



Public Hearing

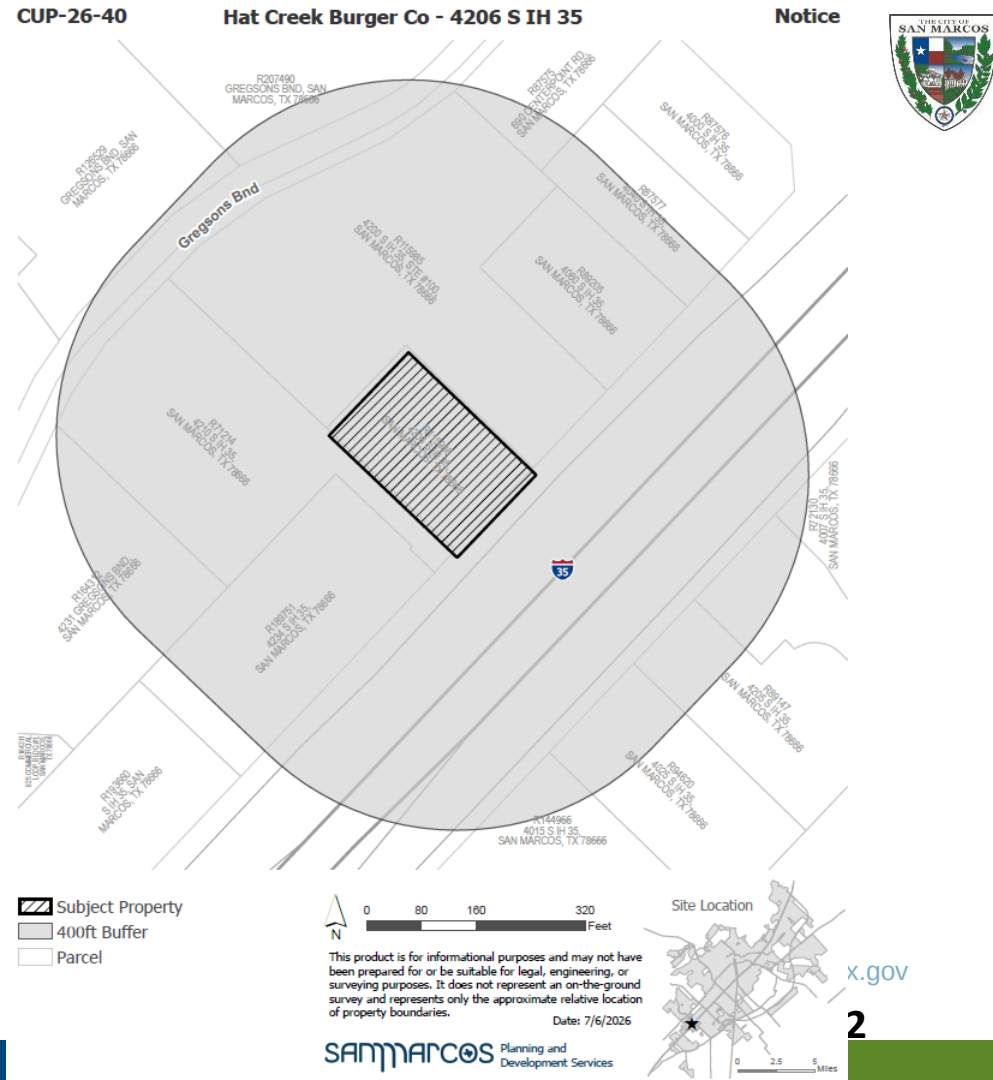
CUP-26-40

Hat Creek Burger Co

CUP-26-40 (Hat Creek Burger Co) Hold a public hearing and consider a request by Drew Gressett, on behalf of Hat Creek Burger Co, for amendment of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 4206 S IH 35. (K. Buck)

Property Information

- Approximately 1 acre
- Location: IH 35 frontage, approximately 740 feet South of Centerpoint Road



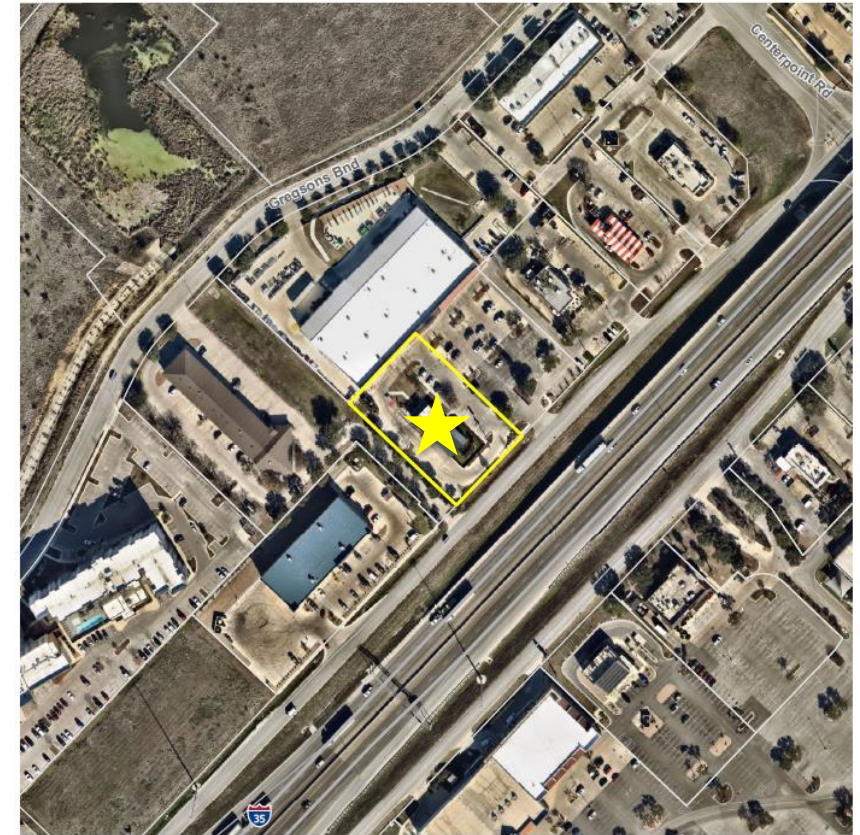
Context & History

- Currently a Restaurant (Eating Establishment) use with on-premise consumption of alcohol.
- The business has held a Beer & Wine CUP since 2017.
- Surrounding Uses:
 - Retail-Tanger Outlets
 - Hotels
 - Restaurants

CUP-26-40

Hat Creek Burger Co - 4206 S IH 35

Aerial



Subject Property
Parcel

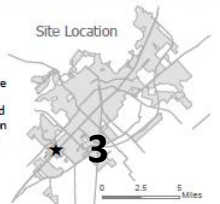
0 100 200 400 Feet

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.

Date: 7/6/2026

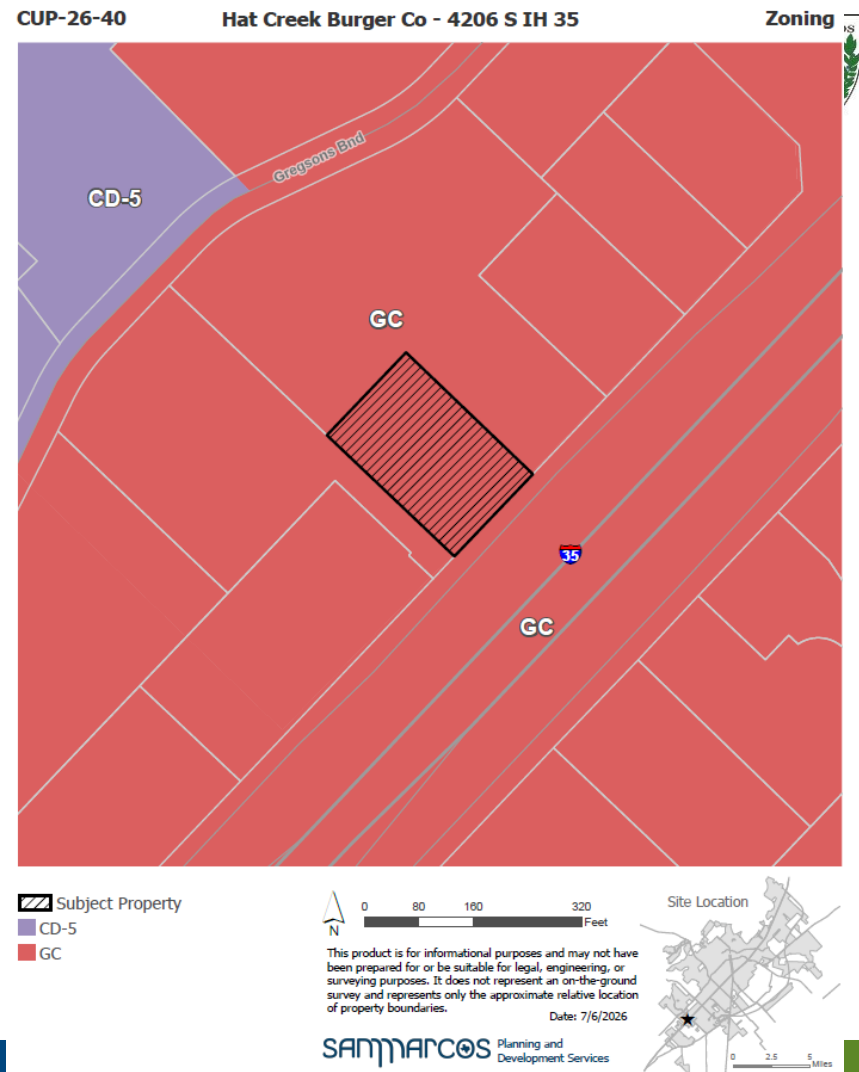
SAN MARCOS Planning and Development Services

Site Location



Context & History

- **Existing Zoning:** General Commercial (GC)
- **Proposed Use:** Restaurant (Eating Establishment) with on premise consumption of Mixed Beverages
- **Hours of Operation:**
 - Friday-Saturday: 11am-9:30pm
 - Sunday-Thursday: 11am-9pm
- **CUP Expiration Date:** August 27, 2028
- **Police Calls:** None





Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4
<u>X</u>			Aligns with the adopted comprehensive plan?
		<u>N/A</u>	Complies with any applicable small area plan or neighborhood studies?
<u>X</u>			Meets the purpose and intent of the current zoning district regulations?
		<u>X</u>	Preserves surrounding character and mitigates impacts (traffic, noise, drainage, visual effects, etc)?
<u>X</u>			Does not create hazardous pedestrian or vehicle traffic conflicts?
		<u>X</u>	Includes roadway improvements or controls to reduce neighborhood traffic impacts?



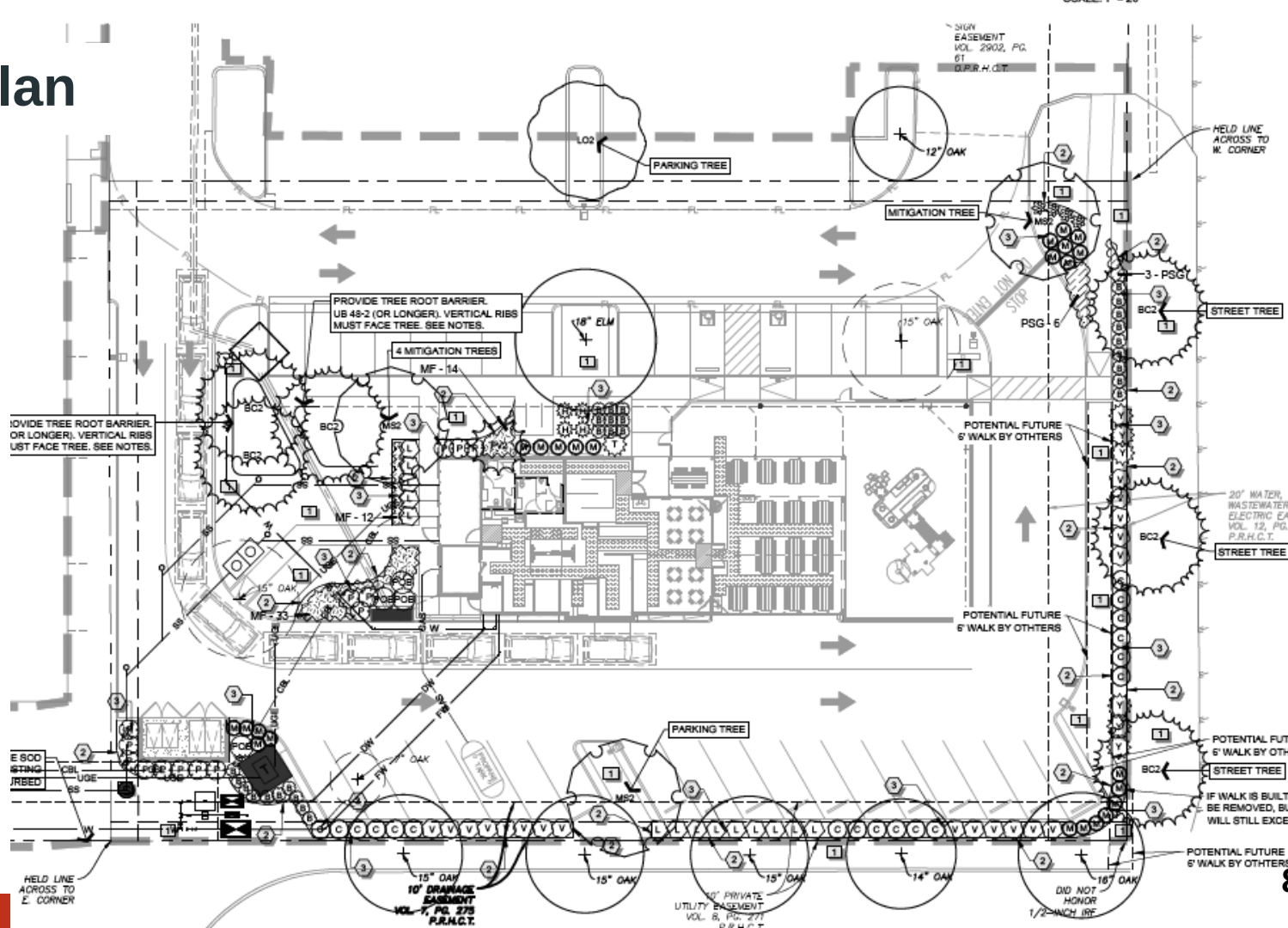
Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4 Continued
		<u>X</u>	Incorporates design features to reduce visual and other negative effects on adjacent properties?
<u>X</u>			Meets district standards, or any requested variations are necessary for neighborhood compatibility?
<u>X</u>			The proposed use does not contribute to any factors which shall substantially affect public safety.
<u>X</u>			The proposed use does not contribute to any factors which shall substantially affect public health.
<u>X</u>			The proposed use does not contribute to any factors that may contribute to a strain on natural resources, such as water or similar.
<u>X</u>			The proposed use does not contribute to strain on public services or utilities, such as electricity, water or wastewater, or similar.

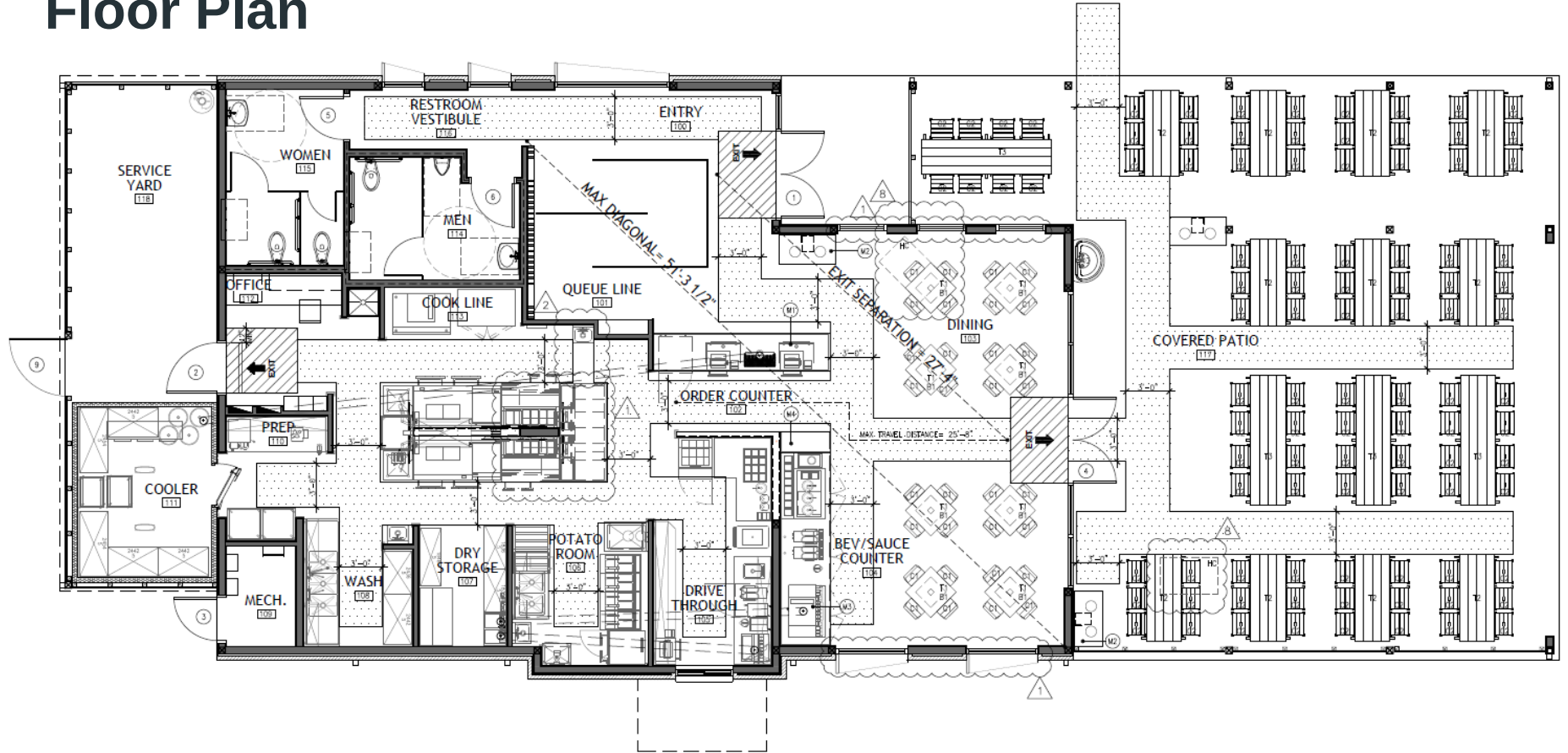


Criteria for Approval

C	I	N	Criteria for Approval – Sec. 5.1.5.5
<u>X</u>			Located at least 300 feet from detached single-family homes in single-family-only districts?
<u>X</u>			Located at least 300 feet from churches, schools, and public hospitals?
<u>X</u>			Located at least 1,000 feet from any public or private school?



Floor Plan



Recommendation



Staff recommends **approval** of CUP-26-40 with the following conditions:

1. The permit shall be valid for three (3) years, and shall expire on August 11, 2029, provided standards are met;
2. The business shall be responsible for the subject property and the abutting right- of way, excluding the public street or alley pavement, within 50 feet of any entrance and exit in a clean and sanitary condition, free from litter and refuse at all times. The maintenance responsibilities shall not overlap with another alcohol CUP Holder's maintenance area. (LDC Section 5.1.5.5.E.2.c);
3. The number of people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.