



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes - Final Planning and Zoning Commission

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Tuesday, July 13, 2021

6:00 PM

Virtual Meeting

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**Due to COVID-19, this will be a virtual meeting. To view the meeting please go to  
<http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or  
Spectrum channel 10.**

### I. Call To Order

With a quorum present the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Chair Garber at 6:07 p.m. on Tuesday, July 13, 2021 via Virtual Meeting due to COVID-19.

### II. Roll Call

**Present** 8 - Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, Commissioner Griffin Spell, Commissioner Jim Garber, Commissioner William Agnew, Commissioner Zachariah Sambrano, and Commissioner Lupe Costilla

### III. Chairperson's Opening Remarks

### IV. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta, 1322 Belvin, said she's shocked with how the Charter Review has rolled out, and disappointed with the Mayor and citizens. She said the Mayor gave the Charter Review Commission direction on what to discuss, and manipulating decisions.

### EXECUTIVE SESSION

### CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of June 8, 2021.
2. PC-20-35 (Whisper Multifamily Final Plat) Consider a request by Kimley-Horn, on behalf of Whisper Apartments 1, LLC, for approval of a Final Plat for approximately 14.256 acres, more or less, out of the Joel Miner Survey, Abstract No. 321, located east of IH-35 and south of Yarrington Road. (A. Brake)
3. PC-20-65 (Paso Robles Phase 4E Final Plat) Consider a request by Pape-Dawson Engineers Inc., on behalf of Carma Paso Robles, LLC, for a Final Plat of approximately 15.538 acres, more or less, out of the Johns Williams Survey located near the intersection of Dancing Oak Way and Waiving Muhly Drive (T. Carpenter)
4. PC-21-08 (Paso Robles Phase 4F Final Plat) Consider a request by Pape-Dawson Engineers

Inc., on behalf of Carma Paso Robles, LLC, for a Final Plat of approximately 13.800 acres, more or less, out of the Johns Williams Survey located near the intersection of Waving Muhly Drive and Sweeping Sage Lane (T. Carpenter)

5. PC-21-09 (Paso Robles Phase 4D Final Plat) Consider a request by Pape-Dawson Engineers Inc., on behalf of Carma Paso Robles, LLC, for a Final Plat of approximately 14.112 acres, more or less, out of the Johns Williams Survey located near the intersection of Waving Muhly Drive and Sweeping Sage Lane (T. Carpenter)
6. PC-21-39 (Cottonwood Creek Master Plan) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, Ltd., for renewal of a Master Plan for approximately 471.94 acres, more or less, out of the Farnham Frye, Rebecca Brown, and John F Geister Surveys, located at the intersection of Rattler Road and Highway 123. (T. Carpenter)

**A motion was made by Commissioner Kelsey, seconded by Commissioner Spell, that the Consent Agenda be approved. The motion carried by the following vote:**

**For:** 8 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

**Against:** 0

## **PUBLIC HEARINGS**

7. CUP-21-16 (Anchor Bar) Hold a public hearing and consider a request by Joseph Snyder, on behalf of Bramerson, RE, LLC, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 1400 Aquarena Springs Drive (J.Cleary).

Chair Garber opened the Public Hearing.

Julia Cleary, Planner, gave an overview of the request.

Joe Snyder (applicant), 25915 Kalksteine Loop, New Braunfels, TX, was available for questions. He said he has two other locations near residential areas, and they haven't had any issues.

Lisa Marie Coppoletta, 1322 Belvin, said the applicant should reach out to the neighbors, and see if they have any concerns.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Moore, seconded by Commissioner Spell, that CUP-21-16 (Anchor Bar) be approved with staff conditions.**

**A motion was made by Commissioner Agnew, seconded by Commissioner**

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**Garber, that the main motion be amended so that: "No outdoor amplified music shall be allowed." The motion carried by the following vote:**

**For:** 7 - Commissioner Rand, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

**Against:** 1 - Commissioner Moore

**Chair Garber called for a vote on the main motion with the following conditions: 1.) The applicant shall not apply for a late hour's license from the Texas Alcoholic Beverage Commission (TABC); 2.) Any addition of outdoor seating on the site shall necessitate an amendment to this CUP; 3.) No permanent vehicular access to the site shall be established less than 200 ft. from the property line of any single family residential home; 4.) The applicant shall maintain the existing landscaping screen along the boundary of the site; 5.) The applicant shall provide 4 bicycle parking spaces in accordance with the minimum parking requirements set out in Table 7.1 of the Land Development Code; 6.) The permit shall be valid for one (1) year, provided standards are met; 7.) The permit shall be effective only upon the issuance of a TABC License and a Certificate of Occupancy; 8.) The permit shall be posted in the same area and manner as the Certificate of Occupancy; and 9.) No outdoor amplified music shall be allowed. The motion carried by the following vote:**

**For:** 8 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

**Against:** 0

8. **CUP-21-21 (Vodka Street CUP)** Hold a public hearing and consider a request by Eric White, on behalf of Vodka Street, for renewal of an existing Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 202 North LBJ Drive, Suite 101. (A. Brake)

Chair Garber opened the Public Hearing.

Alison Brake, Historic Preservation Officer, gave an overview of the request.

Lisa Marie Coppoletta, 1322 Belvin, said she's never seen so many food and safety violations from an applicant. She added that they don't follow fire code regulations, or historic preservation, since they painted over the building's brick exterior. She said the Commission should deny the request.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Garber, seconded by Commissioner Sambrano, to approve CUP-21-21 (Vodka Street CUP) with staff conditions.**

**A motion was made by Commissioner Rand, seconded by Commissioner Costilla, to postpone the vote on CUP-21-21 (Vodka Street CUP) until the August 10, 2021 regular meeting. The motion carried by the following vote:**

**For:** 7 - Commissioner Rand, Commissioner Moore, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

**Against:** 0

**Recused:** 1 - Commissioner Kelsey

9. CUP-21-24 (1560 S IH 35 Loft Apartments) Hold a public hearing and consider a request by Brandon Smith, on behalf of Vaka LTD, for a Conditional Use Permit to allow the use of Loft Apartments at 1560 S IH 35. (W. Rugeley)

Chair Garber opened the Public Hearing.

Will Rugeley, Planner, gave an overview of the request.

Rob Killen, 100 N. Loop 410 San Antonio, said they've recently seen an increase in demand for apartments, and housing of any type. He added that converting an existing hotel into apartments allows them to fill that demand and need.

Brandon Smith, 461 E. 200 South, Salt Lake City, UT, said they are a nationwide developer that primarily converts hotels into apartment buildings. He added that they welcome input from the public.

Brian Zaitz, 849 W. Hillfield Rd. Layton, UT, is an architect on the project. He said they had a lot of the amenities that are needed for the project, and was available for questions.

Lisa Marie Coppoletta, 132 Belvin, said they are not meeting the parking requirements, and asked if they reached out to people in the area.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Moore, seconded by Commissioner Agnew to approve CUP-21-24 (1560 S IH 35 Loft Apartments) with staff conditions.**

**A motion was made by Commissioner Garber, seconded by Commissioner Agnew, that the main motion be amended so the following condition be added: "The appropriate number of parking spaces shall meet the number of rooms the applicant plans to build out." The motion carried by the following vote:**

**For:** 5 - Commissioner Rand, Commissioner Kelsey, Commissioner Garber, Commissioner Agnew and Commissioner Costilla

**Against:** 3 - Commissioner Moore, Commissioner Spell and Commissioner Sambrano

**Chair Garber called for a vote on the main motion with the following conditions:** 1.) The site shall meet all interior lot landscaping requirements associated with multifamily development; 2.) The site shall meet the bicycle parking requirements associated with multifamily development; 3.) The site shall meet the mailbox location and design requirements associated with multifamily; 4.) The site shall meet the pedestrian access and circulation requirements associated with multifamily development; 5.) The developer shall pay the required parkland dedication and parking development fees in lieu associated with multifamily development; 6.) Current requirements of the International Fire Code, as amended, shall be met; 7.) If another use other than loft apartment occupies any portion of the site, the minimum parking requirements for all uses must be met; and 8.) The appropriate number of parking spaces shall meet the number of rooms the applicant plans to build out. The motion carried by the following vote:

**For:** 7 - Commissioner Rand, Commissioner Moore, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

**Against:** 1 - Commissioner Kelsey

**10.** ZC-21-11 (Lively Lane CD-4) Hold a public hearing and consider a request by John David Carson, on behalf of LVLYN, LLC for a zoning change from "GC" General Commercial to "CD-4" Character District 4 for approximately 0.98 acres, more or less, out of Lot 5, Block 1 San Marcos Business Park, Section 2, located at 1909 Dutton Dr. (W. Rugeley)

Chair Garber opened the Public Hearing.

Will Rugeley, Planner, gave an overview of the request.

John David Carson, 407 S. Stagecoach Trl., Ste. 203 (applicant), said it is a pocket neighborhood of individual townhomes for sale. He added this is the second and final phase of the project.

Lisa Marie Coppoletta, 1322 Belvin, said the bicycle lanes are financially benefiting the developer. She added that the proposed area floods, and is an archeological site.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Moore, seconded by Commissioner Sambrano, that ZC-21-11 (Lively Lane CD-4) be recommended for approval.**  
**The motion carried by the following vote:**

**For:** 8 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Against: 0

## V. Adjournment

**A motion was made by Commissioner Moore, seconded by Commissioner Spell, that the meeting be adjourned. The meeting was adjourned at 7:51 p.m. The motion carried by the following vote:**

**For:** 8 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Against: 0

## Notice of Assistance at the Public Meetings

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_

Title:

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Jim Garber, Chair

**ATTEST:**

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Cesly Burrell, Recording Secretary