

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
April 12, 2011**

1. Present

Commissioners:

Bill Taylor, Chair
Bucky Couch, Vice-Chair (in 6:08)
Sherwood Bishop
Travis Kelsey (in 6:02)
Jim Stark
Chris Wood
Kenneth Ehlers
Curtis Seebeck

City Staff:

Francis Serna, Recording Secretary
Sofia Nelson, Senior Planner
Christine Barton-Holmes, Chief Planner
John Foreman, Planner
Abby Gillfillan, 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 April 12, 2011 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Taylor welcomed the audience.

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

There were no citizen comments.

6. CUP-11-02. (Frank's Auto Shop) Hold a public hearing and consider a request by Carlos Hernandez, on behalf of Frank Sanchez, to use 7,500 square feet of an existing 13,500 square foot auto repair garage as an auto paint and body garage.

Chair Taylor opened the public hearing. There were no citizen comments. The public hearing remained open.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck, the Commission voted all in favor to postpone CUP-11-02 to the April 26, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

7. LUA-11-07 (1104, 1106, 1108 and 1110 Jones). Hold a public hearing and consider possible action on a request by Matt Chambers and on behalf of Rob Walch for a Future Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for a tract of land described as Victory Gardens Second Edition Block 34, Lots 9, 10, 11, and 12 located in the 1100 block of Jones Street.

8. ZC-11-10. (1108 Jones St) Hold a public hearing and consider possible action on a request by Matt Chambers, agent for Bob Walch, for a Zoning Change from Single Family Residential (SF-6) to Town House (TH), for a .06 acre tract described as Victory Gardens Block 34, Lot 10, and located at 1108 Jones Street.

9. ZC-11-11. (1104 Jones St) Hold a public hearing and consider possible action on a request by Matt Chambers, agent for Bob Walch, for a Zoning Change from Single Family Residential (SF-6) to Town House (TH), for a .06 acre tract described as Victory Gardens Block 34, Lot 12, and located at 1104 Jones Street.

10. ZC-11-12. (1106 Jones St) Hold a public hearing and consider possible action on a request by Matt Chambers, agent for Bob Walch, for a Zoning Change from Single Family Residential (SF-6) to Town House (TH), for a .06 acre tract described as Victory Gardens Block 34, Lot 11, and located at 1106 Jones Street.

11. ZC-11-13. (1110 Jones St) Hold a public hearing and consider possible action on a request by Matt Chambers, agent for Bob Walch, for a Zoning Change from Single Family Residential (SF-6) to Town House (TH), for a .06 acre tract described as Victory Gardens Block 34, Lot 9, and located at 1110 Jones Street.

Abigail Gillfillan, Planner advised the Commission that the applicant has withdrawn LUA-11-07; ZC-11-10; ZC-11-11; ZC-11-12; and ZC-11-13.

12. A-11-01 (Chestnut Street Lofts) Hold a public hearing and consider a request by Chestnut Street Lofts, LLC, on behalf of 817 Statehouse, Inc, to abandon undeveloped ROW described as Live Oak Street on the plat and commonly known as Acorn Street from the intersection of Acorn Street and Chestnut Street to the intersection of Acorn Street and W. Sessoms Drive.

13. LUA-11-04 (Chestnut Street Lofts) Hold a public hearing and discuss a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a land use map amendment from Low Density Residential to Mixed Use for 0.36 acres described as Lot 108 of the Park Addition, Third Division and located at 907 Chestnut Street.

14. ZC-11-07 (Chestnut Street Lofts) Hold a public hearing and discuss a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a zoning change request from MF-12 to Mixed Use for 0.36 acres described as Lot 108 of the Park Addition, Third Division and located at 907 Chestnut Street.

15. LUA-11-05 (Chestnut Street Lofts) Hold a public hearing and discuss a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a land use map amendment from Commercial to Mixed Use for 1.387 acre area described as Lots 111, 114, 110, 115, and 116 of the Park Addition, Third Division and located at 817 Chestnut Street.

16. ZC- 11-08 (Chestnut Street Lofts). Hold a public hearing and discuss a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a zoning change request from Neighborhood Commercial (NC) to Mixed Use (MU) for 1.387 acre area described as Lots 111, 114, 110, 115, and 116 of the Park Addition, Third Division and located at 817 Chestnut Street.

17. PDD-11-01 (Chestnut Street Lofts) Hold a public hearing and discuss a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a PDD Overlay with a Mixed Use (MU) base zoning district for 1.90 acre area described as Lots 108,111,114,110, 115, and 116 of the Park Addition, Third Division and the adjacent undeveloped ROW of Live Oak Street (also known as Acorn Street) and located at 817 Chestnut Street.

Chair Taylor opened the public hearing for A-11-01; LUA-11-04; ZC-11-07; LUA-11-05; ZC-11-08; and PDD-11-01.

Thomas Rhodes, ETR Development Consulting, 401 Dryden Lane, Kyle, Texas thanked staff for their thorough evaluation of the project. He clarified that the project will be five stories from the street level, which include four floors of residential and the first floor of retail. Mr. Rhodes added that the numbers for impervious cover can also be brought down if necessary. He advised that they are available to answer questions. Mr. Rhodes introduced the project team.

Diane Wassenich, 11 Tangelwood pointed out that the site drains to Sessom Creek which goes into the head waters of the river. She added that the area has a higher level of endangered species and it is very critical that the area does not get filled with dirt. Ms. Wassenich informed the Commission that the Erosion Control Process is complaint based. She stated that the project has potential to destroy the head of the river. Ms. Wassenich stated if we cannot enforce the Erosion Control Ordinance then there is no hope to have a usable river in the future. She felt that Erosion Control should be their number one focus. Ms. Wassenich added that she has questions and concerns regarding parkland.

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

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Ehlers, the Commission voted all in favor to postpone action on A-11-01 to the April 26, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

The Planning and Zoning Commission will take action on A-11-01; LUA-11-04; ZC-11-07; LUA-11-05; ZC-11-08 and PDD-11-01 at the April 26, 2011.

18. SmartCode Future Land Use Amendment. Hold a public hearing and consider action on a future land use map amendment for an area generally bounded by Concho Street, Moore Street, North Street, Comanche Street, Shady Lane, Fredericksburg Street, Hull Street, Guadalupe Street, I-35, McKie Street, LBJ Drive, and CM Allen Street from Mixed Use, Open Space, Industrial, Public and Institutional, Heavy Commercial, Neighborhood Commercial, Commercial, High Density Residential, Medium Density Residential, and Low Density Residential to G4(Growth Division 4), G3(Growth Division 3), O1(Open Space 1), or Open Space 2.

Chair Taylor opened the public hearing.

Diane Wassenich, 11 Tangelwood said she can't imagine passing the SmartCode first and then architectural standards at a later date.

HC Kyle, 711 W. San Antonio Street expressed his concerns regarding parking issues in downtown. He pointed out that building apartments in downtown will create a huge need for additional parking.

John David Carson, Carson Properties, 1911 Corporate Drive said he had a few points to mention. He stated that the Central Business Area (CBA) has no parking requirements and that the SmartCode will require parking. Mr. Carson stated that the Parking Management Plan will manage parking issues in the CBA. He pointed out that the parking is not a San Marcos issue it is a current issue with the CBA. He added that the burden cannot be placed solely on new development to subsidize the existing challenges currently in place.

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

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey, the Commission voted all in favor to approve the SmartCode Future Land Use Amendment. The motion carried unanimously.

20. SmartCode. Hold a public hearing and consider a recommendation to the City Council on the inclusion of architectural standards and/ or architectural guidelines in the San Marcos SmartCode.

Diana Baker and Thea Dake, Historic Preservation Commissioners presented a recommendation to establish architectural standards for a transition area around the square. The Historic Preservation Commission passed a resolution for architectural standards in a area in downtown. Ms. Dake read the resolution.

Chair Taylor opened the public hearing.

Kyle Maysel, attorney in San Marcos, Secretary for Downtown Association and member of the Parking Advisory Board. He mentioned that all SmarCode's that he has seen have architectural standards. Mr. Maysel spoke in support of including architectural standards and asked the Commission to consider architectural standards and guidelines prior to approving the San Marcos SmartCode.

Mike Dillan, 1000 Burleson stated he owns property on the 300 block of W. Hopkins. Mr. Dillan said he supports architectural standards. He felt that architectural standards would benefit downtown San Marcos.

James Baker, 727 Belvin Street spoke in support of architectural standards. Mr. Baker gave a brief overview of written comments he submitted to the Planning Commission.

John David Carson, Carson Properties, 1911 Corporate Drive, suite 102 stated he is in favor of the Historic Preservation Commission having the strictest mandatory guidelines over the Historic Building Districts. He pointed out that the SmartCode refers to the HPC. Mr. Carson stated he has concerns if the HPC should be a discretionary judge. He suggested that if something was going to be in the SmartCode that it be extremely clear and not allow interpretations to be made. Mr. Carson also recommended that a CUP warrant process also be included in the SmartCode. In addition, he suggested incentives for property owners. He pointed out that the SmartCode has standards that are clear and easy to follow.

HC Kyle, 711 W. San Antonio Street told the Commission to be careful how the parking and traffic is handled at the bottom of Chestnut Street. He pointed out that sidewalks are desperately needed. Mr. Kyle spoke in support of architectural standards. He encouraged the Commission to include architectural standards in downtown San Marcos and bring in architects that know what they are doing.

Thea Dake, 220 N. Johnson said it is not the HPC's intent to take more into their domain or purview. She stated that having architectural standards would be helpful and not detrimental. Ms. Dake explained that they felt if they are going to be fair to the community and developers, it would be helpful to have an architectural firm who can develop standards that are reasonable, fair, just and honest. She pointed out that it would be the purview of the City to enforce the standards and HPC would offer guidelines that would help developers would around the standards. Ms. Dake stated that they are looking to maintain the overview of the City.

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

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Kelsey, the Commission voted four (4) in favor and four (4) opposed making a recommendation to City Council to approve that architectural standards be developed within one year of the date of the SmartCode adoption for the Historic San Marcos SmartCode area outlined in red on the map and that some simplified voluntary guidelines be defined that can be used in the outside of the SmartCode. The motion failed. Commissioners Ehlers, Seebeck, Stark and Wood voted no.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey, the Commission voted five (5) in favor and three (3) opposed making a recommendation to City Council that architectural standards be established for an area around the square within 1 year of adoption of the SmartCode. The motion carried. Commissioners Ehlers, Stark and Wood voted no.

19. SmartCode Rezoning. Hold a public hearing and consider action on a zoning change for an area generally bounded by Concho Street, Moore Street, North Street, Comanche Street, Shady Lane Fredericksburg Street, Hull Street, Guadalupe Street, I-35, McKie Street, LBJ Drive, and CM Allen Street from MF-24 (Multi-family), SF-6 (Single Family Residential), D (Duplex), TH(Townhouse Residential District), SF-4.5 (Single Family Residential), PH-ZL(Patio Home-Zero Lot Line), PDD (planned development District), P (Public and Institutional), OP(Office Professional), NC(Neighborhood Commercial) , MU (Mixed Use), MR(Manufactured Home Restricted), MF-18 (Multi-Family), MF-12 (Multi-Family), LI (Light Industrial), HI (Heavy Industrial), HC (Heavy Commercial), GC (General Commercial), D (Duplex), CC (Community Commercial), CBA (Central Business Area) to T4 (Transect 4), T5 (Transect 5), or CS(Civic Space).

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 Stark, the Commission voted all in favor to approve the SmartCode rezoning. The motion carried unanimously.

21. Student Liaison. Consider the appointment of a student liaison to the Planning and Zoning Commission.

The Commission directed staff to schedule candidate interviews. Two Commissioners will conduct the interviews and select a Student Liaison.

22. Discussion Items.

There were no discussion items.

Planning Report

- a. Recap of Planning and Zoning Commission annual retreat.

Sofia Nelson gave a brief overview of the Planning and Zoning Commission retreat.

- b. CIP update

Christine Barton-Holmes gave a brief overview of projects.

Commissioners' Report

Commissioner Bishop congratulated to Matt Lewis and staff for the work done on the SmartCode.

Commissioner Wood asked staff to explore options for completing as much of the architectural standards work in house.

23. Consider approval of the minutes from the Regular Meeting on March 22, 2011.

24. Consider approval of the minutes from the Special Meeting on March 29, 2011.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission voted all in favor to approve the minutes of the Regular Meeting on March 8, 2011. The motion carried unanimously.

25. Questions and answers from the Press and Public.

There were no questions from the public.

26. Adjournment

Chair Taylor adjourned the Planning and Zoning Commission at 9:15 p.m. on Tuesday, April 12, 2011.



Bill Taylor, Chair



Bucky Couch, Vice Chair



Jim Stark, Commissioner



Travis Kelsey, Commissioner



Chris Wood, Commissioner



Curtis Seebeck, Commissioner



Kenneth Ehlers, Commissioner



Sherwood Bishop, Commissioner

ATTEST:



Francis Serna, Recording Secretary