

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
March 25, 2014**

1. Present

Commissioners:

Chris Wood, Chair
Kenneth Ehlers, Vice Chair
Corey Carothers
Travis Kelsey
Angie Ramirez
Curtis Seebeck
Amy Stanfield
Brian Olson
Jane Hughson

City Staff:

Matt Lewis, Development Services Director
Kristy Stark, Development Services Assistant Director
Sam Aguirre, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
Amanda Hernandez, Senior Planner
Alison Brake, Planner
Emily Koller, Planner

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 Chris Wood, Planning and Zoning Commission Temporary Chair at 6:00 p.m. on Tuesday March 25, 2014, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

Consider the following:

1. Election of the following officers:
 - a. Planning and Zoning Commission Chair
 - b. Planning and Zoning Vice Chair

Nominations were made for Christopher Wood and Jane Hughson as Chair. Christopher Wood was elected Chair.

Nominations were made for Kenneth Ehlers and Curtis Seebeck as Planning Commission Vice-Chair. Kenneth Ehlers was elected as Vice Chair.

Chairperson's Opening Remarks.

Chair Wood welcomed the audience and viewers.

30 Minute Citizen Comment Period

Randy Rogers, 308 Orchard, spoke in opposition to PSA-14-01, Campus Village Communities. He explained that the traffic will drop into Orchard Street and increase traffic. He felt that the proposed development will devalue the neighborhood. Mr. Rogers informed the Commission that they had a neighborhood meeting and are requesting an 8' buffer between the proposed development and their neighborhood. He asked the Commission to deny the zoning request, compensate home owners with lower taxes or include that an 8' buffer be built behind their properties.

Diane Wassenich welcomed all the new Commissioners. She asked the Commission to use their microphones so that the public can hear what has been said. Ms. Wassenich stated it is very important that the Chair follow the rules by not allowing the public to attack staff or individual P&Z members. She added that P&Z members are not allowed to attack people in the audience. She stated that everyone should be treated equally. Ms. Wassenich stated that she wants it be very clear that citizens believe it is wrong to allow people to miss meetings without good excuses.

Terry Norris signed up to speak but deferred his time to speak during the public hearing.

***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 6-6 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.

2. Consider the approval of the minutes of the Regular Meeting on March 11, 2014.

MOTION: Upon a motion made by Commissioner Carothers and a second by Commissioner Ehlers, the Commission voted to approve the consent agenda. The motion carried unanimously.

Public Hearings

3. **CUP 14-07 (Henry's Restaurant)** Hold a public hearing and consider a request by Cynthia Alvarez on behalf of Henry's Restaurant for approval of a new Conditional Use Permit (CUP) to allow the sale of mixed beverages for on-premise consumption at 102 Wonder World Drive.

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

Chair Wood opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Ehlers, the Commission voted 9-0 to approve CUP-14-07 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; and that the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried.

4. **CUP 14-09 (Japan Latino)** Hold a public hearing and consider a request by Wenfeng Enterprises, Inc. on behalf of Japan Latino for approval of a new Conditional Use Permit (CUP) at a location with an expired CUP to allow the continued sale of beer and wine for on-premise consumption at 1328 North IH 35.

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

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 Top Zoom Texas, LLC; The Posh on Hopkins, LLC

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 25 March, 2014 agenda of the governmental body, and is described as follows: CUP-14-11

EXECUTED this 25th day of March, 2014.

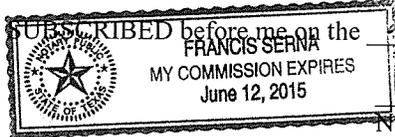
Signature

Travis Kelsey

Printed Name

Travis Kelsey

SWORN TO AND



Notary Stamp:

25 day of March, 2014

Notary Public
State of Texas

Francis Serina

FILED this 27th day of March, 2014

Tommy Lee Pithyly
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 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 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.~~ Other

I am an elected member of the board.

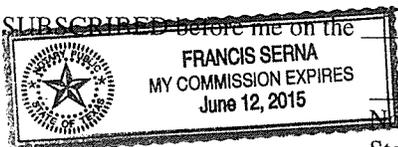
The vote or decision involving this interest is on March 25, 2014 agenda of the governmental body, and is described as follows: #11 Discussion PSA 14-02
Deuce & Assoc 216.5 acres east side IH 35 north of
Blanco River.

EXECUTED this 25 day of March, 2014.

Signature Jane Hughson
Printed Name JANE HUGHSON

SWORN TO AND SUBSCRIBED before me on the 25 day of March, 2014

Notary Stamp:



Francis Serina
Notary Public
State of Texas

FILED this 27th day of March, 2014.

Samuel P. Hylle
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 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.

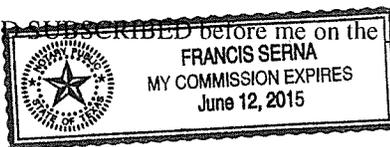
The nature and extent of my interest in the business entity is as follows: (check all that apply)

- 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 March 25, 2014 agenda of the governmental body, and is described as follows: #12 PSA 14-01 Discussion
Campus Village Communities
Sessom, Orchard, Comanche, Academy Sts

EXECUTED this 25 day of March, 2014.

Signature Jane Hughson
Printed Name JANE HUGHSON

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, 2014
Notary Stamp:  _____
Notary Public
State of Texas

FILED this 27th day of April ~~March~~, 2014
Samuel J. Hight
City Clerk of the City of San Marcos

Chair Wood opened the public hearing. There were no citizen comments and the public hearing was closed.

AMENDED MOTION: Upon a motion made by Commissioner Hughson and a second by Commissioner Ramirez, the Commission voted 4-5 to include the condition that no live amplified music is allowed without first amending the CUP. Commissioners Hughson, Ramirez, Seebeck, and Stanfield voted in favor and Commissioners Carothers, Ehlers, Kelsey, Olson and Wood voted in opposition. The motion failed.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Carothers, the Commission voted 9-0 to approve CUP-14-09 with the conditions that the permit shall be valid for one (1) year, provided standards are met subject to the point system; and that the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried.

5. CUP-14-10 (Bikinis Sports Bar and Grill) Hold a public hearing and consider a request by ATX Brands, on behalf of Bikinis 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 1437 N. IH 35.

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

Chair Wood opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Seebeck, the Commission voted 8-1 to approve CUP-14-10 with the conditions that the permit shall be valid for life of the TABC permit, 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. Commission Hughson voted no. The motion carried.

6. CUP-14-11 (Vodka Street) Hold a public hearing and consider a request by Eric White, on behalf of EFW Food and Beverage Inc. d/b/a Vodka Street Global Bistro, for approval of a new Restricted Conditional Use Permit at a location with an expired CUP to allow the sale of mixed beverages for on-premise consumption at 202 N. LBJ Drive, Suite 101.

Commissioner Kelsey recused himself from the discussion.

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

Chair Wood opened the public hearing. Eric White, owner of Vodka Street and Green Parrot stated he has been in business on the square for over 22 years. He explained that he was confused regarding his permit because he does not own the building and was not aware his permit was expired. Mr. White added that he never received a notice of the expired permit. There were no additional citizen comments and the public hearing was closed.

AMENDED MOTION: Upon a motion made by Commissioner Carothers and a second by Commissioner Hughson, the Commission voted 3-5 to amend that the permit shall be valid for one (1) year. Commissioners Carothers, Hughson, and Ramirez, voted in favor and Commissioners Ehlers, Seebeck, Olson, Stanfield and Wood voted in opposition. The motion failed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Ramirez, the Commission voted 8-0 to approve CUP-14-11 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. Commissioner Kelsey recused himself.

7. CUP-14-12 (La Fonda Restaurant) Hold a public hearing and consider a request by Fidel Valadez, on behalf of La Fonda Restaurant for approval of a new Conditional Use Permit (CUP) at a location with an expired CUP to allow the continued sale of beer and wine for on premise consumption at 1208 S. IH-35.

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

Chair Wood 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 Kelsey, the Commission voted 9-0 to approve CUP-14-12 with the conditions that the permit shall be valid for one (1) year, 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. ZC-14-02 (101 Uhland Road) Hold a public hearing and consider a request by Frank Gomillion, on behalf of Old Mill Associates, L.L.P., for a Zoning Change from General Commercial (GC) to Mixed Use (MU) for approximately 5.67 acres, more or less, out of the J.M. Veramendi Survey No.2, located at 101 Uhland Road.

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

Chair Wood opened the public hearing.

Terry Norris, resident on Mill Street, spoke in opposition to the request. He provided the Commission with photos of traffic congestion on Mill Street. Mr. Norris expressed concerns regarding traffic on Mill Street. He felt that the proposed zoning change will increase traffic.

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

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Carothers, the Commission voted 9-0 to approve ZC-14-02 as submitted. The motion carried unanimously.

9. LDC-14-02 Hold a public hearing and consider revisions to Chapter 1 of the Land Development Code updating Section 1.5.1.2 "Sequence of Approvals" for Zoning Applications to clarify the twice per year process for Preferred Scenario Amendments and subsequent applications.

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

Chair Wood opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ramirez and a second by Commissioner Kelsey, the Commission voted 8-0 to approve LDC-14-02. The motion carried unanimously. Commissioner Seebeck was not present for the vote.

10. LDC-14-03 (Height Warrants) Hold a public hearing and consider revisions to Subpart C of the City's Code of Ordinances (SMARTCODE) updating Articles 1, 5, and the Downtown Design Guidelines to amend the warrant process for buildings exceeding 5 stories in height.

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

Chair Wood opened the public hearing. Jim Garber, 104 Canyon Fork spoke in support of the changes to the Land Development Code. He felt that drastic changes should be the responsibility of the elected officials. Mr. Garber said that City Council should make the critical decisions. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Hughson and a second by Commissioner Carothers, the Commission voted 7-2 to approve LDC-14-03 with the language added to require a super majority (3/4) vote of the City Council to reverse a decision by the Planning and Zoning Commission. The motion carried.

Chair Wood called a ten minute recess.

Non Consent Agenda:

11. Receive an update from staff and hold discussion regarding the Spring 2014 Preferred Scenario Amendment process for consideration and hear details on each of the two (2) applications received:

PSA-14-01 Campus Village Communities - approximately 5.38 acres between Sessom Drive, Orchard Street, Academy Street and Comanche Street - Medium Intensity

PSA-14-02 Doucet & Associates - approximately 216.5 acres located along the east side of IH 35, north of the Blanco River - Medium Intensity

Amanda Hernandez, Staff Planner gave an update of the two Preferred Scenario Amendments.

12. Development Services Report:

- a. Comprehensive Master Plan Implementation Update
- b. Multifamily Design Standards Update
- c. Code SMTX Update
- d. SMTX Talks Update

Matt Lewis and John Foreman gave an 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.*

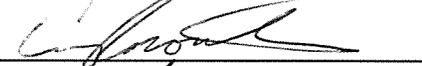
There were no comments.

14. Adjournment.

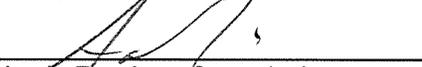
Chair adjourned the Planning and Zoning Commission meeting at 8:05 p.m. on Tuesday, March 25, 2014.



Chris Wood, Chair



Corey Carothers, Commissioner



Angie Ramirez, Commissioner



Amy Stanfield, Commissioner



Brian Olson, Commissioner



Kenneth Ehlers, Vice Chair



Travis Kelsey, Commissioner



Curtis Seebeck, Commissioner



Jane Hughson, Commissioner

ATTEST:



Francis Serna, Recording Secretary