

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
October 9, 2012**

1. Present

Commissioners:

Curtis Seebeck, Vice Chair
Chris Wood
Corey Carothers
Carter Morris
Travis Kelsey
Kenneth Ehlers

City Staff:

Matthew Lewis, Development Services Director
Kristy Stark, Development Services
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
Alison Brake, Planner
Emily Koller, Planning Tech

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 Seebeck at 6:00 p.m. on Tuesday October 9, 2012, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Vice Chair Seebeck welcomed the 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

Jay Hiebert, 209 W. Sierra Circle said he was astounded that the discussion regarding Cape's Camp was happening. Mr. Hiebert compared the approximate inhabitants in San Marcos and New Braunfels. He pointed out that New Braunfels has Landa Park approximately 196 acres of riverfront parkland and San Marcos has 76 acres of riverfront parkland. San Marcos has more inhabitants per acre than New Braunfels. Mr. Hiebert commented that if the city adds the 70 acres of Cape's Camp in Proposition 1, the inhabitant number will drop. He asked the Commission to vote against the PDD and the apartment complex.

Melissa Derrick, 109 Kathryn Cove, said we all see that there is not enough park space in San Marcos for the citizens and visitors of San Marcos. She pointed out that she was wearing an original recycled t-shirt made of river tubes. Ms. Derrick added that people care about the river and are recycling. She said they need single families to stay and not move out and become a bedroom community. They need single family to stay and not move out and become a bedroom community. Ms. Derrick added that putting an apartment complex on Cape's Camp will block the river and flood the neighborhoods. She felt that it will not enhance the quality of life or the ability to attract new citizens to the community. She asked the Commission to please vote no on the PDD.

Derrick Lee, 209 S. Comanche, stated that he is support of Proposition 1. He explained that should a development be built, we have to think of people's safety due to flash flooding. Mr. Lee expressed his concerns regarding overflow of detention ponds located at the lower elevations of the property. Mr. Lee also questioned how the river would be restricted. He felt that an apartment complex would have people at the river at all hours. He told the Commission to vote against Cape's Camp.

Angie Ramirez signed up to speak, although requested to speak during the public hearing.

Lisa Prewitt, 619 Maury spoke regarding three items related to Capes Camp. She said she wanted to speak on the process, although Commission Seebeck addressed her concern. Secondly, she said that they have been working diligently on the new Master Plan for San Marcos. She explained that the land use map is almost complete. Ms. Prewitt added that nowhere on the map are there apartments on Cape's Camp. She explained that they have allocated plenty of property for apartment complexes. Ms. Prewitt mentioned a book by Dudley R. Dobe, written in 1948, and read a few lines about Aquarena Springs. She said if San Marcos can find a way to purchase the property, it will be an amazing addition to San Marcos.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on September 25, 2012.

7. PC-12-25(03) (Blanco Vista Phase 3, Section 4) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 1.99 acres more or less, out of the William Ward League Survey No. 3, Abstract No. 467, for 14 lots located at Jacob Lane and Trail Ridge Pass.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission voted all in favor to approve the consent agenda. The motion carried unanimously.

Public Hearings:

8. CUP-12-36 (Eta Tau Chapter of Sigma Nu Fraternity) Hold a public hearing and consider a request by the Eta Tau Chapter of Sigma Nu Fraternity for the renewal of a Conditional Use Permit. The proposed renewal would allow the continued use of a fraternity at 2108 N IH 35.

Vice Chair Seebeck opened the public hearing. Hudson Dickens, 2108 N. IH 35, stated he was present for the renewal of the CUP. He explained that they have done a lot of good in the community. He added that an Alumnus has donated the stadium for the school. Mr. Dickens added they work with different charities. He asked the Commission to allow the renewal of their CUP. 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 Kelsey, the Commission voted all in favor to approve CUP-12-36 with the condition that the CUP be valid for a five year (5) year time period subject to the point system. The motion carried unanimously.

9. PDD-12-02 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and discuss a PDD overlay district, with a base zoning of Multifamily-12 (MF-12) for approximately 45 acres located on the east side of IH-35, south of River Road, west of Cape Road and north of the San Marcos River.

10. ZC-12-05 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and discuss a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 22.51 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along River Road.

11. ZC-12-06 (The Woodlands of San Marcos –Capes Camp) Hold a public hearing and discuss a Zoning Change from Community Commercial (CC) to Multiple-Family Residential (MF-12) for approximately 0.651acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along the frontage road of IH-35.

12. ZC-12-11 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and discuss a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

13. LUA-12-04 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and discuss a Land Use Amendment from Commercial (C) to Medium Density Residential (MDR) for approximately 4.2 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at River Road and the frontage road of IH-35.

14. LUA-12-06 (The Woodland of San Marcos – Capes Camp) Hold a public hearing and discuss a Land Use Amendment from Very Low Density Residential (VLDR) to Medium Density Residential (MDR) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

Vice Chair Seebeck opened the public hearing.

Jim Garber, 104 Canyon Fork, pointed out that the Comprehensive Plan is the primary document any city plans its growth and development. He explained that hundreds of citizens have answered the call to become engaged to develop a plan to develop the city's future and growth. Mr. Garber stated that the theme and the land use map are not going to change. He pointed out that the themes are protection of the river, protection of our neighborhoods, more parkland and identify the high density growth areas. Mr. Garber said that this request is inconsistent with the plan. He pointed out that the area is not identified for high density development. In addition he stated that the property is the last jewel on the river. Mr. Garber said that we need the land to fulfill the San Marcos vision. He mentioned that the name of the plan is "A River Runs Through Us." Mr. Garber spoke in opposition of the request. He pointed out that the request is inconsistent with the old plan and is not consistent with the new plan.

Diane Wassenich explained that fifty years ago a neighborhood was moved east of town because the properties along the river flooded and millions of dollars were spent to buy the land and make it into parkland. She pointed out that there is no trail under IH 35. Ms. Wassenich mentioned that we have a chance to purchase the land and that citizens are going to support it. She stated that the master plan indicates plenty of places for apartments. She said the last piece of property on the river is critical to be used for parks. Ms. Wassenich provided the Commission with a map indicating that the Stokes Park is the only park located east of town. She asked the Commission to compare how much property is located in the floodway and floodplain of the property was taken from citizens. She expressed her concerns and stated that apartments should not be built next to the floodway and floodplain. She commented that San Marcos can have worse floods than in '98 and that the detention ponds will also flood.

Douglas Beckett, 714 Barbara Drive, said he has lived on Barbara drive for 17 1/2 years and was present for the 3 floods between 1998 and 2003. He said he believes that any sort of structure on the Capes Camp would be like constructing a levy or dam for the escape of floodwaters from the Blanco River. He pointed out that it is the Blanco River that floods. Mr. Beckett felt that it would be negligent to place any type of barrier between the exits of the floodwaters of the Blanco towards San Marcos. The construction will call for the raising of a berm at the Cape's Camp area. He added the force of the water traveling downstream will be blocked by the fence or grading being proposed along the apartments. Mr. Beckett said if anything is built on the property it will have the same effect. He asked the Commission to please not turn their neighborhoods into the Fifth Ward of New Orleans after Katrina.

Angie Ramirez, 612 Barbara Drive, acknowledged neighbors present from her neighborhood as well as south of IH35. She said that the citizens all agree that they love Cape's Camp. She said the thing that citizens don't agree that it is free land. Ms. Ramirez stated she is frustrated with the term free because this is a negotiation and tradeoff. She asked the Commission to pay close attention to the information that they are going to hear in which how their neighborhood floods from the Blanco River. Ms. Ramirez said that we all know how the patterns are and we don't have confidence that whatever may be developed will be built with the correct models in mind. She explained that when they met with Mr. Mulkey at Cape's Camp and she brought up the impending threat that would come from their neighborhood regarding student rentals. She pointed out that she is on the Master Plan committee. She asked the Commission not to tell her as others have said that this is a waste of time. She explained that the Committee has identified suitable places within

one mile of Cape's Camp. Ms. Ramirez said they understand that 30,000 people are coming to San Marcos and we will accommodate them. She asked the Commission to let the Committees keep working on the Master Plan.

Gina Flemming, 1013 Dartmouth, said that there has already been so much discussion and input from citizens. She said she never once interpreted any statements that indicated they wanted the developer to offer parkland. Ms. Flemming felt that parkland behind an apartment complex is an amenity for the apartment complex. She mentioned that she has been a monitor at Ringtail Ridge and feels that an unmonitored use of parkland or green space is a security risk. Ms. Flemming stated that if the property is rezoned it will drive the market value up. She said she thought that there was a consensus with the community and the City Council and is now confused about the intent of the property. She asked the Commission to take their concerns seriously.

Bridget Phillips, 529 Harvey Street, commented that when developing around the river we need to slow down. She said research and facts should be gathered prior to making a decision. Ms. Phillips stated that once the eco system is destroyed and cost a lot of money to repair or beyond repair. She added that there is a Proposition on the November 6 ballot and doesn't understand why we are here. She pointed out that there is no Parks recommendation. Ms. Phillips said we should slow down. She explained that the river is already congested and if we turn the property into an apartment complex where will the people come to visit in San Marcos.

Nancy Moore, 15 Tangelwood, said she is always amazed what city planning can put together. She asked if the City can put a map together and show what a park would look like on the property. She asked that the citizens have a five minute presentation about what a park would look like. They want a park that their children and grandchildren will appreciate and thank them. Ms. Moore said their children will not thank them if an apartment complex with 1000 beds is built on the river. She asked staff if a city plan can be developed. Ms. Moore said they would create a committee and see what a park will look like if developed on the property. She felt that the property could be a heritage site where all children can be proud.

Hudson Diggins, 2108 N. IH 35, stated that there are currently plenty of places along the river that look pretty bad because of college drinking. He said placing one thousand college kids on the property is a bad idea. Mr. Diggins explained that he is from a small town and once you give it away you don't get it back. He indicated as a college student, they have plenty of places to drink. He added that the property should be used as a place that families should enjoy.

Paul Murray, 102 Barkley, said that this request is a special case because there is a Referendum coming up. He asked the Commission to table the discussion or decision on the request until after the election on November 6th. He felt that at that time, the Commission will not have to guess what the citizens of San Marcos want. Mr. Murray explained that when he saw the PDD, there were a lot of uncertainties about the parking for the park. He said he understand that the parking is requested on Stokes Park which is on State's property. Mr. Murray expressed concerns regarding taking Stokes Park for parking when we already have Stokes Park.

David Wendell, 118 E Holland, said he has been in San Marcos since 1972 and knows this is a 100 year flood plain. He said to put a structure with one thousand people is asking a lot. He pointed out that he has experienced floods and that flooding is a great concern. He added that there should be more forethought in the decision. Mr. Wendell said parkland is a long term goal for the city and putting an apartment complex on the property is a short term goal. He felt that we should go for the long term goal for San Marcos.

Samantha Armbruster, 424 Settlers, said she researched what Dovetail had to offer regarding student housing. She pointed out that the student housing looks a lot like The Retreat. Ms. Armbruster gave an example of the pool at the Retreat being shared by the community and would not be a good situation as would the river being shared by the community and the apartment complex.

Patrick Montgomery, Valley Street, said after listening to the presentation and all zoning changes required it is clear that the developer has to figure out how to maximize his profit margin plus maintain the integrity of the green space and the river. He pointed out that there is a very strong opposition from the citizens of San Marcos to allow such a large development near a very large sensitive area. Mr. Montgomery added that with

so much multifamily development, it is difficult to help people find affordable housing. He said that multifamily development inflates the rental market for students. He asked the Commission to listen to all comments and concerns.

Amelia Cruz lives on Durango Street, Wallace Addition also known as Barrio Del Pescado, neighborhood of the fish because they live close to the fish hatchery. She said that their concern is the traffic. She explained that when Thompson Island was open the traffic would go back and forth through the neighborhood to get to Staples Road. Ms. Cruz pointed out that she used to be concerned for the children's safety but now a majority of the neighborhood are senior citizens and use the streets to walk. She explained that there is a lot of traffic all hours of the day and night. Ms. Cruz said she is very concerned and people have also shown their concerns about the increase of traffic that will develop. She asked the Commission to highly consider their concerns.

Phong (last name unknown), 112 Smith Lane explained that he purchased a two acre tract on 112 Smith Lane 5 years ago. He explained that he decided not to rezone his property because people do not respect nature. He said he is in the US Navy and has traveled all over the world. He mentioned that he has experienced the Tsunami and Katrina flooding. He pointed out that he has learned that people do not respect nature. He said that we don't study the project enough and move too fast. He asked the Commission consider the citizens concerns and nature of the property.

Camille Phillips said she is a neighbor of the Retreat. She mentioned the traffic problems on RR 12 and pointed out that there have been several accidents. Ms. Phillips stated that the developers were going to help pay for the traffic light and now the city is going to pay for it. She said the night of September 22 of the Tech game there were a lot of problems with traffic, trash and someone yelling vulgarities. Ms. Phillips added that the security person at The Retreat called the police. She stated that the same issues could happen at Cape's Camp. She asked the Commission to please deny or postpone the request until the results of referendum.

Ida Miller, 811 W. Hopkins, said she would like to repeat what someone said about the traffic. She pointed out that the intersection of Hwy 80 and IH35 is painstaking to get through the intersection. Ms. Miller stated that the traffic issues need to be addressed with the additional students driving to school. Ms. Miller said the area is in the flood zone and we don't know what a high density development is going to do to the river. She added that if in 10 years the city purchases the property and people want to develop the property she felt it would be best suitable for senior citizen development. Ms. Miller explained that Riverside in Austin was developed for student population in the 70's and over the course of years it has become a high crime area. She said we should really consider what we do in San Marcos and take it seriously.

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

Non Consent Agenda:

15. Development Services Report

- a. Update from staff on Comprehensive Plan

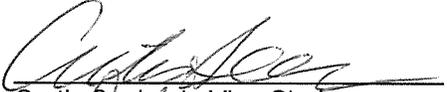
Matthew Lewis invited and encouraged the Commission and public to the next Comp Plan Meeting to be held on Wednesday, October 17th at the Activity Center at 5:30. He announced that the Development Services Department received a State American Planning Award for Dream San Marcos and thanked the Commissioners for attending the APA Conference to receive the award.

16. 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.*

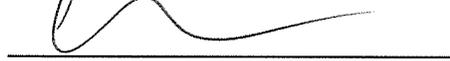
There were no questions from the press and public.

17. Adjourn.

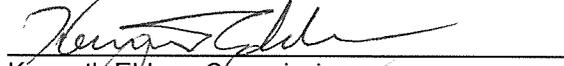
Vice Chair Seebeck adjourned the Planning and Zoning Commission at 7:30 p.m. on Tuesday, October 9, 2012.

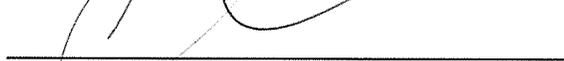

Curtis Seebeck, Vice Chair


Corey Carothers, Commissioner

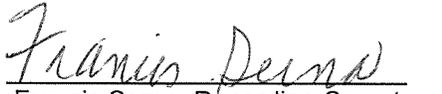

Carter Morris, Commissioner


Travis Kelsey, Commissioner


Kenneth Ehlers, Commissioner


Chris Wood, Commissioner

ATTEST:


Francis Serna, Recording Secretary