

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
May 8, 2012**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck, Vice Chair
Travis Kelsey
Carter Morris
Chris Wood (late in 6:25)
Corey Carothers
Kenneth Ehlers

City Staff:

Kristy Stark, Development Services Assistant Director
Sam Aguirre, Assistant City Attorney
Francis Serna, Recording Secretary
Alison Brake, Planner
John Stanley, 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 May 8, 2012 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 audience and viewers.

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. 30 Minute Citizen Comment Period

There were no citizen comments.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on April 24, 2012.

7. PC-11-07(01H) (Cottonwood Creek). Consider a request by Ramsey Engineering, L.L.C., on behalf of Cottonwood Creek JDR, Ltd., for approval of the Master Plan renewal of Cottonwood Creek subdivision, consisting of approximately 471.97 acres at the intersection of State Highway 123 and Monterrey Oak, San Marcos Texas.

Commissioner Seebeck pulled Item 8 from the Consent Agenda.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey the Commission approved on consent items 6 and 7. The motion carried unanimously.

8. PC-12-06(03) (Hunter's Crossing Lot 2) Consider a request by PSCE, Inc. on behalf of Surecap-Village TX Partners I, L.P. for approval of a Final Plat for approximately 0.89 acres, more or less, out of the J.M. Veramendi Survey No. 1, Abstract 17, City of San Marcos, Hays County located at 115 Wonder World Drive.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers the Commission approved on consent PC-12-06(03) with the conditions that the Notary text paragraph encroaching upon Joint Use Access Easement drawing area will be removed from the easement boundaries; remove blank lines next to P.U.E. measurements; and remove 2050' measurements along Wonder World Drive in the southwest corner of the lot. The motion carried unanimously.

Public Hearing

9. VR-12-01 (Pappa Pasta's) Hold a public hearing and consider a request by Herlinda Lopez for a variance to allow a restaurant serving alcohol less than 300 feet from a public school, but not less than 200 feet from the primary entrance to the school, to seek a Conditional Use Permit [LDC 4.3.4.2(b)(3)].

Chair Taylor opened the public hearing. Herlinda Lopez, applicant thanked the Commission for their time and said she would appreciate their support. There were not additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Carothers the Commission approved VR-12-01 with the conditions that the following statement shall be included on the restaurant menu: "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages."

10. CUP-12-03 (Pappa Pasta's) Hold a public hearing and consider a request by Herlinda Lopez for renewal of a Conditional Use Permit to allow the continued sale of beer and wine for an on premise consumption at 2550 Hunter Road Suite 1100.

Chair Taylor opened the public hearing for CUP-12-03. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Carter and a second by Commissioner Kelsey the Commission voted six (6) for; zero (0) against and (1) abstained to approve CUP-12-03 with the condition that the CUP be valid for 1 year provided standards are met, subject to the point system; they include the statement "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages," on the restaurant menus; the restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met; alcoholic beverages shall not be served earlier than 11 a.m. or later than 10 p.m.; and the CUP shall be effective upon approval of the variance by Council.

11. CUP-12-17 (Del Taco) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Lumberton Investments, Ltd., for a Conditional Use Permit to allow a Restaurant/Prepared Food Sales with a drive thru to be located within a Community Commercial (CC) zoning district located at 660 E. Hopkins Street.

Chair Taylor opened the public hearing for CUP-12-17. Thomas Rhodes, ETR Development Consulting, 401 Dryden Lane, Buda stated that last fall they came before the Commission for the same location. They heard the public outcry and got together with the neighbors. He explained that the neighbors concerns were that they only use the current property. Mr. Rhodes gave a brief overview of the proposed project. He stated he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Carter and a second by Commissioner Wood the Commission voted seven (7) for and zero (0) against to approve CUP-12-17 with the conditions that the exit drive on Hopkins is a right-in/right-out only; and that the CUP is conditional upon approval with TxDOT approval of the driveway on Hopkins.

Non Consent Agenda:

12. Development Services Report

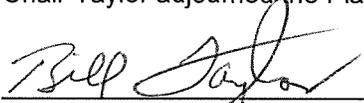
- a. Update from staff on Comprehensive Master Plan

Staff updated the Commission on the calendar for the Comprehensive Plan including dates for work days and public meetings

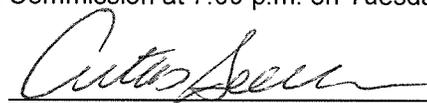
13. "Question and Answer Session with Press and Public. This is an opportunity for the Press and Public to ask questions related to items on this agenda."

14. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 7:00 p.m. on Tuesday, May 8, 2012.



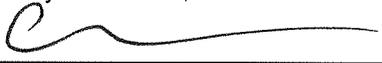
Bill Taylor, Chair



Curtis Seebeck, Commissioner



Corey Carothers, Commissioner



Carter Morris, Commissioner



Chris Wood, Commissioner



Travis Kelsey, Commissioner



Kenneth Ehlers

ATTEST:



Francis Serna, Recording Secretary

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY

STATE OF TEXAS

COUNTY OF HAYS

The undersigned member of the City of San Marcos Planning and Zoning, (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 Fast

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 \$15,000 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:

I am abstaining only to avoid the appearance of impropriety.

The vote or decision involving this interest is on the 5-8-12 (date) agenda of the governmental body, and is described as follows: Consent Agenda - Cottonwood Creek

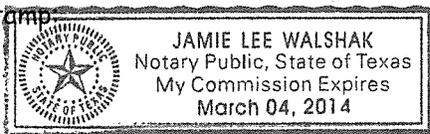
EXECUTED on May 8th 2012 (date).

Signature _____

Printed Name Carole Morris

SWORN TO AND SUBSCRIBED before me on May 8, 2012 (date).

Notary Stamp



Jamie Lee Walshak
Notary Public
State of Texas

FILED on May 8, 2012 (date).

Jamie Lee Walshak
City Clerk of the City of San Marcos