



Meeting Minutes Planning and Zoning Commission

Tuesday, January 13, 2015

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 Wood at 6:00 p.m. on Tuesday, January 13, 2015 in the Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

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

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Randy Rogers, property owner of 308 Orchard located across the street from the proposed Campus Village request. He said he understood that they have proposed an infill development but understands that it will be 100 apartments with commercial development which will not be a stable project. Mr. Rogers pointed out that there are issues because Orchard and Academy are on a blind curve and a dangerous intersection. He said the development will dump traffic onto Orchard and Alamo Street. He added that another issue is that with 100 units, the development is a high intensity development in a stable area. Mr. Rogers feels that he cannot protect his property from a high rise parking garage because he cannot put a fence and there will not be a buffer or transition zone. He felt that the development is not a stable situation.

Camille Phillips referred to the four intersections of Craddock and Wonder World and asked the Commission to not allow curb cuts on Wonder World. She explained that Wonder World is very busy and dangerous. Ms. Phillips asked the Commission to deny the PSA request for Sessom, Orchard and Academy. She pointed out that San Marcos does not need more apartments. She asked the Commission not to destroy the neighborhoods. Ms. Phillips added that the current apartments are not full and students are moving to online courses therefore additional apartments are not necessary.

Diane McCabe resident of 1315 Alamo Street for 25 years said the PSA request is not a good idea and heard that there could be up to 300 residents. She explained that she waited at the intersection on Alamo and Sessom for a long time and then saw apartments on Chestnut and that is not what she wants to see developed. Ms. McCabe stated that she and the neighbors do not want apartments or want to change the culture of the neighborhood.

Cynthia Gonzales submitted written comments in opposition to PSA-14-06.

Rebecca Sealy, has lived at 1312 Academy Street for about 5 years and has seen the town change drastically. She pointed out that across the street are currently dorms being developed which will open in the fall. She pointed out that traffic is currently an issue and does not feel that there is enough

capacity in the area. Ms. Sealy stated that people cannot currently get through Comanche during school hours. She doesn't think Academy is ready for the zoning change.

CONSENT AGENDA

There were no consent items.

PUBLIC HEARINGS

1. CUP-14-36 (Garcia's Mexican Food Restaurant) Hold a public hearing and consider a request by Garcia's Mexican Food Restaurant for a renewal of an existing Conditional Use Permit for the sale of beer and wine for on-premise consumption at 403 S LBJ Drive.

A motion was made by Commissioner Kelsey , seconded by Commissioner Ehlers, that CUP-14-36 be approved with conditions that the permit be valid for three (3) years, provided that 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.

A motion was made by Commissioner Carothers, seconded by Commissioner Olson, that the Main Motion be amended to approve CUP-14-36 for the lifetime of the TABC permit. The motion carried by the following vote:

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

Against: 0

Chair Wood opened the public hearing.

Matt Johnson, Staff Planning Intern gave an overview of the project.

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

Chair Wood called for a vote on the main motion to approve CUP-14-36 with the conditions that the permit shall be valid for the lifetime of the TABC permit, 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: 9 - Chairperson Wood, Commissioner Carothers, Commissioner Ehlers, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez, Commissioner Seebeck, Commissioner Stanfield and Commissioner Garber

Against: 0

2. CUP-14-37 (Tex Mex Sport Bar) Hold a public hearing and consider a request by Tex Mex Sport Bar for a renewal to an existing Conditional Use Permit for the sale of beer and wine for on-premise consumption at 1700 S IH 35.

Chair Wood opened the public hearing.

Tory Carpenter, Staff Planner gave an overview of the project.

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

A motion was made by Commissioner Kelsey, seconded by Commissioner Olson, that CUP-14-37 be approved with 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 by the following

vote:

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

Against: 0

3. CUP-14-39 (The Marc on the Square) Hold a public hearing and consider a request by Texas Music Theatre, LLC, for a renewal of an existing Unrestricted Conditional Use Permit (CUP) to allow the sale and on-premise consumption of mixed beverages at 120 E San Antonio St.

Chair Wood opened the public hearing.

Andrea Villalobos, Planning Technician gave an overview of the project.

Scott Gregson stated he was representing the applicant and asked the Commission for their consideration for approval of the request for the lifetime of TABC permit. He explained that the current managers have been operating successfully with another CUP downtown. Mr. Gregson advised he was available to answer questions.

