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 The presiding officer for this meeting will be present at the meeting location described above.

I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

IV. Citizen Comment Period

Persons wishing to participate/speak remotely (online) during the Citizen Comment Period must email planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting. Written comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners. Written comments received after the deadline will be provided to the Commissioners at the meeting. Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called. Comments shall have a time limit of three minutes each and speakers must state their name.

CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 1 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

1. Consider approval, by motion, of the March 26, 2024 - Planning and Zoning Regular Meeting Minutes.

PUBLIC HEARINGS

Interested persons may participate in any of the Public Hearing items # 2-7:
1) To participate/speak remotely (online) during the Public Hearings, email planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting, or
2) Email written comments. Comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners and comments received after the deadline will be provided to the Commissioners at the meeting, or
3) Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called Comments shall have a time limit of three minutes each and speakers must state

2. CUP-24-08 (Shai Yo Thai) Hold a public hearing and consider a request by Adisak
Nernbok, on behalf of Shai Yo Thai, to renew a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 700 N LBJ Suite 109. (C. Garrison)

3. CUP-24-09 (First Watch Daytime Cafe) Hold a public hearing and consider a request by Susan Hibbs, on behalf of First Watch Daytime Cafe, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1506 N IH 35, Suite 101. (K. Buck)

4. CUP-24-10 (Hat Creek Burger Co) Hold a public hearing and consider a request by Lucas Lee, on behalf of Hat Creek Burger Co, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 4206 S IH 35. (K. Buck)

5. CUP-24-11 (Elliot Electric Supply) Hold a public hearing and consider a request by Tri-Tech Engineering, L.P., on behalf of Elliott Electric Supply, to renew a Conditional Use Permit to allow the use and expansion of Warehouse and Storage Use, located at 1904 Dutton Drive. (C. Garrison)

6. ZC-24-04 (La Cima Phase 6 / FD to CD-4) Hold a public hearing and consider a request by Doug Goss, on behalf of LCSM PH 4, LLC, for a Zoning Change from Future Development (FD) to Character District-4 (CD-4), or, subject to consent of the owner, another less intense zoning district classification, for approximately 54.015 +/- acre tract of land out of the John Williams Survey, generally located at the southeast corner of West Centerpoint Road and Central Park Loop. (K. Buck)

7. Receive a staff presentation, hold a Public Hearing and discuss the 2025 Capital Improvement Program (CIP)

V. Question and Answer Session with Press and Public.

This is an opportunity for the Press and Public to ask questions related to items on this agenda. Comments shall have a time limit of three minutes each and speakers must state their name. The allotted time will commence at the beginning of the speakers remarks and will include time spent in discussion with Commissioners and staff. Any questions which are unable to be addressed in the allotted time frame, or for which answers are not immediately available can be addressed outside the meeting.

VI. Adjournment

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov
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:

_________________________________________________
AGENDA CAPTION:
Consider approval, by motion, of the March 26, 2024 - Planning and Zoning Regular Meeting Minutes.
Meeting date: April 9, 2024

Department: Planning and Development

Amount & Source of Funding
Funds Required: Click or tap here to enter text.
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.

Background Information:
Click or tap here to enter text.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Click or tap here to enter text.
This was 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 quorum present the regular meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Case at 6:01 pm on Tuesday, March 26, 2024 via hybrid meeting.

II. Roll Call

Present 9 - Commissioner William Agnew, Commissioner Lupe Costilla, Commissioner Travis Kelsey, Commissioner David Case, Commissioner Michele Burleson, Commissioner Amy Meeks, Commissioner Griffin Spell, Commissioner Jim Garber, and Commissioner Maraya Dunn

III. Chairperson’s Opening Remarks

Chair Case welcomed the audience and gave brief opening remarks detailing the meeting rules and guidelines.

IV. Citizen Comment Period

Chair Case opened the Citizen Comment Period.

1) Virginia Parker, general comments on Item #2

Chair Case closed the Citizen Comment Period.

CONSENT AGENDA

1. Consider approval, by motion, of the February 27, 2024 - Planning and Zoning Regular Meeting Minutes.

A motion was made by Vice-Chair Spell, seconded by Commissioner Costilla to approve the Consent Agenda.

The motion carried by the following vote.
PRESENTATIONS

2. Receive a staff presentation and hold discussion on the Dark Monday Hill Country Studios Qualified Watershed Protection Plan Phase 2, Permit # 2022-43297

   Greg Schwarz, Senior Engineer, gave a presentation on the Dark Monday Hill Country Studios Qualified Watershed Protection Plan Phase 2, Permit # 2022-43297.

   No action was taken.

3. Receive a staff presentation on the FY 2025 Capital Improvement Program (CIP).

   Shaun Condor, Director of Engineering and Capital Improvement, gave a presentation on the FY 2025 Capital Improvement Program (CIP)

   No action was taken.

PUBLIC HEARINGS

4. AC-24-02 (San Marcos Courtyard Villas Block Perimeter) Hold a public hearing and consider a request by ViewPoint Engineering, on behalf of John Haberer, for an Alternative Compliance to the requirements in Section 3.6.2.1. (Block Perimeter) of the San Marcos Development Code to allow the block perimeter within a CD-5 development to be greater than 2,000 feet, located at 1799 HWY 123. (K. Buck)

   Chair Case opened the Public Hearings.

   Kaitlyn Buck, Planner, gave a presentation on request AC-24-02.

   Staff recommended approval of request AC-24-02 with the following conditions:

   1. A minimum 6’ shared use path/sidewalk shall be provided to connect the proposed publicly accessible nature trail to the proposed greenway along HWY 123; and

   2. A minimum 6’ shared use path/sidewalk shall be provided along the North property line to connect the proposed publicly accessible nature trail to the proposed Right of Way adjacent the West property line; and
3. All sidewalks within the development and along all dedicated right-of-way in relation to this development must be a minimum of 6’ in width; and
4. A minimum 10’ wide concrete path shall be constructed along the East property line; and
5. The proposed center public street “B” shall be extended to the property line on the East.

1) Adam Burnley - 2121 E 6th Street, Austin, in favor, requested to remove condition #5.

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Spell, seconded by Commissioner Burleson to approve request AC-24-02 with staff conditions.

The motion carried by the following vote.

For: 8 - Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 1 - Commissioner Agnew

5. CUP-24-04 (Hilton Garden Inn) Hold a public hearing and consider a request by TPG San Marcos TX Beverage LLC, on behalf of Hilton Garden Inn, for a renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located 231 North Interstate Highway 35. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-04.

Staff recommended approval of request CUP-24-04 with the following conditions.

1. The permit shall be valid for three (3) years, provided standards are met;
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

1) Drew Curtis - 224 Broad Oak Drive, Cibolo, in favor.
Chair Case closed the Public Hearings.

A motion was made by Commissioner Costilla, seconded by Commissioner Dunn to approve request CUP-24-04 with staff conditions.

A motion was made by Commissioner Garber, seconded by Commissioner Kelsey to amend condition #1 to the following:

1. The permit shall be valid for three (3) years from the current expiration date, April 24, 2024, provided standards are met.

The motion to amend carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

The vote on the main motion carried by the following.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

6. CUP-24-05 (Gumby's Pizza) Hold a public hearing and consider a request by Gumby’s of San Marcos, for a renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 312 West Hopkins Street. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-05.

Staff recommended approval of request CUP-24-05 with the following conditions:

1. The permit shall be valid for three (3) years, provided standards are met;
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy;
3. Live music shall not be allowed outdoors or in any unconditioned areas;
4. The applicant shall not apply for a Late Hours TABC permit; and
5. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.

1) Forrest Higdon, in favor, requested Item #3 be modified to reflect conditions approved on recent CUP applications.

Chair Case closed the Public Hearings.

A motion was made by Commissioner Dunn, seconded by Commissioner Costilla to approve request CUP-24-05 with staff conditions.

A motion was made by Commissioner Garber, seconded by Commissioner Agnew to amend condition #1 to the following:

1. The permit shall be valid for three (3) years from the most recent expiration date, November 10, 2023, provided standards are met.

The motion to amend carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

A motion was made by Chair Case, seconded by Commissioner Burleson to amend condition #1 to one (1) year and condition #3 to allow outdoor music until 12:00 am.

After discussion, the motion was withdrawn.

A motion was made by Chair Case, seconded by Commissioner Agnew to amend condition #3 to the following:

3. There shall be no amplified sound or live music outdoors or in other unconditioned areas after 10:30 pm, 7 days a week.

The motion to amend carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn
The vote on the main motion carried by the following.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

7. CUP-24-06 (Sean Patrick's) Hold a public hearing and consider a request by Brian Jeffrey, on behalf of Sean Patrick's, for a renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 202 East San Antonio Street (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-24-06.

Staff recommended approval of request CUP-24-06 with the following conditions:

1. The permit shall be valid for three (3) years, provided standards are met;
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy;
3. There shall be no amplified sound or live music outdoors or in other unconditioned areas after 12:00 am

1) Brian Jeffrey, in favor

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Spell, seconded by Commissioner Kelsey to approve request CUP-24-06 with staff conditions.

A motion was made by Commissioner Garber, seconded by Commissioner Kelsey to amend condition #1 to the following:

1. The permit shall be valid for three (3) years from the most recent expiration date, February 7, 2024, provided standards are met.

The motion to amend carried by the following vote.
For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

The vote on the main motion carried by the following.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

8. CUP-24-07 (Freddy C’s Lounge) Hold a public hearing and consider a request by Jamie Frailicks, on behalf of Freddy C’s Lounge, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 141 E Hopkins Street. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-24-07.

Staff recommended approval of request CUP-24-07 with the following conditions:

1. The permit shall be valid for three (3) years, provided standards are met;
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy;
3. There shall be no amplified sound or live music outdoors or in other unconditioned areas after 12:00 am.

There were no speakers.

Chair Case closed the Public Hearings.

A motion was made by Commissioner Kelsey, seconded by Commissioner Burleson to approve request CUP-24-07 with staff conditions.

A motion was made by Commissioner Garber, seconded by Commissioner Kelsey to amend condition #1 to the following:

1. The permit shall be valid for three (3) years from the current expiration date, March 28, 2024, provided standards are met.
The motion to amend carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

The vote on the main motion carried by the following.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

V. Question and Answer Session with Press and Public.

Chair Case opened the Question and Answer Session.

There were no speakers.

Chair Case closed the Question and Answer Session.

VI. Adjournment

A motion was made by Vice-Chair Spell, seconded by Commissioner Kelsey to adjourn.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber and Commissioner Dunn

Against: 0

The meeting adjourned at 7:39. pm.
File #: CUP-24-08, Version: 1

AGENDA CAPTION:
CUP-24-08 (Shai Yo Thai) Hold a public hearing and consider a request by Adisak Nernbok, on behalf of Shai Yo Thai, to renew a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 700 N LBJ Suite 109. (C. Garrison)
Meeting date: April 9, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A
N/A
N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable
Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Vision San Marcos - A River Runs Through Us

Background Information:
Shai Yo Thai has been a restaurant with on premise consumption of alcohol at this location since July of 2020. The applicant is requesting it’s second Conditional Use Permit renewal after being notified by the City of San Marcos of its expired Conditional Use Permit.

Conditional Use Permit Approval History:

November 8, 2018 - Planning & Zoning Commission Meeting: The Commission voted to approve the request for Beer & Wine 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 the issuance of the Certificate of Occupancy.
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Certificate of Occupancy received in July of 2020.

September 14, 2021 - Planning & Zoning Commission Meeting: The Commission voted (9-0) to approve the request for Mixed Beverages 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 the issuance of the Certificate of Occupancy.
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Council Committee, Board/Commission Action:
N/A

Alternatives:
N/A
Recommendation:

Staff recommends **approval** of the request with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met;
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy;
3. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
**Summary**

**Request:** Renewal of a Conditional Use Permit

**Applicant:** Adisak Nernbok  
ShaiYo LLC  
140 Christopher CV  
Kyle, TX 78640

**Property Owner:** Hjorting Family Trust  
1006 San Roque Road  
Santa Barbara, CA 93105

**CUP Expiration:** 9/14/2022

**Type of CUP:** Mixed Beverage

**Interior Floor Area:** 2,400 sq. ft.

**Outdoor Floor Area:** 270 sq. ft.

**Parking Required:** 14 spaces

**Parking Provided:** Yes (Shared)

**Days & Hours of Operation:** Mon – Sun: 11am-12am

**Notification**

**Posted:** 3/22/2024  
**Personal:** 3/22/2024

**Response:** None as of the date of this report

**Property Description**

**Legal Description:** Lot 1, The Center at San Marcos Subdivision  

**Location:** Intersection of N LBJ Drive and E Sessom Drive

**Acreage:** 3 Acres  
**PDD/DA/Other:** N/A

**Existing Zoning:** Community Commercial  
**Proposed Zoning:** Same

**Existing Use:** Restaurant  
**Proposed Use:** Same

**Preferred Scenario:** Existing Neighborhood  
**Proposed Designation:** Same

**CONA Neighborhood:** N/A  
**Sector:** 3

**Utility Capacity:** Adequate  
**Floodplain:** Yes

**Historic Designation:** N/A  
**My Historic SMTX Resources Survey:** No

**Surrounding Area**

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<tr>
<th>North of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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<tbody>
<tr>
<td>MF-18 (Multifamily)</td>
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<tr>
<td>P (Public)</td>
<td>Student Apartments</td>
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<th>Zoning</th>
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<th>Preferred Scenario</th>
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<tbody>
<tr>
<td>GC (General Commercial)</td>
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**Staff Recommendation**

<table>
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<th>Approval as Submitted</th>
<th>Approval with Conditions</th>
<th>Denial</th>
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</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. The permit shall be valid for one (1) year, provided standards are met;  
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy;  
3. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.

**Staff:** Craig Garrison  
**Title:** Planner  
**Date:** 4/3/2024
History
Shai Yo Thai has been a restaurant with on-premise consumption of alcohol at this location since July of 2020. The applicant is requesting its second Conditional Use Permit renewal after being notified by the City of San Marcos of its expired Conditional Use Permit.

Conditional Use Permit Approval History:

November 8, 2018 – Planning & Zoning Commission Meeting: The Commission voted to approve the request for beer and wine 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 the issuance of the Certificate of Occupancy.
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Certificate of Occupancy received in July of 2020.

September 14, 2021 – Planning & Zoning Commission Meeting: The Commission voted (9-0) to approve the request for mixed beverages 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 the issuance of the Certificate of Occupancy.
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Additional Analysis
See additional analysis below

Comments from Other Departments

<p>| | |</p>
<table>
<thead>
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<tbody>
<tr>
<td>Police</td>
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<td>Fire</td>
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<td>Public Services</td>
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<tr>
<td>Engineering</td>
<td>No Comment</td>
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<tr>
<td>Evaluation</td>
<td>Criteria for Approval (Sec. 2.8.3.4 &amp; 5.1.5.5)</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</td>
</tr>
<tr>
<td>Inconsistent</td>
<td>N/A The proposed use is consistent with any adopted neighborhood character study for the area. <strong>Studies have not been completed at the time of this request</strong></td>
</tr>
<tr>
<td>Neutral</td>
<td>X The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.</td>
</tr>
<tr>
<td></td>
<td>X The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.</td>
</tr>
<tr>
<td>Neutral</td>
<td>X The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.</td>
</tr>
<tr>
<td>Neutral</td>
<td>X The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.</td>
</tr>
<tr>
<td>Neutral</td>
<td>X The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.</td>
</tr>
<tr>
<td>Neutral</td>
<td>X The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</td>
</tr>
<tr>
<td>Neutral</td>
<td>X The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.</td>
</tr>
<tr>
<td>Neutral</td>
<td>X The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.</td>
</tr>
<tr>
<td>Neutral</td>
<td>X The proposed use is not within 300 ft. of a church, public or private school, or public hospital.</td>
</tr>
<tr>
<td>Neutral</td>
<td>X The proposed use is not within 1,000 ft. of a public or private school as outlined within section 1.5.1.1.</td>
</tr>
</tbody>
</table>
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 3/20/2024

Shai Yo Thai Renewal - 700 N LBJ Dr.

Site Location

Subject Property
Parcel

N 0 50 100 200 Feet

Miles

San Marcos Planning and Development Services
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 3/20/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 3/20/2024
Notice of Public Hearing
Conditional Use Permit Renewal
Sale of Mixed Beverages
700 North LBJ Suite 109

CUP-24-08 (Shai Yo Thai) Hold a public hearing and consider a request by Adisak Nernbok, on behalf of Shai Yo Thai, to renew a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 700 N LBJ Suite 109. (C. Garrison)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on Tuesday, April 9, 2024 at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager, Craig Garrison, at 512.805.2649 or cgarrison@sanmarcostx.gov. When calling, please refer to case number CUP-24-08.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)
<table>
<thead>
<tr>
<th>Property ID</th>
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<th>Owner Address</th>
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<tbody>
<tr>
<td>10363</td>
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<td>30227 VIA BORICA</td>
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<td>304 CHESTNUT ST, SAN MARCOS TX</td>
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<td>CHRISTOPHER A LIN MANAGING DIRECTOR</td>
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<td>140973</td>
<td>817 CHESTNUT ST, SAN MARCOS, TX 78666</td>
<td>ELLA LOFTS FUNDING COMPANY LLC</td>
<td>Attn: SLK GLOBAL SOLUTIONS AMERICA</td>
</tr>
<tr>
<td>37724</td>
<td>801 CHESTNUT ST, SAN MARCOS TX</td>
<td>APANTE INVESTMENTS LP</td>
<td>PO BOX 360788</td>
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<tr>
<td>131699</td>
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<td>421 E. Hillcrest</td>
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<td>CONA Rep Paul Murray</td>
<td>102 Barclay</td>
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<td>CONA Rep Amy Thomaides</td>
<td>1131 W. MLK St</td>
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<td></td>
<td>Neighborhood Rep Roland Saucedo</td>
<td>211 Ebony St</td>
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<tr>
<td></td>
<td>Neighborhood Rep Larry Mock</td>
<td>107 Canyon Rd</td>
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Office of the Secretary of State

CERTIFICATE OF FILING
OF

Shai Yo, LLC
803081728

The undersigned, as Deputy Secretary of State of Texas, hereby certifies that a Certificate of Amendment for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Deputy Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 06/14/2021
Effective: 06/14/2021

Jose A. Esparza
Deputy Secretary of State
Entity Information

The name of the filing entity is:

SHAI YO LLC

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

☐ For-profit Corporation
☐ Nonprofit Corporation
☐ Cooperative Association
☑ Limited Liability Company
☐ Professional Corporation
☐ Professional Limited Liability Company
☐ Professional Association
☐ Limited Partnership

The file number issued to the filing entity by the secretary of state is: 0803081728

The date of formation of the entity is: 08/01/2018

Amendments

1. Amended Name
(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

2. Amended Registered Agent/Registered Office

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:
4.59
mushrooms, served with cheese sauce.

2.99
seasoned crispy shrimp with chopsticks.

Served with sweet chili sauce.

2.99
fried with florets, with peanut sauce.

2.99
seasoned crispy shrimp with chopsticks.

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Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.15. Contact your local TABC office to verify requirements of Sections 11.391 and 61.381 as you may be required to post a sign at your proposed location 60-days prior to the issuance of your license/permit.

All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. www.tabc.texas.gov/laws/code_and_rules.asp

**LOCATION INFORMATION**

1. Application for: □ Original □ Add Late Hours Only License/Permit Number
   □ Reinstatement □ Reinstatement and Change of Trade Name License/Permit Number
   □ Change of Location □ Change of Location and Trade Name License/Permit Number

2. Type of On-Premise License/Permit
   □ BG Wine and Beer Retailer’s Permit
   □ BE Beer Retailer’s On-Premise License
   □ BL Retail Dealer’s On-Premise Late Hours License
   □ BP Brewpub License
   □ V Wine & Beer Retailer’s Permit for Excursion Boats
   □ MB Mixed Beverage Permit
   □ O Private Carrier’s Permit – Brewpubs (BP) with a BG only
   □ LB Mixed Beverage Late Hours Permit
   □ MI Minibar Permit
   □ CB Caterer’s Permit
   □ FB Food and Beverage Certificate
   □ PE Beverage Cartage Permit
   □ RM Mixed Beverage Restaurant Permit with FB
   □ E Local Cartage Permit – Wine/Beverage Retailer (BG) Only

3. Indicate Primary Business at this Location
   □ Restaurant □ Sporting Arena, Civic Center, Hotel □ Bar
   □ Grocery/Market □ Sexually Oriented □ Miscellaneous

4. Trade Name of Location (Name of restaurant, bar, store, etc.)
   Shai Yo Thai Cuisine and Grill

5. Location Address
   700 North LBJ Dr. Ste. 109
   City: San Marcos
   County: Hays
   State: TX
   Zip Code: 78666

6. Mailing Address
   100 Kemah Dr.
   City: Kyle
   State: TX
   Zip Code: 78640

7. Business Phone No. (512) 997-7339
   Alternate Phone No. N/A
   E-mail Address brendale@fulltaxservices.com

**OWNER INFORMATION**

8. Type of Owner
   □ Individual □ Corporation □ City/County/University
   □ Partnership □ Limited Liability Company □ Other
   □ Limited Partnership □ Joint Venture
   □ Limited Liability Partnership □ Trust

9. Owner of Business/Applicant (Name of Corporation, LLC, etc.)
   Shai Yo LLC

**PRIMARY CONTACT PERSON**

The primary contact person should be a person who can answer questions TABC may have about the application. The contact phone and email are mandatory and must be active and updated regularly. If additional information is needed, it will be requested from this contact person. Delays in responding to requests may delay the processing and approval of your permit/license.

10. Contact Person: Brenda Le
    Relation to Business: Accountant
    Phone (mandatory): (512) 997-7339
    Email (mandatory): brendale@fulltaxservices.com

**TABC DATES**
Office of the Secretary of State

CERTIFICATE OF FILING
OF
Shai Yo, LLC
803081728

The undersigned, as Deputy Secretary of State of Texas, hereby certifies that a Certificate of Amendment for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Deputy Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 06/14/2021
Effective: 06/14/2021

Jose A. Esparza
Deputy Secretary of State
Certificate of Amendment

Entity Information

The name of the filing entity is:

SHAI YO LLC

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

☐ For-profit Corporation
☐ Nonprofit Corporation
☐ Cooperative Association
☐ Limited Liability Company
☐ Professional Corporation
☐ Professional Limited Liability Company
☐ Professional Association
☐ Limited Partnership

The file number issued to the filing entity by the secretary of state is: 0803081728

The date of formation of the entity is: 08/01/2018

Amendments

1. Amended Name
(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

2. Amended Registered Agent/Registered Office

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:
Registered Agent
(Complete either A or B, but not both. Also complete C.)

☐ A. The registered agent is an organization (cannot be entity named above) by the name of:

OR

☑️ B. The registered agent is an individual resident of the state whose name is:

<table>
<thead>
<tr>
<th>ADISAK</th>
<th>NERNBOK</th>
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<tbody>
<tr>
<td>First Name</td>
<td>M.I.</td>
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</table>

The person executing this instrument affirms that the person designated as the new registered agent has consented to serve as registered agent.

C. The business address of the registered agent and the registered office address is:

<table>
<thead>
<tr>
<th>700 NORTH LBJ DR, STE. 109</th>
<th>SAN MARCOS</th>
<th>TX</th>
<th>78666</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address (No P.O. Box)</td>
<td>City</td>
<td>State</td>
<td>Zip Code</td>
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</table>

3. Other Added, Altered, or Deleted Provisions

Other changes or additions to the certificate of formation may be made in the space provided below. If the space provided is insufficient, incorporate the additional text by providing an attachment to this form. Please read the instructions to this form for further information on format.

Text Area (The attached addendum, if any, is incorporated herein by reference.)

☐ Add each of the following provisions to the certificate of formation. The identification or reference of the added provision and the full text are as follows:

☑️ Alter each of the following provisions of the certificate of formation. The identification or reference of the altered provision and the full text of the provision as amended are as follows:

ARTICLE 3:
ADISAK NERNBOK - MANAGER
100% OWNERSHIP
140 CHRISTOPHER COVE
KYLE, TX 78640

☑️ Delete each of the provisions identified below from the certificate of formation.

ARTICLE 3:
SUBAN WONGMUANG - MANAGER
100 KEMAHA DRIVE
KYLE, TX 78640

Statement of Approval

The amendments to the certificate of formation have been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the entity.
Effectiveness of Filing (Select either A, B, or C.)

A. ☑ This document becomes effective when the document is filed by the secretary of state.
B. ☐ This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: ______________________
C. ☐ This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: ______________________
   The following event or fact will cause the document to take effect in the manner described below:
   ____________________________________________________________

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: 06/11/2021

By: ______________________

Signature of authorized person

ADISAK NERNBOK
Printed or typed name of authorized person (see instructions)
CONDITIONAL USE PERMIT APPLICATION
(ALCOHOL OUTSIDE CBA)

Updated: August, 2023

CONTACT INFORMATION

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<tr>
<th>Applicant's Name</th>
<th>Adisak Nernbok</th>
<th>Property Owner</th>
<th>Hyatt Family Trust</th>
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<tr>
<td>Company</td>
<td>Shai Yo LLC</td>
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<tr>
<td>Applicant’s Mailing Address</td>
<td>140 Christopher C</td>
<td>Owner's Mailing Address</td>
<td>4300 S, Congress Ave</td>
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<td></td>
<td>Kyle, TX 78640</td>
<td></td>
<td>Austin, TX, 78745</td>
</tr>
<tr>
<td>Applicant's Phone #</td>
<td>(512) 924-2907</td>
<td>Owner's Phone #</td>
<td>512-618-6100</td>
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<td>Applicant’s Email</td>
<td>teijnernbok69@hot</td>
<td>Owner’s Email</td>
<td></td>
</tr>
<tr>
<td></td>
<td>mail.com</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Subject Property Address: 400 North LBJ San Marcos Texas 78666

Zoning District: C-SM-RET

Tax ID #: R 23498

Legal Description: Lot 1 Block 1 Subdivision The Center at San Marcos

Number of Parking Spaces: 121

Is property more than 300’ from church, school, hospital, or residential district? ☐ Y ☑ N

DESCRIPTION OF REQUEST

Business Name: Shai Yo Thai Cuisine and ☑ Restaurant ☐ Bar ☐ Other: Grill

☐ NEW ☑ RENEWAL/AMENDMENT ☐ Mixed Beverage ☐ Beer & Wine ☐ Late Hours

Hours of Operation (ex. Mon 12pm-1am): Mon 11am-12am Tue 11am-2am Wed 11am-2am

Thurs 11am-2am Fri 11am-2am Sat 11am-2am Sun 11am-12am

Indoor Seating Capacity: 80 Outdoor Seating Capacity: 25 Gross Floor Area: 2,800 sq ft

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 1,000* Technology Fee $15 TOTAL COST $1,015

Renewal/Amendment Filing Fee $750* Technology Fee $15 TOTAL COST $765

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
PROPERTY OWNER AUTHORIZATION

I, ________________ (owner name) on behalf of ________________ (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 7200 N. LB, San Marcos, TX, 78666 (address).

I hereby authorize ________________ (agent name) on behalf of ________________ (agent company) to file this application for ________________ (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: ___________________________ Date: 1/31/21

Printed Name, Title: Robert Evans, Property Manager

Signature of Agent: ___________________________ Date: __________

Printed Name, Title: ________________

Form Updated October, 2019
AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

• Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. **It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.**

• Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.**

• Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.**

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City’s Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: __________________________ Date: 2/2/24

Print Name: Adisace Nembok

Form Updated March, 2023
Public Hearing
CUP-24-08
Shai Yo Thai

CUP-24-08 (Shai Yo Thai) Hold a public hearing and consider a request by Adisak Nernbok, on behalf of Shai Yo Thai, to renew a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 700 N LBJ Suite 109. (C. Garrison)
- Approximately 3 acres
- Intersection of N LBJ and E Sessom Drive
- Property Information
Context & History

- The business is an existing restaurant with alcohol sales

- Surrounding Uses
  - Retail
  - Apartments
  - Restaurants
  - Bar
Context & History

- **Existing Zoning:** Community Commercial
- **Current Use:** Restaurant with alcohol sales
  - Saturday - Sunday: 11 am – 12am
- **CUP Expiration Date:** 9/14/2022
• Floor Plan
Recommendation

- Staff recommends(ed) **approval** of CUP-24-05 with the following conditions:
  1. The permit shall be valid for one (1) year, provided standards are met;
  2. The permit shall be posted in the same area and manner as the Certificate of Occupancy;
  3. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
AGENDA CAPTION:
CUP-24-09 (First Watch Daytime Cafe) Hold a public hearing and consider a request by Susan Hibbs, on behalf of First Watch Daytime Cafe, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1506 N IH 35, Suite 101. (K. Buck)

Meeting date: April 9, 2024

Department: Planning and Development Services

Amount & Source of Funding
 Funds Required: N/A
 Account Number: N/A
 Funds Available: N/A
 Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative:
N/A
N/A
N/A

Comprehensive Plan Element (s):
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☒ Not Applicable
File #: CUP-24-09, Version: 1

Master Plan:
Choose an item.

Background Information:
This is a new request.

Council Committee, Board/Commission Action:
N/A

Alternatives:
N/A

Recommendation:
Staff recommends approval of CUP-24-09 with the following conditions:
1. The permit shall be valid for one (1) year provided standards are met; and
2. The permit shall be effective upon issuance of the Certificate of Occupancy; and
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.
## Summary

**Request:** New Conditional Use Permit  
**Applicant:** Susan Hibbs  
11750 Katy Fwy #1300  
Houston, TX 77079  
**Property Owner:** Aquarena Crossing 1B, Ltd.  
750 N St Paul St #250  
Dallas, TX 75201  
**CUP Expiration:** N/A  
**Type of CUP:** Mixed Beverage  
**Interior Floor Area:** 3,252 sq ft  
**Outdoor Floor Area:** 630 sq ft  
**Parking Required:** 31 spaces  
**Parking Provided:** Yes  
**Days & Hours of Operation:** Monday-Sunday: 7am-2:30pm

## Notification

**Posted:** 03/22/2024  
**Personal:** 03/22/2024  
**Response:** None as of the date of this report

## Property Description

**Legal Description:** Lot 1, Block B, Northgate Center 1 Subdivision (2021)  
**Location:** Along IH 35 frontage Rd, approximately 250 feet South of Aquarena Springs Dr  
**Acreage:** 1.43 acres  
**PDD/DA/Other:** N/A  
**Existing Zoning:** General Commercial (GC)  
**Proposed Zoning:** Same  
**Existing Use:** New Commercial Building  
**Proposed Use:** Restaurant  
**Preferred Scenario:** High Intensity Zone  
**Proposed Designation:** Same  
**CONA Neighborhood:** Two Rivers East  
**Sector:** 6  
**Utility Capacity:** Adequate  
**Floodplain:** Yes  
**Historic Designation:** N/A  
**My Historic SMTX Resources Survey:** No

## Surrounding Area

<table>
<thead>
<tr>
<th></th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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</thead>
<tbody>
<tr>
<td>North of Property:</td>
<td>General Commercial (GC) &amp; Multifamily</td>
<td>Gas Station Health Care Facility (Valero)</td>
<td>High Intensity Zone</td>
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<tr>
<td></td>
<td>Residential (MF-12)</td>
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<tr>
<td>South of Property:</td>
<td>Public and Institutional (P)</td>
<td>Public Building (Texas Department of Public Safety)</td>
<td>High Intensity Zone</td>
</tr>
<tr>
<td>East of Property:</td>
<td>Multifamily Residential (MF-24)</td>
<td>Apartments (Villagio &amp; Riverside Ranch)</td>
<td>High Intensity Zone</td>
</tr>
<tr>
<td>West of Property:</td>
<td>General Commercial (GC)</td>
<td>Restaurants (Hawaiian Bros, In-N-Out Burger, Chic-fil-A)</td>
<td>High Intensity Zone</td>
</tr>
</tbody>
</table>
Staff Recommendation

<table>
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<tr>
<th>Approval as Submitted</th>
<th>X Approval with Conditions</th>
<th>Denial</th>
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<tbody>
<tr>
<td>1. The permit shall be valid for one (1) year provided standards are met; and</td>
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<tr>
<td>2. The permit shall be effective upon issuance of the Certificate of Occupancy; and</td>
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<tr>
<td>3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</td>
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</table>

Staff: Kaitlyn Buck  Title: Planner  Date: 04/03/2024

History

This is a new request.

Additional Analysis

In August of 2023, this property received a building permit and began constructing a shell building. In February of 2024, First Watch Daytime Café received their tenant finish out permit.

See additional analysis below.

Comments from Other Departments

<table>
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<tr>
<th>Department</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Police</td>
<td>No Comment</td>
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<tr>
<td>Fire</td>
<td>No Comment</td>
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<tr>
<td>Public Services</td>
<td>No Comment</td>
</tr>
<tr>
<td>Engineering</td>
<td>No Comment</td>
</tr>
<tr>
<td>Evaluation</td>
<td>Criteria for Approval (Sec. 2.8.3.4 &amp; 5.1.5.5)</td>
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<tr>
<td>------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</td>
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<tr>
<td>N/A</td>
<td>The proposed use is consistent with any adopted neighborhood character study for the area. <strong>Studies were not complete at the time of the request.</strong></td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <strong>Section 9.2.2.6 (General Commercial District of the City’s Land Development Code defines the purpose of the zoning district as, “…to provide areas for quality larger general retail establishments and service facilities for the retail sale of goods and services.” Staff believes a restaurant with alcohol sales is consistent with the purpose of the zoning district.</strong></td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.</td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.</td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.</td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.</td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.</td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use is not within 300 ft. of a church, public or private school, or public hospital.</td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use is not within 1,000 ft. of a public or private school as outlined within section 1.5.1.1.</td>
</tr>
</tbody>
</table>
First Watch Daytime Café -
1506 N IH 35 STE 101

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/21/2024

Subject Property
Parcel
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/21/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/21/2024
Notice of Public Hearing
Conditional Use Permit Request
Sale of Mixed Beverages
1506 N IH 35, Suite 101

CUP-24-09 (First Watch Daytime Cafe) Hold a public hearing and consider a request by Susan Hibbs, on behalf of First Watch Daytime Cafe, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1506 N IH 35, Suite 101. (K. Buck)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on Tuesday, April 9, 2024, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: [http://sanmarcostx.gov/541/PZ-Video-Archives](http://sanmarcostx.gov/541/PZ-Video-Archives). Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager, Kaitlyn Buck, at [512.393.8234](tel:512.393.8234) or [kbuck@sanmarcostx.gov](mailto:kbuck@sanmarcostx.gov). When calling, please refer to case number CUP-24-09.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at [512-393-8000](tel:512-393-8000) (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to [512-393-8074](tel:512-393-8074) or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)
## Notification List

<table>
<thead>
<tr>
<th>Property ID</th>
<th>Name of Owner</th>
<th>Owner's Address</th>
<th>Owner's City, State, Zip</th>
<th>Site Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>179321</td>
<td>AQUARENA SPRINGS LAND HOLDINGS LTD</td>
<td>750 N SAINT PAUL ST, STE 250-PMB 78471</td>
<td>DALLAS, TX 75201-3206</td>
<td>AQUARENA SPRINGS DR, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>12244</td>
<td>IVES HEALTH HOLDINGS LLC</td>
<td>P O BOX 128109</td>
<td>NASHVILLE, TN 37212-8109</td>
<td>1600 N IH 35, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>32738</td>
<td>MDC COAST 9 LLC</td>
<td>11995 EL CAMINO REAL</td>
<td>SAN DIEGO, CA 92130</td>
<td>1550 N IH 35, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>100157</td>
<td>1200 NORTH MANSFIELD</td>
<td>89 LAUREL DR</td>
<td>RANCHO PALOS VERDES, CA 90275-4479</td>
<td>IH 35, SAN MARCOS, TX 78666</td>
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<td></td>
<td>CONA Rep Amy Thomaides</td>
<td>1131 W. MLK St</td>
<td>San Marcos TX 78666</td>
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<td>Neighborhood Rep Roland Saucedo</td>
<td>211 Ebony St</td>
<td>San Marcos TX 78666</td>
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<td>Neighborhood Rep Robert Dudolski</td>
<td>133 Rock Bluff Lane</td>
<td>San Marcos TX 78666</td>
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<tr>
<td></td>
<td>Neighborhood Rep Michael Vernon</td>
<td>601 Barbara Dr</td>
<td>San Marcos TX 78666</td>
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</tbody>
</table>
WARNING: CONTRACTOR IS TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

before you dig.

Call 66

REQUIRED BICYCLE PARKING

PROVIDED BICYCLE PARKING

TOTAL PROVIDED PARKING

Know what's below.
FIRST WATCH GC Callouts:

- Provide blocking, electrical power, and 2 single gang electrical boxes and conduit stub out into the ceiling for the speaker and network wires.
- Provide 5 single gang deep electrical boxes, conduit stub outs and pull strings into the ceiling for the volume controls in the office.
- Provide wall penetration, conduit sleeve, J-Box, and pull string for the outdoor speakers. (Typical of 4 locations)
- Fire alarm contractor to provide a single pair dry contact closure normally open cable within two feet of the audio amplifier labeled ALARM with a 2 ft. pigtail.

Suspend the speakers using the provided cables and dress the audio wire NEATLY down the suspension cables and tie-wrap them.

Hang all pendant speakers with the speaker grill at or below the same height 24F of the bottom of the HVAC duct. The pendants are not to hang lower than the lighting to prevent creating any shadows.
Backflow prevention:
1. soda system
2. hot chocolate machine
3. decaffeinated coffee Brewer
4. coffee Brewer
5. tea Brewer
6. ice chest
7. faucet - glass filler
8. ice machine

Grease Trap:
New Schier GB250
275 Gallon - Storage
1751 lbs-Max Grease Capacity

Bathrooms:
Flooring - ceramic tiles
Walls - ceramic tiles
Ceiling - Vinyl coated tiles

Kitchens:
Flooring - ceramic tiles
Walls - FRP
Ceiling - vinyl coated tiles

WIC/ WIF:
Walls, flooring, ceiling: Stainless Steel

Dining Room:
Walls - drywall, wood panels, Corrugated metal panels, vinyl panels
Flooring - ceramic tiles, vinyl

Ceiling material over bar - tin tiles
Ceiling materials over coke machine - vinyl tiles

GENERAL NOTES

ARCHITECT: ARCHITECTURAL GROUP INT'L and is not to be reproduced or copied in
whole or in part. It is only to be used for the project and
at the site specifically identified herein and is not to be used on
any other project. It is to be returned upon request.

This drawing is the property of ARCHITECTURAL GROUP INT'L and is not to be reproduced or copied in
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Revisions:
Architect any error, inconsistency or omission he may discover.

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AVOCADO TOAST Our thick-cut whole grain artisan toast, fresh smashed avocado, EVOO, lemon and Maldon sea salt with two basted cage-free eggs. (640 Cal) 12.89

HEALTHY TURKEY Turkey, house-roasted onions, tomatoes, spinach and Peta cheese in a cage-free egg white omelet. Served with our whole grain artisan toast and all-natural house preserves. (530 Cal) 12.89

A.M. SUPERFRUITS BOWL Coconut milk chia seed pudding, fresh bananas and berries, mixed berry compote, housemade granola with almonds and our whole grain artisan toast with almond butter and Maldon sea salt. (600 Cal) 12.86

SUNRISE GRANOLA BOWL Non-fat vanilla Greek yogurt layered with fresh, seasonal fruit and our housemade granola with almonds. Served with a freshly baked muffin of the day. (830-1070 Cal) 10.99

STEEL-CUT OATMEAL Made to order with berries, fresh sliced banana, pecano, low-fat milk, brown sugar and a freshly baked muffin of the day. (590-1130 Cal) 9.89

TRI-ATHLETE House-roasted Crimini mushrooms, onions, tomatoes and green chiles in a cage-free egg white omelet. Served with housemade pico de gallo, our whole grain artisan toast, all natural house preserves and fresh fruit. (510 Cal) 12.90

POWER WRAP Cage-free egg whites, turkey, spinach, house-roasted Crimini mushrooms and Mozarella in a sun-dried tomato-basil tortilla. Served with fresh fruit and a side of housemade pico de gallo. (990 Cal) 11.29

MULTIGRAIN PANCAKES We’ve gotta warn you: These beauties are beyond big – they’re humongous! Choose four stackages accordingly.
- Plain (530/970 Cal)
- Chocolate Chip (640/1190 Cal)
- Banana Granola Almond Crounch (670/1260 Cal)
- Blueberry (590/2060 Cal)
- Carrot Cake & Pecan (650/1220 Cal)

FARM STAND BREAKFAST TACOS Three wheat-corn tortillas with scrambled cage-free eggs. Cajun chicken, chorio, Cheddar and Monterrey Jack. Topped with fresh avocado and housemade pico de gallo. Served with seasoned black beans. (1500 Cal) 13.99

BURRITOS & TURKEY SAUSAGE GRAVY WITH EGG One large house-baked buttermilk biscuit split in two with housemade turkey sausage gravy, two cage-free eggs any style and a side of fresh, seasoned potatoes. (940 Cal) 12.99

SKILLET HASH Two cage-free eggs any style atop fresh, seasoned potatoes. Served with our whole grain artisan toast with all natural house preserves. Choose one from below.
- Farmhouse - bacon, avocado, house-roasted onions and tomatoes with Cheddar and Monterey Jack (750 Cal) 13.79
- Parmas - Italian sausage, house-roasted Crimini mushrooms, onions and tomatoes with melted Parmesan, Mozarella and fresh herbs. (1400 Cal) 13.79
- Market - house-roasted Crimini mushrooms, maczune, shallots, red peppers, baby spinach, melted Mozarella and herbed Goat cheese (1240 Cal) 13.79

LEMON RICOTTA PANCAKES We add fresh, whipped ricotta cheese to our multigrain battern. Served as a “mid-stack” of two pancakes topped with seasonal berries, creamy lemon curd and powdered cinnamon sugar. (110 Cal) 9.99

BELGIAN WAFFLE Our light and airy waffle with a side of warm mixed berry compote and powdered cinnamon sugar. (440 Cal) 10.69

FRENCH TOAST Custard-dipped, thick-cut brioche bread with whipped butter, powdered cinnamon sugar and warm mixed berry compotes. (560 Cal) 10.99

FRENCH BREAD TOAST Thick-cut brioche bread with wheat germ and powdered cinnamon sugar, covered with fresh bananas, kiwi and seasonal berries. (700 Cal) 12.99

REGULAR SYRUP (150 Cal)
SUGAR-FREE SYRUP (20 Cal) AVAILABLE UPON REQUEST
100% PURE MAPLE SYRUP (190 Cal) AVAILABLE FOR 1.59
**SIDES AND SMALL PLATES**

**BOB’S RED MILL GRITS**
Buttered (180 Cal) 3.49
Cheesy (180 Cal) 3.49

**FRESH, SEASONAL FRUIT**
Small (8 Cal) 4.69
Large (160 Cal) 5.69

**FRESH, SEASONED POTATOES**
(320 Cal) 3.69

**BISCUITS & GRAYVY**
One Large Buttermilk Biscuit (440 Cal) 5.88

**OUR WHOLE GRAIN ARTISAN TOAST WITH WHOLE-FLAVOR HONEY PRESERVES**
(590 Cal) 5.46

**ENGLISH MUFFIN**
(330 Cal) 2.49

**GLUTEN-FREE TOAST**
(460-590 Cal) 12.29

**LEMON-DRESSED ORGANIC MIXED GREENS**
(70 Cal) 3.59

**BOWL OF SOUP**
Tomato Basil or Soup of the Day (150-290 Cal) 4.99

---

**SALADS**

Salads served with artisan ciabatta toast. (90 Cal)

**SUPERFOOD KALE**
Vitamin-rich kale and organic mixed greens with housemade maple-roasted carrots, warm all-natural chicken breast, dried cranberries, slivered almonds and shredded Parmesan tossed in our refreshing maple-lemon vinaigrette. (850 Cal) 12.29

**CHICKEN AVOCADO CHOP**
Chopped romaine and arugula, all-natural chicken breast, avocado, tomatoes, corn, black beans, Feta cheese and crumbly tortilla strips with citrus chipotle dressing. (790 Cal) 12.29

**COBB**
Organic mixed greens, bacon, turkey breast, a hard-boiled cage-free egg, tomatoes, avocado and Bleu cheese crumbles with buttermilk ranch dressing. (860 Cal) 12.29

**SWEET HONEY PECAN**
Organic mixed greens, romaine, all-natural chicken breast, bacon, toasted pecans, avocado, tomatoes and carrots with Cheddar and Monterey Jack. Drizzled with warm honey Dijon dressing. (850 Cal) 12.29

---

**SANDWICHES**

Sandwiches served with lemon-dressed organic mixed greens (70 Cal) or a bowl of soup. (150-290 Cal)

**MONTEREY CLUB**
Turkey, bacon, avocado, organic mixed greens, tomato, Monterey Jack and mayo on sourdough. (1020 Cal) 12.29

**BLT**
The classic BLT plus two over-hard cage-free eggs, Monterey Jack and mayo on our artisan whole grain. (1120 Cal) 11.99

**BAJA TURKEY BURGER**
A lean white-meat turkey patty with avocado, organic mixed greens, housemade pico de gallo, mayo and Horseradish Havarti cheese on a brioche bun. (820 Cal) 11.99

**MARKET VEGGIE**
Roasted Crimini mushrooms, arugula and spinach with basil pesto, mayo and Mozzarella on our grilled artisan whole grain. (790 Cal) 11.99

**ROAST BEEF & HAVARTI**
Roast beef, Horseradish Havarti cheese, house-roasted onions and tomato with lemon-dressed arugula on grilled Parmesan-crusted sourdough. Horseradish sauce on the side. (1070 Cal) 13.49

**HAM & GRUYÈRE MELT**
Smoked ham, tomato and melted Gruyere cheese with Dijonnaise on grilled artisan brioche. (700 Cal) 11.99

**VEGGIE BURGER**
A seasoned all-natural patty of brown rice, Peppadew peppers, onions, carrots and mushrooms. Served on a brioche bun with fresh smashed avocado, organic mixed greens, tomato, red onion and a side of Dijonnaise. (610 Cal) 11.99

---

**PROJECT SUNRISE**
Better Coffee, Better World.

Every cup of our Project Sunrise coffee tells a story. It’s about empowering the Mujeres en Cafe’, or women coffee farmers, who grow and handpick each bean, supporting families and strengthening communities throughout South America. And that’s only the first sip. Because we believe better coffee cultivates a better world.

---

**FOOD ALLERGIES**
Scan here.

---

**BEVERAGES**

**PROJECT SUNRISE COFFEE**
A pot of our premium, full-flavored coffee. (free refills) (10 Cal/pot)

**DECAF COFFEE**
(0 Cal)

**COLD BREW COFFEE**
(35 Cal)

**ICED COFFEE**
Creamy, sweet, cold and refreshing. (150 Cal)

**HERBAL TEA**
A selection of hot organic herbal teas. (0 Cal)

**FRESH-BREWED ICED TEA**
Unsweetened Black or Blackberry (free refills) (150 Cal)

**HOT CHOCOLATE**
(250 Cal)

**LOW-FAT MILK**
Small or Large (100/190 Cal)

**COCA-COLA SOFT DRINKS OR DR PEPPER**
(Free refills) (5/12 Cal)

**100% COLD SQUEEZED ORANGE JUICE**
Small or Large (10/22 Cal)

**GRAPEFRUIT JUICE**
Small or Large (10/22 Cal)

**APPLE OR CRANBERRY JUICE**
Small or Large (10/22 Cal)

---

**2 for YOU**

**LUNCH SPECIALS THAT ARE TWICE AS NICE 10.99**

**SALADS**

- Monterey Club (510 Cal)
- Ham & Gruyère Melt (400 Cal)
- Market Veggie (400 Cal)
- Roast Beef & Havarti (530 Cal)

**SOUPS**

- Soup of the Day (100-210 Cal)
- Tomato Basil (140 Cal)

---

**JUICE BAR**

We juice daily using all-natural ingredients.

**TOMATILLO, BELT KALE, FISH APPLE AND ENGLISH CUCUMBER JUICED IN-HOUSE.**

**MORNING MEDITATION**
Orange, lemon, turmeric, organic ginger, agave nectar and beet. (140 Cal)

**KALE TONIC**
Kale, Fuji apple, English cucumber and lemon. (130 Cal)

**PURPLE HAZE**
Lemon, cane sugar, butterfly pea flower tea and a hint of lavender. (230 Cal)

**SEASONAL JUICE**

---

**BEVERAGE MENU**

- For our customers with food allergies and/or sensitivities, please inform your server prior to ordering. Our gluten-free items are often prepared with shared equipment (including a shared toaster) and cross contact is very likely. If you have an allergy or sensitivity, please ask that your order be prepared using our allergy handling procedures. We cannot guarantee that cross contact with foods containing allergens will not occur but will make a reasonable effort to avoid it.
- 2000 calories a day is used for general nutrition advice, but calorie needs vary.
NEW BEGINNINGS

SHAREABLES

HOLEY DONUTS
Cinnamon sugar-dusted cake donut holes with chocolate sauce and warm mixed berry compote for dipping. 5.99

MILLION DOLLAR BACON
Four slices of our signature hardwood smoked bacon glazed with brown sugar, black pepper, cayenne and a maple syrup drizzle. 5.99

ENTRÉES

BROOKLYN BREAKFAST SANDWICH
Inspired by a New York deli classic — shaved pastrami, Gruyère cheese and house-roasted onions with an over-easy cage-free egg, house-pickled red onions, arugula, mayo and Dijon mustard on a griddled everything-seasoned brioche bun. Served with lemon-dressed organic mixed greens. 13.99

BARBACOA CHILAQUILES BREAKFAST BOWL
Seasoned braised beef barbacoa tossed with Cheddar and Monterey Jack, salsa roja and crispy corn tortilla chips then topped with fresh avocado, lime crema, Cotija cheese and scallions. Served with cheesy scrambled cage-free eggs and seasoned black beans with housemade pico de gallo. 14.99

BLACKBERRY LEMON CREAM FRENCH TOAST
Thick-cut, custard-dipped challah bread griddled and topped with lemon cream, fresh blackberries, mixed berry compote, crème anglaise and spiced gingerbread cookie crumbles. Lightly dusted with powdered cinnamon sugar. 13.29

BRUNCH COCKTAILS

MILLION DOLLAR BLOODY MARY
New Amsterdam 5X Distilled Vodka, Bloody Mary mix and Million Dollar Bacon. 8.79

POMEGRANATE SUNRISE
Camarena Tequila, pomegranate, fresh lime and agave nectar. 8.79

MIMOSA
100% cold squeezed orange juice and Barefoot Bubbly Brut Cuvée. 8.79

JUICE BAR

We juice daily using all-natural ingredients.
TURMERIC, KALE, FUJI APPLE AND ENGLISH CUCUMBER JUICED IN-HOUSE.

NEW! MANGO PASSION PALMER
Mango, passion fruit, organic ginger and green tea. 5.49

PURPLE HAZE
Lemon, cane sugar, butterfly pea flower tea and a hint of lavender. 5.29
Add a little daze to your Haze with our Spiked Lavender Lemonade.

KALE TONIC
Kale, Fuji apple, English cucumber and lemon. 5.29

MORNING MEDITATION®
Orange, lemon, turmeric, organic ginger, agave nectar and beet. 5.29

BOOST YOUR JUICE
WITH A WELLNESS SHOT OF ANTIOXIDANT-RICH VITAMINS. .99

ICED COFFEE 5.59

MINT MOCHA
Chocolate and mint topped with a sweet cream cold foam and mini Ghirardelli® dark chocolate chips.

HONEY CARAMEL CRUNCH
Salted caramel and honey topped with a sweet cream cold foam and toffee crumbles.

CINNAMON TOAST CEREAL MILK
RumHaven Coconut Rum, cold brew coffee, oat milk and agave nectar. 8.79

BLACKBERRY BRAMBLE SANGRIA
A signature blend of Merlot, mixed berries and apple with a squeeze of orange and lime. Each pitcher pours 2–3 servings. Great for sharing! 19.99

SPIKED LAVENDER LEMONADE
New Amsterdam 5X Distilled Vodka, lemon, cane sugar, butterfly pea flower tea and a hint of lavender. 8.79

WE’RE KEEPING THE DELI IN DELICACY. FIND OUT MORE ON THE BACK.
Submit this form to the proper officials to obtain certification for the type of license/permit for which you are applying as required by TX Alc. Bev. Code, Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13. This Required Certifications form must be submitted with your Initial Application form.

Contact your local TABC office for assistance.

### LOCATION INFORMATION

1. **Trade Name of Location** (Name of restaurant, bar, store, etc.)
   - First Watch Daytime Cafe San Marcos

2. **Owner of Business/Applicant** (Name of Corporation, LLC, etc.)
   - FW San Marcos LLC

3. **Type of Owner**
   - Corporation
   - Limited Liability Company
   - Limited Partnership
   - Limited Liability Partnership
   - Partnership
   - Other: __________

4. **Location Address**
   - 1506 N IH 35, Suite 101
   - City: San Marcos
   - County: Hays
   - State: TX
   - Zip Code: 78666

5. **Mailing Address**
   - 11750 Katy Fwy # 1300
   - City: Houston
   - County: Harris
   - State: TX
   - Zip Code: 77079

6. **Business Telephone Number**
   - Not Connected yet
   - Alternate Telephone Number
   - E-mail Address: shibbs@bluebonnetconsulting.com

7. **Application for:**
   - Original
   - Reinstatement
   - Change of Location
   - Reinstatement and Change of Trade Name
   - Change of Location and Trade Name

8A. **Type of Off-Premise Retailer License/Permit:**
   - BF Retail Dealer’s Off-Premise License
   - BQ Wine and Malt Beverage Retail Dealer’s Off-Premise Permit
   - LP Local Distributor’s Permit
   - E Local Cartage Permit
   - ET Third-Party Local Cartage Permit
   - P Package Store Permit
   - Q Wine Only Package Store

8B. **Type of On-Premise Retailer License/Permit:**
   - BE Retail Dealer’s On-Premise License
   - BG Wine and Malt Beverage Retail Dealer’s On-Premise Permit
   - BP Brewpub License
   - E Local Cartage Permit
   - FB Food and Beverage Certificate
   - MB Mixed Beverage
   - WP Waterpark Permit

8C. **Type of Wholesaler’s, Distributor’s, or Manufacturer’s License/Permit:**
   - BB General Distributor’s License
   - BC Branch Distributor’s License
   - BN Nonresident Brewer’s License
   - BW Brewer’s License
   - JB Bonded Warehouse (Dry Area)
   - D Distillers and Rectifiers Permit - allows on-premise consumption
   - DS Out-of-State Winery Direct Shipper’s Permit
   - G Winery - allows on-premise consumption
   - J Bonded Warehouse
   - S Nonresident Seller’s Permit
   - SD Brewer’s Self-Distribution License
   - W Wholesaler’s Permit
   - X General Class B Wholesaler Permit

9. **For On or Off-Premise Applicants, Indicate Primary Business Type at this Location**
   - Bar
   - Civic Center
   - Convenience Store
   - Delivery Company
   - Grocery/Market
   - Hotel
   - Motel
   - Movie Theater
   - Package Store
   - Public Entertainment Fac. (PEF as defined in Sec. 108.73)
   - Racetrack
   - Restaurant
   - Sexually Oriented
   - Sporting Arena

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**Page 1 of 6**

**Form L-CERT (7/2022)**
CONDITIONAL USE PERMIT APPLICATION
(ALCOHOL OUTSIDE CBA)

Updated: August, 2023

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant’s Name</th>
<th>Susan Hibbs</th>
<th>Property Owner</th>
<th>Aquarena Crossing 1B, Ltd.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>FW San Marcos LLC</td>
<td>Company</td>
<td>Aquarena Crossing 1B, Ltd.</td>
</tr>
<tr>
<td>Applicant’s Mailing Address</td>
<td>11750 Katy Fwy # 1300</td>
<td>Owner’s Mailing Address</td>
<td>750 N. St. Paul St., #250 Dallas, TX 75201</td>
</tr>
<tr>
<td>Applicant’s Phone #</td>
<td>Susan Hibbs 972-354-6469</td>
<td>Owner’s Phone #</td>
<td>Susan Hibbs 972-354-6469</td>
</tr>
<tr>
<td>Applicant’s Email</td>
<td><a href="mailto:shibbs@bluebonnetconsulting.com">shibbs@bluebonnetconsulting.com</a></td>
<td>Owner’s Email</td>
<td><a href="mailto:shibbs@bluebonnetconsulting.com">shibbs@bluebonnetconsulting.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Subject Property Address: 1506 N IH 35, Suite 101, San Marcos, TX 78666

Zoning District: GC

Tax ID #: R179318

Legal Description: Lot 1 Block B Subdivision Northgate Center 1

Number of Parking Spaces: 39

Is property more than 300’ from church, school, hospital, or residential district? Y N

DESCRIPTION OF REQUEST

Business Name: First Watch Daytime Cafe San Marcos

Restaurant ☑ Bar ☐ Other: ☐

Mixed Beverage ☑ Beer & Wine ☑ Late Hours ☐

NEW ☑ RENEWAL/AMENDMENT ☐

Hours of Operation(ex. Mon 12pm-1am): Mon 7am - 2:30pm Tue 7am - 2:30pm Wed 7am - 2:30pm

Thurs 7am - 2:30pm Fri 7am - 2:30pm Sat 7am - 2:30pm Sun 7am - 2:30pm

Indoor Seating Capacity: 134 Outdoor Seating Capacity: 34 Gross Floor Area: 3,882

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 1,000* Technology Fee $15 TOTAL COST $1,015

Renewal/Amendment Filing Fee $750* Technology Fee $15 TOTAL COST $765

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.
**PROPERTY OWNER AUTHORIZATION**

I, ______________________ (owner name) on behalf of ______________________ (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at ______________________ (address).

I hereby authorize ______________________ (agent name) on behalf of ______________________ (agent company) to file this application for ______________________ (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: ______________________ Date: ________

Printed Name, Title: ______________________

Signature of Agent: ______________________ Date: ________

Printed Name, Title: ______________________

Form Updated October, 2019
AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. **It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.**

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.**

- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.**

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City’s Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: ___________________________ Date: ___________________________

Print Name: ___________________________

Form Updated March, 2023
Public Hearing
CUP-24-09
First Watch Daytime Cafe

CUP-24-09 (First Watch Daytime Cafe) Hold a public hearing and consider a request by Susan Hibbs, on behalf of First Watch Daytime Cafe, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1506 N IH 35, Suite 101. (K. Buck)
Property Information

- Approximately 1.43 acres

- Located along IH 35 frontage, approximately 250 feet South of Aquarena Springs Dr
Context & History

• Currently a new commercial building

• Surrounding Uses
  – Gas Station
    • Valero
  – Public Building
    • Texas Department of Public Safety
  – Apartments
    • Villagio
    • Riverside Ranch
  – Restaurants
    • Hawaiian Bros
    • In-N-Out Burger
    • Chic-fil-A
Context & History

- Existing Zoning: General Commercial (GC)
- Proposed Use: Restaurant
- Hours of Operation
  - Monday-Sunday: 7am-2:30pm
- CUP Expiration Date:
  - N/A (this is a new request)
Site Plan
Floor Plan
Recommendation

Staff recommends **approval** of CUP-24-09 with the following conditions:

1. The permit shall be valid for one (1) year provided standards are met; and
2. The permit shall be effective upon issuance of the Certificate of Occupancy; and
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.
File #: CUP-24-10, Version: 1

AGENDA CAPTION:
CUP-24-10 (Hat Creek Burger Co) Hold a public hearing and consider a request by Lucas Lee, on behalf of Hat Creek Burger Co, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 4206 S IH 35. (K. Buck)
Meeting date: April 9, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative:
N/A
N/A
N/A

Comprehensive Plan Element(s):
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☒ Not Applicable
Master Plan:
Choose an item.

Background Information:
Hat Creek Burger Company received their initial Conditional Use Permit in December of 2017, valid for one year. In August of 2019, Hat Creek Burger Company renewed their permit for an additional 3 years.

Council Committee, Board/Commission Action:
N/A

Alternatives:
N/A

Recommendation:
Staff recommends approval of CUP-24-10 with the following conditions:
1. The permit shall be valid for two (2) years provided standards are met; and
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.
**Conditional Use Permit**

4206 S IH 35

Hat Creek Burger Co

### Summary

**Request:** Renewal of a Conditional Use Permit

**Applicant:** Lee Lucas  
4407 Bee Cave Rd., Suite 212  
Austin, TX 78746

**Property Owner:** Hat Creek Burger San Marcos LLC  
4407 Bee Cave Rd., Suite 212  
Austin, TX 78746

**CUP Expiration:** 08/27/2022  
**Type of CUP:** Beer & Wine

**Interior Floor Area:** 2,223 sq ft  
**Outdoor Floor Area:** 1,551 sq ft

**Parking Required:** 34 spaces  
**Parking Provided:** Yes

**Days & Hours of Operation:** Friday-Saturday: 11am-9:30pm  
Sunday-Thursday: 11am – 9pm

### Notification

**Posted:** 03/22/2024  
**Personal:** 03/22/2024  
**Response:** None as of the date of this report

### Property Description

**Legal Description:** Lot 1E, Section 1, in Lowman Ranch Subdivision (2005)

**Location:** IH 35 frontage, approximately 740 feet South of Centerpoint Road

**Acreage:** 1 acre  
**PDD/DA/Other:** N/A

**Existing Zoning:** General Commercial (GC)  
**Proposed Zoning:** Same

**Existing Use:** Restaurant  
**Proposed Use:** Same

**Preferred Scenario:** Employment Area Zone  
**Proposed Designation:** Same

**CONA Neighborhood:** N/A  
**Sector:** 4

**Utility Capacity:** Adequate  
**Floodplain:** No

**Historic Designation:** N/A  
**My Historic SMTX Resources Survey:** No

### Surrounding Area

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<thead>
<tr>
<th>North of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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<tbody>
<tr>
<td></td>
<td>General Commercial (GC)</td>
<td>Restaurant &amp; Coffee Shop (Whataburger, Zaxby’s, Starbucks)</td>
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<td>General Commercial (GC)</td>
<td>Retail (Tanger Outlets)</td>
<td>Employment Area Zone</td>
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<th>Preferred Scenario</th>
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<td>Character District – 5 (CD-5)</td>
<td>Vacant/Undeveloped</td>
<td>Employment Area Zone</td>
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Conditional Use Permit 4206 S IH 35
CUP-24-10 Hat Creek Burger Co

Staff Recommendation

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<tr>
<th>Approval as Submitted</th>
<th>Approval with Conditions</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. The permit shall be valid for two (2) years provided standards are met; and
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Kaitlyn Buck  Title: Planner  Date: 04/03/2024

History

Hat Creek Burger Company received their initial Conditional Use Permit in December of 2017, valid for one year. In August of 2019, Hat Creek Burger Company renewed their permit for an additional 3 years.

Additional Analysis

Entertainment facilities at Hat Creek Burger Company include four mounted television sets with two being in the restaurant's lobby and two on the patio.

There are no proposed changes to this Conditional Use Permit.

Comments from Other Departments

<table>
<thead>
<tr>
<th>Department</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>No Calls Reported</td>
</tr>
<tr>
<td>Fire</td>
<td>No Comment</td>
</tr>
<tr>
<td>Public Services</td>
<td>No Comment</td>
</tr>
<tr>
<td>Engineering</td>
<td>No Comment</td>
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</table>
### Evaluation Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)

<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 2.8.3.4 &amp; 5.1.5.5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan. <em>The Comprehensive Plan identifies the South Employment Area as a location of potential employment areas appropriate for industrial, large office park, and other intensive commercial uses. These areas are defined by uses located on larger sites with excellent road, rail, and utility infrastructure access.</em></td>
</tr>
<tr>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Inconsistent</td>
<td>The proposed use is consistent with any adopted neighborhood character study for the area. <em>Studies were not complete at the time of the request.</em></td>
</tr>
<tr>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <em>Section 9.2.2.6 (General Commercial District of the City’s Land Development Code defines the purpose of the zoning district as, “…to provide areas for quality larger general retail establishments and service facilities for the retail sale of goods and services.” Staff believes a restaurant with alcohol sales is consistent with the purpose of the zoning district.</em></td>
</tr>
<tr>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods. <em>The proposed use is compatible with surrounding uses.</em></td>
</tr>
<tr>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.</td>
</tr>
<tr>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.</td>
</tr>
<tr>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</td>
</tr>
<tr>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.</td>
</tr>
<tr>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.</td>
</tr>
<tr>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use is not within 300 ft. of a church, public or private school, or public hospital.</td>
</tr>
<tr>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use is not within 1,000 ft. of a public or private school as outlined within section 1.5.1.1.</td>
</tr>
<tr>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/21/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/21/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 2/21/2024
Notice of Public Hearing
Conditional Use Permit Request
Sale of Beer & Wine
4206 S IH 35

CUP-24-10 (Hat Creek Burger Co) Hold a public hearing and consider a request by Lucas Lee, on behalf of Hat Creek Burger Co, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 4206 S IH 35. (K. Buck)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on Tuesday, April 9, 2024, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager, Kaitlyn Buck, at 512.393.8234 or kbuck@sanmarcostx.gov. When calling, please refer to case number CUP-24-10.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)
<table>
<thead>
<tr>
<th>Property ID</th>
<th>Name of Owner</th>
<th>Owner’s Mailing Address</th>
<th>Owner City, State, Zip</th>
<th>Site Address</th>
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<tbody>
<tr>
<td>87577</td>
<td>WHATABURGER, INC</td>
<td>300 CONCORD PLAZA DR</td>
<td>SAN ANTONIO, TX 78216-6903</td>
<td>4040 S IH 35, SAN MARCOS, TX 78666</td>
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<tr>
<td>94620</td>
<td>TANGER SAN MARC LLC</td>
<td>3200 NORTHLINE AVE, STE 360</td>
<td>GREENSBORO, NC 27408-7612</td>
<td>4025 S IH 35, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>126530</td>
<td>OUTLET WEST INVESTORS LTD</td>
<td>1300 POST OAK BLVD, STE 1650</td>
<td>HOUSTON, TX 77056-3162</td>
<td>600 CENTERPOINT RD, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>87575</td>
<td>#1 BLESSED ROYALTY INC</td>
<td>690 CENTER POINT RD, STE 205</td>
<td>SAN MARCOS, TX 78666-6163</td>
<td>690 CENTERPOINT RD, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>71214</td>
<td>SHIVAM HOTELS INVESTMENTS LTD</td>
<td>3013 N HWY 123 BYPASS</td>
<td>SEGUN, TX 78155</td>
<td>4210 S IH 35, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>164312</td>
<td>AUSDM LLC</td>
<td>111 BROADWAY, STE 200</td>
<td>NASHVILLE, TN 37201-2117</td>
<td>COMMERCIAL LOOP, BLDG #2, SAN MARCOS, TX 78666</td>
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<tr>
<td>89147</td>
<td>DNOMAID 4205 LLC</td>
<td>3801 LENAWEE AVE</td>
<td>CULVER CITY, CA 90232-3008</td>
<td>4205 S IH 35, SAN MARCOS, TX 78666</td>
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<tr>
<td>89205</td>
<td>MCDONALDS USA LLC</td>
<td>5508 HWY 290 WEST,STE 201</td>
<td>AUSTIN, TX 78735</td>
<td>4060 S IH 35, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>72130</td>
<td>AUSTACO II REAL ESTATE PARTNERS LTD</td>
<td>425 ROUND ROCK WEST DR, STE 105</td>
<td>ROUND ROCK, TX 78681-5097</td>
<td>4007 S IH 35, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>126529</td>
<td>CENTERPOINT COMMONS LLC</td>
<td>415 N GUADALUPE ST, STE 400</td>
<td>SAN MARCOS, TX 78666-5719</td>
<td>GREGSONS BND, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>115985</td>
<td>SMP TEXAS PARTNERS LLC</td>
<td>11760 GEE NORMAN RD</td>
<td>BELGRADE, MT 59714-8415</td>
<td>4200 S IH 35, STE #100, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>115986</td>
<td>HAT CREEK BURGER SAN MARCOS LLC</td>
<td>4407 BEE CAVES RD, STE 212</td>
<td>AUSTIN, TX 78746</td>
<td>4206 S IH 35, SAN MARCOS, TX 78666</td>
</tr>
</tbody>
</table>

**Neighborhood Rep Bobbie Garza-Hernandez**
122 Riviera St  
San Marcos TX 78666

**Neighborhood Rep Roland Saucedo**
211 Ebony  
San Marcos TX 78666

**Neighborhood Rep Michael Adams**
106 Losoya Drive  
San Marcos TX 78666

**CONA Rep Amy Thomaides**
1131 W. MLK St  
San Marcos TX 78666
LANDSCAPE PLANTING SPECIFICATIONS

1) Guarantee - All labor, materials and plants will be guaranteed for a period of twelve (12) months after the final acceptance of work by Owner. All plants that have died or are unhealthy shall be replaced no later than 30 days from the anniversary date of the final acceptance. This guarantee does not apply to plant material that dies due to abnormal freezes, hail, abnormal high winds or other acts of God, vandalism or lack of normal maintenance and watering. This guarantee does not apply to annual plantings.

2) Contractor to verify all dimensions and layout prior to the commencement of landscape construction. Any discrepancies between the drawings and the actual site condition shall be brought to the attention of the owner’s representative immediately.

3) Contractor is responsible for verification of the location of all underground utilities, repair to said utilities as a result of the work of the contractor shall be the responsibility of the contractor. Refer to the drawings and site plans for all water and sewer lines, gas and electric lines and foundations.

4) Tree pits are to be the same depth as the root ball and 24” wider. Prior to planting the tree pit should be filled with water to check for good drainage. If water does not drain the Contractor should check with the Landscape Architect to relocate the tree.

5) Trees should be positioned in the center of the tree pits, back filled with soil that has not been excavated from the pit until the surface is level with the surrounding area and the crown of the plant is at the finished grade. Build a water basin around the tree (24” dia. ). Water until planting pit is soaked to planting the tree. Tree pit should be filled with water to check for good drainage. If water does not drain the Contractor should check with the Landscape Architect to relocate the tree.

6) All plant material shall conform to the standards of the latest edition of “American Standards for Nursery Stock” by The American Association of Nurserymen and “Grades and Standards” by The Texas Association of Nurserymen. A plant shall be dimensioned as it stands in its natural position. All plants shall be at least the minimum size indicated. Larger stock is acceptable at no additional cost, and providing that the larger plants will not be cut back to size indicated.

7) Space specification of plant material to evenly fill designated areas, shrub or groundcover beds. Landscape architect or owner to have final approval of locations of all shrubs, trees and groundcover beds.

8) It is the landscape contractor’s responsibility to provide plants free of disease or pests.

9) Head location is the responsibility of the irrigation contractor, with the assurance that the irrigation system is properly designed and installed. The irrigation system shall provide for efficient use of water with consideration given to the efficiency of the irrigation equipment utilized. All sprinkler heads shall be set perpendicular to finish grade unless otherwise specified.

10) All sprinkler heads shall be set perpendicular to finish grade unless otherwise specified.

11) Contractor shall flush and adjust all sprinkler heads and valves for optimum performance. All backflow preventer's and control valve boxes shall be provided with hinged caps and clear identification of valve box numbers. All backflow preventer and control valve boxes shall be located in a workable position for ease of maintenance.

12) Shrub planting bed should have three (3) inches of compost filled into them to a depth of six (6) inches. A three (3) inch layer of shredded hardwood bark mulch should be applied to all beds after planting is completed. Four (4) inch pots and ground cover may be planted through the mulch.

13) Water all plantings in bed areas thoroughly on a daily basis until final acceptance.

14) All sprinkler head stands should be capable of being adjusted without the use of tools.

15) Regular maintenance of all required landscape areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter.

16) Contractor shall provide pipes for sleeves and specify locations for placement of sleeves by general contractor prior to pouring concrete or laying asphalt. Contractor shall clearly mark all exposed excavations, materials, and turf planting areas.

17) Irrigation contractor is responsible for reporting any deficiency in water pressure that would affect the operation of the irrigation system. Contractor shall provide and maintain all necessary cable, valves, and controls. Contractor shall maintain all backflow prevention devices and all piping between the point of connection and the backflow preventer as per local governing authorities.

18) Contractor shall keep all construction areas and public streets free from accumulation of waste material. Upon completion of construction and prior to final approval, contractor shall thoroughly clean the site of all trash, spilled soil, and litter, etc. that has resulted from landscape construction operations.

19) Contractor shall provide pipes for sleeves and specify locations for placement of sleeves by general contractor prior to pouring concrete or laying asphalt.

20) All work shall be installed in accordance with applicable codes and ordinances for the City of San Marcos, Texas and the National Electrical Code and all governing authorities.

21) Contractor shall keep all construction areas and public streets free from accumulation of waste material. Upon completion of construction and prior to final approval, contractor shall thoroughly clean the site of all trash, spilled soil, and litter, etc. that has resulted from landscape construction operations.

22) All work shall be installed in accordance with applicable codes and ordinances for the City of San Marcos, Texas and the National Electrical Code and all governing authorities.

23) Contractor shall keep all construction areas and public streets free from accumulation of waste material. Upon completion of construction and prior to final approval, contractor shall thoroughly clean the site of all trash, spilled soil, and litter, etc. that has resulted from landscape construction operations.

24) Contractor shall keep all construction areas and public streets free from accumulation of waste material. Upon completion of construction and prior to final approval, contractor shall thoroughly clean the site of all trash, spilled soil, and litter, etc. that has resulted from landscape construction operations.
All COMBO meals come with FRIES and a 20oz DRINK

The Big Hat $7.49
Double meat hamburger with lettuce, tomato, pickles, diced onions and mustard.

The Classic $8.79
Double meat hamburger with American cheese, bacon, grilled onions and Hat Sauce.

The Southwest $8.49
Double meat hamburger with Pepper Jack cheese, jalapeños, grilled onions and Yellowbird Serrano Sauce.

The Cowboy $8.99
Double meat hamburger with shredded cheddar, bacon, diced onions, pickles and BBQ sauce.

The Pretzel Jack $9.29 NEW
Double meat hamburger with Pepper Jack cheese, pickles, avocado and honey mustard all on a pretzel bun.

The Fredericksburger $9.49
Double meat hamburger with American cheese, spicy sauerkraut and Happy Sauce.

The Little Hat $4.99
Single meat hamburger with lettuce, tomato, pickles, diced onions and mustard.

Go Bunless! Order any burger or sandwich as a LETTUCE WRAP or BOWL.

Chicken Sandwich $6.49
FRIED Served with pickles and mayo.
GRILLED Served with lettuce, tomato, diced onions, pickles and mayo.

Turkey Burger $6.49
Ground turkey patty with lettuce, tomato, pickles, diced onions and mustard.

Veggie Burger $7.99
Black bean and quinoa patty with lettuce, tomato, pickles, diced onions and mustard.

MAKE IT YOUR OWN

Jalapeños
Grilled Onions
Diced Onions

Sauces
Hat Sauce
Happy Sauce
Fry Sauce
Mayonnaise
Mustard
Ketchup

BBQ Sauce
Buffalo Sauce
Honey Mustard
Ranch Dressing
Yellowbird
Serrano Sauce

ADD-ONS $1.99
Cheese
American
Pepper Jack
Cheddar

ADD-ONS $1.99
Bacon
Avocado
Spicy Sauerkraut

SUB for gluten-free bun +$2.00
SUB for pretzel bun +$1.50
SALADS & BOWLS

Crispy Chicken Cobb Salad $9.99
Buttermilk fried chicken, avocado, grape tomatoes, crispy bacon, boiled egg and shredded cheddar cheese served on a bed of fresh spring mix and chopped romaine with your choice of balsamic, honey mustard, vinaigrette or ranch dressing.

Chicken Caesar Salad $8.99
Grilled chicken, shaved parmesan cheese, croutons and Caesar dressing served on a bed of chopped romaine.

Keto Burger Bowl $8.79
Two beef patties with cheddar cheese, crispy bacon and avocado served on a bed of baby spinach.

Vegan Burger Bowl $8.29
Veggie burger patty with avocado, sweet potatoes and grape tomatoes served on a bed of baby spinach.

Paleo Burger Bowl $7.59
Single beef patty with diced sweet potatoes and avocado served on a bed of baby spinach.

NUGGETS
All of our nuggets are gluten-free!

MAKE IT A Combo! $4.32
All COMBO meals come with FRIES and a 20oz DRINK

Chicken Nuggets
Hand-cut, hand-breaded chicken marinated in buttermilk for 24 hours and flash fried. Always gluten-free!

Buffalo Chicken Nuggets
Tossed in Buffalo sauce and served with a side of our ranch dressing.

SIDES & SHAREABLES
All of our sides are gluten-free!

French Fries $2.99
Tater Tots $3.29
Sweet Potato Fries $3.29
Fried Pickles $5.99

Side Salad $4.99
Loaded Fries $6.29
Loaded Tots $6.29

KIDS MEALS
All kids meals come with a choice of fries, tater tots, sweet potato fries, applesauce or fruit cup and a 12oz drink, milk or apple juice.

Tiny Hat
A kid-sized slider. ADD Cheese + 59¢

3pc Nuggets
Hand-cut, hand-breaded, gluten-free chicken nuggets.

Grilled Cheese
Made with American cheese.

Hat Dog
All-beef hot dog with your choice of ketchup or mustard. Fix it up with add-ons to make it your own!
DRINKS

SOFT DRINKS
Coke, Diet Coke, Dr Pepper, Sprite, Root Beer, Sweet Tea, Unsweetened Tea, Lemonade
Coke, Diet Coke, Dr Pepper, Sprite, Root Beer, Sweet Tea, Unsweetened Tea, Lemonade

BEER
Seasonal offerings vary, ask your cashier what's available.
Domestic Draft Beer $3.99
Craft Draft Beer $5.99
Canned Beer $3.59

WINE
Red Wine
Pinot Noir - Cono Sur - Chile $7.99 $21.99
White Wine
Sauvignon Blanc - Naturalis - Australia
Rosé
Grenache Rosé - Bonterra Vineyards - California

MILKSHAKES

ORIGINAL $3.29 $4.29 $5.29
All original shakes are topped with whipped cream.
Chocolate
Vanilla
Strawberry
Cookies & Cream

SPECIALTY $4.99 $5.99
Dirt Worm
Oreo® cookies, chocolate and gummy worms.
Grasshopper
Mint syrup and Oreo® cookies.
Peanut Butter Cup
Peanut butter and chocolate.
Nutella Bacon
Scoop of Nutella and a strip of bacon.
Cotton Candy
Cotton candy syrup and a garnish of fluffy cotton candy.

Group Orders AVAILABLE
Ask your cashier about group orders!

50 NUGGET PLATTER
100 NUGGET PLATTER
30 BIG HAT BOX
30 LITTLE HAT BOX

AVAILABLE
TEXAS ALCOHOLIC BEVERAGE COMMISSION

BG -105833362 Expiring: 8/21/2024 17% WINE
WINE AND MALT BEVERAGE RETAILER'S ON-PREMISE
PERMIT (BG)

HAT CREEK BEVERAGE COMPANY LLC

HAT CREEK BURGER COMPANY
4206 S IH 35
SAN MARCOS, TX, US, 78666

WARNING

OBTAINING FORCED LABOR OR SERVICES
IS A CRIME UNDER TEXAS LAW.
CALL THE
NATIONAL HUMAN TRAFFICKING HOTLINE
1-888-3737-888
YOU MAY REMAIN ANONYMOUS.
# CONDITIONAL USE PERMIT APPLICATION
(Alcohol Outside CBA)

## CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Lucas Lee</th>
<th>Property Owner</th>
<th>Drew Grossett</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Hat Creek Burger Co.</td>
<td>Company</td>
<td>Hat Creek Burger Co.</td>
</tr>
<tr>
<td>Applicant's Mailing Address</td>
<td>440 E Bee Cave Rd. 78746 Austin, TX</td>
<td>Owner's Mailing Address</td>
<td>Same</td>
</tr>
<tr>
<td>Applicant's Phone #</td>
<td>(512) 965-1717</td>
<td>Owner's Phone #</td>
<td>512-758-2025</td>
</tr>
<tr>
<td>Applicant's Email</td>
<td><a href="mailto:llee@hatcreekburgers.com">llee@hatcreekburgers.com</a></td>
<td>Owner's Email</td>
<td><a href="mailto:drew@hatcreekburgers.com">drew@hatcreekburgers.com</a></td>
</tr>
</tbody>
</table>

## PROPERTY INFORMATION

- **Subject Property Address:** 4206 S. Interstate 35 Frontage Rd. San Marcos, TX 78666
- **Zoning District:** GC
- **Tax ID #:** 13-21920-2716-1
- **Legal Description:** Lot 1D+1E Block 1 Subdivision Lawman Ranch Subdivision
- **Number of Parking Spaces:** 71
- **Is property more than 300' from church, school, hospital, or residential district?** Y N

## DESCRIPTION OF REQUEST

- **Business Name:** Hat Creek Burger Co. [Restaurant, Bar, Other: ]
- **Hours of Operation (ex. Mon 12pm-1am):** Mon 11-9pm, Tue 11-9pm, Wed 11-9pm, Thurs 11-9pm, Fri 11-9:30pm, Sat 11-9:30pm, Sun 11-9pm
- **Indoor Seating Capacity:** 39
- **Outdoor Seating Capacity:** 97
- **Gross Floor Area:** 4158 sq ft

## AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

- **Initial Filing Fee 1,000**: Technology Fee $15
- **Renewal/Amendment Filing Fee $750**: Technology Fee $15

**TOTAL COST $1,015**

**TOTAL COST $765**

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

---

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
PROPERTY OWNER AUTHORIZATION

I, ___________ (owner name) on behalf of Hat Creek Burger Company (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 4206 Interstate 35 Frontage Rd. (address).

San Marcos, TX 78666

I hereby authorize ___________ (agent name) on behalf of Hat Creek Burger Co. (agent company) to file this application for CUP - outside CBA Permit (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: ___________________________ Date: 2/8/24
Printed Name, Title: CEO

Signature of Agent: ___________________________ Date: 2/8/24
Printed Name, Title: Lucas Lee - Director of Business Ops.

Form Updated October, 2019

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS 
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. **It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.**

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.**

- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.**

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City’s Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: [Signature] Date: 2/8/24

Print Name: Lucas Lee

Form Updated March, 2023
Public Hearing
CUP-24-10
Hat Creek Burger Co

CUP-24-10 (Hat Creek Burger Co) Hold a public hearing and consider a request by Lucas Lee, on behalf of Hat Creek Burger Co, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 4206 S IH 35. (K. Buck)
Property Information

• Approximately 1 acre

• Located along IH 35 frontage, approximately 740 feet South of Centerpoint Road
Context & History

• Currently a restaurant

• Surrounding Uses
  – Tanger Outlets
  – Baymont Inn & Suites
  – Restaurants
    • Whataburger
    • Zaxby’s
    • Starbucks
Context & History

- **Existing Zoning:** General Commercial (GC)
- **Proposed Use:** Restaurant
- **Hours of Operation**
  - Friday-Saturday: 11am-9:30pm
  - Sunday-Thursday: 11am-9pm
- **CUP Expiration Date:**
  - August 27, 2022
Site Plan
Floor Plan
Recommendation

Staff recommends **approval** of CUP-24-10 with the following conditions:

1. The permit shall be valid for two (2) years provided standards are met; and
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.
File #: CUP-24-11, Version: 1

AGENDA CAPTION:
CUP-24-11 (Elliot Electric Supply) Hold a public hearing and consider a request by Tri-Tech Engineering, L.P., on behalf of Elliott Electric Supply, to renew a Conditional Use Permit to allow the use and expansion of Warehouse and Storage Use, located at 1904 Dutton Drive. (C. Garrison)
Meeting date: April 9, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
- N/A
- N/A
- N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable
**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Vision San Marcos - A River Runs Through Us

**Background Information:**

N/A

**Council Committee, Board/Commission Action:**

N/A

**Alternatives:**

N/A

**Recommendation:**

Staff recommends **approval** with the following Conditions:

1. The outdoor storage shall be screened from the view of Dutton Drive and adjacent properties by a solid 6 ft. tall fence or wall, including the proposed gate as shown in Exhibit A. The fence shall meet the requirements of Section 7.2.6.2 of the Land Development Code and include the removal of the existing barbed wire fence. The fence shall be placed within the interior of the lot of the proposed grass swale.
### Summary

<table>
<thead>
<tr>
<th>Request:</th>
<th>New Conditional Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Tri-Tech Engineering, L.P. 155 Riverwalk Drive San Marcos Texas, 78666</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>Elliot Partners, L.T.D. P.O. Box 630610 Nacodoches, TX 75963</td>
</tr>
<tr>
<td>CUP Expiration:</td>
<td>N/A</td>
</tr>
<tr>
<td>Type of CUP:</td>
<td>Zoning Use</td>
</tr>
<tr>
<td>Interior Floor Area:</td>
<td>1200 square feet</td>
</tr>
<tr>
<td>Outdoor Floor Area:</td>
<td>N/A</td>
</tr>
<tr>
<td>Parking Required:</td>
<td>13 Spaces</td>
</tr>
<tr>
<td>Parking Provided:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Notification

<table>
<thead>
<tr>
<th>Posted:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal:</td>
<td>3/22/2024</td>
</tr>
<tr>
<td>Response:</td>
<td>One call requesting that night time deliveries cease and that they are a nuisance.</td>
</tr>
</tbody>
</table>

### Property Description

<table>
<thead>
<tr>
<th>Legal Description:</th>
<th>San Marcos Business Park Section 2, Lot 1, Block 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Corner of Dutton Drive and Dutton Drive</td>
</tr>
<tr>
<td>Acreage:</td>
<td>1.13 acres</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>General Commercial</td>
</tr>
<tr>
<td>Existing Use:</td>
<td>Warehousing</td>
</tr>
<tr>
<td>Preferred Scenario:</td>
<td>Medium Intensity zone</td>
</tr>
<tr>
<td>CONA Neighborhood:</td>
<td>Dunbar</td>
</tr>
<tr>
<td>Sector:</td>
<td>1</td>
</tr>
<tr>
<td>Utility Capacity:</td>
<td>Adequate</td>
</tr>
<tr>
<td>Historic Designation:</td>
<td>N/A</td>
</tr>
<tr>
<td>Floodplain:</td>
<td>Yes</td>
</tr>
<tr>
<td>My Historic SMTX Resources Survey:</td>
<td>No</td>
</tr>
</tbody>
</table>

### Surrounding Area

<table>
<thead>
<tr>
<th>North of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>South of Property:</td>
<td>FD</td>
<td>Wetland/Drainage</td>
<td>Medium Intensity zone</td>
</tr>
<tr>
<td>East of Property:</td>
<td>CD-4/ GC</td>
<td>Townhouses</td>
<td>Medium Intensity zone</td>
</tr>
<tr>
<td>West of Property:</td>
<td>Light Industrial</td>
<td>Warehousing</td>
<td>Medium Intensity zone</td>
</tr>
<tr>
<td></td>
<td>MF-18</td>
<td>Multifamily Apartments</td>
<td>Medium Intensity zone</td>
</tr>
</tbody>
</table>

### Staff Recommendation

<table>
<thead>
<tr>
<th>Approval as Submitted</th>
<th>Approval with Conditions</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. The outdoor storage shall be screened from the view of Dutton Drive and adjacent properties by a solid 6 ft. tall fence or wall, including the proposed gate as shown in Exhibit A. The fence shall meet the requirements of Section 7.2.6.2 of the Land Development Code and include the removal of the existing barbed wire fence. The fence shall be placed within the interior of the lot of the proposed grass swale.

Staff: Craig Garrison  
Title: Planner  
Date: April 3, 2024
History
This is a new request

Additional Analysis
The purpose of the request is to allow for a Warehouse use within a General Commercial Zoning District. The sites uses include Warehousing, Retail, and Outdoor Storage, in which the warehousing use is existing non-conforming and has never received a Conditional Use Permit to allow for the use.

The Warehousing use is being expanded, while the Outdoor Storage capacity is becoming smaller on the property.

There is a Site Plan Permit# 2022-14016, Watershed Protection Permit# 2024-49888, and Remodel Permit# 2024-49873 currently in review. The reviews include but are not limited to subject matter such as floodplain and stormwater, impervious cover, parking requirements, landscaping, streetscape improvements, building review.

Staff has included a site plan within the presentation and the application documents that outlines the staff proposed screening.

Comments from Other Departments

<table>
<thead>
<tr>
<th>Department</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>No Calls Reported</td>
</tr>
<tr>
<td>Fire</td>
<td>No Comment</td>
</tr>
<tr>
<td>Public Services</td>
<td>No Comment</td>
</tr>
<tr>
<td>Engineering</td>
<td>Drainage on the property will be reviewed through Site Development. Future HunDun natural trail will possibly be connecting adjacent to the property to the west and run north – Engineering is in favor of screening the outdoor storage on the site.</td>
</tr>
<tr>
<td>Evaluation</td>
<td>Criteria for Approval (Sec. 2.8.3.4 &amp; 5.1.5.5)</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Consistent</td>
<td>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</td>
</tr>
<tr>
<td>Inconsistent</td>
<td>The proposed use is consistent with any adopted neighborhood character study for the area. Studies were not complete at the time of the request.</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.</td>
</tr>
<tr>
<td>X</td>
<td>The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.</td>
</tr>
<tr>
<td>X</td>
<td>The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.</td>
</tr>
<tr>
<td>X</td>
<td>The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.</td>
</tr>
<tr>
<td>X</td>
<td>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</td>
</tr>
<tr>
<td>X</td>
<td>The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.</td>
</tr>
</tbody>
</table>
Exhibit A:

- Grassy Swale
- 6 ft. Solid screening fence or wall
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 3/18/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 3/20/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 3/18/2024
Notice of Public Hearing
Conditional Use Permit Request
Warehouse and Storage Use
1904 Dutton Drive

CUP-24-11 (Elliot Electric Supply) Hold a public hearing and consider a request by Tri-Tech Engineering, L.P., on behalf of Elliott Electric Supply, to renew a Conditional Use Permit to allow the use and expansion of Warehouse and Storage Use, located at 1904 Dutton Drive. (C. Garrison)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on Tuesday, April 9, 2024 at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager, Craig Garrison, at 512.805.2649 or cgarrison@sanmarcostx.gov. When calling, please refer to case number CUP-24-11.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)
<table>
<thead>
<tr>
<th>Property ID</th>
<th>Site Address</th>
<th>Owner</th>
<th>Owner Address</th>
<th>Owner City/State/Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>132516</td>
<td>S STAGECOACH TRL, SAN MARCOS, TX 78666</td>
<td>CARSON HAYSCO HOLDINGS LP</td>
<td>407 S STAGECOACH TRL, SAN MARCOS, TX 78666</td>
<td></td>
</tr>
<tr>
<td>144507</td>
<td>1913 CORPORATE DR #401, SAN MARCOS, TX 78666</td>
<td>UHL INVESTMENTS LLC</td>
<td>361 QUAL RUN RD, MARTINDALE, TX 78655-3950</td>
<td></td>
</tr>
<tr>
<td>144508</td>
<td>1913 CORPORATE DR #403, SAN MARCOS, TX 78666</td>
<td>EQUITY TRADING HOLDINGS CO LLC</td>
<td>PO BOX 2120, SAN MARCOS, TX 78667-2120</td>
<td></td>
</tr>
<tr>
<td>144510</td>
<td>1913 CORPORATE DR #401, SAN MARCOS, TX 78666</td>
<td>MARTEL TRUST</td>
<td>MEDEM MICHAEL EDWARD TRUSTEE, WATERBURY, CT 06705-2136</td>
<td></td>
</tr>
<tr>
<td>72135</td>
<td>1901 DUTTON DR, SAN MARCOS, TX 78666</td>
<td>SVEA INDUSTRIAL VI LLC</td>
<td>Attn: SLK GLOBAL SOLUTIONS AMERICA, AUSTIN, TX 78701-1314</td>
<td></td>
</tr>
<tr>
<td>144519</td>
<td>1913 CORPORATE DR, UNIT #405, SAN MARCOS, TX 78666-6171</td>
<td>ARNETT RICHARD L &amp; WALKER LESLIE L</td>
<td>804 LEISUREWOODS DR, BUDA, TX 78610-2418</td>
<td></td>
</tr>
<tr>
<td>134059</td>
<td>2951 HUNTER RD, SAN MARCOS, TX 78666</td>
<td>ELYSIAN AT PURGATORY CREEK LP</td>
<td>232 S POST OAK LN, HOUSTON, TX 77056-4774</td>
<td></td>
</tr>
<tr>
<td>132516</td>
<td>S STAGECOACH TRL, SAN MARCOS, TX 78666</td>
<td>CARSON HAYSCO HOLDINGS LP</td>
<td>407 S STAGECOACH TRL, SAN MARCOS, TX 78666</td>
<td></td>
</tr>
<tr>
<td>11779</td>
<td>1709 HUNTER RD, SAN MARCOS, TX 78666</td>
<td>LUCIO, REFUGIA</td>
<td>1709 HUNTER RD, SAN MARCOS, TX 78666</td>
<td></td>
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<tr>
<td>144520</td>
<td>1913 CORPORATE DR, UNIT #406, SAN MARCOS, TX 78666-6171</td>
<td>HANUSCH HAROLD W &amp; USA M</td>
<td>532 Qual Run Rd, MARTINDALE, TX 78655</td>
<td></td>
</tr>
<tr>
<td>11781</td>
<td>HUNTER RD/VPW, SAN MARCOS, TX 78666</td>
<td>WILLIAMSON SAMMIE W REVOCABLE TRUST</td>
<td>SAMMIE W WILLIAMSON TRUSTEE, SAN MARCOS, TX 78666-5211</td>
<td></td>
</tr>
<tr>
<td>144515</td>
<td>1913 CORPORATE DR, UNIT #404, SAN MARCOS, TX 78666-6171</td>
<td>ARNETT RICHARD L &amp; WALKER LESLIE L</td>
<td>804 LEISUREWOODS DR, BUDA, TX 78610-2418</td>
<td></td>
</tr>
<tr>
<td>11783</td>
<td>HUNTER RD, SAN MARCOS, TX 78666</td>
<td>CARSON SELECT INVESTMENTS LP</td>
<td>407 S STAGECOACH TRL, SAN MARCOS, TX 78666-5063</td>
<td></td>
</tr>
<tr>
<td>11778</td>
<td>HUNTER RD/VPW, SAN MARCOS, TX 78666</td>
<td>WILLIAMSON SAMMIE W REVOCABLE TRUST</td>
<td>SAMMIE W WILLIAMSON TRUSTEE, SAN MARCOS, TX 78666-5211</td>
<td></td>
</tr>
<tr>
<td>41409</td>
<td>1904 DUTTON DR, SAN MARCOS, TX 78666</td>
<td>ELLIOTT REAL ESTATE LP</td>
<td>P O BOX 630610, NACOGDOCHES, TX 75963-5063</td>
<td></td>
</tr>
<tr>
<td>144518</td>
<td>1913 CORPORATE DR, UNIT #404, SAN MARCOS, TX 78666-6171</td>
<td>OZONA NATIONAL BANK</td>
<td>P O BOX 430, OZONA, TX 79843-0430</td>
<td></td>
</tr>
<tr>
<td>41408</td>
<td>1909 DUTTON DR, SAN MARCOS, TX 78666</td>
<td>GATTON LLC</td>
<td>407 S STAGECOACH TRL, SAN MARCOS, TX 78666-5063</td>
<td></td>
</tr>
<tr>
<td>1131</td>
<td>CONA President Amy Thomaisides</td>
<td>COASTAL INTERVALWAYS, INC</td>
<td>1131 W MLK Dr, SAN MARCOS, TX 78666</td>
<td></td>
</tr>
<tr>
<td>1128</td>
<td>Neighborhood Rep Darla Munoz</td>
<td>COASTAL INTERVALWAYS, INC</td>
<td>3128 W MLK Dr, SAN MARCOS, TX 78666</td>
<td></td>
</tr>
<tr>
<td>211</td>
<td>Neighborhood Rep Roland Saucedo</td>
<td>COASTAL INTERVALWAYS, INC</td>
<td>211 Ebony St, SAN MARCOS, TX 78666</td>
<td></td>
</tr>
</tbody>
</table>
# Business Information Sheet

<table>
<thead>
<tr>
<th><strong>Business Trade Name:</strong></th>
<th>Elliott Electric Supply</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Entity:</strong></td>
<td>Elliott Partners, LTD.</td>
</tr>
<tr>
<td><strong>Entity Contact Person:</strong></td>
<td>Heather King, Construction Project Manager</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>P.O. Box 630610, Nacogdoches, Texas 75963</td>
</tr>
<tr>
<td><strong>Email:</strong></td>
<td><a href="mailto:heatherking@elliottelectric.com">heatherking@elliottelectric.com</a></td>
</tr>
<tr>
<td><strong>Phone:</strong></td>
<td>(936) 569-1184</td>
</tr>
</tbody>
</table>
Small Site Preparation Plan - Elliott Electric Building Addition
Lot 1, Block 2, San Marcos Business Park Sec. 2
1904 Dutton Drive, City of San Marcos
Hays County Texas

FLOOD INFORMATION

*NOTE: This information is not provided by the FIRM.*

Potential flood consequences are determined within the 10-year floodplain.

FIRM: 234 Old Bastrop Rd
City of San Marcos, TX 78666
PH: (512) 353-3335
(936) 569-1184

CONTACTS

TRI-TECH ENGINEERING, LP
CONTACT: AL CARROLL, PE

ELLIOTT REAL ESTATE, LP
2526 M STALLINGS DRIVE
OWNER/DEVELOPER:
EDWARDS AQUIFER
PH: (512) 353-3335
(936) 569-1184

Small Site Preparation Plan - Elliott Electric

MAG NAIL W/WASHER ELEV. 599.12' (NAVD88)
APPROXIMATE LOCATION:
TBM 2:
MAG NAIL W/WASHER ELEV. 600.02' (NAVD88)
APPROXIMATE LOCATION:
TBM 1:
ADDITIONAL BENCHMARKS:

LOT 1, BLOCK 2, SAN MARCOS BUSINESS PARK SEC. 2
13863972.9522
2298435.3013
EASTING:
NORTHING:

SAN MARCOS
ZIP CODE: 78666

BORDERED BY:
SOUTH BEND WAY
SAN MARCOS CAMPUS DR
OLD BASTROP RD
EASTON RD
UNION RD
PACIFIC DRIVE
HUNTER RD
POSEY RD
REDWOOD ROAD
CREEK
SWAN LAKE
SAN MARCOS CEMETERY
HOPKINS LOCATION MAP
VICINITY MAP N.T.S.
VICINITY MAP - POST DEVELOPMENT
DRAINAGE AREA MAP - POST DEVELOPMENT
DRAINAGE AREA MAP - PRE DEVELOPMENT
UTILITY PLAN
EROSION & SEDIMENTATION CONTROL PLAN
DEMOLITION PLAN
PLAT
STORM DRAIN PLANS
SLOPE MAP & PRE & POST DEVELOPMENT
WATER QUALITY CONTROLS
PHOTOMETRIC PLAN
LANDSCAPING & IRRIGATION PLAN

ATTACHMENTS

_____________________________________________
_____________________________________________

*** CAUTION: NOTICE TO CONTRACTOR ***

This drawing was prepared by TRI-TECH Engineering, 
PH: 512-440-0222
www.tritechtx.com
155 RIVERWALK DRIVE
SAN MARCOS, TEXAS 78666
TBPE REGIS. #: F-18693

This project is NOT subject to TCEQ's TPDES SWPPP regulations per Texas 

This document is intended for use in the construction of the work as shown on this drawing and will only be released for the purposes of constructing the work. It is the contractor's responsibility to perform all work as required according to "Texas Administrative Code Title 16, Part 1, Ch. 18," Texas One Call System must be contacted (811) at least 48 hours prior to any excavation operations being performed. It is the contractor's responsibility to prepare, keep on site, and maintain current a list of materials with approximate quantities, which are stored on site. Contractor shall also prepare, keep on site, and maintain current a list of materials with approximate quantities, which are stored on site.

This project is subject to TCEQ's TPDES SWPPP regulations per Texas Water Code Chapter 26.
NOTES:


- This document is released for the purpose of preliminary review under the authority of Al Carroll Jr., P.E. 119251 on 01-24-24. It is not to be used for construction purposes.
ELLIOTT ELECTRIC EXPANSION
1904 DUTTON DRIVE
SAN MARCOS, TX 78666

CONTACTS

OWNER:
ELLIOTT ELECTRIC SUPPLY
1904 DUTTON DRIVE
SAN MARCOS, TX 78666

ARCHITECT:
LINK ARCHITECTURE
8729 SHOAL CREEK BLVD.
SUITE 200
AUSTIN, TX 78757
(512) 430-3228
ATTN: MARK PRICHARD
MARK@LINK-ARCHITECT.COM

CIVIL ENGINEER:
TRI-TECH
153 RIVERWALK DRIVE
SAN MARCOS, TX 78666
(512) 440-2333
ATTN: AL CARROLL
ACARROLL@TRITECH.COM

STRUCTURAL ENGINEER:
HOLLINGSWORTH PACK
3811 S CONGRESS AVENUE, SUITE 110
AUSTIN, TX 78704
(512) 271-4896
ATTN: CHRIS HEWITT
CHRIS.H@HOLL-PACK.COM

MEP ENGINEER:
EEA CONSULTING ENGINEERS
6819 VAUGHN RANCH RD #100
AUSTIN, TX 78730
(512) 744-4489
ATTN: T JEN CHILDS
BENCHDRESS@EEACOM.COM

SHEET INDEX

OWNER
ARCHITECT
CIVIL ENGINEER
STRUCTURAL ENGINEER
MEP ENGINEER

GRAPHIC SYMBOLS

VICTINITY MAP

For more information or to request additional sheets of this project, please contact the general contractor or their subcontractors.

---

2. MAIN TEES MAY NOT BE CUT FOR ANY PURPOSE WITHOUT THE APPROVAL OF RBP, UNLESS SO SHOWN ON THE DRAWINGS.

3. PROVIDED RATED DAMPERS AS REQUIRED AT PARTITIONS WHICH EXTEND ABOVE THE CEILING, THROUGH THE RETURN AIR PLENUM.

4. WINDOW TYPES, DOOR SCHEDULE, & DETAILS

5. ALL CARPET WITHIN THIS LEASE SHALL BE "DIRECT GLUE DOWN" INSTALL.

6. INSTALL GLAZING IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

7. TRANSITIONS BETWEEN CARPET AND V.C.T. SHALL OCCUR WITH VINYL REDUCER TRANSITION.

8. KEEP ALL EGRESS PATHS FREE AND CLEAR.

9. PROVIDE SHOP DRAWINGS FOR ALL MILLWORK AND WOOD CONSTRUCTION, METAL

10. ALL SURFACES OF DUST, DEBRIS, LOOSE CONSTRUCTION MATERIALS AND EQUIPMENT DAILY. VACUUM OR MOP.

11. VERIFY DIMENSIONS

12. ELECTRONIC FILES ARE MADE AVAILABLE FOR THE PURPOSE OF ASSISTING IN SHOP DRAWING PREPARATION.
**Non Rated Exterior Walls**

Per Sect. 311.2, S

By Approved Fire Sprinkler Installer

**Expansion of Warehouse**

12157 SF

**Fire Extinguisher Notes**

Model: 1037-W10-LDCVRFE

Area & Occupant Loads:

- National Electrical Code
- International Plumbing Code
- Applicable Codes:
  - Group B: 421 SQ. FT. / 150 SQ. FT. / OCC. = 3 OCC.
  - No Separation Required Per Table 508.4

Provided and Installed by Racking Vendor

**Warehouse**

- 12,433 SQ. FT.
- 7,653 SQ. FT.
- 20,086 SQ. FT.

**Occupancy Legend**

- B Occupancy / S1
- M Occupancy / S2
- T Occupancy / S3

**Project Code Information**

- Title: FIRE ALARM DRAWINGS
- Series: "COSMOPOLITAN"
- Manufacturer: JL Industries
- Code Plan

**Code Sheet**

- Project and Code Information:
  - Description: High Piled Storage of Electrical Parts and Supplies Stored
  - Construction Type: Type II
  - Deck: Lowest Point 17' Slopes to 22'
  - Sales/Showroom and Storage of Electrical Gear and Supplies

**Drinking Fountain Summary**

- Men's: 1 Male / 1 Female
- Women's: 1 Male / 1 Female

**Exit**

- 2 Exits Required
- 2 Exits Provided

**Legend**

- FEB
- EXPANSION
- WAREHOUSE
- FIRE EXTINGUISHER BRACKET
- 6 EXITS PROVIDED
- 92,000SF

**Fire Extinguisher Bracket**

Knox Box, Recessed. Confirm Final Location with AHJ

**Fire Extinguisher Specification**

- Semi Recessed Fire Extinguisher Cabinet Specification:
  - Manufacturer: JL Industries

**PLumbing Fixtures Calculations**

- Commerical
- Residential
- Group B = 0.04, Group M = 0.05, Group S = .054 = 0.144
- Group B = 0.05, Group M = 0.03, Group S = 0.27 = 0.35 = 1
- Group B = 1 Per 25 for 1st 50 & 1 Per 50 for Remainder Exceeding 50
- Group S = 1 Per 100
- Group M = 1 Service Sink
- Group S = 1 Service Sink
- Group M = 1 Per 1000
- Group B = 1 Service Sink
- Group S = 1 Per 100
- Group B = 1 Per 40 for 1st 80 & 1 Per 80 for Remaider Exceeding 80
- Group S = 1 Per 100

**Ceiling Taping**

- Men's: 1 Male / 1 Female
- Women's: 1 Male / 1 Female

**Exit and Table 602 Fire Separation Greater Than 30'**

- Existing Structural
- Top Post of Rack: 16' AFF
- 9" Across Space
- 6" (AFF) Bottom of Bent Frame

**Fixtures Summary**

- Drinking Fountain Provided = 1 High / 1 Low
- Water Closet Provided = 2 Male (1 W.C. + 1 UR), 2 Female

**Fire Alarm Drawings**

Refer to Code Plan for Proposed Locations
# CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

**Updated: March, 2023**

## CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Al Carroll, P.E.</th>
<th>Property Owner</th>
<th>Elliott Partners, L.T.D.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Tri-Tech Engineering, L.P.</td>
<td>Company</td>
<td>N/A</td>
</tr>
<tr>
<td>Applicant's Mailing Address</td>
<td>155 Riverwalk Dr., San Marcos Texas 78666</td>
<td>Owner's Mailing Address</td>
<td>P.O. Box 630610 Nacogdoches, Texas 75963</td>
</tr>
<tr>
<td>Applicant's Phone #</td>
<td>(512) 440–0222</td>
<td>Owner's Phone #</td>
<td>(936) 569–1184</td>
</tr>
<tr>
<td>Applicant's Email</td>
<td><a href="mailto:acarroll@tritechtx.com">acarroll@tritechtx.com</a></td>
<td>Owner's Email</td>
<td><a href="mailto:heatherking@elliottelectric.com">heatherking@elliottelectric.com</a></td>
</tr>
</tbody>
</table>

## PROPERTY INFORMATION

Subject Property Address: 1904 Dutton Drive, San Marcos, Tx 78666
Zoning District: General Commercial
Tax ID #: R 41409
Legal Description: Lot 1 Block 2 Subdivision San Marcos Business Park, Section 2

## DESCRIPTION OF REQUEST

Please use this space to describe the proposal. Attach additional pages as needed.

We are requesting a Conditional Use Permit for the proposed warehouse building addition. The site is zoned General Commercial and has an existing warehouse building that is used for electrical supply warehousing. The proposed building addition is to provide expansion of the current use. The project is currently being reviewed under Building Application number APP–53504 and Site Preparation Permit Number 2022–41016. Please see attached sheets for additional information.

## AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

<table>
<thead>
<tr>
<th>Initial Filing Fee $1,000*</th>
<th>Technology Fee $15</th>
<th><strong>TOTAL COST $1,015</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewal/Amendment Filing Fee $750*</td>
<td>Technology Fee $15</td>
<td><strong>TOTAL COST $765</strong></td>
</tr>
</tbody>
</table>

*Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.
PROPERTY OWNER AUTHORIZATION

I, Elliott Partners L.T.D. (owner name) on behalf of N/A (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 1904 Dutton Drive, San Marcos, Texas 78666 (address).

I hereby authorize Al Carroll, P.E. (agent name) on behalf of Tri-Tech Engineering, L.P. (agent company) to file this application for Conditional Use Permit (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Heather King Date: 2/8/2024
Printed Name, Title: Heather King/Construction Project Manager

Signature of Agent: [Signature] Date: 2/8/2024
Printed Name, Title: Al Carroll, P.E.
# AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS

AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and/or personal notice based on the type of application presented to the Planning Commission and/or City Council.

- **Notification Signs:** if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. **It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.**

- **Published Notice:** if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.**

- **Personal Notice:** if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.**

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City’s Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

<table>
<thead>
<tr>
<th>Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Print Name:</td>
</tr>
</tbody>
</table>

Form Updated March, 2023
Public Hearing
CUP-24-11
Elliot Electric Supply

CUP-24-11 (Elliot Electric Supply) Hold a public hearing and consider a request by Tri-Tech Engineering, L.P., on behalf of Elliott Electric Supply, to renew a Conditional Use Permit to allow the use and expansion of Warehouse and Storage Use, located at 1904 Dutton Drive. (C. Garrison)
Property Information

- Approximately 1.13 acres
- Located at the corner of Dutton Drive and Dutton Drive
Context & History

• The business is an existing electrical supply and warehousing

• Surrounding Uses
  • Multifamily
  • Townhouses
  • Warehousing
Context & History

- Existing Zoning: General Commercial
- Current Use: Retail and Warehousing
- Required CUP for the expansion of the use
Site Plan
Recommendation

Staff recommends **Approval** of CUP-24-11 with the following condition:

1. The outdoor storage shall be screened from the view of Dutton Drive and adjacent properties by a solid 6 ft. tall fence or wall, including the proposed gate as shown in Exhibit A. The fence shall meet the requirements of Section 7.2.6.2 of the Land Development Code and include the removal of the existing barbed wire fence. The fence shall be placed within the interior of the lot of the proposed grass swale.
AGENDA CAPTION:
ZC-24-04 (La Cima Phase 6 / FD to CD-4) Hold a public hearing and consider a request by Doug Goss, on behalf of LCSM PH 4, LLC, for a Zoning Change from Future Development (FD) to Character District-4 (CD-4), or, subject to consent of the owner, another less intense zoning district classification, for approximately 54.015 +/- acre tract of land out of the John Williams Survey, generally located at the southeast corner of West Centerpoint Road and Central Park Loop. (K. Buck)

Meeting date: April 9, 2024

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative:
N/A
N/A
N/A

Comprehensive Plan Element(s):
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Core Services
☒ Not Applicable
**Master Plan:**
Choose an item.

**Background Information:**
This property is being annexed and zoned per the La Cima Development Agreement, which received its initial approval in 2013. Since then, the Development Agreement has been amended 8 times with the last occurring in September of 2022.

**Council Committee, Board/Commission Action:**
N/A

**Alternatives:**
N/A

**Recommendation:**
Staff recommends approval of ZC-24-04 as presented.
# Zoning Request

## W Centerpoint Rd & Central Park Loop

### La Cima Phase 6

## Summary

<table>
<thead>
<tr>
<th>Request:</th>
<th>Zoning change from “FD” Future Development to “CD-4” Character District 4</th>
</tr>
</thead>
</table>
| Applicant: | Doug Goss  
11612 FM 2244, Bldg 1,  
Ste 140  
Austin, TX 78738 |
| Property Owner: | LCSM PH 4, LLC  
303 Colorado, Ste 2300  
Austin, TX 78701 |

## Notification

| Application: | 3/21/2024 |
| Neighborhood Meeting: | N/A |
| Published: | 3/24/2024 |
| # of Participants: | N/A |
| Posted: | 3/22/2024 |
| Personal: | 3/22/2024 |
| Response: | None as of the date of this report |

## Property Description

| Legal Description: | J. Williams Survey, Abstract 490 |
| Location: | Southeast corner of W Centerpoint Road and Central Park Loop |
| Acreage: | 54.015 acres |
| PDD/DA/Other: | Res. #2022-10R |
| Existing Zoning: | Future Development (FD) |
| Proposed Zoning: | Character District-4 (CD-4) |
| Existing Use: | Vacant |
| Proposed Use: | Single-Family Residential |
| Existing Occupancy: | N/A |
| Occupancy: | Restrictions Do Not Apply |
| Preferred Scenario: | Low Intensity Zone |
| Proposed Designation: | Same |
| CONA Neighborhood: | N/A |
| Sector: | N/A |
| Utility Capacity: | Extension Required at Developer’s Expense |
| Floodplain: | Yes |
| Historic Designation: | N/A |
| My Historic SMTX Resources Survey: | No |

## Surrounding Area

<table>
<thead>
<tr>
<th>North of Property:</th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>Character District-4 (CD-4)</td>
<td>Single Family</td>
<td>Low Intensity Zone</td>
<td></td>
</tr>
<tr>
<td>South of Property:</td>
<td>ETJ</td>
<td>Vacant</td>
<td>Low Intensity Zone</td>
</tr>
<tr>
<td>East of Property:</td>
<td>Single Family-4.5 (SF-4.5)</td>
<td>Single Family</td>
<td>Low Intensity Zone</td>
</tr>
<tr>
<td>West of Property:</td>
<td>ETJ</td>
<td>Vacant</td>
<td>Low Intensity Zone</td>
</tr>
</tbody>
</table>

## Staff Recommendation

<table>
<thead>
<tr>
<th>Approval as Submitted</th>
<th>Alternate Approval</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff recommends <strong>approval</strong> of ZC-24-01.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Staff:</strong> Kaitlyn Buck</td>
<td><strong>Title:</strong> Planner</td>
<td><strong>Date:</strong> 4/3/2024</td>
</tr>
</tbody>
</table>
**History**

This site is within the larger development known as La Cima which received its initial approvals in 2013. Since then, the Development Agreement has been amended 8 times with the last occurring in September of 2022.

This zoning change request is one of three applications submitted by the applicant for this site:
- Annexation (AN-24-02)
- La Cima Phase 6A Plat (PC-24-18)
- La Cima Phase 6B Plat (PC-24-22)

**Additional Analysis**

This property is being annexed and zoned per the La Cima Development Agreement. See additional analysis below.

**Comments from Other Departments**

<table>
<thead>
<tr>
<th>Department</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>No Comment</td>
</tr>
<tr>
<td>Fire</td>
<td>No Comment</td>
</tr>
<tr>
<td>Public Services</td>
<td>No Comment</td>
</tr>
<tr>
<td>Engineering</td>
<td>No Comment</td>
</tr>
<tr>
<td>Evaluation</td>
<td>Criteria for Approval (Sec.2.5.1.4)</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Consistent</td>
<td>Inconsistent</td>
</tr>
<tr>
<td>X</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map. <strong>The subject property is regulated by an approved development agreement. CD-4 zoning will allow the proposed use and is in accordance with the La Cima DA.</strong></td>
</tr>
<tr>
<td>X</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area. <strong>Studies were not complete at the time of the request.</strong></td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council</td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified</td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether the proposed zoning will reinforce the existing or planned character of the area</td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether the site is appropriate for the development allowed in the proposed district</td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether there are substantial reasons why the property cannot be used according to the existing zoning. <strong>The property is currently located outside the City limit and is therefore not zoned.</strong></td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether there is a need for the proposed use at the proposed location</td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development. <strong>The property will be served with City water and wastewater per the approved development agreement.</strong></td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5</td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management</td>
</tr>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</td>
</tr>
</tbody>
</table>
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 3/21/2024
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Date: 3/21/2024
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Date: 3/21/2024
Figure 112: SMFD 8-Minute Effective Response Force

*Six fire stations with Station 2 relocated to Centerpoint, and Station 6 at Old Bastrop west of Posey with minimum staffing of 20 personnel.*

ZC-24-04 Approximate Location
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 3/21/2024
Notice of Public Hearing
Zoning Change Request
“FD” Future Development to “CD-4” Character District - 4
W Centerpoint Road and Central Park Loop

ZC-23-24 (La Cima Phase 6 / FD to CD-4) Hold a public hearing and consider a request by Doug Goss, on behalf of LCSM PH 4, LLC, for a Zoning Change from Future Development (FD) to Character District-4 (CD-4), or, subject to consent of the owner, another less intense zoning district classification, for approximately 54.015 +/- acre tract of land out of the John Williams Survey, generally located at the southeast corner of West Centerpoint Road and Central Park Loop. (K. Buck)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on **Tuesday, April 9, 2024**, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: [http://sanmarcostx.gov/541/PZ-Video-Archives](http://sanmarcostx.gov/541/PZ-Video-Archives). Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.
- A public hearing will be held at the hybrid, virtual / in-person, City Council Meeting on **Tuesday, May 7, 2024**, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: [https://sanmarcostx.gov/Videos](https://sanmarcostx.gov/Videos). Or email citizencomment@sanmarcostx.gov or call 512-393-8090 to request a link to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission: Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For City Council: citizencomment@sanmarcostx.gov

For more information regarding this request, contact the case manager, Kaitlyn Buck, at 512.393.8234 or kbuck@sanmarcostx.gov. When calling, please refer to case number ZC-24-04.

As of the date of this notice, there are no other means of participating in the public hearing. However, please check for updates on the City’s website at: [www.sanmarcostx.gov](http://www.sanmarcostx.gov) to see if other means of participating in the public hearing become available.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov.
## Notification List

<table>
<thead>
<tr>
<th>Property ID</th>
<th>Name of Owner</th>
<th>Owner Address</th>
<th>Owner City, State, Zip</th>
<th>Site Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>141139</td>
<td>LCSM PH 4 LLC</td>
<td>303 COLORADO ST, STE 2300</td>
<td>AUSTIN, TX 78701-0021</td>
<td>RR 12, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td>145846</td>
<td>HAYS COUNTY</td>
<td>712 S STAGECOACH TRL</td>
<td>SAN MARCOS, TX 78666</td>
<td>WONDER WORLD, SAN MARCOS, TX 78666</td>
</tr>
<tr>
<td></td>
<td>Neighborhood Rep Roland Saucedo</td>
<td>211 Ebony St</td>
<td>San Marcos TX 78666</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CONA Rep Amy Thomaides</td>
<td>1131 W. MLK</td>
<td>San Marcos TX 78666</td>
<td></td>
</tr>
</tbody>
</table>
### Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>TYPES OF LAND USES</th>
<th>CONVENTIONAL RESIDENTIAL</th>
<th>NEIGHBORHOOD DENSITY DISTRICTS</th>
<th>CHARACTER DISTRICTS</th>
<th>SPECIAL DISTRICTS</th>
<th>DEFINITION USE STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural Uses</strong></td>
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<td>Single Family Detached / Tiny Home</td>
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<tr>
<td>Permitted Use</td>
<td>Limited Use</td>
<td>Conditional Use</td>
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Table 5.1  Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
</tr>
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<tbody>
<tr>
<td>Cottage Court</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Two Family</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Single Family Attached</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Small Multi-Family (up to 9 units)</td>
<td>--</td>
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<tr>
<td>Courtyard Housing (up to 24 units)</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Multi-family (10 or more units)</td>
<td>--</td>
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<tr>
<td>Purpose Built Student Housing</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Manufactured Home</td>
<td>--</td>
<td>--</td>
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<td>--</td>
<td>--</td>
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<tr>
<td>Mobile Home Community / Manufactured Home Park / Tiny Home Village</td>
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<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
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<td>Community Home</td>
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<tr>
<td>Fraternity or Sorority Building</td>
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<td>Professional Office</td>
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<tr>
<td>Medical, except as listed below:</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Urgent care, emergency clinic, or hospital</td>
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<tr>
<td>Nursing/ retirement home</td>
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<tr>
<td>Personal Services, except as listed below:</td>
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Legend:

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<th>P</th>
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<tbody>
<tr>
<td>Permitted Use</td>
<td>Limited Use</td>
<td>Conditional Use</td>
<td>Uses Not Permitted</td>
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Amended: October 17, 2023  San Marcos Development Code
<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>ND-3</td>
</tr>
<tr>
<td>Animal care (indoor)</td>
<td>C</td>
<td>--</td>
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<td>--</td>
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</tr>
<tr>
<td>Animal care (outdoor)</td>
<td>C</td>
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<tr>
<td>Funeral Home</td>
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<td>--</td>
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<tr>
<td>Tattoo, body piercing</td>
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<tr>
<td>Adult Oriented Businesses</td>
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<tr>
<td>All Retail Sales, except as listed below</td>
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<tr>
<td>Gasoline Sales</td>
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<td>Truck stop</td>
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<tr>
<td>Building material sales</td>
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<tr>
<td>Vehicle Sales/ Rental</td>
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<tr>
<td>Pawnshop</td>
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<tr>
<td>Restaurant/ Bar, as listed below</td>
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<tr>
<td>Eating Establishment</td>
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<td>Bar</td>
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<tr>
<td>Mobile Food Court</td>
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**Legend**

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<td>Permitted Use</td>
<td>Limited Use</td>
<td>Conditional Use</td>
<td>Uses Not Permitted</td>
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# Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
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<th>Definition Use Standards</th>
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<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>ND-3</td>
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<tr>
<td>Sale of Alcohol for on premise consumption</td>
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<td>Overnight Lodging, as listed below:</td>
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<td>Bed and Breakfast (up to 8 rooms)</td>
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<td>C</td>
<td>C</td>
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<td>Boutique Hotel (9 - 30 rooms)</td>
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<tr>
<td>Hotel/ Motel (more than 30 rooms)</td>
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<td>Outdoor Recreation, except as listed below:</td>
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<td>Golf Course</td>
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<td>Traveler Trailers/ RVs Short Term stays</td>
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<td>Shooting Range</td>
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<td>Gym/ Health club</td>
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<td>Smoking Lounge</td>
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<td>Charitable Gaming Facility</td>
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<td>Special Event Facility</td>
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## Public & Institutional

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<tr>
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<td>Major Utilities</td>
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## Table 5.1 Land Use Matrix

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<tr>
<th>Types of Land Uses</th>
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<th>Definition Use Standards</th>
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<tr>
<td></td>
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<td>SF-4.5</td>
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<td><strong>INDUSTRIAL</strong></td>
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<td>Light Industrial</td>
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<tr>
<td>Light Manufacturing</td>
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<td>Vehicle Service, as listed below:</td>
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<td>Car Wash</td>
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<tr>
<td>Vehicle repair (minor)</td>
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<tr>
<td>Vehicle repair (major)</td>
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<td>--</td>
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<tr>
<td>Warehouse &amp; Distribution</td>
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<td>Waste-Related service</td>
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<td>Wholesale trade</td>
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<td>Self Storage</td>
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<td>Research and Development</td>
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<tr>
<td>Wrecking/Junk Yard</td>
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**Legend**

| P | Permitted Use | L | Limited Use | C | Conditional Use | -- | Uses Not Permitted |

(Ord. No. 2020-60, 9-1-2020; Ord. No. 2021-47, 8-3-21, Ord. No. 2023-72, 10-17-2023)
## Zoning District Comparison Chart

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<td><strong>Zoning Description</strong></td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>The CD-4 district is intended to accommodate a variety of residential options including single-family, two-family and multifamily with limited commercial or mixed use on the corners.</td>
</tr>
<tr>
<td><strong>Uses</strong></td>
<td>Residential/Agricultural. (See Land Use Matrix)</td>
<td>Primarily residential uses. Some commercial uses allowed on corners. (See Land Use Matrix)</td>
</tr>
<tr>
<td><strong>Parking Location</strong></td>
<td>No location standards</td>
<td>Not allowed in first layer.</td>
</tr>
<tr>
<td><strong>Parking Standards</strong></td>
<td>Dependent upon use</td>
<td>Depends upon use</td>
</tr>
<tr>
<td><strong>Max Residential Units per acre</strong></td>
<td>0.4 units per acre (max)</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Occupancy Restrictions</strong></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
</tr>
<tr>
<td><strong>Building Height (max)</strong></td>
<td>2 stories maximum or 40’ max</td>
<td>3 stories maximum or 50ft maximum</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>50’ minimum front, 20’ side, and minimum 20% of total lot depth measured at the point of the greatest depth</td>
<td>5ft minimum-12ft maximum front, minimum 5’ side, and minimum 15’ rear</td>
</tr>
<tr>
<td><strong>Impervious Cover (max)</strong></td>
<td>30%</td>
<td>80% maximum</td>
</tr>
<tr>
<td><strong>Lot Sizes</strong></td>
<td>Minimum 2 acre lot area, minimum 200 ft lot width</td>
<td>Varies depending upon building type</td>
</tr>
<tr>
<td><strong>Streetscapes</strong></td>
<td>Residential Street: minimum 5’ sidewalk, street trees every 40’ on center average, 7’ planting area between sidewalk and street required.</td>
<td>Conventional Street: minimum 6’ sidewalk, street trees every 40’ on center average, 7’ planting area between sidewalk and street required.</td>
</tr>
<tr>
<td><strong>Blocks</strong></td>
<td>No block perimeter max</td>
<td>2,400 ft. Block Perimeter max</td>
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Section 4.2.1.2 Building Types Allowed by District

Building types are allowed by district as set forth below.

**Table 4.10 Building types allowed by district**

<table>
<thead>
<tr>
<th>Building Type</th>
<th>FD</th>
<th>CD-2</th>
<th>SF-R</th>
<th>SF-6</th>
<th>ND-3</th>
<th>ND-3.5</th>
<th>ND-4</th>
<th>N-CM</th>
<th>CD-3</th>
<th>CD-4</th>
<th>CD-5</th>
<th>CD-5D</th>
<th>HC, BP</th>
<th>LI, HI</th>
<th>CM</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCESSORY DWELLING UNIT</td>
<td></td>
<td></td>
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<tr>
<td>House</td>
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<tr>
<td>Cottage Court</td>
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</tr>
<tr>
<td>Duplex</td>
<td></td>
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</tr>
<tr>
<td>Zero Lot Line House</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Townhouse</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Small Multi-Family</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Courtyard Housing</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Apartment</td>
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<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Future Development (FD) vs Character District - 4 (CD-4)**
### Table 4.10 Building types allowed by district

<table>
<thead>
<tr>
<th></th>
<th>FD</th>
<th>CD-2</th>
<th>CD-3</th>
<th>CD-4</th>
<th>CD-5</th>
<th>CD-5D</th>
<th>HC, BP</th>
<th>LI, HI</th>
<th>CM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Live/ Work</strong></td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td><strong>Neighborhood Shopfront</strong></td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td><strong>Mixed Use Shopfront</strong></td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td><strong>General Commercial</strong></td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td><strong>Civic</strong></td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

**Legend**
- ■ = Allowed
- -- = Not Allowed

(Ord. No. 2020-60, 9-1-2020)
SECTION 4.4.1.1  FUTURE DEVELOPMENT DISTRICT

**General Description**
The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.

**Density**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Units Per Gross Acre</td>
<td>.4 max.</td>
</tr>
<tr>
<td>Impervious Cover</td>
<td>30% max.</td>
</tr>
</tbody>
</table>

**Transportation**

<table>
<thead>
<tr>
<th>Type</th>
<th>Allowance</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streetscape Type</td>
<td>Residential</td>
<td>Section 3.8.1.10</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>not required for lots &gt; 1 acre</td>
<td></td>
</tr>
</tbody>
</table>

**Building Types Allowed**

<table>
<thead>
<tr>
<th>Type</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Dwelling</td>
<td>Section 4.4.5.1</td>
</tr>
<tr>
<td>House</td>
<td>Section 4.4.5.2</td>
</tr>
<tr>
<td>Civic</td>
<td>Section 4.4.5.14</td>
</tr>
</tbody>
</table>
### Building Standards

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle Building Height</td>
<td>2 stories max.</td>
<td>40 ft. max.</td>
</tr>
<tr>
<td>Accessory Structure</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Lot

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>2 acres min.</td>
<td>200 ft min.</td>
</tr>
<tr>
<td>Civic Building</td>
<td>2 acres min.</td>
<td>200 ft min.</td>
</tr>
</tbody>
</table>

### Setbacks - Principal Building

<table>
<thead>
<tr>
<th>Setback</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>50 ft. min.</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>25 ft. min.</td>
</tr>
<tr>
<td>Side</td>
<td>20 ft. min.</td>
</tr>
<tr>
<td>Rear</td>
<td>Min. 20% of total lot depth measured at the point of the greatest depth</td>
</tr>
</tbody>
</table>

### Setbacks - Accessory Structure

<table>
<thead>
<tr>
<th>Setback</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>50 ft. min.</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>25 ft. min.</td>
</tr>
<tr>
<td>Side</td>
<td>10 ft. min.</td>
</tr>
<tr>
<td>Rear</td>
<td>10 ft. min.</td>
</tr>
</tbody>
</table>
CD-4

SECTION 4.4.3.5 CHARACTER DISTRICT - 4

**General Description**
The CD-4 district is intended to accommodate a variety of residential options including single-family, two-family and multifamily with limited commercial or mixed use on the corners.

**Density**

| Property Line (ROW) | 80% max. |

**Transportation**

| Block Perimeter | 2,400 ft. max | Section 3.6.2.1 |
| Streetscape Type | Residential Section 3.8.1.10 | Conventional Section 3.8.1.7 | Mixed Use Section 3.8.1.8 |

**Building Types Allowed**

- Accessory Dwelling Section 4.4.5.1
- House Section 4.4.5.3
- Duplex Section 4.4.5.4
- Townhouse Section 4.4.5.6
- Courtyard Housing Section 4.4.5.8
- Apartment Section 4.4.5.9
- Live/Work Section 4.4.5.10
- Neighborhood Shopfront Section 4.4.5.11
- Civic Building Section 4.4.5.14

**FOR ILLUSTRATIVE PURPOSES ONLY**
## Building Standards

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle Building Height</td>
<td>3 stories max.</td>
<td>50 ft. max.</td>
</tr>
<tr>
<td>Accessory Structure Height</td>
<td>N/A</td>
<td>24 ft. max.</td>
</tr>
</tbody>
</table>

## Lot

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Lot Area</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>4,500 sq. ft. min.</td>
<td>40 ft. min./ 120 ft. max.</td>
</tr>
<tr>
<td>Duplex</td>
<td>4,500 sq. ft. min.</td>
<td>40 ft. min./ 120 ft. max.</td>
</tr>
<tr>
<td>Townhouse</td>
<td>1,500 sq. ft. min.</td>
<td>20 ft. min./ 120 ft. max.</td>
</tr>
<tr>
<td>Courtyard Housing</td>
<td>1,500 sq. ft. min.</td>
<td>15 ft. min./ 120 ft. max.</td>
</tr>
<tr>
<td>Apartment</td>
<td>6,000 sq. ft. min.</td>
<td>60 ft. min./ 120 ft. max.</td>
</tr>
<tr>
<td>Live/Work</td>
<td>1,100 sq. ft. min.</td>
<td>15 ft. min./ 120 ft. max.</td>
</tr>
<tr>
<td>Neighborhood Shopfront</td>
<td>6,000 sq. ft. min.</td>
<td>60 ft. min./ 120 ft. max.</td>
</tr>
<tr>
<td>Civic Building</td>
<td>6,000 sq. ft. min.</td>
<td>50 ft. min.</td>
</tr>
</tbody>
</table>

All Lots 45 feet or less in width shall take vehicular access from a rear alley except Courtyard Housing.

## Setbacks - Principal Building

<table>
<thead>
<tr>
<th>Setback</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street*</td>
<td>5 ft. min - 12 ft. max.</td>
</tr>
<tr>
<td>Secondary Street*</td>
<td>5 ft. min.</td>
</tr>
<tr>
<td>Side</td>
<td>5 ft. min.</td>
</tr>
<tr>
<td>Rear</td>
<td>15 ft. min.</td>
</tr>
<tr>
<td>Rear, abutting alley</td>
<td>5 ft. min.</td>
</tr>
</tbody>
</table>

*Where there is an existing easement on the property, the maximum setback shall be measured from the easement instead of the right-of-way line.

## Setbacks - Accessory Structure

<table>
<thead>
<tr>
<th>Setback</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street</td>
<td>20 ft. min.</td>
</tr>
<tr>
<td>Secondary Street</td>
<td>15 ft. min.</td>
</tr>
<tr>
<td>Side</td>
<td>5 ft. min.</td>
</tr>
<tr>
<td>Rear</td>
<td>3 ft. min.</td>
</tr>
</tbody>
</table>

## Parking Location

<table>
<thead>
<tr>
<th>Layer (Section 4.3.3.1)</th>
<th>Surface</th>
<th>Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Layer</td>
<td>Not Allowed</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Second Layer</td>
<td>Allowed</td>
<td>Section 7.1.4.1</td>
</tr>
<tr>
<td>Third Layer</td>
<td>Allowed</td>
<td>Section 7.1.4.1</td>
</tr>
</tbody>
</table>

## Build-to Zone (BTZ)

<table>
<thead>
<tr>
<th>Build-to Zone (BTZ)</th>
<th>Building Facade in primary street</th>
<th>Building Facade in secondary street</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60% min.</td>
<td>35% min.</td>
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</tbody>
</table>

(Ord. No. 2023-72, 10-17-2023)
**LAND USE** – Preferred Scenario Map / Land Use Intensity Matrix

<table>
<thead>
<tr>
<th>Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?</th>
<th>YES</th>
<th>NO (map amendment required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
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</tbody>
</table>

**ECONOMIC DEVELOPMENT** – Furthering the goal of the Core 4 through the three strategies

<table>
<thead>
<tr>
<th>STRATEGY</th>
<th>SUMMARY</th>
<th>SUPPORTS</th>
<th>CONTRADICTS</th>
<th>NEUTRAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparing the 21st Century Workforce</td>
<td>Provides / Encourages educational opportunities</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Competitive Infrastructure &amp; Entrepreneurial Regulation</td>
<td>Provides / Encourages land, utilities and infrastructure for business</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The Community of Choice</td>
<td>Provides / Encourages safe &amp; stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**ENVIRONMENT & RESOURCE PROTECTION** – Land Use Suitability & Development Constraints

<table>
<thead>
<tr>
<th>Constraint by Class</th>
<th>1 (least)</th>
<th>2</th>
<th>3 (moderate)</th>
<th>4</th>
<th>5 (most)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Edwards Aquifer</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Endangered Species</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplains</td>
<td>X</td>
<td></td>
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<tr>
<td>Geological</td>
<td>X</td>
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<td>Slope</td>
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<td>Soils</td>
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<td>Vegetation</td>
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<td>Watersheds</td>
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<td>Water Quality Zone</td>
<td>X</td>
<td></td>
<td></td>
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<td></td>
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</tbody>
</table>
### ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

<table>
<thead>
<tr>
<th>Located in Subwatershed:</th>
<th>Purgatory Creek</th>
<th>0-25%</th>
<th>25-50%</th>
<th>50-75%</th>
<th>75-100%</th>
<th>100%+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modeled Impervious Cover Increase Anticipated for watershed</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:** The change in impervious cover under the Preferred Scenario is attributed to portions of the Paso Robles development, the Government Center, and downtown development. Purgatory Creek is a direct tributary of the San Marcos River, home of several endangered species. The Plan emphasizes the need to identify potential pollution from redevelopment as construction runoff and debris can wash into the creek during storm events.

### NEIGHBORHOODS – Where is the property located

<table>
<thead>
<tr>
<th>CONA Neighborhood(s):</th>
<th>N/A – Outside City Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Commission Area(s):</td>
<td>N/A – Outside City Limits</td>
</tr>
<tr>
<td>Neighborhood Character Study Area(s):</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### PARKS, PUBLIC SPACES AND FACILITIES – Availability of parks and infrastructure

<table>
<thead>
<tr>
<th>Maintenance / Repair Density</th>
<th>Low (maintenance)</th>
<th>Medium</th>
<th>High (maintenance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater Infrastructure</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Infrastructure</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Public Facility Availability**

<table>
<thead>
<tr>
<th>Public Facility Availability</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks / Open Space within ¼ mile (walking distance)?</td>
<td>Upper Purgatory Creek Natural Area is located to the south of La Cima.</td>
<td>X</td>
</tr>
<tr>
<td>Wastewater service available?</td>
<td>As part of the Development Agreement, extensions are required, and developer will provide.</td>
<td>X</td>
</tr>
<tr>
<td>Water service available?</td>
<td>As part of Development the Agreement, extensions are required, and developer will provide.</td>
<td>X</td>
</tr>
</tbody>
</table>
The Transportation Demand Model shows that Wonder World Drive remains at a level of service A for the Existing Daily and Peak along with the Preferred Daily. It drops from A to C LOS in the Preferred Scenario Peak LOS. Across the board, Old Ranch Road 12 is shown as LOS F.

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Daily LOS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wonder World Drive</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Old Ranch Road 12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>Existing Peak LOS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wonder World Drive</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Old Ranch Road 12</td>
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<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>Preferred Scenario Daily LOS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wonder World Drive</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Old Ranch Road 12</td>
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<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>Preferred Scenario Peak LOS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wonder World Drive</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Old Ranch Road 12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Sidewalks are required to be built as part of the development. The closest CARTS bus route is Route 7, which is the Bishop Street route.
ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Property Owner</th>
<th>Company</th>
<th>Property Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doug Goss</td>
<td>LCSM PH 4, LLC</td>
<td>Natural Development</td>
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<td>11612 FM 2244, Bldg 1, Ste 140; Austin, TX 78738</td>
<td>303 Colorado, STE 2300 Austin, TX 78701</td>
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<td>512-457-8000</td>
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<td><a href="mailto:ericw@nd-austin.com">ericw@nd-austin.com</a></td>
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PROPERTY INFORMATION

Subject Property Address(es): Central Park Loop and Basket Grass

Legal Description: Lot all Block all Subdivision La Cima Phase 6A and 6B

Total Acreage: 54.015

Preferred Scenario Designation: Agriculture - wildlife exemption

EXISTING ZONING: NA

DESCRIPTION OF REQUEST

Proposed Zoning District(s): CD4

Proposed Land Uses / Reason for Change: City requiring annexation upon platting per Development Agreement

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Filing Fee* $1,000 plus $150 per acre  Technology Fee $15  MAXIMUM COST $5,015

*Existing Neighborhood Regulating Plan Included.

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/
PROPERTY OWNER AUTHORIZATION

I, _________________ (owner name) on behalf of LCSM Ph 4, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at Central Park Loop and Basket Grass (address).

I hereby authorize _________________ (agent name) on behalf of NDA (agent company) to file this application for Zoning (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: ___________________________ Date: 1/30/2024

Printed Name, Title: Bryan Lee, Manager

Signature of Agent: ___________________________ Date: 1/30/2024

Printed Name, Title: Doug Goss, Project Manager

Form Updated October, 2019
AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and/or personal notice based on the type of application presented to the Planning Commission and/or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. **It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed.** The applicant shall immediately notify the responsible official of any missing or defective signs. **It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.**

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.**

- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.**

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City’s Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: ____________________________ Date: 2/6/2024
Print Name: Doug Goss
FIELD NOTES DESCRIPTION

DESCRIPTION OF A TOTAL AREA OF 31.015 ACRES TRACT OF LAND (1,394,577 SQ. FT.), SITUATED IN THE JOHN WILLIAMS SURVEY, ABSTRACT NO. 490, ALL OF HAYS COUNTY, TEXAS; BEING A PORTION OF A CALLED 248.225 ACRE TRACT DESCRIBED IN THE CORRECTION SPECIAL WARRANTY DEED WITH VENDOR’S LIEN TO LCSM PH. 4, LLC, OF RECORD IN DOCUMENT NO. 21059703, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 31.015 ACRES (1,394,577 SQ. FT.) AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., AND SHOWN ON THE ACCOMPANYING EXHIBIT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with plastic cap stamped “BCG” set, for the south corner of said 248.225 acre tract, same being the west corner of a called 33.000 acre tract of land, described in a deed to the City of San Marcos, Texas, recorded in Document No. 16039264, O.P.R.H.C.TX.;

THENCE N 36° 20’ 14” E, departing the common line of said 248.225 acre tract and said 33.000 acre tract, over and across the said 248.225 acre tract, a distance of 2,514.61 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, for the POINT OF BEGINNING and the southwest corner of tract described herein;

THENCE over and across the said 248.225 acre tract, the following twenty-four (24) courses and distances:

1) N 00° 37’ 46” W, a distance of 10.55 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
2) N 00° 41’ 32” W, a distance of 43.90 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
3) N 01° 05’ 02” W, a distance of 96.71 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
4) N 07° 13’ 01” W, a distance of 58.12 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
5) N 14° 42’ 10” W, a distance of 145.54 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
6) N 02° 18’ 29” W, a distance of 88.26 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
7) S 89° 26’ 20” W, a distance of 60.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
8) N 00° 33’ 37” W, a distance of 125.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
9) N 00° 33’ 40” W, a distance of 53.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
10) N 89° 26’ 23” E, a distance of 7.39 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
11) N 00° 21’ 14” E, a distance of 55.01 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
12) N 03° 33’ 39” E, a distance of 61.10 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
13) N 10° 59’ 31” E, a distance of 57.65 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
14) N 13° 40' 04" E, a distance of 135.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
15) N 12° 41' 33" E, a distance of 44.02 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
16) N 07° 27' 49" E, a distance of 16.05 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
17) N 06° 04' 21" W, a distance of 27.80 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
18) N 18° 05' 31" W, a distance of 44.89 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
19) N 73° 06' 12" E, a distance of 126.01 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, said point being the beginning of a curve to the left,
20) With said curve to the left, having a radius of 15.00 feet, an arc length of 16.31 feet, and a chord which bears N 53° 23' 40" W, a distance of 15.52 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, said point being the beginning of a curve to the right,
21) With said curve to the right, having a radius of 60.00 feet, an arc length of 108.36 feet, and a chord which bears N 32° 48' 09" W, a distance of 94.22 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
22) N 71° 03' 47" W, a distance of 51.04 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
23) N 38° 21' 25" W, a distance of 81.56 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
24) N 13° 30' 05" W, a distance of 198.91 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set on the south right-of-way of Central Park Loop, a 70 foot wide right-of-way, for the northwest corner of the tract described herein, said point being the beginning of a curve to the right,

**THENENCE** with the common line of the said 248.225 acre tract and the south right-of-way of said Central Park Loop, the following six (6) courses and distances:

1) With said curve to the right, having a radius of 465.11 feet, an arc length of 141.52 feet, and a chord which bears S 80° 15' 56" E, a distance of 140.98 feet to a 3/4-inch iron rod found,
2) S 71° 32' 48" E, a distance of 174.79 feet to a 3/4-inch iron rod found, said point being the beginning of a curve to the left,
3) With said curve to the left, having a radius of 435.00 feet, an arc length of 577.47 feet, and a chord which bears N 70° 25' 22" E, a distance of 535.99 feet to a 3/4-inch iron rod found,
4) N 32° 23' 32" E, a distance of 225.69 feet to a 3/4-inch iron rod found, said point being the beginning of a curve to the right,
5) With said curve to the right, having a radius of 665.00 feet, an arc length of 67.64 feet, and a chord which bears N 35° 18' 21" E, a distance of 67.61 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, said point being the beginning of a curve to the right,
6) With said curve to the right, having a radius of 665.00 feet, an arc length of 225.00 feet, and a chord which bears N 47° 54' 46" E, a distance of 223.93 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set on the common line of said 248.225 acre tract and of Lot 1, Block A, Final Plat of La Cima Phase 4 subdivision, Document No. 22050345, Plat Records of Hays County, Texas (P.R.H.C.TX.), for the northeast corner of the tract described herein,

THENCE with the common line of the said 248.225 acre tract and said Lot 1, the following two (2) courses and distances:

1) S 32° 23' 40" E, a distance of 73.73 feet to a calculated point,

2) S 88° 17' 51" E, a distance of 497.36 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, for the most easterly southeast corner of the tract described herein,

THENCE over and across said 248.225 acre tract, the following thirty-eight (38) courses and distances:

1) S 30° 11' 20" W, a distance of 252.69 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

2) N 63° 29' 44" W, a distance of 78.42 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

3) N 73° 28' 54" W, a distance of 79.24 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

4) N 77° 46' 03" W, a distance of 60.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

5) S 12° 13' 57" W, a distance of 125.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

6) N 77° 46' 03" W, a distance of 48.67 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, said point being the beginning of a curve to the right,

7) With said curve to the right, having a radius of 273.46 feet, an arc length of 27.64 feet, and a chord which bears N 74° 52' 23" W, a distance of 27.62 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

8) S 18° 01' 18" W, a distance of 53.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

9) S 15° 18' 59" W, a distance of 125.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

10) S 76° 10' 40" E, a distance of 60.02 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

11) S 77° 46' 03" E, a distance of 60.09 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

12) S 74° 41' 01" E, a distance of 60.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,

13) N 15° 18' 59" E, a distance of 126.31 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, said point being the beginning of a curve to the right,

14) With said curve to the right, having a radius of 273.51 feet, an arc length of 59.50 feet, and a chord which bears S 64° 44' 45" E, a distance of 59.38 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
15) S 54° 31’ 54” E, a distance of 37.99 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
16) S 43° 04’ 03” W, a distance of 124.47 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
17) S 46° 59’ 32” E, a distance of 150.13 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, for the most southerly southeastern corner of the tract described herein,
18) S 30° 56' 17” W, a distance of 68.78 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
19) S 38° 42' 12” W, a distance of 50.36 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
20) S 44° 56' 54” W, a distance of 36.08 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
21) S 45° 56' 11” W, a distance of 53.78 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
22) S 45° 32' 22” W, a distance of 60.55 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
23) S 45° 32' 23” W, a distance of 60.77 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
24) S 45° 15' 17” W, a distance of 74.90 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
25) S 45° 53' 27” W, a distance of 60.73 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
26) S 45° 32' 23” W, a distance of 113.06 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
27) S 44° 43' 34” W, a distance of 26.22 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
28) S 45° 32' 23” W, a distance of 50.00 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
29) S 45° 03' 53” W, a distance of 60.70 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
30) S 44° 05' 25” E, a distance of 3.01 feet to a calculated point,
31) S 44° 57' 55” W, a distance of 53.00 feet to a calculated point,
32) S 47° 59' 27” W, a distance of 79.84 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
33) S 49° 08' 33” W, a distance of 46.62 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
34) S 52° 17' 34” W, a distance of 32.47 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
35) S 52° 32' 13” W, a distance of 150.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
36) S 65° 48' 34” W, a distance of 51.34 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,
37) S 67° 23' 32” W, a distance of 51.69 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
31.015 acre (1,394,577 sq. ft.)
John Williams Survey, A-490
Hays County, Texas

Job No. 005956-01-113
FN2880
Page 5 of 13

38) S 45° 26' 17" W, a distance of 695.94 feet to the POINT OF BEGINNING, containing 31.015 acres of land.

BEARING BASIS: Texas Coordinate System, South Zone, NAD83, Grid.

BOWMAN WORD FILE: FN 2870
THE STATE OF TEXAS §
$ KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS §

That I, Daniel Cogburn, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a series of surveys made on the ground during December 2023, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 31th day of January 2024 A.D.

Bowman Consulting Group, Ltd.
Austin, Texas 78746

Daniel Cogburn
Registered Professional Land Surveyor
No. 6894 – State of Texas
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<td></td>
<td></td>
</tr>
<tr>
<td>L26</td>
<td>S32°23'40&quot;E</td>
<td>73.73'</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>L27</td>
<td>S88°17'51&quot;W</td>
<td>497.36'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L28</td>
<td>S30°11'20&quot;W</td>
<td>252.69'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L29</td>
<td>N63°29'44&quot;W</td>
<td>78.42'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L30</td>
<td>N73°28'54&quot;W</td>
<td>79.24'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L31</td>
<td>N77°46'03&quot;W</td>
<td>60.00'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L32</td>
<td>S12°13'57&quot;W</td>
<td>125.00'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
FIELD NOTES DESCRIPTION

DESCRIPTION OF A TOTAL AREA OF 23,000 ACRES TRACT OF LAND (1,001,901 SQ. FT.), SITUATED IN THE JOHN WILLIAMS SURVEY, ABSTRACT NO. 490, ALL OF HAYS COUNTY, TEXAS; BEING A PORTION OF A CALLED 248.225 ACRE TRACT DESCRIBED IN THE CORRECTION SPECIAL WARRANTY DEED WITH VENDOR’S LIEN TO LCSM PH. 4, LLC, OF RECORD IN DOCUMENT NO. 21059703, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 23,000 ACRES (1,001,901 SQ. FT.) AS SURVEYED BY BOWMAN CONSULTING GROUP, LTD., AND SHOWN ON THE ACCOMPANYING EXHIBIT, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with plastic cap stamped “BCG” set, for the south corner of said 248.225 acre tract, same being the west corner of a called 33,000 acre tract of land, described in a deed to the City of San Marcos, Texas, recorded in Document No. 16039264, O.P.R.H.C.TX.;

THENCE N 38° 16’ 04” E, departing the common line of said 248.225 acre tract and said 33,000 acre tract, over and across the said 248.225 acre tract, a distance of 3,186.48 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set, for the POINT OF BEGINNING and the west corner of tract described herein;

THENCE over and across the said 248.225 acre tract, the following thirty-eight (38) courses and distances:

1) N 45° 26’ 17” E, a distance of 17.33 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
2) N 67° 23’ 32” E, a distance of 51.69 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
3) N 65° 48’ 34” E, a distance of 51.34 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
4) N 52° 32’ 13” E, a distance of 150.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
5) N 52° 17’ 34” E, a distance of 32.47 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
6) N 49° 08’ 33” E, a distance of 46.62 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
7) N 47° 59’ 27” E, a distance of 79.84 feet to a calculated point,
8) N 44° 57’ 55” E, a distance of 53.00 feet to a calculated point,
9) N 44° 05’ 25” W, a distance of 3.01 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
10) N 45° 03’ 53” E a distance of 60.70 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
11) N 45° 32’ 23” E, a distance of 50.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
12) N 44° 43’ 34” E, a distance of 26.22 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
13) N 45° 32’ 23” E a distance of 113.06 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
14) N 45° 53’ 27” E, a distance of 60.73 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
15) N 45° 15’ 17” E, a distance of 74.90 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
16) N 45° 32’ 23” E, a distance of 60.77 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
17) N 45° 32’ 22” E, a distance of 60.55 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
18) N 45° 56’ 11” E, a distance of 53.78 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
19) N 44° 56' 54" E, a distance of 36.08 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
20) N 38° 42' 12" E, a distance of 50.36 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
21) N 30° 56' 17" E, a distance of 68.78 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
22) N 46° 59' 32" W, a distance of 150.13 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
23) N 43° 04' 03" E, a distance of 124.47 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
24) N 54° 31' 54" W, a distance of 37.99 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, said point being the beginning of a curve to the left,
25) With said curve to the left, having a radius of 273.51 feet, an arc length of 59.50 feet, and a chord which bears N 64° 44' 45" W, a distance of 59.38 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
26) S 15° 18' 59" W, a distance of 126.31 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
27) N 74° 41' 01" W, a distance of 60.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
28) N 77° 46' 03" W, a distance of 60.09 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
29) N 76° 10' 40" W, a distance of 60.02 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
30) N 15° 18' 59" E, a distance of 125.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
31) N 18° 01' 18" E, a distance of 53.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, said point being the beginning of a curve to the left,
32) With said curve to the left, having a radius of 273.46 feet, an arc length of 27.64 feet, and a chord which bears S 74° 52' 23" E a distance of 27.62 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
33) S 77° 46' 03" E, a distance of 48.67 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
34) N 12° 13' 57" E, a distance of 125.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
35) S 77° 46' 03" E, a distance of 60.00 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
36) S 73° 28' 54" E, a distance of 79.24 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
37) S 63° 29' 44" E, a distance of 78.42 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set, and
38) N 30° 11' 20" E, a distance of 252.69 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set on the common line of said 248.225 acre tract and of Lot 1, Block A, Final Plat of La Cima Phase 4 subdivision, Document No. 22050345, Plat Records of Hays County, Texas (P.R.H.C.TX.), for the north corner of the tract described herein;

THENCE with the common line of said 248.225 acre tract and said Lot 1, the following three (3) courses and distances:

1) S 88° 17' 51" E, a distance of 366.72 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set,
23,000 acre (1,001,901 sq. ft.)

Job No. 005956-01-113

John Williams Survey, A-490

Hays County, Texas

Page 3 of 10

2) S 74° 07' 47" E, a distance of 179.27 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set,

3) S 44° 27' 37" E, a distance of 246.10 feet to a 1/2-inch iron rod with plastic cap stamped “BCG” set on the common line of said 248.225 acre tract and of a called 51.567 acre tract of land, described in a deed to the City of San Marcos, Texas, recorded in Document No. 17014570, O.P.R.H.C.TX., for the east corner of the tract described herein;

THENCE S 45° 32' 23" W, with the southeast line of said 248.225 acre tract and part way with said 51.567 acre tract and of a called 110.002 acre tract of land, described in a deed to the Hays County, recorded in Document No. 16007530, O.P.R.H.C.TX., a distance of 2,325.62 feet to a 1/2-inch iron rod with plastic cap stamped "BCG" set on the common line of said 248.225 acre tract and said 110.002 acre tract, for the south corner of the tract described herein;

THENCE N 10° 41' 48" W, departing the common line of said 248.225 acre tract and said 110.002 acre tract, a distance of 482.60 feet to the POINT OF BEGINNING, containing 23,000 acres of land.

BEARING BASIS: Texas Coordinate System, South Zone, NAD83, Grid.

BOWMAN WORD FILE: FN 2870

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS §

That I, Daniel Cogburn, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a series of surveys made on the ground during December 2023, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 31th day of January 2024 A.D.

Daniel Cogburn

Registered Professional Land Surveyor
No. 6894 – State of Texas
### LINE TABLE

<table>
<thead>
<tr>
<th>LINE #</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>N45°26'17&quot;E</td>
<td>17.33'</td>
</tr>
<tr>
<td>L2</td>
<td>N67°23'32&quot;E</td>
<td>51.69'</td>
</tr>
<tr>
<td>L3</td>
<td>N65°48'34&quot;E</td>
<td>51.34'</td>
</tr>
<tr>
<td>L4</td>
<td>N52°32'13&quot;E</td>
<td>150.00'</td>
</tr>
<tr>
<td>L5</td>
<td>N52°17'34&quot;E</td>
<td>32.47'</td>
</tr>
<tr>
<td>L6</td>
<td>N49°08'33&quot;E</td>
<td>46.62'</td>
</tr>
<tr>
<td>L7</td>
<td>N47°59'27&quot;E</td>
<td>79.84'</td>
</tr>
<tr>
<td>L8</td>
<td>N44°57'55&quot;E</td>
<td>53.00'</td>
</tr>
<tr>
<td>L9</td>
<td>N44°05'25&quot;W</td>
<td>3.01'</td>
</tr>
<tr>
<td>L10</td>
<td>N45°03'53&quot;E</td>
<td>60.70'</td>
</tr>
<tr>
<td>L11</td>
<td>N45°32'23&quot;E</td>
<td>50.00'</td>
</tr>
<tr>
<td>L12</td>
<td>N44°43'34&quot;E</td>
<td>26.22'</td>
</tr>
<tr>
<td>L13</td>
<td>N45°32'23&quot;E</td>
<td>113.06'</td>
</tr>
<tr>
<td>L14</td>
<td>N45°53'27&quot;E</td>
<td>60.73'</td>
</tr>
<tr>
<td>L15</td>
<td>N45°15'17&quot;E</td>
<td>74.90'</td>
</tr>
<tr>
<td>L16</td>
<td>N45°32'23&quot;E</td>
<td>60.77'</td>
</tr>
<tr>
<td>L17</td>
<td>N45°32'22&quot;E</td>
<td>60.55'</td>
</tr>
<tr>
<td>L18</td>
<td>N45°56'11&quot;E</td>
<td>53.78'</td>
</tr>
<tr>
<td>L19</td>
<td>N44°56'54&quot;E</td>
<td>36.08'</td>
</tr>
<tr>
<td>L20</td>
<td>N38°42'12&quot;E</td>
<td>50.36'</td>
</tr>
<tr>
<td>L21</td>
<td>N30°56'17&quot;E</td>
<td>68.78'</td>
</tr>
<tr>
<td>L22</td>
<td>N46°59'32&quot;W</td>
<td>150.13'</td>
</tr>
<tr>
<td>L23</td>
<td>N43°04'03&quot;E</td>
<td>124.47'</td>
</tr>
<tr>
<td>L24</td>
<td>N54°31'54&quot;W</td>
<td>37.99'</td>
</tr>
<tr>
<td>L25</td>
<td>S15°18'59&quot;W</td>
<td>126.31'</td>
</tr>
<tr>
<td>L26</td>
<td>N74°41'01&quot;W</td>
<td>60.00'</td>
</tr>
<tr>
<td>L27</td>
<td>N77°46'03&quot;W</td>
<td>60.09'</td>
</tr>
<tr>
<td>L28</td>
<td>N76°10'40&quot;W</td>
<td>60.02'</td>
</tr>
<tr>
<td>L29</td>
<td>N15°18'59&quot;E</td>
<td>125.00'</td>
</tr>
<tr>
<td>L30</td>
<td>N18°01'18&quot;E</td>
<td>53.00'</td>
</tr>
<tr>
<td>L31</td>
<td>S77°46'03&quot;E</td>
<td>48.67'</td>
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### CURVE TABLE

<table>
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<tr>
<th>CURVE #</th>
<th>RADIUS</th>
<th>ARC</th>
<th>CH. BEARING</th>
<th>CHORD</th>
<th>DELTA</th>
<th>TANGENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>273.50'</td>
<td>59.50'</td>
<td>N64°44'45&quot;W</td>
<td>59.38'</td>
<td>12°27'50&quot;</td>
<td>29.87'</td>
</tr>
<tr>
<td>C2</td>
<td>273.50'</td>
<td>27.64'</td>
<td>S74°52'23&quot;E</td>
<td>27.62'</td>
<td>5°47'22&quot;</td>
<td>13.83'</td>
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</tbody>
</table>
Public Hearing
ZC-24-04
La Cima Phase 6 FD to CD-4

ZC-23-24 (La Cima Phase 6 / FD to CD-4) Hold a public hearing and consider a request by Doug Goss, on behalf of LCSM PH 4, LLC, for a Zoning Change from Future Development (FD) to Character District-4 (CD-4), or, subject to consent of the owner, another less intense zoning district classification, for approximately 54.015 +/- acre tract of land out of the John Williams Survey, generally located at the southeast corner of West Centerpoint Road and Central Park Loop. (K. Buck)
Property Information

- Approximately 54.015 acres

- Located near the Southeast corner of W Centerpoint Rd and Central Park Loop

- Located within ETJ, annexation concurrently considered by City Council (AN-24-02)
Context & History

- Currently Vacant

- Surrounding Use: Single-Family Residential

- Development pursuant to La Cima Development Agreement, Resolution #2022-10R
Context & History

• Existing Zoning: Outside City Limits (ETJ)

• Proposed Zoning: Character District-4 (CD-4)
  – Allows for a variety of Residential Uses and Limited Commercial Uses at Corners
Comprehensive Plan Analysis
Step 1: Where is the property located on the Comprehensive Plan?

- Existing Preferred Scenario: Low Intensity Zone
- Being in an area of stability does not mean that these areas should or will not change. It means that any changes, whether new developments, zoning requests, or public improvements, should be carefully planned and implemented so that the character of the area remains.
Comprehensive Plan Analysis

Step 2: Is the request consistent with the Comprehensive Plan / District Translation Table?

“Character District-4” (CD-4) within a “Low Intensity Zone.”

<table>
<thead>
<tr>
<th>District Classification</th>
<th>Open Space/Agricultural</th>
<th>Comprehensive Plan Designations</th>
<th>Existing Neighborhood</th>
<th>Medium or High Intensity Zone</th>
<th>Employment Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional Residential</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>PSA</td>
<td>PSA</td>
</tr>
<tr>
<td>Neighborhood Density Districts</td>
<td>NP</td>
<td>NP</td>
<td>See Section 4.1.2.4 - 4.1.2.5</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Character Districts</td>
<td>NP</td>
<td>See Section 4.1.2.6</td>
<td>PSA</td>
<td>C</td>
<td>NP</td>
</tr>
<tr>
<td>Special Districts</td>
<td>PSA</td>
<td>NP</td>
<td>PSA</td>
<td>NP</td>
<td>C</td>
</tr>
</tbody>
</table>

Legend:
- PSA = Not Allowed (PSA Required)
- NP = Not Preferred
- C = Consider
Comprehensive Plan Analysis

**Step 3:** Is the request consistent with the District/Existing Zoning Translation Table?

“Future District” (FD) to “Character District-4” (CD-4)

### Table 4.6 Character District / Existing Zoning Translation Table

<table>
<thead>
<tr>
<th>FAR, SF-R, MR, SF-6, SF4.5, P</th>
<th>FD, DR, D, PH-ZL, TH, MF-12, P</th>
<th>MU, MF-18, MF-24, P</th>
<th>OP, NC, CC, GC, HC, LI, HI, MH, VMU, P</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD-1</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>CD-2</td>
<td>C</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>CD-2.5</td>
<td>C</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>CD-3</td>
<td>NP</td>
<td>C</td>
<td>NP</td>
</tr>
<tr>
<td><strong>CD-4</strong></td>
<td><strong>NP</strong></td>
<td><strong>C</strong></td>
<td><strong>NP</strong></td>
</tr>
<tr>
<td>CD-5</td>
<td>PSA</td>
<td>NP</td>
<td>C</td>
</tr>
</tbody>
</table>

**Legend:**

- **C** = Consider
- **NP** = Not Preferred

* = 50% or more single family requires additional votes of Planning Commission and City Council in accordance with Sec. 4.1.2.5(G)3a. above.
Zoning Analysis

• Description of CD-4: Intended to accommodate residential with limited commercial on the corners
• Building Types: Cottage, Duplex, Townhouse, Courtyard Housing, Apartment, Live/Work, Neighborhood Shopfront, Civic
• Uses: Residential, Public, and Limited Commercial Uses
• Proposed Use: Multi-Family permitted in CD-4
Environmental Analysis

- Is located within the Edwards Aquifer Recharge Zone

- Development Agreement provides standards to mitigate impact to natural features
Infrastructure

- **Streets**
  - Streetscape Improvements
  - Block perimeter (2,400 feet)
  - Bicycle & Sidewalk connections

- **Utilities**
  - City of San Marcos Water / Wastewater
  - Pedernales Electric
Recommendation

Staff recommends approval of ZC-24-04 as presented.
# Zoning District Comparison Chart

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Description</strong></td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>The CD-4 district is intended to accommodate a variety of residential options including single-family, two-family and multifamily with limited commercial or mixed use on the corners.</td>
</tr>
<tr>
<td><strong>Uses</strong></td>
<td>Residential/Agricultural. (See Land Use Matrix)</td>
<td>Primarily residential uses. Some commercial uses allowed on corners. (See Land Use Matrix)</td>
</tr>
<tr>
<td><strong>Parking Location</strong></td>
<td>No location standards</td>
<td>Not allowed in first layer.</td>
</tr>
<tr>
<td><strong>Parking Standards</strong></td>
<td>Dependent upon use</td>
<td>Depends upon use</td>
</tr>
<tr>
<td><strong>Max Residential Units per acre</strong></td>
<td>0.4 units per acre (max)</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Occupancy Restrictions</strong></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
</tr>
<tr>
<td><strong>Building Height (max)</strong></td>
<td>2 stories maximum or 40’ max</td>
<td>3 stories maximum or 50’ maximum maximum</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>50’ minimum front, 20’ side, and minimum 20% of total lot depth measured at the point of the greatest depth</td>
<td>5ft minimum-12ft maximum front, minimum 5’ side, and minimum 15’ rear</td>
</tr>
<tr>
<td><strong>Impervious Cover (max)</strong></td>
<td>30%</td>
<td>80% maximum</td>
</tr>
<tr>
<td><strong>Lot Sizes</strong></td>
<td>Minimum 2 acre lot area, minimum 200 ft lot width</td>
<td>Varies depending upon building type</td>
</tr>
<tr>
<td><strong>Streetscapes</strong></td>
<td>Residential Street: minimum 5’ sidewalk, street trees every 40’ on center average, 7’ planting area between sidewalk and street required.</td>
<td>Conventional Street: minimum 6’ sidewalk, street trees every 40’ on center average, 7’ planting area between sidewalk and street required.</td>
</tr>
<tr>
<td><strong>Blocks</strong></td>
<td>No block perimeter max</td>
<td>3,400 ft. Block Perimeter max</td>
</tr>
</tbody>
</table>
AGENDA CAPTION:
Receive a staff presentation, hold a Public Hearing and discuss the 2025 Capital Improvement Program (CIP)
Meeting date: April 9, 2024

Department: Engineering and Capital Improvements

Amount & Source of Funding
Funds Required: Click or tap here to enter text.
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☒ Economic Development - Choose an item.
☒ Environment & Resource Protection - Choose an item.
☒ Land Use - Choose an item.
☒ Neighborhoods & Housing - Choose an item.
☒ Parks, Public Spaces & Facilities - Choose an item.
☒ Transportation - Choose an item.
☐ Core Services
☐ Not Applicable
Background Information:
To hold a public hearing and discussion about the FY 2025 Capital Improvements Program.

April 9, 2024 - Public Hearing and Planning and Zoning Commission Discussion
April 23, 2024 - Receive recommendation from the Planning and Zoning Commission

To view the most current CIP, click on link:
<http://www.sanmarcostx.gov/366/10-Year-Capital-Improvements-Plan>

Council Committee, Board/Commission Action:
Staff presented the CIP to Neighborhood Commission March 20, 2024.
Staff presented the CIP to Planning and Zoning Commission on March 26, 2024.

Alternatives:
Click or tap here to enter text.

Recommendation:
No action is necessary on April 9.
City of San Marcos

Planning and Zoning Commission

Shaun Condor, PE – Director of Engineering and CIP

April 9, 2024
Purpose of today’s meeting

- To hold a public hearing and discussion about the FY 2025 Capital Improvements Program (CIP).
Capital Improvements Program

- Multi-year financial planning tool used to identify and plan for major capital projects
- Address growth, transportation, public safety, and utility infrastructure issues in conjunction with goals and priorities as determined by City Council.
- The adoption of the CIP and its 1st year of funding coincides with the adoption of the budget and uses a ten-year projection
  - Before requesting funding, all projects in year 1 are evaluated for:
    - Project Readiness
    - Staff Work Load
    - City Ability to Fund The Project
  - In FY25, “Ability to Fund” takes over the driver seat on a project moving forward
CIP Funding Challenges

- Utility Debt Models: Our debt does not drop off until 2028/2029
- Construction Cost: Dramatic increase since COVID; nearly 50% increase
- Scope Creep: Project scopes are becoming more complex and larger

<table>
<thead>
<tr>
<th>Fund</th>
<th>FY 2025</th>
<th>FY 2026 +</th>
</tr>
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<tbody>
<tr>
<td>General</td>
<td>$16.0M</td>
<td>+ $20M</td>
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<tr>
<td>Storm</td>
<td>$17.7M</td>
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<tr>
<td>Water/Wastewater</td>
<td>$53.2M*</td>
<td>+ $10M</td>
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<tr>
<td>Electric</td>
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<tr>
<td>Total</td>
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*Staff is working on alternative funding methods with Developers*
Typical Life Cycle of a project

- **Simple Project** = $200K - $1M
  - 3 – 4 Year
- **Complex Project** = $1M - $10M
  - 5 – 7 Years
- **Very Complex Project** = $10M +
  - 8-10 Years

**Important Notes:**
- Last Year Is For Construction
- We program “best case scenario”
- As challenges arise, construction funding is delayed until the project is ready

Scope → Funding → Design → Construction → Complete
Input Clarification

• Input Seeking
  – Is the project description clear?
  – Any high priority projects?
  – Any projects that should be considered for the 2028 bond election?
  – Recommendation in Years 2-10 are less impactful to the 10-year CIP than requests to Year 1

• Not Seeking Input
  – Budget Amount
  – Balancing workload
  – Staff will shift a project out to balance the workload
  – Be aware that for a project to move up; something equivalent must move out
Next Steps

**TODAY** - Public Hearing & Discussion Item

**Apr 23rd** - P&Z Action on Recommendation to City Council

**May 21st** - City Council Receives P&Z Recommendation

May - Aug - City Council Budget Workshops

**Sept** - Budget Adoption by City Council including the FY25 CIP Projects
Questions

- Location of CIP
  - Digital Copy & Interactive Map
    - City Of San Marcos Webpage > Departments > Engineering > 10 Year Capital Improvements Program
  - Hard Copy
    - San Marcos Public Library, 625 E. Hopkins, during normal library hours: San Marcos Public Library Services
    - Engineering and Capital Improvements office located at 630 E. Hopkins, San Marcos TX 78666; Monday – Friday, 8:00 am – 5:00 pm