

Conditional Use Permit CUP-25-45	5618 S Old Bastrop Hwy Highpointe Trace LLC
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Summary

Request:	New Conditional Use Permit		
Applicant:	Caren Williams- Murch Land Consultants, Ltd. Co. 5618 S Old Bastrop Hwy San Marcos, TX 78666	Property Owner:	Highpointe Trace LLC 16501 Scientific Way Irvine, CA 92618
CUP Expiration:	N/A	Type of CUP:	Convenience Store with Gasoline Sales
Interior Floor Area:	9,000 sq. ft.	Outdoor Floor Area:	N/A
Parking Required:	36 spaces	Parking Provided:	Yes

Notification

Posted:	8/8/2025	Personal:	8/8/2025
Response:	None as of the date of this report		

Property Description

Legal Description:	2.5 acres out of John Owens Survey, and Andrew Mitchell Survey, of 306.490 acres.		
Location:	Western corner of Posey Road and Old Bastrop Highway		
Acreage:	2.5 acres	PDD/DA/Other:	Trace PDD Ord. 2023-03
Existing Zoning:	Neighborhood Commercial	Proposed Zoning:	Same
Existing Use:	Vacant	Proposed Use:	Convenience Store with Gasoline Sales
Preferred Scenario:	Neighborhood Low	Proposed Designation:	Same
CONA Neighborhood:	Trace	Sector:	Sector 5
Utility Capacity:	By Developer if not available	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District-3 (CD-3) / Single Family-6 (SF-6)	Single-Family Residential	Neighborhood Low
South of Property:	Extraterritorial Jurisdiction (ETJ)	Vacant	Conservation/Cluster
East of Property:	Extraterritorial Jurisdiction (ETJ)	Cemetery/Vacant	Conservation/Cluster
West of Property:	Single Family-6 (SF-6)	Single-Family Residential	Neighborhood Low

Staff Recommendation

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> <u>Approval with Conditions</u>	<input type="checkbox"/> Denial
1. The permit shall not expire.		
Staff: Craig Garrison	Title : Planner	Date: 8/20/2025

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History

The site is located within the Trace Planned Development District (PDD) and is designated as Neighborhood Commercial (PD-NC) within the PDD document (adopted 2015 and most recently amended in 2023). The PDD purpose statement lists compatible uses as, “low intensity office, retail and service facilities for the local neighborhood area.” Staff finds a Convenience Store with Gasoline Sales to be in service of the local neighborhood area.

Additional Analysis

The nearest gas station is the Shell station located at the corner of Van Horn Trace and the IH-35 Frontage, approximately 1.5 miles away, driving. The next closest gas station, located at SH 123 and Rattler Road, is approximately 3 miles away, driving.

Within the San Marcos Development Code (SMDC), the Neighborhood Commercial District requires “landscaping and other buffering techniques to minimize their impact on the adjacent community,” which will be required at the time of site development. The SMDC also suggests that the development should “generally be located on collector streets at the intersection of collector or arterial roadways, and act as buffer areas for residential uses from arterial traffic,” which the proposed location conforms to.

As per the Trace PDD, landscaping and screening is required along the border between the proposed development and the Single Family Residential subdivision. A 50 ft. wide gas pipeline easement is located between the subject property and the abutting Single Family-6 zoning and is required to be landscaped and screened. The landscaping buffer will be installed as apart of a PICP currently in review. No parking or building may be located within this easement. Furthermore, directly adjacent to the subject property along Posey Road is an existing drainage and open space easement providing a further buffer between the proposed use and the single-family neighborhood. Additionally, Section 6.3 of the Trace PDD mandates further architectural guidelines for the PD-NC zoning.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code	No Comment

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Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		<u>N/A</u>	The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. <i>Studies were not complete at the time of the request.</i>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
<u>X</u>			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.
<u>X</u>			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
		<u>X</u>	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.
<u>X</u>			The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
<u>X</u>			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.