



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, April 28, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://sanmarcostx.gov/541/PZ-Video-Archives> to watch the live stream, or watch on Grande Channel 16 or Spectrum Channel 10.

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 Gleason at 6:00 p.m. on Tuesday, April 28, 2020 via Virtual Meeting due to COVID-19.

II. Roll Call

Present 9 - Commissioner Mike Dillon, Commissioner Matthew Haverland, Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, Commissioner William Agnew, Commissioner Mark Gleason, Commissioner Kate McCarty, and Commissioner Griffin Spell

III. Chairperson's Opening Remarks

EXECUTIVE SESSION

IV. 30 Minute Citizen Comment Period

There were no comments.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of April 14, 2020.
2. PC-19-41 (Trace Section A, PA 12) Consider a request by Caren Williams-Murch, on behalf of Highpoint Trace, LLC, to approve a Final Plat, consisting of approximately 21.758 acres, more or less, out of the William H. Van Horn Survey. (T. Carpenter)
3. PC-19-55 (Paso Robles - Kissing Tree Phase 4 D) Consider a request by Steve Crauford, on behalf of Carma Paso Robles, LLC, to approve the Preliminary Plat, consisting of approximately 34.94 acres, more or less, out of the John Williams Survey. (T. Carpenter)
4. PC-19-66 (Trace PA 1A, Section C) Consider a request by Caren Williams-Murch, on behalf of Highpoint Trace, LLC, to approve a Final Plat, consisting of approximately 13.861 acres, more or less, out of the William H. Van Horn Survey. (T. Carpenter)

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

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

PUBLIC HEARINGS

5. Receive a Staff presentation and hold a Public Hearing to consider a request by HK Real Estate Development for a Preferred Scenario Map Amendment from "Area of Stability-Low Intensity" to "Growth Area-Medium Intensity" for +/- 1,142 acres of land, more or less, located at the intersection of North Old Bastrop Highway and Staples Road. (S. Caldwell)

Chair Gleason opened the Public Hearing.

Shavon Caldwell, Planner, gave an overview of the request.

Cynthia Reyes Ibarra provided a written comment that was read aloud. She highlighted a 2011 report on Rancho Vista and Redwood that expressed the need for new septic tanks and that residents often attribute poor indoor air quality as a poor health contributor. She also mentioned a 2019 report by UT researchers, that said that some residents had been infected with roundworm, which may be attributed to poor septic tanks and raw sewage. She said the findings should be addressed.

Veronica Reyes-Ibarra, 1725 Ash St., San Marcos, TX provided a written comment that was read aloud. She expressed concerns about having to leave their homes. She said they are being pushed aside for a new development, and asked that the families that live in Ranch Vista and Redwood be considered when deciding what to build.

Elly Del Prado Dietz provided a written comment that was read aloud. She said the residents of Ranch Vista do not want the new road added.

MaryBeth Harper provided a written comment that was read aloud. She said a sewage package plant would discharge into the San Marcos River, and should not be allowed. She also expressed flooding concerns, loss of waterbird habitat, and the need to improve roads.

Mary Lou Rocha provided a written comment that was read aloud. She expressed concerns, asking several questions including the affiliation between the developer and the Freeman Educational Foundation, how residents would be affected by the development, the effect on property taxes and traffic, whether residents would be able to connect to City utilities, if residents would have to consider selling their properties, and rain run-off.

Jennifer DeLaCruz, 2025 Ash St., San Marcos, TX provided a written comment that was read aloud. She's a resident of Rancho Vista and expressed concerns about the request. She also stated that being in an "Unincorporated Area" has caused problems. She also expressed concerns about the proposed new road, and how the proposed request would affect property taxes, flooding, and school rezoning.

Brady Baggs, applicant, said they are working with local government on providing a desire for workforce housing. He said they are working with the City to ensure their project addresses the preservation of acreage along the river, and flooding issues. He said their hope it to have a successful project by brining single and multi-family, commercial, and workforce housing to the area.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Spell, seconded by Commissioner Gleason to approve PSA-20-20.

A motion was made by Commissioner Rand, seconded by Commissioner McCarty, that PSA-20-20 be amended so that: Current residents of Rancho Vista and Redwood shall be protected against eminent domain and seizure of property connected with the PSA Amendment. The motion carried by the following vote:

For: 5 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Gleason and Commissioner McCarty

Against: 1 - Commissioner Spell

Abstain: 3 - Commissioner Moore, Commissioner Kelsey and Commissioner Agnew

A motion was made by Commissioner Rand, seconded by Commissioner Dillon, that PSA-20-20 be amended so that: When pipes are being planned for water and waste water for the proposed development, that it be done with a goal of improving health and well-being of the Redwood community. The motion carried by the following vote:

For: 8 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

Absent: 1 - Commissioner Kelsey

Chair Gleason called for a vote on the main motion with the following conditions: 1.) Current residents of Rancho Vista and Redwood shall be protected against eminent domain and seizure of property connected with the PSA Amendment; and
2.) When pipes are being planned for water and waste water for the proposed development, that it be done with a goal of improving health and well-being of the Redwood community. The motion carried by the following vote:

For: 8 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

Absent: 1 - Commissioner Kelsey

- 6.** CUP-20-09 (The Co Kitchen) Hold a public hearing and consider a request by the Co Kitchen for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 801 Chestnut Street. (T. Carpenter)

Chair Gleason opened the Public Hearing.

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

Pasqual Boudreau, applicant, 365 Golden Eagle Loop, Canyon Lake, TX was online and available for questions.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Haverland, second by Commission Rand, that CUP-20-09 (The Co Kitchen) be approved.

A motion was made by Commissioner Gleason, seconded by Commissioner McCarty, that CUP-20-09 (The Co Kitchen) be amended so that: Open containers shall not be allowed to leave the premises. The motion carried by the following vote:

For: 5 - Commissioner Haverland, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 2 - Commissioner Rand and Commissioner Moore

Absent: 1 - Commissioner Kelsey

Recused: 1 - Commissioner Dillon

A motion was made by Commissioner McCarty to amend the main motion so

that amplified live music shall only be allowed on the premises between the hours of 11 a.m. - 9 p.m. on Friday and Saturday. The motion failed for lack of second.

Chair Gleason 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.) Outdoor amplified music on the property shall be limited to the hours between 11 am and 10 pm; 3.) The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 50 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; 4.) All food trucks operating on the property must maintain a current health and fire permit; 5.) The permit shall be effective upon the issuance of the TABC license; 6.) The permit shall be posted in the same area and manner as the Certificate of Occupancy; and 7.) Open containers shall not be allowed to leave the premises. The motion carried by the following vote:

For: 7 - Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

Absent: 1 - Commissioner Kelsey

Recused: 1 - Commissioner Dillon

7. ZC-20-04 (Mystic Canyon) Hold a public hearing and consider a request by Bill E. Couch, on behalf of Kali Kate Services Inc., for a zoning change from "FD" Future Development, "CC" Community Commercial, and "P" Public and Institutional to "SF-6" Single Family, for approximately 5.217 acres, more or less, out of the Benjamin J. White, Thomas Forsith, Elijah Clark, and Robert H. Williams Surveys, generally located west of the intersection of Old Ranch Road 12 and Craddock Avenue. (T. Carpenter)

Chair Gleason opened the Public Hearing.

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

Bill Coven mentioned that he was available for questions.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner McCarty, seconded by Commissioner Dillon, that ZC-20-04 (Mystic Canyon) approved. The motion carried by the following vote:

For: 7 - Commissioner Dillon, Commissioner Rand, Commissioner Moore, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

Absent: 1 - Commissioner Kelsey

Recused: 1 - Commissioner Haverland

8. ZC-20-06 (Centerpoint HC Zoning) Hold a public hearing and consider a request by Benjamin Green, on behalf of Outlet West Investors Limited, for a zoning change from "FD" Future Development to "HC" Heavy Commercial, for approximately 7.959 acres, more or less, out of the Edward Burleson Survey No. 18, Abstract No. 63, Hays County, generally located in the 400 Block of Centerpoint Road. (A. Villalobos)

Chair Gleason opened the Public Hearing.

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

Benjamin Greene, Civil Engineer on the project, was available for questions.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Dillon, seconded by Commissioner Haverland, that ZC-20-06 (Centerpoint HC Zoning) be approved. The motion carried by the following vote:

For: 8 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

Absent: 1 - Commissioner Kelsey

9. ZC-20-07 (Palace Way LI) Hold a public hearing and consider a request by Jim Glasgow, on behalf of Palace Way Partners, LLC., for a zoning change from "FD" Future Development to "LI" Light Industrial, for approximately 14.90 acres, more or less, out of the Thomas G. McGehee Survey, Abstract No. 11, Hays County, located at 4087 Hwy 21. (A. Villalobos)

Chair Gleason opened the Public Hearing.

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

David Joyner, applicant, gave a presentation on the Industrial Park, and was available for questions.

Paul Hennington, 4 Cow Trail, San Marcos, TX provided a written comment that was read aloud. He mentioned some deed restrictions that were filed in 1999 on the property, including that they shall be use for residential purposes, no single-wide manufactures homes are allowed, no subdivided tracts smaller than 5 acres, restrictions are effective for 20 years from date of filing, extension of deed restrictions for 10-year periods

successively, and amendments to deed restrictions can only be done during the last year of a 10-year period signed by 75% or more of tract owners. He also addressed concerns for drainage and wildlife.

Jim Glasgow, applicant, 6531 Foxrun, San Antonio, TX, said the deed restrictions were changed last year. He also gave an overview of the Industrial Park.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Haverland, seconded by Commissioner McCarty, that ZC-20-07 (Palace Way LI) be approved. The motion carried by the following vote:

For: 8 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

Absent: 1 - Commissioner Kelsey

10. ZC-20-08 (Palace Way MH) Hold a public hearing and consider a request by Jim Glasgow, on behalf of Palace Way Partners, LLC., for a zoning change from "FD" Future Development to "MH" Manufactured Home, for approximately 44.69 acres, more or less, out of the Thomas G. McGehee Survey, Abstract No. 11, Hays County, located at 4087 Hwy 21. (A. Villalobos)

Chair Gleason opened the Public Hearing.

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

Jim Glasgow provided a presentation of the request.

Paul Hennington, 4 Cow Trail, San Marcos, TX provided a written comment that was read aloud. He mentioned some deed restrictions that were filed in 1999 on the property, including that they shall be use for residential purposes, no single-wide manufactures homes are allowed, no subdivided tracts smaller than 5 acres, restrictions are effective for 20 years from date of filing, extension of deed restrictions for 10-year periods successively, and amendments to deed restrictions can only be done during the last year of a 10-year period signed by 75% or more of tract owners. He also addressed concerns for drainage and wildlife.

Chair Gleason closed the Pubic Hearing.

A motion was made by Commissioner McCarty, seconded by Commissioner Dillon, that this ZC-20-08 (Palace Way MH) be approved. The motion carried by the following vote:

For: 7 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Agnew, Commissioner Gleason and Commissioner McCarty

Against: 0

Absent: 2 - Commissioner Kelsey and Commissioner Spell

11. Hold a Public Hearing of the 2021-2030 Capital Improvement Program (CIP). (L. Moyer)

Chair Gleason opened the Public Hearing.

Kayla Foxworth, CIP Coordinator, gave an overview of the request.

Lisa Marie Coppoletta, 1322 Belvin, San Marcos, TX provided a written comment that was read aloud. She said it's the second time she's asked the Commission to investigate the Complete Streets Sidewalk Program. She said there's never been any direction on where sidewalks should go, and no direction on the protection of Heritage Live Oaks. She said the project has ruined her Live Oaks and property value, and now her block floods more than ever.

Chair Gleason closed the Public Hearing.

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 10:30 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: