



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, March 23, 2021

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> 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 Garber at 6:00 p.m. on Tuesday, March 23, 2021 via Virtual Meeting due to COVID-19.

II. Roll Call

Present 8 - Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, Commissioner Griffin Spell, Commissioner Jim Garber, Commissioner William Agnew, Commissioner Zachariah Sambrano, and Commissioner Lupe Costilla

Excused 1 - Commissioner Kate McCarty

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta, 1322 Belvin, says that the Mayor either interrupts, corrects, or mutes her at every meeting. She also mentioned footage she has regarding speed bumps on her street.

EXECUTIVE SESSION

PUBLIC HEARINGS

1. CUP-21-03 (Windemere Event Venue) Hold a public hearing and consider a request by Ed Theriot, on behalf of Eden Farms, Ltd. for a Conditional Use Permit to allow the use of a Special Events Facility at 200 Windemere Road (W. Rugeley).

Chair Garber opened the Public Hearing.

William Rugeley, Planner, gave an overview of the request.

Jason Roberts, applicant, said they have followed conservation easement on Windemere. He said they doing a family-run wedding event business.

Ed Theriot, 5395 US Hwy 183 N., Lockhart, TX, said they have worked closely with staff, and support the recommendation for approval.

Christina Casas-Moreno, 703 Lime Kiln Rd., asked how the event facility would effect noise and light pollution given her close proximity to the center. She also said she has come environmental concerns.

Diane Wassenich, 11 Inglewood, said a conservation easement has been placed on the Geiger tract. She also said the wedding venue would be far from any land owners. She said that those involved with the San Marcos River Foundation were excited about the project. She added that the vegetated land will now allow the recharge to happen down into the rocks. She also said the over land runoff will go into Spring Lake.

Lisa Marie Coppoletta, 1322 Belvin, said it's clear the applicant has not reached out to its neighbors, and there should have been more dialogue with them.

Kevin Katz, 719 Aquifer Oaks Tail, provided written comments that were read aloud. He expressed noise and traffic concerns, and said it was unclear whether the facility would be used as a concert venue.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Moore, seconded by Commissioner Kelsey, that CUP-21-03 (Windemere Event Venue) be approved.

A motion was made by Commissioner Agnew, seconded by Commissioner Costilla, that the main motion be amended so that: Adequate traffic control shall be required during events. The motion carried by the following vote:

For: 6 - Commissioner Rand, Commissioner Moore, Commissioner Spell, Commissioner Garber, Commissioner Agnew and Commissioner Costilla

Against: 2 - Commissioner Kelsey and Commissioner Sambrano

Excused: 1 - Commissioner McCarty

Chair Garber called for a vote on the main motion with the following conditions: 1.) CUP shall authorize only those improvements illustrated on the site plan and floor plan; 2.) The access drive shall not be located within the required protective yard; 3.) The permit shall be effective upon the issuance of a Certificate of Occupancy; 4.) CUP shall not expire except as provided by Section 2.8.3.5.B of the Development Code; 5.) Use Standards for a Special Event Facility shall apply; and 6.) Adequate traffic control shall be required during events. The motion carried by the following

vote:

For: 8 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Against: 0

Excused: 1 - Commissioner McCarty

2. CUP-20-22 (Tantra Mixed Beverage) Hold a public hearing and consider a request by Mike LeFevre for a Conditional Use Permit to allow the sale of Mixed Beverages for on premise consumption at 217 West Hopkins Street (S. Caldwell).

Chair Garber opened the Public Hearing.

Shavon Caldwell, Planner, gave overview of the request.

Eli Zablosky, 2011 Castlegate Circle, applicant, said they spent an entire year making the business more sustainable, including changing their process for inventory management, and costs. He added that they've had to reevaluate their strategies during the pandemic. He said their surveys revealed added alcohol options, and continuing live music resonated with those surveyed.

Lisa Marie Coppoletta, 1322 Belvin, said she thinks serving hard liquor there is a bad idea. She said there's people who live around there, and their operations should be shut down earlier.

Written Comments read aloud:

Clay DeStefano, 222 W. San Antonio St., spoke on behalf of the Price Center. He said the Center does not object to Tantra expanding its liquor license.

Nicolas Thomas, 212 W, San Antonio St., spoke on behalf of Lyndall Brakes. He said the shop is in favor of Tantra expanding its license to full bar service. He said it would increase foot traffic and tourism.

Luke Adamson wrote in support of Tantra receiving its liquor CUP. He said they are a staple of the community, and that small businesses are the backbone of the town.

Travis Roper wrote on behalf of Rusty Dusty in support of Tantra receiving the CUP. He said the location has been an avenue for up and coming artists.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Spell, seconded by Commissioner Moore, to approve CUP-20-22 (Tantra MIXed Beverage).

A motion was made by Commissioner Garber, seconded by Commissioner Agnew, to amend the main motion so that: No outdoor amplified live music

shall be allowed past 10 pm.

Chair Garber revised his original motion so that: No outdoor amplified live music shall be allowed past 10:30 p.m. It was seconded by Commissioner Agnew. The motion carried by the following vote:

For: 6 - Commissioner Rand, Commissioner Moore, Commissioner Spell, Commissioner Garber, Commissioner Agnew and Commissioner Costilla

Against: 1 - Commissioner Sambrano

Recused: 1 - Commissioner Kelsey

Excused: 1 - Commissioner McCarty

A motion was made by Commissioner Spell, seconded by Commissioner Agnew, to amend the main motion so that: The start of amplified live music shall be 2 p.m, Commissioner Spell revised his motion, and it was seconded by Commissioner Spell so that: The start of outdoor amplified live music shall start at 10 a.m. on Saturday and Sunday, and 2 p.m. on weekdays. The motion carried by the following vote:

For: 5 - Commissioner Moore, Commissioner Spell, Commissioner Garber, Commissioner Agnew and Commissioner Costilla

Against: 2 - Commissioner Rand and Commissioner Sambrano

Recused: 1 - Commissioner Kelsey

Excused: 1 - Commissioner McCarty

Chair Garber called for a vote on the main motion with the following conditions: 1.) The permit shall be valid for one (1) year, provided standards are met; 2.) The establishment shall not pursue nor hold a TABC Late Hours permit; 3.) Outdoor amplified music shall be limited to the hours between 10 am and 10:30 pm. on Saturday and Sunday, and 2 pm and 10:30 pm on weekdays. 4.) The applicant shall provide dumpster facilities that meet minimum standards in Section 7.2.5.1 and Section 7.2.6.3 of the San Marcos Development Code; 5.) The permit shall be effective upon the issuance of a Certificate of Occupancy; and 6.) The permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 7 - Commissioner Rand, Commissioner Moore, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Against: 0

Recused: 1 - Commissioner Kelsey

Excused: 1 - Commissioner McCarty

3. PDD-16-02(A) (Holt Tract PDD Extension) Hold a public hearing and consider a request by Greg Gitcho, Leadoff Investments LLC, on behalf of Kim Gunnarson, to extend the development rights time period by five years, for approximately 4.78 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, Hays County, Texas, located at 2158 Interstate Highway 35 (S. Caldwell).

Chair Garber opened the Public Hearing.

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

Greg Gitcho, applicant, 4212 Prickly Pear Dr., Austin, TX, was available to answer questions.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Spell, that PDD-16-02(A) (Holt Tract PDD Extension) be recommended for approval. The motion carried by the following vote:

For: 8 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Against: 0

Excused: 1 - Commissioner McCarty

4. ZC-20-12 (Steen Road) Hold a public hearing and consider a request by Mike Siefert, on behalf of Lookout Partners, L.P., for a Zoning Change from Future Development (FD) to Single Family 6 (SF-6), or with the consent of the owner, another less intense zoning district classification, subject to the addition of certain restrictive covenants, for approximately 14.71 acres out of the J.W. Berry Survey, located near the 1500 block of N LBJ Drive (Steen Road). (T. Carpenter)

Chair Garber opened the Public Hearing.

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

Mike Siefert, applicant, said since the last time the project was before the Commission, they restricted the proposed density, and increased lot sizes. He said it was back before the Commission with deed restrictions.

Naomi Coleman-Medina, 5 Timbercrest, said she was against the original proposal because it seemed like the applicant was just placing as many homes as he could on the property. She said she's good with people having a home to live in, but the integrity and safety of the neighborhood needs to be preserved.

Harold Stern, 201 Oakridge Dr., said the Commission denied the request last time expressing concerns regarding safety, environmental and neighborhood compatibility. He said when it went to City Council, they expressed concerns regarding traffic on LBJ Dr. He added that the proposal does not meet the existing character of the neighborhood. He suggested the applicant meet with neighbors before the Commission approved.

Diane Eure, 11 Timbercrest, said the request should be denied because the proposed density would impact the current neighborhood character. She also expressed concerns for safety, infrastructure, wildlife and water quality. She added the square footage of the lots need to be a third of an acre or 14,000 sq. ft. She said smaller lot sizes may lead to a rental neighborhood, and a transient student neighborhood.

Written Comments read aloud:

Pam House, 109 Oakridge Dr., noted several concerns regarding the zoning change. These concerns included potential density of the area, displacement of wildlife, and increased traffic.

Dan Caldwell, 3 Timbercrest, said he was in favor of the project if the lot size was a minimum 14,460 sq. ft., and the character of the neighborhood was maintained.

Charles Hurt, 9 Timbercrest St., said he opposed the current plans for the project. He expressed concerns for their property values, and proposed lot sizes. He added there has been a lack of communication from Mr. Siefert.

Lee Elliott Stern, Oakridge Dr., wrote in opposition of the rezoning based on aesthetic, environmental and economic concerns. He added that the character of the neighborhood will decline, and runoff could flow into Sink Creek.

Melonie Caldwell, 3 Timbercrest, expressed concerns regarding safety, traffic, drainage and wildlife relocation. She said that a minimum 14,460 lot requirement would keep the integrity of the Tanglewood Subdivision.

Bobbie Gilbert, 15 Timbercrest St., expressed concerns for traffic congestion, and for fire trucks and school buses having a problem getting in and out of the area. She also expressed concerns for water problems. She said the area should be used for a park.

John Casseb said the request should be denied, and expressed concerns for lack of transparency and honest discussion with the developer, lot size, environmental and traffic concerns, and neighborhood integrity.

Diane Osborne, 1 Timbercrest St., said the zoning change should be denied. She expressed traffic and environmental concerns, and neighborhood integrity and character being compromised.

Lucille Montondon, said homeowners on Meadows Parkway and Elm Hill are dissatisfied by the shortcuts taken by the developer when building their homes. She added that the developer maximized profits with the size of the lots, and many of the homes in the area have become rental properties.

George Gilbert said the Commission should deny the request. He expressed concerns about impacting current neighborhood character, wildlife and water quality because of the proposed density of the project. He also expressed increased traffic concerns, and a concern about the area becoming a rental neighborhood.

Julie House, 109 Oakridge Dr., expressed concerns regarding infrastructure, increase in noise, wildlife displacement, and increased traffic, and mentioned an auto accident she had in the area on March 1.

Lisa Marie Coppoletta, 1322 Belvin, said the code consultants promised a neighborhood plan that was never delivered. She said if it had, this item wouldn't be on the table. She expressed concerns about flooding downhill. She said animals, the Aquifer Recharge Zone, Sink Creek, safety, crime, noise, and smells are all concerns.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Rand, that ZC-20-12 (Steen Road) be recommended for denial. The motion carried by the following vote:

For: 6 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Garber, Commissioner Agnew and Commissioner Costilla

Against: 2 - Commissioner Spell and Commissioner Sambrano

Excused: 1 - Commissioner McCarty

5. ZC-20-26 (Blanco Riverwalk CC to HC) Consider a request by Robert W. McDonald III, on behalf of BR2020 Land Bank LLC, for a zoning change from Community Commercial (CC) to Heavy Commercial (HC), or with the consent of owner, another less intense zoning district classification, subject to the addition of certain restrictive covenants, for approximately 15.2331 acres out of Lot 1, Block F of the Blanco Riverwalk Subdivision, located in the 400 Block of Riverway Avenue (S. Caldwell)

Chair Garber opened the Public Hearing.

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

Lisa Marie Coppoletta, 1322 Belvin, said the applicant should have spoken on behalf of the item. She said this is the worst place to put a boating facility, in the flood zone.

Chair Garber closed the Public Hearing.

6. ZC-21-03 (Blanco Riverwalk Multifamily MU to CD-5) Hold a public hearing and consider a request by Cuatro Consultants, Ltd, on behalf of BR 2020 Land Bk, LLC, for a Zoning Change from Mixed Use (MU) to Character District-5 (CD-5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 21.22 acres described as Lot 1B, Block C in the Replat of Blanco Riverwalk Subdivision Lot 1, Block C, located at 501 Chuck Nash Loop.(Julia Cleary)

Chair Garber opened the Public Hearing.

Julia Cleary, Planner, gave an overview of the request.

Hugo Elizondo, applicant's representative, said they understand the sensitivity of the floodplain. He said they disagree with staff's recommendation. They'd like to rezone the entire 21 acres. He added that the plat notes call for low-impact design. He also said they worked with staff in determining CD-5 would be the best fit for the area.

Mac Jones, 5946 Cape Coral, Austin, TX, said he is the proposed purchaser of the land, and developer of the project. He added that he was part of the development of the Fitzroy Apartments in San Marcos, and was familiar with the City's building codes and requirements.

Lisa Marie Coppoletta, 1322 Belvin, said if they were seasoned developers they would know they're building in a flood zone, and are putting people's lives in danger.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Moore, seconded by Commissioner Spell, that ZC-21-03 (Blanco Riverwalk Multifamily MU to CD-5) be recommended for approval with staff the recommendation to rezone the northern 13.3 acres only. The motion failed by the following vote:

For: 1 - Commissioner Moore

Against: 7 - Commissioner Rand, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Excused: 1 - Commissioner McCarty

A motion was made by Commissioner Kelsey, seconded by Commissioner Rand, that ZC-21-03 (Blanco Riverwalk Multifamily MU to CD-5) be recommended for denial. The motion carried by the following vote:

For: 8 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Against: 0

Excused: 1 - Commissioner McCarty

V. Adjournment

A motion was made by Commissioner Kelsey, seconded by Commissioner Spell, that the meeting be adjourned. The meeting was adjourned at 10:41 p.m. The motion carried by the following vote:

For: 8 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Against: 0

Excused: 1 - Commissioner McCarty

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:
