



**SAN MARCOS
PLANNING AND ZONING
COMMISSION REGULAR
MEETING
CITY COUNCIL CHAMBERS,
630 E. HOPKINS
TUESDAY, JUNE 11, 2013
6:00 P.M.**

1. Call To Order
2. Roll Call
3. **Chairperson's Opening Remarks**

***NOTE:** The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

4. 30 Minute Citizen Comment Period

CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 5 - 6 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

5. **Consider the approval of the minutes of the Regular Meeting on May 14, 2013 and May 28, 2013.**
6. **PC-12-26_03 (Final Plat, McCarty Commons Subdivision)** Consider a request by LJA Engineering, on behalf of SLF II - McCarty, LP, for approval of a Final Plat and associated subdivision improvement agreement for approximately 17.669 acres more or less out of the Nathaniel Hubbard Survey, Abstract 230, establishing the McCarty Commons Subdivision, Phase 1, located at the intersection of the I35 Frontage Road and McCarty Lane.

PUBLIC HEARINGS

7. **ZC-13-06 (9.31 acres, 300 Block of Wonder World Dr)** Hold a public hearing and consider a request by Andrew Gary, on behalf of South Stagecoach Business Park Ltd., for a Zoning Change from General Commercial (GC) to Heavy Commercial (HC) for approximately 9.31 acres out of the J.M. Veramendi Survey No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Wonder World Drive.

8. **ZC-13-07 (8.11 acres, 300 Block of Wonder World Dr)** Hold a public hearing and consider a request by Andrew Gary, on behalf of South Stagecoach Business Park Ltd., for a Zoning Change from Heavy Industrial (HI) to Heavy Commercial (HC) for approximately 8.11 acres out of the J.M. Veramendi Survey No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Wonder World Drive.

NON-CONSENT AGENDA

9. **Development Services Report**
a. Update from Staff on implementation of the *San Marcos Comprehensive Plan*.
b. Presentation and Discussion regarding the 5 year Sidewalk Plan.
10. 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.*
11. 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: June 11, 2013

Department: Development Services

Funds Required:

Account Number:

Funds Available:

Account Name:

CITY COUNCIL GOAL:

BACKGROUND:

Agenda Information

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CITY COUNCIL GOAL:

BACKGROUND:

ATTACHMENTS:

May 14, 2013 PZ minutes

May 28, 2013 PZ minutes

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
May 14, 2013**

1. Present

Commissioners:

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

City Staff:

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

Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday May 14, 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. Presentation, Discussion and Possible Action Regarding Planning and Zoning Commission Retreat held on May 8, 2013, including goal setting.

Vice Chair Morris gave an overview of the Planning & Zoning Retreat.

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.

John Foreman, Planning Manager advised the Commission that the applicant has withdrawn ZC-13-05, ZC-12-04 and PDD-12-03. He said that the applicant has indicated that they will submit a new project.

6. 30 Minute Citizen Comment Period

David Wendel spoke regarding single room occupancy. He expressed concerns regarding calling a single room occupancy as a mixed use development. He felt that there should be a separate zoning category for single room occupancy developments. He explained that the rooms are leased individually and share a common area. Mr. Wendel stated that multifamily is misleading and dishonest and that they have no intent to families. He felt that if a retirement home cannot be called multifamily then single room occupancy should not be called multifamily.

Don Eyssen referred to the preferred scenario vote and stated that the Commission seems to want to do it now or don't do it. He explained that he has never seen companies not being researched for two or three years prior to development. Mr. Eyssen stated that there is not a company that does not take the time to research a proposed development and has to have a decision within a month. He felt that there is no reason that the Commission should fast track their decision. Mr. Eyssen pointed out that he built the largest apartment complex in town, Copper Beach for student housing. He stated that he spoke to the property manager and was advised that there is not one family in any of the 50 buildings on site. He felt that proposed developments should be called what they are which is off campus housing.

Eric Ross stated he was representing himself and his clients who live at the Darren Casey student housing project. Mr. Ross stated that the proposed development is a great project. He added that the project has a small footprint and has a lot of parkland dedicated to the city. Mr. Ross stated he is in support of the project.

Betsy Roberston stated she would postpone her comments until the public hearing.

Sherwood Bishop referred to the map he provided to the Commission. Mr. Bishop spoke concerning Item 14, abandonment of streets and alleys. Mr. Bishop gave an overview of the map. He pointed out that Mr. Casey has requested that the parkland be smaller so that his development can be larger. He asked the Commission to vote against the abandonments. Mr. Bishop explained that he uses Loquat Street daily and uses Loquat Street, which was built and is maintained by the city for many years. He pointed out that it is difficult to drive and LBJ or on Sessom due to congestion.

Lila Ramos stated she has lived in the Sessom Creek neighborhood for about a year. She pointed out that it is a beautiful neighborhood and you can see kids running around. Ms. Ramos said it is difficult to think about an 800 room development being built next to her home. Ms. Ramos stated that she is against the request.

Ted Brieihan inquired about why Commissioner Morris was allowed to be on the dais when he is the Real Estate Broker for the Casey Development. He felt the Commission Carter should not be present.

Consent Agenda:

7. Consider the approval of the minutes from 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.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers the Commission approved on consent the minutes of the Regular Meeting on April 23, 2013 and PC-12-04-10(01I). Commissioner Morris recused himself from the consent agenda.

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.

Tory Carpenter, Planning Technician gave an overview of the project.

Chair Taylor opened the public hearing.

Hilda Gomez, the applicant stated she is very excited and is hoping to bring a new business to San Marcos. Ms. Gomez informed the Commission that on May 2nd, she and Carlos Hernandez met with the neighbors and would like to address their concerns. She introduced, Carlos Hernandez, her agent on the project.

Carlos Hernandez stated that he lives on Field Street around the corner from the project. Mr. Hernandez said he was available to answer questions from the Commission or neighbors.

Anessa Castello stated that she has concerns regarding traffic and noise. She explained that they do not have concerns with Herbert's because it is an enclosed business. She felt that the open court will disturb residences in the neighborhood. Ms. Castello wondered if the lighting was sufficient for safety but yet not to disturb the residences. She added that only having two tables is a concern because people will walk off and leave trash for someone else to pick up. She inquired on who would be responsible for emptying the trash bins. Ms. Castello pointed out that noise would also be an issue and if a barrier would be provided. She also mentioned that the roundabouts are new and are very confusing to navigate while driving and feels it is also confusing when trying to cross the intersections. Ms. Castello also had concerns regarding parking and patrons encroaching into the neighborhood.

Lena Tolbert stated that she has daycare directly next door to the facility. She said that she is not opposed to the request. She felt that the concerns that are spoken about are concerns that currently occur with the river. Ms. Tolbert said that Mr. Leal is very neat and there has not been a trash problem. She added that Mr. Leal works well with the community and is concerned. Ms. Tolbert also felt that trash would not be a problem. She explained that the two tables are in case people want to sit down and then go enjoy the river. Ms. Tolbert mentioned that the tube rentals have been in business for 3 years and that there has not been a noise and traffic problem and accessible to the river. She said she is not concerned.

Jodi Mann, lives behind Leal's Tire Shop and is not going anywhere. She said that the Leal's have been good neighbors. Ms. Mann stated that she has not seen problems with trash and the business is well maintained. She added that the property is zoned commercial and they should have rights to market the river. Ms. Mann stated that San Marcos is overdue to bring these types of businesses to San Marcos. She felt it is a great idea, there is a cross walk, people should use them. Ms. Mann suggested that more trash cans should be placed around the river. She stated that she is in support of the request.

Ana Mendoza stated she is a resident on Field Street since 1972 and has seen changes throughout the years. She said they have met with the applicant and are against the encroachment between the business and the neighborhood. She is concerned with the neighbor that is located across from the business. She said Ms. Cole has complained about trash and noise and is against the request. Ms. Mendoza said the neighborhood has six entrances into the neighborhood and only one entrance does not have a business. She said they have repeatedly come before the Commission to ask them to care of the neighborhood. Ms. Mendoza added that the plants are not going to protect the neighbors from trash and noise. She asked the Commission to deny the request.

Scott Morris stated he can see the property from his mail box. He said he is happy about food being served from the property. He said he was encouraged when the applicant spoke with the neighborhood. Mr. Morris stated that he was shocked that there would be four trailers and felt that two trailers would be sufficient. He asked the Commission to deny the request.

Rosemary Zuniga stated she has lived in Rio Vista Terrace for 43 years. Ms. Zuniga stated the issue with the project is the traffic that will encroach into the neighborhood. She said that they have met with the applicant and that there is another entrance on Riverside that appears not to be an option. Ms. Zuniga explained that the City has spent millions of dollars to upgrade the infrastructure in their neighborhood which include two roundabouts. She stated that the roundabouts were to curtail the entrance into the neighborhood. Ms. Zuniga stated that she felt that having the entrance and exit of the business would defeat the purpose of the roundabouts. She added that the project would work best if the entrance and exit of the property would be located on Riverside Drive.

Mary Collins stated she is against the request because of the encroachment to the neighborhood. She pointed out that at times she cannot park in her driveway because people park in front of the home. She said the business will bring in more traffic and trash. Ms. Collins felt that the business will decrease the value of the neighborhood.

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

MOTION: Upon a motion made by Commissioner Bryan and a second by Commissioner Kelsey the Commission voted 8-0 to approve CUP-13-10 with the conditions that the Permit shall be valid for 1 year; the hours of operation shall be limited to 9:00 am to 9:00 pm, Sunday through Saturday; no portable food vendor shall be placed within 50 feet of the property line of 902 Sycamore Street; no more than 2 trailers may be located on the site without first amending the CUP; the only entrance to the property must be on Riverside Drive; a fence be built along the property line until vegetation grows significantly and adequate trash cans be placed at each pedestrian entrance.

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.

Amanda Hernandez, Senior Planner gave an overview of the project.

Scott Withers, owner of the Rooftop stated he is a Texas State Alum and has lived in the San Marcos/Austin area since 2004. He said he is co owner with Brandon Cash. Mr. Withers referred to the video shown by staff and explained that the venue was leased by a third party event planner and they provided their own speakers. He pointed out that this is a onetime incident and that the same issue would not happen again. Mr. Withers mentioned that Officer Williams was present at the venue and can reassure the Commission that they have not had any other issues for 90 days. He addressed the 2 point violations due to serving to an intoxicated person. Mr. Withers explained that they have added additional security to help with identifying intoxicated patrons and bartender training for bartenders. Mr. Withers stated that they are dedicated to their business and want to contribute to the San Marcos community. He said he was available to answer questions.

Brandon Cash, co owner of the Rooftop on the Square said the video did look back and as soon as they were on the premises, they corrected the problem. He explained that since the last CUP hearing they have made changes to improve the business and maintain compliance of the CUP. Mr. Cash stated that they have removed the outdoor patio speakers as requested at the last hearing. In addition, they have reduced the volume of the interior speakers. Mr. Cash mentioned that after the last meeting they gave Mr. Hohn their cell phone numbers in case of any issues. He added that they maintained the meal periods and are currently working to expand their menu. Mr. Cash pointed out that the two points accessed to the business were verbal warnings and since then they have increased security. He asked the Commission that they are treated equally as others restaurants in the CBA to have low wattage outdoor speakers. Mr. Cash thanked the Commission for their consideration.

There was a ten minute recess.

Chair Taylor opened the public hearing.

HC Kyle owns building 118 and 120 N. LBJ on the square. He explained that years ago, Schulz Garden was great watering hole for law students and the conversation was louder than the music. He said there is a different story. Mr. Kyle explained that he can address some of the issues with the trash and drunks in the area but he cannot keep out of the noise. He expressed concerns that everyone on the Southside of the square has to put up with the Rooftop Bar. He added that there have been four violations since they have been in business. He felt that the business owners are trying to make the Commission believe that they will not have any other issues. Mr. Kyle told the Commission not to believe the owners and make sure the speakers are inside. He said that he hopes that the Commission can protect his tenants so that they can sleep.

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

MOTION: Upon a motion made by Commissioner Carter and a second by Commissioner Ramirez the Commission voted five (5) for and three (3) against to approve CUP-13-12 with the conditions that the permit shall be valid for 3 months; all requirements of Section 4.3.4.2 shall be met; no live music and no speakers in the outdoor patio areas highlighted in Exhibit A; all exterior doors must be maintained in an automatically assisted closed position and if any points are issued to the establishment during the approval period, the revocation process will be initiated.

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.

Emily Koller, Planner gave an overview of the project.

Chair Taylor opened the public hearing.

Benjamin Ackerman, manager of Zelick's re-enforced the hours and days and added that there will be no games. Mr. Ackerman said that they are trying to achieve the objectives of a T5 zoning as intended by the city. He stated that the business will create new jobs and support the economy. Mr. Ackerman added that the request fits with the long term plan for the City. Create new jobs and support the economy and fits in the long term plan for the City. He stated that they support staff's recommendation.

Kat Tracy, 901 Franklin used to work at Crystal River Inn said she received a letter from a tenant who resides in a garage apartment directly behind Crystal River Inn. She explained that the letter states that the music and noise level from Zelick's is unbearably loud. She mentioned that most nights she slept with ear plugs and at times were still able to hear the music. She felt that there is some type of city ordinance that would require Zelick's to be a better neighbor. She could not believe that one business is able to profit by the expense of another.

Don Eyssen pointed out that when Zelick's came up for renewal in front of City Council he has never observed two kids walk out of the City Council meeting so rude and screaming at the owner of Crystal River Inn. He explained that they were screaming saying how loud they were going to have the music and how they were going to make them pay. Mr. Eyssen said he was appalled on how they acted. He felt that they should apologize.

Barry James owns 323 W. Hopkins and not within 200 foot boundary of the new business stated that he is concerned with the code not requiring parking. Mr. James pointed out that parking is currently an issue at Zelick's and the patio for the new business will remove the employee parking cause additional street parking. He mentioned that all other businesses are required to have sufficient parking spaces. Mr. James felt that the SmartCode should be addressed if no additional parking is required.

Jane Hughson stated that it may be a new business but it is the same people. She asked if history will repeat itself.

There was a ten minute recess.

Clint Giles, owner of the four plex at 323 Hutchison, stated that he leases to mainly students. He explained that his daughter has lived at the duplex for two years. Mr. Giles said he likes the Katz brothers and the business but the noise is a major issue and has no doubt that the expansion will increase the noise. Mr. Giles explained that he received a call from his daughter at one in the morning saying that a drunk was banging on her door wanting to get into her apartment. He added that his daughter also mentioned that several times they have seen people urinating on the wall. Mr. Giles mentioned that with the doors always open there is not a difference between indoor and outdoor. He said he has a contract with the Dillon's to purchase the adjoining property build a sorority house. Mr. Giles stated that he has had tenant move out because of the noise from Zelick's. He added that he has not previously had issues leasing the units and now it is a problem. He pointed out that there are more residential areas near the expansion.

Diane Wassenich, 11 Tanglewood said every morning she walks down San Antonio Street and picks up beer cans and beer bottles. She said that no one cleans up what the patrons leave behind. Ms. Wassenich said it is infuriating that the downtown is turning into a bar district. She added that we do not want the crime issues that Austin has. Ms. Wassenich stated that the Bed & Breakfast that is a great business who has invested their lives to try and survive. She added that there are a lot of residences in the area and it doesn't make sense to continue to deteriorate downtown with more bars. Ms. Wassenich stated that the Commission is making it harder for current businesses to make a profit. In addition, the Commission is making it hard to fill apartment complexes by approving more apartments. She told the Commission they have a choice about what happens in the downtown smart growth area. She said it doesn't make sense to keep allowing bars unless they are going to make them pick up their trash and deal with the extra law enforcement that will be necessary. She felt that the citizens should not have to deal with it.

Melissa Derrick said she enjoys both establishments. She felt that the buffer on North Street will not be enough to keep the noise away. She said she wished there was a solution that would allow both businesses to exist. Ms. Derrick pointed out that Jack's is in a residential area and they do not get complaints because they are in an enclosed area. She added that the problem is that the business is not enclosed. Ms. Derrick stated that she would not have wanted to get married at Crystal River Inn if there was a food trailer next door and in view. She added that she hopes that they can work things out.

Cathy Dillon, 1000 Burleson and co-owner of Crystal River Inn stated that the most pertinent information is who applied for the permit. She said that the North Street Corporation says volume because the Katz brothers have purchased everything along North Street to Hutchison as her property does. She felt that what they say they are going to do is not the same as what they will do. Ms. Dillon explained that three years ago they said they were going to have a quiet little garden and that is not what it is today. She felt that the request is for a large expansion of Zelick's. She pointed out that she does not have a problem with the restaurant. She added that she has supported their permit and requested that conditions be applied but feels that they have not conformed to the conditions. Ms. Dillon stated that motorcycles are not being parked on North Street and that the establishment is not the quiet little garden bar. She pointed out that the noise is tremendous and that they have had 4 live bands since February when they were told no live bands. Ms. Dillon mentioned that Saturday resulted in a citation. She suggested that the bar be enclosed because if it hurts her business then it becomes her business. She confirmed that the property is on the market and hopes to sell the property to someone that will keep it the legacy it has been for San Marcos.

John McGlothlin mentioned that when the Katz's came the first time they presented something totally different than what is there now. He pointed out that lawyers have been involved and multiple hearing because incompatible uses were placed next to each other. Mr. McGlothlin felt that the Commission approved the request because the use was presented differently. He added that it would be naïve to think that the same issues would not happen again. Mr. McGlothlin pointed out that the Katz's are currently not abiding by the current conditions that were placed on their conditional use permit. He felt that the Katz's should respect the process prior to requesting an additional condition use permit.

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 seven (7) for and one (1) against to postpone CUP-13-13 to the May 28th, 2013 Planning and Zoning Commission meeting. Commissioner Morris dissenting.

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.

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

Monica Hammond, 1127 W. San Antonio Street stated that staff and the Historic Preservation Commission gave a favorable recommendation and she promised her parents would be quiet.

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

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Wood the Commission voted all in favor to approve CUP-13-14 with the conditions that the accessory dwelling unit shall 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.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Carothers the Commission voted five (5) for and three (3) against to approve A-13-02 as submitted. Commissioners Ehlers, Morris and Taylor dissenting.

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.

Commissioner Morris recused himself from items, 14, 15, 16 and 17.

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

Chair Taylor opened the public hearing.

Ed Theriot, ETR Development Consulting, 401 Dryden, Buda, TX stated that staff covered their request well. Mr. Theriot pointed out that the ROWs were platted in 1908 and never developed with the exception of Loquat Street. He added that the City has utilized Peachtree ROW for utility construction. He mentioned that they have proposed to maintain the ROW on Peachtree to provide for safer ingress and egress to a controlled intersection instead of the current dangerous Loquat intersection. Mr. Theriot pointed out that they are in agreement to all of staff's recommendations. He asked the Commission for a favorable recommendation.

Diane Wassenich begged the Commission not to abandon Peachtree or cut off Loquat. She felt that the biggest mistake San Marcos made was cutting off LBJ instead of finding a solution. Ms. Wassenich asked the Commission to not cause another problem for San Marcos. She felt that Peachtree should remain

because it has a major water main and should stay in the city's control. She pointed out that Loquat is necessary for the homes in the area. Ms. Wassenich said if an exit is made on Peachtree from the proposed project there will be a lot of traffic pouring into the quiet residential street. She felt the request is a very bad idea.

Dell Hood, owner of 207 Canyon Road stated that he invested in San Marcos more than 30 years and continues to invest in the property. He explained that he purchased the property as a retirement home and when they resided at the home, they enjoyed it and felt it was the prettiest area in San Marcos. Mr. Hood added that they could walk to square and the university. In addition, they maintained the woods in Sessom Canyon. He stated that abandoning the entrance off Sessom through Loquat and Canyon Fork would severely impact him from using his property. He urged the Commission to not grant the request.

Larry Mock, 107 Canyon Road stated that he also using Loquat. He explained that the street is a one way street and access by emergency vehicles will be more difficult to access. Mr. Mock spoke in opposition to the request and asked that the request not be granted.

Sally Ploeger, Canyon Road stated she is against the request in its entirety. She said if the street is closed there would be an issue. Ms. Ploeger stated it is not a good idea to give away real estate.

Jay Hiebert, Sierra Circle stated he is in support of what Sherwood Bishop mentioned. He explained that the Canyon was donated or purchased by the city with the intent to become dedicated parkland. Mr. Hiebert pointed out that people have been working for about a year and a half through the Parks Board and on the City Council rolling agenda to dedicate the property as parkland. He asked the Commission to deny the request and allow the city to create a contiguous green space.

Don Eyseen stated that he lives on other side of water tower. He explained that they are blocking off the only other exit from the neighborhood. He pointed out that it will be difficult for emergency and a ladder truck will not fit. Mr. Eyssen stated that the entrance is essential for the neighborhood. He said that the abandonment would make it more dangerous for the neighborhood and there is no reason to abandon the ROW. He pointed out that a water line was just installed and we need to keep it. Mr. Eyssen asked the Commission to think about integrity of the neighborhood. He stated that the property has been there for generations and we should keep it.

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

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Carothers, the Commission voted all in favor to delay action on A-13-01 until after items 15, 16 & 17 have been discussed. The motion carried unanimously.

There was a ten minute recess.

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).

Matthew Lewis, Development Services Director gave a brief background of the project.

Steve Drenner, lawyer with Winstead PC, Austin Texas spoke on behalf of Sessom Drive Multifamily development. Mr. Drenner presented an overview of the project.

Chair Taylor opened the public hearing. Chair Taylor asked for anyone wishing to speak in favor of the request.

Darren Casey, San Antonio Texas, stated that Steve Drenner's presentation is facts and wanted to make sure everyone understands they have worked for eighteen months trying to make a better project. He thanks citizens for challenging them. He pointed out that the proposed project has been very contentious but feels that they have a much better project. Mr. Casey stated that he is committed to San Marcos and is invested in San Marcos. Mr. Casey asked for the Commissions support a consideration.

Bryan Van de Walle, Cedar Park Texas, Senior Traffic Engineer with Kimley-Horn spoke on behalf of the project stated that it is obvious that traffic is on everyone's mind. He said they have been working with staff to identify potential use continuous flow intersections. Mr. Van de Walle pointed out that there is CAMPO money that can be used to make improvements to Sessom Drive. He added that they are committed to work with Mr. Casey, city staff, Texas State and TXDOT to come up with a solution to help relieve traffic. Mr. Van de Walle stated he was available to answer questions.

Landon Bullard, a student of Texas State and a member of the community stated that he has lived on campus and explained the positive effects. He pointed out that traffic is a problem. Mr. Bullard added that very few are lucky to live in a house near campus and walking to campus. He spoke in support of the proposed development stating that the ability to walk to campus is environmentally friendly. He added that moving students near the university will help alleviate traffic. He said it is import for the Commission to approve the request.

Dave Rasco, a graduate of Texas State University, a resident and a strong supporter of the request. He said he is a small business owner in San Marcos. He pursued his Master's Degree has fallen in love with the city. Mr. Rasco stated that he does not agree that San Marcos is a college town, which students get an education and move on to pursue career elsewhere. He feels that San Marcos is a dynamic city with growing abilities for all. He believes that a majority of the students leaving is a missed opportunity. Mr. Rasco stated that we should try and keep alumni, professionals and families in San Marcos. Mr. Rasco spoke in support of the request and asked the Commission to approve the request and support future projects that invest in San Marcos.

Melissa Jewitt, 2709 Oak Haven Drive, said she is a parent of a student at Texas State. She explained that it is very difficult to find an available apartment. Ms. Jewitt said the waiting list for a lease is terrible. She said that she called multiple apartment and they all have a year wait. Ms. Jewitt said San Marcos needs this type of development near campus. She addressed the issues of not having enough apartments in San Marcos.

Jeff Jewitt, 2709 Oak Haven Drive, San Marcos stated that there are codes, restrictions and regulations to protect public health and natural resources. Mr. Jewitt read the TCEQ mission statement. He said in his experience there has been an overwhelming opposition to development. He added that it is apparent that our city needs additional development and student housing is lagging behind.

Jim Keith, 1001 Bishop Street stated that he has no ties to the group and owns land adjacent to property. He said when he drives around the neighborhood, he sees a lot of properties built to the old codes and would like to see them fixed. He felt that the development is not a threat to the river and that there are measures in place to protect the river. Mr. Keith added that he is for growth as long as it is done properly. He stated that the property value will go up. He explained that he is in the 1st phase of developing his property, Mr. Keith has worked with city staff and the state and they have been very helpful and did a great job. He thinks that San Marcos is poised to take the next step into proper development and trust the process and people in place to get it done.

Nathan McDaniel, Student Body President at Texas State University and resides on Craddock spoke in support the project. He felt that these types of project are the ones that need to be implemented in San Marcos. He stated that the location is a prime spot for students to walk to campus and library and not have to rely on vehicular traffic. Mr. McDaniel said the closer the project to the University the more beneficial to the University, the city and the students. He asked the Commission to approve the request.

Nick Razzolo, student graduate of Texas State and current entrepreneur and small business owner in San Marcos. He said that in the past 4 years he has seen city grow at an accelerating rate. Mr. Razzolo stated that he decided to have a business in San Marcos because the city holds promise and great opportunities. He said the economic benefits of the Sessom Creek Project leaves our town with resources it needs to grow. Mr. Razzolo expressed his support for the request and asked the Commission for approval.

Patrick Rose, 627 W. San Antonio Street, thanked all who were present and spoke in support and in opposition of the project. He pointed out that the sellers and buyers are known in the community and are well respected people. He added that the developer has invested in the community. He felt that the project is better for the environment than building single family lots. Mr. Rose said that the tax base is staggering numbers and would benefit the community. He added that the University is growing and asked where we are going to put the students. Mr. Rose felt that the line of sight is not the issue. He mentioned that Sessom traffic is an issue today and will always be an issue. He said that the question today is what is the highest and best use of development is for the parcel because the property will be developed. Mr. Rose spoke in support of the request.

Pam Couch, 203 Sierra Ridge, San Marcos stated that she is in support of the request. She thanked Mr. Casey for investing in San Marcos. She said she knows how hard it is to get things done in San Marcos. Ms. Couch pointed out that we all know that the property has to be developed. She said people do not want students in the neighborhoods and wise decisions need to be made to where we put students. Ms. Couch pointed out that parents want nice project for their young adults to live. She asked the Commission to take the emotion out of the decision and look at it as business decision and what is best for San Marcos and its future.

Brett Baker, 1110 Baldwin Street, Houston Texas gave a brief background of himself and explained that Mr. Casey has stepped up to help the university. He said that Mr. Casey has a passion for San Marcos. Mr. Baker explained that the project will allow the city and the university to work together and make a step forward. He said with the project, students will be able to walk to campus and the library. He pointed out that older students do not want to live on campus. Mr. Baker said it is important to look at the city and the university is amazing together. He said this is an opportunity to have a world class development near campus.

Ed Theriot, ETR Development Consulting, 401 Dryden, Buda Texas added that the CAMPO funding that the city has available has not been designated for a specific project because no modeling of the intersection has been done. Mr. Theriot wanted to pass on to the Commission that Mr. Casey has committed to perform the modeling of the intersection and identify the specific projects current with the platting and watershed protection process associated with the project. In addition, he clarified that they will maintain access through the project via Peachtree Street which will continue to be public ROW connecting to Sessom Drive.

Chair Taylor asked for anyone wishing to speak in opposition to the request.

Larry Mock stated the Commission will hear opposition to the request because of noise, traffic, encroachment in the neighborhood and spoke against the project due to noise, traffic, encroachment. Mr. Mock read quotes from Jayme Brieihen written in the Mercury to protect Sessom Canyon. Mr. Mock stated that he told Mr. Brieihen that he would continue his vision to protect Sessom Canyon and wished that the Commission would join him.

Diane Wassenich, 11 Tanglewood stated that she believes that the Commission should ask questions about wells located next to the site that will be excavated. She felt that the property is suitable for homes near the parkland and felt confident that the Commission would uphold the Master Plan. Ms. Wassenich pointed out that Sessom cannot be widened without harming the critical habitat at the head of the river. She asked the Commission not to add to the traffic load and put more vehicles on Sessom. She stated that the master plan lays it out for the Commission and place student housing and high rises on Thorpe Lane and Springtown where student can walk and bike to campus and no harm is done to the river. Ms. Wassenich told the Commission to do what is right and protect the river.

Betsy Robertson, 1410 Progress, spoke on behalf of the President of Council of Neighborhood Association. Ms. Robertson stated that the location on a busy street demands a mixed, dense retail development project in which the developer has submitted two such proposals. However, the site sits at the top of a watershed and backs up to a quiet neighborhood. Ms. Robertson pointed out that the project will impact the Sessom Creek neighborhood. She pointed out that the 4.6 acre donation would normally benefit the neighborhood but is a distance from houses and closer to apartments and will be used by the apartments. She added that a much larger problem is that Canyon road will remain open and cause increased traffic. Ms. Robertson asked if growth is what the city needs right now. She pointed out that there are a large number of apartments currently in construction. She added that the owner occupied homes is what provides stability in the community. She urged the Commission to deny the current proposed PDD.

Dale Hood, 207 Canyon Road stated he has a passion of San Marcos and has lived in San Marcos for over 30 years. He pointed out that pictures taken from a drone must have been taken in one of the greenest summers he has ever seen. He explained that from sitting on his front porch in January, he can look into the rooms of the new dormitory on Sessom Street. Mr. Hood stated that he is not looking forward to the view from the proposed development.

Jill Keith, 200 Orchard stated she is not opposed to development but is opposed to this request. She pointed out that the young people with yellow shirts have no idea why they wore them. She told the Commission that they are to protect the citizens and listen to them. She stated she didn't understand how a builder can state that they will put in lower end housing. Ms. Keith mentioned that she had photos of the water line that is located by the water tower that is broken and remains open. She pointed out that the water main is a city problem and questions the control that the city may have on other projects. She asked the Commission to vote no.

Don Eyssen, 200 Orchard stated that the campus should not be compared to the development because the campus does not pay taxes. He said since the city is in disagreement with project as well as the abutting property owner, should be considered a supermajority. Mr. Eyssen said the Commission should listen to the head of development. Mr. Eyssen spoke in opposition to the request. He mentioned that the development is a high end development and the student leasing will all have vehicles. He pointed out that a roundabout would not work in the area because there are currently a lot of traffic accidents on Sessom. Mr. Eyssen added that you cannot build within 200 ft. of tributaries and pointed out that the development is within the 100 year flood plain.

Andrew Swink, 102 Sierra Circle, a student at Texas State stated that the project is short sided and there is not a shortage of apartments. He challenged the Commission to call and try to lease an apartment because they will be able to find a room. Mr. Swink asked if it is worth it to build on the property when it has been scientifically proven to be environmentally sensitive. He felt that the Commission should listen to the voice of the citizens. He added that there are many other Texas State students that feel the property should remain parkland.

Vincent DeBrock, 100 W. Hillcrest Drive said he would like the Commission to count the number of comments against and for the project. He stated that the people in support are saying to neglect the neighborhood, river and Sessom Creek. He pointed out that there was a petition with 200 signatures. Mr. DeBrock mentioned that the project does not belong in the area. He added that the Parks Boards unanimously denied the project. He felt that the project could be better and less of a footprint. He stated retail is practical in the area. Mr. DeBrock spoke in opposition to the request.

David Sergi, 904 Burlison, representing San Marcos Voice, referred to spot zoning and said that the staff evaluation is that the property is suitable as currently zoned. Therefore, there is no need to change the zoning. He asked if there has been a substantial change in neighborhood. He pointed out that the University is not a tax payer and should not be considered. Mr. Sergi added that the neighbors do not want the development. Mr. Sergi referred to staff's evaluation and pointed out if the proposed development will address an unmet public need. He stated that the development will cause a detriment to the neighborhood. Mr. Sergi stated that if the Commission approves the request, they will approve spot zoning. He added that they Commission will put the city in litigation over the concept of spot zoning.

Linda Hopson stated that the project is wrong for the property. She said that the neighborhood wants to keep the property as part of their neighborhood. She told the Commission to wait until a proposed project is amenable to the neighborhood. Ms. Hopson mentioned that the area is great for senior housing. The Casey project will increase traffic issues in the area. She pointed out that kids will walk to campus but will not walk to Wal-Mart, HEB or to the liquor store. Ms. Hopson spoke in opposition to the high density. She said students come and go and the neighbors have paid taxes for years and will be here for years. She asked the Commission to not put the project on Sessom Creek.

Jim Garber, 104 Canyon Fork referred to Concho Commons and stated that in 2003 there were no taxes paid because the development didn't happen. Mr. Garber also referred to development on Thorpe stating the development didn't happen. He expressed concerns regarding a roundabout on Sessom and the proposed reduction in traffic. He said there was a lot of talk about Austin and felt the development should be built in Austin. Mr. Garber pointed out that the Master Plan does not call for the proposed development in the area.

Jay Hiebert, Sierra Circle, stated that he was concerned about the residents. He explained that the residents purchased their homes to get a fair return on their investment for their property and in a single family neighborhood. He asked if the developer is going to backfill the 35' deep hole, who will pay for road that gets destroyed in the process. Mr. Hiebert pointed out that Mr. Casey has multiple projects that have not been developed. He said he does not like the direction that San Marcos is going.

Lisa Prewitt pointed out that it is impossible to place all students near campus. She mentioned that Keller Williams Realtor was asking home owners if they were interested in selling their homes to people that were looking at purchasing three to four bedroom houses. Ms. Prewitt stated that she has listened to all the comments and felt that the Commission should get emotional because they are dealing with people's homes. She pointed out that we had a master plan that was ignored because it was outdated. Ms. Prewitt explained that a new Master Plan was created and the community decided that multi family was not wanted at this location. She asked the Commission to respect what the community has requested and protect the community's desires.

Sally Ploeger referred to a previous statement about TCEQ following the regulations and explained that TCEQ was sued in federal court and lost for not following federal laws. In addition, she said people are acting like the land was recently discovered but they live there and the property has been developed. Ms. Ploeger pointed out that people have lived in the neighborhood a long time. She mentioned that apartments on LBJ Drive to Hillside Ranch are offering a \$500 gift card and move in today. Ms. Ploeger said she lives next door to the proposed project and spoke in opposition to the request. She hoped the Commission considers denying the request.

Corey Schwartz, Mimosa Circle stated that it was finally clear that the proposed development will be student housing and should be called student housing. She pointed out that there will be 800 households living in the space that will need to get groceries. Ms. Schwartz added that Texas State does not have guest parking and a parking permit is required. She asked who would be responsible for the inspections and maintenance of the watershed. Ms. Schwartz stated that everyone has made great points and hopes the Commission will keep the property as SF-6. In addition, she hopes that if Mr. Casey develops the property as single family that he will develop as a high quality as his reputation says he will do in other projects in San Marcos.

Paul Murray explained that the Parks Board was confused about why they were hearing the project because staff was recommending denial of the request. He asked the Commission to stand up for the Master Plan, the Land Development Code and the proper procedures that everyone is expected to follow.

David Wendel, 118 E. Holland, explained that there will be a lot of foot traffic because people will not be driving. He said younger students will cross Sessom to attend parties and felt that underage drinking will increase. Mr. Wendel stated that people have discussed taxes, but the criteria that the Commission is to be voting for are whether the development is compatible with the neighborhood. He pointed out that there is no justification for the project and asked the Commission to vote no.

Jean Fleming, lives on Dartmouth stated that when she moved to San Marcos she thought it would be a temporary move. She felt it was hard to buy a house in San Marcos. Ms. Fleming explained that she has searched a lot of areas in San Marcos and is scared because she doesn't know what is going to be developed in the backyard. She said she agrees with the developers that there has been a lot of damage to the river and are environmental issues. Ms. Fleming said she has stayed in San Marcos because of the river and the spring. She stated that there is still a chance to save some areas. Ms. Fleming felt that we need to focus on what we can do to improve the damage that has already occurred.

Sherwood Bishop, 124 Elm Hill Court lived in Austin for 9 years prior to coming to San Marcos. He pointed out that a project requiring a 35' fill will not be administratively approved in Austin. He stated that Mr. Casey has had many options to purchase the property and has not done so. He said Mr. Casey has said he does not have enough room to develop what he wants and wants to take additional parkland. In addition, Mr. Casey will need to take streets that people use to get to and from work. Mr. Bishop explained that students will use Sessom and asked the Commission to go to the site and see how far they can see down Sessom from Loquat. He added that the Parks Board voted unanimously against the request.

Nancy Moore asked how the city owned property be handled. She also asked if the water tower will be moved.

MOTION: Upon a motion made by Commissioner Bryan and a second by Commissioner Carothers, the Commission voted five (5) for and two (2) against to table action on A-13-01 until the May 28th Planning Commission meeting. Motion passed. Commissioner Ramirez and Wood dissenting.

Non-Consent

18. Development Services Report

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

Matthew Lewis advised that staff would email the update to the Commission.

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.*

There were no questions from the press and public.

20. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission meeting at 12:44 a.m. on Tuesday, May 14, 2013.

Bill Taylor, Chair

Carter Morris, Commissioner

Travis Kelsey, Commissioner

Kenneth Ehlers, Commissioner

Chris Wood, Commissioner

Angie Ramirez, Commissioner

Randy Bryan, Commissioner

Corey Carothers, Commissioner

ATTEST:

Francis Serna, Recording Secretary

DRAFT

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
May 28, 2013**

1. Present

Commissioners:

Bill Taylor, Chair
Carter Morris, Vice Chair (late in 6:02)
Curtis Seebeck
Chris Wood
Corey Carothers
Kenneth Ehlers
Travis Kelsey
Angie Ramirez
Randy Bryan (late in 6:35)

City Staff:

Kristy Stark, Development Services Assistant Director
Sam Aguirre, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
Emily Koller, Planner
Tory Carpenter, Planning Tech

Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday May 28, 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. Receive an update from staff regarding status of request for a Conditional Use Permit (CUP-13-13) at 216 North Street.

Emily Koller, Staff Planner advised the Commission that Mr. Katz has requested postponement of the item until the June 25th Planning Commission meeting in order to have more time to address the Commission concerns of a more complete business plan.

5. 30 Minute Citizen Comment Period

Earl Studdard thanked the Planning Commission for their time. Mr. Studdard commented on the Sessom project stating that he does not have a financial interest. He stated that he likes that the Sessom project does not require assistance and creates an instant tax base for the city, county and the school district. He added that he like the significant contributions that the applicant has proposed. Mr. Studdard explained that he has lived all over the country and San Marcos is missing close proximity apartment complexes near the University where students can ride their bikes or walk to campus.

Jay Hiebert addressed item 14 and said his concern is the abandonment on Peachtree Street. He explained if Casey is allowed to acquire the alley what happens to the easement and access of the 24' water main. He added that the utility department will need access to the easement.

Consent Agenda:

6. PC-13-02(03) (Final Plat, Thorpe Lane Apartments) Consider a request by MBC Engineers, on behalf of Casey Development, Ltd., for approval of a Final Plat for approximately 10.74 acres more or less out of the J.M. Veramendi Survey No. 2, located at 1220 Thorpe Lane together with associated Subdivision Improvement Agreement.

Chair Taylor pulled Item 6. PC-13-02_03 from the consent agenda.

Commissioner Morris recused himself from Item 6.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Kelsey, the Commission voted to approve Item 6, PC-13-02_03.

7. PC-13-04_03 (Final Plat, Lowman Ranch Subdivision Lots 5 and 5A, Section 1) Consider a request by Outlet West Investors Ltd for approval of a Final Plat for 5.42 acres more or less out of the E. Burleson Survey, together with associated Subdivision Improvement Agreement.

8. PC-13-15_02 (Preliminary Plat, Blanco Vista Tract D) Consider a request by CSF Civil Group, on behalf of Carma Blanco Vista, L.L.C. (Brookfield Residential), for approval of a Preliminary Subdivision Plat of Blanco Vista Tract D for approximately 11.561 acres, more or less, out of the William Ward League Survey No. 3, Abstract No. 467, for 50 residential lots located at Blanco Vista Boulevard and Trail Ridge Pass.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris the Commission approved on consent Item 7, PC-13-04_03 and Item 8, PC-13-15_02.

Public Hearings:

9. CUP 13-15 (105 Riviera Street) Hold a public hearing and consider a request by Eddie V. Gray for a Conditional Use Permit to allow an accessory dwelling unit at 105 Riviera Street.

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

Chair Taylor opened the public hearing. Eddie Gray, owner stated he was available to answer questions or concerns. He stated that he has owned the house since 1976 and explained that the house will be moved closer to the river. Mr. Gray added that neighbors are in support of his request. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers the Commission voted 8-0 to approve CUP-13-15 with the conditions that the CUP is effective only upon the approval by the Zoning Board of Adjustments to allow the structure in the proposed locations, 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. Commissioner Bryan was absent for the vote.

10. CUP-13-16 (Pappa Pasta's) Hold a public hearing and consider a request by Herlinda Lopez for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 2550 Hunter Road, Suite 1100.

Tory Carpenter, Planning Technician gave an overview of the project.

Chair Taylor opened the public hearing. Christopher Lopez, the applicant stated that they are a family restaurant and will continue to sell more food than alcohol. Mr. Lopez noted that he has provided the report to staff. He explained that they have not had any incidents in the four years in business and plan to keep the business the same. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ramirez and a second by Commissioner Kelsey the Commission voted 8-0 to approve CUP-13-16 with the conditions that the CUP shall be valid for one (1) year, provided standards are met, subject to the point system, the menus shall include the statement "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages.", the restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met, the primary entrance for the restaurant shall remain at least 200 feet from the primary entrance of the school and alcoholic beverages shall not be served earlier than 11 a.m. or later than 10 p.m. Commissioner Bryan was absent for the vote.

11. LUA-13-01 (Sessom Drive Multifamily Community) Hold a public hearing and consider 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).

12. ZC-13-03 (Sessom Drive Multifamily Community) Hold a public hearing and consider 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).

13. PDD-13-01 (Sessom Drive Multifamily Community) Hold a public hearing and consider 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).

Commissioner Morris recused himself from Items 11, 12, 13 and 14.

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

Chair Taylor opened the public hearing.

Steve Drenner, Attorney with Winstead PC, Austin Texas was present on behalf of the applicant. Mr. Drenner gave a fifteen minute presentation.

Renee Hicks, attorney in Austin, TX was present on behalf of the Sessom Creek Neighborhood, Sierra Circle, Tanglewood Neighborhood Associations as well as other concerned citizens. Mr. Hicks spoke in opposition to the request and gave a fifteen minute presentation.

Dave Newman, Holland Street spoke in opposition to the request. He said that the applicants stand to profit from the development. He said that the Planning Department and the neighborhood are not in support of the project. Mr. Newman stated that the citizens are depending on the Commission to do the right thing and deny the request. He asked the Commission to save the creeks and the neighborhood. Mr. Newman added that they would like to maintain the quiet nature of the neighborhood and asked the Commission to give the people what they desire.

Diane Wassenich, 11 Tangelwood and representing the San Marcos River Foundation provided the Commission with the 2011 Engineering Review of Water Quality Issues Associated with the Proposed Casey Development report by Dr. Ross. Ms. Wassenich referred to page 4 and 5 of the report and pointed out that the report clearly states the problems with building apartments at Sessom Creek which flows down to the head of the river. She added that Ben Schwartz, Texas State, asked her to explain the bar graphs to the Commission. Ms. Wassenich explained that the developer shows they will remove 85% of the total TSS but are not talking about the 85% of TSS in the creek. She further explained that they are talking about the 85% of the increased pollution that they plan to cause. Ms. Wassenich asked that there be no rezoning until the City's Sessom Creek Study is complete that is currently underway.

Brian Dupree, 323 Sierra Circle said that the neighborhood can see the water tower from his back yard. He stated that there is huge traffic issue on RR 12 and Hughson. Mr. Dupree referred to the photos of the proposed development and stated that they do not reflect what will be developed because things change. He added that he has a three year old son and would like his son to grow up with at least small parkland and not an apartment complex. Mr. Dupree spoke in opposition to the request.

Natalie Butler of American Campus Communities stated they own The Retreat, Bishop Square, The Outpost and Sanctuary Lofts apartments. She informed the Commission that the industry is hurting to find potential leases. Ms. Butler provided the Commission with a 2012-2013 market study indicating the current leases and the number of leases available for apartment complexes in San Marcos. She added that the corporate office is very concerned with the market. She pointed out that she has been in the industry for 4 years. Ms. Butler stated that anyone can request the information and felt that the information is relevant to the request.

Scott Morris, 911 Cheatham said he has lived in San Marcos since 1986. Mr. Morris spoke in opposition to the request. He referred to the Land Development Code and explained the charge of the Commission. He encouraged the Commission to decline the request.

David Wendel referred to Mr. Drenner's example of apartments in Austin being in a great location as is the Sessom project near the University. Mr. Wendel explained that the Riverside project in Austin is a success because there are plenty of shopping areas and entertainment near the apartments. He pointed out that in San Marcos there is not enough retail to support the request. Mr. Wendell added that the Casey project is comparable in that it will cause traffic problems and will be built in the floodplain. Mr. Wendel spoke in opposition to the request.

Jay Hiebert, 209 Sierra Circle spoke about the 35 ft. cut and fill retaining wall. He said he was concerned about where the dirt will come from. He asked if everyone has driven down Sessom and notice the huge hole in the lane going toward Aquarena Springs Drive. Mr. Hiebert explained that the large trucks with dirt will drive up Sessom and will destroy many miles of San Marcos streets. He felt that the developer should be responsible to pay for the street reconstruction from the damage and the fill of the 35' crevasse.

Brian Van de Walle, 2218 Founder Drive, Cedar Park, Senior Traffic Engineer, Kimmel-Horn Engineering stated that they prepared the TIA's submitted for the request. He said they came up with improvements to mitigate the impacts. He pointed out that it is obvious that the traffic on Aquarena and Sessom is the issue. Mr. Van de Walle informed the Commission that they have been working with city and if staff is interested there are CAMPO funds that need local matching funds. He added that staff is interested in seeing modeling and if the project goes through they will proceed. Mr. Van de Walle stated he is available to answer traffic questions.

Steve Ramsey, Civil Engineer with Ramsey Engineering. He stated that the Sink Creek Water Protection has already been developed and there are no protects that have on site storm water protection. He explained that the project has proposed to go above what the Land Development Code requires. Mr. Ramsey pointed out that the single family proposal was not a guess and that he had submitted preliminary plat which was approved by the Commission. Mr. Ramsey added that data that has been provided regarding multifamily and single family is factual. He mentioned that the water quality does provide an improvement to the project. He said it is import to remember that the project is in the urban watershed. He felt that if they are going to comply with the City of Austin code requirements, we should not pick and choose what works for the city and which do not. Mr. Ramsey added that he was available to answer questions.

Frances Breihen, 111 W. Hillcrest said she has been a resident of San Marcos for 62 years. Ms. Breihen spoke in opposition to the request. She pointed out that there is an imbalance with student housing and the permanent housing in San Marcos. Ms. Breihen pointed out that the apartment complexes are changing the character of San Marcos. She felt that the Commission should bring control to developers that want to bring developments to San Marcos that are intolerable. Ms. Breihen commented that to destroy another green space is unthinkable. She asked the Commission to do the right thing and do not add another apartment complex in the wrong place. She added that the area is already overcrowded and a traffic problem.

Sharon O'Neil, 121 E. Hillcrest Drive said she have lived and worked in San Marcos for 35 years. She explained that she lives in the Sessom Creek Neighborhood which is a vibrant beautiful neighborhood. She stated that people have invested in their neighborhood. Ms. O'Neil pointed out that the owner of the remaining lot plans to build a home. She mentioned that Hillcrest is two blocks long with a lot of pedestrian activity with not much traffic. Ms. O'Neil expressed concerns regarding additional traffic into their neighborhood which will endanger the children playing in the street and people walking. She asked the Commission to be guided by the master plan and reject the proposal.

Clay Hollingsworth, 1108 Chestnut, said he has lived in San Marcos for almost six year. Mr. Hollingsworth spoke of the beauty of San Marcos. He felt that if people see the land as profit they will miss the beauty of San Marcos. He mentioned that people have not heard the sounds of Purgatory Creek and now will never because of the Wonder World extension. Mr. Hollingsworth added that development is inevitable but should be development to improve the quality of San Marcos. He stated he is not in opposition but is present to point out the unknown of the environmental impacts that the development will have on the property. He stated that the plan is flawed and it paves the way to future development.

Bridgett Phillips, 529 Harvey Street said that the donation of the 4 plus acres keeps coming up and asked the Commission not to consider the donation of the land. She felt that the developer should have included their request in the PDD. Ms. Phillips referred to the photos and asked how many trees will be removed and the height of the buildings. She asked the Commission to consider the apartment survey that was presented. Ms. Phillips asked the Commission if they are building a town for the citizens as a great college as its attribute or are we building a town for students and disregarding the desires of the citizens.

Ryan Rudnicki, 123 Ridgeway Drive, San Marcos said he was surprised that the comparison of San Marcos and San Antonio was brought up. He explained that he works at UTSA and felt that the comparisons are totally different. Mr. Rudnicki pointed out that there is a difference in parking requirements from the Code and the proposed PDD. Mr. Rudnicki compared the HEB parking lot to the apartment complex. He noted that the PDD lacks 120 parking spaces and the HEB has 125 parking spaces. Mr. Rudnicki commented that there is not enough parking and where will the visitors park. He added that folks from The Retreat also have discussed having parking issues. He asked the Commission to follow building and city codes.

Nico Ibanez, 310 Pat Garrison stated he is a recent graduate of Texas State. He said that he likes living near campus and the availability to walk to and from campus. He felt that the project is a great idea and spoke in support of the request.

Melissa Derrick, 109 Kathryn Cove said she attended the Parks Board meeting prior to attending the Planning Commission meeting. She explained that she heard Mr. Bishop speak about the parkland dedication and the attempt for the development to acquire abandonment. She found out that the current development does not fit within the boundaries of the property without the abandonments. Ms. Derrick said she felt that the donation of 4.6 acres is just an attempt to not require a super majority vote. She added that the entrepreneurs that spoke previously own a party bus and explained that people park in neighborhoods to load the bus. She pointed out that not having overflow parking is an issue.

Joan Berg, 1201 Thorpe Lane and her parents live on Mimosa Circle. She pointed out that people cannot walk safely because it is very dangerous. She added that students do not have anywhere to walk on Sessom and to add apartment buildings is very dangerous. Ms. Berg expressed her concerns with endangering the river. She felt that we should send the developer a message that we care about the river.

Jill Keith, 200 Roger Street asked the Commission to deny the project. She reminded the Commission that their job is to protect the citizens of San Marcos. She pointed out that several of the young people wearing yellow shirts did not know why they were wearing the shirts. She said that Mr. Casey had threatened to build cheap housing if the apartment complex didn't move forward. She felt that no builder would build lower standard housing. Ms. Keith asked if anyone has determined if there are any caves in the canyon. She mentioned that she asked Mr. Theriot if he would build this development in his front yard and Mr. Theriot did not respond. Ms. Keith reiterated her comments in Spanish.

Harriet Rainey, 328 Bluffcrest, San Antonio, Texas explained that her parents bought the property in discussion. Ms. Rainey stated that she is very confused with the cut and fill across Sessom because what they did was horrible. She said the retaining wall is very high and doesn't know how they are going to fill. Ms. Rainey said all she knew is what she witnessed. She is very interested in knowing what will happen if the development will not happen. She said she agrees that the green space is beautiful but pointed out that the property will not remain as green space for people to trespass. She said that the river has already been polluted by the development across from her property on Sessom.

Patrick Rose, 627 W. Hopkins pointed out that the sellers and buyers are known in the community and are well respected people. He felt that the project is better for the environment than building single family lots. Mr. Rose said that the tax base is staggering numbers and would benefit the community. He added that the University is growing and asked where we are going to put the students. Mr. Rose felt that the line of sight is not the issue. He mentioned that Sessom traffic is an issue today and will always be an issue. He said that the question today is what is the highest and best use of development is for the parcel because the property will be developed.

David Sergi, 904 Burluson Street stated that the old Master Plan and the new Master Plan does not call for this type of development. He added that spot zoning is also not allowed. He pointed out that the community has spent months approving a new master plan and they are about to change the master plan for the benefit of individual land owners. He pointed out that the master plan has identified appropriate properties for the desired development.

Ed Theriot, ETR Development Consulting, 401 Dryden, Buda, Texas explained that abandonment request that will be heard next on the agenda has been amended. He stated that they have agreed to remove a portion of Peachtree Street abandonment. Mr. Theriot explained that Locust and the alleyways were abandonment in the 1950's, however the documents are sketchy and not at the level that they would want. He added that the abandonment of Locust Street will be replaced with a connection to Peachtree Street to improve the access. He pointed out that in 2011 the city staff found that the request met the criteria for approval.

Sally Ploeger, 105 Canyon Road stated that from 1980-1995 she lived at 405 Sessom Drive and that the University did destroy the neighborhood. She added that she tried to stop the development and was in a legal battle from 1994-2008. Ms. Ploeger said that Ms. Rainey was correct in that the canyon was destroyed and they moved dirt at all hours of the day and night. She pointed out that Sessom Drive is too dangerous now and even in the 80's. Ms. Ploeger said it has never occurred while she lived in the neighborhood to her to walk across Sessom Drive.

Jim Garber, 104 Canyon Fork said that one of the basic principles of effective planning and zoning is putting the right thing in the right place. He explained there will be approximately 800 students that will make an estimated 3200-4000 trips a day across Sessom Drive. Mr. Garber noted that there are two bus stops on LBJ which students walk down LBJ between the hours of 9:30-2. He felt that Sessom cannot handle the pedestrian crossings and that there is not a sidewalk on one side of Sessom which will make it difficult for pedestrians. Mr. Garber pointed out that the development does not propose how they will handle the amount of traffic. He asked the Commission to place the right thing in the right place. He added that the Commission has a responsibility and their decisions affect the safety and wellbeing of citizens.

Jim Keith, 1001 Bishop stated that most trees shown on the aerial photos belong to him. Mr. Keith gave a brief description of the area. Mr. Keith spoke in support of the project and felt that the project will be good for the neighborhood. He felt that the 35' cut and fill will bring the area down to the level of Sessom Street. He said that the development can be a world class project. Mr. Keith said the property has eroded and the sewer line is being undermined with every rain and there is going to have to be some erosion mitigation as some time. He added that the neighborhood is continuing to change. People love the neighborhood because it is a great place to live. Mr. Keith pointed out that the river will be protected and feels that they can work together to meet the needs of hundreds of people in the future.

Patrick Duran, 110 W. Hillcrest Drive stated he lives in the neighborhood and will be impacted by the development. He pointed out that a gentleman that was wearing a yellow shirt stated that he was convinced and removed his shirt and left. Mr. Duran has been in San Marcos 21 years. He mentioned that he lives and works out of his home. He added that he can sit on his front porch and see the water tower. Mr. Duran provided the Commission with copies of photos taken from different views of the neighborhood. He pointed out that the development will impact the neighborhood.

Linda Hobson, 102 Canyon Fork spoke regarding the dangerous traffic on Canyon Fork. She explained that Canyon Road is a one lane road and people must be vigilant and prepared to give the right of way. Ms. Hobson said there are two blind spots and very dangerous. She pointed out that the increase of traffic from student will impact the safety of the neighborhood and students.

Kate Round, 110 Canyon Road said there will be an impact of the neighborhood and they are fighting for the protection of the beautiful green space. She asked the Commission to listen to the neighborhood and vote against the request.

Tom Wassenich, 11 Tanglewood said in his opinion there are way more apartments than necessary. Mr. Wassenich presented the statistics of the number of students and the number of apartment bedrooms available and under construction. The statistics presented projected that there are more bedroom units than necessary.

Lisa Prewitt, 619 North Street stated she has been a resident for 20 years and a local business owner for 16 years. Ms. Prewitt was the Co- Chair of Citizen Advisory Committee of the Comprehensive Master Plan which was approved several months ago. She pointed out that the master plan does not call for high density housing in the area. She felt that if the city guides the developers to build in undesignated areas we will continue to have a huge mess in San Marcos. Ms. Prewitt pointed out if we follow the plan San Marcos will have a healthy local economy and environment. She asked the Commission to stick to the old plan and allow the new plan to guide them. She asked if it is standard that a development gets approved without a Traffic Impact Analysis and ask the city to utilize some of the tax revenue they would receive if the development is approved. Ms. Prewitt asked the Commission to deny the project.

Paul Murray, 102 Barkley, Sessom Creek Neighborhood Representative, Community Member of ACT, Secretary Treasurer of the CONA, Certified Tester for the Texas Screen Team and Vice Chair of the Upper San Marcos Watershed Initiative at the Meadows Center said that the Meadow Center has completed the Spring Lake Water Quality study which showed that the urban areas around LBJ makeup a tiny minority of the watershed but a great portion of the bacteria that goes into the lake from the creek. He pointed out that we should not expect a decline in the suspended solids, bacteria and other pollutants into the river.

Charles O'Neil, 121 E. Hillcrest has been a resident of San Marcos for 35 years spoke briefly on traffic and Traffic Impact Analysis. He referred to the proposed parking spaces and number of trips per day. Mr. O'Neil pointed out that the problems will not only be on Sessom but include Sessom and Academy, Comanche and Holland streets. Mr. O'Neil pointed out that there is a lack of neighborhood traffic analysis because people will drive around the traffic into the neighborhoods. He asked the Commission to deny the request.

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 Ramirez the Commission voted eight (8) for and zero (0) against to deny LUA-13-01, ZC-13-03 and PDD-13-01.

Non-Consent

14. A-13-01 (Sessom Drive Multifamily Community-Loquat Street, a/k/a Pecan Street, Locust Street and Peachtree Street) 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.

MOTION: Upon a motion made by Commissioner Bryan and a second by Commissioner Seebeck the Commission voted seven (7) for and one (1) against to deny A-13-01. Commissioner Wood dissenting.

15. Receive an update from Staff and discussion regarding a potential Extra-Territorial Jurisdiction Agreement with the City of Kyle.

John Foreman gave a brief update of the potential ETJ Agreement with the City of Kyle.

16. Development Services Report

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

Kristy Stark gave a brief update on the Comprehensive Master Plan.

17. Question and Answer Session with Press and Public. *This is an opportunity for the press and public to ask questions related to items on this agenda.*

There were no questions from the press and public.

18. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 9:58 p.m. on Tuesday, May 28, 2013.

Bill Taylor, Chair

Carter Morris, Commissioner

Travis Kelsey, Commissioner

Kenneth Ehlers, Commissioner

Chris Wood, Commissioner

Angie Ramirez, Commissioner

Curtis Seebeck, Commissioner

Randy Bryan, Commissioner

Corey Carothers, Commissioner

ATTEST:

Francis Serna, Recording Secretary

Agenda Information

AGENDA CAPTION:

PC-12-26_03 (Final Plat, McCarty Commons Subdivision) Consider a request by LJA Engineering, on behalf of SLF II - McCarty, LP, for approval of a Final Plat and associated subdivision improvement agreement for approximately 17.669 acres more or less out of the Nathaniel Hubbard Survey, Abstract 230, establishing the McCarty Commons Subdivision, Phase 1, located at the intersection of the I35 Frontage Road and McCarty Lane.

Meeting date: June 11, 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

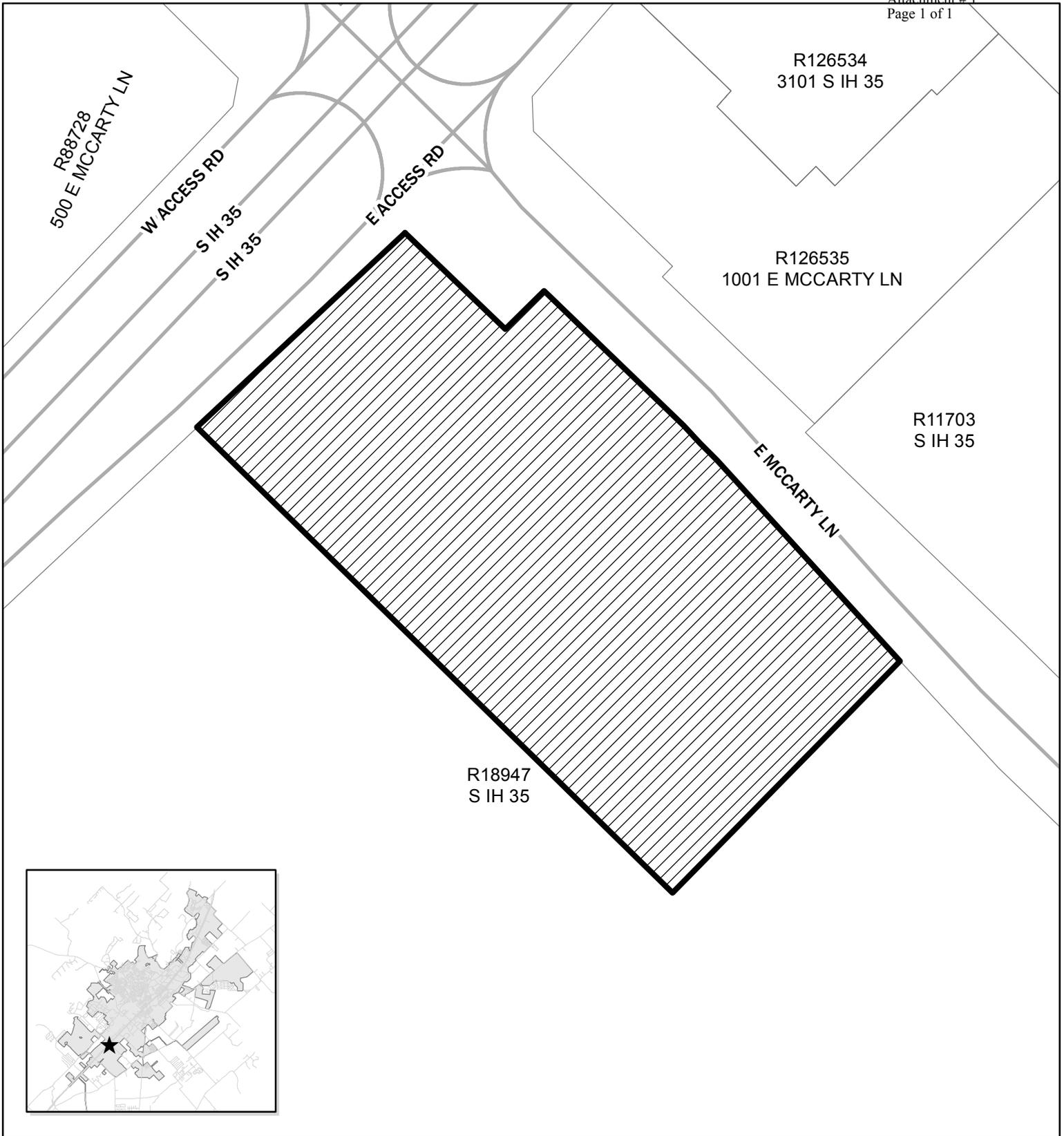
BACKGROUND:

The McCarty Commons Subdivision, Phase 1, is the first final plat for the McCarty Commons Planned Development District which comprises a total of 259 acres. The subject property is approximately 18 acres and is located in the northwest corner of the development at the intersection of the I35 Frontage Road and McCarty Lane, across from the Embassy Suites. This subdivision is planned to be developed by the grocery store retailer - HEB. The land owner, Stratford Land, has been working with HEB to modify the existing development standards of the PDD since the summer of 2012 to accommodate the grocery store. The amendments were approved by a Special Called meeting of the City Council on May 28, 2013.

The plat meets all development standards in the amended PDD as well as the subdivision criteria established in the Land Development Code. Staff recommends approval.

ATTACHMENTS:

Case Map
Staff Report
Plat
Application



PC-12-26(03)
HEB McCarty
Subdivision
Map Date: 5/13/2013

•  Site Location •

0 155 310 620
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-12-26_03 Final Plat McCarty Commons Subdivision Phase 1



Applicant Information:

Applicant: LJA Engineering
5316 Highway 290 West
Suite 150
Austin, TX 78735

Property Owner: SLF II – McCarty, L.P.
5949 Sherry Lane, Suite 1750
Dallas, TX 75225

Notification: None required.

Type & Name of Subdivision: Final plat establishing the McCarty Commons Subdivision, Phase 1

Subject Property:

Summary: The subject property is approximately 17.669 acres out of the Nathaniel Hubbard Survey, Abstract 230, located near the intersection of the IH35 Frontage Road and McCarty Lane.

Zoning: General Commercial

Traffic/ Transportation: The property will take access from both the IH 35 Frontage Road and McCarty Lane. TXDOT had approved access to the new lot. A north/south private drive with entry off of McCarty is required to be constructed at the time of site development.

Utility Capacity: All utilities are provided for onsite.

Planning Department Analysis:

The subject property is within the boundaries of the McCarty Commons Planned Development District which encompasses nearly 260 acres east of IH35 in between the Embassy Suites/Convention Center and the Outlet Malls. The PDD was originally approved on October 6, 2008 (Ord. 2008-41) and amended on May 28, 2013 (Ord. 2013-26). This tract has a base zoning of General Commercial and is identified as "Sub-Area A-1" in the PDD. It is proposed to be developed by HEB as a large grocery store with gas sales.

Public improvements include an 8" wastewater line and erosion/sedimentation control measures. Construction has been deferred until after plat approval and a Subdivision Improvement Agreement has been reviewed and accepted by the City. The Public Improvements Construction Plan and the Watershed Protection Plan Phase II have both been approved by the Engineering Department.

Terms for parkland dedication have been set through the requirements of the PDD. Approximately 57.5 acres of Open Space will be conveyed at the time of platting for subsequent phases (Sub-Areas "C" and "D") in the district. Parkland is not required to be dedicated with this plat.

An update to the Traffic Impact Analysis was submitted with the recent amendments to the PDD – signalization of the intersection at the Frontage Road and McCarty Lane was noted as well as widening the approaches for left-turn lanes from both north and south. Signalization was recommended to be installed between 40-50% of the planned development density/build-out and the additional turn lanes are recommended at 70%. The development of the 17.669 acres in Phase 1 will not meet those thresholds.

The plat does meet the criteria set forth in the LDC and staff recommends approval of the plat as submitted.

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

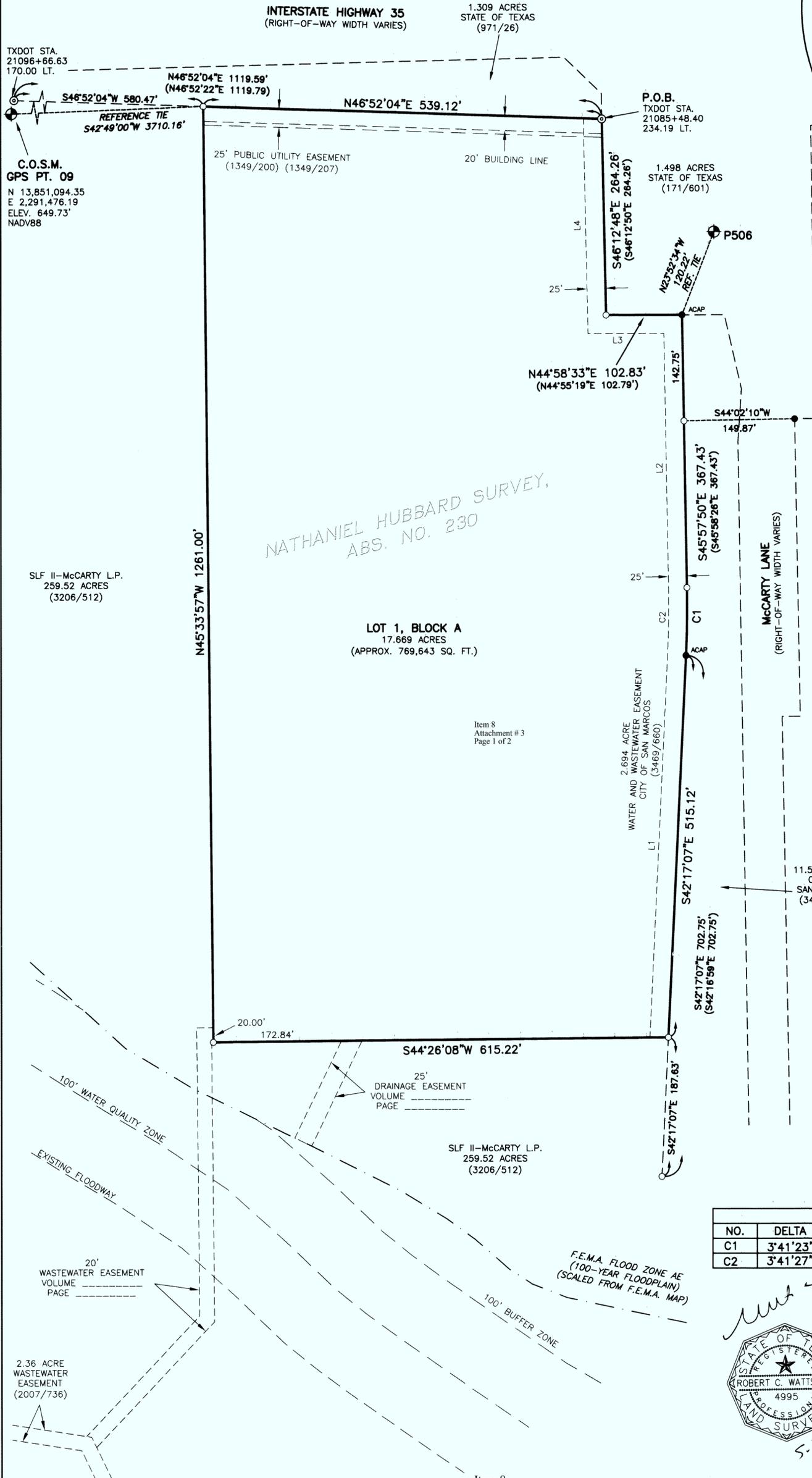
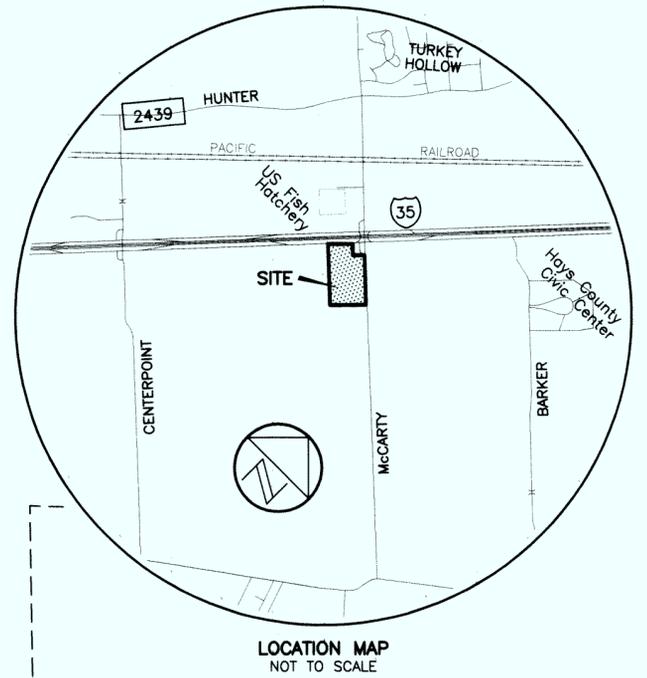
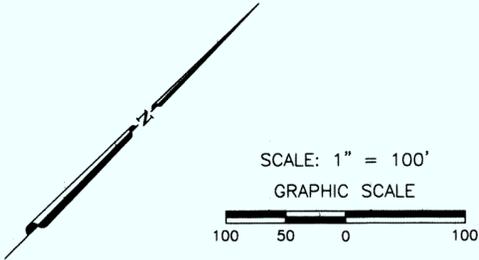
The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Final Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

Prepared By:

Emily Koller	Planner	May 31, 2013
Name	Title	Date

McCARTY COMMONS SUBDIVISION - PHASE 1



LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- ACAP 1/2" REBAR WITH ALUMINUM "MWM" CAP FOUND
- ⊙ TxDOT TYPE II DISK FOUND
- ⊕ CONTROL POINT/BENCH MARK LOCATION
- 1/2" REBAR WITH CHAPARRAL CAP SET
- () RECORD INFORMATION

THIS IS A SURFACE DRAWING.

CHAPARRAL CONTROL POINT "P506"
COTTON SPINDLE WITH WASHER SET
SURFACE COORDINATES:
N 13855805.9627
E 2294874.3419

TEXAS SOUTH CENTRAL ZONE STATE
PLANE COORDINATES:
N 13854007.2001
E 2294576.4216

ELEVATION = 650.09'
VERTICAL DATUM: NAVD 88 (GEOID 09)

COMBINED SCALE FACTOR = 0.99987018
(FOR SURFACE TO GRID CONVERSION)

INVERSE SCALE FACTOR = 1.000129837
(FOR GRID TO SURFACE CONVERSION)

SCALED ABOUT 0.0
TEXAS SOUTH CENTRAL ZONE 4204

McCARTY COMMONS SUBDIVISION - PHASE 1 CITY OF SAN MARCOS, TEXAS

SLF II - McCARTY, L.P.
PHILLIP F. WIGGINS, PRESIDENT
5949 SHERRY LANE, SUITE 1750
DALLAS, TEXAS 75225
000-000-0000

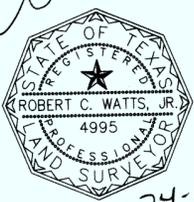
ROBERT C. WATTS, JR., R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR,
STATE OF TEXAS NO. 4995
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 McCall Lane
AUSTIN, TX 78744
512-443-1724

DANNY MILLER, P.E.
LJA ENGINEERING, INC.
5316 HIGHWAY 290 WEST, SUITE 150
AUSTIN, TEXAS 78735
512-439-4700

PREPARED ON 05/23/2013

LINE	BEARING	DISTANCE
L1	N42°17'07"W	516.64'
L2	N45°57'50"W	342.82'
L3	S44°58'33"W	102.68'
L4	N46°12'48"W	290.11'

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	(RECORD CHORD)
C1	3°41'23"	1417.00'	45.64'	91.25'	91.24'	S44°07'05"E	(S44°07'42"E 91.26')
C2	3°41'27"	1392.00'	44.85'	89.67'	89.65'	N44°07'41"W	



Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping

3500 McCall Lane
Austin, Texas 78744
512-443-1724

PROJECT NO.:
562-011

DRAWING NO.:
562-011-PL1

PLOT DATE:
05/24/2013

PLOT SCALE:
1"=100'

DRAWN BY:
RCW

SHEET
01 OF 02

McCARTY COMMONS SUBDIVISION - PHASE 1

NOW, THEREFORE, KNOW ALL BY THE PRESENTS:

THAT WE, SLF II - McCARTY, L.P., A TEXAS LIMITED PARTNERSHIP, BY THE STRATFORD COMPANY, L.P., BY PHILLIP F. WIGGINS, PRESIDENT, AS OWNERS OF 17.669 ACRES IN THE NATHANIEL HUBBARD SURVEY, ABSTRACT NO. 230, HAYS COUNTY, TEXAS, BEING A PORTION OF A 259.52 ACRE TRACT CONVEYED TO SLF II - McCARTY, L.P. BY GENERAL WARRANTY DEED DATED JULY 11, 2007, AND RECORDED IN VOLUME 3206, PAGE 512 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

DO HEREBY ADOPT THIS PLAT DESIGNATING THE 17.669 ACRE TRACT AS McCARTY COMMONS SUBDIVISION - PHASE 1, AN ADDITION TO THE CITY OF SAN MARCOS,

AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, PUBLIC EASEMENTS AND PUBLIC PLACES SHOWN HEREON UNLESS OTHERWISE INDICATED EITHER BY PLAT OR SEPARATE INSTRUMENT,

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

WITNESS MY HAND THIS ____ DAY OF _____, 20__.

SLF II - McCARTY, L.P.,
A TEXAS LIMITED PARTNERSHIP

BY:

THE STRATFORD COMPANY, L.P.,
A TEXAS LIMITED PARTNERSHIP,
ITS GENERAL PARTNER

BY:

STRATFORD MANAGEMENT, INC.,
A TEXAS CORPORATION,
ITS GENERAL PARTNER

BY:

PHILLIP F. WIGGINS, PRESIDENT
5949 SHERRY LANE, SUITE 1750
DALLAS, TEXAS 75225

STATE OF TEXAS:
COUNTY OF TRAVIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED PHILLIP F. WIGGINS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, ROBERT C. WATTS, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND ON SEPTEMBER 6, 2011 AND THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

BEARING BASIS: GRID AZIMUTH FOR TEXAS SOUTH CENTRAL ZONE STATE PLANE COORDINATES, 1983/93 HARN, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

Robert C. Watts, Jr. 5-24-13
ROBERT C. WATTS, JR., R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR, STATE OF TEXAS NO. 4995
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 McCall Lane
AUSTIN, TX 78744
512-443-1724



ENGINEER'S CERTIFICATION:

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

NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD OF A WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL 48209C0478F AND 48209C0479F, DATED SEPTEMBER 2, 2008, FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS.

Danny Miller 5-28-13
DANNY MILLER, P.E.



ENGINEERING BY:
LJA ENGINEERING, INC.
5316 HIGHWAY 290 WEST, SUITE 150
AUSTIN, TEXAS 78735
512-439-4700
TEXAS REGISTERED ENGINEERING FIRM FRN-F1386

CITY OF SAN MARCOS:
CERTIFICATE OF APPROVAL:

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

CHAIRMAN DATE RECORDING SECRETARY DATE

APPROVED:

DIRECTOR OF PLANNING AND DATE
DEVELOPMENT SERVICES DEPARTMENT

DIRECTOR OF ENGINEERING DATE
AND CAPITAL IMPROVEMENTS

STATE OF TEXAS:
COUNTY OF HAYS:

17.669 ACRES
NATHANIEL HUBBARD SURVEY,
ABSTRACT NO. 230, HAYS COUNTY

A DESCRIPTION OF 17.669 ACRES IN THE NATHANIEL HUBBARD SURVEY, ABSTRACT NO. 230, HAYS COUNTY, TEXAS, BEING A PORTION OF A 259.52 ACRE TRACT CONVEYED TO SLF II - McCARTY, L.P. BY GENERAL WARRANTY DEED DATED JULY 11, 2007, AND RECORDED IN VOLUME 3206, PAGE 512 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 17.669 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a Type II TxDOT disk found 234.19 feet left of TxDOT centerline station 21085+48.40 in the southeast right-of-way line of Interstate Highway (IH) 35, same being the north corner of said 259.52 acre tract, being the east corner of a 1.309 acre tract described in Volume 971, Page 26 of the Official Public Records of Hays County, Texas and also being in the southwest line of a 1.498 tract described in Volume 171, Page 601 of the Official Public Records of Hays County, Texas;

THENCE with the northeast line of said 259.52 acre tract, same being the southwest line of said 1.498 acre tract, the following two (2) courses and distances:

1. South 46°12'48" East, a distance of 264.26 feet to a 1/2" rebar with Chaparral cap set;
2. North 44°58'33" East, a distance of 102.83 feet to a 1/2" rebar with aluminum "MWM" cap found in the southeast line of said 1.498 acre tract, same being the southwest line of McCarty Lane (right-of-way width varies) and also being the west corner of an 11.531 acre tract described in Volume 3469, Page 649 of the Official Public Records of Hays County, Texas;

THENCE with the southwest right-of-way line of McCarty Lane, same being the southwest line of said 11.531 acre tract and crossing said 259.52 acre tract, the following three (3) courses and distances:

1. South 45°57'50" East, a distance of 367.43 feet to a 1/2" rebar with Chaparral cap set;
2. With a curve to the right, an arc distance of 91.25 feet, a delta angle of 3°41'23", having a radius of 1417.00 feet and a chord which bears South 44°07'05" East, a distance of 91.24 feet to a 1/2" rebar with aluminum "MWM" cap found;
3. South 42°17'07" East, a distance of 515.12 feet to a 1/2" rebar with Chaparral cap set, from which a 1/2" rebar with Chaparral cap set for a point of curvature in the southwest right-of-way line of McCarty Lane, same being the southwest line of said 11.531 acre tract, bears South 42°17'07" East, a distance of 187.63 feet;

THENCE continuing across said 259.52 acre tract, the following two (2) courses and distances:

1. South 44°26'08" West, a distance of 615.22 feet to a 1/2" rebar with Chaparral cap set;
2. North 45°33'57" West, a distance of 1261.00 feet to a 1/2" rebar with Chaparral cap set in the southeast right-of-way line of IH 35, same being the southeast line of said 1.309 acre tract and also being the northwest line of said 259.52 acre tract, from which a Type II TxDOT disk found 170.00 feet left of TxDOT centerline station 21096+66.63, for an angle point in the southeast right-of-way line of IH 35, same being the northwest line of said 259.52 acre tract and also being the south corner of said 1.309 acre tract, bears South 46°52'04" West, a distance of 580.47 feet;

THENCE North 46°52'04" East, with the southeast right-of-way line of IH 35, same being the southeast line of said 1.309 acre tract and also being the northwest line of said 259.52 acre tract, a distance of 539.12 feet to the POINT OF BEGINNING, containing 17.669 acres of land, more or less.

GENERAL NOTES:

1. THIS SUBDIVISION MUST COMPLY WITH THE DEVELOPMENT STANDARDS SET FORTH IN THE McCARTY COMMONS PLANNED DEVELOPMENT DISTRICT AS ORIGINALLY APPROVED ON OCTOBER 6, 2008 (ORDINANCE NO. 2008-41) AND AS AMENDED AND APPROVED ON MAY 28, 2013, (ORDINANCE NO. 2013-26) BY THE SAN MARCOS CITY COUNCIL.
2. SIDEWALKS ARE REQUIRED ALONG ALL RIGHT-OF-WAY IN THIS SUBDIVISION, AND SHALL BE INSTALLED AT THE TIME OF CONSTRUCTION PER ORDINANCE NO. 2008-50.
3. A SITE PREPARATION PERMIT MUST BE ISSUED BY THE CITY OF SAN MARCOS PRIOR TO CONSTRUCTION IN THIS SUBDIVISION.
4. ANY RELOCATION OF EXISTING ELECTRIC FACILITIES SHALL BE AT THE OWNERS EXPENSE.
5. THE LOCATION OF EASEMENTS GRANTED BY A SEPARATE INSTRUMENT ARE APPROXIMATE AND SUCH EASEMENTS AND THEIR LOCATIONS ARE GOVERNED BY THE TERMS, PROVISIONS AND CONDITIONS OF THE SEPARATE INSTRUMENT.
6. A PUBLIC ACCESS EASEMENT FOR TRAIL IMPROVEMENTS ALONG McCARTY LANE SHALL BE CONVEYED TO THE CITY BY SEPARATE INSTRUMENT PRIOR TO ISSUANCE OF A SITE PREPARATION PERMIT FOR THIS SUBDIVISION PER SECTION 4.1.4 OF THE PDD. AN ACCESS EASEMENT FOR A SIDEWALK AND PRIVATE DRIVE SHALL BE CONVEYED TO THE CITY BY SEPARATE INSTRUMENT PRIOR TO ISSUANCE OF A SITE PREPARATION PERMIT FOR THIS SUBDIVISION PER SECTION 11.3 OF THE PDD.
7. OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. FOR PROJECTS IN THE EDWARDS AQUIFER RECHARGE OR CONTRIBUTING ZONES, OUTFALLS FOR WATER QUALITY AND/OR DETENTION PONDS TREATING IMPERVIOUS COVER RELATED TO THE DEVELOPMENT, WILL NOT ENCRUCH BY STRUCTURE OR GRADING INTO STATE ROW. PLACEMENT OF PERMANENT STRUCTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN STATE ROW WILL NOT BE ALLOWED.
8. ACCESS DRIVEWAYS ON STATE MAINTAINED ROADWAYS MUST MEET THE MINIMUM REQUIREMENTS AS STATED IN THE "REGULATIONS FOR ACCESS DRIVEWAYS TO STATE HIGHWAYS" AND/OR THE "ACCESS MANAGEMENT MANUAL".
9. PLACEMENT OF SIDEWALKS WITHIN THE RIGHT OF WAY OF STATE MAINTAINED ROADWAYS MUST BE APPROVED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.

THE STATE OF TEXAS
COUNTY OF HAYS

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

ON THE ____ DAY OF _____ A.D. 20__ AT ____ O'CLOCK ____ M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____, PAGE(S) _____ WITNESS MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF _____, 20__ AD.

BY _____
LIZ Q. GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

 <p>Chaparral Professional Land Surveying, Inc. Surveying and Mapping</p> <p>3500 McCall Lane Austin, Texas 78744 512-443-1724</p>	PROJECT NO.: 562-011 DRAWING NO.: 562-011-PL1 PLOT DATE: 05/24/2013 PLOT SCALE: 1"=100' DRAWN BY: RCW
	SHEET 02 OF 02

11/09

PC-12 - 26(03)

City of San Marcos
SUBDIVISION PLAT APPLICATION

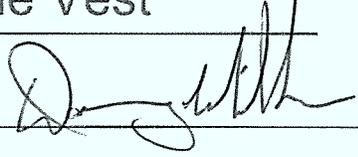
	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>LJA Engineering</u>	<u>SLF II - McCarty, LP</u>
Mailing Address	<u>5316 Hwy. 290 West, Suite 150</u> <u>Austin, Texas 78735</u>	<u>5949 Sherry Lane, Suite 1750</u> <u>Dallas, Texas 75225</u>
Daytime Phone	<u>512-439-4700</u>	<u>214-368-9191</u>
Email Address	<u>dmiller@ljaengineering.com</u>	<u>ovest@stratfordland.com</u>

AGENT ACKNOWLEDGEMENT STATEMENT:

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

Signature of Property Owner: 

Printed Name: Ocie Vest Date: 9-19-2012

Signature of Agent: 

Printed Name: Danny Miller Date: 9-19-12

RECEIVED
SEP 19 2012
BY: 

TYPE OF APPLICATION

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

SUBDIVISION IMPROVEMENT AGREEMENT

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

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

Signature: _____



Printed Name: Ocie Vest

Date: 9-19-2012

SUBJECT PROPERTY

Subdivision Name: H.E.B. McCarty Subdivision

Address or General Location: SE Corner IH-35 and McCarty Lane

Proposed Number of Lots: 1 Acres: 17.669

Appraisal District Tax ID: R - 18947

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

Proposed Use of Land Commercial

UTILITY SERVICE ACKNOWLEDGEMENTS:

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

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

Name of Electric Service Provider Bluebonnet Electric Coop. - letter attached

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Electric Company Official _____

Title _____ Date _____

Name of Telephone Service Provider Grande Communications letter attached

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Telephone Company Official _____

Title _____ Date _____

Name of Gas Service Provider Centerpoint Energy letter attached

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Gas Company Official _____

Title _____ Date _____

UTILITY SERVICE ACKNOWLEDGMENTS CONTINUED

Name of *Water Service Provider* City of San Marcos *letter attached*

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Water Utility Official: _____

Title: _____

Date: _____

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

Comments/Conditions _____

Signature of City or County Health Official: _____

Title: _____

Date _____

SUBMITTAL REQUIREMENTS:

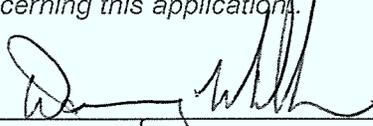
Applicable Documents and Fees

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

See attachment

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

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

Signature of Applicant: 

Printed Name: Danny Miller

Date: 9-19-12

To be completed by Staff:

Submittal Date: 9/19 5 Business Days from Submittal: 9/26
Completeness Review By: E. Keller Date: 9/19
Contact Date for Supplemental Info: 9/21
Supplemental Info Received (required within 5 days of contact): 9/26
Application Returned to Applicant: _____
Application Accepted for Review: 9/26 Fee: 250
Required Date for Decision (30 days from acceptance date): 10/26
Date of Planning and Zoning Commission Meeting: 10/23 for statutory deadline

All legislative applications complete: ___ Yes ___ No
Watershed Protection Plan submitted/approved: ___ Yes ___ No

September 23, 2011

LJA Engineering, Inc.
5316 Highway 290 W. Suite 150.
Austin, TX 78735

RE: Installation of Overhead and Underground Electric Distribution Facilities for the
McCarty Retail Center Project.

Dear Mr. Reyes,

We have received your inquiry regarding electric service for the proposed **McCarty Retail Center** project located in Hays County and have determined that the subject property is in the certified service territory of Bluebonnet Electric Cooperative, Inc. and we are therefore willing to provide electric service. Bluebonnet's promise to provide service is contingent upon the applicant fulfilling all the requirements of our Tariff including our Line Extension Policy. We look forward to working with you to provide the electric service this project requires. We need the following items satisfied before we can proceed with our design and cost estimate:

1. One set of blueline plans and a CAD (AutoCAD or MicroStation format) file for all construction activity on the entire project.
2. An exclusive assignment (agreeable to us) for our facilities in either a 30' overhead or a 20' underground dedicated Bluebonnet Electric Cooperative Easement or a Public Utility Easement.
3. Your proposed construction schedule for all phases of this project.
4. A detailed electrical load analysis and Member Load Information Request Form is needed for all facilities to be served in all phases of this project.
5. The name and address of the person or business that will be responsible for the monthly electric bill.

We will commence our design process within 20 working days after receipt of all of the above information. We estimate that our design process could take up to 20 working days depending on the complexity of the job and Bluebonnet's work load. Once our design process is complete, we will communicate our cost and site condition requirements to you. We will schedule your construction after you have paid the contribution-in-aid of construction (CIAC) and affirmed that your site is ready for our construction via a letter we will prepare for your execution. Scheduled construction dates for your project are contingent upon Bluebonnet's work load and weather.

Bluebonnet Electric Cooperative shall at all times have complete ownership and control of any facilities we install and reserve the right to serve other members from these facilities at any time.

Should you have any questions or need additional information, please give me a call at 888-622-2583, ext. 8527 or 979-542-8527.

Sincerely,

Rodney Gerik
Project Coordinator



VIA EMAIL
jreyes@ljaengineering.com

May 24, 2011

Mr. Jeremy Reyes
LJA Engineering, Inc.
5316 Highway 290 West, Suite 150
Austin, Texas 78735

**RE: Availability of Natural Gas to a site located at the 3300 Block South IH-35
East Side San Marcos, Texas.**

Dear Mr. Reyes:

This is to inform you that natural gas is available to serve the above-mentioned site.

CenterPoint Energy provides gas service up to the meter. Please advise us of your gas load requirements once they are known. This will aid us in sizing our facilities and determining if any contribution in aid of construction is required for the extension of gas service.

I look forward to working with you to provide natural gas, the most energy efficient fuel source to your development.

If there are any questions or you require additional information, please call me at (830) 643-6938 or e-mail wendy.lamb@centerpointenergy.com.

Sincerely,

Wendy Lamb
CenterPoint Energy



12012 North Mopac Expwy
Austin, Texas 78758

To whom it may concern,

Subject: Letter of Service Availability

Time Warner Cable, Inc (TWC) does have service in the general area; however, we cannot guarantee service to this property at the present time. When the project matures TWC will require the developer to provide us the exact location of the proposed building(s), and the needs for the location(s), along with utility easements that are set aside for TWC and a proposed power routing approved by the electric provider to service the property.

Also, please allow in your construction time line, up to 90 days for TWC to construct our infrastructure prior to requesting service. When you are ready for us to begin extending our facilities to service this property we will estimate the cost and the customer will need to make arrangements with TWC at that time. Thank you for considering TWC, we look forward to working with you on your project.

Thank you,

Hunter Votaw
Director of Sales
Time Warner Cable Business Class

For inquiries on this specific project, contact:

Andy Kirkpatrick
Account Executive
Time Warner Business Class
Cell (512) 773-4191
Office (512) 531-7802
Fax (512) 485-6179
andy.kirkpatrick@twcable.com



www.twcbc.com/tx

To: Mr. Jeremy Reyes
LJA Engineering, Inc.
5316 Highway 290 W.
Suite 150
Austin, Texas 78735

From: Tony Salinas
Water Distribution Manager
City of San Marcos TX

Date: Oct. 13, 2011

The City of San Marcos has water service available and will provide water for the 248 acre lot located at Southeast corner of IH-35 and McCarty Lane. An existing 16" water main is located along the entire frontage of said property and could be easily tapped to provide service to your project. The 36" wastewater main is located along the Southern and Eastern boundary of the property. If you have any questions or concerns please contact me at tsalinas@sanmarcostx.gov.

Sincerely
Tony Salinas
512.738.7680

LJA Engineering, Inc.



5316 Highway 290 West Phone 512.439.4700
Suite 150 Fax 512.439.4716
Austin, Texas 78735 www.ljaengineering.com

**Engineer's Estimate of Probable Construction Cost
For Public Improvements - San Marcos, Texas**

Project: HEB McCarty Lane - Public Improvements
Client: SLF II - McCarty, L.P.

Date: 9/19/2012
By: R. Hurley

Item	Description	Quantity	Unit	Unit Cost	Cost
Sanitary Sewer Improvements					
1	8-inch SDR 26 PVC Pipe (All Depths)	620	LF	\$ 95	\$ 58,900
2	Standard 4.0' Dia. Sanitary Sewer Manhole	2	EA	\$ 4,500	\$ 9,000
3	Connect to Existing Sanitary Sewer Manhole	1	EA	\$ 1,500	\$ 1,500
4	Trench Safety	620	LF	\$ 1.00	\$ 620
	Subtotal - Sanitary Sewer Improvements				\$ 70,020
Erosion & Sedimentation Controls					
1	Stabilized Construction Entrance	1	EA	\$ 1,000	\$ 1,000
2	Silt Fence	500	LF	\$ 3.00	\$ 1,500
	Subtotal - Erosion & Sedimentation Controls				\$ 2,500
	GRAND TOTAL				\$ 72,520

Reese B. Hurley

 09-19-2012

Agenda Information

AGENDA CAPTION:

ZC-13-06 (9.31 acres, 300 Block of Wonder World Dr) Hold a public hearing and consider a request by Andrew Gary, on behalf of South Stagecoach Business Park Ltd., for a Zoning Change from General Commercial (GC) to Heavy Commercial (HC) for approximately 9.31 acres out of the J.M. Veramendi Survey No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Wonder World Drive.

Meeting date: June 11, 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

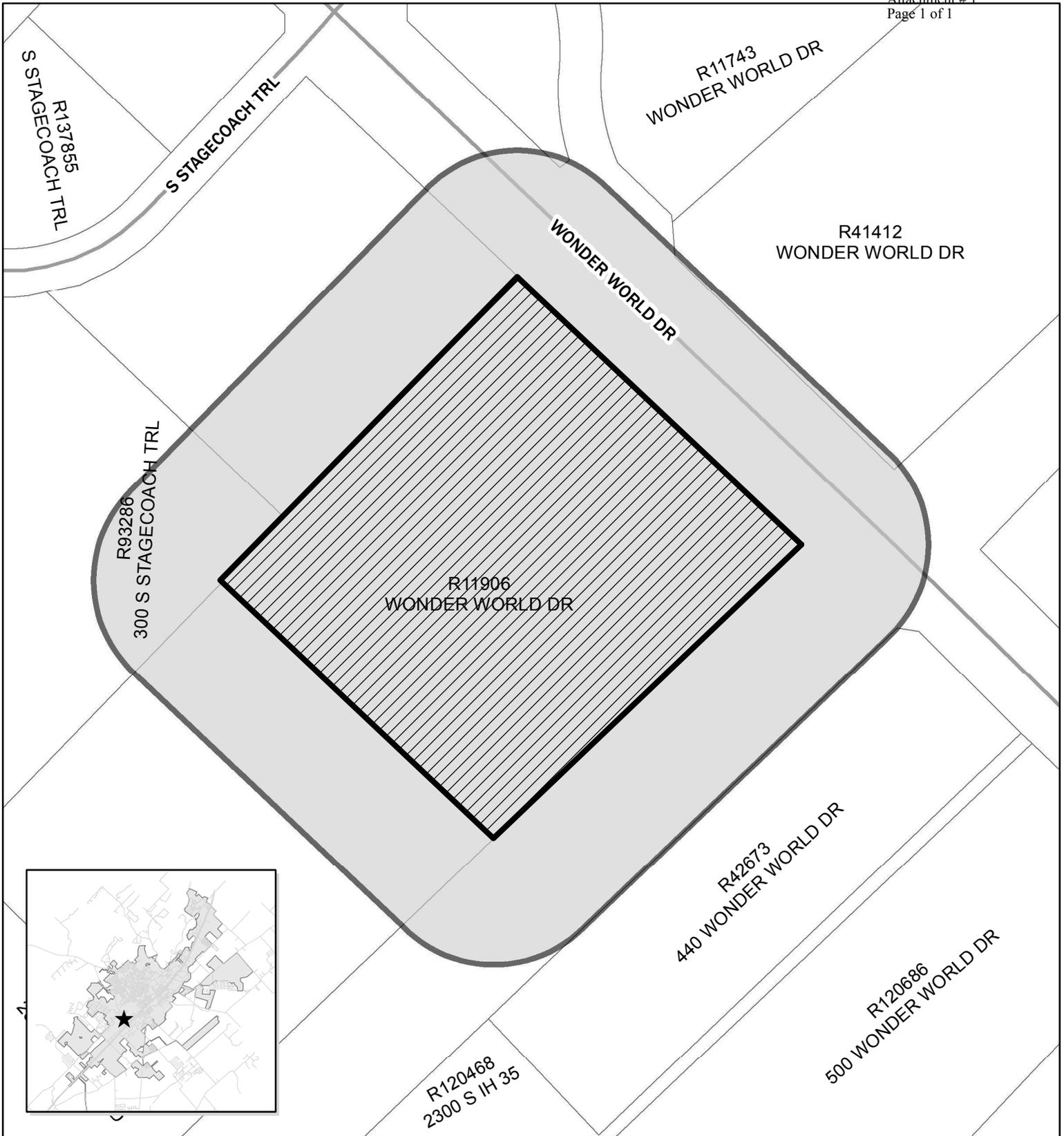
BACKGROUND:

The subject property consists of 9.31 acres on the south side of Wonder World Drive between the railroad tracks and Stagecoach Trail. It is immediately south of the Hays County Government Center and surrounded by a mix of land uses including heavy industrial, light industrial, general commercial and multi-family. The tract is currently vacant.

This request is in conjunction with a rezoning request (ZC-13-07) for 8.11 acres that adjoins the southern boundary which is currently zoned Heavy Industrial. The applicant proposes to rezone the entire 17.42 acres to Heavy Commercial for eventual redevelopment. No plans have been provided; however uses allowed within Heavy Commercial are consistent with the mix of existing industrial and commercial uses in the area. The request has been reviewed for consistency with the Land Development Code and Vision San Marcos. Staff finds the request consistent and recommends approval.

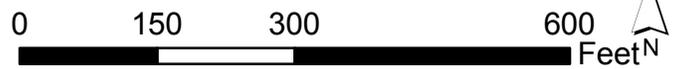
ATTACHMENTS:

Case Map
Staff Report
Survey
Application



ZC-13-06
South Stagecoach
Business Park
Map Date: 5/29/2013

-  Site Location
-  Notification Buffer (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.

Zoning Change ZC-13-06 Wonder World Drive and Stagecoach Trail (9.31 Acres)



Summary: The applicant is requesting a zoning change from General Commercial (GC) to Heavy Commercial (HC) for 9.31 acres along Wonder World Drive. A zoning change is also requested for the adjacent 8.11 acres from Heavy Industrial (HI) to Heavy Commercial for a total rezoning request of 17.42 acres of Heavy Commercial (ZC-13-07).

Applicant: Andrew Gary
South Stagecoach Business Park, Ltd.
108 E. San Antonio
San Marcos, TX 78666

Property Owners: Same as above.

Notification: Personal notifications of the public hearing were mailed on Friday, May 31, 2013 to all property owners within 200 feet of the subject property.

Response: None.

Property/Area Profile:

Legal Description: 9.31 acres out of the J.M. Veramendi Survey, No. 1, Abstract 17

Location: 300 Block of Wonder World Drive, near intersection of Stagecoach Trail

Existing Use of Property: Vacant

Proposed Use of Property: Not disclosed

Future Land Use Map: Medium Intensity

Existing Zoning: GC (General Commercial)

Proposed Zoning: HC (Heavy Commercial)

Utility Capacity: Adequate

Sector: Sector 3

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	GC	Vacant	Medium Intensity- South End
S of Property	LI	HEB Distribution Center	Employment
E of Property	HI	Vacant/MF	Employment
W of Property	HI	Southern Post	Employment

Case Summary

The subject property consists of 9.31 acres on the south side of Wonder World Drive between the railroad tracks and Stagecoach Trail. It is immediately south of the Hays County Government Center and surrounded by a mix of land uses including heavy industrial, light industrial, general commercial and multi-family. The tract is currently vacant.

This request is in conjunction with a rezoning request (ZC-13-07) for 8.11 acres that adjoins the southern boundary which is currently zoned Heavy Industrial. The applicant proposes to rezone the entire 17.42 acres to Heavy Commercial for eventual redevelopment. No plans have been provided; however uses allowed within Heavy Commercial are consistent with the mix of existing industrial and commercial uses in the area. The end result will be an “up-zoning” of one tract and a “down-zoning” of the other to create a uniform parcel suited for flexible redevelopment as commercial, retail or light industrial.

Planning Department Analysis

The zoning change request has been reviewed using *Vision San Marcos: A River Runs Through Us* as well as the guidance criteria in Section 1.5.1.5 of the Land Development Code. The South End Activity Node is centered just north of these tracts and an Employment Center is envisioned south of Wonder World Drive between Hunter Road and I35.

A review worksheet is attached to this report which details the analysis of the zoning change using Comprehensive Plan Elements. Staff finds this request is consistent with the Comprehensive Plan Elements as summarized below:

- The subject tract lies within a Medium Intensity Zone on the Preferred Growth Scenario Map – Heavy Commercial is an eligible zoning category within these zones; therefore, a Preferred Scenario Amendment is not required.
- It is located in the Willow Creek watershed and as a result of its location within a Medium Intensity Zone, additional impervious cover for the site is already accounted for within the Plan's Water Quality Model.
- The tract is “moderately” constrained according to the Development Constraints Map – this is due mainly to proximity of the floodway and floodway contained within a drainage channel that lies along the western boundary of the tract.
- It is not located in a wastewater or water “hot spot.” Both services are available and adequate.
- Parkland is not located within walking distance, but a Greenway is shown on the Preferred Scenario Map which could provide a portion of a future trail connecting Willow Springs Park and the Retreat at Willow Creek Park.
- While transportation access to the site is adequate, the Travel Demand Model shows Wonder World at capacity during peak traffic hours. The Trend Scenario maps propose a new north/south road in this area to relieve future congestion.

In addition, the consistency of this proposed change to the LDC criteria is detailed below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
X			<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The change is consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos. See the analysis above and the attached Comprehensive Plan Worksheet.</i></p>
		X	<p>Consistency with any development agreement in effect</p> <p><i>No development agreements are in effect for this property.</i></p>
X			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>Uses allowed by Heavy Commercial are compatible and appropriate for this area which is a mix of industrial, commercial and multi-family.</i></p>
X			<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.</i></p>
X			<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>

Additionally, the Commission should consider:

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

Staff evaluation: Yes.

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

Staff evaluation: The surrounding area has been and remains a mix of commercial and industrial uses, but has seen several important improvements over the past few years. Construction of the Wonder World extension is within a ½ mile and the new site of the Hays County Government Center is directly north of this tract.

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

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

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

Staff evaluation: No, there is no special benefit to the landowner.

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

Staff evaluation: The rezoning does not serve a substantial public purpose.

Staff presents this request to the Commission and recommends approval.

The Commission's Responsibility:

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

Prepared by:

Emily Koller

Planner

May 30, 2013

Name

Title

Date

ZC-13-06 Zoning Change Review
(By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (map amendment required)
Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?	X	

ECONOMIC DEVELOPMENT – Furthering the goal of the Core 4 through the three strategies

Not applicable to this Zoning Change Request

STRATEGY	SUMMARY		Supports	Contradicts	Neutral
Preparing the 21 st Century Workforce	Provides / Encourages educational opportunities				
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business				
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity				

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

INCLUDE MAP	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint			X		
Constraint by Class – ANALYSIS PROVIDED FOR SITES WITH A 3, 4 OR 5 OVERALL					
Cultural					
Edwards Aquifer					
Endangered Species					
Floodplains				X	
Geological					
Slope					
Soils					
Vegetation					
Watersheds					
Water Quality Zone					

ENVIRONMENT & RESOURCE PROTECTION –

Located in Subwatershed:	Willow Creek				
ANALYSIS FOR PSA ONLY	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed		X			
Additional Impervious Cover Increase Anticipated					
Anticipated pollutants:					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	Hunters Hill
Neighborhood Commission Area(s):	Sector 9
Neighborhood Character Study Area(s):	Not applicable at this time.

PARKS, PUBLIC SPACES AND FACILITIES –Availability of parks and infrastructure

	YES	NO	
Will Parks and / or Open Space be Provided?		X	
Will Trails and / or Green Space Connections be Provided?	X*		
A Greenway is shown on the PSM. Will be recommended at time of plat.			
	Low (maintenance)	Medium	High (maintenance)
Wastewater Hotspot	X		
Water Hotspot	X		
Public Facility Availability			
	YES	NO	
Parks / Open Space within ¼ mile (walking distance)?		X	
Wastewater service available?	X		
Water service available?	X		

TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

		A	B	C	D	F
Existing Daily LOS	ROADWAY 1: Wonder World			X		
Existing Peak LOS	ROADWAY 1: Wonder World			X		
Preferred Scenario Daily LOS	ROADWAY 1: Wonder World ROADWAY 2: Future Road	X				X
Preferred Scenario Peak LOS	ROADWAY 1: Wonder World ROADWAY 2: Future Road	X				X
			N/A	Good	Fair	Poor
Sidewalk Availability				X		
		YES	NO			
Adjacent to existing bicycle lane?					X	
Adjacent to existing public transportation route?					X	
Notes:						
Future Road identified in Travel Demand model report to alleviate volume/capacity issues on Wonder World.						

DESCRIPTION, FOR ZONING PURPOSES ONLY, OF 9.31 ACRES, MORE OR LESS, OF LAND AREA IN THE J. M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 17, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS "TRACT 1-25.055 ACRES" IN A DEED FROM GEORGE ALEXANDER ET AL TO SOUTH STAGECOACH BUSINESS PARK, LTD., DATED OCTOBER 30, 2006 AND RECORDED IN VOLUME 3041, PAGE 782 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TXDOT brass in concrete monument found in the southwest line of F. M. Highway No. 3407/Wonder World Drive and northwest line of the Missouri Pacific Railroad R.O.W. and a strip of land described in a deed from San Marcos Investments, Inc., to the Missouri Pacific Railroad Company dated December 20, 1978 and recorded in Volume 320, Page 306 of the Hays County Deed Records for the east corner of the South Stagecoach Business Park 25.055 acre Tract 1 and the south corner of that tract described as 1.226 acres in a deed from George Alexander et al to the State of Texas dated September 17, 2003 and recorded in Volume 2401, Page 01 of the Hays County Official Public Records;

THENCE leaving Wonder World Drive and the **PLACE OF BEGINNING** as shown on that plat numbered 26677-13-3.1-a dated April 24, 2013 prepared for Scott Monroe by Byrn & Associates, Inc., of San Marcos, Texas, with the common southeast line of the South Stagecoach Business Park 25.055 acre Tract 1 and northwest line of the Railroad R.O.W. and the Missouri Pacific Railroad Co. strip, **S 46°42'06" W 671.53 feet** to a calculated point for the south corner of this description;

THENCE leaving the Railroad R.O.W. and the Missouri Pacific strip crossing the South Stagecoach Business Park 25.055 acre Tract 1, **N 46°17'35" W 593.36 feet** to a calculated point in the southeast line of Lot 2, Stagecoach Business Park as recorded in Volume 9, Page 50 of the Hays County Plat Records for the west corner of this description;

THENCE with the southeast line of Lot 2, Stagecoach Business Park and then crossing the South Stagecoach Business Park 25.055 acre Tract 1, **N 44°43'04" E 670.21 feet** to a ½" iron rod found in the previously mentioned southwest line of Wonder World Drive and the State of Texas 1.226 acre tract for the north corner of

this description, pass at 137.04 feet a ½" iron rod set previously for the east corner of Lot 2, Stagecoach Business Park and an interior corner of the South Stagecoach Business Park 25.055 acre Tract 1;

THENCE with the common northeast line of the South Stagecoach Business Park 25.055 acre Tract 1 and southwest line of Wonder World Drive and the State of Texas 1.226 acre tract, the following two courses:

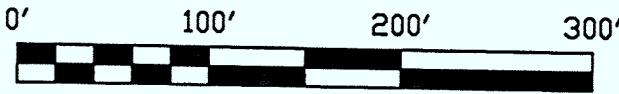
1. **S 46°16'37" E 5.35 feet** to a TXDOT brass in concrete monument found for an angle point, and
2. **S 46°20'26" E 611.27 feet** to the **PLACE OF BEGINNING**.

There are contained within these metes and bounds 9.31 acres, more or less, as prepared for zoning purposes only on April 24, 2013 by Byrn & Associates, Inc. of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this description was determined from GPS observations and refers to grid north of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone.



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

Client: Monroe, S.
Date: April 24, 2013
Survey: Veramendi No. 1, J.M., A-17
County: Hays, Texas
Job No: 26677-13
Fnd9.31



ORIGINAL SCALE
1" = 100'

F. M. HIGHWAY NO. 3407/WONDER WORLD DRIVE (R.O.W. VARIES)

S 46°16'37" E
5.35'

GEORGE ALEXANDER ET AL TO
THE STATE OF TEXAS
(1.226 ACRES)
SEPTEMBER 17, 2003

PLACE OF BEGINNING

S 46°20'26" E 611.27'

WATERLINE, WASTEWATER LINE, AND OVERHEAD
ELECTRIC LINE UTILITY EASEMENT PER

20' PUBLIC UTILITY
EASEMENT PER

100' DRAINAGE EASEMENT PER

GEORGE ALEXANDER ET AL TO
SOUTH STAGECOACH BUSINESS PARK, LTD.
(TRACT 1-25.055 ACRES)
OCTOBER 30, 2006

9.31 ACRES ±

N 44°43'04" E 670.21'

137.04'

N 46°17'35" W 593.36'

LOT 2, STAGECOACH
BUSINESS PARK

9
50

15' ELECTRIC LINE EASEMENT AND R.O.W. PER

Item 9
Attachment # 3
Page 8 of 8

SAN MARCOS INVESTMENTS, INC. TO
MISSOURI PACIFIC RAILROAD COMPANY
(TWO STRIPS OF LAND)
DECEMBER 20, 1978

10' WATER LINE UTILITY EASEMENT PER
UNRECORDED DOCUMENT DATED 9/20/83

S 46°42'06" W 671.53'

CENTERLINE OF EXISTING RAILROAD TRACK

SURVEYORS NOTES

1. FENCES MEANDER.
2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0477F, DATED SEPTEMBER 2, 2005, A PORTION OF THIS TRACT LIES WITHIN THE 100-YEAR FLOODPLAIN AND FLOODWAY OF WILLOW SPRINGS CREEK.
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
5. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED APRIL 24, 2013 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

LEGEND

- HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- HAYS COUNTY PLAT RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- CONCRETE MONUMENT FOUND
- CALCULATED POINT


BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
 P.O. BOX 1433 SAN MARCOS, TEXAS 78667
 PHONE 512-396-2270 FAX 512-392-2945

CLIENT: MONROE, S.
DATE: APRIL 24, 2013
OFFICE: BRYANT
CREW: C. SMITH, HADEN
FB/PG: 477/78
PLAT NO. 26677-13-3.1-a

ZONING PLAT OF 9.31 ACRES,
MORE OR LESS, IN THE J. M.
VERAMENDI SURVEY NO. 1,
CITY OF SAN MARCOS,
HAYS COUNTY, TEXAS



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: David P. Williams

Date: 4-25-13

Print Name: DAVID P. WILLIAMS

Engineer Surveyor Architect/Planner Owner Agent: _____

RECEIVED
APR 29 2013
BY: TORY C

11/09

ZC-13 - 06

City of San Marcos

ZONING CHANGE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name:	<u>South Stagecoach Business Park</u>	<u>South Stagecoach Business Park</u>
Mailing Address:	<u>C/o Andrew Gary</u> <u>108 E. San Antonio St. San Marcos, Tx.78666</u>	<u>C/o Andrew Gary</u> <u>108 E. San Antonio St. San Marcos, Tx.78666</u>
Telephone No.:	<u>512-396-2541</u>	<u>512-396-2541</u>
E-mail address:	<u></u>	<u></u>

PROPERTY DESCRIPTION:

Street Address: Wonderworld Drive

Subdivision: _____ Block: _____ Lot(s): _____

Other Description (if unplatted) 9.31 Acres in the J.M. Veramendi Survey No. 1

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

Appraisal District Tax ID No.: R 11906 Acres: 9.31

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: GC Requested: HC

Master Plan Designation: Medium Intensity Land Use Map Amendment Required? NO

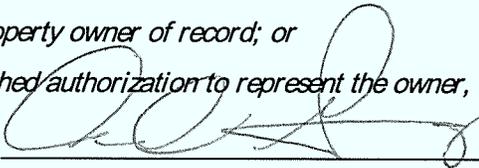
Present Use of Property: Vacant - AG Use

Desired Use of Property/Reason for Change: Heavy Commercial Use for entire 17.4 Acre Tract

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: 4/24/2013

Printed Name: ANDREW GARY - GENERAL PARTNER

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: 6-11 Deadline: 4-29 Accepted By: Tory C. Date: 4-29

11/09

AGREEMENT TO THE PLACEMENT OF ZONING NOTIFICATION SIGNS

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

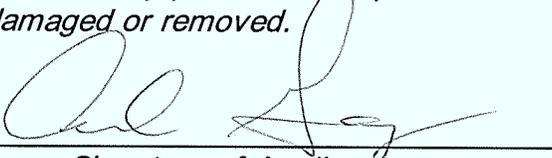
Signs shall be placed on each street for property having multiple street frontages
Signs shall be placed in a visible, unobstructed location near the front property line

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

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

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

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



Signature of Applicant

4/24/2013
Date

Andrew Gary - General Partner

FOR STAFF USE ONLY:	
Sign (s) were placed by staff on _____	by _____.
Sign (s) were removed by staff on _____	by _____.

Agenda Information

AGENDA CAPTION:

ZC-13-07 (8.11 acres, 300 Block of Wonder World Dr) Hold a public hearing and consider a request by Andrew Gary, on behalf of South Stagecoach Business Park Ltd., for a Zoning Change from Heavy Industrial (HI) to Heavy Commercial (HC) for approximately 8.11 acres out of the J.M. Veramendi Survey No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Wonder World Drive.

Meeting date: June 11, 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

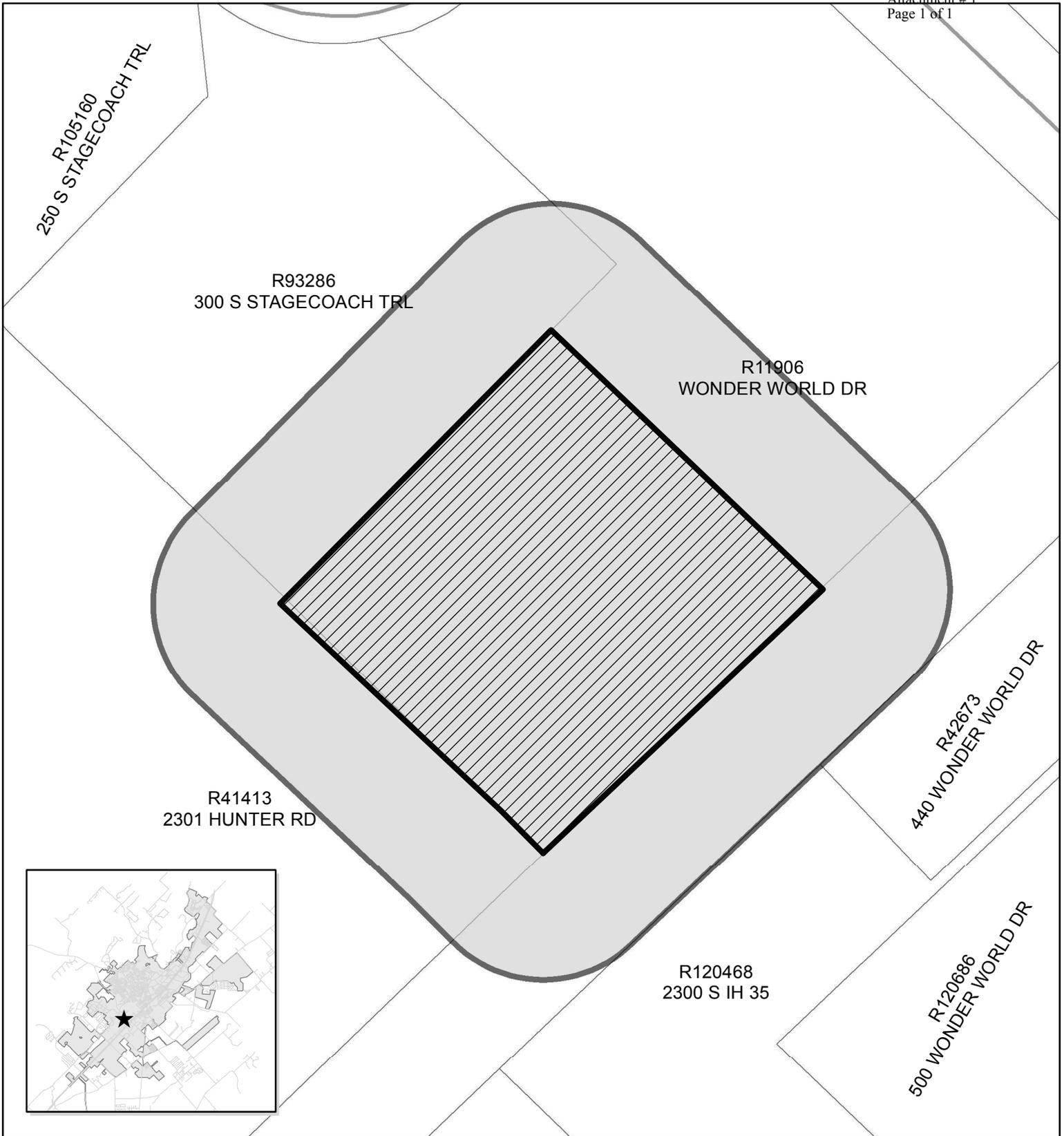
BACKGROUND:

The subject property consists of 8.11 acres on the south side of Wonder World Drive between the railroad tracks and Stagecoach Trail. It is immediately south of the Hays County Government Center and surrounded by a mix of land uses including heavy industrial, light industrial, general commercial and multi-family. The tract is currently vacant.

This request is in conjunction with a rezoning request (ZC-13-06) for 9.31 acres that adjoins the northern boundary which is currently zoned General Commercial. The GC tract has frontage along Wonder World Drive, but the HI tract currently has no public frontage. The applicant proposes to rezone the entire 17.42 acres to Heavy Commercial for eventual redevelopment. No plans have been provided; however uses allowed within Heavy Commercial are consistent with the mix of existing industrial and commercial uses in the area. The request has been reviewed for consistency with the Land Development Code and Vision San Marcos. Staff finds the request consistent with the applicable criteria and recommends approval.

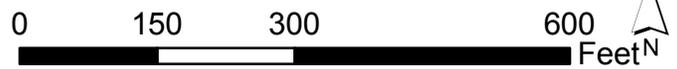
ATTACHMENTS:

Case Map
Staff Report
Survey
Application



ZC-13-07
South Stagecoach
Business Park
Map Date: 5/29/2013

-  Site Location
-  Notification Buffer (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.

Zoning Change ZC-13-07 Wonder World Drive and Stagecoach Trail (8.11 Acres)



Summary: The applicant is requesting a zoning change from Heavy Industrial (HI) to Heavy Commercial (HC) for 8.11 acres along Wonder World Drive. A zoning change is also requested for the adjacent 9.31 acres from General Commercial (GC) to Heavy Commercial for a total rezoning request of 17.42 acres of Heavy Commercial (ZC-13-06).

Applicant: Andrew Gary
South Stagecoach Business Park, Ltd.
108 E. San Antonio
San Marcos, TX 78666

Property Owners: Same as above.

Notification: Personal notifications of the public hearing were mailed on Friday, May 31, 2013 to all property owners within 200 feet of the subject property.

Response: None.

Property/Area Profile:

Legal Description: 8.11 acres out of the J.M. Veramendi Survey, No. 1, Abstract 17

Location: 300 Block of Wonder World Drive, near intersection of Stagecoach Trail

Existing Use of Property: Vacant

Proposed Use of Property: Not disclosed

Future Land Use Map: Medium Intensity

Existing Zoning: HI (Heavy Industrial)

Proposed Zoning: HC (Heavy Commercial)

Utility Capacity: Adequate

Sector: Sector 3

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	GC	Vacant	Medium Intensity- South End
S of Property	LI	HEB Distribution Center	Employment
E of Property	HI	Vacant/MF	Employment
W of Property	HI	Southern Post	Employment

Case Summary

The subject property consists of 8.11 acres on the south side of Wonder World Drive between the railroad tracks and Stagecoach Trail. It is immediately south of the Hays County Government Center and surrounded by a mix of land uses including heavy industrial, light industrial, general commercial and multi-family. The tract is currently vacant.

This request is in conjunction with a rezoning request (ZC-13-06) for 9.31 acres that adjoins the northern boundary which is currently zoned General Commercial. The GC tract has frontage along Wonder World Drive, but HI tract currently has no public frontage. The applicant proposes to rezone the entire 17.42 acres to Heavy Commercial for eventual redevelopment. No plans have been provided; however uses allowed within Heavy Commercial are consistent with the mix of existing industrial and commercial uses in the area. The end result will be an “up-zoning” of one tract and a “down-zoning” of the other to create a uniform parcel suited for flexible redevelopment as commercial, retail or light industrial.

Planning Department Analysis

The zoning change request has been reviewed using *Vision San Marcos: A River Runs Through Us* as well as the guidance criteria in Section 1.5.1.5 of the Land Development Code. The South End Activity Node is centered just north of these tracts and an Employment Center is envisioned south of Wonder World Drive between Hunter Road and I35.

A review worksheet is attached to this report which details the analysis of the zoning change using Comprehensive Plan Elements. Staff finds this request is consistent with the Comprehensive Plan Elements as summarized below:

- The subject tract lies within a Medium Intensity Zone on the Preferred Growth Scenario Map – Heavy Commercial is an eligible zoning category within these zones; therefore, a Preferred Scenario Amendment is not required.
- It is located in the Willow Creek watershed and as a result of its location within a Medium Intensity Zone, additional impervious cover for the site is already accounted for within the Plan’s Water Quality Model.
- The tract is “moderately” constrained according to the Development Constraints Map – this is due mainly to proximity of the floodway and floodway contained within a drainage channel that lies along the western boundary of the tract.
- It is not located in a wastewater or water “hot spot.” Both services are available and adequate.
- Parkland is not located within walking distance, but a Greenway is shown on the Preferred Scenario Map which could provide a portion of a future trail connecting Willow Springs Park and the Retreat at Willow Creek Park.
- While transportation access to the site is adequate, the Travel Demand Model shows Wonder World at capacity during peak traffic hours. The Trend Scenario maps propose a new north/south road in this area to relieve future congestion.

In addition, the consistency of this proposed change to the LDC criteria is detailed below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
X			<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The change is consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos. See the analysis above and the attached Comprehensive Plan Worksheet.</i></p>
		X	<p>Consistency with any development agreement in effect</p> <p><i>No development agreements are in effect for this property.</i></p>
X			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>Uses allowed by Heavy Commercial are compatible and appropriate for this area which is a mix of industrial, commercial and multi-family.</i></p>
X			<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.</i></p>
X			<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>

Additionally, the Commission should consider:

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

Staff evaluation: Yes.

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

Staff evaluation: The surrounding area has been and remains a mix of commercial and industrial uses, but has seen several important improvements over the past few years. Construction of the Wonder World extension is within a ½ mile and the new site of the Hays County Government Center is directly north of this tract.

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

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

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

Staff evaluation: No, there is no special benefit to the landowner.

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

Staff evaluation: The rezoning does not serve a substantial public purpose.

Staff presents this request to the Commission and recommends approval.

The Commission's Responsibility:

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

Prepared by:

Emily Koller

Planner

May 30, 2013

Name

Title

Date

ZC-13-07 Zoning Change Review
(By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (map amendment required)
Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?	X	

ECONOMIC DEVELOPMENT – Furthering the goal of the Core 4 through the three strategies

Not applicable to this Zoning Change Request

STRATEGY	SUMMARY	Supports	Contradicts	Neutral
Preparing the 21 st Century Workforce	Provides / Encourages educational opportunities			
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business			
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity			

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

INCLUDE MAP	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint			X		
Constraint by Class – ANALYSIS PROVIDED FOR SITES WITH A 3, 4 OR 5 OVERALL					
Cultural					
Edwards Aquifer					
Endangered Species					
Floodplains				X	
Geological					
Slope					
Soils					
Vegetation					
Watersheds					
Water Quality Zone					

ENVIRONMENT & RESOURCE PROTECTION –

Located in Subwatershed:	Willow Creek				
ANALYSIS FOR PSA ONLY	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed		X			
Additional Impervious Cover Increase Anticipated					
Anticipated pollutants:					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	Hunters Hill
Neighborhood Commission Area(s):	Sector 9
Neighborhood Character Study Area(s):	Not applicable at this time.

PARKS, PUBLIC SPACES AND FACILITIES –Availability of parks and infrastructure

	YES	NO	
Will Parks and / or Open Space be Provided?		X	
Will Trails and / or Green Space Connections be Provided?	X*		
A Greenway is shown on the PSM. Will be recommended at time of plat.			
	Low (maintenance)	Medium	High (maintenance)
Wastewater Hotspot	X		
Water Hotspot	X		
Public Facility Availability			
	YES	NO	
Parks / Open Space within ¼ mile (walking distance)?		X	
Wastewater service available?	X		
Water service available?	X		

TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

		A	B	C	D	F
Existing Daily LOS	ROADWAY 1: Wonder World			X		
Existing Peak LOS	ROADWAY 1: Wonder World			X		
Preferred Scenario Daily LOS	ROADWAY 1: Wonder World ROADWAY 2: Future Road	X				X
Preferred Scenario Peak LOS	ROADWAY 1: Wonder World ROADWAY 2: Future Road	X				X
			N/A	Good	Fair	Poor
Sidewalk Availability				X		
		YES	NO			
Adjacent to existing bicycle lane?					X	
Adjacent to existing public transportation route?					X	
Notes:						
Future Road identified in Travel Demand model report to alleviate volume/capacity issues on Wonder World.						

DESCRIPTION OF 8.11 ACRES, MORE OR LESS, OF LAND AREA IN THE J. M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 17, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS "TRACT 1-25.055 ACRES" IN A DEED FROM GEORGE ALEXANDER ET AL TO SOUTH STAGECOACH BUSINESS PARK, LTD., DATED OCTOBER 30, 2006 AND RECORDED IN VOLUME 3041, PAGE 782 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found in the northwest line of the Missouri Pacific Railroad R.O.W. for the southwest corner of a strip of land described in a deed from San Marcos Investments, Inc., to the Missouri Pacific Railroad Company dated December 20, 1978 and recorded in Volume 320, Page 306 of the Hays County Deed Records, for the east corner of Lot 1, San Marcos Distribution Center as recorded in Volume 2, Page 272 of the Hays County Plat Records and for the south corner of the South Stagecoach Business Park 25.055 acre Tract 1 and this description;

THENCE leaving the Railroad R.O.W., the Missouri Pacific strip and the **PLACE OF BEGINNING** as shown on that plat numbered 26677-13-3.2-a dated April 24, 2013 prepared for Scott Monroe by Byrn & Associates, Inc., of San Marcos, Texas, with the common southwest line of the South Stagecoach Business Park 25.055 acre Tract 1 and northeast line of Lot 1, San Marcos Distribution Center, the following two courses:

1. **N 44°52'48" W 93.44 feet** to a ½" iron rod set for an angle point, and
2. **N 46°48'48" W 478.99 feet** to a ½" iron rod set for the south corner of Lot 2, Stagecoach Business Park as recorded in Volume 9, Page 50 of the Hays County Plat Records, the southwest corner of the South Stagecoach Business Park 25.055 acre Tract 1, and the west corner of this description;

THENCE leaving Lot 1, San Marcos Distribution Center, with the southeast line of Lot 2, Stagecoach Business Park, **N 44°43'04" E 608.18 feet** to a calculated point for the north corner of this description, from which a ½" iron rod set previously for the east corner of Lot 2, Stagecoach Business Park and an interior

corner of the South Stagecoach Business Park 25.055 acre Tract 1 bears N 44°43'04" E 137.04 feet;

THENCE crossing the South Stagecoach Business Park 25.055 acre Tract 1, **S 46°17'35" E 593.36 feet** to a calculated point in the previously mentioned northwest line of the Railroad R.O.W. for the east corner of this description;

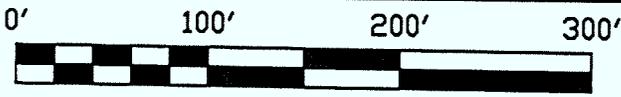
THENCE with the common southeast line of the South Stagecoach Business Park 25.055 acre Tract 1 and northwest line of the Railroad R.O.W., **S 46°42'06" W 606.87 feet** to the **PLACE OF BEGINNING**.

There are contained within these metes and bounds 8.11 acres, more or less, as prepared for zoning purposes only on April 24, 2013 by Byrn & Associates, Inc. of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this description was determined from GPS observations and refers to grid north of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone.

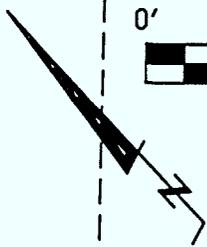


David C. Williamson, R.P.L.S. #4190

Client: Monroe, S.
Date: April 24, 2013
Survey: Veramendi No. 1, J.M., A-17
County: Hays, Texas
Job No: 26677-13
End8.11



ORIGINAL SCALE
1" = 100'



S 46°17'35" E 593.36'

GEORGE ALEXANDER ET AL TO
SOUTH STAGECOACH BUSINESS PARK, LTD.
(TRACT 1-25.055 ACRES)
OCTOBER 30, 2006

10' WATER LINE UTILITY EASEMENT PER
UNRECORDED DOCUMENT DATED 9/20/83

CENTERLINE OF EXISTING RAILROAD TRACK

LOT 2, STAGECOACH
BUSINESS PARK

9
50

2321
624

N 44°43'04" E 608.18'

2321
624

100' DRAINAGE EASEMENT PER

20' PUBLIC UTILITY EASEMENT PER

8.11 ACRES ±

3041
782

Item 10
Attachment # 3
Page 3 of 8

S 46°42'06" W 606.87'

461
676

SAN MARCOS INVESTMENTS, INC. TO
MISSOURI PACIFIC RAILROAD COMPANY
(TWO STRIPS OF LAND)
DECEMBER 20, 1978

320
306

15' ELECTRIC LINE EASEMENT AND R.O.W. PER

N 46°48'48" W 478.99'

LOT 1, SAN MARCOS
DISTRIBUTION CENTER

2
272

N 44°52'48" W
93.44'

20' TELEPHONE LINE EASEMENT PER

214
397

PLACE OF BEGINNING

SURVEYORS NOTES

- FENCES MEANDER.
- BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
- ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0477F, DATED SEPTEMBER 2, 2005, A PORTION OF THIS TRACT LIES WITHIN THE 100-YEAR FLOODPLAIN AND FLOODWAY OF WILLOW SPRINGS CREEK.
- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.
- THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH A LAND DESCRIPTION DATED APRIL 24, 2013 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

LEGEND

-  HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
-  HAYS COUNTY PLAT RECORDS
-  1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
-  1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "BYRN SURVEY"
-  1/2" IRON ROD FOUND OR DIAMETER NOTED
-  CONCRETE MONUMENT FOUND
-  CALCULATED POINT



ENGINEERS SURVEYORS

P.O. BOX 1433 SAN MARCOS, TEXAS 78667
PHONE 512-396-2270 FAX 512-392-2945

CLIENT: MONROE, S.
DATE: APRIL 24, 2013
OFFICE: BRYANT
CREW: C. SMITH, HADEN
FB/PG: 477/78
PLAT NO. 26677-13-3.2-a

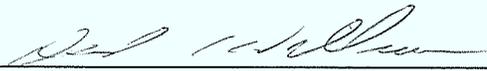
ZONING PLAT OF 8.11 ACRES,
MORE OR LESS, IN THE J. M.
VERAMENDI SURVEY NO. 1,
CITY OF SAN MARCOS,
HAYS COUNTY, TEXAS



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:  Date: 4-25-13

Print Name: DAVID C. WILLIAMSON

Engineer Surveyor Architect/Planner Owner Agent: _____



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: 6-11 Deadline: 4-29 Accepted By: TORY C. Date: 4-29

11/09

AGREEMENT TO THE PLACEMENT OF ZONING NOTIFICATION SIGNS

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

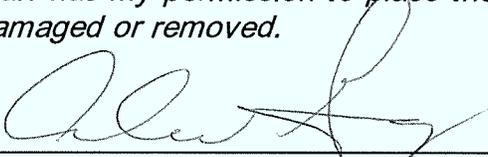
- Signs shall be placed on each street for property having multiple street frontages
- Signs shall be placed in a visible, unobstructed location near the front property line

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

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

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

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



 Signature of Applicant

4/24/2015

 Date

ANDREW CART - GENERAL PRACTICER

FOR STAFF USE ONLY:

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

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

Agenda Information

AGENDA CAPTION:

Development Services Report

a. Update from Staff on implementation of the *San Marcos* Comprehensive Plan.

b. Presentation and Discussion regarding the 5 year Sidewalk Plan.

Meeting date: June 11, 2013

Department: Development Services

Funds Required:

Account Number:

Funds Available:

Account Name:

CITY COUNCIL GOAL:

BACKGROUND: