City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes
Planning and Zoning Commission

Tuesday, January 12, 2016 | **6:00 PM** | **City Council Chambers**

630 E. Hopkins

I. Call To Order

II. Roll Call

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 12, 2016 in the City Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas.

Present 9 - Vice Chair Kenneth Ehlers, Chairperson Chris Wood, Commissioner Angie Ramirez, Commissioner Jim Garber, Commissioner Travis Kelsey, Commissioner Shawn Dupont, Commissioner Saul Gonzales, Commissioner Kate McCarty, and Commissioner Douglas Beckett

III. Chairperson's Opening Remarks

1. Introduce Newly Appointed Commissioner

Chair Wood introduced and welcomed newly appointed Commissioner Douglas Beckett.

IV. 30 Minute Citizen Comment Period

Camille Phillips stated she was present to speak regarding CUP-15-19 and CUP-15 32. She said that the Vertz Kepab will be in the old post office building which is an area with great traffic congestion. Ms. Phillips explained she has to be extra cautious because she is afraid to get hit when traveling in the area. She feels that adding another business will make the congestion worse. She added that there will be additional people drinking and driving and will be a hazard. Ms. Phillips asked the Commission to consider the traffic situation. She pointed out that the CUP-15-32, North Street Inc., is very close to the First Presbyterian Church which has been a great asset to San Marcos for many years which the First Methodist Church has been as well. She asked the Commission to protect the good things about San Marcos which includes our churches. Ms. Phillips asked the Commission to deny CUP-15-32 and protect the good things about San Marcos. She added if the request is not denied for the Commission to not allow outdoor activities because they are very noisy and keep the neighbors awake at night.

CONSENT AGENDA

2. Consider approval of the minutes of the Regular Meeting on December 8, 2015.

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

For: 9 - Vice Chair Ehlers, Chairperson Wood, Commissioner Ramirez, Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty and Commissioner Beckett

Against: 0

PUBLIC HEARINGS

3. CUP-15-19 (Verts Kebap) Hold a public hearing and consider a request by Kevin Blackburn, on behalf of Verts Kebap LLC, for a new Restricted Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 301 North Guadalupe Street, Ste. 154. (A.Villalobos)

Commissioners Kelsey and McCarty recused themselves from the dais.

Chair Wood opened the public hearing.

Andrea Villallobos, Staff Planning Tech gave an overview of the request.

Chris Secrest, 719 West San Antonio Street stated he was representing the Church. He stated that he provided staff a letter and photos. He referred to the letter and photos he provided to the Commission prior to the meeting and asked the Commission to review. He said that he is not against the sale of alcohol and have been good neighbors. Mr. Secrest pointed out that the issue is the entrance ramp to the location and referred to the photos he provided. He added that Torchy's parking lot is weird and is difficult to get in and out and this request is going to increase traffic. He asked the Commission to view the egress and ingress due to the heavy traffic in the area. In addition, he asked the Commission to decide if they feel it is safe to add alcoholic beverages to the area. Mr. Secrest suggested that a one way in and out would be most effective. He explained how difficult it is to safely exit the parking lot.

Rev. Todd Salmi, 1301 Brown Street said he serves as one of the Pastors at First United Methodist Church and spoke in support of his Church members who have serious concerns about CUP-15-19 generating traffic. He added that the Methodist Church has been a continued presence in downtown San Marcos for 169 years. Rev. Salmi pointed out that the Church is located directly across from the proposed request. He informed the Commission that they have several activities for adults and youth 7 days a week. He said they have welcomed incoming businesses to the old Post Office and are patiently waiting for them to work out the traffic issues. Rev. Salmi said traffic needs to be addressed and current parking issues should be addressed immediately. The exit ramp is dangerous and adding alcohol is clearly dangerous and a negligent act. He suggested a one way entrance to the parking lot.

Mitchell Bonar, 131 Camp Creek Court, Buda Texas, representing Verts Kepab with the Management Team said he has been at the location on several occasions and he does agree that it is a tricky parking lot. He said he agrees that the entrance and exit could use improvement but blocking his CUP request when alcohol sales are only 6-7% of sales is unfair. He said he was available to answer questions.

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

A motion was made by Vice Chair Ehlers, seconded by Commissioner Dupont, that CUP-15-19 (Verts Kebap) be approved with the 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 the issuance of the Certificate of Occupancy, and the CUP shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 6 - Vice Chair Ehlers, Chairperson Wood, Commissioner Ramirez, Commissioner Garber, Commissioner Dupont and Commissioner Gonzales

Against: 1 - Commissioner Beckett

Abstain: 2 - Commissioner Kelsey and Commissioner McCarty

4. CUP-15-32 (North Street Inc.) Hold a public hearing and consider a request by Chase Katz, on behalf of North Street Inc., for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 216 North Street. (A. Villalobos)

Commissioner Kelsey recused himself from the dais.

Chair Wood opened the public hearing.

Andrea Villalobos, Staff Planning Tech gave an overview of the request.

Mike Dillon, 1000 Burleson, along with his wife, Cathy Dillon owners of Crystal River Inn stated they are primarily in favor of the request. He said they have a long history with the applicant and just want to make sure that they do what they say they are going to do due to the history. Mr. Dillon commented that he is in support of the bar closing at 11 pm or midnight would be wonderful. He mentioned that it seems like it is going to be a classy place. Mr. Dillon added that the applicants do cooperate when they can and have addressed issues in the past. He pointed out that they decorate the Inn with lights and the lights were torn down again this year as they were the first year Zelick's opened. Mr. Dillon reiterated that they want to make sure they do what they say they are going to do.

Cathy Dillon, Mike's wife, said Crystal River Inn has been at the location for 32 years. She explained that five years ago the applicants came before the Commission and they were in support at the time because they felt it would be an improvement of what was previously there. Ms. Dillon said in many ways it was an improvement and in

many other ways it was a nightmare. She told the Commission that they have to forgive them for being skeptical about the expansion to the business. Ms. Dillon explained that a buffer will be necessary for the Crystal River Inn to continue doing business. She stated that they spoke to the Katz and they have all agreed to no live amplified music. She said she hopes that the conditions are reviewed carefully.

Seth Katz, 216 North Street stated that the proposed business will improve the streetscape and walkability of North Street and coincides with the SmartCode philosophy. The proposed request is a beer and wine license with hours to midnight at the latest. Mr. Katz added that they have chosen the hours to limit nighttime activity. He said their focus is craft beer and wine program. He said after speaking with their neighbors, Mike and Cathy Dillon they recognize their concerns with live music noise and preserve their wedding business. Mr. Katz proposed to modify the recommendation of "no outdoor live amplified music" to state "no live music." Also, in order to preserve the wedding business, they have open lines of communication and work diligently to make sure there are no interruptions. Mr. Katz stated that in order to provide a noise buffer they are proposing to only use an enclosed building space and the front of the business.

A motion was made by Commissioner Dupont, seconded by Commissioner Ramirez, that CUP-15-32 (north Street Inc.) be approved with the conditions that the CUP shall be valid for one (1) year, provided standards are met, subject to the point system, the CUP shall be effective upon the issuance of the Certificate of Occupancy and the CUP shall be posted in the same area and manner as the Certificate of Occupancy.

A motion was made by Commissioner Garber, seconded by Commissioner McCarty, that CUP-15-32 (North Street Inc.) be amended to include "no live music" . The motion carried by the following vote:

For: 8 - Vice Chair Ehlers, Chairperson Wood, Commissioner Ramirez, Commissioner Garber, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty and Commissioner Beckett

Against: 0

Recused: 1 - Commissioner Kelsey

Chair Wood called for a vote on the main motion that CUP-15-32 (North Street Inc.) be approved with conditions that the CUP shall be valid for one (1) year, provided standards are met, subject to the point system, no live music shall be allowed, the CUP shall be effective upon the issuance of the Certificate of Occupancy and the CUP shall be posted in the same area and manner as the Certificate of Occupancy.

For: 8 - Vice Chair Ehlers, Chairperson Wood, Commissioner Ramirez, Commissioner Garber, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty and Commissioner Beckett

Against: 0

Recused: 1 - Commissioner Kelsey

5. CUP-15-41 (Urban Bricks Pizza) Hold a public hearing and consider a request by James C. MacKenzie, on behalf of Urban Bricks Pizza, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 420 University Drive. (A. Villalobos)

Chair Wood opened the public hearing.

Andrea Villalobos, Staff Planning Tech gave an overview of the request.

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

A motion was made by Commissioner Garber, seconded by Commissioner Gonzales, that CUP-15-41 (Urban Bricks Pizza) be approved with the 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 the issuance of the Certificate of Occupancy; and the CUP shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 9 - Vice Chair Ehlers, Chairperson Wood, Commissioner Ramirez, Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty and Commissioner Beckett

Against: 0

6. CUP-15-42 (Pollo Tropical) Hold a public hearing and consider a request by Brad Vickers, on behalf of Fiesta Restaurant Group, Inc. for a Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 1439 North IH-35. (W. Parrish)

Chair Wood opened the public hearing.

