



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, May 8, 2012, 6:00 p.m.
City Council Chambers
630 E. Hopkins Street

*Bill Taylor, Chair
Curtis Seebeck, Vice-Chair
Randy Bryan, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner
Kenneth Ehlers, Commissioner
Carter Morris, Commissioner
Bucky Couch, Commissioner
Corey Carothers, Commissioner*

AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Chairperson's Opening Remarks.**
4. ***NOTE:*** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*
5. **30 Minute Citizen Comment Period.**

CONSENT AGENDA:

6. **Consider the approval of the minutes from the Regular Meeting on April 24, 2012.**
7. **PC-11-07(01H) (Cottonwood Creek)** Consider a request by Ramsey Engineering, L.L.C., on behalf of Cottonwood Creek JDR, Ltd., for approval of the Master Plan renewal of Cottonwood Creek subdivision, consisting of approximately 471.97 acres at the intersection of State Highway 123 and Monterrey Oak, San Marcos, Texas.
8. **PC-12-06(03) (Hunter's Crossing Lot 2)** Consider a request by PSCE, Inc. on behalf of Surecap-Village TX Partners I, L.P. for approval of a Final Plat for approximately 0.89 acres, more or less, out of the J. M. Veramendi Survey No. 1, Abstract 17, City of San Marcos, Hays County located at 115 Wonder World Drive.

PUBLIC HEARINGS:

9. **VR-12-01 (Pappa Pasta's)** Hold a public hearing and consider a request by Herlinda Lopez for a variance to allow a restaurant serving alcohol less than 300 feet from a public school, but not less than 200 feet from the primary entrance to the school, to seek a Conditional Use Permit [LDC 4.3.4.2(b)(3)]

10. CUP-12-03 (Pappa Pasta's) Hold a public hearing and consider a request by Herlinda Lopez for renewal of a Conditional Use Permit to allow the continued sale beer and wine for on-premise consumption at 2550 Hunter Road Suite 1100.

11. CUP-12-17 (Del Taco) Hold a public hearing and consider a request by ETR Development Consulting, L.L.C., on behalf of Lumberton Investments, Ltd., for a Conditional Use Permit to allow a Restaurant/Prepared Food Sales with a drive thru to be located within a Community Commercial (CC) zoning district located at 660 E. Hopkins Street.

NON CONSENT AGENDA:

12. Development Services Report

a. Update from staff on the Comprehensive Plan

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

14. Adjourn.

Notice of Assistance at the Public Meetings: The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
April 24, 2012**

1. Present

Commissioners:

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

City Staff:

Matthew Lewis, Development Services Director
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
Abigail Gillfillan, Permit Manager
Alison Brake, Planner
John Stanley, Planner

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday April 24, 2012 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Taylor welcomed audience and viewers.

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

5. 30 Minute Citizen Comment Period

Jim Garber, 104 Canyon Fork stated that the city in state of chaos because of growth and development. He said it seems now that it is in almost every neighborhood. Mr. Garber mentioned that it started with The Retreat, the Buie tract, Sessom, Hillside and then down to the river and over to Belvin. He added that neighborhoods are being affected all over town and now the Hopkins Overlay. Mr. Garber said people are very upset about a wide variety of issues. He asked the Commission to step up and show some leadership and restore order to the chaos which is ripping our community apart. Mr. Garber mentioned hearing about the various lawsuits in process and said it is not good for all involved. Mr. Garber added that everyone is not going to agree on everything but one thing we all can agree on is that the citizens of San Marcos deserve a whole lot better than what they have gotten for the last six months.

Lisa Prewitt, 619 Maury St., said that we walked into the rezoning process about five months. She said from history there has been Buie tract, the Retreat, other apartment complex that have been recommended by the Planning Department. Ms. Prewitt added that we now have an Overlay District in a Historic District that has another neighborhood upset. She said that there seems to be a consistent battle in the City and that everyone is passing the buck. She pointed out that no one knows who is actually for the citizens or what is going on. She stated that several people on Belvin Street think the overlay is gone. She commented that the overlay can be back in as quick as two weeks just as quick as it was put off. Ms. Prewitt said there is very much mistrust. She said the citizens all have shown their love and passion for San Marcos. Ms. Prewitt said citizens are not seeing that government entities are looking out for what citizens want for San Marcos. Ms. Prewitt provided Chair Taylor with a copy of the lawsuit filed by Mr. Sergi. She asked the Commission to step up and watch the town for the citizens and protect what we have.

Dee McClure, 1009 Haynes, stated she agrees with the previous speakers. She said she was present for the Tree Ordinance and would like to see it passed. Ms. McClure commented that the Commission has stepped up in that area.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on March 27th and April 10th, 2012.

7. PC-12-06 (02) (Hunters Crossing Lot 2) Consider a request by PSCE, Inc. on behalf of Surecap-Village TX Partners I, L.P. for approval of a Preliminary Plat for approximately 0.89 acres, more or less, out of the J. M. Veramendi Survey No. 1, Abstract 17, City of San Marcos, Hays County located at 115 Wonder World Drive.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey the Commission approved on consent items 6 and 7. The motion carried unanimously.

Public Hearing

8. CUP-12-16 (Chimy's San Marcos) Hold a public hearing and consider a request by Baccus Enterprises on behalf of Chimy's San Marcos for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 217 E. Hopkins Street.

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

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey the Commission voted eight (8) for and zero (0) against to approve CUP-12-16 with the condition that the permit shall be valid for three (3) years, provided standards are met, subject to the point system; and the CUP shall take effect upon issuance of the building permit and approval of the final inspection of the work submitted in permit number 2012-10406.

9. LDC-12-01 (Multifamily Design standards) Hold a public hearing and consider an amendment to the City's Land Development Code by adding Chapter 4, Article 4, Division 3: Multifamily Residential Design Standards to provide for additional building and site design control.

10. LDC-12-04 (Tree and habitat preservation) Hold a public hearing and consider an amendment to the City's Land Development Code modifying Chapter 5, Article 5, to clarify tree and habitat preservation.

11. LDC-12-07 (Clarify notice procedures) Hold a public hearing and consider an amendment to the City's Land Development Code to clarify Section 1.3.2.1 for required notices by application type.

Chair Taylor opened the public hearing for items for 9, 10, and 11. Diane Wassenich, 11 Tanglewood stated she was speaking as an individual about the Tree Ordinance, Item #10. She thanked the Commission for maintaining their practice of having a public hearing when one is posted. She explained that she can see how the Tree Ordinances adjustments is needed but is concerned about who decides what is or is not feasible as far as planting, saving or replacing a tree. In addition, Ms. Wassenich was concerned about where the money is used and how the funds are tracked. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Carter and a second by Commissioner Seebeck Commission voted eight (8) for and zero (0) against to postpone LDC-12-01, LDC-12-04 and LDC-12-07 to a future agenda. The motion carried unanimously.

12. LDC-12-11 (SmartCode Revisions) Discuss an amendment to the City's SmartCode, Articles 1, 3 and 5 to clarify process and language.

John Foreman explained changes to Chapter 6 definitions. He advised that LDC-12-11 (SmartCode Revision) will be posted on a future agenda for approval.

13. Capital Improvement Project Plan Hold a public hearing and consider recommendations for Capital Improvement Project nominations for 2012-2022.

Chair Taylor opened the public hearing. Diane Wassenich, San Marcos River Foundation said she wanted to make sure that as we look at drainage projects in the future that we are always looking at how it affects the river. Ms. Wassenich said for instance, excavate Willow Creek to build a bridge. She pointed out when projects such as these we do not protect the river from the sediment that washing into the river. She further explained that it costs a whole lot more money to remove endangered species than it does to prevent the sediment from going into the river. Ms. Wassenich added that the sediment also causes problems to our storm drains and to our infrastructure. She said it makes sense that when we do drainage projects that we look at the impact of the river. She explained that high speed flows collect worse sediment and take it to the river. Ms. Wassenich asked the Commission to consider her concerns when discussing drainage. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Ehlers the Commission voted all in favor to recommend the Capital Improvements Project Plan nominations for 2012-2022 to the City Council. The motion carried unanimously.

Non Consent Agenda:

14. Presentation from staff and discussion regarding San Marcos SmartCode rezoning process and processes for regulating plans and warrants.

15. Discussion regarding amending the Conditional Use Permit process.

16. Development Services Report

a. Update on Comprehensive Master Plan

Matthew Lewis thanked the public, Citizen Advisory and Citizen Steering Committees for participating and their input at the public event held on Saturday, April 21st. He thanked staff for their hard work. Mr. Lewis advised the Commission that the next joint Citizen Advisory and Steering Committee meeting will be held on May 2, from 5:30-8:30 at the Activity Center. He invited the Commission to attend. He stated that information gathered from the Comp Plan meeting will be posted on the web. Mr. Lewis advised the Commission that staff will keep the Commission updated on the progress of the Comp Plan.

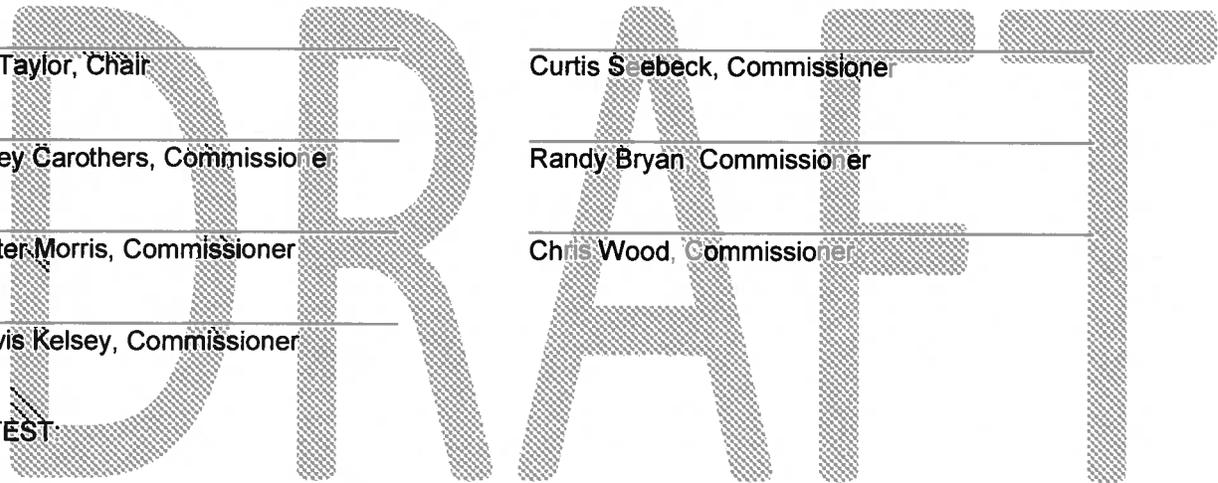
17. "Question and Answer Session with Press and Public. This is an opportunity for the Press and Public to ask questions related to items on this agenda."

Tom Wassenich, 11 Tanglewood spoke regarding the SmartCode. He asked if the pedestrian sheds can be imposed by P&Z in areas where deemed necessary. Staff clarified that the applicant would bring the request forward. Mr. Wassenich inquired if a pedestrian shed would be allowed within subdivision with a HOA? Matthew Lewis explained that the SmartCode is designed for parcel greater than 40 acre. He further explained any homes near the 40 acres would be notified of the zoning change.

Diana Baker stated she would follow up with Mr. Wassenich comments. She said that people that live in the Historic District do not get the same protection as the subdivision with an HOA. She said they were told several years ago that the Smartcode would not be brought into their neighborhood and would not have commercial properties. Ms. Baker said no one of Belvin Street was notified. She stated that she hopes the Commission acts honorably and keep their promise made to the citizens in the Historic Districts.

18. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission at 7:35 p.m. on Tuesday, April 24, 2012.



Bill Taylor, Chair

Curtis Sebeck, Commissioner

Corey Carothers, Commissioner

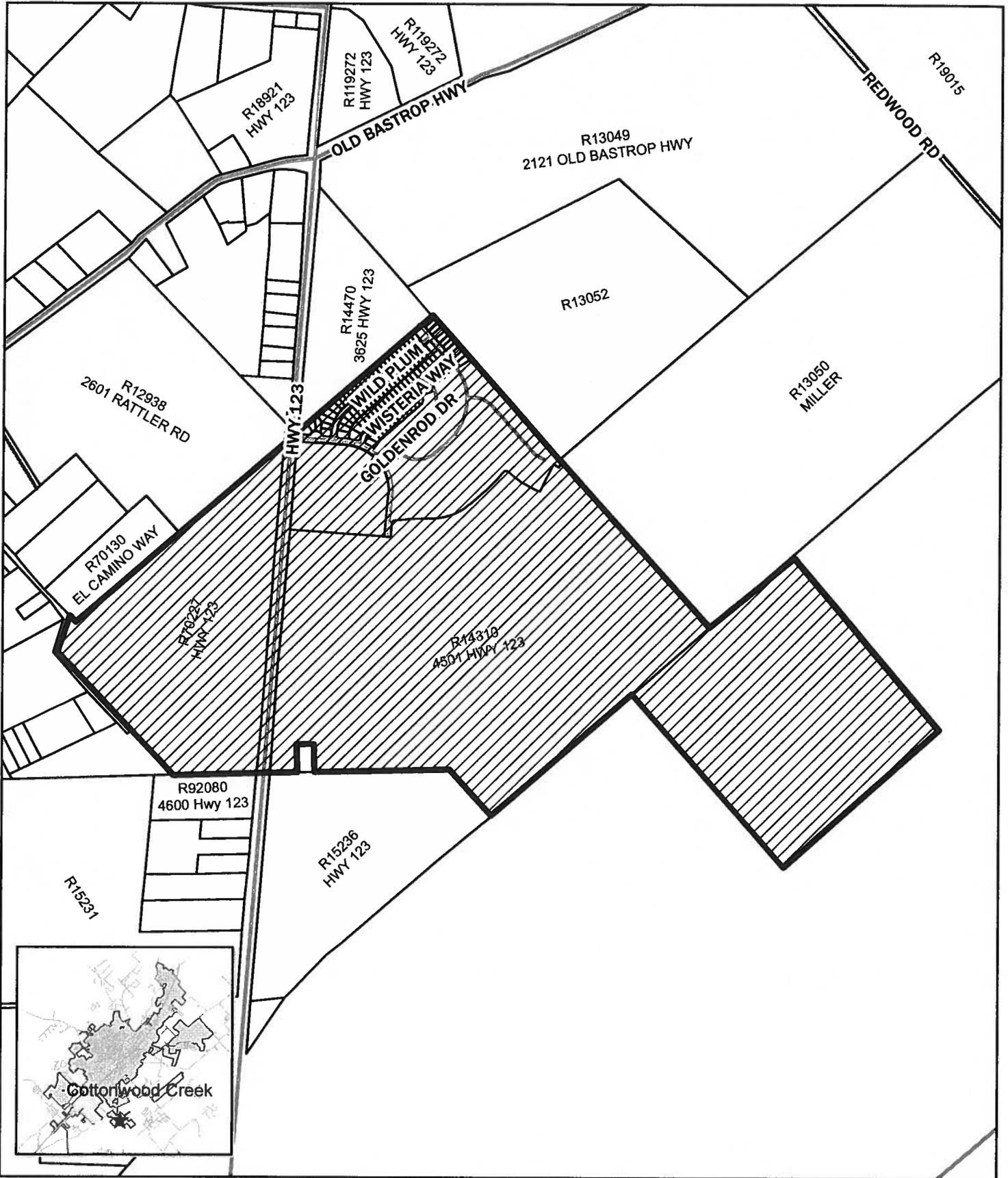
Randy Bryan, Commissioner

Carter Morris, Commissioner

Chris Wood, Commissioner

Travis Kelsey, Commissioner
ATTEST

Francis Serna, Recording Secretary



PC-04-10(01H)
Cottonwood Creek
Master Plan Amendment
Map Date: 5/2/12



Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



PC-04-10(01H) Cottonwood Creek Subdivision Master Plan Amendment



Applicant Information:

Applicant: Ramsey Engineering, LLC
3206 Yellowpine Terrace
Austin TX 78757

Property Owner: Cottonwood Creek, JDR, Ltd
333 Cheatham Street
San Marcos, TX 78666

Notification: Notification not required

**Type & Name of
Subdivision:** Master Plan Amendment of Cottonwood Creek Subdivision

Subject Property:

**Traffic /
Transportation:** This Master Plan is proposing a thoroughfare network that will include the future extension of McCarty Road to State Highway 123. Access within the subdivision will be achieved by a means of arterials connecting to State Highway 123. An internal street network will provide access from the arterials to the residential portions of this subdivision.

**Land Use
Compatibility:** The subject tract is located along State Highway 123 approximately one half mile south of Old Bastrop Road. The master plan is proposing the development of 2,694 residential dwelling units. The total number of dwelling units represents a mix of single-family homes, garden homes, two-family homes, town homes, and apartment units.

Utilities: The City of San Marcos will provide water and wastewater service and Bluebonnet Electric will provide electrical to this subdivision.

Zoning Pattern: The property is zoned in accordance with the land uses indicated on the active master plan for this subdivision

Planning Department Analysis:

The Master Plan for Cottonwood Creek Subdivision was originally approved by the Planning and Zoning Commission in May 2004 and is vested under the ordinances and policies of the previous subdivision ordinance and consequently must receive approval by the Planning & Zoning Commission annually to maintain its vesting. This Master Plan was last renewed by the Planning & Zoning Commission in May 2011 and was amended in June 2011.

Construction of single-family homes in Phase I Section 1B and 1 C has continued since the previous renewal.

The current composition of the Cottonwood Creek Master Plan is as follows:

- The development consists of approximately 492 acres divided into four Phases.
 - Phase I is a 146.30 acre tract that is currently being developed as follows:
 - 17.7 acres developed as an Elementary School, platted July, 2005 as Sec 1-A
 - 19.32 acres to be developed as 102 Single Family lots, platted May, 2008 as Sec 1-B
 - 14.618 acres to be developed as 72 single family lots and two private parks that function as trail connections, platted December 2010 as Sec 1-C
 - 64.662 acres yet to be platted or developed
 - Phase II is an 85.44 acre tract – yet to be developed, identified as Multi-family, Duplex, Senior Group Home, Commercial, Public & Institutional, and Parkland.
 - Phase III is a 139.47 acre tract – yet to be developed, identified as Single-Family, Garden Homes, Townhomes, Commercial, Public and Institutional, and Private Park.
 - Phase IV is a 100.76 acre tract – yet to be developed, identified as Single-Family and Private Park.
- As new plats are submitted for review and approval, they must be in compliance with the subdivision requirement under which this Master Plan is being regulated.
- The renewal of the Cottonwood Creek Master Plan is subject to discretionary approval by the Planning & Zoning Commission.

Changes approved in June 2011

The applicant requested to modify the plan but to remain vested under the previous subdivision ordinance. In reviewing with the City's Legal Department, staff could find no language in either the subdivision ordinance under which this project is vested or the Texas Local Government Code that would indicate that an amendment to the approved concept plan would affect the vesting status of the project. The following was approved by the Planning and Zoning Commission and indicated the following changes:

- The parkland perimeter road was removed, removing the city's obligation to cost-share
- A trail was added at various points (shown on the plan as "16' Private Parkland") for compliance with block length requirements

- The plat note referring to lots along the parkside road was removed
- Indian Paintbrush was removed as a street name because the name was not accepted by the county and replaced with Hoya Lane
- A detention area for Phase 3 was added.

Changes from previously approved Concept Plan

- Road name changed from Daisy Drive to Blue Briar Court.
- No changes in use, design, or density are proposed.

Staff finds that the request meets the criteria for approval.

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

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this proposed master plan extension. 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. The Commission must take action on this plat at the May 8, 2012 meeting in order to avoid problems with the 30-day clock established in State law. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plan.

The following criteria should be used to determine whether the application for a Subdivision Master Plan shall be approved, approved with conditions, or denied:

- (1) Provide for the most orderly, efficient and economical development of its residential, commercial and industrial land uses and community facilities to include transportation, water, sewerage, drainage, schools, parks, recreation and any other related element.
- (2) Guide and phase any and all developments to maximize the utilization of existing and proposed public improvements.
- (3) Guide and regulate the financial impact of new development on city facilities, services and capabilities.
- (4) Ensure that the comprehensive and coordinated plans affected by the various land use controls of the city are not negated by disorganized, unplanned and uncoordinated development that would create an undue burden and hardship on the ability of the community to translate the development into reality.
- (5) Establish and maintain municipal control over the character of development and the quality of community facilities and services.
- (6) Aid in establishing and maintaining a desirable degree of balance among the uses of land.
- (7) Enhance the community aesthetically and preserve and improve the quality of life within the community.

Development Plan Summary

Land Use Category	Area (Acres)	Current F.L.U.M. Designation	Existing Zoning	Proposed Zoning	Allowable Density (units/acre)	Estimated Population Per Unit	Estimated Population
Single-Family Residential	134.19	Low Density Residential	SR-4	SR-4	6	2.76	3,682
Single-Family Residential	11.89	Low Density Residential	SR-4	SR-4	<1	2.76	11
Single-Family Residential	6.48	Medium Density Residential	PH-2L	PH-2L	13	2.19	1,386
Apartment	24.89	High Density Residential	HR-18	HR-18	18	2.19	1,199
Town-Family Homes	17.25	Medium Density Residential	DR	DR	12	2.19	437
Student Group Homes	18.61	Medium Density Residential	SR-4-2	SR-4-2	-	-	-
Transit	24.89	High Density Residential	TH	TH	13	2.19	871
Residential Extension	84.58	Very Low Density Residential	SR-4-1	SR-4-1	3	2.76	714
Commercial	8.89	Commercial	GC-C	GC-C	-	-	-
Public and Institutional	28.17	Public	P	P	-	-	-
Public and Institutional	84.58	Very Low Density Residential	P	P	-	-	-
Private Park	8.70	Open Space	P	P	-	-	-
Utilities	47.97	-	-	-	-	-	-
Totals					3,884		8,965

* Source: City of San Marcos and 2000 Census.

Cottonwood Creek Subdivision - Phase 1, Section 1-4.

Land Use Category	Area (Acres)	Current F.L.U.M. Designation	Existing Zoning	Proposed Zoning	Allowable Density (units/acre)	Estimated Population Per Unit	Estimated Population
Public and Institutional	17.79	Public	P	-	-	-	-
Utilities	0.26	-	-	-	-	-	-
Totals	18.05						

* Source: City of San Marcos and 2000 Census.

Cottonwood Creek Subdivision - Phase 1, Section 1-3.

Land Use Category	Area (Acres)	Current F.L.U.M. Designation	Existing Zoning	Proposed Zoning	Actual Density (units/acre)	Actual Units	Actual Population
Single-Family Residential	13.32	Low Density Residential	SR-4	SR-4	6.5	102	278
Utilities	1.82	-	-	-	-	182	291
Totals	15.14					284	569

* Source: City of San Marcos and 2000 Census.

Cottonwood Creek Subdivision - Phase 1, Sec 1-C.

Land Use Category	Area (Acres)	Current F.L.U.M. Designation	Existing Zoning	Proposed Zoning	Allowable Density (units/acre)	Actual Units	Actual Population
Single-Family Residential	14.89	Low Density Residential	SR-9	SR-9	6.3	72	276
Public and Institutional	0.19	Residential	SR-9	SR-9	-	-	-
Totals	15.08					72	276

* Source: City of San Marcos and 2000 Census.

Cottonwood Creek Subdivision - Phase 1 Remainder

Land Use Category	Area (Acres)	Current F.L.U.M. Designation	Existing Zoning	Proposed Zoning	Allowable Density (units/acre)	Actual Units	Actual Population
Single-Family Residential	14.02	Low Density Residential	SR-9	SR-9	6	84	276
Single-Family Residential	15.40	Low Density Residential	SR-9	SR-9	4	4	11
Student Group Homes	20.10	Medium Density Residential	PH-2L	PH-2L	12	241	210
Townhomes	8.07	Medium Density Residential	TH	TH	12	109	210
Public and Institutional	38.20	Public	P	P	-	-	-
Totals	95.81					438	876

* Source: City of San Marcos and 2000 Census.

THE FOLLOWING NOTE IS ADDED IN ACCORDANCE WITH 5/28/02 PLANNING AND ZONING COMMISSION APPROVAL: THE EXISTING LAND USE FOR THE TOTAL LAND AREA IS VACANT (AGRICULTURAL AND RANCHING)

THE FOLLOWING NOTE IS ADDED IN ACCORDANCE WITH 5/16/05 PLANNING AND ZONING COMMISSION APPROVAL: 05/02/11 HEREBY DELETED

THERE WILL BE FOUR(4) LOTS FRONTING ON CYPRESS PARKWAY. THESE ARE THE REMAINS OF CYPRESS PARKWAY WITH 56 FOOT MINIMUM WIDTH EAST, BAKING UP TO THE ADJACENT ASGS LAKE.

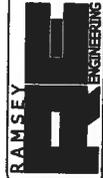
SHEET TITLE
**MASTER PLAN OF THE
 COTTONWOOD CREEK
 SUBDIVISION
 (VESTED DEVELOPMENT)**

SUBJECT No.
 12-008-10

RET No.
 2 OF 2

CLIENT/OWNER
 COTTONWOOD CREEK JDR, LTD.
 RANDALL MORRIS, PRESIDENT
 333 CHEATHAM ST.
 SAN MARCOS, TEXAS 78666

No.	DATE	REVISIONS	SMR	RECORD



Ramsey Engineering, LLC
 Civil Engineering • Consulting
 TBE Firm No. F-12606
 3206 Yellowpine Terrace
 Austin, Texas 78757
 Cell: 512-650-6800
 ramsey-eng@aol.net

Cottonwood Creek Subdivision - Phase 3

Land Use Category	Area (Acres)	Current F.L.U.M. Designation	Existing Zoning	Proposed Zoning	Allowable Density (units/acre)	Estimated Population Per Unit	Estimated Population
Apartment	28.20	High Density Residential	HR-18	HR-18	18	2.19	1,508
Town-Family Homes	17.25	Medium Density Residential	DR	DR	12	2.19	437
Student Group Homes	18.61	Medium Density Residential	SR-4-2	SR-4-2	-	-	-
Transit	24.89	High Density Residential	TH	TH	13	2.19	871
Residential Extension	84.58	Very Low Density Residential	SR-4-1	SR-4-1	3	2.76	714
Commercial	8.89	Commercial	GC-C	GC-C	-	-	-
Public and Institutional	28.17	Public	P	P	-	-	-
Private Park	8.70	Open Space	P	P	-	-	-
Totals	183.27						3,459

* Source: City of San Marcos and 2000 Census.

Cottonwood Creek Subdivision - Phase 3

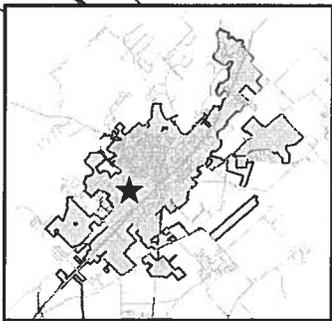
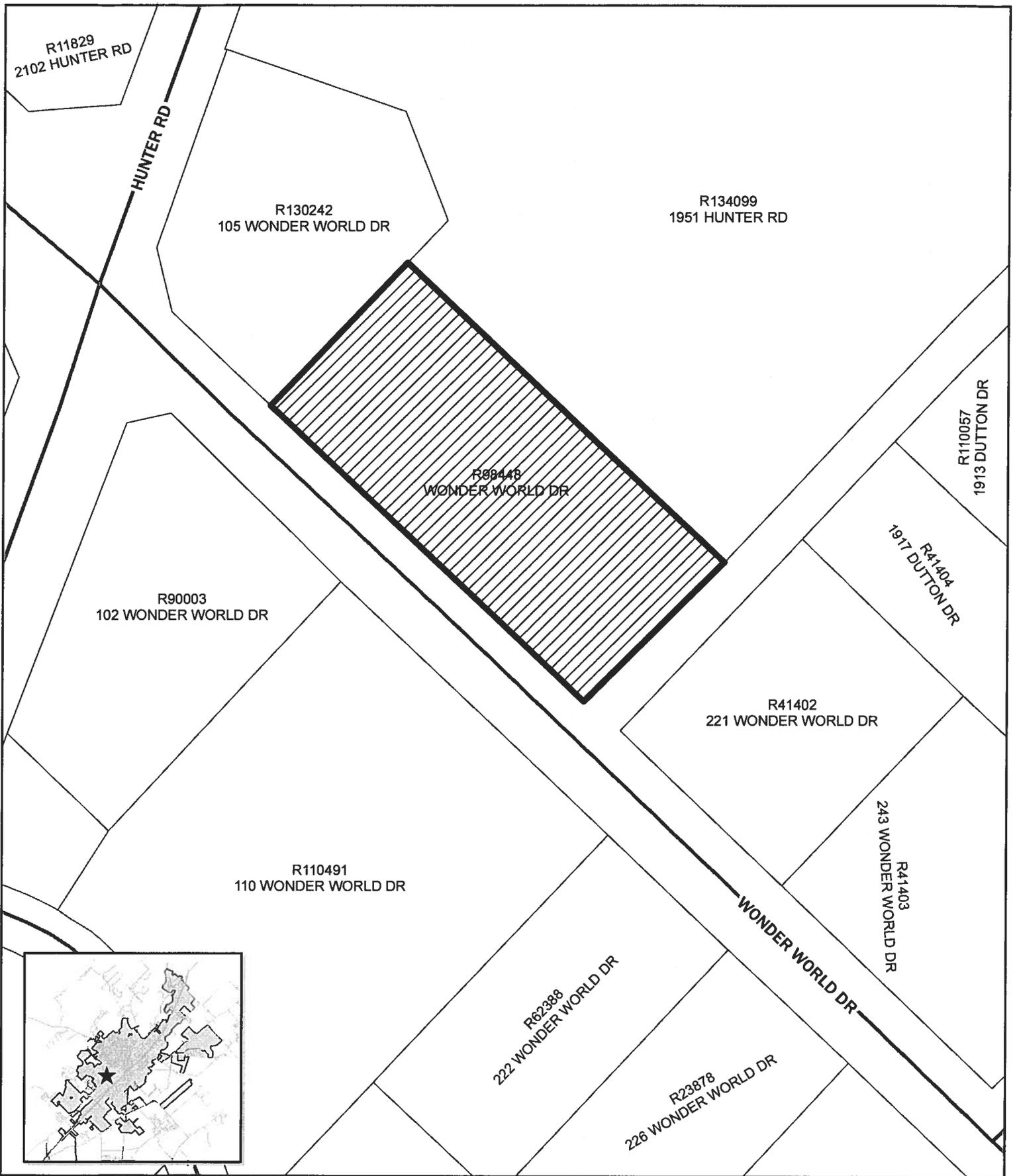
Land Use Category	Area (Acres)	Current F.L.U.M. Designation	Existing Zoning	Proposed Zoning	Allowable Density (units/acre)	Estimated Population Per Unit	Estimated Population
Single-Family Residential	84.58	Low Density Residential	SR-4	SR-4	6	2.76	1,600
Student Group Homes	24.89	Medium Density Residential	PH-2L	PH-2L	12	2.19	688
Transit	17.27	Medium Density Residential	TH	TH	13	2.19	464
Commercial	6.47	Commercial	GC	GC	-	-	-
Public and Institutional	2.87	Public	P	P	-	-	-
Private Park	4.10	Open Space	P	P	-	-	-
Totals	136.07						2,752

* Source: City of San Marcos and 2000 Census.

Cottonwood Creek Subdivision - Phase 4

Land Use Category	Area (Acres)	Current F.L.U.M. Designation	Existing Zoning	Proposed Zoning	Allowable Density (units/acre)	Estimated Population Per Unit	Estimated Population
Residential Extension	84.58	Very Low Density Residential	SR-4-1	SR-4-1	3	2.76	714
Public and Institutional	28.17	Public	P	P	-	-	-
Totals	112.75						714

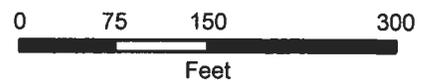
* Source: City of San Marcos and 2000 Census.



PC-12-06(03)
Map Date: 04/19/12
Hunters Crossing Lot 2

•  Site Location •

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



PC-12-06(03) Final Plat Hunters Crossing Lot 2



Applicant Information:

Applicant: PSCE, Inc.
12710 Research Blvd., Ste 390
Austin, TX 78759

Property Owner: Surecap-Village TX Partners I, L.P.
940 Emmett Ave., Suite 200
Belmont, CA 94002

Notification: Notification not required

Type & Name of Subdivision: Hunters Crossing Subdivision

Subject Property:

Summary: This is the final plat for the Wonder World Retail Center Subdivision and includes approximately 0.891 acres out of 17.76 found in the Hunter's Crossing Subdivision Concept Plan. This subdivision will create a 0.891 acre tract and provide for a remainder tract of 1.979 acres.

Traffic / Transportation: The property reflected within this Final Plat fronts on Wonder World Drive.

Utility Capacity: The City of San Marcos will provide water and wastewater service to the site.

Parks proposal: No parkland dedication is required since the plat is for a non-residential use.

Zoning: The property is zoned GC (General Commercial)

Surrounding Zoning and Land use:

	Current Zoning	Existing Land Use
N of Property	MF-18	Apartment
W of Property	GC	CVS Pharmacy
S of Property	PDD	McCoy's Building Supply
E of Property	GC	Frost Bank

Planning Department Analysis:

This plat is part of the Hunters Crossing Subdivision Concept Plan and has a current Preliminary Plat in place. PSCE wishes to final plat 0.891 acres for a gas station while leaving 1.979 acres as a remainder tract. A 20' Public Utility Easement will be located along the southern boundary (Wonder World Dr.) to provide for extension of city utilities needed for the site. A Public improvement Construction Plan has been substantially approved to allow for provision of water and wastewater utilities to the site. Based on this substantial approval, staff recommends moving forward with the final plat. A .27 acre joint use access easement as well as a Utility Easement (located within same boundaries) bisect the plat.

The subject property is zoned General Commercial (GC) and is surrounded by Multi-family and Commercial uses. The site is not located within floodplain or floodway.

Staff has reviewed the request and determined that all criteria have been met and is recommending approval of the final plat subject to the following conditions:

- 1. Notary text paragraph encroaching upon Joint Use Access Easement drawing area will be removed from the easement boundaries.**
- 2. Remove blank lines next to P.U.E. measurements.**
- 3. Remove 2050' measurements along Wonder World Drive in the southwest corner of the lot.**

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

The Commission's Responsibility:

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

Prepared By:

John Stanley	Planner	April 30, 2012
Name	Title	Date

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS THAT WE, SURECAP-VILLAGE TEXAS PARTNERS I, L.P., ACTING THROUGH OUR DULY AUTHORIZED REPRESENTATIVE, JOHN GLIKBARG, OWNERS OF 0.891 ACRE OR 38794 SQUARE FEET OF LAND OUT OF THE JUAN M. VERAMIDI SURVEY NO. 1, ABSTRACT 17 IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT CONVEYED TO US AS 17.7545 ACRES PER VOLUME 2946S, BEING A PORTION OF HAYS COUNTY DEED RECORDS, DO HEREBY SUBDIVIDE SAID 0.891 ACRE OR 38794 SQUARE FEET IN ACCORDANCE WITH THE ACCOMPANYING PLAT TO BE KNOWN AS:

HUNTERS CROSSING LOT 2

AND DO HEREBY DEDICATE TO THE PUBLIC ALL STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS HERETOFORE GRANTED, NOT RELEASED AND NOT SHOWN HEREOF.

WITNESS MY HAND THIS _____ DAY OF _____ 201__ A.D.

SURECAP-VILLAGE TX PARTNERS I, L.P.,
A TEXAS LIMITED PARTNERSHIP
BY: VPI 2004, INC. A CALIFORNIA
CORPORATION, ITS GENERAL PARTNER

BY: JOHN GLIKBARG, VICE PRESIDENT
940 EMMETT AVE, SUITE 200
BELMONT, CALIFORNIA, 94002
STATE OF CALIFORNIA
COUNTY OF SAN MATEO

ON _____ BEFORE ME, DONA GOMEZ, NOTARY PUBLIC, PERSONALLY APPEARED JOHN GLIKBARG, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AN ACKNOWLEDGED TO ME BY HIM/HER/THEM, THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) UPON BEHALF OF WHICH THE PERSON(S) SIGNED SAID INSTRUMENT, OR THE ENTITY FOR WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE OF NOTARY

1. LAND USE: 0.891 ACRE OR 38794 SQUARE FEET OF LAND FOR 1 COMMERCIAL LOT
2. THIS PROPERTY IS LOCATED WITHIN THE CITY LIMITS OF SAN MARCOS, HAYS COUNTY, TEXAS
3. ZONING: CD-24AS
4. THIS SUBDIVISION DOES NOT LIE WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE
5. THIS SUBDIVISION IS SUBJECT TO THE CITY OF SAN MARCOS DRAINAGE AND EROSION CONTROL ORDINANCE
6. SIDEWALKS TO BE INSTALLED AS REQUIRED BY THE CITY OF SAN MARCOS UPON DEVELOPMENT OF THIS SUBDIVISION
7. NO NEW ROADS ARE PROPOSED FOR THIS SUBDIVISION
8. ACCESS TO WONDER WORLD DRIVE TO BE IN ACCORDANCE WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ACCESS TO EASEMENT REGULATIONS, REVENANTS AND ANY EASEMENTS, EASEMENT RIGHTS AND/OR RESERVATIONS PER (3556/296)
9. THIS PROPERTY IS SUBJECT TO RESTRICTIONS, REVENANTS AND ANY EASEMENTS, EASEMENT RIGHTS AND/OR RESERVATIONS PER (3556/296)

FLOODPLAIN NOTE:
THIS PROPERTY IS NOT WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A) FLOOD INSURANCE RATE MAP (F.I.R.M.) PANEL NO. 48209C 0477 F DATED SEPTEMBER 2, 2005.

HORIZONTAL AND VERTICAL DATA PER GPS OBSERVATION - VERTICAL DATUM: NAVD88 VALUES; HORIZONTAL DATUM (BEARING BASIS): TEXAS SOUTH CENTRAL COORDINATE SYSTEM, NAD83

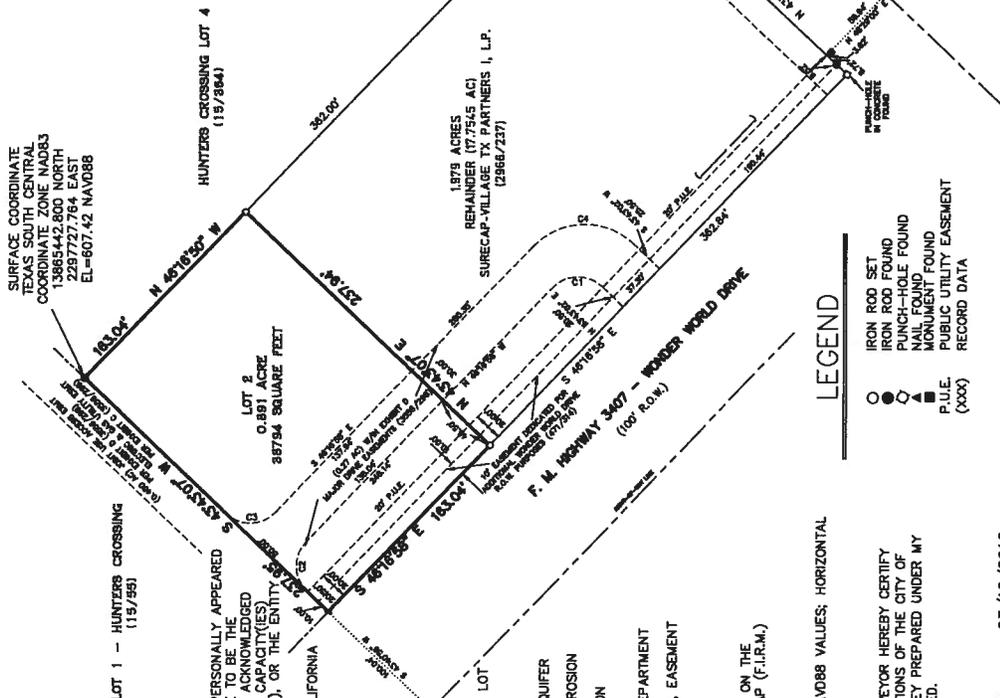
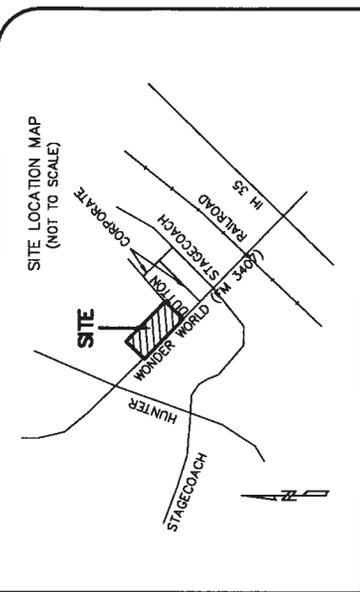
I, C. RICHARD RALPH, A STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS FROM AN ACCURATE ON THE GROUND SURVEY PREPARED UNDER MY SUPERVISION AND ALL CORNER MONUMENTS ARE PROPERLY PLACED AND/OR CITED.

DATE
03/12/2012



C. RICHARD RALPH
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 4798
PROFESSIONAL LAND SURVEYORS
1515 CHESTNUT STREET
BASTROP, TEXAS 78602

**FINAL PLAT OF:
HUNTERS CROSSING LOT 2
0.891 ACRE OR 38794 SQUARE FEET OF LAND OUT OF
THE JUAN M. VERAMIDI SURVEY NO. 1 ABSTRACT 17
CITY OF SAN MARCOS
HAYS COUNTY, TEXAS**



CITY OF SAN MARCOS
CERTIFICATE OF APPROVAL
APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____
OF THE CITY OF SAN MARCOS. BY THE PLANNING & ZONING COMMISSION

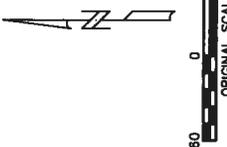
BILL TAYLOR, CHAIRMAN
PLANNING AND ZONING COMMISSION

APPROVED AND AUTHORIZED FOR RECORD BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN MARCOS, TEXAS ON THE _____ DAY OF _____ 201__ A.D.

MATTHEW LEWIS, CNU-A
DIRECTOR OF DEVELOPMENT SERVICES

FRANCIS SERNA
RECORDING SECRETARY

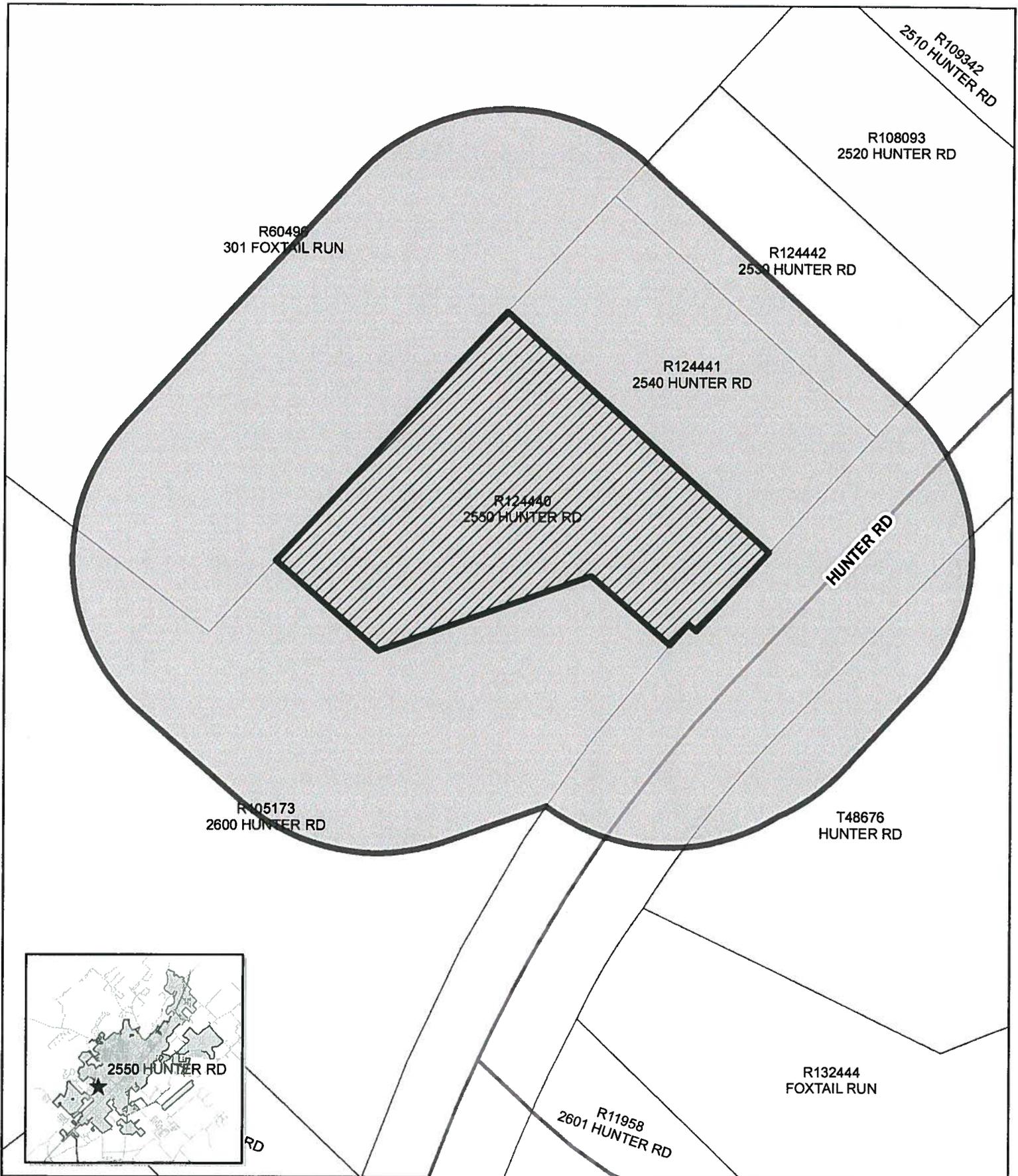
SURFACE COORDINATE
TEXAS SOUTH CENTRAL
COORDINATE ZONE NAD83
13885079.928 NORTH
2298107.230 EAST
EL=806.41 NAVD88



STATE OF TEXAS
COUNTY OF HAYS
I, LIZ GONZALEZ, CLERK OF THE COUNTY COURT OF HAYS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IN WRITING WITH ITS PUBLIC CLERK OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THIS THE _____ DAY OF _____ 201__ A.D., AT _____ O'CLOCK, _____ M., AND DULY RECORDED THIS THE _____ DAY OF _____ 201__ A.D., AT _____ O'CLOCK, _____ M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS BOOK _____ PAGE(S) _____
WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ 201__ A.D.

LIZ GONZALEZ, CLERK OF THE COUNTY COURT
OF HAYS COUNTY, TEXAS

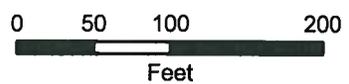
BY: _____ DEPUTY



VR-12-01
Pappa Pasta's
CUP Variance
2550 Hunter Rd
Map Date: 04/12/12

-  Notification Buffer (200 feet)
-  Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



**VR-12-01
 Variance to Seek CUP; School Proximity
 Pappa Pastas Restaurant**



Applicant Information:

Applicant: Pappa Pastas Restaurant
 Herlinda Lopez
 2550 Hunter Rd. Suite 1100
 San Marcos, TX 78666

Property Owner: David Chiu
 P.O. Box 1014
 San Marcos TX 78667

Applicant Request: Request for a variance to allow a restaurant serving alcohol less than 300 feet from a public school, but not less than 200 feet from the primary entrance to the school, to seek a Conditional Use Permit [LDC 4.3.4.2(b)(3)]

Notification: Public hearing notification mailed on April 25, 2012.

Response: None to date

Subject Property:

Location: 2550 Hunter Road
 Legal Description: Hunters Hill Section 1, Lot 3
 Frontage On: Hunter Road
 Neighborhood: No Association
 Existing Zoning: Community Commercial
 Master Plan Land Use: Commercial
 Sector: Sector 9
 Utilities: Existing
 Existing Use of Property: Vacant; Commercial/Loft Apartment lease space under construction
 Proposed Use of Property: Restaurant, loft apartments, retail/office
 Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	P	Public, Doris Miller Junior High School
S of Property	GC	Vacant
E of Property	CC	Vacant
W of Property	MF-24	Apartments; Mariposa

Code Requirements:

A business applying for a Conditional Use Permit to allow 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 not meet these distance requirements. A recent amendment [Section 4.3.4.2(b)(3)] allows a variance to the distance requirements permitting alcohol-serving restaurants to seek a CUP, provided certain conditions are met. This request for a variance is proceeding concurrently with the CUP request. The variance will remain in effect as long as the CUP

is active. If the CUP is to expire, a new variance must be obtained by the applicant. Below are the eligibility requirements for a business to seek a variance for sale of alcoholic beverages.

1. Bars and package stores are not eligible for this variance.
2. The business seeking the variance is a restaurant that agrees to limit its operation characteristics such that the restaurant will maintain its business in a manner to insure that its gross revenue from the sale of alcohol will be less than 25 percent of the total gross revenue of the business.
3. There is a distance of a least 200 feet from the primary entrance of the applicant business to the primary entrance of the church or school measured using a straight line.
4. The business seeking the variance shall comply with all aspects of the conditional use permit process.
5. All conditional use permits for the on-site alcoholic beverage consumption that include a distance variance shall be, for the life of the permit, subject to annual renewal. Variances are non-transferable and separate from the conditional use permit. Any hearing concerning a renewal will be conducted by the commission who shall have authority to grant or deny the renewal.

The Planning and Zoning Commission will make a recommendation on the variance and City Council will decide the case.

Comments from Other Departments:

No issues were reported by any other department notified.

Planning Department Analysis:

The applicant is seeking a variance to allow renewal of an existing CUP for an alcohol-serving restaurant less than 300 feet from a public school, provided certain standards are met. The applicant received the initial variance in 2008 when the restaurant opened. A variance renewal is required whenever the CUP expires. The variance has not be renewed since the initial granting in 2008. Since the CUP expired in 2010, the variance has also expired and thus has to be granted again in order to for the CUP to be renewed.

Because Doris Miller Junior High is located within 300 feet, the applicant has received a letter from San Marcos CISD approving the restaurant to seek the variance. The letter includes a condition that the following statement be included on the restaurant menu:

Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages.

This statement will be included in the CUP. The applicant has agreed to restrict operational characteristics as set forth in the request to the school.

The request meets all criteria and eligibility requirements for pursuit of a variance.

Staff provides this request to the Commission for your consideration and recommends approval of the Variance subject to the terms in Section 4.3.4.2(b)(3) of the Land Development Code with the following condition:

1. **The following statement shall be included in the restaurant menu:**

“Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages.”

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

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Variance. After considering public input, the Commission is charged with making a decision on the Variance. Commission approval is discretionary. However, if the Commission recommends denial of the variance, they must include findings of fact to show that the location or the restaurant:

- Is not in the best interest of the public;
- Would constitute waste or inefficient use of resources;
- Creates an undue hardship on the applicant;
- Does not serve its intended purpose;
- Is not effective or necessary; or,
- Any other reason the Commission finds after consideration of the health, safety, and welfare of the public and the equities of the situation.

Upon receipt of the Planning and Zoning Commission's recommendation, the City Council will hold a public hearing and have final authority to approve or disapprove the Commission's recommendation.

Prepared by:

John Stanley	Planner	April 27, 2012
Name	Title	Date



2012 MAR 21 AM 9 49

March 20, 2012

City of San Marcos
Planning & Zoning Commission
630 East Hopkins
San Marcos, TX 78666

To Whom It May Concern

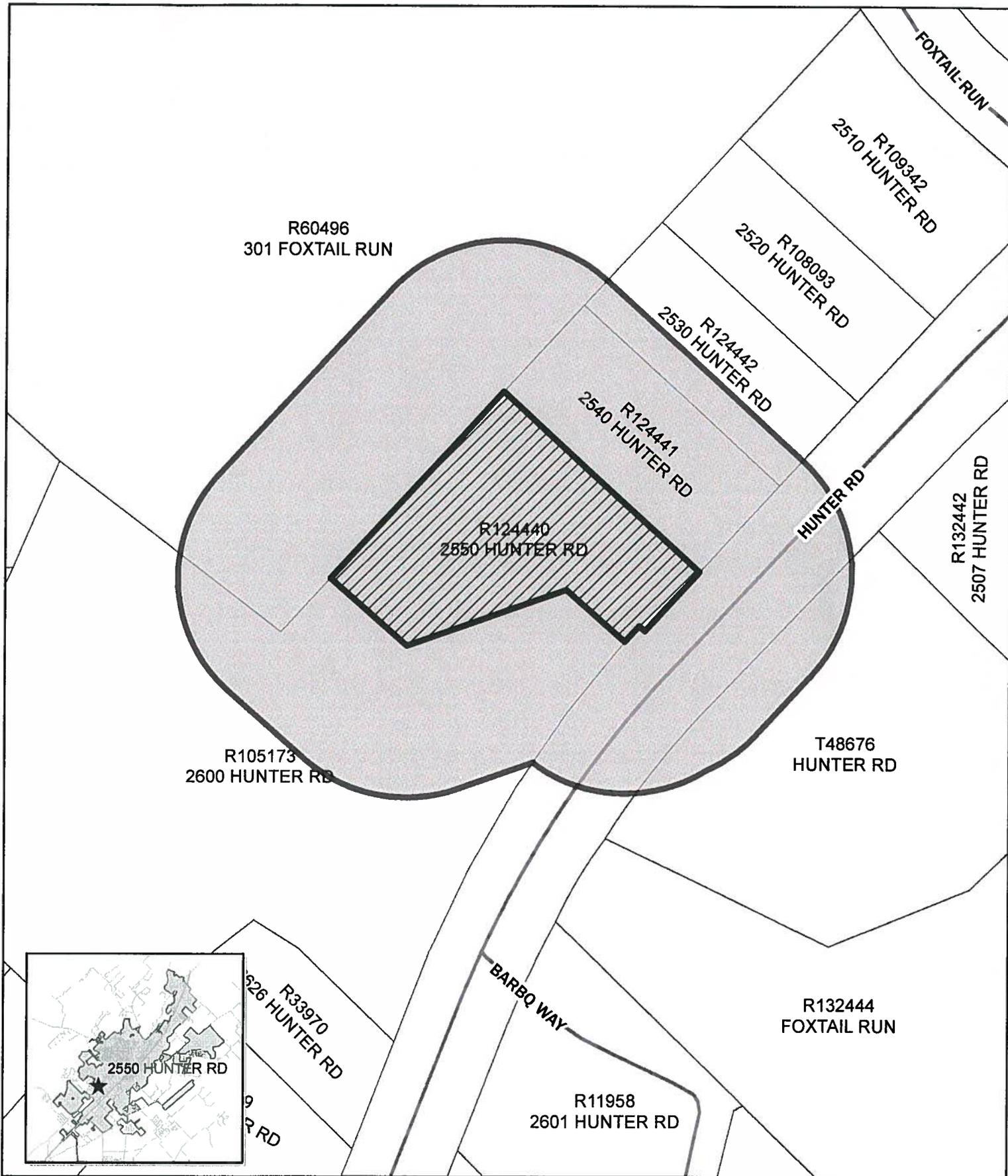
As Superintendent of the San Marcos Consolidated Independent School District, I hereby notify the City of San Marcos that the District agrees to the proposed operations and does not oppose the granting of a variance from the distance requirements associated with Pappa Pastas Restaurant's application for a conditional use permit for on-premises consumption of alcoholic beverages at 2550 Hunter Road, San Marcos, Texas.

Additionally, the District respectfully requests that the following language, or substantially identical language, be printed on Pappa Pastas Restaurant's menus:

"Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages."

Sincerely,

Mark E. Eads
Superintendent of Schools



CUP-12-03

**Papa Pasta's
2550 Hunter Rd**

Map Date: 01/05/12



Notification Buffer
(200 feet)



Site Location

This map was created by Development Services
for reference purposes only. No warranty is made
concerning the map's accuracy or completeness.



CUP-12-03

Conditional Use Permit

Pappas Pasta

2550 Hunter Road



Applicant Information:

Applicant: Herlinda Lopez
2550 Hunter Rd
San Marcos TX 78666

Property Owner: David Chiu
P.O. Box 1014
San Marcos TX 78667

Applicant Request: Renewal of a Conditional Use Permit (CUP) to allow on-premise consumption of beer and wine at a restaurant establishment. Approval was granted for an initial one year period in 2006.

Notification: Public hearing notification mailed on April 26, 2012.

Response: None to date

Subject Property:

Expiration Date: July 28, 2010

Location: 2550 Hunter Road

Legal Description: Hunters Hill Section 1, Lot 3

Frontage On: Hunter Rd

Neighborhood: None

Existing Zoning: Community Commercial

Master Plan Land Use: Commercial

Sector: Sector 9

Existing Utilities: Adequate

Existing Use of Property: Restaurant

Proposed Use of Property: Same

Zoning and Land Use
Pattern:

	Current Zoning	Existing Land Use
N of Property	P	Doris Miller Junior High
S of Property	MF-24	Mariposa
E of Property	CC	Vacant
W of Property	P	Doris Miller Junior High

Code Requirements:

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. The location **does not** meet these distance requirements. An amendment to the Land Development Code [Section 4.3.4.2(b)(3)] allows a variance to the distance requirements permitting alcohol-serving restaurants to seek a CUP, provided certain conditions are met. (This location has requested such a variance.) The variance was previously approved but must be re-obtained because the CUP has expired. It will be subject to the code standards for on-premise consumption of alcoholic beverages, and the penalty point system for violations (Section 4.3.4.2).

The business is not within the CBA.

Comments from Other Departments:

Building, Police, Engineering, Fire, Environmental Health, and Code Enforcement have reported no major concerns regarding the subject property.

Case Summary

The restaurant is located in a multi-tenant building designed to contain three restaurants, retail/office lease space, and four loft apartments. In 2008, a variance was granted to allow the applicant to apply for a CUP for an alcohol-serving restaurant less than 300 feet from a public school, provided certain standards were met. The applicant was granted a CUP on June 10, 2008, which authorized the on-premise consumption of beer and wine for one year. The CUP was renewed for one year on July 28, 2009. No further renewals were applied for. Staff sent a letter on December 22, 2011 notifying the applicant that the CUP had expired. The application for renewal was received January 4, 2012. The Planning and Zoning Commission was unable to hear the application at the February 28th meeting since no action can be taken on the CUP without a corresponding variance. The application for CUP renewal may not be heard since a variance application has also been brought forward.

Capacity is shown as 75 indoors with no outdoor seating. Hours are from 11AM to 10PM. No amplified live music is proposed. A full menu is offered. The applicant states that there have been no substantial changes to the floor plan or site in the last year.

Planning Department Analysis:

As a condition of the CUP and the variance, the applicant was to submit a report showing that alcohol sales are no more than 25% of the total gross revenue of the business for the previous year. The applicant has provided this report, which shows alcohol sales as less than 10% of gross revenue. Several of the conditions recommended are from the original CUP and repeat requirements found in Section 4.3.4.2(b)(3) of the Land Development Code. This is to clarify the requirements. Also, it acknowledges the needs of the San Marcos Consolidated Independent School District, which had to consent to the variance so the applicant could seek the CUP. With the exception of the lapsed renewal, the business has complied with these conditions.

Staff recommends a 6 month renewal based on the expiration of both the variance and CUP in 2010. The Commission has recently given 6 month renewals to applicants who hold an expired CUP in order to closely monitor their progress and ensure compliance with all conditions placed on the CUPs.

Because the variance must be decided prior to the issuing of the CUP, staff recommends that the CUP become active upon approval of the variance by Council.

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

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

However, 4.3.4.2 (b) (3) (a) (5) requires that properties operating under the variance for distance requirements be subject to annual renewals.

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 six (6) months, provided standards are met, subject to the point system.**
2. **Include the statement "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages." on the restaurant menus;**
3. **The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met;**
4. **The primary entrance for the restaurant shall remain at least 200 feet from the primary entrance of the school; and**
5. **Alcoholic beverages shall not be served earlier than 11 a.m. or later than 10 p.m.**
6. **The CUP shall be effective upon approval of the variance by Council.**

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:

John Stanley

Planner

April 27, 2012

Name

Title

Date



DAX A. VERLEYE, CPA, P.C.

1920 CORPORATE DRIVE, SUITE 103A • SAN MARCOS, TX 78666 • P. 512-353-0222 • F. 512-353-0414

Independent Accountant's Report

On Applying Agreed-Upon Procedures

To the city of San Marcos Planning & Development Services:

We have performed the procedures enumerated (Exhibits 1 and 2), which were agreed to by Pappa Pastas, solely to assist you with respect to determining the percentage of beer and wine sales for the period January, 2011, through December, 2011. This engagement to apply agreed-upon procedures was performed in accordance with standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the specified users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

We were not engaged to, and did not, perform an audit, the objective of which would be the expression of an opinion on the percentage of beer and wine sales of Pappa Pastas. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of the specified users listed above and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes.

 DAX A. VERLEYE, CPA, P.C.

Dax A. Verleye, CPA, P.C.

February 7, 2012

Exhibit 1

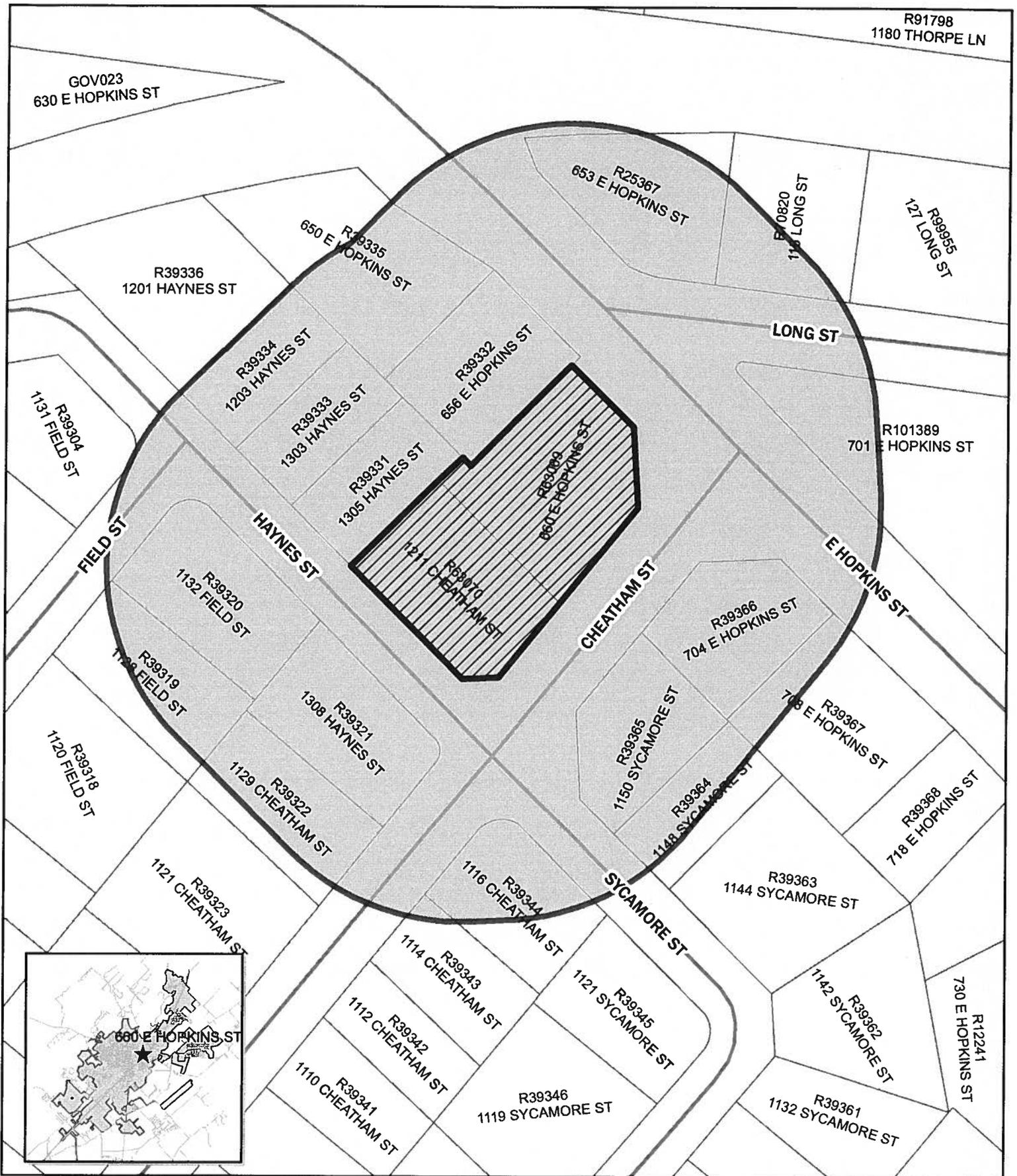
- Used client provided daily sales reports to confirm monthly totals for food sales and beer/wine sales using random monthly samples.
- No exceptions found.

Exhibit 2

Pappa Pastas
2550 Hunter Road
Suite 1100
San Marcos, TX 78666

2011 Monthly Sales Report

Month	Food Sales	Beer & Wine
January	\$ 4500.00	\$ 510.00
February	5400.00	600.00
March	7950.00	710.00
April	6500.00	425.00
May	6850.00	530.00
June	4425.00	480.00
July	7400.00	625.00
August	6975.00	460.00
September	7290.00	730.00
October	7545.00	620.00
November	8050.00	920.00
December	8500.00	875.00
Total	\$81,385.00	\$7,485.00



CUP-12-17
Del Taco Drive-thru
660 E Hopkins Street
Map Date: 04/23/12

-  Notification Buffer (200 feet)
-  Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



CUP-12-17

Conditional Use Permit

Del Taco

660 E. Hopkins Street



Applicant Information:

Applicant: ETR Development Consulting, L.L.C.

Mailing Address: 401 Dryden Lane
Buda, TX 78610

Property Owner: Lumberton Investments, Ltd.
1520 Oliver Street
Houston, TX 77007

Applicant Request: A Conditional Use Permit (CUP) to allow a Restaurant/Prepared Food Sales with a drive thru to be located within a Community Commercial (CC) zoning district located at 660 E. Hopkins Street

Public Hearing Notice: Public hearing notification was mailed on April 13, 2012.

Response: None as of April 17, 2012

Subject Property:

Location: 660 E. Hopkins Street

Legal Description: Rio Vista Terrace #3, Block 15, Lots 1B & 2B

Frontage On: Hopkins Street and Cheatham Street

Neighborhood: Rio Vista

Existing Zoning: "CC" – Community Commercial

Sector: Sector 4

Utilities: Adequate

Existing Use of Property: Vacant

Proposed Use of Property: Restaurant (Del Taco) with drive-thru

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	GC - General Commercial	Commercial
S of property	SF-6 - Single Family Residential	Residential
E of property	GC - General Commercial	Commercial
W of property	SF-6 - Single Family Residential	Residential

Code Requirements:

A conditional use permit allows the establishment of uses/structures 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.

While a restaurant is permitted by right in the Community Commercial zoning district a conditional use permit is required for the use of a drive-thru.

Case Summary:

The subject property is approximately 0.74 acres in size and is located at the intersection of Cheatham Street and Hopkins Street. The applicant is proposing to develop this site with a one-story 2,373 square foot commercial building to be used as a Mexican food restaurant. The applicant is seeking a conditional use permit for a restaurant drive-thru lane.

Planning Department Analysis:

Hopkins Street is a major arterial roadway, and as such the Sector 4 plan has identified this area as being appropriate for commercial land uses.

This property is at the heavily-used intersection of Hopkins Street and Cheatham Street, and the impact on existing and anticipated traffic needs to be addressed. The driveway entrance to this property on Cheatham Street is approximately 160 feet from the intersection of Hopkins Street Drive. The driveway entrance on Hopkins Street is approximately 100 feet from the intersection of Cheatham Street and is directly across Hopkins Street from Long Street. With the intersection at Long Street being directly across the street from where traffic would exit onto Hopkins from the subject property, the impact on traffic would be lessened if the exit on Hopkins Street was "right-hand turn only." Left turns could be safely accomplished by exiting to Cheatham and then onto Hopkins at the traffic light.

This site plan submitted meets the minimum parking requirement of 1 space per 100 square feet of gross floor excluding the patio area. Should the patio area be used for seating, additional parking may be required. As an alternative, the Land Development Code allows an alternate parking standard of 1 space per 4 fixed seats.

The applicant has stated that they believe they can preserve the pecan trees that are located on-site; one is located along the frontage on Hopkins and one is located at the rear of the property adjacent to Haynes Street. The site plan shows an approximately 18-foot wide landscape buffer

which should be sufficient enough to preserve the tree along Haynes Street. The other trees on-site are hackberry trees which are not required to be mitigated.

The request appears consistent with the character of the area and does not appear to be unreasonable. The proposed restaurant can service the adjacent Rio Vista neighborhood which is within walking distance of the site. Staff feels that the location of the trash receptacle as shown on the site plan is not an ideal location as it adjacent to a residential lot and could be located elsewhere on-site. By adding a condition that the exit drive on Hopkins Street be a "right-hand turn only", staff's concern with the safety of the intersection with Long Street will be satisfied.

Staff recommends approval of this request with the following conditions:

- 1. The exit drive on Hopkins Street be "right-hand turn only"; and**
- 2. The trash receptacle be relocated to a different location on-site away from the adjacent single-family residential lot.**

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

The 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:

- The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- The proposed use incorporates features to minimize adverse effects, including

visual impacts, of the proposed conditional use on adjacent properties; and

- The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

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:

Alison Brake

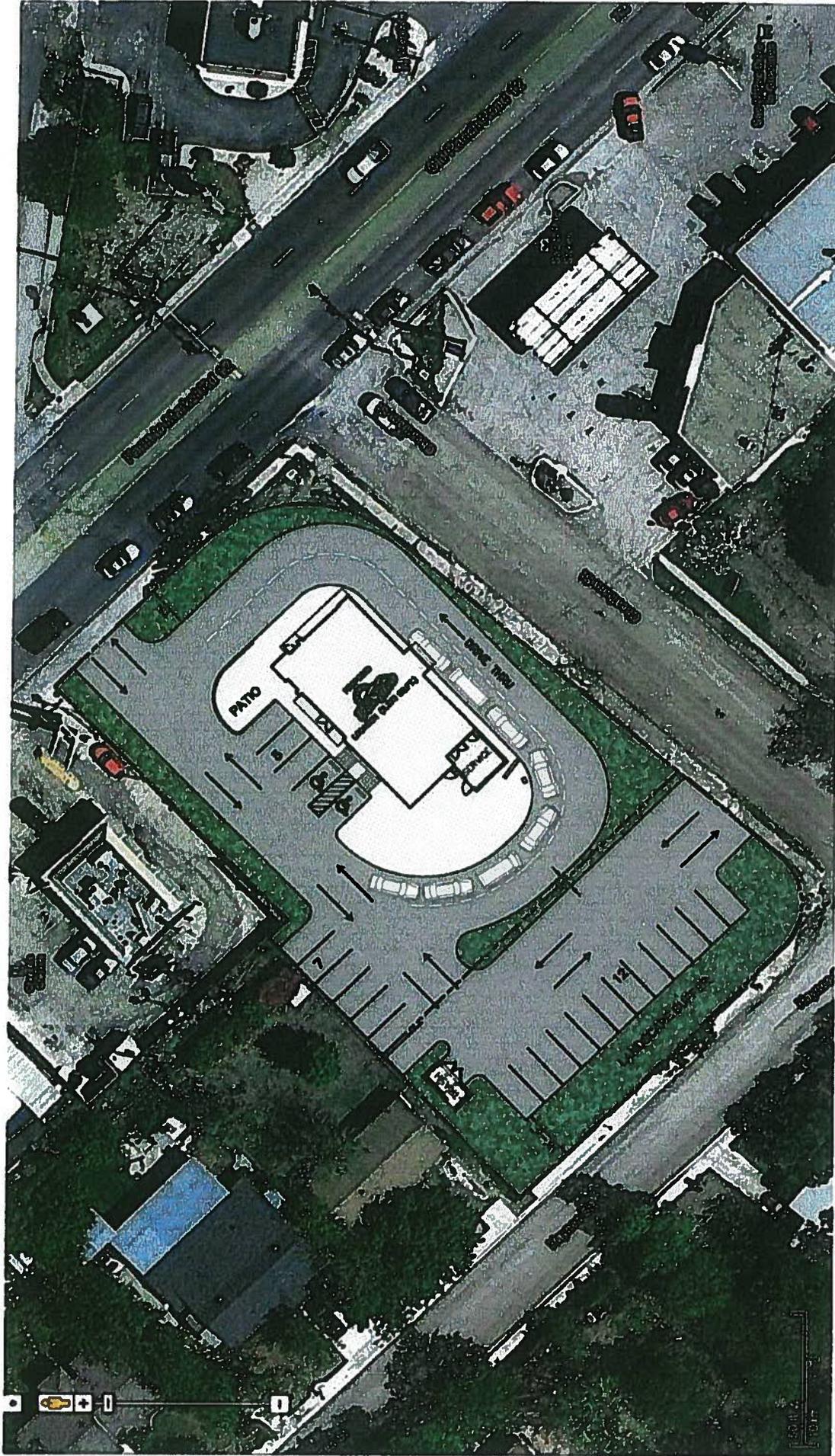
Planner

5/2/2012

Name

Title

Date



San Marcos, Texas (Hwy 80 @ Cheatham) - Preliminary Site Plan



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