



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes - Final Planning and Zoning Commission

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Tuesday, February 27, 2024

6:00 PM

City Council Chambers

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**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. The presiding officer for this meeting was present at the meeting location described above.**

### I. Call To Order

**With quorum present the regular meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Garber at 6:00 pm on Tuesday, February 27, 2024 via hybrid meeting due to Covid 19.**

### 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 Maraya Dunn, and Commissioner Jim Garber

### III. Chairperson's Opening Remarks

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

### IV. Citizen Comment Period

**Chair Garber opened the Citizen Comment Period.**

- 1) Isla Ruiz - opposed to Lindsey/North Street Project**
- 2) Adam Arndt - opposed to Lindsey/North Street Project**
- 3) Darla Munoz - opposed to Lindsey/North Street Project**
- 4) Mikayla Rodi - opposed to Lindsey/North Street Project**
- 5) Lisa Marie Coppoletta - general comments regarding engagement and equity**

**Chair Garber closed the Citizen Comment Period.**

## CONSENT AGENDA

1. Consider approval, by motion, of the February 13, 2024 - Planning and Zoning Regular Meeting Minutes.

**A motion was made by Vice-Chair Kelsey, seconded by Commissioner Spell 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 Dunn and Commissioner Garber

**Against:** 0

## **PUBLIC HEARINGS**

2. AC-24-01 (2420 S IH 35 Hotel) Hold a public hearing and consider a request by Randy Warner, on behalf of Daniel McCutchen, for an Alternative Compliance to the minimum build-to zone requirements in Section 4.3.3.3 of the Land Development Code, for approximately 3.04 acres, commonly known as Thermon Industrial Park No. 2, Unit 1, Lot 2-B, Block 2, located at 2420 S IH 35. (L. Clanton)

**Lauren Clanton, Chief Planner, gave a presentation on request AC-24-01.**

**Staff recommended approval of request AC-24-01 with the following conditions.**

1. Site design shall incorporate a greenway as required by the Transportation Master Plan (TMP) along IH 35 frontage, including a 12' shared use path and a tree buffer between the shared use path and frontage road.
2. Site design shall incorporate streetscape improvements as required by TMP thoroughfare class AV 82-43, including a 14.5' shared use path and a tree buffer on each side of the shared use path.
3. The final site plan will be substantially similar to the conceptual site plan submitted with this Alternative Compliance request.
4. All other code requirements shall be met.
5. This Alternative Compliance shall be effective upon rezoning from Heavy Commercial "HC" to Commercial "CM."
6. This Alternative Compliance shall not expire.

**Chair Garber opened the Public Hearings.**

- 1) Jordan Schaefer - 1251 Sadler Drive, in favor
- 2) Jacob Pflum - 1251 Sadler Drive, in favor

- 3) Ned Washburn - 1909 Woodall Rogers, Dallas, in favor
- 4) Andrew Jason Dabrozi - 558 Hamilton Trail, Liberty Township, Ohio, in favor
- 5) Lisa Marie Coppoletta - 1322 Belvin, no comment

**Chair Garber closed the Public Hearings.**

**A motion was made by Commission Agnew, seconded by Commissioner Spell to approve request AC-24-01 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 Dunn and Commissioner Garber

**Against:** 0

- 3. CUP-24-02 (Wineaux) Hold a public hearing and consider a request by Peggy Jones, on behalf of Wineaux, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 314 Hutchison Street Suite A (C. Garrison)

**Craig Garrison, Planner, gave a presentation on request CUP-24-02.**

**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. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, and 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;
- 3. The permit shall be valid upon the issuance of a certificate of occupancy;
- 4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

**Chair Garber opened the Public Hearings.**

- 1) Peggy Jones - 915 Thousand Oaks, in favor
- 2) Lisa Marie Coppoletta - 1322 Belvin Street, general comments

**Chair Garber closed the Public Hearings.**

**A motion was made by Commissioner Dunn, seconded by Commissioner Spell to approve request CUP-24-02 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 Dunn and Commissioner Garber

**Against:** 0

- 4.** PSA-23-02 (North & Lindsey Street Preferred Scenario Amendment) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor and Daryl Burtshell, for a Preferred Scenario Amendment from "Existing Neighborhood" to "High Intensity- Downtown" for approximately 1.13 +/- acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located southwest of the intersection between Lindsey Street and North Street. (J. Cleary)

**Julia Cleary, Senior Planner, gave a presentation on request PSA-23-02.**

**Staff recommended approval of PSA-23-02 as presented.**

**Chair Garber opened the Public Hearings.**

- 1) Martha Mangum - 2705 Bee Cave Road, Austin, in favor**
- 2) Dave Anderson - 2705 Bee Cave Road, Austin, in favor**
- 3) Ed Theriot - 120 Lakeview Circle, Lockhart, in favor**
- 4) Darla Munoz - 1128 West MLK Drive, in opposition**
- 5) Adam Arndt - 540 W Hopkins, in opposition**
- 6) Tyler Opiela - 427 Lindsey Street, in opposition**
- 7) Clay Smith - 434 North Comanche, in favor**
- 8) Bill Miller - 4004 Quail Run Drive, in opposition**
- 9) Edward Johnson - 3817 Venezia View, Leander, in favor**
- 10) Lisa Marie Coppoletta - 1322 Belvin, in opposition**

**Chair Garber closed the Public Hearings.**

**A motion was made by Vice-Chair Kelsey, seconded by Commissioner Spell to Deny request PSA-23-02.**

**The motion carried by the following vote.**

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

**Against:** 0

5. ZC-23-19 (North & Lindsey Street Zoning Change) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burtshell, and Matthew Kenyon for a Zoning Change from Multifamily-12 (MF-12), Multifamily-18 (MF-18) and Multifamily-24 (MF-24) to Character District-5 Downtown (CD-5D) or, subject to consent of the owner, another less intense zoning district classification, for approximately 1.931 acres of land, more or less, out of the J.M Veramendi Survey, Abstract 17, generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey Street and North Street. (J.Cleary)

**Julia Cleary, Senior Planner, gave a presentation on request ZC-23-19.**

**Staff recommended approval of request ZC-23-19 noting the zoning cannot be approved west of North Street without approval of PSA-23-02.**

**Chair Garber opened the Public Hearings.**

- 1) Martha Mangum - 2705 Bee Cave Road, Austin, in favor
- 2) Dave Anderson - 2705 Bee Cave Road, Austin, in favor
- 3) Ed Theriot - 120 Lakeview Circle, Lockhart, in favor
- 4) Matthew Kenyon - 1200 Barton Creek Blvd, in favor
- 5) Jared Chumsae - 114 Lady Bird Lane, in opposition
- 6) Darla Munoz - 1128 West MLK Drive, in opposition
- 7) Vanesa Galvan - 427 Lindsey Street, in opposition
- 8) Tyler Opiela - 427 Lindsey Street, in opposition
- 9) Clay Smith - 434 North Comanche, in favor
- 10) Edward Johnson - 3817 Venezia View, Leander, in favor
- 11) Lisa Marie Coppoletta - 1322 Belvin, in opposition

**Chair Garber closed the Public Hearings.**

**A motion was made by Commissioner Spell, seconded by Commissioner Meeks to recommend denial of the area covered by PSA-23-02.**

**The motion carried by the following vote.**

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

**Against:** 0

**A motion was made by Commissioner Spell, seconded by Commissioner Burleson to recommend approval of the remaining property (Parcels R32207 and R53147).**

**The motion carried by the following vote.**

**For:** 5 - Commissioner Agnew, Commissioner Case, Commissioner Burleson, Commissioner Spell and Commissioner Dunn

**Against:** 4 - Commissioner Costilla, Commissioner Kelsey, Commissioner Meeks and Commissioner Garber

6. CUP-23-22 (North & Lindsey Street Student Housing) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burtshell, and Matthew Kenyon for a Conditional Use Permit to allow a purpose-built student housing development generally located on the south side of Lindsey Street between N. Comanche St and North St, and southwest of the intersection between Lindsey St and North St. (J. Cleary)

**Julia Cleary, Senior Planner, gave a presentation on request CUP-23-22.**

**Staff provided a neutral recommendation on request CUP-23-22. If the Commission chose to recommend approval, staff recommended the following conditions.**

- 1. The development shall register with the City of San Marcos Long Term Rental Registration program per Chapter 34, Article 7, Division 3 of the City's Code.**
- 2. The existing High and Medium Priority structures identified in the Historic Research Survey shall not be demolished and shall be integrated into the development or relocated.**
- 3. The Purpose-Built Student Housing shall comply with all other development code regulations. Back up materials are provided for informational purposes only.**
- 4. The project shall not charge tenants a separate fee to utilize the parking garage.**

5. The lease shall be made publicly available on the property's website and shall contain the following text:

"In the event the Leased Premises are unavailable for occupancy on or before the commencement date of this Lease, Landlord shall offer Tenant the choice of: 1) accepting temporary safe, decent, and sanitary housing, provided by Landlord, at an alternate location within the City of San Marcos, or within a seven mile radius of the Leased Premises, with Tenant remaining bound by the terms of the Lease; or 2) terminating the Lease with no financial penalty and with full reimbursement to Tenant of all deposits and pre-paid items within 10 days."

6. Where parking fee in lieu is allowed under Section 7.1.2.1E.2 of the Code, the parking ratio for the project shall be at least 0.85 spaces per bedroom, in addition to any public parking requirements proposed under AC-23-09 (if approved).

7. This CUP shall expire within 3 years unless an application for a permit is submitted to the City.

The development shall offer both "rent by the bedroom" leases and conventional leases where the apartments may be rented in their entirety.

8. The development shall be a minimum of a silver in the LEED green building program. Evidence of certification shall be required prior to the issuance of a Certificate of Occupancy.

10. Current tenants of the existing residential structures shall be given a minimum of six (6) months' notice to find other accommodations.

Chair Garber opened the Public Hearings.

- 1) Dave Anderson - 2705 Bee Cave Road, Austin, in favor, did not agree with condition #4 and #6
- 2) Matthew Kenyon - 1200 Barton Creek Blvd, Austin, in favor, did not agree with condition #4 and #6
- 3) Ed Theriot - 120 Lakeview Circle, Lockhart, in favor, did not agree with condition #4 and #6, could agree to a portion of condition #8
- 4) Edward Johnson - 3817 Venezia View, Leander, in favor
- 5) Jared Chumsae - 114 Lady Bird Lane, in opposition
- 6) Darla Munoz - 1128 West MLK Drive, in opposition
- 7) Vanesa Galvan - 427 Lindsey Street, in opposition
- 8) Tyler Opiela - 427 Lindsey Street, in opposition
- 9) Lisa Marie Coppoletta - 1322 Belvin, in opposition

**Chair Garber closed the Public Hearings.**

**A motion was made by Commissioner Kelsey, seconded by Commissioner Burleson to recommend denial of request CUP-23-22.**

**After discussion, Commissioner Burleson withdrew her second.**

**Commissioner Spell seconded the denial of request CUP-23-22.**

**The motion failed by the following vote.**

**For:** 4 - Commissioner Kelsey, Commissioner Meeks, Commissioner Spell and Commissioner Garber

**Against:** 5 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Burleson and Commissioner Dunn

**A motion was made by Commissioner Agnew, seconded by Commissioner Burleson to recommend approval of request CUP-23-22 with staff conditions.**

**An amendment was made by Chair Garber, seconded by Commissioner Spell to amend condition #6 from 0.85 to 1.05 spaces per bedroom.**

**The motion failed by the following vote.**

**For:** 3 - Commissioner Kelsey, Commissioner Meeks and Commissioner Garber

**Against:** 6 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Burleson, Commissioner Spell and Commissioner Dunn

**The vote on the main motion to recommend approval with conditions, carried by the following vote.**

**For:** 7 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Spell and Commissioner Dunn

**Against:** 2 - Commissioner Meeks and Commissioner Garber



7. AC-23-09 (North & Lindsey Street Building Height) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of Peggy Taylor, Daryl Burtshell, and Matthew Kenyon for an Alternative Compliance to the maximum building height requirements in Section 4.4.3.7 of the Land Development Code, increasing the permitted building height from five (5) to seven (7) stories, for a proposed development generally located on the south side of Lindsey Street between North Comanche Street and North Street, and southwest of the intersection between Lindsey Street and North Street (J. Cleary)

**Julia Cleary, Senior Planner, gave a presentation on request AC-23-09.**

**Staff recommended partial approval with the following conditions:**

- 1. The Alternative Compliance shall only be granted to the land to the east of North Street.**
- 2. The development shall be a minimum of a silver in the LEED green building program. Evidence of certification shall be required prior to the issuance of a Certificate of Occupancy.**
- 3. The development shall include a publicly accessible pocket park or plaza of at least 0.09 acres in size. The pocket park or plaza shall be provided in addition to any fee in lieu of parkland dedication (subject to Parks Board approval, if applicable) per Chapter 3, Division 10 of the Land Development Code. The park/ plaza shall include public seating.**
- 4. The development shall include 20 signed public parking spaces in addition to any other parking spaces required by the Land Development Code.**
- 5. The development shall comply with the activation and varied massing standards described in Chapter 4, Divisions 4 and 5 of the Land Development Code.**
- 6. Compliance with emergency radio communications systems in Chapter 5 of the International Fire Code is required.**

**Chair Garber opened the Public Hearings.**

- 1) Dave Anderson - 2705 Bee Cave Road, in favor**
- 2) Matthew Kenyon - 1200 Barton Creek Blvd, in favor**
- 3) Tyler Opiela - 427 Lindsey Street, in opposition**
- 4) Lisa Marie Coppoletta - 1322 Belvin, in opposition**

**Chair Garber closed the Public Hearings.**

**A motion was made by Commissioner Case, seconded by Commissioner Burleson to recommend approval of request AC-23-09 with staff conditions.**

**The motion failed by the following vote.**

**For:** 2 - Commissioner Case and Commissioner Burleson

**Against:** 7 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Meeks, Commissioner Spell, Commissioner Dunn and Commissioner Garber

**A motion was made by Vice-Chair Kelsey, seconded by Commissioner Meeks to recommend denial of request AC-23-09.**

**The motion carried by the following vote.**

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

**Against:** 1 - Commissioner Case

**NON-CONSENT AGENDA**

- 8. Receive an update from staff on the Dunbar Heritage Area Plan direction received from City Council on February 20, 2024.

**Amanda Hernandez, Director of Planning and Development Services, gave a brief update on the Dunbar Heritage Area Plan direction received from City Council on February 20, 2024.**

**No action was taken.**

- 9. Election of Officers
  - a. Planning and Zoning Commission Chair
  - b. Planning and Zoning Commission Vice-Chair

**A motion to nominate Chair was made by Vice-Chair Kelsey for Chair Jim Garber.**

**A motion to nominate Chair was made by Commissioner Burleson for Commissioner David Case.**

**Commissioner David Case was elected as Chairperson with the following vote.**

**For:** 5 - Commissioner Costilla, Commissioner Case, Commissioner Burleson, Commissioner Spell and Commissioner Dunn

**Against:** 4 - Commissioner Agnew, Commissioner Kelsey, Commissioner Meeks and Commissioner Garber

**A motion to nominate Vice-Chair was made by Commissioner Case for Chair Jim Garber.**

**Chair Garber declined.**

**A motion to nominate Vice-Chair was made by Vice-Chair Kelsey for Commissioner Griffin Spell.**

**A motion to nominate Vice-Chair was made by Chair Garber for Commissioner William Agnew.**

**Griffin Spell was elected as Vice-Chair with the following vote.**

**For:** 5 - Commissioner Costilla, Commissioner Case, Commissioner Burleson, Commissioner Spell and Commissioner Dunn

**Against:** 4 - Commissioner Agnew, Commissioner Kelsey, Commissioner Meeks and Commissioner Garber

V. Question and Answer Session with Press and Public.

**Chair Garber opened the Question and Answer Session.**

**1) Lisa Marie Coppoletta - 1322 Belvin, general comments regarding Election of Officers**

**Chair Garber closed the Question and Answer Session.**

**A motion was made by Vice-Chair Kelsey, seconded by Commissioner Meeks 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 Dunn and Commissioner Garber

**Against:** 0

VI. Adjournment

**The meeting adjourned at 11:22 pm.**

**Enrique Velasquez, Recording Secretary**

**David Case, Chair**