



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, April 13, 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 6:09 p.m. on Tuesday, April 13, 2021 via Virtual Meeting due to COVID-19.

II. Roll Call

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

Absent 1 - Commissioner Griffin Spell

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

1. Lisa Marie Coppoletta, 1322 Belvin, said the under the Gap Program her yard has been butchered, and she now has flooding on her block. She added that she has concerns about how CIP has been rolled out because we don't know how the GAP Program is being funded. She said there's no vetting process when it comes to the CIP Program.

EXECUTIVE SESSION

PRESENTATIONS

1. Receive a staff presentation on the 2022-2031 Capital Improvement Program.

Laurie Moyer, Director of Engineering and Capital Improvements, gave a presentation of the request.

CONSENT AGENDA

2. Consider approval of the minutes of the regular meeting of March 9, 2021.

3. PC-20-12 (La Cima Amenity Center Final Plat) Consider a request by Doucet & Associates, Inc, on behalf of LCSM Ph. 3, LLC, for approval of a Final Plat for approximately 8.7 acres, more or less, out of the John Williams Survey, Abstract No. 490, located on Central Park Loop within the La Cima Development. (A. Brake)
4. PC-20-13 (Trace PA 2B Section C) Consider a request by Caren Williams-Murch, on behalf of Highpoint Trace, LLC, to approve a Final Plat, consisting of approximately 15.308 acres, more or less, out of the William H. Van Horn Survey generally located at the intersection of Lt. John Decker Drive and Posey Road. (A.Villalobos)
5. PC-20-61 (Paso Robles Phase 4C Final Plat) Consider a request by Pape-Dawson Engineers Inc., on behalf of Carma Paso Robles, LLC, for a Final Plat of approximately 33.784 acres, more or less, out of the Johns Williams Survey located near the intersection of Dancing Oak Way and Playing Cypress Drive (T. Carpenter)

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

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

Against: 0

Absent: 1 - Commissioner Spell

PUBLIC HEARINGS

6. CUP-21-04 (Wonder World & Craddock Gas Station) Hold a public hearing and consider a request by Sarah Corona, on behalf of C&G Dev, Inc. for a Conditional Use Permit to allow a Convenience Store with Gas Sales at 1390 Wonder World Drive (W. Rugeley).

Chair Garber opened the Public Hearing.

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

Inayat Marediya, 10025 Dianella Ln, Austin, TX, said they have developed a similar fuel station in Austin, and will meet all environmental, City of San Marcos and TCEQ requirements for the site. He said they want to meet the needs of the community. He added that during the recent winter storm event, they were open and able to provide goods and services when other stores were not.

Sarah Corona, 2205 W. Parmer Ln., said they have recently done development that are near the Edwards Aquifer Recharge Zone, and are very familiar with TCEQ requirements. She added they often use a triple-walled tank to help prevent leaks.

Wayne Becak, 1009 Stagecoach Trl, represents the present owners of the property. He said the owners entered a development agreement with the City of San Marcos and were granted community commercial zoning. He said the project meets the development agreement requirements, subject to the CUP. He added the store will help relieve traffic congestion at other locations in the City. He said the aquifer and river would be protected.

Written Comments that were read aloud:

1. Margo Case, 3876 Paso del Robles, asked the Commission not to approve a gas station in this location because of concerns for aquifer and its recharge zone.
2. Virginia Condie, San Marcos River Foundation, said she hopes the Commission leaves the property with its original zoning. She added that a lot of thought went into the Community Commercial zoning in regards to the recharge zone.
3. Mario Contreras asked the Commission to deny the request. She said denying the request would protect the wildlife community, encourage less vehicle use, and protect drinking water.
4. Kama Davis said the Commission should deny the request. She said denying the request would protect the Edward's aquifer and wildlife. She also said it would encourage less car use, and prevent oil run-off. She added there's not a need for an additional gas station in the area.
5. Kurt Waldhauser said the Commission should refer to Kama Davis' submitted comments.
6. Robert Eby, 1007 Dale Dr., said the Commission should deny the request, saying it was not consistent with the neighborhood. He added that it would be a violation of the no curb agreement on Wonderworld.
7. Jonathan Grant, 1100 Mountain View, said the Commission should not approve the request. He said Spring Lake and the San Marcos river should be kept in mind.
8. June Hankins said the Commission should vote no on the request over the Edwards Aquifer, saying a leak at the gas station and car wash could damage the water quality and wildlife.
9. Gil Hodges said the location over the Edwards Aquifer Recharge Zone should not be used for a car wash or gas station. He said the proposed use is inconsistent with the Master Plan.
10. Lois Kertesz, 200 Stonehaven, said a gas station at this location in the recharge zone is a terrible idea.

11. Jettie Koen asked what type of landscape berm will be constructed, and whether a geological assessment showed the presence of epikarst in the area.
12. Mike and Michelle Koen said the proposal goes against the Master Plan.
13. Jackie Loreda, 1904 Gibraltar Dr., said the City needs to consider the changes being done in relation to the aquifer.
14. Paul Murray said the request is over the Edwards Aquifer Recharge Zone, and inconsistent with the Master Plan. He said it should be denied and doesn't see how it has gotten this far.
15. Camille Phillips, PO Box 172, said the item should be denied because it does not fit with the Master Plan, potential leaks from the gas station could contaminate the recharge zone, there are other nearby gas stations, and that it would take away from the attractiveness of the area.
16. Allison Pufal said the Commission should vote no to the request. She expressed concerns for the environment and water source. She also said there were nearby gas stations.
17. Joe Schneider expressed traffic concerns with the proposed request.
18. Chana Temple, 104 Camaro Way, said our water should be a top priority. She asked how much we've built over the Edwards Aquifer Recharge Zone.
19. Tom Wassenich, 11 Tanglewood, said the Commission should deny the request. He said the proposed site over the recharge zone is inconsistent with the City's Master Plan. He added that there's agreements for no more curb cuts on Wonder World Dr.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner McCarty, that CUP-21-04 (Wonder World & Craddock Gas Station) be denied. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Spell

7. CUP-21-06 (CRAFTHouse CUP Renewal) Hold a public hearing and consider a request by Allen Shy, on behalf of ShyPenn LTD., for a renewal of an existing Conditional Use Permit to

allow the sale of mixed beverages for on-premise consumption at 242 N LBJ Drive, Suite 103 (W. Rugeley).

Chair Garber opened the Public Hearing.

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

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Agnew, seconded by Commissioner Sambrano, that CUP-21-06 (CRAFTHouse CUP Renewal) be approved with the following conditions: 1.) The permit shall be valid for three (3) years, provided standards are met, subject to the point system; 2.) The permit shall be posted in the same area and manner as the Certificate of Occupancy; and 3.) Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of a Restricted Conditional Use Permit. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Spell

Recused: 1 - Commissioner Kelsey

8. CUP-21-07 (Cracker Barrel CUP) Hold a public hearing and consider a request by CB Portfolio Owner LLC, on behalf of CBOCS Texas LLC, for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 4321 S. IH 35 (W. Rugeley).

Chair Garber opened the Public Hearing.

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

Mark Evans, 6735 Chesterbrook Dr., San Antonio, TX said all of the other restaurant locations he's responsible for have received approval for alcohol on the premises. He added there will be limited drink options with no hard liquor.

Catherine Chamblee, 511 W. 7th St., Austin, TX, attorney for the applicant, said primary sales at the restaurant will be food and general merchandise, not alcohol.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Sambrano, that CUP-21-07 (Cracker Barrel CUP) be approved with the following conditions: 1.) Where missing along the I IH 35 access road, a live landscape screen similar in height to the existing landscape screen shall be

installed to form a continuous landscape screening hedge; 2.) The permit shall become effective only upon the issuance of a TABC license; 3.) The permit shall be valid for one (1) year, provided standards are met; and 4.) 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 Rand, Commissioner Moore, Commissioner Kelsey, Commissioner McCarty, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Against: 0

Absent: 1 - Commissioner Spell

9. CUP-21-09 (Oaks of San Marcos) Hold a public hearing and consider a request by Charles Teeple, on behalf of Daxaben Patel, for a Conditional Use Permit to allow the use of a Loft Apartment at 1635 Aquarena Springs Drive. (T. Carpenter)

Chair Garber opened the Public Hearing.

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

Charles Teeple, 1708 Rockmore, Austin, TX, applicant, said the existing hotel is in urgent need of repair. They want to transform it to studio apartment use. He added that they feel the 85-ft. buffer of open lawn behind the single family homes is adequate. He added it would be impossible to meet the landscaping and irrigation requirements of Condition #3 without rebuilding all three lots.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Moore, seconded by Commissioner Costilla to approve CUP-21-09 (Oaks of San Marcos) with staff recommendations and applicant changes.

A motion was made by Commissioner Sambrano, seconded by Commissioner Kelsey, to amend the main motion so that condition #10: "The dog park shall be closed from 9:00pm to 8:00am." be removed. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Spell

Chair Garber called for a vote on the main motion with the following

conditions: 1.) All nonconforming signs shall be removed from the property; 2.) The site shall meet all interior lot landscaping requirements associated with multifamily development; 3.) The site shall meet the bicycle parking requirements associated with multifamily development; 4.) The site shall meet the mailbox location and design requirements associated with multifamily; 5.) The site shall meet the pedestrian access and circulation requirements associated with multifamily development; 6.) The developer shall pay the required parkland dedication and parkland development fees in lieu associated with multifamily development; and 7.) If another use other than loft apartment occupies any portion of the site, the minimum parking requirements for all uses must be met. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Spell

- 10.** CUP-21-08 (153 Horsemint Way Accessory Dwelling Unit) Hold a public hearing and consider a request by Caren Murch, Highpoint Trace LLC, on behalf of Pacesetter Homes LLC, for a Conditional Use Permit to allow the construction of an Accessory Dwelling Unit at 153 Horsemint Way (S. Caldwell)

Chair Garber opened the Public Hearing.

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

Caren Williams Murch, 144 Sage Meadows Dr., said this will be an efficiency apartment above a garage. She said they went through the CUP application process so neighbors would know this type of unit was going in, and allow them to express concerns. She added that vacation rentals by owners would not be allowed.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Moore, seconded by Commissioner Sambrano, that CUP-21-08 (153 Horsemint Way Accessory Dwelling Unit) be approved with the following conditions: 1.) The CUP shall authorize only those improvements as illustrated on the submitted site plan, elevations, and floor plan; 2.) The maximum height of the accessory dwelling unit shall not exceed 24 feet; 3.) The maximum square footage of the habitable area of the accessory dwelling unit shall be limited to ½ the habitable area of the primary building or 1,000 feet, whichever is smaller; and 4.) One additional on-site parking space located within the second or third layer of the lot shall be provided. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Spell

11. CUP-21-11(149 Horsemint Way Accessory Dwelling Unit) Hold a public hearing and consider a request by Caren Murch, Highpoint Trace LLC, on behalf of Pacesetter Homes LLC, for a Conditional Use Permit to allow the construction of an Accessory Dwelling Unit at 149 Horsemint Way (S. Caldwell)

Chair Garber opened the Pubic Hearing.

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

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Sambrano, seconded by Commissioner McCarty, that CUP-21-11(149 Horsemint Way Accessory Dwelling Unit) be approved with the following conditions: 1.) The CUP shall authorize only those improvements as illustrated on the submitted site plan, elevations, and floor plan; 2.) The maximum height of the accessory dwelling unit shall not exceed 24 feet; 3.) The maximum square footage of the habitable area of the accessory dwelling unit shall be limited to ½ the habitable area of the primary building or 1,000 feet, whichever is smaller; and 4.) One additional on-site parking space located within the second or third layer of the lot shall be provided. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Spell

12. ZC-20-25 (Legacy Square Senior Housing) Hold a public hearing and consider a request by Jeffrey L. Kittle, Kittle Property Group, Inc., on behalf of James Smith Jr., Smithco Redwood, LLC., for a Zoning Change from Future Development (FD) to Character District-5 (CD-5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 21 acres out of the Barnett O. Kane Survey, Abstract No. 281, Hays County, Texas, located at the Northeast Corner of Redwood Rd and S Old Bastrop Hwy. (A.Villalobos)

Chair Garber opened the Public Hearing.

Andrea Villalobos, Planning Manager, gave an overview of the request.

Brad Williams, 2728 N. Harwood St., Dallas, applicant representative, said they would have been happy with a classification that would have narrowed the uses of the property

to address some of the concerns coming in. He added that he has concerns about the application for the single-family preservation buffer, and whether the calculation has been done properly.

Jessica Mullins, 3431 Rayford Rd., Spring, TX, applicant representative, said these units will serve low to moderate income residents age 55 and up. She added that about 50 percent of the units contemplated are single-story cottage-style.

Chair Garber closed the Public Hearing.

A motion was made that ZC-20-25 (Legacy Square Senior Housing) be recommended for approval. The motion carried by the following vote:

For: 6 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner McCarty, Commissioner Garber and Commissioner Sambrano

Against: 2 - Commissioner Agnew and Commissioner Costilla

Absent: 1 - Commissioner Spell

13. AC-21-02 (Legacy Square Senior Housing) Hold a public hearing and consider a request by Jeffrey L. Kittle, Kittle Property Group, Inc., on behalf of James Smith, Jr., Smithco Redwood, LLC., for an Alternative Compliance to the minimum two-story requirements in Section 4.3.4.4 of the Development Code for a proposed senior residential housing development located at the Northeast corner of Redwood Rd and S Old Bastrop Hwy (A. Villalobos)

Chair Garber opened the Public Hearing.

Andrea Villalobos, Planning Manager, gave an overview of the request.

Brad Williams - said the corner of the property will be commercial. He added that they do not plan on building five stories. He said they have asked staff about ways to restrict height and use further, but are limited because of the Code.

Chair Garber closed the Public Hearing.

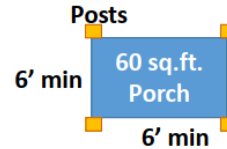
A motion was made by Commissioner Sambrano, seconded by Commissioner Kelsey, that AC-21-02 (Legacy Square Senior Housing) be approved with the following conditions: 1.) The Alternative Compliance is restricted to the applicant and the use of a senior (55+) residential housing multifamily project. Any other user or use will require a new Alternative Compliance application to be submitted for review by the Planning and Zoning Commission; 2.) The Alternative Compliance shall be subject to approval of Character District-5 (CD-5) zoning; 3.) The Alternative Compliance shall not expire; and 4.) All units within the one-story residential cottages shall include a covered front porch (either individual to each unit or shared with the adjacent unit) that is a minimum of 60 square feet in size and 6 feet in all directions, free of post

obstructions, as indicated in the below example diagrams. The motion carried by the following vote:

For: 7 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner McCarty, Commissioner Garber, Commissioner Agnew and Commissioner Sambrano

Against: 1 - Commissioner Costilla

Absent: 1 - Commissioner Spell



14. ZC-21-04 (115 Flint Ridge Road) Hold a public hearing and consider a request by Natural Development Austin, LLC, on behalf of Lazy Oaks Ranch, LP, La Cima Commercial LP, and LCSM PH 1-1, LLC, for a zoning change from "FD" Future Development to "CC" Community Commercial, or subject to consent of the owner, another less intense zoning district classification, for approximately 1.197 acres, described as Lot 2, La Cima Fire Station Subdivision, located at 115 Flint Ridge Road. (A. Brake)

Chair Garber opened the Public Hearing.

Alison Brake, Historic Preservation Officer, gave an overview of the request.

Eric Willis, 1104 Lafayette Ln., Pflugerville, TX, represented La Cima, said this is the standard procedure for platting in La Cima. He said they are platting it because it is part of the lot for the Fire Station.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Agnew, seconded by Commissioner Kelsey, that ZC-21-04 (115 Flint Ridge Road) be recommended for approval.

The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Spell

15. ZC-21-05 (Fire Station #2) Hold a public hearing and consider a request by the City of San Marcos for a zoning change from "FD" Future Development to "P" Public and Institutional, or subject to consent of the owner, another less intense zoning district classification, for approximately 4.310 acres, described as Lot 1, La Cima Fire Station Subdivision, located at 205 Flint Ridge Road. (A. Brake)

Chair Garber opened the Public Hearing.

Alison Brake, Historic Preservation Officer, gave an overview of the request.

Eric Willis, 1104 Lafayette Ln., Pflugerville, TX said staff gave a good overview. He said the Fire Station is already there, and Flint Ridge Rd. is already built.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Agnew, that ZC-21-05 (Fire Station #2) be recommended for approval. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Spell

V. Adjournment

A motion was made by Commissioner Kelsey, seconded by Commissioner Rand, that the meeting be adjourned. The meeting was adjourned at 10:13 p.m. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Spell

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: