



**SAN MARCOS
PLANNING AND ZONING
COMMISSION MEETING
630 E. HOPKINS, CITY
COUNCIL CHAMBERS
TUESDAY, FEBRUARY 12, 2013
6:00 P.M.**

1. Call To Order
2. Roll Call

***NOTE:** The Planning and 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.*

3. 30 Minute Citizen Comment Period

CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 4 - 4 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

4. Consider the approval of the minutes from the Regular Meeting on January 22, 2013.

PUBLIC HEARINGS

5. **CUP-13-01 (Cool Mint Café)** Hold a public hearing and consider a request by Cool Mint, Inc., for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 415 Burleson Street
6. **CUP-13-02 (CVS Warrant)** Hold a public hearing and consider a request by John N. Meeks, on behalf of Aurelius Ltd., for a SmartCode Warrant to allow a reduction in height below the 2-story limit for a proposed 1-story CVS store in a SmartCode T-5 zoning district at 301 North Edward Gary Street.
7. **PC-12-30(04) (Blanco River Village Replat)** Hold a public hearing and consider a request by Scott Bauer, on behalf of Bigelow San Marcos, LLC, for approval of a replat of 5.008 acres, more or less, being Lots 1 and 11, Block J, and a portion of the rights of way of Morning Shadow and Rush Haven, of Blanco River Village, Section One, and Lot 1, Block H, and all of Block I, of the Amending Plat of Blocks, E, F, H, and I, Blanco River Village, Section One, establishing Blanco River Village for Greenway Subdivision, City of San Marcos, Hays County, Texas.

8. **PDD-11-11(a) (Hillside Ranch II PDD Amendment)** Hold a public hearing and consider an amendment, by the City of San Marcos, to section 6.01 of the development standards of the Hillside Ranch Phase II Planned Development District (PDD) overlay to clarify the limits of the 150 foot buffer with regard to the rowhouses located on N. LBJ Drive for 10.925 acres, more or less, out of the TJ Chambers Survey, Tract 179, located at 1410 North LBJ Drive.
9. **LDC-13-01 (Economic Development Incentive Waiver)** Hold a public hearing and consider an amendment to Chapter 1 of the Land Development Code to expand the provision for economic development incentive waivers to include a waiver of zoning regulations.

NON-CONSENT AGENDA

10. **PVC-13-01 (Sienna Pointe Plat Variance)** Consider a plat variance request by Jim Shaw for the Sienna Pointe Plat (PC-12-37_03) to Sections 7.4.1.4 a(1) and 7.4.1.4 a(3) of the Land Development Code requiring streets not shown on the City's Thoroughfare Plan provide for a continuation or appropriate projection every 1200 feet and provide for future access to adjacent vacant areas.
11. **PC-12-37(03) (Sienna Pointe)** Consider a request by Jim Shaw on behalf of James Pendergast, Donna Marie Neuhaus, and Toribio Torres for approval of a final plat, and associated subdivision improvement agreement, of approximately 22.001 acres out of the J.M. Veramendi Survey League No. One, Abstract 17, establishing Sienna Pointe, located near the intersection of Hunter Road and McCarty Lane.
12. **CUP-12-42A (Zelicks Appeal)** Consider a statement of intent for City Council to clarify conditions (4) and (6) of the Conditional Use Permit CUP-12-42 issued to Zelicks Inc. on December 11, 2012.
13. **Development Services Report**
 - a. Update on Downtown Implementation Plan.
 - b. Update on the Comprehensive Master Plan.
14. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*
15. Adjournment.

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 services for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was

removed by me from the City Hall bulletin board on the _____ day of

_____ Title: _____

Agenda Information

AGENDA CAPTION:

Consider the approval of the minutes from the Regular Meeting on January 22, 2013.

Meeting date: February 12, 2013

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:

ATTACHMENTS:

012212 PZ Minutes

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
January 22, 2013**

1. Present

Commissioners:

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

City Staff:

Kristy Stark, Development Services Assistant Director
Sam Aguirre, Assistant City Attorney
Alison Brake, Staff Planner
Emily Koller, Staff Planner
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 January 22, 2013, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

Chairperson's Opening Remarks.

Chair Taylor welcomed the audience and viewers.

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.*

3. 30 Minute Citizen Comment Period

Chair Taylor opened the citizen comment period. Jaimy Breihan, 134 East Hillcrest, told the Commission that he would like for long term residents of San Marcos to be represented in the Commission. He explained that people don't want to move to San Marcos because they are unsure if their neighborhood will be protected.

Seth Katz, 336 West Hopkins, told the Commission that there has been some confusion on the implementation of noise ordinances and that City does have a noise meter. He also said that the Dylans do not follow through with their promises. He wants to operate near downtown with music on occasion. He then challenged the Commission to come see if they were in violation. No one else spoke and Chair Taylor closed the citizen comment period.

Consent Agenda:

4. Consider the approval of the minutes from the Regular Meeting on January 8, 2013.

5. PC-12-17(03) (Blanco Vista Tract Q, Section 2) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 7.19 acres, more or less, out of the William Ward League, Abstract 467, for 26 residential lots and one landscape lot, located at the intersection of Easton Drive and Jacob Lane.

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

Public Hearings:

6. ZC-13-02 (Holland Hills Townhomes) 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.

Alison Brake, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. Kenneth Dees, 1412 Alamo Street, said that he is the CONA representative for his neighborhood. He asked that the Commission deny this request because if this lot is rezoned, many others will want to rezone and Holland Street will become a neighborhood of mixed residential. He feels that if a neighborhood speaks against a project the Planning Department should not allow the developer to develop.

Dianne Wassenich, 11 Tanglewood, stated that she has been involved in the master plan process and is disturbed about the creation of SF-6 zoning in this Neighborhood. Ms. Wassenich said she was told there would be a compatibility ordinance but has not seen it enforced. She feels that single family lots need to be used for single family homes.

Jim Garber, 104 Canyon Lake Road, asked Commissioner Morris why he keeps voting against single family zoning. He said that it is going to be impossible to enforce occupancy restrictions because it is easily avoidable and that townhomes will be packed with students.

Dianna Coffee, 702 Maury Street, said she is the only person where she works that lives in San Marcos. She told the Commission she is a renter and that there is no place she feels safe to buy a home because the security of neighborhoods are being threatened.

Leon Breeden, 322 West Holland, told the Commission he lives within 100 feet of the proposed development on a .89 acre lot. He said that his lot is a better representation of this neighborhood than townhome lots. Mr. Breeden is opposed to this project because it is not compatible with the neighborhood.

David Wendell, 188 East Holland, told the commission that he talked to a recent graduate of Texas State that wanted to live in San Marcos but moved because of recent rezoning cases. He explained that the current buffer between townhomes and single-family would not exist if this project were approved.

Dave Newman, 128 East Holland, told the Commission that townhomes will be full of students and the occupancy restriction will not stop students from living there. He explained that zoning is meant to protect property values and he hopes the Commission will vote to uphold what zoning restrictions are designated for.

Jaimy Breihan, 134 East Hillcrest, told the Commission that he went to daycare near this property and that it is at the top of the Sessoms Watershed. He expressed that he wants to see larger lots in this neighborhood. He asked the Commission if they would want this project next to their house. Mr. Breihan explained that there are finally families moving back in the neighborhood and their rights should be protected.

Greg Folster, 207 West Hillcrest, told the Commission that he is a mailman and has lived here for 20 years. He told the commission about a nice neighborhood nearby that was affected when Sagewood was built. He explained that noise is a problem at Sagewood and would be a problem at these townhomes. He told the Commission that he does not have a problem with college kids, but does not think they should all be put in one place because they get too crazy. Mr. Folster explained that college students are here until they graduate and don't care about the neighborhood. No one else spoke and Chair Taylor closed the public hearing.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Bryan the Commission voted all in favor to deny ZC-13-02.

7. Development Services Report

- a. Update from staff on Comprehensive Plan

Kristy Stark announced the Open House to be held on Jan. 23rd.

8. 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.

9. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 7:16 p.m. on Tuesday, January 22, 2013.

Bill Taylor, Chair

Carter Morris, Commissioner

Chris Wood, Commissioner

Kenneth Ehlers, Commissioner

Corey Carothers, Commissioner

Randy Bryan, Commissioner

ATTEST:

Francis Serna, Recording Secretary

Agenda Information

AGENDA CAPTION:

CUP-13-01 (Cool Mint Café) Hold a public hearing and consider a request by Cool Mint, Inc., for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 415 Burleson Street

Meeting date: February 12, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

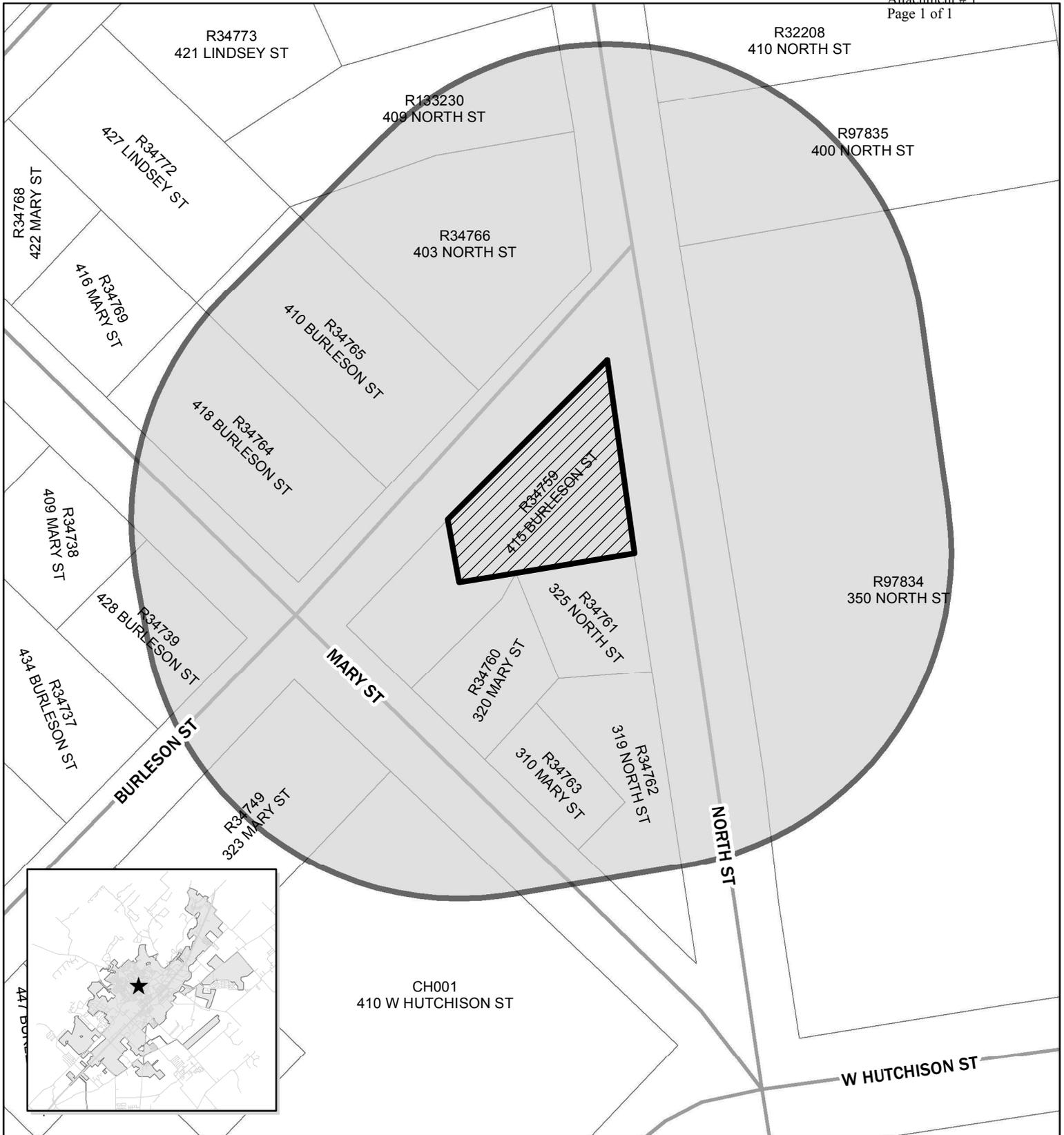
CITY COUNCIL GOAL:

BACKGROUND:

Renewal of an existing CUP for Cool Mint Cafe to serve beer and wine for on-premise consumption at a restaurant.

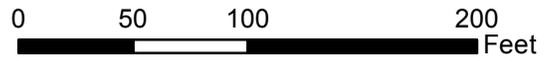
ATTACHMENTS:

Notification Map
Staff Report(1)
Application
Authorization



CUP-13-01
Cool Mint Cafe
415 Burleson St
Map Date: 1/24/2013

-  Site Location
-  200 ft Buffer



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-12-05

Conditional Use Permit

Cool Mint Cafe

415 Burleson Street



Applicant Information:

Applicant: Cool Mint, Inc.
415 Burleson
San Marcos TX 78666

Property Owner: ODAD Real Estate
111 Red Corral Ranch Rd.
Wimberley, TX 78676

Applicant Request: Renewal of a Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine at a restaurant establishment.

Notification: Public hearing notification mailed on January 30, 2012.

Response: None to date

Subject Property:

Location: 415 Burleson
Legal Description: Lot 2 & part of 1, Block 13, Lindsey & Harvey Addition
Frontage On: Burleson
Neighborhood: None
Existing Zoning: "MU" Mixed Use
Master Plan Land Use: Mixed Use
Sector: Sector 8
Existing Utilities: Adequate
Existing Use of Property: Restaurant
Proposed Use of Property: Same
Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	P/MF-24	Church, Multifamily
S of Property	MU	Residential
E of Property	T5	Multifamily
W of Property	MF-18	Residential

Code Requirements:

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

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

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

Case Summary

The interior of this historic house was renovated to operate as a restaurant with 40 interior seats. Cool Mint Cafe opened in May 2006, and requested a CUP to allow the sale of adult beverages to be served with menu food items. This CUP was approved for one year and renewed for three years in 2007. The CUP then expired in 2010 and was granted for one year in 2012.

Response from Other Departments

Health, Fire and the Police Department have not indicated any concerns with the renewal of this permit.

Planning Department Analysis:

The subject property is surrounded by commercial uses and is an established restaurant. A Conditional Use Permit for alcohol sales is compatible with the surrounding uses. Staff has not received any citizen comments or comments from other departments.

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

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

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

- 1. The permit shall be valid for the lifetime of the State TABC license, provided standards are met subject to the point system.**

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

Commission's Responsibility:

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

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

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

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

Prepared by:
Tory Carpenter

Planning Technician

January 30, 2013

Name	Title	Date
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09/12



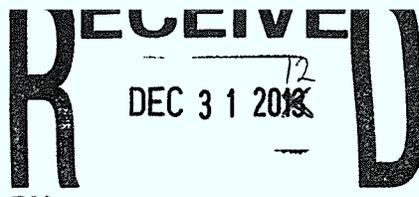
Conditional Use Permit Application Checklist To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties	<input type="checkbox"/>	
<input type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Director of Development Services : *(see note below)			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Copy of State TABC License application	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	Menu	<input type="checkbox"/>	

* For renewals, staff may accept a written statement that no changes have been made to these items if copies are available on file.

I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed: *Suzanne Perkins* Date: 1.3.13
 Print Name: Suzanne Perkins
 Engineer Surveyor Architect/Planner Owner Agent: _____



09/12

BY: _____

CUP-13-01

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION

Trade Name of Business: _____

Application is filed by:

Individual Partnership Corporation Other: _____

Name of Individual or Entity: Cool Mint, Inc Phone Number: 396-2665

Mailing Address: 415 Burleson, San Marcos, TX 78666

Email Address: cooking@coolmintcafe.com

Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY

Street Address: 415 Burleson Current Zoning: Comm.

Legal Description: Lot 2nd pt, Block 13 Subdivision Girdney & Harley

Tax ID Number: R 20-4001912

Property Owner's Name: ODAD Real Estate Phone Number: 512-396-2665

Address: 415 Burleson, San Marcos, TX 78666

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: 11AM-9pm Tues-Sat

Type of Entertainment Facilities: none

Indoor Fixed Seats Capacity: 40 Outdoor Fixed Seats: 0

Gross Floor Area Including Outdoor Above-ground Decks: 2300⁺ Square Feet

Number of Off-Street Parking Spaces Provided: 10

Located more than 300 feet from church, public school, hospital, low density residential? Y N

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

09/12

CUP PERMIT HISTORY *Check all that apply*

New request, no existing TABC CUP Permit at this location

Change to existing TABC Permit. Nature of Change: _____

Renewal

Change in name of license holder of existing business at same location

Change in name of existing business at this location

SUBMITTAL REQUIREMENTS

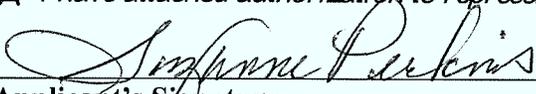
- **Beer and Wine Permit: \$600 Application fee** (non-refundable)
- **Mixed Beverage Permit: \$600 Application fee** (non-refundable)
- **Change to Existing Permit/Renewal: \$300.00 fee** (non-refundable)
- **Site Plan** drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

I am the property owner of record; or

I have attached authorization to represent the owner, organization, or business in this application.

file


 Applicant's Signature

Printed Name: SUZANNE PERKINS Date: 12.21.12

To be completed by Staff:

Meeting Date: 2-12 Application Deadline: 12-31

Accepted By: TOPY CARPENTER Date: 12-31

May 17, 2007

To Whom It May Concern:

I am the Manager of OMA Property Management, L.L.C., the General Partner of ODAD Real Estate L.P., owner of the property at 415 Burlison, San Marcos, Texas. This property is leased to Suzanne Perkins, owner and operator of the Cool Mint Café. She has my permission to apply for a beer and wine license, replacing her current conditional permit expiring the end of May.

Tom Baker
Manager, OMA Property Management L.L.C.

A handwritten signature in cursive script that reads "Tom Baker". The signature is written in black ink and is positioned below the typed name and title.

Agenda Information

AGENDA CAPTION:

CUP-13-02 (CVS Warrant) Hold a public hearing and consider a request by John N. Meeks, on behalf of Aurelius Ltd., for a SmartCode Warrant to allow a reduction in height below the 2-story limit for a proposed 1-story CVS store in a SmartCode T-5 zoning district at 301 North Edward Gary Street.

Meeting date: February 12, 2013

Department: Development Services - Planning

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

Mr. Meeks has secured a CVS location for Downtown San Marcos in the Nelson Shopping Center at 301 N. Edward Gary. He has been working for some time to coordinate with the City and with CVS to design a store suitable for the SmartCode site that contains frontages along Hutchison Street and Edward Gary.

CVS' corporate design schemes present some challenges for the infill location and the SmartCode. The primary issues are the difference in grade between street level at Hutchison and the building floor level on Edward Gary as well as the significant amount of investment by the City into the Hutchison Streetscape, which is now considered an A-Grid street in the SmartCode. Buildings along A-Grid streets are to be held to the highest standards in support of pedestrian activity. The applicant understands the impact the Downtown Improvement Project will have on the pedestrian experience along Hutchison and has worked with the design team at CVS to deliver plans that far exceed their typical store design. As submitted, the store demonstrates a pedestrian-scaled facade along Hutchison with a corner tower element to direct pedestrians to the main entrance located on Edward Gary.

Staff is recommending approval of the Warrant Request.

ATTACHMENTS:

Case Map
Staff Report
Renderings
Application
Downtown Improvements Project Description

CUP-13-02 SmartCode Warrant CVS 301 North Edward Gary Street



Summary:

Applicant: John N. Meeks, President
Aurelius, Ltd.
103 West Laurel Lane
San Marcos, TX 78666

Property Owner: Aurelius, Ltd.
103 West Laurel Lane
San Marcos, TX 78666

Applicant Request: *Request for a SmartCode Warrant to seek a deviation from Table 5.2 Building Configuration to allow a reduction in height below the 2-story limit for a proposed 1-story building in a SmartCode-T5 Zoning District*

Notification: Public hearing notification mailed on February 1, 2013.

Response: None as of agenda posting.

Property Area/Profile:

Location: 301 North Edward Gary Street

Legal Description: Lot 1, Block 23

Frontage On: N. Edward Gary, E. Hutchison

Neighborhood: Downtown

Existing Zoning: T5

Future Land Use Map: NA

Sector: 8

Existing Utilities: SMEU installing new transformer in alley

Existing Use of Property: Retail Shopping Center

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	P	University
S of Property	T5	Commercial/Retail
E of Property	T5	Commercial/Retail
W of Property	T5	Commercial/Retail

Code Requirements:

Within the SmartCode district, the Warrant process is similar to the Conditional Use Permit process. A Warrant is a ruling that would permit a practice that is not consistent with a specific provision of the SmartCode, but is justified by the provisions of Section 1.3 Intent.

Height is regulated in the base SmartCode within the Building Configuration section (Table 5.2). Two to five stories are permitted by right in a T5 district and a 1-story building may be considered by Warrant.

The height request must be determined to meet the Intent of the SmartCode. As part of the consideration for the Warrant Request, staff has thoroughly reviewed the proposed project against additional SmartCode requirements for building and site design.

Comments from Other Departments:

None

Background:

The Warrant Request is for a proposed CVS location in the existing Nelson Shopping Center at the corner of Hutchison and Edward Gary. The project consists of a single-story addition of approximately 5,000 square feet to the existing 1960's single-story retail development. The addition will be joined with approximately 5,600 square feet of the existing center to create a 10,000+ square ft space for CVS.

There are two complicating factors for this location. The first is that the ground floor level of the shopping center is about 6 feet above the sidewalk along Hutchison. The second is the City is concentrating Phase I of the Downtown Improvement Project along Hutchison Street completing a dramatic overhaul of the public utilities and public frontage between N. LBJ and C.M. Allen on Hutchison. The applicant understands these complicating factors well and has been working with staff since August 2012 to find an agreeable solution.

Staff has determined that with the significant public investment to the streetscape, Hutchison will be considered an A-Grid street. Within the SmartCode, A-Grid streets are to be held to the highest standard for pedestrian activity (SC 3.9.1). Even though the Nelson Center contains two frontages, no changes are being made to the Edward Gary Frontage that would make it more conforming with the SmartCode. Therefore, the CVS frontage along Hutchison is considered the Principal Frontage and in order for the Warrant to be approved, the final building design must fully meet the intent of the T-5 transect (SC 5.1.8).

Planning Department Analysis:

The creation of a downtown pharmacy location on an infill site meets the intent of the SmartCode as described in Section 1.3.

1.3.2 Region

b. That growth strategies should encourage Infill and redevelopment in parity with New Communities.

1.3.3. The Community

c. That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.

f. That appropriate building densities and land uses should be provided within walking distance of transit stops.

g. That Civic, Institutional and Commercial activities should be embedded downtown, not isolated in remote single-use complexes

1.3.4. The Block and The Building

a. That buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.

b. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.

The final design of the project must also meet the intent of the T-5 Transect zone as defined within Section 1.3.5. The project should offer a mix of uses or contribute to a mixed use environment, be an attached building, contain street trees, and promote substantial pedestrian activity. The building must also be oriented to the street, define a street wall and contain one of the T-5 frontage types. As proposed, the project meets this intent (see analysis on next page).

1.3.5. The Transect

b. The Transect Zone descriptions in Table 1.1 constitute the intent of the Code with regard to general character. The T-5 Urban Center Transect is comprised of the following:

General Character: Shops mixed with townhouses, larger apartment houses, offices, workplaces and civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity

As proposed, the addition is consistent with the mixed use intent of the SmartCode offering the amenity of a pharmacy within walking distance of the University and the Square. It will be constructed as an attached building and interacts with Hutchison Street in a beneficial way through the use of a canopy (Gallery Frontage), wide sidewalks, a faux two-story appearance through the use of windows, and a 2-story corner entrance providing pedestrian access to the floor level on Edward Gary. Street trees are provided as part of the Downtown Improvement Project and the applicant has committed to additional landscaping and design elements to creatively address the difference in elevation levels.

Building placement: Shallow setbacks or none; buildings oriented to street defining a street wall

Along Hutchison, the building will be placed on the frontage line.

Frontage types: Stoops, shopfronts and galleries

The applicant and CVS design team have proposed a gallery frontage along Hutchison with the canopy extending over the sidewalk.

Typical Building Height: 2-5 story

The applicant is requesting a deviation from this requirement. To meet the intent of the requirement, the proposed addition contains an approximately 28' tower element with a pedestrian entry which provides covered access to the Edward Gary entrance. The remainder of the proposed addition terminates at approximately 22' above the sidewalk along Hutchison. A single story of 25' is considered two stories by the SC (5.6.1.f). The height remains in scale with existing buildings along Hutchison and should provide a unified pedestrian experience.

Downtown Design Guidelines

In general, the proposed CVS is consistent with the Downtown Design Guidelines and the University Edge Design Context as stated below:

“The University Edge context should create a safe, pedestrian-friendly transition between campus and downtown. New campus development in this context should be compatible in scale and respectful of downtown design traditions. In addition, there are key public views up to campus and down to Courthouse Square. New development should preserve and enhance these views.”

The Guidelines recommend that a new building:

- Establish a sense of human scale in building design
- Minimize the impacts to primary views from the public right of way to the University and Courthouse Square
- Provide horizontal expression at lower floor levels
- Use awnings and canopies in character with the building and streetscape
- Arrange windows to reflect the traditional rhythm and general alignment of windows in the area

Overall, staff feels the reduced height is appropriate in this location and the proposed design will meet the intent of the SmartCode. Staff provides this request to the Commission for your consideration and recommends approval of the SmartCode Warrant.

Planning Department Recommendation:	
X	Approve as submitted
	Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment on this application. After considering the public input, the Commission is charged with making a decision to approve or deny the Warrant.

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

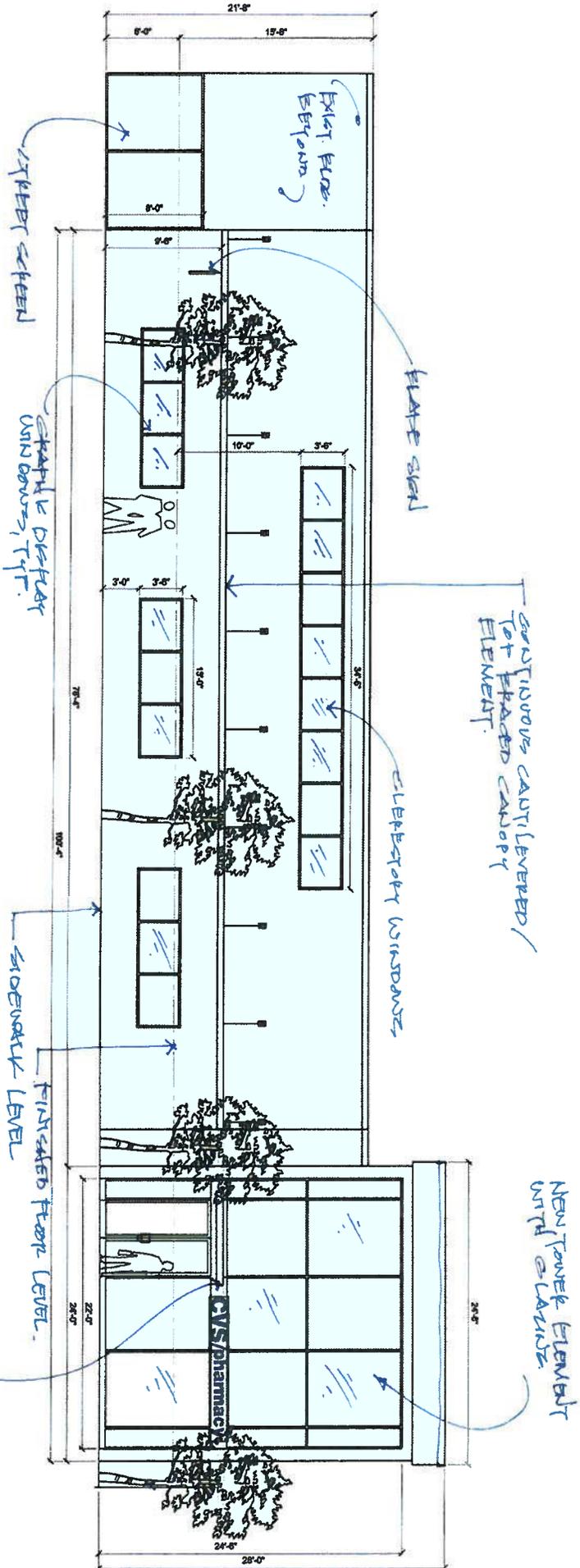
- enables, encourages and qualifies the implementation of the SmartCode policies on Intent;
- is consistent with policies of the Comprehensive Plan and Downtown Master Plan;
- is compatible with the character and integrity of adjacent developments and the general intent of the Transect.

The following standards are not available for Warrants:

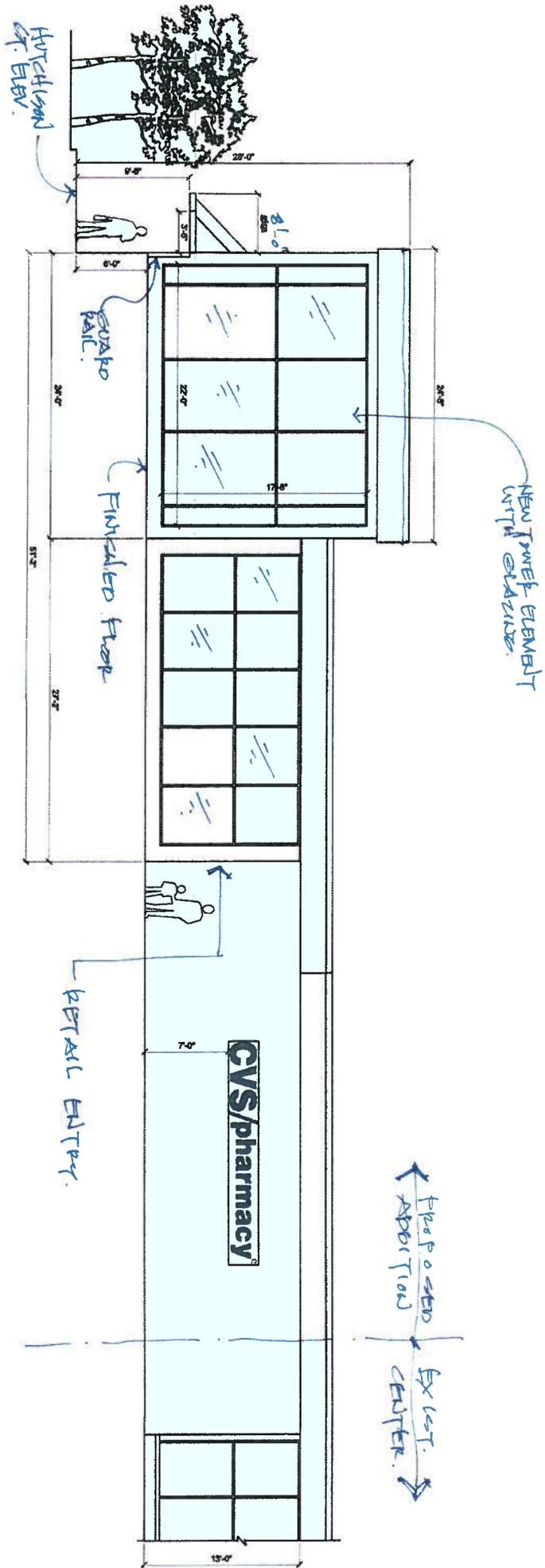
- a. the maximum dimensions for traffic lanes;
- b. the required provision of Rear Alleys; and
- c. the Base Residential Densities.

Emily Koller	Planner	February 6, 2013
Name	Title	Date

NELSON CENTER - PROPOSED ADDITION
HUTCHISON ST. ELEVATION
NO SCALE
1/3/13

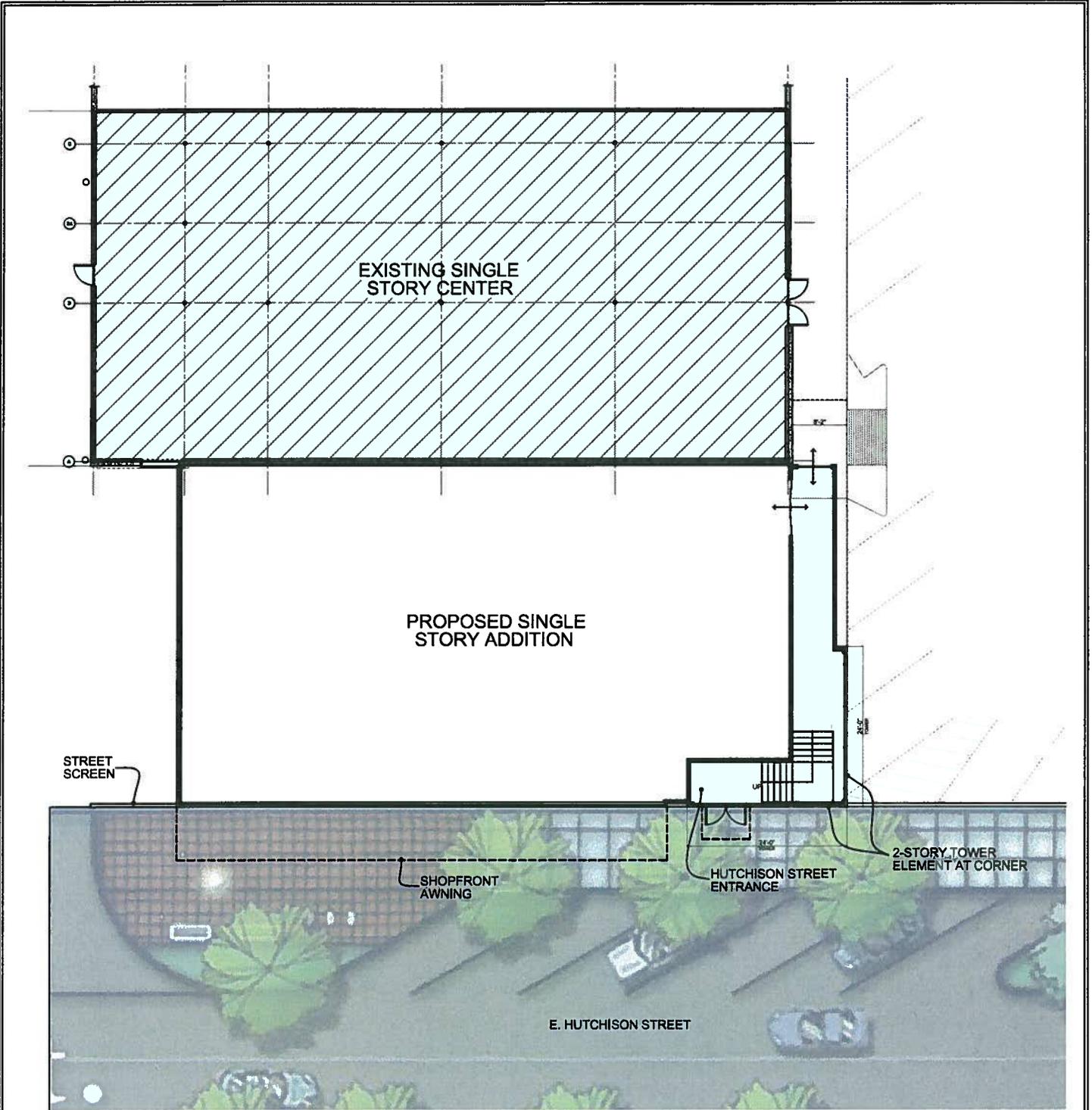


EMPHASIS GROUP



NEESON CENTER - PROPOSED ADDITION
DOWARD CAR STRENGTHENATION
NO SCALE
1/2 / 1/3

EMERSON GROUP.



1 PARTIAL SITE PLAN
N.T.S.



EMBREE CONSTRUCTION GROUP, INC.
4747 WILLIAMS DRIVE
GEORGETOWN, TX 78633
TEL 512.819.4700 FAX 512.869.3442
WWW.EMBREEGROUP.COM

NELSON SHOPPING CENTER

301 N. EDWARD GARY STREET
SAN MARCOS, TX 78666

Sheet No.

SP-1

DIAGRAMMATIC
SITE PLAN

01/03/2013

09/12



Conditional Use Permit Application Checklist: *GENERAL*

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input type="checkbox"/>	A completed application for Conditional Use Permit and required fees	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan illustrating the location of all structures on the subject property and on adjoining properties	<input type="checkbox"/>	
<input type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
<input type="checkbox"/>	Application Fee \$600	<input type="checkbox"/>	
<input type="checkbox"/>	Renewal Fee \$300	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Planning Director:			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street parking and loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Hours of operation	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district	<input type="checkbox"/>	

I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed: _____ Date: January 4, 2013
 Printed Name: John N. Meeks, President, Aurelius, Ltd.

Engineer Surveyor Architect/Planner Owner Agent: _____

Conditional Use Permit Application Aurelius, Ltd.

PROPOSED USE:

The project consists of a proposed, single story addition of approximately 5,000 square feet to an existing 1960's-era, single story retail development. This addition will be joined with approximately 5,000 square feet of the existing building to create a single, 10,000 square foot retail space for a single tenant. The existing development consists of two separate buildings with matching architectural design and details –building #1 faces Edward Gary Street and is approximately 23,000 square feet in size and building #2 faces University Drive and is approximately 5,000 square feet in size. The existing buildings consist primarily of a steel structure with steel roof joists and a masonry, brick and glass storefront system façade. The existing buildings have been designed to be no taller than one story and the existing building structural system is not sized to accommodate a second story. The proposed addition is situated at the corner of East Hutchison Street and North Edward Gary Street on the southern end of building #1. City of San Marcos Development Staff has determined the Principal Frontage of the proposed addition will be considered the façade facing Hutchison Street.

The main topographical challenge with the principal frontage of this proposed addition is a vertical difference of approximately 6'-0" from the sidewalk along Hutchison Street to the interior floor level of the existing retail center. This difference in height from the sidewalk grade along Hutchison to the floor level creates a challenge with meeting the physical requirements of the City of San Marcos SmartCode with regards to a two-story minimum height building along this frontage. Due to this height variation, the desire to maximize accessible floor space within the addition and concerns with overall handicap accessibility, the main entrance to the proposed addition remains located in alignment with the existing center façade (facing Edward Gary St.). To meet the intent of the two-story height requirement along Hutchison Street, provide a pedestrian environment and activate this frontage to the adjacent street front, the proposed addition contains an approximately 28'-0" tall "tower" element clad almost entirely in glazing, along with a pedestrian entry along Hutchison which provides covered, interior access to the proposed addition as well as the remainder of the existing retail center. The scale and materiality of the tower element will provide a focal termination point for all three existing buildings along Hutchison Street as well as the existing center building #1. The tower element will effectively unify the proposed addition to the existing center building and Hutchison Street below. The remainder of the proposed addition, although physically only one story, will terminate at approximately 22'-0" high above the sidewalk along Hutchison. This height will cleanly tie into the existing center roofline and is just shy of the 25'-0" height mentioned in the SmartCode as the single level height which will be counted as two. In addition, this height will remain in scale with the existing, adjacent buildings along Hutchison and will help to accentuate the unifying nature of the tower element, effectively tying the city streetscape along Hutchison together into one unified pedestrian experience.



DOWNTOWN IMPROVEMENTS PROJECT

CONSTRUCTION STARTS SUMMER 2012

DOWNTOWN GETS A FACELIFT

"By virtue of its compactness, clear edges, humanscaled architecture, walkable streets, public spaces, amenities and eye-catching detail, [Downtown San Marcos] should be perceived as a distinctive place in its own right; a singular and appealing destination whose character and vitality make it more than the sum of its individual parts." – Downtown Master Plan

The City of San Marcos will soon begin a street reconstruction project downtown. The \$10 million Capital Improvements project is part of the Downtown Master Plan. A graphic of the proposed improvements is on the back of this page.

Although the list of upgrades is extensive the City will make every effort to limit the disruption of construction for businesses owners, customers, residents, and visitors to San Marcos.

WHAT'S BEING BUILT, AND WHERE?

The Downtown Improvements Project will include full street reconstruction on **LBJ Drive** from Hutchison Street to University Drive and on **Hutchison Street** from LBJ Drive to CM Allen Parkway. **CM Allen Parkway** from Hopkins Street to University Drive and the parking lot at City Park will be repaved. The City will be constructing the following **utility improvements**:

- storm drainage lines under LBJ Drive and Hutchison
- a new water line under CM Allen Parkway
- replacement water lines under Hutchison Street
- new wastewater lines under two alleyways in the project area
- conversion of overhead electrical and communication lines to underground throughout project limits
- new traffic signals at the intersections of University Drive and LBJ Drive as well as Hutchison Street and LBJ Drive

The City will also install a **new streetscape** on **LBJ Drive** and **Hutchison Street** with the following features within the project limits :

- wider sidewalks that are ADA compliant
- attractive, low maintenance landscaping
- new street lighting
- amenities including benches and trash cans
- upgraded street parking to meet safety standards

The project also includes construction of an aesthetically-designed water quality pond in City Park.

IMPACTS TO BUSINESSES

The Downtown Improvements Project is committed to **limiting impacts to businesses** during the construction period.

Access to businesses along LBJ Drive and Hutchison Street will be maintained at all times. There will be no long term closures of either road, and it is anticipated that each road will have one lane of traffic flowing throughout the project.

The City of San Marcos and the construction contractor will provide **individualized "access to business" signs** along the street and make sure that pedestrian traffic can always access businesses.

The City is **committed to working with stakeholders** on issues such as parking concerns, detours, and access.

If you are a business owner or tenant, our Project Team is prepared to meet with you and answer your questions. Call us at 512.393.8130 or email to CIP@sanmarcostx.gov

TIMELINE

Design Completed: Winter 2011/2012

Bidding Occurs: Spring 2012

Construction Starts: Summer 2012

Electrical Underground Completed: Fall 2013

Construction Completed: Winter 2013/2014

WE ENCOURAGE YOU TO CONTACT US WITH QUESTIONS OR TO REQUEST A MEETING OR PRESENTATION

Call us at 512.393.8130

Email us at CIP@sanmarcostx.gov

University Dr.

University Dr.

Hutchison St.

Moon St.

C M Allen Pkwy

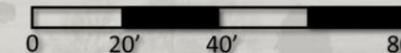
Edward Gary St.

LBJ Dr.

Hopkins St.

Hopkins St.

Hutchison Downtown Streetscape



December 1, 2011

HNTB

Agenda Information

AGENDA CAPTION:

PC-12-30(04) (Blanco River Village Replat) Hold a public hearing and consider a request by Scott Bauer, on behalf of Bigelow San Marcos, LLC, for approval of a replat of 5.008 acres, more or less, being Lots 1 and 11, Block J, and a portion of the rights of way of Morning Shadow and Rush Haven, of Blanco River Village, Section One, and Lot 1, Block H, and all of Block I, of the Amending Plat of Blocks, E, F, H, and I, Blanco River Village, Section One, establishing Blanco River Village for Greenway Subdivision, City of San Marcos, Hays County, Texas.

Meeting date: February 12, 2013

Department: Development Services - Planning

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

Big Picture Infrastructure

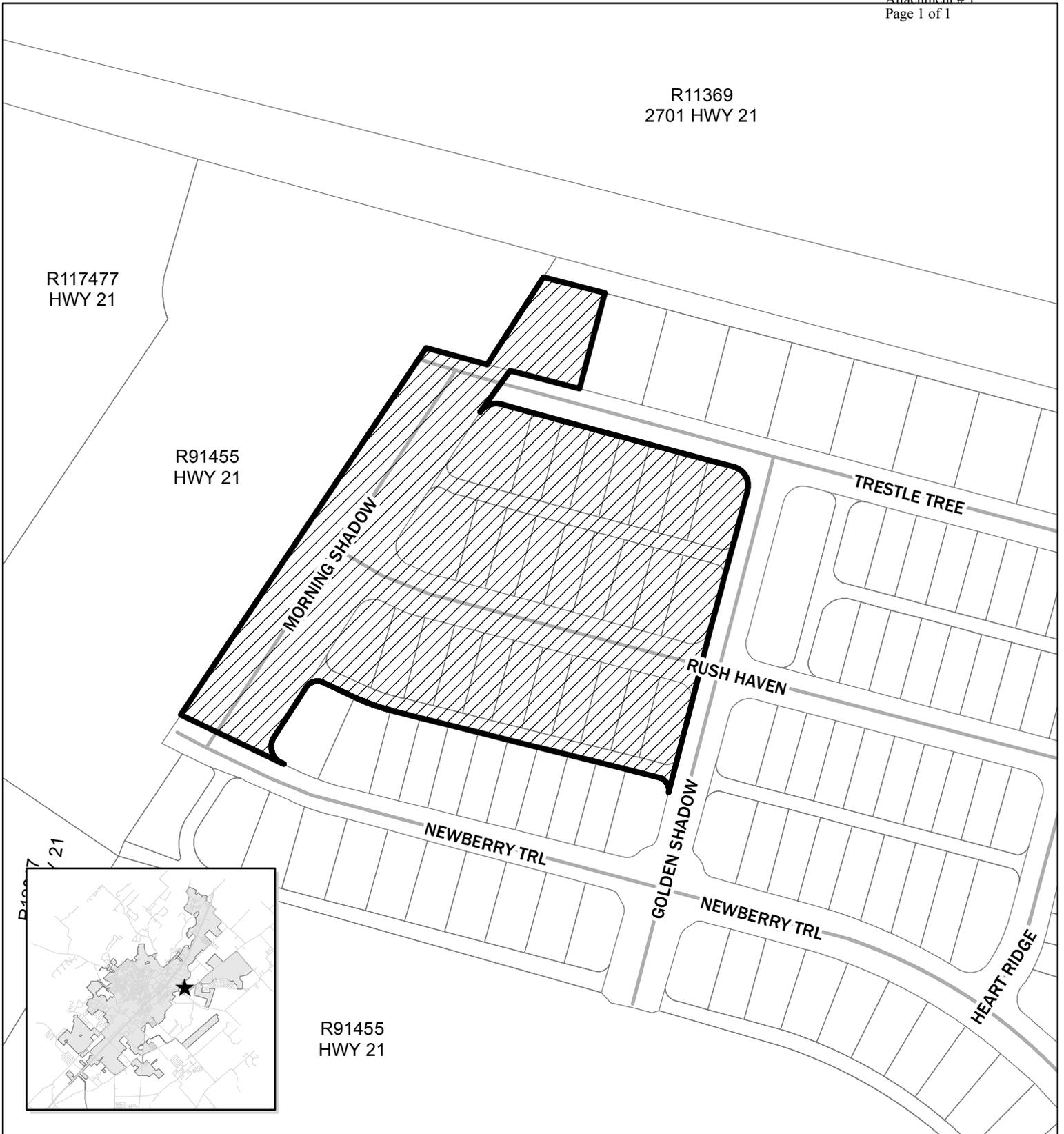
BACKGROUND:

This is the final step in a process that will introduce the new housing type to the Blanco River Village Subdivision. The PDD has been amended to allow a new housing type as well as a re-configuration of the streets for one-way traffic (Ordinance 2012-047). The existing platted right-of-way has also been abandoned (Ordinance 2012-054). This last step is to replat the section to establish the linear park and the new smaller right-of-ways to allow access along one-way streets for the homes facing the green.

The plat has been reviewed against the criteria in the Land Development Code and meets the criteria. Staff recommends approval of the plat.

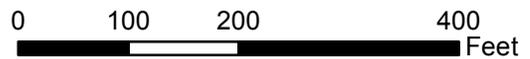
ATTACHMENTS:

Site Map
Staff Report
Plat
Application
Letter from Tax Assessors Office



PC-12-30(04)
Blanco River Village
ROW Abandonment
Map Date: 1/28/2013

●  Site Location ●



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.

PC-12-30(04), Replat, Blanco River Village, Section One, Blocks I and J, establishing Blanco River Village For Greenway



Applicant Information:

Applicant: Scott Bauer
Bigelow San Marcos Development, L.L.C.
242 Rush Haven
San Marcos, TX 78666

Agent: Scott Bauer
Bigelow San Marcos Development, L.L.C.
242 Rush Haven
San Marcos, TX 78666

Property Owner: Bigelow San Marcos Development, L.L.C.
242 Rush Haven
San Marcos, TX 78666

Notification: Notification of Public Hearing published in newspaper on January 27, 2013.

Type & Name of Subdivision: Replat, 5.008 acres, more or less, being Lots 1 and 11, Block J, and a portion of the rights-of-way of Morning Shadow and Rush Haven, of Blanco River Village, Section One, and Lot 1, Block H, and all of Block I, of the Amending Plat of Blocks, E, F, H, and I, Blanco River Village, Section One

Subject Property:

Location: The subject property is located in Blocks H, I and J within the Blanco River Village Subdivision, Section One.

Traffic / Transportation: Portions of the property reflected within this replat fronts on a central greenway while other portions front along Trestle Tree and Newberry Trail. Two one-way street sections, Rachel Street and Perry Street, will be platted with this replat.

Parkland Dedication: Parkland dedication was satisfied with the dedication of 13.0 acres adjacent to the subject property in the Blanco River Village Planned Development District.

Utility Capacity: Water and wastewater to this site will be provided by the City of San Marcos. Electric service to this site will be provided by Bluebonnet Electric.

Land Use Compatibility: Surrounding land uses are primarily residential.

Surrounding Zoning and Land use:

Proximity	Current Zoning	Existing Land Use
N of Property	PDD with base zoning of MF-12	Multifamily Residential
S of Property	PDD with base zoning of SF-4.5	Single-Family Residential
E of Property	PDD with base zoning of SF-4.5	Single-Family Residential
W of Property	SF-4.5	Vacant

Zoning: PDD with a base zoning of Single-Family Residential (SF-4.5)

Planning Department Analysis:

This is the final step in a process that will introduce the new housing type to the Blanco River Village Subdivision. First, the applicant amended the PDD to allow both the housing type and re-configuration of the streets to accommodate one-way traffic. Second, the applicant went through the abandonment of existing platted right-of-way. This last step is to replat the section to establish the linear park and the new smaller right-of-ways to allow access along one-way streets for the homes facing the green.

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 Public Improvement Construction Plans have been submitted and approved.

Staff is recommending **approval** of this replat.

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 1/25/2013

Name Title Date

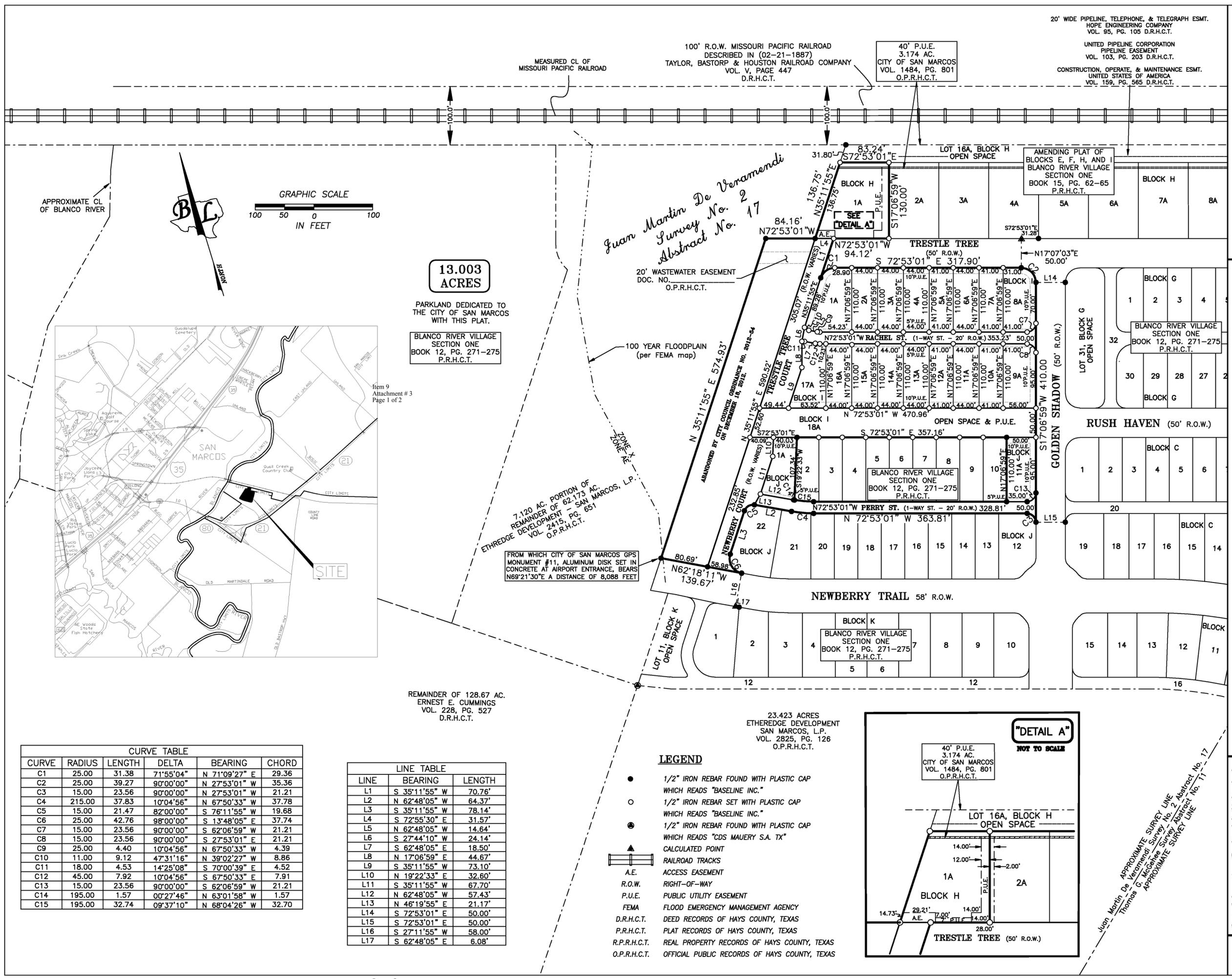
20' WIDE PIPELINE, TELEPHONE, & TELEGRAPH ESMT.
HOPE ENGINEERING COMPANY
VOL. 95, PG. 105 D.R.H.C.T.

UNITED PIPELINE CORPORATION
PIPELINE EASEMENT
VOL. 103, PG. 203 D.R.H.C.T.

CONSTRUCTION, OPERATE, & MAINTENANCE ESMT.
UNITED STATES OF AMERICA
VOL. 159, PG. 565 D.R.H.C.T.

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN TEXAS 78754
OFFICE: 512-374-9722 FAX: 512-873-9743
scott-baseline@austin.rr.com

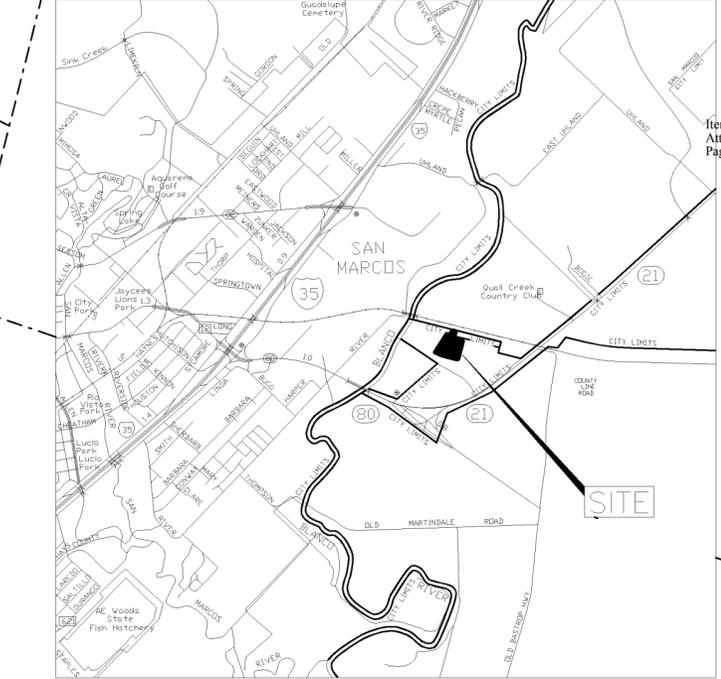
REPLAT OF BLANCO RIVER VILLAGE FOR GREENWAY



13.003 ACRES

PARKLAND DEDICATED TO THE CITY OF SAN MARCOS WITH THIS PLAT.

BLANCO RIVER VILLAGE SECTION ONE BOOK 12, PG. 271-275 P.R.H.C.T.



Item 9 Attachment # 3 Page 1 of 2

7.120 AC. PORTION OF REMAINDER OF 62.173 AC. ETHREDGE DEVELOPMENT - SAN MARCOS, L.P. VOL. 2415, PG. 651 O.P.R.H.C.T.

FROM WHICH CITY OF SAN MARCOS GPS MONUMENT #11, ALUMINUM DISK SET IN CONCRETE AT AIRPORT ENTRANCE, BEARS N69°21'30"E A DISTANCE OF 8,088 FEET

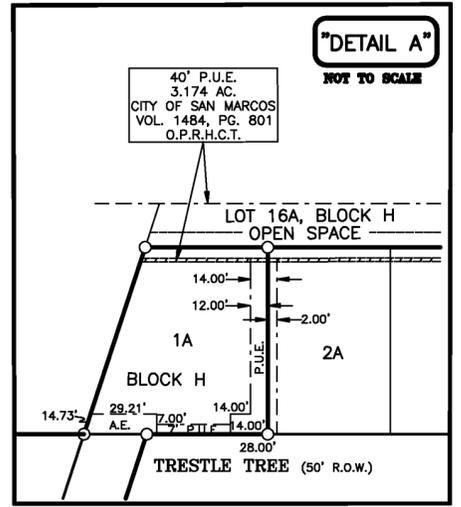
REMAINDER OF 128.67 AC. ERNEST E. CUMMINGS VOL. 228, PG. 527 D.R.H.C.T.

23.423 ACRES ETHREDGE DEVELOPMENT SAN MARCOS, L.P. VOL. 2825, PG. 126 O.P.R.H.C.T.

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	25.00	31.38	71°55'04"	N 71°09'27" E	29.36
C2	25.00	39.27	90°00'00"	N 27°53'01" W	35.36
C3	15.00	23.56	90°00'00"	N 27°53'01" W	21.21
C4	215.00	37.83	10°04'56"	N 67°50'33" W	37.78
C5	15.00	21.47	82°00'00"	S 76°11'55" W	19.68
C6	25.00	42.76	98°00'00"	S 13°48'05" E	37.74
C7	15.00	23.56	90°00'00"	S 62°06'59" W	21.21
C8	15.00	23.56	90°00'00"	S 27°53'01" E	21.21
C9	25.00	4.40	10°04'56"	N 67°50'33" W	4.39
C10	11.00	9.12	47°31'16"	N 39°02'27" W	8.86
C11	18.00	4.53	14°25'08"	S 70°00'39" E	4.52
C12	45.00	7.92	10°04'56"	S 67°50'33" E	7.91
C13	15.00	23.56	90°00'00"	S 62°06'59" W	21.21
C14	195.00	1.57	00°27'46"	N 63°01'58" W	1.57
C15	195.00	32.74	09°37'10"	N 68°04'26" W	32.70

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 35°11'55" W	70.76'
L2	N 62°48'05" W	64.37'
L3	S 35°11'55" W	78.14'
L4	S 72°55'30" E	31.57'
L5	N 62°48'05" W	14.64'
L6	S 27°44'10" W	24.14'
L7	S 62°48'05" E	18.50'
L8	N 17°06'59" E	44.67'
L9	S 35°11'55" W	73.10'
L10	N 19°22'33" E	32.80'
L11	S 35°11'55" W	67.70'
L12	N 62°48'05" W	57.43'
L13	N 46°19'55" E	21.17'
L14	S 72°53'01" E	50.00'
L15	S 72°53'01" E	50.00'
L16	S 27°11'55" W	58.00'
L17	S 62°48'05" E	6.08'

- LEGEND**
- 1/2" IRON REBAR FOUND WITH PLASTIC CAP WHICH READS "BASELINE INC."
 - 1/2" IRON REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE INC."
 - 1/2" IRON REBAR FOUND WITH PLASTIC CAP WHICH READS "CDS MAURY S.A. TX"
 - ▲ CALCULATED POINT
 - RAILROAD TRACKS
 - ACCESS EASEMENT
 - P.U.E.
 - FEMA
 - D.R.H.C.T.
 - P.R.H.C.T.
 - R.P.R.H.C.T.
 - O.P.R.H.C.T.
 - RIGHT-OF-WAY
 - PUBLIC UTILITY EASEMENT
 - FLOOD EMERGENCY MANAGEMENT AGENCY DEED RECORDS OF HAYS COUNTY, TEXAS
 - PLAT RECORDS OF HAYS COUNTY, TEXAS
 - REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS
 - OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS



File: Proj\Blanco River Village\DWG\Ph. 1\3rd Replat.dwg	Scale (hor.): 1"=100'	Scale (vert.):	Drawn By: TST
Job No.	Date: 01/14/13	Checked By: JSL	Revision 1: ADD WATERLINE EASEMENTS
Sheet:			Revision 2:
			Revision 3:
			Revision 4:

SHEET 01 of 02

STATE OF TEXAS }}
COUNTY OF HAYS }}

THAT WE, BIGELOW SAN MARCOS DEVELOPMENT, LLC., A TEXAS LIMITED LIABILITY COMPANY, BY AND THROUGH _____, BEING THE OWNER OF 5.008 ACRES OF LAND BEING A PORTION OF A 40.050 ACRE TRACT OF LAND OUT OF THE JUAN MARTIN DE VERAMENDI SURVEY NO. 2, ABSTRACT NO. 17 IN HAYS COUNTY TEXAS, BEING LOT 1 AND LOT 11, BLOCK J, AND A PORTION OF THE RIGHT OF WAYS OF MORNING SHADOW AND RUSH HAVEN, OF BLANCO RIVER VILLAGE, SECTION ONE, A SUBDIVISION OF RECORD IN BOOK 12, PAGES 271-275 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, AND LOT 1, BLOCK H, AND ALL OF BLOCK I, OF THE AMENDING PLAT OF BLOCKS E, F, H, AND I, BLANCO RIVER VILLAGE, SECTION ONE, A SUBDIVISION OF RECORD IN BOOK 15, PAGES 62-65 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY RESUBDIVIDE SAID 5.008 ACRES TO BE KNOWN AS "REPLAT OF BLANCO RIVER VILLAGE FOR GREENWAY", AND DO DEDICATE TO THE PUBLIC FOREVER THE USE OF ALL STREETS AND EASEMENTS AS SHOWN HEREON UNLESS OTHERWISE INDICATED.

BIGELOW SAN MARCOS DEVELOPMENT, LLC.
A TEXAS LIMITED LIABILITY COMPANY

BY: BIGELOW DEVELOPMENT, LLC.
AN ILLINOIS LIMITED LIABILITY COMPANY
dba BIGELOW TEXAS MANAGEMENT

ITS: SOLE MANAGER

BY: _____

NAME: _____

TITLE: _____

STATE OF ILLINOIS }}
COUNTY OF KANE }}

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 20__ BY _____ OF BIGELOW DEVELOPMENT, LLC., AN ILLINOIS LIMITED LIABILITY COMPANY, ON BEHALF OF SAID BIGELOW SAN MARCOS DEVELOPMENT, LLC., A TEXAS LIMITED LIABILITY COMPANY.

Item 9
Attachment # 3
Page 2 of 2

NOTARY PUBLIC, STATE OF ILLINOIS

AMERICAN MIDWEST BANK, SUCCESSOR BY MERGER TO, AMERCIANUNITED BANK AND TRUST COMPANY USA
321 WEST GOLF ROAD
SCHAUMBURG, ILLINOIS 60196

BY: _____

NAME: _____

TITLE: _____

STATE OF ILLINOIS }}
COUNTY OF COOK }}

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 20__ BY _____ OF AMERICAN MIDWEST BANK, SUCCESSOR BY MERGER TO AMERCIANUNITED BANK AND TRUST COMPANY USA

NOTARY PUBLIC, STATE OF ILLINOIS

STATE OF TEXAS }}
COUNTY OF HAYS }}

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE, AND IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

REGISTERED PROFESSIONAL LAND SURVEYOR
J. SCOTT LASWELL NO. 5583
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
TEL: 512-374-9722

STATE OF TEXAS }}
COUNTY OF HAYS }}

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

REGISTERED PROFESSIONAL ENGINEER
STEPHEN RAY JAMISON
NO. 86951
HANRAHAN PRITCHARD ENGINEERING, INC.
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
TEL: 512-459-4734

CITY OF SAN MARCOS
CERTIFICATE OF APPROVAL

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

BILL TAYLOR, CHAIRMAN
PLANNING AND ZONING COMMISSION DATE

MATTHEW LEWIS, CNU-A
DIRECTOR OF DEVELOPMENT SERVICES DATE

FRANCIS SERNA, RECORDING SECRETARY DATE

CITY OF SAN MARCOS
DIRECTOR OF CIP AND ENGINEERING

DIRECTOR OF CIP AND ENGINEERING DATE

STATE OF TEXAS }}
COUNTY OF HAYS }}

I, LIZ Q. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON _____ AT _____ AND RECORDED ON _____ AT _____ IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____ AT PAGE _____.

LIZ Q. GONZALEZ - COUNTY CLERK

NOTES:

- MINIMUM SINGLE FAMILY LOT SIZE IS 4,000 SQUARE FEET.
- NO OBJECT INCLUDING SIGNAGE, BUILDING, ACCESSORY BUILDING, FENCING, OR LANDSCAPING, WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN ANY DRAINAGE EASEMENT(S) WITHOUT PRIOR APPROVAL OF THE CITY OF SAN MARCOS.
- EACH PROPERTY OWNER OF A LOT ON WHICH DRAINAGE EASEMENT(S) ARE PLATTED SHALL BE RESPONSIBLE FOR KEEPING GRASS AND WEEDS NEATLY CUT AND EASEMENT AREA FREE FROM DEBRIS AND TREE/BRUSH REGROWTH.
- PROPERTY OWNER SHALL ALLOW ACCESS TO DRAINAGE AND UTILITY EASEMENTS FOR INSPECTION, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
- THESE LOTS SHALL COMPLY WITH THE CITY OF SAN MARCOS DRAINAGE AND EROSION CONTROL ORDINANCE.
- THIS SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS OF THE CITY OF SAN MARCOS.
- THIS SUBDIVISION IS NOT LOCATED WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
- NO LOT IN THIS SUBDIVISION MAY BE RESUBDIVIDED FOR THE PURPOSE OF INCREASING THE NUMBER OF LOTS.
- PUBLIC SIDEWALKS ARE REQUIRED ALONG BOTH SIDES OF THE STREET, EXCEPT RACHEL STREET, PERRY STREET, THE WEST SIDE OF NEWBERRY COURT, THE WEST SIDE OF TRSTLE TREE COURT, THE WEST SIDE OF LOT 17A, BLOCK I, AND THE WEST SIDE OF LOT 1A, BLOCK J.
- DEVELOPMENT OF LOTS AND ONE-WAY STREETS SUBJECT TO THE PDD AGREEMENT WITH THE CITY OF SAN MARCOS, ORIGINALLY APPROVED BY ORDINANCE 2004-61, AND 2008-49, AND AMENDED BY ORDINANCE 2012-02 AND 2012-47, THE LATTER BEING APPROVED NOVEMBER 7, 2012.
- NO STRUCTURE SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM WHICH HAS BEEN APPROVED BY THE SAN MARCOS HEALTH DEPARTMENT.
- NO STRUCTURE SHALL BE OCCUPIED UNTIL CONNECTED TO THE CITY OF SAN MARCOS WATER SUPPLY, AN APPROVED PUBLIC WATER SUPPLY.
- CITY OF SAN MARCOS WATER SUPPLY, AN APPROVED PUBLIC WATER SUPPLY, HAS ADEQUATE QUANTITY TO SUPPLY THIS SUBDIVISION FOR DOMESTIC AND FOR OTHER INTENDED USES, AND FOR FIRE PROTECTION PURPOSES, AND PROVISIONS HAVE BEEN MADE TO PROVIDE SERVICES TO EACH LOT.
- BLANKET UTILITY EASEMENT OVER BLOCK H, LOT 1A, EXCEPTING THEREFROM ALL AREAS AS DEFINED BY CONSTRUCTED BUILDINGS, TO CONSTRUCT, INSTALL, RECONSTRUCT, REPAIR, REMOVE, REPLACE, INSPECT, MAINTAIN, AND OPERATE UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS AND LINES IN, UNDER, OVER, ACROSS, ALONG AND UPON THE SURFACE OF SAID EASEMENT, INCLUDING WITHOUT LIMITATION, STORM WATER RUNOFF, GAS MAINS, TELEPHONE CABLES, ELECTRICAL LINES, AND CABLE TELEVISION. FOLLOWING ANY WORK TO BE PERFORMED BY GRANTEE, ENTITIES SHALL MAKE SURFACE RESTORATIONS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING; BACKFILL ANY TRENCH, RESTORE CONCRETE AND ASPHALT SURFACES, TOPSOIL AND SEED, REMOVE EXCESS DEBRIS, MAINTAIN AREA IN A GENERALLY CLEAN AND WORKMANLIKE CONDITION. ALL SAID RESTORATION SHALL BE COMPLETED IN ACCORDANCE WITH CITY STANDARDS.
- THE PURPOSE OF THIS REPLAT IS TO PLAT TWO ONE-WAY STRRET SECTIONS AND A CENTRAL GREENWAY
- LOT 18A, BLOCK I SHALL BE COMMON AREA AS DEFINED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BLANCO RIVER VILLAGE (DOC. NO. 05036030, RECORDED DECEMBER 13TH, 2005).

FLOOD NOTE:

NO PORTION OF THIS PROPERTY (REPLAT) IS WITHIN ZONE AE, AREA DETERMINED TO BE OF 100-YEAR FLOODPLAIN WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT, ACCORDING TO MAP NO. 48209C0394 F, EFFECTIVE SEPTEMBER 2, 2005, ISSUED BY FEMA FOR HAYS COUNTY, TEXAS.

PUBLIC UTILITY INFORMATION:
THIS SUBDIVISION IS SERVICED BY THE FOLLOWING UTILITIES:

ELECTRIC:
BLUEBONNET ELECTRIC COOPERATIVE
P.O. BOX 729
650 HIGHWAY 21 EAST
BASTROP, TX 78602

TELEPHONE:
CENTURYTEL
208 S. GUADALUPE STREET
SAN MARCOS, TX 78666

GAS:
CENTERPOINT ENERGY ENTEX
P.O. BOX 1325
HOUSTON, TX 77251-1325

WATER & WASTEWATER:
CITY OF SAN MARCOS WATER, WASTEWATER SERVICES
630 EAST HOPKINS
SAN MARCOS, TX 78666

BASILINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN TEXAS 78754
OFFICE: 512-374-9722 FAX: 512-873-9743
scott-baseline@austin.rr.com

REPLAT OF BLANCO RIVER VILLAGE
FOR GREENWAY

File: Proj\Blanco River Village\Draw\Ph. 13rd Replat.dwg	Snapshot:
Job No.	Scale (hor.): 1"=100'
Scale (vert.): 1"=100'	Scale (vert.):
Date: 01/14/13	Checked By: JSL
Drawn By: TST	Revision 1: ADD WATERLINE EASEMENTS
Revision 2:	Revision 3:
Revision 4:	

SHEET
02 of 02

11/09

RECEIVED
OCT 25 2012

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Attachment # 4
Page 1 of 8

PC-17 -30-04

City of San Marcos
SUBDIVISION PLAT APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>SCOTT BAUER</u>	<u>BIGELOW SAN MARCOS DEVELOPMENT, LLC</u>
Mailing Address	<u>242 RUSH HAVEN</u>	<u>242 RUSH HAVEN</u>
	<u>SAN MARCOS, TX 78666</u>	<u>SAN MARCOS, TX 78666</u>
Daytime Phone	<u>(847) 561-6652</u>	
Email Address	<u>SJBAUER@BIGELOWHOMES.COM</u>	

AGENT ACKNOWLEDGEMENT STATEMENT:

I SCOTT BAUER acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize SCOTT BAUER to serve as my agent to file this application and to work with the Responsible Official on my behalf during the subdivision platting process.

Signature of Property Owner: 

Printed Name: SCOTT BAUER Date: 10/18/12

Signature of Agent: 

Printed Name: SCOTT BAUER Date: 10/18/12

TYPE OF APPLICATION

- Subdivision Concept Plat Variance Section _____
- Preliminary Subdivision Plat Preliminary Development Plat
- Final Subdivision Plat Final Development Plat
- Minor Subdivision Plat
- Administrative Approval
 - Amending Plat
 - Subdivision Replat

SUBDIVISION IMPROVEMENT AGREEMENT

Whenever public improvements to serve the development are deferred until after Final Subdivision Plat or Final Development Plat approval, the property owner shall enter into a subdivision improvement agreement by which the owner covenants to complete all required public improvements no later than two years following the date upon which the Final Subdivision Plat or Final Development Plat is approved.

- I will complete all required public improvements prior to the Final Subdivision Plat or Final Development Plat
- I wish to defer installation of public improvements and will complete a Subdivision Improvement Agreement with the City

Subdivision Improvement Agreement not required.

Signature: 

Printed Name: SCOTT BAUER Date: 10/18/12

SUBJECT PROPERTY

Subdivision Name: BLANCO RIVER VILLAGE

Address or General Location: STATE HIGHWAY 21 & NEWBERRY TRAIL

Proposed Number of Lots: 21 Acres: 3.94

Appraisal District Tax ID: R 117

- Located In City Limits ETJ (County _____)
- S.M. River Corridor Planned Development District

Proposed Use of Land RESIDENTIAL

UTILITY SERVICE ACKNOWLEDGEMENTS:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations.

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Electric Service Provider BLUEBONNET ELECTRIC COOPERATIVE

Applicable Utility Service Code(s) A

Comments/Conditions N/A

Signature of Electric Company Official [Signature]

Title SR. ENGINEERING PROJECT COORDINATOR Date 5-23-12

Name of Telephone Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Telephone Company Official _____

Title _____ Date _____

Name of Gas Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Gas Company Official _____

Title _____ Date _____

UTILITY SERVICE ACKNOWLEDGEMENTS:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations.

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Electric Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Electric Company Official _____

Title _____ Date _____

Name of Telephone Service Provider CENTURYLINK OF SAN MARCOS

Applicable Utility Service Code(s) B

Comments/Conditions _____

Signature of Telephone Company Official Glenn Thresher

Title Construction Coordinator Date 6-1-2012

Name of Gas Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Gas Company Official _____

Title _____ Date _____

UTILITY SERVICE ACKNOWLEDGEMENTS:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations.

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Electric Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Electric Company Official _____

Title _____ Date _____

Name of Telephone Service Provider Time Warner Cable

Applicable Utility Service Code(s) C&D

Comments/Conditions TWC is in other part of sub's plans on constructing once electrical plans are received.

Signature of Telephone Company Official [Signature]

Title St. Designer Date 5/24/12

Name of Gas Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Gas Company Official _____

Title _____ Date _____

UTILITY SERVICE ACKNOWLEDGEMENTS:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations.

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Electric Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Electric Company Official _____

Title _____ Date _____

Name of Telephone Service Provider _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Telephone Company Official _____

Title _____ Date _____

Name of Gas Service Provider Center Point Energy

Applicable Utility Service Code(s) A

Comments/Conditions _____

Signature of Gas Company Official W. Adams

Title Sr. Marketing Consultant Date 5-23-12

UTILITY SERVICE ACKNOWLEDGMENTS CONTINUED

Name of Water Service Provider CITY OF SAN MARCOS WATER, WASTE WATER SERVICES

Applicable Utility Service Code(s) A

Comments/Conditions _____

Signature of Water Utility Official: 

Title: Water Dist Manager

Date: 10-25-12

The use of either 1) _____ a private wastewater treatment system, or 2) _____ septic tanks, is approved for all lots in the proposed subdivision which are not required to connect to the City of San Marcos wastewater system.

Comments/Conditions _____

Signature of City or County Health Official: _____

Title: _____

Date _____

SUBMITTAL REQUIREMENTS:

Applicable Documents and Fees

Name(s) and Address(es) of Property Lien-Holder(s), if any

AMERICAN MIDWEST BANK, SUCCESSOR BY MERGER TO AMERICAUNITED

BANK & TRUST COMPANY USA

321 WEST GOLF RD, SCHAUMBURG, IL 60196

List of Names and Mailing Addresses of All Owners of Land Within 200 feet of the Subject Property, if this application is for a replat in a subdivision that is in the San Marcos ETJ and which is limited by deed restrictions to single or two-family residential dwellings

I hereby affirm that if I am not the property owner of record, or if the applicant is an organization or business entity, I have been authorized to represent the owner, organization, or business in this application. I certify the preceding information is complete and accurate, and it is understood that I or another representative should be present at all meetings concerning this application..

Signature of Applicant: 

Printed Name: SCOTT BAUER

Date: 10/18/12

To be completed by Staff:

Submittal Date: 10-25-2012 5 Business Days from Submittal: 11-01-2012

Completeness Review By: _____ Date: _____

Contact Date for Supplemental Info: _____

Supplemental Info Received (required within 5 days of contact): _____

Application Returned to Applicant: _____

Application Accepted for Review: _____ Fee: _____

Required Date for Decision (30 days from acceptance date): _____

Date of Planning and Zoning Commission Meeting: _____

All legislative applications complete: ___ Yes ___ No

Watershed Protection Plan submitted/approved: ___ Yes ___ No

Hays County Tax Assessor-Collector
Luanne Caraway, RTA



712 S Stagecoach Trail
San Marcos, TX 78666-5071
(512) 393-5545

November 5, 2012

Hays County Clerk
712 S Stagecoach Trail Ste 2008
San Marcos, TX 78666

RE: Bigelow San Marcos Development LLC
R117655,R117665,R117677,R131584,R131599,R131600,R131601,R131602
R131603,R131604,R131605,R131606,R131607,R131608,R131609,R131610
R131611,R131612,R131613,R131614,R131615

Dear Clerk,

This letter is to advise you that the taxes for Hays County, Special Road, San Marcos CISD, and City of San Marcos imposed for tax year 2012 have been paid in full.

Thank you,

Nelda Mendoza
Tax Dept. Supervisor
Hays County Tax Office

TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County
712 S. Stagecoach Trail
San Marcos, TX 78666
Ph: 512-393-5545 Fax: 512-393-5517



Receipt Number: **SM-2012-602116**

Payor: BIGELOW SAN MARCOS DEVELOPMENT LLC
0
PO BOX 848
SAN MARCOS, TX 78666

<u>Schedule</u>	<u>Charge</u>	<u>Payment Amount</u>
TAX CERTIFICATE FOR MULTIPLE ACCOUNTS	210.00	210.00
Comments: FOR 21 LOTS	Total Payment Amount	210.00
	Check Payment (Ref # 5517) Tendered	210.00
	Total Tendered	210.00

Date Paid: 11/05/2012
Station/Till: Debra/Debra's Till
Cashier:

TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County
 712 S. Stagecoach Trail
 San Marcos, TX 78666
 Ph: 512-393-5545 Fax: 512-393-5517



Item 9
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 Page

Receipt Number: **SM-2012-601197**

Payor: BIGELOW SAN MARCOS DEVELOPMENT,LLC Owner: BIGELOW SAN MARCOS DEVELOPMENT
 0 LLC (O0040960)
 PO BOX 848 860 SERENDIPITY DR
 SAN MARCOS, TEXAS 78667 AURORA, IL 60504

Quick Ref ID: R117655 Property: 11-0614-000J-00100-3
 Owner: BIGELOW SAN MARCOS DEVELOPMENT Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 LLC (O0040960) - 100% BLOCK J, LOT 1
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.043800	1.18	1.18	1.18
Hays County	2,700	0.425200	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117655 **63.43**

Quick Ref ID: R117665 Property: 11-0614-000J-01100-3
 Owner: BIGELOW SAN MARCOS DEVELOPMENT Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 LLC (O0040960) - 100% BLOCK J, LOT 11
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.043800	1.18	1.18	1.18
Hays County	2,700	0.425200	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117665 **63.43**

TAX RECEIPT

Receipt Number: **SM-2012-601197**

Quick Ref ID:	R117677	Property:	11-0614-000J-02300-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 23 (ALLEY-ROW)
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		
Quick Ref ID:	R117677 (continued)		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	450	1.350000	6.08	6.08	6.08
Special Road Dist	450	0.043800	0.20	0.20	0.20
Hays County	450	0.425200	1.92	1.92	1.92
City Of San Marcos	450	0.530200	2.38	2.38	2.38

Total Payment for Property R117677 **10.58**

Quick Ref ID:	R131584	Property:	11-0614-000H-001A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK H, LOT 1A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131584 **634.29**

Quick Ref ID:	R131599	Property:	11-0614-000I-001A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 1A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

TAX RECEIPT

Receipt Number: **SM-2012-601197**

Total Payment for Property R131599 **634.29**

Quick Ref ID: R131600
Owner: BIGELOW SAN MARCOS DEVELOPMENT
LLC (O0040960) - 100%
Owner Address: 860 SERENDIPITY DR
AURORA, IL 60504

Property: 11-0614-000I-002A0-3
Legal Description: BLANCO RIVER VILLAGE SEC ONE,
BLOCK I, LOT 2A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131600 **634.29**

Quick Ref ID: R131601
Owner: BIGELOW SAN MARCOS DEVELOPMENT
LLC (O0040960) - 100%
Owner Address: 860 SERENDIPITY DR
AURORA, IL 60504

Property: 11-0614-000I-003A0-3
Legal Description: BLANCO RIVER VILLAGE SEC ONE,
BLOCK I, LOT 3A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131601 **634.29**

Quick Ref ID: R131602
Owner: BIGELOW SAN MARCOS DEVELOPMENT
LLC (O0040960) - 100%
Owner Address: 860 SERENDIPITY DR
AURORA, IL 60504

Property: 11-0614-000I-004A0-3
Legal Description: BLANCO RIVER VILLAGE SEC ONE,
BLOCK I, LOT 4A

TAX RECEIPT

Receipt Number: **SM-2012-601197**

Quick Ref ID: R131602 (continued)

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131602 **634.29**

Quick Ref ID: R131603	Property: 11-0614-000I-005A0-3
Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description: BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 5A
Owner Address: 860 SERENDIPITY DR AURORA, IL 60504	

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131603 **634.29**

Quick Ref ID: R131604	Property: 11-0614-000I-006A0-3
Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description: BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 6A
Owner Address: 860 SERENDIPITY DR AURORA, IL 60504	

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131604 **634.29**

TAX RECEIPT

Receipt Number: **SM-2012-601197**

Quick Ref ID:	R131605	Property:	11-0614-000I-007A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 7A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		
Quick Ref ID:	R131605 (continued)		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131605 **634.29**

Quick Ref ID:	R131606	Property:	11-0614-000I-008A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 8A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131606 **634.29**

Quick Ref ID:	R131607	Property:	11-0614-000I-009A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 9A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

TAX RECEIPT

Receipt Number: **SM-2012-601197**

Total Payment for Property R131607 **634.29**

Quick Ref ID:	R131608	Property:	11-0614-000I-010A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 10A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131608 **634.29**

Quick Ref ID:	R131609	Property:	11-0614-000I-011A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 11A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131609 **634.29**

Quick Ref ID:	R131610	Property:	11-0614-000I-012A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 12A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

TAX RECEIPT

Receipt Number: **SM-2012-601197**

Quick Ref ID: R131610 (continued)

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131610 **634.29**

Quick Ref ID: R131611
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-013A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 13A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131611 **634.29**

Quick Ref ID: R131612
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-014A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 14A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131612 **634.29**

TAX RECEIPT

Receipt Number: **SM-2012-601197**

Quick Ref ID: R131613 Property: 11-0614-000I-015A0-3
Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100% Legal Description: BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 15A
Owner Address: 860 SERENDIPITY DR
AURORA, IL 60504
Quick Ref ID: R131613 (continued)

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131613 **634.29**

Quick Ref ID: R131614 Property: 11-0614-000I-016A0-3
Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100% Legal Description: BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 16A
Owner Address: 860 SERENDIPITY DR
AURORA, IL 60504

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

Total Payment for Property R131614 **634.29**

Quick Ref ID: R131615 Property: 11-0614-000I-017A0-3
Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100% Legal Description: BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 17A
Owner Address: 860 SERENDIPITY DR
AURORA, IL 60504

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2012					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.043800	11.83	11.83	11.83
Hays County	27,000	0.425200	114.80	114.80	114.80
City Of San Marcos	27,000	0.530200	143.16	143.16	143.16

TAX RECEIPT

Receipt Number: **SM-2012-601197**

Total Payment for Property R131615 **634.29**

Total Payment Amount **11,554.66**

Check Payment (Ref # 5516) Tendered 11,554.66

Total Tendered **11,554.66**

Date Paid: 10/31/2012
Effective Date: 10/31/2012
Station/Till: gloria/Gloria's Till
Cashier: GloriaM

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID: R131583 (continued)

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	450	1.350000	6.08	6.08	6.08
Special Road Dist	450	0.044000	0.20	0.20	0.20
Hays County	450	0.425100	1.91	1.91	1.91
City Of San Marcos	450	0.530200	2.39	2.39	2.39

Total Payment for Property R131583 **10.58**

Quick Ref ID:	R131584	Property:	11-0614-000H-001A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK H, LOT 1A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131584 **634.30**

Quick Ref ID:	R131585	Property:	11-0614-000H-002A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK H, LOT 2A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131585 **634.30**

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID: R131591 (continued)

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	162,000	1.350000	2,187.00	2,187.01	2,187.01
Special Road Dist	162,000	0.044000	71.28	71.28	71.28
Hays County	162,000	0.425100	688.66	688.66	688.66
City Of San Marcos	162,000	0.530200	858.92	858.92	858.92

Total Payment for Property R131591 **3,805.87**

Quick Ref ID: R131599
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-001A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 1A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131599 **634.30**

Quick Ref ID: R131600
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-002A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 2A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131600 **634.30**

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID:	R131601	Property:	11-0614-000I-003A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 3A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		
Quick Ref ID:	R131601 (continued)		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131601 **634.30**

Quick Ref ID:	R131602	Property:	11-0614-000I-004A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 4A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131602 **634.30**

Quick Ref ID:	R131603	Property:	11-0614-000I-005A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 5A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Total Payment for Property R131603 **634.30**

Quick Ref ID: R131604
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-006A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 6A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131604 **634.30**

Quick Ref ID: R131605
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-007A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 7A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131605 **634.30**

Quick Ref ID: R131606
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-008A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 8A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
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REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID: R131606 (continued)

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131606 **634.30**

Quick Ref ID: R131607
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-009A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 9A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131607 **634.30**

Quick Ref ID: R131608
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-010A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 10A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131608 **634.30**

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID:	R131609	Property:	11-0614-000I-011A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 11A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		
Quick Ref ID:	R131609 (continued)		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131609 **634.30**

Quick Ref ID:	R131610	Property:	11-0614-000I-012A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 12A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131610 **634.30**

Quick Ref ID:	R131611	Property:	11-0614-000I-013A0-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK I, LOT 13A
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Total Payment for Property R131611 **634.30**

Quick Ref ID: R131612
 Owner: BIGELOW SAN MARCOS DEVELOPMENT
 LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-014A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 14A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131612 **634.30**

Quick Ref ID: R131613
 Owner: BIGELOW SAN MARCOS DEVELOPMENT
 LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-015A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 15A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	27,000	1.350000	364.50	364.50	364.50
Special Road Dist	27,000	0.044000	11.88	11.88	11.88
Hays County	27,000	0.425100	114.77	114.77	114.77
City Of San Marcos	27,000	0.530200	143.15	143.15	143.15

Total Payment for Property R131613 **634.30**

Quick Ref ID: R131614
 Owner: BIGELOW SAN MARCOS DEVELOPMENT
 LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000I-016A0-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK I, LOT 16A

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
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REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID: R117624 (continued)

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	450	1.350000	6.08	6.08	6.08
Special Road Dist	450	0.044000	0.20	0.20	0.20
Hays County	450	0.425100	1.91	1.91	1.91
City Of San Marcos	450	0.530200	2.39	2.39	2.39

Total Payment for Property R117624 **10.58**

Quick Ref ID: R117655
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (00040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000J-00100-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK J, LOT 1

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117655 **63.44**

Quick Ref ID: R117656
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (00040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000J-00200-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK J, LOT 2

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117656 **63.44**

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID:	R117657	Property:	11-0614-000J-00300-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 3
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		
Quick Ref ID:	R117657 (continued)		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117657 **63.44**

Quick Ref ID:	R117658	Property:	11-0614-000J-00400-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 4
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117658 **63.44**

Quick Ref ID:	R117659	Property:	11-0614-000J-00500-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 5
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Total Payment for Property R117659 **63.44**

Quick Ref ID:	R117660	Property:	11-0614-000J-00600-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 6
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117660 **63.44**

Quick Ref ID:	R117661	Property:	11-0614-000J-00700-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 7
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117661 **63.44**

Quick Ref ID:	R117662	Property:	11-0614-000J-00800-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 8
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
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REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID: R117662 (continued)

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117662 **63.44**

Quick Ref ID: R117663
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000J-00900-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK J, LOT 9

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117663 **63.44**

Quick Ref ID: R117664
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000J-01000-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK J, LOT 10

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117664 **63.44**

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID:	R117665	Property:	11-0614-000J-01100-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 11
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		
Quick Ref ID:	R117665 (continued)		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117665 **63.44**

Quick Ref ID:	R117666	Property:	11-0614-000J-01200-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 12
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117666 **63.44**

Quick Ref ID:	R117668	Property:	11-0614-000J-01400-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 14
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Total Payment for Property R117668 **63.44**

Quick Ref ID: R117669
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000J-01500-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK J, LOT 15

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117669 **63.44**

Quick Ref ID: R117670
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000J-01600-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK J, LOT 16

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117670 **63.44**

Quick Ref ID: R117671
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000J-01700-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK J, LOT 17

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
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REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID: R117671 (continued)

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117671 **63.44**

Quick Ref ID: R117672
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000J-01800-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK J, LOT 18

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117672 **63.44**

Quick Ref ID: R117673
 Owner: BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000J-01900-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK J, LOT 19

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117673 **63.44**

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Quick Ref ID:	R117674	Property:	11-0614-000J-02000-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 20
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		
Quick Ref ID:	R117674 (continued)		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117674 **63.44**

Quick Ref ID:	R117675	Property:	11-0614-000J-02100-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 21
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117675 **63.44**

Quick Ref ID:	R117676	Property:	11-0614-000J-02200-3
Owner:	BIGELOW SAN MARCOS DEVELOPMENT LLC (O0040960) - 100%	Legal Description:	BLANCO RIVER VILLAGE SEC ONE, BLOCK J, LOT 22
Owner Address:	860 SERENDIPITY DR AURORA, IL 60504		

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

REPRINTED TAX RECEIPT

Receipt Number: **SM-2012-569846**

Total Payment for Property R117676 **63.44**

Quick Ref ID: R117677
 Owner: BIGELOW SAN MARCOS DEVELOPMENT
 LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000J-02300-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK J, LOT 23

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117677 **63.44**

Quick Ref ID: R117679
 Owner: BIGELOW SAN MARCOS DEVELOPMENT
 LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000K-00200-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK K, LOT 2

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
2011					
San Marcos CISD	2,700	1.350000	36.45	36.45	36.45
Special Road Dist	2,700	0.044000	1.19	1.19	1.19
Hays County	2,700	0.425100	11.48	11.48	11.48
City Of San Marcos	2,700	0.530200	14.32	14.32	14.32

Total Payment for Property R117679 **63.44**

Quick Ref ID: R117680
 Owner: BIGELOW SAN MARCOS DEVELOPMENT
 LLC (O0040960) - 100%
 Owner Address: 860 SERENDIPITY DR
 AURORA, IL 60504

Property: 11-0614-000K-00300-3
 Legal Description: BLANCO RIVER VILLAGE SEC ONE,
 BLOCK K, LOT 3

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy Tax Paid		Amount Paid
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Agenda Information

AGENDA CAPTION:

PDD-11-11(a) (Hillside Ranch II PDD Amendment) Hold a public hearing and consider an amendment, by the City of San Marcos, to section 6.01 of the development standards of the Hillside Ranch Phase II Planned Development District (PDD) overlay to clarify the limits of the 150 foot buffer with regard to the rowhouses located on N. LBJ Drive for 10.925 acres, more or less, out of the TJ Chambers Survey, Tract 179, located at 1410 North LBJ Drive.

Meeting date: February 12, 2013

Department: Development Services

Funds Required:

Account Number:

Funds Available:

Account Name:

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

The PDD and development standards were approved with Ordinance 2012-13 on April 3, 2012. A site preparation permit was issued on September 21, 2012 followed by building permits on October 15, 2012. The project is currently under construction and is anticipating a completion date of August 2013.

The City is proposing an amendment to section 6.01 of the PDD standards to make that section consistent with Section 1 of the standards, the concept plan, and the bubble diagram with regard to the location of the row houses.

Currently all buildings with the exception of the row house identified as building 27 are located consistently with the approximate 150' buffer.

ATTACHMENTS:

Case Map
Staff Report
redline code
Concept Plan
Bubble Diagram
Current Ordinance
Site Plan
Letter to Jared Schenk

PDD-11-11(a) Hillside Ranch II Amendment



Summary:

Applicant: City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

Property Owner: Mr. Jared Schenk
Gem Realty Capital, Inc.
900 N. Michigan Ave, Suite 1450
Chicago, Illinois 60611

Subject Property:

Legal Description: Approximately 10.925 acres, more or less, out of the TJ Chambers Survey, Tract 179, located at 1410 North LBJ Drive.

Neighborhood: Tanglewood

Existing Zoning: PDD

Sector: 3

Utilities: Sufficient

Existing Use of Property: Under Development for Multi-Family

Proposed Use of Property: Multi-Family

Proposed Zoning: Amend PDD overlay district

Project overview

The Hillside Ranch PDD and development standards were approved with Ordinance 2012-13 on April 3, 2012. A timeline of all subsequent approvals and events is detailed below:

- September 21 2012 - Site preparation permit issued
- October 15, 2012 - Building permits issued.

The project is currently under construction and is anticipating a completion date of August 2013.

The City is proposing an amendment to section 6.01 of the PDD standards to make that section consistent with Section 1 of the development standards, the concept plan, and the bubble diagram with regard to the location of the row houses.

This amendment is sought specifically to address the setback and buffer requirements for Building 27, which is located at the corner of North LBJ Dr. and the Parkland lot. Currently the building is partially

constructed 10' from the parkland lot and approximately 91' from the side property line of Lot 1 of the ELM Hill Court Subdivision.

Planning Department Analysis:

As discussed in Section 1 of the PDD, the intent of the Hillside Ranch II PDD is to “provide a transition in uses and densities both within the project site and in relation to existing adjacent uses. The proposed lower density in Zone 1 and attached rowhouses along N. LBJ Drive provide an appropriate transition in uses between the existing single family residential and the existing high density apartments.” Discussions with the applicant involved requiring the rowhouses along N. LBJ to provide a transition that involved some consistency in character with the existing residential uses along N. LBJ. In addition these rowhouses are being constructed at 2 stories in height and block the view of the taller multi-family apartments and parking lot from the street.

Section 1 also specifies that, “Building locations, the number of units and the number of bedrooms may vary within each area and may be modified during detailed engineering and site design so long as the overall project corresponds with the Zone 1 and Zone 2 density requirements provided for herein and the use and location of rowhouses along N. LBJ Drive is maintained.” The use and location of the rowhouses as illustrated in both the Concept Plan and the Bubble Diagram is consistent with the current location of Building 27.

The conflict that this PDD is seeking to amend is in the Landscape Standards Section 6.01 which states: “A natural buffer and park area ranging from 90-100 feet to the first internal drive and approximately 150 feet from the face of the first units shall be provided adjacent to the northwest property line and shall extend from North LBJ all the way to Spring Lake Hills Nature Preserve as illustrated on the Concept Plan..... This natural preservation buffer area is intended to serve as a buffer from the rear property lines of the adjacent lots in the Elm Hill Subdivision.”

This section clearly specifies that the setback is consistent with the Concept Plan and that the setback is from the rear property lines of the Elm Hill Court residences instead of the side property lines. However, staff is recommending the clarification in order to specifically exclude the rowhouses from this 150' buffer.

Staff is recommending approval of the amendment as submitted

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

The Commission's Responsibility:

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

- (1) The extent to which the land covered by the proposed PD district fits one or more of the special circumstances in Section 4.2.6.1 warranting a PD district classification.
- (2) The extent to which the proposed PD district furthers the policies of the Master Plan generally, and for the sector in which the proposed PD district is located.

- (3) The extent to which the proposed PD district will result in a superior development than could be achieved through conventional zoning classifications.
 - (4) The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development.
 - (5) The extent to which the PD district is generally consistent with the criteria for approval of a watershed plan for land within the district.
 - (6) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses;
 - (7) The extent to which the proposed development is consistent with adopted master facilities plans, including without limitation the water facilities, master wastewater facilities, transportation, drainage and other master facilities plans; and
 - (8) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.
- (b) *Conditions.* The Planning and Zoning Commission may recommend and the Council may impose such conditions to the PD district regulations and Concept Plan as are necessary to assure that the purpose of the PD district is implemented

Prepared by:
Abigail Gillfillan

Permit Center Manager

January 30, 2012

Name

Title

Date

Section 6: Development Standards

6.01 Landscape Standards

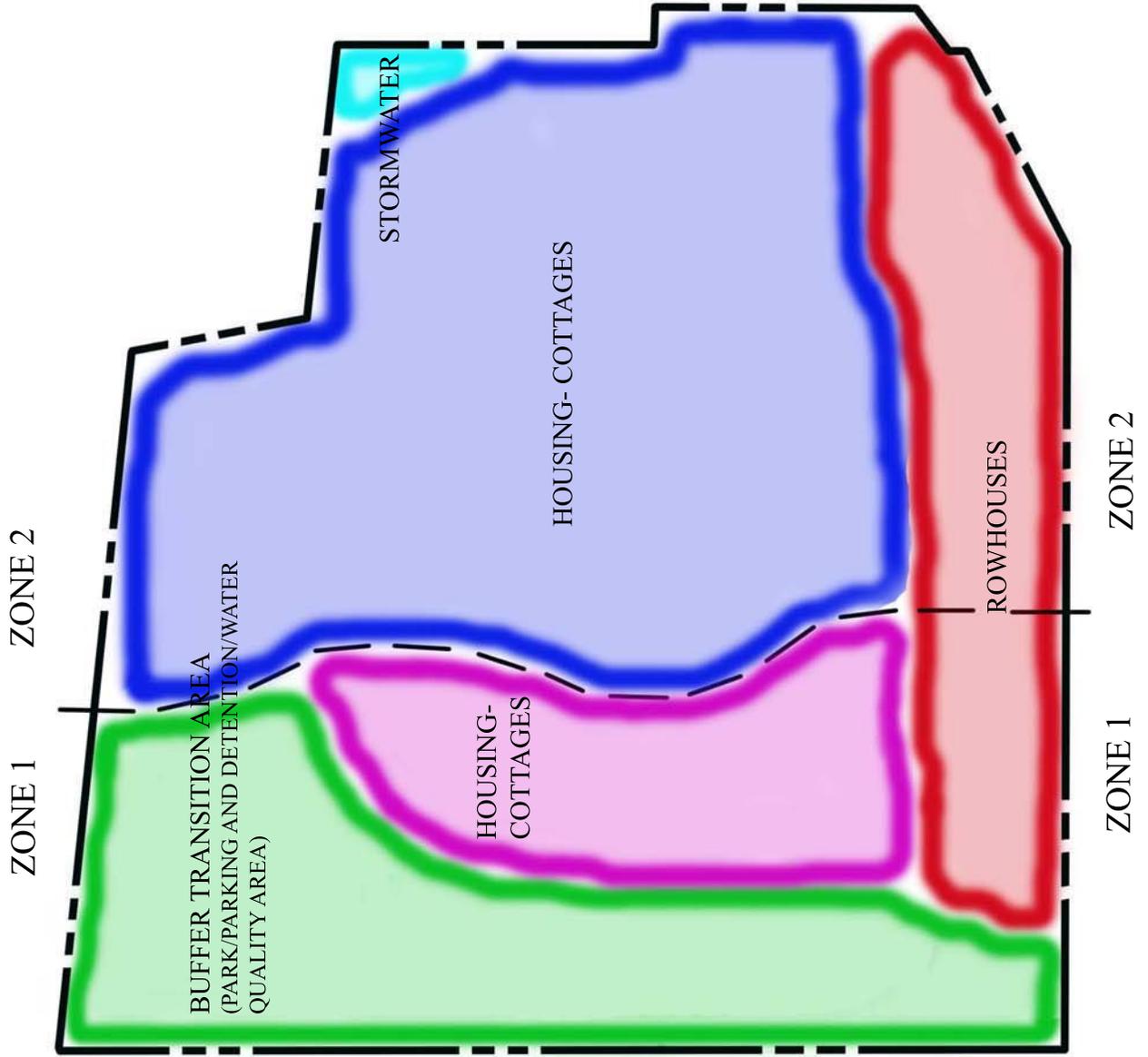
The Project Site shall meet or exceed the minimum requirements of Chapter 6, Article 1, Division 1 of the City of San Marcos LDC for landscaping. For the purpose of this PDD, landscape areas shall be considered those pervious areas contained within the site containing living plant material including, 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.

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 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.

A natural buffer and park area ranging from 90-100 feet to the first internal drive and approximately 150 feet from the face of the first Cottage Style units shall be provided adjacent to the northwest property line and shall extend from the rear of the Rowhouse section North LBJ Drive all the way to the Spring Lake Hills Nature Preserve as illustrated on the Concept Plan and the Bubble Diagram. In addition, the developer will construct a 3 to 4 foot wall and landscape berm adjacent to the parking spaces facing Elm Hill Court to screen the parking area and minimize impacts on the adjacent Elm Hill Court residences. This layout is illustrated in Exhibit E incorporated herein. This natural preservation buffer area is intended to serve as a buffer from the rear property lines of the adjacent lots in the Elm Hill Subdivision.

HILLSIDE RANCH PHASE II LAND USE DEVELOPMENT PLAN



ORDINANCE NO. 2012-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS RELATED TO THE HILLSIDE RANCH PHASE TWO DEVELOPMENT, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY FROM “LDR” LOW DENSITY RESIDENTIAL TO “MDR” MEDIUM DENSITY RESIDENTIAL FOR 10.925 ACRES OF LAND, MORE OR LESS, OUT OF THE THOMAS J. CHAMBERS SURVEY AND LOCATED AT 1410 NORTH LBJ; AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING SAID TRACT OF LAND FROM “SF-6” SINGLE-FAMILY RESIDENTIAL DISTRICT TO “PDD” PLANNED DEVELOPMENT DISTRICT WITH BASE ZONING OF “MF-12” MULTIPLE-FAMILY RESIDENTIAL DISTRICT; APPROVING PLANNED DEVELOPMENT DISTRICT STANDARDS FOR THE DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING FOR PENALTIES.

RECITALS:

1. On February 14, 2012, the City Planning and Zoning Commission of the City of San Marcos held public hearings regarding a request to change the Future Land Use Map of the *San Marcos Horizons City Master Plan* from “LDR” Low Density Residential to “MDR” Medium Density Residential and a concurrent request to change the zoning from “SF-6” Single-Family Residential District to “PDD” Planned Development District with base zoning of “MF-12” Multiple-Family Residential District for a 10.925 acre, more or less, tract of land out of the Thomas J. Chambers Survey and located at 1410 North LBJ (the “Project Site”).
2. Subsequent to the public hearings, the Planning and Zoning Commission considered and voted to approve the requests on February 14, 2012 and has recommended that the requests be approved by the City Council of the City of San Marcos.
3. The City Council held a public hearing on March 6, 2012 regarding the requests.
4. All requirements of Chapter 1, Development Procedures, of the City Land Development Code pertaining to Future Land Use Map Amendments and Zoning Map amendments have been met.
5. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The Future Land Use Plan of the *San Marcos Horizons City Master Plan* is revised to change the future land use designation for the following real property, being the Project Site, from “LDR” Low Density Residential to “MDR” Medium Density Residential:

Street address: 1410 North LBJ

Size: 10.925 acres, more or less

Legal description: As described in Exhibit "A", attached hereto and made a part hereof for all purposes.

SECTION 2. The Official Zoning Map of the City, as described in Section 4.1.2.2 of the City Land Development Code, is amended to rezone the tract of real property described in Section 1 above from "SF-6" Single-Family Residential District to "PDD" Planned Development District with base zoning of "MF-12" Multiple-Family Residential District.

SECTION 3. The Planned Development District Standards for the Planned Development District, attached to this ordinance as Exhibit "B" (the "Regulations"), are approved and adopted to regulate the development of the Project Site. The Project Site will be bound by the provisions of the Regulations as though they were conditions, restrictions and limitations on the use of the Project Site under the City's zoning ordinances. Any person, firm, corporation or other entity violating any provisions of the Regulations shall be subject to all penalties that apply to violations of the zoning ordinances of the City of San Marcos, as amended. Any person, firm, corporation or other entity violating any provisions of the Regulations shall be subject to a suit by the City for an injunction to enjoin the violation as though the Regulations were conditions, restrictions and limitations on the use of the Project Site under the City's zoning ordinances.

SECTION 4. Any person violating any provision of this ordinance commits a misdemeanor and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction.

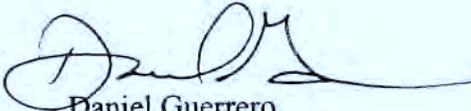
SECTION 5. After its original passage, this ordinance will be subject to reconsideration at the next regular City Council meeting. If this ordinance is not reconsidered, or if it is reconsidered and approved, it shall become effective thereafter.

PASSED, APPROVED AND ADOPTED on March 20, 2012, subject to reconsideration at the next regularly scheduled City Council meeting on April 3, 2012.

Reconsidered: yes ___ / no ___

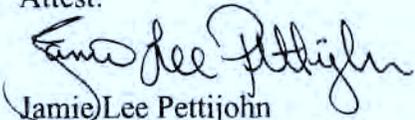
If yes: ___ approved
 ___ denied

Date: _____



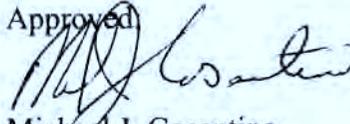
Daniel Guerrero
Mayor

Attest:



Jamie Lee Pettijohn
City Clerk

Approved



Michael J. Cosentino
City Attorney

EXHIBIT "A"
Project Site Description
(following page)

STATE OF TEXAS
COUNTY OF HAYS

T. J. CHAMBERS SURVEY
10.925 ACRES

BEING A 10.925 ACRE TRACT OF LAND OUT OF THE THOMAS J. CHAMBERS SURVEY, SAME BEING ALL THAT CERTAIN CALLED 10.94 ACRES CONVEYED TO DANIEL C. AND MARGRET J. ANDERSON OF RECORD IN VOLUME 948, PAGE 248, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAVE AND EXCEPT THAT CERTAIN CALLED 0.13 ACRE TRACT OF LAND CONVEYED TO THE CITY OF SAN MARCOS IN EXHIBIT A; AND INCLUDING THAT CERTAIN CALLED 0.13 ACRE TRACT CONVEYED TO DANIEL C. ANDERSON IN EXHIBIT B OF THE EXCHANGE SPECIAL WARRANTY DEED OF RECORD IN VOLUME 1853, PAGE 409, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron found for corner at the most westerly corner of said Anderson called (10.94) acre tract, for the most westerly corner of the tract of land herein described, same being in the northeast line of LBJ Drive, a variable width public right-of-way, and from which a 1/2" iron rod found at the north corner of said Andersen called (10.94) acre tract, bears **North 43° 35' 00" East** (Bearing Basis -Record), a distance of **730.08 feet** (729.87' Record);

THENCE North 44° 06' 41" East along a line of said LBJ Drive, a distance of **9.95 feet** to a 1/2" iron rod found for corner at a common south corner of Lot 1 of Elm Hill Section One, an addition to the City of San Marcos according to the Map thereof recorded in Cabinet 2, Slide 207 of the Plat Records of Hays County, Texas;

THENCE departing said LBJ Drive, **North 43° 56' 25" East**, a distance of **120.06 feet** to a 3/8" iron rod found for corner at the east corner of said Lot 1, Elm Hill Section One and Lot 1 of Block 2 of Elm Hill Section Two, an addition to the City of San Marcos according to the Map thereof recorded in Cabinet 4, Slide 244 of the Plat Records of Hays County, Texas;

THENCE departing said Lot 1, Elm Hill Section One, along the meanders of the southwest line of said Block 2 of Elm Hill Section Two, the following courses and distances numbered (1) through (3):

(1) **North 44° 27' 21" East**, a distance of **57.33 feet** to a 3/8" iron rod found for corner at the east corner of said Lot 1 and a common south corner of Lot 2, Block 2 of Elm Hill Section Two;

(2) **North 43° 30' 21" East**, at a distance of **122.13 feet** passing a 1/2" iron rod found at a common corner of Lots 3 and 4, and continuing on for a total distance of **423.86 feet** to a 1/2" iron rod found for corner at a common corner of Lots 8 and 9, Block 2, Elm Hill Section Two;

(3) **North 43° 02' 03" East**, a distance of **118.89 feet** to a 1/2" iron rod found for corner at a corner fence post at the aforementioned north corner of said Andersen called (10.94) acre tract and a common corner of that certain called (185.93) acre tract of land conveyed to the City of San Marcos by Special Warranty Deed recorded in Volume 3220, Page 230, Official Public Records of Hays County, Texas;

THENCE departing said Elm Hill Section Two, along the common line of said Anderson called (10.94) acre tract and said City of San Marcos called (185.93) acre tract, the following courses and distances numbered (1) through (3):

(1) **South 40° 30' 49" East** (S 40°30'57" E Record), a distance of **507.52 feet** (507.60' Record) to a 1/2" iron pipe found at corner fence post for corner at the east corner of said Anderson called (10.94) acre tract and a common corner of said City of San Marcos called (185.93) acre tract;

(2) **South 34° 21' 30" West** (S 34°20'35" W Record), a distance of **130.24 feet** (130.25' Record) to a 1/2" iron pipe found at corner fence post for corner at an interior corner of said Anderson called (10.94) acre tract and a common corner of said City of San Marcos called (185.93) acre tract;

(3) **South 40° 41' 25" East** (S 40°44'02" E Record), a distance of **200.50 feet** (200.42' Record) to a 1/2" iron pipe found for corner at the most easterly corner of said Anderson called (10.94) acre tract and a common south corner of said City of San Marcos called (185.93) acre tract, same being in a northwest line of a called 40 foot wide strip of land conveyed to Hays County Texas by deed dated November 9, 1912 and recorded in Volume 63, Page 387, Hays County Deed Records;

THENCE departing said City of San Marcos called (185.93) acre tract, **South 43° 51' 48" West** (S 43°52'56" W Record), a distance of **230.92 feet** to an aluminum cap found for corner at the north corner of the above referenced 0.13 acre tract conveyed to Daniel C. Anderson in Exhibit B of the Exchange Special Warranty Deed of record in Volume 1853, Page 409, Official Public Records of Hays County, Texas;

EXHIBIT "B"
Regulations
(following page)

THENCE departing said Anderson called (10.94) acre tract, along the exterior lines of said Anderson called (0.13) acre tract, the following courses and distances numbered (1) through (3):

- (1) **South 45° 55' 42" East** (S 46°05'00" E Record), a distance of **28.26 feet** (27.99' Record) to an aluminum cap found for corner;
- (2) **South 43° 51' 48" West** (S 43°52'56" W Record), a distance of **188.45 feet** (Record) to a 1/2" iron rod set for corner;
- (3) **North 87° 21' 25" West** (N 87°42'45" W Record), a distance of **37.57 feet** (37.42' Record) to a 1/2" iron rod set for corner in the southeast line of aforesaid Anderson called (10.94) acre tract, at the west corner of said Anderson called (0.13) acre tract and an interior corner of the tract of land herein described;

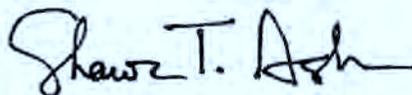
THENCE departing said Anderson called (0.13) acre tract, **South 42° 48' 59" West** (S 43°51'48" W Record), a distance of **14.39 feet** along the southeast line of said Anderson called (10.94) acre tract to an aluminum cap found for corner at the easterly corner of the above reference called (0.13) acre tract of land conveyed to the City of San Marcos in Exhibit A of the Exchange Special Warranty Deed of record in Volume 1853, Page 409, Official Public Records of Hays County, Texas;

THENCE North 72° 44' 13" West (N 72°46'33" W Record), a distance of **166.70 feet** (166.95' Record) along the north line of said City of San Marcos called (0.13) acre tract and the common north line of aforesaid North LBJ Drive to an aluminum cap found for corner in the south line of said Anderson called (10.94) acre tract at the west corner of said City of San Marcos called (0.13) acre tract;

THENCE North 46° 05' 48" West (N 46°05'00" W Record) and continuing with the south line of said Anderson called (10.94) acre tract and the common north line of said North LBJ Drive, a distance of **573.83 feet** (573.71' Record) to the **POINT OF BEGINNING** and **CONTAINING 10.925 ACRES OF LAND.**

I, Shawn T. Ash do hereby certify that the Field Note Description was prepared August 2011 from surveys performed under my supervision, and is true and correct to the best of my knowledge.

By:



Shawn T. Ash, RPLS
Registered Professional Land Surveyor No. 5687
State of Texas
11-3752



Hillside Ranch **Phase 2**

Planned Development District Standards

*Approximately 10.925 acres of land out of the
Thomas J. Chambers Survey, Tract 179,
City of San Marcos, Hays County, Texas*

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

Submitted:

October 10, 2011

Revised:

November 1, 2011
January 6, 2012
January 19, 2012
February 6, 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.

Hillside Ranch Phase II is located on the north side of N. LBJ Drive, west of Holland Street, southeast of the existing Elm Hill Subdivision and Elm Hill Court. The Project Site contains approximately 11 acres of land that has historically been utilized as a residential homestead. Access to this site will be provided through connection to N. LBJ Drive and an internal connection to the existing adjacent Hillside Ranch Apartments.

The majority of the site will be developed with a mix of multifamily dwellings consisting of attached residential cottages and rowhouses. Attached residential cottages are cottages that contain 2 or more separate and independent dwelling units within a single structure sharing a common wall. The Project Site shall be restricted to a maximum density of 12 units per acre over the entire project site. The unit mix on the project site will have an average of 3 bedrooms per unit across the entire project site as established by the maximum density. The occupancy of the multifamily units shall be restricted to one person per lease per bedroom. The Land Use Bubble Diagram provided as Exhibit A illustrates the general location and mixing of units with a transition in density from low density residential along Elm Hill Court to higher density residential toward the existing Hillside Ranch Apartments. This Exhibit is intended to illustrate the areas where various types of units may be located.

The Detailed Illustrative Conceptual Plan included as Exhibit B divides the project site into 2 zones with Zone 1 being located adjacent to the existing Elm Hill Court residences and having a maximum density of 6 units per acre which is consistent with densities permitted in traditional single family subdivisions. Zone 2 is located adjacent to the existing high density Hillside Ranch apartments and will contain the majority of the density on the project site. Zones 1 and 2 will be a mix of single unit and multiple unit attached cottages and rowhouses. Exhibit B also indicates the proposed rowhouse units to be located along the frontage of N. LBJ Drive. These units are intended to be located close to the street ROW with a wide landscape buffer and wide sidewalks for a pedestrian oriented feel. A possible 4 foot metal fence with gates will provide separation between the pedestrian oriented street frontage and the front courtyards of the rowhouse units. This layout is illustrated in the attached Exhibit D. Exhibits A and B are intended to illustrate the proposed layout of the project site. Building locations, the number of units and the number of bedrooms may vary within each area and may be modified during detailed engineering and site design so long as the overall project corresponds with the Zone 1 and 2 density requirements provided for herein and the use and location of rowhouses along N. LBJ Drive is maintained. Modifications to the conceptual plan may require update and amendment to the approved Traffic Impact Analysis.

A public neighborhood park trailhead parking area is indicated in the western portion of the Project Site adjacent to the existing Elm Hill Subdivision. A natural vegetative buffer ranging from 90-100 feet to the first internal drive will be provided adjacent to the rear yards of the lots within the Elm Hill Subdivision. In addition, the developer will construct a 3 to 4 foot wall and landscape berm adjacent to the parking spaces facing Elm Hill Court to screen the parking area and minimize impacts on the adjacent Elm Hill Court residences. A multiuse path will be

constructed within the buffer area to connect the neighborhood park to the Spring Lake Preserve located to the northeast of the Project Site as shown on the Concept Plan.

This Project proposes to incorporate various innovative urban oriented, sustainable and environmentally conscious features including LID practices for water quality and detention, site and building layouts that follow existing grades and work to preserve existing tree canopy, especially specimen trees, and enhanced streetscape with street trees, wide sidewalks and pedestrian oriented amenities. In addition, to encourage the use of alternative modes of transportation, the Project Site shall coordinate with the City, in conjunction with the City's North LBJ Drive Reconstruction Capital Improvements Project, to designate the location of a future bus stop facility.

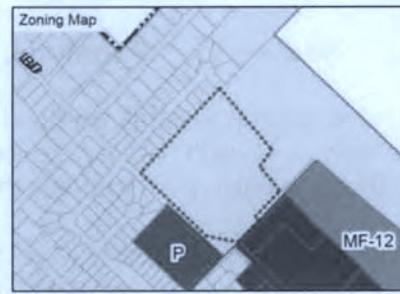
The Project Site has been designed to provide a transition in uses and densities both within the project site and in relation to existing adjacent uses. The proposed lower density in Zone 1 and attached rowhouses along N. LBJ Drive provide an appropriate transition in uses between the existing single family residential and the existing high density apartments.

Section 2: Existing Property Conditions

Hillside Ranch Phase II is being developed at the northwest terminus of N. LBJ Drive and Holland Street on what has been historically an approximately 11 acre single family homestead. The majority of the property is vacant native Hill Country terrain that slopes from N. LBJ Drive towards the Spring Lake Preserve to the northeast. The Project Site is currently zoned Single Family Residential (SF-6) with a Future Land Use Map (FLUM) designation of Low Density Residential.

The Project Site has historically been designated for low density single family residential; however, there are multiple higher intensity uses adjacent to this property including high density residential multifamily to the southeast and a church located across N. LBJ Drive. Traditional planning practice recommends buffering lower intensity uses such as single family residential from higher intensity uses such as multifamily or nonresidential uses. This can typically be done by either setting aside natural landscape preservation buffers or by providing a transition in uses with a medium intensity use. Hillside Ranch Phase II provides for a transition in density and uses that serve as an appropriate buffer between the adjacent low density single family residential uses and the high density residential uses. Providing medium density residential housing as well as a natural landscape buffer directly adjacent to the existing single family residential establishes a combination of buffering through transition in uses and preservation of a natural landscape buffer which meets the goals of good planning practice.

The following illustrates the existing zoning and land use map conditions on the property:



Section 3: Land Use Designation

3.01 Base Zoning: Hillside Ranch Phase II consists of approximately 11 acres with a proposed project density less than 12 units per acre. The appropriate base zoning for this PDD is the Multiple-Family Residential District (MF-12) which is indicated as a medium density residential future land use designation with an overall density of 0-12 units per acre. The MF-12 Multiple-Family Residential 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. While the base zoning district of MF-12 has specific regulations within the City of San Marcos 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 below.

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
Zone 1 Units per Acre, Max Gross Acre	6.0
Lot Frontage, Min. Feet	40
Lot Width, Min. Feet	60
Lot Depth, Min. Feet	100
Front Yard Setback, Min. Feet	0
Side Setback, Interior, Min. Feet	10
Side Setback, Corner, Min. Feet	15
Rear Setback, Min. Feet	10
Building Height, Max. Stories	4*
Impervious Cover, Max. %	75%
* Stories may not exceed 14 feet in height from finished floor to finished ceiling. The maximum number of stories varies based on topography and base ground elevation. Maximum height includes garage parking. Refer to below image for elevation layout.	
Balconies 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 this property 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 Land Development Code.

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 include, but are 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. For the purpose of this PDD, landscape areas shall be considered those pervious areas contained within the 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.

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 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.

A natural buffer and park area ranging from 90-100 feet to the first internal drive and approximately 150 feet from the face of the first units shall be provided adjacent to the northwest property line and shall extend from North LBJ Drive all the way to the Spring Lake Hills Nature Preserve as illustrated on the Concept Plan. In addition, the developer will construct a 3 to 4 foot wall and landscape berm adjacent to the parking spaces facing Elm Hill Court to screen the parking area and minimize impacts on the adjacent Elm Hill Court residences. This layout is illustrated in Exhibit E incorporated herein.

This natural preservation buffer area is intended to serve as a buffer from the rear property lines of the adjacent lots in the Elm Hill Subdivision.

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

In addition to the proposed vehicle parking, the project site shall provide bicycle parking equivalent to a minimum of 10% of the bedroom count. Because of the detached nature of the cottage units, bicycles are typically stored within units, on the front porch or on the back porch of individual units. 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

Intent

Architecture and the built environment make many important contributions to San Marcos's visual context. Due to the importance of these elements, all architectural styles should produce a cohesive visual framework while maintaining architectural variety. All architecture should reflect high quality and craftsmanship, both in design and construction. The use of unusual shapes, colors, and other characteristics that cause disharmony should be avoided.

Achieving a high quality of architectural design for all buildings within the Development is considered a principal goal of the design standards. Reflecting the vision of the Project Site, the development standards call for exterior materials and design standards that are cohesive with the existing architecture of the adjacent Hillside Ranch Apartments and also express the natural environment and range of natural materials found in Central Texas. In order to achieve this design intent, a limited palette and range of exterior materials, colors, textures and finishes have been selected for all construction within the Development

1. All facades shall use a palette and range of exterior materials, colors, textures and finishes similar to those included in the representative elevations on Exhibit B.
2. The use of color shall apply equally to additions and/or alterations to existing structures as well as to new detached structures. Garish or unusual colors and color combinations, and/or unusual designs are discouraged.
3. All buildings within the Development shall be designed with a high level of detail, with careful attention to the combination of and interface between materials. All buildings within the Project Site shall be similar in architecture to the representative elevations included on Exhibit B. Materials chosen shall be appropriate for the theme and scale of the building, compatible with its location within the development, and expressive of the community's desired character and image.
4. A minimum of 80% of each building, excluding doors, windows, fascia, soffit, trim, handrails, guardrails, decks, columns, etc., shall be masonry consisting of brick, stone, stucco, split face concrete units, faux stone or brick, cementitious fiberboard or a combination thereof. Fascia, trim, columns,

- soffits, handrails, guardrails, decks, and other similar architectural details may be constructed of wood or other durable natural material.
5. All buildings shall be constructed of a variety of materials and designs consistent with the building elevations provided on Exhibit B. Brick or stone accents will be included in the Project. The level of the brick or stone may vary by elevation and building type. Heavier materials, such as stone or brick shall be utilized below lighter materials such as wood or cementitious fiberboard.
 6. E.I.F.S. is not permitted as a building façade material. If such a finish is desired, stucco on masonry backup or a mechanically fastened system is required.
 7. Durable materials such as terra cotta and metal fascia may be utilized for architectural detailing and accents where appropriate. A more articulated use of details and accent materials is encouraged at building entries.
 8. All buildings on the Project Site shall incorporate Sustainable Design Standards. Buildings shall, at a minimum, implement the following:
 - Low-flow toilets and plumbing fixtures
 - Low-VOC paints and other non-toxic finish materials
 - Energy-Star rated appliances
 - Double-paned low-E windows
 - High efficiency lighting fixtures
 - Occupancy sensors and automatic shut-off fixtures in public areas

Additional elements of sustainable development that may be utilized on the project site include, but are not limited to, the following:

- Solar orientation
 - Locally sourced and/or renewable materials
 - Increased day-lighting and ventilation
 - To the extent possible, the use of local construction material suppliers
9. These standards shall apply equally to additions and/or alterations to existing structures as well as to new detached 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 and the Permit Center Manager, appealable to the Planning and Zoning Commission.
 10. Alternative design standards may be utilized upon review and approval by the Director of Development Services and the Permit Center Manager at the time of site planning. Any decision of the Director of Development Services and the Permit Center Manager may be appealed to the Planning and Zoning Commission. Any alternative materials should be responsive to climate, adjacent context, site orientation and building usage.
 11. No bright, unfinished or mirrored surfaces will be allowed.
 12. The exterior construction standards identified within this section shall be applicable to all facades on each commercial building within the proposed development. The use of four (4) sided design will be utilized to provide an enhanced visual appeal to the surrounding properties. The requirements of this section may be waived upon review and approval of an appropriate

design and layout by the Director of Development Services and the Permit Center Manager at the time of site planning, appealable to the Planning and Zoning Commission.

13. Façade articulation shall be required for all rowhouse structures. Articulation shall be achieved through the use of vertical and/or horizontal reveals, offsets and three dimensional detail between surface planes to create shadow lines, break up flat surface areas and provide visual architectural variety.

6.04 Parkland Dedication

Parkland 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) 128 units (multiplied by) 2.1 residents per unit (divided by) 1,000 which equates to 1.34 acres of required parkland dedication.

The Detailed Conceptual Plan illustrates the dedication of land adjacent to the existing Elm Hill Subdivision for a proposed neighborhood park trailhead area and trail connecting to Spring Lake Preserve. The property owner shall work with the San Marcos Greenbelt Alliance (SMGA) to ensure the construction of a trail connecting the trailhead parking area along N. LBJ Drive to the Spring Lake Hills Preserve. This trail will extend into the Preserve and connect to the planned trail near the property. The property owner shall be responsible for paying for all materials necessary for the construction of the trail by the SMGA. In addition, the property owner shall be responsible for the construction of a maximum of four (4) parking spaces as part of the trailhead parking lot as illustrated in Exhibit B and appropriate signage indicating the park access as approved by the Director of Parks and Recreation. In the event that the SMGA does not construct the aforementioned trails, the Property Owner will be responsible for the construction of the trails prior to issuance of a Certificate of Occupancy for any buildings on the property.

Any proposed parkland dedication shall be subject to the review and recommendation of the Parks and Recreation Advisory Board and Planning and Zoning Commission and subject to final approval by the City Council as part of this PDD.

6.05 Environmental, Water Quality & Detention Standards

On-site water quality and detention measures to control stormwater runoff will be required with the development of this site in accordance with the City of San Marcos LDC. This project will adhere to a minimum of 85% TSS removal over the baseline existing conditions. The 85% TSS removal will be accomplished utilizing a combination of traditional BMP's and approved low-impact development (LID) practices designed in accordance with the City of Austin Environmental Criteria Manual 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 and detention of stormwater proposed for this project may include, but shall not be limited to detention ponds, rain gardens, bioswales, biofiltration ponds and native drought-tolerant plants for landscaping. Approved vegetative buffers and filters shall not include invasive species.

Low Impact Development (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 and practical to achieve maximum water quality standards, the Project Site 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. Stormwater detention shall be designed for the 2-year and 25-year rain events in accordance with the City of San Marcos LDC and shall be designed to meet City of San Marcos standards.

The Project Site is limited to a maximum of 75% impervious cover over the entire project. 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 contractor/property owner to clean up any discharge of sedimentation from the project site. No construction shall begin until all required City Plans are approved and a 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 Land Development Code 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 must be provided.

6.06 Streetscape

Streetscape improvements are intended to be public spaces for pedestrian interaction and to provide visual context, textural variety and separation of vehicular and pedestrian traffic. A minimum ten foot (10') wide landscape buffer shall be provided adjacent to N. LBJ Drive as illustrated in Exhibit D. A minimum six foot (6') wide sidewalk shall be required behind the indicated landscape buffer. Where feasible, the property owner shall provide for seating benches and trash receptacles within the landscape buffer or

the sidewalks. In no case shall these improvements interfere with pedestrian safety or interfere with pedestrian traffic.

Street trees shall be provided within the street landscape buffer at a spacing of one (1) tree for every 30 linear feet. 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. At maturity, street trees should be limbed up over the first floor to ensure adequate visibility. Any street trees provided shall be maintained by the property owner and must be replaced if dead or diseased.

6.07 Fence Requirements

A minimum six foot (6') tall hanging invisible fence similar to the fence on the adjacent Bishop/Seif property will be utilized on the property line between 1410 and Elm Hill Court. The fence shall be constructed in such a manner as to go between large trees and other vegetation to ensure preservation of as much vegetation as possible. All fencing shall be maintained in good repair by the property owner.

A minimum four foot (4') tall fence may be constructed within the front yards of the rowhouse units adjacent to N. LBJ Drive. If a fence is constructed within the front yards of the rowhouse units, said fence shall be a metal or vinyl fence with a minimum 50% opacity. In no case shall any fence be constructed within the front yard of the rowhouse units that is greater than 50% opacity.



6.08 Community Rules and Regulations and Property Management

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

6.09 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.

6.10 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

In the event that mitigation is not feasible on the Project Site, e.g., planting capacity has been reached on the site, trees meeting the mitigation requirements of this section may be planted at a City park or on other City-owned property, subject to approval by the Director of Parks and Recreation Department, or provide payment to the Parks and Recreation Department of a fee-in-lieu of tree mitigation at a rate of \$100 per caliper inch required mitigation for use for the planting and maintenance of trees, installation of irrigation, repair or removal of damaged or destroyed trees, preserve and protect existing Protected and Specimen trees or other activities associated with trees in a City park or on other City-owned property.

To the greatest extent possible, the project site shall provide for a site layout and building locations that 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, that tree shall be required to be mitigated for in accordance with this section.

6.11 Lighting Requirements

This 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.

6.12 Dumpsters

The dumpster(s) for this 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. The Project Site shall provide separate dumpsters adequate for collection of solid waste materials and recyclables.

6.13 Limitations on Construction Activities

The City currently allows for construction activities to occur from 7:00 AM to 9:00 PM, Monday through Sunday (7 days a week). The developer shall limit the days of construction for heavy equipment in Zone 1 to Monday through Saturday (6 days a week) and the hours to 7:00 AM to 7:00 PM. The developer will further agree that heavy equipment work in zone 1 will not begin until 8:00 a.m. on Saturday and on Zone 2 heavy equipment work will not begin until 9:00AM on Sunday. In addition, to the extent possible, the developer will work with the City to direct construction traffic, and particularly heavy equipment towards Ranch Road 12 via Holland Street or Sessom Drive via N. LBJ south of Holland Street to avoid impacts on the Elm Hill Court and Oak Ridge intersections. The developer further agrees to coordinate with the City's planned N. LBJ Drive reconstruction CIP project and construct mutually agreeable pedestrian and bicycle facilities across the frontage of the property to seamlessly integrate the City's facilities into this CIP project.

It is the intent of this PDD, if approved, to submit a Site Preparation Permit for consideration by the City by June 1, 2012. The developer will submit projected construction timelines to the City to coordinate traffic flow accordingly. To the extent there is an overlap between heavy construction vehicles using N. LBJ Drive for the City's CIP project and this project, this project shall alter either its schedule or usage of roads within the City project to minimize impact to traffic patterns. This coordination shall occur between the City and the project.

6.14 Noise and Animals

The Project Site shall establish a weight and breed limitation for animals in Zone 1 in addition to enforcing community rules and regulations to minimize disturbances to the Elm Hill Court residents. Each lease that permits pets shall include regulations that meet or exceed the regulations included in Exhibit F. The outdoor kenneling of pets shall be prohibited.

6.15 Access to Existing Adjacent Hillside Ranch Apartments

The Detailed Illustrative Concept Plan and these PDD regulations indicate a driveway connection to the existing adjacent Hillside Ranch Apartments. This access is designed to direct vehicular traffic through the existing high density apartment complex and away from the existing low density Elm Hill Court residences and to minimize traffic impacts on North LBJ Drive north of Holland Drive. This access is subject to the approval of an irrevocable license agreement or similar authorization by the City of San Marcos and a joint access easement between the owners of the proposed development and the owners of the existing Hillside Ranch Apartments. The approval of these Planned Development District Standards shall not be deemed an obligation, commitment or indication of the likelihood of the City of San Marcos to approve any such license agreement or authorization and may not be relied on by the owner/developer of the property as such. In the event the above prerequisite approvals, authorizations or agreements are not secured by the owner/developer, the Concept Plan for the proposed development will be revised to reflect a single point of access along North LBJ Drive.

6.16 North LBJ Drive and Holland Street Intersection Improvements

The developer agrees to participate and coordinate with the City through the dedication of right-of-way, design and construction of a round-a-bout or other mutually agreeable intersection improvements at the intersection of N. LBJ Drive and Holland Street. These intersection improvements shall be coordinated with the City's planned N. LBJ Drive reconstruction CIP project. Detailed design and construction requirements for these improvements shall be determined at the time of platting of the property.

Section 7: Miscellaneous

7.01 The Property 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 Property Owner understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to all penalties that apply to violation of the City's LDC, as amended. The Property 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 Property 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 Property 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. 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.

<p>18.</p> <p>Commissiunul de Urbanism</p>	<p>Prin prezenta hotărâre se aprobă planul de urbanism pentru zona de dezvoltare urbană din cartierul "Căminarii", nr. 13, județul Iași, în conformanță cu prevederile art. 117 și 118 din Legea nr. 347/2006 privind organizarea și funcționarea Consiliului Local, republicată.</p>	<p>Prin prezenta hotărâre se aprobă planul de urbanism pentru zona de dezvoltare urbană din cartierul "Căminarii", nr. 13, județul Iași, în conformanță cu prevederile art. 117 și 118 din Legea nr. 347/2006 privind organizarea și funcționarea Consiliului Local, republicată.</p>	<p>Planul de urbanism pentru zona de dezvoltare urbană din cartierul "Căminarii", nr. 13, județul Iași, în conformanță cu prevederile art. 117 și 118 din Legea nr. 347/2006 privind organizarea și funcționarea Consiliului Local, republicată.</p>
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<p>Commissiunul de Urbanism</p>	<p>Prin prezenta hotărâre se aprobă planul de urbanism pentru zona de dezvoltare urbană din cartierul "Căminarii", nr. 13, județul Iași, în conformanță cu prevederile art. 117 și 118 din Legea nr. 347/2006 privind organizarea și funcționarea Consiliului Local, republicată.</p>	<p>Prin prezenta hotărâre se aprobă planul de urbanism pentru zona de dezvoltare urbană din cartierul "Căminarii", nr. 13, județul Iași, în conformanță cu prevederile art. 117 și 118 din Legea nr. 347/2006 privind organizarea și funcționarea Consiliului Local, republicată.</p>	<p>Planul de urbanism pentru zona de dezvoltare urbană din cartierul "Căminarii", nr. 13, județul Iași, în conformanță cu prevederile art. 117 și 118 din Legea nr. 347/2006 privind organizarea și funcționarea Consiliului Local, republicată.</p>

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	Requiring 85% TSS removal Commitment to use of LID techniques for improved water quality Committing to use of Austin Environmental Criteria Manual 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	Mitigation for protected trees – 1:1 caliper ratio Mitigation for specimen trees – 2:1 caliper ratio Establish off-site mitigation or payment for fee-in-lieu of mitigation when required mitigation plantings cannot be placed on-site	Exceeds City's tree preservation requirements
Buffering	Standard setback and fence required	Providing 6 hanging invisible screening fence Providing natural landscape buffer adjacent to existing single family residential	Providing buffering in excess of City requirements
Occupancy Restrictions	Not applicable in MF-12 District.	Restricting occupancy of all units to one person per bedroom per lease	Providing occupancy restrictions exceeds code requirements

<p>Parking Standards</p>	<p>1.05 spaces/bedroom for vehicle parking Bicycle parking not required</p>	<p>Meeting vehicle parking requirements Providing bicycle parking at 10% of vehicle parking</p>	<p>Bicycle parking exceeds LDC code requirements</p>
<p>Streetscape Improvements</p>	<p>None required. Standard sidewalks only.</p>	<p>Providing 10 foot greenspace buffer with street trees 1 per 30 linear feet Providing 6 foot sidewalk</p>	<p>Providing street trees and streetscape improvements 6 foot sidewalk exceeds standards by 1 foot</p>
<p>Exterior Construction Standards</p>	<p>Minimal exterior construction standards required</p>	<p>80% masonry required for MF with proposed elevations</p>	<p>Exceeds minimum exterior construction standards</p>

Section 9: List of Exhibits:

- Exhibit A: Land Use Bubble Diagram
- Exhibit B: Detailed Conceptual Plan with Representative Elevations
- Exhibit C: Topography & Specimen Tree Exhibit
- Exhibit D: N. LBJ Rowhouse Streetscape Rendering
- Exhibit E: Elm Hill Court Landscape Buffer Diagram
- Exhibit F: Pet Lease Addendum

PROJECT NUMBER
01-09-5813

ZONE 1
ZONE 2

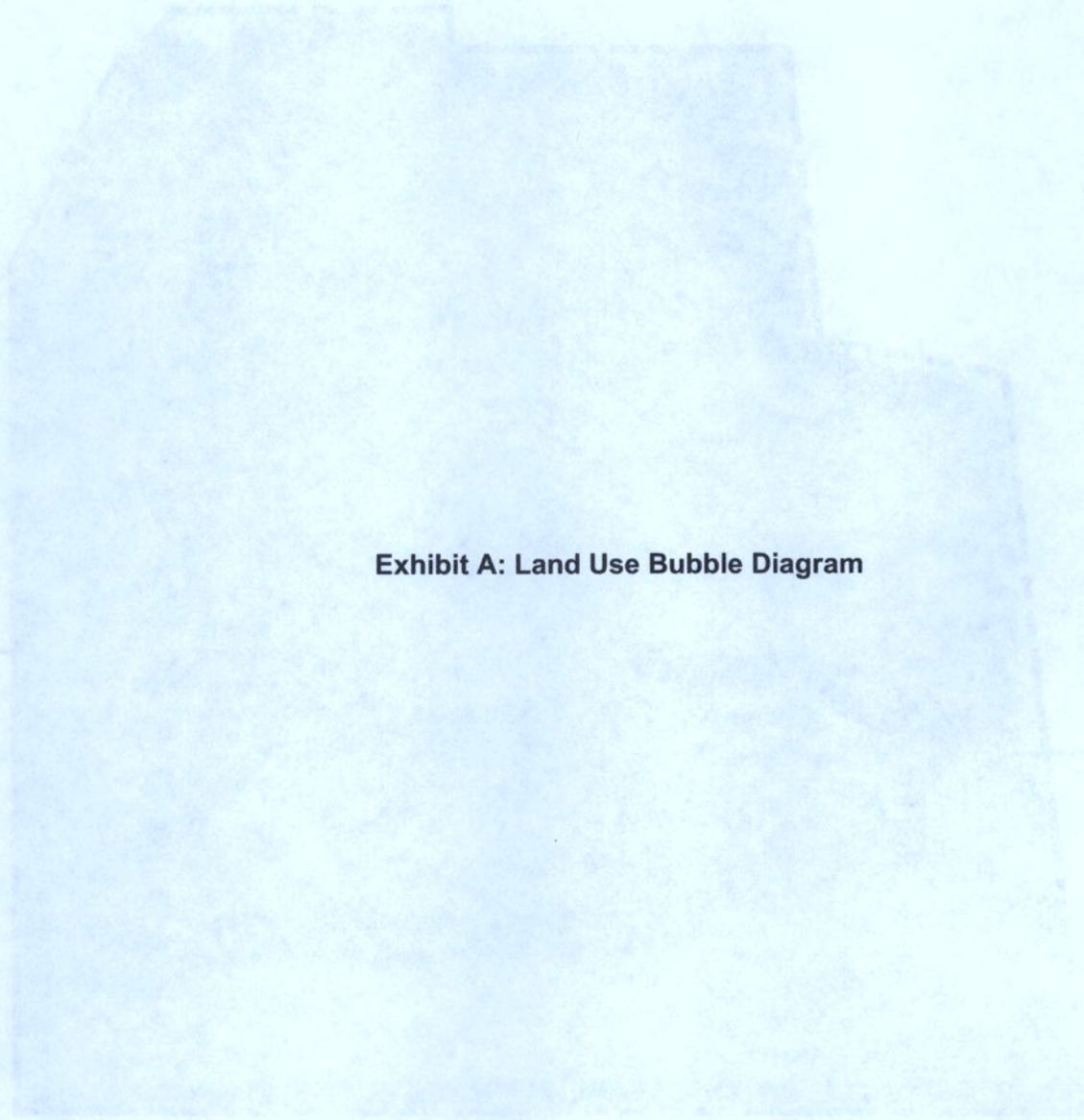


Exhibit A: Land Use Bubble Diagram

ZONE 1
ZONE 2
PROJECT NUMBER
01-09-5813

HILLSIDE RANCH PHASE II LAND USE DEVELOPMENT PLAN

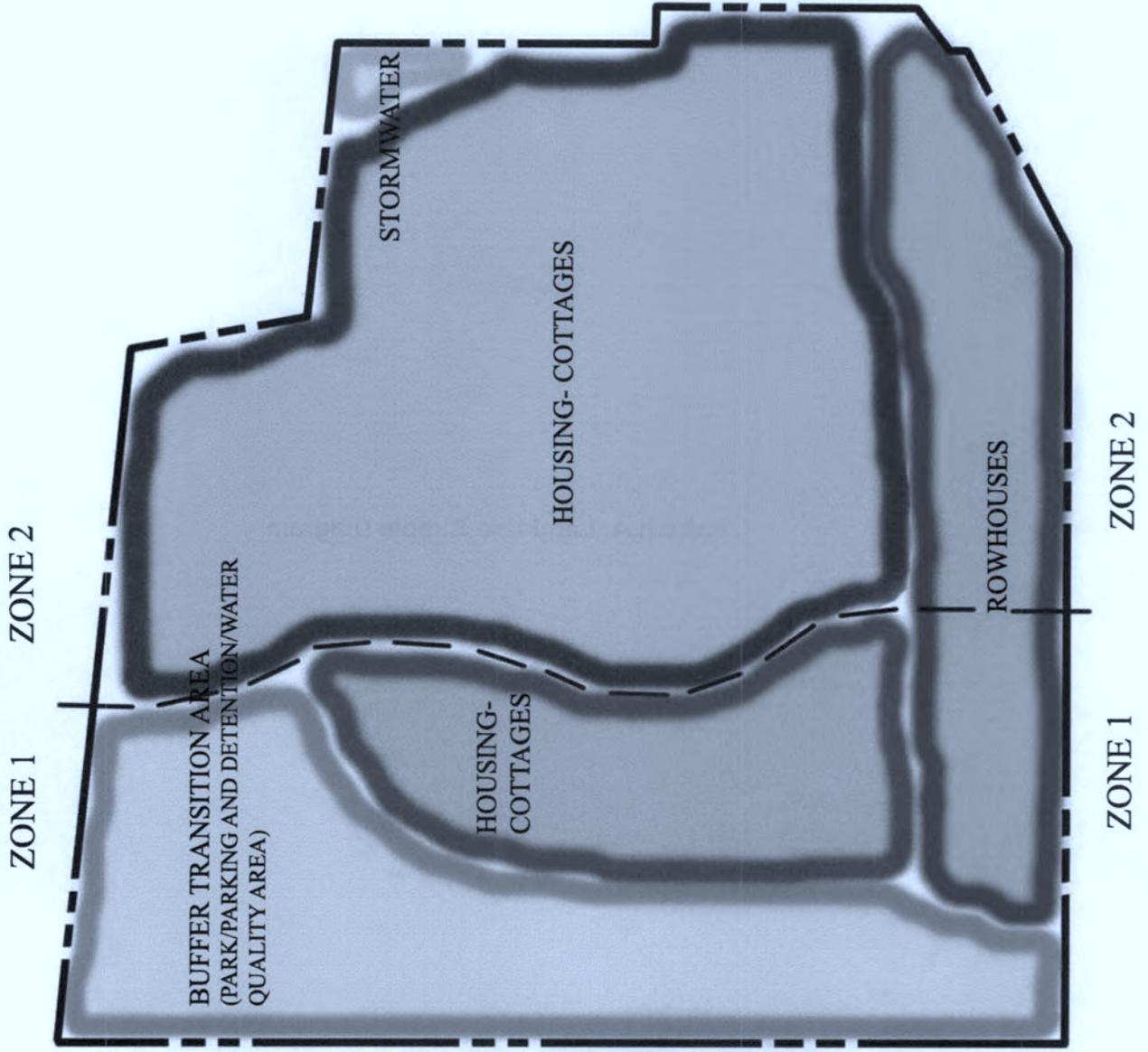


Exhibit B: Detailed Conceptual Plan with Representative Elevations

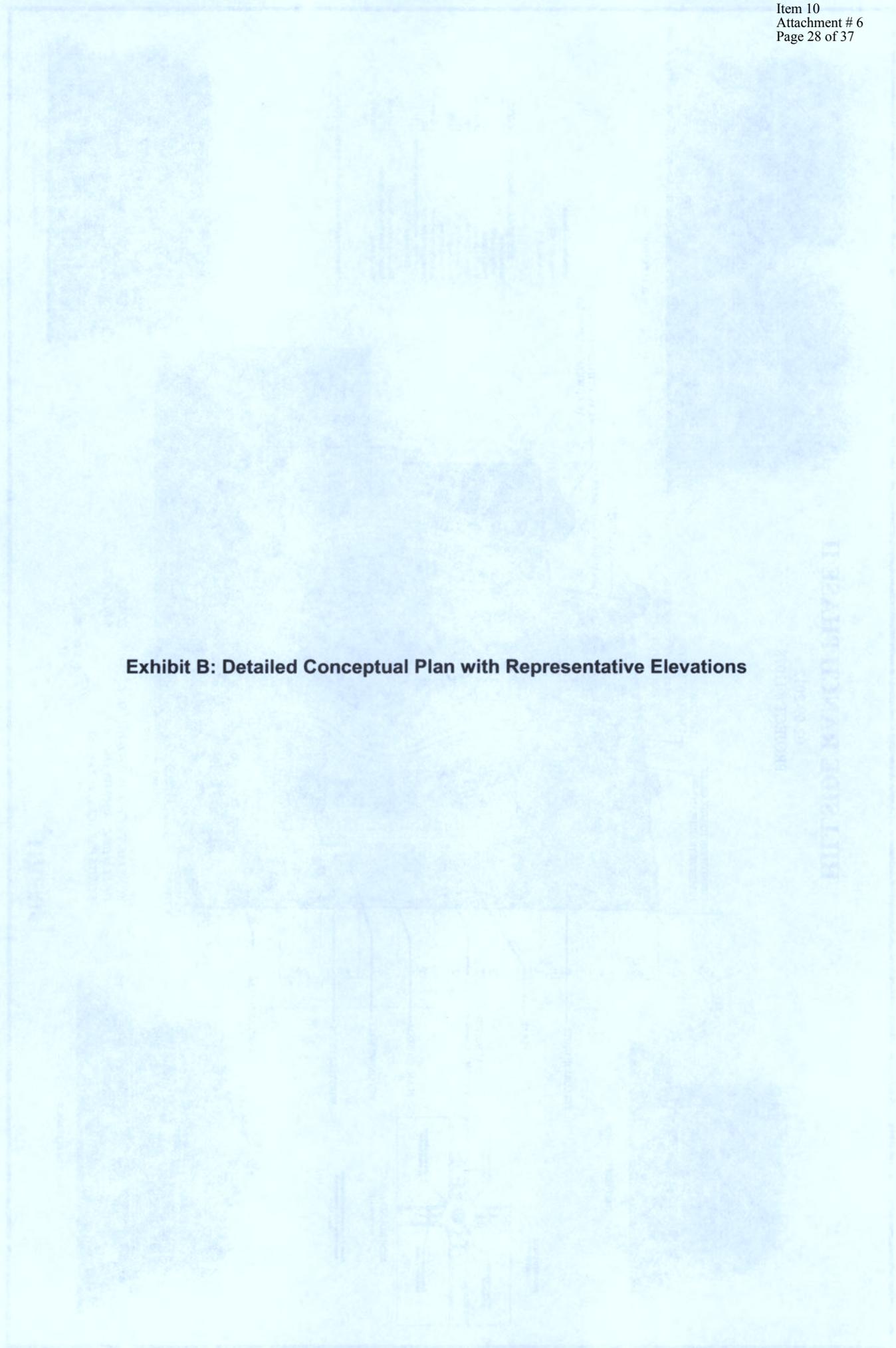
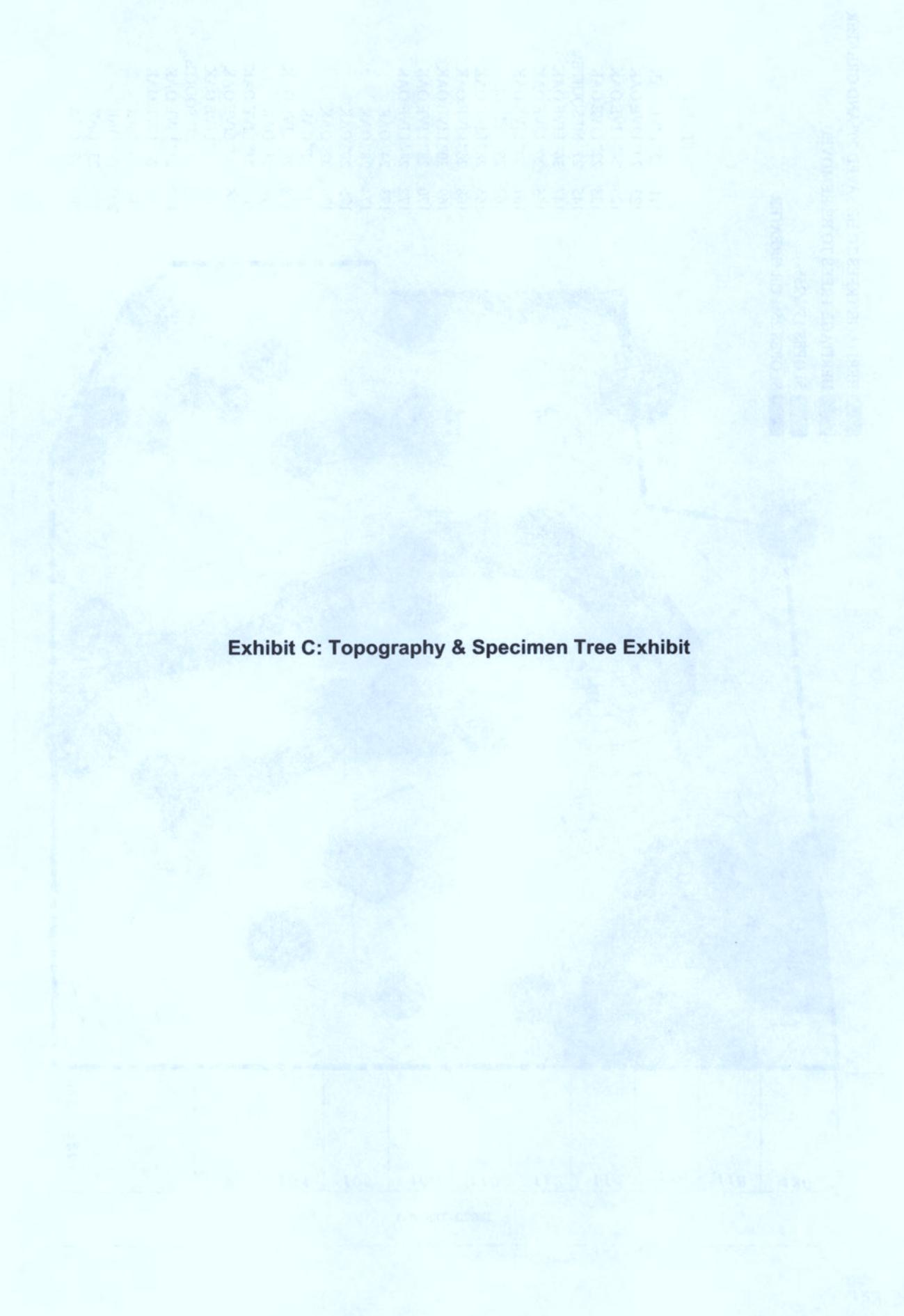
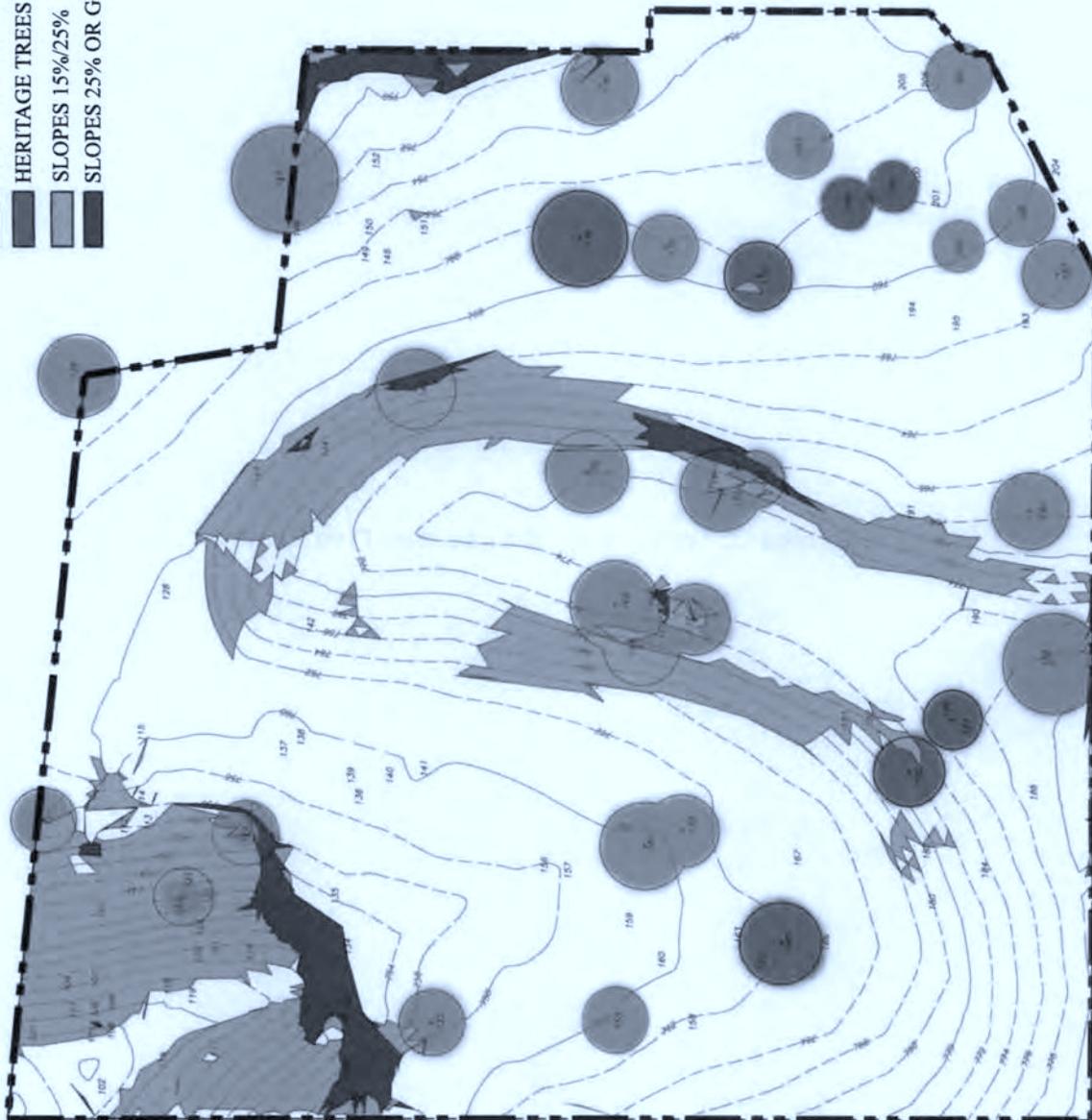


Exhibit C: Topography & Specimen Tree Exhibit



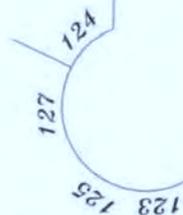
HILLSIDE RANCH PHASE 2 TREE AND SLOPE ANALYSIS

-  HERITAGE TREES TO BE SAVED 20" AND GREATER
-  HERITAGE TREES TO BE REMOVED
-  SLOPES 15%/25%
-  SLOPES 25% OR GREATER



TREE LIST

111	22" LIVE OAK
123	20" LIVE OAK
129	24" LIVE OAK
133	22" LIVE OAK
145	27" MESQUITE
147	36" LIVE OAK
155	20" LIVE OAK
161	30" LIVE OAK
162	25" CEDAR
165	28" LIVE OAK
168	26" LIVE OAK
169	30" LIVE OAK
170	28" LIVE OAK
172	24" LIVE OAK
173	24" OAK
174	28" OAK
175	20" OAK
176	32" OAK
177	22" OAK
178	28" LIVE OAK
179	23" OAK
185	24" LIVE OAK
186	20" LIVE OAK
189	34" LIVE OAK
192	26" MESQUITE
197	23" LIVE OAK
198	20" LIVE OAK
199	20" OAK
202	20" OAK
203	23" OAK
207	22" OAK



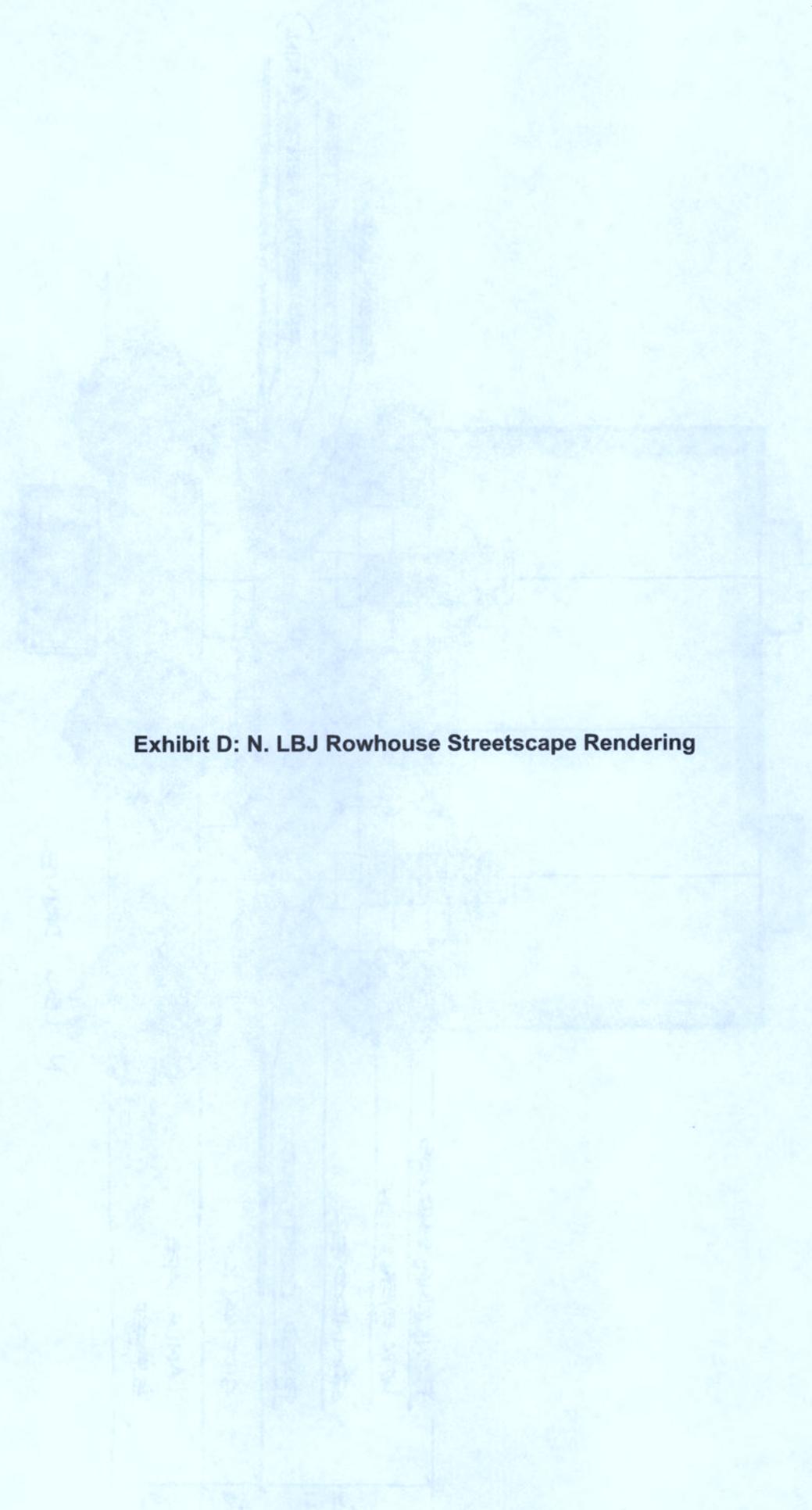
ELM HILL COURT

10-04-2011
PROJECT # 11078

Exhibit D: N. LBJ Rowhouse Streetscape Rendering

10/20/2011

10/20/2011



10/20/2011

HILLSIDE RANCH PHASE 2

3 STORY ROWHOUSE PLAN VIEW

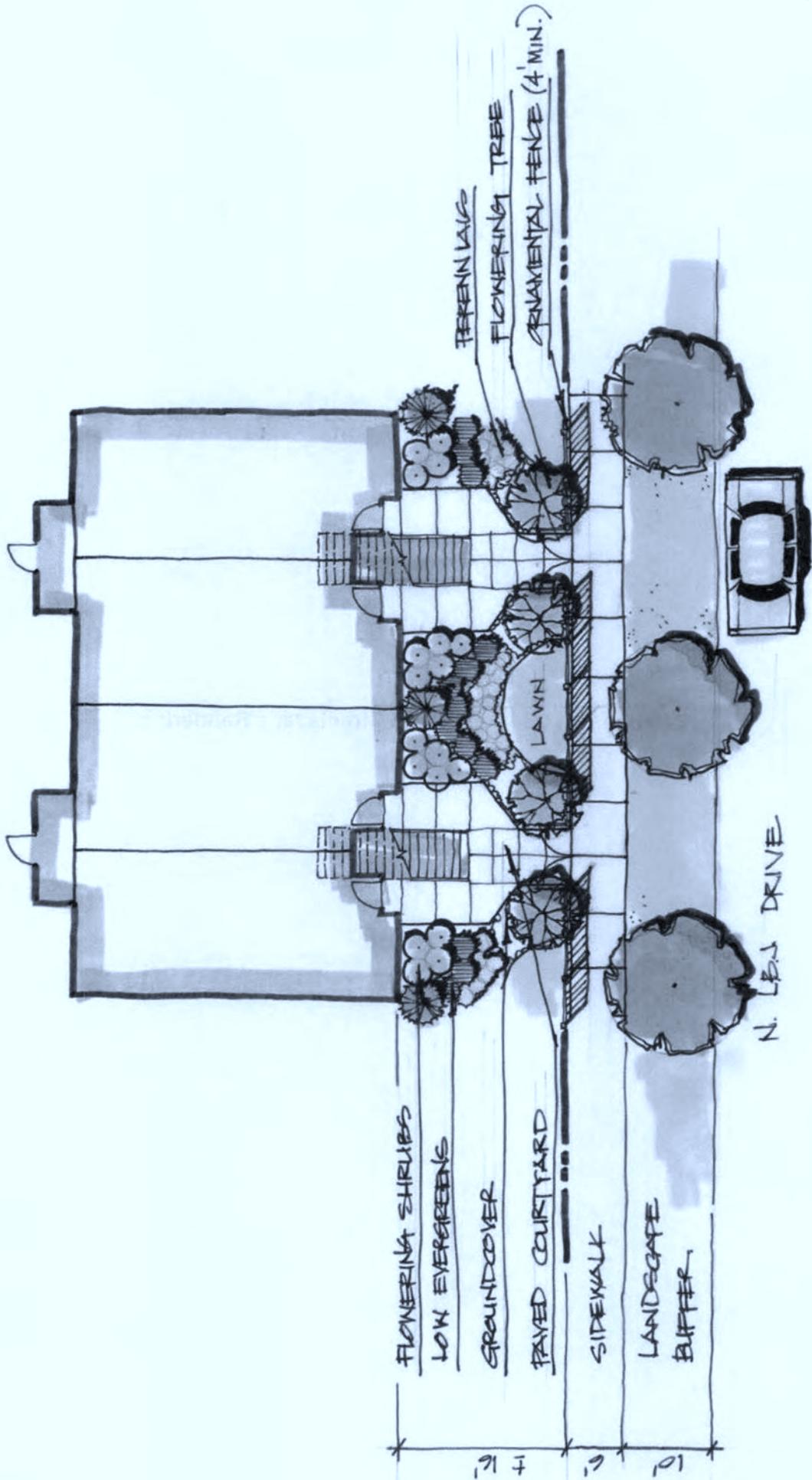
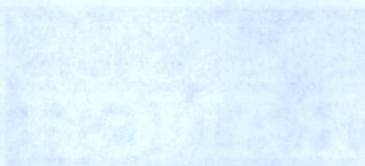


Exhibit E: Elm Hill Court Landscape Buffer Diagram



that the Pet Policy and Guidelines

shall be followed with the following provisions:

- A) Upon a first complaint and sign in off-duty, the Pet Policy and Guidelines shall be followed with the following provisions:
- B) A pet must be checked into the office for a written approval PATO (Pet Approval Tag) and a check-out slip must be provided for a checked-out pet. A check-out slip must be provided for a checked-out pet.
- C) A pet must be checked out of the office by the end of the shift.
- D) A pet must be checked out of the office by the end of the shift.
- E) A pet must be checked out of the office by the end of the shift.
- F) A pet must be checked out of the office by the end of the shift.
- G) A pet must be checked out of the office by the end of the shift.
- H) A pet must be checked out of the office by the end of the shift.
- I) A pet must be checked out of the office by the end of the shift.
- J) A pet must be checked out of the office by the end of the shift.
- K) A pet must be checked out of the office by the end of the shift.
- L) A pet must be checked out of the office by the end of the shift.
- M) A pet must be checked out of the office by the end of the shift.
- N) A pet must be checked out of the office by the end of the shift.
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- P) A pet must be checked out of the office by the end of the shift.
- Q) A pet must be checked out of the office by the end of the shift.
- R) A pet must be checked out of the office by the end of the shift.
- S) A pet must be checked out of the office by the end of the shift.
- T) A pet must be checked out of the office by the end of the shift.
- U) A pet must be checked out of the office by the end of the shift.
- V) A pet must be checked out of the office by the end of the shift.
- W) A pet must be checked out of the office by the end of the shift.
- X) A pet must be checked out of the office by the end of the shift.
- Y) A pet must be checked out of the office by the end of the shift.
- Z) A pet must be checked out of the office by the end of the shift.

Exhibit F: Pet Lease Addendum

1. The Pet Policy and Guidelines shall be followed with the following provisions:

2. A pet must be checked into the office for a written approval PATO (Pet Approval Tag) and a check-out slip must be provided for a checked-out pet. A check-out slip must be provided for a checked-out pet.

3. A pet must be checked out of the office by the end of the shift.

4. A pet must be checked out of the office by the end of the shift.

5. A pet must be checked out of the office by the end of the shift.

Date

Date

Date



Hillside Ranch Pet Policy and Guidelines

Pets are allowed with the following guidelines:

1. All residents must complete and sign an official TAA Pet Agreement.
2. All pets must be brought into the office for manager's written approval **PRIOR** to pet moving in.
3. A letter from a Veterinarian's office must be provided to establish breed, along with current shot record.
4. Pet limit in each apartment = 2
5. Pets are **NOT** allowed in the pool area.
6. All pets **MUST** be on a leash at **ANY TIME** outside the apartment.
7. Owner **MUST** accompany pet at all times. (No roaming pets are allowed)
8. **YOU MUST PICK UP AFTER YOUR PET!** A fine of \$100 will be assessed for not disposing of pet waste properly.
9. At no time may a pet be left on a patio/balcony unattended. The patio/balcony should not be used as a place for the pet to relieve themselves. This may result in pet being removed from Hillside Ranch.
10. **PETS ARE NOT ALLOWED IN SEPARATE LEASING.**

Cats, dogs, fish, and caged birds are acceptable pets. Fish in a 40-gallon or larger tank would require a pet deposit, but small fish bowls would not require a deposit. Aggressive dog breeds are not allowed, for example: Rottweilers, Doberman, Chow, German Sheppard, Pit Bull or Staffordshire terrier or any other breed deemed aggressive by a Veterinarian. **NO snakes, rabbits, ferrets, guinea pigs or lizards allowed.**

Pet Deposit:

\$200 Refundable Pet Deposit for one animal.
 \$200 **NON REFUNDABLE PET FEE**
 Each additional pet requires an additional \$200 refundable fee.

Pet Rent:

Hillside Ranch does not charge pet rent at this time.

Nuisance:

Residents must clean up after their pet (stoop and scoop); bags and trash bins are provided along the Pet Trail located on the West side of the property across from buildings 5, 6, & 7. Residents must repair any damage to the property caused by their pet. Residents must control their pets to prevent chronic barking/howling or other noise that disturbs other residents. Any pet that is aggressive toward any other resident, or resident's pet, will result in that pet being removed from Hillside Ranch. Animals must remain inside the apartment at all times, unless on a leash and accompanied by the Owner.

Pet ownership is a privilege and it is our desire is to provide an environment that pleases both the pet owner and the non-pet owners. If it is determined, that a pet violates or in any other way jeopardizes the rights, privileges, or comforts of other residents, Hillside Ranch will require that the pet be removed from the community and will enforce all fines and penalties as stated in this addendum.

Resident Signature

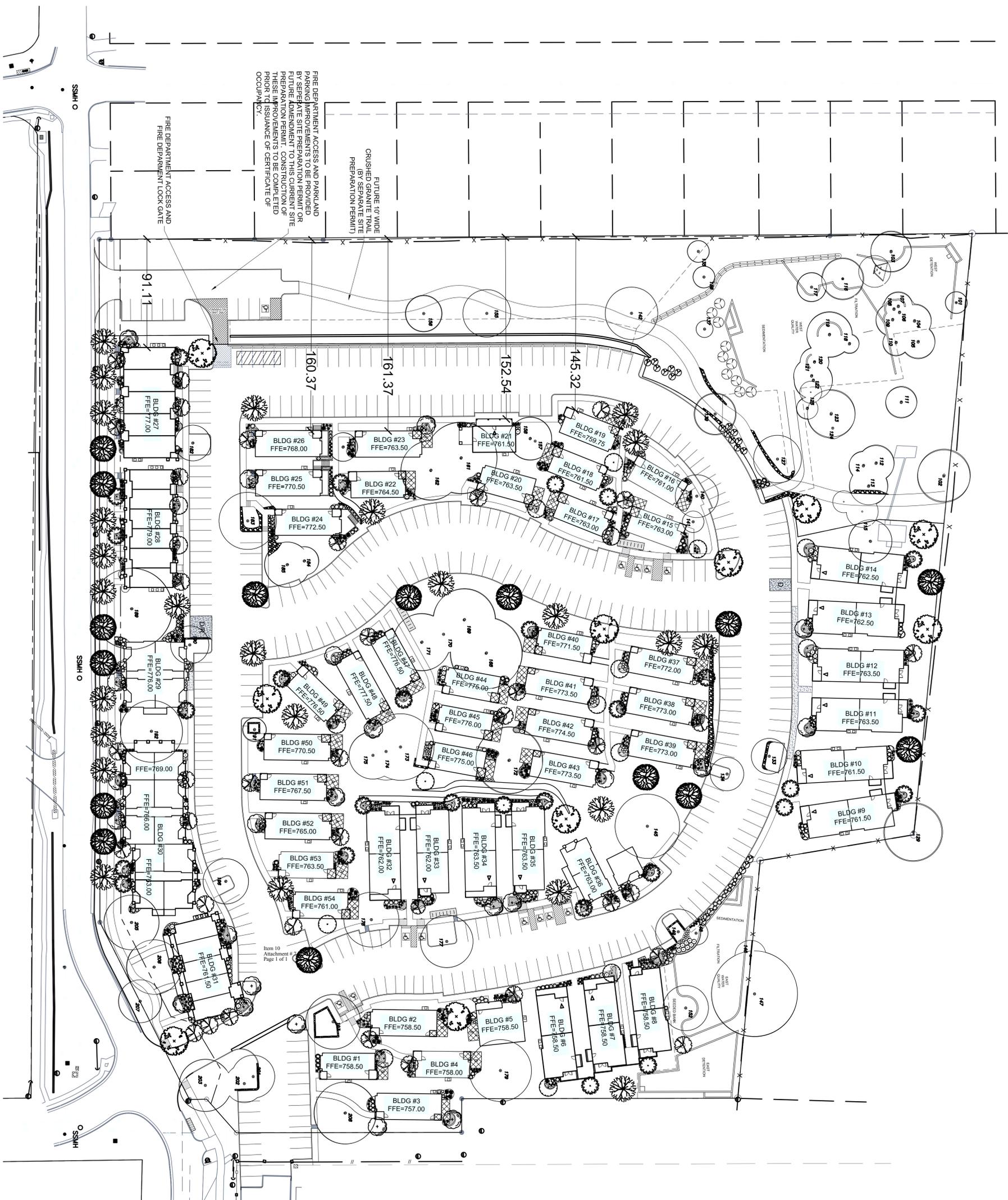
Date

Resident Signature

Date

Owner's Representative

Date



FIRE DEPARTMENT ACCESS AND PARKLAND PARKING IMPROVEMENTS TO BE A PART OF FUTURE ADJUDICATION TO THIS CURRENT SITE PREPARATION PERMIT. CONSTRUCTION OF THESE IMPROVEMENTS TO BE COMPLETED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.

FUTURE 10' WIDE CRUSHED GRANITE TRAIL (BY SEPARATE SITE PREPARATION PERMIT)

FIRE DEPARTMENT ACCESS AND FIRE DEPARTMENT LOOK GATE

Item 10 Attachment # 1
 Page 1 of 1



CITY MANAGER'S OFFICE

January 18, 2013

VIA E-MAIL AND REGULAR MAIL

Mr. Jared Schenk
GEM Realty Capital, Inc.
900 North Michigan Avenue, Suite 1450
Chicago, Illinois 60611

Re: Hillside Ranch Phase II PDD-Clarification of Buffer Zone Width

Dear Mr. Schenk:

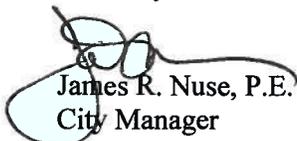
This letter follows our discussion regarding an inconsistency between the written provisions under the Hillside Ranch Phase II PDD Standards and the Concept Plan. Section 6.01 of the PDD Standards provides for a 150 foot wide buffer between the northwest property line and the face of the first unit. The Concept Plan, on the other hand, locates row houses approximately 85-90 feet from the northwest property line.

The city will initiate an amendment to section 6.01 of the PDD Standards to make that section consistent with what is shown on the Concept Plan with regard to the location of the row houses. The amendment would read as follows (added language is underlined; deleted language is shown with ~~strikethroughs~~):

A natural buffer and park area ranging from 90-100 feet to the first internal drive and approximately 150 feet from the face of the first units, except for the row houses, shall be provided adjacent to the northwest property line and shall extend from North LBJ Drive all the way to the Spring Lake Hills Nature Preserve as illustrated on the Concept Plan. The nearest face of any row house shall be no less than 85 feet from the northwest property line. In addition, the developer will construct a 3 to 4 foot wall and landscape berm adjacent to the parking spaces facing Elm Hill Court to screen the parking area and minimize impacts on the adjacent Elm Hill Court residences. This layout is illustrated in Exhibit E incorporated herein. This natural preservation buffer area is intended to serve as a buffer from the abutting rear property lines of the ~~adjacent~~ lots in the Elm Hill Court Subdivision.

This city-initiated amendment will be processed with a staff recommendation to approve it. While consideration of the amendment is pending, the city will not issue a stop work order for the row house currently under construction on the basis that it is less than 150 feet from the northwest property line. If you decide to continue construction of the first row house while the PDD amendment is pending, please understand that you will do so at your own risk because the outcome of the legislative process cannot be presumed.

Sincerely,


James R. Nuse, P.E.
City Manager

Agenda Information

AGENDA CAPTION:

LDC-13-01 (Economic Development Incentive Waiver) Hold a public hearing and consider an amendment to Chapter 1 of the Land Development Code to expand the provision for economic development incentive waivers to include a waiver of zoning regulations.

Meeting date: February 12, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

Sounds Finances

BACKGROUND:

The Land Development code was amended in 2008 to include a provision for a "Waiver or modification of development standards as an economic development incentive." The purpose of this provision was to allow for modifications of the development standards in the LDC as part of the approval of an Economic Development Incentive agreement. Staff is proposing an amendment to this section to include modifications to zoning regulations in addition to development standards. The purpose of this proposed amendment is to support the economic development policies of the City by providing for "shovel-ready" parcels of land where a proposed development:

1. Is a unique and regional economic draw with projections to support major direct new tax benefits for the City that far exceed those of the typical development or business; or
2. Incorporates design or construction features or characteristics that exceed City regulations or standards in other respects; or
3. Makes a unique or unequaled contribution to development or redevelopment efforts in the City of San Marcos, due to its magnitude, uniqueness to the community, or aesthetic quality.

This proposed amendment is planned as an initial short-term item to meet the economic development policies. With the adoption of the comprehensive plan, staff will be proposing a more long-term solution to provide for a possible overlay zoning district in identified employment areas. This district would set up appropriate standards for employment/ industrial areas that can be utilized with or without an economic development incentive process.

ATTACHMENTS:

Memo
Red lines



DEVELOPMENT
SERVICES- PLANNING

MEMO

TO: CITY COUNCIL
FROM: Abigail Gillfillan – Permit Center Manager
THROUGH: MATTHEW LEWIS, DIRECTOR OF DEVELOPMENT SERVICES
DATE: January 23, 2013
RE: LDC Revisions – Economic Development Incentive Waiver

The Land Development code was amended in 2008 to include a provision for a "Waiver or modification of development standards as an economic development incentive." The purpose of this provision was to allow for modifications of the development standards in the LDC as part of the approval of an Economic Development Incentive agreement. Staff is proposing an amendment to this section to include modifications to zoning regulations in addition to development standards. The purpose of this proposed amendment is to support the economic development policies of the City by providing for "shovel-ready" parcels of land where a proposed development,

1. Is a unique and regional economic draw with projections to support major direct new tax benefits for the City that far exceed those of the typical development or business; or
2. Incorporates design or construction features or characteristics that exceed City regulations or standards in other respects; or
3. Makes a unique or unequalled contribution to development or redevelopment efforts in the City of San Marcos, due to its magnitude, uniqueness to the community, or aesthetic quality.

This proposed amendment is planned as an initial short term item to meet the economic development policies. With the adoption of the comprehensive plan, staff will be proposing a more long term solution to provide for a possible overlay zoning district in identified employment areas. This district would set up appropriate standards for employment/ industrial areas that can be utilized with or without an economic development incentive process.

San Marcos, Texas, Code of Ordinances >> **Subpart B - LAND DEVELOPMENT CODE >> Chapter 1 - DEVELOPMENT PROCEDURES >> ARTICLE 4: - GENERAL LEGISLATIVE PROCEDURES >> DIVISION 4: - WAIVER OR MODIFICATION OF DEVELOPMENT STANDARDS AS AN ECONOMIC DEVELOPMENT INCENTIVE >>**

DIVISION 4: - WAIVER OR MODIFICATION OF DEVELOPMENT STANDARDS OR ZONING REGULATIONS AS AN ECONOMIC DEVELOPMENT INCENTIVE

[Section 1.4.4.1 - Purpose, Applicability and Effect](#)

[Section 1.4.4.2 - Application Contents and Submittal Requirements](#)

[Section 1.4.4.3 - Processing of Petition and Decision](#)

[Section 1.4.4.4 - Expiration, Extension, Amendment and Termination of Agreement](#)

Section 1.4.4.1 - Purpose, Applicability and Effect

- (a) *Purpose.* The purpose of a request for waiver of development standards or zoning regulations is to determine whether the City wishes to authorize, as part of the approval of a request for economic development incentives, alternative standards or criteria for approval for development applications related to a specific project with-in the City limits or extraterritorial jurisdiction, in order to support and implement the City's adopted economic development program.
- (b) *Applicability.* A waiver or modification of development standards or zoning regulations may be approved only for projects approved by the City Council under the City's Economic Incentives Policy, as it may be amended from time to time by the City Council.
- (c) *Effect.* Approval of a waiver or modification of development standards or zoning regulations authorizes the petitioner to submit applications for subordinate development permits for the specific project under the modified criteria set forth in the Economic Development Incentives Agreement.

(Ord. No. 2008-44, § 2, 10-6-08)

Section 1.4.4.2 - Application Contents and Submittal Requirements

- (a) *Responsible Official.* The City Manager shall be the responsible official for requests for development incentives.
- (b) *Contents.* A request for waiver or modification of development standards or zoning regulations shall accompany an application for city economic development incentives and shall identify the nature of the project, the specific portions of the code to be modified or waived and the benefit of these actions to the City.

(Ord. No. 2008-44, § 2, 10-6-08)

Section 1.4.4.3 - Processing of Petition and Decision

- (a) *Director's Role.* The City Manager shall cause a City departmental review of the requested incentives and creation of a report consolidating comments and recommendations, which shall be delivered to the City Council prior to their consideration of the request.
- (b) *Recommendation by Commissions.* The City Council may request review and recommendation of the request for modifications or waivers by The Planning and Zoning Commission or other appointed bodies.
- (c) *Initial Decision by Council.* The City Council shall consider the request for incentives and give direction to the City Manager regarding waivers and or modifications of development standards or zoning regulations as incentives for an economic development project. The Council may appoint a subcommittee of its

members for purposes of reviewing and facilitating negotiations with the property owner.

- (d) *Final Decision by Council and Acceptance by Property Owner.* The proposed waivers or modifications of development standards or zoning regulations shall be included in an Economic Incentives Agreement and shall be delivered to the City Council for a final decision. The Council may grant a waiver or modification of standards or regulations at a public meeting if it finds that granting the request is consistent with the adopted Comprehensive Plan, the adopted Economic Development Incentives Policy and furthers the public health, safety and general welfare. Council's approval authorizes the City Manager to execute the agreement. If the agreement is not accepted and executed by the property owner within a stated period, the Council's acceptance of the agreement shall be deemed withdrawn.
- (e) *Development Standard Waivers or Modifications.* The approved Development Incentive Agreement shall specify all applicable deviations from the adopted Land Development Code. Thereafter, development applications shall be consistent with the specific project described in the Development Incentive Agreement and shall be processed in accordance with the provisions of the Land Development Code as waived or modified by the agreement.

(Ord. No. 2008-44, § 2, 10-6-08)

Section 1.4.4.4 - Expiration, Extension, Amendment and Termination of Agreement

- (a) *Expiration.* The waivers or modifications of development standards contained in the agreement shall apply to any required applications for development of the specific project that are approved and accepted during the term of the agreement.
- (b) *Amendment.* The Development Incentive Agreement may be amended from time to time under the procedure for approval of an original application requesting a development incentive.
- (c) *Termination.* The Development Incentive Agreement may be terminated for breach of the agreement or other reasons in accordance with its terms. If the Development Incentive Agreement expires or is terminated before any and all required development applications have been made and accepted, the development standards shall be those specified in the current Land Development Codes.

(Ord. No. 2008-44, § 2, 10-6-08)

Agenda Information

AGENDA CAPTION:

PVC-13-01 (Sienna Pointe Plat Variance) Consider a plat variance request by Jim Shaw for the Sienna Pointe Plat (PC-12-37_03) to Sections 7.4.1.4 a(1) and 7.4.1.4 a(3) of the Land Development Code requiring streets not shown on the City's Thoroughfare Plan provide for a continuation or appropriate projection every 1200 feet and provide for future access to adjacent vacant areas.

Meeting date: February 12, 2013

Department: Development Services-Planning

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

Sienna Pointe is a 22-acre subdivision with two proposed lots northeast of the intersection of McCarty Lane and Hunter Road. It is being developed by Sienna Point Ltd with Jim Shaw of Capital Area Housing Finance Corporation acting as the agent. Mr. Shaw approached the City in the fall with the affordable housing project proposal for Sienna Pointe, which calls for 228 units and 504 bedrooms. The project is seeking funding from the Texas Department of Housing and Community Affairs for Housing Tax Credits and HOME funds.

The multi-family project will be entirely contained on Lot 1 with one point of vehicular access on Hunter Road. As proposed, a separate ingress/egress access easement is established on the plat for emergency purposes and for general access to Lot 2 with a plat note that imposes a maintenance obligation on the property owners for the easement. A detention pond will be constructed on Lot 2 that will accommodate the drainage for Lot 1. A plat note states that the detention pond will accommodate the drainage from Lot 1 and imposes a joint obligation on the owners of Lots 1 and 2 to maintain the detention facility. Due to requirements of the funding program, the multi-family site must be more than 300' from railroad tracks and Lot 2 provides the necessary buffer.

The subdivision as proposed does not meet Land Development Code requirements for Specific Street Standards in Section 7.4.1.4. Staff issued a memo to clarify plat review comments on January 16, 2013, which stated that a public road would be required in the subdivision and cited a series of code requirements. The memo

addressed the adverse impacts to adjoining property, the continuation of Foxtail Run, limited access, and standards for streets not shown on the Thoroughfare Plan (including block-lengths). The variance request is for sections 7.4.1.4 a(1) and 7.4.1.4 a(3) which state that streets within subdivisions shall:

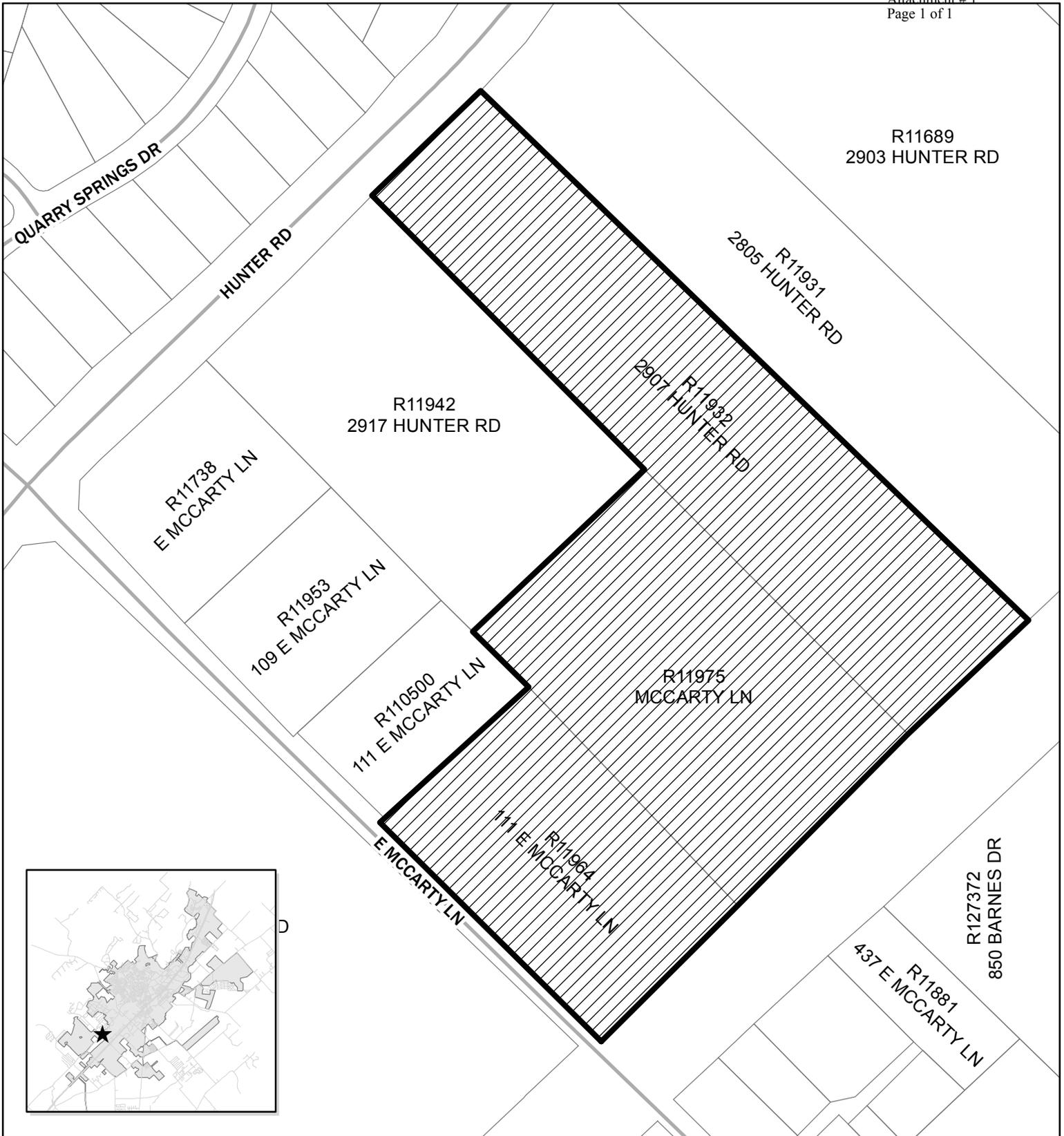
Provide for the continuation or appropriate projection of existing streets from or into surrounding areas – every 1,200 feet, there shall be a projection that would allow for continuation (LDC 7.4.1.4 a(1))

Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use (LDC 7.4.1.4 a(3)).

Staff recommends denial of the variance request and statutory denial of the subdivision plat.

ATTACHMENTS:

Case Map
Staff Report
Sienna Pointe Plat
Application
Cover Letter
1-16-13 Memo to Applicant
Sienna Pointe Development Timeline



PVC-13-01
Sienna Pointe
Plat Variance
Map Date: 1/29/2013



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.

PVC-13-01 Variance Sienna Pointe Subdivision



Applicant Information:

Agent: Jim Shaw
Capital Area Housing Finance Corporation
4101 Parkstone Heights Drive
Austin, TX 78746

Property Owners: James J. Pendergast Toribio Torres
108 Camero Way 2913 Hunter Rd
San Marcos, TX 78666 San Marcos, TX 78666

Donna Marie Neuhaus
4000 Center Point Rd
San Marcos, TX 78666

Type & Name of Subdivision: Sienna Pointe Subdivision

Applicant Request: The applicant is requesting a variance from Sections 7.4.1.4 a(1) and 7.4.1.4 a(3) of the Land Development Code requiring streets not shown on the City's Thoroughfare Plan provide for a continuation or appropriate projection every 1200 feet and provide for future access to adjacent vacant areas.

Subject Property:

Summary: The subject property is approximately 22.001 acres out of the J.M. Veramendi Survey League No. One, Abstract 17, located near the intersection of Hunter Road and McCarty Lane.

Zoning: MF-18, MF-12 and General Commercial

Land Use Map: High Density Residential, Medium Density Residential and Commercial

Existing Use: Vacant, Commercial

Proposed Use: Multi-Family, Commercial

Background:

Sienna Pointe is a 22-acre subdivision with two proposed lots northeast of the intersection of McCarty Lane and Hunter Road. It is being developed by Sienna Point Ltd with Jim Shaw of Capital Area Housing Finance Corporation acting as the agent. Mr. Shaw approached the City in the fall with the affordable housing project proposal for Sienna Pointe, which calls for 228 units and 504 bedrooms. The project is seeking funding from the Texas Department of Housing and Community Affairs for Housing Tax Credits and HOME funds.

The multi-family project will be entirely contained on Lot 1 with one point of vehicular access on Hunter Rd. As proposed, a separate ingress/egress access easement is established on the plat for emergency purposes and general access to Lot 2. A detention pond will be constructed on Lot 2 to serve Lot 1. Due

to requirements of the funding program, the multi-family site must be more than 300' from railroad tracks and Lot 2 provides the necessary buffer.

Planning Department Analysis:

The applicant has worked to meet many of the Land Development Code platting requirements; however, the plat as proposed does not meet objectives identified in the LDC enforceable through platting procedures regarding orderly development and safe and efficient circulation. The purpose of subdivision regulations are to:

- Promote the development and the utilization of land in a manner that assures an attractive and high quality community environment.
- Assist orderly, efficient and coordinated development within the City's limits and its extraterritorial jurisdiction.
- Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts.
- Provide for compatible relationships between land uses and buildings; provide for the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion on streets and highways; provide for pedestrian circulation that is appropriate for the various uses of land and buildings; and provide the proper location and width of streets.

Staff provided review comments in late December and stated the northern boundary subdivision exceeded the block-length requirement of 1200' and that an improved road may be required. In a memo dated January 16, 2013, staff cited a series of code requirements in addition to the block-length requirement demonstrating a public road is required.

The memo addressed:

- Adverse impacts to adjoining property;
- The continuation of Foxtail Run;
- Limited access to the development and adjoining properties; and
- Specific street standards for those roads not shown on the Thoroughfare Plan.

This area is identified as an Activity Node on the Comprehensive Plan's Preferred Growth Scenario Map and will likely be designated for high intensity development. Because of the deep lots and the barrier of the railroad tracks, the City has worked to extend Foxtail Run in between Hunter Road and the railroad tracks. Subdivisions that have recently been platted to the north have dedicated ROW and/or constructed the extension of Foxtail Run. The Sienna Point Subdivision provides the land area for the future connection of this road to McCarty Lane.

Foxtail Run is not shown on the Thoroughfare Plan - only major arterials are illustrated. However, the LDC calls for specific treatment of streets not shown on the Thoroughfare Plan. The arrangement of such streets within a subdivision shall:

- *Provide for the continuation or appropriate projection of existing streets from or into surrounding areas – every 1,200 feet, there shall be a projection that would allow for continuation (LDC 7.4.1.4 (a.1))*
- *Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use (LDC 7.4.1.4 (a.3)).*

The depth of the subdivision from Hunter Road to the railroad tracks is approximately 1,454 feet. The block-length requirement is not the standard from which a variance is sought; while this is of concern to staff, the Specific Street Standards listed above are what the Commission is considering for variance approval. These standards state that local streets within a subdivision shall provide an appropriate continuation or projection every 1200' into surrounding areas and provide future access for street extensions into adjacent vacant areas that will likely develop under a similar zoning classification. The undeveloped properties immediately north of the subdivision have Future Land Use designations of High Density Residential – one is currently zoned MH and the other is MF-18. Additional multi-family projects

are likely in the area and those sites would be faced with the same challenges in regards to access and circulation as Sienna Pointe.

In deciding the variance petition, the decision-maker shall apply the following criteria:

1. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development Code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land.
The applicant lists no LDC Requirement to dedicate or construct, unusual/irregular shape of proposed lot, location of proposed detention pond, location of proposed buildings; adjacent railroad track, location of utility lines, nearby cell tower, impact on development schedule, and TDHCA requirements. Few of these are specific to the physical conditions of the land itself. There does not appear to be any special circumstances arising from the physical conditions of this property that would cause an unnecessary hardship through the strict application of the LDC requirements. The railroad tracks provide a barrier along the eastern boundary and the lot depth presents some challenges for development, but these circumstances similarly affect the properties north of McCarty and east of Hunter Road in this immediate vicinity.
2. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land.
The applicant states "no." Staff maintains that the circumstances causing the hardship do similarly affect the properties in the immediate vicinity of the petitioner's land. The subdivisions that have recently platted to the north have been required to dedicate and/or construct.
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
The applicant states their substantial property right to develop this site as proposed is not preserved through the literal enforcement of the LDC. However, the right to develop this property is not eliminated as a result of the requirement for a public road. It does affect the project's ability to develop as proposed because of time and funding limitations specific to the housing product.
4. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area.
The applicant states there would be no effect. Staff believes there are public safety concerns that result from a 500+ bedroom project providing one point of access for its residents on Hunter Road. In addition, allowing the subdivision to develop as proposed limits the ability for adjacent properties to provide safe and efficient circulation through two forms of public access.
5. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property.
The applicant states there would be no effect. Staff believes the proposed subdivision adversely impacts the development potential of the adjoining tracts of land to the north. The tracts in this area are also deep lots bordered by the railroad tracks on the east, which provide a barrier to development. Without coordinated R.O.W and a north/south connection, the adjoining tracts would be unable to meet existing LDC regulations for lot and block dimensions.
6. The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner.
The applicant states "no." The time and funding limitations for the Sienna Pointe project appear to be the cause of the hardship, which are self-imposed limitations.
7. The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship.
The applicant states "no." It appears the request is based in part on the desire for increased financial gain.

8. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section. *The applicant states "yes." Other options have been discussed including dedication of right-of-way and a petition to City Council for relief from construction.*

Staff recommends denial of the variance request.

Planning Department Recommendation	
	Approve
X	Deny

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this variance request. The city charter delegates all platting variances to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve or deny this variance request.

Prepared By:

Emily Koller	Planner	February 6, 2013
Name	Title	Date

SIENNA POINTE

KNOW ALL MEN BY THE PRESENTS:

STATE OF TEXAS
COUNTY OF HAYS

JAMES J. PENDERGAST, DONNA MARIE NEUHAUS, AND TORIBIO L. TORRES, OWNERS OF A 21.985 ACRE TRACT LOCATED IN HAYS COUNTY, TEXAS, BEING A PART OF THE J.M. VERAMENDI LEAGUE NO. ONE, CONSISTING OF A PORTION OF THAT CERTAIN 9.941 ACRE TRACT CONVEYED TO TORIBIO TORRES BY DEED OF RECORD IN VOLUME 1983, PAGE 412 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND A PORTION OF THAT CERTAIN 7.274 ACRE TRACT CONVEYED TO JAMES W. NEUHAUS AND JAMES J. PENDERGAST BY DEED OF RECORD IN VOLUME 971, PAGE 691 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND A PORTION OF THAT CERTAIN 6.794 ACRE TRACT CONVEYED TO JAMES W. NEUHAUS BY DEED OF RECORD IN VOLUME 971, PAGE 691 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND A 0.256 ACRE (20-FOOT PUBLIC RIGHT-OF-WAY DEDICATION OUT OF SAID 6.794 ACRE TRACT TO BE DEDICATED BY THIS PLAT; DO HEREBY ADOPT THIS PLAT DESIGNATING THE TRACT AS SIENNA POINTE, AN ADDITION TO THE CITY OF SAN MARCOS, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER THE RIGHTS OF WAYS, PUBLIC USE AREAS AND OTHER EASEMENTS SHOWN THEREON FOR THE PURPOSES INDICATED.

THIS PLAT IS SUBJECT TO ALL OF THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS AND THE COUNTY OF HAYS, TEXAS.

JAMES J. PENDERGAST _____
DATE _____

DONNA MARIE NEUHAUS _____
DATE _____

TORIBIO L. TORRES _____
DATE _____

Item 12
Attachment
Page 2 of 2

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED _____ 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 PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ A.D. 20____

NOTARY PUBLIC, HAYS COUNTY, TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED _____ 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 PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ A.D. 20____

NOTARY PUBLIC, HAYS COUNTY, TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF HAYS

I, LIZ GONZALES, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR

RECORD IN MY OFFICE ON _____, 2013 AT _____ O'CLOCK ____M., AND RECORDED ON _____, 2013 at _____ O'CLOCK ____M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____ AT PAGE _____.

LIZ GONZALES
COUNTY CLERK
HAYS COUNTY, TEXAS
DATE _____

GENERAL NOTES:

- THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM, NAD 83 (93), CENTRAL ZONE, UTILIZING TX-DOT CORS STATIONS TXSM, TXAU, TXBS.
- SIDEWALKS ARE REQUIRED ALONG ALL RIGHTS-OF-WAY IN THIS SUBDIVISION AND SHALL BE INSTALLED AT TIME OF CONSTRUCTION OR OWNER SHALL PAY A FEE IN LIEU OF INSTALLING SIDEWALKS.
- THE PROPOSED USE OF THIS PROPERTY IS MF-18, MF-12, AND GC.

TAXDOT NOTES:

- MAXIMUM ACCESS POINTS TO STATE HIGHWAYS FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY REGULATIONS FOR ACCESS DRIVENWAYS TO STATE HIGHWAYS. THIS PROPERTY IS ELIGIBLE FOR A MAXIMUM COMBINED TOTAL OF 11 ACCESS POINTS ALONG FM 2439 BASED ON THE OVERALL PLATTED HIGHWAY FRONTAGE OF 299.77'.

CITY OF SAN MARCOS CERTIFICATE OF APPROVAL

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

BILL TAYLOR, CHAIRMAN _____
PLANNING & ZONING COMMISSION DATE _____

FRANCIS SERNA, _____
RECORDING SECRETARY DATE _____

CITY OF SAN MARCOS CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____, 20____ BY THE DIRECTOR OF ENGINEERING OF THE CITY OF SAN MARCOS.

LINDA GRUBBS HUFF, P.E. _____
DIRECTOR OF ENGINEERING AND CIP DATE _____

CITY OF SAN MARCOS CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____, 20____ BY THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF SAN MARCOS.

MATTHEW LEWIS _____
DIRECTOR OF DEVELOPMENT SERVICES DATE _____

STATE OF TEXAS
COUNTY OF BEXAR

ENGINEERS CERTIFICATION:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, GARY W. FREELAND, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS HEREBY AFFIRM THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT AND ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 448209C0476F, DATED SEPTEMBER 2005, THE LOTS LIE IN ZONE X, AREAS DETERMINED TO LIE OUTSIDE THE 100 YEAR FLOOD PLAIN.

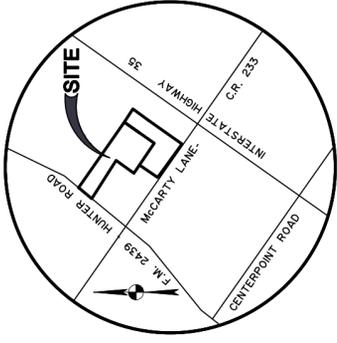
GARY W. FREELAND, P.E. _____ DATE _____
LICENSED PROFESSIONAL ENGINEER
TEXAS REGISTRATION NO. 107307
922 ISOM ROAD, SUITE 100
SAN ANTONIO, TX 78216
(210) 525-9090

STATE OF TEXAS
COUNTY OF BEXAR

SURVEYORS CERTIFICATION:

THAT I, HAL B. LANE III, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND 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.

HAL B. LANE III, R.P.L.S. _____ DATE _____
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4690
922 ISOM ROAD, SUITE 100
SAN ANTONIO, TX 78216
(210) 525-9090



VICINITY MAP
NOT TO SCALE
SAN MARCOS, TEXAS

DETENTION, DRAINAGE, AND WATER QUALITY EASEMENT NOTE:

THE DETENTION, DRAINAGE, AND WATER QUALITY EASEMENT ON LOT 1 AND LOT 2 IS DEDICATED TO THE CITY OF SAN MARCOS FOR THE PURPOSE OF RECEIVING AND DETAINING ALL DRAINAGE AND WATER FLOWS FROM LOT 1 AND THE WATERSHED UPSTREAM OF LOT 1 AND ALL DRAINAGE FACILITIES LOCATED THEREON SHALL BE MAINTAINED JOINTLY AND SEVERALLY BY THE OWNERS OF LOTS 1 AND 2 ALL IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF SAN MARCOS CODE AND ALL OTHER APPLICABLE LAWS AND REGULATIONS.

INGRESS/EGRESS ACCESS EASEMENT NOTE:

THE 30 FOOT INGRESS/EGRESS ACCESS EASEMENT IS DEDICATED TO THE CITY FOR FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICE PROVIDERS FOR ACCESS PURPOSES TO LOT 1 AND WILL ALSO PROVIDE GENERAL ACCESS TO LOT 2. THAT THE OWNERS DO HEREBY COVENANT AND AGREE THAT HE (THEY) SHALL CONSTRUCT UPON THE INGRESS/EGRESS ACCESS EASEMENTS, AS DEDICATED AND SHOWN HEREON, A 26' WIDE HARD SURFACE IN ACCORDANCE WITH THE CITY OF SAN MARCOS'S PAVING STANDARDS FOR FIRE LANES AND AS DETERMINED BY THE FIRE CODE OFFICIAL, AND THAT HE (THEY) SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP THE 26' WIDE HARD SURFACE FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE INGRESS/EGRESS ACCESS EASEMENT IS THE RESPONSIBILITY OF THE OWNER, AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG SUCH FIRE LANES, STATING "FIRE LANE, NO PARKING." THE LOCAL LAW ENFORCEMENT AGENCY(S) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES, AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENT AND EMERGENCY USE.

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED _____ 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 PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ A.D. 20____

NOTARY PUBLIC, HAYS COUNTY, TEXAS
MY COMMISSION EXPIRES _____



922 Isom Road, Suite 100
San Antonio, TX 78216
Tel. (210)525-9090 Fax (210)525-0529
TBPE Registration Number F-1048
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09/12



Subdivision Variance Application Checklist

- A pre-application conference with staff is recommended;
- A completed application for a Subdivision Variance and required fees;
- A development application prepared consistent with the requested variance.
- A detailed written statement of the reasons why the standards to be varied should not be applied to the development application identified in the petition.
- A description of the existing use and improvements of the subject property, including type(s) of building(s), floor area, and number of off-street parking spaces, as applicable.
- A description of the proposed use and related improvements/development of the subject property, including type(s) of building(s), floor area, and number of off-street parking spaces, as applicable.
- Illustrations or other documents showing the effect of the requested variance on the proposed development.
- A description of the particular physical conditions or characteristics that make the subject property unique compared to others developed in a similar manner; an explanation as to whether such particular physical conditions or characteristics were caused by the property owner or applicant.
- A description of the difficulty or unnecessary hardship that would result if the variance were not granted.
- A description of whether the amount of variance requested is the minimum necessary to meet the needs of the property owner or applicant.
- If applicable, a description of how the requested variance would affect the rights of owners or residents of surrounding property, including considerations which regard to the supply of light or air, traffic conditions, ingress/egress conditions, and property values.

I hereby certify and attest that the application is complete and all information identified above is complete and hereby submitted for review.

Signed: _____
Jim Shaw

Date: 1/25/13

Print Name: Jim Shaw

Engineer Surveyor Architect/Planner Owner Agent: _____

RECEIVED
JAN 25 2013

09/12

BY: TORY

PVC-13-01

City of San Marcos

SUBDIVISION VARIANCE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>Jim Shaw</u>	<u>Toribio L. Torres</u>
Mailing Address	<u>4101 Parkstone Heights Drive</u>	<u>2913 Hunter Road</u>
	<u>Austin, TX 78746</u>	<u>San Marcos, TX 78666</u>
Daytime Phone	<u>512-347-9903</u>	<u>512-353-0776</u>
Email Address	<u>jeshaw@cahfc.org</u>	<u>tltorres@hotmail.com</u>

PROPERTY DESCRIPTION:

Street: Hunter Road Address No: _____

Legal Description (if platted): A0017-1 Juan M Veramendi Survey, Acres 9.941

Tax ID: R 11932

Acres 9.941 Zoning Classification MF-18

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

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

09/12

PVC-13-01

City of San Marcos
SUBDIVISION VARIANCE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>Jim Shaw</u>	<u>Donna Marie Neuhaus</u>
Mailing Address	<u>4101 Parkstone Heights Drive</u>	<u>4000 Center Point Rd</u>
	<u>Austin, TX 78746</u>	<u>San Marcos, TX 78666</u>
Daytime Phone	<u>512-347-9903</u>	<u>512-665-4423</u>
Email Address	<u>jeshaw@cahfc.org</u>	<u></u>

PROPERTY DESCRIPTION:

Street: Hunter Road Address No:

Legal Description (if platted): Abst 17-1 (Pt Tr 50111-126) Juan M Veramendi Survey, 7.274 Acres, GEO#90214086

Tax ID: R 11975

Acres 7.274 Zoning Classification MF-12

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

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

09/12

REQUESTED SUBDIVISION VARIANCE:

Variance to Chapter 7 of the Land Development Code which requires...

City Staff has taken the position that Chapter 7 of the Land Development Code requires the dedication of right-of-way and construction of an extension of Foxtail Run through the Sienna Pointe Subdivision. The applicant does not agree that the Land Development Code requires dedication and construction in this case. In filing this variance request the applicant does not acknowledge City Staff's position and does not waive any other rights or remedies.

Description of Proposed Variance from the Requirements of the Land Development Code:

Applicant requests a variance from City Staff's position that the dedication of right-of-way and construction of the extension of Foxtail Run is required.

SUBMITTAL REQUIREMENTS:

\$600 Application Fee, payable to the City of San Marcos

Answer the questions on the following pages, as evidence that this request complies with the conditions required for approval of a variance (extra pages and supplemental illustrations or photographs may be used if needed or desired).

I certify the preceding information is complete and accurate, and it is understood that I or another representative should be present at all meetings concerning this application.

I am the property owner of record, or

I have attached authorization to represent the owner, organization, or business in this application.

Signature: Jim Shaw

Date: 1/25/13

Printed Name: Jim Shaw

TO BE COMPLETED BY STAFF:

Submittal Date: 1-25 5 Business Days from Submittal: 2-1

Completeness Review By: Tory C. Date: 1-28

Contact Date for Supplemental Info: NA

Supplemental Info Received (required within 5 days of contact): NA

Application Returned to Applicant: NA

Application Accepted for Review: NA Fee: \$600

09/12

The following information is provided by the applicant and may or may not be consistent with the Development Services-Planning information contained in the staff report for this request.

1. What special circumstances or conditions affect the subject property such that strict application of the provisions of the Land Development Code would create an unnecessary hardship or inequity upon the applicant or would deprive the applicant of the reasonable and beneficial use of the property?

The special circumstances that affect this property include: a) no Land Development Code

Requirement to dedicate right-of-way or construct Foxtail Run; b) unusual/irregular shape of the

proposed lot; c) location of proposed detention pond; d) location of proposed buildings; e) adjacent

railroad track; f) location of proposed utility lines; g) location of nearby cellular tower; h) impact on

development schedule; and i) Texas Department of Housing & Community Affairs requirements

applicable to the development of the project associated with this plat.

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

No

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

Inability to develop this site as proposed.

4. What effect, if any, would the variance have on the rights of owners or occupants of surrounding property, or on the public health, safety, or general welfare?

None

09/12

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

None

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

No

7. To what extent is the request for a variance based upon a desire of the owner, occupant, or applicant for increased financial gain from the property, or to reduce an existing financial hardship?

None

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

Yes

09/12

VARIANCE CRITERIA

Section 1.10.2.4 Criteria for Approval

- (a) In deciding the variance petition, the decision-maker shall apply the following criteria:
- (1) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;
 - (2) The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
 - (3) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
 - (4) Granting the variance petition will not be detrimental of the public health, safety or welfare, or injurious to other property within the area;
 - (5) Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;
 - (6) Granting the variance petition is consistent with any special criteria applicable to varying particular standards, as set forth in Chapter 4 through 7 of this Land Development Code;
 - (7) The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;
 - (8) The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship; and
 - (9) The degree of variance requested is the minimum amount necessary to meet the needs of the proponent and to meet the conditions of this Section.

KAUFMAN | KILLEN
LAND USE LAW AND GOVERNMENTAL RELATIONS

Rob Killen
210-227-2000
rob@kk-lawfirm.com

Planning & Development Services Department
City of San Marcos
630 East Hopkins
San Marcos, Texas 78666

RE: Sienna Pointe Subdivision

January 25, 2013

To Whom It May Concern:

Our firm represents the developer of the proposed Sienna Pointe project, located near the intersection of McCarty Lane and Hunter Road. As part of the development process the developer's engineer submitted a plat to the City of San Marcos ("COSM") on December 10, 2012. The plat appeared to meet all COSM requirements. On December 28, 2012 COSM staff transmitted comments to the developer's engineer indicating that COSM staff believed that City Code required right-of-way ("ROW") dedication and construction of the extension of Foxtail Run. The purpose of this letter and the enclosed Subdivision Variance Application are to ask the Planning & Zoning Commission to overrule staff's position, or in the alternative, grant a variance from the purported requirement.

Please note that in submitting this variance, the applicant does not concede to COSM staff's interpretation of the City Code and does not waive any rights or remedies. It is the position of the applicant that no provision of City Code would require the extension of Foxtail Run. Even if City Code did require such ROW dedication and construction, enforcement of this requirement would create an unnecessary hardship and deprive the applicant of the reasonable and beneficial use of the land.

The proposed Sienna Pointe project would be a multi-family development bounded by the Missouri Pacific Railroad line, McCarty Lane and Hunter Road. The tract has approximately 557 feet of frontage along McCarty Lane and approximately 221 feet of frontage along Hunter Road. The hard corner at McCarty Lane and Hunter Road is not included in the proposed plat. The total linear distance from the south corner of the tract abutting McCarty Lane to the intersection with Hunter Road is approximately 1450 feet. The total linear distance from the western corner of the tract abutting Hunter Road to the intersection is approximately 1125 feet.

The extension of Foxtail Run does not appear on the COSM Thoroughfare Plan and this issue was not raised by COSM staff until December 28, 2012, after many months of design work.

A number of factors impact the development of the site. The property is irregularly shaped. The project is subject to Texas Department of Housing & Community Affairs regulations, which dictate many aspects of site design, including distances from features such as railroad tracks and cellular towers. A large on-site detention pond will be required for the development of the project.

The December 28, 2012 comments prepared by COSM staff stated that “The northern boundary of the subdivision exceeds the block length requirement of 1200’ per Section 7.4.1.4. An improved public road or ROW dedication may be required.” The developer’s engineer requested clarification on this comment. In response the COSM staff prepared a memorandum on January 16, 2013 entitled “Sienna Pointe Block Length Requirement”, which cited some general planning and street design goals and stated that:

Specific Street Standards – This section defines the block length requirement and also provides guidance for the arrangement of streets not shown on the Thoroughfare Plan. The block length requirement states:

- *The maximum length of any block or street segment shall be 1200 feet except 1600 feet shall be permitted along major thoroughfares (LDC 7.4.1.4(j)).*

Staff’s interpretation for new subdivisions is that a block length shall not exceed 1200 feet unless conditions particular to site location along a major thoroughfare support up to 1600 feet.

In addition, this section of the LDC calls for specific treatment of streets that are not shown on the Thoroughfare Plan.

Streets not on the Plan are subject to a maximum block length of 1200 feet and require the accommodation of adjoining undeveloped tracts:

- *the continuation or appropriate projection of existing streets from or into surrounding areas from or into surrounding areas – every 1,200 feet, there shall be a projection that would allow for continuation (LDC 7.4.1.4 (a.1))*
- *and, provide future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use (LDC 7.4.1.4 (a.3)).*

The COSM staff is misapplying the block length provisions of the City Code. Although there are some general provisions related to street layout, the City Code applies more specific standards to developments along major thoroughfares. As a general principle, more specific provisions control over general provisions.

The controlling provisions of City Code and the Texas Local Government Code are:

LAND DEVELOPMENT CODE, Section 7.4.1.4(j), *Specific Street Standards*

Maximum Length of a Block or Street Segment. The maximum length of any block or street segment (including a looped street) shall be 1,200 feet except 1,600 feet shall be

permitted along major thoroughfares, and the minimum length of any block or street segment shall be 600 feet, as measured along the street centerline and between the point(s) of intersection with other through streets (i.e., not dead-end streets or cul-de-sacs).

CITY CODE, Section 1.003, Rules of Construction

In the construction of this Code and of all ordinances and resolutions passed by the city council, the rules in this section shall be observed and shall apply, unless the construction would be inconsistent with the manifest intent of the city council. Words shall be construed in their common and usual significance and shall import the meaning given to them in ordinary English, unless the contrary is clearly indicated.

...

Shall. The term “shall” is always mandatory and never permissive.

State law reference— Similar provisions, V.T.C.A., Government Code §§ 311.005 et seq., 312.002 et seq.

TEXAS LOCAL GOVERNMENT CODE, Section 311.016

“Shall” imposes a duty.

COSM staff has taken the position that they have the discretion to require the extension of Foxtail Run. As noted above, the City Code clearly states that a block length of 1600 feet is permitted along a major thoroughfare, such as McCarty Lane. The proposed subdivision only has about 557 feet of frontage along McCarty Lane. The total linear distance from the edge of the tract to the intersection with Hunter Road is only about 1450 feet. Since this distance is less than 1600 feet, the proposed plat complies with City Code.

As noted above, the imposition of the City staff’s interpretation of City Code would work an unnecessary hardship due to unique site design issues existing features on the site. If the Planning & Zoning Commission does not overrule this interpretation, we ask that the commission grant a variance to allow for the development of the Sienna Pointe project.

If you have any questions regarding this issue, please do not hesitate to contact me at your convenience at (210) 448-9980 or via email at rob@kk-lawfirm.com.

Sincerely,

By: 
Rob Killen



DEVELOPMENT
SERVICES- PLANNING

MEMO

TO: GARY FREELAND, BURY + PARTNERS
FROM: Emily Koller, Planner
DATE: January 16, 2013
RE: Sienna Pointe Block Length Requirement

In response to your January 8, 2013, email to clarify the plat review comment *"the northern boundary of the subdivision exceeds the block length requirement of 1200' per Section 7.4.1.4. An improved public road or ROW dedication may be required..."* The City of San Marcos is confirming that right-of-way dedication with an improved public road is required.

The requirement to dedicate right-of-way and build the public road is based on the following:

Adverse Impacts to Adjoining Property - The proposed subdivision adversely impacts the development potential of the adjoining tracts of land to the north. The tracts in this area are deep lots bordered by railroad tracks on the east, which provide a barrier to development. Without coordinated R.O.W and a north/south connection, the adjoining tracts would be unable to meet existing LDC regulations for lot and block dimensions. The Texas Local Government Code, Chapter 212, and the City's Charter authorizes the City to enforce the following objectives through its platting procedures:

- *Assist orderly, efficient and coordinated development within the City's limits and its extraterritorial jurisdiction. (LDC 1.6.1.1.(4))*
- *Integrate the development of various tracts of land into the existing community and coordinate the future development of adjoining tracts (LDC 1.6.1.1(6)).*
- *The City will strive to eliminate or mitigate problems associated with barriers to transportation accessibility, such as railroads, the interstate and natural features (Thoroughfare Plan Policy T-1.4).*

Continuation of Foxtail Run - As properties along the east side of Hunter Road between Wonder World Drive and McCarty Lane have platted, the City has worked to ensure R.O.W dedication. The proposed Sienna Pointe subdivision provides the connection to McCarty for the extended Foxtail Run. If R.O.W is not obtained at this time, the connection will never be made. (See attached map).

Limited Access – Allowing the subdivision to develop as proposed limits the ability for adjacent properties to provide safe and efficient circulation through two forms of public access. In addition, the single point of access and the proposed density of the project creates public safety concerns for traffic and congestion on Hunter Road. Upon comprehensive review by the Fire Marshall, it is determined the development necessitates the need for two forms of access as required by IFC 2009. Again it is the City's responsibility through platting procedures to provide for the safe and efficient circulation of traffic.

- *Provide for compatible relationships between land uses and buildings; provide for the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways. (LDC 1.6.1.1.(9)).*
- *New developments shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network (LDC 7.1.1.5).*

Collectors and the Thoroughfare Plan – All necessary roads are not shown on the Thoroughfare Plan. The Plan and the LDC recognize this and provide specific guidance for developing a street network for collectors which are not shown on the Thoroughfare Plan itself. The Plan's Mobility Policies call for:

- *The City will encourage an interconnected street system and reduce the reliance on long blocks, cul de sacs and other barriers to auto, bicycle and pedestrian accessibility. (Policy T-1.2 pg. 4-22)*
- *To the extent possible, require dedication and construction of Thoroughfare Plan roadways as new development occurs. In addition, subdivision street layout plans should include collectors as well as local streets in order to provide efficient access and circulation. (Policy T-1.6, pg 4-22)*

- *To provide efficient traffic circulation and preserve amenities of neighborhoods, collectors are to be spaced at about one-quarter to one-half mile intervals (pg 4-19).*

Specific Street Standards – This section defines the block length requirement and also provides guidance for the arrangement of streets not shown on the Thoroughfare Plan. The block length requirement states:

- *The maximum length of any block or street segment shall be 1200 feet except 1600 feet shall be permitted along major thoroughfares (LDC 7.4.1.4(j)).*

Staff's interpretation for new subdivisions is that a block length shall not exceed 1200 feet unless conditions particular to site location along a major thoroughfare support up to 1600 feet.

In addition, this section of the LDC calls for specific treatment of streets that are not shown on the Thoroughfare Plan. Streets not on the Plan are subject to a maximum block length of 1200 feet and require the accommodation of adjoining undeveloped tracts:

- *the continuation or appropriate projection of existing streets from or into surrounding areas from or into surrounding areas – every 1,200 feet, there shall be a projection that would allow for continuation (LDC 7.4.1.4 (a.1))*
- *and, provide future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use (LDC 7.4.1.4 (a.3)).*

For these reasons, it is the position of the City's Planning Department that the proposed Sienna Pointe Subdivision does not meet the plat criteria for approval. There are two options to address the concern:

- 1) Provide for right-of-way dedication and revise the Public Improvements Construction Plan to accommodate for an improved roadway; or,
- 2) Apply for a subdivision variance to be considered along with the Final Plat by the Planning and Zoning Commission.

The plat will not move forward to the Planning and Zoning Commission until the block length requirement is addressed.

Enclosures:

1. Vicinity map with platted subdivisions
2. Subdivision variance application

Sienna Pointe Development Timeline

July 23, 2012: Initial inquiry from Jared Placek, Bury + Partners on whether land is platted

August 20: Email received by Stephanie Reyes requesting confirmation on density for project site from Debra Guerrero, NRP Group

August 21: Response sent by Andrew Freeman expressing concerns about site and requesting a Pre-Development Meeting to discuss project

September 12: Density confirmation letter provided to Ms. Guerrero

September 18: Inquiries from Coy Armstrong and Gary Freeman re: flag lots and lot width/depth ratios

October 3: Zoning verification letter provided to Ms. Guerrero

October 10: Conference call with Coy Armstrong and Gary Freeman to discuss concerns over proposed lot layout as provided in the 9/18 email to Andrew. Sketch provided showing a proposed road.

October 16: Pre-Development Meeting held with applicant, Bury+Partners, Alamo Architects and COSM staff

November 1: Draft plat document emailed to Emily Koller for informal review

November 5: Letter provided with review comments on draft stating plat did not meet state and LDC requirements. Recommended submission of a preliminary plat.

December 11: Final plat submitted along with PICP and WPPII

December 28: Staff comments provided, Transportation and Engineering comments incomplete

January 3, 2013: Conference call to discuss comments, Engineering comments provided. Bury+Partners disputed comment 9 and asked for clarification and legal interpretation of LDC on block-length requirement and specific street standards

January 15: Resolution for funding support approved by City Council

January 16: Memo provided on block-length requirement

January 24: Meeting with Bury+Partners, applicant, legal representative of applicant, COSM staff to discuss easements, subdivision improvement agreement and road requirement. Options to apply for variance along with plat consideration at 2/12 P&Z, or petition Council from relief for dedication/construction.

January 25: Subdivision variance application submitted

February 12: Plat and variance scheduled for 2/12 P&Z

Agenda Information

AGENDA CAPTION:

PC-12-37(03) (Sienna Pointe) Consider a request by Jim Shaw on behalf of James Pendergast, Donna Marie Neuhaus, and Toribio Torres for approval of a final plat, and associated subdivision improvement agreement, of approximately 22.001 acres out of the J.M. Veramendi Survey League No. One, Abstract 17, establishing Sienna Pointe, located near the intersection of Hunter Road and McCarty Lane.

Meeting date: February 12, 2013

Department: Development Services - Planning

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

Sienna Pointe is a 22-acre subdivision with two proposed lots northeast of the intersection of McCarty Lane and Hunter Road. It is being developed by Sienna Point Ltd with Jim Shaw of Capital Area Housing Finance Corporation acting as the agent. Mr. Shaw approached the City in the fall with the affordable housing project proposal for Sienna Pointe, which calls for 228 units and 504 bedrooms. The project is seeking funding from the Texas Department of Housing and Community Affairs for Housing Tax Credits and HOME funds.

The multi-family project will be entirely contained on Lot 1 with one point of vehicular access on Hunter Road. As proposed, a separate ingress/egress access easement is established on the plat for emergency purposes and for general access to Lot 2 with a plat note that imposes a maintenance obligation on the property owners for the easement. A detention pond will be constructed on Lot 2 that will accommodate the drainage for Lot 1. A plat note states that the detention pond will accommodate the drainage from Lot 1 and imposes a joint obligation on the owners of Lots 1 and 2 to maintain the detention facility. Due to requirements of the funding program, the multi-family site must be more than 300' from railroad tracks and Lot 2 provides the necessary buffer.

The subdivision as proposed does not meet Land Development Code requirements for Specific Street Standards in Section 7.4.1.4. Staff issued a memo to clarify plat review comments on January 16, 2013, which stated that a public road would be

required in the subdivision and cited a series of code requirements. The memo addressed the adverse impacts to adjoining property, the continuation of Foxtail Run, limited access, and standards for streets not shown on the Thoroughfare Plan (including block-lengths). The variance request is for sections 7.4.1.4 a(1) and 7.4.1.4 a(3) which state that streets within subdivisions shall:

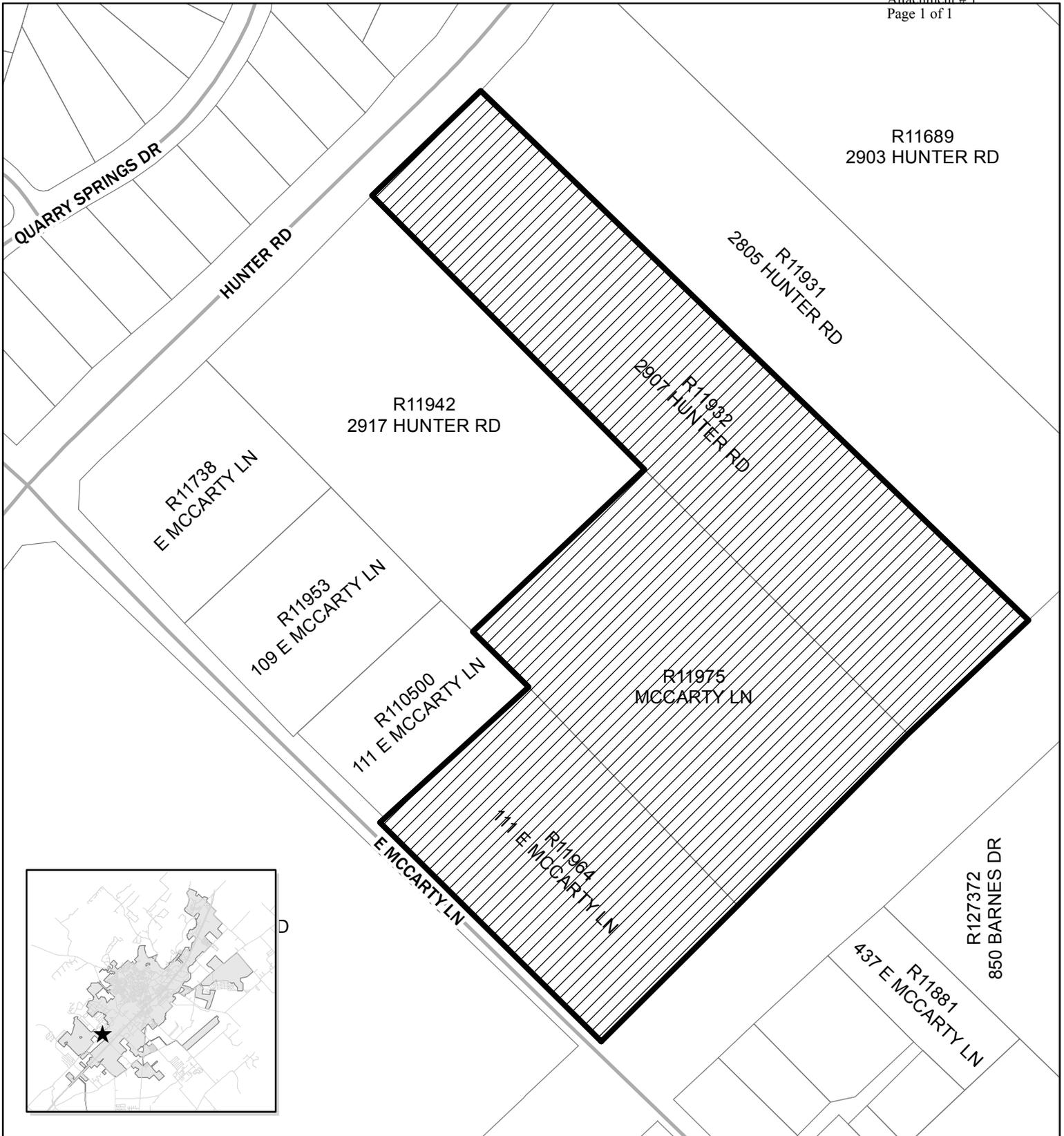
Provide for the continuation or appropriate projection of existing streets from or into surrounding areas – every 1,200 feet, there shall be a projection that would allow for continuation (LDC 7.4.1.4 a(1))

Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use (LDC 7.4.1.4 a(3)).

Staff recommends denial of the variance request and statutory denial of the subdivision plat. The plat cannot be approved without approval of the variance.

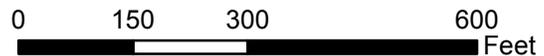
ATTACHMENTS:

Case Map
Staff Report
Final Plat
Sienna Pointe Development Timeline
1-16-13 Staff Memo



PC-12-37(03)
Sienna Pointe
Map Date: 1/11/2013

•  Site Location •



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.

PC-12-37(03) Final Plat Sienna Pointe Subdivision



Applicant Information:

Agent: Jim Shaw
Capital Area Housing Finance Corporation
4101 Parkstone Heights Drive
Austin, TX 78746

Property Owners: James J. Pendergast Toribio Torres
108 Camero Way 2913 Hunter Rd
San Marcos, TX 78666 San Marcos, TX 78666

Donna Marie Neuhaus
4000 Center Point Rd
San Marcos, TX 78666

Notification: Notification not required

Type & Name of Subdivision: Sienna Pointe Subdivision

Subject Property:

Summary: The subject property is approximately 22.001 acres out of the J.M. Veramendi Survey League No. One, Abstract 17, located near the intersection of Hunter Road and McCarty Lane.

Zoning: MF-18, MF-12 and General Commercial

Traffic/ Transportation: The property is located at the intersection of Hunter Road and McCarty Lane. A single point of access is proposed off Hunter Road and an emergency access easement is proposed from McCarty Lane. A TIA worksheet was submitted, but a full TIA analysis was not triggered.

Utility Capacity: A water line is proposed as part of the Public Improvements Construction Plan from McCarty to serve Lot 1. The site has been served by Crystal Clear, but a letter was provided releasing the property from their service area. Adequate capacity and infrastructure is available for all other utilities.

Engineering: At this time the Public Improvement Construction Plan Permit and the Watershed Protection Plan Phase II Permit are considered substantially complete. If the subdivision variance request is approved, the permits will also be approved.

Background:

Sienna Pointe is a 22-acre subdivision with two proposed lots northeast of the intersection of McCarty Lane and Hunter Road. It is being developed by Sienna Point Ltd with Jim Shaw of Capital Area Housing Finance Corporation acting as the agent. Mr. Shaw approached the City in the fall with the affordable housing project proposal for Sienna Pointe, which calls for 228 units and 504 bedrooms. The

project is seeking funding from the Texas Department of Housing and Community Affairs for Housing Tax Credits and HOME funds.

The multi-family project will be entirely contained on Lot 1 with one point of vehicular access on Hunter Rd. As proposed, a separate ingress/egress access easement is established on the plat for emergency purposes and general access to Lot 2. A detention pond will be constructed on Lot 2 to serve Lot 1. Due to requirements of the funding program, the multi-family site must be more than 300' from railroad tracks and Lot 2 provides the necessary buffer.

As a multi-family project, Parkland Dedication is required. A fee-in-lieu payment in the amount of \$61,978 will be made prior to recordation.

Planning Department Analysis:

The purpose of a Final Plat is to assure that the division or development of the land subject to the plat is consistent with all standards of the Land Development Code pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted or that provision for installation has been made, that all other requirements and conditions have been satisfied to allow the plat to be recorded, and to assure that the subdivision meets all other standards of the LDC to enable initiation of site preparation activities.

The applicant has worked to meet many of the requirements; however, the plat as proposed does not meet objectives identified in the LDC enforceable through platting procedures regarding orderly development and safe and efficient circulation. Staff provided review comments in late December and stated the northern boundary subdivision exceeded the block-length requirement of 1200' and that an improved road may be required. In a memo dated January 16, 2013, staff cited a series of code requirements in addition to the block-length requirement demonstrating a public road is required.

The memo addressed:

- Adverse impacts to adjoining property;
- The continuation of Fox Tail Run;
- Limited access to the development and adjoining properties; and
- Specific street standards for those roads not shown on the Thoroughfare Plan.

This area is identified as an Activity Node on the Comprehensive Plan's Preferred Growth Scenario Map and will likely be designated for high intensity development. Because of the deep lots and the barrier of the railroad tracks, the City has worked to extend Foxtail Run in between Hunter Road and the tracks. Subdivisions that have recently been platted to the north have dedicated ROW and/or constructed the extension of Foxtail Run. The Sienna Point Subdivision provides the land area for the future connection of this road to McCarty Lane.

Foxtail Run is not shown on the Thoroughfare Plan - only major arterials are illustrated. However, the LDC calls for specific treatment of streets not shown on the Thoroughfare Plan. The arrangement of such streets within a subdivision shall:

- *Provide for the continuation or appropriate projection of existing streets from or into surrounding areas – every 1,200 feet, there shall be a projection that would allow for continuation (LDC 7.4.1.4 (a.1))*
- *Provide for future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use (LDC 7.4.1.4 (a.3)).*

As proposed, the plat does not meet the requirements for Specific Street Standards and staff recommends statutory denial of the Final Plat.

The applicant has submitted a subdivision variance application for relief from the specific street standards identified above. If the variance request is approved, the Commission may approve the Final Plat as submitted or with conditions as noted.

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

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Final Development 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:

Emily Koller	Planner	February 6, 2013
Name	Title	Date

SIENNA POINTE

KNOW ALL MEN BY THE PRESENTS:

STATE OF TEXAS
COUNTY OF HAYS

JAMES J. PENDERGAST, DONNA MARIE NEUHAUS, AND TORIBIO L. TORRES, OWNERS OF A 21.985 ACRE TRACT LOCATED IN HAYS COUNTY, TEXAS, BEING A PART OF THE J.M. VERAMENDI LEAGUE NO. ONE, CONSISTING OF A PORTION OF THAT CERTAIN 9.941 ACRE TRACT CONVEYED TO TORIBIO TORRES BY DEED OF RECORD IN VOLUME 1983, PAGE 412 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND A PORTION OF THAT CERTAIN 7.274 ACRE TRACT CONVEYED TO JAMES W. NEUHAUS AND JAMES J. PENDERGAST BY DEED OF RECORD IN VOLUME 971, PAGE 691 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND A PORTION OF THAT CERTAIN 6.794 ACRE TRACT CONVEYED TO JAMES W. NEUHAUS BY DEED OF RECORD IN VOLUME 971, PAGE 691 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND A 0.256 ACRE (20-FOOT PUBLIC RIGHT-OF-WAY DEDICATION OUT OF SAID 6.794 ACRE TRACT TO BE DEDICATED BY THIS PLAT; DO HEREBY ADOPT THIS PLAT DESIGNATING THE TRACT AS SIENNA POINTE, AN ADDITION TO THE CITY OF SAN MARCOS, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER THE RIGHTS OF WAYS, PUBLIC USE AREAS AND OTHER EASEMENTS SHOWN THEREON FOR THE PURPOSES INDICATED.

THIS PLAT IS SUBJECT TO ALL OF THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS AND THE COUNTY OF HAYS, TEXAS.

CITY OF SAN MARCOS CERTIFICATE OF APPROVAL

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

BILL TAYLOR, CHAIRMAN _____ DATE _____
PLANNING & ZONING COMMISSION

FRANCIS SERNA, _____ DATE _____
RECORDING SECRETARY

CITY OF SAN MARCOS CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____, 20____
BY THE DIRECTOR OF ENGINEERING OF THE CITY OF SAN MARCOS.

LINDA GRUBBS HUFF, P.E. _____ DATE _____
DIRECTOR OF ENGINEERING AND CIP

CITY OF SAN MARCOS CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____, 20____
BY THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF SAN MARCOS.

MATTHEW LEWIS _____ DATE _____
DIRECTOR OF DEVELOPMENT SERVICES

STATE OF TEXAS COUNTY OF BEXAR

ENGINEERS CERTIFICATION:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, GARY W. FREELAND, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS HEREBY AFFIRM THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT AND ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 44820900476F, DATED SEPTEMBER 2005, THE LOTS LIE IN ZONE X. AREAS DETERMINED TO LIE OUTSIDE THE 100 YEAR FLOOD PLAIN.

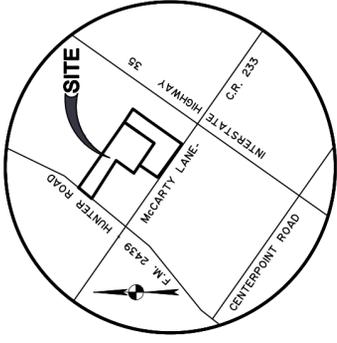
GARY W. FREELAND, P.E. _____ DATE _____
LICENSED PROFESSIONAL ENGINEER
TEXAS REGISTRATION NO. 107307
922 ISOM ROAD, SUITE 100
SAN ANTONIO, TX 78216
(210) 525-9090

STATE OF TEXAS COUNTY OF BEXAR

SURVEYORS CERTIFICATION:

THAT I, HAL B. LANE III, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND 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.

HAL B. LANE III, R.P.L.S. _____ DATE _____
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4690
922 ISOM ROAD, SUITE 100
SAN ANTONIO, TX 78216
(210) 525-9090



VICINITY MAP
NOT TO SCALE
SAN MARCOS, TEXAS

DETECTION, DRAINAGE, AND WATER QUALITY EASEMENT NOTE:

THE DETENTION, DRAINAGE, AND WATER QUALITY EASEMENT ON LOT 1 AND LOT 2 IS DEDICATED TO THE CITY OF SAN MARCOS FOR THE PURPOSE OF RECEIVING AND DETAINING ALL DRAINAGE AND WATER FLOWS FROM LOT 1 AND THE WATERSHED UPSTREAM OF LOT 1 AND ALL DRAINAGE FACILITIES LOCATED THEREON SHALL BE MAINTAINED JOINTLY AND SEVERALLY BY THE OWNERS OF LOTS 1 AND 2 ALL IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF SAN MARCOS CODE AND ALL OTHER APPLICABLE LAWS AND REGULATIONS.

INGRESS/EGRESS ACCESS EASEMENT NOTE:

THE 30 FOOT INGRESS/EGRESS ACCESS EASEMENT IS DEDICATED TO THE CITY FOR FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICE PROVIDERS FOR ACCESS PURPOSES TO LOT 1 AND WILL ALSO PROVIDE GENERAL ACCESS TO LOT 2. THAT THE OWNERS DO HEREBY COVENANT AND AGREE THAT HE (THEY) SHALL CONSTRUCT UPON THE INGRESS/EGRESS ACCESS EASEMENTS, AS DEDICATED AND SHOWN HEREON, A 26' WIDE HARD SURFACE IN ACCORDANCE WITH THE CITY OF SAN MARCOS'S PAVING STANDARDS FOR FIRE LANES AND AS DETERMINED BY THE FIRE CODE OFFICIAL, AND THAT HE (THEY) SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP THE 26' WIDE HARD SURFACE FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE INGRESS/EGRESS ACCESS EASEMENT IS THE RESPONSIBILITY OF THE OWNER, AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG SUCH FIRE LANES, STATING "FIRE LANE, NO PARKING." THE LOCAL LAW ENFORCEMENT AGENCY(S) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES, AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENT AND EMERGENCY USE.

STATE OF TEXAS COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED _____ 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 PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, A.D. 20____

NOTARY PUBLIC, HAYS COUNTY, TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS COUNTY OF HAYS

I, LIZ GONZALES, COUNTY CLERK OF HAYS COUNTY, TEXAS, CERTIFY THAT THIS PLAT WAS FILED FOR

RECORD IN MY OFFICE ON _____, 2013 AT _____ O'CLOCK ____M., AND RECORDED ON _____, 2013 at _____ O'CLOCK ____M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS
IN BOOK _____ AT PAGE _____

LIZ GONZALES _____ DATE _____
COUNTY CLERK
HAYS COUNTY, TEXAS



922 Isom Road, Suite 100
San Antonio, TX 78216
Tel. (210)525-9090 Fax (210)525-0529
TBPE Registration Number F-1048
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Sienna Pointe Development Timeline

July 23, 2012: Initial inquiry from Jared Placek, Bury + Partners on whether land is platted

August 20: Email received by Stephanie Reyes requesting confirmation on density for project site from Debra Guerrero, NRP Group

August 21: Response sent by Andrew Freeman expressing concerns about site and requesting a Pre-Development Meeting to discuss project

September 12: Density confirmation letter provided to Ms. Guerrero

September 18: Inquiries from Coy Armstrong and Gary Freeman re: flag lots and lot width/depth ratios

October 3: Zoning verification letter provided to Ms. Guerrero

October 10: Conference call with Coy Armstrong and Gary Freeman to discuss concerns over proposed lot layout as provided in the 9/18 email to Andrew. Sketch provided showing a proposed road.

October 16: Pre-Development Meeting held with applicant, Bury+Partners, Alamo Architects and COSM staff

November 1: Draft plat document emailed to Emily Koller for informal review

November 5: Letter provided with review comments on draft stating plat did not meet state and LDC requirements. Recommended submission of a preliminary plat.

December 11: Final plat submitted along with PICP and WPPII

December 28: Staff comments provided, Transportation and Engineering comments incomplete

January 3, 2013: Conference call to discuss comments, Engineering comments provided. Bury+Partners disputed comment 9 and asked for clarification and legal interpretation of LDC on block-length requirement and specific street standards

January 15: Resolution for funding support approved by City Council

January 16: Memo provided on block-length requirement

January 24: Meeting with Bury+Partners, applicant, legal representative of applicant, COSM staff to discuss easements, subdivision improvement agreement and road requirement. Options to apply for variance along with plat consideration at 2/12 P&Z, or petition Council from relief for dedication/construction.

January 25: Subdivision variance application submitted

February 12: Plat and variance scheduled for 2/12 P&Z



DEVELOPMENT
SERVICES- PLANNING

MEMO

TO: GARY FREELAND, BURY + PARTNERS
FROM: Emily Koller, Planner
DATE: January 16, 2013
RE: Sienna Pointe Block Length Requirement

In response to your January 8, 2013, email to clarify the plat review comment *“the northern boundary of the subdivision exceeds the block length requirement of 1200’ per Section 7.4.1.4. An improved public road or ROW dedication may be required...”* The City of San Marcos is confirming that right-of-way dedication with an improved public road is required.

The requirement to dedicate right-of-way and build the public road is based on the following:

Adverse Impacts to Adjoining Property - The proposed subdivision adversely impacts the development potential of the adjoining tracts of land to the north. The tracts in this area are deep lots bordered by railroad tracks on the east, which provide a barrier to development. Without coordinated R.O.W and a north/south connection, the adjoining tracts would be unable to meet existing LDC regulations for lot and block dimensions. The Texas Local Government Code, Chapter 212, and the City’s Charter authorizes the City to enforce the following objectives through its platting procedures:

- *Assist orderly, efficient and coordinated development within the City’s limits and its extraterritorial jurisdiction. (LDC 1.6.1.1.(4))*
- *Integrate the development of various tracts of land into the existing community and coordinate the future development of adjoining tracts (LDC 1.6.1.1(6)).*
- *The City will strive to eliminate or mitigate problems associated with barriers to transportation accessibility, such as railroads, the interstate and natural features (Thoroughfare Plan Policy T-1.4).*

Continuation of Foxtail Run - As properties along the east side of Hunter Road between Wonder World Drive and McCarty Lane have platted, the City has worked to ensure R.O.W dedication. The proposed Sienna Pointe subdivision provides the connection to McCarty for the extended Foxtail Run. If R.O.W is not obtained at this time, the connection will never be made. (See attached map).

Limited Access – Allowing the subdivision to develop as proposed limits the ability for adjacent properties to provide safe and efficient circulation through two forms of public access. In addition, the single point of access and the proposed density of the project creates public safety concerns for traffic and congestion on Hunter Road. Upon comprehensive review by the Fire Marshall, it is determined the development necessitates the need for two forms of access as required by IFC 2009. Again it is the City’s responsibility through platting procedures to provide for the safe and efficient circulation of traffic.

- *Provide for compatible relationships between land uses and buildings; provide for the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways. (LDC 1.6.1.1.(9)).*
- *New developments shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network (LDC 7.1.1.5).*

Collectors and the Thoroughfare Plan – All necessary roads are not shown on the Thoroughfare Plan. The Plan and the LDC recognize this and provide specific guidance for developing a street network for collectors which are not shown on the Thoroughfare Plan itself. The Plan’s Mobility Policies call for:

- *The City will encourage an interconnected street system and reduce the reliance on long blocks, cul de sacs and other barriers to auto, bicycle and pedestrian accessibility. (Policy T-1.2 pg. 4-22)*
- *To the extent possible, require dedication and construction of Thoroughfare Plan roadways as new development occurs. In addition, subdivision street layout plans should include collectors as well as local streets in order to provide efficient access and circulation. (Policy T-1.6, pg 4-22)*

- *To provide efficient traffic circulation and preserve amenities of neighborhoods, collectors are to be spaced at about one-quarter to one-half mile intervals (pg 4-19).*

Specific Street Standards – This section defines the block length requirement and also provides guidance for the arrangement of streets not shown on the Thoroughfare Plan. The block length requirement states:

- *The maximum length of any block or street segment shall be 1200 feet except 1600 feet shall be permitted along major thoroughfares (LDC 7.4.1.4(j)).*

Staff's interpretation for new subdivisions is that a block length shall not exceed 1200 feet unless conditions particular to site location along a major thoroughfare support up to 1600 feet.

In addition, this section of the LDC calls for specific treatment of streets that are not shown on the Thoroughfare Plan. Streets not on the Plan are subject to a maximum block length of 1200 feet and require the accommodation of adjoining undeveloped tracts:

- *the continuation or appropriate projection of existing streets from or into surrounding areas from or into surrounding areas – every 1,200 feet, there shall be a projection that would allow for continuation (LDC 7.4.1.4 (a.1))*
- *and, provide future access, such as by stubbing streets for future extension, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use (LDC 7.4.1.4 (a.3)).*

For these reasons, it is the position of the City's Planning Department that the proposed Sienna Pointe Subdivision does not meet the plat criteria for approval. There are two options to address the concern:

- 1) Provide for right-of-way dedication and revise the Public Improvements Construction Plan to accommodate for an improved roadway; or,
- 2) Apply for a subdivision variance to be considered along with the Final Plat by the Planning and Zoning Commission.

The plat will not move forward to the Planning and Zoning Commission until the block length requirement is addressed.

Enclosures:

1. Vicinity map with platted subdivisions
2. Subdivision variance application

Agenda Information

AGENDA CAPTION:

CUP-12-42A (Zelicks Appeal) Consider a statement of intent for City Council to clarify conditions (4) and (6) of the Conditional Use Permit CUP-12-42 issued to Zelicks Inc. on December 11, 2012.

Meeting date: February 12, 2013

Department: Development Services-Planning

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

Berry James filed an appeal of the Zelicks Conditional Use Permit, granted December 11, 2012, on December 27. Council heard the request on Tuesday, January 15, 2013. After a Public Hearing, Council motioned to return the case to Planning and Zoning for clarification on the intent regarding music paying particular attention to items (4) and (6). The Commission is asked to make a statement of this intent which will then be forwarded to Council for a final decision on the appeal of Zelicks Conditional Use Permit.

ATTACHMENTS:

Case Map
Staff Report
CUP-12-42 Certificate
Appeal Letter_James
CUP-12-42_A Meeting Minutes 12-11-12 (Not Approved)
Chair Letter to Council 1-14-13

R97834
350 NORTH ST

W HUTCHISON ST

CH001
410 W HUTCHISON ST

MARY ST

R41599
315 W HUTCHISON ST

R32203
333 W HUTCHISON ST

R34755
221 NORTH ST

R41598
316 W HOPKINS ST

R134703
216 NORTH ST

R41597
312 W HOPKINS ST

R34756
218 MOORE ST

R32200
326 W HOPKINS ST

R32197
322 W HOPKINS ST

R35992
400 W HOPKINS ST

NORTH ST

R134074
336 W HOPKINS ST

W HOPKINS ST

R34754
204 MOORE ST

JS SNIKPOH W LLC
90914R

R32194
331 W HOPKINS ST

R32193
323 W HOPKINS ST



R34757
401 W HOPKINS ST

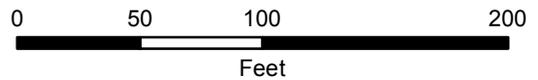
R32191
406 HARVEY ST

R32192
400 HARVEY ST

R32190
138 NORTH ST

CUP-12-42_A
Zelicks Appeal
336 W Hopkins Street
Map Date: 1/3/2013

 Site Location
 200 ft Buffer



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-12-42_A

Conditional Use Permit Appeal

Zelicks

336 W. Hopkins



Applicant Information:

Applicant: Mr. Berry James

Mailing Address: 323 W. Hopkins
San Marcos, TX 78666

Applicant Request: Appeal of Zelicks Inc. Conditional Use Permit, CUP-12-42.

Public Hearing Notice: Public hearing was held by City Council on January 15. Notice was mailed January 4.

Response: None

Subject Property:

Location: 336 W. Hopkins

Legal Description: D P Hopkins #1, Block 3, Lot Pt of 1, Acres 0.2678

Frontage On: Hopkins St., North St.

Neighborhood: Downtown

Existing Zoning: T5- Urban Center

Sector: Sector 8

Utilities: Sufficient

Existing Use of Property: Bar

Zoning and Land Use Pattern:

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

Code Requirements:

According to Section 1.5.7.7, an applicant or other interested person may appeal the decision of the Planning and Zoning Commission to grant or deny a permit to the City Council. The Council shall apply the criteria in Section 1.5.7.5 in deciding whether the Commission's action should be upheld, modified or reversed.

Case Summary

Mr. Berry James, property owner at 323 W. Hopkins, filed an appeal of CUP-12-42 on December 27, 2012. The CUP was issued to Zelicks by the Planning and Zoning Commission on December 11, 2012. Six conditions were imposed on the permit by the Commission. These were based on a Settlement Agreement reached between Seth and Chase Katz, owners of Zelicks, and Mike and Kathy Dillon, owners of the Crystal River Inn, signed on November 21, 2012.

The Katz requested renewals of the original permit (issued June 2010) in December of 2011 and June 2012. Due to controversy between Zelicks and neighboring properties (mainly the Crystal River Inn) over the noise produced by the bar, the Planning and Zoning Commission issued 6-month extensions at each renewal request with the direction that the parties reach an agreement amongst themselves.

The application for the renewal request heard by the Commission on December 11, 2012, was submitted with the Settlement Agreement. Noise has been the primary concern from the beginning –neighbors repeatedly expressed concern over motorcycles, outdoor games and music. The terms of the Settlement Agreement addressed those concerns. In addition, staff recommended the Commission also consider restricting live music.

The motion is below:

MOTION: A motion was proposed by Commissioner Ehlers, seconded by Commissioner Kelsey, for the approval of the Conditional Use Permit with the following conditions:

1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system; and the permit shall be subject to terms 2, 3, 4, and 5 as stated in the November 21, 2012 Settlement Agreement:
2. Upon striping and designation of motorcycle parking on North Street, the applicant shall not permit motorcycle parking in front of the facility on Hopkins Street or in the parking lot of the facility, between the hours of 11:00 p.m. and 3:00 a.m.;
3. The applicant shall shut down the portion of its outdoor games on the half of Zelicks' property adjacent to the Crystal River Inn, at 12:00 a.m. on Friday and Saturday nights, but may keep games open on the half of Zelicks' property adjacent to North Street;
4. The applicant shall constantly monitor the level of amplified or stereo music at all times in respect for the Crystal River Inn and shut down all amplified or stereo music at 2:00 a.m.;
5. The applicant shall not operate any sound equipment that produces sound in excess of 75 decibels for a period exceeding one minute between the hours of 11:00 p.m. and 3:00 a.m. as measured from within the property line of the Crystal River Inn; and,
6. No live outdoor amplified music shall be allowed after 11:00 p.m.

The motion passed with a vote of 6-0.

Conditions 1-5 of the approved permit were derived from the Settlement Agreement between the Katz and the Dillons. Item 6 was suggested by staff as a result of the implications of Condition 4. If asked to interpret Condition 4, staff would determine that stereo or amplified music are allowed at any time, and in any location on the property. Knowing that music – stereo or live – has been the primary concern of the neighbors, Condition 6 was recommended to assist in providing some limitations for live music at Zelicks.

The City Council heard the request for an appeal on Tuesday, January 15, 2013. All the property owners involved spoke – the James, Dillons and Katz. The primary concern voiced by the James and the Dillons is the ability to have live music.

After the Public Hearing, Council motioned to return the case to Planning and Zoning for the limited purpose of providing clarification to the City Council on the Commission's intent regarding music under conditions (4) and (6). The Commission is asked to make a statement of this intent which will then be forwarded to Council for a final decision on the Zelicks Conditional Use Permit.

Planning Department Analysis:

The role of the Commission regarding this item is to provide a clarification of its intent with regard to CUP conditions numbered (4) and (6). This matter is now on appeal before the City Council and may not be reconsidered, nor the conditions in the CUP revised or amended. Thus, the Commission should approve a motion that only articulates its intent with regard to conditions (4) and (6). This clarification of intent will then be forwarded to the City Council for consideration in acting on the appeal.

Prepared by:

Emily Koller

Planner

1/30/13

Name

Title

Date

City Of San Marcos
Conditional Use Permit

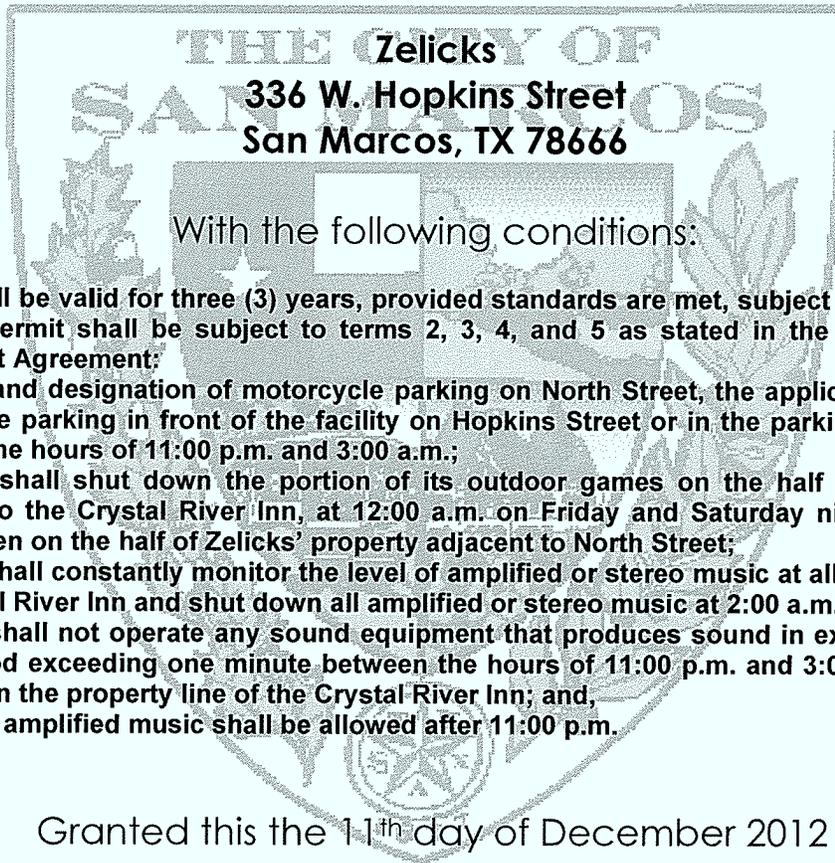
A Conditional Use Permit is hereby issued to

Seth Katz, on behalf of Zelicks, Inc.

To Allow

The on-premise consumption of mixed beverages

At



Granted this the 11th day of December 2012

Bill Taylor, Chair
Planning and Zoning Commission

Attest:

Matthew Lewis
Director, Development Services

December 27, 2012

City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

Re: Appeal of Planning and Zoning Commission, CUP 12-42

To whom it may concern:

I am requesting an appeal to the City Council of the CUP 12-42, concerning Zelick's at 336 W Hopkins, San Marcos, Texas. I own property within 200 feet, specifically The Young Building, 323 W. Hopkins, San Marcos, Texas, purchased in 1985 at considerable expense. My property is a mixed use building, with offices on the first floor and residences on the 2nd and 3rd floors. All of our tenants have 24-hour access, and frequently work nights and weekends. The granting of approval for live music is of serious concern. The worst disturbances have been when Zelick's has had live music. Whether or not it is amplified, with live music, the owner of the establishment loses control over the volume, and the amount of the disturbance to surrounding properties.

This matter was not addressed in the mediated settlement agreement between the Katz brothers and the owners of the Crystal River Inn. Neither the city nor I was included in the mediation, and I do not agree with the settlement reached, in terms of decibel levels, outdoor games operating potentially around the clock, amplified music until 2 am, sound up to 75 decibels until 3 am. The way the these conditions are worded, Zelick's could have music in excess of 75 decibels after 3 am, have motorcycle parking after 3 am in front of the bar or in the parking lot away from North Street. (While the bar closes at 2, the owners et their employees play music while they clean up. In addition, when food trucks are on the premises, bar patrons gather there after 2 am.)

From what I read, the city staff seems to want this area to have residences and businesses coexisting. Live music, loud music, loud voices (which have to talk louder to be heard over the loud music) are not conducive to such an arrangement.

To my knowledge, Zelick's has never requested in any application to have live music or even amplified music. Deleting this condition should not work a hardship on them or their business.

I would request the City Council to over turn the referenced conditions of the CUP, or to refer it back to the Planning and Zoning Commission for further consideration.

Sincerely,



Berry R. James
512 3924105

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
December 11, 2012**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck, Vice Chair
Chris Wood
Kenneth Ehlers
Travis Kelsey
Corey Carothers

City Staff:

Matthew Lewis, Development Services Director
Kristy Stark, Development Services Assistant Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
Amanda Hernandez, Sr. Planner
Emily Koller, Planner
Will Parrish, Planning Tech

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday December 11, 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.

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 27, 2012.

7. PC-12-28(04) (Parkway Falls Apartments) and Associated Subdivision Improvement Agreement. Consider a request by F.M. Forrest, Inc., on behalf of San Marcos SHK, Ltd., for approval of a Final Plat for approximately 10.05 acres, more or less, out of the J.M. Veramendi Survey No.1, located at the intersection of Leah Drive and Medical Parkway, as well as the Subdivision Improvement Agreement related to the Del Sol Drive extension.

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

Public Hearings:

8. CUP-12-41 (Black Rabbit Saloon) Hold a public hearing and consider a request by FSW Ventures, on behalf of Black Rabbit Saloon, for renewal of an existing Unrestricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 127 E. Hopkins.

Amanda Hernandez, Sr. Planner, gave an overview of the project.

Chair Taylor opened the public hearing. Brian Scofield, President of FSW Ventures, on behalf of Black Rabbit Saloon said he was available to answer questions. He asked the Commission for their support. There were no additional citizen comments and the public hearing was closed. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey, the Commission voted all in favor to approve CUP-12-41 with the conditions that the permit shall be valid for three (3) years, provided standards are met, subject to the point system.

9. CUP-12-42 (Zelicks) Hold a public hearing and consider a request by Seth Katz, on behalf of Zelicks Inc., for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 336 W. Hopkins.

Emily Koller, Staff Planner, gave an overview of the project.

Chair Taylor opened the public hearing. Barry James, owner of 323 W. Hopkins said he purchased the building in 1985 and spent all of 1986 renovating the building. He pointed out that he has a heavy investment as well. Mr. James explained that they try to call Seth and when they do not get an answer they call the police. Mr. James provided the Commission with certified sound engineer calibrated sound recording of Zelicks from the next door property. He pointed out that 75 decibels is very noisy. Mr. James stated that the original temporary CUP specified no live bands. He felt that the original agreement is not being followed because they have had live bands at Zelicks. He asked how the agreement and the 75 decibel limit is going to be enforced. Mr. James further explained that when Zelicks had a live band, he called the Police Department and they took care of the problem but a report is not written. Mr. James felt that the problem is not addressed because reports are not written to identify the calls made to the Police Department.

Jane Hughson, 1600 N. LBJ Drive, thanked the Commission for their time and service. She said it is wonderful that the Dillon's bought and restored the Inn many years ago. In addition, many were pleased that the Katz' brothers took the service station and rehabbed the building into a new use. Ms. Hughson said it would be great if both businesses can continue to profit. She pointed out item #2 of the agreement and asked if motorcycles would be required to move after 11:00 p.m. She expressed her concerns regarding a 3 year permit being considered. She suggested a term less than 3 years preferably 1 year and should everything work out, then a 3 year can be requested next December.

Seth Katz, 336 W. Hopkins explained that the Board gave them 2 six month renewals to take action and to come to an agreement which they have done. He stated that promptly following the last six month renewal, they had begun mitigating the issues to an agreement with the Dillon's. Mr. Katz pointed out that they immediately moved their fence expanded the back yard area and encouraged patrons to socialize and play games furthest away from the Crystal River Inn. In addition he stated they agreed to pay for the installation of sound proofing material and repairs of three rooms alongside the property line of the Crystal River. Mr. Katz mentioned that they have installed signs in the parking lot asking motorcycles to park away from the Crystal River Inn fence line. He explained that they used David Sergi as both they and The Crystal River Inn used Mr. Curry as their mediator. In addition, they met with the city to achieve designated parking on North Street. Mr. Katz stated they have addressed the issues.

Brenda Smith, 323 W. Hopkins said she wanted to make it clear that not only are the Dillon's being affected by Zelicks. She explained that they do not have a buffer between them and Zelicks and the noise travels across the street. She pointed out that they are also affected by the noise. Ms. Smith stated that the settlement agreement does not address all issues. Their biggest concern is the loud music. She suggested that item 3 be clarified to read Saturday and Sunday morning instead of Friday and Saturday. Ms. Smith requested that the Katz not be allowed additional outdoor seating, activities, additional construction, renovations or modifications, and limit the decibel level to 60. She felt that the Commission should make the conditions very specific. Ms. Smith read part of the 2010 Staff Report and noted the screening and buffering conditions have not been met and continues to be an issue. She suggested the approval for one year to see if the Katz' can be good neighbors.

Kathy Dillon, 1000 Bursleson Street stated she was present on behalf of herself and her husband after a long effort to support the Katz's in their quest to get their three year CUP renewal. She said she feels blessed because Zelicks has become a favorite place for her guests. Ms. Dillon stated they are trying to tweak the issues after 12 a.m. is when the issues come up. She added that the sound recordings are explicit. Ms. Dillon felt that the spike of sound from the motorcycles will be mitigated by the building. She pointed out that with the games being moved and the sound being lowered things should be ok. She thanked the Commission for caring for both businesses. She told the Commission to be aware when future similar request are submitted. She explained with 19 sleeping spaces and 12 hotel rooms next to a bar noise is really important. She added if they could turn the music down it would be great. Ms. Dillon said she hopes that no live music will ever be an issue.

Chase Katz, 336 W. Hopkins said he was happy that they came to an agreement. He pointed out that through the internet 60 decibels is a conversation in a restaurant, office background music and an air conditioning unit. He added it is important for the Commission to know what the decibel level means. Mr. Katz pointed out that he knows the folks across the street have issues and they have given them their phone numbers, but they have not been contacted. He added that if they would have been contacted he would have addressed the issues.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey, the Commission voted six (6) for and zero (0) against to approve CUP-12-42 with the conditions that the permit shall be valid for three (3) years, provided standards are met, subject to the point system; and subject to terms 2, 3, 4, 5 as stated in the November 21, 2012 Settlement Agreement; 2-Upon striping and designation of motorcycle parking on North Street, the applicant shall not permit motorcycle parking in front of the facility on Hopkins Street or in the parking lot of the facility, between the hours of 11:00 p.m. and 3:00 a.m.; 3-The applicant shall shut down the portion of its outdoor games on the half of Zelicks' property adjacent to the Crystal River Inn, at 12:00 a.m. on Friday and Saturday nights, but may keep games open on the half of Zelicks property adjacent on North Street; 4-The applicant shall constantly monitor the level of amplified or stereo music at all times in respect for the Crystal River Inn and to shut down all amplified or stereo music at 2:00 a.m.; 5-The applicant shall not operate any sounds equipment that produces sound in excess of 75 decibels for a period exceeding one minute between the hours of 11:00 p.m. and 3:00 a.m. as measured from within the property line of the Crystal River Inn; and 6. No live outdoor amplified music shall be allowed after 11:00 p.m. The motion carried unanimously.

10. LDC-12-14 (SmartCode Revisions) Hold a public hearing and consider revisions to Subpart B, the San Marcos SmartCode Articles 1, 3, 5 and 8 to make minor corrections and clarifications, add an option for fee-in-lieu of tree mitigation and add definitions for Downtown San Marcos and Downtown Tree Fund.

John Foreman, Planning Manager gave an overview of the SmartCode Revisions.

Chair Taylor opened the public hearing.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Ehlers, the Commission voted five (5) in favor and one (1) opposed to approve the revision to Subpart B, the San

Marcos SmartCode Article 1, 3, 5 and 8 to make minor corrections and clarifications, add an option for fee-in-lieu of tree mitigation and add definitions for Downtown San Marcos and Downtown Tree Fund. The motion carried. Commissioner Seebeck dissented.

Non-Consent Agenda

11. Development Services Report

- a. Update from staff on Comprehensive Plan

Matthew Lewis announced the last Comprehensive Plan meeting before the holidays will be Wednesday, December 12. The subcommittees will be finalizing the plan objectives.

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

There were no questions from the press and public.

13. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 7:35 p.m. on Tuesday, December 11, 2012.

Bill Taylor, Chair

Curtis Seebeck, Vice Chair

Chris Wood, Commissioner

Kenneth Ehlers, Commissioner

Corey Carothers, Commissioner

Travis Kelsey

ATTEST:

Francis Serna, Recording Secretary

From: Pettijohn, Jamie
To: Council Members Mail Group
Cc: bill@btainsurance.com
Subject: FW: Zelicks
Date: Monday, January 14, 2013 5:52:36 PM

Please see the below email from P&Z Chair, Bill Taylor

*Jamie Lee Pettijohn
City Clerk
630 E. Hopkins
San Marcos, TX 78666
512-393-8089-Office
830-857-4004-Mobile*



ATTENTION PUBLIC OFFICIALS:
A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act.
Please reply only to the sender, Thank you.

From: Bill Taylor [mailto:bill@btainsurance.com]
Sent: Monday, January 14, 2013 2:27 PM
To: Pettijohn, Jamie; Mayor & Council Information
Subject: Zelicks

Jamie, Mayor and City Council: I know you have plenty to do without having to handle items that comes from your boards and commissions on appeal. On the issue of Zelicks we struggled with the wording and attempted to wordsmith their 3 year CUP so that there was no question about the legitimacy of their juke box being "amplified" music. A staff person, also trying to help, had inserted some language about amplified music that was ultimately adopted by P&Z and sent on to CC for approval or consideration. The next day, the wording was troubling enough that I asked to have it back on our agenda for "reconsideration" (I was an affirmative vote). Later in the week it was determined by our legal department that P&Z doesn't have the authority to "reconsider" an item like Council does. Since I can't speak for the commissioners I can only relate that I don't THINK our intention was to allow bands every day and weekends in particular in this CUP. It wasn't permitted in the first CUP's and since the issue with ALL the complaints have been noise related I'm uncertain that we made the proper decision. The bottom line is that I'd like to have the Council kick it back to us so that we can hash it out unless you prefer to handle it yourselves. Personally, I'm OK with a few special events that are posted well in advance so all are aware its coming but every weekend is going to absolutely cause problems. As you know there is an agreement between Zelicks and Crystal River Inn next door and therefore the CRI folks are not commenting but I can only imagine how disruptive it would be to have weddings trying to compete with a live band next door. Zelicks choice was to be open air and not an enclosed facility (which would solve 95% of the problem) and because of that I think they should be considerate of the conflicts with their

neighbors. I apologize for not appearing in person but I'm heading for Fort Worth to work with a family emergency and may not be back by meeting time on Tuesday January 15th. Thank you for your service and I regret that our handling of this item led to an appeal.

Bill Taylor, CIC

Agenda Information

AGENDA CAPTION:

Development Services Report

- a. Update on Downtown Implementation Plan.
- b. Update on the Comprehensive Master Plan.

Meeting date: February 12, 2013

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND: