

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
March 27, 2012**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Curtis Seebeck, Vice Chair  
Randy Bryan  
Chris Wood  
Travis Kelsey  
Carter Morris  
Kenneth Ehlers  
Corey Carothers

**City Staff:**

John Foreman, Planning Manager  
Roxanne Nemcik, Assistant City Attorney  
Tory Carpenter, Recording Secretary  
Christine Barton-Holmes, Chief Planner  
John Stanley, Planner

**2. Call to Order and a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday March 27, 2012 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, TX 78666.

**3. Chairperson's Opening Remarks.**

**4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

**5. 30 Minute Citizen Comment Period**

Steve Ramsey, 3206 Yellow Pine Terrace, Austin, TX attended the meeting for consent agenda item 7. He told the Commission that they would be considering a single family subdivision preliminary plat at this meeting. This plat will maintain SF-6 zoning, and low density residential land use. There are no zoning requests on the agenda for this meeting. He also told the Commission that he has an approved watershed Protection Plan Phase One permit. He mentioned that staff is recommending approval of this item with the condition that construction not start until the final plat is recorded. He assures the commission that this condition will be met.

**Consent Agenda:**

Commissioner Morris recused himself from the Consent Agenda.

**6. Consider the approval of the minutes from the Regular Meeting on March 13, 2012.**

**7. PC-12-03(02) (Sessom Court)** Consider a request by Ramsey Engineering on behalf of Darren Casey Interest, Inc for a Preliminary Plat for 46 lots on approximately 14.228 acres, located at Loquat Street and Sessom Drive.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood the Commission voted on consent to approve minutes of the Regular Meeting on March 13, 2012 and PC-12-03(02) with the condition that no construction of public improvements shall occur until after the Final Plat is recorded. Commissioner Bryan abstained. The motion carried.

### **Public Hearing**

**8. LDC-12-13 (Revision to Land Development Code)** Hold a public hearing and consider a request for an amendment to the City's Land Development Code to prohibit changing the boundaries of a zoning map amendment request after filing said request.

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

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Morris the Commission voted on consent to approve LDC-12-13. The motion carried unanimously.

**9. CUP-12-11 (The Railyard)** Hold a public hearing and consider a request by Matt Hageman on behalf of Railyard Bar & Grill L.L.P. for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on premise consumption at 116 S. Edward Gary Street.

Chair Taylor opened the public hearing. Matt Hageman, the applicant, told the Commission that The Railyard has been open for about 6 months. Mr. Hageman has not received any complaints in regards to live music, and he has not violated any of the initial conditions. He stated that he has a problem with staff recommending a condition ending live music after 10:00pm. Mr. Hageman asks that the Commission not include the condition. There were no additional citizen comments and the public hearing was closed.

**AMENDED MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission voted all in favor to approve the amended motion to include the condition that the doors shall stay closed while music is playing. The motion carried unanimously.

**AMENDED MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission voted all in favor to approve the amended motion to include the condition that amplified music shall be contained to the indoor stage. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood the Commission approved on consent to approve CUP-12-11 with the condition that the CUP be valid for one year, provided standards are met, subject to the point system; that doors shall stay closed while amplified music is playing; and that amplified music shall be contained to the indoor stage. The motion carried unanimously.

**10. CUP-12-12 (Tantra Coffeehouse)** Hold a public hearing and consider a request by Nathan Todd on behalf of Tantra Coffeehouse for renewal of an existing Conditional Use Permit to allow the continued sale of beer and wine for on premise consumption at 217 W. Hopkins Street.

Chair Taylor opened the public hearing. Kyle Mylius, 1022 W MLK stated that the CUP was expired because he was unable to get a signature from the landlord. He pointed out other concerns in a letter he provided to the Commission. Mr. Mylius explained that he inherited Tantra and thought that it had a lifetime CUP. He said he was available to answer any questions. There were no additional citizen comments and the public hearing was closed.

**AMENDED MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission voted all in favor to approve the amended motion to remove the condition that the sale and consumption of beer and wine will be allowed after 10 A.M. Monday – Saturday and 12 P.M. Sunday. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Seebeck the Commission approved on consent to approve CUP-12-12 with the condition that the CUP be valid for six months, provided standards are met, subject to the point system; and that proof of maintenance of overflow parking agreement with Benchmark Insurance Group shall be submitted.

**11. CUP-12-13 (Cedar's Mediterranean Café & Hookah Bar)** Hold a public hearing and consider a request by Petra Business, Inc. on behalf of Cedar's Mediterranean Cafe for renewal of an existing Conditional Use Permit allowing continued use of a smoking lounge at 220 N. Edward Gary Street.

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

**MOTION:** Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey the Commission approved on consent to approve CUP-12-13 with the conditions that the permit shall be valid for six months, provided standards are met, subject to the point system; signage requirements of the Clean Air Ordinance are met; and a clearly visible sign shall be posted at the entrance stating that "Smoking is permitted throughout the area." The motion carried unanimously.

**12. LUA-11-25 (River Road – Capes Camp)** Hold a public hearing and consider a request by Thornton Family Investments for a land use amendment from Commercial to Medium Density Residential for a 4.2 acre, more or less, tract out of the J.M. Veramendi Survey No. 2, Abstract 17, located along River Road and IH 35.

Chair Taylor opened the public hearing. Loraine Burleson, 1109 Barbara Drive, stated that she is the CONA representative for the area. She told the Commission that she doesn't want a zoning change and requests the Commission to table or postpone this case.

Saul Gonzales, 816 Stagecoach Trail, wanted the Commission to table this case so the neighborhood can get a chance to meet with developer. He mentioned that this would be a perfect location for a PDD.

Steve Drenner, 401 Congress Suite 100 Austin, TX spoke on behalf of Thornton Family Investments. He asked Commission to change this area to commercial. It would work with the lift station and is suitable to provide access to a multifamily project that would be on the remainder of the tract. It is constant with the FLU map.

Juanita Vargas, 622 Conway Drive, asked the Commission to table this case. She is concerned with property values, and traffic.

Angie Ramirez, 612 Barbara Drive, just found out about this case on Monday night. She stated that no one in the neighborhood knows about this case.

Jennifer Roberts 600 Conway Drive told the Commission that other apartments in the area make the area very noisy. She also expressed her concerns about existing traffic problems in the area, and requested that the Commission table this case until there can be more discussion. There were no additional citizen comments and the public hearing was closed.

**There was a 10 minute recess.**

Steve Drenner gave a presentation on behalf of the applicant.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood the Commission approved on consent to postpone LUA-11-25 until the next regularly scheduled meeting of the Planning and Zoning. The motion carried unanimously.

**13. ZC-11-39 (River Road – Capes Camp)** Hold a public hearing and consider a request by Thornton Family Investments for a zoning change from Future Development (FD) to Multi-family (MF-12) for a 23.16 acre, more or less, tract out of the J.M. Veramendi Survey No. 2, Abstract 17, located along River Road and IH 35.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood the Commission approved on consent to postpone ZC-11-39 until the next regularly scheduled meeting of the Planning and Zoning. The motion carried unanimously.

**Non-Consent Agenda:**

**14. Discussion and possible direction to staff regarding the appropriate procedure to receive agenda item requests from the Commission.**

Commissioners discussed procedures that would allow them to request agenda items. The Commission requested that requests for agenda items be carried out the same way as City Council.

**15. Suggestions for future agenda items.**

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

**16. Development Services Report**

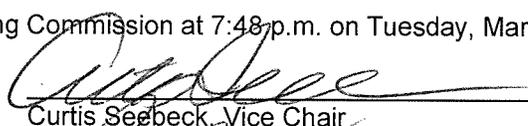
- a. Update regarding Joint Workshop
- b. Update regarding the Comprehensive Plan
- c. Update on 2012 Home Improvement Incentive
- d. Update on Homeowner Permitting
- e. Update regarding various sections of the Land Development Code as follows: Modifying the General Notice Requirements under Section 1.3.2.1; Modifying Overlay Districts by adding Section 4.2.4.2 Hopkins Street Overlay; Modifying the Land Use Matrix under Section 4.3.1.2; Modifying Supplemental Standards by adding Division 3: Multifamily Residential Design Standards; Modifying Tree and Habitat Protection under Chapter 5, Article 5; Modifying Parks and Open Space under Chapter 7, Article 6; and Modifying SmartCode Article 1 and Article 5.

**17. "Question and Answer Session with Press and Public. This is an opportunity for the Press and Public to ask questions related to items on this agenda."**

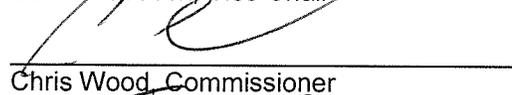
**18. Adjourn.**

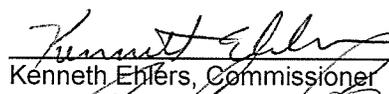
Chair Taylor adjourned the Planning and Zoning Commission at 7:48 p.m. on Tuesday, March 27, 2012.

  
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Bill Taylor, Chair

  
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Curtis Seebeck, Vice Chair

  
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Corey Cafothers, Commissioner

  
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Chris Wood, Commissioner

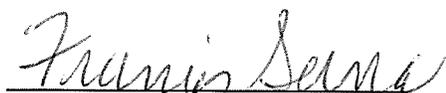
  
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Kenneth Ehlers, Commissioner

  
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Travis Kelsey, Commissioner

  
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Randy Bryan, Commissioner

  
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Carter Morris, Commissioner

ATTEST:

  
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Francis Serna, Recording Secretary