

**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.

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

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.

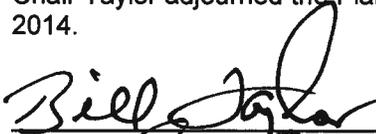
Kristy Stark gave a brief update.

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.*

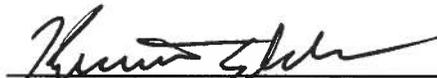
Don Eysen inquired about the Storm water presentation and asked if the City is going to take over where we are liable to TCEQ. Mr. Eysen expressed concerns with the City taking on the responsibility.

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



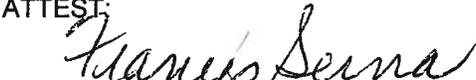
Curtis Sebeck, Commissioner

Randy Bryan, Commissioner



Angie Ramirez, Commissioner

ATTEST:



Francis Serna, Recording Secretary