



**SAN MARCOS PLANNING & ZONING COMMISSION
ACTION AGENDA
February 28, 2012 REGULAR MEETING**

Agenda #		Action or Direction
1	Call to Order	Chair Taylor called the meeting to order at 6:02 p.m.
2	Roll Call	Commissioner Couch absent Commissioner Kelsey left at approximately 6:20 p.m.
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.	No Executive Session.
5	30-Minute Citizen Comment Period	
6	<u>Consent Agenda</u> Consider the approval of the minutes from the Regular Meeting on February 14, 2012.	Approved 8-0
7	<u>Public Hearings (7-12)</u> 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.	Postponed to next regular meeting Public Hearing: No citizen comments
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.	Approved 7-0 Public hearing: Allen (applicant) - spoke in support of request.
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.	Approved 6-1 with Commissioner Bryan dissenting, with the following conditions: 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;

		<p>2. All signage must conform to the standards in Chapter 6, Article 3 of the Land Development Code; and</p> <p>3. The CUP shall be revoked if more than one (1) sale to minors occurs within the next year.</p> <p>Condition number 3 was an amendment proposed by Commissioner Morris. It was seconded by Commissioner Wood.</p> <p>Public hearing: No citizen comments.</p>
<p>10</p>	<p>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.</p>	<p>Approved 7-0 with the following conditions:</p> <ol style="list-style-type: none"> 1. Permit shall be valid for one year, provided standards are met, subject to the point system. 2. No live music shall be allowed on the premise at any time. 3. No outside loud speakers will be allowed at any time on the premise. <p>Condition number 3 above was an amendment proposed by Commissioner Bryan. It was seconded by Commissioner Carothers. Motion approved 6-1 with Commissioner Morris dissenting.</p> <p>Public hearing:</p> <p>John Hohn spoke regarding his concerns over the noise generated by the outside seating. He has a law office nearby and works late nights. He urged the commission to not allow outside music on the premise.</p> <p>The commission agreed with concerns regarding excessive outdoor noise and felt that the inside music would be sufficient for the outside portions as well if doors were left open.</p>
<p>11</p>	<p>CUP-12-10 (Chipotle) Hold a public hearing and consider a request by San Marcos Entertainment,</p>	<p>Approved 4-3 with Wood, Taylor and Seebeck dissenting, with the following</p>

	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.	<p>condition: Approved for the life of the TABC Permit, provided standards are met, subject to the points system.</p> <p>Public hearing:</p> <p>Robert Keegan, general manager, spoke in favor of approval. He indicated the permits were handled by their corporate office, and they were unaware of the expiration until notified by the City. Upon notification, they ceased serving all alcoholic beverages.</p>
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.	<p>Approved 7-0</p> <p>Public hearing:</p> <p>Diane Wassenich and Jane Hughson both thanked staff for putting this on the agenda to be discussed.</p>
13	<p>Non-Consent Agenda (13-18)</p> <p>Discussion and possible direction to staff regarding the Citizen Comment/Public Speaking Process.</p>	<p>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.</p>
14	Discussion from staff regarding the conversion from a paper agenda packet to a digital agenda packet.	<p>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.</p>
15	Discussion and possible direction to staff regarding setting up the Board and Commission Retreat.	<p>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.</p>

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.
17	Discussion and possible direction to staff regarding expired Conditional Use Permits.	Staff updated the Commission on how many CUPs were expired and for how long, and where they were in the renewal process. The Commission directed staff to develop a reinstatement fee for expired CUPs making application. CUPs are the only permit not required to be displayed on the premises.
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: <ul style="list-style-type: none"> • 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
19	Development Services Report 1. Update on traffic and density report.	Staff advised the report is not complete and recommended that the item be postponed to the March 13, 2012 Planning and Zoning Commission meeting.
20	Questions from the Press and Public.	
21	Adjourn.	Adjourned at 8:06 p.m.