

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
April 9, 2013**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Carter Morris, Vice Chair  
Curtis Seebeck  
Chris Wood  
Kenneth Ehlers  
Randy Bryan  
Travis Kelsey  
Corey Carothers  
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  
Amanda Hernandez, Senior Planner  
Alison Brake, Planner  
Emily Koller, Planner  
Tory Carpenter, Planning Tech

**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 26, 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. He asked the audience for a few minutes of silence or prayer for Jaimy Breihen.

**4. Receive a presentation from Staff and discuss MyPermitNow system.**

Abby Gillfillan, Permit Center Manager gave a presentation.

***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**

Diane Wassenich stated that she spoke to City Council at their last meeting and felt that the Commission may not hear all the consequences for their actions. Diane Wassenich explained that The Retreat does not have enough parking. She felt that it could be because units are rented by the bedroom. Ms. Wassenich pointed out that visitors are parking in the neighborhoods across a major road. She explained that the only way the neighborhood can deal with it is have "no parking" zones. She added that people feel unsafe in their own homes. Ms. Wassenich stated that there are several neighborhoods with the same issues. Ms. Wassenich also pointed out that erosion control is a continuous issue.

Jim Garber stated he attended meeting on Friday in the Hughson Heights area with City Staff, CONA Representative and the concerned neighbors. He explained that they discussed the chaos that has been created due to parking problems in the neighborhood. He felt that "no parking" signs will not work. Mr. Garber stated that there are issues with urinating on lawns, vulgar language being used in front of children, and trash among other issues. Mr. Garber mentioned that the Police Department did not have a solution to the problems. Mr. Garber added that who wants to come to San Marcos with these types of issues.

## **Consent Agenda:**

### **6. Consider the approval of the minutes from the Regular Meeting on March 26, 2013.**

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers the Commission approved on consent the minutes of the Regular Meeting on March 26, 2013.

## **Public Hearings:**

**7. CUP-13-07 (Louie's Beer Garden and Seafood Shack)** Hold a public hearing and consider a request by Allen Shy, on behalf of Shy SG Group LLC, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 119 E. Hutchison Street.

Tory Carpenter, Planning Tech gave an overview of the project

Chair Taylor opened the public hearing. Allen Shy, the applicant advised 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 Wood and a second by Commissioner Kelsey the Commission all in favor to approve CUP-13-07 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system, and that live music shall be limited to 12:00 pm to 11:00 pm Sunday through Saturday. Commissioner Morris recused himself.

**8. CUP-13-11 (Railyard Bar and Grill)** Hold a public hearing and consider a request by Matt Hageman, on behalf of the Railyard Bar and Grill, for the renewal of a Conditional Use Permit to allow the sale of mixed beverages for on-premises consumption at 116 S. Edward Gary Street.

Alison Brake, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing for CUP-13-11. Matt Hageman, the applicant advised 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 Morris and a second by Commissioner Kelsey the Commission voted all in favor to approve CUP-13-11 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; and that all live music shall be restricted to the indoor stage and may continue until 2:00 a.m.

**9. PDD-07-02(a) (McCarty Commons)** Hold a Public Hearing and consider a request by SLF II-McCarty, L.P. for amendments to the existing Planned Development District for McCarty Commons, consisting of 259.5 acres more or less out of Cyrus Wickson Survey, Abstract 474, and the Nathaniel Hubbard Survey, Abstract 250, as originally approved by Ordinance 2008-41.

Emily Koller, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. Ocie Vest, Partner with Stratford Land, Dallas Texas stated he was present asking for the Commission's recommendation of approval. He stated that he appreciated staff working with them on the amendments. Mr. Vest added that he was available to answer questions. There were not additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood the Commission voted all in favor to approve PDD-07-02(a) with the condition that Check Cashing be permitted within the HEB store or any other grocery store within the General Commercial section and the restriction for outside the store within the General Commercial section still holds.

**10.** Hold a public hearing and discuss the 10-year Capital Improvements Program.

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

John Foreman, Planning Manager, Jennifer Shell, City Engineer and Steve Park, Assistant City Manager gave a presentation of the Capital Improvements Program

**Non-Consent**

**11. Development Services Report**

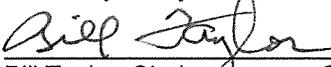
Matthew Lewis, Development Services Director announced the Comprehensive Master Plan Release Party on April 24<sup>th</sup> at the Texas Music Theater.

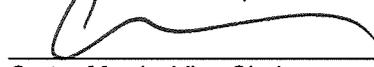
**12. Question and Answer Session with Press and Public.** *This is an opportunity for the press and public to ask questions related to items on this agenda.*

There were no questions from the public.

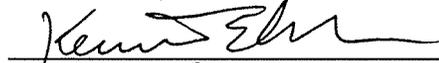
**13.** Adjourn.

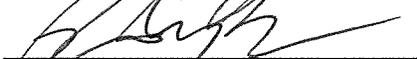
Chair Taylor adjourned the Planning and Zoning Commission at 7:40 p.m. on Tuesday, April 9, 2013.

  
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Bill Taylor, Chair

  
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Carter Morris, Vice Chair

  
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Curtis Seebeck, Commissioner

  
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Kenneth Ehlers, Commissioner

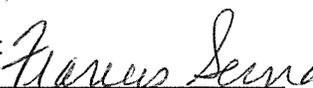
  
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Randy Bryan, Commissioner

  
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Chris Wood, Commissioner

  
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Travis Kelsey, Commissioner

  
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Corey Carothers, Commissioner

  
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Angie Ramirez, Commissioner

ATTEST:   
\_\_\_\_\_  
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

C21 - Radell Works for the Sale of Bldgs to Tarrant Shy

The nature and extent of my interest in the business entity is as follows: (check all that apply)

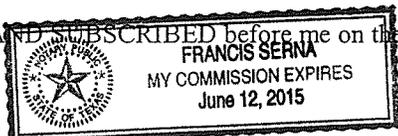
- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of 10 percent or more of the fair market value of the business entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received by me from the business entity exceed 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.

Appearance I sold shy for the El Chorro Bldg

The vote or decision involving this interest is on 4-9-13, 2013 agenda of the governmental body, and is described as follows: CUP 13-07

EXECUTED this 9 day of April, 2013.

Signature [Signature]  
Printed Name Conor Morris

SWORN TO AND SUBSCRIBED before me on the 9 day of April, 2013  
Notary Stamp: 

Francis Serina  
Notary Public  
State of Texas

FILED this 10<sup>th</sup> day of April, 2013.

[Signature]  
City Clerk of the City of San Marcos

