



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes - Draft Planning and Zoning Commission

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Tuesday, September 28, 2021

6:00 PM

City Council Chambers/Virtual

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**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 28, 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

There were no speakers.

### EXECUTIVE SESSION

### CONSENT AGENDA

1. PC-21-30 (Sunset Oaks Section V Preliminary Plat) Consider a request by Kimley Horn on behalf of K Marcos, LLC, for a Preliminary Plat consisting of 237.95 acres, more or less, out of the Thomas Yates League, located on SH-21 between Misty Lane and FM 1966, Caldwell County, Texas. (J. Cleary)
2. PC-21-52 (Blanco Vista, Tract L) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 51.891 acres, more or less, out of the William Ward League, Abstract 467, located east of Old Stagecoach Road, north of Trail Ridge Pass. (A. Brake)
3. Consider approval of the minutes of the regular meeting of August 24, 2021.
4. Consider approval of the minutes of the regular meeting of September 14, 2021.

**A motion was made by Commissioner Kelsey, seconded by Commissioner Costilla, 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**

5. CUP-21-23 (The Vault/Saké) Hold a public hearing and consider a request by Newton Gang Getaway, LLC, on behalf of The Vault/Saké, for renewal of an existing Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 100 West Hopkins Street. (A. Brake)

Chair Garber opened the Public Hearing.

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

Marshall Hogan (applicant), 3004 Desert Willow Cove, Round Rock, TX, said it's been tough, but they look forward to continuing business.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Sambrano, seconded by Commissioner Spell, to approve CUP-21-23 (The Vault/Saké) with staff conditions.**

**A motion was made by Commissioner Garber, seconded by Commissioner Agnew, to amend the main motion so that: "The permit shall be valid for six months provided standards are met." The motion carried by the following vote:**

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

**Against:** 2 - Commissioner Moore and Commissioner Sambrano

**Recused:** 1 - Commissioner Kelsey

**Chair Garber called for a vote on the main motion with the following conditions: 1.) The permit shall be valid for six months provided standards are met; 2.) Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of Section 5.1.5.5(4)(b), Eating Establishments - Downtown CBA Boundary; 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 Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano, Commissioner Costilla and Commissioner Meeks

**Against:** 0

**Recused:** 1 - Commissioner Kelsey

6. CUP-21-30 (Cheddar's Scratch Kitchen) Hold a public hearing and consider a request by Cheddar's Casual Café Inc., on behalf of Cheddar's Scratch Kitchen, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 2540 S. IH 35. (A.Hernandez)

Chair Garber opened the Public Hearing.

Amanda Hernandez, Assistant Director, gave an overview of the request.

Kourtnie Airheart (spoke on behalf of the applicant), 2728 Preston Creek, Mesquite, TX, was available for questions, and said they had no plans to change operations at the restaurant.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Agnew, seconded by Commissioner Spell, that CUP-21-30 (Cheddar's Scratch Kitchen) 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:** 9 - Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Spell, Commissioner Garber, Commissioner Agnew, Commissioner Sambrano, Commissioner Costilla and Commissioner Meeks

**Against:** 0

7. CUP-21-31 (Valentino's CUP) Hold a public hearing and consider a request by Flour Power, LLC, on behalf of Valentino's, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 110 North LBJ Drive. (A. Brake)

Chair Garber opened the Public Hearing.

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

Cody Taylor, 1511 Owens St., said they'd like to be able to do the late night pizza until 3 a.m. out the side window, and said they didn't plan on having loud music.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Garber, seconded by Commissioner Spell, that CUP-21-31 (Valentino's CUP) be approved with the following conditions: 1.) The permit shall be valid for one (1) year, provided standards are met; 2.) Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of Section 5.1.5.5(4)(b), Eating Establishments - Downtown CBA Boundary; 3.) Outdoor amplified music on the rear patio directly adjacent to the alley shall be limited to the hours between 11 am and 10 pm (Monday - Friday) and 10 am and 10 pm (Saturday - Sunday); 4.) The permit shall be effective upon the issuance of a Certificate of Occupancy; and 5.) 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

8. Hold a public hearing and consider proposed text amendments to the San Marcos Development Code to require posted notice of public hearings before the Historic Preservation Commission for Certificates of Appropriateness and changes to regulations applicable in local historic districts regarding demolition by neglect.(A. Brake)

Chair Garber opened the Public Hearing.

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

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Spell, seconded by Commissioner Costilla, that the proposed text amendments to the San Marcos Development Code be recommended for approval. 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

9. ZC-21-18 (La Cima Multifamily Zoning) Hold a public hearing and consider a request by Kelley Fowler, on behalf of La Cima Commercial LP, for a Zoning Change from Future Development (FD) to Multi-Family Residential (MF-24), or, subject to consent of the owner, another less intense zoning district classification, for approximately 21.31 acres out of the John Williams Survey, Abstract 490, located at the northwest corner of the W. Centerpoint Rd and Flint Ridge Rd intersection. (W. Rugeley).

Chair Garber opened the Public Hearing.

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

Eric Willis (applicant), 1104 Lafayette Ln., said they are proposing something less dense than what was proposed previously. He added that they learned a lot from residents when multi-family was brought up in the past.

Chair Garber closed the Public Hearing.

**A motion was made by Commissioner Moore, seconded by Commissioner Sambrano, that ZC-21-18 (La Cima Multifamily Zoning) be recommended for approval.**

**A motion was made by Commissioner Chair Garber, seconded by Commissioner Meeks, that the item should be postponed to the next regular meeting when the site plan was available. The motion was withdrawn.**

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

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

**Against:** 3 - Commissioner Kelsey, Commissioner Garber and Commissioner Meeks

## **NON-CONSENT AGENDA**

- 10** Discuss and consider approval of the 2022 Planning and Zoning Commission Meeting Date Calendar.

**A motion was made by Commissioner Spell, seconded by Commissioner Moore, that the 2022 Planning and Zoning Commission Meeting Date Calendar be approved omitting meetings on July 26, November 22, and December 27. The first meeting in November will be moved to Wednesday, November 9 because of Election Night. 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

## **V. Question and Answer Session with Press and Public.**

There were no questions from the Press or Public.

## **VI. Adjournment**

**A motion was made by Commissioner Kelsey, seconded by Commissioner**

**Spell, that the meeting be adjourned. The meeting was adjourned at 8:24 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: