



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, May 11, 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 6:08 p.m. on Tuesday, May 11, 2021 via Virtual Meeting due to COVID-19.

II. Roll Call

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

Absent 1 - Commissioner Travis Kelsey

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta said she has concerns with how the Charter Review Commission is being run by the City Attorney, Michael Cosentino, who refuses to upload the video. She asked why the CIP Binder wasn't uploaded for the Public Hearing during the last meeting. She added she had a deal with Texas Municipal League, Cindy Conyers and Drew Wells for them to check her trees once a year, and said the City Attorney said the City doesn't do that. She said now she has to pay an arborist for damage the City did to her trees.

EXECUTIVE SESSION

CONSENT AGENDA

1. PC-20-55 (Trace Fire Station Plat) Consider a request by Todd Cason, on behalf of the City of San Marcos, to approve a Final Plat, consisting of approximately 2.219 acres, more or less, out of the William H. Van Horn Survey generally located at 5716 South Old Bastrop Highway (A. Villalobos)
2. PC-19-60 (Sunset Oaks, Section 4, Phase 1A) Consider a request by Lennar Homes of Texas for approval of a Final Plat for approximately 48.244 acres, more or less, out of the William

Hemphill Survey, Abstract 221, located along Yarrington Road, east of County Road 156.(A. Brake)

3. PC-19-61 (Sunset Oaks, Section 4, Phase 1B) Consider a request by Lennar Homes of Texas for approval of a Final Plat for approximately 17.248 acres, more or less, out of the William Hemphill Survey, Abstract 221, located along Yarrington Road, east of County Road 156.(A. Brake)
4. Consider approval of the minutes of the regular meeting of April 13, 2021.
5. Consider approval of the minutes of the regular meeting of April 27, 2021.

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

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

Against: 0

Absent: 1 - Commissioner Kelsey

PUBLIC HEARINGS

6. CUP 21-14 (El Jefe Mexican Restaurant) Hold a public hearing and consider a request by Edwin M Mendez, on behalf of El Jefe Mexican Restaurant, for a Conditional Use Permit to allow the sale and on premise consumption of Mixed Beverages at 2550 Hunter Rd, Ste 1106. (J.Cleary)

Chair Garber opened the Public Hearing.

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

Edwin Mendez, 1180 Florence Villa, Boerne, TX, said COVID-19 has put a damper on things, but said the restaurant has a lot of potential, and he is looking to expand once he gets this location up and running.

Lisa Marie Coppoletta, 1322 Belvin, said if the applicant cared about the kids in the community, some provision could be made so alcohol was served once kids had left the school. She added that Michael Cardona does not speak for the parents, and has no credibility.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Moore, seconded by Commissioner

Spell, that CUP 21-14 (El Jefe Mexican Restaurant) be approved with staff conditions.

A motion was made by Commissioner Sambrano, seconded by Commissioner Rand, to amend the main motion so that: Condition #4 - "The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met," shall be removed from consideration. The motion was withdrawn.

Chair Garber called for a vote on the main motion with the following conditions: 1.) This permit approval is subject to the Commission's approval of Distance Variance VR-21-01; 2.) The permit shall be valid for one (1) year, provided standards are met; 3.) The following statement shall be included on all restaurant menus: "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages"; 4.) The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met; 5.) The permit shall become effective only 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: 8 - Commissioner Rand, Commissioner Moore, Commissioner McCarty, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Against: 0

Absent: 1 - Commissioner Kelsey

- 7.** Vr-21-01 (El Jefe Distance Variance) Hold a public hearing and consider a request by Edwin M Mendez, on behalf of El Jefe Mexican Restaurant, for a variance to Section 5.1.5.5 of the San Marcos Development Code, regarding the Sale and On Premise Consumption of Alcohol within 300 ft. of a public or private school, located at 2550 Hunter Road, Suite 1106. (J.Cleary)

Chair Garber opened the Public Hearing.

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

Edwin Mendez, 1180 Florence Villa, Boerne, TX, said they're looking to expand on this new venture.

Lisa Marie Coppoletta, 1322 Belvin, said the Commission is placing a condition on this

business because it's near a school. She said the Commission should ask for traffic records of wrecks, and police reports in their packet. She also asked how anyone would know the applicant isn't fibbing on his sales. She said provisions should be in place that alcohol is not served until the children are home, not when they are in route to and from school.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Sambrano, seconded by Commissioner Moore, that VR-21-01 (El Jefe Distance Variance) be approved with conditions the following conditions: 1.) The following statement shall be included on all restaurant menus: "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages"; and 2.) The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Kelsey

8. ZC-21-06 (parcHAUS) Hold a public hearing and consider a request by LJA Engineering, Inc, on behalf of Lowman Ranch, Ltd, for a Zoning Change from Future Development (FD) to Character District 1 (CD-1), or, subject to consent of the owner, another less intense zoning district classification, for approximately 10.19 acres out of the Edward Burleson Survey, Abstract No. 63, generally located 2,000 feet southwest of the of the Centerpoint Rd and Center Point Ct. intersection (W. Rugeley).

Chair Garber opened the Public Hearing.

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

Dave Holland, 10210 N. Central Expressway, Dallas, TX, said they think the project is a good opportunity to provide an additional type of housing in San Marcos. He said CD-1 is the drainage area. He said they have a lot more land to develop, and were trying to create a mini master-planned community.

Lisa Marie Coppoletta, 1322 Belvin, said the Commission has information that states whether the site is appropriate for the development. She said the Commission should reject the request because it's not consistent with the rubrics the Commission has.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Moore, seconded by Commissioner McCarty, that ZC21-06 (parcHAUS) be recommended for denial. The motion was withdrawn.

A motion was made by Commissioner Agnew, seconded by Commissioner Costilla, that ZC-21-06 (parcHAUS) be recommended for approval. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Kelsey

9. ZC-21-07 (parcHAUS) Hold a public hearing and consider a request by LJA Engineering, Inc, on behalf of Lowman Ranch, Ltd, for a Zoning Change from General Commercial (GC) and Future Development (FD) to Character District 5 (CD-5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 9.66 acres out of the Edward Burleson Survey, Abstract No. 63, generally located 1,050 feet west of the of the Centerpoint Rd and Center Point Ct. intersection (W. Rugeley).

Chair Garber opened the Public Hearing.

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

Dave Holland, 10210 N. Central Expressway, Dallas, TX, said they initially sought a Planned Development District, but since it no longer exists worked with staff to fit their product type into the Code. He said their product would be single-family for rent with a lot of green space, and that they would complement the employment center next to them. He added they were going to be partnering with the San Marcos Housing Authority to provide workforce housing.

Lisa Marie Coppoletta, 1322 Belvin, said she would like the Commission to consider some type of buffer between the outlet mall and the residential area. She added that some local businesses in the area would be nice. She said she wished the applicant would carry the same ideology with all projects.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Moore, seconded by Commissioner Costilla, that ZC-21-07 (parcHAUS) be recommended for approval. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Kelsey

10. ZC-21-08 (parcHAUS) Hold a public hearing and consider a request by LJA Engineering, Inc, on behalf of Lowman Ranch, Ltd, for a Zoning Change from General Commercial (GC) and Future Development (FD) to Character District 4 (CD-4), or, subject to consent of the owner, another less intense zoning district classification, for approximately 29.66 acres out of the Edward Burleson Survey, Abstract No. 63, generally located 300 feet west of the of the Centerpoint Rd and Center Point Ct. intersection (W. Rugeley).

Chair Garber opened the Public Hearing.

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

Dave Holland, 10210 N. Central Expressway Dallas, TX, said they are excited about this product type, given residents will have no one live above or below them, and will have a yard. He added they would have good access and visibility by the interstate.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Agnew, seconded by Commissioner Sambrano, that ZC-21-08 (parcHAUS) be recommended for approval. 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: 1 - Commissioner Spell

Absent: 1 - Commissioner Kelsey

NON-CONSENT AGENDA

11. Hold a discussion and provide a recommendation on the 2022 Capital Improvement Program (CIP)

Shaun Condor, Assistant Director, Capital Improvements/Engineering was available with other City Staff members to answer questions from the Commission.

A motion was made by Commissioner Spell, seconded by Commissioner Agnew, to recommend the proposed 2022 Capital Improvement Program (CIP) for approval.

A motion was made by Commissioner Moore, seconded by Commissioner Spell, to amend the main motion so that: Project #45 (Downtown Reconstruction Ph. II 25 - LBJ: Grove St. to Hopkins) – Shall continue bike lane on LBJ Dr. from MLK Dr. to Hopkins St. where feasible. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Kelsey

A motion was made by Commissioner Costilla, seconded by Commissioner Spell, to amend the main motion so that: Project #525 (Wallace Addition Subdivision) – This project should not be included as a bond project. It should be part of the CIP Program. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Kelsey

A motion was made by Commissioner Sambrano, seconded by Commissioner Rand, that the main motion be amended so that: Projects not directly impacting community and neighborhoods not be prioritized. The motion was withdrawn.

A motion was made by Commissioner Sambrano, seconded by Commissioner McCarty, that the main motion be amended so that: Project #169 (City Facility Parking Lots) - This project shall be postponed to another year. The motion carried by the following vote:

For: 5 - Commissioner Rand, Commissioner McCarty, Commissioner Spell, Commissioner Sambrano and Commissioner Costilla

Against: 3 - Commissioner Moore, Commissioner Garber and Commissioner Agnew

Absent: 1 - Commissioner Kelsey

A motion was made by Commissioner Moore, seconded by Commissioner Rand, that the main motion be amended so that: Project #96 (Hwy 123 Improvements) – This project shall add a shared use lane instead of just rebuilt sidewalks. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Kelsey

A motion was made by Commissioner Moore, seconded by Commissioner Rand, that the main motion be amended so that: Project #594 (Hopkins Street Improvements Project from Moore to Guadalupe) – This project shall create either a bike lane, or shared use path on Comanche St. from San Antonio St. to Hutchison St. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Kelsey

A motion was made by Commissioner Moore, seconded by Commissioner McCarty, that the main motion be amended so that: Project #563 (Linda Dr. Improvements) – This project shall implement striping between the curbs to create pedestrian and bicycle shared path infrastructure. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Kelsey

A motion was made by Commissioner Spell, seconded by Commissioner Agnew, that the main motion be amended so that: Project #520 (Airport – Runway 17-35 Extension) – This project shall not be delayed any further. The motion carried by the following vote:

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

Against: 1 - Commissioner Garber

Absent: 1 - Commissioner Kelsey

Chair Garber called for a vote on the main motion with the approved amendments. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Kelsey

V. Adjournment

A motion was made by Commissioner Costilla, seconded by Commissioner McCarty, that the meeting be adjourned. The meeting was adjourned at 10:26 p.m. The motion carried by the following vote:

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

Against: 0

Absent: 1 - Commissioner Kelsey

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: