



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes Planning and Zoning Commission

Tuesday, May 27, 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, May 27, 2014 in the Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Present 9 - Commissioner Corey Carothers, Commissioner Kenneth Ehlers, Commissioner Jane Hughson, Commissioner Travis Kelsey, Commissioner Brian Olson, Commissioner Angie Ramirez, Commissioner Curtis Seebeck, Commissioner Amy Stanfield, and Commissioner Chris Wood

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Kevin Carswell thanked the Commission for their service. He explained that when he comes to speak before the Commission it is because he is in support of a project and feels it will have a positive impact on the community. Mr. Carswell stated that business looking to move in to the community have a check list and commented that the city is lacking housing. He added that there are not enough executive homes or neighborhoods to choose from for the executives or business looking to relocate to San Marcos. Mr. Carswell stated that La Cima is a Class A Business Park that will go after Class A businesses such as Google, Apple, or businesses to that affect. He pointed out that connectivity is necessary and is a vital part of the development. If connectivity is not achieved the traffic issue will increase. He added that the proposed development is not near any neighborhoods. Mr. Carswell referred to the 74% of reduced meals available to families and feels that the proposed development, La Cima will help in reduce the percent of reduce lunches provided. He stated that La Cima will have a positive affect to San Marcos.

Daniel Scales asked if a school will be built and if the school will be part of the SMCISD. He asked if there are currently San Marcos schools outside the San Marcos City limits. He asked if La Cima initially agreed to pay for the infrastructure and now want San Marcos to pay for miles of wastewater. He pointed out that the people living there will not pay taxes for 15 years and after 35 years they will pay for the infrastructure. Mr. Scales pointed out that he is very upset about the development. He felt that the City of San Marcos should not be held liable for their taxes.

CONSENT AGENDA

1. Consider approval of the minutes of the CIP Workshop on May 13, 2014.
2. Consider approval of the minutes of the Regular Meeting on May 13, 2014.

3. PC-13-42_03 (Lowman Ranch Section 2, Lot 2) Consider a request by Outlet West Investors, Ltd. for approval of a Final Plat for approximately 2.93 acres, more or less, out of the Burleson Survey No. 18, Abstract 63, located near Gregsons Bend and Centerpoint Road.

A motion was made by Commissioner Ehlers, seconded by Commissioner Kelsey, that this Consent Agenda be approved. The motion carried by the following vote:

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

Against: 0

Abstain: 2 - Commissioner Seebeck and Commissioner Stanfield

PUBLIC HEARINGS

4. **CUP 14-17 (Showplace Cinema Grill)** Hold a public hearing and consider a request by Cinema Grill, Inc. on behalf of Showplace Cinema Grill for approval of a new Unrestricted Conditional Use Permit (CUP) to allow the sale of beer and wine for on-premise consumption at 321 North LBJ Drive.

Chair Wood opened the public hearing. Amanda Hernandez, Senior Planner gave an overview of the project.

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

A motion was made by Commissioner Stanfield, seconded by Commissioner Olson, that CUP-14-17 (Showplace Cinema Grill) be approved with 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 by the following vote:

For: 9 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez, Commissioner Seebeck, Commissioner Stanfield and Commissioner Wood

Against: 0

5. **CUP 14-18 (Starplex Cinema Grill)** Hold a public hearing and consider a request by Cinema Grill, Inc. on behalf of Starplex Cinema Grill for approval of a new Conditional Use Permit (CUP) to allow the sale of beer and wine for on-premise consumption at 1250 Wonder World Drive.

Chair Wood opened the public hearing.

Amanda Hernandez, Senior Planner gave an overview of the project.

Daniel Scales, 1322 Belvin asked the Commission if they were going to approve the request as they did in the previous item. He asked where will the children go for entertainment.

Mitchell Roberts, 801 Country Estates Drive, stated that the Starplex Cinema will not be 18 and up. He advised that the cinema will remain family oriented.

Mr. Roberts explained that Showplace Cinema will be different in which will only be for customers that are 18 years of age and above. Mr. Roberts stated he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

A motion was made by Commissioner Kelsey, seconded by Commissioner Ehlers, that CUP-14-18, (Starplex Cinema Grill) be approved with 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 by the following vote:

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

Against: 1 - Commissioner Seebeck

6. CUP-14-19 (Cody's Bistro & Lounge) Hold a public hearing and consider a request by #3 BPCC, Inc., on behalf of Cody's Bistro and Lounge, for an amendment to an existing Conditional Use Permit to allow the expansion of the service area for the sale of mixed beverages for on-premise consumption with the addition of a new deck at the rear of the property located at 690 Centerpoint Road, Suite 209.

Commissioner Ehlers recused himself.

Chair Wood opened the public hearing.

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

Daniel Scales, 1322 Belvin said he wanted the Commission to approve the request because they are going to pass it anyway.

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

A motion was made by Commissioner Carothers, seconded by Commissioner Hughson, that CUP-14-19 (Cody's Bistro & Lounge) 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 Occupancy; and that the permit shall not be effective until the License to Encroach Agreement is approved by the City Council. The motion carried by the following vote:

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

Against: 0

Recused: 1 - Commissioner Ehlers

7.

CUP 14-20 (Courtyard by Marriott - San Marcos) Hold a public hearing and consider a request by San Marcos Platinum, LLC on behalf of Courtyard by Marriott - San Marcos for approval of a new Conditional Use Permit (CUP) to allow the sale of mixed beverages for on-premise consumption at 625 Commercial Loop.

Chair Wood opened the public hearing.

Amanda Hernandez, Senior Planner gave an overview of the project.

Daniel Scales, 1322 Belvin said he was for the request. There were no additional citizen comments and the public hearing was closed.

A motion was made by Commissioner Kelsey, seconded by Commissioner Hughson, that CUP-14-20 (Courtyard by Marriott-San Marcos) be approved with conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; the permit shall be effective upon issuance of the Certificate of Occupancy; and that the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 9 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez, Commissioner Seebeck, Commissioner Stanfield and Commissioner Wood

Against: 0

- 8. Amendment to Historic Design Guidelines** - Hold a public hearing and consider a request for an amendment to the *Design Guidelines for the Historic Districts of the City of San Marcos, Texas* to include guidelines on sustainability.

Chair Wood opened the public hearing.

Alison Brake, Staff Planner gave an overview of the amendments to the Design Guidelines.

Graham Daly, 114 Sierra Circle spoke in support of the amendments.

Rodney Van Oudekerke, Chair of Historic Preservation Commission encouraged the Commission to approve the amendments to the Historic Design Guidelines. He explained that the charge of the Historic Preservation Commission is to preserve the historic integrity of the building and the homes. Mr. Van Oudekerke explained that if the amendments are approved, they will give the Commission good guidelines to be able to work with the applicants of the Historic Districts concerning sustainability guidelines. He added that he was available to answer questions.

Daniel Scales, 1322 Belvin spoke in support of the request. He stated that Mr. Van Oudekerke has worked with the Historic District for many years and is a treasure to the City of San Marcos especially to the Historic District. Mr. Scales said he would be pleased if the Commission passed the request. There were no additional citizen comments and the public hearing was closed.

A motion was made by Commissioner Hughson, seconded by Commissioner Carothers, that the Amendments to the Historic Design Guidelines be approved. The motion carried by the following vote:

For: 9 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez, Commissioner Seebeck, Commissioner Stanfield and Commissioner Wood

Against: 0

- 9. PDA-14-02 (La Cima)** Hold a public hearing and consider a request by ETR Development Consulting on behalf of Lazy Oaks Ranch, LP, for amendments to an existing development agreement for land originally comprised of approximately 1,396.9 acres out of the W. Burke Survey, Abstract No. 68, the W. Smithson Survey, Abstract No. 419, the J Williams Survey, Abstract No. 43, and the J. Huffman Survey, Abstract No. 228, located off of Ranch Road 12 west of Wonder World Drive.

Chair Wood opened the public hearing.

Chuck Perry representative for the applicant declined a presentation.

Chuck Perry, 2216 Trammel Road thanked staff and the Commission for their service. He stated he is pleased to be involved in an innovation project. He explained that his goal is to make La Cima best in class, best in the region and in the state. Mr. Perry stated that the development is a true live in nature, work in nature and play in nature community. He added that he hoped that at last week's meeting with City Council and the Planning and Zoning Commission that many of their questions were answered. Mr. Perry stated he was available to answer questions.

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

Jim Garber, 104 Canyon Fork stated that the applicant did not say that the project would be BEST in class for San Marcos because it is not within the city limits of San Marcos. He added that the annexation could be deferred as long as 45 years or forever. He said the citizens will get all the benefits of a citizen in the city limits of San Marcos without the obligation to pay taxes. Mr. Garber pointed out that in creating the master plan it was agreed that the housing base needs to be expanded in San Marcos. He explained that expansion will have an effect on the Ad Valorem I taxes. Mr. Garber pointed out that the new houses in the upper end of San Marcos will get a tax break and receive all the benefits of being citizens.

Diane Wassenich, 11 Tangelwood, stated she works for the SMRF and knows that the city has hundred if not thousands of lots ready and approved waiting for builders or individuals for someone who may want to build their own home away from the recharge zone or build allot of homes in San Marcos. Ms. Wassenich mentioned that she was involved with the Comprehensive Master Plan and is aware that there are many locations where new subdivisions can be planned away from the recharge zone. She stated that there is no reason to make developers wealthy and develop on the Recharge Zone which will damage our precious aquifer water resources. She said the city will end up paying taxes and felt that the City Council, Planning and Zoning Commission and Hays County should be responsible with tax payer funds and protect the aquifer for the good of all in San Marcos. Ms. Wassenich reported the sewage problems that is possible with increased density that can go into the aquifer and into the river.

David Wendell, 118 E. Holland read a letter from Analisa Peace, Executive Director for the Greater Edwards Aquifer Alliance explaining spills of sewage in the Edwards Aquifer. He urged the Commission to deny the request.

Linda Hobson, 102 Canyon Fork stated that she will be deceased when the people of the proposed development will start paying taxes. She felt that it does not make any sense for the citizens of San Marcos.

Graham Daly, 114 Sierra Circle stated that he is not 100% in support or against the project. He requested that the Commission read the fine print of the project and consider the sensitive areas where the proposed development will be built. Mr. Daly asked if the project can be affordable and when will the money trickle back down to the City of San Marcos.

Mr. Roarke, 804A Hunter said he previously spoke on the Buie tract and has spoken to people along the area of the proposed development. He advised that they attend meetings and talk about following the San Marcos Master Plan. He said that a Master Plan has been adopted and for once they would like the Commission to stick with the plan for the city of San Marcos.

Chair Wood and the Commission moved Item 10 to proceed after Item 12.

A motion was made by Commissioner Carothers, seconded by Commissioner Olson, that this PDA-14-02 (La Cima) be recommended for approval. The motion carried by the following vote:

For: 9 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez, Commissioner Seebeck, Commissioner Stanfield and Commissioner Wood

Against: 0

- 10. ZC-13-16 (Yarrington Commons Multi-Family)** Hold a public hearing and consider 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.

Meeting went into Recess.

Meeting Reconvened.

Commissioner Hughson recused herself.

Chair Wood opened the public hearing.

Amanda Hernandez, Senior Planner gave an overview of the project.

Ocie Vest, Partner of Stratford Land, 5949 Cherry Lane, Dallas Texas gave a brief overview of the purpose of their project moving forward with the Design Standards. He advised he was available to answer questions.

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

A motion was made by Commissioner Stanfield, seconded by Commissioner Olson, that ZC-13-16 (Yarrington Commons Multi-Family) be approved. The motion carried by the following vote:

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

Against: 1 - Commissioner Kelsey

- 11.** Hold a public hearing and consider a recommendation to City Council on the 2015 Capital Improvements Program (CIP).

Chair Wood opened the public hearing. Dale Cromley, Parks Board stated he is in support of the Parks CIP Projects. He asked the Commission to support the CIP for the Parks Department. He pointed out that making parks attractive are beneficial for all citizens of San Marcos. He added that it is important to make Cape's Camp safe for the community. Mr. Cromley stated that the City is fortunate to have the Parks Team. There were no additional citizen comments and the public hearing was closed.

Commissioner Hughson indicated that she does not support the One Way/Two Way Conversion Project.

A motion was made by Commissioner Kelsey, seconded by Commissioner Ehlers, that the 2015 Capital Improvements Program be recommended for approval. The motion carried by the following vote:

For: 9 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez, Commissioner Seebeck, Commissioner Stanfield and Commissioner Wood

Against: 0

- 12.** LDC-14-01 (Multifamily Design Standards) Hold a public hearing and discuss revisions to Chapters 4 and 8 of the City's Land Development Code to incorporate Multifamily Design

Standards.

Chair Wood opened the public hearing.

John Foreman, Planning Manager gave an overview of the revisions to Chapters 4 and 8 of the City's Land Development Code. There were no citizen comments and the public hearing was closed.

The Commission discussed revisions to the Land Development Code.

- 13. LDC-14-04 (Private Wells) Hold a public hearing and consider proposed revisions to Chapter 7 of the Land Development Code to add restrictions for the drilling of new wells and the use of existing wells for customers of the water or wastewater systems.

Chair Wood opened the public hearing.

Jon Clack, Assistant Direct of Public Services/Water -Wastewater Utilities gave an overview of the proposed revisions.

Diane Wassenich, 11 Tangelwood said there are very serious problems when people drill through to the Trinity in the recharge zone which was previously discussed. She explained that the water in the Trinity is not regulated, very old and is sometimes called fossil water. Ms. Wassenich explained that when people drill into the Trinity they can dry up other people's wells. She urged the Commission to pass the request.

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

A motion was made by Commissioner Hughson, seconded by Commissioner Kelsey, that LDC-14-04 (Private Wells) be approved. The motion carried by the following vote:

For: 9 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez, Commissioner Seebeck, Commissioner Stanfield and Commissioner Wood

Against: 0

NON-CONSENT AGENDA

- 14. Development Services Report:

- a. Code SMTX update
- b. Student Liaison update
- c. P&Z Bylaws update

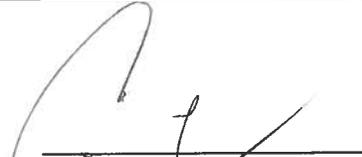
Matthew Lewis gave an update on the Development Services reports.

V. Question and Answer Session with Press and Public.

There were no comments from the Press and Public.

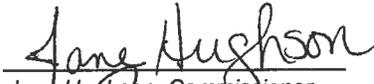
VI. Adjournment

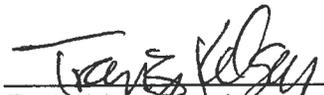
A motion was made by Commissioner Seebeck, seconded by Commissioner Hughson, that the meeting be Adjourned at 9:43 p.m. The motion carried by a unanimous vote.

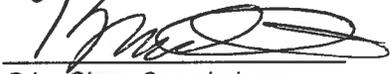

Chris Wood, Chair


Kenneth Ehlers, Commissioner


Corey Carothers, Commissioner


Jane Hughson, Commissioner


Travis Kelsey, Commissioner

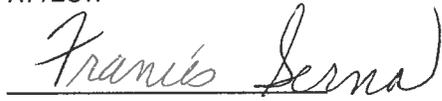

Brian Olson, Commissioner


Angie Ramirez, Commissioner


Curtis Seebeck, 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 Planning + 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 KER HOMES LLC.

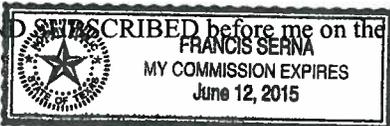
The nature and extent of my interest in the business entity is as follows: (check all that apply)

- 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 May 27, 2014 agenda of the governmental body, and is described as follows: CUP 14-19

EXECUTED this 27 day of May, 2014.
Signature Kenneth Ehlers

Printed Name Kenneth Ehlers

SWORN TO AND SUBSCRIBED before me on the 27 day of May, 2014.
Notary Stamp:  FRANCIS SERINA
MY COMMISSION EXPIRES
June 12, 2015

Francis Serina
Notary Public
State of Texas

FILED this 28th day of May, 2014.
Samuel Altif
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.

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

The vote or decision involving this interest is on the **May 27, 2014** agenda of the governmental body, and is described as follows: **Agenda item 10 ZC-13-16 Yarrington Commons Multi-Family - part of this property is in the Maxwell Water Supply Corporation CCN.**

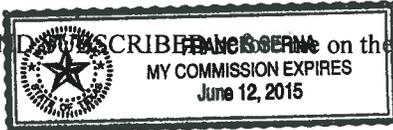
EXECUTED this 27th day of May, 2014.

Signature Jane Hughson

Printed Name Jane Hughson

SWORN TO AND SUBSCRIBED FRANCIS SERNA on the

Notary Stamp:



27 day of May, 2014
Francis Serna

Notary Public
State of Texas

FILED this 28th day of May, 2014.

Samuel Pettifor
City Clerk of the City of San Marcos