



Cover Memo

To:	City Council
From:	Planning & Development Services – Will Parrish, CNU-A, Planner
Date:	September 11, 2019
Re:	Assignment of approximately 10 acres out of the Buie Track Development Agreement

Request

The applicant is requesting the assignment of approximately 10.62 acres of land that is zoned Mixed Use and is regulated by the Buie Tract Development Agreement. In addition to the assignment, the applicant is requesting to remove a development requirement as well as remove the requirement for future assignments to be approved by City Council.

Background:

The original Buie Track Development Agreement was adopted by City Council in 2009. This Development Agreement covered approximately 148.7 acres, and included Mixed Use, Multifamily, and Single Family, and required 5 acres be donated to the Franklin Square Home Owners Association as open space. Zoning was adopted in 2010 and a Concept Plat was approved in 2011.

In 2013, the property owner requested to assign the multifamily portion of the property to a student housing developer. As part of this assignment request, the property owner and City negotiated the original terms of the Development Agreement. These negotiations resulted in a transfer of development rights from Phases 2 and 3 of the property to Phase 1. A total of 102.8 acres of parkland was dedicated to the City as a result of this transfer. The transfer of development rights resulted in additional density being allowed within Phase 1, which includes both the Mixed Use and Multifamily tracts. The Multifamily tract was then developed. The terms of the 2013 agreement are stated below.

1. *Approximately 94 acres (Phases 2 and 3) of the 153 acre tract will be dedicated to the City as parkland.*
2. *8.804 acres of land in Phase 1 along Wonder World Drive as indicated in the Phase 1, Section 1 Final Plat will be dedicated to the City as parkland.*
3. *The density on the Phase 1 multi-family residential tract will be reduced from 382 units as originally allowed to 194 units with a population density of 899.*
4. *71 units will be assigned to the Mixed Use area of Phase 1 with a limit of three bedrooms per unit. No leased or rented by the bedroom multi-family dwelling units will be allowed on any portion of such Mixed Use area. In addition, building heights shall not exceed one story in the portion of the Mixed Use area on the west side of Craddock Avenue that abuts the Franklin Square neighborhood.*
5. *An amendment to the Concept Plat for consideration by the San Marcos Planning and Zoning Commission will be initiated to modify the Conceptual Land Plan Summary Table as follows:*

Phasing Plan	Zoning Acreage	Zoning	Number of Dwelling Units Previously Approved	Existing Concept Plat Population Density	Potential Population Including Phase 2	Number of Dwelling Units Proposed	Population Density Proposed
Phase 1	33.2+/-	MF-12	382	802	802	194	899
	12.88 +/-	MU	71	149	149	71	213
			453	951	951	265	1,112
Phase 2	18.81 +/-	TBD	Transfer of Unused Phase I Units	Not Addressed in Concept Plat	476*	0	0
Phase 3	75.15+/-	TBD	4	11	11	0	0
All Phases Total			457	962	1,438**	265	1,122
* Note: 188 units transferred from Phase 1 x (4.63 bedrooms/ units in Capstone project minus 2.1 bedrooms per unit per existing Concept Plat).							
**(382 x 2.1= 802) + (71 x 2.1= 149)+ (188 x 2.53= 476)+ 11 = 1,438.							

Approval of the amendment to the Concept Plat is a condition of the City's consent granted herein.

6. *The developer of the multi-family 35 acre portion of Phase 1 shall enter into a contract deemed acceptable to City staff to have a private company provide shuttle service to transport residents of the multi-family development to and from Texas State University-San Marcos (Texas State) until such time that the Texas State shuttle system provides shuttle service.*
7. *Craddock Avenue Partners, L.L.C. agrees to update the Traffic Impact Analysis ("TIA") prior to final plat submittal of the Mixed Use portion of Phase 1 and to implement such improvements as are recommended by the TIA in relation to its proportionate responsibility under applicable City Ordinances.*
8. *No leased or rented by the bedroom multi-family dwelling units will be allowed on any portion of the Assignor's Remaining Property.*
9. *The owners of all the property subject to the Development Agreement will execute and record restrictive covenants in favor of the City and in a form acceptable to the City Attorney reflecting the above terms (the unit allocations and population densities listed in the Concept Plat as amended will be included within the restrictive covenants).*

Additionally, the assignment allowed a transfer of impervious cover of 14.13 acres to the remaining 12.88 acres within Phase 1, effectively allowing 100% impervious cover on the Mixed Use zoned property.

Current Request

At this time the applicant would like to purchase the remainder of Phase 1, which consists of approximately 10.62 acres of land zoned Mixed Use. However, the 2009 Development Agreement includes a clause that requires buildings within the Mixed Use area of Phase 1 to be brought to the street edge of Craddock, and requires ground floor office or retail be included in each building. The applicant would like to remove the requirement for ground floor retail and amend the language referring to the Craddock Street edge to allow public easements to be included. Additionally, the applicant would like the ability to assign the Development Agreement to others in the future without the requirement of City Council approval.

Attachments:

1. *Aerial Map*
2. *Mixed Use Zoning Table*
3. *Original Development Agreement*
4. *Amended 2013 Buie Assignment*
5. *Applicant's Request*