MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
August 27, 2013

1. Present

Commissioners:

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

City Staff:

Matthew Lewis, Planning & Development Services Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
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 Vice Chair Morris at 6:00 p.m. on Tuesday August 27, 2013, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Vice Chair Morris welcomed the audience and viewers.

4. Consider the request of Chair Taylor and Vice-Chair Morris to rescind the recommendation made by the Planning and Zoning Commission at the June 25th meeting on Case No. LDC-13-04 regarding an amendment to Chapter 8, Article 1, General Definitions of the Land Development Code modifying the definition of Dwelling Unit.

MOTION: Upon a motion made by Commissioner Ramirez and a second by Commissioner Kelsey, the Commission voted four (4) in favor and four (4) against to not rescind the request. The motion failed.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Carothers, the Commission voted five (5) in favor and three (3) against to rescind the request. The motion passed.

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. <u>30 Minute Citizen Comment Period</u>

Jane Hughson stated that she was confused because she is not sure how many bedrooms are in four plexes and infill development. She stated that she has seen duplexes with 1, 2, & 3 bedrooms. Ms. Hughson said that she agrees with Mr. Seebeck that if there will be more than 3 bedrooms on small lots then this will be a good thing. She added that she does not see how this will have an adverse detrimental effect.

<u>Consent Agenda:</u>

6. Consider the approval of the minutes of the Regular Meeting on August 13, 2013.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Kelsey, the Commission voted on consent to approve the minutes of the Regular Meeting on August 13, 2013.

<u>Public Hearings:</u>

7. CUP-13-25 (Headwaters Draft House) Hold a public hearing and consider a request by HDH LLC for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 205 W. Hopkins Street.

Commissioners Morris and Wood recused themselves from the item.

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

Commissioner Seebeck opened the public hearing.

Kyle Meredith, the applicant stated that they are remodeling the building. He said they currently have bars in around towns with colleges. He explained that the music will be in a good controlled environment with acoustic music. Mr. Meredith pointed out that the speakers are on separate volumes to control indoor and outdoor music. He stated that he has a great relationship with the neighbors. Mr. Meredith informed the Commission that he is relocating to San Marcos and will have control of the business.

H.C. Kyle, 711 W. San Antonio Street pointed out that the church is not mentioned in the staff report. He stated that the church has been in place for 166 years. Mr. Kyle said he has been a member for many years and it is a great concern to him and the congregation to have a bar located across the street. He inquired about the distance requirements between a bar and a church. Mr. Kyle pointed out that two thirds of the church property encompasses 300 foot buffer. He explained that children use the grounds and courtyard and he doesn't understand why the church is not mentioned in the report. Mr. Kyle spoke in opposition to the request.

Ted Briehen, 111 W. Hillcrest, said he and his wife moved to San Marcos in 1951 and has been a member of the church. They have tried to provide a place for comfort, a place for students and people to come. He added that there is a school and a daycare at the church. Mr. Briehen has been involved with the maintenance of the building most of his life. He added that there are other bars in the area that are a hazard which require them to keep the lights on throughout the night because of what happens when people leave the bars. Mr. Briehen stated that there are trash and other issues due to the bars in the area. He said there are enough bars in town.

Chris Secrest, 719 W. San Antonio Street, Church Trustee Chair and is responsible for the maintenance and the care of the facilities. He stated the he has had conversation with Commissioner Wood and members of the church and they are in opposition to the request. He pointed out that the proposed site is ugly and would like to see a good development on the property. Mr. Secrest pointed out that the developer has not met with the congregation and suggested that they meet with the developer. He added that the adjacent property is located across from where the different youth groups meet. He feels that the loud music will be a problem. Mr. Secrest said he is in opposition to the request.

Rodney VanOudekerke, 323 Scott, pointed out that the first mayor of San Marcos was the Pastor of the church. He felt that we owe respect to those that came before us and continue their mission to have a church in the same location. Mr. VanOudekerke pointed out that there were previously more churches in downtown are and now there are only two. He felt that we owe it to the last remaining church downtown that has been there for almost 170 years. He felt that we are losing respect for the history in San Marcos. He stated that he is not a member of the church. He asked the Commission to respect the request of the church.

William DeForum, attorney representing the applicant stated that the correct measurements are front door to front door which is stated in the code. He stated that the distance is 300 feet from door to door. Mr. DeForum also pointed out that a sign has been posted for 6-7 weeks and has not been notified from anyone regarding concerns. He said that the applicant has been in bar business for years and knows how to run a business. He added that the applicant has purchased the property that has been an eyesore and that the applicant is going to fix it up.

Amy Meeks, 832 Belvin, a member of the First United Methodist Church and Chair of the Church Council stated she is in opposition to the request. She explained that even though the entrance to the church is on Hutchison, the Hopkins Street entrance is used by the children for the youth programs. Ms. Meeks stated that they are concerned on many levels which include parking, safety of the children, trash and the proposed use will have many negative effects that their ministries will experience.

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 Ramirez, the Commission voted to postpone the request to the September 10, 2013 Planning & Zoning Commission meeting to allow the applicant time to meet with adjacent property owners. The motion passed unanimously.

8. CUP-13-26 (San Marcos Stadium) Hold a public hearing and consider a request by Huckabee Engineering, on behalf of San Marcos CISD, for a Conditional Use Permit to allow metal siding on two new buildings located at 2601 Rattler Road.

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

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

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Seebeck, the Commission voted all in favor to approve CUP-13-26. The motion carried unanimously.

9. CUP-13-27 (Phoenix Learning Center) Hold a public hearing and consider a request by Huckabee Engineering, on behalf of San Marcos CISD, for a Conditional Use Permit to allow metal siding on a new building located at 1301 Highway 123.

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

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

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Bryan, the Commission voted all in favor to approve CUP-13-27. The motion carried unanimously.

10. LDC-13-04 (Multi-family Unit Definition) Hold a public hearing and consider revisions to Chapter 8, Article 1, General Definitions of the Land Development Code to modify the definition of Dwelling Unit and make associated changes.

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

Vice Chair Morris opened the public hearing. Lisa Prewitt, Maury Street stated she appreciated Commissioner Wood for trying to explain the mathematics but she felt he was not able to explain it. She asked if he could explain it a little better because she understood that the amendment will only affect 4, 5, 6 or more bedrooms which was the challenge San Marcos was facing. Ms. Prewitt asked Commissioner Wood to explain the affects it will have on 1, 2, and 3 bedroom units.

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 Kelsey, the Commission voted all in favor to approve LDC-13-04. The motion carried unanimously.

AMENDED MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission voted two (2) in favor and five (5) against to exclude parcels greater than one acre. The motion carried failed.

Non Consent Agenda:

11. Discussion and possible direction to staff regarding the process and parameters for conducting the Neighborhood Character Studies under the City's Comprehensive Plan and rewriting the Land Development Code.

John Foreman, Planning Manger gave a brief update to the Commission.

12. Development Services Report
- a. Update from staff on the Comprehensive Master Plan.
- b. American Planning Association Conference.

Staff gave a brief update.

13. 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 and answers from the press and public.

14. Adjourn.

Vice Chair Morris adjourned the Planning and Zoning Commission meeting at 7:41 p.m. on Tuesday, August 27, 2013.

Carter Morris, Vice Chair

Randy Bryan, Commissioner

Travis Kelsey, Commissioner

Kenneth Ehlers, Commissioner

Chris Wood, Commissioner

Angie Ramirez, Commissioner

Curtis Seebeck, Commissioner

Corey Carothers, Commissioner

ATTEST:

Francis Serna, Recording Secretary

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT- REAL PROPERTY

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos Chris Ward (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in real property that may be involved in a vote or decision of the governmental body described above, and it is reasonably foreseeable that the vote or decision will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The real property is described as follows:
205 W Hopkins CUP - 13-25

I acknowledge that my interest in this real property has a fair market value of $2,500 or more.

The vote or decision involving this interest in real property is on the 8/27, 20 13 agenda of the governmental body, and the subject matter of the vote or decision is as follows:

Check if applicable:

_____ 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:

EXECUTED this ~~28~~ 27 day of August, 20 13.

Signature

Printed Name Chris Ward

SWORN TO AND SUBSCRIBED before me on this 27 day of August, 20 13

FRANCIS SERNA
MY COMMISSION EXPIRES
June 12, 2015

Francis Serna
Notary Public, State of Texas

Notary Stamp:

FILED this 28 day of August, 2013.

City Clerk of the City of San Marcos

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 CCI Radell Morris and Hesse.

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

X 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.

X 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.

X Appearance for Improperly - I sold location to Applicant

The vote or decision involving this interest is on August 27, 2013 agenda of the governmental body, and is described as follows: CUP 13-25 Headwaters Draft House

EXECUTED this 26 day of August, 2013.

Signature [signature]

Printed Name Carter Morris

SWORN TO AND SUBSCRIBED before me on the 26 day of August, 2013

Notary Stamp FRANCIS SERNA MY COMMISSION EXPIRES June 12, 2015

Francis Serna
Notary Public
State of Texas

FILED this 27 day of August, 2013

Sam Rec Pettigrew
City Clerk of the City of San Marcos