



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes Planning and Zoning Commission

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Tuesday, May 26, 2015

6:00 PM

City Council Chambers

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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 6:01 p.m. on Tuesday, May 26, 2015 in the Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas 78666.**

### II. Roll Call

**Present** 7 - Chairperson Chris Wood, Vice Chair Kenneth Ehlers, Commissioner Angie Ramirez, Commissioner Amy Stanfield, Commissioner Jim Garber, Commissioner Shawn Dupont, and Commissioner Saul Gonzales

**Absent** 2 - Commissioner Brian Olson, and Commissioner Travis Kelsey

### III. Chairperson's Opening Remarks

### IV. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta, San Marcos is a wonderful community and everyone has contributed a lot of help from baking to ripping out sheetrock and rugs. She said maybe the Planning & Zoning Commission Charter should be amended because she doesn't understand what citizens the Commission is protecting. She said that many tenants are having trouble with landlords doing shotty construction repairs. Ms. Coppoletta mentioned that many chamber members are breaking the curfew that was in place to protect the citizens as well as 1st responders. She added that Hays County has cut off funding to the Tenants Council. She said the homeowners are clearly not protected by this body because of the decisions that they have made. Thousands of peoples' lives have been ruined. Ms. Coppoletta said she hopes the Commission thinks twice when they make another decision as the one they made for Capes Camp.

Melissa Derrick, speaking regarding Capes Cape and the catastrophy that has happened. She pointed out that she and others spent countless hours at public meeting to not vote to approve Capes Camp. She felt that requiring Capes Camp to build above the flood plain would create a dam and push all the water to the Blanco Gardens and the Agua Pescow area and that is exactly what happened. Ms. Derrick stated there is a severe engineering problem. She said that people's lives have been ruined because of decisions that were made by the Planning Commission regarding Capes Camp. She said that she and many other citizens are sick. She felt it could have been prevented. Ms. Derrick added that if we don't have engineers that are going to work we need to hire someone. She also mentioned that building in the 100



year flood plain needs to stop because it is a 100 year flood plain for a reason. She pointed out that if you build on it you are taking a risk and why do we want to take risks with human lives, homes, memories and everything people own. Ms. Derrick added that if the Commission had listened to the constituents this would not have not happened.

Terry Norris, 634 Mill Street, referred to the May 15, Daily Record article and thanked all in the consideration of the Mill Street issues. Mr. Norris presented a diagram he created of RR 12, Holland and Coers. He explained that he owns a piece of property at 153 Coers and when it rains all the water comes around Wake the Dead, down Holland and goes through his front yard. Mr. Norris explained that the water came up almost 15 ft to the front door of a family four-plex. He said he would like the Council to consider the drainage issue and possibly in the Capital Improvements consider the traffic issues. He added that Schulle Canyon is in the back of 153 Coers and a business next door has alot of traffic going through his parking lot thus giving him a liability.

Joan Byrd, long time resident in San Marcos and a bike rider of nine years addressed that sidewalks are very dangerous because there is no visibility when you turn. She asked the Commission to get on their bikes, ride around town to understand the concerns. Ms. Byrd said we knew the flood was coming and felt that not enough people were warned. She said we all know that the Capes Camp area has flooded in the past.

Diane Wassenich stated that she brought a flood map but said she was not going to go over it because they know what a flood map is. It is also located on the City website. She pointed out that the two largest blocks of 100 year floodplain in San Marcos are around Barbara, Conway, the Capes Camp area, and the area around the newest fire department. She added that they are huge blocks of the 100 year floodplain. Ms. Wassenich stated that we are building public building and are placing a lot of students in many apartments all over town in danger. She asked the Commission to think about what they have done to families on Barbara and Conway. She explained that it is not only the apartments but the pile of dirt that is at least a city block long on Riverside Drive that keeps the water from flowing in it's natural way. She asked each of the Commission to park on Riverside Drive and walk and look at where the water line came up on the pile of dirt. Ms. Wassenich stated that the City allowed the houses to be flooded by the way the construction is conducted and by the plan. She said she was embarrassed that we are having an online fund raiser for our fireman's vehicles because we built the fire station in the 100 year flood plain. Ms. Wassenich added that for 16 years she has brought the one page summary of all the floods in our area since 1998 to explain what could happen in our area. She told the Commission to look at floodplain maps and make decisions that are good for future generations, people and business who live in the 100 year flood plain who are damaged by their decisions.

Robert Jett, resident of 219 Parker Drive since 1995 said he and his neighbors are used to hearing noise from the dealership during the day. He felt that if Hooters is



approved the noise level will increase tremendously in the evening and night time and on the weekends. Mr. Jett explained that Hooters has outdoor activities that relate to their clientele as well which equates to more noise in the neighborhood. He said the people closest to Hooters will lose their peace and quiet. Mr. Jett added that he is concerned that his property values will decrease with the added noise to the neighborhood. He said that they may not be within 200 ft but it may not be appropriate to have a daycare near that type of business. He asked the commission to not approve the request and pointed out that it will affect approximately 20 families.

## CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting on May 12, 2015.
2. PC-14-35\_02 (Independence Trail Preliminary Plat) Consider a request by Chan & Partners Engineering, LLC, on behalf of M&M Holdings, LLC, for approval of a Preliminary Plat for approximately 72.942 acres, more or less, out of the John Owens Survey, consisting of 57 residential lots located near the intersection of Old Bastrop Highway and Francis Harris Lane.

**A motion was made by Commissioner Ramirez, seconded by Vice Chair Ehlers, that the Consent Agenda be approved. The motion carried by the following vote:**

**For:** 7 - Chairperson Wood, Vice Chair Ehlers, Commissioner Ramirez, Commissioner Stanfield, Commissioner Garber, Commissioner Dupont and Commissioner Gonzales

**Against:** 0

**Absent:** 2 - Commissioner Olson and Commissioner Kelsey

## PUBLIC HEARINGS

3. CUP-15-05 (Stripes Gas Station at The Retreat) Hold a public hearing and consider a request by ETR Development Consulting LLC, on behalf of American Campus Communities, for a Conditional Use Permit to allow fuel sales in conjunction with a convenience store located at 502 Craddock Avenue.

Chair Wood opened the public hearing.

Will Parrish, Planning Tech gave an overview of the request.

Ed Theriot, 5395 Hwy. 59, Lockhart, asking for approval of allowing fuel sales. He said that he has been working with staff for several weeks to ensure that they have addressed all concerns. He presented the Commission with a partial list of the negotiations. He asked the Commission for a favorable consideration.

Diane Wassenich, 11 Tangelwood, said her understanding is that Community Commercial (CC) does not allow gas stations. She pointed out that there are plenty of gas stations in the area. Ms. Wassenich stated that the proposed development will increase traffic and noise. She added that when the property was designated as CC,



they envisioned offices with daytime hours which would be less disruptive. Ms. Wassenich added that she has trouble trusting that trees will be saved because most of the trees are dead. She said if the Commission approves the request they will change the whole concept.

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

**A motion was made by Commissioner Ramirez, seconded by Commissioner Garber, that CUP-15-05 (Stripes Gas Station at the Treat) be denied. The motion carried by the following vote:**

**For:** 5 - Vice Chair Ehlers, Commissioner Ramirez, Commissioner Stanfield, Commissioner Garber and Commissioner Gonzales

**Against:** 2 - Chairperson Wood and Commissioner Dupont

**Absent:** 2 - Commissioner Olson and Commissioner Kelsey

4. CUP-15-09 (Hooters) Hold a public hearing and consider a request by TW Restaurant Holder LLC, on behalf of San Marcos 123 and 35 Partners, LLC, for a Conditional Use Permit to allow for the sale of mixed alcoholic beverages for on-premises consumption at 1305 S IH 35.

Chair Wood opened the public hearing.

Will Parrish, Planning Tech gave an overview of the request.

Marcos Schwartz, 600 congress Ave, Austin Texas, on behalf of applicant, TW Restaurant Holder asked the Commission for their consideration. He explained that they have taken several steps in noise abatement in order to minimize noise on any impact of the neighbors. Mr. Schwartz added that they are providing a 40' setback and have repositioned the building to minimize noise. He pointed out that employees are trained in alcohol sales and are TABC certified. Mr. Schwartz added that he was available to answer questions.

Diane Wassenich, spoke in opposition to the request. She commented, Hooters against houses, seriously.

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

**A motion was made by Commissioner Ramirez, seconded by Commissioner Garber, that CUP-15-09 (Hooters) be denied. The motion failed by the following vote:**

**For:** 3 - Commissioner Ramirez, Commissioner Garber and Commissioner Gonzales

**Against:** 4 - Chairperson Wood, Vice Chair Ehlers, Commissioner Stanfield and Commissioner Dupont

**Absent:** 2 - Commissioner Olson and Commissioner Kelsey

**A motion was made by Vice Chair Ehlers, seconded by Commissioner Dupont, that CUP-15-09 (Hooters) be approved with conditions that the CUP shall be valid for one (1) year, provided standards are met, subject to the point system; the building is constructed in a manner consistent with the provided site plan, where the building acts as a sound barrier between the patio and the nearest neighborhood; the building is constructed no closer than 40 feet to the nearest residential property; and the CUP shall be posted in the same manner and location as the Certificate of Occupancy. The motion carried by the following vote:**



**For:** 4 - Chairperson Wood, Vice Chair Ehlers, Commissioner Stanfield and Commissioner Dupont

**Against:** 3 - Commissioner Ramirez, Commissioner Garber and Commissioner Gonzales

**Absent:** 2 - Commissioner Olson and Commissioner Kelsey

5. CUP-15-10 (Showplace Cinema) Hold a public hearing and consider a request by Showplace Cinema Grill, for a renewal of an Unrestricted Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption at 321 N LBJ Street.

Chair Wood opened the public hearing.

Will Parrish, Planning Staff gave an overview of the request.

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

**A motion was made by Vice Chair Ehlers, seconded by Commissioner Ramirez, that CUP-15-10 (Showplace Cinema) 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 posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:**

**For:** 7 - Chairperson Wood, Vice Chair Ehlers, Commissioner Ramirez, Commissioner Stanfield, Commissioner Garber, Commissioner Dupont and Commissioner Gonzales

**Against:** 0

**Absent:** 2 - Commissioner Olson and Commissioner Kelsey

6. CUP-15-11 (Starplex Cinema) Hold a public hearing and consider a request by Starplex Cinema Grill, for the renewal of a Conditional Use Permit to allow the continued sale of beer and wine for on-premises consumption at 1250 Wonder World Drive.

Chair Wood opened the public hearing.

Will Parrish, Planning Tech gave an overview of the request.

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

**A motion was made by Vice Chair Ehlers, seconded by Commissioner Ramirez, that CUP-15-11 (Starplex Cinema) 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. The motion carried by the following vote:**

**For:** 7 - Chairperson Wood, Vice Chair Ehlers, Commissioner Ramirez, Commissioner Stanfield, Commissioner Garber, Commissioner Dupont and Commissioner Gonzales

**Against:** 0

**Absent:** 2 - Commissioner Olson and Commissioner Kelsey

7. CUP-15-12 (Plant Nursery) Hold a public hearing and consider a request by David Elliot, on behalf of Adventure Ventures, for a Conditional Use Permit to allow a plant nursery in a Mixed Use zoning district at 415 Staples Road.



Chair Wood opened the public hearing.

Will Parrish, Planning Tech gave an overview of the request.

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

**A motion was made by Commissioner Ramirez, seconded by Commissioner Dupont, that CUP-15-12 (Plant Nursery) be approved with conditions that the approval be based upon the submitted site plan; this project abides by all other rules and regulations of the Land Development Code as applicable. The motion carried by the following vote:**

**For:** 7 - Chairperson Wood, Vice Chair Ehlers, Commissioner Ramirez, Commissioner Stanfield, Commissioner Garber, Commissioner Dupont and Commissioner Gonzales

**Against:** 0

**Absent:** 2 - Commissioner Olson and Commissioner Kelsey

## NON-CONSENT AGENDA

8. Development Services Report:
  - a. Chp 14 Building Code Amendments
  - b. Staff Update

Shannon Mattingly, Planning & Development Services Director informed the Commission that Building Code Amendments will be presented to City Council on Tuesday, June 2nd. She also informed the Commission that the Senior Planner position has been filled. Brandon Melland will be introduced at the next Planning Commission meeting.

9. Consider a recommendation to City Council on years 2016-2025 of the City's 10 year Capital Improvement Program.

**A motion was made by Chairperson Wood, seconded by Commissioner Stanfield, that the 2016-2025 Capital Improvement Program be recommended for approval with the recommendation that the City not proceed with the Willow Creek Estates Septic Conversion Phase One project scheduled to begin design in FY 2017. The motion carried by the following vote:**

**For:** 7 - Chairperson Wood, Vice Chair Ehlers, Commissioner Ramirez, Commissioner Stanfield, Commissioner Garber, Commissioner Dupont and Commissioner Gonzales

**Against:** 0

**Absent:** 2 - Commissioner Olson and Commissioner Kelsey

## 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 Ehlers, seconded by Commissioner Stanfield, that the meeting be adjourned at 7:31 p.m. The motion carried unanimously.

  
Chris Wood, Chair

  
Kenneth Ehlers, Vice Chair

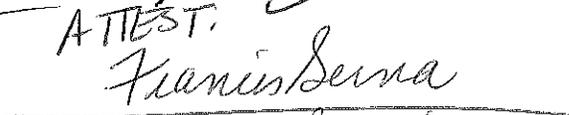
  
Angie Ramirez, Commissioner

  
Amy Stanfield, Commissioner

  
Jim Garber, Commissioner

  
Saul Gonzales, Commissioner

  
Shawn Dupont, Commissioner

ATTEST.  
  
Recording Secretary

**ADDENDUM**

The following item was added after the agenda was posted on Thursday, May 21, 2015:

Item # 9 Consider a recommendation to City Council on years 2016-2025 City's Capital Improvements Program.

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:

