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


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
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 Villegas 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:
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
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.
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


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

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
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:
_________________________________________
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
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.
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:

_______________________________________________
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
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.
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

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<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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Staff Recommendation

Approval as Submitted Approval with Conditions X Denial

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.

If the Planning and Zoning Commission chooses to approve this request, staff recommends the following conditions:

- 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
**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.
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.

<table>
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<th>Evaluation</th>
<th>Criteria for Approval (7.5.2.4(e))</th>
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<td>Consistent</td>
<td>The property is located on the edge of an Environmental Performance Zone (EPZ); 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.</td>
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<tr>
<td>Inconsistent</td>
<td>The adjustment is consistent with surrounding light patterns; 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.</td>
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<tr>
<td>Neutral</td>
<td>The adjustment is based on a specific use identified in Section 7.5.2.4; 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.</td>
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<tr>
<td></td>
<td>The adjustment does not adversely affect surrounding residential or park and open space areas; The request does not adversely affect surrounding residential or park and open space areas.</td>
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<td></td>
<td>The adjustment meets the intent and purpose of the lighting standards in this Development Code; The adjustment does not support the purpose of the lighting standards. The lighting standards are modeled after the lighting ordinance developed by the InternationalDark Sky Association, which considers appropriate lighting levels for individual sites to ultimately meet overall community goals.</td>
</tr>
</tbody>
</table>
AC-20-11
Zoning Map
Twin Peaks — 1207 S IH 35

Site Location
Subject Property
Parcel
City Limit

Community Commercial (CC)
Character District 5-Downtown (CD-5D)
General Commercial (GC)
Heavy Commercial (HC)
Mixed Use (MU)
Neighborhood Commercial (NC)
Public (P)
Single Family 6 (SF 6)

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: 9/10/2020

Document Path: V:\Planning\Planning Current\2020 Staff Reports\AC-20-11 Twin Peaks (Parking Lot Lighting)\GIS\AC-20-11 Zoning Map.mxd
AC-20-11
Environmental Performance Zones
Twin Peaks — 1207 S IH 35

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

Site Location

Subject Property

Parcel

City Limit

Environmental Performance Zones

E-1
E-2
E-3
E-4

Open Space Lighting Overlay
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<th>Owner Name</th>
<th>Property Number</th>
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<td>133239</td>
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<td>LORENZO &amp; FIDEL VALADEZ BROS INC</td>
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<td>46599</td>
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<td>PLASCENCIA, ALFREDO &amp; HERNANDEZ, OSCAR ANDRES</td>
<td>1210 IH 35</td>
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<tr>
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<td>78207</td>
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<td>46920</td>
<td>11-9315-0100-00102-3</td>
<td>RUIZ, FRANCISCO</td>
<td>104 TAMPICO</td>
<td>78666</td>
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<td>78155</td>
<td>VICTORY GARDENS LOT 2, ACRES 0.657</td>
<td>0.657 C-SM-123X</td>
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<td>300 CONCORD PLAZA DR</td>
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<td>TX</td>
<td>78216</td>
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<td>1.798 C-SM-123X</td>
<td>2020</td>
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</tbody>
</table>
EXHIBIT B
TWIN PEAKS SITE PLAN
WITH SECURITY
CONCERN NOTATIONS

DURING SURVEYS, THERE WAS GRAFFITI ON DUMPSTERS IN
THIS AREA

PRIOR TO OUR TAKEOVER, THERE WAS EVIDENCE OF
HOMELESS PEOPLE SLEEPING IN
THIS AREA

H 35
FRONTAGE

EXISTING EASEMENT
EXISTING PROPERTY LINE
EXISTING SIDEWALK

ADD 605 SF OF PROPOSED SIDEWALK
AND REMOVE 788 SF OF EXISTING SIDEWALK

ADD 436 SF OUTDOOR PATIO

ADD 726 SF ADDITIONAL INSIDE DINING AREA

THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS
THAT ENTER OR WORK ON THIS PROJECT ARE RESPONSIBLE
FOR LOCATING, USING ONE-CALL OR THE ELECTRIC
UTILITIES THEMSELVES, ALL OVERHEAD AND UNDERGROUND
ELECTRICAL OF ANY NATURE AND FOR SAFEGUARDING ALL
PERSONNEL ON THIS PROJECT, INCLUDING ANY OFF-SITE
WORK AREAS SHOWN ON THE PLAN, FROM ANY INTERFERENCE
WITH THE ELECTRIC LINES OR FROM DAMAGING, DIGGING
UP OR UNCOVERING THE ELECTRIC LINES, GETTING A
LADDER IN HARMS WAY OR ANY OTHER ACTIVITY OF
ANY NATURE THAT COULD HARM ANY INDIVIDUAL
IN ANY MANNER. THIS RESPONSIBILITY HEREBY REMOVES
THE ENGINEER AND THE OWNER FROM ANY LIABILITY
OF ANY NATURE.

TEXAS ONE CALL SYSTEM
1-800-245-4545

UNDER PENALTY OF LAW, THE CONTRACTOR IS REQUIRED TO
CONTACT THE TEXAS ONE CALL SYSTEM AT LEAST 48 HOURS
BEFORE STARTING EXCAVATION.

CAUTION - ELECTRICITY PRESENT

H 35 FRONTAGE

PROPOSED OUTDOOR PATIO
436 SF

PROPOSED ADDITIONAL INSIDE DINING AREA
726 SF

EXISTING BUILDING
17 SF OF PROPOSED SIDEWALK

REMOVE 788 SF OF EXISTING SIDEWALK
& REPLACE WITH 605 SF OF PROPOSED SIDEWALK

SITE CONTROL AND DIMENSION PLAN
SHEET TITLE/PROJECT
PROJECT No.
SHEET No.
No. DATE REVISIONS RECOM'D
DESIGNED:   DRAWN:   REVIEWED:

RAMSEY ENGINEERING
Ramsey Engineering, LLC
Civil Engineering    Consulting
TBPE Firm No. F-12606
3206 Yellowpine Terrace
Austin, Texas 78757
Cell:  512-650-6800
ramsey-eng@att.net

1207 S. IH 35
SAN MARCOS  TX 78666

07/30/19

SMALL SITE PREPARATION PERMIT
ACCESSIBLE PARKING

LEGEND
CONCRETE SIDEWALK
PROPERTY LINE
EASEMENT LINE
ADJACENT PROPERTY LINE
HC
City Set

PHOTO 1
PHOTO 2
PRE CONSTRUCTION SURVEY PHOTO
DUMPSTER ADJACENT TO BACK PARKING LOT HAD GRAFFITI
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
Statistics

<table>
<thead>
<tr>
<th>Description</th>
<th>Symbol</th>
<th>Avg</th>
<th>Max</th>
<th>Min</th>
<th>Max/Min</th>
<th>Avg/Min</th>
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<tbody>
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<td>Parking Lot Light Levels</td>
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<td>3.7 fc</td>
<td>9.7 fc</td>
<td>0.7 fc</td>
<td>13.9:1</td>
<td>5.3:1</td>
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<td>Property Line Light Levels</td>
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<td>2.0 fc</td>
<td>5.5 fc</td>
<td>0.4 fc</td>
<td>13.8:1</td>
<td>5.0:1</td>
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</table>

Schedule

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<th>Symbol</th>
<th>Label</th>
<th>Qty</th>
<th>Catalog Number</th>
<th>Description</th>
<th>Lamp</th>
<th>Number Lamps</th>
<th>Lumens Per Lamp</th>
<th>LLF</th>
<th>Wattage</th>
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<tr>
<td>P24</td>
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<td>1</td>
<td>PRV-C60-Q-UNV-T4-1-SA-B2-L00/R00</td>
<td>Double Head D180 Eaton Lumark Prevail C60 Series LED Area Unit w/Type T4 Distribution (ESTIMATED 25ft, Pole Height w/3ft. Concrete Base)</td>
<td>LED/4000K</td>
<td>2</td>
<td>9993</td>
<td>0.95</td>
<td>306</td>
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<tr>
<td>P24B</td>
<td></td>
<td>3</td>
<td>PRV-C60-Q-UNV-T4-1-SA-B2-L00/R00</td>
<td>Double Head D180 Eaton Lumark Prevail C60 Series LED Area Unit w/Type T4 Distribution &amp; Rotated Optics (ESTIMATED 25ft, Pole Height w/3ft. Concrete Base)</td>
<td>LED/4000K</td>
<td>2</td>
<td>9993</td>
<td>0.95</td>
<td>306</td>
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<tr>
<td>P24BH</td>
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<td>1</td>
<td>PRV-C60-Q-UNV-T4-1-SA-B2-L00/R00/HSS</td>
<td>Double Head D180 Eaton Lumark Prevail C60 Series LED Area Unit w/Type T4 Distribution &amp; Rotated Optics (ESTIMATED 25ft, Pole Height w/3ft. Concrete Base) House Side Shielding</td>
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<td>PRV-C60-Q-UNV-T4-1-SA-B2-L00/R00</td>
<td>Triple Head T90 Eaton Lumark Prevail C60 Series LED Area Unit w/Type T4 Distribution (ESTIMATED 23ft, Pole Height w/3ft. Concrete Base)</td>
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<td>9993</td>
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CONDITIONAL USE PERMIT / ALTERNATIVE COMPLIANCE (GENERAL) APPLICATION

Updated: October, 2019

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant’s Name</th>
<th>Paul Stevens</th>
<th>Property Owner</th>
<th>Scott Belsley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Twin Peaks Restaurants</td>
<td>Company</td>
<td>Alden Short, Inc.</td>
</tr>
<tr>
<td>Applicant’s Mailing Address</td>
<td>5151 Bellino Road / Suite 1200 / Dallas, TX 75254</td>
<td>Owner’s Mailing Address</td>
<td>po box 851025 / Richardson, TX 75085</td>
</tr>
<tr>
<td>Applicant’s Phone #</td>
<td>972-567-7995</td>
<td>Owner’s Phone #</td>
<td>972-639-5186</td>
</tr>
<tr>
<td>Applicant’s Email</td>
<td><a href="mailto:paul.stevens@tprest.com">paul.stevens@tprest.com</a></td>
<td>Owner’s Email</td>
<td><a href="mailto:scott@ashortinc.com">scott@ashortinc.com</a></td>
</tr>
</tbody>
</table>

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.

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
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: 5-24-19
Printed Name, Title: Scott Belsley  President

Signature of Agent: _______________  Date: 6-22-2020
Printed Name, Title: Paul Stevens, Sr Director of Design and Construction, Twin Peaks Restaurants

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 there 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: [Signature]  
Date: 06-22-2020

Print Name: Paul Stevens - Twin Peaks Restaurants

Form Updated October, 2019

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-development meeting with staff is recommended</td>
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<tr>
<td>• Please visit <a href="http://sanmarcostx.gov/1123/Pre-Development-Meetings">http://sanmarcostx.gov/1123/Pre-Development-Meetings</a> to schedule</td>
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</tr>
<tr>
<td>Completed Application for Conditional Use Permit (General)</td>
<td>see attached</td>
</tr>
<tr>
<td>Site Plan illustrating, where appropriate: location, square footage and height of existing and proposed structures, landscaping or fencing, setbacks, parking, ingress &amp; egress, signs, etc.</td>
<td>see attached</td>
</tr>
<tr>
<td>Floor Plan(s) illustrating fire exits, doors, rooms, indoor &amp; outdoor seating, kitchen, bar, restrooms, fire exits, etc.</td>
<td>see attached</td>
</tr>
<tr>
<td>Written statement explaining how the organization will comply with the code standards regarding fraternity / sorority</td>
<td></td>
</tr>
<tr>
<td>Business Details including Business Trade Name, Type of Entity (Individual, Partnership, Corporation, Etc), Entity Contact Person, Address, Email, Phone Number</td>
<td></td>
</tr>
<tr>
<td>Detail Entertainment Facilities (on site plan or in writing) including television locations, stages, dancing areas, live music, acoustic music, ambient speaker music, etc</td>
<td></td>
</tr>
<tr>
<td>Notification Authorization</td>
<td>see attached</td>
</tr>
<tr>
<td>Authorization to represent the property owner, if the applicant is not the owner</td>
<td>see check attached for $806</td>
</tr>
<tr>
<td>Initial Application Filing Fee</td>
<td>$793</td>
</tr>
<tr>
<td>Renewal or Amendment Filing Fee</td>
<td>$423</td>
</tr>
<tr>
<td>Technology Fee</td>
<td>$13</td>
</tr>
</tbody>
</table>

"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 may accept a written statement that no changes have been made if original copies are available on file

**APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/**

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
To:  
City of San Marcos Texas  
Planning and Development Services  
630 East Hopkins, San Marcos, TX 78666  
Attn: Matthew Johnson  
Scott Bechtel

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,

[Signature]

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
Location:

• Approximately 2.3 acres located at 1207 S IH 35

• Surrounding uses include:
  – Commercial
  – Public
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.
### Table 7.10 Environmental Performance Zones

<table>
<thead>
<tr>
<th>Environmental Performance Zones</th>
<th>Description</th>
<th>Maximum Average Light Level in Horizontal Foot-candles</th>
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<tbody>
<tr>
<td>E-1</td>
<td>Urbanized, non-residential areas along Interstate Highways</td>
<td>2.0</td>
</tr>
<tr>
<td>E-2</td>
<td>Urbanized non residential areas along certain State Highways and arterial roadways</td>
<td>1.5</td>
</tr>
<tr>
<td>E-3</td>
<td>Residentially dominated areas</td>
<td>1.0</td>
</tr>
<tr>
<td>E-4</td>
<td>Designated Open Space Areas</td>
<td>0.5</td>
</tr>
<tr>
<td>Open Space Lighting Overlay</td>
<td>A 350 ft. buffer adjusting light levels in any zone</td>
<td>One-half of applicable performance zone level</td>
</tr>
</tbody>
</table>

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

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

TIME IS UP

3:00 2:40 2:00 1:40 1:20 1:00 0:40 0:20
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
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**

**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 Vellelaez
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.

**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**

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

<table>
<thead>
<tr>
<th>CUP-20-13</th>
<th>1617 Aquarena Springs Drive</th>
</tr>
</thead>
</table>

### 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 Daiquiris, 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.
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.

### Fire

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.

### Public Services Engineering

No Concerns

### Environmental Health/Code Compliance

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.

**Fixed Food Establishment Permit:** 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.

**Mobile Food Unit Permit:** 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.

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.
**Conditional Use Permit**  
1617 Aquarena Springs Drive  
Longhorn Daiquiris  

### Staff Recommendation

<table>
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<tr>
<th>Approval as Submitted</th>
<th>Approval with Conditions / Alternate</th>
<th>X</th>
<th><strong>Denial</strong></th>
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</table>

For the reasons stated in this report staff recommends **denial** of the Conditional Use Permit to allow the sale of beer and wine for on premise consumption.

Alternatively, 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 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
<table>
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<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 2.8.3.4 &amp; 5.1.5.5)</th>
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<tr>
<td>Consistent</td>
<td>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</td>
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<tr>
<td>Inconsistent</td>
<td>The proposed use is consistent with any adopted neighborhood character study for the area. <em>Studies were not complete at the time of this request</em></td>
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</table>
| Neutral | The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.  
  *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).* |
| X | The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.  
  *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.* |
| X | The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.  
  *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.* |
| X | The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.  
  *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.* |
<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 2.8.3.4 &amp; 5.1.5.5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</td>
</tr>
<tr>
<td>Inconsistent</td>
<td>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.</td>
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<tr>
<td>Neutral</td>
<td>The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood. 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.</td>
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<tr>
<td>Consistent</td>
<td>The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.</td>
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<tr>
<td>Inconsistent</td>
<td>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.</td>
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<tr>
<td>Neutral</td>
<td>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).</td>
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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

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
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<th>Property ID</th>
<th>Owner Name</th>
<th>Site Address</th>
<th>Property Zip</th>
<th>Owner Address 1</th>
<th>Owner Address 2</th>
<th>Owner City</th>
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CUP-20-13 Longhorn Daiquirs
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 Villacresca
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-11pm
on a weekday to take place in lobby.

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

One TV is mounted on South Wall or
Lobby 46 in screen

We are applying for a BG Beer and wine
permit with TABC which means they can
consume on premise while dining in.
And offer To go Daiquiris which will
be sealed with tape over cup and straw
separator. We have been in this business
for 5 years with a Restaurant currently
in Austin with this exact operation.
LONGHORN DAIQUIRIS

APPETIZERS
MOZZARELLA STIXS .................................................. $6.00
Comes with marinara
FRIED PICKLES .................................................. $6.00
Comes with ranch

WINGS 
Make it a combo with fries & a drink for $1 more
FLAVORS: SWEET RED CHILI, MANGO HABANERO, DRY CAJUN RUB, BBQ, HICKIN BOURBON, LEMON PEPPER, HOT LEMON PEPPER, BUFFALO, HOT & EXTR# 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 Fries $1.50
Shrimp $1.50
Hot Hush puppies $2.75
Fries $1.75
Large Fries $3.75
Side of Ranch Or Sauce $0.50

SEABOARD

COMBOS

Catfish Basket ............................................... $12.50
2 FISH, 2 HUSHPUDDIES & FRIES

Seafood Basket ........................................... $19.99
2 FISH, 8 SHRIMP, 4 HUSHPUDDIES & FRIES

Shrimp Basket ........................................... $15.00
8 SHRIMP, 2 HUSHPUDDIES & FRIES

-RAJIN CAJUN BOX ........................................ $18.00
2 FISH, 6 WINGS, 2 HUSHPUDDIES & 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

Scanned with CamScanner
LONGHORN DAIQUIRIS

FLAVORS
- Amaretto
- Banana
- Blue Coconut
- Blue Hawaiian
- Carmel
- Chamoy
- Cherry
- Chocolate
- Clear Coconut
- Cotton Candy
- Cream
- Dreamsicle
- Grape
- Green Apple
- Kiwi
- Lemonade
- Lemon Lime
- Lime

BASES
- Hurricane
- Chemical X
- Swamp Water
- Code Red
- Strawberry
- Pink Panther
- Berry Mangalo
- Funky Monkey
- Pina Colada
- Captain America
- Miami Vice
- Ocean Breeze
- White Russian

YOU CAN EVEN MAKE YOUR OWN

SIZES
- 12 oz: 5.75
- 20 oz: 8.50
- 32 oz: 13.00

1 Quart: 15.00
1/2 Gallon: 23.00
Rum?
Tequila?
Extra Shot: 1.50
Vodka?
Plus Tax
CONDITIONAL USE PERMIT APPLICATION
(ALCOHOL OUTSIDE CBA)

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Martina Villeda Hernandez</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Longhorn Daquiris LLC</td>
</tr>
<tr>
<td>Applicant's Mailing Address</td>
<td>1525 Amberwood Loop</td>
</tr>
<tr>
<td>Owner's Mailing Address</td>
<td>1021 Olympia Dr</td>
</tr>
<tr>
<td>Applicant's Phone #</td>
<td>(512) 2905 1442</td>
</tr>
<tr>
<td>Owner's Phone #</td>
<td>(713) 305-0550</td>
</tr>
<tr>
<td>Applicant's Email</td>
<td><a href="mailto:longhornpartiestogo@gmail.com">longhornpartiestogo@gmail.com</a></td>
</tr>
<tr>
<td>Owner's Email</td>
<td><a href="mailto:dgraysonjr@comcast.net">dgraysonjr@comcast.net</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Subject Property Address: 1677 Aquarena Springs Dr San Marcos, TX 78666

Zoning District: ______________________ Tax ID #: ______________________

Legal Description: Lot ______ Block ______ Subdivision ______________________

Number of Parking Spaces: __________
Is property more than 300' from church, school, hospital, or residential district? __X__ Y __

DESCRIPTION OF REQUEST

Business Name: Longhorn Daquiris LLC

Restaurant: __X__ Bar: ___ Other: ______

NEW: __X__ RENEWAL/AMENDMENT: ___ Mixed Beverage: ___ Beer & Wine: ___ Late Hours: ___

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

Indoor Seating Capacity: 150 Outdoor Seating Capacity: 100 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.

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

I, ___________________________, (owner name) on behalf of
______________________________, (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
1617 Aquacena 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: ___________________________ Date: 4/21/20
Printed Name, Title: Dale R. Grayson Jr. V.P.

Signature of Agent: ___________________________ Date: ___________
Printed Name, Title: ___________________________
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: [signature]

Print Name: Andrea Villasenor

Date: 10-8-20

Updated October, 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:  
   - [ ] Reinstatement  
   - [ ] Reinstatement and Change of Trade Name  
   - [ ] Change of Location  
   - [ ] Change of Location and Trade Name  
   - License/Permit Number

2. Trade Name of Location (Name of restaurant, bar, store, etc.)  
   Longhorn Daquiris LLC

3. Location Address  
   1617 Agua Viva Spring Dr. San Marcos TX 78666

4. Owner of Business/Applicant (Name of Corporation, LLC, etc.)  
   Andrea Villegas

5. Federal Employer Identification Number (FEIN)  
   84-3375857

<table>
<thead>
<tr>
<th>INITIAL INFORMATION</th>
</tr>
</thead>
</table>
| 6. Do you currently hold an active license/permit issued by the TABC under the above FEIN?  
   [ ] Yes  
   [ ] No  
   If “YES,” provide your most recently issued license/permit number.  
   If “NO,” you must complete the Business Packet (L-B).  
   [BG 102935]

| 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  
   [ ] No  
   If “YES,” you must complete the Business Packet for Reporting Changes (L-BRC) in its entirety.

<table>
<thead>
<tr>
<th>OWNERSHIP/LEASE/SUBLEASE/MANAGEMENT INFORMATION</th>
</tr>
</thead>
</table>
| 8. Does the applicant own the land and building at this proposed licensed location?  
   [ ] Yes  
   [ ] 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  
   [ ] 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.

| 11. Do you or anyone else at the location operate under a franchise agreement?  
   [ ] Yes  
   [ ] 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

Form L-L (12/2019)
CUP-20-13 Longhorn Daiquiris

City of San Marcos Environmental Health 8/6

Purchase of Alcohol Reports

Site Visit and Code Compliance 8/23
Workflow

Description:
Longhorn Barqins- complaints regarding lack of social distancing/no face masks
Currently Assigned To: Shanna Obren in Environmental Health
City Employee Reporting: None
Location: 1617 AquaVera Springs Drive, San Marcos, TX, USA

Due Date: August 1, 2020, 1:00 am
Date Submitted: August 11, 2020, 12:33 pm

Followers: N/A
SummitEd Through: N/A
Submitted By: [Verified Officer] Shanna Obren
Priority: None
Status: Submitted

Details

Environmental Health - Shanna Obren

August 1, 2020, 12:52 pm
Request was submitted.

They were advised that they cannot make sales or serve any food. They can only serve prepacked items.

Toilets were inoperable. People had to use the public restroom in the area. No hot water in the building. A couple of the restrooms were out.

Upon inspection, all signs were still up. Food items were still on display. The signage had not been removed.

Contacted TABC. Set RUIZ 200-310-5196.
Summer Days + Nights
Masks on Edition

Boaz Queen of the South
Anthony Michael Hall
Bo Sosa

4 Days, Nights (Aug. 2nd, 6th, 9th, 13th)

Celebrity Hangout w/ Anthony Michael Hall

Full menu & BYOB setups available

Doors open at 3 PM

Raffles throughout the event

Longhorn Daiquiri's
1617 Aquarena Springs, San Marcos, TX 78666

For more info, contact: Boss (512) 779-7334 or boss.intense@gmail.com

FREE 18oz. Daiquiri w/ GA ticket

Free daiquiris & jello shots w/ wrist band

Boss & A.M.H. Presents

Hustle Life

Dj 200 / DJ Cemco

Celebrity Hosted by JT Campus

Special artist performances 

Masks required
On 08-23-2020 at approximately 12:15pm, Code Compliance Officer Mark Schupp and his wife, Deborah, arrived at Longhorn Daquiris located at 1617 Aquarena Springs Dr., San Marcos, TX 78666. Deborah was charged $25.00 plus tax and the receipt was text messaged to her.

Deborah returned to the vehicle after having purchased a half gallon bottle of a daquiri mix. Deborah related to the vehicle driver having purchased a half gallon bottle of a daquiri mix.

On 08-23-2020 at approximately 12:15pm, Code Compliance Officer Mark Schupp and his wife, Deborah, arrived at Longhorn Daquiris located at 1617 Aquarena Springs Dr., San Marcos, TX 78666. Deborah was charged $25.00 plus tax and the receipt was text messaged to her.
CUP-20-13 Longhorn Daiquiris

City of San Marcos Police Department Calls for Service & Submitted Citizen Complaints
CALL FOR SERVICE

Activity: 113N Disturbance - Noise
Priority: 3 Delayed

LOCATION
City: San Marcos
Loc: 1617 Aquarena Springs Dr
Apt#:
Route 0001 Beat 000507 Fire 050507 EMS 000020 Zone 00013191

COMPLAINANT
Address: 1617 Aquarena Springs Dr
City: San Marcos
State: TX
Zip: 78666
Tel: 3252481865

FINAL DISPOSITION/ACTIVITIES
Dispo: Reports
Activity
Arrests

PERSON
Suffix: 01 Name: Jimenez, Hector
Sex: Race: DOB: 12/6/94
Height
Address
Address
Cloth
Street/Dir
Other

VEHICLE
Suffix Year Description Street/Dir VIN
Plate Color State Make/Model Occupants
Transport
Unit Miles Start End Type Sex
Patient
Reason

Rept 6/20/20 19:56
Shift 2 1600-0400
Dispo VW Verbal Warning
CALL FOR SERVICE

Agency SMPD San Marcos Police Dept

Incident # 200000032426 Case #

Blotter

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

<table>
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<tr>
<th>Date/Time</th>
<th>Officer Id</th>
<th>Log Entry</th>
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<tbody>
<tr>
<td>6/20/2020 19:57:09</td>
<td>00013458 Denton, Laura</td>
<td>ENDC</td>
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<tr>
<td>6/20/2020 19:57:23</td>
<td>00013458 Denton, Laura</td>
<td>DISPATCH CadCode: 113B02 (Bravo)</td>
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<td>6/20/2020 19:57:35</td>
<td>00013458 Denton, Laura</td>
<td>Comp does not want contact from ofc</td>
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<tr>
<td>6/20/2020 19:57:49</td>
<td>00013458 Denton, Laura</td>
<td>COMPLETE</td>
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<tr>
<td>6/20/2020 20:12:53</td>
<td>00012004 Mendoza, Celedonio</td>
<td>spoke to the DJ who is playing music.</td>
</tr>
<tr>
<td>6/20/2020 20:13:14</td>
<td>00012004 Mendoza, Celedonio</td>
<td>music from DJ does not seem to be an issue.</td>
</tr>
<tr>
<td>6/20/2020 20:13:36</td>
<td>00012004 Mendoza, Celedonio</td>
<td>Bass from vehicles in parking lot may be the issue</td>
</tr>
<tr>
<td>6/20/2020 20:13:50</td>
<td>00012004 Mendoza, Celedonio</td>
<td>stated they will be there until 10:30 p.m.</td>
</tr>
<tr>
<td>6/20/2020 20:18:37</td>
<td>00012004 Mendoza, Celedonio</td>
<td>spoke to Andrea - on premise file, and informed her that they will be responsible for the music coming from the vehicles at their lot.</td>
</tr>
<tr>
<td>Time</td>
<td>Dispatcher</td>
<td>Agency</td>
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<tr>
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<tr>
<td>6/20/2020</td>
<td>00013191</td>
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<td>00012004</td>
<td>SMPD</td>
</tr>
<tr>
<td>6/20/2020</td>
<td>00012004</td>
<td>SMPD</td>
</tr>
</tbody>
</table>

Andrea stated she will let the store know that the cars cannot be playing the music.

especially the bass.

Hector Jimenez is the DJ at the restaurant

Incident Closed by MDT
**CALL FOR SERVICE**

**Agency:** SMPD  
**Incident #:** 200000038754  
**Case #:** San Marcos Police Dept

**Activity:** Disturbance - Noise  
**Priority:** Delayed  
**Common Place:** Longhorn Daiquiris (old Bad Habits)

**LOCATION**

**City:** San Marcos  
**Loc:** 1617 Aquarena Springs Dr  
**Apt:** Cnty  
**Route:** Beat Fire EMS Zone  
**0001 00507 05007 000020**

**COMPLAINANT**

**ADDRESS**

**City:** San Marcos  
**State:** TX  
**Zip:** 78666  
**Tel:** 5129954116

**Dspchr Rept:** 7/25/20 19:53  
**Shift:** 2  
**By:** 00013513  
**How:** Houston, Lynn  
**Dispo:** VW Verbal Warning

**FINAL DISPOSITION/ACTIVITIES**

**Dispo Activity Reports**

**PERSON**

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**VEHICLE**

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<td></td>
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<tr>
<td>Patient</td>
<td>Reason</td>
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</table>

---
CALL FOR SERVICE

08/06/2020

Agency: SMPD  
San Marcos Police Dept

Incident # 200000038754  
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

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

<table>
<thead>
<tr>
<th>Time</th>
<th>Agency</th>
<th>Incident #</th>
<th>Case #</th>
<th>Status</th>
<th>Officer1</th>
<th>Officer2</th>
<th>Officer3</th>
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</thead>
<tbody>
<tr>
<td>7/25/2020 20:19:37</td>
<td>SMPD</td>
<td>200000038754</td>
<td>00013289</td>
<td>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</td>
<td>Morenz, Darby</td>
<td>Morenz, Darby</td>
<td>Morenz, Darby</td>
</tr>
<tr>
<td>7/25/2020 20:20:45</td>
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<td>00013289</td>
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<tr>
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<td>Longhorn Daiquiris (old Bad Habits)</td>
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<tr>
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<tr>
<td>Loc</td>
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<tr>
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<th>Luna, Roxanna</th>
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**FinalDisposition/Activities**

- Reports
- Arrests

**Person**

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**Vehicle**

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**Log**

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<td>00013570 Lobo, Kyle</td>
<td>Longhorn Daq. was open</td>
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<td>7/31/2020 23:14:24</td>
<td>00013570 Lobo, Kyle</td>
<td>loud music coming from property line</td>
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<td>7/31/2020 23:15:05</td>
<td>00013570 Lobo, Kyle</td>
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**Blotter**

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<td>Longhorn Daq. was open</td>
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<td>loud music coming from property line</td>
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<td>Advised they were allowed to operate because they had food trailers and were serving inside</td>
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### CALL FOR SERVICE

**Activity:** 113P  Disturbance - Phys/Fi  
**Priority:** In Progress  
**Location:** San Marcos Springs Dr  
**Complaintant:** Zavala, Karen  
**Address:** 2205 N Camp  
**Person:** Sanders, David Jentry  

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<td>12/6/94</td>
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**Person:** Diffit, Jose  
**Person:** Jimenez, Hector  
**Person:** Wallace, Carrington
CALL FOR SERVICE

08/06/2020

VEHICLE

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<td>DNN9358</td>
<td>Dodge</td>
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<tr>
<td>03</td>
<td>NCS3340</td>
<td>Nissan Armada</td>
<td>Armada (Formerly Pathfinder Armada)</td>
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Transport

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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 | Chiaraluce, Danielle | Addtl comp: Stephanie Mason 5126531904
8/2/2020 01:37:51 | 00013638 | Chiaraluce, 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 | addtl caller 512-787-7702
8/2/2020 01:38:55 | 00013513 | Houston, Lynn | ****primary closed
8/2/2020 01:38:57 | 00013638 | Chiaraluce, 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 rcvd
8/2/2020 01:39:22 | 00013638 | Chiaraluce, 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 | Chiaraluce, Danielle | Addtl comp: Thomas Varacalli PS 5163306407

Page 2
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<td>210- fighting in back plot</td>
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<td>01:41:19</td>
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<td>0013513</td>
<td>c5- shutting down the street</td>
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<td>8/2/2020</td>
<td>01:41:36</td>
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<td>b31- ems, couple staff sprayed with OC</td>
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<td>send another medic for mass oc spray</td>
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<td>01:44:56</td>
<td>Romero, Perla</td>
<td>0013637</td>
<td>med1// fire unit and bat05</td>
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<td>01:45:14</td>
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<td>0013513</td>
<td>b5- sw 40 cal dyh6900</td>
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<td>01:45:27</td>
<td>Wallace, Carrington</td>
<td>0013288</td>
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<td>01:46:08</td>
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<td>0013513</td>
<td>c5- ems can park and go to fast break/dont need any other assistance at this time</td>
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<td>c5- keep channel for this incident</td>
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<td>f3- i will walk pt over to fast break</td>
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<td>c5- pushing all traffic on aquarena, tryin to get the crowd out of here</td>
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<td>med1// cancel all other units responding - only a few patients</td>
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<td>0013513</td>
<td>c5- crowds dispersed, all units c4</td>
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<td>c5- open the channel</td>
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<td>med1- checking w/PD to make sure there are no pt over there</td>
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<td>f3- out of pts over here, no longer need medics</td>
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<tr>
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<td>fight started over diffutt and jimenz sisters and girlfriends</td>
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<td>5 Out/Serv</td>
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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!
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 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.
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.
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.
## 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

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<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
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<td>Downtown High Intensity</td>
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**Conditional Use Permit**  
**CUP-20-16**  
232 N LBJ Drive  
Stellar Coffee Co

### Staff Recommendation

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<th>Approval as Submitted</th>
<th>Approval with Conditions / Alternate</th>
<th>Denial</th>
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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

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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)

**CONTACT INFORMATION**

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<tr>
<th>Applicant's Name</th>
<th>Keith Myrick</th>
<th>Property Owner</th>
<th>John Slack</th>
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<tbody>
<tr>
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<td>Applicant's Mailing Address</td>
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<td>Owner's Mailing Address</td>
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<td>Applicant's Phone #</td>
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<tr>
<td>Applicant's Email</td>
<td><a href="mailto:keith@Kendisonhomes.com">keith@Kendisonhomes.com</a></td>
<td>Owner's Email</td>
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**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
- **Business Name:** Stellar Coffee Co

**DESCRIPTION OF REQUEST**

- **□ NEW  □ RENEWAL/AMENDMENT**
- **□ Restaurant  □ Bar  □ Other:** coffee shop
- **□ Mixed Beverage  □ Beer & Wine  □ Late Hours**
- **Hours of Operation**
  - **Mon:** ___________  **Tue:** ___________  **Wed:** ___________
  - **Thurs:** ___________  **Fri:** ___________  **Sat:** ___________  **Sun:** ___________
- **Indoor Seating Capacity:** ___________  **Outdoor Seating Capacity:** ___________  **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

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

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

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

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

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. **If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $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: [Signature]
Date: 9-3-2020

Print Name: [Print Name]

Form Updated October, 2019

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
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.
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
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.
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.
**File #: ZC-20-12, Version: 1**

☐ 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.
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
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Zoning Request
ZC-20-12
Steen Road

Staff Recommendation

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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

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### Zoning Request

**Steen Road**

**ZC-20-12**

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## Evaluation Criteria for Approval (Sec.2.5.1.4)

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- 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. **Roads and utility infrastructure will be required to extend into and through the development at the developer’s cost.**

- Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property. **The proposed use is consistent with adjacent uses.**

- 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. **This is not a request for a Neighborhood Density District.**

- 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. **Residential homes are appropriate for this site.**

- Any other factors which shall substantially affect the public health, safety, morals, or general welfare. **None noted.**
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

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
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.
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

Map Date: 9/4/2020

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

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

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## Section 5.1.1.2 Land Use Matrix

### Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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<tbody>
<tr>
<td><strong>Agricultural Uses</strong></td>
<td></td>
<td></td>
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<tr>
<td>Barns or agricultural buildings</td>
<td>P</td>
<td>L</td>
<td>--</td>
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<tr>
<td>Stables</td>
<td>P</td>
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<tr>
<td>Community Garden</td>
<td>P</td>
<td>P</td>
<td>L</td>
<td>L</td>
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<tr>
<td>Urban Farm</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<td>Plant Nursery</td>
<td>L</td>
<td>--</td>
<td>--</td>
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<td>--</td>
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<tr>
<td><strong>Accessory Uses and Structures</strong></td>
<td></td>
<td></td>
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<tr>
<td>Accessory Building/Structure</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Accessory Dwelling Unit</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
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<tr>
<td>Accessory Use, except as listed below:</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Outdoor Storage</td>
<td>--</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Outdoor Display</td>
<td>--</td>
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<tr>
<td>Food Truck</td>
<td>--</td>
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<tr>
<td>Drive-thru or Drive-in</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Home Occupation</td>
<td>L</td>
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<td>L</td>
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<tr>
<td>Family Home Care</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>Short Term Rental</td>
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<td>L</td>
<td>L</td>
<td>L</td>
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<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
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<tr>
<td>Single Family Detached</td>
<td>P</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
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<tr>
<td>Cottage Court</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Two Family</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Single Family Attached</td>
<td>--</td>
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<tr>
<td>Small Multi-Family (up to 9 units)</td>
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<tr>
<td>Courtyard Housing (up to 24 units)</td>
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<td>Multi-family (10 or more units)</td>
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<td>Purpose Built Student Housing</td>
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<td>Manufactured Home</td>
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<td>Mobile Home Community</td>
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</table>
# Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-14</td>
<td>ND-3</td>
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<tr>
<td>Community Home</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Fraternity or Sorority Building</td>
<td>--</td>
<td>--</td>
<td>--</td>
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</tbody>
</table>

## Commercial Uses

- **Professional Office**: -- -- -- -- -- L P -- -- -- L 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 Section 5.1.5.2
  - Nursing/retirement home: -- -- -- -- -- -- 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 Section 5.1.5.4
  - Building material sales: -- -- -- -- -- -- -- C -- -- -- -- C C P P -- -- -- P Section 5.1.5.4
  - Vehicle Sales/Rental: -- -- -- -- -- -- -- -- -- -- -- -- -- C -- -- -- -- C C P -- -- -- P Section 5.1.5.4
  - Pawnshop: -- -- -- -- -- -- -- -- -- -- -- -- -- C -- -- -- -- C C P -- -- -- P Section 5.1.5.4

- **Restaurant/Bar, as listed below**: -- -- -- -- -- -- -- L P -- -- -- -- C C P -- -- -- P Section 5.1.5.5
  - Eating Establishment: -- -- -- -- -- -- -- L P -- -- -- -- C C P -- -- -- P Section 5.1.5.5
  - Bar: -- -- -- -- -- -- -- -- -- -- -- -- -- C -- -- -- -- C C P -- -- -- P Section 5.1.5.5
  - Mobile Food Court: -- -- -- -- -- -- -- -- -- -- -- -- -- C -- -- -- -- C C P -- -- -- P Section 5.1.5.5
  - Sale of Alcohol for on premise consumption: -- -- -- -- -- -- -- -- -- -- -- -- -- C -- -- -- -- C C P -- -- -- P Section 5.1.5.5

- **Overnight Lodging, as listed below**: See Section 5.1.5.6
  - Bed and Breakfast (up to 8 rooms): L C C C C L L 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

Adopted April 17, 2018  San Marcos Development Code
## Table 5.1 Land Use Matrix

<table>
<thead>
<tr>
<th>Types of Land Uses</th>
<th>Conventional Residential</th>
<th>Neighborhood Density Districts</th>
<th>Character Districts</th>
<th>Special Districts</th>
<th>Definition Use Standards</th>
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<tbody>
<tr>
<td></td>
<td>FD</td>
<td>SF-R</td>
<td>SF-6</td>
<td>SF-4.5</td>
<td>ND-3</td>
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<tr>
<td>Hotel/ Motel (more than 30 rooms)</td>
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<td>Outdoor Recreation, except as listed below:</td>
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<td>--</td>
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<td>C</td>
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<td>Golf Course</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Traveler Trailers/ RVs Short Term stays</td>
<td>P</td>
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<tr>
<td>Shooting Range</td>
<td>C</td>
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<td>Indoor Recreation, except as listed below:</td>
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<td>Gym/ Health club</td>
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<td>Smoking Lounge</td>
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<td>--</td>
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<td>Charitable Gaming Facility</td>
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<td><strong>Public &amp; Institutional</strong></td>
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<td>L</td>
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<td>Civic, except as listed below:</td>
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<td>Day Care Center</td>
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<td>P</td>
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<tr>
<td>Parks, Open Space, and Greenways</td>
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<td>Minor Utilities</td>
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<td>Major Utilities</td>
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<td>Antenna</td>
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<td><strong>Industrial</strong></td>
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<td><strong>See Section 5.1.6.3D</strong></td>
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<tr>
<td><strong>Light Industrial</strong></td>
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<td>L</td>
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<tr>
<td><strong>Light Manufacturing</strong></td>
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<td>P</td>
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<tr>
<td><strong>Vehicle Service, as listed below:</strong></td>
<td>P</td>
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<td>P</td>
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<td>Car Wash</td>
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<td>Vehicle repair (minor)</td>
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<td>Vehicle repair (major)</td>
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<td>Warehouse &amp; Distribution</td>
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<td>Waste-Related service</td>
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<td>Wholesale trade</td>
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<td>Self Storage</td>
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<td>Research and Development</td>
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<td>P</td>
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<td>Wrecking/Junk Yard</td>
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<td>P</td>
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# Zoning District Comparison Chart

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<tr>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Zoning Description</td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>The 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.</td>
</tr>
<tr>
<td>Uses</td>
<td>Residential  (See Land Use Matrix)</td>
<td>Single-family residential. (See Land Use Matrix)</td>
</tr>
<tr>
<td>Parking Location</td>
<td>No location standards</td>
<td>No location standards</td>
</tr>
<tr>
<td>Parking Standards</td>
<td>2 spaces per dwelling unit (if single family detached)</td>
<td>1 space per dwelling unit.</td>
</tr>
<tr>
<td>Max Residential Units / acre</td>
<td>0.4 units per acre (max)</td>
<td>5.5 units per acre (max)</td>
</tr>
<tr>
<td>Occupancy Restrictions</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
</tr>
<tr>
<td>Building Height (max)</td>
<td>2 stories</td>
<td>2 stories</td>
</tr>
<tr>
<td>Setbacks</td>
<td>50’ front setback, 20 ft side setback, 20% of the lot depth</td>
<td>25’ front setback, 5’ side setback, 20’ rear set back.</td>
</tr>
<tr>
<td>Impervious Cover (max)</td>
<td>30%</td>
<td>50% (20% for Mystic Canyon due to location within Edwards Aquifer Recharge Zone).</td>
</tr>
<tr>
<td>Lot Sizes</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
</tr>
<tr>
<td>Streetscapes</td>
<td>Residential Street: 5’ sidewalk for lots smaller than 1 acre, street trees every 40’ on center average, 7’ planting area.</td>
<td>Residential, and Conventional.</td>
</tr>
<tr>
<td>Blocks</td>
<td>No Block Perimeter Required</td>
<td>3,000 ft. Block Perimeter max.</td>
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</tbody>
</table>
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
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: \( 0.4 \) 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

<table>
<thead>
<tr>
<th>Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?</th>
<th>YES</th>
<th>NO (map amendment required)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>X</td>
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**ECONOMIC DEVELOPMENT** – Furthering the goal of the Core 4 through the three strategies

<table>
<thead>
<tr>
<th>STRATEGY</th>
<th>SUMMARY</th>
<th>SUPPORTS</th>
<th>CONTRADICTS</th>
<th>NEUTRAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparing the 21st Century Workforce</td>
<td>Provides / Encourages educational opportunities</td>
<td></td>
<td></td>
<td>Applicant has not indicated that educational facilities will be included.</td>
</tr>
<tr>
<td>Competitive Infrastructure &amp; Entrepreneurial Regulation</td>
<td>Provides / Encourages land, utilities and infrastructure for business</td>
<td></td>
<td></td>
<td>Applicant will extend utilities to the site in order to develop.</td>
</tr>
<tr>
<td>The Community of Choice</td>
<td>Provides / Encourages safe &amp; stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity</td>
<td></td>
<td></td>
<td>Applicant has not indicated that opportunities for jobs and services will be included.</td>
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**ENVIRONMENT & RESOURCE PROTECTION** – Land Use Suitability & Development Constraints

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

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<tr>
<th>Located in Subwatershed:</th>
<th>Sink Creek</th>
</tr>
</thead>
</table>

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

**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**

<table>
<thead>
<tr>
<th>CONA Neighborhood(s):</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Commission Area(s):</td>
<td>Sector 2</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Will Parks and / or Open Space be Provided?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Will Trails and / or Green Space Connections be Provided?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Descriptive</td>
<td>TBD</td>
<td></td>
</tr>
</tbody>
</table>

Parkland dedication will be determined at the time of preliminary or final plat.

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

**Public Facility Availability**

<table>
<thead>
<tr>
<th>Parks / Open Space within ¼ mile (walking distance)?</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wastewater service available?</th>
<th>The developer will be required to extend wastewater service through the site.</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Water service available?</th>
<th>The developer will be required to extend water service through the site.</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TRANSPORTATION</strong> – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Existing Daily LOS</strong></td>
<td>A</td>
<td>B</td>
<td>C</td>
</tr>
<tr>
<td>N LBJ Drive</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Existing Peak LOS</strong></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Preferred Scenario Daily LOS</strong></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>N LBJ Drive</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Preferred Scenario Peak LOS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N LBJ Drive</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sidewalk Availability</strong></td>
<td>N/A</td>
<td>Good</td>
<td>Fair</td>
</tr>
<tr>
<td>Sidewalks are required to be built as part of the development.</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td><strong>Adjacent to existing bicycle lane?</strong></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Adjacent to existing public transportation route?</strong></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Notes:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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](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](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](http://www.sanmarcostx.gov) to see if other means of participating in the public hearing become available.

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

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Mike Siefert</th>
<th>Property Owner</th>
<th>LOP/SM Properties LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company</td>
<td>Lookout Development Group</td>
<td>Company</td>
<td>Lookout Partners, L.P.</td>
</tr>
<tr>
<td>Applicant's Mailing Address</td>
<td>17886 B. Egstel Rd #4101 Leander, TX 78561</td>
<td>Owner's Mailing Address</td>
<td>2370 Rice Blvd. Ste 202 Houston TX 77005</td>
</tr>
<tr>
<td>Applicant's Phone #</td>
<td>512.690.4322</td>
<td>Owner's Phone #</td>
<td>713.524.5263</td>
</tr>
<tr>
<td>Applicant's Email</td>
<td><a href="mailto:mike@theloookoutgroup.com">mike@theloookoutgroup.com</a></td>
<td>Owner's Email</td>
<td><a href="mailto:dkg@dkga.com">dkg@dkga.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

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

Legal Description: Lot __________ Block __________ Subdivision

Total Acreage: 12.99

Preferred Scenario Designation: Existing Neighborhood

Existing Land Use(s): Vacant Land

Existing Zoning: FD

Tax ID #: R13098, 13097

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

*Existing Neighborhood Regulating Plan Included.

MAXIMUM COST $3,013

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
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
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 $31 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
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

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

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 10th day of August, 2006.

GEORGE W. GILBERT

THE STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on the 14th day of August, 2006 by

GEORGE W. GILBERT

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

AFTER RECORDING, RETURN TO:
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 Grogan 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°53' 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 northeast 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 southwest corner of Lot 2, 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.

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

Date: 04/12/06

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 09:44PM
Document Number: 06024415
Amount: 0.00
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
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.
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.
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.
Environmental Analysis

• Not located in floodplain.

• Located in the Edwards Aquifer Contributing Zone.

• Significant slopes on <10% of the property.
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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning Description</strong></td>
<td>The Future Development (FD) District is intended to serve as a temporary zoning district for properties that shall develop in the future, but have been newly annexed and/or are not yet ready to be zoned for a particular Use. Characterized by primarily agricultural use with woodlands and wetlands and scattered buildings.</td>
<td>The 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.</td>
</tr>
<tr>
<td><strong>Uses</strong></td>
<td>Residential  (See Land Use Matrix)</td>
<td>Single-family residential. (See Land Use Matrix)</td>
</tr>
<tr>
<td><strong>Parking Location</strong></td>
<td>No location standards</td>
<td>No location standards</td>
</tr>
<tr>
<td><strong>Parking Standards</strong></td>
<td>2 spaces per dwelling unit (if single family detached)</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td><strong>Max Residential Units/acre</strong></td>
<td>0.4 units per acre (max)</td>
<td>5.5 units per acre (max)</td>
</tr>
<tr>
<td><strong>Occupancy Restrictions</strong></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>Tree and shrub requirements</td>
<td>Tree and shrub requirements</td>
</tr>
<tr>
<td><strong>Building Height (max)</strong></td>
<td>2 stories</td>
<td>2 stories</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>50’ front setback, 20 ft side setback, . Rear setback: 20% of the lot depth</td>
<td>25’ front Setback, 5’ side setback, 20’ rear set back.</td>
</tr>
<tr>
<td><strong>Impervious Cover (max)</strong></td>
<td>30%</td>
<td>50% (20% for Mystic Canyon due to location within Edwards Aquifer Recharge Zone)</td>
</tr>
<tr>
<td><strong>Lot Sizes</strong></td>
<td>Allows a variety of lot sizes depending on Building Type.</td>
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</tr>
<tr>
<td><strong>Streetscapes</strong></td>
<td>Residential Street: 5’ sidewalk for lots smaller than 1 acre, street trees every 40’ on center average, 7’ planting area.</td>
<td>Residential, and Conventional.</td>
</tr>
<tr>
<td><strong>Blocks</strong></td>
<td>No Block Perimeter Required</td>
<td>3,000 ft. Block Perimeter max.</td>
</tr>
</tbody>
</table>