

<b>Conditional Use Permit</b>	<b>1390 Wonder World Dr.</b>
<b>CUP-23-25</b>	<b>Fischer's Neighborhood Market</b>



**Summary**

<b>Request:</b>	New Conditional Use Permit		
<b>Applicant:</b>	Kirk Brumley 3455 IH 35 South New Braunfels, TX 78131	<b>Property Owner:</b>	Edward Caffey POBox 1171 San Marcos, TX 78667
<b>CUP Expiration:</b>	N/A	<b>Type of CUP:</b>	Convenience Store with Gas Sales and Automated Car Wash
<b>Interior Floor Area:</b>	6,714 sq ft	<b>Outdoor Floor Area:</b>	N/A
<b>Parking Required:</b>	54 spaces	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	N/A		

**Notification**

<b>Posted:</b>	N/A	<b>Personal:</b>	09/15/23
<b>Response:</b>	1 general inquire and 2 comments received.		

**Property Description**

<b>Legal Description:</b>	Lot A0002 in Thomas J Chambers Survey		
<b>Location:</b>	Northeast corner of Wonder World Dr and Craddock Ave		
<b>Acreage:</b>	5.9 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	CC & SF-6	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Convenience Store, Gas Station' and Car Wash
<b>Preferred Scenario:</b>	Existing Neighborhood Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Westover	<b>Sector:</b>	2
<b>Utility Capacity:</b>	By Developer if not available	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	No

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	MF-12	Multi-Family (The Cottages at San Marcos)	Existing Neighborhood Intensity Zone
<b>South of Property:</b>	ETJ	Hiking Trail (Purgatory Creek Park)	Low Intensity Zone
<b>East of Property:</b>	SF-6	Single Family (Westover)	Existing Neighborhood Intensity Zone
<b>West of Property:</b>	SF-6	Single Family (Vista De Los Santos)	Low Intensity Zone

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**Staff Recommendation: Use of Fuel Sales**

Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	Denial
<ol style="list-style-type: none"> <li>1. Curb cuts shall be prohibited along Wonder World Drive; and</li> <li>2. Vehicular access shall be prohibited from Franklin Drive or Amherst Avenue; and</li> <li>3. The development shall provide a minimum of four (4) electric vehicle charging stations; and</li> <li>4. The development shall provide solar panels; and</li> <li>5. The development shall meet all tree preservation and protection of Section 6 Division 2; and</li> <li>6. The development shall provide a triple containment fuel system with three walls to contain any fuel leakage that could potentially occur; and</li> <li>7. A protective yard C or D shall be constructed, in accordance with Section 7.2.2.4, along the property line where the General Commercial zoning abuts Single-family 6 (SF-6) and Mixed Use (MU) zoning subject to appropriate designs that do not obstruct drainage; and</li> <li>8. The drive thru shall be screened, in accordance with Section 7.1.4.4, with a landscape strip and berm along Craddock Avenue; and</li> <li>9. The development shall provide a pedestrian access along the Northeast property line; and</li> <li>10. The development shall provide a bike repair station with tools necessary to perform bike repairs and maintenance, and include a pump; and</li> <li>11. The development shall provide a stormwater treatment level of 89% in accordance with Section 6.1.4.1; and</li> <li>12. The development shall construct a greenway along the North and Northeast property lines per the City's Transportation Master Plan; and</li> <li>13. The development shall not exceed 125% of the required parking by code; and</li> <li>14. The approval shall expire if the fuel sales use ceases operations for a continuous period of more than six (6) months.</li> </ol>		
<b>Staff:</b> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> 09/20/23

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**Staff Recommendation: Use of Automated Car Wash**

Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	Denial
<ol style="list-style-type: none"> <li>1. The car wash shall be screened, in accordance with Section 7.1.4.4, with a landscape strip and berm along Wonder World Drive; and</li> <li>2. The development shall provide a self-contained car wash system and shall reclaim and recycle the water from the car wash; and</li> <li>3. A protective yard C or D shall be constructed, in accordance with Section 7.2.2.4, along the property line where the General Commercial zoning abuts Single-family 6 (SF-6) and Mixed Use (MU) zoning subject to appropriate designs that do not obstruct drainage; and</li> <li>4. All washing, waxing, machine drying and related activities and operations shall be conducted entirely within an enclosed building (except for vehicular openings a maximum of 12 feet in width) with the exception of vacuuming, hand washing, hand drying and hand waxing of vehicles, the sale of items from vending machines and refuse storage and disposal; and</li> <li>5. No vehicular openings providing access to the enclosed building shall face the residential district. For purposes of this section, the building wall providing access shall be at an angle greater than 60 degrees from the residential district line; and</li> <li>6. All vacuuming and compression machines located outside of the enclosed building shall meet the noise standards of Section 7.4.2.1; and</li> <li>7. Operation of the automated car wash shall be prohibited prior to 6am or after 8pm on all days of the week. The hours of operation shall be required to be posted on site at a conspicuous location and all of the establishment's car wash equipment shall be rendered inoperable at all times other than during its hours of operation.</li> <li>8. The approval shall expire if the car wash use ceases operations for a continuous period of more than six (6) months.</li> </ol>		
<b>Staff:</b> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> 09/20/23

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### History

In May of 2012 City Council approved a development agreement on the subject property. This development agreement dedicated 70 acres of open space to continue Purgatory Creek and allowed the developer to construct residential homes along Valencia Way and commercial along the four corners of the intersection of Wonder World Drive and Craddock Avenue.

In April of 2021 a similar request was made to allow gas sales and a car wash on the subject property. This request was denied by Planning & Zoning Commission due to the commission's reservations regarding environmental concerns as well as curb cuts along Wonder World Drive.

### Additional Analysis

Fischer's Neighborhood Market sells fresh produce and meats as well as unique merchandise. This type of development will provide local residents who may not have a vehicle the option to walk or bike to the market to pick up groceries.

The subject property is situated within the Edwards Aquifer Recharge Zone. The property is subject to the City's development code that was in effect in January of 2012. The City has adopted more stringent water protective requirements since 2012. For this reason, staff has included a condition of approval that the subject property shall be developed in accordance with the City's current Development Code.

The nearest single-family home is approximately 85-feet from the property line and 220-feet from the proposed building. The applicant is proposing to further protect these residences by providing a landscape strip with berm that meets current code standards in Section 7.1.4.4. In addition, the applicant is proposing to preserve as many trees as possible on the property.

The applicant understands the City is not in favor of curb cuts along Wonder World Drive. For that reason, the applicant is proposing to use the existing driveway on Craddock Avenue as the single point of entrance and exit for motor vehicles.

The applicant understands the sensitivity of this property when it comes to environmental standards. For that reason, the applicant has taken the following steps to mitigate any environmental impacts. The first, the applicant has hired a professional geologist to analyze the site for any features that may allow runoff. The geologist has identified none on the subject property. The second, the applicant proposes to reclaim and recycle the water from the car wash. The proposed car wash system is self-contained allowing no runoff. Finally, the applicant is proposing a triple containment fuel system with three walls to contain any fuel leakage that could potentially occur. This system exceeds TCEQ standards and ensures the protection of the aquifer. Please note: the City does not regulate or have standards for fuel containment systems.

### Comments from Other Departments

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

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Evaluation			Criteria for Approval (Sec. 2.8.3.4, 5.1.5.4, & 5.1.7.3)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</p> <p><b><i>The purpose of community commercial is to provide retail, specifically at nodes of major collectors or thoroughfares which can accommodate the traffic associated with retail use.</i></b></p>
		<u>N/A</u>	<p>The proposed use is consistent with any adopted neighborhood character study for the area.</p> <p><b><i>Studies were not complete at the time of the request.</i></b></p>
<u>X</u>			<p>The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.</p>
<u>X</u>			<p>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.</p> <p><b><i>The properties immediately adjacent to the subject property are vacant and zoned Mixed Use (MU) and SF-6. The nearest single-family residence is +/- 150 ft from proposed car wash building. The property was designated for neighborhood compatible commercial uses in 2012 when the development agreement was approved and was zoned Community Commercial in 2015. In order to mitigate development related adverse impacts the applicant proposes to construct a landscape berm along the North and Northeast property line and will install a type C/D Protective Yard adjacent to MU and SF zoned properties. This standard is reflected as a condition of approval.</i></b></p>
<u>X</u>			<p>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.</p> <p><b><i>Community Commercial calls for retail at major intersections – both Craddock &amp; Wonder World are major thoroughfares. No access will be permitted to Franklin Drive, the future Amherst Avenue, or directly onto Wonder World Drive.</i></b></p>
		<u>X</u>	<p>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.</p> <p><b><i>Any required transportation improvements are determined at time of platting.</i></b></p>
<u>X</u>			<p>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</p> <p><b><i>Staff has included a condition requiring a landscape berm on the North and Northeast property line and will install a type C/D Protective Yard adjacent to MU and SF zoned properties.</i></b></p>
<u>X</u>			<p>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.</p> <p><b><i>The applicant is not requesting to vary from any development standards.</i></b></p>

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Evaluation			Criteria for Approval (Sec. 2.8.3.4, 5.1.5.4, & 5.1.7.3)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Where gasoline sales are a limited or conditional use a protective yard C/D must be established along all lot lines abutting a residential use, in accordance with Section 7.2.2.3.</p> <p><b>Staff included a condition of approval requiring a protective yard C or D along the property line where the General Commercial zoning abuts Single-family 6 (SF-6) and Mixed Use (MU) zoning subject to appropriate designs that do not obstruct drainage.</b></p>
<u>X</u>			<p>All washing, waxing, machine drying and related activities and operations shall be conducted entirely within an enclosed building (except for vehicular openings a maximum of 12 feet in width) with the exception of vacuuming, hand washing, hand drying and hand waxing of vehicles, the sale of items from vending machines and refuse storage and disposal.</p> <p><b>The applicant's proposal meets this standard. Staff has included this as a condition of approval to ensure this standard is met.</b></p>
<u>X</u>			<p>No vehicular openings providing access to the enclosed building shall face the residential district. For purposes of this section, the building wall providing access shall be at an angle greater than 60 degrees from the residential district line.</p> <p><b>Staff has included this as a condition of approval.</b></p>
<u>X</u>			<p>All vacuuming and compression machines located outside of the enclosed building shall meet the noise standards of Section 7.4.2.1.</p> <p><b>Staff has included this as a condition of approval.</b></p>
<u>X</u>			<p>Operation of the establishment (automated car wash) shall be prohibited prior to 6am or after 8pm on all days of the week. The hours of operation shall be required to be posted on site at a conspicuous location and all of the establishment's car wash equipment shall be rendered inoperable at all times other than during its hours of operation.</p> <p><b>Staff has included this as a condition of approval.</b></p>