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

1. Present

Commissioners:

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

City Staff:

Matthew Lewis, Development Services 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 July 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**

John Hohn, owner of 110 San Antonio stated that he wanted to emphasize his and his neighbor's property rights to the personal use and enjoyment of their property. He thanked the Commission for taking their time and discussing the CUP noise ordinance. Mr. Hohn felt that there is an inconsistency in the SmartCode and explained that there cannot be apartment living and outside noise in the downtown area. Mr. Hohn stated that it is unfair for his tenants to have to put up with all the noise. Mr. Hohn stated that outside loud speakers do not work.

Cathy Dillon, 326 W. Hopkins stated that she is thrilled that the noise ordinance is on the agenda for discussion. She said that they feel that after three years they have had their issues with Zelicks resolved. She said she would like to see San Marcos protect the businesses downtown. Ms. Dillon stated that she researched sound ordinances in other cities and found that San Marcos is very different than other cities. She suggested creating a committee to review the ordinance and volunteered to be part of the committee.

Brenda Smith thanked the Commission for placing Item 9 on the agenda. She asked the Commission to extend the ordinance past the Central Business District. She explained that noise is an issue that affects people anywhere that there is outdoor noise next to sleeping quarters. Ms. Smith asked if the committee have discussed the compatibility of having two outdoor venues adjacent to each other. She felt that two venues adjacent to each other would cause issues with enforcement.

Mike Dillon, 1000 Burleson urged the Commission to come up with a system that will accommodate all businesses. He thanked the Commission for addressing the noise ordinance.

Consent Agenda:

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

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Morris, the Commission voted on consent to approve the minutes of the Regular Meeting on July 9, 2013.

Public Hearings:

6. VR-13-07 (Tres Hermanas) Hold a public hearing and consider a request by David Chiu for a variance at 2550 Hunter Road to allow a restaurant serving alcohol less than 300 feet from a public school, but not less than 200 feet from the primary entrance to the school, to seek a Conditional Use Permit [LDC 4.3.4.2(b)(3)].

Tory Carpenter, Planning Tech gave an overview of the project.

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

MOTION: Upon a motion made by Commissioner Bryan and a second by Commissioner Kelsey, the Commission voted all in favor to approve VR-13-07 with the condition that the "Due to close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages" on the restaurant menu." The motion carried unanimously.

7. **CUP-13-18 (Tres Hermanas)** Hold a public hearing and consider a request by David Chiu for renewal of a Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 2550 Hunter Road.

Tory Carpenter, Planning Tech gave an overview of the project.

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 Ehlers, the Commission voted all in favor to approve CUP-13-18 with the conditions that the CUP shall be valid for one (1) year, provided standards are met, subject to the point system; Include the statement "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages"; the restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met; the primary entrance for the restaurant shall remain at least 20 feet from the primary entrance of the school; alcoholic beverages shall not be served earlier than 11: a.m. or later than 10 p.m.; the CUP shall be effective upon approval of the variance by City Council. The motion carried unanimously.

8. CUP-13-20 (Abel Autohaus) Hold a public hearing and consider a request by Eddie Abel and Doug Hughey, on behalf of Abel Autohaus, for a Conditional Use Permit to allow the use of Auto Dealer – Used Auto Sales in a Community Commercial (CC) zoning district at 1710 N IH 35.

Emily Koller, Staff Planner gave an overview of the project

Chair Taylor opened the public hearing.

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 Morris, the Commission voted all in favor to approve CUP-13-20 with the conditions that the on-site fencing shall be repaired or replaced if beyond repair; the entire property shall be landscaped in accordance with Section 6.1.1.4. - Required Landscape Area Standards; new lighting shall be 15 feet in height or less; and the property may not be used as a tow yard, vehicle storage, or impoundment. The motion carried unanimously.

9. Discussion and possible direction to staff regarding regulating and enforcing the point system, noise and outdoor live amplified music for Conditional Use Permits for on-site alcoholic beverage consumption.

John Foreman, Planning Manager gave a presentation.

The Commission discussed the item and gave direction to staff to: Pursue creating a permit process for outdoor amplified music with the approvals going through a public process; Evaluate establishing a downtown entertainment district with more allowance for amplified music; Revise the noise ordinance; Revise the point system; Require posting of CUP in establishments; Address the noise impacts of multi-family developments; and Review the "restaurant" requirement for Restricted CUPs

10. Discussion and possible direction to staff regarding the boundaries for the Neighborhood Character Studies and the timing of the studies.

Amanda Hernandez, Senior Planner gave a presentation.

The Commission discussed the item and gave direction to staff to add the Cottonwood Creek Area to the Study Area which includes El Camino Real and gather statistics on the Study Area regarding owner/renter information; permits in process and anticipated future high growth areas.

<u>Non-Consent</u>

11. Development Services Report

a. Update from staff on the following:

1. Major revisions to the Land Development Code.
2. July 25, 2013 City Council and Planning Commission Joint Meeting.
3. Impact Fee Report.

Staff gave a brief update.

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.*

13. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission meeting at 7:29 p.m. on Tuesday, July 23, 2013.

Bill Taylor, Chair

Carter Morris, Vice Chair

Travis Kelsey, Commissioner

Kenneth Ehlers, Commissioner

Chris Wood, Commissioner

Angie Ramirez, Commissioner

Randy Bryan, Commissioner

Corey Carothers, Commissioner

Curtis Seebeck, Commissioner

ATTEST:

Francis Serna, Recording Secretary