City of San Marcos

Meeting Minutes - Final
Planning and Zoning Commission

Tuesday, June 11, 2019
6:00 PM
City Council Chambers

630 East Hopkins St.

I. Call To Order

With a quorum present the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Chair Garber at 6:00 p.m. on Tuesday, June 11, 2019 in the City Council Chamber of the City of San Marcos, City Hall, 630 East Hopkins St., San Marcos, Texas.

II. Roll Call

Present  6 - Commissioner Maxfield Baker, Commissioner Jim Garber, Commissioner Mark Gleason, Commissioner Betseygall Rand, Commissioner Gabrielle Moore, and Commissioner Travis Kelsey

Absent  3 - Commissioner Mike Dillon, Commissioner Matthew Haverland, and Commissioner Kate McCarty

III. Chairperson’s Opening Remarks

IV. 30 Minute Citizen Comment Period

1. Diane Wasseneich spoke about Item #3, CUP-19-17 (Food Trailer Court) on the agenda. She said she was happy to see wording about taking advantage of the ambiance of the creek. She said anyone who has a business there needs to follow the rules regarding industrial pre-treatment and grease traps before it goes into the creek.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of May 14, 2019.

A motion was made by Commissioner Gleason, seconded by Commissioner Baker, that the Consent Agenda be approved. The motion carried by the following vote:

For:  6 - Commissioner Baker, Commissioner Garber, Commissioner Gleason, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Absent: 3 - Commissioner Dillon, Commissioner Haverland and Commissioner McCarty

PUBLIC HEARINGS
2. CUP-19-16 (Saltgrass Steakhouse) Hold a public hearing and consider a request by Saltgrass, Inc. for a Conditional Use Permit to allow the sale and on premise consumption of mixed beverages at 1141 I-35 North. (W. Parrish)

Chair Garber opened the Public Hearing.

Will Parrish, Planner, gave an overview of the request.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Baker, seconded by Commissioner Gleason, that CUP-19-16 (Saltgrass Steakhouse) be approved with the following conditions: 1.) Permit shall be valid for one (1) year, provided standards are met, 2.) The permit shall be valid at the time of Certificate of Occupancy; and 3.) The permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 6 - Commissioner Baker, Commissioner Garber, Commissioner Gleason, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Absent: 3 - Commissioner Dillon, Commissioner Haverland and Commissioner McCarty

3. CUP-19-17 (Food Trailer Court) Hold a public hearing and consider a request by TheCoKitchen for a Food Truck Court at 801 Chestnut Street (W. Parrish)

Chair Garber opened the Public Hearing.

Will Parrish, Planner, gave an overview of the request.

1. Liz McGhee (The CoKitchen owner), 6208 Tanglewood Trl, Spring Brach, spoke in favor of the item. She said she can relate to the health and environmental concerns because she is a Environmental Scientist, Registered Sanitarian, Site and Soil Evaluator, Senior Public Health Officer, and a Conservationist. She said the location was chosen because of the Sessom Creek watershed, and its potential to become and ideal outdoor setting. She said the Commissary Kitchen will only service the trucks in their park, and a few bakers or pastry chefs. She said she wanted to clean up some confusion on grease interceptors. She added their proposed tank site will have a 164 ft. setback, and that TCEQ requires a 2C ft. setback for any tank from a stream, pond or river. She added that because of the location of their tanks, leaks would follow sloping terrain toward the street and away from the creek. She said they anticipate having less vehicle traffic than the previous use for the location. She also said the proposed fence should provide protection against debris. She said a Commissary Kitchen is considered a fixed establishment by Texas Food Code.

2. Pascal Boudreau (The CoKitchen owner), 6208 Tanglewood, spoke in favor of the item. He said the parking lot where the trucks would be sitting has over a one percent
slope toward the street so any any runoff from the parking lot would be moving away from the creek.

3. Paul Murray, 102 Barclay, spoke in opposition of the item. He said the grease trap should be put in the front of the building, and people would notice right away if there was a problem. He expressed traffic concerns, saying the driveway at the proposed site comes out on the end of Chestnut St. He asked where delivery drivers would park, since it's just a two-lane street. He also expressed concerns about not being able to see foot traffic. He said the Commissary Kitchen is what is really causing the issues.

Chair Garber closec the Public Hearing.

Discussion ensued.

A motion was made by Commissioner Kelsey, seconded by Commissioner Gleason, that CUP-19-17 (Food Trailer Court) be approved with staff recommendations, with a change to condition # 2 so that: 1.) A 42 inch fence with a 1 X 1 in. wire mesh shall be required around the edge of the property adjoining the creek to prevent litter from entering Sessom Creek.

A motion was made Commissioner Garber, seconded by Commissioner Kelsey, that the main motion be amended so that: 1.) A 72-inch fence with a 1 X 1 in. wire mesh shall be required around the edge of the property adjoining the creek to prevent litter from entering Sessom Creek. The motion carried by the following vote:

For: 6 - Commissioner Garber, Commissioner Gleason, Commissioner Rand, Commissioner Moore, Commissioner Kelsey and Commissioner Baker
Against: 0
Absent: 3 - Commissioner Dillon, Commissioner Haverland and Commissioner McCarty

A motion was made by Commissioner Garber, seconded by Commissioner Kelsey, that the main motion be amended so that: 1.) The fence shall be at the parking lot level, and not down slope. The motion carried by the following vote:

For: 6 - Commissioner Baker, Commissioner Garber, Commissioner Gleason, Commissioner Rand, Commissioner Moore and Commissioner Kelsey
Against: 0
Absent: 3 - Commissioner Dillon, Commissioner Haverland and Commissioner McCarty
A motion was made by Commissioner Garber, seconded by Commissioner Kelsey, that the main motion be amended so that: 1.) Trash cans shall be animal proof, and emptied every night. The motion carried by the following vote:

For: 6 - Commissioner Baker, Commissioner Garber, Commissioner Gleason, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Absent: 3 - Commissioner Dillon, Commissioner Haverland and Commissioner McCarty

A motion was made by Commissioner Garber, seconded by Commissioner Kelsey, that the main motion be amended so that: 1.) The Commissary Kitchen shall only service food truck trailers and bakers on-site. The motion carried by the following vote:

For: 6 - Commissioner Baker, Commissioner Garber, Commissioner Gleason, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Absent: 3 - Commissioner Dillon, Commissioner Haverland and Commissioner McCarty

A motion was made by Commissioner Garber, seconded by Commissioner Gleason, that the main motion be amended so that: 1.) There shall be no use of amplification through speakers after 10 p.m. The motion carried by the following vote:

For: 6 - Commissioner Baker, Commissioner Garber, Commissioner Gleason, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Absent: 3 - Commissioner Dillon, Commissioner Haverland and Commissioner McCarty

A motion was made by Commissioner Garber, seconded by Commissioner Kelsey, that the main motion be amended so that: 1.) The permit shall be reviewed after one year from the date of the Certificate of Occupancy issuance. The motion carried by the following vote:

For: 6 - Commissioner Baker, Commissioner Garber, Commissioner Gleason, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0
A motion was made by Commissioner Moore to amend the main motion so that: 1.) No single use plastics shall be used on the premises. They shall be biodegradable or otherwise. The motion failed for lack of second.

Chair Garber called for a vote on the main motion with the following conditions: 1.) Hours of operation shall be limited to 7 a.m. - 11 p.m. Sunday - Thursday and 7 a.m. to 12:30 a.m. Friday and Saturday; 2.) A 72-inch fence with a 1 X 1 in. wire mesh shall be required around the edge of the property adjoining the creek to prevent litter from entering Sessom Creek; 3.) There shall be no use of amplification through speakers after 10 p.m.; 4.) There shall be no live amplified music; 5.) The permit shall be valid at the time of Certificate of Occupancy of the commissary kitchen; 6.) The permit shall be posted in the same area and manner as the Certificate of Occupancy; 7.) The fence shall be at the parking lot level, and not down slope; 8.) Trash cans shall be animal proof, and emptied every night; 9.) The Commissary Kitchen shall only service food truck trailers and bakers on-site; and 10.) The permit shall be reviewed after one year from the date of the Certificate of Occupancy issuance. The motion carried by the following vote:

For: 6 - Commissioner Baker, Commissioner Garber, Commissioner Gleason, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Absent: 3 - Commissioner Dillon, Commissioner Haverland and Commissioner McCarty

V. Question and Answer Session with Press and Public.

There were no questions from the Press or Public.

VI. Adjournment

The meeting was adjourned at 7:07 p.m.

Notice of Assistance at the Public Meetings

ATTEST:

Cesly Burrell, Recording Secretary
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 _________________.

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