

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
September 25, 2012**

1. Present

Commissioners:

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

City Staff:

Matthew Lewis, Development Services Director
Sam Aguirre, 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 Chair Taylor at 6:00 p.m. on Tuesday September 25, 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

Blake Hicks, 202 Trestle Tree, Blanco River Village Subdivision expressed his concerns regarding the developer replacing a street with a linear park. He explained that Golden Shadow Park is the only playground in their neighborhood. He felt that placing a linear park across the street will be ill advised. Mr. Hicks added that removing a street will remove parking spaces for residents and their guests. He said that people parking alongside the park will cause visibility issues for small children crossing the street. Mr. Hicks stated that with no curbs there is no curb appeal and felt it would be difficult for him to sell his home.

Don Eyssen, 200 Orchard reminded the Commission that last October there was a development that took a lot of time from citizens and staff time that he felt should not have been approved. He added that there is a drainage problem. Mr. Eyssen felt that the Commission should research proposed projects prior to approving the requests. Mr. Eyssen explained that he attended a Parks Board meeting and there were some discrepancies between the City and the Parks Board. He mentioned that he saw a city contract for a downtown overlay and he had been told for a year that the city was not going to have an overlay. He

expressed concerns regarding waterlines being overlooked prior to plat approval. He told the Commission that he appreciates their hard work.

Frank Parrott, 225 Newberry Trail, Blanco River Village Subdivision said he has been a homeowner for approximately 4 1/2 years. He also owns a home at 213 Newberry that is leased by his in laws. Mr. Parrott added that his parents also live next door to him. He pointed out that he and his wife have a vested interest in the neighborhood. Mr. Parrott explained that he is an original homeowner of Pulte Homes and feels fortunate that Bigelow Homes took over the subdivision. He felt people in opposition do not fully understand the request. He added the Jaime Bigelow has spoken to the neighborhood. Mr. Parrott mentioned that Mr. Bigelow lives in the subdivision and has a vested interest in the neighborhood. Mr. Parrott stated that he is in favor of the request.

Norma Parrott, 225 Newberry Street spoke in support of the linear park and felt that there is a visual appeal to the area. She does not see a downside for the homeowners. Ms. Parrott felt that people who enjoy the park may also contribute to the maintenance of the park. She mentioned that she linear park will benefit the homeowners.

Nany Lee Seifert, 105 Dashwood Drive, said she has previously been in support of the project. She added that she understands Frank and Norma Parrott's comments. Ms. Seifert pointed out that her concern is that they want to keep peace in their neighborhood. She explained that she lives in the last house that Pulte built and she loves it. She added that her husband is handicapped and walks up and down the alley because it is safe and there is no traffic. Ms. Seifert said she also understands Mr. Hick's concerns. Ms. Seifert asked Jaime Bigelow to work it out with the neighbors because they love where they are. She thanked the Commission for listening to their comments and concerns.

Beverly Silas, 1843 Coronado Hills Drive, Austin stated she was present on behalf of the IH-35 Corridor Development Program. She explained that back in 2010 citizens of Austin voted to include a mobility bond a study of IH 35 between 290E on the north and William Cannon on the south. She explained with the success of the program the State Legislature gave an additional 1.2 million dollars to the project and asked for the limits to 45 on the north to 45 on the south. Ms. Silas extended an invitation to the Open House Workshop scheduled for Thursday, Sept. 27th from 3 p.m. – 7 p.m. at the Buda United Methodist Fellowship Hall, Buda Texas located at 302 Elm Street. She explained the idea is to get input from citizens on what they think the appropriate ways to address IH-35 short term 3-5 years or long term 6-10 years with the intent of putting together various projects to make IH-35 user friendly.

John David Carson, 800 W. 3rd St., Austin said he has reviewed the revisions to the Architectural Standards and feels they are ready to be moved on to Council for their approval. Mr. Carson thanked staff for doing a wonderful job for bringing the document forward and being receptive to suggestions. He said his comments apply to all but the lighting standards. He expressed his concerns regarding cost of the lights. Mr. Carson suggested keeping existing language in the SmartCode which encourages LED but does not mandate it. He also suggested that the city have incentives for LED lighting.

Samantha Armbruster, 424 Settlers Road spoke regarding Capes Camp property, The Woodlands PDD, stating that she grew up on Barbara Drive and has a special connection with the area. She pointed out that she is not against growth. She understands that San Marcos is growing and will need additional housing. Ms. Armbruster felt that the Woodlands development is a little short sided and that the potential for the land is so big. She added that with enough planning and vision Cape's Camp could become the central park of Central Texas. Ms. Armbruster said that the property should be maintained as parkland because of the people that love it. Ms. Armbruster felt that the property can meet the needs of citizens and residents. She felt that if the development is approved the city will lose the potential the property has for the future. She asked the Commission to delay the vote of The Woodlands PDD until the voice of the citizens can be heard in November.

Amy Hall, 122 Smith Lane, read a statement on behalf of Blanco Gardens Neighborhood regarding Capes Camp. Ms. Hall expressed their concerns regarding the development of Cape's Camp and the effects it will have on the surrounding neighborhoods.

Katy Scruton, 124 Trestle Tree in Blanco River Village stated she is in support of the request. She said she understands citizen concerns regarding parking but she does not feel that parking is going to be an issue.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on September 11, 2012.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission voted on consent to approve the minutes from the Regular Meeting on September 11, 2012. The motion carried unanimously.

Public Hearings:

7. CUP-12-30 (Embassy Suites Hotel) Hold a public hearing and consider a request by San Marcos ES Catering, on behalf of Embassy Suites Hotel, for the renewal of the existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 1001 E. McCarty Lane.

Chair Taylor 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 Ehlers, the Commission voted all in favor to approve CUP-12-30 with the conditions that the permit shall be valid for the lifetime of the State TABC license, provided standards are met, subject to the point system. The motion carried unanimously.

8. CUP-12-31 (Embassy Suites Conference Center) Hold a public hearing and consider a request by San Marcos ES Catering, on behalf of Embassy Suites and City of San Marcos Conference Center, for the renewal of the existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 1001 E. McCarty Lane.

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 Bryan, the Commission voted all in favor to approve CUP-12-31 with the condition that the permit shall be valid for the lifetime of the State TABC license, provided standards are met, subject to the point system. The motion carried unanimously.

9. CUP-12-32 (Cedars Mediterranean Café) Hold a public hearing and consider a request by Cedars Mediterranean Cafe for renewal of an existing SmartCode Warrant. The proposed renewal would allow the continued use of a smoking lounge at 220 N. Edward Gary.

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 all in favor to approve CUP-12-32 with the conditions that the warrant shall be valid for three (3) years, signage requirements of the Clean Air Ordinance are to be met with a clearly visible sign posted at the entrance stating, "Smoking is permitted throughout the entire area." The motion carried unanimously.

10. CUP-12-33 (Wok and Roll) Hold a public hearing and consider a request by Mei Wan Lai, on behalf of Wok & Roll Restaurant, for renewal of an existing Conditional Use Permit to allow the continued sale of beer and wine for on-premise consumption at 812 S. Guadalupe Street.

Chair Taylor opened the public hearing. Johnny Lai, owner of Wok and Roll thanked the Commission and citizens of San Marcos for them having a good business. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Bryan and a second by Commissioner Seebeck, the Commission voted all in favor to approve CUP-12-33 with the condition that the permit shall be valid for three (3) years, provided standards are met, subject to the point system. The motion carried unanimously.

11. CUP-12-34 (Stratosphere Lounge) Hold a public hearing and consider a request by the Stratosphere Lounge for the renewal of an existing SmartCode Warrant. The proposed renewal would allow the continued use of a smoking lounge at 235-B N. LBJ Drive.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MAIN MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Carothers, the Commission voted all in favor to approve CUP-12-34 with the conditions that the warrant shall be valid for five (5) years, signage requirements of the Clean Air Ordinance are to be met with a clearly visible sign posted at the entrance stating, "Smoking is permitted throughout the entire facility" and hours of alcohol consumption must coincide with regular alcohol sales hours in San Marcos. The motion carried unanimously.

AMENDED MOTION: Upon an amended motion made by Commissioner Morris and a second by Commissioner Wood, the Commission voted six (6) for and three (3) against to approve removing the condition that the Business owner grant full inspection authority to San Marcos Police and Code Enforcement Officers. The motion carried.

12. CUP-12-35 (Tantra Coffeehouse) Hold a public hearing and consider a request by Nathan Todd, on behalf of Tantra Coffeehouse, for renewal of an existing Conditional Use Permit to allow the continued sale of beer and wine for on-premise consumption at 217 W. 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 Morris and a second by Commissioner Kelsey, the Commission voted all in favor to approve CUP-12-35 with the conditions that the permit shall be valid for three (3) years, provided standards are met, subject to the point system. The motion carried unanimously.

13. A-12-03 (100 E. MLK) Hold a public hearing and consider a request by James Garza on behalf of Hays County for the abandonment of an approximately 108 foot by 22 foot segment of alley in the 100 block of E. MLK Drive.

Chair Taylor 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 Morris, the Commission voted all in favor to approve A-12-03 as submitted. The motion carried unanimously.

Non Consent Agenda:

14. PDD-11-13(a) (Amendment to Blanco River Village PDD) Consider a request by Scott Bauer, on behalf of Bigelow San Marcos Development, L.L.C., to amend the text of the existing Development Standards for the Blanco River Village Planned Development District ("PDD"), consisting of 103.788 acres of land, more or less, located in the 1400 through 1900 blocks of State Highway 21, as originally approved by Ordinances 2004-61 and 2008-49, and amended by Ordinance 2012-02, for the purpose of allowing a smaller street section to allow a courtyard housing type.

MAIN MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Carothers, the Commission voted eight (8) for and one (1) against to approve PDD-11-13(a) with the conditions that the developer paints a pedestrian crosswalk across Golden Shadow to correlate with the Rush Haven Greenway, the developer erects pedestrian crossing signs facing both ways of traffic on Golden Shadow at the crosswalk, and that the developer works with Staff to locate "No Parking" signs along Golden Shadow to achieve good visibility for the crosswalk. Commissioner Bryan dissented. The motion carried.

AMENDED MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Kelsey, the Commission voted all in favor to include that the developer "works with staff," to locate "No Parking" signs along Golden Shadow to achieve good visibility for the crosswalk. The motion carried unanimously.

15. LDC-12-13 (Downtown Architectural Standards) Consider various revisions to Subpart C of the City Code (the SmartCode) including modifying the signage and lighting standards and adding architectural requirements.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Kelsey, the Commission voted eight (8) for and one (1) opposed to approve LDC-12-13 (Downtown Architectural Standards). Commissioner Seebeck dissented. The motion carried.

16. Development Services Report

- a. Update from staff on Comprehensive Plan

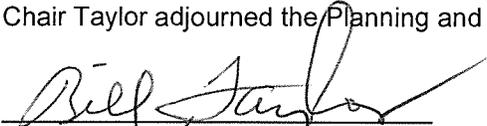
Matthew Lewis invited and encouraged the Commission and public to the next Comp Plan meeting to be held on Wednesday, September 26th at the Activity Center beginning at 5:30 p.m.

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.*

There were no questions from the press and public.

18. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 8:20 p.m. on Tuesday, September 25, 2012.



Bill Taylor, Chair



Corey Carothers, Commissioner



Carter Morris, Commissioner



Travis Kelsey, Commissioner



Kenneth Ehlers, Commissioner



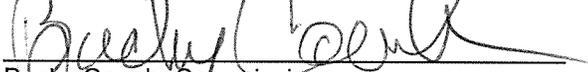
Curtis Seebeck, Commissioner



Randy Bryan, Commissioner



Chris Wood, Commissioner



Bucky Couch, Commissioner

ATTEST:



Francis Serna, Recording Secretary