



**SAN MARCOS
PLANNING AND ZONING
COMMISSION REGULAR
MEETING
CITY COUNCIL CHAMBERS,
630 E. HOPKINS
TUESDAY, MAY 14, 2013
6:00 P.M.**

1. Call To Order
2. Roll Call
3. **Chairperson's Opening Remarks**
4. **Presentation, Discussion and Possible Action Regarding Planning and Zoning Commission Retreat held on May 8, 2013, including goal setting.**
5. **Receive an update from staff regarding status of petitions related to the Windemere project (ZC-13-05, LUA-12-09, ZC-12-14, and PDD-12-03) located at Lime Kiln Road and Windemere Road.**

***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.*

6. 30 Minute Citizen Comment Period

CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 7 - 8 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.

7. **Consider the approval of the minutes of the Regular Meeting on April 23, 2013.**
8. **PC-04-10(01I) (Cottonwood Creek Master Plan)** Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, LTD., for consent to a one-year extension of the Master Plan of the Cottonwood Creek subdivision, consisting of approximately 471.97 acres at the intersection of State Highway 123 and Monterrey Oak, San Marcos, Texas.

PUBLIC HEARINGS

9. **CUP 13-10 (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.

10. **CUP-13-12 (The Rooftop on the Square)** Hold a public hearing and consider a request by Brandon Cash, on behalf of The Rooftop on the Square, for renewal of an existing Restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 126 South Guadalupe.
11. **CUP-13-13 (216 North Street)** Hold a public hearing and consider a request by Chase Katz, on behalf of North Street Development Inc., for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 216 North Street.
12. **CUP-13-14 (1127 W. San Antonio)** Hold a public hearing and consider a request by Clarke and Monica Hammond for a Conditional Use Permit to allow an accessory dwelling unit at 1127 W. San Antonio.
13. **A-13-02 (1127 W. San Antonio)** Hold a public hearing and consider a request by Clarke and Monica Hammond to abandon a 20' by 84.25' portion of an alley between Wilson Street and Johnson Street.
14. **A-13-01 (Sessom Drive Multifamily Community-Loquat Street, a/k/a Pecan Street, Locust Street and Peachtree Street)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, to abandon streets and alleys in the Park Addition, First and Second Division, as follows: a 16 foot alley between lots 43 and 50 to the north and lots 41, 42, 51 and 52 to the south from Sessom Drive to Peachtree Street; a 16 foot alley between lots 39, 53, 56 and 61 to the north and lots 38, 54, 57 and 60 to the south from Sessom Drive to the northwest boundary of said Park Addition; Locust Street from Loquat Street (a/k/a Pecan Street) to the northeast corner of lot 50; Loquat (a/k/a Pecan) Street from Sessom Drive to Peachtree Street; and Peachtree Street from the southeast corner of lot 63 to the northwest corner of lot 50.
15. **LUA-13-01 (Sessom Drive Multifamily Community)** Hold a public hearing and discuss a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney, and Buck Scheib, for an amendment to the Future Land Use Map from Low Density Residential (LDR) to Mixed Use (MU) for approximately 9.5 acres of land out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).
16. **ZC-13-03 (Sessom Drive Multifamily Community)** Hold a public hearing and discuss a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney, and Buck Scheib, for an amendment to the Zoning Map from Single-Family Residential (SF-6) to Vertical Mixed Use (VMU) for approximately 9.5 acres of land out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).
17. **PDD-13-01 (Sessom Drive Multifamily Community)** Hold a public hearing and discuss a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Scheib, for a PDD overlay district, with a base zoning of Vertical Mixed Use (VMU) for approximately 9.5 acres out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a

Pecan Street).

NON-CONSENT AGENDA

18. Development Services Report

a. Update from staff on implementation of Vision San Marcos.

19. 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.*

20. 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: May 14, 2013

Department: Development Services

Funds Required:

Account Number:

Funds Available:

Account Name:

CITY COUNCIL GOAL:

BACKGROUND:

Agenda Information

AGENDA CAPTION:

Presentation, Discussion and Possible Action Regarding Planning and Zoning Commission Retreat held on May 8, 2013, including goal setting.

Meeting date: May 14, 2013

Department: Development Services

Funds Required: na

Account Number: na

Funds Available: na

Account Name: na

CITY COUNCIL GOAL:

BACKGROUND:

Agenda Information

AGENDA CAPTION:

Receive an update from staff regarding status of petitions related to the Windemere project (ZC-13-05, LUA-12-09, ZC-12-14, and PDD-12-03) located at Lime Kiln Road and Windemere Road.

Meeting date: May 14, 2013

Department: Development Services

Funds Required: na

Account Number: na

Funds Available: na

Account Name: na

CITY COUNCIL GOAL:

BACKGROUND:

The applicant has requested to postpone action on all cases related to the Windemere project until the May 28th meeting to review options for the cases. Staff will renotify property owners and repost the items for action on the agenda at that time.

Agenda Information

AGENDA CAPTION:

Consider the approval of the minutes of the Regular Meeting on April 23, 2013.

Meeting date: May 14, 2013

Department: Development Service

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:

ATTACHMENTS:

04-23-13 PZ Minutes

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
April 23, 2013**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck
Chris Wood
Kenneth Ehlers
Travis Kelsey
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
Alison Brake, Planner
Emily Koller, Planner
Tory Carpenter, Planning Tech
Nathan Warren, Planning Intern

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 April 23, 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.

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.*

4. 30 Minute Citizen Comment Period

Melissa Derrick spoke regarding the Buie Tract. She pointed out that the property has already been zoned but urged the Commission to make sure that inspectors are diligent that no features are being uncovered. Ms. Derrick feels that this development is going to be another Retreat situation. She explained that she has a very young neighborhood full of kids. Ms. Derrick added that she chose her neighborhood 8 years ago because it is a nice neighborhood with a newer home and has a park for the kids. She mentioned that the Neighborhood Association would like to meet with the developer and review the plans. She hopes that they do not have the same issues as the Retreat and their neighbors.

Paul Geiger, 101 Six Pines Road said he has lived on Lime Kiln Road and has seen the proposed area for the Windemere project under water. Mr. Geiger stated that the property is a poor place for any type of dwelling and an exit or entrance. He voiced his concerns for the Windemere zoning request.

Leighton Stallones, resident at 163 Hunters Glen, Hunter's Hill Subdivision, adjacent to the Windemere project. Mr. Stallones spoke in opposition to the Windemere request. He pointed out that the property has many problems including traffic, safety and flooding. Mr. Stallones asked the Commission to not go against City Codes in approving the request.

Diane Wassenich stated that she has covered in great details the consequences of the actions by the Planning Commission with the Retreat. She felt that the Buie tract will have identical issues as the Retreat. Ms. Wassenich gave a brief history of the Buie Tract. She pointed out that the 2001 surveys performed by Hicks & Co indicated three golden cheek warblers' occurrences on the Buie tract. Ms. Wassenich pointed out that only 3.5 acres of golden check warbler habitat remain since bulldozing of the property. She stressed the importance of having inspectors on the site when any trenching is done. She added that she has 10 years of letters that have been written regarding the Buie tract. Ms. Wassenich suggested that if the City does not have the appropriate staff then an outside person should be hired to watch the site.

Consent Agenda:

5. Consider the approval of the minutes from 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.

Commissioner Ramirez pulled item 6, PC-12-32_03 for discussion.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey the Commission approved on consent Item 5, minutes of the Regular Meeting on April 9, 2013 and Item 7, PC-12-12_02.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers the Commission approved on consent Item 6, PC-12-32_03.

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.

Nathan Warren, Planning Intern, gave an overview of the project

Chair Taylor opened the public hearing. Hilda Gomez, applicant for 413 Riverside Drive said she was really excited and asked the Commission for their approval. She introduced Alfredo Leal, property owner. Ms. Gomez explained that the building has been vacant for some time. She added that her sister and husband had plans for a restaurant on the site which brought her to have a food trailer court. Ms. Gomez advised the Commission that she was available to answer questions.

Ana Mendoza, resident at 1114 Field St., Rio Vista Terrace since 1972 stated she has seen all of the changes and problems that have occurred in the Rio Vista Terrace Neighborhood. She said she respects that Mr. Leal has a commercial business but feels that a food trailer business will bring trash, increase of walking traffic and may other issues. Ms. Mendoza pointed out that Ms. Mary Ann Cole has lived adjacent to the property since 1965 and has been picking up trash on a daily basis that comes from the adjacent property and traffic. Ms. Mendoza also mentioned that Ms. Cole does not like seeing strangers from her backyard. Ms. Mendoza felt that parking will be an issue in such a small area which would cause parking on the curb and encroaching on the neighborhood. She suggested that the trailers be placed facing Riverside. She added that the neighborhood is willing to work with the applicant. Ms. Mendoza added that there is already confusion with the roundabouts.

Scott Morrison, resident at 911 Cheatham for over 14 years stated that he is within site of the property. He said he is proud of Rio Vista Park and the rebuild of the falls. Mr. Morrison stated that the resources and access to the area are very constrained and the management is complicated. He realizes people want places to eat, but objects to the food trailer plan because of parking. He seconded everything that Ms. Mendoza said. Mr. Morrison stated that he does want the property to prosper but the traffic will coincide with the general traffic load from Rio Vista Park. He added that the neighborhood is always trying to minimize the negative impact of the neighborhood.

Paul Murray, Secretary Treasurer of CONA stated that he heard on Monday that there were some issues with the neighborhood concerning the project. Mr. Murray explained that he spoke to Ms. Mendoza and Ms. Gomez and they are open to discussion and working things out with the neighborhood. Mr. Murray suggested that the item be tabled to the next Planning Commission meeting so that things can be worked out between the applicant and the neighborhood.

Margaret Collins, 908 Sycamore Street stated she is concerned with additional foot traffic in the neighborhood. She is also concerned with people coming from the river after they have been drinking. Ms. Collins added that she does not want people in her backyard.

Camille Phillips, resident on Franklin Street stated she is concerned about the neighborhood. She felt that there are currently food establishments in the area and not sure if food trailers are necessary. Ms. Phillips said she could not tell if a fence will be installed adjacent to the property on Cheatham. She felt that a fence should be installed to protect the neighborhood. She added that the good thing is that the picnic tables will be placed closer to Riverside Drive. Ms. Phillips stated that she agrees with Ms. Mendoza that the parking is going to be difficult and suggested that the item be tabled or denied.

Annisia Castello, 908 Sycamore spoke in opposition of the food trailers. She expressed her concerns about the walking traffic with the roundabouts and the current parking issues. Ms. Castello said people are still getting used to the roundabouts. She added that she is concerned with people that have been drinking trying to get through the roundabout. Ms. Castello mentioned that lighting is also a concern, in addition to noise. She stated that she understands it is a new business but is an imposition to the neighborhood. Ms. Castello stated she is in opposition to the request.

Carlos Hernandez, 907 Field advised that he assisted Ms. Gomez with the design layout. He stated 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 Kelsey and a second by Commissioner Ehlers, the Commission voted four (4) in favor and two (2) against to postpone CUP-13-07 to the May 14, 2013 Planning and Zoning Commission meeting. The motion carried.

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.

John Foreman, Planning Manager gave an overview of the project.

Ed Theriot, ETR Development Consulting gave a presentation of the project.

Chair Taylor opened the public hearing for items 9-12.

Don Netter lives across the road from the development. He stated he is opposed to the project and explained that the proposed development does not fit the environment or the master plan. He pointed out that the property is ½ mile from the outlet of the springs and 20’ above the San Marcos springs as it runs underground. Mr. Netter added that the density per acre does not fit. He felt that the development will not enhance the area.

Diane Wassenich spoke on behalf of the San Marcos River Foundation. She said they are very concerned about the receiving zone of the impervious cover transfer. She explained that the development is going to affect Spring Lake. Ms Wassenich pointed out that the Commission is aware of the trenching of the wastewater line next to Lime Kiln Road and the collapsing of the dirt. She added to build dense homes will cause so many people to be in one area when there is a flood. She said that all the houses are in a 500 year flood plain. Ms. Wassenich asked the Commission to not approve the development transfer.

Bridget Phillips said she hopes that the Commission to proceeds with caution and takes all comments into consideration.

There were no additional citizen comments and the public hearing was closed.

There was a ten minute recess.

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

John Foreman, Planning Manager and Jennifer Shell, City Engineer gave a presentation.

Chair Taylor opened the public hearing. Diane Wassenich stated it is very important to develop the Old RR 12 Bike/Ped Project. She added that there are ways that the project can be done and that they have been waiting since 2005. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey the Commission voted all in favor to recommend to City Council the 10-year Capital Improvements Plan with amendments to move the Downtown Parking, Old RR 12 Bike/Ped and Widening of Old RR 12 Projects to 2014. The motion carried unanimously.

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.

Emily Koller, Staff Planner and David Rabago, Engineer gave an overview of the project.

Chair Taylor opened the public hearing for 2012-11658. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood the Commission voted all in favor to approve 2012-11658 (Qualified Watershed Protection Plan, Retreat at Willow Creek). The motion carried unanimously.

Non-Consent

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.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Ramirez the Commission voted all in favor to approve PC-13-05_02 (Retreat at Willow Creek). The motion carried unanimously.

16. Development Services Report

- a. Update from Staff on the Planning & Zoning Commission Retreat
- b. Update from Staff on the Comprehensive Master Plan

Matthew Lewis, Development Services Director and Amanda Hernandez, Senior Planner gave an update on the Planning & Zoning Commission Retreat and 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.*

There were no questions from the press and public.

18. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 8:35 p.m. on Tuesday, April 23, 2013.

Bill Taylor, Chair

Curtis Seebeck, Commissioner

Travis Kelsey, Commissioner

Kenneth Ehlers, Commissioner

Chris Wood, Commissioner

Angie Ramirez, Commissioner

ATTEST:

Francis Serna, Recording Secretary

DRAFT

Agenda Information

AGENDA CAPTION:

PC-04-10(01I) (Cottonwood Creek Master Plan) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, LTD., for consent to a one-year extension of the Master Plan of the Cottonwood Creek subdivision, consisting of approximately 471.97 acres at the intersection of State Highway 123 and Monterrey Oak, San Marcos, Texas.

Meeting date: May 14, 2013

Department: Development Services - Planning

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:

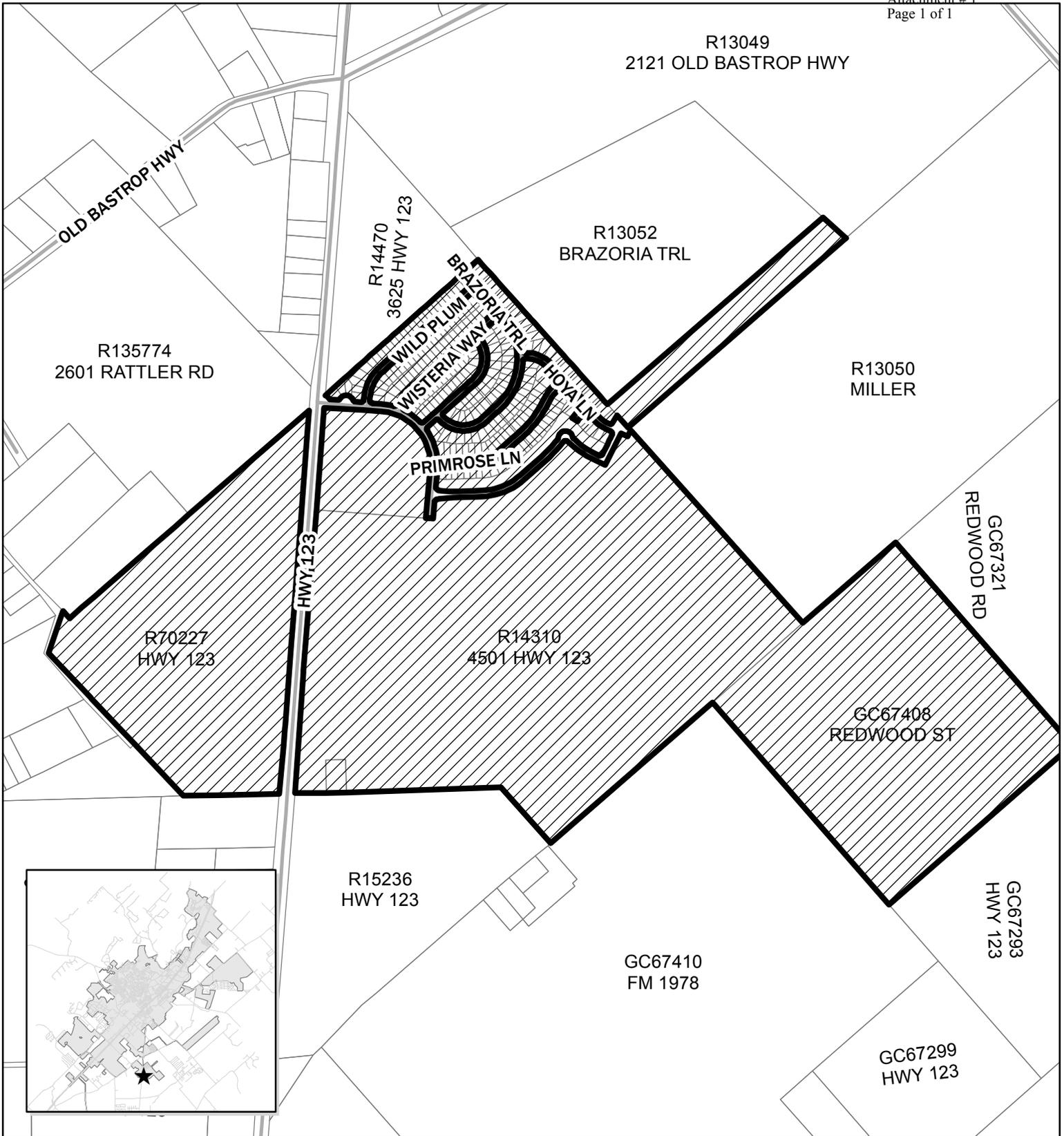
This master plan was originally approved in 2002 under the old subdivision ordinance. Under the original ordinance the master plan is effective for two years and may be extended for additional one-year periods with the consent of the commission. Portions of this plan have been developed following the 2002 approval.

ATTACHMENTS:

Case Map

Staff Report

Plat



PC-04-10(01I)
Cottonwood Creek
Master Plan
Map Date: 5/2/2013

•  Site Location •

0 500 1,000 2,000
Feet



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-04-10(01I) Cottonwood Creek Subdivision Master Plan Renewal



Applicant Information:

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

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

Notification: Notification not required

**Type & Name of
Subdivision:** Master Plan Renewal of Cottonwood Creek Subdivision

Subject Property:

**Traffic /
Transportation:** This Master Plan is proposing a thoroughfare network that will include the future extension of McCarty Road to State Highway 123. Access within the subdivision will be achieved by a means of arterials connecting to State Highway 123. An internal street network will provide access from the arterials to the residential portions of this subdivision.

**Land Use
Compatibility:** The subject tract is located along State Highway 123 approximately one half mile south of Old Bastrop Road. The master plan proposes a total of 2,694 residential dwelling units. The total number of dwelling units represents a mix of single-family homes, garden homes, two-family homes, town homes, and apartment units.

Utilities: The City of San Marcos provides water and wastewater service and Bluebonnet Electric provides electrical to this subdivision.

Zoning Pattern: The property is zoned in accordance with the land uses indicated on the active master plan for this subdivision

Planning Department Analysis:

The Master Plan for Cottonwood Creek Subdivision was originally approved by the Planning and Zoning Commission on May 28, 2002. Approval of the Master Plan may be extended for one-year periods by consent of the commission. It was last renewed by the Planning & Zoning Commission in May 2012 and the applicant is requesting a new one-year extension.

Construction of single-family homes in Phase I Section 1B and 1C has continued since the previous renewal. Phase I Section 1D was platted in 2012.

The current composition of the Cottonwood Creek Master Plan is as follows:

- The development consists of approximately 492 acres divided into four phases.
 - Phase I is a 146.30 acre tract that is currently being developed as follows:
 - 17.7 acres developed as an elementary school, platted July 2005 as Sec 1-A
 - 19.32 acres to be developed as 102 single family lots, platted May 2008 as Sec 1-B
 - 14.618 acres to be developed as 72 single family lots and two private parks that function as trail connections, platted December 2010 as Sec 1-C
 - 13.56 acres to be developed as 71 single family lots, platted in 2012 as Sec 1-D
 - 80.36 acres yet to be platted or developed
 - Phase II is an 85.44 acre tract – yet to be developed, identified as multi-family, duplex, senior group home, commercial, public & institutional, and Parkland.
 - Phase III is a 139.47 acre tract – yet to be developed, identified as single-family, garden homes, townhomes, commercial, public and institutional, and private park.
 - Phase IV is a 100.76 acre tract – yet to be developed, identified as single-family and private park.
- As new plats are submitted for review and approval, they must be in compliance with the subdivision requirement under which this Master Plan is being regulated.
- The renewal of the Cottonwood Creek Master Plan is subject to discretionary approval by the Planning & Zoning Commission.

Changes approved in May 2012

- Road name changed from Daisy Drive to Blue Briar Court.
- No changes in use, design, or density are proposed.

Changes from previously approved Concept Plan

The following names were removed from the concept plan because they were disapproved by Hays County; Daylily Drive, Iris Lane, Batchelor Button, Iris Lane, Azalea Ct, Blue Sage, Cedar Sage, Blue Briar Court, Primrose Lane, Brazoria Trail, Goldenrod Drive, Hoya Lane, Brazoria Trail, Wisteria Way, and Wild Plum.

Staff Recommendation

Staff feels that the Cotton Wood Creek Master Plan provides orderly, efficient and economical development of its residential, commercial and industrial land uses and community facilities to include transportation, schools, parks, and recreation. This Master Plan also guides developments to maximize the utilization of existing and proposed public improvements. For these reasons, staff recommends that the Subdivision Master Plan be extended for an additional one year period.

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

Prepared by:

Tory Carpenter	Planning Technician	May 7, 2013
Name	Title	Date

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed master plan extension. Because the last extension expires in May of this year, it is necessary to approve another extension at this meeting if the commission wishes to continue the Subdivision Master Plan. Your options are to grant consent to the extension of the Master Plan for another one-year period or to withhold consent.

Agenda Information

AGENDA CAPTION:

CUP 13-10 (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: May 14, 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

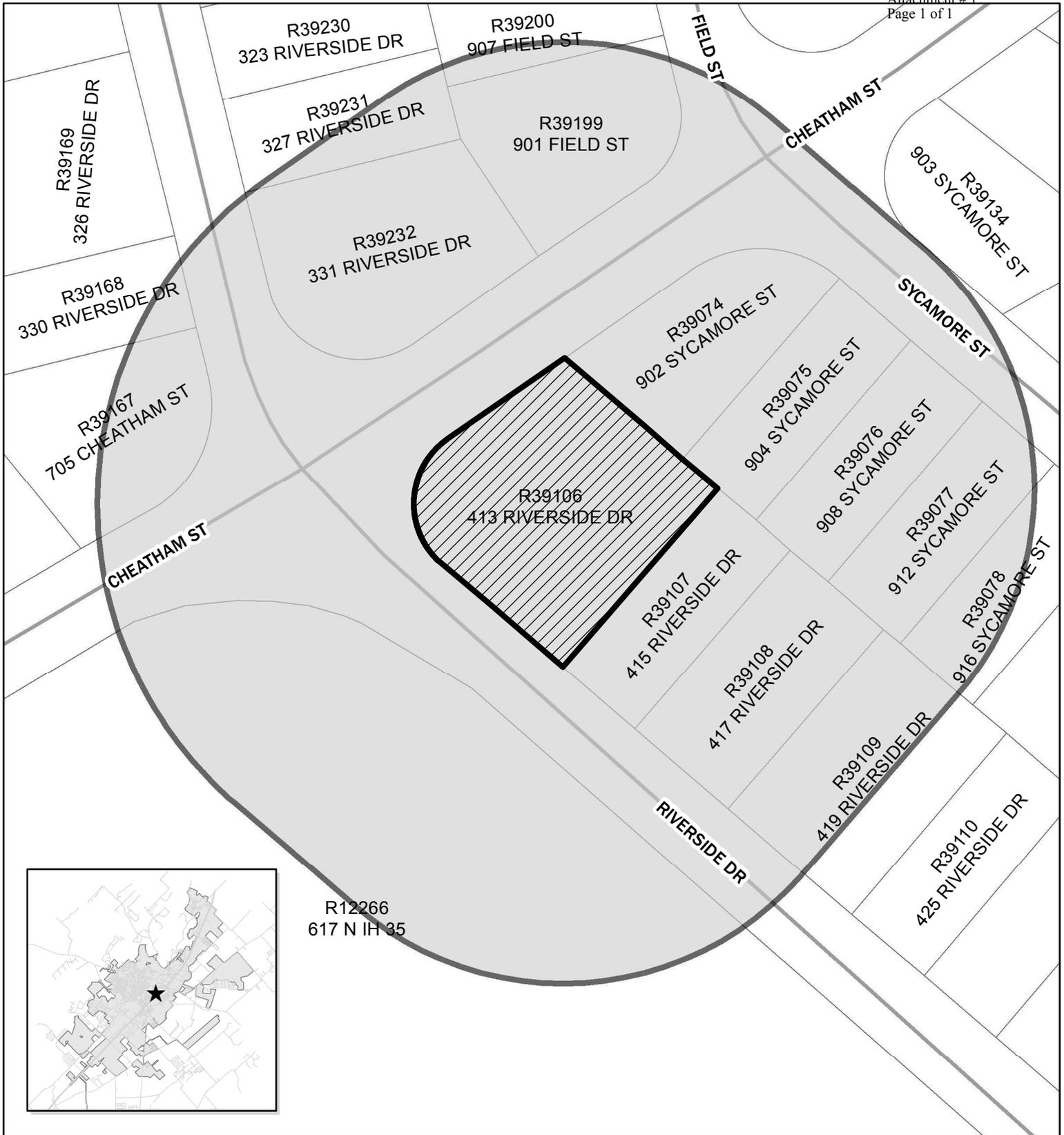
BACKGROUND:

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.

On 4/23 the Planning and Zoning Commission voted to postpone the project until the 5/14 meeting so the applicant could work on an agreement with surrounding neighbors.

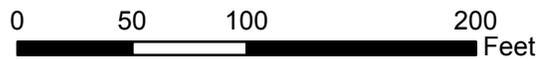
ATTACHMENTS:

Case Map
Staff Report
Site Plan
Aerial
Landscaping Photo
Fence Location Photo
CUP Application
Director's Interpretation
Opposition Letters



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

-  Site Location
-  Notification Area (200 feet)



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 vendors in a Mixed Use Zone

Notification: Public hearing notification was mailed on April 12, 2013 and May 3, 2013

Response: Seven written responses in opposition. They are included in the packet.

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 1 compact parking space. 4 of these parking spaces are accessible from Riverside Drive and the other 7 are accessible from Cheatham Street.

This case was brought before the Commission on April 23, 2013 when a number of citizens spoke against this project. Wanting clarification on trash mitigation, noise, and the location of trailers, the Commission voted to postpone this case until the meeting on May 14, 2013.

The applicant has since changed the site plan to include an 8 foot privacy fence along the northeast property line and moved the trailer closest to 902 Sycamore Street. The site plan also has notes stating that all grease will be disposed of by City of San Marcos standards, that each trailer shall have its own 30 gallon trash can which will be disposed of offsite daily, and that onsite lighting will remain. The site also has newly planted vegetation along Cheatham Street and Riverside Drive that will keep trash from blowing off of the site.

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:

Tory Carpenter	Planning Technician	May 2, 2013
Name	Title	Date

The Commission's Responsibility:

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

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

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

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

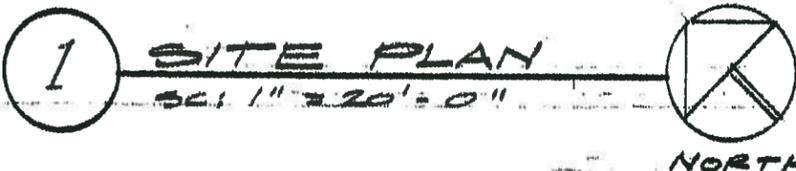
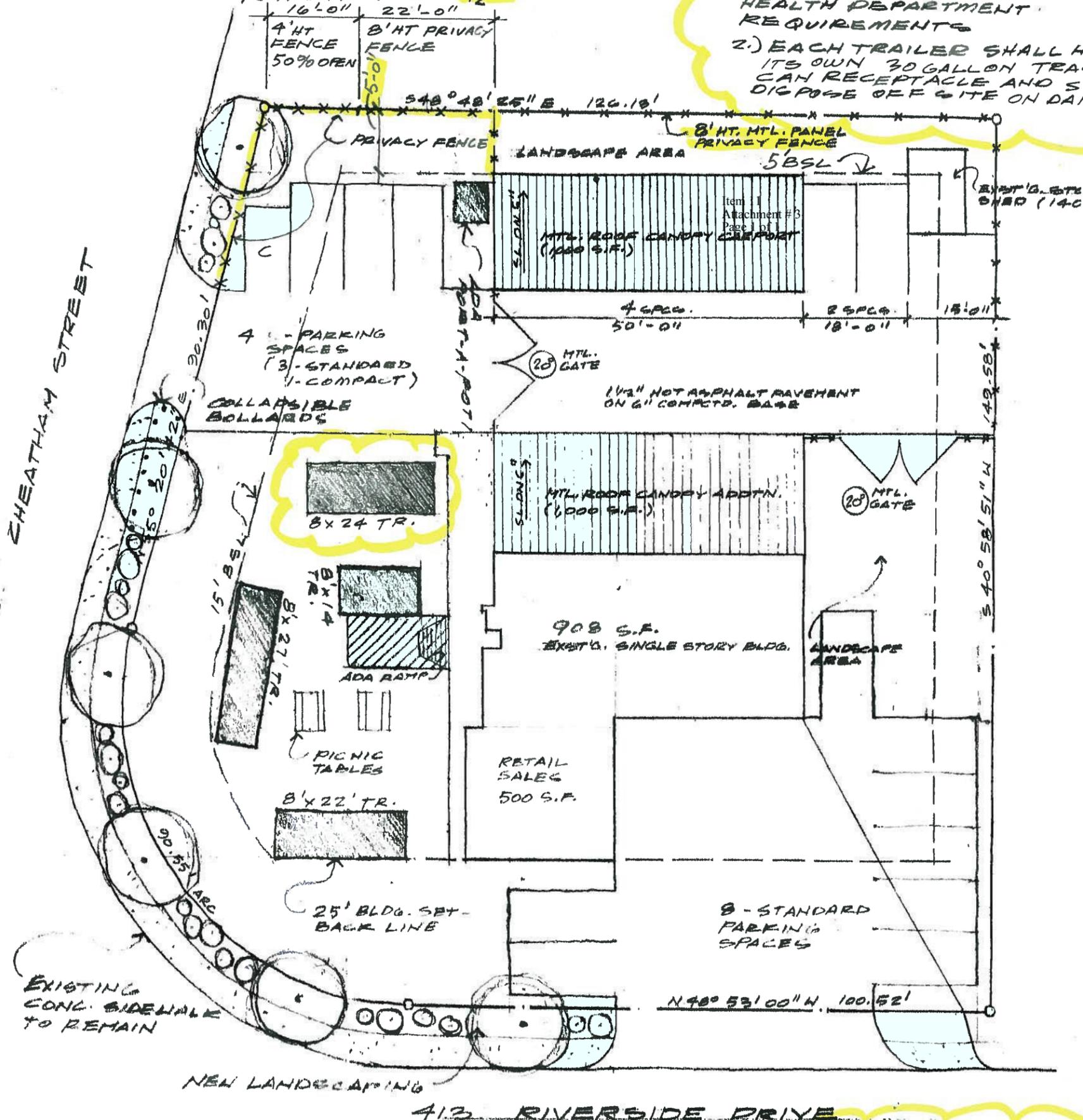
RIO VISTA TRAILER FOOD COURT

PARKING SYNOPSIS

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

NOTES :

- 1) EACH TRAILER SHALL HAVE ITS OWN INTEGRAL GREASE TRAP AND SHALL DISPOSE WASTE OFF SITE PER C.O.S.M. HEALTH DEPARTMENT REQUIREMENTS
- 2) EACH TRAILER SHALL HAVE ITS OWN 30 GALLON TRASH CAN RECEPTACLE AND SHALL DISPOSE OFF SITE ON DAILY BASIS.



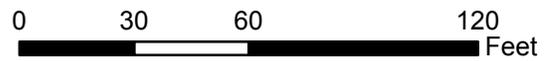
- ### NOTES (CONT'D) :
- 3) ELECTRICAL SITE LIGHTING IS EXST'G. TO REMAIN

1 SITE PLAN
SCALE 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)



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.





09/12



Conditional Use Permit Application Checklist: GENERAL

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

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

Signed: 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

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

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 

*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



PLANNING COMMISSION COMMENT SHEET

Regular Meeting Date: 4-23-13

PUBLIC HEARING SIGN UP SHEET

"Please **PRINT** all information."

Name: Pessy Stone Telephone: 512-396-3512

Address: 314 Riverside Dr., San Marcos, TX 78666

e-mail address: pessy.stone@grandecom.net

Circle one: written or oral comments

PUBLIC HEARING ITEM # (8)

CITIZENS WHO WISH TO MAKE WRITTEN COMMENTS SHOULD COMPLETE THE WRITTEN COMMENTS PORTION:

My concern is to maintain the integrity of the Riverside neighborhood. There is already a restaurant on the corner that draws outside traffic into the area. A food court will increase traffic and noise. A quiet area to sit and enjoy a meal would be nice. But people are noisy and not always mindful of the environment. If there is to be a Food Court it must not be allowed to encroach on the neighborhood. Put up a fence to retain blowing trash; keep music low enough to be heard only by the patrons; close the Food Court at dusk so that no extra lighting will be necessary; have the city sweep the streets and sidewalks once a week to remove trash dropped by patrons leaving the property with food containers; empty post-a-potties often. No generators.

CITIZENS WHO WISH TO MAKE ORAL COMMENTS:

1. MUST SIGN UP TO SPEAK. ONE MUST SIGN UP TO SPEAK ON THE DAY OF THE MEETING DURING REGULAR BUSINESS HOURS (8:00 A.M -5:00 P.M.) AT THE DEVELOPMENT SERVICES-PLANNING OFFICE OR FROM 5:00 – 5:45 IN COUNCIL CHAMBERS;
2. WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. MUST OBSERVE THE 3-MINUTE TIME LIMIT.

(Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Planning Commission consideration.)

OFFICE USE ONLY:
(# in which received)

11:55 am

4/22/13

[Signature]

Planning & Zoning Commission:

My name is Ana M. Mendez. I have been a resident of 1114 Field St. Rio Vista since 1972. With all respect I feel this proposed business is wrong for our neighborhood.

I feel its very wrong in all accounts for Mrs. Cobb who lives right across on Riverside. She has to put up with all noises etc. that trailers entail.

As residents of Rio Vista we have been here before because of other businesses encroachment into our neighborhood.

Yes, I realize that Seals is commercial property, but none the less I feel its wrong. Maybe Mr. Seal can put 1-2 trailers in front of ~~his~~ his building facing the river like Herberts etc.

Also there has to be a buffer between Seals and the residents and ^{the} plants being put there are not enough.

There is just not enough room for everything in small areas. Its all just too much with the traffic, the roundabout, walking traffic etc.

Thank you very much,

Respectfully

Ana M. Mendez

Dear Planning Zoning Com.

4-22-13

My name is MaryAnne Guerrero Kolb
I have lived at 331 Riverside Dr.
since 1945. I also own the properties
at 330 & 327 Riverside Dr. I love
my neighborhood. Over the years ~~there~~ I
have seen many changes. In my
opinion some have been good and
some not so good.

I am addressing the establishment
of a food truck court in my
neighborhood. Yes, this is a neighborhood.
When I walk out my front door or
out in my patio I will be
looking at food trucks with
lots of trash and strangers hanging
around. "Would you welcome this
in your neighborhood?"

Who is going to police these trucks.
It is a disposable business meaning
they use disposable materials, paper plates,
styrofoam boxes and cups, wrapping paper,
paper bags. I see all this mess being
in my yard, in the street, in the
river. It is a problem now just
from the river traffic. Almost daily I
have to pick up trash along my
fence line. This is going to bring more.

Also there has been a problem with several cats who were feeding off the River Pub. Since they closed for construction they have disappeared. His business will bring them back when food is thrown around. I am hoping when they ^{pub} reopens they will be better at covering their trash. I work very hard at keeping my yard neat and tidy as I ~~am~~ proud of my neighborhood and I want to see it kept clean and safe.

What kind of rules will you implement to assure me and my neighbors that:

- 1) trash will be kept in their area
- 2) Noise/music will be kept at a level where I don't hear it.
- 3) patrons will not dump their trash in our yards.
- 4)

This is my home. My rights need to be respected. I do not wish to have those trailers thank you at my back door! (Signature)

April 23, 2013

8, Cup 13-07 Rio Vista
Food Trailer Court

I understand Mr. Leal is
trying to put too many
Food Food trailers courts &
parking in the corner of
Riverside & Cheathan streets.

That intersaction is a very
busy and people are going
to be walking from the
river to that place and
there are no side walks

Laudalipe Vazquez

Agenda Information

AGENDA CAPTION:

CUP-13-12 (The Rooftop on the Square) Hold a public hearing and consider a request by Brandon Cash, on behalf of The Rooftop on the Square, for renewal of an existing Restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 126 South Guadalupe.

Meeting date: May 14, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

BACKGROUND:

The Rooftop on the Square is an adaptive reuse of an abandoned car detail facility which opened in May 2012. The applicant wishes to renew the existing restricted conditional use permit for this business to continue to serve mixed beverages for on premise consumption. The establishment contains 48 indoor and 80 outdoor fixed seats and the gross floor area is approximately 5,000 square feet. The hours of operation are 11 am – 2 am. No off-street parking is required due to the location within the CBA.

Since the renewal on February 26, 2013 the Police and Code Enforcement Departments have reported no violations to the specific requirements of the CUP.

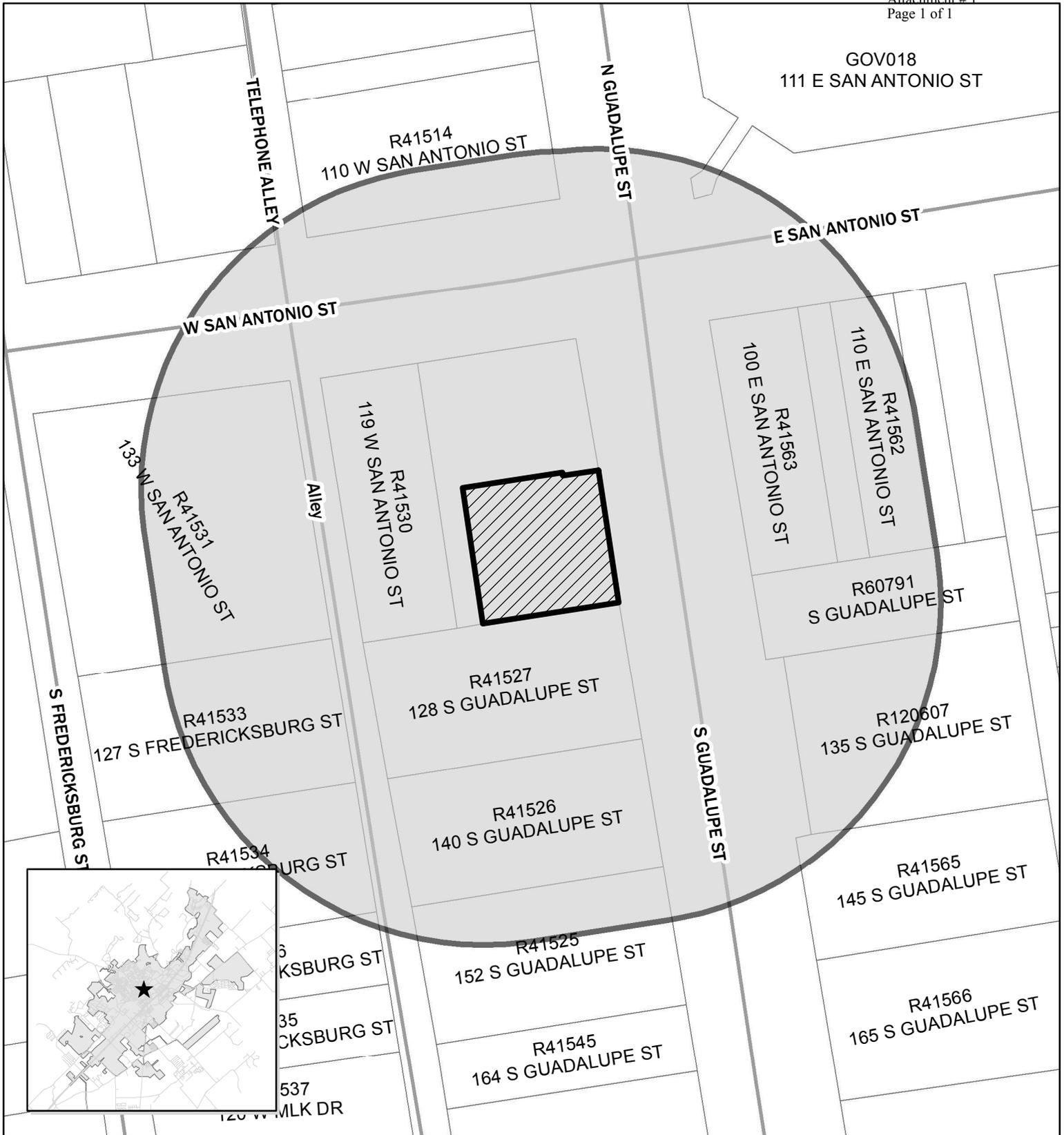
The Police Department did, however, obtain a video of the establishment facing indoor speakers to the exterior of the building while the doors were open. Chair Taylor stated at the Planning and Zoning Commission meeting on February 26th that while this was not a violation of the condition for outdoor speakers they would be disappointed if that occurred.

In order to continue to monitor the establishment, staff recommends a short-term (6 month or 1 year) approval.

ATTACHMENTS:

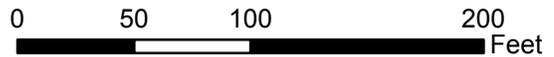
Map
Staff Report

Letter
Application
Elevations
Floor Plans
Exhibit A
Menu



CUP-13-12
Rooftop on the Square
126 S Guadalupe Street
Map Date: 4/29/2013

-  Site Location
-  Notification Area (200 feet)



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-13-12

Conditional Use Permit Renewal

The Rooftop on the Square

126 S. Guadalupe



Applicant Information:

Applicant: Brandon Cash

Mailing Address: 126 S. Guadalupe
San Marcos, TX 78666

Property Owner: Same

Applicant Request: Renewal of an existing Restricted Conditional Use Permit allowing mixed-beverages at 126 S. Guadalupe.

Public Hearing Notice: Public hearing notification was mailed on May 3, 2013.

Response: None as of the date of this report.

Subject Property:

Location: 126 S. Guadalupe

Legal Description: Original Town of San Marcos, Block 12, Lot 4A, 0.166 acres.

Frontage On: S. Guadalupe

Neighborhood: Downtown

Existing Zoning: "T-5" – Urban Center

Sector: Sector 8

Utilities: Sufficient

Existing Use of Property: Restaurant

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	T-5	Commercial
S of property	T-5	Commercial
E of property	T-5	Commercial
W of property	T-5	Commercial

Code Requirements:

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

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

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2). Mr. Cash has requested a Restricted Conditional Use Permit, to be known as a Restaurant Permit, which requires that the business must comply with the following standards at all times. (Section 4.3.4.2):

- a) Restaurant permits are valid for three years from the date of issuance. Each business holding a restaurant permit must apply for an obtain a renewal permit every three years.
- b) A business holding a restaurant permit must become operational and open to the public within one year of issuance or the permit shall expire.
- c) The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.
- d) The business must apply for, obtain and maintain a food establishment permit in accordance with chapter 18 of the City Code.
- e) The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.
- f) The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.

Planning Department Analysis:

The Rooftop on the Square is an adaptive reuse of an abandoned car detail facility which opened in May 2012. The applicant wishes to renew the existing restricted conditional use permit for this business to continue to serve mixed beverages for on premise consumption. The establishment contains 48 indoor and 80 outdoor fixed seats and the gross floor area is approximately 5,000 square feet. The hours of operation are 5pm-1am Monday-Wednesday, 5pm-2am Thursday and 4pm-2am Friday-Saturday. No off-street parking is required due to the location within the CBA.

The following is a summary of the history of events surrounding this establishment:

February 28, 2012: Restricted Conditional Use Permit approved for 1 year with conditions
1) Subject to points system; 2) no live music; 3) no outside loud speakers

June 15, 2012: Enforcement letter delivered – not in compliance with restaurant requirements of CUP
• Certificate of Occupancy Revoked in the afternoon

June 15, 2012: Fire Department citation for operating without a Certificate of Occupancy in the evening

June 19, 2012: Establishment showed proof of meeting restaurant requirements
• Certificate of Occupancy reinstated and establishment was allowed to reopen

January 12, 2013: Violation of Sec.4.3.4.2(b)3.k. Knowingly serving alcoholic beverages to clients who are intoxicated (*2 points were issued for this violation*)

February 26, 2013: Restricted Conditional Use Permit approved for three months with conditions
1) Subject to points system; 2) subject to all requirements of Section 4.3.4.2 of the Land Development Code; 3) no live music; 4) No speakers in the outdoor and patio areas highlighted in Exhibit A

April 26, 2013: Violation of Sec.4.3.4.2(b)3.k. Knowingly serving alcoholic beverages to clients who are intoxicated (*2 points were issued for this violation*)

The establishment has been notified of the additional points which have been issued for knowingly serving to an intoxicated person. A total of four (4) points have been issued to the establishment this year. Additionally, while not a violation of the CUP, the Police Department obtained a video of the establishment’s indoor speakers facing the exterior of the building while the doors open. Chair Taylor stated at the Planning and Zoning Commission meeting on February 26th that while this was not a violation of the condition for outdoor speakers he would be disappointed if that occurred.

Staff recommendation: approval of the Restricted Conditional Use Permit for 6 months in order to continue monitoring the establishment, subject to the point system, all requirements of Section 4.3.4.2, no live music and no speakers in the outdoor patio areas highlighted in Exhibit A.

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

Prepared by: Amanda Hernandez, AICP	Senior Planner	5/7/2013
Name	Title	Date

Commission's Responsibility:

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

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

- is consistent with the policies of the Comprehensive 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.



DEVELOPMENT SERVICES-PLANNING

5/7/2013

Mr. Brandon Cash
126 South Guadalupe
San Marcos, TX 78666

Re: Violations for CUP-13-12 (Rooftop on the Square)

Dear Mr. Cash:

Your establishment Rooftop on the Square has been found to be in violation of City Codes pertaining to Conditional Use Permits for On-Site Alcoholic Beverage Consumption (Section 4.3.4.2). I am writing to inform you that points have been issued for violation of the Code.

Current Violations:

Violation regarding serving to an intoxicated client: On April 26, 2013, the San Marcos Police Department found this establishment to be in direct violation of Section 4.3.4.2(b)3.k. stating that "establishments are prohibited from knowingly serving alcoholic beverages to clients who are intoxicated". (Incident # 13-28983)

Violation of this section of the City's Code of Ordinances results in the issuance of 2 points on the establishment.

If the permit holder disagrees with the assessment, a written appeal may be filed with the Director of Planning and Development Services within 15 calendar days of receipt of this notice.

Previous Violations:

Violation regarding serving to an intoxicated client: On January 12, 2013, the San Marcos Police Department found this establishment to be in direct violation of Section 4.3.4.2(b)3.k. stating that "establishments are prohibited from knowingly serving alcoholic beverages to clients who are intoxicated". (Incident # 13-2490)

Violation of this section of the City's Code of Ordinances resulted in the issuance of 2 points on the establishment.

To date, the above referenced establishment has been issued a **total of four (4) points**. Please be advised that an accrual of six (6) points during an 18 month consecutive period could result in a revocation hearing for the Conditional Use Permit.

If you have any questions, you may contact me directly at (512) 393-8248.

Sincerely,

Amanda Hernandez, AICP
Senior Planner, Development Services

RECEIVED
MAR 22 2013

09/12



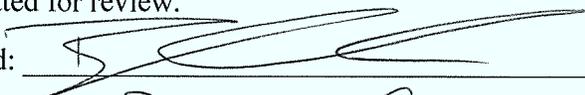
Restricted ~~By~~ Unrestricted

**Conditional Use Permit Application Checklist
For Businesses within the Central Business Area**

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

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

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

Signed:  Date: 3/22/13
Print Name: BRANDON CASH

Engineer Surveyor Architect/Planner Owner Agent: _____

09/12

CUP- 13-12

City of San Marcos
RESTRICTED OR UNRESTRICTED
CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
for Businesses within the Central Business Area Zoning District

LICENSE INFORMATION

Trade Name of Business: THE ROOFTOP ON THE SQUARE

Application is filed by: Individual Partnership Corporation Other: LLC

Name of Individual or Entity: BRANDON CASH Phone Number: (512) 296-8211

Mailing Address: 126 S. GUADALUPE SAN MARCOS, TX 78666

Email Address: ROOFTOPSQUARE@GMAIL.COM

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

PROPERTY

Street Address: 126 S. GUADALUPE SAN MARCOS, TX 78666

Legal Description: Lot _____ Block _____ Subdivision _____

Tax ID Number: R 1341855

Property Owner's Name: BRANDON CASH Phone Number: (512) 296-8211

Address: 126 S. GUADALUPE SAN MARCOS 78666

BUSINESS DETAILS

Primary Business Use: Restaurant (Restricted) Bar (Unrestricted) Other: _____

Hours of Operation: TH: 5PM - 2AM / FRI - SAT: 4PM - 2AM / SUN: 12PM - 1AM / Mon - WEDS: 5PM - 1AM

Type of Entertainment Facilities: RESTAURANT / BAR

Indoor Fixed Seats: 40 Outdoor Fixed Seats: 60

Gross Floor Area Including Outdoor Above-ground Decks: 5500 Square Feet

Number of Off-Street Parking Spaces Provided: 0

Located more than 300 feet from churches, public schools, hospitals, low density residential? Yes No

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

09/12

CUP PERMIT HISTORY *Check all that apply*

New request, no existing TABC CUP Permit at this location

Change to existing TABC Permit. Nature of Change: _____

Renewal

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

Change in name of existing business at this location

SUBMITTAL REQUIREMENTS

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

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

I am the property owner of record; or

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



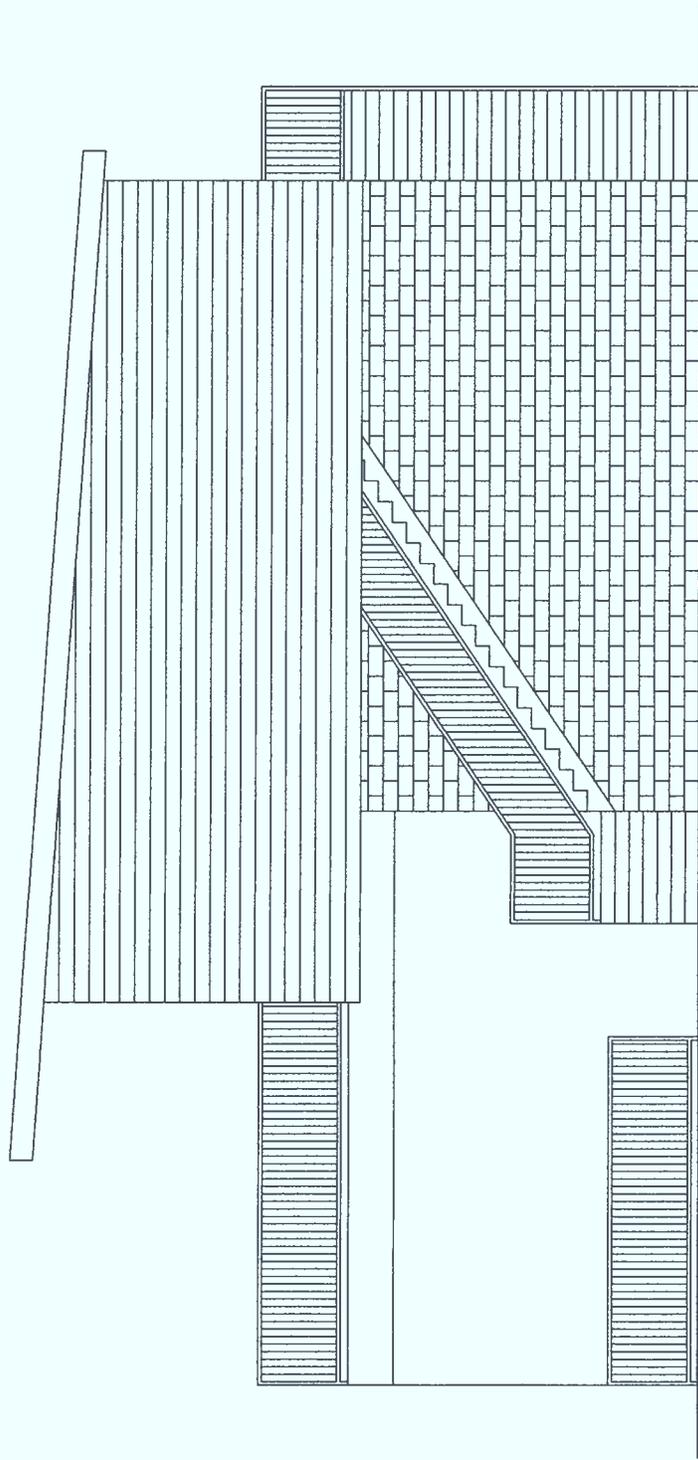
Applicant's Signature

Printed Name: BRANDON CASH **Date:** 3/22/13

To be completed by Staff:

Meeting Date: 5-14 Application Deadline: 4-1

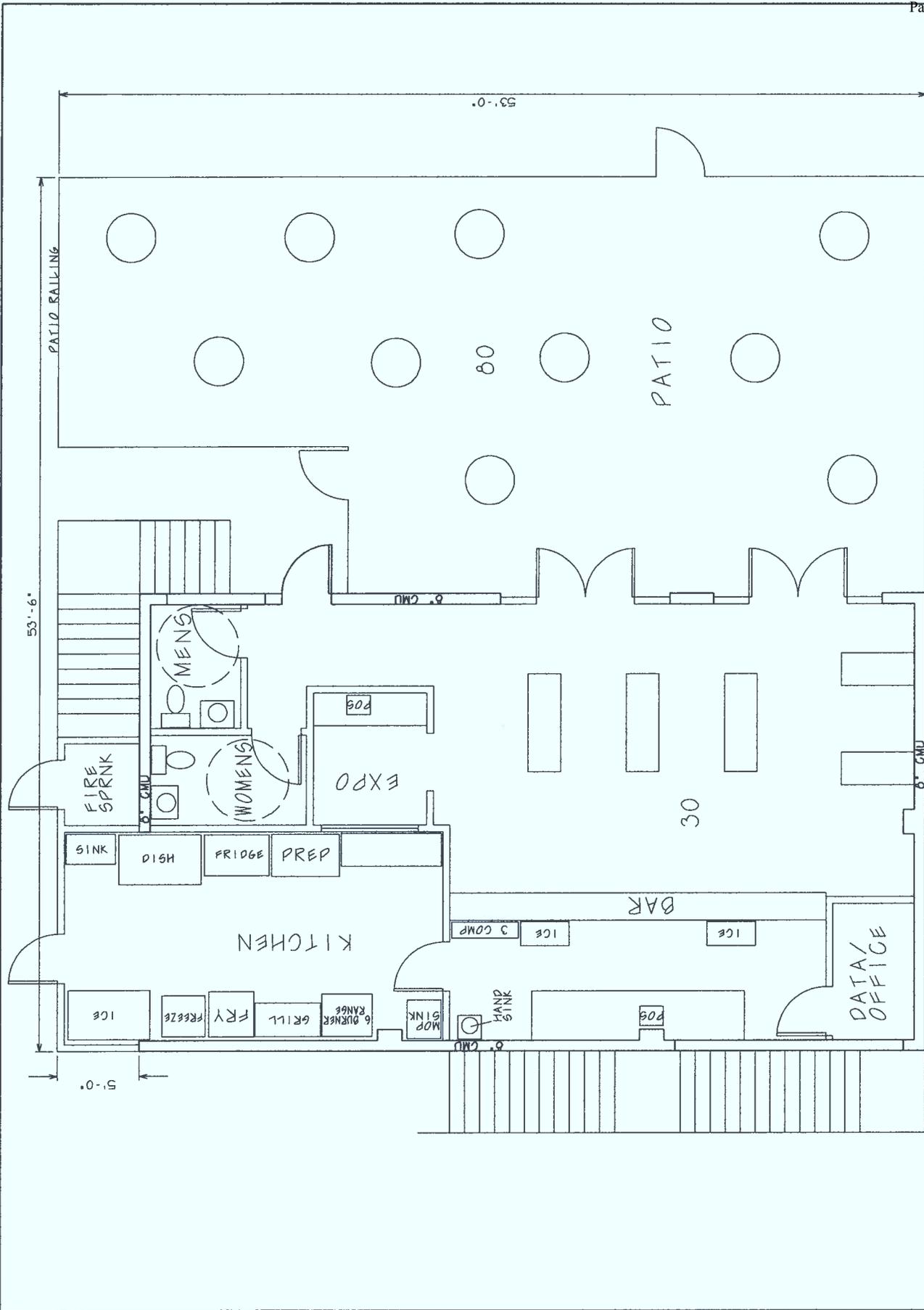
Accepted By: Tory C. Date: 3-22-13



PROJECT: THE ROOFTOP ON THE SQUARE
SCALE: 1/8" = 1'-0"
DRAWING: SOUTH ELEVATION
SHEET: A-107

ADDRESS: 126 S. GUADALUPE
SAN MARCOS, TX 78666
CONTRACTOR:
OWNERS:

NOTES:

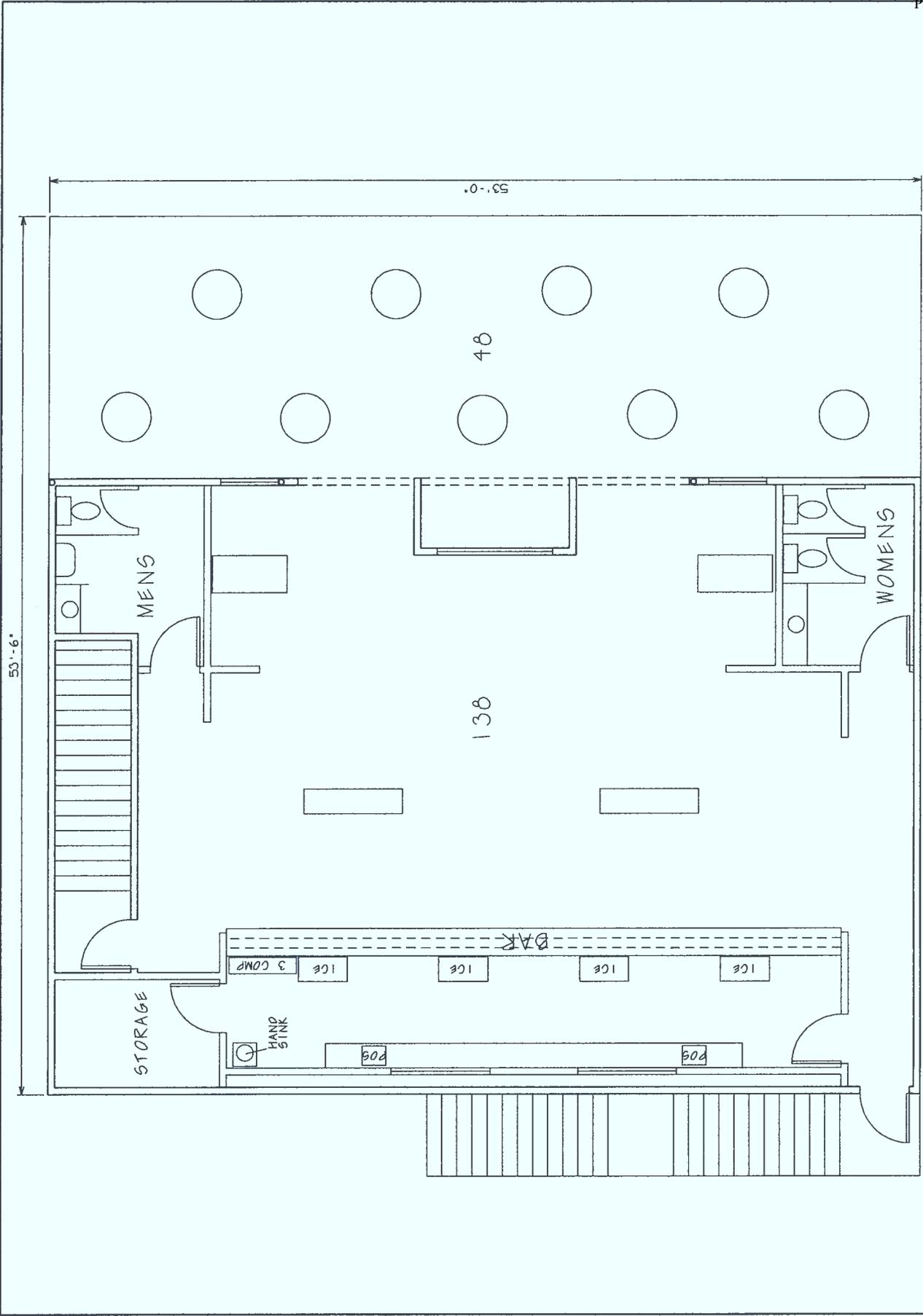


PROJECT: THE ROOFTOP ON THE SQUARE
 SCALE: 1/8" = 1'-0"
 DRAWING: FIRST FLOORPLAN
 SHEET: A-103

ADDRESS: 126 S. GUADALUPE
 SAN MARCOS, TX 78666

CONTRACTOR:
 OWNERS:

NOTES:



NOTES:

ADDRESS: 126 S. GUADALUPE
SAN MARCOS, TX 78666

CONTRACTOR:

OWNERS:

PROJECT: THE ROOFTOP ON THE SQUARE

SCALE: 1/8" = 1'-0"

DRAWING: SECOND FLOORPLAN

SHEET: A-104

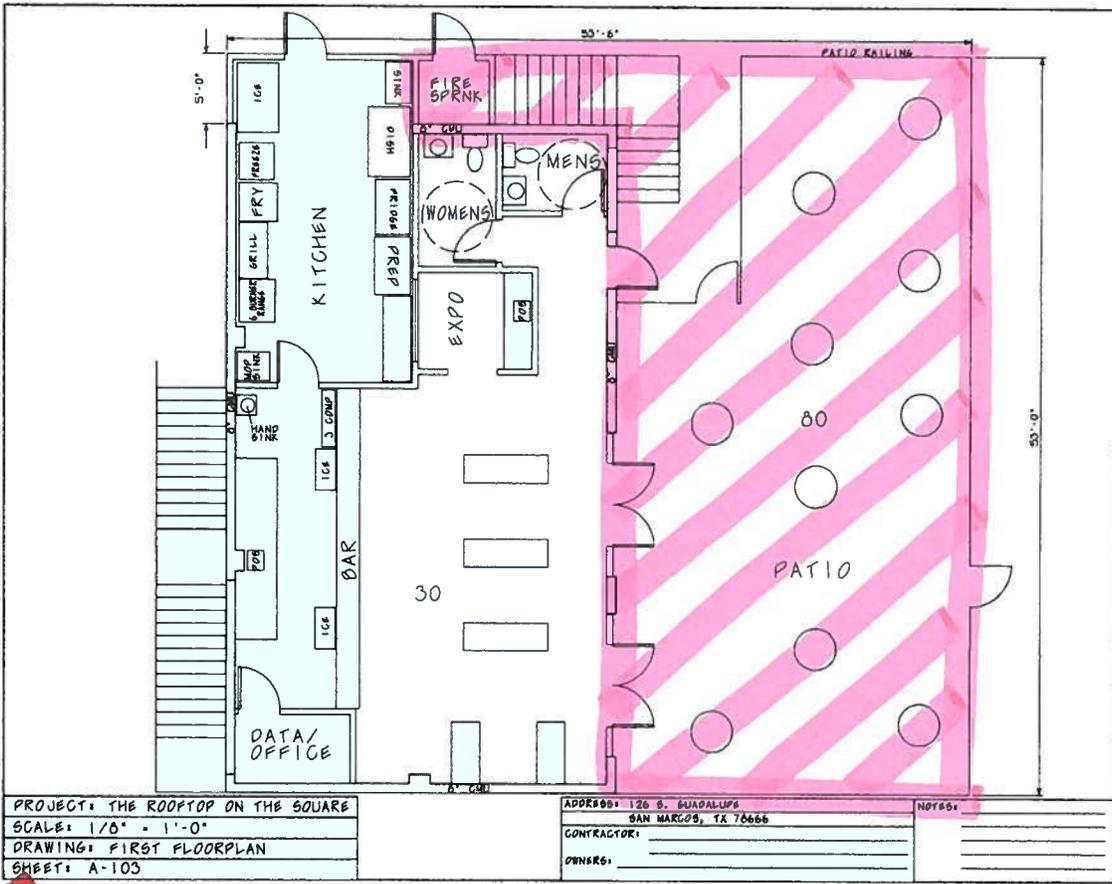
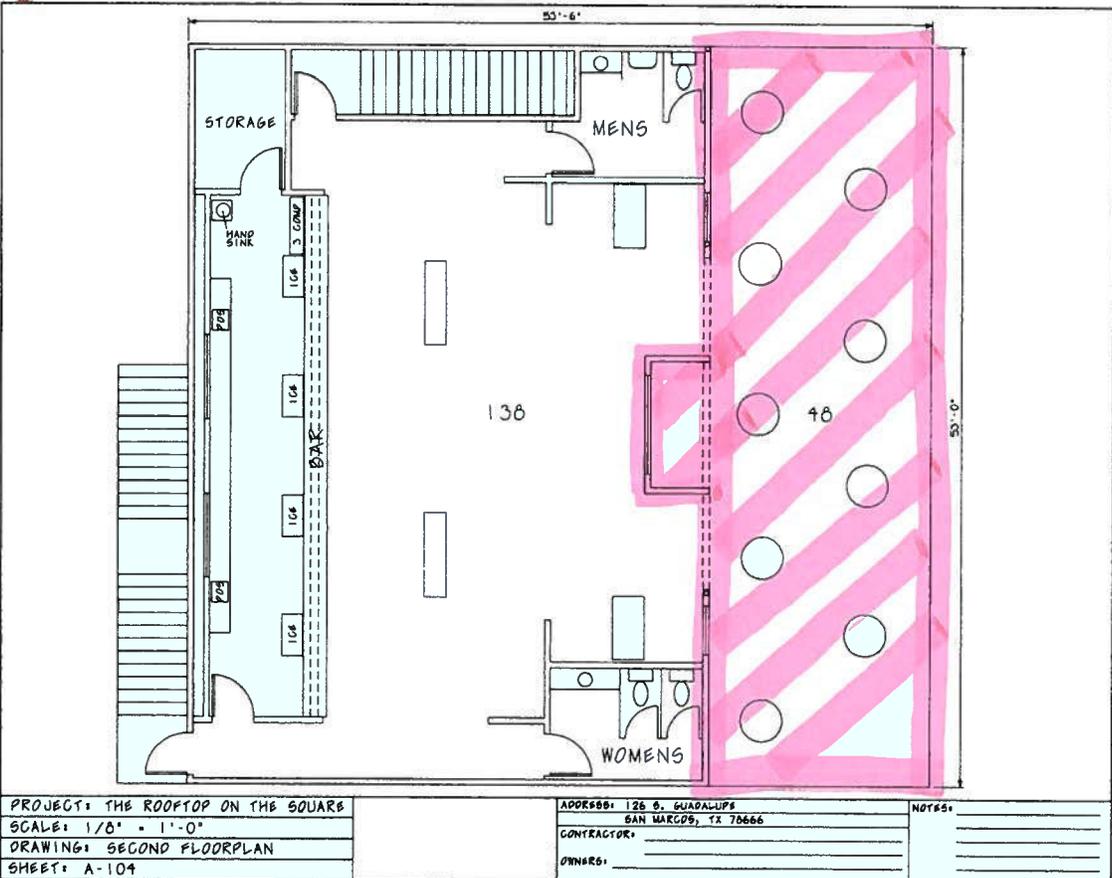


EXHIBIT A

 **PROHIBITED AREA**



The ROOFTOP

starters

chips & salsa HOMEMADE TORTILLA CHIPS + HANDMADE SALSA

kaboom queso SECRET SPIN ON A FAMILIAR ITEM

+ BORING QUESO...

+ ADD SIDE OF GUAC...

crab cake bites MINI CAKES WITH REMOULADE SAUCE

fried pickles THICK PICKLE CHIPS BREADED AND FRIED + JALAPENO RANCH

sandwiches & tacos

Choose to add on any of our sides for only...

burger // FRESH ANGUS PATTY, OPEN FACED WITH LETTUCE,
TOMATO, RED ONION, AND PICKLE

+ CHEDDAR, SWISS, PEPPER JACK, BACON OR GRILLED ONIONS FOR...

chicken sandwich // FRESH CHICKEN BREAST GRILLED OR BLACK-
ENED, SERVED OPEN FACED WITH LETTUCE, TOMATO AND PICKLE. YOUR
CHOICE OF BUN.

southwest chicken sandwich // FRESH CHICKEN BREAST GRILLED
OR BLACKENED, SLICED AVOCADO, SWISS CHEESE, FRESH PICO. OPEN
FACED WITH LETTUCE, TOMATO AND PICKLE.

tacos // FRESH MARINATED FAJITA MEATS, GRILLED ONIONS, PEPPERS,
FRESH PICO AND JACK CHEESES.

meat // CHICKEN | STEAK

fish // GRILLED TILAPIA | BLACKENED AHI

FISH WITH CITRUS SLAW AND JALAPEÑO RANCH

salads

caesar // FRESH ROMAINE HEARTS | PARMESEAN CHEESE | CROUTONS
| CLASSIC CAESAR DRESSING. + CHICKEN

house salad // SPINACH | CANDIED PECANS | CRUMBLLED FETA
CHEESE | RED ONION | RASPBERRY VINAIGRETTE + CHICKEN

sides

FRIES | SWEET POTATO FRIES | SIDE SALAD | SEASONAL VEGGIES

SAN MARCOS

Agenda Information

AGENDA CAPTION:

CUP-13-13 (216 North Street) Hold a public hearing and consider a request by Chase Katz, on behalf of North Street Development Inc., for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 216 North Street.

Meeting date: May 14, 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:

The Conditional Use Permit request is for the sale of beer and wine at 216 North Street, a former small engine repair business that adjoins the Zelicks property in a SmartCode T-5 zoning district. The applicant, Chase Katz, plans a casual eatery with a food trailer serving as the kitchen. A large outdoor patio space will seat approximately 40 people and a small indoor lounge area will seat approximately 20 people.

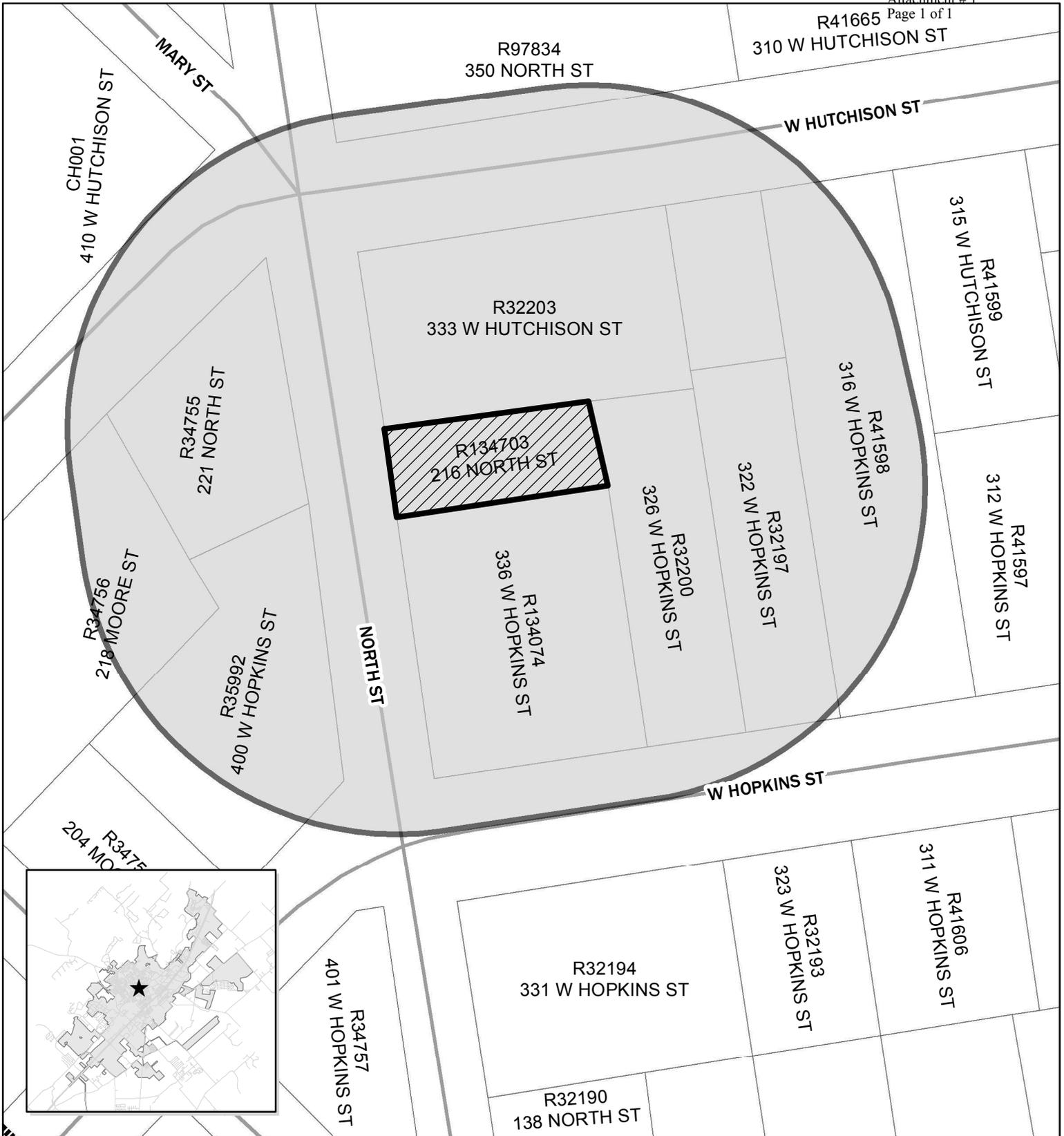
The hours of operation are limited: Tuesday – Wednesday 11 a.m. to 12 midnight and Thursday – Saturday 11:00 a.m. to 1:00 a.m. No entertainment facilities are shown on the site plan and the applicant has stated there would be outdoor speakers with a restaurant atmosphere in mind. There is no access to the rear yard. The interior layout may change – the applicant has stated all further work including design and financing is contingent upon receiving the Conditional Use Permit.

The site work would include streetscape improvements along North Street that meet SmartCode standards. Parking will be provided in the existing Zelicks parking lot.

Staff finds the proposed use consistent with the SmartCode T-5 zoning district and recommends approval with some conditions to mitigate any potential impact from additional noise and traffic.

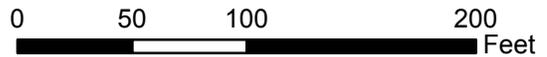
ATTACHMENTS:

Case Map
Staff Report
Site Plan
Site Plan - Detail
Application



CUP-13-13
North Street Development
216 North St
Map Date: 4/29/2013

-  Site Location
-  Notification Area ● (200 feet)



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-13-13

Conditional Use Permit

North Street Development, Inc.

216 North Street



Applicant Information:

Applicant: Chase Katz
North Street Development, Inc.
216 North Street
San Marcos, TX 78666

Property Owner: Katz Development LLC
1205 Pin Oak Drive
Dickinson, TX 77539

Applicant Request: Conditional Use Permit (CUP) to allow the sale and on-premise consumption of beer and wine in a SmartCode T5 - Urban Center zoning district.

Public Hearing Notice: Public hearing notification was mailed on May 3, 2013

Response: None to date

Subject Property:

Location: 216 North Street

Legal Description: D.P. Hopkins #1, Block 3, Lot 1A - .169 acres

Frontage On: North Street

Neighborhood: Downtown

Existing Zoning: T5- Urban Center

Utilities: Sufficient

Existing Use of Property: Vacant

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	T5- Urban Center	Residential
S of property	T5- Urban Center	Commercial
E of property	T5- Urban Center	Bed and Breakfast
W of property	T5- Urban Center	Office/Commercial

Code Requirements:

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

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

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2). This location is outside the Central Business Area and not subject to the additional restrictions with the CBA.

Case Summary:

The subject property is located on the east side of North Street between Hopkins and Hutchison and is within the SmartCode T-5 zoning district boundary. Currently vacant, the structure was previously occupied by a small engine repair business. It adjoins Zelicks and is surrounded by a variety of uses including residential, commercial and the Crystal River Inn Bed and Breakfast. The residential units on North Street are owned by the sister LLC of the applicant.

The applicant is proposing a renovation of the existing 900 square foot building into a bar/lounge area with restrooms and the addition of a 1400 square foot outdoor patio with space for a food trailer to be parked on-site. Occupancy is shown as +/- 20 in the lounge area and +/- 40 in the patio area. The concept is for a casual restaurant atmosphere with the following hours of operation: Tuesday – Wednesday 11 a.m. to 12 midnight and Thursday – Saturday 11:00 a.m. to 1:00 a.m. No entertainment facilities are shown on the site plan and the applicant has stated there would be outdoor speakers with a restaurant atmosphere in mind. There is no access to the rear yard. The interior layout may change – the applicant has stated all further work including design and financing is contingent upon receiving the Conditional Use Permit.

The TABC application is for a beer and wine retailers permit only – there will be no mixed beverages sold. The food trailer will be run by the applicant and the menu has not yet been established.

The site work would include streetscape improvements along North Street that meet SmartCode standards. There is no off-street parking provided. Retail spaces (restaurant is categorized as retail) less than 1500 square foot in T-5 zoning districts are not required to provide parking. However, if the patio space is enclosed, it is considered part of the building footprint for occupancy purposes. Exact parking requirements will be determined at the time of submittal of site and building plans. The applicant has stated parking will be provided in the adjoining lot at Zelicks; off-site parking is permitted by the SmartCode.

Comments from Other Departments:

There were no comments from the Fire or Health departments at this time. Police reported they have responded to 14 noise complaints at Zelicks since May of 2012, the most recent of which was on April 7, 2013. All but two have been reported by the same complainant. The reviewer stated, "Expanding this establishment will likely aggravate the noise issues which still have not been resolved."

Commission's Responsibility:

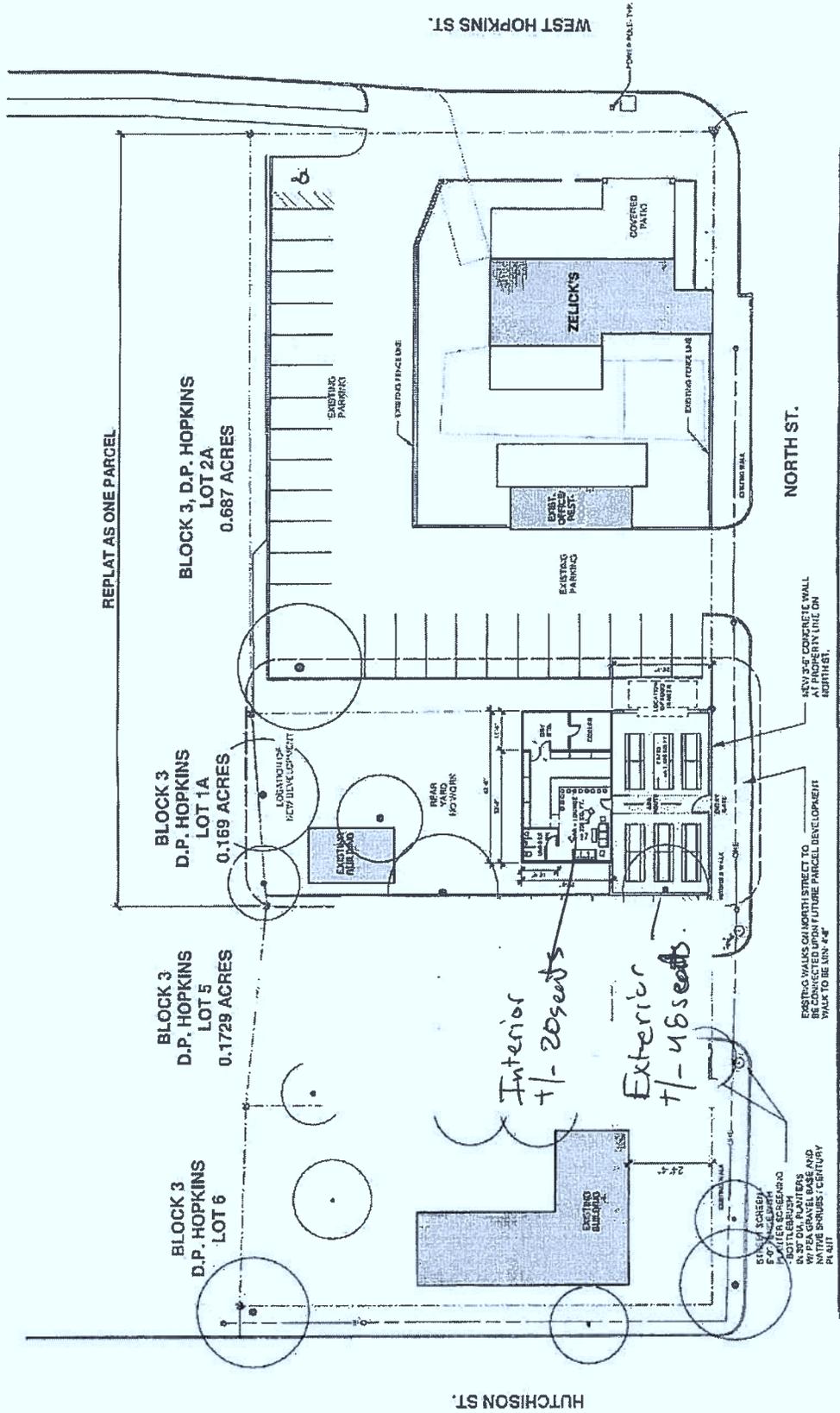
The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may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

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

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

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

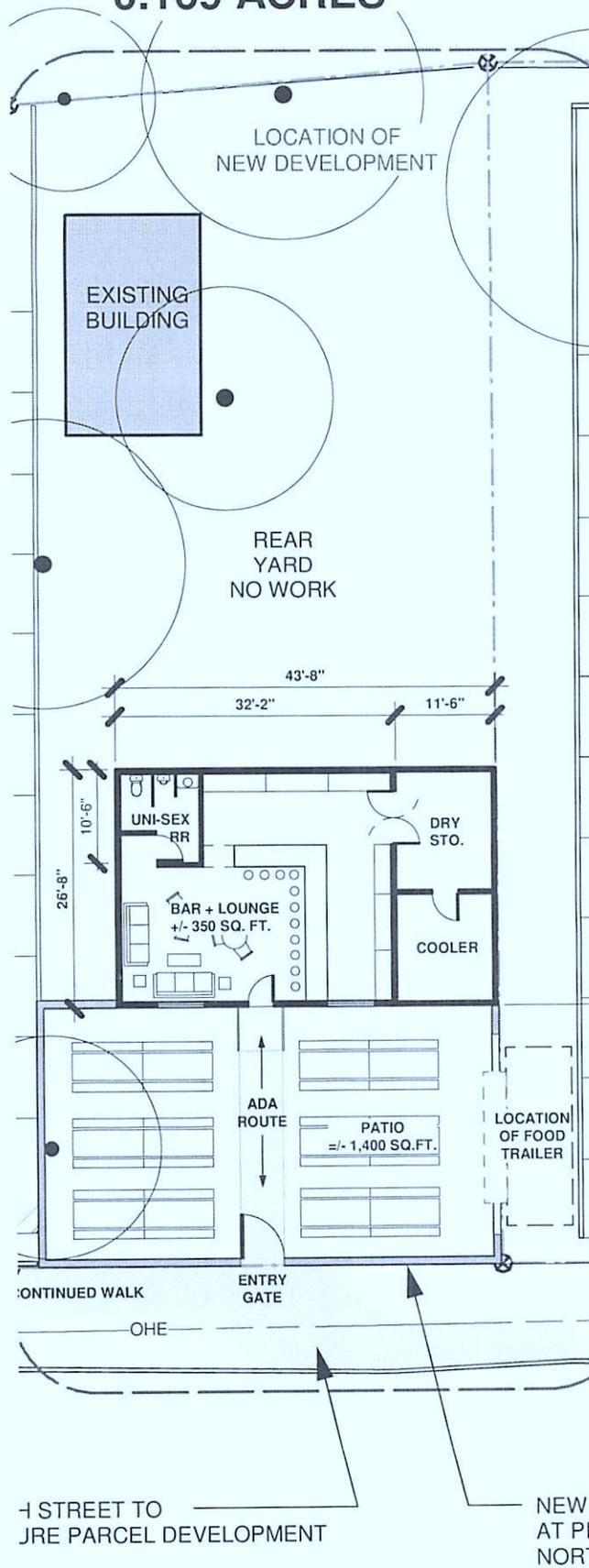
Zelicko
 WITH ALL NECESSARY PERMITS, THE
 CONTRACTOR SHALL BE RESPONSIBLE FOR
 OBTAINING ALL NECESSARY PERMITS.
 DATE: 11/11/11
 PROJECT NO.: 11-001
 SHEET NO.: 11-001



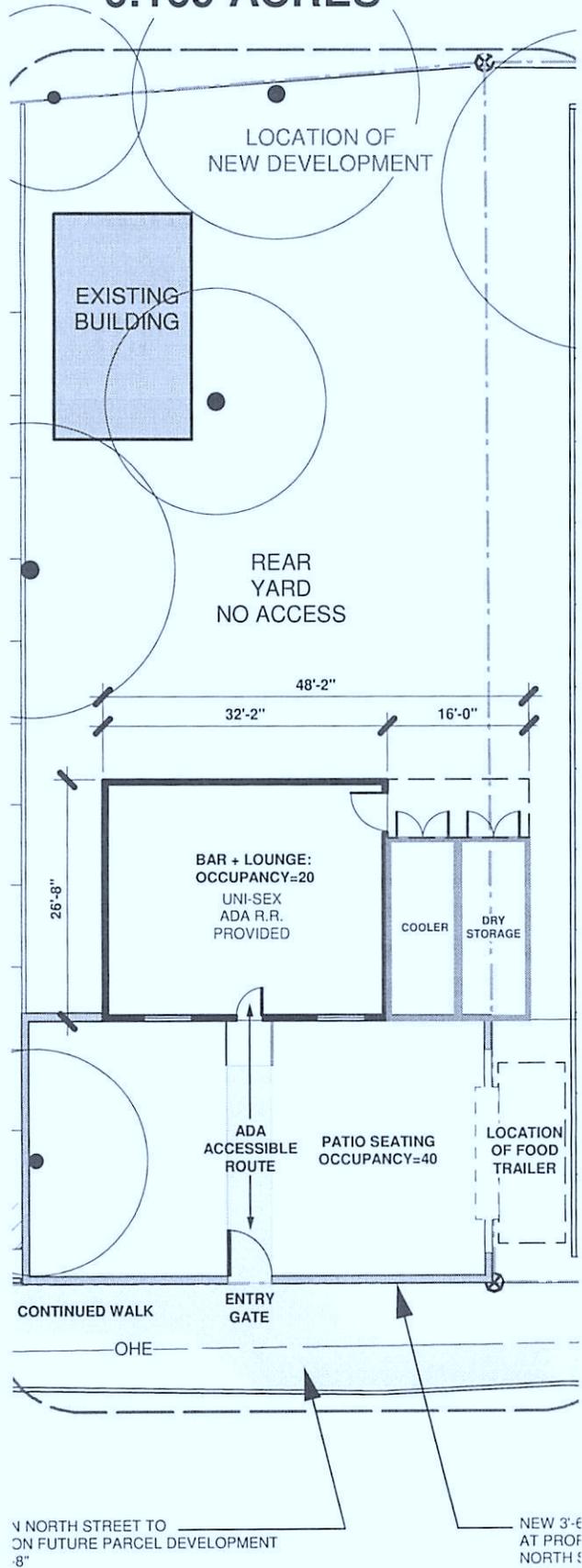
PLAN KEY	BUILDING KEY
○ PROPERTY MARKER	▭ EXISTING STRUCTURE
○ EXISTING POWER POLE	▭ EXISTING STRUCTURE TO BE REMOVED
--- PROPERTY LINE	▭ EXISTING COVERED AREA

1 PROPOSED DRAFT HOUSE SITE PLAN
 SCALE: 1"=30'-0"

BLOCK 3 D.P. HOPKINS LOT 1A 0.169 ACRES



BLOCK 3 D.P. HOPKINS LOT 1A 0.169 ACRES



RECEIVED
APR 01 2013

BY: _____

11/09



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

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

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

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

Signed: _____ Date: _____

Print Name: _____

Engineer Surveyor Architect/Planner Owner Agent: _____

11/09

CUP-13 - 13

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

LICENSE INFORMATION
 Trade Name of Business: North Street Development INC
 Application is filed by:
 Individual Partnership Corporation Other: _____
 Name of Individual or Entity: Chase Katz Phone Number: 832 573 7285
 Mailing Address: 216 North Street San Marcos TX 78666
 Email Address: Chase Katz@yahoo.com
 Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY
 Street Address: 216 North Street Current Zoning: smart code
 Legal Description: Lot _____ Block _____ Subdivision _____
 Tax ID Number: R _____
 Property Owner's Name: ^{Katz} Development LLC Phone Number: 832 573 6013
 Address: 1205 Pin Oak Dickinson TX 77539

All correspondence should be through applicant.

BUSINESS DETAILS
 Primary Business Use: Restaurant Bar Other: Both restaurant + bar.
 Hours of Operation: Tues + Wed 11am - 12pm Thurs - Sat 11am - 1am
 Type of Entertainment Facilities: Restaurant / Bar only.
 Indoor Fixed Seats Capacity: 20 Outdoor Fixed Seats: 40
 Gross Floor Area Including Outdoor Above-ground Decks: @3000 Square Feet
 Number of Off-Street Parking Spaces Provided: 0
 Located more than 300 feet from church, public school, hospital, low density residential? Y N

11/09

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

- New request**, no existing TABC CUP Permit at this location
- Change** to existing TABC Permit. Nature of Change: _____
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

- Beer and Wine Permit: ~~\$500 Application fee~~ (non-refundable) } **\$600**
- Mixed Beverage Permit: ~~\$1,000 Application fee~~ (non-refundable)
- Change to Existing Permit/Renewal: ~~\$75.00 fee~~ (non-refundable) - **\$300**
- **Site Plan** drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

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

- I am the property owner of record; or*
- I have attached authorization to represent the owner, organization, or business in this application.*



Applicant's Signature

Printed Name: Chase Katz **Date:** 4/1/2013

To be completed by Staff:

Meeting Date: 5-14 **Application Deadline:** 4-1
Accepted By: Tory C. **Date:** 4-1

NORTH STREET DEVELOPMENT INC. SITE PLAN NOTES

- 1) Building approx. 900 sq. /ft.
- 2) No parking spaces required or provided
- 3) Fences on lot lines bordering all residential property within close proximity. All residential property on North Street in close proximity is currently owned by sister LLC of the applicant.
- 4) Regarding interior layout – Interior layout is subject to change, building permit plans will be provided to obtain building permit and are **contingent upon receiving a CUP**. Provided in site plan are potential minimum requirements.
- 5) Regarding bordering properties – all immediate bordering properties to the side of 216 North Street are owned by sister LLC of applicant. **The rear yard will provide no access to patrons** and does border proper not owned by applicant.
- 6) Proposed food trailer or truck will comply with all fire, health and safety codes set forth by city and state including 10 ft. separation of trailer or truck from structures. Food menu subject to change.
- 7) Hours of Operation – Tues & Wed 11 am – 12 midnight, Thurs – Sat 11 am – 1 am.
- 8) **NOTE:** Included in CUP application is an **estimate** for building permit plans. All further work to property and planning [including blue prints for building permit] is CONTINGENT UPON RECEIVING A CUP, City staff should be aware that funding and financing for this project is also contingent upon receiving a CUP.
- 9) Texas Alcohol Beverage Commission – 60 Day notice required by TABC has been posted on the property. Applicant is applying for Beer and Wine retailers permit only EXCLUDING mixed beverage.

NOTE: Bank will not provide financing for construction documents etc until a CUP + TABC license is obtained for 216 N. St. Below is an estimate for C.D.'s

STOWE DBC

428 Trinity St.
Lockhart, TX
78644

contact:
stoweDBC@gmail.com
713.410.7000

DATE: 4/1/13

PROJECT:

Plans and improvements to Block 3, D.P. Hopkins, Lot 1A, 0.169 Acres

COST ANALYSIS AND ESTIMATE:

DESCRIPTION:

Construction Documents for remodel and addition to existing building on Lot. Building to conform to IBC, and shall be ADA compliant. Approx 1,200 interior sq. ft. with approx. 1,450 sq.ft. patio

CD's hourly estimate of 50 hrs at \$25 per. hr = 1,250
Services provided. Mechanical, Electrical, Plumbing licensed consult = \$1,250
Architectural Licensed consult and approval = \$1,000
Structural engineering consult = \$750

Plans for Permit Total Cost Estimate = \$4,250

Subtotal:	\$4,250
Tax (8.25%)	\$350.63
Total:	\$4,600.63

Terms:
This is only a cost estimate and analysis and does not act as a binding contract.

Agenda Information

AGENDA CAPTION:

CUP-13-14 (1127 W. San Antonio) Hold a public hearing and consider a request by Clarke and Monica Hammond for a Conditional Use Permit to allow an accessory dwelling unit at 1127 W. San Antonio.

Meeting date: May 14, 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

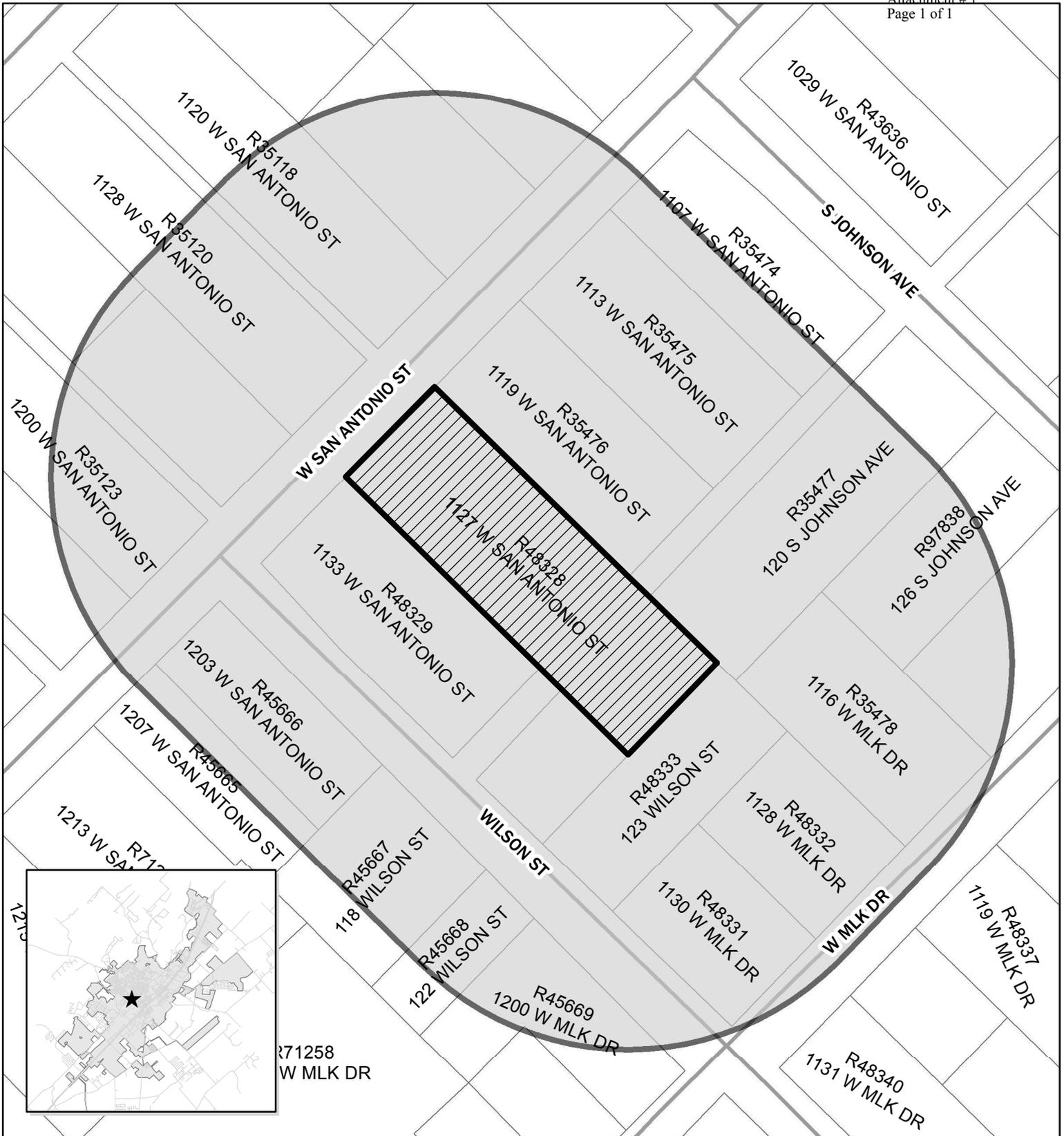
BACKGROUND:

The property owners of 1127 W. San Antonio Street wish to construct an accessory dwelling unit in the rear of the property to provide a living space for their elderly parents. The lot is unusually configured with a platted 20' alley dividing the front parcel (approximately 85' x 180') from the rear parcel (approximately 85' x 60'). The property owners have also requested the abandonment of the alley in order to have unencumbered use of the entire parcel.

Staff finds the request consistent with the standards in the Land Development Code for accessory dwelling units and is recommending approval with conditions to diminish any impacts to the historic single family neighborhood. Staff is also recommending approval of the abandonment (A-13-02).

ATTACHMENTS:

Case Map
Staff Report
Site Plan
Floor Plan
Front Elevation
Application



CUP-13-14
Accessory Dwelling Unit
1127 W San Antonio St
Map Date: 4/29/2013

-  Site Location
-  Notification Area (200 feet)



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-13-14

Conditional Use Permit

1127 W. San Antonio St.

Accessory Dwelling Unit



Applicant Information:

Applicant: Clarke and Monica Hammond
1127 W. San Antonio
San Marcos, TX 78667

Property Owner: Same

Applicant Request: A Conditional Use Permit (CUP) to allow an accessory dwelling unit in an SF-6 zoning district.

Notification: Public hearing notification mailed on Friday, May 3, 2013.

Response: No responses as of the date of publication.

Subject Property:

Location: 1127 W. San Antonio St

Legal Description: Lot 1, Block 1 J.B. Wilson First Addition

Frontage On: W. San Antonio

Neighborhood: Dunbar (San Antonio Street Historic District)

Existing Zoning: Single-Family (SF-6)

Master Plan Land Use: Area of Stability

Utilities: Existing

Existing Use of Property: Single Family Residence

Proposed Use of Property: Single Family Residence with Accessory Dwelling Unit

Zoning and Land Use
Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-6	Single-Family Residential
S of Property	SF-6	Single-Family Residential
E of Property	SF-6	Single-Family Residential
W of Property	SF-6	Single-Family 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.

Accessory Dwelling Units (ADU) are allowed within a SF-6 zoning district with a Conditional Use Permit. An ADU is defined by the Land Development Code in the following manner:

A secondary living space that is on-site with a primary living space and that may be contained within the space structure as the primary, or may be contained in a separate structure. A guest house and a garage loft are examples of accessory dwellings. Occupants of secondary living spaces typically include a caretaker, servant, or farm worker employed by the owner/occupant, or a guest or family member of the owner/occupant.

Case Summary

The subject property is located on San Antonio Street between Johnson and Wilson in the San Antonio Street Historic District. The main residence was constructed in 1881. The property owners wish to construct an accessory dwelling unit in the rear of the property to provide a living space for their elderly parents. The lot is unusually configured with a platted 20' alley dividing the front parcel (approximately 85' x 180') from the rear parcel (approximately 85' x 60'). The property owners have also requested the abandonment of the alley in order to have unencumbered use of the entire parcel.

The abandonment of a portion of an alley is permitted if it is a dead-end alley and does not cause a part of the alley to become landlocked. A portion of the alley at the adjoining residence (117 Wilson) was approved by City Council in 2010. As such, the request meets the abandonment criteria and staff recommends approval. However, the lot is configured in such a way that the property owners could construct the accessory dwelling unit beyond the limits of the right of way and still meet the setback requirements.

Comments from Other Departments:

None.

Planning Department Analysis:

In the past, P&Z has approved ADUs for homeowners, typically for the purpose of housing family members, so long as the application meets the requirements of the Land Development Code (LDC). Common conditions included not allowing the unit to be used as a rental, not allowing separate utility meters, and requiring the permit be renewed if the property is sold. Some past cases have required additional parking for the ADU.

The proposed use for the accessory dwelling unit is consistent with the definition in the LDC. The structure has been designed to meet the specific needs of the applicants' parents and is intended for use only by the immediate family of the owner/occupant. The applicants have confirmed they have no intention of renting the unit separately.

The proposed accessory dwelling unit meets the development standards within the LDC. The 1-story structure would be approximately 730 square feet of living space with a small front porch and attached garage. This is consistent with the requirements in Section 4.3.2.1 which call for an accessory dwelling unit to be no larger than 50% of the livable area of the residence on the premises (2083 sq ft). As shown on the site plan, the proposed structure would be constructed parallel to San Antonio Street and accessed from the existing gravel driveway for the main house. It meets all setback requirements for accessory structures and the design itself will be reviewed for adherence to the historic district guidelines by the Historic Preservation Commission (HPC) on June 6. HPC approval will be required prior to issuance of a building permit.

The neighborhood is primarily single-family and is identified as an Area of Stability on the new Preferred Growth Scenario map. This request, with conditions, will allow the owners additional flexibility with the property while maintaining San Antonio Street's single-family character.

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

- **The accessory dwelling may not be rented separately from the main residence;**
- **The single-family occupancy restriction applies to the entire property; and,**
- **There shall be no separate utility meters.**

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

Prepared by:

Emily Koller	Planner	May 2, 2013
Name	Title	Date

The Commission's Responsibility:

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

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

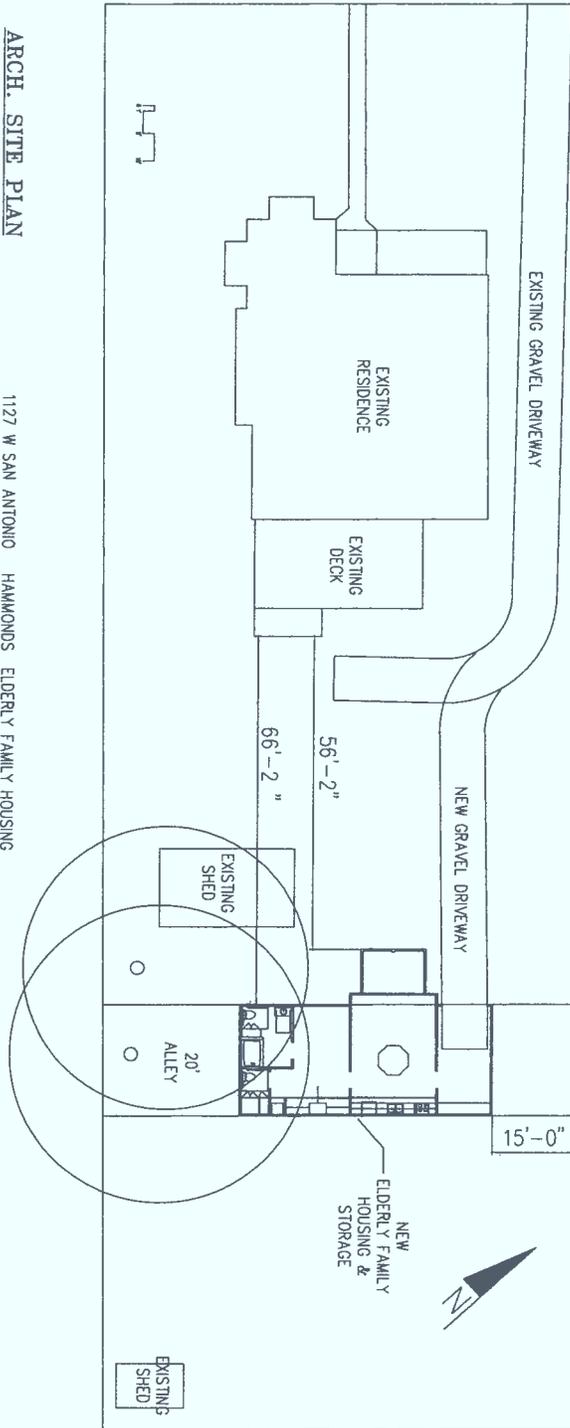
- The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and 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.

W SAN ANTONIO STREET

ARCH. SITE PLAN
SCALE : 3/32" = 1'-0"

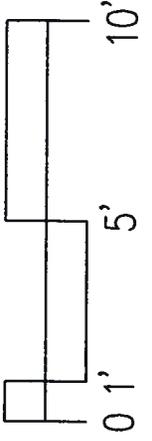
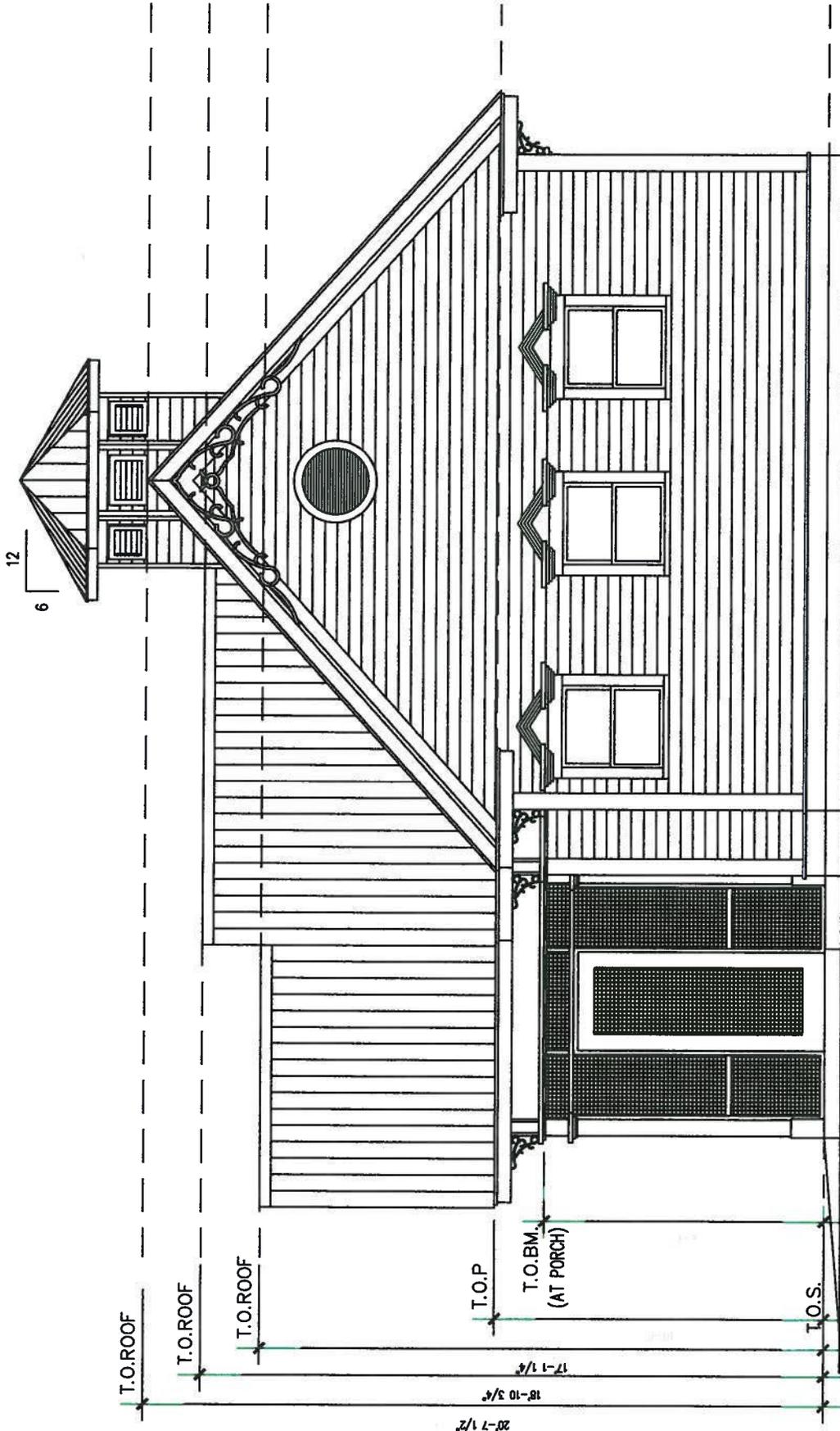
1127 W SAN ANTONIO HAMMONDS ELDERLY FAMILY HOUSING



	DESIGNED: P. A. S. CHECKED: F.E.R. DATE:	HAMMONDS ELDERLY FAMILY HOUSING & STORAGE 1127 W SAN ANTONIO ST. SAN MARCOS, TEXAS, 78666	ISSUED 03/28/2013
	APPROVED: 03/29/2013 DATE: DRAWN BY: PS SCALE: 3/32"=1'-0"		REVISION 03/29/2013

A-1.1

SMALL ARCHITECT COPIES
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 SHALL BE MADE FROM THE ORIGINAL ARCHITECT'S DRAWINGS AND SHALL BE LIMITED TO ONE COPY PER SET. ALL OTHER COPIES SHALL BE MADE FROM THE ORIGINAL ARCHITECT'S DRAWINGS AND SHALL BE LIMITED TO ONE COPY PER SET. ALL OTHER COPIES SHALL BE MADE FROM THE ORIGINAL ARCHITECT'S DRAWINGS AND SHALL BE LIMITED TO ONE COPY PER SET.



SIDE ELEVATION (West) Alternate "B"

SCALE : 1/4" = 1' - 0"

CLARKE AND MONICA HAMMOND
1127 WEST SAN ANTONIO STREET
(512) 667-6811

TO: DEVELOPMENT SERVICES-PLANNING DEPARTMENT

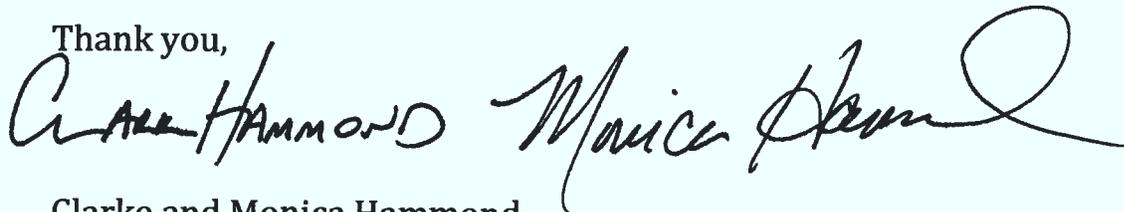
SUBJECT: APPLICATION FOR CONDITIONAL USE PERMIT

DATE: APRIL 1, 2013

Attached is an application for a Conditional Use Permit to request permission to build an elderly family care cottage with storage in our backyard at 1127 West San Antonio Street. Our home was built in 1881 and contributes to the historic nature and fabric on this neighborhood. We have retained an architect who is sensitive to this and he has produced some excellent plans to match many of the Victorian design elements on the main residence to the proposed new construction. With the case, we are filing a request to abandon a hundred year old alley right of way. We are also filing for a Certificate of Appropriateness with the Historic Commission to gain their approval of our design.

My wife's parents need a home and their desire is to be close to us to share their last years in comfort and safety. We wish to accommodate them and thus we are requesting your support of our application with the hope that the Planning Commission and the City Council will give us the support we need. This proposed conditional use will only be for family members and will never be used as a rental unit.

Thank you,

Handwritten signatures of Clarke and Monica Hammond. The signature for Clarke Hammond is on the left, and the signature for Monica Hammond is on the right, written in a cursive style.

Clarke and Monica Hammond

RECEIVED
APR 01 2013
BY:

CUP-13 - 14

City of San Marcos
CONDITIONAL USE PERMIT APPLICATION - GENERAL

	APPLICANT	PROPERTY OWNER
Name:	CLARKE & MONICA HAMMOND	SAME
Mailing Address:	1127 WEST SAN ANTONIO SAN MARCOS, TX. 78666	SAME
Telephone No.:	(512) 667 6811	SAME
E-mail address:	CLARKE.HAMMOND@gmail.com	SAME

Property Address: 1127 WEST SAN ANTONIO STREET
 Legal Description (if platted): Lot ONE (1) Block ONE (1) Subdivision B. WILSON FIRST ADDITION
 Tax ID Number: R 48328 (SEE ATTACHED) Zoning District: SF6 W. SAN ANTONIO ST HISTORIC DISTRICT

PROPOSED USE
 Brief description of Proposed Use (attach separate page if needed): WE WISH TO BUILD AN ACCESSORY STRUCTURE IN OUR BACKYARD TO PROVIDE AN ELDERLY FAMILY HOUSING UNIT AND STORAGE FOR MY WIFE'S PARENTS WHO ARE 87 AND 84 YEARS OLD RESPECTIVELY. THEY WISH TO LIVE OUT THEIR REMAINING YEARS CLOSE TO THEIR DAUGHTER AND SON-IN-LAW. WE HAVE HIRED AN ARCHITECT TO DESIGN A SMALL CARRIAGE HOUSE ELDERLY FAMILY HOUSING UNIT THAT MEETS SAN MARCOS CODE AND IS HISTORICALLY DESIGNED TO MATCH ELEMENTS OF OUR MAIN RESIDENCE BUILT IN 1881. ADDITIONALLY WE ARE FILING A CASE TO ABANDON A HUNDRED YEAR OLD ALLEY RIGHT OF WAY AND A CERTIFICATE OF APPROPRIATENESS CASE WITH THE HISTORIC ZONING COMMISSION.

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 CLARKE HAMMOND Date: 4-1-2013

To be completed by Staff:
 Meeting Date: 5-14
 Accepted by: TORY C
 Application Deadline: 4-1
 Date: 4-1

09/12



Conditional Use Permit Application Checklist: GENERAL

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input checked="" type="checkbox"/>	A pre-application conference with staff is recommended <i>TO BE SCHEDULED</i>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A completed application for Conditional Use Permit and required fees	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A site plan illustrating the location of all structures on the subject property and on adjoining properties	<input type="checkbox"/>	
<input type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
<input type="checkbox"/>	Application Fee \$600 + \$10 = \$610 ⁰⁰	<input type="checkbox"/>	
<input type="checkbox"/>	Renewal Fee \$300	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Planning Director:			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street parking and loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Hours of operation	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district	<input type="checkbox"/>	

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

Signed: CLARKE HAMMOND Date: 4.1.2013
 Printed Name: CLARKE HAMMOND

Engineer Surveyor Architect/Planner Owner Agent: _____

Agenda Information

AGENDA CAPTION:

A-13-02 (1127 W. San Antonio) Hold a public hearing and consider a request by Clarke and Monica Hammond to abandon a 20' by 84.25' portion of an alley between Wilson Street and Johnson Street.

Meeting date: May 14, 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

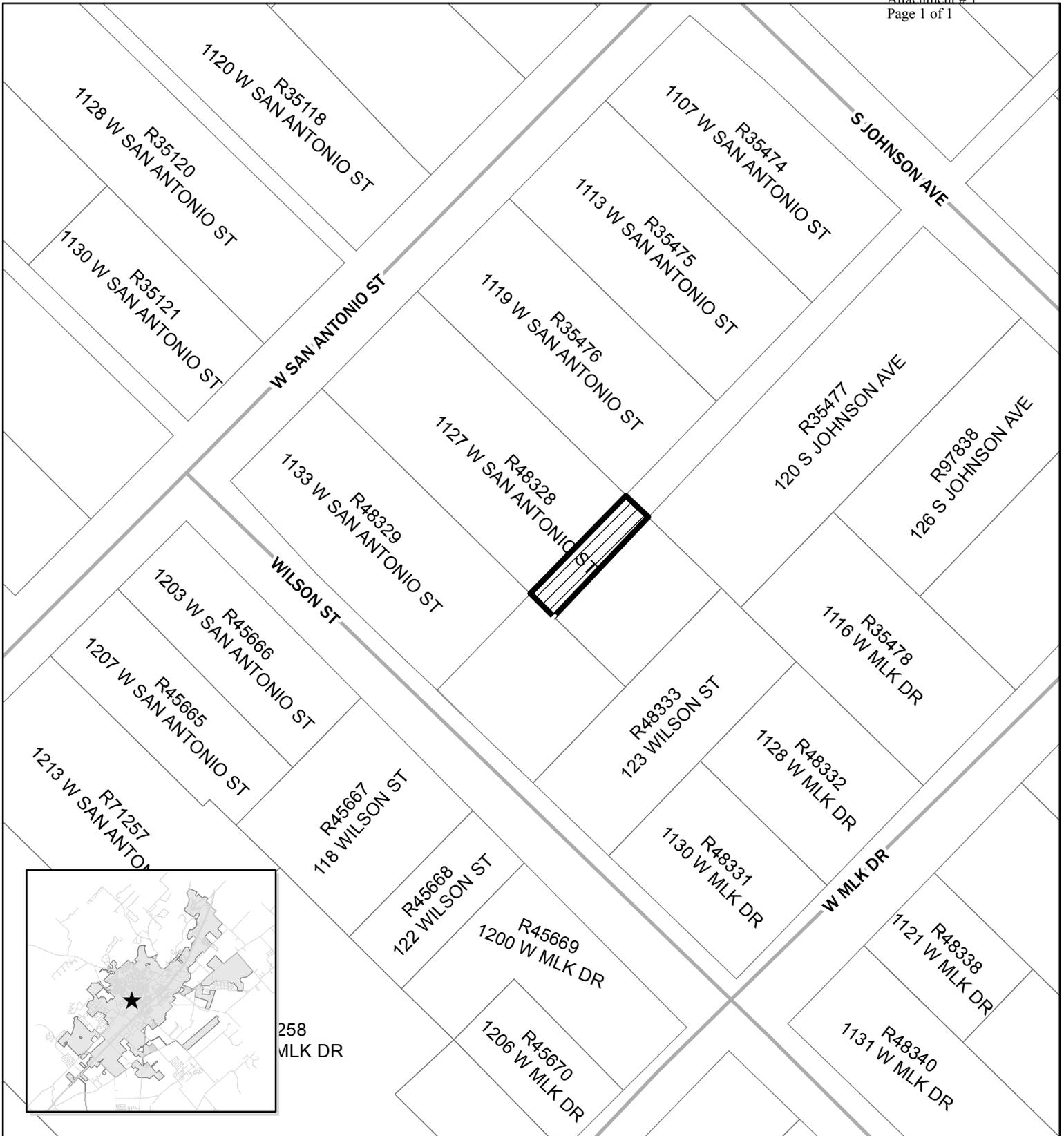
BACKGROUND:

The owners of 1127 W. San Antonio are requesting an abandonment of a portion of an undeveloped alley that divides their property. The 20 foot alley was platted through the middle of Lot 1, Block 1, J.B. Wilson Addition in 1912, and the subdivision has not been replatted since. The owners wish to construct an accessory dwelling unit in the rear of their property and request the abandonment in order to have unencumbered use of the entire parcel.

Staff finds the request consistent with the criteria established in Section 74.087 of the City Code and is recommending approval of the abandonment. Staff is also recommending approval of the Conditional Use Permit (CUP-13-14) for the accessory dwelling unit.

ATTACHMENTS:

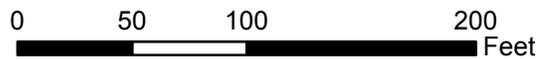
Case Map
Staff Report
Application
Applicant Back-up Material



A-13-02

1127 W San Antonio St

Map Date: 4/29/2013



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



A-13-02

Abandonment

1127 W. San Antonio

Summary: Abandonment of an 84.25' by 20' portion of an alley between Wilson Street and Johnson Street.

Applicant: **Clarke and Monica Hammond**
1127 W. San Antonio
San Marcos, TX 78667

Abutting Property Owners: **Truman Phelps**
1133 W. San Antonio
San Marcos, TX 78666

John Schofield
1119 W. San Antonio
San Marcos, TX 78666

Chris Boissevain
117 Wilson
San Marcos, TX 78666

Richard Todd
120 S. Johnson
San Marcos, TX 78666

Notification: Personal notifications of the public hearing were mailed on Friday, May 3, 2013.

Property/Area Profile:

Location: An undeveloped 84' portion of an alley running parallel to San Antonio Street, between Wilson and Johnson Streets. The segment is within Lot 1, Block 1 of the J.B. Wilson First Addition and was originally platted through the lot.

Size: Approximately .038 acres

Existing Utilities: None

Existing Use of Property: Residential

Comments from other Departments:

None.

Background Information:

The owners of 1127 W. San Antonio are requesting an abandonment of a portion of an undeveloped alley that lies divides their property. The 20' alley was platted through the middle of Lot 1, Block 1, J.B. Wilson Addition in 1912, and the subdivision has not been replatted since. The owners wish to construct an accessory dwelling unit in the rear of their property and request the abandonment in order to have unencumbered use of the entire parcel.

An adjoining portion of the alley has already been abandoned. The property at 1133 W. San Antonio was platted in the same configuration; however over time the land on either side of the alley was sold as separate parcels. In 2010, the property owner of the smaller parcel requested an abandonment of the 84'x20' portion of the alley. Staff mistakenly stated, "the alley network on this block has already been

disrupted by the abandonment of another portion of the alley.” It is not clear what information that determination was based upon. City Council approved the abandonment upon recommendation by the Planning and Zoning Commission. A new home has since been constructed with the building footprint partially located in the abandoned alley.

Planning Department Analysis

City staff would prefer to see the alley network remain intact, especially in San Marcos’ historic residential neighborhoods. There are many advantages to retaining an alley network in residential areas. Alleys allow for fewer driveways on local streets and a space for utilities. By providing rear access, alleys create areas for parking that do not interfere with sidewalks and can be an opportunity for additional housing options without causing disruptive changes to the character of neighborhoods.

Typically a request for an abandonment must be for an entire segment (defined as entire width between adjacent intersecting streets) which requires the consent of all property owners abutting the length of the segment. In this case, the alley now dead-ends adjacent to the portion under consideration. The criteria for abandonment states that, “streets and alleys will be abandoned only in whole segments, except that a portion of a dead-end street or alley may be abandoned if the abandonment does not cause a part of the street or alley to become landlocked.”

Staff finds the request consistent with the criteria in Section 74.087 (see below) and recommends approval of the abandonment of an 84’ x 20’ portion of the alley at 1127 W. San Antonio.

Evaluation		Abandonment Standards (Section 74.087 of the San Marcos City Code)
Consistent	Inconsistent	
X		Street and alleys will be abandoned only in whole segments, except that a portion of a dead-end street or alley may be abandoned if the abandonment does not cause a part of the street or alley to become landlocked.
X		A street or alley abandonment will not be approved if it causes substantial interference with access to any tract or parcel of property.
X		A street or alley containing public utility facilities will be abandoned only if the facilities are relocated out of the street or alley or if a public utility easement is recorded covering the area occupied by the facilities. Unless otherwise agreed by the owners of the utilities, the cost of relocating the facilities or preparing survey descriptions for easements will be borne by the owners of the property abutting the segment to be abandoned.
X		A street or alley abandonment will be approved only if the street or alley is not needed for future road or utility improvements.

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

Prepared by:

Emily Koller

Planner

May 2, 2013

Name

Title

Date

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed street or alley abandonment. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the abandonment. The City Council will ultimately decide whether to approve or deny this request, and will do so as follows.

- City Council reviews the recommendation for the Planning and Zoning Commission and, for each street abandonment, provides direction to staff on whether the abandonment is acceptable subject to the obtaining of an appraisal.
- An appraisal for the area to be abandoned will be obtained.
- City Council will hold a public hearing and vote on the adoption of an ordinance approving the abandonment and the conveyance of the street or alley for the appraised value.

The Commission's advisory recommendation to the Council is a discretionary decision. Your recommendation should be based on the standards listed in Section 74.087 of the San Marcos City Code.

**1127 West San Antonio Street
(512) 667-6811**

To: Develop Services-Planning Department of San Marcos, Texas

Subject: Application for Alley Right of Way Abandonment

Date: April 1, 2013

Attached is our application for the abandonment of an alley right of way that dates back to before World War 1. We have seen various maps that do not show the alley right of way cutting our backyard in half and a recent survey (2004) that shows the right of way (attached). We have had a local Land Appraiser do an appraisal of the alley right of way to help facilitate the purchase of this 20 foot wide alley right of way in order to have full use with no encumbrances on our property and we are prepared to purchase this from the City if required.

This is one of three cases being filed to hopefully allow us to construct a small elderly family housing unit with storage for my wife's elderly parents who have been married for 67 years and wish to be near their daughter and I to enjoy the closeness and security of family.

I thank you for consideration of this request of abandonment and if any other documentation or information is required, please contact me immediately at 512 667 6811.

Regards,

CLARKE HAMMOND

Monica Hammond

Clarke Hammond and Monica Hammond

RECEIVED
APR 01 2013

10/12

A-13-02

City of San Marcos

ALLEY AND STREET ABANDONMENT APPLICATION

APPLICANT

Name: CLARKE & MONICA HAMMOND Phone No. 512 667 6811
Mailing Address: 1127 WEST SAN ANTONIO ST. SAN MARCOS, TX 78666

If different from applicant:

Property Owner's Name: _____ Phone No. _____

Address: _____

PROPERTY

Legal Description and Location of Abandonment:

Lot ONE (1) Block ONE (1) Subdivision J.B. WILSON FIRST ADDITION

NOTE: Streets and alleys will be abandoned only in whole segments (between intersecting streets or terminus).

TYPE OF ABANDONMENT

Street: Length: _____ Width: _____

_____ Appraisal attached
_____ Check for appraisal attached

Alley: Length: 84.25' Width: 20' 1,677 SQ. FT.

(No appraisal required)

APPRAISAL IS ATTACHED

Documents indicating the consent to the abandonment by the owners of all property abutting the segment to be abandoned must be included with the application.

PETITION IS ATTACHED

I understand the process of abandonment and I am aware of the cost and fees associated with this process. \$800 filing fee must be submitted with this application form.

Signature of Applicant Clarke Hammond Date: 4-1-2013

Printed Name: CLARKE HAMMOND

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted by: _____ Date: _____

\$ 810



Checklist for Alley / Street Abandonment

- Applicant submits completed form and filing fee, including consent form(s) from other property owners with property adjacent to the proposed abandonment.
- Create case map.
- Prepare memo to departments and service providers for review and comment (include copy of map). {Allow one week for responses}
- Prepare summary of comments received.
- Notification by certified mail to all adjacent property owners, including applicant. {at least 10 days prior to Planning & Zoning Commission meeting}
- Prepare staff report for Planning & Zoning Commission meeting (include supporting materials: staff report, map, application documents, and summary of department comments). {due for agenda packet 1 week prior to P&Z meeting}
- After P&Z meeting, enter City Council Agenda Request into MuniAgenda (include supporting materials: staff report, map, application documents, summary of department comments, and P&Z minutes).

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

Signed: CLARKE HAMMOND Date: 4-1-2013

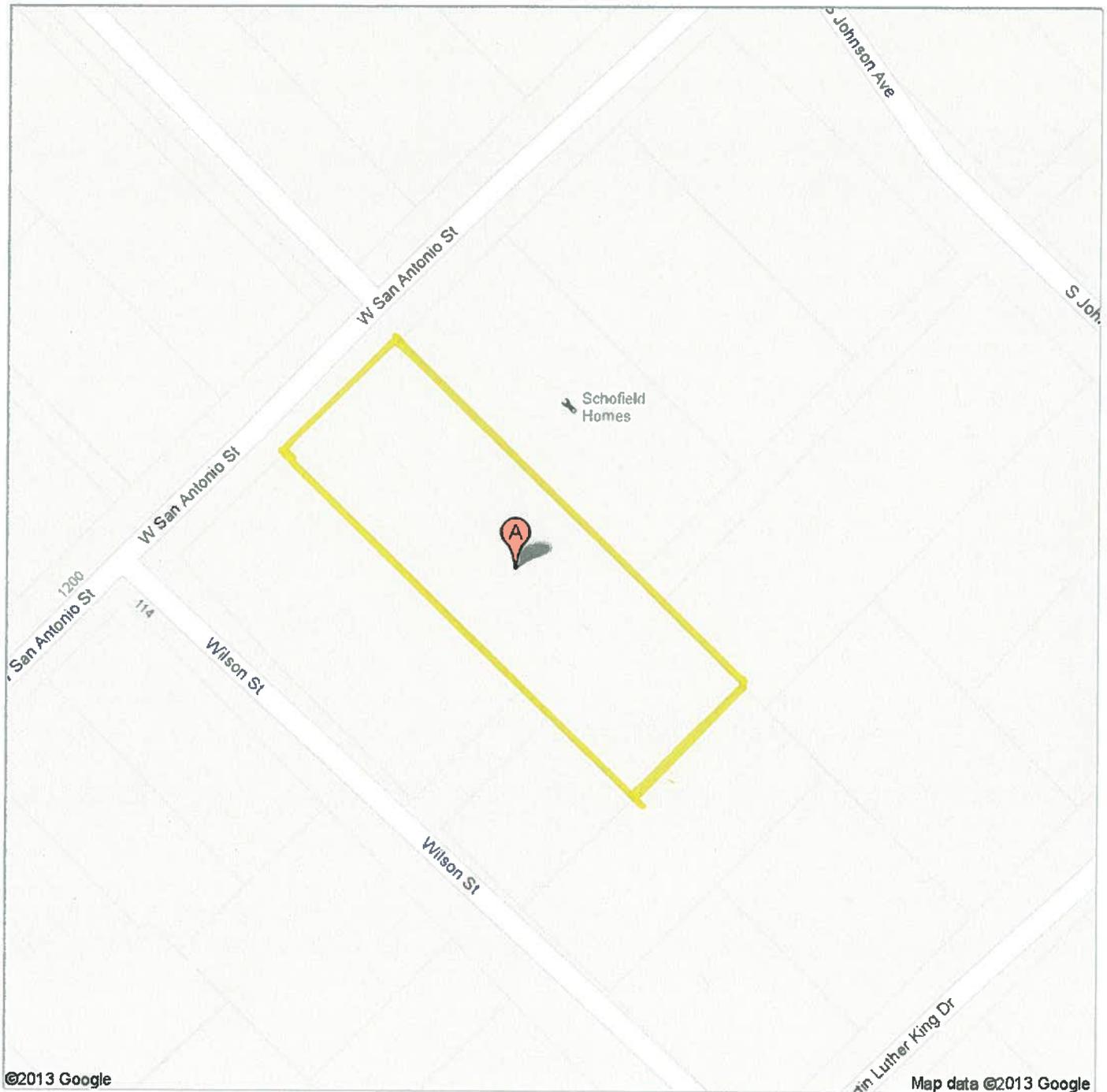
Print Name: CLARKE HAMMOND

Engineer Surveyor Architect/Planner Owner Agent: _____



Address 1127 W San Antonio St
San Marcos, TX 78666

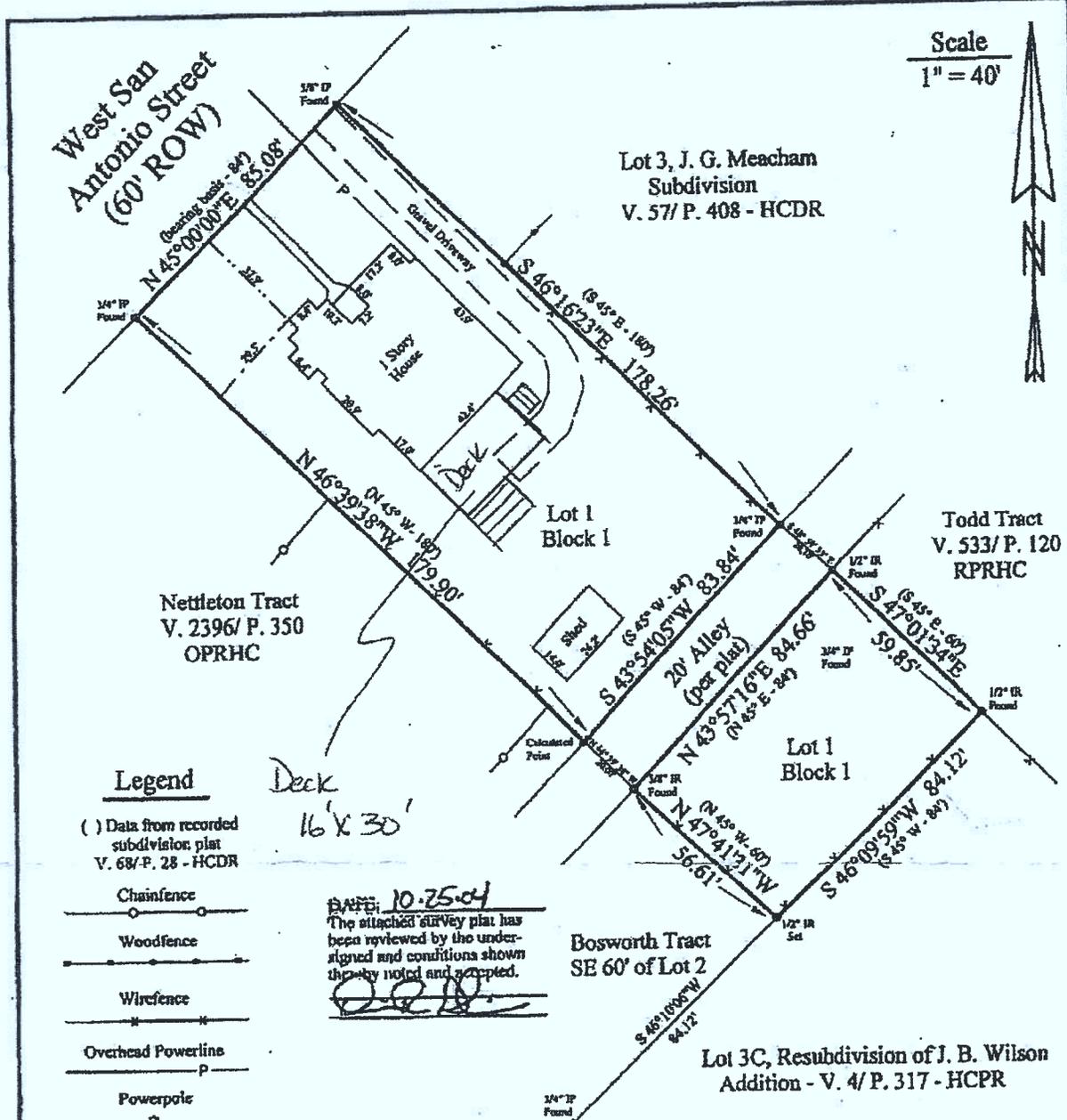
Get Google Maps on your phone
Text the word "GMAPS" to 466453

THIS google MAP SHOWS THAT THERE IS NO ALLEY R.O.W. ON OUR PROPERTY. THIS IS SIMILAR TO WHAT I SAW AT THE DEVELOP SERVICES-PLANNING DEPT. WE DO HAVE A SURVEY FROM 2004 THAT SHOWS THE R.O.W. WE ARE CONFUSED BY THE CONTRADICTIONS.

Chris Hammond

20409054



Legend

- () Data from recorded subdivision plat V. 68/P. 28 - HCDR
- Chainfence
- Woodfence
- Wirefence
- Overhead Powerlines
- Powerpole

Deck
16' x 30'

DATE: 10-25-04
The attached survey plat has been reviewed by the undersigned and conditions shown there by noted and accepted.
[Signature]

PLAT SHOWING SURVEY OF LOT ONE (1), BLOCK ONE (1), OF THE J. B. WILSON FIRST ADDITION, TO THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 68, PAGE 28, OF THE DEED RECORDS OF HAYS COUNTY.

FOR: Dennis Glinn

GF: 20409054/ Hays County Abstract

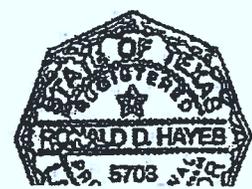
DATE: October 15, 2004

ADDRESS: 1127 West San Antonio Street, San Marcos, Texas.

The undersigned does hereby certify that this survey and was made on the ground of the property legally described hereon and is essentially correct. Only those plats with a red surveyors seal and red signature shall be deemed reliable and authentic.

[Signature]
Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703

According to the scaling of Map Panel 0193 E of the February 18, 1998 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area and determined to be outside the 100 year flood zone.



Current Owner		Legal Description		Exemptions		Market	
HAMMOND MONICA L & HAMMOND GRANVILLE CLARKE (00037298) 1127 W SAN ANTONIO ST SAN MARCOS, TX 78666-4134		J B WILSON, BLOCK 1, LOT 1, ACRES 0.4628		HS		Unavailable	
Situs Address				Entitles		Assessed	
1127 W SAN ANTONIO ST SAN MARCOS, TX 78666				CSM, GHA, RSP, SSM, WEU, WUS		Unavailable	
History Information							
		2012	2011	2010	2009		
Imp HS		\$167,300	\$137,370	\$137,370	\$118,800		
Imp NHS		\$0	\$0	\$0	\$0		
Land HS		\$36,290	\$36,290	\$36,290	\$36,290		
Land NHS		\$0	\$0	\$0	\$0		
Ag Mkt		\$0	\$0	\$0	\$0		
Ag Use		\$0	\$0	\$0	\$0		
Tim Mkt		\$0	\$0	\$0	\$0		
Tim Use		\$0	\$0	\$0	\$0		
HS Cap		-	-	-	-		
Assessed		\$203,590	\$173,660	\$173,660	\$155,090		
Improvements							
Type	Description	Area	Year Built	Eff Year	Value		
R	Residential						
MA	Main Area	1898		1881			
CV	Per Sq Ft Covered Porc	260					
DECK	Deck At Csf	416					
OUT-BIOUT	BLDG	504					
Building Attributes							
Construction	Foundation	Exterior	Interior	Roof	Flooring		
	P-B	W		G-M			
Heat/AC	Baths	Fireplace	Year Built	Rooms	Bedrooms		
CAH		2					
Land Segments							
SPTB	Description	Area	Market	Ag Value			
A1	A1-Residential	0.4628					

3/24/13 5:30 PM

SUPPORT PETITION

We, the undersigned, have reviewed the site plan for the proposed carriage house/elder care structure in the backyard of 1127 West San Antonio Street and we support the proposed project. We support the granting of a conditional use for humanitarian purposes for housing for elderly parents. We support the requested abandonment of a 100 year old alley right of way that has never been used or maintained by the City. We support the design of the structure as being sympathetic to the historical Victorian texture of 1127 West San Antonio and the neighborhood.

Name John Schafel

Address 1119 SAN ANTONIO ST SAN MARCO TX 78666

Name TRUMAN PHELPS

Address 1133 SAN ANTONIO ST SM TX 78666

Name [Signature]

Address 117 S. Wilson St San Marcos TX 78666

Name [Signature]

Address 123 Wilson St, SM TX 78666

Name Summer Shaw

Address 1130 W. MLK, 78666

Name Darla Muñoz

Address 1128 West MLK Dr. S.M. TX +

Name Laura Johnson

Address 1116 W. MLK Dr. S.M., TX +

Name _____

Address _____ +

Agenda Information

AGENDA CAPTION:

A-13-01 (Sessom Drive Multifamily Community-Loquat Street, a/k/a Pecan Street, Locust Street and Peachtree Street) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, to abandon streets and alleys in the Park Addition, First and Second Division, as follows: a 16 foot alley between lots 43 and 50 to the north and lots 41, 42, 51 and 52 to the south from Sessom Drive to Peachtree Street; a 16 foot alley between lots 39, 53, 56 and 61 to the north and lots 38, 54, 57 and 60 to the south from Sessom Drive to the northwest boundary of said Park Addition; Locust Street from Loquat Street (a/k/a Pecan Street) to the northeast corner of lot 50; Loquat (a/k/a Pecan) Street from Sessom Drive to Peachtree Street; and Peachtree Street from the southeast corner of lot 63 to the northwest corner of lot 50.

Meeting date: May 14, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

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

BACKGROUND:

The majority of the subject ROW is currently undeveloped and the applicant has requested to abandon the ROW in order to develop the Vertical Mixed Use project in this location. There are existing water and wastewater lines located on Peachtree Street and Loquat Street as well as a recently upgraded water transmission line with a 24-inch line along the Peachtree Street right-of-way. The alleys that are proposed to be abandoned, along with the portion of Peachtree and Locust Streets, are not currently used for transportation. Loquat Street, however, is being used for transportation and does provide an entrance to the homes located off Canyon Road, which are located in a long established neighborhood. The proposal is to abandon a portion of Peachtree Street which does leave a connection to Canyon Road. The Engineering and Public Works Departments have requested that there is a 50-foot utility easement along the portion of Peachtree Street that is being abandoned in order to maintain the current and future water mains and that the easement remain open with no obstructions. San Marcos Electric Utility reviewed the request and approved the abandonment upon conditions as discussed below (i.e conditions 2, 3, and 4). Staff found that the abandonment request met the abandonment standards of Section 74.087 of the City Code.

Staff is recommending that the abandonment of the alleys and streets as mentioned in the analysis be approved with the following conditions:

1. A 50-foot utility easement along Peachtree is obtained and remains clear of obstructions.
2. Each San Marcos Electric Utility customer requests meter and service removal.
3. Developer removes all overhead electric facilities and reroutes existing service feeding Sessom Drive street lights.
4. Developer relocates all communication facilities.
5. The abandonment is contingent upon the approval of the land use amendment, zoning change with PDD overlay.

ATTACHMENTS:

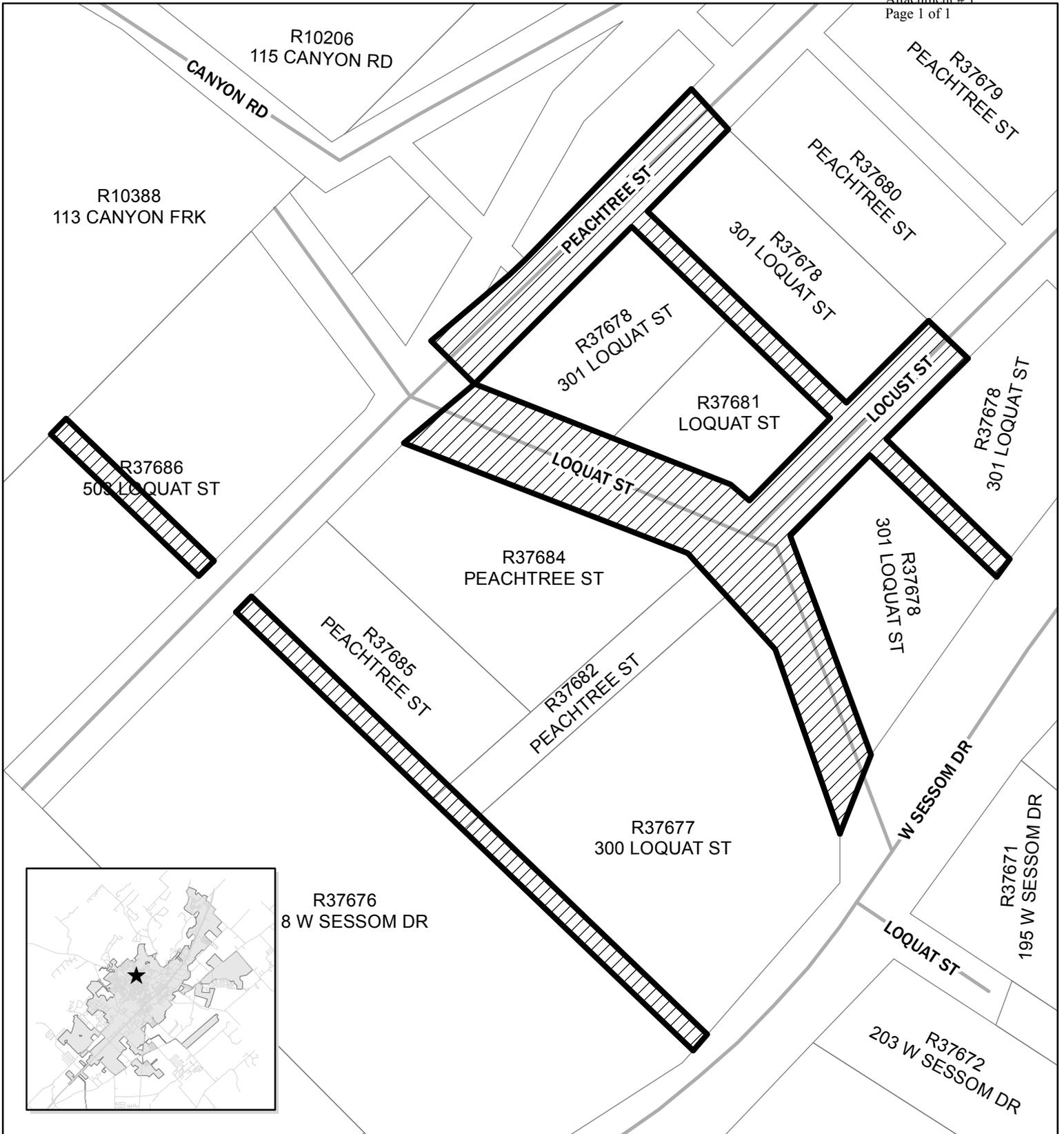
Notification Map

Staff Report

Survey

Aerial Map

Application



A-13-01
Alley and Street
Abandonment
Map Date: 4/19/2013

•  Site Location •

0 50 100 200
Feet



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.

Background Information:

The majority of the subject ROW is currently undeveloped and the applicant has requested to abandon the ROW in order to develop the Vertical Mixed Use project in this location. There are existing water and wastewater lines located on Peachtree Street and Loquat Street as well as a recently upgraded water transmission line with a 24-inch line along the Peachtree Street right-of-way.

Planning Department Analysis

The transportation goals of the Horizons Master Plan call for increased mobility and connectivity in our street networks. The alleys that are proposed to be abandoned, along with the portion of Peachtree and Locust Streets, are not currently used for transportation. Loquat Street, however, is being used for transportation and does provide an entrance to the homes located off Canyon Road, which are located in a long established neighborhood. The proposal is to abandon a portion of Peachtree Street which does leave a connection to Canyon Road. The Engineering and Public Works Departments have requested that there is a 50-foot utility easement along Peachtree at the location of the abandonment in order to maintain the current and future water mains and that the easement remain open with no obstructions. San Marcos Electric Utility reviewed the request and approved the abandonment upon conditions as discussed below (i.e conditions 2, 3, and 4).

Staff finds the request consistent with the criteria in Section 74.087 (see below) and recommends approval with the following conditions:

- 1. A 50-foot utility easement along the portion of Peachtree Street being abandoned is obtained and remains clear of obstructions.**
- 2. Each San Marcos Electric Utility customer requests meter and service removal.**
- 3. Developer removes all overhead electric facilities and reroutes existing service feeding Sessom Drive street lights.**
- 4. Developer relocates all communication facilities.**
- 5. The abandonment is contingent upon the approval of the land use amendment, zoning change with PDD overlay.**

Evaluation		Abandonment Standards (Section 74.087 of the San Marcos City Code)
Consistent	Inconsistent	
X		Street and alleys will be abandoned only in whole segments, except that a portion of a dead-end street or alley may be abandoned if the abandonment does not cause a part of the street or alley to become landlocked.
X		A street or alley abandonment will not be approved if it causes substantial interference with access to any tract or parcel of property.
X		A street or alley containing public utility facilities will be abandoned only if the facilities are relocated out of the street or alley or if a public utility easement is recorded covering the area occupied by the facilities. Unless otherwise agreed by the owners of the utilities, the cost of relocating the facilities or preparing survey descriptions for easements will be borne by the owners of the property abutting the segment to be abandoned.
X		A street or alley abandonment will be approved only if the street or alley is not needed for future road or utility improvements.

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

Prepared by:

Alison Brake

Planner

May 2, 2013

Name

Title

Date

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed street or alley abandonment. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the abandonment. The City Council will ultimately decide whether to approve or deny this request, and will do so as follows.

- City Council reviews the recommendation for the Planning and Zoning Commission and, for each street abandonment, provides direction to staff on whether the abandonment is acceptable subject to the obtaining of an appraisal.
- An appraisal for the area to be abandoned will be obtained.
- City Council will hold a public hearing and vote on the adoption of an ordinance approving the abandonment and the conveyance of the street or alley for the appraised value.

The Commission's advisory recommendation to the Council is a discretionary decision. Your recommendation should be based on the standards listed in Section 74.087 of the San Marcos City Code.



**STATE OF TEXAS
COUNTY OF HAYS**

**T.J. CHAMBERS SURVEY
0998 ACRES**

BEING 0.998 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING PORTIONS OF PEACHTREET STREET, LOQUAT STREET AND LOCUST STREET (40 FOOT RIGHT-OF-WAYS) AND A 16 FOOT ALLEYWAY ALL OUT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron rod set for corner at the most southerly corner of said Peachtree Street, 40 foot right-of-way, same being at the west corner of Lot 36 of said Park Addition, and being in a northeast line of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366, Deed Records of Hays County, Texas, and from which a 1/2" iron rod with a City of San Marcos survey cap found at the north corner of said City of San Marcos called 3.6 acre tract and the common westerly corner of said Park Addition, bears North 44°57'28" West, a distance of 200.00 feet;

THENCE North 45°57'55" East, along the southeast line of said Peachtree Street, at 200.0 feet crossing a 16 foot alleyway, at 377.0 feet passing a 1/2" iron rod set at the intersection of the southeast line of said Peachtree Street, with the southwesterly line of Loquat Street (Pecan Street), 40 foot right-of-way, crossing said Loquat Street and continuing on for a total distance of **420.77 feet** to a 60d nail found for the **POINT OF BEGINNING** and an interior corner of the herein described tract of land, same being at the intersection intersection of the southeast line of said Peachtree Street, with the northeasterly line of said Loquat Street;

THENCE North 44°02'05" West, crossing said Peachtree Street and continuing a total distance of **40.00 feet** to it's northwest line and the common southeast line of Lot 63 of said Park Addition, for a west corner of the herein described tract of land;

THENCE North 45°57'55" East, along the northwest line of said Peachtree Street, at a distance of 210.36 feet passing a 1/2" iron rod found at the east corner of Lot 64 and the common south corner of Lot 65 of said Park Addition, and continuing on for a total distance of **282.70 feet** to a 1/2" iron rod set in southeast line of said Lot 65 for a north corner of the herein described tract of land, same being at the projection of the common line of Lots 49 and 50 of said Park Addition;

THENCE South 45°43'05" East, with said projection, a distance of **40.02 feet** to a 1/2" iron rod set for corner in the southeast line of said Peachtree Street and a common corner of said Lots 49 and 50;

THENCE South 45°57'55" West, a distance of **85.21 feet** to a 1/2" iron rod set for corner at the west corner of said Lot 50 and the intersection of said Peachtree Street and a second 16 foot alleyway of said Park Addition;

THENCE South 45°43'05" East, along the northeast line of said alley, a distance of **205.00 feet** to a 1/2" iron rod set for corner at the south corner of said Lot 50 and the intersection of said alley with the northwest line of the above-mentioned Locust Street, 40 foot right-of-way;

THENCE North 45°57'55" East along the northwest line of the said Locust Street, a distance of **85.21 feet** to a 1/2" iron rod set for corner at the east corner of said Lot 50 and the common south corner of the aforesaid Lot 49, for a northerly corner of the herein described tract of land;

THENCE South 45°43'05" East, a distance of **40.08 feet** to a 1/2" iron rod set for corner in the southeast line of said Locust Street at the northcorner of Lot 43 and the common west corner of Lot 44 of said Park Addition;

THENCE South 45°57'55" West, along the southeast line of said Locust Street, a distance of **85.21 feet** to a 1/2" iron rod set for corner at the west corner of said Lot 43 at the intersection of a 16 foot alleyway as shown by plat of said Park Addition;

THENCE South 45°43'05" East, along the southwest line of said Lot 43 and the common northeast line of said 16 foot alleyway, a distance of **143.79 feet** to a 1/2" iron rod found for corner in the northwest line of Sessom Drive, a variable width right-of-way;

THENCE South 44°43'10" West, along the northwest line of said Sessom Drive, a distance of **11.88 feet** to a 1/2" iron rod set for corner at an angle point;

THENCE South 35°02'19" West, continuing along the northwest line of said Sessom Drive a distance of **4.18 feet** to a 1/2" iron rod found for corner in the southwest line of said 16 foot alleyway and the common northeast line of Lot 42 of said Park Addition;

THENCE North 45°43'05" West, along the southwest line of said 16 foot alleyway, a distance of **144.84 feet** to a 1/2" iron rod set for corner at the intersection of said 16 foot alleyway, with the southeast line of aforesaid Locust Street, same being at the north corner of Lot 41 of said Park Addition;

THENCE South 45°57'55" West, and continuing along the southeast line of said Locust Street, a distance of **104.30 feet** to a 1/2" iron rod set for corner at the west corner of Lot 41 of said Park Addition and the intersection of of said Locust Street and Loquat Street (Pecan Street) 40 foot right-of-way, as shown by play of said Park Addition;

THENCE South 41°34'05" East, along the northeast line of said Loquat (Pecan) Street, a distance of **64.36 feet** to a 1/2" iron rod set for an angle point and a corner of the tract of land herein described;

THENCE South 18°27'04" East, continuing along the northeast line of said Loquat (Pecan) Street, a distance of **124.57 feet** to a 1/2" iron rod set for corner in the southwest line of Lot 42 of said Park Addition, at the intersection with the northwest line of the aforesaid Sessom Drive, variable width right-of-way;

THENCE South 35°02'19" West, along the northwest line of said Sessom Drive, a distance of **49.97 feet** to a 1/2" iron rod set for corner at the intersection with the southwest line of said Loquat (Pecan) Street and the common northeast line of Lot 40 of said Park Addition;

THENCE North 18°27'04" West, along the southwest line of said Loquat (Pecan) Street and the common northeast line of Lot 40, a distance of **146.22 feet** to a 1/2" iron rod set for an angle point and corner;

THENCE North 41°34'05" West, continuing along the southwest line of said Loquat (Pecan) Street, a distance of **94.34 feet** to a 1/2" iron rod set for an angle point and corner;

THENCE North 67°56'50" West, continuing along the southwest line of said Loquat (Pecan) Street, a distance of **224.22 feet** to a 1/2" iron rod set for corner at the north corner of Lot 55 of said Park Addition and the intersection of said said Loquat (Pecan) Street with the southeast line of aforesaid Peachtree Street, 40 foot right-of-way;

THENCE North 45°57'55" East, crossing said Loquat Street (Pecan Street) and continuing on for a total distance of **43.76 feet** to the **POINT OF BEGINNING OF THE EXTERIOR BOUNDARY OF THE TRACT OF LAND HEREIN DESCRIBED, SAVE AND EXCEPT LOTS 51 AND 52 OF SAID PARK ADDITION, WHICH FORM THE INTERIOR BOUNDARY OF THIS TRACT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING aa 60d nail found at the intersection intersection of the southeast line of said Peachtree Street, with the northeasterly line of said Loquat Street, for the **Point of Beginning** of the above described Exterior Boundary and the west corner of the herein described tract of land, same being at the westerly corner of Lot 52 of said Park Addition ;

THENCE North 45°57'55" East, along the southeast line of said Peachtree Street, a distance of **182.66 feet** to a 1/2" iron rod found at the north corner of said Lot 51, for the north corner of the herein described tract of land, same being at the intersection of Peachtree Street, a 40 foot public right-of-way and a 16 foot alley, all as shown by plat of said Park Addition;

THENCE South 45°43'05" East, along the southwest line of said 16 foot alley, passing the common corner of said Lot 51 and aforementioned Lot 52, a distance of **205.00 feet** to a 1/2" iron rod set for corner at the east corner of said Lot 52, same being at the intersection of said 16 foot alley and Locust Street, a 40 foot public right-of-way, all as shown by plat of said Park Addition;

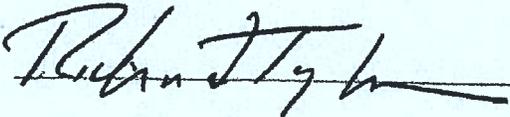
THENCE South 45°57'55" West, along the northwest line of said Locust Street, a distance of **101.40 feet** to a 1/2" iron rod set for corner at the intersection of said Locust Street and Loquat Street (Pecan Street), a 40 foot public right-of-way, as shown by said plat of the Park Addition;

THENCE North 41°34'05" West, along the northeast line of said Loquat Street, a distance of **7.36 feet**, to a 1/2" iron rod set for corner;

THENCE North 67°56'50" West, continuing along the northeast line of said Loquat Street, passing a common corner of said Lot 52 and aforesaid Lot 51 and continuing on for a total distance of **216.11 feet** to the **POINT OF BEGINNING** of the Interior Boundary of this Tract and **CONTAINING 0.666 Acres of Land, SAVE AND EXCEPTED from the above described 1.658 Acres of Land, for a NET AREA of 0.998 ACRES OF LAND..**

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief

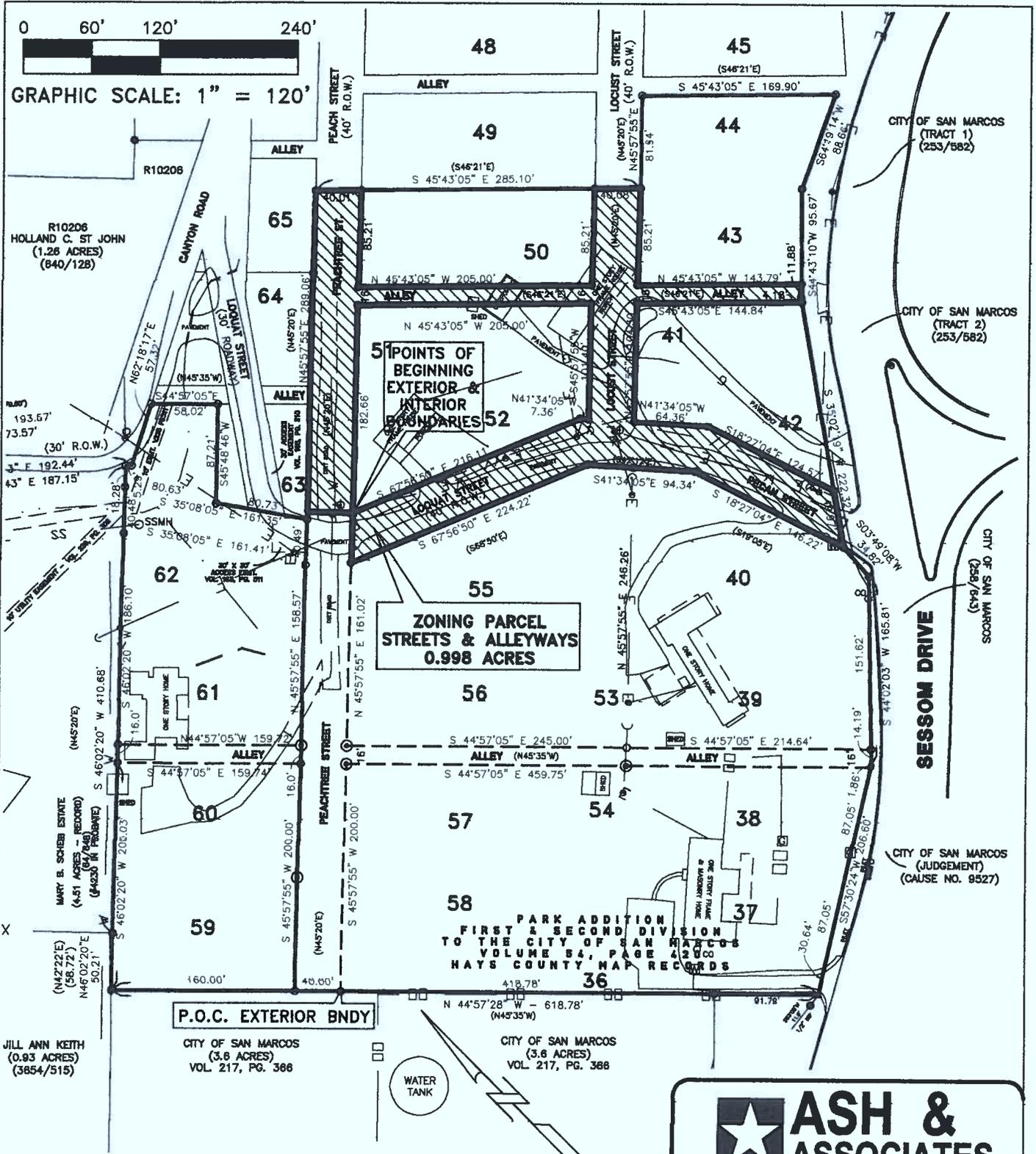


Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

01/14/13
Date

Job: 11-3846-F





DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
ZONING PARCEL - STREETS & ALLEYS

BEING 0.998 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING PORTIONS OF PEACHTREE STREET, LOQUAT STREET AND LOCUST STREET (40 FOOT RIGHT-OF-WAYS) AND A 16 FOOT ALLEYWAY ALL OUT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

ASH & ASSOCIATES
 SURVEYING - ENGINEERING - ARCHITECTURE
 142 JACKSON LANE
 SAN MARCOS, TEXAS 78666
 (512) 392-1719
 FAX (512) 392-1928
 ashandassociates.net
 Surveying: 100847-00
 Engineering: F-13483
 Architecture: TX20240
 "SERVING THE COMMUNITY OF TEXAS"
 JOB NO: 11-3846F DRAWN BY: RHT FB: -

STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
0.059 ACRES

BEING 0.059 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF A 16 FOOT ALLEYWAY OUT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set for corner at the east corner of Lot 60 of said Park Addition and the intersection of the northwest line of Peachtree Street, 40 foot right-of-way, with the southwest line of a 16 foot alley, as shown by plat of said Park Addition;

THENCE North 44°57'05" West, a distance of **159.74 feet** to a 1/2" iron rod set for corner at the north corner of said Lot 60 and a common corner of said 16 foot alley, same being in the northwest line of said Park addition;

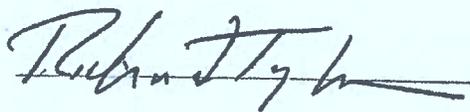
THENCE North 46°02'20" East, a distance of **16.00 feet** to a 1/2" iron rod set for corner of said 16 foot alley and the common west corner of Lot 61 of said Park Addition;

THENCE South 44°57'05" East, a distance of **159.72 feet** to a 1" iron pipe found for corner at the south corner of said Lot 61 and the intersection of said 16 foot alley with the aforesaid Peachtree Street, 40 foot right-of-way;

THENCE South 45°57'55" West, crossing said alley, a distance of **16.00 feet** to the **POINT OF BEGINNING** and **CONTAINING 0.059 ACRES OF LAND.**

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

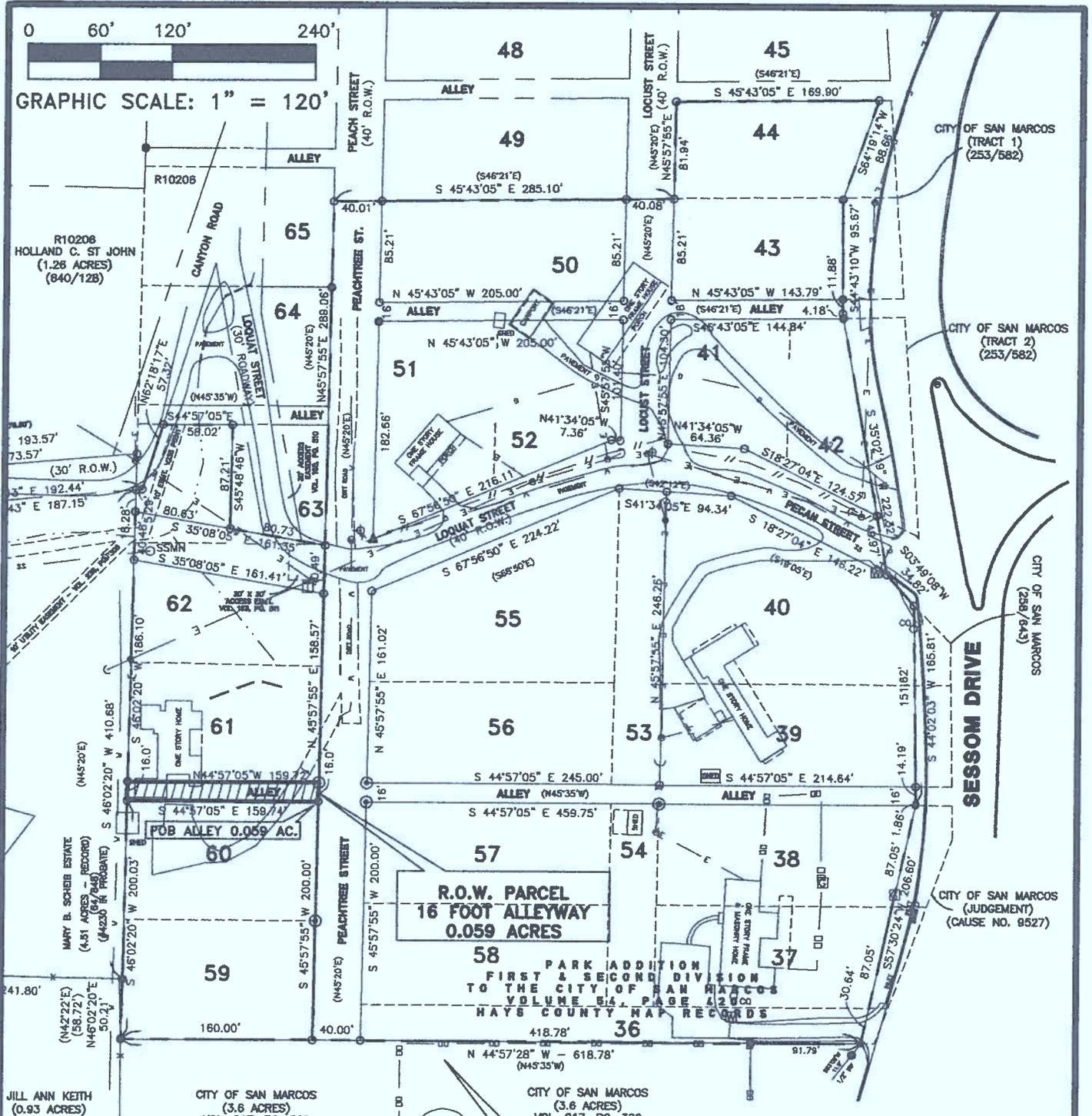


Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

Job: 11-3846-G

05/16/12
Date





DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
RIGHT-OF-WAY PARCEL - 16 FOOT ALLEYWAY

BEING 0.059 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF A 16 FOOT ALLEYWAY OUT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

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 Architecture: TX20240
 "SERVING THE COMMUNITY OF TEXAS"
 JOB NO: 11-38466 DRAWN BY: RHT FB: -

STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
0.169 ACRES

BEING 0.169 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF A 16 FOOT ALLEYWAY OUT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1" iron pipe found for corner at the west corner of Lot 56 of said Park Addition, same being at the intersection of the southeast line of Peachtree Street, 40 foot right-of-way, with the northeast line of a 16 foot alley, all as shown by plat of said Park Addition

THENCE South 44°57'05" East, along the northeast line of said 16 foot alleyway, a distance of **459.64 feet** to a 1/2" iron rod set for corner in the southwest line of Lot 39 of said Park Addition and the northwest line of Sessom Drive, variable width right-of-way;

THENCE South 44° 02'03" West, along the northwest line of said Sessom Drive, a distance of **14.19 feet** to a 1/2" iron rod set for corner and angle point;

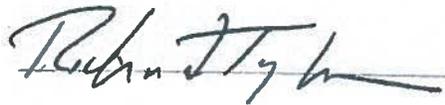
THENCE South 57°30'24" West, continuing along the northwest line of said Sessom Drive, a distance of **1.85 feet** to a 1/2" iron rod found for corner in the southwest line of said 16 foot alleyway and the common northeast line of Lot 38 of said Park Addition;

THENCE North 44°57'05" West, along the southwest line of said 16 foot alleyway, a distance of **459.75 feet** to a 1" iron pipe found for corner at the north corner of Lot 57 of said Park Addition, and the intersection of the southeast line of aforesaid Peachtree Street, 40 foot right-of-way;

THENCE North 45°57'55" East, crossing said alley, a distance of **16.00 feet** to the **POINT OF BEGINNING** and **CONTAINING 0.169 ACRES OF LAND.**

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.



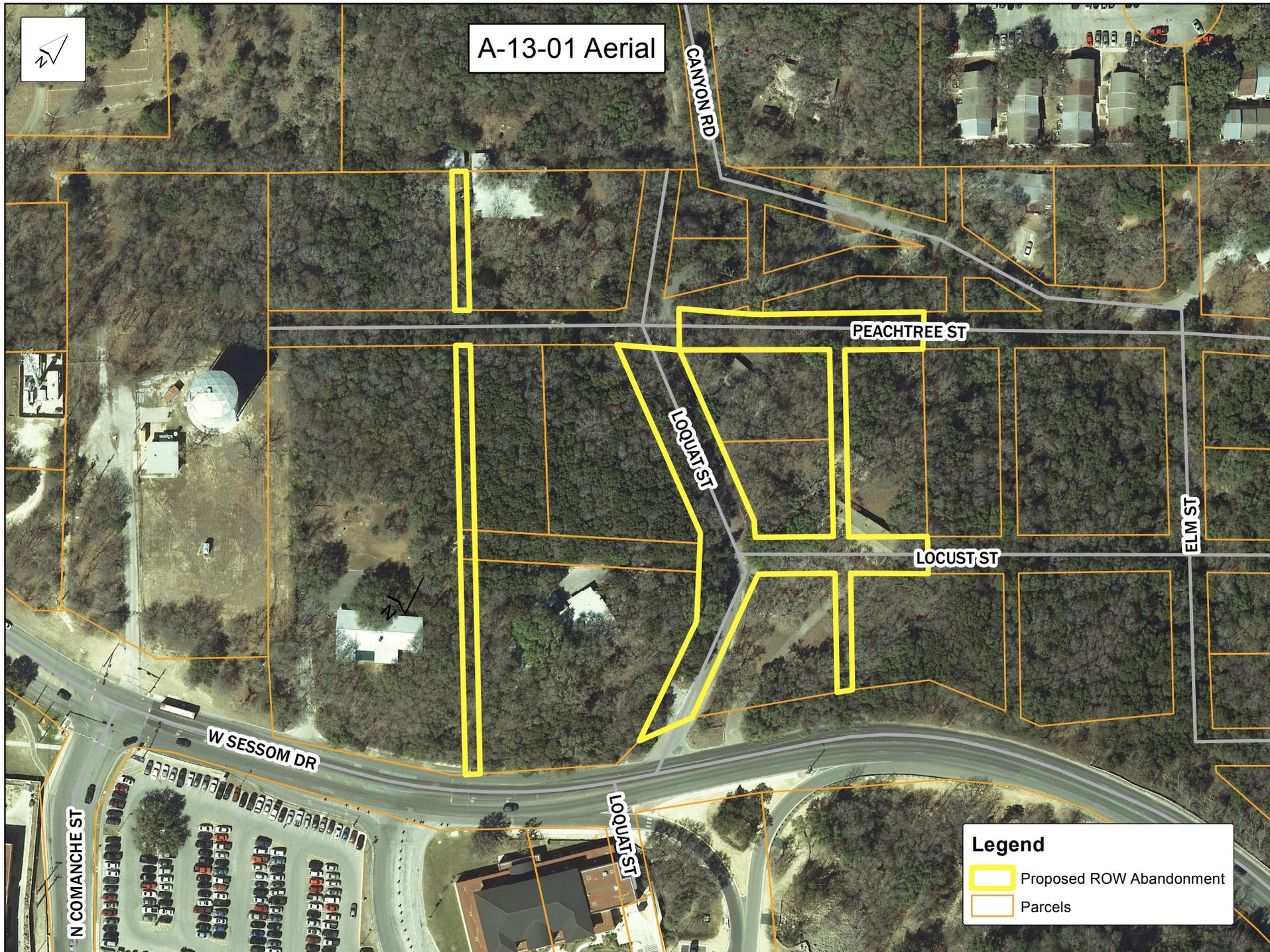
Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

Job: 11-3846-G

05/16/12
Date



A-13-01 Aerial



Legend

-  Proposed ROW Abandonment
-  Parcels

\$800

11/09

RECEIVED
JAN 14 2013

A-13-01

City of San Marcos

ALLEY AND STREET ABANDONMENT APPLICATION

APPLICANT

Name: Darren Casey Interests Phone No. (210) 829-1717
Mailing Address: 814 Arion Parkway, Suite 200, San Antonio, Texas 78216

If different from applicant:

Property Owner's Name: See Attached List Phone No. _____
Address: See Attached List

PROPERTY

Legal Description and Location of Abandonment:
Lot See Attached Block See Attached Subdivision Park Addition, Third Division

NOTE: Streets and alleys will be abandoned only in whole segments (between intersecting streets or terminus).

TYPE OF ABANDONMENT

Street: Length: SEE ATTACHED Width: _____
_____ Appraisal attached
_____ Check for appraisal attached

Alley: Length: _____ Width: _____
(No appraisal required)

Documents indicating the consent to the abandonment by the owners of all property abutting the segment to be abandoned must be included with the application.

I understand the process of abandonment and I am aware of the cost and fees associated with this process. \$150 filing fee must be submitted with this application form.

Signature of Applicant: [Signature] Date: 1/14/2013

Printed Name: THOMAS K. RHODES

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted by: _____ Date: _____



Checklist for Alley / Street Abandonment

- Applicant submits completed form and filing fee, including consent form(s) from other property owners with property adjacent to the proposed abandonment.
- Create case map.
- Prepare memo to departments and service providers for review and comment (include copy of map). {Allow one week for responses}
- Prepare summary of comments received.
- Notification by certified mail to all adjacent property owners, including applicant. {at least 10 days prior to Planning & Zoning Commission meeting}
- Prepare staff report for Planning & Zoning Commission meeting (include supporting materials: staff report, map, application documents, and summary of department comments). {due for agenda packet 1 week prior to P&Z meeting}
- After P&Z meeting, enter City Council Agenda Request into MuniAgenda (include supporting materials: staff report, map, application documents, summary of department comments, and P&Z minutes).

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

Signed: _____ Date: 1/14/2013

Print Name: THOMAS K RHODES

Engineer Surveyor Architect/Planner Owner Agent: CTR Dev. Con.

Agenda Information

AGENDA CAPTION:

LUA-13-01 (Sessom Drive Multifamily Community) Hold a public hearing and discuss a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney, and Buck Scheib , for an amendment to the Future Land Use Map from Low Density Residential (LDR) to Mixed Use (MU) for approximately 9.5 acres of land out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

Meeting date: May 14, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

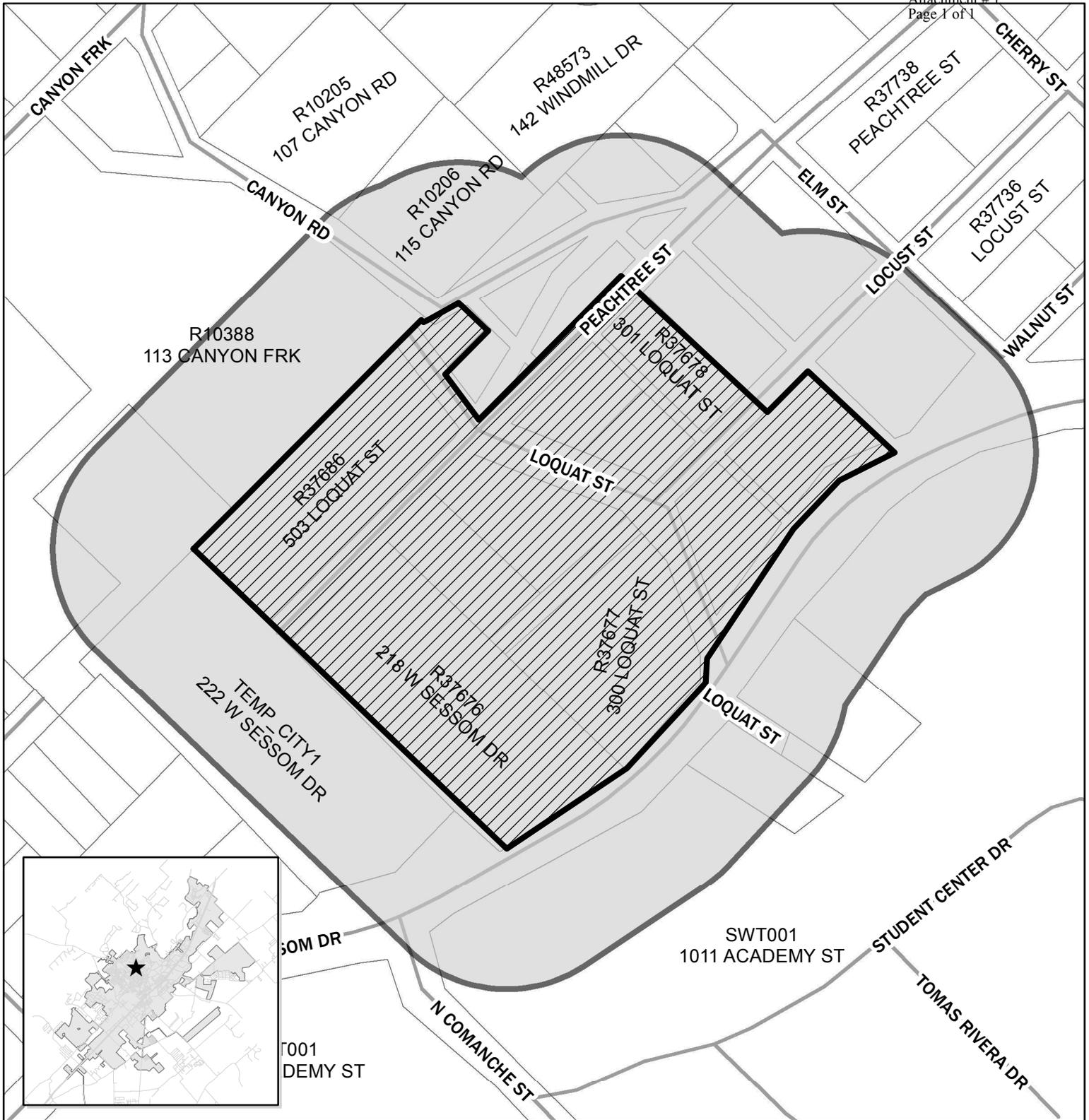
Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

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-13-01 for analysis on this case.

ATTACHMENTS:

Map
Application
Survey
Owner Authorization



Sessom Drive
Multifamily Community
PDD-13-01
ZC-13-03
LUA-13-01
Map Date: 5/2/2013

-  Site Location
-  Notification Area (200 feet)



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.

\$250

RECEIVED
JAN 14 2013
Toby

LUA - /3 - 01

City of San Marcos

LAND USE MAP AMENDMENT APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>	<u>CONSULTANT</u>
Name	Darren Casey Interests, Inc.	See Attached List	ETR Dev. Con., LLC
Mailing Address	814 Arion Pkwy, Ste. #200		401 Dryden Lane
	San Antonio, Texas 78216		Buda, Texas 78610
Daytime Phone	(210) 829-1717		(512) 618-2865
E-mail			ed@etrdevcon.com

PROPERTY DESCRIPTION:

Street Sessom Drive @ Loquat Street Address No. _____

Legal Description (if platted) See Attached Property Owner List

Appraisal District Tax I.D. (R#) See Attached List Acres 9.587

Zoning Classification SF-6 Proposed New Zoning, if any VMU

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

Existing use of land and building(s)

Single Family Residential

Proposed new use, if any

Mixed use retail and multifamily residential

APPLICATION FOR CITY OF SAN MARCOS MASTER PLAN LAND USE AMENDMENT

REQUESTED AMENDMENT:

Current Master Plan Land Use Designation LDR

Proposed Master Plan Land Use Designation Mixed Use (MU)

Policies of the Master Plan or other reasons which support this request

The Project Site is located adjacent to the University and is surrounded by other existing multifamily residential and retail. The project incorporates retail at the ground floor street level with multifamily residential apartments above and around the retail. The development employs vertical density in a compact design with structured parking to reduce the building footprint and impact on the environment.

SUBMITTAL REQUIREMENTS:

In conjunction with zoning change: **\$100 Application Fee** payable to the City of San Marcos
Not associated with zoning change: **\$100 per acre (\$500 minimum fee)**

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, also 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: 1/14/13

Printed Name: Ed Theriot

To be completed by Staff:

Meeting Date: NA - PDD

Application Deadline: NA

Accepted By: Tory Carpenter

Date: 1-14-13



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

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

Signed: *Ed Theriot*

Date: 1/14/13

Print Name: Ed Theriot

Engineer Surveyor Architect/Planner Owner Agent: _____

STAFF COMMENTS: _____

STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
7.885 ACRES

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the east corner of said Lot 44 and the common south corner of a 16 foot alley, as shown by said plat of the Park Addition, for the east corner of the herein described tract of land, same being at the intersection of said 16 foot alley and Sessom Drive, a variable width public right-of-way, and being at a corner of that certain tract of land conveyed to the City of San Marcos for street purposes as Tract 1 by Instrument recorded in Volume 253, Page 582 of the Deed Records of Hays County, Texas;

THENCE South 64°19'14" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 44 and the above-mentioned Lot 43, and continuing on a total distance of **88.66 feet** to a 5/8" iron rod found for corner;

THENCE South 44°43'10" West, continuing along the northwest line of said Sessom Drive, at a distance of 83.79 feet passing a 5/8" iron rod found at a corner of said City of San Marcos called Tract 1, same being on the southwest line of said Lot 43, and being at the intersection of said Sessom Drive and an above-mentioned 16 foot alley and continuing on for a total distance of **95.67 feet** to a 1/2" iron rod set for corner;

THENCE S 35°02'19" W, along the northwest line of said Sessom Drive, at a distance of 168.17 feet passing a 1/2" iron rod set at a corner of said City of San Marcos Tract 2, same being at the intersection of said Sessom Drive and Loquat Street (Pecan Street), a 40 foot public right-of-way as shown by plat of said Park Addition, and continuing on in all for a total distance of **222.32 feet** to a 1/2" iron rod set in an east line of the above-mentioned Lot 40, at the intersection of said Loquat Street and the northwest line of Sessom Drive, for a corner of the herein described tract of land;

THENCE South 03°49'08" West (S00°15'W Record), along the northwest line of said Sessom Drive and a common line of said Lot 40, a distance of **34.82 feet** to a 1/2" iron rod set for a corner of the herein described tract and a corner of that certain tract of land conveyed to the City of San Marcos for street purposes recorded in Volume 258, Page 643 of the Deed Records of Hays County, Texas;

THENCE South 44°02'03" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 40 and the above-mentioned Lot 39, at a distance of 151.62 feet passing a 1/2" iron rod set in the southwest line of said Lot 39 and the common northeast line of the above-mentioned 16 foot alley, and continuing on for a total distance of **165.81 feet** to a 1/2" iron rod set for corner of the herein described tract;

THENCE South 57°30'24" West, at a distance of 1.86 feet passing a 5/8" iron rod found in the southwest line of said 16 foot alley and the common northeast line of the above-mentioned Lot 38 and the common northwest line of said Sessom Drive, as described in Condemnation by the City of San Marcos by Judgment under Cause #9527, passing the common line of said Lot 38 and the above-mentioned Lot 37, passing the common line of said Lot 37 and the above-mentioned Lot 36, and continuing on for a total distance of **206.60 feet** to a nail found in concrete at a corner of said Sessom Drive, same being in the southwest line of said Lot 36, Park Addition, for the south corner of the herein described tract;

THENCE North 44°57'28" West (N45°35'W Record), along the southwest line of said Lot 36 and the southwest line of said Park Addition, at a distance of 91.79 feet passing a 1/2" iron rod found at a chain link fence corner at a corner of said Sessom Drive and a common east corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366 of the Deed Records of Hays County, Texas, and continuing along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract, at a distance of 418.78 feet passing a 1/2" iron rod set at the west corner of said Lot 36 and a common corner of the above-mentioned Peachtree Street, and continuing on for a total distance of **458.78 feet** to a 1/2" iron rod set at the south corner of Lot 59 of said Park Addition, for the west corner of the herein described tract of land;

THENCE North 45°57'55" East (N45°20'E Record), along the northwest line of said Peachtree Street, passing the common corners of Lots 59, 60, 61, 62, 63, 64 and 65, and continuing on for a total distance of **704.12 feet** to a 1/2" iron rod set for corner in the southeast line of said Lot 65, for a northwesterly corner of the herein described tract of land, and from which an iron rod found at the east corner of said Lot 64 and the common south corner of Lot 65 of said Park Addition bears South 45°57'55" West, a distance of 72.34 feet;

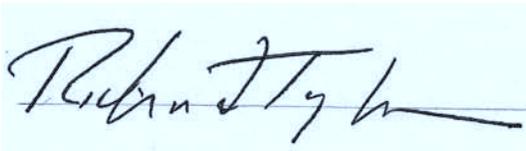
THENCE South 45°43'05" East (S46°21'E Record), at 40.02 feet passing a 1/2" iron rod set in the southeast line of said Peachtree Street at the north corner of the above-mentioned Lot 50 and the common west corner of Lot 49 of said Park Addition and continuing along the common line of said Lots 49 and 50, at a distance of 245.01 feet passing a 1/2" iron rod set at the east corner of said Lot 50 and the common south corner of said Lot 49, crossing the above-mentioned Locust Street, and continuing on for a total distance of **285.10 feet** to a 1/2" iron rod set for corner in the southeast line of said Locust Street at a common corner of the aforesaid Lot 43 and Lot 44;

THENCE North 45°57'55" East (N45°20'E Record), along the southeast line of said Locust Street, a distance of **81.94 feet** to a 1/2" iron rod set at the north corner of said Lot 44 and the intersection of said Locust Street and aforesaid 16 foot alley, for a north corner of the herein described tract of land;

THENCE South 45°43'05" East (S46°21'E Record), along the southwest line of said 16 foot alley and the common northeast line of said Lot 44, a distance of 169.90 feet to the POINT OF BEGINNING and CONTAINING 7.885 ACRES OF LAND.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

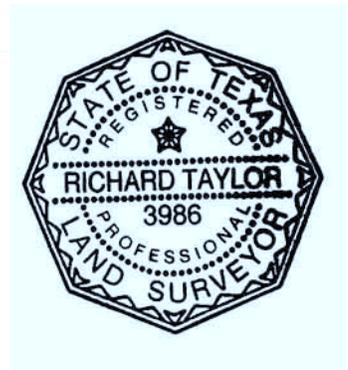
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

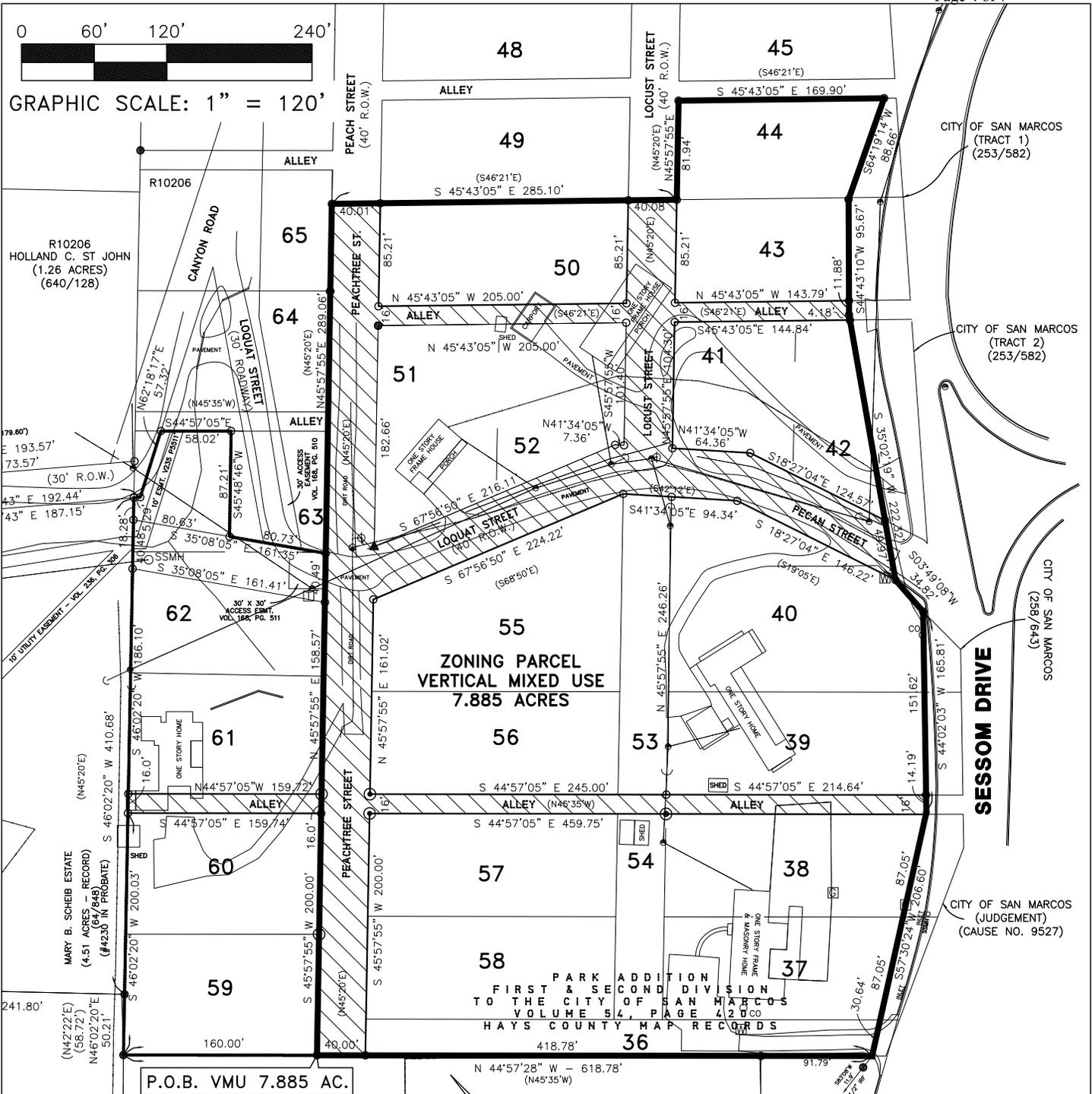


Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

Job: 11-3846-F

05/11/12
Date





P.O.B. VMU 7.885 AC.

FIRST & SECOND DIVISION
TO THE CITY OF SAN MARCOS
VOLUME 54, PAGE 420 CO
HAYS COUNTY MAP RECORDS

JILL ANN KEITH
(0.93 ACRES)
(3654/515)

CITY OF SAN MARCOS
(3.6 ACRES)
VOL. 217, PG. 366

CITY OF SAN MARCOS
(3.6 ACRES)
VOL. 217, PG. 366



DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
ZONING PARCEL - VERTICAL MIXED USE

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.



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FAX (512) 392-1928
ashandassociates.net
Surveying: 100847-00
Engineering: F-13483
Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"
JOB NO: 11-3846F DRAWN BY: RHT FB: -

STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
1.702 ACRES

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with City of San Marcos survey cap found marking the most westerly corner of said Park Addition, for the west corner of the herein described tract of land, same being at the west corner of said Lot 59 and the common north corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366, Deed Records of Hays County, Texas, and being in the southeast line of that certain called 0.93 acre tract of land conveyed to Jill Ann Keith by deed recorded in Volume 3654, Page 515 of the official Public Records of Hays County, Texas;

THENCE North 46°02'20" East (N45°20'E Record), at a distance of 50.21 feet passing a 1/2" iron rod with Pro-Tech cap found at the east corner of said Keith called 0.93 acre tract, same being at the south corner of that certain called 4.51 acre tract, the Estate of Mary B. Scheib, described by instrument #4230 in Probate and recorded in Volume 64, Page 848, Probate Records of Hays County, Texas, at a distance of 100 feet passing a common corner of said Lot 59 and the above-mentioned Lot 60, at a distance of 200.03 feet passing a 1/2" iron rod set at the north corner of said Lot 60 and the common west corner of the above-mentioned 16 foot alley, at a distance of 216.03 feet passing a 1/2" iron rod set for corner at the north corner of said 16 foot alley and the common west corner of the above-mentioned Lot 61, at a distance of 316.01 feet passing a common corner of said Lot 61 and the above-mentioned Lot 62, at a distance of 416.06 feet passing a common corner of said Lot 62 and the above-mentioned Lot 63, and continuing on with the common line of said Park Addition and said Scheib called 4.51 acre tract, a total distance of **460.88 feet** to a 1/2" iron rod set for the north corner of the herein described tract of land, same being in the northwest line of said Lot 63 at its intersection with the southwest line of Canyon Road, a 30 foot public road, and the common southwest line of a 30 foot wide roadway and utility easement out of the said Mary B. Scheib Estate called 4.51 acre tract;

THENCE South 49°47'43" East, along the southwest line of said Canyon Road, through said Lot 63, a distance of 5.29 feet to a 1/2" iron rod set for a corner of said Canyon Road and a corner of the herein described tract of land;

THENCE North 62°18'17" East, and continuing along the southwest line of said Canyon Road, a distance of **57.32 feet** to a 1/2" iron rod set for corner in the northeast line of said Lot 63 and a common southwest line of a 16' alley, as shown by plat of said Park Addition;

THENCE South 44°57'05" East (S45°35'E Record), along the northeast line of said Lot 63 and the common southwest line of said 16' alley, a distance of **58.02 feet** to a 1/2" iron rod set for corner in the dividing line of the north 1/2 and the south 1/2 of said Lot 63;

THENCE South 45°48'46" West, through said Lot 63 and along said dividing line a distance of **87.21 feet** to a 1/2" iron rod set for corner in the northeast line of an undedicated roadway and utility easement out of said Lot 63 and Lot 62 of said Park Addition, being the extension of Loquat Street (Pecan Street) from the intersection of Peachtree Street to the aforesaid Scheib called 4.51 acre tract;

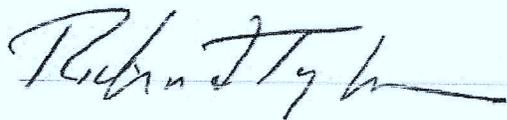
THENCE South 35°08'05" East, along the northeast line of said undedicated roadway and utility easement, a distance of **80.73 feet** to a 1/2" iron rod set for corner at the south corner of said lot 63 and the common east corner of the aforesaid Lot 62, same being at a corner of said an undedicated roadway and utility easement, and being in the northwest line of Peachtree Street, a 40 foot public right-of-way, as shown by plat of said Park Addition;

THENCE South 45° 57' 55" West (S45°20'W Record), along the northwest line of said Peachtree Street, passing the south corner of said Lot 62 and the common east corner of aforesaid Lot 61, at a distance of 199.06 feet passing a 1" iron pipe found at the south corner of said Lot 61 and the common east corner of the aforesaid 16 foot alley, at a distance of 215.06 feet passing a 1/2" iron rod set for corner at the east corner of the aforesaid Lot 60, passing the south corner of said Lot 60 and the common east corner of the aforesaid Lot 59, and continuing on for a total distance of **415.06 feet** to a 1/2" iron rod set at the south corner of said Lot 60, for the south corner of the herein described tract, same being in the northeast line of aforesaid City of San Marcos called 3.6 acre tract;

THENCE North 44°57'28" West (N45°35'W Record) along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract a distance of **160.00 feet** (160' Record) to the **POINT OF BEGINNING** and **CONTAINING 1.702 ACRES OF LAND.**

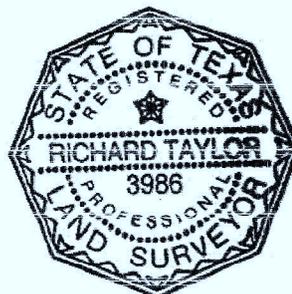
(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

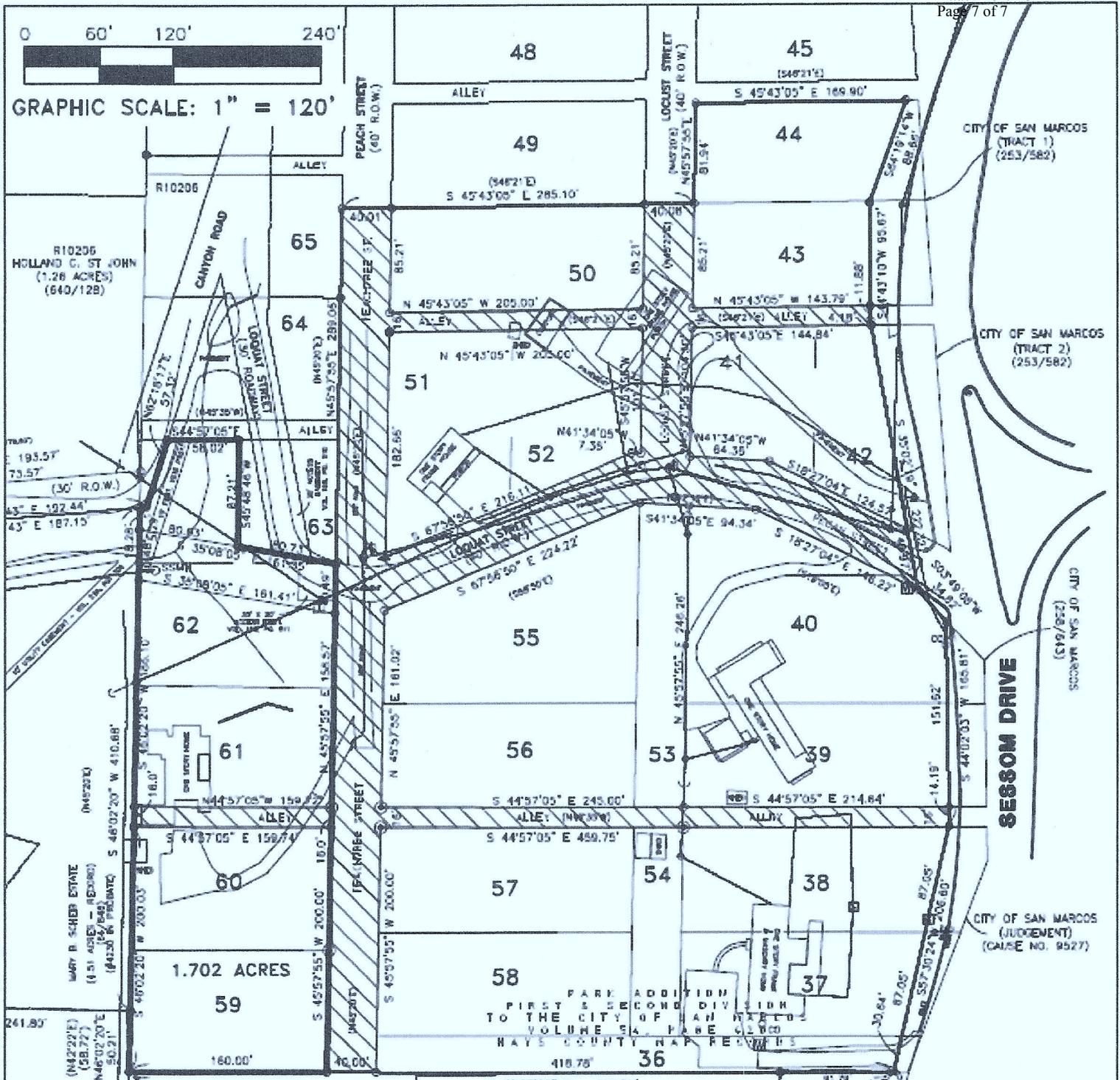
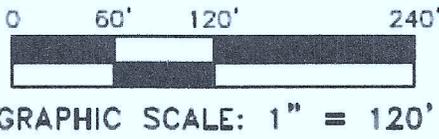


Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

Job: 11-3846-F



05/11/12
Date



JILL ANN KEITH
 (0.93 ACRES)
 (3654/515)

CITY OF SAN MARCOS
 (3.6 ACRES)
 VOL. 217, PG. 366

CITY OF SAN MARCOS
 (3.6 ACRES)
 VOL. 217, PG. 366

DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.



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 Surveying: 100847-00
 Engineering: F-13483
 Architecture: TX20240
 "SERVING THE COMMUNITY OF TEXAS"
 JOB NO: 11-3846F DRAWN BY: RHT FB: -

To Whom It May Concern:

I, Flo Wilks, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Flo Wilks

Signature

Flo Wilks

Printed Name

Company Name

Jan. 10, 2013

Date



To Whom It May Concern:

I, Harriett Ramsey authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Harriett Ramsey

Signature

HARRIETT RAMSEY

Printed Name

Company Name

Jan. 10, 2013

Date

To Whom It May Concern:

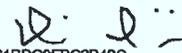
Christian Espiritu

Diana Espiritu

I, _____, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

DocuSigned by:

76489D7F2841455...

DocuSigned by:

121BDC0FBC2B49C...

Signature

Christian Espiritu

Diana Espiritu

Printed Name

Company Name

1/11/2013

Date

To Whom It May Concern:

We, Everett and
J. Donna Swinney authorize Darren Casey, Casey Development, ETR
Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my
agents and to submit development applications related to development on my
property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Everett Swinney *Donna Swinney*

Signature

Everette Swinney *Donna Swinney*

Printed Name

Company Name

1/10/13

Date

Agenda Information

AGENDA CAPTION:

ZC-13-03 (Sessom Drive Multifamily Community) Hold a public hearing and discuss a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney, and Buck Scheib , for an amendment to the Zoning Map from Single-Family Residential (SF-6) to Vertical Mixed Use (VMU) for approximately 9.5 acres of land out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

Meeting date: May 14, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

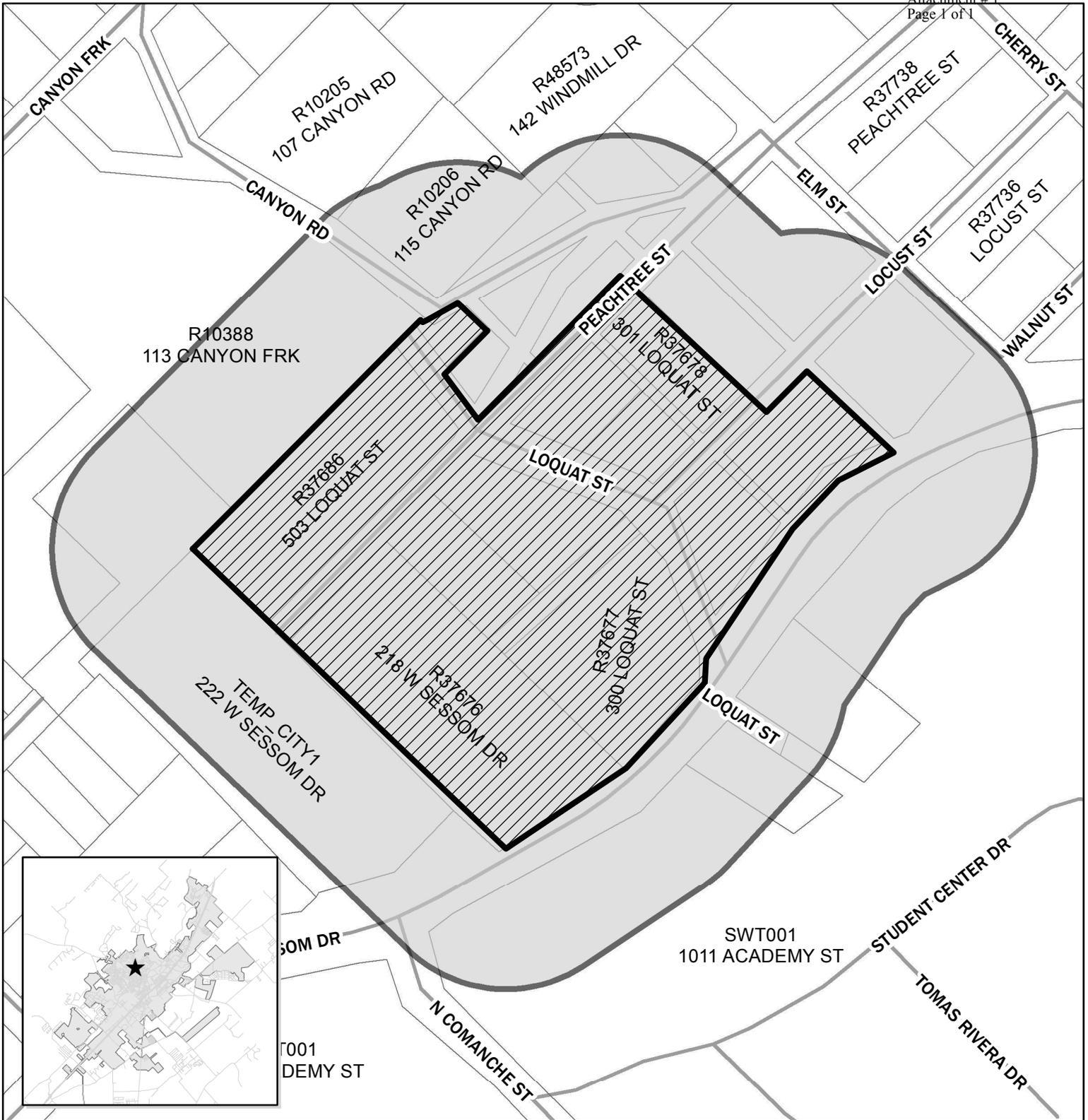
Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

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-13-01 for analysis on this case.

ATTACHMENTS:

Map
Application
Survey
Owner Authorization



Sessom Drive
Multifamily Community
PDD-13-01
ZC-13-03
LUA-13-01
Map Date: 5/2/2013

-  Site Location
-  Notification Area (200 feet)

0 125 250 500 Feet



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
JAN 14 2013

\$1,229.50

ZC - 13 - 03

City of San Marcos

ZONING CHANGE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>	<u>CONSULTANT</u>
Name	<u>Darren Casey Interests, Inc.</u>	<u>See Attached List</u>	<u>ETR Dev. Con., LLC</u>
Mailing Address	<u>814 Arion Pkwy, Ste. #200</u>		<u>401 Dryden Lane</u>
	<u>San Antonio, Texas 78216</u>		<u>Buda, Texas 78610</u>
Daytime Phone	<u>(210) 829-1717</u>		<u>(512) 618-2865</u>
E-mail			<u>ed@etrdevcon.com</u>

PROPERTY DESCRIPTION:

Street Address: Sessom Drive @ Loquat Street

Subdivision: Park Addition, Third Division Block: N/A Lot(s): See Attached List

Other Description (if unplatted) _____
 * a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: See Attached List Acres: 9.587

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

ZONING CHANGE INFORMATION:

Zoning Designation: Current: SF-6 Requested: VMU

Master Plan Designation: LDR Land Use Map Amendment Required? Yes

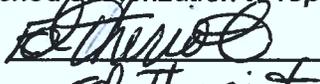
Present Use of Property: Single Family Residential

Desired Use of Property/Reason for Change: Mixed use retail and multifamily residential

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: 1/14/13

Printed Name: Ed Theriot

09/12

FEE INFORMATION:

Fee Schedule:

Zoning Change to MF 12, 18, 14	\$3,000
Zoning Change to all other categories	\$750 plus \$50 acre (\$2,000 maximum)
Zoning variance/Special Exception	\$600
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: _____

09/12

**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



Date

FOR STAFF USE ONLY:

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

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



Petition for Zoning Change, Zoning Overlay, or Historic District 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;
- 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)
- 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: Ed Theriot Date: 1/14/13

Print Name: Ed Theriot

Engineer Surveyor Architect/Planner Owner Agent: _____

ZC-____ - _____

STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
7.885 ACRES

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the east corner of said Lot 44 and the common south corner of a 16 foot alley, as shown by said plat of the Park Addition, for the east corner of the herein described tract of land, same being at the intersection of said 16 foot alley and Sessom Drive, a variable width public right-of-way, and being at a corner of that certain tract of land conveyed to the City of San Marcos for street purposes as Tract 1 by Instrument recorded in Volume 253, Page 582 of the Deed Records of Hays County, Texas;

THENCE South 64°19'14" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 44 and the above-mentioned Lot 43, and continuing on a total distance of **88.66 feet** to a 5/8" iron rod found for corner;

THENCE South 44°43'10" West, continuing along the northwest line of said Sessom Drive, at a distance of 83.79 feet passing a 5/8" iron rod found at a corner of said City of San Marcos called Tract 1, same being on the southwest line of said Lot 43, and being at the intersection of said Sessom Drive and an above-mentioned 16 foot alley and continuing on for a total distance of **95.67 feet** to a 1/2" iron rod set for corner;

THENCE S 35°02'19" W, along the northwest line of said Sessom Drive, at a distance of 168.17 feet passing a 1/2" iron rod set at a corner of said City of San Marcos Tract 2, same being at the intersection of said Sessom Drive and Loquat Street (Pecan Street), a 40 foot public right-of-way as shown by plat of said Park Addition, and continuing on in all for a total distance of **222.32 feet** to a 1/2" iron rod set in an east line of the above-mentioned Lot 40, at the intersection of said Loquat Street and the northwest line of Sessom Drive, for a corner of the herein described tract of land;

THENCE South 03°49'08" West (S00°15'W Record), along the northwest line of said Sessom Drive and a common line of said Lot 40, a distance of **34.82 feet** to a 1/2" iron rod set for a corner of the herein described tract and a corner of that certain tract of land conveyed to the City of San Marcos for street purposes recorded in Volume 258, Page 643 of the Deed Records of Hays County, Texas;

THENCE South 44°02'03" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 40 and the above-mentioned Lot 39, at a distance of 151.62 feet passing a 1/2" iron rod set in the southwest line of said Lot 39 and the common northeast line of the above-mentioned 16 foot alley, and continuing on for a total distance of **165.81 feet** to a 1/2" iron rod set for corner of the herein described tract;

THENCE South 57°30'24" West, at a distance of 1.86 feet passing a 5/8" iron rod found in the southwest line of said 16 foot alley and the common northeast line of the above-mentioned Lot 38 and the common northwest line of said Sessom Drive, as described in Condemnation by the City of San Marcos by Judgment under Cause #9527, passing the common line of said Lot 38 and the above-mentioned Lot 37, passing the common line of said Lot 37 and the above-mentioned Lot 36, and continuing on for a total distance of **206.60 feet** to a nail found in concrete at a corner of said Sessom Drive, same being in the southwest line of said Lot 36, Park Addition, for the south corner of the herein described tract;

THENCE North 44°57'28" West (N45°35'W Record), along the southwest line of said Lot 36 and the southwest line of said Park Addition, at a distance of 91.79 feet passing a 1/2" iron rod found at a chain link fence corner at a corner of said Sessom Drive and a common east corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366 of the Deed Records of Hays County, Texas, and continuing along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract, at a distance of 418.78 feet passing a 1/2" iron rod set at the west corner of said Lot 36 and a common corner of the above-mentioned Peachtree Street, and continuing on for a total distance of **458.78 feet** to a 1/2" iron rod set at the south corner of Lot 59 of said Park Addition, for the west corner of the herein described tract of land;

THENCE North 45°57'55" East (N45°20'E Record), along the northwest line of said Peachtree Street, passing the common corners of Lots 59, 60, 61, 62, 63, 64 and 65, and continuing on for a total distance of **704.12 feet** to a 1/2" iron rod set for corner in the southeast line of said Lot 65, for a northwesterly corner of the herein described tract of land, and from which an iron rod found at the east corner of said Lot 64 and the common south corner of Lot 65 of said Park Addition bears South 45°57'55" West, a distance of 72.34 feet;

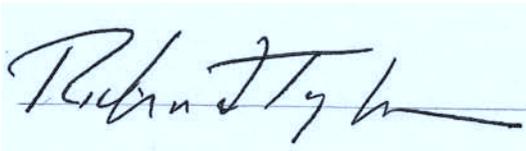
THENCE South 45°43'05" East (S46°21'E Record), at 40.02 feet passing a 1/2" iron rod set in the southeast line of said Peachtree Street at the north corner of the above-mentioned Lot 50 and the common west corner of Lot 49 of said Park Addition and continuing along the common line of said Lots 49 and 50, at a distance of 245.01 feet passing a 1/2" iron rod set at the east corner of said Lot 50 and the common south corner of said Lot 49, crossing the above-mentioned Locust Street, and continuing on for a total distance of **285.10 feet** to a 1/2" iron rod set for corner in the southeast line of said Locust Street at a common corner of the aforesaid Lot 43 and Lot 44;

THENCE North 45°57'55" East (N45°20'E Record), along the southeast line of said Locust Street, a distance of **81.94 feet** to a 1/2" iron rod set at the north corner of said Lot 44 and the intersection of said Locust Street and aforesaid 16 foot alley, for a north corner of the herein described tract of land;

THENCE South 45°43'05" East (S46°21'E Record), along the southwest line of said 16 foot alley and the common northeast line of said Lot 44, a distance of 169.90 feet to the POINT OF BEGINNING and CONTAINING 7.885 ACRES OF LAND.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

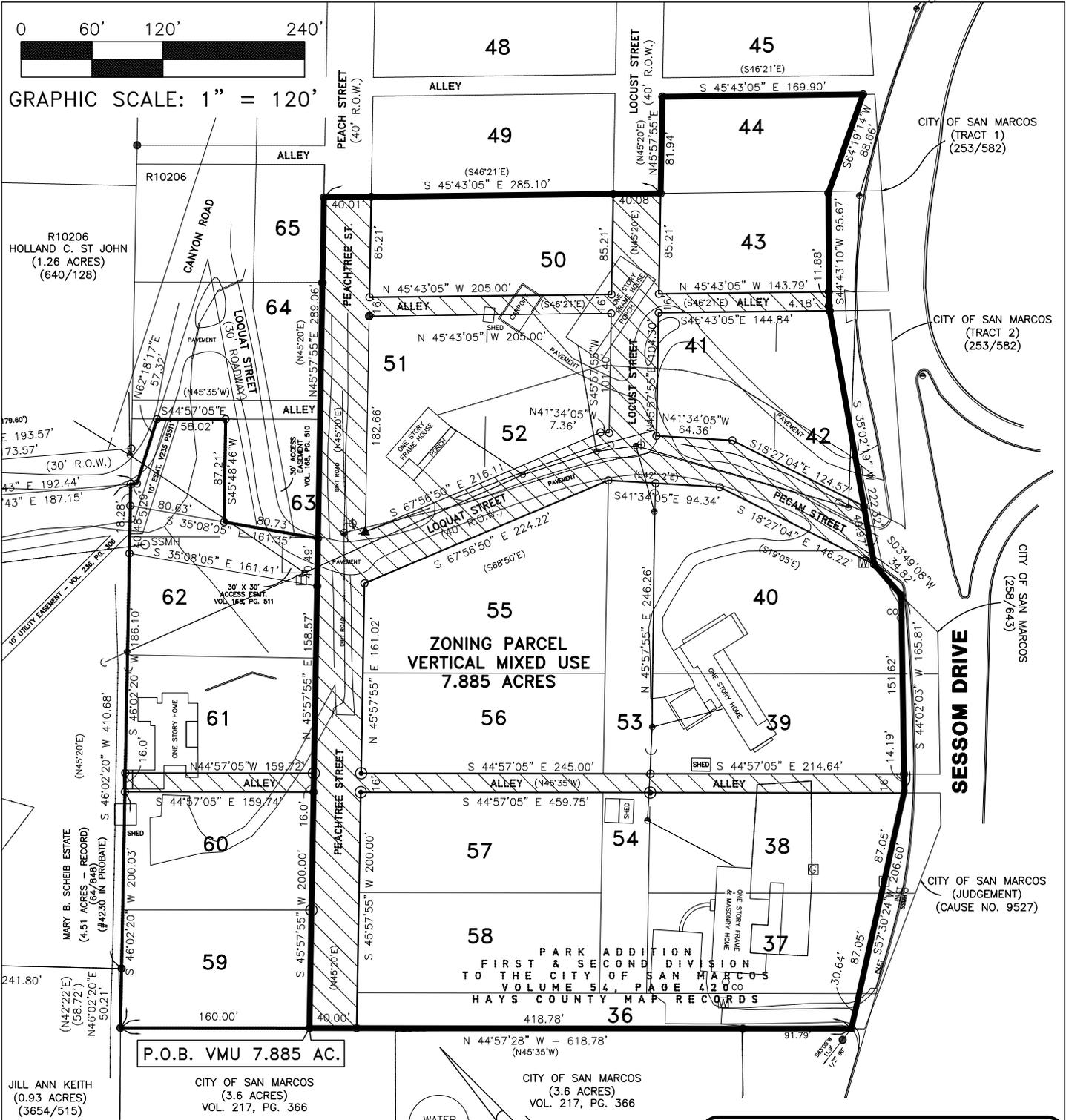


Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

Job: 11-3846-F

05/11/12
Date





DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
ZONING PARCEL - VERTICAL MIXED USE

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.



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ashandassociates.net
Surveying: 100847-00
Engineering: F-13483
Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"
JOB NO: 11-3846F DRAWN BY: RHT FB: -

STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
1.702 ACRES

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with City of San Marcos survey cap found marking the most westerly corner of said Park Addition, for the west corner of the herein described tract of land, same being at the west corner of said Lot 59 and the common north corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366, Deed Records of Hays County, Texas, and being in the southeast line of that certain called 0.93 acre tract of land conveyed to Jill Ann Keith by deed recorded in Volume 3654, Page 515 of the official Public Records of Hays County, Texas;

THENCE North 46°02'20" East (N45°20'E Record), at a distance of 50.21 feet passing a 1/2" iron rod with Pro-Tech cap found at the east corner of said Keith called 0.93 acre tract, same being at the south corner of that certain called 4.51 acre tract, the Estate of Mary B. Scheib, described by instrument #4230 in Probate and recorded in Volume 64, Page 848, Probate Records of Hays County, Texas, at a distance of 100 feet passing a common corner of said Lot 59 and the above-mentioned Lot 60, at a distance of 200.03 feet passing a 1/2" iron rod set at the north corner of said Lot 60 and the common west corner of the above-mentioned 16 foot alley, at a distance of 216.03 feet passing a 1/2" iron rod set for corner at the north corner of said 16 foot alley and the common west corner of the above-mentioned Lot 61, at a distance of 316.01 feet passing a common corner of said Lot 61 and the above-mentioned Lot 62, at a distance of 416.06 feet passing a common corner of said Lot 62 and the above-mentioned Lot 63, and continuing on with the common line of said Park Addition and said Scheib called 4.51 acre tract, a total distance of **460.88 feet** to a 1/2" iron rod set for the north corner of the herein described tract of land, same being in the northwest line of said Lot 63 at its intersection with the southwest line of Canyon Road, a 30 foot public road, and the common southwest line of a 30 foot wide roadway and utility easement out of the said Mary B. Scheib Estate called 4.51 acre tract;

THENCE South 49°47'43" East, along the southwest line of said Canyon Road, through said Lot 63, a distance of 5.29 feet to a 1/2" iron rod set for a corner of said Canyon Road and a corner of the herein described tract of land;

THENCE North 62°18'17" East, and continuing along the southwest line of said Canyon Road, a distance of **57.32 feet** to a 1/2" iron rod set for corner in the northeast line of said Lot 63 and a common southwest line of a 16' alley, as shown by plat of said Park Addition;

THENCE South 44°57'05" East (S45°35'E Record), along the northeast line of said Lot 63 and the common southwest line of said 16' alley, a distance of **58.02 feet** to a 1/2" iron rod set for corner in the dividing line of the north 1/2 and the south 1/2 of said Lot 63;

THENCE South 45°48'46" West, through said Lot 63 and along said dividing line a distance of **87.21 feet** to a 1/2" iron rod set for corner in the northeast line of an undedicated roadway and utility easement out of said Lot 63 and Lot 62 of said Park Addition, being the extension of Loquat Street (Pecan Street) from the intersection of Peachtree Street to the aforesaid Scheib called 4.51 acre tract;

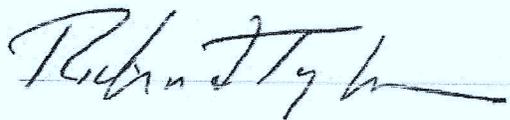
THENCE South 35°08'05" East, along the northeast line of said undedicated roadway and utility easement, a distance of **80.73 feet** to a 1/2" iron rod set for corner at the south corner of said lot 63 and the common east corner of the aforesaid Lot 62, same being at a corner of said an undedicated roadway and utility easement, and being in the northwest line of Peachtree Street, a 40 foot public right-of-way, as shown by plat of said Park Addition;

THENCE South 45° 57' 55" West (S45°20'W Record), along the northwest line of said Peachtree Street, passing the south corner of said Lot 62 and the common east corner of aforesaid Lot 61, at a distance of 199.06 feet passing a 1" iron pipe found at the south corner of said Lot 61 and the common east corner of the aforesaid 16 foot alley, at a distance of 215.06 feet passing a 1/2" iron rod set for corner at the east corner of the aforesaid Lot 60, passing the south corner of said Lot 60 and the common east corner of the aforesaid Lot 59, and continuing on for a total distance of **415.06 feet** to a 1/2" iron rod set at the south corner of said Lot 60, for the south corner of the herein described tract, same being in the northeast line of aforesaid City of San Marcos called 3.6 acre tract;

THENCE North 44°57'28" West (N45°35'W Record) along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract a distance of **160.00 feet** (160' Record) to the **POINT OF BEGINNING** and **CONTAINING 1.702 ACRES OF LAND.**

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

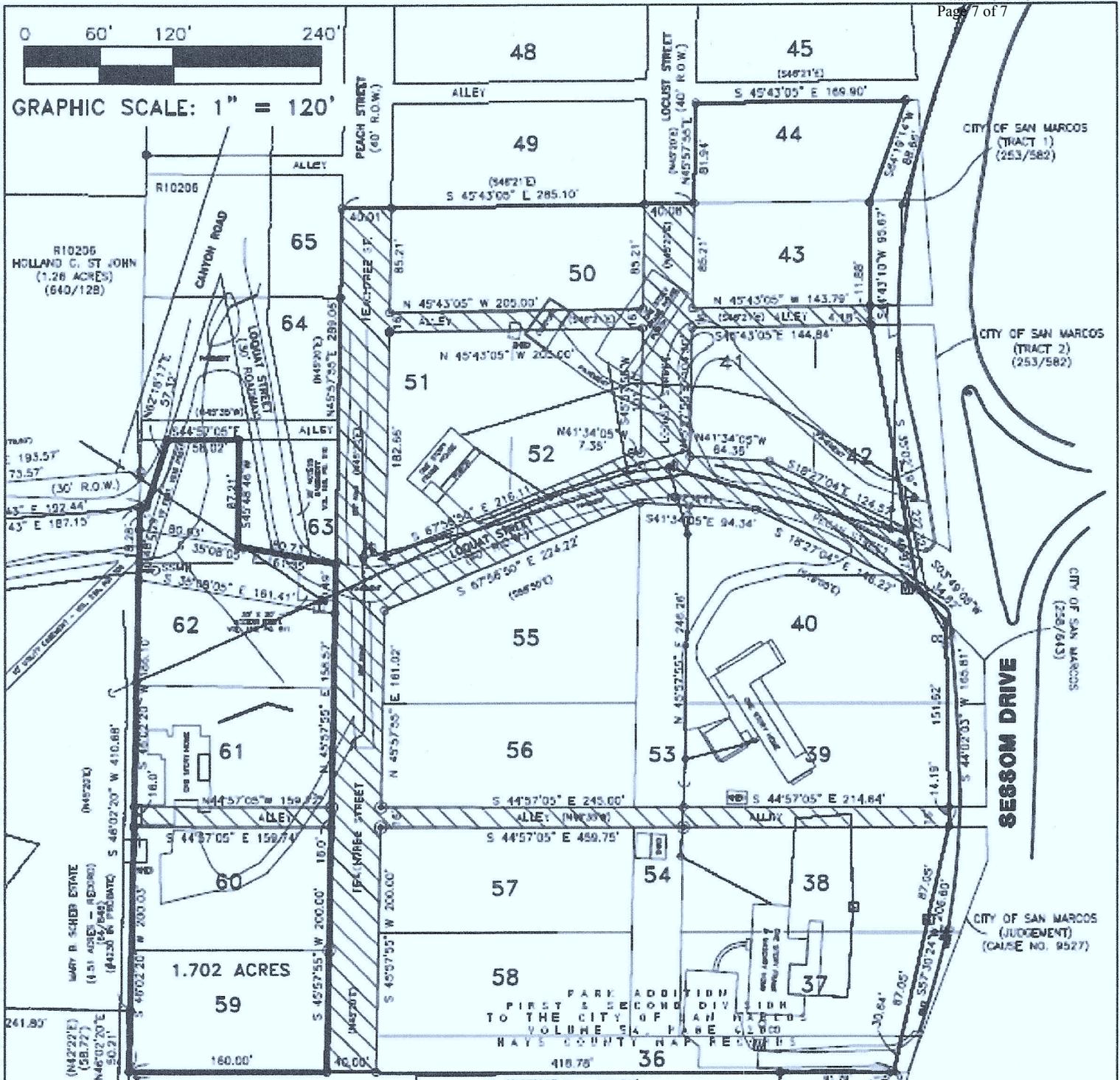
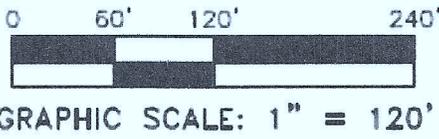


Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

Job: 11-3846-F



05/11/12
Date



JILL ANN KEITH
(0.93 ACRES)
(3654/515)

CITY OF SAN MARCOS
(3.6 ACRES)
VOL. 217, PG. 366

CITY OF SAN MARCOS
(3.6 ACRES)
VOL. 217, PG. 366

DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.



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Engineering: F-13483
Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"
JOB NO: 11-3846F DRAWN BY: RHT FB: -

To Whom It May Concern:

I, Flo Wilks, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Flo Wilks

Signature

Flo Wilks

Printed Name

Company Name

Jan. 10, 2013

Date



To Whom It May Concern:

I, Harriett Ramsey authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Harriett Ramsey

Signature

HARRIETT RAMSEY

Printed Name

Company Name

Jan. 10, 2013

Date

To Whom It May Concern:

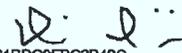
Christian Espiritu

Diana Espiritu

I, _____, authorize Darren Casey, Casey Development, ETR Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my agents and to submit development applications related to development on my property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

DocuSigned by:

76489D7F2841455...

DocuSigned by:

121BDC0FBC2B49C...

Signature

Christian Espiritu

Diana Espiritu

Printed Name

Company Name

1/11/2013

Date

To Whom It May Concern:

We, Everette and
Joanna Swinney authorize Darren Casey, Casey Development, ETR
Development Consulting, LLC, and Ramsey Engineering, LLC to serve as my
agents and to submit development applications related to development on my
property, located at Sessom Drive and Loquat Street in San Marcos, Texas.

Everette Swinney Joanna Swinney

Signature

Everette Swinney Joanna Swinney

Printed Name

Company Name

1/10/13

Date

Agenda Information

AGENDA CAPTION:

PDD-13-01 (Sessom Drive Multifamily Community) Hold a public hearing and discuss a request by ETR Development Consulting, L.L.C., on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Scheib, for a PDD overlay district, with a base zoning of Vertical Mixed Use (VMU) for approximately 9.5 acres out of the Park Addition, First and Second Division, located at Sessom Drive at Loquat Street (a/k/a Pecan Street).

Meeting date: May 14, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

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

BACKGROUND:

Sessom Drive – Multifamily Community is approximately 9.5 acres of land located on the north side of Sessom Drive, east and west of Loquat Street and generally northeast of the intersection of Sessom Drive and Comanche Drive proposed to be developed as a 380-unit, 800-bedroom mixed use development. It will incorporate a mixture of ground floor retail uses with multiple stories of loft apartments that front along Sessom Drive with parking being provided through a combination of structured parking and surface parking. The site is heavily wooded, and characterized by steep slopes and single-family residential structures. There are commercial and service uses located to the northwest at the intersection of Old RR 12 and Holland Drive, and south at the intersection of Sessom Drive and North LBJ. The project is proposing to add approximately 16,000 square feet of retail space, which would serve the proposed residential area as well as surrounding residences both on and off campus. The project will require the partial abandonment of Loquat Street, Locust Street and Peachtree Street as well as interior platted but undeveloped rights-of-way (alleys); a total of 1.226 acres. Currently, although the City's GIS does not indicate it, Loquat Street provides a connection between Sessom Drive and Holland Drive. The overall site will be replatted prior to development. An application requesting the abandonment of said streets and alleys has been filed and is running concurrently with the PDD, zoning change and land use amendment. The City recently upgraded the existing 12" water main with a 24" water transmission line in the existing Peachtree Street

right-of-way (ROW).

The Future Land Use Map designates the property as Low Density Residential (LDR) and the property has a zoning designation of Single Family Residential (SF-6). The applicant is requesting a land use amendment from Low-Density Residential (LDR) to Mixed Use (MU) and a zoning change from Single Family Residential (SF-6) to Vertical Mixed Use (VMU), with a Planned Development District Overlay (PDD). The rezoning request and land use amendment pertains to 7.885 acres of the project site and the remaining acreage, approximately 1.6 acres, is shown as undeveloped open space on the Concept Plan.

Staff found that the request **does meet** the criteria for the applicability to use a PDD and details are included in the staff report.

The PDD meets some goals of both the Sector 3 Plan and the Master Plan. However, there are standards within the LDC that are considered critical. Staff has reached an impasse with the applicant on the following standards found within the PDD:

- . 1. Increased amount of impervious cover on steep slopes. The details are included in the staff report.
- . 2. The amount of cut and fill on site. The details are included in the staff report.
- . 3. The exclusion of the 4.642 acre tract from the project site boundary. The details are included in the staff report.

The project is located in an ecologically sensitive area, where variation to the impervious cover limitation on steep slopes and cut and fill standards could have significant consequences for this and other properties. For this reason, staff finds that this does not meet the definition of a “superior development” as required for a PDD and recommends **denial** of the land use amendment and zoning change with a PDD overlay.

Public hearing and action on this case is scheduled for May 28, 2013.

ATTACHMENTS:

Notification Map

Staff Report

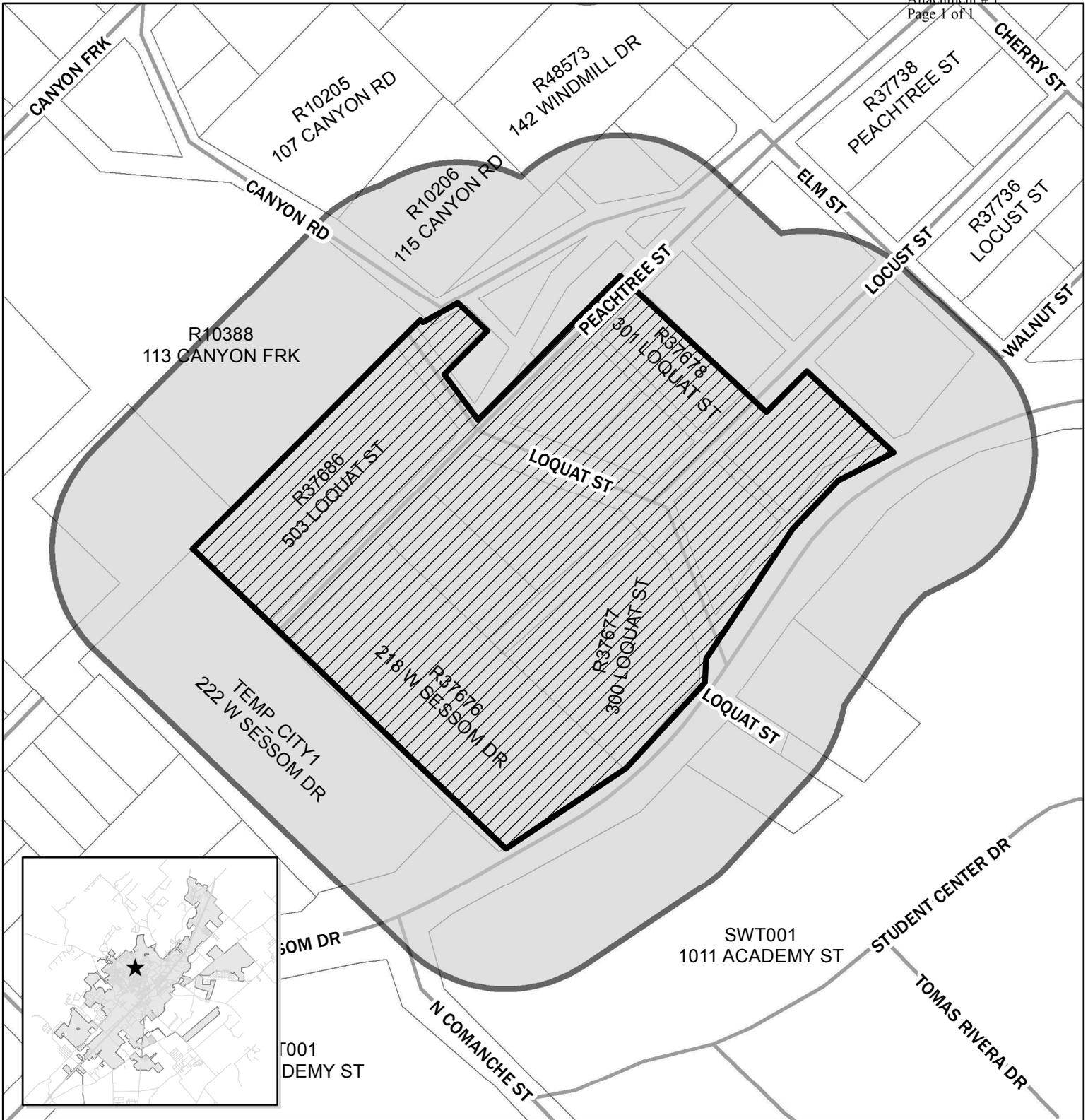
PDD Document

Exhibit "C" - Concept Plan Option A

Exhibit "C" Concept Plan Option B

Application

Survey



Sessom Drive
Multifamily Community
PDD-13-01
ZC-13-03
LUA-13-01
Map Date: 5/2/2013

-  Site Location
-  Notification Area (200 feet)



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-13-01/LUA-13-01/ZC-13-03 Planned Development District (PDD) Zoning Change The Casey Development – Sessom Drive Multifamily Community



Summary:

Applicant/ Property Owner: Darren Casey Interests, Inc.
814 Arion Pkwy. Suite 200
San Antonio, Texas 78216

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

Subject Property:

Legal Description: 9.587 acres of land, more or less, out of the Park Addition, including Lots 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and a portion of 63

Location: Sessom Drive and Loquat Street

Existing Use of Property: Single Family Residential

Existing Zoning: SF-6 Single Family Residential

Proposed Use of Property: Mixed use and multi-family residential

Proposed Zoning: PDD overlay with a VMU base zoning

Sector: 3

Frontage On: Sessom Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-6	Single family residential
S of Property	P	Texas State University
E of Property	SF-6//TH	Single family residential
W of Property	SF-6/P	Single family residences and City Water Tower location

Background

The Casey Development – Sessom Drive Multifamily Community is approximately 9.5 acres of land located on the north side of Sessom Drive, east and west of Loquat Street and generally northeast of the intersection of Sessom Drive and Comanche Drive. The project is proposed to be developed as a 380-unit, 800-bedroom mixed use development that will incorporate a mixture of ground floor retail uses with multiple stories of loft apartments that front along Sessom Drive with parking being provided through a combination of structured parking and surface parking. The project site is located across Sessom Drive from Texas State University, on a site that is heavily wooded, and characterized by steep slopes and single-family residential structures. There are commercial and service uses located to the northwest at the intersection of Old RR 12 and Holland Drive, and south at the intersection of Sessom Drive and North LBJ. The project is proposing to add approximately 16,000 square feet of retail space, which would serve the proposed residential area as well as surrounding residences both on and off campus.

The project is proposing the partial abandonment of Loquat Street, Locust Street and Peachtree Street as well as interior platted but undeveloped rights-of-way (alleys). Currently, although the City's GIS does not indicate it, Loquat Street provides a connection between Sessom Drive and Holland Drive. The total acreage of rights-of-way proposed to be vacated is 1.226 acres. The overall site will be replatted prior to development. Street abandonment requires the filing of an Alley/Street Abandonment Application and

public hearings before the Planning & Zoning Commission and the City Council. An application requesting the abandonment of said streets and alleys has been filed and is running concurrently with the PDD, zoning change and land use amendment.

The City recently upgraded the existing 12" water main with a 24" water transmission line in the existing Peachtree Street right-of-way (ROW). In order to maintain the current and future water mains, Public Services Department has requested a 50-foot easement be retained.

LUA-13-01 / ZC-13-03

Currently, the subject property has a Future Land Use Map designation of Low Density Residential (LDR) and a zoning designation of Single Family Residential (SF-6). The land use amendment request is to change the Land Use designation from Low-Density Residential (LDR) to Mixed Use (MU) and is being processed together with a request to change the zoning designation from Single Family Residential (SF-6) to Vertical Mixed Use (VMU), with a Planned Development District Overlay (PDD). The rezoning request and land use amendment pertains to 7.885 acres of the project site and the remaining acreage, approximately 1.6 acres, is shown as undeveloped open space on the Concept Plan.

Adjacent uses include Texas State University to the south, and a mix of housing, predominantly single-family, to the north, east and west. Similar uses to the proposed are in development less than a quarter of a mile away, along Chestnut Street and North LBJ Drive.

Proposed Site Development

- 9.5 acre site
- Mixture of retail, office, and multifamily residential uses, including loft apartments
- 380 units and 800 bedrooms maximum
- 40 units per acre maximum
- Maximum height restricted to 5 stories
- The project commits to a water quality performance rate of 85% removal of all Total Suspend Solids
- The applicant intends to meet the parkland dedication requirements by paying a fee-in-lieu of dedication payment of \$101,080, donating 4.642 acres of land adjacent to the tract proposed for development and providing for improved open areas that the public can access, which the PDD calls out as approximately 12,000 square feet of publicly accessible, improved open areas featuring plazas, water features/fountains, and outdoor gathering spaces. There will also be approximately 1.6 acres of private open space located toward the rear of the project site as shown in the Concept Plan.
 - The project was presented to the Parks and Recreation Advisory Board for their recommendation on the fee-in-lieu payment on March 26, 2013. The applicant originally presented a fee-in-lieu payment of \$300,000 along with the right of first refusal of the 4.642 acres. The Board motion and recommendation was as follows:

Ruben Beccerra made the motion to **deny** the proposal as presented. The motion was seconded by Lance Jones and the motion passed unanimously.

Density

VMU zoning would allow for a maximum density of 40 units per acre. The PDD proposes a maximum of 380 units which is the maximum number allowed with the base zoning of VMU. The current zoning of SF-6 allows 5.5 units per acre, which equates to approximately 52 units.

Parking Standards

The applicant is providing 0.90 spaces per bedroom for the multifamily uses and 1 space per 400 square feet for the retail, office, and restaurant uses. The total parking spaces for the project area will be 760 spaces. Bicycle parking is proposed at a minimum of 10% of the required vehicular parking. Both the

residential parking and retail parking is less than required by the Land Development Code (LDC). The following shows a comparison of the number parking spaces required by the LDC and proposed by the PDD:

	Parking Rate	Bedrooms	Parking Spaces Required
LDC	1.05	800	840
PDD	0.9	800	720
Deficit			120

	Parking Rate	Retail Sq. Ft.	Parking Spaces Required
LDC	1/250	16,000	64
PDD	1/400	16,000	40
Deficit			24

The project as proposed creates a possible deficit of 144 parking spaces. The actual number may vary slightly based on the number of bedrooms and uses of the retail area. The uses proposed for the project site are geared toward residents and pedestrians being able to walk to purchase items.

The project proposes a minimum of two electric vehicle charging stations on-site which will be available to the public as well as a solar powered bus shelter. The applicant has not given any indication that Texas State has reviewed the design for this bus shelter. The applicant has proposed a Pedestrian Crossing Area at the intersection of Sessom Drive and Comanche Street which will include enhanced signage, pedestrian signalization and will be well lit.

The applicant submitted a technical memo update to Public Services Transportation staff in lieu of a revised Traffic Impact Analysis. If the PDD is approved, Staff recommends that a new Traffic Impact Analysis be required.

Exterior Construction Standards

Through the PDD, the applicant is proposing the use of four-sided design. The applicant is also proposing specific standards applicable to the retail area that will front Sessom Drive. These standards include 70% glazing in clear glass at the street level, first floor façade to encourage pedestrian activity, upper levels setback from the street level to clearly define mix of uses, and recessed out-swinging doors that will be active and inviting to pedestrians.

Parkland Dedication

Parkland dedication fee-in-lieu payment of \$101,080 is proposed in addition to approximately 12,000 square feet of publicly accessible, improved open areas featuring plazas, water features/fountains, outdoor dining areas, outdoor gathering areas, seating/relaxation areas, and public wi-fi. While the PDD calls out this publicly accessible area of the project, it is important to note that it is still located on private property which could be subject to change. There will also be approximately 1.6 acres of private open space located toward the rear of the project site that will be for use by the residents.

The proposal presented to the Parks Advisory Board offered the City the right of first refusal to accept the donation of approximately 4.6 acres of land located to the northwest of the project site for use as publicly accessible open space, groundwater production, or for other uses as designated and approved by City Council. Upon revision of the PDD document the applicant is proposing to donate the 4.6 acre property for the above mentioned uses along with impervious cover mitigation. The 4.6 acre property is not

proposed to be included in the PDD and the Land Development Code does not allow for off-site mitigation.

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. Development must be offset by mitigation and the PDD proposes numerous measures which will help limit runoff during and after construction, including using Low Impact Development (LID) techniques in accordance with the City of Austin Environmental Manual and City of San Marcos LID manual. The LDC requires detention for a 2-year and a 25-year flood event and the applicant is proposing that stormwater detention will be designed for the 6-month, 2-year, 10-year, 25-year, and 50-year event as well as 100-year storm event for 24-hour storm duration. The applicant is also proposing that the Developer provide a bond to secure the clean-up of any sediment discharged along with the monitoring and inspection of all erosion and sedimentation controls by a third-party engineering inspector. The results of these inspections shall be provided to the City following each one.

Impervious Cover

The PDD proposes exceeding the maximum 35% impervious cover limitations for slopes between 15% and 25% grade. The Concept Plan shows that the northeast and southeast corners of the property as undeveloped land which would pull the project somewhat off of the slopes that are greater than 25% grade.

Originally, the applicant proposed unrestricted cut and fill activities on the site. Staff requested that the PDD reflect the amount of cut and fill being requested. Section 1(c)(7) of the PDD proposes 35 feet of cut and fill under a foundation and eight (8) feet outside of foundation.

Tree Preservation & Mitigation

While being subject to the requirements of the Land Development Code, the applicant has proposed to pay, when the Director of Development Services has determined mitigation is not feasible on-site, a fee-in-lieu of tree mitigation at the rate of \$150 for trees nine inches to 23-inches and \$300 for trees 24-inches and over.

Landscape/Streetscape

The applicant proposes a 10-foot wide sidewalk along Sessom Drive along with the installation of street trees at a rate of 1 for every 30 linear feet of frontage or a major fraction thereof, outdoor benches and seating areas, and other landscape features such as planter boxes and outdoor furniture associated with cafes and restaurants. The street trees are proposed to be planted in a minimum 6-foot by 6-foot tree grate to ensure survivability.

Other Standards

The applicant proposes to limit construction activity to 7 a.m. – 9 p.m. Monday through Saturday. It is unclear in the document whether or not there will be construction scheduled for Sundays. If the PDD were to be approved, staff recommends that the requirement that no construction be allowed on Sunday be added to Section 1(h) "Other Conditions and Standards". The applicant is also proposing to donate \$200,000 for educational outreach and support to a facility or organization in the City of San Marcos, other than Texas State University, that provides academic training, technical training or life skills to young adults.

Concept Plan

The applicant has proposed two options for the Concept Plan. The applicant presented these options after the last round of comments were sent on April 17, 2013 with Option A stated as their preferred option.

The City's Public Services – Transportation Department has reviewed the two options and state that neither option is amenable to Public Services. The assessment by Public Services of Option A (the roundabout), based on the sketch as there is no traffic analysis or design information available, is that the roundabout is not of sufficient size to manage the five-leg intersection and multiple turning movements. Subsequently, the roundabout is not recommended at this intersection. Public Services also reviewed Option B and states that the proposed two-way driveway, offset 50-feet, does not meet city code which requires minimum driveway offsets of 100-feet from intersections. Vehicles frequently blocking the intersection creating greater congestion and increasing the number of vehicle and pedestrian accidents will result from driveway spacing less than 100- feet.

However, Public Services is amenable to allowing an entrance-only driveway with a 50-foot offset where exiting traffic would have to exit from behind the water tanks. Option B shows a distance of 101-feet from the driveway to a proposed new water tower which the Public Services Department states is an acceptable minimum distance to provide reasonable access for maintenance should a new tower be needed in that location. Staff recommends that Option B be modified to reflect this. Alternatively, for Option A, staff recommends that the applicant submit all additional information required for Public Services to verify the feasibility of a roundabout prior to consideration of the PDD.

Planning Department Analysis:

The subject property is located on Sessom Drive, in an area that is predominantly single-family residential to the west, and directly across Sessom Drive from Texas State University to the east. There are commercial services to the northwest, and internal to campus, but not within this immediate area. The proposed project would bring concentrated residential density as well as commercial amenities to the area. Sessom Drive is not pedestrian-friendly in this location; the proposed development would have to include sidewalks to enhance walkability and pedestrian safety. While the project would bring amenities within walking distance to an area that currently has few amenities to which residents can walk, it would bring greater residential and commercial density into an area that is currently predominantly single-family residential.

Staff has reviewed the request against the criteria for spot zoning. The evaluation is below:

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

Staff evaluation: Yes. The property is currently zoned Single Family Residential (SF-6). This zoning designation is intended for development of primarily detached, single-family residences and customary accessory uses on lots of at least 6,000 square feet in size. The property could be developed as single-family housing. The current Future Land Use Map shows the entire site as Low Density Residential. A preliminary plat for the property was approved in March 2012 for a development consistent with the current zoning.

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

Staff evaluation: Yes and No. The neighborhood behind the project site has remained relatively unchanged, however, Texas State University, located directly across from the project site, has undergone dramatic change. The North Campus Housing Complex located at the corner of Comanche Street and Sessom Drive was completed in 2012.

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

Staff evaluation: No. The proposed rezoning will not address a substantial public need that has gone unmet. The request expands the student housing options that are near the university in an area served by public utilities.

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

Staff evaluation: Yes, the owner would receive the special benefit of increased impervious cover on steep slopes. All other developments would be held to the standards found in the Land Development Code. The subject property is located in close proximity to a watershed which feeds into the San Marcos River. There is an increased chance of detriment to the San Marcos River with the requested unrestricted cut and fill activities along with the request for increased impervious cover. Special attention is needed to prevent substantial detriments to such an ecologically sensitive area.

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

Staff evaluation: No. The proposed rezoning will not serve a substantial public purpose.

The intent of a Planned Development District is to provide a higher quality development for the community than would result from the use of conventional zoning districts [Section 4.2.6.1(a)]. The proposed use of bicycle parking, the tree mitigation rates, the pedestrian crossing at Comanche Street and Sessom Drive, the electric vehicle charging stations, bus shelter, the use of underground utilities, and the architectural standards aide in achieving a higher development than what is required in the LDC.

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

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

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

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

4.2.6.1(b)(3): The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards and

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

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

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

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

Staff evaluation: In short, the PDD contains enhancements in water quality, streetscape improvements, bicycle parking, exterior design standards and pedestrian safety. The request is superior in these regards to a development meeting the minimum standards for VMU. However, there are several key items proposed by the PDD that are in stark contrast to the requirements of the Land Development Code that do not result in a superior development. They are discussed later in the report.

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

Staff evaluation –The massing of the complex as a whole is overwhelming to the character of the existing neighborhood and there is a small section of private open space located at the rear of the project site that will act as a small buffer to the adjacent neighborhood.

- (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 1 has been submitted and is in review. The PDD proposes to remove 85% of Total Suspended Solids through the use of LID practices.

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

Staff evaluation – While the area north of the project site is predominately single-family, Texas State University is located directly across Sessom Drive. The proposed PDD is compatible with that area and the development could serve the student population.

- (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 – The project proposes a road, constructed on land owned by the City, as an access to the development. This is the site of an existing City water tank and potential new water facilities.

- (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 – Public open space is not proposed as part of the PDD. The project proposes approximately 12,000 square feet of publicly accessible areas such as plazas, water features/fountains, outdoor dining areas, outdoor gathering areas, seating areas, and public wi-fi. 1.6 acres of private open space is proposed at the rear of the property for the use of the residents of the development.

Staff reviewed the extent to which the proposed PDD furthers the Goals for the sector in which the proposed PDD is located. Staff found that the request supports most of the Sector 3 Goals but that there were a few Goals of Sector 3 that the request did not support. The review is below:

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

1. Walkable, pedestrian-friendly neighborhoods. **The streetscape proposed as part of the PDD allows a minimum 10-foot sidewalk along Sessom Drive, street trees (1 every 30 linear feet or major fraction thereof), benches, and an improved pedestrian crossing at Comanche Street and Sessom Drive. The buildings are proposed to be built close to the street edge with the upper stories being off-set from the ground floor retail to provide distinction between uses, although parking between the sidewalk along Sessom Drive and the buildings is an obstacle for pedestrians..**
2. Promote interconnected street grid in future development. **The applicant is proposing to construct a two-way street within the Peachtree Street right-of-way and continuing across the 2.6 acre tract of land owned by the City that abuts the southwest boundary of the Property to Comanche Street as illustrated in the Concept Plan which will connect to Canyon Road.**
3. Improved internal circulation in new commercial development to prevent traffic problems common in "strip" commercial development. **The Concept Plan shows multiple access points.**
4. Preserved & enhanced visual character through variety of design requirements. **Architectural standards are included in the PDD. The applicant has agreed to the use of four-sided design as part of the exterior construction standards.**

The request for the PDD **partially supports** the follow Sector 3 Goal:

1. Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety, and streets should not sacrifice safety of neighborhood residents for additional traffic and higher speeds. **There is only one street proposed for the development, Peachtree Street, as shown in the Concept Plan, with the rest being internal drive aisles. Peachtree Street is shown on the Concept Plan as having a 52-foot right-of-way which is typical for a residential collector. Also there is a lack of bike/pedestrian connectivity in the area and there is a deficit of off-street parking in the area.**

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

1. Safe, well connected bicycling routes on all major streets. **Bicycling routes are not proposed as a part of the development.**
2. Traffic calming to reduce "Cut-through" traffic. **Traffic calming measures are not proposed as part of the development. The connection using Peachtree Street to Canyon Road could lead to an increase in traffic cutting through the adjacent neighborhood to get from Chestnut Street to Comanche Street.**
3. Establish bicycling routes on all major streets to connect neighborhoods with desirable destinations. **Bicycling routes are not proposed as a part of the development.**
4. "Neighborhood friendly" development mitigating negative impacts of higher intensity uses. **While the project is intended as a pedestrian-friendly development and the project could bring neighborhood services to the area, an increase in traffic in the area could still occur with people driving in from other areas of town drawn to the retail portion of the development or to visit people living in the residential portion.**
5. Improved open space and recreational opportunities. **Public open space is not proposed as part of the PDD. The PDD only proposes a fee-in-lieu payment. The 4.642 acres proposed to be dedicated to the City is outside the boundary of the PDD.**

One of the Sector 3 Goals did not apply to the request: "Promote high quality, attractive development along Craddock Avenue and Ranch Road 12 as community gateways."

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 **supported** the following Master Plan Goals:

1. *Policy LU-3.8: The City shall encourage land use patterns that reflect inward functioning neighborhoods. The interior of the neighborhood units will generally contain low or, at the most, medium density uses. Heavy traffic generators, such as apartments or commercial uses, will be located outside neighborhoods along the designated arterials in corridors of intensified development. **The project site is located outside a neighborhood along a designated arterial.***
2. *Policy LU-3.12: The City shall encourage land uses which are compatible with and support the neighborhood, such as neighborhood shopping centers. Such uses shall be located on the periphery of the neighborhood. **The VMU designation will allow for a neighborhood shopping area and the project site is located along the edge of a neighborhood rather than in the middle.***
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. **VMU allows for a mixture of retail and residential uses thus encouraging pedestrian and bicycle traffic.***
4. *Policy LU-4.4: The City shall require medium and high density residential developments be located on larger sites to allow for proper buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development. **The subject site is 9.5 acres.***
5. *Policy LU-6.8: The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential usage of land in commercial districts except where residential uses are planned as part of a mixed-use concept. **The project is proposed as a Vertical Mixed Use development.***
6. *Policy LU-6.15: The City shall encourage the location of neighborhood shopping centers generally at the intersections of major or minor arterials. **The project is located along Sessom Drive, which is designated as a major arterial.***

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

1. *Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate the traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas. **The project site has access to Sessom Drive which is designated as a major arterial on the City's Thoroughfare Plan. The low density residential neighborhood located adjacent to the project site could be impacted by traffic generated by the higher density residential proposed as part of the project.***

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

1. *Policy LU-2.4: The City shall discourage and regulate any development that may have a significant adverse impact on the critical habitat of the San Marcos River. **The project site is located within the Sessom Creek watershed. Sessom Creek flows into the headwaters of the San Marcos River. The increased impervious cover limitations along with the requested unlimited cut and fill activities on the site could lead to the detriment of the San Marcos River if BMPs are not followed.***
2. *Policy LU-2.6: The City shall continue to prepare and enforce standards for the preservation of springs and streams and for the control of runoff into natural and manmade drainage courses so as not to degrade the water quality of the Edwards Aquifer, San Marcos and Blanco rivers, Sink Creek, Purgatory Creek, Willow Springs Creek, Cottonwood Creek, or any other natural stream or spring in the San Marcos area. **The present proposal has the potential to create adverse impacts such as***

- increased storm water runoff, and the potential for erosion, sedimentation and conveyance of nonpoint source pollutants from this site and eventually into the San Marcos River.**
3. Policy LU-2.12: *The City shall strive to protect the water quality in all rivers and creeks by reducing point and non-point pollution sources. **The present proposal has the potential to create adverse impacts such as increased storm water runoff, and the potential for erosion, sedimentation and conveyance of nonpoint source pollutants from this site and eventually into the San Marcos River.***
 4. Policy LU-2.19: *The City shall continue and strengthen existing erosion and sedimentation control standards for all development. **The proposal is requesting substantial cut and fill activities on the site, essentially leveling the site for the foundation. This is in direct contrast to Section 7.5.1.1(g) which states that the layout of a site should use the natural contour lines.***
 5. Policy LU-3.4: *The City shall provide, within the framework of the Future Land Use Plan, a wide choice of owner-occupied and rental housing types that will give adequate housing to families and individuals of all income levels. **The project appears to be targeted to student housing. The project does not offer the intended wide range of owner-occupied and rental housing types to families and individuals of all income levels and is adding to the large market of student housing apartments already constructed.***
 6. Policy LU-3.17 *The City shall allow different housing densities to abut one another as long as a proper buffer is provided and traffic generated by each use does not mix within the neighborhood and does not increase the load on existing roadways. **Again, there is an established single-family residential neighborhood adjacent to the project site. The project proposes a small buffer of private open space.***

The PDD meets some goals of both the Sector 3 Plan and the Master Plan. However, there are standards within the LDC that are critical. Staff has reached an impasse with the applicant on the following standards found within the PDD:

- Sections 5.1.1.5(a) and 7.5.1.4(a) of the Land Development Code quantify the amount of impervious cover allowed on existing slopes. Section 7.5.1.4(a) specifically states: “*No person shall develop land...in the City that has a slope of 15 percent gradient or greater or that has highly erodible soils, as identified in this Section, so as to create impervious cover in excess of 35 percent on slopes from 15 percent gradient to 25 percent gradient.*” The impervious cover limitations proposed under Section 1(c)(6) of the PDD standards, however, are significantly over the allowable percentage of impervious cover for slopes greater than 15%. The present proposal creates adverse impacts such as increased storm water runoff, and the potential for erosion, sedimentation and conveyance of nonpoint source pollutants from this site and eventually into the San Marcos River. Because increasing impervious cover limitations would not result in a superior development consistent with the purposes of a PD district, Staff, is unable to support the proposed waiver.
- The Land Development Code Section 7.5.1.1(g) of the Land Development Code states: “*In order to help reduce storm water runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots, and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of land that is disturbed during construction.*” While the applicant has specified the proposed amount of cut and fill on the site in Section 1(c)(7) of the PDD standards, the amount of cut and fill requested essentially flattens the subject property and removes the natural contour of the property. This, in addition to the adverse impacts listed above, could further result in the unwarranted loss of trees, including specimen trees and does not result in a superior development consistent with the purposes of a PD district.
- The project, as proposed, cannot meet the impervious cover limitations of the LDC above without the inclusion of additional land. Thus, short of reducing the amount of improvements significantly, it will be necessary for the project to include within its boundaries the 4.642 acre tract identified as

“Optional Offsite Parkland Donation” on the Concept Plan. Consequently, staff is unable to support the exclusion of that tract from the project site boundaries.

The project is located in an ecologically sensitive area, where variation to the impervious cover limitation on steep slopes and cut and fill standards could have significant consequences for this and other properties. For this reason, staff finds that this does not meet the definition of a “superior development” as required for a PDD and recommends **denial** of the land use amendment and zoning change with a PDD overlay. In order to allow for a thorough understanding and discussion of the request, this request is scheduled for discussion only. Public hearing and action on this case is scheduled for May 28, 2013.

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

Prepared by:

Alison Brake

Planner

May 1, 2013

Name

Title

Date

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY FROM _____ TO _____ FOR _____ ACRES OF LAND, MORE OR LESS, OUT OF THE _____ SURVEY LOCATED AT _____; AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING SAID TRACT OF LAND FROM _____ TO “PDD” PLANNED DEVELOPMENT DISTRICT WITH BASE ZONING OF _____ DISTRICT; APPROVING PLANNED DEVELOPMENT DISTRICT STANDARDS FOR THE DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING FOR PENALTIES.

RECITALS:

1. On _____, the City Planning and Zoning Commission of the City of San Marcos held public hearings regarding a request to change the Future Land Use Map of the San Marcos Horizons City Master Plan from _____ to _____ and a concurrent request to change the zoning from _____ District to “PDD” Planned Development District with base zoning of _____ District for a _____, more or less, tract of land located at _____ (the “Project Site”).

2. Subsequent to the public hearings, the Planning and Zoning Commission considered and voted to approve the requests on _____ and has recommended that the requests be approved by the City Council of the City of San Marcos.

3. The City Council held a public hearing on _____ regarding the requests.

4. All requirements of Chapter 1, Development Procedures, of the City Land Development Code pertaining to Future Land Use Map Amendments and Zoning Map amendments have been met.

5. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

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

SECTION 1. The Future Land Use Plan of the San Marcos Horizons City Master Plan is revised to change the future land use designation for the following real property, being the Project Site, from _____ to _____:

Street address:

Size:

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

SECTION 2. The Official Zoning Map of the City, as described in Section 4.1.2.2 of the City Land Development Code, is amended to rezone the tract of real property described in Section 1 above from _____ District to “PDD” Planned Development District with base zoning of _____ District.

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

SECTION 4. Notwithstanding the terms of this ordinance, including the Regulations or any other ordinances or approvals pertaining to the Project Site: (a) no building permits or development permits for any development authorized under the Land Development Code or any ordinance of the City of San Marcos shall be issued by the City of San Marcos unless and until such time as the City Council adopts an ordinance abandoning certain rights-of-way as provided in the Regulations and such ordinance becomes effective; and (b) no building permits will be issued by the City of San Marcos unless and until the improvements delineated in the final City-approved traffic impact analysis have been installed or securitized in accordance with applicable ordinances.

SECTION 5. 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 6. 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 _____, subject to reconsideration at the next regularly scheduled City Council meeting on _____.

Reconsidered: yes _____ / no _____

If yes: _____ approved
 _____ denied

Date: _____

Daniel Guerrero
Mayor

Attest:

Jamie Lee Pettijohn
City Clerk

Approved:

Michael J. Cosentino
City Attorney

ORDINANCE EXHIBIT "A"
Project Site Description

ORDINANCE EXHIBIT “B”

**PLANNED DEVELOPMENT DISTRICT STANDARDS FOR
THE CASEY DEVELOPMENT – SESSOM DRIVE MULTIFAMILY
PLANNED DEVELOPMENT DISTRICT**

Property: As described in Ordinance Exhibit “A.”

Project: The Property is an assembly of land consisting of platted lots, unplatted parcels and various undeveloped platted rights-of way that are proposed for abandonment. Approximately eight (8) acres of the property The Casey Development—Sessom Drive Multifamily project will be redeveloped as a 380 unit, 800 bedroom mixed use development incorporating a mixture of ground floor retail uses with multiple stories of loft apartments along the frontage of Sessom Drive. The retail component will comprise approximately 16,000 square feet. In addition, a clubhouse area will serve the 380 units of residential apartments. Parking will be provided through a combination of structured parking and surface parking. The remaining 1.5 acres of the Property will remain as undeveloped private open space.

~~The Property contains approximately 9.5 acres of land consisting of existing platted lots, unplatted parcels and various undeveloped platted ROW that are proposed for abandonment.~~

~~The Property currently has a Future Land Use Map designation of Low Density Residential (LDR) and an existing zoning of Single Family Residential (SF-6). The Property will be developed with approximately 16,000 square feet of retail uses and a clubhouse area serving the 380 units of residential apartments. The Project proposes a base zoning designation of Vertical Mixed Use (VMU) with a corresponding Future Land Use Map designation of Mixed Use on approximately 8 acres with the remaining acreage serving as undeveloped open space on the project site.~~

The Project will follow a modern, urban design with enhanced streetscape including wide sidewalks, trees along the street frontage, a combination of planter boxes, seating areas and building lines close to the street to encourage pedestrian activity, upper stories off-set from the ground floor retail to provide visual distinction between uses and architecture that follows a modern, urban design combining masonry, metal and glass exterior elements for visual interest.

The Project will incorporate various “Smart Growth” principles which are being promoted by The City of San Marcos for new developments. By virtue of its proximity to the University and creating an urban streetscape with wide sidewalks and outdoor gathering areas, residents will be encouraged to walk or bike, thus reducing traffic congestion and burden on parking. The building also

employs a vertical density, compact design with structured parking, to reduce its footprint.

Concept Plan: As shown in Exhibit “C”

1. Planned Development District (“PDD”) Standards. The following uses, regulations and requirements that vary from the requirements of other zoning districts and overlay the base zoning district shall apply to the Property and the Project in order to result in a higher quality development for the community. Except and unless expressly varied by these PDD Standards, the Property and the Project shall be subject to all applicable requirements of City of San Marcos ordinances, zoning regulations and Land Development Code (“LDC”) (collectively, the “Base Regulations”).

a. Uses. The uses allowed on the Property shall be those uses listed as permitted, prohibited, accessory or conditional in accordance with the Base Regulations identified in Table 4.3.1.2.

b. Dimensional and Development Standards. The following dimensional and development standards which vary from the Base Regulations identified in Table 4.1.6.1 shall be allowed or restricted as noted below:

#	STANDARD <u>AND</u> LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
1	Maximum Building Height	4 Stories	5 Stories <u>Building heights indicated on the Concept Plan may vary so long as the maximum building height does not exceed 5 stories.</u> <u>Parking garage shall not be taller than the building heights and shall be screened from view.</u>

c. Environmental & Water Quality Standards. The following environmental standards which vary from the Base Regulations contained in Chapter 5 of the LDC shall be allowed or restricted as noted below:

#	STANDARD <u>AND</u> LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
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1	Water Quality/TSS Removal (Section 5.1.1.3)	Detention of 2-year storm event meets water quality requirements No minimum TSS removal standards established	Minimum 85% TSS removal required
2	Sediment Discharge Bond	None Required	The Developer shall provide a bond in a form acceptable to the City , in the favor of the City, to secure the clean-up of any sediment discharged from the construction site.
3	Inspection of Erosion and Sedimentation Controls (Section 5.1.1.6)	City inspectors may inspect at reasonable times.	All erosion and sedimentation controls shall be monitored and maintained at all times during the construction process, and shall be inspected on an appropriate frequency (as specified in the approved environmental engineer's program) by a qualified, third-party engineering inspector, and results shall be provided to the City following each inspection.
4	Stormwater Detention Required (Section 5.1.1.3 & 7.5.1.1)	Detention of 25-year storm events required. Conveyance of storm event greater than 25-year storm, up to 100-year storm event required.	Stormwater detention shall be designed for the 6-month, 2-, 10-, 25-, 50-, and 100-year storm events for a 24 hour storm duration as specified by the City of Austin Drainage Criteria Manual and all subsequent development applications for the Project shall be contingent upon a determination that downstream capacity of the stormsewer system is adequate to handle runoff from the Project Site.
5	Low Impact Development "LID" Requirements	No minimum LID practices required	At least three (3) distinct LID practices recognized

			under City's standards shall be included in the site design.																				
6	Impervious Cover Limitations on Steep Slopes (Section 5.1.1.5)	<table border="1"> <thead> <tr> <th>Slope Gradient</th> <th>Impervious Cover Limitation</th> </tr> </thead> <tbody> <tr> <td>0% - 15%</td> <td>100%</td> </tr> <tr> <td>15% - 25%</td> <td>35%</td> </tr> <tr> <td>Over 25%</td> <td>20%</td> </tr> <tr> <td>Total Site IC</td> <td>85%</td> </tr> </tbody> </table>	Slope Gradient	Impervious Cover Limitation	0% - 15%	100%	15% - 25%	35%	Over 25%	20%	Total Site IC	85%	<table border="1"> <thead> <tr> <th>Slope Gradient</th> <th>Impervious Cover Limitation</th> </tr> </thead> <tbody> <tr> <td>0% - 15%</td> <td>75%</td> </tr> <tr> <td>15% - 25%</td> <td>65%</td> </tr> <tr> <td>Over 25%</td> <td>20%</td> </tr> <tr> <td>Total Site IC</td> <td>70%</td> </tr> </tbody> </table> <p>*Does not include existing Peachtree Street right-of-way "ROW"</p>	Slope Gradient	Impervious Cover Limitation	0% - 15%	75%	15% - 25%	65%	Over 25%	20%	Total Site IC	70%
Slope Gradient	Impervious Cover Limitation																						
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Over 25%	20%																						
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7	Cut and Fill Limitations	<p>In order to help reduce storm water runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots, and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes and minimize the amount of land that is disturbed during construction. (Section 7.5.1.1(g))No specific standard required</p>	<p>Cut and fill activities and limitations on the Property shall not be restricted for the development of this Project. Permitted amounts of cut and fill: (Reference source, Austin Environmental Criteria Manual)</p> <p>(1) Under a foundation with sides perpendicular to the ground, or with pier and beam construction, or within a roadway Right of Way; Exempted from cut and fill limitations. (35 feet proposed)</p> <p>(2) Outside of foundation with sides perpendicular to the ground, or with pier and beam construction, or within a roadway Right of Way; Limited to 8 feet. (Administrative increase to 10 feet permitted subject to final grading plans)</p>																				

d. Architectural Standards. The minimum architectural design standards required for the Project shall be in accordance with the Base Regulations. In addition to the Base

Regulations contained in Chapter 4, Article 4 of the LDC, detailed architectural standards for the Project that are required or restricted are contained in Exhibit “D”.

e. Landscaping Standards. The following landscaping standards which vary from the Base Regulations contained in Chapter 6, Article 1 and Chapter 5, Article 5 of the LDC, shall be allowed or restricted as noted below:

#	STANDARD <u>AND LDC SECTION(S)</u>	BASE REGULATION	PDD STANDARDS
1	Incorporation of Green / Sustainable Solutions	No minimum required	The Project shall employ a minimum of three (3) green / sustainable solutions in one form or another which may include, but not be limited to, the following: (1) tree islands within the streetscape frontage to reduce the heat island effect, (2) strategic tree placement for wind and solar break, (3) a rooftop garden, (4) permeable paving materials such as pervious concrete in parking or drive areas, (5) crushed granite for walking paths, (5) bicycle racks within the parking garage for tenants, (7) the use of recycled landscape materials such as mulch and compost.
2	Streetscape Plantings and Landscape Planters	No specific criteria identified	Landscaping may be achieved by providing streetscape planting and/or landscape planters.
43	Tree Preservation & Mitigation (<u>Section 5.2.2</u>)	Protected Trees 9”-23” Replaced at a rate of 1 tree, 2.5 trees or 1 tree, 5” caliper Specimen Trees 24” and greater Replaced at a rate of 1 caliper inch : 1 caliper inch	Protected Trees 9”-23” Replaced at a rate of 1 caliper inch : 1 caliper inch, or \$150 per caliper inch Specimen Trees 24” and greater Replaced at a rate of 2

		Mitigation required on-site	<p>caliper inch : 1 caliper inch, or \$300 per caliper inch</p> <p>Establish payment for fee-in-lieu of tree mitigation at a rate of \$150 for trees nine inches to 23 inches and \$300 for trees 24 inches and over when required mitigation plantings cannot be placed on-site</p>
54	Streetscape Requirements (Section 6.1.1.4)	Street trees shall be planted at the average rate of one tree for every 50 feet, or major fraction thereof, of street frontage.	<p>A minimum ten foot (10') wide sidewalk shall be required along Sessom Drive.</p> <p>The Project shall include the installation and/or construction of street trees, outdoor benches and seating areas, landscape features such as planter boxes and outdoor furniture associated with cafes and restaurants or a combination thereof.</p> <p>Street trees shall be planted at the average rate of one tree for every 30 feet, or major fraction thereof, of street frontage and shall be in a minimum six foot by six foot (6' X 6') tree grate with adequate tree wells to ensure tree survivability.</p>

f. Public Facilities (Including Parkland Dedication) Standard. The following public facilities, including parkland dedication, standards which vary from the Base Regulations contained in Chapter 7 of the LDC shall be allowed or restricted as noted below:

#	STANDARD AND LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
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1	Fee-in-Lieu of Parkland Dedication	\$101,080 required (380 units X \$266 per unit)	\$101,080 required
2	Publicly Accessible and Improved Spaces	No specific requirement provided	Approximately 12,000 square feet of publicly accessible and improved open areas such as plazas, water features/fountains, outdoor dining areas, outdoor gathering areas, seating/relaxation areas and public wi-fi.
3	Private On-Site Open Space	No specific requirement provided	Approximately 1.6 acres of private open space area for use by residents
4	Off-Site Impervious Cover Mitigation & Open Space Preserve <u>Public Land Donation</u>	No specific requirement provided	<p>In addition to the on-site open space, publicly accessible open areas and the fee-in-lieu <u>of parkland dedication</u> proposed, the Concept Plan illustrates the location of approximately 4.6 acres <u>(abutting but outside the boundaries of the PD District) of Impervious Cover Mitigation & Open Space Preserve for off-site public land donation.</u></p> <p>The Property Owner shall grant the City, by separate recordable instrument, an irrevocable right of first refusal to accept the donation of <u>donate to the City</u> the aforementioned 4.6 acre property located to the northwest of the PDD area for use as publicly accessible open space, groundwater production, <u>impervious cover mitigation</u> or for other uses as designated and approved by the City Council. <u>This</u></p>

			donation shall occur at the time of final platting of the Property and shall be in a form acceptable to the City.
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g. Parking Standards. The following parking standards which vary from the Base Regulations contained in Chapter 6, Article 2 of the LDC shall be allowed or restricted as noted below:

#	STANDARD AND LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
1	Multi-family (Apartments)	1.05 spaces per bedroom	0.90 spaces per bedroom
2	Retail Office Restaurant (Section 6.2.1.2)	1 space / 250 SF 1 space / 300 SF 1 space / 100 SF or 1 space / 4 seats, whichever is less	1 space per 400 SF
3	Bicycle Parking	None required	Bicycle parking consisting of secure bike lockers and bike racks shall be provided at a minimum of 10% of required vehicle parking.
4	Electric Vehicle (EV) Charging Stations	None required	A minimum of two (2) electric vehicle (EV) charging stations will be provided on the site and shall be available to the general public.
5	Bus Shelter	None required	The Project shall provide a solar powered bus shelter which shall provide a charging station for personal electronic equipment.

h. Other Conditions and Standards. The following standards shall be additional requirements for the district:

#	STANDARD AND LDC SECTION(S)	BASE REGULATION	PDD STANDARDS
1	Provision of Additional		The owner shall construct a

	<p>Access and Streets</p>		<p>two way street within the Peachtree Street right-of-way and continuing across the 2.6 acre tract of land owned by the City that abuts the southwest boundary of the Property to Comanche Street as illustrated in the Concept Plan. The Owner shall also construct an access drive from said street into the Property between Comanche Street and the “New Water Tank” as shown in the Concept Plan, together with access drives to the City’s water facilities if requested by the City. The final locations and specifications for such improvements shall be subject to approval by the City. Such improvements shall be deemed required public improvements for which security is required as a condition of plat approval under Chapter 1, Article 6, Division 6 of the LDC</p>
<p>12</p>	<p>Pedestrian Barriers and Crossings</p>	<p>No specific standards required</p>	<p>Pedestrian barriers such as retaining walls and/or railings will be constructed along Sessom Drive to restrict crossings to designated areas. A Pedestrian Crossing Area shall be designated at the intersection of Sessom Drive and Comanche. The crossing shall include enhanced signage, pedestrian signalization, reflective paint and markers and shall be well lit.</p>
<p>23</p>	<p>Limitations on Construction</p>	<p>7 a.m. – 9 p.m., Monday -</p>	<p>Use of heavy equipment</p>

	Activities (City Code Section 14.011)	Sunday	restricted to 7 a.m. – 9 p.m., Monday – Saturday. <u>Use of heavy equipment shall be prohibited on Sundays.</u>
34	Educational Outreach and Support	None required	The Property Owner shall make a donation in the amount of \$200,000 for educational outreach and support to a facility or organization in the City of San Marcos, other than Texas State University, that provides academic training, technical training or life skills training to young adults.
5	<u>Electric Utilities</u>	<u>Optional above or below ground</u>	<u>Project shall be required to utilize underground electric utilities.</u>
6	<u>Construction of Acceleration/Deceleration Lanes</u>	<u>Per requirements of TIA</u>	<u>The Concept Plan illustrates the construction of a minimum 12-foot acceleration and/or deceleration lane for each ingress and egress. These improvements shall be deemed required public improvements for which security is required as a condition of plat approval under Chapter 1, Article 6, Division 6 of the LDC</u>

EXHIBIT "C"
Concept Plan & Graphic Depictions

EXHIBIT “D” **Architectural Design Standards**

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

1. **Facades:** Facades must be articulated by using color, wall planes, arrangement, or change in material to emphasize the façade elements. Exterior wall planes may be varied in height, depth or direction. Design elements and detailing, including the presence of windows and window treatments (for walls that face the public right-of-way), trim detailing, and exterior wall material, must be continued completely around the structure. Doors and windows must be detailed to add visual interest to the façade.
2. **Materials:** The following materials are required for design: brick; cedar; stone, stucco, split face concrete masonry units (CMU), faux stone or brick (stone/brick veneer), finished concrete, and fiber cement. The use of EIFS or similar material is permitted for no more than 20 percent of the façade, for trim only. The use of more than one material on individual buildings is encouraged, however, heavier materials such as brick or stone should always be placed on the bottom of the structure, with lighter materials such as wood or stucco above.
3. **Building entries:** Building entries next to a public street, private drive or parking area must be pedestrian scaled in relation to building size. Doors, windows, entranceways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale. Doors shall be fully articulated with the use of such elements as pilasters, columns, fanlights and transoms. Primary entries must be fully visible and easily accessible.
4. **Windows and transparency:** All exterior walls and elevations on all floors must contain windows except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entryways and common areas. Windows shall be fully articulated with at least one of the following: sills, lintels, framing, and/or shades, etc.
5. **Mechanical equipment screening:** Rooftop mechanical equipment must be hidden or screened with architecturally integral elements at least as high as the equipment to be screened. Ground mounted mechanical equipment must be hidden or screened with architecturally integral wing walls and/or landscaping. Mechanical equipment must be located where their acoustics will not be disruptive to residents. Solar panels are exempt from mechanical equipment screening standards.
6. **Finishes:** All finishes and sealants used internally and externally shall be low-VOC. This shall include paints, glazes, floor seals, and built-in components such as countertops.
7. **Shading:** All windows, with the exception of those facing north, shall be provided with some form of shading. Acceptable forms of shading include solar screens, awnings, eaves measuring at least 12” deep, and lintels.
8. **Accessory Structures:** All accessory structures shall be constructed in such a manner so as to be compatible in look, style and materials as the primary structures on the project site. Alternative designs for accessory structures may utilize different styles and

materials than the primary structure upon review and approval by the Director of Development Services, appealable to the Planning and Zoning Commission.

9. The following standards shall be specifically applicable to the retail area within the VMU portion of the property along the Sessom Drive façade:
 - a. The street level, first floor, façade shall be designed with a minimum of 70% glazing in clear glass to encourage pedestrian activity by providing stimulating storefronts that maintain and enhance the attractiveness of the street scene, display merchandise, seating areas, or activity inside the building.
 - b. There shall be a clear visual definition between the street level (first floor) and the upper levels created through the use of different exterior materials. The upper levels shall be setback from the street level to provide façade articulation and additional visual definition that clearly defines the mix of uses.
 - c. Out-swinging doors should be recessed so that the swing of the door does not interfere with the movement of pedestrians. Doors should be constructed so as to be no more than 75 percent and no less than 25 percent clear glass. The use of wood as a construction material and multiple panes of glass are encouraged.
 - d. Doorways shall be active and inviting to pedestrians. The placement of inactive doors, service doors, or doors used for emergency egress is discouraged in these areas.

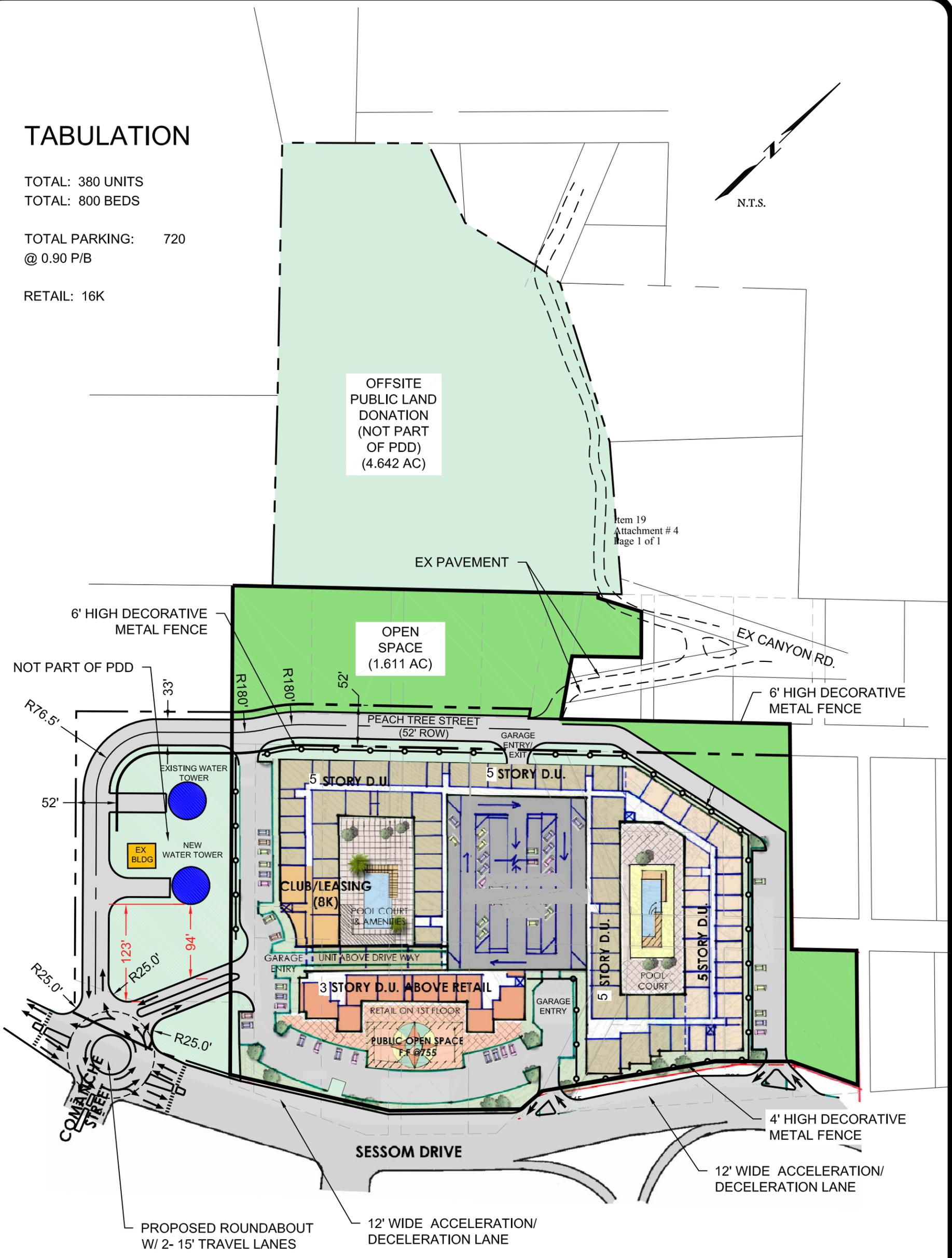
10. The Building design will incorporate a minimum of 3 Sustainable Design Standards utilizing high efficiency lighting fixtures, a variety of energy-star rated appliances, double-paned low-E windows, occupancy sensors, day-lighting, low-flow plumbing fixtures in residential units and automatic shut-off fixtures in the non-residential facilities to reduce energy demand, and non-toxic materials and low VOC paints that promote healthy indoor air quality.

TABULATION

TOTAL: 380 UNITS
 TOTAL: 800 BEDS

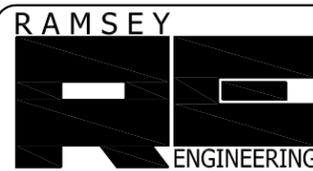
TOTAL PARKING: 720
 @ 0.90 P/B

RETAIL: 16K



SESSOM DRIVE MULTI FAMILY SCHEMATIC SITE PLAN #23

4-26-13
 EXHIBIT C
 OPTION A



Ramsey Engineering, LLC
 Civil Engineering • Consulting
 TBPE Firm No. F-12606

3206 Yellowpine Terrace
 Austin, Texas 78757

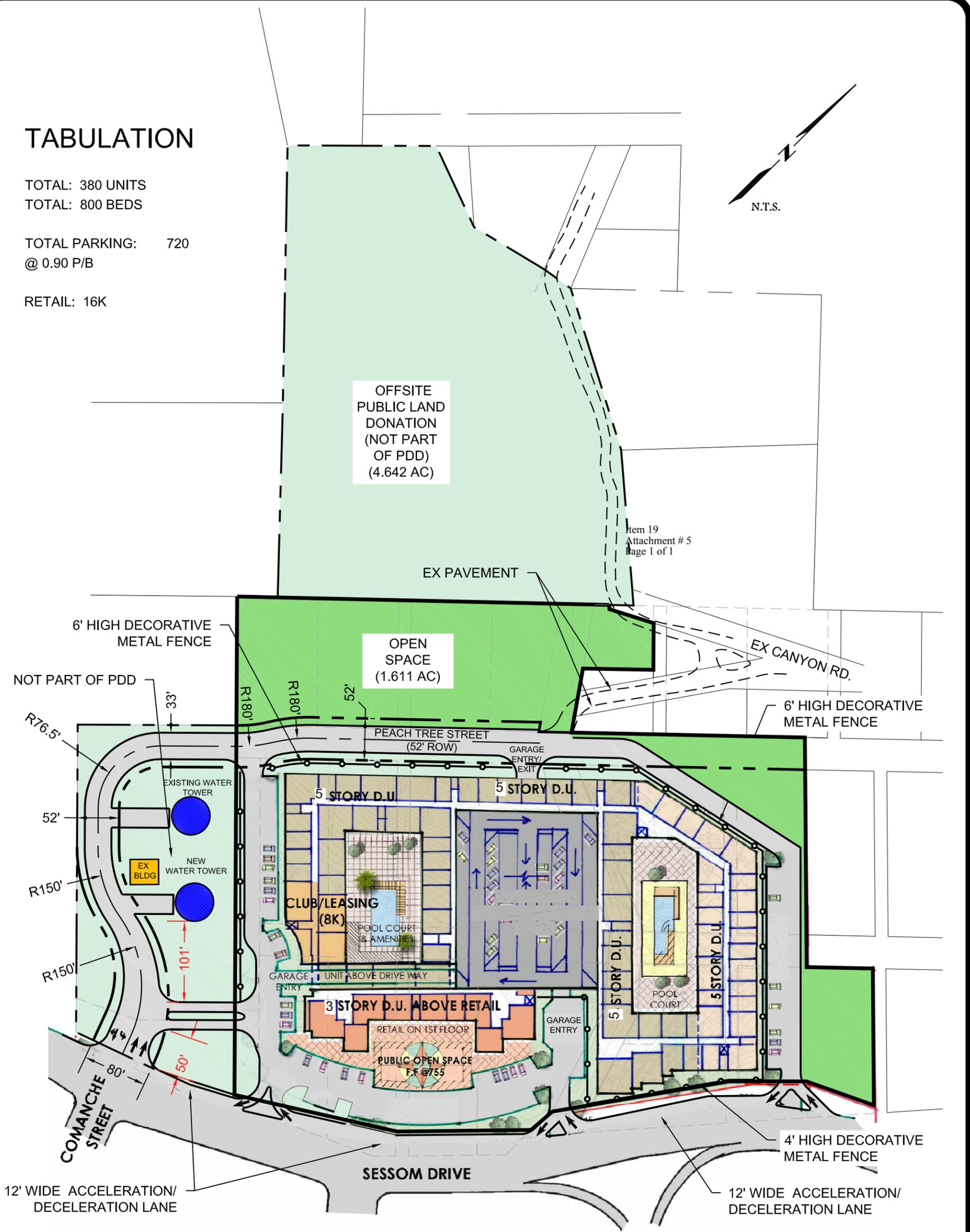
Cell: 512-650-6800
 ramsey-eng@att.net

TABULATION

TOTAL: 380 UNITS
 TOTAL: 800 BEDS

TOTAL PARKING: 720
 @ 0.90 P/B

RETAIL: 16K



SESSOM DRIVE MULTI FAMILY SCHEMATIC SITE PLAN #23

4-26-13
 EXHIBIT C
 OPTION B

RAMSEY
RAE ENGINEERING

Ramsey Engineering, LLC
 Civil Engineering • Consulting
 TBPE Firm No. F-12606

3206 Yellowpine Terrace
 Austin, Texas 78757

Cell: 512-650-6800
 ramsey-eng@att.net

\$2,459

RECEIVED
JAN 14 2013

PDD - 13 - 01

City of San Marcos

PLANNED DEVELOPMENT DISTRICT

ZONING / LAND USE PLAN / WRITTEN DEVELOPMENT STANDARDS

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>	<u>CONSULTANT</u>
Name	<u>Darren Casey Interests, Inc.</u>	<u>See Attached List</u>	<u>ETR Dev. Con., LLC</u>
Mailing Address	<u>814 Arion Pkwy, Ste. #200</u>		<u>401 Dryden Lane</u>
	<u>San Antonio, Texas 78216</u>		<u>Buda, Texas 78610</u>
Daytime Phone	<u>(210) 829-1717</u>		<u>(512) 618-2865</u>
E-mail			<u>ed@etrdevcon.com</u>

PROPERTY DESCRIPTION:

Street: Sessom Drive @ Loquat Street & Comanche Street Address No.: See Attached List

Legal Description (if platted): See Attached List

Proposed Subdivision Name (if not platted): Sessom Drive Multifamily Community

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

Appraisal District Tax ID No.: See Attached List Acres: 9.587

Current Master Plan Land Use Designation(s): LDR

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 None 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

PROPOSED DEVELOPMENT:

Proposed New Base Zoning Classification: Vertical Mixed Use (VMU) & Single-Family (SF-6)

Proposed New Master Plan Land Use Designation(s), if any: Mixed Use (MU)

Proposed Use(s) of Land and Buildings: Mixed use retail and multifamily residential

Number of Lots: 1 Residential Density: 40 (Units/Acre)

Total Number of Dwelling Units, if any: 332

Total Land Area Allocated to Non-Residential Use, if any: 16,000 square feet 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: 1/14/13

Printed Name: Ed Theriot

To be completed by Staff:

Meeting Date: _____

Application Deadline: _____

Accepted By: _____

Date: _____

09/12

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

1/14/13

Date

FOR STAFF USE ONLY:

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

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

09/12



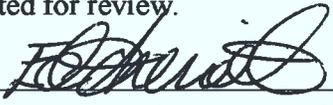
Planned Development District Checklist

- 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.
 - 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.

09/12

- 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: 1/14/13

Print Name: Ed Theriot

Engineer Surveyor Architect/Planner Owner Agent: _____

STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
7.885 ACRES

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the east corner of said Lot 44 and the common south corner of a 16 foot alley, as shown by said plat of the Park Addition, for the east corner of the herein described tract of land, same being at the intersection of said 16 foot alley and Sessom Drive, a variable width public right-of-way, and being at a corner of that certain tract of land conveyed to the City of San Marcos for street purposes as Tract 1 by Instrument recorded in Volume 253, Page 582 of the Deed Records of Hays County, Texas;

THENCE South 64°19'14" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 44 and the above-mentioned Lot 43, and continuing on a total distance of **88.66 feet** to a 5/8" iron rod found for corner;

THENCE South 44°43'10" West, continuing along the northwest line of said Sessom Drive, at a distance of 83.79 feet passing a 5/8" iron rod found at a corner of said City of San Marcos called Tract 1, same being on the southwest line of said Lot 43, and being at the intersection of said Sessom Drive and an above-mentioned 16 foot alley and continuing on for a total distance of **95.67 feet** to a 1/2" iron rod set for corner;

THENCE S 35°02'19" W, along the northwest line of said Sessom Drive, at a distance of 168.17 feet passing a 1/2" iron rod set at a corner of said City of San Marcos Tract 2, same being at the intersection of said Sessom Drive and Loquat Street (Pecan Street), a 40 foot public right-of-way as shown by plat of said Park Addition, and continuing on in all for a total distance of **222.32 feet** to a 1/2" iron rod set in an east line of the above-mentioned Lot 40, at the intersection of said Loquat Street and the northwest line of Sessom Drive, for a corner of the herein described tract of land;

THENCE South 03°49'08" West (S00°15'W Record), along the northwest line of said Sessom Drive and a common line of said Lot 40, a distance of **34.82 feet** to a 1/2" iron rod set for a corner of the herein described tract and a corner of that certain tract of land conveyed to the City of San Marcos for street purposes recorded in Volume 258, Page 643 of the Deed Records of Hays County, Texas;

THENCE South 44°02'03" West, along the northwest line of said Sessom Drive, passing the common line of said Lot 40 and the above-mentioned Lot 39, at a distance of 151.62 feet passing a 1/2" iron rod set in the southwest line of said Lot 39 and the common northeast line of the above-mentioned 16 foot alley, and continuing on for a total distance of **165.81 feet** to a 1/2" iron rod set for corner of the herein described tract;

THENCE South 57°30'24" West, at a distance of 1.86 feet passing a 5/8" iron rod found in the southwest line of said 16 foot alley and the common northeast line of the above-mentioned Lot 38 and the common northwest line of said Sessom Drive, as described in Condemnation by the City of San Marcos by Judgment under Cause #9527, passing the common line of said Lot 38 and the above-mentioned Lot 37, passing the common line of said Lot 37 and the above-mentioned Lot 36, and continuing on for a total distance of **206.60 feet** to a nail found in concrete at a corner of said Sessom Drive, same being in the southwest line of said Lot 36, Park Addition, for the south corner of the herein described tract;

THENCE North 44°57'28" West (N45°35'W Record), along the southwest line of said Lot 36 and the southwest line of said Park Addition, at a distance of 91.79 feet passing a 1/2" iron rod found at a chain link fence corner at a corner of said Sessom Drive and a common east corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366 of the Deed Records of Hays County, Texas, and continuing along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract, at a distance of 418.78 feet passing a 1/2" iron rod set at the west corner of said Lot 36 and a common corner of the above-mentioned Peachtree Street, and continuing on for a total distance of **458.78 feet** to a 1/2" iron rod set at the south corner of Lot 59 of said Park Addition, for the west corner of the herein described tract of land;

THENCE North 45°57'55" East (N45°20'E Record), along the northwest line of said Peachtree Street, passing the common corners of Lots 59, 60, 61, 62, 63, 64 and 65, and continuing on for a total distance of **704.12 feet** to a 1/2" iron rod set for corner in the southeast line of said Lot 65, for a northwesterly corner of the herein described tract of land, and from which an iron rod found at the east corner of said Lot 64 and the common south corner of Lot 65 of said Park Addition bears South 45°57'55" West, a distance of 72.34 feet;

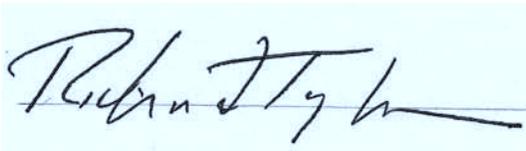
THENCE South 45°43'05" East (S46°21'E Record), at 40.02 feet passing a 1/2" iron rod set in the southeast line of said Peachtree Street at the north corner of the above-mentioned Lot 50 and the common west corner of Lot 49 of said Park Addition and continuing along the common line of said Lots 49 and 50, at a distance of 245.01 feet passing a 1/2" iron rod set at the east corner of said Lot 50 and the common south corner of said Lot 49, crossing the above-mentioned Locust Street, and continuing on for a total distance of **285.10 feet** to a 1/2" iron rod set for corner in the southeast line of said Locust Street at a common corner of the aforesaid Lot 43 and Lot 44;

THENCE North 45°57'55" East (N45°20'E Record), along the southeast line of said Locust Street, a distance of **81.94 feet** to a 1/2" iron rod set at the north corner of said Lot 44 and the intersection of said Locust Street and aforesaid 16 foot alley, for a north corner of the herein described tract of land;

THENCE South 45°43'05" East (S46°21'E Record), along the southwest line of said 16 foot alley and the common northeast line of said Lot 44, a distance of 169.90 feet to the POINT OF BEGINNING and CONTAINING 7.885 ACRES OF LAND.

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

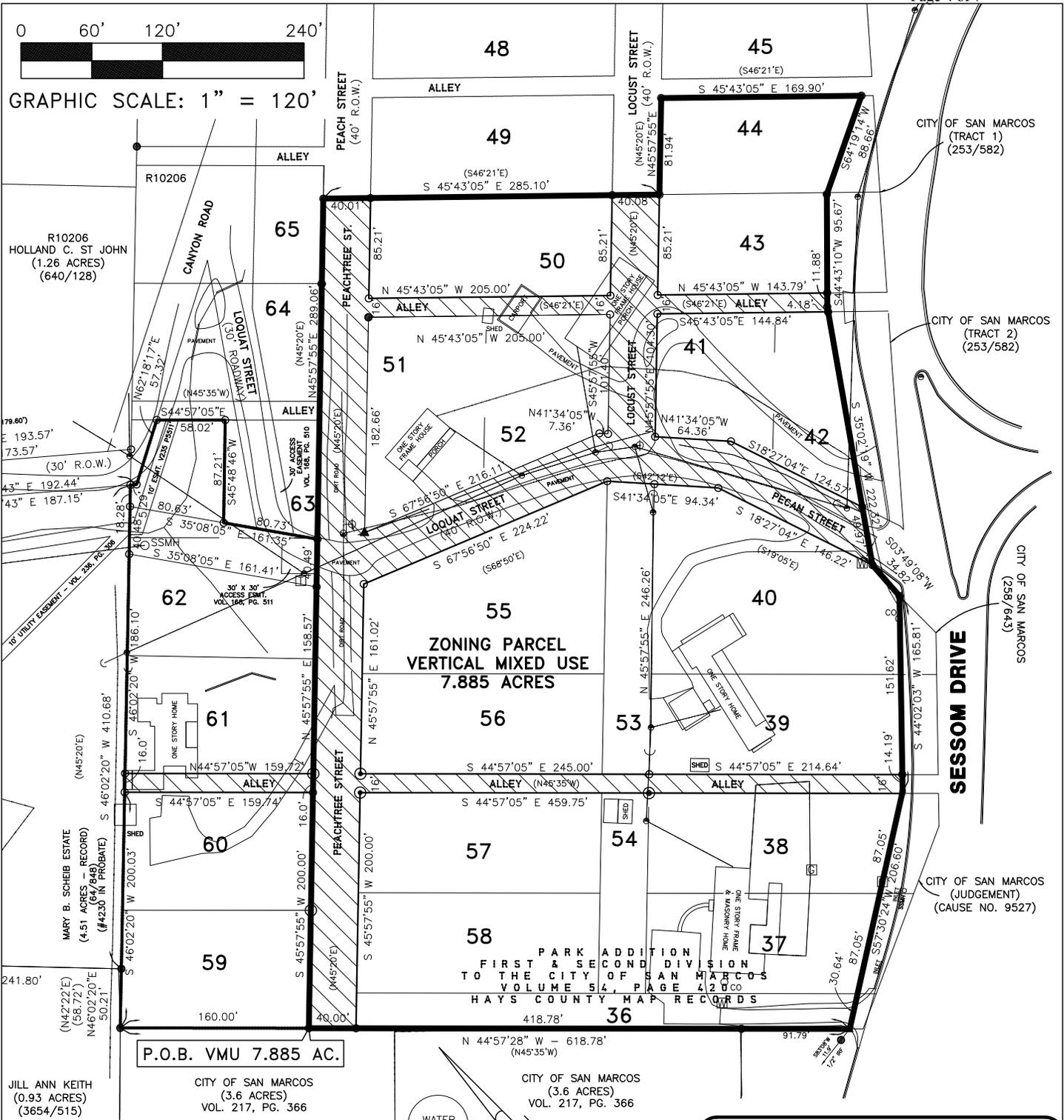


Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

Job: 11-3846-F

05/11/12
Date





DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION
ZONING PARCEL - VERTICAL MIXED USE

BEING 7.885 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 36, 37, 38, 39, 40, 41, 42, 43, 44, 50, 51, 52, 53, 54, 55, 56, 57, AND 58; THREE 16 FOOT ALLEYS; LOQUAT STREET (40 FOOT R.O.W.), PART OF PEACHTREE STREET (40' FOOT R.O.W.) AND PART OF LOCUST STREET (40 FOOT R.O.W.), AS SHOWN BY PLAT OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.

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Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"
JOB NO: 11-3846F DRAWN BY: RHT FB: -

STATE OF TEXAS
COUNTY OF HAYS

T.J. CHAMBERS SURVEY
1.702 ACRES

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with City of San Marcos survey cap found marking the most westerly corner of said Park Addition, for the west corner of the herein described tract of land, same being at the west corner of said Lot 59 and the common north corner of that certain called 3.6 acre tract of land conveyed to the City of San Marcos by deed recorded in Volume 217, Page 366, Deed Records of Hays County, Texas, and being in the southeast line of that certain called 0.93 acre tract of land conveyed to Jill Ann Keith by deed recorded in Volume 3654, Page 515 of the official Public Records of Hays County, Texas;

THENCE North 46°02'20" East (N45°20'E Record), at a distance of 50.21 feet passing a 1/2" iron rod with Pro-Tech cap found at the east corner of said Keith called 0.93 acre tract, same being at the south corner of that certain called 4.51 acre tract, the Estate of Mary B. Scheib, described by instrument #4230 in Probate and recorded in Volume 64, Page 848, Probate Records of Hays County, Texas, at a distance of 100 feet passing a common corner of said Lot 59 and the above-mentioned Lot 60, at a distance of 200.03 feet passing a 1/2" iron rod set at the north corner of said Lot 60 and the common west corner of the above-mentioned 16 foot alley, at a distance of 216.03 feet passing a 1/2" iron rod set for corner at the north corner of said 16 foot alley and the common west corner of the above-mentioned Lot 61, at a distance of 316.01 feet passing a common corner of said Lot 61 and the above-mentioned Lot 62, at a distance of 416.06 feet passing a common corner of said Lot 62 and the above-mentioned Lot 63, and continuing on with the common line of said Park Addition and said Scheib called 4.51 acre tract, a total distance of **460.88 feet** to a 1/2" iron rod set for the north corner of the herein described tract of land, same being in the northwest line of said Lot 63 at its intersection with the southwest line of Canyon Road, a 30 foot public road, and the common southwest line of a 30 foot wide roadway and utility easement out of the said Mary B. Scheib Estate called 4.51 acre tract;

THENCE South 49°47'43" East, along the southwest line of said Canyon Road, through said Lot 63, a distance of 5.29 feet to a 1/2" iron rod set for a corner of said Canyon Road and a corner of the herein described tract of land;

THENCE North 62°18'17" East, and continuing along the southwest line of said Canyon Road, a distance of **57.32 feet** to a 1/2" iron rod set for corner in the northeast line of said Lot 63 and a common southwest line of a 16' alley, as shown by plat of said Park Addition;

THENCE South 44°57'05" East (S45°35'E Record), along the northeast line of said Lot 63 and the common southwest line of said 16' alley, a distance of **58.02 feet** to a 1/2" iron rod set for corner in the dividing line of the north 1/2 and the south 1/2 of said Lot 63;

THENCE South 45°48'46" West, through said Lot 63 and along said dividing line a distance of **87.21 feet** to a 1/2" iron rod set for corner in the northeast line of an undedicated roadway and utility easement out of said Lot 63 and Lot 62 of said Park Addition, being the extension of Loquat Street (Pecan Street) from the intersection of Peachtree Street to the aforesaid Scheib called 4.51 acre tract;

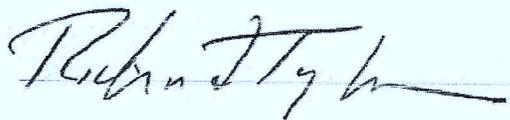
THENCE South 35°08'05" East, along the northeast line of said undedicated roadway and utility easement, a distance of **80.73 feet** to a 1/2" iron rod set for corner at the south corner of said lot 63 and the common east corner of the aforesaid Lot 62, same being at a corner of said an undedicated roadway and utility easement, and being in the northwest line of Peachtree Street, a 40 foot public right-of-way, as shown by plat of said Park Addition;

THENCE South 45° 57' 55" West (S45°20'W Record), along the northwest line of said Peachtree Street, passing the south corner of said Lot 62 and the common east corner of aforesaid Lot 61, at a distance of 199.06 feet passing a 1" iron pipe found at the south corner of said Lot 61 and the common east corner of the aforesaid 16 foot alley, at a distance of 215.06 feet passing a 1/2" iron rod set for corner at the east corner of the aforesaid Lot 60, passing the south corner of said Lot 60 and the common east corner of the aforesaid Lot 59, and continuing on for a total distance of **415.06 feet** to a 1/2" iron rod set at the south corner of said Lot 60, for the south corner of the herein described tract, same being in the northeast line of aforesaid City of San Marcos called 3.6 acre tract;

THENCE North 44°57'28" West (N45°35'W Record) along the common line of said Park Addition and said City of San Marcos called 3.6 acre tract a distance of **160.00 feet** (160' Record) to the **POINT OF BEGINNING** and **CONTAINING 1.702 ACRES OF LAND.**

(Bearing Basis – GPS points translated to State Plane Coordinates, Texas Central Zone 4203)

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a boundary survey performed under my direction during November 2011, and is true and correct to the best of my knowledge and belief.

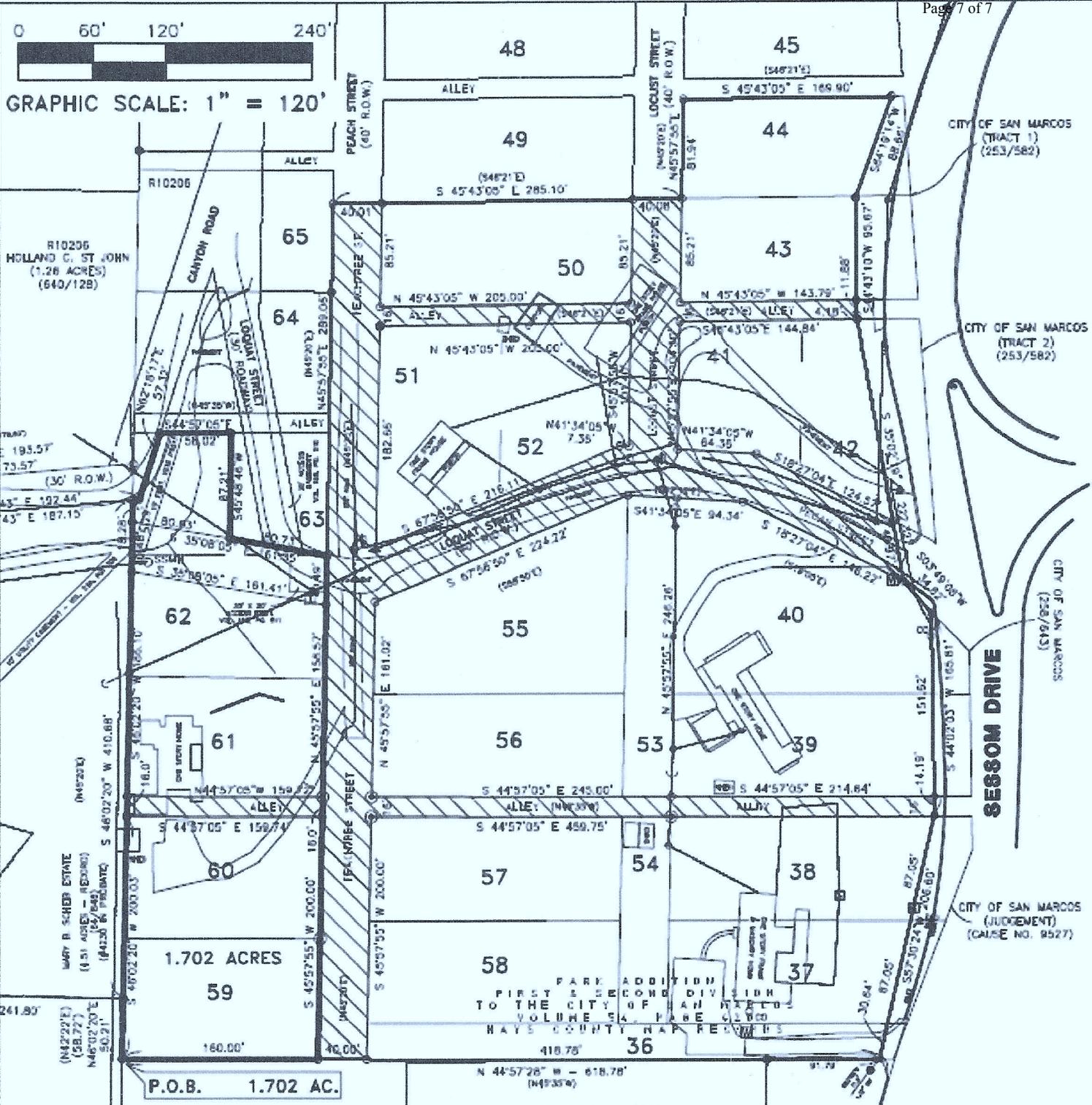


Richard H, Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas

Job: 11-3846-F



05/11/12
Date



P.O.B. 1.702 AC.

CITY OF SAN MARCOS (3.6 ACRES) VOL. 217, PG. 366

CITY OF SAN MARCOS (3.6 ACRES) VOL. 217, PG. 366

WATER TANK

DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION

BEING 1.702 ACRES OF LAND OUT OF THE T.J. CHAMBERS SURVEY, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, SAME BEING ALL OF LOTS 59, 60, 61 & 62, A PORTION OF LOT 63 AND A PORTION OF A 16 FOOT ALLEY; OF THE PARK ADDITION, FIRST AND SECOND DIVISION, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 54, PAGE 420 OF THE MAP RECORDS OF HAYS COUNTY, TEXAS.



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JOB NO: 11-3846F DRAWN BY: RHT FB: -

Agenda Information

AGENDA CAPTION:

Development Services Report

- a. Update from staff on implementation of Vision San Marcos.

Meeting date: May 14, 2013

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND: