

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
November 22, 2011**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Bucky Couch, Vice Chair  
Sherwood Bishop  
Kenneth Ehlers  
Carter Morris  
Chris Wood  
Curtis Seebeck  
Randy Bryan

**City Staff:**

Matthew Lewis, Development Services Director  
John Foreman, Planner  
Christine Barton-Holmes, Chief Planner  
Alison Brake, Planner  
Abigail Gillfillan, Planner  
John Stanley, Planner

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

**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. Citizen Comment Period**

Buck Scheib 503 Loquat Street spoke in favor of the North Campus Housing project and explained that at his age he can no longer maintain his house. He felt that the best way to be a good steward of the land would be this project. He explained that most of his land will be reserved for green space with walking trails, bike trails, as well as using native plants. He commended the project for using local developers and felt the project would attract more professionals to the area.

E. Scott Ross, Buda, Texas, said that he was speaking in favor of the North Campus Housing project on behalf of Christian and Diana Espiritu. He stated that the Espiritus had always envisioned selling the property and were excited about the mixed use project as well as the jobs it could potentially bring.

Betsy Robertson, 1410 Progress Street, spoke in favor of the North Campus Housing project and stated that she felt it was an appropriate use of the land being across from the University. She felt it would bring much needed commercial uses into the area. Ms. Robertson said that closing off Loquat Street could be an advantage as far as traffic is concerned. She did have a few reservations because so often promises are not fulfilled. She stated that the developers went above and beyond the requirements to contact the neighborhood.

Becky Patterson, 222 Rush Haven, spoke in regard to LUA-11-25 and PDD-11-13. She said that she loves her home and has witnessed transformation of community. She saw no issues with the technical clean-up of the PDD but wanted clarity on the parkland development as that was the high selling point when buying her home. She stated that she wants better access to the natural area and thanked City staff and Terry Mitchell for talking to neighborhood.

R.C. White, 114 Elm Court, stated that he had lived there for 21 years have lived there. He spoke in regard to LUA-11-23, ZC-11-37, and PDD-11-11. He said that he was in favor of the postponement of the cases in order to give more time to meet with the developer. He said that the developers are getting closer to meeting the needs of the neighborhood each time they meet.

Michael Haley, 119 Ridgeway Drive, said that he lives near the North Campus Housing project and would like for the developers to meet with the neighbors. He felt that would help solve some of the issues.

Sam Huenergardt, 3100 Summit Ridge Drive, stated that he was President and CEO of Central Texas Medical Center and was in support of the North Campus Housing project. He stated that the community needs more diversity as long as its quality and felt that the project would help recruit high quality people to work in healthcare field

### **Consent Agenda**

**6. Consider the approval of the minutes from the Regular Meeting on November 15, 2011.**

**7. LUA-11-23 (1410 N. LBJ-Hillside Ranch Phase 2).** Consider a request to postpone a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a land use map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for 10.925 acres located 1410 N. LBJ Drive.

**8. ZC-11-37 (1410 N. LBJ-Hillside Ranch Phase 2).** Consider a request to postpone a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a zoning change from Single Family Residential (SF-6) to Multi-Family-12 (MF-12) for 10.925 acres located 1410 N. LBJ Drive.

**9. PDD-11-11 (1410 N. LBJ-Hillside Ranch Phase 2).** Consider a request to postpone a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a Planned Development District Overlay (PDD), with a base zoning of MF-1) for 10.925 acres located 1410 N. LBJ Drive.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission approved on consent to approve the minutes of the Regular Meeting of November 8, 2011 and to postpone LUA-11-23, ZC-11-37, and PDD-11-11.

### **Public Hearing**

**10. LUA-11-20 (1620 Old Ranch Road 12).** Hold a public hearing and consider a request by ETR Development Consulting, LLC, on behalf of RF Sowell Jr., for a land use map amendment from Low Density Residential (LDR) to Commercial (C) for approximately 2.119 acres located at 1620 Ranch Road 12.

**11. ZC-11-31 (1620 Old Ranch Road 12).** Hold a public hearing and consider a request by ETR Development Consulting, LLC, on behalf of RF Sowell Jr., for a zoning change from Single Family Residential (SF-6) to Neighborhood Commercial (NC) for approximately 2.119 acres located at 1620 Ranch Road 12.

Chair Taylor opened the public hearing for LUA-11-20 and ZC-11-31. Ed Theriot, 5395 Hwy 183, Lockhart, stated that he was there to request a positive recommendation from the Commission and pointed out that they had amended the original request to Neighborhood Commercial. He concurred with staff's recommendation and said that the request would allow the Commission to review more intense uses through the Conditional Use Permit process.

Viola Sowel, 1410 Lazy Lane, spoke in favor of request stating that location can make the difference and that the corner lot in question is the ideal location for commercial venture. She said that if a buyer recognizes the potential, the property could be an asset to serve surrounding residents.

Diane Wassenich, 11 Tangelwood, urged the Commission to very carefully go over list of what would be allowed within Neighborhood Commercial because the property abuts single family homes. She stated that she was concerned with the impact of noise on the single family homes.

Brenda Smith, 1610 Old Ranch Road 12, spoke in opposition and stated that she had owned her property since 1981. She brought a petition against the request and thought that more neighbors would be receptive of the change if there was a Planned Development District (PDD) along with the request as the neighbors' biggest concern is that they do not know what type of business would be going in.

Susan Nichols, 122 Chaparral, said that she was more in favor of Neighborhood Commercial than the more intense Community Commercial and stated that she did not want a business that would be open all night going in at that location.

Camille Phillips, Franklin Drive, spoke in opposition to the request and echoed the sentiments of Ms. Smith.

Sherry Bilson, urged the Commission to route as PDD with conditions and asked for limits to be placed on construction hours similar to what the Commission did for The Retreat.

Thomas Rhodes, Buda, reiterated that the benefit of going to Neighborhood Commercial is that the Commission can review the more intense uses in the Conditional Use Permit process.

AC Kyle, 711 W San Antonio, stated that he represents the Sowell Estate and said that the subject property was the perfect place for a commercial venture.

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

**MOTION:** Upon a motion made by Vice Chair Couch and a second by Commissioner Wood, the Commission voted five (5) for and two (2) opposed to approve LUA-11-20 and ZC-11-31, with Commissioners Bryan and Seebeck voting no. Commissioner Morris recused himself prior to the public hearing and consideration.

**12. LUA-11-25 (Blanco River Village- Living Court Units)** – Hold a public hearing and discuss a request by the City of San Marcos for a Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for the existing Living Court Units described as approximately 10.347 acres of land in Blocks E, F, H, and I of the amending plat of the Blanco River Village Subdivision and located east of Shadow Point along Rush Haven and north of Trestle Tree.

**13. PDD-11-13 (Blanco River Village PDD)** – Hold a public hearing and discuss a request by the City of San Marcos for an amendment to the existing PDD and Concept Plan Overlay District for a 103.788 acre, more or less, tract of property located in the 1400 – 1900 blocks of State Highway 21 in the Blanco River Village Subdivision.

Chair Taylor opened public hearing. Rich Norton, 264 Newberry Trail, stated that he had no issues with the rezoning of the 10 acres. He asked that the surrounding areas stay Low Density Residential and single stand-alone homes. He read a statement from the property owners at 105 Dashwood Drive who were not able to attend. The letter stated that they would support the developers and suggested that medium density be kept to a minimum.

Charles Laws, 402 Heart Ridge, was concerned mainly with any multifamily aspect of the request.

Jake Jacobson, 405 Shadow Point, stated that he was concerned that the usage remain single family homes and that a new entrance would be needed.

Chet Niederhofer, 410 Heartridge, was curious as to when the park would be developed if there was funding in place for it. He stated that if it was a City park another entrance would be needed.

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

The Planning and Zoning Commission will take action on LUA-11-25 and PDD-11-13 at the December 13, 2011 meeting.

**14. LUA-11-24 (North Campus Housing)** – Hold a public hearing and discuss a request by ETR Development, on behalf of Darren Casey Interests, Flow Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use for approximately 13.51 acres located at Sessom Drive at Loquat Street.

**15. ZC-11-38 (North Campus Housing)** – Hold a public hearing and discuss a request by ETR Development, on behalf of Darren Casey Interests, Flow Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a Zoning Change from Single Family Residential- 6 (SF-6) to Mixed Use (MU) for approximately 13.51 acres located at Sessom Drive at Loquat Street.

**16. PDD-11-12 (North Campus Housing)** – Hold a public hearing and discuss a request by ETR Development, on behalf of Darren Casey Interests, Flow Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a PDD overlay district, with a base zoning designation of Mixed Use (MU), for approximately 13.51 acres located at Sessom Drive at Loquat Street.

Chair Taylor opened the public hearing. Larry Mock, 107 Canyon Rd, stated that he has lived there for 14 years and the neighborhood is one of the most unique in the City. His main concern was for the environment and what would happen to Sessom Creek during development.

Kenneth Dees, 1412 Alamo Street, said that he was fearful that his neighborhood would be next to be developed. He was concerned with the traffic impacts along Sessom Drive that the project would create and he was concerned that San Marcos was becoming a bedroom community for Texas State.

Shannon Devine, 115 Canyon Rd., spoke in opposition but understood that as student body grows so does San Marcos. He mentioned a moratorium on building multifamily with a need to focus on sustainable growth.

Ted Uhlers, 124 W. Hillcrest Dr., spoke in opposition. He said that for the past 20 years he has lived in the area and that neither he nor his family was contacted by the developers regarding the project. He had concerns about the increase in traffic and implied that professionals would not be attracted to the area. Mr. Uhlers stated that he was a member of the Parks Advisory Board and saw this project as a lesser of two evils when it was presented to them. He urged the Commission to preserve the single family designation of the area.

John Berger, 112 Canyon Rd, said that he was not totally against the project but said that he had no knowledge of what was going on when the surveyors came through the place. He said that he sees the pros and cons but wishes the developers would have reached out more to the neighbors.

Linda Hopson, 111 Canyon Fork, echoed that she had not been contacted. She was in opposition stating that she did not want to lose the tranquility and peace of the neighborhood.

Jim Garber, 114 Canyon Fork, spoke in opposition and stated that the project would affect more than the neighborhood. He was concerned with the amount of traffic it would bring to the whole north end of San Marcos. He asked the Commission to think long and hard before turning the area into Austin.

Francis Breihan, 111 W. Hillcrest, said she has lived in the neighborhood for 55 years and wondered why she should have to fight for her home and neighborhood. She stated that the neighborhood was being swallowed up.

Nancy Moore, 15 Tangelwood, spoke in opposition she had concerns with lighting as well as noise pollution.

Harold Shetlon, 109 W. Hillcrest, was concerned with future flooding in the area and how the project would affect that.

Michael Edwards, 115 Canyon Road, also had traffic concerns. He stated that he would like to see the results of the discussed traffic studies. He also talked about the environmental impact of the project's footprint and his concern with the impact.

Sally Ploeger, 105 Canyon Road, spoke in opposition and stated that the San Marcos area does not have enough water to supply. She also noted that the economy is uncertain.

Bryan Dupre, 232 W. Sierra Circle, said that he used to live at 118 Hillcrest and one reason he moved was the rampant college growth. He was concerned about construction hours and the environment. He said that the location was not right and suggested the old Target location as an alternative.

Jan Rudnicki, 123 Ridgeway Drive, agreed with the other speakers. She felt like the project was a like having a small city being built next to single family homes and that she could not see a transition zone in the plans.

Jeff Lowe, 1255 N. LBJ, was against the request. He was worried about the affect of runoff during construction on the San Marcos River.

Patrick Duran, 110 W. Hillcrest, said that he lived outside 200' buffer and spoke in opposition. He was concerned that the quality of life in the neighborhood would be completely changed.

Byron Mobley, 108 W Hillcrest, spoke in opposition. Mr. Mobley was concerned with the project causing an increase in crime in the area.

Todd Derkacz, 1410 Progress St., spoke in favor of the request and that his focus was on natural areas and watershed protection... He said that the developer invited him to review the project and he found that they had exceeded the Land Development Code. He noted that he wanted to see that the green space is preserved in perpetuity.

Jill Keith, 200 Orchard Street, spoke in opposition and brought in arrowheads she found on her property as physical evidence that the area is a particularly environmentally sensitive area.

Don Eising, 901 Peidras Pass, said that he was the project superintendant of Copper Beach and was not against the project itself but mainly the location of the project. He stated that crime will increase. He also stated that he did not hear a thing about the meeting until last week.

Harriet Rainey, 328 Bluff Crest, San Antonio, TX, explained that her family owned the property in discussion. She stated that her sister is Flow Wilks and that they knew the time would come to figure out what to do with the property. She said that they did not make their decision lightly and chose Daren Casey because his promise to preserve the integrity of the property. She also stated that the complaints heard tonight are not new.

The traffic engineer with Kimley-Horn who is working on the traffic studies that were discussed spoke. He explained the Traffic Impact Analysis and stated the main findings of the studies. He said that after the project, Sessom would still receive an acceptable level of operation.

Daren Casey, San Antonio, TX, stated that he and his team have worked diligently to do the right thing and knew it wasn't going to be a popular night. He has a number of projects in the area and said that their intent with notifying the neighbors was to be fully transparent. He introduced the rest of this team and stated that they will continue to meet with neighbors and be a part of the community.

Chris Harness, 308 E, Melrose, San Antonio, TX, is part of Mr. Casey's team and stated that he has been involved in multifamily business for 20 years. He said he recognizes the uniqueness of the site and addressed the noise control comments as property management issues. He stated they have strict regulations for their property management.

Greg Gibson, Director of Development for Casey Development, said that he oversees retail and leasing and will be involved in design. Echoed the sentiment that they have been as transparent as possible and apologized if some felt that they were not transparent.

Ted Barclay, San Antonio, TX, lead in Casey contracting business, reiterated what Mr. Casey stated. He said that it would be easier to build correctly from the beginning rather than going through the TCEQ Volunteer Clean up Process, which he is familiar with. He said that project could be a noise buffer between University and neighborhood.

Dianne Wassenich, 11 Tangelwood, said that she has talked extensively with the developers and they have taken her concerns regarding the San Marcos River to heart. She said that the parkland is a good buffer. She noted that the River Foundation will hire an engineer to review the plans as well as property is so environmentally critical to the health of the San Marcos River.

Jamie Bryan, 134 E. Hillcrest, was concerned with the construction of the parking garage, the traffic impacts and the impacts on any endangered species that may be in the area.

Forest Wilkerson, said that the TIA had not been submitted in time, that it needed to be submitted prior to the zoning application, and because there are archeological artifacts on the property an evaluation should be done.

Patrick Rose, 627 W. San Antonio Street, was in favor of the project and was a business owner in town He said that the University will continue to grow and is not a question of if something will be done with the subject property. He noted that the dedicated parkland as a buffer shows a tremendous good faith effort on the developer's part and that the quality of the development is something the University needs. He mentioned that a great deal of outreach was done and the developers know they have to keep reaching.

Vincent Debrock, 100 W. Hillcrest, said that he was not for the project but not against it either. He found it very hard to swallow the concept of a six story garage but understands the efforts that are being put forward by the developer. He was concerned about the neighborhood character being lost.

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

The Planning and Zoning Commission will take action on LUA-11-24; ZC-11-38; and PDD-11-12 at the December 13, 2011 meeting. Commissioner Morris recused himself prior to the public hearing.

**17. Discussion 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.

**Development Services Report**

There were no reports.

**Commissioners' Report.**

There were no reports.

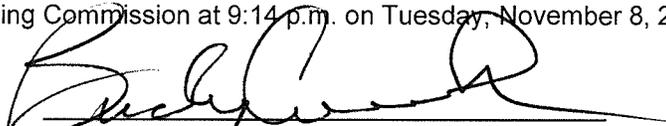
**18. Questions from the Press and Public.**

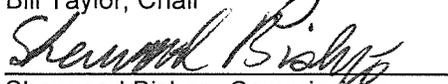
There were no questions from the public.

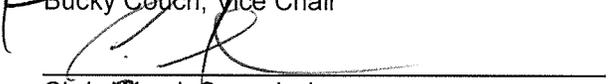
19. Adjourn.

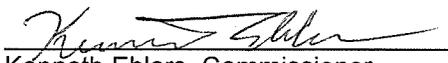
Chair Taylor adjourned the Planning and Zoning Commission at 9:14 p.m. on Tuesday, November 8, 2011.

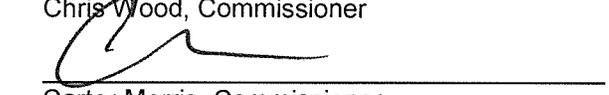
  
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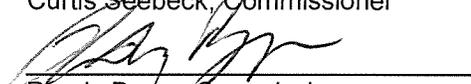
  
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ATTEST:

  
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Francis Serna, Recording Secretary

