

Conditional Use Permit CUP-25-57	201 Kissing Tree Lane The Stump – Kissing Tree Golf Course
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Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Kissing Tree Golf Club, LLC 201 Kissing Tree Lane, San Marcos, TX 78666	Property Owner:	Brookfield Residential Kissing Tree 9600 N. Mopac Expressway
CUP Expiration:	December 13, 2025	Type of CUP:	Mixed Beverage
Interior Floor Area:	8,925 sq. ft. and 8,810 sq. ft.	Outdoor Floor Area:	150 seats
Parking Required:	377 spaces	Parking Provided:	380 spaces
Days & Hours of Operation:	Sunday– Saturday: 7am-8pm		

Notification

Posted:	October 10, 2025	Personal:	October 10, 2025
Response:	None as of the date of this report		

Property Description

Legal Description:	Paso Robles, Phase 1, Lot 25, Block A		
Location:	Located on Kissing Tree Lane, west of Dancing Oak Lane.		
Acreage:	21.68 acres	PDD/DA/Other:	Ord. #2024-25
Existing Zoning:	Mixed Use	Proposed Zoning:	Same
Existing Use:	Amenity Center/ Golf Club/ Restaurant	Proposed Use:	Same
Preferred Scenario:	Neighborhood Low	Proposed Designation:	Same
CONA Neighborhood:	Kissing Tree	Sector:	Sector 9
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Mixed Use (MU)	Golf Course/ Open Space/ Residential	Neighborhood Low
South of Property:	Mixed Use (MU)	Park/ Open Space	Neighborhood Low
East of Property:	Mixed Use (MU)	Residential	Neighborhood Low/ Conservation/Cluster
West of Property:	Mixed Use (MU)	Residential	Neighborhood Low

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Staff Recommendation

Approval as Submitted	☒ Approval with Conditions	Denial
1. The permit shall be valid for three (3) years commencing on December 13, 2025, provided standards are met; 2. The sale of alcohol for on-premise consumption is prohibited outside the limits of the service area boundary as shown on Exhibit A; and 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy for both the Golf Clubhouse and the Social Building.		
Staff: Craig Garrison	Title: Planner	Date: October 22, 2025

History

Per the existing Planned Development District (PDD) regulations, the golf course is privately owned and operated but open for public play. Kissing Tree previously received approval and renewal of a Conditional Use Permit in 2017, 2019, and 2022 for alcohol sales and on premise consumption on the golf course and within the amenity center.

The alcohol service boundary includes golf holes, golf cart paths, and the Amenity Center lot (see exhibit A). The Golf Clubhouse and the Social Building within the Amenity Center Lot will be the primary service areas. The applicant stated that there will be occasional indoor and outdoor entertainment facilities such as live music events.

Additional Analysis

Senate Bill 1008 provides provisions on the city's ability to prohibit amplified sound at a restaurant. Per this bill and staff's analysis, the City can enforce the existing noise ordinance.

Comments from Other Departments

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

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Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
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. <i>No improvements are being proposed as the subject structure is an existing development.</i>
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <i>No visual impacts are expected to cause adverse effects on adjacent properties.</i>
<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.
<u>X</u>			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences. <i>All surrounding residential uses are zoned Mixed Use (MU).</i>
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.