



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes - Final Planning and Zoning Commission

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Tuesday, October 10, 2017

6:00 PM

City Council Chambers

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630 East Hopkins St.

### I. Call To Order

### II. Roll Call

**Present** 9 - Commissioner Travis Kelsey, Commissioner Shawn Dupont, Commissioner Betseygail Rand, Commissioner Lee Porterfield, Commissioner Angie Ramirez, Commissioner Mike Dillon, Commissioner Mark Gleason, Commissioner Jim Garber, and Commissioner Kate McCarty

### III. Chairperson's Opening Remarks

### IV. 30 Minute Citizen Comment Period

There were no speakers.

## CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of September 26, 2017.
2. PC-17-19\_02 (Cottonwood Creek Phase 3 Unit 2 & 3 Preliminary Plat) Consider a request by Pape-Dawson Engineers, Inc., on behalf of Cottonwood Creek JDR, Ltd., for approval of a Preliminary Plat for approximately 31.91 acres, more or less, out of the Farnam Frye Survey, generally located east of Highway 123, south of Rattler Road. (T. Carpenter)

**A motion was made by Commissioner Dupont, seconded by Commissioner Porterfield, that the Consent Agenda be approved. The motion carried by the following vote:**

**For:** 9 - Commissioner Kelsey, Commissioner Dupont, Commissioner Rand, Commissioner Porterfield, Commissioner Ramirez, Commissioner Dillon, Commissioner Gleason, Commissioner Garber and Commissioner McCarty

**Against:** 0

3. PC-17-23\_03 (El Cerrito Ranch) - Consider approval of a request by Jared Jakovich on behalf of Jackovich & Perry Capital Partners, LLC, for approval of a Final Plat, consisting of approximately 53 acres subdivided into 40 lots, located off of Braune Road. (W. Parrish)

This item was moved to the Non-Consent Agenda under item #7.

## **PUBLIC HEARINGS**

4. CUP-17-21 (Wonder World Park) Hold a public hearing and consider a request by Kristin Williams, on behalf of Grover Buddy Mostyn, for a Conditional Use Permit to allow for the sale of beer and wine for on-premises consumption at 1001 Prospect Street. (W. Parrish)

Chair Garber opened the Public Hearing.

Will Parrish, Planner, gave an overview of the request.

Madeline North, 1407 Prospect St., spoke in favor of the item. She lives in close proximity to the park, which has allowed her to enjoy its attractions. She also works as a manager at the park. Ms. North believes the addition of the CUP would benefit both the park and community. She adds that they are working on incorporating more activities, and their mission continues to provide fun and education for people of all ages. The beer and wine license would be an additional reason to visit the park. She also believes the CUP would encourage more locals to visit the park.

Joel Barnard, 620 Bishop St., spoke in opposition of the item. He says the business has been in the community a long time, and has done well without the addition of alcohol. He says there are plenty of places in the City of get alcohol. He says that a place that sells alcohol does not belong in the middle of a neighborhood with families and children.

Karre Remme, no address given, spoke in opposition of the item. He and his wife own two properties that are adjacent to the park. He thinks that alcohol consumption there would be a hazard on the dark streets around the property, and for any venue that invites children. He says there is no effort to control the noise on the property, and alcohol will only increase the noise.

Diane Wassenich spoke in opposition of the item. She says while it may be an attempt to make the park more financially operable, she would be concerned if this were in her neighborhood. She says it would essentially be creating a bar which causes a problem in many neighborhoods when it happens.

Chair Garber closed the Public Hearing.

Chair Garbner reopened the Public Hearing.

Brenda Remme, 1132 Belvin, spoke in opposition of the item. She says the park property has a lot of litter and debris, and the addition of alcohol will bring more noise and litter.

Chair Garber reclosed the Public Hearing.

**A motion was made by Commissioner Porterfield, seconded by Commissioner Kelsey that CUP-17-21 be approved with staff conditions.**

**A motion was made by Commissioner Ramirez, seconded by Commissioner Kelsey, that the main motion be amended to include: 1.) Business hours are limited to no later than 9 p.m., Monday - Sunday, 2.) Non-amplified live music is prohibited after 9 p.m.; and 3.) Amplified music is prohibited outdoors after 9 p.m. The motion carried by the following vote:**

**For:** 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Porterfield, Commissioner Ramirez, Commissioner Gleason, Commissioner Garber and Commissioner McCarty

**Against:** 2 - Commissioner Rand and Commissioner Dillon

**Chair Garber called for a vote on the main motion to approve CUP-17-21 with the following conditions: 1.) The CUP shall be valid for one (1) year, provided standards are met, subject to the point system; 2.) The permit shall be effective upon the issuance of the Certificate of Occupancy for the proposed Building II bar and the acceptance of any required improvements included within the conditions herein; 3.) The applicant must construct a curb or barrier approved by the Department of Engineering at the end of each row of parking along Prospect Street in order to contain vehicles within the parking lot and prevent vehicles from blocking the street; 4.) The applicant constructs an overlapping board fence as described in the Staff Report; 5.) No amplified outdoor live music is permitted; 6.) Non-amplified live music is prohibited after 9 p.m.; 7.) Amplified music is prohibited outdoors after 9 p.m.; 8.) Outdoor Televisions are only permitted within Courtyard I; 9.) Any new outdoor speakers shall be limited to Courtyard I and shall be located in a manner which directs sound away from single family residences; 10.) Business hours are limited to no later than 9 p.m. Monday - Sunday; 11.) Consumption of alcohol is prohibited in any portion of the parking lot; and 12.) The CUP shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:**

**For:** 5 - Commissioner Kelsey, Commissioner Dupont, Commissioner Porterfield, Commissioner Ramirez and Commissioner Gleason

**Against:** 4 - Commissioner Rand, Commissioner Dillon, Commissioner Garber and Commissioner McCarty

- 5. CUP-17-29 (Industry Restaurant) Hold a public hearing and consider a request by Cody Taylor, on behalf of Industry LLC, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 110 E MLK Drive, Ste 126 (A. Villalobos)**

Chair Garber opened the Public Hearing.

Andrea Villalobos, Planner, gave an overview of the request.

Cody Taylor (applicant), 1410 W. 9th St., Austin, TX, spoke in favor of the item. He is looking forward to being part of the community.

Harlan Scott, 1000 San Marcos St., Austin, TX, spoke in favor of the item. He is Cody Taylor's business partner. They are excited about adding value to the Square, and getting to know the community.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Dupont, seconded by Commissioner McCarty, that CUP-17-29 be approved with the following conditions: 1.) The CUP shall be valid for one (1) year, provided standards are met, subject to the point system; 2.) No outdoor amplified music shall be permitted after 10 p.m.; 3.) The CUP shall be effective upon the issuance of the Certificate of Occupancy; and 4.) The CUP shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:**

**For:** 8 - Commissioner Dupont, Commissioner Rand, Commissioner Porterfield, Commissioner Ramirez, Commissioner Dillon, Commissioner Gleason, Commissioner Garber and Commissioner McCarty

**Against:** 0

**Recused:** 1 - Commissioner Kelsey

6. CUP-17-30 (Kissing Tree Golf Course) Hold a public hearing and consider a request by Ryan Logue, on behalf of Brookfield Residential Kissing Tree LLC, for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 201 Kissing Tree Lane (A. Villalobos)

Chair Garber opened the Public Hearing.

Andrea Villalobos, Planner, gave an overview of the request.

Ryan Logue (applicant) 7017 Colberg Court, Austin, TX 78749, spoke in favor of the request. He is the Controller for Brookfield Residential.

Josh Flay, 3532 Black Cloud Dr., New Braunfels, TX 78130, spoke in favor of the item. They are celebrating the golden years for the residents of this community.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Kelsey, seconded by Commissioner Dupont, that CUP-17-30 be approved with proposed conditions.**

**A motion was made by Commissioner Garber, seconded by Commissioner McCarty, that the main motion be amended to include restrict alcohol to the two buildings and porches specified in the proposal. The motion failed by the following vote:**

**For:** 2 - Commissioner Garber and Commissioner McCarty

**Against:** 7 - Commissioner Kelsey, Commissioner Dupont, Commissioner Rand, Commissioner Porterfield, Commissioner Ramirez, Commissioner Dillon and Commissioner Gleason

**Chair Garber called for a vote on the main motion to approve CUP-17-30 with the following conditions: 1.) The permit shall be valid for one (1) year, provided standards are met, subject to the point system; 2.) The sale of alcohol for on-premise consumption is prohibited outside the limits of the service area boundary as shown on Exhibit A; 3.) The permit shall become effective upon the issuance of the Certificate of Occupancy; and 4.) The permit shall be posted in the same area and manner as the Certificate of Occupancy for both the Golf Clubhouse and the Social Building. The motion carried by the following vote:**

**For:** 9 - Commissioner Kelsey, Commissioner Dupont, Commissioner Rand, Commissioner Porterfield, Commissioner Ramirez, Commissioner Dillon, Commissioner Gleason, Commissioner Garber and Commissioner McCarty

**Against:** 0

- 7.** PVC-17-02 (El Cerrito Ranch) - Hold a public hearing and consider approval of a request by Jared Jakovich on the behalf of Jakovich & Perry Capital Partners, LLC, for a Plat Variance which would allow 15 lots to exceed the 3 to 1 length to width requirement within a 40 lot subdivision located off Braune Road. (W. Parrish)

Chair Garber opened the Public Hearing.

Will Parrish, Planner, gave an overview of the request.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Dupont, seconded by Commissioner Porterfield, that PVC-17-02 be approved. The motion carried by the following vote:**

**For:** 9 - Commissioner Kelsey, Commissioner Dupont, Commissioner Rand, Commissioner Porterfield, Commissioner Ramirez, Commissioner Dillon, Commissioner Gleason, Commissioner Garber and Commissioner McCarty

**Against:** 0

PC-17-23\_03 (El Cerrito Ranch) - Consider approval of a request by Jared Jakovich on behalf of Jackovich & Perry Capital Partners, LLC, for approval of a Final Plat, consisting of approximately 53 acres subdivided into 40 lots, located off of Braune Road. (W. Parrish)

This item was moved from the Consent Agenda; it was item #3.

Will Parrish, Planner, gave an overview of the request.

**A motion was made by Commissioner Dupont, seconded by Commissioner McCarty, that PC-17-23\_03 be approved. The motion carried by the following vote:**

**For:** 9 - Commissioner Kelsey, Commissioner Dupont, Commissioner Rand, Commissioner Porterfield, Commissioner Ramirez, Commissioner Dillon, Commissioner Gleason, Commissioner Garber and Commissioner McCarty

**Against:** 0

8. ZC-17-12 (Project Zircon) - Hold a public hearing and consider a request by Walton Development and Management (USA), Inc. on behalf of Walton Texas LP, for a Zoning Change to amend an approximately 62 acre Special District and add an additional 23 acres to the Special District which would allow office and light industrial uses located at the Northwest corner of a +/- 495 acre site out of the John H. Yearby Survey, located on Centerpoint Road. (W. Parrish)

Chair Garber opened the Public Hearing.

Will Parrish, Planner, gave an overview of the request.

Becky Collins (applicant), 9811 S. IH 35 Ste. 4-200 Austin, TX 78748 gave a brief presentation of the request. She is the General Manager for Walton Development and Management.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Kelsey, seconded by Commissioner Ramirez, that ZC-17-12 be approved per staff recommendation. The motion carried by the following vote:**

**For:** 7 - Commissioner Kelsey, Commissioner Rand, Commissioner Porterfield, Commissioner Ramirez, Commissioner Gleason, Commissioner Garber and Commissioner McCarty

**Against:** 2 - Commissioner Dupont and Commissioner Dillon

## NON-CONSENT AGENDA

9. Receive a staff presentation regarding the adoption schedule and process for Code SMTX, and associated design manuals, Preferred Scenario Map amendments, Comprehensive Plan text amendments, and City Code text amendments.

Abigail Gillfillan, Planning Manager, gave a presentation of the adoption schedule and process for CODE SMTX.

## V. Question and Answer Session with Press and Public.

There were no questions from the Press or Public.

## VI. Adjournment

The meeting was adjourned at 8:29 p.m.

## Notice of Assistance at the Public Meetings

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_ Title: