



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Final Planning and Zoning Commission

Tuesday, December 10, 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, December 10, 2024 via hybrid meeting.

II. Roll Call

Present 7 - Commissioner William Agnew, Commissioner Travis Kelsey, Commissioner David Case, Commissioner Michele Burleson, Commissioner Amy Meeks, Commissioner Griffin Spell, and Commissioner Jim Garber

Absent 2 - Commissioner Lupe Costilla, 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 Public Hearings.

There were no speakers.

Chair Case closed the Public Hearings.

CONSENT AGENDA

1. Consider approval, by motion, of the November 12, 2024 - Planning and Zoning Regular Meeting Minutes.

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

The motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

PUBLIC HEARINGS

2. CUP-24-55 (Harper's and FourPlay) Hold a public hearing and consider a request by Sean Neal, on behalf of Harper's and FourPlay, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 139 E Hopkins. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-55.

Staff recommended approval of the request with the following conditions:

1. The Conditional Use Permit shall be valid for three (3) years, provided standards are met; and
2. This 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.

The motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

3. CUP-24-62 (Sylvia Pizza) Hold a public hearing and consider a request by Greg Zepeda, on behalf of Sylvia Pizza, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 316 N Edward Gary Street, Suite D. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-62.

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 TABC Certification; and**
- 3. 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 Vice-Chair Spell, seconded by Commissioner Agnew to approve the request with staff conditions.

The motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

- 4. CUP-24-63 (Texas Bean and Brew House) Hold a public hearing and consider a request by Niyazi Colak, on behalf of Texas Bean and Brew House, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1328 N IH 35. (K. Buck)**

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-63.

Staff recommended approval of the request with the following conditions:

- 1. The permit shall be valid for three (3) years, commencing on December 14, 2024, provided standards are met;**
- 2. No speakers or live music shall be allowed outdoors or in other unconditioned areas; and**
- 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

1) Niyazi Colak - 1328 N IH 35, 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: 7 - Commissioner Agnew, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell and Commissioner Garber

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

- 5. CUP-24-64 (Hokkaido Ramen and Sushi) Hold a public hearing and consider a request by Xiurong Weng, on behalf of Hokkaido Ramen and Sushi, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 243 Wonder World Drive Suite #100. (C. Garrison)**

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-64.

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) Romulus Gomez - 243 Wonderworld Drive, Unit 100 - in favor

Chair Case closed the Public Hearings.

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

The motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

6. CUP-24-66 (Surfing Crab) Hold a public hearing and consider a request by Fan Wang, on behalf of Surfing Crab, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1285 S IH 35 Suite 103. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-66.

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 employees may not park in the Olive Garden parking lot;**
- 3. This permit shall be effective upon issuance of the TABC license; and**
- 4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

Chair Case closed the Public Hearings.

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

The motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

7. CUP-24-67 (Stripes) Hold a public hearing and consider a request by Tim Ilaoa, on behalf of Stripes, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1901 N IH 35. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-67.

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 nor hold a late hour's license from the Texas Alcoholic Beverage Commission (TABC); and**
- 3. The permit shall be effective upon issuance of the TABC License; and**
- 4. 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 Chair Case, seconded by Commissioner Burleson to approve the request with staff conditions.

The motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

- 8. CUP-24-68 (Twin Peaks Restaurant) Hold a public hearing and consider a request by Michael Locey, on behalf of Twin Peaks Restaurant, for a renewal to a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1207 IH 35. (C. Garrison)**

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-68.

Staff recommended approval of the request with the following conditions:

- 1. The permit shall be valid for three (3) years, commencing on December 14, 2024, provided standards are met; and**
- 2. No outdoor amplified music shall be permitted after 10 p.m.**
- 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

- 1) Andrea Paesano - 1207 Purple Heart Trail, in favor**
- 2) Sandy Taylor - 1207 Purple Heart Trail, 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: 7 - Commissioner Agnew, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell and Commissioner Garber

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

9. CUP-24-69 (Axis) Hold a public hearing and consider a request by Henry Hogensen, on behalf of Axis, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 202 N LBJ Dr, STE A. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-69.

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 permit shall be posted in the same area and manner as the Certificate of Occupancy**

- 1) Henry Hogensen - 202 N LBJ, Suite A, in favor.**

Chair Case closed the Public Hearings.

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

- The permit shall be valid for six (6) months, provided standards are met.**

The motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

10. CUP-24-70 (McGehee) Hold a public hearing and consider a request by Tres W Smyth, on behalf of Hope Contracting LLC, for a Conditional Use Permit to allow Loft Apartments, located along the West side of McGehee Street, approximately 180 feet North of Cheatham Street. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-70.

Staff recommended approval of the request with the following staff conditions:

- 1. The development shall not be rented by the bedroom;**
- 2. The development shall not be marketed as student housing;**
- 3. The height of the structure shall not be greater than 3 stories / 50 feet;**
- 4. The use of loft apartments shall not be permitted on the ground floor;**
- 5. The building and site shall meet all other Codes and Ordinances; and**
- 6. The Conditional Use Permit shall not expire.**

1) Tres Smyth - 4588 County Road 3700, Dilly, in favor

Chair Case closed the Public Hearings.

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

A motion was made by Commissioner Agnew, seconded by Commissioner Garber to amend condition #3 to the following.

- The height of the structure shall not be greater than 2 stories / 35 feet.**

The motion to amend carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

A motion was made by Commissioner Kelsey, seconded by Commissioner Agnew to amend the conditions to add the following.

- **Only one loft apartment unit is permitted.**

The motion to amend carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

The main motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

- 11. CUP-24-71 (Pizza Hut) Hold a public hearing and consider a request by Armadillo Beverage Co. Inc., on behalf of Pizza Hut, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 900 Bugg Lane Suite #118. (C. Garrison)**

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-71.

Staff recommended approval of the request with the following conditions.

- 1. The permit shall be valid for three (3) years, commencing on December 14, 2024, provided standards are met.**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

1) Beverly Robertson - 153 Bridge Water Loop, Dripping Springs, in favor, requested beer only permit.

Chair Case closed the Public Hearings.

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

The motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

12. Hold a public hearing and consider text amendments to Chapters 1 through 8 of the San Marcos Development Code and to the Design Manual, to align terminology with the changes made through Ordinance 2023-71 which adopted the "Vision SMTX Comprehensive Plan"; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

Chair Case opened the Public Hearings.

Amanda Hernandez, Director of Planning and Development Services, gave a presentation on the San Marcos Development Code Update.

Staff recommended approval of the Development Code Amendments as presented.

There were no speakers

Chair Case closed the Public Hearings.

A motion was made by Chair Case, seconded by Vice-Chair Spell to approve the Development Code Amendments.

A motion was made by Commissioner Agnew, seconded by Commissioner Kelsey to amend the main motion with grammatical and typographical edits.

The motion to amend carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

The main motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

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 Vice-Chair Spell, seconded by Commissioner Burleson to adjourn.

The motion carried by the following vote.

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

Against: 0

Absent: 2 - Commissioner Costilla and Commissioner Dunn

The meeting adjourned at 7:16 pm.

Amanda Hernandez, Recording Secretary

Chair, David Case