

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
January 11, 2011**

1. Present

Commissioners:

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

City Staff:

Matthew Lewis, Interim Director
Francis Serna, Recording Secretary
Christine Barton-Holmes, Chief Planner
Sofia Nelson, Senior Planner
Abby Gillfillan, Planner
John Foreman, 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 Bishop at 6:00 p.m. on Tuesday January 11, 2011 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Election of Officers:

- a. **Chair**
- b. **Vice-Chair**

Chair Bishop announced the Commissioner Seebeck was not present and requested that the election of officers be postponed to the January 25, 2011 Planning Commission meeting.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Kelsey, the Commission voted all in favor to postpone the election of Chair and Vice-Chair to the January 25, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

4. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience.

5. 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;*

6. Citizen Comment Period

There were no citizen comments.

7. CUP-10-33 (Shipley's Drive Thru) Hold a public hearing and consider possible action on a request by Carlos Hernandez, agent for Hom Kear for a Conditional Use Permit to allow a Food Service/Drive-In establishment to be located within a Community Commercial (CC) zoning district located at 1602 Aquarena Springs Drive.

Commissioner Ehlers recued himself from the discussion and vote.

Chair Bishop opened the public hearing. There were no 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 CUP-10-33 with the conditions that the submitted site plan meet all requirements of the Land Development Code, including tree mitigation; the entrance/exit drive from Aquarena Springs be "right-hand" turn only; and the that adequate screening be provided between the subject site and adjacent property. The motion carried unanimously.

8. CUP-10-34 (Wok & Roll Restaurant) Hold a public hearing and consider possible action on a request by Mei Wan Lai to allow the sale of beer and wine for on premise consumption at a restaurant at 812 S Guadalupe St.

Chair Bishop opened the public hearing. John Lai, stated he moved from Helotes, TX to San Marcos to open a restaurant. Mr. Lai mentioned that he has left message for staff regarding a temporary sign permit and has not received a return call. There were no 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 CUP-10-34 with the conditions permit shall be valid for one (1) year, provided the standards are met, subject to the point system; the applicant shall submit plans and receive all required permits from the Health Department; and the applicant shall submit a temporary sign information sheet and comply with all other requirements of the Land Development Code with regard to temporary signage. The motion carried unanimously.

9. WPP2-10-0003 – Hold a public hearing and consider possible action on a request by Byrn & Associates, Inc., on behalf of Outlet West Investors, LTD, for a Qualified Watershed Protection Plan Phase 2 for the realignment and channelization of a portion of Cottonwood Creek (from the Union Pacific Railroad culvert southwest of Centerpoint Road to the Cottonwood Creek crossing of Centerpoint Road northwest of Gregson's Bend).

Chair Bishop 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 Kelsey, the Commission voted all in favor to approve WPP2-10-0003 with the following conditions: the Developer shall execute and have recorded with County Property Records a Drainage Easement and Detention Pond Agreement acceptable to the City; the developer shall adhere to all requirements of that document, including maintenance by the property owner, and all requirements of the Mitigation Plan authorized by the USACOE. The motion carried unanimously.

10. PDD-10-01. 222 Ramsay. Hold a public hearing and consider a request by Iconic Development, on behalf of San Marcos Green Investors, for a Planned Development District (PDD) overlay with a Multi Family (MF-24) base zoning for approximately 3.86 acres located at 222 Ramsay Street.

Commissioner Ehlers recused himself from the discussion and vote.

Chair Bishop opened the public hearing. Pat Biernacki, 222 Ramsay explained that they reevaluated the parking concerns. He advised the Commission that the property is 98% occupied with twelve month leases. He stated that they currently require all residents to register for parking. They have 179 parking spots and 164 registered residents which are given a sticker for their vehicle. In addition, a towing company comes twice a week to make sure parking is utilized correctly. Mr. Biernacki further explained that they have forty five parking spaces that can be converted to compact parking which will add five parking spaces. In addition, they will add 10% for bike parking. He felt that they have a set a good precedent in redevelopment. He stated he was available to answer questions and asked for the Commissioners approval of the request. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Wood, the Commission voted all in favor to approve PC-04-10(03c) as submitted. The motion carried unanimously.

11. LUA-10-14 (1311 N. IH 35) Hold a public hearing and consider possible action on a request by ETR Development Consulting, agent for Darren Casey Interest, Inc. for a Future Land Use Map Amendment from Commercial (C) to High Density Residential (HDR) for a 2.547 acre tract located at 1311 N IH-35.

Chair Bishop opened the public hearing for LUA-10-14 and ZC-10-20. Ed Theriot, ETR Development Consulting, representing Darren Casey, stated that Greg Gibson, Darren Casey Co was also present. Mr. Theriot provided the Commission with a letter in support of the applications for LUA-10-14 and ZC-10-20. He gave a brief overview of the letter. 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 Taylor, the Commission voted all in favor to postpone the request to the February 8, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

12. ZC-10-20 (1311 N. IH 35) Hold a public hearing and consider possible action on a request by ETR Development Consulting, agent for Darren Casey Interest, Inc, for a Zoning Change from General Commercial (GC) to Multi-family (MF-24), for a 2.547 acre tract located at 1311 N IH 35.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Couch, the Commission voted all in favor to postpone the request to the February 8, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

13. Discussion Items.

Commissioner Stark requested that the Land Development Code Tree Ordinance be placed on a future agenda for discussion.

Planning Report

- a. End of Year Report.
- b. Planning Commission 2011 retreat

Matthew Lewis advised the Commission that items a. and b. will be discussed at the January 25, 2011 Planning Commission meeting.

Matthew Lewis also informed the Commission that the City Council and Planning Commission workshop will be held on Wednesday, February 2, 2011 from 11-2 p.m.

Commissioners Wood, Couch and Kelsey advised that they would not be available to attend.

c. Planning Article- Placemaking as an antidote for shrinking city budgets.

Erika Ragsdale gave a brief overview of the Planning Article.

Commissioners' Report

Chair Bishop on behalf of the Commission wished a rapid recovery to Commissioner Seebeck.

Chair Bishop welcomed Commissioner Ehlers to the Planning and Zoning Commission.

14. Consider approval of the minutes from the Regular Meeting on December 14, 2010.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Couch, the Commission voted all in favor to approve the minutes of the regular meeting on December 14, 2010. The motion carried unanimously.

15. Questions and answers from the Press and Public.

There were no questions from the public.

16. Adjournment

Chair Bishop adjourned the Planning and Zoning Commission at 7:42 p.m. on Tuesday, January 11, 2011.



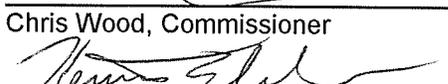
Sherwood Bishop, Chair



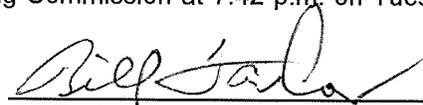
Jim Stark, Commissioner



Chris Wood, Commissioner



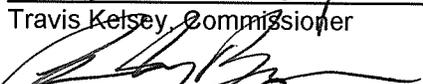
Kenneth Ehlers, Commissioner



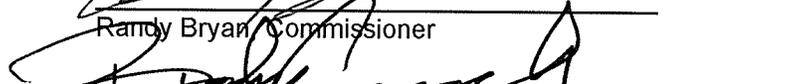
Bill Taylor, Commissioner



Travis Kelsey, Commissioner

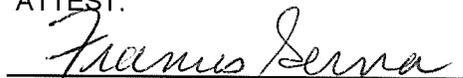


Randy Bryan, Commissioner



Bucky Couch, Commissioner

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 Kenneth Ehlers (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:

- 1.) 1602 Avarena Springs Drive CEP-10-33
2.) 222 Ramsay PDD-10-01

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 eleventh day, 20 11 agenda of the governmental body, and the subject matter of the vote or decision is as follows:

- 1.) Serving as The Concrete Contractor for This Job
2.) Serving as The G.C. for The Room Additions.

Check if applicable:

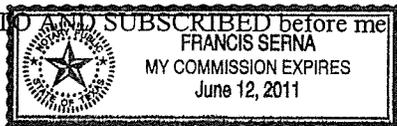
The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation:

EXECUTED this 11 day of January, 20 11

Signature Kenneth Ehlers

Printed Name Kenneth Ehlers

SWORN TO AND SUBSCRIBED before me on this 11 day of January, 20 11.



Francis Serina
Notary Public, State of Texas

Notary Stamp:

FILED this 26 day of January, 20 11.

Samuel Lee Pettigrew
City Clerk of the City of San Marcos