



**SAN MARCOS  
PLANNING AND ZONING  
COMMISSION REGULAR  
MEETING  
CITY COUNCIL CHAMBERS,  
630 E. HOPKINS  
TUESDAY, FEBRUARY 25, 2014  
6:00 P.M.**

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

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

4. 30 Minute Citizen Comment Period

**CONSENT AGENDA**

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

5. **Consider the approval of the minutes of the Regular Meeting on January 28, 2014.**
6. **Consider the approval of the minutes of the Regular Meeting on February 11, 2014.**

**PUBLIC HEARINGS**

7. **CUP-14-03 (Support Services Metal Siding)** Hold a public hearing and consider a request by Huckabee Engineering, on behalf of San Marcos CISD, for a Conditional Use Permit to allow metal siding on a new building located at 201 S Suttles Ave.
8. **CUP-14-06 (Eskimo Hut)** Hold a public hearing and consider a request by The Choi Group, LLC for renewal of an existing Conditional Use Permit to allow the continued sale of beer and wine for on-premise consumption at 216 N Edward Gary St.

**NON-CONSENT AGENDA**

9. **LDC-14-01 (Multifamily Design Standards)** Receive a staff presentation, discussion and

possible direction to staff regarding potential revisions to the Land Development Code for design standards for multifamily development.

- 10. **Development Services Report:**
  - a. **Comprehensive Master Plan Implementation 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.*
- 12. 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:** February 25, 2014

**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 January 28, 2014.**

**Meeting date:** February 25, 2014

**Department:** Development Services

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **CITY COUNCIL GOAL:**

### **BACKGROUND:**

### **ATTACHMENTS:**

Jan 28, 2014 PZ Minutes

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
January 28, 2014**

**1. Present**

**Commissioners:**

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

**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  
Amanda Hernandez, Senior Planner  
Alison Brake, Planner  
Emily Koller, Planner  
David Rabago, Engineer  
Laurie Moyer, CIP/Engineering Director

**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 January 28, 2014, 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**

Jane Hughson stated that she appreciates Director Lewis' efforts go get downtown looking quaint again as it used to be. She stated that she felt that a 9 story building in this location would fit the picture. Ms. Hughson asked the Commission to not accept the request in the proposed location. She explained that she understands the general benefits for the city of high density but does not agree with the location. Ms. Hughson spoke in opposition of the location of the request.

Jay Hiebert pointed out an accident that occurred on Saturday night at the Chestnut SWPP construction site. Mr. Hiebert provided the Commission with a photo of the accident. He expressed concerns with the safety of the job site. He pointed out that there was not adequate fencing on the site. Mr. Hiebert said that the building codes should require more substantial barriers than a plastic fence. He asked what enforcements are currently in place regarding safety. Mr. Hiebert asked if the incident will be reported to OSHA as a major violation or is the City going to access fines for the violations.

Eric Shaw, 1238 MLK Drive., spoke in support of the Carson 9 story development. He stated that San Marcos is growing very fast and we have to be proactive with future development. Mr. Shaw believes that upward growth in the downtown area is a smart alternative to sprawling apartments that encroach on single family neighborhoods and threaten the watershed. He stated that the development will be an asset to San Marcos and benefit local businesses in the area and foster a more walkable downtown. Mr. Shaw said the project is smart growth in the right location.

Thom Prentice expressed concerns of the antidemocratic nature of the structure of the Planning and Zoning Commission. Mr. Prentice spoke in opposition to the warrant request. He suggested that fees for trees be removed. In addition, suggested apartment and neighborhoods be placed amongst common greens and rain water capture. Mr. Prentice requested a democracy and global warming agenda for San Marcos.

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**5. 2013 End of Year Report** - Presentation from Staff and discussion on the End of Year Report for 2013.

Matthew Lewis and Kristy Stark presented the 2013 End of Year Report.

### **Consent Agenda**

**6. Consider the approval of the minutes of the Regular Meeting on January 14, 2014.**

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers, the Commission voted eight (8) in favor to approve the consent agenda. The motion carried. Commissioner Morris abstained.

### **Public Hearings**

**7. ZC-14-01 (Davis Tract)** Hold a public hearing and consider a request by John Noell for an amendment to the Zoning Map from Future Development (FD), Single Family (SF-6) and Multiple Family (MF-24) to Multiple Family (MF-24) for 16.479 acres more or less out of the Juan M Veramendi Survey No. 2 located at Davis Lane and River Road, and provide a recommendation to the City Council regarding the request.

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

Chair Taylor opened the public hearing.

Tom Ray, Executive Pastor for Hill Country Church, stated he is not for or against the request. He expressed concerns regarding traffic flow with safety of children to the Church. He pointed out that water from floods have come to their front door in 1998. He asked the Commission to consider the drainage for the property so that it will not affect the church. He asked the Commission to grant an upzone and keep the quality of development in the neighborhood.

John Noell of Urban Design Group in Austin stated he designed the project. He said that he is taking Pastor Ray's comments into consideration and feels they can accommodate his concerns. Mr. Noell stated he was available to answer questions.

Diane Wassenich mentioned that when she drove out to see the property, there were no street signs on River Road indicating Davis Lane. She felt that the signs are an emergency need.

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

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission voted six (6) in favor and two (2) opposed to approve ZC-14-01. The motion carried. Commissioners Bryan and Ramirez dissented.

8. **SCW-13-02 (206, 216 and 220 N. Edward Gary)** Hold a public hearing and consider a request by John David Carson, on behalf of Carson Diversified Properties 2, LLC, for a SmartCode Warrant to allow an increase in height beyond the 5-story limit for a proposed 9- story building in a SmartCode T-5 zoning district at 206, 216 and 220 North Edward Gary Street.

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

Chair Taylor opened the public hearing.

Melissa Derrick and Bridget Phillips gave a fifteen minute presentation.

Kate Shaw, 1238 W. MLK Drive spoke in support of the request. She said that she has seen the plans and feels that the request meets the intent of the code. Ms. Shaw stated that it is a good idea to put student's downtown. She added that the development will bring people downtown. Ms. Shaw pointed out that as one of the fastest growing cities, development is inevitable. She said she does not like seeing apartments developed in the natural areas.

Stan Alt stated that he owns property directly across the alley from the proposed development. He complimented staff on the preparation of the Coffee Talk. He said that we are seeing the tip of the iceberg and feels that development will continue to sprawl. Mr. Alt suggested that different avenues be explored. He pointed out that he will be adversely affected by the development. Mr. Alt explained that his view to downtown will be obstructed. Mr. Alt referred to the State of Michigan and explained that they have a high-rise located three blocks from the University of Michigan. He added that the development works well in Michigan and can also work in San Marcos.

HC Kyle, 711 W. San Antonio said that he does not want a 9 story building downtown. He explained that he has a building close to the University which houses people and all but two were students. He pointed out that out of all of the residents only two people did not have a vehicle. Mr. Kyle expressed concerns that the development will add approximately 90 plus cars on the streets. He stated students will have cars.

Payton Price spoke against the request. He expressed his concerns because of the comments in the staff report given by the San Marcos Fire Department stating that they do not have the ability and adequate equipment to protect buildings more than 6 stories. Mr. Price added that his second concern is negative impacts on the River. He pointed out that he lives on Holland Street directly across Texas State and on a daily basis picks up trash and hopes this does not happen in downtown. Mr. Price suggested capping enrollment numbers until a compromise can be achieved for the need of continuing to build student housing.

Griffith Spell, 1804 Hunter Road suggested that the Planning Commission refer the item to the City Council. He said that it is not appropriate that the major project decisions not be referred to City Council. Mr. Spell spoke regarding the Roberts Rule of Order and stated that everyone should be using the Robert's Rule of Order 11<sup>th</sup> Edition which provides that any entity can refer an item to which they feel they are ill equipped or not appropriate to discuss to an appointed authority, which is City Council for final determination.

Kevin Carswell, 132 Country Lane said before SmartCode was enforced he wondered why building were not developed in downtown to bring the urban sprawl to the area. He felt that there are currently less young drivers. Mr. Carswell spoke in support of more density in the downtown area. He felt the density will help the liveliness of businesses and the downtown of San Marcos. He added that most students living in the units will more likely walk to their locations. Mr. Carswell pointed out that if we do not get the density downtown people will go elsewhere.

Lisa M. Coppolletta provided the Commission with a map and explained the location of the ground water. She pointed out the plume is 80' away from the proposed development. Ms. Coppolletta stated that she spoke to TCEQ and they indicated that plume is 5 to 20' deep. She stated it is important to think of the long term impacts of the river. She inquired on who is responsible to pay for the infrastructure. She pointed out that the fire department cannot fight fires for stories higher than 6 feet. She asked them to inquire on an Environmental Impact Study and to take a look at the proximity of the Yellow Store. She felt that there will be an environmental catastrophe. Ms. Coppolletta asked the Commission to reject the request.

Ashey Ray, 422 San Antonio Street expressed her concerns regarding a 9 story building in downtown. She pointed out that San Marcos sits on top of the aquifer. She wondered if the aquifer can handle the weight and size of a 9 story building opposed to a 5 story building. Ms. Ray requested to see an aquifer assessment prior to a decision being made. She added that the SmartCode requests an urban fabric in downtown but they can be classified in two sections. Ms. Ray felt that the 9 story development does not belong in downtown San Marcos.

Chad Williams, 803 Loop Street said the University is going to grow and we are trying to house students. Mr. Williams said the SmartCode was developed and should be enforced. Mr. Williams felt that an addition zoning is necessary to allow height. He said he is in support of the 5 stories. Mr. Williams explained that the SmartCode was developed and now there is a gray area which allows warrants and is the responsibility of the Commission to make a decision. He felt that the City Council should make the decision because they are elected officials and can be held accountable. He pointed out that students live in single family homes because it is affordable and rent by the bedroom is not affordable to students. He suggested having a Coffee Talk to discuss the request.

Patrick Montgomery, 720 Valley Street stated that the Commission will determine how far the applicant can go with the request. He added that a warrant in the SmartCode allows for flexibility and that the applicant is shooting for the fence. Mr. Montgomery felt that the request allows spot zoning which allows rent by the bedroom units. He stated that the applicant is testing the limits of the SmartCode. Mr. Montgomery explained that last year there were countless hours spend by city officials, staff, and citizens to determine the vision of San Marcos. He pointed out that the decision in the SmartCode states that the preferred height is 5 stories. He asked the Commission to not make the citizens of San Marcos make a compromise.

Pam Couch, 203 Sierra Ridge, thanked the Commission for their service and thanked John David Carson for choosing San Marcos for the project. Ms. Couch thanked Matthew Lewis and staff for their preparation of the Coffee Talk. She said she appreciated the information that was shared at the Coffee Talk. Ms. Couch stated that she is in support of the project. She explained that the project will bring economics to downtown. Ms. Couch mentioned that the presentation by Mr. Carson will clear up any misinformation that people are talking about. She said that San Marcos has waited a long time for this type of development. She added that she is proud to be a citizen of San Marcos, a business owner and to see the progress and the risk that people are taking in San Marcos.

Michael Nolan, 1818 Ranch Road 12 spoke in support of the project. He said he moved to San Marcos six years ago and saw that this is the type of housing he would like to live in. Mr. Nolan graduated from Texas State in 2012. He explained that the project fits the need for San Marcos and will cater to a younger demographic and also people that want to walk downtown. Mr. Nolan said the development will set a high standard for future developments in downtown.

Patty Alba stated that she is not in opposition to the project but is against the nine stories. She felt that people move to San Marcos to experience the small town feel with the abundance of beauty. She expressed concerns with downtown parking and that the developer is accommodating only for 75% of the units. She questioned where the other 25% of students will park. Ms. Alba pointed out that she lives adjacent to downtown area and currently has students parking in the neighborhood. She suggested keeping the center of downtown as is. Ms. Alba stated that if the request is approved that they follow the SmartCode guidelines for downtown. She also requested that the project remain at 5 stories with 100% parking. Ms. Alba asked what happened to the need to build two story homes in downtown for young professionals and if we represent a college or a town.

Robbie Wiley, 420 Oakwood Loop stated that she is in support of the request. She said that the request is a fabulous project. She felt that the project should be 9 stories. Ms. Wiley added that she is ready for a development where the baby boomers can live. She said she is tired of living outside the city limits and would love to live downtown. She pointed out that the project will have units available for young professionals.

David Wendell, 118 E Holland explained that the Master Plan Committee worked for 18 months to create the SmartCode and now that warrants are allowed, everything can be thrown out. He said the property will be restricted to students and that young professionals or families will live in the housing project. Mr. Wendell stated that he is not against the project being five stories high. He expressed concerns with the 75% parking. He pointed out that the units will be expensive and students will have to have jobs to afford to live there. He added that student will have vehicles to drive to work. Mr. Wendell mentioned that the two rooftop bars have a fantastic view and felt that with the 9 story building the view will be blocked.

Jay Hiebert said that his concern as a citizen is that three years ago there was not a current Master Plan. He explained that under the direction of Matthew Lewis, A Master Plan and SmartCode was developed and doesn't understand why we do not work the Plan. He asked the Commission to go back to "planning your work and working to plan" and say no to the project.

Thomas Weimath, 422 San Antonio Street stated that San Marcos is a unique and special place. He said that a 9 story buildings is not unique. Mr. Weimath felt that in the generation to come we need to preserve the special feel of our community and preserve the natural resources and set a precedence.

Lee Rice, 104 W. Laurel Lane stated that the SmartCode is being challenged with the warrant request. He asked the Commission to keep the unique, small town, funky character and maintain our historic square by keeping buildings at a 5 story limit according to the SmartCode.

Bucky Couch, 203 Sierra Ridge said he cannot think of a major project from someone that was born and raised in San Marcos. He said he applauds John David and his family for the risk taking of what they have done for the city and the proposal. Mr. Couch explained that the SmartCode Committee envisioned that there would be warrants and each proposal is considered separately. He added that he does agree that the project will set a tone for San Marcos and he can't think of a better project to set the bar.

Dane Walter, 720 Valley Street expressed his concerns regarding parking issues in downtown. He stated that we need to be careful moving forward making decisions that will impact the skyline for San Marcos. He pointed out that a majority of the people in attendance want the request to remain at 5 stories. Mr. Walter mentioned that a lot of time and effort was used to create the code. He asked the Commission to use the knowledge that was used to create the code and use the most optimal decision what represents all in San Marcos.

Alice Siedel, 904 E. Bluebonnet spoke regarding financing stating that the project will not be competitive with 5 stories therefore the project must be 9 stories so that students can afford to live in the units. She stated that no one spoke on symbolism. She stated that the development does not fit with the culture and does not represent San Marcos.

John David Carson, the applicant gave a fifteen minute presentation.

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

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission voted eight (8) in favor and one (1) opposed to approve SCW-13-02 206, 216, and 220 N. Edward Gary). The motion carried. Commissioner Ramirez dissented.

9. **2013-13485 (Qualified Watershed Protection Plan, The Woodlands)** Hold a public hearing and consider a request by Doucet and Associates on behalf of Dovetail Development, LLC for approval of a Qualified Watershed Protection Plan Phase 2 for the development of approximately 44.67 acres near IH-35 and River Road.

David Rabago, Staff Engineer gave an overview of this project.

Chair Taylor opened the public hearing.

Steve Drenner, the applicant stated they appreciate staff's efforts. He stated that the plan complies with the PDD, CLOMR and the list of conditions within the code.

John Doucet, Civil Engineer with Doucet & Associates stated that they meet the requirements for the project. Mr. Doucet gave a ten minute presentation of the project.

Ben Kuanli, 602 IH 35, San Marcos explained that the Halloween flood leveled Capes Dam which stopped the flow to Stokes Park. He said that the area is not compatible with becoming a park. Mr. Kuanli asked what could be done to repair the dam. He added that the river is essential to the community and felt that we can work together to make a positive change. Mr. Kuanli explained that the river is moving rapidly and being sucked into the breaks in the old dam. Mr. Kuanli stated he was available to answer questions. He presented a model of the dam.

Diane Wassenich, San Marcos River Foundation (SMRF) asked the Commission to remember that they are planning for a 100 year flood. She explained that the ditch along River Road is 40 feet wide, 10 feet wide at the bottom and 6 feet deep. Ms. Wassenich pointed out that many projects have been presented before the Commission where water wells and caves are missing. The SMRF feel that they have to hire their own environmentalist experts to review the projects. She advised the Commission that Dr. Hayes, Environmental Conservation Alliance provided the report. Ms. Wassenich commented that they have serious concerns and that the River Corridor Ordinance should be followed. She asked the Commission to take the time to make a decision. She asked them to review the reports prior to making a decision.

Bob Thornton gave the Commission a brief history of the dam.

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

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission voted five (5) in favor and four (4) opposed to approve 2013-13485, Qualified Watershed Protection Plan, The Woodlands. The motion carried. Commissioners Bryan, Ramirez, Seebeck and Kelsey dissented.

**Non Consent Agenda:**

10. **PC-13-28\_03 (Woodlands of San Marcos)** Consider a request by Doucet & Associates, Inc., on behalf of JR Thornton et al, Thornton Family Investments LP, Clara L. Cape Testamentary Trust, for approval of the Vacation of the Plat of Lot 1, Capes Camp Subdivision, being 1.99 acres, more or less, and for approval of a Final Plat for approximately 44.66 acres, more or less, out of the J.M. Veramendi Survey, No. 2, Abstract 17, establishing Lot 1 and Lot 2 of Woodlands of San Marcos Subdivision, located at the intersection of River Road and Cape Road.

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

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Carothers, the Commission voted all in favor to approve PC-13-28\_03 (Woodlands of San Marcos). The motion carried.

11. **MUD 14-01 (LaSalle Municipal Utility District #1)** Consider the request of Michael Schroeder on behalf of LaSalle Holdings, Ltd. for consent to create LaSalle Municipal Utility District #1 on an approximately 234.4 acre site out of the William Hemphill Survey, generally located between IH 35 and SH 21 north of Yarrington Road, and provide a recommendation to the City Council regarding the request.

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

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission vote all in favor to approve MUD-14-01 (LaSalle Municipal Utility District #1) The motion carried.

12. **Development Services Report:**

- a. Comprehensive Master Plan Implementation update.

Matthew Lewis gave a brief update.

13. 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 comments from the press and public.

14. Adjournment.

Chair Taylor adjourned the Planning and Zoning Commission meeting at 10:53 p.m. on Tuesday, January 28, 2014.

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Bill Taylor, Chair

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Carter Morris, Commissioner

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Chris Wood, Commissioner

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Corey Carothers, Commissioner

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Curtis Seebeck, Commissioner

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Randy Bryan, Commissioner

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Angie Ramirez, Commissioner

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Kenneth Ehlers, Commissioner

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Travis Kelsey, Commissioner

ATTEST:

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

## **Agenda Information**

### **AGENDA CAPTION:**

**Consider the approval of the minutes of the Regular Meeting on February 11, 2014.**

**Meeting date:** February 25, 2014

**Department:** Development Services

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **CITY COUNCIL GOAL:**

### **BACKGROUND:**

### **ATTACHMENTS:**

Feb. 11, 2014 PZ Minutes

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
February 11, 2014**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Carter Morris, Vice Chair  
Chris Wood  
Curtis Seebeck  
Randy Bryan  
Kenneth Ehlers  
Corey Carothers

**City Staff:**

Kristy Stark, Development Services Assistant Director  
Roxanne Nemcik, Assistant City Attorney  
Francis Serna, Recording Secretary  
John Foreman, Planning Manager  
Amanda Hernandez, Senior Planner  
Alison Brake, Planner  
Emily Koller, Planner  
Tory Carpenter, Planning Technician  
Teresa Alvelo, Environmental Site Technician  
Abigail Gillfillan, Permit Center Manager  
David Rabago, City Engineer  
Laurie Moyer, CIP/Engineering Director

**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 6:001 p.m. on Tuesday February 11, 2014, 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. Chair Taylor congratulated Matthew Lewis, Development Services Director on the arrival of his newborn daughter, Atlas Hazel Lewis.

**4. 30 Minute Citizen Comment Period**

There were no citizen comments.

**5. Temporary Erosion and Sedimentation Control (ESC) Program - Presentation from Staff and discussion on Temporary Erosion and Sedimentation Control (ESC) Program.**

Teresa Alvelo, Environmental Site Technician and David Rabago, City Engineer gave an overview of the program.

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### **Consent Agenda**

**THE FOLLOWING ITEMS NUMBERED 6 - 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.**

No consent items.

### **Public Hearings**

**6. CUP-14-01 (The Rooftop on the Square)** Hold a public hearing and consider a request by Brandon Cash, on behalf of The Rooftop on the Square, for renewal of an existing Restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 126 South Guadalupe.

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

Chair Taylor opened the public hearing.

Brandon Cash, The Rooftop on the Square indicated that he would like the Commission to revisit the restrictions of no speakers in the outdoor patio areas. He pointed out that the temporary sign has been removed. He said he was available to answer questions.

John Hohn, owner of property located at 110 E. San Antonio stated he was representing all the owners of professional building across from The Rooftop. He explained that all the owners occupy office space within the building. He explained that the businesses have been in existence for decades. Mr. Hohn added that each of the business requires the same type of work environment. He said they need a quiet space to work. He pointed out that none of the owners have abandoned their right to use and enjoy the quietness of their property on a twenty four hour basis. Mr. Hohn explained that most owners work late in the evening up until midnight. He stated that the outdoor speakers will be direct invasion and a nuisance to his use and enjoyment of his property. He mentioned that the conditions that have been placed on the CUP have worked and therefore recommended that the Commission accept the staff's recommendation as drafted for a period of one year.

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

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission voted seven (7) in favor and zero (0) in opposition to approve CUP-14-01 (The Rooftop on the Square) with the conditions that the permit be valid for six (6) months provided standards are met and subject to the point system; all requirements of Section 4.3.4.2 for Conditional Use Permits must be met; no live music and no speakers are permitted in the outdoor patio areas highlighted in Exhibit A; and all exterior doors must be maintained in an automatically assisted closed position. The motion carried unanimously.

**7. CUP-14-02 (Bobcat Nation)** Hold a public hearing and consider a request by 3BC, L.L.C., on behalf of Bobcat Nation Sports Bar and Grill, for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 700 N. LBJ Drive, Suite 109.

Alison Brake, 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 Morris and a second by Commissioner Bryan, the Commission voted seven (7) in favor and zero (0) opposed to approve CUP-14-02 (Bobcat Nation) with the conditions that the permit shall be valid for three (3) years, provided standards are met subject to the point system and the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried unanimously.

**8. CUP-14-03 (Support Services Metal Siding)** Hold a public hearing and consider a request by Huckabee Engineering, on behalf of San Marcos CISD, for a Conditional Use Permit to allow metal siding on a new building located at 201 S. Suttles Ave.

Tory Carpenter, Staff Planning Technician 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 Bryan and a second by Commissioner Seebeck, the Commission voted six (6) in favor and one (1) opposed to postpone CUP-14-03 (Support Services Metal Siding) for no later than two (2) months to allow applicant time to submit a new rendering for siding.

**9. SCW-14-01 (403 N. Guadalupe)** Hold a public hearing and consider a request by Ramsey Engineering LLC, on behalf of Briarwood San Marcos LP, for a SmartCode Warrant to allow a reduction in height below the 2-story limit for a proposed 1-story addition to University Plaza in a SmartCode T5 zoning district located at 403 North Guadalupe Street.

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

Chair Taylor opened the public hearing.

Jim Garber, Canyon Fork Road stated he was confused that two weeks ago the intent was to go from 5 stories to 9 stories in the interest of increasing density. He explained that now the intent means from going from 2 stories to 1 story. He said it was clear to him that the intent is so loose that it really does not constitute a form of guidelines. Mr. Garber pointed out that the master plan does call for increased density downtown. He added that the Commission took a huge step in approving the 9 story building. He mentioned that these are two separate directions and if they go in two directions we will not go anywhere. Mr. Garber suggested that the Commission find a plan and stick to it.

Don Eyssen stated that this request is completely opposite from what was recently approved. He felt that the location is good for a 9 story and the other location approved should be 2 stories. He said he did not have a concern either way but feels we should stick to the plan.

Steve Ramsey, Ramsey Engineering stated he was present on behalf of the owner. Mr. Ramsey reminded the Commission that tenants are currently in the strip center with leases until 2021. He pointed out that everyone is aware of the condition of the center and needs to be improved and visually appealing. He explained that the end user is looking for a one story addition. Mr. Ramsey added that the current issues cannot be addressed with the approval of the Commission. He stated he is available to answer questions.

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

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Bryan, the Commission voted four (4) in favor and three (3) in opposition to approve SCW-14-01 (403 N. Guadalupe).

**10. PDA-14-01 Stonelake Development Agreement (LaSalle)** Hold a public hearing and consider a request by LaSalle Holdings, for a petition for a development agreement for approximately 2,780 acres out of the William Hemphill Survey located north of Yarrington Road between IH 35 and SH 21.

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 Ehlers and a second by Commissioner Morris, the Commission voted all in favor to approve PDA-14-01 (Stonelake Development Agreement (LaSalle)).

**Non Consent Agenda:**

**11. Development Services Report:**

- a. Comprehensive Master Plan Implementation update
- b. Land Development Code update.
- c. Transportation Master Plan update.

Kristy Stark gave a brief update.

**12. 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.***

Don Eyssen inquired about the Storm water presentation and asked if the City is going to take over where we are liable to TCEQ. Mr. Eyssen expressed concerns with the City taking on the responsibility.

**13. Adjournment.**

Chair Taylor adjourned the Planning and Zoning Commission meeting at 7:56 p.m. on Tuesday, February 11, 2014.

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

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

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

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

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

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

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

ATTEST:

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

## **Agenda Information**

### **AGENDA CAPTION:**

**CUP-14-03 (Support Services Metal Siding)** Hold a public hearing and consider a request by Huckabee Engineering, on behalf of San Marcos CISD, for a Conditional Use Permit to allow metal siding on a new building located at 201 S Suttles Ave.

**Meeting date:** February 25, 2014

**Department:** Development Services

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

### **CITY COUNCIL GOAL:**

Community Wellness/Encourage the Middle Class

### **BACKGROUND:**

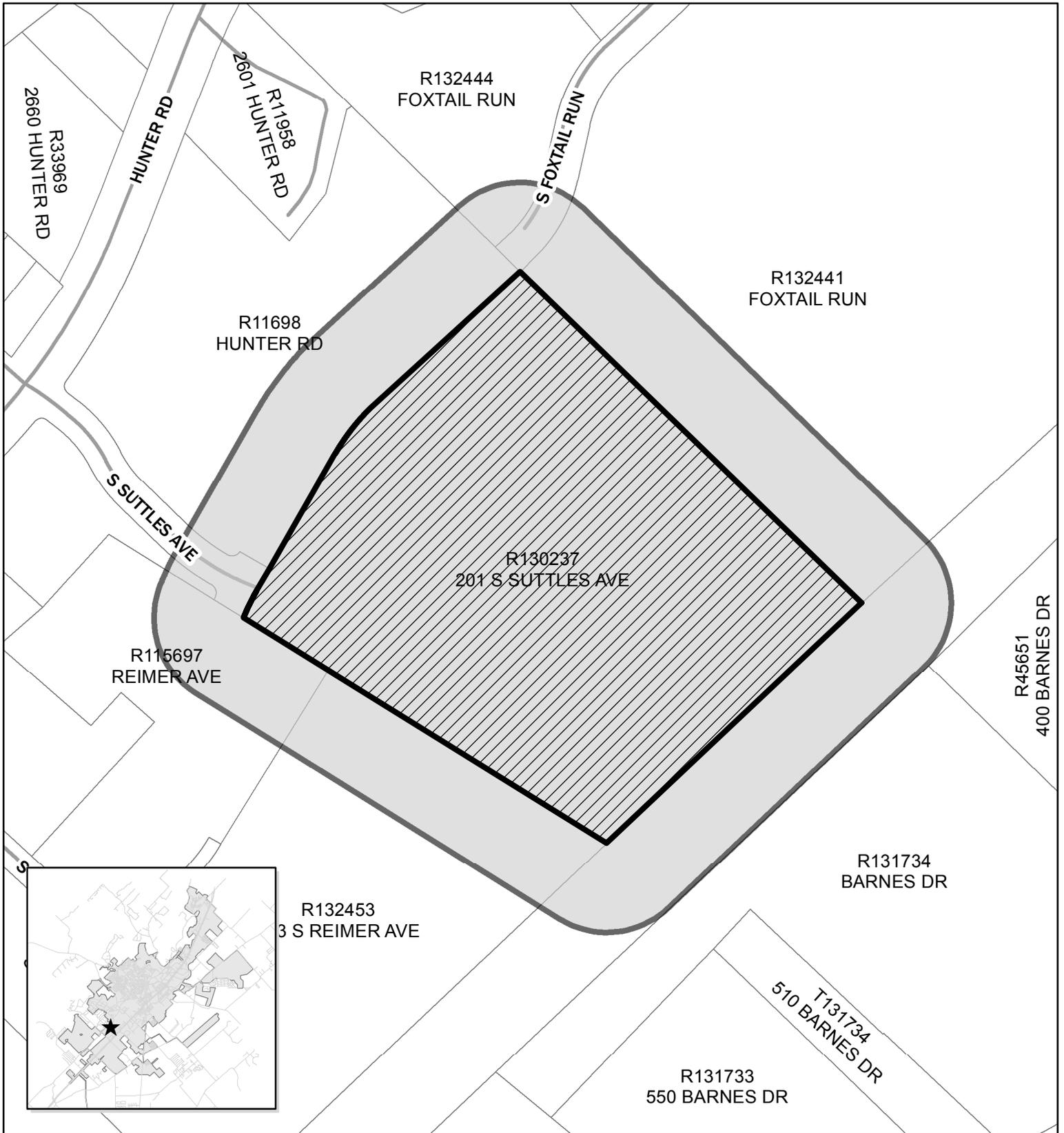
The subject property is located on S Suttles Avenue between Hunter Road and the railroad tracks. The site is currently used to store and maintain the School District's bus fleet. There is also a large storage building currently on the site which uses metal siding as a façade material. San Marcos CISD is proposing a new 10,000 SF warehouse storage facility be built on the site. The building would use metal rib panels on the exterior of the building. The building will be setback significantly from the right-of-way and placed behind a larger existing warehouse making it difficult to see from nearby uses and rights-of-way.

This case was first brought to the Commission on February 11, 2014. After discussion, the Commission voted to postpone and asked that the applicant provide renderings showing the proposed building.

**Staff recommends approval of the Conditional Use Permit to allow metal panels as a façade material.**

### **ATTACHMENTS:**

Case Map  
Staff Report  
Application  
Site Plan  
Elevations  
Rendering  
Existing Building  
Aerial



**CUP-14-03**  
**Metal Siding**  
**201 S Suttles Ave**  
**Map Date: 1/31/2014**

-  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-14-03  
 Conditional Use Permit  
 201 S Suttles Ave  
 Metal Façade Material**



**Applicant Information:**

Applicant: Huckabee Engineering  
 Crystal Vasquez  
 4521 S Hulen, Ste 220  
 Fort Worth, TX 76109

Property Owner: San Marcos CISD  
 501 S LBJ Drive  
 San Marcos, TX 78666

Applicant Request: A Conditional Use Permit (CUP) to allow the use of metal as a façade material.

Notification: Public hearing notification mailed on Friday, January 31, 2013.  
 One phone call in opposition of the request.

Response:

**Subject Property:**

Location: 201 S Suttles Ave

Legal Description: Jackson-Kone Subdivision, Blk A, Lt 1

Frontage On: S Suttles Ave. Future frontage on Foxtail Run.

Neighborhood: N/A

Existing Zoning: Public and Institutional (P)

Preferred Scenario: Medium Intensity

Utilities: Existing

Existing Use of Property: Support Services Facility

Proposed Use of Property: Support Services Facility

Zoning and Land Use Pattern:

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	LI	Vacant
<b>S of Property</b>	P	Vacant
<b>E of Property</b>	GC	Strip Center
<b>W of Property</b>	CC	Vacant

## **Case Summary**

The subject property is located on S Suttles Avenue between Hunter Road and the railroad tracks. The site is currently used to store and maintain the School District's bus fleet. There is also a large storage building currently on the site which uses metal siding as a façade material. San Marcos CISD is proposing a new 10,000 SF warehouse storage facility be built on the site. The building would use metal rib panels on the exterior the building.

At the August 27<sup>th</sup> meeting, the Commission approved two conditional use permits to allow metal siding for a sports stadium and the Phoenix Learning Center for the CISD.

## **Code Requirements:**

A conditional use permit (CUP) 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.

Section 4.4.2.1 of the Land Development Code (LDC) discusses exterior material requirements for buildings. It states that materials will be listed as permitted by right or by CUP in the Technical Manual. The Technical Manual states metal sheet siding (in any amount) is required to have a CUP.

## **Comments from Other Departments:**

None.

## **Planning Department Analysis:**

The intent of section 4.4.2.1 of the LDC is to ensure aesthetic value and visual appeal. Staff has reviewed this request with the required criteria from section 4.4.2.4 and has found the following:

1. The grounds for the CUP are specific to a unique character of the property or use in question;
  - **The property is currently used for general storage, as well as storage and maintenance for school busses owned by the San Marcos CISD.**
  - **The character of the property is unique in that the structure would be adjacent to an existing structure with similar character.**
2. Financial hardship is not the basis for the CUP; and
  - **It does not appear that financial hardship is the basis for the request.**
3. The proposed alternative achieves the intent of the code to an equivalent or better degree than the standards cited in this division.
  - **The structure is minimally visible from the public right-of-way due to existing topography and vegetation, which ensures aesthetic value and visual appeal.**

As mentioned above, the property is minimally visible from the existing public right-of-way, however, Foxtail Run is expected to extend adjacent to the property making it more visible.

Staff finds that the use of metal siding at this location will not have a detrimental effect on neighboring properties.

- **Staff recommends Approval of the Conditional Use Permit to allow metal panels as a façade material.**

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

**Prepared by:**

Tory Carpenter

Planning Technician

February 19, 2014

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**Name**

**Title**

**Date**

**The Commission's Responsibility:**

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

Section 4.4.2.4 Procedure for Approving Alternative Exterior Designs or Materials

1. The grounds for the CUP are specific to a unique character of the property or use in question;
2. Financial hardship is not the basis for the CUP; and
3. The proposed alternative achieves the intent of the code to an equivalent or better degree than the standards cited in this division



### Conditional Use Permit Application Checklist:

**GENERAL RECEIVED**  
 DEC 30 2013  
 BY: \_\_\_\_\_

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	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan illustrating the location of all structures on the subject property and on adjoining properties	<input type="checkbox"/>	
<input type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
<input type="checkbox"/>	Application Fee \$600	<input type="checkbox"/>	
<input type="checkbox"/>	Renewal Fee \$300	<input type="checkbox"/>	
<b>Any of the following pieces of information as requested by the Planning Director:</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 parking and 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"/>	Hours of operation	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district	<input type="checkbox"/>	

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

Signed: Crystal Vasquez Date: 12/23/13  
 Printed Name: Crystal Vasquez

Engineer  Surveyor  Architect/Planner  Owner  Agent: for Huckabee

**City of San Marcos**  
**CONDITIONAL USE PERMIT APPLICATION - GENERAL**

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
<b>Name:</b>	<u>Crystal Vasquez for Huckabee</u>	<u>Jason Gossett / SMCISD</u>
<b>Mailing Address:</b>	<u>4521 South Aulen. Ste. 220</u> <u>Fort Worth, TX 76109</u>	<u>501 South LBJ Drive</u> <u>San Marcos, TX 78167</u>
<b>Telephone No.:</b>	<u>817.377.2969</u>	<u>512.393.6748</u>
<b>E-mail address:</b>	<u>cvasquez@huckabee-inc.com</u>	<u>jason.gossett@smcisd.net</u>

**Property Address:** Support Services Facility for SMCISD 201 S Suttles Ave  
**Legal Description (if platted):** Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
**Tax ID Number:** R 130237                      **Zoning District:** P

**PROPOSED USE**  
**Brief description of Proposed Use (attach separate page if needed):** We are requesting the use of R-Type metal panels for the Support Services Facility addition in order to match existing facility exterior.

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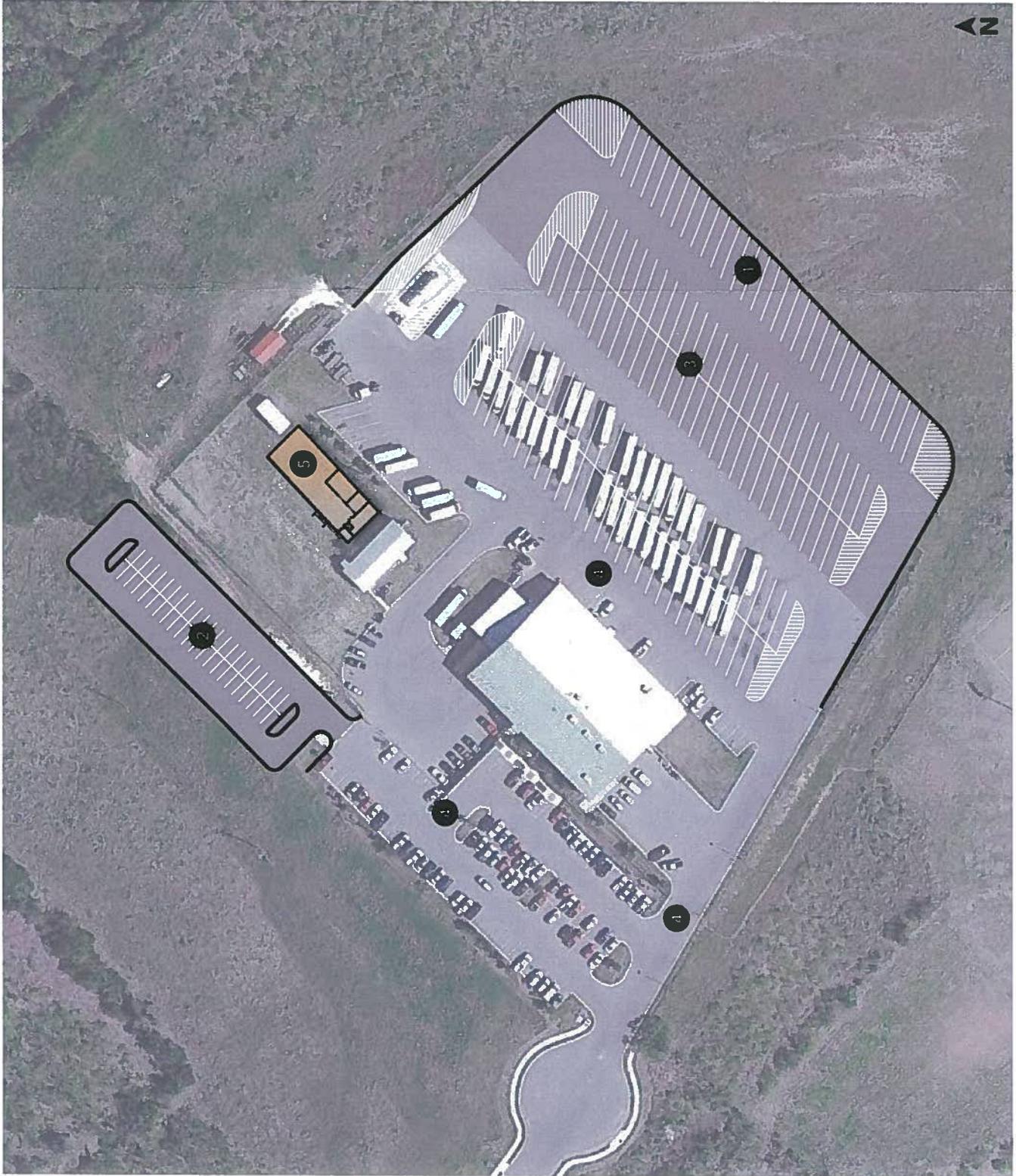
*I certify that the information in this application is complete and accurate. I understand that I or another representative should be present at all meetings concerning this application.*

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

**Signature of Applicant:** Crystal Vasquez                      **Date:** 12/23/13

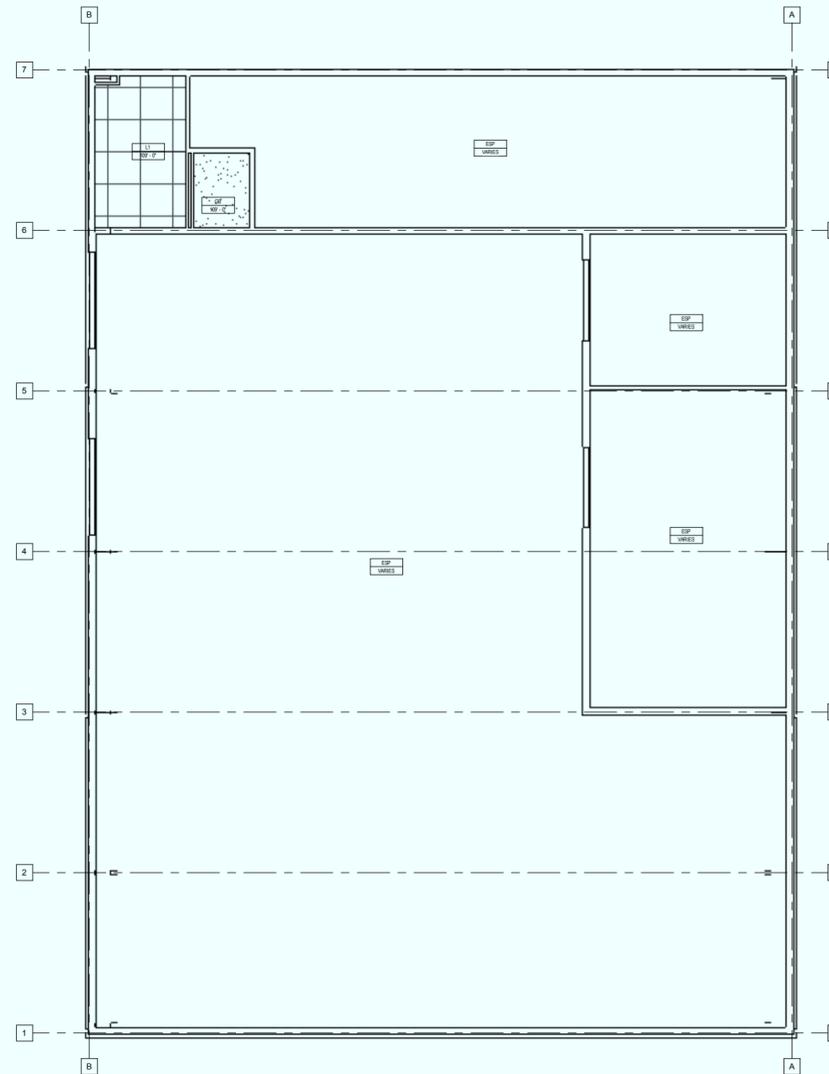
**To be completed by Staff:**

**Meeting Date:** 2-11-14                      **Application Deadline:** 12-30  
**Accepted by:** Tory C                      **Date:** 12-30



SUPPORT SERVICES BUILDING	
	Scope
1.	Provide 35 new bus parking spaces.
2.	Provide 25 new staff parking spaces.
3.	Provide 15 new fleet parking spaces.
4.	Provide LED security lighting and surveillance.
5.	Provide a 10,000 SF warehouse storage facility.
6.	Provide security cameras in the shop area.
7.	Provide access control.
8.	Add traffic gate.
9.	Install fencing around the MDF in the building.

Item 9  
Attachment # 4  
Page 1 of 1



REFLECTED CEILING PLAN - WAREHOUSE  
1/8" = 1'-0"

REFER TO PROJECT SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING FINISH MATERIALS AND PAINT FINISH CODES.

CEILING TYPE	CEILING HEIGHT
ESP	ESP
WBES	WBES

**CEILING**

ESP - EXPOSED DECK AND STRUCTURE (PRIMED)  
 GB - SUSPENDED 5/8" GYPSUM BOARD  
 L1 - TYPE 1 & 2 LAY-IN SUSPENDED CEILING TILE (STANDARD CEILING)

**CEILING FINISH LEGEND**

- LAY-IN CEILING AS SCHED.
- SUSPENDED GYPSUM BOARD CEILING WITH CONTROL JOINTS AS SPEC. FINISH AS SCHED.
- SUSPENDED PLASTER SOFFIT WITH CONTROL JOINTS AS SPEC. FINISH AS SCHED.
- METAL SOFFIT PANELS AS SPEC.
- LIGHT FIXTURES, SPEAKER - REF. ELECTRICAL DRAWINGS.
- PROJECTION SCREEN - REF. TYP. FINISH DETAILS.
- HVAC GRILLE, DIFFUSER - REF. MECHANICAL DRAWINGS.

- REFLECTED CEILING LEGEND**
- 1) COORDINATE REFLECTED CEILING PLANS WITH MECHANICAL AND ELECTRICAL DRAWINGS TO AVOID CONFLICTS. VERIFY EXACT MOUNTING LOCATIONS OF ALL CEILING-MOUNTED EQUIPMENT PRIOR TO INSTALLATION. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR VERIFYING ALL ITEMS AND EQUIPMENT IN CEILING.
  - 2) PERIMETER WALLS OF ALL SPACES WITH EXPOSED STRUCTURE SHALL EXTEND TO BOTTOM OF ROOF DECK. FINISH EXPOSED STRUCTURE AS SPEC.
  - 3) REFER TO FINISH SCHEDULE FOR UNIFORM CEILING HEIGHTS. AREAS WITH VARYING FINISHES AND HEIGHTS ARE SHOWN ON REFLECTED CEILING PLAN.
  - 4) AT IDF AND MDF, CEILING AND GRID SHALL BE HELD OFF OF DISTRIBUTION WALL 6" TO ACCOMMODATE CABLING.
  - 5) PROVIDE 2X2 ACCESS PANELS IN ALL HARD CEILINGS FOR MAINTENANCE OF EQUIPMENT.

**REFLECTED CEILING PLAN GENERAL NOTES**

IF ANY ROOM IS NOT IDENTIFIED BY A ROOM FINISH TAG, THE FOLLOWING FINISHES SHALL BE USED AS "TYPICAL" OR "DEFAULT" FINISHES FOR BIDDING PURPOSES. VERIFY FINISHES WITH ARCHITECT BEFORE INSTALLATION.

CEILING - L1  
 CEILING HEIGHT - 9'-0"

**DEFAULT FINISHES**

Copyright © 2013, Huckabee & Associates, Inc.

Revision / Date

Project: **A NEW WAREHOUSE BUILDING FOR SUPPORT SERVICES**  
 FOR  
**San Marcos C.I.S.D.**  
 San Marcos, Texas

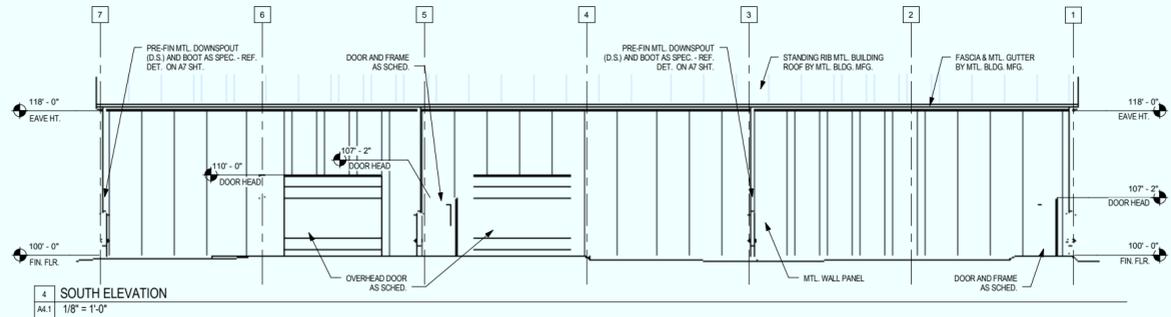
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 NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

**Huckabee**  
 ARCHITECTURE  
 ENGINEERING  
 MANAGEMENT

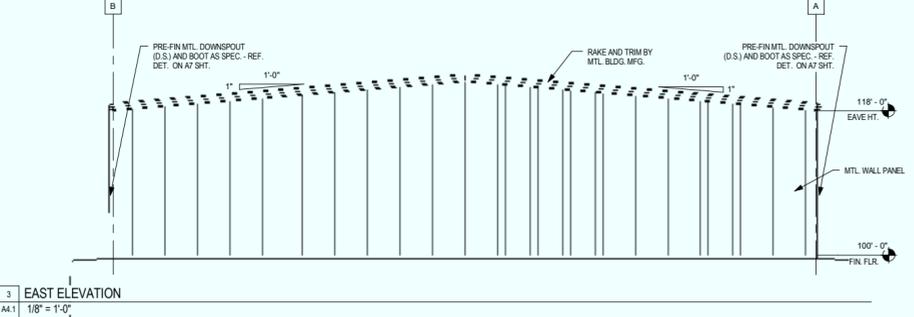
Austin  
 Dallas  
 Fort Worth

4521 South Hulen, Suite 220  
 Fort Worth, Texas 76109  
 ph 817.377.2969  
 fx 817.377.2303  
 www.huckabee-inc.com

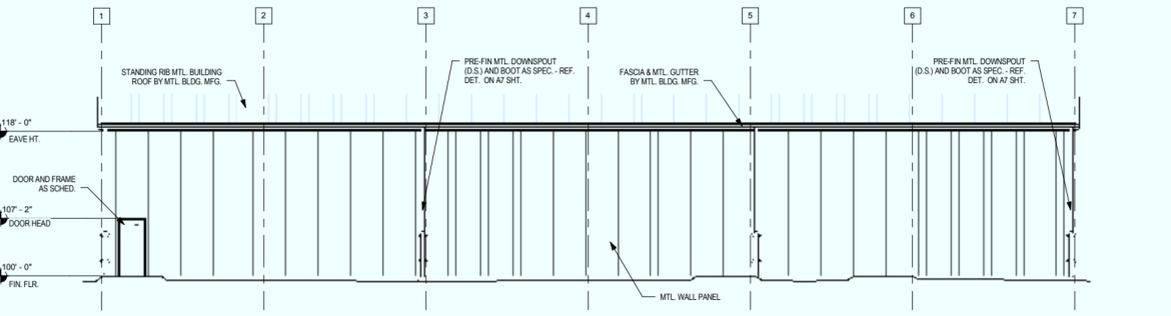
Job No. 1688-06	Sheet No. <b>A4.1</b>
Drawn By: JS	Date: 12/13/2013
Sheet of	



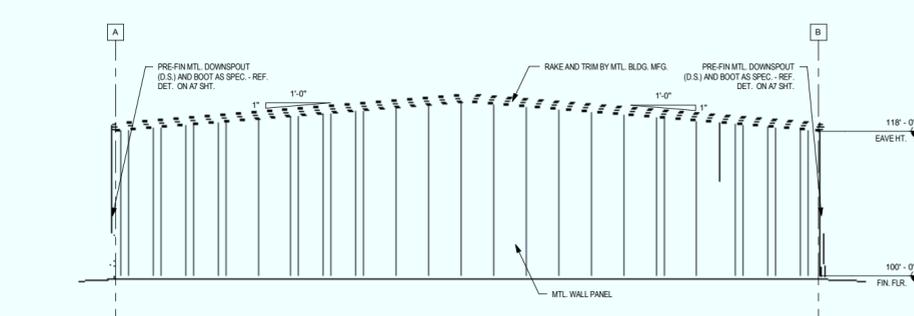
4 SOUTH ELEVATION  
A4.1 1/8" = 1'-0"



3 EAST ELEVATION  
A4.1 1/8" = 1'-0"



2 NORTH ELEVATION  
A4.1 1/8" = 1'-0"

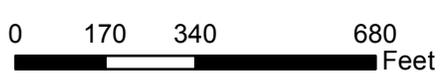
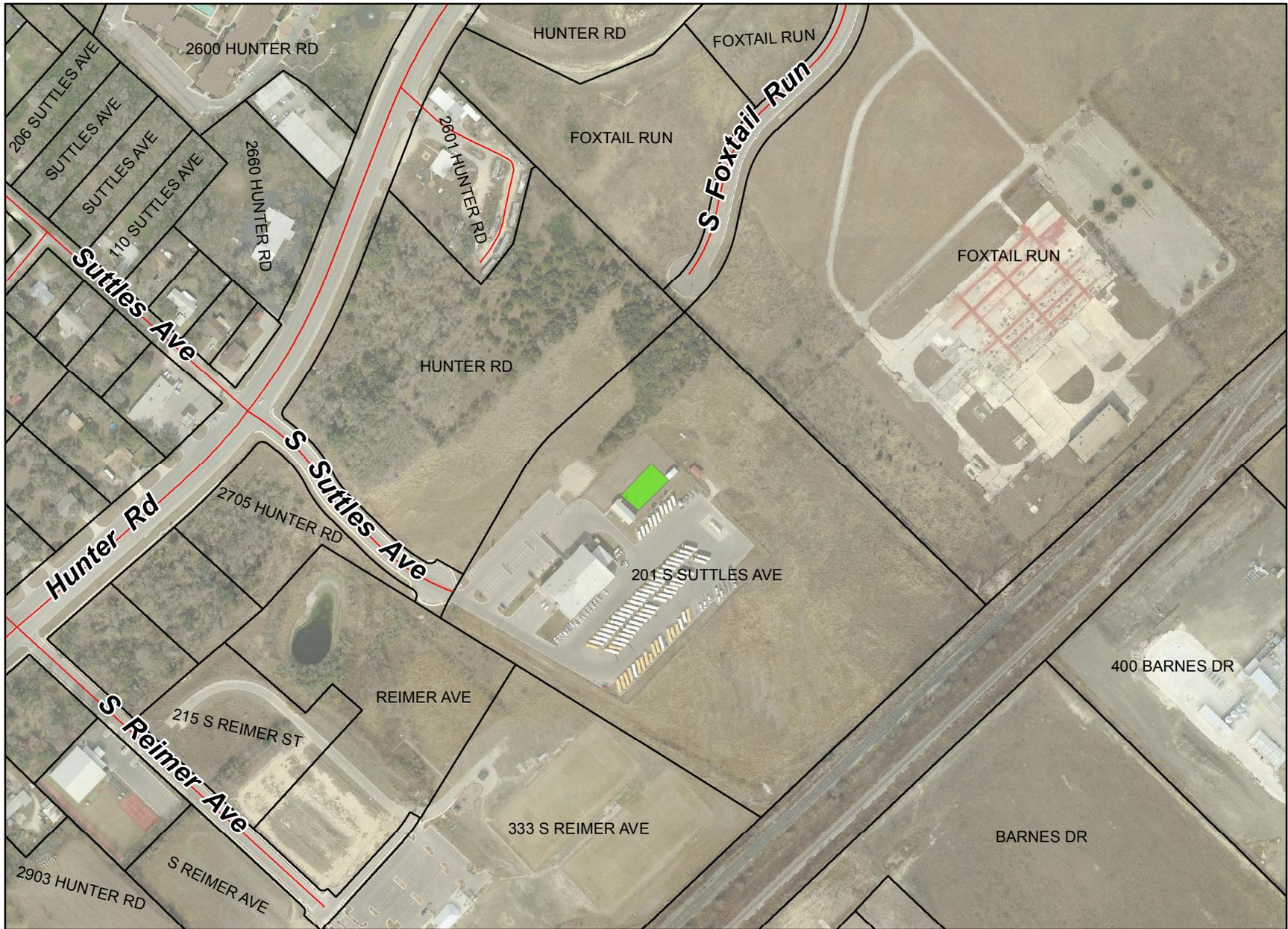


1 WEST ELEVATION  
A4.1 1/8" = 1'-0"

# Option 1







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.

## **Agenda Information**

### **AGENDA CAPTION:**

**CUP-14-06 (Eskimo Hut)** Hold a public hearing and consider a request by The Choi Group, LLC for renewal of an existing Conditional Use Permit to allow the continued sale of beer and wine for on-premise consumption at 216 N Edward Gary St.

**Meeting date:** February 25, 2014

**Department:** Development Services

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

### **CITY COUNCIL GOAL:**

Community Wellness/Encourage the Middle Class

### **BACKGROUND:**

The Eskimo Hut is a convenience store located at 216 N Edward Gary, outside of the Central Business Area. The Commission approved a renewal of the CUP in February 2012 for the duration of one year due to the expiration of the existing CUP as well as issues that had been brought to light by the Police Department.

In late 2012, ownership of the Eskimo Hut changed and The Choi Group, LLC now owns the business. The owner's name was changed on the CUP when it renewed in 2013.

The business is located on the site of the proposed 9-story Carson building which recently received approval for a height warrant request. The applicant stated that their lease is set to expire at the end of April of this year and they are looking for a new location. They would be required to apply for a new CUP if they move to a new location.

Staff recommends approval of the Conditional Use Permit with the following conditions:

1. **The permit shall be valid for three (3) years, provided standards are met, subject to the point system; and**
2. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

### **ATTACHMENTS:**

Case Map  
Staff Report  
Floor Plan  
Application



**CUP-14-06**  
**Eskimo Hut**  
**216 N Edward Gary St**  
**Map Date: 2/14/2014**

-  Site Location
-  Notification Buffer (200 feet)



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# CUP-14-06

## Conditional Use Permit

### Eskimo Hut

### 216 Edward Gary



**Applicant Information:**

**Applicant:** The Choi Group, LLC.  
c/o Andrew and Angela Choi

**Mailing Address:** 216 Edward Gary  
San Marcos, TX 78666

**Property Owner:** Carson Diversified Properties 2, L.L.C.  
1911 Corporate Drive, Suite 102  
San Marcos, TX 78666

**Applicant Request:** Renewal of a Conditional Use Permit (CUP) to allow the on-premise consumption of beer and wine.

**Public Hearing Notice:** Public hearing notification was mailed on February 14, 2014.

**Response:** None

**Subject Property:**

**Expiration Date:** February 26, 2014

**Location:** 216 Edward Gary

**Legal Description:** Original Town of San Marcos, Lot 6, Block 4

**Frontage On:** Edward Gary

**Neighborhood:** Downtown

**Existing Zoning:** "T-5" – Urban Center

**Sector:** Sector 8

**Utilities:** Sufficient

**Existing Use of Property:** Convenience Store

**Zoning and Land Use Pattern:**

	Current Zoning	Existing Land Use
<b>N of property</b>	T-5	Commercial
<b>S of property</b>	T-5	Commercial
<b>E of property</b>	T-5	Commercial
<b>W of property</b>	T-5	Commercial

### **Code Requirements:**

A Conditional Use Permit (CUP) 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 that restricts density to 6 or less units per acre. This location **does** meet the distance requirements.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

### **Case Summary**

The Eskimo Hut is a convenience store located at 216 N Edward Gary, outside of the Central Business Area. The Commission approved a renewal of the CUP in February of 2012 for the duration of one year due to the expiration of existing CUP as well as issues that had been brought to light by the Police Department.

In late 2012, the ownership of the Eskimo Hut changed and The Choi Group, LLC now owns the business. The owner's name was changed on the CUP when renewed in 2013.

The gross floor area is 2,100 square feet, which includes the outdoor above-ground deck, and there are eighteen off-street parking spaces. The application indicates that the indoor seating capacity is ten and the outdoor seating capacity is sixteen and indicates the hours of operations from 11 a.m. to midnight with no live entertainment proposed. The applicant is not proposing any other improvements to the structure at this time.

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

Police, Health, Building, Engineering, and Code Enforcement have not reported major concerns regarding the subject property.

### **Planning Department Analysis:**

Staff has reviewed the request for compliance with the Land Development Code and SmartCode and it appears that the request is consistent with the policies and the general intent of the zoning district and does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic. The drive-thru is an existing non-conformity which is allowed to remain under section 4.5.3.1 of the LDC.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved 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.

Since there is no evidence that the business has had the same law enforcement issues as presented last year, a three year renewal is appropriate following the change in ownership.

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 three (3) years, provided standards are met, subject to the point system; and
2. 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

**Commission's Responsibility:**

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

**Prepared by:**

Tory Carpenter

Planning Technician

2/18/14

**Name**

**Title**

**Date**

# Edward Gary

Entrance

83'

Street parking

Street parking

17

23'

8ft

Drive-Thru

Sales

31'

Cooler

52'

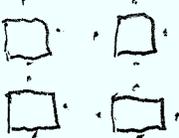
Proposed Drive-Thru

Cooler

Office

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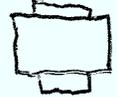
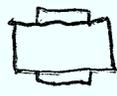
m BR



Kitchen

60'

16'



Outdoor Deck

Exit



09/12



## 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:  Date: 1/29/14  
 Print Name: Andrew Y. Choi  
 Engineer     Surveyor     Architect/Planner     Owner     Agent: Managing Member

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: ESKIMO HUT
Application is filed by:
[ ] Individual [ ] Partnership [ ] Corporation [X] Other: LLC
Name of Individual or Entity: The Choi Group Phone Number: 512-924-1386
Mailing Address: 216 N. EDWARD GARY, San Marcos, TX 78666
Email Address: Andrew.Choi.1098@gmail.com
Type of Permit Requested: [ ] Mixed Beverage [X] Beer & Wine [ ] Other:

PROPERTY
Street Address: 216 N. EDWARD GARY Current Zoning: COMMERCIAL
Legal Description: Lot 6 Block 4 Subdivision Original town of San Marcos
Tax ID Number: R 412 079 130
Property Owner's Name: Carson properties Phone Number: 392-3322
Address: 194 Corporate Drive, Suite 102, San Marcos, TX 78666

BUSINESS DETAILS
Primary Business Use: [ ] Restaurant [ ] Bar [X] Other: Convenience store/deli
Hours of Operation: 11am - 12am
Type of Entertainment Facilities: None
Indoor Fixed Seats Capacity: 10 Outdoor Fixed Seats: 16
Gross Floor Area Including Outdoor Above-ground Decks: 2,100 Square Feet
Number of Off-Street Parking Spaces Provided: 18
Located more than 300 feet from church, public school, hospital, low density residential? [ ] Y [X] N

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

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

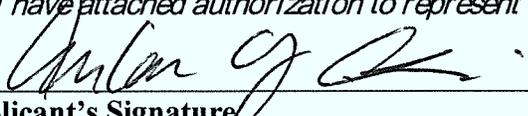
- New request**, no existing TABC CUP Permit at this location
- Change** to existing TABC Permit. Nature of Change: \_\_\_\_\_
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

**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:** Andrew Y. Choi      **Date:** 1-29-14

*To be completed by Staff:*

Meeting Date: \_\_\_\_\_      Application Deadline: \_\_\_\_\_  
Accepted By: \_\_\_\_\_      Date: \_\_\_\_\_

## **Agenda Information**

### **AGENDA CAPTION:**

**LDC-14-01 (Multifamily Design Standards)** Receive a staff presentation, discussion and possible direction to staff regarding potential revisions to the Land Development Code for design standards for multifamily development.

**Meeting date:** February 25, 2014

**Department:** Development Services

**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:**

At the December 10th Planning and Zoning Commission Meeting, the Commission gave direction to pursue design standards for multifamily development. These standards would function as a short-term improvement while the Land Development Code is rewritten, which will take approximately 18 months. Staff has analyzed a number of multifamily developments and compiled a list of potential standards, which are identified as appropriate for either the current design standards project or the Land Development Code rewrite (Code SMTX).

Staff requests that the Commission provide direction to move forward with any changes that it determines appropriate. Staff will present this item along with the Commission's direction to Council and will then draft standards to present to the Commission and the public.

### **ATTACHMENTS:**

MF Presentation



# Multifamily Design Standards

Planning and Zoning Commission  
February 25, 2014

**Building  
Variation**

**Building  
Material**

**Articulation**

**Balcony  
Location**



**Window  
Treatments**

**Stair  
location &  
design**



**Building  
orientation**

**Window  
Minimums**

**Mailboxes**

**Parking  
location and  
screening**

**Bicycle  
Parking**





Connectivity

Internal  
Screening

FIRE LANE

FIRE LANE

**Lighting**

**Pedestrian  
Entrances**



**Distance from  
Dumpster**

**Dumpster  
Screening  
Material**



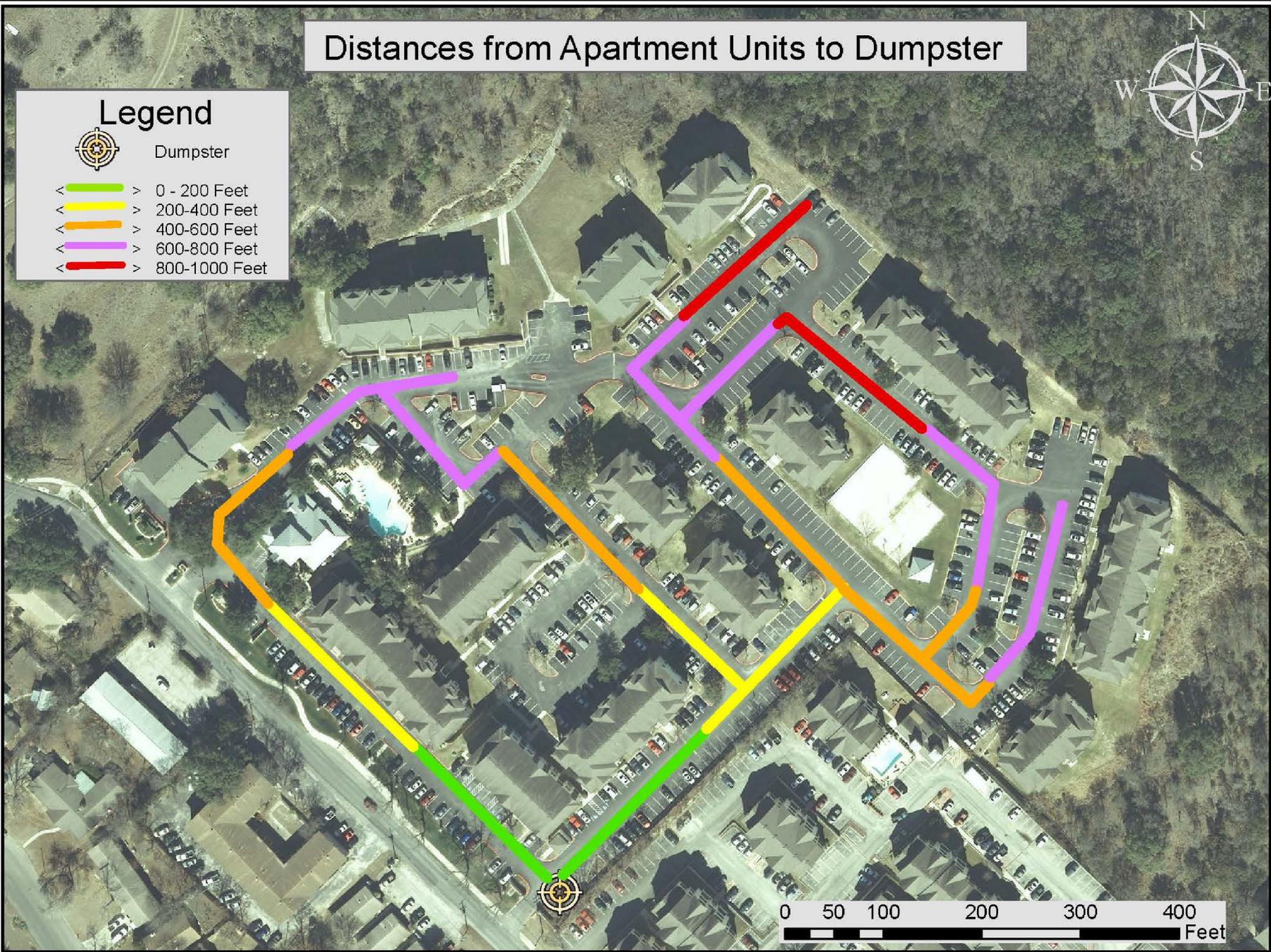
# Distances from Apartment Units to Dumpster



**Legend**

 Dumpster

- <  > 0 - 200 Feet
- <  > 200-400 Feet
- <  > 400-600 Feet
- <  > 600-800 Feet
- <  > 800-1000 Feet





**Buffer between  
single-family**

**Detention  
Location  
and Design**

# Other Topics

- Rent by the bedroom
- Energy Efficiency – 2015 building code
- Require to build to condo specifications
- Amenity minimums
  - Meeting rooms, recreation areas, etc

# Block Size

Historic Districts – 350x450

Downtown – 350x350



# Block Size

## Champions Apartment Complex



# Block Size

12 Purgatory Creek  
Apartment Complex



# Block Size

1200x1600

Copper Beach  
Village on Telluride



# Challenges with large blocks

- Connectivity
  - Emergency vehicle access
  - Traffic
  - Pedestrians – internal sidewalks not required
  - Long-term viability
- Screening – only required from ROW

**Lighting**



**Landscape  
Strips**



**Articulation**

**Balcony  
Location**



**Stair  
location &  
design**

**Detention  
Location  
and Design**

# Building Variation

Parking location  
and screening



**Building  
Material**



**Pedestrian  
Entrances**

**Internal  
Screening**



# Discussion & Direction

- o Design Standards - Immediate
- o Code SMTX - Upcoming 2014 / 2015
- o Building Code - 2015 International Building Code

## **Agenda Information**

### **AGENDA CAPTION:**

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

- a. Comprehensive Master Plan Implementation update.**

**Meeting date:** February 25, 2014

**Department:** Development Services

**Funds Required:**

**Account Number:**

**Funds Available:**

**Account Name:**

### **CITY COUNCIL GOAL:**

### **BACKGROUND:**