



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes Planning and Zoning Commission

Tuesday, April 8, 2014

6:00 PM

City Council Chambers

630 E. Hopkins

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 8, 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 Travis Kelsey, Commissioner Brian Olson, Commissioner Angie Ramirez, Commissioner Amy Stanfield, and Commissioner Chris Wood

Absent 1 - Commissioner Curtis Seebeck

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Camille Phillips asked the Commission to deny Item 7 because the Master Plan indicates the area of an area of stability. She pointed out that if we are going to adopt a plan we should stick to them. He requested that the Commission deny the request. Ms. Phillips added that there is a trend that people will choose to do online classes and feels there is no need for more apartments. She stated that the Retreat was 98% full the first year and the second year was only 50% full. In addition, she stated that the previous Manager of Sanctuary Lofts had asked the Commission not to approve more apartments because they could not rent all their units. Ms. Phillips asked the Commission to deny the request.

1. Receive a report from the Comprehensive Plan Oversight Committee and discussion.

Sam Huenergardt, Comprehensive Plan Oversight Committee Chair presented the report.

CONSENT AGENDA

2. Consider approval of the minutes of the Regular Meeting on April 22, 2014.
3. PC-13-05_02b (Retreat on Willow Creek Preliminary Plat) Consider a request by Carlson, Brigrance and Doering, Inc., on behalf of Preferred Development Partners and KB Home Lone Star, Inc., for approval of an amendment to the Preliminary Plat for the Retreat on Willow Creek Subdivision consisting of approximately 100.885 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Hunter Road to: 1) modify the boundary of the parkland to be dedicated with the Phase 2 Final Plat identified as Lot 56 on the attached plat; and 2) reconfigure an easement area in

order to allow more room for improvements associated with construction of the road and bridge across Willow Creek which connects Phases 1-3 and Phase 4..

- 4. PC-14-05_03 (Retreat on Willow Creek Phase 2) Consider a request by Carlson, Brigance and Doering, Inc., on behalf of Preferred Development Partners, for approval of a Final Plat for approximately 15.543 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, establishing the Retreat on Willow Creek Phase 2 subdivision, located near the intersection of Stagecoach Trail and Hunter Road.

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

For: 8 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez, Commissioner Stanfield and Commissioner Wood

Against: 0

Absent: 1 - Commissioner Seebeck

PUBLIC HEARINGS

- 5. **CUP-14-13 (Railyard Bar & Grill)** Hold a public hearing and consider a request by Matt Hageman, on behalf of Railyard Bar & Grill, L.L.C., for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 116 S. Edward Gary Street.

A motion was made by Commissioner Ehlers, seconded by Commissioner Olson, that this Item be approved with conditions that the permit shall be valid for three (3) years, provided standards are met, subject to the point system, the permit shall be posted in the same area and manner as the Certificate of Occpancy, and all live music shall be restricted to the indoor stage and may continue until 2 a.m. The motion carried by the following vote:

For: 7 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Olson, Commissioner Ramirez, Commissioner Stanfield and Commissioner Wood

Against: 0

Absent: 1 - Commissioner Seebeck

Recused: 1 - Commissioner Kelsey

- 6. **CUP-14-14 (Louie’s Oyster House & Beer Garden)** Hold a public hearing and consider a request by Allen Shy, on behalf of Shy SG Group, for renewal of an existing restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 119 E Hutchison Street.

A amended motion was made by Commissioner Ehlers, seconded by Commissioner Stanfield, to amend the condition that the permit be valid for one (1) year to the permit be valid for three (3) years .

For: 6 - Commissioner Carothers, Commissioner Ehlers, Commissioner Kelsey, Commissioner Olson, Commissioner Stanfield and Commissioner Wood

Against: 2 - Commissioner Hughson and Commissioner Ramirez

Absent: 1 - Commissioner Seebeck

A motion was made by Commissioner Carothers, seconded by Commissioner Olson, that this Action Item be approved with conditions that the permit shall be valid for three (3) year, provided standards are met subject to the point system, live music shall be limited to 11:00 am - 12:00 am Sunday through Saturday and, the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 7 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Olson, Commissioner Ramirez, Commissioner Stanfield and Commissioner Wood

Against: 0

Absent: 1 - Commissioner Seebeck

Recused: 1 - Commissioner Kelsey

7. **PSA-14-01 (Campus Crest)** Hold a public hearing and consider a request by Campus Village Communities for a Preferred Scenario Map Amendment to change an Area of Stability to a Medium Intensity Zone for approximately 5.38 acres and 5.02 acres out of the McNaughton Subdivisions and 0.36 acres out of the Thomas J. Chambers Survey. The site is located at the intersection of Sessom Drive and Academy Street and is generally bounded by Orchard Street and Comanche Street.

Jim Garber, 104 Canyon Fork, showed the Commission a picture of a house located in an area on stability, a neighborhood in a protected area. He explained that the house is brand new and the residents moved in the home in December. Mr. Garber pointed out that the house is located at 211 Orchard. He provided a map of the proposed request and the location of the house. He explained that if proposal is approved, the house would be surrounded by a multi story, 500 bed, rent by the room student housing complex. He added if we are serious about saving the housing market in San Marcos, then we need to send the message and allow people feel safe in an area of stability. Mr. Garber said people need to know that their investment is safe in San Marcos. He added that he hopes their is a unanimous vote to deny the request.

Ken Dees, 1412 Alamo Street stated that he is very concerned about the Preferred Scenario Amendment on Sessom Drive. He stated that he agrees the area can use some revitalization. He pointed out that multi family and medium density use would be detrimental to that area of town. Mr. Dees explained that the proposed use will increase foot and vehicle traffic. People in the neighborhood will be negatively affected by traffic and property values would be in jeopardy. He feels that the neighbors should not have to fight with developers to remain single family. Mr. Dees asked the Commission not to recommend the request. Mr. Dees added that regulations and enforcement clauses should be included in all development plans located in a neighborhood. He stated that he appreciated Amanda coming to the CONA meeting to present the PSA to allow the CONA representatives to take back to their neighborhoods.

Melissa Derrick, 109 Kathryn Cove echoed Mr. Dees comments regarding staff notifying CONA representatives and the public. She felt the request is spot zoning. She said that not all the property owners should be affected because some properties are left in disrepair. Ms. Derrick stated that the development will destroy the neighborhood. She added that she is concerned that the area is in the San Marcos Watershed. She hoped that the Commission would deny the amendment. Ms. Derrick said they want to trust the Commission that they follow the Preferred Scenario Map and the Comprehensive Master Plan that were approved.

Diane McCabe, 1315 Alamo Street, said she has lived there for 25 years and the have made

improvements to their home. She added that they love to walk to work at the University. She said there are allot of homeowners who have have invested allot of money in their homes. Ms. McCabe stated that it is true that people can not find places to live in San Marcos. She said the proposal is overwhelming to think it will be down her street. She pointed out that there will already be the Holland Street dorms coming soon. She asked the Commission to think about what kind of community they want to have for the future.

Paul Murray, 102 Barclay, San Marcos provided an informal petition to the Commission with over 70 signatures that were gathered in one day from people opposed to the request. He explained that the applicants, Mr. Theriot and Mr. Schaefer met with him and Mr. Garber regarding the request. Mr. Murray told the Commission that they gave the applicants options of what could be developed on the property under the current designation. He stated that they are not opposed to development but would like to keep the development to scale with the neighborhood. Mr. Murray asked the Commission to follow staff's recommendation and deny the request.

Madeline Osborne, owner of the house presented by Mr. Garber stated that she thought the area was a suttle area. She expressed her concerns with the egress of the area and pointed out that there is no adequate way to access the area. Ms. Osborne added that she cannot picture the area if the density is increased.

Linda Hopson, 102 Canyon Fork said that she understands that the neighborhood character studies have not been done but the neighbors have been before the Commission to point out how important the area is to them. She said she understands that there are some are that are going through transition, but the new homes are telling us that they see the dream to live near the University. Ms. Hopson pointed out that there are plenty of people that want to live in an area of stability. She asked the Commission to deny the request.

Paul Ginsberg, 323 W. Holland stated that he cannot think of a development request that is more inappropriate to the integrity of their neighborhood than what has been submitted. He explained that Sessoms is the boundary between the University and their neighborhood. He said the request would completely change the character of the neighborhood. Mr. Ginsberg pointed out that traffic is currently an issue and it will send it through the roof. He reiterated what Mr. Murray stated that they would not be opposed to upgrading some areas located on Sessom that have no been upkept.

Joe Cox, Franklin Drive stated that he was present as a citizen who served on the Comprehensive Plan Steering Committee. He commented that the validity that the Commission attached to the Comp Plan was recently approved. He felt that it is very early to make a significant change in the Comprehensive Plan. He felt that everyone would acknowledge that other time there will be some changes. Mr. Cox pointed out that this area is designated as an area of stability. Mr. Cox stated that it will be premature to approve the request.

A motion was made by Commissioner Kelsey, seconded by Commissioner Olson, that this Item be recommended for denial. The motion carried by the following vote:

- For:** 5 - Commissioner Ehlers, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez and Commissioner Stanfield
- Against:** 2 - Commissioner Carothers and Commissioner Wood
- Absent:** 1 - Commissioner Seebeck
- Recused:** 1 - Commissioner Hughson

NON-CONSENT AGENDA

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

Christin Lindsey, Contracts Coordinator, CIP/Engineering Department presented the Commission with the Capital Improvements Program schedule.

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

Matthew Lewis and John Foreman gave a brief update.

V. Question and Answer Session with Press and Public.

None.

VI. Adjournment

A motion was made by Commissioner Kelsey, seconded by Commissioner Ehlers, to adjourn the regular meeting of the San Marcos Planning and Zoning Commission at 7:25 p.m. The motion carried by a unanimous vote.



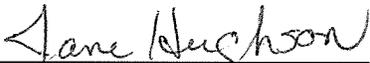
 Chris Wood, Chair



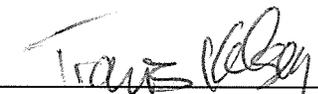
 Kenneth Ehlers, Commissioner



 Corey Carothers, Commissioner



 Jane Hughson, Commissioner



 Travis Kelsey, Commissioner



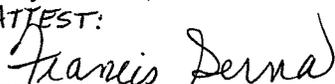
 Brian Olson, Commissioner



 Angie Ramirez, Commissioner



 Amy Starfield, 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 Jane Hughson,
(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 Texas State University.

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

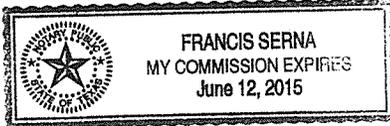
- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of 10 percent or more of the fair market value of the business entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received by me from the business entity exceed 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 April 8, 2014 agenda of the governmental body, and is described as follows: #7 PSA 14 01
Campus cost

EXECUTED this 8 day of April, 2014.

Signature Jane Hughson
Printed Name JANE HUGHSON

SWORN TO AND SUBSCRIBED before me on the 8 day of April, 2014

Notary Stamp: 

Francis Serna
Notary Public
State of Texas

FILED this 9th day of April, 2014.

Jimmy K. Cobb
City Clerk of the City of San Marcos (Deputy)

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos Planning & Zoning, (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 The Tap Room, The Beach on Hopkins.

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.

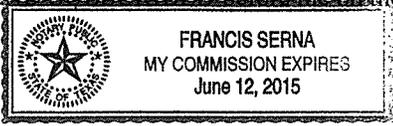
The vote or decision involving this interest is on 8 April, 2014 agenda of the governmental body, and is described as follows: CUP-14-15 Baylward Bar & Grill

EXECUTED this 8th day of April, 2014.

Signature Trans Kelsey

Printed Name Trans Kelsey

SWORN TO AND SUBSCRIBED before me on the 8 day of April, 2014

Notary Stamp: 

Francis Serna
Notary Public
State of Texas

FILED this 9th day of April, 2014.

Jimmy K. Ceb
City Clerk of the City of San Marcos (Deputy)

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY

STATE OF TEXAS
COUNTY OF HAYS

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

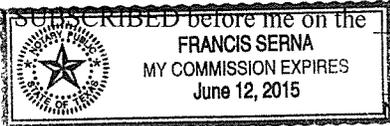
- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of 10 percent or more of the fair market value of the business entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received by me from the business entity exceed 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 8 April, 2014 agenda of the governmental body, and is described as follows: CDP-14-14 Louis Oyster House & Beer Garden

EXECUTED this 8th day of April, 2014.

Signature

Printed Name

SWORN TO AND SUBSCRIBED before me on the
Notary Stamp:  FRANCIS SERNA
MY COMMISSION EXPIRES
June 12, 2015

Notary Public
State of Texas

FILED this 9th day of April, 2014.

City Clerk of the City of San Marcos (Deputy)