City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes
Planning and Zoning Commission

Tuesday, April 22, 2014 | **6:00 PM** | **City Council Chambers**

I. Call To Order

With a quorum present, the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Chair Chris Wood at 6:00 p.m. on Tuesday, April 22, 2014 in the Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Present 8 - Commissioner Corey Carothers, Commissioner Kenneth Ehlers, Commissioner Jane Hughson, Commissioner Brian Olson, Commissioner Angie Ramirez, Commissioner Curtis Seebeck, Commissioner Amy Stanfield, and Commissioner Chris Wood

Absent 1 - Commissioner Travis Kelsey

III. Chairperson's Opening Remarks

1. **ZC-13-16 (Yarrington Commons Multi-Family)** Receive an update from staff regarding the postponement of consideration of a request by Ocie Vest for an amendment to the Zoning Map from Future Development (FD) to Multiple-Family Residential (MF-24) for a portion of Yarrington Commons, consisting of 50.339 acres more or less out of the William Ward Survey No. 3 located near the 2700 block of Post Road.

   Commissioner Hughson recused herself.

   Amanda Hernandez gave an outline explaining postponement of the request. She explained that no public hearing is required at the meeting because the applicant provided letter for postponement prior to personal notification letters being sent.

2. Receive an update from the Engineering / CIP Department Staff and hold discussion on the 2014 Capital Improvements Program and process for consideration.

   Amanda Hernandez told the Commission that staff will schedule a special meeting on Tuesday, May 13th before the regular meeting.

IV. 30 Minute Citizen Comment Period

Rev Tod Salmi told the Commission that he Serves as pastor at FUMC and that the church has been located there since 1847. He explained that the Church has 1200 members, and frequent services and funerals. Following direction from the Commission and City Council the church has had at least 15 conversations with the representatives of Headwaters Draft House. Reverend Salmi said the applicant has asked to postpone because they disagree with City staff who recommends denial of the CUP. He feels that the applicant has had time to prepare that they should have a public hearing tonight.

Brandon Barber told the Commission that he met the bar owners a several weeks ago and feels that the

business would be an improvement for the area since the building is currently an eyesore. He explained that development of the site could take a long time otherwise.

CONSENT AGENDA

3. Consider approval of the minutes of the Regular Meeting on April 8, 2014.

4. **PC-14-06_02 (Blanco Vista, Tract G-H)** Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Preliminary Plat for approximately 20.089 acres, more or less, out of the William Ward League Survey, Abstract 467, for 56 residential lots located at Blanco Vista Boulevard and Royal Oak Boulevard.

A motion was made by Commissioner Ehlers, seconded by Commissioner Carothers to approve the Consent Agenda. The motion carried unanimously.

PUBLIC HEARINGS

5. CUP-14-04 (Headwaters Draft House) Hold a public hearing and consider a request by HDH LLC for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 205 W. Hopkins Street.

John Foreman gave a presentation outlining the request.

Vice Chair Ehlers opened the public hearing.

Carter Morris 16 Greenpointe explained that he was the real estate broker for this property and that there was a similar request which was approved nearby. He feels that with proper management this development can be done well but right now it is an eyesore. He explained that with this development comes an opportunity to get higher tax roles and improvement to our city. He recommends approval for a 1 year CUP, and if they do not follow the standards the CUP won't be renewed. He told the Commission that his Children go to the school Monday thru Thursday at the Methodist Church. He is upset to see that live music has been removed from the request and hopes that the Commission takes action tonight.

Dan Matlock, 1800 Post, told the Commission that he thinks this is a good opportunity and that the owners have had to remove squatters from the existing building.

Kyle Meredith, General Manager at headwaters explained that squatters have been an issue and that there is a police report of someone broke in to use this as shelter. He told the Commission that his wife and him want to live in this community and asked that they not deny this request.

Jerry Ludwig, President, explained that if you look down the street you will see the Vault, Gold Crown, Zelicks and Tantra. Asking for the opportunity to do what other businesses are doing. He thanked supporters of the request.

Rodney VanOudekerke, 323 Scott, thanked Commission for listening and explained that allowing a beer joint next to the church, senior citizens center, and Montessori school is a bad idea. He explained that the only thing that has changed in their request is they now call themselves a restaurant bar.

Amy Meeks 832 Belvin thanked the Commission for being allowed to speak. She told the Commission that she is chairman of the Church Council and represent 1200 members. She explained that the church serves all sorts of people and host fundraisers which benefits young people. She said that the church operates a school that has the same goal as CISD pre-schools and she is concerned with the request.

Ollie Giles said that she wants to know what the Commission does not understand about noise. She told the Commission that they don't need another beer joint near the church. She asked the Commission to respect the church, neighborhoods, and people.

Cathy Dillon, 1000 Burleson, said that she owns a business near the proposed property and that they have been fighting bars. She explained that she is not against a restaurant and wants the business to close at midnight. Hopkins revs up at 11 pm and that enclosable space will not help with noise issues.

Chris Secrest, 719 San Antonio, said that the church belongs to San Marcos and is 166 years old. He asked how the vote will negatively affect downtown. He explained that the Commission is responsible for doing what is right for citizens. He said that the church is teaching children to read and write and that Cub Scouts use courtyard. He feels that funerals would be affected by this establishment.

Ron Brooks told the Commission that he is a longtime resident and member of the Methodist church and that children use activity center which is within 300 ft of the establishment. He explained that the alley on Fredericksburg is utilized by the church several times daily and that this business owners would not have control of their customers after they leave the business. He said that he served on the Chamber Board and supports responsible growth in San Marcos.

Sue Harrison, 2404 Missy Ln, represents Mother's Day Out at the Methodist church which has over 100 children and 20 teachers. She expressed concerns with traffic conflicting with existing traffic and compatibility with the Mother's Day Out program. She explained that she is also a pediatrician and has noticed families moving to surrounding cities.

Mike Dillon, 1000 Burleson, told the Commission that he Owns Crystal River Inn and they went through a similar situation with Zelicks. He explained that Zelicks is a good bar until midnight and that after Zelicks opened, their Christmas decorations were vandalized. He feels that the Police department is too accommodating to people drinking late and that money is made from midnight until 2:00.

H.C. Kyle explained that he has a building and office on the square and In the last three months, two doors have been broken. He told the Commission that he picks up beer cans every weekend. He explained the responsibility of the Commission. He asked the Commission if there is any place in San Marcos that is more inappropriate than this one.

Jim Garber, 104 Canyon Fork, told the Commission that there is a compatibility issue and that this is not a matter of property rights. He feels that the building is dilapidated but does not feel that a bar is necessary there. He said that if everything becomes bars and apartments we've lost our souls. He told the Commission to imagine their grandmother is standing over their shoulder they cast their vote with her arm up holding a ruler.

No one else spoke and Vice Chair Ehlers closed the public hearing.

A motion was made by Commissioner Ramirez, seconded by Commissioner Hughson, that this item be denied. The motion carried by the following vote:

For:	6 -	Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Ramirez, Commissioner Seebeck and Commissioner Stanfield
Against:	1 -	Commissioner Olson
Absent:	1 -	Commissioner Kelsey
Recused:	1 -	Commissioner Wood

NON-CONSENT AGENDA

6. Development Services Report:
   a. Comprehensive Master Plan Implementation Update
   b. Code SMTX update
   c. Multifamily Design Standards update

Matthew Lewis and John Foreman gave the presentation.

V. Question and Answer Session with Press and Public.

There were no questions from the press or public.

VI. Adjournment

Chair Wood adjourned the meeting at 7:43 pm.

Chris Wood, Chair

Kenneth Ehlers, Commissioner

Corey Carothers, Commissioner

Jane Hughson, Commissioner

Travis Kelsey, Commissioner

Brian Olson, Commissioner

Angie Ramirez, Commissioner

Amy Stanfield, Commissioner

ATTEST:

Francis Serna, Recording Secretary

Notice of Assistance at the Public Meetings

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:

_____

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos P&Z, (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in a business entity that may be involved in a vote or decision of the governmental body described above, and the vote or decision may have a special economic effect on the business entity that is distinguishable from the effect on the public. The name of the business entity is Wood & Thomas.

The nature and extent of my interest in the business entity is as follows: (check all that apply)

✓ Ownership of 10 percent or more of the voting stock or shares of the business entity.

____ Ownership of 10 percent or more of the fair market value of the business entity.

____ Ownership of $5,000 or more of the fair market value of the business entity.

____ Funds received by me from the business entity exceed 10 percent of my gross income for the previous year.

____ The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation.

The vote or decision involving this interest is on 4-22, 2014 agenda of the governmental body, and is described as follows: CUP-14-04 Headwaters CUP

EXECUTED this 22 day of April, 2014

Signature [signature]

Printed Name Chris Wood

SWORN TO AND SUBSCRIBED before me on the 22 day of April, 2014

Notary Stamp: FRANCIS SERNA MY COMMISSION EXPIRES June 12, 2015

Francis Serna
Notary Public
State of Texas

FILED this 14th day of May, 2014.

Sam Lee Pettyglen
City Clerk of the City of San Marcos

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos **Planning and Zoning Commission** (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in a business entity that may be involved in a vote or decision of the governmental body described above, and the vote or decision may have a special economic effect on the business entity that is distinguishable from the effect on the public. The name of the business entity is **Maxwell Water Supply Corporation.**

The nature and extent of my interest in the business entity is as follows: (check all that apply)

_____ Ownership of 10 percent or more of the voting stock or shares of the business entity.

_____ Ownership of 10 percent or more of the fair market value of the business entity.

_____ Ownership of $5,000 or more of the fair market value of the business entity.

_____ Funds received by me from the business entity exceed 10 percent of my gross income for the previous year.

_____ The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation.

__X__ I am an elected director of the **Maxwell Water Supply Corporation Board of Directors.**

The vote or decision involving this interest is on the **April 22, 2014** agenda of the governmental body, and is described as follows: **Agenda item III 1. ZC-13-16 Yarrington Commons Multi-Family - part of this property is in the Maxwell Water Supply Corporation CCN.**

EXECUTED this 22 day of April, 2014.

Signature Jane Hughson

Printed Name **Jane Hughson**

SWORN TO AND SUBSCRIBED before me on the 22 day of April, 2014

Notary Stamp: FRANCIS SERNA MY COMMISSION EXPIRES June 12, 2015

Francis Serna
Notary Public
State of Texas

FILED this 14th day of May, 2014

Jamie Rae Pettigrew
City Clerk of the City of San Marcos