



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, November 27, 2018

6:00 PM

City Council Chambers

630 East Hopkins St.

I. Call To Order

With a quorum present the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Chair Garber at 6:00 p.m. on Tuesday, November 27, 2018 in the City Council Chamber of the City of San Marcos, City Hall, 630 East Hopkins St., San Marcos, Texas.

II. Roll Call

Present 9 - Commissioner Maxfield Baker, Commissioner Mike Dillon, Commissioner Jim Garber, Commissioner Mark Gleason, Commissioner Matthew Haverland, Commissioner Kate McCarty, Commissioner Lee Porterfield, Commissioner Angie Ramirez, and Commissioner Betseygail Rand

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Dianne Wassenich, 11 Tanglewood, spoke on behalf of the San Marcos River Foundation. She spoke about Item #2 ZC-18-20 (Thompson/Cape Dam and Ditch Engineering Structure) on the agenda. She said the reason we have a healthy river is because we are one of the few places in Texas that are regulated. She said our Aquifer pumping is regulated in order for these springs to flow, and this is solely based on how much water flows over the top of the wild rice. That is what specifically regulates the water that can be pumped from the Aquifer. She added that endangered species cannot thrive in lake like settings like we have at Rio Vista Dam. She said the dam should not be preserved, it is harmful to the river. She said the dam diverts water away from the real river channel. She said she didn't think that making it a historic landmark meant the dam has to be preserved.

John Biledeaux, 8 Greenpointe, spoke about Item #4 CUP-18-36 (Jack's Roadhouse). He expressed concerns about increased noise with the addition of the outdoor patios.

Sharon Lockett, 10 Greenpointe, spoke in opposition of Item #4 CUP-18-36 (Jack's Roadhouse). She said there is no way to get away from the amplified sound from celebration gatherings in the area. She said an amplified bass that shakes her windows is not something she can live with. She opposes the application.

Kate Johnson, Chair of Hays Co. Historical Commission, spoke about Item #2 ZC-18-20

(Thompson/Cape Dam and Ditch Engineering Structure) on the agenda. She said that over the last two years, they have conducted research on the dams of the San Marcos River, including Cape Dam. She said the criteria for designation in the City's Ordinance is the same as that of the National Register of Historic Places. She said in 2016 the TX Historical Commission confirmed that Cape Dam and its contributing features meet all of the criteria under the local Ordinance for historic designation. She said she understands the importance of preserving our rivers.

CONSENT AGENDA

1. PC-18-36_02 (McCarty Commons Phase 1 Prelim) - Consider a request by Danny Miller on behalf of SLF II - McCarty, LP for approval of a preliminary plat for approximately 36.778 acres out of the Nathaniel Hubbard Survey, Abstract No. 230 and the Cyrus Wickson Survey, Abstract No. 474 located near the intersection of IH-35 and East McCarty Lane. (W. Parrish)

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

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

PUBLIC HEARINGS

2. ZC-18-20 (Thompson/Cape Dam and Ditch Engineering Structure) Hold a public hearing and consider a request by the City of San Marcos to designate Thompson/Cape Dam and Ditch Engineering Structure near the intersection of Cape Road and the San Marcos River as a local historic landmark. (A. Brake)

Public Hearing

Chair Garber opened the Public Hearing

Alison Brake, Planner, gave an overview of the request.

Fraye Stokes, 742 W. San Antonio St., spoke in favor of the item. She said Stokes Park was donated to the State, and the management to the City of San Marcos. She said it was a verbal understanding that it would always be open to the public. She said they chose not to put the property in the Historic Registry because they didn't understand what the future ramifications for that would be. She said she regrets not doing it because it would be safe now if it were. She said they never thought the preservation of the dam and Mill Race would someday be in question. She said if Cape Dam is not restored or rebuilt, it will ruin everything there. She asked the Commission to carefully research all sides so there can be beautiful Stokes and Capes Park.

Carol Overall, 113 Camaro Way, spoke in favor of the item. Her maiden name is Cape.

She said she grew up in the area, and it would be a great tragedy so see it ruined.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Ramirez, seconded by Commissioner Rand, to deny ZC-18-20 (Thompson/Cape Dam and Ditch Engineering Structure). The motion carried by the following vote:

For: 5 - Commissioner Baker, Commissioner Haverland, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 4 - Commissioner Dillon, Commissioner Garber, Commissioner Gleason and Commissioner McCarty

3. CUP-18-37 (Toma Taco) Hold a public hearing and consider a request by Oscar A. Hernandez, on behalf of Toma Taco, for a new Restaurant Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 179 South LBJ Drive. (T. Carpenter)

Chair Garber opened the Public Hearing.

Tory Carpenter, Planner, gave an overview of the request.

There were no additional speakers.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Ramirez, seconded by Commissioner Dillon, that CUP-18-37 (Toma Taco) be approved.

A motion was made by Commissioner Garber, seconded by Commissioner Ramirez, that CUP-18-37 (Toma Taco) be amended to include the following condition: No amplified outdoor music.

A motion was made by Commissioner Garber, seconded by Commissioner Dillon, that CUP-18-37 (Toma Taco) be amended from the previous amendment to reflect the following condition: Hours of amplified outdoor music shall be consistent with AquaBrew, which is 11 a.m. to 12 a.m.

Chair Garber called for a vote on the amendment. The motion carried by the following vote:

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

Chair Garber called for a vote on the main motion with the following conditions: 1.) Permit shall be valid for one (1) year, provided standards are met; 2.) The permit 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; 4.) Hours of outdoor amplified music shall be consistent with AquaBrew, which is 11 a.m. to 12 a.m. The motion carried by the following vote:

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

4. CUP-18-36 (Jack's Roadhouse) Hold a public hearing and consider a request from Hallucivision, on behalf of Jack's Roadhouse, to amend a Conditional Use Permit for mixed beverages to allow an expansion of the service area to include two outdoor patio areas at 1625 West Hopkins Street. (T. Carpenter)

Chair Garber opened the Public Hearing.

Tory Carpenter, Planner, gave an overview of the request.

Wayne James spoke in favor of the item. He said when he read the staff's recommendations, it addressed his concerns. He said the main problem is the outdoor amplified music, and he appreciates the sensitivity to it. He said he is not a patron of Jack's, but appreciates their business in the community.

Phillip Nadeau spoke in favor of the item. He said the main reason they want the front patio area is to draw people in. He said a lot of people have a perception of Jack's, but they don't know what it's like because there are no windows. There's no way to actually see inside without going in the building. That's the reason for the glass garage door, for people to be able to see the changes they've made to the interior. He said they didn't plan on having any live music outside or changing the stage. They would still be keeping the same sound equipment that hasn't bothered anybody. He added with respect to the people in Greenpointe, when the VFW has their show, they have gigantic speakers point right up at Greenpointe.

Rocco Moses spoke in favor of the item. He said that he has been trying to make the food program catch on. He said it's hard to make a space work without expanding your seating areas. He said the ability to go into the front offers visibility. They want to beautify the front of that building so it becomes an asset to the property and a visual asset to Hopkins. He said in terms of noise, they weren't planning outdoor speakers and their goal wasn't to put music in the front. It was to seat people in a visible manner so that it increases the draw of the property and moves the food program forward.

Michael Niblett, 7 Greenpointe, spoke in opposition of the item. He has concerns about the noise. He said it will increase traffic and people coming and going. He said his house backs right up to Hunter Rd., and he has a straight view of Jack's Roadhouse. He said during outdoor events they can hear the noise, and a few weeks ago almost had to leave the house to get away from the noise. His concern is having something similar to that everyday, or at least every weekend, and he would like to control that.

Tordyn Train, 5 Greenpointe, spoke in opposition of the item. He said he came to the area and knew it to be beautiful and quiet. He has concerns about the noise concerns with amplified music. He said because of the geography and geology surrounding the restaurant, and where the houses are located on the hill, sound is amplified and echoed greatly.

Kris Niblett, 7 Greenpointe, spoke in opposition of the item. She expressed concern about the 2 a.m. time. She said no one has said how loud it is going to be because the noise can still carry up the hill. She likes the idea of the no amplified music. She doesn't want to hear the music in her house.

Phillip Nadeau came back to the podium and said the proposal has nothing to do with amplified music. He said they're not planning on having any bands or speakers out there. He said the festival was with the VFW and they have their speakers pointed up the hill. He said they are not planning on being a some huge music venue. They are trying to be more food based, and just try to beautify and open up the space.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Porterfield, seconded by Commissioner Dillon, that CUP-18-36 (Jack's Road House) be approved with the following conditions: 1.) The permit shall be valid for one year provided standards are met; 2.) The permit shall be posted in the same area and manner as the certificate of occupancy; and 3.) No outdoor amplified live music be shall allowed on the property.

A motion was made by Commissioner Garber, seconded by Commissioner Ramirez, that the main motion be amended to include the following condition: 1.) The garage door shall close by 9 p.m. The motion carried by the following vote:

For: 5 - Commissioner Garber, Commissioner Gleason, Commissioner McCarty, Commissioner Ramirez and Commissioner Rand

Against: 4 - Commissioner Baker, Commissioner Dillon, Commissioner Haverland and Commissioner Porterfield

A motion was made by Commissioner Gleason, seconded by Commissioner Garber, that the main motion be amended to include the following condition:
1.) The garage door shall be closed anytime there is live music inside the venue.
The amendment was withdrawn.

Chair Garber called for a vote on the main motion with the following conditions: 1.) The permit shall be valid for one year provided standards are met; 2.) The permit shall be posted in the same area and manner as the certificate of occupancy; 3.) No outdoor amplified live music be shall allowed on the property. and 4.) The garage door shall close at 9 p.m. The motion carried by the following vote:

For: 6 - Commissioner Dillon, Commissioner Gleason, Commissioner Haverland, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 3 - Commissioner Baker, Commissioner Garber and Commissioner McCarty

- 5.** PC-18-12_04 (Blanco Riverwalk Lot 1, Block C, Replat) Hold a public hearing and consider a request by Hugo Elizondo, JR of Cuatro Consultants, on behalf of Blanco Riverwalk Business Park, LLC, for approval of a replat of 36.33 acres being Lot 1, Block C, Blanco Riverwalk Subdivision, establishing Block C, Lot 1A and Lot 1B, Blanco Riverwalk Subdivision, City of San Marcos, Hays County, Texas. (A. Villalobos)

Chair Garber opened the Public Hearing.

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

There were no additional speakers.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Ramirez, seconded by Commissioner Dillon, that PC-18-12_04 (Blanco Riverwalk Lot 1, Block C, Replat) be approved. The motion carried by the following vote:

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

NON-CONSENT AGENDA

- 6.** Discuss and consider approval of the 2019 Planning and Zoning Commission Meeting Date Calendar.

A motion was made by Commissioner Gleason, seconded by Commissioner

Baker that March 12, 2019 be added back to the 2019 meeting calendar. The motion carried by the following vote:

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

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 7:59 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 _____

_____ Title: