MINUTES OF THE REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION CITY COUNCIL CHAMBERS April 8, 2008

COMMISSIONERS PRESENT:

Fred A. Terry, Chair
Sherwood Bishop, Vice Chair
Bill De Soto
Randy Bryan
Steve Cline
Curtis Seebeck
Ruben Becerra
Ryan Thomason (arrived 6:10)
Bill Taylor

STAFF PRESENT:

Cecil Pennington,
Interim Director of Planning
Andy Alarcón, Chief Planner
Phil Steed, Planner
Francis Serna, Recording Secretary

OTHERS PRESENT: Kayla Rice, Reed Coates, Tim Puller, Rick Denning, Eric Robinson, Carlos Guerra, Tim DeLano, Christy Williams, Andrew (last name unknown), Virginia DeLeon, Judy Cuevas, David Matuschek, Orlando Rodriguez, Cameron Hewitt, Emma Ajani, Neil Linn, Grady Hillhouse, Mark Hodges, Julie Wilson, Bonnie Guess, Josh Thigpen, and Roy Alvarez.

Chairperson's Opening Remarks

Chair Terry welcomed the audience and called the meeting to order at 6:00 p.m.

Chair Terry closed the meeting into Executive Session. The Planning & Zoning Commission went into Executive Session. Chair Terry called the meeting to order.

Citizen Comment Period

No one signed up to speak.

LUA-08-03. Hold a public hearing and consider a request by First United Pentecostal Church for a Land Use Map Amendment from Low Density Residential (LDR) to Public (P) on 0.4775 acres (HCAD) more or less located at 108 Eastwood.

Andy Alarcón explained that the applicant, Pastor Timothy Delano also owns the adjacent property addressed at 117 Meiners. The property has Public land use designation and Mr. Delano has requested to make both properties uniform. Mr. Alarcón stated that there are a variety of land uses in the area. He advised the Commission that a Church would not pose a negative impact on the community based on the submittal. Staff feels the request is appropriate and recommended approval of the request.

Chair Terry opened the public hearing.

Mark Hodges, resident of 105 Eastwood, stated that he spoke at the March 25, 2008 Planning Commission meeting. He commented that he did not agree with the request, although was not going to make an issue. Mr. Hodges said that he spoke with Pastor Delano and stated that people's intentions are always good.

Timothy Delano, Pastor of First United Pentecostal Church, thanked the Commission for their time and city staff for their assistance is the application process. Pastor Delano explained that he wants to organize the property to reflect a Church use. He stated that they are growing and he is trying to accommodate their place of worship. He advised he was available to answer questions.

No one else wished to speak and the public hearing was closed.

The Commission stated that they hear the neighbors concerns, but did not feel that a Church would have a negative impact in the neighborhood.

Andy Alarcón explained that a religious institute does not have to rezone a property because a church is permitted to operate in any zoning district. He pointed out that the applicant is requesting to have a uniform land use designation for both properties at 117 Meiners and 108 Eastwood.

COMMISSIONER CLINE MADE A MOTION TO APPROVE LUA-08-03. COMMISSIONER BECERRA SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 9-0 WITH CHAIR TERRY, VICE CHAIR BISHOP AND COMMISSIONERS DESOTO, CLINE, BECERRA, SEEBECK, TAYLOR, BRYAN AND THOMASON VOTING AYE.

ZC-08-04. Hold a public hearing and consider a request by First United Pentecostal Church for a Zoning Change from Single-Family Residential District (SF-6) to Public (P) on 0.4775 acres (HCAD) more or less located at 108 Eastwood and 0.5043 acres more or less (HCAD) located at 117 Meiners.

Andy Alarcón pointed out with the approval of the land use map amendment to Public, the applicant has requested a zoning change from SF-6 to Public at 108 Eastwood and 117 Meiners. Staff recommended approval of the request.

Chair Terry opened the public hearing. No one wished to speak and the public hearing was closed.

COMMISSIONER BECERRA MADE A MOTION TO APPROVE ZC-08-04. COMMISSIONER SEEBECK SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 9-0 WITH CHAIR TERRY, VICE CHAIR BISHOP AND COMMISSIONERS DESOTO, BECERRA, CLINE, SEEBECK, BRYAN, TAYLOR AND THOMASON VOTING AYE.

WPP2-07-0056. Consider a request by Byrn & Associates, Inc., on behalf of Joe K. Dobie, Jr. for a Qualified Watershed Protection Plan Phase II for Lot 1, Joe Dobie Addition, located on the southwest corner of Aquarena Springs Drive and River Road.

Cecil Pennington stated that the Watershed Protection Plan Phase II was received by the Engineering Department and meets all standards. WPP1 was approved at the March 25, 2008 Planning & Zoning Commission meeting. Mr. Pennington gave a brief overview of the request. Staff recommended approval of the request.

Vice Chair Bishop commented that it was beautifully developed and asked if a fence would be installed around the detention pond.

John Dipollino, Byrn & Associates, advised that a guard rail will be installed on the side that fronts Aquarena Springs.

COMMISSIONER BECERRA MADE A MOTION TO APPROVE WPP2-07-0056. COMMISSIONER CLINE SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 9-0 WITH CHAIR TERRY, VICE CHAIR BISHOP AND COMMISSIONERS DESOTO, BRYAN, CLINE, BECERRA, SEEBECK, TAYLOR AND THOMASON VOTING AYE.

PC-08-03(03). Consider a request by Byrn & Associates, Inc., on behalf of Joe K. Dobie, Jr., for approval of a final plat of Lot 1, Joe Dobie Addition, located on the southwest corner of Aquarena Springs Drive and River Road.

Phil Steed advised the Commission that the preliminary plat was approved on March 25, 2008 and that the applicant is requesting approval of the final plat. He stated that staff has reviewed the plat and meets all Land Development Code regulations. In addition, the Engineering Department has approved the TIA-Traffic Impact Analysis and that the construction plans are substantially complete. Staff recommended approval of the final plat.

COMMISSIONER SEEBECK MADE A MOTION TO APPROVE PC-08-03(03). VICE CHAIR BISHOP SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 9-0 WITH CHAIR TERRY, VICE CHAIR BISHOP AND COMMISSIONERS DESOTO, CLINE, BECERRA, SEEBECK, THOMASON, TAYLOR AND BRYAN VOTING AYE.

PC-07-15(03). Consider a request by Byrn & Associates, Inc., on behalf of Dennis Bearden, for approval of the final plat of Lot 2, Clovis Barker Road Industrial Park, located at 1600 Clovis Barker Road.

Phil Steed stated that the property is a 28 acre tract and is located in a Light Industrial zoning district. He added that staff has reviewed the final plat and complies with Land Development Code. Mr. Steed pointed out that the Engineering Department has accepted the Watershed Protection Plan Phase 2 and Public Infrastructure Construction Plans as substantially complete.

COMMISSIONER BECERRA MADE A MOTION TO APPROVE PC-07-15(03). COMMISSIONER CLINE SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 9-0 WITH CHAIR TERRY, VICE-CHAIR BISHOP AND COMMISSIONERS DESOTO, BRYAN, THOMASON, CLINE, BECERRA, TAYLOR AND SEEBECK VOTING AYE.

PC-08-02(04). Consider a request by Sinclair & Associates, Inc., on behalf of Joe B. Millican, for approval of the replat of Lot 1, Stagecoach Business Park, located on the southwest corner of Hunter Road and Stagecoach Road.

Phil Steed stated that the property is a 5.33 acre tract. The applicant is proposing to replat Lot 1 into two lots, lot 1A and lot 1B is the proposed site of the new Central Post Office. He explained that staff has reviewed the plat for consistency with the existing City Ordinances and polices. In addition, the Engineering Department has accepted the Watershed Protection Plan Phase 2 as substantially complete. Staff recommended approval of the request.

Commissioner Becerra recommended that Stagecoach Road be corrected to Stagecoach Trail.

COMMISSIONER SEEBECK MADE A MOTION TO APPROVE PC-08-02(04). COMMISSIONER THOMASON SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 9-0 WITH CHAIR TERRY, VICE CHAIR BISHOP AND COMMISSIONERS DESOTO, CLINE, BECERRA, SEEBECK, BRYAN, TAYLOR AND THOMASON VOTING AYE.

PVC-08-01. Hold a public hearing and consider a request by Virginia DeLeon for a variance to Section 1. 6.7.1 (b)(2) of the Land Development Code requiring all lots in a proposed subdivision front onto an existing public street located at 520 Garrett Trail, Maxwell, Texas.

Phil Steed advised the Commission that 520 Garrett Trail is a 10 acres tract located in the ETJ of San Marcos. Mr. Steed explained that the applicant is seeking to subdivide the 10 acre lot into 4 lots, one 4 acre lot and three 2 acre lots; 2 of the lots will front onto an existing public street. He said that Ms. Deleon, the applicant will retain one lot and gift the other three lots to each of her children. Mr. Steed explained that Section 1.6.7.1(b)(2) of the Land Development Code requires that all proposed subdivision lots to front onto a public street. Due to the configuration of the applicant's lot, the requirement would require a dedication of a 52' Right-of-Way and construction of a residential street along the side property line. He pointed out that the 122 acre Tietjen Tract abuts the rear of the property line has a 60' wide strip of land that runs along the south side property line that has little use other than a future access to the tract once developed. Staff feels that this is a special circumstance and requires an additional street to serve the subject property. Staff recommended approval of the request with the condition that the applicant dedicate 20' PUE/Access easement along the entire south property line and place a note on the replat prohibiting additional subdividing of new lots.

Chair Terry opened the public hearing.

Christy Williams, resident of 590 Garrett Trail, stated she was not against the request although was concerned regarding property value. She inquired about the proposed use for the property and asked if they would be sold.

Andrew Fletcher, son-in-law of the applicant, advised that he will acquire one of the properties and will build a home on the property.

No one else wished to speak and the public hearing was closed.

Commissioner Seebeck asked for clarification of the proposed subdivided lots.

Phil Steed advised that the property would be divided into four lots; one 4 acre lot and three 2 acre lots.

Commissioner Cline said he understood the neighbors concerns regarding property value. He inquired if the Commission could recommend that no future sale be allowed.

Commissioner Bryan asked if the subdivision had deed restrictions and if mobile homes were allowed.

Phil Steed advised that he could not locate subdivision deed restrictions.

Cecil Pennington advised the Commission that the City does not enforce deed restrictions.

VICE CHAIR BISHOP MADE A MOTION TO APPROVE PVC-08-01 WITH THE CONDITION THAT THE APPLICANT DEDICATE A 20 FT. PUE/ACCESS EASEMENT ALONG THE ENTIRE SOUTH PROPERTY LINE AND THAT THE APPLICANT PLACE A NOTE ON THE REPLAT PROHIBITING ADDITIONAL SUBDIVIDING OF NEW LOTS. COMMISSIONER CLINE SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 9-0 WITH CHAIR TERRY, VICE CHAIR BISHOP AND COMMISSIONERS DESOTO, CLINE, BECERRA, SEEBECK, BRYAN, TAYLOR AND THOMASON VOTING AYE.

Planning Director's Report.

- **Follow-up to CIP Workshops**

Cecil Pennington advised the Commission that the input for the April 2 & 3, 2008 Unconstrained CIP Workshop is complete. He stated that Administration will begin to apply constraints to the CIP. City Council will review the CIP at the April 19, 2008 Budget Policy Workshop. Mr. Pennington added that the Planning & Zoning Commission will receive a draft of the CIP on May 1, 2008, a public hearing will be held and that they should receive the approved constrained CIP at their May 27, 2008 Planning Commission meeting. Mr. Pennington thanked the Planning & Zoning Commission and the public for their comments and suggestions to the CIP.

Commissioner's Report

There were no reports from the Commission.

MINUTES.

Consider approval of the minutes from the Regular Meeting of March 25, 2008.

COMMISSIONER SEEBECK MADE A MOTION TO APPROVE THE MINUTES FROM THE REGULAR MEETING OF MARCH 25, 2008 WITH AMENDMENTS. COMMISSIONER BECERRA SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 8-0-1 WITH CHAIR TERRY, VICE-CHAIR BISHOP AND COMMISSIONERS DESOTO, THOMASON, CLINE, BECERRA, SEEBECK AND BRYAN VOTING AYE. COMMISSIONER TAYLOR ABSTAINED.

QUESTIONS FROM PRESS AND PUBLIC

No one wished to speak.

COMMISSIONER SEEBECK MADE A MOTION TO ADJOURN THE MEETING. COMMISSIONER TAYLOR SECONDED THE MOTION. ROLL WAS CALLED AND THE MOTION PASSED ON A VOTE OF 9-0 WITH CHAIR TERRY, VICE-CHAIR BISHOP AND COMMISSIONERS DESOTO, BRYAN, THOMASON, SEEBECK, CLINE, TAYLOR AND BECERRA VOTING AYE.

THE MEETING ADJOURNED AT 7:06 P.M.

Fred A. Terry, Chair

Sherwood Bishop, Vice-Chair

Ryan Thomason, Commissioner

Bill DeSoto, Commissioner

Randy Bryan, Commissioner

Ruben Becerra, Commissioner

Steve Cline, Commissioner

Curtis Seebeck, Commissioner

Bill Taylor, Commissioner

ATTEST:

Francis Serna, Recording Secretary