



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes - Draft Planning and Zoning Commission

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Tuesday, December 11, 2018

6:00 PM

City Council Chambers

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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, December 11, 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, represents the San Marcos River Foundation. She spoke about Item #12, ZC-18-21(Smart Terminal) on the agenda. She wanted the Commission to be aware that the area floods. She said whatever is there will wash into the river. She said she understands there are new floodplain rules and hopes 2-D modeling is done. She said the River Foundation received concerns from people who live downstream when they saw this on the agenda.

## CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of November 13, 2018.
2. Consider approval of the minutes of the regular meeting of November 27, 2018.
3. PC-17-47\_04 (Leah Tract) Consider a request by Lifestyle Development, LLC on behalf of the City of San Marcos for a Replat of Lots 27A, 10-A, 10, and 11 Municipal Airport Subdivision, creating two lots over approximately 21.13 acres, more or less. (W. Parrish)
4. PC-18-06\_02 (Mulberry Meadows) Consider a request by Kevin Sawtelle on behalf of

Sebastian Stadler for approval of a Preliminary Plat for approximately 205.5 acres, more or less, out of the Rebecca Brown Survey No. 8, and the Charles Henderson Survey No. 55. (W. Parrish)

5. PC-18-38\_06 (Aquarena Springs Subdivision) Consider a request by KBGE, on behalf of Jay Shree Laxmi Hospitality Corporation, for approval of a Final Plat for approximately 2.802 acres, more or less, out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at 1433 North IH 35.
6. CUP-18-39 (South End Section One) Hold a public hearing and consider a request to ratify five Warrants associated with the South End Section One Regulating Plan. These Warrants include:
  - 1) Drive-Thru uses are permitted within the 2nd or 3rd layer of lots with B-Grid frontage along Wonder World Drive;
  - 2) Minimum frontage build out along B-Grid streets is 20%,
  - 3) Stagecoach Trail and Corporate Drive assemblies may be constructed as shown on the Regulating Plan;
  - 4) The oval and rounded planting options in Table 3.5 of SmartCode are permitted along all streets within Transect Five
  - 5) Transect Five is the only zone required in this district.(W. Parrish)
7. PC-18-59\_03 (Blanco Vista, Tract R) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 12.413 acres, more or less, out of the William Ward League Survey, Abstract 467, located east of Old Stagecoach Road and south of Trail Ridge Pass (A. Brake)
8. PC-18-17\_03 (Trace PA 2B, Section B) Consider a request by Caren Williams-Murch, on behalf of Highpointe Trace, LLC, for approval of a Final Plat for approximately 13.525 acres, more or less, out of the William Van Horn Survey No. 18, Abstract No. 464 located at 105 Sage Meadows Drive. (T. Carpenter)

**A motion was made by Commissioner Ramirez, seconded by Commissioner Porterfield, 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**

9. PC-18-60\_04 (1012 North Bishop Street) Hold a public hearing and consider a request by David Williamson, Byrn and Associates, on behalf of David Mendez, for approval of a replat of 0.206 acres being Lot 329, Block 27, Westover Addition Subdivision, establishing Lot 329A and

329B, Block 27, Westover Addition Subdivision located at 1012 North Bishop Street. (A. Villalobos)

Chair Garber opened the Public Hearing.

Shannon Mattingly, Director, gave an overview of the request.

Chair Garber closed the Public Hearing.

David Mendez, 1011 Uhland Rd., fielded questions from the Commission.

John Carrillo, (Georgetown), received a notification, and presented several questions to the Commission.

**A motion was made by Commissioner Baker, seconded by Commissioner Dillon, that PC-18-60\_04 (1012 North Bishop Street) 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

- 10.** CUP-18-39 (South End Section One) Hold a public hearing and consider a request to ratify five Warrants associated with the South End Section One Regulating Plan. These Warrants include:

- 1) Drive-Thru uses are permitted within the 2nd or 3rd layer of lots with B-Grid frontage along Wonder World Drive;
  - 2) Minimum frontage build out along B-Grid streets is 20%,
  - 3) Stagecoach Trail and Corporate Drive assemblies may be constructed as shown on the Regulating Plan;
  - 4) The oval and rounded planting options in Table 3.5 of SmartCode are permitted along all streets within Transect Five
  - 5) Transect Five is the only zone required in this district.
- (W. Parrish)

Chair Garber opened the Public Hearing.

Shannon Mattingly, Director, gave an overview of the request.

John David Carson, 407 S. Stagecoach, spoke in favor of the item. He was representing the property owner, and was available to answer any questions. He said the item doesn't make any modifications to the Regulating Plan, they are trying to get it formally documented and be cooperative with staff.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Ramirez, seconded by Commissioner Dillon, that CUP-18-39 (South End Section One) 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

- 11.** 2018-26194 (Morris Office Building) Hold a public hearing and consider a request by Randall Morris & Company. Ltd. for approval of a Qualified Watershed Protection Plan Phase 2 for Lot 7B of the Stagecoach Business Park Subdivision consisting of 0.748 acres located at 330 Wonder World Drive. (G. Schwarz).

Chair Garber opened the Public Hearing.

Greg Schwarz, Senior Engineer, gave an overview of the request.

Steve Ramsey, Civil Engineer on the project, spoke in favor of the item. He thanked Greg Schwarz for his assistance on the project.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Porterfield, seconded by Commissioner Dillon, that 2018-26194 (Morris Office Building) Qualified Watershed Protection Plan Phase 2 and petition to allow impervious cover in Water Quality Zone 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

- 12.** ZC-18-21(Smart Terminal) An amendment to the City's official zoning map rezoning approximately 934 acres, more or less, out of the William Pettus Survey, Abstract No. 21, generally located near the intersection of State Highway 80 and FM 1984, from "ETJ" Extraterritorial Jurisdiction to "HI" Heavy Industrial. (T. Carpenter)

Chair Garber opened the Public Hearing.

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

Robert Peters, spoke in favor of the item. He owns land within 400 feet of the subject property. He said in the nearly 26 years he has lived there, his property has never flooded. He said he disagrees with some of the people who think everything in the flood zone should not be developed. He thinks we shouldn't stop progress. He thinks we should agree and build things in the San Marcos area to help our school district.

Mary Beth Harper who lives between San Marcos and Martindale, spoke in opposition of

the item. She said most of the property is in the Martindale ETJ, not San Marcos. She added that the previous agreement with Katerra said they have agreed to build a 600,000 sq. ft. building closer to the railroad tracks, which is a lot of impervious cover. She added the Heavy Industrial part is a railroad district, all adding to the impervious cover. She said with Heavy Industrial we're talking about runoff directly into the San Marcos River. She also advised the Commission to check the most recent FEMA maps.

Juan Cavazos spoke in opposition of the item. He bought a house in the area around seven years ago, and his concern is where the water would go when it rains. He said property values will drop. He said they chose to move into a low intensity area for a reason. He understands that progress is inevitable, but does not agree of where it is going to take place.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Porterfield, seconded by Commissioner McCarty, that ZC-18-21 (Smart Terminal) be approved. The motion failed by the following vote:**

**For:** 3 - Commissioner Dillon, Commissioner McCarty and Commissioner Porterfield

**Against:** 6 - Commissioner Baker, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner Ramirez and Commissioner Rand

**A motion was made by Commissioner Ramirez, seconded by Commissioner Baker, that ZC-18-21(Smart Terminal) be denied. The motion carried by the following vote:**

**For:** 5 - Commissioner Baker, Commissioner Garber, Commissioner Haverland, Commissioner Ramirez and Commissioner Rand

**Against:** 4 - Commissioner Dillon, Commissioner Gleason, Commissioner McCarty and Commissioner Porterfield

- 13.** PVC-18-04 (Mostyn Point) Hold a public hearing and consider a request by Grover Mostyn on behalf of Nelly Altuve for a Plat Variance to Section 3.6.3.1(A) of the San Marcos Land Development Code which requires all lots have frontage on a public street. (W. Parrish)

Chair Garber opened the Public Hearing.

Shannon Mattingly, Director, gave an overview of the request.

Nelly Altuve spoke in favor of the item. She said when she bought the lot, she didn't know it wasn't separate. She found out the problem after she purchased it. She is wanting to build a house on the lot.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Porterfield, seconded by Commissioner Haverland, that PVC-18-04 (Mostyn Point) 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**

- 14.** PC-18-43\_05 (Mostyn Point) Consider a request by Nelly Altuve for a Final Plat of approximately 4.67 acres located on Offermann Hill Road to be divided into two residential lots. (W. Parrish)

**A motion was made by Commissioner McCarty, seconded by Commissioner Haverland, that PC-18-43\_05 (Mostyn Point) 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

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

Mary Beth Harper asked if the zoning request for Item #12 is denied, and the City Council wants to vote on annexation, whether that is two different things? Shannon Mattingly replied that annexation laws require two Public Hearings at City Council. She said the zoning would go forward with the annexation and would be voted on second reading at the same time. Ms. Harper also asked if there were two Public Hearings for the zoning. Ms. Mattingly explained that zoning was denied with the Planning and Zoning Commission, and would go forward with a recommendation to City Council, who would hold a separate Public Hearing. Ms. Harper also said that most of the 934 acres on the subject property is in the Martindale ETJ. Ms. Mattingly responded that City staff has documented Ordinances showing when our ETJ expanded, and those were timed based on when Martindale expanded theirs, and we would review for some discrepancy in the mapping.

## **VI. Adjournment**

The meeting was adjourned at 7:44 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:

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