

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

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Bucky Couch, Vice-Chair  
Sherwood Bishop  
Randy Bryan  
Travis Kelsey  
Jim Stark  
Chris Wood  
Kenneth Ehlers  
Curtis Seebeck

**City Staff:**

Matthew Lewis, Interim Director  
Francis Serna, Recording Secretary  
Sofia Nelson, Senior Planner  
Phil Steed, 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 March 22, 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**

Elena Duran, 1133 Lago Vista, stated she was present to talk about the Retreat San Marcos. She said that the Retreat was a great project before and now is even a better project with the amendments. She pointed out that everyone has college students living in their neighborhoods. Ms. Duran felt that they have a great relationship with college students because of their communication. She felt that having a project like the Retreat will pull college students out of neighborhoods and in to the multifamily housing. She encouraged the Commission to approve the project.

Mr. Manning stated he was present to speak on the Retreat project. He said it bothers him that San Marcos has once again taken a single family dwelling and massaged it and worked around it to make the move to a large group of apartments. Mr. Manning pointed out that homeowners have put a lot of equity into their homes because they had to put down payments and put their money on the line. He explained the project has indicated several different dwellings but they all knew it would be a multifamily apartment project. Mr. Manning pointed out that there is a big difference between home owners and renters. He mentioned that he is not convinced that there were adequate revisions to proposed project. In addition he asked if anyone has mentioned flood insurance. He said he is concerned with the loss of property value.

John McBride, 703 Franklin, stated he was present to oppose the retreat. He pointed out that the Commission would once again hear why neighbors are in opposition to the request. He added that the proposed development is not appropriate in the area. Mr. McBride advised the Commission that he still has police reports for last 3 years which include noise, disturbance verbal and physical, and liquor violations. Mr. McBride commented that they do not have those issues in Oak Heights. He said he was worked for many years with land owners and neighbors since 1996 and arrived with what they thought was acceptable which the Sector 2 Plan is. He stated that he didn't know why the request was back before the Commission but the lifestyle they are catering to is not compatible with single family residential homes. Mr. McBride said that the Commission turned down the request once and hopes they turn it down again.

Diane Wassenich, 11 Tangelwood stated that she has spoken to the Commission before about the Windemere situation. She wanted to remind the Commission about items previously pointed out. Ms. Wassenich pointed out that Sink Creek will run off in to Spring Lake and that there is no erosion control. Ms. Wassenich said besides the flood issues she also wanted to remind the Commission about the fire issues with having one exit for the subdivision. Ms. Wassenich wanted to Commission to understand what they may be approving. She provided the Commission with a handout found on the USGS website regarding Record Floods in Central Texas. She explained the ratio of previous flooding in the area.

Nancy Huenergardt, 317 Craddock Ave., #1101 stated she was present to oppose the Retreat. She doesn't feel it's a bad idea but not good to place in the area. She said she is a flight attendant and comes home late at night and there are cars parked all along Craddock to Hughson. Ms. Nuenergardt added that the developer mentioned that kids prefer to walk to school but doesn't feel that is the case. She pointed out that she sees kids waiting at the bus when the school is just down the hill, they refuse to walk.

Sherri Bilson 2006 Lisa Lane stated that they were very excited that they heard what the public was saying and that they denied The Retreat. A petition with approximately 280 signatures was provided to Commission to recommend to maintaining the Sector 2 Plan. She asked the Commission to make a better choice in development. Ms. Bilson added that the area is the biggest area in San Marcos with established neighborhoods and would like to see them protected. She pointed out that there are currently 22 permits to construct apartments in San Marcos. Ms. Bilson asked the Commission to please consider the neighborhoods and protect them with the Sector 2 Plan. She asked the Commission to deny the request.

Abel Valencia, 1309 Sunflower Lane, student at TX State University and a member of Associate of Student Government presented a Resolution that was passed by the Associate of Student Government entitled Students in support of The Retreat. He asked the Commission to support the request.

**6. PC-11-01(01). (The Preserve at Windemere)** Consider a request by Joel Richardson on behalf of Rob Haug and Vince Wood for approval of a concept plat for two tracts approximately 235 acres out of the T.J. Chambers, E. Burluson Jr., R. Clever and E. Clark Surveys located at 300 Lime Kiln Rd.

**MOTION:** Upon a motion made by Commissioner Couch and a second by Commissioner Bryan, the Commission voted all in favor to approve PC-11-01(01). 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-11-11. (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.

**9. 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.

**10. 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.

**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.

Chair Taylor opened the public hearing for LUA-11-07; ZC-11-11; ZC-11-12; ZC-11-10; and ZC-11-13.

Joe Gonzales, owner of 400 Hines, a previous grocery store for about 38 years stated he is against the requests change because the lots are very small it is not economically feasible. Mr. Gonzales expressed concerns about the types of people that the development will bring into the neighborhood. Mr. Gonzales said people in the neighborhood have suffered allot and they do not want to put the neighbors in danger. He added that they do not want their property taxes to increase due to the proposed development. Mr. Gonzales said they do not want new development in the neighborhood.

Mary Gonzales stated that she has eight signatures from residents and property owners who are against the zoning change and the land use amendment. She explained that the signatures are residents who were unable to attend the meeting. Ms Gonzales pointed out that they have lived there all their lives and have a very close community who support each other. She said she does not believe the neighborhood is an area for town homes. Ms. Gonzales mentioned that she was representing the neighborhood. She asked the Commission to maintain the integrity of the neighborhood. Ms. Gonzales provided the Commission with the copies of the signatures.

Irene James stated she lives on Knox Street. Ms. James said she was against the development. The neighborhood does not want townhouses, they want single family houses.

Matt Chambers, developer, contractor and representative of Bob Walch stated he was glad to have the opportunity to answer questions and meet with neighbors. He pointed out that the property does allow houses but are operating under the affordable housing initiative. He said he wants to keep the integrity of the neighborhood. Mr. Chambers added that town homes are also single family homes. He explained that due to size of lot they have to build attached town homes. He invited the community to ask more questions of himself and Mr. Walch.

Brian Schuir, 1114 Jones explained that the community was normally migrant worker homes. The home in which he resides belonged to his grandmother. He added that the neighborhood is concerned about who will reside in the homes and increase of property taxes. Mr. Schuir added that most residents in the neighborhood are on low to fixed income. He stated that he has questions for the developer and is currently opposed to the request.

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

**MOTION:** Upon a motion made by Commissioner Bryan and a second by Commissioner Bishop, the Commission voted six (6) for and three (3) opposed to postpone LUA-11-07 (1104; 1106; 1108; 1110 Jones) to the April 12, 2011 Planning and Zoning Commission meeting. Commissioners Kelsey, Stark and Taylor voted no. The motion carried.

**MOTION:** Upon a motion made by Commissioner Bryan and a second by Commissioner Bishop, the Commission voted six (6) for and three (3) opposed to postpone ZC-11-11; ZC-11-12; ZC-11-10 and ZC-11-13 to the April 12, 2011 Planning and Zoning Commission meeting. Commissioners Kelsey, Stark and Taylor voted no. The motion carried.

There was a ten minute recess.

Commissioner Kelsey recused himself from the discussion and action on Items #13 through #21.

**12. LUA-11-08. (The Retreat at San Marcos)** Hold a public hearing and consider possible action on a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Future Land Use Map Amendment from Open Space (OS) to Commercial (C) for a tract of land located at 508 Craddock Avenue.

**13. LUA-11-09. (The Retreat at San Marcos)** Hold a public hearing and consider possible action on a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Future Land Use Map Amendment from Open Space (OS) to Medium Density Residential (MDR) for three tracts of land located at 508 Craddock Avenue.

**14. LUA-11-10 (The Retreat at San Marcos)** Hold a public hearing and consider possible action on a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Future Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for two tracts of land located at 508 Craddock Avenue.

**15. LUA-11-11 (The Retreat at San Marcos)** Hold a public hearing and consider possible action on a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Future Land Use Map Amendment from Commercial (C) to Medium Density Residential (MDR) for a tract of land located at 508 Craddock Avenue.

**16. LUA-11-12 (The Retreat at San Marcos)** Hold a public hearing and consider possible action on a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Future Land Use Map Amendment from Commercial (C) to Medium Density Residential (MDR) for a 1.71 acre tract of land in the 1500 Block of Old Ranch Road 12.

**17. ZC-11-14 (The Retreat at San Marcos)** Hold a public hearing and consider possible action on a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Zoning Change from Single Family Residential (SF-6) to Multi-Family Residential (MF-12) for a 39.4 acre tract located at 508 Craddock Avenue.

**18. ZC-11-15 (The Retreat at San Marcos)** Hold a public hearing and consider possible action on a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Zoning Change from Single Family Residential (SF-6) to Community Commercial (CC) for a 2.75 acre tract located at 508 Craddock Avenue.

**19. ZC-11-16 (The Retreat at San Marcos)** Hold a public hearing and consider possible action on a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Zoning Change from Office Professional (OP) to Multi-Family Residential (MF-12) for a 1.71 acre tract located in the 1500 Block of Old Ranch Road 12.

**20. PDD-11-02. (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for a Planned Development District (PDD) overlay with a Multi-Family Residential (MF-12) and a Community Commercial (CC) base zoning for an approximately 48.36 acre tract located at 508 Craddock Avenue and in the 1500 block of Old Ranch Road 12.

Ed Theriot, ETR Development Consulting, LLC, the applicant gave a ten minute presentation.

Chair Taylor opened the public hearing.

John Williams, Williams & Associates, Athens, GA, stated that his partners, The Retreat will continue to strive to do things right. He pointed out that they have changed the commercial property that was a concern to the Commission and still maintained to donate property for a Fire Station. In addition, they have removed the connector road which has been recommended by neighboring residents. Mr. Williams added they have exceeded the requirements for storm water runoff. He thanked the Commission for their consideration and advised he would be available to answer questions.

Kevin Carlswell, 132 Country Lane, Maxwell TX, stated he is in support of The Retreat project. He said as Texas State continues to grown and has conflict with students moving into neighborhoods, he feels the development will allow students to live in residential neighborhood setting.

Robbie Wiley, 407 Oakwood Loop, spoke in support of project. She pointed out the increase in taxes and jobs that the project will provide for the city and schools are fabulous. Ms. Wiley added that all houses developed around the property would not be there if there wasn't change. She said change is good; we have to move on because San Marcos is growing.

Carol Grimm, 612 Dale Street, Oak Heights Subdivision located adjacent to the property. Ms. Grimm stated she feels the Retreat is a fantastic plan, but it doesn't meet the Sector 2 Plan. Ms. Grimm pointed out that the Commission took an oath to represent the community and what the citizens want. Ms. Grimm said the Commission was right the last time saying it is a great plan but does not meet the Sector 2 Plan and the desires of the citizens of San Marcos.

Bib Underwood, 1301 Brown Street, stated he is an environmentalist and has been promoting it in San Marcos for only 32 years. Mr. Underwood spoke in support of the request. He said that San Marcos is going to grow and would like to see the project approved. Mr. Underwood said he was concerned that future Commissioners will approve something less contributory to the City.

Marci McCollum, 105 Autumn Cove, the developer has bent over backwards to please everyone. She explained that they have a buffer, park and a fire station which will not disturb neighborhood. She felt that San Marcos should not pass up the proposed development.

Ben McCollum stated he has been in San Marcos since 1965. He pointed out that he has served on the Zoning Board and others. Mr. McCollum said he has not seen another company in San Marcos that has worked this hard to please citizens in opposition to the request. Mr. McCollum recommended that the Commission approve the request. He felt that the neighborhoods do not have the right to refuse donation of property for a fire station and jobs that the development will bring to the City.

Bailey Birshoil, 1920 Ramona Circle stated she has questions and would like them addressed. She asked if the single unit southern houses will be rented out by bedroom; will the PDD prevent the owner from selling of pieces of property; and what resources do citizens have if the developers or property managers fail to live up to the PDD standards.

Diane Wassenich, 11 Tanglewood, stated she lives near Sagewood and explained that they were told they were going to have a nice buffer between Sagewood and the houses near it but turns out to be a trashy area. She added that they were also told it was going to be well constructed. She said the fences are falling down. Ms. Wassenich said that houses located near apartment complexes are used as rental units because people do not want to live near apartments. She asked the Commission to look at other neighborhoods that have apartment complexes near them and see what is going to happen to the proposed development if approved.

Dave Jasak, 1924 Ramona Circle thanked Commissioner Bishop for speaking about holding up the integrity of the Planning and Zoning Commission. Mr. Jasak pointed out the package they received from The Retreat included 22 letters in support of which 17 letters are from people not affected by the neighborhoods in the area. He added that 5 are from residents in the neighborhoods and three were form letters. Mr. Jasak said he offered to walk the streets to get a petition signed to keep the property single family residential. He explained that only 2 people were in support of the retreat from the 49 people he spoke to.

Doug Cooper, 2004 Castle Gate Circle spoke against the request. He said it does not conform to the Sector 2 Plan and will not contribute to good quality of life to the existing neighborhoods. Mr. Cooper added that the development would contribute more traffic congestion and will not offer anything positive for upcoming years. He said San Marcos needs to have better economic development to provide better paying jobs and offer good homes so people will stay in San Marcos. He asked the Commission to vote against the Retreat.

Vic Patel, 215 Sierra Ridge Drive spoke in support of the project. He felt that it will be a great addition to San Marcos. Mr. Patel added that the town is growing and is in need of this type of project. He said the commercial in the corner of the property is good for the project. Mr. Patel also felt that the buffer zone is adequate for the development.

Danielle Massen, Texas State University student stated she was excited that she was able to go in front of the Associated Student Government and informed them about The Retreat. She felt that this project will be beneficial to the students in the future. Ms. Massen pointed out that the Associate Student Government is in support of the Retreat project and hope that the Commission takes it into consideration. She urged the Commission to allow Dr. Weatherford to participate in the free enterprise system that has made this country great. She added that the project will benefit the citizens and the students of San Marcos.

Camille Phillips, Franklin Drive asked the Commission to deny the request. She explained that the project does not support the Sector 2. She asked the Commission to follow the Master Plan. Ms. Phillips added that if we put new apartments in the neighborhoods we are telling people that we are not going to protect our neighborhoods and families in San Marcos.

Nicholas (last name unknown), 1211 Aquarena Springs, Riverside Ranch Apts., said the Commission should approve the request. He added that the student body of 30,000 support project. He spoke in support of the request.

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

There was a ten minute recess.

**MOTION:** Upon a motion made by Commissioner Couch and a second by Commissioner Ehlers the Commission voted four (4) in favor and three (3) opposed and one (1) abstained to approve LUA-11-08, LUA-11-09, LUA-11-10, LUA-11-11, LUA-11-12, ZC 11-14, ZC-11-15, ZC-11-16, PDD-11-02 with the conditions: to accept the 4.5 acres and the construction of a 9 (or 18 if the property supports it) hole Disc Golf Course to be constructed at the developer's expense, construction of mulch walking trail and payment of \$7,500 to be applied toward construction of a parking lot for Disc Golf users and a fence shall

be built between the existing houses on the Archie and Dolly Street where none exists currently, a layer of vegetations shall be retained or vegetation buffer created, and the tee boxes of the proposed disc golf course shall be located to minimize the impact on the existing houses. The motion carried. Commissioners Bishop, Stark and Wood voted no and Commissioner Seebeck abstained.

**21. TMA-11-01. (The Retreat at San Marcos)** Hold a public hearing and consider a request by ETR Development Consulting LLC, agent for Retreat Holdings, LLC, for an amendment to the City's Thoroughfare Plan removing the Hughson-Ramona Collector.

Chair Taylor opened the public hearing.

John Williams, Williams & Associates, Athens, GA stated that the removal of the Hughson-Ramona collector is a result of what the community requested. Mr. Williams said he was available to answer questions.

Ed Theriot, ETR Development added that during the initial meetings, in reviewing TIA it was acknowledged putting in collector without their development would lower the intersections to a level of service F with cut through traffic. With the recommendation by the city's engineer, they are requesting to remove the Hughson-Ramona collector.

Susan Nichols, Principal of school across from the proposed development and resident three blocks down. She explained that at previous meetings it was discussed that the road would be a raceway if left a solid road. Ms. Nichols mentioned that people did prefer to have the road cut in pieces.

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

**MOTION:** Upon a motion made by Commissioner Bryan and a second by Commissioner Wood, the Commission voted seven (7) in favor and one (1) opposed and one (1) abstained to approve TMA-11-01. The motion carried. Commissioner Bishop voted no. Commissioner Kelsey abstained.

**MOTION TO AMEND THE MAIN MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Couch, the Commission voted all in favor to approve TMA-11-01 conditioned upon approval by City Council. The motion carried. Commissioner Bishop voted no. Commissioner Kelsey abstained.

**22. LUA-11-06 (Riata Pass, LLC)** Hold a public hearing and consider possible action on a request by Riata Pass LLC, on behalf of Clifford Rust, for a Future Land Use Map Amendment from Very Low Density (LDR) to High Density Residential (HDR) for 6.17 acre tract part of the ABS 17-2 TR 280 JM Veramendi Survey located west of Post Road, south of Booth Drive and north of Claremont Street (the property does not have street frontage).

**WITHDRAWN BY APPLICANT.**

**23. ZC-11-09 (Riata Pass, LLC)** Hold a public hearing and consider possible action on a request by Riata Pass LLC, on behalf of Clifford Rust, for a Zoning Change from unzoned to Multi-family Residential (MF-18) for 6.17 acre tract part of the ABS 17-2 TR 280 JM Veramendi Survey located west of Post Road, south of Booth Drive and north of Claremont Street (the property does not have street frontage).

**WITHDRAWN BY APPLICANT.**

**24. Discussion Items.**

Commissioner Bishop asked staff for clarification regarding the process in which an item is allowed to be brought before the Commission once it has been denied.

**Planning Report**

Appointment of a Student Liaison to the Planning and Zoning Commission. Staff was requested to post on April 12, 2011 Planning Commission agenda for action. Staff will provide the Commission with Student Liaison applications.

**Commissioners' Report**

There was no Commissioners' Report.

25. Consider approval of the minutes from the Regular Meeting on Tuesday, March 8, 2011.

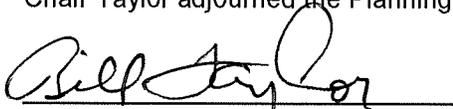
**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission voted all in favor to approve the minutes of the Regular Meeting on March 8, 2011. The motion carried unanimously.

26. **Questions and answers from the Press and Public.**

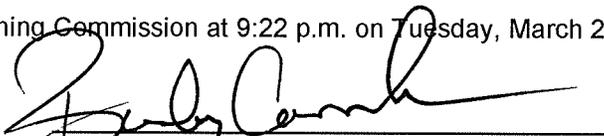
There were no questions from the public.

27. Adjournment

Chair Taylor adjourned the Planning and Zoning Commission at 9:22 p.m. on Tuesday, March 22, 2011.



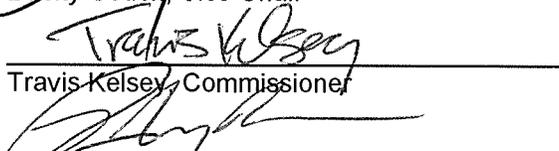
Bill Taylor, Chair



Bucky Couch, Vice Chair



Jim Stark, Commissioner



Travis Kelsey, Commissioner



Chris Wood, Commissioner



Randy Bryan, Commissioner



Kenneth Ehlers, Commissioner



Sherwood Bishop, Commissioner



Curtis Seebeck, Commissioner

ATTEST:



Francis Serina, Recording Secretary

**CITY OF SAN MARCOS**  
**DISCLOSURE AFFIDAVIT- REAL PROPERTY**

STATE OF TEXAS  
COUNTY OF HAYS

The undersigned member of the City of San Marcos P&Z (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in real property that may be involved in a vote or decision of the governmental body described above, and it is reasonably foreseeable that the vote or decision will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The real property is described as follows:

515 Craddock Ave  
San Marcos, TX 78666

I acknowledge that my interest in this real property has a fair market value of \$2,500 or more.

The vote or decision involving this interest in real property is on the 22<sup>nd</sup> March, 2011 agenda of the governmental body, and the subject matter of the vote or decision is as follows:  
Items 12-21 The Retreat at San Marcos

Check if applicable:

The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation:

EXECUTED this 22<sup>nd</sup> day of March, 2011.

Signature Travis Kelsen

Printed Name Travis Kelsen

SWORN TO AND SUBSCRIBED before me on this 22 day of March, 2011.



Francis Serina  
Notary Public, State of Texas

Notary Stamp:

FILED this 23 day of March, 2011.

Samuel Pettibler  
City Clerk of the City of San Marcos