

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
April 23, 2013**

1. Present

Commissioners:

Bill Taylor, Chair
Curtis Seebeck
Chris Wood
Kenneth Ehlers
Travis Kelsey
Angie Ramirez

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
Alison Brake, Planner
Emily Koller, Planner
Tory Carpenter, Planning Tech
Nathan Warren, 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 April 23, 2013, 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 the audience and viewers.

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

Melissa Derrick spoke regarding the Buie Tract. She pointed out that the property has already been zoned but urged the Commission to make sure that inspectors are diligent that no features are being uncovered. Ms. Derrick feels that this development is going to be another Retreat situation. She explained that she has a very young neighborhood full of kids. Ms. Derrick added that she chose her neighborhood 8 years ago because it is a nice neighborhood with a newer home and has a park for the kids. She mentioned that the Neighborhood Association would like to meet with the developer and review the plans. She hopes that they do not have the same issues as the Retreat and their neighbors.

Paul Geiger, 101 Six Pines Road said he has lived on Lime Kiln Road and has seen the proposed area for the Windemere project under water. Mr. Geiger stated that the property is a poor place for any type of dwelling and an exit or entrance. He voiced his concerns for the Windemere zoning request.

Leighton Stallones, resident at 163 Hunters Glen, Hunter's Hill Subdivision, adjacent to the Windemere project. Mr. Stallones spoke in opposition to the Windemere request. He pointed out that the property has many problems including traffic, safety and flooding. Mr. Stallones asked the Commission to not go against City Codes in approving the request.

Diane Wassenich stated that she has covered in great details the consequences of the actions by the Planning Commission with the Retreat. She felt that the Buie tract will have identical issues as the Retreat. Ms. Wassenich gave a brief history of the Buie Tract. She pointed out that the 2001 surveys performed by Hicks & Co indicated three golden cheek warblers' occurrences on the Buie tract. Ms. Wassenich pointed out that only 3.5 acres of golden check warbler habitat remain since bulldozing of the property. She stressed the importance of having inspectors on the site when any trenching is done. She added that she has 10 years of letters that have been written regarding the Buie tract. Ms. Wassenich suggested that if the City does not have the appropriate staff then an outside person should be hired to watch the site.

Consent Agenda:

5. Consider the approval of the minutes from the Regular Meeting on April 9, 2013.

6. PC-12-32_03 (Buie Tract) Consider a request by Ramsey Engineering LLC, on behalf of Craddock Avenue Partners LLC, for approval of a Final Plat and associated subdivision improvement agreement for approximately 44.23 acres, more or less, out of the Thomas Jefferson Chambers Survey, Abstract 2, and the John Williams Survey, Abstract 471, establishing Buie Tract Subdivision Phase 1, Section 1, located near the intersection of N. Bishop Street and Craddock Avenue.

7. PC-13-12_02 (Blanco Vista, Tract I) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Preliminary Plat for approximately 10.489 acres, more or less, out of the William Ward League Survey No. 3, Abstract No. 467, for 43 residential lots located at Blanco Vista Boulevard and Royal Oak Boulevard.

Commissioner Ramirez pulled item 6, PC-12-32_03 for discussion.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey the Commission approved on consent Item 5, minutes of the Regular Meeting on April 9, 2013 and Item 7, PC-12-12_02.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers the Commission approved on consent Item 6, PC-12-32_03.

Public Hearings:

8. CUP 13-07 (Rio Vista Food Trailer Court) Hold a public hearing and consider a request by Hilda Gomez, on behalf of Alfredo Lamas Leal, for a new Conditional Use Permit to allow portable food facilities at 413 Riverside Drive.

Nathan Warren, Planning Intern, gave an overview of the project

Chair Taylor opened the public hearing. Hilda Gomez, applicant for 413 Riverside Drive said she was really excited and asked the Commission for their approval. She introduced Alfredo Leal, property owner. Ms. Gomez explained that the building has been vacant for some time. She added that her sister and husband had plans for a restaurant on the site which brought her to have a food trailer court. Ms. Gomez advised the Commission that she was available to answer questions.

Ana Mendoza, resident at 1114 Field St., Rio Vista Terrace since 1972 stated she has seen all of the changes and problems that have occurred in the Rio Vista Terrace Neighborhood. She said she respects that Mr. Leal has a commercial business but feels that a food trailer business will bring trash, increase of walking traffic and may other issues. Ms. Mendoza pointed out that Ms. Mary Ann Cole has lived adjacent to the property since 1965 and has been picking up trash on a daily basis that comes from the adjacent property and traffic. Ms. Mendoza also mentioned that Ms. Cole does not like seeing strangers from her backyard. Ms. Mendoza felt that parking will be an issue in such a small area which would cause parking on the curb and encroaching on the neighborhood. She suggested that the trailers be placed facing Riverside. She added that the neighborhood is willing to work with the applicant. Ms. Mendoza added that there is already confusion with the roundabouts.

Scott Morrison, resident at 911 Cheatham for over 14 years stated that he is within site of the property. He said he is proud of Rio Vista Park and the rebuild of the falls. Mr. Morrison stated that the resources and access to the area are very constrained and the management is complicated. He realizes people want places to eat, but objects to the food trailer plan because of parking. He seconded everything that Ms. Mendoza said. Mr. Morrison stated that he does want the property to prosper but the traffic will coincide with the general traffic load from Rio Vista Park. He added that the neighborhood is always trying to minimize the negative impact of the neighborhood.

Paul Murray, Secretary Treasurer of CONA stated that he heard on Monday that there were some issues with the neighborhood concerning the project. Mr. Murray explained that he spoke to Ms. Mendoza and Ms. Gomez and they are open to discussion and working things out with the neighborhood. Mr. Murray suggested that the item be tabled to the next Planning Commission meeting so that things can be worked out between the applicant and the neighborhood.

Margaret Collins, 908 Sycamore Street stated she is concerned with additional foot traffic in the neighborhood. She is also concerned with people coming from the river after they have been drinking. Ms. Collins added that she does not want people in her backyard.

Camille Phillips, resident on Franklin Street stated she is concerned about the neighborhood. She felt that there are currently food establishments in the area and not sure if food trailers are necessary. Ms. Phillips said she could not tell if a fence will be installed adjacent to the property on Cheatham. She felt that a fence should be installed to protect the neighborhood. She added that the good thing is that the picnic tables will be placed closer to Riverside Drive. Ms. Phillips stated that she agrees with Ms. Mendoza that the parking is going to be difficult and suggested that the item be tabled or denied.

Annisia Castello, 908 Sycamore spoke in opposition of the food trailers. She expressed her concerns about the walking traffic with the roundabouts and the current parking issues. Ms. Castello said people are still getting used to the roundabouts. She added that she is concerned with people that have been drinking trying to get through the roundabout. Ms. Castello mentioned that lighting is also a concern, in addition to noise. She stated that she understands it is a new business but is an imposition to the neighborhood. Ms. Castello stated she is in opposition to the request.

Carlos Hernandez, 907 Field advised that he assisted Ms. Gomez with the design layout. He stated he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Ehlers, the Commission voted four (4) in favor and two (2) against to postpone CUP-13-07 to the May 14, 2013 Planning and Zoning Commission meeting. The motion carried.

9. ZC-13-05 (Windemere) Hold a public hearing and discuss the following requests by Joel Richardson on behalf of Robert Haug and Vinson Wood:

1. a zoning amendment to establish two Development Transfer ("DT") Overlay Zoning Districts as follows: (1) a Development Transfer granting site of 65.16 acres more or less to be designated as a DTG District, and (2) a Development Transfer Receiving site to be designated as a DTR District consisting of 20.08 acres more or less located in the Enclave at Windemere out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road and

2. a Development Transfer Petition to transfer 2.33 acres of impervious cover from the Development Transfer Granting site consisting of a 65.16 acre tract, to the Development Transfer Receiving site known as the Enclave at Windemere, consisting of 20.08 acres.

10. LUA-12-09 (Windemere) Hold a public hearing and discuss a request by Joel Richardson of Vigil and Associates on behalf of Robert Haug and Vinson Wood, for an amendment to the Future Land Use Map from Very Low Density Residential (VLDR) to Low Density Residential (LDR) for the Enclave at Windemere, consisting of 20.08 acres more or less out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road.

11. ZC-12-14 (Windemere) Hold a public hearing and discuss a request by Joel Richardson of Vigil and Associates on behalf of Robert Haug and Vinson Wood, for an amendment to the Zoning Map from Single-Family Rural (SF-R) to Single-Family 6 (SF-6) for the Enclave at Windemere, consisting of 20.08 acres more or less out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road.

12. PDD-12-03 (Windemere) Hold a public hearing and discuss a request by Joel Richardson of Vigil and Associates on behalf of Robert Haug and Vinson Wood, for a Planned Development District overlay for the Enclave at Windemere, consisting of 20.08 acres more or less out of the T.J Chambers Survey located at Lime Kiln Road and Windemere Road.

John Foreman, Planning Manager gave an overview of the project.

Ed Theriot, ETR Development Consulting gave a presentation of the project.

Chair Taylor opened the public hearing for items 9-12.

Don Netter lives across the road from the development. He stated he is opposed to the project and explained that the proposed development does not fit the environment or the master plan. He pointed out that the property is ½ mile from the outlet of the springs and 20' above the San Marcos springs as it runs underground. Mr. Netter added that the density per acre does not fit. He felt that the development will not enhance the area.

Diane Wassenich spoke on behalf of the San Marcos River Foundation. She said they are very concerned about the receiving zone of the impervious cover transfer. She explained that the development is going to affect Spring Lake. Ms Wassenich pointed out that the Commission is aware of the trenching of the wastewater line next to Lime Kiln Road and the collapsing of the dirt. She added to build dense homes will cause so many people to be in one area when there is a flood. She said that all the houses are in a 500 year flood plain. Ms. Wassenich asked the Commission to not approve the development transfer.

Bridget Phillips said she hopes that the Commission to proceeds with caution and takes all comments into consideration.

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

There was a ten minute recess.

13. Hold a public hearing and consider the 10-year Capital Improvements Program.

John Foreman, Planning Manager and Jennifer Shell, City Engineer gave a presentation.

Chair Taylor opened the public hearing. Diane Wassenich stated it is very important to develop the Old RR 12 Bike/Ped Project. She added that there are ways that the project can be done and that they have been waiting since 2005. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey the Commission voted all in favor to recommend to City Council the 10-year Capital Improvements Plan with amendments to move the Downtown Parking, Old RR 12 Bike/Ped and Widening of Old RR 12 Projects to 2014. The motion carried unanimously.

14. 2012-11658 (Qualified Watershed Protection Plan, Retreat on Willow Creek) Hold a public hearing and consider a request by Carlson, Brigance and Doering, Inc, on behalf of KB Homes, for a Qualified Watershed Protection Plan Phase I for the development of approximately 100.885 acres near Stagecoach Trail and Hunters Hill Drive.

Emily Koller, Staff Planner and David Rabago, Engineer gave an overview of the project.

Chair Taylor opened the public hearing for 2012-11658. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood the Commission voted all in favor to approve 2012-11658 (Qualified Watershed Protection Plan, Retreat at Willow Creek). The motion carried unanimously.

Non-Consent

15. PC-13-05_02 (Retreat on Willow Creek) Consider a request by Carlson, Brigance and Doering, on behalf of Preferred Development Partners, for approval of a Preliminary Plat for approximately 100.885 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Hunter Road.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Ramirez the Commission voted all in favor to approve PC-13-05_02 (Retreat at Willow Creek). The motion carried unanimously.

16. Development Services Report

- a. Update from Staff on the Planning & Zoning Commission Retreat
- b. Update from Staff on the Comprehensive Master Plan

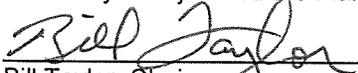
Matthew Lewis, Development Services Director and Amanda Hernandez, Senior Planner gave an update on the Planning & Zoning Commission Retreat and the Comprehensive Master Plan.

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.*

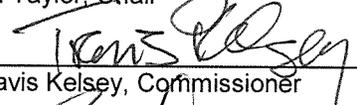
There were no questions from the press and public.

18. Adjourn.

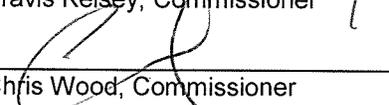
Chair Taylor adjourned the Planning and Zoning Commission at 8:35 p.m. on Tuesday, April 23, 2013.



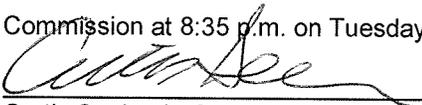
Bill Taylor, Chair



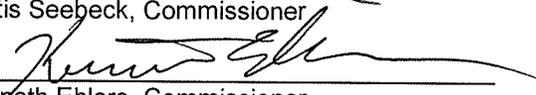
Travis Kelsey, Commissioner



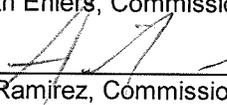
Chris Wood, Commissioner



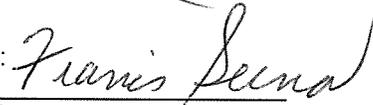
Curtis Seebeck, Commissioner



Kenneth Ehlers, Commissioner



Angie Ramirez, Commissioner

ATTEST: 

Francis Serna, Recording Secretary