

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
May 22, 2012**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Bucky Couch  
Travis Kelsey  
Carter Morris (arrived 6:15/left 7:10)  
Chris Wood  
Corey Carothers  
Kenneth Ehlers  
Randy Bryan

**City Staff:**

Matthew Lewis, Development Services Director  
Sam Aguirre, Assistant City Attorney  
Francis Serna, Recording Secretary  
John Foreman, Planning Manager  
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 22, 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**

Lisa Spencer, 100 E. Mimosa Circle, spoke concerning W. San Antonio Street project. She stated that they purchased their home two and a half years ago. She explained that her daughter is currently living in the home and felt it was a good investment. Ms. Spencer explained that they have had problems getting trash picked up because there are always so many vehicles parked and the trash trucks cannot turn around. Ms. Spencer said that in addition to the trash not being picked up that an ambulance cannot get through as well due to the narrow streets and cars being parked along the street. She pointed out that it is an unsafe situation. Ms. Spencer mentioned that the area is a corner stone of the Historic District and they do not need the development that would impede at the end of a historic district. She pointed out that the neighbor has not been a good citizen, toilets have been removed and left on the curb, couches gave been torn to shreds and left as well. She added that there has been a POD and a dumpster at the location for a long period of time. Ms. Spencer stated she would hate to give him more authority and cause more safety and health hazards.

Rita Atherton provided written comments.

Karl Furry, 811 W. San Antonio Street, stated he has lived there for six years and is located approximately nine blocks from 1313 W. San Antonio Street. He explained that they have been in the Historic District and have made improvements to their single family home. He asked the Commission to make their recommendations in favor of the neighborhood. He pointed out that it is a historic neighborhood with single family homes. Mr. Furry added that the neighborhood is all that people want for a single family neighborhood. He said, unfortunately with a more dense property you get more cars, traffic, noise and trash. He asked the Commission to protect the jewel of San Marcos. He commented that he has yet to see an apartment building enhance the quality of life in a single family neighborhood.

Kay McCarty, 127 S. Bishop, gave a brief demographic overview of Bishop Street. She explained anyone that drives through the area either are visiting or lost. She added that the street is not large enough for two vehicles to pass. Ms. McCarty read an email she provided to the Commission prior to the meeting. She said she has similar concerns as other speakers and her main concern is safety. Ms. McCarty added that they want the area safe for families in the neighborhood. Ms. McCarty spoke in opposition to request.

Megan O'Neil stated that a year ago she moved out of 1319 W. San Antonio Street. She explained that her parents own the property and it is currently being rented by a couple. Ms. O'Neil stated that traffic is not the best on the street but that there is a curve that is located next to 1321 W. San Antonio. She explained that people fly down the street ignoring the speed limit. She added that children play in the area. Ms. O'Neil mentioned that someone came down the street and killed her dog. She felt that adding more vehicles will cause more traffic accidents and issues. She explained with 50% more vehicles that there will be no room for the Volunteer Fire Department to get through. Ms. O'Neil stated with multi-family zoning comes crime problems. She said the project will not work in the area and is against the project.

David Wagner, Candlelight Lane, referred to the development for Cape's Camp on River Road. Mr. Wagner stated that he is totally against rezoning to Multi family. He explained that any additional encroachment to the river would be disastrous. Mr. Wagner said property near the river should be kept for wildlife and be protected. Mr. Wagner stated he has concerns regarding the lighting used for communities. He suggested balanced lighting.

#### **Consent Agenda:**

**6. Consider the approval of the minutes from the Regular Meeting on May 8, 2012.**

**7. PC-12-04(03) (Simek Owens Street Addition, Lots 1&2, Block 1)** Consider a request by Ash & Associates, LLC on behalf of Carl Simek for approval of a Final Plat for approximately 0.288 acres, more or less out of Vol. 3924, Page 894, T.J. Chambers Survey, Hays County, Texas located at 1508 Owens St.

**8. PC-12-10(03) (Blanco Vista Tract Q, Section 1)** Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 2.94 acres, more or less, out of the William Ward League, Abstract 467, for 15 lots, located at Easton Drive and Old Settlers Drive.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission approved on consent minutes from the Regular Meeting on May 8, 2012, PC-12-04(03) and PC-12-10(03). The motion carried unanimously.

#### **Public Hearing**

**9. ZC-12-04 (1313 W. San Antonio St.)** Hold a public hearing and consider possible action on a request by Jason Howell for a zoning change from Single Family Residential (SF-6) to Multi-Family-12 (MF-12) for 0.3005 acres located at 1313 W. San Antonio St.

Matthew Lewis, Development Services Director recused himself from Item #9 on the agenda.

Chair Taylor opened the public hearing.

Ellie Stewart stated that she with her husband have lived at 1253 W. San Antonio for 41 years. She said that the neighborhood has always been single family. Ms. Stewart explained that there are several large homes as well as smaller affordable housing suitable for young families and senior citizens which are an asset to the neighborhood. She added that the area is in the historic district and they would like to keep it single family. Ms. Stewart reiterated other traffic concerns and the inability of fire and trash trucks getting through the street. She said that she attended a Transportation meeting and a proposed roundabout was being discussed to correct the current traffic problems in the area. She felt that multifamily units will increase the traffic problems. She asked the Commission to deny the request.

Charles Blue, 101 W. San Antonio, said he and his wife have lived there since 1983. He explained that he bought the home because of the single family homes that San Antonio Street presents. He added that the area has been developed as single family since the 1800's. Mr. Blue indicated that across the street there are six small 1940's type homes and feels that the request will disrupt the area. He added that he has the same concerns as the other neighbors. Mr. Blue pointed out that he submitted an email but felt it was important that he attend the meeting and speak to the Commission. Mr. Blue said he opposes the request.

Matt Chambers, 615 W. MLK Drive said he owns the house located across from 1313 W. San Antonio Street. He explained when he looked at purchasing the property a few years ago he was aware that it was zoned SF-6 but was built as a multi family use. Mr. Chambers said he is not for or against the request but that he is in support of not including the occupancy restrictions on the property. He feels that the property should be grandfathered because it was built for multifamily use. He also added that the parking is an issue but feels a change in site design would help the situation. Mr. Chambers pointed out that the property is located outside the Historic District. He said the bigger issue is flooding in the area. Mr. Chambers stated that he supports Jason Howell's zoning change.

Tim O'Neill said he owns 1319 W. San Antonio which is located next door to 1313 W. San Antonio Street. He feels that he would be the most affected by the zoning change. Mr. O'Neill explained that he is currently leasing the home. Mr. O'Neill stated that he is in opposition to the zoning request. He added that the city needs to maintain the aesthetics to the historic district. Mr. O'Neill said he doesn't know what the applicant is planning, but whatever he builds will directly affect his property. He pointed out that there could be possible crime, more trash and more parties. Mr. O'Neill added that the house is in need of repair. He mentioned that there are no sidewalks and the street is a hazard. The fire trucks have to drive down the street. He added that he is support of growth and making people prosper but feels this area is not suitable for multifamily zoning. Mr. O'Neill stated he is in opposition to the zoning change.

Crystal Benavides spoke in favor of the zoning change. She said the house was built for multifamily. Ms. Benavides explained that the house is built as three separate units. She gave a brief description of the house. She added that allowing the house to remain will give Mr. Howell to keep his property rights. Ms. Benavides said she feels the zoning request is a good idea.

Jason Howell, 1261 W. San Antonio apologized to neighbors for any misunderstanding. He said he read letters of concerns submitted by neighbors. He explained that the zoning change does not allow him to build 12 units per acre. He said he does not plan on tearing down the house. Mr. Howell proposed changing his request to restricted duplex zoning for the property. He pointed out that the house was in much need of repair and that he has spent at least \$50,000 on house repairs. He said his goal is to use the property as it has been historically used. He asked the Commission to consider his request adding that the property has medium density future land use. He added that if the house was not previously used as multifamily he would not be requesting the zoning change. Mr. Howell explained that he has tried to lease the home to comply with the occupancy restrictions and it is impossible. He said he did not hear complaints from neighbors or he would have addressed the issues.

There were not additional citizen comments and the public hearing was closed.

The Commissioners discussed their desire to not rezone to the property to MF-12. The Commission directed staff to work with applicant to explore other less intense rezoning options such as Duplex Restricted.

Jason Howell, the applicant, withdrew his application.

**Non Consent Agenda:**

**10. PC-04-10(02d) (Cottonwood Creek Phase 1)** Consider a request by Ramsey Engineering, L.L.C., on behalf of Cottonwood Creek JDR, Ltd., for approval of a preliminary plat for approximately 13.70 acres, more or less, out of the J.F. Geister Survey Nos. 6 and 7, Abstracts 202 and 203, City of San Marcos, Hays County, located along State Highway 123 about one (1) mile south of Clovis Barker Road.

Commissioner Morris recused himself from Item 10.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Kelsey the Commission approved PC-04-10(02d) with the condition that the trail shall be constructed in compliance with ADA standards and the crosswalks shall be striped where the trail intersects any street. The motion carried unanimously.

**11.** Consider recommendation of approval to City Council of Vision Statements proposed by the Citizens Advisory Committee for the Comprehensive Plan.

Donna Hill, Steering Committee Vice Chair gave a brief overview of the committee member selection process and meeting schedule.

Jane Hughson, Citizen Advisory Committee presented the Vision Statements to the Commission.

Commissioner Couch and Bryan expressed concerns that the University and future housing was not included in the Vision Statements.

**MOTION:** Upon a motion made by Commissioner Couch and a second by Commissioner Carothers the Commission recommended approval to City Council of the Vision Statements proposed by the Citizens Advisory Committee for the Comprehensive Plan. The motion carried unanimously.

**12.** Presentation from staff and discussion regarding the Flood Damage Prevention Ordinance and changes to the codified regulations as required by the National Flood Insurance Program.

Matthew Lewis, Director of Development Services informed the Commissioners that the Flood Damage Prevention Ordinance was being removed from the Land Development Code and that the item would be going to City Council for approval on June 5, 2012.

**13. Development Services Report**

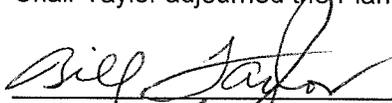
a. Update from staff on Comprehensive Plan

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

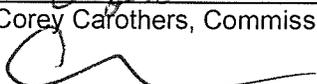
**14. "Question and Answer Session with Press and Public.** *This is an opportunity for the Press and Public to ask questions related to items on this agenda."*

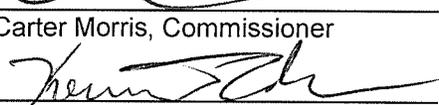
15. Adjourn.

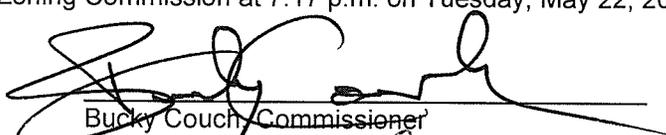
Chair Taylor adjourned the Planning and Zoning Commission at 7:17 p.m. on Tuesday, May 22, 2012.

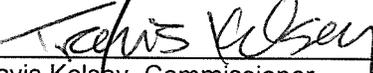
  
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Bill Taylor, Chair

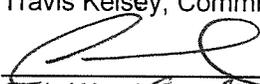
  
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Travis Kelsey, Commissioner

  
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Chris Wood, Commissioner

  
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Randy Bryan, Commissioner

ATTEST:

  
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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 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 Randall Morris and Assoc.

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 May 22, 2012 (date) agenda of the governmental body, and is described as follows: PC-04-10 (02D) Cottonwood Creek.

EXECUTED on \_\_\_\_\_ (date).

Signature [Signature]

Printed Name Carter Morris

SWORN TO AND SUBSCRIBED before me on May 22, 2012 (date).

Notary Stamp:

Francis Serna  
Notary Public  
State of Texas

FILED on July 26, 2012 (date).

[Signature]  
City Clerk of the City of San Marcos