



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Final Planning and Zoning Commission

Tuesday, July 23, 2024

6:00 PM

City Council Chambers

This was a hybrid (in person/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 & Zoning Commission was called to order by Chair Case at 6:00 pm on Tuesday, July 23, 2024 via hybrid meeting.

II. Roll Call

Present 9 - Commissioner William Agnew, Commissioner Lupe Costilla, Commissioner Travis Kelsey, Commissioner David Case, Commissioner Michele Burleson, Commissioner Amy Meeks, Commissioner Griffin Spell, Commissioner Jim Garber, and Commissioner Maraya Dunn

III. Chairperson's Opening Remarks

Chair Case welcomed the audience and gave brief opening remarks detailing the meeting rules and guidelines.

IV. Citizen Comment Period

Chair Case opened the Citizen Comment Period.

There were no speakers.

Chair Case closed the Citizen Comment Period.

CONSENT AGENDA

1. Consider approval, by motion, of the June 25, 2024 - Planning and Zoning Regular Meeting Minutes.

A motion was made by Vice-Chair Spell, seconded by Commissioner Burleson to approve the Consent Agenda.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

PUBLIC HEARINGS

- 2. CUP-24-24 (Fuego San Marcos) Hold a public hearing and consider a request by Jack Franken, on behalf of Fuego San Marcos, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 913 N IH 35. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-24.

Staff recommended approval of the request with the following conditions;

- 1. The permit shall be valid for one (1) year, provided standards are met; and
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

1) Jack Franken - 1613 N Waterview Drive, Richardson, in favor.

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Spell, seconded by Commissioner Meeks to approve the request with staff conditions.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

- 3. CUP-24-22 (Bayle’s) Hold a public hearing and consider a request by Andrew Ray, on behalf of Bayle’s, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 130 E San Antonio St, Unit C. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-22.

Staff recommended approval of the request with the following conditions;

- 1. The permit shall be valid for one (1) year provided standards are met; and**
- 2. Satisfy all requirements of commercial kitchen per the City's health department, including the installation of a grease trap; and**
- 3. No speakers or live amplified music shall be permitted in the outdoor areas; and**
- 4. Indoor amplified music shall not be permitted before 5pm; and**
- 5. Hours of operation shall be no later than 2 am; and**
- 6. The business shall be responsible for maintaining all areas within 50 feet of an exit, and all areas within the permitted property in a clean and sanitary condition, free from litter and refuse at all times; and**
- 7. Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of Section 5.1.5.5(4)(b), Eating Establishments - Downtown CBA Boundary; and**
- 8. The permit shall become effective upon issuance of a Food Permit and Certificate of Occupancy; and**
- 9. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

1) Andrew Ray - 213 Palio Place, Georgetown, in favor, indicated they wish to open as early as 11:00 am.

Chair Case closed the Public Hearings.

A motion was made by Commission Costilla, seconded by Commissioner Kelsey to approve the request with staff conditions.

A motion was made by Commissioner Kelsey, seconded by Vice-Chair Spell to amend the conditions to add the following.

- A permanent vent hood, leading from the kitchen to the exterior of the building, is required prior to the issuance of the Certificate of Occupancy; and**

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

A motion was made by Commissioner Burleson, seconded by Vice-Chair Spell to amend condition #4 to the following.

4. Indoor amplified music shall not be permitted before 7 pm.

After discussion, the motion was withdrawn.

The vote on the main motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell and Commissioner Dunn

Against: 1 - Commissioner Garber

- 4.** CUP-24-26 (The Marc) Hold a public hearing and consider a request by Mahmoud Dawoud, on behalf of The Marc, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 120 E San Antonio St. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-26.

Staff recommended approval of the request with the following conditions;

- 1. The permit shall be valid for three (3) years, provided standards are met; and**
- 2. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times as set forth in Section 5.1.5.5(C)(4)(d); and**
- 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

1) Omar Dawoud - 120 E San Antonio Street, in favor

Chair Case closed the Public Hearings.

A motion was made by Commissioner Garber, seconded by Commissioner Agnew to approve the request, including staff conditions, with the following modification to condition #1

1. The permit shall be valid for three (3) years, commencing on December 30, 2023, provided standards are met.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

- 5.** PC-23-33 (Lot 1C and Lot 1D, Block B, Blanco Riverwalk) Hold a public hearing and consider a request by Brad Lauth, on behalf of Centerpoint Integrated Solutions and BR 2020 Land BK,, LLC, for approval of a Replat of the Blanco Riverwalk, Lot 1B, Block B, creating Lots 1C and Lot 1D, to be known as Lot 1C and Lot 1D, Block B, Blanco Riverwalk, consisting of approximately 28.964 acres and located at/near the intersection of Chuck Nash Loop and S IH 35 Frontage.

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request PC-23-33.

Staff recommended approval of the request with the following condition;

1. The Watershed Protection Plan 2 (WPP2) shall be approved prior to plat recordation.

There were no speakers.

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Spell, seconded by Commissioner Dunn to approve the request with staff conditions.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

6. PC-24-03 (Replat of Lot 25A, Block A, Paso Robles) Hold a public hearing and consider a request by Steve Crauford, on behalf of Carma Paso Robles, LLC, for approval of a Replat of Paso Robles, Phase 1, Lot 25A, Establishing Paso Robles, Phase 1, Lots 25B and Lot 28, consisting of approximately 21.674 acres and located north of the intersection of Kissing Tree Lane and Centerpoint Road. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation over request PC-24-03.

Staff recommended approval of the request as presented.

1) Steve Crauford - 10801 N Mopac Expressway, Austin, in favor.

A motion was made by Commissioner Costilla, seconded by Vice-Chair Spell to approve the request.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

NON-CONSENT AGENDA

7. Consider approval of the City Council Approved Template for Standard City Board/Commission Bylaws.

A motion was made by Commissioner Kelsey, seconded by Commissioner Burleson to approve the City Council Template for Standard City Board/Commission Bylaws.

A motion was made by Commissioner Agnew, seconded by Commissioner Garber to amend Article 9(B) to the following.

Each committee must be established by an affirmative vote of the Commission. Each committee shall consist of at least two, maximum of ~~three~~ four Commission members approved by the Commission. **The procedures by which individual members are selected to serve on committees will be determined by the Chair as appropriate. A staff member shall be assigned to each committee by the Director of the Planning and Development Services**

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

A motion was made by Commissioner Agnew, seconded by Commissioner Garber to amend Article 7(F) to the following.

The Commission shall normally meet ~~monthly~~, on the second and fourth Tuesdays of each month. The Commission may, at its discretion, elect to skip a meeting or meetings. In October of each year, the Commission shall adopt a schedule of the meetings for the upcoming year.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

A motion was made by Commissioner Agnew, seconded by Vice-Chair Spell to amend article 7(N) to the following.

For: Member 1, Member 2, Member 3, Member 4, Member 8, Member 9

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

A motion was made by Commissioner Agnew, seconded by Commissioner Garber to amend article 7(B) to the following.

If a quorum (a majority of the voting members) does not convene within fifteen minutes of the posted time for the meeting, then the meeting may be cancelled. **The Commission may, at its discretion, wait longer than fifteen minutes for a quorum to convene.** If there is not a quorum, no business can be conducted, no votes or action can be taken, and there are no minutes.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

A motion was made by Commissioner Garber, seconded by Commissioner Dunn to approve the following amendments.

Article 3(G)

Except as specifically duly authorized by **their-respective the** Commission or the City Council, an individual Commission member may not:

Article 3(G)(3)

...participate through written or public comment on a matter being considered by another board or commission or the City Council that is an appeal of the decision of or succeeds the recommendation of the **Commission member's respective** Commission.

Article 3(J)(5)

abstain from any participation in the matter whether before the Commission, a City department, another board or commission or the City Council **until-the-matter-is-finally-concluded.**

Article 4(D)

The term of office shall be one year, beginning the first day of March and ending the last day of February, **except that the term of office of a Chair or Vice Chair elected to fill a vacancy begins upon their election and shall end on the last day of February following such election.**

Article 5(C)

In the absence of both the Chair and the Vice-Chair at the meeting location, the Commission ~~should~~ shall elect a temporary Chair **to preside** for that meeting, or until the Chair or Vice-Chair arrives. The staff liaison ~~may~~ shall conduct the election of a temporary Chair, ~~who shall serve only for the current meeting~~. The temporary Chair must be present at the meeting location.

Article 6(C)

The Commission may only discuss or consider an item on the agenda that is **stated** within the assigned scope of work or charge of the Commission as provided in Article 2.

Article 6(E)

After first consulting with and receiving input from the staff liaison, the Chair shall review each final meeting agenda as prepared by the staff liaison. The Chair may not remove an item placed on an agenda by the staff liaison, prior direction of the Commission, ~~under subsection (B)~~ above or placed on an agenda as a discussion item by two members under subsection (C) above.

Article 7(D)

The Chair should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda, ~~except that~~ ~~the~~ Chair may allow items to be considered out of order with the informal consent of the Commission.

Article 7(E)(4)

~~To~~ Table - Means to temporarily delay **until later in the same meeting** the consideration of the item while another item is brought up for consideration.

Article 7(E)(10)

Amend - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to **the subject of** the original motion. This motion is voted upon separately from the original motion.

Article 7(G)

Special meetings of the Commission shall be called by the staff liaison to comply with a statutory deadline or a deadline established by Council, **or if requested** by ~~the~~ a vote of the Commission. A special meeting may be called upon the written request of the Chair or any three members of the Commission no more often than once a quarter.

Article 7(J)

~~A majority of the voting membership of the Commission members constitutes a quorum regardless of vacancies.~~

Five members of the Commission constitutes a quorum.

Article 9 (C)

A committee may choose ~~the~~ a Chair, with the members’ consent, but is not required to do so.

Article 11(A)

Neither the Commission nor any of its members shall recommend, instruct or request the City Manager or any of the City Manager’s subordinates to change the job qualifications for a current employee, or appoint, or remove any person from, office or employment.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

Commissioner Garber asked that Article 3(J) be directed to the Ethics Commission for clarification.

The vote on the main motion carried by the following.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

V. Question and Answer Session with Press and Public.

Chair Case opened the Question and Answer Session.

There were no speakers.

Chair Case closed the Question and Answer Session.

VI. Adjournment

A motion was made by Commissioner Meeks, seconded by Vice-Chair Spell to adjourn.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

The meeting adjourned at 7:44 pm.

Enrique Velasquez, Recording Secretary

Chair, David Case