



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, March 26, 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 quorum present the regular meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Case at 6:01 pm on Tuesday, March 26, 2024 via hybrid meeting.

II. Roll Call

Present 9 - Commissioner William Agnew, Commissioner Lupe Costilla, Commissioner Travis Kelsey, Commissioner David Case, Commissioner Michele Burlison, 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) Virginia Parker, general comments on Item #2

Chair Case closed the Citizen Comment Period.

CONSENT AGENDA

1. Consider approval, by motion, of the February 27, 2024 - Planning and Zoning Regular Meeting Minutes.

A motion was made by Vice-Chair Spell, 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 Bureson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

PRESENTATIONS

2. Receive a staff presentation and hold discussion on the Dark Monday Hill Country Studios Qualified Watershed Protection Plan Phase 2, Permit # 2022-43297

Greg Schwarz, Senior Engineer, gave a presentation on the Dark Monday Hill Country Studios Qualified Watershed Protection Plan Phase 2, Permit # 2022-43297.

No action was taken.

3. Receive a staff presentation on the FY 2025 Capital Improvement Program (CIP).

Shaun Condor, Director of Engineering and Capital Improvement, gave a presentation on the FY 2025 Capital Improvement Program (CIP)

No action was taken.

PUBLIC HEARINGS

4. AC-24-02 (San Marcos Courtyard Villas Block Perimeter) Hold a public hearing and consider a request by ViewPoint Engineering, on behalf of John Haberer, for an Alternative Compliance to the requirements in Section 3.6.2.1. (Block Perimeter) of the San Marcos Development Code to allow the block perimeter within a CD-5 development to be greater than 2,000 feet, located at 1799 HWY 123. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request AC-24-02.

Staff recommended approval of request AC-24-02 with the following conditions:

1. A minimum 6' shared use path/sidewalk shall be provided to connect the proposed publicly accessible nature trail to the proposed greenway along HWY 123; and
2. A minimum 6' shared use path/sidewalk shall be provided along the North property line to connect the proposed publicly accessible nature trail to the proposed Right of Way adjacent the West property line; and

3. All sidewalks within the development and along all dedicated right-of-way in relation to this development must be a minimum of 6' in width; and
4. A minimum 10' wide concrete path shall be constructed along the East property line; and
5. The proposed center public street "B" shall be extended to the property line on the East.

1) Adam Burnley - 2121 E 6th Street, Austin, in favor, requested to remove condition #5.

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Spell, seconded by Commissioner Burleson to approve request AC-24-02 with staff conditions.

The motion carried by the following vote.

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

Against: 1 - Commissioner Agnew

5. CUP-24-04 (Hilton Garden Inn) Hold a public hearing and consider a request by TPG San Marcos TX Beverage LLC, on behalf of Hilton Garden Inn, for a renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located 231 North Interstate Highway 35. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-04.

Staff recommended approval of request CUP-24-04 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) Drew Curtis - 224 Broad Oak Drive, Cibolo, in favor.

Chair Case closed the Public Hearings.

A motion was made by Commissioner Costilla, seconded by Commissioner Dunn to approve request CUP-24-04 with staff conditions.

A motion was made by Commission Garber, seconded by Commissioner Kelsey to amend condition #1 to the following:

1. The permit shall be valid for three (3) years from the current expiration date, April 24, 2024, provided standards are met.

The motion to amend 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 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

- 6. CUP-24-05 (Gumby's Pizza) Hold a public hearing and consider a request by Gumby's of San Marcos, for a renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 312 West Hopkins Street. (C. Garrison)**

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-05.

Staff recommended approval of request CUP-24-05 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;**
- 3. Live music shall not be allowed outdoors or in any unconditioned areas;**

- 4. The applicant shall not apply for a Late Hours TABC permit; and**
- 5. 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.**

1) Forrest Higdon, in favor, requested Item #3 be modified to reflect conditions approved on recent CUP applications.

Chair Case closed the Public Hearings.

A motion was made by Commissioner Dunn, seconded by Commissioner Costilla to approve request CUP-24-05 with staff conditions.

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

- 1. The permit shall be valid for three (3) years from the most recent expiration date, November 10, 2023, provided standards are met.**

The motion to amend 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 Chair Case, seconded by Commissioner Burleson to amend condition #1 to one (1) year and condition #3 to allow outdoor music until 12:00 am.

After discussion, the motion was withdrawn.

A motion was made by Chair Case, seconded by Commissioner Agnew to amend condition #3 to the following:

- 3. There shall be no amplified sound or live music outdoors or in other unconditioned areas after 10:30 pm, 7 days a week.**

The motion to amend 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 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

- 7. CUP-24-06 (Sean Patrick’s) Hold a public hearing and consider a request by Brian Jeffrey, on behalf of Sean Patrick’s, for a renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 202 East San Antonio Street(C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-06.

Staff recommended approval of request CUP-24-06 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;
- 3. There shall be no amplified sound or live music outdoors or in other unconditioned areas after 12:00 am

1) Brian Jeffrey, in favor

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Spell, seconded by Commissioner Kelsey to approve request CUP-24-06 with staff conditions.

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

- 1. The permit shall be valid for three (3) years from the most recent expiration date, February 7, 2024, provided standards are met.

The motion to amend 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 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

8. CUP-24-07 (Freddy C's Lounge) Hold a public hearing and consider a request by Jamie Frailicks, on behalf of Freddy C's Lounge, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 141 E Hopkins Street. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-07.

Staff recommended approval of request CUP-24-07 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;**
- 3. There shall be no amplified sound or live music outdoors or in other unconditioned areas after 12:00 am.**

There were no speakers.

Chair Case closed the Public Hearings.

A motion was made by Commissioner Kelsey, seconded by Commissioner Burleson to approve request CUP-24-07 with staff conditions.

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

- 1. The permit shall be valid for three (3) years from the current expiration date, March 28, 2024, provided standards are met.**

The motion to amend 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 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 Vice-Chair Spell, seconded by Commissioner Kelsey 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 7:39. pm.

Enrique Velasquez, Recording Secretary

David Case, Chair