



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, March 26, 2019

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 Vice-Chair Gleason at 6:02 p.m. on Tuesday, March 26, 2019 in the City Council Chamber of the City of San Marcos, City Hall, 630 East Hopkins St., San Marcos, Texas.

II. Roll Call

Present 8 - Commissioner Maxfield Baker, Commissioner Mike Dillon, Commissioner Mark Gleason, Commissioner Matthew Haverland, Commissioner Kate McCarty, Commissioner Betseygail Rand, Commissioner Gabrielle Moore, and Commissioner Travis Kelsey

Excused 1 - Commissioner Jim Garber

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta - She said she wanted to thank everyone who has called and emailed the City Manager. She said the City Management team refuses to listen to the arguments and rationale from her neighbors. She said the City is about to ruin a 1800 or 1900 year old block for sidewalks. She said the GAP program was only officially presented before any board in 2013, and in front of the Neighborhood Commission last week as a result of her issue. She said there's been no accountability, and all of the projects are one-sided street sidewalks. She added that the City cannot guarantee they will not kill her trees, and the City Manager is forcing her to have to seek legal council.

Jennifer Katz, 203 W. Hillcrest Dr., asked the Commission to postpone or deny the zoning changes on Items #10 and #11 on the agenda. She said there has been a lot of confusion on behalf of citizens and residents regarding these requests. She asked if the owner was in compliance. She said Staff reported that the owner was in compliance as of August 8, 2018. However, she said the owner has said publicly, that he was out of compliance, and that the zoning change would get him into compliance. She said the issue needs to be resolved before moving forward with the request. She added that her reason for stating the request should be denied is because the owner seems to not be following the proper steps and protocol for this situation, and there needs to be fair enforcement for everyone.

Ryan Patrick Perkins, 727 W. Hopkins, read a letter written by his mother. In the letter she asked the Commission to deny Items #10 and #11 on the agenda. He said the letter stated that we're told repeatedly by advocates for real estate development that we don't have available and affordable single-family housing stock, but then we want to take away single family housing in an established area of stability. He said removing single family zoning goes against the live, work and play model that is at the City's core for families and professionals. The letter he read also stated that we should be working toward better public policy and protection of our irreplaceable cultural, historic, resources and our neighborhoods.

Diana Baker, 727 Belvin, asked the Commission to vote against items #10 and #11 on the agenda. She said the City is already 70 percent rentals, and for a stable economy we need more owner-occupied family housing. She said the property at 510 W. Hopkins have had multiple occupancy violations, along with the fact that the developer tore out original windows without going before the Historic Preservation Commission. She said the owner has no respect for historic preservation although he owns many properties in the Historic District. She said according to Staff reports ND-3 zoning is not appropriate for an existing neighborhood, however it's consistent with the surrounding mixes of use. She said the same thing could be said for other blocks of Hopkins St. until the street becomes high density or commercial, which is called the domino effect. She said it's not the owner of a property that should dictate the rules and uses of zoning. She added that the community and neighborhood around that property should have a say, and ultimately City government.

Sara Lee Underwood Myers, 1415 Harper Dr., spoke against Items #10 and #11 on the agenda. She thanked the San Marcos Daily Record for keeping everyone informed. She said the property at 1303 Haynes St. rents to three different people, and wants to know why Staff is recommending this zoning change.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of February 12, 2019.
2. Consider approval of the minutes of the regular meeting of March 12, 2019.
3. PC-18-27_02(a) (La Cima, Phase II Preliminary Plat Amendment) Consider a request by Doucet & Associates, on behalf of Lazy Oaks Ranch, LP, for approval of an amendment to a Preliminary Plat for approximately 89.70 acres, more or less, out of the W. Burke Survey, Abstract No. 68, the W. Smithson Survey, Abstract No. 419, the J. Williams Survey, Abstract No. 430, and the J. Huffman Survey, Abstract No. 228 located west of Old Ranch Road 12 and east of Central Park Loop. (A. Brake)
4. PC-18-61_02 (Millbrook Park Phase 1A & 1B Preliminary Plat) Consider a request by Pricilla Flores on behalf of SLF II - McCarty LD for a preliminary plat consisting of 128 residential lots

located near the intersection of McCarty Lane and Wassar Boulevard. (W. Parrish)

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

For: 8 - Commissioner Baker, Commissioner Dillon, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Excused: 1 - Commissioner Garber

PUBLIC HEARINGS

5. CUP-19-08 (Toro Ramen & Poke Barn) Hold a public hearing and consider a request by Anton Hartono, on behalf of Toro Ramen & Poke Barn, for a Conditional Use Permit to allow the sale of beer and wine for on premises consumption at 700 N. LBJ Dr, Ste 114. (T. Carpenter)

Vice-Chair Gleason opened the Public Hearing.

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

There were no additional speakers.

Vice-Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Baker, seconded by Commissioner Dillon, that CUP-19-08 (Toro Ramen & Poke Barn) be approved with the following conditions: 1.) 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. The motion carried by the following vote:

For: 8 - Commissioner Baker, Commissioner Dillon, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Excused: 1 - Commissioner Garber

6. CUP-19-02 (Olive Garden) Hold a public hearing and consider a request by Olive Garden Holdings, LLC for a renewal of a Conditional Use Permit for the sale of mixed beverages for on premise consumption, located at 1305 South IH 35. (W. Parrish)

Vice-Chair Gleason opened the Public Hearing.

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

There were no additional speakers.

Vice-Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Dillon, that CUP-19-02 (Olive Garden) be approved with the following conditions: 1.) Permit shall be valid for three (3) years, provided standards are met, 2.) The building shall be no closer than 40 feet to the property line of the nearest residential property; 3.) The CUP shall be posted in the same area and manner as the Certificate of Occupancy; 4.) No outdoor dining space is allowed; 5.) No outdoor amplified music shall be audible across property lines; 6.) Trucks longer than 30 feet must ingress and egress on the IH-35 service road (not Hays Street) 7.) Olive Garden must keep a sign near the access to 118 Hays Street that discourages traffic through the neighborhood; and 8.) Olive Garden must require employees to park on the side of the parking lot furthest from the residential properties on Parker Drive. The motion carried by the following vote:

For: 8 - Commissioner Baker, Commissioner Dillon, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Excused: 1 - Commissioner Garber

7. CUP-19-10 (54th Street Grill) Hold a public hearing and consider a request by Michael Norsworthy, on behalf of 54th Street Grill, for a renewal of a Conditional Use Permit for the sale of mixed beverages for on premise consumption, located at 1303 South IH 35. (W. Parrish)

Vice-Chair Gleason opened the Public Hearing.

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

There were no additional speakers.

Vice-Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Dillon, that CUP-19-10 (54th Street Grill) be approved with the following

conditions: 1.) Permit shall be valid for one (1) year, provided standards are met, 2.) The employees may not park on the Olive Garden lot, 3.) The permit shall be posted in the same area and manner as the Certificate of Occupancy.

The motion carried by the following vote:

For: 8 - Commissioner Baker, Commissioner Dillon, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Excused: 1 - Commissioner Garber

8. CUP-19-04 (Blaze Pizza) Hold a public hearing and consider a request by Saddles Blazin LLC, on behalf of Blaze Pizza, for the renewal of a Conditional Use Permit to allow the sale of Beer and Wine for on premise consumption, located 108 Springtown Way, Suite 104. (W. Parrish)

Vice-Chair Gleason closed the Public Hearing.

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

There were no additional speakers.

Vice-Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Dillon, seconded by Commissioner Baker, that CUP-19-04 (Blaze Pizza) be approved with the following conditions: 1.) The permit shall be valid for three (3) years, provided standards are met; and 2.) The permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 8 - Commissioner Baker, Commissioner Dillon, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Excused: 1 - Commissioner Garber

9. CUP-19-09 (242 North Guadalupe Drive-thru) Hold a public hearing and consider a request by Sean Twomey on behalf of Greater Texas Federal Credit Union for the use of a drive-thru located at 242 North Guadalupe Street. (W. Parrish)

Vice-Chair Gleason opened the Public Hearing.

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

Jason Goodman, Senior Vice President and Chief Operating Officer for the Greater Texas Federal Credit Union, 1124 Doves Landing Ct., Salado, TX spoke in favor of the item. He said he appreciates the City's work as we evaluate this project. They have

another branch in San Marcos on Cheatham St., so they look at this request as an amplification of their commitment to the community.

Lisa Marie Coppoletta, 1322 Belvin, spoke in opposition of the item. She said she doesn't know what NACTO guidelines are, but says when you look at the picture staff showed, it looks dangerous.

Vice-Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Baker, that CUP-19-09 (242 North Guadalupe Drive-thru) be denied. The motion carried by the following vote:

For: 8 - Commissioner Baker, Commissioner Dillon, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand, Commissioner Moore and Commissioner Kelsey

Against: 0

Excused: 1 - Commissioner Garber

- 10.** ZC-19-05 (510 West Hopkins Street) Hold a public hearing and consider a request by Matt Lewis, on behalf of Virgilio Altamirano, for a zoning change from "SF-6" Single Family to "ND-3.5" Neighborhood Density - 3.5, together with an associated Existing Neighborhood Regulating Plan for approximately 0.2551 acres, more or less, legally known as Lot 7, Block 3, Lindsey Harvey Addition, located at 510 West Hopkins Street, San Marcos, Texas.
(A.Villalobos)

Vice-Chair Gleason opened the Public Hearing.

Matt Lewis, applicant, 120 W. Hopkins St., gave a presentation of the request.

Virgilio Altamirano, owner, spoke in favor of the item. He said he is asking for zoning that is more compatible with the usage of the whole block, which is he says is the most reasonable use, that provides affordable housing to the community. He said SF-6 Zoning is not correct. He added that the zoning process is not a judicial system. If he has done something wrong, there are other processes where that can be addressed. He said the subject property is surrounded by multi-family and commercial properties. He also said they have talked to the neighbors across the street and they are in favor of the zoning change, including a City Council member that doesn't oppose.

Lisa Marie Coppoletta, 1322 Belvin, spoke in opposition of the item. She said that Staff talked about transportation stops and Hopkins St. improvements. She said Staff is guided by new urbanism ideology, and they forget about what they are doing to the neighborhood. She said like the domino effect, they are being upzoned. She said the Commission should be more critical when they hear works like sustainable development, affordable housing and transportation hub.

Kama Davis, 1312 Perkins St., spoke in opposition of the item. She said when we talk about Mixed Use, Commercial and Multi-Family Zoning in the area, we are only looking at a small area, and need to look at everything in the neighborhood in total. She said based on occupanacy and family rules, you could possibly be looking at nine people one house that was originally put for one family.

Thea Dake, 220 Johnson Ave, spoke in opposition of the item. She said it all depends on what you consider the start, middle or end of Hopkins St. She added that just because the beginning of the street shows a difference in the appearance in the use of those properties, doesn't mean that is how the entirety of the street is. She said it's been said that the area is trending toward commercial, but trends don't self start. She said they're started by those who have a vested interest, usually economical. She said those who oppose the trend have their own agenda, but with no secondary gain except to protect the neighborhood and maintain its historic feel, something single family housing fuels.

Amy Meeks, Willow Creek, spoke in opposition of the item. She said code compliance is one of the reasons she is speaking against it. She said she heard either the property owner or applicant say they were in code violation, and were requesting the zoning change so they would be in compliance. Another reason she opposes the change is because she believes it will create the domino effect which would negate the charm of the neighborhood. She added there are plenty of rental places availalbe in San Marcos so we don't need to convert single-family homes into rental properties.

Vice-Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Baker, that ZC-19-05 (510 West Hopkins Street) be recommended for denial. The motion carried by the following vote:

For: 7 - Commissioner Baker, Commissioner Dillon, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand and Commissioner Kelsey

Against: 1 - Commissioner Moore

Excused: 1 - Commissioner Garber

11. ZC-19-06 (524 West Hopkins Street) Hold a public hearing and consider a request by Matt Lewis, on behalf of Virgilio Altamirano, for a zoning change from "SF-6" Single Family to "ND-3.5" Neighborhood Density - 3.5, together with an associated Existing Neighborhood Regulating Plan for approximately 0.26 acres, more or less, legally known as Lot 5, Block 3, Lindsey Harvey Addition, located at 524 West Hopkins Street, San Marcos, Texas. (A.Villalobos)

Vice-Chair Gleason opened the Public Hearing.

Matt Lewis, applicant, 120 W. Hopkins St., gave a presentation of the request.

Virgilio Altamirano, owner, spoke in favor of the item. He said that the zoning change should have been taken care of way back. He said the City had given the rights at that time to the neighbors, not applying zoning laws uniformly and fairly. He said everyone got their rights, and he is the exception, not being left with the rights that everyone has. He said there is no guarantee that in the future the apartments in the back, or the commercial properties will put up more stories, and wonders what that will do for his rights. He said why would someone want to put their family in this location, when you're surrounded by multi-family, commercial, and you have 11,000 vehicles passing by on the front. He said if someone has the money, they can buy their kid the house for \$350,000, but if you don't have the money, you're completely out of luck to live in that house, and that's called discrimination.

Camille Phillips, PO Box 172, spoke in opposition of the item. She said the house is part of the Historic District, and we need to protect all of our neighborhoods. She said that people who go to zoning and urban planning school are now being talked into density. She said there's an exception to that because San Marcos is in flash flood alley, and the more density you have if there's lots of water, the more people you may have to rescue, and the more people you have displaced. She said Mr. Lewis was correct to divert the conversation away from affordable housing because she looked at the Apante website and their properties are not cheap.

Amy Meeks spoke in opposition of the item. She said the zoning conveys with the property regardless of the promises the owner makes. She said if the property is changed to an ND-3.5, it could be torn down, and multiple properties could be built on the site. She also said we need to take another look at ND-3s and whether they are ever acceptable in a single-family kinda neighborhood. She said she also agrees that Moore St. is a perfect deliniation line between business and neighborhoods.

Kama Davis, 1312 Perkinis St, spoke in opposition of the item. She said that if we allow upzoning at 510 and 524 W. Hopkins St. properties, it would be difficult to not allow it on the other end of Hopkins St. for Apante's other properties. She also said that if we allow the upzoning for this owner, then we'd have to allow it for others. She said if we start allowing Mixed Use and Commercial in stable existing neighborhoods we're going to have some problems because those neighborhoods will go away, and we're just going to have the new planned neighborhoods left.

Thea Dake, 220 N. Johnson, spoke in opposition of the item. She told the Commission that they had a difficult situation before them. She said she hopes that when the Historic Resources Survey is complete, a lot of the burden will be alleviated recommendations that are going to be made, and will hopefully increase the importance of maintaining our neighborhoods, particularly those that are historic. She said historic preservation is not just about the site, it's about the people who existed before us, and the stories that they have.

Diana Baker, 727 Belvin, spoke in opposition of the item. She said she is not against

renters or new urbanism. She said she can't think of a more successful neighborhood than the Historic District where people put use their own money to make it beautiful so people can walk down the streets and enjoy past and the history, and all of stories. She said they don't want to lose the neighborhood, and it is very fragile.

Vice-Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Dillon, that ZC-19-06 (524 West Hopkins Street) be recommended for denial.

The motion carried by the following vote:

For: 7 - Commissioner Baker, Commissioner Dillon, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Rand and Commissioner Kelsey

Against: 1 - Commissioner Moore

Excused: 1 - Commissioner Garber

NON-CONSENT AGENDA

12. Annual Code Update - Receive a presentation on the Annual Development Code Update timeline and process. (W. Parrish)

If Staff has workshops during the update process, the Commission recommends having them jointly with City Council.

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 8:32 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: