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.

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.*

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 11th 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.

Bill Taylor, Chair

Carter Morris, Commissioner

Chris Wood, Commissioner

Corey Carothers, Commissioner

Curtis Seebeck, Commissioner

Randy Bryan, Commissioner

Angie Ramirez, Commissioner

Kenneth Ehlers, Commissioner

Travis Kelsey, Commissioner

ATTEST:

Francis Serna, Recording Secretary