



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, April 22, 2014

6:00 PM

City Council Chambers

I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

1. ZC-13-16 (Yarrington Commons Multi-Family) Receive an update from staff regarding the postponement of consideration of a request by Ocie Vest for an amendment to the Zoning Map from Future Development (FD) to Multiple-Family Residential (MF-24) for a portion of Yarrington Commons, consisting of 50.339 acres more or less out of the William Ward Survey No. 3 located near the 2700 block of Post Road.
2. Receive an update from the Engineering / CIP Department Staff and hold discussion on the 2014 Capital Improvements Program and process for consideration.

IV. 30 Minute Citizen Comment Period

CONSENT AGENDA

3. Consider approval of the minutes of the Regular Meeting on April 8, 2014.
4. PC-14-06_02 (Blanco Vista, Tract G-H) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Preliminary Plat for approximately 20.089 acres, more or less, out of the William Ward League Survey, Abstract 467, for 56 residential lots located at Blanco Vista Boulevard and Royal Oak Boulevard.

PUBLIC HEARINGS

5. CUP-14-04 (Headwaters Draft House) Hold a public hearing and consider a request by HDH LLC for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 205 W. Hopkins Street.

NON-CONSENT AGENDA

6. Development Services Report:
 - a. Comprehensive Master Plan Implementation Update
 - b. Code SMTX update
 - c. Multifamily Design Standards update

V. Question and Answer Session with Press and Public.

VI. Adjournment

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:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-267, **Version:** 1

AGENDA CAPTION:

ZC-13-16 (Yarrington Commons Multi-Family) Receive an update from staff regarding the postponement of consideration of a request by Ocie Vest for an amendment to the Zoning Map from Future Development (FD) to Multiple-Family Residential (MF-24) for a portion of Yarrington Commons, consisting of 50.339 acres more or less out of the William Ward Survey No. 3 located near the 2700 block of Post Road.

Meeting date: April 22, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND: The applicant for this request, Ocie Vest, has requested that this item be postponed until *May 27, 2014*, which is the target date for the multi-family standards to be presented to the Commission.



STRATFORDLAND

April 4, 2014

Ms. Amanda Hernandez, AICP, CNU-A
Senior Planner
Development Services
City of San Marcos
San Marcos, Texas

Subject: MF-24 Zoning Request for Yarrington Commons

Dear Ms. Hernandez:

Please accept this letter as our request to postpone our public hearing for the above referenced zoning case at the Planning and Zoning Commission until May 27th to allow for the new multifamily design standards to be considered by the Commission prior to considering our zoning request. As always, please feel free to call or email with any questions or comments in this matter.

Thanks,



Ocie L. Vest, PE
Senior Vice President – Entitlements



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-229, **Version:** 1

AGENDA CAPTION:

Receive an update from the Engineering / CIP Department Staff and hold discussion on the 2014 Capital Improvements Program and process for consideration.

Meeting date: April 8, 2014

Department: Engineering / CIP

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-262, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the Regular Meeting on April 8, 2014.

Meeting date: April 22, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND:



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes Planning and Zoning Commission

Tuesday, April 8, 2014

6:00 PM

City Council Chambers

630 E. Hopkins

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 Chris Wood at 6:00 p.m. on Tuesday, April 8, 2014 in the Council Chambers of the City of San Marcos City Hall, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Present 8 - Commissioner Corey Carothers, Commissioner Kenneth Ehlers, Commissioner Jane Hughson, Commissioner Travis Kelsey, Commissioner Brian Olson, Commissioner Angie Ramirez, Commissioner Amy Stanfield, and Commissioner Chris Wood

Absent 1 - Commissioner Curtis Seebeck

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Camille Phillips asked the Commission to deny Item 7 because the Master Plan indicates the area of an area of stability. She pointed out that if we are going to adopt a plan we should stick to them. He requested that the Commission deny the request. Ms. Phillips added that there is a trend that people will choose to do online classes and feels there is no need for more apartments. She stated that the Retreat was 98% full the first year and the second year was only 50% full. In addition, she stated that the previous Manager of Sanctuary Lofts had asked the Commission not to approve more apartments because they could not rent all their units. Ms. Phillips asked the Commission to deny the request.

1. Receive a report from the Comprehensive Plan Oversight Committee and discussion.

Sam Huenergardt, Comprehensive Plan Oversight Committee Chair presented the report.

CONSENT AGENDA

2. Consider approval of the minutes of the Regular Meeting on April 8, 2014.
3. PC-13-05_02b (Retreat on Willow Creek Preliminary Plat) Consider a request by Carlson, Brigrance and Doering, Inc., on behalf of Preferred Development Partners and KB Home Lone Star, Inc., for approval of an amendment to the Preliminary Plat for the Retreat on Willow Creek Subdivision consisting of approximately 100.885 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, located near the intersection of Stagecoach Trail and Hunter Road to: 1) modify the boundary of the parkland to be dedicated with the Phase 2 Final Plat identified as Lot 56 on the attached plat; and 2) reconfigure an easement area in

order to allow more room for improvements associated with construction of the road and bridge across Willow Creek which connects Phases 1-3 and Phase 4..

4. PC-14-05_03 (Retreat on Willow Creek Phase 2) Consider a request by Carlson, Brigance and Doering, Inc., on behalf of Preferred Development Partners, for approval of a Final Plat for approximately 15.543 acres, more or less, out of the Juan M. Veramendi Survey, No. 1, Abstract 17, establishing the Retreat on Willow Creek Phase 2 subdivision, located near the intersection of Stagecoach Trail and Hunter Road.

A motion was made by Commissioner Ehlers, seconded by Commissioner Kelsey to approve the Consent Agenda. The motion carried unanimously.

For: 8 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez, Commissioner Stanfield and Commissioner Wood

Against: 0

Absent: 1 - Commissioner Seebeck

PUBLIC HEARINGS

5. **CUP-14-13 (Railyard Bar & Grill)** Hold a public hearing and consider a request by Matt Hageman, on behalf of Railyard Bar & Grill, L.L.C., for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 116 S. Edward Gary Street.

A motion was made by Commissioner Ehlers, seconded by Commissioner Olson, that this Item be approved with conditions that the permit shall be valid for three (3) years, provided standards are met, subject to the point system, the permit shall be posted in the same area and manner as the Certificate of Occupancy, and all live music shall be restricted to the indoor stage and may continue until 2 a.m. The motion carried by the following vote:

For: 7 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Olson, Commissioner Ramirez, Commissioner Stanfield and Commissioner Wood

Against: 0

Absent: 1 - Commissioner Seebeck

Recused: 1 - Commissioner Kelsey

6. **CUP-14-14 (Louie's Oyster House & Beer Garden)** Hold a public hearing and consider a request by Allen Shy, on behalf of Shy SG Group, for renewal of an existing restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 119 E Hutchison Street.

A amended motion was made by Commissioner Ehlers, seconded by Commissioner Stanfield, to amend the condition that the permit be valid for one (1) year to the permit be valid for three (3) years .

For: 6 - Commissioner Carothers, Commissioner Ehlers, Commissioner Kelsey, Commissioner Olson, Commissioner Stanfield and Commissioner Wood

Against: 2 - Commissioner Hughson and Commissioner Ramirez

Absent: 1 - Commissioner Seebeck

A motion was made by Commissioner Carothers, seconded by Commissioner Olson, that this Action Item be approved with conditions that the permit shall be valid for three (3) year, provided standards are met subject to the point system, live music shall be limited to 11:00 am - 12:00 am Sunday through Saturday and, the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried by the following vote:

For: 7 - Commissioner Carothers, Commissioner Ehlers, Commissioner Hughson, Commissioner Olson, Commissioner Ramirez, Commissioner Stanfield and Commissioner Wood

Against: 0

Absent: 1 - Commissioner Seebeck

Recused: 1 - Commissioner Kelsey

7. **PSA-14-01 (Campus Crest)** Hold a public hearing and consider a request by Campus Village Communities for a Preferred Scenario Map Amendment to change an Area of Stability to a Medium Intensity Zone for approximately 5.38 acres and 5.02 acres out of the McNaughton Subdivisions and 0.36 acres out of the Thomas J. Chambers Survey. The site is located at the intersection of Sessom Drive and Academy Street and is generally bounded by Orchard Street and Comanche Street.

Jim Garber, 104 Canyon Fork, showed the Commission a picture of a house located in an area on stability, a neighborhood in a protected area. He explained that the house is brand new and the residents moved in the home in December. Mr. Garber pointed out that the house is located at 211 Orchard. He provided a map of the proposed request and the location of the house. He explained that if proposal is approved, the house would be surrounded by a multi story, 500 bed, rent by the room student housing complex. He added if we are serious about saving the housing market in San Marcos, then we need to send the message and allow people feel safe in an area of stability. Mr. Garber said people need to know that their investment is safe in San Marcos. He added that he hopes their is a unanimous vote to deny the request.

Ken Dees, 1412 Alamo Street stated that he is very concerned about the Preferred Scenario Amendment on Sessom Drive. He stated that he agrees the area can use some revitalization. He pointed out that multi family and medium density use would be detrimental to that area of town. Mr. Dees explained that the proposed use will increase foot and vehicle traffic. People in the neighborhood will be negatively affected by traffic and property values would be in jeopardy. He feels that the neighbors should not have to fight with developers to remain single family. Mr. Dees asked the Commission not to recommend the request. Mr. Dees added that regulations and enforcement clauses should be included in all development plans located in a neighborhood. He stated that he appreciated Amanda coming to the CONA meeting to present the PSA to allow the CONA representatives to take back to their neighborhoods.

Melissa Derrick, 109 Kathryn Cove echoed Mr. Dees comments regarding staff notifying CONA representatives and the public. She felt the request is spot zoning. She said that not all the property owners should be affected because some properties are left in disrepair. Ms. Derrick stated that the development will destroy the neighborhood. She added that she is concerned that the area is in the San Marcos Watershed. She hoped that the Commission would deny the amendment. Ms. Derrick said they want to trust the Commission that they follow the Preferred Scenario Map and the Comprehensive Master Plan that were approved.

Diane McCabe, 1315 Alamo Street, said she has lived there for 25 years and the have made

improvements to their home. She added that they love to walk to work at the University. She said there are allot of homeowners who have have invested allot of money in their homes. Ms. McCabe stated that it is true that people can not find places to live in San Marcos. She said the proposal is overwhelming to think it will be down her street. She pointed out that there will already be the Holland Street dorms coming soon. She asked the Commission to think about what kind of community they want to have for the future.

Paul Murray, 102 Barclay, San Marcos provided an informal petition to the Commission with over 70 signatures that were gathered in one day from people opposed to the request. He explained that the applicants, Mr. Theriot and Mr. Schaefer met with him and Mr. Garber regarding the request. Mr. Murray told the Commission that they gave the applicants options of what could be developed on the property under the current designation. He stated that they are not opposed to development but would like to keep the development to scale with the neighborhood. Mr. Murray asked the Commission to follow staff's recommendation and deny the request.

Madeline Osborne, owner of the house presented by Mr. Garber stated that she thought the area was a suttle area. She expressed her concerns with the egress of the area and pointed out that there is no adequate way to access the area. Ms. Osborne added that she cannot picture the area if the density is increased.

Linda Hopson, 102 Canyon Fork said that she understands that the neighborhood character studies have not been done but the neighbors have been before the Commission to point out how important the area is to them. She said she understands that there are some are that are going through transition, but the new homes are telling us that they see the dream to live near the University. Ms. Hopson pointed out that there are plenty of people that want to live in an area of stability. She asked the Commission to deny the request.

Paul Ginsberg, 323 W. Holland stated that he cannot think of a development request that is more inappropriate to the integrity of their neighborhood than what has been submitted. He explained that Sessoms is the boundary between the University and their neighborhood. He said the request would completely change the character of the neighborhood. Mr. Ginsberg pointed out that traffic is currently an issue and it will send it through the roof. He reiterated what Mr. Murray stated that they would not be opposed to upgrading some areas located on Sessom that have no been upkept.

Joe Cox, Franklin Drive stated that he was present as a citizen who served on the Comprehensive Plan Steering Committee. He commented that the validity that the Commission attached to the Comp Plan was recently approved. He felt that it is very early to make a significant change in the Comprehensive Plan. He felt that everyone would acknowledge that other time there will be some changes. Mr. Cox pointed out that this area is designated as an area of stability. Mr. Cox stated that it will be premature to approve the request.

A motion was made by Commissioner Kelsey, seconded by Commissioner Olson, that this Item be recommended for denial. The motion carried by the following vote:

For: 5 - Commissioner Ehlers, Commissioner Kelsey, Commissioner Olson, Commissioner Ramirez and Commissioner Stanfield

Against: 2 - Commissioner Carothers and Commissioner Wood

Absent: 1 - Commissioner Seebeck

Recused: 1 - Commissioner Hughson

NON-CONSENT AGENDA

8. Receive an update from the Engineering / CIP Department Staff and hold discussion on the 2014 Capital Improvements Program and process for consideration.

Christin Lindsey, Contracts Coordinator, CIP/Engineering Department presented the Commission with the Capital Improvements Program schedule.

- 9. Development Services Report:**
 - a. Comprehensive Master Plan Implementation Update
 - b. Code SMTX update
 - c. Multifamily Design Standards update
 - d. Capital Improvements Program Workshop discussion

Matthew Lewis and John Foreman gave a brief update.

V. Question and Answer Session with Press and Public.

None.

VI. Adjournment

A motion was made by Commissioner Kelsey, seconded by Commissioner Ehlers, to adjourn the regular meeting of the San Marcos Planning and Zoning Commission at 7:25 p.m. The motion carried by a unanimous vote.

Notice of Assistance at the Public Meetings

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

_____ **Title:**



Legislation Text

File #: PC-14-06_02, **Version:** 1

AGENDA CAPTION:

PC-14-06_02 (Blanco Vista, Tract G-H) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Preliminary Plat for approximately 20.089 acres, more or less, out of the William Ward League Survey, Abstract 467, for 56 residential lots located at Blanco Vista Boulevard and Royal Oak Boulevard.

Meeting date: April 22, 2014

Department: Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

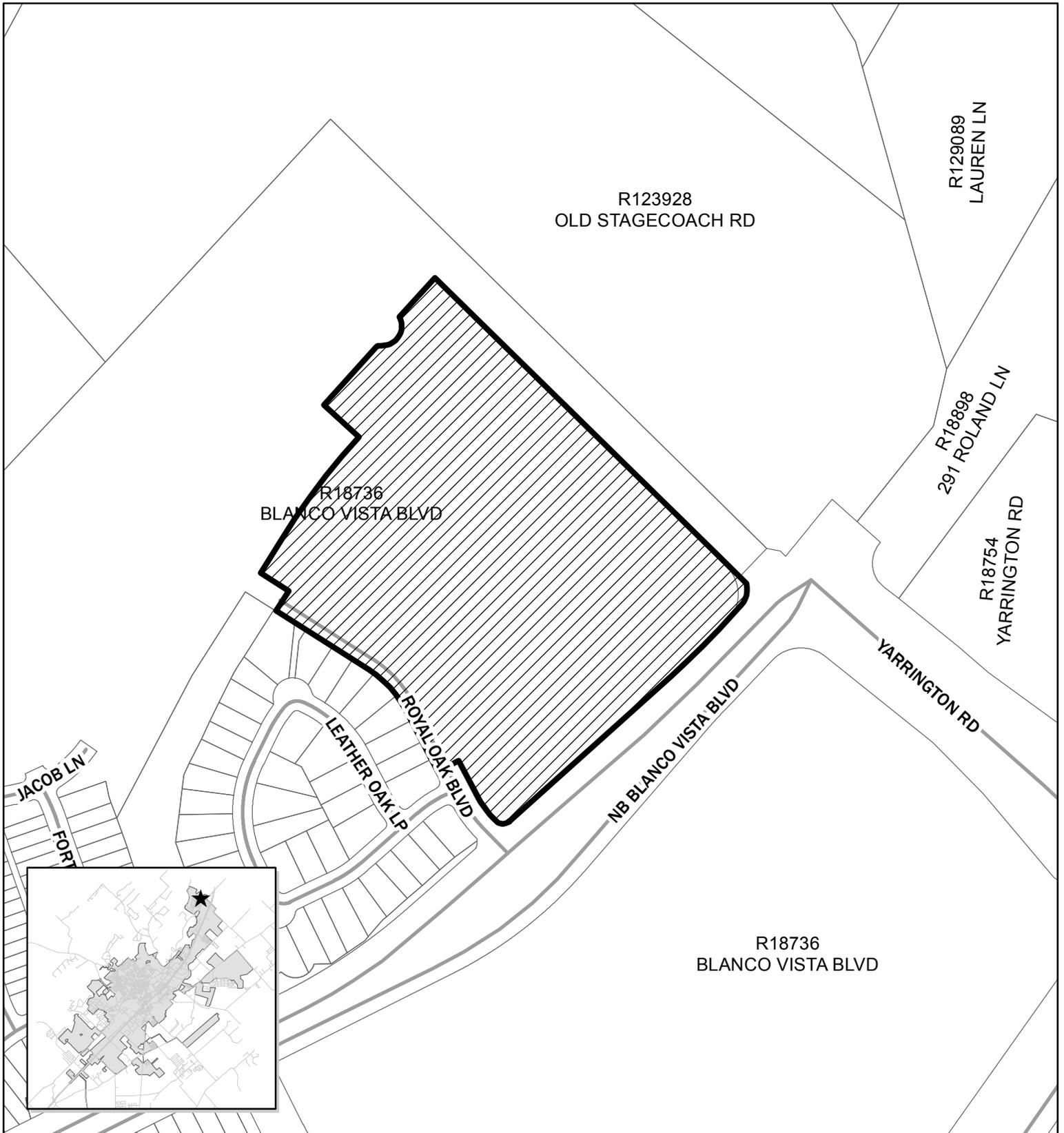
Account Name: NA

CITY COUNCIL GOAL:

Big Picture Infrastructure

BACKGROUND:

The property, approximately 20.089 acres, more or less, is part of the Blanco Vista Planned Development District, and has a base zoning of Mixed Use. Tract G is located in the Mixed Use Commercial/Residential portion of the development and Tract H in the single-family portion. Single-family residential is allowed in Tract G per the PDD (Ordinance 2011-37). Sand Post Place and Ancient Oak Way are two new streets that are proposed to be constructed in these tracts. The extension of Yarrington Road is shown to the north of these tracts. Tract G-H will provide for the development of 56 residential lots, three small park lots, and one drainage lot. The park lots will be maintained by the Blanco Vista H.O.A. and were designed as a way to preserve the heritage trees that exist on site. The proposed plat would be consistent with developments in the area and the PDD. The site is part of the continued build-out of the Blanco Vista subdivision and is not located in floodplain or floodway. Staff finds the request meets the criteria of Section 1.6.3.5 of the Land Development Code and recommends **approval** of the plat as submitted.



PC-14-06_02

Blanco Vista Tracts G & H

Map Date: 4/7/2014



Site Location



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

PC-14-06_02 Preliminary Plat, Blanco Vista, Tract G-H



Applicant Information:

Agent: CSF Civil Group
3636 Executive Center Drive
Suite 209
Austin, Texas 78731

Property Owner: Brookfield Residential
9737 Great Hills Trail
Suite 260
Austin, Texas 78759

Notification: Notification not required

Type & Name of Subdivision: Preliminary Plat, Blanco Vista Tract G-H

Subject Property:

Summary: The subject property is approximately 20.089 acres, more or less, and is located at the intersection of Blanco Vista Boulevard and Royal Oak Boulevard.

Zoning: Mixed Use/PDD/Single-Family

Traffic/ Transportation: The property is at the intersection of Blanco Vista Boulevard and Royal Oak Boulevard. Sidewalks will be installed as part of the development of this plat. The plat proposes two new streets: Sand Post Place and Ancient Oak Way. Yarrington Road is to be extended along the north side of these tracts and the extension is shown on this preliminary plat.

Utility Capacity: All utilities are provided for on-site.

Planning Department Analysis:

The purpose of a Preliminary Plat is to establish lot design for a subdivision, establish utility layouts, and street and intersection design. The Preliminary Plat stage ensures that the final plat design, if final platting is accomplished in phases, is consistent with the overall plan for the area. Preliminary Plats are not recorded and are not the legal document used for sale of lots, but rather are used to allow for comprehensive review of the proposed development.

The subject property is part of the Blanco Vista Planned Development District, and has a base zoning of Mixed Use. The Concept Plan shows Tract G in the Mixed Use Commercial/Residential portion of the development and Tract H in the single-family portion. Single-family residential is allowed in Tract G per the PDD (Ordinance 2011-37). These tracts provide for the development of 56 residential lots, three small park lots, and one drainage lot. The applicant designed the three park lots as a way to preserve the heritage trees that exist on site. Two streets, Sand Post Place and Ancient Oak Way, are proposed to be constructed. The park lots will be maintained by the Blanco Vista H.O.A. The proposed plat would be consistent with developments in the area and the PDD. The site is part of the continued build-out of the Blanco Vista subdivision and is not located in floodplain or floodway. Parkland dedication was completed with the initial phase of this project, and is not required for this individual plat.

The following criteria shall be used to determine whether the application for Preliminary Subdivision Plat shall be approved, approved with conditions, or denied, where no Subdivision Concept Plat has been approved for the land subject to the proposed plat:

- (1) The plat is consistent with all zoning requirements for the property, and any approved development agreement;
- (2) The plat conforms to the approved Watershed Protection Plan (Phase 1);
- (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans;
- (4) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision and meet applicable standards of Chapters 6 and 7 of this Land Development Code; and
- (5) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Tex. Loc. Gov't Code ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.

Staff has reviewed the request and determined that all of the above criteria have been met and is recommending **approval** of this preliminary plat as submitted.

Planning Department Recommendation	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Statutory Denial

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed Subdivision Preliminary Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

Prepared By:

Alison E. Brake	Planner	April 7, 2014
Name	Title	Date

PRELIMINARY SUBDIVISION PLAT: BLANCO VISTA TRACT G-H CITY OF SAN MARCOS, TEXAS

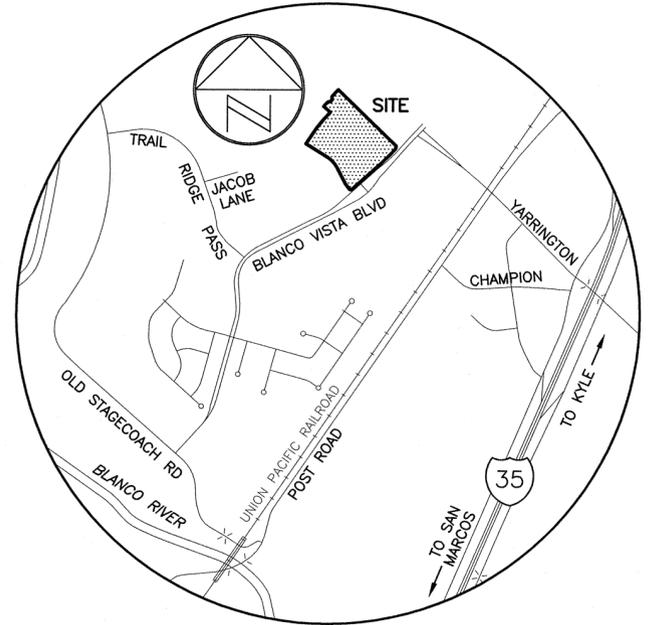
WILLIAM WARD LEAGUE,
ABS. 467

FG2, LLC
92.90 ACRES
(4579/410)

N45°56'54"W 1570.27'
(N43°26'05"W)

CARMA BLANCO VISTA, LTD.
PORTION OF 199.323 ACRES
(2494/616)

SCALE: 1" = 100'
GRAPHIC SCALE



LOCATION MAP
NOT TO SCALE

FUTURE EXTENSION OF YARRINGTON ROAD

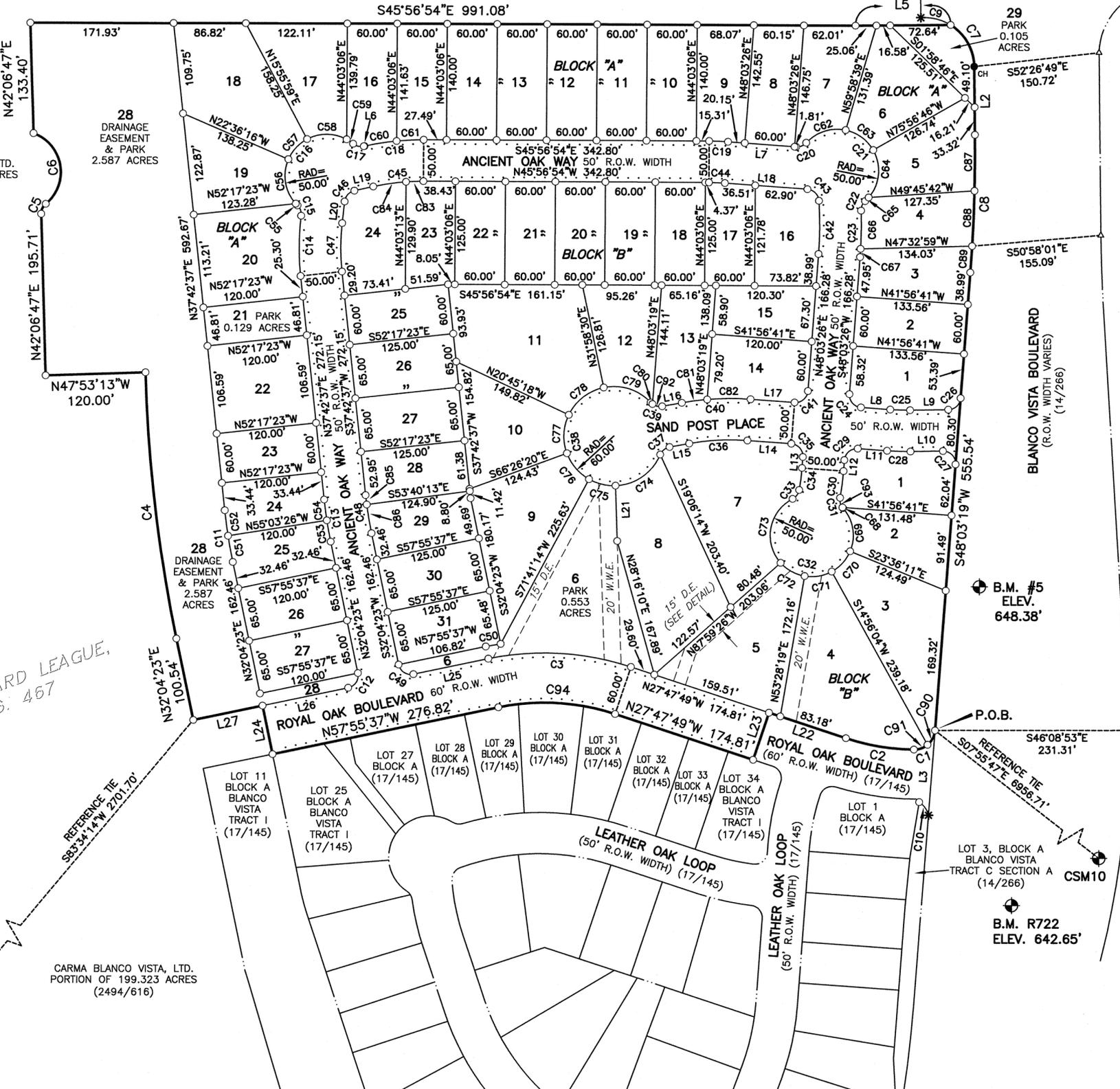
FUTURE EXTENSION OF YARRINGTON ROAD

YARRINGTON ROAD
(R.O.W. WIDTH VARIES)

29
PARK
0.105
ACRES

CARMA BLANCO VISTA, LTD.
PORTION OF 199.323 ACRES
(2494/616)

28
DRAINAGE
EASEMENT
& PARK
2.587 ACRES



LEGEND

- CH 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- * COTTON SPINDLE FOUND
- △ CALCULATED POINT
- ⊕ CONTROL POINT/BENCHMARK LOCATION
- D.E. DRAINAGE EASEMENT
- W.W.E. WASTEWATER EASEMENT
- () RECORD INFORMATION
- ... SIDEWALK LOCATION

CONTROL POINT "HC08"
4" ALUMINUM DISC IN CONC. STAMPED "HC08";
BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.
TEXAS CENTRAL ZONE COORDINATES:
N 9954796.42
E 3067134.53
SURFACE TO GRID 1.000017434
GRID TO SURFACE 0.999982566
BENCHMARK ELEV. = 637.78 (NGVD 29 DATUM). SOURCE BENCHMARK IS RM88, F.E.M.A. MAP 48209C0185E DATED FEBRUARY 18, 1998.
FROM G.P.S. OBSERVATIONS USING L.C.R.A. H.A.R.N. NETWORK.

BENCHMARK INFORMATION
BM #5: SQUARE CUT ON THE NORTHERNMOST CORNER OF A CURB INLET APPROXIMATELY 800 FEET SOUTHWEST OF THE INTERSECTION OF BLANCO VISTA BOULEVARD AND YARRINGTON ROAD.
ELEVATION = 648.38'
BM #722: 4" ALUMINUM DISK SET IN CONCRETE IN THE MEDIAN OF BLANCO VISTA BOULEVARD APPROXIMATELY 1200 FEET SOUTHWEST OF THE INTERSECTION OF BLANCO VISTA BOULEVARD AND YARRINGTON ROAD.
ELEVATION = 642.65'
NGVD 29 DATUM (SOURCE BENCHMARK IS RM88, F.E.M.A. MAP 48209C0185E DATED FEBRUARY 18, 1998.)



4/2/14

CSM10
(CITY OF SAN MARCOS GPS #10)
4" ALUMINUM DISK IN CONCRETE
TEXAS CENTRAL ZONE COORDINATES:
N 9947582.78
E 3071412.89
ELEVATION = 629.35'
INFORMATION PROVIDED BY THE CITY OF SAN MARCOS, TEXAS.

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
500-008
DRAWING NO.:
500-008-PL1
PLOT DATE:
4/2/14
PLOT SCALE:
1" = 100'
DRAWN BY:
JBE & BBP
SHEET
01 OF 03

WILLIAM WARD LEAGUE,
ABS. 467

CARMA BLANCO VISTA, LTD.
PORTION OF 199.323 ACRES
(2494/616)

HC08

B.M. #5
ELEV. 648.38'

B.M. #722
ELEV. 642.65'

CSM10

PRELIMINARY SUBDIVISION PLAT: BLANCO VISTA TRACT G-H CITY OF SAN MARCOS, TEXAS

TRACT G-H

WHEREAS, CARMA BLANCO VISTA, LLC (FORMERLY KNOWN AS CARMA BLANCO VISTA, LTD. AND CARPER-CARMA PROPERTIES NO. 1, LTD.) IS THE OWNER OF 20.089 ACRES IN THE WILLIAM WARD LEAGUE, ABS. 467, HAYS COUNTY, TEXAS, BEING A PORTION OF A 199.323 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CARMA BLANCO VISTA, LTD. DATED JUNE 25, 2004 AND RECORDED IN VOLUME 2494, PAGE 616 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 20.089 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with "Chaparral" cap set at the intersection of the northwest right-of-way line of Blanco Vista Boulevard (right-of-way width varies) as shown on Blanco Vista Tract C Section A, a subdivision of record in Volume 14, Page 266 of the Plat Records of Hays County, Texas and the northeast right-of-way line of Royal Oak Boulevard (60' right-of-way width) as shown on Blanco Vista Tract I, a subdivision of record in Volume 17, Page 145 of the Plat Records of Hays County, Texas;

THENCE with the northeast right-of-way line of Royal Oak Boulevard and crossing the said 199.323 acre tract, the following three (3) courses and distances:

1. With a curve to the right, having a radius of 25.00 feet, a delta angle of 86°30'11", an arc length of 37.74 feet, and a chord which bears North 88°41'36" West, a distance of 34.26 feet to a 1/2" rebar with "Chaparral" cap set;
2. With a curve to the right, having a radius of 270.00 feet, a delta angle of 17°38'42", an arc length of 83.15 feet, and a chord which bears North 36°37'09" West, a distance of 82.82 feet to a 1/2" rebar with "Chaparral" cap set;
3. North 27°47'49" West, a distance of 97.49 feet to a 1/2" rebar with "Chaparral" cap set for the northeast termination of Royal Oak Boulevard;

THENCE South 62°12'11" West with the northern termination of Royal Oak Boulevard and crossing the said 199.323 acre tract, a distance of 60.00 feet to a 1/2" rebar with "Chaparral" cap set for the northwest termination of Royal Oak Boulevard, being in the northeast line of Lot 34, Block A, of said Blanco Vista Tract I;

THENCE crossing the said 199.323 acre tract and with the northeast line of Lots 25-34, Block A, of said Blanco Vista Tract I, the following three (3) courses and distances:

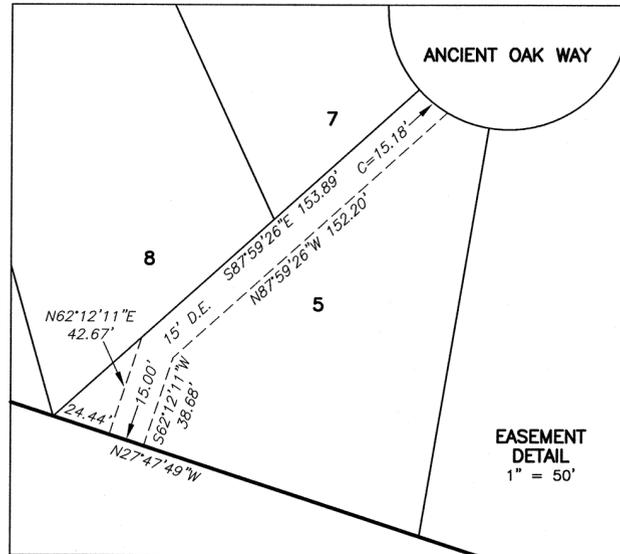
1. North 27°47'49" West, a distance of 174.81 feet to a 1/2" rebar with "Chaparral" cap set;
2. With a curve to the left, having a radius of 270.00 feet, a delta angle of 30°07'48", an arc length of 141.98 feet, and a chord which bears North 42°51'43" West, a distance of 140.35 feet to a 1/2" rebar with "Chaparral" cap set;
3. North 57°55'37" West, a distance of 276.82 feet to a 1/2" rebar with "Chaparral" cap set for the northernmost corner of said Lot 25, being the easternmost corner of Lot 11, Block A, of said Blanco Vista Tract I;

THENCE crossing the said 199.323 acre tract, the following eleven (11) courses and distances:

1. North 32°04'23" East, a distance of 60.00 feet to a 1/2" rebar with "Chaparral" cap set;
2. North 57°55'37" West, a distance of 85.00 feet to a 1/2" rebar with "Chaparral" cap set;
3. North 32°04'23" East, a distance of 100.54 feet to a 1/2" rebar with "Chaparral" cap set;
4. With a curve to the right, having a radius of 1855.00 feet, a delta angle of 10°02'24", an arc length of 325.05 feet, and a chord which bears North 37°05'35" East, a distance of 324.64 feet to a 1/2" rebar with "Chaparral" cap set;
5. North 47°53'13" West, a distance of 120.00 feet to a 1/2" rebar with "Chaparral" cap set;
6. North 42°06'47" East, a distance of 195.71 feet to a 1/2" rebar with "Chaparral" cap set;
7. With a curve to the right, having a radius of 15.00 feet, a delta angle of 52°01'12", an arc length of 13.62 feet, and a chord which bears North 68°07'24" East, a distance of 13.16 feet to a 1/2" rebar with "Chaparral" cap set;
8. With a curve to the left, having a radius of 50.00 feet, a delta angle of 120°26'18", an arc length of 105.10 feet, and a chord which bears North 33°54'51" East, a distance of 86.79 feet to a 1/2" rebar with "Chaparral" cap set;
9. North 42°06'47" East, a distance of 133.40 feet to a 1/2" rebar with "Chaparral" cap set;
10. South 45°56'54" East, a distance of 991.08 feet to a 1/2" rebar with "Chaparral" cap set;
11. South 46°35'20" East, a distance of 114.28 feet to a 1/2" rebar with "Chaparral" cap set in the northwest right-of-way line of Blanco Vista Boulevard;

THENCE with northwest right-of-way line of Blanco Vista Boulevard and crossing the said 199.323 acre tract, the following four (4) courses and distances:

1. With a curve to the right, having a radius of 60.00 feet, a delta angle of 57°26'43", an arc length of 60.16 feet, and a chord which bears South 14°22'48" West, a distance of 57.67 feet to a calculated point;
2. South 43°06'10" West, a distance of 82.43 feet to a calculated point;
3. With a curve to the right, having a radius of 1929.00 feet, a delta angle of 04°57'09", an arc length of 166.74 feet, and a chord which bears South 45°34'44" West, a distance of 166.69 feet to a calculated point;
4. South 48°03'19" West, a distance of 555.54 feet to the POINT OF BEGINNING, containing 20.089 acres of land, more or less.



STREET SUMMARY	
ANCIENT OAK WAY	1676 L.F.
SAND POST PLACE	415 L.F.
ROYAL OAK BOULEVARD	580 L.F.

TABLE OF LAND USES	
LOT 28, BLOCK A	DRAINAGE & PARK
LOT 21, BLOCK A	PARK
LOT 29, BLOCK B	PARK
LOT 6, BLOCK B	PARK
ALL OTHER LOTS	SINGLE FAMILY

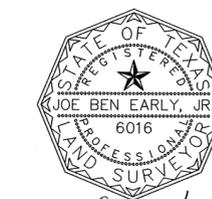
LOT SUMMARY	
RIGHT-OF-WAY	3.638 ACRES
S.F. LOTS (56)	13.077 ACRES
PARK LOTS (3)	0.787 ACRES
DRAINAGE LOT (1)	2.587 ACRES
TOTAL	20.089 ACRES

TOTAL NO. OF LOTS = 60
TOTAL NO. OF S.F. LOTS = 56

CURRENT ZONING: P.D.D.
CURRENT TRACT: "TRACT G-H"

PLAT NOTES:

1. THIS PLAT (AND LOTS THEREIN) IS SUBJECT TO THE PDD AGREEMENT WITH THE CITY OF SAN MARCOS, ORDINANCE 2011-37, APPROVED AUGUST 16, 2011, AMENDED JULY 17, 2012, ORD. 2012-33.
2. NO PUBLIC IMPROVEMENT SHALL BE ACCEPTED BY THE CITY UNTIL CONSTRUCTION PLANS FOR OPEN SPACE IMPROVEMENTS AND AN OPEN SPACE PLAN, OUTLINING THE MANAGEMENT AND MAINTENANCE RELATIONSHIP BETWEEN CITY AND HOMEOWNER ASSOCIATION FOR SUCH IMPROVEMENTS, ARE APPROVED BY THE CITY.
3. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE BLANCO VISTA PDD, OR AS OTHERWISE APPROVED BY THE CITY OF SAN MARCOS.
4. A 10 FOOT-WIDE PUBLIC UTILITY EASEMENT WILL BE DEDICATED WITH THE FINAL PLAT ADJACENT TO THE RIGHTS-OF-WAY OF ROYAL OAK BOULEVARD, ANCIENT OAK WAY AND SAND POST PLACE.
5. SPECIAL NOTICE:
SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE LDC AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
6. PUBLIC SIDEWALKS, BUILT TO CITY OF SAN MARCOS STANDARDS, ARE REQUIRED ALONG THE FOLLOWING STREETS, AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT: ROYAL OAK BOULEVARD, ANCIENT OAK WAY AND SAND POST PLACE. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE ADJOINING LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
- THE SIDEWALKS ALONG ROYAL OAK BOULEVARD AND ALONG ANCIENT OAK WAY ADJACENT TO LOT 21, BLOCK A, AND ALONG SAND POST PLACE ADJACENT TO LOT 6, BLOCK B, SHALL BE IN PLACE PRIOR TO THE ACCEPTANCE OF PUBLIC INFRASTRUCTURE BY THE CITY OF SAN MARCOS.
7. THE LOTS HEREIN SHALL COMPLY WITH THE REQUIREMENTS AND RESTRICTIONS OF "TRACT G-H" WITHIN THE BLANCO VISTA PDD STANDARDS.
8. NEITHER ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY NOR BUILDING AND SITE CONSTRUCTION PERMITS (OTHER THAN MODEL HOMES) SHALL OCCUR PRIOR TO THE FILING OF THIS PLAT AND ACCEPTANCE OF ASSOCIATED INFRASTRUCTURE.
9. ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BLANCO VISTA", AS AMENDED FROM TIME TO TIME, ORIGINALLY RECORDED IN VOLUME 3062, PAGE 327 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
10. THIS PROPERTY IS LOCATED WITHIN THE CURRENTLY MAPPED EDWARDS AQUIFER TRANSITION ZONE.
11. THE BLANCO VISTA H.O.A. OR ITS ASSIGNS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PARK AND DRAINAGE LOTS SHOWN HEREON.
12. DRIVEWAY ACCESS IS PROHIBITED BETWEEN YARRINGTON ROAD AND LOTS 6-18, BLOCK A; BETWEEN BLANCO VISTA BOULEVARD AND LOTS 1-3, BLOCK B AND LOTS 1-5, BLOCK A, AND BETWEEN ROYAL OAK BOULEVARD AND LOTS 4-5, BLOCK B.
13. A TREE SURVEY, AND A TREE MITIGATION PLAN, SHALL BE PREPARED AND SUBMITTED FOR REVIEW AND APPROVAL BY THE CITY OF SAN MARCOS, WITH EACH BUILDING PERMIT APPLICATION WITHIN THIS SUBDIVISION, UNLESS OTHER ARRANGEMENTS ARE MADE IN WRITING WITH THE CITY OF SAN MARCOS.



JBE 4/4/14

 Chaparral Professional Land Surveying, Inc. Surveying and Mapping 3500 McCall Lane Austin, Texas 78744 512-443-1724 Firm No. 10124500	PROJECT NO.: 500-008 DRAWING NO.: 500-008-PL1 PLOT DATE: 4/4/14 PLOT SCALE: 1" = 100' DRAWN BY: JBE & BBP
	SHEET 02 OF 03

PRELIMINARY SUBDIVISION PLAT: BLANCO VISTA TRACT G-H CITY OF SAN MARCOS, TEXAS

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	25.00'	86°30'11"	37.74'	N88°41'36"W	34.26'
C2	270.00'	17°38'42"	83.15'	N36°37'09"W	82.82'
C3	330.00'	30°07'48"	173.54'	N42°51'43"W	171.54'
C4	1855.00'	10°02'24"	325.05'	N37°05'35"E	324.64'
C5	15.00'	52°01'12"	13.62'	N68°07'24"E	13.16'
C6	50.00'	120°26'18"	105.10'	N33°54'51"E	86.79'
C7	60.00'	57°26'43"	60.16'	S14°22'48"W	57.67'
C8	1929.00'	4°57'09"	166.74'	S45°34'44"W	166.69'
C9	60.00'	35°48'02"	37.49'	N32°14'34"W	36.88'
C10	25.00'	45°34'37"	19.89'	S09°00'24"W	19.37'
C11	645.00'	5°38'14"	63.46'	N34°53'30"E	63.43'
C12	15.00'	90°00'00"	23.56'	N77°04'23"E	21.21'
C13	525.00'	5°38'14"	51.65'	N34°53'30"E	51.63'
C14	325.00'	12°54'32"	73.22'	N44°09'53"E	73.07'
C15	15.00'	52°41'07"	13.79'	N24°16'36"E	13.31'
C16	50.00'	175°29'25"	153.14'	N85°40'44"E	99.92'
C17	15.00'	52°01'12"	13.62'	S32°35'10"E	13.16'
C18	325.00'	12°38'52"	71.74'	S52°16'20"E	71.60'
C19	325.00'	4°00'20"	22.72'	S43°56'44"E	22.72'
C20	15.00'	52°01'12"	13.62'	S67°57'10"E	13.16'
C21	50.00'	185°14'36"	161.66'	S01°20'28"E	99.90'
C22	15.00'	49°22'13"	12.93'	S66°35'43"W	12.53'
C23	525.00'	6°08'49"	56.32'	S44°59'01"W	56.30'
C24	15.00'	90°00'07"	23.56'	S03°03'22"W	21.21'
C25	275.00'	4°57'09"	23.77'	S44°25'16"E	23.76'
C26	15.00'	85°02'51"	22.27'	S89°25'16"E	20.28'
C27	15.00'	94°57'09"	24.86'	N00°34'44"E	22.11'
C28	325.00'	4°57'09"	28.09'	N44°25'16"W	28.08'
C29	15.00'	89°59'53"	23.56'	N86°56'38"W	21.21'
C30	325.00'	5°45'02"	32.62'	S50°55'57"W	32.61'
C31	15.00'	51°30'39"	13.49'	S28°03'09"W	13.04'
C32	50.00'	284°02'08"	247.87'	N35°41'07"W	61.54'
C33	15.00'	52°40'52"	13.79'	N79°59'32"E	13.31'
C34	275.00'	5°35'40"	26.85'	N50°51'16"E	26.84'
C35	15.00'	90°00'07"	23.56'	N03°03'22"E	21.21'
C36	275.00'	14°37'37"	70.20'	N49°15'30"W	70.01'
C37	15.00'	57°46'09"	15.12'	N85°27'23"W	14.49'
C38	60.00'	295°32'17"	309.49'	N33°25'41"E	64.00'
C39	15.00'	57°46'09"	15.12'	S27°41'14"E	14.49'
C40	325.00'	14°37'37"	82.97'	S49°15'30"E	82.74'
C41	15.00'	89°59'53"	23.56'	S86°56'38"E	21.21'
C42	475.00'	7°47'19"	64.57'	N44°09'47"E	64.52'
C43	15.00'	82°12'41"	21.52'	N00°50'13"W	19.72'
C44	275.00'	4°00'20"	19.22'	N43°56'44"W	19.22'
C45	275.00'	12°38'52"	60.70'	N52°16'20"W	60.58'
C46	15.00'	71°25'34"	18.70'	S85°41'27"W	17.51'
C47	275.00'	12°16'03"	58.88'	S43°50'39"W	58.77'

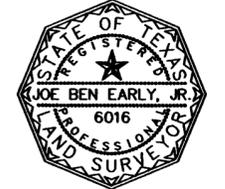
CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C48	475.00'	5°38'14"	46.73'	S34°53'30"W	46.72'
C49	15.00'	90°00'00"	23.56'	S12°55'37"E	21.21'
C50	345.00'	3°01'13"	18.19'	N56°25'00"W	18.18'
C51	645.00'	2°52'11"	32.30'	S33°30'29"W	32.30'
C52	645.00'	2°46'03"	31.16'	S36°19'36"W	31.15'
C53	525.00'	2°52'11"	26.29'	S33°30'29"W	26.29'
C54	525.00'	2°46'03"	25.36'	S36°19'36"W	25.36'
C55	50.00'	3°25'01"	2.98'	S00°21'27"E	2.98'
C56	50.00'	66°02'40"	57.63'	S34°22'24"W	54.50'
C57	50.00'	38°32'15"	33.63'	S86°39'51"W	33.00'
C58	50.00'	56°44'44"	49.52'	N45°41'39"W	47.52'
C59	50.00'	10°44'44"	9.38'	N11°56'55"W	9.36'
C60	325.00'	6°54'23"	39.17'	N55°08'35"W	39.15'
C61	325.00'	5°44'30"	32.57'	N48°49'09"W	32.55'
C62	50.00'	59°39'58"	52.07'	N64°07'48"W	49.75'
C63	50.00'	48°21'03"	42.19'	N10°07'18"W	40.95'
C64	50.00'	70°16'24"	61.32'	N49°11'26"E	57.55'
C65	50.00'	6°57'12"	6.07'	N87°48'14"E	6.06'
C66	525.00'	5°03'19"	46.32'	N44°28'16"E	46.31'
C67	525.00'	1°05'30"	10.00'	N47°30'41"E	10.00'
C68	15.00'	4°02'34"	1.06'	S04°19'06"W	1.06'
C69	50.00'	64°06'00"	55.94'	N34°20'49"E	53.07'
C70	50.00'	38°32'15"	33.63'	N85°39'56"E	33.00'
C71	50.00'	38°32'15"	33.63'	S55°47'48"E	33.00'
C72	50.00'	38°32'15"	33.63'	S17°15'33"E	33.00'
C73	50.00'	104°19'23"	91.04'	S54°10'16"W	78.97'
C74	60.00'	66°11'30"	69.32'	S81°14'42"E	65.52'
C75	60.00'	31°35'45"	33.09'	S32°21'05"E	32.67'
C76	60.00'	40°06'53"	42.01'	S03°30'14"W	41.16'
C77	60.00'	45°41'02"	47.84'	S46°24'11"W	46.58'
C78	60.00'	52°43'48"	55.22'	N84°23'24"W	53.29'
C79	60.00'	59°13'20"	62.02'	N28°24'50"W	59.29'
C80	15.00'	10°53'56"	2.85'	S04°15'08"E	2.85'
C81	325.00'	5°24'31"	30.68'	N53°52'03"W	30.67'
C82	325.00'	9°13'07"	52.29'	N46°33'15"W	52.23'
C83	275.00'	4°21'20"	20.90'	N48°07'34"W	20.90'
C84	275.00'	8°17'32"	39.80'	N54°27'00"W	39.77'
C85	475.00'	1°22'50"	11.45'	S37°01'12"W	11.45'
C86	475.00'	4°15'24"	35.29'	S34°12'05"W	35.28'
C87	1929.00'	2°00'33"	67.65'	N44°06'27"E	67.64'
C88	1929.00'	1°59'27"	67.03'	N46°06'27"E	67.03'
C89	1929.00'	0°57'08"	32.06'	N47°34'45"E	32.06'
C90	25.00'	45°56'47"	20.05'	S71°01'43"W	19.52'
C91	25.00'	40°33'24"	17.70'	S65°43'12"E	17.33'
C92	15.00'	46°52'12"	12.27'	S33°08'12"E	11.93'
C93	15.00'	47°28'04"	12.43'	N30°04'26"E	12.07'
C94	270.00'	30°07'48"	141.98'	N42°51'43"W	140.35'

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JOE BEN EARLY, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND ON JULY 29, 2013 AND THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS.

Joe Ben Early, Jr. 4/2/14



JOE BEN EARLY, JR., R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR, STATE OF TEXAS NO. 6016
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 McCall Lane
AUSTIN, TX 78744
512-443-1724
FIRM NO. 10124500

ENGINEER'S CERTIFICATION:

I, CHARLES STEINMAN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NO LOT IN THIS SUBDIVISION FALLS WITHIN THE 100 YEAR FLOOD PLAIN OF A WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL 48209C0385F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS.

Charles Steinman 4-2-14



CHARLES STEINMAN, P.E. #64410,
REGISTERED PROFESSIONAL ENGINEER, STATE OF TEXAS
CSF CIVIL GROUP, LLC
3636 EXECUTIVE CENTER DRIVE, SUITE 209
AUSTIN, TEXAS 78731
(512) 614-4466
TBPE FIRM REGISTRATION NO. 12377

**CITY OF SAN MARCOS:
CERTIFICATE OF APPROVAL:**

APPROVED ON THE _____ DAY OF _____, 20____
BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS.

CHAIRMAN _____
PLANNING AND ZONING COMMISSION

DATE _____

LINE TABLE		
LINE	BEARING	DISTANCE
L2	S43°06'10"W	82.43'
L3	N48°03'19"E	103.10'
L4	N43°06'10"E	100.00'
L5	S46°35'20"E	114.28'
L6	S58°35'46"E	0.81'
L7	S41°56'34"E	81.96'
L8	S41°56'41"E	35.38'
L9	S46°53'50"E	45.91'
L10	N46°53'50"W	38.98'
L11	N41°56'41"W	35.38'
L12	S48°03'26"W	13.36'
L13	N48°03'26"E	13.35'
L14	N41°56'41"W	52.93'

LINE TABLE		
LINE	BEARING	DISTANCE
L15	N56°34'19"W	23.98'
L16	S56°34'19"E	23.98'
L17	S41°56'41"E	52.93'
L18	N41°56'34"W	99.42'
L19	N58°35'46"W	23.29'
L20	S49°58'40"W	26.30'
L21	N41°51'03"E	67.13'
L22	N27°47'49"W	97.49'
L23	S62°12'11"W	60.00'
L24	N32°04'23"E	60.00'
L25	N57°55'37"W	91.82'
L26	N57°55'37"W	105.00'
L27	N57°55'37"W	85.00'

<p>Chaparral Professional Land Surveying, Inc. Surveying and Mapping</p> <p>3500 McCall Lane Austin, Texas 78744 512-443-1724 Firm No. 10124500</p>	PROJECT NO.: 500-008
	DRAWING NO.: 500-008-PL1
	PLOT DATE: 4/2/14
	PLOT SCALE: 1" = 100'
DRAWN BY: JBE & BBP	SHEET 03 OF 03



Legislation Text

File #: ID#13-126, **Version:** 1

AGENDA CAPTION:

CUP-14-04 (Headwaters Draft House) Hold a public hearing and consider a request by HDH LLC for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 205 W. Hopkins Street.

This is the body.

Meeting date: April 22, 2014

Department: Development Services - Planning

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL: Community Wellness/Strengthen the Middle Class

BACKGROUND:

HDH LLC has submitted a new Conditional Use Permit application for Headwaters Drafthouse, a proposed bar and restaurant, at 205 W. Hopkins in the vacant Texaco Service Station. A request for a Conditional Use Permit (CUP-13-25) at this location by the same applicant was denied by the Planning and Zoning Commission in September 2013; the denial was upheld by the City Council on appeal. The denial was a discretionary decision by the Commission. At the time of the first request there was significant public opposition. Among other potential adverse impacts, the public expressed strong concerns about the establishment's proximity to the First United Methodist Church.

At the time of the original permit application, staff reviewed the distance and technical requirements of both section 4.3.4.2 of the Land Development Code (LDC) and SmartCode and determined that the request met those requirements. However, at the time of the first application, staff also advised the Commission of its responsibility under Section 1.5.7.5 of the LDC to consider consistency with the policies of the Master Plan, compatibility with the character and integrity of adjacent developments and neighborhoods, the inclusion of improvements to mitigate adverse impacts, and whether the proposed use generates pedestrian or vehicular traffic which is hazardous or conflicts with traffic in the neighborhood.

Staff does not find the new application materially different from the previously submitted application. The concept, hours, menu, site plan, seating and proposed entertainment show only minor modifications from the original application. Similarly, no substantial changes have been offered since the original proposal to address adverse impacts from the proposed use. Staff has included all previous analysis and backup materials as attachments to this agenda item.

After considering the concerns expressed by the public regarding the adverse impacts of the proposed use

on the surrounding property and neighborhood during public hearings on the previous permit application that lead to the denial of the permit by the Commission and the affirmation of that denial by the City Council, staff recommends denial of the current request because the applicant has not offered any substantial changes to minimize such adverse impacts.



MEMO

TO: PLANNING AND ZONING COMMISSION
FROM: JOHN FOREMAN, AICP. CNU-A, PLANNING MANAGER
DATE: APRIL 17, 2014
RE: HEADWATERS DRAFTHOUSE CASE HISTORY (CUP-14-04)

HDH LLC has submitted a new Conditional Use Permit application for Headwaters Draffhouse, a proposed bar and restaurant, at 205 W. Hopkins in the vacant Texaco Service Station. A request for a Conditional Use Permit (CUP-13-25) at this location by the same applicant was denied by the Planning and Zoning Commission in September 2013; the denial was upheld by the City Council on appeal. The denial was a discretionary decision by the Commission. At the time of the first request there was significant public opposition. Among other potential adverse impacts, the public expressed strong concerns about the establishment's proximity to the First United Methodist Church.

At the time of the original permit application, staff reviewed the distance and technical requirements of both section 4.3.4.2 of the Land Development Code (LDC) and SmartCode and determined that the request met those requirements. However, at the time of the first application, staff also advised the Commission of its responsibility under Section 1.5.7.5 of the LDC to consider consistency with the policies of the Master Plan, compatibility with the character and integrity of adjacent developments and neighborhoods, the inclusion of improvements to mitigate adverse impacts, and whether the proposed use generates pedestrian or vehicular traffic which is hazardous or conflicts with traffic in the neighborhood.

Staff does not find the new application materially different from the previously submitted application. The concept, hours, menu, site plan, seating and proposed entertainment show only minor modifications from the original application. Similarly, no substantial changes have been offered since the original proposal to address adverse impacts from the proposed use. Staff has included all previous analysis as attachments to this memo.

After considering the concerns expressed by the public regarding the adverse impacts of the proposed use on the surrounding property and neighborhood during public hearings on the previous permit application that lead to the denial of the permit by the Commission and the affirmation of that denial by the City Council, staff recommends denial of the current request because the applicant has not offered any substantial changes to minimize such adverse impacts.

Commission's Responsibility:

The Commission is required to conduct a public hearing and receive comments regarding the proposed conditional use permit. After considering public input, the Commission is charged with making a decision on the permit. The commission's approval is discretionary. The

Commission shall consider whether the proposed use meets the requirements under section 4.3.4.2 of the LDC regarding conditional use permits for businesses that dispense alcoholic beverages for on-premises consumption. The Commission must also consider the requirements of Section 1.5.7.5 of the LDC that apply to consideration of every conditional use permit application.

Section 1.5.7.5 of the LDC requires the Commission to evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3) 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;
- (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- (5) 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;
- (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- (7) The proposed use meets the standards for the zoning 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 Commission may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the Planning and Zoning Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this Section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.

Case History

August 27, 2013 P&Z Meeting - This case was first heard by the Planning and Commission at the August 27 meeting. Members of the First United Methodist Church spoke at the public hearing in opposition and the item was postponed in order to allow the applicant time to meet with the concerned parties including the First United Methodist Church and the Price Seniors Center. The vote by the Commission to postpone was 6-0. Commissioners Wood and Morris recused themselves from the item. Staff recommended approval with the following conditions:

1. The permit shall be effective upon issuance of the Certificate of Occupancy;
2. The permit shall be valid for one (1) year, provided standards are met, subject to the point system.
3. No live outdoor music shall be allowed without amending the CUP or obtaining an alternative permit for live music.

September 10, 2013 P&Z Meeting - The case was heard for the second time by the Commission on September 10. Twelve citizens spoke in opposition to the issuance of the permit at the public hearing and several opposition letters were received in the Planning Department on the day of the meeting. Members of the congregation expressed concern about traffic, parking, trash and noise. They also questioned the need for another bar in Downtown San Marcos. Many comments focused on the proximity of the First United Methodist Church's activity center and the youth and pre-school programs that utilize the property along Hopkins Street across the street from the proposed Headwaters Draft House. Comments also focused on the proximity of the Montessori School located at 406 Harvey Street.

The proposed location of Headwaters Draft House does meet distance location requirements in the Land Development Code (LDC) and Texas Alcoholic Beverage Code. Planning staff provided detailed information on the Land Development Code requirements and maps to illustrate the distance requirements during the presentation on September 10.

Church Distance Requirements: A business selling alcohol for on-premise consumption is required to be located at least 300 feet from a church, school or hospital. The distance from the proposed front door of Headwaters to the front door of the First United Methodist Church at 129 W. Hutchison is approximately 560 feet. The LDC states that the measurement, "shall be along the property lines of street fronts and from front door to front door, and in a direct line across street intersections." There are, however, entrances to the Church's activity center located approximately 300 feet from the proposed front door of Headwaters.

School Distance Requirements: The LDC states that it is unlawful for a business to sell alcoholic beverages within 1,000 feet of a public or private school if the school administration submits a letter in opposition. There is a Montessori school located at 406 Harvey and staff received a letter in opposition from the administrator on the day of the September 10 meeting. The school requested illustration of the measurement which is approximately 535 feet and the measurement is taken, "in a direct line from the property line of the place of business, and in a direct line across intersections." School is defined as the following in the LDC:

School, private (primary or secondary): A school under the sponsorship of a private agency or corporation, other than a religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools. *The Texas Alcoholic Beverage*

Code further defines a private school as “a private school, including a parochial school, that: (1) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and (2) has more than 100 students enrolled and attending courses at a single location.”

The San Marcos Montessori School’s website indicates that it offers kindergarten and first grade educational programs. The school also has an enrollment of less than 100 students at that location. Thus the school does not fall within the definition of a private school for purposes of the CUP.

School, public or parochial: A school under the sponsorship of a public or religious agency which provides elementary or secondary curricula, but not including private business or commercial trade schools.

After the second public hearing on September 10, the Commission voted to deny the Conditional Use Permit 5-0. Commissioners Morris, Wood and Kelsey recused themselves from the item. Staff recommended approval with the same conditions as presented on August 27.

October 2, 2013 City Council Meeting – An appeal to the city council was filed by the applicant on Friday, September 13, 2013. Upon a motion made by Mayor Guerrero and a second by Council Member Prather, the City Council voted six (6) for, one (1) abstained, Council Member Thomason, and none (0) opposed, to affirm the Planning and Zoning Commission’s decision. The motion carried.

Memo Attachments:

- CUP-13-15 and CUP-14-04 Comparison Chart
- CUP-13-25 Staff Report (9/10/13 Meeting)
- CUP-13-25 Application
- CUP-13-25 Site Plan
- CUP-13-25 Menu
- Distance Requirement Maps
- Citizen Comments Received by Staff (8/27/13 and 9/10/13 Meetings)
- P&Z Meeting Minutes (8/27/13 and 9/10/13)

CUP-13-25 and CUP-14-04 Application Comparison Chart

	<i>CUP-13-25</i>	<i>CUP-14-04</i>
LICENSE INFORMATION		
Trade Name	Headwaters Draft House	Headwaters Drafhouse
Application Filed By	LLC	LLC
Name of Entity	HDH, LLC	HDH, LLC
Type of Permit Requested	Mixed Beverage	Mixed Beverage
PROPERTY		
Address	205 West Hopkins	205 West Hopkins
Current Zoning	T5	T5
Property Owner	West Hopkins Street 205, LLC	West Hopkins Street 205, LLC
BUSINESS DETAILS		
Primary Business Use	Bar	Bar
Hours of Operation	10:00 a.m. – 2:00 a.m.	11:00 a.m. – 2:00 a.m.
Type of Entertainment Facilities	Restaurant and Bar	Restaurant and Bar
Indoor Fixed Seats	75	75
Outdoor Fixed Seats	100	100
Gross Floor Area	5700	5700
Off-Street Parking Spaces	27	25
Located 300 feet from church, public school, hospital, low density residential	Yes	Yes
CUP PERMIT HISTORY		
	New Request	New Request
ADDITIONAL APPLICATION MATERIALS		
Menu	Draft Form	Complete and more extensive
Site Plan	Meets T5 requirements	Meets T5 requirements

CUP-13-25

Conditional Use Permit

Headwaters Draft House

205 W. Hopkins



Applicant Information:

Applicant: Kyle Meredith and Craig Steele
 HDH, LLC
 PO Box 781
 San Marcos, TX 78667

Property Owner: West Hopkins Street, LLC
 205 W. Hopkins Street
 San Marcos, TX 78666

Applicant Request: Conditional Use Permit (CUP) to allow the sale and on-premise consumption of mixed beverages in a T-5 Urban Center zoning district.

Public Hearing Notice: Public hearing notifications were mailed on August 15 for the August 27 P&Z meeting and on August 30 for the September 10 P&Z meeting.

Response: Members of the First United Methodist Church spoke in opposition at the public hearing on August 27 and a letter in opposition was submitted to the Planning and Zoning Commission from the H.Y. Price, Jr. Seniors Center. Staff has not received any additional comments.

Subject Property:

Location: 150 S. LBJ Dr.

Legal Description: Original Town of San Marcos, Block 15, Lot 7-8

Frontage On: W. Hopkins

Neighborhood: Downtown

Existing Zoning: SmartCode T5 – Urban Center

Utilities: Sufficient

Existing Use of Property: Vacant (Previously Texaco Station)

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	T5 – Urban Center	Retail - HEB
S of property	T5 – Urban Center	Commercial – Nopalitos, Karate Academy
E of property	T5- Urban Center	Commercial – Ozona National Bank
W of property	T5 – Urban Center	Commercial – Tantra Coffee House

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. The distance from the proposed front door of Headwaters to the front door of the First United Methodist Church at 129 W. Hutchison is approximately 560' feet; therefore, this location **does** meet the distance requirements. The measurement is taken as follows: between a place of business where alcoholic beverages are sold and the church, public hospital, or residence shall be along the property lines of street fronts and from front door to front door, and in a direct line across street intersections. The Church does own property with frontage on Hopkins which provides space for their ancillary programs.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2). This location is located just beyond the boundary of the Central Business Area; therefore, the property **is not subject** to the additional restrictions with the CBA.

Case Summary:

The subject property consists of .453 acres west of the Central Business Area within the boundary of the SmartCode. It has frontage along W. Hopkins and S. Fredericksburg with alley access. It is surrounded by T5 (Urban Center) with a variety of uses including HEB, Ozona National Bank, Tantra Coffee House and other professional services. There is no residentially used property within the 200' notification buffer. The tract contains the former Texaco Station which is proposed to be renovated into restaurant and bar with a large outdoor patio space.

The business will require a Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Beverage Cartage Permit from the Texas Alcoholic Beverage Commission (TABC).

The gross floor area will be approximately 5,700 square feet with around 2,100 square feet as outdoor patio space. The application states 75 indoor seats and 100 outdoor seats. The applicant's plans illustrate 23 parking spaces accessed from the alley (17 are required). The curb cut on Hutchison will be closed.

The hours of operation are proposed as Monday-Sunday 10:00 a.m. to 2:00 a.m. Proposed entertainment includes the bar, a game area, and live music. The site plan has been revised to no longer include a small stage on the outdoor patio, but the applicant would like the ability to have live music.

Comments from Other Departments:

None.

Update since 8/27 Planning and Zoning Commission Meeting:

Members of the First United Methodist Church (129 W. Hutchison) spoke in opposition to the conditional use permit at the 8/27 public hearing. Their concerns focused on the proximity of the entrances to the proposed Headwaters location, and the effects of additional noise, traffic and trash on the historic property. The Commission postponed the item in order for the Headwaters management team to meet with members of the Church. As of Friday, August 30, Mr. Meredith, general manager for Headwaters, had met with members of the First United Methodist Church and had a meeting scheduled with the Price Seniors Center to address their concerns about noise, traffic, parking and trash. An additional meeting with the Church was planned for the week of September 3. Staff recommendation remains as stated below.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and it appears that the request is consistent with the general intent of the T5-Urban Center zoning district and with the policies described in Section 4.3.4.2 - *Conditional Use Permits for On-Site Alcoholic Beverage Consumption*.

The applicant has worked with staff to ensure the building design will meet SmartCode standards. The curb cut will be removed on Hopkins as a requirement for any property with rear alley access. The development will extend to the frontage line and should help create a more inviting streetscape and pedestrian experience along this part of Hopkins.

An increase in noise is expected due to the large outdoor patio. This is not unlike other recent projects developed within the SmartCode including Zelicks, Rooftop on the Square and Louie's. Rooftop on the Square has reached an acceptable level for noise as reported by its neighbors and the San Marcos Police. Current conditions on the Rooftop CUP include:

- All requirements of Section 4.3.4.2;
- No live music and no speakers in the outdoor patio areas highlighted in Exhibit A;
- And all exterior doors must be maintained in an automatically assisted closed position.

As the Commission is aware, the noise ordinance and its relationship to the Conditional Use Permit process is currently under review by a Council Subcommittee. Staff recommends approval of the Headwaters Draft House permit with the option for the applicant to amend or complete an alternative permit process if developed by the Subcommittee to allow live outdoor music at this establishment in the future.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Staff recommends approval with the following conditions:

- 1. The permit shall be effective upon issuance of the Certificate of Occupancy;**
- 2. The permit shall be valid for one (1) year, provided standards are met, subject to the point system.**
- 3. No live outdoor music shall be allowed without amending the CUP or obtaining an alternative permit for live music.**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Emily Koller	Planner	September 3, 2013
Name	Title	Date

09/12

RECEIVED
JUL 12 2013

UP-13-25

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION

Trade Name of Business: Headwaters Draft House

Application is filed by:

Individual Partnership Corporation Other: LLC

Name of Individual or Entity: HDH, LLC Phone Number: 512-413-8736

Mailing Address: P.O. Box 781 San Marcos, TX 78667

Email Address: dufourlaw@yahoo.com

Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY

Street Address: 205 West Hopkins Current Zoning: T-5

Legal Description: Lot 7-8 Block 15 Subdivision n/a original town of San Marcos

Tax ID Number: R 41577

Property Owner's Name: West Hopkins Street 205, LLC Phone Number: 214-460-8724

Address: 205 West Hopkins, San Marcos, TX 78666

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: 10:00 am - 2:00 am

Type of Entertainment Facilities: Restaurant + Bar

Indoor Fixed Seats Capacity: 75 Outdoor Fixed Seats: 100

Gross Floor Area Including Outdoor Above-ground Decks: 5700 Square Feet

Number of Off-Street Parking Spaces Provided: 27

Located more than 300 feet from church, public school, hospital, low density residential? Y N

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

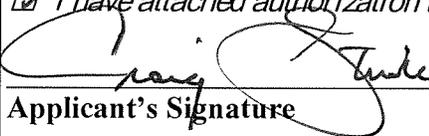
- New request**, no existing TABC CUP Permit at this location
- Change to existing TABC Permit.** Nature of Change: _____
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

- Beer and Wine Permit: **\$600 Application fee** (non-refundable) + \$10
- Mixed Beverage Permit: **\$600 Application fee** (non-refundable)
- Change to Existing Permit/Renewal: **\$300.00 fee** (non-refundable)
- **Site Plan drawn to scale**, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

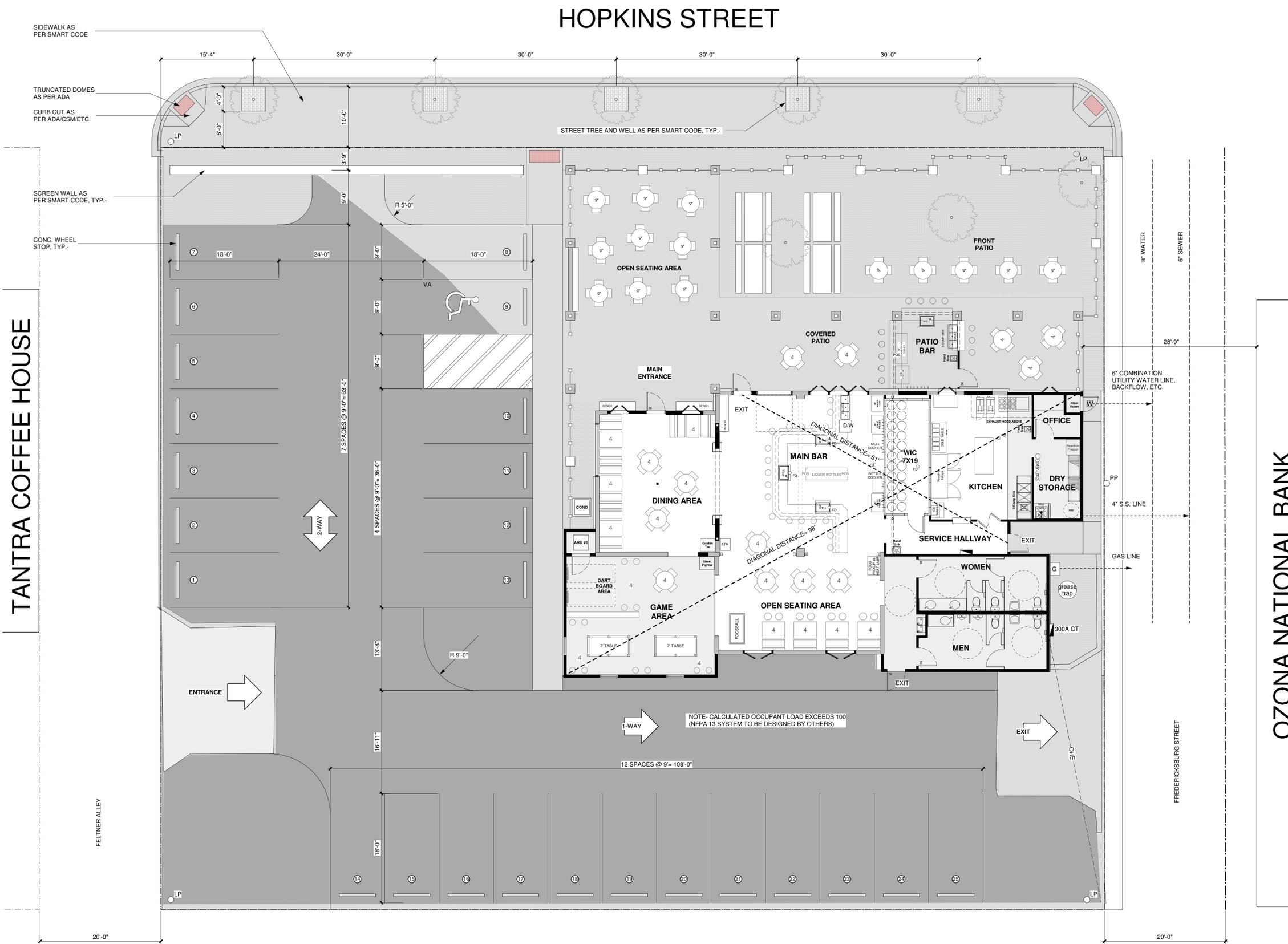
- I am the property owner of record; or*
- I have attached authorization to represent the owner, organization, or business in this application.*


Applicant's Signature

Printed Name: Craig Steede Date: 7/11/2013

To be completed by Staff:

Meeting Date: 8-27 Application Deadline: 7-15
Accepted By: Tory C. Date: 7-12



TANTRA COFFEE HOUSE

OZONA NATIONAL BANK

HOPKINS STREET

1 SITE/FLOOR PLAN- PROPOSED
SCALE: 1/8"=1'-0"

NO.	REVISION	DATE

DESIGN REVIEW SET- NOT FOR CONSTRUCTION

ASH & ASSOCIATES LLC
142 JACKSON LANE
SAN MARCOS, TEXAS 78666
(512) 392-1719
FAX (512) 392-1928

NOTE: ALL DRAWINGS ARE PROTECTED BY COPYRIGHT AND MAY NOT BE COPIED OR REPRODUCED WITHOUT THE PRIOR WRITTEN PERMISSION OF A&A LLC. IF NO SIGNATURE IS PRESENT, THE DRAWING IS FOR REVIEW ONLY AND MAY NOT BE USED FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.



RENOVATION OF 205 WEST HOPKINS FOR THE HEADWATERS DRAFTHOUSE
SAN MARCOS, TX 78666

SP-2

HEADWATERS DRAFTHOUSE

Welcome To.....

San Marcos, TX

Hot Sub Sandwiches	
French Dip...	\$6.50
LBJ...	\$6.50
Chicken Bacon Ranch...	\$6.50
Veggie Sub...	\$5.50
All sandwiches come with potato chips and a pickle	

OVER 60 beers on Draft...

With a large variety of
Bottled and can beer as well

Assorted Wines to choose from

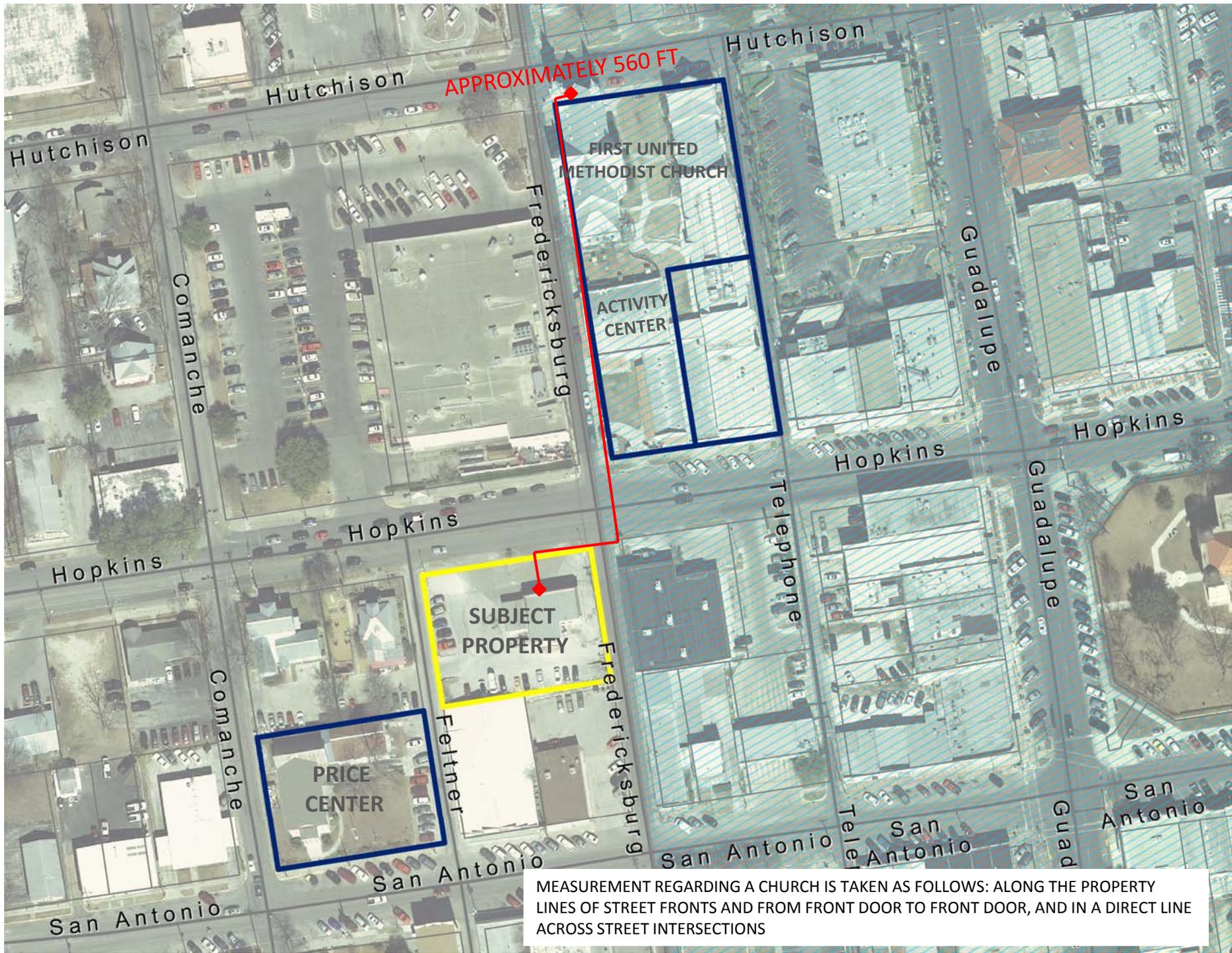
Burgers and Baskets		
Hamburger...	\$5.00	\$7.50
Cheese Burger...	\$5.50	\$8.00
Chorizo Burger...	\$6.00	\$8.50
Veggie Burger...	\$5.00	\$7.50
Toppings to choose from...		
Lettuce, tomato, red onion, caramelized onion, Sliced jalapeño, Slices avocado, guacamole, homemade chili, (Cheeses include...American, Swiss, Mozzarella, Cheddar)		
Choice of Tater Tots, Fries, or chips.		

TEXAS
CRAFT
BEER

Additional Food and...			
	<u>Cheese</u>	<u>Chicken</u>	<u>Beef</u>
Quesadilla	\$5.50	\$6.50	\$6.50
Served with chips and salsa			
Soft Tacos		\$6.00	\$6.00
Two tacos with chips and salsa			
Nachos	\$5.50	\$6.50	\$6.50
Served with tomato, bell peppers, onion, and jalapeño.			
Chips and Salsa...			\$3.00
Survival Kit...			\$6.00
Sausage link, bread, mustard, chips, pickle and a Domestic Beer			

FULL
LIQUOR
BAR

205 West Hopkins San Marcos TX 78666.....512-577-5881.....WWW.Headwatersdraft.com



APPROXIMATELY 560 FT

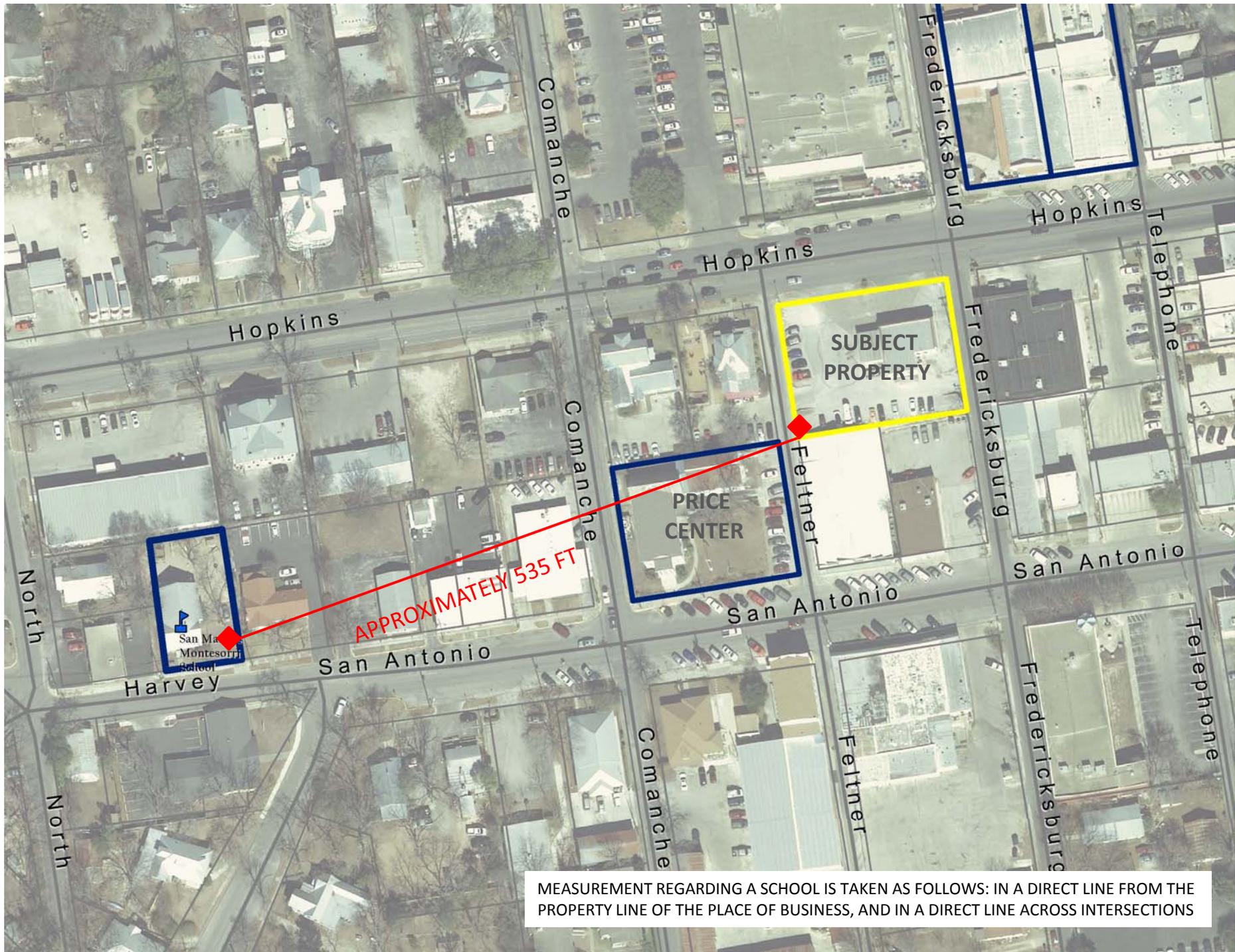
FIRST UNITED
METHODIST CHURCH

ACTIVITY
CENTER

SUBJECT
PROPERTY

PRICE
CENTER

MEASUREMENT REGARDING A CHURCH IS TAKEN AS FOLLOWS: ALONG THE PROPERTY LINES OF STREET FRONTS AND FROM FRONT DOOR TO FRONT DOOR, AND IN A DIRECT LINE ACROSS STREET INTERSECTIONS



MEASUREMENT REGARDING A SCHOOL IS TAKEN AS FOLLOWS: IN A DIRECT LINE FROM THE PROPERTY LINE OF THE PLACE OF BUSINESS, AND IN A DIRECT LINE ACROSS INTERSECTIONS

From: [Foreman, John](#)
To: [Koller, Emily](#)
Subject: Fwd: A Citizen Comment for P&Z 8-27-13
Date: Tuesday, August 27, 2013 6:32:28 PM
Attachments: [image001.png](#)

Sent from my iPad

Begin forwarded message:

From: "Lewis, Matthew" <MLewis@sanmarcostx.gov>
Date: August 27, 2013, 4:57:12 PM CDT
To: "Foreman, John" <JForeman@sanmarcostx.gov>
Subject: FW: A Citizen Comment for P&Z 8-27-13

Matthew Lewis, CNUa
Planning & Development Services Director
City of San Marcos, Texas
512.393.8236



From: chris wood [<mailto:chrisswood2@gmail.com>]
Sent: Tuesday, August 27, 2013 4:34 PM
To: Lewis, Matthew
Subject: Fwd: A Citizen Comment for P&Z 8-27-13

matt. so many folk work in that building would not surprise me if mail got shuffled. are the letters sent certified? thx

----- Forwarded message -----

From: Jager, Ronald B <rj18@txstate.edu>
Date: Tue, Aug 27, 2013 at 4:21 PM
Subject: A Citizen Comment for P&Z 8-27-13
To: "Chrisswood2@gmail.com" <Chrisswood2@gmail.com>, Ramirez Angie <angierochelle@gmail.com>, "kenneth@kerhomes.com" <kenneth@kerhomes.com>, "bill@btainsurance.com" <bill@btainsurance.com>, "netchecks@gmail.com" <netchecks@gmail.com>, "carter@randallmorris.com" <carter@randallmorris.com>, "coreycarothers@gmail.com" <coreycarothers@gmail.com>, "curtis@builtbydoc.com" <curtis@builtbydoc.com>, "taproomtexas@hotmail.com" <taproomtexas@hotmail.com>
Cc: Guerrero Daniel <dguerrero@sanmarcostx.gov>, Nuse Jim <JNuse@sanmarcostx.gov>

I REALIZE THAT THIS IS SHORT NOTICE TO YOU, BUT I DIDN'T GET ANY NOTICE OF THIS MATTER AND AM UNCERTAIN ABOUT GETTING THERE TONIGHT SINCE I AM A PART-TIME CAREGIVER.

TO: Planning & Zoning Commissioners
FROM: The H.Y.Price, Jr. Seniors Center

The H.Y.Price, Jr. Seniors Center has not received due notice of that which we have discovered to be Item 7 on the P & Z Agenda for tonight, August 27, 2013, concerning a CUP-13-25 for the property at 205 W. Hopkins St. of which the Price Center is within 200 feet. **We note also that our establishment is nowhere noted as a valid neighbor of this project.** Our attendance at the meeting is, therefore, problematic. This notice is our Citizen Comment opportunity in opposition to that request for a permit to allow the sale of mixed beverages.

We are seriously concerned about the possibility of still another bar in this area. We struggled with our Tantra Coffee House neighbor's excessive noise and trash for several years, but we were told by a ranking police department official that there was nothing they could do about the noise, since a three year outdoor music permit had been granted by P & Z, although it never got to the city council. We continued to call in protests with out any relief.

We note that this project plans for an outdoor stage for music -- a disturbing sign, considering our past difficulty with outdoor music.

The noise rattled our windows and was disturbing to our users and clients who complained, and we had to also reluctantly resort to vehicle towing to preserve our own limited space. This nuisance was finally abated under new Tantra ownership, but we are concerned over the potential for a resumption of parking intrusions related to this project.

Liquor licenses and the establishment of bars usually opens the door for easily obtained outdoor music permits, even when there are assurances that such will not be the case by those requesting the initial permit.

We do not sanction a revisiting of that situation and have found that the establishment of new bars inevitably brings harm to others and

problems for the neighbors of such establishments. As you are aware, there has been considerable strife and legal action taken recently over such problems. We see no justification for another bar, similar to Zelik's which is just one block away in this neighborhood. We suspect that even the new Tantra would not be in favor of such a distraction from their business, just across the alley; but, of course, we cannot speak for them and we do not presume to do so.

A saturation of the downtown business district with more and more bars, or bars masquerading as restaurants, cannot be beneficial to general retail businesses and the general public.

We encourage the Planning & Zoning Commission to put common sense ahead of dollars and cents and deny this conditional use permit.

On behalf of the Board of Directors of the Price Seniors Center.

Ron Jager, President.

--

thank you,

chris wood

p. 512.557.6647

f. 512.392.2211

LAW OFFICE OF WILLIAM C. DUFOUR

3301 NORTHLAND DRIVE, SUITE 213
AUSTIN, TEXAS 78731
(512) 458-2700

FAX: (512) 458-2706
E-mail: dufourlaw@yahoo.com

September 6, 2013

Senior Pastor Dr. Jenna Heart
First United Methodist Church
129 W. Hutchison Street
San Marcos, TX 78666

HAND DELIVERED

RE: Headwaters Draft House, 126 West Hopkins Street, San Marcos, Texas

Dear Dr. Heart:

This letter is in response to a meeting that was held with your staff and Kyle Meredith, general manager of Headwaters Draft House relating to the concerns of the church regarding the location of the above referenced establishment that will sell alcoholic beverages. I was at the hearing in front of the Planning and Zoning Commission and heard the concerns of the church from several members.

My clients are very cognizant of the surrounding area and will continue to operate their business in the same manner as their first location in College Station thirty-six (36) years ago. They currently operate nine locations throughout Texas and other states. Please understand that this is not a night club, but an establishment that operates a full kitchen, pool tables, and video games and also serves alcoholic beverages. When this project was initially started, the ownership group worked with the City of San Marcos to determine the best use of this property in order to incorporate the City's goal of making the downtown area a more walking friendly environment. The business will have an outside patio that fronts West Hopkins. There is no mistake that this is a college establishment. The group that is behind this business operates nine locations in College Station, Austin, and Denton, Texas, Knoxville, Tennessee, Blacksburg, Virginia, and Fort Collins Colorado. This location will adopt the same business model that is utilized in Austin, at the Crown & Anchor Pub. It is next the University of Texas campus and is primarily an establishment that relies on foot traffic from the surrounding area. The Crown & Anchor Pub total sales breakdown for food and alcohol is approximately 50-50. That is the goal that we strive for due to the fact that we are not in the business of plying patrons with alcohol and turning them into the streets.

The bottom line is that my clients have always worked with the surrounding area and attempted to accommodate their neighbors. The best way to do this is strictly follow the Texas Alcoholic Beverage Code. All individuals are checked prior to entry into the business and at the bar if alcohol is ordered. They are also not allowed to leave the

premises with any alcoholic beverage cups, containers bottles or cans. This is a violation of the permit if this is allowed. Enforcing these rules help keep the area policed so that there is not any trash that will accumulate in neighboring properties.

Kyle Meredith has related to me the concerns of your members and I will try to address them as follows:

1. Parking. The concern is that we will utilize parking on the street, the HEB parking lot and interrupt the parking for church activities. The parking for the business consists of twenty-three (23) on site spaces. These spaces are only accessible from Fredericksburg Street on the East side of Headwaters and Feltner Alley on the West side. There will be no access from West Hopkins Street. One of the reasons for this is to have cars come to Headwaters away from Hopkins to ease the traffic. I also understand that there is a large parking area south of the Courthouse that is utilized by many of the patrons that frequent the downtown areas. Again, Headwaters will rely more on foot traffic as it is in close proximity to Texas State. I also understand that there is no parking on the portion of Fredericksburg Street that fronts the church property and if anyone parks there, they will be towed. .

2. Hours. The legal hours for the sale of alcoholic beverages in San Marcos are from 7:00 am until 2:00 am. Headwaters will be open at 10 am until 2 am. On Sunday, we will open at noon. The other businesses that we operate sell more food than alcohol from 10 am until approximately 7 pm. The business model is that of a restaurant that sells alcohol with meals during the day and early evening.

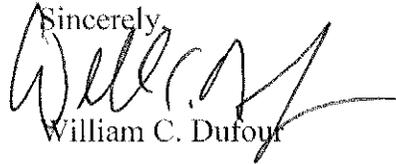
My clients also understand that the church has student lock-ins for their young parishioners. If we are notified in advance, we can accommodate the church for those events.

3. Community Service. The ownership group has been very involved in helping the community through many different activities. This has included different types of fund raisers for various civic, charitable and student groups such as golf tournaments crawfish boils, collecting for food drives and also donating a portion of the proceeds from the business to the various charities. The Crown & Anchor Pub in Austin donates money to the intramural sports at the University of Texas providing funds for uniforms, entry fees and the like. They have also contributed to the Candlelight Ranch (special needs children), Harvest Classic (children with cancer), Capitol Food Bank and the Austin Humane Society. The Steakout and Trailhead locations in Fort Collins have contributed to the local police, sponsor golf tournaments benefiting Parks & Recreation, youth sports activities, University activities, and donated to the Otter Box cancer charities. Our locations in Denton have held a crawfish boil for the past sixteen years benefiting the Friends of Battered Women, Cumberland children's fund, and Firemen's fund. The crawfish boil has averaged \$10,000 a year in donations. They have also held numerous golf tournaments benefiting Susan G Komen for the Cure and other charities benefiting cancer research.

Most of our locations also provide complimentary dinners for students that stay at school during the Thanksgiving and Christmas break. We would be very interested to know what community activities that we could partner with the church to give back to the community and also to assist the church in their philanthropic activities.

The ownership group has always tried to work with their neighbors. If you have a complaint, they will not ignore it and will do their best to insure that any church activities

are not interrupted or interfered with. I hope this gives you a better idea of what we are opening in San Marcos and that our experience within the last thirty-six (36) years will show you that we are not trying to open a business that does not care about the surrounding neighbors. Our group has always been good a neighbor and they are not about to change. Please feel free to contact me on any question or to address any other concerns.

Sincerely

William C. Dufour

H. C. KYLE, III
Attorney at Law
118 North L.B.J. Drive
San Marcos, Texas 78666
Phone: (512) 396-4844

E-mail: hckyle@bizaustin.rr.com

Fax: (512) 805-0235

September 10, 2013

San Marcos Planning & Zoning Commission Members

Mr. Bill Taylor, Chairman
Mr. Carter Morris, Vice Chairman
Mr. Curtis Seebeck
Mr. Corey Carothers
Mr. Randy Brian
Mr. Chris Wood
Mr. Kenneth Ehlers
Mr. Travis Kelsey
Ms. Angie Ramirez
City Hall
San Marcos, Texas 78666

RE: CUP-13-25 (Headwaters Draft House); Opposition by
the First United Methodist Church of San Marcos

Dear Members of the San Marcos P&Z:

The purpose of this letter is to discuss some of the aspects of the City's Land Development Code (LDC) as they relate to subject application for CUP.

First United Methodist Church of San Marcos (FUMC) believes the proposed bar would be unlawful under a reasonable interpretation of Section 4.3.4.2 of the LDC. Sub-section (b)(2)a.2. provides as follows:

It is unlawful for a person to sell or engage in the business of selling any alcoholic beverages for on-premises consumption where the place of business is located:

- (b) within 1000 feet of a public school, if the Planning & Zoning Commission receives a request from the Board of Trustees of the applicable school district (refer to Section 38.007 of the Texas Education Code);
- (c) within 1000 feet of a private school if the Planning & Zoning Commission receives a request from the governing body of the private school.

Definitions of “school” in the LDC are as follows:

School, private (primary or secondary): A school under the sponsorship of a private agency or corporation, other than a religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.

School, public or parochial: A school under the sponsorship of a public or religious agency which provides elementary or secondary curricula, but not including private business or commercial trade schools.

The Texas Education Code defines “private school” as follows: A school that:

- (a) Offers a course of instruction for students in one or more grades from pre-kindergarten through grade 12; and
- (b) Is not operated by governmental entity.

First United Methodist Church (FUMC) operates and has operated for many years a Pre-school Program for 3 and 4 year olds the primary goal of which is to prepare children for kindergarten. Our program (combined with some younger children in a mother’s day out program) employs more than 20 teachers and teaches approximately 100 children. Our Pre-school, as well as the church’s entire campus, is easily within the 1000 foot prohibition mentioned in the above LDC section. You have received the required letter from the Board of Directors of the Pre-school/Mother’s Day Out; a letter from the San Marcos CISD School Board did not seem appropriate.

The key characteristic of the LDC’s definition of a school is offering equivalent elementary or secondary curricula. It should be noted that our local Hernandez elementary school has preschool as part of its elementary curricula. Even if somewhat interesting, yet abstract, legal questions remain around the technical aspects of the code definition, the intent of the LDC is clear. The LDC’s intent is to provide for the separation and protection of young children from bars, regardless of how one defines the word “school” as it applies to pre-school. Surely, in passing the LDC, the City Council intended to protect the 3 and 4 year olds as well as those attending church schools as much as they intended to protect children in grades 1-12 in public schools.

As you know, when considering an application for a conditional use permit, the LDC charges you with the responsibility of evaluating, “the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to insure the appropriateness of the use at the particular location . . .”

205 West Hopkins is only 65 feet from the rear of the local meeting place for Alcoholics Anonymous; it is across the alley from Price Senior Center and across Hopkins Street from FUMC.

San Marcos Planning & Zoning
Commission Members
September 9, 2013
Page 3

Price Center and FUMC adamantly oppose the proposed CUP for reasons stated in letters being delivered with this one and for reasons that will be stated at the hearing on September 10. We have been told by several people with the AA group that they strongly oppose the bar, but that they wish to remain anonymous, for obvious reasons. 205 West Hopkins is the wrong place for a bar – especially one with 100 outside seats and that serves liquor until 2:00 a.m.

We regret that this prosperous and successful out of town business entity has seen fit to invest a large sum of money based on the assumption their activities would not cause considerable harm to its neighbors, but we have made an investment, too.

Several years ago, FUMC made the major decision not to relocate out of town as other churches have done. We felt there was a need for a downtown church, easily accessible to San Marcos residents and in close proximity to the University. We purchased the Simon Bakery building and renovated and added to it to provide space for our Pre-school/Mother's Day Out, our Sunday School classes and our Twice-Blessed Consignment Shop. We felt our Sanctuary was an architectural as well as a spiritual asset for the community. Please help us protect our investment and our children and exercise the discretion given you in the LDC by denying this conditional use permit.

Thanking you for your consideration of our point of view, I am,

Respectfully yours,

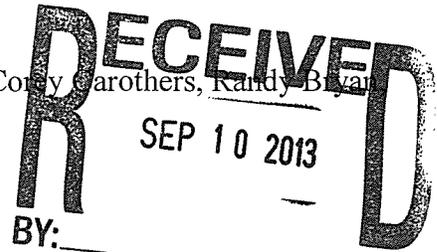


H.C. Kyle, III
Attorney for and Member of First United
Methodist Church of San Marcos

September 9, 2013

Planning & Zoning Commission c/o Development Services - Planning
630 East Hopkins, San Marcos Texas 78666

Bill Taylor (Chair), Carter Morris (Vice Chair), Curtis Seebeck, Corey Carothers, Kandy Bryant
Chris Wood, Kenneth Ehlers, Travis Kelsey, Angie Ramirez



Dear Planning & Zoning Commission,

I write regarding the Planning & Zoning Commission's consideration of HDH, LLC's request for a Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 205 W. Hopkins Street.

The San Marcos Montessori School operates in close proximity to the proposed Conditional Use Permit. Since our founding in 1984, we have spent significant time, energy, and money to develop a Montessori classroom that is sequentially structured, relaxed and creative. This intentional environment encourages the child to take personal responsibility for his or her actions, resulting in the development of strong personal awareness, self-respect, and respect for others. Our education program develops a strong educational link with child, the family, the school and the community. This means the environment of the surrounding neighborhood is critical to the success of our curriculum.

My concerns about this proposal include:

- The proposed use will generate pedestrian and vehicular traffic which conflicts with the existing traffic in the neighborhood. The large seating area and closing traffic access to Hopkins will push an increased volume of traffic onto San Antonio & Harvey Street where we conduct student drop-off/pick-up three times a day.
- We are concerned about the increase of noise during the school day due to the majority of seating offered via a large outdoor patio. The planning department states they expect an increase in noise if the permit is granted. This additional noise will disturb the learning and focus of our children.
- The proposed Conditional Use Permit is not compatible with the character and integrity of our school goal which is to educate the young children of San Marcos, nor does it reflect the civic nature and professional services of our existing neighbors.
- We are concerned about the legality of this Conditional Use Permit in such close proximity to our school. We request the city planning department's permit presentation include the detailed route, method, and distance measured between our two sites for the public record. This action must be taken before any steps to grant a permit are taken.

As the governing body of the San Marcos Montessori School, I respectfully request that you **DECLINE** the Conditional Use Permit at 205 W. Hopkins Street.

Ms. Buba Spaulding



FIRST UNITED
METHODIST CHURCH
SAN MARCOS

Dr. Jenna Heart, Senior Pastor
Rev. Todd Salmi, Assoc. Pastor
129 W. Hutchison St.
San Marcos, Texas 78666
Phone 512.392.6001 / Fax 512.392.8001
www.fumcsm.org

September 7, 2013

RECEIVED
SEP 10 2013
BY: *Jenna* 3:50pm

Dear Members of the San Marcos P&Z Commission,

The purpose of this letter is to express the views of the First United Methodist Church of San Marcos regarding the grant of a conditional use permit to HDH, LLC for the sale of late night mixed beverages for on-premises consumption at 205 West Hopkins Street.

We are a congregation of over 1,200 members with extensive children and youth programs including our Preschool and Mother's Day Out (approximately 100 enrolled), an afterschool Wednesday ministry program (approximately 75 active), the Girl Scouts (approximately 55 active), Boy Scouts (approximately 40 active), and Cub Scouts (approximately 80 active). We also have an active pre-teen group of 20 children. The weekly total for these groups alone is 365 children, meaning that each week at least 365 children come through our doors seeking to grow and learn. Almost all of these activities use the part of our church located across the street from 205 West Hopkins Street.

During the summer months and at special times throughout the year, we host several large groups of youth and preteens who perform community service and construction projects in partnership with Southside Community Center, a Methodist affiliated mission in San Marcos. The youth eat and sleep in our Activity Center and have recreation in our courtyard which is directly across the street from 205 West Hopkins Street. This area-wide retreat can number from 40 to 100 youth. Every Thursday at 7 p.m. in the summer we have worship services in the Activity Center for the youth and adults who come from the surrounding towns to work as missionaries at Southside.

Throughout the year we sponsor several community fundraising events, all held on the church campus. These events include Pumpkin Patch throughout the month of October to benefit youth programs, Olde Town Children's Fair which is also held in October that benefits children's programs, and Heart Warming Affair which is held in February and benefits the San Marcos CISD "Families in Need" fund. These events bring families, students, and citizens of San Marcos onto our campus and offer them a glimpse of what Christianity is all about. These community events use our entire campus, both inside and outside.

We also invite and host community organizations from San Marcos and Texas State to use our campus for their meetings & events. The following list highlights some of the ways our church campus is utilized .

- We host weekly evening parenting programs offered by the Hays-Caldwell Women's Center (HCWC),
- We host meetings of multiple Texas State Christian sororities,

Open Hearts. Open Minds. Open Doors.



**FIRST UNITED
METHODIST CHURCH
SAN MARCOS**

Dr. Jenna Heart, Senior Pastor
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129 W. Hutchison St.
San Marcos, Texas 78666
Phone 512.392.6001 / Fax 512.392.8001
www.fumcsm.org

- We are actively working with the San Marcos schools to open an evening ‘family online homework time’ on Wednesday evenings for students that don’t have internet at home,
- We promote wellness through our Wesley Nurse program and multiple weekly Weight Watchers meetings,
- We have partnered with the student-radio KTSW to provide a musician’s lounge during concerts on the Square,
- We house the Good Samaritan Counseling Center which offers those in crisis affordable child and family counseling
- We have numerous other community partnerships.

Our school, which has the same goal of preparing children for kindergarten as the preschool owned and operated by the San Marcos CISD at Hernandez Elementary School, as well as all of the activities for our children and youth, are conducted well within 1,000 feet of the proposed bar at 205 West Hopkins Street. This measurement was calculated using the LDC method. You will find attached a letter from the Board of Directors of our Preschool and Mother’s Day Out program that fulfills the requirements of Section 4.3.4.2 of the San Marcos Land Development Code for the denial of the conditional use permit in question.

Strong families, a productive community, and solid personal character have been faithful principals of the Methodist Church since the days of John Wesley. The First United Methodist Church of San Marcos has invested in quality education in San Marcos from the days of the Coronal Institute to our current educational programs. We have also worked for moderation of alcohol consumption, particular in relation to hard liquor. We understand bars will exist in San Marcos, but we have serious reservations about an all-day until early morning full liquor bar operating every day of the week so close to our church property.

Following the request of the Planning and Zoning commission, representatives from the church met with representatives of HDH in an effort to resolve concerns over this particular permit use. We appreciate the opportunity for such conversation which was conducted in a respectful and polite manner. In a follow-up letter received from HDH’s lawyer, Mr. Dufour, it was stated that the Headwaters Draft House will “adopt the same business model that is utilized in Austin, at the Crown & Anchor Pub.” Apart from the distinct neighborhoods of these two locations, it is our understanding that the Crown & Anchor only serves beer and wine (no hard liquor) as well as has a more extensive food menu – including salads.

We are also still concerned that the bar will generate additional traffic that conflicts with existing traffic patterns, and will introduce potentially hazardous traffic into the neighborhood. The city planners analysis indicate noise will increase with the granting of this permit, and we are still concerned that crowds on the large outdoor patio will disturb our school, our children and youth programs, funerals and weddings, community programs, and our worship services.

Open Hearts. Open Minds. Open Doors.



FIRST UNITED
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SAN MARCOS

Dr. Jenna Heart, Senior Pastor
w. Todd Salmi, Assoc. Pastor

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Finally, HDH has been honest about their primary business goals. Mr. Dufour notes “There is no mistake that this is a college establishment.” While HDH offers its desire to be good neighbors, HDH has been clear that it is not flexible regarding its business plan to operate a late night hard liquor bar open until 2am every night of the week.

With the facts in the letter above, we have carefully considered the CUP requested by HDH, LLC. We conclude that this request, if granted, would seriously disrupt, thwart, and perhaps even damage the spiritual, educational, family, and community activities engaged in by our church.

After much consideration, and without reservation, FUMC strongly objects to the granting of this permit. We request that each member of the San Marcos Planning & Zoning Commission vote to decline the conditional use permit to HDH, LLC for the sale of late night mixed beverages for on-premises consumption at 205 West Hopkins Street.

We have included a brief set of photos on the next page that illustrate the diverse activities in our church within sight distance of 205 W. Hopkins.

If I may be helpful to this commission in any way, please contact me on my cell phone at 512.757.3790.

Best Regards,

Amy M. Meeks
Chair, Church Council
FUMC – San Marcos, Texas

Open Hearts. Open Minds. Open Doors.



FIRST UNITED METHODIST CHURCH SAN MARCOS

Dr. Jenna Heart, Senior Pastor
Rev. Todd Salmi, Assoc. Pastor

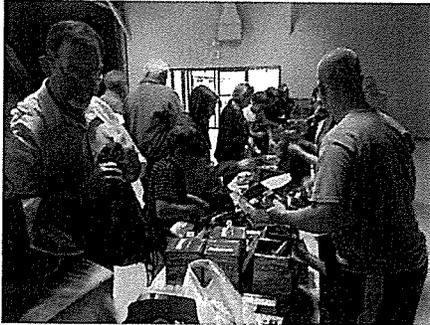
129 W. Hutchison St.
San Marcos, Texas 78666
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www.fumcsm.org



A worship service conducted in the part of our church across from W 205 Hopkins



An evening Maundy Thursday worship service conducted in the part of our church across from W 205 Hopkins



An example of the Wednesday evening youth program conducted in the part of our church across from W 205 Hopkins. The kids weekly assemble backpacks of food to give to hungry local elem students.



A worship service conducted in the part of our church across from W 205 Hopkins

Open Hearts. Open Minds. Open Doors.



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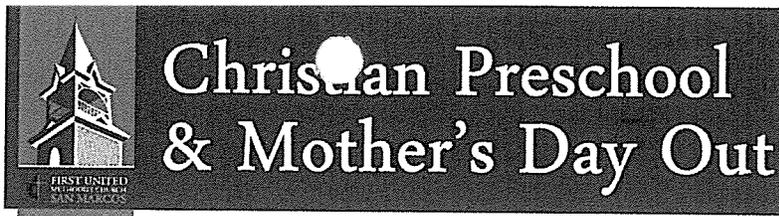


Photos from our Vacation Bible School and of the cub scouting program which meets in the the part of our church across from W 205 Hopkins



Example of a community event that raised funds given to San Marcos CISD to help families in need.

Open Hearts. Open Minds. Open Doors.



120 W. Hutchison St.
San Marcos, TX 78666
*Located in the Children's Wing of the
First UMC Gregg Education Building*
(512) 396-3236

September 10, 2013

SAN MARCOS PLANNING AND ZONING COMMISSION MEMBERS

Mr. Bill Taylor, Chair

Mr. Chris Wood

Mr. Carter Morris, Vice Chair

Mr. Kenneth Ehlers

Mr. Curtis Seebeck

Mr. Travis Kelsey

Mr. Corey Carothers

Ms. Angie Ramirez

Mr. Randy Bryan

City Hall, San Marcos Texas 78666

Dear Members of the San Marcos Planning & Zoning Commission,

We write regarding the Planning & Zoning Commission's consideration of HDH, LLC's request for a Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 205 W. Hopkins Street.

The First United Methodist Christian Preschool and Mother's Day Out operates directly across the street from this proposed CUP. Our program is licensed and regulated by the state of Texas and is celebrating more than 25 years in educating and nurturing the youngest citizens of San Marcos. Our program can enroll over 100 children and currently employs a staff of 20 teachers.

We have several concerns about this proposal including:

- The proposed use will generate pedestrian and vehicular traffic which conflicts with the existing traffic in the neighborhood. For example, the children's playground is on Fredericksburg Street and children pick-up and drop-off occur on Fredericksburg Street, which is proposed as a primary exit from 205 W. Hopkins Street.
- We are concerned about the increase of noise from the crowds on the large outdoor patio disturbing the learning, playing and resting environment of our children. The planning department's analysis indicates it expects an increase in noise if the permit is granted.
- We are concerned about the legality of this Conditional Use Permit in such close proximity to our facilities. The planning department did NOT include any mention of our program in its presented analysis. We believe the City needs to resolve this aspect of the CUP before any action to grant a permit is taken.
- The proposed Conditional Use Permit is not compatible with the character and integrity of our program's goal to provide a successful environment for education and nurturing of the youngest children.

The Board of Directors of the First United Methodist Christian Preschool and Mother's Day Out respectfully requests that you **DECLINE** the Conditional Use Permit at 205 W. Hopkins Street.

Signed,

Dr. Sue Ann Harrison

Chair of the First UMC Christian Preschool and MDO Board of Directors

Serna, Francis

Subject: FW: Headwaters Bar

From: Camille Phillips <camille.phillips2@gmail.com>

Date: September 10, 2013 4:21:14 PM CDT

To: "Koller, Emily" <EKoller@sanmarcostx.gov>

Subject: Headwaters Bar

Dear Ms. Koller:

Would you please forward this to the members of the Planning and Zoning Commission? Thank you.

Dear Members of the Planning and Zoning Commission:

Re: the CUP for the Headwaters Bar.

Please deny this CUP.

1. San Marcos already has too many bars in general and too many bars in the downtown area in particular.
2. The proposed bar is too close to a church. I know that the location of the proposed bar is legal under our ordinances, but the church has been there for more than 150 years and deserves protection and respect.
3. The location of the proposed bar is in a high traffic area with many people turning in and out of the HEB parking lot. Having inebriated drivers added to this area will increase the potential for accidents.
4. Over the long term, businesses that cater to college students will be unsustainable as college courses for credit from respected universities migrate online, thus reducing the number of students physically present in San Marcos.

Sincerely,
Camille S. Phillips, resident of San Marcos

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
August 27, 2013**

1. Present

Commissioners:

Carter Morris, Vice Chair
Chris Wood
Corey Carothers
Kenneth Ehlers
Travis Kelsey
Angie Ramirez
Curtis Seebeck
Randy Bryan

City Staff:

Matthew Lewis, Planning & Development Services Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
Emily Koller, Planner
Tory Carpenter, Planning Tech

Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Vice Chair Morris at 6:00 p.m. on Tuesday August 27, 2013, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Vice Chair Morris welcomed the audience and viewers.

4. Consider the request of Chair Taylor and Vice-Chair Morris to rescind the recommendation made by the Planning and Zoning Commission at the June 25th meeting on Case No. LDC-13-04 regarding an amendment to Chapter 8, Article 1, General Definitions of the Land Development Code modifying the definition of Dwelling Unit.

MOTION: Upon a motion made by Commissioner Ramirez and a second by Commissioner Kelsey, the Commission voted four (4) in favor and four (4) against to not rescind the request. The motion failed.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Carothers, the Commission voted five (5) in favor and three (3) against to rescind the request. The motion passed.

NOTE: *The Planning & 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.*

5. 30 Minute Citizen Comment Period

Jane Hughson stated that she was confused because she is not sure how many bedrooms are in four plexes and infill development. She stated that she has seen duplexes with 1, 2, & 3 bedrooms. Ms. Hughson said that she agrees with Mr. Seebeck that if there will be more than 3 bedrooms on small lots then this will be a good thing. She added that she does not see how this will have an adverse detrimental effect.

Consent Agenda:

6. Consider the approval of the minutes of the Regular Meeting on August 13, 2013.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Kelsey, the Commission voted on consent to approve the minutes of the Regular Meeting on August 13, 2013.

Public Hearings:

7. CUP-13-25 (Headwaters Draft House) Hold a public hearing and consider a request by HDH LLC for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 205 W. Hopkins Street.

Commissioners Morris and Wood recused themselves from the item.

Emily Koller, Staff Planner gave an overview of the project.

Commissioner Seebeck opened the public hearing.

Kyle Meredith, the applicant stated that they are remodeling the building. He said they currently have bars in around towns with colleges. He explained that the music will be in a good controlled environment with acoustic music. Mr. Meredith pointed out that the speakers are on separate volumes to control indoor and outdoor music. He stated that he has a great relationship with the neighbors. Mr. Meredith informed the Commission that he is relocating to San Marcos and will have control of the business.

H.C. Kyle, 711 W. San Antonio Street pointed out that the church is not mentioned in the staff report. He stated that the church has been in place for 166 years. Mr. Kyle said he has been a member for many years and it is a great concern to him and the congregation to have a bar located across the street. He inquired about the distance requirements between a bar and a church. Mr. Kyle pointed out that two thirds of the church property encompasses 300 foot buffer. He explained that children use the grounds and courtyard and he doesn't understand why the church is not mentioned in the report. Mr. Kyle spoke in opposition to the request.

Ted Briehen, 111 W. Hillcrest, said he and his wife moved to San Marcos in 1951 and has been a member of the church. They have tried to provide a place for comfort, a place for students and people to come. He added that there is a school and a daycare at the church. Mr. Briehen has been involved with the maintenance of the building most of his life. He added that there are other bars in the area that are a hazard which require them to keep the lights on throughout the night because of what happens when people leave the bars. Mr. Briehen stated that there are trash and other issues due to the bars in the area. He said there are enough bars in town.

Chris Secret, 719 W. San Antonio Street, Church Trustee Chair and is responsible for the maintenance and the care of the facilities. He stated the he has had conversation with Commissioner Wood and members of the church and they are in opposition to the request. He pointed out that the proposed site is ugly and would like to see a good development on the property. Mr. Secret pointed out that the developer has not met with the congregation and suggested that they meet with the developer. He added that the adjacent property is located across from where the different youth groups meet. He feels that the loud music will be a problem. Mr. Secret said he is in opposition to the request.

Rodney VanOudekerke, 323 Scott, pointed out that the first mayor of San Marcos was the Pastor of the church. He felt that we owe respect to those that came before us and continue their mission to have a church in the same location. Mr. VanOudekerke pointed out that there were previously more churches in downtown are and now there are only two. He felt that we owe it to the last remaining church downtown that has been there for almost 170 years. He felt that we are losing respect for the history in San Marcos. He stated that he is not a member of the church. He asked the Commission to respect the request of the church.

William DeForum, attorney representing the applicant stated that the correct measurements are front door to front door which is stated in the code. He stated that the distance is 300 feet from door to door. Mr. DeForum also pointed out that a sign has been posted for 6-7 weeks and has not been notified from anyone regarding concerns. He said that the applicant has been in bar business for years and knows how to run a business. He added that the applicant has purchased the property that has been an eyesore and that the applicant is going to fix it up.

Amy Meeks, 832 Belvin, a member of the First United Methodist Church and Chair of the Church Council stated she is in opposition to the request. She explained that even though the entrance to the church is on Hutchison, the Hopkins Street entrance is used by the children for the youth programs. Ms. Meeks stated that they are concerned on many levels which include parking, safety of the children, trash and the proposed use will have many negative effects that their ministries will experience.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Ramirez, the Commission voted to postpone the request to the September 10, 2013 Planning & Zoning Commission meeting to allow the applicant time to meet with adjacent property owners. The motion passed unanimously.

8. CUP-13-26 (San Marcos Stadium) Hold a public hearing and consider a request by Huckabee Engineering, on behalf of San Marcos CISD, for a Conditional Use Permit to allow metal siding on two new buildings located at 2601 Rattler Road.

Tory Carpenter, Planning Technician gave an overview of the project.

Vice Chair Morris opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Seebeck, the Commission voted all in favor to approve CUP-13-26. The motion carried unanimously.

9. CUP-13-27 (Phoenix Learning Center) Hold a public hearing and consider a request by Huckabee Engineering, on behalf of San Marcos CISD, for a Conditional Use Permit to allow metal siding on a new building located at 1301 Highway 123.

Tory Carpenter, Planning Technician gave an overview of the project.

Vice Chair Morris opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Bryan, the Commission voted all in favor to approve CUP-13-27. The motion carried unanimously.

10. LDC-13-04 (Multi-family Unit Definition) Hold a public hearing and consider revisions to Chapter 8, Article 1, General Definitions of the Land Development Code to modify the definition of Dwelling Unit and make associated changes.

John Foreman, Planning Manager gave an overview of the project.

Vice Chair Morris opened the public hearing. Lisa Prewitt, Maury Street stated she appreciated Commissioner Wood for trying to explain the mathematics but she felt he was not able to explain it. She asked if he could explain it a little better because she understood that the amendment will only affect 4, 5, 6 or more bedrooms which was the challenge San Marcos was facing. Ms. Prewitt asked Commissioner Wood to explain the affects it will have on 1, 2, and 3 bedroom units.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Bryan and a second by Commissioner Kelsey, the Commission voted all in favor to approve LDC-13-04. The motion carried unanimously.

AMENDED MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission voted two (2) in favor and five (5) against to exclude parcels greater than one acre. The motion carried failed.

Non Consent Agenda:

11. Discussion and possible direction to staff regarding the process and parameters for conducting the Neighborhood Character Studies under the City's Comprehensive Plan and rewriting the Land Development Code.

John Foreman, Planning Manger gave a brief update to the Commission.

- 12. Development Services Report
 - a. Update from staff on the Comprehensive Master Plan.
 - b. American Planning Association Conference.

Staff gave a brief update.

13. **Question and Answer Session with Press and Public.** *This is an opportunity for the press and public to ask questions related to items on this agenda.*

There were no questions and answers from the press and public.

14. Adjourn.

Vice Chair Morris adjourned the Planning and Zoning Commission meeting at 7:41 p.m. on Tuesday, August 27, 2013.



Carter Morris, Vice Chair



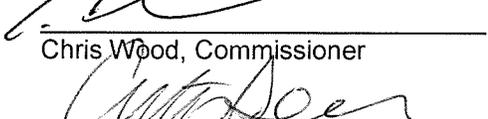
Randy Bryan, Commissioner



Travis Kelsey, Commissioner



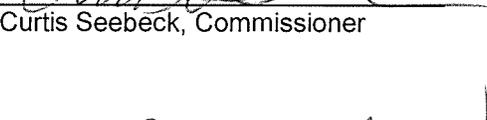
Kenneth Ehlers, Commissioner



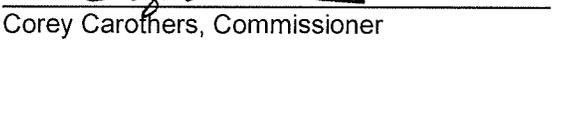
Chris Wood, Commissioner



Angie Ramirez, Commissioner



Curtis Seebeck, Commissioner



Corey Carothers, Commissioner

ATTEST: 

Francis Serna, Recording Secretary

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT- REAL PROPERTY

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos Chris Ward (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in real property that may be involved in a vote or decision of the governmental body described above, and it is reasonably foreseeable that the vote or decision will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The real property is described as follows:

205 W Hopkins CU-13-25

I acknowledge that my interest in this real property has a fair market value of \$2,500 or more.

The vote or decision involving this interest in real property is on the 8/27, 20 13 agenda of the governmental body, and the subject matter of the vote or decision is as follows:

Check if applicable:

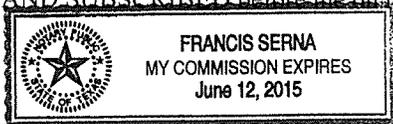
The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation:

EXECUTED this 27 day of August, 20 13.

Signature [Signature]

Printed Name Chris Ward

SWORN TO AND SUBSCRIBED before me on this 27 day of August, 20 13



Francis Serna
Notary Public, State of Texas

Notary Stamp:

FILED this 28 day of August, 20 13.

[Signature]
City Clerk of the City of San Marcos

**CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY**

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos P: 2, (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in a business entity that may be involved in a vote or decision of the governmental body described above, and the vote or decision may have a special economic effect on the business entity that is distinguishable from the effect on the public. The name of the business entity is CCI Radell Morris and Assoc.

The nature and extent of my interest in the business entity is as follows: (check all that apply)

- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of 10 percent or more of the fair market value of the business entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received by me from the business entity exceed 10 percent of my gross income for the previous year.

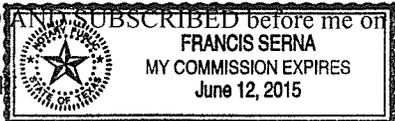
The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation.

X Appearance of Impropriety - I sold location to Applicant

The vote or decision involving this interest is on August 27, 2013 agenda of the governmental body, and is described as follows: CUP 13-25
Headwaters Draft House

EXECUTED this 24 day of August, 2013.

Signature [Signature]
Printed Name Carter Morris

SWORN TO AND SUBSCRIBED before me on the 26 day of August, 2013
Notary Stamp  Francis Serna
Notary Public
State of Texas

FILED this 27 day of August, 2013.
[Signature]
City Clerk of the City of San Marcos

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
September 10, 2013**

1. Present

Commissioners:

Bill Taylor, Chair
Carter Morris, Vice-Chair
Chris Wood
Corey Carothers
Kenneth Ehlers
Travis Kelsey
Angie Ramirez
Curtis Seebeck

City Staff:

Matthew Lewis, Development Services Director
Kristy Stark, Development Services Assistant Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
Emily Koller, Planner
Alison Brake, Planner
Amanda Hernandez, Sr. Planner
Tory Carpenter, Planning Tech

Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Vice Chair Morris at 6:00 p.m. on Tuesday September 10, 2013, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Taylor welcomed the audience and viewers.

4. 30 Minute Citizen Comment Period

Michael Watkins, resident of the San Marcos ETJ above Blanco Vista stated he is very concerned with the proposed Kyle truck stop. He felt that the truck stop will degrade the value of the homes in Blanco Vista. Mr. Watkins stated lighting, trash, and air pollution will be a problem to public health of residents in the neighborhood. Mr. Watkins explained the item will be presented before the Kyle Planning & Zoning and City Council. He recommended that the City of San Marcos give input on the proposed truck stop. He added that he worked with Kyle last year and asked that they work with San Marcos and allow public input from the citizens. Mr. Watkins stated that the Interlocal Agreement regarding waste water to the site is not a legal document and should not be carried forward.

Diane Wassenich stated that Laurie Moyer, City Engineer was present at the Parks Meeting to present the ESPY report for Sessom Creek. She said she hoped that the Commission has been provided the ESPY report. Ms. Wassenich explained that the report brings into focus what she has tried to explain to the Commission regarding high speed runoff on Sessom Creek. She pointed out that the report is very plain and explains what has happened to Sessom Creek in its sixty percent impervious cover in its watershed.

Ms. Wassenich stated that the trees, dirt and soil have washed away into the bedrock into Sessom Creek. She added that the University runoff also runs into the creek. She said that there are many issues that were brought up in the report worth reading and recommendations. Ms. Wassenich mentioned unfortunately the recommendation is to pour more concrete. She stated that she and Mr. Debrock gave other alternatives to pouring concrete.

NOTE: *The Planning & 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.*

Consent Agenda:

5. Consider the approval of the minutes of the Regular Meeting on August 27, 2013.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Kelsey, the Commission voted on consent to approve the minutes of the Regular Meeting on August 27, 2013.

Public Hearings:

6. CUP-13-25 (Headwaters Draft House) Hold a public hearing and consider a request by HDH LLC for a new Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 205 W. Hopkins Street.

Commissioners Morris, Kelsey and Wood recused themselves from CUP-13-25.

Emily Koller, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing.

Craig Steede, 309 E. 35th Street, Austin Texas, partner of the group who has purchased the property and a Sr. Partner in the group that operates numerous similar businesses around major college campuses. Mr. Steede stated he is available to answer questions and help the Commission understand his request.

Frank Flauto, 111 Ridgeway Drive, was present on behalf of Mr. H.C. Kyle who was unable to attend. Mr. Flauto gave a brief overview of the letter submitted to the Commission prior to the meeting. He addressed the 300' distance from front door to front door. He explained that even though the measurements are taken from front door, the door the children utilize the property falls well within 300'. Mr. Flauto also addressed the 1000' prohibition from a school. He stated that the LDC is intended to protect children. Mr. Flauto added that the bar will negatively impact the ministries and activities of the church.

Sue Ann Harrison, 2404 Missy Lane, San Marcos, Chair of First Methodist Church Pre School and Mother's Day Out which operates directly across the street from the proposed CUP. Ms. Harrison pointed out that the school is licensed and regulated by the state and enrolls over a hundred children and employees. She said that they just celebrated their 25th year of educating and nurturing children in San Marcos. Ms. Harrison stated that she is a licensed pediatrician and is concerned that the proposed use will increase pedestrian and vehicular traffic in the neighborhood and particular next to the children's area including the drop off and pick up area on Fredericksburg. She added that they are also concerned with the noise that will be generated from the proposed site. She asked the Commission to decline the proposed CUP for Headwaters Draft House.

Erwin Yanek, 403 Oak Ridge Drive, San Marcos, Lay Leader for the First United Methodist Church asked the Commission to deny the request. He said that the Commission will make a decision that will impact the future of bars and where they can be placed in the community. Mr. Yanek pointed out that he is not against bars but questioned if the location was suitable. He stated that he understands the 300' required but asked the Commission to consider the services provided by the church and the distance of 268' from property to property. Mr. Yanek pointed out that youth meet on Sunday and Wednesday evening. Mr. Yanek mentioned that there are currently 26 bars in the Central Business Area. He said the issue is not against bars but the

location of the proposed request. He pointed out that the Commission's decision will impact the future of San Marcos.

Amy Meeks, 832 Belvin, Chair of Church Council of the First United Methodist Church said part of her job is to represent and speak on behalf of the congregation. Ms. Meeks recapped the letter she provided to the Commission prior to the meeting. Ms. Meeks said they are concerned about the hours of operation and the increased vehicle and pedestrian traffic. Ms. Meeks added that they are also concerned that the establishment will not have a full kitchen and the stated intent of the establishment, a college establishment. In addition, she said there is nothing in discussions with the applicant that relieves their anxiety over the proposed request. She felt that the business is not appropriate and asked the Commission to deny the request.

Ollie Giles spoke in opposition to the request. She stated that there are too many bars downtown and told the Commission to respect the members of the church.

Chris Seacrest 719 W. San Antonio, Chair of Trustees stated his responsibility is preserving and protecting the building, their real estate interest and the entire campus. He pointed out that they have been on the grounds for 166 years and have made the conscious decision to stay to serve the downtown area and Texas State University. Mr. Seacrest said they have millions of dollars invested in land and real estate and have spent over a hundred thousand dollars recently reinvesting for the future of the children and the citizens of San Marcos. Mr. Seacrest pointed out that the church is a downtown treasure and an asset to the community. He asked the Commission on behalf of the Board of Trustees to decline the CUP for Headwaters Draffhouse.

Rev. Todd Salmi, 1307 Brown Street, Pastor at First United Methodist Church stated that the Montessori school has a pre-k and 1st grade curriculum. He said that the church has its roots since 1847. He said that not only is the history important but that they branch out in ministries seven days a week. Mr. Salmi said they have 1200 members and 11 employees which do not include the teachers. He gave an overview of the different ministries offered at First United Methodist Church. He pointed out that the Twice Blessed Consignment Store which has their front door on Hopkins Street for the past 10 years. Mr. Salmi added that he has met twice with representative of Headwaters Draffhouse and they have been clear on the intent to run a college bar and that the hours of operation are not flexible. He suggested an entertainment district. Mr. Salmi asked that the Commission to decline the permit.

Jane Hughson, stated that she is very concerned that the staff report did not include that a church building is immediately across the street from the proposed bar. She asked that someone take the responsibility that this does not happen again. Ms. Hughson pointed out that there are more churches in the downtown area and a similar item could come up again. She stated that she hopes the permit is not approved and pointed out there are no child care facilities located on Sixth Street in Austin. Ms. Hughson added that if the permit is approved, that the Commission put every condition possible to eliminate any possible diverse affects to the Methodist Church and remember the conditions in the future. She also requested that the Commission change the wording of 'no live outdoor music' to 'no outdoor music.' She asked the Commission to do the right thing.

Ron Jager, Price Senior Center, felt there is no adequate opportunity for citizens to be allowed to comment to decisions provided by the DRC. Mr. Jager stated that he has not been consulted by any city official, which he felt is inexcusable. Mr. Jager felt that public input is not allowed when implementing the SmartCode. He stated that the rules are exclusive and decisions made by administrative action have no further recourse to public consultation.

Dennis Phillips, member of church for over 30 years. He explained that students stay at the center during the week to help with events. He added that this is no area for a church with a bar across the street. Mr. Phillips informed the Commission that they pick up beer cans every Sunday from the bank and church parking lot because of college students going to and from these locations. He felt that the issue will increase. He hoped that the Commission would see fit not to allow the request happen in the community.

Cathy Dillon, 1000 Burlison, she asked the Commission to not give Hopkins Street to bars. She said issues with her business and Zelicks started three years ago and asked that the Commission not do that to the First United Methodist Church. Ms. Dillon said she is worried that if another bar is added to Hopkins, the issues will increase with noise, vandalism and traffic. She stated if the request is approved, that they be asked to close at midnight and no live or amplified outdoor music. She explained that the business will not have walls and be structured similar to Zelicks. Ms. Dillon stated that the Historic District is irreplaceable

Jim Garber, 104 Canyon Fork stated he was present to speak for the church. He pointed out that he is not a member of the church. Mr. Garber stated that tonight is a fight for the soul of San Marcos. He pointed out that there is no shortage in bars. Mr. Garber pointed out that the church has provided services for six generations. He felt that the issue is not a property rights issue but what is right for San Marcos. He stated that the property can be something other than a bar. Mr. Garber said that San Marcos does not need another bar.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Ramirez, the Commission voted five (5) for and zero (0) against to deny CUP-13-25. The motion carried unanimously.

7. **CUP-13-28 (Hays Co. Bar-B-Que)** Hold a public hearing and consider a request by Hays Co. Bar-B-Que & Catering, Inc. for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 1612 South IH 35.

Tory Carpenter, Planning Technician gave an overview of the project.

Chair Taylor opened the public hearing.

Michael Hernandez, Hays County BBQ stated that they have been serving San Marcos for six years. He told the Commission that customers have requested the sale of alcoholic beverages. Mr. Hernandez explained that the business will remain family oriented and they plan on providing music. He pointed out that he knows the hotel manager, although they have not spoken with him. Mr. Hernandez stated the hours of operation are Monday –Thursday, 11 am to 9 pm and Friday-Saturday, 11 a.m. to 10 pm. He advised that he was available to answer questions.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission voted all in favor to approve CUP-13-28 with the conditions that the permit shall be effective upon issuance of the Certificate of Occupancy, the permit shall be valid for one (1) year, provided standards are met, subject to the point system and the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried unanimously.

8. **CUP-13-29 (Los Cucos)** Hold a public hearing and consider a request by Sergio Pineda, on behalf of Los Cucos Mexican Café XIV, Inc., to amend Conditional Use Permit No. 05-01 to extend the hours for the sale of alcohol for on-premise consumption at 1617 Aquarena Springs Drive from 11 a.m. to 12 a.m. to 11 a.m. to 2 a.m.

Tory Carpenter, Planning Technician gave an overview of the project.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Kelsey, the Commission voted all in favor to approve CUP-13-29 with the conditions that the permit shall be valid for the lifetime of the TABC license, provided standards are met, subject to the point system, the permit shall be visibly posted in the same manner as the Certificate of Occupancy and in the same area; and no amplified music shall be allowed on the patio after 10:00 p.m. The motion carried unanimously

9. **CUP-13-31 (Pre-K Metal Siding)** Hold a public hearing and consider a request by Huckabee Engineering, on behalf of San Marcos CISD, for a Conditional Use Permit to allow metal siding on a new building located at 1225 Hwy 123..

Tory Carpenter, Planning Technician gave an overview of the project.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Carothers, the Commission voted all in favor to approve CUP-13-31. The motion carried unanimously.

10. **CUP-13-33 (Sean Patrick's)** Hold a public hearing and consider a request by Brian Harper, on behalf of Sean Patrick's, for renewal of an existing Restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 202 E. San Antonio Street.

Chair Taylor opened the public hearing.

Jane Hughson, 100 N. LBJ Drive, requested clarification and intent regarding "amplified live music during any other time is not allowed" or "amplified music will be allowed." She stated she is not for or against the request just making sure the Commission knows what they are voting on.

There were no additional citizen comments and the public hearing was closed.

MOTION: A motion made by Commissioner Morris and a second by Commissioner Wood to approve CUP-13-33 with amplified music from 10:00 p.m. to 1:00 a.m., was amended.

AMENDED MOTION: Upon an amended motion made by Commissioner Ehlers and a second by Commissioner Seebeck, the Commission voted four (4) in favor and three (3) opposed to approve CUP-13-33 with the conditions that the permit shall be valid for six (6) months, provided standards are met, subject to the point system, the permit shall be posted in the same area and manner as the Certificate of Occupancy, and no amplified or live music is allowed. The amended motion carried.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission voted all in favor to approve CUP-13-33 with the conditions that the permit shall be valid for six (6) months, provided standards are met, subject to the point system, the permit shall be posted in the same area and manner as the Certificate of Occupancy, and no amplified or live music is allowed. The motion carried unanimously.

Non Consent Agenda:

11. **Development Services Report:**

- a. Update from staff on the Implementation of the Comprehensive Plan

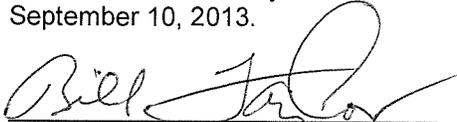
Staff gave a brief update.

12. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

There were no questions and answers from the press and public.

14. Adjourn.

Vice Chair Morris adjourned the Planning and Zoning Commission meeting at 7:47 p.m. on Tuesday, September 10, 2013.

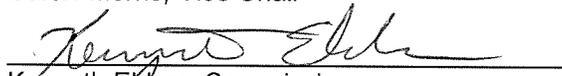

Bill Taylor, Chair

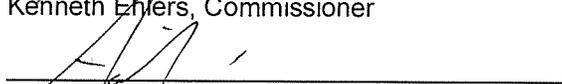

Travis Kelsey, Commissioner


Chris Wood, Commissioner


Curtis Seebeck, Commissioner


Carter Morris, Vice Chair


Kenneth Ehlers, Commissioner


Angie Ramirez, Commissioner


Corey Carothers, Commissioner

ATTEST: 
Francis Serna, Recording Secretary

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos Planning & Zoning, (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in a business entity that may be involved in a vote or decision of the governmental body described above, and the vote or decision may have a special economic effect on the business entity that is distinguishable from the effect on the public. The name of the business entity is The Tap Room Texas, LLC ; The Porch on Hopkins LLC

The nature and extent of my interest in the business entity is as follows: (check all that apply)

- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of 10 percent or more of the fair market value of the business entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received by me from the business entity exceed 10 percent of my gross income for the previous year.

_____ The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation.

The vote or decision involving this interest is on 10 Sept, 20 13 agenda of the governmental body, and is described as follows: _____

CIP-13-25 Headwaters Draft House

EXECUTED this 10th day of September, 20 13.

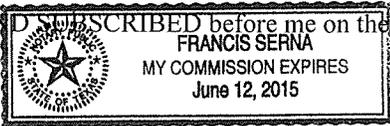
Signature _____

Travis Kelsey

Printed Name _____

Travis Kelsey

SWORN TO AND



Notary Stamp:

10 day of _____

September, 20 13.

Notary Public
State of Texas

Francis Serina

FILED this

11

day of

September, 20 13

City Clerk of the City of San Marcos

Samuel P. Hylton

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos Planning & Zoning, (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in a business entity that may be involved in a vote or decision of the governmental body described above, and the vote or decision may have a special economic effect on the business entity that is distinguishable from the effect on the public. The name of the business entity is The Tap Room Texas LLC & The Torch on Hopkins, LLC

The nature and extent of my interest in the business entity is as follows: (check all that apply)

- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of 10 percent or more of the fair market value of the business entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received by me from the business entity exceed 10 percent of my gross income for the previous year.

The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation.

The vote or decision involving this interest is on 10 Sept, 2013 agenda of the governmental body, and is described as follows:

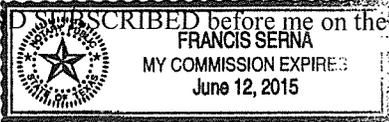
CUP-13-33 Scan Patricks

EXECUTED this 10th day of September, 2013.

Signature Travis Kelsey

Printed Name Travis Kelsey

SWORN TO AND SUBSCRIBED before me on the 10 day of September, 2013

Notary Stamp:  Francis Serina

Notary Public
State of Texas

FILED this 11 day of September, 2013.

Samuel Peltz
City Clerk of the City of San Marcos

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos P:2, (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in a business entity that may be involved in a vote or decision of the governmental body described above, and the vote or decision may have a special economic effect on the business entity that is distinguishable from the effect on the public. The name of the business entity is Center 21 - Ralphe MORRIS & Assoc

The nature and extent of my interest in the business entity is as follows: (check all that apply)

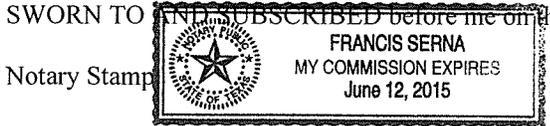
- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of 10 percent or more of the fair market value of the business entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received by me from the business entity exceed 10 percent of my gross income for the previous year.
- The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation.

Appearance of Impropriety
The vote or decision involving this interest is on Sept 10 13 agenda of the governmental body, and is described as follows: CVF B-25
CVF 13-25

EXECUTED this 9 day of September, 2013.
Signature [Signature]

Printed Name Carter MORRIS

SWORN TO AND SUBSCRIBED before me on the 9 day of September, 2013.



Francis Serina
Notary Public
State of Texas

FILED this 10th day of September, 2013

[Signature]
City Clerk of the City of San Marcos

CITY OF SAN MARCOS
DISCLOSURE AFFIDAVIT-BUSINESS ENTITY

STATE OF TEXAS
COUNTY OF HAYS

The undersigned member of the City of San Marcos Chris Wood, (name of City Board, Commission, etc.) states under oath as follows:

I have a substantial interest in a business entity that may be involved in a vote or decision of the governmental body described above, and the vote or decision may have a special economic effect on the business entity that is distinguishable from the effect on the public. The name of the business entity is
HEND WATERS DRIFT HOUSE

The nature and extent of my interest in the business entity is as follows: (check all that apply)

- Ownership of 10 percent or more of the voting stock or shares of the business entity.
- Ownership of 10 percent or more of the fair market value of the business entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received by me from the business entity exceed 10 percent of my gross income for the previous year.

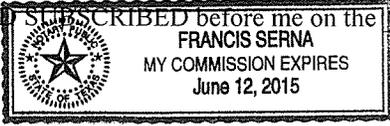
The interest described above belongs to a person related to me in the first degree by consanguinity (natural kinship) or affinity (marriage). Relative's name and relation.

X contracted as builder

The vote or decision involving this interest is on Sept 10, 2013 agenda of the governmental body, and is described as follows: _____

EXECUTED this 10 day of September, 2013.

Signature [Handwritten Signature]
Printed Name Chris Wood

SWORN TO AND SUBSCRIBED before me on the 10 day of September, 2013
Notary Stamp:  Francis Serina
Notary Public
State of Texas

FILED this 25th day of September, 2013
[Handwritten Signature]
City Clerk of the City of San Marcos

09/12

RECEIVED
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Conditional Use Permit ~~Application Checklist~~ To Allow On-Premise Consumption of Alcoholic Beverages Outside the Central Business Area

Provided by applicant as of date of submittal		By staff as of date of completeness review	
Completed	Required Item	Staff Verification	Staff Comments
<input type="checkbox"/>	A pre-application conference with staff is recommended	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	A site plan <i>drawn to scale</i> showing dimensions of property, locations and square footage of building(s), number of off-street paved parking spaces, and fences buffering residential uses. * (see note below)	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	All information and illustrations necessary to show the nature of the proposed use and its effect on surrounding properties	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Authorization to represent the property owner, if applicant is not the owner	<input type="checkbox"/>	
Any of the following pieces of information as requested by the Director of Development Services : *(see note below)			
<input type="checkbox"/>	Landscaping and/or fencing of yards and setback areas and proposed changes	<input type="checkbox"/>	
<input type="checkbox"/>	Design of ingress and egress	<input type="checkbox"/>	
<input type="checkbox"/>	Off-street loading facilities	<input type="checkbox"/>	
<input type="checkbox"/>	Height of all structures	<input type="checkbox"/>	
<input type="checkbox"/>	Proposed uses	<input type="checkbox"/>	
<input type="checkbox"/>	The location and types of all signs	<input type="checkbox"/>	
<input type="checkbox"/>	Copy of State TABC License application	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<input type="checkbox"/>	
<input type="checkbox"/>	Menu	<input type="checkbox"/>	

* For renewals, staff may accept a written statement that no changes have been made to these items if copies are available on file.

I hereby certify and attest that the application is complete and all information above is complete and hereby submitted for review.

Signed:  Date: 1-13-14
 Print Name: Kyle Mercedi
 Engineer Surveyor Architect/Planner Owner Agent: _____

City of San Marcos

CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
Outside the Central Business Area

LICENSE INFORMATION

Trade Name of Business: Headquarters Drafthouse

Application is filed by:

Individual Partnership Corporation Other: LLC

Name of Individual or Entity: HDA, LLC Phone Number: 512-413-8736

Mailing Address: P.O. Box 781 San Marcos, TX 78667

Email Address: dufourlaw@yahoo.com

Type of Permit Requested: Mixed Beverage Beer & Wine Other:

PROPERTY

Street Address: 205 West Hopkins Current Zoning: T-5

Legal Description: Lot 7-8 Block 15 Subdivision

Tax ID Number: R 41577

Property Owner's Name: West Hopkins St 205 LLC Phone Number: 214-460-8724

Address: 205 West Hopkins, San Marcos, TX 78666

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other:

Hours of Operation: 11:00 am - 2:00 am

Type of Entertainment Facilities: Restaurant & Bar

Indoor Fixed Seats Capacity: 75 Outdoor Fixed Seats: 100

Gross Floor Area Including Outdoor Above-ground Decks: 5700 Square Feet

Number of Off-Street Parking Spaces Provided: 25

Located more than 300 feet from church, public school, hospital, low density residential? Y N

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

New request, no existing TABC CUP Permit at this location

Change to existing TABC Permit. Nature of Change: _____

Renewal

Change in name of license holder of existing business at same location

Change in name of existing business at this location

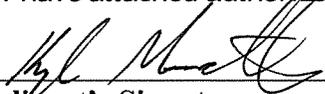
SUBMITTAL REQUIREMENTS

- Beer and Wine Permit: \$600 Application fee + \$10.00 Technology Fee (non-refundable) ~~_____~~
- Mixed Beverage Permit: \$600 Application fee + \$10.00 Technology Fee (non-refundable) ~~_____~~
- Change to Existing Permit/Renewal: \$300.00 fee + \$10.00 Technology Fee (non-refundable)
- **Site Plan** drawn to scale, preferably on paper no larger than 11" x 17", showing dimensions of property, locations and square footage of building(s), interior layout showing dimensions of tables, bar area, etc., number of off-street paved parking spaces, and fences buffering residential uses.
- **Copy of State TABC License Application**

I certify that this information is complete and accurate. I understand that I or a representative should be present at all meetings regarding this application.

I am the property owner of record; or

I have attached authorization to represent the owner, organization, or business in this application.



Applicant's Signature

Printed Name: Kyle Meredith **Date:** 1-13-14

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

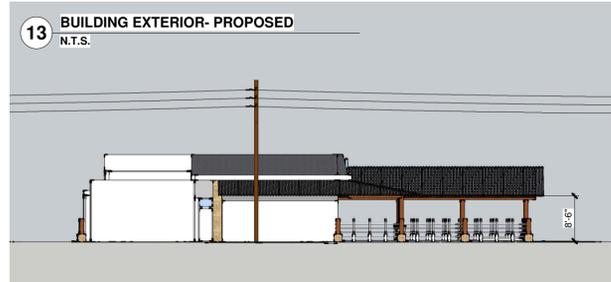
Accepted By: _____ Date: _____



11 BUILDING EXTERIOR- PROPOSED
N.T.S.



12 BUILDING EXTERIOR- PROPOSED
N.T.S.



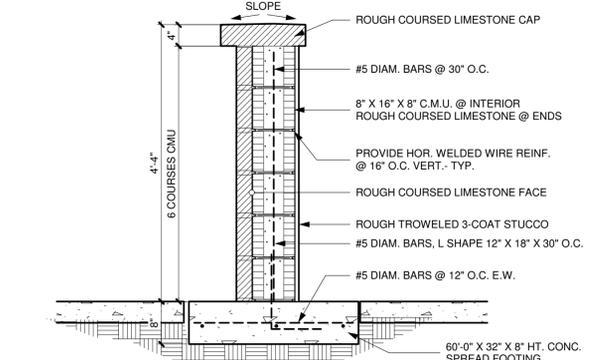
13 BUILDING EXTERIOR- PROPOSED
N.T.S.



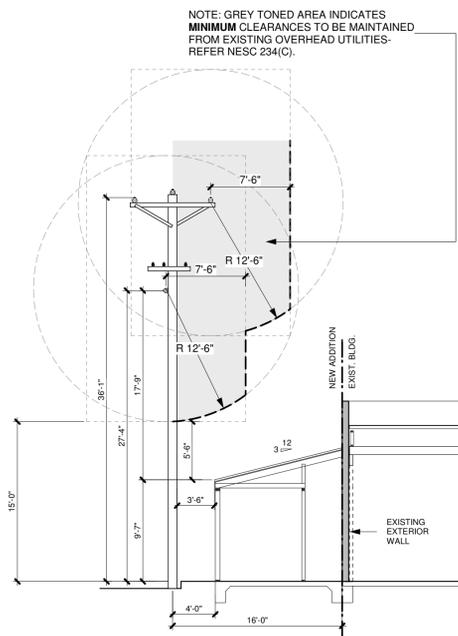
14 BUILDING EXTERIOR- PROPOSED
N.T.S.



15 BUILDING EXTERIOR- PROPOSED
N.T.S.



16 STREETSREEN SECTION
SCALE: 3/4" = 1'-0"



9 BUILDING SECTION @ EXIST. UTILITIES
SCALE: 1/8"=1'-0"



8 BUILDING EXTERIOR- EXISTING
N.T.S.

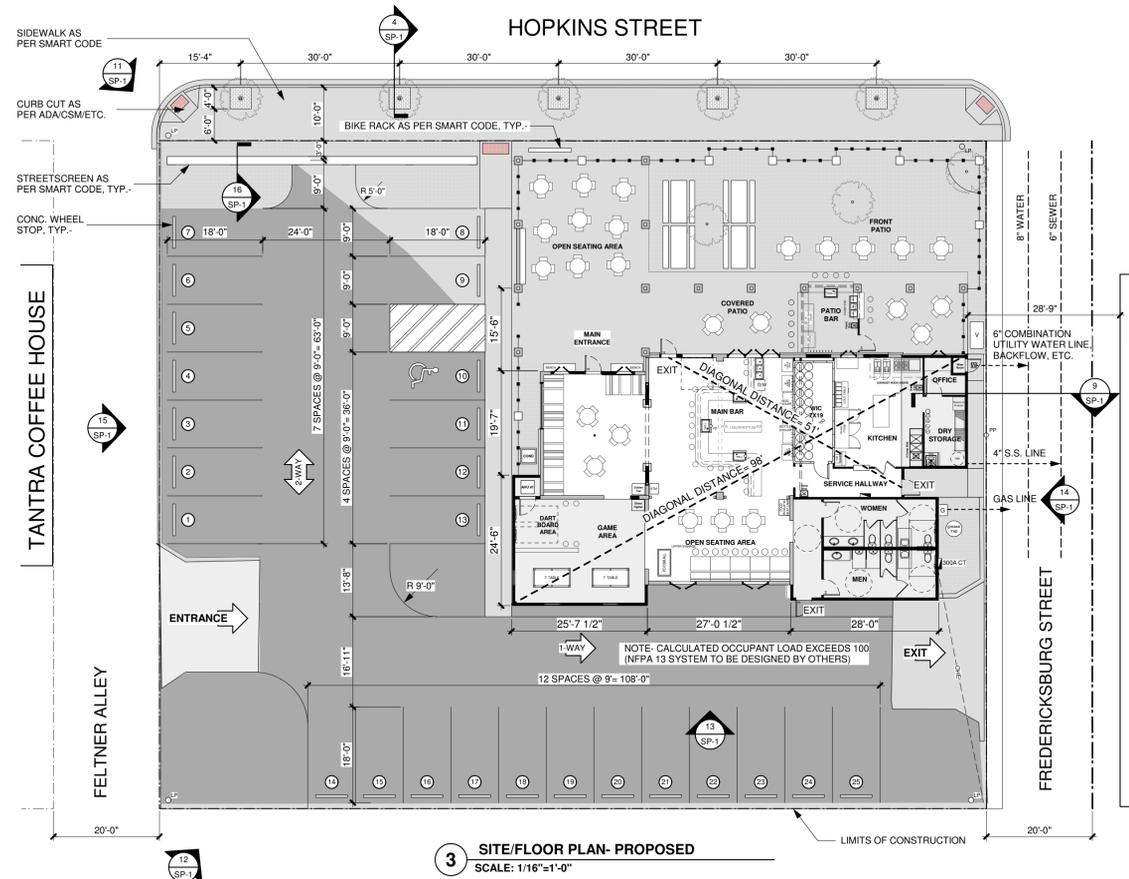


7 BUILDING EXTERIOR- EXISTING
N.T.S.



6 BUILDING EXTERIOR- EXISTING
N.T.S.

NOTE: WHILE CONCEPTUAL IN NATURE, CURRENT 3D MODEL IMAGES HAVE BEEN GENERATED TO CONVEY GENERAL MASSING AND MATERIALS INTENDED FOR USE IN THE PROJECT FOR PURPOSES OF THIS SUBMITTAL. DETAILED A/E/M/P DRAWINGS WILL BE SUBMITTED SEPARATELY FOR CONSTRUCTION OF PROJECT.



3 SITE/FLOOR PLAN- PROPOSED
SCALE: 1/16"=1'-0"

SITE WORK NOTES:

1. PROVIDE ALL EXCAVATIONS FOR AND INSTALLATION OF UTILITY ROUGH-INS AND SERVICE CONNECTIONS.
2. CONTRACTOR SHALL CONFORM TO ALL CITY OF SAN MARCOS REQUIREMENTS FOR TEMPORARY EROSION CONTROL MEASURES.

FILL NOTES:

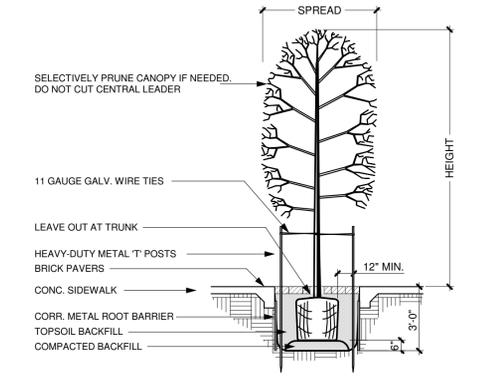
1. FILL UNDER WALKS ADJACENT TO BUILDING SHALL BE COMPACTED SANDY LOAM, P.I. INDEX LESS THAN 10. COMPACT TO 95% PROCTOR DENSITY.

TOPSOIL AND LANDSCAPING NOTES:

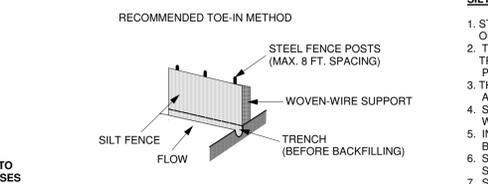
1. ADD TOPSOIL TO PROVIDE SMOOTH TRANSITION FROM 1" BELOW TOP OF CURB TO NATURAL GRADE ON ALL SIDES OF BUILDING (5' MIN. WIDTH). APPLY HYDROMULCH GRASS SEED TO NEW TOPSOIL AREAS.
2. FILL NEW LANDSCAPED AREAS AROUND PERIMETER OF BUILDING WITH TOPSOIL TO 2" BELOW T.O.C. AND/OR SIDEWALKS.
3. INSTALL NEW SPECIFIED GRASS AT ALL INDICATED AREAS AROUND FACILITY WATER DAILY UNTIL SUBSTANTIAL COMPLETION.

LANDSCAPE IRRIGATION:

ALL REQUIRED LANDSCAPING AREAS SHALL BE 100% IRRIGATED BY A HOSE ATTACHMENT WITHIN 100 FEET OF ALL PLANT MATERIAL.



4 TREE WELL DETAIL
SCALE: 1/4"=1'-0"



5 SILT/ EROSION CONTROL FENCE DETAIL
SCALE: N.T.S.

PROPOSED SEQUENCE OF CONSTRUCTION:

1. INSTALL TEMPORARY EROSION CONTROL AND TREE PROTECTION FENCING, AS PER CITY ORDINANCE, AS APPLICABLE.
2. CONTACT CITY OF SAN MARCOS PERMIT CENTER AT 805-2630 TO SCHEDULE A PRE-CONSTRUCTION MEETING.
3. AN ESC CONTACT NAME AND NUMBER WILL BE PROVIDED TO THE CITY INSPECTOR FOR 24/7 ACCESS IN THE EVENT OF EROSION AND SEDIMENT CONTROL BREACH OR RELATED PROBLEM.
4. CONTRACTOR SHALL CONTACT CITY WATER DEPARTMENT PRIOR TO UTILITY ABANDONMENT AT 393-8010, IF APPROPRIATE.
5. CONDUCT DEMOLITION ACTIVITIES, IF APPLICABLE.
6. CONSTRUCT DEVELOPMENT PER APPROVED PLANS.
7. INSTALL STREETScape AND/OR LANDSCAPING IMPROVEMENTS.
8. REVEGETATE DISTURBED AREAS.
9. SCHEDULE SITE FINAL.

GENERAL NOTES

1. ALL CONSTRUCTION SHALL COMPLY WITH THE CODES REFERENCED HEREIN AND ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS HAVING JURISDICTION.
2. NOTES APPEAR ON VARIOUS SHEETS FOR DIFFERENT SYSTEMS AND CONSTRUCTION MATERIAL. ALL SHEETS ARE TO BE REVIEWED AND NOTES ON ANY ONE SHEET ARE TO BE APPLIED TO ALL RELATED DRAWINGS AND DETAILS.
3. CONTRACTOR TO PROTECT ALL IN PLACE CONSTRUCTION, LANDSCAPING, PAVING, UTILITIES, ETC., FROM DAMAGE DURING CONSTRUCTION. ALL PAVING CONSTRUCTION, DAMAGED LANDSCAPING, ETC., TO BE RESTORED TO ORIGINAL CONDITION BY CONTRACTOR DAMAGING SAME.
4. EXISTING UTILITIES IN AREA OF PROPOSED SLAB TO BE RELOCATED AS REQUIRED FOR NEW CONSTRUCTION.
5. CONSTRUCTION OF WORK INDICATED ON THE DRAWINGS AS (NIC) IS NOT INCLUDED IN THIS CONTRACT. SUBSEQUENT DRAWINGS AND SPECIFICATIONS WILL BE SUBMITTED FOR SEPARATE APPROVAL. THIS WORK WILL BE COMPLETED BY OTHERS OUTSIDE THIS SCOPE OF WORK.
6. COORDINATE PLACEMENT OF ALL SHOWN ELEMENTS WITH MECHANICAL, ELECTRICAL, AND PLUMBING SHEETS, WHERE DISCREPANCIES EXIST BETWEEN DRAWINGS AND INSTALLATION, CONSULT THE ARCHITECT PRIOR TO PROCEEDING.

SILT FENCE NOTES:

1. STEEL POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED FLOW OF WATER.
2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.
3. THE TRENCH SHOULD BE A MINIMUM OF 6 INCHES DEEP AND 3-4 FEET WIDE TO ALLOW FOR THE SILT FENCE TO BE LAID IN THE GROUND AND BACKFILLED.
4. SILT FENCE SHOULD BE SECURELY FASTENED TO EACH STEEL SUPPORT POST OR TO WOVEN WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL FENCE POSTS.
5. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
6. SILT FENCE SHALL BE REMOVED WHEN IT HAS SERVED ITS USEFULNESS, SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
7. SEDIMENT TRAPPED BY THIS PRACTICE SHALL BE DISPOSED OF IN AN APPROVED SITE IN A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION.
8. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES AND DISPOSED OF IN AN APPROVED SITE OR AS IN NO. 7 ABOVE.

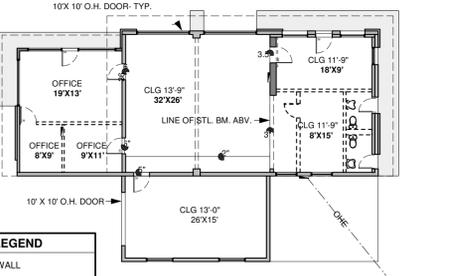
* DRAINAGE AREA LESS THAN TWO ACRES.

BUILDING SUMMARY- EXISTING

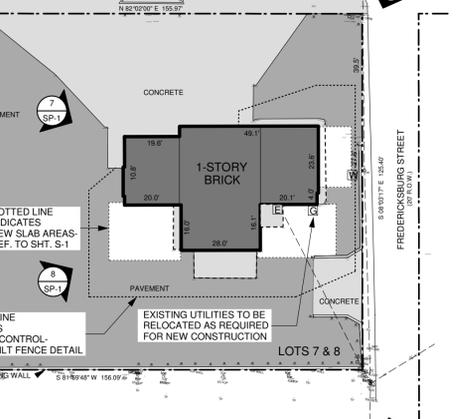
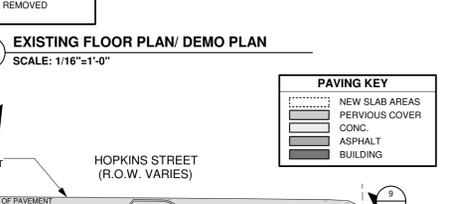
1. BUILDING IS TYPE V-B CONSTRUCTION- 32' X 70' 1-STORY CMU BUILDING ON CONCRETE SLAB WITH WOOD FRAME INTERIOR PARTITIONS AND CMU EXTERIOR WALLS.
2. BUILDING USE CLASSIFICATION IS BUSINESS GROUP B.
3. BUILDING SQUARE FOOTAGE IS 2,200 S.F./ 9,000 S.F. ALLOWABLE AS PER TABLE 503.
4. FIRE RESISTANCE RATING REQUIREMENT IS 0 HOURS EXT., 0 HOURS INT. AS PER TABLE 601.
5. FIRE SEPARATION DISTANCE IS > 30'. EXTERIOR WALL RATING REQUIREMENT IS 0 AS PER TABLE 602.
6. BUILDING OCCUPANCY: OFFICE- BUSINESS/ GROUP B DESIGN OCCUPANT LOAD (ACTUAL) 4
CALCULATED LOAD:
OFFICES- 1 PER 100 SF X 400 SF = 4
STORAGE- 1 PER 300 SF X 1,900 SF = 7
TOTAL = 11
7. MIN. PLUMBING FIXTURE REQUIREMENTS: BUSINESS GROUP B:
DESIGN OCCUPANT LOAD (ACTUAL) 4
CALCULATED LOAD:
OFFICES- 1 PER 100 SF X 400 SF = 4
STORAGE- 1 PER 300 SF X 1,900 SF = 7
TOTAL = 11
MALE TOILETS: 1/25, THEN 1/50 FOR 6= 1, 1 PROVIDED
FEMALE TOILETS: 1/40, THEN 1/80 FOR 6= 1, 1 PROVIDED
SERVICE SINK: 1

BUILDING SUMMARY- PROPOSED

1. BUILDING IS TYPE V-B CONSTRUCTION- 32' X 70' 1-STORY CMU BUILDING ON CONCRETE SLAB WITH WOOD FRAME INTERIOR PARTITIONS AND CMU EXTERIOR WALLS.
2. BUILDING USE CLASSIFICATION IS ASSEMBLY GROUP A-2.
3. BUILDING SQUARE FOOTAGE IS 5,400 S.F./ 6,000 S.F. ALLOWABLE AS PER TABLE 503.
4. FIRE RESISTANCE RATING REQUIREMENT IS 0 HOURS EXT., 0 HOURS INT. AS PER TABLE 601.
5. FIRE SEPARATION DISTANCE IS > 30'. EXTERIOR WALL RATING REQUIREMENT IS 0 AS PER TABLE 602.
6. BUILDING OCCUPANCY: ASSEMBLY- BAR AND GRILL/ GROUP A-2 DESIGN OCCUPANT LOAD (ACTUAL) 200
CALCULATED LOAD:
ASSEMBLY- 1 PER 15 SF X 3,630 SF = 242
STORAGE- 1 PER 300 SF X 1,770 SF = 6
TOTAL = 248
MALE TOILETS: 1/40 FOR 124= 4, 4 PROVIDED
FEMALE TOILETS: 1/75 FOR 124= 2, 2 PROVIDED
SERVICE SINK: 1
7. MIN. PLUMBING FIXTURE REQUIREMENTS: ASSEMBLY GROUP A-2:
DESIGN OCCUPANT LOAD (ACTUAL) 200
CALCULATED LOAD:
ASSEMBLY- 1 PER 15 SF X 3,630 SF = 242
STORAGE- 1 PER 300 SF X 1,770 SF = 6
TOTAL = 248
MALE TOILETS: 1/40 FOR 124= 4, 4 PROVIDED
FEMALE TOILETS: 1/75 FOR 124= 2, 2 PROVIDED
SERVICE SINK: 1



2 EXISTING FLOOR PLAN/ DEMO PLAN
SCALE: 1/16"=1'-0"



1 EXISTING SITE/ROOF PLAN
SCALE: 1"=30'-0"



DIGITALLY SIGNED AND SEALED 07/30/2013

ASH & ASSOCIATES LLC
142 JACKSON LANE
SAN MARCOS, TEXAS 78666
(512) 392-1719
FAX (512) 392-1928

NOTE: ALL DRAWINGS ARE PROTECTED BY COPYRIGHT AND MAY NOT BE COPIED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF ASH & ASSOCIATES. THESE DRAWINGS ARE FOR REVIEW ONLY AND MAY NOT BE USED FOR PERMITTING OR CONSTRUCTION.



RENOVATION OF 205 WEST HOPKINS FOR THE HEADWATERS DRAFTHOUSE SAN MARCOS, TX 78666

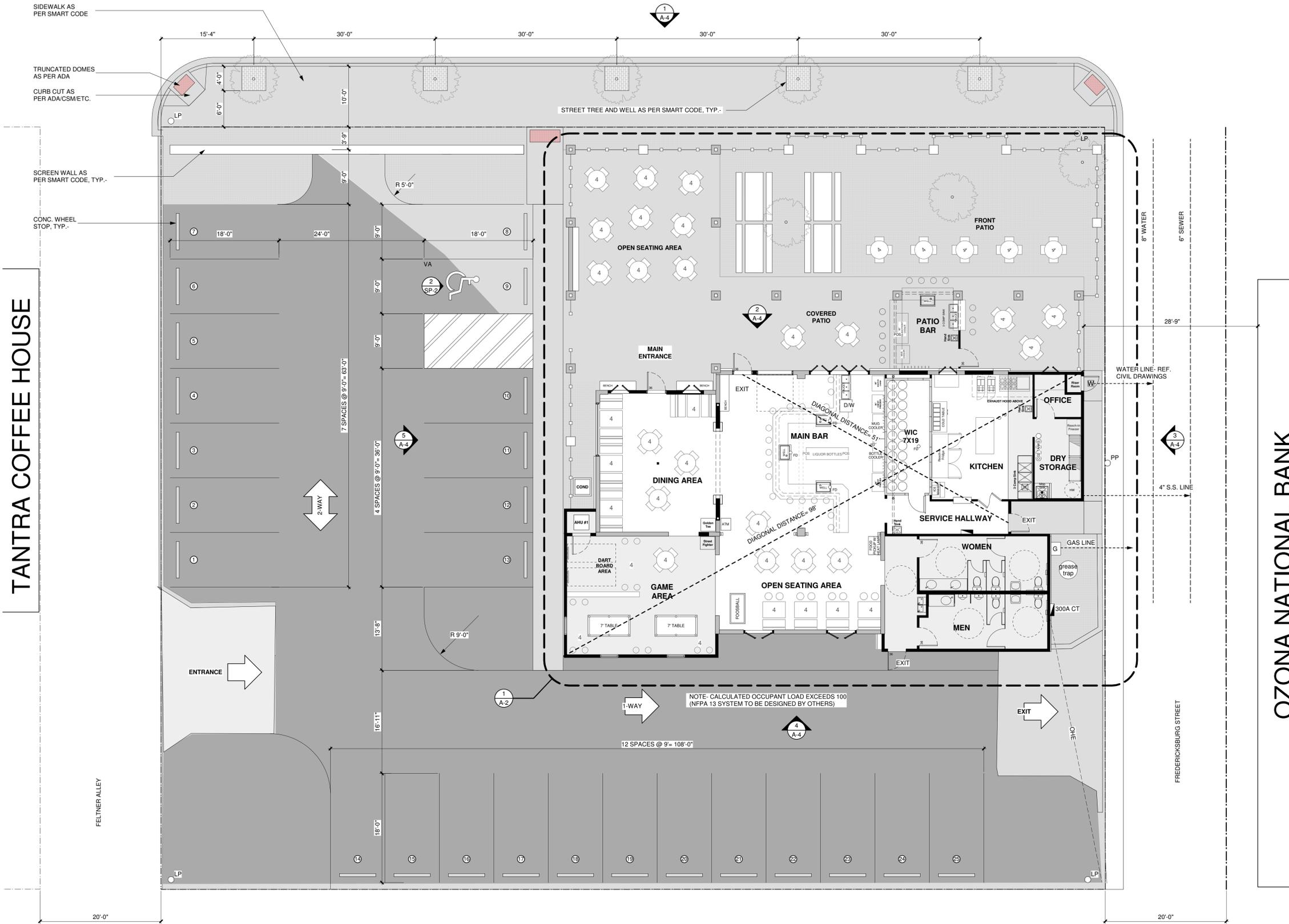
SP-1

CONCRETE NOTES

UNLESS NOTED OTHERWISE, ALL NEW FLATWORK SHALL FOLLOW THE GRADES INDICATED ON THE DRAWINGS AND CROSS SLOPES SHALL NOT EXCEED 1:48 (2%).
 CONSTRUCT CONTROL JOINTS AND 3/4" REDWOOD EXPANSION JOINTS AT SPACINGS AS INDICATED ON THE DRAWINGS.
 EXPANSION JOINTS SHALL INCLUDE #3 DOWELS CENTERED TO THE JOINT AT 12" O.C.
 NEW FLATWORK CONTAINING ABRUPT CHANGES IN ELEVATION GREATER THAN 1/4" SHALL BE UNACCEPTABLE.
 NEW FLATWORK SHALL BE 3,000 PSI CONCRETE WITH 6x6, 10/10 WELDED WIRE FABRIC. DOWEL NEW FLATWORK TO EXISTING FLATWORK, CENTERED TO THE JOINT AT 12" O.C., TYP.
 NEW CONCRETE FLATWORK SHALL BE LIGHT BROOM FINISHED FOR SLIP RESISTANCE.

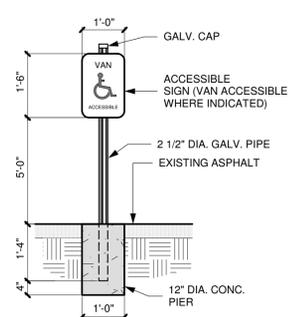
TAS-COMPLIANT WALKING SURFACES
 UNLESS NOTED OTHERWISE, WALKING SURFACES SHALL COMPLY WITH THE FOLLOWING:
 WALKING SURFACES SHALL BE STABLE, FIRM, AND SLIP RESISTANT.
 THE RUNNING SLOPE OF WALKING SURFACES SHALL NOT BE STEEPER THAN 1:20 (5.0%).
 THE CROSS SLOPE OF WALKING SURFACES SHALL NOT BE STEEPER THAN 1:48 (2.0%).
 CHANGES IN LEVEL BETWEEN ADJACENT SURFACES SHALL NOT EXCEED 1/4" IN HEIGHT.
 THE CLEAR WIDTH OF WALKING SURFACES SHALL BE 36 INCHES MINIMUM.
 CONTRACTOR TO NOTIFY THE ARCHITECT IF DISCREPANCIES ARISE BETWEEN THE INDICATED GRADES AND THE REQUIRED SLOPES.

HOPKINS STREET



TANTRA COFFEE HOUSE

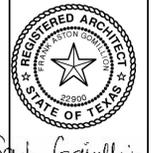
OZONA NATIONAL BANK



2 ADA SIGNAGE
 SCALE: 1/2"=1'-0"

1 SITE/FLOOR PLAN- PROPOSED
 SCALE: 1/8"=1'-0"

NO.	REVISION	DATE



DIGITALLY SIGNED AND SEALED 08/30/2013

ASH & ASSOCIATES LLC
 142 JACKSON LANE
 SAN MARCOS, TEXAS 78666
 (512) 392-1719
 FAX (512) 392-1928

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RENOVATION OF 205 WEST HOPKINS FOR THE HEADWATERS DRAFTHOUSE SAN MARCOS, TX 78666

SP-2



HAMBURGERS

HDH Classic Burger & Fries⁺ – topped with lettuce, tomato, onion, pickle, mustard, and mayo.

Mushroom Burger & Fries⁺ - HDH Classic Burger topped with mushrooms and melted big-eye Swiss cheese.

Cheeseburger & Fries⁺ – HDH Classic Burger topped with choice of cheese⁺.

Triple Cheeseburger & Fries⁺ - HDH Classic Hamburger, triple patty topped choice of cheese.

Jalapeño Cheeseburger & Fries⁺ – HDH Classic Burger topped with choice of cheese and jalapenos.

Bacon Cheeseburger & Fries⁺ – HDH Classic Burger topped with two strips of bacon and choice of cheese.

Build your own Burger⁺ - Customize your burger with extra beef, chicken, or veggie patty; mushrooms; choice of cheese⁺; jalapenos; bacon; and/or chili.

+Choice of American, Swiss, or cheddar cheese; white or wheat bun: fries, home-made tater tots, or hand battered onion rings.

VEGGIE BURGERS

Portobello Mushroom Burger⁺⁺ – The steak of veggie burgers with lettuce, tomato, and aioli sauce. Oh yeah!

Black Bean Burger⁺⁺ - Black bean patty, topped with lettuce, tomato, and avocado.

SANDWICHES AND HOT DOGS

Chicken & Fries⁺⁺ –chicken breast with lettuce, tomato, onion, pickle, mayo and mustard.

Chicken Club & Fries⁺⁺ - HDH delicious chicken sandwich topped with bacon and big eye Swiss cheese.

The Crown & Anchor BLT - An Austin favorite - Fresh lettuce, tomato, and crispy bacon on Texas toast with mayo with tortilla chips.

Grilled Cheese Sandwich - American cheese on Texas toast with tortilla chips.

Hot Dog & Fries⁺⁺ - An all-beef hot dog with mustard and onions (add chili).

Veggie Dog & Fries⁺⁺ - Premium veggie hot dog with mustard and onions.

++Choice of white or wheat bun; fries, home-made tater tots, or hand battered onion rings.

Dinner Specials and Wine Tasting Events featuring local wines, cheeses and produce will be regularly announced on the HDH web site and via flyer.





WEEKLY LUNCH SPECIALS*

Monday - Chicken and sausage gumbo with rice and okra with French bread.

Tuesday - Pot roast sandwich of pull apart pot roast on French bread with melted cheese and au jus with fries, tatter tots, or onion rings.

Wednesday - Large portion of Cajun spiced meat loaf with mashed potatoes and green beans.

Thursday – Home-made hearty lasagna with garlic bread.

Friday - Hand battered farm raised catfish with hushpuppies with fries, tatter tots, or onion rings..

Extras and Appetizers

- Black truffle house tatter tots with a truffle aioli.
- Hand battered onion rings with a spicy ranch dipping sauce.
- *Steakout Saloon (CO)* fried pickles with creamy ranch.
- Pork-wing poppers of pork tenderloin, chipotle cream cheese stuffed jalapeños wrapped in bacon.

*Lunch specials are rotated on a monthly basis but favorites will be kept!

TACOS & NACHOS

Tacos - Warm tortillas filled with choice of stuffing topped with lettuce, diced tomatoes, onions and cheddar cheese.

- Seasoned ground beef on flour or wheat tortillas.
- Chicken fajita on flour or wheat tortillas.
- Veggie refried beans on flour or wheat tortilla

HDH Nachos - A big platter of tortilla chips covered in melted cheddar cheese and jalapenos.

- Add refried or black beans .

Super Nachos - HDH Nachos topped with spicy refried beans, lettuce, tomato, onion and choice of strips of chicken breast or seasoned ground beef.

- With beef
- With Chicken

Chips & Salsa – Never-ending, fresh chips served with house-made salsa.

Dinner Specials and Wine Tasting Events featuring local wines, cheeses and produce will be regularly announced on the HDH web site and via flyer.





On-Premise Prequalification Packet

L-ON (6/2012)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your pre-qualification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying. Permit applicants will also provide this packet to their local newspaper for certification that you have published the required notice.

Please immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

LOCATION INFORMATION

1. Type of On-Premise License/Permit

- | | |
|--|--|
| <input type="checkbox"/> BG Wine and Beer Retailer's Permit | <input checked="" type="checkbox"/> LB Mixed Beverage Late Hours Permit |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License | <input type="checkbox"/> MI Minibar Permit |
| <input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License | <input type="checkbox"/> CB Caterer's Permit |
| <input type="checkbox"/> BP Brewpub License | <input type="checkbox"/> FB Food and Beverage Certificate |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats | <input checked="" type="checkbox"/> PE Beverage Cartage Permit |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input checked="" type="checkbox"/> MB Mixed Beverage Permit | |

2. Indicate Primary Business at this Location

- | | |
|--|--|
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input checked="" type="checkbox"/> Bar | <input type="checkbox"/> Miscellaneous _____ |
| <input type="checkbox"/> Sexually Oriented | |

3. Trade Name of Location

Headwaters Draft House

4. Location Address

205 West Hopkins Street

City	County	State	Zip Code
San Marcos	Hays	TX	78666-

5. Mailing Address

1716 Briarcrest Drive, Suite 602	City	State	Zip Code
	Bryan	TX	77802-

6. Business Phone No.

(979) 492 - 9266

Alternate Phone No.

(979) 268 - 8600

E-mail Address

OWNER INFORMATION

7. Type of Owner

- | | | |
|--|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Corporation | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership | <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Joint Venture | |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust | |

8. Entity/Applicant

HDH, LLC

9. If Applicant Is/Must Be Listed Below (attach L-OIC if additional space is needed).

Individual/Individual Owner	Limited Liability Company/All Officers or Managers		
Partnership/All Partners	Joint Venture/Venturers		
Limited Partnership/All General Partners	Trust/Trustee(s)		
Corporation/All Officers	City, County, University/Official		
Last Name	First Name	MI	Title
Ludwig,	Jerry	W	Manager
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

MEASUREMENT INFORMATION

10. Will your business be located within 300 feet of a church or public hospital? Yes No

NOTE: For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.

11. Will your business be located within 300 feet of any private/public school, day care center or child care facility? Yes No

If "YES," are the facilities located on different floors or stories of the building? Yes No

NOTE: For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.

NOTE: For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.

NOTE: If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.

12. Will your business be located within 1,000 feet of a private school? Yes No

13. Will your business be located within 1,000 feet of a public school? Yes No

60-DAY SIGN INFORMATION

14. If you were required to post a 60-day sign as required by Section 11.391 or 61.381 of the Texas Alcoholic Beverage Code at this location; what exact date was the required sign posted at the location? _____ Exact Date (mm/dd/yyyy) _____ / ____ / ____

WARNING AND SIGNATURE

If Applicant Is/Must Sign

Individual/Individual Owner

Partnership/Partner

Limited Partnership/General Partner

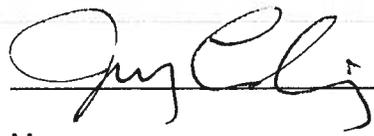
Corporation/Officer

Limited Liability Company/ Officer or Manager

WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the penitentiary for not less than 2 nor more than 10 years."

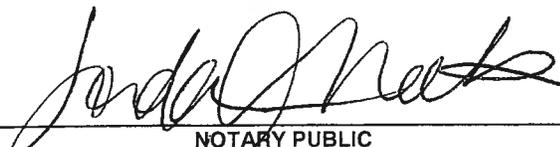
BY SIGNING YOU ARE SWEARING TO ALL INFORMATION AND ATTACHMENTS TO THIS PACKET.

PRINT NAME Jerry W. Ludwig

SIGN HERE 

TITLE Manager

Before me, the undersigned authority, on this 4 day of June, 2013, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE 
NOTARY PUBLIC



S E A L

CERTIFICATE OF CITY SECRETARY (FOR MB, RM, BE, BG, V, & Y)

CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN
HERE _____, TEXAS
City Secretary/Clerk

SEAL

If location can not be certified above, please complete the following:

I hereby certify on this _____ day of _____, 20____, that the location is prohibited by Charter or Ordinance No. _____, in reference to the sale of alcoholic beverages.

SIGN
HERE _____, TEXAS
City Secretary/Clerk

SEAL

CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT

CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this _____ day of _____, 20____, that one of the below is correct:

- The governing body of this city has by ordinance authorized the sale of **mixed beverages** between midnight and 2:00 A.M.; or
- The governing body of this city has by ordinance authorized the sale of **beer** between midnight and _____ A.M.; or
- The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN
HERE _____, TEXAS
City Secretary/Clerk

SEAL

CERTIFICATE OF COUNTY CLERK (FOR MB, RM & BE)

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a "wet" area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN
HERE _____ COUNTY
County Clerk

SEAL

CERTIFICATE OF COUNTY CLERK (FOR BG, V & Y)

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine & Beer Retailer's Permit.

Most current election for given location was held for:

- legal sale of all alcoholic beverages for off-premise consumption
- legal sale of all alcoholic beverages
- legal sale of all alcoholic beverages except mixed beverages
- legal sale of all alcoholic beverages including mixed beverages
- legal sale of mixed beverages
- legal sale of mixed beverages in restaurants by food and beverage certificate holders
- legal sale of wine on the premises of a holder of a winery permit
- legal sale of wine/beer (17%) on-premise or wine/beer off-premise **AFTER** Sept. 1, 1999
- legal sale of wine/beer (14%) on-premise or wine/beer off-premise **BEFORE** Sept. 1, 1999

SIGN
HERE _____ COUNTY
County Clerk

SEAL

CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT

I hereby certify on this _____ day of _____, 20____, that one of the below are correct:

- The Commissioner's Court of the county has by order authorized the sale of **mixed beverages** between midnight and 2:00 A.M.; or
- The Commissioner's Court of the county has by order authorized the sale of **beer** between midnight and _____ A.M.; or
- The population of the city where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- The population of the city where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN HERE _____ COUNTY
County Clerk

SEAL

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

This is to certify on this 24th day of June, 2013, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number 3205 0866071 Outlet Number 00001

Print Name of Comptroller Employee Michelle Gaura-Lake

Print Title of Comptroller Employee Enforcement Officer

SIGN HERE  FIELD OFFICE 2417

SEAL

PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, & BP)

Name of newspaper

City, County

Dates notice published in daily/weekly newspaper (mm/dd/yyyy) / /

Publisher or designee certifies attached notice was published in newspaper stated on dates shown

ATTACH PRINTED COPY OF THE NOTICE HERE

Signature of publisher or designee

Sworn to and subscribed before me on this date / /

Signature of Notary Public

SEAL



HEADWATERS DRAFT HOUSE

A Tavern and Grill Establishment Ideal for The City of San Marcos

Project Highlights:

- The establishment will be located at 205 West Hopkins Street, San Marcos, TX 78666
- The Headwaters Draft House will seat 175 patrons (75 inside, 100 outside)
- The 5,700 square foot facility will include 2,100 square feet of outdoor patio space
- Proposed operating hours are Monday through Sunday from 11:00 AM to 2:00 AM
- The Headwaters Draft House project complies with all City of San Marcos and Texas Alcoholic Beverage Commission laws, zoning regulations, and ordinances as attested to by the City Staff recommendation that a Conditional Use Permit (CUP) be approved
- The design meets all of the City of San Marcos' newly adopted SmartCode requirements

Addressing Neighborhood Concerns with Project Modifications:

- The current West Hopkins Street entrance will be closed and traffic will be rerouted to the rear of the property directing traffic away from ingress/egress on West Hopkins Street.
- Twenty-five on premise parking spaces are planned, which exceeds the City's required 17 spaces, and developers have proposed exploring rental of additional parking if deemed necessary for approval.
- "Dark Skies" compliance for all property lighting.
- A noise engineer was hired to ensure proper noise abatement.
- A proposed outdoor music area was removed and live music will only be played indoors.
- Installation of an external noise meter that will be monitored for compliance.
- The exterior spaces will be fully landscaped and the perimeters aesthetically fenced.
- Professional landscaping will further screen the exterior patio.
- A professional landscaping company will be employed to rotate seasonal plantings to keep a neat, aesthetically pleasing, and presentable exterior year-round.
- External signage will be compliant and artistically pleasing.
- Sidewalks will be widened and landscaped in compliance with the City's desired CBD development goals, despite not being in the CBD.
- Designated smoking areas away from pedestrian traffic will be established.
- Staff will be assigned each day to pick up trash beyond property lines.
- No patrons under 21 will be allowed in the establishment after 8:00 PM.
- Fully agreed to participation in local "sober-ride" programs.

www.headwatersdrafhouse.com

Headwaters Draft House

Frequently Asked Questions

What is the proposed business and where is it located?

HEADWATERS DRAFT HOUSE (A TAVERN AND GRILL ESTABLISHMENT), 205 WEST HOPKINS STREET, SAN MARCOS, TEXAS 78666

The Headwaters Draft House, located just west of the City of San Marcos' Central Business District (CBD), on the site of a former gas station, will be a redevelopment of an empty building and lot that have been vacant for over 15 years. The proposed Headwaters Draft House will be a premier neighborhood tavern and grill with proposed operating hours: Monday through Sunday from 11:00 AM to 2:00 AM.

Who are the owner(s) of the Headwaters Draft House and have they owned and/or operated similar businesses?

HDH, LLC OWNS THE BUSINESS AND OPERATES SIMILAR BUSINESSES IN SEVERAL STATES (including Texas).

The investment partnership that owns Headwaters Draft House is HDH, LLC. HDH, LLC's managing members include Chuck Kennicutt, Jerry Ludwig and Craig Steede. LLC members have opened and operated similar businesses, in cities in Texas, Tennessee, and Colorado. Existing businesses include: the Steakout Saloon and the Trailhead Tavern in Fort Collins, Colorado; Cool Beans in Knoxville, Tennessee; and the Crown & Anchor Pub in Austin, Texas. The Headwaters Draft House partnership has an enviable track record of successful community partnerships in their other localities, and plans to be an active and engaged community member in San Marcos, Texas.

Many of the LLC's 15 investment partners have full-time jobs in a range of professions and include a Professor Emeritus, a stockbroker, a university teaching professor, oil field services, hydraulics services, an environmental consultant, and many others. HDH, LLC is committed to locating a business in the City of San Marcos, and intends on becoming a part of the fabric and success of the community.

Is the proposed business just another "college" or "shot bar?"

NO. HEADWATERS DRAFT HOUSE WILL BE A HIGH QUALITY TAVERN AND GRILL WITH A SUBSTANTIVE DINING PROGRAM THAT IS INTENDED TO ATTRACT A BROAD SPECTRUM OF PATRONS.

With a target clientele of professionals, graduate students, faculty, University staff, and "of-age" University students, the Headwaters Draft House is **not** a "cheap beer joint," a "shot bar," a "cocktail lounge," or a "venue dedicated to drinking." The business model is a high quality, well-managed, locally owned and operated tavern and grill with an innovative, moderately priced menu served from a full kitchen facility that will suit many tastes. Beverage selection will include a wide array of premium hand-crafted and/or micro-brews and house wines to serve discerning customers. HDH, LLC looks forward to being a valued member of the San Marcos business community and a contributor to the local economy through the creation of jobs and tax revenue.

What is the status of the Headwaters Draft House's City of San Marcos approvals?

THE PROJECT ONLY LACKS A "CONDITIONAL USE PERMIT (CUP)" TO PROCEED.

According to San Marcos city code, Headwaters Draft House's location is subject to the City of San Marcos' T5 Zoning and the proposed business is an appropriate use for the site. Approval has been received from the City

for site permits, building permits, and a Conditional Use Permit (CUP) application was recommended for approval by City staff.

For more information on the City of San Marcos' Conditional Use Permits, please visit: <http://www.ci.san-marcos.tx.us/modules/showdocument.aspx?documentid=6237>

What are the details of Headwaters Draft House project?

EXTENSIVE AND DETAILED PROFESSIONAL ARCHITECTURAL/ENGINEERING PLANS HAVE BEEN DEVELOPED BY A FULLY LICENSED SAN MARCOS ENGINEER AND HAS BEEN PERMITTED BY THE CITY (available on request).

Project Highlights:

- The establishment will be located at 205 West Hopkins Street in a refurbished gas station, a building that has been abandoned and vacant for over 15 years.
- The Headwaters Draft House will seat 175 patrons (75 inside, 100 outside).
- The 5,700 square foot facility will include 2,100 square feet of outdoor patio space.
- Operating hours are proposed as Monday through Sunday, from 11:00 AM to 2:00 AM.
- The Headwaters Draft House project complies with all City of San Marcos and Texas Alcoholic Beverage Commission laws, zoning regulations, and ordinances as attested to by the City Staff recommendation that a CUP be approved.
- The HDH design meets all of the City of San Marcos newly adopted SmartCode requirements.
- Headwaters Draft House owners have over 100 years of combined experience with similar businesses as well as many other business and financial skill sets acquired throughout their careers.
- The 205 West Hopkins Street project was recommended by City Staff for a 1-year Conditional Use Permit (CUP).
- The owners, investors and operators are committed to this project and HDH, LLC intends to become members of the San Marcos community for the long-term (their other similar businesses have been operating for 10 to 37 years).
- At completion, Headwaters Draft House will represent in excess of \$1 million in investments by the group.

What is the project history and time line of the project?

HDH, LLC HAS SPENT NEARLY A YEAR AND SEVERAL HUNDRED THOUSAND DOLLARS ACQUIRING PROPERTY AND DEVELOPING THE BUSINESS CONCEPT.

A detailed timeline is appended.

Does the Headwaters Draft House comply with Texas Alcoholic Beverage Commission laws and City of San Marcos ordinances?

YES. ALL APPLICABLE REGULATIONS, ZONING, RULES AND LAWS HAVE BEEN ABIDED BY.

The law prohibits the sale of alcohol within 300 feet of a church or public or private school without explicit support from the School's Board. There are no entities with this legally defined land use code category within 300 feet of the proposed Headwaters Draft House.

How far away does a location that sells alcohol need to be from a church or school? How is that distance measured?

HEADWATERS DRAFT HOUSE IS FULLY COMPLIANT WITH ALL STATE AND LOCAL REGULATIONS FOR THIS TYPE OF ESTABLISHMENT.

According to TABC law:

The state statute permits city councils or county commissioners courts to adopt a local ordinance prohibiting the sale of alcoholic beverages within 300 feet of a public or private school, church and/or public hospital. The distance from a school can be increased to 1000 feet under certain circumstances. [Section 109.33]

Generally, based on 109.33(b), distances from schools are measured in a straight line from property line to property line and in a direct line across intersections.

The law requires that the distance from a church or hospital be measured from front door of the proposed establishment to the street front. If on the same side of the street, measurement continues along the along street frontage to a point perpendicular to the front door of the church or hospital, and then from the street frontage to the front door of the church or hospital. If a street has to be crossed, then measurement continues from the street front point that is perpendicular to the front door of the establishment to the nearest intersection, across that intersection in a straight line and then back along the street frontage to a point perpendicular to the front door of the church or hospital and then from that point to the church or hospital's front door.

Cities and counties can also adopt ordinances requiring a 300-foot distance between certain types of permits and day-care centers or child-care facilities, [\[Section 109.331\]](#)

What is a “Conditional Use Permit” and why was it denied?

THE CONDITIONAL USE PERMIT IS AN ADDITIONAL PERMIT THAT ALLOWS CITIES TO DETERMINE COMPATIBLE LAND USE WITH SURROUNDING AND ADJACENT PROPERTY USES. THE HEADWATERS DRAFT HOUSE CUP WAS DENIED BASED ON A FINDING THAT HEADWATERS DRAFT HOUSE WAS “INCOMPATIBLE WITH CURRENT AREA USAGES” BASED ON THE OPPOSITION FROM ONE PROPERTY OWNER.

According to San Marcos City Land Use Development Code, Section 4.3.4.2 Conditional Use Permits for On-Site Alcoholic Beverage Consumption:

Standards. For the Conditional Use Permit to be initially issued or an existing permit to be renewed or allowed to continue, the following standards will be met:

A. Location relative to existing land uses

1. The place of business covered by the permit shall not be located within 300 feet of a residence located within a zoning district that limits density to six units per acre or less.
HEADWATERS DRAFT HOUSE IS COMPLIANT.
2. It is unlawful for a person to sell or engage in the business of selling any alcoholic beverages for on-premises consumption where the place of business is located:
 - a. Within 300 feet of a church, public or private school, or public hospital.
 - b. Within 1,000 feet of a public school, if the Planning and Zoning Commission receives a request from the board of trustees of the applicable school district (refer to Section 38.007 of the Texas Education Code;)
 - c. Within 1,000 feet of a private school if the Planning and Zoning Commission receives a request form the governing body of the private school

HEADWATERS DRAFT HOUSE IS COMPLIANT.

The stated reason for denial was “incompatibility with current usages in the neighborhood,” despite months of discussions with City of San Marcos staff who agreed that this was an appropriate use and sent the CUP to Planning and Zoning with a full recommendation for approval.

Surrounding land uses include: restaurant and alcohol-serving businesses next door, diagonally across the street, and two blocks down the street; an adjacent bank (next door); and an HEB supermarket (across the street). Additionally, 205 West Hopkins Street abuts the Central Business District, which has many bars, restaurants, and businesses.

Headwaters Draft House is fully compliant with all Land Use Development codes for the issuance of a Conditional Use Permit (CUP). All businesses or entities that meet the legal definitions that would prohibit alcohol sales are more distant from the proposed business location than required by City ordinance and State TABC statute.

Is the denial of a Conditional Use Permit (CUP) application unusual?

THE DENIAL OF A CUP IS HIGHLY UNUSUAL. THE CITY OF SAN MARCOS HAS NEVER DENIED A CUP APPLICATION.

Headwaters Draft House CUP application; despite due diligence, including meeting with neighbors and conferences with the City Planning Department over a period of months, is the first CUP application to be denied.

What have the owner's of Headwater Draft House done to address neighbor's concerns?

HDH, LLC MEMBERS HAVE MET WITH NEIGHBORS AND THE CITY, CAREFULLY LISTENED, AND PROPOSED SIGNIFICANT CHANGES TO ADDRESS ANY AND ALL EXPRESSED CONCERNS

Project modifications include:

- The current West Hopkins Street entrance will be closed and traffic will be rerouted to the rear of the property directing traffic away from ingress/egress on West Hopkins Street.
- Twenty-five on premise parking spaces are planned, which exceeds the City's required 17 spaces, and developers have proposed exploring rental of additional parking if deemed necessary for approval.
- "Dark Skies" compliance for all property lighting.
- A noise engineer was hired to ensure proper noise abatement.
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- Sidewalks will be widened and landscaped in compliance with the City's desired CBD development goals, despite not being in the CBD.
- Designated smoking areas away from pedestrian traffic will be established.
- Staff will be assigned each day to pick up trash beyond property lines.
- No patrons under 21 will be allowed in the establishment after 8:00 PM.
- Fully agreed to participation in local "sober-ride" programs.

Why does this matter?

HEADWATERS DRAFT HOUSE BELIEVES THEY ARE AN IDEAL BUSINESS FOR SAN MARCOS, AND HAVE GONE TO GREAT LENGTHS TO ENSURE COMPATIBILITY WITH SURROUNDING NEIGHBORHOOD LAND USES.

More importantly, according to today's leading land use authorities such as, the US Green Building Council who defines LEED Standards, the Congress for New Urbanism and the Urban Land Institute, sustainable

communities include a variety of components for complete neighborhoods. A mix of proximate amenities can lead to a lower environmental impact and an improvement in quality of life. Headwaters Draft House is a place for the San Marcos community to gather for lunch, business and recreation. Additionally, Headwaters Draft House is eager to be a part of the rapidly growing downtown core of San Marcos.

What are the next steps?

HEADWATERS DRAFT HOUSE WILL RE-APPLY FOR A CONDITIONAL USE PERMIT (CUP) ON MARCH 25, 2014.

The Headwaters Draft House believes that they have far exceeded the requirements for CUP approval (**this was the first CUP to ever been denied by the City of San Marcos**). Throughout the planning of the project, they worked with the community—paying special attention to neighbors’ concerns. Headwaters Draft House has made every effort to accommodate adjacent neighborhood concerns and has significantly revised its development plans in order to do so. **Headwaters Draft House will re-apply for a Conditional Use Permit on April 22, 2014.**

HEADWATERS DRAFT HOUSE DETAILED PROJECT TIMELINE

Spring 2012: HDH, LLC begins research on communities in Texas with opportunities for their type of business. San Marcos was selected as an ideal city for their type of local, family-run tavern and grill. They identified the site as ideal, but the site was not listed for sale.

Early 2013: As soon as the partnership was notified that the site was listed, HDH, LLC put the property under contract, with a 45-day feasibility period to ensure they could properly entitle the site. Before the completion of the purchase, the buyers spoke with the City of San Marcos' Development Department and received positive feedback on their plans for the property. Compliance with TABC laws in relation to the other types of property uses surrounding 205 West Hopkins Street were also verified. Because the site was an abandoned gas station, the group exercised due diligence by conferring with the TCEQ to ensure environmental remediation was complete and certified. Once the thorough pre-purchase process was completed, the property was purchased.

Spring/Summer 2013:

Headwaters Draft House began to work with city staff to ensure compliance, discuss community/City business goals, and ensure that before permit applications were submitted, that they complied with all requirements for the proposed project. Headwaters' architect completed all engineering and permit drawings and submitted them to the city for approval, and on **September 6, 2013, the City issued building permits for the project.** Headwaters Draft House arrived at the Planning and Zoning Commission meeting with a City staff recommendation for approval.

August 2013: After agreeing to a postponement as requested by four members of a nearby church who signed up in opposition to the project, HDH, LLC appeared before the San Marcos Planning and Zoning Committee (PZC) on September 10, 2013. At the public hearing, members of a near-by church spoke out in opposition of the project. This was the first time the applicant, HDH LLC, became aware of opposition from this property owner, despite prior meetings with neighbors, the city and city staff. Four days after receiving building permits, HDH, LLC was denied their request for a Conditional Use Permit, a first for the City of San Marcos.

Following the public hearing, HDH, LLC members once again met with the church officials to better understand neighbor concerns and attempted to resolve the stated issues which included: noise, traffic, trash, and parking.

October 2013: The Headwaters Draft House (HDH, LLC) appealed to the San Marcos City Council. The Headwaters Draft House (HDH, LLC) was denied their appeal on the same basis as the PZC's denial.

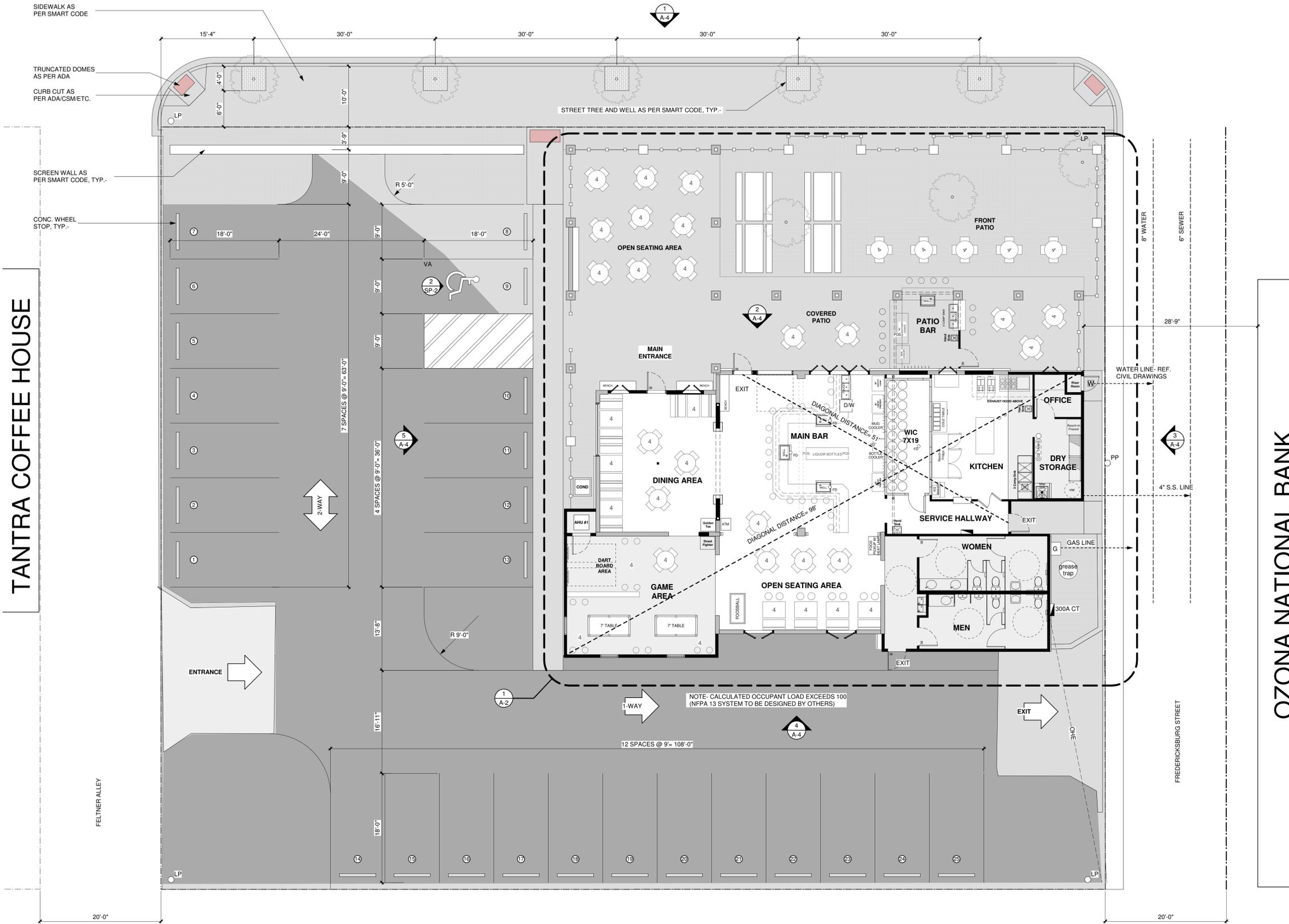
February to April 2014: Headwaters Draft House has committed to addressing all concerns with neighbors and is set to re-apply to the Planning and Zoning Commission for their Conditional Use Permit.

CONCRETE NOTES

UNLESS NOTED OTHERWISE, ALL NEW FLATWORK SHALL FOLLOW THE GRADES INDICATED ON THE DRAWINGS AND CROSS SLOPES SHALL NOT EXCEED 1:48 (2%).
 CONSTRUCT CONTROL JOINTS AND 3/4" REDWOOD EXPANSION JOINTS AT SPACINGS AS INDICATED ON THE DRAWINGS.
 EXPANSION JOINTS SHALL INCLUDE #3 DOWELS CENTERED TO THE JOINT AT 12" O.C.
 NEW FLATWORK CONTAINING ABRUPT CHANGES IN ELEVATION GREATER THAN 1/4" SHALL BE UNACCEPTABLE.
 NEW FLATWORK SHALL BE 3,000 PSI CONCRETE WITH 6x6, 10/10 WELDED WIRE FABRIC. DOWEL NEW FLATWORK TO EXISTING FLATWORK, CENTERED TO THE JOINT AT 12" O.C., TYP.
 NEW CONCRETE FLATWORK SHALL BE LIGHT BROOM FINISHED FOR SLIP RESISTANCE.

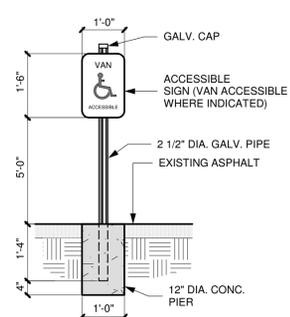
TAS-COMPLIANT WALKING SURFACES
 UNLESS NOTED OTHERWISE, WALKING SURFACES SHALL COMPLY WITH THE FOLLOWING:
 WALKING SURFACES SHALL BE STABLE, FIRM, AND SLIP RESISTANT.
 THE RUNNING SLOPE OF WALKING SURFACES SHALL NOT BE STEEPER THAN 1:20 (5.0%).
 THE CROSS SLOPE OF WALKING SURFACES SHALL NOT BE STEEPER THAN 1:48 (2.0%).
 CHANGES IN LEVEL BETWEEN ADJACENT SURFACES SHALL NOT EXCEED 1/4" IN HEIGHT.
 THE CLEAR WIDTH OF WALKING SURFACES SHALL BE 36 INCHES MINIMUM.
 CONTRACTOR TO NOTIFY THE ARCHITECT IF DISCREPANCIES ARISE BETWEEN THE INDICATED GRADES AND THE REQUIRED SLOPES.

HOPKINS STREET



TANTRA COFFEE HOUSE

OZONA NATIONAL BANK



2 ADA SIGNAGE
 SCALE: 1/2"=1'-0"

1 SITE/FLOOR PLAN- PROPOSED
 SCALE: 1/8"=1'-0"

NO.	REVISION	DATE



Paul Gamblin

DIGITALLY SIGNED AND SEALED 08/30/2013

ASH & ASSOCIATES LLC
 142 JACKSON LANE
 SAN MARCOS, TEXAS 78666
 (512) 392-1719
 FAX (512) 392-1928

NOTE: ALL DRAWINGS ARE PROTECTED BY COPYRIGHT AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT THE PRIOR WRITTEN PERMISSION OF A&A LLC. IF NO SUCH PERMISSION IS OBTAINED, THE DRAWINGS ARE FOR REVIEW ONLY AND MAY NOT BE USED FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.



RENOVATION OF 205 WEST HOPKINS FOR THE HEADWATERS DRAFTHOUSE SAN MARCOS, TX 78666

SP-2

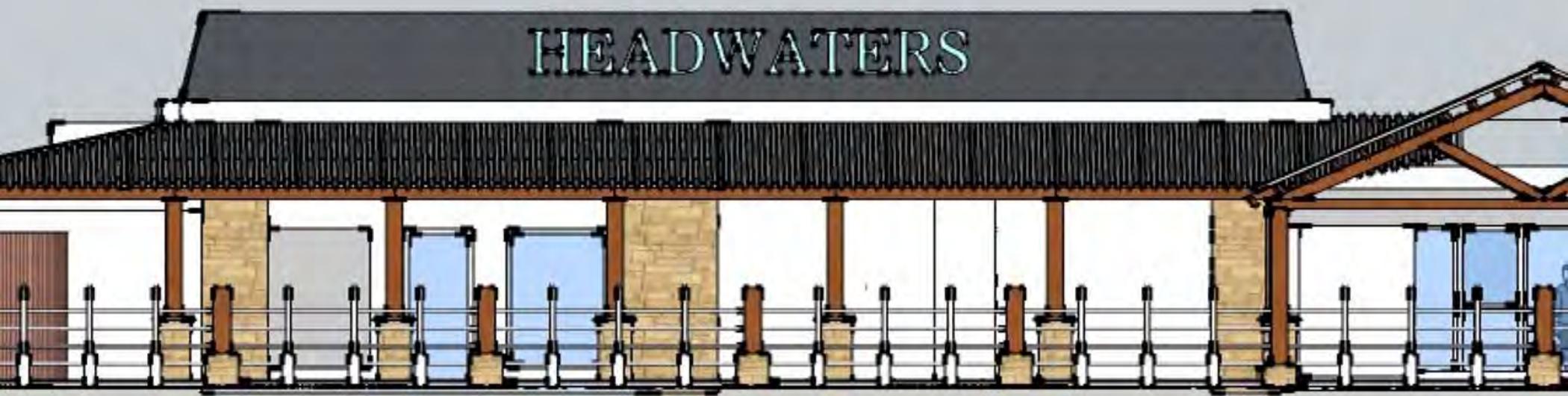








HEADWATERS





HEADWATERS







BOARD OF COUNTY COMMISSIONERS

Post Office Box 1190
Fort Collins, Colorado 80522-1190
(970) 498-7010
FAX (970) 498-7006

April 2, 2014

To whom it may concern:

I understand the owners and investors of Steakout Saloon in Fort Collins, Colorado are seeking to open an establishment in your jurisdiction. As a County Commissioner in Larimer County, I sit with my colleagues as the liquor licensing authority for the unincorporated area of the county, so I know how important community need and concerns are and how critical the track record of an applicant is in those deliberations. The Steakout Saloon is in the city of Fort Collins, Colorado so we do not have jurisdiction over it, but I am well aware of their track record and wanted to share that with you.

The Steakout Saloon is located in historic "old town" Fort Collins, one block from our County Courthouse and City Hall. We are extremely proud of our old town, and it is one of the reasons our city has been repeatedly named one of the best cities in America in which to live by several national publications. As such, the quality of establishments in this area is of great concern to us.

The Steakout Saloon is extremely highly regarded, respected, and frequented by business men, visitors, and students in our community. I eat there two to three times a week, so I am very familiar with it. I have brought guests from out of town there in the evenings and on busy weekends, so I see all kinds of crowds in the most crowded celebratory times and in the more quiet lunch periods as well. In all my visits, the establishment has been responsibly and professionally run and is a credit to our community.

Being a college town with over 20,000 students this is no small feat, but these guys consistently manage to pull it off flawlessly. The great mix of people are a testament to how well run the Steakout is.

The Steakout Saloon has earned a wide following among leaders and regulars in town. Our entire team of County and District Court Judges eat lunch there every Tuesday. Being close to the city and county buildings, a large number of our workers eat there. Former Colorado Governor Bill Ritter is a frequent patron, having taken a job with the University since leaving office a few years ago. Believe me, with the wide choice of fine dining in Old Town Fort Collins, these folks would not be so loyal to the Steakout Saloon if it were not a top-quality place.

I can't tell you what you should do in your community, nor would I pretend to do so. But I do know when I have to make these decisions, the kind of information I can share with you about this applicant would be extremely helpful to have for me.

I eagerly give my very highest recommendation and endorsement to the folks that operate the Steakout Saloon. They have been a wonderful asset to our community, and I have no doubt they would do the same for yours. If I can provide any further information, I hope you won't hesitate to contact me

Sincerely,

Steve Johnson
Commissioner

BOARD OF COUNTY COMMISSIONERS

Lew Gaiter III
District 1

Steve Johnson
District 2

Tom Donnelly
District 3

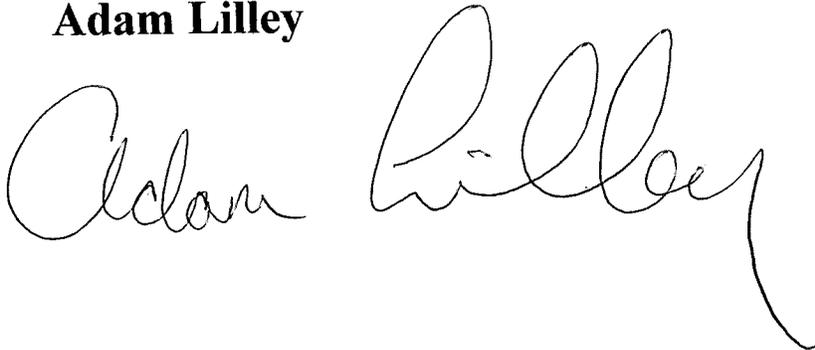
To whom it may concern,

This letter is to show support to the proprietors of the proposed 'Headwaters Draffhouse'. Since they have purchased the property next to us on W. Hopkins Street, the owners/managers of this company have been very respectful good neighbors. They have allowed our customers and employees to park in their empty lot and have been open and communicative about their intended role in our community. I believe that they are good people and their company should be allowed to open their business without the impedance of the city government.

Thank you for your consideration,

Co-owner/manager of the Tantra Coffeehouse,

Adam Lilley

A handwritten signature in black ink that reads "Adam Lilley". The signature is written in a cursive style with a long, sweeping tail on the letter "y".



Colorado Ice Professional Indoor Football

218 Smokey Street • Fort Collins, CO 80525 • (970) 472-0128/Fax: (970) 472-0134 • www.thecoloradoice.com

March 31, 2014

Greetings:

I am writing this letter on behalf of the gentlemen that are business associates in a venture that operate Steakout Saloon in Ft. Collins, Colorado. I have had the pleasure of knowing their acquaintance through a business relationship that has brought our two businesses together in the mutual benefit of the marketing of our respective organizations. For the past three years, Tim Gradham and his associates have partnered with The Colorado Ice Professional Indoor Football team as a partner of our organization. I have had the pleasure of entertaining clients for business lunches as well as taking my own family to The Steakout Saloon for a quality meal in an atmosphere that promotes professionalism through the actions of the staff and the owners of this establishment.

It is without reservation, that I would embrace an endeavor run by this business venture into any community that I would be proud to call home. These gentlemen have run their business in a fair and professional manner that not only promotes business activity in our community, but allows for a positive family friendly environment that is enjoyed by all that frequent their establishment.

Should you have the need to contact me regarding this letter, please do not hesitate to do so.

Regards,

Collins F. Sanders Jr.
President
Colorado Ice Professional Indoor Football
218 Smokey Street
Ft. Collins, CO 80525
o – (970) 472-0128
m – (303) 668-2873



HONOR
CLUB

STEVE A. MAGILL

Business & Personal Insurance and Retirement Planning Specialist

3/31/2014

To Whom it May Concern:

Tim Grabham and his partners have been a vibrant and responsible member of the Fort Collins community for right at 15 years now. As a member of the business community myself since 1980, I can vouch for what a positive member of our town they have been.

They have been active participants in fund raising for both Colorado State University student scholarships and various charities in support of local youth organizations.

The Steak Out restaurant located in the heart of our Old Town has been a lunch and dinnertime destination since they opened. I'm personally enamored with the pizza rolls. I have completely lost count of the number of times I have frequented this location for meals, meetings with clients, fund raisers, Christmas celebrations and to watch sporting events with my wife and friends. It is a welcoming environment staffed with friendly and helpful employees.

If I can offer any additional input in support of Tim and his partners, I hope you will free to contact me in any form you prefer.

Thank you,



Steve Magill

March 18, 2014

George Hoyt
3404 Cedar Street
Austin, TX 78705

To the City Council of San Marcos:

I am writing to share with the Council my experience as a neighbor of the Crown & Anchor Pub, which has been located at 2911 San Jacinto Blvd, Austin, TX 78705, near the University of Texas at Austin campus for over 25 years, and as a longtime friend of owner Mr. Craig Steede.

I initially moved to Austin in 1999 to attend the University of Texas, where I obtained a Bachelor's Degree in Economics. During this time, I worked at the UT Performing Arts Center, located blocks from Crown & Anchor. My mentors at the Performing Arts Center, longtime Austinites and residential neighbors of the pub, introduced me to Craig and "the Crown," as it is affectionately known. I was immediately drawn to the laidback atmosphere in which neighborhood residents, UT professors and staff, students, and their four-legged friends would all congregate on the patio to discuss the day's news and events, sports, and music.

In 2003, I moved to Lubbock to attend the Texas Tech School of Law and the Rawls College of Business, where I obtained Juris Doctorate and Masters of Business Administration degrees. On the first day of law school orientation, I met my future wife, Lisa (also from Austin), who noticed the familiar Crown & Anchor t-shirt I was wearing and immediately sat down next to me. After spending three years in Lubbock, we moved permanently back to Austin and were married. Upon returning, I worked as a briefing attorney at the Supreme Court of Texas, which is located on the Texas Capitol grounds just south of the UT campus. While at the Court, I and the other briefing attorneys and staff would routinely walk over to Crown to enjoy a lazy Friday lunch outside on the patio after a hard week's work. After my time at the Court, I accepted a position at a law firm downtown, where I discovered yet more Crown & Anchor devotees among my professional colleagues.

After living in a suburban community on the edge of Austin and commuting downtown, I relocated my family to the central North University neighborhood, only a few blocks from Crown & Anchor. It is no stretch to say that the proximity to Craig and the Crown were key factors in the selection of our new home. My house at 3404 Cedar Street is located within walking distance of great neighborhood groceries, exemplary Lee Elementary, numerous neighborhood parks, churches, restaurants, and, of course, the Crown. My wife Lisa, my kids Alice and Teddy, and I especially enjoy strolling down to the pub for some bean, cheese, and jalapeno nachos and a pint on a breezy day. And there is nothing quite like walking from your house to the football stadium on game day with a pit stop at your favorite neighborhood hangout, where fans from both sides gather before and after the game, and you are sure to run into familiar

faces. Even Austinites that have never been to the Crown will recommend it to visitors as a down-to-earth “neighborhood place” with the best burgers in town.

I can honestly say that I know of no other place in Austin where folks of such different backgrounds, careers, and interests choose to congregate and enjoy each other’s company. The Crown is a relaxing, well-kept, and comfortably familiar component of its North University neighborhood. Through the diligent efforts of Craig and his staff over the past 25 years, the Crown has maintained its wonderful relationship with the surrounding community, which includes numerous churches, daycares, shops, and residents. Instead of a tolerable annoyance, as some establishments can be, the Crown has become a much-beloved and irreplaceable gathering point for its North University neighborhood. This achievement is not surprising to anyone who knows Craig, whose core business philosophy is to invest in long term, sustainable ventures, rather than trendy “clubs” that offer quick but fleeting returns. He is constantly assessing and improving the Crown, while maintaining its low-key, integrated aesthetic with the surrounding area. I cannot speak highly enough of Craig as a member of the community and as a friend. I assure you that you will find no more diligent and responsible neighborhood partner.



George Hoyt
Partner

600 Congress | Suite 1900 | Austin, Texas 78701
P.O. Box 1149 | Austin, Texas 78767
www.dwmrlaw.com | ghoyt@dwmrlaw.com
p: 512.744.9300 | f: 512.744.9399 | d: 512.495.8804

Respectfully,

A handwritten signature in blue ink, appearing to read 'George G. Hoyt', written over a horizontal line.

George G. Hoyt, Esq.

UNIFY CPAs PC
970.484.9655 Main
970.232.1475 Fax
unifycpa.com

UNIFY PAYROLL
970.232.1284 Main
970.232.1285 Fax
unifypayroll.com



March 31, 2014

To Whom It May Concern:

We understand the investors in the Steakout Saloon intend to open another establishment. Please allow this letter to serve as a supportive reference for Tim Grabham and the other investors. Our firm has done business with them since 1996. Those involved with the Steakout Saloon are positive members of the Northern Colorado Community. They have sound business practices, promote economic growth, and are respected members of the restaurant/bar industry. Additionally, they are generous with charitable organizations.

The Steakout Saloon is frequented by many Northern Colorado "notables," most likely because of its good food and friendly atmosphere. It is a well-run restaurant with loyal clientele and hard-working employees.

We would welcome another establishment in our community that is run by the Steakout's ownership, and would be happy to answer any questions.

Cordially,

A handwritten signature in black ink that reads 'David C. Fry'.

David C. Fry
CPA



3/31/2014

Eric Flashner
Trail Head Tavern
148 W. Mountain Ave.
Fort Collins, CO 80524

Dear Mr. Flashner,

The Colorado State men's lacrosse program would like to formally thank you for your continued support over the past five years. The financial assistance you have offered has helped secure fields, pay for officiating and fund travel.

Since we are a student run club program, essentially all finances need to be fundraised to allow the program to work at a high level. We strive to operate as efficiently and professionally as possible and could not exist without the help of businesses and people like you.

Thank you for supporting the university and the community – and thank you in particular for your interest and support of the men's lacrosse program. We look forward to a continued positive relationship in the future.

Best Regards,

A handwritten signature in blue ink, appearing to read "A. Smith".

Alex C. Smith
Head Coach of men's lacrosse
Colorado State University
coachsmith@csulacrosse.com

A handwritten signature in black ink, appearing to read "Trace Evans".

Trace Evans
President of men's lacrosse
Colorado State University
telax93@aol.com



April 4, 2014

To Whom it May Concern,

I am writing this letter on behalf of Trailhead Tavern. As a member of Responsible Alcohol Retailers (RAR), Trailhead has signed the RAR Code of Ethics which represents a public commitment to sale and serve alcohol responsibly in the Fort Collins community. Trailhead joined RAR in January 2011, making them a member for over three years.

Trailhead's owner, Eric Flashner, sits on RAR's peer review committee. He and three other member representatives worked with the RAR coordinator to design the process that the committee follows when a RAR member is reported to be in violation of the RAR Code of Ethics. Trailhead was also one of six businesses in Old Town to volunteer to pilot an integrated scanner system. The scanner system detected fake IDs and facilitated communication among businesses to promote safety in the Old Town area.

Finally, Trailhead participates in voluntary ID compliance checks each month, whereby an individual who is 21 – 25 years of age visits the retailer and orders an alcoholic beverage. While it is not a violation to serve alcohol to an individual who is 21+ years of age and who does not have their ID, someone in this age range should be carded. Staff who encounter the visitor are notified immediately if they passed the check and the owner/managerial staff are provided the results of the visit in a detailed report. Trailhead has a 100% compliance rate for these voluntary ID compliance checks in the most recent 12 months.

Regards,

Dawn Nannini, Ph.D., Program Director
Responsible Alcohol Retailers

PO Box 1808 | Fort Collins, CO | 80522 | P 970.224.9931 | F 970.224.2266 | www.teamfortcollins.org



April 1, 2014

To Whom It May Concern:

I am writing in behalf of The Steakout Saloon and The Trailhead Tavern in Fort Collins, Colorado. We have done business with these establishments for almost 20 years. Both businesses are outstanding partners and are an asset to the community.

They continually show their support for local and neighboring businesses and have been involved in many community events throughout the years.

Knowing that they are pursuing San Marcos as their next market, I fully support their endeavor.

If you have any other questions, please feel free to contact me at 970-498-9070.

Sincerely,

Kirk Simpson
National Sales Manager
Odell Brewing Company
kirksimpson@odellbrewing.com



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#13-222, **Version:** 1

AGENDA CAPTION:

Development Services Report:

- a. Comprehensive Master Plan Implementation Update
- b. Code SMTX update
- c. Multifamily Design Standards update

Meeting date: April 22, 2014

Department: Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL:

BACKGROUND: