



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Final Planning and Zoning Commission

Tuesday, October 22, 2024

6:00 PM

City Council Chambers

This will be 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, October 22, 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.

1) Billy Ray Callihan - 740 Centre Street, general comments.

Chair Case closed the Citizen Comment Period.

CONSENT AGENDA

1. Consider approval, by motion, of the October 8, 2024 - Planning and Zoning Regular Meeting Minutes.

A motion was made by Commissioner Garber, seconded by Commissioner Costilla 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. AC-24-06 (Vantage at San Marcos / Hwy 123 & Monterrey Oak) Hold a public hearing and consider a request by Ryan Taylor, on behalf of Vantage at San Marcos, LLC, for an Alternative Compliance to the Land Development Code, Section 3.6.3.1.B, to authorize Lot 20, Block B, within the subdivision known as Vantage at San Marcos, to exceed the three to one (3:1) lot length to width ratio requirement generally located on the east side of Hwy 123 and approximately 300’ north of the Hwy 123 & Monterrey Oak intersection. (W. Rugeley)

Chair Case opened the Public Hearings.

Amanda Hernandez, Director of Planning and Development Services, gave a presentation on request AC-24-06.

Staff recommended approval of the request as presented.

There were no speakers.

Chair Case closed the Public Hearings.

A motion was made by Commissioner Kelsey, seconded by Commissioner Meeks 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

- 3. AC-24-07 (Vantage at San Marcos / Hwy 123 & Monterrey Oak) Hold a public hearing and consider a request by Ryan Taylor, on behalf of Vantage at San Marcos, LLC, for an Alternative Compliance to the Land Development Code, Section 3.6.2.1.B, Table 3.1, to authorize a single street within the subdivision known as Vantage at San Marcos, to exceed the 250-foot maximum dead-end street length requirement, generally located on the east side of Hwy 123 and approximately 300’ north of the Hwy 123 & Monterrey Oak intersection. (W. Rugeley)

Chair Case opened the Public Hearings.

Amanda Hernandez, Director of Planning and Development Services, gave a presentation on request AC-24-07.

Staff recommended approval of the request as presented.

There were no speakers.

Chair Case closed the Public Hearings.

A motion was made by Commissioner Kelsey, seconded by Commissioner Burleson 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

- 4. CUP-24-45 (The Davenport) Hold a public hearing and consider a request by Duane Bradley, on behalf of The Davenport, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 194 S Guadalupe Street and 104 Martin Luther King Drive. (C.Garrison)**

Chair Case opened the Public Hearings.

Amanda Hernandez, Director of Planning and Development services, and Enrique Velasquez, Recording Secretary, left the room to avoid the appearance of impropriety. Andrea Villalobos, Assistant Director of Planning, and David Soto, Planning Manager, sat in to cover duties.

Craig Garrison, Planner, gave a presentation on request CUP-24-45.

Staff recommended approval of the request with the following conditions:

- 1. The permit shall be valid for one (1) year, provided standards are met;**
- 2. Outdoor amplified music on the patio fronting South Guadalupe Street shall be limited to the hours between 11 am and 10 pm, Sunday - Thursday, and between 11 a.m. and 12 a.m., Friday and Saturday;**
- 3. Condition #2 shall not apply to the speakers providing ambient music on the patio fronting South Guadalupe**

Street, Sunday - Thursday, between 10 p.m. and 12 a.m.;

4. Outdoor amplified music on the rear patio directly adjacent to Telephone Alley shall be limited to the hours between 11 a.m. and 10 p.m.;

5. Parking shall be prohibited in the City right-of-way along South Guadalupe Street; and

6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

1) Duane Bradley - 1301 Girard Street, in favor

A motion was made by Chair Case, 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

- 5. CUP-24-49 (Shake Shack) Hold a public hearing and consider a request by Nicholas Bolio, on behalf of Shake Shack, for a renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 4025 S IH 35. (C. Garrison)**

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-49.

Staff recommended approval of the request with the following conditions:

- 1. The permit shall be valid for three (3) years, provided standards are met;**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

1) Nicolas Bolio - 225 Varick St, New York, New York, in favor

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

- **The permit shall be valid for three (3) years, commencing on September 27, 2024 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

6. CUP-24-51 (Jorge's Mexican Restaurant) Hold a public hearing and consider a request by Jorge H Ruiz Martinez, on behalf of Jorge's Mexican Restaurant, for a renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 2550 Hunter Road. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-51.

Staff recommended approval of the request with the following conditions:

1. **This permit approval is subject to the Commission's approval of the Distance Variance VR-24-08**
2. **The permit shall be valid for one (1) year, commencing October 25, 2024, provided standards are met;**
3. **The following statement shall be included on all restaurant menus: "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;"**
4. **The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of the total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met;**
5. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

There were no speakers.

Chair Case closed the Public Hearings.

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

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

Against: 0

7. VR-24-08 (Jorge's Mexican Restaurant) Hold a public hearing and consider a request by Jorge H. Ruiz Martinez, on behalf of Jorge's Mexican Restaurant, for a variance to Section 5.1.5.5 of the San Marcos Development Code, regarding the Sale and On Premise Consumption of Alcohol within 300 ft. of a public or private school, located at 2550 Hunter Road. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request VR-24-08.

Staff recommended approval of the request with the following conditions:

- 1. The Variance shall be valid for one (1) year (concurrent with the associated Conditional Use Permit), provided standards are met; and**
- 2. The following statement shall be included on all restaurant menus: "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"; and**
- 3. 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.**

There were no speakers.

Chair Case closed the Public Hearings.

A motion was made by Commissioner Kelsey, 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

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 Kelsey, seconded by Commissioner Burleson 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 6:41 pm.

Enrique Velasquez, Recording Secretary

Chair, David Case