



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Final Planning and Zoning Commission

Tuesday, August 10, 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 6:01 p.m. on Tuesday, August 10, 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

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

EXECUTIVE SESSION

CONSENT AGENDA

1. PC-21-37 (Blanco Vista, Tract K-2B) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 12.005 acres, more or less, out of the William Ward League, Abstract 467, located east of Old Stagecoach Road, north of Royal Oak Boulevard. (A. Brake)
2. Consider approval of the minutes of the regular meeting of June 22, 2021.

A motion was made by Commissioner Kelsey, seconded by Commissioner Agnew, that the Consent Agenda be approved. 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

PUBLIC HEARINGS

3. CUP-21-22 (The Davenport) Hold a public hearing and consider a request by Duane Bradley, on behalf of the Davenport, for renewal of an existing Conditional Use Permit to allow the sale and on premise consumption of Mixed Beverages at 194 S Guadalupe St. (T. Carpenter)

Chair Garber opened the Public Hearing.

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

Duane Bradley (applicant), 16244 Laurelfeld, Houston, TX, thanked the Commission for their time.

Andy Greenwood (no address given), provided written comments that were read aloud. He said DJs play loud music there, waking neighbors, and said management there has told police they were unaware of a noise ordinance. He asked that the noise ordinance be made clear to the establishment.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Sambrano, seconded by Commissioner Moore, to approve CUP-21-22 (The Davenport) with staff conditions.

A motion was made by Commissioner Agnew, seconded by Commissioner Garber, to amend the main motion to that: Outdoor amplified music on the patio fronting South Guadalupe shall be limited to the hours between 11 a.m. and 10 p.m. Sunday – Thursday, and between 11 a.m. and 12 a.m. Friday and Saturday. The motion carried by the following vote:

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

Against: 2 - Commissioner Moore and Commissioner Sambrano

Recused: 1 - Commissioner Kelsey

A motion was made by Commissioner Sambrano to amend the main motion so that: Condition #2 shall not apply to the speakers providing ambient music on the patio fronting South Guadalupe St. The motion failed for lack of second.

A motion was made by Commissioner Costilla, seconded by Commissioner Rand, 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: 6 - Commissioner Rand, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano and Commissioner Costilla

Against: 1 - Commissioner Moore

Recused: 1 - Commissioner Kelsey

A motion was made by Commissioner Sambrano, seconded by Commissioner Rand to amend the main motion so that: Condition #2 shall not apply to the speakers providing ambient music on the patio fronting South Guadalupe St.

Commissioner Sambrano revised the main motion so that: Condition #2 shall not apply to the speakers providing ambient music on the patio fronting South Guadalupe St. Sunday – Thursday between the hours of 10 p.m. – 12 a.m. The motion carried by the following vote:

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

Against: 2 - Commissioner Garber and Commissioner Agnew

Recused: 1 - Commissioner Kelsey

Chair Garber called for a vote on the main motion for CUP-21-22 (The Davenport) with the following conditions: 1.)The permit shall be valid for one(1) year, provided standards are met; 2.) Outdoor amplified music on the patio fronting South Guadalupe shall be limited to the hours between 11 a.m and 10 pm Sunday – Thursday, and between 11 a.m. and 12 a.m. Friday and Saturday; 3.) Condition #2 shall not apply to the speakers providing ambient music on the patio fronting South Guadalupe St. Sunday – Thursday between the hours of 10 p.m. – 12 a.m. 4.) Outdoor amplified music on the rear patio directly adjacent to Telephone Alley shall be limited to the hours between 11 a.m. – 10 p.m. 5.) Parking shall be prohibited in the City right-of-way along South Guadalupe St; 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

4. PC-21-24 (Stonecreek Crossing Lot 5A Replat) Hold a public hearing and consider a request by Robert Pruett, on behalf of Clearview Investments, Ltd., for approval of a replat of Stonecreek Crossing, Phase 1, Lot 5 and creating a new Lot 8, consisting of approximately 16.81 acres located at 651 Barnes Dr. (W. Rugeley).

Chair Garber opened the Public Hearing.

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

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Kelsey, seconded by Commissioner Costilla, that PC-21-24 (Stonecreek Crossing Lot 5A Replat) be approved. 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

5. ZC-21-10 (La Cima Amenity Center Zoning) Hold a public hearing and consider a request by LCSM Ph 3, LLC for a zoning change from "FD" Future Development to "SF-4.5" Single-Family - 4.5, or subject to consent of the owner, another less intense zoning district classification, for approximately 7.77 acres, described as Lot 1, Block A, La Cima Amenity Center, located at 301 Central Park Loop (W. Rugeley).

Chair Garber opened the Public Hearing.

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

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Costilla, seconded by Commissioner Kelsey, that ZC-21-10 (La Cima Amenity Center Zoning) 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

NON-CONSENT AGENDA

6. **CUP-21-21(a) (Vodka Street CUP)** Consider a request by Eric White, on behalf of Vodka Street, for renewal of an existing Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 202 North LBJ Drive, Suite 101. (A. Brake)

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

Chair Garber called for a vote on the motion to approve CUP-21-21(a) (Vodka Street CUP) on the table from the July 13, 2021 meeting. The motion failed by the following vote:

For: 0

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

Recused: 1 - Commissioner Kelsey

A motion was made by Commissioner Agnew, seconded by Commissioner Spell, that CUP-21-21(a) (Vodka Street CUP) be denied. 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

7. Hold a discussion on returning to in person meetings to be in compliance with the Texas Open Meetings Act.

Staff informed the Commission that discussions are ongoing, and will provide an update to the Commission at the next meeting.

V. Adjournment

A motion was made by Commissioner Rand, seconded by Commissioner Spell, that the meeting be adjourned. The meeting was adjourned at 8:07 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

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:

Jim Garber, Chair

ATTEST:

Cesly Burrell, Recording Secretary