use of Property: Single Family Residences

Future Land Use Map: Very Low Density Residential

Existing Zoning: SF-R (Single Family Rural)

Proposed Zoning: SF-6 (Single Family Residential)

Utility Capacity: Adequate

Sector: Adjacent to Sector 3

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	ETJ	Open space	ETJ
S of Property	ETJ	Open Space	ETJ
E of Property	ETJ	Agriculture	ETJ
W of Property	SF-R	Open Space	Very Low Density Residential

Case Summary

This is a request to rezone 22.5 acres from SF-R to SF-6.

Please see the staff report for LUA-12-09 for a summary of the request and a history of cases on the property.

Planning Department Analysis

The application indicates the intent to construct 52 single-family lots on the subject tract. However, because this is a straight zoning request, its approval would result in a greater entitlement, potentially the entire 74 single-family lots allowed from a single point of access by 7.4.1.2 of the Land Development Code. The Planned Development District (PDD) for Phase I allows up to 74 lots, which is consistent with the requirements of 7.4.1.2. Regardless of the outcome of this case, no more than 74 lots may be platted with a single point of access for the entire tract.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
	X		**Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps** *A future land use map amendment is pending for this property. Please refer to the staff report for LUA-12-09.*
		X	**Consistency with any development agreement in effect** *No development agreements are in effect for this property.*
	X		**Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified** *The proposed single-family use is compatible, but the standards associated, particularly regarding density, are not appropriate except as part of a cluster-type development.*
X			**Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area** *Utility service appears to be adequate.*
		X	**Other factors which substantially affect the public health, safety, morals, or general welfare** *The subject property has limited access, as noted in the past cases. An increase in density is of concern to the San Marcos Fire Marshal.*

Additionally, the Commission should consider:

(1) Is the property suitable for use as presently zoned?

Staff evaluation: The property could be developed as single-family rural homes under the SF-R zoning classification.

(2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: No, the surrounding neighborhood has been and remains a mix of agricultural residential uses.

(3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: This would not address a substantial unmet need.

(4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: The rezoning would provide some benefit to the landowner while changing the character of the area.

(5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: Staff has not identified a substantial public purpose served by the rezoning.

Staff finds that the request does not meet criteria for approval and recommends **denial**.

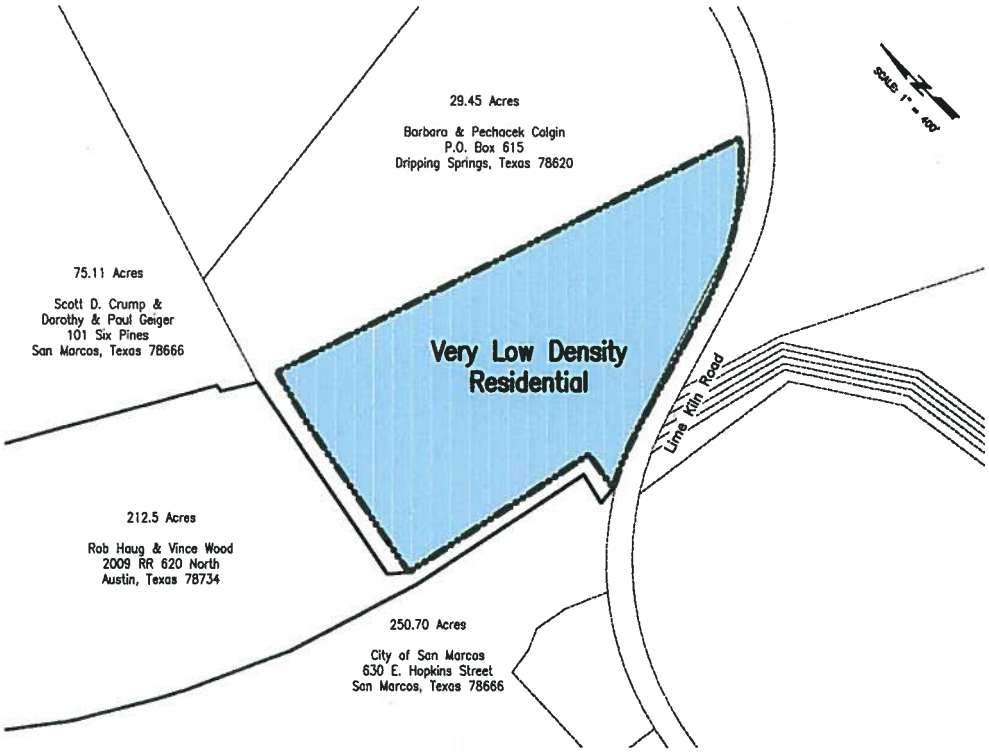
The Commission's Responsibility:

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.

Prepared by:

John Foreman	Planning Manager	November 21, 2012
Name	**Title**	**Date**

THE ENCLAVE AT WINDEMERE
LAND USE MAP AMENDMENT EXHIBIT



CURRENT LAND USE DESIGNATION

PROPOSED LAND USE DESIGNATION

VIGIL & ASSOCIATES
CONSULTING SERVICES

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

September 20, 2012

Matthew Lewis, Director
City of San Marcos
Planning and Development Services
630 East Hopkins
San Marcos, Texas 78666

Re: The Enclave at Windemere
Zoning Change Application

Dear Matthew:

Enclosed with this letter please find applications for Zoning Change for the 22.5 acre tract of land, being the same parcel for which application was made in July for the Enclave at Windemere PDD. Vigil and Associates on behalf of the property owners, Rob Haug and Vince Wood, request zoning change from SF-R to SF-6. On August 8 we received comments from the City of San Marcos Planning and Development Service staff for the reference PDD application stating that a zoning change would be required for this property from SF-R to SF-6. The zoning change application enclosed with this letter is made to satisfy this requirement from staff. This request is intended to allow the development of the 22.5 acre tract of land in the manner presented to staff in various meetings over the last two months, consisting generally of approximately 52 singe family residential lots.

The property is located along Lime Kiln Road near the Sink Creek crossing northwest of Post Road. The property is currently undeveloped and unplatted. This application applies to the 22.5 acre tract in the TJ Chambers, A-2 Survey. A metes and bounds legal description of the property as required is provided with the zoning change application. As stated above, this application requests modification of the Zoning boundaries to to accommodate the development of this site with a 52 lot residential subdivision. The Concept Plat previously provided to staff with the referenced PDD application illustrates the proposed development of the property. An exhibit depicting the existing and proposed zoning district boundaries is provided with this application.

We feel the proposed designations will allow development of the property consistent with the direction received from staff for the previous applications to the City of San Marcos for this property. This portion of the larger Windemere tract represents the least environmentally sensitive portion of the overall 235 acre development site, and therefore we feel that this portion

of the site is appropriate for higher density development proposed. The proposed use is compatible with adjacent land uses. Please contact me if you have questions or comments or if you require any further information. Thank you in advance for consideration of these applications.

Sincerely

Joel Richardson, P.E.
Vigil & Associates

DEVELOPMENT
SERVICES-PLANNING

MEMO

To: Jim Nuse, City Manager
Through: Matthew Lewis, Director of Development Services
From: John Foreman, Planning Manager
Date: November 20, 2012
Re: **SmartCode Revisions**

The SmartCode was adopted May 2011. At the time, staff indicated that an initial round of revisions would be needed to remove any discrepancies missed during edits and to clarify any processes or other elements discovered during implementation. This set of revisions accomplishes that goal.

Amendments to the City's SmartCode, Articles 1, 3, 5 and 8 to clarify process and language.

- **Article 1 (General To All Plans) revisions include:**
  - Creating consistency between all tables
  - Clarifying the process for changing from one T zone to another
  - Clarifying Parkland Dedication Requirements

- **Article 3 (New Community Plans) revisions include:**
  - Correcting typos
  - Including two missing cross sections

- **Article 5 (Lot and Building Regulations)revisions include:**
  - Correcting typos
  - Clarifying Streetscreen requirements
  - Creating consistency between the parking tables and text
  - Including an option for Tree Fee-In-Lieu:
    - 5.10.1
      b. *Fee-in-Lieu:* When the replacement of trees on-site, as required by LDC Chapter 5 Article 5, is not feasible within Downtown San Marcos, the DRC may allow an applicant to pay a Fee-in-Lieu for all or part of the required replacement. Payment per caliper inch of required replacement trees shall be paid into the Downtown Tree Fund.
  - Identifying Fee for Tree Fee-In-Lieu: Policy Direction is needed on establishment of this fee.
  - Creating consistency between tables in regard to building heights

- **Article 8 (Definition of Terms) revisions include:**
    - Creating consistency between definitions and text
    - Adding required Definitions:
        - *Downtown San Marcos*
            - "The area defined by the *Design Context Map* in the Downtown Design Guidelines.
        - *Downtown Tree Fund*
            - A Fund specifically for use by the City for any activities associated with trees in a Civic Space, Public Frontage or on other City-owned property within Downtown San Marcos.

Comparison of Fees from other Central Texas Cities

City	Protected Tree Size	Heritage Tree Size	Fee in lieu for Protected Trees	Fee in lieu for Heritage Trees
Georgetown	12" - 25"	26" +	$150	$200
Round Rock	8" - 19"	20" +	$150	$300
Austin	8" - 23"	24"	$200	$600
San Marcos	9" - 23"	24" +	None	None
Pflugerville	8" - 24"	25" +	$150	$450
San Antonio	6" -23	24" +	$200	$600
Leander	8" - 17"	18" +	$150	$300
Cedar Park	16" - 25"	26" +	Cost of Nursery Stock and installation	$200
***All information was updated on 6-4-2012**				