



**SAN MARCOS PLANNING & ZONING COMMISSION
ACTION AGENDA
May 8, 2012 REGULAR MEETING**

Agenda #		Action or Direction
1	Call to Order	Chair Taylor called the meeting to order at 6:00 p.m.
2	Roll Call	Commissioners Couch and Bryan were absent. Commissioner Wood – arrived at 6:25
3	Chairperson’s Opening Remarks	
4	NOTE: The Planning and 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.	There was no Executive Session
5	30-Minute Citizen Comment Period	No one spoke.
6	<u>Consent Agenda</u> Consider the approval of the minutes from the Regular Meeting on April 24, 2012.	Approved on consent 5-0. Commissioner Morris recused himself from the consent agenda.
7	PC-11-07(01H) (Cottonwood Creek) Consider a request by Ramsey Engineering, L.L.C., on behalf of Cottonwood Creek JDR, Ltd., for approval of a Master Plan renewal of Cottonwood Creek subdivision, consisting of approximately 471.97 acres at the intersection of State Highway 123 and Monterrey Oak, San Marcos, TX.	Approved on consent 5-0. Commissioner Morris recused himself from the consent agenda.
8	PC-12-06(03) (Hunter’s Crossing Lot 2) Consider a request by PSCE, Inc. on behalf of Surecap-Village TX Partners I, L.P. for approval of a Final Plat for approximately 0.89 acres, more or less, out of the J.M. Veramendi Survey No. 1, Abstract 17, City of San Marcos, Hays County located at 115 Wonder World Drive.	Pulled from the consent agenda. Read on non-consent with the following conditions: 1. Notary text paragraph encroaching upon Joint Use Access Easement drawing area

		<p>will be removed from the easement boundaries.</p> <ol style="list-style-type: none"> 2. Remove blank lines next to P.U.E. measurements. 3. Remove 2050' measurements along Wonder World Drive in the southwest corner of the lot. <p>Approved 6-0</p>
9	<p><u>Public Hearings 8-13</u></p> <p>VR-12-01 (Pappa Pasta's) Hold a public hearing and consider a request by Herlinda Lopez for a variance to allow a restaurant serving alcohol less than 300 feet from a public school, but not less than 200 feet from the primary entrance to the school, to seek a Conditional Use Permit [LDC 4.3.4.2(b)(3)].</p>	<p>Approved 6-0 with the following condition:</p> <ol style="list-style-type: none"> 1. The following statement shall be included in the restaurant menu: <p style="margin-left: 40px;"><i>“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.”</i></p>
10	<p>CUP-12-03 (Pappa Pasta's) Hold a public hearing and consider a request by Herlinda Lopez for renewal of a Conditional Use Permit to allow the continued sale of beer and wine for on-premise consumption at 2550 Hunter Road Suite 1100.</p>	<p>Public Hearing for Items 9 and 10:</p> <ol style="list-style-type: none"> 1. Herlinda Lopez spoke on behalf of Pappa Pasta's and noted that they stopped selling beer & wine when they were informed of the expiration of the CUP. <p>Approved 6-0 (Commissioner Wood abstained) with the following conditions:</p> <ol style="list-style-type: none"> 1. The CUP shall be valid for one (1) year, provided standards are met, subject to the point system. 2. 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; 3. The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total

		<p>gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met;</p> <ol style="list-style-type: none"> 4. The primary entrance for the restaurant shall remain at least 200 feet from the primary entrance of the school; and 5. Alcoholic beverages shall not be served earlier than 11 a.m. or later than 10 p.m. 6. The CUP shall be effective upon approval of the variance by Council. <p>The Commissioners discussed the possibility of only approving the CUP for 6 months. Legal informed them that the code states that a CUP with a Distance Variance would need to be renewed for 1 year terms only. Based on the fact that alcohol was not being served after notification of expiration, several Commissioners stated their approval of a 1 year time period for renewal.</p>
11	<p>CUP-12-17 (Del Taco) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Lumberton Investments, Ltd., for a Conditional Use Permit to allow a Restaurant/Prepared Food Sales with a drive thru to be located within a Community Commercial (CC) zoning district located at 660 E. Hopkins Street.</p>	<p>Approved 7-0 with the following conditions:</p> <ol style="list-style-type: none"> 1) The exit drive on Hopkins is a right-in/right-out only; and 2) The CUP is conditional upon approval with Tx DOT approval of the driveway on Hopkins. <p>Public Hearing: No one spoke and the public hearing was closed.</p>
12	<p><u>Non Consent Agenda:</u></p> <p>Development Services Report</p> <ol style="list-style-type: none"> a. Update from staff on the Comprehensive Master Plan 	<p>Staff updated the Commission on the calendar for the Comprehensive Plan including dates for work days and public meetings.</p>
13	<p>Question and Answer Session with the Press and Public.</p>	<p>No one spoke.</p>
14	<p>Adjourn.</p>	<p>Adjourned at 7:00 p.m.</p>