

<b>Conditional Use Permit</b> <b>CUP-24-55</b>	<b>139 E Hopkins</b> <b>Harper's and Four Play</b>
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**Summary**

<b>Request:</b>	Amendment of a Conditional Use Permit for a name change and business expansion.		
<b>Applicant:</b>	Sean Neal SKNeal LLC 139 E Hopkins Street San Marcos, TX 78666	<b>Property Owner:</b>	Sloan James LLC 139 E Hopkins Street San Marcos, TX 78666
<b>CUP Expiration:</b>	N/A (Lifetime)	<b>Type of CUP:</b>	CBA Bar Mixed Beverage
<b>Interior Floor Area:</b>	8,888 sq. ft.	<b>Outdoor Floor Area:</b>	1,192 sq. ft.
<b>Parking Required:</b>	N/A	<b>Parking Provided:</b>	No
<b>Days &amp; Hours of Operation:</b>	Monday-Friday: 5pm-2am Saturday-Sunday: 3pm-2am		

**Notification**

<b>Posted:</b>	11/22/2024	<b>Personal:</b>	11/22/2024
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Original Town of San Marcos, Block 20, Lot Part of 5		
<b>Location:</b>	Located on E Hopkins Street near the intersection of N LBJ Drive		
<b>Acreage:</b>	0.171 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	CD-5D	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Bar	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Mixed Use Medium	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Downtown (CBA)	<b>Sector:</b>	Sector 8
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	Downtown Historic District	<b>My Historic SMTX Resources Survey:</b>	Yes, Medium Priority

**Surrounding Area**

	Zoning	Existing Land Use	Preferred Scenario
<b>North of Property:</b>	CD-5D	Parking/ Retail	Mixed Use Medium
<b>South of Property:</b>	P - Public	Public - Courthouse	Mixed Use Medium
<b>East of Property:</b>	CD-5D	Bar/ Restaurant	Mixed Use Medium
<b>West of Property:</b>	CD-5D	Bar/ Restaurant	Mixed Use Medium

**Staff Recommendation**

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	<input type="checkbox"/> Denial
1. The Conditional Use Permit shall be valid for three (3) years, provided standards are met; and 2. This permit shall be posted in the same area and manner as the Certificate of Occupancy		
<b>Staff:</b> Craig Garrison	<b>Title :</b> Planner	<b>Date:</b> 12/4/2024



**History**

Harper's is an established bar with multiple approvals by Planning and Zoning Commission for name changes. The purpose of this request is for a name change from "Harper's Public House," to "FlourPlay." The applicant is also expanding the square footage by approximately 2,000 square feet by converting existing office space.

Approval History:

- 1996, Original SUP issued to L & D Dishman to allow consumption of mixed beverages.
- 1999, Administrative Approval for a name change from "L & D Dishman" to "The Draft Choice Inc." (SUP-99-06).
- 2008, Planning and Zoning Commission approved amendment The Draft Choice Inc, to allow for mixed beverages at a restaurant, (CUP-08-17)
- 2009, Planning and Zoning Commission approved amendment for a name change to Harper's Public House, (CUP-09-13)
- 2010, Planning and Zoning Commission approved amendment to Harper's Public House, to allow expansion of the bar, (CUP-10-05)
- 2012, Planning and Zoning Commission approved renewal to Harper's Public House, which had expired (CUP-12-27)
- 2015, Planning and Zoning Commission approved for Harper's Public House for owner change. (CUP-15-16)

With the last approval in 2015, the CUP was approved for the life of the TABC permit.

This case requires a conditional use permit to be heard by the Planning and Zoning Commission due to the expansion of floor space, and per section 2.8.3.5 of the Development Code: "There is significant change in the name of the establishment, or any physical or operational change in the business that increase off-site impacts to surrounding properties."

A Certificate of Appropriateness was received from the Historic Preservation Commission to "Repainting of the woodwork and window trim on the front façade, the poles and balcony railings, and for painting the reveal lines to create the appearance of inlaid tile." With the following conditions:

1. The paint colors are applied as indicated on the attached description of work (Exhibit A), which was submitted by the applicant on August 22, 2024.
2. No previously unpainted brick on the structure shall be painted.
3. Following completion of painting, the applicant shall contact staff to set up an inspection. Please retain all painting materials, such as the paint cans utilized, until after the inspection is complete.

**Additional Analysis**

The remodel of existing office space into expanded bar space may require modifications to meet current fire code, comments from the COSM Fire Department are below:

- This could change the occupant load calculations. Occupant load will be verified during the plans review process.
- Adding the stairs on Hopkins will help but the width of all egress components must meet the occupant load, multiplied by 0.3 for stairs and 0.2 for other means.
- Adding additional doors is helpful.
  - Existing fire sprinkler system will require modification.
- If there are no fire alarm notification appliances in the existing space, they may be required due to the change to an assembly.

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- All fire sprinkler, fire alarm and other life safety systems must have received and passed their final inspection before furniture or other combustible fixtures can be moved in.

All Fire Code comments must be addressed prior to the issuance of a remodel permit.

***Comments from Other Departments***

<b>Police</b>	See Attached Police Report
<b>Fire</b>	See Comments Above
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Health/Code</b>	No Comment

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>X</u>			The proposed use is consistent with any adopted neighborhood character study for the area.
<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.
<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.
<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.