



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Final Planning and Zoning Commission

Tuesday, November 12, 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, November 12, 2024 via hybrid meeting.

II. Roll Call

Present 8 - Commissioner William Agnew, Commissioner Lupe Costilla, Commissioner Travis Kelsey, Commissioner David Case, Commissioner Michele Burleson, Commissioner Amy Meeks, Commissioner Jim Garber, and Commissioner Maraya Dunn

Absent 1 - Commissioner Griffin Spell

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 Calihan - 740 Centre Street, general comments**
- 2) Virginia Parker - P.O. Box 1393, San Marcos, in favor of items #12, #13, #14**

Chair Case closed the Citizen Comment Period.

CONSENT AGENDA

A motion was made by Commissioner Kelsey, seconded by Commissioner Burleson to approve the consent agenda.

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

1. Consider approval, by motion, of the October 22, 2024 - Planning and Zoning Regular Meeting Minutes.

PRESENTATION

2. Receive a staff presentation and hold a discussion on the Village at San Marcos Qualified Watershed Protection Plan Phase 2, Permit # 2023-49064.

Greg Schwarz, Senior Engineer, gave a presentation on the Village at San Marcos Qualified Watershed Protection Plan Phase 2.

No action was taken.

PUBLIC HEARINGS

Chair Case asked the Commission if items #12, #13, and #14 could be moved to the beginning of the Public Hearings.

There was no objection.

12. ZC-24-08 (South End Stagecoach Trail LI/GC to CD-5) Hold a public hearing and consider a request by John David Carson, on behalf of Carson Haysco Holdings, LP, for a Zoning Change from Light Industrial (LI) and General Commercial (GC) to Character District-5 (CD-5) or, subject to consent of the owner, another less intense zoning district classification, for approximately 21.46 acres, comprising Lots 1, 2 and 3, Block B and Lot 1, Block C in the Hays County Government Center Final Plat, and an unplatted 1.33 acre tract of land situated in the J.M Veramendi League, No.1, generally located northeast of the intersection between Wonder World Drive and S Stagecoach Trail, and northwest of the intersection between Dutton Drive and S Stagecoach Trail. (J.Cleary)

Chair Case opened the Public Hearings.

Julia Cleary, Senior Planner, gave a presentation on request ZC-24-08.

Staff recommended approval of the request as presented.

1) John David Carson - 1905 Dutton Drive, in favor

- 2) John Cradit - 507 Pioneer Trail, in favor of items #12, #13, #14**
- 3) Todd Derkacz- 1410 Progress St. in favor**

Chair Case closed the Public Hearings.

A motion was made by Commissioner Kelsey, seconded by Commissioner Costilla to approve the request.

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

- 13. ZC-24-09 (South End Dutton Drive LI/GC/FD to CD-1) Hold a public hearing and consider a request by John David Carson, on behalf of Carson Select Investments, LP, for a Zoning Change from Light Industrial (LI), General Commercial (GC) and Future Development (FD) to Character District-1 (CD-1) or, subject to consent of the owner, another less intense zoning district classification, for approximately 16.637 acres out of the J.M Veramendi League, No.1, generally located on Dutton Drive approximately 650 ft northwest of the intersection between Dutton Drive and Corporate Drive. (J.Cleary)**

Chair Case opened the Public Hearings.

Julia Cleary, Senior Planner, gave a presentation on request ZC-24-09.

Staff recommended approval of the request as presented.

- 1) John David Carson - 1905 Dutton Drive, in favor**

Chair Case closed the Public Hearings.

A motion was made by Commissioner Agnew, seconded by Commissioner Burleson to approve the request.

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

- 14. ZC-24-10 (South End S Stagecoach Trail LI to CD-4) Hold a public hearing and consider a request by John David Carson, on behalf of Carson Select Investments, LP, for a Zoning Change from Light Industrial(LI) to Character District-4 (CD-4) or, subject to consent of the owner, another less intense zoning district classification, for approximately 56.76 acres out of the J.M Veramendi League, No.1, generally located west of the Union Pacific Railroad between the southwestern end of Gravel Street and S Stagecoach Trail. (J. Cleary)

Chair Case opened the Public Hearings.

Julia Cleary, Senior Planner, gave a presentation on request ZC-24-08.

Staff recommended approval of the request as presented.

1) John David Carson - 1905 Dutton Drive, in favor

Chair Case closed the Public Hearings.

A motion was made by Commissioner Costilla, seconded by Commissioner Burleson to approve the request.

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

- 3. CUP-24-47 (Hopdoddy Burger Bar) Hold a public hearing and consider a request by Hopdoddy Burger Bar for a renewal to a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 200 Springtown Way Suite 100. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation over request CUP-24-47.

Staff recommended approval of the request with the following conditions.

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

1) Elizabeth Grajeda - 2900 Sunridge Drive, Austin, in favor

Chair Case closed the Public Hearings.

A motion was made by Commissioner Agnew, seconded by Commissioner Meeks to approve the request with the following change to condition #1.

***The permit shall be valid for three (3) years, commencing on October 27, 2023 provided standards are met.**

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

- 4. CUP-24-52 (Matas Mexican Restaurant) Hold a public hearing and consider a request by Erika Mata, on behalf of Matas Mexican Restaurant, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1350 S Old Bastrop Hwy, Ste 101. (K. Buck)**

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-52.

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 applicant shall not pursue a late hour’s license from the Texas Alcoholic Beverage Commission (TABC); and**
- 3. Any addition of outdoor seating on the site shall necessitate an amendment to this CUP; and**

- 4. No outdoor amplified music shall be permitted; and**
- 5. The permit shall be effective upon issuance of the Certificate of Occupancy; and**
- 6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

1) Erika Mata - 1650 Old Bastrop Highway, in favor

Chair Case closed the Public Hearings.

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

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burluson, Commissioner Meeks, Commissioner Garber and Commissioner Dunn

Against: 0

Absent: 1 - Commissioner Spell

- 5. CUP-24-53 (Cracker Barrel Old Country Store) Hold a public hearing and consider a request by Catherine Chamblee, on behalf of Cracker Barrel Old Country Store, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 4321 S IH 35. (K. Buck)**

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation over request CUP-24-53.

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. All newly planted shrubs shall be maintained and grow to similar in height to existing; and**
- 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

1) Catherine Chamblee - 511 West Seventh St. Austin, in favor.

Chair Case closed the Public Hearings.

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

A motion was made by Commissioner Garber, seconded by Commissioner Agnew to amend condition #1 to the following.

***The permit shall be valid for three (3) years, commencing on October 24, 2024, provided standards are met.**

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

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 Garber and Commissioner Dunn

Against: 0

Absent: 1 - Commissioner Spell

- 6. CUP-24-54 (Archies) Hold a public hearing and consider a request by Ryan Bunger, on behalf of Archies, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 301 N LBJ Dr, Ste 119. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-54.

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. 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**
- 3. The establishment shall not pursue nor hold a TABC Late Hours permit; and**
- 4. The permit shall become effective upon issuance of a Food Permit and Certificate of Occupancy; and**
- 5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

- 1) Madeline Herr - 301 N LBJ Drive, in favor**
- 2) Ryan Bunger - 301 N LBJ Drive, in favor**

Chair Case closed the Public Hearings.

A motion was made by Chair Case, seconded by Commissioner Agnew to approve the request with staff conditions.

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

- 7. CUP-24-57 (Buddy’s Burger) Hold a public hearing and consider a request by Saad Fidai, on behalf of Buddy’s Burger, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 927 HWY 80. (K. Buck)**

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-57.

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 sale of alcohol is prohibited through the drive - thru; and**

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

1) Nabil Sunesara, 927 Hwy 80, in favor

Chair Case closed the Public Hearings.

A motion was made by Chair Case, seconded by Commissioner Kelsey 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 October 13, 2024, provided standards are met; and**

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

8. CUP-24-58 (Railyard) Hold a public hearing and consider a request by Arash Saberi, on behalf of Railyard, for a renewal to a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 116 S. Edward Gary Street. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-58.

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) Arash Saberi, 116 S Edward Gary, in favor

Chair Case closed the Public Hearings.

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

A motion was made by Commissioner Agnew, seconded by Chair Case to amend condition #1 to the following.

***The permit shall expire on January 12, 2026, provided standards are met;**

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

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 Garber and Commissioner Dunn

Against: 0

Absent: 1 - Commissioner Spell

- 9. CUP-24-59 (Sip It) Hold a public hearing and consider a request by Matthew Mahan, on behalf of SipIt SM LLC, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1515 Aquarena Springs Drive, Suite 104. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation over request CUP-24-59.

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. Shall become effective upon the issuance of the Certificate of Occupancy.**
- 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

- 1) Vangie Aguilera - 930 Sunglo Drive, San Antonio, in favor**
- 2) Bernardo Baxter- 16011 Deer Crest, San Antonio, in favor**

Chair Case closed the Public Hearings.

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: 6 - Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks and Commissioner Dunn

Against: 2 - Commissioner Agnew and Commissioner Garber

Absent: 1 - Commissioner Spell

- 10. CUP-24-60 (Epic Piping) Hold a public hearing and consider a request by Scott Lachney, on behalf of Epic Piping, for a Conditional Use Permit to allow the use of Outside Storage (as primary use), located on the North side of River Ridge Parkway, between Carlson Circle and Market Boulevard. (K. Buck)**

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation over request CUP-24-60.

Staff recommended approval of the request with the following conditions:

- 1. Outdoor storage shall not be located within fifteen (15) feet from the public right-of-way and/or adjacent lots; and**
- 2. The height of outside storage items, buildings, and/or structures shall be limited to one (1) story or twelve (12) feet in height; and**
- 3. A Transitional Protective Yard type C or D shall be constructed, in accordance with Section 7.2.2.1, adjacent to all right-of-way; and**

- 4. No outdoor storage shall be permitted within a required setback; and
- 5. A ten (10) foot-tall solid wall or fence, in compliance with the Flood Damage Prevention Ordinance (Chapter 39), shall be located within forty (40) feet of the property line adjacent to all right-of-way; and
- 6. No storage shall be placed within the seventeen (17) foot utility corridor proposed drainage and utility easement as dedicated on the plat; and
- 7. A six (6) foot-wide sidewalk shall be constructed along Carlson Circle and Market Blvd at time of site permitting; and
- 8. A twelve (12) foot-wide greenway shall be constructed along River Ridge at time of site permitting; and
- 9. A twenty (20) foot-wide public access easement shall be provided along River Ridge; and
- 10. Light standards in Section 7 Article 5 shall be met at time of site permitting; and
- 11. Impervious cover shall not exceed eighty (80) percent; and
- 12. Any area used for outdoor storage shall be paved with either asphalt or concrete; and
- 13. This permit shall not expire.

1) Scott Lachney - 2301 I 35 Frontage Road, in favor

Chair Case closed the Public Hearings.

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

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

- 11. PC-23-30 (Northgate Center Multi-Family Replat) Hold a public hearing and consider a request by Andy Graham, on behalf of Kimley-Horn, for approval of a replat of the Northgate Center I & II and Lot 1, Section 3, Interpark East, consisting of approximately 13.31 acres, generally located approximately 700 feet East of IH 35, South of Aquarena Springs Drive. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation over request PC-23-30.

Staff recommended approval of the request as presented.

1) Andy Graham - 5301 South West Parkway, Austin, in favor

A motion was made by Commissioner Garber, seconded by Commissioner Kelsey to approve the request.

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Spell

NON-CONSENT AGENDA

- 15. CUP-24-48 (Lowman Ranch Subdivision Warehouse and Office) Consider a request by James B. Griffin, on behalf of Lowman Ranch Subdivision Warehouse and Office, for a Conditional Use Permit to allow Warehouse/Office and Storage Use within a General Commercial Zoning District, located approximately at the southeast corner of Centerpoint Road and Gregsons Bend, and addressed as 600 Centerpoint Road. (C. Garrison)**

Amanda Hernandez, Director of Planning and Development Services gave a recap of the request CUP-24-48, restating the motion on the table:

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

Craig Garrison, Planner, gave a brief presentation over the request.

Staff recommended approval of the request with the applicant proposed conditions:

- 1. No overnight tractor-trailer parking may be permitted on site; and**
- 2. Raised loading doors/ docks accommodating tractor-trailers will not be installed/ permitted.**

Staff also requested the additional condition:

3. The request is for the 3.996 acre southern portion of the property.

1) Nirridim Kalam - 10101 Reunion Place, San Antonio, in favor

2) Emlie Weissler - 10101 Reunion Place, San Antonio, in favor of project with additional conditions.

3) Bucky Couch - 2629 Summit Ridge, against

A motion was made by Commissioner Garber, seconded by Commissioner Costilla to amend the conditions to the applicant requested + additional staff conditions.

The motion carried by the following vote.

For: 7 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks and Commissioner Garber

Against: 1 - Commissioner Dunn

Absent: 1 - Commissioner Spell

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

For: 2 - Commissioner Burleson and Commissioner Garber

Against: 6 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Meeks and Commissioner Dunn

Absent: 1 - Commissioner Spell

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 Commissioner Kelsey to adjourn.

The motion carried by the following vote.

- For:** 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Garber and Commissioner Dunn
- Against:** 0
- Absent:** 1 - Commissioner Spell

The meeting adjourned at 8:11 pm.

Enrique Velasquez, Recording Secretary

Chair, David Case