



**SAN MARCOS  
PLANNING AND ZONING  
COMMISSION REGULAR  
MEETING  
CITY COUNCIL CHAMBERS,  
630 E. HOPKINS  
TUESDAY, NOVEMBER 26, 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 - 5 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 November 12, 2013.**

**PUBLIC HEARINGS**

6. **CUP-13-39 (Pie Society)** Hold a public hearing and consider a request by Chase Katz, on behalf of Katz and Ackerman, Inc., d/b/a Pie Society for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 700 North LBJ Drive, Suites 106 and 107.
7. **LDC-13-06 (Environmental Regulations)** Hold a public hearing and consider proposed revisions to Chapters 1, 5 and 7 of the Land Development Code to clarify language, remove inconsistencies, and modify environmental protection standards contained within these chapters.
8. **LDC-13-07 (SmartCode Signage)** Hold a public hearing and consider revisions to Subpart C of the City Code (the SmartCode) to modify signage standards in Article 7 and associated definitions in Article 8.

**NON-CONSENT AGENDA**

- 9. **Development Services Report:**
  - a. **Comprehensive Master Plan Implementation Update**
  - b. **Update on Downtown Sign Incentive Program**
  - c. **Due to Holiday- No 2nd P&Z meeting in December**
  
- 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:** November 26, 2013

**Department:** Development Services

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **CITY COUNCIL GOAL:**

### **BACKGROUND:**

## **Agenda Information**

### **AGENDA CAPTION:**

**Consider the approval of the minutes of the Regular Meeting on November 12, 2013.**

**Meeting date:** November 26, 2013

**Department:** Development Services

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **CITY COUNCIL GOAL:**

### **BACKGROUND:**

### **ATTACHMENTS:**

Nov. 12, 2013 PZ Minutes

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
November 12, 2013**

**1. Present**

**Commissioners:**

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

**City Staff:**

Matthew Lewis, Development Services Director  
Kristy Stark, Development Services Assistant Director  
Roxanne Nemcik, Assistant City Attorney  
Francis Serna, Recording Secretary  
John Foreman, Planning Manager  
Abigail Gillfillan, Permit Center Manager  
Amanda Hernandez, Senior Planner  
Emily Koller, Planner

**Call to Order and a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday November 12, 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.

**4. 30 Minute Citizen Comment Period**

No citizen comments.

**Consent Agenda**

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

**5. Consider the approval of the minutes of the Regular Meeting on October 22, 2013.**

6. **PC-13-35\_02 (Enclave at Windemere)** Consider a request by Vigil and Associates, for approval of a Preliminary Subdivision Plat of Enclave at Windemere for approximately 22.5 acres more or less, out of the Thomas J Chambers Survey, consisting of 14 residential and 2 open space / park lots located along Lime Kiln Road.

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

**Public Hearings:**

7. **ZC-13-13 (510 West Hopkins Street)** Hold a public hearing and consider a request by Virgilio Altamirano for a Zoning Change from Single Family (SF-6) to Mixed Use (MU) for Lot 7, Block 3, Lindsey and Harvey Addition, located at 510 West Hopkins Street

Amanda Hernandez, Staff Planner gave an overview of this project.

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

**MOTION:** Upon a motion made by Commissioner Carothers and a second by Commissioner Wood, the Commission voted six (6) in favor and two (2) opposed to approve ZC-13-13. The motion carried. Commissioners Seebeck and Bryan dissenting.

8. **PC-13-34\_06 (Katz's Addition)** Hold a public hearing and consider a request by Ash and Associates, on behalf of Katz Development LLC, for approval of a replat of a portion of Lots 5 and 6, Block 3, D.P. Hopkins Addition, establishing Lot 1, Katz's Addition, located at the intersection of West Hutchison Street and North Street.

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

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

**MOTION:** Upon a motion made by Commissioner Kelsey and a second by Commissioner Wood, the Commission voted all in favor to approve PC-13-34\_06. The motion carried.

9. **LDC-13-06 (Environmental Regulations)** Hold a public hearing, discuss and provide staff direction regarding proposed revisions to Chapters 1, 5, 7, and 8 of the Land Development Code to clarify language, remove inconsistencies, and modify environmental protection standards contained within these chapters.

Laurie Moyer, Director of Engineering gave a brief overview and introduced Rey Garcia, Senior Engineer. Mr. Garcia presented the proposed changes to the Environmental Regulations to the Planning Commission.

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

**Non Consent Agenda:**

10. **Development Services Report**

- a. Comprehensive Master Plan Implementation update

Matthew Lewis gave a brief update.

11. 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.

12. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission meeting at 6:58 p.m. on Tuesday, November 12, 2013.

\_\_\_\_\_  
Bill Taylor, Chair

\_\_\_\_\_  
Randy Bryan, Commissioner

\_\_\_\_\_  
Corey Carothers, Commissioner

\_\_\_\_\_  
Kenneth Ehlers, Commissioner

\_\_\_\_\_  
Chris Wood, Commissioner

\_\_\_\_\_  
Angie Ramirez, Commissioner

\_\_\_\_\_  
Curtis Seebeck, Commissioner

\_\_\_\_\_  
Travis Kelsey, Commissioner

ATTEST:

\_\_\_\_\_  
Francis Serna, Recording Secretary

DRAFT

## **Agenda Information**

### **AGENDA CAPTION:**

**CUP-13-39 (Pie Society)** Hold a public hearing and consider a request by Chase Katz, on behalf of Katz and Ackerman, Inc., d/b/a Pie Society for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 700 North LBJ Drive, Suites 106 and 107.

**Meeting date:** November 26, 2013

**Department:** Development Services - Planning

**Funds Required:** NA

**Account Number:** NA

**Funds Available:** NA

**Account Name:** NA

### **CITY COUNCIL GOAL:**

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

### **BACKGROUND:**

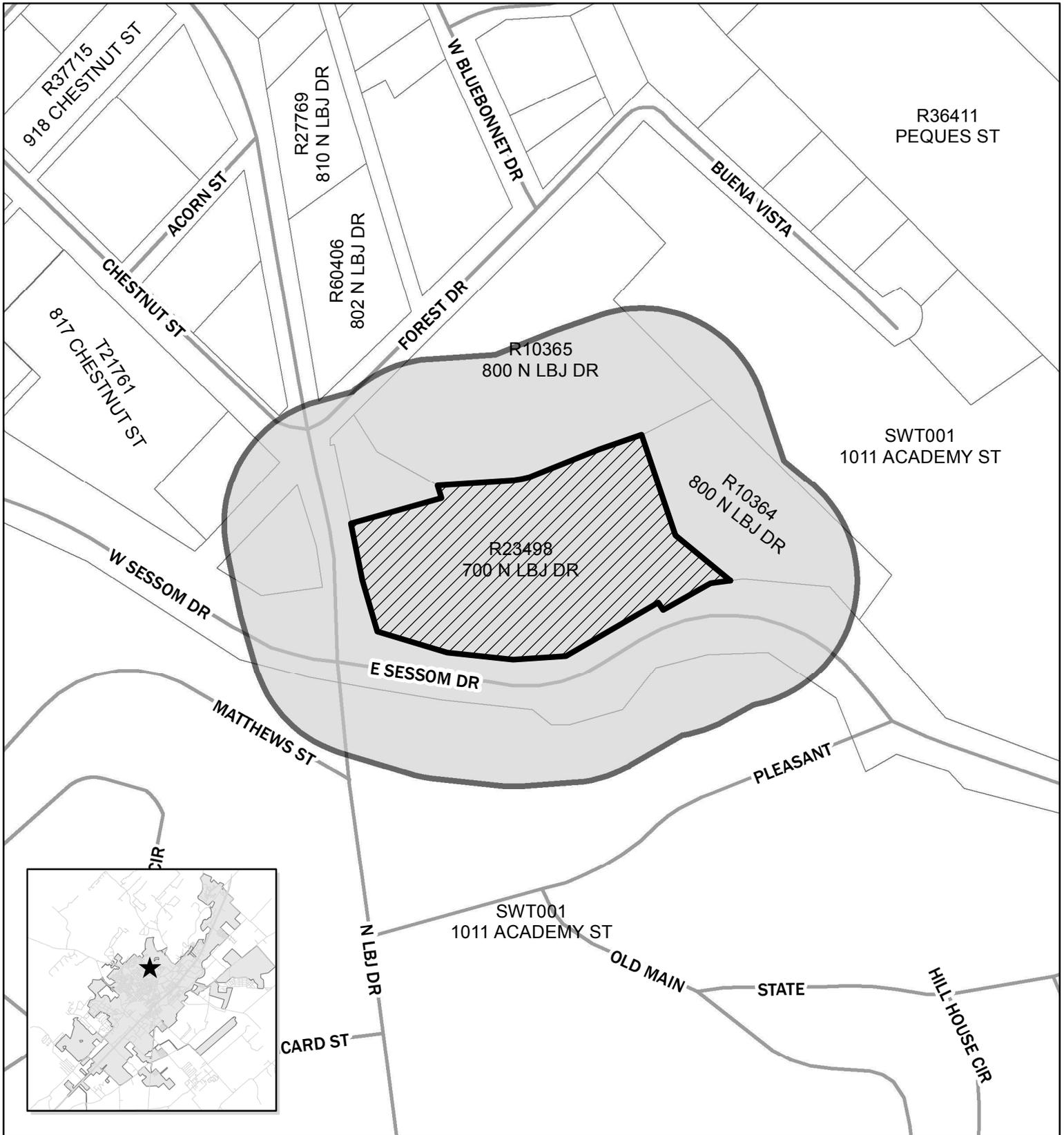
The Conditional Use Permit request is for a new pizza restaurant with a full bar called Pie Society. The business will be owned and operated by Katz and Ackerman, Inc., (Chase Katz, Seth Katz and Benjie Ackerman) and is located within space leased in the commercial strip center at 700 N. LBJ Drive. This location previously housed Zen's Pizza. Hours of operation are 11:00 a.m. to 12 midnight Monday-Wednesday; 11:00 a.m. to 1:00 a.m. Thursday-Saturday; and 11:30 a.m. to 11:00 p.m. Sunday. No entertainment is proposed.

Staff has reviewed the request for compliance with the Land Development Code and finds that the request is consistent with the general Conditional Use Permit policies described in Section 1.5.7.5 *Criteria for Approval* and 4.3.4.2 - *Conditional Use Permits for On-Site Alcoholic Beverage Consumption*. Staff recommends approval of the request with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;
2. The permit shall not be valid until an approved TABC Permit is issued to the applicant and a copy is submitted to the Director;
3. The permit shall not become effective until a Certificate of Occupancy is received;
4. All Environmental Health permitting must be met; and,
5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

**ATTACHMENTS:**

Case Map  
Staff Report  
Plans  
Application  
TABC



**CUP-13-39**

**Pie Society**

**700 North LBJ Drive**

**Suite 106 & 107**

**Map Date: 11/14/2013**

-  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.

**CUP-13-39**  
**TABC Conditional Use Permit**  
**Pie Society**  
**700 North LBJ Drive, Suites 106,107**



**Applicant Information:**

Applicant: Chase Katz  
 Katz & Ackerman Inc. d/b/a Pie Society  
 700 North LBJ Drive, Suite 106 & 107  
 San Marcos, TX 78666

Property Owner: Lynx Property Management  
 2101 S. IH 35 #200  
 Austin, TX

Applicant Request: Request for a new Conditional Use Permit (CUP) to allow on-premise consumption of mixed beverages

Notification: Public hearing notification mailed on November 15, 2013

Response: None to date

**Subject Property:**

Location: 700 North LBJ, Suites 106 and 107

Legal Description: The Centre at San Marcos, Lot 1, 3.026 acres

Frontage On: Parking lot along W. Sessom Drive

Neighborhood: Located near Sessom Creek and Forest Hills Neighborhoods

Existing Zoning: CC

Utilities: Adequate

Existing Use of Property: Vacant former pizza restaurant

Zoning and Land Use  
 Pattern:

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	MF-18	Multi-family Residential
<b>S of Property</b>	P	University
<b>E of Property</b>	P	Multi-family Residential
<b>W of Property</b>	GC	Commercial

### **Code Requirements:**

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

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. This location **does meet** the distance requirements. There is no church or school within 1,000 feet.

This location is also outside the boundary of the CBA and is therefore not subject to the additional requirements for restricted/restaurant permits.

### **Case Summary**

The Conditional Use Permit request is for a new pizza restaurant with a full bar, Pie Society, by Katz & Ackerman Inc. The business will be owned and operated by Chase Katz, Seth Katz and Benjie Ackerman and is located within space leased in the commercial strip center at 700 N. LBJ Drive. This location previously housed Zen's Pizza.

Total indoor seating capacity is 87. There is no outdoor seating. The occupancy calculation will be subject to review by the city's building inspectors during plan review. Based on the proposed occupancy, 22 off-street parking spaces are required (one space per four seats). The requirement has been satisfied. Parking for the entire commercial center is calculated at the time of development of the center, not the individual lease spaces.

Hours of operation are 11:00 a.m. to 12 midnight Monday-Wednesday; 11:00 a.m. to 1:00 a.m. Thursday-Saturday; and 11:30 a.m. to 11:00 p.m. Sunday.

Pie Society is applying for a Late Hours Mixed Beverage Restaurant Permit from TABC.

No entertainment is proposed.

### **Comments from Other Departments:**

Environmental Health stated: Tenant must submit food establishment application and pass a permit inspection by the Environmental Health Department.

The Fire Marshall's office did not indicate any concerns on review of the application. Pre-development meetings identified the possibility of installation of a fire suppression system. Should the occupancy not remain below 100 in the space, fire suppression would be required.

Police had no comments.

### **Planning Department Analysis:**

Staff has reviewed the request for compliance with the Land Development Code and finds that the request is consistent with the general Conditional Use Permit policies described in Section 1.5.7.5 *Criteria for Approval* and 4.3.4.2 - *Conditional Use Permits for On-Site Alcoholic Beverage Consumption*.

The establishment is replacing a similar business. Zen's held a Conditional Use Permit for the sale of beer and wine which was last approved in 2009 for three years. Staff finds the use is consistent with General Commercial Zoning District and is compatible with adjacent zoning districts and neighborhoods as well as other businesses within the center. Currently the COSM WIC offices are in the adjacent suite 104 and the adjacent space on the other side is vacant. There is no outdoor service

area; therefore an increase in noise is not expected beyond what would be reasonable for an indoor restaurant use. Staff does not expect an increase in traffic beyond what is typical for a neighborhood commercial center.

In order to monitor permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is as follows:

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

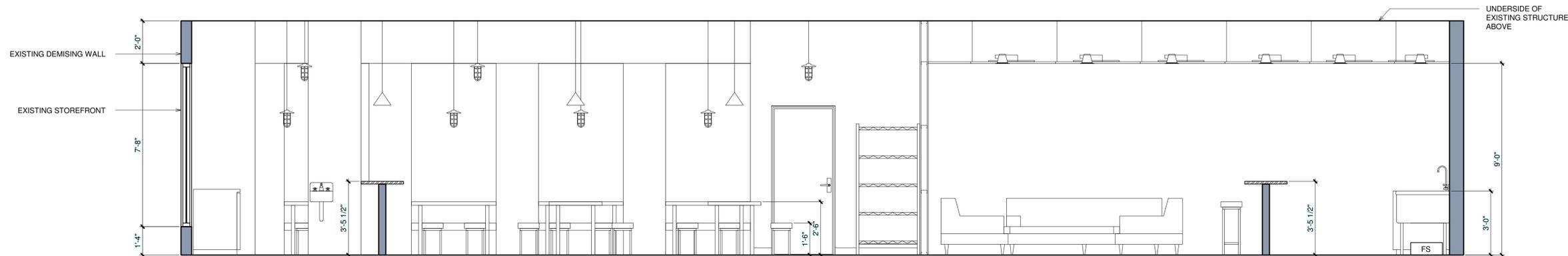
**Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:**

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The permit shall not be valid until an approved TABC Permit is issued to the applicant and a copy is submitted to the Director;**
- 3. The permit shall not become effective until a Certificate of Occupancy is received;**
- 4. All Environmental Health permitting must be met; and,**
- 5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

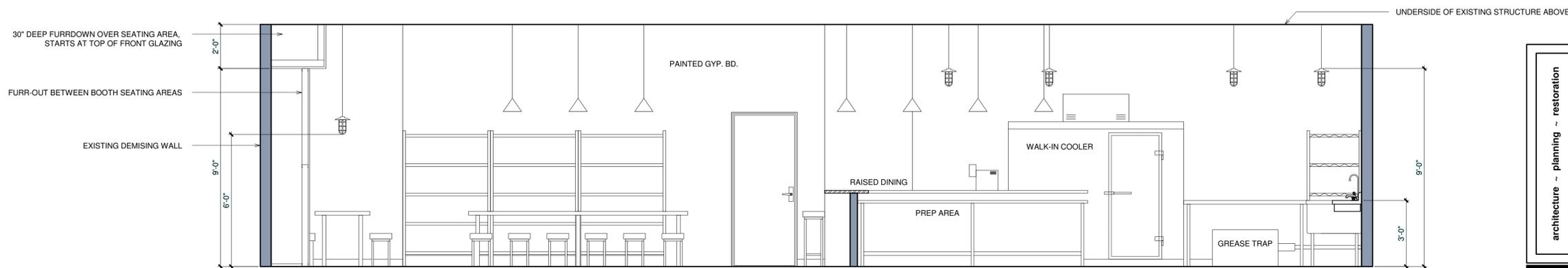
Planning Department Recommendation:	
	Approve as submitted
<b>X</b>	Approve with conditions or revisions as noted
	Alternative
	Denial



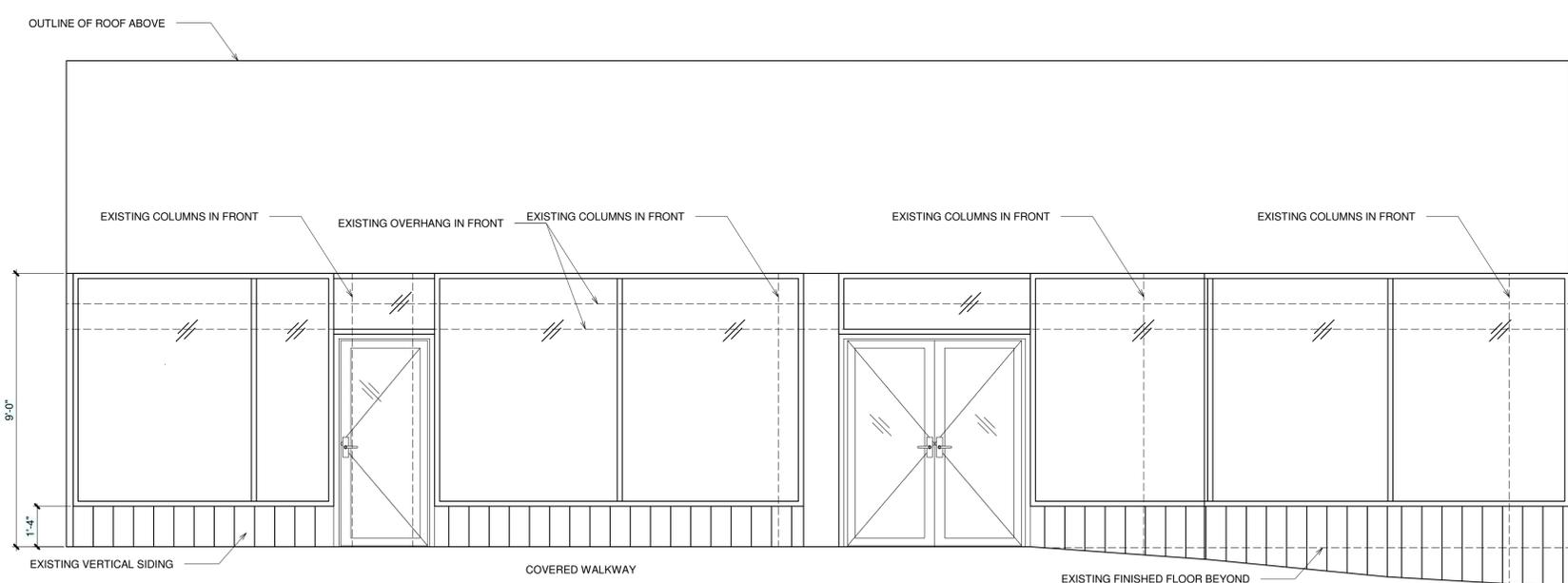




**3 BUILDING SECTION**  
SCALE: 3/8"=1'-0"



**2 BUILDING SECTION**  
SCALE: 3/8"=1'-0"



**1 STOREFRONT - EXTERIOR ELEVATION**  
SCALE: 3/8"=1'-0"

Item 8  
Attachment # 3  
Page 2 of 2

**INTERIOR RENOVATIONS FOR  
PIE SOCIETY**  
THE SAN MARCOS CENTER, SUITES 106 AND 107  
SAN MARCOS, TEXAS

architecture ~ planning ~ restoration  
516 WEST HOPKINS STREET  
SAN MARCOS, TEXAS 78666  
OFFICE: 512-353-3339 FAX: 512-353-3001



*Frank Camilleri*  
DIGITALLY SIGNED AND  
SEALED 11/07/2013

NOTE: ALL DRAWINGS ARE PROTECTED BY COPYRIGHT AND MAY NOT BE COPIED OR REPRODUCED WITHOUT THE PRIOR WRITTEN PERMISSION OF G&Z INC. IF NO SEAL IS PRESENT, THEN THESE DRAWINGS ARE FOR REVIEW ONLY AND MAY NOT BE USED FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

DRAWN BY SP  
CHECKED FG  
DATE NOVEMBER 2013  
REVISED  
PROJECT NO. 13-035  
SHEET NO.

**A-7**

09/12

RECEIVED  
Oct 01  
~~SEP 30~~ 2013



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

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

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

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

Signed: \_\_\_\_\_  
Print Name: Chase Katz

Date: 10.1.2013

Engineer    Surveyor    Architect/Planner    Owner    Agent: \_\_\_\_\_

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

**LICENSE INFORMATION**  
 Trade Name of Business: Pie Society INC  
 Application is filed by:  
 Individual  Partnership  Corporation  Other:  
 Name of Individual or Entity: Chase Katz / Seth Katz / Benjie Ackerman Phone Number: 832 577 7285  
 Mailing Address: 700 N. LBJ Suite 1003107 San Marcos TX 78666  
 Email Address: ChaseKatz@yahoo.com  
 Type of Permit Requested:  Mixed Beverage  Beer & Wine  Other: \_\_\_\_\_

**PROPERTY**  
 Street Address: 700 N. LBJ Drive San Marcos TX 78666 Current Zoning: \_\_\_\_\_  
 Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Tax ID Number: R \_\_\_\_\_  
 Property Owner's Name: Lynx Property Management Phone Number: 512 253 4104  
 Address: 2101 S. IH-35 #200, Austin, TX

**BUSINESS DETAILS**  
 Primary Business Use:  Restaurant  Bar  Other: \_\_\_\_\_  
 Hours of Operation: M-W 11AM-12PM TH-SAT 11AM-1AM SUN 11:30AM-11  
 Type of Entertainment Facilities: \_\_\_\_\_  
 Indoor Fixed Seats Capacity: 87 Outdoor Fixed Seats: N/A  
 Gross Floor Area Including Outdoor Above-ground Decks: 1200 SF <sup>Assembly area</sup> Square Feet  
 Number of Off-Street Parking Spaces Provided: \_\_\_\_\_  
 Located more than 300 feet from church, public school, hospital, low density residential?  Y  N

**APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC**

**CUP PERMIT HISTORY** *Check all that apply*

- New request, no existing TABC CUP Permit at this location
- Change to existing TABC Permit. Nature of Change: NEW OWNERSHIP

---

- Renewal
- Change in name of license holder of existing business at same location
- Change in name of existing business at this location

**SUBMITTAL REQUIREMENTS**

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

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

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

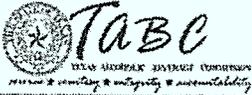
\_\_\_\_\_  
**Applicant's Signature**

**Printed Name:** Chase Kurtz      **Date:** 10.1.2013

*To be completed by Staff:*

Meeting Date: \_\_\_\_\_ Application Deadline: \_\_\_\_\_

Accepted By: Tory C. \_\_\_\_\_ Date: \_\_\_\_\_



# On-Premise Prequalification Packet

L-ON (09/2013)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your pre-qualification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying.

Please immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

## LOCATION INFORMATION

### 1. Type of On-Premise License/Permit

- |   |  |
|---|--|
| <input type="checkbox"/> BG Wine and Beer Retailer's Permit                     | <input type="checkbox"/> LB Mixed Beverage Late Hours Permit         |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License             | <input type="checkbox"/> MI Minibar Permit                           |
| <input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License       | <input type="checkbox"/> CB Caterer's Permit                         |
| <input type="checkbox"/> BP Brewpub License                                     | <input type="checkbox"/> FB Food and Beverage Certificate            |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats    | <input type="checkbox"/> PE Beverage Cartage Permit                  |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> MB Mixed Beverage Permit                               |  |

### 2. Indicate Primary Business at this Location

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input type="checkbox"/> Bar                   | <input type="checkbox"/> Miscellaneous _____                 |
| <input type="checkbox"/> Sexually Oriented     |  |

### 3. Trade Name of Location

Pie Society

### 4. Location Address

700 N. LBJ #107

City

San Marcos

County

Hays

State

TX

Zip Code

78666-

### 5. Mailing Address

700 N. LBJ #107

City

San Marcos

State

TX

Zip Code

78666-

### 6. Business Phone No.

(512) 757-8787

### Alternate Phone No.

( ) -

### E-mail Address

chasekatz@yahoo.com

## OWNER INFORMATION

### 7. Type of Owner

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Individual                    | <input checked="" type="checkbox"/> Corporation    | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership                   | <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Limited Partnership           | <input type="checkbox"/> Joint Venture             |   |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust                     |   |

### 8. Entity/Applicant

Pie Society

### 9. If Applicant Is/Must Be Listed Below (attach L-OIC if additional space is needed).

Individual/Individual Owner

Limited Liability Company/All Officers or Managers

Partnership/All Partners

Joint Venture/Venturers

Limited Partnership/All General Partners

Trust/Trustee(s)

Corporation/All Officers

City, County, University/Official

Last Name

Katz

First Name

Chase

MI

B

Title

Director

Last Name

Katz

First Name

Seth

MI

S

Title

Director

Last Name

Ackerman

First Name

Benjamin

MI

M

Title

Secretary

The applicant or license/permit holder may have an interest, directly or indirectly, in only one level of the alcoholic beverage industry; i.e., manufacturing, wholesaling or retailing. You or your agent, servant or employee may not be employed in any capacity at different levels, may not rent or lease property or equipment from or to an entity operating at another level, may not secure credit or a loan in any form for an entity at another level, cannot control in any fashion the interests of a licensee/permittee at a different level.

6. Is any person listed in this Business Packet in violation of the above requirements?  Yes  No  
If "YES," attach an explanation.

**WARNING AND SIGNATURE**

If Applicant Is/Must Sign	
Individual/Individual Owner	Corporation/Officer
Partnership/Partner	Limited Liability Company/ Officer or Manager
Limited Partnership/General Partner	

**EACH LICENSEE OR PERMITTEE SHALL HAVE EXCLUSIVE OCCUPANCY AND CONTROL OF THE ENTIRE LICENSED LOCATION WITH RESPECT TO SALE OF ALCOHOLIC BEVERAGES. ANY ARRANGEMENT THAT SURRENDERS SUCH CONTROL OF THE EMPLOYEES, PREMISES OR BUSINESS, INCLUDING PROFITS AND LOSSES, TO PERSONS OTHER THAN THE LICENSEE OR PERMITTEE IS UNLAWFUL.**

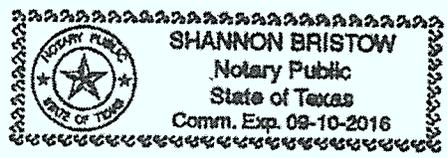
**WARNING:** Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the penitentiary for not less than 2 nor more than 10 years."

**BY SIGNING YOU ARE SWEARING TO ALL INFORMATION AND ATTACHMENTS TO THIS PACKET.**

PRINT NAME Chase Katz SIGN HERE [Signature]  
TITLE owner / director.

Before me, the undersigned authority, on this 26th day of September, 2013, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE [Signature]  
NOTARY PUBLIC



SEAL

## **Agenda Information**

### **AGENDA CAPTION:**

**LDC-13-06 (Environmental Regulations)** Hold a public hearing and consider proposed revisions to Chapters 1, 5 and 7 of the Land Development Code to clarify language, remove inconsistencies, and modify environmental protection standards contained within these chapters.

**Meeting date:** November 26, 2013

**Department:** Engineering-CIP, Development Services

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **CITY COUNCIL GOAL:**

Big Picture Infrastructure

### **BACKGROUND:**

In 2011 the City requested RPS to review the San Marcos Land Development Code (LDC) and Technical Manual for clarification and to remove inconsistencies related to water quality and drainage. Various areas within Chapters 5 and 7 were identified then consolidated into one manual. This was a first step in the development of the City's own drainage criteria manual now titled the Stormwater Technical Manual (STM). In 2012 the project was put on hold in order to allow the San Marcos Comprehensive Plan to gain momentum and verify the importance of potential drainage and water quality initiatives being considered in the STM.

As the City continues to develop at a rapid pace there is the potential for increased impact to the natural and constructed drainage systems. Some of these impacts may negatively affect water quality and our floodplains, putting the public and community resources at risk. In addition, staff desires additional tools to help manage construction projects so they are completed on-time and with minimal risk to the City. At the same time, the recommended revisions to the LDC outlined below are consistent with the Comprehensive Plan objectives and will help align project activities with the Habitat Conservation Plan goals to protect the endangered and threatened species in the San Marcos River and springs.

### **ATTACHMENTS:**

Staff Memo Regarding Proposed Changes



# MEMO

**TO:** PLANNING AND ZONING COMMISSION  
**THROUGH:** Laurie Moyer, P.E., Director of Engineering and Capital Improvements  
**FROM:** Rey Garcia, P.E., Senior Engineer  
**DATE:** NOVEMBER 12, 2013  
**RE:** MODIFICATIONS TO LAND DEVELOPMENT CODE, CHAPTERS 1, 5 AND 7

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## Background

In 2011 the City requested RPS to review the San Marcos Land Development Code (LDC) and Technical Manual for clarification and to remove inconsistencies related to water quality and drainage. Various areas within Chapters 5 and 7 were identified then consolidated into one manual. This was a first step in the development of the City's own drainage criteria manual now titled the Stormwater Technical Manual (STM). In 2012 the project was put on hold in order to allow the San Marcos Comprehensive Plan to gain momentum and verify the importance of potential drainage and water quality initiatives being considered in the STM.

As the City continues to develop at a rapid pace there is the potential for increased impact to the natural and constructed drainage systems. Some of these impacts may negatively affect water quality and our floodplains, putting the public and community resources at risk. In addition, staff desires additional tools to help manage construction projects so they are completed on-time and with minimal risk to the City. At the same time, the recommended revisions to the LDC outlined below are consistent with the Comprehensive Plan objectives and will help align project activities with the Habitat Conservation Plan goals to protect the endangered and threatened species in the San Marcos River and springs.

Coordination with the San Marcos Watershed Initiative, Texas State University and the residents of San Marcos has also been vital in working towards a common goal. Changes to the LDC outlined below contribute this accomplishment.

## Research

The work performed by RPS in the creation of the STM was the first step in achieving the City's first criteria manual related to drainage and water quality. During this time, problems were identified by City Staff with respect to LDC interpretations or process that needed conditioning. Some of these include permit expiration definition, cut and fill limitations, and proposed detention requirements. Clarification and technical criteria are also suggested to address the current City water quality requirements in the Edwards Recharge Zone. These are areas that are either not accurately defined in the LDC or could be added. Further research was made on detention requirements on the surrounding communities and the table below shows the storm events that are required for detention.

## Detention Requirements

Community/ Storm Event	1	2	5	10	25	50	100
Austin		X		X	X		X
Buda		X		X	X		X
Cedar Park		X		X	X		X
Cibolo				X			X
College Station		X		X	X		X
Denton	X				X		X
Kyle		X			X		
New Braunfels				X			X
Round Rock		X		X	X		
San Antonio			X		X		X
San Marcos		X			X		
Seguin		X		X	X	X	X
Temple				X			X
Waco		X		X			X

San Marcos' current standing in the National Flood Insurance Program (NFIP) Community Rating System (CRS) is listed below. There may be an opportunity to apply for a higher CRS rating with FEMA if certain activities take place to reduce flood damage risk. The requirement of 100-year detention is one of these activities. Flood insurance cost benefits can be realized across the City to flood insurance holders if the CRS rating is improved. If these benefits are incurred, it's more likely that participation in the NFIP program will increase and allow FEMA to more accurately track damages over time. This will provide greater justification and incentive to obtain federal financial assistance for City projects that mitigate future flooding.

Community Number	Community Name	CRS Entry Date	Current Effective Date	Current Class	% Discount For SFHA	% Discount For Non-SFHA	Status
485505	San Marcos, City of	10/1/1992	10/1/2002	7	15	5	C

### **Solutions**

Develop and adopt proposed revisions to the San Marcos City Code, Part II – City Code, Subpart B – Land Development Code, as described in the Draft Revised Code.

## Chapter 1 – Development Procedures

### ARTICLE 6: - PLATTING PROCEDURES

#### DIVISION 6: CONSTRUCTION MANAGEMENT

##### Section 1.6.6.1 Construction Plans

- (a) *Purpose.* The purpose of construction plans is to assure that public improvements required to be installed in order to serve a subdivision or a development are constructed in accordance with all standards of this Land Development Code.
- (b) *Contents.* An application for approval of construction plans shall be prepared in accordance with Chapter 1 of the Technical Manual.
- (c) *Responsible Official and Decision*
  - (1) The Engineering Director shall be the responsible official for approval of construction plans.
  - (2) For construction plans submitted following approval of a Preliminary Subdivision Plat or Preliminary Development Plat, the Engineering Director shall approve, approve subject to modifications, or reject the construction plans within 30 working days after the plans have been submitted. Incomplete plans shall be returned to the applicant.
  - (3) For construction plans submitted where no application for Preliminary Subdivision Plat or Preliminary Development Plat has been submitted for approval, the Engineering Director shall approve, approve subject to modifications, or disapprove the construction plans, subject to appeal as provided in (g) below.
  - (4) If construction plans are approved, the plans shall be marked "approved" and one set shall be returned to the applicant, and at least two sets shall be retained in the City's files.
  - (5) Once the construction plans are approved, the property owner shall provide additional sets of the approved plans to the City, as specified by the Engineering Director, for use during construction. A full set of the City-approved and stamped construction plans must be available for inspection on the job site at all times.
  - (6) Permits approving public improvements construction plans shall expire two years from the date of approval if no progress has been made towards completion of the project as defined by the Texas Local Government Code Chapter 245.

*Explanation: Define expiration date of two years for Public Infrastructure Improvement Plans to prevent outdated plans sets without current standards and conditions from being constructed.*

## ARTICLE 7: - WATERSHED PROTECTION PLANS

### DIVISION 1: APPROVAL AND APPLICATION PROCESS; APPEALS

#### 1.7.1.4 Processing of Application and Decision

1.7.1.4 (a) *Decision by Type of Watershed Protection Plan.* An application for approval of a Watershed Protection Plan, Phase 1 and Phase 2, initially shall be decided by the Engineering Director, except where the application is accompanied by any of the following requests, in which case the application shall be construed as an application for a Qualified Watershed Protection Plan, which shall be decided by the Planning and Zoning Commission following a recommendation by the City Engineer:

- (1) A petition for a variance from water quality and stormwater standards under Section 1.7.1.6.

*Explanation: Add "stormwater" to water quality variance petitions. This will allow variances for stormwater standards to follow the current process allowed for Watershed Protections Plans.*

## ARTICLE 8: - SITE PREPARATION PERMITS

### DIVISION 1: APPROVAL AND APPLICATION PROCESS; APPEALS

#### Section 1.8.1.1 Purpose, Applicability, Exceptions and Effect

#### Section 1.8.1.2 Sequence of Approvals

#### Section 1.8.1.3 Application Requirements

#### Section 1.8.1.4 Processing of Application and Decision

#### Section 1.8.1.5 Criteria for Approval

#### Section 1.8.1.6 Appeals and Relief Procedures

#### Section 1.8.1.7 Expiration and Extension

#### Section 1.8.1.8 Completion and Acceptance

(a) Prior to Occupancy. All improvements required by the Site Preparation Permit must be completed in accordance with applicable regulations and standards prior to the issuance of a certificate of occupancy for the last building on the site. If the construction of any improvement is to be deferred until after the issuance of a certificate of occupancy, the property owner shall first provide sufficient security to the City in the form of a cash escrow or other form acceptable to the City to ensure completion of the improvements. This section shall not be construed to authorize the issuance of a certificate of occupancy for a structure that does not comply with the requirements of any building codes adopted under Chapter 14 of the San Marcos City Code , as amended.

(b) Prior to Final Acceptance The property owner shall submit to the City an Engineer's Letter of Concurrence certifying that all stormwater detention and water quality management facilities required under the Site Preparation Permit are in conformance with the approved plans and specifications before the City may finally accept such facilities.

*Explanation: Add new section (1.8.1.8) that provides (a) timing for acceptance of surety before certificate of occupancy and (b) engineer’s concurrence letter for stormwater detention and water quality facilities. This is a practice currently in place but not stated in the LDC. This allows the City and Contractors flexibility to occupy structures prior to project completion for non-public health and safety requirements (example, landscaping).*

## Chapter 5 – Environmental Regulations

### ARTICLE 1: - GENERAL PROVISIONS

#### DIVISION 1: GENERAL

##### 5.1.1.1 Applicability, Exceptions, Authority and Findings

(a) *Applicability.*

(1) The standards of this Article apply to the development of all land within the City limits and within the City's extraterritorial jurisdiction, including, but not limited to, land located on hillsides, in Edwards Aquifer recharge, transition, and upland zones, as defined in Article 2 of this Chapter 5, in the San Marcos River Corridor, and in other river, stream or waterway corridors, as defined in Division 2 of this Article 1, ~~within the City limits and within the City's extraterritorial jurisdiction.~~ Development includes clearing or rough cutting of vegetation or grading or scarifying of the top soil.

*Explanation: Clarifies applicability of these standards.*

(b) *Exceptions.*

(c) *Authority.* The requirements of this Article are authorized under Tex. Water Code Sections 16.316 and 26.177(b).

(d) *Findings.* The City Council makes the following findings:

(e) *Conflicts among standards.* Whenever there is a conflict between a City of Austin manual or standard and any other technical standard included or referenced in this Chapter, the other technical standard shall prevail.

(f) *Variances.* Variances from this Article 1 not identified as administrative shall follow the relief procedures identified in Section 1.7.1.6.

*Explanation: This change defines procedure for variances that are not administrative related to the cut/fill limits as summarized below:*

<u>Cut/Fill Limits</u>	<u>Notes</u>
0 - 4'	Allowable
≥4' - 8'	Allowable with Administrative Variance
> 8'	Requires Variance Request to P/Z Commission

*This variance process follows the existing process for watershed protection plans. This establishes a process for a variance to administrative decisions.*

# Chapter 5 – Environmental Regulations

## ARTICLE 1: - GENERAL PROVISIONS

### DIVISION 1: GENERAL

#### 5.1.1.2 Erosion Control Standards

5.1.1.2 (b) *Compliance with Criteria Manuals.* Erosion control and restoration measures shall comply with the San Marcos Stormwater Technical Manual, City of Austin Drainage Criteria Manual and the City of Austin Environmental Criteria Manual.

5.1.1.2 (c) *Erosion Prevention Techniques.* Erosion prevention techniques, as referenced in the City of San Marcos Stormwater Technical Manual, City of Austin Drainage Criteria Manual and the City of Austin Environmental Criteria Manual, will be utilized to attain drainage objectives for channelization and overland flow.

*Explanation: In items (b) and (c) add “Stormwater” to the “San Marcos Technical Manual” to reflect the actual title of the document.*

5.1.1.2(d) In order to help reduce stormwater runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes within the limits for cut and fill required in subsections (e) and (g) in order to minimize the amount of land area that is disturbed during construction and to ensure that the post construction layout is integrated into the natural environment.

5.1.1.2(e) Cuts on a tract of land may not exceed four feet of depth, except:

- (1) in the Downtown SmartCode District;
- (2) in a street right-of-way;
- (3) for construction of a building foundation;
- (4) for utility construction or a wastewater drain field if the area is restored to natural grade; or
- (5) in a state permitted sanitary landfill or a sand or gravel excavation located in the extraterritorial jurisdiction, if:
  - a. the cut is not in a water quality or buffer zone;
  - b. the cut does not alter a 100-year floodplain;
  - c. the landfill or excavation has an erosion and restoration plan approved by the City; and
  - d. all other applicable City Code provisions are met.

5.1.1.2(f) The surface of a cut area must be restored and stabilized in accordance with the Criteria Manuals identified in 5.1.1.2(b).

5.1.1.2(g) Fill on a tract of land may not exceed four feet in depth, except:

- (1) in the Downtown SmartCode District;
- (2) in a street right-of-way;
- (3) under a foundation with sides perpendicular to the ground, or with pier and beam construction;

- (4) for utility construction or a wastewater drain field
- (5) in a state-permitted sanitary landfill located in the extraterritorial jurisdiction, if:
  - a. The fill is derived from the landfill operation;
  - b. The fill is not placed in a water quality zone, buffer zone, or a 100-year floodplain;
  - c. The landfill operation has an erosion and restoration plan approved by the City, and
  - d. All other applicable City Code provisions are met.

5.1.1.2(h) A fill area must be restored and stabilized in accordance with the Criteria Manuals identified in 5.1.1.2(b).

5.1.1.2(i) Administrative Variances. The Engineering Director may grant a variance from a requirement of Section 5.1.1.2(e) (cut requirements) or Section 5.1.1.2(g) (fill requirements) for a water quality control or stormwater detention facility, or for a cut or fill of not more than eight feet if the post construction layout is integrated into the natural environment and enhanced measures identified in the Criteria Manuals are used to manage construction and post construction stormwater runoff quality to levels that would be the same or better quality as would result from a cut or fill of not more than four feet.

*Explanation: Add new section to guide development practices to minimize cut and fill and also establish cut and fill limits to four feet and define administrative variance process. The LDC currently requires cut/fill to be minimized in section 7.5.1.1 (g) and this addition will define the limitations and process for variance if exceeded.*

<u>Cut/Fill Limits</u>	<u>Notes</u>
0 - 4'	Allowable
≥4' - 8'	Allowable with Administrative Variance
> 8'	Requires Variance to P/Z Commission

# Chapter 5 – Environmental Regulations

## ARTICLE 1: - GENERAL PROVISIONS

### DIVISION 1: GENERAL

#### 5.1.1.3 Runoff Attenuation

5.1.1.3 (b) *Detention Required.* Drainage facilities will be designed and constructed so that the rate of runoff at each existing discharge location from a site after construction shall be equal to or less than the runoff prior to construction for the 2-, 10-, 25-, and 100-year storm frequencies. Rate of runoff and facility design features shall be designed by using the City of Austin Drainage Criteria Manual. Computation of the rate of runoff shall be based on an assumption of a fully developed contributing drainage area or watershed.

*Explanation: Adding the 2 and 10-year detention requirement will decrease runoff from developed sites that are currently not required to detain for these events. Over the years the City has received numerous complaints from downstream property owners about increased runoff. Managing the 2- and 10-yr storms will help protect downstream property owners from frequent storm events and help minimize creek erosion.*

*By not detaining the 100-yr event, the current 100-yr floodplain will increase in size with increased development. This addition can increase pond volume by about 20%. However, the increased costs can be offset by reduced flood insurance costs and decreased damage now occurring within the existing 100-yr floodplain.*

5.1.1.3(d) Low Impact Development Practices as described in the Stormwater Technical Manual may be used to reduce the impact of runoff on the natural and built drainage system.

*Explanation: Add low impact development practices with reference to the Stormwater Technical Manual. Add COSM LID Manual as appendix to the Stormwater Technical Manual. Many developers have found this to be a cost efficient and attractive way to address storm water runoff.*

#### 5.1.1.6 Street and Drainage Improvements

5.1.1.6 (b) (2) Drainage easements must be at least 25 feet ~~five inches~~ in width for open drainage systems, or 15 feet in width for enclosed drainage systems.

*Explanation: Correct typographic error and remove five inches on drainage easement width.*

# Chapter 5 – Environmental Regulations

## ARTICLE 2: - DEVELOPMENT RELATED TO THE EDWARDS AQUIFER

### DIVISION 4: BEST MANAGEMENT PRACTICES (BMPS)

#### 5.2.4.1 Requirements and Standards for BMPs

5.2.4.1 (b) *Installation of BMPs.* If impervious cover at the site of a development in the recharge zone equals or exceeds 15 percent on the approved Watershed Protection Plan (Phase 1, Phase 2, or Qualified) for the development, permanent BMPs must be installed in accordance with the approved Watershed Protection Plan (Phase 1, Phase 2, or Qualified) in order to mitigate the water quality impacts of the development. The permanent BMPs must limit the increase in the total suspended solids load in drainage from the site that results from the development to no more than 20 percent above that which would occur from natural drainage from the site. [See the Stormwater Technical Manual for design guidance in coordination with the TCEQ BMP Guidance Manual.](#)

*Explanation: Add reference to the Stormwater Technical Manual for determining pollutant load management requirements in the Edwards Aquifer Zone. This design criteria will enforce the removal of pollutants (TSS) that exceed 20% of existing conditions. This is a requirement already in the LDC.*

## ARTICLE 3: - DEVELOPMENT RELATED TO THE SAN MARCOS RIVER CORRIDOR

### DIVISION 2: DEVELOPMENT STANDARDS

#### 5.3.2.2 Water Quality Standards

5.3.2.2 (a) *Water Quality Zone.* The water quality zone for the waterways within the SMRC shall be defined in accordance with ~~Division 1 of Article 3~~ [Section 5.1.2.2](#) for a FEMA-mapped waterway, or as all land within a distance of 100 feet from a bank of the river, whichever is greater.

*Explanation: Typographic error - Change reference from Div 1 of Article 3 (boundary of SM River Corridor area) to Section 5.1.2.2 (definition of water quality zone).*

## Chapter 5 – Environmental Regulations

### ARTICLE 3: - DEVELOPMENT RELATED TO THE SAN MARCOS RIVER CORRIDOR

#### DIVISION 2: DEVELOPMENT STANDARDS

##### 5.3.2.2 Water Quality Standards

5.3.2.2 (e) *Water Quality Basins*. All Stormwater runoff from the developed site shall be treated to a level equivalent to that provided by sedimentation-filtration BMPs ~~Water quality detention or sedimentation basins shall be situated and~~ constructed to capture and hold at least the first one-half inch of runoff from the contributing drainage area all impervious cover. All subsequent runoff in excess of the design capacity of the basins shall bypass the basins and remain segregated from the contained runoff waters in a peak shaving basin up to the capacity specified in section 5.1.1.3 (b) the Austin Drainage Criteria Manual.

5.3.2.2 (f) *Design of Water Quality Basins*. The design of all water quality basins shall allow a minimum drawdown time ~~average residence time~~ of 24 hours for the first one-half inch of runoff from the contributing drainage area all impervious cover. The design of all water quality basins shall incorporate efficient removal of contaminants, including but not limited to lead, zinc, iron, total phosphorous, total nitrogen, total suspended solids, and fecal coliform bacteria generated as a consequence of the SMRC development for which a basin is designed as approved by the Engineering Director in accordance with the City of Austin Environmental Criteria Manual Contaminant Removal Guidelines of the City of San Marcos. These basins shall be maintained at all times in accordance with section 5.1.1.7 so that efficient removal of the contaminants is continuous.

*Explanation: Change in terminology stated in LDC from sedimentation pond to sedimentation/filtration pond. Clarification in water quality volume calculation to include runoff from all surfaces (contributing drainage area). Establish sedimentation-filtration as the water quality treatment standard so the designer and City staff can easily use the City of Austin Environmental Criteria Manual. Change "average residence time" to minimum drawdown time. This will create a minimum standard instead of an interpreted average. Remove reference to "Contaminant Removal Guidelines of the City of San Marcos" and replace with City of Austin Environmental Criteria Manual. The City does not have the referenced Contaminant Removal Guideline.*

# Chapter 7 – Public Facilities Standards

## ARTICLE 5: - DRAINAGE

### DIVISION 1: STORM WATER COLLECTION AND DRAINAGE CONVEYANCE SYSTEMS

#### Section 7.5.1.1 System Design Requirements

(g) *Layout Should Use Natural Contour Lines.* In order to help reduce storm water runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes [in accordance with the standards for cut and fill set forth in section 5.1.1.2](#) in order to minimize the amount of land area that is disturbed during construction.

*Explanation: Eliminates conflict with new standards in chapter 5.*

#### Section 7.5.1.2 Velocity Attenuation and Surface Drainage Channels

(b) *Surface Drainage Channels.* Surface drainage channels shall be designed to minimize potential erosion and to increase the bottom width to flow depth ratio as follows: Channel cross sections shall be trapezoidal in configuration.

(1) Side slopes of channels shall be no steeper than four horizontal to one vertical.

~~(2) For a six-month design storm assuming wet antecedent conditions, channel bottom flow depth shall not exceed four inches and design flow velocity shall not exceed 2½ feet per second.~~

(3) All constructed and altered drainage channels shall be stabilized and vegetated as soon as practicable after final grading.

(4) The Director of Engineering may allow exceptions to the design flow velocities or depths in the following situations in conformance with the purpose of Section 5.3.2.5

a. On lands with greater than 15 percent slope, provided that the design flow velocity shall never be greater than three feet per second.

b. In limited transitional channel sections (including culverts, culvert entries and exits, drop sections, sharp bends and water quality basin entries).

*Explanation: Delete six-month design storm for channels. Also, revise number system to reflect the deletion of this subsection.*

Bullet Point LDC Changes

- 1) Chapter 1, Article 6, Division 6, Section 1.6.6.1

Add two year permit expiration date for Public Infrastructure Improvement Plans.

- 2) Chapter 1, Article 7, Division 1, Section 1.7.1.4

This change provides language clarification by adding “stormwater” to water quality variance petitions.

- 3) Chapter 1, Article 8, Division 1, Section 1.8.1.8

This section has been added that defines surety acceptance for outstanding construction items prior to releasing Certificate of Occupancy. This section also adds the requirement of a Letter of Concurrence for all stormwater detention and water quality facilities.

- 4) Chapter 5, Article 1, Division 1, Section 5.1.1.1

This change clarifies applicability of standards and defines procedure for variances that are not administrative related to the cut/fill limits.

<u>Cut/Fill Limits</u>	<u>Notes</u>
0 - 4'	Allowable
≥4' - 8'	Allowable with Administrative Variance
> 8'	Requires Variance to P/Z Commission

- 5) Chapter 5, Article 1, Division 1, Section 5.1.1.2

In items (b) and (c) add “Stormwater” to “San Marcos Technical Manual”.

Added (e), (f), (g), (h), (i), and (j) that establish cut and fill limits to four feet and define administrative variance process up to eight feet. Cut and fill between four and eight feet will have to show measures that manage pre and post construction stormwater quantity and quality per the criteria in the San Marcos Stormwater Technical Manual. Anything greater than 8 feet of cut/fill will require a request for variance from the P/Z Commission.

- 6) Chapter 5, Article 1, Division 1, Section 5.1.1.3

Add detention requirements for the 2, 10, and 100-year storm frequencies.

Add Low Impact Development standards within the San Marcos Technical Manual that can be used as credit to reduce impact of runoff.

- 7) Chapter 5, Article 1, Division 1, Section 5.1.1.6

Correct typo on easement width description from 25 feet “five inches” to just 25 feet.

8) Chapter 5, Article 2, Division 4, Section 5.2.4.1

Add reference to San Marcos Stormwater Technical Manual for determination of pollutant load management requirements in the Edwards Aquifer Zone. This will add an equation to determine the pollutant load currently defined in Section 5.2.4.1 (b).

9) Chapter 5, Article 3, Division 2, Section 5.3.2.2

Correct reference to water quality zone by removing "Division 1 of this Article" to "Section 5.1.1.2".

10) Chapter 5, Article 3, Division 2, Section 5.3.2.2

In the San Marcos River Corridor, increase water quality volume to include runoff from all surfaces (contributing drainage area) and establish sedimentation-filtration as the water quality treatment standard so the designer and City staff can easily use the City of Austin Environmental Criteria Manual.

11) Chapter 7, Article 5, Division 1, Section 7.5.1.2

Delete 6-month design for channels and revise number system to reflect the deletion of this section.

12) Chapter 7, Division 5, Section 7.5.1.1 (g)

Adds cross reference to new Chapter 5 cut and fill standards to avoid conflicting provisions.

## **Agenda Information**

### **AGENDA CAPTION:**

**LDC-13-07 (SmartCode Signage)** Hold a public hearing and consider revisions to Subpart C of the City Code (the SmartCode) to modify signage standards in Article 7 and associated definitions in Article 8.

**Meeting date:** November 26, 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:**

Several recent sign cases have highlighted the need for some adjustments to the sign standards for downtown. The proposed amendments to SmartCode Article 7 clarify how sign area is calculated, remove the limit for sign types per façade, increase the size of projecting signs and allow for additional wall signage provided that it is located appropriately. Staff is also working on a sign grant program for the SmartCode area which will offer matching funds to business owners and/or property owners. The program will be presented to City Council in December, and staff believes it is important the recommended amendments are in place prior to establishing the sign grant program.

### **Summary of Proposed Amendments**

1. Addition of the section from the Land Development Code on measuring sign area. **7.2.1 (d)**
2. Removal of the maximum number of sign types per façade. **7.3.1(a)**
3. Increase projecting sign area from 6' to 9' square feet but limit projecting signs to one per façade no matter how many businesses may be in the building. **7.3.3(a)i-ii**
4. Removal of the one wall sign per business requirement. **7.3.6(a)i**
5. Addition of a sign band requirement – wall signs now must be located within the sign band, but the maximum width of 12' for wall signs has been removed. There is no limit per business or per façade. There are standards for location and height (3') of the sign band. **7.3.6(a)ii**
6. Addition of the option for three-dimensional wall signs – no more than 12" from wall face. **7.3.6(a)iii**

### **ATTACHMENTS:**

Memo

Article 7 Redlines

Article 8 Redlines



# MEMO

**TO: PLANNING AND ZONING COMMISSION**  
**FROM: SMARTCODE DEVELOPMENT REVIEW COMMITTEE (DRC)**  
**THROUGH: MATTHEW LEWIS, DIRECTOR OF DEVELOPMENT SERVICES**  
**DATE: NOVEMBER 15, 2013**  
**RE: SmartCode Sign Amendments**

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## Background

The City of San Marcos adopted the SmartCode in April of 2011. The form-based code encourages pedestrian-scale signage for downtown businesses – smaller signs located in places visible to people walking as opposed to larger signage oriented towards passing cars. In December 2012, City Council adopted *Article 6 Architectural Standards*, *Article 7 Signage Standards* and *Downtown Design Guidelines*. The new Article 7 offered far more flexibility for types and locations for signage than what was initially adopted in 2011.

Several recent sign cases have highlighted the need for some adjustments to Article 7. The proposed amendments clarify how sign area is calculated, remove the limit for sign types per façade, increase the size of projecting signs and allow for additional wall signage provided that it is located appropriately.

## Proposed Amendments

Specifically, the proposed amendments include the following:

1. Addition of the section from the Land Development Code on measuring sign area. **7.2.1 (d)**
2. Removal of the maximum number of sign types per façade. **7.3.1(a)**
3. Increase projecting sign area from 6' to 9' square feet but limit projecting signs to one per façade no matter how many businesses may be in the building. **7.3.3(a)i-ii**
4. Removal of the one wall sign per business requirement. **7.3.6(a)i**
5. Addition of a sign band requirement – wall signs now must be located within the sign band, but the maximum width of 12' for wall signs has been removed. There is no limit per business or per façade. There are standards for location and height (3') of the sign band. **7.3.6(a)ii**
6. Addition of the option for three-dimensional wall signs – no more than 12" from wall face. **7.3.6(a)iii**

## Sign Grant Program

Staff is also working on a sign grant program for the SmartCode area which will offer matching funds to business owners and/or property owners with signs that are out of compliance or in poor condition. New businesses in the downtown are also eligible. A presentation is scheduled for City Council on December 17. If adopted, the program will be administered through the Main Street office. Planning staff believes it is important for the recommended amendments to be in place prior to establishing the sign grant program.

**ARTICLE 7. SIGN STANDARDS**

**7.1. INSTRUCTIONS**

**7.1.1. Applicability**

- a. Lots, buildings, and signs governed by this Code shall be subject to the requirements of this Article, except as otherwise provided under this code.
- b. Sign permits shall be required as prescribed in Section 1.9.5.1 of the Land Development Code.
- c. Wayfinding signs, such as those that direct vehicles to parking areas, are not subject to this Article.

**7.2. IN GENERAL**

**7.2.1. GENERAL TO ALL ZONES ~~T3, T4, T5~~**

- a. There shall be no signage permitted additional to that specified in this section.
- b. The address number, no more than 6 inches measured vertically, shall be attached to the building in proximity to the Principal Entrance or at a mailbox.
- c. Shopfront window signage may be up to 30% of the window area and may be neon or LED lit.
- d. The sign area is calculated as the largest area of the sign visible at any one time from any one point and enclosed by a single rectangle, including any framing or trim, but not including any structural parts lying outside the limits of the sign and which do not form an integral part of the display. If the copy is enclosed by a box, outline or frame, area is the total area of the enclosure. If the sign consists of individual letters, numbers or symbols, on a surface or having no frame, area shall be the sum of the areas of the rectangles which can encompass each portion of the copy. The area of four-side signs is considered the same as two double-faced signs.

**7.2.2. SPECIFIC TO ZONES T2, T3**

- a. One projecting sign for each business may be permanently installed perpendicular to the Facade within the first Layer. Such a sign shall not exceed a total of 4 square feet and shall clear 8 feet above the sidewalk.

**7.2.3. SPECIFIC TO ZONES T4, T5**

- a. Basic sign types permitted include awning or canopy signs, projecting signs, hanging signs, sandwich boards, and wall signs.
- b. Special Sign Types permitted include directory signs, monument signs, and pole signs.

**7.2.4. ILLUMINATION**

**a. SPECIFIC TO ZONES T2, T3**

- i. Signage shall not be illuminated.

**b. SPECIFIC TO ZONES T4, T5**

- i. Signage shall be externally illuminated, except as follows:
- ii. Signage within the Shopfront glazing may be neon or LED lit.
- iii. Neon, halo or diffused internal illumination may be considered

with approval of the DRC provided it meets the criteria established in the Downtown Design Guidelines.

**7.2.5. DIRECTORY SIGNS**

**a. GENERAL TO ALL ZONES T4, T5**

- i. One directory sign is permitted at each street-level entrance to upper-floor businesses and on facades facing entrances to alleys, rear lanes and parking lots.
- ii. The area of a directory sign shall not exceed 6 square feet.
- iii. The sign shall be no taller than 3 feet.

**7.3. BASIC SIGN TYPES**

~~7.3.1. GENERAL TO ALL BASIC SIGN TYPES~~

- ~~a. 3 of the 5 basic sign types may be used per building facade.~~

~~7.3.2. 7.3.1 AWNING OR CANOPY SIGN~~

**a. GENERAL TO ALL ZONES T4, T5**

- i. One awning or canopy sign is permitted per business.
- ii. The sign may be placed on either the vertical valance flap, the sloped portion, or on a side panel of the awning or canopy.
- iii. The sign shall not extend below or above the awning or canopy to which it is attached.

**b. SPECIFIC TO ZONE T4**

- i. An awning or canopy sign shall not exceed 2 feet in height.
- ii. An awning or canopy sign shall not exceed 10 feet in length.

**c. SPECIFIC TO ZONE T5**

- i. An awning or canopy sign shall not exceed 3 feet in height.
- ii. An awning or canopy sign shall not exceed 12 feet in length.

~~7.3.3. 7.3.2 PROJECTING SIGN~~

**a. GENERAL TO ALL ZONES T4, T5**

- i. One projecting sign is permitted per ~~business-building facade~~.
- ii. Sign area shall not exceed ~~6-9~~ square feet for each projecting sign.
- iii. A projecting sign must maintain a minimum 8 foot clearance above the sidewalk or finished ground surface below the sign.
- iv. A projecting sign may be attached to the building facade.
- v. A projecting sign may not extend above the roof of the structure to which it is attached.

~~7.3.4. 7.3.3 HANGING SIGN~~

**a. GENERAL TO ALL ZONES T4, T5**

- i. One hanging sign is permitted per business.
- ii. A hanging sign must maintain a minimum 8 foot clearance above the sidewalk or finished ground surface below the sign.
- iii. Sign area shall not exceed 6 square feet for each hanging sign.

**7.3.5. 7.3.4 SANDWICH BOARD SIGN**

- a. **GENERAL TO ALL ZONES T4, T5**
  - i. One sandwich board sign is permitted per business.
  - ii. The area of each face of a sandwich board shall not exceed 12 square feet.
  - iii. The overall sign shall be no taller than 4 feet.
  - iv. A sandwich board within the public right-of-way must be placed such that at least an 8 foot unobstructed sidewalk width remains.
  - v. Sandwich boards shall be designed to allow folding.
  - vi. A sandwich board must have a stable base.
  - vii. Sandwich boards shall be removed at the close of business each day.

**7.3.6. 7.3.5 WALL SIGN**

- a. **GENERAL TO ALL ZONES T4, T5**
  - i. ~~One wall sign is permitted per business.~~
  - ii. ~~A wall sign may be attached flat to the wall.~~ Wall signs shall be located within a single external Sign Band typically applied to the first story facade of each building. Sign Band location shall be subject to approval by DRC and should be placed where the architectural features suggest the best placement for signage.
  - iii. Wall signs should be attached flat to the wall. Three-dimensional signage is permitted, but shall not extend more than 12" beyond the face of the wall.
- b. **SPECIFIC TO ZONE T4**
  - i. ~~A Wall Sign~~ The Sign Band shall not exceed 2 feet in height.
  - ii. ~~A Wall Sign shall not exceed 10 feet in length.~~
- c. **SPECIFIC TO ZONE T5**
  - i. ~~A Wall Sign~~ The Sign Band shall not exceed 3 feet in height.
  - ii. ~~A Wall Sign shall not exceed 12 feet in length.~~

## 7.4. SPECIAL SIGN TYPES

### 7.4.1. GENERAL TO ALL SPECIAL SIGN TYPES

- a. Where permitted, either one monument sign or one pole sign may be used per property.
- b. **GENERAL TO ALL ZONES T4, T5**
  - i. Monument or pole signs are permitted only on S. L B J Dr. and S. Guadalupe St. between E. Grove St. and I-35 Frontage St.
  - ii. The Development Review Committee may administratively approve a monument or pole sign in other areas provided it meets the criteria established in the Downtown Design Guidelines.
  - iii. A monument or pole sign shall be located within the first Layer.

### 7.4.2. Monument Signs

#### a. GENERAL TO ALL ZONES T4, T5

- i. Monument signs shall incorporate a supporting base that is at least 75 percent of the width of the sign face at its widest point. The supporting base shall be constructed of brick, stone, masonry or scored concrete.

#### b. SPECIFIC TO ZONE T4

- i. Sign area shall not exceed 12 square feet.
- ii. Sign height shall not exceed 4 feet.

#### c. SPECIFIC TO ZONE T5

- i. Sign area shall not exceed 18 square feet.
- ii. Sign height shall not exceed 6 feet.

### 7.4.3. Pole Sign

#### a. SPECIFIC TO ZONE T4

- i. Sign area shall not exceed 12 square feet.
- ii. Sign height shall not exceed 6 feet.

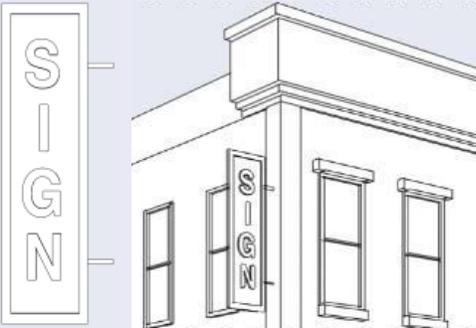
#### b. SPECIFIC TO ZONE T5

- i. Sign area shall not exceed 18 square feet.
- ii. Sign height shall not exceed 10 feet.

TABLE 7.1 SIGN TYPES

This table illustrates both the basic and special sign types permitted.

Basic Sign Types

<p><b>Awning or Canopy Sign:</b> A sign painted on or attached flat or flush against the surface of an awning or canopy.</p>	 A line drawing of a building facade featuring a flat awning over a set of windows. The words "Sign • Sign • Sign" are printed in a bold, sans-serif font on the front surface of the awning.
<p><b>Projecting Sign:</b> A sign that is attached directly to the building wall and which extends out from the face of the wall.</p>	 A line drawing of a building corner with several windows. A vertical rectangular sign is attached to the wall, extending outwards. The sign contains the word "SIGN" in large, vertically stacked, outlined letters. To the left of the main building drawing, a separate vertical rectangle shows the word "SIGN" in the same style, with small horizontal lines indicating its attachment to a wall.

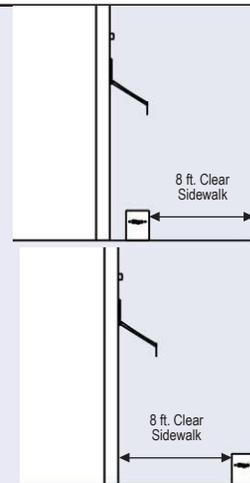
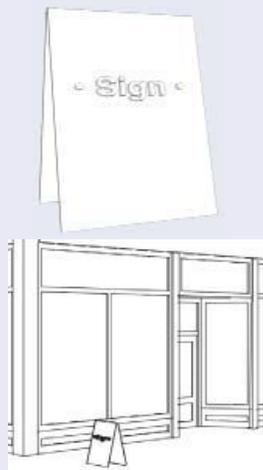
# ARTICLE 7. SIGN STANDARDS

San Marcos, Texas

**Hanging Sign:** A sign that is hanging or suspended (such as by chains or hooks) **below from** a canopy, awning, or building overhang.



**Sandwich Board:** A portable sign designed in an A-frame or other fashion, and having back-to-back sign faces.



**Wall Sign:** A sign that is engraved, painted on or attached directly to and flush with the building wall **within the Sign Band**.



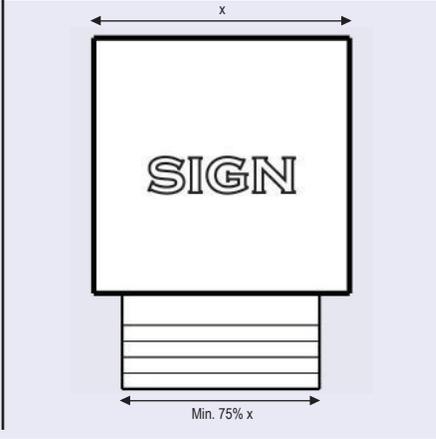
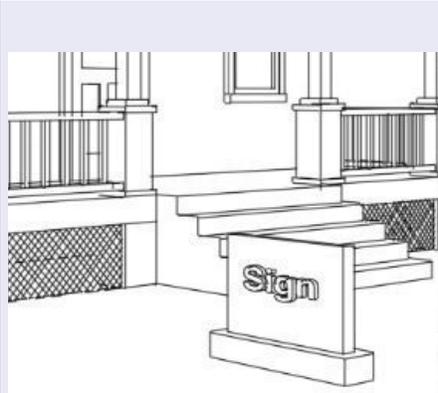
**Sign Bands** are typically applied to the first story facade and should be placed where the architectural features suggest the best placement for signage.



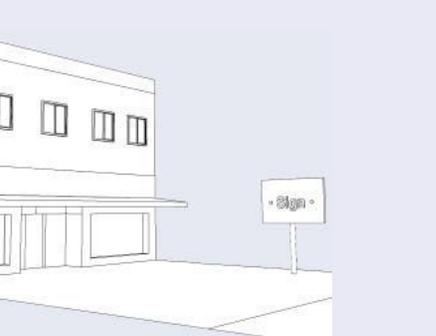
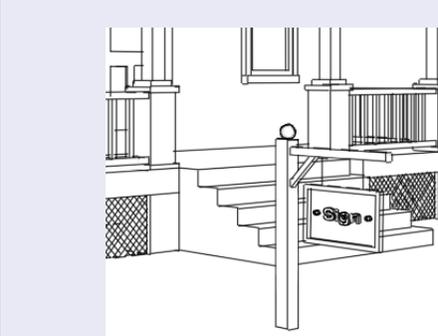
San Marcos, Texas

Special Sign Types

**Monument Sign:** A sign that is erected on a solid base placed directly on the ground, and that is itself constructed of a solid material.

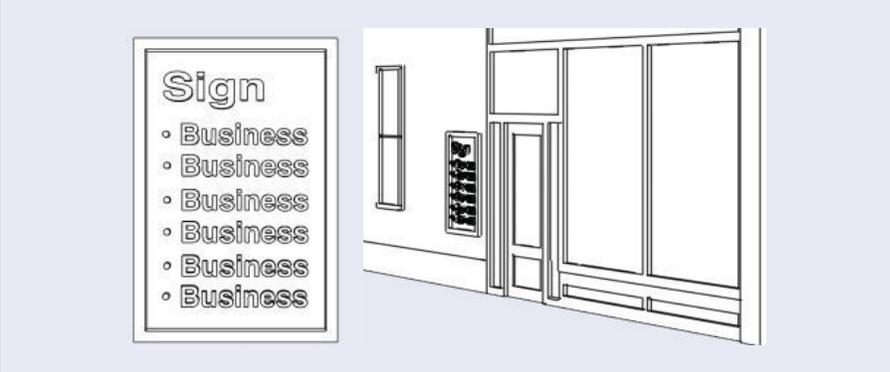


**Pole Sign:** A sign mounted on one or more freestanding supports, such as a frame, column, mast, pole or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.



Other Sign Types

**Directory Sign:** A sign that displays the tenant name and location for a building containing multiple tenants.



See *Table 6.1*.

**Sensitive Site:** The site of a Building of Value or a single-family zoned district.

**Setback:** the area of a Lot measured from the Lot line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments listed in *Section 5.7*. See *Table 1.2g/h* and *Table 1.3g/h*. (Var: build-to-line.)

**Sharrow:** Also known as the Shared Lane Marking in the Manual of Uniform Traffic Control Devices, is a pavement marking indicating that motorists and cyclists share a travel lane. The Sharrow shall be placed so that the centers of the markings are at least 3.4 m (11 ft) from the face of the curb, or from the edge of the pavement where there is no curb.

**Shopfront:** a Private Frontage conventional for Retail use, with substantial glazing and an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. See *Table 5.3*.

**Sidewalk:** the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

**Sideyard Building:** a building that occupies one side of the Lot with a Setback on the other side. This type can be a Single or Twin depending on whether it abuts the neighboring house. See *Table 5.1*.

**Sign Band:** External area of building facade designated for placement of horizontal signage typically above the transom and below the second floor window.

**Specialized Building:** a building that is not subject to Residential, Commercial, or Lodging classification. See *Table 5.1*

**Special District (SD):** an area that, by its intrinsic Function, Disposition, or Configuration, cannot or should not conform to one or more of the normative Community Unit types or Transect Zones specified by the SmartCode. Special Districts may be mapped and regulated at the regional scale or the community scale.

**Special Requirements:** provisions of *Section 3.9* and *Section 5.3* of this Code and/or the associated designations on a Regulating Plan or other map for those provisions.

**Square:** a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed. See *Table 3.4*.

**Standard Pedestrian Shed:** a Pedestrian Shed that is an average 1/4 mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. See **Pedestrian Shed**.

**Stoop:** a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance. See *Table 5.3*.

**Story:** a habitable level within a building, excluding an Attic or raised base-

## **Agenda Information**

### **AGENDA CAPTION:**

#### **Development Services Report:**

- a. Comprehensive Master Plan Implementation Update**
- b. Update on Downtown Sign Incentive Program**
- c. Due to Holiday- No 2nd P&Z meeting in December**

**Meeting date:** November 26, 2013

**Department:** Development Services

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **CITY COUNCIL GOAL:**

### **BACKGROUND:**