



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, September 14, 2021

6:00 PM

City Council Chambers/Virtual

This will be a hybrid (in-person/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, September 14, 2021 via Hybrid Meeting due to COVID-19.

II. Roll Call

Present 9 - Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, Commissioner Griffin Spell, Commissioner Jim Garber, Commissioner William Agnew, Commissioner Zachariah Sambrano, Commissioner Lupe Costilla, and Commissioner Amy Meeks

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

EXECUTIVE SESSION

CONSENT AGENDA

1. PC-20-42 Consider a request by KFW Engineers on behalf of Warren Realty Ltd, for a Preliminary Plat consisting of 36.94 acres, more or less, out of the H. Warnell Survey, located north of the intersection of Posey Rd and IH-35 South. (J. Cleary)

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 Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano, Commissioner Costilla and Commissioner Meeks

Against: 0

PUBLIC HEARINGS (Public Hearing discussion order: 2, 3, 5, 4, 6)

2. CUP-21-25 (Shai Yo Thai Cuisine and Grill) Hold a public hearing and consider a request by Adisak Ner Bok, on behalf of Shai Yo LLC, for a Conditional Use Permit to allow the sale and on

premise consumption of Mixed Beverages at 700 North LBJ Drive Ste 109. (J.Cleary)

Chair Garber opened the Public Hearing.

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

Manuel Lopez Castro, 1230 N. LBJ Dr. #312, spoke on behalf of the applicant. He said that the restaurant is trying to reach a greater customer base with the expanded alcohol offerings. He said they also hope this will increase sales.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Sambrano, seconded by Commissioner Kelsey, that CUP-21-25 (Shai Yo Thai Cuisine and Grill) be approved with the following conditions: 1.) The permit shall be valid for one (1) year, provided standards are met; 2.) The permit shall be effective upon issuance of a TABC license and a Certificate of Occupancy; and 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: 9 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano, Commissioner Costilla and Commissioner Meeks

Against: 0

- 3.** CUP-21-26 (The Co Kitchen) Hold a public hearing and consider a request by Diana Martinez, on behalf of the Apante Investments, for a Conditional Use Permit to allow the sale and on premise consumption of Beer and Wine at 801 Chestnut St. (J.Cleary)

Chair Garber opened the Public Hearing.

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

Diana Martinez (applicant), 2065 Dove Crossing, New Braunfels, TX 78130, said the purpose of the center is for vendors to be able to use the shared kitchen space and sell their food. She added that the food truck vendors prepare and sell out of their food trucks. She added they want to keep the same business model the previous owners had.

Philip Martinez (applicant), 2065 Dove Crossing, New Braunfels, TX 78130, said they are looking to continue working with live music artists moving forward. He added that he and his wife will operate the bar Thursday - Saturday.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Agnew, seconded by Commissioner Costilla that CUP-21-26 (The Co Kitchen) be approved with staff conditions.

A motion was made by Commissioner Garber, seconded by Commissioner

Agnew, that the main motion be amended so that: " The Permit shall be valid for one (1) year, provided standards are met." The motion carried by the following vote:

For: 9 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano, Commissioner Costilla and Commissioner Meeks

Against: 0

A motion was made by Commissioner Sambrano, seconded by Commissioner Rand, that the main motion be amended so that: "Outdoor amplified music shall be allowed on Friday and Saturday until 11 p.m." The motion failed by the following vote:

For: 3 - Commissioner Rand, Commissioner Moore and Commissioner Sambrano

Against: 6 - Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Costilla and Commissioner Meeks

Chair Garber 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.) All food trucks operating on the property must maintain a current health and fire permit; 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: 9 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano, Commissioner Costilla and Commissioner Meeks

Against: 0

- 4.** CUP-21-27 (Putt Pub) Hold a public hearing and consider a request by Reilly Hursley, on behalf of the Curtis Garcia, for a Conditional Use Permit to allow the sale and on premise consumption of Mixed Beverages at 307 S. LBJ Dr. (J.Cleary)

Chair Garber opened the Public Hearing.

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

Reilly Hursley (applicant) 307 S. LBJ, said it took him five years to open the business, and they have been embraced by the community, and are looking forward to building relationships.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Agnew, seconded by Commissioner Sambrano, that CUP-21-27 (Putt Pub) be approved with the following conditions: 1.) The permit shall be valid for three (3) years, provided standards are met; 2.) No outdoor amplified live music after 10 p.m.; and 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 Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Meeks

Against: 0

Recused: 1 - Commissioner Costilla

5. CUP-21-28 (Blue Dahlia Bistro CUP) Hold a public hearing and consider a request by Amy Ramirez, on behalf of Blue Dahlia Bistro, for renewal of an existing Conditional Use Permit to allow the sale and on-premise consumption of Beer and Wine at 107 East Hopkins Street. (D. Dueitt)

Chair Garber opened the Public Hearing.

Dalton Dueitt, Planner, gave an overview of the request.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Spell, seconded by Commissioner Costilla, that CUP-21-28 (Blue Dahlia Bistro CUP) 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 Rand, Commissioner Moore, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano, Commissioner Costilla and Commissioner Meeks

Against: 0

Recused: 1 - Commissioner Kelsey

6. CUP-21-29 (Garcia's Mexican Restaurant) Hold a public hearing and consider a request by Juan Ybarra, on behalf of The Oaks at Dutton Dr LLC, for a Conditional Use Permit to allow the sale and on premise consumption of Mixed Beverages at 1917 Dutton Dr #200. (J.Cleary)

Chair Garber opened the Public Hearing.

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

Horacio Torres, 2616 War Admiral, Cibolo, TX, spoke on behalf of the applicant. He said

they are trying to increase sales due to the employment crisis. He added they want to continue to conduct business responsibly, in a family atmosphere.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Sambrano, seconded by Commissioner Kelsey, that CUP-21-29 (Garcia's Mexican Restaurant) be approved with the following conditions: 1.) This permit shall be valid for one (1) year, provided standards are met; 2.) The permit shall be effective only upon the issuance of a TABC License and a Certificate of Occupancy; and 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 Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Meeks

Against: 0

Recused: 1 - Commissioner Costilla

V. Question and Answer Session with Press and Public.

VI. Adjournment

A motion was made by Commissioner Kelsey, seconded by Commissioner Spell, that the meeting be adjourned. The meeting was adjourned at 7:04 p.m. The motion carried by the following vote:

For: 9 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano, Commissioner Costilla and Commissioner Meeks

Against: 0

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: