

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
February 28, 2012**

1. Present

Commissioners:

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

City Staff:

Matthew Lewis, Development Services Director
Francis Serna, Recording Secretary
John Foreman, Chief Planner
Christine Barton-Holmes, Chief Planner
Alison Brake, 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 6:02 p.m. on Tuesday February 28, 2012 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 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

Jay Hiebert, 209 W. Sierra Circle reiterated comments he made at last meeting concerning land available for mixed use and multifamily development. He said according to the chart he presented at the last meeting there over 2,287 acres available. Mr. Hiebert pointed out that there is ongoing opposition to rezoning single family to mixed use and multifamily. He asked the Commission to recommend to City Council that they continue to address the request for a moratorium. He said they felt that the issue was not properly addressed at the last City Council meeting.

Don Eyssen signed up to speak but was not present.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on February 14, 2012.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Kelsey the Commission approved on consent to approve the minutes of the Regular Meeting on February 14, 2012. The motion carried unanimously.

Items 17 and 19 were moved prior to item 7.

17. Discussion and possible direction to staff regarding expired Conditional Use Permits (CUPs).

John Foreman gave a brief overview and status of expired CUPs. The Commission directed staff to develop a reinstatement fee and timeline for expired CUPs. In addition, the Commission suggested requiring that the CUP certificate be required to be displayed on the premise.

19. Development Services Report.

1. Update on traffic and density report

Staff advised that the report is not complete and suggested that the item be postponed to the March 13, 2012 Planning and Zoning Commission meeting.

Public Hearing

7. CUP-12-03 (Pappas Pasta) Hold a public hearing and consider a request by Herlinda Lopez for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 2550 Hunter Road, Suite 1100.

John Foreman advised the Commission that the request also requires a variance and recommended that the CUP be postponed to allow the variance and the CUP to occur concurrently.

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

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bryan the Commission approved on consent to postpone CUP-12-03 to the March 13, 2012 Planning and Zoning Commission meeting.

8. CUP-12-07 (Freebird's) Hold a public hearing and consider a request by Freebird's World Burrito, on behalf of San Mar Dunhill, for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 909 State Highway 80, Suite C.

Chair Taylor opened the public hearing. Allen Lafevers, 1928 Barnet Street, Cedar Park, Texas thanked the Commission for their comments and consideration. He stated that they overlooked the deadline. He explained that alcohol does enhance their business but is not a huge part of the business. He added that they would like to continue to offer alcoholic beverages to those of age. He thanked the Commission for their consideration. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Ehlers the Commission voted on consent to approve CUP-12-07 for one (1) year, provided standards are met, subject to the point system. The motion carried unanimously.

9. CUP-12-08 (Eskimo Hut) Hold a public hearing and consider a request by RKY, Ltd. on behalf of Eskimo Hut, for renewal of a Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 216 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 Seebeck and a second by Commissioner Ehlers, the Commission voted six (6) for and one (1) against to approve CUP-12-08 for 1 year, provided standards are met, subject to the point system; all signage must conform to the standards in Chapter 6, Article 3 of the Land Development Code; and the CUP be revoked if more than one (1) sale to minors occurs within the next year. The motion carried. Commissioner Bryan voted no to the main motion.

AMENDED MOTION: Commissioner Morris made the motion to include that the CUP be revoked if more than one (1) sale to minors occurs within the next year. Commissioner Wood seconded the motion. The amended motion carried unanimously.

10. CUP-12-09 (Rooftop on the Square) Hold a public hearing and consider a request by Brandon Cash for the granting of a Restricted Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 126 S. Guadalupe Street.

Chair Taylor opened the public hearing. Jon Hohn 110 E. San Antonio provided the Commission with a letter addressing his concerns. He explained that he has a law practice and has been at that location for 22 years. Mr. Hohn said that the business is located less than 100' from his business and expressed his concerns regarding noise and possibly reducing the property value. He asked that there be no outdoor live music. In addition, he asked that the Commission recommend that no loud speakers or noise enhancements be allowed in the outdoor area.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Morris, the Commission voted on consent to approve CUP-12-09 for one (1) year, provided standards are met, subject to the point system; no live music shall be allowed on the premises at any time; and no outside loud speakers allowed. The motion carried unanimously.

AMENDED MOTION: Commissioner Bryan made the motion to include no outside loud speakers allowed. Commissioner Carothers seconded the motion. The motion carried 6-1. Commissioner Morris voted no.

11. CUP-12-10 (Chipotle) Hold a public hearing and consider a request by San Marcos Entertainment, L.L.C., for renewal of a Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 401 N. LBJ Drive.

Chair Taylor opened the public hearing. Robert Fiegen, 242 Offer Drive, Kyle Texas, General Manager of Chipotle in San Marcos explained that they are a corporate company out of Colorado. He explained that the corporate offices moved and they did not receive the notice. Mr. Fiegen added that they post the permit. He explained when he received the letter at the San Marcos location, he quickly responded. He pointed out that they stopped selling alcohol when he was aware the permit was expired. Mr. Fiegen asked the Commission for their approval.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Carothers, the Commission voted four (4) for and three (3) against to approve CUP-12-10 for the life of the TABC permit, provided standards are met, subject to the point system. The motion carried. Commissioners Seebeck, Taylor, and Wood voted no.

12. LDC-12-09 (Revision) Hold a public hearing and consider a recommendation to City Council to amend the City's Land Development Code to establish a minimum period between the recommendation of the Planning and Zoning Commission regarding a Zoning Map Amendment, and consideration by the City Council of that Amendment.

Chair Taylor opened the public hearing. Diane Wassenich, 11 Tangelwood, thanked the Commission for codifying the amendment which is much needed.

Jane Hughson 1600 N. LBJ Drive said it looks good and glad to see it. She asked the Commission to not forget that she suggested that when things are not turned in on time that they postpone the item. Ms. Hughson explained when items get turned in at the last minute the public does not get to review the item.

Jaimey Brieihan, 134 E. Hillcrest said amendment is a good move. He added that and more time would be best.

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

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission approved on consent to approve the Land Development Code revision. The motion carried unanimously.

Non-Consent Agenda:

13. Discussion and possible direction to staff regarding the Citizen Comment/Public Speaking Process.

Staff reported that changes were made to the process to be consistent with City Council's process. Several Commissioners stated concern about limiting the citizen comment period to 30 minutes and ending the signup at 5:45.

14. Discussion from staff regarding the conversion from a paper agenda packet to a digital agenda packet.

Staff informed the Commission that the agenda packet would be delivered electronically in the near future. Some Commissioners stated a desire to change to the electronic packet as soon as available, while others requested paper copies for the first few meetings.

15. Discussion and possible direction to staff regarding setting up the Board and Commission Retreat.

The Commission directed staff to look at the TDS venue in Buda, or the Old Fish Hatchery in City Park, and to consider holding the retreat in one day, rather than multiple sessions. Staff indicated items covered would include the Commission's accomplishments over the past year, the Comprehensive Plan revision, LDC revisions and direction to staff for the coming year. Commissioners Ehlers and Morris volunteered to work with staff on organizing the event.

16. Discussion and possible direction to staff regarding timeliness of items received at hearings – process.

The Commission stated that applications should be fully complete before they take action. The Commission also discussed the challenge of receiving reports and letters from the public on the dais without time to review.

Item 17 moved prior to item 7.

18. 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.

The following items were suggested by the Commission for consideration on future agendas:

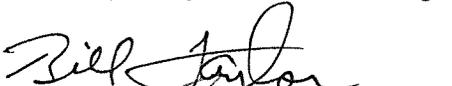
- Sidewalks
- Ways to receive information from the public regarding cases
- Presentation on how to find information online and a demonstration of MyPermitNow
- Timeline of cases from submittal to hearing, and possibility of extending notice for additional public review time

Item 19 moved prior to item 7.

20. Questions from the Press and Public.

21. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 8:06 p.m. on Tuesday, February 28, 2012.



Bill Taylor, Chair



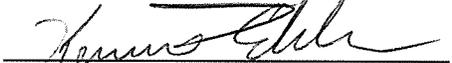
Curtis Seebeck, Vice Chair



Chris Wood, Commissioner



Randy Bryan, Commissioner



Kenneth Ehlers, Commissioner

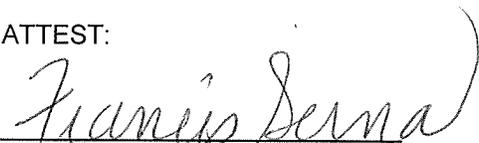


Carter Morris, Commissioner



Corey Carothers, Commissioner

ATTEST:



Francis Serna, Recording Secretary