

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

**1. Present**

**Commissioners:**

Bucky Couch, Vice-Chair  
Sherwood Bishop  
Randy Bryan (left at 9:15 p.m.)  
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  
Christine Holmes, Chief 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 Vice Chair Couch at 6:00 p.m. on Tuesday February 22, 2011 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Vice Chair Couch 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**

John McBride, 703 Franklin Drive stated he is present to speak in opposition to The Retreat. Mr. McBride pointed out that the developer has mentioned that they are providing onsite management for a gated community and all will be calm. He explained he read the San Marcos Daily Record which listed four apartment complexes where the police have responded to disturbances and many are repeat offenders. Mr. McBride further stated that he went to three of the apartment complexes which are new, gated, provided onsite management similar to the proposed Retreat. All apartments had allot of police activity. He said he received information for an open records request from the police department which he has not had time to thoroughly review. Mr. McBride pointed out that he received 81 pages for the last three years for calls to four areas that are apartments that cater to students, young adults and professionals. He asked the Commission to compare police calls for apartment housing and

neighborhoods. Mr. McBride stated that the proposed development is not compatible with the neighborhood.

Nancy Huenergardt, 317 Craddock Ave. #1101 stated she is a long time resident of San Marcos and her rent is going up. She has searched for an apartment but the cost per bedroom is approximately \$585.00. Ms. Huenergardt explained that she visited some apartment complexes but was advised that they only rent to students. She told the Commission that apartment's rented by bedroom is not good.

Paul Geiger, 101 Sixth Pines Road, San Marcos spoke regarding the variances to the Windermere project. He stated that there is a lot of concern by people and adjoining property owners what this request will do to the safety of the people that are already there. He added that there is traffic and the entrance will be in a flood zone where it has flooded many times. He asked the Commission to carefully consider what the adjoining property owners have concerns regarding the project. In addition, he asked the Commission to carefully consider granting the variances.

**18. ZC-11-01 (Frank's Auto Shop)** Hold a public hearing and consider a request by Carlos Hernandez for a Zoning Change from CC (Community Commercial) to GC (General Commercial), being approximately 1.572 acres, located at 328 South Guadalupe Street.

Vice-Chair Couch opened the public hearing. Carlos Hernandez stated he is doing the design on the project and is available to answer questions. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Bryan, the Commission voted all in favor to approve ZC-11-01. The motion carried unanimously.

Commissioner Stark recused himself from the discussion and vote for item #28 PC-10-14(02).

**28. PC-10-14(02) (Buie Tract).** Consider a request by Craddock Avenue Partners for approval of a phase 1 preliminary plat for approximately 59.42 acres of property located at 1314 Franklin Dr and west of Craddock Avenue.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission voted six (six) for and one (1) opposed to approve PC-10-14(02). Commissioner Bishop voted no. The motion carried.

**7. CUP-11-03. (Railyard Bar and Grill)** Hold a public hearing and consider a request by Ryan Hageman for a Conditional Use Permit to allow on premise consumption of mixed beverages in a General Commercial (GC) zone at 116 S Edward Gary.

Vice-Chair Couch opened the public hearing. Matt Hageman, representing developer stated that they are the same company that owns Lindsey Lofts. He said they are trying to design a place that will not affect his residents. Mr. Hageman stated that he is continuing with the fence variance. He added that he is available to answer questions. 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 all in favor to approve CUP-11-03 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; and amplified live music shall end at 10:00 p.m. and shall be limited to the interior only. The motion carried unanimously.

There was a ten minute recess.

Commissioner Kelsey recused himself from the discussion and action on Item #6.

**6. Hold a public hearing and consider revisions to Section 4.3.4.2 of the Land Development Code: Conditional Use Permits for On-site Alcoholic Beverage Consumption.**

Vice Chair Couch opened the public hearing. Dawna Figol, 333 Pinnacle Pkwy, New Braunfels, stated she was present because they own buildings in downtown San Marcos. She said she provided the Commission with a letter. Ms. Figol explained that they have spent over four million dollars on the building in the downtown with the understanding that they purchased the building under the four hour rule regulations. She pointed out that the 50% requirement is very difficult. Ms. Figol commented that the Commission is considering fifteen 15 Restricted CUP's and asked them to think of businesses that are currently in downtown. She stated she was available to answer questions. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Bishop, the Commission voted all in favor to recommend to City Council revisions to Section 4.3.4.2 of the Land Development Code to increase the maximum number of Unrestricted CUPs from 12 to 14 in order to remove the two nonconformities; leave the maximum number of Restricted CUPs at 15. The ordinance should contain a provision for annual review by the Planning and Zoning Commission and Change (c) (1) to state the Restaurant Permits are valid for up to three years from date of issuance. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Bryan and a second by Commissioner Ehlers, the Commission voted all in favor to recommend to City Council revisions to Section 4.3.4.2 of the Land Development Code to remove the reporting requirement in (c)(5)(a). The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Seebeck, the Commission voted six (6) for and one (1) opposed to recommend to City Council revisions to Section 4.3.4.2 of the Land Development Code to remove the "50% rule" and replace it with the "two four-hour rule." The motion carried. Commissioner Stark voted no.

**MOTION:** Upon a motion made by Commissioner Ehlers and a second by Commissioner Bryan, the Commission voted all in favor to recommend to City Council revisions to Section 4.3.4.2 of the Land Development Code to maintain the requirement for kitchen equipment and maintain the requirement for 8 entrees. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Bishop, the Commission voted six (6) for and one (1) opposed to recommend to City Council revisions to Section 4.3.4.2 of the Land Development Code leave the CUP as is issued to applicant and not property or business owner and no requirement for a period of time before alcohol is served. The motion carried. Commissioner Bryan voted no.

Commissioner Kelsey recused himself from the discussion and action on items #8-17.

**8. LUA-10-15. (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 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.

**9. LUA-10-16. (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 Future Land Use Map Amendment from Commercial (C) to Medium Density Residential (MDR) for a 1.71 acre tract of land located in the 1500 Block of Old Ranch Road 12.

**10. LUA-10-17. (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 Future Land Use Map Amendment from Open Space (OS) to Medium Density Residential (MDR) for three tracts of land located at 508 Craddock Avenue.

**11. LUA-10-18 (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 Future Land Use Map Amendment from Commercial (C) to Medium Density Residential (MDR) for a tract of land located at 508 Craddock Avenue.

**12. LUA-10-19 (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 Future Land Use Map Amendment from Open Space (OS) to Commercial (C) for a tract of land located at 508 Craddock Avenue.

**13. ZC-10-21 (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 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.

**14. ZC-10-22 (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 Zoning Change from Single Family Residential (SF-6) to Community Commercial (CC) 2.75 acre tract located at 508 Craddock Avenue.

**15. ZC-10-23 (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 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.

**16. PDD-10-02. (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.

The applicant gave a twenty minute presentation

Vice Chair Couch opened the public hearing.

Kevin Karswell, 132 County Lane, stated what he liked about the project is that the project helps bring students into what is perceived to a single family home environment. He explained that he has several friends that live in San Marcos with students living next door to them. In some cases it works well and in others it does not. Mr. Karswell stated that he recommends the project for San Marcos.

Jay Lagg, 900 Castle Ridge in Austin, TX stated he is the Real Estate Broker representing Dr. Weatherford. He said he wrote a letter to the Commission in support of the request. He stated he believes that the proposal is appropriate and highest and best use of the property. He added that the proposal is taking safeguards to protect the neighbors. Mr. Lagg explained he has been working on the project for 18 months with several interests from other multifamily developers. He felt that no other proposal has been as nice as the one presented. He said he hopes the Commissioners support the project.

Lisa Jasek, 1924 Ramona Circle, stated she is concerned that the proposed rezoning will change the character of the neighborhood. She said they are connected with their neighbors and share similar interests and lifestyles. Ms. Jasek pointed out that the Sector 2 plan states that the neighborhood remain predominantly single family homes in use and character. She felt that the proposed development does not meet the Sector 2 Plan criteria. Ms. Jasek added that she hopes the Commissions keeps in mind their family members when they make their decision.

Danielle Elizabeth Madsen, Post Graduate Student at Texas State University stated she was present in support of The Retreat. She explained that she lives at 2801 Ranch Road 12, and works at Christian Baptist Academy and a volunteer at Cypress Creek Church in Wimberley. She said she is representative of the type of student that would like to live at The Retreat. Ms. Madsen comments if you don't want students in your neighborhood where do you want them to go. She added that Texas State is growing in attendance and that there are responsible students at Texas State. She strongly urged the Commission to approve the request so that students like her can live in a nourishing environment. She felt that the proposed development will benefit the economy of San Marcos. Ms. Madsen pointed out that Texas State is a jewel of San Marcos.

Bailey VerSchoyle, 1920 Ramona Circle stated her and her husband are very concerned about the project and are not in favor of project. Have lived on Ramona Circle for a year and took a risk. Ms. VerSchoyle explained that they were drawn to the neighborhood because of the community, people walking their dogs, families riding bikes, and kids playing. She said the neighborhood is very family oriented and a quiet community. She felt that the developers are missing the point when you put a multi family development in the middle of a single family subdivision. She said there is a difference in atmosphere and attitude. Ms. VerSchoyle stated she is concerned with parking along Ramona Circle which will create a serious risk for walkers and bikers.

Jane Hughson, 1600 N. LBJ Drive asked the Commission to consider what the future reality is going to be for this unit. How many people will really be staying there and how many cars will be on the property? What is the property going to look like in 20-30 years? She stated that the proposed rules sound good. What if or when they want to sell the property. Ms. Hughson asked the Commission to consider all concerns.

Marcie McCollum stated that she has lived in San Marcos for 46 years. She pointed out that then San Marcos was a college town and is now a college town. Ms. McCollum pointed out that San Marcos needs to provide housing for college students. She explained that business people in San Marcos hire college students. She added that students are responsible people. Ms. McCollum stated that Dr. Weatherford has the right to sell his property to the Retreat.

Anita Fuller 121 Kathryn Cove stated that homeowners complain about students although turns their houses in to rental property for college students. Many houses are not managed well and are used as investments. Ms. Fuller felt that The Retreat is creating a low impact home environment where student can enjoy all the amenities of a house yet live according to the rules and regulations of a well managed property. She added that The Retreat has the potential of meeting the great need in San Marcos. Ms. Fuller asked the Commission to support the project and make a real effort in restoring the neighborhoods by doing so as it pulls the students in for a wonderful place for them to live.

David Jasek, 1924 Ramona Circle stated he agreed with Anita Fuller. He felt that students are not the problem; it's keeping the family values of the neighborhood. Mr. Jasek said that The Retreat has a great product but should not be placed in the middle of a single family neighborhood

Camille Phillips, Franklin Drive stated that the intent of the Sector 2 Plan is to keep the area predominately single family. She advised the Commission that they have turned in a petition with 300 signatures against the request. Ms. Phillips asked the Commission to please deny the request. She added that it is very gracious and generous of them to give the land for a potential fire station. She hoped that that would not influence the Commissions vote.

Russ Krump, 1000 Allgood Road, Athens GA, one of the owners of Retreat Holdings thanked the Commission for their time to listen to their project. He feels that this is a vibrant and good project for community.

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 Stark the Commission voted four (4) in favor and three (3) opposed to deny LUA-10-15, LUA-10-16, LUA-10-17, LUA-10-18, LUA-10-19, ZC-10-21, ZC-10-22, ZC-10-23, and PDD 10-02. The motion to deny carried. Commissioners Bryan, Couch, Ehlers voted no.

There was a ten minute recess.

Commissioner Kelsey recused himself from discussion and vote on TMA-11-01. Commissioner Bryan left the meeting at 9:15.

**17. 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.

Vice Chair Couch opened the public hearing. John Williams thanked the Commission for their consideration based on all comments from all citizens. He added that they do intend to despite the prior recommendation to continue forward with the project. Mr. Williams said they would appreciate their consideration for this issue based on all the citizen comments. We do not want a cut through road as well as the citizens. He asked the Commission to approve the TMA.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers, the Commission voted four (4) in favor and two (2) opposed to approve TMA-11-01 conditional upon approval of the PDD for The Retreat. The motion carried. Commissioners Bishop and Seebeck voted no. Commissioner Bryan was absent from the vote.

**19. LUA-11-01 (Aspen Heights)** Hold a public hearing and consider a request by Aspen Heights, agent for 90 San Marcos Ltd & DRFM Investments, for a Land use Map Amendment from Commercial (C) to Medium Density Residential (MDR) for 8.38 acres, more or less, in the J.M. Veramendi Survey Number 2 at Telluride Street.

**20. ZC-11-02 (Aspen Heights)** Hold a public hearing and consider a request by Aspen Heights, agent for 90 San Marcos Ltd & DRFM Investments, for a Zoning Change from General Commercial (GC) to Multi-family (MF-12) for 8.38 acres, more or less, in the J.M. Veramendi Survey Number 2 at Telluride Street.

**21. LUA-11-02 (Aspen Heights)** Hold a public hearing and consider a request by Aspen Heights, agent for 90 San Marcos Ltd & DRFM Investments, for a Land use Map Amendment from High Density Residential (HDR) to Medium Density Residential (MDR) for 9.87 acres, more or less, in the J.M. Veramendi Survey Number 2 at Telluride Street.

**22. ZC-11-03 (Aspen Heights)** Hold a public hearing and consider a request by Aspen Heights, agent for 90 San Marcos Ltd & DRFM Investments, for a Zoning Change from Future Development (FD) to Multi-Family (MF-12) for 9.87 acres, more or less, in the J.M. Veramendi Survey Number 2 at Telluride Street.

Vice Chair Couch opened the public hearing.

Jerry Halfrich stated he resides on Briarwood Drive which is adjacent to the proposed project. He added that in 1978 they realized there was a water problem. He stated flooding has the tendency to occur in this neighborhood. Mr. Halfrich stated he did not have an opposition to the development. His concern is when you put that many roofs and asphalt on a hill, water will drain and we are at the low area of the property. He pointed out that if drainage is addressed and they can keep water off the property, he doesn't care what goes on the property. Mr. Halfrich said they have flooded before and that is his main concern of flooding again.

Ray Cortez, 296 Briarwood, echoed and agreed with Mr. Halfrich. He stated that Aspen Heights has not met and spoken to any of the adjacent property owners for comments or concerns. In addition, they are not willing to place a buffer between the properties. Mr. Cortez said it was brought to his attention that bulldozing has begun on the property. He said he has concern with a buffer zone and flooding. Mr. Cortez commented that he wished that Aspen Heights had taken interest from neighbors as The Retreat did for their neighbors.

Nick Dankoff, 461 Briarwood said the San Marcos Horizons Plan is an exceptionally visionary document that makes a real effort to address the goals of the city development by balancing peoples various needs and wants but still preserving the character of the City. He pointed out that student housing is not a regular development. Student housing increases stress and hostility. The existing Briarwood Subdivision is stable and people have lived in the neighborhood for many years. Mr. Dankoff added that as city grows it is important to look at the more intense uses and if a buffer is needed. He stated that the topography of the property is such that the runoff from impervious cover is likely to end up at the south end of the 1101 tract.

Mike Dallas, 900 Congress Avenue, Austin, Texas representing land owners. He explained that they presented a concept plan to the Commission eighteen to twenty four months ago designating the property as High Density Residential. He pointed out that the Concept plan was approved. Mr. Dallas stated that regarding the drainage concerns, the developer can't fix other subdivision drainage problems but will not cause additional problems.

Larry Shireman stated he purchased his property in 1982, 341 Briarwood. Mr. Shireman has concerns regarding flooding. He explained that water flows down Briarwood. Mr. Shireman added that a serious rain could cause a big problem for the neighborhood.

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 two (2) for and five (5) opposed to approve LUA-11-01 and LUA-11-02 with conditions. The motion to approve with conditions failed. Commissioner Bishop and Kelsey voted yes.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission voted six (6) for and one (1) opposed to approve LUA-11-01 and LUA-11-02 as submitted. The motion carried. Commissioner Bishop voted no.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Stark, the Commission voted six (6) for and one (1) opposed to approve ZC-11-02 and ZC-11-03 as submitted. The motion carried. Commissioner Kelsey voted no.

**23. ZC-11-04. (Windemere)** Hold a public hearing and consider a request by Joel Richardson on behalf of Rob Haug and Vince Wood for a Zoning Change from FD (Future Development) to SF-R (Single-Family Rural), for two tracts approximately 235 acres in size in the T.J Chambers, E. Burluson Jr., R. Clever and E. Clark Surveys, located at Lime Kiln Road approximately one mile northwest of Post Road.

**24. PVC-11-01 (Windemere)** Hold a public hearing and consider a request by Joel Richardson on behalf of Rob Haug and Vince Wood for a Variance to Section 6.7.1.1 of the Land Development Code which requires that block lengths shall not exceed 1,600 feet in length along major thoroughfares and 1,200 feet along other streets for two tracts approximately 235 acres in size in the T.J Chambers, E. Burleson Jr., R. Clever and E. Clark Surveys. This request is to allow for blocks up to 6,500 feet in length.

**25. PVC-11-02 (Windemere)** Hold a public hearing and consider a request by Joel Richardson on behalf of Rob Haug and Vince Wood for a Variance to Section 7.4.1.4(k) of the Land Development Code which requires that a cul-de-sac street shall not be longer than 500 feet for two tracts approximately 235 acres in size in the T.J Chambers, E. Burleson Jr., R. Clever and E. Clark Surveys. This request is to allow isolated cul-de-sac lengths up to 560 feet, and more generally a single outlet street (with planned future connections) with a length of 6,500 feet.

Vice Chair Couch opened the public hearing.

Diane Wassenich stated she needed to remind the Commission about the concern with flooding and fires in this area. In addition to the problems it will cause during the times when people are trying to exit the property. Ms. Wassenich pointed out that the Fire Department and several residents have told the Commission their concerns about the issues related to the egress of the property. She stated that as additional variances are being considered she must warn the Commission that subdivision rules are written for public safety reasons. She told the Commission they had to have really good reasons to allow variances. Ms. Wassenich explained that if someone purchases property and because of its shape cannot develop the property, it is not the Commissions duty to allow variances to the property. She expressed concerns regarding erosion control. She asked the Commission to ask questions about wastewater being available for the development.

Joel Richardson, Engineer for the project and the Agent representing the property owners stated he was available to answer any questions. He pointed out that during review process he worked with staff to reduce the degree of variance from the Land Development Code requirements for the project. Mr. Richardson briefly explained the changes to the proposed project. Mr. Richardson stated that they will meet any sedimentation removal requirements for the City of San Marcos identified in the Land Development Code in addition to providing all the required protections for TCEQ.

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 Stark, the Commission voted all in favor to approve ZC-11-04. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Seebeck, to approve PVC-11-01 as submitted.

**MOTION:** Upon a motion to amend the motion made by Commissioner Stark and a second by Commissioner Ehlers, the Commission voted all in favor to amend the motion to approve PVC-11-01 to include conditions that the number of lots is limited to 74; connections are made to each of the adjacent tracts providing for the possibility of future connections; and the development will utilize Low Impact Development (LID) practices incorporating storm water BMPs with 85% removal efficiency of TSS. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Seebeck, the Commission voted all in favor to approve PVC-11-01 with conditions that the number of lots is limited to 74; connections are made to each of the adjacent tracts providing for the possibility of future connections; and the development will utilize Low Impact Development (LID) practices incorporating storm water BMPs with 85% removal efficiency of TSS. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Ehlers, the Commission voted all in favor to approve PVC-11-02 with conditions that the number of lots is limited to 74; connections are made to each of the adjacent tracts providing for the possibility of future connections; and the development will utilize Low Impact Development (LID) practices incorporating storm water BMPs with 85% removal efficiency of TSS. The motion carried unanimously.

**26. PVC-10-05 (Lost Prairie Lane)** Hold a public hearing and consider a request by Patrick Doll, on behalf of Martin Aguillar, for a variance to 6.7.2.1(b) of the Land Development Code, which requires that each lot on a plat shall front onto a dedicated, improved public street, for an approximately 1.0012 acre tract out of and part of the S.A and M.G railroad co. Survey No. 534 Abstract No. 308 in Guadalupe County, Texas.

**27. PVC-10-06 (Lost Prairie Lane)** Hold a public hearing and consider a request by Patrick Doll, on behalf of Martin Aguillar, for a variance to 6.7.2.1(j) of the Land Development Code, which requires that lot depth shall not exceed three times the lot width for lots platted after March 10, 1975 for an approximately 1.0012 acre tract out of and part of the S.A and M.G railroad co. Survey No. 534 Abstract No. 308 in Guadalupe County, Texas.

Vice Chair Couch opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Bishop, the Commission voted all in favor to postpone PVC-10-05 and PVC-10-06 to the April 12, 2011 Planning and Zoning Commission meeting.

#### **29. Discussion Items.**

Commissioner Bishop commented that the new census numbers came out and there was a discrepancy in the population. He advised that the discrepancy may create changes to the ETJ. Commissioner Bishop asked staff for an update at a future meeting.

Matthew Lewis advised that staff will contest the population through the formal appeal process with the Census Bureau.

#### **Planning Report**

- a. Update on proposed downtown form-based code.
- b. Planning Commission 2011 retreat

Matthew Lewis reported that the Downtown form-based code workshop will be held on March 8, 2011. The Historic Preservation Commission open house is Sunday, February 27<sup>th</sup> from 2-4 p.m. at the LBJ Museum. The student liaison requested by the Commission is moving forward. The resumes for interested student will be provided to the Commission at the next Planning Commission meeting. An email will be sent out concerning available dates for the P&Z Retreat.

#### **Commissioners' Report**

There was no Commissioners' Report.

30. Consider approval of the minutes from the Regular Meeting on January 25, 2011.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Stark, the Commission voted all in favor to approve the minutes of the Regular Meeting on January 25, 2011. The motion carried unanimously.

31. Consider approval of the minutes from the Regular Meeting on February 8, 2011.

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

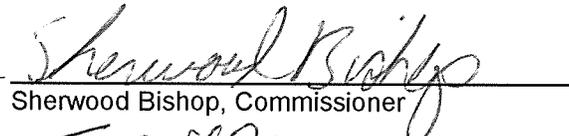
**32. Questions and answers from the Press and Public.**

There were no questions from the public.

**33. Adjournment**

Vice Chair Couch adjourned the Planning and Zoning Commission at 10:46 p.m. on Tuesday, February 22, 2011.

  
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Bucky Couch, Vice Chair

  
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Sherwood Bishop, Commissioner

  
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Jim Stark, Commissioner

  
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Travis Kelsey, Commissioner

  
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Chris Wood, Commissioner

  
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Randy Bryan, Commissioner

  
\_\_\_\_\_  
Kenneth Ehlers, Commissioner

  
\_\_\_\_\_  
Curtis Seebeck

ATTEST:

  
\_\_\_\_\_  
Francis Serna, 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 f32 (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 78066

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 Feb, 2011 agenda of the governmental body, and the subject matter of the vote or decision is as follows:

The Retreat at San Marcos  
Item - 8-17

Check if applicable:

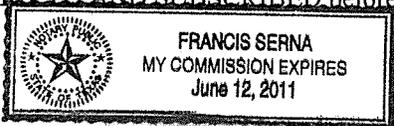
The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation:

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

Signature Travis Kelsey

Printed Name Travis Kelsey

SWORN TO AND SUBSCRIBED before me on this 22<sup>nd</sup> day of February, 2011.



Francis Serna  
Notary Public, State of Texas

Notary Stamp:

FILED this 25 day of February, 2011.

Samuel P. Hightler  
City Clerk of the City of San Marcos

**CITY OF SAN MARCOS  
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY**

STATE OF TEXAS  
COUNTY OF HAYS

The undersigned member of the City of San Marcos P8Z, (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in a business entity that may be involved in a vote or decision of the governmental body described above, and the vote or decision may have a special economic effect on the business entity that is distinguishable from the effect on the public. The name of the business entity is The Tap Room Texas, LLC.

The nature and extent of my interest in the business entity is as follows: (check all that apply)

- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of 10 percent or more of the fair market value of the business entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received by me from the business entity exceed 10 percent of my gross income for the previous year.
- 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.

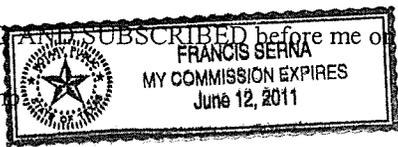
The vote or decision involving this interest is on 22 Feb, 2011 agenda of the governmental body, and is described as follows: CUP for on-site beer consumption  
Item # 6

EXECUTED this 22nd day of February, 2011.

Signature Trans Kebeey

Printed Name Trans Kebeey

SWORN TO AND SUBSCRIBED before me on the 22 day of February, 2011.



Notary Stamp Francis Serina

Notary Public  
State of Texas

FILED this 25 day of February, 2011.

Ronnie Pettigrew  
City Clerk of the City of San Marcos

**CITY OF SAN MARCOS**  
**DISCLOSURE AFFIDAVIT-BUSINESS ENTITY**

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 a business entity that may be involved in a vote or decision of the governmental body described above, and the vote or decision may have a special economic effect on the business entity that is distinguishable from the effect on the public. The name of the business entity is TCOR MANAGEMENT.

The nature and extent of my interest in the business entity is as follows: (check all that apply)

- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of 10 percent or more of the fair market value of the business entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received by me from the business entity exceed 10 percent of my gross income for the previous year.

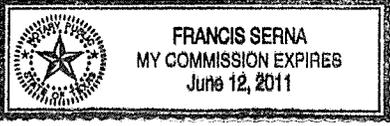
\_\_\_\_\_ The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation.

The vote or decision involving this interest is on 2-22, 2011 agenda of the governmental body, and is described as follows: PC-10-14 (027)  
BOULE TRACT  
THE ENGINEER - RAMSON ENGINEERING IS A CLIENT

EXECUTED this 22 day of Feb, 2011.

Signature [Handwritten Signature]  
Printed Name JIM STARK

SWORN TO AND SUBSCRIBED before me on the 22 day of February, 2011.

Notary Stamp  Francis Serna  
Notary Public  
State of Texas

FILED this 25 day of February, 2011.  
[Handwritten Signature]  
City Clerk of the City of San Marcos