

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
March 12, 2013**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Curtis Seebeck, Vice Chair  
Chris Wood  
Kenneth Ehlers  
Angie Ramirez  
Randy Bryan

**City Staff:**

Matthew Lewis, Development Services Director  
Kristy Stark, Development Services Assistant Director  
Roxanne Nemcik, Assistant City Attorney  
Francis Serna, Recording Secretary  
John Foreman, Planning Manager  
Amanda Hernandez, Senior Planner  
Alix Scarborough, Planning Intern

**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 March 12, 2013, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**Chairperson's Opening Remarks.**

Chair Taylor welcomed the audience and viewers.

**3. Election of Officers**

***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.*

**4. 30 Minute Citizen Comment Period**

There were no citizen comments.

**Consent Agenda:**

**5. Consider the approval of the minutes from the Regular Meeting on February 12 and February 26, 2013.**

**6. PC-12-19\_03 (Final Plat, Joe Dobie Subdivision)** Consider a request by Byrn & Associates, Inc on behalf of Joe K. Dobie, Jr. Trustee of Joe K. & Daisy G. Dobie Family Trust, for approval of a Final Plat for approximately 14.48 acres more or less out of the J.M. Veramendi Survey No. 2, located at the intersection of Aquarena Springs Drive and River Road.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers the Commission voted all in favor to approve the consent agenda.

**Public Hearings:**

**7. CUP-13-06 (Wake the Dead Coffee House)** Hold a public hearing and consider a request by Wake the Dead Coffee House, for renewal of a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 1432 Old Ranch Road 12.

Alix Scarborough, Planning Intern gave an overview of the project.

Chair Taylor opened the public hearing. Paul Murray spoke in support of the request. He stated that the business is an asset to the community. Jim Garber also spoke in support of the request. Julie Balkman, owner of Wake the Dead provided the Commission with signatures of support. She added that she requires that all employees have a TABC license. 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 Seebeck the Commission voted all in favor to approve CUP-13-06 with the conditions that the CUP is valid for the life of the TABC license, provided standards are met, subject to the point system.

**8. Comprehensive (Master) Plan.** Hold a Public Hearing and hear a staff update regarding the Final Draft of the Comprehensive (Master) Plan - Vision San Marcos: A River Runs Through Us - to guide the growth and development of the City of San Marcos.

Matthew Lewis provided a brief update of the Master Plan. He explained that the committees have met and made recommendations. He advised the Commission that the Comp Plan is provided on the City's website. Mr. Lewis provided the Commission with the Comp Plan Calendar.

Chair Taylor opened the public hearing. Jim Garber said he was confused at the last meeting regarding the procedure of the Master Plan. He explained that he researched the City Charter for information regarding the charge of the Planning & Zoning Commission. Mr. Garber pointed out Section 7.02 and noted that he did not find anything stating that the Planning & Zoning has the power to approve or disapprove what recommendation is made from the Citizens Advisory Committee or the Steering Committee. He added that the P&Z does have power to make recommendations.

Paul Murray, 102 Barkley pointed out that controversy has been because neighborhoods are not involved and always the last to know. Mr. Murray explained that neighbors have only 15 days to respond when notification is issued. He felt that staff has months to work on projects. He hopes that neighborhoods can be included earlier in the process to avoid conflict. Mr. Murray added that the Comprehensive Plan does address the issue and stated that CONA representatives will be notified earlier in the process. He asked the Commission to leave the requirement in the Comprehensive Plan.

Jaimy Breihan welcomed Ms. Ramirez to the Commission. He said he was excited about the Comp Plan and hoped that things will start looking up for the community. He expressed concerns with multifamily zoning being pressed in with single family neighborhoods. Mr. Breihan pointed out that things were tough last year. He added that the Casey development will be brought before the Commission again and hopes that the Commission will refer to the legality of allowing zoning changes and what constitutes spot zoning. He asked the Commission as the Master Plan is implemented that we follow the rules, laws and regulations for the State of Texas regarding zoning changes.

Diane Wassenich said for the Commissioners and public not present at the Committee meeting there was a lively discussion regarding the Commission's suggestions. She mentioned that a key factor that they did consider and add to the Comp Plan was information about poverty and the University. Ms. Wassenich stated that there were many items that were suggested by Commission members and others that were not regarding the two topics suggested by the Commission. The charge that was given were worked on and many items that were suggested that were not regarding the topics. She added that there were several items found to be duplicated within the document. Ms. Wassenich stated she wanted to let the Commission know that the Committees did what the Commission wanted them to do.

There were no additional citizen comments and the public hearing was closed.

**Non-Consent**

**9. MUD 13-01 (LaSalle Municipal Utility Districts 2, 3, 4 and 5)** Request of Michael Schroeder on behalf of LaSalle Holdings, Ltd. for consent to create LaSalle Municipal Utility Districts 2, 3, 4 and 5 on an approximately 1,437 acre site out of the William Hemphill Survey, generally located between IH 35 and SH 21 north of Yarrington Road.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers the Commission voted all in favor to approve MUD-13-01 with the conditions that all requirements in the Consent Agreement and Section 70.052 Conditions and Criteria for Consent to Creation of a District are met including but not limited to the preparation of a Market Study, Development Agreement and Strategic Partnership Agreement.

**10. Development Services Report**

There was no report.

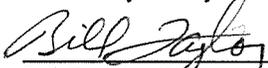
**11. Question and Answer Session with Press and Public.** *This is an opportunity for the press and public to ask questions related to items on this agenda.*

Jim Garber spoke again about the Commission's roll concerning the Master Plan. He referred and read Section 7.02 Powers and Duties of the Commission. He pointed out that the Code does not empower the Commission to review and proposed Master Plan. Mr. Garber explained that the Commission's power is to review the existing Master Plan. He asked Legal if next week's review of the draft Comp Plan is beyond the Commission's charge in the Charter.

There were no additional questions from the press and public.

**12. Adjourn.**

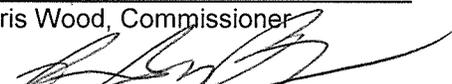
Chair Taylor adjourned the Planning and Zoning Commission at 6:34 p.m. on Tuesday, February 26, 2013.

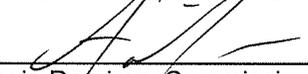
  
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Bill Taylor, Chair

  
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Curtis Seebeck, Vice Chair

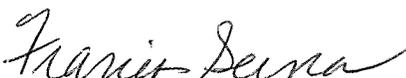
  
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Chris Wood, Commissioner

  
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Kenneth Ehlers, Commissioner

  
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Randy Bryan, Commissioner

  
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Angie Ramirez, Commissioner

ATTEST:

  
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Francis Serna, Recording Secretary