



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda - Final Planning and Zoning Commission

Tuesday, September 13, 2016

6:00 PM

City Council Chambers

630 E. Hopkins

- I. Call To Order
- II. Roll Call
- III. Chairperson's Opening Remarks
- IV. 30 Minute Citizen Comment Period

CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting on August 23, 2016.
2. PC-16-20_01 (Las Colinas Concept Plat) Consider a request by ETR Development Consulting, LLC, on behalf of Las Colinas San Marcos, Phase 1, LLC, for approval of a Concept Plat for approximately 91.94 acres, more or less out of the Samuel Craft Sr Survey, generally located east of IH-35 and West of Old Bastrop Road, approximately one mile south of Posey Road. (B. Melland)

PUBLIC HEARINGS

3. CUP-16-09 (Kiva Patio) Hold a public hearing and consider a request by R&B South Sisters LLC, on behalf of Global Rock Investments LLC, for an expansion of an existing Restricted Restaurant CUP for mixed beverages within a patio proposed to be constructed in the existing parking lot at 202 North LBJ Drive, Suite A. (W. Parrish)
4. CUP-16-20 (Dahlia Woods Gallery) Hold a public hearing and consider a request by Dahlia Woods Gallery LLC., on behalf of Dahlia Woods Gallery, for a new Unrestricted Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 232 N LBJ Drive, Ste 101. (A. Villalobos)
5. CUP-16-21 (Chipotle) - Hold a public hearing and consider a request by Chipotle Texas LLC, on behalf of Tanger Outlets, for a Conditional Use Permit to allow for the sale of mixed beverages at 1020 Centerpoint Road Suite 112. (W. Parrish)

- 6. CUP-16-22 (Hilton Garden Inn) - Hold a public hearing and consider a request by Shilpa Amin on behalf of Action Hotel Group, LLC, for a Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 2131 North IH-35. (W. Parrish)
- 7. ZC-16-11 (Lot 2, Block A, Uniprop Subdivision) Hold a public hearing and consider a request by Glenn Couch on behalf of San Marcos Land, LLC for a zoning change from "FD" Future District to "LI" Light Industrial District for Lot 2, Block A, Uniprop Subdivision, generally located on the south side of Leah Avenue, approximately one-quarter mile west of Clovis Barker Road. (B. Melland)

NON-CONSENT AGENDA

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#16-493, **Version:** 1

AGENDA CAPTION:

Consider approval of the minutes of the Regular Meeting on August 23, 2016.

Meeting date: September 13, 2016

Department: Planning and 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

DRAFT

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes Planning and Zoning Commission

Tuesday, August 23, 2016

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 Garber at 6:00 p.m. on Tuesday, August 23, 2016 in the City Council Chambers of the City of San Marcos, City Hall, 630 E. Hopkins, San Marcos, Texas.

Commissioner Beckett late time in at 6:01 p.m.

II. Roll Call

Present 8 - Commissioner Jim Garber, Commissioner Shawn Dupont, Commissioner Saul Gonzales, Commissioner Kate McCarty, Commissioner Douglas Beckett , Commissioner Betseygail Rand, Commissioner Lee Porterfield, and Commissioner Angie Ramirez

Absent 1 - Commissioner Travis Kelsey

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Lisa Marie Coppolleta, 1322 Belvin said that the HEB PDD should be returned back to the Planning Commission due to the PSA not being approved on second reading. She felt it is a code violation. She suggested that HEB should use green building and modern technology, 50% or more impervious cover and making the parking lot 100% pervious. Ms. Coppolleta added that solar panels should be used on the building and parking lot and install an electric car charging station. She mentioned building the HEB on stilts which will resolve the native Indian grounds issue and will not be disturbed. Ms. Coppolleta she was also present to discuss how do we really protect the neighborhood. She read a section from the Comp Plan and explained that we should not have apartments in the middle or adjacent to residential neighborhoods, no hotel adjacent to neighborhoods, no commercial businesses in the neighborhoods. She added that commercial and mixed use developments add to crimes in the neighborhood.

CONSENT AGENDA

1. Consider approval of the minutes of the Regular Meeting on July 26, 2016.

2. PC-15-21_03 (Northgate Center 1) Consider a request by James C. Wilsford, Urban Design Group PC, on behalf of Donald L. Hudgins, Jr., General Partner Aquarena Springs Commercial, LLC, for approval of a Final Plat for approximately 9.93 acres, more or less, out of the J.M. Veramendi Survey League No. 2, located near the intersection of IH-35 and Aquarena Springs. (A.Villalobos)
3. PC-16-23_01 (Trace Concept Plat) Consider a request by Caren Williams, on behalf of High Pointe Trace, LLC, for approval of a Concept Plat for approximately 417.60 acres, more or less out of the William H. Van Horn Survey, located east of IH-35 and south of Posey Road. (B. Melland)
4. PC-16-30_03 (Blanco Vista Tract E-2) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 16.5 acres, more or less, out of the William Ward League Survey, located east of Blanco Vista Boulevard. (A. Brake)
5. PC-16-31_03 (Blanco Vista Tract A) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 30.2 acres, more or less, out of the William Ward League Survey, located east of Blanco Vista Boulevard. (A. Brake)

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

For: 8 - Commissioner Garber, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 1 - Commissioner Kelsey

PUBLIC HEARINGS

6. PC-15-23_04 (Northgate Center 2, Replat) Hold a public hearing and consider a request by James C. Wilsford, Urban Design Group PC, on behalf of Donald L. Hudgins, JR., General Partner Aquarena Springs Commercial, LLC, for approval of a replat of 1.82 acres being a portion of Lot 1, Section 3, Interpark East, establishing Block B, Lot 4, Northgate Center 2, City of San Marcos, Hays County, Texas. (A.Villalobos)

Chair Garber opened the public hearing.

Andrea Villalobos, Planning Tech gave an overview of the request.

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

A motion was made by Commissioner Ramirez, seconded by Commissioner Dupont, that PC-15-23_04 (Northgate Center 2, Replat) be approved. The motion carried by the following vote:

For: 8 - Commissioner Garber, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 1 - Commissioner Kelsey

7. ZC-16-10 (Springtown Mall) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a zoning change from "GC" General Commercial to "VMU" Vertical Mixed Use for 6.57 acres, more or less out of a portion of Springtown VI, lot 5. (T. Carpenter)

Chair Garber opened the public hearing.

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

Tom Wassenich, 11 Tangelwood, said he loves the project and wished project was taller. He said it was the perfect place for the proposed development and thanked Developer for bringing project to San Marcos. He added that he is also in support of the other two CUP requests on the agenda.

Buck Cody, 5708 Highland Hills Dr, Austin Texas said he is with Endeavor, the developer and thanked everyone for their consideration and efforts on the request. He added he was available to answer questions.

Nelson Crow, 3207 Abilal Drive, Austin, Texas said he is also with Endeavor and looks forward to working to the mixed use project. He said he want thankful for the support of staff. He added he was available to answer questions.

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

A motion was made by Commissioner Dupont, seconded by Commissioner McCarty, that this Action Item be approved. The motion carried by the following vote:

For: 8 - Commissioner Garber, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 1 - Commissioner Kelsey

8. CUP-16-23 (Springtown Mall Purpose-Built Student Housing) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a Conditional Use Permit to allow purpose-built student housing at the site located at 200 Springtown Way.

Chair Garber opened the public hearing.

Tory Carpenter, Staff Planner gave an overview of the project.

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

A motion was made by Commissioner Porterfield, seconded by Commissioner Beckett, that CUP-16-23 (Springtown Mall Purpose-Built Student Housing) be approved with the condition that the Conditional Use Permit become effective upon approval of the zoning change for the property to Vertical Mixed Use.

The motion carried by the following vote:

For: 8 - Commissioner Garber, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 1 - Commissioner Kelsey

9. CUP-16-24 (Springtown Mall Height Increase) Hold a public hearing and consider a request by Humpty Dumpty SSM, Ltd for a Conditional Use Permit to allow building height over 4 stories at the site located at 200 Springtown Way.

Chair Garber opened the public hearing.

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

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

A motion was made by Commissioner Dupont, seconded by Commissioner Ramirez, that CUP-16-24 (Springtown Mall Height Increase) be approved with the condition that the Conditional Use Permit become effective upon approval of the zoning change for the property to Vertical Mixed Use by City Council.

The motion carried by the following vote:

For: 8 - Commissioner Garber, Commissioner Dupont, Commissioner Gonzales, Commissioner McCarty, Commissioner Beckett, Commissioner Rand, Commissioner Porterfield and Commissioner Ramirez

Against: 0

Absent: 1 - Commissioner Kelsey

NON-CONSENT AGENDA

10. Presentation from staff and discussion regarding an update on Code SMTX.

Abby Gillfillan, Planning Manager gave an update on the CodeSMTX. She invited the Commission to the City Council CodeSMTX Workshop on Monday, August 29, 2016 at the San Marcos Activity Center from 5:30 - 8:00 p.m.

V. Question and Answer Session with Press and Public.

There were questions from the press and public.

VI. Adjournment

A motion was made that the meeting be adjourned at 6:45 p.m. The motion carried by a unanimous vote.

Jim Garber, Chair

ATTEST:

Francis Serna, Recording Secretary

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:

Note

Note



Legislation Text

File #: PC-16-20_01, **Version:** 1

AGENDA CAPTION:

PC-16-20_01 (Las Colinas Concept Plat) Consider a request by ETR Development Consulting, LLC, on behalf of Las Colinas San Marcos, Phase 1, LLC, for approval of a Concept Plat for approximately 91.94 acres, more or less out of the Samuel Craft Sr Survey, generally located east of IH-35 and West of Old Bastrop Road, approximately one mile south of Posey Road. (B. Melland)

Meeting date: September 13th, 2016

Department: Planning and Development Services Department

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL: Community Wellness/Strengthen the Middle Class

COMPREHENSIVE PLAN ELEMENT(s): N/A

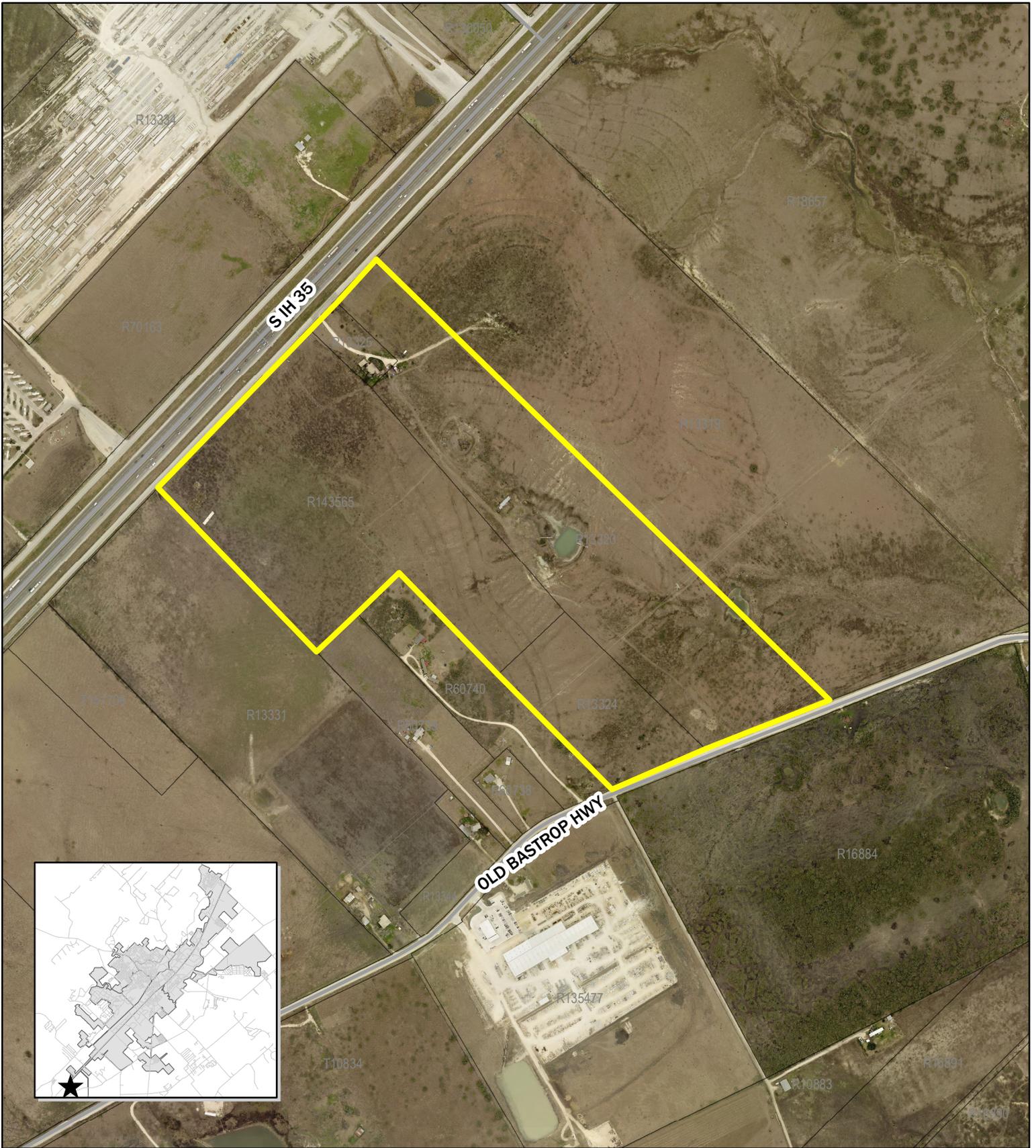
BACKGROUND:

The subject property consists of approximately 91.94 acres of land located within the City Limits, between IH-35 and Old Bastrop Hwy, south of Posey Road. The property is zoned "FD" Future Development District Zoning and was annexed by the City of San Marcos in September of 2015.

The attached Concept Plat provides for a phased development that will include Commercial uses and Multi-family uses. The proposed zoning districts on the Concept Plat are consistent with the Preferred Scenario Map.

Water and wastewater is also proposed to be installed. Water service is proposed to be provided by Crystal Clear water supply and wastewater will be provided by the City of San Marcos.

Subject to the conditions stated in the Staff Report, Staff has reviewed the request and determined that all of the criteria of the Land Development Code has been met. Staff recommends approval with conditions of this Concept Plat.

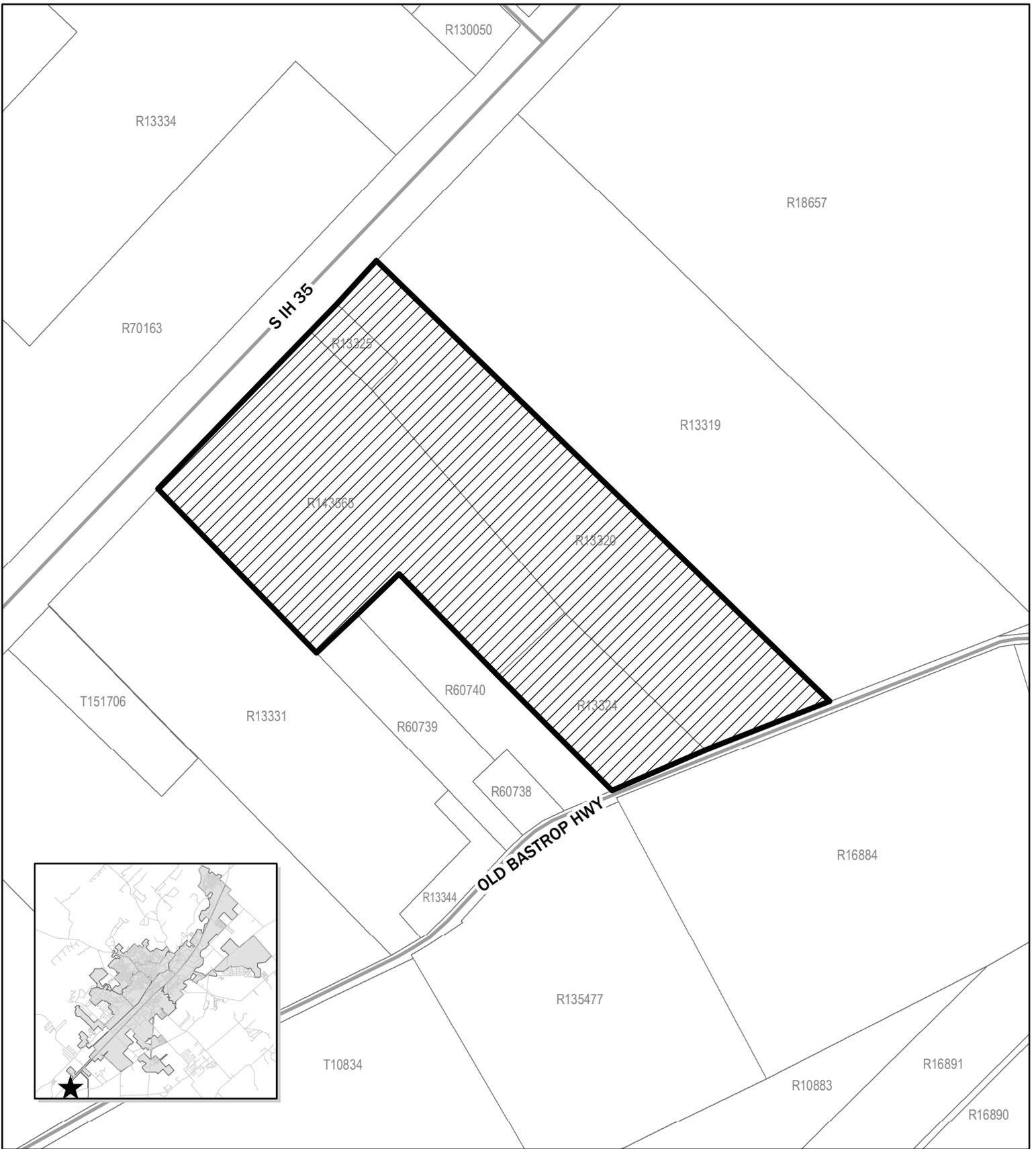


PC-16-20_01
Las Colinas
Concept Plat
Map Date: 8/24/2016

 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-16-20_01
Las Colinas
Concept Plat
Map Date: 9/6/2016

 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-16-20_01 Subdivision Concept Plat Las Colinas



Applicant Information:

Agent: ETR Development Consulting, LLC
5395 Highway 183 N.
Lockhart, TX 78644

Property Owner: Las Colinas San Marcos, Phase 1, LLC.
5225 S. IH 35
San Marcos, TX 78666

Notification: Notification not required

Subdivision Type& Name: Subdivision Concept Plat, Las Colinas

Subject Property:

Summary: The subject property is approximately 91.94 acres, more or less, and is generally located between IH-35 and Old Bastrop Hwy, south of Posey Road.

Zoning: "FD" – Future Development District

Traffic/ Transportation: The development of this property requires the installation of one arterial street and two collector streets through the site. All other local streets and external connections will be required to meet the minimum City of San Marcos standards at the time of subsequent Preliminary and Final Plats within this development.

Utility Capacity: Water and wastewater infrastructure will be extended through the site. Water service is proposed to be provided by Crystal Clear, and wastewater service is to be provided by the City of San Marcos. Electric service will be provided by Pedernales Electric Cooperative, Inc.

Planning Department Analysis:

The purpose of a Subdivision Concept Plat is to delineate the sequence of development within a proposed subdivision where the tract to be developed is part of a larger parcel owned or controlled by the applicant. The plat must demonstrate compliance with the City Comprehensive Plan, applicable zoning regulations, and the availability and capacity of public improvements needed for the subdivision and larger parcel.

The subject property consists of approximately 91.94 acres of land located within the City Limits, between IH-35 and Old Bastrop Hwy, south of Posey Road. The property is zoned "FD" Future Development District Zoning and was annexed by the City of San Marcos in September of 2015.

The attached Concept Plat provides for a phased development that will include Commercial uses and Multi-family uses. The proposed zoning districts on the Concept Plat are consistent with the Preferred Scenario Map. Phases 1 and 2 will be located adjacent to IH-35 and are proposed to be zoned General Commercial District. Phase 1 is approximately 23.72 acres and is proposed to consist of three future lots. Phase 2 is

approximately 16.55 acres and is also proposed to consist of 3 future lots. Phase 3 is proposed to consist of one 15.24 acre future lot and be zoned Community Commercial District. The remaining Phases 4 & 5, are proposed for Multi-Family Zoning. Phase 4 will consist of one 9.26 acre lot and Phase 5 will consist of one 16.81 acre lot.

Transportation improvements include extension of one arterial street segment (Street A) and two collector street segments (Streets B & C) through the site. The arterial street will provide connection between the IH-35 frontage road and Old Bastrop Road. The proposed Concept Plat is indicating that this ROW will vary from 100 feet to 82 feet. Staff believes however, that this arterial segment will need to maintain a ROW width of 100 feet throughout. Staff recommends that the Concept Plat be amended to indicate as such, as a condition of approval. The collector street segments are oriented north-south and are aligned in order to provide connection with the Trace-Highpoint development located to the north. All other local streets and external connections will be provided at the time of Preliminary and Final Plats required to meet the minimum City of San Marcos standards regarding design and block length.

Water and wastewater is also proposed to be installed. Wastewater will be provided by the City of San Marcos and a force main is proposed to be installed along Old Bastrop Highway and will connect to a lift station installed at the Trace-Highpointe development located north of the subject property. Water service is proposed to be provided by Crystal Clear water supply.

The following criteria is used to determine whether an application for a Subdivision Concept Plat should be approved, approved with conditions, or denied:

- (1) The plat is consistent with applicable zoning requirements 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 is adequate to serve each phase of the subdivision;
- (4) The schedule of development is feasible and prudent, and assures that the proposed development will progress to completion;
- (5) The proposed Subdivision Concept Plat meets residential compatibility standards;
- (6) The proposed Subdivision Concept Plat conforms to any Planned Development (PD) zoning district, Development Transfer Receiving DTR zoning district, or approved Cluster Development Plan;
- (7) The location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plat;
- (8) Where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and is subject to an interlocal agreement under Tex. Loc. Gov't Code Ch. 242, the proposed Subdivision Concept Plat meets any county standards to be applied under the agreement.

Staff has reviewed this Concept Plat request and recommends **approval** subject to the following conditions:

1. The Traffic Impact Analysis (TIA) associated with this request be approved;
2. The proposed ROW width for Street A shall be revised to indicate 100 feet throughout the entire segment between IH-35 and Old Bastrop Road; and
3. A zoning change(s) to the districts indicated on the Concept Plat shall be approved prior to any preliminary plat approvals for future development within this Concept Plat.

Planning Department Recommendation	
	Approve as submitted
X	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 Concept 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, approve with conditions, or disapprove if the plat does not meet the criteria for approval section of the Land Development Code, or statutorily deny (an action that keeps the application "in process") the plat.

Prepared By:

Brandon Melland, AICP

Senior Planner

September 6, 2016

Name

Title

Date

- NOTES:
- CRYSTAL CLEAR IS THE CURRENT WATER SERVICE PROVIDER FOR THE PROPERTY. IN THE EVENT AN ALTERNATIVE WATER SERVICE PROVIDER BECOMES AVAILABLE, THE CITY WILL EVALUATE ALTERNATIVE UTILITY CONNECTIONS AND LOCATIONS AT THAT TIME.
 - THE CITY OF SAN MARCOS WILL BE PROVIDING WASTE WATER SERVICE. ACCORDING TO FEMA MAP #48209C0467F DATED SEPTEMBER 02, 2005, THE ENTIRE PROJECT HAS BEEN DETERMINED TO BE IN ZONE X, OR AN AREA OF MINIMAL FLOOD HAZARD.
 - THIS PROPERTY IS SUBJECT TO THE APPROVED WATERSHED PROTECTION PLAN PHASE 1, PERMIT #2015-16278.
 - DIVISION 3 MULTIFAMILY RESIDENTIAL DESIGN STANDARDS, SPECIFICALLY WITH REGARD TO MAXIMUM BLOCK SIZE, WILL APPLY. PARKLAND DEDICATION OR FEE-IN-LIEU SHALL BE ADDRESSED AT THE TIME OF PRELIMINARY PLAT.
 - WHILE A SPECIFIC DEVELOPMENT PHASING SEQUENCE IS PROPOSED, OWNER RESERVES THE RIGHT TO VARY THE PHASING SEQUENCE AND SIZE IN ORDER TO MEET BUILDER OR MARKET REQUIREMENTS, AS LONG AS ADEQUATE INFRASTRUCTURE IS PROVIDED TO SERVE EACH PHASE.

	PROPOSED LAND USE	NUM. OF LOTS	AREA (AC.)
	GENERAL COMMERCIAL	6	40.265
	COMMUNITY COMMERCIAL	1	15.241
	MULTIFAMILY - 18	2	26.065
	R.O.W.	-	10.370
	TOTAL:	9	91.941

Phasing Schedule				
Block	Lot Number	Land Use	Size (AC.)	Phase
A	1	GENERAL COMMERCIAL	4.487	2
A	2	GENERAL COMMERCIAL	7.144	2
A	3	GENERAL COMMERCIAL	4.914	2
B	1	GENERAL COMMERCIAL	6.199	1
B	2	GENERAL COMMERCIAL	7.321	1
B	3	GENERAL COMMERCIAL	10.200	1
C	1	COMMUNITY COMMERCIAL	15.241	3
D	1	MULTIFAMILY-18	9.257	4
E	1	MULTIFAMILY-18	16.608	5



1 CHISHOLM TRAIL #150
 ROUND ROCK, TEXAS 78681
 512-394-7126
PEAL
 & ASSOCIATES, INC.
 CIVIL ENGINEERING • SURVEYING • CONSTRUCTION

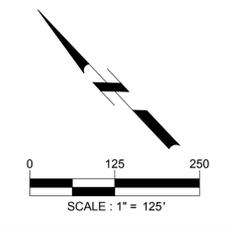
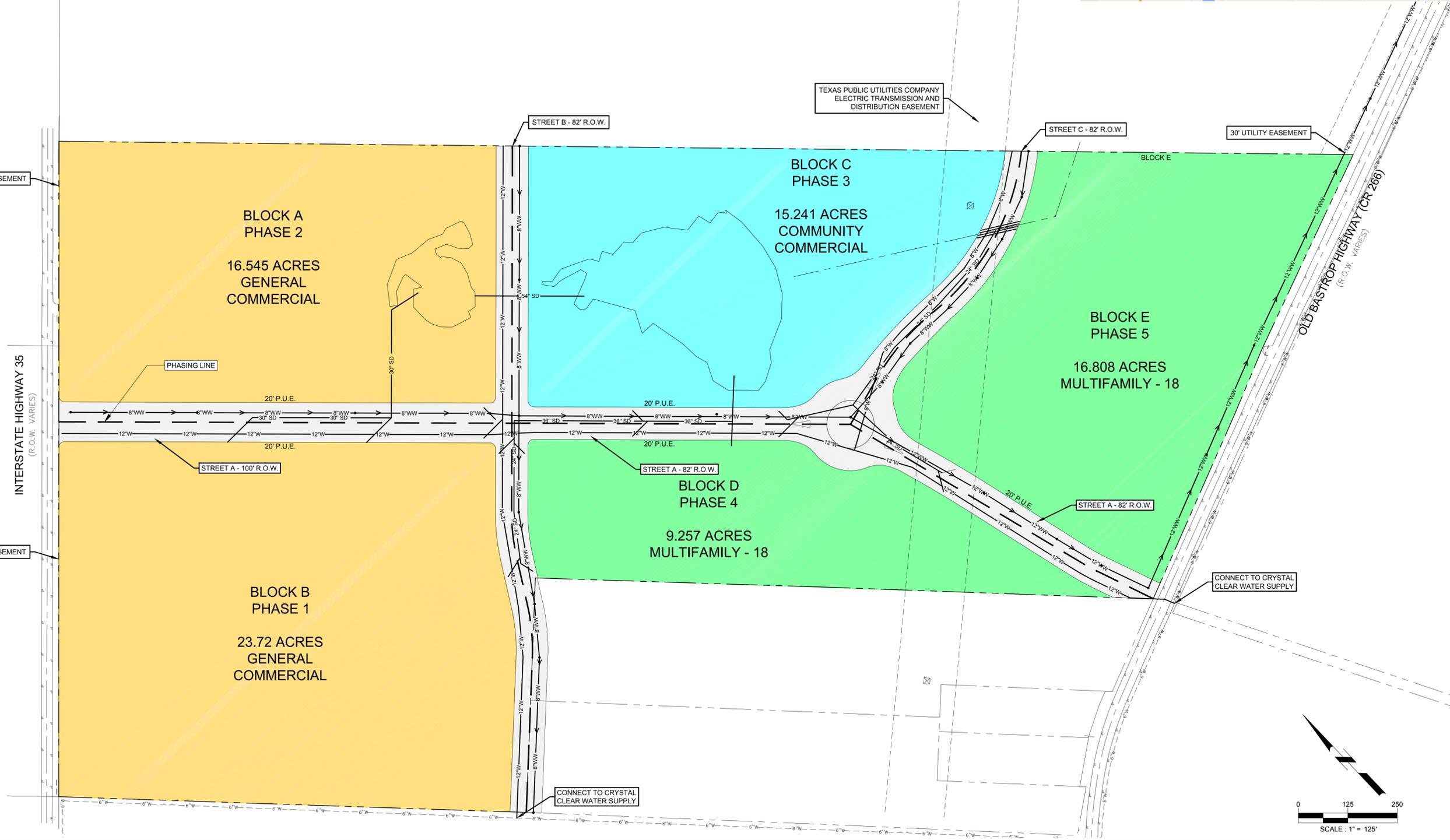
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF DAVID URBAN, P.E. #82783 ON 8/19/2016. IT IS NOT TO BE USED FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.

NO.	DATE	REVISIONS	RECORD

LAS COLINAS SAN MARCOS
 5225 S. IH 35
 SAN MARCOS, TEXAS, 78666

LAS COLINAS SAN MARCOS
 CONCEPT PLAN

PROJECT No. 0011-01
 SHEET No.
 1 OF 1



NOTES: 1. THIS PLAN IS A PRELIMINARY CONCEPT PLAN. 2. THE CITY OF SAN MARCOS WILL BE PROVIDING WASTE WATER SERVICE. 3. ACCORDING TO FEMA MAP #48209C0467F DATED SEPTEMBER 02, 2005, THE ENTIRE PROJECT HAS BEEN DETERMINED TO BE IN ZONE X, OR AN AREA OF MINIMAL FLOOD HAZARD. 4. THIS PROPERTY IS SUBJECT TO THE APPROVED WATERSHED PROTECTION PLAN PHASE 1, PERMIT #2015-16278. 5. DIVISION 3 MULTIFAMILY RESIDENTIAL DESIGN STANDARDS, SPECIFICALLY WITH REGARD TO MAXIMUM BLOCK SIZE, WILL APPLY. 6. PARKLAND DEDICATION OR FEE-IN-LIEU SHALL BE ADDRESSED AT THE TIME OF PRELIMINARY PLAT. 7. WHILE A SPECIFIC DEVELOPMENT PHASING SEQUENCE IS PROPOSED, OWNER RESERVES THE RIGHT TO VARY THE PHASING SEQUENCE AND SIZE IN ORDER TO MEET BUILDER OR MARKET REQUIREMENTS, AS LONG AS ADEQUATE INFRASTRUCTURE IS PROVIDED TO SERVE EACH PHASE.

City of San Marcos
SUBDIVISION PLAT APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name	<u>ETR Development Consulting, LLC</u>	<u>Las Colinas San Marcos Phase I, LLC</u>
Mailing Address	<u>5395 Highway 183 N.</u>	<u>5225 S. IH 35</u>
	<u>Lockhart, Texas 78644</u>	<u>San Marcos, Texas 78666</u>
Daytime Phone	<u>(512) 618-7449</u>	<u>(512) 757-2295 / (512) 392-4552</u>
Email Address	<u>thomas@etrdevcon.com</u>	<u>reagan@lascolinassanmarcos.com</u>

AGENT ACKNOWLEDGEMENT STATEMENT:

I _____ acknowledge that I am the rightful owner of the property proposed for subdivision and hereby authorize _____ to serve as my agent to file this application and to work with the Responsible Official on my behalf during the subdivision platting process.

Signature of Property Owner: See Attached Agent Authorization Letter

Printed Name: _____ **Date:** _____

Signature of Agent: 

Printed Name: Thomas K. Rhodes **Date:** 05/02/2016

TYPE OF APPLICATION

Subdivision Plats

- Subdivision Concept Plat
- Preliminary Subdivision Plat
- Final Subdivision Plat

Development Plats

- Preliminary Development Plat
- Final Development Plat

- Variance
- Plat Vacation

Section _____
Accompanying _____

Minor Subdivision Plats (for Administrative Approval)

- Minor Subdivision Plat

Revisions to Recorded Plats (for Administrative Approval)

- Amending Plat
- Replat without Vacation

SUBJECT PROPERTY

Subdivision Name: Las Colinas San Marcos

Address or General Location: 5225 S. IH 35, San Marcos, Texas 78666

Proposed Number of Lots: 12 Acres: 91.94

Appraisal District Tax ID: R 13320, R13324, R13322

- Located In
- City Limits
 - S.M. River Corridor
 - ETJ (County _____)
 - Planned Development District

Proposed Use of Land General Commercial/Office/Retail and Multifamily (senior housing and/or lodging).

~~SUBDIVISION IMPROVEMENT AGREEMENT~~

~~Whenever public improvements to serve the development are deferred until after Final Subdivision Plat or Final Development Plat approval, the property owner shall enter into a Subdivision Improvement Agreement by which the owner covenants to complete all required public improvements no later than two years following the date upon which the Final Subdivision Plat or Final Development Plat is approved.~~

- ~~I will complete all required public improvements prior to the Final Subdivision Plat or Final Development Plat.~~
- ~~I wish to defer installation of public improvements and will complete a Subdivision Improvement Agreement with the City.~~

Signature: _____

Printed Name: _____ Date: _____

LAS PINAS CONCEPT PLAN

ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Electric Service Provider Pedernales Electric Cooperative

Applicable Utility Service Code(s) A, D

Comments/Conditions 20' PUES WILL BE NEEDED ALONG ALL ROAD RIGHT OF WAY. 10' PUES WILL BE NEEDED ADJACENT + PARALLEL TO ALL SIDE LOT LINES. (NOT CENTERED ON).

Signature of Electric Company Official [Signature]

Title RIGHT OF WAY AGENT Date 5/2/16

GAS UTILITY SERVICE ACKNOWLEDGEMENT:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of Gas Service Provider Centerpoint Energy

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Gas Company Official _____

Title _____ Date _____

WATER AND WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of *Water Service Provider* Crystal Clear Water Supply Corporation - *Special Utility District*

Applicable Utility Service Code(s) C & D

Comments/Conditions Must submit request for engineering study to determine needs

Signature of Water Utility Official: *[Signature]*

Title: General Manager Date: 5-2-16

Name of *Wastewater Service Provider* City of San Marcos ? *not discussed with CCS4D*

Applicable Utility Service Code(s) _____

OR, the use of either 1) _____ a private wastewater treatment system, or 2) _____ septic tanks, is approved for all lots in the proposed subdivision which are not required to connect to the City of San Marcos wastewater system.

Comments/Conditions _____

Signature of City or County Wastewater Official: _____

Title: _____ Date _____

TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT:

Utility service codes are to be indicated, as applicable in the space provided in each acknowledgment listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Need easement(s) within subject property

Name of *Telephone Service Provider* _____

Applicable Utility Service Code(s) _____

Comments/Conditions _____

Signature of Telephone Company Official _____

Title: _____ Date _____

SUBMITTAL REQUIREMENTS FOR ALL PLATS:

- Complete application
- Required fees \$_____ (see next page for Fee Schedule)
- All legislative requirements complete
- Proof of record ownership (recorded deed corresponds to ownership indicated on tax certificate)
- Current tax certificate (must show prior year taxes paid by January 31st of current year)
- Names and addresses of property lien-holders
- One digital copy of submittal materials
- Five 18"x24" hard copies of plat document

I hereby affirm that if I am not the property owner of record, or if the applicant is an organization or business entity, I have been authorized to represent the owner, organization, or business in this application. I certify the preceding information is complete and accurate, and it is understood that I or another representative should be present at all meetings concerning this application.

Signature of Applicant: _____



Printed Name: _____

Thomas E Rades

Date: _____

5/2/2016

ADDITIONAL REQUIREMENTS:**Subdivision Concept Plats:**

- Watershed Protection Plan (Phase 1) (Approved 02/05/2016)
- Residential compatibility site plan (where applicable)
- Cluster development plan (where applicable)

Preliminary Subdivision Plats or Preliminary Development Plats

- Approved Watershed Protection Plan Phase I (can be submitted concurrently)
- Traffic Impact Analysis Worksheet (if commercial development or 100+ unit residential)

Final Subdivision or Final Development Plats:

- Preliminary Plat (where applicable)
- Approved Watershed Protection Plan Phase II (can be submitted concurrently).
- Subdivision Improvement Agreement and surety if public facility construction was deferred in Preliminary Plat.
- Traffic Impact Analysis Worksheet (if commercial development or 100+ unit residential)

Minor Subdivision Plats:

Minor subdivisions plats must meet the following qualifications:

- Proposed subdivision results in 4 or fewer lots
- All lots front onto an existing public street and construction or extension of a street or alley is not required or is considered a minor extension by Director of Engineering.
- Extension of municipal facilities is not required or the installation of utilities is considered a minor extension by the Director of Engineering
- Approved WPP Phase II is required if land is located within the Edwards Aquifer Recharge Zone, within a designated stream or river corridor, or if the land contains floodplain, floodway or a waterway as defined by the LDC.

Amending Plats and Replats:

- Detailed description of the purposes and circumstances that warrant change of the recorded plat identifying all lots, easements or improvements affected by the proposed change.

FEE SCHEDULE

For Plats Located Inside/Outside of the City Limits	
Subdivision Minor Plat / Amending Plat	\$406 plus \$102 per acre (max \$1000)
Concept Plan	\$762 plus \$51 acre (max \$2000)
Preliminary Plat	\$762 plus \$51 acre (max \$2000)
Final Plat	\$1015 plus \$102 acre (max \$2500)
Replat, not administrative	\$762 plus \$51 acre (max \$2000)
Vacation of Previously Recorded Plat	\$153
Subdivision Variance Request	\$609
Cluster Development Plan	\$26 per acre (\$100 min / \$1500 max)
Technology Fee	\$11

STAFF USE ONLY:

Submittal Date: _____ 5 Business Days from Submittal: _____

Completeness Review By: _____ Date: _____

Contact Date for Supplemental Info: _____

Supplemental Info Received (required within 5 days of contact): _____

Application Returned to Applicant: _____

Application Accepted for Review: _____ Fee: _____

Comments Due to Applicant _____

Date for Plat Resubmittals _____

Date of Planning and Zoning Commission Meeting: _____



Legislation Text

File #: CUP-16-09, **Version:** 1

AGENDA CAPTION:

CUP-16-09 (Kiva Patio) Hold a public hearing and consider a request by R&B South Sisters LLC, on behalf of Global Rock Investments LLC, for an expansion of an existing Restricted Restaurant CUP for mixed beverages within a patio proposed to be constructed in the existing parking lot at 202 North LBJ Drive, Suite A. (W. Parrish)

Meeting date: August 9, 2016

Department: Planning and Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL: NA

COMPREHENSIVE PLAN ELEMENT(s): *[add the Plan elements and Goal # and Objective(s)]*

BACKGROUND:

The subject property is located at the intersection of East Hopkins Street and North LBJ Drive at 202 North LBJ Suite A. Kiva is a bar/restaurant with a Restricted Conditional Use Permit operating out of the suite formally known as Taxi's/ J's Bistro. The applicant is proposing to install a four (4) foot wooden cedar fence at the rear of the property between the building and the alley. The fence will enclose approximately 600 square feet of the existing parking lot and will be used as an outdoor patio and seating area.

The proposed hours of operation are 12 p.m. to 12 a.m. Monday - Friday and 11 a.m. to 2 a.m. Saturday - Sunday. With the addition of the outdoor patio, Kiva will have a total gross floor area of 7,500 sq. ft. The applicant has said that there are no plans for outdoor music, live or recorded, at this time.

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

- 1. The CUP shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. No outdoor live or amplified music will be allowed within the patio area;**

- 3. The permit shall be effective upon the issuance of the Certificate of Occupancy; and**
- 4. The CUP shall be posted in the same area and manner as the Certificate of Occupancy.**



CUP-16-09
Kiva
202 N LBJ Dr Ste A
Map Date: 6/22/2016

Legend
 CUP-16-09
 200 ft Buffer



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.



CUP-16-09
Kiva
202 N LBJ Dr Ste A
Map Date: 6/22/2016

Legend
 CUP-16-09

0 75 150 300
 Feet



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

CUP-16-09

Conditional Use Permit

Kiva Patio

202 North LBJ Drive Suite A



Applicant Information:

Applicant: Miles Altgelt

Mailing Address: 116 Hughson Court
San Marcos, TX 78666

Property Owner: Global Rock Investments LLC
217 Keith Poster Drive
New Braunfels, TX 78130

Applicant Request: Request to amend an existing Restricted Conditional Use Permit to expand the sale of mixed beverages for on-premise consumption to include an approximately 600 square foot patio located in the existing parking lot between the main building and the alley, adjacent to Hopkins Street located at 202 North LBJ Suite A.

Public Hearing Notice: Public hearing notification was mailed on September 2, 2016.

Response: None as of completion of packet.

Subject Property:

Expiration Date: NA

Location: 202 North LBJ Suite A.

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

Frontage On: North LBJ and Hopkins Street

Intensity Zone: Downtown

Existing Zoning: T5 - Smartcode

Preferred Scenario Designation: High Intensity

Utilities: Adequate

Existing Use of Property: Mixed use building

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	T5	Retail
S of property	T5	Restaurant
E of property	T5	Restaurant/Bar
W of property	T5	Restaurant/Bar

Code Requirements:

A Conditional Use Permit (CUP) 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.

Under Section 4.3.4.2 of the LDC 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. This location **does meet** the distance requirements.

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).

The applicant has requested an expansion **Restricted (Restaurant) Conditional Use Permit** which requires that the business must comply with the following standards at all times. There is a limit of 25 Restricted CUPs in the Central Business Area at any time. (Section 4.3.4.2). There are 15 Restricted CUPs currently existing.

- a. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.
- b. The business must apply for, obtain and maintain a food establishment permit in accordance with Chapter 18 of the City Code.
- c. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.
- d. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.

Case Summary

The subject property is located at the intersection of East Hopkins Street and North LBJ Drive at 202 North LBJ Suite A. Kiva is a bar/restaurant with a Restricted Conditional Use Permit operating out of the suite formally known as Taxi's/ J's Bistro. This is a mixed use building with several business on the first and second floor, as well as residential apartments on the third floor. The applicant is proposing to install a four (4) foot wooden cedar fence at the rear of the property between the building and the alley. The fence will enclose approximately 600 square feet of the existing parking lot and will be used as an outdoor patio and seating area.

The applicant negotiated with another business in the building to trade their parking spaces so that Kiva would be able to convert the approximately 600 square foot area into a patio without removing any of the parking designated for other suites. As Kiva is located within the Central Business Area (CBA), the business is not required to provide parking for their customers.

The proposed hours of operation are 12 p.m. to 12 a.m. Monday – Friday and 11 a.m. to 2 a.m. Saturday - Sunday. According to the application, Kiva has an indoor fixed seating capacity of 122 seats, and is proposing 30 outdoor fixed seats. With the addition of the outdoor patio, Kiva will have a total gross floor area of 7,500 sq. ft. The applicant has said that there are no plans for outdoor music, live or recorded, at this time.

Comments from Other Departments:

The Fire Marshal’s Department has stated that prior to construction of the patio, the applicant will need to submit plans sealed by an architect or registered design professional.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and has found that the request is consistent with the policies and the general intent of the zoning district and does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic. The parking spaces that are being turned into the patio were not used by customers, and the owners decided that their business would benefit more by converting them into patio space. The design of the outdoor patio was approved by the Historic Preservation Commission (HPC) on September 1, 2016.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department’s standard recommendation is initial approval of the permit 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 provides this request to the Commission for your consideration and recommends **approval** of the Conditional Use Permit with the following conditions:

1. **The CUP shall be valid for one (1) year, provided standards are met, subject to the point system;**
2. **No outdoor live or amplified music will be allowed within the patio area;**
3. **The permit shall be effective upon the issuance of the Certificate of Occupancy; and**
4. **The CUP shall be posted in the same area and manner as the Certificate of Occupancy.**

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:

Will Parrish

Planning Technician

8/24/16

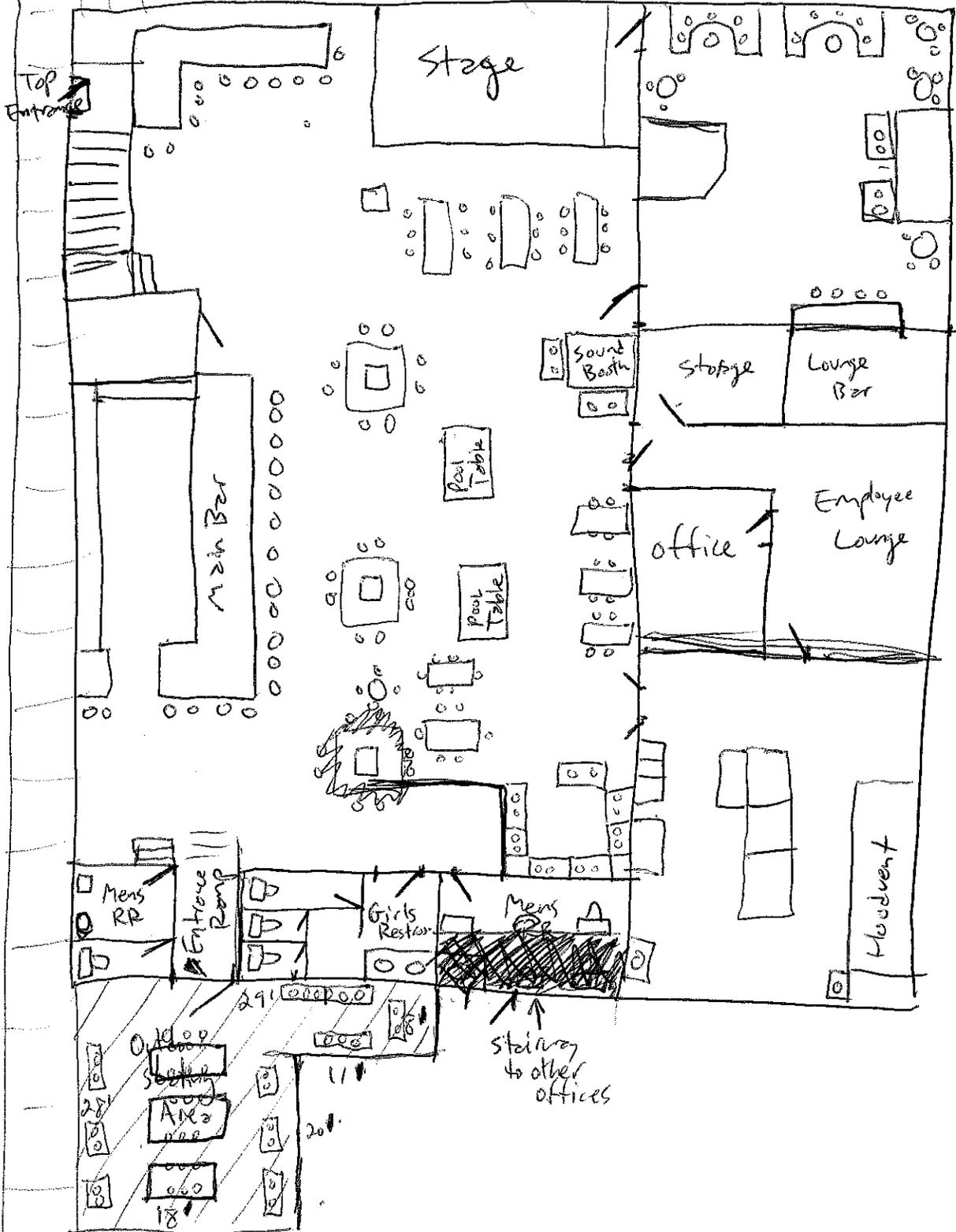
Name

Title

Date

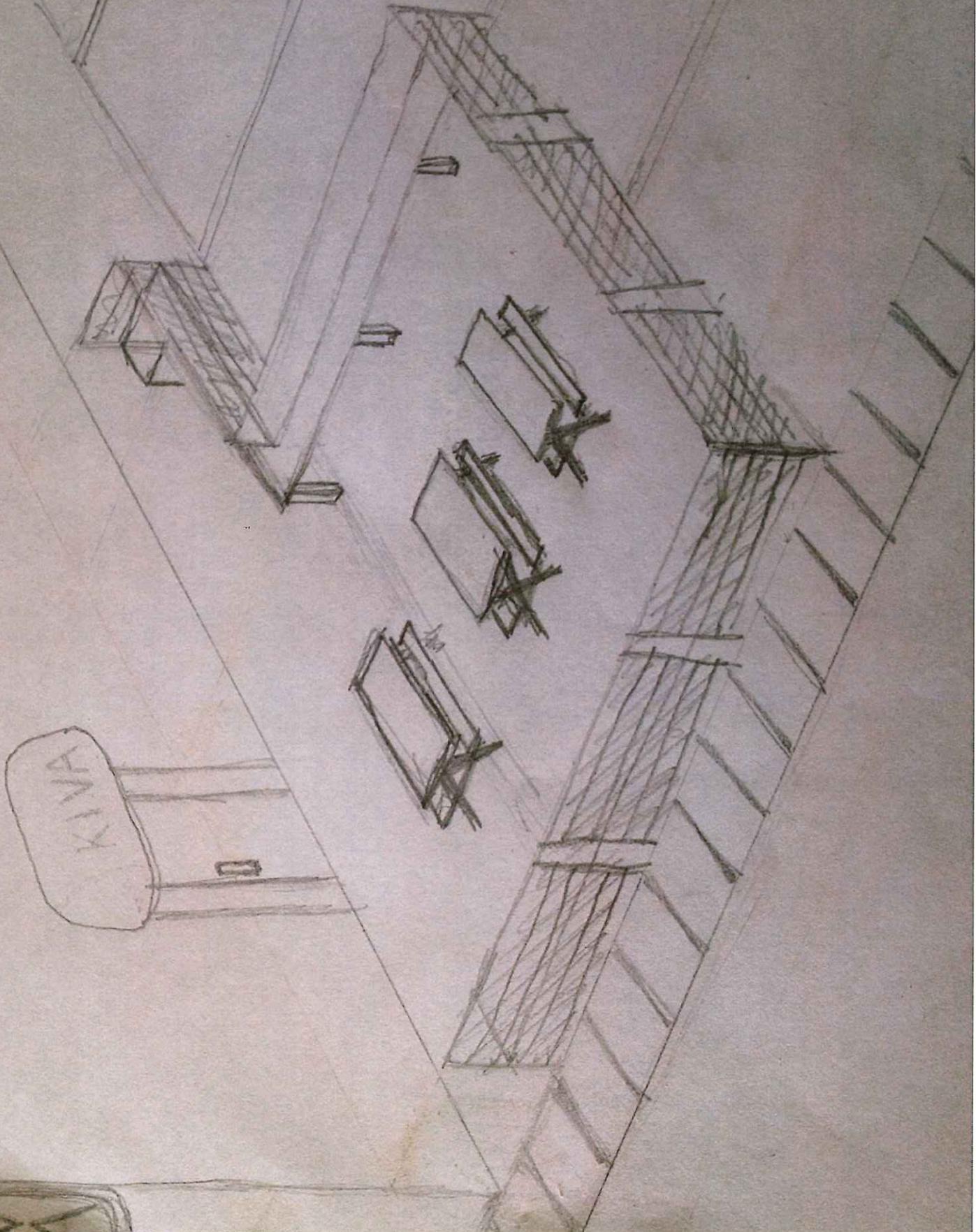
202 NLBJ Suite A

Popkins st



Alleyway

KIVA



CUP-16-09

City of San Marcos
RESTRICTED OR UNRESTRICTED
CONDITIONAL USE PERMIT APPLICATION
To Allow On-Premise Consumption of Alcoholic Beverages
for Businesses within the Central Business Area Zoning District

LICENSE INFORMATION
 Trade Name of Business: Kiva
 Application is filed by: Individual Partnership Corporation Other: _____
 Name of Individual or Entity: R+B South Sisters LLC Phone Number: 830-739-7457
 Mailing Address: 202 N. LBJ ste. A
 Email Address: Kivajans@gmail.com
 Type of Permit Requested: Mixed Beverage Beer & Wine Other: _____

PROPERTY
 Street Address: 202 N. LBJ ste. A
 Legal Description: Lot _____ Block _____ Subdivision _____
 Tax ID Number: R 1-04-3786952-1
 Property Owner's Name: Dennis Figol Phone Number: 830-832-4915
 Address: 217 Keith Foster Dr New Braunfels, TX 78130

BUSINESS DETAILS
 Primary Business Use: Restaurant (Restricted) Bar (Unrestricted) Other: _____
 Hours of Operation: 12-2am M-F, 11-2am Sa-Su
 Type of Entertainment Facilities: music, comedy, Karaoke
 Indoor Fixed Seats: 122 Outdoor Fixed Seats: 30
 Gross Floor Area Including Outdoor Above-ground Decks: ~7500 Square Feet
 Number of Off-Street Parking Spaces Provided: 0
 Located more than 300 feet from churches, public schools, hospitals, low density residential? Yes No

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

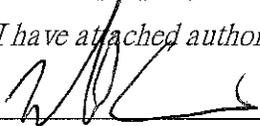
- New request, no existing TABC CUP Permit at this location
- Change to existing TABC Permit. Nature of Change: Expansion of outdoor Seating
- Renewal
- Change in name of license holder of existing business at same location
- Change in name of existing business at this location

SUBMITTAL REQUIREMENTS

- Beer and Wine Permit: \$609 Application fee + \$11.00 Technology Fee (non-refundable)
- Mixed Beverage Permit: \$609 Application fee + \$11.00 Technology Fee (non-refundable)
- * Change to Existing Permit/Renewal: \$305.00 Application fee + \$11.00 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: Miles Altgelt

Date: 2-29-16

To be completed by Staff:

Meeting Date: _____

Application Deadline: _____

Accepted By: _____

Date: _____

09/15

CUP-16-09



Restricted or Unrestricted Conditional Use Permit Application Checklist For Businesses within 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 type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan <i>drawn to scale</i> illustrating the locations of all structures on the subject property and on adjoining properties. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district.	<input type="checkbox"/>	
<input 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 parking and 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"/>	Hours of operation	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<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: _____

2-29-16

Print Name: _____

Miles Althelt

Engineer Surveyor Architect/Planner Owner Agent _____



Legislation Text

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

AGENDA CAPTION:

CUP-16-20 (Dahlia Woods Gallery) Hold a public hearing and consider a request by Dahlia Woods Gallery LLC., on behalf of Dahlia Woods Gallery, for a new Unrestricted Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 232 N LBJ Drive, Ste 101. (A. Villalobos)

Meeting date: September 13, 2016

Department: Planning and Development Services

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

CITY COUNCIL GOAL: Community Wellness / Strengthen the Middle Class

COMPREHENSIVE PLAN ELEMENT(s): n/a

BACKGROUND:

Dahlia Woods Gallery is an art gallery and book store located at 232 North LBJ Drive within the Central Business Area (CBA) and the Downtown SmartCode T5 Zoning District. The Gallery is requesting an **Unrestricted Conditional Use Permit** which does not require food sales as a condition. There is a limit of 14 Unrestricted CUPs in the Central Business Area (CBA) at any time. Currently, there are 13 active Unrestricted CUPs. Previously, the Showplace Movie Theatre, located on North LBJ Drive, held an Unrestricted CUP, but the business has since closed, allowing for an additional Unrestricted CUP to become available. If the request for a CUP is approved, the number of Unrestricted CUPs in the CBA will be capped at 14.

The total gross floor area of the gallery is 2,000 square feet with 20 - 25 indoor fixed seats and no outdoor seating. The gallery hosts occasional indoor live music during gallery events. No other entertainment facilities are proposed at this time. The application indicates hours of operation from Noon to 8 p.m. Thursday - Sunday. Parking is sufficient on the site.

Staff has reviewed the request for compliance with the Land Development Code and recommends **approval** of the Conditional Use Permit with the following conditions:

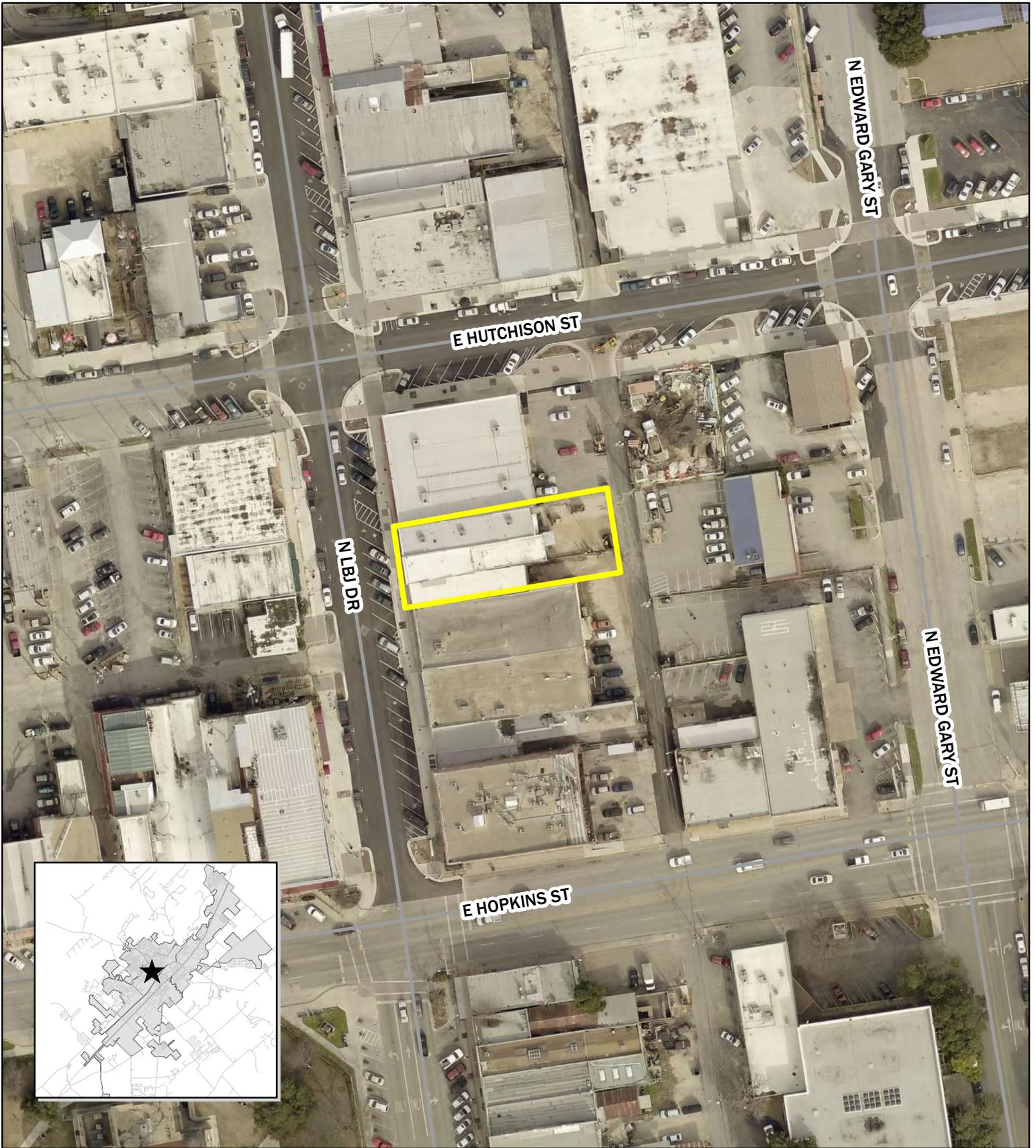
- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.**



CUP-16-20
Dahlia Woods
Art Gallery
232 N LBJ Dr Ste 101
Map Date: 8/30/2016



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.



CUP-16-20
Dahlia Woods
Art Gallery
232 N LBJ Dr Ste 101
Map Date: 8/30/2016

 Site Location



0 75 150 300
Feet

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

CUP-16-20

Unrestricted Conditional Use Permit

Dahlia Woods Gallery

232 North LBJ Drive, Ste 101

Applicant Information:

Applicant: Dahlia Woods Gallery, LLC

Mailing Address: Dahlia Woods
232 North LBJ Drive, Ste 101
San Marcos, TX 78666

Property Owner: Dahlia Woods
232 North LBJ Drive, Ste 101
San Marcos, TX 78666

Applicant Request: Approval of a new Unrestricted Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine at an art gallery.

Public Hearing Notice: Public hearing notification mailed on September 2, 2016

Response: None as of Staff Report date.

Subject Property:

Expiration Date: None

Location: 232 North LBJ Drive, Ste 101

Legal Description: Original Town of San Marcos, Block 7, Part of Lot 6

Frontage On: North LBJ Drive

Neighborhood: Downtown

Existing Zoning: SmartCode T5 – Urban Center

Preferred Scenario Designation: High Intensity

Utilities: Adequate

Existing Use of Property: Art Gallery

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	T5	Retail (Hays Co. Outfitters)
S of property	T5	Vacant
E of property	T5	Alley / Retail (Textbook Solutions)
W of property	T5	Coffee Shop (Stellar Café)

Code Requirements:

A Conditional Use Permit (CUP) 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.

Under Section 4.3.4.2 of the LDC 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. This location **does meet** the distance requirements.

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).

The applicant is requesting a new **Unrestricted Conditional Use Permit**. An Unrestricted CUP does not require food sales as a condition (if a CUP is Restricted, the business must comply at all times with the standards for "bona fide restaurants.") There is a limit of 14 Unrestricted CUPs in the Central Business Area (CBA) at any time. Currently, there are 13 active Unrestricted CUPs. Previously, the Showplace Movie Theatre, located on North LBJ Drive, held an Unrestricted CUP, but the business has since permanently closed, allowing for an additional Unrestricted CUP to become available. If the request is approved tonight, the number of Unrestricted CUPs in the CBA will be capped at 14.

Case Summary

Dahlia Woods Gallery is an art gallery and book store located at 232 North LBJ Drive within the Central Business Area (CBA). The property is surrounded by various commercial development within the T5 Urban Center SmartCode. Dahlia Woods Gallery opened in March of 2016 and primarily functions as an art gallery while also hosting various community and art exhibit events. The building also includes 3 residential apartments on the second floor.

The total gross floor area of the space is 2,000 square feet with 20 – 25 indoor fixed seats and no outdoor seating. The gallery hosts occasional indoor live music during gallery events. No other entertainment facilities are proposed at this time. The application indicates hours of operation from Noon to 8 p.m. Thursday – Sunday. Furthermore, per the SmartCode, retail businesses located within the Central Business Area (CBA) are not required to provide off-street parking. However, parking spaces are required for the residential units above the gallery, and it has been confirmed that adequate parking is available for those units (3 required spaces, 4 spaces provided).

Comments from Other Departments:

The Police Department has no issues with the proposed establishment and there have been no other comments from other departments.

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 policies and the general intent of the zoning district and does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic. The request for the CUP will allow for beer and wine to be served and sold to accompany the art gallery and exhibition events.

Per the Land Development Code, any future substantial operational change in the business, such as a change to a restaurant, or a bar, will require the review of a new Conditional Use Permit at the Planning and Zoning Commission (Section 4.3.4.2.a.3)

In order to monitor new Unrestricted permits for on-premise consumption of alcohol, the Planning Department's recommendation is that they be approved initially for a limited time period. Other new Unrestricted 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 provides this request to the Commission for your consideration and recommends **approval** of the Conditional Use Permit with the following conditions:

1. **The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**
2. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**

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. Provided the request meets the minimum requirements of section 4.3.4.2 of the LDC, the Commission shall also evaluate the impact of the proposed conditional use on surrounding properties under section 1.5.7.5 of the LDC, by considering the extent to which the use:

- is consistent with the policies of the Comprehensive 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: Andrea Villalobos	Planning Technician	August 30, 2016
Name	Title	Date

PROJECT No.: 157
EXISTING & PROPOSED

REVISIONS:

ISSUE DATES:
11/17/15
PERMIT SET

DAHLIA WOODS GALLERY
232 NORTH LBJ DR.
SAN MARCOS, TX 78666

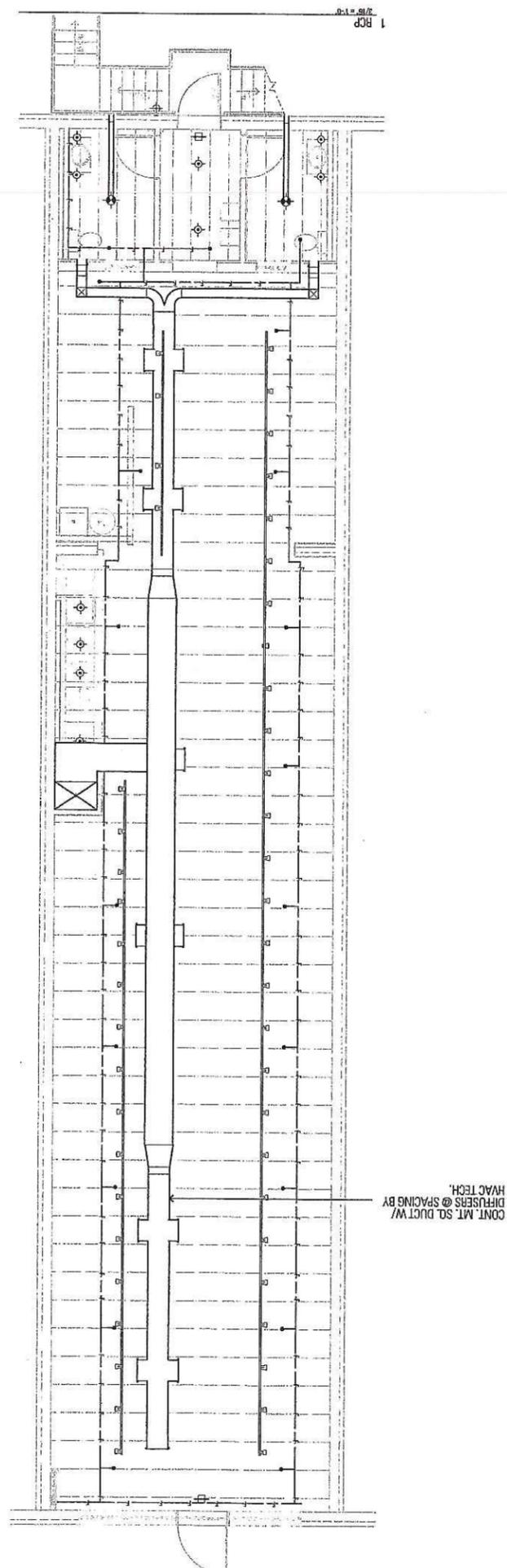
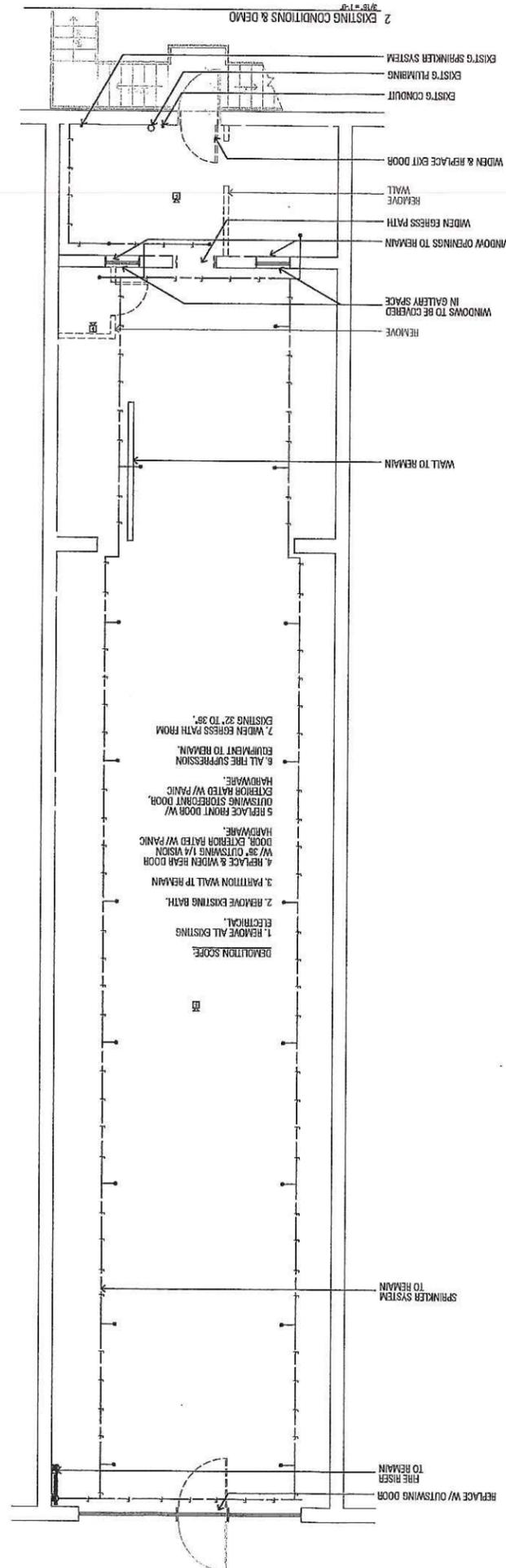
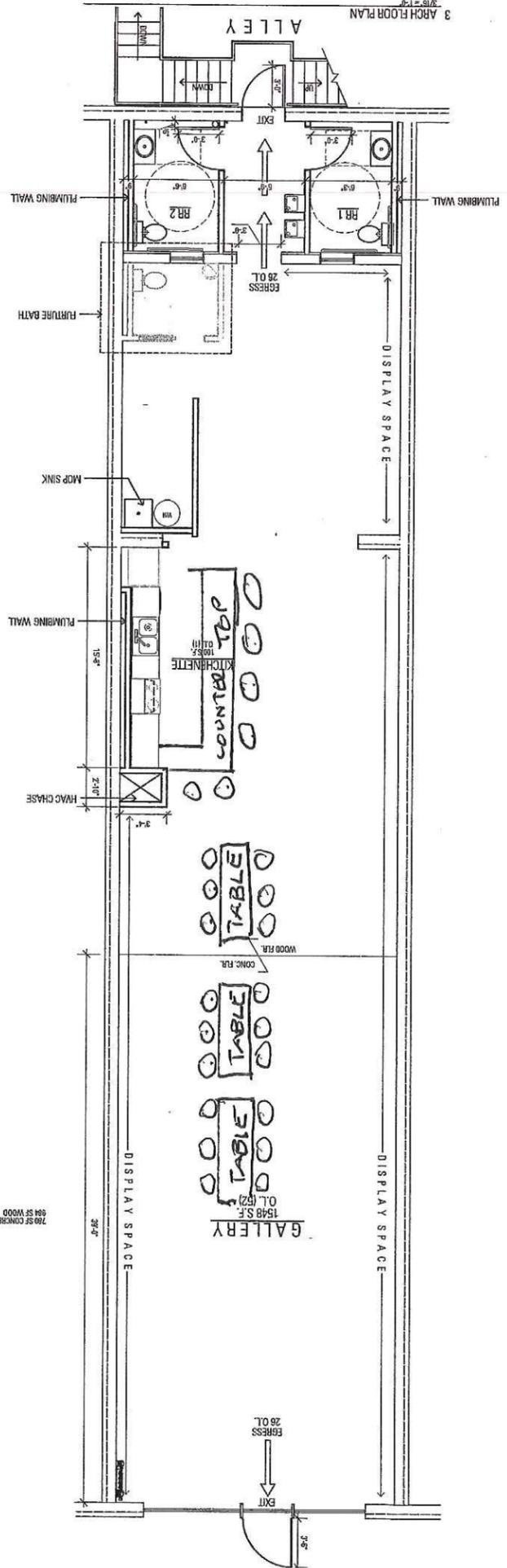


San Antonio Office
A-GRUPPO, LLC TOLUENESB
1346 W. Loop West, Suite 100
San Antonio, TX 78201
Tel: 214.552.2100
Fax: 214.552.2101
www.agruppo.com

ARCHITECT:
A-GRUPPO, LLC
222 North LBJ
San Marcos, TX 78666

CLIENT:
Dahlia Woods
232 North LBJ
San Marcos, TX 78666

AGRUPO architects
www.agruppo.com



CUP- 16-20

City of San Marcos

RESTRICTED OR UNRESTRICTED

CONDITIONAL USE PERMIT APPLICATION

To Allow On-Premise Consumption of Alcoholic Beverages for Businesses within the Central Business Area Zoning District

LICENSE INFORMATION

Trade Name of Business: DAHLIA WOODS GALLERY

Application is filed by: Individual Partnership Corporation Other: L.L.C

Name of Individual or Entity: DAHLIA WOODS GALLERY LLC Phone Number: 214 563 7523

Mailing Address: 232 N. LBJ SUITE 101 SAN MARCOS, TX 78666

Email Address: dahliawoods@gmail.com

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

PROPERTY

Street Address: 232 N. LBJ SUITE 101 SAN MARCOS, TX 78666

Legal Description: Lot 14-3A Block _____ Subdivision _____

Tax ID Number: R ~~714-320-5829581-2~~

Property Owner's Name: DAHLIA WOODS GALLERY LLC Phone Number: 214 563 7523

Address: 232 N. LBJ DR SAN MARCOS, TX 78666

BUSINESS DETAILS

Primary Business Use: Restaurant (Restricted) Bar (Unrestricted) Other: ART GALLERY

Hours of Operation: THURS - SUNDAY NOON TO 8 PM

Type of Entertainment Facilities: ART GALLERY + BOOK STORE

Indoor Fixed Seats: 20-25 ~~BAR STOOLS~~ Outdoor Fixed Seats: NONE

Gross Floor Area Including Outdoor Above-ground Decks: 2,000 Square Feet

Number of Off-Street Parking Spaces Provided: NONE

Located more than 300 feet from churches, public schools, hospitals, low density residential? Yes No

No

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:** _____

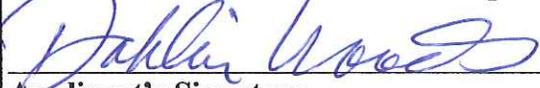
- Renewal**
- Change in name of license holder of existing business at same location**
- Change in name of existing business at this location**

SUBMITTAL REQUIREMENTS

- **Beer and Wine Permit:** \$609 Application fee + \$11.00 Technology Fee (non-refundable)
- **Mixed Beverage Permit:** \$609 Application fee + \$11.00 Technology Fee (non-refundable)
- **Change to Existing Permit/Renewal:** \$305.00 Application fee + \$11.00 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: DAKLIN WOODS

Date: July 1, 2016

To be completed by Staff:

Meeting Date: _____

Application Deadline: _____

Accepted By: _____

Date: _____



Restricted or Unrestricted Conditional Use Permit Application Checklist For Businesses within 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 type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	A site plan <i>drawn to scale</i> illustrating the locations of all structures on the subject property and on adjoining properties. * (see note below)	<input type="checkbox"/>	
<input type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input type="checkbox"/>	All information and illustrations necessary to show the nature and effect of the proposed variations to the standards of the zoning district.	<input type="checkbox"/>	
<input 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 parking and 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"/>	Hours of operation	<input type="checkbox"/>	
<input type="checkbox"/>	Impervious cover or drainage issues or impacts	<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: _____

Print Name: _____

Engineer Surveyor Architect/Planner Owner Agent _____



Legislation Text

File #: CUP-16-21, **Version:** 1

AGENDA CAPTION:

CUP-16-21 (Chipotle) - Hold a public hearing and consider a request by Chipotle Texas LLC, on behalf of Tanger Outlets, for a Conditional Use Permit to allow for the sale of mixed beverages at 1020 Centerpoint Road Suite 112. (W. Parrish)

Meeting date: September 13, 2016

Department: Planning and Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL: NA

COMPREHENSIVE PLAN ELEMENT(s): NA

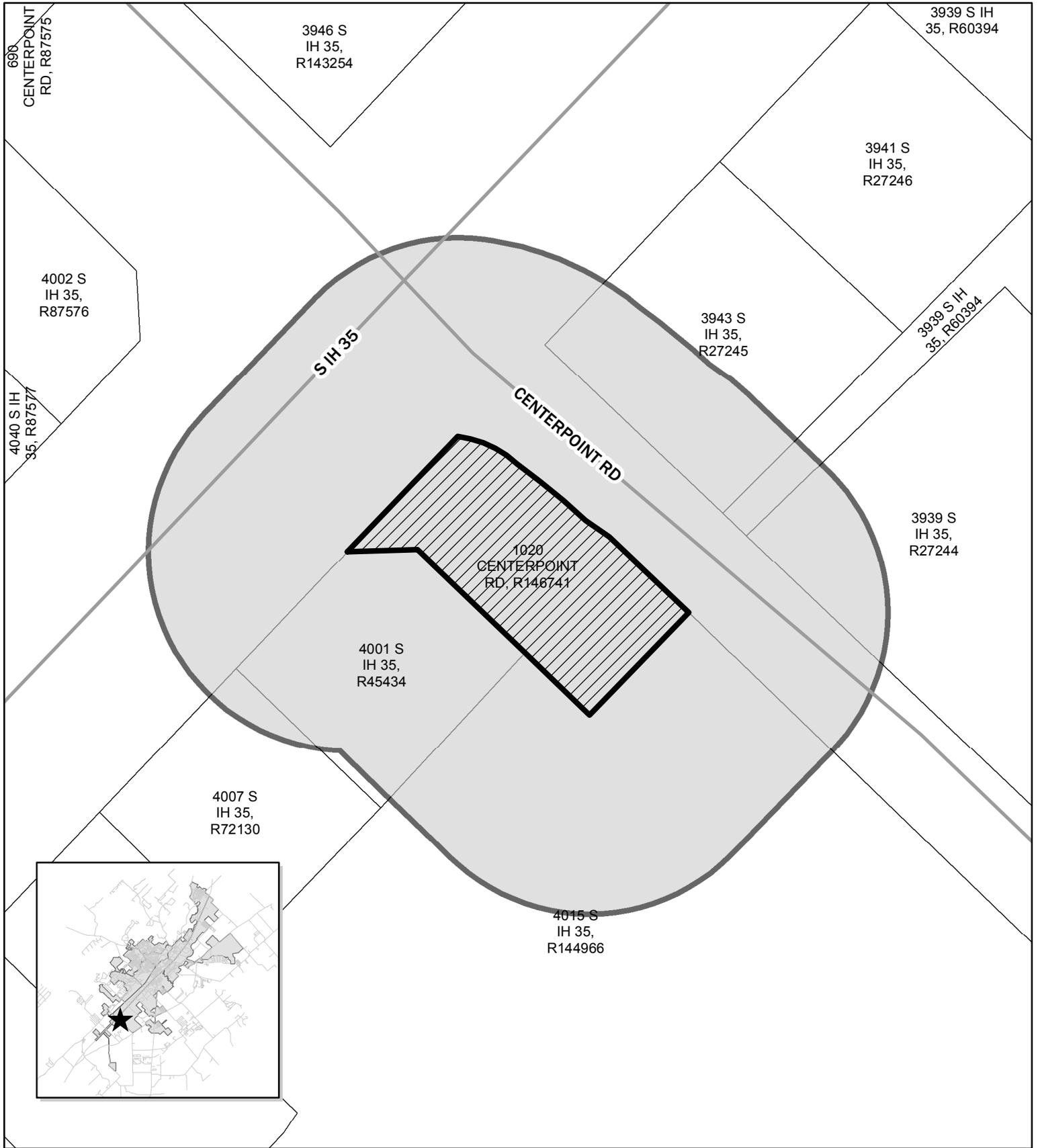
BACKGROUND:

The subject property is located at the intersection of South IH-35 and Centerpoint Road. Chipotle is constructing a restaurant that will have a gross floor area of 2,209 square feet. The applicant is proposing to serve mixed beverages, and will have an indoor seating capacity of 52, as well as an outdoor seating capacity of 30. The outdoor seating will be on a patio that faces Centerpoint Road. Chipotle will have 27 parking spaces to serve the restaurant, 6 more than the required 21 parking spaces by the Land Development Code.

The proposed hours of operation are 11 a.m. to 10 p.m. Monday - Sunday. According to the application, the applicant has no plans for additional entertainment facilities on the site.

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

- 1. The CUP shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The permit shall be effective upon the issuance of the Certificate of Occupancy; and**
- 3. The CUP shall be posted in the same area and manner as the Certificate of Occupancy.**

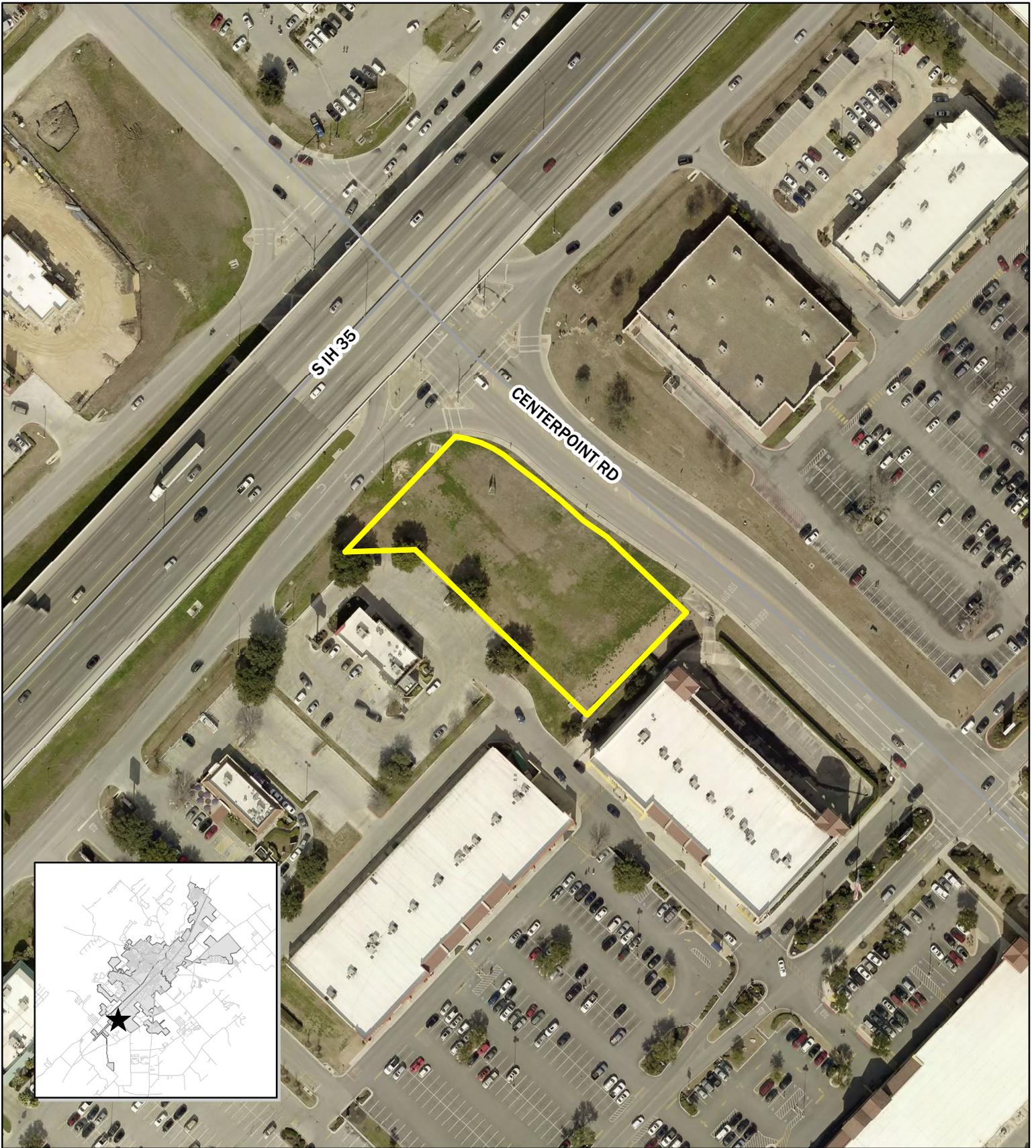


CUP-16-21
Chipotle
1020 Centerpoint Rd
Map Date: 8/30/2016

-  CUP-16-21
-  200 ft Buffer



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.



CUP-16-21
Chipotle
1020 Centerpoint Rd
Map Date: 8/30/2016

 Site Location



0 100 200 400
 Feet

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

CUP-16-21

Conditional Use Permit

Chipotle Mexican Grill

1020 Centerpoint Road Suite 112



Applicant Information:

Applicant: Chipotle Texas LLC

Mailing Address: 1401 Wynkoop Street Suite 500
Denver, CO 80202

Property Owner: Tanger Outlets
3200 Northline Avenue, Suite 360
Greensboro, NC 274850

Applicant Request: The applicant is requesting a Conditional Use Permit for the sale of mixed beverages.

Public Hearing Notice: Public hearing notification was mailed on September 2, 2016.

Response: None as of completion of packet.

Subject Property:

Expiration Date: NA

Location: 1020 Centerpoint Road Suite 112

Legal Description: Lot 1, Tanger Outlet Outparcel Subdivision

Frontage On: Centerpoint Road, South IH-35

Existing Zoning: GC – General Commercial

Preferred Scenario Designation: Employment Center

Utilities: Adequate

Existing Use of Property: Previously vacant parcel with two restaurants under construction.

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	GC	Restaurant
S of property	GC	Retail
E of property	GC	Retail
W of property	GC	Retail

Code Requirements:

A Conditional Use Permit (CUP) 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 in a low density residential zoning district. This location **does** meet the distance requirements.

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).

Case Summary

The subject property is located at the intersection of South IH-35 and Centerpoint Road. Chipotle is constructing a restaurant that will have a gross floor area of 2,209 square feet. The applicant is proposing to serve mixed beverages, and will have an indoor seating capacity of 52, as well as an outdoor seating capacity of 30. The outdoor seating will be on a patio that faces Centerpoint Road. Chipotle will have 27 parking spaces to serve the restaurant, 6 more parking spaces than what the Land Development Code requires for restaurants of this size.

The proposed hours of operation are 11 a.m. to 10 p.m. Monday – Sunday. According to the application, the applicant has no plans for additional entertainment facilities on the site.

Comments from Other Departments:

Staff has received no other comments for other departments on this application.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and has found that the request is consistent with the policies and the general intent of the zoning district and does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is initial approval of the permit 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 provides this request to the Commission for your consideration and recommends **approval** of the Conditional Use Permit with the following conditions:

- 1. The CUP shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The permit shall be effective upon the issuance of the Certificate of Occupancy; and**
- 3. The CUP shall be posted in the same area and manner as the Certificate of Occupancy.**

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:

Will Parrish

Planning Technician

8/24/16

Name

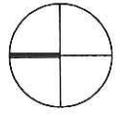
Title

Date



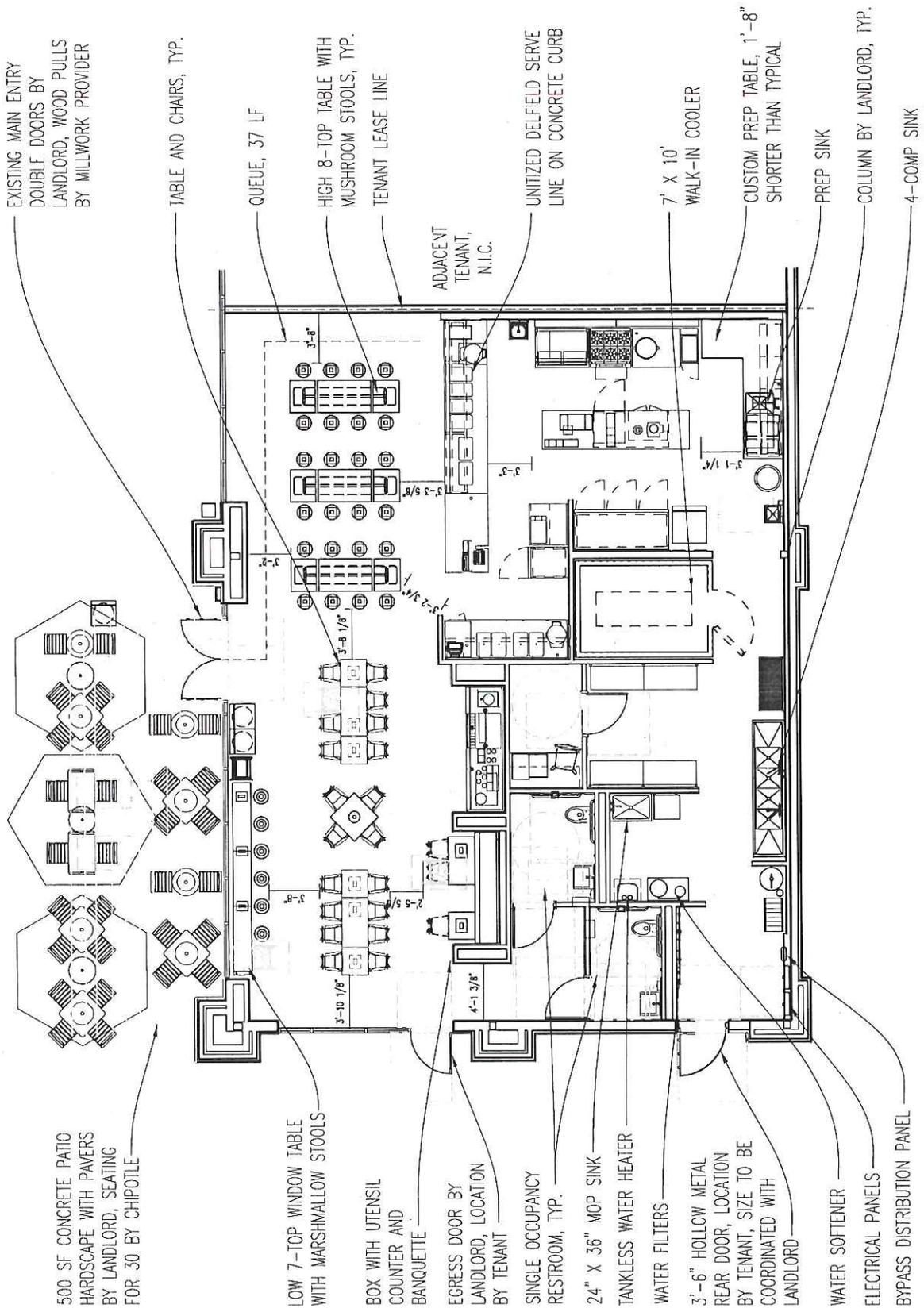
57 INTERIOR SEATS
 30 EXTERIOR SEATS
 87 TOTAL SEATS

SAN MARCOS, TX
 KO SKETCH - FLOOR PLAN
 08/31/15
 3/32" = 1'-0"



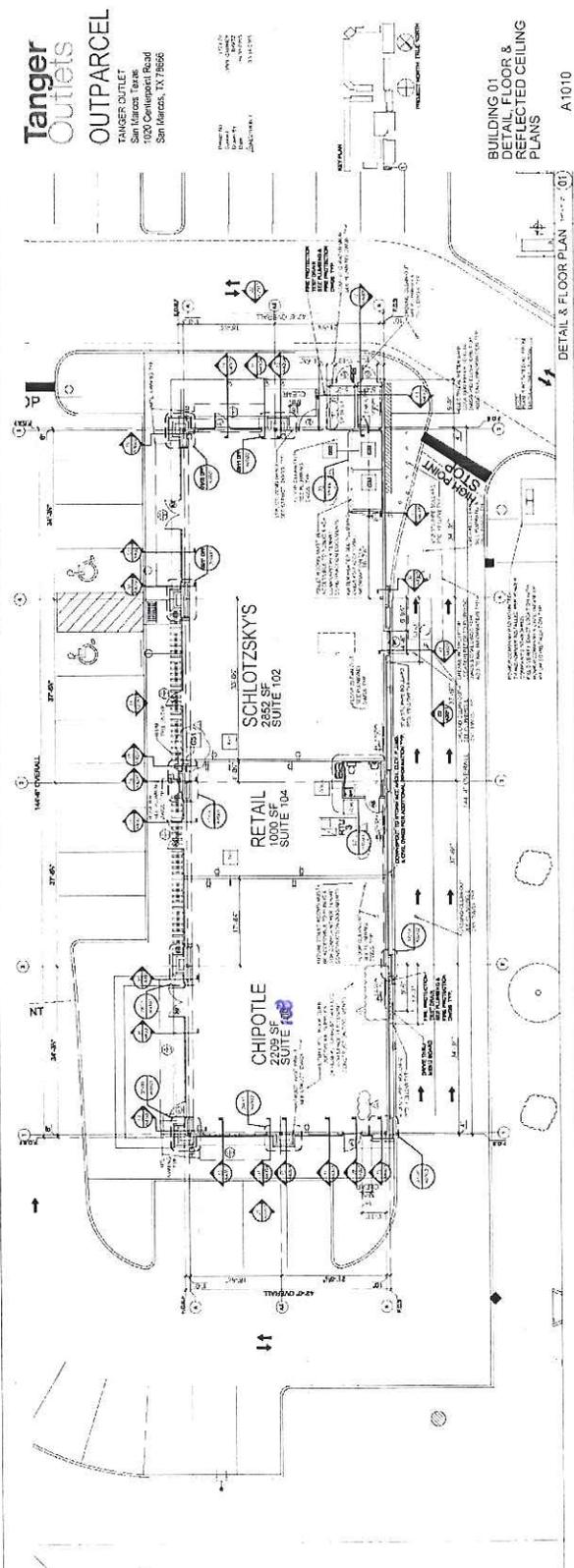
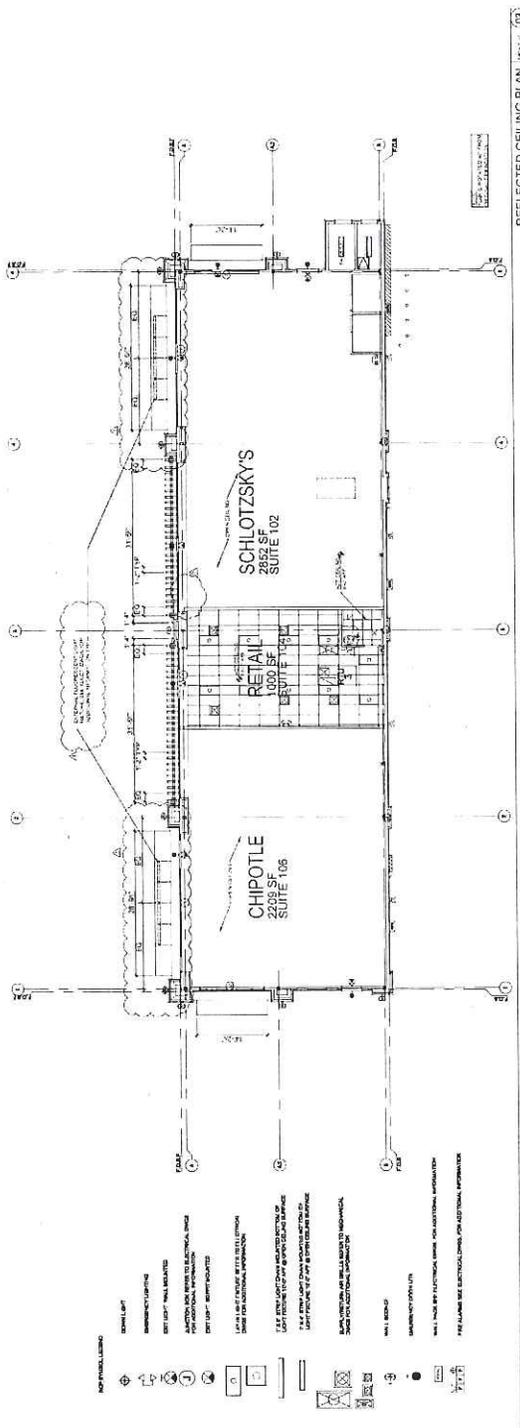
855 grandview ave
 suite 295
 columbus, ohio 43215
 tel: 614.487.8770
 fax: 614.487.8777
 www.redarchitects.com

r-e-d
 architecture + planning





REFLECTED CEILING PLAN SHALL NOT BE USED FOR CONSTRUCTION OF ROOM ROOMS OR COMPARTMENTS WITH PLUMBING OR MECHANICAL SYSTEMS. THE REFLECTED CEILING PLAN SHALL BE USED TO CLEAR AND REMOVE OBSTRUCTIONS FROM THE CEILING. THE REFLECTED CEILING PLAN SHALL BE USED TO CLEAR AND REMOVE OBSTRUCTIONS FROM THE CEILING. THE REFLECTED CEILING PLAN SHALL BE USED TO CLEAR AND REMOVE OBSTRUCTIONS FROM THE CEILING.



Tanger Outlets
OUTPARCEL
TANGER OUTLET
San Marcos, Texas
1020 Centerpoint Road
San Marcos, TX 78666

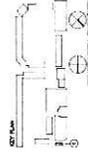
BUILDING 01
DETAIL FLOOR &
REFLECTED CEILING
PLANS
A1010

SECTION 4: MAPS / DRAWINGS



**Tanger
Outlets**
OUTPARCEL
TANGER OUTLET
120 Centerpoint Road
San Marcos, TX 78666

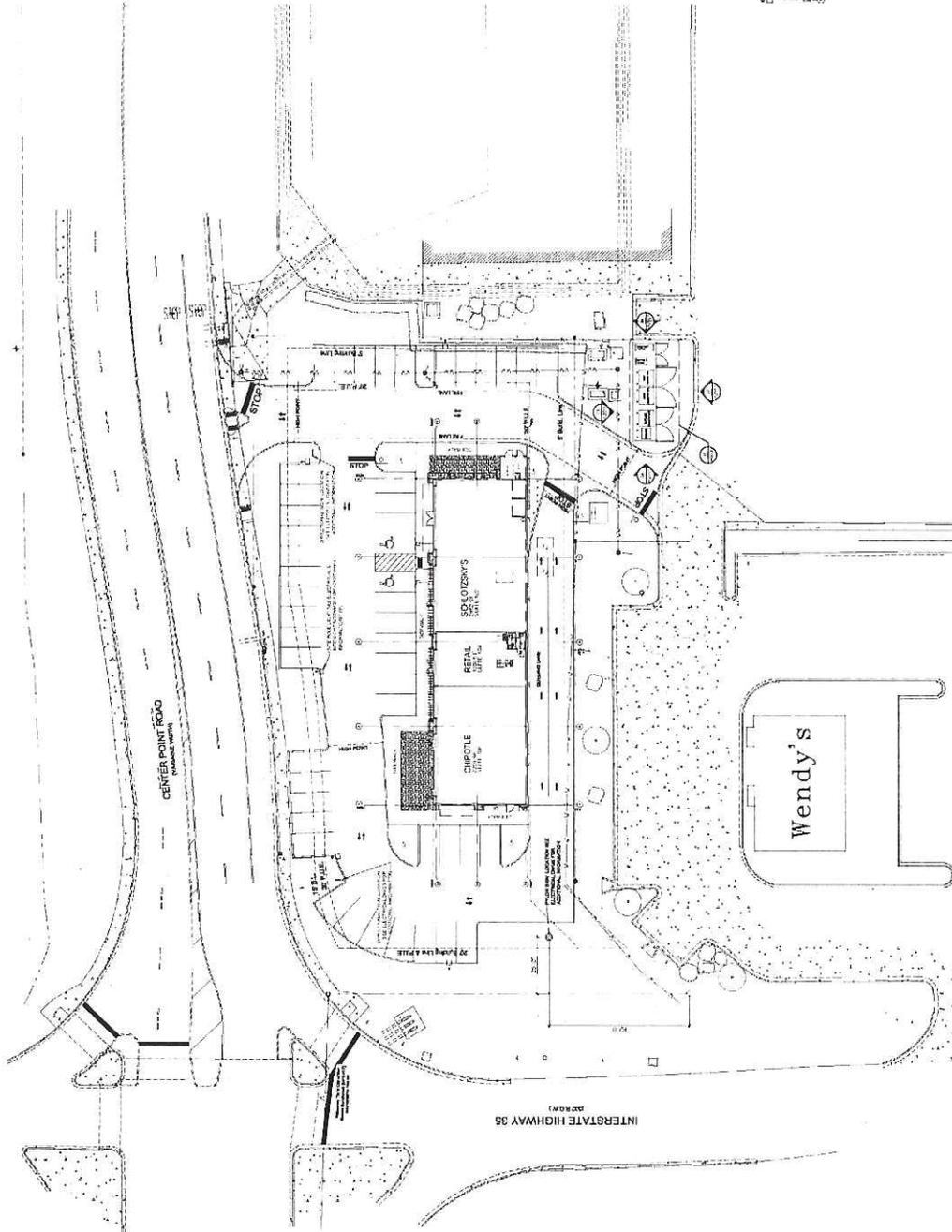
DATE: 08/11/15
SCALE: AS SHOWN
BY: TRAVIS A. ADAMS
PROJECT NO. 2799



OVERALL
ARCHITECTURAL
SITE PLAN

A 1000

OVERALL ARCHITECTURAL SITE PLAN 1 of 10



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: Chipotle Mexican Grill

Application is filed by:
 Individual Partnership Corporation Other: LLC

Name of Individual or Entity: Chipotle Texas LLC **Phone Number:** 303-222-2524

Mailing Address: Attn: Licensing, 1401 Wynkoop St Ste 500 Denver, CO 80202

Email Address: licensing@chipotle.com

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

PROPERTY
Street Address: 1020 Centerpoint Rd Ste 108 San Marcos, TX 78666 **Current Zoning:** new build-commerical

Legal Description: Lot see attached Block _____ Subdivision _____

Tax ID Number: R 74-2944485

Property Owner's Name: Tanger Outlets **Phone Number:** 336-834-6859

Address: 3200 Northline Ave., Suite 360 Greensboro, NC 27408

BUSINESS DETAILS
Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: 11am-10pm Monday-Sunday

Type of Entertainment Facilities: N/A

Indoor Fixed Seats Capacity: 52 **Outdoor Fixed Seats:** 30

Gross Floor Area Including Outdoor Above-ground Decks: 2,209 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: _____

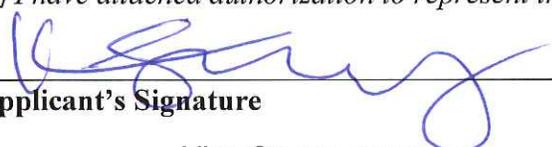
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

- Beer and Wine Permit: **\$609 Application fee + \$11.00 Technology Fee** (non-refundable)
- Mixed Beverage Permit: **\$609 Application fee + \$11.00 Technology Fee** (non-refundable)
- Change to Existing Permit/Renewal: **\$305.00 fee + \$11.00 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: Kim Oganesyian

Date: 7/15/14

To be completed by Staff:

Meeting Date: _____ Application Deadline: _____

Accepted By: _____ Date: _____

09/15



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 type="checkbox"/>	A completed application for Conditional Use Permit and required fees. * (see note below)	<input type="checkbox"/>	
<input 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 type="checkbox"/>	Interior layout showing all proposed seating; kitchen and bar areas; and restroom facilities	<input type="checkbox"/>	
<input 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 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: 7/15/16

Print Name: Kim Oganessian

Engineer
 Surveyor
 Architect/Planner
 Owner
 Agent LPOA



Legislation Text

File #: CUP-16-22, **Version:** 1

AGENDA CAPTION:

CUP-16-22 (Hilton Garden Inn) - Hold a public hearing and consider a request by Shilpa Amin on behalf of Action Hotel Group, LLC, for a Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 2131 North IH-35. (W. Parrish)

Meeting date: September 13, 2016

Department: Planning and Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL: NA

COMPREHENSIVE PLAN ELEMENT(s): NA

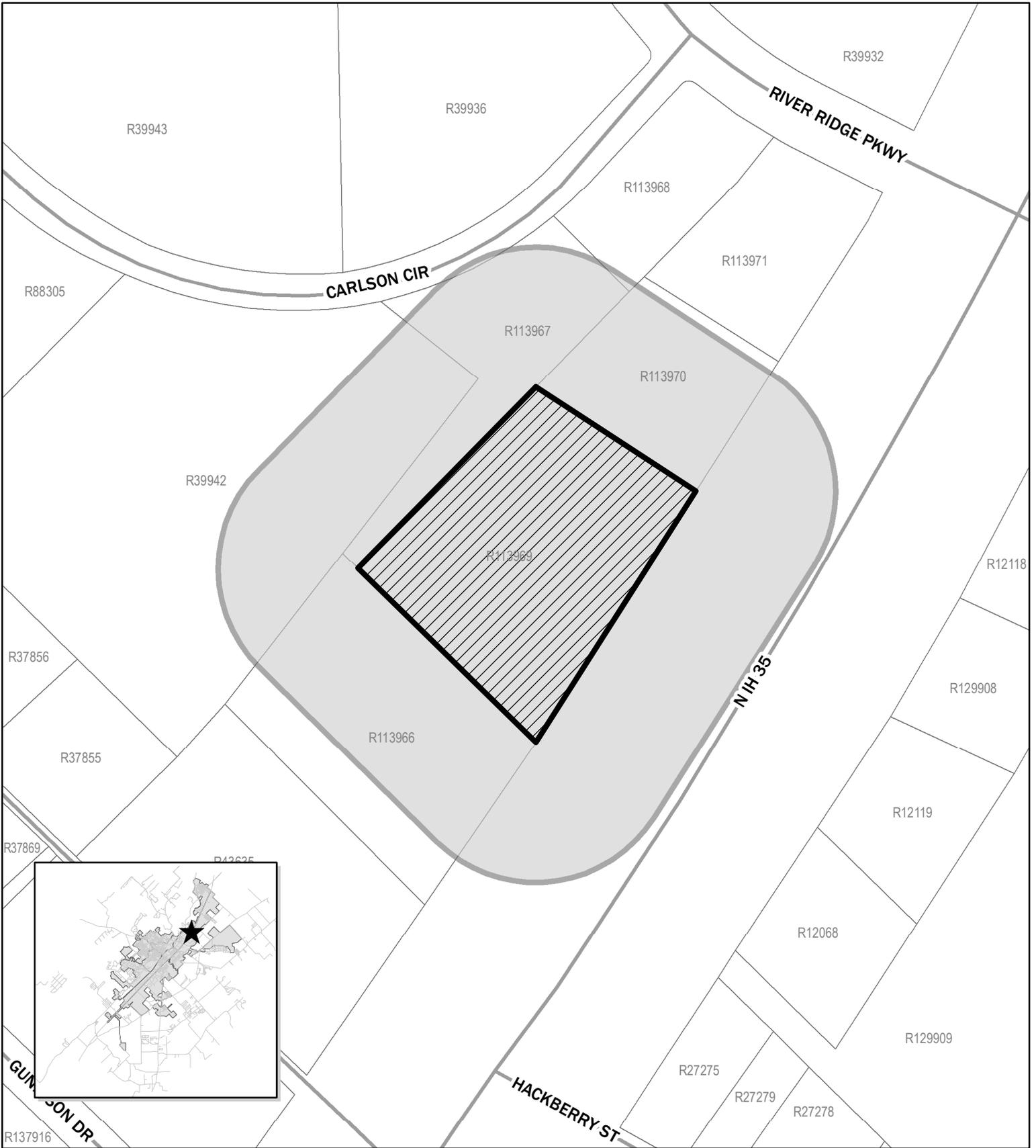
BACKGROUND:

The subject property is located near the intersection of River Ridge and North IH-35. The Hilton Garden Inn is designed with a restaurant and bar area of approximately 1,500 square feet. The applicant is proposing to serve mixed beverages, and will have an indoor seating capacity of 55, as well as an outdoor seating capacity of 35. The hotel will provide 124 parking spaces to serve the property.

The proposed hours of operation for the hotel bar are 5 p.m. to 12 a.m. Monday - Sunday. According to the application, the applicant has no plans for additional entertainment facilities directly associated with the restaurant and bar, but staff does note that there will be a swimming pool on the property.

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

- 1. The CUP shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The permit shall be effective upon the issuance of the Certificate of Occupancy; and**
- 3. The CUP shall be posted in the same area and manner as the Certificate of Occupancy.**



CUP-16-22
Hilton Garden Inn
2131 N IH 35
Map Date: 9/1/2016

 Site Location
 Buffer



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.



CUP-16-22
Hilton Garden Inn
2131 N IH 35
Map Date: 9/1/2016

 Site Location



0 125 250 500
Feet

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

CUP-16-22

Conditional Use Permit

Hilton Garden Inn

2131 North IH-35



Applicant Information:

Applicant: Shilpa Amin

Mailing Address: PO Box 1064
San Marcos, TX 78667

Property Owner: Action Hotel Group, LLC DBA Hilton Garden Inn
PO Box 1064
San Marcos, TX 78667

Applicant Request: The applicant is requesting a Conditional Use Permit for the sale of mixed beverages.

Public Hearing Notice: Public hearing notification was mailed on September 2, 2016.

Response: None as of completion of packet.

Subject Property:

Expiration Date: NA

Location: 2131 North IH-35

Legal Description: Lot 1 of the San Marcos North Business Park

Frontage On: North IH-35

Existing Zoning: GC – General Commercial

Preferred Scenario Designation: Employment Center

Utilities: Adequate

Existing Use of Property: Previously vacant parcel with a Hilton Garden Inn under construction.

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	GC	Vacant
S of property	GC	Vacant
E of property	GC	IH-35
W of property	GC	Commercial

Code Requirements:

A Conditional Use Permit (CUP) 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 in a low density residential zoning district. This location **does** meet the distance requirements.

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).

Case Summary

The subject property is located near the intersection of River Ridge and North IH-35. The Hilton Garden Inn is designed to have a restaurant and bar area of approximately 1,500 square feet, which has a gross floor area of 28,696 square feet. The applicant is proposing to serve mixed beverages, and will have an indoor seating capacity of 55, as well as an outdoor seating capacity of 35. Patrons will be able to consume alcohol purchased at the hotel throughout the building. The hotel will provide 124 parking spaces to serve the property.

The proposed hours of operation for the hotel bar are 5 p.m. to 12 a.m. Monday – Sunday. According to the application, the applicant has no plans for additional entertainment facilities directly associated with the restaurant and bar, but staff does note that there will be a swimming pool on the property.

Comments from Other Departments:

Staff has received no other comments for other departments on this application.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and has found that the request is consistent with the policies and the general intent of the zoning district and does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is initial approval of the permit 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 provides this request to the Commission for your consideration and recommends **approval** of the Conditional Use Permit with the following conditions:

- 1. The CUP shall be valid for one (1) year, provided standards are met, subject to the point system;**
- 2. The permit shall be effective upon the issuance of the Certificate of Occupancy; and**
- 3. The CUP shall be posted in the same area and manner as the Certificate of Occupancy.**

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:

Will Parrish

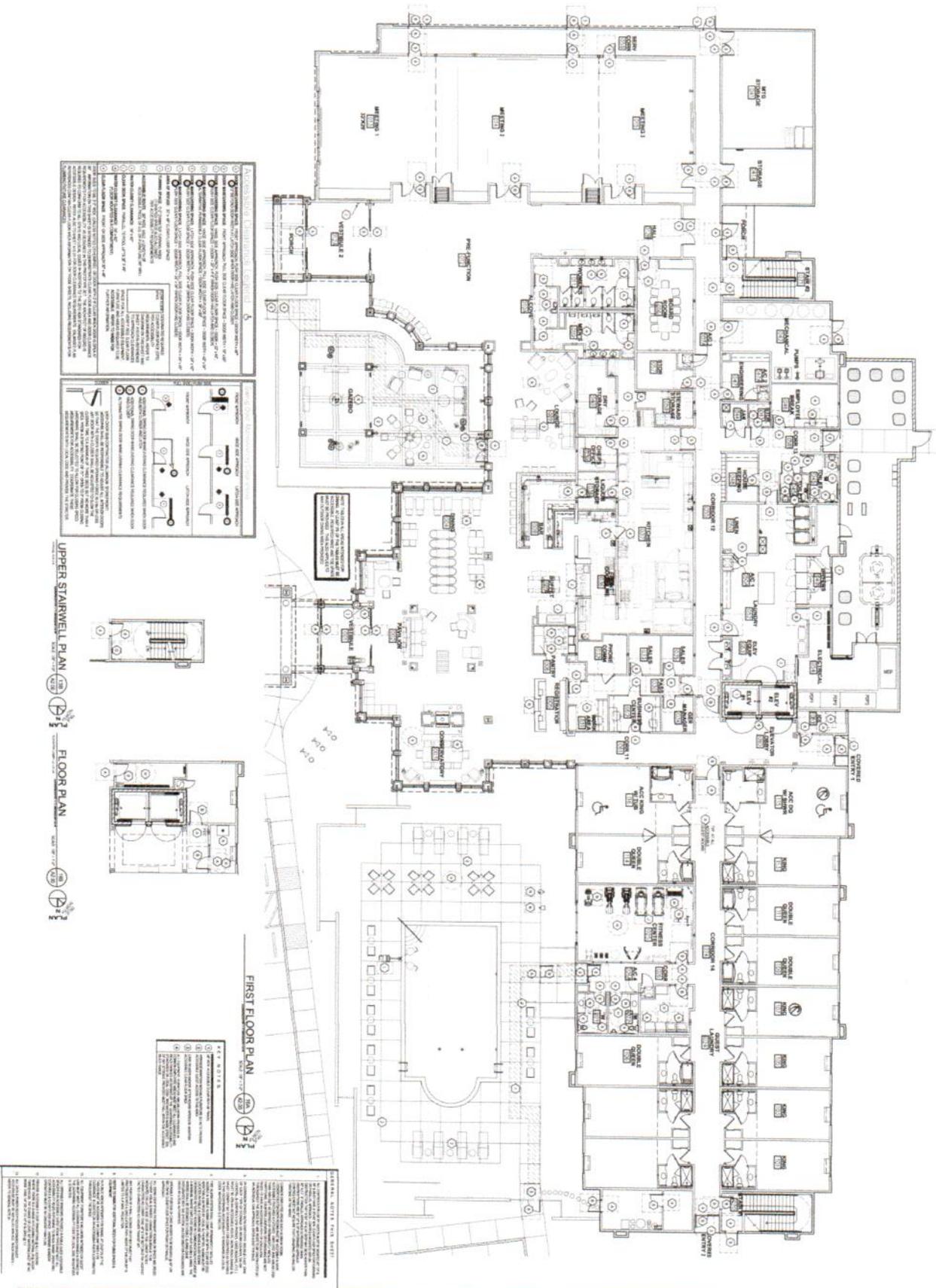
Planning Technician

8/24/16

Name

Title

Date



- ACCESSIBILITY CHANGES SUMMARY**
- 1. ALL NEW AND EXISTING ROOMS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 2. ALL NEW AND EXISTING RESTROOMS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 3. ALL NEW AND EXISTING ELEVATORS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 4. ALL NEW AND EXISTING STAIRS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 5. ALL NEW AND EXISTING ENTRANCES SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 6. ALL NEW AND EXISTING PARKING SPACES SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 7. ALL NEW AND EXISTING DRIVEWAYS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 8. ALL NEW AND EXISTING SIDEWALKS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 9. ALL NEW AND EXISTING CURBS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 10. ALL NEW AND EXISTING SIGNAGE SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 11. ALL NEW AND EXISTING TELEPHONES SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 12. ALL NEW AND EXISTING VENDING MACHINES SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 13. ALL NEW AND EXISTING ATMs SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 14. ALL NEW AND EXISTING SERVICE COUNTERS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 15. ALL NEW AND EXISTING RECEPTION DESKS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 16. ALL NEW AND EXISTING CHECK-IN COUNTERS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 17. ALL NEW AND EXISTING CHECK-OUT COUNTERS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 18. ALL NEW AND EXISTING BAGGAGE CLAIM COUNTERS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 19. ALL NEW AND EXISTING LAUNDRY ROOMS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 20. ALL NEW AND EXISTING BICYCLE RACKS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 21. ALL NEW AND EXISTING COAT CHECKS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 22. ALL NEW AND EXISTING LOCKERS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 23. ALL NEW AND EXISTING STORAGE CLOSETS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 24. ALL NEW AND EXISTING LINEN CLOSETS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 25. ALL NEW AND EXISTING MAINTENANCE CLOSETS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 26. ALL NEW AND EXISTING JANITORIES SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 27. ALL NEW AND EXISTING STORAGE ROOMS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 28. ALL NEW AND EXISTING MECHANICAL ROOMS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 29. ALL NEW AND EXISTING ELECTRICAL ROOMS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 30. ALL NEW AND EXISTING TELECOMMUNICATIONS ROOMS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 31. ALL NEW AND EXISTING SECURITY ROOMS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 32. ALL NEW AND EXISTING CONTROL ROOMS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
 - 33. ALL NEW AND EXISTING SERVER ROOMS SHALL BE ACCESSIBLE TO WHEELCHAIR USERS.
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FIRST FLOOR PLAN (Scale: 1/8" = 1'-0")

UPPER STAIRWELL PLAN (Scale: 1/8" = 1'-0")

FLOOR PLAN (Scale: 1/8" = 1'-0")

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2012 INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. ALL NEW CONSTRUCTION SHALL BE ACCORDING TO THE 2012 INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
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	LABUNSKI ASSOCIATES ARCHITECTS & ENGINEERS 2115 N. GUY RD. SAN ANGELO, TEXAS 76901 TEL: 361-353-3333 FAX: 361-353-3334 WWW.LABUNSKI.COM	Hilton Garden Inn 2115 N. GUY RD. SAN ANGELO, TEXAS	VERSION 7.1 GROW PROJECT NO. 2012-001	A2.00 ACCESSIBLE PLAN
	SHEET NO. 2012-001-001 DATE: 01/15/12	PROJECT NO. 2012-001	PROJECT NO. 2012-001	PROJECT NO. 2012-001

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: Acton Hotel Group, LLC dba Hilton Garden Inn

Application is filed by:
 Individual Partnership Corporation Other: _____

Name of Individual or Entity: Shilpa Amin Phone Number: 512-748-2644

Mailing Address: PO Box 1044, San Marcos, TX 78667

Email Address: Shilpaamin@me.com

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

PROPERTY
Street Address: 2131 IN35N, San Marcos, TX 78667 Current Zoning: Commercial

Legal Description: Lot ✓ Block _____ Subdivision _____

Tax ID Number: R 46-5614110

Property Owner's Name: Acton Hotel Group, LLC Phone Number: 512-805-3759

Address: PO Box 1044, San Marcos, TX 78667

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: Hotel

Hours of Operation: 24 hour

Type of Entertainment Facilities: N/A

Indoor Fixed Seats Capacity: 56 Outdoor Fixed Seats: 35

Gross Floor Area Including Outdoor Above-ground Decks: 28,696 Square Feet

Number of Off-Street Parking Spaces Provided: 0

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

09/15



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 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 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: 08-01-14
 Print Name: Shilpa Amin
 Engineer Surveyor Architect/Planner Owner Agent _____

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

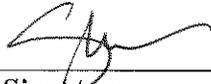
- New request**, no existing TABC CUP Permit at this location
- Change to existing TABC Permit.** Nature of Change: _____
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

- **Beer and Wine Permit:** \$609 Application fee + \$11.00 Technology Fee (non-refundable)
- **Mixed Beverage Permit:** \$609 Application fee + \$11.00 Technology Fee (non-refundable)
- **Change to Existing Permit/Renewal:** \$305.00 fee + \$11.00 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: Shilpa Amir **Date:** 7/20/14

To be completed by Staff:

Meeting Date: _____ **Application Deadline:** _____
Accepted By: _____ **Date:** _____



Legislation Text

File #: ZC-16-11, **Version:** 1

AGENDA CAPTION:

ZC-16-11 (Lot 2, Block A, Uniprop Subdivision) Hold a public hearing and consider a request by Glenn Couch on behalf of San Marcos Land, LLC for a zoning change from “FD” Future District to “LI” Light Industrial District for Lot 2, Block A, Uniprop Subdivision, generally located on the south side of Leah Avenue, approximately one-quarter mile west of Clovis Barker Road. (B. Melland)

Meeting date: September 13, 2016

Department: Planning and Development Services Department

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

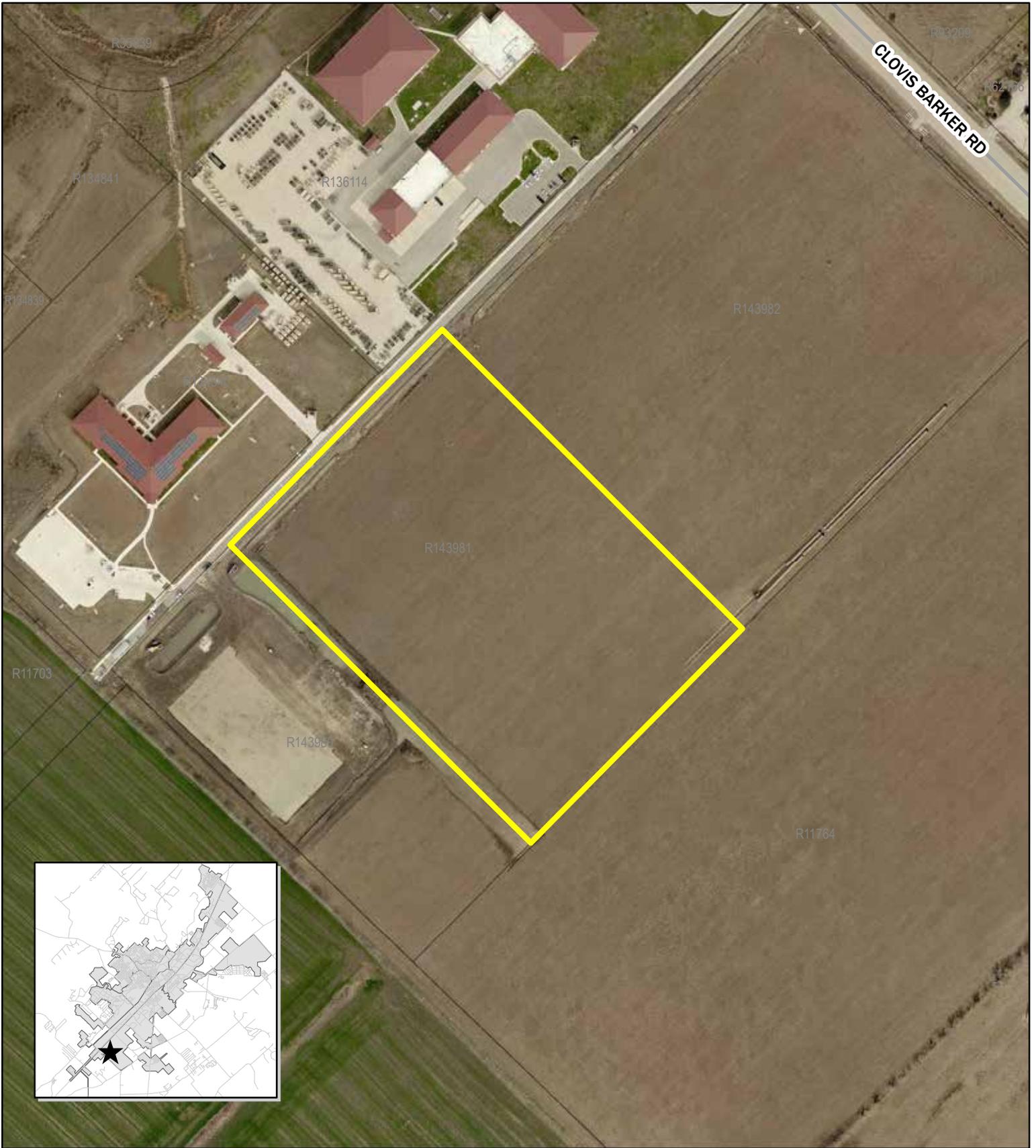
CITY COUNCIL GOAL: N/A

COMPREHENSIVE PLAN ELEMENT(s): Economic Development; Goal 3, Objective: Develop industrial settings that provide shovel ready opportunities for prospective companies and employers.

BACKGROUND: The subject property is approximately 12.1 acres in size and is located along Leah Avenue west of Clovis Barker Road and just east of the Amazon Distribution Center. The property is located within an Employment Center and was annexed by the City in September of 2015. It is currently zoned “FD” Future Development. The applicant is requesting a zone change to “LI” Light Industrial to facilitate a future industrial or commercial use. No plans have been submitted at this time.

The property was platted in May of 2014 and infrastructure improvements were installed at that time, including Leah Avenue street improvements, and water and waste water facilities.

Staff finds this land use is consistent with the Comprehensive Plan Elements and recommends **approval.**



ZC-16-11
Lot 2, Block 2, Uniprop Subdivision
FD to LI
Map Date: 9/1/2016

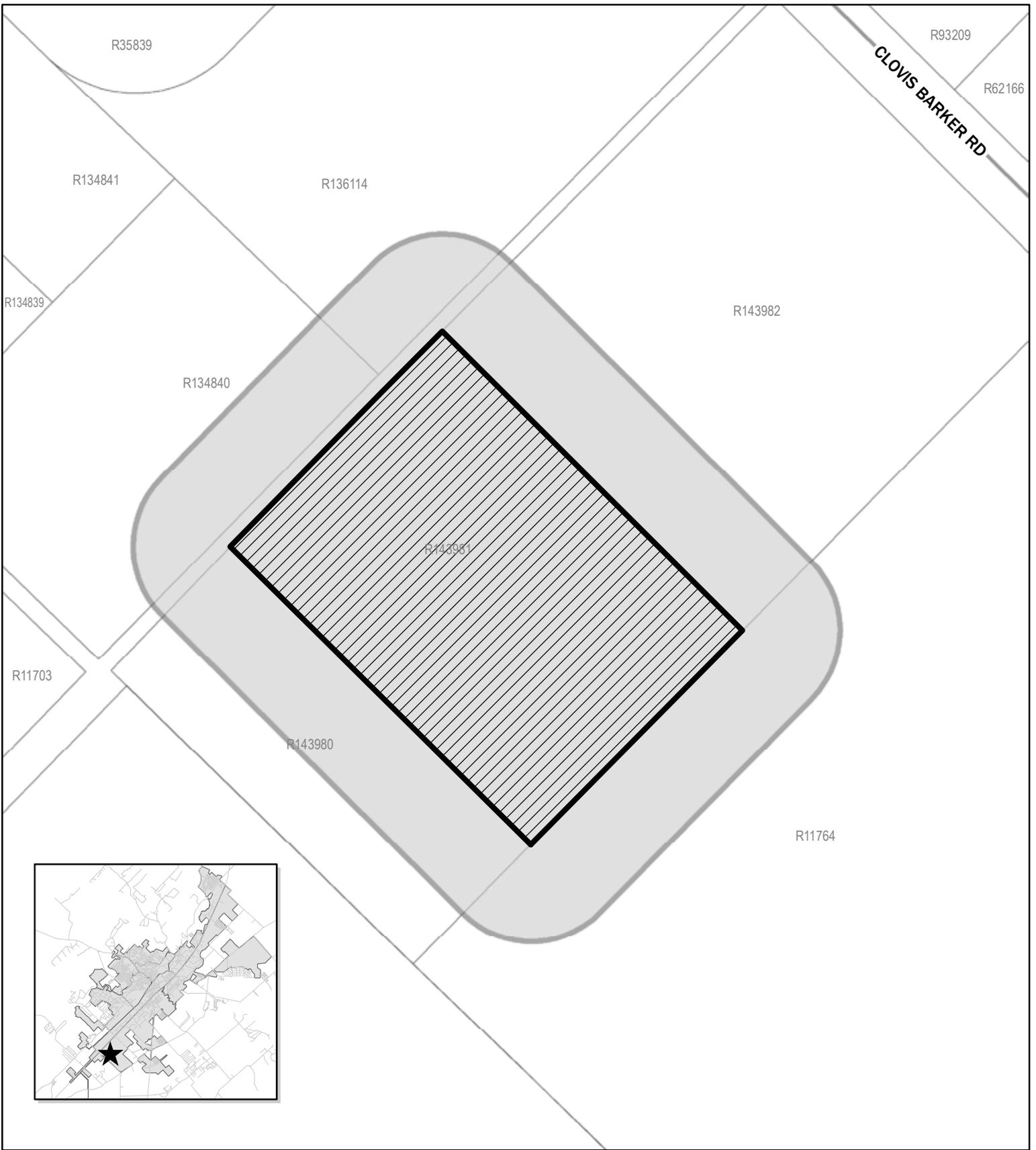
 Site Location



0 187.5 375 750 Feet

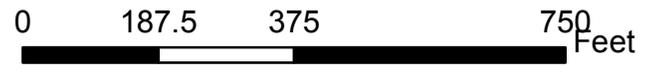


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



ZC-16-11
Lot 2, Block 2, Uniprop Subdivision
FD to LI
Map Date: 9/1/2016

 Site Location
 Buffer



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Zoning Change

ZC-16-11

Lot 2, Block A, Uniprop Subdivision

Summary: The applicant is requesting a zoning change from “FD” Future District to “LI” Light Industrial for Lot 2, Block A, Uniprop Subdivision, generally located on the south side of Leah Avenue, approximately one-quarter mile west of Clovis Barker Road. (B. Melland)

Applicant: Glenn Couch
355 Eastman Park Dr. Ste. 200
Windsor, CO 80550

Property Owners: San Marcos Land, LLC
280 Daines St. Ste. 300
Birmingham, MI 48099

Notification: Personal notifications of the public hearing were mailed on Friday, September 2, 2016 to all property owners within 200 feet of the subject property. Signs were also posted on the subject property on Friday, September 2, 2016 for the public hearing on September 13, 2016.

Response: No comments received as of the staff report date.

Property/Area Profile:

Legal Description: Lot 2, Block A, Uniprop Subdivision

Location: Leah Avenue, approximately 1/4 mile west of Clovis Barker Road.

Existing Use of Property: Undeveloped

Proposed Use of Property: Industrial

Preferred Scenario Map: Employment Center

Existing Zoning: “FD” Future Development

Proposed Zoning: “LI” Light Industrial

Utility Capacity: Adequate

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Preferred Scenario
N of Property	HI and LI	US Army Reserve Center & Corps of Engineers	Employment Center
S of Property	ETJ	Undeveloped	Employment Center
E of Property	FD & ETJ	Undeveloped	Employment Center
W of Property	FD, GC, & HI	POD's, Amazon Distribution, & Undeveloped	Employment Center

Case Summary

The subject property is approximately 12.1 acres in size and is located along Leah Avenue west of Clovis Barker Road and just east of the Amazon Distribution Center. The property was platted in May of 2014 and was annexed by the City in September of 2015. On the Preferred Scenario Map, the property is located within an Employment Center. The applicant is requesting a zoning change from “FD” Future Development District to “LI” Light Industrial District. A mix of Industrial and Commercial Zoning Districts surround the property. The properties west of the subject tract are zoned HI and LI and are developed with Government uses. Properties to the south and east are undeveloped and are zoned FD or located outside the City limits. The properties to the west are developed with Commercial uses including a POD’s distribution center and the recently constructed Amazon Distributions Center. The proposed LI zoning would allow a number of industrial and commercial uses including Tool Rental, Moving Storage Company, Hospital, Warehouse, Manufacturing, Distribution Center, and Food Processing. A key element of the LI zoning, compared to HI (Heavy Industrial) is that HI permits uses with outdoor storage. In the LI District, uses with outdoor storage require a conditional use approval. A use table has been attached outlining what uses could currently be considered in the “LI” Light Industrial Zoning District. No plans have been submitted at this time; however, all requirements in the Land Development Code must be met.

Planning Department Analysis

The zoning change request has been reviewed using The Comprehensive Master Plan, *Vision San Marcos: A River Runs Through Us* as well as the guidance criteria in Section 1.5.1.5 of the Land Development Code. A review worksheet is attached to this report which details the analysis of the zoning change using Comprehensive Plan Elements. Staff finds this request is consistent with the Comprehensive Plan Elements as summarized below:

- The property lies within an Employment Center. “LI” Light Industrial is an eligible zoning category within this area; therefore, a Preferred Scenario Amendment is not required.
- The subject property is located in the Cottonwood Creek Watershed. Additional impervious cover for the site is accounted for within the Plan’s Water Quality Model. Impervious Coverage within the watershed is expected to increase 342% according to the Vision San Marcos Comprehensive Plan Water Quality Modeling Analysis. This is due to the fact that the majority of the area is undeveloped. LI zoning allows for a maximum of 85% impervious cover.
- The subject property is “least” constrained according to the Land Use Suitability Map.

In addition, the consistency of this proposed change to the LDC criteria is detailed below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
X			<p>The proposed change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>The change is consistent with the Preferred Scenario Map and Comprehensive Plan Elements in Vision San Marcos. See the analysis above and the attached Comprehensive Plan Worksheet.</i></p>
		X	<p>Consistency with any development agreement in effect</p> <p><i>No development agreements are in effect for this property.</i></p>
X			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>The uses permitted within a Light Industrial District are compatible with existing adjacent uses.</i></p>
		X	<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p>

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
			<i>City Water and Waste Water already exist at the site.</i>
X			Other factors which substantially affect the public health, safety, morals, or general welfare <i>None noted.</i>

Additionally, the Commission should consider:

- (1) Is the property suitable for use as presently zoned?

Staff evaluation: The property could not be developed for an Employment Center type use under the current zoning designation of "FD" Future District.

- (2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: The area surrounding the property is experiencing significant change, most notably including the recent construction of the Amazon Distribution Center.

- (3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: This would not address a substantial unmet public need. However, this zone change does create the potential for additional job creation.

- (4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: No, there is no special benefit to the landowner.

- (5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: The rezoning does not serve a substantial public purpose.

Staff presents this request to the Commission and recommends approval.

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

Prepared by:

Brandon Melland, AICP

Senior Planner

August 31, 2016

Name

Title

Date

ZC-16-11 (Lot 2, Block A, Uniprop Subdivision) Zoning Change Review (By Comp Plan Element)

LAND USE – Preferred Scenario Map / Land Use Intensity Matrix

	YES	NO (map amendment required)
Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix?	X – Yes, the property is located within an Employment Center	

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

STRATEGY	SUMMARY	Supports	Contradicts	Neutral
Preparing the 21 st Century Workforce	Provides / Encourages educational opportunities			X
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities and infrastructure for business	X		
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity			X

ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints

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

ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results

Located in Subwatershed:	Cottonwood Creek Watershed				
	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed					X
Notes:					

NEIGHBORHOODS – Where is the property located

CONA Neighborhood(s):	N/A
Neighborhood Commission Area(s):	N/A
Neighborhood Character Study Area(s):	N/A

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

				YES	NO
Will Parks and / or Open Space be Provided?					X
Will Trails and / or Green Space Connections be Provided?					X
Maintenance / Repair Density	Low (maintenance)		Medium		High (maintenance)
Wastewater Infrastructure	X				
Water Infrastructure	X				
Public Facility Availability					
				YES	NO
Parks / Open Space within ¼ mile (walking distance)?					X
Wastewater service available?				X	
Water service available?				X	

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

	A	B	C	D	F
Existing Daily LOS Clovis Barker Rd.	X				
Existing Peak LOS Clovis Barker Rd.	X				
Preferred Scenario Daily LOS Clovis Barker Rd.	X				
Preferred Scenario Peak LOS Clovis Barker Rd.		X			
	N/A	Good	Fair	Poor	
Sidewalk Availability (Required to build.)		X			
Sidewalks have already been installed adjacent to this property.					
			YES	NO	
Adjacent to existing bicycle lane?				X	
Adjacent to existing public transportation route?				X	
Notes: This site is not located adjacent to any public transit routes.					

City of San Marcos
ZONING CHANGE APPLICATION

	<u>APPLICANT</u>	<u>PROPERTY OWNER</u>
Name:	<u>GLENN COURT</u>	<u>San Marcos Land, LLC</u>
Mailing Address:	<u>355 Eastman Park Dr. Ste 200</u> <u>Windsor, CO 80550</u>	<u>280 Daines St. Ste 300</u> <u>Birmingham, MI 48009</u>
Telephone No.:	<u>970-420-8756</u>	<u>248-594-6812</u>
E-mail address:	<u>glenn@uniprop.com</u>	<u>roger@uniprop.com</u>

PROPERTY DESCRIPTION:

Street Address: Leah Avenue

Subdivision: Uniprop Subdivision Block: A Lot(s): 2

Other Description (if unplatted) _____

* a metes and bounds description is required if property is a partial lot or is not platted

Appraisal District Tax ID No.: R 143981 Acres: 12.1

Lien Holder(s) - for notification purposes:

Name: N/A

Mailing Address: N/A

(If more than one lien holder, please provide information on a separate page)

A certificate of no tax delinquency must be attached to this application

ZONING CHANGE INFORMATION:

Zoning Designation: Current: Future Development Requested: Light Industrial

Master Plan Designation: Employment Center Land Use Map Amendment Required? _____

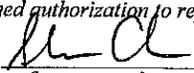
Present Use of Property: A9

Desired Use of Property/Reason for Change: Light Industrial

I certify that the information in this application is complete and accurate.

I am the property owner of record; or

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

Signature:  Date: 8/1/16

Printed Name: GLENN COURT



Petition for Zoning Change, Zoning Overlay, or Historic District Checklist

- A pre-application conference with staff is recommended;
- A completed application form, including a statement verifying land ownership and, if applicable, authorization of the land owner's agent to file the petition and required fees;
- Legal description of the site (metes and bounds or lot and block if platted)
- Certificate of no tax delinquency
- Subdivision Concept Plans or Site Plans as required (see Chapter 1 of the LDC)
- Additional information as required to clarify the request

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

Signed: *Glen Couch*

Date: 8/1/16

Print Name: GLEN COUCH

Engineer Surveyor Architect/Planner Owner Agent: _____

APPLICATION FOR CITY OF SAN MARCOS ZONING CHANGE

FEE INFORMATION:	
<u>Fee Schedule:</u>	
Zoning Change to MF 12, 18, 14	\$1,015 plus \$51 acre (\$3,000 maximum) + \$11.00 Technology Fee
Zoning Change to all other categories	\$762 plus \$51 acre (\$2,000 maximum) + \$11.00 Technology Fee
Zoning variance/Special Exception	\$609 + \$11.00 Technology Fee
Renotification fee	\$77 + \$11.00 Technology Fee

APPLICATION PROCESS:

Please be advised that this is a 2-3 month process. The Planning and Zoning Commission will conduct a public hearing to consider your request. Prior to the hearing, the City will mail notices to all property owners within 200 feet of the subject tract, to the listed applicant and property owner, to any lien holders, and to the appropriate neighborhood representative. A sign advertising the change will also be placed on the property by the City.

At the public hearing the applicant, or a representative for the applicant, should be present to answer any questions the Commission may have. Failure to appear could result in your request being tabled or denied. Those in support of the request and those in opposition will be given an opportunity to speak. Following the close of the public hearing, the Planning and Zoning Commission will make a recommendation to either approve or deny the request.

This recommendation is then forwarded to City Council for their action. A notice is published in the newspaper 15 days prior to their hearing. City Council will conduct a public hearing and either adopt an Ordinance to approve the change or deny the request. You will be notified by mail of the date of the City Council public hearing. If an ordinance is adopted, at least one further meeting is required to give Council an opportunity to reconsider the request. If there is no reconsideration, the process is complete. If there is reconsideration, a third reading of the ordinance would be required for approval.

To be completed by Staff:

Property is located in: Edwards Aquifer Recharge Zone Historic District River Corridor

Concurrent Land Use Amendment is Required: Yes No

Meeting Date: _____ Deadline: _____ Accepted By: _____ Date: _____

**AGREEMENT TO THE PLACEMENT
OF ZONING NOTIFICATION SIGNS**

The City of San Marcos Land Development Code provides that notification signs shall be placed on any property that is the subject of a zoning change, zoning variance, or conditional use permit. The signs shall be placed on the property by the Development Services-Planning staff prior to the 10th day before the scheduled public hearing based on the following criteria:

- Signs shall be placed on each street for property having multiple street frontages
- Signs shall be placed in a visible, unobstructed location near the front property line

Signs shall remain in place until final action is taken on the application, unless the case is formally withdrawn by the applicant prior to a final decision. Staff will remove the signs.

It is the responsibility of the applicant to periodically check the sign locations to verify that signs remain in place and have not been vandalized or removed. It is the responsibility of the applicant to immediately notify the Development Services-Planning Department of any missing or defective signs.

It is unlawful for a person to alter any notification sign, or to remove it while the case is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.

I have read the above statement and agree to allow the placement of notification signs as required on the project covered by the attached request. The Development Services-Planning staff has my permission to place these signs on my property. I will notify City staff if the sign is damaged or removed.



Signature of Applicant

8/1/16

Date

FOR STAFF USE ONLY:	
Sign (s) were placed by staff on _____	by _____
Sign (s) were removed by staff on _____	by _____

Land Use Matrix

P = Permitted

C= Conditional

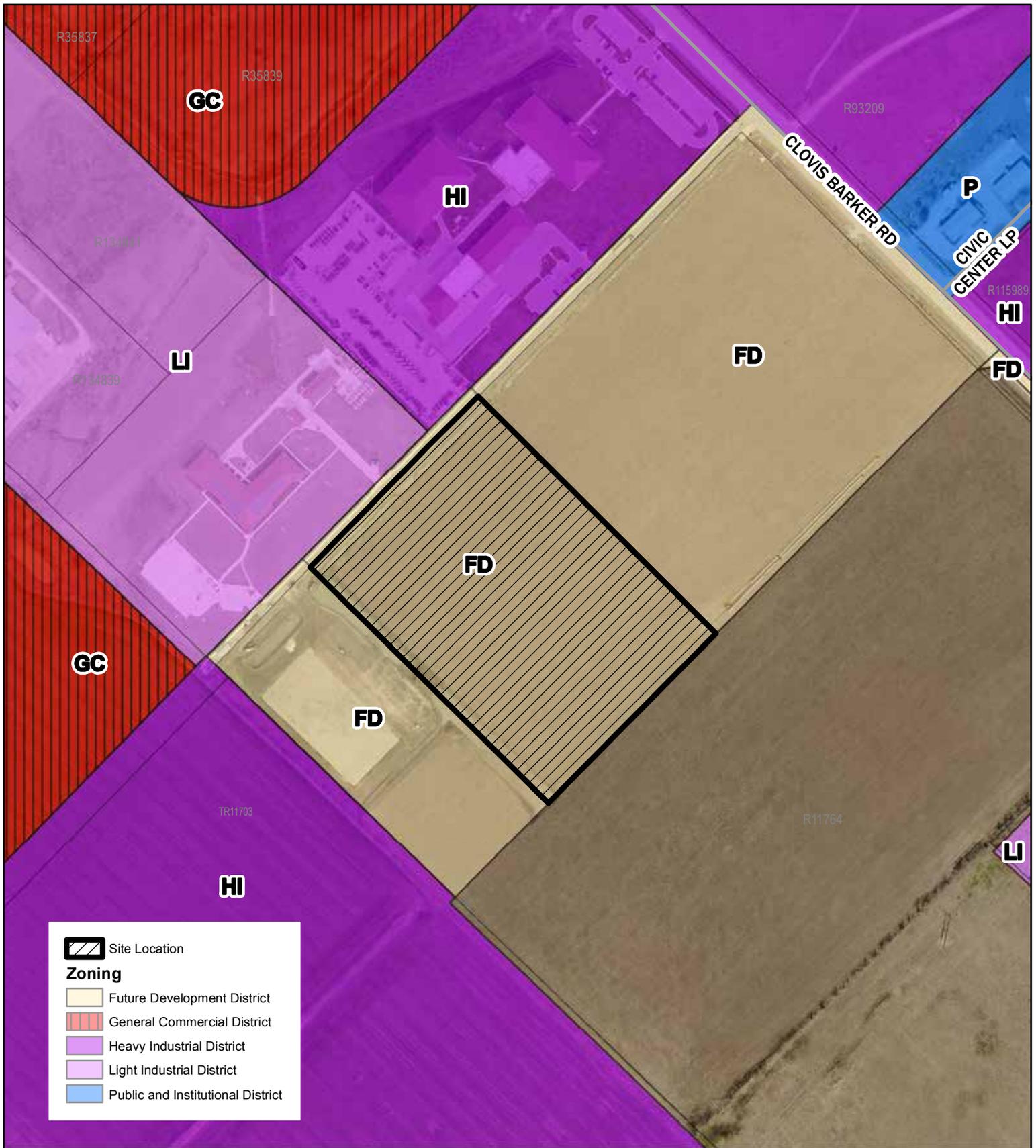
	FD	LI
Accessory Building/Structure (Larger than 625 s.f. in size OR 12' in height)	P	P
Accessory Building/Structure (No larger than 625 s.f. in size and 12' in height)	P	P
Accessory Dwelling (One Accessory Dwelling Per Lot)	P	C
Airport		C
Ambulance Service (Private)		C
Amusement Services or Venues (Outdoors)	C	
Artist or Artisans Studio	P	
Auction Sales (Non-Vehicle)		C
Auto Body Repair		C
Auto Dealer (Primarily New/Used Auto Sales as accessory use only)		C
Auto Paint Shop		C
Automatic Teller Machines (ATM's)		P
Barns and Farm Equipment Storage	P	
Bed and Breakfast (No Permanent Residence)	C	
Bed and Breakfast Inn	C	
Bio-Medical Facilities		P
Broadcast Station (with Tower)		P
Bulk Grain and/or Feed Storage/Processing	P	
Cabinet Shop (Manufacturing)		P
Call Service Center		P
Caretaker's/Guard's Residence		P
Caterer		P

	FD	LI
Cemetery and/or Mausoleum	C	
Civic/Conference Center		C
Communication Equipment (Installation and/or Repair - No outdoor sales or storage)		P
Community Home	P	
Contractor's Office/Sales, With Outside Storage including Vehicles		C
Country Club (Private)	C	C
Day Camp	C	P
Distribution Center		P
Electrical Generating Plant	C	C
Electronic Assembly/High Tech Manufacturing		P
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair		C
Fair Ground	C	
Family Home Child Care	P	
Farmers Market	P	
Farms, General (Crops)	P	
Farms, General (Livestock/Ranch)	P	
Feed and Grain Store	C	
Food Processing (no Outside Public Consumption)		P
Furniture Manufacture		P
Governmental Building or Use (Municipal, State or Federal)	P	P
Gravestone/Tombstone Sales		P
Hay, Grain, and/or Feed Sales (Wholesale)	P	
Health Club (Physical Fitness; Indoors Only)		P

	FD	LI
Heavy Load Vehicle Sales/Repair		C
Heliport		C
Helistop (Non-Emergency)		C
Hospital (Acute Care/Chronic Care)		P
Household Care Facility	P	
Kiosk (Providing A Retail Service)		P
Laboratory Equipment Manufacturing		P
Lawnmower Sales and/or Repair		C
Leather Products Manufacturing		P
Livestock Sales/Auction	C	
Machine Shop		C
Maintenance/Janitorial Service		P
Manufacturing		P
Manufacturing Processes not Listed		C
Marble or Stone Finishing		P
Metal Fabrication Shop		C
Micro Brewery (onsite mfg. and sales)		C
Mini-Warehouse/Self Storage Units		C
Motion Picture Studio, Commercial Film		P
Motor Freight Terminal		P
Moving Storage Company		P
Nursing/Convalescent Home		
Off-Premises Freestanding Sign		P

	FD	LI
Outside Storage (as primary use)		C
Park and/or Playground	P	P
Petroleum Bulk Storage		C
Philanthropic organization		C
Photocopying/Duplicating/Copy Shop		P
Place of Religious Assembly/Church	P	P
Plant Nursery (growing for commercial purposes but no retail sales on site)	P	
Plant Nursery (Retail Sales/Outdoor Storage)	P	
Plastic Products Molding/Reshaping		P
Post Office (Governmental)	C	P
Post Office (Private)		P
Public Garage/Parking Structure		C
Rectory/Parsonage with Place of Worship	P	
Research Lab (Non-Hazardous)		P
Retail Store (100,000 s.f. or more Bldg.)		C
Rodeo Grounds	C	
Sand/Gravel Sales (Storage or Sales)		C
School, K through 12 (Private)	C	P
School, K through 12 (Public)	P	P
School, Vocational (Business/Commercial Trade)		P
Security Systems Installation Company		P

	FD	LI
Shopping Center (Over 5 Acres)		C
Sign Manufacturing		P
Single Family Detached House	P	
Single Family Industrialized Home	P	
Smoking Lounge		P
Stables	P	
Stables (Private, Accessory Use)	P	
Stone/Clay/Glass Manufacturing		P
Studio for Radio or Television (without tower)		P
Temporary Outdoor Retail Sales / Commercial Promotion (4 day time limit; Permit Required by Building Official)		P
Tennis Court (Lighted)	P	
Tool Rental (Indoor Storage only)		P
Tool Rental (with Outdoor Storage)		C
Transfer Station (Refuse/Pick-up)		C
Truck Terminal		P
University or College	C	
Veterinarian (Outdoor Kennels or Pens)	C	C
Warehouse/Office and Storage		P
Welding Shop		P
Woodworking Shop (Ornamental)		P



ZC-16-11
Lot 2, Block A, Uniprop Subdivision
FD to LI
Map Date: 9/1/2016

 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.