



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, March 3, 2020

3:00 PM

City Council Chambers

630 E. Hopkins - Work Session

I. Call To Order

With a quorum present, the work session meeting of the San Marcos City Council was called to order by Mayor Hughson at 3:03 p.m. Tuesday, March 3, 2020 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Council Member Marquez arrived after roll call at 4:00 p.m.

Present: 7 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rocketmoore, Council Member Maxfield Baker and Council Member Saul Gonzales

PRESENTATIONS

1. Receive a Staff presentation and hold a discussion on the San Marcos Development Code amendments and Strategic Housing Action Plan, and provide direction to the City Manager.

Bert Lumbreras, City Manager provided a brief introduction. He turned the presentation over to Amanda Hernandez, Planning Manager and Shannon Mattingly, Director of Planning and Development Services.

Ms. Hernandez provided the Land Development Code (LDC) background and summary:

- April 2018 San Marcos Land Development Code Adoption
- March – May 2019 Solicitation of comments for annual update
- June 2019 Joint workshop between City Council and Planning and Zoning Commission. This workshop identified the following:
 - Items to expedite – Typos, Technical Errors, etc. (Phase 1)
 - Amendments requiring additional analysis (Phase 2 & 3)
 - Amendments not recommended for additional analysis
- December 2019 Adoption of Phase 1 amendments and discussion on Phase 2 & 3 amendments.
- March 3, 2020 Initial authorization for Phase 2 amendments and direction on

amendments not recommended for additional analysis.

Next Steps for Phase 2:

- 1. March 24, 2020 Planning & Zoning Commission Public Hearing & Recommendation**
 - 2. April 21, 2020 City Council Public Hearing & First Reading**
 - 3. May 5, 2020 City Council Reconsideration Second Reading**
- *Staff recommends analysis of Phase 3 items following the Comprehensive Plan Update**

Greg Schwarz, Engineer, provided the recommendations from the Engineering Department:

- Increase protection zone around sensitive geologic features.**
- Incorporate natural channel design for water quality zone reclamations.**
- Clarify delineation of Water Quality and Buffer Zones.**
- Waiver for geological assessment within Transition Zone and Contributing Zone within Transition Zone.**
- Fee-in-Lieu / Exception for detention / water quality for 4 or less residential lots.**
- Fee-in-Lieu of detention outside of the Urban Stormwater Management District.**
- Expand administrative approval for Qualified Watershed Protection Plans.**

Council asked questions regarding watershed protection and the waiver for geological assessment. There were some reservations on this and Staff will address prior to adoption.

Alcohol Conditional Use Permit Committee Recommendations:

- Expire conditional use permits after three years.**
- Limit appeal eligibility to the applicant.**
- Require permit holders to keep their site in clean and sanitary condition.**
- Update the noise ordinance.**

There were no objections to this list so it moves forward.

Workforce Housing Task Force Recommendations:

- Exempt infill from minimum lot depth-to-width requirement.**
- Add Strategic Housing Action Plan as zoning criteria.**
- Allow accessory dwelling unit parking in the second layer.**
- Modify the definition of RV & manufactured home to include tiny homes.**

There were no objections to this list so it moves forward.

Additional Amendments:

- **Block Perimeter waiver for Heavy Industrial districts.**
- **City Council appellate body for City-owned properties denied by the Historic Preservation Commission.**
- **Align cross sections with Transportation Master Plan.**
- **Increase ETJ block perimeter.**
- **Remove initial authorization for code amendments by City.**
- **Update Concept Plat applicability.**
- **Provide definitions for House and Cottage.**
- **Include occupancy restrictions in CD-3.**
- **Make pre-development meetings mandatory.**
- **Include sustainability language per HPC-2019-03RR.***
- **Add Event Center as a use.***

Items with an asterisk (*) are recent additions. There were no objections to this list so it moves forward.

Neighborhood Density District Amendment Summary:

- **Create an additional district to allow a moderate increase in density from conventional residential districts.**
- **Require a Comprehensive Plan map amendment any time higher density is requested by amending Table 4.1.**

Ms. Hernandez explained that staff suggests this be on the Phase 3 list (after the Comprehensive Plan update)

Mayor Hughson noted that not all Neighborhood Districts are similar in density and the same is true for Character Districts. Not having a Preferred Scenario Amendment process required is where we've seen most of the issues with rezoning requests since the LDC was adopted. She noted that a "PSA-light" might be in order for some, which would include some of the requirements for a PSA, but not all. She stated that this cannot wait for Phase 3. All council members in attendance agreed so this item will be in phase 2.

- **Require "majority plus one" votes at the Planning & Zoning Commission and City Council for all Comprehensive Plan map amendments.**

This item will move forward. There were no objections to this list so it moves forward.

- **Rename "Neighborhood Density Districts" to "Neighborhood Diversity"**

Districts”

Council decided not to accept this suggestion.

Amendments not recommended for additional analysis:

- 24 amendments discussed on June 5, 2019 were not recommended for additional analysis.**
 - 3 amendments moved to this list following adoption of House Bill 2439, limiting where cities can enforce durable building materials.**
- Council returned to this item later in the meeting.**

• Options for the action item on the regular agenda:

- 1) Remove from the list of amendments to consider**
- 2) Send back to P&Z for recommendation(s)**

Strategic Housing Action Plan:

- Staff identified four actions which may result amendments to the San Marcos Development Code.**
- All actions were identified as items which should be considered following the Comprehensive Plan Update except:**
 - Adding Tiny Homes as an allowable use in the Manufactured Home zoning district.**
- Staff is seeking direction on the Housing Action Plan approval process.**

Staff is requesting the Housing Action Plan to be reviewed by the Workforce Housing Committee or placed on future agenda for action. Council asked that this also include the chair and vice-chair of the Housing Task Force Committee.

Council returned to the list of items for removal.

Mayor Hughson inquired about item Remove-4 - Perform additional analysis and partner with Texas State University to better understand the demand for student housing. This is to be removed because it won't be in the LDC, but will be addressed in the Comprehensive Plan.

Mayor Hughson inquired about item Remove-6 - Protection of Native American artifacts as this item is already a requirement outside of the LDC. Similar for Remove -5 Protection of trees on private residences.

She next asked about item Remove-15 - Remove exemption for projects of 10 or fewer units in CD-5 and CD-5D zones. (This is in the residential section.)

Council unanimously agreed to place this back on the list for Phase 3.

Next item for discussion was Remove-24 - Maintain Planned Development Districts exclusion from Code. Note that the Phase 3 list includes Phase 3-32

Review possibility of adding Planned Development. Council determine that Phase 3-32 would suffice and that item Remove-24 may be removed.

Councilmember Rockeymore about the items removed due to House Bill 2439. Currently, we have not removed them from our code; they are flagged with HB 2439 as that bill allows for certain building material standards in certain areas. Council determined that leaving our standards in the code as a recommendation would be a good idea.

There were no objections removing the remaining items on this list so these items will not move forward.

Councilmember Derrick inquired about moving several items in Phase 3 to Phase 2. First was item Phase 3-14 On street parking should not count towards Multifamily parking requirement.

Ms. Hernandez noted the complexities of this topic and stated that staff wants to have a workshop on this topic before the begin to create code changes. Council expressed concern about this item and the urgency to move forward so this item will be moved to Phase 2.

Councilmember Derrick then inquired about Phase 3-21 - Replace current standards with requirement that Commercial use across the street from established Residential use be limited to 1 story. She noted that this is a issue now and we need to address it now. Council agreed to move this item to Phase 2.

Mayor Hughson inquired about Past 3-15 – Accessory Dwelling Units - Change from by-right to conditional use in all districts. She noted that a Conditional Use Permit was required in the past. Ms. Hernandez noted that some of the previous conditions are built into the Code. ADUs are limited to a few residential districts, same utility, limited to one per property, limited in size, and the owner must live on the same lot. Council consensus was to move to Phase 2 for further analysis.

Staff will update the Code amendment document, as recommended by Council, and ask for a motion to move forward at the regular meeting this evening.

EXECUTIVE SESSION

- 2. Executive Session in accordance with Section § 551.089 - Security Devices: to discuss Security Measures and Deployment of Information Resources Technology.**

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy

Mayor Pro Tem Rockeymoore to enter into Executive Session at 4:40 p.m. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

III. Adjournment.

Mayor Hughson stated Executive Session concluded at 5:20 p.m.

A motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to adjourn the work session meeting of the City Council at 5:21 p.m, February 18, 2020 The motion carried by the following vote:

For: 5- Council Member Derrick, Mayor Hughson, Council Member Marquez, Council Member Gonzales, and Mayor Pro Tem Mihalkanin

Against: 0

Absent: 2 - Council Member Baker and Deputy Mayor Pro Tem Rockeymoore

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor