



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, September 22, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.

I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

EXECUTIVE SESSION

NOTE: The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.

IV. 30 Minute Citizen Comment Period

Persons wishing to comment during the Citizen Comment Period must submit their written comments or requests to speak to planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting. A link to join by phone, mobile device, laptop or desktop will be sent. Timely submitted written comments will be read aloud during the Citizen Comment portion of the meeting. Written or oral comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of August 25, 2020.
2. Consider approval of the minutes of the regular meeting of September 8, 2020.

PUBLIC HEARINGS

Interested persons may join and participate in any of the Public Hearing items (3-6) by:

- 1) *Sending written comments, to be read aloud*;* or
- 2) *Requesting a link to speak during the public hearing portion of the virtual meeting, including which item you wish to speak on*.*

**Written comments or requests to join in a public hearing must be sent to planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the hearing. Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read. To view the meeting please go to*

<http://sanmarcostx.gov/541/PZ-Video-Archives> to view the live stream, or watch on Grande Channel 16 or Spectrum Channel 10. For additional information on making comments during the Public Hearings please visit <http://www.sanmarcostx.gov/3103/18805/Citizen-Comments-Virtual-Meetings>

- 3. AC-20-11 (Twin Peaks Restaurant) Hold a public hearing and consider a request by Paul Stevens, on behalf of Alden Short Inc, for an Alternative Compliance Request to not meet maximum site lighting levels of Section 7.5.2.1(b) and light trespass onto adjacent properties of Section 7.5.2.3, for approximately 2.3 acres known as Lot 1C, Quarters Addition, located at 1207 S IH 35. (M. Johnson)
- 4. CUP-20-13 (Longhorn Daiquiris) Hold a public hearing and consider a request by Andrea Villescaz on behalf of G&S Development LLP, for a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 1617 Aquarena Springs Drive. (A. Hernandez)
- 5. CUP-20-16 (Stellar Coffee Co) Hold a public hearing and consider a request by Keith Myrick, on behalf of Stellar Coffee, for a renewal of an Unrestricted Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 232 N LBJ Dr, Ste 101 (T. Carpenter).
- 6. ZC-20-12 (Steen Road) Hold a public hearing and consider a request by Mike Siefert, on behalf of LOP/SM Properties LLC for a Zoning Change from Future Development (FD) to Single Family 6 (SF-6), for approximately 14.71 acres out of the J.W. Berry Survey, located near N LBJ Drive and Steen Road. (T. Carpenter)

V. 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:



Legislation Text

File #: ID#20-604, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the regular meeting of August 25, 2020.

Meeting date: September 22, 2020

Department: Planning and Development Services

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

File #: ID#20-604, **Version:** 1

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.



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, August 25, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.

I. Call To Order

With a quorum present the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Chair Gleason at 6:01 p.m. on Tuesday, August 25, 2020 via Virtual Meeting due to COVID-19.

II. Roll Call

Present 9 - Commissioner Mike Dillon, Commissioner Matthew Haverland, Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner Travis Kelsey, Commissioner William Agnew, Commissioner Mark Gleason, Commissioner Kate McCarty, and Commissioner Griffin Spell

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Lisa Marie Coppoletta provided a written statement that was read aloud. She complimented the Planning and Zoning Commission on their professionalism during Zoom meetings. However, she said that the City Council has many problems with their behavior on Zoom. Examples she gave included Council members drinking or smoking, texting, and disappearing from camera, possibly getting coaching on how to vote. She also mentioned that a couple of City Council members believe that the Land Development Code language is too complicate to Hispanics, and finds their statements racist. She commended the Mayor and Councilman Baker for their professionalism.

EXECUTIVE SESSION

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of June 23, 2020.
2. Consider approval of the minutes of the regular meeting of July 28, 2020.
3. Consider approval of the minutes of the regular meeting of August 11, 2020.

A motion was made by Commissioner Haverland, seconded by Commissioner Kelsey, that the Consent Agenda be approved. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

PUBLIC HEARINGS

4. CUP-20-12 (Joyful Noise Daycare Center) Hold a public hearing and consider a request by Colby Cotton, on behalf of Centerpoint Hunter Partners LLC, for a new Conditional Use Permit to open and operate a daycare center at 101 Centerpoint Road, Suite A. (S. Caldwell)

Chair Gleason opened the Public Hearing.

Shavon Caldwell, Planner, gave an overview of the request.

Colby Cotton, applicant, said they look forward to adding this an additional feature to the church and provide childcare for the community.

Bria Cheatham, applicant, said they are looking forward to helping the community and families.

Lisa Marie Coppoletta spoke in opposition of the item. She said the facility is close to a funeral home and has concerns about the children being exposed to harsh chemicals. She also said City staff is neutral in the comprehensive plan, and adjacent properties, and there is no analysis of funeral home. She also expressed concern about the need for the type of business during a pandemic, and its targeted demographic of minority children who are more at risk for hospitalization. She said it's not the right time for this CUP.

Chair Gleason closed the Public Hearing.

Discussion ensued.

A motion was made by Commissioner Moore, seconded by Commissioner Haverland, that CUP-20-12 (Joyful Noise Daycare Center) be approved with the following conditions: 1.) The permit shall be effective upon the issuance of a Certificate of Occupancy, and; 2.) The permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 9 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Kelsey, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

V. Adjournment

The meeting was adjourned at 6:40 p.m.

Notice of Assistance at the Public Meetings

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _____ day of _____

_____ Title:



Legislation Text

File #: ID#20-648, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the regular meeting of September 8, 2020.

Meeting date: September 22, 2020

Department: Planning and Development Services

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

File #: ID#20-648, **Version:** 1

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.



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Draft Planning and Zoning Commission

Tuesday, September 8, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.

I. Call To Order

With a quorum present the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Chair Gleason at 6:05 p.m. on Tuesday, September 8, 2020 via Virtual Meeting due to COVID-19.

II. Roll Call

- Present** 8 - Commissioner Mike Dillon, Commissioner Matthew Haverland, Commissioner Betseygail Rand, Commissioner Gabrielle Moore, Commissioner William Agnew, Commissioner Mark Gleason, Commissioner Kate McCarty, and Commissioner Griffin Spell
- Excused** 1 - Commissioner Travis Kelsey

III. Chairperson's Opening Remarks

EXECUTIVE SESSION

IV. 30 Minute Citizen Comment Period

There were no speakers.

PUBLIC HEARINGS

1. AC-20-09 (3165 Misty Lane) Hold a public hearing and consider a request by Hugo Elizondo, Jr. P.E., on behalf of Gabriel & Cristal Reyes for an Alternative Compliance Request to allow a lot that does not meet the lot frontage standards of Section 3.6.3.1(A) for a subdivision of land located at 3165 Misty Lane. (T. Carpenter)

Chair Gleason opened the Public Hearing.

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

Hugo Elizondo Jr. said they've been working with the owners for sometime, and appreciate the City's consideration.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Haverland, seconded by Commissioner Dillon, that AC-20-09 (3165 Misty Lane) be recommended for approval with the following condition: 1.) The applicant shall dedicate a right-of-way reserve to be used as a connection in the future. The motion carried by the following vote:

For: 8 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

Excused: 1 - Commissioner Kelsey

2. CUP-20-14 (Chuy's) Hold a Public Hearing and consider a request by Chuy's OpCo Inc. for a renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 1121 North IH-35 (S. Caldwell).

Chair Gleason opened the Public Hearing.

Amanda Hernandez, Development Services Manager, gave an overview of the request.

Deborah Shannon, applicant corrected the hours of operation. They are 11 a.m. - 10 p.m. on Thursday, and 11 a.m. - 11 p.m. Friday and Saturday.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Spell, seconded by Commissioner Dillon, that CUP-20-14 (Chuy's) be approved with the following conditions: 1.) The permit shall be posted in the same area and manner as the Certificate of Occupancy, and 2.) The permit shall be valid for three (3) years, provided standards are met. The motion carried by the following vote:

For: 8 - Commissioner Dillon, Commissioner Haverland, Commissioner Rand, Commissioner Moore, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 0

Excused: 1 - Commissioner Kelsey

3. CUP-20-15 (Hooters Renewal) Hold a Public Hearing and consider a request by TW Restaurant Holder LLC, d/b/a, on behalf of Scott and Lisa Little, for a renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 310 North IH-35 Suite 201 (S. Caldwell).

Chair Gleason opened the Public Hearing.

Amanda Hernandez, Development Services Manager, gave an overview of the request.

Marcus Schwartz, applicant and attorney for Hooters, was available for questions, and said they would like the renewal to be for the life of the business.

Chair Gleason closed the Public Hearing.

A motion was made by Commissioner Gleason, seconded by Commissioner Dillon, that CUP-20-15 (Hooters Renewal) be approved with the following conditions: 1.) The permit shall be posted in the same area and manner as the Certificate of Occupancy; and 2.) The permit shall be valid for three (3) years, provided standards are met. The motion carried by the following vote:

For: 7 - Commissioner Dillon, Commissioner Haverland, Commissioner Moore, Commissioner Agnew, Commissioner Gleason, Commissioner McCarty and Commissioner Spell

Against: 1 - Commissioner Rand

Excused: 1 - Commissioner Kelsey

V. Adjournment

The meeting was adjourned at 6:41 p.m.

Notice of Assistance at the Public Meetings

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the

_____ day of _____

_____ Title:



Legislation Text

File #: AC-20-11, **Version:** 1

AGENDA CAPTION:

AC-20-11 (Twin Peaks Restaurant) Hold a public hearing and consider a request by Paul Stevens, on behalf of Alden Short Inc, for an Alternative Compliance Request to not meet maximum site lighting levels of Section 7.5.2.1(b) and light trespass onto adjacent properties of Section 7.5.2.3, for approximately 2.3 acres known as Lot 1C, Quarters Addition, located at 1207 S IH 35. (M. Johnson)

Meeting date: September 22, 2020

Department: Planning & 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: 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:

The applicant is requesting Alternative Compliance to deviate from the Lighting and Glare Standards for the replacement of site lighting of a developed site located at 1207 S IH 35. The applicant replaced site lighting during construction and utilized the existing light poles within the parking lot. The Alternative Compliance request seeks to exceed the maximum site average and to exceed light trespass maximums onto adjacent private properties.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **denial** of the Alternative Compliance request. Overall operational lighting levels for individual projects shall be evaluated in the context of the overall environment and the goals set for the surrounding community.

Alternative Compliance	1207 South IH 35
AC-20-11	Lighting and Glare Standards



Summary

Request:	An Alternative Compliance request to the Lighting and Glare Standards in Chapter 7, Article 5 of the Land Development Code.		
Applicant:	Paul Stevens 5151 Beltline Road STE 1200 Dallas, TX 75254	Property Owner:	Scott Belsley P.O. Box 851025 Richardson, TX 75085

Notification

Posted:	N/A	Personal:	September 11, 2020
Response:	None as of date of Staff Report		

Property Description

Legal Description:	Quarters Addition, Lot 1C		
Location:	1207 South IH 35		
Acreage:	2.3 +/-	Central Business Area:	No
Existing Zoning:	GC	Preferred Scenario:	Downtown High Intensity Zone
Existing Use:	Restaurant	Proposed Use:	Restaurant
CONA Neighborhood:	Sunset Acres	Sector:	5
Utility Capacity:	Sufficient		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	GC/CC	Commercial	Existing Neighborhood
South of Property:	P	Utility Office/Storage	High Intensity
East of Property:	GC	Commercial	High Intensity
West of Property:	GC	Commercial	High Intensity

Staff Recommendation

	Approval as Submitted	Approval with Conditions	<u>X</u>	Denial
<p>Staff recommends Denial of the Alternative Compliance request. Overall operational lighting levels for individual projects shall be evaluated in the context of the overall environment and the goals set for the surrounding community.</p> <p>If the Planning and Zoning Commission chooses to approve this request, staff recommends the following conditions:</p> <ul style="list-style-type: none"> The approval is valid until any future modification or replacement of lighting occurs on the property, and The property shall comply with photometric requirements within Environmental Protection Zone E-1, exclusive of the rear parking lot located within Environmental Protection Zone E-2. 				
Staff:	Matt Johnson AICP	Title :	Senior Planning Technician	Date: 9/15/2020

Alternative Compliance

AC-20-11

1207 South IH 35 Lighting and Glare Standards



History

The subject property is the location of Twin Peaks Restaurant which received a Temporary Certificate of Occupancy on 11/8/19 for the building expansion and site improvements. In order to receive a Certificate of Occupancy, the improvements must meet the applicable codes and ordinances, or the applicant must seek alternate approval for deviations.

Section 7.5.1.2 of the San Marcos Development Code states that all standards and criteria within Article 5, Lighting and Glare Standards, shall be met with the replacement or modification of outdoor lighting. The improvements associated with Twin Peaks Restaurant triggered compliance with this section of the Code. The applicant replaced site lighting during construction and utilized the existing light poles within the parking lot. The applicant states that they are unable to meet these standards with the improvements. They also indicted undesirable activity on the property that resulted in the installation of brighter lights on the existing light poles.

Additional Analysis

The lighting and glare standards of the Land Development Code are based on the model lighting ordinance developed by the International Dark Sky Association. The purpose of the lighting and glare standards is as follows:

- Reduce hazards to motorists and annoyance and inconvenience from light trespass upon the residents, drivers, pedestrians, businesses and other elements of the community;
- Ensure that citizens and visitors to the City are able to continue to enjoy the night sky, natural environment and traditional character of the community; and
- Allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking drives, service and pedestrians.

Request #1:

The property is predominantly located within Environmental Performance Zone E-1 (approximately 1.56 acres), which consists of urbanized, non-residential areas along Interstate Highways. The rear of the property is located within Environmental Performance Zone E-2 (approximately 0.73 acres), which consists of urbanized, non-residential areas along certain State Highways and arterial roadways. Section 7.5.1.2(b) requires all areas located within Zone E-1 to have an average of 2 foot-candles, and areas located within Zone E-2 to have an average of 1.5 foot-candles. The applicant's photometric plan shows a 3.7 foot-candle site average across the entire site.

Request #2:

Additionally, the request is to allow light trespass across private property lines in excess of the maximum distribution level. Section 7.5.2.3, Light Trespass, requires all photometric plans to have a maximum light trespass no greater than 0.25 foot-candles across shared private property lines. The proposed photometric plan exceeds the maximum at all reading points along private property lines with an average reading of 2 foot-candles. The businesses affected by this light trespass are Whataburger and Starbucks.

Alternative Compliance	1207 South IH 35
AC-20-11	Lighting and Glare Standards



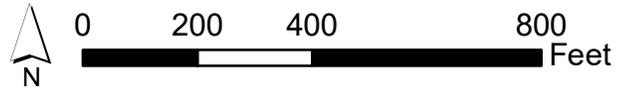
In order to comply with the provisions in the Code, the applicant is required to remove all existing light fixtures and install new parking lot lighting. Alternatively, the existing lights could be retrofitted in a way that appropriately illuminates the parking lot while minimizing light trespass. This could be achieved by the installation of aftermarket dimmers, reduce the height of the existing poles and/or install new poles to maintain a lower average foot-candle reading, or a combination thereof.

Evaluation			Criteria for Approval (7.5.2.4(e))
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p>The property is located on the edge of an Environmental Performance Zone (EPZ); <i>The photometric plan is proposed with a site average of 3.7 foot-candles. The property consists majorly of Zone E-1 (2 foot-candle maximum), and Zone E-2 (1.5 foot-candle maximum). The property is on the edge of an EPZ that is more strict in regulation.</i></p>
	<u>X</u>		<p>The adjustment is consistent with surrounding light patterns; <i>The adjustment is not consistent with surrounding light patterns. Both adjacent properties are in compliance with the lighting and glare standards within Zone E-1.</i></p> <p><i>1004 SH123- (Whataburger) 1.83 foot- candles; 1303 S IH 35- (Rolling Bowl/Starbucks) 1.55 foot-candles Plans are unavailable for SMEU and Burger King properties.</i></p>
	<u>X</u>		<p>The adjustment is based on a specific use identified in Section 7.5.2.4; <i>A restaurant is not a use listed within the specific use exemption table for maximum average lighting levels. Specific uses include banks, gas stations, Auto dealerships, and athletic facilities.</i></p>
<u>X</u>			<p>The adjustment does not adversely affect surrounding residential or park and open space areas; <i>The request does not adversely affect surrounding residential or park and open space areas.</i></p>
	<u>X</u>		<p>The adjustment meets the intent and purpose of the lighting standards in this Development Code; <i>The adjustment does not support the purpose of the lighting standards. The lighting standards are modeled after the lighting ordinance developed by the International Dark Sky Association, which considers appropriate lighting levels for individual sites to ultimately meet overall community goals.</i></p>

AC-20-11 Aerial View Twin Peaks — 1207 S IH 35



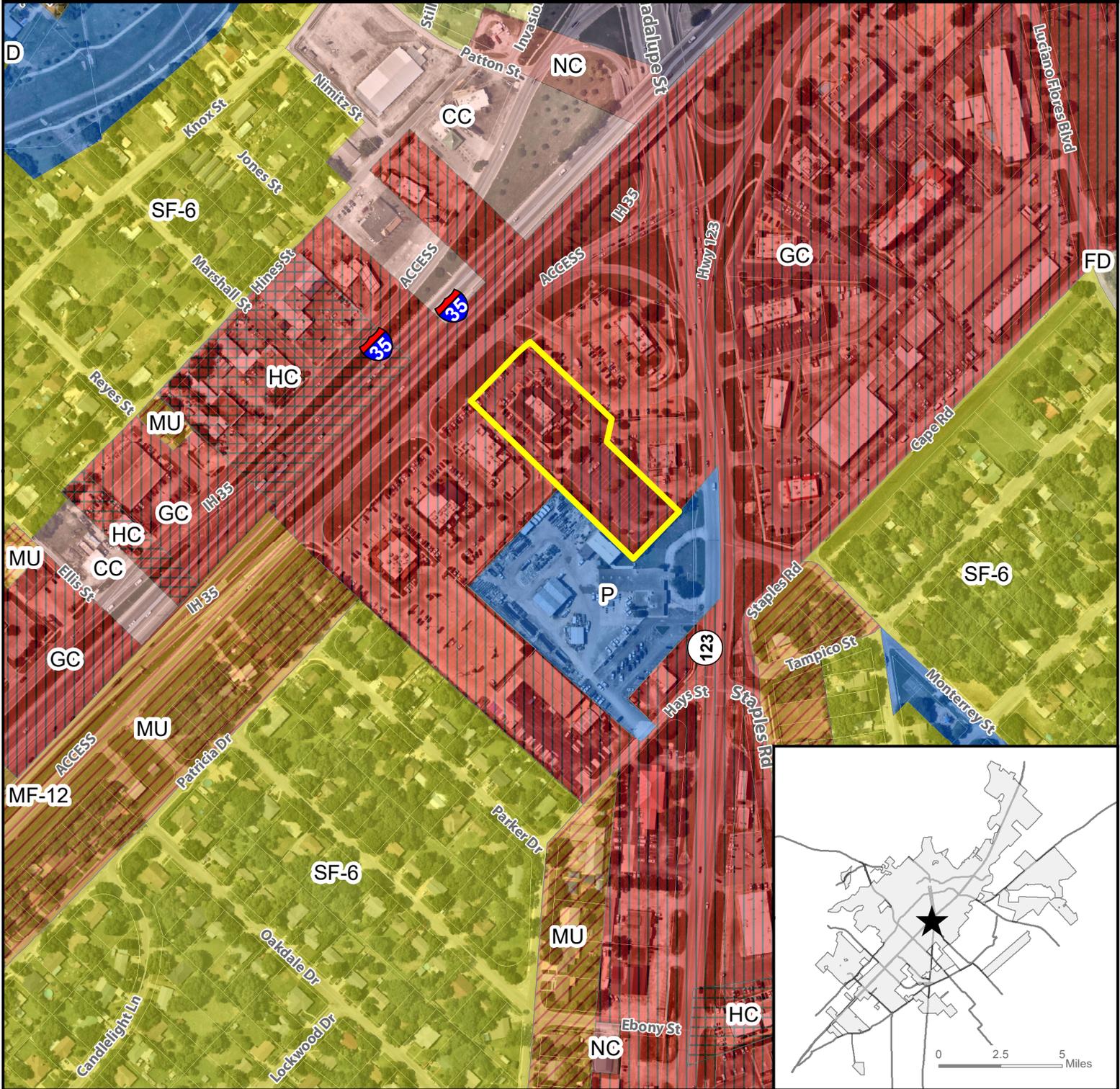
-  **Site Location**
-  **Subject Property**
-  **Parcel**
-  **City Limit**



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. Imagery from 2017.

Map Date: 9/1/2020

AC-20-11 Zoning Map Twin Peaks — 1207 S IH 35

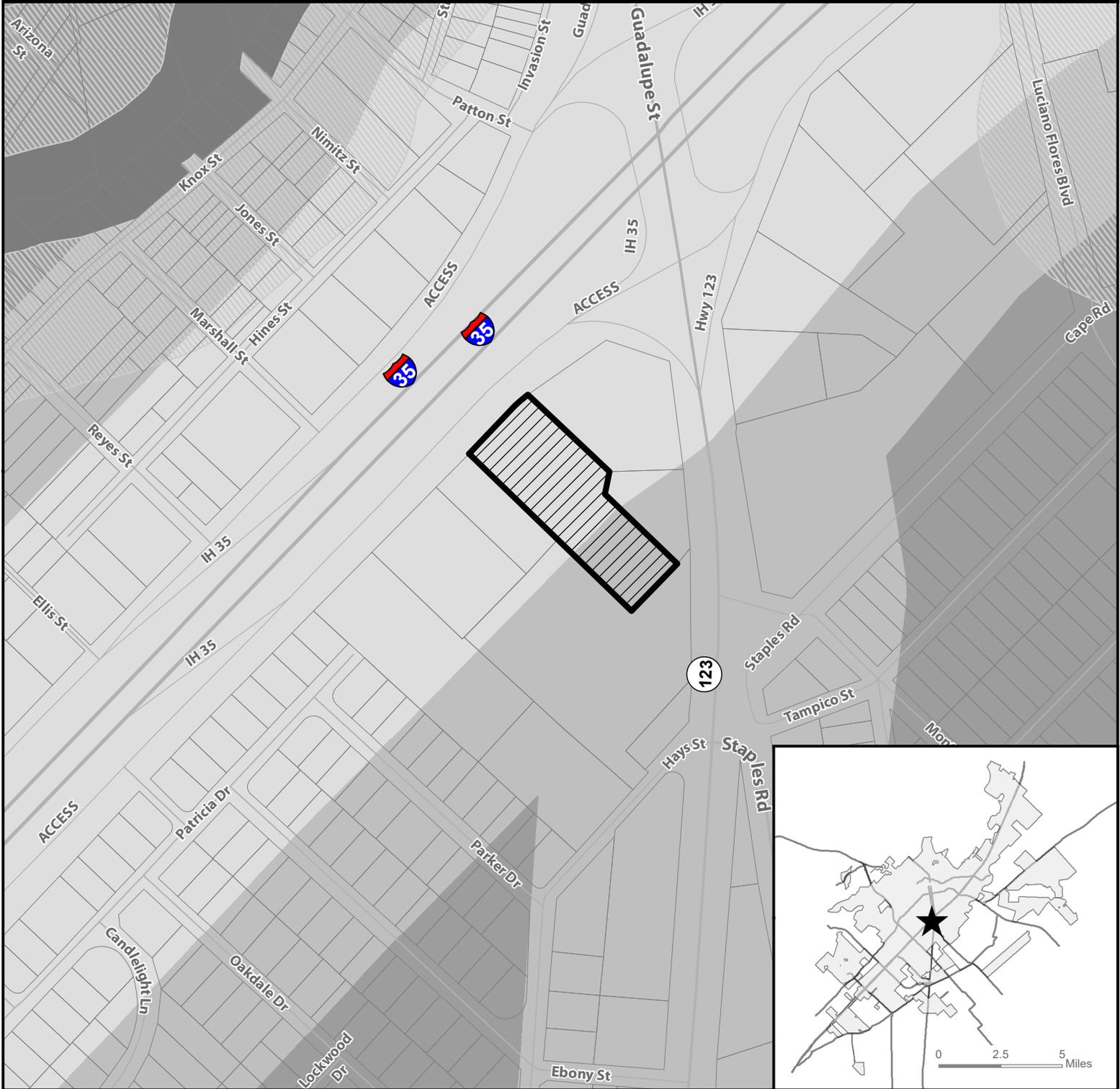


★ Site Location	CC Community Commercial (CC)	MU Mixed Use (MU)
▭ Subject Property	CD-5D Character District 5-Downtown (CD-5D)	NC Neighborhood Commercial (NC)
▭ Parcel	GC General Commercial (GC)	P Public (P)
▭ City Limit	HC Heavy Commercial (HC)	SF-6 Single Family 6 (SF 6)

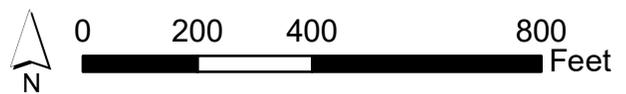
0 150 300 600 Feet

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. Imagery from 2017.

AC-20-11 Environmental Performance Zones Twin Peaks — 1207 S IH 35



	Site Location	Environmental Performance Zones
	Subject Property	 E-1
	Parcel	 E-2
	City Limit	 E-3
		 E-4
		 Open Space Lighting Overlay



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Map Date: 9/1/2020

Property ID	Geographic ID	Owner Name	Property Number	Property Street Name	Property Zip	Owner Address 1	Owner Address 2	Owner City	Owner State	Owner Zip	Legal Description	Legal Acres	Neighborhood Code	Abstract Code	Tax Year
21939	11-0754-0000-00100-3	BRADZDIL INC	1044	SH 123	78666	Attn: RICH CANCELLA	809 E COURT ST	SEGUIN	TX	78155-5871	BRADZDIL UNIT 1 LOT 1 0.32 AC	0.32	C-SM-SH1123		2020
46522	11-9315-0000-00101-3	DELGADO JUANITA S & CARRIZALES FRANCISCA & SILGUERO ALEJANDRO JR	201	TAMPICO	78666	201 TAMPICO ST		SAN MARCOS	TX	78666-7839	C D WALLACE 66-2 LOT 1A BLK 2 GEO#936830740440		CDWA		2020
151345	11-7769-0000-00300-3	EIREAK OGT LLC	1305	IH 35	78666	% HOLM & O'HARA	3 W 35TH ST	NEW YORK	NY	10001	SIMON PLACE II, Lot 3, ACRES 2.434	2.434	C-SM-35SE		2020
46598	11-9210-4300-00002-3	EXALTED 35 HOLDINGS LLC	1214	IH 35	78666	8870 BUSINESS PARK DR	UNIT 100	AUSTIN	TX	78759-7519	VICTORY GARDENS #2 48-105 BLK PT OF 43 0.532 AC/23,173 SQ FT GEO#90208367	0.532	C-SM-35SW		2020
151344	11-7769-0000-00200-3	FF TRUST	1303	IH 35	78666	121 LONE STAR DR		GEORGETOWN	TX	78633	SIMON PLACE II, Lot 2, ACRES 1.516	1.516	C-SM-35SE		2020
62406	11-3144-0000-00500-3	GOLDEN ARCH LP	1001	SH 123	78666	DBA GOLDEN ARCH LP	7300 BLANCO RD STE 302	SAN ANTONIO	TX	78216	GIL-MOR COMPANY SUB #4 LOT 5 1.023 AC (44,562 SF) MCDONALDS	1.023	C-SM-123X		2020
151343	11-7769-0000-00100-3	HEMIN TX LLC		IH 35	78666	7905 PROSPECT PL		LA JOLLA	CA	92037	SIMON PLACE II, Lot 1, ACRES 0.776	0.776	C-SM-35SE		2020
38461	11-6630-0000-00100-3	HILTON JOINT VENTURE CAVALIER EL CARO & PARKMORE JOINT VENTURE	1207	S IH 35	78666	PO BOX 851025		RICHARDSON	TX	75085	QUARTERS ADDITION LOT 1C 2.295 AC/99,970 SQ FT	2.295	C-SM-123X		2020
42266	11-7761-0000-00300-3	JMI CONSTRUCTION LLC	118	HAYS	78666	12201 CUTTEN RD		HOUSTON	TX	77066	SIMON ADDITION UNIT 2 LOT 3 0.245 AC	0.245	C-SM-SH1123		2020
133239	11-9210-4300-001A0-3	LORENZO & FIDEL VALADEZ BROS INC	1208	IH 35	78666	1204 IH 35 SOUTH		SAN MARCOS	TX	78666	VICTORY GARDENS #2, BLOCK 43, Lot 1-A, ACRES 0.56	0.56	C-SM-35SW		2020
148135	15-4800-0000-00000-3	NASH 123 RETAIL LLC	1035	SH 123	78666	9811 S IH-35	BLDG 3; STE 100	AUSTIN	TX	78744	NASH RETAIL MASTER CONDOMINIUMS, UNIT B, 33.3% COMMON AREA INTEREST		C-SM-RET		2020
148136	15-4800-0000-00000-3	NASH, CHARLES D, JR	1035	SH 123	78666	PO BOX 1007		SAN MARCOS	TX	78667	NASH RETAIL MASTER CONDOMINIUMS, UNIT C, 33.4% COMMON AREA INTEREST		C-SM-123X		2020
46599	11-9210-4300-00003-3	PASCENCIA ALFREDO & HERNANDEZ OSCAR ANDRES	1210	IH 35	78666	2470 GRAY FALLS DR	SUITE 130	HOUSTON	TX	77077	VICTORY GARDENS #2, BLOCK PT OF 43, ACRES 0.657	0.657	C-SM-35SW		2020
38462	11-6630-0000-00200-3	QSR 2 LLC	1012	SH 123	78666	1012 N STATE HIGHWAY 123		SAN MARCOS	TX	78666-7739	QUARTERS ADDITION, LOT 2, ACRES 0.701	0.701	C-SM-123X		2020
46602	11-9210-4300-00006-3	R & R IH35 LLC	1220	IH 35	78666	200 LOMBRANO ST		SAN ANTONIO	TX	78207	VICTORY GARDENS #2 48-107 BLK PT OF 43 0.735 AC/32,000 SQ FT GEO#90208365	0.735	C-SM-35SW		2020
46920	11-9315-0100-00102-3	RUIZ FRANCISCO	104	TAMPICO	78666	104 TAMPICO ST		SAN MARCOS	TX	78666-7838	C D WALLACE PT LOT 1 BLK 1 GEO#90212277		C-SM-NEIGH		2020
143387	11-9346-0000-00100-3	WHATABURGER REAL ESTATE LLC	1203	IH 35	78666	% REAL ESTATE DEPARTMENT	300 CONCORD PLAZA DR	SAN ANTONIO	TX	78216	WB ADDITION 178, Lot 1, ACRES 1.798	1.798	C-SM-123X		2020



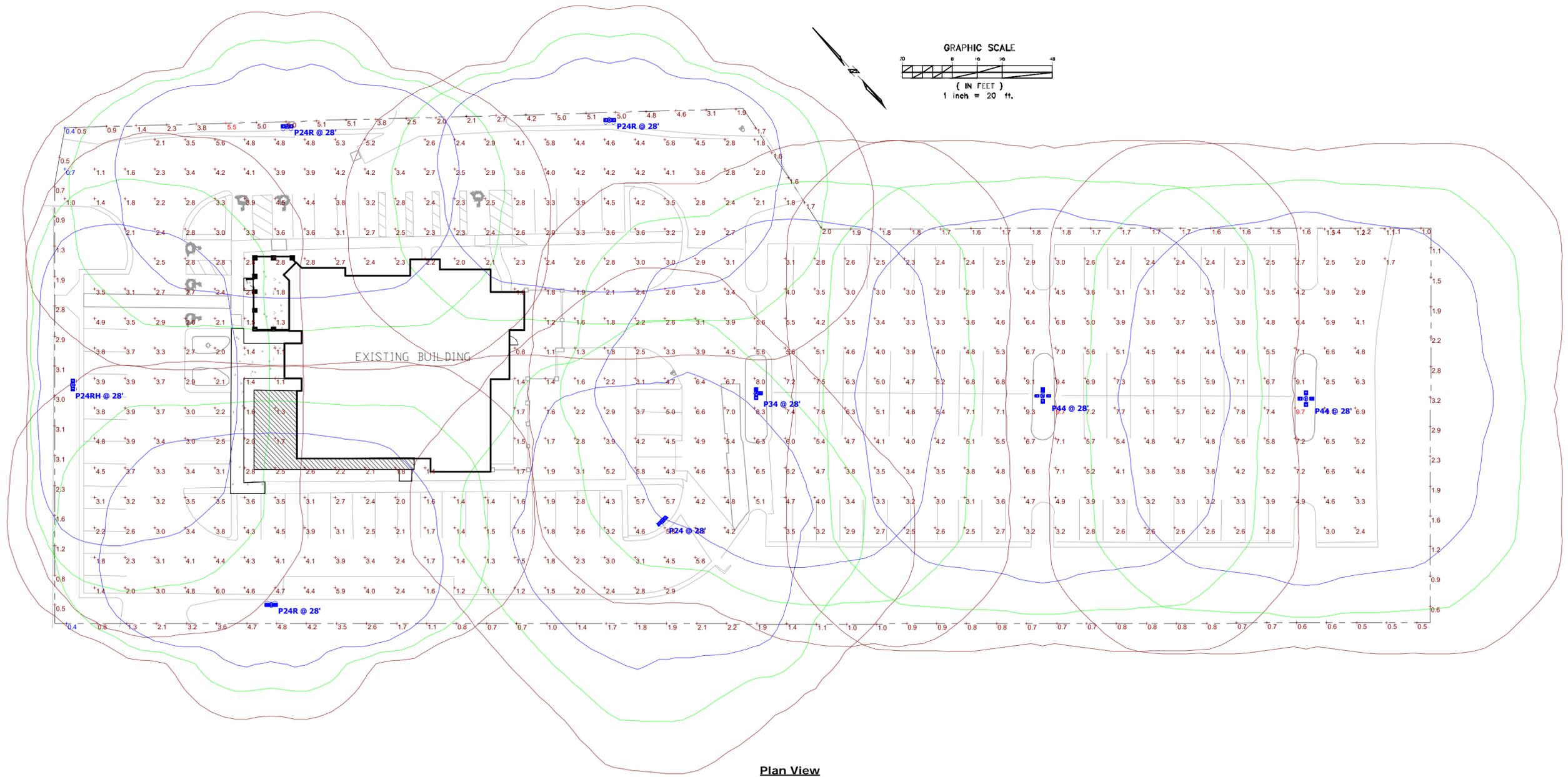
PRE CONSTRUCTION SURVEY
PHOTO
DUMPSTER ADJACENT TO
BACK PARKING LOT HAD
GRAFFITI

PHOTO 1



PRE CONSTRUCTION SURVEY PHOTO
- WE FOUND EVIDENCE OF
HOMELESS OCCUPANCY IN BACK OF
PARKING. THIS WAS ALL CLEANED
UP AND TRIMMED UP AS PART OF
CONSTRUCTION PRIOR TO OPENING

PHOTO 2



Plan View
Scale - 1" = 30'

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking Lot Light Levels	+	3.7 fc	9.7 fc	0.7 fc	13.9:1	5.3:1
Property Line Light Levels	+	2.0 fc	5.5 fc	0.4 fc	13.8:1	5.0:1

Schedule										
Symbol	Label	Qty	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	LLF	Wattage	
	P24	1	PRV-C60-D-UNV-T4-SA-BZ-L90/R90	Double Head D180 Eaton Lumark Prevail C60 Series LED Area Unit w/Type T4 Distribution (ESTIMATED 25ft. Pole Height w/3ft. Concrete Base)	LED/4000K	2	9993	0.95	306	
	P24R	3	PRV-C60-D-UNV-T4-SA-BZ-L90/R90	Double Head D180 Eaton Lumark Prevail C60 Series LED Area Unit w/Type T4 Distribution & Rotated Optics (ESTIMATED 25ft. Pole Height w/3ft. Concrete Base)	LED/4000K	2	9993	0.95	306	
	P24RH	1	PRV-C60-D-UNV-T4-SA-BZ-L90/R90-HSS	Double Head D180 Eaton Lumark Prevail C60 Series LED Area Unit w/Type T4 Distribution & Rotated Optics (ESTIMATED 25ft. Pole Height w/3ft. Concrete Base) House Side Shielding	LED/4000K	2	7759	0.95	262	
	P34	1	PRV-C60-D-UNV-T4-SA-BZ-L90/R90	Triple Head T90 Eaton Lumark Prevail C60 Series LED Area Unit w/Type T4 Distribution (ESTIMATED 25ft. Pole Height w/3ft. Concrete Base)	LED/4000K	2	9993	0.95	459	
	P44	2	PRV-C60-D-UNV-T4-SA-BZ-L90/R90	Quad Head Q90 Eaton Lumark Prevail C60 Series LED Area Unit w/Type T4 Distribution (ESTIMATED 25ft. Pole Height w/3ft. Concrete Base)	LED/4000K	2	9993	0.95	612	

CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION



Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	Paul Stevens	Property Owner	Scott Belsley
Company	Twin Peaks Restaurants	Company	Alden Short, Inc.
Applicant's Mailing Address	5151 Bellline Road / Suite 1200 / Dallas, TX 75254	Owner's Mailing Address	po box 851025 / Richardson, TX 75085
Applicant's Phone #	972-567-7995	Owner's Phone #	972-639-5186
Applicant's Email	paul.stevens@tprest.com	Owner's Email	scott@ashortinc.com

PROPERTY INFORMATION

Subject Property Address: 1207 Interstate 35, San Marcos, TX 78666

Zoning District: _____ Tax ID #: R _____

Legal Description: Lot _____ Block _____ Subdivision _____

DESCRIPTION OF REQUEST

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

Please accept this application for alternate compliance solution for the parking lot lighting for this property. We have upgraded the parking lot lighting to help with security and the new lighting exceeds the site lighting standards put forth by the local codes. Please see attachments for overview and back ground information that has led us to install this lighting. We opened this restaurant with a temporary certificate of occupancy due to this one issue and wish to resolve it to gain our permanent Certificate of Occupancy.

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 \$793* Technology Fee \$13 TOTAL COST \$806

Renewal/Amendment Filing Fee \$423* Technology Fee \$13 TOTAL COST \$436

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

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

PROPERTY OWNER AUTHORIZATION

I, Scott Belsley (owner name) on behalf of
Alden Short, Inc. (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
1207 Interstate 35, San Marcos, TX 78666 (address).

I hereby authorize Paul Stevens (agent name) on behalf of
Twin Peaks Restaurants (agent company) to file this application for
Alternate compliance for approval of final Certificate of Occupancy (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 6/24/20
Printed Name, Title: S Belsley
President

Signature of Agent:  Paul Stevens Date: 6/29/20
Printed Name, Title: Paul Stevens, Sr Director of Design and Construction, Twin Peaks Restaurants

Digitally signed by Paul Stevens
DN: cn=Paul Stevens, o=Twin Peaks Restaurants, ou=US United States, email=Paul.Stevens@twinpeaks.com
Reason: I am the author of this document
Location:
Date: 2020.06.23 14:07:48-05

**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 \$91 plus a \$13 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 \$91 plus a \$13 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:  Paul Stevens
Digitally signed by Paul Stevens
DN: cn=Paul Stevens, o=City of San Marcos, ou=City of San Marcos, email=Paul.Stevens@cityofsanmarcos.com, c=US
Reason: I am the author of the document
Date: 2020.06.22 17:26:02 -05

6/29/20

Date: 06-22-2020

Print Name: Paul Stevens - Twin Peaks Restaurants



CHECKLIST FOR CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

The following items are requested for consideration of this application. These and additional items may be required at the request of the Department	Comments									
<input type="checkbox"/> Pre-development meeting with staff is recommended <ul style="list-style-type: none"> • Please visit http://sanmarcostx.gov/1123/Pre-Development-Meetings to schedule 										
<input type="checkbox"/> Completed Application for Conditional Use Permit (General)	see attached									
<input type="checkbox"/> Site Plan illustrating, where appropriate: location, square footage and height of existing and proposed structures, landscaping or fencing, setbacks, parking, ingress & egress, signs, etc.	see attached									
<input type="checkbox"/> Floor Plan(s) illustrating fire exits, doors, rooms, indoor & outdoor seating, kitchen, bar, restrooms, fire exits, etc.	see attached									
<input type="checkbox"/> Written statement explaining how the organization will comply with the code standards regarding fraternity / sorority										
<input type="checkbox"/> Business Details including Business Trade Name, Type of Entity (Individual, Partnership, Corporation, Etc), Entity Contact Person, Address, Email, Phone Number										
<input type="checkbox"/> Detail Entertainment Facilities (on site plan or in writing) including television locations, stages, dancing areas, live music, acoustic music, ambient speaker music, etc										
<input type="checkbox"/> Notification Authorization										
<input type="checkbox"/> Authorization to represent the property owner, if the applicant is not the owner	see attached									
<input type="checkbox"/> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Initial Application Filing Fee</td> <td style="width: 20%; text-align: right;">\$793</td> <td style="width: 20%;"></td> </tr> <tr> <td>Renewal or Amendment Filing Fee</td> <td style="text-align: right;">\$423</td> <td></td> </tr> <tr> <td>Technology Fee</td> <td style="text-align: right;">\$13</td> <td></td> </tr> </table>	Initial Application Filing Fee	\$793		Renewal or Amendment Filing Fee	\$423		Technology Fee	\$13		see check attached for \$806
Initial Application Filing Fee	\$793									
Renewal or Amendment Filing Fee	\$423									
Technology Fee	\$13									
**San Marcos Development Code Section 2.3.1.1(C): "Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete..."										
For Renewals, staff <i>may</i> accept a written statement that no changes have been made if original copies are available on file										

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

To:
City of San Marcos Texas
Planning and Development Services
630 East Hopkins, San Marcos, TX 78666
Attn: Matthew Johnson
Scott Bechtel

06-29-2020

RE:
Alternate compliance application
Twin Peaks Restaurant
Project No. 2019-28595
1207 S Interstate 35, San Marcos, TX 78666
Site Lighting

During the conversion from Johnny Carino's to a Twin Peaks Restaurant that we completed late in 2019, we replaced all of the existing parking lot light fixture heads with new LED light heads. We reused the existing light poles. During our preconstruction visits, we found evidence in the back parking area of use by homeless people, as well as spray painted graffiti. Because much of our parking field is a good distance from the building entry, and because of the items noted above, we felt it to be of great importance to make sure the parking field lighting was increased. During the construction process, we purposely increased the light level in all parts of the parking lot.

The attached photometric plan diagram shows that the new lights provide an average footcandle of 3.7 on the site. The current city code allows for only a 2 foot candle average. The attached photometric diagram also shows that we create a level of light at our property line that exceeds the city required < .3 foot candles. Unfortunately, we were unaware of the restrictions to the lighting when we upgraded the lights and were made aware during application for final Certificate of Occupancy.

This item is the only item that has kept us from getting our final Certificate of Occupancy and we have therefore been operating on a temporary certificate.

We would like to ask for an alternate compliance approval for our parking lot lights. We ask this for the following reasons:

- The current city light ordinance does not, in this instance, allow for enough light to provide a properly secure environment for our customers and employees when they travel to the distant parts of our parking field.
- The lighting that is currently installed is doing a great job of making the parking area feel safe.
- The adjacent businesses are not adversely affected from our additional lighting. To the contrary, it is our stance that the adjacent businesses benefit from the increase lighting and security.

The adjacent businesses are Starbucks, Burger King, Whataburger, the City of San Marcos electrical utility office, and the City of San Marcos electrical utility industrial storage yard.

Attached you will find our alternate compliance application, a photometric site plan, a site plan with notes related to neighbors, and photos of the pre-construction homeless evidence and graffiti.

We respectfully ask for your consideration in ruling to accept the currently installed parking lot lighting and the light level that they currently provide.

Respectfully,

A handwritten signature in black ink, appearing to be 'Paul Stevens', with a long horizontal stroke extending to the right.

Paul Stevens
Sr Director of Design and Development
Twin Peaks Restaurants
5151 Beltline Road / Suite 1200 / Dallas, TX 75254
972-567-7995

PLANNING & ZONING COMMISSION MEETING

Tuesday, September 22, 2020

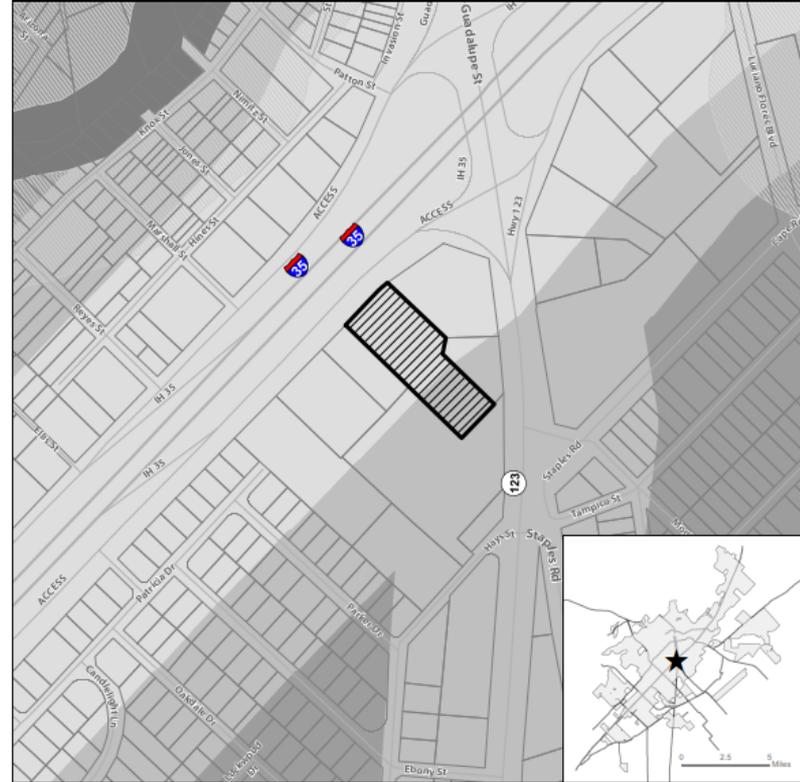
AC-20-11 (1207 S IH 35)

AC-20-011 (1207 S IH 35) Hold a public hearing and consider a request by Paul Stevens, on behalf of Alden Short Inc, for an Alternative Compliance Request to exceed maximum site lighting levels of Section 7.5.2.1(b) and light trespass onto adjacent properties of Section 7.5.2.3, for approximately 2.3 acres known as Lot 1C, Quarters Addition

Context & History

- Existing site lighting was replaced during construction
 - Existing lighting exceeds maximum site average
 - Existing lighting exceeds maximum levels of light trespass onto adjacent properties
- Request to exceed maximum site lighting levels and light trespass onto adjacent properties.

AC-20-11 Environmental Performance Zones Twin Peaks — 1207 S IH 35



Alternative Compliance Request

TABLE 7.10 ENVIRONMENTAL PERFORMANCE ZONES

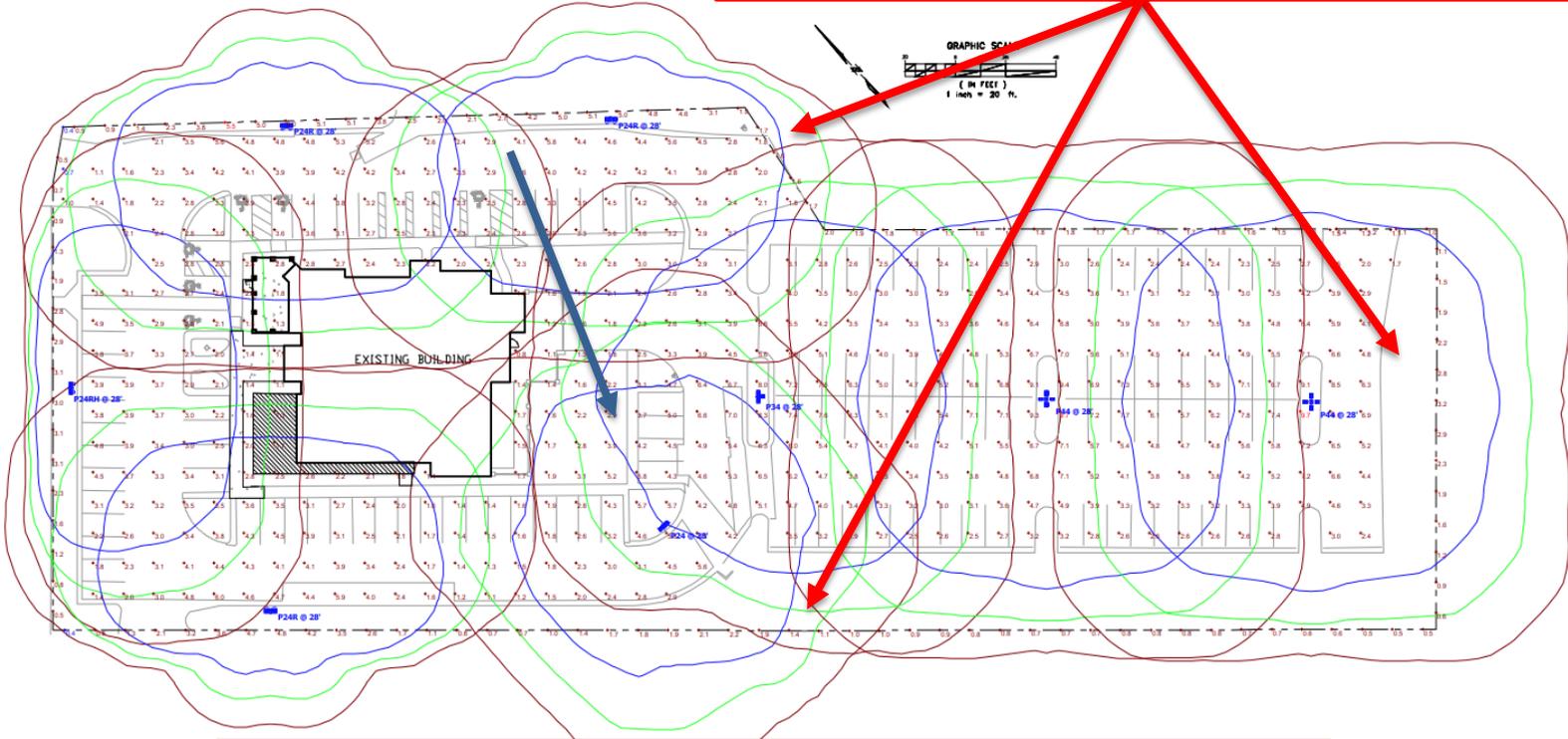
ENVIRONMENTAL PERFORMANCE ZONES	DESCRIPTION	MAXIMUM AVERAGE LIGHT LEVEL IN HORIZONTAL FOOT-CANDLES
E-1	Urbanized, non-residential areas along Interstate Highways	2.0
E-2	Urbanized non residential areas along certain State Highways and arterial roadways	1.5
E-3	Residentially dominated areas	1.0
E-4	Designated Open Space Areas	.5
Open Space Lighting Overlay	A 350 ft. buffer adjusting light levels in any zone	One-half of applicable performance zone level

Section 7.5.2.3 Light Trespass

A. Maximum Light Trespass.

1. No lighting plan shall distribute light greater than .25 fc across a lot line to adjacent private property unless all lots are included in the site plan permit.

Light Trespass Exceeds Maximum Reading of 0.25 Foot-Candles at All Reading Points Along Adjacent Property Lines



Site Average Exceeds 2 Foot-Candle Maximum (3.7 Foot-Candle Average)

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking Lot Light Levels	+	3.7 fc	9.7 fc	0.7 fc	13.9:1	5.3:1
Property Line Light Levels	+	2.0 fc	5.5 fc	0.4 fc	13.8:1	5.0:1



Staff Recommendation

Staff recommends that the request be denied.

Overall operational lighting levels for individual projects shall be evaluated in the context of the overall environment and the goals set for the surrounding community.

Planning and Zoning Commission

Public Hearing



PLANNING & ZONING COMMISSION MEETING

Tuesday, September 22, 2020



Legislation Text

File #: CUP-20-13, **Version:** 1

AGENDA CAPTION:

CUP-20-13 (Longhorn Daiquiris) Hold a public hearing and consider a request by Andrea Villescaz on behalf of G&S Development LLP, for a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 1617 Aquarena Springs Drive. (A. Hernandez)

Meeting date: September 22, 2020

Department: Planning & 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

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:

Longhorn Daiquiri opened as a food trailer, using the main building as a seating area, in May of 2020. In July, 2020 an application was submitted for a Conditional Use Permit for on premise consumption.

During the month of August, 2020 there were several violations noted by Code Compliance, as well as calls to the Police Department for noise and fighting. The business was found using a kitchen which was not suitable for food service and selling alcoholic beverages. Several noise complaints were made, but there was not confirmation that the sound was from the establishment. The applicant indicated that the police calls on August 2nd were from an event hosted by an outside entity.

TABC was contacted and confirmed violations of the requirements for the sale of alcoholic beverages.

Police, Fire, and Code Compliance have concerns with the continuation of this business at this location and have provided recommendations of denial.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Should the Commission choose to approve this request, staff recommends the inclusion of following conditions:

1. The permit shall be valid for six (6) months, provided standards are met,
2. The permit shall be effective upon completion of a functioning kitchen that meets all Environmental Health requirements to allow for food preparation,
3. The establishment shall meet all COVID orders and guidelines, including requirement for face coverings where 6 feet of social distancing is not feasible and limiting the establishment to 50% capacity,

4. No alcoholic beverages may be consumed on premises after the posted hours of operation,
5. Alcohol sales shall constitute 50% or less of total gross receipts and shall be confirmed by posting of a TABC required blue weapons warning sign,
6. No outdoor live or amplified music shall be allowed, and
7. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Recommendation:

Staff recommends **DENIAL** of the request for a conditional use permit to allow the sale of beer and wine for on premise consumption

Conditional Use Permit	1617 Aquarena Springs Drive
CUP-20-13	Longhorn Daiquiris



Summary

Request:	A Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 1617 Aquarena Springs Drive.		
Applicant:	Andrea Vellescaz Longhorn Daiquiris LLC 1525 Amberwood Loop Kyle, TX	Property Owner:	Dale Grayson G&S Development LLP 6621 Olympia Drive Pasadena, TX 77505
Square Feet:	4,800 sq. ft. interior 1,280 sq. ft. covered patio	Type of CUP:	New, Beer and Wine
Interior seating:	150	Outdoor seating:	60
Parking Required:	53 spaces	Parking Provided:	74 spaces
Days & Hours of Operation:	Sunday - Wednesday: 12 p.m. – 10 p.m. Thursday: 12 p.m. – 11 p.m. Friday - Saturday: 12 p.m. – 1 a.m.		

Notification

Posted:	September 4, 2020	Personal:	September 4, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Westfield Subdivision, Lot 5A		
Location:	Intersection of Aquarena Springs Drive and West Avenue		
Acreage:	0.976 acres +/-	Central Business Area:	No
Existing Zoning:	General Commercial (GC)	Preferred Scenario:	Midtown High Intensity Zone
Existing Use:	Restaurant	Proposed Use:	Restaurant/Bar
CONA Neighborhood:	Millview East	Sector:	7
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Multifamily-24 (MF-24)	Westfield Apartments	Existing Neighborhood
South of Property:	General Commercial (GC)/ Community Commercial (CC)	Popeye's Restaurant/Fast Break Convenience Store	Midtown
East of Property:	Multifamily-24 (MF-24) /Multifamily-18 (MF-18)	Spring West & The Colony of San Marcos Apartments	Existing Neighborhood/Midtown
West of Property:	Multifamily-24 (MF-24)	The Junction at San Marcos Apartments	Existing Neighborhood/Midtown

Conditional Use Permit

1617 Aquarena Springs Drive

CUP-20-13

Longhorn Daiquiris



History

The applicant is applying for a Wine & Beer Retailers Permit and Late Hours with the Texas Alcohol Beverage Commission. The specific type of wine & beer permit they are applying for requires a subordinate Food and Beverage Permit which requires the permit holder to limit alcoholic beverage sales to 60% or below of the total gross sales and requires the establishment to maintain food service facilities for the preparation and service of multiple entrees.

The applicant has stated that they intend to have Karaoke every Thursday night and a live DJ every Friday. The applicant agreed to restrict this entertainment to inside the building only and will not allow any live music or Karaoke on the outside patio space. Current entertainment facilities existing on site include a 46" screen television mounted on the wall of the lobby and an 8'x10' stage also located in the lobby.

The following is a timeline of events that have occurred at Longhorn Daiquiris:

May 14, 2020 Received a Mobile Food Unit permit for a food truck to prepare food for pick up or for dining on site.

May 29, 2020: Received Certificate of Occupancy to use the existing restaurant space as a seating area. It was noted by the Environmental Health Department at that time that the kitchen would need to be permanently sealed off and prohibited from use and that a three-compartment sink would be required in the bar area.

July 14, 2020: Submitted application for Conditional Use Permit (CUP).

August 2, 2020: Police Department receives call regarding a fight in the parking lot. Code Compliance also receives complaint. The department reviewed the establishment's social media pages and saw an advertisement for an August 4th event offering free drinks with the purchase of a general admission ticket, wrist band, or cup.

August 6, 2020: Code Compliance staff visited the site during another event and witnessed several signs advertising alcoholic beverages with purchase. However, Code Compliance did not witness a transaction and it was unclear if these signs were from a previous event.

August 11, 2020: Police Department visits the site and finds them in compliance with spacing and masks.

August 12, 2020: Environmental Health shuts down food truck for not leaving the site and not having water.

August 20, 2020: Environmental Health issued a Food Establishment permit to allow solely for the preparation of beverages in the bar area as the kitchen in the building was still not functioning and was still required to be sealed off and not utilized.

August 23, 2020: Code Compliance purchased an alcoholic beverage.

Conditional Use Permit

1617 Aquarena Springs Drive

CUP-20-13

Longhorn Daiquiris



Additional Analysis

The City of San Marcos Code Compliance department confirmed two separate instances of the applicant selling alcohol without a permit. Officer Ruiz with TABC confirmed that businesses are allowed to give out free samples without an approved TABC license. However, the actions of Longhorn Daiquiri, to provide the sample associated with a purchase, is considered the illegal sale of alcoholic beverages. Officer Ruiz further confirmed that he had spoken with the business and clarified that their actions were considered an illegal sale of alcohol without a permit.

Longhorn Daiquiris does not currently have a functioning kitchen in the main building and is serving all entrees from the mobile food unit on site. Since the TABC license being pursued requires the establishment to maintain food service facilities and a minimum number of entrees to be served, the Commission may consider a condition to require a functioning kitchen be required prior to issuing the conditional use permit for on premise consumption of alcohol.

Comments from Other Departments

Public Safety & Police

On 06/20/2020 a complaint of loud noise was received from a resident at the Colony Apartments at approximately 8:00 pm. The investigating officer did not believe the music was from the DJ who was playing music inside Longhorn Daiquiris but from the cars playing loud music in the parking lot.

On 07/25/2020 a complaint was made at approximately 8:00 pm of car club people playing loud music in the parking lot.

On 07/31/2020 at 11:05 pm officers discovered loud music coming from the establishment. Officers made contact and learned that they were allowed to operate because they had food trailers and that food could be served inside. No action was taken.

On 08/02/2020 at 1:35 am officers received a report of a physical fight occurring at this location. The caller described 100 people rioting. Thirteen City units plus Hays County deputies were sent to the location. They found several people had been pepper sprayed by security because they were not following orders to leave. The security guard was then pepper sprayed by someone in attendance and also punched. No charges were filed because the security guard did not know who did it to him. A subject with a gun in plain sight was located in the parking lot and detained. The subject was eligible for arrest but was not due to the volatility of the crowd PD was attempting to disperse. A citizen complaint on this event was sent to the City's police department the next day on August 3rd. The complaint included Facebook links to videos the citizen claimed were taken the evening of August 2nd at Longhorn Daiquiris. The citizen complaint stated their concern was the continued spread of Covid-19 due to a lack of social distancing, mask wearing, and in general, the large size of the event.

Stills of the submitted videos and complaint and the recorded calls for service are attached to this report for the Commission's review.

Conditional Use Permit	1617 Aquarena Springs Drive
CUP-20-13	Longhorn Daiquiris



	<p>The Police Department anticipates that if this business operates more as a bar than a restaurant there will have issues with noise from all of the apartments that surround it. The Police Department recommends that no live or amplified music that would disturb the residences all around this establishment be allowed.</p>
Fire	<p>Upon viewing the videos that were submitted as part of a citizen complaint to the Police Department and other City staff, the Fire Marshal and Fire Prevention Division are concerned with the continued Covid-19 spread that potential future events like these presents.</p>
Public Services	<p>No Concerns</p>
Engineering	<p>No Concerns</p>
Environmental Health/Code Compliance	<p>The Environmental Health and Code Compliance departments offer the Commission history and input on two topics related to this permit request: the fixed establishment permit and the mobile food unit permit.</p> <p><u>Fixed Food Establishment Permit:</u> Department staff witnessed evidence of the kitchen being used several times despite the applicant being notified that the kitchen needed to be completely sealed off and not utilized until it was brought up to Code. Code Enforcement staff witnessed food storage (fridges and freezers containing multiple and unlabeled food items) and dirty dishes in the sinks indicating the kitchen was in use. Code Enforcement staff also determined that there was no water going to the mobile food truck. Upon questioning the cook working at the time how they were able to wash their hands or utensils they were informed that all food preparation was being done out of the kitchen. The applicant was also informed several times that an approved Food Establishment permit would be required to prepare and serve daiquiris in the bar area. Code Enforcement witnessed the establishment preparing daiquiris for customers in the bar area prior to receiving an approved Fixed Establishment permit. The Fixed Establishment permit was issued on August 20, 2020.</p> <p><u>Mobile Food Unit Permit:</u> Code Enforcement staff shut down the mobile food unit on August 12, 2020. The food unit is required to have access to an associated commercial kitchen/commissary where the grease trap and grey water can be disposed of. Staff determined that there was no water going to the food truck and that the truck was not moving off site to dispose of their grease and grey water. Code Enforcement staff also witnessed the applicant cleaning the grease trap into the storm drain. The Mobile Food Unit permit was reinstated on August 20, 2020.</p> <p>If the Commission chooses to approve this permit, Environmental Health highly recommends approval be contingent upon completion of a functioning kitchen that meets all Code and Environmental Health requirements.</p>

Conditional Use Permit	1617 Aquarena Springs Drive
CUP-20-13	Longhorn Daiquiris



Staff Recommendation

Approval as Submitted	Approval with Conditions / Alternate	X	<u>Denial</u>
<p>For the reasons stated in this report staff recommends <u>denial</u> of the Conditional Use Permit to allow the sale of beer and wine for on premise consumption.</p> <p>Alternatively, should the Commission choose to approve this request, staff recommends the inclusion of following conditions:</p> <ol style="list-style-type: none"> 1. The permit shall be valid for six (6) months, provided standards are met, 2. The permit shall be effective upon both the issuance of the TABC permit as described in this report only and completion of a functioning kitchen that meets all TABC license requirements and Environmental Health requirements to allow for food preparation, 3. The establishment shall meet all applicable COVID orders and guidelines pertaining to bars and restaurants when in effect, including requirement for face coverings, social distancing and seating capacity, 4. No alcoholic beverages may be consumed on premises after the posted hours of operation, 5. No outdoor live or amplified music shall be allowed, and 6. The permit shall be posted in the same area and manner as the Certificate of Occupancy. 			
Staff: Shavon Caldwell	Title: Planner	Date: September 15, 2020	

Conditional Use Permit	1617 Aquarena Springs Drive
CUP-20-13	Longhorn Daiquiris



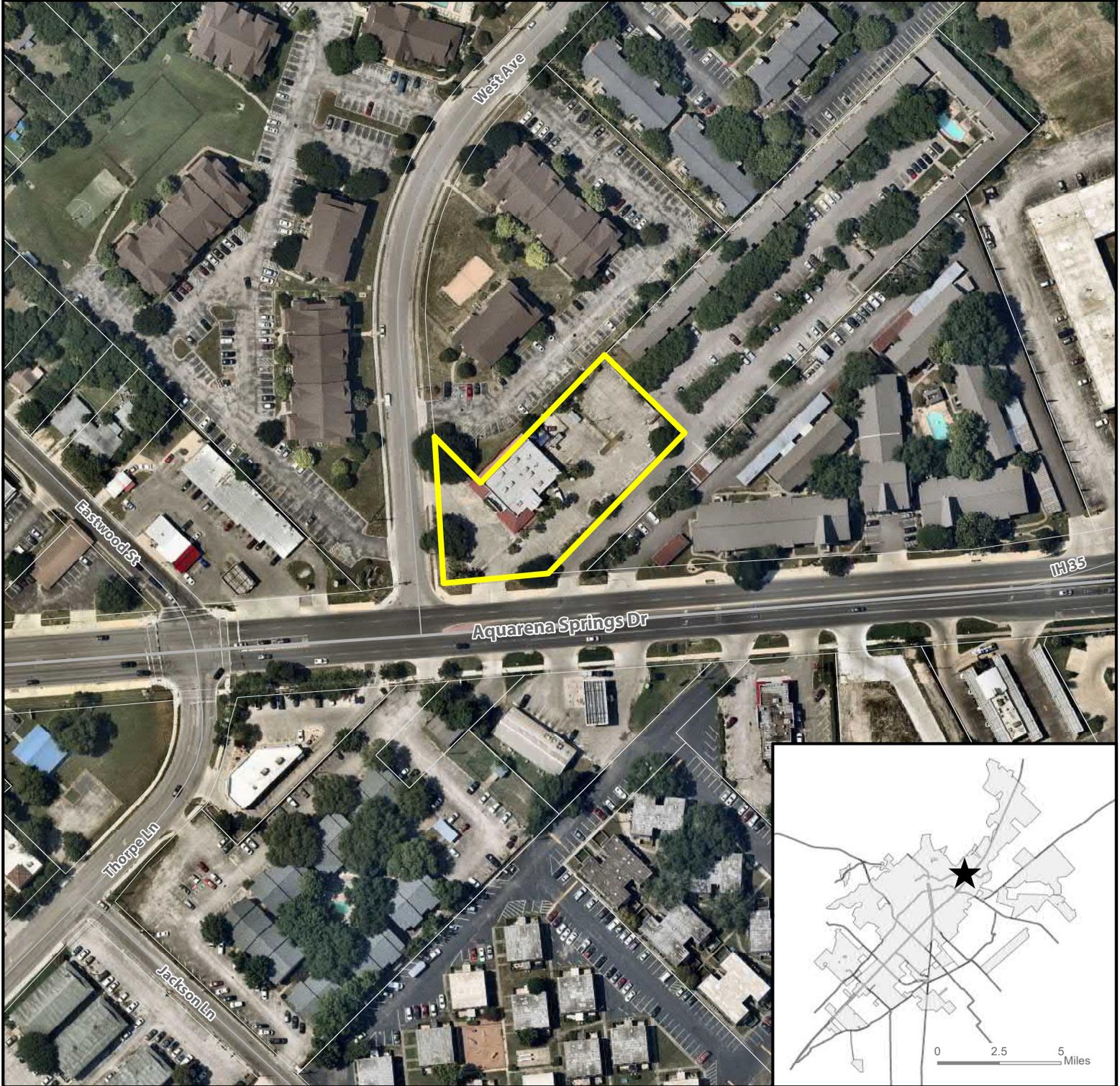
Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		<u>X</u>	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		<u>N/A</u>	The proposed use is consistent with any adopted neighborhood character study for the area. <i>Studies were not complete at the time of this request</i>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <i>The proposed use is consistent with the general intent of the zoning district. General Commercial zoning allows retail and service type uses by right and allows businesses that sell alcohol for on-premise consumption through the Conditional Use Permit process. The property has previously operated as a restaurant with the sale of alcohol (Los Cucos, Rumors).</i>
		<u>X</u>	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. <i>The location had previously been operated as a restaurant with alcohol sales, however, the current applicant has received noise complaints. If the Commission chooses to approve the request, conditions regarding outdoor live or amplified music should be considered.</i>
<u>X</u>			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. <i>Sidewalks exist along both sides of West Avenue and Aquarena Springs Drive. There is a pedestrian crossing at Aquarena Springs Drive and Thorpe Lane, approximately 360 feet from the property.</i>
		<u>X</u>	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. <i>The use is not incorporating adjustments or control devices to reduce or eliminate traffic. The business is located on Aquarena Springs Drive, which is a Major Arterial road and is designed to carry heavy vehicular traffic.</i>

Conditional Use Permit	1617 Aquarena Springs Drive
CUP-20-13	Longhorn Daiquiris

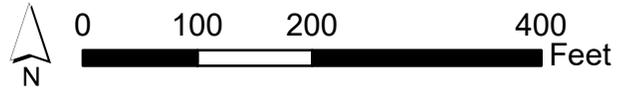


Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		<u>X</u>	<p>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</p> <p><i>The applicant is not proposing any new additional improvements to the site. Existing features such as parking lot landscaping and screening help to minimize adverse effects on adjacent properties.</i></p>
	<u>X</u>		<p>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.</p> <p><i>The proposed use has not met the use standards for the applicable district. Where the on-premise consumption of alcohol is a conditional use, the San Marcos Development Code requires the establishment to hold a valid Conditional Use Permit and requires the establishment be in compliance with all conditions of such permit. The establishment has not met this use standard.</i></p>
<u>X</u>			<p>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.</p>
<u>X</u>			<p>The proposed use is not within 300 ft. of a church, public or private school, or public hospital as outlined in section 5.1.5.5.</p>
<u>X</u>			<p>The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5(E)(3).</p>

CUP-20-13 Aerial View Longhorn Daiquiri — 1617 Aquarena Springs Drive



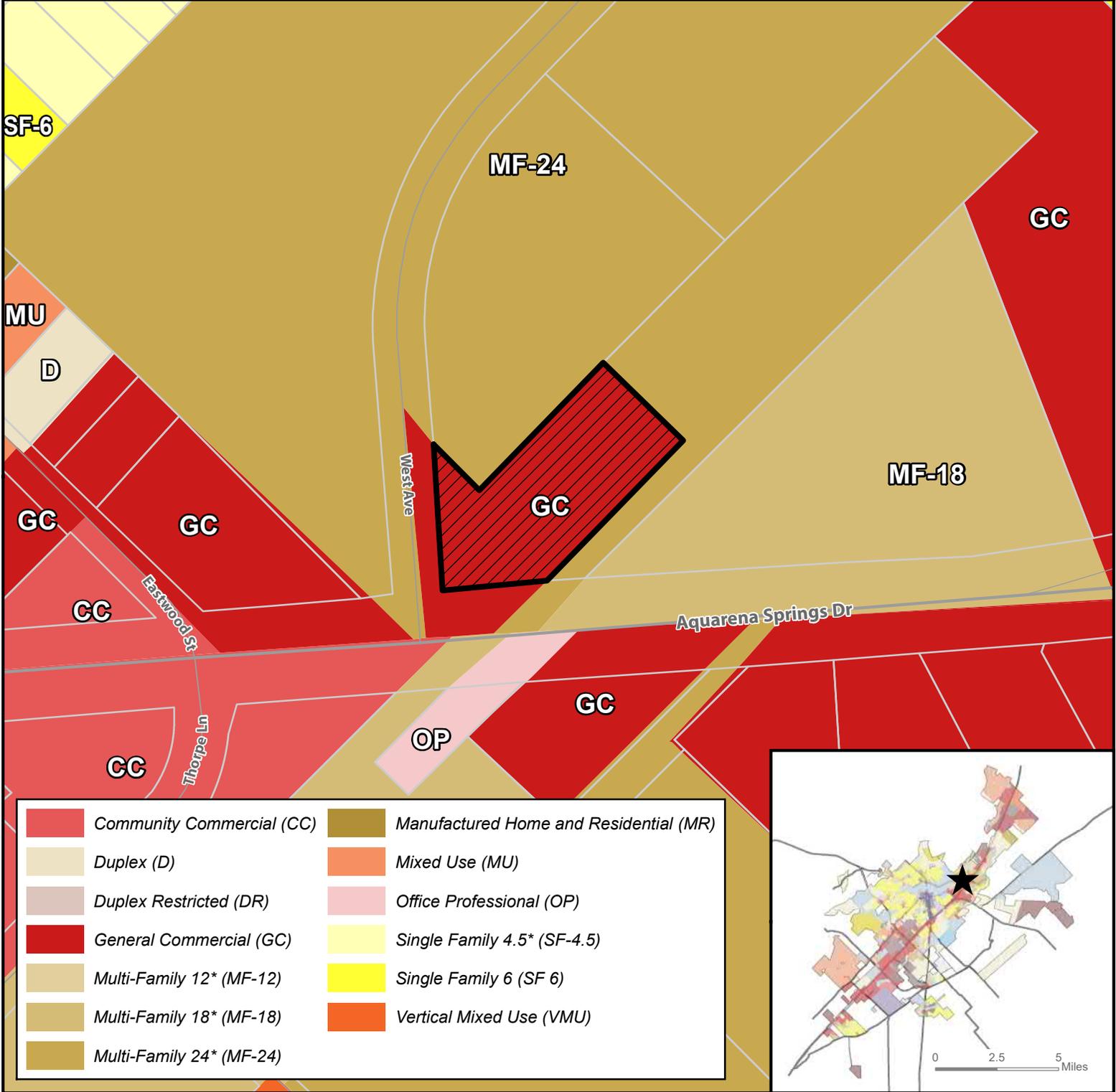
- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



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. Imagery from 2017.

Map Date: 8/5/2020

CUP-20-13 Existing Zoning Longhorn Daiquiri — 1617 Aquarena Springs Drive

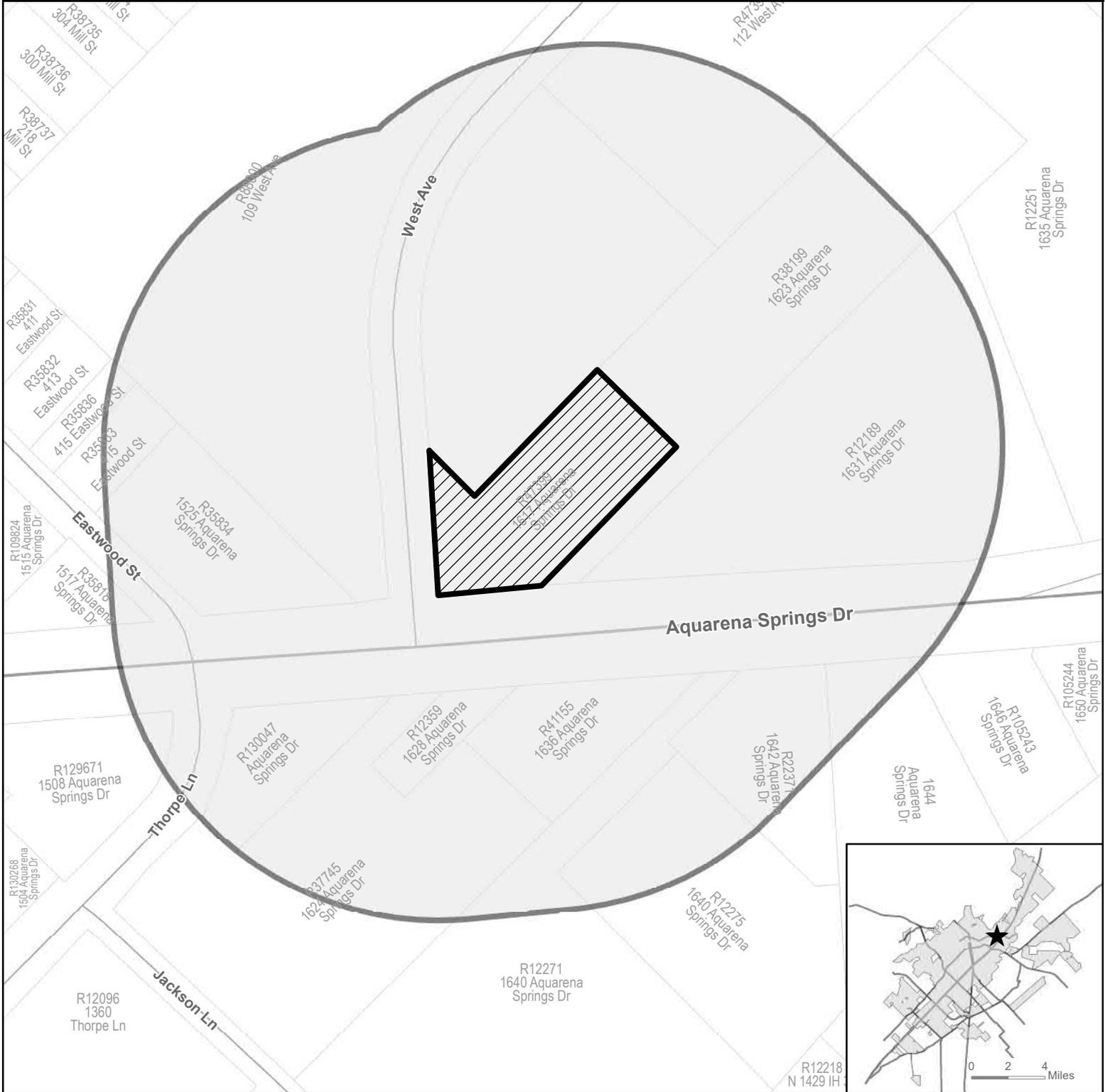


	Site Location		0	100	200	400	Feet
	Subject Property						
	Parcels						
	City Limit						

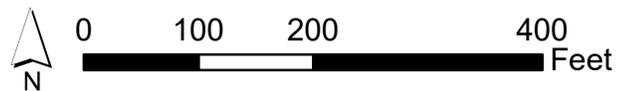
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 8/5/2020

CUP-20-13 400' Notification Buffer Longhorn Daiquiri — 1617 Aquarena Springs Drive



- ★ Site Location
-  Subject Property
-  400' Buffer
-  Parcel
-  City Limit



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.

Map Date: 8/5/2020

CUP-20-13 Longhorn Daiquiris

Property ID	Owner Name	Site Address	Property Zip	Owner Address 1	Owner Address 2	Owner City	Owner State	Owner Zip
12271	1640 AQUARENA LLC	1640 AQUARENA SPRINGS	78666	10200 RICHMOND AVE	STE 272	HOUSTON	TX	77042
12275	1640 AQUARENA SPRINGS LLC	1612 AQUARENA SPRINGS	78666	600 CONGRESS AVE	STE 1400	AUSTIN	TX	78701-3234
88000	295C RESERVE LP	109 WEST	78666	C/O 29TH STREET CAPITAL	7148 WALBURN DR	AUSTIN	TX	78731-1819
47396	AHF-WESTFIELD LLC	112 WEST	78666	4770 IBERIA AVE	STE 100	DALLAS	TX	75207
35835	AQUARENA SPRINGS CENTER INC	1525 AQUARENA SPRINGS	78666	PO BOX 1466		SAN MARCOS	TX	78667-1466
35818	BRANDED E LLC	1517 AQUARENA SPRINGS	78666	106 PANORAMA DR		SAN MARCOS	TX	78666
47399	G & S DEVELOPMENT LLP	1617 AQUARENA SPRINGS	78666	3622 FAIRMONT PKWY	STE A	PASADENA	TX	77504-3072
22371	JIVAN FOODS	1642 AQUARENA SPRINGS	78666	527 HUNTERS TROPHY		NEW BRAUNFELS	TX	78132
35833	JOHNSON, ROSALEE	415A EASTWOOD	78666	600 LEAH AVE	APT 1505	SAN MARCOS	TX	78666
35836	JOHNSON, ROSALEE	415B EASTWOOD	78666	600 LEAH AVE	APT 1505	SAN MARCOS	TX	78666
166975	QUICK N CLEAN XX	1644 AQUARENA SPRINGS	78666	% LAW OFFICE OF DAVID CISIEWSKI PLLC	11811 N TATUM BLVD	PHOENIX	AZ	85028
12359	SAN MARCOS AREA BOARD OF REALTORS	1628 AQUARENA SPRINGS	78666	1628 AQUARENA SPRINGS DR		SAN MARCOS	TX	78666-7224
12189	SM COLONY LP	1631 AQUARENA SPRINGS	78666	3517 CYPRESS WAY		SANTA ROSA	CA	95405-7605
38199	SM SPRING WEST LP	1623 AQUARENA SPRINGS	78666	4709 HILLSBORO CIR		SANTA ROSA	CA	95405-8776
	SONIC DEVELOPMENT OF CENTRAL TEXAS #61							
105243	DRIPPING SPRINGS	1646 AQUARENA SPRINGS	78666	P O BOX 17788		AUSTIN	TX	78760-7788
35816	ST DURAN REAL ESTATE LP	1508 AQUARENA SPRINGS	78666	2012 E 7TH ST		AUSTIN	TX	78702
35834	SUPER STOP INC	1525 AQUARENA SPRINGS	78666	P O BOX 1466		SAN MARCOS	TX	78667-1466
41155	SUSSER PETROLEUM OPERATING CO LLC	1636 AQUARENA SPRINGS	78666	1300 MAIN ST		HOUSTON	TX	77002-6803
130047	SWEET ORCHID LLC	1602 AQUARENA SPRINGS	78666	263 TEXAS 337 LOOP	# 199	NEW BRAUNFELS	TX	78132
37745	UNDERWOOD DARREL D & SHANNA H	1624 A101 AQUARENA SPRINGS	78666	12800 TRAUTWEIN		DRIPPING SPRINGS	TX	78620-5333



PLANNING AND DEVELOPMENT SERVICES

9/4/2020

CUP-20-13

**Notice of Public Hearing
Conditional Use Permit
1617 Aquarena Springs Drive
Longhorn Daiquiris**

CUP-20-14 (1617 Aquarena Springs Drive/Longhorn Daiquiris) Hold a public hearing and consider a request by Andrea Villescaz on behalf of G&S Development LLP, for a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 1617 Aquarena Springs Drive.

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 modifications, 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 conducted by the Planning and Zoning Commission via virtual meeting on **Tuesday, September 22, 2020 at 6:00 p.m.** You may watch the public hearing on Grande channel 16 or 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 for information on how to participate in the public hearing.

Due to the State Disaster Declaration enacted by the Governor, Public Hearings will be held in a virtual meeting. All interested citizens are invited to watch or participate in the public hearing by the means described above. If you cannot participate in the virtual public hearing of the Planning and Zoning Commission but wish to comment, you may write to the below address. Your written comments will be given to the Planning & Zoning Commission if they are received before 12 PM on the day of the meeting.

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

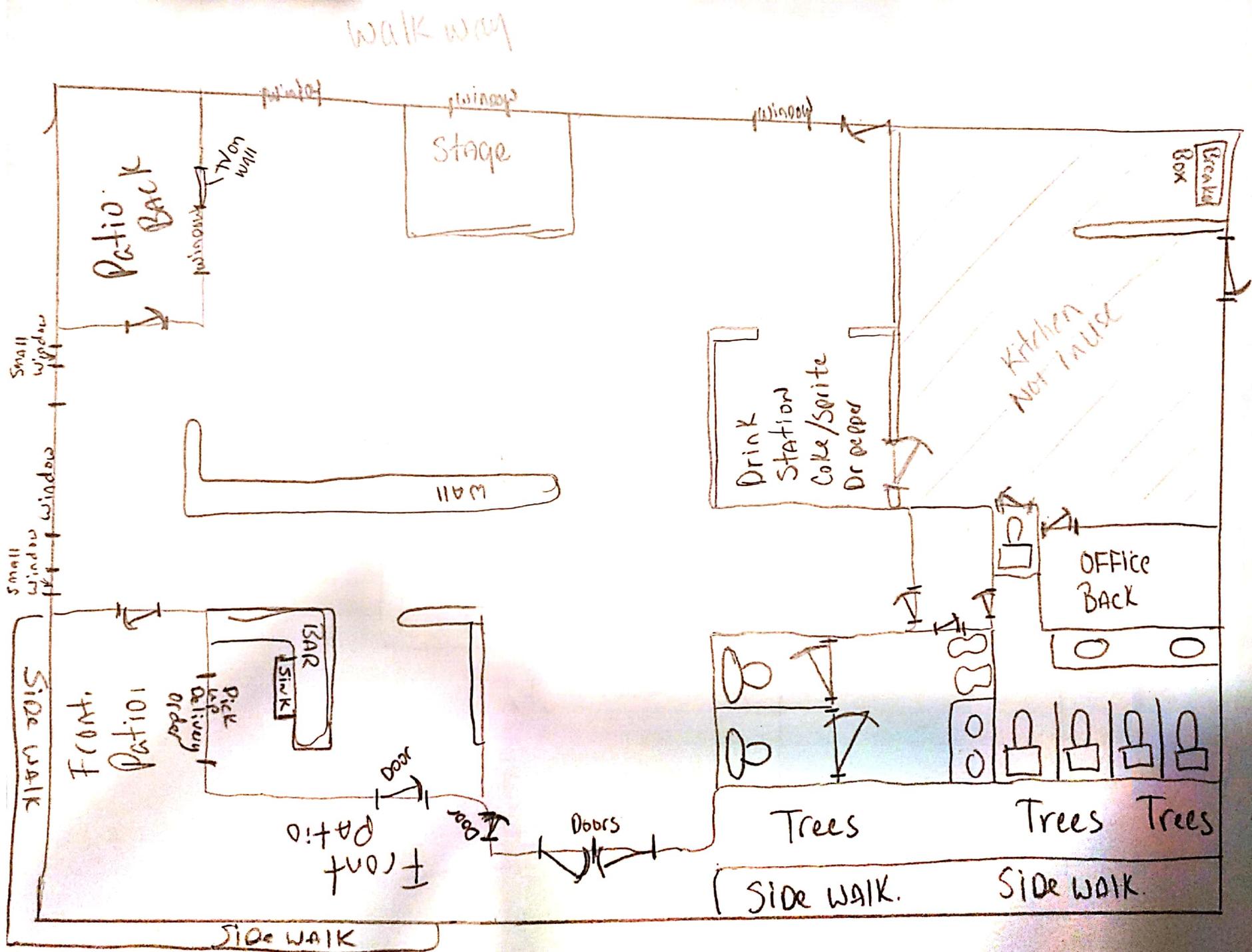
For more information regarding this request, contact the case manager, **Shavon Caldwell**, at **512.805.2649**. When calling, please refer to case number **CUP-20-13**

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 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

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)





Business Trade Name: Longhorn Daiquiris LLC

Entity Contact person: Andrea Villegas
1525 Amberwood Loop
Kyle TX 78640
512 905 1442

Detailed Entertainment Lobby 23ft x 42 ft
Stage 8ft x 10ft centered
on Back wall.

We will have occasional Karaoke 7pm to 11pm
on a week day to take place in lobby

When we have a live DJ. - will be set up
on stage.

one TV is mounted on South Wall of
Lobby 46in screen

We are applying for a B&B Beer and wine
permit with TABC which means they can
consume on premise while dining in.

And offer ~~on~~ to go Daiquiris which will
be sealed with tape over cup and straw
separat. We have been in this business
for 5 years with a restaurant currently
in Austin with this exact operation.

LONGHORN DAIQUIRIS

APPETIZERS

- MOZZARELLA STICKS** \$6.00
Comes with marinara
- FRIED PICKLES** \$6.00
Comes with ranch

WINGS

Make it a combo with fries & a drink for \$3 more

FLAVORS: SWEET RED CHILI, MANGO HABANERO, DRY CAJUN RUB, BBQ, KICKIN BOURBON, LEMON PEPPER, HOT LEMON PEPPER, BUFFALO, HOT & EXTRA HOT

- 6 WINGS** \$7.50
Wings only
- 10 WINGS** \$12.50
Wings only
- TEXAS COMBO** \$22.50
15 Wings, 1 Large Fry & 2 Drinks
- 25 WINGS** \$28.50
Wings only
- 50 WINGS** \$48.50
Wings only

EXTRAS

DRINKS \$1.70
- SODAS, LEMONADE, SWEET TEA

A LA CARTE
Fish fillet \$3.50
Shrimp \$1.50
4 hush puppies \$2.75
Fries \$2.75
Large Fries \$3.75

Side of Ranch Or Sauce \$0.50

SEAFOOD

COMBOS

- Catfish Basket** \$12.50
2 FISH, 2 HUSHPUPPIES & FRIES
- Seafood Basket** \$19.99
2 FISH, 8 SHRIMP, 4 HUSHPUPPIES & FRIES
- Shrimp Basket** \$15.00
8 SHRIMP, 2 HUSHPUPPIES & FRIES
- Rajin Cajun Box** \$18.00
2 FISH, 6 WINGS, 2 HUSHPUPPIES & FRIES

OUR FAMOUS BOIL

Includes Sausage, Corn & Potatoes

- 10 Shrimp** \$14.99
- 1 Crab Cluster & 10 Shrimp** \$24.99
- 2 Crab Clusters & 10 Shrimp** \$34.99

Want More ?

Sausage \$2.50

Potatoes \$2.99

Corn \$1.99

Shrimp \$1.50 (10 for \$12.00)

Crab Cluster \$11.50





LONGHORN DAIQUIRIS

FLAVORS

- | | | |
|---------------|-------------|---------------|
| AMARRETO | DREAMSICLE | MAI TAI |
| BANANA | GRAPE | MANGO |
| BLUE COCONUT | GREEN APPLE | PEACH |
| BLUE HAWAIIAN | KIWI | PINA COLADA |
| CARMEL | LEMONADE | PINEAPPLE |
| CHAMOY | LEMON LIME | PINK LEMONADE |
| CHERRY | LIME | RED RASPBERRY |
| CHOCOLATE | | STRAWBERRY |
| CLEAR COCONUT | | TAMARINDO |
| COTTON CANDY | | TIGER BLOOD |
| CREAM | | TRIPLE SEC |
| | | WATERMELON |
| | | WHITE RUSSIA |

BASES

- | | | |
|---------------|-----------------------|---------------|
| HURRICANE | PINA COLADA | HYPNOSIS |
| CHEMICAL X | CAPTAIN AMERICA | BOUJIE MANGO |
| SWAMP WATER | MIAMI VICE | MI CORIZON |
| CODE RED | OCEAN BREEZE | WILD RUSH |
| STRAWBERRY | WHITE RUSSIAN | LONG ISLAND |
| PINK PANTHER | STRAWBERRY WITH CREAM | ARNOLD PALMER |
| BERRY MANGALO | PEACHES & CREAM | THE HULK |
| FUNKY MONKEY | BANANA RUSH | PEACH TEA |

**YOU CAN
EVEN MAKE
YOUR OWN!**

SIZES

10 for 10*
Jello shots,
Rastaberry Kiwi, Man
Green Apple, Blueber
Watermelon
Drunken buddies

- | | |
|-----------------|-----------------------|
| 12 OZ 5.75 | 20 OZ 8.50 |
| | 32OZ 13.00 |
| 1 QUART 15.00. | 1/2 GALLON 23.00 |
| RUM? | EXTRA SHOT 150 |
| TEQUILA? | VODKA? |
| | PLUS TAX |



CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	Andrea ^{Martin} Villescaz Hernandez	Property Owner	Dale Grayson
Company	Longhorn Daiquiris LLC	Company	GIS Development
Applicant's Mailing Address	1525 Amberwood Loop Keokuk IA	Owner's Mailing Address	6621 Olympia Dr Pasadena TX 77505
Applicant's Phone #	5129051442	Owner's Phone #	(713) 305-0550
Applicant's Email	longhornpartiestogo@gmail.com	Owner's Email	dgraysonjr@comcast.net

PROPERTY INFORMATION

Subject Property Address: 11617 Aquarena Springs Dr San Marcos TX 78666

Zoning District: _____ Tax ID #: R _____

Legal Description: Lot _____ Block _____ Subdivision _____

Number of Parking Spaces: _____

Is property more than 300' from church, school, hospital, or residential district? YES NO

DESCRIPTION OF REQUEST

Business Name: Longhorn Daiquiris LLC Restaurant Bar Other: _____

NEW RENEWAL/AMENDMENT Mixed Beverage Beer & Wine Late Hours

Hours of Operation (ex. Mon 12pm-1am): Mon 12pm-10pm Tue 12pm-10pm Wed 12pm-10pm
Thurs 12pm-10pm Fri 12pm-1am Sat 12pm-1am Sun 12pm-10pm

Indoor Seating Capacity: 150 Outdoor Seating Capacity: 60 Gross Floor Area: _____

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 793*

Technology Fee \$13

TOTAL COST \$806

Renewal/Amendment Filing Fee \$423*

Technology Fee \$13

TOTAL COST \$436

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

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

PROPERTY OWNER AUTHORIZATION

I, Dale Grayson (owner name) on behalf of F&S Development LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 1617 Aguarana Springs 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: [Signature] Date: 4/21/20
Printed Name, Title: Dale R. Grayson Jr. V.P.

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 \$91 plus a \$13 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 \$91 plus a \$13 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: *Andrea Villuscar*
Print Name: Andrea Villuscar

Date: 10-8-20

Form Updated October, 2019

Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230



TEXAS ALCOHOLIC BEVERAGE COMMISSION

Texans Helping Businesses & Protecting Communities

LOCATION PACKET FOR RETAILERS

L-L (12/2019)

This Location packet (L-L) should be completed by all retailers submitting an original, reinstatement, and/or change of location application. This packet (L-L) along with the Prequalification Packet (L-ON) or (L-OFF) must be submitted to your local TABC office.

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

1. Application for: [X] Original [] Reinstatement [] Reinstatement and Change of Trade Name License/Permit Number [] Change of Location [] Change of Location and Trade Name License/Permit Number
2. Trade Name of Location (Name of restaurant, bar, store, etc.) Longhorn Daiquiris LLC
3. Location Address 1617 Aquamarina Springs Dr. San Marcos TX 78666
4. Owner of Business /Applicant (Name of Corporation, LLC, etc.) Andrea Villescaz
5. Federal Employer Identification Number (FEIN) 84-3375857

INITIAL INFORMATION

6. Do you currently hold an active license/permit issued by the TABC under the above FEIN? [X] Yes [] No If "YES," provide your most recently issued license/permit number. 841029353
7. If you hold a current and active license/permit under the above FEIN has there been a change in the ownership or business structure since the submission of your last application? [] Yes [X] No If "YES," you must complete the Business Packet for Reporting Changes (L-BRC) in its entirety.

OWNERSHIP/LEASE/SUBLEASE/MANAGEMENT INFORMATION

8. Does the applicant own the land and building at this proposed licensed location? [] Yes [X] No If "NO," please complete Owner of Property (L-OP). NOTE: Be prepared to provide additional information (such as a copy of your lease) if requested.

9. If operating under a lease at this location, complete the following: Expiration date(s)/Options Monthly rental amount \$ 8,500.00 Other fees and payments to landlord

10. Are you operating under any concession, service or management agreement(s) that contain terms for services or management beyond property rental? [] Yes [X] No If "YES," complete Sublessor (L-SL), indicate the following, and attach copy of agreement(s): Expiration date(s)/Options Monthly fee \$ If you have a sublessor that differs from the management company enter sublessor name below and complete Form L-SL. Sublessor Name

11. Do you or anyone else at the location operate under a franchise agreement? [] Yes [X] No If "YES," as required under Section 109.53 do you maintain exclusive control of ALL phases of the purchase, sale, service and brands of alcoholic beverages? [] Yes [] No

CUP-20-13 Longhorn Daiquiris

City of San Marcos Environmental Health 8/6

**Site Visit and Code Compliance 8/23 Purchase
of Alcohol Reports**



August 11, 2020, 12:52 pm

Environmental Issue - #8532651

ENVIRONMENTAL HEALTH - Shanna O'Brien

Details

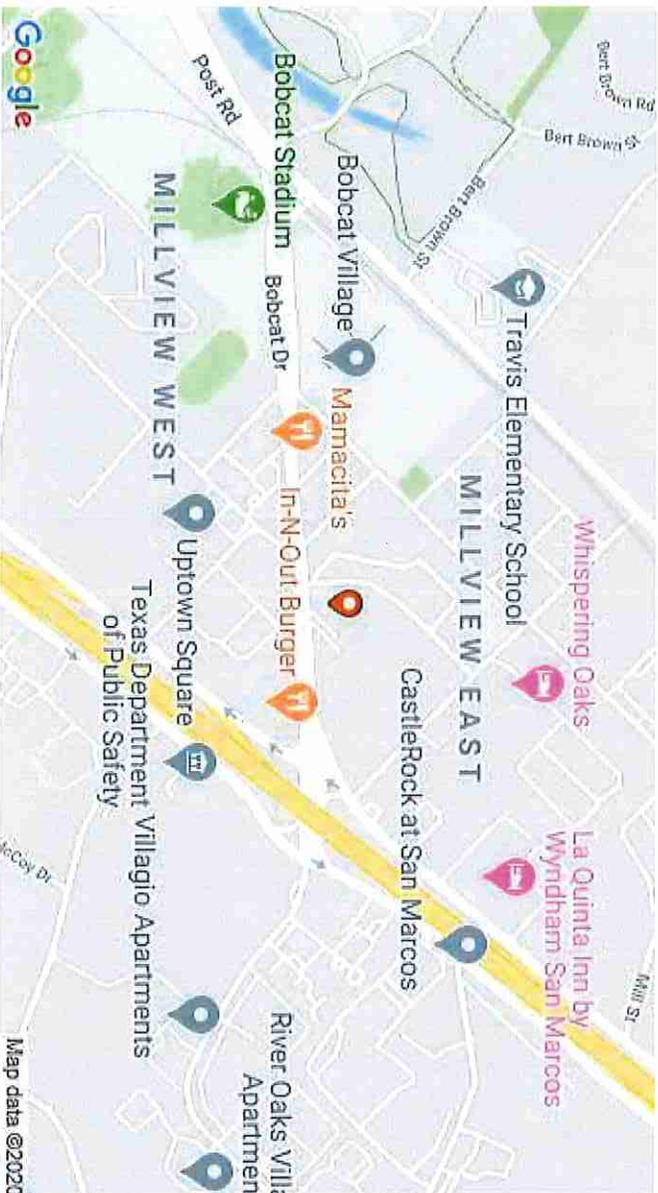
STATUS - Submitted
 PRIORITY - None
 SUBMITTED BY - [Verified Official] Shanna O'Brien
 SUBMITTED THROUGH - gov.publicstuff.com
 FOLLOWERS - N/A

Dates

DATE SUBMITTED - August 11, 2020, 12:33 pm
 DUE DATE - August 14, 2020, 1:00 am

Contact

NAME - N/A
 EMAIL - N/A
 PHONE - N/A



LOCATION - 1617 Aquarena Springs Drive, San Marcos, TX, USA
 CITY EMPLOYEE REPORTING - false
 CURRENTLY ASSIGNED TO - Shanna O'Brien in Environmental Health
 DESCRIPTION - Longhorn Daiquiris- complaints regarding lack of social distancing/no face masks.

Workflow

STEP NAME - Step Name
 ASSIGNEE - Shanna O'Brien
 DEPARTMENT - Environmental Health
 DESCRIPTION - N/A

Comments

Aug 11, 2020
12:35pm

Shanna O'Brien:
Complainant stated that there was a large gathering and nobody was wearing face masks or social distancing. On further review, the establishment does not have a food establishment permit. They should not be making daiquiris in the building. They were only approved for the mobile food truck.

Aug 11, 2020
12:48pm

Shanna O'Brien:
Contacted TABC: Sgt. Ruiz 210-310-5196

Aug 11, 2020
12:51 pm

Shanna O'Brien:
Upon inspection 8/6- Signs were still up at the building advertising "buy a ticket, get a drink". Food items were stored in the building which is prohibited. All food items need to be stored in the mobile food unit or at the central prep facility. No hot water at hand washing/ware washing sink at bar. No hot water in restrooms. A couple of the toilets were inoperable. They were advised that they cannot make daiquiris or serve any food. They can sale prepacked items only.

Change Log

Aug 11, 2020
12:33pm

Request was submitted

Aug 11, 2020
12:34pm

Workflownode #27502619 assignee: 'Stormy Thornton' updated to 'Shanna O'Brien'
Workflownode #27502619 assigned at: 'Aug 11th, 2020 12:33pm' updated to 'Aug 11th, 2020 12:34pm'

Aug 11, 2020
12:35pm

Responded At: 'Aug 11th, 2020 12:35pm' set



AUSTIN LIFE



BOSS & A.M.H. PRESENTS
CELEBRITY HANGOUT WITH ANTHONY MICHAEL HALL
4 DAYS/NIGHTS (AUG. 2ND, 6TH, 9TH, 13TH)

MASKS REQUIRED

SPECIAL ARTIST PERFORMANCES IBA
DJ 2000 / DJ COSCO / HOSTED BY JT CAMPOS

DOORS OPEN T 3PM-

Summer Raffles Masks ON EDITION

BOAZ
(QUEEN OF THE SOUTH)

W/ GA TICKET
W/ WRIST BAND

FULL MENU & BYOB SETUPS AVAILABLE



BOSS

RAFFLES THROUGHOUT THE EVENT

FREE 120Z. DAIQUIRI W/ GA TICKET
FREE DAIQUIRI'S & JELLO SHOTS W/ WRIST BAND



FOR MORE INFO. CONTACT: BOSS (512) 779-7834 OR BOSS.INTENSE@GMAIL.COM

LONGHORN DAIQUIRI'S
1617 AQUARENA SPRINGS, SAN MARCOS, TX. 78666





Neighborhood Enhancement CODE COMPLIANCE

630 East Hopkins, San Marcos, Texas 78666
Phone (512) 393-8440; Fax 844-830-5482
City website: SanMarcosTx.Gov / Email: codecompliance@sanmarcostx.gov

On 08-23-2020 at approximately 12:15pm, Code Compliance Officer Mark Schupp and his wife, Deborah M. Glowka-Schupp arrived at Longhorn Daquiris 1617 Aquarena Springs Dr. San Marcos, TX 78666. Code Compliance Officer Mark Schupp asked Deborah to see if Longhorn Daquiris would sell her a daquiri to go. Code Compliance Officer Schupp observed from his vehicle as Deborah walked up to the outside serving window facing Aquarena Springs Dr. Deborah returned to the vehicle after having purchased a half gallon bottle of a daquiri mix. Deborah was charged \$25.00 plus tax and the receipt was text messaged to her. Deborah explained that she had been served by a short Hispanic male with tattoos. The Hispanic male told Deborah that they did not have their liquor license so this was the only size that could be sold. Deborah continued that the Hispanic male obtained a plastic container from under the daquiri machine, filled it from the machine, and then retrieved a cap sealed the bottle. The Hispanic male asked her if she had cash and told her is she did he would not charge her tax.





LONGHORN DAQUIRIS LLC

[FOLLOW](#)

2410 EAST RIVER SIDE DR
AUSTIN, TX 78741
11.51729051462

Custom Item	\$25.00
Subtotal	\$25.00
Tax	8.25% \$2.06
Total	\$ 27.06

VISA US DEBIT 0981 \$27.06
0981
Cashier: MARTIN HERNANDEZ

August 23, 2020 • 12:17 pm
Payment ID: 60K3W5VH6NRFW
Order ID: E61751YE09F6M
Order Employee: MARTIN HERNANDEZ

[Hide Details](#)

Card: US DEBIT 0981
August 23, 2020, 12:17 PM
Method: EMV
Auth ID: 001862
Reference ID: 023600505526
Authenticating Network: MAESTRO
AID: A00000005980B40
CVN: EMV VERIFIED

[View the Privacy Policies for](#)
[Click](#)



CUP-20-13 Longhorn Daiquiris

**City of San Marcos Police Department Calls for
Service & Submitted Citizen Complaints**

Agency SMPD San Marcos Police Dept Incident # 200000032426 Case #
 CALL FOR SERVICE
 Activity 113N Disturbance - Noise Priority 3 Delayed Common Place Longhorn Daiquiris (old Bad Habits)
 LOCATION COMPLAINANT
 City San Marcos Type
 Loc 1617 Aquarena Springs Dr ADDRESS
 Apt# Cnty H Hays County
 Route Beat Fire EMS Zone City San Marcos State TX
 0001 000507 050507 000020 Zip 78666 Tel 3252481865
 Dspchr 00013191 Sutherland, Katelin Rept 6/20/20 19:56 Shift 2 1600-0400
 By 00013458 Denton, Laura How Dispo VW Verbal Warning

FINAL DISPOSITION/ACTIVITIES

Dispo
 Activity
 Reports Arrests

PERSON

Suffix 01 Name Jimenez, Hector Type
 Sex Race DOB 12/6/94 Age
 Height Weight
 Address Telephone
 Address Telephone
 Cloth
 Street/Dir
 Other

VEHICLE

Suffix Plate State Make/Model
 Year Color Occupants
 Description
 Street/Dir
 Other
 VIN

Transport

Unit Miles Start End Suffix Tot
 Patient Type Sex
 Reason Care

Agency SMPD San Marcos Police Dept Incident # 200000032426 Case #

Blotter

[6/20/2020 7:57:09 PM : 00013458]

ProQA: ENDCE

Complaint: 113 Disturbance / Nuisance

***Responder Script*:**

Other noise complaint Caller Statement: noise coming from nearby business / "extremely" loud music and shouting, adv shaking windows in apt.

[6/20/2020 7:57:23 PM : 00013458]

ProQA: DISPATCH

Complaint: 113 Disturbance / Nuisance

Dispatch: 113B02 (Other noise complaint)

Response: Bravo

CAD Code: 113B02

***Responder Script*:**

Other noise complaint Code: 113-B-2: Other noise complaint Caller Statement: noise coming from nearby business / "extremely" loud music and shouting, adv shaking windows in apt.

- 1. The caller's current location is: caller at the Colony
- 2. This incident involves a noise complaint.
- 3. This incident is in progress.
- 4. The noise is coming from: Longhorn Daquiris

*** Caller's loc: caller at the Colony

Noise complaint

In progress.

* Noise source: Longhorn Daquiris

[6/20/2020 7:57:49 PM : 00013458]

ProQA: COMPLETE

Complaint: 113 Disturbance / Nuisance

Dispatch: 113B02 (Other noise complaint)

Response: Bravo

CAD Code: 113B02

***Responder Script*:**

Other noise complaint Code: 113-B-2: Other noise complaint Caller Statement: noise coming from nearby business / "extremely" loud music and shouting, adv shaking windows in apt.

- 1. The caller's current location is: caller at the Colony
- 2. This incident involves a noise complaint.
- 3. This incident is in progress.
- 4. The noise is coming from: Longhorn Daquiris

*** Caller's loc: caller at the Colony

Noise complaint

In progress.

* Noise source: Longhorn Daquiris

Log

Date/Time	Officer Id	Log Entry
6/20/2020 19:57:09	00013458 Denton, Laura	ENDCE
6/20/2020 19:57:23	00013458 Denton, Laura	DISPATCH CadCode: 113B02 (Bravo)
6/20/2020 19:57:35	00013458 Denton, Laura	Comp does not want contact from ofc
6/20/2020 19:57:49	00013458 Denton, Laura	COMPLETE
6/20/2020 20:12:53	00012004 Mendoza, Celedonio	spoke to the DJ who is playing music.
6/20/2020 20:13:14	00012004 Mendoza, Celedonio	music from DJ does not seem to be an issue.
6/20/2020 20:13:36	00012004 Mendoza, Celedonio	Bass from vehicles in parking lot may be the issue
6/20/2020 20:13:50	00012004 Mendoza, Celedonio	stated they will be there until 10:30 p.m.
6/20/2020 20:18:37	00012004 Mendoza, Celedonio	spoke to Andrea - on premise file, and informed her that they will be responsible for the music coming from the vehicles at their lot.

CALL FOR SERVICE

08/06/2020

Agency	SMPD	San Marcos Police Dept	Incident #	20000032426	Case #	
6/20/2020 20:19:02		00012004 Mendoza, Celedonio			Andrea stated she will let the store know that the cars cannot be playing the music.	
6/20/2020 20:19:13		00012004 Mendoza, Celedonio			especially the bass.	
6/20/2020 20:19:44		00012004 Mendoza, Celedonio			Hector Jimenez is the DJ at the restaurant	
6/20/2020 20:19:47		00012004 Mendoza, Celedonio			Incident Closed by MDT	

TimeChanged	Dispatcher	Agency	UnitID	Status	Officer1	Officer2	Officer3
6/20/2020 19:58:25	00013191	SMPD	A3	W DISP	00012004		
6/20/2020 20:04:06	00012004	SMPD	A3	2 Enroute	00012004		
6/20/2020 20:06:37	00012004	SMPD	A3	3 Scene	00012004		
6/20/2020 20:19:47	00012004	SMPD	A3	1 Avail	00012004		

Agency SMPD San Marcos Police Dept **Incident #** 20000038754 **Case #**
 CALL FOR SERVICE
Activity 113N Disturbance - Noise **Priority** 3 **Delayed** **Common Place** Longhorn Daiquiris (old Bad Habits)
LOCATION **COMPLAINANT**
City San Marcos **Type**
Loc 1617 Aquarena Springs Dr **ADDRESS**
Apt# **Cnty** H **Hays County**
Route **Beat** **Fire** **EMS** **Zone** **City** **State** TX
 0001 000507 050507 000020 **Zip** 78666 **Tel** 5129954116
Dspchr **Rept** 7/25/20 19:53 **Shift** 2 1600-0400
By 00013513 **Houston, Lynn** **How** **Dispo** VW Verbal Warning

FINAL DISPOSITION/ACTIVITIES

Dispo
Activity
Reports Arrests

PERSON

Suffix **Name** **Type**
Sex **Race** **DOB** **Age**
Height **Weight**
Address **Telephone**
Address **Telephone**
Cloth
Street/Dir
Other

VEHICLE

Suffix **Plate** **State** **Make/Model**
Year **Color** **Occupants**
Description
Street/Dir
Other
VIN

Transport

Unit **Miles** **Start** **End** **Suffix** **Tot**
Patient **Type** **Sex**
Reason **Care**

Agency SMPD San Marcos Police Dept Incident # 20000038754 Case #

Blotter

[7/25/2020 7:54:00 PM : 00013513]

ProQA: ENDCE

Complaint: 113 Disturbance / Nuisance

Responder Script:

Other noise complaint Caller Statement: noise complaint.

[7/25/2020 7:54:33 PM : 00013513]

ProQA: DISPATCH

Complaint: 113 Disturbance / Nuisance

Dispatch: 113B02 (Other noise complaint)

Response: Bravo

CAD Code: 113B02

Responder Script:

Other noise complaint Code: 113-B-2: Other noise complaint Caller Statement: noise complaint.

1. The caller is not on scene.
2. The victim caller is not on scene.
3. This incident involves a noise complaint.
4. This incident is in progress.
5. The noise is coming from: right behind colony 2 near the laundry mat, a big group of people
Caller not on scene.

*** Vict caller not on scene.

Noise complaint

In progress.

* Noise source: right behind colony 2 near the laundry mat, a big group of people

[7/25/2020 7:54:41 PM : 00013513]

ProQA: COMPLETE

Complaint: 113 Disturbance / Nuisance

Dispatch: 113B02 (Other noise complaint)

Response: Bravo

CAD Code: 113B02

Responder Script:

Other noise complaint Code: 113-B-2: Other noise complaint Caller Statement: noise complaint.

1. The caller is not on scene.
2. The victim caller is not on scene.
3. This incident involves a noise complaint.
4. This incident is in progress.
5. The noise is coming from: right behind colony 2 near the laundry mat, a big group of people
Caller not on scene.

*** Vict caller not on scene.

Noise complaint

In progress.

* Noise source: right behind colony 2 near the laundry mat, a big group of people

Log

Date/Time	Officer Id	Log Entry
7/25/2020 19:53:52	00013513 Houston, Lynn	between the colony phas2 and the store
7/25/2020 19:54:00	00013513 Houston, Lynn	ENDCE
7/25/2020 19:54:33	00013513 Houston, Lynn	DISPATCH CadCode: 113B02 (Bravo)
7/25/2020 19:54:41	00013513 Houston, Lynn	COMPLETE
7/25/2020 19:54:52	00013513 Houston, Lynn	cmpl does not want contact
7/25/2020 20:18:35	00013289 Morenz, Darby	Andrea Villescaz 512-905-1442
7/25/2020 20:19:06	00013289 Morenz, Darby	lots of car club people out and about listening to music

CALL FOR SERVICE

08/06/2020

Agency SMPD San Marcos Police Dept
 7/25/2020 20:19:37 00013289 Morenz, Darby
 7/25/2020 20:20:45 00013289 Morenz, Darby

Incident # 200000038754 **Case #**
 were compliant and friendly at this time, manager advised she would have
 people police themselves for now, advised should be gone by 10:30-11
 Incident Closed by MDT

TimeChanged	Dispatcher	Agency	UnitID	Status	Officer1	Officer2	Officer3
7/25/2020 20:01:32	00013513	SMPD	B4	W DISP	00013289		
7/25/2020 20:02:10	00011926	SMPD	E4	W DISP	00011926		
7/25/2020 20:02:14	00013289	SMPD	B4	2 Enroute	00013289		
7/25/2020 20:02:33	00011926	SMPD	E4	2 Enroute	00011926		
7/25/2020 20:03:43	00011926	SMPD	E4	3 Scene	00011926		
7/25/2020 20:05:22	00013289	SMPD	B4	3 Scene	00013289		
7/25/2020 20:15:22	00011926	SMPD	E4	1 Avail	00011926		
7/25/2020 20:20:46	00013289	SMPD	B4	1 Avail	00013289		

Agency **SMPD San Marcos Police Dept** Incident # **20000039845** Case #
 CALL FOR SERVICE
 Activity **128I Investigation** Priority **3 Delayed** Common Place **Longhorn Daiquiris (old Bad Habits)**
 LOCATION
 City **San Marcos** Type
 Loc **1617 Aquarena Springs Dr** ADDRESS
 Apt# Cnty **H Hays County**
 Route Beat Fire EMS Zone City State TX
0001 000507 050507 000020 Zip 78666 Tel
 Dspchr **00013051 Luna, Roxanna** Rept **7/31/20 23:05** Shift **2 1600-0400**
 By **00013051 Luna, Roxanna** How Dispo **8 No Report**

FINAL DISPOSITION/ACTIVITIES

Dispo
 Activity
 Reports Arrests

PERSON

Suffix Name Type
 Sex Race DOB Age
 Height Weight
 Address Telephone
 Address Telephone
 Cloth
 Street/Dir
 Other

VEHICLE

Suffix Plate State Make/Model
 Year Color Occupants
 Description
 Street/Dir
 Other
 VIN

Transport

Unit Miles Start End Suffix Tot
 Patient Type Sex
 Reason Care

Blotter

Log

Date/Time	Officer Id	Log Entry
7/31/2020 23:13:42	00013570 Lobo, Kyle	Incident Closed by MDT
7/31/2020 23:14:06	00013570 Lobo, Kyle	Longhorn Daq. was open
7/31/2020 23:14:24	00013570 Lobo, Kyle	loud music coming from property line
7/31/2020 23:15:05	00013570 Lobo, Kyle	Advised they were allowed to operate because they had food trailers and were serving inside

CALL FOR SERVICE

08/06/2020

Agency	SMPD	San Marcos Police Dept	Incident #	20000039845	Case #			
TimeChanged	Dispatcher	Agency	UnitID	Status	Officer1	Officer2	Officer3	
7/31/2020 23:05:11	00013051	SMPD	00000210	3 Scene	00010260			
7/31/2020 23:05:11	00013051	SMPD	B5	3 Scene	00013570			
7/31/2020 23:13:43	00013570	SMPD	B5	1 Avail	00013570			
7/31/2020 23:13:43	00013570	SMPD	00000210	1 Avail	00010260			

Agency SMPD San Marcos Police Dept Incident # 200000040079 Case #

CALL FOR SERVICE

Activity 113P Disturbance - Phys/Fi Priority 1 In Progress Common Place Longhorn Daiquiris (old Bad Habits)

LOCATION COMPLAINANT

City San Marcos Type

Loc 1617 Aquarena Springs Dr ADDRESS

Apt# Cnty H Hays County

Route Beat Fire EMS Zone City State TX

0001 000507 050507 000020 Zip 78666 Tel 5127814739

Dspchr 00012895 Zavala, Karen Rept 8/2/20 1:35 Shift 2 1600-0400

By 00013288 Wallace, Carrington How Dispo 8 No Report

FINAL DISPOSITION/ACTIVITIES

Dispo

Activity

Reports Arrests

PERSON

Suffix 01 Name Sanders, David Jentry Type

Sex M Race B DOB 1/15/81 Age 39

Height 603 Weight 200

Address 2205 N Camp Telephone

Address Telephone

Cloth

Street/Dir

Other

Suffix 02 Name Diffut, Jose Type

Sex Race DOB 12/5/97 Age 22

Height Weight

Address Telephone

Address Telephone

Cloth

Street/Dir

Other

Suffix 03 Name Jimenez, Hector Type

Sex Race DOB 12/6/94 Age 25

Height Weight

Address Telephone

Address Telephone

Cloth

Street/Dir

Other

Agency SMPD San Marcos Police Dept Incident # 20000040079 Case #

VEHICLE

Suffix	Year	Plate	Color	State	Make/Model	Occupants
01		NCG0621				
02	2013	DNN9358		TX	Dodge	
03	2012	NCS3340		TX	Nissan Armada	Armada (Formerly Pathfinder Armada)

Other VIN: Model: 4D//associated w/ 14626621 2C3CDXBG6DH570353

Transport

Unit	Miles	Start	End	Suffix	Tot
Patient			Type		Sex
Reason			Care		

Blotter

Log

Date/Time	Officer Id	Log Entry
8/2/2020 01:35:14	00013288	Wallace, Carrington advised rioting in plot
8/2/2020 01:35:30	00013288	Wallace, Carrington weapons possibly present
8/2/2020 01:35:43	00013288	Wallace, Carrington caller advised possible guns in veh
8/2/2020 01:35:45	00013288	Wallace, Carrington caller disconnected
8/2/2020 01:36:14	00013288	Wallace, Carrington attempting call back
8/2/2020 01:36:59	00012895	Zavala, Karen 5124299493 3RD CALLER ADV 100+ PPL RIOTING
8/2/2020 01:37:02	00013288	Wallace, Carrington caller stated several people on scene
8/2/2020 01:37:03	00012895	Zavala, Karen UNK WEAPONS
8/2/2020 01:37:07	00012895	Zavala, Karen IN THE PARKING LOT
8/2/2020 01:37:07	00013288	Wallace, Carrington NOT JUST NOISE COMPLAINT
8/2/2020 01:37:11	00012895	Zavala, Karen BACK LOT***
8/2/2020 01:37:23	00013638	Chiaraluca, Danielle Addtl comp: Stephanie Mason 5126531904
8/2/2020 01:37:51	00013638	Chiaraluca, Danielle addtl comp only hears screaming and does not see any weapons
8/2/2020 01:38:06	00012895	Zavala, Karen 1 RCVD
8/2/2020 01:38:07	00013288	Wallace, Carrington adtl caller 512-787-7702
8/2/2020 01:38:55	00013513	Houston, Lynn ****primary closed
8/2/2020 01:38:57	00013638	Chiaraluca, Danielle addtl comp dana lozano 5124303776
8/2/2020 01:38:57	00013288	Wallace, Carrington advised police and disconnected for rioting
8/2/2020 01:39:12	00013513	Houston, Lynn b5- advised which veh poss has weapons
8/2/2020 01:39:14	00012895	Zavala, Karen 1 revd
8/2/2020 01:39:22	00013638	Chiaraluca, Danielle dana said there was over 25 people
8/2/2020 01:39:42	00013513	Houston, Lynn 210- poss breaking up
8/2/2020 01:39:56	00013638	Chiaraluca, Danielle Addtl comp: Thomas Varacalli PS 5163306407

CALL FOR SERVICE

08/06/2020

Agency	SMPD	San Marcos Police Dept	Incident #	200000040079	Case #
8/2/2020	01:40:08	00013513 Houston, Lynn	210-	fighting in back plot	
8/2/2020	01:41:19	00013513 Houston, Lynn	c5-	shutting down the street	
8/2/2020	01:41:36	00013513 Houston, Lynn	b31-	ems, couple staff sprayed with OC	
8/2/2020	01:42:06	00013513 Houston, Lynn	b5-	94x1	
8/2/2020	01:42:29	00013513 Houston, Lynn	f3-	ncg0621- log only	
8/2/2020	01:42:39	00013513 Houston, Lynn	b5-	14626621	
8/2/2020	01:43:07	00013638 Chiaraluce, Danielle	ref	20-40080	
8/2/2020	01:43:33	00013513 Houston, Lynn	b5-	dnn9358- associated w/ 27	
8/2/2020	01:44:23	00013513 Houston, Lynn		send another medic for mass oc spray	
8/2/2020	01:44:56	00013637 Romero, Perla	med1//	fire unit and bat05	
8/2/2020	01:45:14	00013513 Houston, Lynn	b5-	sw 40 cal dyh6900	
8/2/2020	01:45:27	00013288 Wallace, Carrington	neg	stolen gun	
8/2/2020	01:46:08	00013513 Houston, Lynn	c5-	ems can park and go to fast break//dont need any other assistance at this time	
8/2/2020	01:46:57	00013513 Houston, Lynn	d3-	c4	
8/2/2020	01:47:07	00013513 Houston, Lynn	c5-	keep channel for this incident	
8/2/2020	01:47:25	00013513 Houston, Lynn	f3-	ems can approach	
8/2/2020	01:47:38	00013637 Romero, Perla	med1	staged @ fastbreak	
8/2/2020	01:48:24	00013513 Houston, Lynn	b5-	94 released	
8/2/2020	01:49:08	00013513 Houston, Lynn	f3-	i will walk pt over to fast break	
8/2/2020	01:49:51	00013513 Houston, Lynn	c5-	pushing all traffic on aquarena, tryin to get the crowd out of here	
8/2/2020	01:50:49	00013513 Houston, Lynn	e3-	ncs3340	
8/2/2020	01:51:05	00013513 Houston, Lynn		log	
8/2/2020	01:51:37	00013637 Romero, Perla	med1//	cancel all other units responding - only a few patients	
8/2/2020	01:54:34	00013513 Houston, Lynn	c5-	crowds dispursed, all units c4	
8/2/2020	01:54:40	00013513 Houston, Lynn	c5-	open the channel	
8/2/2020	01:54:45	00013513 Houston, Lynn	****	primary opened	
8/2/2020	01:58:27	00013513 Houston, Lynn	Removed Unit -	E3	
8/2/2020	01:59:21	00013513 Houston, Lynn	Removed Unit -	C5	
8/2/2020	02:07:53	00012895 Zavala, Karen	med1-	checking w/PD to make sure there are no pt over there	
8/2/2020	02:08:43	00013513 Houston, Lynn	f3-	out of pts over here, no longer need medics	
8/2/2020	02:12:29	00013513 Houston, Lynn	b5-	msv8343	
8/2/2020	02:31:53	00012895 Zavala, Karen	e5-	code 4	
8/2/2020	02:32:31	00012895 Zavala, Karen	e5-	run jose diffut	
8/2/2020	02:40:30	00012895 Zavala, Karen	e5-	Jimenez, Hector 12-6-94	
8/2/2020	02:41:17	00012747 Seals, Bradley	fight	started over diffutt and jimenzs sisters and girlfriends	
8/2/2020	02:41:23	00012747 Seals, Bradley	Incident	Closed by MDT	
8/2/2020	15:46:41	00012618 Cope, John	Incident	Closed by MDT	

CALL FOR SERVICE

08/06/2020

Agency	SMPD	San Marcos Police Dept	Incident #	20000040079	Case #		
TimeChanged	Dispatcher	Agency	UnitID	Status	Officer1	Officer2	Officer3
8/2/2020 01:36:38	00012747	SMPD	E5	W DISP	00012747		
8/2/2020 01:36:39	00013513	SMPD	A3	W DISP	00012967		
8/2/2020 01:36:40	00013513	SMPD	A5	W DISP	00013517		
8/2/2020 01:36:45	00012747	SMPD	E5	2 Enroute	00012747		
8/2/2020 01:36:48	00012967	SMPD	A3	2 Enroute	00012967		
8/2/2020 01:36:57	00012911	SMPD	C5	W DISP	00012911		
8/2/2020 01:37:01	00012911	SMPD	C5	2 Enroute	00012911		
8/2/2020 01:37:10	00013517	SMPD	A5	2 Enroute	00013517		
8/2/2020 01:37:28	00013570	SMPD	B5	W DISP	00013570		
8/2/2020 01:37:39	00013570	SMPD	B5	2 Enroute	00013570		
8/2/2020 01:37:56	00012741	SMPD	B31	W DISP	00012741		
8/2/2020 01:38:01	00012741	SMPD	B31	2 Enroute	00012741		
8/2/2020 01:38:04	00013541	SMPD	E3	W DISP	00013541	00012620	
8/2/2020 01:38:05	00013513	SMPD	F3	W DISP	00011910		
8/2/2020 01:38:06	00013513	SMPD	00000210	W DISP	00010260		
8/2/2020 01:38:11	00013541	SMPD	E3	2 Enroute	00013541	00012620	
8/2/2020 01:38:46	00012967	SMPD	A3	3 Scene	00012967		
8/2/2020 01:39:17	00013513	SMPD	00000210	3 Scene	00010260		
8/2/2020 01:39:43	00013570	SMPD	B5	3 Scene	00013570		
8/2/2020 01:39:50	00012911	SMPD	C5	3 Scene	00012911		
8/2/2020 01:41:04	00012586	SMPD	C3	W DISP	00012586		
8/2/2020 01:41:12	00013513	SMPD	E5	3 Scene	00012747		
8/2/2020 01:41:42	00012586	SMPD	C3	2 Enroute	00012586		
8/2/2020 01:41:58	00013513	SMPD	B31	3 Scene	00012741		
8/2/2020 01:42:17	00013513	SMPD	F3	3 Scene	00011910		
8/2/2020 01:42:56	00012586	SMPD	C3	1 Avail	00012586		
8/2/2020 01:43:48	00011930	SMPD	00000208	W DISP	00011930		
8/2/2020 01:44:50	00013513	SMPD	A5	3 Scene	00013517		
8/2/2020 01:44:56	00013513	SMPD	E3	3 Scene	00013541	00012620	
8/2/2020 01:47:58	00012895	SMPD	00000208	3 Scene	00011930		
8/2/2020 01:48:20	00012895	SMPD	D3	W DISP	00012618		
8/2/2020 01:48:25	00012895	SMPD	D3	3 Scene	00012618		
8/2/2020 01:52:39	00012895	SMPD	F5	W DISP	00012585		
8/2/2020 01:52:48	00012895	SMPD	F5	3 Scene	00012585		
8/2/2020 01:58:13	00012967	SMPD	A3	1 Avail	00012967		
8/2/2020 01:58:27	00013513	SMPD	E3	1 Avail	00013541	00012620	
8/2/2020 01:59:21	00013513	SMPD	C5	1 Avail	00012911		
8/2/2020 02:18:06	00010260	SMPD	00000210	1 Avail	00010260		
8/2/2020 02:19:48	00013570	SMPD	B5	1 Avail	00013570		
8/2/2020 02:24:03	00012618	SMPD	D3	1 Avail	00012618		
8/2/2020 02:24:25	00012741	SMPD	B31	1 Avail	00012741		
8/2/2020 02:24:26	00011930	SMPD	00000208	1 Avail	00011930		
8/2/2020 02:26:32	00011910	SMPD	F3	1 Avail	00011910		
8/2/2020 02:27:16	00012585	SMPD	F5	1 Avail	00012585		
8/2/2020 02:37:11	00013517	SMPD	A5	1 Avail	00013517		
8/2/2020 02:41:23	00012747	SMPD	E5	1 Avail	00012747		
8/2/2020 15:46:41	00012618	SMPD	D3	5 Out/Serv	00012618		

From: Strakos, Tammy
Sent: Monday, August 3, 2020 7:58 AM
To: Winkenwerder, Brandon
Subject: Incoming Message from SMPD FB

Just an FYI to handle as you will...



John Page

Assign Conversation ▼



SUN 11:45 AM

Hi, overnight I have seen disturbing images and videos at Longhorn Daquari in San Marcos. Large, close crowds with no masks around a small stage of performers. You can see videos here. <https://www.facebook.com/ybarra.chris> Just concerned about this continuing to happen. Thank you!



Tammy Strakos

Administrative Coordinator | San Marcos Police Department
2300 S. IH 35, San Marcos, TX 78666
512.753.2110

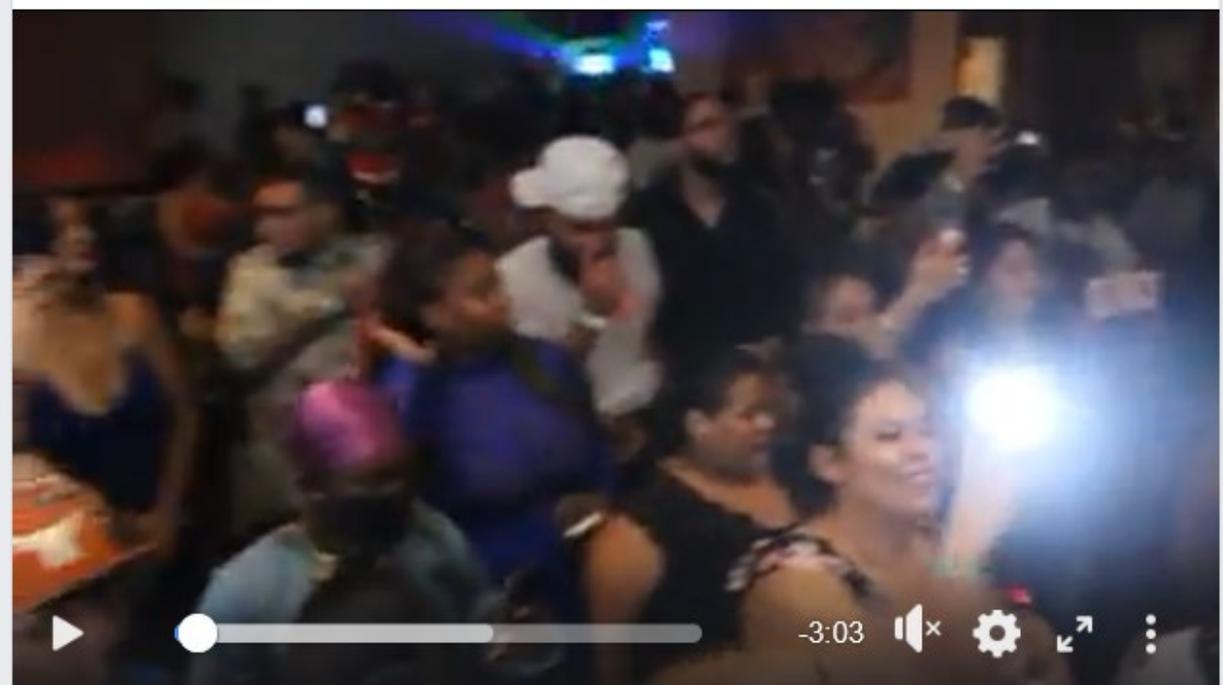
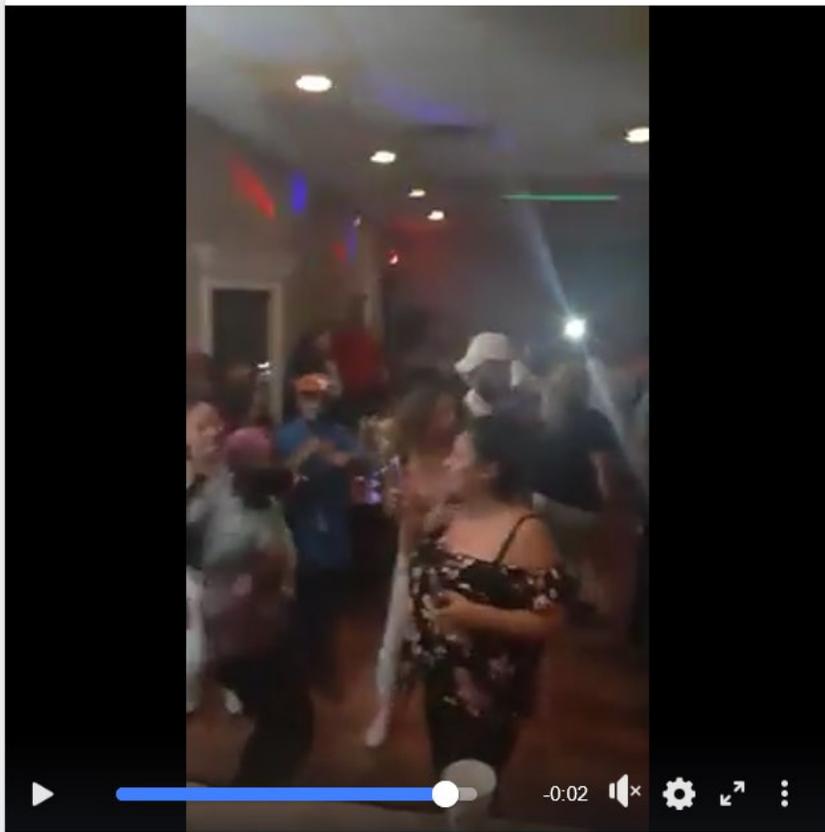
Make Sure You Count in San Marcos!

[Click here to respond to the US Census](#)

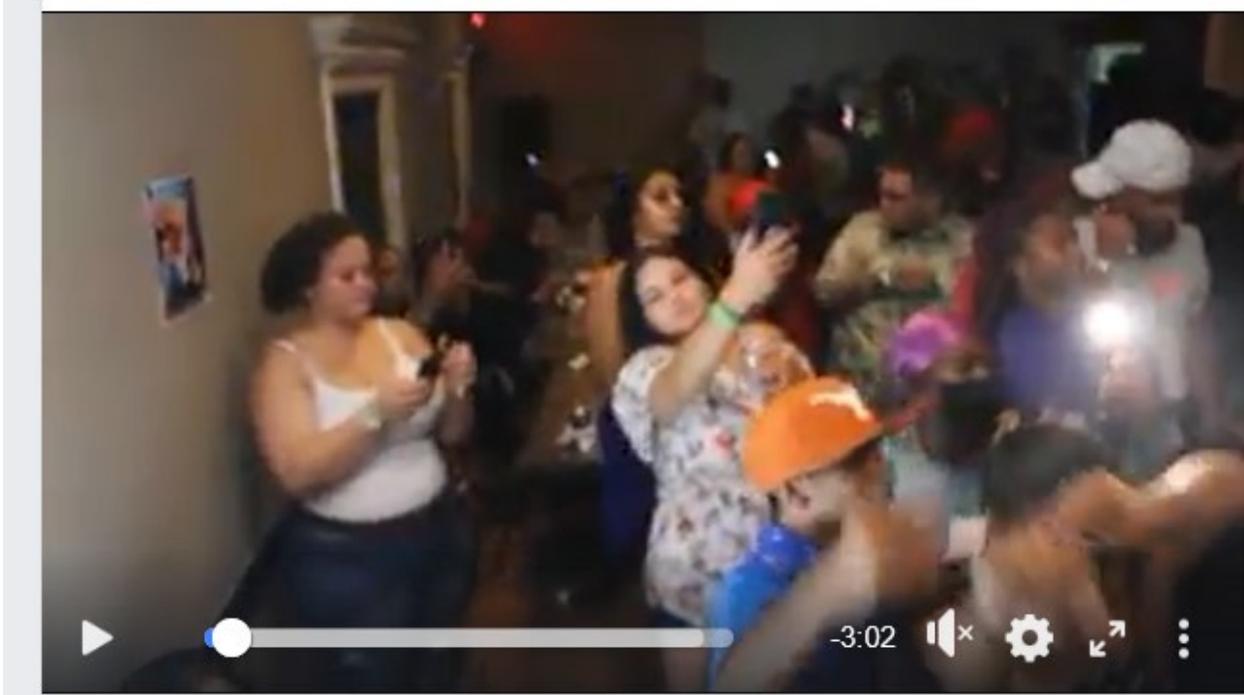
8/2/2020 Citizen Complaint to PD-Stills of Submitted Facebook Video



8/2/2020 Citizen Complaint to PD-Stills of Submitted Facebook Video



8/2/2020 Citizen Complaint to PD-Stills of FB Video



8/2/2020 Citizen Complaint to PD-Stills of Submitted Facebook Video





CUP-20-13 (Longhorn Daiquiris)

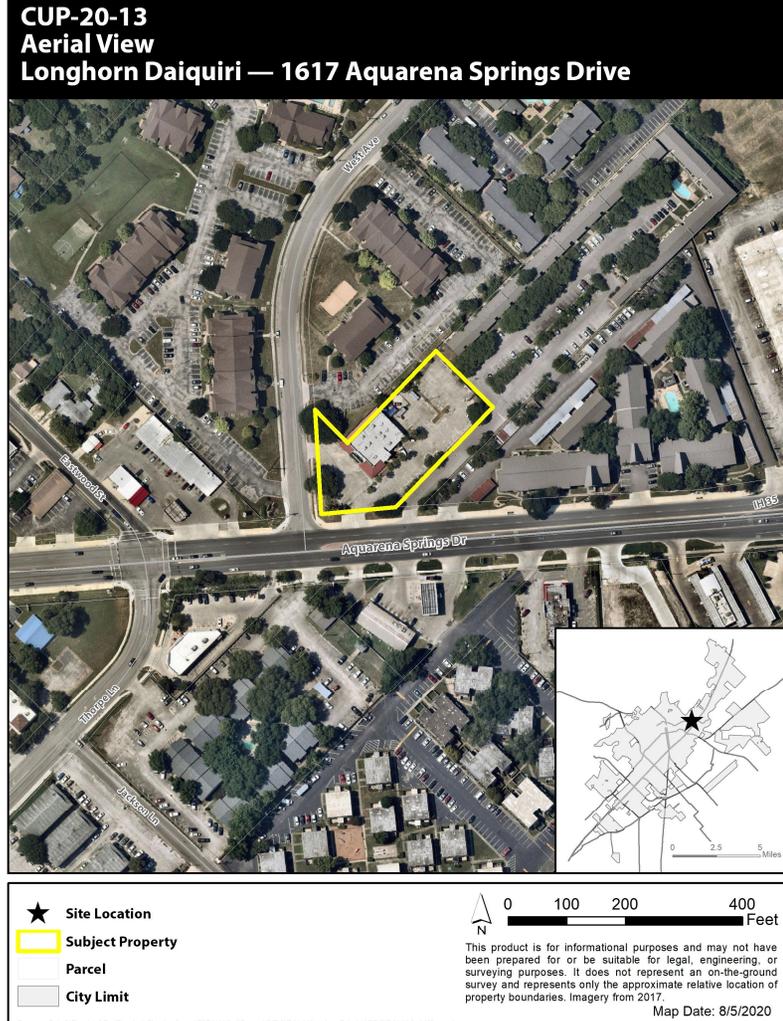
Hold a public hearing and consider a request by Andrea Villescaz on behalf of G&S Development LLP, for a a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 1617 Aquarena Springs Drive (S. Caldwell).





Location:

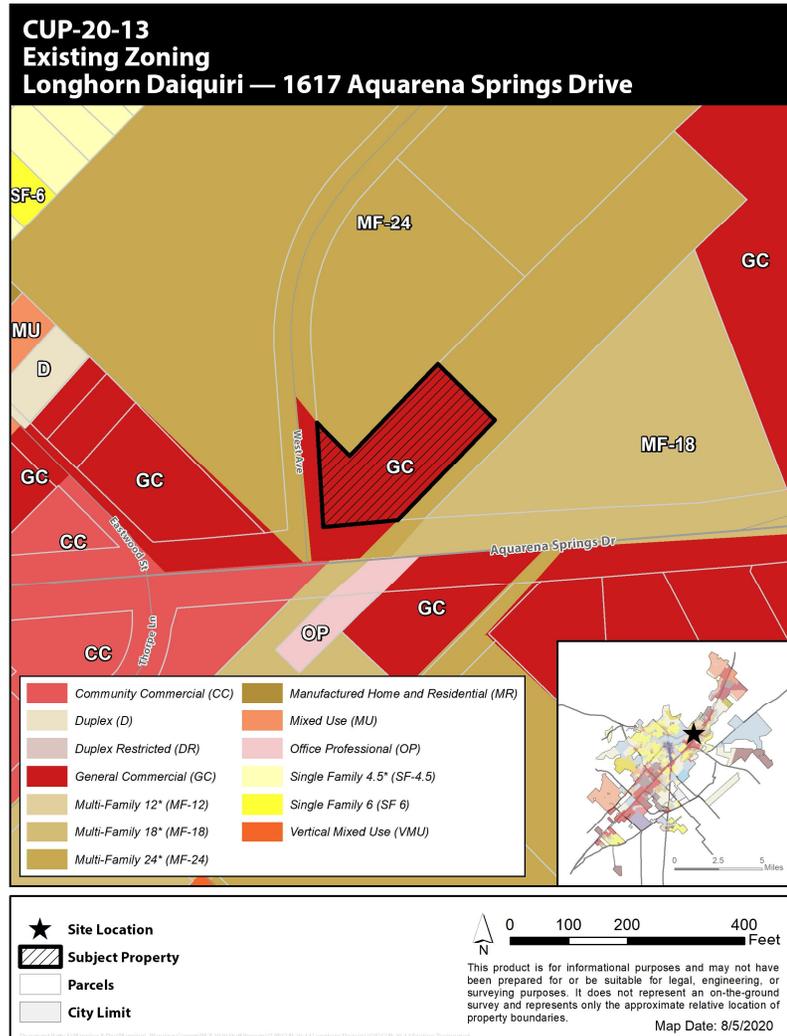
- Property is located at the intersection of West Avenue and Aquarena Springs Drive
- Located within an Existing Neighborhood and the Midtown Entertainment Medium Intensity Zone as designated on the Preferred Scenario Map.

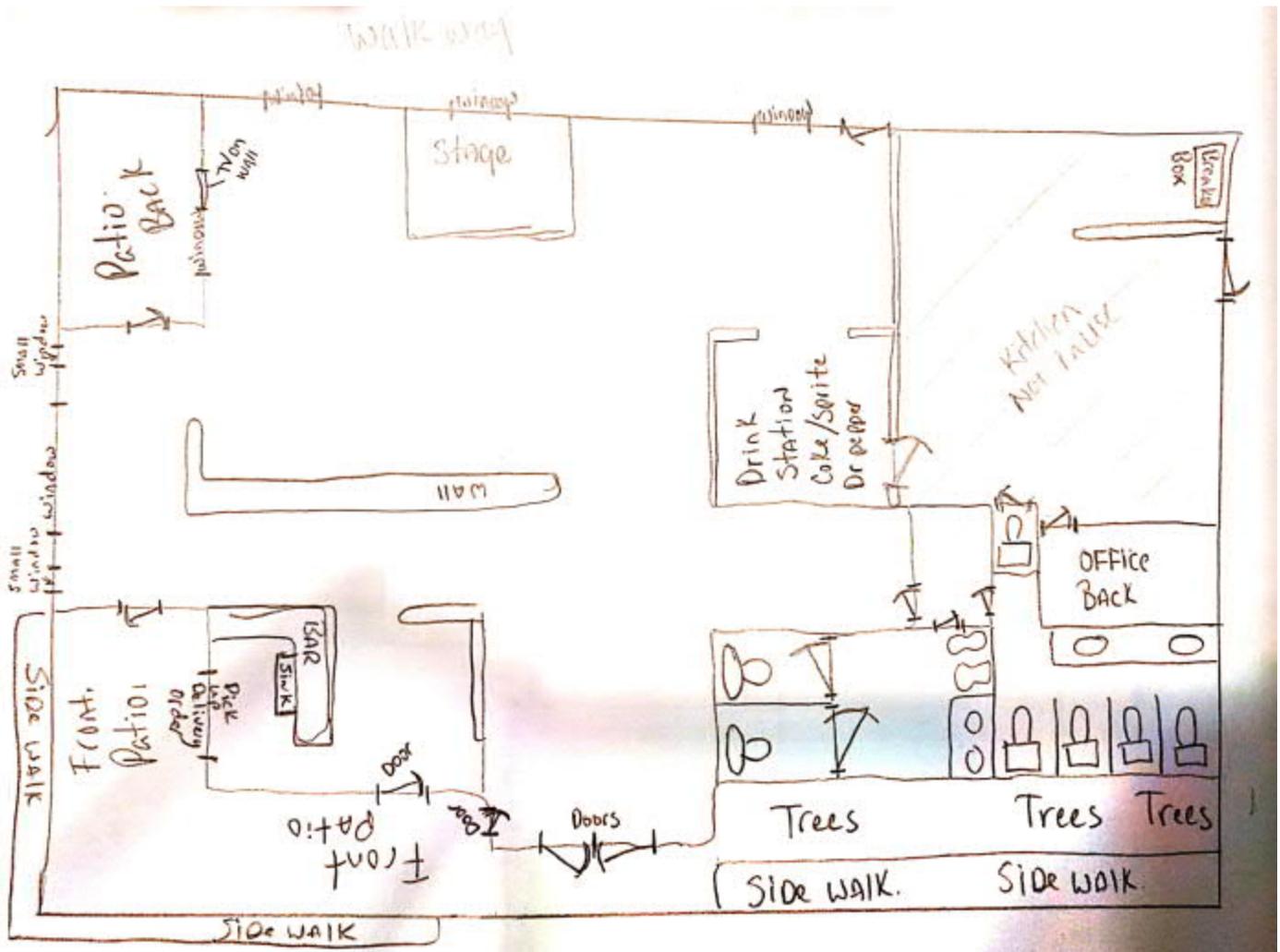




Context & History:

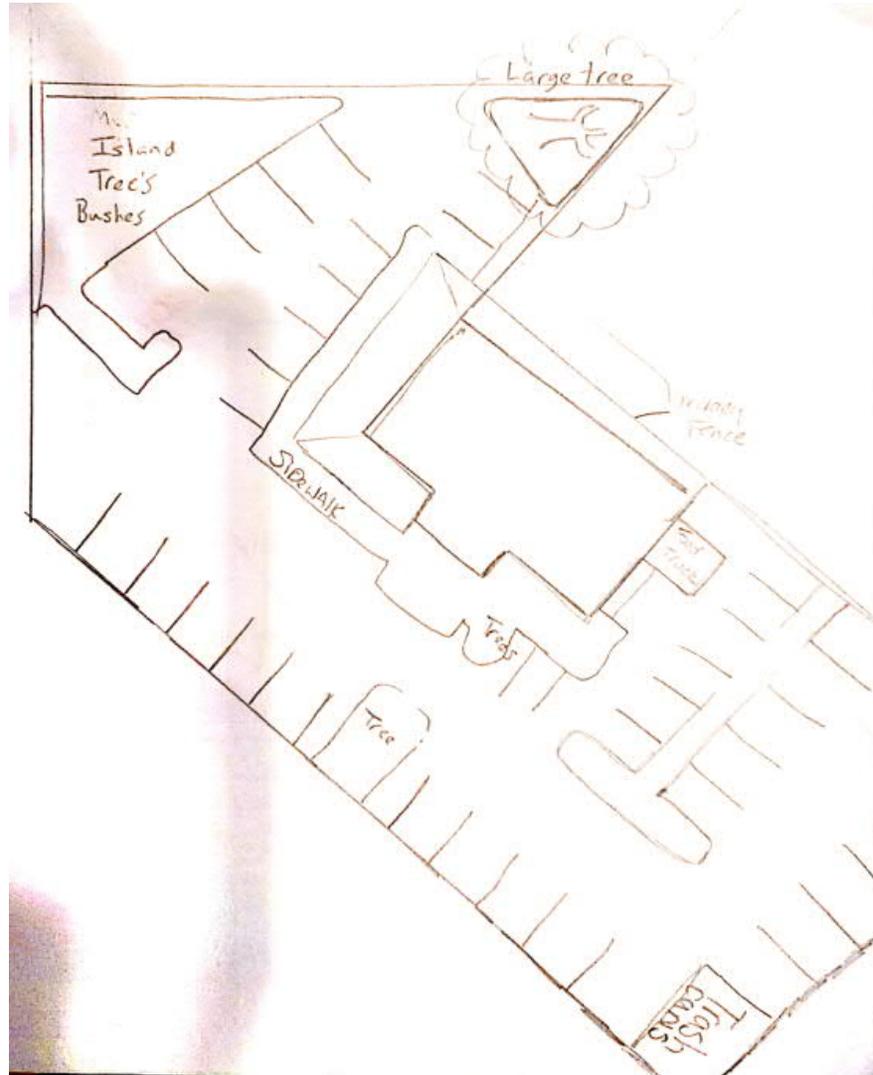
- ~6,080 square foot restaurant
 - 4,800 square foot interior space
 - 1,280 square foot patio
- Seating
 - 150 indoor seats, 60 outdoor seats
- Hours
 - Sunday – Wednesday
12 p.m. to 10 p.m.
 - Thursday
12 p.m. to 11 p.m.
 - Friday - Saturday
12 p.m. to 1 a.m.





SAN MARCOS

Site Plan





Recommendations:

Staff provides this request to the Commission for your consideration and recommends **DENIAL** of the Conditional Use Permit.

Alternatively, should the Commission choose to approve the request, staff recommends the following conditions:

1. The permit shall be valid for six (6) months, provided standards are met,
2. The permit shall be effective upon both the issuance of the TABC permit as described in this report only and completion of a functioning kitchen that meets all TABC license requirements and Environmental Health requirements to allow for food preparation,
3. The establishment shall meet all COVID orders and guidelines pertaining to bars and restaurants when in effect, including requirements for face coverings, social distancing, and seating capacity,
4. No alcoholic beverages may be consumed on premises after the posted hours of operation,
5. No outdoor live or amplified music shall be allowed, and
6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.



Legislation Text

File #: CUP-20-16, **Version:** 1

AGENDA CAPTION:

CUP-20-16 (Stellar Coffee Co) Hold a public hearing and consider a request by Keith Myrick, on behalf of Stellar Coffee, for a renewal of an Unrestricted Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 232 N LBJ Dr, Ste 101 (T. Carpenter).

Meeting date: September 22, 2020

Department: Planning & 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]

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:

This suite was previously occupied by Dahlia Woods art gallery which was granted an Unrestricted CUP in 2016 to allow on-premise consumption of beer and wine. This permit was subsequently renewed in 2017 for three years.

In 2019, Stellar Coffee applied for and was granted an administrative name change of the CUP which did not affect the original expiration date. Since the business holds an unrestricted conditional use permit, the sale of food is not required. However, the business has maintained a “blue” gun sign permit through TABC which indicates that alcohol sales consist of less than 51% of the business’s revenue.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** of the Conditional Use Permit with the following conditions:

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

Conditional Use Permit	232 N LBJ Drive
CUP-20-16	Stellar Coffee Co



Summary

Request:	Renewal of an Unrestricted Conditional Use Permit for the sale of beer and wine for on-premises consumption.		
Applicant:	Keith Myrick Stellar Coffee Co 5918 Keller Ridge New Braunfels, TX 78132	Property Owner:	John Slack 912 Naranjo Dr Georgetown, TX 78628
CUP Expiration:	September 22, 2020	Type of CUP:	Unrestricted Beer and Wine
Interior Floor Area:	1200 sq ft	Outdoor Floor Area:	0 sq ft
Parking Required:	0 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Monday - Friday: 7am-10pm Saturday & Sunday: 8am – 10pm		

Notification

Application:	N/A	Neighborhood Meeting:	N/A
Published:	N/A	# of Participants:	N/A
Posted:	September 4, 2020	Personal:	September 4, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Part of lot 6, block 7 of the Original Town of San Marcos		
Location:	N LBJ Drive south of Hutchison Street		
Acreage:	0.0709 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	CD-5D
Existing Use:	Coffee Shop	Proposed Use:	Same
Preferred Scenario:	Downtown High Intensity	Proposed Designation:	Downtown High Intensity
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Commercial	Downtown High Intensity
South of Property:	CD-5D	Commercial	Downtown High Intensity
East of Property:	CD-5D	Commercial	Downtown High Intensity
West of Property:	CD-5D	Commercial	Downtown High Intensity

Conditional Use Permit	232 N LBJ Drive
CUP-20-16	Stellar Coffee Co



Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	<input checked="" type="checkbox"/>	Denial
1. Permit shall be valid for three (3) years, provided standards are met, and 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.				
Staff: Tory Carpenter, AICP, CNU-A	Title : Planner		Date: September 15, 2020	

History

This suite was previously occupied by Dahlia Woods art gallery which was granted an Unrestricted CUP in 2016 to allow on-premise consumption of beer and wine. This permit was subsequently renewed in 2017 for three years.

In 2019, Stellar Coffee applied for and was granted an administrative name change of the CUP which did not affect the original expiration date.

Additional Analysis

Since the business holds an unrestricted conditional use permit, the sale of food is not required. Also, the business has maintained a “blue” gun sign permit through TABC which indicates that alcohol sales consist of less than 51% of the business’s revenue.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Conditional Use Permit	232 N LBJ Drive
CUP-20-16	Stellar Coffee Co

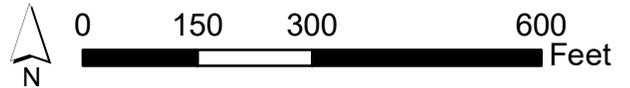


Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		<u>X</u>	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		<u>N/A</u>	The proposed use is consistent with any adopted neighborhood character study for the area. <i>Studies were not complete at the time of this request</i>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
<u>X</u>			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.
<u>X</u>			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.
		<u>X</u>	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.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
<u>X</u>			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.
<u>X</u>			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.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital as outlined in section 5.1.5.5.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5(E)(3).

CUP-20-16 Aerial View Stellar Coffee — 232 N. LBJ Dr.



- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



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. Imagery from 2017.

Map Date: 9/1/2020

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)



Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	Keith Myrick	Property Owner	John Slack
Company	Stellar Coffee Co	Company	
Applicant's Mailing Address	5918 Keller Ridge New Braunfels, TX 78132	Owner's Mailing Address	
Applicant's Phone #	713-410-8811	Owner's Phone #	830-255-8733
Applicant's Email	keith@Kendisonhomes.com	Owner's Email	

PROPERTY INFORMATION

Subject Property Address: 232 N. LBJ Ste 101
 Zoning District: CD5D Tax ID #: R 128462
 Legal Description: Lot _____ Block _____ Subdivision _____
 Number of Parking Spaces: _____
 Is property more than 300' from church, school, hospital, or residential district? Y N

DESCRIPTION OF REQUEST

Business Name: Stellar Coffee Co Restaurant Bar Other: coffee shop
 NEW RENEWAL/AMENDMENT Mixed Beverage Beer & Wine Late Hours
 Hours of Operation(ex. Mon 12pm-1am): Mon _____ Tue _____ Wed _____
 Thurs _____ Fri _____ Sat _____ Sun _____
 Indoor Seating Capacity: 80 Outdoor Seating Capacity: 0 Gross Floor Area: 1200

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 793*	Technology Fee \$13	TOTAL COST \$806
Renewal/Amendment Filing Fee \$423*	Technology Fee \$13	TOTAL COST \$436

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

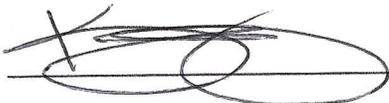
Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

**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 \$91 plus a \$13 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 \$91 plus a \$13 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: 9-3-2020 _____

Print Name: Kent Myrick _____

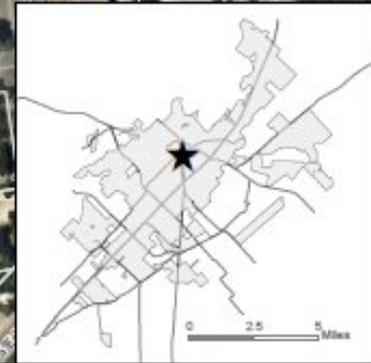
Form Updated October, 2019

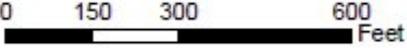
CUP-20-16 (Stellar Coffee Co)

Hold a public hearing and consider a request by Keith Myrick, on behalf of Stellar Coffee, for a renewal of an Unrestricted Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 232 N LBJ Dr, Ste 101 (T. Carpenter).

Location:

- Located downtown on LBJ Drive south of Hutchison Street
- Located within a High Intensity Zone as designated on the Preferred Scenario Map.

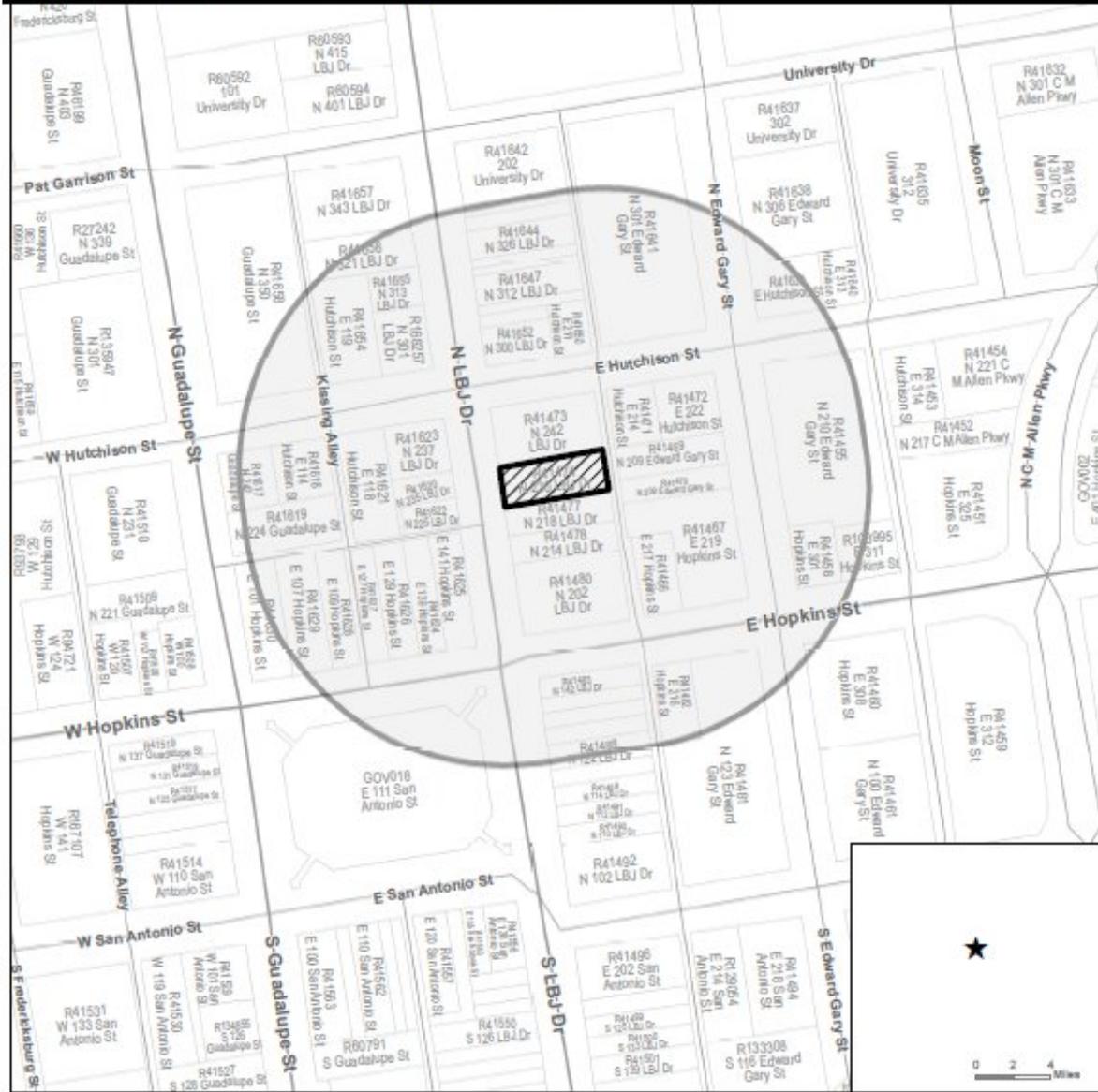


<ul style="list-style-type: none">  Site Location  Subject Property  Parcel  City Limit 	  <p>This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.</p> <p>Map Date: 9/1/2020</p>
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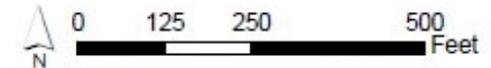
Context & History:

- ~1200 square coffee shop
- Seating
 - 80 indoor seats
- Hours
 - Monday – Friday
7 a.m. to 10:00 p.m.
 - Saturday – Sunday
8 a.m. to 10:00 p.m.
- Administrative name change from Dahlia Woods in 2019

CUP-20-16 400' Notification Buffer Stellar Coffee — 232 N. LBJ Dr.



- ★ Site Location
- ▨ Subject Property
- ◻ 400' Buffer
- ◻ Parcel
- ◻ City Limit



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.

Map Date: 9/1/2020

Recommendations:

Staff provides this request to the Commission for your consideration and recommends **approval** of the Conditional Use Permit with the following conditions:

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



Legislation Text

File #: ZC-20-12, **Version:** 1

AGENDA CAPTION:

ZC-20-12 (Steen Road) Hold a public hearing and consider a request by Mike Siefert, on behalf of LOP/SM Properties LLC for a Zoning Change from Future Development (FD) to Single Family 6 (SF-6), for approximately 14.71 acres out of the J.W. Berry Survey, located near N LBJ Drive and Steen Road. (T. Carpenter)

Meeting date: September 22, 2020

Department: Planning & 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: 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:

This property was annexed in 2015 as part of a City-initiated annexation. The property maintained the default zoning district of Future Development. The applicant has stated that their intention is to entitle the property to sell.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** of the request as submitted.

Zoning Request	Steen Road
ZC-20-12	



Summary

Request:	Zoning change from Future Development “FD,” to Single Family 6 “SF-6”		
Applicant:	Mike Siefert Lookout Partners, L.P. 1789 S Bagdad Rd #104 Leander, TX 78641	Property Owner:	Lookout Partners, L.P. 1789 S Bagdad Rd #104 Leander, TX 78641

Notification

Application:	August 26, 2020	Neighborhood Meeting:	August 31, 2020
Published:	September 6, 2020	# of Participants	0
Posted:	September 4, 2020	Personal:	September 4, 2020
Response:	Opposition: 4 In support: 1		

Property Description

Legal Description:	14.71 acres out of the J.W. Berry Survey		
Location:	Near N LBJ Drive and Steen Road		
Acreage:	14.71 acres	PDD/DA/Other:	N/A
Existing Zoning:	Pick One	Proposed Zoning:	Pick one or N/A
Existing Use:	Say Something	Proposed Use:	Say Something or Same
Existing Occupancy:	Restrictions Apply	Occupancy:	Restrictions Apply
Preferred Scenario:	Existing Neighborhood	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	3
Utility Capacity:	By Developer	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Vacant	Low Intensity
South of Property:	SF-6	Single Family	Existing Neighborhood
East of Property:	AR	Single Family	Existing Neighborhood / Open Space
West of Property:	SF-6	Single Family	Existing Neighborhood

Zoning Request	Steen Road
ZC-20-12	



Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Alternate Approval	<input type="checkbox"/>	Denial
Staff: Tory Carpenter, AICP, CNUA-A Title : Planner Date: September 15, 2020					

History

This property was annexed in 2015 as part of a City-initiated annexation. The property maintained the default zoning district of Future Development. The applicant has stated that their intention is to entitle the property to sell.

Additional Analysis

The development will take access from N LBJ Drive. To meet minimum block perimeter requirements, streets must extend through the site for future connections.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Zoning Request	Steen Road
ZC-20-12	



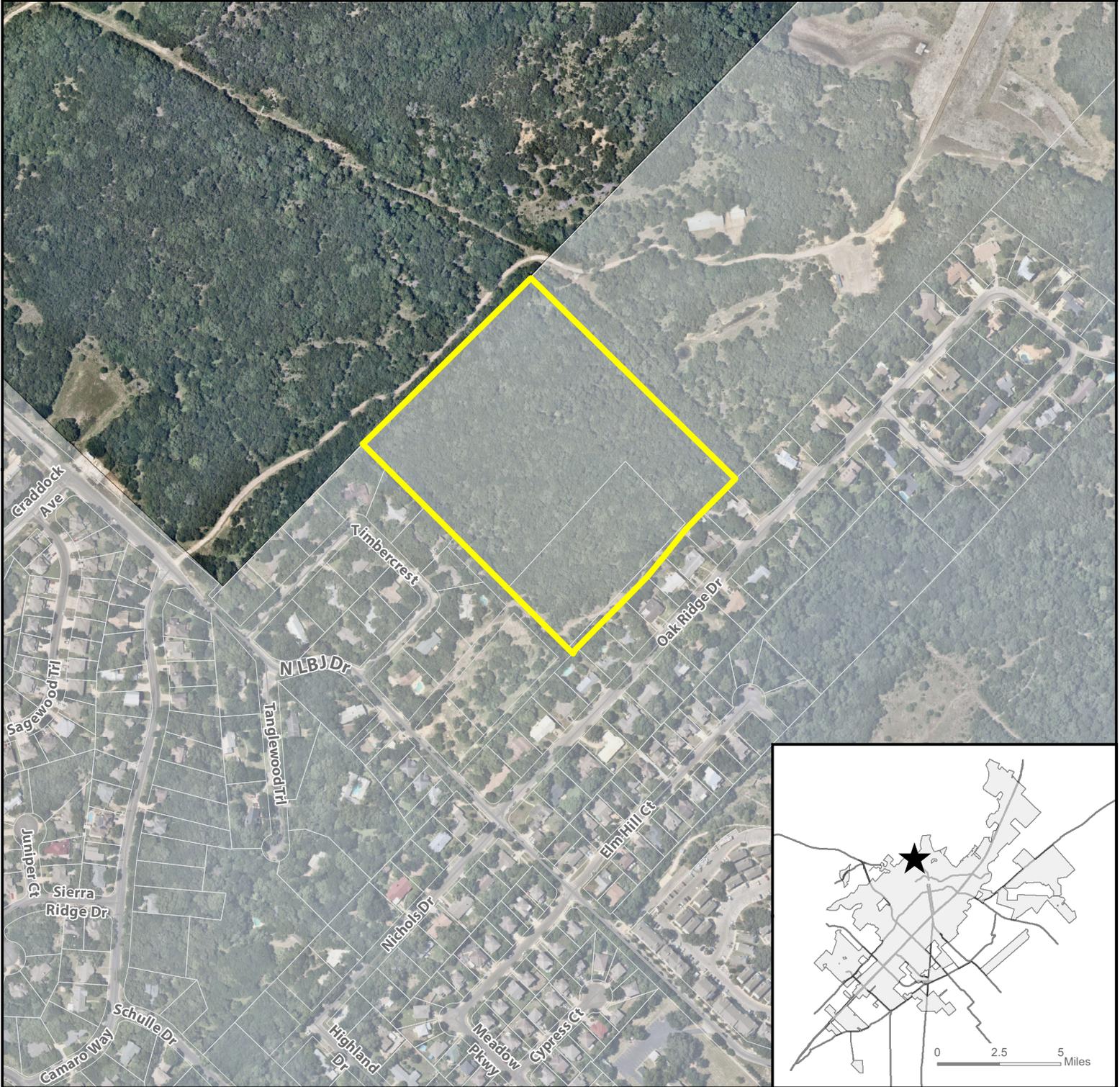
Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <i>SF-6 is a "Considered" zoning district per Table 4.1.</i>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <i>Studies were not complete at the time of this request.</i>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>There are no development agreements associated with this site.</i>
<u>X</u>			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 <i>This use is consistent with surrounding development.</i>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <i>The predominant surrounding zoning is also SF-6. This zoning change should reinforce the existing character of the area as it is consistent.</i>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <i>While this site is over the Edwards Aquifer Recharge Zone, it can be developed with no more than 20% impervious cover.</i>
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>Since the property is currently zoned FD, it allows for two-acre single-family lots. These would be much larger than those of the surrounding area and would limit the ability to provide for a more compact development.</i>
<u>X</u>			Whether there is a need for the proposed use at the proposed location <i>The rezoning would increase housing availability.</i>

Zoning Request	Steen Road
ZC-20-12	

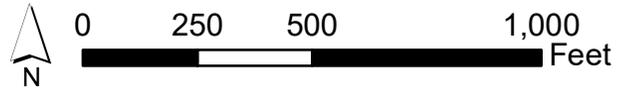


Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development</p> <p><i>Roads and utility infrastructure will be required to extend into and through the development at the developer's cost.</i></p>
<u>X</u>			<p>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</p> <p><i>The proposed use is consistent with adjacent uses.</i></p>
		<u>N/A</u>	<p>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</p> <p><i>This is not a request for a Neighborhood Density District.</i></p>
<u>X</u>			<p>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</p> <p><i>Residential homes are appropriate for this site.</i></p>
<u>X</u>			<p>Any other factors which shall substantially affect the public health, safety, morals, or general welfare</p> <p><i>None noted.</i></p>

ZC-20-12 Aerial View FD to SF-6 — Steen Road



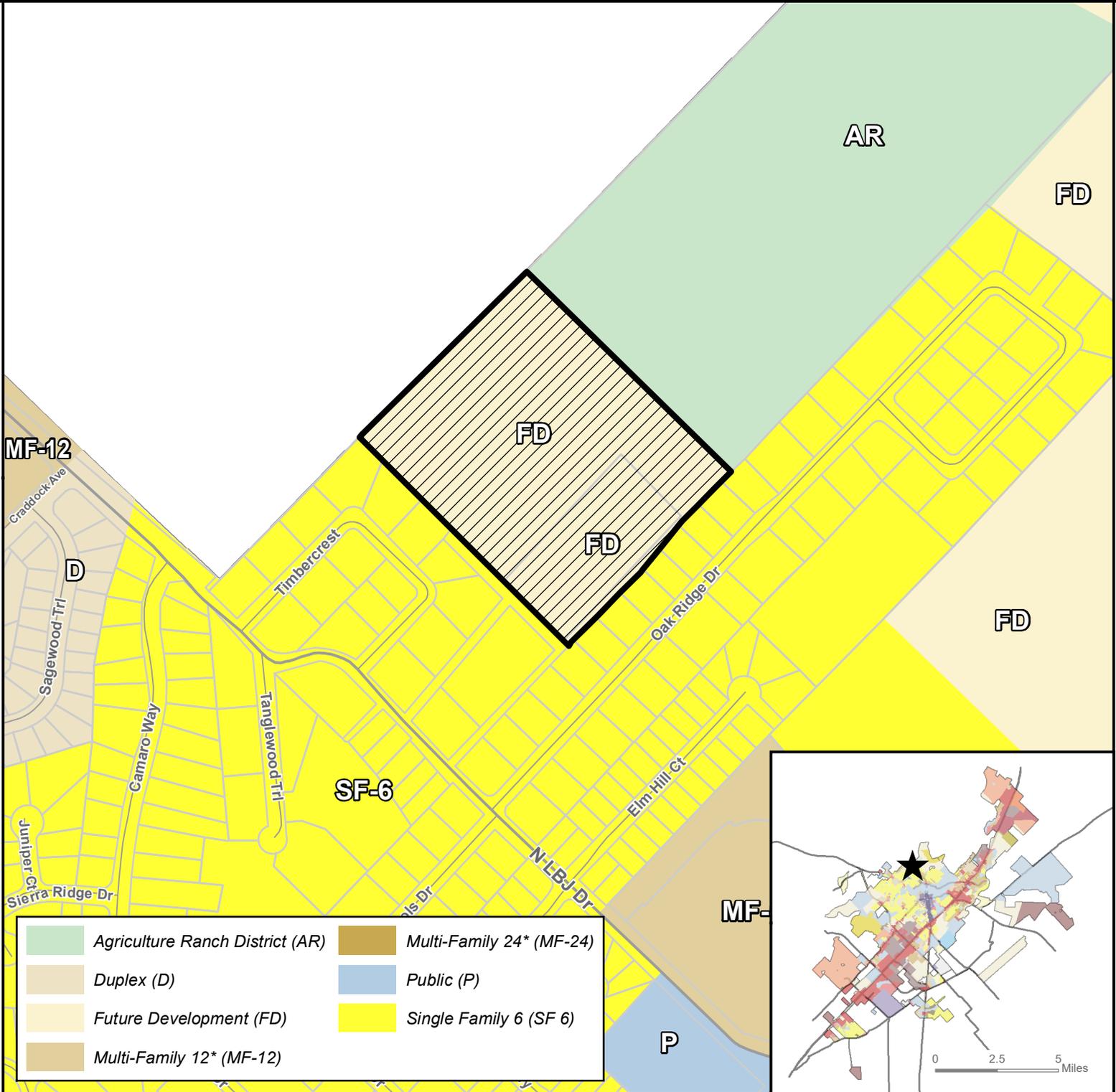
-  **Site Location**
-  **Subject Property**
-  **Parcel**
-  **City Limit**



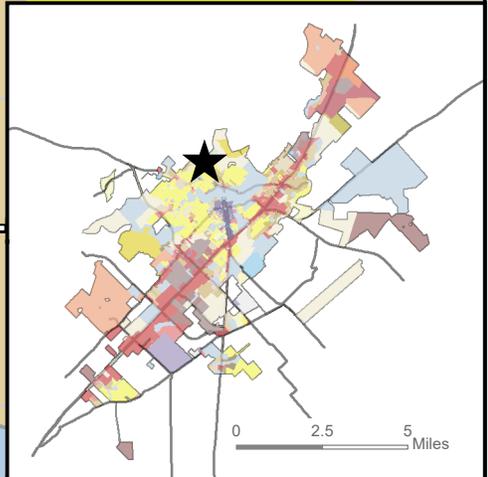
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 9/1/2020

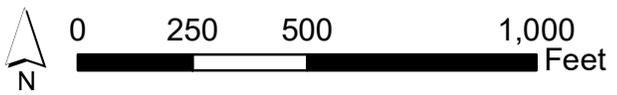
ZC-20-12 Existing Zoning FD to SF-6 — Steen Rd



	Agriculture Ranch District (AR)		Multi-Family 24* (MF-24)
	Duplex (D)		Public (P)
	Future Development (FD)		Single Family 6 (SF 6)
	Multi-Family 12* (MF-12)		



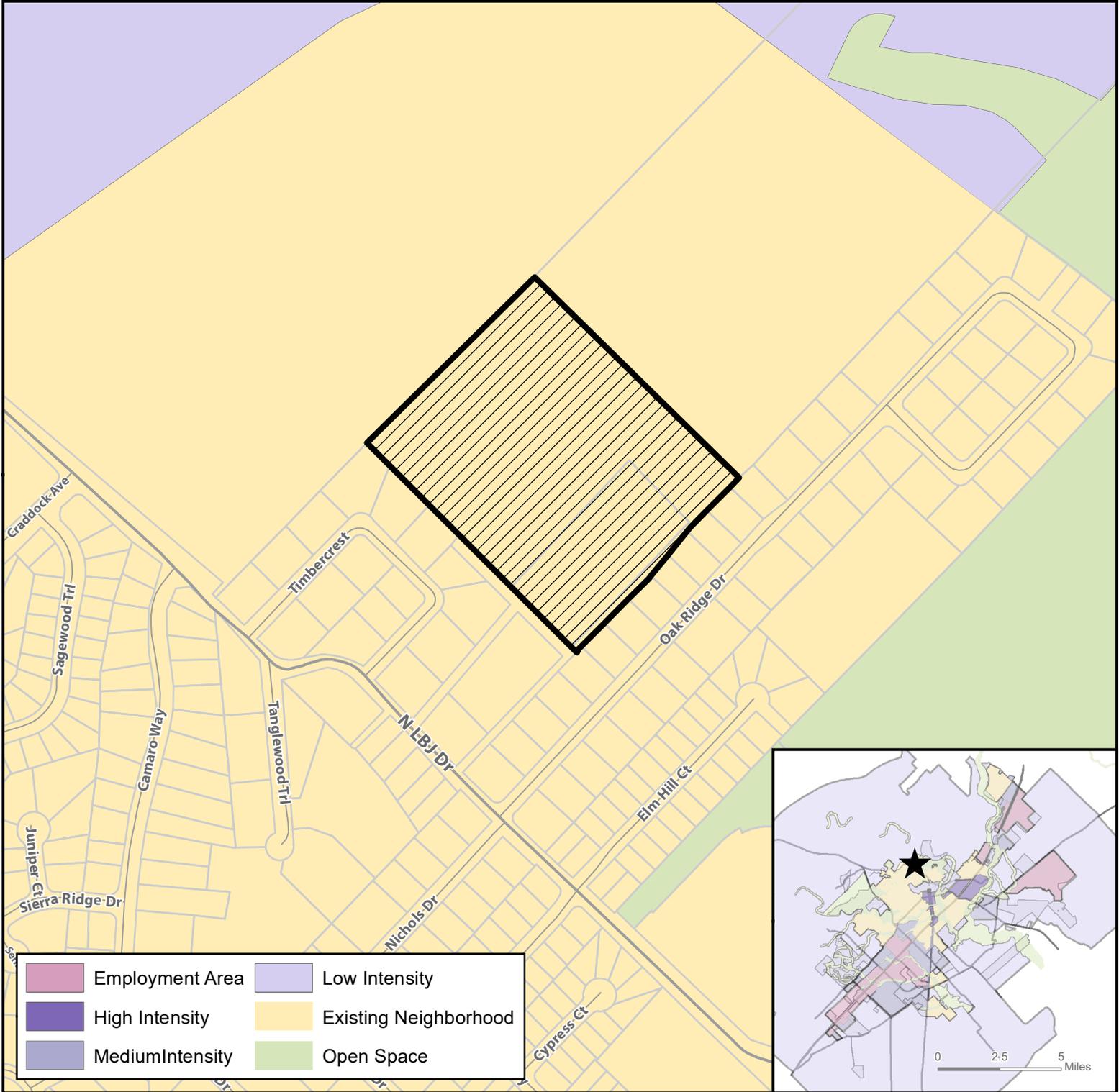
- Site Location**
- Subject Property**
- Parcels**
- City Limit**



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.

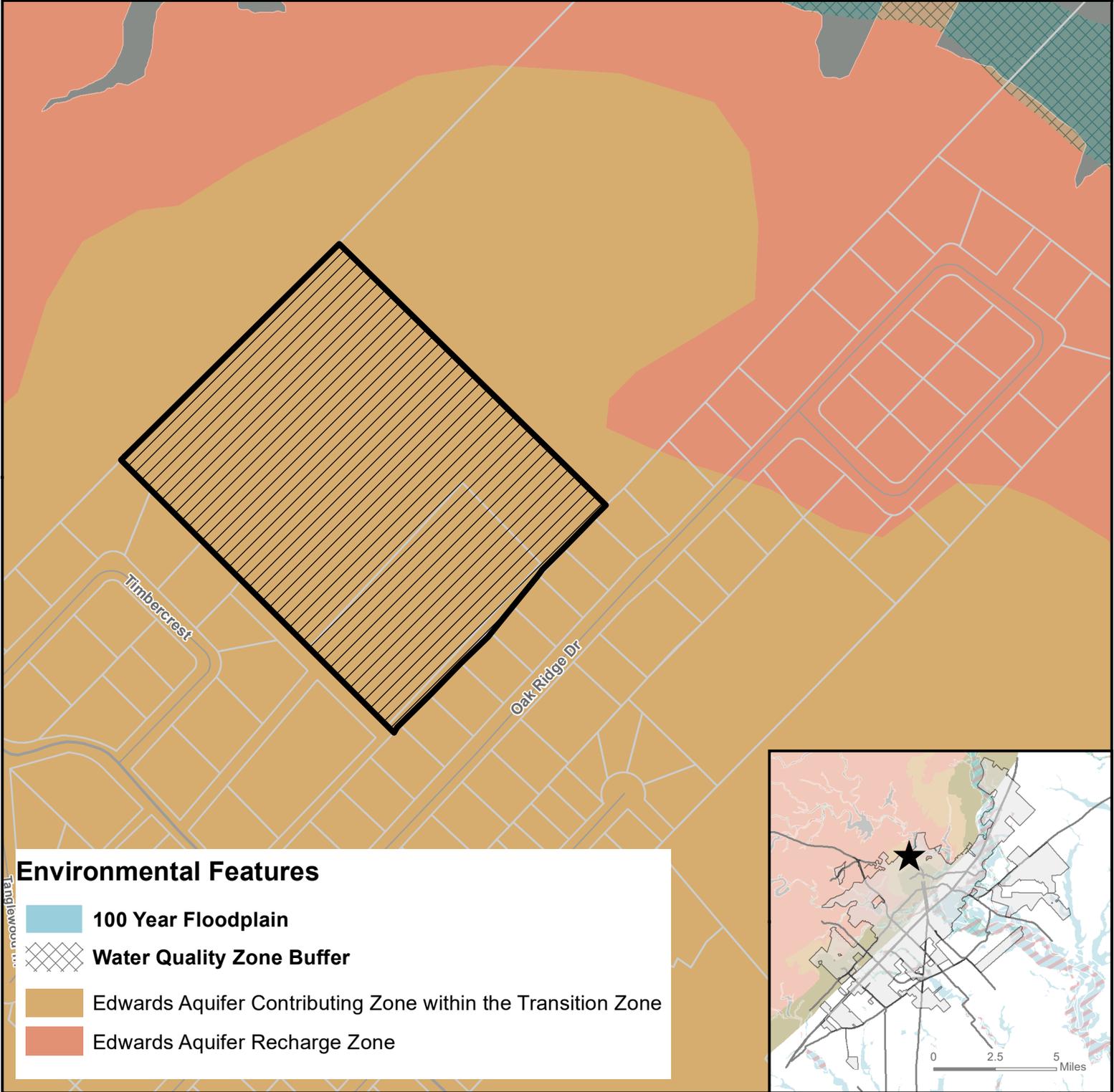
Map Date: 9/1/2020

ZC-20-12 Preferred Scenario FD to SF-6 — Steen Rd



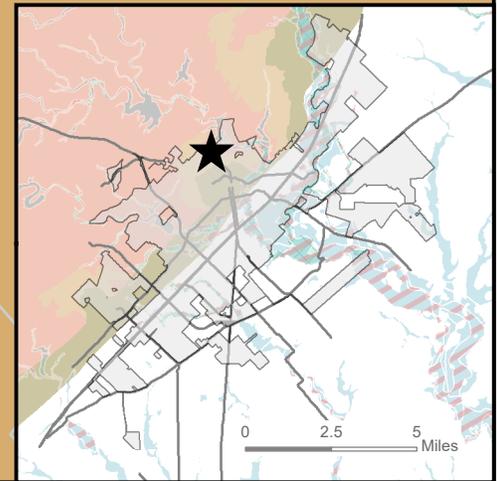
	Site Location		0	250	500	1,000	Feet
	Subject Property	<p>This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.</p> <p style="text-align: right;">Map Date: 9/4/2020</p>					
	Parcels						
	City Limit						

ZC-20-12 Environmental Features FD to SF-6 — Steen Rd



Environmental Features

-  100 Year Floodplain
-  Water Quality Zone Buffer
-  Edwards Aquifer Contributing Zone within the Transition Zone
-  Edwards Aquifer Recharge Zone



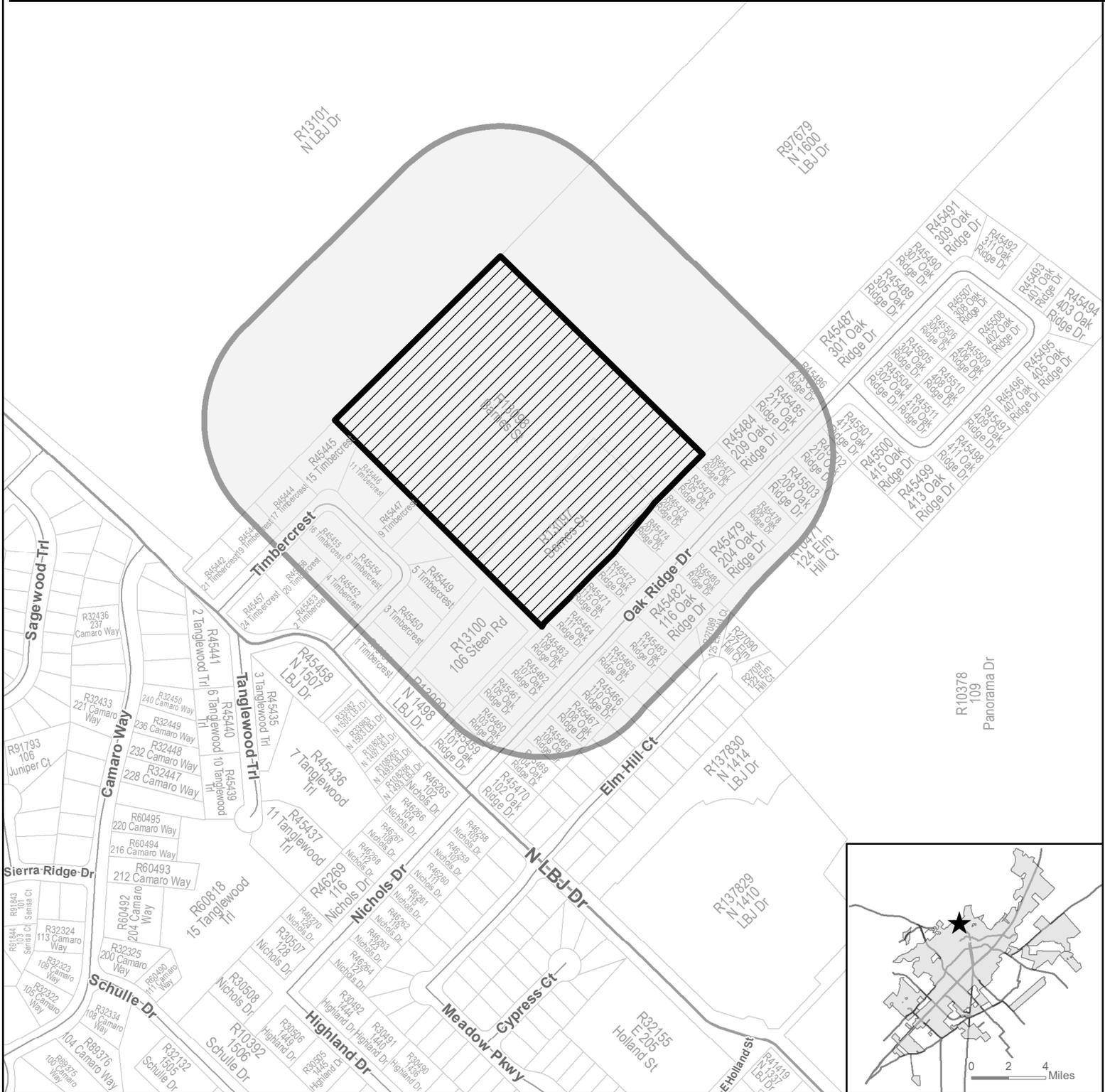
-  Site Location
-  Subject Property
-  Parcels
-  City Limit



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.

Map Date: 9/4/2020

ZC-20-12 400' Notification Buffer FD to SF-6 — Steen Rd.



Site Location
 Subject Property
 400' Buffer
 Parcel
 City Limit

0 250 500 1,000 Feet

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.

Map Date: 9/1/2020

Notification List ZC-20-12

ParcelID	OwnerName	Site Address	Address1	Address2	City	State	Zip
R45480	ANDERSON, ALFRED ENOCH	202 OAK RIDGE DR	202 OAK RIDGE DR		SAN MARCOS	TX	78666
R45452	AYCOCK BILLY W & ESTATE OF JANE E	4 TIMBER CREST	2867 ARROYO DOBLE		SAN MARCOS	TX	78666-1006
R45486	BOGGUS, ROBERT F	213 OAK RIDGE DR	122 DAWNS EDGE DR		MONTRMERY	TX	77356
R45467	BROUSSARD WILLIE R JR & SHIRLEY A REVOCABLE LIVING TRUST	108 OAK RIDGE DR	1325 HENNING DR		SULPHUR	LA	70663
R45469	BURTON, CARRIE F	104 OAKRIDGE DR	104 OAKRIDGE DR		SAN MARCOS	TX	78666-3008
R45450	CALDWELL DANIEL & MELONIE J	3 TIMBERCREST ST	3 TIMBERCREST ST		SAN MARCOS	TX	78666-3017
R45471	CASSEB JOHN BERTETTI	115 OAK RIDGE DR	635 EAST SUMMIT DRIVE		WIMBERLEY	TX	78676
R45476	CHRISTENSEN GAIL F TRUSTEE	205 OAK RIDGE DR	15011 PUNTA RASSA RD	APT 404	FORT MYERS	FL	33908-2738
R45456	CLARK JANET A	20 Timber Crest	147 OXFORD CT		INDIALANTIC	FL	32903-2746
R45455	COX, JONATHAN F	16 TIMBERCREST ST	16 TIMBERCREST ST		SAN MARCOS	TX	78666-3018
R27083	DELOACH MARK D & ARLIS BERNADETTE	111 ELM HILL CT	1512 WHELESS LN	APT 100	AUSTIN	TX	78723-1101
R45454	ELLIOTT ROBERT & COLLEENE	6 TIMBERCREST ST	6 TIMBERCREST ST		SAN MARCOS	TX	78666-3018
R45446	EURE JACK D JR LIV TRUST	11 TIMBER CREST	EURE JACK D JR TRSTE	11 TIMBER CREST	SAN MARCOS	TX	78666
R27090	FERNANDEZ EZEKIEL MARK & CAROL	125 ELM HILL CT	125 ELM HILL CT		SAN MARCOS	TX	78666-3028
R45445	GILBERT, GEORGE	15 TIMBER CREST	15 TIMBER CREST		SAN MARCOS	TX	78666
R45502	GONZALEZ GENARO JR & LORI A	210 OAK RIDGE DR	210 OAK RIDGE DR		SAN MARCOS	TX	78666
R45473	GROEGER, ALAN	119 OAK RIDGE DR	119 OAK RIDGE DR		SAN MARCOS	TX	78666
R27084	GUAJARDO GUILLERMO JR &	113 ELM HILL CT	GONZALES CYNTHIA I	113 ELM HILL CT	SAN MARCOS	TX	78666
R45459	HEFNER MARY LEA	101 OAKRIDGE DR	101 OAKRIDGE DR		SAN MARCOS	TX	78666-3007
R27085	HERNANDEZ BAASOLO LIVING TRUST	115 ELM HILL CT	CHAHO ELIAS B & HERNANDEZ EVA N TRUSTEES	417 KENSINGTON DR	MADISON	WI	53701
R27080	HORNE, F R & L M LIVING TRUST	204 OAK RIDGE DR	Attn: HORNE FRANCIS R & LINDA M TRUSTEES	204 OAK RIDGE DR	SAN MARCOS	TX	78666-3010
R45463	HOUSE, JULIE ANNE GARRETT	109 OAK RIDGE DR	109 OAK RIDGE DR		SAN MARCOS	TX	78666
R97679	HUGHSON, JANE GARNETTE	1600 N LBJ DR	1600 N LBJ DR		SAN MARCOS	TX	78666
R45447	HURT, CHARLES R	9 TIMBER CREST	9 TIMBER CREST		SAN MARCOS	TX	78666
	CONA REP Jennifer Katz	CONA Rep					
R45475	JENSEN JENNIFER & CALEB	203 OAK RIDGE DR	203 OAK RIDGE DR		SAN MARCOS	TX	78666
R45462	KELLER TIMOTHY ALAN & BOYCE CHRISTINA K A	107 OAK RIDGE DR	460 STEVENS AVE		RATON	NM	87740
R27082	KOUHANA NATHAN	109 ELM HILL CT	109 ELM HILL CT		San Marcos	TX	78666
R45460	LAMBERT JOHN D JR & DORIS C LIVING TRUST	103 OAKRIDGE DR	103 OAKRIDGE DR		SAN MARCOS	TX	78666
R45482	LAS FRENTES RANCH LTD	116 OAK RIDGE DR	P O BOX 450309		LAREDO	TX	78045-0309
R45465	LEGARE JOCELYN L	112 OAKRIDGE DR	112 OAKRIDGE DR		SAN MARCOS	TX	78666-3008
R45468	LIGHTHOUSE KATHERINE P (ESTATE)	106 OAK RIDGE DR	% TRANSIER LYNDA L (IND EXE)	1610 HAZARD ST	HOUSTON	TX	77019-5308
R13098	LOP/SM PROPERTIES LLC	STEEN RD	2370 RICE BLVD STE 200		HOUSTON	TX	77005
R45485	MANFORD LA RUE C TRUST	211 OAK RIDGE DR	% LA RUE COOK MANFORD	1402 WILSHIRE BLVD	AUSTIN	TX	78722
R45461	MARTINEZ ANGELICA ALEGRIA &	105 OAK RIDGE DR	ANGELICA DIAZ IRREVOCABLE TRUST	105 OAK RIDGE DR	SAN MARCOS	TX	78666
R45449	MEDINA, RICHARD R & NAOMI R	5 TIMBERCREST ST	5 TIMBERCREST ST		SAN MARCOS	TX	78666-3017
R45466	MOERKE ROBERT C & MARY ANN	110 OAK RIDGE DR	110 OAK RIDGE DR		SAN MARCOS	TX	78666
R45478	MONTONDON LUCILLE M & MARCUS J	206 OAK RIDGE DR	206 OAK RIDGE DR		SAN MARCOS	TX	78666
R45451	OSBORNE RANDALL E & DIANE M	1 TIMBER CREST	1 TIMBER CREST		SAN MARCOS	TX	78666
R45484	PEARCE LIVING TRUST	209 OAK RIDGE DRIVE	PEARCE MICHAEL L & JANE V TRUSTEES	209 OAK RIDGE DRIVE	SAN MARCOS	TX	78666
R27086	PORTER, LINDA SUE	119 ELM HILL CT	P O BOX 422		SAN MARCOS	TX	78667-0422
R45501	RANDOW JOSHUA L & LINDSEY M	417 OAKRIDGE DR	417 OAKRIDGE DR		SAN MARCOS	TX	78666-3025
R45448	SAUNDERS JANE MARIE	7 TIMBERCREST ST	7 TIMBERCREST ST		SAN MARCOS	TX	78666-3017
R45464	SCOTT MILDRED B	111 OAK RIDGE DR	PO BOX 1101		SAN MARCOS	TX	78667-1101
R10471	SEIF, SHERAN	124 ELM HILL CT	124 ELM HILL CT		SAN MARCOS	TX	78666
R45483	SNELL GLORIA HADA	114 OAK RIDGE DR	PO BOX 178		SAN MARCOS	TX	78667-0178
R45474	STERN HAROLD PHILIP ELLIOTT & LEE ELLIOTT	201 OAK RIDGE DR	201 OAK RIDGE DR		SAN MARCOS	TX	78666
R45472	SUTHERLUN JOSHUA C & AMY P	117 OAKRIDGE DR	117 OAKRIDGE DR		SAN MARCOS	TX	78666-3007
R45444	THEISS, LORIN W	17 TIMBER CREST	PO BOX 241		BOERNE	TX	78006-0241
R27081	ULLRICH ERNEST O & MARTHA	107 ELM HILL CT	7152 FM 1624		LEXINGTON	TX	78947
R27087	WALKER, JOHN L	121 ELM HILL CT	121 ELM HILL CT		SAN MARCOS	TX	78666
R45443	WEST FRANCES G	19 TIMBER CREST	% SPEARS SUNDRA L	1920 CORPORATE DR STE 205 B	SAN MARCOS	TX	78666

Future Development (FD) VS. Single Family (SF-6)

Section 5.1.1.2 Land Use Matrix

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
AGRICULTURAL USES																				
Barns or agricultural buildings	P	L	--	--	--	--	--	--	P	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.1
Stables	P	L	--	--	--	--	--	--	--	P	L	--	--	--	P	--	--	--	--	Section 5.1.2.2
Community Garden	P	P	L	L	L	L	L	--	P	P	L	L	L	L	P	P	P	P	P	Section 5.1.2.3
Urban Farm	P	C	C	C	C	L	L	C	P	P	L	L	C	C	P	P	--	P	C	Section 5.1.2.4
Plant Nursery	L	--	--	--	--	--	--	P	--	L	--	--	P	P	P	P	P	--	P	Section 5.1.2.5
ACCESSORY USES AND STRUCTURES																				
Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1
Accessory Dwelling Unit	L	L	L	L	L	L	P	P	--	P	L	P	P	P	--	--	--	--	--	Section 5.1.3.1
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	L	P	--	L	Section 5.1.3.2
Outdoor Display	--	--	--	--	--	--	--	L	--	--	--	--	L	L	P	--	--	--	L	Section 5.1.3.2
Food Truck	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.3.1
Drive-thru or Drive-in	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.3.2
Home Occupation	L	L	L	L	L	L	L	--	--	L	L	L	--	--	--	--	--	--	--	Section 5.1.3.4
Family Home Care	P	P	P	P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.3.5
Short Term Rental	L	L	L	L	L	L	L	P	--	L	L	P	P	P	--	--	--	L	P	Section 5.1.3.6
RESIDENTIAL USES																				
Single Family Detached	P	L	L	L	L	L	L	--	--	P	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Cottage Court	--	--	--	--	--	L	L	--	--	--	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Two Family	--	--	--	--	--	L	L	--	--	--	P	P	--	--	--	--	--	--	--	Section 5.1.4.1
Single Family Attached	--	--	--	--	L	L	L	L	--	--	P	P	P	P	--	--	--	--	--	Section 5.1.4.1
Small Multi-Family (up to 9 units)	--	--	--	--	--	L	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Courtyard Housing (up to 24 units)	--	--	--	--	--	--	L	L	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Multi-family (10 or more units)	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1
Purpose Built Student Housing	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	--	Section 5.1.4.1
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Mobile Home Community	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1

TABLE 5.1 LAND USE MATRIX

TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Community Home	L	L	L	L	L	L	P	P	--	P	P	P	P	P	--	--	--	L	--	Section 5.1.4.12
Fraternity or Sorority Building	--	--	--	--	--	--	C	C	--	--	--	C	P	P	--	--	--	--	--	Section 5.1.4.12
COMMERCIAL USES																				
Professional Office	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	P	--	--	P	Section 5.1.5.1
Medical, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.2
Urgent care, emergency clinic, or hospital	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	--	--	P	Section 5.1.5.2
Nursing/ retirement home	--	--	--	--	--	--	P	P	--	--	--	P	P	P	P	--	--	--	P	Section 5.1.5.2
Personal Services, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (indoor)	C	--	--	--	--	--	--	P	--	--	--	--	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (outdoor)	C	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.3
Funeral Home	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.3
Adult Oriented Businesses	See Section 18, Article 6 of the City Code																			
All Retail Sales, except as listed below:	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.4
Gasoline Sales	--	--	--	--	--	--	--	L	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.4
Truck stop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L	--	--	--	L	Section 5.1.5.4
Tattoo, body piercing	--	--	--	--	--	--	C	C	--	--	--	C	P	P	P	--	--	--	P	Section 5.1.5.4
Building material sales	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	P	P	--	P	Section 5.1.5.4
Vehicle Sales/ Rental	--	--	--	--	--	--	--	C	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.4
Pawnshop	--	--	--	--	--	--	--	C	--	--	--	C	P	P	P	--	--	--	P	Section 5.1.5.4
Restaurant/ Bar, as listed below:																				
Eating Establishment	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.5
Bar	--	--	--	--	--	--	--	C	--	--	--	--	C	C	C	--	--	--	C	Section 5.1.5.5
Mobile Food Court	--	--	--	--	--	--	--	C	--	--	--	--	P	P	--	--	--	--	--	Section 5.1.5.5
Sale of Alcohol for on premise consumption	--	--	--	--	--	--	C	C	--	--	--	C	C	C	C	--	--	--	C	Section 5.1.5.5
Overnight Lodging, as listed below:																				
Bed and Breakfast (up to 8 rooms)	L	C	C	C	C	L	L	P	--	P	C	P	P	P	--	--	--	--	P	Section 5.1.5.6
Boutique Hotel (9 - 30 rooms)	--	--	--	--	--	--	C	P	--	--	--	P	P	P	--	--	--	--	P	Section 5.1.5.6

TABLE 5.1 LAND USE MATRIX

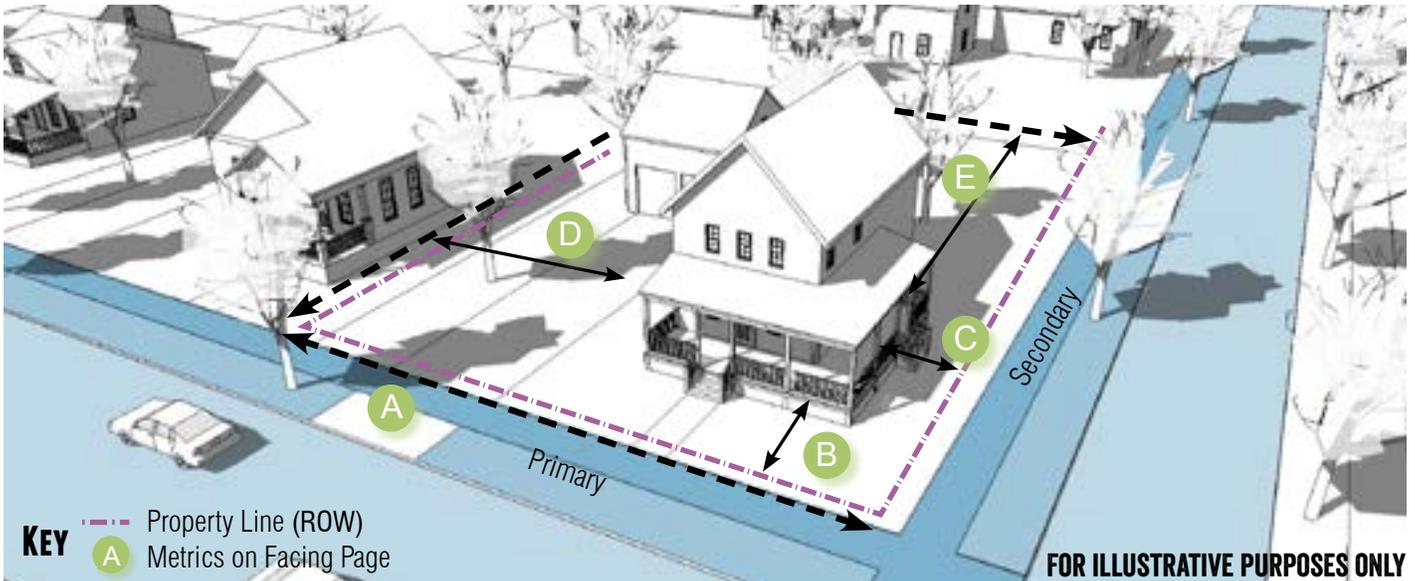
TYPES OF LAND USES	CONVENTIONAL RESIDENTIAL				NEIGHBORHOOD DENSITY DISTRICTS				CHARACTER DISTRICTS						SPECIAL DISTRICTS					DEFINITION USE STANDARDS
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.5	ND-4	N-MS	CD-1	CD-2	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	EC	
Hotel/ Motel (more than 30 rooms)	--	--	--	--	--	--	--	P	--	--	--	--	P	P	--	--	--	--	P	Section 5.1.5.6
Outdoor Recreation, except as listed below:	--	--	--	--	--	--	--	C	--	--	--	--	P	C	P	--	--	--	P	Section 5.1.5.7
Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	--	--	C	C	Section 5.1.5.7
Traveler Trailers/ RVs Short Term stays	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Section 5.1.5.7
Shooting Range	C	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.7
Indoor Recreation, except as listed below:	--	--	--	--	--	--	--	P	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.5.8
Gym/ Health club	--	--	--	--	--	--	L	P	--	--	--	L	P	P	P	P	P	--	P	Section 5.1.5.8
Smoking Lounge	--	--	--	--	--	--	--	C	--	--	--	--	P	C	--	--	--	--	P	Section 5.1.5.8
Charitable Gaming Facility	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	--	--	--	C	Section 5.1.5.8
PUBLIC & INSTITUTIONAL																				
Civic, except as listed below:	P	L	L	L	L	L	P	P	L	L	L	P	P	P	P	P	P	P	P	Section 5.1.6.1
Day Care Center	C	--	--	--	C	C	L	P	--	C	C	L	P	P	P	--	--	--	P	Section 5.1.6.1
Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.2
Minor Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.3
Major Utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	Section 5.1.6.3
Antenna	See Section 5.1.6.3D																			
INDUSTRIAL																				
Light Industrial	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	P	P	--	C	Section 5.1.7.1
Light Manufacturing	--	--	--	--	--	--	--	C	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.7.2
Vehicle Service, as listed below:																				Section 5.1.7.3
Car Wash	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (minor)	--	--	--	--	--	--	--	C	--	--	--	--	P	P	P	P	P	--	C	Section 5.1.7.3
Vehicle repair (major)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	C	Section 5.1.7.3
Warehouse & Distribution	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	P	P	--	P	Section 5.1.7.4
Waste-Related service	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	P	P	--	--	Section 5.1.7.5
Wholesale trade	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	Section 5.1.7.6
Self Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	C	Section 5.1.7.7
Research and Development	--	--	--	--	--	--	--	--	--	--	--	--	C	C	P	P	P	--	C	Section 5.1.7.8
Wrecking/Junk Yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Section 5.1.7.9

Zoning District Comparison Chart

Topic	Existing Zoning: Future Development (FD)	Proposed Zoning: Single Family (SF-6)
Zoning 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.	The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.
Uses	Residential (<i>See Land Use Matrix</i>)	Single-family residential. (<i>See Land Use Matrix</i>)
Parking Location	No location standards	No location standards
Parking Standards	2 spaces per dwelling unit (if single family detached)	1 space per dwelling unit.
Max Residential Units / acre	0.4 units per acre (max)	5.5 units per acre (max)
Occupancy Restrictions	N/A	N/A
Landscaping	Tree and shrub requirements	Tree and shrub requirements
Building Height (max)	2 stories	2 stories
Setbacks	50' front setback, 20 ft side setback, . Rear setback: 20% of the lot depth	25' front Setback, 5' side setback, 20' rear set back.
Impervious Cover (max)	30%	50% (20% for Mystic Canyon due to location within Edwards Aquifer Recharge Zone).
Lot Sizes	Allows a variety of lot sizes depending on Building Type.	Allows a variety of lot sizes depending on Building Type.
Streetscapes	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.	Residential, and Conventional.
Blocks	No Block Perimeter Required	3,000 ft. Block Perimeter max.

SF-6

SECTION 4.4.1.3 SINGLE FAMILY - 6



GENERAL DESCRIPTION

The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.

DENSITY

Units Per Gross Acre	5.5 max.
Impervious Cover	50% max.
Occupancy Restrictions	Section 5.1.4.1

TRANSPORTATION

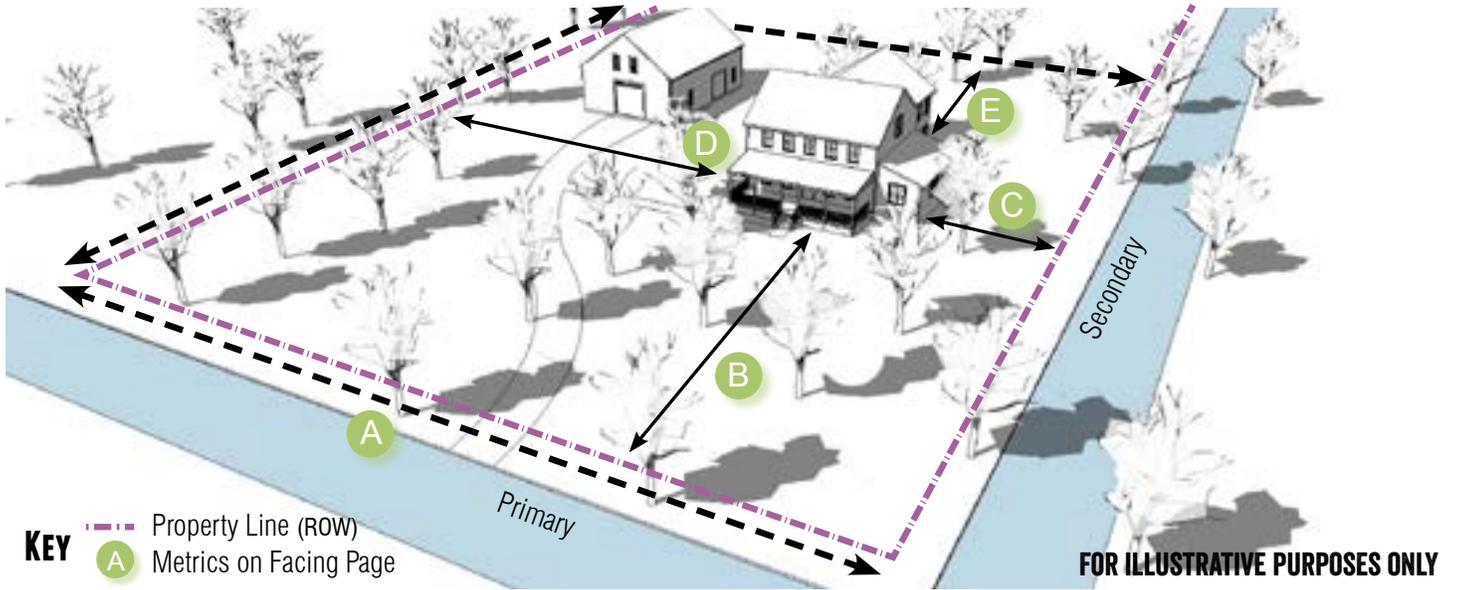
Block Perimeter	3,000 ft. max	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10
Sidewalks are not required for lots greater than 1 acre		

BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Cottage	Section 4.4.6.3
Civic	Section 4.4.6.15

FD

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

Units Per Gross Acre	.4 max.
Impervious Cover	30% max.

TRANSPORTATION

Streetscape Type	Residential	Section 3.8.1.10
Sidewalks are not required for lots greater than 1 acre		

BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Civic	Section 4.4.6.15

ZC-20-12 (Steen Road) Zoning Change Review (By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (map amendment required)
Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?	X	

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

STRATEGY	SUMMARY	Supports	Contradicts	Neutral
Preparing the 21 st Century Workforce	Provides / Encourages educational opportunities			Applicant has not indicated that educational facilities will be included.
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business			Applicant will extend utilities to the site in order to develop.
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity			Applicant has not indicated that opportunities for jobs and services will be included.

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint					X
Constraint by Class					
Cultural	X				
Edwards Aquifer			X		
Endangered Species	X				
Floodplains	X				
Geological	X				
Slope	X		X		X
Soils	X			X	
Vegetation			X		
Watersheds	X				
Water Quality Zone	X				

ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed:	Sink Creek				
	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed		X			
Notes: The Sink Creek watershed contains Spring Lake, which serves as the headwaters of the Upper San Marcos River. Spring Lake and the Upper San Marcos River have major recreational sites, contain important cultural and archeological values, provide habitat for a number of threatened and endangered species, and are the basis for drinking water supply for towns downstream.					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	N/A
Neighborhood Commission Area(s):	Sector 2

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

	YES	NO
Will Parks and / or Open Space be Provided?	X	
Will Trails and / or Green Space Connections be Provided?		TBD
Parkland dedication will be determined at the time of preliminary or final plat.		
Maintenance / Repair Density	Low (maintenance)	High (maintenance)
Wastewater Infrastructure	X	
Water Infrastructure	X	
Public Facility Availability		
	YES	NO
Parks / Open Space within ¼ mile (walking distance)?	X	
Wastewater service available? The developer will be required to extend wastewater service through the site.	X	
Water service available? The developer will be required to extend water service through the site.	X	

TRANSPORTATION – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

		A	B	C	D	F
Existing Daily LOS	N LBJ Drive	X				
Existing Peak LOS	N LBJ Drive		X			
Preferred Scenario Daily LOS	N LBJ Drive				X	
Preferred Scenario Peak LOS	N LBJ Drive					X
		N/A	Good	Fair	Poor	
Sidewalk Availability		X				
Sidewalks are required to be built as part of the development.						
		YES		NO		
Adjacent to existing bicycle lane?				X		
Adjacent to existing public transportation route?				X		
Notes:						



PLANNING AND DEVELOPMENT SERVICES

9/04/2020

ZC-20-12

Notice of Public Hearing Zoning Change Request “FD” Future Development to “SF-6” Single Family 6 Steen Road

ZC-20-12 (Steen Road) Hold a public hearing and consider a request by Mike Siefert, on behalf of Lookout Partners, L.P., for a Zoning Change from Future Development (FD) to Single Family 6 (SF-6), for approximately 14.71 acres out of the J.W. Berry Survey, located near N LBJ Drive and Steen Road. (T. Carpenter)

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 or deny 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 conducted by the Planning and Zoning Commission via virtual meeting on **Tuesday, September 22** at 6:00 p.m. You may watch the public hearing on Grande channel 16 or 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 for information on how to participate in the public hearing.
- A public hearing will be held at the City Council Meeting on **Tuesday, October 20, 2020** at 6:00 p.m. in the Council Chambers in City Hall, 630 East Hopkins. If current orders related to COVID-19 are extended, virtual meeting information will be provided at the following website: <https://sanmarcostx.gov/421/City-Council-Videos-Archives>. Or email citizencomments@sanmarcostx.gov or call 512-393-8090 for information on how to participate in the public hearing.

Due to the State Disaster Declaration enacted by the Governor, Public Hearings will be held in a virtual meeting. All interested citizens are invited to watch or participate in the public hearing by the means described above. If you cannot participate in the virtual public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. Your written comments will be given to the Planning & Zoning Commission and City Council if they are received before 12 PM on the day of the meeting.

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

For more information regarding this request, contact the case manager, **Tory Carpenter**, at **512.393.8234**. When calling, please refer to case number **ZC-20-12**

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 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

CITY HALL • 630 EAST HOPKINS • SAN MARCOS, TEXAS 78666 • 512.393.8230 • FACSIMILE 855.759.2843
SANMARCOSTX.GOV

ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION



Updated: October, 2019

CONTACT INFORMATION

Applicant's Name	Mike Siefert	Property Owner	LOP/SM Properties LLC
Company	Lookout Development Group	Company	Lookout Partners, L.P.
Applicant's Mailing Address	1789 S. Bagdad Rd #104 Leander, TX 78641	Owner's Mailing Address	2370 Rice Blvd. Ste 200 Houston TX 77005
Applicant's Phone #	512.690.4322	Owner's Phone #	713.524.5263
Applicant's Email	mike@thelookoutgroup.com	Owner's Email	dkg@dkga.com

PROPERTY INFORMATION

Subject Property Address(es): Steen Rd., San Marcos, TX 78666

Legal Description: Lot _____ Block _____ Subdivision _____

Total Acreage: 12.99 Tax ID #: R 13098, 13097

Preferred Scenario Designation: Existing Neighborhood Existing Zoning: FD

Existing Land Use(s): Vacant Land

DESCRIPTION OF REQUEST

Proposed Zoning District(s): SF-6

Proposed Land Uses / Reason for Change: We request SF-6 zoning for R13098 and R13097 to match the SF-6 zoning already in place on other adjacent property owned by the same entity (R13100, R13099)

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* \$1,057 plus \$100 per acre Technology Fee \$13 MAXIMUM COST \$3,013

*Existing Neighborhood Regulating Plan Included.

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, David K. Gibbs (owner name) on behalf of
Lookout Partners, L.P. (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
Steen Road, San Marcos, TX 78666 (address).

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

Signature of Owner:  Date: 3-25-2020

Printed Name, Title: David K Gibbs, General Partner

Signature of Agent: _____ Date: 3-25-2020

Printed Name, Title: Mike Siefert, President

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 \$91 plus a \$13 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 \$91 plus a \$13 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: 3/25/20

Print Name: David Gibbs

Form Updated October, 2019

5/3/22
SAN MARCOS TITLE CO.
GF # 23082

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.

**WARRANTY DEED
WITH VENDOR'S LIEN**

Bk Vbl Pg
06024415 OPR 2987 707

THE STATE OF TEXAS :
: KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HAYS :

THAT **GEORGE W. GILBERT**, a married man, owning and claiming other property as homestead, hereinafter referred to as "Grantor", for the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid by **LOP/SM PROPERTIES, LLC**, a Texas limited liability company, whose address is 2370 Rice Boulevard, Suite 2700, Houston, Texas 77005, hereinafter referred to as "Grantee", the receipt and adequacy of which is hereby forever acknowledged, and in consideration of the payment by **LOOKOUT PARTNERS, L.P.**, a Texas limited partnership ("Note Holder") to Grantor of that portion of the purchase price of the hereinafter described property which is represented by the Promissory Note referred to below, Grantor hereby transfers, sets over, assigns and conveys unto Note Holder, its successors and assigns, the vendor's lien and superior title hereinafter retained, as security for the Promissory Note, together with all such other rights, titles, liens or claims which Grantor may hold in said property as security for any part of the purchase price thereof; provided, however, that there shall be no recourse against Grantor for the payment of said Note, and this Promissory Note of even date herewith is in the original principal sum of \$500,000.00 bearing interest, as therein provided, and payable to the order of Note Holder, the payment of which Promissory Note is secured by the Vendor's Lien conveyed herein and the Superior Title reserved and retained by Note Holder and is additionally secured by Deed of Trust of even date herewith from the Grantee herein to Richard L. Spencer, Trustee, conveying unto said Trustee the hereinafter described real property, has GRANTED, SOLD, and CONVEYED and by these presents does GRANT, SELL and CONVEY, subject to the matters set forth hereunder, unto the said Grantee all that certain real property in Hays County, Texas described as follows:

Two (2) tracts out of the J. W. Berry Survey, Abstract 64, Hays County, Texas, and being described as 14.71 acres and 2.21 acres in **Exhibit "A"** and **"B"** attached hereto and made a part hereof for all purposes.

This conveyance is made and accepted subject to any and all valid and subsisting restrictions, easements, rights of way, reservations, maintenance charges together with any lien securing said maintenance charges, declarations, outstanding interests and encumbrances, zoning laws, ordinances of municipal and/or other governmental authorities, conditions and covenants, if any, applicable to and enforceable against the above-described property as shown by the records of the County Clerk of

said County.

TO HAVE AND TO HOLD the above described property and premises together with, all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's successors and assigns forever, and Grantor does hereby bind Grantor, Grantor's successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular, the said property and premises unto the said Grantees, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the Vendor's Lien, as well as Superior Title in and to the above described premises, is retained against the above described property, premises and improvements for the benefit of Grantor, until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute. Grantor has paid all taxes for prior years and ad valorem taxes for the current year have been assumed by Grantee.

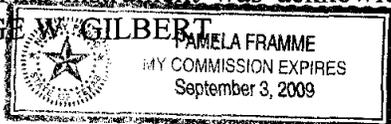
EXECUTED on this the 10 day of August, 2006.

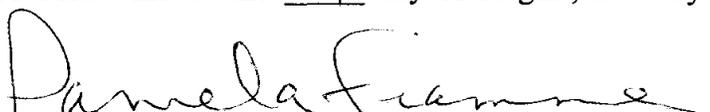


GEORGE W. GILBERT

THE STATE OF TEXAS :
:
COUNTY OF Hays :

This instrument was acknowledged before me on the 14 day of August, 2006 by
GEORGE W. GILBERT





NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

AFTER RECORDING, RETURN TO:

3000 O. W. ...
3 NORTH ...
SAN MARCO, TX 78686

STATE OF TEXAS
COUNTY OF HAYS

JOHN W. BERRY SURVEY

EXHIBIT "A"

A DESCRIPTION OF A 14.71 ACRE TRACT SITUATED IN THE JOHN W. BERRY SURVEY, ABSTRACT NUMBER 64, HAYS COUNTY, TEXAS, BEING COMPRISED OF A CALLED 5.00 ACRE TRACT DESCRIBED AS TRACT 1 IN VOLUME 449, PAGE 892, DEED RECORDS OF HAYS COUNTY, TEXAS, A CALLED TRACT 2 IN VOLUME 449, PAGE 892, DEED RECORDS OF HAYS COUNTY, TEXAS, AND A CALLED 3.00 ACRE TRACT DESCRIBED IN VOLUME 1734, PAGE 862, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at 1 inch iron pipe found for an interior corner of a called 393.66 acre tract conveyed to J. Hughson in Volume 148, Page 139, Deed Records of Hays County, Texas, for the west corner of a called 1 acre tract in Volume 60, Page 96, Deed Records of Hays County, Texas, and for the north corner of said 5.00 acre tract and the herein described tract;

THENCE with the southwest line of said 393.66 acre tract, **South 44°55'06" East**, a distance of **888.41 feet**, (called South 44°53' East, 890 feet), to a ½ inch iron rod with cap set northwest line of Lot 6, Tanglewood Section 4, recorded in Volume 1, Pages 123 – 124, Plat Records of Hays County, Texas, for an interior corner of said 393.66 acre tract and for the east corner of said Tract 2 and the herein described tract, from which ½ inch iron pipe found for the north corner of said Lot 6 bears North 44°58'12" East, a distance of 69.08 feet (called South 44°23' West);

THENCE with the northwest line of said Tanglewood Section 4 the following ten (10) courses:

- 1) **South 44°58'12" West**, a distance of **41.54 feet** (called South 44°46' West), to a ½ inch iron pipe found,
- 2) **South 44°53'12" West**, a distance of **31.03 feet** (called South 44°46' West, 30.96 feet), to a ½ inch iron pipe found,
- 3) **South 44°33'05" West**, a distance of **69.34 feet** (called South 44°15' West, 69.40 feet), to a ½ inch iron pipe found,
- 4) **South 44°44'54" West**, a distance of **69.07 feet** (called South 44°15' West, 69.27 feet), to a ½ inch iron pipe found,
- 5) **South 38°28'34" West**, a distance of **20.05 feet** (called South 39°04' West, 19.92 feet), to a ½ inch iron pipe found,
- 6) **South 39°12'25" West**, a distance of **89.19 feet** (called South 39°04' West, 89.20 feet), to a ½ inch iron pipe found, for the north corner of a called 0.263 acre tract conveyed to Alan Groeger in Volume 831, Page 179, Official Public Records of Hays County, Texas, for the west corner of Lot 3,
- 7) **South 39°15'31" West**, a distance of **80.13 feet** (called South 39°04' West, 80.18 feet), to a ½ inch iron pipe found for the west corner of said 0.263 acre tract and for the north corner of Lot 2,
- 8) **South 40°10'16" West**, a distance of **12.42 feet** (called South 39°04' West, 12.50 feet), to a ½ inch iron pipe found,
- 9) **South 45°19'48" West**, a distance of **87.33 feet** (called South 44°50' West, 87.57 feet), to a ½ inch iron pipe found,
- 10) **South 44°49'41" West**, a distance of **100.17 feet** (called South 44°50' West, 100.00 feet), to a ½ inch iron pipe found for the west corner of Lot 1 and for the north corner of Lot 6 of said Tanglewood Section 3 and for an angle point in the southeast line of the herein described tract;

THENCE with the northwest line of said Tanglewood Section 3, **South 45°12'26" West**, a distance of **110.75 feet** (called South 44°50' West, 110.60 feet), to a ½ inch iron rod found for the east corner of a 40 foot road, and for the south corner of a said Tract 2 and the herein described tract;

THENCE with the northeast line of said 40 foot road, **North 45°12'21" West**, passing at a distance of 29.93 feet a ½ inch iron rod found for the south corner of said 3.00 acre tract, passing at a distance of 284.29 feet a ½ inch iron rod found for the west corner of said 3.00 acre tract and continuing for a total distance of **503.81 feet** (called South 45°27' West), to a ½ inch iron pipe found for the east corner of Lot 6, of said Tanglewood Section 2, for the north corner of said old 40 foot road and for an angle point in the southwest line of the herein described tract;

THENCE with the northeast line of said Tanglewood Section 2, **North 45°20'01" West**, a distance of **402.96 feet** (called North 45°31' West, 402.60 feet), to a ½ inch iron rod with cap set in the southeast line of said 393.66 acre tract, for the north corner of Lot 4 of said Tanglewood Section 2 and for the west corner of said Tract 2 and the herein described tract, from which a ¾ inch iron pipe found for the west corner of said Lot 4 bears South 44°42'26" West, a distance of 200.00 feet (called South 44°32' West, 200.00 feet);

THENCE with the common line of said 393.66 acre tract and the herein described tract the following two (2) courses:

- 1) **North 44°42'26" East**, a distance of **280.01 feet** (called North 44°42' West, 280.22 feet), to a 1 inch iron pipe found for the west corner of said 5.00 acre tract,
- 2) **North 44°53'00" East**, a distance of **435.40 feet** (called North 44°35' East, 435.6 feet), being the **BEARING BASIS** herein, to the **POINT OF BEGINNING** and containing **14.71 acres** of land.

EXHIBIT "B"

A DESCRIPTION OF A 2.21 ACRE TRACT SITUATED IN THE JOHN W. BERRY SURVEY, ABSTRACT NUMBER 64, HAYS COUNTY, TEXAS, BEING COMPRISED OF A CALLED 2.286 ACRE TRACT DESCRIBED IN VOLUME 586, PAGE 179, REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS AND A CALLED 0.648 ACRE TRACT DESCRIBED IN VOLUME 334, PAGE 673, DEED RECORDS OF HAYS COUNTY, TEXAS, SAVE AND EXCEPT A 0.10 ACRE APPARENT RIGHT-OF-WAY TAKE FOR NORTH L.B.J. DRIVE, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a 5/8 inch iron pipe found in the northeast right-of-way line of North LBJ Drive (R.O.W. Varies), in the southeast line of said 2.286 acre tract, for the west corner of Lot 1, Tanglewood Section 3, recorded in Volume 1, Pages 111 – 112, Plat Records of Hays County, Texas, for the south corner of the herein described tract;

THENCE with said northeast right-of-way line of North LBJ Drive, **North 42°49'25" West**, a distance of **192.59 feet**, (called North 42°38' West), to a ½ inch iron rod with cap set in the southeast right-of-way line of Steen Road (30' R.O.W.), in the northwest line of said 0.684 acre tract and for the west corner of the herein described tract, from which a ½ inch iron rod found for the south corner of Lot 10, Tanglewood Section 2, recorded in Volume 1, Pages 57 – 58, Plat Records of Hays County, Texas bears North 42°49'25" West, a distance of 30.17 feet, (called North 42°38' West),

THENCE with said southeast right-of-way line of Steen Road, **North 41°06'58" East**, a distance of **462.93 feet**, (called North 40°32'45" East, 462.49 feet), to a ½ inch iron rod with cap set in the southwest line of said 40 foot road, for the corner of said 2.286 acre tract and the herein described tract;

THENCE with the southwest line of said 40 foot road and the northeast line of said 2.286 acre tract, **South 45°12'21" East**, a distance of **220.44 feet**, (called South 46°27' East, 221.2 feet), to a ½ inch iron rod with cap set in the northwest line of Lot 5 of said Tanglewood Section 3, for the east corner of said 2.286 acre tract and the herein described tract, from which a ½ inch iron rod found in northwest line of said Lot 5 bears, North 44°28'43" East, a distance of 40.00 feet, (called North 44°23' East)

THENCE with the northwest line of said Tanglewood Section 3 the following five (5) courses:

- 1) **South 44°28'43" West**, a distance of **45.35 feet** (called South 44°23' West), to a 1 inch iron pipe found,
- 2) **South 44°33'07" West**, a distance of **100.02 feet** (called South 44°23' West, 100.00 feet), to a 1 inch iron pipe found,
- 3) **South 44°37'00" West**, a distance of **99.99 feet** (called South 44°23' West, 100.00 feet), to a 1 inch iron pipe found,
- 4) **South 44°37'00" West**, a distance of **100.00 feet** (called South 44°23' West, 100.00 feet), to a ½ inch iron rod with cap set,
- 5) **South 44°37'00" West**, a distance of **124.65 feet** (called South 44°23' West, 124.65 feet), to the **POINT OF BEGINNING** and containing **2.21 acres** of land.

I, Shawn T. Ash, do hereby certify that this description and associated exhibit were prepared from a survey performed under my direction during April 2006, and is true and correct to the best of my knowledge and belief. At the request of the client only the exterior perimeter of the combined tracts cited herein were surveyed. There may be improvements, utilities or fencing in the interiors of these tracts not shown hereon. This survey is not intended to subjugate the subdivision process of the City of San Marcos and Hays County, Texas.



Shawn T. Ash
Registered Professional Land Surveyor
No. 5687 State of Texas



04/12/06
Date

Attachments: Exhibit of 14.71 acre tract and a 2.21 acre tract
Job: 06-1194

Filed for Record in:
Hays County
On: Aug 15, 2006 at 02:44P
Document Number: 06024415
Amount: 32.00
Receipt Number - 153744
By:
Olga Martinez, Deputy
Lee Carlisle, County Clerk
Hays County

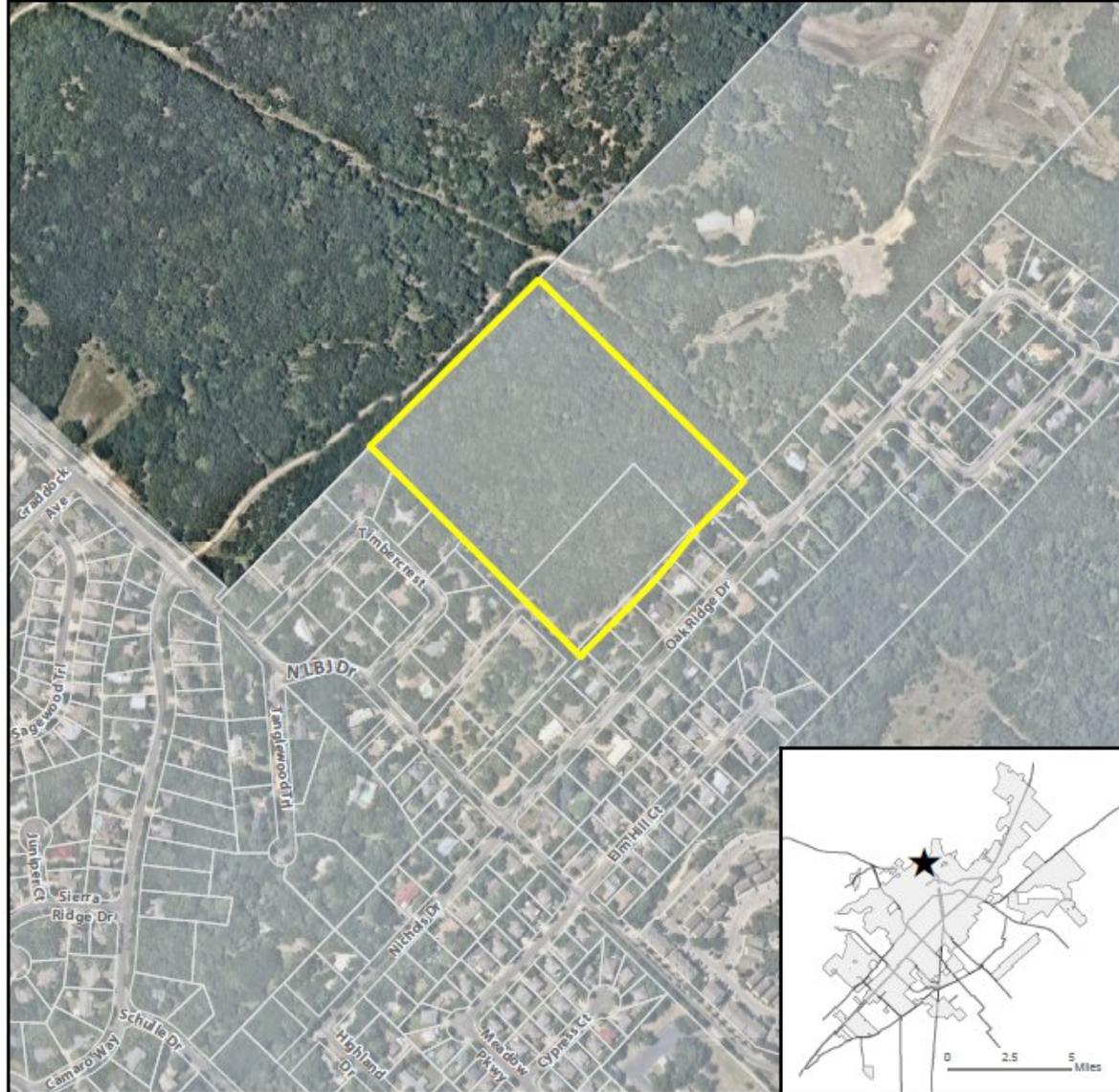
ZC-20-12 (Steen Road)

Hold a public hearing and consider a request by Mike Siefert, on behalf of Lookout Partners, L.P., for a Zoning Change from Future Development (FD) to Single Family 6 (SF-6), for approximately 14.71 acres out of the J.W. Berry Survey, located near N LBJ Drive and Steen Road.
(T. Carpenter)

Location:

- Approximately 14.71 acres
- **Current Configuration:**
Vacant land
- Surrounding uses include:
 - Single-family residences
 - Vacant Land
- Located within a Low Intensity on the Preferred Scenario Map

ZC-20-12 Aerial View FD to SF-6 — Steen Road



- ★ Site Location
- ▭ Subject Property
- ▭ Parcel
- ▭ City Limit



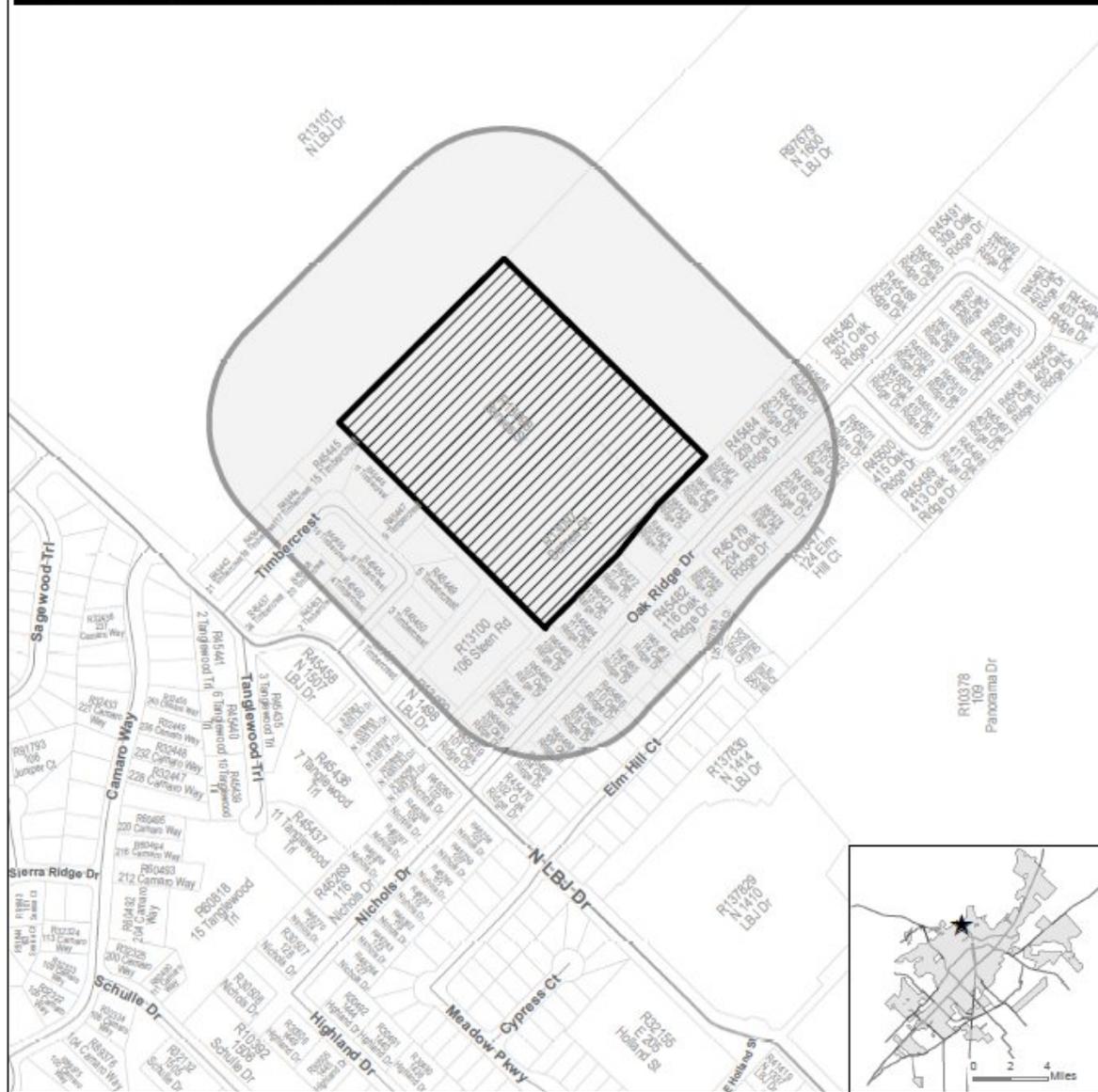
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 9/1/2020

Context & History

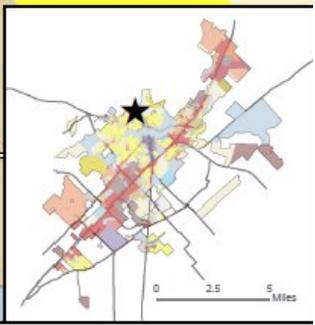
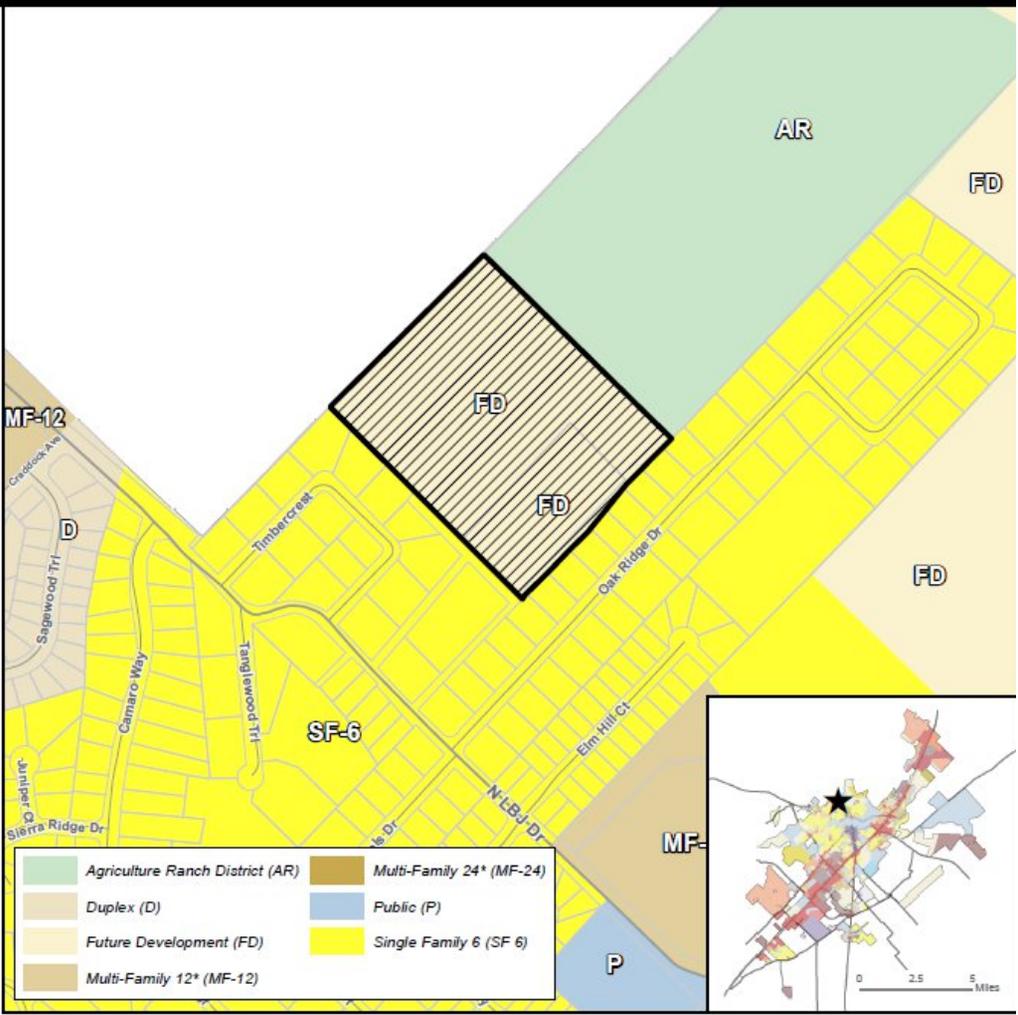
- Annexed in 2015
- Existing Zoning: Future Development (FD)
- Proposed Zoning: Single Family (SF-6)
- Proposed SF-6 zoning allows single-family detached units.

ZC-20-12 400' Notification Buffer FD to SF-6 — Steen Rd.

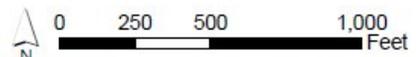


★ Site Location	0 250 500 1,000 Feet
Subject Property	<p>This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.</p> <p>Map Date: 9/1/2020</p>
400' Buffer	
Parcel	
City Limit	

**ZC-20-12
Existing Zoning
FD to SF-6 — Steen Rd**



- Site Location
- Subject Property
- Parcels
- City Limit

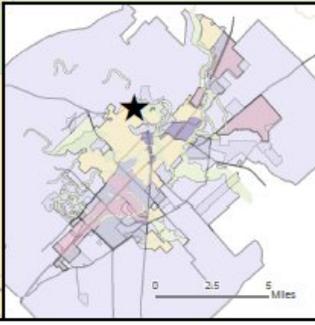
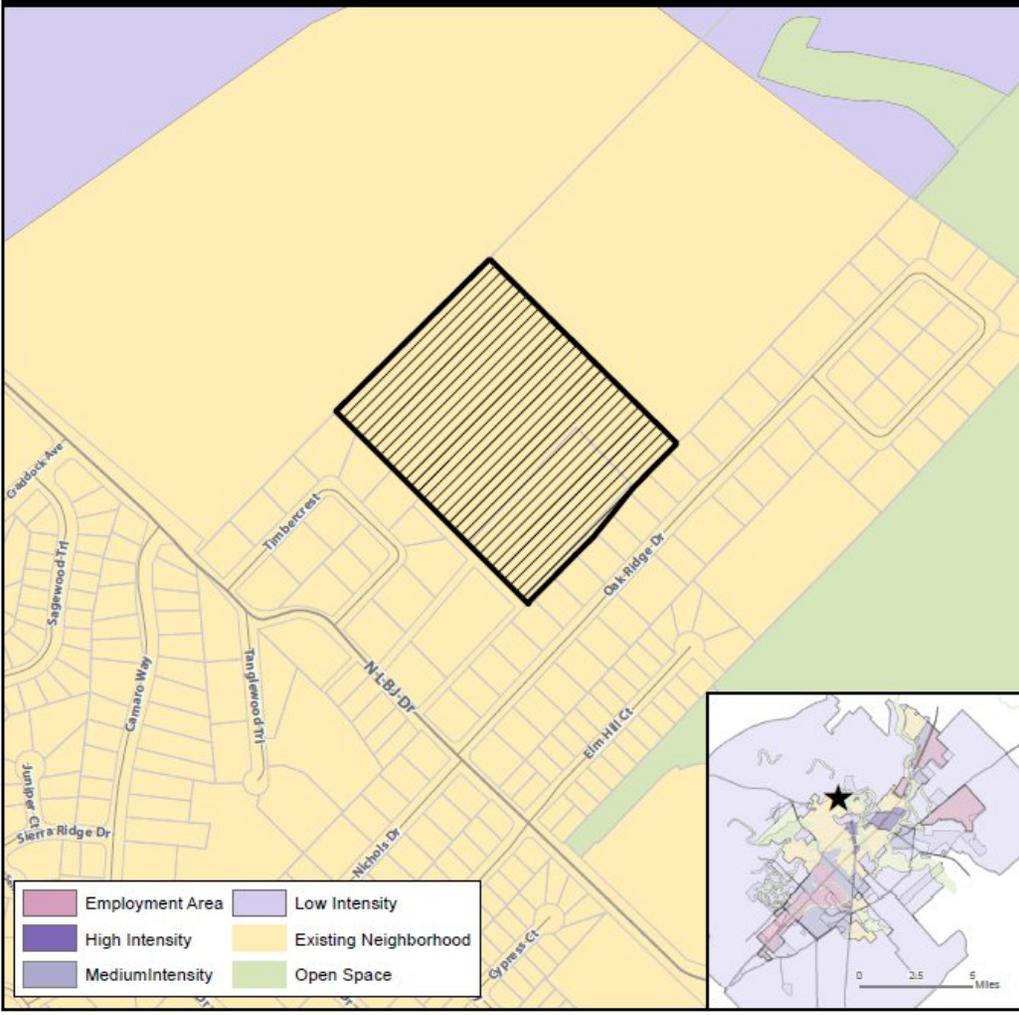


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Map Date: 9/1/2020

Document Path: Z:\Planning & Dev\Planning_Planning_Council\9.1.2020 Staff_Report\ZC20-12 Steen_Rd\ZC20-12 Zoning_Map.mxd

**ZC-20-12
Preferred Scenario
FD to SF-6 — Steen Rd**



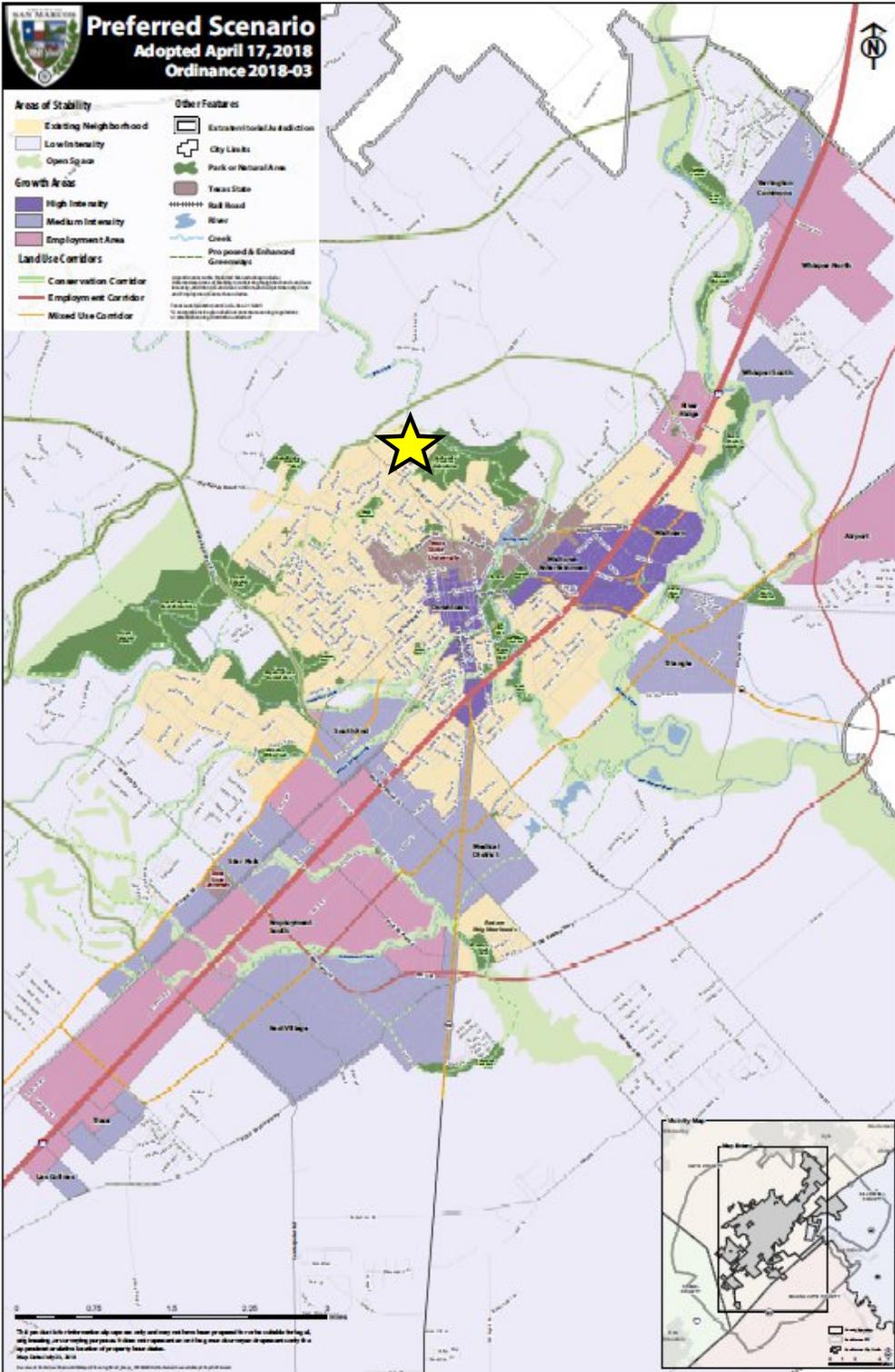
- Site Location
- Subject Property
- Parcels
- City Limit



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.

Map Date: 9/4/2020

Document Path: Z:\Planning & Dev\Planning_Planning_Council\9.1.2020 Staff_Report\ZC20-12 Steen_Rd\ZC20-12 Preferred_Scenario_Map.mxd



Comprehensive Plan Analysis

Step 1: Where is the property located on the Comprehensive Plan?

Existing Neighborhood Area

“Established, primarily residential areas intended to maintain their existing character and to follow development and redevelopment patterns that are compatible with the existing character.” (4.1.1.6)

Comprehensive Plan Analysis

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

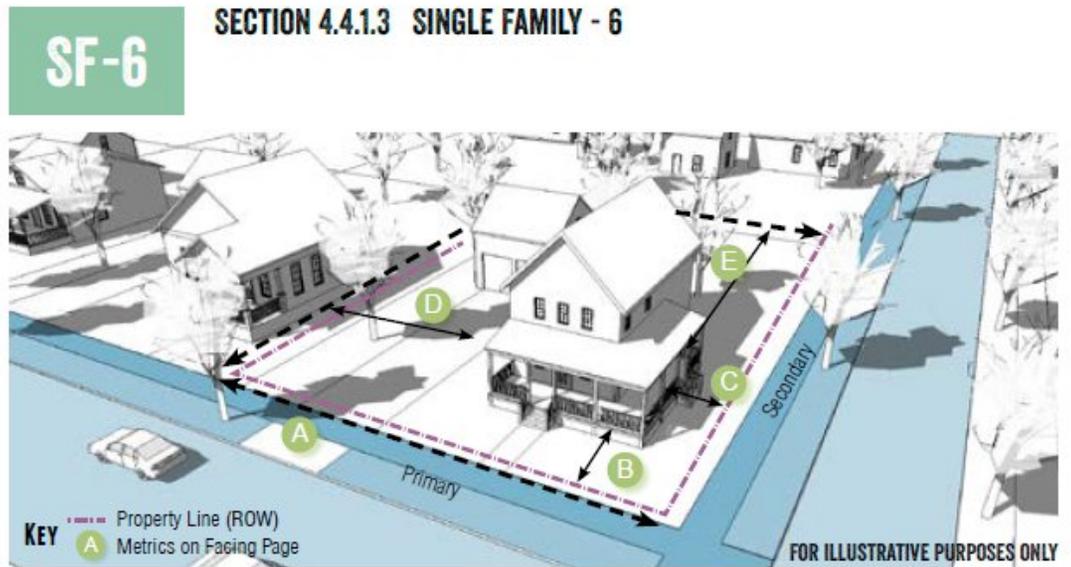
Applicant is requesting a Conventional residential District (SF-6) within an Existing Neighborhood Area. Zoning request is C – Considered, and is consistent with the San Marcos Development Code.

TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION

DISTRICT CLASSIFICATION	COMPREHENSIVE PLAN DESIGNATIONS					
	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER	CORRIDOR
Conventional Residential	NP	NP	C	--	--	--
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP	C
Character Districts	NP	C	--	C	NP	C
Special Districts	--	NP	NP	NP	C	C
Legend	-- = Not Allowed (PSA Required)		NP = Not Preferred		C = Consider	

SF-6 Zoning Analysis:

- The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet.
- **Allowable Building Types:** House, Cottage, and Civic Building.
- Proposed rezoning aligns with vision of the Comprehensive Plan.
- The property is vacant.



GENERAL DESCRIPTION

The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.

DENSITY

Units Per Gross Acre	5.5 max.
Impervious Cover	50% max.
Occupancy Restrictions	Section 5.1.4.1

TRANSPORTATION

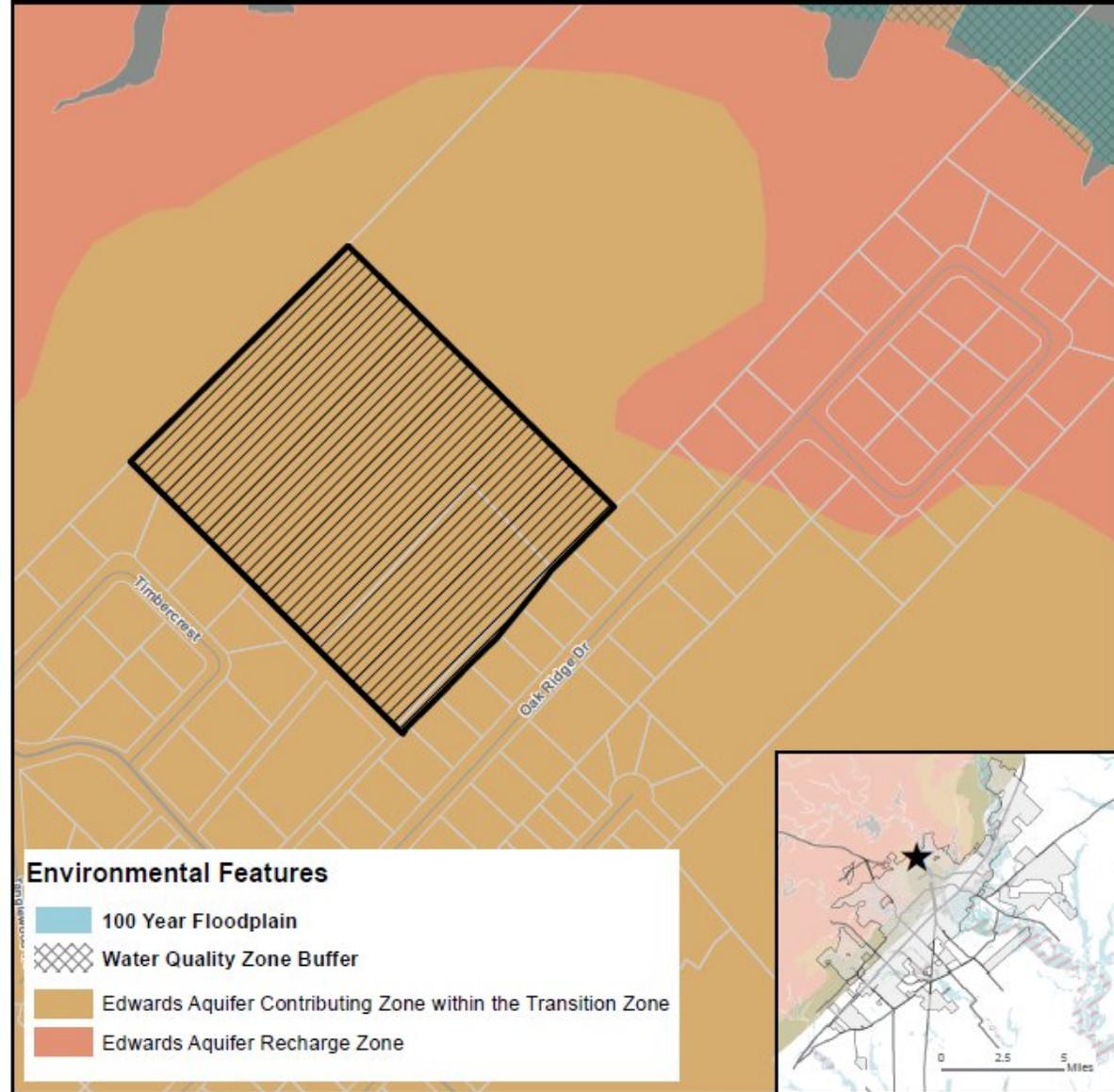
Block Perimeter	3,000 ft. max	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10
Sidewalks are not required for lots greater than 1 acre		

BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.6.1
House	Section 4.4.6.2
Cottage	Section 4.4.6.3
Civic	Section 4.4.6.15

Environmental Analysis

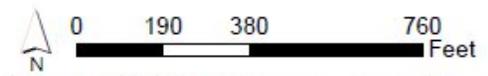
- Not located in floodplain.
- Located in the Edwards Aquifer Contributing Zone.
- Significant slopes on <10% of the property.



Environmental Features

- 100 Year Floodplain
- Water Quality Zone Buffer
- Edwards Aquifer Contributing Zone within the Transition Zone
- Edwards Aquifer Recharge Zone

- Site Location
- Subject Property
- Parcels
- City Limit



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Map Date: 9/4/2020



Staff Recommendation:

Staff provides this request to the Commission for your consideration and recommends **approval** of the request for a zoning change from “FD” Future Development to “SF-6” Single-Family.

Zoning District Comparison Chart

Topic	Existing Zoning: Future Development (FD)	Proposed Zoning: Single Family (SF-6)
Zoning 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.	The SF-6 district is intended to accommodate single family detached houses with a minimum lot size of 6,000 square feet. Characterized by smaller landscaped areas with moderate setbacks and more frequent pedestrian use. Uses that would substantially interfere with the residential nature of the district are not allowed.
Uses	Residential (<i>See Land Use Matrix</i>)	Single-family residential. (<i>See Land Use Matrix</i>)
Parking Location	No location standards	No location standards
Parking Standards	2 spaces per dwelling unit (if single family detached)	1 space per dwelling unit.
Max Residential Units / acre	0.4 units per acre (max)	5.5 units per acre (max)
Occupancy Restrictions	N/A	N/A
Landscaping	Tree and shrub requirements	Tree and shrub requirements
Building Height (max)	2 stories	2 stories
Setbacks	50' front setback, 20 ft side setback, . Rear setback: 20% of the lot depth	25' front Setback, 5' side setback, 20' rear set back.
Impervious Cover (max)	30%	50% (20% for Mystic Canyon due to location within Edwards Aquifer Recharge Zone).
Lot Sizes	Allows a variety of lot sizes depending on Building Type.	Allows a variety of lot sizes depending on Building Type.
Streetscapes	Residential Street: 5' sidewalk for lots smaller than 1 acre, street trees every 40' on center average, 7' planting area.	Residential, and Conventional.
Blocks	No Block Perimeter Required	3,000 ft. Block Perimeter max.