



**SAN MARCOS
PLANNING AND ZONING
COMMISSION REGULAR
MEETING
CITY COUNCIL CHAMBERS,
630 E. HOPKINS
TUESDAY, SEPTEMBER 10,
2013
6:00 P.M.**

1. Call To Order
2. Roll Call
3. **Chairperson's Opening Remarks**

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

4. 30 Minute Citizen Comment Period

CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 5 - 5 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

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

PUBLIC HEARINGS

6. **CUP-13-25 (Headwaters Draft House)** Hold a public hearing and consider a request by HDH LLC for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 205 W. Hopkins Street.
7. **CUP-13-28 (Hays Co. Bar-B-Que)** Hold a public hearing and consider a request by Hays Co. Bar-B-Que & Catering, Inc. for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 1612 South IH 35.
8. **CUP-13-29 (Los Cucos)** Hold a public hearing and consider a request by Sergio Pineda, on behalf of Los Cucos Mexican Café XIV, Inc., to amend Conditional Use Permit No. 05-01 to extend the hours for the sale of alcohol for on-premise consumption at 1617 Aquarena Springs Drive from 11 a.m. to 12 a.m. to 11 a.m. to 2 a.m.

9. **CUP-13-31 (Pre-K Metal Siding)** Hold a public hearing and consider a request by Huckabee Engineering, on behalf of San Marcos CISD, for a Conditional Use Permit to allow metal siding on a new building located at 1225 Hwy 123.
10. **CUP-13-33 (Sean Patrick's)** Hold a public hearing and consider a request by Brian Harper, on behalf of Sean Patrick's, for renewal of an existing Restricted Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 202 E. San Antonio Street.

NON-CONSENT AGENDA

11. **Development Services Report:**
 - a. Update from staff on the Implementation of the Comprehensive Plan
12. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*
13. Adjournment.

Notice of Assistance at the Public Meetings

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

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

_____ Title: _____

Agenda Information

AGENDA CAPTION:

Chairperson's Opening Remarks

Meeting date: September 10, 2013

Department: Planning & Development Services

Funds Required:

Account Number:

Funds Available:

Account Name:

CITY COUNCIL GOAL:

BACKGROUND:

Agenda Information

AGENDA CAPTION:

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

Meeting date: September 10, 2013

Department: Planning and Development Services

Funds Required:

Account Number:

Funds Available:

Account Name:

CITY COUNCIL GOAL:

BACKGROUND:

ATTACHMENTS:

082713 PZ Minutes

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

1. Present

Commissioners:

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

City Staff:

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

Call to Order and a Quorum is Present.

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

3. Chairperson's Opening Remarks.

Chair Taylor welcomed the audience and viewers.

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

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

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

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

5. 30 Minute Citizen Comment Period

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

Consent Agenda:

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

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

Public Hearings:

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

Commissioners Morris and Wood recused themselves from the item.

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

Chair Taylor opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Non Consent Agenda:

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

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

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

Staff gave a brief update.

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

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

14. Adjourn.

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

Carter Morris, Vice Chair

Randy Bryan, Commissioner

Travis Kelsey, Commissioner

Kenneth Ehlers, Commissioner

Chris Wood, Commissioner

Angie Ramirez, Commissioner

Curtis Seebeck, Commissioner

Corey Carothers, Commissioner

ATTEST:

Francis Serna, Recording Secretary

Agenda Information

AGENDA CAPTION:

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

Meeting date: September 10, 2013

Department: Development Services - Planning

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

HDH LLC plans to open Headwaters Draft House in the former Texaco Station at 205 W. Hopkins. The bar/restaurant will offer casual American food with 60+ beers on tap. The request is for a Conditional Use Permit to allow the sale and on-premise consumption of mixed beverages. The subject property is currently zoned T5-Urban Center and is located outside of the CBA.

The Conditional Use Permit request has been reviewed for compliance with the Land Development Code. Staff finds the request is consistent with policies described in Section 4.3.4.2. and recommends approval with conditions as follows:

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

Update since 8/27 Planning and Zoning Commission Meeting:

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

Report.

ATTACHMENTS:

Case Map

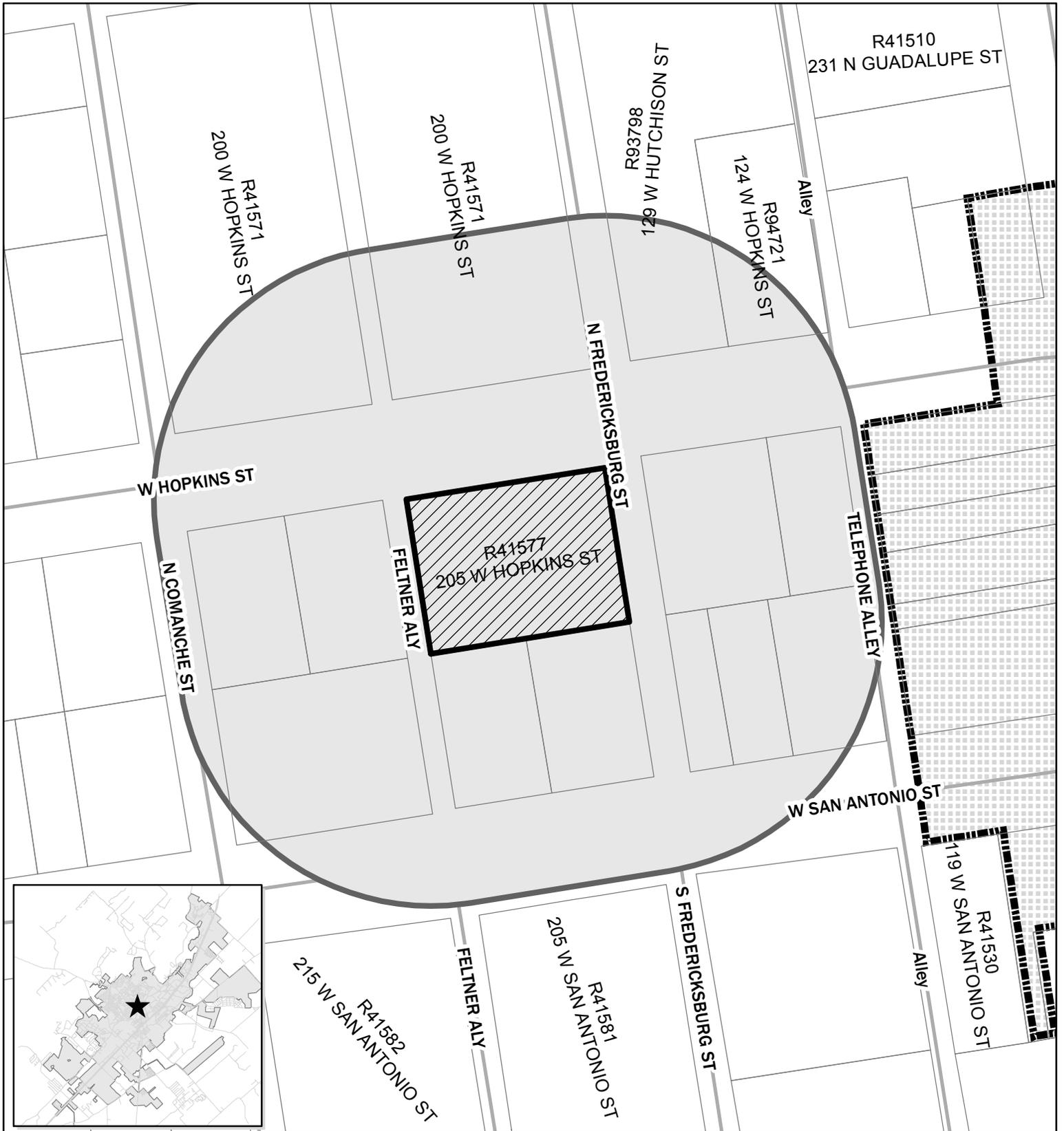
Staff Report

Site Plan 8-27

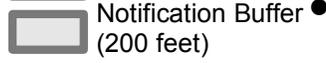
Application

Backup Material

Menu



CUP-13-25
Headwaters Draft House
205 W. Hopkins Street
Map Date: 8/9/2013

-  Site Location
-  Notification Buffer (200 feet)
-  Historic District



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-13-25

Conditional Use Permit

Headwaters Draft House

250 W. Hopkins



Applicant Information:

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

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

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

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

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

Subject Property:

Location: 150 S. LBJ Dr.

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

Frontage On: W. Hopkins

Neighborhood: Downtown

Existing Zoning: SmartCode T5 – Urban Center

Utilities: Sufficient

Existing Use of Property: Vacant (Previously Texaco Station)

Zoning and Land Use Pattern:

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

Code Requirements:

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

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

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

Case Summary:

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

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

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

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

Comments from Other Departments:

None.

Update since 8/27 Planning and Zoning Commission Meeting:

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

Planning Department Analysis:

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

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

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

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

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

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

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

Staff recommends approval with the following conditions:

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

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

Commission's Responsibility:

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

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

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

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

Prepared by:

| | | |
|--------------|--------------|-------------------|
| Emily Koller | Planner | September 3, 2013 |
| Name | Title | Date |

09/12



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

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

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

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

Signed: William C. Dufour

Date: 7-12-2013

Print Name: William C. Dufour

Engineer
 Surveyor
 Architect/Planner
 Owner
 Agent: Albina

09/12

RECEIVED
JUL 12 2013

UP-13-25

City of San Marcos

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

LICENSE INFORMATION

Trade Name of Business: Headwaters Draft House

Application is filed by:

Individual Partnership Corporation Other: LLC

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

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

Email Address: dufourlaw@yahoo.com

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

PROPERTY

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

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

Tax ID Number: R 41577

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

Address: 205 West Hopkins, San Marcos, TX 78666

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

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

Type of Entertainment Facilities: Restaurant + Bar

Indoor Fixed Seats Capacity: 75 Outdoor Fixed Seats: 100

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

Number of Off-Street Parking Spaces Provided: 27

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

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

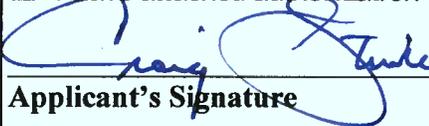
- New request**, no existing TABC CUP Permit at this location
- Change** to existing TABC Permit. Nature of Change: _____
- Renewal**
- Change in name of license holder** of existing business at same location
- Change in name of existing business** at this location

SUBMITTAL REQUIREMENTS

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

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

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


Applicant's Signature

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

To be completed by Staff:

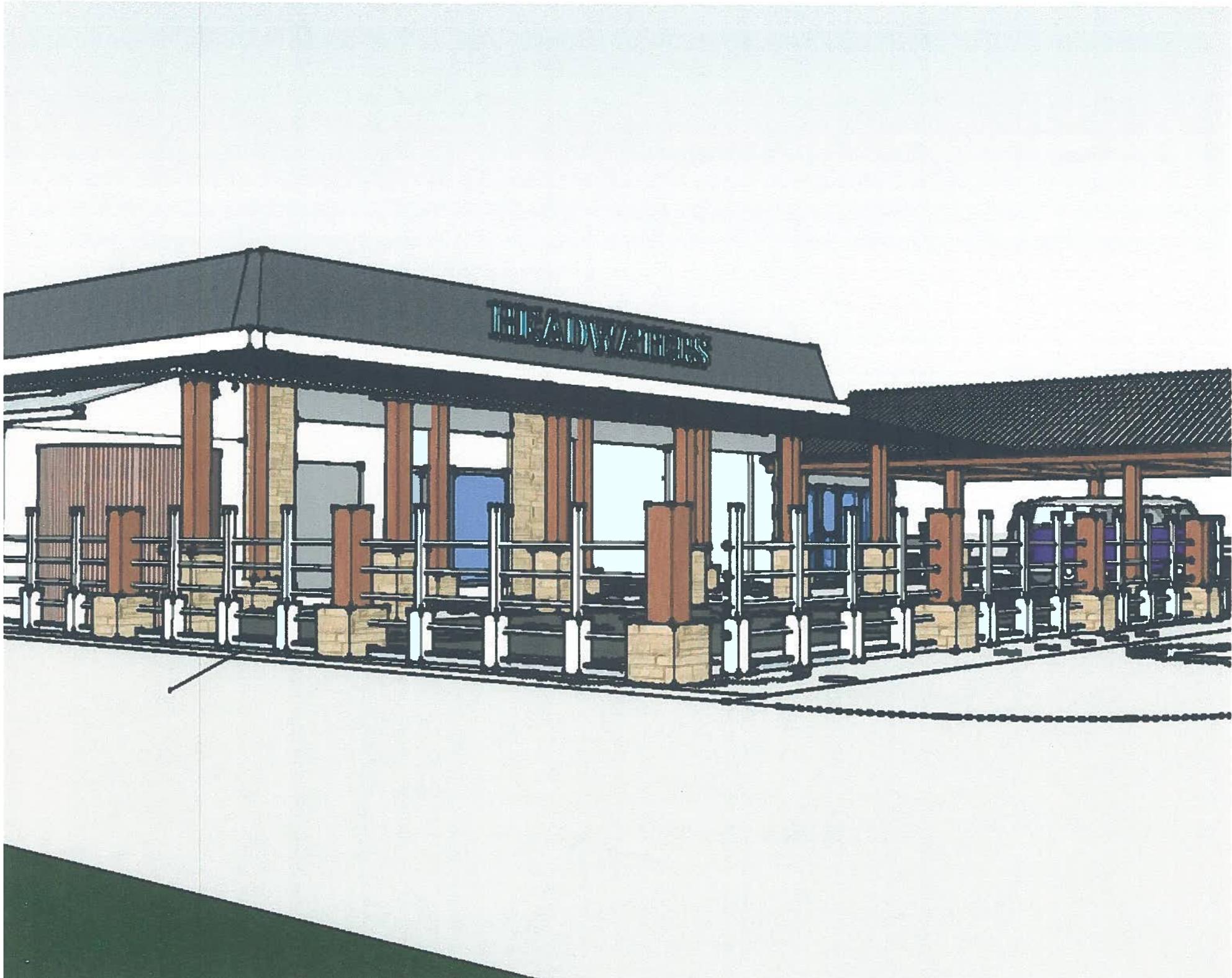
Meeting Date: 8-27 Application Deadline: 7-15
Accepted By: Tory C. Date: 7-12

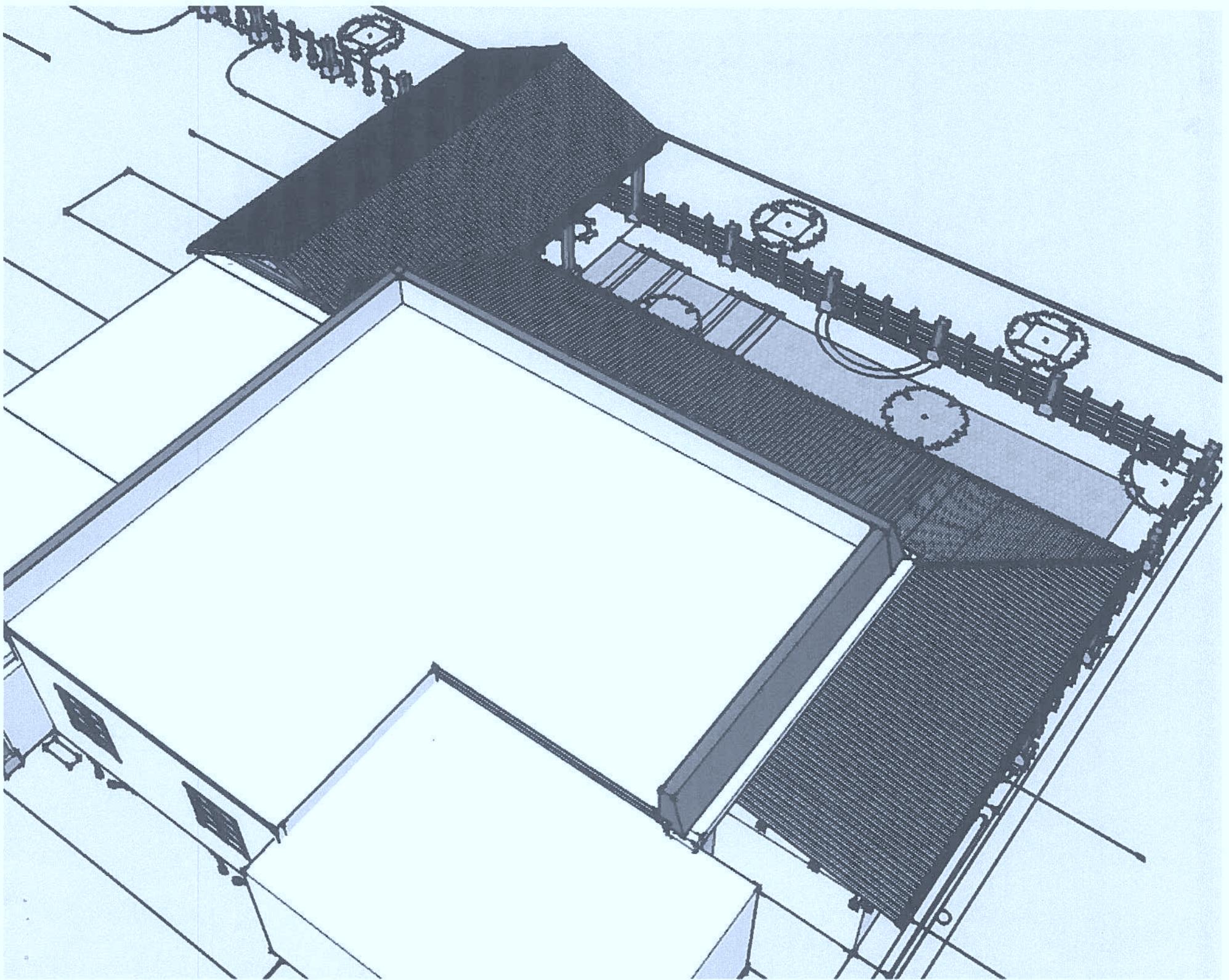
HEADWATERS











HEADWATERS DRAFTHOUSE

Welcome To.....

San Marcos, TX

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

OVER 60 beers on Draft...

With a large variety of
Bottled and can beer as well

Assorted Wines to choose from

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

TEXAS
CRAFT
BEER

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

FULL
LIQUOR
BAR

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

Agenda Information

AGENDA CAPTION:

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

Meeting date: September 10, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

BACKGROUND:

The subject property consists of 2.44 acres on the west side of South IH 35 south of Weatherford Street. It is adjacent to self-storage units and an auto repair business. There are residential uses on Mixed Use zoned properties within the 200' notification buffer; however the density is not limited to six units per acre. The property contains a former used vehicle sales business, Texas Auto Center. The applicant is proposing to renovate the existing buildings into a restaurant which would serve beer and wine. An outdoor seating area is proposed in the rear. All appropriate permits must be obtained by the applicant in order to complete the renovations.

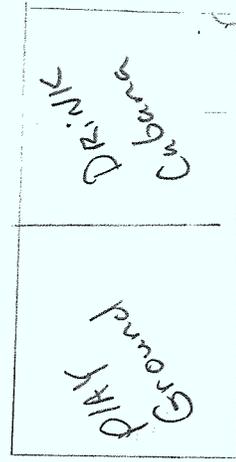
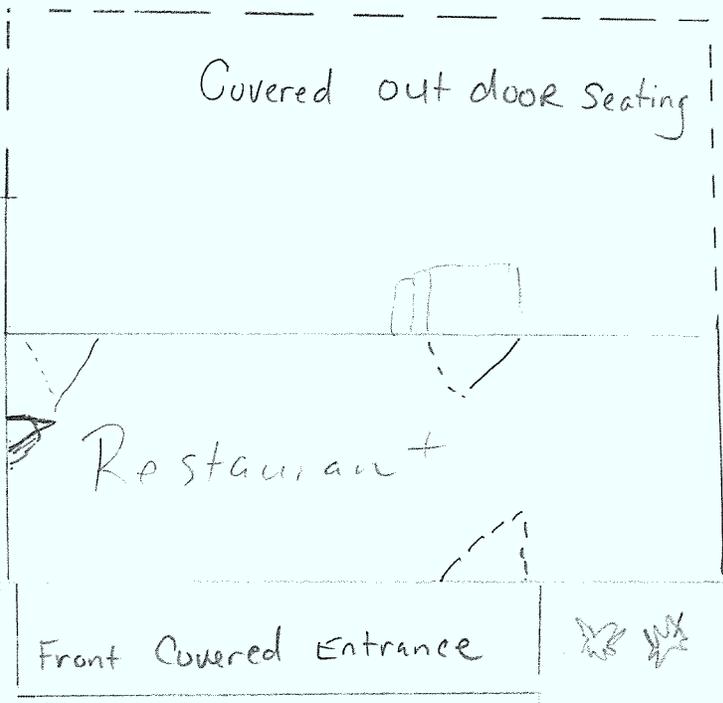
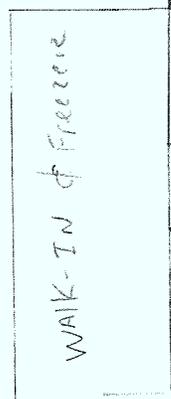
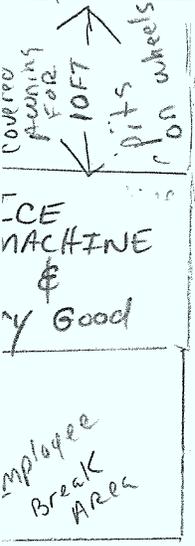
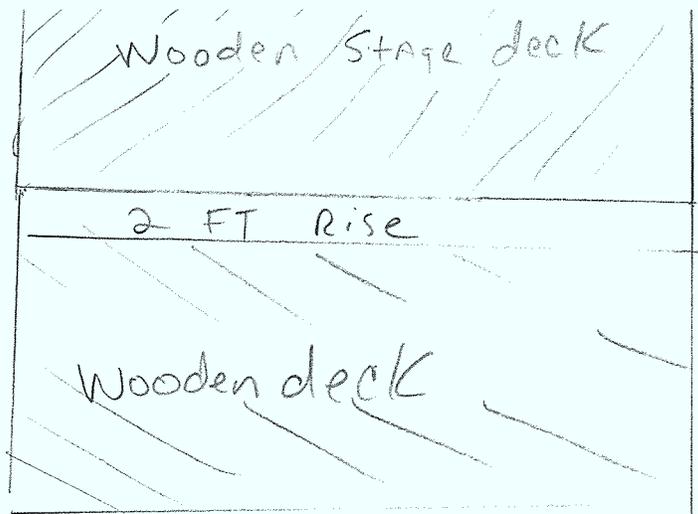
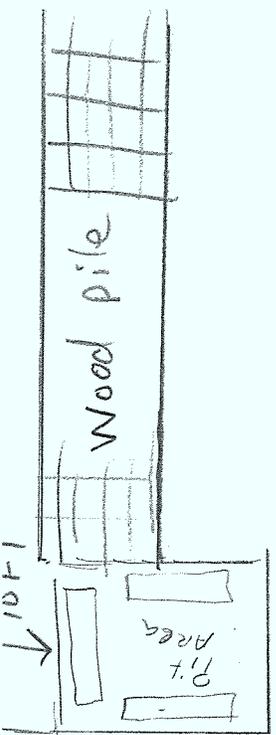
The application states 40-60 seats will be located indoors with an additional 40-60 outdoors. Based on the final number of seats, 20-30 parking spaces will be required and will be provided in the existing used vehicle sales lot. The property currently has access to South IH 35 through two curb cuts. The proposed hours of operation are Monday-Saturday 11:00 a.m. to 8:00 p.m.

Staff has reviewed the request for consistency with the criteria and recommends approval with the following conditions:

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

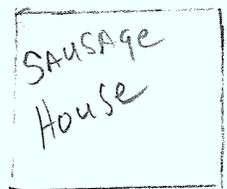
ATTACHMENTS:

site plan
Staff Report
floor plan
application



LEARN FENCING

PARKING



CUP-13-28

Conditional Use Permit

Hays County Bar-B-Que & Catering

1612 South IH 35



Applicant Information:

Applicant: Hays Co. Bar-B-Que & Catering, Inc.
1612 South IH 35
San Marcos, TX 78666

Property Owner: Asenette Hernandez & Michael Hernandez
2608 Oak Haven
San Marcos, TX 78667

Applicant Request: Conditional Use Permit (CUP) to allow the sale and on-premise consumption of beer and wine in a General Commercial zoning district.

Public Hearing Notice: Public hearing notification was mailed on August 30, 2013

Response: None.

Subject Property:

Location: 1612 South IH 35

Legal Description: 2.44 Acres of Lot 8, AF Weatherford #1

Frontage On: South IH 35

Neighborhood: Victory Gardens

Existing Zoning: General Commercial (GC)

Utilities: Sufficient

Existing Use of Property: Vacant (Previously Texas Auto Center)

Zoning and Land Use Pattern:

| | Current Zoning | Existing Land Use |
|----------------------|------------------------------|---------------------------------|
| N of property | HC – Heavy Commercial | Automotive repair and body shop |
| S of property | HC – Heavy Commercial | Self-Storage Units |
| E of property | South IH 35 / MU – Mixed Use | South IH 35 |
| W of property | GC – General Commercial | Vacant |

Code Requirements:

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

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. While there are residential uses on Mixed Use zoned properties within the 200' notification buffer; they are not within 300 feet as measured by following the property lines and the density is not limited to six units per acre. 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). This location is not located in the Central Business Area; therefore, the property **is not subject** to the additional restrictions with the CBA.

Case Summary:

The subject property consists of 2.44 acres on the west side of South IH 35 south of Weatherford Street. It is adjacent to self-storage units and an auto repair business. The property contains a former used vehicle sales business. The applicant is proposing to renovate the existing buildings into a restaurant which would serve beer and wine. An outdoor seating area is proposed in the rear. The applicant is also proposing a stationary bus to be utilized for the sale of beverages outdoors. All appropriate permits must be obtained by the applicant in order to complete the renovations.

The application states 40-60 seats will be located indoors with an additional 40-60 outdoors. Based on the final number of seats, 20-30 parking spaces will be required and will be provided in the existing used vehicle sales lot. The property currently has access to South IH 35 through two curb cuts

The proposed hours of operation are Monday-Saturday 11:00 a.m. to 8:00 p.m.

The applicant would like the option to have live music in the outdoor patio area and stated that they are working with the owner of the hotel located approximately 200 feet to the north.

Comments from Other Departments:

The Fire Marshal's Department indicated that all new structures, including the drink bus would be required to fully comply with all codes including the building code and the Land Development Code through the building permit process.

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.

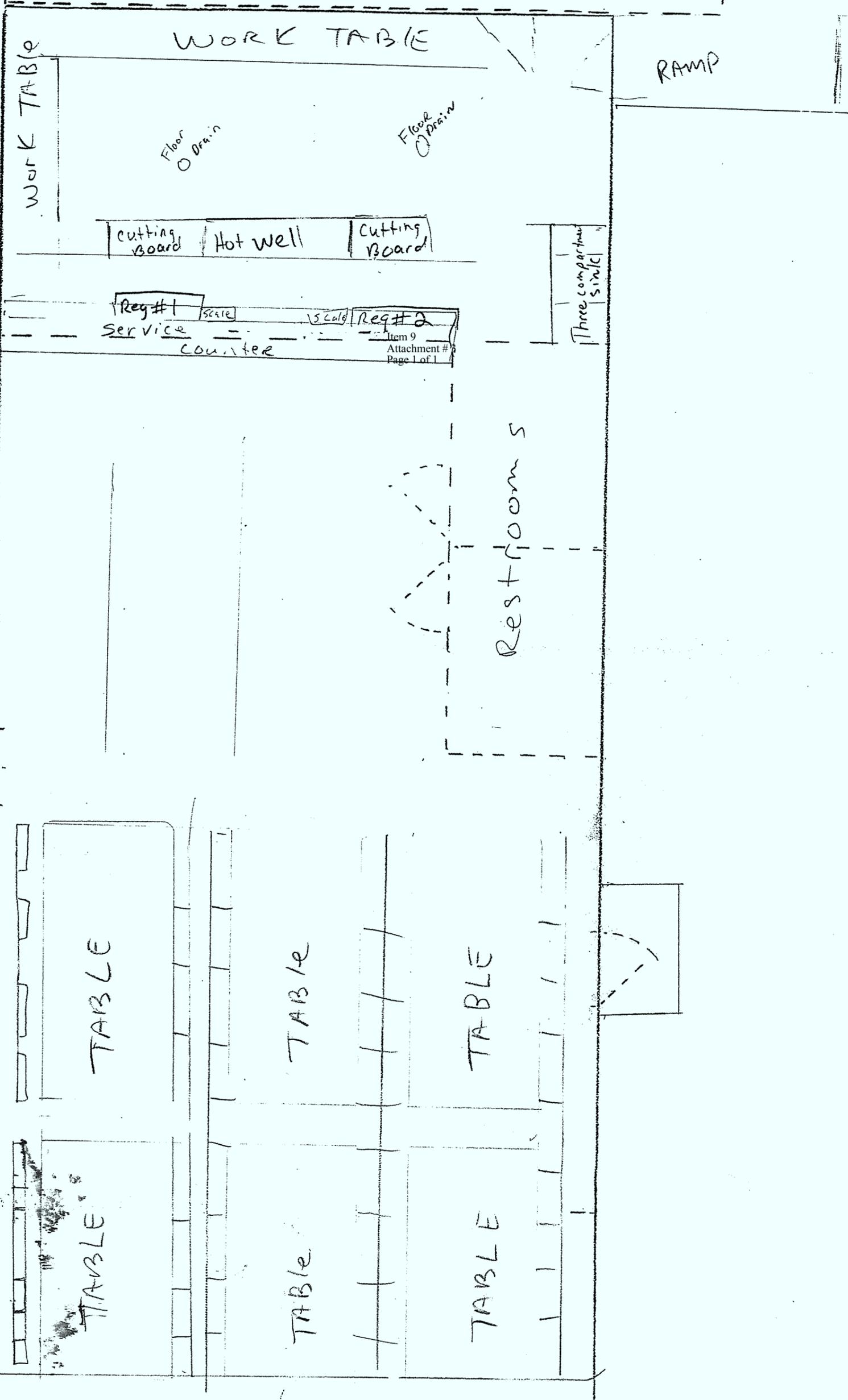
As the Commission is aware, the noise ordinance and its relationship to the Conditional Use Permit process is currently under review by a Council Subcommittee. Previous discussions regarding noise and CUPs have been focused in the downtown / SmartCode area. This property is located outside of downtown, along IH 35. The restaurant is located between a self-storage facility and an automobile repair shop. A hotel is located approximately 200 feet north of the restaurant on the northern side of the auto repair shop. The Commission may choose to approve the CUP with the option for the applicant to amend or complete an alternative permit process if developed by the Subcommittee to allow live outdoor music at this establishment in the future. Alternately, due to the location of this establishment and the surrounding uses, the commission may choose to allow the outdoor music with conditions.

12 x 20

Walkin

8 x 12

Freezer



WORK TABLE

WORK TABLE

RAMP

Floor Drain

Floor Drain

Cutting Board

Hot well

Cutting Board

Three compartment sink

Reg # 1

Scale

Scale

Reg # 2

Service Counter

Item 9 Attachment # Page 1 of 1

Restroom

TABLE

TABLE

TABLE

TABLE

TABLE

TABLE

09/12

RECEIVED
JUL 26 2013

CUP-13 - 28

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: HAYS CO. BAR-B-QUE & CATERING

Application is filed by:

Individual Partnership Corporation Other: _____

Name of Individual or Entity: HAYS CO. BAR-B-QUE & CATERING, INC Phone Number: 512392-6000

Mailing Address: 1612 S IH 35

Email Address: pitmaster@HAYSCOBBQ.COM

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

PROPERTY

Street Address: 1612 S IH 35 Current Zoning: GC

Legal Description: Lot 8 Block _____ Subdivision A.F. WEATHERS

Tax ID Number: R 47114

Property Owner's Name: MICHAEL HERNANDEZ Phone Number: 8308325457

Address: _____

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: M-SAT 11:00 A.M - 8:00 P.M CURRENT

Type of Entertainment Facilities: RESTAURANT

Indoor Fixed Seats Capacity: 40-60 APPROX. Outdoor Fixed Seats: 40-60 APPROX

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

Number of Off-Street Parking Spaces Provided: NONE

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

APPLICATION FOR CITY OF SAN MARCOS CONDITIONAL USE PERMIT-TABC

CUP PERMIT HISTORY *Check all that apply*

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

SUBMITTAL REQUIREMENTS

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

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

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


Applicant's Signature

Printed Name: ASENETTE HERNANDEZ Date: 7-26-13

To be completed by Staff:

Meeting Date: 9-10 Application Deadline: 7-29
Accepted By: Tory C Date: 7-26

Agenda Information

AGENDA CAPTION:

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

Meeting date: September 10, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

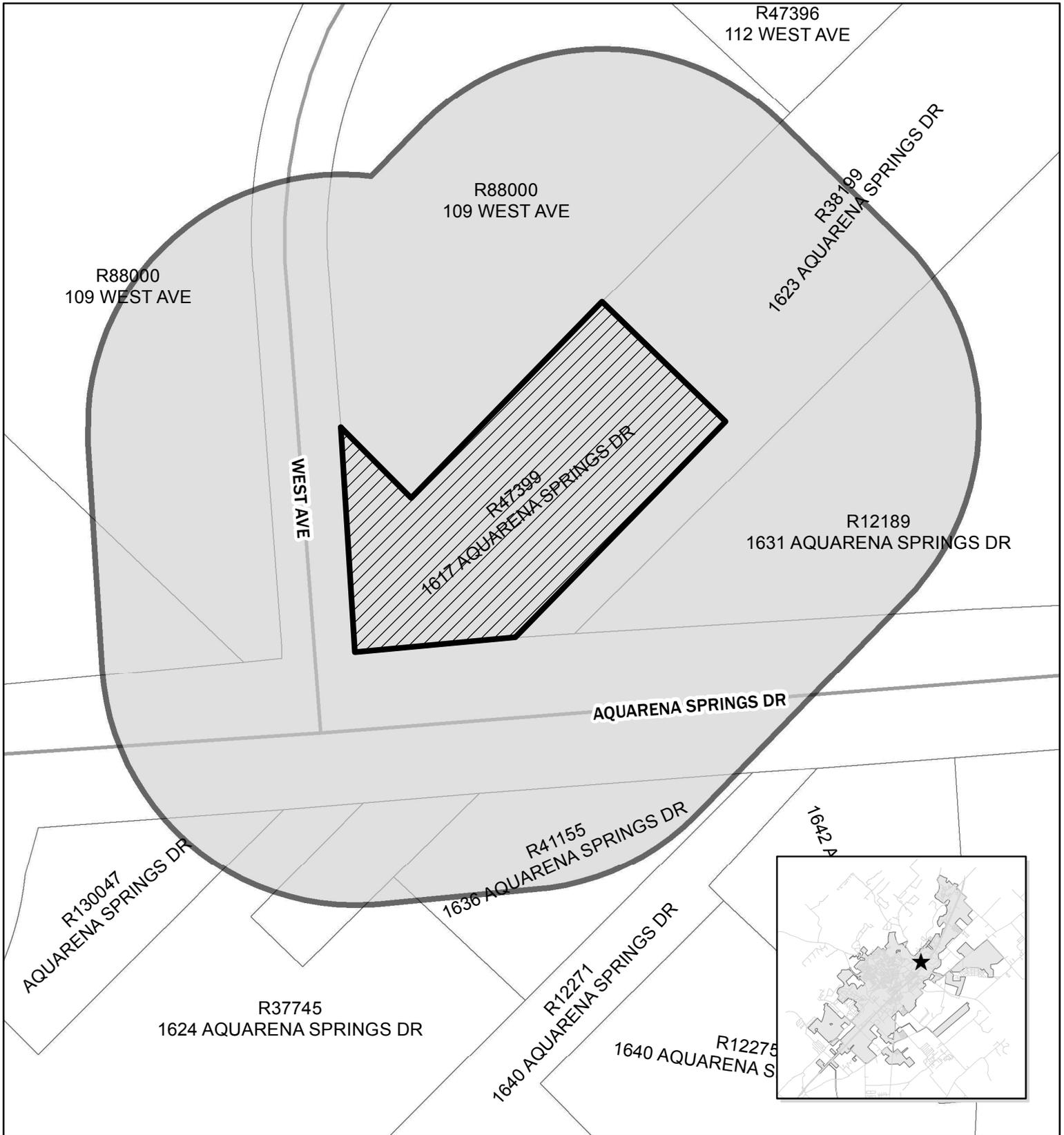
In 2005, the Commission approved an amendment to the CUP for Los Cucos allowing hours of operation from 11:00 am to 12:00 midnight with no expiration. The applicant would like to extend the closing time from 12:00 midnight to 2:00 am.

There have been no major changes to the restaurant since the CUP was amended in 2005. The applicant states that they will continue to have weekend karaoke and DJs indoors. To ensure that this will not disrupt nearby multi-family residences, staff recommends approval with the following conditions:

1. The permit shall be valid for the lifetime of the TABC license, provided standards are met, subject to the point system;
2. The permit shall be visibly posted in the same manner as the Certificate of Occupancy and in the same area; and,
3. No amplified music shall be allowed on the patio after 10:00 pm.

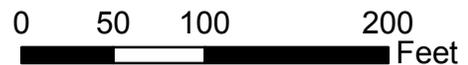
ATTACHMENTS:

Case Map
Staff Report
Application
2005 Permit
2005 Minutes



CUP-13-29
Los Cucos Restaurant
1617 Aquarena Spring Dr
Map Date: 8/30/2013

-  Site Location
-  Notification Buffer (200 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-13-29

Conditional Use Permit Amendment

Los Cucos Mexican Café XIV, Inc.

1617 Aquarena Springs Drive



Applicant Information:

Applicant: Los Cucos Mexican Café XIV, Inc., a Texas corporation
 876 Loop 337, Suite 501 P.O. Box 311507
 New Braunfels, TX 78130
 by Serigio Cabrera, its Vice President and Treasurer

Property Owner: Los Cucos Mexican Café XIV, Inc.
 876 Loop 337, Suite 501
 PO Box 311507
 New Braunfels, TX 78131

Applicant Request: Amendment of a Conditional Use Permit (CUP), CUP-05-01, to extend hours of operation for the on-premise consumption of mixed alcoholic beverages from 11 a.m. to 12 a.m. to 11 a.m. to 2 a.m. at a restaurant establishment.

Notification: Public hearing notification mailed on August 30, 2013

Response: None to date

Subject Property:

Expiration Date: None

Location: 1617 Aquarena Springs Drive

Legal Description: Westfield, Block B, Lots 4 & 5

Frontage On: Aquarena Springs & West Avenue

Neighborhood: Millview East

Existing Zoning: General Commercial

Preferred Scenario: Area of Stability

Designation: Sector 7

Sector: Sector 7

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 | MF-24 | Multifamily |
| S of Property | OP, MF-18 | Offices, Multifamily |
| E of Property | MF-18 | Multifamily |
| W of Property | MF-24 | Multifamily |

Code Requirements:

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

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located within a zoning district that limits density to six units per acre or less. 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). This location is outside the Central Business Area and not subject to the additional restrictions with 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

In March 2005, the Commission approved an amendment to the CUP for Los Cucos allowing hours of operation from 11:00 am to 12:00 midnight with no expiration. The applicant would like to extend the closing time from 12:00 midnight, to 2:00 am.

The gross floor area is 3,000 square feet which includes the outdoor patio. Capacity is shown as 100 indoor fixed seats and 35 outdoor fixed seats. The site currently has 70 parking spaces which exceeds parking requirements. A full menu is offered and the applicant states that there have been no substantial changes to the floor plan or site.

Planning Department Analysis:

Staff feels that that the extension of hours would not have a detrimental effect on surrounding properties. Staff has little concern with noise disrupting nearby multifamily residences since the outdoor dining area faces away from apartment buildings and they are separated from Los Cucos by large parking areas.

The applicant states that the restaurant will continue to have weekend karaoke and DJ's indoors. To ensure that this will not disrupt nearby residences, staff recommends that no amplified music be allowed on the patio after 10:00pm.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit Amendment to amend the existing CUP to allow hours of operation from 11:00 am to 2:00 am with the following conditions:

1. The permit shall be valid for the lifetime of the TABC license, provided standards are met, subject to the point system;
2. The permit shall be visibly posted in the same manner as the Certificate of Occupancy and in the same area; and,
3. No amplified music shall be allowed on the patio after 10:00 pm.

| | |
|-------------------------------------|---|
| 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:

| | | |
|----------------|---------------------|-------------------|
| Tory Carpenter | Planning Technician | September 3, 2013 |
| Name | Title | Date |

09/12

RECEIVED
JUL 29 2013

CUP-13-29

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: Los Cucos Mexican Cute

Application is filed by:

Individual Partnership Corporation Other: _____

Name of Individual or Entity: Jd Vossaine Varela Phone Number: 805-2444⁵¹²

Mailing Address: 1617 Aquarena Springs Dr. San Marcos, TX

Email Address: LosCucosSMA@LosCucos.com 78666

Type of Permit Requested: Mixed Beverage Beer & Wine Other: (until 2am)

PROPERTY

Street Address: 1617 Aquarena Springs Dr. Current Zoning: GC

Legal Description: Lot 4 & 5 Block B Subdivision Westfield

Tax ID Number: R 47399

Property Owner's Name: Sergio Pineda Phone Number: _____

Address: _____

BUSINESS DETAILS

Primary Business Use: Restaurant Bar Other: _____

Hours of Operation: 11am - 2am Monday - Friday Sunday

Type of Entertainment Facilities: Karaoke / DJ

Indoor Fixed Seats Capacity: 100 Outdoor Fixed Seats: 35

Gross Floor Area Including Outdoor Above-ground Decks: 3,000 Square Feet

Number of Off-Street Parking Spaces Provided: 70

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: Hours of operation to 11am - 2am Monday - Sunday

Renewal

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

Change in name of existing business at this location

SUBMITTAL REQUIREMENTS

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

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

I am the property owner of record; or

I have attached authorization to represent the owner, organization, or business in this application. 7-30-13

José Vossaine S. Varela
Applicant's Signature

Printed Name: José Vossaine S. Varela **Date:** July 29, 2013

To be completed by Staff:

Meeting Date: 9-10-13 Application Deadline: 7-29-13

Accepted By: Terry C Date: 7-29-13

City Of San Marcos
TABC Specific Use Permit

A Conditional Use Permit is hereby issued to

Los Cucos Mexican Café XIV, Inc.

To Allow

**On-Premise Consumption of
Mixed Beverages**

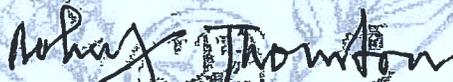
At

**1617 Aquarena Springs Drive
San Marcos, Texas**

With the following conditions:

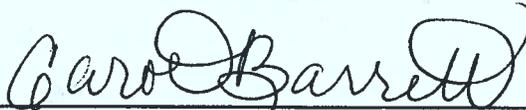
NO CONDITIONS

Granted this the 8th day of March, 2005



Robert Thornton, Chair
Planning and Zoning Commission

Attest:



Carol Barrett, FAICP
Director - Planning & Development Services

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**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
CITY COUNCIL CHAMBERS
March 8, 2005**

COMMISSIONERS PRESENT:

- Robert (Bob) Thornton, Chair
- Fred Terry, Vice-Chair
- Phil Hutchinson
- George Forrester
- Elizabeth (Betsy) Robertson
- Bill DeSoto
- Phil Steed
- Ruben Becerra
- Saul Gonzales

STAFF PRESENT:

- Carol Barrett, Director of Planning
- Ed Theriot, Development Projects Mgr.
- Francis Serna, Recording Secretary
- Andy Alarcón, Chief Planner
- Holly Mullins, Senior Planner

Others Present: Trinidad Montoya, Jacob Montoya, Brenda Montoya, Melba Montoya, Sam Montoya, Margo DeVall, Bobby McNeill, Crispin M. Reyes, Daniel Chades, and Lisa Campbell

Chair Thornton called the meeting to order at 6:01 p.m. Roll was called and a quorum declared.

Citizen Comment Period

No one signed up to speak.

CUP-05-01 HOLD A PUBLIC HEARING AND CONSIDER A REQUEST BY LOS CUCOS MEXICAN CAFÉ FOR A CONDITIONAL USE PERMIT TO ALLOW THE ON-PREMISE CONSUMPTION OF MIXED BEVERAGES FOR A RESTAURANT LOCATED AT 1617 AQUARENA SPRINGS DRIVE.

Chair Thornton opened the public hearing. Margo DeVall, General Manager for Los Cucos Mexican Café, requested that the closing time of the restaurant be changed on the application from 11:00 p.m. to midnight. She added that she was available to answer questions from the Commission. No one else wished to speak and the public hearing was closed.

1 Holly Mullins informed the Commission that the request is a continued use of the
 2 location. She pointed out that the business was not located in the downtown area,
 3 therefore, does not require a restricted conditional use permit . Ms. Mullins further
 4 explained that the parking requirements have been met and the there are no issues or
 5 concerns from the other city departments. She added that staff recommends approval.
 6

7 Commissioner Terry asked staff if there were concerns with the applicants request to
 8 change the closing time of the restaurant.
 9

10 Holly Mullins advised the Commission that staff did not have concerns with the request
 11 by the applicant to change the closing time to midnight.
 12

13 **COMMISSIONER ROBERTSON MADE A MOTION TO APPROVE CUP-05-01**
 14 **AMENDING THE CLOSING TIME FROM 11:00 P.M. TO MIDNIGHT.**
 15 **COMMISSIONER BECERRA SECONDED THE MOTION. ROLL WAS CALLED AND**
 16 **THE MOTION PASSED ON A VOTE OF 9-0 WITH CHAIR THORNTON, VICE-CHAIR**
 17 **TERRY AND COMMISSIONERS HUTCHINSON, ROBERTSON, FORRESTER,**
 18 **BECERRA, GONZALES, STEED AND DESOTO VOTING AYE.**
 19

20
 21 **ZC-05-11 HOLD A PUBLIC HEARING AND CONSIDER A REQUEST BY TRINIDAD**
 22 **MONTOYA FOR A ZONING CHANGE FROM "M" SINGLE FAMILY, DUPLEX, AND**
 23 **NEIGHBORHOOD BUSINESS DISTRICT TO "SF-6" SINGLE FAMILY DISTRICT ON**
 24 **APPROXIMATELY 0.3 ACRES OF LAND LOCATED AT 1515 POST ROAD.**
 25

26 Chair Thornton opened the public hearing. Trinidad Montoya stated that she is
 27 proposing to open a home day care at 1515 Post Road. She also stated that she was
 28 available to answer questions. Jacob Montoya stated he resides at 1507 Post Road
 29 and thanked the Commission for their work as Commissioners. He pointed out that the
 30 zoning request is compatible with the zoning designations in the area. He spoke is
 31 support of home day care businesses in the neighborhood. No one else wished to
 32 speak and the public hearing was closed.
 33

34 Holly Mullins informed the Commission that the proposed "SF-6" zoning designation is
 35 compatible to the properties current "M" zoning. She added that a family home child
 36 care facility serving six or fewer children is permitted by right in most all residential
 37 zoning districts. Therefore, a Conditional Use Permit is not required. Ms. Mullins
 38 stated that staff recommends approval.
 39

40 **COMMISSIONER STEED MADE A MOTION TO APPROVE ZC-05-11.**
 41 **COMMISSIONER GONZALES SECONDED THE MOTION. ROLL WAS CALLED**
 42 **AND THE MOTION PASSED ON A VOTE OF 9-0 WITH CHAIR THORNTON, VICE-**
 43 **CHAIR TERRY AND COMMISSIONERS HUTCHINSON, ROBERTSON, GONZALES,**
 44 **FORRESTER, BECERRA, STEED AND DESOTO VOTING AYE.**
 45
 46
 47

Agenda Information

AGENDA CAPTION:

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

Meeting date: September 10, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

San Marcos CISD is proposing a new Pre-Kindergarten be built at the intersection of Hwy 123 and Stapes Road. A CUP is required because a portion of the building would have metal siding as a façade material. Since only a small portion of the structure would use metal panels it would be difficult to see from nearby residences and rights-of-way. Staff finds that the use of metal siding at this location will not have a detrimental effect on neighboring properties and recommends approval.

ATTACHMENTS:

Case Map
Staff Report
Rendering
Elevations

**CUP-13-31
 Conditional Use Permit
 1225 Hwy 123
 Metal Façade Material**



Applicant Information:

Applicant: Huckabee Engineering
 Crystal Vasquez
 4521 S Hulen, Ste 220
 Fort Worth, TX 76109

Property Owner: San Marcos CISD
 501 S LBJ Drive
 San Marcos, TX 78666

Applicant Request: A Conditional Use Permit (CUP) to allow the use of metal as a façade material.

Notification: Public hearing notification mailed on Friday, August 30, 2013.

Response: No responses as of the date of this report.

Subject Property:

Location: 1225 Hwy 123
 Legal Description: N/A
 Frontage On: Hwy 123, Stables Rd, and Broadway St
 Neighborhood: N/A
 Existing Zoning: Public and Institutional (P)
 Preferred Scenario: Medium Intensity / Area of Stability
 Utilities: Existing
 Existing Use of Property: School
 Proposed Use of Property: School

Zoning and Land Use
 Pattern:

| | Current Zoning | Existing Land Use |
|----------------------|-----------------------|--------------------------|
| N of Property | GC | Strip Center |
| S of Property | P | De Zavala Elementary |
| E of Property | FD | Water Treatment Plant |
| W of Property | CC | Retail |

Case Summary

The subject property is located on Broadway Street between Hwy 123 and Staples Road. San Marcos CISD is proposing a new Pre-Kindergarten Center be built on the site. The building would use metal rib panels for a small of the exterior the building. Other portions of the building would be covered with brick and masonry units.

At the August 27th meeting, the Commission approved two conditional use permits to allow metal siding for a sports stadium and the Phoenix Learning Center.

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.

Section 4.4.2.1 of the Land Development Code (LDC) discusses exterior material requirements for buildings. It states that materials will be listed as permitted by right or by CUP in the Technical Manual. The Technical Manual states metal sheet siding (in any amount) is required to have a CUP.

Comments from Other Departments:

None.

Planning Department Analysis:

The intent of section 4.4.2.1 of the LDC is to ensure aesthetic value and visual appeal. In the past, P&Z has approved metal as an exterior building material for four car dealerships, a self-storage facility, the Aquarena Plaza shopping center, and the new Hays County Government Center. In each case, the metal was used as an architectural design feature.

In this case the metal panels are being used as insulated siding and not as an architectural design feature. However, since only a small portion of the structure would use metal panels it would be difficult to see from nearby residences and rights-of-way.

Staff finds that the use of metal siding at this location will not have a detrimental effect on neighboring properties.

- **Staff recommends Approval of the Conditional Use Permit to allow metal panels as a façade material on the Phoenix Learning Center**

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

Prepared by:

Tory Carpenter

Planning Technician

September 3, 2013

Name

Title

Date

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:

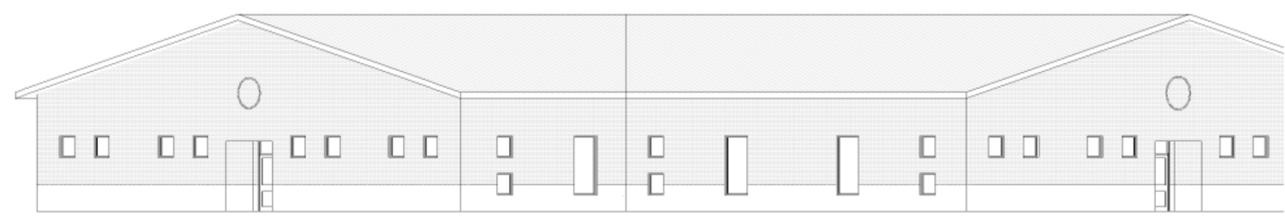
- The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- The proposed use is compatible with and preserves the character 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.

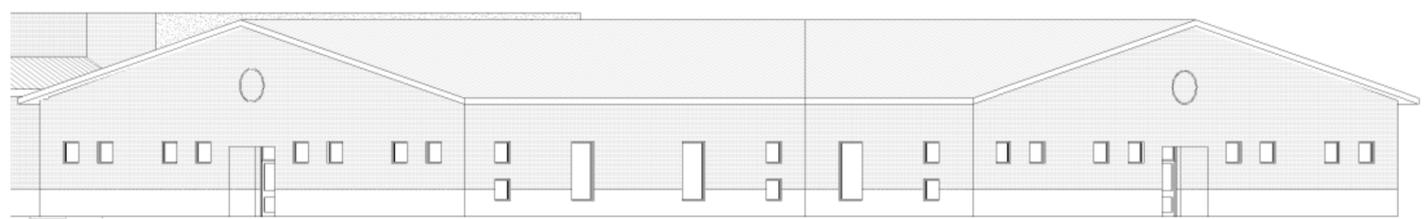


MARCOS PRE-KINDERGARTEN SCHOOL

Item 11
Attachment # 4
Page 1 of 4



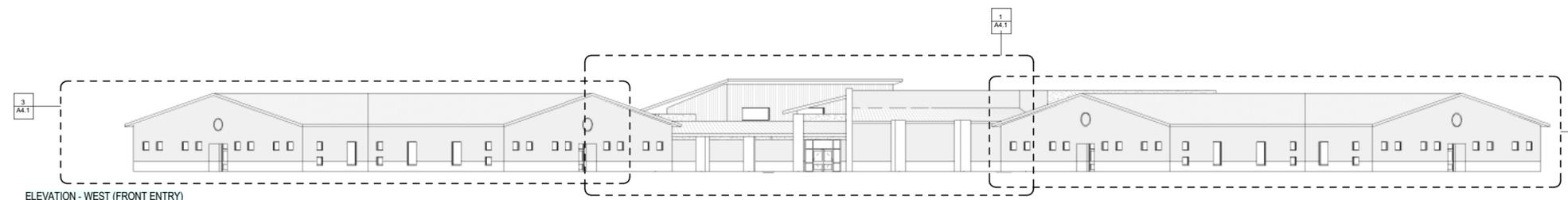
SECTION - A4.1 - 3
1/8" = 1'-0"



SECTION - A4.1 - 2
1/8" = 1'-0"



EXTERIOR ELEVATION - A4.1 - 1
1/8" = 1'-0"



ELEVATION - WEST (FRONT ENTRY)
1/16" = 1'-0"

Revision / Date

Project: ADDITIONS AND RENOVATIONS TO PRE-K FACILITY
FOR
SAN MARCOS CONSOLIDATED I.S.D.
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OR CONSTRUCTION.

Christopher M. Huckabee
10.01.08

Huckabee

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MANAGEMENT

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Dallas
Fort Worth

4521 South Hulen, Suite 220
Fort Worth, Texas 76109
ph 817.377.2969
fx 817.377.2303
www.huckabee-inc.com

EXTERIOR ELEVATIONS

Job No. 168-03
Drawn By: LW
Date: 07/10/13
Project Status
A4.1

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Item 11
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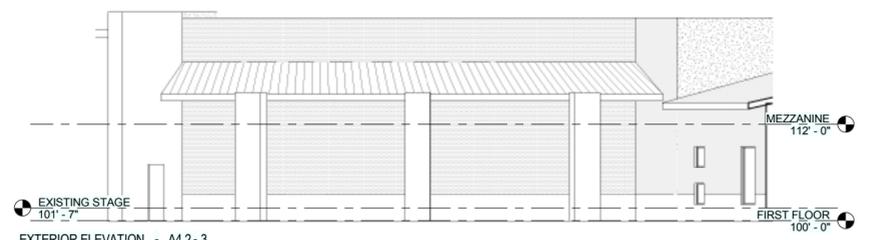
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Job No. 1688-03
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A4.2

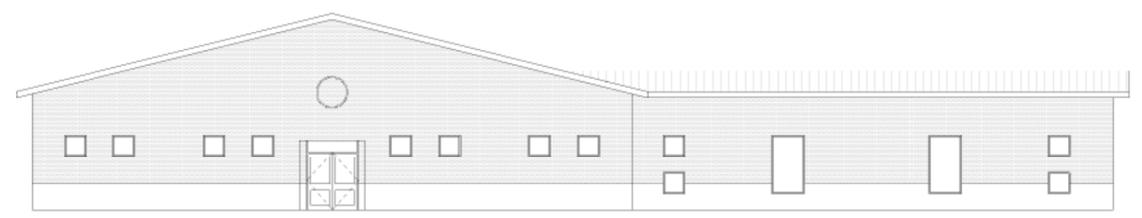
Sheet of

ROOF PLAN
140' - 0"



EXISTING STAGE
101' - 7"
EXTERIOR ELEVATION - A4.2-3
1/8" = 1'-0"

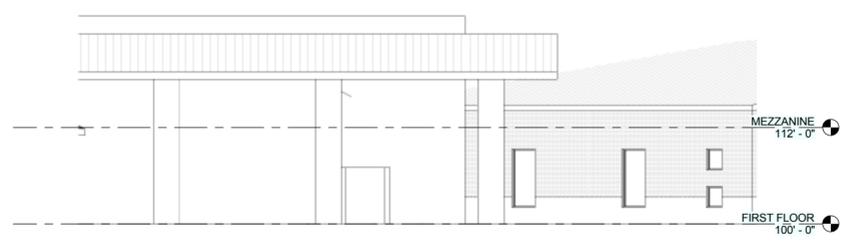
MEZZANINE
112' - 0"
FIRST FLOOR
100' - 0"



ELEVATION - NORTH CL. RM. WING
1/8" = 1'-0"

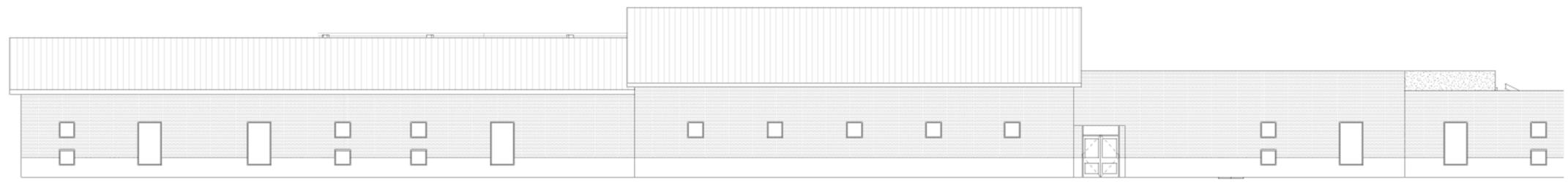


EXTERIOR ELEVATION - A4.2-1
1/8" = 1'-0"

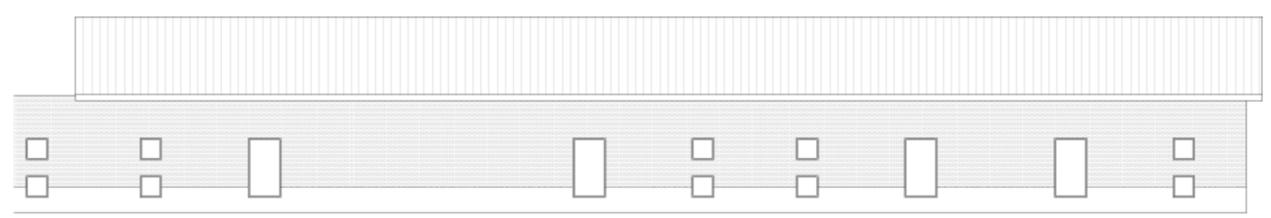


SECTION - A4.2-2
1/8" = 1'-0"

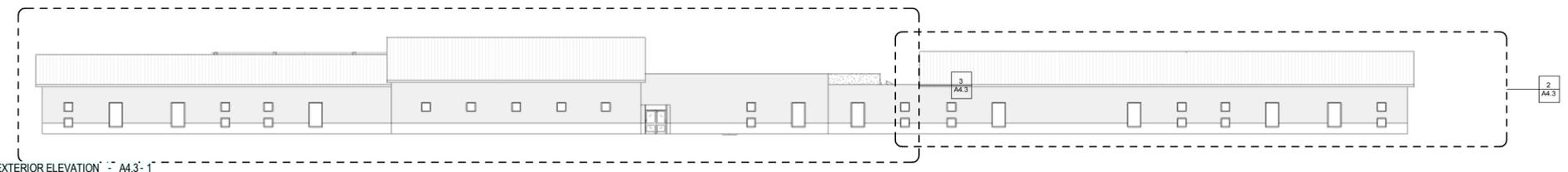
Item 11
Attachment # 4
Page 3 of 4



EXTERIOR ELEVATION - A4.3-3
1/8" = 1'-0"



EXTERIOR ELEVATION - A4.3-2
1/8" = 1'-0"



EXTERIOR ELEVATION - A4.3-1
1/16" = 1'-0"

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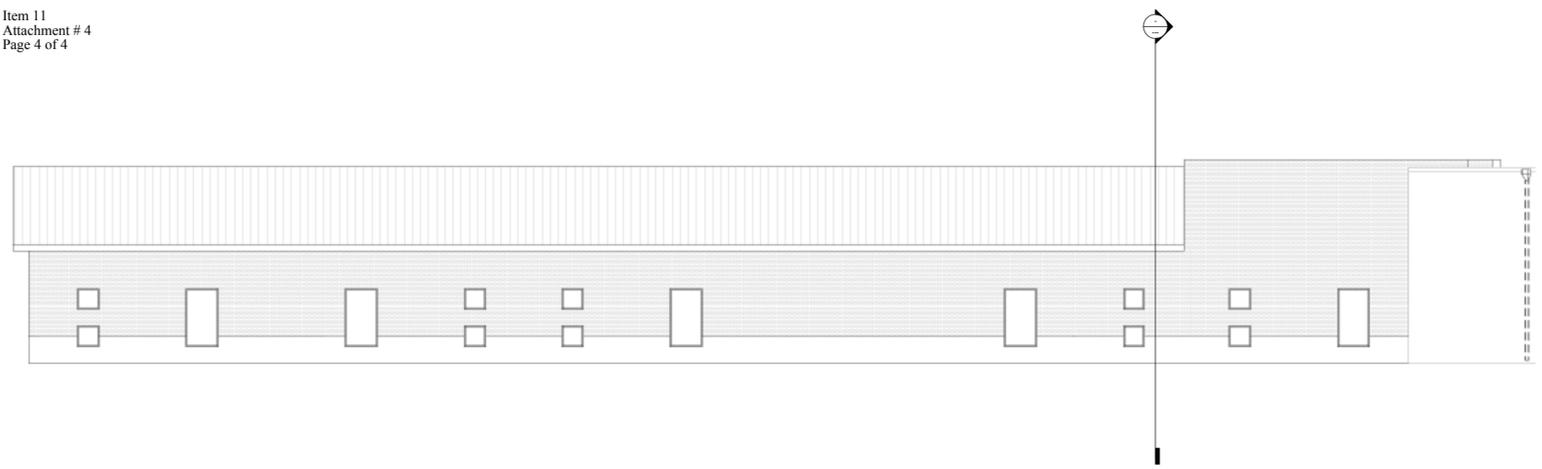
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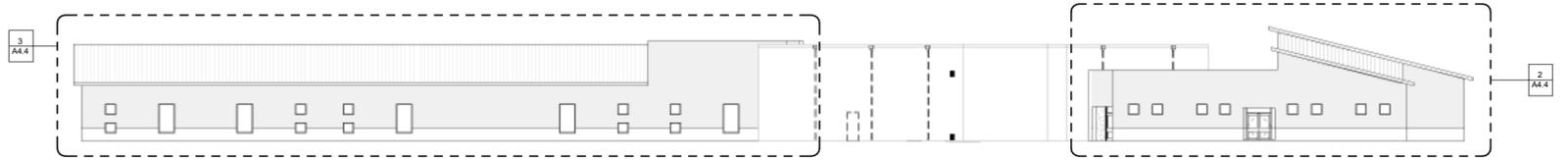
Item 11
Attachment # 4
Page 4 of 4



EXTERIOR ELEVATION - A4.4-3
1/8" = 1'-0"



EXTERIOR ELEVATION - A4.4-2
1/8" = 1'-0"



EXTERIOR ELEVATION - A4.4-1
1/16" = 1'-0"

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EXTERIOR ELEVATIONS

Job No. 1688-03
Drawn By: LW
Date: 07/10/13

Sheet No. Project Status
A4.4

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Agenda Information

AGENDA CAPTION:

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

Meeting date: September 10, 2013

Department: Development Services

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

CITY COUNCIL GOAL:

Strengthen the Middle Class, Encourage Strong Neighborhoods, Education and Workforce

BACKGROUND:

Sean Patrick's is a restaurant located in the Central Business Area (CBA) at the intersection of E. San Antonio and N. LBJ Drive that holds a Restricted Conditional Use Permit (CUP). On February 12, 2008, the Commission granted a three (3) year renewal of the Restricted CUP. In the process of printing all CUPs within the CBA, staff realized that a renewal for Sean Patrick's was never submitted after two expiration notices had been sent during the CUP audit of late 2011/early 2012. The applicant subsequently submitted an application for renewal after another letter was sent to the applicant stating the CUP had been expired since February 2011.

In the last few months, the San Marcos Police Department state that they responded to one noise complaint from a resident in the 100 block of E. San Antonio when the establishment had a DJ playing and the doors to the establishment were open. As a result, Police issued a verbal warning after reading the noise level with the decibel meter. The applicant closed the doors to the establishment and there were no further issues. No other major concerns regarding the subject property have been reported by other City Departments.

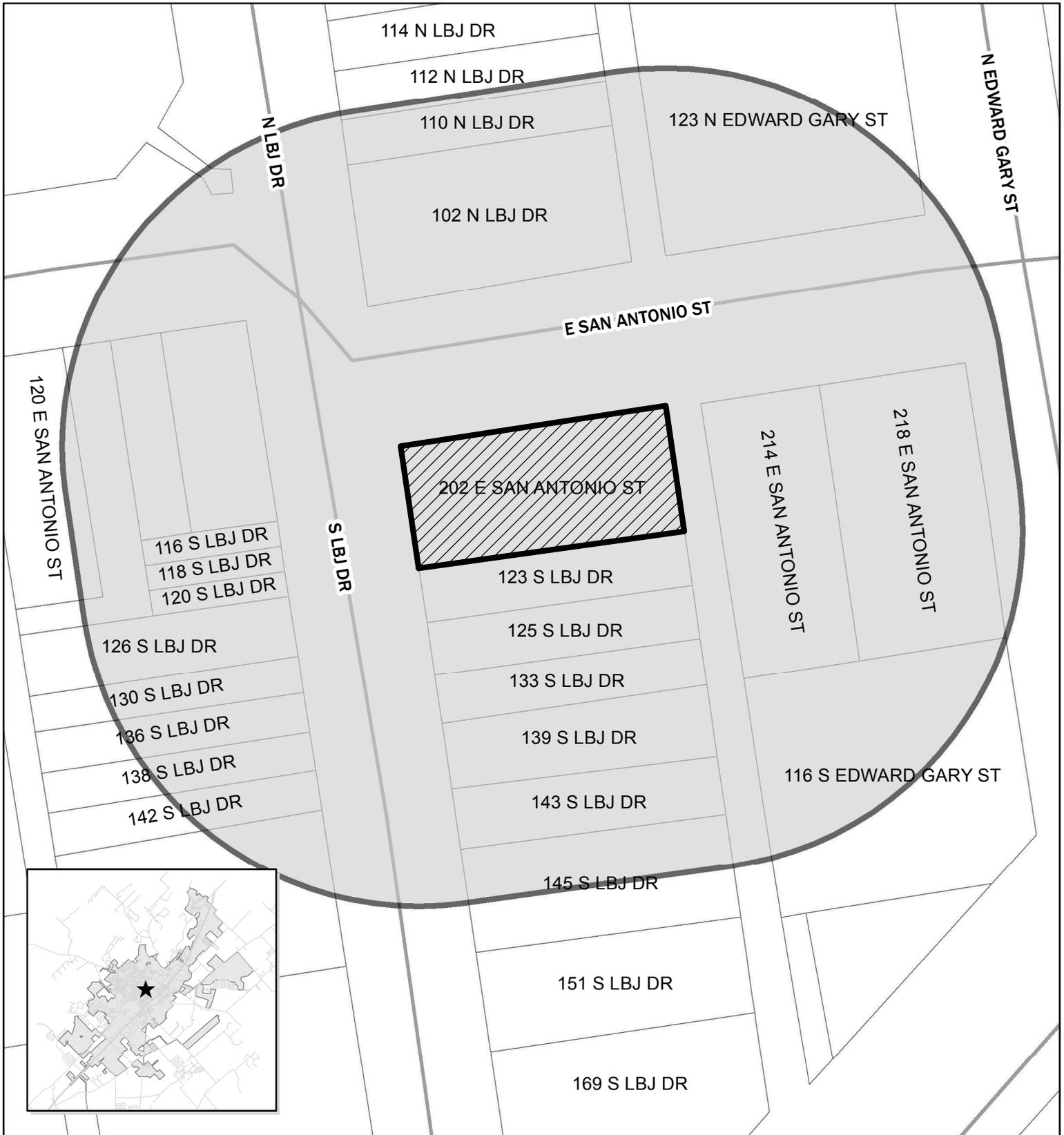
A condition regarding no live amplified music was applied with the original permit. The applicant states that live music is offered once a week on Saturday nights from 10 p.m. to 1 a.m. and, according to the applicant, has been since opening the establishment in 2006. The applicant has stated that he would like to continue to offer live music during this time. As stated above, Police did issue a verbal warning to the applicant regarding noise but it appears that the applicant

responded in a timely and sufficient manner. As the Commission is aware, the noise ordinance and its relationship to the Conditional Use Permit process is currently under review by a Council Subcommittee. The establishment appears to meet the criteria for Restricted CUPs as explained earlier in the report except for maintaining the three year renewal period. Staff feels a one year renewal period is appropriate which is consistent with previous action by the Commission on expired CUPs. Staff recommends approval of the CUP 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; and
3. Amplified live music is allowed during the hours of 10:00 p.m. and 1:00 a.m. on Saturday. Amplified live music during any other time is not allowed without first amending the CUP or obtaining an alternate music permit.

ATTACHMENTS:

Notification Map
Staff Report
Application
Menu
Authorization
Renewal Notices



CUP-13-33
Sean Patrick's Renewal
202 E San Antonio St
Map Date: 8/29/2013

-  Site Location
-  Notification Buffer (200 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-13-33

Restricted Conditional Use Permit

Sean Patrick's

202 E. San Antonio Street



Applicant Information:

Applicant: Brian Harper (Sean Patrick's)

Mailing Address: 202 E. San Antonio Street
San Marcos, TX 78666

Property Owner: Brian Jeffrey
P.O. Box 9553
Austin, TX 78766

Applicant Request: Renewal of a Restricted Conditional Use Permit (CUP) to allow the on-premise consumption of mixed beverages.

Public Hearing Notice: Public hearing notification was mailed on August 30, 2013

Response: None as of report date.

Subject Property:

Expiration Date: February 12, 2011

Location: 202 E. San Antonio Street

Legal Description: N part of Lot 5, Block 9 Original Town of San Marcos

Frontage On: San Antonio Street and N. LBJ Drive

Neighborhood: Downtown

Existing Zoning: "T5" – Urban Center

Sector: Sector 8

Utilities: Adequate

Existing Use of Property: Restaurant/Bar

Zoning and Land Use Pattern:

| | Current Zoning | Existing Land Use |
|----------------------|----------------|-------------------|
| N of property | T5 | Commercial |
| S of property | T5 | Commercial |
| E of property | T5 | Commercial |
| W of property | T5 | 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. This location is located within the Central Business Area (CBA) and is subject to the additional requirements in the CBA. Sean Patrick's holds a Restricted Conditional Use Permit. As this establishment holds a Restricted CUP, it is subject to the following criteria:

- a) Restaurant permits are valid for three years from the date of issuance. Each business holding a restaurant permit must apply for and obtain a renewal permit every three years.
- b) A business holding a restaurant permit must become operational and open to the public within one year of issuance or the permit shall expire.
- c) 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.
- d) The business must apply for, obtain and maintain a food establishment permit in accordance with chapter 18 of the City Code.
- e) 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.
- f) The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.

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

Sean Patrick's is a restaurant located at the intersection of E. San Antonio Street and N. LBJ Drive. The property is located within the T5 Zone of the Downtown SmartCode and within the Central Business Area. The hours of operation are Sunday and Monday from 11:45 a.m. to midnight, and Tuesday through Saturday from 11:45 a.m. through 2:00 a.m. There is no off-street parking requirement in the CBA.

The Commission granted a three (3) year renewal to Sean Patrick's on February 12, 2008. Letters alerting the applicant that their CUP had expired were sent out as part of the CUP audit Staff conducted in late 2011 (December 22, 2011) and early 2012 (March 5, 2012). Due to the direction from the Commission to display CUPs in the same manner as Certificates of Occupancy, Staff was in the process of printing out all CUPs within the Central Business Area and realized that a renewal application never came in for Sean Patrick's after the March 5, 2012 letter was sent.

On August 1, 2013, Staff mailed another letter along with an application for renewal, via certified mail, after realizing this. The letter, as did the others, states that without a valid CUP, the sale of alcoholic beverages for on-premise consumption is not allowed and does state that penalties could be assessed. Staff subsequently contacted the City Fire Marshal and the local Texas

Alcoholic Beverage Commission and explained that the CUP for the establishment had expired. Consequently, the applicant submitted the application for renewal.

Comments from Other Departments:

In the last few months, the San Marcos Police Department state that they responded to one noise complaint from a resident in the 100 block of E. San Antonio when the establishment had a DJ playing and the doors to the establishment were open. Police issued a verbal warning after reading the noise level with the decibel meter. After the warning was issued, the doors were closed and there were no further problems. No other major concerns regarding the subject property have been reported by other City 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. A condition regarding no live amplified music was applied with the original permit. The applicant states that they have offered occasional live music since opening the establishment in 2006. He states that live music is offered once a week on Saturday nights from 10 p.m. to 1 a.m. The applicant has stated that he would like to continue to offer live music during this time. As stated above, Police did issue a verbal warning to the applicant regarding noise but it appears that the applicant responded in a timely and sufficient manner. As the Commission is aware, the noise ordinance and its relationship to the Conditional Use Permit process is currently under review by a Council Subcommittee. Staff recommends approval of the permit with the option for the applicant to amend or complete an alternative permit process if developed by the Subcommittee to allow live outdoor music at this establishment in the future.

The establishment appears to meet the criteria for Restricted CUPs as explained earlier in the report except for maintaining the three year renewal period. Staff feels a one year renewal period is appropriate which is consistent with previous action by the Commission on expired CUPs.

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; and**
- 3. Amplified live music is allowed during the hours of 10:00 p.m. and 1:00 a.m. on Saturday. Amplified live music during any other time is not allowed without first amending the CUP or obtaining an alternate music permit.**

| | |
|-------------------------------------|---|
| 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:

Alison Brake

Planner

8/29/2013

Name

Title

Date

CUP-13-33

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: Sera Patrick's
 Application is filed by: Individual Partnership Corporation Other: _____
 Name of Individual or Entity: Brian Harper Phone Number: _____
 Mailing Address: 202 E. San Antonio St.
 Email Address: _____
 Type of Permit Requested: Mixed Beverage Beer & Wine Other: Dress Pub

PROPERTY
 Street Address: 202 E. San Antonio St.
 Legal Description: Lot _____ Block _____ Subdivision _____
 Tax ID Number: R
 Property Owner's Name: Brian Jeffrey Phone Number: 512-947-9600
 Address: PO Box 9553 AUSTIN, TX 78766

BUSINESS DETAILS
 Primary Business Use: Restaurant (Restricted) Bar (Unrestricted) Other: _____
 Hours of Operation: 11:45am - 2am
 Type of Entertainment Facilities: _____
 Indoor Fixed Seats: 135 Outdoor Fixed Seats: 36
 Gross Floor Area Including Outdoor Above-ground Decks: 6000 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

Development Services-Planning • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230 • FAX 855-759-2843

Meeting Date: 9/10/13 Application Date: 7/29/13
 Accepted By: A. Brake Date: 8/16/13

8/16/13
 * spoke w/ Brian Harper - will send an authorization letter from Brian Jeffrey to me via email
 * OK'd to put on 9/10 Agenda
 AB

CUP PERMIT HISTORY *Check all that apply*

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

SUBMITTAL REQUIREMENTS

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

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

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

[Handwritten Signature]
Applicant's Signature

Printed Name: Brian JEFFERY

Date: 08-2-13

To be completed by Staff:

Meeting Date: 9/10/13
Accepted By: A. Brake

Application Deadline: 7/29/13
Date: 8/16/13

09/12



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.

NO CHANGES HAVE BEEN MADE TO ABOVE.

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

Signed: *Brim Jeffrey*

Date: 08-12-13

Print Name: BRIM JEFFREY

Engineer Surveyor Architect/Planner Owner Agent: _____

DAILY SPECIALS

MONDAY
16" Pizza, 20 Wings & a Pitcher of Domestic Beer... \$19.99

TUESDAY
Sliders & a Domestic Pint... \$6.99

WEDNESDAY
Fish, Chips & a Domestic Pint... \$6.99

THURSDAY
Pie & a Domestic Pint... \$6.99

FROM THE PUB BIOTAILLE

DRAUGHT BEER

Guinness Harp XX Lager Bass Killians
Seasonal Bad Light Miller Lite
Shiner Bock Ziegen Bock New Castle
Woodstock Cider

BOTTLE/CAN BEER

Natural Lt. (Can) Lone Star (Can) Bad
Bud Lt. Miller Lt. MGD Corona XX Lager
XX Amber Coors Lt. Michelob Ultra Lone
Star Bad Select Heineken Heineken Lt.
Odours Shiner Bock/Heff Shiner Lt. Sam
Adams Newcaste Amstel Lt. St. Paddy
McEvans Fat Tire Sierra Nevada Beck's
Honeybrowne Micky's Big Mouth Rolling
Rock Boddingtons Tecate Tecate Lt.
Stella Artois Red Stripe Negra Modelo
Modelo Especial Blue Moon

TEXAS WINES

Cabernet
Chardonnay
Merlot
Pinot

Shiraz (by the glass)
White Zinfandel

KIDS PALETTE

SLIDER MINI BURGER

SLIDER MINI HOTDOG

CHICKEN STRIPS

GRILLED CHEESE

7" CHEESE PIZZA

ALL KIDS MEALS COME WITH FRIES (EXCEPT PIZZA) AND A DRINK... \$3.99

STORE STOR

T-SHIRTS... \$15.00

HATS... \$10.00

PINTS... \$4.00

SHOOTERS... \$3.00

COFFEE MUGS... \$3.00

KOOZIES... \$2.00

SANDWICHES CEAPAIRE

ALL BURGERS ARE USDA CHOICE BLACK ANGUS BEEF.
ALL SANDWICHES COME WITH A PICKLE SPEAR &
OUR HAND-CUT SEASONED FRENCH FRIES.

SLIDER MINI-BURGERS

Our tribute to the Midwest belly bomber.

Two, thick & juicy mini burgers... \$5.99

Add an additional slider... \$1.99

Add American or Swiss Cheese... \$1.49

Add Lettuce & Tomato... \$1.49

SLIDER MINI-HOTDOGS

Two mini Kirsch gourmet hotdogs. Made of tender beef tenderloin & pork shoulder, with no added fillers. They are hickory smoked with 5 seasonings in their natural casing. Served with spicy mustard relish... \$5.99

Add an additional slider... \$1.99 Add sausage... \$1.99

PADDY MELT

Hand-pattied 1/2 lb burger topped with Swiss

cheese and sauteed onions. Served on

Texas toast... \$6.99 Substitute with chicken.

IRISH BLACK JACK BACON BURGER

Our hand-pattied 1/2 lb burger, apple wood bacon,

pepper jack cheese, lettuce & pico de gallo. Served on a

toasted jalapeno cheese sourdough bun... \$7.99

Substitute with chicken.

RY

Rashers, lettuce & tomato on Texas toast... \$5.99

RUBEN SANDWICH

Slice corned beef, topped with Swiss cheese, &

sauerkraut. Served on Jenny's marble rye with a side of

1000 Island dressing... \$6.99

BUFFALO CHICKEN SANDWICH

Fried or grilled chicken breast smothered in spicy wing

sauce, topped with lettuce, tomato & red

onion. Served on a toasted jalapeno cheese sourdough

bun with a side of ranch... \$7.99

BWO SANDWICH

Sliced smoked brisket or sausage covered with bbq sauce,

sauteed onions & melted cheddar striped inside a toasted

hoagie roll... \$6.99

STEAK SANDWICH

Slow-cooked prime rib, thinly sliced, then grilled with

sauteed onions and green bell peppers, topped with Swiss

cheese & served on a toasted hoagie roll... \$7.49

IRISH PUB CLUB

Honey smoked ham & cracked peppered turkey, thinly

sliced, apple wood bacon, lettuce & tomato triple decked

on Texas toast... \$7.99

BICKFORDS BOLLIG

Blackened catfish filet, lettuce, pico, corn & black beans

wrapped in a jalapeno cheddar tortilla & served with

cilantro lime sauce... \$6.99

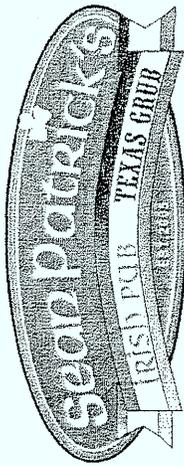
204 E. San Antonio St.

San Marcos, Texas 78666

Phone (512) 599-7310

Fax (512) 599-7345

email: seampubtricks@com



Welcome to Sean Patrick's, where Irish and Texan spirit reign.

The Irish have a reputation the world over for their friendliness and hospitality, and nowhere is that more true than in the Irish pub. They call it an institution, a meeting place, a social center where everything from the fate of the world to Shergar's whereabouts can be discussed.

Here in San Marcos, our attempts to recreate that very atmosphere and authenticity have been very satisfying. Our Pub is 100% Texan/Irish, designed and pieced together with Dublin in mind. Focus on the priorities - Atmosphere - the best premium draft beers & Irish whiskey - traditional Texan & Irish foods - entertainment and sport, and of course a few Texans & Irish thrown in for good measure and 'Craic'.

We hope that you, too, can find some happy memories in our creation and sample our menu compiled from recipes picked up from relatives and friends back home. A huge 'Cead Mile Failte' One Hundred Thousand Welcomes to you. I hope your stay with us will give you as much pleasure as we have had putting it all together.

Slainte

From: bjorders@aol.com
To: [Brake, Alison](#)
Subject: Re: Authorization Letter
Date: Thursday, August 22, 2013 12:36:54 PM

Alison, Brain Harper can act as my agent to apply for the Conditional Use Permit for the continued use of on-premise consumption of alcohol at Sean Patrick's.

Let me know if you need anything else.

Brian Jeffrey

512-947-8100

-----Original Message-----

From: Brake, Alison <ABrake@sanmarcostx.gov>
To: [bjorders](mailto:bjorders@aol.com) <bjorders@aol.com>
Sent: Thu, Aug 22, 2013 11:27 am
Subject: Authorization Letter

Brian,

Please allow this to serve as a follow-up to our phone conversation. As you are listed as the property owner for 202 E. San Antonio Street, an authorization letter is needed from you stating that Brian Harper has the authority to apply for the Conditional Use Permit for the continued use of on-premise consumption of alcohol at Sean Patrick's. An reply to this email will suffice.

Please feel free to contact me if you should have any questions regarding this process.

Thank you,

*Alison E. Brake
Planner
Planning and Development Services
City of San Marcos
Phone: 512-393-8232*



Before printing this email,
please consider your eco-footprint.



DEVELOPMENT SERVICES-PLANNING

December 22, 2011

Sean Patrick's
Michael Harper
202 E. San Antonio St. Suite 119
San Marcos TX 78666

RE: Conditional Use Permit for 202 E. San Antonio St. Suite 119
EXPIRATION DATE: July 24, 2010

Dear Mr. Harper

A Conditional Use Permit (CUP) to allow on premise consumption of alcoholic beverages at 202 E. San Antonio St. Suite 119 San Marcos, TX, was granted by the Planning and Zoning Commission on February 12, 2008 for three (3) years.

Your CUP has expired. Without a valid CUP, the sale of alcoholic beverages for on-premise consumption is not allowed at this location. To limit any disruption in service, a complete application for a new CUP, including the fee and all support materials must be filed with the City as soon as possible. For your convenience, I have provided an application form.

Planning staff is here to assist you in this process. If we do not hear from you or receive a completed application within 10 days after the receipt of this letter, it may be necessary for the City to consider enforcement action as permitted under the Land Development Code. Should you have any questions or if you believe this request is in error, please contact me directly at 512-393-8230.

Thank you for your attention to this matter.

Sincerely,

John Foreman

Chief Planner



DEVELOPMENT SERVICES-PLANNING

March 5, 2012

Sean Patrick's
Michael Harper
202 E. San Antonio St. Suite 119
San Marcos TX 78666

RE: Second Notification: Conditional Use Permit for 202 E. San Antonio St. Suite 119
EXPIRATION DATE: July 24, 2010

Dear Mr. Harper

A Conditional Use Permit (CUP) to allow on premise consumption of alcoholic beverages at 202 E. San Antonio St. Suite 119 San Marcos, TX, was granted by the Planning and Zoning Commission on February 12, 2008 for three (3) years.

Your CUP has expired. Without a valid CUP, the sale of alcoholic beverages for on-premise consumption is not allowed at this location. To limit any disruption in service, a complete application for a new CUP, including the fee and all support materials must be filed with the City as soon as possible. For your convenience, an application form is attached. A notification of the expired CUP was originally sent on December 22, 2011. Please complete the application and turn it in as soon as possible. If no response is received within 10 days, the city will begin necessary enforcement actions as permitted under the Land Development Code.

Planning staff is here to assist you in this process. Should you have any questions or if you believe this request is in error, please contact staff directly at 512-393-8230.

Thank you for your attention to this matter.

Sincerely,

Planning Staff



DEVELOPMENT SERVICES-PLANNING

August 1, 2013

Certified Mail # 7008 0150 0003 0486 3238

Sean Patrick's
Brian Harper
202 E. San Antonio Street
San Marcos, TX 78666

RE: Expired Notice of Restricted Conditional Use Permit for Sean Patrick's, 202 E. San Antonio Street
EXPIRATION DATE: February 12, 2011

Mr. Harper:

A Restricted Conditional Use Permit (CUP) to allow on-premise consumption of mixed beverages at 202 E. San Antonio Street, San Marcos, TX, was granted by the Planning and Zoning Commission on February 12, 2008 for a period of three (3) years. Two renewal notices were sent to you in December 2011 and March 2012, respectively. Our records show that an application for renewal was never submitted.

Without a valid CUP, the sale of alcoholic beverages for on-premise consumption is not allowed at this location, as outlined in Section 4.3.4.2 of the Land Development Code. Each day that there is a violation could result in penalties being assessed up to \$2,000 per day. The San Marcos Office of the Texas Alcoholic Beverage Commission has been notified that the CUP has expired.

For your convenience, I have provided an application form. Please complete the application and turn it in by **August 12, 2013** in order for the renewal request to be placed on the **September 24, 2013** Planning and Zoning Commission agenda.

Planning staff is here to assist you in this process. Should you have any questions or if you believe this request is in error, please contact me directly at 512-393-8232

Sincerely,

Alison E. Brake
Planner
Development Services
City of San Marcos

Agenda Information

AGENDA CAPTION:

Development Services Report:

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

Meeting date: September 10, 2013

Department: Planning and Development Services

Funds Required:

Account Number:

Funds Available:

Account Name:

CITY COUNCIL GOAL:

BACKGROUND: