

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
April 24, 2012**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck, Vice Chair
Randy Bryan
Travis Kelsey
Carter Morris
Chris Wood
Corey Carothers
~~Kenneth Ehlers~~

City Staff:

Matthew Lewis, Development Services Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
Abigail Gillfillan, Permit Manager
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 April 24, 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

Jim Garber, 104 Canyon Fork stated that the city in state of chaos because of growth and development. He said it seems now that it is in almost every neighborhood. Mr. Garber mentioned that it started with The Retreat, the Buie tract, Sessom, Hillside and then down to the river and over to Belvin. He added that neighborhoods are being affected all over town and now the Hopkins Overlay. Mr. Garber said people are very upset about a wide variety of issues. He asked the Commission to step up and show some leadership and restore order to the chaos which is ripping our community apart. Mr. Garber mentioned hearing about the various lawsuits in process and said it is not good for all involved. Mr. Garber added that everyone is not going to agree on everything but one thing we all can agree on is that the citizens of San Marcos deserve a whole lot better than what they have gotten for the last six months.

Lisa Prewitt, 619 Maury St., said that we walked into the rezoning process about five months. She said from history there has been Buie tract, the Retreat, other apartment complex that have been recommended by the Planning Department. Ms. Prewitt added that we now have an Overlay District in a Historic District that has another neighborhood upset. She said that there seems to be a consistent battle in the City and that everyone is passing the buck. She pointed out that no one knows who is actually for the citizens or what is going on. She stated that several people on Belvin Street think the overlay is gone. She commented that the overlay can be back in as quick as two weeks just as quick as it was put off. Ms. Prewitt said there is very much mistrust. She said the citizens all have shown their love and passion for San Marcos. Ms. Prewitt said citizens are not seeing that government entities are looking out for what citizens want for San Marcos. Ms. Prewitt provided Chair Taylor with a copy of the lawsuit filed by Mr. Sergi. She asked the Commission to step up and watch the town for the citizens and protect what we have.

Dee McClure, 1009 Haynes, stated she agrees with the previous speakers. She said she was present for the Tree Ordinance and would like to see it passed. Ms. McClure commented that the Commission has stepped up in that area.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on March 27th and April 10th, 2012.

7. PC-12-06(02) (Hunters Crossing Lot 2) Consider a request by PSCE, Inc. on behalf of Surecap-Village TX Partners I, L.P. for approval of a Preliminary 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 Kelsey the Commission approved on consent items 6 and 7. The motion carried unanimously.

Public Hearing

8. CUP-12-16 (Chimy's San Marcos) Hold a public hearing and consider a request by Baccus Enterprises on behalf of Chimy's San Marcos for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 217 E. Hopkins Street.

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 Kelsey the Commission voted eight (8) for and zero (0) against to approve CUP-12-16 with the condition that the permit shall be valid for three (3) years, provided standards are met, subject to the point system; and the CUP shall take effect upon issuance of the building permit and approval of the final inspection of the work submitted in permit number 2012-10406.

9. LDC-12-01 (Multifamily Design standards) Hold a public hearing and consider an amendment to the City's Land Development Code by adding Chapter 4, Article 4, Division 3: Multifamily Residential Design Standards to provide for additional building and site design control.

10. LDC-12-04 (Tree and habitat preservation) Hold a public hearing and consider an amendment to the City's Land Development Code modifying Chapter 5, Article 5, to clarify tree and habitat preservation.

11. LDC-12-07 (Clarify notice procedures) Hold a public hearing and consider an amendment to the City's Land Development Code to clarify Section 1.3.2.1 for required notices by application type.

Chair Taylor opened the public hearing for items for 9, 10, and 11. Diane Wassenich, 11 Tanglewood stated she was speaking as an individual about the Tree Ordinance, Item #10. She thanked the Commission for maintaining their practice of having a public hearing when one is posted. She explained that she can see how the Tree Ordinances adjustments is needed but is concerned about who decides what is or is not feasible as far as planting, saving or replacing a tree. In addition, Ms. Wassenich was concerned about where the money is used and how the funds are tracked. 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 Seebeck Commission voted eight (8) for and zero (0) against to postpone LDC-12-01, LDC-12-04 and LDC-12-07 to a future agenda. The motion carried unanimously.

12. LDC-12-11 (SmartCode Revisions) Discuss an amendment to the City's SmartCode, Articles 1, 3 and 5 to clarify process and language.

John Foreman explained changes to Chapter 6 definitions. He advised that LDC-12-11 (SmartCode Revision) will be posted on a future agenda for approval.

13. Capital Improvement Project Plan Hold a public hearing and consider recommendations for Capital Improvement Project nominations for 2012-2022.

Chair Taylor opened the public hearing. Diane Wassenich, San Marcos River Foundation said she wanted to make sure that as we look at drainage projects in the future that we are always looking at how it affects the river. Ms. Wassenich said for instance; excavate Willow Creek to build a bridge. She pointed out when projects such as these we do not protect the river from the sediment that washing into the river. She further explained that it costs a whole lot more money to remove endangered species than it does to prevent the sediment from going into the river. Ms. Wassenich added that the sediment also causes problems to our storm drains and to our infrastructure. She said it makes sense that when we do drainage projects that we look at the impact of the river. She explained that high speed flows collect worse sediment and take it to the river. Ms. Wassenich asked the Commission to consider her concerns when discussing drainage. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Ehlers the Commission voted all in favor to recommend the Capital Improvements Project Plan nominations for 2012-2022 to the City Council. The motion carried unanimously.

Non Consent Agenda:

14. Presentation from staff and discussion regarding San Marcos SmartCode rezoning process and processes for regulating plans and warrants.

15. Discussion regarding amending the Conditional Use Permit process.

16. Development Services Report

a. Update on Comprehensive Master Plan

Matthew Lewis thanked the public, Citizen Advisory and Citizen Steering Committees for participating and their input at the public event held on Saturday, April 21st. He thanked staff for their hard work. Mr. Lewis advised the Commission that the next joint Citizen Advisory and Steering Committee meeting will be held on May 2, from 5:30-8:30 at the Activity Center. He invited the Commission to attend. He stated that information gathered from the Comp Plan meeting will be posted on the web. Mr. Lewis advised the Commission that staff will keep the Commission updated on the progress of the Comp Plan.

17. "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."

Tom Wassenich, 11 Tanglewood spoke regarding the SmartCode. He asked if the pedestrian sheds can be imposed by P&Z in areas where deemed necessary. Staff clarified that the applicant would bring the request forward. Mr. Wassenich inquired if a pedestrian shed would be allowed within subdivision with a HOA? Matthew Lewis explained that the SmartCode is designed for parcel greater than 40 acre. He further explained any homes near the 40 acres would be notified of the zoning change.

Diana Baker stated she would follow up with Mr. Wassenich comments. She said that people that live in the Historic District do not get the same protection as the subdivision with an HOA. She said they were told several years ago that the Smartcode would not be brought into their neighborhood and would not have commercial properties. Ms. Baker said no one of Belvin Street was notified. She stated that she hopes the Commission acts honorably and keep their promise made to the citizens in the Historic Districts.

18. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 7:35 p.m. on Tuesday, April 24, 2012.



Bill Taylor, Chair



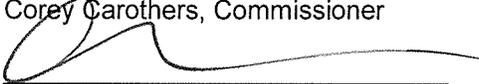
Curtis Seebeck, Commissioner



Corey Carothers, Commissioner



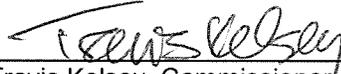
Randy Bryan, Commissioner



Carter Morris, Commissioner



Chris Wood, Commissioner



Travis Kelsey, Commissioner

ATTEST:



Francis Serna, Recording Secretary