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

A motion was made by Commissioner Seebeck, seconded by Commissioner Olson, that CUP-14-39 be approved with conditions that the permit shall be valid for the life of the TABC permit, provided standards are met subject to the point system; and the permit shall be visibility posted in the same manner as the Certificate of Occupancy and in the same area. The motion carried by the following vote:

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

Against: 0

4. ZC-14-06 (Southwest corner of Wonder World Drive and Craddock Avenue) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C, on behalf of C&G Development, Inc., to zone 3.36 acres, more or less, out of the T.J. Chambers Survey to "CC" Community Commercial, located at the southwest corner of Wonder World Drive and Craddock Avenue consistent with an approved Development Agreement.
5. ZC-14-07 (Northwest corner of Wonder World Drive and Craddock Avenue) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C, on behalf of C&G Development, Inc., to zone 6.5 acres, more or less, out of the T.J. Chambers Survey and J. Williams Survey to "CC" Community Commercial, located at the northwest corner of Wonder World Drive and Craddock Avenue consistent with an approved Development Agreement.
6. ZC-14-08 (Northeast corner of Wonder World Drive and Craddock Avenue) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C, on behalf of C&G Development, Inc., to zone 2.63 acres, more or less, out of the T.J. Chambers Survey to "CC" Community Commercial, located at the northeast corner of Wonder World Drive and Craddock Avenue consistent with an approved Development Agreement.
7. ZC-14-09 (Southeast corner of Wonder World Drive and Craddock Avenue) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C, on behalf of C&G

Development, Inc., for a Zoning Change from "SF-6" Single Family Residential to "CC" Community Commercial for 3.238 acres, more or less, out of the T.J. Chambers Survey, located at the southeast corner of Wonder World Drive and Craddock Avenue consistent with an approved Development Agreement.

Chair Wood opened the public hearing.

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

Ed Theriot, 5395 Hwy. 183 N Lockhart, stated all rezonings are as submitted in the Development Agreement. Mr. Theriot pointed out that there will not be any curb cuts on Wonder World. 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 Olson, seconded by Commissioner Garber, that ZC-14-06, ZC-14-07, ZC-14-08, and ZC-14-09 be approved. The motion carried by the following vote:

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

Against: 0

8. PSA-14-06 (Campus Village). Hold a public hearing and consider a request by Campus Village Communities for a Preferred Scenario Amendment to change an Area of Stability-Neighborhood Area Protection/Conservation to an Area of Stability- Redevelopment/Infill for an approximately 2.8 acre tract out of the GA McNaughton Addition. The property is located at the intersection of Sessom Drive and Academy Street between Orchard Street and Alamo Street.

Commissioner Garber made a statement regarding voting on the following item. He stated he works for the University and the PSA is within 200' of the University and property owners within 200' are considered a little differently. Mr. Garber added in closely reading the San Marcos Code of Ethics, the question he needed to answer is would the item that the Commission is required to vote on provide any economic impact positive or negative to his employer. He stated after careful consideration he came to the conclusion that it will not, therefore he will be voting on the item.

Chair Wood opened the public hearing.

Sofia Nelson, Case Manager gave an overview of the project.

Ed Theriot, 5395 Hwy. 183 N, Lockhart stated since they were made aware of staff recommendation of denial they have worked internally to attempt to develop a greatly reduced but economically feasible project. While most importantly trying to address the neighborhoods concerns, unfortunately he cannot report that they have achieved the goal with the neighborhood and city staff. He added that they have notified staff that they no longer are requesting a medium intensity designation. Mr. Theriot added that they do strongly support staff's alternative recommendation for a redevelopment infill development for the property. He feels that the designation will allow a good project to come before the Planning Commission and for the folks that live in the area. Mr. Theriot stated he was available to answer questions.

Paul Murray, 102 Barclay, referred to the translation table and said he is not in support of the request. He stated that currently MF-12 is not allowed and is against MF-12 zoning because they will jump up to 300 beds and 100 plus units. He pointed out that the developer has tried to show that they are reducing to an area of stability but redevelopment/infill development. Mr. Murray added that the previous request was for 500-600 beds on 5.38 acres which is only a little less than 100 beds per acre. He felt that there is hardly any change and reduction at all. Mr. Murray felt that through a PDD process the request will

go through a zoning process that will be inconsistent with area of stability and redevelopment infill. He pointed out that the LDC states that zoning will be consistent.

Sharon O'Neil said many in the neighborhood have responded to the city's call for their thoughts on the community's development. She said once the Master Plan was adopted by the City Council the ink was hardly dry before the Planning Commission and others responsible for the integrity of a democratically developed plan were recommending amendments and zoning changes being requested. Ms. O'Neil pointed out that we are the fastest growing city of our size in the Country and we can pick and choose the type development we want for the city. She added that we need to consider the past requests by the developers and their advisors in previous developments. She stated that the proposal is not in accordance with the Master Plan, the Neighborhood Character Studies nor in line what the neighborhood wants. She stated that they are tired of participating in democratic process to only have it demolished by PDDs and zoning changes. She asked the Commission to reject the request.

Keith Round, 1414 Alamo said he moved to San Marcos in 1971 and lived at 100 E. Holland Street. He stated that the development is proposed in a bad place. Mr. Round said that they are going to kill the neighborhoods if they keep allowing what they have allowed.

Patrick Duran, 110 W. Hillcrest Drive said the neighbors are back and stated its not a matter of folks saying no to apartments. They are at a tipping point and believes that their neighborhoods are in real danger if they keep putting apartments in that area. He said they are not saying no but no more in the neighborhoods. Mr. Duran said another issue is that the apartments are a block from Sessom Canyon and they know two words can mean more than Sessom Canyon. He pointed out that citizens do not want Sessom Canyon ruined. He asked the Commission to think 10-20 years from now. Mr. Duran asked the Commission to deny the request.

Ted Breihen, 111 W. Hillcrest said he did not realize the items was coming before the Commission. He pointed out that the dam will keep getting damaged and the traffic is also an issue. He said he has lived in the neighborhood for 50 plus years. He asked the Commission to consider the neighborhood. He pointed out that not all apartments should be around the University. The apartments should be spread out throughout the city and not in neighborhoods.

Diane Wassenich resides on Tanglewood on the edge of the neighborhood reminded the Commission that during the Comprehensive Planning Process the Committee worked very hard to find locations for apartments that are needed in the community. She explained that there are places in the Comprehensive Plan but what they see repeatedly are project requests being made in areas of stability and want to change a residential area into an apartment area. She said if the Commission honors planning processes both the staff and the Planning Commission need to honor what the community came together to do and locate apartments in appropriate places and not this location.

Cori Schwartz, 101 W. Mimosa stated that she was very excited to take part of the meeting regarding the Land Development Code. She pointed out all the work that has been done in the Master Plan is the first step. She pointed that she was concerned with a comment that a consultant made saying that "no you are not safe, yes you do have to keep watching because the Codes are not set in stone." Ms. Schwartz stated that City staff needs to implement and enforce what has been done. She added that it is clear that no one wants apartments and the area should be protected. She asked the Commission to respect what the citizens have said that they want in the Comprehensive Plan and vote no on this request.

Charles O'Neil, 121 E. Hillcrest, asked to not get seduced by the words redevelopment infill. He added who could be against infill redevelopment. He said 300 people driving up and down Alamo Street is not going to be good for the stability of the neighborhood. Mr. O'Neil added that everyone knows from bad

experiences that the parking standards for development are inadequate especially if students are having a party. He said that three hundred students will disrupt the neighborhood. He said he is confused of where we are and what the developer is asking for. He felt that the best solution is to send them back and return with a very clear description of what they want to do. Mr. O'Neil said as is he would ask the Commission to vote against the request.

Jim Keith, 1001 Bishop Street said he is very familiar with the area. He said after reviewing the traffic studies posted on the city's website, he felt that the intersections are one of the busiest in town. Mr. Keith stated that the houses in the area are rundown and the area must be looked at. He pointed out that the process for any development is long and have to go through multiple levels of approval. He added that anyone that lives in the area knows that houses are dangerous to live in. He said small steps in ways to improve the area are necessary. Mr. Keith stated that he is in support of the request and people should be able to work together for a solution.

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

A motion was made by Commissioner Kelsey, seconded by Commissioner Ramirez, that PSA-14-06 be denied. The motion carried by the following vote:

For: 8 - Chairperson Wood, Commissioner Carothers, Commissioner Ehlers, Commissioner Kelsey, Commissioner Ramirez, Commissioner Seebeck, Commissioner Stanfield and Commissioner Garber

Against: 1 - Commissioner Olson

NON-CONSENT AGENDA

- 9. Development Services Report:
 - a. Code SMTX update
 - b. Staffing update

Kristy Stark gave an overview on Code SMTX and Staff updates.

V. Question and Answer Session with Press and Public.

There were no questions from the press and public.

VI. Adjournment

A motion was made by Commissioner Seebeck, seconded by Commissioner Olson, that the meeting be adjourned at 7:16 p.m. The motion carried by a unanimous vote.

 Chris Wood, Commissioner Chair Kenneth Ehlers, Commissioner

 Corey Carothers, Commissioner Travis Kelsey, Commissioner

 Angie Ramirez, Commissioner Amy Stanfield, Commissioner

Curtis Seebeck, Commissioner

Brian Olson, Commissioner

Jim Garber, 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: