



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes Planning and Zoning Commission

---

Tuesday, June 28, 2016

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 Vice Chair Kelsey at 6:00 p.m. on Tuesday, June 28, 2016 in the City Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas.**

### II. Roll Call

**Present** 8 - Commissioner Travis Kelsey, Commissioner Shawn Dupont, Commissioner Saul Gonzales, Commissioner Kate McCarty, Commissioner Douglas Beckett, Commissioner Betseygail Rand, Commissioner Lee Porterfield, and Commissioner Angie Ramirez

**Absent** 1 - Commissioner Jim Garber

### III. Chairperson's Opening Remarks

### IV. 30 Minute Citizen Comment Period

Lisa Marie Coppolletta, 1322 Belvin stated that she appreciates all the hard work that the Planning Commission has done. She said she has waited thirty years to have a Commission that listens to the public. She added that she appreciates how the Commission has been voting and how the meetings are run. Ms. Coppolletta added that she is also very thankful for the City Council, specifically Lisa Prewitt and Melissa Derrick. She explained that they have created two very good Ordinances related to mold which impacts flood victims and students. As well as a smart meter opt out program. She also is very thankful for the City Management team who have allowed her to have several meetings in the last couple of months on several issues of concern. Ms. Coppolletta said she also appreciates of all the activist that attend meetings. She added that she appreciates the people who pick up trash around town and by the river. She mentioned that the people working on the radio station are doing an awesome job. She pointed out that Rob Roark has worked on the radio station for years. Ms. Coppolletta said she also appreciates Diane Wassenich, who does so much good work for the community and is tireless with her commitment to protect the river and ecosystem. She added that she appreciates and thanks Mario and Maria Garza who work so hard to protection of indigouous human remains, artifacts and all their educational outreach. She also appreciates the cyclists and pedestrians in the community. Ms. Coppolletta said she also appreciates the students that get involved in the community. She appreciates the residence of Blanco

Gardens.

## CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting on June 14, 2016.
2. PC-16-03\_01 (La Cima Concept Plat) Consider a request by Bowman Consulting, on behalf of Lazy Oaks Ranch, L.P., for approval of a Concept Plat for approximately 2,029.023 acres, more or less out of the J. Williams, J. Maximillon, L. Glasgow Surveys located west of Old Ranch Road 12. (A. Brake)
3. PC-16-21\_03(Posey Road Industrial Park) Consider a request by Warren Realty, for approval of a Final Subdivision Plat for approximately 6.33 Acres, more or less, out of the William H. Van Horn Survey, generally located north of Posey Road and West of IH-35. (B. Melland)

**A motion was made by Commissioner Rand, seconded by Commissioner Gonzales, that the Action Agenda be approved. The motion carried by the following vote:**

**For:** 8 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

**Absent:** 1 - Commissioner Garber

## PUBLIC HEARINGS

4. CUP-16-16 (Tres Hermanas) Hold a public hearing and consider a request by David Chiu, on behalf of Tres Hermanas, for a renewal of a Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 2550 Hunter Road, Suite 1106. (T. Carpenter)

Vice Chair Kelsey opened the public hearing.

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

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

**A motion was made by Commissioner Dupont, seconded by Commissioner Gonzales, that CUP-16-16 (Tres Hermanas) be approved with the conditions The CUP shall be valid for one (1) year, provided standards are met, subject to the point system include the statement “Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages” on the restaurant menus; the restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of**

**total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met; the primary entrance for the restaurant shall remain at least 200 feet from the primary entrance of the school; and alcoholic beverages shall not be served earlier than 11 a.m. or later than 10 p.m. 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 Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

**Absent:** 1 - Commissioner Garber

5. LDC-16-04 (Commercial, Industrial and Public Material Standards) Hold a public hearing and consider revisions to Chapters 4 and 8 of the City's Land Development Code to incorporate Commercial, Industrial and Public Material Standards. (K. Stark)

Vice Chair Kelsey opened the public hearing.

Kristy Stark, Assistant Director gave an overview of the proposed amendments to the Land Development Code.

**A motion was made by Commissioner Ramirez, seconded by Commissioner McCarty, that LDC-16-04 (Commercial, Industrial and Public Material Standards) to approved.**

**A motion was made by Commissioner Rand, seconded by Commissioner Beckett, that the main motion be amended to strike "Lead" material. The motion failed by the following vote:**

**For:** 4 - Commissioner McCarty, Commissioner Beckett, Commissioner Rand and Commissioner Ramirez

**Against:** 4 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales and Commissioner Porterfield

**Absent:** 1 - Commissioner Garber

**Vice- Chair Kelsey called for a vote on the main motion to approve LDC-16-04 (Commercial, Industrial and Public Material Standards). The motion was approved by the following vote:**

**For:** 8 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

**Absent:** 1 - Commissioner Garber

6. LDC-16-05 (Purpose Built Student Housing) Hold a public hearing and consider revisions to Subpart B of the City's Code of Ordinances (Land Development Code) amending Chapter 4 (Zoning Regulations) and the Definitions Chapter in order to regulate purpose built student housing. (A. Gillfillan)

Vice Chair Kelsey opened the public hearing.

Abby Gillfillan, Planning Manager gave an overview of the proposed amendments to the Land Development Code.

Diane Wassenich, 11 Tanglewood, doesn't know if this is enough of an ordinance to manage the situation but felt it is a step in the right direction. She said she doesn't quite understand how a CUP process will work. She said most developments are built a certain way and can not be easily modified. Ms. Wassenich explained that she knows of incidents where students are upset because they live next to older citizens or a couple and the lifestyles are not compatible. She does believe there should be a special process but should be further discussed. She said it is not safe to live where you don't who you are going to share the apartment with. Ms. Wassenich added that she supports more restrictions on rent by the bedroom units.

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

**A motion was made by Commissioner Porterfield, seconded by Commissioner Gonzales, that LDC-16-05 (Purpose Built Student Housing). The motion carried by the following vote:**

**For:** 8 - Commissioner Kelsey, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

**Absent:** 1 - Commissioner Garber

7. LDC-16-06 (Conditional Use Permits) Hold a public hearing and consider revisions to Subpart B of the City's Code of Ordinances (Land Development Code) amending Section 4.3.4.2 in order to increase the number of restaurant (restricted) Conditional Use Permits in the Central Business Area. (T. Carpenter)

Vice Chair Kelsey recused himself.

Commissioner Ramirez was nominated as Acting Vice Chair.

Acting Vice Chair Ramirez opened the public hearing.

Tory Carpenter, Staff Planner gave an overview of the proposed amendments to the Land Development Code.

Diane Wassenich stated she was around in the old days when the limit was discussed. She explained that the limit was set because they didn't want downtown San Marcos to become exclusively a night spot. She said citizens wanted a healthy downtown with busy stores during the day as well. Ms. Wassenich pointed out that the current limits are working and has survived. She said that the police have to devote so much attention to the downtown particularly at night. She explained that we want downtown to be safe and not to become Six Street in Austin. Ms. Wassenich added that the limit should be reasonable so that the people that are currently downtown don't go out of business and safety of the pedestrians.

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

**A motion was made by Commissioner Dupont, seconded by Commissioner Beckett, that LDC-16-06 (Conditional Use Permits) to approved.**

**A motion was made by Acting Vice Chair Ramirez, seconded by Commissioner Beckett, that LDC-16-06 (Conditional Use Permits) be amended to increase the limit from 15 to 20 Restricted Conditional Use Permits. The motion carried by the following vote:**

**For:** 4 - Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett and Commissioner Ramirez

**Against:** 3 - Commissioner Dupont, Commissioner Rand and Commissioner Porterfield

**Absent:** 1 - Commissioner Garber

**Recused:** 1 - Commissioner Kelsey

**Acting Vice Chair Ramirez called for a vote on the main motion to approve LDC-16-06 (Condition Use Permits) to increase the number of Restaurant (restricted) Conditional Use Permit from 15 to 20. The motion carried by the following vote:**

**For:** 7 - Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

**Against:** 0

**Absent:** 1 - Commissioner Garber

**Recused:** 1 - Commissioner Kelsey

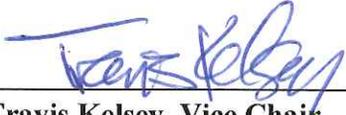
## **NON-CONSENT AGENDA**

### **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 7:20 p.m. The motion carried by a unanimous vote.



Travis Kelsey, Vice Chair

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 PRZ,  
(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 Tap Room.

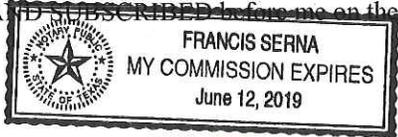
The nature and extent of my interest in the business entity is as follows: (check all that apply)

- 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 28 Jun, 2016 agenda of the governmental body, and is described as follows: LDC-16-06

EXECUTED this 28<sup>th</sup> day of June, 2016.  
Signature [Signature]  
Printed Name Tren's Kelzen

SWORN TO AND SUBSCRIBED before me on the 28 day of June, 2016.  
Notary Stamp:  Francis Serna  
Notary Public  
State of Texas

FILED this 1 day of July, 2016.  
[Signature]  
City Clerk of the City of San Marcos

**CITY OF SAN MARCOS**  
**DISCLOSURE AFFIDAVIT- REAL PROPERTY**

STATE OF TEXAS  
COUNTY OF HAYS

The undersigned member of the City of San Marcos \_\_\_\_\_  
(name of City Board, Commission, etc.) states under oath as follows:

6-14-16  
Planning & Zoning Commission

I have a substantial interest in real property that may be involved in a vote or decision of the governmental body described above, and it is reasonably foreseeable that the vote or decision will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The real property is described as follows:

The Blue Pahlia Bistro, Dandelion LLC  
Hopkins, San Marcos TX

I acknowledge that my interest in this real property has a fair market value of \$2,500 or more.

The vote or decision involving this interest in real property is on the \_\_\_\_\_, 20\_\_ agenda of the governmental body, and the subject matter of the vote or decision is as follows:

Check if applicable:

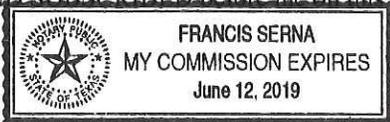
The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation:  
Samuel Ramirez - father

EXECUTED this 28 day of June, 2016.

Signature [Signature]

Printed Name Angie Ramirez

SWORN TO AND SUBSCRIBED before me on this 28 day of June, 2016



Francis Serna  
Notary Public, State of Texas

Notary Stamp:

FILED this 1 day of July, 2016.

[Signature]  
City Clerk of the City of San Marcos