Will Parrish, Staff 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 Garber, seconded by Commissioner Gonzales, that CUP-15-42 (Pollo Tropical) be approved with the conditions that the CUP shall be valid for one (1) year, provided standards are met, subject to the point system and the CUP shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 9 - Vice Chair Ehlers, Chairperson Wood, Commissioner Ramirez, Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty and Commissioner Beckett

Against: 0

7. CUP-15-43 (Buzz Mill Coffee) Hold a public hearing and consider a request by Jason Sabala for a Restricted Conditional Use Permit for the sale of mixed beverages for on-premise consumption at 194 South Guadalupe Street. (W. Parrish)

Chair Wood opened the public hearing.

Will Parrish, Staff 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 Garber, seconded by Commissioner Dupont, that CUP-15-43 (Buzz Mill Coffee) be approved with the conditions that the CUP shall be posted in the same area and manner as the Certificate of Occupancy, No live amplified music after 10:00 p.m., and the CUP shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 9 - Vice Chair Ehlers, Chairperson Wood, Commissioner Ramirez, Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty and Commissioner Beckett

Against: 0

8. SCW-15-02 (101 East Hopkins Street) Hold a public hearing and consider a request by Dave M. Newman for a SmartCode Warrant to allow a wireless transmitter in a SmartCode T5 zoning district at 101 East Hopkins Street. (A. Brake)

Chair Wood opened the public hearing.

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

Dave Newman, 128 E. Holland, stated that since their meeting with the Historic Preservation Commission they had temporarily placed the antennae on roof to show an accurate rendering. Mr. Newman advised that they have submitted their request to the State Historic Preservation Commission for approval. He said he looks forward to the opportunity to bring licensed community radio to San Marcos and the surrounding area. Mr. Newman explained that they intent to showcase the culture, environment and music of San Marcos. He pointed out that the entire Radio Board was present and were available to answer questions.

David Wendell, 118 E. Holland, spoke in support of the request and the importance of the radio station being located in the downtown area. He explained that the location will better serve the community of San Marcos and surrounding areas.

Diane Wassenich stated she is looking forward to a radio station. She stated that the radio station will help the community in ways that we don't even know yet because of the increased communication. She said she hopes the Commission supports the

request.

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

A motion was made by Commissioner Garber, seconded by Commissioner Kelsey, that SCW-15-02 (101 East Hopkins Street) be approved. The motion carried by the following vote:

For: 9 - Vice Chair Ehlers, Chairperson Wood, Commissioner Ramirez, Commissioner Garber, Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty and Commissioner Beckett

Against: 0

NON-CONSENT AGENDA

V. Question and Answer Session with Press and Public.

There were no questions from the press and public.

VI. Adjournment

A motion was made that the meeting be adjourned at 7:13 p.m. The motion carried by a unanimous vote.

Chris Wood, Chair

Kenneth Ehlers, Vice Chair

Travis Kelsey, Commissioner

Angie Ramirez, Commissioner

Jim Garber, Commissioner

Shawn Dupont, Commissioner

Saul Gonzales, Commissioner

Kate McCarty, Commissioner

Douglas Beckett, Commissioner

ATTEST:

Francis Serna

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,
(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 Texas LLC & The Pachon 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 12 Jan, 2016 agenda of the governmental body, and is described as follows: CUP-15-32 (Neath Street Inc)

EXECUTED this 12th day of January, 2016.

Signature Travis Kelsey

Printed Name Travis Kelsey

SWORN TO AND SUBSCRIBED before me on the 12th day of January, 2016

Notary Stamp: FRANCIS SERNA MY COMMISSION EXPIRES June 12, 2019

Francis Serna
Notary Public
State of Texas

FILED this 19th day of January, 2016.

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 & Zoning Comm, (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 Texas LLC & The Porch 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 12 Jan, 2016 agenda of the governmental body, and is described as follows: CUP-15-19 Verts Kebap

EXECUTED this 12th day of January, 2016.

Signature Travis Kelsey

Printed Name Travis Kelsey

SWORN TO AND SUBSCRIBED before me on the 12 day of January, 2016.

Notary Stamp: FRANCIS SERNA MY COMMISSION EXPIRES June 12, 2019

Francis Serna
Notary Public
State of Texas

FILED this 19th day of January, 2016.

City Clerk of the City of San Marcos