SAN MARCOS
PLANNING AND ZONING
COMMISSION REGULAR
MEETING
CITY COUNCIL CHAMBERS,
630 E. HOPKINS
TUESDAY, APRIL 23, 2013
6:00 P.M.

1. Call To Order

2. Roll Call

3. **Chairperson's Opening Remarks**

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.*

4. 30 Minute Citizen Comment Period

CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 5 - 7 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.

5. **Consider the approval of the minutes of the Regular Meeting on April 9, 2013.**

6. **PC-12-32_03 (Buie Tract)** Consider a request by Ramsey Engineering LLC, on behalf of Craddock Avenue Partners LLC, for approval of a Final Plat and associated subdivision improvement agreement for approximately 44.23 acres, more or less, out of the Thomas Jefferson Chambers Survey, Abstract 2, and the John Williams Survey, Abstract 471, establishing Buie Tract Subdivision Phase 1, Section 1, located near the intersection of N. Bishop Street and Craddock Avenue.

7. **PC-13-12_02 (Blanco Vista, Tract I)** Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Preliminary Plat for approximately 10.489 acres, more or less, out of the William Ward League Survey No. 3, Abstract No. 467, for 43 residential lots located at Blanco Vista Boulevard and Royal Oak Boulevard.

PUBLIC HEARINGS

8. **CUP 13-07 (Rio Vista Food Trailer Court)** Hold a public hearing and consider a request by

Hilda Gomez, on behalf of Alfredo Lamas Leal, for a new Conditional Use Permit to allow portable food facilities at 413 Riverside Drive.

9. **ZC-13-05 (Windemere)** Hold a public hearing and discuss the following requests by Joel Richardson on behalf of Robert Haug and Vinson Wood:

   1. a zoning amendment to establish two Development Transfer ("DT") Overlay Zoning Districts as follows: (1) a Development Transfer granting site of 65.16 acres more or less to be designated as a DTG District, and (2) a Development Transfer Receiving site to be designated as a DTR District consisting of 20.08 acres more or less located in the Enclave at Windemere out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road and

   2. a Development Transfer Petition to transfer 2.33 acres of impervious cover from the Development Transfer Granting site consisting of a 65.16 acre tract, to the Development Transfer Receiving site known as the Enclave at Windemere, consisting of 20.08 acres.

10. **LUA-12-09 (Windemere)** Hold a public hearing and discuss a request by Joel Richardson of Vigil and Associates on behalf of Robert Haug and Vinson Wood, for an amendment to the Future Land Use Map from Very Low Density Residential (VLDR) to Low Density Residential (LDR) for the Enclave at Windemere, consisting of 20.08 acres more or less out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road.

11. **ZC-12-14 (Windemere)** Hold a public hearing and discuss a request by Joel Richardson of Vigil and Associates on behalf of Robert Haug and Vinson Wood, for an amendment to the Zoning Map from Single-Family Rural (SF-R) to Single-Family 6 (SF-6) for the Enclave at Windemere, consisting of 20.08 acres more or less out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road.

12. **PDD-12-03 (Windemere)** Hold a public hearing and discuss a request by Joel Richardson of Vigil and Associates on behalf of Robert Haug and Vinson Wood, for a Planned Development District overlay for the Enclave at Windemere, consisting of 20.08 acres more or less out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road.

13. Hold a public hearing and consider the 10-year Capital Improvements Program.

14. **2012-11658 (Qualified Watershed Protection Plan, Retreat on Willow Creek)** Hold a public hearing and consider a request by Carlson, Brigance and Doering, Inc, on behalf of KB Homes, for a Qualified Watershed Protection Plan Phase I for the development of approximately 100.885 acres near Stagecoach Trail and Hunters Hill Drive.

NON-CONSENT AGENDA

15. **PC-13-05_02 (Retreat on Willow Creek)** Consider a request by Carlson, Brigance and Doering, on behalf of Preferred Development Partners, for approval of a Preliminary Plat for approximately 100.885 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Hunter Road.

16. **Development Services Report**
    a. Update from Staff on the Planning & Zoning Commission Retreat
    b. Update from Staff on the Comprehensive Master Plan

17. 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.*

18. Adjournment.

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

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:

Chairperson's Opening Remarks

Meeting date: April 23, 2013

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

Customer Friendly Processes

BACKGROUND:

Agenda Information

AGENDA CAPTION:

Consider the approval of the minutes of the Regular Meeting on April 9, 2013.

Meeting date: April 23, 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:

April 9, 2013 PZ minutes

MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
April 9, 2013

1. Present

Commissioners:

Bill Taylor, Chair
Carter Morris, Vice Chair
Curtis Seebeck
Chris Wood
Kenneth Ehlers
Randy Bryan
Travis Kelsey
Corey Carothers
Angie Ramirez

City Staff:

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

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 March 26, 2013, 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. He asked the audience for a few minutes of silence or prayer for Jaimy Breihen.

4. Receive a presentation from Staff and discuss MyPermitNow system.

Abby Gillfillan, Permit Center Manager gave a presentation.

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. <u>30 Minute Citizen Comment Period</u>

Diane Wassenich stated that she spoke to City Council at their last meeting and felt that the Commission may not hear all the consequences for their actions. Diane Wassenich explained that The Retreat does not have enough parking. She felt that it could be because units are rented by the bedroom. Ms. Wassenich pointed out that visitors are parking in the neighborhoods across a major road. She explained that the only way the neighborhood can deal with it is have "no parking" zones. She added that people feel unsafe in their own homes. Ms. Wassenich stated that there are several neighborhoods with the same issues. Ms. Wassenich also pointed out that erosion control is a continuous issue.

Jim Garber stated he attended meeting on Friday in the Hughson Heights area with City Staff, CONA Representative and the concerned neighbors. He explained that they discussed the chaos that has been created due to parking problems in the neighborhood. He felt that "no parking" signs will not work. Mr. Garber stated that there are issues with urinating on lawns, vulgar language being used in front of children, and trash among other issues. Mr. Garber mentioned that the Police Department did not have a solution to the problems. Mr. Garber added that who wants to come to San Marcos with these types of issues.

<u>Consent Agenda:</u>

6. Consider the approval of the minutes from the Regular Meeting on March 26, 2013.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers the Commission approved on consent the minutes of the Regular Meeting on March 26, 2013.

<u>Public Hearings:</u>

7. CUP-13-07 (Louie's Beer Garden and Seafood Shack) Hold a public hearing and consider a request by Allen Shy, on behalf of Shy SG Group LLC, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 119 E. Hutchison Street.

Tory Carpenter, Planning Tech gave an overview of the project

Chair Taylor opened the public hearing. Allen Shy, the applicant advised he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Kelsey the Commission all in favor to approve CUP-13-07 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system, and that live music shall be limited to 12:00 pm to 11:00 pm Sunday through Saturday. Commissioner Morris recused himself.

8. CUP-13-11 (Railyard Bar and Grill) Hold a public hearing and consider a request by Matt Hageman, on behalf of the Railyard Bar and Grill, for the renewal of a Conditional Use Permit to allow the sale of mixed beverages for on-premises consumption at 116 S. Edward Gary Street.

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

Chair Taylor opened the public hearing for CUP-13-11. Matt Hageman, the applicant advised he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Kelsey the Commission voted all in favor to approve CUP-13-11 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; and that all live music shall be restricted to the indoor stage and may continue until 2:00 a.m.

DRAFT

9. PDD-07-02(a) (McCarty Commons) Hold a Public Hearing and consider a request by SLF II-McCarty, L.P. for amendments to the existing Planned Development District for McCarty Commons, consisting of 259.5 acres more or less out of Cyrus Wickson Survey, Abstract 474, and the Nathaniel Hubbard Survey, Abstract 250, as originally approved by Ordinance 2008-41.

Emily Koller, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. Ocie Vest, Partner with Stratford Land, Dallas Texas stated he was present asking for the Commission's recommendation of approval. He stated that he appreciated staff working with them on the amendments. Mr. Vest added that he was available to answer questions. There were not additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Wood the Commission voted all in favor to approve PDD-07-02(a) with the condition that Check Cashing be permitted within the HEB store or any other grocery store within the General Commercial section and the restriction for outside the store within the General Commercial section still holds.

10. Hold a public hearing and discuss the 10-year Capital Improvements Program.

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

John Foreman, Planning Manager, Jennifer Shell, City Engineer and Steve Park, Assistant City Manager gave a presentation of the Capital Improvements Program

Non-Consent

11. Development Services Report

Matthew Lewis, Development Services Director announced the Comprehensive Master Plan Release Party on April 24th at the Texas Music Theater.

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 public.

13. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 7:40 p.m. on Tuesday, April 9, 2013.

Bill Taylor, Chair	Carter Morris, Vice Chair
Curtis Seebeck, Commissioner	Kenneth Ehlers, Commissioner
Randy Bryan, Commissioner	Chris Wood, Commissioner
Travis Kelsey, Commissioner	Corey Carothers, Commissioner
Angie Ramirez, Commissioner	

ATTEST:

Francis Serna, Recording Secretary

DRAFT

Agenda Information

AGENDA CAPTION:

PC-12-32_03 (Buie Tract) Consider a request by Ramsey Engineering LLC, on behalf of Craddock Avenue Partners LLC, for approval of a Final Plat and associated subdivision improvement agreement for approximately 44.23 acres, more or less, out of the Thomas Jefferson Chambers Survey, Abstract 2, and the John Williams Survey, Abstract 471, establishing Buie Tract Subdivision Phase 1, Section 1, located near the intersection of N. Bishop Street and Craddock Avenue.

Meeting date: April 23, 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

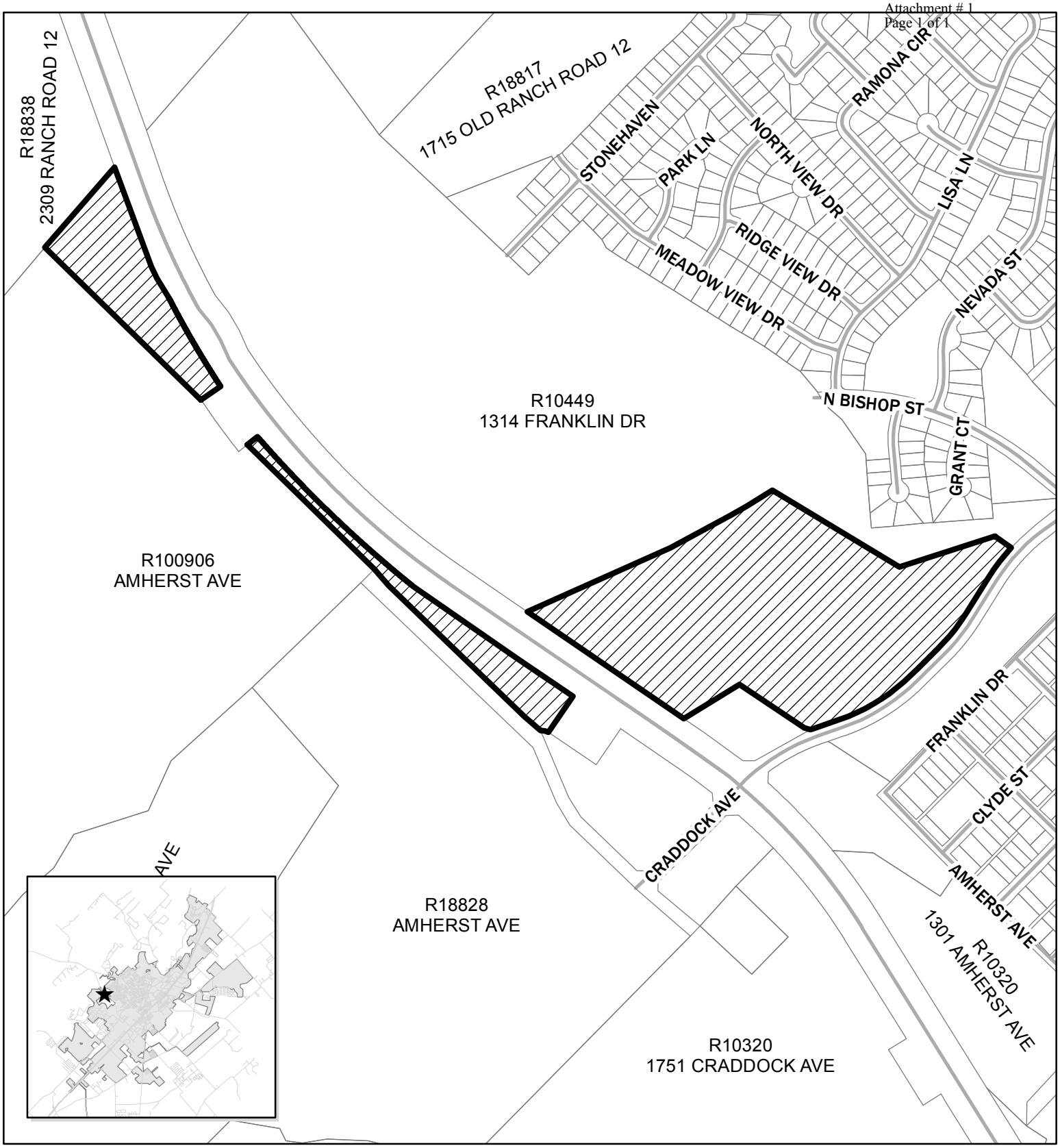
BACKGROUND:

Buie Tract Subdivision Phase 1, Section 1, is the first phase of development for the Buie Tract located along Craddock Avenue in between N. Bishop Street and Wonder World Drive. The Buie Tract Development Agreement was approved by City Council in 2009 authorizing a total of 459 units on 148.77 acres of land. The density is clustered within Phase 1 and Phase 2. Phase 1 is the only portion of the tract that is within the city limits. The current proposal for the site is a cottage style multi-family complex with approximately 220 units.

The site has received all necessary approvals from TCEQ (Texas Commission on Environmental Quality) and t he plat does meet the criteria set forth in the LDC as well as the Buie Tract Development Agreement. Staff recommends approval of the Final Plat as submitted.

ATTACHMENTS:

Case Map
Staff Report
Final Plat
Buie Tract Development Agreement



PC-12-32(03)
Buie Tract Ph 1, Sec 1 • Site Location •
Map Date: 4/11/2013

0 400 800 1,600 Feet

N

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

PC-12-32(03) Final Plat
Buie Tract Subdivision
Phase 1, Section 1

Applicant Information:

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

Property Owner: Craddock Avenue Partners, LLC
PO Box 5555
Austin, TX 78763

Type & Name of Subdivision: Final Plat establishing the Buie Tract Subdivision Phase 1, Section 1

Subject Property:

Summary: The subject property is approximately 44.23 acres out of the Thomas Jefferson Chambers Survey, Abstract 2, and the John Williams Survey, Abstract 471, near the intersection of N. Bishop Street and Craddock Avenue. This is the first phase of development under the previously approved Development Agreement for the Buie Tract Property.

Zoning: MF-12. The permitted density for the entire Buie Tract is 459 units with 453 allowed to be clustered in Phase I. There are approximately 220 units planned for Phase 1, Section 1.

Traffic/ Transportation: A TIA was submitted in December 2010 and approved by the City based on the permitted density in the Development Agreement. Signalization was not recommended at the intersection of Bishop and Craddock. An update was not required, because the proposed project is consistent with the permitted density on the site.

Utility Capacity: Utilities will be provided on-site. The public improvements for the property include the extension of an 8" gravity wastewater line across Craddock to Franklin Drive. The PICP was approved and the permit issued on April 4. The Subdivision Improvement Agreement has been submitted to the City. The Franklin Square Lift station will not be improved at this time. The developer is responsible for the construction of a private lift station on site.

Planning Department Analysis:

The property is subject to the terms of the Buie Tract Development Agreement which was approved by City Council in 2009. The Agreement authorizes a total of 459 units on 148.77 acres of land with residential density clustered in Phase 1 and Phase 2. The subject property is zoned MF-12 and a future section of Phase 1 will provide for mixed use development along Craddock Avenue. Phase 2, which remains beyond the city limits, is permitted to receive any unallocated units from Phase 1. The current proposal for the site is a cottage style multi-family complex with approximately 220 units.

The site has received all necessary approvals from TCEQ (Texas Commission on Environmental Quality). A Geological Assessment had previously been approved (2010) determining the number and location of sensitive features on the site. The plat establishes sensitive feature buffer zones dedicated as easements to protect the natural recharge features that are found throughout the Buie Tract. These features include caves and sinkholes; three caves are located in Phase 1. The developer will gate the entry of the caves as a requirement of the Development Agreement. WPAP (Water Pollution Abatement Program) and SCS (Sewage Collection System) applications were submitted in October 2012 to TCEQ and approved in early 2013. The Watershed Protection Plan Phase 2 (WPP2) was reviewed and approved by the Engineering Department after notification and review of all TCEQ approvals.

Parkland is dedicated on the south side of Wonder World which adjoins existing City parkland. The acreage amount of 8.8 exceeds the LDC requirement. This was reviewed and accepted by the Parks Board in January of 2011 with the condition pedestrian easements are provided along the creek to construct a future trail to connect Franklin Square Park and Purgatory Creek Park. The developer has provided these easements.

The Development Agreement also required the dedication of a five acre buffer area to the Franklin Square Homeowners Association before consideration of the first final plat by the Commission. The HOA met with the development team to review the proposal and accepted the deed in early April. The conveyance was completed on Thursday, April 4. Off-site water and wastewater easements pass through the HOA tract along Craddock Avenue and these were recorded at the same time. No other improvements are permitted within the five acre buffer.

The plat does meet the criteria set forth in the LDC and the Buie Tract Development Agreement. Staff recommends **approval** of the plat as submitted.

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

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Final 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	April 16, 2013
Name	**Title**	**Date**

BUIE TRACT SUBDIVISION PHASE 1, SECTION 1

FINAL PLAT

SCALE: 1" = 100'

Legend

- ½" Iron Rod Found
- ½" Iron Pipe Found
- ½" Iron Rod Found with plastic cap imprinted "Holt Carson, Inc." (unless noted)
- 60D Nail Found
- Cotton Gin Spindle Found
- PK Nail Found
- Calculated Point

Rotate 0°37'51" to a bearing of N04°29'03"W to align with the State Plane Coordinate System

Bearing Basis N03°51'12"W 353.26'

(direct tie) S03°58'40"E 85.76'

5/8" iron rod set in concrete with aluminum cap imprinted "Holt Carson, Incorporated" State Plane Coordinates (4204 - Texas South Central) North: 13870360.18' East: 2295578.12'

BISHOP STREET

MEADOW VIEW DRIVE

BLOCK G BISHOP CROSSING SUBDIVISION SECTION TWO Volume 12 Pages 229-230

BISHOP STREET (70' R.O.W.)

(1.1+/- Acre) Public Drainage and Utility Easement

SECTION ONE BISHOP CROSSING SUBDIVISION Volume 9 Pages 261-262

GRANT COURT

BLOCK B

BLOCK C

KATHRYN COVE

"Byrn"

S47°03'06"E 109.21'

See Detail "A" Page 2 for off-site Waterline and Wastewater Easements

See Detail "B" Page 3

S37°41'38"W C=175.33' A=175.56' R=994.00'

576.44'

N86°16'45"E

N84°47'42"E 574.00'

10' Building Line

25' Building Line

CRADDOCK AVENUE (80' R.O.W.) Volume 3753 Page 564

S32°38'03"W 196.28'

S39°25'33"W C=216.65' A=217.16' R=916.00'

See Detail "C" Page 3

20' Public Utility Easement hereby dedicated

S46°13'02"W 176.40'

ROBERT H. WILLIAMS SURVEY ABSTRACT No. 470

N59°59'44"E 119.29'

approximate patented survey line

Parcel 3 (0.430 Acre) 10' Pubic Pedestrian Access Easement Volume _____ Page _____.

N79°25'36"E 111.81'

N71°37'59"E 122.76'

S03°56'15"E 273.24'

184.75'

80D

S03°47'26"E 69.58'

5.009 Acres donated and conveyed to Franklin Square Homeowners Association Volume _____ Page _____.

S09°00'28"E 101.97'

261.00'

S54°21'25"E

704.79'

L15

L23

L24

cave

117'

50'

C7

Variable Width Sensitive Feature Buffer Zone Easement Hereby Dedicated

Benchmark 60D Nail set at the South end of Stormwater Inlet NAVD 1988 Elevation 700.00 ft.

N62°32'36"E 142.16'

L14

JOHN WILLIAMS SURVEY ABSTRACT No. 471

N50°22'14"E 87.07'

L13

Variable Width Public Drainage Easement hereby dedicated to contain Fully Developed 100 Year Floodplain

THOS. JEFFERSON CHAMBERS SURVEY ABSTRACT No. 2

Parcel 2 (0.367 Acre) 10' Public Pedestrian Access Easement Volume _____ Page _____.

L12

Craddock Avenue Partners, L.L.C. (174.27 Acres Remainder) General Warranty Deed Volume 3198 Page 68

N43°01'51"E 324.83'

10' Building Line

L11

LOT 1 BLOCK A 35.429 ACRES

L10

L9

West boundary of (26.51 acres) Annexation Volume 3732 Page 231

L8

N62°49'27"E 743.43'

L7

L6

L5

Variable Width Public Drainage Easement hereby dedicated to contain Fully Developed 100 Year Floodplain

L4

Matchline "B" See Page 2

L3

Variable Width Private Wastewater Easement Hereby Dedicated

Variable Width Sensitive Feature Buffer Zone Easement Hereby Dedicated

L21

L26

L25

L27

L28

L29

L30

L31

L22

C6

75'

cave

383.42'

557.55'

100.00'

898.78'

143.53'

STA 118+57.37 100.00' LT

S55°01'E 113.68'

"TxDOT"

S34°22'12"W 200.38'

"TxDOT"

10' Building Line

N55°01'W (N55°40'13"W)

"Savory"

Access Denial Line along entire frontage of Wonder World Drive per Volume 3311 Page 842

R.R. 12 - WONDER WORLD DRIVE (R.O.W. Varies)

Possession and Use Agreement for Transportation Purposes Volume 3311 Page 842

approximate patented survey line

Variable Width Sensitive Feature Buffer Zone Easement Hereby Dedicated

L2

174'

L1

50'

C1

C2

C3

C4

C5

cave

N06°50'53"W 176.50' (direct tie)

Drainage Easement Volume 3753 Page 572

C=399.06' A=402.29' R=916.00'

S71°22'24"W 144.14'

(N55°48'45"W) (50.06') N55°33'48"W 49.88'

10' Building Line

N55°45'56"W 360.50' (N55°48'45"W)

"Solis Kanak"

S58°28'47"W 43.88' (S58°26'11"W) (43.88')

S58°27'17"W 271.82' (S58°26'58"W)

225'

S55°45'56"E 426.23' (S55°48'45"E)

"Byrn"

City of San Marcos GPS Monument No. 8 bears, S27°47'E 7658.7'

5/8" iron rod set in concrete with aluminum cap imprinted "Holt Carson, Incorporated" State Plane Coordinates (4204 - Texas South Central) North: 13869503.59' East: 2294631.67'

C&G Development, Inc. (501.30 Acres Remainder) Special Warranty Deed Volume 1360 Page 92

LOT SIZE	No.
> 10 ACRES	1
5 TO 10 ACRES	0
2 TO 5 ACRES	2
1 TO 2 ACRES	0
< 1 ACRE	0
3 LOTS TOTAL 44.233 ACRES	

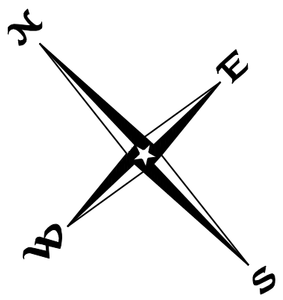
BUIE TRACT SUBDIVISION PHASE 1, SECTION 1

FINAL PLAT

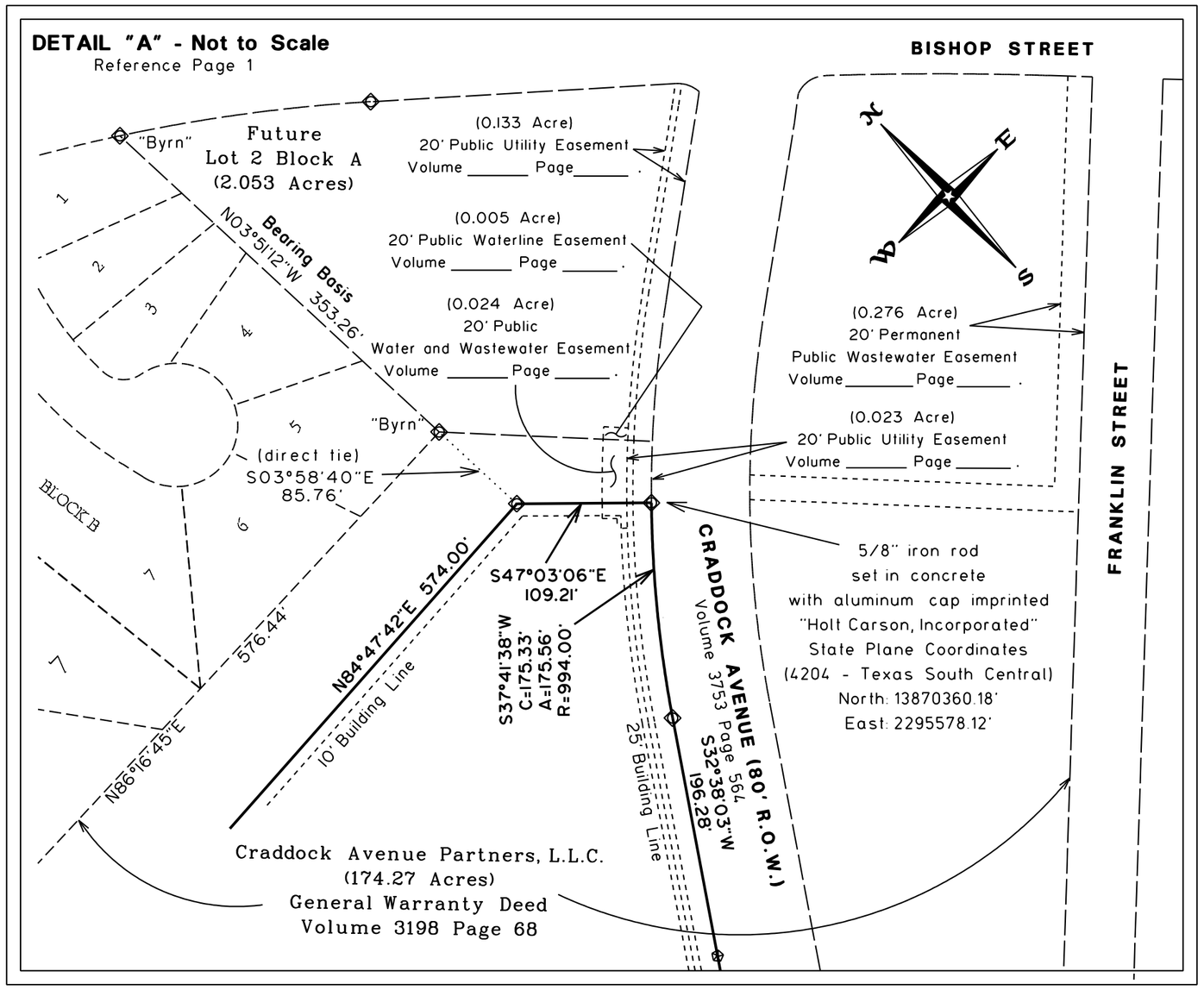
Legend

- ½" Iron Rod Found
- ½" Iron Pipe Found
- ½" Iron Rod Found with plastic cap imprinted "Holt Carson, Inc." (unless noted)
- 60D Nail Found
- Cotton Gin Spindle Found
- PK Nail Found
- ½" Iron Rod Set with plastic cap imprinted "Holt Carson, Inc."
- Tree

SCALE: 1" = 100'



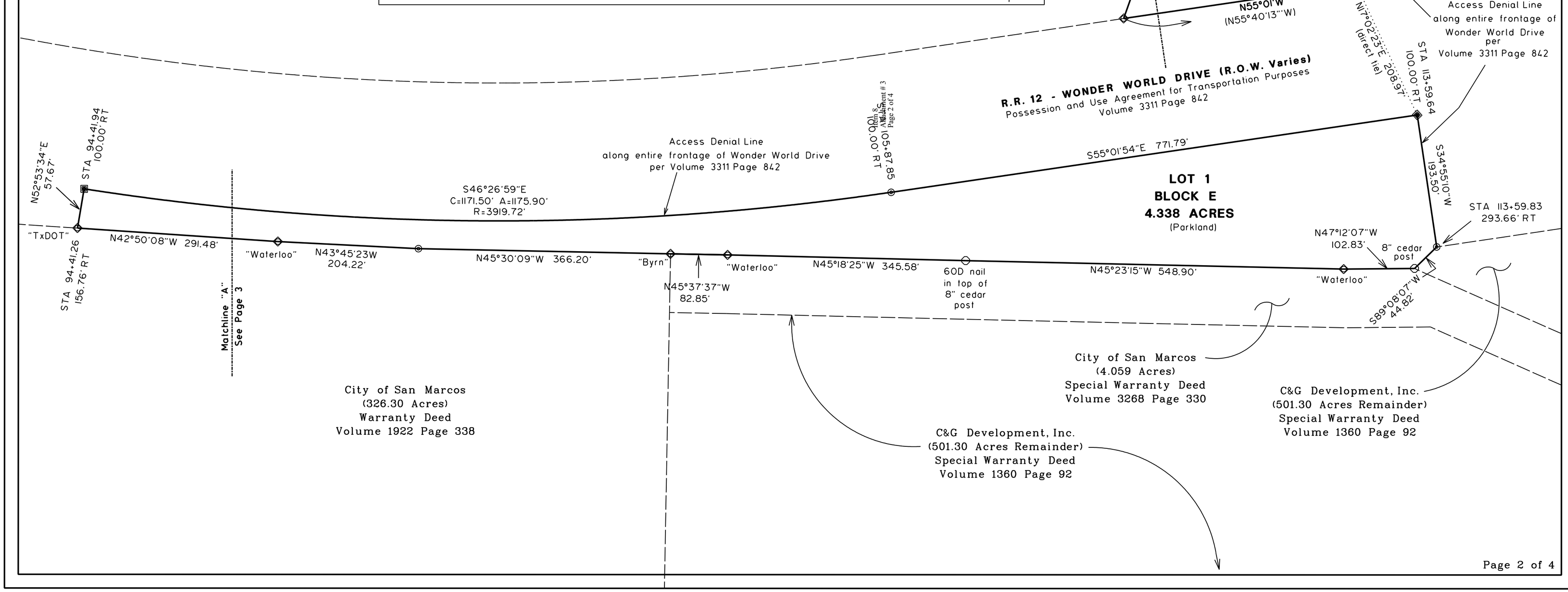
Craddock Avenue Partners, L.L.C.
(174.27 Acres Remainder)
General Warranty Deed
Volume 3198 Page 68



CURVE DATA

1	Δ= 165°02'12"	R= 63.00'	T= 479.71'	C= 124.93'	A= 181.47'	CB= S27°49'15"W
2	Δ= 41°55'33"	R= 53.00'	T= 20.31'	C= 37.92'	A= 38.78'	CB= S45°29'46"E
3	Δ= 47°33'08"	R= 85.00'	T= 37.45'	C= 68.54'	A= 70.55'	CB= S8°05'56"E
4	Δ= 97°44'55"	R= 50.00'	T= 57.26'	C= 75.33'	A= 85.30'	CB= S69°58'36"E
5	Δ= 31°01'58"	R= 100.00'	T= 27.76'	C= 53.50'	A= 54.16'	CB= N67°14'49"E
6	Δ= 46°20'05"	R= 150.00'	T= 64.19'	C= 118.03'	A= 121.30'	CB= S66°48'52"W
7	Δ= 215°06'38"	R= 55.53'	T= N/A	C= 105.89'	A= 208.48'	CB= N42°30'39"E

NUMBERED COURSES		
1	S 36°49'41" W	185.03'
2	S 73°31'42" E	218.38'
3	N 16°25'51" E	165.93'
4	N 26°17'24" E	93.70'
5	N 08°38'40" W	21.12'
6	N 77°05'12" E	20.85'
7	N 21°13'13" E	88.90'
8	N 38°32'25" E	89.88'
9	N 53°49'53" E	155.21'
10	N 40°56'43" E	116.94'
11	N 15°11'04" E	94.64'
12	N 29°11'46" E	172.19'
13	N 89°04'33" E	7.38'
14	N 71°05'12" E	204.54'
15	S 81°58'31" E	79.57'
16	N 61°37'26" E	113.20'
17	N 34°12'25" E	168.05'
18	N 15°21'28" E	58.22'
19	N 36°23'01" W	46.98'
20	N 23°50'05" W	109.27'
21	S 89°58'54" W	243.53'
22	S 43°38'49" W	50.18'
23	S 17°34'16" E	117.87'
24	N 72°14'28" W	112.49'
25	S 29°34'34" W	44.26'
26	S 70°53'02" E	15.76'
27	N 29°34'31" E	17.95'
28	N 49°33'32" E	69.35'
29	S 43°30'55" E	10.51'
30	N 46°31'37" E	46.93'
31	N 43°30'55" W	28.84'



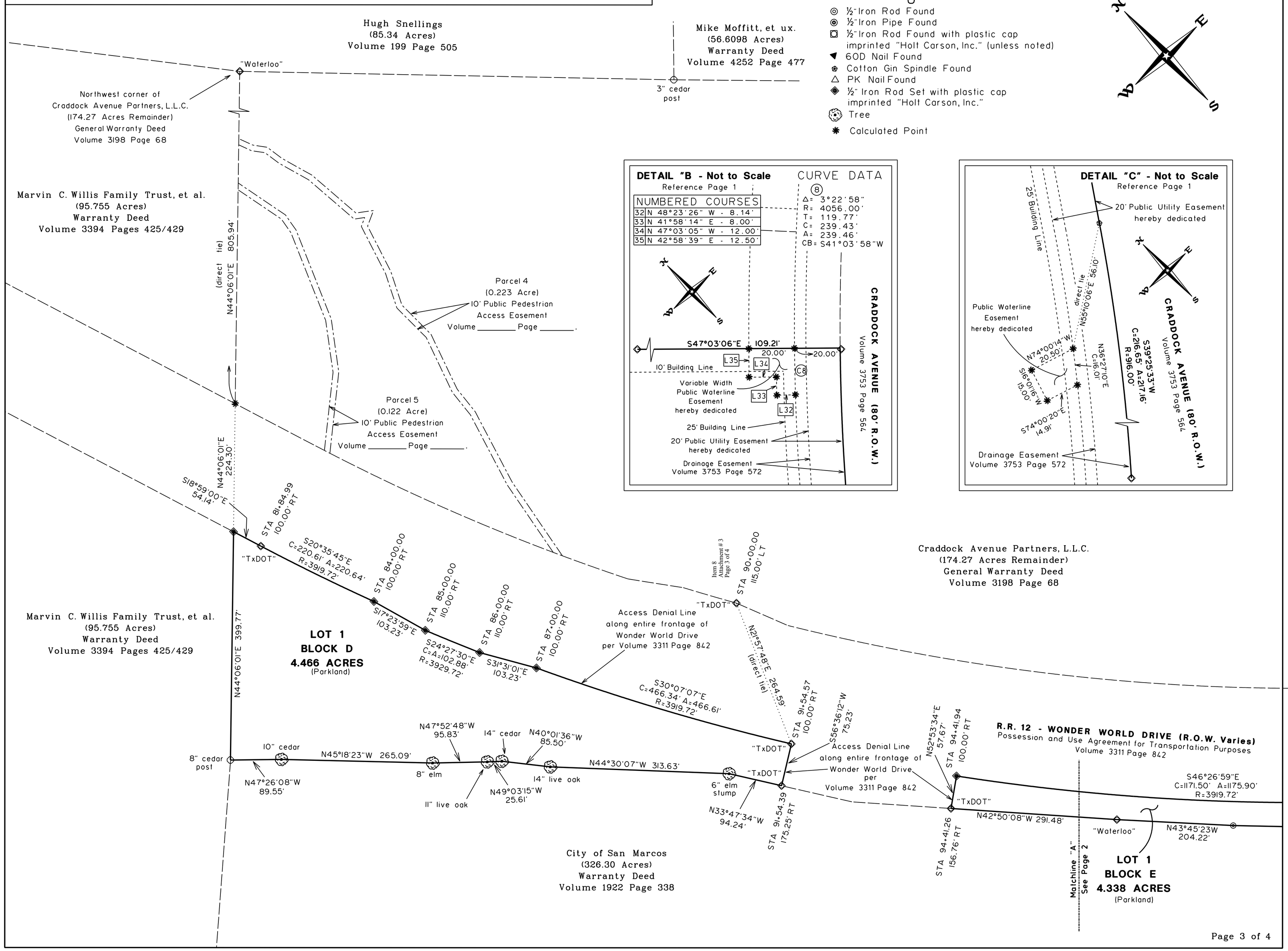
BUIE TRACT SUBDIVISION PHASE 1, SECTION 1

FINAL PLAT

Legend

- ½" Iron Rod Found
- ½" Iron Pipe Found
- ½" Iron Rod Found with plastic cap imprinted "Holt Carson, Inc." (unless noted)
- 60D Nail Found
- Cotton Gin Spindle Found
- PK Nail Found
- ½" Iron Rod Set with plastic cap imprinted "Holt Carson, Inc."
- Tree
- Calculated Point

SCALE: 1" = 100'



FINAL PLAT

BUIE TRACT SUBDIVISION PHASE 1, SECTION 1

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

THAT, CRADDOCK AVENUE PARTNERS, LLC, ACTING BY AND THROUGH ITS MANAGER, EDWARD R. COLEMAN, OWNER OF 193.926 ACRES OF LAND AS CONVEYED TO IT BY DEED RECORDED IN VOLUME 3198, PAGE 68 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE 44.233 ACRES OF SAID TRACT IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT TO BE KNOWN AS BUIE TRACT SUBDIVISION PHASE 1, SECTION 1
SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED, AND DO HEREBY DEDICATE TO THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN ON THIS PLAT, EXCEPT FOR THE VARIABLE WIDTH PRIVATE WASTEWATER EASEMENT, THE VARIABLE WIDTH PRIVATE WASTEWATER EASEMENTIS DEDICATED TO THE OWNER OF LOT 1, BLOCK A AND IS TO BE PRIVATELY OWNED AND MAINTAINED BY SUCH OWNER.

WITNESS MY HAND THIS THE _____ DAY OF _____ A.D., 20___.

_____
EDWARD R. COLEMAN Manager
Craddock Avenue Partners, LLC.

THE STATE OF TEXAS
THE COUNTY OF HAYS
THE UNDERSIGNED, ON BEHALF OF FM 158 LAND, LTD., A LIENHOLDER OF THE PROPERTY COVERED BY THE PLAT, HEREBY RATIFIES, APPROVES, AND CONSENTS TO THE FILING AND RECORDING OF THE PLAT AGAINST THE PROPERTY AND AGREES THAT THE RIGHTS AND LIENS ON THE PROPERTY SHALL BE SUBJECT TO THE PLAT AND ALL DEDICATIONS THEREON
THEREON.

WITNESS MY HAND THIS THE _____ DAY OF _____ A.D. 20___.
FM 158 LAND, LTD.

BY: _____
EDWARD R. COLEMAN, AUTHORIZED MEMBER OF H&R LAND DEVELOPMENT, LLC
GENERAL PARTNER FOR FM 158 LAND, LTD.

THE STATE OF TEXAS
THE COUNTY OF HAYS
BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED EDWARD R. COLEMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____ A.D. 20___.

_____
NOTARY PUBLIC IN AND FOR HAYS COUNTY, TEXAS

THE STATE OF TEXAS
THE COUNTY OF HAYS
THE UNDERSIGNED, ON BEHALF OF TEXAS CAPITAL BANK, N.A., A LIENHOLDER OF THE PROPERTY COVERED BY THE PLAT, HEREBY RATIFIES, APPROVES, AND CONSENTS TO THE FILING AND RECORDING OF THE PLAT AGAINST THE PROPERTY AND AGREES THAT THE BANK'S RIGHTS AND LIENS ON THE PROPERTY SHALL BE SUBJECT TO THE PLAT AND ALL DEDICATIONS THEREON.

WITNESS MY HAND THIS THE _____ DAY OF _____ A.D. 20___.
TEXAS CAPITAL BANK, N.A.

BY: _____
MIKE BROWN, _____

THE STATE OF TEXAS
THE COUNTY OF HAYS
BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED MIKE BROWN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____ A.D. 20___.

_____
NOTARY PUBLIC IN AND FOR HAYS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS

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

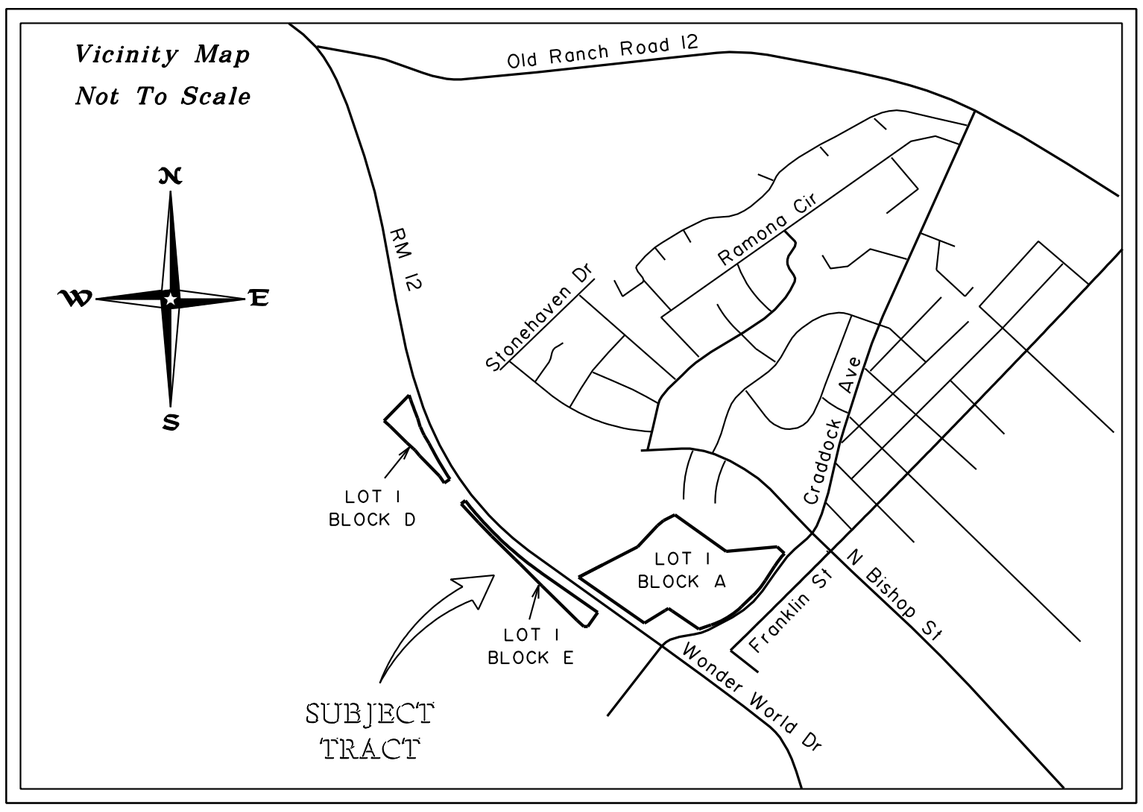
_____ _____
STEPHEN ALLAN RAMSEY DATE
LICENSED PROFESSIONAL ENGINEER NO. 47970
RAMSEY ENGINEERING, LLC.
3206 YELLOWPINE TERRACE
AUSTIN, TEXAS 78757
PHONE: (512) 650-6800

STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS:

THAT I, HOLT CARSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEY RELATED REQUIREMENTS OF THE CITY OF SAN MARCOS AND FURTHER CERTIFY THAT 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 THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

_____ _____
HOLT CARSON DATE
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5166
HOLT CARSON, INC.
1904 FORTVIEW ROAD AUSTIN, TEXAS 78704

BEING
44.233 ACRES OF LAND, LOCATED IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, AND BEING OUT OF THE THOMAS JEFFERSON CHAMBERS SURVEY, ABSTRACT NO. 2 AND THE JOHN WILLIAMS SURVEY, ABSTRACT NO. 471, AND ALSO BEING OUT OF AND A PART OF THAT CERTAIN (193.926 ACRE) TRCT OF LAND AS CONVEYED TO CRADDOCK AVENUE PARTNERS, L.L.C., BY DEED RECORDED IN VOLUME 3198, PAGE 68 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.



NOTES:
1.) ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, TEXAS SOUTH CENTRAL ZONE - 4202. COMBINED SCALE FACTOR 0.99987920. ALL DISTANCES SHOWN HEREON ARE SURFACE VALUES.

2.) NAVD 1988 ELEVATIONS SHOWN HEREON WERE DETERMINED BY POST PROCESSED STATIC GPS OBSERVATIONS.

3.) THIS PROPERTY LIES WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE OF THE 100-YEAR FLOODPLAIN ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 48209C0388F, DATED SEPTEMBER 2, 2005. THE FULLY DEVELOPED 100-YEAR FLOODPLAIN SHOWN HEREON IS BASED UPON ENGINEERS FLOODPLAIN EVALUATION INCLUDED IN THE CITY OF SAN MARCOS APPROVED WATERSHED PROTECTION PLAN PHASE 1 PERMIT.

4.) THIS SUBDIVISION IS SUBJECT TO WATER QUALITY ZONES AND BUFFER ZONES AS DEPICTED ON THE MOST UP-TO-DATE APPROVED WATERSHED PROTECTION PLAN.

5.) BEST MANAGEMENT PRACTICES (BMPs) SHALL BE FOLLOWED AS SET FORTH ON THE APPROVED WATERSHED PROTECTION PLAN.

6.) THIS PLAT IS LOCATED WITHIN THE CITY OF SAN MARCOS JURISDICTION, AND THAT THE PROVISIONS OF THC CITY OF SAN MARCOS LAND DEVELOPMENT CODE SHALL GOVERN THIS PROJECT

7.) LOT 1, BLOCK D AND LOT 1, BLOCK E ARE HEREBY DEDICATED TO THE CITY OF SAN MARCOS FOR PARKLAND.

8.) THIS SUBDIVISION IN WITHIN THE SAN MARCOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOUNDARIES.

9.) THIS SUBDIVISION IN WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

10.) NO LOTS WITHIN THIS SUBDIVISION ARE PERMITTED DIRECT VEHICULAR ACCESS TO WONDER WORLD DRIVE.

OWNER/DEVELOPER:	ENGINEER:	SURVEYOR:
CRADDOCK AVENUE PARTNERS, LLC.	RAMSEY ENGINEERING, LLC.	HOLT CARSON, INC.
P.O. BOX 5555	3206 YELLOWPINE TERRACE	1904 FORTVIEW ROAD
AUSTIN, TEXAS 78763	AUSTIN, TEXAS 78757	AUSTIN, TEXAS 78704
(512) 306-7800	(512) 650-6800	(512) 442-0990

CITY OF SAN MARCOS
CERTIFICATE OF APPROVAL

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

_____ _____
BILL TAYLOR, CHAIRMAN FRANCIS SERNA
PLANNING AND ZONING COMMISSION RECORDING SECRETARY

APPROVED

_____ _____
MATTHEW LEWIS DATE
DIRECTOR DEVELOPMENT SERVICES

APPROVED

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

THE STATE OF TEXAS
THE COUNTY OF HAYS
I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____ A.D. 20___, AT _____ O'CLOCK ____ M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN BOOK _____ PAGES _____

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____ A.D. 20___.

_____
LIZ GONZALEZ COUNTY CLERK
HAYS COUNTY, TEXAS.

RESOLUTION NO. 2009-166R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS. APPROVING A DEVELOPMENT AGREEMENT SUBMITTED BY CRADDOCK AVENUE PARTNERS, LLC, FOR THE BUIE TRACT PROPERTY, A 148.774 ACRE, MORE OR LESS, TRACT OF LAND LOCATED ALONG THE CRADDOCK ROAD EXTENSION AND THE CONFLUENCE OF THE WONDER WORLD DRIVE EXTENSION; AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. Craddock Avenue Partners, LLC ("Developer") is interested in constructing a mixed use development on a portion of the Buie Tract consistent with existing and adjacent land uses.

2. In order to develop the property in an economically feasible manner, and in an effort to protect sensitive environmental features the City staff and the Developer propose that the attached agreement be approved.

3. The proposed agreement permits more dense development along the Craddock Avenue extension in exchange for much less density in those areas of the property that lie over sensitive environmental features.

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

PART 1. The attached Development Agreement submitted by Craddock Area Partners, LLC hereby approved..

PART 2. The City Manager, Rick Menchaca, is authorized to execute the development agreement.

PART 3. This Resolution is in full force and effect from and immediately after its enactment.

ADOPTED on the 1st day of December 2009.

Susan Narvaiz
Mayor

Attest:

Sherry Mashburn
City Clerk

STATE OF TEXAS § DEVELOPMENT AGREEMENT
§ REGARDING THE BUIE TRACT PROPERTY
COUNTY OF HAYS §

This is a DEVELOPMENT AGREEMENT by and between the CITY OF SAN MARCOS ("City") and CRADDOCK AVENUE PARTNERS, LLC ("Owner"), whether one or more.

A. PURPOSE AND CONSIDERATION

WHEREAS, the purpose of this Agreement is to establish the basic land uses and parameters and specific design criteria expected for the land uses proposed when the property is finally developed and to provide the Owner with certain vesting of the basic mixed use development plan.

WHEREAS, Developer is owner of that certain tract of land in San Marcos, Texas as shown on Exhibit "A", attached hereto (the "Property"), and

WHEREAS, Developer is in the process of constructing a mixed use development project on the Property (the "Property"), and

WHEREAS, City and Owner desire to create a mixed use development on a portion of the Property that will be compatible with other existing and adjacent proposed land uses in a manner that provides an economic boost to the area, and,

WHEREAS, the Owner and City desire the Property to be developed in a manner that is advantageous to both the Owner and the City; and,

WHEREAS, the Owner and City desire the portions of the property currently located outside of the City limits retain that status until such time that the property develops.

WHEREAS, the Owner has requested that the City provide an acknowledgement and general approval of the plan for a phased mixed used development on the Property in the form of this Agreement. See Exhibit "B" Plan.

NOW THEREFORE, for and in consideration of the promises and the mutual agreements set forth herein, the City and Owner hereby agree as follows:

B. GENERAL REQUIREMENTS

Development of the Property must meet the following requirements:

1. Buildings in the Phase 1 MU tract must be brought to the street edge of Craddock Street and contain ground floor retail or office.
2. Buildings in the Phase 1 MF-12 tract facing Craddock Street must be a minimum of 3 stories.
3. Provide for the clustering of the majority of the development in Phase 1 along each side of Craddock Street.
4. Provide for the possible allocation of unused density and impervious cover from Phase 1 to Phases 2 and 3.
5. Protect and preserve the sensitive natural features discovered on the property.
6. Maintain the existing creeks in their natural undisturbed condition.
7. Maintain the existing "Hill Country" aesthetics by preserving over 50% of the property in its natural, undisturbed condition or for use as very, very low density rural residential.
8. This Agreement shall govern the Development of the Property and shall be binding on Developer, its successors and assigns. Upon execution, this Agreement shall be recorded in the Official Records of Hays County, Texas.

C. GENERAL TERMS AND CONDITIONS

1. **Property Description:** The Property is herein defined as the Buie Tract. Property is described as shown on Exhibit "A".
2. **Density Allocation:**
   a. **Permitted Project Density:** 459 Lots/Units (Based on an overall Project Density of 3 Lots/Units per Acre)

b. **Phase 1 Density:** 453 Lots/Units (138 existing Lots/Units currently allowed for Phase 1, 315 Lots/Units allocated from Phase 3)

c. **Phase 2 Density:** Any remaining Lots/Units not utilized for Phase 1 development would be allocated to Phase 2.

d. **Phase 3 Density:** 4 Lots/Units remaining after allocation

e. **Permitted Clustered Density:** The allocation of the clustered density to Phase 1 and Phase 2 shall be subject to the maximum density limits per parcel of the base zoning classifications. (i.e. 12 upa in MF-12 area, 5.5 upa in MU area)

3. **Impervious Cover Allocation**

a. **Permitted Project Impervious Cover:** 30.63 Acres (Based on an overall Project Impervious Cover of 20%). Total permitted project impervious cover may be clustered onto Phase 1 of the project. Remaining permitted project impervious cover may be allocated for use in Phases 2 and 3.

b. **Phase 3 Impervious Cover:** Phase 3 impervious cover shall not exceed 6% of the Phase 3 area.

4. **Public and Private Parkland / Buffer Zone Dedication :**

a. **Required project parkland**: Dedication to occur with the initial Phase 1 final plat.

b. **5 acre tract of land dedicated for buffer area to the Franklin Square Home Owner's Association:** Dedication shall occur prior to consideration of the initial Phase 1 final plat. 5 acre tract to be owned and maintained by the Franklin Square Home Owner's Association.

5. **Annexation**

a. **Continuation of Extraterritorial Jurisdiction Status:** The City hereby guarantees the extraterritorial jurisdiction status of Phases 2 and 3 of the property to the extent provided by the Texas Local Government Code.

b. **Triggers for Annexation:** A request for annexation of Phases 2 and 3 shall occur concurrent with the platting of each particular phase.

6. **Environmental Issues**

a. **Environmental Protection of Significant Recharge Features**: The parties agree that Craddock Avenue Partners, LLC will enter into an agreement with a private company or organization approved by the City of San Marcos for the purpose of securing the identified significant natural recharge features on the site. Said agreement shall occur prior to initiation of development on Phase 1.

D. MISCELLANEOUS PROVISIONS

1. Actions Performable. The City and the Owner agree that all actions to be performed under this Agreement are performable in Hays County, Texas.

2. Governing Law. The City and Owner agree that this Agreement has been made under the laws of the State of Texas in effect on this date, and that any interpretation of this Agreement at a future date shall be made under the laws of the State of Texas.

3. Severability. If a provision hereof shall be finally declared void or illegal by any court or administrative agency having jurisdiction, the entire Agreement shall not be void; but the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of the parties.

4. Complete Agreement. This Agreement represents a complete agreement of the parties and supersedes all prior written and oral matters related to this agreement. Any amendment to this Agreement must be in writing and signed by all parties.

5. Exhibits. All exhibits attached to this Agreement are incorporated by reference and expressly made part of this Agreement as if copied verbatim.

6. Notice. All notices, requests or other communications required or permitted by this Agreement shall be in writing and shall be sent by (i) telecopy, with the original delivered by hand or overnight carrier, (ii) by overnight courier or hand delivery, or (iii) certified mail, postage prepaid, return receipt requested, and addressed to the parties at the following addresses:

7. Force Majeure. Owner and the City agree that the obligations of each party shall be subject to force majeure events such as natural calamity, fire or strike.

8. Assignment. This Agreement may be assigned by the Owner only with the prior written approval of the City.

9. Signature Warranty Clause. The signatories to this Agreement represent and warrant that they have the authority to execute this Agreement on behalf of the City and Owner, respectively.

10. Liability. Owner agrees to hold the City harmless from any failure on behalf of the City if, for any reason, the City fails to or is unable to honor all of the provisions of the Agreement.

SIGNED as of this 24 day of Nov, 2009.

CITY OF SAN MARCOS, TEXAS

By: _____

City Manager

OWNER:CRADDOCK AVENUE PARTNERS, LLC.

By: _____

Edward R. Coleman, Member / Managing Member
Craddock Avenue Partners, LLC

State of Texas
County of Travis

SWORN TO AND SUBSCRIBED before me on Nov. 24, 2009 (date) by Edward R Coleman known to me, or proved to me by photo identification, to be the person who executed this instrument.

Cathy Hocutt
Notary Public
State of Texas
My Commission Expires
September 12, 2013

Cathy Hocutt

Notary Public, State of Texas

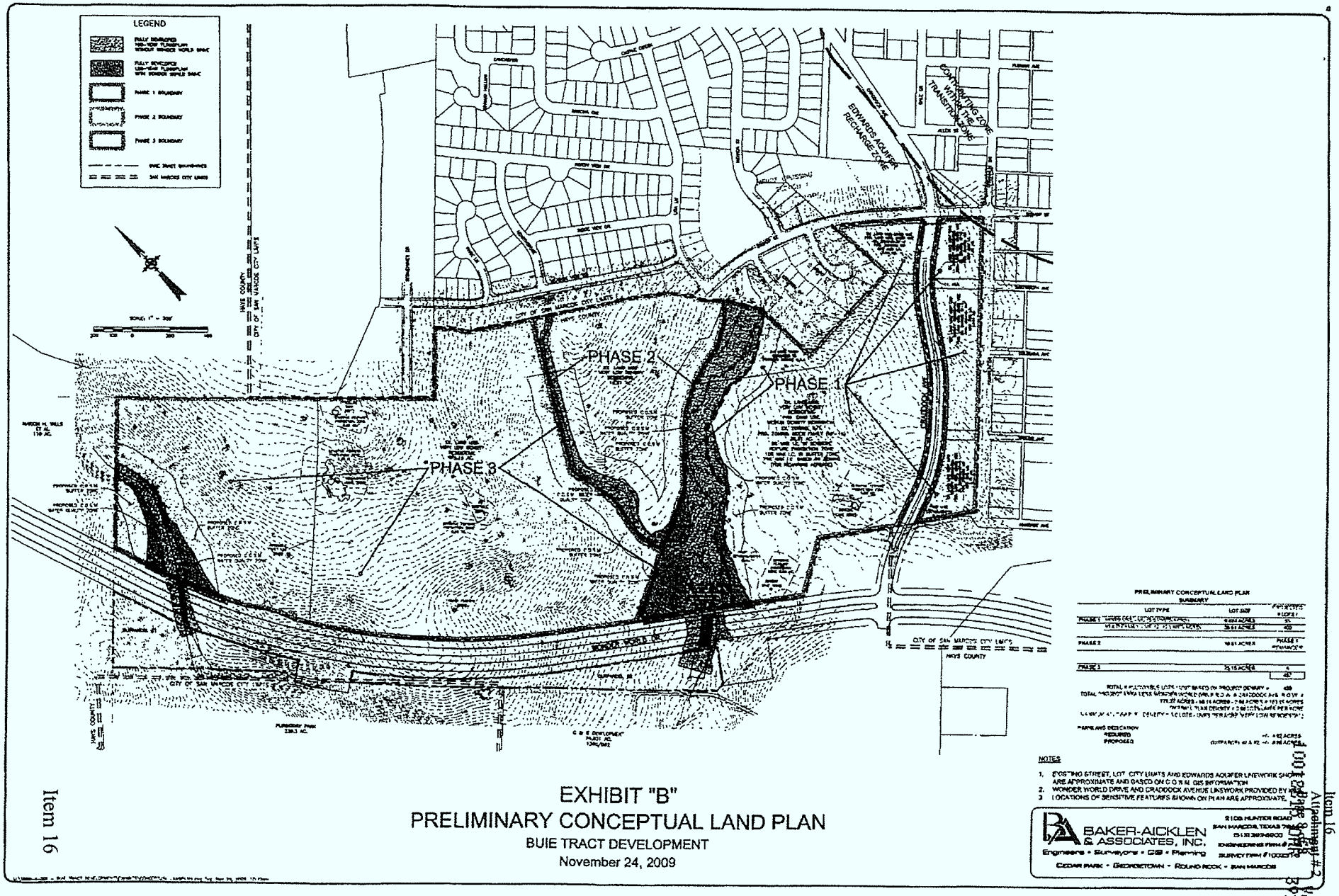


EXHIBIT "B"
PRELIMINARY CONCEPTUAL LAND PLAN
BUIE TRACT DEVELOPMENT
November 24, 2009

Agenda Information

AGENDA CAPTION:

PC-13-12_02 (Blanco Vista, Tract I) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Preliminary Plat for approximately 10.489 acres, more or less, out of the William Ward League Survey No. 3, Abstract No. 467, for 43 residential lots located at Blanco Vista Boulevard and Royal Oak Boulevard.

Meeting date: April 23, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

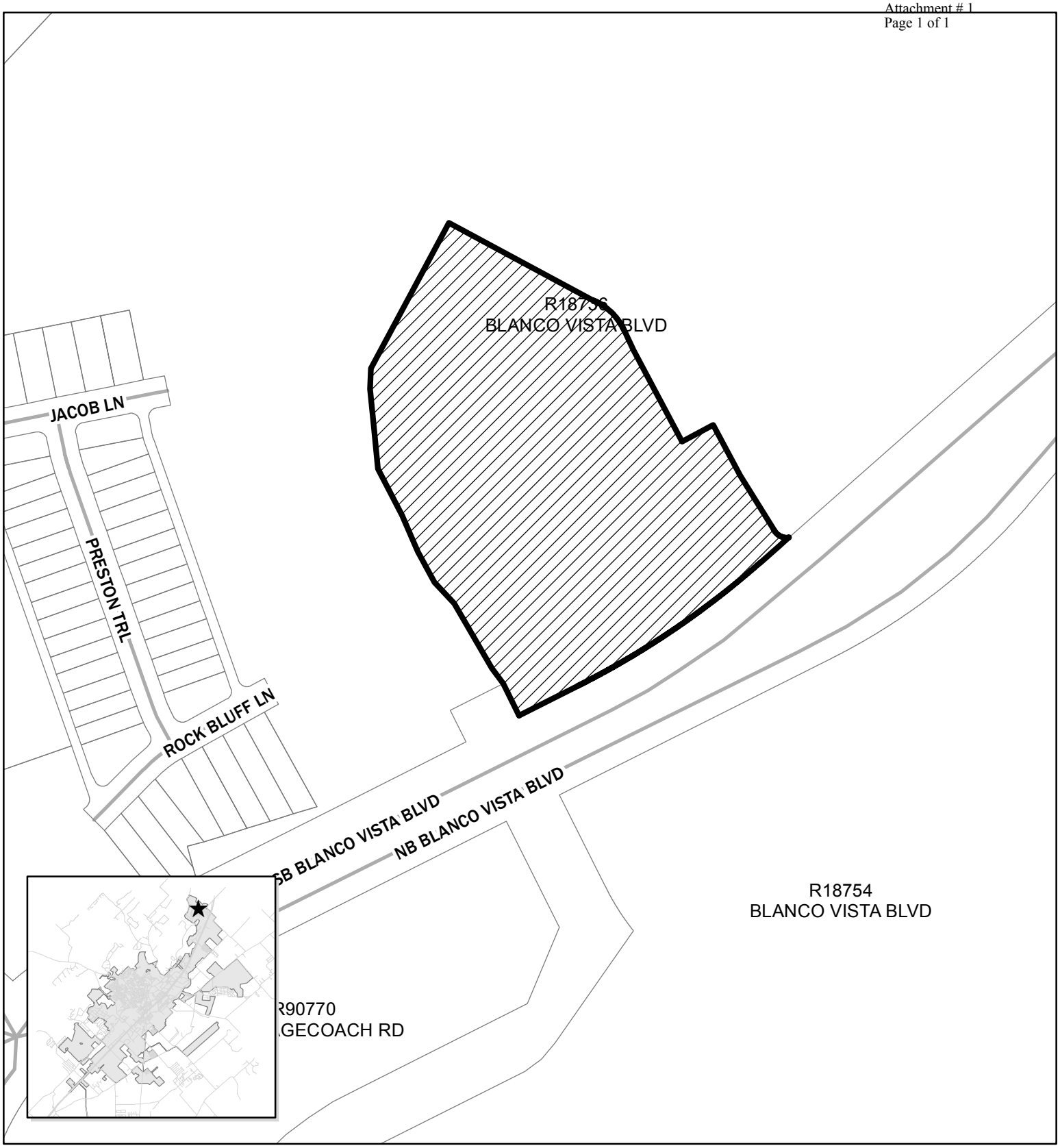
Big Picture Infrastructure

BACKGROUND:

The property, approximately 10.535 acres, more or less, is part of the continued build-out of the Blanco Vista Subdivision. Tract I is located at the intersection of Blanco Vista Boulevard and Royal Oak Boulevard. Royal Oak Boulevard, along with Leather Oak Lane and Weeping Oak Way, are three new streets proposed. The plat also proposes the development of 43 residential lots, one landscape lot that will also function as the required secondary emergency access, and one drainage easement lot. The property is not located within floodplain or floodway. Staff finds the request meets the criteria of Section 1.6.3.5 and recommends **approval** of the preliminary plat as submitted.

ATTACHMENTS:

Case Map
Staff Report
Preliminary Plat
Master Lotting Plan showing Future Connectivity



PC-13-12(02)
Blanco Vista Tract I
Preliminary Plat
Map Date: 4/11/2013

Site Location

0 125 250 500 Feet

N

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

PC-13-12_02 Preliminary Plat, Blanco Vista, Tract I

Applicant Information:

Agent:	CSF Civil Group 3636 Executive Center Drive Suite 209 Austin, Texas 78731
Property Owner:	Brookfield Residential 9737 Great Hills Trail Suite 260 Austin, Texas 78759
Notification:	Notification not required
Type & Name of Subdivision:	Preliminary Plat, Blanco Vista Tract I

Subject Property:

Summary:	The subject property is approximately 10.535 acres, more or less, and is located at the intersection of Blanco Vista Boulevard and Royal Oak Boulevard.
Zoning:	Mixed Use/PDD/Single-Family
Traffic/ Transportation:	The property is at the intersection of Blanco Vista Boulevard and Royal Oak Boulevard. Sidewalks will be installed as part of the development of this plat. The plat proposes three new streets: Royal Oak Boulevard, Leather Oak Lane, and Weeping Oak Way.
Utility Capacity:	All utilities are provided for on-site.

Planning Department Analysis:

The purpose of a Preliminary Plat is to establish lot design for a subdivision, establish utility layouts, and street and intersection design. The Preliminary Plat stage ensures that the final plat design, if final platting is accomplished in phases, is consistent with the overall plan for the area. Preliminary Plats are not recorded and are not the legal document used for sale of lots, but rather are used to allow for comprehensive review of the proposed development.

The subject property is part of the Blanco Vista Planned Development District, and has a base zoning of Mixed Use. This section is within the single-family portion of the development and provides for the development of 43 residential lots, one landscape lot that will also function as the required secondary emergency access and one drainage easement lot. Three streets are proposed to be constructed. The proposed plat would be consistent with developments in the area and the PDD. The site is part of the continued build-out of the Blanco Vista subdivision. The site is not located in floodplain or floodway.

Parkland dedication was completed with the initial phase of this project, and is not required for this individual plat.

The following criteria shall be used to determine whether the application for Preliminary Subdivision Plat shall be approved, approved with conditions, or denied, where no Subdivision Concept Plat has been approved for the land subject to the proposed plat:

(1) The plat is consistent with all zoning requirements for the property, and any approved development agreement;

(2) The plat conforms to the approved Watershed Protection Plan (Phase 1);

(3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans;

(4) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision and meet applicable standards of Chapters 6 and 7 of this Land Development Code; and

(5) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Tex. Loc. Gov't Code ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.

Staff has reviewed the request and determined that all of the above criteria have been met and is recommending **approval** of this preliminary plat as submitted.

Planning Department Recommendation	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Statutory 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 E. Brake	Planner	April 10, 2013
Name	**Title**	**Date**

PRELIMINARY SUBDIVISION PLAT: BLANCO VISTA TRACT I

CITY OF SAN MARCOS, TEXAS

STREET SUMMARY	
ROYAL OAK BOULEVARD	209 L.F.
WEEPING OAK WAY	985 L.F.
LEATHER OAK LANE	560 L.F.

LOT SUMMARY	
RIGHT-OF-WAY	2.180 ACRES
43 RESIDENTIAL LOTS	8.185 ACRES
1 LANDSCAPE LOT	0.046 ACRES
1 DRAINAGE ESMT. LOT	0.124 ACRES
TOTAL	10.535 ACRES
CURRENT ZONING: P.D.D.	
CURRENT TRACT: "TRACT I"	

LEGEND

- ● 1/2" REBAR FOUND (OR AS NOTED)
- ●CH 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- ○ 1/2" REBAR WITH "CHAPARRAL" CAP SET
- ✱ COTTON SPINDLE FOUND
- ⊛ COTTON SPINDLE WITH "CHAPARRAL" WASHER SET
- △ CALCULATED POINT
- ⌖ CONTROL POINT/BENCHMARK LOCATION
- ( ) RECORD INFORMATION
- · · · · SIDEWALK LOCATION

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.: 500-005
DRAWING NO.: 500-005-PL1
PLOT DATE: 4/11/13
PLOT SCALE: 1" = 60'
DRAWN BY: JBE

SHEET 01 OF 03

PRELIMINARY SUBDIVISION PLAT: BLANCO VISTA TRACT I

CITY OF SAN MARCOS, TEXAS

STATE OF TEXAS:
COUNTY OF HAYS:

WHEREAS, CARMA BLANCO VISTA, LLC IS THE OWNER OF 10.535 ACRES IN THE WILLIAM WARD LEAGUE, ABS. 467 IN HAYS COUNTY, TEXAS, BEING A PORTION OF A 199.323 ACRE TRACT CONVEYED TO CARMA BLANCO VISTA, LTD. IN A SPECIAL WARRANTY DEED DATED JUNE 25, 2004 AND RECORDED IN VOLUME 2494, PAGE 616 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 10.535 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found for the westernmost corner of Lot 3, Block A, Blanco Vista Tract C Section A, a subdivision of record in Volume 14, Page 266 of the Plat Records of Hays County, Texas, being in the northeast line of Lot 2, Block A, of said Blanco Vista Tract C Section A;

THENCE North 27°15'17" West crossing the said 199.323 acre tract and with the northeast line of said Lot 2, a distance of 22.92 feet to a 1/2" rebar with "Chaparral" cap set for the northernmost corner of said Lot 2, from which a 1/2" rebar with "Chaparral" cap found for the westernmost corner of said Lot 2, bears South 62°44'43" West, a distance of 100.00 feet;

THENCE crossing the said 199.323 acre tract, the following fourteen (14) courses and distances:

1. North 19°27'35" West, a distance of 161.61 feet to a 1/2" rebar with "Chaparral" cap set;
2. North 31°05'53" West, a distance of 106.41 feet to a 1/2" rebar with "Chaparral" cap set;
3. North 19°50'52" West, a distance of 137.18 feet to a 1/2" rebar with "Chaparral" cap set;
4. North 06°33'24" East, a distance of 172.74 feet to a 1/2" rebar with "Chaparral" cap set;
5. North 25°31'12" East, a distance of 278.22 feet to a 1/2" rebar with "Chaparral" cap set;
6. With a curve to the right, having a radius of 200.00 feet, a delta angle of 06°33'42", an arc length of 22.90 feet, and a chord which bears North 28°47'32" East, a distance of 22.89 feet to a 1/2" rebar with "Chaparral" cap set;
7. North 32°04'23" East, a distance of 174.56 feet to a 1/2" rebar with "Chaparral" cap set;
8. South 57°55'37" East, a distance of 276.82 feet to a 1/2" rebar with "Chaparral" cap set;
9. With a curve to the right, having a radius of 270.00 feet, a delta angle of 30°07'48", an arc length of 141.98 feet, and a chord which bears South 42°51'43" East, a distance of 140.35 feet to a 1/2" rebar with "Chaparral" cap set;
10. South 27°47'49" East, a distance of 174.81 feet to a 1/2" rebar with "Chaparral" cap set;
11. North 62°12'11" East, a distance of 60.00 feet to a 1/2" rebar with "Chaparral" cap set;
12. South 27°47'49" East, a distance of 97.49 feet to a 1/2" rebar with "Chaparral" cap set;
13. With a curve to the left, having a radius of 270.00 feet, a delta angle of 17°38'42", an arc length of 83.15 feet, and a chord which bears South 36°37'09" East, a distance of 82.82 feet to a 1/2" rebar with "Chaparral" cap set;
14. With a curve to the left, having a radius of 25.00 feet, a delta angle of 86°30'11", an arc length of 37.74 feet, and a chord which bears South 88°41'36" East, a distance of 34.26 feet to a 1/2" rebar with "Chaparral" cap set in the northwest right-of-way line of Blanco Vista Boulevard (right-of-way width varies) as shown on said Blanco Vista Tract C Section A;

THENCE South 48°03'19" West crossing the said 199.323 acre tract and with the northwest right-of-way line of Blanco Vista Boulevard, a distance of 103.10 feet to a cotton spindle found for an angle point in the southeast line of said Lot 3;

THENCE crossing the said 199.323 acre tract and with the southeast line of said Lot 3, with a curve to the left, having a radius of 25.00 feet, a delta angle of 45°34'37", an arc length of 19.89 feet, and a chord which bears North 09°00'24" East, a distance of 19.37 feet to a 1/2" rebar with "Chaparral" cap set for the northernmost corner of said Lot 3;

THENCE crossing the said 199.323 acre tract and with the northwest line of said Lot 3, the following nine (9) courses and distances:

1. South 53°09'16" West, a distance of 67.32 feet to a 1/2" rebar with "Chaparral" cap found;
2. South 49°18'15" West, a distance of 60.02 feet to a 1/2" rebar with "Chaparral" cap found;
3. South 47°54'27" West, a distance of 184.41 feet to a 1/2" rebar with "Chaparral" cap set;
4. South 40°43'00" West, a distance of 68.67 feet to a 1/2" rebar with "Chaparral" cap set;
5. South 54°37'10" West, a distance of 104.01 feet to a 1/2" rebar with "Chaparral" cap set;
6. South 88°25'32" West, a distance of 43.73 feet to a 1/2" rebar with "Chaparral" cap set;
7. With a curve to the right, having a radius of 50.00 feet, a delta angle of 117°47'59", an arc length of 102.80 feet, and a chord which bears South 76°08'58" West, a distance of 85.63 feet to a 1/2" rebar with "Chaparral" cap set;
8. South 57°28'13" West, a distance of 122.40 feet to a 1/2" rebar with "Chaparral" cap set;
9. South 62°44'43" West, a distance of 1.88 feet to the POINT OF BEGINNING, containing 10.535 acres of land, more or less.

NOW, THEREFORE, KNOW ALL BY THE PRESENTS:

THAT WE, CARMA BLANCO VISTA, LLC AS OWNER OF THE ABOVE DESCRIBED PROPERTY, DO HEREBY ADOPT THIS PLAT DESIGNATING THE TRACT AS FINAL PLAT: BLANCO VISTA TRACT I, AN ADDITION TO THE CITY OF SAN MARCOS, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER THE RIGHTS OF WAY, PUBLIC USE AREAS AND OTHER EASEMENTS SHOWN THEREON FOR THE PURPOSES INDICATED; THAT NO BUILDINGS, FENCES OR OTHER OBSTRUCTIONS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE SAID EASEMENTS, EXCEPT AS MAY BE PERMITTED BY THE SAID CITY; THAT SAID EASEMENTS MAY BE FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES SERVING THE PROPERTY, UNLESS AN EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, WITH ALL USES BEING SUBORDINATE TO THAT OF THE CITY OF SAN MARCOS'S; THAT THE SAID CITY AND PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS, WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS LOCATED WITHIN SAID EASEMENTS; AND THAT THE SAID CITY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS TO AND EGRESS FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING PERMISSION FROM ANYONE; AND THAT 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.

WITNESS MY HAND THIS _____ DAY OF _____, 20___.

_____
SHAUN E. CRANSTON, VICE PRESIDENT

CARMA BLANCO VISTA, LLC
9737 GREAT HILLS TRAIL, SUITE #260
AUSTIN, TX 78759
(512) 391-1331

STATE OF TEXAS:
COUNTY OF HAYS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY

PERSONALLY APPEARED SHAUN E. CRANSTON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

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

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

_____
MY COMMISSION EXPIRES ON:

PLAT NOTES:

1. THIS PLAT (AND LOTS THEREIN) IS SUBJECT TO THE PDD AGREEMENT WITH THE CITY OF SAN MARCOS, ORDINANCE 2011-37, APPROVED AUGUST 16, 2011, AMENDED JULY 17, 2012, ORD. 2012-33.

2. NO PUBLIC IMPROVEMENT SHALL BE ACCEPTED BY THE CITY UNTIL CONSTRUCTION PLANS FOR OPEN SPACE IMPROVEMENTS AND AN OPEN SPACE PLAN, OUTLINING THE MANAGEMENT AND MAINTENANCE RELATIONSHIP BETWEEN CITY AND HOMEOWNER ASSOCIATION FOR SUCH IMPROVEMENTS, ARE APPROVED BY THE CITY.

3. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE BLANCO VISTA PDD, OR AS OTHERWISE APPROVED BY THE CITY OF SAN MARCOS.

4. A 10 FOOT-WIDE PUBLIC UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO THE RIGHTS-OF-WAY OF WEEPING OAK WAY AND LEATHER OAK LANE.

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

6. SIDEWALKS:
PUBLIC SIDEWALKS, BUILT TO CITY OF SAN MARCOS STANDARDS, ARE REQUIRED ALONG THE FOLLOWING STREETS, AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT: ROYAL OAK BOULEVARD, WEEPING OAK WAY, LEATHER OAK LANE. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.

7. THE LOTS HEREIN SHALL COMPLY WITH THE REQUIREMENTS AND RESTRICTIONS OF "TRACT I" WITHIN THE BLANCO VISTA PDD STANDARDS.

8. NEITHER ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY NOR BUILDING AND SITE CONSTRUCTION PERMITS (OTHER THAN MODEL HOMES) SHALL OCCUR PRIOR TO THE FILING OF THIS PLAT AND ACCEPTANCE OF ASSOCIATED INFRASTRUCTURE.

9. ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BLANCO VISTA", AS AMENDED FROM TIME TO TIME, ORIGINALLY RECORDED IN VOLUME 3062, PAGE 327 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

10. LOTS 1, 25 AND 27-34, BLOCK A ARE PROHIBITED FROM TAKING DIRECT DRIVEWAY ACCESS FROM ROYAL OAK BOULEVARD.

11. THIS PROPERTY IS WITHIN THE CURRENT MAPPED EDWARDS AQUIFER TRANSITION ZONE.

12. NO LOT IN THIS SUBDIVISION FALLS WITHIN THE 100 YEAR FLOOD PLAIN OF A WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL 48209C0385F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS.

13. THE BLANCO VISTA H.O.A. OR ITS ASSIGNS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF LANDSCAPE AND DRAINAGE LOTS SHOWN HEREON.

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.

_____ _____ _____
DIRECTOR OF ENGINEERING DATE

_____ _____
MATTHEW LEWIS DATE
DIRECTOR DEVELOPMENT SERVICES

_____ _____
FRANCIS SERNA, RECORDING SECRETARY DATE

_____ _____
CHAIRMAN DATE
PLANNING AND ZONING COMMISSION

STATE OF TEXAS:
COUNTY OF HAYS:

I, _____, CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE

ON THE _____ DAY OF _____ A.D. 20___ AT _____ O'CLOCK _____ M., AND DULY

RECORDED ON THE _____ DAY OF _____, A.D. 20___ AT _____ O'CLOCK _____ M., IN THE

OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE, IN DOCUMENT NUMBER _____

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE _____ DAY OF _____,

20___ A.D.

_____, COUNTY CLERK, HAYS COUNTY, TEXAS

BY _____
DEPUTY

BENCHMARK INFORMATION:

BM #4: SQUARE CUT ON BACK OF CONCRETE CURB ON MEDIAN ISLAND NOSE NEAR DRAINAGE CHANNEL CROSSING ON BLANCO VISTA BOULEVARD.

ELEVATION = 639.66'

NGVD 29 DATUM (SOURCE BENCHMARK IS RM88, F.E.M.A. MAP 48209C0185E DATED FEBRUARY 18, 1998.)

STATE OF TEXAS
REGISTERED
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR

4/9/13

CONTROL POINT "HC08"

4" ALUMINUM DISC IN CONC. STAMPED "HC08";

THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

TEXAS CENTRAL ZONE COORDINATES:

N 9954796.42
E 3067134.53

SURFACE TO GRID
1.000017434

GRID TO SURFACE
0.999982566

BENCHMARK ELEV. = 637.78 (NGVD 29 DATUM). SOURCE BENCHMARK IS RM88, F.E.M.A. MAP 48209C0185E DATED FEBRUARY 18, 1998.

FROM G.P.S. OBSERVATIONS USING L.C.R.A. H.A.R.N. NETWORK.

CSM10
(CITY OF SAN MARCOS GPS #10)

4" ALUMINUM DISK IN CONCRETE

TEXAS CENTRAL ZONE COORDINATES:

N 9947582.78
E 3071412.89

ELEVATION = 629.35'

INFORMATION PROVIDED BY THE CITY OF SAN MARCOS, TEXAS.

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.: 500-005
DRAWING NO.: 500-005-PL1
PLOT DATE: 4/9/13
PLOT SCALE: 1" = 60'
DRAWN BY: JBE

SHEET
02 OF 03

PRELIMINARY SUBDIVISION PLAT: BLANCO VISTA TRACT I

CITY OF SAN MARCOS, TEXAS

CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	6°33'42"	200.00'	11.46'	22.90'	22.89'	N28°47'32"E
C2	30°07'48"	270.00'	72.67'	141.98'	140.35'	S42°51'43"E
C3	17°38'42"	270.00'	41.91'	83.15'	82.82'	S36°37'09"E
C4	86°30'11"	25.00'	23.52'	37.74'	34.26'	S88°41'36"E
C5	45°34'37"	25.00'	10.50'	19.89'	19.37'	N09°00'24"E
C6	117°47'59"	50.00'	82.89'	102.80'	85.63'	S76°08'58"W
C7	17°02'48"	330.00'	49.46'	98.18'	97.82'	N37°34'03"W
C8	89°04'02"	15.00'	14.76'	23.32'	21.04'	N73°34'40"W
C9	13°56'52"	275.00'	33.64'	66.94'	66.78'	S54°54'53"W
C10	15°56'37"	325.00'	45.51'	90.44'	90.15'	S55°54'47"W
C11	52°01'12"	15.00'	7.32'	13.62'	13.16'	S37°52'30"W
C12	194°02'25"	50.00'	406.04'	169.33'	99.25'	N71°06'54"W
C13	52°01'12"	15.00'	7.32'	13.62'	13.16'	N00°06'18"W
C14	51°37'35"	325.00'	157.20'	292.84'	283.04'	N00°18'07"W
C15	10°29'01"	325.00'	29.82'	59.47'	59.38'	N30°45'12"E
C16	48°09'38"	15.00'	6.70'	12.61'	12.24'	N11°54'53"E
C17	178°07'12"	50.00'	3047.32'	155.44'	99.99'	N76°53'40"E
C18	48°40'05"	15.00'	6.78'	12.74'	12.36'	S38°22'47"E
C19	34°55'01"	325.00'	102.21'	198.06'	195.01'	S45°15'19"E
C20	10°58'45"	275.00'	26.43'	52.70'	52.62'	S33°17'11"E
C21	94°40'35"	15.00'	16.28'	24.79'	22.06'	S86°06'51"E
C22	15°24'04"	325.00'	43.95'	87.36'	87.10'	N54°14'54"E
C23	89°44'44"	15.00'	14.93'	23.50'	21.17'	N17°04'34"E
C24	15°56'39"	275.00'	38.51'	76.53'	76.28'	S55°54'47"W
C25	90°00'00"	15.00'	15.00'	23.56'	21.21'	N71°06'54"W
C26	51°37'35"	275.00'	133.02'	247.79'	239.49'	N00°18'07"W
C27	14°01'19"	275.00'	33.82'	67.30'	67.13'	N32°31'21"E
C28	74°00'13"	15.00'	11.30'	19.37'	18.06'	N76°32'07"E
C29	38°39'58"	275.00'	96.48'	185.58'	182.08'	S47°07'48"E
C30	11°44'07"	325.00'	33.40'	66.57'	66.45'	S33°39'52"E
C31	87°28'23"	15.00'	14.35'	22.90'	20.74'	S04°12'16"W
C32	29°04'43"	50.00'	12.97'	25.38'	25.10'	S31°47'20"W
C33	88°43'16"	50.00'	48.90'	77.42'	69.92'	N89°18'40"W
C34	5°08'56"	270.00'	12.14'	24.26'	24.25'	S55°21'09"E
C35	16°42'03"	270.00'	39.63'	78.70'	78.42'	S44°25'40"E
C36	8°16'50"	270.00'	19.54'	39.02'	38.99'	S31°56'14"E
C37	5°14'20"	325.00'	14.87'	29.72'	29.71'	S50°33'39"W
C38	8°19'48"	325.00'	23.67'	47.25'	47.21'	S57°20'42"W
C39	2°22'30"	325.00'	6.74'	13.47'	13.47'	S62°41'51"W
C40	46°18'21"	50.00'	21.38'	40.41'	39.32'	S35°01'04"W
C41	40°25'20"	50.00'	18.41'	35.28'	34.55'	S78°22'55"W
C42	28°58'32"	50.00'	12.92'	25.29'	25.02'	N66°55'09"W
C43	45°51'21"	50.00'	21.15'	40.02'	38.96'	N29°30'13"W
C44	32°28'51"	50.00'	14.56'	28.34'	27.97'	N09°39'53"E
C45	8°09'09"	325.00'	23.16'	46.24'	46.20'	N22°02'20"W
C46	8°18'40"	325.00'	23.61'	47.14'	47.10'	N13°48'26"W
C47	8°18'40"	325.00'	23.61'	47.14'	47.10'	N05°29'46"W
C48	8°18'40"	325.00'	23.61'	47.14'	47.10'	N02°48'54"E
C49	8°18'40"	325.00'	23.61'	47.14'	47.10'	N11°07'33"E
C50	8°15'06"	325.00'	23.44'	46.81'	46.77'	N19°24'26"E
C51	1°58'42"	325.00'	5.61'	11.22'	11.22'	N24°31'20"E
C52	1°01'26"	325.00'	2.90'	5.81'	5.81'	N26°01'24"E
C53	9°27'35"	325.00'	26.89'	53.66'	53.60'	N31°15'54"E
C54	24°50'47"	15.00'	3.30'	6.50'	6.45'	N23°34'18"E
C55	23°18'51"	15.00'	3.09'	6.10'	6.06'	N00°30'31"W
C56	51°33'56"	50.00'	24.15'	45.00'	43.50'	N13°37'02"E
C57	38°32'15"	50.00'	17.48'	33.63'	33.00'	N58°40'08"E
C58	17°27'27"	50.00'	7.68'	15.23'	15.18'	N86°39'59"E
C59	43°58'21"	50.00'	20.19'	38.37'	37.44'	S62°37'07"E
C60	26°35'13"	50.00'	11.81'	23.20'	22.99'	S27°20'21"E
C61	5°02'22"	325.00'	14.30'	28.59'	28.58'	S60°11'39"E
C62	8°12'53"	325.00'	23.34'	46.60'	46.56'	S53°34'01"E
C63	9°50'43"	325.00'	27.99'	55.85'	55.78'	S44°32'13"E
C64	8°02'40"	325.00'	22.85'	45.63'	45.59'	S35°35'32"E
C65	3°46'23"	325.00'	10.71'	21.40'	21.40'	S29°41'00"E
C66	3°25'35"	275.00'	8.23'	16.45'	16.44'	S49°39'15"W
C67	12°31'04"	275.00'	30.16'	60.08'	59.96'	S57°37'34"W
C68	3°36'41"	275.00'	8.67'	17.33'	17.33'	N24°18'34"W
C69	14°37'44"	275.00'	35.30'	70.21'	70.02'	N15°11'21"W
C70	22°58'37"	275.00'	55.89'	110.28'	109.54'	N03°36'49"E
C71	10°24'33"	275.00'	25.05'	49.96'	49.89'	N20°18'24"E
C72	14°55'21"	275.00'	36.02'	71.62'	71.42'	S59°00'06"E
C73	23°31'01"	275.00'	57.24'	112.87'	112.08'	S39°46'55"E
C74	0°13'36"	275.00'	0.54'	1.09'	1.09'	S27°54'37"E
C75	2°46'03"	325.00'	7.85'	15.70'	15.70'	S29°10'50"E
C76	8°58'04"	325.00'	25.49'	50.87'	50.82'	S35°02'53"E

LINE TABLE		
No.	BEARING	LENGTH
L1	N00°12'23"W	5.21'
L2	N27°47'49"W	25.00'
L3	S49°18'15"W	2.13'
L4	S88°25'32"W	1.15'
L5	N19°27'35"W	2.89'
L6	N19°50'52"W	1.13'
L7	N06°33'24"E	0.74'
L8	S70°32'25"W	35.08'

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JOE BEN EARLY, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND ON JUNE 29, 2012 AND THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

4/9/13

JOE BEN EARLY, JR., R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR, STATE OF TEXAS NO. 6016
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 McCALL LANE
AUSTIN, TX 78744
512-443-1724

STATE OF TEXAS
REGISTERED
JOE BEN EARLY, JR.
6016
PROFESSIONAL
LAND SURVEYOR

ENGINEER'S CERTIFICATION:

I, CHARLES STEINMAN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NO LOT IN THIS SUBDIVISION FALLS WITHIN THE 100 YEAR FLOOD PLAIN OF A WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL 48209C0385F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS.

CHARLES STEINMAN, P.E. #64410,
REGISTERED PROFESSIONAL ENGINEER, STATE OF TEXAS
CSF CIVIL GROUP, LLC
3636 EXECUTIVE CENTER DRIVE, SUITE 209
AUSTIN, TEXAS 78731
(512) 614-4466
TBPE FIRM REGISTRATION NO. 12377

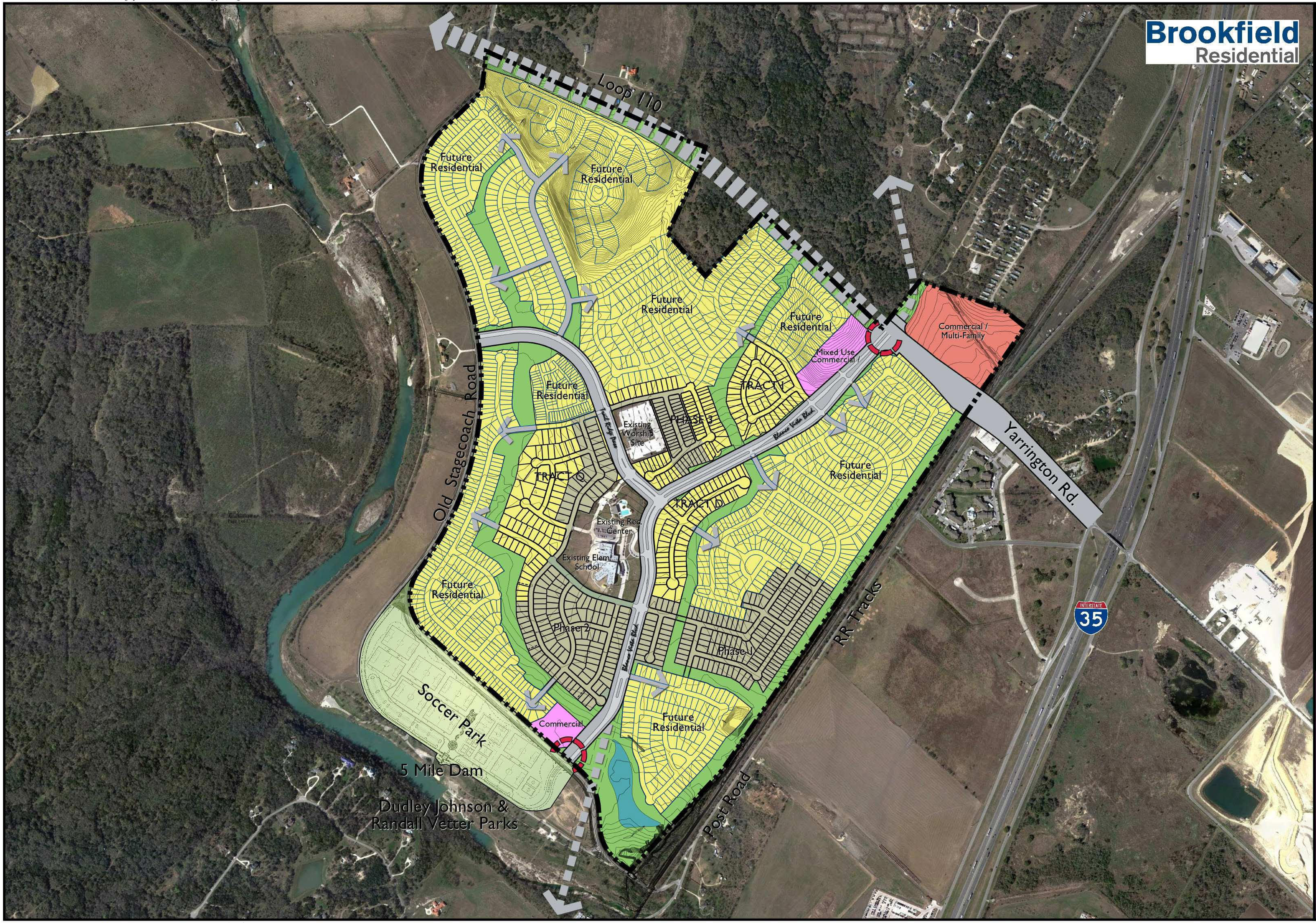
STATE OF TEXAS
CHARLES E. STEINMAN
64410
LICENSED
PROFESSIONAL ENGINEER

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.: 500-005
DRAWING NO.: 500-005-PL1
PLOT DATE: 4/9/13
PLOT SCALE: 1" = 60'
DRAWN BY: JBE

SHEET 03 OF 03

File: L:\252919\2013-04-04 Master lotting update\2013-04-04 masterlotting plan.dwg



712 Congress Avenue, Suite 300
Austin, TX 78701
Tel: (512) 480-0032 Fax: (512) 480-0617
www.rviplanning.com

rvi Planning + Landscape Architecture Graphic Design

All information furnished regarding this property is from sources deemed reliable. However, RVi has not made an independent investigation of these sources and no warranty or representation is made by RVi as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. Land plan is subject to change. The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.

MASTER LOTTING PLAN

SCALE : 1" = 400'
0 400
DATE : 04-05-2013
NORTH

Blanco Vista
San Marcos, Texas

Agenda Information

AGENDA CAPTION:

CUP 13-07 (Rio Vista Food Trailer Court) Hold a public hearing and consider a request by Hilda Gomez, on behalf of Alfredo Lamas Leal, for a new Conditional Use Permit to allow portable food facilities at 413 Riverside Drive.

Meeting date: April 23, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

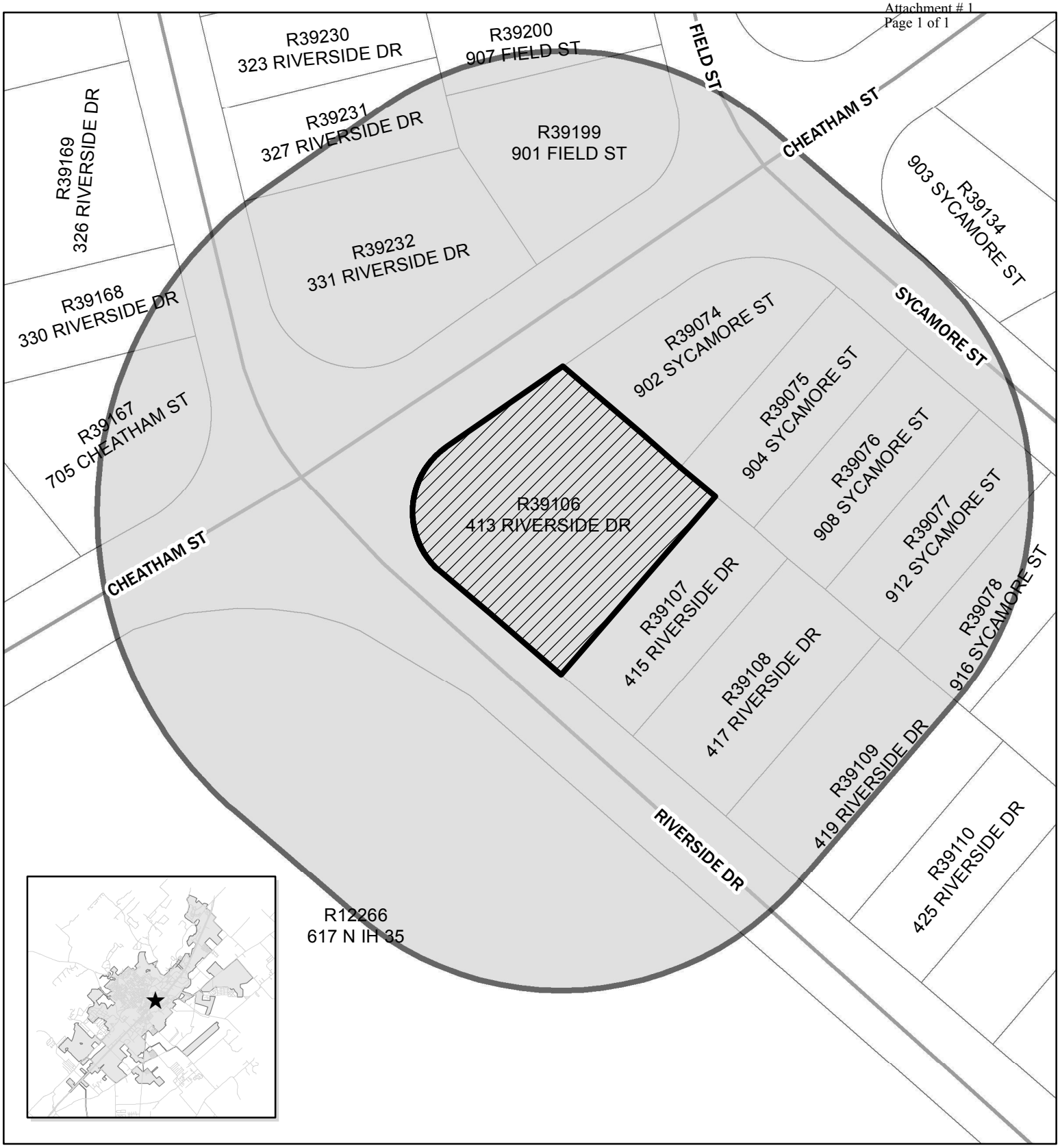
Community Wellness/Encourage the Middle Class

BACKGROUND:

The applicant intends to rent portions of the lot at 413 Riverside Drive for mobile food facilities. Until recently, the location was being used as a tire shop which is a nonconforming use for the property. The applicant also intends to use the property for tube rentals in the summer which is considered retail and is permitted in this Mixed Use zone.

ATTACHMENTS:

Case Map
Staff Report
Site Plan
Aerial
CUP Application
Director's Interpretation



CUP-13-10
Rio Vista Food Trailer Court●
413 Riverside Drive
Map Date: 3/22/2013

Site Location
Notification Area ●
(200 feet)

0 50 100 200 Feet

N

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

CUP-13-10
Conditional Use Permit
Rio Vista Food Trailer Court
413 Riverside Dr

Applicant Information:

Applicant:	Hilda Gomez 413 Riverside Dr San Marcos, TX 78666
Property Owner:	Alfredo Lamas Leal 413 Riverside Dr San Marcos, TX 78666
Applicant Request:	Conditional Use Permit (CUP) to allow mobile food venders in a Mixed Use Zone
Notification:	Public hearing notification was mailed on April 12, 2013
Response:	None to date

Subject Property:

Location:	413 Riverside Dr
Legal Description:	Rio Vista Terrace, Lots 35-36, Block 1
Frontage On:	Riverside Dr, Cheatham St
Neighborhood:	Rio Vista
Existing Zoning:	MU
Master Plan Land Use:	Commercial
Sector:	4
Existing Utilities:	Sufficient
Existing Use of Property:	Currently Vacant
Proposed Use of Property:	Mobile Food Facility

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-6	Residential
S of Property	P	Public
E of Property	CC	Community Commercial
W of Property	SF-6	Residential

Code Requirements:

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

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

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

Case Summary

The subject property is located on the east corner of Cheatham Street and Riverside Drive. There is an existing single story building that will remain on the property, but has ceased its previous use as a used tire shop. The applicant does, however, intend to use a portion of the building for inner tube rentals which is considered retail and is permitted in Mixed Use zones. The site is approximately 500 feet from Rio Vista Park. Surrounding uses are varied and include single-family residences, a child care facility, and public park space.

In 2009 the property owner applied for and was granted a zoning change from Community Commercial to Mixed Use with the intent of having a restaurant and residence on the property. No improvements were made and the property was used for tire sales until recently.

The applicant intends to open a mobile food facility with 2 picnic tables, 4 trailers, and 1 portable restroom unit. No amplified music is proposed. The LDC requires 4 parking spaces for the food trailer court and 3 parking spaces for the proposed tube rental area for a total of 7 spaces. The applicant has allotted space for 10 standard parking spaces and 2 compact parking spaces. 5 of these parking spaces are accessible from Riverside Drive and the other 7 are accessible from Cheatham Street.

Comments from Other Departments:

There were no comments from police, fire, health, or other departments

Planning Department Analysis

The Rio Vista Trailer Food Court presents an opportunity to serve both the residents of the Rio Vista Neighborhood and visitors enjoying the San Marcos River alike with a convenient, accessible attraction. The trailer food court would be a short walk from Rio Vista Park and would provide a plausible transition from the river to the surrounding residential areas. The proposed site contains sufficient parking and reasonable vehicle accessibility.

Staff is concerned with potential noise affecting nearby residences. To avoid potential noise issues, staff recommends that hours of operation be limited to 9:00 am to 9:00 pm Sunday through Saturday. There are also concerns with the proximity of the food vendors to nearby residences. Staff recommends that no food vendors be placed within 20 feet of the property line of 902 Sycamore Street. Staff also recommends an initial approval period of one year to monitor the site.

It appears that the request is consistent with the policies and the general intent of the zoning district, is compatible with the character and integrity of adjacent developments, and does not generate

pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic with respect to the Land Development Code. The proposed use is consistent with the character of the surrounding area.

Staff recommends approval with the following conditions:

1. **The permit shall be valid for one (1) year;**
2. **The hours of operation shall be limited to 9:00 am to 9:00 pm, Sunday through Saturday;**
3. **No portable food vendor shall be placed within 20 feet of the property line of 902 Sycamore Street;**
4. **No more than 4 trailers may be located on the site without first amending the CUP.**

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

Prepared by:

Nathan Warren	Planning Intern	April 12, 2013
Name	**Title**	**Date**

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

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

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

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

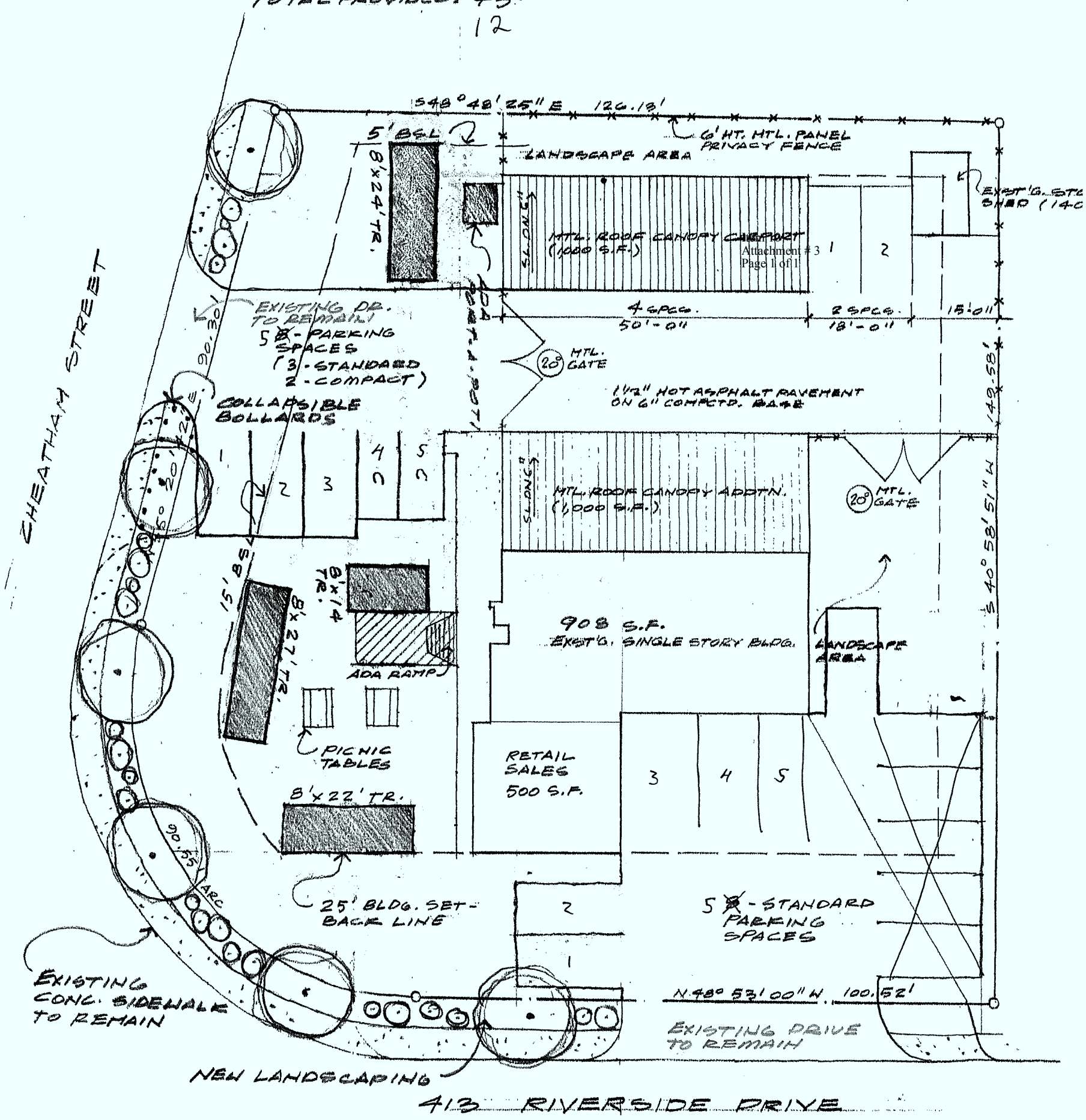
Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

RECEIVED
MAR 11 2013
BY:

RIO VISTA TRAILER FOOD COURT

PARKING SYNOPSIS

PARKING SPACES REQUIRED
FOOD COURT : 4
RETAIL SALES : 3
~~OFFICE/GARAGE : 5~~
TOTAL REQ'D : ~~12~~ 7
TOTAL PROVIDED : ~~13~~ 12



1 SITE PLAN
SC.: 1" = 20'-0"

CUP-13-10
Rio Vista Food Trailer Court●
413 Riverside Drive
Map Date: 4/12/2013

Site Location
Notification Area ●
(200 feet)

0 30 60 120 Feet

N

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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**
☐	A pre-application conference with staff is recommended	☐	
☐	A completed application for Conditional Use Permit and required fees	☐	
☐	A site plan illustrating the location of all structures on the subject property and on adjoining properties	☐	
☐	Authorization to represent the property owner, if applicant is not the owner	☐	
☐	Application Fee $600 + $10 = $610	☐	
☐	Renewal Fee $300	☐	
Any of the following pieces of information as requested by the Planning Director:			
☐	Landscaping and/or fencing of yards and setback areas and proposed changes	☐	
☐	Design of ingress and egress	☐	
☐	Off-street parking and loading facilities	☐	
☐	Height of all structures	☐	
☐	Proposed uses	☐	Food/Retail Facility - keeping existing Structure
☐	The location and types of all signs	☐	
☐	Hours of operation	☐	8Am till 8pm
☐	Impervious cover or drainage issues or impacts	☐	
☐	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district	☐	

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

Signed: Carlos A. Hernandez Date: 2-25-13

Printed Name: CARLOS A. HERNANDEZ

☐ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☑ Agent: _____

09/12

CUP- 13 - 10

City of San Marcos
CONDITIONAL USE PERMIT APPLICATION - GENERAL

	APPLICANT	PROPERTY OWNER
Name:	Hilda Gomez	Alfredo Lamas Leal
Mailing Address:	413 Riverside Drive	413 Riverside Drive
	San Marcos Tx 78666	San Marcos TX 78666
Telephone No.:	239-410-8761	214-869-6685
E-mail address:	hildagomez@embarqmail.com	superfred54@yahoo.com

Property Address: 413 Riverside Drive San Marcos Tx 78666
Legal Description (if platted): Lot _____ Block _____ Subdivision _____
Tax ID Number: R_____ **Zoning District:** _____

PROPOSED USE

Brief description of Proposed Use (attach separate page if needed): Food/Retail facility planning on keeping existing structure

I certify that the information in this application is complete and accurate. I understand 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 of Applicant: Hilda Gomez Date: 2/25/13

To be completed by Staff:
Meeting Date: _____ Application Deadline: _____
Accepted by: _____ Date: _____

DEVELOPMENT SERVICES
City of San Marcos
630 E. Hopkins
San Marcos, TX 78666

Director's Interpretations

Date	Number*	Subject(s)	LDC Citation	Other
2/22/11	DS-11-01	Land Use Classification for Mobile Food Establishment	Sec 4.3.1.1(d)	

Purpose: The purpose of this director's interpretation is to classify a mobile food establishment containing a fully operational kitchen that is to remain on private property in one location on a semi-permanent basis

Background: Section 4.3.1.1(d) of the Land Development Code outlines a process for the classification of a new/ unlisted use. During this process *a new and unlisted use may be interpreted by the director as similar enough to a listed use if the unlisted use possesses the majority of characteristics of the listed use.* The requested use includes the possibility of multiple vendors on one lot. Vendors are proposed to be able to move on and off the lot similar to a market with booths that are occupied by different vendors. The following characteristics of land uses are outlined in the code:

- The nature of the use and whether the use involves dwelling activity, sales, services, or processing
- The type of product sold or produced under the use
- Whether the use has enclosed or open storage and the amount and nature of the storage
- Anticipated employment typically anticipated with the use
- Transportation requirements, including approximate mileage, turning radius, or driving time of the expected client or patron base;
- The nature and time of occupancy and operation of the premises
- The off-street parking and loading requirements
- The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated
- The requirements for public utilities such as sanitary sewer and water and any special public services that may be required
- Impervious surface coverage or anticipated size of building

The proposed use shares a majority of the above listed characteristics with a market

A market is allowed by right in the Heavy Commercial (HC) zoning district and with a Conditional Use Permit in the Mixed Use (MU), Neighborhood Commercial (NC), General Commercial (GC), and the Central Business Area (CBA).
Determination: Due to the temporary and fluid nature of the proposed use as well as the function of the use on the lot this proposed use can be classified as similar enough to the already classified use **Market (public, flea).**

Applicability: To be used when determining the allowable zoning districts for the operation of a mobile food establishment with a fully operational kitchen on private property

Effective Date: Feb 25th 2011

Signature MH

*The number system will include an alpha designator as follows:

DP – Development Procedures
ETJ – Development in the ETJ
CP – Comprehensive Planning
ZR – Zoning Regulations
ER – Environmental Regulations
DS – Development Standards
PFS – Public Facilities Standards
DF – Definitions
Tm – Technical Manual

Agenda Information

AGENDA CAPTION:

ZC-13-05 (Windemere) Hold a public hearing and discuss the following requests by Joel Richardson on behalf of Robert Haug and Vinson Wood:

1. a zoning amendment to establish two Development Transfer ("DT") Overlay Zoning Districts as follows: (1) a Development Transfer granting site of 65.16 acres more or less to be designated as a DTG District, and (2) a Development Transfer Receiving site to be designated as a DTR District consisting of 20.08 acres more or less located in the Enclave at Windemere out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road and

2. a Development Transfer Petition to transfer 2.33 acres of impervious cover from the Development Transfer Granting site consisting of a 65.16 acre tract, to the Development Transfer Receiving site known as the Enclave at Windemere, consisting of 20.08 acres.

Meeting date: April 23, 2013

Department: Development Services

Funds Required: na

Account Number: na

Funds Available: na

Account Name: na

CITY COUNCIL GOAL:

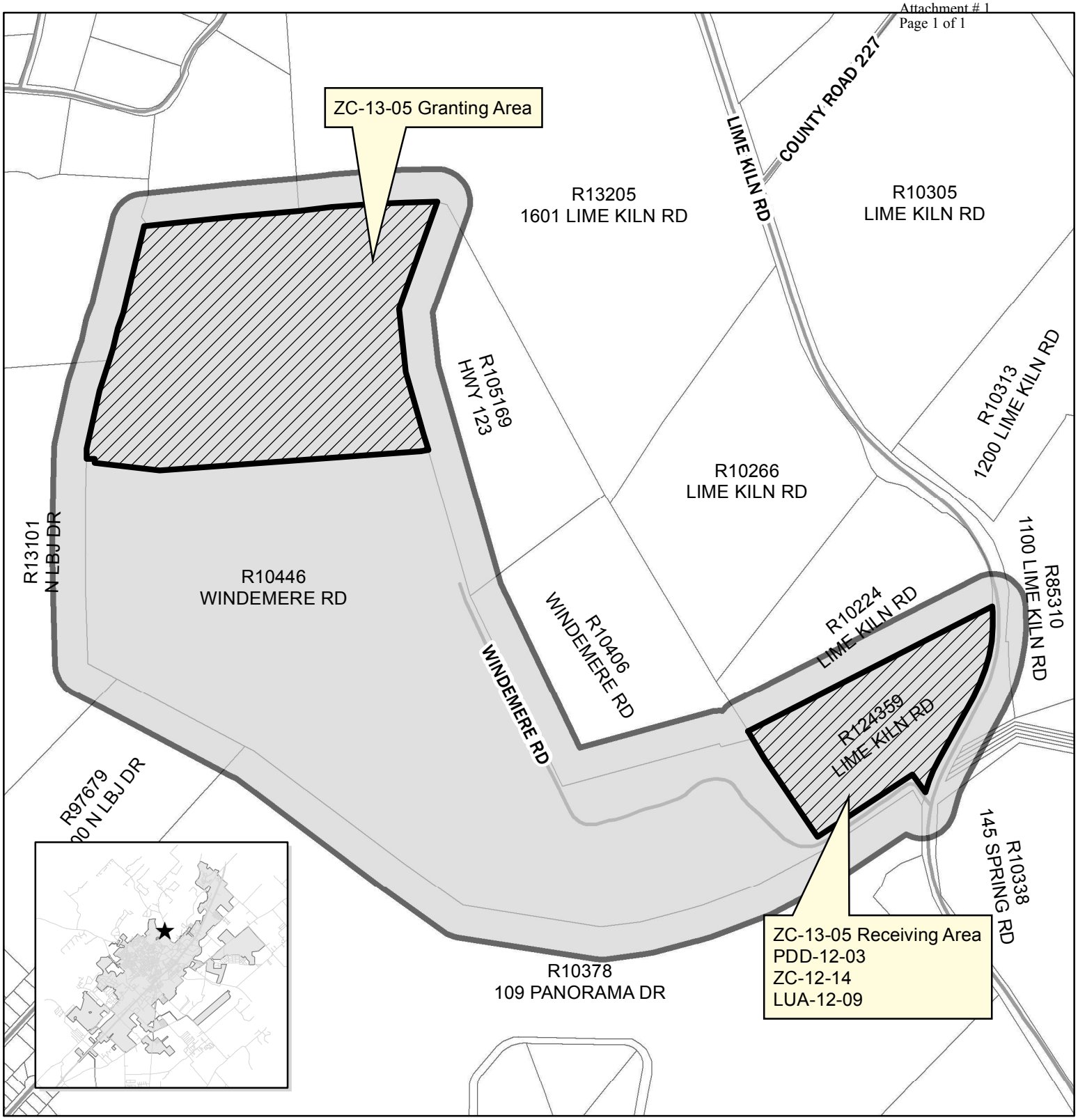
BACKGROUND:

This is a petition to transfer 2.33 acres of impervious cover from the "Granting Zone," a 65.16 acre tract, to the "Receiving Zone," known as the Enclave at Windemere, a 20.08 acre site that is also the subject of cases LUA-12-09, ZC-12-14, and PDD-12-03 and the corresponding petition for a zoning amendment to create two overlay zoning districts: a Granting Site "DTG District" overlay and a Receiving Site "DTG District" overlay.

The intent is to use the additional density to construct a single-family residential subdivision with minimum 7,500 square foot lots. Both the Granting and Receiving Sites are within the Edwards Aquifer Recharge Zone and are part of the overall 235-acre piece of land known as the Windemere tract.

ATTACHMENTS:

Case map
Staff Report
Concept Plan
Application
Receiving Zone Metes and Bounds
Metes and Bounds Exhibit
Granting Zone Metes and Bounds
Conservation Development Guide



PDD-12-03
ZC-12-14
ZC-13-05
LUA-12-09
Enclave at Windemere
200 Lime Kiln Road
Map Date: 4/12/2013

Site Location
Notification Area (200 feet)

0 500 1,000 2,000 Feet

N

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Development Transfer
ZC-13-05
Windemere
200 Lime Kiln Road

Summary: A Petition for a Development Transfer of 2.33 acres of impervious cover and creation of Granting Zone and Receiving Zone Zoning Overlays

Applicant: Joel Richardson
4303 Russell Dr
Austin, TX 78704

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

Notification: Personal notifications of the public hearing were mailed on April 11, 2013

Response: Two opposition letters received as of April 16, 2013

Property/Area Profile:

Legal Description: 20.08 acres out of the TJ Chambers A-2 Survey

Location: 200 Lime Kiln Road

Existing Use of Property: Undeveloped

Proposed Use of Property: Single Family Residences

Future Land Use Map: Very Low Density Residential

Existing Zoning: SF-R (Single Family Rural)

Proposed Zoning: SF-6 (Single Family Residential)

Utility Capacity: Adequate

Sector: Adjacent to Sector 3

Area Zoning and Land Use Pattern:

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

Code Requirements

Section 1.5.4.1 - Purpose, Applicability and Effect

(a) Purpose. The purpose of a development transfer petition is to authorize the simultaneous transfer of residential densities, impervious cover or nonresidential square footage from one development site that is to be limited permanently in whole or in part to open space (the granting site) to another development site that is not subject to such constraints (the receiving site).

(b) Applicability. Within the City limits, residential density, impervious cover or nonresidential square footage may be transferred from an area proposed to be designated as permanent open space to an area planned for residential or nonresidential use that qualifies as a receiving site under this Land Development Code through a petition for establishment of an overlay transfer zoning district for the granting and receiving sites. Outside the City limits, development transfers may be accomplished only by including provisions for the granting and receiving sites in a development agreement approved under Article 4, Divisions 2 or 3, of this Chapter 1.

(c) Effect. Development of the granting site, upon approval of the development transfer petition, shall thereafter be limited to the density, impervious cover or nonresidential square footage remaining after the transfer. Development of the receiving site, upon approval of the petition, shall thereafter be allowed an increase in the impervious cover, residential density, or nonresidential square footage over and above the levels allowed before the transfer.

Section 4.2.7.1 - Development Transfer (DT) District

(a) Purpose and Nature of District. The purpose of the Development Transfer (DT) district shall be to allow the transfer of residential density or impervious cover from a site that is to be in whole or in part restricted to permanent open space (granting site) to a different site on which the density or impervious cover can be utilized pursuant to an integrated development design (receiving site). The DT district is an overlay district which may combine with one or and more base zoning districts. The DT district comprises two subdistricts: the Development Transfer Granting (DTG) district, to be applied to the granting site, and the Development Transfer Receiving (DTR) district, to be applied to the receiving site.

(b) Development Transfer Granting (DTG) District. The DTG district may be applied to preserve land in a natural state, part of which is located over the Edwards Aquifer or contains watershed protection zones, buffer zones, floodplain or other environmentally significant natural features. The DTG district may combine with residential or nonresidential base zoning districts and restricts the number of dwellings or the amount of square feet of impervious cover that can be constructed on all or part of the land. The resulting restrictions must be secured through conservation easements or other instruments that preserve the area containing the environmentally significant resources. The gross residential density or impervious cover that is limited within the DTG district shall be quantified and transferred to a designated DTR district or other receiving site in accordance with the standards in this Division.

(c) Development Transfer Receiving (DTR) District. The DTR district may be applied to land that does not contain environmentally significant resources and the intensified development of which is compatible with adjacent land uses and is consistent with the Master Plan. The DTR district may combine with residential base zoning districts, and authorizes a greater number of dwelling units to be established on the land than is allowed under the base zoning district density. The arrangement and design of the residential uses in the DTR district shall be implemented through a Cluster Development Plan. The increase in gross residential density in the DTR district shall be quantified from the density or impervious cover transferred from a designated DTG district or other granting site in accordance with the standards in this Division.

Case Summary: **This is a petition to transfer 2.33 acres of impervious cover from the area labeled "Granting Zone" to the "Receiving Zone," the 20.08 Enclave at Windemere site.**

This petition is proceeding concurrently with a Future Land Use Map Amendment and a Planned Development District Overlay for the Receiving Zone. No development is currently proposed on the Granting Zone tract. This case is analyzed separately from the other cases (LUA-12-09, ZC-12-14, and PDD-12-03) because it involves two tracts (see case map). In this case, the Commission is considering the petition to transfer 2.33 acres of impervious cover, the creation of a Granting Zone overlay, and the creation of a Receiving Zone overlay. Please see the staff report for PDD-12-03 for a summary of the full request for the Receiving Zone and a history of cases on the property.

Planning Department Analysis

Section 1.5.4.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate petitions for Development Transfers. The consistency of this proposed change to the criteria is summarized below:

(1) Whether approval of the petition for development transfer implements the policies of the Master Plan relating to preservation of open space and protection of water quality;
The creation of a 15 acre conservation easement meets Master Plan goals by preserving the area around identified sensitive features with slopes and existing tree canopy as well. It does not meet Master Plan goals because it is not part of a contiguous greenbelt.

(2) Whether the development transfer implements a specific plan for watershed protection;
A Watershed Protection Plan I (WPP I) is required to be submitted with a request for a Development Transfer. A WPP I was approved in 2008. No specific plan for watershed protection has been identified beyond the approved WPP I.

(3) Whether conservation easements or other means of preserving protected portions of the granting site have been executed;
A conservation easement is identified on the concept plan, but no easement has been executed. A perpetual easement will be required to be executed prior to platting within the Receiving Zone.

(4) Whether the proposed receiving site qualifies as a development transfer site;
4.2.7.1 (b) states that "The DTR district may be applied to land that does not contain environmentally significant resources and the intensified development of which is compatible with adjacent land uses and is consistent with the Master Plan." The proposed receiving site is within the Edwards Aquifer Recharge Zone, and although it does not have identified geologic features, because of its location in the Recharge Zone and proximity to the Sink Creek water quality zone, staff finds that the land does contain environmentally significant resources.

Further, 5.2.8.2 states "The development transfer from a site located in the recharge zone to a receiving site located outside of the recharge zone is encouraged." This section of the LDC establishes a Development Transfer as an incentive. The Commission may consider as a policy decision whether to award incentives to a Receiving Zone site that is within the Edwards Aquifer zone.

(5) Whether the development of the receiving site at greater residential density or nonresidential square footage does not negatively impact existing uses or inhibit development of land under existing zoning classifications; and

Please see the staff report for PDD-12-03 for further analysis of the impact of development at greater density on surrounding uses.

(6) Whether the density, impervious cover or nonresidential square footage to be transferred from the granting site can be used by clustering or intensifying development on the granting site.
The impervious cover may be used by intensifying development on the granting site.

Because of the sensitive nature of the Receiving Zone, staff recommends that particular care be taken to site design to ensure environmental protection. The attached document *Conservation Development in Texas* has been provided to the applicant, and staff recommends that the development follow this model. The first steps transferring density in the manner proposed is an element of Conservation Development, but there are other elements including preservation of 40-

60% of the gross area for open space, evaluation of other resources such as viewsheds, provisions for native landscaping, and green building standards.

This item and the associated cases are posted for discussion only at the April 23rd meeting. The Commission will take action at a future meeting.

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 discretionary and a legislative decision under the LDC.

Prepared by:

John Foreman, AICP, CNU-A	Planning Manager	April 11, 2013
Name	**Title**	**Date**

THE ENCLAVE AT WINDEMERE

TRANSFER OF DEVELOPMENT RIGHTS CONCEPT PLAN

TDR CONCEPT PLAN NOTES:

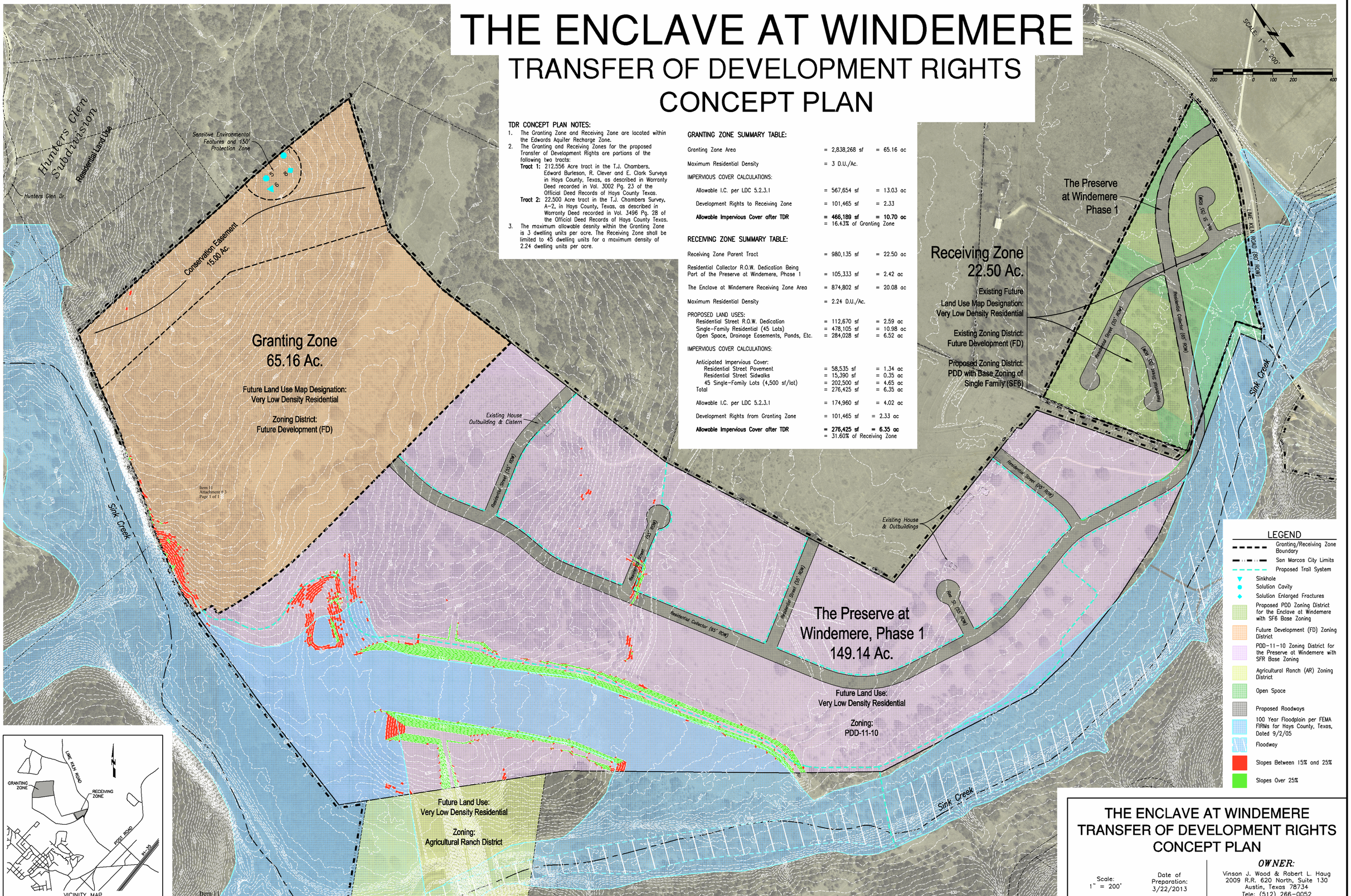
1. The Granting Zone and Receiving Zone are located within the Edwards Aquifer Recharge Zone.
2. The Granting and Receiving Zones for the proposed Transfer of Development Rights are portions of the following two tracts:
   Tract 1: 212.556 Acre tract in the T.J. Chambers, Edward Burleson, R. Clever and E. Clark Surveys in Hays County, Texas, as described in Warranty Deed recorded in Vol. 3002 Pg. 23 of the Official Deed Records of Hays County Texas.
   Tract 2: 22.500 Acre tract in the T.J. Chambers Survey, A-2, in Hays County, Texas, as described in Warranty Deed recorded in Vol. 3496 Pg. 28 of the Official Deed Records of Hays County Texas.
3. The maximum allowable desnity within the Granting Zone is 3 dwelling units per acre. The Receiving Zone shall be limited to 45 dwelling units for a maximum density of 2.24 dwelling units per acre.

GRANTING ZONE SUMMARY TABLE:

Granting Zone Area	= 2,838,268 sf	= 65.16 ac
Maximum Residential Density	= 3 D.U./Ac.	
IMPERVIOUS COVER CALCULATIONS:		
Allowable I.C. per LDC 5.2.3.1	= 567,654 sf	= 13.03 ac
Development Rights to Receiving Zone	= 101,465 sf	= 2.33
Allowable Impervious Cover after TDR	**= 466,189 sf**	**= 10.70 ac**
	= 16.43% of Granting Zone	

RECEIVING ZONE SUMMARY TABLE:

Receiving Zone Parent Tract	= 980,135 sf	= 22.50 ac
Residential Collector R.O.W. Dedication Being Part of the Preserve at Windemere, Phase 1	= 105,333 sf	= 2.42 ac
The Enclave at Windemere Receiving Zone Area	= 874,802 sf	= 20.08 ac
Maximum Residential Density	= 2.24 D.U./Ac.	
PROPOSED LAND USES:		
Residential Street R.O.W. Dedication	= 112,670 sf	= 2.59 ac
Single-Family Residential (45 Lots)	= 478,105 sf	= 10.98 ac
Open Space, Drainage Easements, Ponds, Etc.	= 284,028 sf	= 6.52 ac
IMPERVIOUS COVER CALCULATIONS:		
Anticipated Impervious Cover:		
Residential Street Pavement	= 58,535 sf	= 1.34 ac
Residential Street Sidwalks	= 15,390 sf	= 0.35 ac
45 Single-Family Lots (4,500 sf/lot)	= 202,500 sf	= 4.65 ac
Total	= 276,425 sf	= 6.35 ac
Allowable I.C. per LDC 5.2.3.1	= 174,960 sf	= 4.02 ac
Development Rights from Granting Zone	= 101,465 sf	= 2.33 ac
Allowable Impervious Cover after TDR	**= 276,425 sf**	**= 6.35 ac**
	= 31.60% of Receiving Zone	



Item 11
Attachment # 3
Page 1 of 1

Item 11

THE ENCLAVE AT WINDEMERE
TRANSFER OF DEVELOPMENT RIGHTS
CONCEPT PLAN

Scale: 1" = 200'

Date of Preparation: 3/22/2013

OWNER:
Vinson J. Wood & Robert L. Haug
2009 R.R. 620 North, Suite 130
Austin, Texas 78734
Tele: (512) 266-0052
Fax: (512) 266-0656

Received Feb 11, 2013

ZC - 13 - 05

City of San Marcos
DEVELOPMENT TRANSFER PETITION

	APPLICANT	PROPERTY OWNER	CONSULTANT
Name:	Rob Haug & Vince Wood	Same as Applicant	ETR Development Consulting Ed Theriot, Managing Member
Mailing Address:	2009 RR 620 North, Ste. 130 Austin, Texas 78734	Same as Applicant	401 Dryden Lane Buda, Texas 78610
Telephone No.:			(512) 618-2865
E-mail address:			ed@etrdevcon.com

GRANTING ZONE DESCRIPTION:

Street Address: Lime Kiln Road approximately 1 mile west of Post Road

Subdivision: Windemere **Block:** N/A **Lot(s):** N/A

Other Description (if unplatted) 65.16 acres in the TJ Chambers, Edward Burleson, R Clever & E Clark Surveys

*** a metes and bounds description is required if property is a partial lot or is not platted**

Appraisal District Tax ID No.: R10405 **Acres:** 65.16

Zoning Designation: **Current:** FD **Requested:** N/A

Master Plan Designation: VLDR **Land Use Map Amendment Required?** N/A

Existing Density (dupa): N/A **Proposed Density (dupa):** N/A

Present Use of Property: Vacant/Agricultural

Desired Use of Property/Reason for Change: No Change Requested; Reduction in Development Rights Proposed

RECEIVING ZONE DESCRIPTION:

Street Address: Lime Kiln Road approximately 1 mile west of Post Road

Subdivision: Windemere **Block:** N/A **Lot(s):** N/A

Other Description (if unplatted) 22.50 acres in the TJ Chambers Survey

*** a metes and bounds description is required if property is a partial lot or is not platted**

Appraisal District Tax ID No.: R124359 **Acres:** 22.5

Zoning Designation: **Current:** FD **Requested:** PDD (SF-6)

Master Plan Designation: VLDR **Land Use Map Amendment Required?** Yes

Existing Density (dupa): N/A **Proposed Density (dupa):** 2 UPA

Present Use of Property: Vacant/Agricultural

Desired Use of Property/Reason for Change: Single Family Residential

Lien Holder(s) - for notification purposes:

Name: _____

Mailing Address: _____

(If more than one lien holder, please provide information on a separate page)

A certificate of no tax delinquency must be attached to this application

I certify that the information in this application is complete and accurate.

☐ *I am the property owner of record; or*

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

Signature: _____ **Date:** 2-11-13

Printed Name: Ed Theriot

APPLICATION PROCESS:

Please be advised that this is a 2-3 month process. The Planning and Zoning Commission will conduct a public hearing to consider your request. Prior to the hearing, the City will mail notices to all property owners within 200 feet of the subject tract, to the listed applicant and property owner, to any lien holders, and to the appropriate neighborhood representative. A sign advertising the change will also be placed on the property by the City.

At the public hearing the applicant, or a representative for the applicant, should be present to answer any questions the Commission may have. Failure to appear could result in your request being tabled or denied. Those in support of the request and those in opposition will be given an opportunity to speak. Following the close of the public hearing, the Planning and Zoning Commission will make a recommendation to either approve or deny the request.

This recommendation is then forwarded to City Council for their action. A notice is published in the newspaper 15 days prior to their hearing. City Council will conduct a public hearing and either adopt an Ordinance to approve the change or deny the request. You will be notified by mail of the date of the City Council public hearing. If an ordinance is adopted, at least one further meeting is required to give Council an opportunity to reconsider the request. If there is no reconsideration, the process is complete. If there is reconsideration, a third reading of the ordinance would be required for approval.

To be completed by Staff:

Property is located in: ☐ Edwards Aquifer Recharge Zone ☐ Historic District ☐ River Corridor

Concurrent Land Use Amendment is Required: ☐ Yes ☐ No

Meeting Date: _____ Deadline: _____ Accepted By: _____ Date: _____

AGREEMENT TO THE PLACEMENT OF ZONING NOTIFICATION SIGNS

The City of San Marcos Land Development Code provides that notification signs shall be placed on any property that is the subject of a zoning change, zoning variance, or conditional use permit. The signs shall be placed on the property by the Planning Department staff prior to the 10th day before the scheduled public hearing based on the following criteria:

- Signs shall be placed on each street for property having multiple street frontages
- Signs shall be placed in a visible, unobstructed location near the front property line

Signs shall remain in place until final action is taken on the application, unless the case is formally withdrawn by the applicant prior to a final decision. Staff will remove the signs.

It is the responsibility of the applicant to periodically check the sign locations to verify that signs remain in place and have not been vandalized or removed. It is the responsibility of the applicant to immediately notify the Planning and Development Services Department of any missing or defective signs.

It is unlawful for a person to alter any notification sign, or to remove it while the case is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

I have read the above statement and agree to allow the placement of notification signs as required on the project covered by the attached request. The City's Planning staff has my permission to place these signs on my property. I will notify City staff if the sign is damaged or removed.

Signature of Applicant _____ Date 2-11-13

FOR STAFF USE ONLY:

Sign (s) were placed by staff on _____ by _____.

Sign (s) were removed by staff on _____ by _____.

Development Transfer Petition Checklist

- ☑ A pre-application conference with staff is recommended.
- ☑ A completed application form, including a statement verifying land ownership and, if applicable, authorization of the land owner's agent to file the petition and required fees.
- ☑ Required Fees.
- ☑ Legal description of the site. Provide a copy of the recorded subdivision plat. If unplatted, a metes and bounds description is required.
- ☑ Conservation easements or other legal instruments for preserving the granting site(s). zoning
- ☐ Certificate of no tax delinquency.
- ☑ Development Agreement, where applicable. PDD
- ☑ Subdivision Concept Plat(s), where applicable (see Chapter 1 of the LDC).
- ☐ Watershed Protection Plan (either phase), where applicable. Phase I Completed
- ☑ Fifteen (15) copies of Concept plan on 24" X 36" sheets at minimum scale of 1" = 100' showing the following:
  a. Boundaries of the Granting Zone and Receiving Zone included in the application.
  b. Acreage of the Granting Zone and Receiving Zone included in the application.
  c. Existing roads located inside the boundaries of or within 500 feet of the boundaries of the Granting Zones and Receiving Zones.
  d. All existing land uses and structures located inside the boundaries or within 500 feet of the Granting Zones and Receiving Zones.
  e. Boundaries of existing zoning districts located within 500 feet of the boundaries of the Granting Zones and Receiving Zones.
  f. Topography at contours at minimum 10' intervals. Slopes between 15% and 25%; and over 25%, must be identified by shading on the contour information. Delineation of the Edwards outcrop if applicable.
  g. The centerline and names (if applicable) of all streams, wetlands or waterways, any areas in the San Marcos River Corridor and the location of all 100-year floodplains and floodways.
  h. The location of all areas of tree canopy over 30 feet in diameter on the property. If possible, the land use plan should be laid out over an aerial photograph of the property.
  i. The location of the City limit lines, extraterritorial jurisdiction line, Edwards Aquifer recharge zone boundaries or other pertinent boundary information (if applicable).
  j. Land use information for the Granting Zones and Receiving Zones, including the following information:

1. The location, shape and acreage of the land uses within the site as shown on the existing future land use plan of the city Master Plan and the location, shape and acreage of each proposed land use.
2. For residential uses, the overall maximum density in dwelling units per acre for each zone.
3. For non-residential uses, the overall maximum floor-to-area ratio, general building locations, and impervious cover for each non-residential section of each zone.
4. A graphic depiction or land use plan notations indicating all limitations and restrictions on land use that are not otherwise covered in the development agreement or development standards.
5. Proposed base zoning district(s) within the each zone (if different from the existing base district(s))

k. Proposed circulation information for each zone, including the location and dimensions of all proposed streets, alleys, trails, parking areas or pedestrian facilities.

l. The location, shape and acreage of all proposed parks, open space, natural areas, landscaped features or proposed buffers in each zone. Parkland proposal to be dedicated to the City must comply with parkland dedication requirements of the subdivision ordinance and is subject to the approval of the Parks and Recreation Advisory Board.

m. Summary table with the acreage of all land uses, streets, open spaces and other significant features.

☑ A detailed listing of the proposed land uses and development standards, referenced to the Concept Plan. The description of land uses must outline and define all allowed primary uses, all allowed accessory uses, which land uses are specifically prohibited or limited, maximum residential densities, maximum floor-to-area ratios for non-residential uses.

☑ Written zoning and development standards for the district, describing all exceptions, modifications or limitations to the applicable base zoning district regulations, and to environmental, supplemental development or public facilities standards in Chapters 4, 5, 6 and 7 of the Land Development Code necessary to effect development pursuant to the Concept Plan and proposed zoning district standards. Written development standards are to include the following: **setbacks, area standards, height, lot size, landscaping, parking, signs, construction materials, open space, environmental protection, impermeable surface coverage, buffering elements.**

☑ A detailed description of how proposed uses, layout and development standards that vary from otherwise applicable requirements or standards of the base zoning district and standards in Chapters 4, 5, 6 and 7 of the Land Development Code will produce a superior development project that is not inconsistent with the purposes of the regulations to be varied.

☑ A description of the reasons why the proposed Development Transfer districts meet one or more of the reasons justifying creation of the district.

☑ A drainage study and traffic impact study when required demonstrating that adequate facilities policies in section 7.4.3.1 will be satisfied.

☑ Additional information as required to clarify the request.

Windemere Subdivision

Transfer of Development Rights Petition
Development Standards Explanation

Granting Zone:
65.16 acre tract of land out of a 212.556 acre tract out of the T.J. Chambers, A-2, the Edward Burleson, A-75, R. Clever, A-91, and E. Clark, A-84, Surveys in Hays County, Texas

Receiving Zone:
22.50 acre tract or parcel out of and being a part of the T.J. Chambers Survey, A-2, in Hays County, Texas

Project Description:
The proposed Windemere Subdivision is being developed as a single family residential development located on Lime Kiln Road approximately 1 mile west of Post Road. The project is being developed in 3 Phases. Phase 1, The Preserve at Windemere, contains approximately 125 acres and is currently zoned Planned Development District (PDD) with a base zoning of Single Family Rural Residential (SF-R). This area is restricted to a maximum of 74 lots and has an approved Preliminary Plat. The overall density of Phase 1 has been restricted to 1.69 units per acre.

Phase 2 contains 22.5 acres and is proposed to be developed with a maximum of 45 lots and is proposed to be zoned PDD with a base zoning of Single Family Residential (SF-6). The overall density of Phase 2, as proposed, will be 2 units per acre.

Phase 3 contains approximately 65 acres and is proposed to be a reserve tract for future development. Development of this phase is dependent upon ability to provide a future, secondary access point to serve this subdivision through the construction of a future planned extension of Craddock Avenue.

Purpose of Transfer of Development Rights (TDR) Petition:
The purpose of the TDR Petition is to transfer approximately 2.24 acres of impervious cover from the future Phase 3 to the planned Phase 2. This would result in an overall impervious cover of 6.74 acres, or 29.94%, on Phase 2. This would result in a corresponding reduction in the overall impervious cover on Phase 3 to a maximum of 10.79 acres, or 16.57%, impervious cover on Phase 3.

This request is for a transfer of impervious cover only. No other development rights (density, land use, etc.) are proposed for transfer.

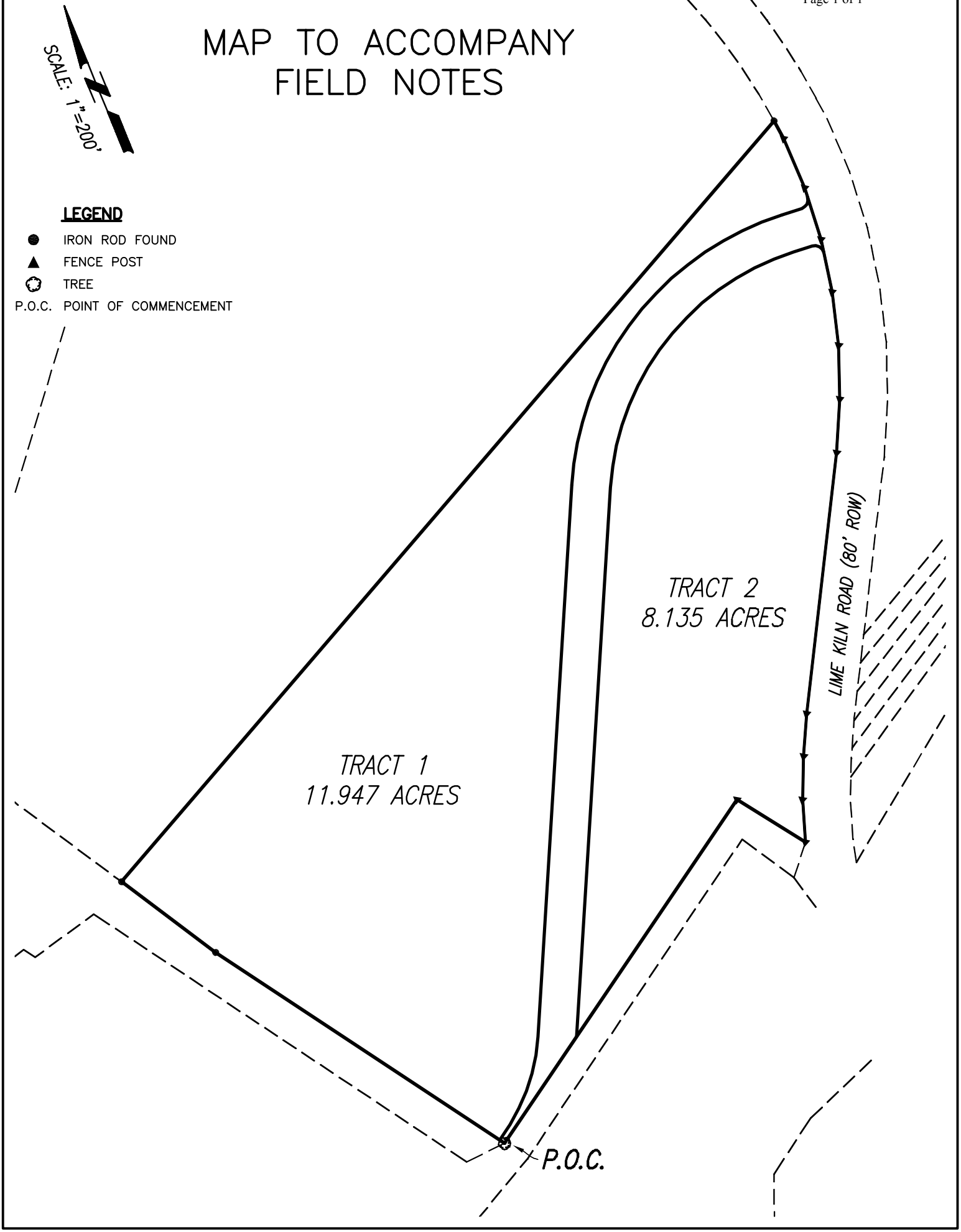
GRANTING ZONE SUMMARY TABLE:

Granting Zone Area	= 2,838,268 sf	= 65.16 ac
Maximum Residential Density	= 3 D.U./Ac.	
IMPERVIOUS COVER CALCULATIONS:		
Allowable I.C. per LDC 5.2.3.1	= 567,654 sf	= 13.03 ac
Development Rights to Receiving Zone	= 97,462 sf	= 2.24
Allowable Impervious Cover after TDR	**= 470,192 sf**	**= 10.79 ac**
	= 16.57% of Granting Zone	

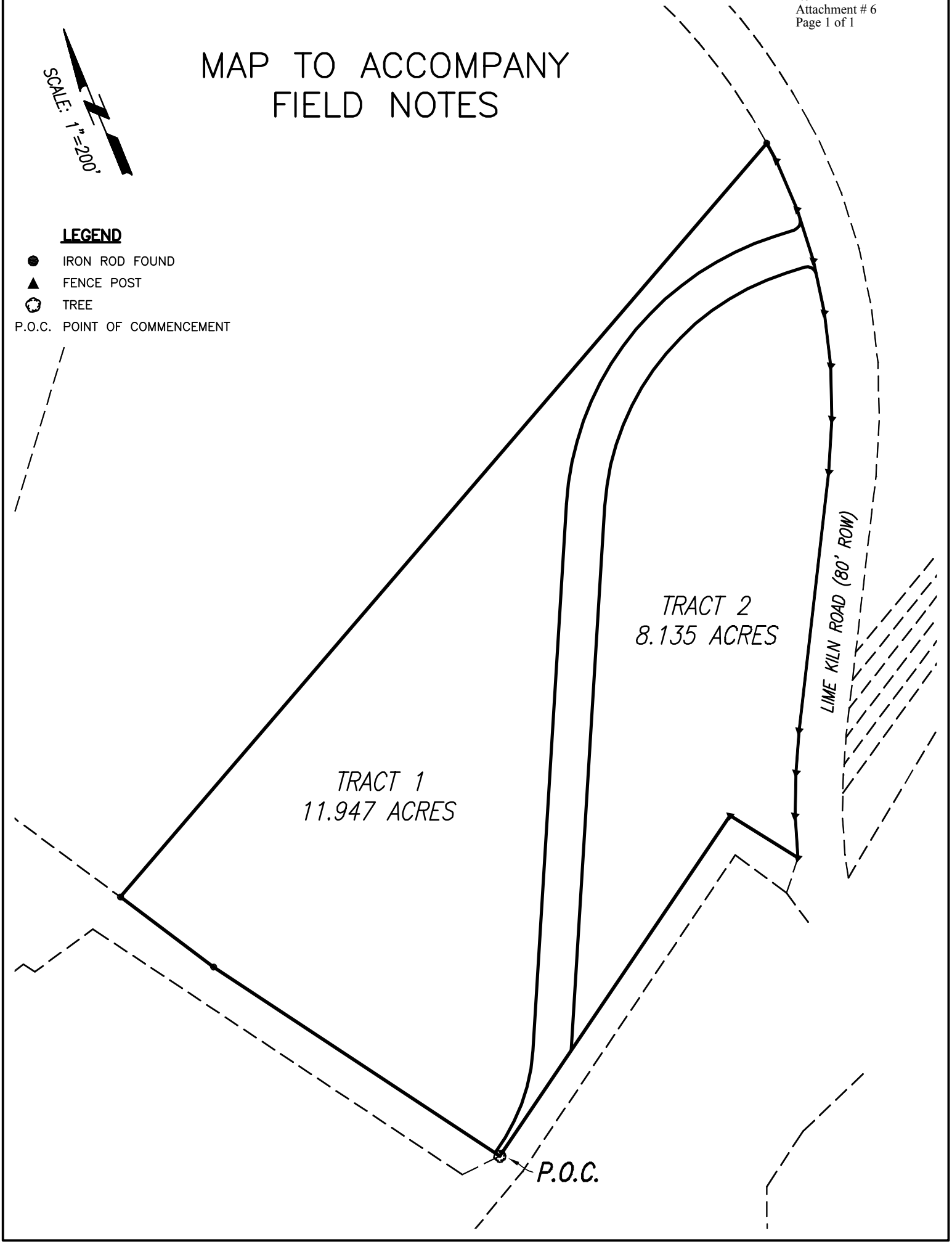
RECEIVING ZONE SUMMARY TABLE:

Receiving Zone Area	= 980,135 sf	= 22.50 ac
Maximum Residential Density	= 2 D.U./Ac.	
PROPOSED LAND USES:		
Residential Collector R.O.W. Dedication Being Part of the Preserve at Windemere, Phase 1	= 105,333 sf	= 2.42 ac
Residential Street R.O.W. Dedication	= 112,670 sf	= 2.59 ac
Single-Family Residential (45 Lots)	= 478,105 sf	= 10.98 ac
Open Space, Drainage Easements, Ponds, Etc.	= 284,028 sf	= 6.52 ac
IMPERVIOUS COVER CALCULATIONS:		
Anticipated Impervious Cover:		
Residential Collector Pavement	= 60,636 sf	= 1.39 ac
Residential Collector Sidewalks	= 12,678 sf	= 0.29 ac
Residential Street Pavement	= 58,535 sf	= 1.34 ac
Residential Street Sidwalks	= 15,390 sf	= 0.35 ac
45 Single-Family Lots (3,250 sf/lot)	= 146,250 sf	= 3.36 ac
Total	= 293,489 sf	= 6.74 ac
Allowable I.C. per LDC 5.2.3.1	= 196,027 sf	= 4.50 ac
Development Rights from Granting Zone	= 97,462 sf	= 2.24 ac
Allowable Impervious Cover after TDR	**= 293,489 sf**	**= 6.74 ac**
	= 29.94% of Receiving Zone	

MAP TO ACCOMPANY FIELD NOTES



MAP TO ACCOMPANY FIELD NOTES



FIELD NOTES FOR A 65.16 ACRE TRACT IN THE T.J. CHAMBERS, EDWARD BURLESON, R. CLEVER AND E. CLARK SURVEYS IN HAYS COUNTY, TEXAS.

BEING a 65.16 acre tract of land out of a 212.556 acre tract out of the T.J. Chambers, A-2, the Edward Burleson, A-75, R. Clever, A-91, and E. Clark, A-84, Surveys in Hays County, Texas, and being part of that certain 212.556 conveyed to Robert Logan Haug and Vinson J. Wood in a deed recorded in Volume 3002, Page 23, Hays County Deed Records. Herein described tract or parcel of land being more particularly described by metes and bounds as follows:

COMMENCING at the occupied southwest corner of the said 212.556 acre tract, a fence post found in the northwest line of Lime Kiln Road, an angle corner of that certain 250.70 acre tract described in a deed from Lime Kiln Road, Ltd. To KYS Limited, dated April 7, 1999, recorded in Document No. 9907906.

THENCE with the fence line of the 212.556 acre tract, common with an east line of the KYS 250.70 acre tract, N 31°07'42"W, 108.13 feet to a fence corner post found at the northeast corner of the KYS 250.70 acre tract, an interior corner of the 212.556 acre tract.

THENCE with the north line of the KYS 250.70 acre tract and a south line of the 212.556 acre tract, S 56°13'36"W, 644.44 feet to an angle corner of the 212.556 acre tract; S61°56'22"W, 461.55 feet to a 60d nail set in a 30 inch oak fence angle; S69°24'04"W, 363.92 feet to a chinaberry fence angle; S73°24'05"W, 96.04 feet to a fence angle post; S75°16'09"W, 265.30 feet to a fence angle post; S78°23'46"W, 32.75 feet to a fence angle post; S82°49'43"W, 243.73 feet to a 60d nail set in a 40 inch oak fence angle; N81°06'43"W, 854.66 feet to a ½ inch iron rod found at a fence angle post; N54°35'32"W, 447.35 feet to a fence angle post; N53°09'50"W, 1141.59 feet to a 2 inch steel fence angle post; N62°10'35"W, at approximately 70 feet past the northeast corner of the said KYS 250.70 acre tract and southeast corner of that certain 211.93 acre tract described in a deed from Stanley Carlton Hughson, et al, to Jane Garnette Hughson, recorded in Volume 1196, Page 861, Hays County Deed Records, continuing with the common line of the Hughson 211.93 acre tract a total distance of 887.19 feet to an 8 inch cedar fence angle; N62°12'29"W, 260.98 feet to a ¾ inch iron pipe found in a rock fence, an interior corner of the Hughson 211.93 acre tract and an angle corner of the 212.556 acre tract.

THENCE with the west line of the 212.556 acre tract and east line of the Hughson 211.93 acre tract and east line of that certain 76.67 acre tract described in a deed from LO. Backus, et al, to Grady G. Early, recorded in Volume 361, Page 583, Hays county Deed Records, N01°34'59"W, 405.79 feet to a point in a rock fence; N01°12'00"W, 251.32 feet to a fence post; N00°45'23"E, 263.61 feet to a 12 inch post oak fence angle; N00°29'34"E, 161.61 feet to a fence angle post; N01°17'30"E, 109.97 feet to the **POINT OF BEGINNING** of this metes and bounds description, for the southeast angle corner of this 65.16 acre tract.

THENCE with the west line of the 212.556 acre tract and east line of the Hughson 211.93 acre tract and east line the Early 76.67 acre tract, N01°17'30"E, 121.83 feet to a ¾ inch iron pipe found; N11°38'45"E, 172.92 feet to a fence post in rock fence; N13°03'49"E, 191.14 feet to a 60d nail set in a 6 inch post oak in rock fence on the east bank of Sink Creek for an angle corner of this tract.

THENCE continuing with the west line of the 212.556 acre tract and east line of the

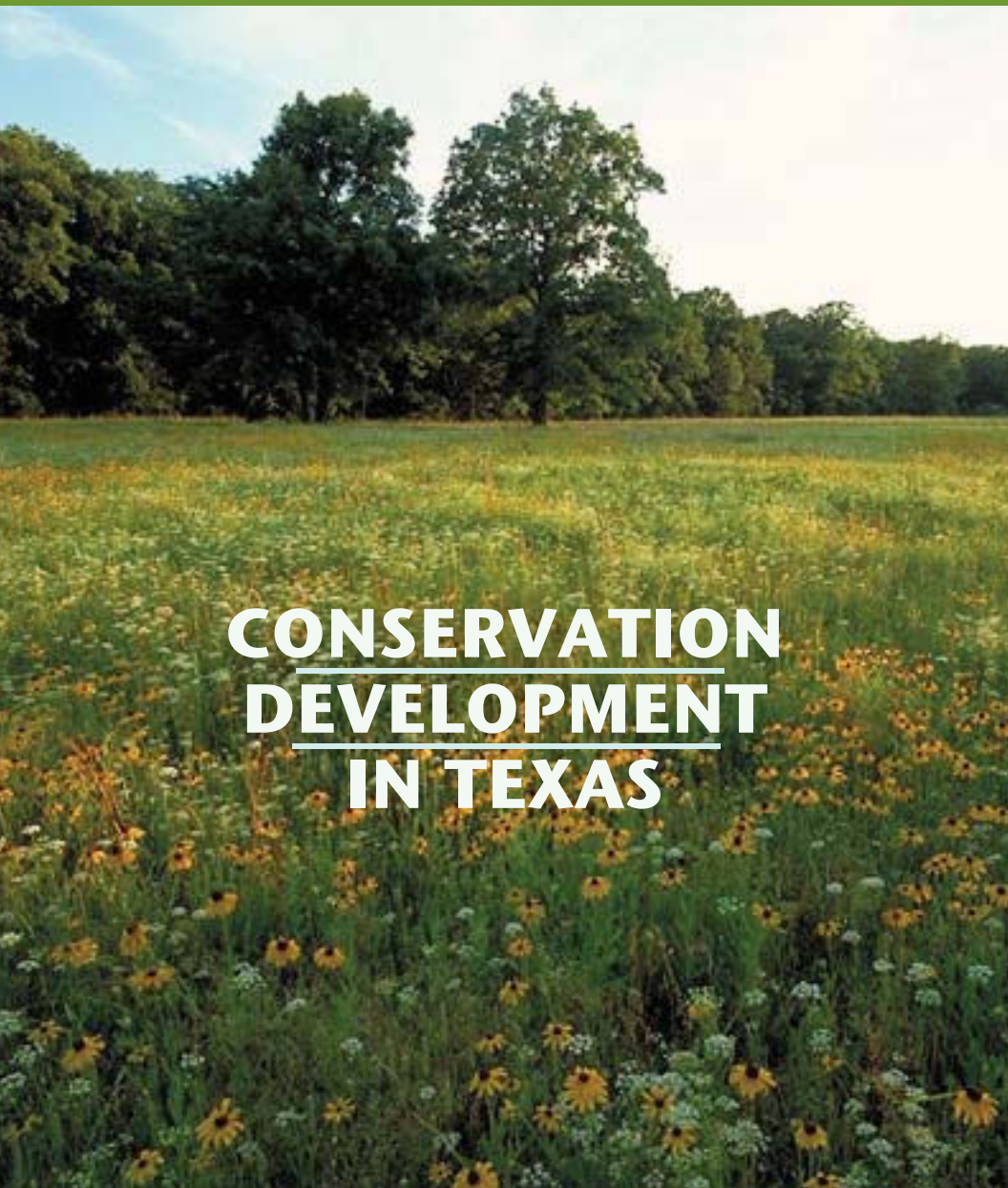
Hughson tract and Early tract along the east bank of Sink Creek, N19°26'06"E, 90.71 feet to a point; N17°23'31"E, at approximately 154 feet pass the northeast corner of the Hughson 210.23 acre tract and southeast corner of the Early 76.67 acre tract, in all, 177.71 feet to a point; N12°44'53"E, 128.75 feet to a point; N20°37'38"E, 97.89 feet to a point; N13°26'34"E, 145.91 feet to a point; N12°03'42"E, 100.63 feet to a point; N13°57'40"E, 301.68 feet to a 60d nail set in a rock fence for the north corner of the 212.556 acre tract and southwest corner of Lot No. 12, Hunter's Glen, a subdivision as recorded in Plat Cabinet 1, Page 61, Hays County Plat Records for the northwest corner of this tract.

THENCE with the north line of the 212.556 acre tract and south line of Lot No. 12, Hunter's Glen Subdivision, N84°04'29"E, 568.18 feet to a point in rock fence; N84°59'26"E, 434.81 feet to a ½ inch iron pipe found at a fence corner, the southeast corner of Hunters Glen Subdivision, the southwest corner of the W.H. Moore 55.0 acre tract, recorded in Volume 246, Page 863, Hays County Deed Records.

THENCE continuing with the north line of the 212.556 acre tract and the south line of the Moore 55.0 acre tract, N82°41'35"E, 148.36 feet to a point in rock fence; N85°42'49"E, 259.13 feet to a point at the intersection of 2 rock fences; N87°08'23"E, 200.23 feet to a post in rock fence; N88°44'24"E, 189.25 feet to a fence post found for the northwest corner of that certain 75.11 acre tract described in a deed from John C. Storts, Jr., et al, to Emmett F. McCoy, et al, recorded in Volume 954, Page 524, Hays County Deed Records for the northeast corner of this tract.

THENCE with the west line, as fenced, of the McCoy 75.11 acre tract, S19°40'56"W, 226.03 feet to a fence angle post; S19°38'47"W, 469.03 feet to a 5/8 inch iron rod set at a fence angle corner; S06°10'12"E, 387.64 feet to a 5/8 inch iron rod set at a fence corner; S15°51'13"E, 444.78 feet for the southeast corner of this tract.

THENCE through the 212.556 acre tract, S81°03'00"W, 1405.14 feet to a point; a curve to the right having a radius of 2100.00 feet with an arc distance of 606.91 feet, with a chord bearing S89°19'46"W, 604.80 feet t a point; N07°36'32"E, 50.00 to a point; N82°23'28"E, 91.80 feet to the **POINT OF BEGINNING** of this tract, containing 65.16 acres of land.



CONSERVATION DEVELOPMENT IN TEXAS

Credits

Editor: Danielle Pieranunzi
Contributors: Heather Venhaus, Steve Windhager, Saralee Tiede
Design: Betsy Woldman Design - www.woldmandesign.com
Produced by The Lady Bird Johnson Wildflower Center, 2006

The Lady Bird Johnson Wildflower Center is committed to protecting and restoring healthy regional landscapes. Our mission is to increase the sustainable use and conservation of native wildflowers, plants and landscapes. With population growth threatening wildlife and water resources, Texas has much to gain from the increased use of the conservation development concept.

Conservation subdivisions are a way to protect the rural heritage of Texas while expanding land development practices to incorporate the principles of regional identity, land conservation and land stewardship. As our founder, Lady Bird Johnson, said, "I like it when the land speaks its own language in its own regional accent." We hope to encourage further discussion about how conservation development principles can be applied to benefit both people and our environment.

Above: The Woodson Place / Photo by Gary McCoy (www.garymccoy.com)
Cover photos: top - Jackson Meadow / Photo by Peter Bastianelli Kerze; bottom - The Woodson Place / Photo by Gary McCoy (www.garymccoy.com)

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Photo by Peter Bastianelli Kerze

Jackson Meadow

What is conservation development?

Conservation development is a method of developing land for housing in a way that preserves open space for future generations. Typically, it involves building homes in groups with smaller lot sizes, protecting natural features and open space for use by all the residents. The Lady Bird Johnson Wildflower Center defines conservation development as a development that seeks to reduce its ecological footprint by preserving significant, contiguous open spaces amid groups of clustered homes and supporting the sustainable use of invaluable resources.

Why is it important?

Urban sprawl is a fact of life for most Texas cities. The wide open spaces are fast disappearing to development, most of it for residential housing. The American Farmland Trust reported in 2002 that the United States was losing two acres of mostly prime farmland every minute to development. The same report estimated a loss of 6 million acres of farmland between 1992 and 1997 due to sprawl. In Texas, the loss during that period was approximately 332,800 acres of quality farmland -- a 42 percent increase in rate of loss over the previous five years and more than any other state during that period. Most of those losses occurred in the Texas Blackland Prairie around Austin, Waco and Dallas-Fort Worth and in the Lower Rio Grande Plain.

Conservation development—a way to show that humans can work with the rest of nature

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Development on the urban fringe is the conventional response to population growth and the migration from country to cities that has been underway for the past century. Unfortunately, it destroys habitat for wildlife, threatens water quality, strains water resources and, too often, does not produce the quality of life that homeowners expect.

Conservation development offers a wonderful opportunity to celebrate the land's regional character. Whether hill country, prairie or coastal plain, this approach to land development is appropriate because it preserves the unique local flora and fauna. Conservation development is a way to show that humans can work with the rest of nature to achieve their own goals without compromising a healthy ecology.

Courtesy of Prairie Crossing

Prairie Crossing

Conservation development balances the demands of a growing population with the need to conserve natural resources. In addition, the adjacent open space increases the value of the homes and the tax revenue from the property. The heritage of rural Texas and its unique regional identity is preserved along with critical water resources and habitat.

The economics of open space

Open space has a value to the homeowner, to the real estate developer and to local governments that rely on property tax revenue. Studies have shown that prospective buyers are willing to pay a premium for homes near open space -- one of the benefits of conservation subdivisions. The land value of property near open space is likely to appreciate more than conventional subdivisions, helping ensure a growing tax base for local governments.

For decades we have assumed that residential development is the highest and best use of land because of the higher tax revenue that results. That

assumption is disputed by Texas A&M Professor John L. Crompton's analysis of parkland value in 2000. Crompton tested the proximate principle which holds that parkland increases the land value of nearby homes, generating additional tax revenue. He determined that, in general, there is a positive impact of 20 percent on property values adjacent to parks. A similar 2004 study of housing values in two Georgia counties near Atlanta also found that values were higher near pine forests and large pastures. Other studies show the value of open space. See www.wildflower.org.

The bottom line for developers

In the highly competitive world of real estate development, there is a constant quest for the amenities that will entice buyers into paying more for their homes. One of those tried and true benefits is open space, whether it is unimproved parkland or hike and bike trails. Homes in conservation developments come with built-in sales points -- scenery, open space, recreation as well as the appeal to a sense of environmental responsibility. Small wonder these homes sell faster.

Conservation development allows the builder to construct higher priced homes while paying less for infrastructure. Since the homes are grouped together, there is less cost to building the necessary streets and laying pipelines and conduits for water, wastewater and electricity. Central Texas developer Terry Mitchell estimates that infrastructure costs for one project with significant open space and clustered housing will be up to 30 percent less than for a conventional subdivision.

Buyers are willing to spend more for homes near open space.

Another important sales point is the way such homes appreciate over time. The University of Massachusetts looked at two subdivisions near Amherst built in the 1960s with similar style homes and selling prices. One subdivision used conservation design principles and preserved woodlands, meadows and recreation facilities; the other, conventional. In 1968, the homes in the conservation subdivision sold for $600 more but by 1989, they sold for an average of $17,000 more. Similarly, a conservation subdivision near Concord called Meriam's Close was built in 1989 with 86

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Courtesy of Prairie Crossing

percent of its acreage set aside for recreation and natural areas. In an analysis of sales between 1980 and 1988, the Meriam's Close homes appreciated at an average annual rate of 21.4 percent compared to 18.4 percent for other homes in the area. **They sold for a premium of $115,000 in 1988, even though their lots were only one-fifth the size of other homes in Concord.**

The bottom line for local government

From the point of view of local elected officials, residential development can cost more than it returns in tax dollars. Cost of community services (COCS) studies look at the cost of providing services such as roads, schools and police and fire protection to various types of land uses -- residential, commercial/industrial and farm/forest/open space. A recent COCS study in Hays County, Texas, revealed that residential development cost the county $1.26 for each $1 collected in tax revenue.

Similar studies of 71 municipalities across the United States showed that the average cost of service per dollar of tax revenue was $1.22 for residential areas, but only 38 cents for farm/forest and open space.

Conservation developments are less expensive to serve than conventional residential developments because homes and infrastructure are clustered. There are other savings resulting from trails and open space, according to a 1995 study by the National Park Service:

- When sensitive areas like steep hillsides are protected from development, damage from flooding and landslides and the resulting expense to local governments is much less.

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Courtesy of Prairie Crossing

- Wetlands and open space are natural water filtration systems, often preventing or lessening the severity of costly floods.
- Trees and plants control air pollution by absorbing air pollutants and releasing oxygen.
- Trails and green belts provide healthy recreation opportunities that keep people fit and combat obesity. The Center for Disease Control estimates that health care costs attributable to obesity were more than $78 billion in 1998.

Even better, developers using conservation design principles provide open space at no public cost, lessening the pressure on elected officials to buy and maintain public parks.

The value of a healthy ecology

Increasingly, people recognize the importance of clean air, clean water and a healthy environment and are willing to pay for it. As more land is paved for development, stormwater runoff with all the accompanying pollutants can contaminate streams and underground water supplies. That is why the cities of San Antonio and Austin have spent more than $243 million on land acquisition in recent years to protect the quality and quantity of their drinking water.

Both cities depend on the Edwards Aquifer for drinking water, and the aquifer is particularly sensitive to contamination from roads and parking lots because runoff may drain directly into the aquifer. Between 2000 and 2005, voters in San Antonio approved $155 million in land purchase bonds while Austin voters endorsed $88 million for the same purpose.

The average cost of services per dollar of taxes was $1.22 for residential but only 38 cents for open space.

Not surprisingly, pollution diminishes property values. A University of Maryland study of the value of Chesapeake Bay waterfront homes determined that homeowners were willing to pay for improved water quality. The study estimated that if the fecal coliform bacteria count in the bay were lower by 100 counts per 100 milliliters, it would raise the value of the homes by 2 percent.

31632_Text1 8/16/06 11:59 AM Page 6

What are the risks?

For developers, profitability lies in building enough houses to recover the substantial fixed costs necessary to buy the land, bring in utilities and construct roads and other amenities as well as the cost of building each house. To achieve this, a conservation development will often have the same number of houses (density neutral) as a conventional subdivision, but they will be arranged in higher-density groups, leaving other parts of the land entirely open.

For environmentalists and critics of urban sprawl, conservation development does not solve all of the problems created by growth. It may even encourage long commutes not only to work but also to shops, schools and restaurants since conservation subdivisions do not typically include mixed-use development -- most are not large enough to support it. Proponents of affordable housing argue that the premium prices of homes in conservation developments make them too costly for lower-income people. They argue that close in, high-density, mixed-use neighborhoods are a better alternative. For these reasons, conservation development may not be the right solution in every case. But, for many rural and suburban areas quickly developing into bedroom communities for nearby cities, this is an exciting and innovative approach to land and community development, one that is economically and environmentally viable for developers, local governments and homeowners.

Courtesy of the Lady Bird Johnson Wildflower Center

Photo by Peter Bastianelli Kerze

31632_Text1 8/16/06 11:59 AM Page 7

Photo by Peter Bastianelli Kerze

Jackson Meadow

Do counties have authority to encourage conservation development?

In Texas, home-rule cities have comprehensive zoning authority and can regulate most aspects of development. However, most conservation development takes place beyond city limits because it requires the large tracts of undeveloped land usually located outside incorporated areas. Therefore, the key question is whether counties, with regulatory authority defined by state law, can enact the ordinances that permit and encourage conservation development. Many county officials believe they lack authority to regulate land use or development in any way. However, options do exist to encourage conservation subdivision development.

Options exist to encourage conservation development in Texas.

Senate Bill 873, enacted in 2001, gives 30 counties adjacent to major metropolitan areas and along the Mexico border authority to regulate such subdivision features as right-of-way, major thoroughfares, minimum lot frontages, reasonable setbacks and developer participating contracts as needed to promote health, safety, morals and the general welfare of the county. This important legislation gives these counties some parity with home-rule cities in regulating growth within their boundaries.

While there are limits on what counties can regulate -- zoning, height or bulk of buildings and density limitations are specifically prohibited -- those

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Robert Engstrom (photographer and developer)

The Fields of St. Croix

30 counties now possess the ordinance making tools necessary to encourage conservation development.

At issue has been the different interpretations of the powers conferred by S.B. 873. Some counties have been fairly aggressive in interpreting it broadly. Travis County, for example, requires developers to dedicate a certain portion of land for parks or pay fees to the county in lieu of establishing parkland as a condition of plat approvals. In addition, Travis County mandated that floodplains be left in their natural state.

Courtesy of Prairie Crossing

One feature of conservation developments is roads that are narrower than those in conventional tracts, reducing runoff and requiring less infrastructure. This feature often runs afoul of street width requirements set by counties.

Conservation development frequently takes place under the guidance of local ordinances that set certain requirements -- generally the preservation of 40 to 60 percent of a parcel of land as open space. Travis County is now considering a conservation development ordinance that would create a voluntary option to conventional subdivisions, including a provision for narrower roads that would not require the developer of a conservation development ordinance to obtain a variance.

Aside from county ordinance-making authority, any county in Texas can enable a Planned Unit Development (PUD) provision or a development agreement between local governments and developers interested in conservation subdivisions. Given the economic benefits for developers, it is likely that many would take advantage of this alternative if it were available and the risk of regulatory delay was reduced.

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Courtesy of Prairie Crossing

Prairie Crossing

What are the criteria for a conservation development?

Ecological analysis The first step in planning a conservation subdivision should be a thorough ecological assessment. This will provide the information needed about the features that should be preserved as open space. The assessment should identify such sensitive environmental features as wildlife habitat, sensitive and valuable ecosystems, waterways, steep slopes and viewsheds as well as other areas that have ecological and cultural value, such as prairies or agricultural land.

The goal of conservation development regulations should be to preserve open space.

Open space The goal of conservation development regulations should be the preservation of open space. Between 40 and 60 percent of the parcel's gross area is a reasonable proportion of open space, with not more than half of the preserved lands being drawn from unbuildable land (primary conservation areas). Unbuildable lands include buffer zones around waters mandated by the Clean Water Act, slopes greater than 25 percent or 100-year flood plains. Open space should be contiguous and, if possible, linked to other protected lands to connect wildlife corridors, preserve water resources and provide opportunities for trail systems. Active recreation facilities within the open space, such as ball fields, should be limited to 25 percent of the total because of high water use, intensive use of non-native grasses and minimal ecological value.

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How do I do a conservation development?

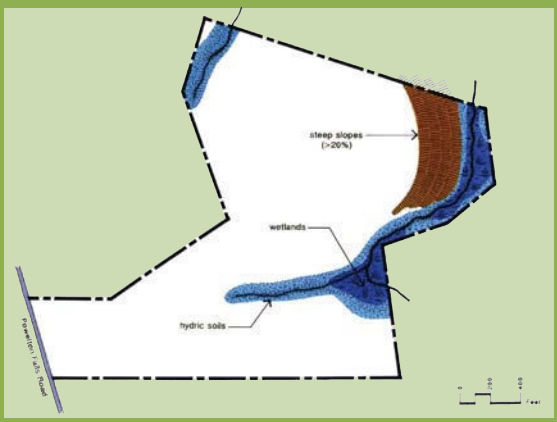
Where do I begin?

First, it is important to contact a local conservation organization such as the Texas Land Trust Council (www.texaslandtrusts.org) for information on conservation easements. Some environmental organizations can also recommend appropriate developers, builders, land planners and consultants. Next, contact your local city or county government for information on incentives and regulations.

What are the steps to designing a conservation development?

The concept of conservation development has been widely discussed for at least a decade. Randall Arendt, a land-use planner, author and lecturer, pioneered in bringing the benefits of conservation development to the attention of communities, government officials and developers in the early 1990s. In his 1996 book, *Conservation Design For Subdivisions: A Practical Guide To Creating Open Space Networks,* Arendt lays out a four-step process for design and development of an actual site.

Site Before Development



Site Identifying Primary Conservation Areas

1. Identifying land that should be permanently protected

This consists of the Primary Conservation Areas (unbuildable wetlands, floodplains and steep slopes). Add these areas to the Secondary Conservation Areas

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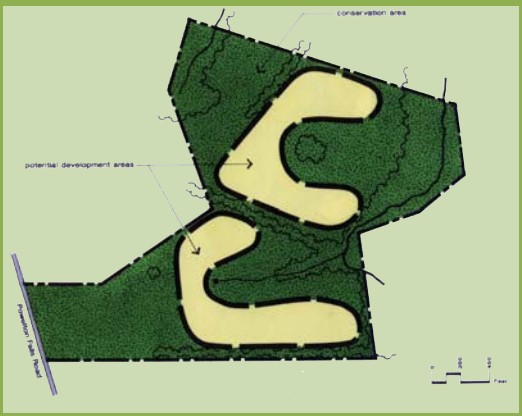
Site With Conventional Design



Site Identifying Potential Development Zone After Excluding Secondary Conservation Areas

Site With Conservation Design

that can include land that is most sensitive environmentally, most significant historically or culturally, most scenic or which possess unusual or rare attributes.

2. Locating the sites of individual houses

Maximize the number of "view lots". Locate home sites within convenient walking distance from open space and other houses in subdivision.

3. Designing street and trail alignments

Avoid crossing wetlands and minimize the length (and cost) of the access roads. Narrow streets with fewer long, straight segments will slow traffic and create a more rural feel. Connect streets and avoid dead-ends.

4. Drawing in lot lines

Different options for setbacks, lot width and depth are available depending on density levels, average street traffic, proximity to open space and other site attributes.

Drawings: Randall Arendt, Conservation *Design for Subdivisions: A Practical Guide to Creating Open Space Networks* (Island Press, 1996) far left - pages 59, 60, 62; this page - pages 63,64,68.

Viewshed and cultural resource protection Open space should provide protection for scenic views, which typically requires a ban on ridgeline construction and care in designing roads. The National Scenic Byways Program provides guidelines for preserving views. Conservation developments can preserve rural regional character by including working farms and ranches.

Native landscaping and land restoration Conservation subdivisions should be landscaped with native plants that are compatible with the ecology and regional character of the area. This will allow the open space to resemble as closely as possible the natural state of the land prior to European settlement and reduces the ecological risks caused by invasive species.

Conservation development must balance environmental needs with the need for profit.

Density and lot size In most areas of the country, maximum density depends on local zoning. Most conservation development ordinances allow smaller lot sizes than those in conventional developments so open space can be preserved without reducing the number of lots. In Texas, where counties have no zoning authority, density and minimum lot size are constrained by the land's physical limitations or the area needed for septic systems and water wells. The number of lots may need to be limited to protect water and other resources, but, if density is too low, it becomes economically infeasible for a developer. To be successful, conservation development must balance environmental needs with the developer's need for profit.

Impervious cover Total impervious cover in a conservation subdivision should be limited to 15 to 25 percent of the gross site acreage because roads and structures prevent rainwater from recharging aquifers and can increase the risk of floods. A limitation on impervious cover reduces the overall human footprint on the environment. Texas counties may currently have the authority to regulate impervious cover based on state flood protection statutes.

Narrow roads Relatively narrow roadways are another important feature of conservation development. These subdivisions are typically built in more

rural areas with less traffic, so wide streets are often unnecessary. Narrower roads can slow traffic, increase safety, limit impervious cover, protect water resources and reduce infrastructure costs. Currently, Texas law requires minimum road widths in unincorporated areas that regulate subdivisions. These provisions can inhibit the development of conservation subdivisions, but there are alternatives:

1. Amend state law to give counties more flexibility in regulating road widths.
2. Allow counties affected by S.B. 873 to amend subdivision regulations to permit narrow roads, a process currently underway in Travis County.
3. Use flood protection statutes to adopt ordinances allowing narrow roads.

Green Building Standards Buildings within conservation subdivisions should use appropriate building materials and be constructed to operate with maximum possible efficiency. For example, Woodson Place in north Texas follows Austin's Green Building standards. Developers should look for local standards, or contact the U.S. Green Building Council. Following green building guidelines can serve as a marketing tool for prospective buyers interested in a home that conserves water, energy and other resources.

Courtesy of Prairie Crossing

Prairie Crossing

Utilities Conservation subdivisions take advantage of water conservation measures, such as rainwater harvesting, gray water re-use (water from bathroom sinks, showers and washing machines used for irrigation) and reduced-flow toilets.

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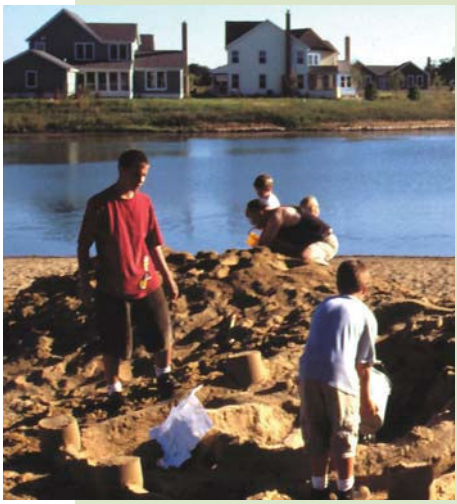
Long-term maintenance of open space Before construction, an agreement should be reached establishing the terms necessary to maintain the open space in perpetuity. Conservation easements are a time-tested, secure and frequently-used tool to protect land. Most conservation subdivision ordinances permit several options for ownership of open space, including a homeowners association, government agency, a non-profit conservation organization or a land trust. Land trusts are often the most appropriate entity to manage open space due to their experience in land stewardship and monitoring and their commitment to conservation. The agreement should also identify a funding source.

How can my community best support and promote the conservation development approach?

A voluntary alternative Conservation development should be established in local regulations as a by-right voluntary alternative to conventional subdivisions. This would allow conservation development to proceed without review by local elected officials and does not replace conventional development as a practice mandated by law.



Courtesy of Prairie Crossing

Prairie Crossing

Minimum parcel size In the absence of a county conservation plan, there should be a minimum parcel size of 25 acres for conservation subdivisions to realize the ecological benefits of open space. It is difficult on smaller parcels to preserve the land needed for habitat corridors and water resource protection. However, because topographical features vary, there may be critical environmental features on smaller sites that make a conservation subdivision feasible. Also, sites smaller than 25 acres should be considered when the preserved land would be contiguous with open space on adjacent properties.

Arendt's book, *Growing Greener: Putting Conservation into Local Plans and Ordinances,* provides a guide for municipalities to achieving successful conservation subdivisions. It is important to first conduct a community assessment of development trends to determine the long-term results of existing ordinance provisions. With that information, a map of potential conservation lands can be prepared to guide decisions that could preserve an interconnected open space network. A preferable approach is to adopt conservation development regulations as a voluntary choice for developers.

There is no universal approach to conservation development. Policy makers should consider legal, environmental and geographic conditions unique to their jurisdictions in creating a regulatory framework that encourages conservation development. The primary feature of existing ordinances is a requirement that some percentage of the parcel to be developed be preserved as open space. Most ordinances also regulate density, lot size and other factors, with one essential purpose being clustering homes to preserve open space.

Key Issues in Drafting the Travis County Conservation Development Ordinance

(Joe L. Lessard, Consultant for Travis County)

1. **Desirability of By-Right provisions**
2. **Application of ordinance to commercial development**
3. **Desirability of sustainable development provisions**
4. **Financial and process incentives and their application to potential land uses**

Examples of conservation development ordinances

Model ordinances developed by state and regional planning agencies have helped guide many local government agencies. The tables on the Wildflower Center's Conservation Development webpage (www.wildflower.org) summarize six model ordinances and four ordinances actually adopted by local governments. These tables include the Open Space Development model ordinance developed by the U.S. Environmental Protection Agency (EPA), useful as a model for any community, as well as statewide models from Wisconsin, Minnesota and Georgia.

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Where is this happening?

Examples of developments using conservation design principles

Jackson Meadow
Marine on St. Croix, MN
www.jacksonmeadow.com

Hidden Creek at the Darby
Columbus, OH
www.hiddencreekdarby.com

Prairie Crossing
Grayslake, IL
www.prairiecrossing.com

Santa Lucia Preserve
Monterey County, CA
www.santaluciapreserve.com

Serenbe
Fulton County, GA
www.serenbecommunity.com

Sugar Creek Preserve
Walworth County, WI
www.sugarcreekpreserve.com

The Fields of St. Croix
Lake Elmo, MN
www.engstromco.com/prev_fields

The Woodson Place
Rains County, TX
www.woodsonplace.com

Tryon Farm
Michigan City, IN
www.tryonfarm.com

For more information on these subdivisions, please visit www.wildflower.org

Courtesy of the Lady Bird Johnson Wildflower Center

Sponsors

Land Planning Sponsor

BOSSE & TURNER ASSOCIATES, INC.
606 Blanco St
Austin, Texas 78703
www.btaustin.com
(512) 472-7332

Contact: Don Bosse (dbosse@btaustin.com)
Bosse & Turner Associates offers professional design services in conservation planning, both town and neighborhood planning, urban design and landscape architecture. For the past 10 years, Bosse & Turner Associates has actively developed innovative and practical methods of applying core design principles to private and public clients.

Landscape Architecture Sponsor

HALFF ASSOCIATES
8616 Northwest Plaza Drive
Dallas, Texas 75225
Contact: Francois de Kock, RLA,
LEED AP (fdekock@halff.com)
(214) 346-6243
Contact (Austin): Jim Carrillo (jcarrillo@halff.com)

Halff Associates is a full-service firm covering all aspects of conservation development from planning to implementation including planning, landscape architecture, habitat assessment and permitting, wetland delineation, land development, architecture and civil engineering, as well as LEED design services.

Environmental Consultant Sponsor

LOOMIS AUSTIN
3103 Bee Caves Road, Suite 225
Austin, Texas 78746
(512) 327-1180
www.loomisaustin.com
Contact: Clif Ladd, Senior Biologist, C.W.B. (clad@loomisaustin.com)

Loomis Austin, Inc. (LAI), established in 1993 and headquartered in Austin is a multi-disciplinary civil engineering, land surveying and environmental sciences firm with strong technical divisions in the areas of hydrologic and hydraulic engineering, land and hydrographic surveying, environmental science, water and wastewater engineering, municipal planning and general civil engineering.

Law Firm Sponsor

SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & BELL, L.L.P.
221 West Sixth Street, Suite 1100
Austin, Texas 78701
(512) 225-5800
www.smith-robertson.com
Contact: Alan Glen (aglen@smith-robertson.com)

Smith Robertson provides services in the areas of environment and land use, real estate, business and litigation. We represent both private and governmental entities in implementing principles of conservation development.

Jackson Meadow

Photo by Kathleen Day-Coen

Lady Bird Johnson
Wildflowercenter

Lady Bird Johnson Wildflower Center
512.292.4200
4801 La Crosse Avenue, Austin TX 78739
www.wildflower.org

Agenda Information

AGENDA CAPTION:

LUA-12-09 (Windemere) Hold a public hearing and discuss a request by Joel Richardson of Vigil and Associates on behalf of Robert Haug and Vinson Wood, for an amendment to the Future Land Use Map from Very Low Density Residential (VLDR) to Low Density Residential (LDR) for the Enclave at Windemere, consisting of 20.08 acres more or less out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road.

Meeting date: April 23, 2013

Department: Development Services

Funds Required: na

Account Number: na

Funds Available: na

Account Name: na

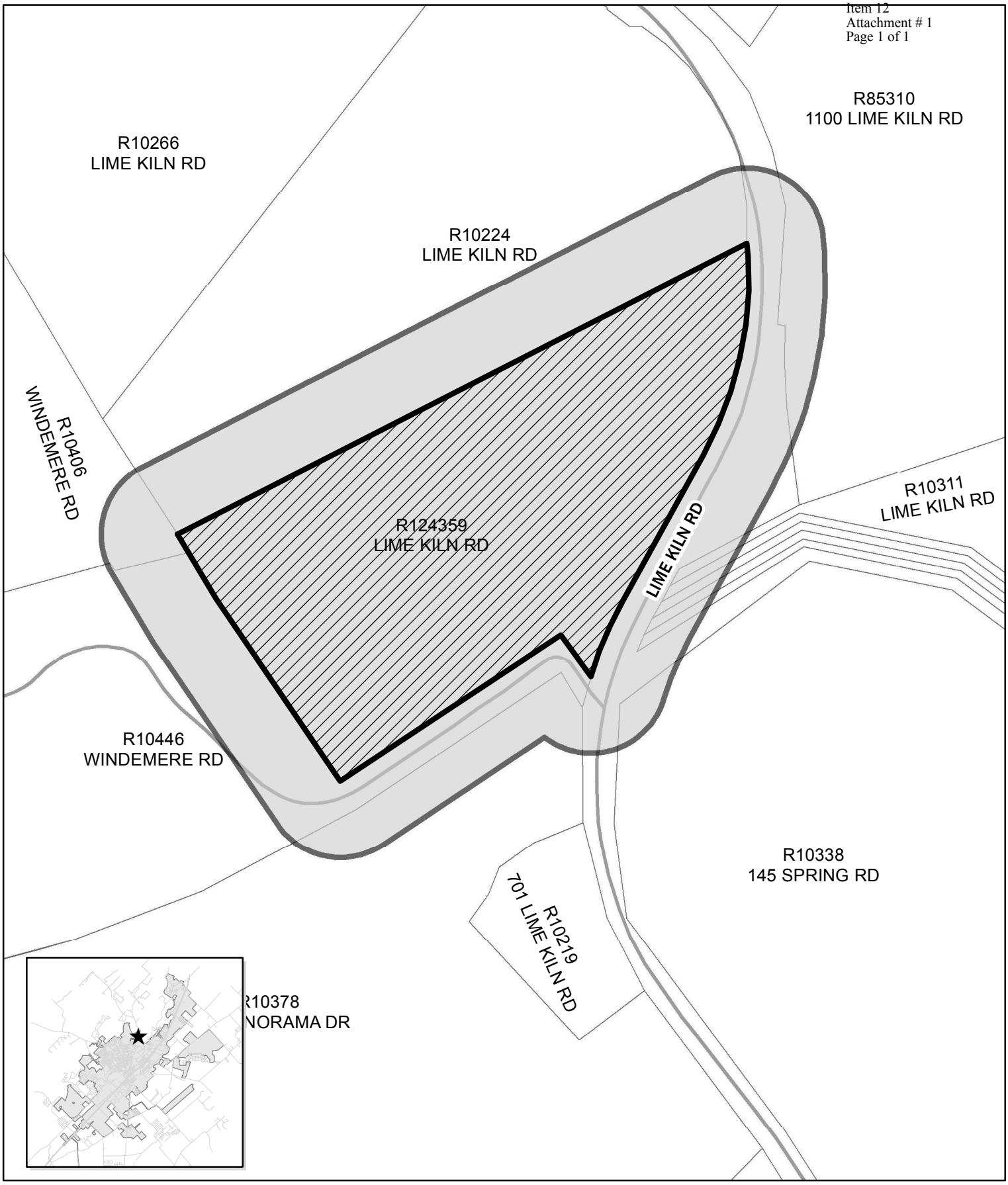
CITY COUNCIL GOAL:

BACKGROUND:

This is a request to amend the Future Land Use Map in association with the proposed Planned Development District overlay. Please see the staff report for PDD-12-03 for analysis on this case.

ATTACHMENTS:

Case Map
Application
Letter from Applicant
Map of request



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

Site Location
200 ft Buffer

0 200 400 800
Feet

N

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

RECEIVED
OCT 30 2012
BY: TORY

Land Use Map Amendment Application Checklist

- ☐ Pre-application conference with staff recommended
- ☑ A completed application for a Land Use Amendment and required fees
- ☑ Reasons for the change
- ☑ Visual representations of the change
- ☐ Other information as requested by the City
- ☑ Certificate of no tax delinquency PROVIDED WITH ZONING CHANGE APPLICATION

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

Signed: _____ Date: 10/30/2012

Print Name: JOEL RICHARDSON

☑ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☐ Agent: _____

STAFF COMMENTS: _____

09/12

LUA - 12 - 09

City of San Marcos

LAND USE MAP AMENDMENT APPLICATION

	APPLICANT	PROPERTY OWNER
Name	JOEL RICHARDSON	ROBERT L. HAUGH & WINSON J. WOOD
Mailing Address	VIGIL & ASSOCIATES 4303 RUSSELL DR. AUSTIN, TX 78704	2009 RR 620 NORTH #130 AUSTIN, TEXAS 78734
Daytime Phone	(512) 567 6267	(512) 266-0052
E-mail	joel@vigilandassociates.com	robhaug@hotmail.com ywood8@hotmail.com

PROPERTY DESCRIPTION:

Address 200 LIME KILN ROAD, SAN MARCOS, TX 78666

Legal Description *(if platted)* N/A

Appraisal District Tax I.D. R 124359 **Acres** 22.50

Current Land Use Designation VERY LOW DENSITY RESIDENTIAL **Proposed Land Use Designation** LOW DENSITY RESIDENTIAL

Zoning Classification SF-R **Proposed New Zoning, if any** SF-6

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

Existing use of land and building(s)

THE PROPERTY IS CURRENTLY UNDEVELOPED

09/12

LUA - 12 - 09

APPLICATION FOR CITY OF SAN MARCOS LAND USE AMENDMENT

REQUESTED AMENDMENT:

Proposed new use of property SF-6 RESIDENTIAL SUBDIVISION

Reasons which support this request

THIS REQUEST IS IN CONJUNCTION WITH A ZONING CHANGE REQUEST FROM SF-R TO SF-6. IT IS REQUESTED AT THE BEHEST OF STAFF IN RESPONSE TO COMMENTS RECIEVED FOR A PDD APPLICATION FOR THE SAME PROPERTY THAT PROPOSES A RESIDENTIAL SUBDIVISION WITH SF-6 LOT STANDARDS AT THE FIRST 22.5 ACRES OF THE LARGER WINDEMERE TRACT.

SUBMITTAL REQUIREMENTS:

Amendment to FLUM with concurrent zoning change: **$250 Application Fee**

Amendment to FLUM As separate amendment: **$750 plus $50 per acre ($2,000 maximum)**

Payable to the City of San Marcos

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

Metes and Bounds legal description or a map/survey to scale (if not platted), submitted on paper no larger than 11" x 17" showing the location and boundaries of the property (if the amendment involves changing more than one existing designation, show the boundaries of such designations within the property).

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: _____ **Date**: 10/30/2012

Printed Name: JOEL RICHARDSON

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted By: _____ Date: _____

VIGIL & ASSOCIATES
CONSULTING SERVICES

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

October 20, 2012

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

Re: The Enclave at Windemere
Land Use Map Amendment Application

Dear Tory:

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

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

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

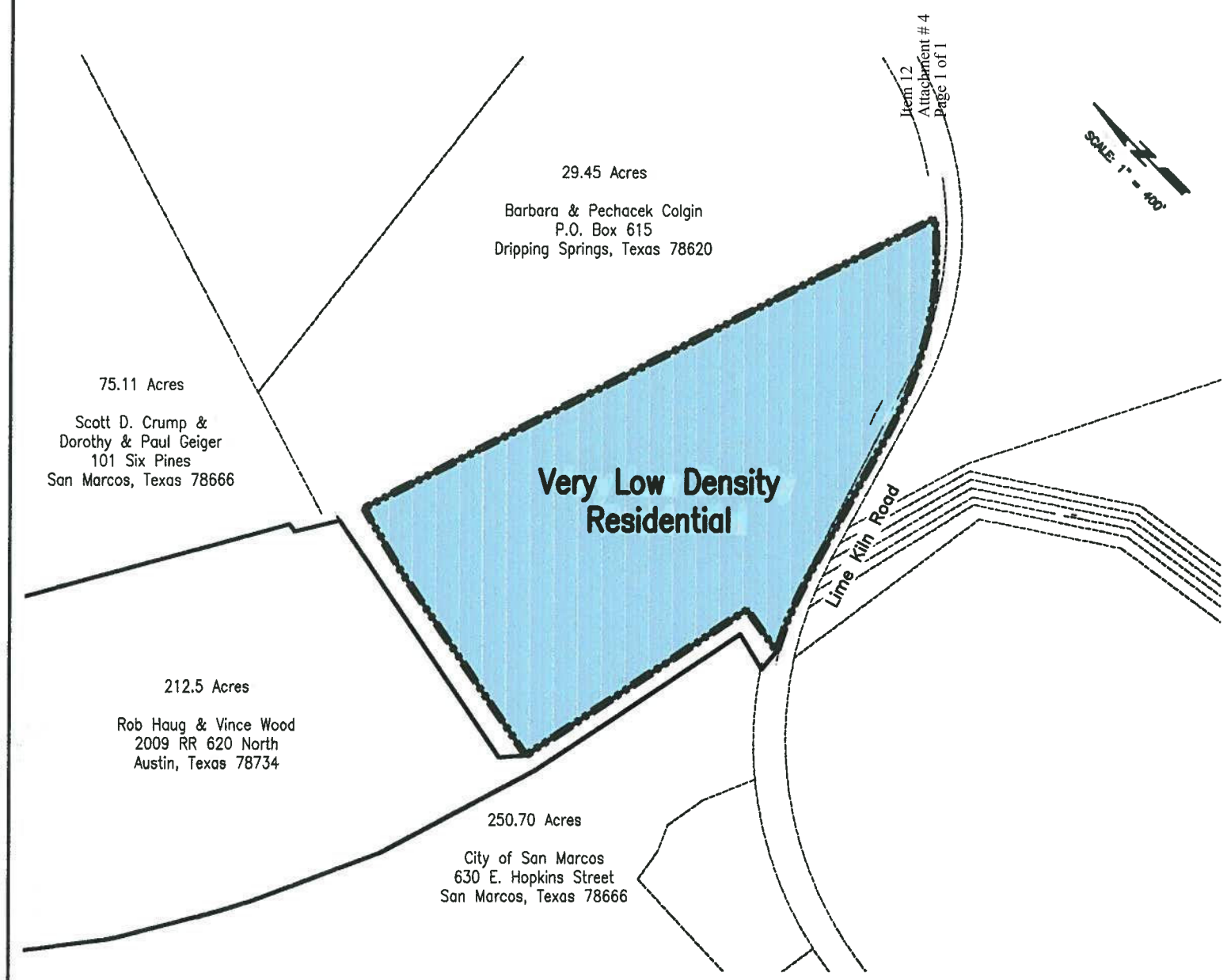
We feel the proposed designations will allow development of the property consistent with the direction received from staff for the previous applications to the City of San Marcos for this property. This portion of the larger Windemere tract represents the least environmentally sensitive portion of the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

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

Sincerely

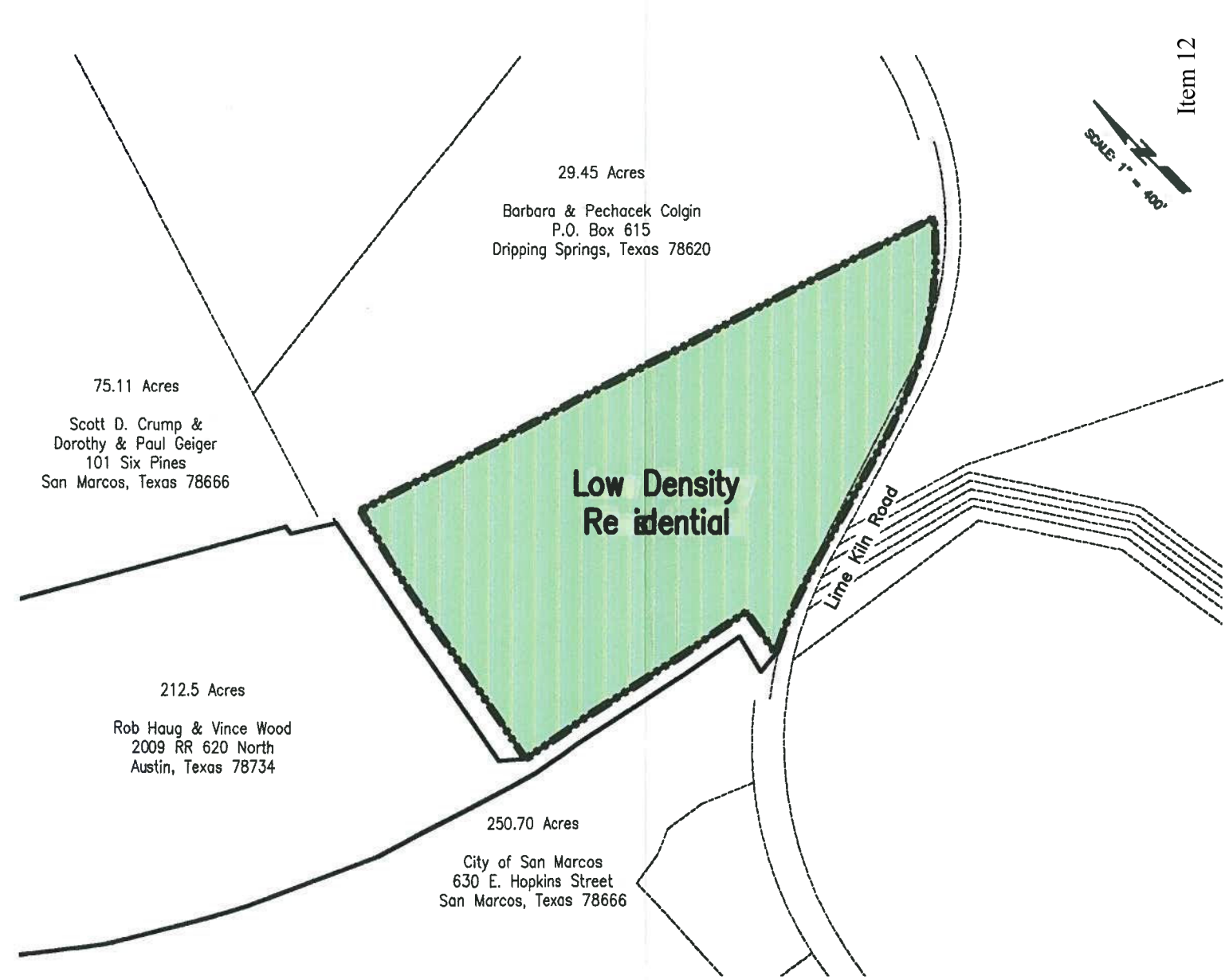
Joel Richardson, P.E.
Vigil & Associates

THE ENCLAVE AT WINDEMERE
LAND USE MAP AMENDMENT EXHIBIT



CURRENT LAND USE DESIGNATION

Item 12



PROPOSED LAND USE DESIGNATION

Agenda Information

AGENDA CAPTION:

ZC-12-14 (Windemere) Hold a public hearing and discuss a request by Joel Richardson of Vigil and Associates on behalf of Robert Haug and Vinson Wood, for an amendment to the Zoning Map from Single-Family Rural (SF-R) to Single-Family 6 (SF-6) for the Enclave at Windemere, consisting of 20.08 acres more or less out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road.

Meeting date: April 23, 2013

Department: Development Services

Funds Required: na

Account Number: na

Funds Available: na

Account Name: na

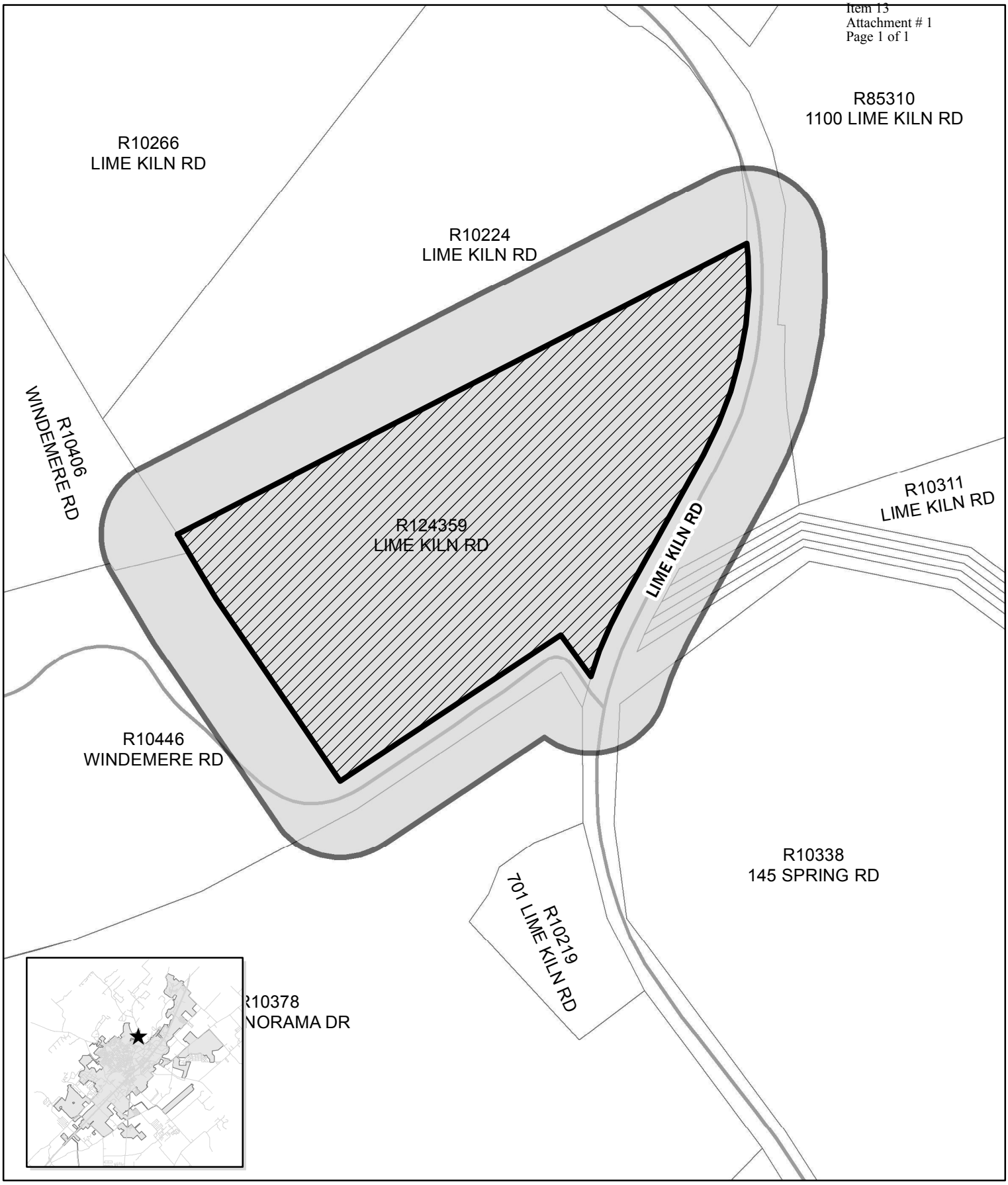
CITY COUNCIL GOAL:

BACKGROUND:

This is a request to amend the Zoning Map in association with the proposed Planned Development District overlay. Please see the staff report for PDD-12-03 for analysis on this case.

ATTACHMENTS:

Case Map
Application
Letter from Applicant



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

Site Location
200 ft Buffer

0 200 400 800
Feet

N

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

Petition for Zoning Change, Zoning Overlay, or Historic District Checklist

- [x] A pre-application conference with staff is recommended;
- [x] A completed application form, including a statement verifying land ownership and, if applicable, authorization of the land owner's agent to file the petition and required fees;
- [x] Legal description of the site (metes and bounds or lot and block if platted)
- [ ] Certificate of no tax delinquency
- [ ] Subdivision Concept Plats or Site Plans as required (see Chapter 1 of the LDC)
- [x] Additional information as required to clarify the request

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

Signed: _____ Date: 9/20/2012

Print Name: JOEL RICHARDSON

☑ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☐ Agent: _____

11/09

Received Oct 26 2012

ZC- 12 - 14

City of San Marcos

ZONING CHANGE APPLICATION

	APPLICANT	PROPERTY OWNER
Name:	JOEL RICHARDSON, VIGIL & ASSOCIATES	ROBERT L. HAUG & VINSON J WOOD
Mailing Address:	4303 RUSSELL DRIVE	2009 RR 620 NORTH #130
	AUSTIN, TX 78704	AUSTIN, TX 78734
Telephone No.:	(512) 567-6267	(512) 266-0052
E-mail address:	joel@vigilandassociates.com	robhaug@hotmail.com vwood@hotmail.com

PROPERTY DESCRIPTION:

Street Address: 200 LIME KILN ROAD, SAN MARCOS, TX 78666

Subdivision: N/A Block: N/A Lot(s): N/A

Other Description (if unplatted) 22.5 AC TRACT IN THE T.J. CHAMBERS, A-2 SURVEY

* a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 124359 Acres: 22.50

Lien Holder(s) - for notification purposes:

Name: FIRST STATE BANK CENTRAL TEXAS

Mailing Address: 6500 N. MOPAC, BUILDING 1, SUITE 101, AUSTIN, TX 78731

(If more than one lien holder, please provide information on a separate page)

A certificate of no tax delinquency must be attached to this application

ZONING CHANGE INFORMATION:

Zoning Designation: Current: ~~Future Development~~ SF-R Requested: SF-6

Master Plan Designation: VERY LOW DENSITY RESIDENTIAL Land Use Map Amendment Required? _____

Present Use of Property: UNDEVELOPED

Desired Use of Property/Reason for Change: SINGLE FAMILY RESIDENTIAL SUBDIVISION

I certify that the information in this application is complete and accurate.

☐ *I am the property owner of record; or*

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

Signature: _____ Date: 9/20/2012

Printed Name: JOEL RICHARDSON

11/09

APPLICATION FOR CITY OF SAN MARCOS ZONING CHANGE

FEE INFORMATION:

Fee Schedule: $562.50

From "M" to "SF-6" or "SF-4.5"	No Charge
To Residential (one and two family, townhouse)	$25 per acre ($100 min./$1,500 max. fee)
To "PDD" or "P"	$25 per acre ($100 min./$1,500 max. fee)
To Multi-family (all categories)	$100 per acre ($250 min./$1,500 max. fee)
To Commercial (all categories)	$100 per acre ($250 min./$1,500 max. fee)
To Industrial (all categories)	$100 per acre ($250 minimum fee)
Zoning variance	$150 per variance requested
Renotification fee	$75

APPLICATION PROCESS:

Please be advised that this is a 2-3 month process. The Planning and Zoning Commission will conduct a public hearing to consider your request. Prior to the hearing, the City will mail notices to all property owners within 200 feet of the subject tract, to the listed applicant and property owner, to any lien holders, and to the appropriate neighborhood representative. A sign advertising the change will also be placed on the property by the City.

At the public hearing the applicant, or a representative for the applicant, should be present to answer any questions the Commission may have. Failure to appear could result in your request being tabled or denied. Those in support of the request and those in opposition will be given an opportunity to speak. Following the close of the public hearing, the Planning and Zoning Commission will make a recommendation to either approve or deny the request.

This recommendation is then forwarded to City Council for their action. A notice is published in the newspaper 15 days prior to their hearing. City Council will conduct a public hearing and either adopt an Ordinance to approve the change or deny the request. You will be notified by mail of the date of the City Council public hearing. If an ordinance is adopted, at least one further meeting is required to give Council an opportunity to reconsider the request. If there is no reconsideration, the process is complete. If there is reconsideration, a third reading of the ordinance would be required for approval.

To be completed by Staff:

Property is located in: ☐ Edwards Aquifer Recharge Zone ☐ Historic District ☐ River Corridor

Concurrent Land Use Amendment is Required: ☐ Yes ☐ No

Meeting Date: _____ Deadline: _____ Accepted By: _____ Date: _____

11/09

AGREEMENT TO THE PLACEMENT OF ZONING NOTIFICATION SIGNS

The City of San Marcos Land Development Code provides that notification signs shall be placed on any property that is the subject of a zoning change, zoning variance, or conditional use permit. The signs shall be placed on the property by the Development Services-Planning staff prior to the 10th day before the scheduled public hearing based on the following criteria:

- Signs shall be placed on each street for property having multiple street frontages
- Signs shall be placed in a visible, unobstructed location near the front property line

Signs shall remain in place until final action is taken on the application, unless the case is formally withdrawn by the applicant prior to a final decision. Staff will remove the signs.

It is the responsibility of the applicant to periodically check the sign locations to verify that signs remain in place and have not been vandalized or removed. It is the responsibility of the applicant to immediately notify the Development Services-Planning Department of any missing or defective signs.

It is unlawful for a person to alter any notification sign, or to remove it while the case is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

I have read the above statement and agree to allow the placement of notification signs as required on the project covered by the attached request. The Development Services-Planning staff has my permission to place these signs on my property. I will notify City staff if the sign is damaged or removed.

Signature of Applicant

9/20/2012
Date

FOR STAFF USE ONLY:

Sign (s) were placed by staff on _____ by _____.

Sign (s) were removed by staff on _____ by _____.

VIGIL & ASSOCIATES
CONSULTING SERVICES

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

September 20, 2012

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

Re: The Enclave at Windemere
Zoning Change Application

Dear Matthew:

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

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

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

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

Sincerely

Joel Richardson, P.E.
Vigil & Associates

Issue Date : 10/26/2012

TAX CERTIFICATE

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

This certificate includes tax years up to 2012

Entities to which this certificate applies:

RSP - Special Road Dist
CSM - City Of San Marcos
SSM - San Marcos CISD
GHA - Hays County

Property Information

Property ID : 10-0002-0039-00005-3
Quick-Ref ID : R124359

LIME KILN RD SAN MARCOS, TX 78666

A0002 A0002 - THOMAS J CHAMBERS SURVEY, ACRES 22.5

Value Information

Land HS	:	$0.00
Land NHS	:	$225,600.00
Imp HS	:	$0.00
Imp NHS	:	$0.00
Ag Mkt	:	$0.00
Ag Use	:	$0.00
Tim Mkt	:	$0.00
Tim Use	:	$0.00
HS Cap Adj	:	$0.00
Assessed	:	$225,600.00

Owner Information

Owner ID : O0037310

HAUG ROBERT LOGAN & WOOD VINSON J
2009 N RANCH RD 620
STE 130
AUSTIN, TX 78734

Ownership: 100.00%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
SSM	2012	3,045.60	0.00	0.00	0.00	3,045.60
RSP	2012	98.81	0.00	0.00	0.00	98.81
GHA	2012	959.25	0.00	0.00	0.00	959.25
CSM	2012	1,196.14	0.00	0.00	0.00	1,196.14

Total for current bills if paid by 10/31/2012 : $5,299.80
Total due on all bills 10/31/2012 : $5,299.80
2012 taxes paid for entity SSM $0.00
2012 taxes paid for entity RSP $0.00
2012 taxes paid for entity GHA $0.00
2012 taxes paid for entity CSM $0.00
2012 Total Taxes Paid : $0.00

If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document.
This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (i) of the Texas Property Tax Code.

Valerie DeLeon, Deputy
Signature of Authorized Officer of the Tax Office

Date of Issue	:	10/26/2012
Requestor	:	HAUG ROBERT LOGAN & WOOD VINSO
Receipt	:	SM-2012-600859
Fee Paid	:	$100.00
Payer	:	RICHARDSON, JOEL

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Agenda Information

AGENDA CAPTION:

PDD-12-03 (Windemere) Hold a public hearing and discuss a request by Joel Richardson of Vigil and Associates on behalf of Robert Haug and Vinson Wood, for a Planned Development District overlay for the Enclave at Windemere, consisting of 20.08 acres more or less out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road.

Meeting date: April 23, 2013

Department: Development Services

Funds Required: na

Account Number: na

Funds Available: na

Account Name: na

CITY COUNCIL GOAL:

BACKGROUND:

The subject property is a 20.08 acre portion of a larger 235 acre tract located on the west side of Lime Kiln Road, which would provide the only access to the entire site unless and until Craddock Road is built. The surrounding uses are predominantly residential and agricultural. The site is also located adjacent to the Sink Creek Water Quality Protection Zone and within the Edwards Aquifer Recharge Zone. The 20.08 acre subject property fronts on Lime Kiln.

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

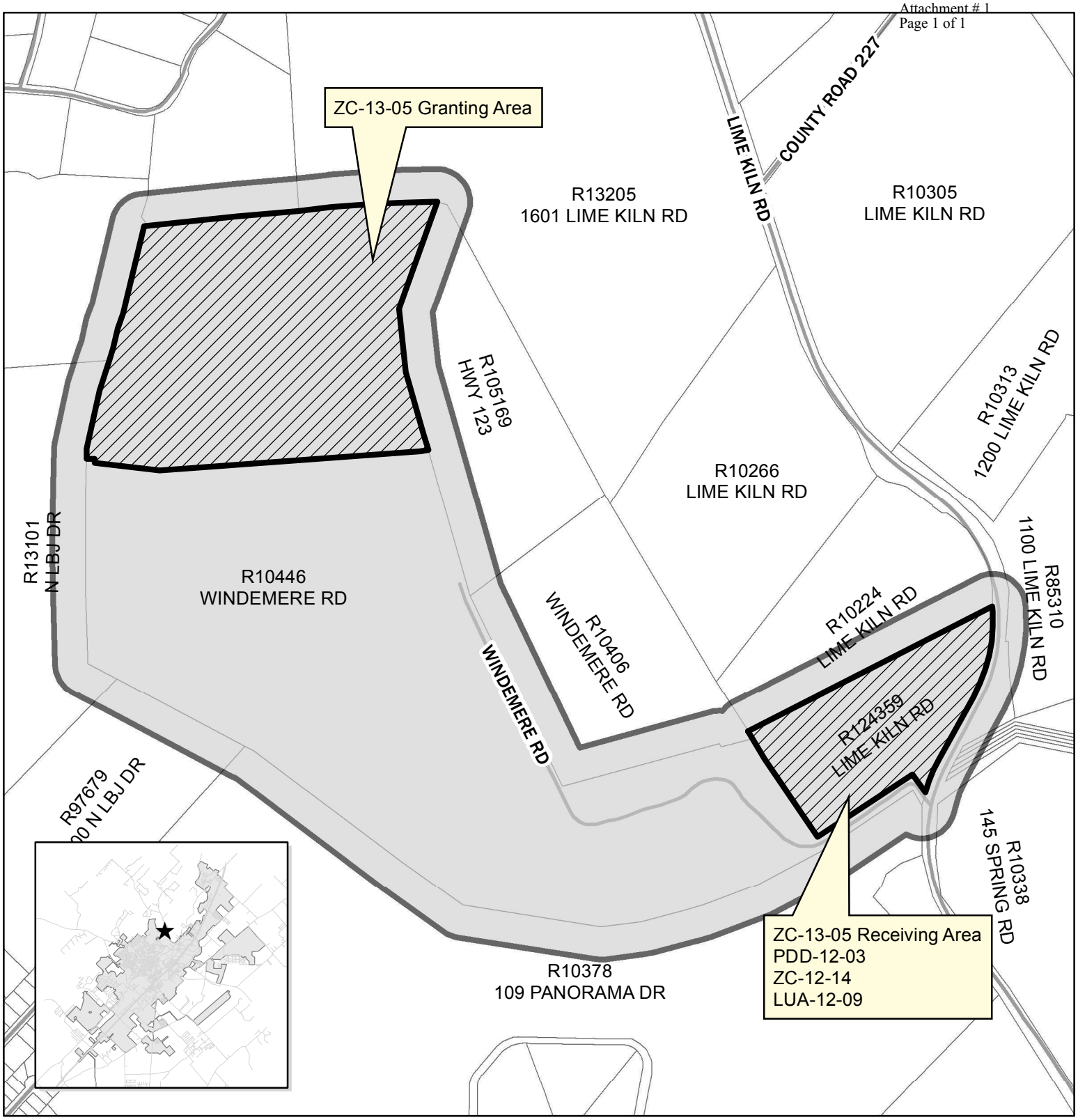
Proposed Site Development

- Project site is approximately 20.08 acres total.
- Consists of two tracts bisected by the right-of-way for a future collector road, which is part of the approved PDD for the Preserve at Windemere.
- 45 single-family residential lots with minimum lot sizes of 7,500 square feet
- 2.25 units per acre maximum
- Low-impact development for water quality - commits to a performance rate of 85% removal of all Total Suspend Solids.
- Maximum Gross Impervious Cover = 31.6% (with a Development Transfer ZC-13-05)
- Modified street cross-sections
- Parkland dedication – fee in lieu

This item and the associated cases are posted for discussion only at the April 23rd meeting. The Commission will take action at a future meeting.

ATTACHMENTS:

Case Map
Staff Report
Application
Development Standards
Exhibit A: Concept Plan
Exhibit B: Preliminary Subdivision Plat
Exhibit C: Proposed Street Cross-section
Exhibit D: Metes and Bounds
Exhibit D: Metes and bounds exhibit



PDD-12-03
ZC-12-14
ZC-13-05
LUA-12-09
Enclave at Windemere
200 Lime Kiln Road
Map Date: 4/12/2013

Site Location
Notification Area (200 feet)

0 500 1,000 2,000 Feet

N

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

PDD-12-03/ZC-12-14/LUA-12-09
Planned Development District (PDD)
Zoning Change
Land Use Amendment
The Enclave at Windemere

Summary:

Applicant:

Joel Richardson, Vigil & Associates
4303 Russell Dr
Austin, TX 78704

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

Property Owners:

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

Subject Property:

Legal Description: 20.08 acres out of the TJ Chambers A-2 Survey
Location: 200 Lime Kiln Road
Existing Use of Property: Undeveloped
Existing Zoning: Single-Family Rural (SF-R)
Proposed Use of Property: Single Family Residences
Proposed Zoning: Single Family (SF-6)
Sector: Adjacent to Sector 3
Frontage On: Lime Kiln
Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	ETJ	Open space
S of Property	ETJ	Open Space
E of Property	ETJ	Agriculture
W of Property	SF-R	Open Space

Background

The subject property is a 20.08 acre portion of a larger 235 acre tract located on the west side of Lime Kiln Road, which would provide the only access to the entire site unless and until Craddock Road is built. The surrounding uses are predominantly residential and agricultural. The site is also located adjacent to the Sink Creek Water Quality Protection Zone and within the Edwards Aquifer Recharge Zone. The 20.08 acre subject property fronts on Lime Kiln.

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

Case History

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

- February 2008 – A Concept Plan was applied for and withdrawn by the applicant [PC-08-06(01)]
- February 2008 – Watershed Protection Plan Phase I *approved* [WPP1-08-0002]
- March 2008 – Land Use Map Amendment from VLDR to LDR was applied for and withdrawn by the applicant [LUA-08-05]
- June 2008 – A Plat Variance to allow 16 lots access from a median street was applied for and withdrawn [PVC-08-03]
- June 2008 – A Plat Variance to allow hiking trails and wildlife easements for pedestrian circulation in lieu of concrete sidewalks was applied for and withdrawn [PVC-08-02]
- July 2010 – A Plat Variance to allow a subdivision with more than 75 lots to have only one point of vehicular access was withdrawn [PVC-10-03]
- August 2010 – A Plat Variance to allow less than the minimum required ROW for a 47 foot portion of the street was *approved with conditions*[1] [PVC-10-04]
- January 2011 – A Zoning Change from FD to SF-R was applied for and was *approved* [ZC-11-04]
- January 2011 – A Plat Variance to allow for a 6,500 foot block was *approved with conditions*[2] [PVC-11-01]
- January 2011 – A Plat Variance to allow a maximum temporary cul-de-sac length of 6,500 feet was *approved with conditions*[2] [PVC-11-02]
- January 2011 – A Zoning Change from FD to SFR was applied for and was *approved* [ZC-11-04]
- January 2011 – A Variance to the minimum lot width was applied for and *denied* by ZBOA [VR-11-03]
- February 2011 – Parks Advisory Board recommended approval of a Fee-in-lieu (.99 acres equivalent = $24,750)
- March 2011 – A Concept Plat was submitted and approved [PC-11-01(01)]
- September 2011 – A Planned Development District for Phase I (150 acres) was applied for and was approved [PDD-11-10]
- July 2012 – A Planned Development District overlay for Phase II (22.5 acres) was applied for. The applicant subsequently requested the item be postponed to pursue other options.

Many of these cases had public opposition

[1] Planning Conditions: all other ROW shall be dedicated and constructed to city standards, no more than 74 total lots shall use the new residential collector as their sole point of access, the property shall not be developed more densely than shown on the concept plan

[2] Planning Conditions: the number of lots is limited to 74, connections are made to each of the adjacent tracts providing for the possibility of future connections

LUA-12-09/ZC-12-14/PDD-12-03

The subject property was annexed in 2009 (Ordinance 2009-30). It is shown as Very Low Density on the Future Land Use Map.

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

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

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

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

The PDD sets a maximum density of 2.25 units per acre. This is within the description of Very Low Density Residential (VLDR) as described in the *Horizons Master Plan*, but the densest zoning district within VLDR requires 43,560 square foot lots. The PDD proposes 7,500 minimum lots.

The two requests associated with the proposed Planned Development District are as follows:

- Land Use Map Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR)
- Zoning Change from Single-Family Rural (SF-R) to Single-Family Residential (SF-6)

Adjacent uses are predominantly agricultural and open space.

Proposed Site Development

- Project site is approximately 20.08 acres total.
- Consists of two tracts bisected by the right-of-way for a future collector road, which is part of the approved PDD for the Preserve at Windemere.
- 45 single-family residential lots with minimum lot sizes of 7,500 square feet
- 2.25 units per acre maximum
- Low-impact development for water quality - commits to a performance rate of 85% removal of all Total Suspend Solids.
- Maximum Gross Impervious Cover = 31.6% (with a Development Transfer ZC-13-05)
- Modified street cross-sections
- Parkland dedication – fee in lieu

Density

The project proposes a maximum density of 2.25 units per acre. This is less than the SF-6 maximum of 5.5 but more than double the density of surrounding properties.

Parkland Dedication

There is no proposed land dedication. The project proposes a fee in lieu. The Parks Board will receive an update on the item on the 4/23 agenda. Fees of less than $50,000 do not require Parks Board action.

Environmental and Water Quality

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

Impervious Cover

The maximum impervious cover for the site is 20% because it is within the Edwards Aquifer Recharge Zone. The PDD is proceeding concurrently with a Transfer of Development Rights to transfer 2.33 acres of impervious cover from Phase 3 of Windemere to the subject tract. This would increase the impervious cover to 6.35 acres total, or 31.6%. Please see attached report for the Transfer of Development Rights (ZC-13-05).

Others

The PDD proposes no additional standards for exterior construction, landscaping, sidewalks, or other items.

Planning Department Analysis:

City Engineering and Transportation Staff have completed an initial review of the Traffic Impact Analysis (TIA) for the project. They state that the TIA is valid. The developer will share the cost of Lime Kiln/Post and Post/Aquarena Springs intersection improvement. Lime Kiln/Post may need a signal or mini-roundabout, Post/Aquarena Springs may need to be widened. Distribution and timing of improvements will occur at the time of platting.

Access to this site has been much discussed in previous cases. The proposed PDD would provide a second entrance to the 20.08 acre site. The application indicates the intent to construct 45 single-family lots on the subject tract. Because both points of access are outside of the floodplain, the Fire Marshal has stated that this does meet the requirement for two points of access for the Enclave, and the 45 lots could be developed in addition to the 74 for the Preserve. No more than 74 lots may be developed beyond the "spike strip" separating the Enclave from the Preserve until a second access is obtained for that tract.

Staff has reviewed the request against the criteria for spot zoning and has determined that the request **does** meet the criteria to be considered spot zoning. The evaluation is below:

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

Yes, the property could be developed as single-family rural homes under the SF-R zoning classification.

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

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

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

Staff evaluation: No, this rezoning would not address a substantial unmet need.

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

Staff evaluation: The rezoning would provide a benefit to the landowner and would also change the character of the area.

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

Staff evaluation: No, staff has not identified a substantial public purpose served by the rezoning.

The intent of a Planned Development District is to provide a higher quality development for the community than would result from the use of conventional zoning districts [Section 4.2.6.1(a)].

Staff reviewed the request against the criteria the Planning and Zoning Commission would use to decide whether to approve, approve with modifications, or deny a petition for a PDD. Staff found that the request **did not meet** the criteria for a PDD to be utilized. The review of the criteria is below:

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

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

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

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

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

Staff evaluation: The PDD contains enhancements in water quality and requires somewhat larger lots that SF-6 standards. Other items could be achieved through conventional zoning classifications.

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

Staff evaluation –Compatibility issues are not addressed in the PDD.

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

Staff evaluation – A Watershed Protection Plan Phase I was approved in 2008. The PDD proposes to remove 85% of Total Suspended Solids through the use of traditional BMPs and LID practices.

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

Staff evaluation – The existing uses are primarily agricultural and very low-density residential. No density of this type is located anywhere on this side of Sink Creek.

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

Staff evaluation – No variation from adopted plans is proposed.

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

Staff evaluation – Much of the undeveloped area within the PDD holds potential for outdoor recreation. No parkland dedication is proposed, and section 2.7 provides no information on the use of proposed open space.

The subject property is not within a Sector but is adjacent to Sector 3. Staff has analyzed the request for consistency with Sector 3 Plan goals.

*Staff evaluation: The request for a PDD **supports** the following Sector 3 Goals:*

1. *Walkable, pedestrian-friendly neighborhoods.*
2. *Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety.*

*The request for the PDD **does not support** the following Sector 3 Goals:*

1. *Preserved & enhanced visual character through variety of design requirements.* ***No additional design requirements were proposed***
2. *Interconnected streets in future development.* ***The project does not connect to adjacent tracts except for the Preserve at Windemere.***
3. *"Neighborhood friendly" development mitigating negative impacts of higher intensity uses.* ***Potential negative impacts are not mitigated***
4. *Improved open space and recreational opportunities.* ***No parkland other recreational opportunities are proposed beyond the park fee-in-lieu.***

Following the review of the request against the Sector 3 Goals, staff reviewed the extent to which the request furthers the policies of the Master Plan generally.

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

1. *Policy LU-3.4: The City shall provide, within the framework of the Future Land Use Plan, a wide choice of owner-occupied and rental housing types that will give adequate housing to families and individuals of all income levels.*
2. *Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations.*
   Comment: The proposed change will provide the opportunity for additional, new housing.
3. *Policy LU-3.18: The City shall prohibit residential developments that, because of design or location, will expose the potential residents to through traffic or heavy traffic from other types of land uses.*
4. ***Comment: Through traffic is unlikely at this location.***

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

1. *Policy LU-1-1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.* **The subject property's proposed land use designation of Low Density Residential is different from the majority of the surrounding area, which is primarily Agricultural and Very Low Density Residential (see attached map)**
2. *Policy LU-3.15: The City shall encourage physical buffers, such as permanent open space, land uses that are transitional and unobtrusive, landscaping, fencing, or walls be used, as appropriate, between residential areas and nonresidential areas, and between residential areas of different densities except where mixed land uses are desired.* ***The site is buffered on the south by the Spring Lake Preserve, but no buffering is identified for the adjacent tract.***
3. *Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.* ***There are no areas for shopping and work that are proposed with the project or within walking distance.***

Staff found that the request **partially supports** the following Master Plan Goals:

1. *Policy LU-3.9: The City shall encourage very low density or cluster-type developments in the Edwards Aquifer Recharge Zone and shall develop appropriate standards for cluster-type development which will be adopted as part of the subdivision and zoning ordinances.*
   Comment: The applicant has allocated additional impervious cover to a less-sensitive area within the site, which is a step in a cluster or conservation development. However, as the attached document describing conservation development in Texas outlines, other items have not been addressed including the preservation of 40-60% of the gross area for open space, evaluation of other resources such as viewsheds, provisions for native landscaping, and green building standards.
2. *Policy LU-3.13: The City shall discourage residential development in areas that do not have adequate public facilities and services, including, but not limited to, streets, police and fire protection, sewage disposal, water supply and pressure, telephone, gas, electricity, schools, and parks.*
   Comment: Although the second access point meets the code requirement for the number of lots proposed, the ability of both emergency officials to access the site and residents to exit has been a concern at this location because of the history of flooding of Sink Creek and fires in the area.

This item and the associated cases are posted for discussion only at the April 23rd meeting. The Commission will take action at a future meeting.

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

Prepared by:

John Foreman, AICP, CNU-A	Planning Manager	April 11, 2013
Name	**Title**	**Date**

11/09

Planned Development District Checklist

- ☑ A pre-application conference with staff is recommended
- ☑ A completed application for a Petition for Planned Development District and required fees.
- ☑ Fifteen (15) copies of Concept plan on 24" X 36" sheets at minimum scale of 1" = 100' showing the following:
  a. Boundaries of the property included in the PDD application.
  b. Acreage of the property included in the PDD application.
  c. Existing roads located inside the boundaries of the PDD or within 500 feet of the boundaries of the PDD.
  d. All existing land uses and structures located inside the boundaries or within 500 feet of the PDD.
  e. Boundaries of existing zoning districts located within 500 feet of the boundaries of the PDD.
  f. Topography at contours at minimum 10' intervals. Slopes between 15% and 25%; and over 25%, must be identified by shading on the contour information. Delineation of the Edwards outcrop if applicable.
  g. The centerline and names (if applicable) of all streams, wetlands or waterways, any areas in the San Marcos River Corridor and the location of all 100-year floodplains and floodways.
  h. The location of all areas of tree canopy over 30 feet in diameter on the property. If possible, the land use plan should be laid out over an aerial photograph of the property.
  i. The location of the City limit lines, extraterritorial jurisdiction line, Edwards Aquifer recharge zone boundaries or other pertinent boundary information (if applicable).
  j. Land use information for the PDD, including the following information:
     1. The location, shape and acreage of the land uses within the site as shown on the existing future land use plan of the city Master Plan and the location, shape and acreage of each proposed land use.
     2. For residential uses, the overall maximum density in dwelling unites per acre for each section.
     3. For non-residential uses, the overall maximum floor-to-area ratio and general building locations for each non-residential section of the PDD.
     4. A graphic depiction or land use plan notations indicating all limitations and restrictions on land use that are not otherwise covered in the developments standards for the PDD.
     5. Proposed base zoning district(s) within the PDD site (if different from the existing base district(s))
  k. Proposed circulation information for the PDD, including the location and dimensions of all proposed streets, alleys, trails, parking areas or pedestrian facilities.
  l. The location, shape and acreage of all proposed parks, open space, natural areas, landscaped features or proposed buffers on the PDD site. Parkland proposal to be dedicated to the City must comply with parkland dedication requirements of the subdivision ordinance.

11/09

m. Summary table with the acreage of all land uses, streets, open spaces and other significant features.
n. Other information that will be help to clarify the PDD proposal.

☐ A detailed listing of the proposed land uses and development standards, referenced to the Concept Plan. The description of land uses must outline and define all allowed primary uses, all allowed accessory uses, which land uses are specifically prohibited or limited, maximum residential densities, maximum floor-to-area ratios for non-residential uses.

☐ Written zoning and development standards for the district, describing all exceptions, modifications or limitations to the applicable base zoning district regulations, and to environmental, supplemental development or public facilities standards in Chapters 4, 5, 6 and 7 of the Land Development Code necessary to effect development pursuant to the Concept Plan and proposed zoning district standards. Written development standards are to include the following: **setbacks, area standards, height, lot size, landscaping, parking, signs, construction materials, open space, environmental protection, impermeable surface coverage, buffering elements.**

☐ A detailed description of how proposed uses, layout and development standards that vary from otherwise applicable requirements or standards of the base zoning district and standards in Chapters 4, 5, 6 and 7 of the Land Development Code will produce a superior development project that is not inconsistent with the purposes of the regulations to be varied.

☐ A description of the reasons why the proposed PD district meets one or more of the special circumstances listed in Chapter 4, Article 2, Division 6 as justifying creation of the district.

☐ A drainage study and traffic impact study when required demonstrating that adequate facilities policies in section 7.4.3.1 will be satisfied.

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

Signed: _____ Date: 7/5/12

Print Name: JOEL RICHARDSON

☒ Engineer ☐ Surveyor ☐ Architect/Planner ☐ Owner ☐ Agent: _____

11/09

PDD - _____ - _____

City of San Marcos

PLANNED DEVELOPMENT DISTRICT

ZONING / LAND USE PLAN / WRITTEN DEVELOPMENT STANDARDS

	APPLICANT	PROPERTY OWNER	CONSULTANT
Name:	JOEL RICHARDSON	ROBERT L. HAUG VINSON J. WOOD	
Mailing Address:	4303 RUSSELL DR. AUSTIN, TX 78704	2009 RR 620 N #130 AUSTIN, TX 78734	
Telephone No.:	(512) 567-6267	(512)266-0052	
E-mail address:	joel@rigilandassociates.com	robhaug@hotmail.com rwood08@hotmail.com	

PROPERTY DESCRIPTION:

Street: LIME KILN ROAD Address No.: 200

Legal Description (if platted): _____

Proposed Subdivisoin Name (if not platted): THE ENCLAVE AT WINDEMERE.

* a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 124359 Acres: 22.50

Current Master Plan Land Use Designation(s): VERY LOW DENSITY RESIDENTIAL

Property is located in:
- ☑ City Limits
- ☐ ETJ (County) _____)
- ☐ San Marcos River Corridor
- ☑ Edwards Aquifer Recharge Zone

Total Land Area Within 100-Year Floodplain, if any 2.39 **Acre(s)**

Lien Holder(s) - for notification purposes:

Name: _____

Mailing Address: _____

(If more than one lien holder, please provide information on a separate page)

A certificate of no tax delinquency must be attached to this application - Tax Certificate

11/09

PROPOSED DEVELOPMENT:

Proposed New Base Zoning Classification: SFR

Proposed New Master Plan Land Use Designation(s), if any: N/A. REMAINS VERY LOW DENSITY RESIDENTIAL

Proposed Use(s) of Land and Buildings: 52 SINGLE FAMILY RESIDENTIAL LOTS

Number of Lots: 52 **Residential Density:** ~~2.37~~ 2.51 (Units/Acre)

Total Number of Dwelling Units, if any: 52

Total Land Area Allocated to Non-Residential Use, if any: 11 ACRES FOR ROW, DRAINAGE FACILITES & OPEN SPACE. Acre(s)

SUBMITTAL REQUIREMENTS:

- ✓ **Application Fee** of $25 per acre ($1,500 maximum) payable to the City of San Marcos.
- **Name(s) and Mailing Address(es) of Property Lien-Holder(s),** if any.
- **If not platted,** a metes and bounds legal description of the property.
- **One Reproducible or 15 Non-Reproducible Copies of the proposed Land Use Plan.**
- **Written Development Standards**
- **If in the San Marcos River Corridor,** an SMRC Development Application, if not incorporated in the PDD Development Plan, a separate SMRC site Plan.

I certify the preceding information is complete and accurate. If I am not the property owner of record, or if the applicant is an organization or business entity, I hereby affirm that I have been authorized to represent the owner, organization, or business in this application.

Signature: _____ **Date:** 7/5/2012

Printed Name: JOEL RICHARDSON

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted By: _____ Date: _____

11/09

AGREEMENT TO THE PLACEMENT OF ZONING NOTIFICATION SIGNS

The City of San Marcos Land Development Code provides that notification signs shall be placed on any property that is the subject of a zoning change, zoning variance, or conditional use permit. The signs shall be placed on the property by the Development Services-Planning Department staff prior to the 10th day before the scheduled public hearing based on the following criteria:

- Signs shall be placed on each street for property having multiple street frontages
- Signs shall be placed in a visible, unobstructed location near the front property line

Signs shall remain in place until final action is taken on the application, unless the case is formally withdrawn by the applicant prior to a final decision. Staff will remove the signs.

It is the responsibility of the applicant to periodically check the sign locations to verify that signs remain in place and have not been vandalized or removed. It is the responsibility of the applicant to immediately notify the Development Services-Planning Department of any missing or defective signs.

It is unlawful for a person to alter any notification sign, or to remove it while the case is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

I have read the above statement and agree to allow the placement of notification signs as required on the project covered by the attached request. The City's Development Services-Planning staff has my permission to place these signs on my property. I will notify City staff if the sign is damaged or removed.

Signature of Applicant

7/5/2012
Date

FOR STAFF USE ONLY:

Sign (s) were placed by staff on _____ by _____.

Sign (s) were removed by staff on _____ by _____.

The Enclave at Windemere

Planned Development District
Development Standards

Submitted on:
February 11, 2013

1.0 Project Description

The Enclave at Windemere is a residential development on approximately 20.08 acres of land in San Marcos Texas.

The Proposed development includes 45 single-family (SF) residential lots covering 10.98 acres of the site. The SF lots shall conform to the SF-6 Single Family Residential District development standards of the Land Development Code (LDC) of the City of San Marcos, except as described in these Planned Development District (PDD) Development Standards.

The Enclave at Windemere site is generally bisected by a proposed residential collector roadway identified on the City of San Marcos Thoroughfare Plan. This residential collector is a included as a portion Phase 1 of the Preserve at Windemere as indicated on the approved Subdivision Concept Plat, Preliminary Subdivision Plat and PDD for the Preserve at Windemere Phase 1. The Subdivision Concept Plat incorporated as a part of this PDD depicts this proposed residential collector as previously approved. This proposed roadway remains a part of the Preserve at Windemere Phase 1.

The Enclave at Windemere includes 2.59 acres of ROW dedication for residential streets and 6.52 acres intended for water quality and detention facilities, drainage easements and preserved open space.

This PDD applies only to the 20.08 acres of the property identified as the Enclave at Windemere on the incorporated Subdivision Concept Plat.

1.1 Property Description:

The Enclave at Windemere includes 20.08 acres of land being a part of that 22.500 acre tract of land in the T.J. Chambers, A-2, Survey in Hays County, Texas, as described in deed recorded in Volume 3496, Page 28, Hays County Deed Records.

The site is located along Lime Kiln Road, approximately one mile northwest of the intersection with Post Road. A map indicating the location of the site is provided in the figure below.

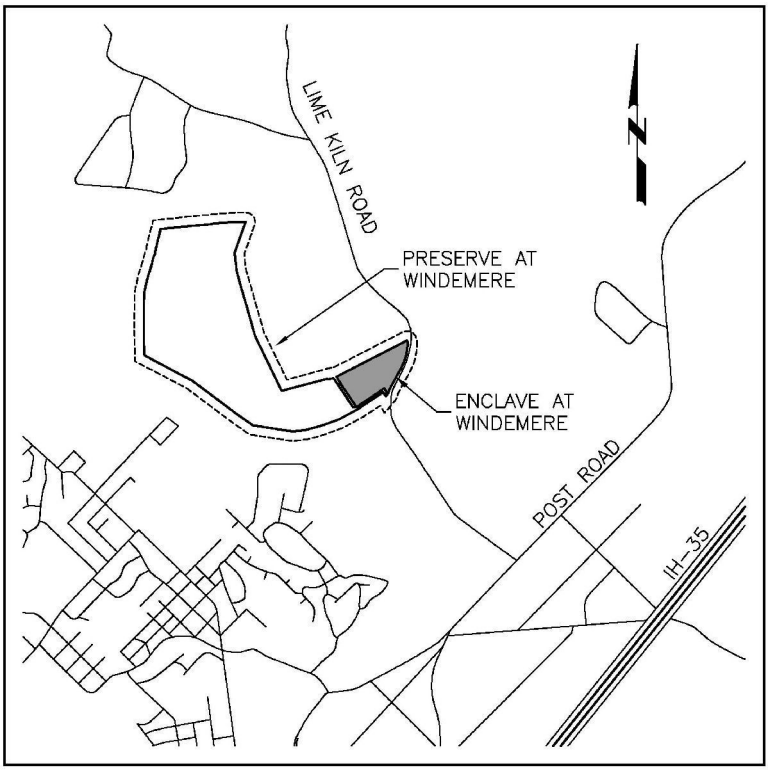


Figure 1: Location Map

1.2 Purpose and Intent of PDD:

Modifications to the standards of the LDC:

(1) increasing the minimum lot/parcel area; and
(2) reducing the maximum units per gross acre.

This PDD also establishes Low Impact Development (LID) design practices for the proposed development.

2.0 Development Standards

2.1 Land Use and Zoning:

The existing Zoning District designation for the site is Future Development (FD). An application for zoning change has been made to run concurrently with this PDD to establish the base zoning district for the Enclave at Windemere to be Single Family Residential District (SF-6).

The Enclave at Windemere encompasses 20.08 acres generally bisected by a proposed residential collector roadway indicated on the City of San Marcos Thoroughfare Plan. 45 residential lots are proposed as part of the Enclave at

Windemere for a density of 2.25 units per acre over the 20.08 acre parent tract. This area and zoning designation are presented in the Concept Plan incorporated by exhibit into this PDD.

2.2 Permitted Uses:

SF-6 except as modified herein.

The maximum density as modified herein in Section 2.3 will permit 45 single-family residential lots within the Enclave at Windemere as depicted on the accompanying Concept Plan.

2.3 Dimensional and Development Standards:

This PDD modifies the SF-6 Dimensional and Development Standards in Table 4.1.6.1 to the dimensional and development standards listed below:

Standard Category	Current LDC Table 4.1.6.1 Standard	PDD Standard
Lot/Parcel Area, Minimum Sq. Ft.	6000	7,200
Units per Acre, Maximum/Gross Acre	5.5	2.25

2.4 Low-Impact Development:

Low-Impact Development (LID) is an approach to land development utilizing various design techniques and practices to minimize stormwater impacts and preserve water quality. These goals are achieved through use of various stormwater runoff storage measures dispersed uniformly throughout a development and designed to mimic the predevelopment hydrology of the site. LID integrated management practices (IMPs) for the Enclave at Windemere shall achieve 85% reduction in TSS for the developed condition.

LID IMP's (exceeding code requirements) to be used include:

- maximizing and increasing dis-connectivity of impervious areas;
- open vegetated drainage swales as an alternative to conventional curb/gutter and drainage pipe systems;
- increasing channel widths, reducing channel slopes;
- preserving of natural vegetation;
- rain garden/bio-retention facilities within cul-de-sac bulbs;
- dispersed retention and detention storage in swales, channels, bio-retention areas, etc.;
- the use of rainwater collection will be allowed, promoted and encouraged.;
- roof runoff will be separated from the subdivision's drainage system (i.e. roof runoff will be directed towards lawns or landscaping);
- HOA will implement restrictions against the use of St. Augustine lawns

in addition to restrictions against the use of pesticides and fertilizers

- check dams will be incorporated into the design of grass swales in areas of steep slopes, specifically along streets and drainage ways, but may also be incorporated where water may concentrate and otherwise result in erosive velocities. Check dams may be used to decrease velocities, allow for short term ponding of stormwater and settlement of suspended solids to be captured within vegetation. Check dams used sequentially in the channel design would capture and retain stormwater during more typical frequent storm events; and

The Enclave at Windemere shall be designed utilizing the practices and principles of LID. This shall include the use of swales on the side of the roads in lieu of curb and gutter and the use of unpaved trails. The HOA will be responsible for the maintenance of the LID improvements.

The Owner shall create a homeowner's association responsible for, among other things, enforcement of deed restrictions required under this PDD. The homeowner's association shall be created and deed restrictions recorded at the time of final platting on all or any portion of the Property. The deed restrictions shall be submitted to the City for review to determine consistency with this PDD before recording.

2.5 Transportation and Street Design:

In order to reduce the required impervious cover necessary to provide access to the lots within the proposed development, this PDD modifies the R.O.W. dedication and street construction standards of the LDC as follows:

Current Land Development Code Requirement	PDD Code Modification
7.4.1.2(g): Street Construction. All streets and thoroughfares shall be constructed and paved to City standards and within rights-of-way as required by the Thoroughfare Plan and this article, and in accordance with the TCSS and other City standards as may be from time to time amended or adopted in the Technical Manual.	Street Construction. The residential streets shall be constructed by the developer as indicated on the Street Cross Section incorporate by exhibit into this PDD.

Sight line exhibits for proposed intersections with Lime Kiln Road shall be provided during the roadway design review as part of the Public Improvements Construction Plans (PICP) process.

Access to the proposed residential collector roadway shall be restricted for all lots of this development except for three proposed single family lots for which no other access is available; identified as Lots 1, 2 and 3 on the Preliminary Subdivision Plat provided as Exhibit to this PDD.

2.6 Sidewalks:

No SF-6 modification.

2.7 Parks and Open Space:

The Enclave at Windemere will contain 6.52 aces of land intended for water quality and detention facilities, drainage easements and preserved open space.

LDC Section 7.6.1.2(b) requires the dedication of 0.61 acres of land for the 45 lots proposed in the Enclave at Windemere. Developer shall pay a fee-in-lieu of dedication.

2.8 Impervious Cover:

The gross site area of the Enclave at Windemere is 20.08 acres.

LDC Standard	PDD Standard
5.2.3.1: Impervious Cover Limit (Sites Sized Five Acres or more): 20%.	Impervious Cover Limit: 31.60%.
LDC Requirement	**PDD Requirement**
4.02 acres max. impervious Cover.	6.35 acres max. Impervious Cover. 2.33 acres of Impervious Cover Development Rights transferred from 65.16 acre tract identified as Phase 3 on the Preserve at Windemere Subdivision Concept Plat.

The TDR application concurrent with this PDD transfers 2.33 acres of impervious cover from Phase 3 of the Preserve at Windemere (Granting Zone) to the Enclave at Windemere (Receiving Zone) to accommodate the proposed impervious cover for this proposed development.

Transfer of Development Rights calculations are provided with the TDR application made concurrent with this PDD.

3.0 Incorporated Exhibits

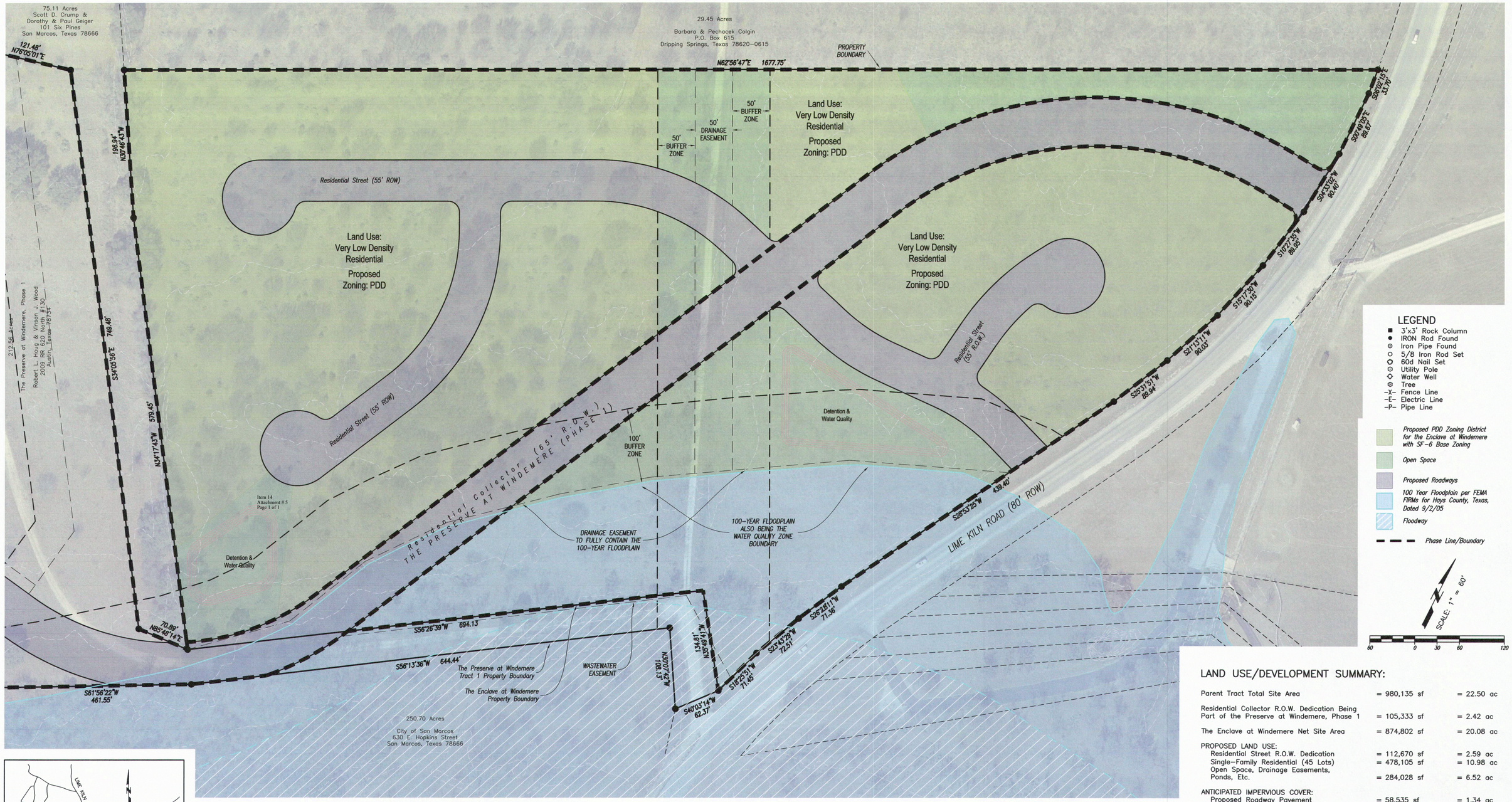
Exhibit A: Concept plat

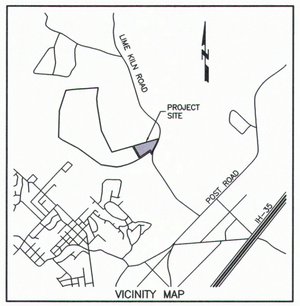
Exhibit B: Preliminary Subdivision Plat

Exhibit C: Proposed Street Cross Section

Exhibit D: Metes & Bounds of 20.08 acre parent tract

THE ENCLAVE AT WINDEMERE SUBDIVISION CONCEPT PLAT





LAND USE/DEVELOPMENT SUMMARY:

Parent Tract Total Site Area	= 980,135 sf	= 22.50 ac
Residential Collector R.O.W. Dedication Being Part of the Preserve at Windemere, Phase 1	= 105,333 sf	= 2.42 ac
The Enclave at Windemere Net Site Area	= 874,802 sf	= 20.08 ac
PROPOSED LAND USE:		
Residential Street R.O.W. Dedication	= 112,670 sf	= 2.59 ac
Single-Family Residential (45 Lots)	= 478,105 sf	= 10.98 ac
Open Space, Drainage Easements, Ponds, Etc.	= 284,028 sf	= 6.52 ac
ANTICIPATED IMPERVIOUS COVER:		
Proposed Roadway Pavement	= 58,535 sf	= 1.34 ac
45 Single-Family Lots (4,500 sf/lot)	= 202,500 sf	= 4.65 ac
Sidwalks	= 15,390 sf	= 0.35 ac
Total	= 276,425 sf	= 6.35 ac
Percent of Enclave at Windemere Net Site Area	= 31.60%	

Notes:

1. Legal Description: 22.500 Acre tract in the T.J. Chambers Survey, A-2, in Hays County, Texas, as described in Warranty Deed recorded in Vol. 3496 Pg. 28 of the Official Deed Records of Hays County Texas.
2. A TCEQ Water Pollution Abatement Plan (WPAP) is required for this property under the Edwards Aquifer Rules TAC Chapter 213.
3. Parkland dedication requirements for the Enclave at Windemere shall be achieved by means of fee-in-lieu of dedication to be paid to the City of San Marcos prior to recordation of the Final Plat.
4. Water and Wastewater service will be provided by City of San Marcos.

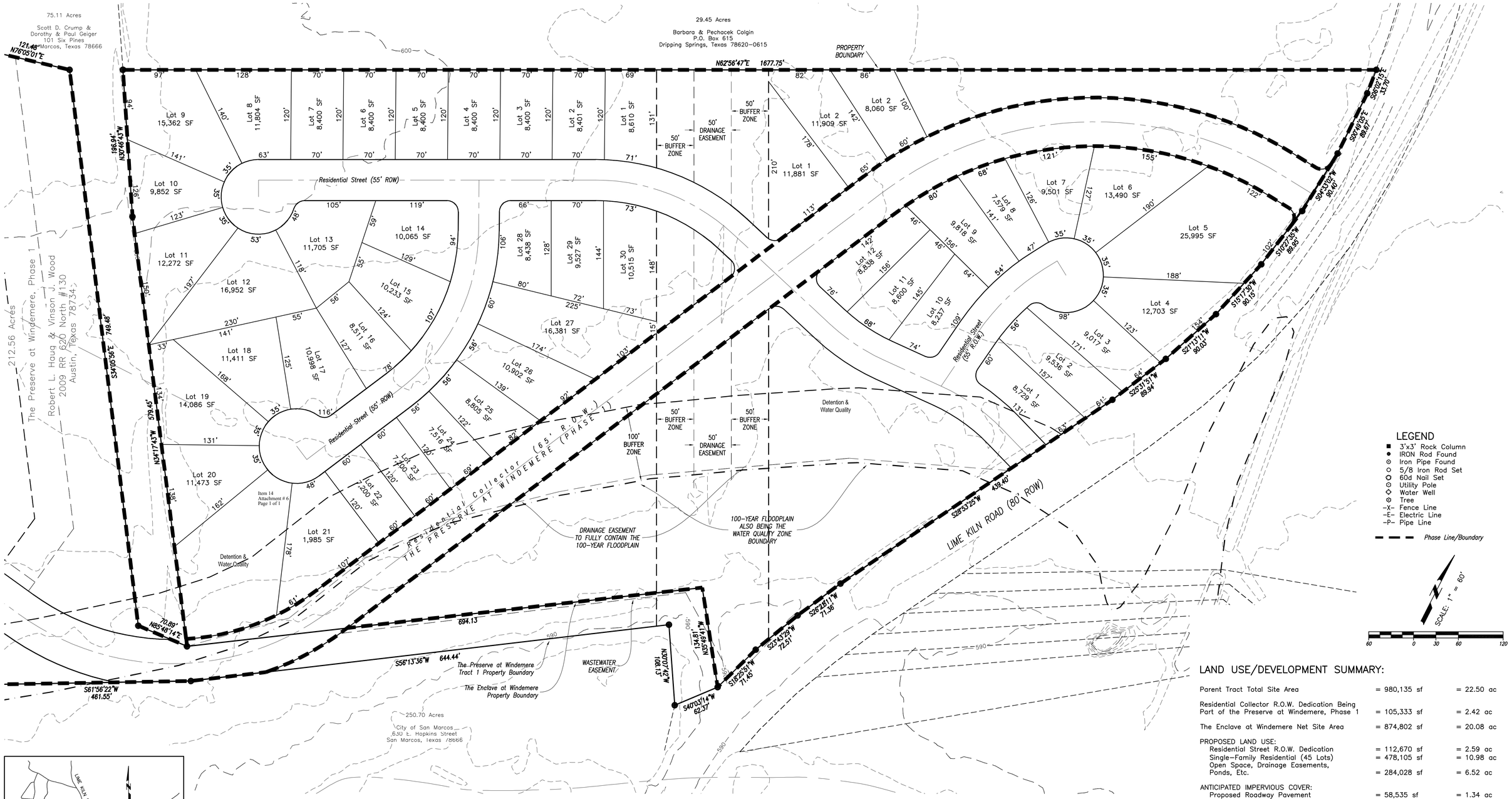
THE ENCLAVE AT WINDEMERE SUBDIVISION CONCEPT PLAT

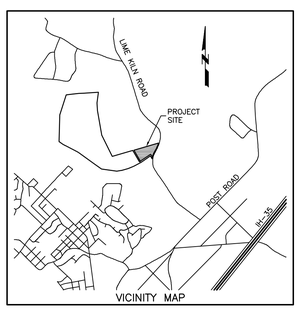
Scale:
1" = 60'

Date of Preparation:
3/22/2013

OWNER:
Vinson J. Wood & Robert L. Haug
2009 R.R. 620 North, Suite 130
Austin, Texas 78734
Tele: (512) 266-0052
Fax: (512) 266-0656

THE ENCLAVE AT WINDEMERE SUBDIVISION PRELIMINARY PLAT





LEGEND

- 3'x3' Rock Column
- IRON Rod Found
- Iron Pipe Found
- 5/8 Iron Rod Set
- 60d Nail Set
- Utility Pole
- Water Well
- Tree
- Fence Line
- Electric Line
- Pipe Line
- *Phase Line/Boundary*

SCALE: 1" = 60'

60 0 30 60 120

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Percent of Enclave at Windemere Net Site Area	= 31.60%	

Notes:

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3. Parkland dedication requirements for the Enclave at Windemere shall be achieved by means of fee-in-lieu of dedication to be paid to the City of San Marcos prior to recordation of the Final Plat.
4. Water and Wastewater service will be provided by City of San Marcos.

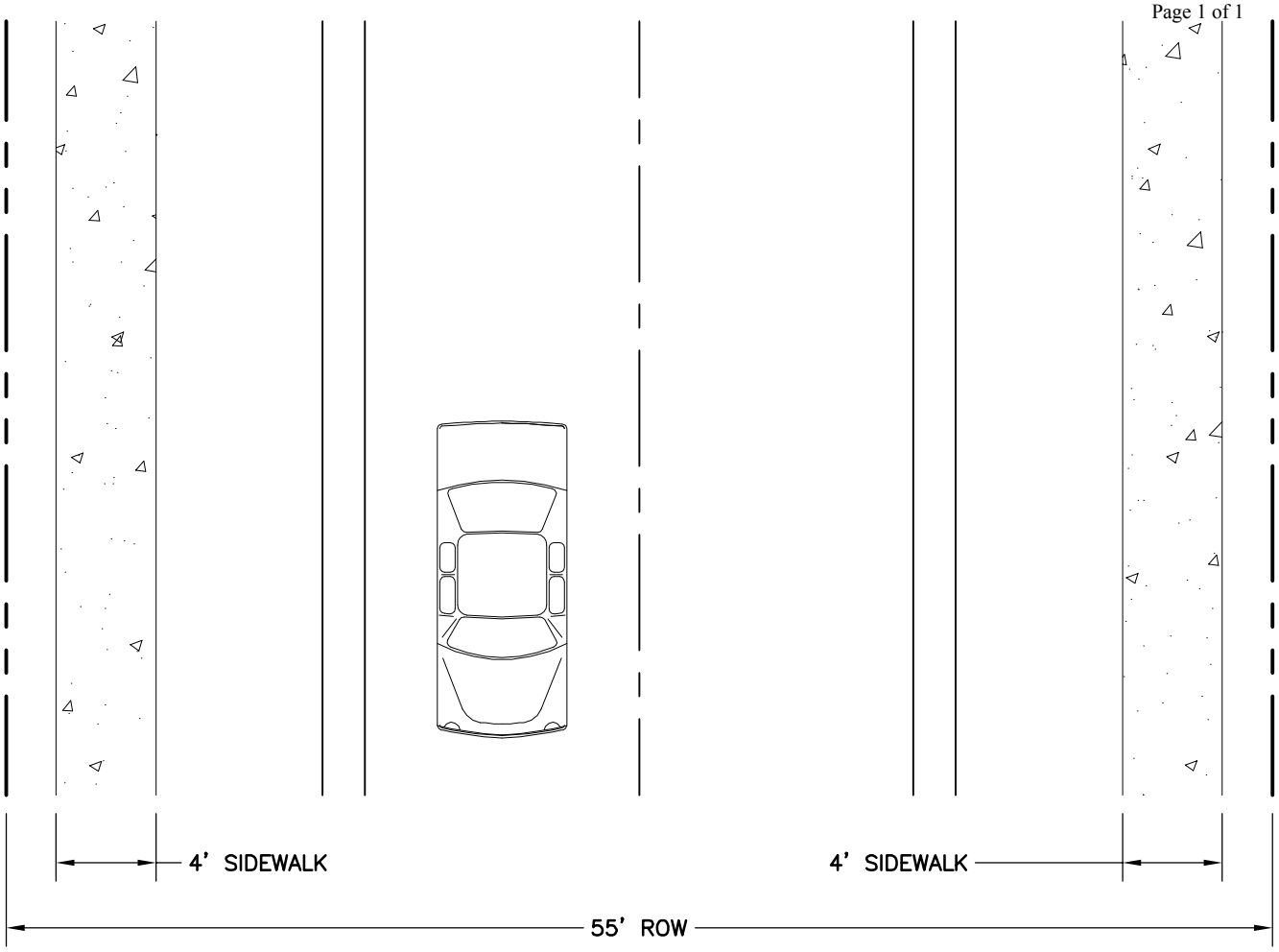
THE ENCLAVE AT WINDEMERE SUBDIVISION PRELIMINARY PLAT

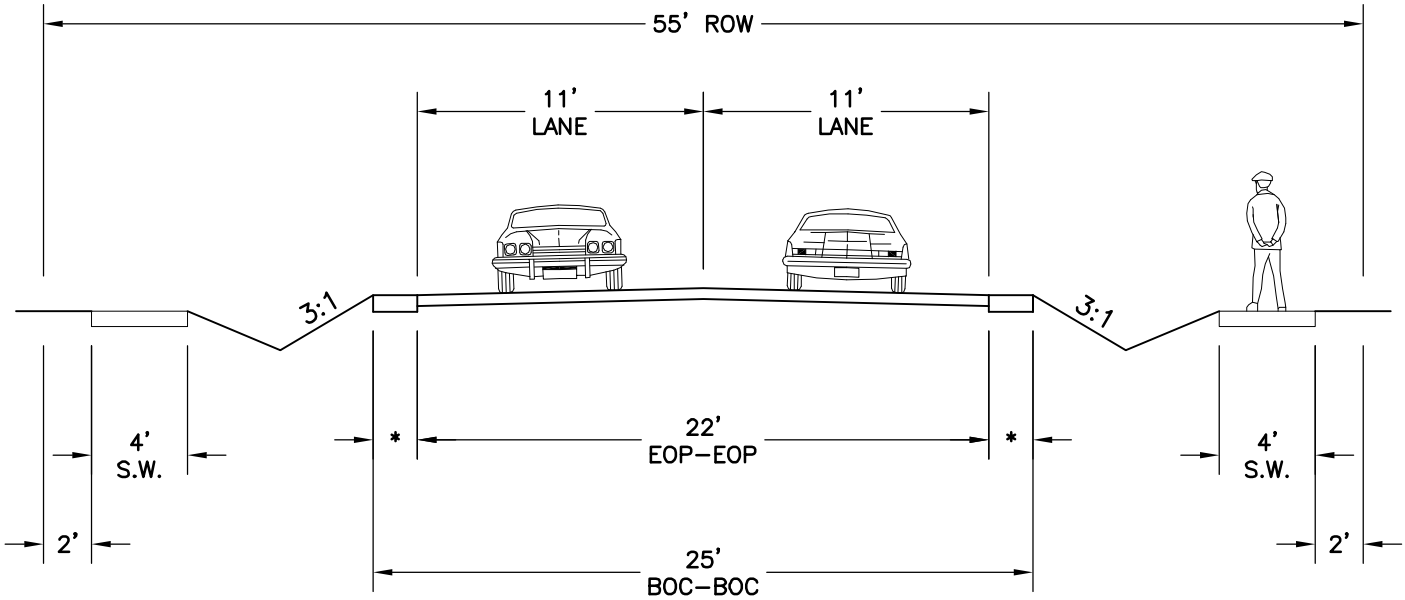
Scale: 1" = 60'

Date of Preparation: 3/22/2013

OWNER:

Vinson J. Wood & Robert L. Haug
2009 R.R. 620 North, Suite 130
Austin, Texas 78734
Tele: (512) 266-0052
Fax: (512) 266-0656





* 1.5' RIBBON CURB

RESIDENTIAL STREET SECTION

THE ENCLAVE AT WINDEMERE

FIELD NOTES

FIELD NOTES FOR 20.08 ACRES OF LAND IN THE T.J. CHAMBERS SURVEY IN HAYS COUNTY, TEXAS, AND BEING A PART OF THAT CERTAIN 22.500 ACRE TRACT CONVEYED TO ROBERT LOGAN HAUH AND VINSON J. WOOD BY GENERAL WARRANTY DEED RECORDED IN VOLUME 3496, PAGE 28 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS. SAID 20.08 ACRES BEING MADE UP OF THE FOLLOWING TWO TRACTS:

TRACT 1: 11.947 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 8 inch cedar fence corner post with 60d nail and washer found in the southwest line of the said 22.500 acre tract of which this is a part, the most easterly corner of that certain 75.11 acre tract described in a deed from Emmett F. McCoy, et al, to Scott D. Crump, et al, dated August 11, 1999, recorded in Document No. 9919374, Hays County Deed Records, an interior comer of that certain 212.556 acre tract described in a deed from J.C. Storts, Jr., et al, to Robert Logan Haug, et al, recorded in Volume 3002, Page 23, Hays County Deed Records;

THENCE, N 34°17'43" W, a distance of 9.82 feet with the west or southwest line of the 22.500 acre tract common with the east or northeast line of the Crump 75.11 acre tract to the **POINT OF BEGINNING** of the herein described tract;

THENCE, continuing along the west or southwest line of the 22.500 acre tract common with the east or northeast line of the Crump 75.11 acre tract the following two (2) courses and distances:

1) N 34°17'43" W, a distance of 569.63 feet to a ½ inch iron rod found;
2) N 30°46'43" W, a distance of 196.94 feet to a 5/8 inch iron rod found for the west or northwest comer of said 22.500 acre tract;

THENCE, N 62°56'47" E, a distance of 1677.75 feet along the north line of the 22.500 acre tract to a 5/8 inch iron rod found in the west line of Lime Kiln Road, for the northeast corner of said 22.500 acre tract;

THENCE, with the west line of Lime Kiln Road and east line of the 22.500 acre tract the following three (3) courses and distances:

1) S 06°02'15" E, a distance of 33.70 feet to a 2 inch steel fence post in concrete;
2) S 00°49'05" E, a distance of 89.67 feet to a 2 inch steel fence post;
3) S 04°33'02" W, a distance of 16.36 feet to a point;

THENCE, traversing the interior of said 22.500 acre tract the following five (5) courses and distances:

1) along a curve to the right with a radius of 15.00 feet, a distance of 23.56 feet, with a chord bearing S 49°33'02" W, a distance of 21.21 feet to point;
2) N 85°26'58" W, a distance of 35.00 feet to a point;

3) along a curve to the left with a radius of 507.50 feet, a distance of 608.62 feet, with a chord bearing S 60°11'41" W, a distance of 572.79 feet to point;
4) S 25°50'20" W, a distance of 924.89 feet to a point;
5) along a curve to the right with a radius of 317.50 feet, a distance of 186.73 feet, with a chord bearing S 42°41'15" W, a distance of 184.05 feet to the POINT OF BEGINNING, containing 11.947 acres of land, more or less.

TRACT 2: 8.135 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 8 inch cedar fence corner post with 60d nail and washer found in the southwest line of the said 22.500 acre tract of which this is a part, the most easterly corner of that certain 75.11 acre tract described in a deed from Emmett F. McCoy, et al, to Scott D. Crump, et al, dated August 11, 1999, recorded in Document No. 9919374, Hays County Deed Records, an interior comer of that certain 212.556 acre tract described in a deed from J.C. Storts, Jr., et al, to Robert Logan Haug, et al, recorded in Volume 3002, Page 23, Hays County Deed Records;

THENCE, N 56°26'39" E, a distance of 215.73 feet with the south line of the 22.500 acre tract to the **POINT OF BEGINNING** of the herein described tract;

THENCE, traversing the interior of said 22.500 acre tract the following five (4) courses and distances:

1) N 25°50'20" E, a distance of 920.26 feet to a point;
2) along a curve to the right with a radius of 442.50 feet, a distance of 530.67 feet, with a chord bearing N 60°11'41" E, a distance of 499.43 feet to point;
3) S 85°26'58" E, a distance of 32.75 feet to a point;
4) along a curve to the right with a radius of 15.00 feet, a distance of 25.11 feet, with a chord bearing S 37°29'42" E, a distance of 22.28 feet to point in the west line of Lime Kiln Road;

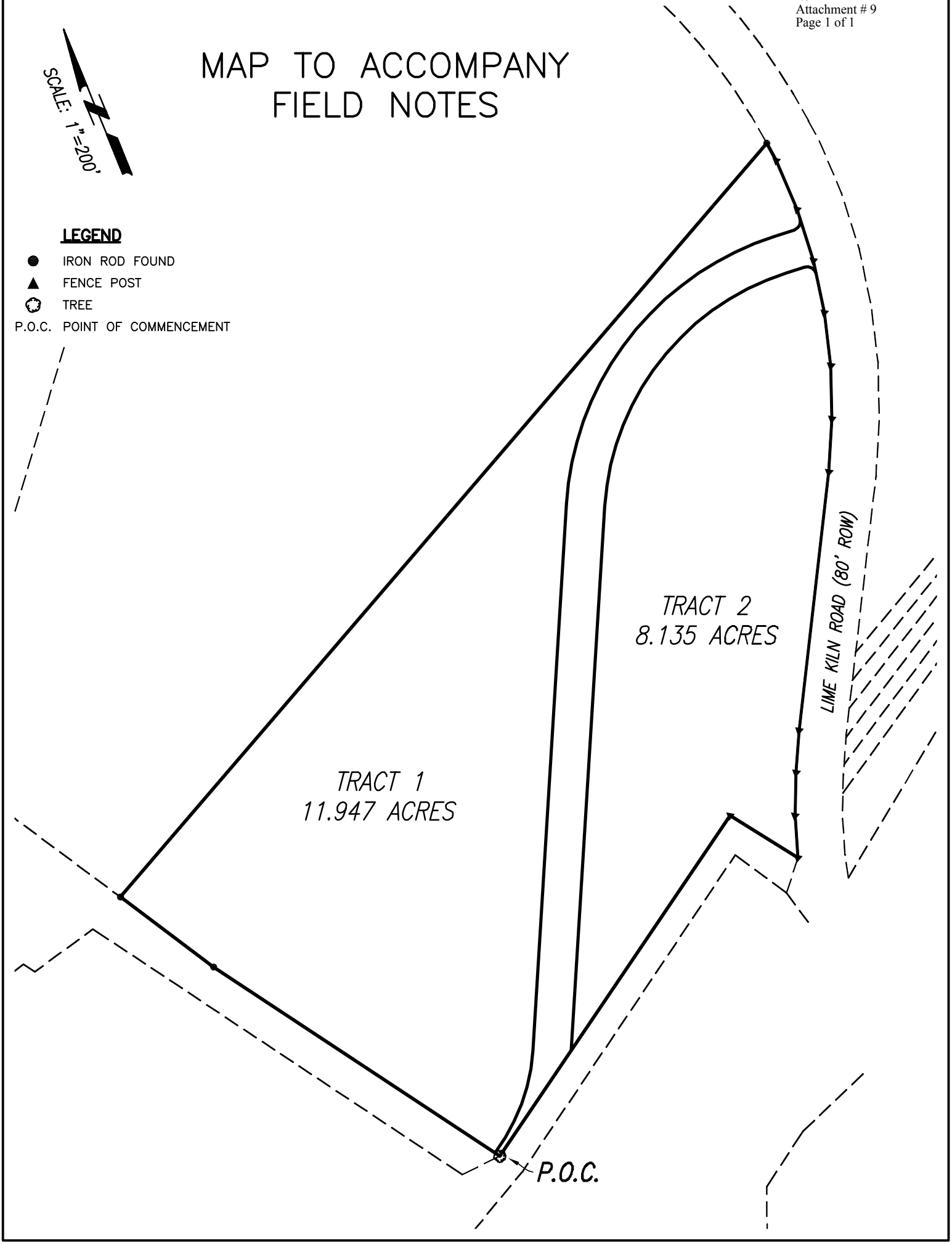
THENCE, with the west line of Lime Kiln Road and east line of the 22.500 acre tract the following eight (8) courses and distances:

1) S 10°27'35" W, a distance of 67.33 feet to a 2 inch steel fence post in concrete;
2) S 15°17'30" W, a distance of 90.15 feet to a 2 inch steel fence post in concrete;
3) S 21°13'11" W, a distance of 90.03 feet to a 2 inch steel fence post in concrete;
4) S 25°31'51" W, a distance of 89.94 feet to a 2 inch steel fence post in concrete;
5) S 28°53'25" W, a distance of 439.40 feet to a 2 inch steel fence post in concrete;
6) S 26°21'11" W, a distance of 71.36 feet to a 2 inch steel fence post in concrete;
7) S 23°43'29" W, a distance of 72.51 feet to a 2 inch steel fence post in concrete;
8) S 18°25'51" W, a distance of 71.45 feet to the southeast corner of the before mentioned Haug 212.556 acre tract, a fence corner post found for the most easterly southwest corner of said 22.500 acre tract;

THENCE, N 35°49'41" W, a distance of 134.81 feet along the most easterly line of the 212.556 acre tract to a fence corner post found at an angle corner of the 212.556 acre tract for an interior corner of the 22.500 acre tract;

THENCE, S 56°26'39" W, a distance of 478.40 feet along a lower north line of the 212.556 acre tract to the **POINT OF BEGINNING**, containing 8.135 acres of land, more or less.

MAP TO ACCOMPANY FIELD NOTES



Agenda Information

AGENDA CAPTION:

Hold a public hearing and consider the 10-year Capital Improvements Program.

Meeting date: April 23, 2013

Department: Development Services/Finance/Engineering

Funds Required: na

Account Number: na

Funds Available: na

Account Name: na

CITY COUNCIL GOAL:

Big Picture Infrastructure

BACKGROUND:

The Capital Improvments Program (CIP) requires an annual reccomendation to City Council on projects that the Commission finds necessary or desirable. Staff will give a presentation on April 9th on the draft project list, and representatives from various departments will be available to answer questions. The Commission will vote on the CIP at the April 23rd meeting.

ATTACHMENTS:

Presentation

2013-2023 Recommended Capital Improvements Program

Planning and Zoning Commission
April 23, 2013

Updates from 4/9

Comments from P&Z and Public

- Timing of RR 12 improvements
- Downtown Parking Improvements
- Drainage near Capes Camp
- River Road coordination with development

Other changes

- Minor changes to a few project totals

Timing of RR 12 Projects

- 143 – Widen Old RR 12
  - 2018
- 144 – Old RR 12 Bike/Ped (2005 Bond Project)
  - 2014

- P&Z may recommend to move widening up

Timing of RR 12

- TxDOT – bike/ped should not be delayed
- Design for bike/ped includes preliminary design of road
- Staff reviewing options for phasing

452-Downtown Parking Implementation

- Scope
  - Management of on-street and off-street spaces
  - Enforcement
  - Parking supply

- Self-funding
- May be moved up without affecting General Fund constraints

Downtown Parking Implementation

- Scope
  - Management of on-street and off-street spaces
  - Enforcement
  - Parking supply
- Self-funding
- May be moved up without affecting General Fund constraints

Figure 2

Kimley-Horn and Associates, Inc.

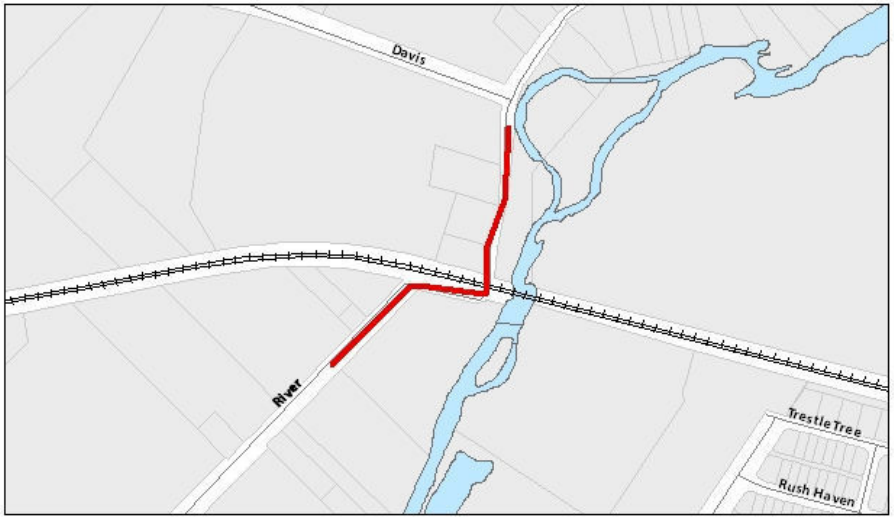
GATEWAYPLANNING
Design • Implementation • Value Capture

Drainage in Blanco Gardens

- Blanco Gardens and Wallace Addition projects in previous CIPs
  - Reviewed Council meeting where discussed
  - Background
    - Removed all neighborhoods when CIP was constrained
    - Estimated project cost more than one year of available CIP funds
  - Next steps
    - Analyze problem areas, meet with neighborhood, break project into smaller portions (if feasible)

River Road Coordination

- 302 - Preliminary Engineering Report
  - Existing conditions
  - Development potential



River Road Coordination

Capital Improvements Program Timeline

April 9 – Planning & Zoning receives presentation on staff recommended 10-year CIP; recommend new projects; change project timing

April 23 – Public Hearing on 10-Year CIP at P&Z Meeting
- Planning & Zoning revises and recommends 10-Year CIP

May – Present Planning & Zoning's recommendation to City Council

September 2013 – City Council adopts first year of 10-Year CIP with budget

Next Steps for P&Z

- Public Hearing Comments and Responses
- Discussion – other questions?
- Recommendation

Agenda Information

AGENDA CAPTION:

2012-11658 (Qualified Watershed Protection Plan, Retreat on Willow Creek)
Hold a public hearing and consider a request by Carlson, Brigance and Doering, Inc, on behalf of KB Homes, for a Qualified Watershed Protection Plan Phase I for the development of approximately 100.885 acres near Stagecoach Trail and Hunters Hill Drive.

Meeting date: April 23, 2013

Department: Engineering and CIP

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

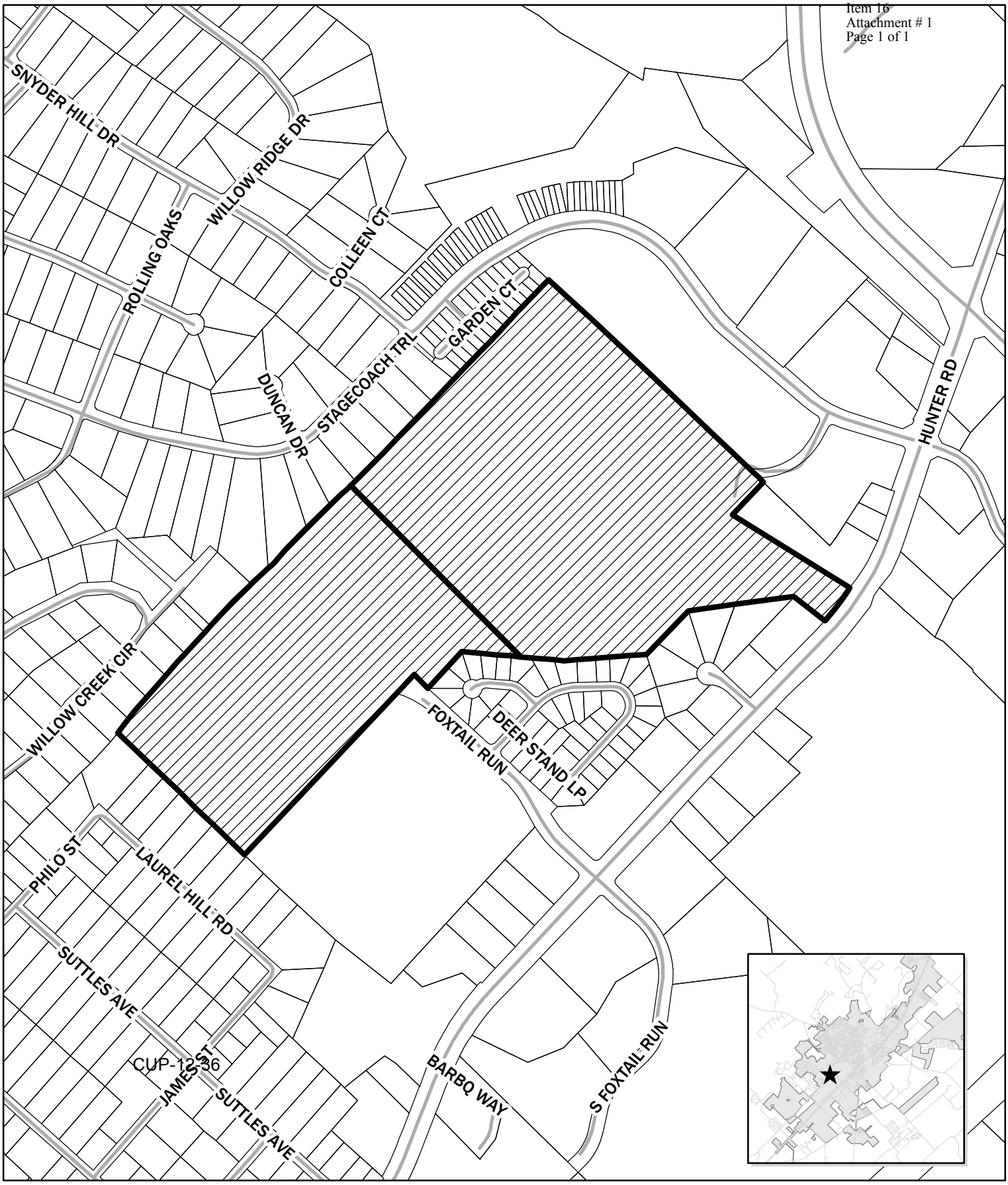
BACKGROUND:

An approved Watershed Protection Plan 1 (WPP1) is required for approval of a Preliminary Plat. In order to meet these requirements, the developer of the Retreat on Willow Creek subdivision has submitted the more detailed WPP2, which is required for Final Plats, for a 38.543 acre portion of the proposed subdivision (development Phases 1-3). The application is also considered a Qualified Watershed Protection Plan (QWPP2) due to the reclamation of the floodplain. QWPP's require a public hearing and consideration by the Commission.

The floodplain reclamation will take place during the development of Phase 2 and will affect several home sites and the area planned for the bridge construction. Engineering staff recommends approval of the submitted QWPP2 with the condition FEMA formally accepts and approves the Conditional Letter of Map Revision prior to approval of the subdivision's Phase 2 Final Plat and associated PICP (when construction would begin within the floodplain). At this time, all requirements for WPP1 have been met.

ATTACHMENTS:

Case Map
Staff Report



2012-11658
Qualified Watershed Protection Plan Phase II
Retreat on Willow Creek
Map Date: 4/10/13

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

N

0 450 900 1,800
Feet

2012-11658
Qualified Watershed Protection Plan
Phase II
The Retreat on Willow Creek

Applicant Information:

Agent: Carlson, Brigance and Doering Inc.
5501 W. William Cannon
Austin, TX 78744

Applicant: KB Home Lonestar, Inc.
10800 Pecan Park, Suite 200
Austin, TX 78750

Property Owner: Preferred Development Partners
215 W. Bandera, Suite 114-461
Boerne, TX 78006

Public Notice: Published Sunday, April 7, 2013

Subject Property:

Legal Description: 101.40 acre tract out of the JM Veramendi Survey, No. 1, Abstract 17
Location: West of Hunter Road and south of Stagecoach Trail
Existing Use of Property: Undeveloped Land
Existing Zoning: PDD overlay with Mixed Use (MU) base zoning
Proposed Use of Property: Single Family
Proposed Zoning: Same as existing zoning
Sector: 9
Frontage On: Hunter Road
Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-R,PH-ZL	Single Family Residential
S of Property	SF-6, CC, P	Middle School, Retail, Single Family Residential
E of Property	CC,P	Retail, Elementary School
W of Property	SF-6	Single Family Residential

Engineering Analysis

The applicant is requesting approval of a Qualified Watershed Protection Plan Phase 2 (QWPP2) based upon reclamation of land within the FEMA-mapped 100-year floodplain of Willow Springs Creek. The request is for a 38.543 portion of the proposed subdivision (development Phases 1-3).

A portion of the site is currently within the FEMA-mapped 100-year floodplain, which encroaches into 7 proposed residential lots located in Phase 2 of the development. However, the applicant will submit a Conditional Letter of Map Revision (CLOMR) for approval from FEMA prior to approval of the Phase 2 Final Plat and associated Public Improvements Construction Plan (PICP). The CLOMR will model the proposed fill on the residential lots to establish a studied floodway and 100-year floodplain that does not encroach into the residential lots. The CLOMR will also model a proposed bridge structure that is not part of this Qualified Watershed Protection Plan. The established water quality zone which is an area bounded

by the floodway and a 100-foot offset from that floodway will not be disturbed. Additionally, a 100-foot wide buffer zone beyond the water quality zone is also established and will also not be disturbed.

Stormwater detention has been waived for this site based on its proximity to Willow Springs Creek and the theory that it is more appropriate to directly release flow from developed areas to the creek instead of detaining the flow so that the peak discharge may combine with peaks from runoff generated further upstream in the watershed.

The site is located entirely within the Edwards Aquifer Transition Zone. No portion of the tract is located within the Edwards Aquifer Recharge Zone and there is no proposed development within the buffer zone that would require a mitigation plan to offset the impact on water quality. However, the applicant is proposing a wetland pond to treat stormwater runoff from the proposed development and upgradient stormwater runoff from Willow Creek Estates and the Gardens at Willow Creek.

Based upon the engineering review of this QWPP2, it meets the applicable technical requirements of Chapter 5 of the Land Development Code.

Staff provides this request to the Commission for your consideration and recommends approval with the condition of submittal of Conditional Letter of Map Revision for approval from FEMA prior to approval of Phase 2 Final Plat and associated Public Improvements Construction Plan.

Engineering Department Recommendation	
☐	Approve as submitted
☒	Approve with conditions or revisions as noted
☐	Alternative - Postpone
☐	Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed Qualified Watershed Protection Plan. After considering the public input, the Commission, following the recommendation of the City Engineer, is charged with approving, conditionally approving or denying the request.

The following criteria shall be used to determine whether the application for a Watershed Protection Plan (Phase 1 and Phase 2, as applicable) shall be approved, approved with conditions, or denied:

(1) Edwards Aquifer zones - factors. Where land subject to the plan lies in whole or in part within the Edwards Aquifer recharge or transition zones:

a. Whether the Watershed Protection Plan is consistent with approved legislative applications for the land subject to the plan;
b. Whether the Watershed Protection Plan meets the standards in Chapter 5, Article 1, Division 1, and the specific criteria in Chapter 5, Article 2;
c. Whether any proposed mitigation plan or enhanced geological assessment offsets the impacts to water quality resulting from increased development within a buffer zone;
d. Whether any proposed intensification of impervious cover for the area beyond the limits allowed by right subject to the Watershed Protection Plan is warranted; and
e. Whether the Watershed Protection Plan is consistent with proposed clustering or development transfers outside the plan area.

(2) Reclaimed land - factors. For developments where reclamation of land within the 100-year floodplain is proposed:

a. Whether the Reclamation Concept Plan (which is an e lement of both phases of the Watershed Protection Plan when reclamation is proposed) is consistent with approved legislative applications for the land subject to the plan, including expressly any master drainage plan elements applicable to the land;
b. Whether the Reclamation Concept Plan (which is an e lement of both phases of the Watershed Protection Plan when reclamation is proposed) meets the general standards in Chapter 5, Article 1, and the specific criteria in Chapter 5, Article 4, Division 2; and
c. Whether any adverse impacts have been appropriately mitigated.

(4) Conditions. The Planning and Zoning Commission or the City Council on appeal may attach such conditions to approval of either phase of a Watershed Protection Plan as are necessary to assure that the Plan meets water quality standards, based on the recommendation of the Engineering Director, a qualified geologist, or a Texas-licensed professional engineer. Conditions may include a requirement to prepare or modify a mitigation plan.

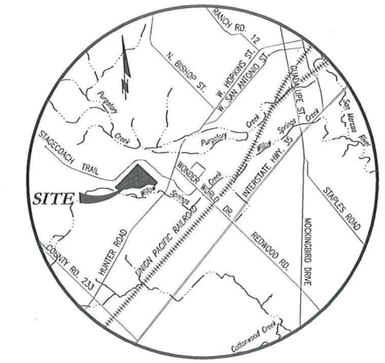
(5) No Watershed Protection Plan (Phase 1 or Phase 2, as applicable) shall be approved or approved with conditions unless proper documentation is submitted to the Director indicating that all applicable federal and state permits, approvals, and clearances have first been obtained.

Prepared by:

David Rabago	Senior Project Engineer	4-12-13
Name	**Title**	**Date**

RETREAT AT WILLOW CREEK CONCEPT PLAN

SCALE: 1"=120'



LOCATION MAP

SCALE: 1" = 4000'

PHASING SCHEDULE

PHASING PLAN	SCHEDULE OF PHASING	ACREAGE	FUTURE LAND USE MAP DESIGNATION	ZONING	NUMBER OF DWELLING UNITS	POPULATION DENSITIES
PHASE 1	Fall 2012	14.891	Low Density Residential	PD	49	98
PHASE 2	Spring 2013	14.685	Low Density Residential	PD	54	108
PHASE 3	Summer 2013	10.181	Low Density Residential	PD	44	88
TOTAL		39.757			147	294

NOTE: DOES NOT INCLUDE OFFSITE R.O.W.

LAND USE SCHEDULE

USE	ACREAGE	DENSITY	UNITS
RESIDENTIAL	25.26	5.8	147
GREENSPACE	5.46	26.9	147
R.O.W.	8.00	18.4	147
PROJECT TOTAL	38.55	3.8	147

NOTE: DOES NOT INCLUDE OFFSITE R.O.W.

PROPOSED TOTAL IMPERVIOUS COVER

Streets:
60' ROW-37'F-F: 3050 LF x38' = 2.66 Acres
52' ROW-33'F-F: 3478 LF x 34' = 2.71 Acres
Total Streets = 5.37 Acres

Lots:
147 lots x 2,500 SF/ lot = 8.44 Acres

Sidewalks:
4' wide x 13,056 LF = 1.20 Acres

Total Impervious Cover: = 15.01 Acres

NOTE: Does not include offsite roads.

STATE OF TEXAS
STEVEN P. CATES
93648
LICENSED
PROFESSIONAL ENGINEER

CARLSON, BRIGANCE & DOERING, INC.
ID# F3791

I, STEVEN P. CATES, HEREBY AUTHORIZE THE RELEASE OF THIS SHEET AS SHOWN BY THE ABOVE SEAL

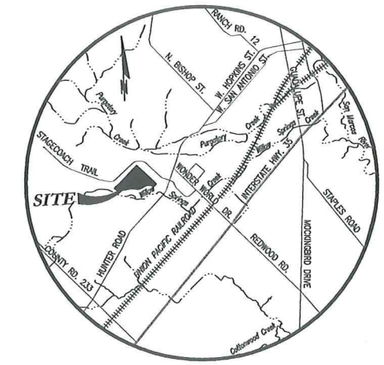
Carlson, Brigance & Doering, Inc.
Civil Engineers ◆ Surveyors
5501 West William Cannon ◆ Austin, Texas 78748
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

SHEET: CONCEPT PLAN
DATE: SEPTEMBER 2012
DRAFTED BY: JDS
DESIGNED BY: SPC
JOB NAME: RETREAT AT WILLOW CREEK
PROJECT: PHASE 1 & 2 WATERSHED PROTECTION
JOB NUMBER: 4551
SHEET 2 OF 24

RETREAT AT WILLOW CREEK PRELIMINARY PLAN

LOCATION MAP

SCALE: 1" = 4000'



LEGEND

L.S.E.	LANDSCAPE EASEMENT
W.W.E.	WASTEWATER EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
W.Q.E.	WATER QUALITY EASEMENT
S.W.E.	SIDEWALK EASEMENT
D.E.	DRAINAGE EASEMENT
17	LOT NUMBER
(A)	BLOCK NUMBER
	EASEMENT LINE
	SIDEWALK LOCATION
CWQZ	CRITICAL WATER QUALITY ZONE
WQTZ	WATER QUALITY TRANSITION ZONE
	FEMA 100 YEAR FLOODPLAIN
	DEVELOPED 100 YEAR FLOODPLAIN
MB	CLUSTER MAIL BOX LOCATION
(3)	ADJACENT PROPERTY OWNER INFORMATION (SEE SHEET 2)
MU	ZONING DESIGNATION

LINE TABLE

LINE	LENGTH	BEARING
L1	165.48	S46°56'36"E
L2	186.15	S43°08'49"W
L3	53.03	N62°49'34"W
L4	34.90	N86°24'30"W
L5	50.00	S83°09'10"W
L6	50.00	S74°43'09"W
L7	50.00	S66°19'59"W
L8	63.63	S64°40'12"W
L9	64.79	S72°39'32"W
L10	64.79	S80°44'07"W
L11	64.91	S87°31'45"W
L12	128.21	S76°45'12"W
L13	56.92	S77°45'33"W
L14	123.07	S77°45'33"W
L15	155.84	S84°37'56"W
L16	78.49	S76°03'37"W
L17	114.45	S70°29'47"W
L18	166.63	N85°37'46"W
L19	36.27	N48°42'30"W
L20	165.84	N58°49'24"W
L21	72.83	N44°01'20"E
L22	225.97	N45°43'03"E
L23	32.48	N51°58'45"E
L24	59.03	N44°22'02"E
L25	161.30	N44°59'58"E
L26	58.06	N45°36'21"E
L27	87.76	N43°13'04"E
L28	145.82	N43°34'47"E
L29	146.59	N43°38'30"E
L30	156.03	N43°31'04"E
L31	99.30	N43°23'26"E
L32	87.01	N43°29'48"E
L33	105.89	N44°13'31"E
L34	119.45	N42°11'30"E
L35	166.66	N43°24'43"E
L36	135.75	N43°37'28"E
L37	49.89	S43°08'49"W

Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
5501 West William Cannon ◆ Austin, Texas 78749
Phone: 512-892-6160 ◆ Fax: 512-892-4165

PRELIMINARY PLAN
DATE: SEPTEMBER 2012
DRAFTED BY: JDS
DESIGNED BY: SPC
SHEET

JOB NAME: RETREAT AT WILLOW CREEK
PROJECT: PHASE 1 & 2 WATERSHED PROTECTION
JOB NUMBER: 4551

SHEET 3 OF 24

Area No.	Area (Acre)	Tc (Min.)	Perv. (%)	Imperv (%)	C 25	C 100	I 25 In/Hr	I 100 In/Hr	Q 25 CFS	Q 100 CFS
A1	6.23	27	50	50	0.58	0.66	5.17	6.77	18.5	27.6
B1	1.28	14	69	31	0.53	0.61	7.12	9.14	4.9	7.1
B2	1.22	11	67	33	0.54	0.62	8.03	10.21	5.3	7.7
B3	1.19	11	66	34	0.55	0.62	8.03	10.21	5.2	7.6
B4	1.35	11	65	35	0.55	0.63	8.00	10.18	6.0	8.7
B5	1.80	7	49	51	0.63	0.71	9.28	11.63	10.5	14.9
B6	2.01	14	52	48	0.56	0.64	7.06	9.07	8.0	11.7
B7	1.35	9	45	55	0.65	0.73	8.58	10.85	7.5	10.7
B8	0.94	5	23	77	0.73	0.82	10.11	12.54	7.0	9.6
B9	1.28	6	51	49	0.62	0.70	9.64	12.02	7.6	10.7
B10	0.68	5	30	70	0.69	0.77	10.11	12.54	4.7	6.6
B11	1.30	9	52	48	0.56	0.64	8.51	10.76	6.2	9.0
C1	2.04	8	51	49	0.62	0.70	9.00	11.31	11.4	16.2
C2	0.95	8	48	52	0.63	0.71	8.76	11.04	5.3	7.5
C3	0.28	5	21	79	0.74	0.83	10.11	12.54	2.1	2.9
D1	1.30	7	52	48	0.62	0.70	9.20	11.54	7.4	10.5
D2	1.17	7	52	48	0.62	0.70	9.26	11.61	6.7	9.5
D3	0.80	7	53	47	0.61	0.69	9.10	11.43	4.5	6.3
D4	0.99	7	57	43	0.59	0.67	9.20	11.54	5.4	7.6
D5	0.87	10	39	61	0.64	0.72	8.20	10.40	4.5	6.5
D6	1.09	9	49	51	0.58	0.66	8.55	10.80	5.4	7.8
D7	1.03	8	49	51	0.58	0.66	8.74	11.02	5.2	7.5
D8	1.30	11	45	55	0.61	0.69	7.78	9.92	6.1	8.9
D9	0.58	9	45	55	0.61	0.69	8.61	10.87	3.0	4.3
E1	0.65	10	47	53	0.59	0.67	8.34	10.57	3.2	4.6
E2	1.00	11	51	49	0.57	0.65	7.94	10.11	4.5	6.6
E3	1.07	11	51	49	0.57	0.65	7.93	10.09	4.8	7.0
F1	1.96	12	50	50	0.62	0.70	7.67	9.60	9.4	13.5
F2	0.67	5	23	77	0.73	0.82	10.11	12.54	4.9	6.9
G1	25.60	15	59	41	0.60	0.68	6.89	8.87	99.2	144.6
G2	2.23	12	44	56	0.61	0.69	7.69	9.81	10.4	15.1
G3	0.77	5	21	79	0.74	0.83	10.11	12.54	5.8	8.0

AREAS COMBINED	Tc (Min.)	C_{25}*A	C_{100}*A	I 25 In/Hr	I 100 In/Hr	Q 25 CFS	Q 100 CFS
B1,B2	14	1.35	1.54	7.16	9.19	9.6	14.1
B1-B3	15	2.00	2.28	6.95	8.94	13.9	20.4
B1-B4	15	2.75	3.13	6.95	8.94	19.1	28.0
B1-B5	16	3.88	4.41	6.75	8.70	26.2	38.4
B1-B6	16	5.01	5.70	6.75	8.70	33.8	49.6
B1-B7	17	5.89	6.69	6.56	8.48	38.6	56.7
B1-B8	17	6.58	7.46	6.56	8.48	43.2	63.2
B1-B9	17	7.37	8.35	6.56	8.48	48.3	70.8
B1-B10	18	7.84	8.88	6.39	8.27	50.1	73.4
C1, C2	8	1.87	2.11	8.85	11.15	16.5	23.5
C1-C3	8	2.08	2.34	8.85	11.15	18.4	26.1
B1-B10, C1-C3	18	9.91	11.21	6.39	8.27	63.3	92.7
B1-B11, C1-C3	18	10.64	12.05	6.39	8.27	68.0	99.6
D1, D2	7	1.53	1.72	9.23	11.57	14.1	19.9
D1-D3	8	2.02	2.28	8.85	11.15	17.8	25.4
D1-D4	8	2.60	2.94	8.85	11.15	23.0	32.7
D1-D5	10	3.15	3.56	8.19	10.40	25.8	37.0
E1, E2	11	0.95	1.09	7.90	10.06	7.5	10.9
E1-E3	12	1.56	1.78	7.64	9.75	11.9	17.3
D1-D5, E1-E3	12	4.71	5.34	7.64	9.75	36.0	52.1
D1-D6, E1-E3	12	5.35	6.06	7.64	9.75	40.8	59.1
D1-D7, E1-E3	13	5.95	6.74	7.39	9.46	43.9	63.8
D1-D8, E1-E3	14	6.73	7.64	7.16	9.19	48.2	70.2
D1-D9, E1-E3	14	7.08	8.03	7.16	9.19	50.7	73.8
B1-B11, C1-C3, D1-D9, E1-E3	18	17.73	20.08	6.22	8.07	110.3	162.0
G1,G2	15	16.68	18.88	6.95	8.94	115.9	168.8
G1-G3	15	17.25	19.52	6.95	8.94	119.9	174.5

STATE OF TEXAS
STEVEN P. CATES
93648
LICENSED PROFESSIONAL ENGINEER
CARLSON, BRIGANCE & DOERING, INC.
ID# F3791
2/26/13

Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
5501 West William Cannon ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

SHEET: INTERNAL DEVELOPMENT DRAINAGE AREA MAP
DATE: SEPTEMBER 2012
DRAFTED BY: JDS
DESIGNED BY: SPC

JOB NAME: RETREAT AT WILLOW CREEK
PROJECT: PHASE I & 2 WATERSHED PROTECTION
JOB NUMBER: 4551
SHEET 23 OF 24

Agenda Information

AGENDA CAPTION:

PC-13-05_02 (Retreat on Willow Creek) Consider a request by Carlson, Brigance and Doering, on behalf of Preferred Development Partners, for approval of a Preliminary Plat for approximately 100.885 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Hunter Road.

Meeting date: April 23, 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:

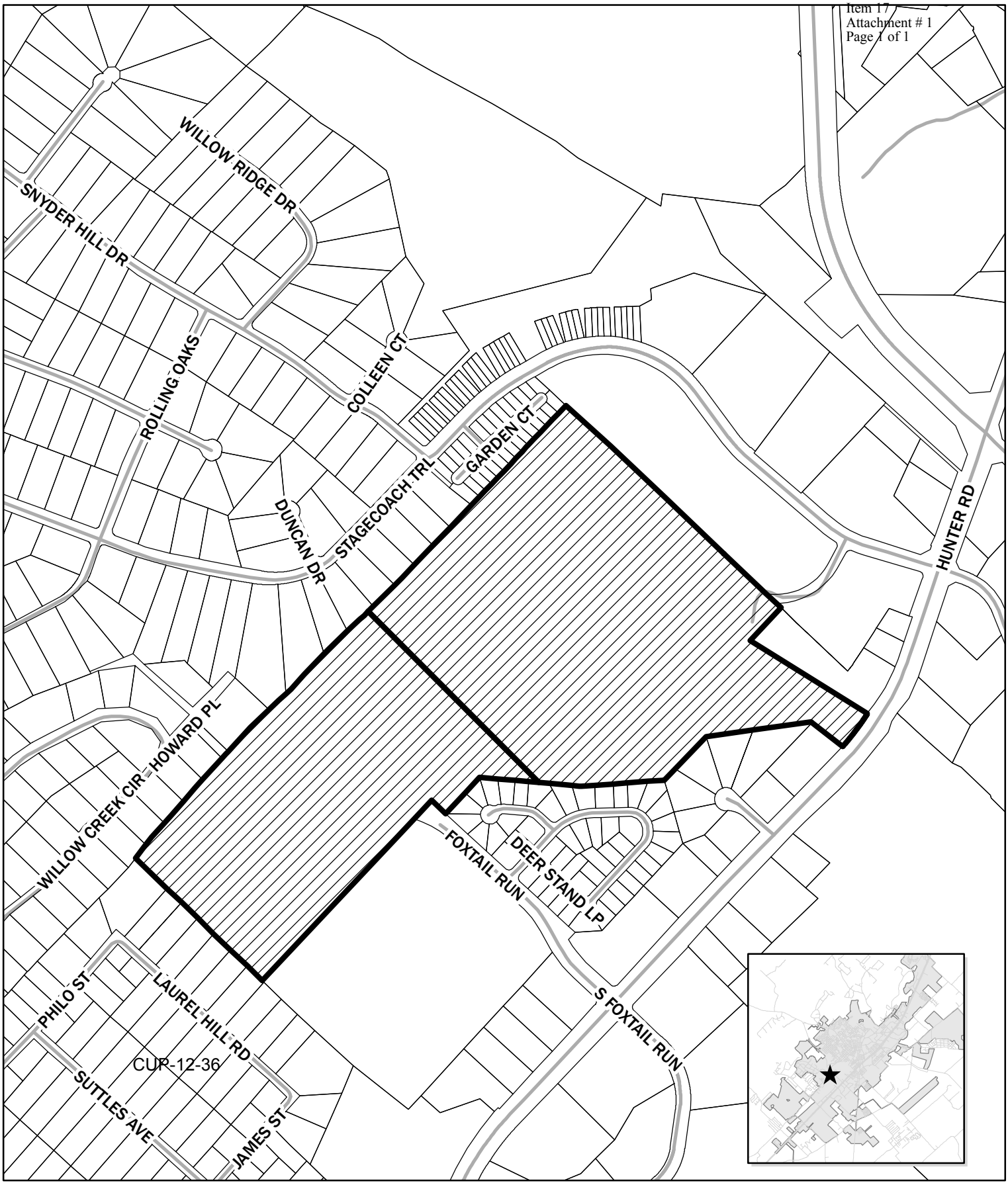
Amendments to the previously approved Retreat on Willow Creek Planned Development District were approved by City Council in December 2012. This Preliminary Plat covers the entire land area for the approved PDD and illustrates a four phase development. The base zoning is MU with the PDD overlay which limits the property to single family residential only. There are 147 single family lots planned in Phases 1-3. Lot configuration for Phase 4 has not been determined, but a maximum of 133 lots would be permitted.

The applicant initially submitted a Final Plat for Phase 1 only, but due to the general nature of the Concept Plan (adopted with the amended PDD ordinance), staff could not make the determination that the plat met all criteria for subdivision approval. The Preliminary Plat is consistent with the overall plan for the area as outlined in the PDD.

The developer plans to reclaim small portions of the floodplain during construction of Phase 2. This requires the Commission to approve the Qualified Watershed Protection Plan 2 (QWPP2) for the site prior to approval of the Preliminary Plat. The QWPP2 is posted on this agenda for public hearing and consideration. Staff recommends approval of the Preliminary Plat subject to the approval of the Qualified Watershed Protection Plan 2.

ATTACHMENTS:

Case Map
Staff Report
Preliminary Plat
Amended PDD



PC-13-05_02
Preliminary Plat
Retreat on Willow Creek
Map Date: 4/10/13

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

N

0 450 900 1,800
Feet

PC-13-05_02
Preliminary Plat
The Retreat on Willow Creek

Applicant Information:

Agent: Carlson, Brigance and Doering Inc.
5501 W. William Cannon
Austin, TX 78744

Applicant: KB Home Lonestar, Inc.
10800 Pecan Park, Suite 200
Austin, TX 78750

Property Owner: Preferred Development Partners
215 W. Bandera, Suite 114-461
Boerne, TX 78006

Subject Property:

Summary: The subject property is approximately 100.88 acres out of the J.M. Veramendi Survey No. 1, Abstract 17, located west of Hunter Road and south of Stagecoach Trail.

Zoning: PDD overlay with Mixed Use (MU) base zoning.

Traffic/ Transportation: The property will be accessed from Hunters Hill Drive and Foxtail Run. Both will be extended as part of the public improvements for the respective phase of development. The TIA has been recommended for approval and requires a pro rata contribution to road and signal improvements on Stagecoach and Hunter Road.

Utility Capacity: All utilities are provided for onsite. Some line extensions are required. A public utility easement has been granted by the San Marcos CISD along Hunters Hill Drive to provide electrical service to the property. A water and wastewater line extension is also required.

Planning Department Analysis:

The purpose of a Preliminary Plat is to establish lot design for a subdivision, establish utility layouts, and street and intersection design. The Preliminary Plat stage ensures that the final plat design, if final platting is accomplished in phases, is consistent with the overall plan for the area. Preliminary Plats are not recorded and are not the legal document used for sale of lots, but rather are used to allow for comprehensive review of the proposed development.

Amendments to the previously approved Retreat on Willow Creek Planned Development District were approved by City Council in December 2012. The preliminary plat encompasses the entire land area for the approved PDD and illustrates a four phase development. The base zoning is MU with the PDD overlay which limits the property to single family residential only. There are 147 single family lots in phases 1-3. Lot configuration for Phase 4 has not been determined. The maximum number of permitted lots would be 133.

The applicant initially submitted a Final Plat for Phase 1 only, but due to the general nature of the Concept Plan (adopted with the amended PDD ordinance), staff could not make the determination that

the plat met all criteria for subdivision approval. The Preliminary Plat is consistent with the overall plan for the area as outlined in the PDD. Points of discussion during the PDD amendment process are addressed below:

Parkland Dedication
The PDD required 29 acres of Parkland Dedication. After engineering the site, the developer no longer needed areas designated in the Concept Plan for detention. The Parks Board received an update and request on March 26 for the inclusion of additional acreage in the Parkland Dedication. The Parks Board had no issues with the additional 9 acres. Total dedication is now 38.072 acres.

Storm Water and Drainage
The PDD provides for a 25' Greenbelt Area and 25' building setback from the property lines along the west and north. The Greenbelt Area was intended to be preserved "as a mostly natural vegetative area" but was permitted to contain storm water management features. Drainage is being passed through the home sites to the street and no channel will be constructed in the Greenbelt Area.

An approved Watershed Protection Plan 1 (WPP1) is required for approval of a Preliminary Plat. In order to meet these requirements, the developer of the Retreat on Willow Creek subdivision has submitted the more detailed WPP2, which is required for Final Plats, for a 38.543 acre portion of the proposed subdivision (development Phases 1-3). The application is also considered a Qualified Watershed Protection Plan (QWPP2) due to the reclamation of the floodplain. QWPP's require a public hearing and consideration by the Commission.

The floodplain reclamation will take place during the development of Phase 2 and will affect several home sites and the area planned for the bridge construction. Engineering staff recommends approval of the submitted QWPP2 with the condition FEMA formally accepts and approves the Conditional Letter of Map Revision prior to approval of the subdivision's Phase 2 Final Plat and associated PICP (when construction would begin within the floodplain). At this time, all requirements for WPP1 have been met.

Tree Mitigation
The site is heavily treed and the PDD provides some incentives for tree preservation with the intention of avoiding the removal of preferred trees, especially Specimen trees (24" and greater). At this time the tree mitigation plan shows the worst-case scenario as the removal of 18 of 30 Specimen trees. The majority of the preserved trees lie within the Greenbelt Area. The applicant has stated they do not plan to grade the site; rather, each lot will be prepared for development individually with buildings and driveways being located in such a way as to preserve additional trees. As shown on the mitigation plan at this time, the developer will be required to replace 470 trees on site for those removed.

Access/Road Network
One of the major concerns when amending the PDD was construction of a road across the floodplain to connect Area 1 (Phases 1-3) and Area 2 (Phase 4) in order to provide emergency access and better circulation. The developer is permitted to construct 25 homes in the first phase, at which time the submittal for the Phase 2 Final Plat with associated public improvements will be required. The permanent improved public road and creek crossing will be completed as part of Phase 2.

Criteria for Approval
The following criteria are used to determine whether the application for a Preliminary Subdivision Plat shall be approved, approved with conditions, or denied, where a Subdivision Concept Plat has been approved for the land subject to the proposed plat:

> (1) The plat conforms to the general layout of the Subdivision Concept Plat and is consistent with the phasing plan approved therein;
>
> (2) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision and meet applicable standards of Chapters 6 and 7 of this Land Development Code;

(3) The plat conforms to the approved Watershed Protection Plan (Phase 1); and

(4) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Tex. Loc. Gov't Code ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.

Staff has reviewed the request and determined that all of the above criteria have been met and is recommending **approval** of this Preliminary Plat as submitted subject to the Commission's approval of the Qualified Watershed Protection Plan.

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

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed 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, approve with conditions or deny the Preliminary Subdivision Plat application. The action of the Commission shall be noted on two copies of the Preliminary Subdivision Plat, referenced and attached to any conditions determined. One copy shall be returned to the applicant and the other retained in the City's files. A notation of the action taken on each Preliminary Subdivision Plat application and the reasons for the action shall be entered in the minutes of the Commission.

Prepared by:

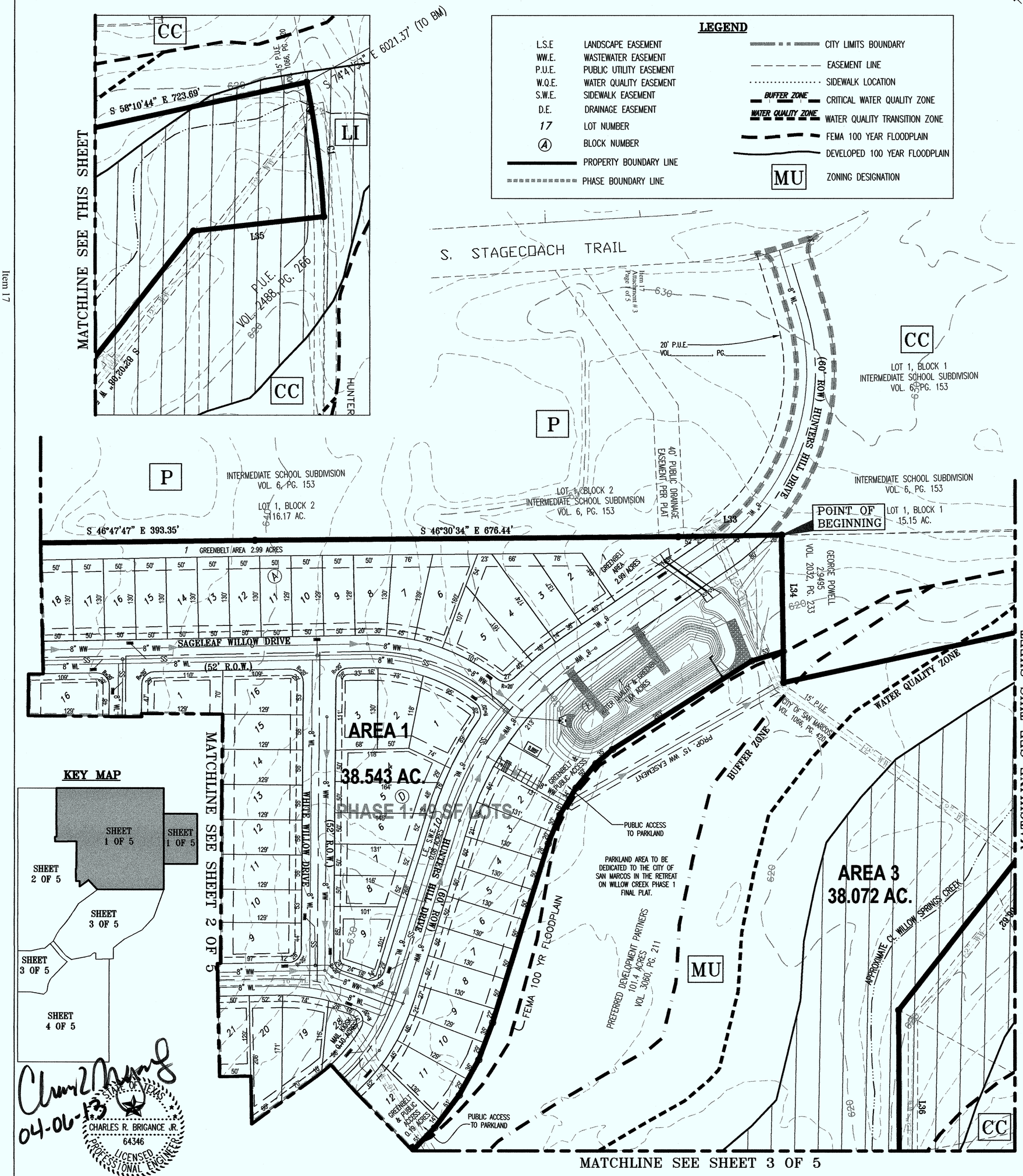
Emily Koller	Planner	April 16, 2013
Name	**Title**	**Date**

THE RETREAT ON WILLOW CREEK
PRELIMINARY PLAT

SCALE: 1" = 100'

LEGEND

L.S.E	LANDSCAPE EASEMENT		CITY LIMITS BOUNDARY
WW.E.	WASTEWATER EASEMENT		EASEMENT LINE
P.U.E.	PUBLIC UTILITY EASEMENT		SIDEWALK LOCATION
W.Q.E.	WATER QUALITY EASEMENT	BUFFER ZONE	CRITICAL WATER QUALITY ZONE
S.W.E.	SIDEWALK EASEMENT	WATER QUALITY ZONE	WATER QUALITY TRANSITION ZONE
D.E.	DRAINAGE EASEMENT		FEMA 100 YEAR FLOODPLAIN
17	LOT NUMBER		DEVELOPED 100 YEAR FLOODPLAIN
(A)	BLOCK NUMBER	MU	ZONING DESIGNATION
	PROPERTY BOUNDARY LINE		
	PHASE BOUNDARY LINE		



KEY MAP

04-06-13

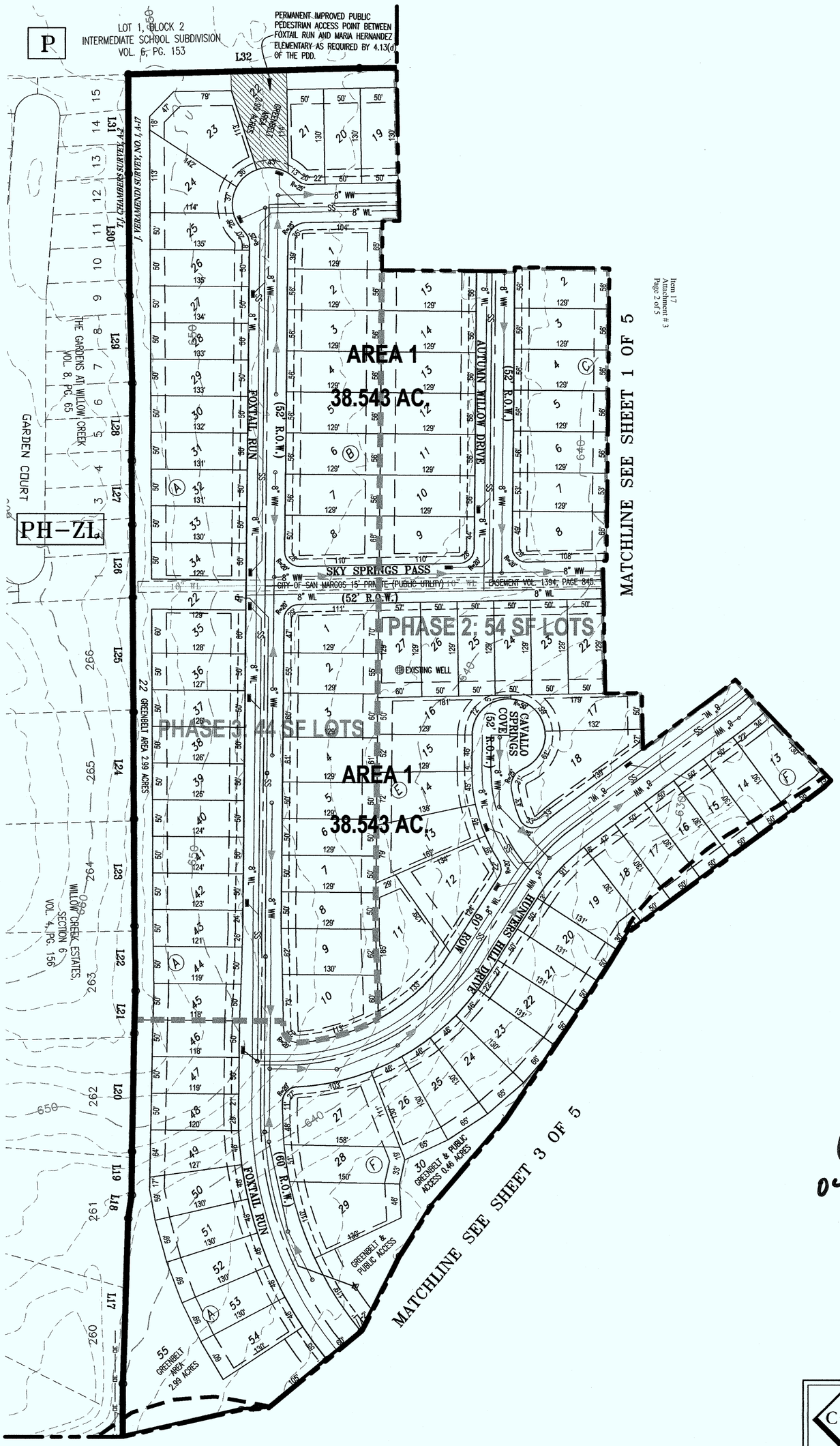
STATE OF TEXAS
CHARLES R. BRIGANCE JR.
64346
LICENSED PROFESSIONAL ENGINEER

CARLSON, BRIGANCE & DOERING, INC.
ID# F3791

SHEET 1 OF 5

Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
5501 West William Cannon Drive ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

THE RETREAT ON WILLOW CREEK
PRELIMINARY PLAT

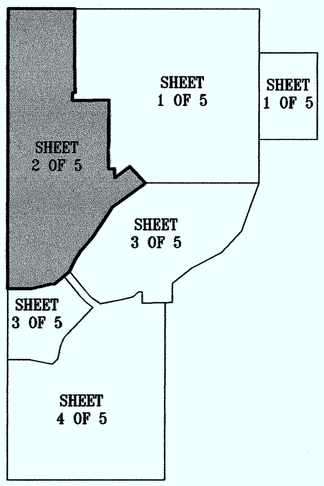


Item 17
Attachment # 3
Page 2 of 5

Item 17

SCALE: 1" = 100'

KEY MAP



LEGEND

L.S.E	LANDSCAPE EASEMENT
WW.E.	WASTEWATER EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
W.Q.E.	WATER QUALITY EASEMENT
S.W.E.	SIDEWALK EASEMENT
D.E.	DRAINAGE EASEMENT
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(A)	BLOCK NUMBER
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	PHASE BOUNDARY LINE
	CITY LIMITS BOUNDARY
	EASEMENT LINE
	SIDEWALK LOCATION
BUFFER ZONE	CRITICAL WATER QUALITY ZONE
WATER QUALITY ZONE	WATER QUALITY TRANSITION ZONE
	FEMA 100 YEAR FLOODPLAIN
	DEVELOPED 100 YEAR FLOODPLAIN
MU	ZONING DESIGNATION

04-06-13

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THE RETREAT ON WILLOW CREEK
PRELIMINARY PLAT

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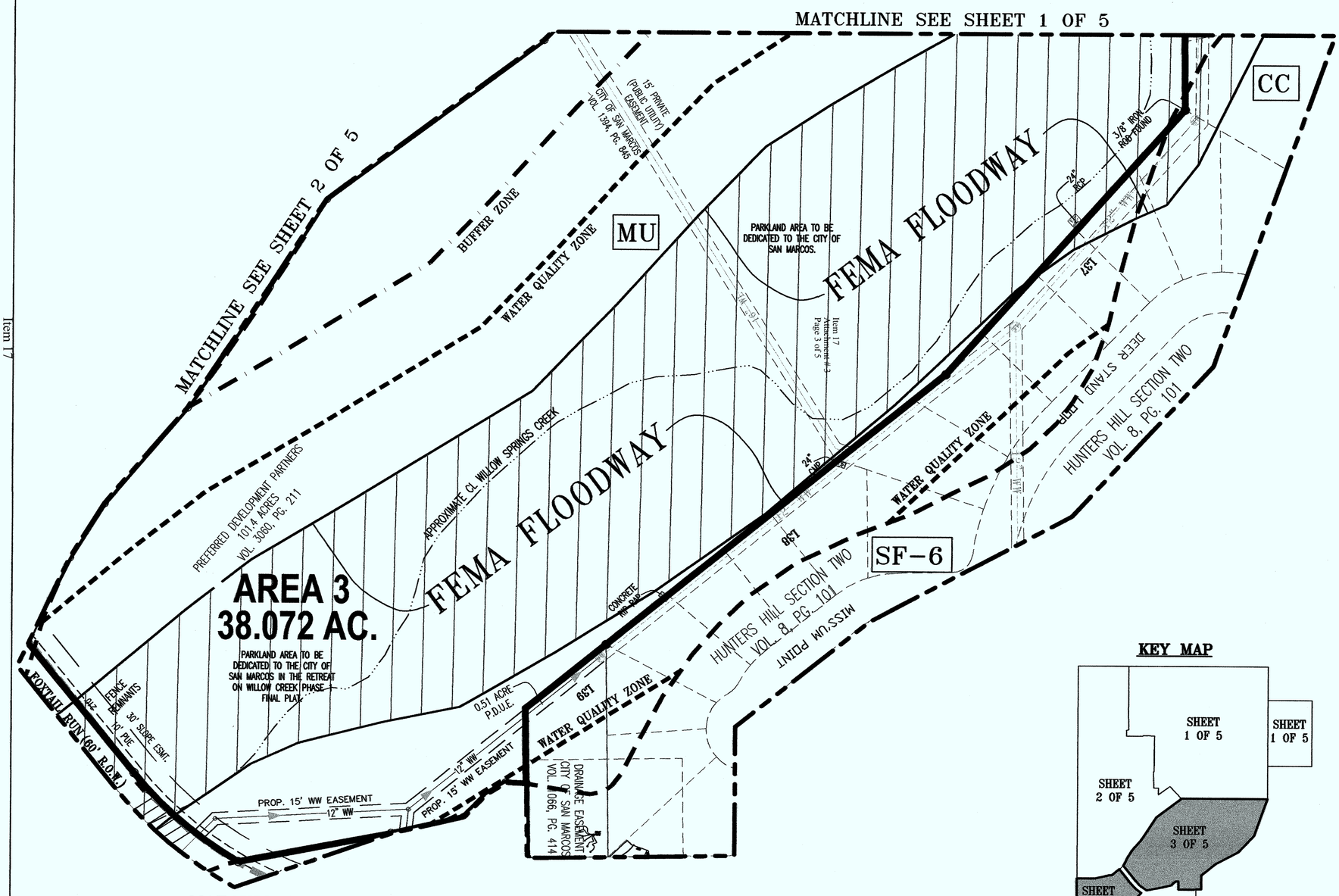

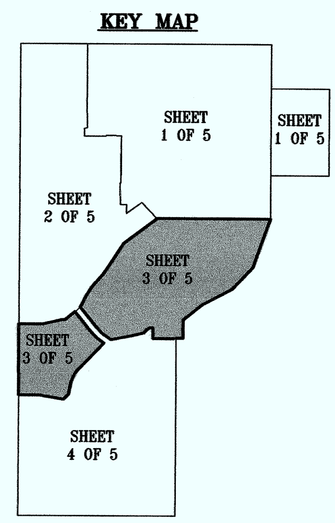

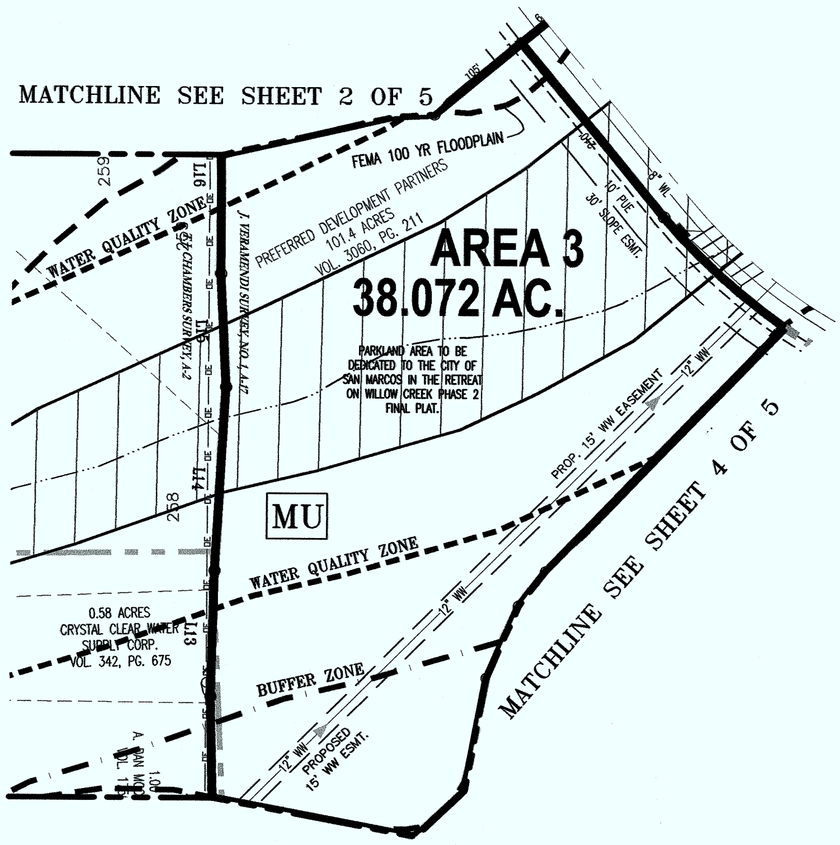

LEGEND

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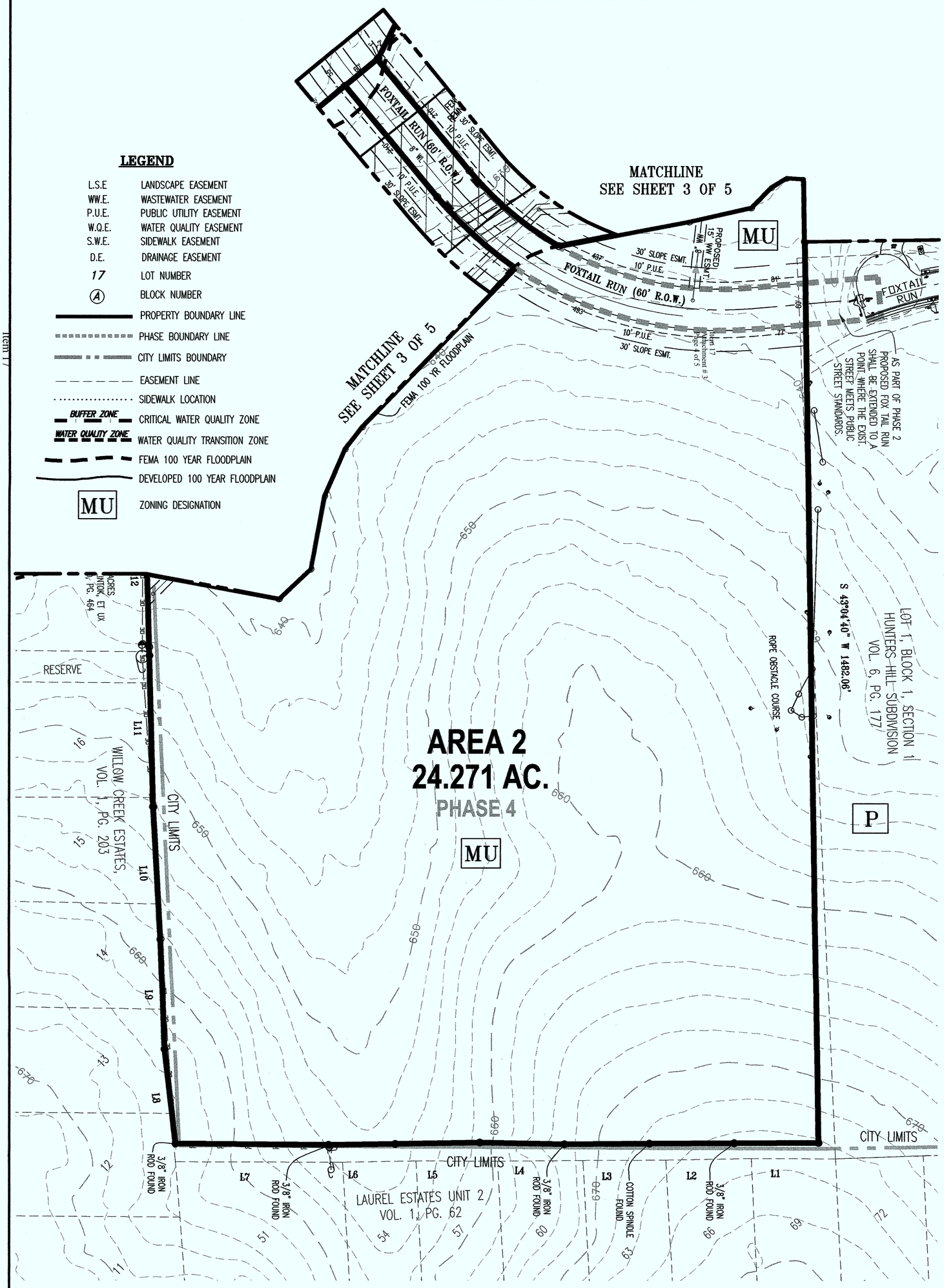
THE RETREAT ON WILLOW CREEK
PRELIMINARY PLAT



LEGEND

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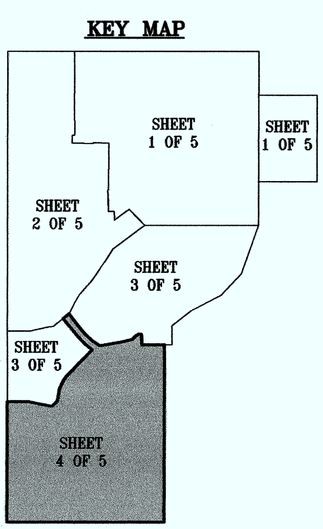
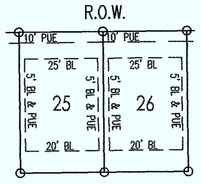
MU	ZONING DESIGNATION

SCALE: 1" = 100'

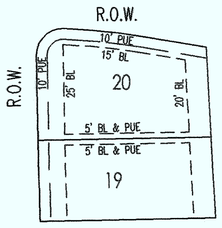
KEY MAP



TYPICAL LOT EASEMENT DETAIL
NOT TO SCALE



TYPICAL CORNER LOT EASEMENT DETAIL
NOT TO SCALE



04-06-13

STATE OF TEXAS
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SHEET 4 OF 5

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5501 West William Cannon Drive ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

THE RETREAT ON WILLOW CREEK
PRELIMINARY PLAT

DATE: FEBRUARY 11, 2013

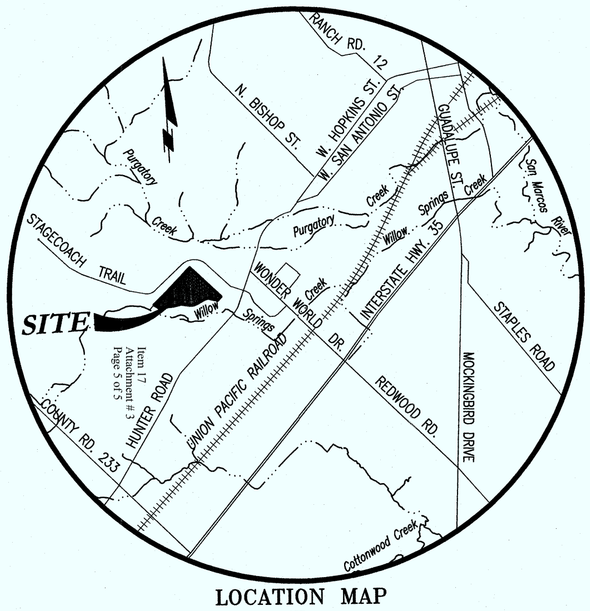
ACREAGE: 100.886 ACRES

SURVEY: J. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 17, HAYS COUNTY, TEXAS

TOTAL NUMBER OF LOTS:	153
SINGLE FAMILY LOTS	147
GREENBELT/ACCESS LOT	2
GREENBELT LOT	1
MAIL KIOSK LOT	1
LANDSCAPE/SIDEWALK LOT	1
WATER QUALITY/GREENBELT LOT	1
NUMBER OF BLOCKS	6

OWNER:
PREFERRED DEVELOPMENT PARTNERS, LTD.
DONALD J. KUYRKENDALL
12040 COLWICK
SAN ANTONIO, TEXAS 78216
(210) 979-0800 phone

ENGINEER & SURVEYOR:
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
(512) 280-5160 phone
(512) 280-5165 fax



LOCATION MAP
NTS

Item 17
Attachment # 3
Page 5 of 5

NOTES:

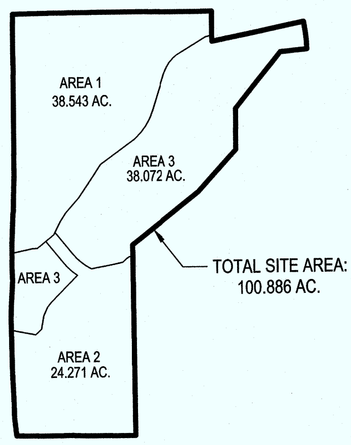
1. PARKLAND DEDICATION REQUIREMENTS WILL BE SATISFIED WITH THE FIRST FINAL PLAT.
2. DEVELOPMENT OF THIS PROJECT, INCLUDING TREE MITIGATION, SHALL COMPLY WITH THE TERMS OF THE PDD APPROVED FOR THIS SUBDIVISION.
3. THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED IMMEDIATELY UPON APPROVAL OF THE PICP FOR EACH PHASE.
4. THERE ARE CURRENTLY 49 HOMES LOCATED WITHIN THE EXISTING HUNTERS HILL SUBDIVISION. TO SATISFY 4.13(a) OF THE PDD, NO MORE THAN 25 HOMES SHALL BE CONSTRUCTED WITHIN PHASE 1 PRIOR TO THE CONSTRUCTION OF THE PORTION OF FOXTAIL RUN CROSSING THE PARKLAND LOT (AREA 3 AS DESIGNATED IN THE PDD) ALLOWING A SECONDARY ACCESS POINT.
5. GREENBELT AREAS SHALL BE OWNED AND MAINTAINED BY EITHER THE DEVELOPER OF THE PROPERTY OR THE RESULTING SUBDIVISION'S MANDATORY HOA.
6. PUBLIC ACCESS TO PARKLAND LOT (AREA 3) SHALL BE PROVIDED THROUGH LOTS 1, 12 AND 30 BLOCK F. PUBLIC ACCESS TO MARIA HERNANDEZ ELEMENTARY SHALL BE PROVIDED THROUGH LOT 22 BLOCK A. PUBLIC ACCESS EASEMENTS SHALL BE DEDICATED AT THE TIME OF FINAL PLAT.
7. A PUBLIC ACCESS EASEMENT TO DORIS MILLER MIDDLE SCHOOL WILL BE PROVIDED AT THE TIME OF FINAL PLAT FOR AREA 2.
8. ANY ROADWAY IMPROVEMENTS REQUIRED AS A RESULT OF THE TRAFFIC IMPACT ANALYSIS SHALL BE IDENTIFIED PRIOR TO APPROVAL OF A FINAL PLAT AND ADDRESSED WITHIN THE PICP FOR ALL OR ANY PORTION OF THE PROPERTY IMPACTED BY THE ROADWAY IMPROVEMENTS.
9. NO PORTION OF THIS PROJECT IS LOCATED IN THE EDWARDS AQUIFER RECHARGE ZONE OR CONTRIBUTING ZONE.
10. THE WATER QUALITY POND ON LOT 1, BLOCK F, SHALL BE OWNED AND MAINTAINED BY EITHER THE DEVELOPER OR RESULTING SUBDIVISION'S MANDATORY HOA.

LEGAL DESCRIPTIONS:

AREA 1 IS 38.543 ACRES OF LAND OUT OF THE JUAN M. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 18 SITUATED IN HAYS COUNTY, TEXAS

AREA 2 IS 24.271 ACRES OF LAND OUT OF THE JUAN M. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 17 SITUATED IN HAYS COUNTY, TEXAS

AREA 3 IS 38.072 ACRES OF LAND OUT OF THE JUAN M. VERAMENDI SURVEY, NUMBER 1, ABSTRACT 17 SITUATED IN HAYS COUNTY, TEXAS



SITE MAP
N.T.S.

FLOODPLAIN NOTE:
ACCORDING TO THE CURRENT FEMA FLOOD INSURANCE RATE MAP NUMBER 48209C 0476F AND 0477F, DATED SEPTEMBER 2, 2005, HAYS COUNTY, TEXAS, A PORTION OF THIS TRACT LIES WITHIN THE DESIGNATED HUNDRED YEAR FLOODPLAIN FLOOD HAZARD AREA.

LOTS AFFECTED BY FEMA FLOODPLAIN:

LOT	BLOCK	MINIMUM FFE
13	F	626.80
14	F	626.80
15	F	624.80
16	F	624.60
17	F	626.20
18	F	627.15
19	F	631.50

LANDUSE TABLE:

AREA	LANDUSE
1	MU
2	MU
3	MU

BENCHMARK INFORMATION:

"X" CUT ON CURB INLET, APPROXIMATELY 148' SOUTH OF CULVERT ALONG HUNTER ROAD (FM 2439), OPPOSITE LOT 8, WILLOW SPRINGS CENTER REPLAT, VOL. 12, PG. 27,
N-13862087.0
E-2296342.1
ELEVATION=616.17'

STATE OF TEXAS
CHARLES R. BRIGANCE JR.
64346
LICENSED PROFESSIONAL ENGINEER
4/19/13
CARLSON, BRIGANCE & DOERING, INC.
ID# F3791

SHEET 5 OF 5

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Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

ORDINANCE NO. 2012-56

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING AMENDED AND RESTATED PLANNED DEVELOPMENT DISTRICT STANDARDS FOR THE RETREAT ON WILLOW CREEK PLANNED DEVELOPMENT DISTRICT CONSISTING OF 101.40 ACRES OF LAND, MORE OR LESS, IN THE J.M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 17 LOCATED NEAR HUNTER ROAD AND STAGECOACH TRAIL AS ORIGINALLY APPROVED BY ORDINANCE NO. 2009-81 FOR THE PURPOSES OF ALLOWING ONLY SINGLE-FAMILY USES, AMENDING ARCHITECTURAL, LANDSCAPING AND TREE PRESERVATION AND MITIGATION STANDARDS AND PROVIDING FOR A BUFFER BETWEEN HOUSING BUILT IN THE DISTRICT AND ADJACENT RESIDENCES; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING FOR PENALTIES.

RECITALS:

1. On October 23, 2012 the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to amend the Development Standards for the Retreat on Willow Creek Planned Development District, consisting of 101.40 acres of land, more or less, in the J.M. Veramendi Survey No. 1, Abstract No. 17 located near Hunter Road and Stagecoach Trail (the "Project Site," as described in Exhibit "A," attached hereto and made a part hereof) as originally approved by Ordinance No. 2009-81 for the purposes of allowing only single-family uses, establishing residential architectural, landscaping and tree preservation and mitigation standards and providing for a buffer between housing built in the district and adjacent residences.

2. Subsequent to the public hearing, the Planning and Zoning Commission, on November 13, 2012 considered and voted to recommend that the request be approved by the City Council of the City of San Marcos.

3. The City Council held a public hearing on December 4, 2012 regarding the request.

4. All applicable requirements of Chapter 1, Development Procedures, of the City Land Development Code 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 Amended and Restated Planned Development District Development Standards for the Retreat on Willow Creek Planned Development District, attached hereto as Exhibit "B" and made a part hereof (the "Regulations") are hereby adopted.

SECTION 2. The Regulations shall 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, as amended, 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, as amended, shall be subject to a suit by the City for an injunction to enjoin the violation as though the Regulations, as amended, were conditions, restrictions and limitations on the use of the Project Site under the City's zoning ordinances.

SECTION 3. 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 4. 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 December 4, 2012, subject to reconsideration at the next regularly scheduled City Council meeting on December 18, 2012.

Reconsidered: yes____ / no ✓

If yes: _____approved
_____denied

Date: _____

Daniel Guerrero
Mayor

Attest:

Jamie Lee Pettijohn
City Clerk

Approved:

Michael J. Cosentino
City Attorney

Amended and Restated Planned Development District Development Standards for The Retreat on Willow Creek Planned Development District

Legal Description: 101.40 acres of land out of the J. M. Veramendi Survey No. 1, Abstract No. 17, City of San Marcos, Hays County, Texas

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

Submitted:
October 5, 2012

Revised:

As Revised by City Council

Approved:
December 18, 2012

Part 1. General Information

1.01. Project Description. The proposed development of approximately 101.40 acres of land out of the J. M. Veramendi Survey No. 1, Abstract No. 17, Hays County Texas being described as generally located on the west side of Hunter Road south of Stagecoach Trail and at the terminus of Hunters Hill Drive and Foxtail Run (the "Project Site"), as shown in Exhibit "A," attached to and made a part of these development standards for all, purposes.

1.02. Project Location. The Project Site is generally located on the west side of Hunter Road south of Stagecoach Trail and being bound on the north by Hernandez Intermediate School, on the south by Laurel Estates Subdivision, on the west by Willow Creek Estates Subdivision and the Gardens at Willow Creek Subdivision and on the east by Hunters Hill Subdivision, Doris Miller Junior High School, and Willow Springs Center Subdivision. Access to this site will be provided through the extension of Foxtail Run and the construction and extension of Hunters Hill Drive.

1.03. Phasing. The Project Site may be developed in phases. As indicated on the Conceptual (or "Concept") Plan, illustrated in Exhibit "B," attached to and made a part of these development standards for all purposes, the Project Site consists of two (2) areas separated by the floodplain. These areas are designated on the plan as Area 1 and Area 2 and may be developed jointly as a single unified development or may be developed individually as stand-alone developments. This flexibility in the design and planning of the Project Site will allow for greater flexibility to meet the changing demands and needs of the community. The Development Standards contained herein are intended to be utilized for the development of the project site as a single unified development; however, in the event that Area 1 and Area 2 are developed independently, each area shall be developed in a manner so as to meet the requirements of these development standards.

1.04. Reasons for use of PDD. This Planned Development District ("PDD") is intended to allow for a higher quality of development for the City of San Marcos than could be achieved under an existing zoning classification. These development standards, for instance, impose greater parkland dedication requirements and stricter architectural standards, among other enhancements, than would normally be required.

Part 2. Land Use Designation and Restrictions

2.01. Base Zoning – Mixed Use District (MU). The base zoning designation for this zoning district is Mixed Use District ("MU") which is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work, and purchase necessities in a single location. However, the Project Site will be developed only with single family residences as provided below.

2.02. PDD Restrictions on Land Use. The Project Site will be developed in a unified manner for single family uses indicated as permitted in the base MU District except as

amended by Sections 3.02 to 3.06 below. All other uses within this PDD shall be prohibited.

Part 3. Land Use Restrictions

3.01. Generally. As stated above, the base zoning for the Project Site will be the MU District, however the provisions of Section 4.3.1.2 of the Land Development Code ("LDC") that would otherwise allow fraternity houses, sorority houses, boarding houses, dormitories, and multifamily apartments in a Mixed Use zoning District with a conditional use permit shall be inapplicable to this site. No portion of the site shall be used for fraternity houses, sorority houses, boarding houses, dormitories, or multifamily apartments land uses without approval of a petition for a zoning map amendment by ordinance of the San Marcos City Council. Except as otherwise amended, modified or supplemented in these Development Standards, all regulations applicable to that base zoning district will apply to the Project Site. The Project Site will be restricted to the uses identified herein.

3.02 Permitted Residential Uses. The following chart illustrates those residential uses that are permitted by right within the Project Site:

Development Areas 1 and 2	Single Family Detached House*
Development Area 3	None
* There will be no prohibition on the use of a Church or religious assembly hall on the property to the extent required by law.	

3.03 Permitted Accessory Uses. The following chart illustrates those accessory uses that are permitted by right within the Project Site:

Development Areas 1 and 2	Caretaker's/Guard's Residence Accessory Building/Structure
Development Area 3	Accessory Building/Structure

3.04 Occupancy Restrictions. The following occupancy restrictions shall apply to residential uses on this property:

a. All residential uses identified in Section 3.02 above shall be restricted to occupancy by a family in accordance with the occupancy restrictions identified in Section 4.3.4.5 of the LDC.

b. The provisions of this section shall be enforced through the residential lease agreements and occupancy shall be based upon the lessee(s) indicated on the residential lease.

Part 4. Development Standards

4.01. Landscape Requirements. The Project Site shall provide landscaping in accordance with the minimum requirements of the LDC in Section 6.1.1.4 for single family development.

4.02. Parking Requirements. The Project Site shall provide parking in accordance with the minimum requirements of the LDC.

4.03. Exterior Construction Standards. Architecture and the built environment make many important contributions to San Marcos's visual context. 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.

a. All facades shall use a palette and range of exterior materials, colors, textures and finishes pleasing to the eye and shall be approved by an architectural control committee set up by developer.

b. The use of color shall apply equally to additions and alterations to existing structures as well as to new detached structures. Garish or unusual colors and color combinations and unusual designs are discouraged.

c. 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. 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 desired character and image.

d. Each single-family residential building excluding doors and windows shall be 100% masonry consisting of brick, stone, stucco, split face concrete units, faux stone or brick, or a combination thereof.

e. Architectural details may include barn door shutters, faux gable vents or windows or other architectural details consistent with the design intent of the Craftsman cottage theme of the development.

f. E.I.F.S. is not permitted as a building facade material. If such a finish is desired stucco on masonry backup or a mechanically fastened system is required.

g. 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.

h. 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.

i. No bright unfinished or mirrored surfaces will be allowed.

4.04. Environmental. The Property Owner shall comply with all federal, state and local storm water discharge registration, notification, monitoring and construction runoff protection requirements and required erosion/sedimentation controls. With regard to storm water drainage, the project shall not cause the run off of storm water drainage in flows that are in excess of the existing flows off the Property in its present condition.

4.05. Lighting. The Project Site shall provide lighting levels that are compatible with safety and industry standards for the uses permitted herein and shall meet the minimum requirements of the City of San Marcos and are subject to review at the Site Plan phase. All lighting shall be of a warm color light which is the color spectrum of incandescent light and shall be shielded so as to provide no glare to adjacent properties or street rights-of-way.

4.06. Maximum Height of Structures. The maximum height of structures constructed on this site shall not exceed two and one-half (2.5) stories or 35 feet in height, whichever is less.

4.07. Building Setbacks. The minimum building setbacks applicable to the Project Site shall be as follows:

a. *Minimum Front Yard Setback.* The minimum required front yard shall be 20 feet. Encroachments in the form of above grade awnings, bay windows, signage, eaves, balconies and window sills shall be permitted in accordance with the requirements of the LDC.

b. *Minimum Side Yard Setback.* The minimum side yards shall be five feet (5'). Encroachments in the form of above grade awnings, bay windows, signage, eaves, balconies and window sills shall be permitted in accordance with the requirements of the LDC.

c. *Minimum Rear Yard Setback.* The minimum rear yard setback shall be a minimum of twenty feet (20') for all lots with the exception of those adjoining the South and West property lines. Encroachments in the form of above grade awnings, bay windows, signage, eaves, balconies and window sills shall be permitted in accordance with the requirements of the LDC.

d. *South and West Property Line Setback.* The South and West boundary of the property will include a 25 foot greenbelt area (the "Greenbelt Area") and a 25 foot building setback from the Greenbelt boundary resulting in an overall building setback of 50 feet from the South and West boundary of the property. The Greenbelt Area may include preserved trees, mitigated trees, and storm water management features to be determined during the site preparation plan process

but with a goal to preserve the Greenbelt as a mostly natural vegetative area. This building setback is for the primary residential structure and does not prohibit in any way the normal use of the residential backyard for backyard recreational accessory structures and activities (pools, decks, covered patios, gardens, garden sheds, etc.). The Greenbelt Area shall be owned and maintained by either the developer of the property or the resulting subdivision's mandatory homeowner's association.

4.08. Dumpsters. All on-site solid waste receptacles (dumpsters) shall be enclosed by a minimum six foot (6') tall screening fence constructed of material compatible with the site development and architecture of the proposed structures.

4.09. Signage. Signage shall be provided in accordance with Chapter 6, Article 3, *Signs,* of the City of San Marcos LDC.

4.10 Maximum Impervious Coverage. The maximum overall impervious coverage permitted on the gross Project Site shall be 60% (including buildings, parking structures, etc.).

a. LID and BMPs shall be incorporated to achieve water quality measures with a standard for removal of a minimum of 85% of the increase in Total Suspended Solids (TSS) after full development of the property over the baseline existing conditions prior to development.

4.11. Parks and Open Space.

a. The Project Site will provide for the establishment of land dedicated and conveyed to the City as parkland subject to the approval of the Planning and Zoning Commission and containing approximately 29.39 acres of land. Chapter 7, Article 6 of the City of San Marcos LDC outlines the requirements for parkland dedication. Based on the permitted uses on the Project Site, the maximum amount of parkland that would be required to be dedicated as part of this project would be for single family residential dwellings and would be equivalent to 4.1 acres. In the event that the parkland dedication requirements for the number of dwelling units on the property exceeds the proposed parkland dedication, a fee-in-lieu of parkland dedication will be required in accordance with the requirements of the City of San Marcos.

b. The unique configuration of the Project Site allows for the development of the property as a single project or for each area to be developed separately. The area indicated as Parkland will be dedicated and conveyed to the City as parkland subject to the approval of the Planning and Zoning Commission. Any dedication and conveyance of parkland to the City would occur with the first final plat for the area being developed within the Project Site.

c. Additionally, a park development fee of $23,000 will be required to assist in the development of a trail system and playground within the proposed Parkland. The payment of the park development fee will be required upon approval of the

first final plat for the property. The dedication will be through fee simple title to the City for parkland.

d. A minimum of two (2) access points from a public right-of-way shall be provided to the parkland. A minimum of ten (10) parking spaces and one (1) bicycle rack shall be provided on-street adjacent to the access point. The parking spaces shall be dedicated for public use of the parkland with clear signage indicating the spaces are for Park users only. A minimum of one (1) of the dedicated parking spaces shall meet the requirements for ADA accessibility. The dedicated parking spaces associated with the parkland may not be utilized to meet the minimum parking requirements identified in Section 4.02 of this PDD. Parking spaces will be indicated on the Public Improvement Construction Plan (PICP) and constructed at the same time as the adjacent road.

Section 7.6.1.2(c) – Parkland Dedication Calculation: 5 acres (multiplied by) 250 units (multiplied by) maximum of 2.7 residents per unit (divided by) 1000 Maximum 4.1 acres of parkland dedication required	Dedication of parkland containing approximately 29.39 acres Provision for additional private open space and amenities within the Project Site. Construction of a park and emergency access road Minimum of 10 dedicated parking spaces Payment of $23,000 in parkland development funds for the construction of a trail system and playground

4.12. Fences. Fences shall be permitted in accordance with Chapter 6, Article 1, Division 3 of the City of San Marcos LDC.

4.13 Access. The developer is responsible for ensuring connectivity within the internal street, trail and sidewalk network of the subdivision. At the time building permits are issued totaling 25 lots in Area 1 or Area 2 the Property Owner shall be responsible for constructing an emergency access road to connect Area 1 and Area 2 within the Project Site in the location of the future street connection. The emergency access road will be constructed of asphalt material and contain a reinforced concrete low water crossing constructed, owned and maintained by the Property Owner and is intended to provide direct connection between the two areas within the Project Site.

a. At no time shall more than 74 homes be constructed with a single point of access in either Area 1 or Area 2. For Area 2, this would include houses constructed in the existing Hunter Hill Subdivision. Prior to issuance of permit of any buildings exceeding these numbers in either area, the developer will construct the required above grade street and creek crossing, built to City

Standards and designed in accordance with the adopted City of Austin Drainage Criteria Manual, across the floodway as a means of connecting Areas 1 and 2.

b. The final improved connection road will be dedicated to the City by plat. Prior to the dedication of the final road, the property owner of each area shall be responsible for ensuring access through each area to the emergency access road.

c. The developer and/or builder will provide quarterly building permit reports to the Permit Center Manager monitoring permit numbers in Areas 1 and 2. At such time the above triggers are met, no additional permits will be issued until construction of the road is confirmed complete by the City.

e. Permanent improved access easements shall be dedicated by plat to allow pedestrian access to and from Stagecoach Trail, Maria Hernandez Elementary School, and Doris Miller Middle School through use of the internal street, sidewalk and trail network.

d. Nothing in this Section 4.13 shall be construed as a waiver of the requirement for the developer to, and the developer shall, provide security for the completion of public improvements in the manner prescribed by Sections 1.6.6.3 and 1.6.6.4 of the LDC.

4.14. Traffic Impact Analysis (TIA). A complete Traffic Impact Analysis will be required for the Project Site to determine adequacy of street infrastructure and any necessary roadway improvements. A Traffic Threshold Worksheet shall be required for the purposes of review and approval of this PDD. A complete Traffic Impact Analysis shall be required upon the subsequent submittal of a Preliminary Plat or Watershed Protection Plan Phase II for any use. Any roadway improvements not identified on the Concept Plan, but required as a result of the Traffic Impact Analysis, shall be identified prior to approval of a Final Plat for all or any portion of the property impacted by such roadway improvements.

4.15. PDD Development Intensity Table. The following chart provides a development intensity summary of the overall site:

	Overall Project Site	**Area 1**	**Area 2**	**Area 3**
Total Area (acres)	101.399	38.880	26.170	29.39
Park/Open Space Area (acres)	29.39	-	-	29.39
Total Developable Area (acres)	72.009	44.84	27.80	N/A
Maximum Developable Area %	71.01%			

4.16 Tree Preservation and Mitigation. The Project Site is subject to the Tree and Habitat Protection requirements of the City's LDC. Some additional standards are provided to allow more options for mitigation. Any trees that are removed or damaged during development of the Project Site shall be mitigated according to the table below. Existing trees preserved in the Parkland are not eligible for credit:

Tree Classification	**LDC**		**PDD**	
	Mitigation	**Credit**	**Mitigation**	**Credit**
Protected Trees (9-23") within Building Footprint, within 10 feet of the Building Footprint or within Site Access Areas	Not required		Not required	
Protected Trees (9-23") beyond Building Footprint or Site Access Areas	Replaced per lot at a ratio of 2.5:1	12" or more = 2 trees (4") 4-12" = 1.5 trees (3")	1:1 caliper inch anywhere on Project Site	1:1 caliper inch Anywhere on Project Site
Specimen Trees (24" or more) located anywhere in Project Site	Replaced per lot at a ratio of 1:1	1:1 per caliper inch	2:1 caliper inch anywhere on Project Site	2:1 caliper inch anywhere on Project Site
Specimen Trees (40" or more) located anywhere in Project Site			3:1 caliper inch anywhere on Project Site	3:1 caliper inch anywhere on Project Site
Excluded Species	All excluded trees 12" or more require mitigation	No credits	All excluded trees 24" or more require mitigation 2:1	2:1 caliper inch for excluded trees 24" or more

a. In the event that mitigation is not feasible on the individual lots, trees meeting the mitigation requirements of this section may be planted within the dedicated Parkland in the Project Site, along street edges within the Project Site or at the subdivision entryways.

b. The developer may also 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, and repair or removal of damaged or destroyed trees.

c. 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 within the limits of construction on the project site shall count toward mitigation requirements identified of this section.

d. In the event that a tree designated for protection and preserved in accordance with this section dies within three years of being planted or, in the case of trees planted on individual residential lots, three years from the issuance of a certificate of occupancy for the lot, the loss of that tree shall be required to be mitigated for in accordance with this section.

e. Tree mitigation calculations will be done at the time of the submittal of the Public Improvement Construction Plan (PICP). The term "Site Access Areas" shall include street and utility right of way.

4.17 Density and Dimensional Standards.

Standard Category	SF Residential
Lot/Parcel Area, Minimum Sq. Ft.	6000
Lot/Parcel Area, Maximum Acres	N/A
Units per Acre, Maximum/Gross Acres	5.5
Clustered Units per Acre, Net Developable	12.0
Lot Frontage Minimum Feet	35
Lot Width, Minimum Feet	50
Front Yard Setback, Minimum Feet	20
Side Setback, Minimum Feet, Interior	5
Side Setback, Corner, Minimum Feet	15
Rear Yard Setback, Minimum Feet	20
Rear Yard Setback (South and West Property Lines), Minimum Feet	50
Lot Depth, Minimum Feet	100
Impervious Cover, Max. %	60
Building Height, Maximum Feet	2.5 stories or 35 feet, whichever is less

1. Parking facilities in these development areas may be retained in common for reciprocal use by commercial and office/civic tenants, and may be included as part of the building lot. For example, a lot containing retail uses on the ground floor, with residential and/or office use above, may be designed to accommodate common parking facilities.

Part 5. Miscellaneous

5.01. 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 and ordinances.

5.02. Any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to all penalties that apply to violation of the zoning ordinances of the City of San Marcos, as amended. 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.

5.03. All obligations 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.

5.04. These development standards may be revised and amended only in accordance with the procedures described in the City's Land Development Code, as same may be amended from time to time.

5.05. 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.

5.06. 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.

Retreat on Willow Creek PDD Amendment

Exhibit A: Project Site

Retreat on Willow Creek PDD Amendment

Exhibit B: Revised Conceptual Plan

LAND USE TABLE

TRACT	ACRES	LAND USE
AREA 1	38.88 Ac.	MULTI-USE/SINGLE FAMILY RESIDENTIAL
AREA 2	26.18 Ac.	MULTI-USE/SINGLE FAMILY RESIDENTIAL
AREA 3	36.34 Ac.	TOTAL FLOOD PLAIN
TOTAL =	101.40 AC.	

FLOOD PLAIN (AREA 3) BREAKDOWN

USE	ACRES
DETENTION PONDS	6.95 Ac.
PARKLAND	29.39 Ac.
TOTAL FLOOD PLAIN ACRES =	36.34 AC.

PHASING TABLE

AREA	NUMBER OF PHASES
AREA 1	3 PHASES
AREA 2	1 PHASE

NOTE

1. THE GREENSPACE BUFFER FOR MULTI-USE SHALL BE 205 FEET.
2. THE 205 FOOT BUFFER SHALL NOT APPLY FOR SINGLE-FAMILY RESIDENTIAL CONSTRUCTION.
3. PHASING BOUNDARIES AND STREET LOCATIONS WILL BE FINALLY LOCATED BASED UPON SITE CONDITIONS.

REVISIONS

NO.	DATE	APPROVED

DESIGNED BY: CC
DRAWN BY: HF
CHECKED BY: TFS
APPROVED BY: TFS
PROJECT FILE

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TBPE REGISTRATION # F-8986

THE RETREAT ON WILLOW CREEK
SAN MARCOS, TEXAS

CONCEPT PLAN

SHEET NO.
1 OF 1 SHEETS
DEC JOB NUMBER
9130-06

Item 17
Attachment # 4
Page 16 of 16

Agenda Information

AGENDA CAPTION:

Development Services Report

a. Update from Staff on the Planning & Zoning Commission Retreat
b. Update from Staff on the Comprehensive Master Plan

Meeting date: April 23, 2013

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND: