



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda Planning and Zoning Commission

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Tuesday, August 11, 2026

6:00 PM

City Council Chambers

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**This will be a hybrid (in-person/virtual meeting). To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.**

- I. Call To Order
- II. Roll Call
- III. Chairperson's Opening Remarks
- IV. Citizen Comment Period

*Persons wishing to participate/speak remotely (online) during the Citizen Comment Period must email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) no later than 12:00 p.m. on the day of the meeting. Written comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners. Written comments received after the deadline will be provided to the Commissioners at the meeting. Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called. Comments shall have a time limit of three minutes each and speakers must state their name.*

### CONSENT AGENDA

*THE FOLLOWING ITEMS NUMBERED #1 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.*

1. Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on July 28, 2026

### PUBLIC HEARINGS

*Interested persons may participate in any of the Public Hearing items #2-4:*

- 1) *To participate/speak remotely (online) during the Public Hearings, email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) no later than 12:00 p.m. on the day of the meeting, or*
  - 2) *Email written comments. Comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners and comments received after the deadline will be provided to the Commissioners at the meeting, or*
  - 3) *Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called*
- Comments shall have a time limit of three minutes each and speakers must state their name and address.*

2. CUP-26-16 (One Time Tavern) Hold a public hearing and consider a request by Florencio Cuevas, on behalf of One Time Tavern, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1700 S IH 35 (C. Garrison)
3. CUP-26-37 (Saloon 1904) Hold a public hearing and consider a request by Bill Good, on behalf of Saloon 1904, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1904 Old Ranch Road 12, Suite 107 and 108. (C. Garrison)
4. 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)

#### V. Question and Answer Session with Press and Public.

*This is an opportunity for the Press and Public to ask questions related to items on this agenda. Comments shall have a time limit of three minutes each and speakers must state their name. The allotted time will commence at the beginning of the speakers remarks and will include time spent in discussion with Commissioners and staff. Any questions which are unable to be addressed in the allotted timeframe, or for which answers are not immediately available can be addressed outside the meeting.*

#### VI. Adjournment

##### Notice of Assistance at the Public Meetings

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the

\_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ Title:

\_\_\_\_\_





## Legislation Text

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**File #:** ID#26-524, **Version:** 1

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**AGENDA CAPTION:**

Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on July 28, 2026

**Meeting date:** August 11, 2026

**Department:** Planning and Development

**Amount & Source of Funding**

**Funds Required:** Click or tap here to enter text.

**Account Number:** Click or tap here to enter text.

**Funds Available:** Click or tap here to enter text.

**Account Name:** Click or tap here to enter text.

**Fiscal Note:**

**Prior Council Action:** Click or tap here to enter text.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

Economic Development - Choose an item.

Environment & Resource Protection - Choose an item.

Land Use - Choose an item.

Neighborhoods & Housing - Choose an item.

Parks, Public Spaces & Facilities - Choose an item.

Transportation - Choose an item.

Core Services

Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

Click or tap here to enter text.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes - Final Planning and Zoning Commission

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Tuesday, July 28, 2026

6:00 PM

City Council Chambers

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**This was a hybrid (in-person/virtual meeting). To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10.**

### I. Call To Order

**With a quorum present the regular meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Case at 6:00 pm on Tuesday, July 28, 2026 via hybrid meeting.**

### II. Roll Call

**Present** 8 - Commissioner William Agnew, Commissioner Lupe Costilla, Commissioner Maraya Dunn, Commissioner Rodney Van Oudekerke, Commissioner Lucy Johnson, Commissioner Randy Bryan, Commissioner Michele Burleson, and Commissioner Allison Hardy

**Absent** 1 - Commissioner David Case

### III. Chairperson's Opening Remarks

**Vice-Chair Agnew welcomed the audience and gave opening remarks detailing the meeting rules and guidelines.**

### IV. Citizen Comment Period

**Vice-Chair Agnew opened the Citizen Comment Period.**

**There were no speakers**

**Vice-Chair Agnew closed the Citizen Comment Period.**

### CONSENT AGENDA

1. Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on June 23, 2026

**A motion was made Commissioner Dunn, seconded by Commissioner Burleson to approve the consent agenda.**

**The motion carried by the following vote.**

**For:** 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

**Against:** 0

**Absent:** 1 - Commissioner Case

## **PUBLIC HEARINGS**

2. CUP-26-09 (Siren's San Marcos) Hold a public hearing and consider a request by Manuel Alfau, on behalf of Siren's San Marcos, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 801 Chestnut St. (K. Buck)

**Vice-Chair Agnew opened the Public Hearings.**

**Kaitlyn Buck, Planner, gave a presentation on request CUP-26-09.**

**Staff recommended approval of the request with the following conditions.**

1. The permit shall be valid for one (1) year, and shall expire July 28, 2027, provided standards are met;
2. No outdoor Amplified, Acoustic, and/or Background Sound shall be permitted after the closing of the business but in no case later than 10 pm Sunday-Thursday;
3. No outdoor Amplified, Acoustic, and/or Background Sound shall be permitted after the closing of the business but in no case later than 11 pm Friday – Saturday;
4. 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 exist (LDC Section 5.1.5.5.E.2.c);
5. 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
6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

1) Manuel Alfau - 801 Chestnut, in favor

2) Larry Kellie - 801 Chestnut, in favor

**Vice-Chair Agnew closed the Public Hearings.**

**A motion was made by Commissioner Dunn, seconded by Commissioner Costilla to approve the request with staff conditions.**

**The motion carried by the following vote.**

**For:** 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

**Against:** 0

**Absent:** 1 - Commissioner Case

3. CUP-26-34 (The Cigar Vault) Hold a public hearing and consider a request by Jeff Beal, on behalf of The Cigar Vault, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 122 N LBJ Drive. (C. Garrison)

**Vice-Chair Agnew opened the Public Hearings.**

**Kaitlyn Buck, Planner, gave a presentation on request CUP-26-34.**

**Staff recommended approval of the request with the following conditions:**

- 1. This permit shall be valid for three (3) years, and shall expire July 28, 2029, provided standards are met;**
- 2. The business is 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 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.**

**1) Laura Shoffner - 122 N LBJ, in favor**

**Vice-Chair Agnew closed the Public Hearings.**

**A motion was made by Vice-Chair Agnew, seconded by Commissioner Van Oudekerke to approve the request with staff conditions and the following modification to conditions #1.**

**\*This permit shall be valid for three (3) years, and shall expire June 27, 2029, provided standards are met.**

**The motion carried by the following vote.**

**For:** 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

**Against:** 0

**Absent:** 1 - Commissioner Case

4. CUP-26-36 (Nelson H. Puett) Hold a public hearing and consider a request by Killen, Griffin and Farrimond, on behalf of Nelson H. Puett, for a Conditional Use Permit to allow the Warehouse/ Office and Storage Use located at 930 Luciano Flores Boulevard. (C.

**Vice-Chair Agnew opened the Public Hearings.**

**Kaitlyn Buck, Planner, gave a presentation on request CUP-26-36.**

**Staff recommended approval of the request with the following conditions:**

- 1. No tractor-trailer parking permitted on site;**
- 2. The permit shall not expire, provided standards are met.**

- 1) Emilie Weisler - 10101 Reunion Place, San Antonio, in favor**
- 2) Nurridim Kalam - 10101 Reunion Place, San Antonio, in favor**

**Vice-Chair Agnew closed the Public Hearings.**

**A motion was made by Commissioner Costilla, seconded by Commissioner Burleson to approve the request with staff conditions.**

**The motion carried by the following vote.**

**For:** 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

**Against:** 0

**Absent:** 1 - Commissioner Case

5. CUP-26-39 (Rise and Shine Tattoos) Hold a public hearing and consider a request by Brandon Smith, on behalf of Rise and Shine Tattos, for a Conditional Use Permit to allow the use of Studio Tattoo, located at 501 W San Antonio St. (K. Buck)

**Vice-Chair Agnew opened the Public Hearings.**

**Kaitlyn Buck, Planner, gave a presentation on request CUP-26-39.**

**Staff recommended approval of the request with the following conditions:**

- 1. The operating hours shall not exceed 8am-9pm Monday-Sunday; and**
- 2. The permit shall not expire, provided standards are met.**

- 1) Rebecca Basma - 501 W San Antonio, in favor**
- 2) Brandon Smith - 501 W San Antonio, in favor**
- 3) Christopher Murr - 509 W San Antonio, in opposition**
- 4) Becky Smith - 501 W San Antonio, in favor**
- 5) Elizabeth Emberson - 503 Harvey, in favor**

**Vice-Chair Agnew closed the Public Hearings.**

**A motion was made by Commissioner Van Oudekerke, seconded by Commissioner Burleson to approve the request with staff conditions.**

**The motion carried by the following vote.**

**For:** 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

**Against:** 0

**Absent:** 1 - Commissioner Case

**V. Question and Answer Session with Press and Public.**

**Vice-Chair Agnew opened the Question and Answer Session.**

**There were no speakers.**

**Vice-Chair Agnew closed the Question and Answer Session.**

VI. Adjournment

**A motion was made by Commissioner Dunn, seconded by Commissioner Burleson to adjourn.**

**The motion carried by the following vote.**

**For:** 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

**Against:** 0

**Absent:** 1 - Commissioner Case

**The meeting adjourned at 7:12 p.m.**

**Recording Secretary, Enrique Velasquez**

**Chair, David Case**





## Legislation Text

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**File #:** CUP-26-16, **Version:** 2

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**AGENDA CAPTION:**

CUP-26-16 (One Time Tavern) Hold a public hearing and consider a request by Florencio Cuevas, on behalf of One Time Tavern, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1700 S IH 35 (C. Garrison)

**Meeting date:** August 11, 2026

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account or Project Number (C = CIP funds):** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

N/A Arts and Culture - Choose an item.

N/A Economic Development - Choose an item.

N/A Environment & Resource Protection - Choose an item.

N/A Housing + Neighborhoods - Choose an item.

N/A Land Use + Community Design and Character - Choose an item.

N/A Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

N/A Transportation - Choose an item.

N/A Core Services

N/A Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

This is a new request. Suite 108 in this shopping center was last occupied by Out of City Limits Art Studio and Electric. The Crestwood Center was annexed into the City and zoned to the Commercial District on May of 2026. Saloon 1904 already holds a TABC license, is currently open to the public, and is applying for a Conditional Use Permit due to the recent annexation.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** with the following conditions:

1. This permit shall be valid for one (1) year, and shall expire August 11, 2027, 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 list; and
4. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

|                               |                        |
|-------------------------------|------------------------|
| <b>Conditional Use Permit</b> | <b>1700 S IH 35</b>    |
| <b>CUP-26-16</b>              | <b>One Time Tavern</b> |



### Summary

|                                       |                                                                                                                        |                            |                                                             |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------|
| <b>Request:</b>                       | Renewal of a Conditional Use Permit (CUP)                                                                              |                            |                                                             |
| <b>Applicant:</b>                     | Florencio Cuevas<br>One Time Tavern<br>609 McGehee Street<br>San Marcos, TX 78666                                      | <b>Property Owner:</b>     | Garza Feddie<br>302 Mitchell Street<br>San Marcos, TX 78666 |
| <b>CUP Expiration:</b>                | July 14, 2026                                                                                                          | <b>Type of CUP:</b>        | Outside CBA Bar- Mixed Beverage                             |
| <b>Interior Floor Area:</b>           | 1,200 sq. ft.                                                                                                          | <b>Outdoor Floor Area:</b> | 800 sq. ft.                                                 |
| <b>Parking Required:</b>              | 20                                                                                                                     | <b>Parking Provided:</b>   | Yes                                                         |
| <b>Days &amp; Hours of Operation:</b> | Monday – Wednesday: 3 p.m.-12 a.m. Thursday: 12 p.m.-12 a.m. Friday-Saturday: 12 p.m.- 1 a.m. Sunday: 12 p.m.- 12 a.m. |                            |                                                             |

### Notification

|                  |                                    |                  |               |
|------------------|------------------------------------|------------------|---------------|
| <b>Posted:</b>   | July 24, 2026                      | <b>Personal:</b> | July 24, 2026 |
| <b>Response:</b> | None as of the date of this report |                  |               |

### Property Description

|                              |                                                |                                           |          |
|------------------------------|------------------------------------------------|-------------------------------------------|----------|
| <b>Legal Description:</b>    | A F Weatherford #1, Lot 10A                    |                                           |          |
| <b>Location:</b>             | Corner of Kingwood Street and S IH 35 Frontage |                                           |          |
| <b>Acreage:</b>              | 1.07 acres                                     | <b>PDD/DA/Other:</b>                      | N/A      |
| <b>Existing Zoning:</b>      | Heavy Commercial (HC)                          | <b>Proposed Zoning:</b>                   | Same     |
| <b>Existing Use:</b>         | Bar                                            | <b>Proposed Use:</b>                      | Same     |
| <b>Preferred Scenario:</b>   | Commercial/<br>Employment Medium               | <b>Proposed Designation:</b>              | Same     |
| <b>CONA Neighborhood:</b>    | Victory Gardens                                | <b>Sector:</b>                            | Sector 4 |
| <b>Utility Capacity:</b>     | Adequate                                       | <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> | Mixed Use (MU)          | Retail/ Warehouse                 | Commercial/<br>Employment Low    |
| <b>South of Property:</b> | General Commercial (GC) | Automotive Repair                 | Commercial/<br>Employment Medium |
| <b>East of Property:</b>  | Mixed Use (MU)          | Interstate Highway 35             | Neighborhood Low                 |
| <b>West of Property:</b>  | Single Family- 6 (SF-6) | Vacant/ Single Family Residential | Neighborhood Low                 |

|                               |                        |
|-------------------------------|------------------------|
| <b>Conditional Use Permit</b> | <b>1700 S IH 35</b>    |
| <b>CUP-26-16</b>              | <b>One Time Tavern</b> |



### Staff Recommendation

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                     |                          |                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|-----------------------------|
| Approval as Submitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | Approval with Conditions | Denial                      |
| <ol style="list-style-type: none"> <li>1. This permit shall be valid for three (3) years, and shall expire August 11, 2029, provided standards are met;</li> <li>2. No outdoor Amplified Sound shall be permitted;</li> <li>3. The business is 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C);</li> <li>4. 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</li> <li>5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol> |                                     |                          |                             |
| <b>Staff:</b> Craig Garrison                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Title:</b> Planner               |                          | <b>Date:</b> August 5, 2026 |

### History

**2019** The business submitted a Bar CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

**2024:** The renewal of the Bar CUP was approved by the Planning and Zoning Commission for six months with conditions. Planning and Zoning Commission approved for six months to compensate for the three years being expired.

**2025:** The renewal of the Bar CUP was approved by the Planning and Zoning Commission for one and half years, with the expiration being July 14, 2026 with conditions.

### Additional Analysis

The closest single-family residence is approximately 360 feet away (measured door to door). Although the bar meets Land Development Code Section 5.1.5.5.E.3.b of not being within 300 feet of a single family residence, staff believes that prohibiting loud music will help keep One Time Tavern consistent with the neighborhood's character.

Per Senate Bill 1008 and since this a bar, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.

### Comments from Other Departments

|                               |                            |
|-------------------------------|----------------------------|
| <b>Police</b>                 | See Attached Police Report |
| <b>Fire</b>                   | No Comment                 |
| <b>Public Services</b>        | No Comment                 |
| <b>Engineering</b>            | No Comment                 |
| <b>Health/Code Compliance</b> | No Comment                 |

**Conditional Use Permit  
CUP-26-16**

**1700 S IH 35  
One Time Tavern**

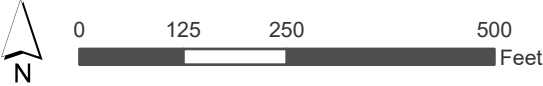


| Evaluation |              |            | Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------|--------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.<br><b><i>Studies were not complete at the time of the request.</i></b>                                                                                                                                                                                                                                                                                                                                                                               |
| <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.<br><b><i>The diverse zoning districts within this area create potential nuisance and conflicts between the bar and neighboring Single-Family Residential Use.</i></b> |
| <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.<br><b><i>No improvements are being proposed as the subject structure is an existing development.</i></b>                                                                                                                                                                                                 |
|            |              | <u>X</u>   | The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.<br><b><i>No visual impacts are expected to cause adverse effects on adjacent properties.</i></b>                                                                                                                                                                                                                                                                                                             |
| <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 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.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <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.<br><b><i>Measured as 360 feet away.</i></b>                                                                                                                                                                                                                                                                                                                                                         |
| <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.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |





 Subject Property

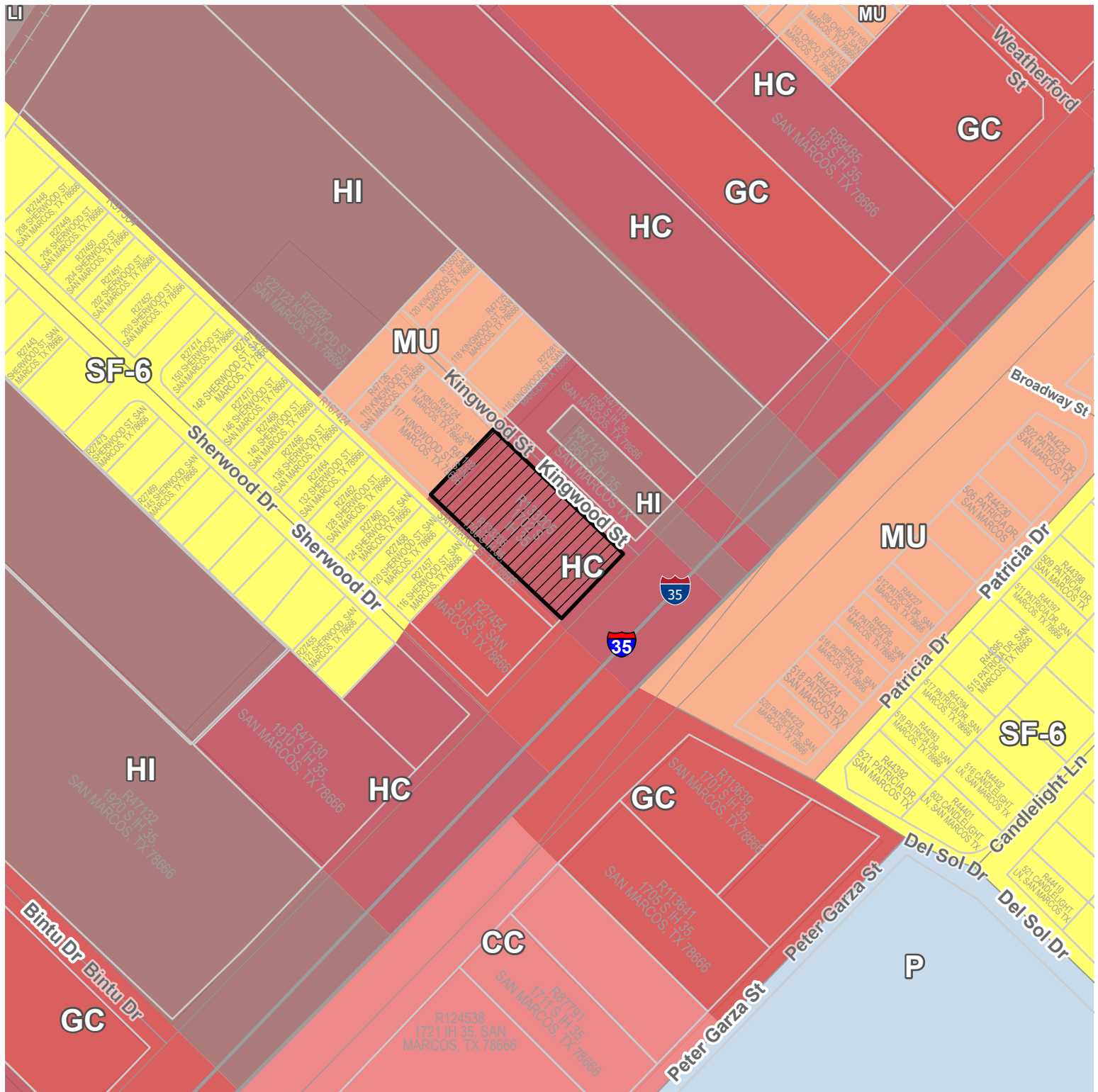


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

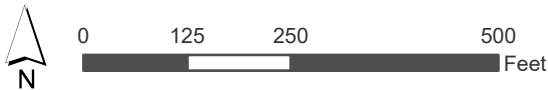
Date: 7/9/2026







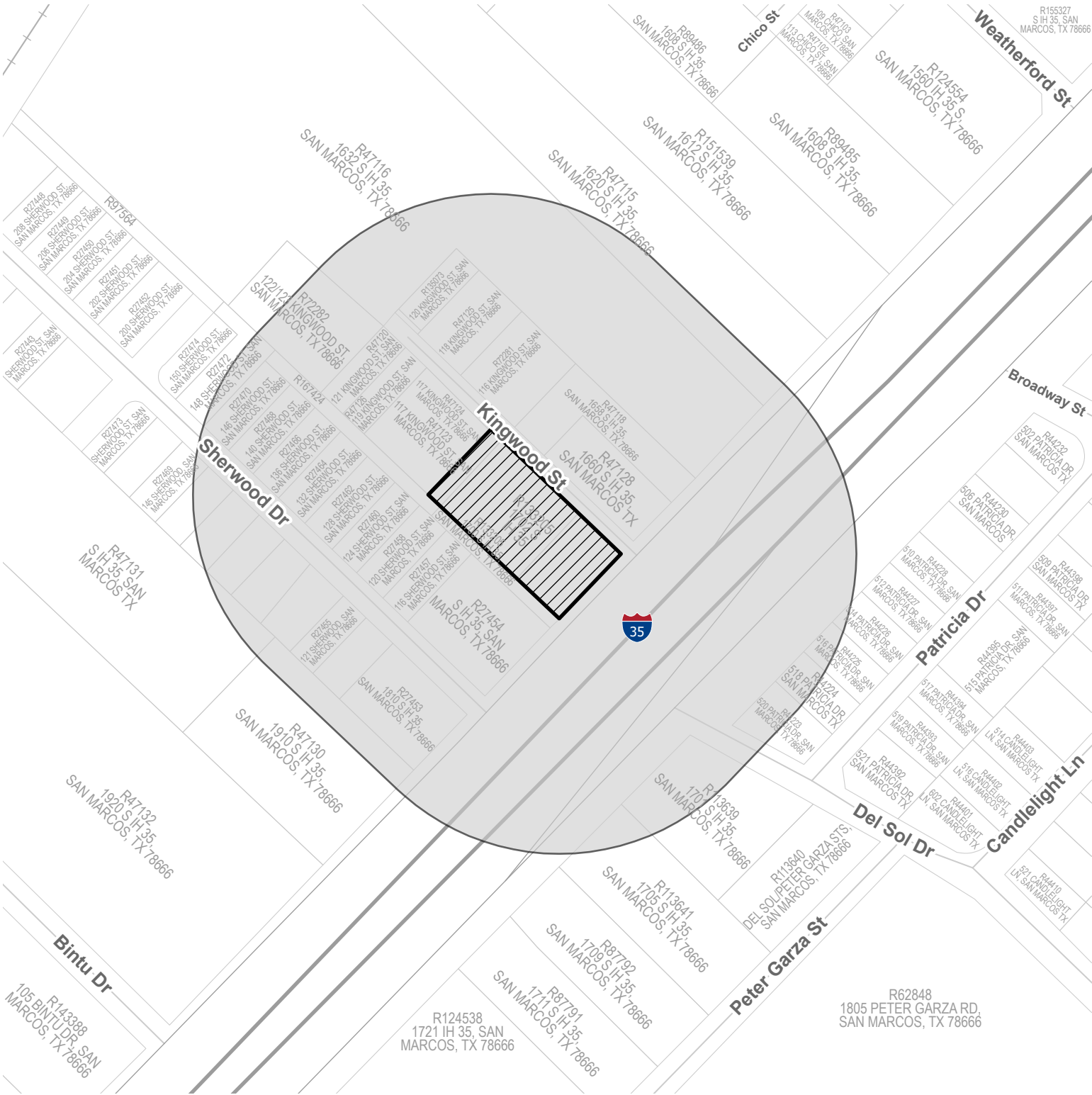
- Subject Property
- LI
- MU
- HI
- GC
- CC
- P
- SF-6
- Parcel



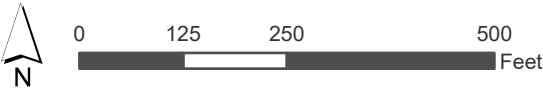
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 7/9/2026





- Subject Property
- 400 ft. Buffer
- Parcel



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: 7/9/2026





PLANNING AND DEVELOPMENT SERVICES

7/23/26



CUP-26-16

**RENOTICE** of Public Hearing  
Conditional Use Permit Request  
Sale of Mixed Beverages  
1700 S IH 35

*CUP-26-16 (One Time Tavern) Hold a public hearing and consider a request by Florencio Cuevas, on behalf of One Time Tavern, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1700 S IH 35 (C.GARRISON)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, August 11, 2026** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

**For Planning & Zoning Commission**

Planning and Development Services  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

For more information regarding this request, contact the case manager, **Craig Garrison**, at **512.805.2649** or [cgarrison@sanmarcostx.gov](mailto:cgarrison@sanmarcostx.gov). When calling, please refer to case number **CUP-26-16**.

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

PLANNING AND DEVELOPMENT SERVICES  
Enclosure: Map (See Reverse)

| Property ID | Site Address                              | Owner                                              | Owner Address               | Owner City/ State/ Zip       |
|-------------|-------------------------------------------|----------------------------------------------------|-----------------------------|------------------------------|
| 47131       | S IH 35, SAN MARCOS TX                    | 1900 S IH 35 LLC                                   | 5808 BALCONES DR            | AUSTIN, TX 78731             |
| 27460       | 124 SHERWOOD ST, SAN MARCOS, TX 78666     | ALANIZ GILA KELA (ESTATE)                          | SAMUEL K ALANIZ             | SAN MARCOS, TX 78666-6015    |
| 27459       | 125 SHERWOOD ST, SAN MARCOS, TX 78666     | ALDAPE, ISABEL JR & ROSA                           | 125 SHERWOOD ST             | SAN MARCOS, TX 78666-6014    |
| 27453       | 1810 S IH 35, SAN MARCOS, TX 78666        | AML REAL ESTATE LLC                                | 1810 SOUTH IH-35            | SAN MARCOS, TX 78666         |
| 27469       | 145 SHERWOOD, SAN MARCOS, TX 78666        | BALDERAS, AMELIA C                                 | 145 SHERWOOD ST             | SAN MARCOS, TX 78666-6014    |
| 113639      | 1701 S IH 35, SAN MARCOS, TX 78666        | BBQ WAY LLC                                        | 510 LAZY LN                 | SAN MARCOS, TX 78666-9458    |
| 72282       | 122/123 KINGWOOD ST, SAN MARCOS, TX 78666 | BRISTER NANCY A ETAL                               | 617 STAGECOACH TRL          | SAN MARCOS, TX 78666         |
| 44224       | 518 PATRICIA DR, SAN MARCOS TX            | CAPETILLO DORA A (LIFE ESTATE)                     | 518 PATRICIA DR             | SAN MARCOS, TX 78666-7405    |
| 27468       | 140 SHERWOOD ST, SAN MARCOS, TX 78666     | CERDA LOUIS H & REFUGIA                            | 121 SHERWOOD ST             | SAN MARCOS, TX 78666-6014    |
| 47128       | 1660 S IH 35, SAN MARCOS TX               | CONGER LORI Z TRUST UWO ZIEGLER THAD M             | PO BOX 6053                 | SAN ANTONIO, TX 78209-0053   |
| 47123       | 117 KINGWOOD ST, SAN MARCOS, TX 78666     | CRAYTON, CLESTER H                                 | 117 KINGWOOD ST             | SAN MARCOS, TX 78666         |
| 27458       | 120 SHERWOOD ST, SAN MARCOS, TX 78666     | CUELLAR EMILIO & EVA                               | 120 SHERWOOD ST             | SAN MARCOS, TX 78666         |
| 27461       | 129 SHERWOOD ST, SAN MARCOS, TX 78666     | DE LA CRUZ, MICHAEL                                | 2637 RED BUD WAY            | NEW BRAUNFELS, TX 78132-4283 |
| 27454       | S IH 35, SAN MARCOS, TX 78666             | FREY, STEPHEN A & FREY, ELISA                      | 1205 OSPREY RIDGE LOOP      | LAGO VISTA, TX 78645-8055    |
| 133205      | 1700 S IH 35, SAN MARCOS, TX 78666        | GARZA FREDDIE & SYLVIA                             | 302 S MITCHELL              | SAN MARCOS, TX 78666         |
| 27457       | 116 SHERWOOD ST, SAN MARCOS, TX 78666     | GARZA, CARLOS MORALES                              | 116 SHERWOOD ST             | SAN MARCOS, TX 78666         |
| 27464       | 132 SHERWOOD ST, SAN MARCOS, TX 78666     | GILGAN LAUREN & GILGAN CURTIS                      | 9207 SAUTELLE LN            | AUSTIN, TX 78749-1149        |
| 47116       | 1632 S IH 35, SAN MARCOS, TX 78666        | GUNNARSON KIMBERLEY                                | P O BOX 746                 | SAN MARCOS, TX 78667-0746    |
| 47126       | 119 KINGWOOD ST, SAN MARCOS, TX 78666     | GUTIERREZ, YSABEL, SR                              | 119 KINGWOOD ST             | SAN MARCOS, TX 78666         |
| 27463       | 133 SHERWOOD ST, SAN MARCOS, TX 78666     | HISSONG KAITLYN & ROSENTHAL DARRYL PHIL            | 133 SHERWOOD ST             | SAN MARCOS, TX 78666-6014    |
| 27467       | 139 SHERWOOD ST, SAN MARCOS, TX 78666     | HOUSING AUTHORITY OF THE CITY OF SAN MARCOS        | 1201 THORPE LN              | SAN MARCOS, TX 78666-6565    |
| 44223       | 520 PATRICIA DR, SAN MARCOS, TX 78666     | JAIMES MICHAEL H & MATTHEW J & MARK A & JULIE M    | 125 COLUMBIA CIR            | SAN MARCOS, TX 78666         |
| 27456       | 117 SHERWOOD ST, SAN MARCOS, TX 78666     | PUEBLA, FRANCISCO                                  | 706 LOBO ST                 | CEDAR PARK, TX 78613-2350    |
| 113641      | 1705 S IH 35, SAN MARCOS, TX 78666        | RES PROPERTIES LLC                                 | 1705 N INTERSTATE 35        | SAN MARCOS, TX 78666-6713    |
| 47125       | 118 KINGWOOD ST, SAN MARCOS, TX 78666     | REYES, JESSER JOSUE RIVERA                         | 118 KINGSWOOD ST            | SAN MARCOS, TX 78666-6013    |
| 44226       | 514 PATRICIA DR, SAN MARCOS, TX 78666     | RODRIGUEZ CHRISTINE V                              | 1020 COLUMBIA DR            | LEWISVILLE, TX 75067         |
| 44225       | 516 PATRICIA DR, SAN MARCOS, TX 78666     | RODRIGUEZ PETRONILO PETE V                         | 921 HIDALGO RD              | CARLSBAD, NM 88220           |
| 47130       | 1910 S IH 35, SAN MARCOS, TX 78666        | SAN MARCOS PUBLISHING LP                           | 105 E MAIN ST               | BRENNHAM, TX 77833-3785      |
| 27465       | 137 SHERWOOD ST, SAN MARCOS, TX 78666     | SANCHEZ JOSE L & SANCHEZ MICAELA                   | 137 SHERWOOD ST             | SAN MARCOS, TX 78666-6014    |
| 27462       | 128 SHERWOOD ST, SAN MARCOS, TX 78666     | SMTX RENTALS LLC                                   | 250 HILLTOP DR              | SEGUIN, TX 78155-7122        |
| 47120       | 121 KINGWOOD ST, SAN MARCOS, TX 78666     | SOUTHERN REHAB LLC                                 | 401 REIMER AVE              | SAN MARCOS, TX 78666-5046    |
| 47115       | 1620 S IH 35, SAN MARCOS, TX 78666        | SOVRAN ACQUISITION LP                              | PO BOX 71870                | SALT LAKE CITY, UT 84171     |
| 47118       | 1658 S IH 35, SAN MARCOS, TX 78666        | TOM & PAULA HAMILTON FAMILY LIMITED PARTNERSHIP LP | 610 BLANCO RIVER RANCH BLVD | SAN MARCOS, TX 78666         |
| 27466       | 136 SHERWOOD ST, SAN MARCOS, TX 78666     | TORRES, ARTURO V                                   | 406 MILL ST                 | SAN MARCOS, TX 78666-6616    |
| 27472       | 148 SHERWOOD ST, SAN MARCOS, TX 78666     | VILLALPANDO UBANIA                                 | 148 SHERWOOD ST             | SAN MARCOS, TX 78666-6015    |
| 72281       | 116 KINGWOOD ST, SAN MARCOS, TX 78666     | VILLANUEVA ADRIAN                                  | 116 KINGWOOD ST             | SAN MARCOS, TX 78666         |
| 27470       | 146 SHERWOOD ST, SAN MARCOS, TX 78666     | ZAMORA, ANDREW TRINIDAD                            | 146 SHERWOOD ST             | SAN MARCOS, TX 78666-6017    |
|             |                                           | Ramona & Rudy Rodriguez                            | 533 Hull St                 | SAN MARCOS, TX 78666         |
|             |                                           | John Thomaides                                     | 813 Arizona                 | SAN MARCOS, TX 78666         |
|             |                                           | Amy Thomaides                                      | 1131 W MLK Dr               | SAN MARCOS, TX 78666         |
|             |                                           | Michael Adams                                      | 106 Losoya Dr               | SAN MARCOS, TX 78666         |
|             |                                           | Roland Saucedo                                     | 211 Ebony St.               | SAN MARCOS, TX 78666         |
|             |                                           | Bobbie Garza-Hernandez                             | 122 Riviera St.             | SAN MARCOS, TX 78666         |



# Incident Search Result

## Results



Agency: SMPD

Print Date/Time: 7/9/2026 11:26

Agency #: TX1050100

| Incident #    | Call Date/Time         | Type              | Officers                                                         | Location                           | Common Name        | Dispositions              | Description                                                                                                                                                                                                                                                                                                                                                             |
|---------------|------------------------|-------------------|------------------------------------------------------------------|------------------------------------|--------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2025-00057758 | 12/28/2025 10:14:03 PM | Threat            | smpd14418 - Leonard, Warren *                                    | 1700 S IH 35, SAN MARCOS, TX 78666 | ONE TIME TAVERN SM | No Report - 1             | 2 males state they want to stab caller. Caller stated male with tattoos on his face and he went up to him and threatened him w/ a knife. Caller then left the bar and called police. Caller sounded intoxicated over the phone. Officer asked the bartender if she saw anyone matching the desc. given by caller and she said no and that its been a pretty slow night. |
| 2025-00015775 | 4/12/2025 7:03:53 PM   | Suspicious Person | smpd13289 - Goodson, Darby *, smpd13730 - George, Daniel *, smpd | 1700 S IH 35, SAN MARCOS, TX 78666 | ONE TIME TAVERN SM | No Report - 3             | FEMALE THERE HAS FELONY WARRANT// SHE IS TAKING SHOTS AT BAR-SAYS FEMALE'S FAMILY OWNS THE BAR SO SHE MIGHT LEAVE WHEN THEY HEAR OFFICERS-Officer walked into the bar and she was not in there                                                                                                                                                                          |
| 2024-00020071 | 5/19/2024 2:14:55 AM   | Alcohol Violation | smpd14055 - Miller, Garrett *, smpd14263 - Lauritzen, Christophe | 1700 S IH 35, SAN MARCOS, TX 78666 | ONE TIME TAVERN SM | Arrest - 1, No Report - 1 | HIGHLY INTOX FEMALE, IS DEAF... TRYING TO LEAVE AND GET IN VEH TO LEAVE-Arrested for public intoxication                                                                                                                                                                                                                                                                |
| 2024-00009647 | 3/9/2024 12:55:29 AM   | Assault           | smpd13892 - Ventura, Alcides *, smpd13985 - Vargas, Joseph *     | 1700 S IH 35, SAN MARCOS, TX 78666 | ONE TIME TAVERN SM | No Report - 2             | MALE REFUSING TO LEAVING / MALE IS SCREAMING-No other info                                                                                                                                                                                                                                                                                                              |

# TEXAS ALCOHOLIC BEVERAGE COMMISSION

MB -106369665

Expires:9/29/2027

MIXED BEVERAGE PERMIT (MB)

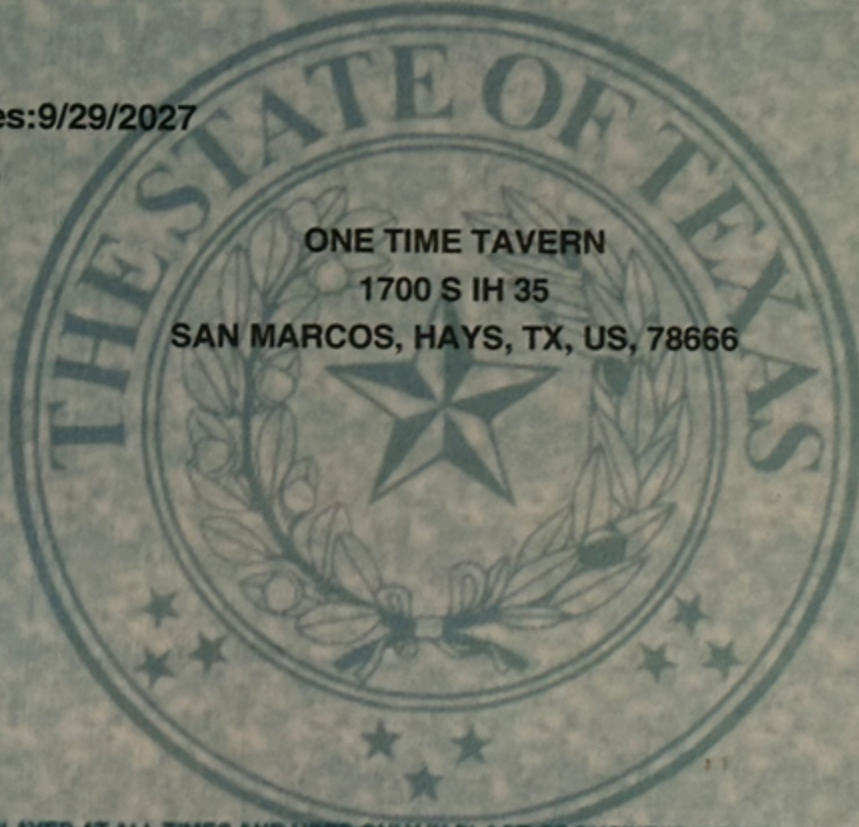


ONE TIME TAVERN

1700 S IH 35

SAN MARCOS, HAYS, TX, US, 78666

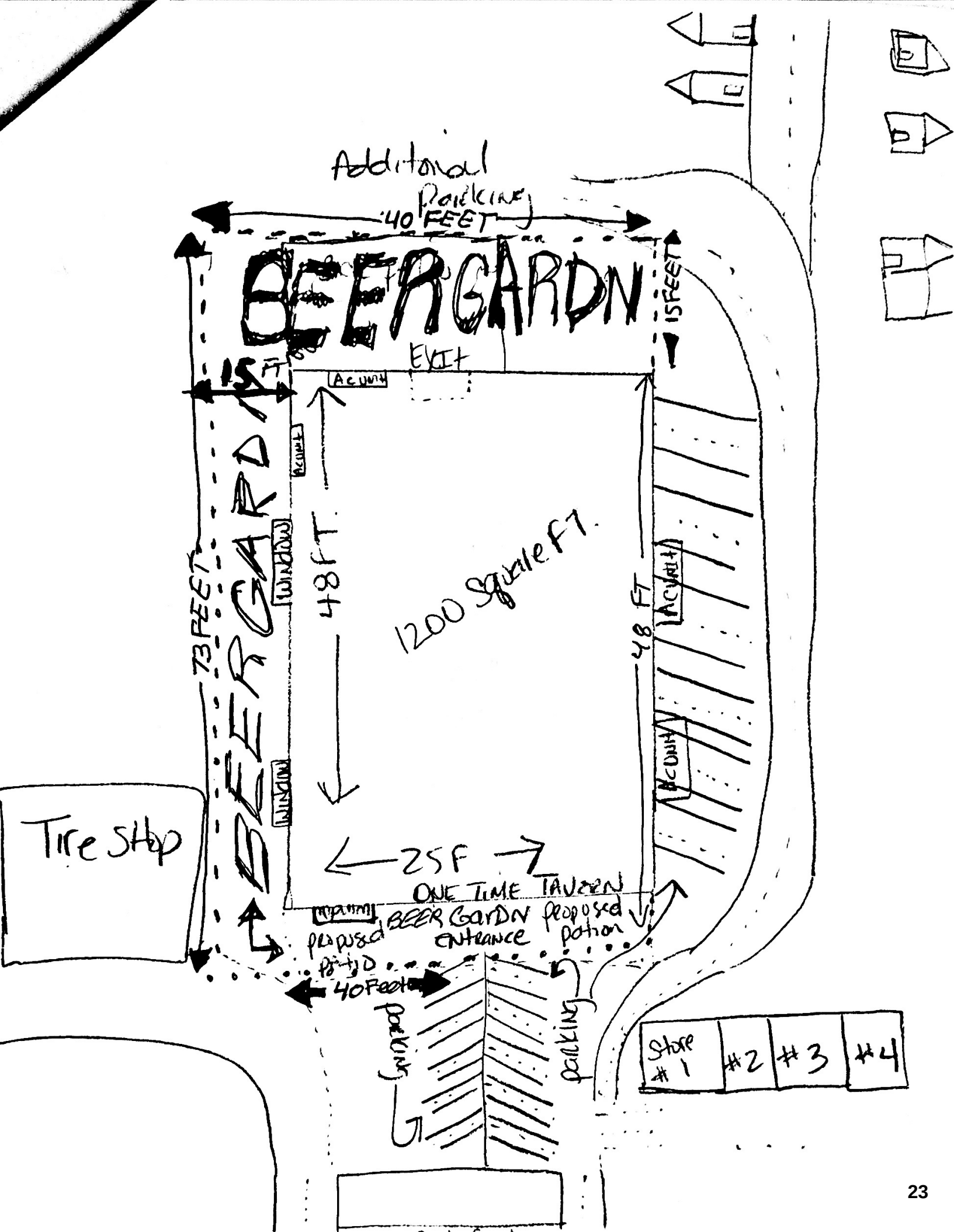
ONE TIME TAVERN LLC



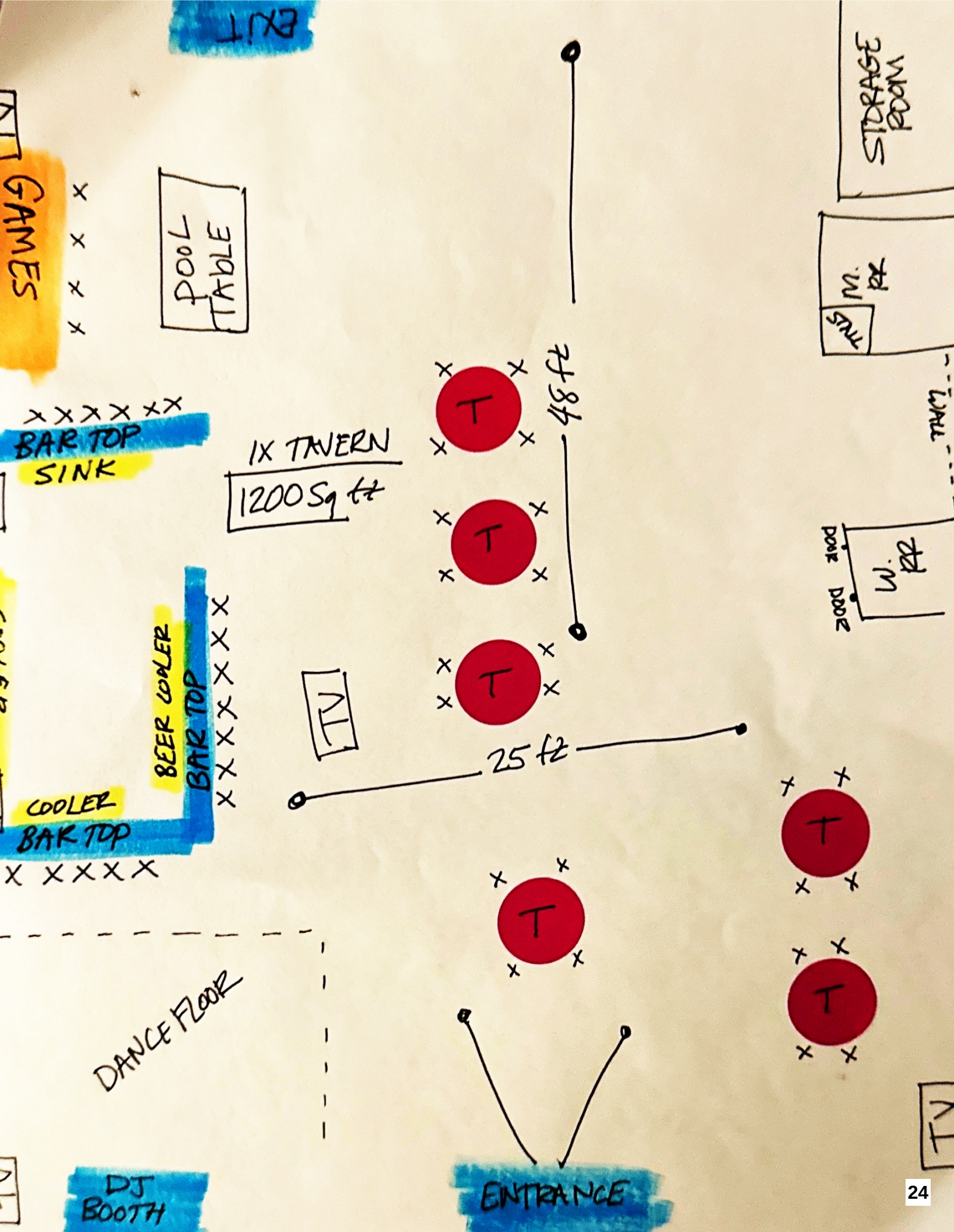
A handwritten signature in black ink, likely belonging to the Executive Director.

EXECUTIVE DIRECTOR

THIS PERMIT IS NOT TRANSFERABLE, MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN PLACE OF BUSINESS INDICATED HEREON THE ACCEPTANCE HEREOF CONSTITUTES AN EXPRESS AGREEMENT TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON PERMITEES TO PERFORM ANY DUTY IMPOSED UPON HIM.







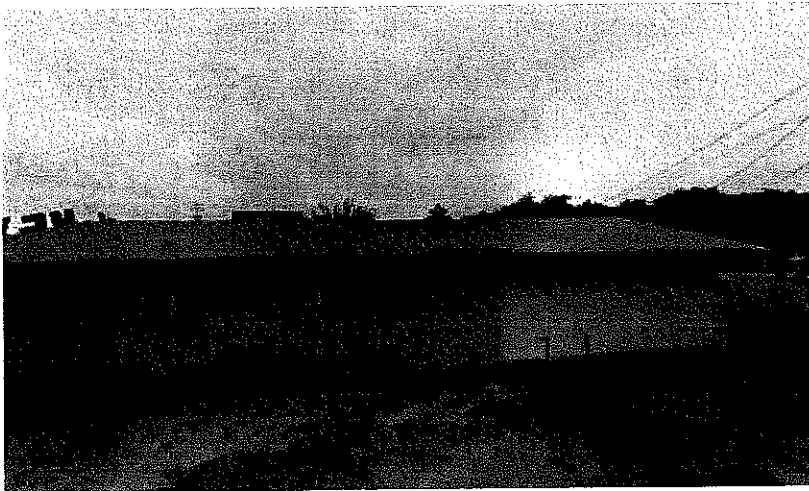


## SITE PLAN

### ONE TIME TAVERN – 1700 S. IH 35, SAN MARCOS, TX



Imagery ©2019 Google, Map data ©2019 Google 20 ft



1700 S Interstate 35

San Marcos, TX 78666





#### Domestics

- Bud light
- Miller Light
- Coors Light
- Budweiser
- Lonestar

#### Imports

- Dos XX
- Michelob Ultra
- Corona
- Corona Premier
- Tecate
- Tecate Light
- Modelo

#### Seltzers

- White Claw

#### House Drinks

- Tavern Punch (Titos, Malibu, Sour Apple, Watermelon)
- Frozen Margaritas (Green Apple, Strawberry, Watermelon, Regular)

#### Well Liquor

- Tequilla
- Whiskey
- Vodka
- Gin

#### Top Shelf

- 1800
- Patron
- Espolon
- Jamason
- Hennessy
- Makers Mark
- Crown (Apple, Salted Carmel, Blackberry)
- Jager
- Fireball
- Deep Eddy Vodka (Cranberry, Lemon, Grapefruit, Orange)
- Jack
- Jim beam



## ENTERTAINMENT FACILITIES:

- POOL TABLE (LEFT FRONT ENTRANCE)
- 2 DART BOARD GAMES (RIGHT WALL NEXT TO WOMANS RR)
- 2 SHUFFLE BOARDS (BACK RIGHT AREA)
- DANCE FLOOR (BACK LEFT AREA NEXT TO BAR AND DJ BOOTH)
- DJ BOOTH (BACK LEFT CORNER NEXT TO EXIT), (IF LIVE MUSIC PERMITTED WILL BE HELD WHERE DJ BOOTH AREA IS)
- 5 MOUNTED TV'S (2 ON EACH SIDE OF BAR, 1 ON LEFT WALL ENTRANCE, 1 RIGHT WALL ENTRANCE, 1 BACK WALL RIGHT SIDE INFRONT OF SUFFLE BOARDS)
- JUKEBOX (LOCATED ON LEFT WALL IN BETWEEN BOTH WOMANS RESTROOM)
- 4 SPEAKERS FOR JUKE BOX AND OR DJ (3 ON CORNERS OF THE BUILDING, 1 NEXT TO RIGHT SIDE OF BAR)

## **ENTERTAINMENT FACILITIES**

**ONE TIME TAVERN – 1700 S. IH 35, SAN MARCOS, TX**



## **BUSINESS DETAILS:**

**BUSINESS ENTITY: ONE TIME TAVERN, LLC (LIMITED LIABILITY COMPANY)**

**TRADE NAME: ONE TIME TAVERN**

**CONTACT: JACKIE LYNN RODRIGUEZ**

**609 McGEHEE STREET, SAN MARCOS, TX 78666**



Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
FAX: 512/463-5709

Filing Fee: \$300



## Certificate of Formation Limited Liability Company

Filed in the Office of the  
Secretary of State of Texas  
Filing #: 803313268 05/08/2019  
Document #: 887883370002  
Image Generated Electronically  
for Web Filing

### Article 1 - Entity Name and Type

The filing entity being formed is a limited liability company. The name of the entity is:

**One Time Tavern LLC**

### Article 2 - Registered Agent and Registered Office

☐ A. The initial registered agent is an organization (cannot be company named above) by the name of:

OR

☒ B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:

**Jackie Lynn Rodriguez**

C. The business address of the registered agent and the registered office address is:

Street Address:

**609 McGehee Street San Marcos TX 78666**

### Consent of Registered Agent

☐ A. A copy of the consent of registered agent is attached.

OR

☒ B. The consent of the registered agent is maintained by the entity.

### Article 3 - Governing Authority

☒ A. The limited liability company is to be managed by managers.

OR

☐ B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Manager 1: **Jackie Lynn Rodriguez**

Title: **Manager**

Address: **609 McGehee Street San Marcos TX, USA 78666**

### Article 4 - Purpose

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

### Supplemental Provisions / Information



 Property Details

Account

Property ID: R133205

Legal Description: A F WEATHERFORD #1, Lot 10A, ACRES 1.11

Geographic ID: 11-9345-0100-010A0-3

Agent Code:

Type: Real

Location

Address: 1700 S IH 35, SAN MARCOS, TX 78666

Map ID:

Neighborhood CD: C-SM-35SW

Owner

Owner ID: O861155

Name: GARZA FREDDIE & SYLVIA

Mailing Address:

302 S MITCHELL  
SAN MARCOS, TX 78666

% Ownership: 100.0%

Exemptions: For privacy reasons not all exemptions are shown online.

# CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: December, 2025



## CONTACT INFORMATION

|                             |                                   |                         |                                       |
|-----------------------------|-----------------------------------|-------------------------|---------------------------------------|
| Applicant's Name            | Florence Cuevas                   | Property Owner          | Garza Freddie/Sylvia                  |
| Company                     | 1x TAVERN                         | Company                 |                                       |
| Applicant's Mailing Address | 600 Mayhew<br>San Marcos TX 78666 | Owner's Mailing Address | 302 S Mitchell<br>San Marcos TX 78666 |

## PROPERTY INFORMATION

Subject Property Address: 1700 IH35  
 Zoning District: Heavy commercial Tax ID #: R 133205  
 Legal Description: Lot 10A Block \_\_\_\_\_ Subdivision 893 AF Weatherford #1  
 Number of Parking Spaces: \_\_\_\_\_  
 Is property more than 300' from church, school, hospital, or residential district? ☒ Y ☐ N

## DESCRIPTION OF REQUEST

Business Name: 1x Tavern CUP Permit Type: ☐ Eating Establishment ☐ Bar

☐ NEW ☐ RENEWAL/AMENDMENT ☒ Mixed Beverage ☐ Beer & Wine ☐ Late Hours

Hours of Operation (ex. Mon 12pm-1am): Mon 3pm 12pm Tue 3pm 12pm Wed 3pm 12pm

Thurs 12pm 12am Fri 12pm 12am Sat 12pm 1am Sun 12pm 1am

Indoor Seating Capacity: 46 Outdoor Seating Capacity: 46 Gross Floor Area: 1200  
468 46 46 1200

## AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 1,050\*

Technology Fee \$15

TOTAL COST \$1,065

Renewal/Amendment Filing Fee \$788\*

Technology Fee \$15

TOTAL COST \$803

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

Apply Online at [MGOCONNECT.ORG](https://mgconnect.org)



## AGREEMENT TO THE PLACEMENT OF POSTED NOTICE AND ACKNOWLEDGEMENT OF PERSONAL REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of posted signs on the subject property, and personal notice presented to the Planning Commission and / or City Council.

- **Posted Notice:** if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- **Personal Notice:** if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$158 plus a \$ 15 technology fee.***

*I have read the above statements and agree to the required posted notice, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of Posted/ Personal Notices and public hearing and hereby submit the attached application for review by the City.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Form Updated December, 2025

## PROPERTY OWNER AUTHORIZATION

I, Freddie Garza Silva (owner name) on behalf of  
 \_\_\_\_\_ (company, if applicable) acknowledge that I/we  
 am/are the rightful owner of the property located at  
901700 IH35 San Marcos TX 78666 (address).

I hereby authorize Florencio Cuevas (agent name) on behalf of  
IX TAVORN (agent company) to file this application for  
CUP (application type), and, if necessary, to work with  
 the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: X Sylvia N. Garza Date: 3-13-24

Printed Name, Title: Sylvia N. Garza

Signature of Agent: Florencio Jesus Cuevas Date: 3-13-26

Printed Name, Title: Florencio Jesus Cuevas

Form Updated December, 2025



## AGREEMENT TO THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE

The establishment must hold a valid Conditional Use Permit for the on-premise sale and consumption of alcohol issued and effective under [Section 2.8.3.1](#), [Section 5.1.5.5](#) and any conditions of such permit.

Where an **"Eating Establishment"** includes the sale of alcohol for on premise consumption the following standards shall apply:

- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in [Section 7.4.2.1](#) so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Where a **"Bar"** that primarily sells alcohol beverages for on premise consumption and may include the sale of food, the following standards shall apply:

- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in [Section 7.4.2.1](#) so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

***Not all standards are listed, please review [Land Development Code Section 5.1.5.5 Restaurant/Bar](#) for more information.***

*I have read the above standards and agree to follow City of San Marcos Land Development Code. I understand that if I do not follow the requirements, my Conditional Use Permit could be revoked. Please notify staff of any changes to the business operation.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Form Updated December, 2025

Apply Online at [MGOCONNECT.ORG](https://mgconnect.org)

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230

## Conditions Matrix

### *Conditional Use Permits for Sale of Alcohol for on-premise consumption*

The guidance below was recommended by the Joint City Council / Planning and Zoning Commission Conditional Use Permit Committee in February 2026 and will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

|                                            | <b>CBA BAR</b>                                                                                                                     | <b>CBA RESTAURANT</b>                                                                                                              | <b>300 FEET OF SF USE</b>                                                                                                          | <b>ALL REQUESTS</b>                                                                                                                |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>Term</b>                                | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               |
| <b>Amplified Sound (Sunday – Thursday)</b> | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday. | No outdoor Amplified Sound shall be permitted Sunday – Thursday.                                                                   | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday. |
| <b>Amplified Sound (Friday – Saturday)</b> | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. |



|                                             | <b>CBA BAR</b>                                                                                                                                                                                                                                                                                                                                                                              | <b>CBA RESTAURANT</b>                                                                                                                                                                                                                                                                                                                                                                     | <b>300 FEET OF SF USE</b>                                                                                                                                                                                                                                                                                                                                                                   | <b>ALL REQUESTS</b>                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Background Sound (Sunday – Thursday)</b> | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                         | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                           |
| <b>Background Sound (Friday – Saturday)</b> | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.                                                                                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.                                                                                                                                                                                                                                                                             | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.                                                                                                                                                                                                           |
| <b>Cleanliness</b>                          | 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C) | 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 another alcohol CUP holder's maintenance area (LDC Section 5.5.5.B.3.b.7 | 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C) | 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C) |

|                         |                                                                                                                                                                         |                                                                                                                                                                         |                                                                                                                                                                         |                                                                                                                                                                         |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Food</b>             | N/A                                                                                                                                                                     | Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.                                        | N/A                                                                                                                                                                     | N/A                                                                                                                                                                     |
| <b>Hours</b>            | The business shall not pursue or hold a TABC Late Hours permit.<br><i>(Note: For new CUP requests only)</i>                                                             | The business shall not pursue or hold a TABC Late Hours permit.<br><i>(Note: For new CUP requests only)</i>                                                             | The business shall not pursue or hold a TABC Late Hours permit.<br><i>(Note: For new CUP requests only)</i>                                                             | N/A                                                                                                                                                                     |
|                         | <b>CBA BAR</b>                                                                                                                                                          | <b>CBA RESTAURANT</b>                                                                                                                                                   | <b>300 FEET OF SF USE</b>                                                                                                                                               | <b>ALL REQUESTS</b>                                                                                                                                                     |
| <b>Occupancy (Fire)</b> | 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. | 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. | 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. | 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. |
| <b>Posting</b>          | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                |



## Definitions

The following definitions will be used when interpreting the above conditions:

**CBA Bar:** “A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food” (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

**CBA Restaurant:** “A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption” (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

**300 feet of SF Use:** A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence’s structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

**Sound Amplifying Equipment:** any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

**Amplified Sound:** instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

**Acoustic Sound:** instrumental or vocal sounds which are not amplified using sound amplifying equipment.

**Background Sound:** amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

**Plainly Audible:** any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

**Outdoor:** any unconditioned areas of the business such as a patio or rooftop.

**Entrée:** a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.



# **Public Hearing**

## **CUP-26-16**

### **One Time Tavern**

CUP-26-16 (One Time Tavern) Hold a public hearing and consider a request by Florencio Cuevas, on behalf of One Time Tavern, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1700 S IH 35 (C.GARRISON)

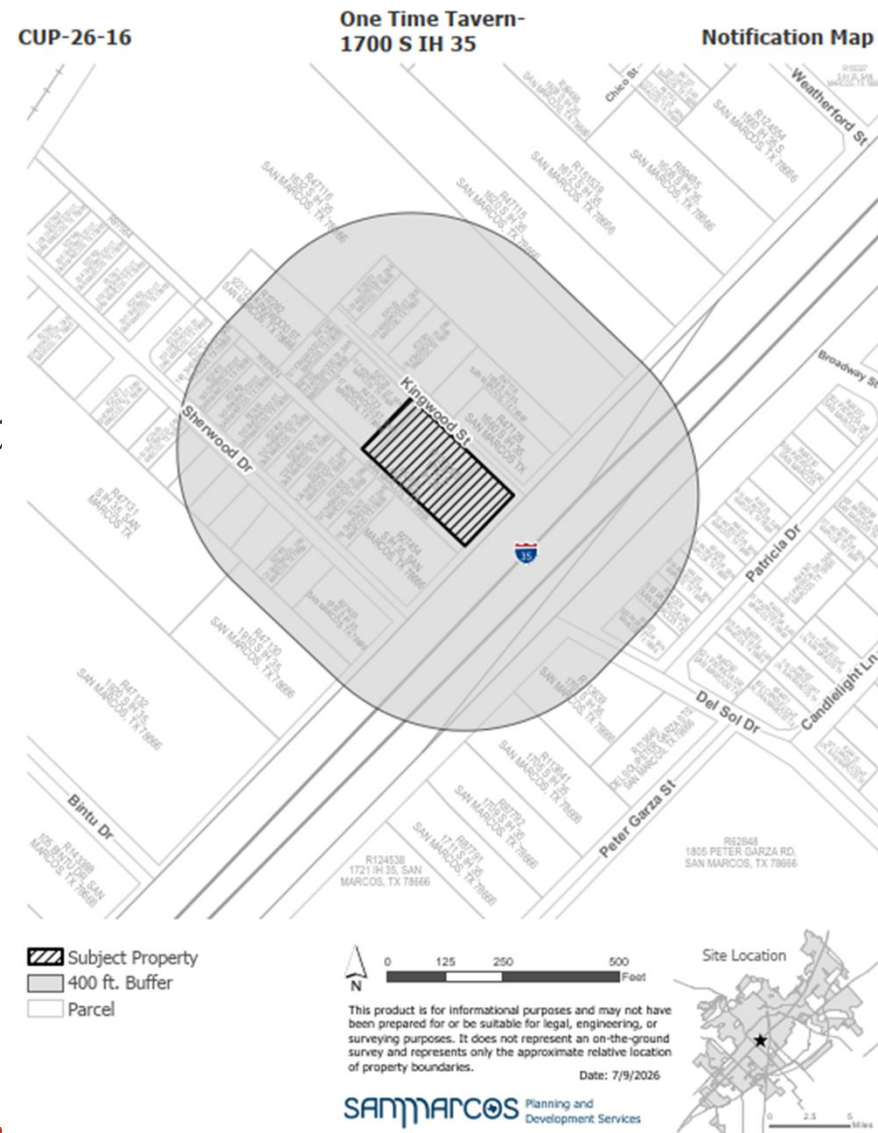
[sanmarcostx.gov](http://sanmarcostx.gov)

1



# Property Information

- Approximately 1.07 acres
- Located on the corner of Kingwood Street and S IH 35 Frontage



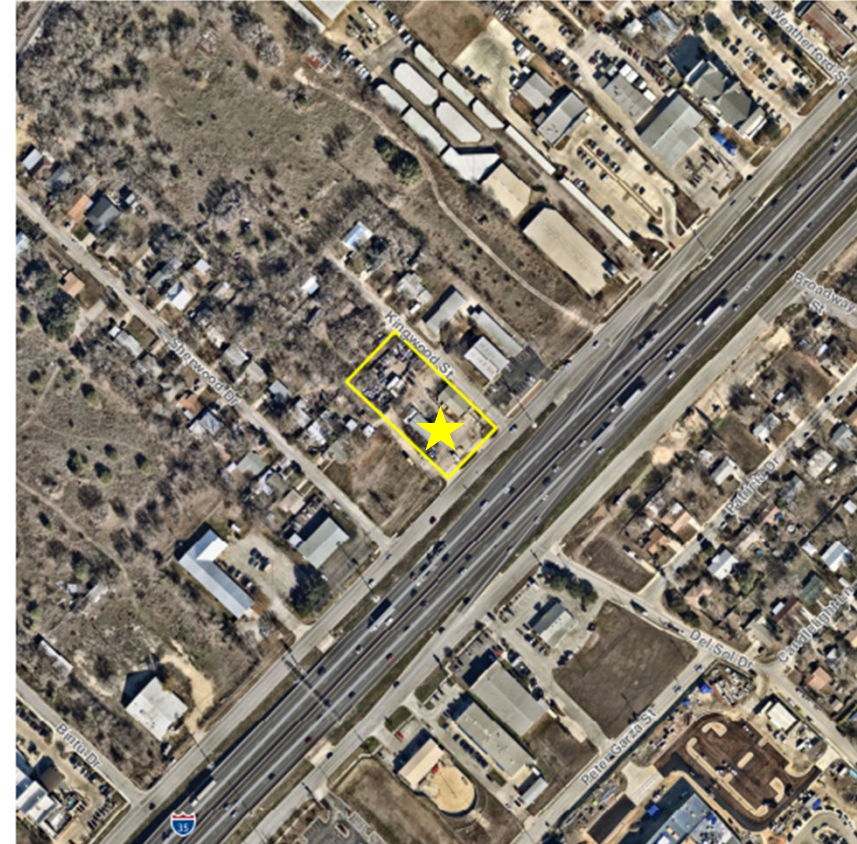
## Context & History

- Currently a Bar use with on-premise consumption of alcohol.
- The business has held a Bar CUP since 2019.
- Surrounding Uses include Retail, Warehouses, Automotive Repair, Single Family Residential

CUP-26-16

One Time Tavern-  
1700 S IH 35

Aerial Map



Subject Property



0 125 250 500 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: 7/9/2026

SAN MARCOS Planning and Development Services



stx.gov

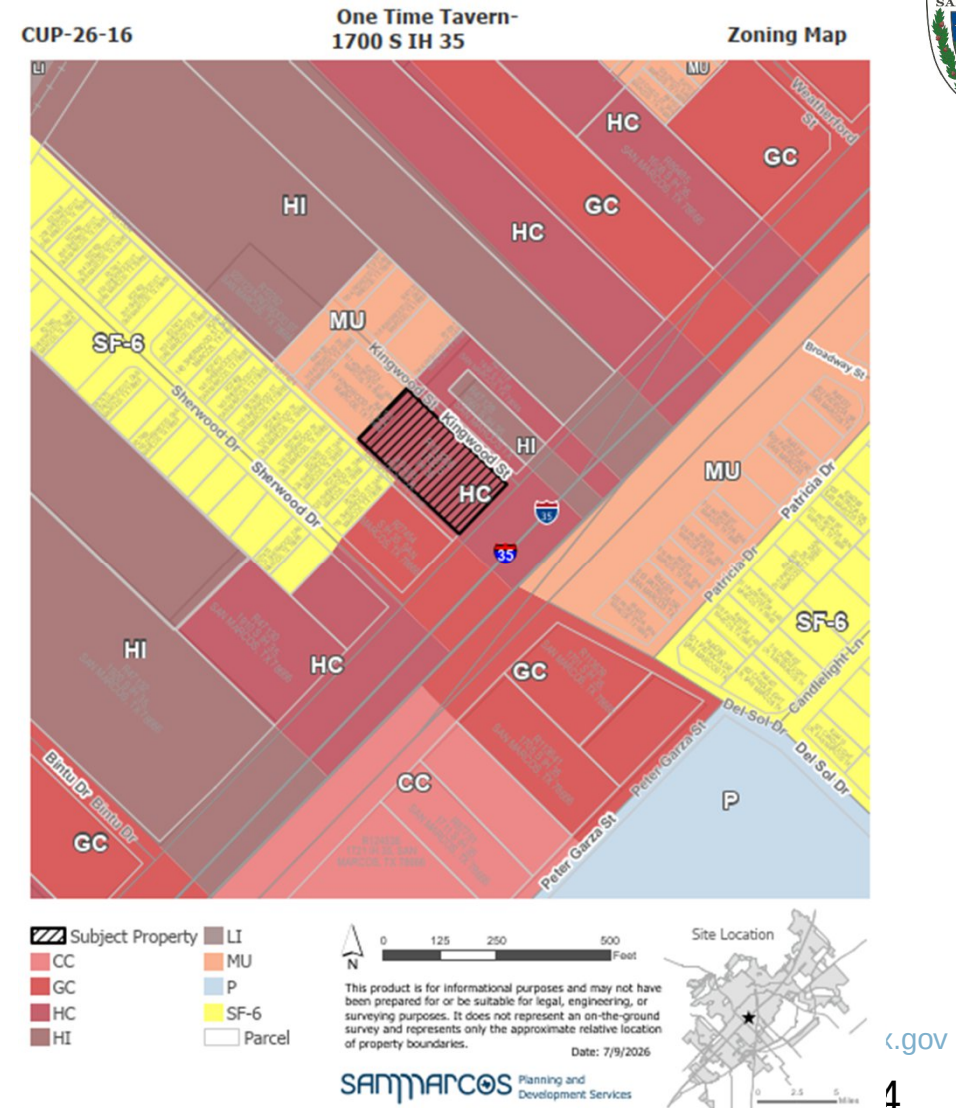
3





## Context & History

- **Existing Zoning:** Heavy Commercial (HC)
- **Proposed Use:** Bar
  - Monday – Wednesday: 3 p.m.-12 a.m. Thursday: 12 p.m.-12 a.m.
  - Friday-Saturday: 12 p.m.- 1 a.m.
  - Sunday: 12 p.m.- 12 a.m.
- **CUP Expiration Date:** (July 14, 2026)
- **Police Calls:** 4 calls (Over 1 year)







## 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. |

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## 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?                               |

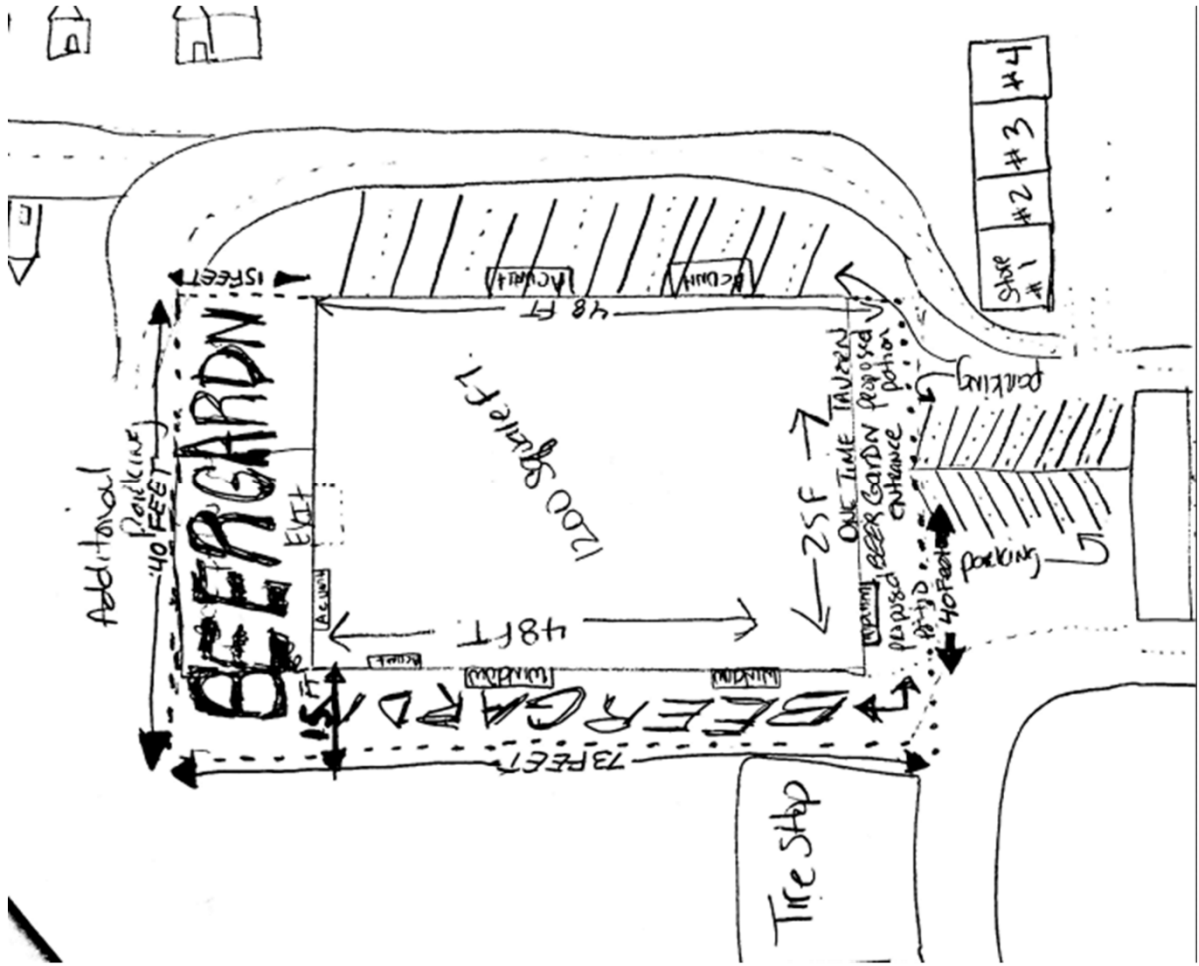


# Proximity Map



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# Site Plan





## Recommendation

Staff recommends **approval** of CUP-26-16 with the following conditions:

1. This permit shall be valid for three (3) years, and shall expire August 11, 2029, provided standards are met;
2. No outdoor Amplified Sound shall be permitted;
3. The business is 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C);
4. 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
5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

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## Legislation Text

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**File #:** CUP-26-37, **Version:** 4

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**AGENDA CAPTION:**

CUP-26-37 (Saloon 1904) Hold a public hearing and consider a request by Bill Good, on behalf of Saloon 1904, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1904 Old Ranch Road 12, Suite 107 and 108. (C. Garrison)

**Meeting date:** August 11, 2026

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account or Project Number (C = CIP funds):** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

N/A Arts and Culture - Choose an item.

N/A Economic Development - Choose an item.

N/A Environment & Resource Protection - Choose an item.

N/A Housing + Neighborhoods - Choose an item.

N/A Land Use + Community Design and Character - Choose an item.

N/A Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

N/A Transportation - Choose an item.

N/A Core Services

N/A Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

This is a new request. Suite 108 in this shopping center was last occupied by Out of City Limits Art Studio and Electric. The Crestwood Center was annexed into the City and zoned to the Commercial District on May of 2026. Saloon 1904 already holds a TABC license and is currently not open to the public. An application for a Conditional Use Permit due to the recent annexation.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** with the following conditions:

1. This permit shall be valid for one (1) year, and shall expire August 11, 2027;
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 list; and
4. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

|                               |                                                        |
|-------------------------------|--------------------------------------------------------|
| <b>Conditional Use Permit</b> | <b>1904 Old Ranch Road 12,<br/>Suite 107 &amp; 108</b> |
| <b>CUP-26-37</b>              | <b>Saloon 1904</b>                                     |



### Summary

|                                       |                                                                                                |                            |                                                                                      |
|---------------------------------------|------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------|
| <b>Request:</b>                       | New Conditional Use Permit (CUP)                                                               |                            |                                                                                      |
| <b>Applicant:</b>                     | Bill Good<br>P & B Hospitality LLC<br>13501 Ranch Road 12<br>Suite 103, Wimberley,<br>TX 78676 | <b>Property Owner:</b>     | James Umstattd<br>UC2, Ltd.<br>3355 Bee Caves Road,<br>Suite 700<br>Austin, TX 78746 |
| <b>CUP Expiration:</b>                | N/A                                                                                            | <b>Type of CUP:</b>        | Outside CBA/ Mixed<br>Beverage                                                       |
| <b>Interior Floor Area:</b>           | 4260 sq ft                                                                                     | <b>Outdoor Floor Area:</b> | 10 Seats                                                                             |
| <b>Parking Required:</b>              | 43 spaces                                                                                      | <b>Parking Provided:</b>   | Yes - Shared                                                                         |
| <b>Days &amp; Hours of Operation:</b> | Monday - Saturday: 11am – 12 am                                                                |                            |                                                                                      |

### Notification

|                  |                                    |                  |               |
|------------------|------------------------------------|------------------|---------------|
| <b>Posted:</b>   | July 24, 2026                      | <b>Personal:</b> | July 24, 2026 |
| <b>Response:</b> | None as of the date of this report |                  |               |

### Property Description

|                              |                                                                                    |                                           |      |
|------------------------------|------------------------------------------------------------------------------------|-------------------------------------------|------|
| <b>Legal Description:</b>    | Thomas H W Forsith Survey, Tract A                                                 |                                           |      |
| <b>Location:</b>             | Located on Old Ranch Road 12, approximately 700 feet east of Country Estates Drive |                                           |      |
| <b>Acreage:</b>              | 1.45 acres                                                                         | <b>PDD/DA/Other:</b>                      | N/A  |
| <b>Existing Zoning:</b>      | Commercial District (CM)                                                           | <b>Proposed Zoning:</b>                   | Same |
| <b>Existing Use:</b>         | Vacant                                                                             | <b>Proposed Use:</b>                      | Bar  |
| <b>Preferred Scenario:</b>   | Mixed Use Low                                                                      | <b>Proposed Designation:</b>              | Same |
| <b>CONA Neighborhood:</b>    | N/A                                                                                | <b>Sector:</b>                            | N/A  |
| <b>Utility Capacity:</b>     | Adequate                                                                           | <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> | ETJ                                                     | Personal Storage                                               | Mixed Use Low             |
| <b>South of Property:</b> | Community Commercial (CC)/ Planned Development District | Texas State University Property/ Retail Services/ Funeral Home | Mixed Use Low             |
| <b>East of Property:</b>  | ETJ/ Light Industrial                                   | Personal Storage                                               | Neighborhood Medium       |
| <b>West of Property:</b>  | ETJ/ General Commercial (GC)                            | San Marcos Veterinary Clinic                                   | Mixed Use Low             |



|                               |                                                        |
|-------------------------------|--------------------------------------------------------|
| <b>Conditional Use Permit</b> | <b>1904 Old Ranch Road 12,<br/>Suite 107 &amp; 108</b> |
| <b>CUP-26-37</b>              | <b>Saloon 1904</b>                                     |



### Staff Recommendation

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                     |                          |                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|-----------------------------|
| Approval as Submitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> | Approval with Conditions | Denial                      |
| <ol style="list-style-type: none"> <li>1. This permit shall be valid for one (1) year, and shall expire August 11, 2027, provided standards are met;</li> <li>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);</li> <li>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 list; and</li> <li>4. This permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol> |                                     |                          |                             |
| <b>Staff:</b> Craig Garrison                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                     | <b>Title:</b> Planner    | <b>Date:</b> August 5, 2026 |

### History

This is a new request. Suite 108 in this shopping center was last occupied by Out of City Limits Art Studio and Electric. The Crestwood Center was annexed into the City and zoned to the Commercial District in May of 2026. Saloon 1904 already holds a TABC license but is currently not open to the public. An application for a Conditional Use Permit is required due to the recent annexation.

### Additional Analysis

Per Senate Bill 1008 and since this a bar, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP. See additional analysis below.

### Comments from Other Departments

|                               |                   |
|-------------------------------|-------------------|
| <b>Police</b>                 | No Calls Reported |
| <b>Fire</b>                   | No Comment        |
| <b>Public Services</b>        | No Comment        |
| <b>Engineering</b>            | No Comment        |
| <b>Health/Code Compliance</b> | No Comment        |

|                        |                                            |
|------------------------|--------------------------------------------|
| Conditional Use Permit | 1904 Old Ranch Road 12,<br>Suite 107 & 108 |
| CUP-26-37              | Saloon 1904                                |



| 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.<br><b><i>Studies were not complete at the time of the request.</i></b>                                                                                                                                                                                                         |
| <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.<br><b><i>No improvements are being proposed as the subject structure is an existing development.</i></b>                           |
| <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 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.                                                                                                                                                                                                                                                        |
| <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.                                                                                                                                                                                                                                                                                   |





 Subject Property



0 80 160 320  
Feet

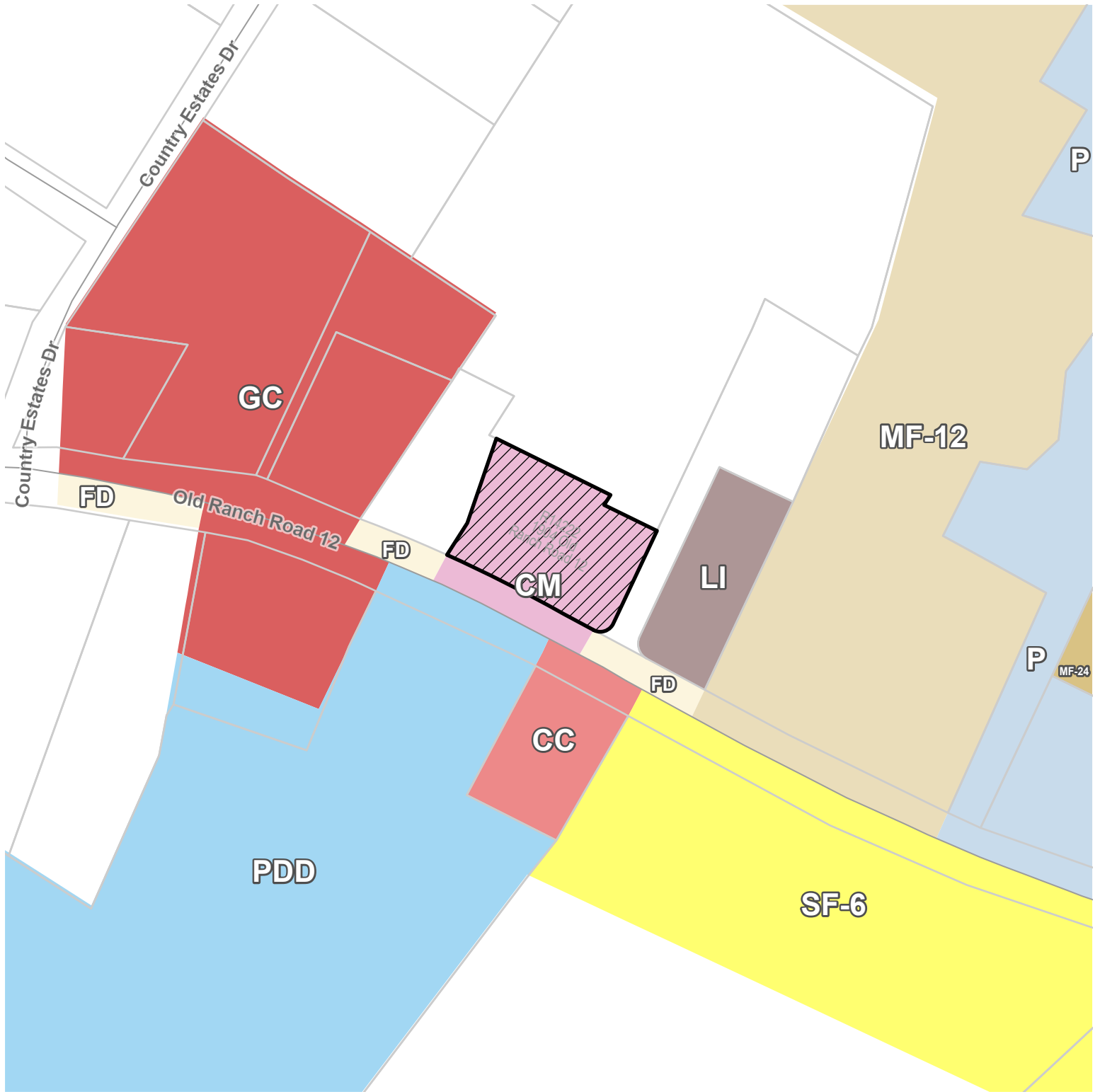
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 7/20/2026

Site Location





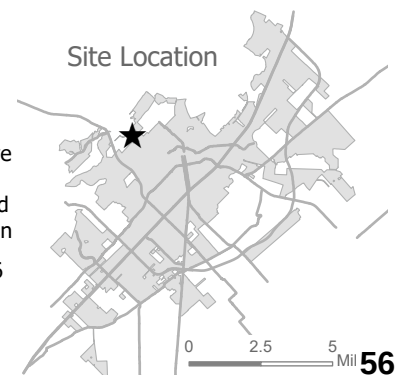


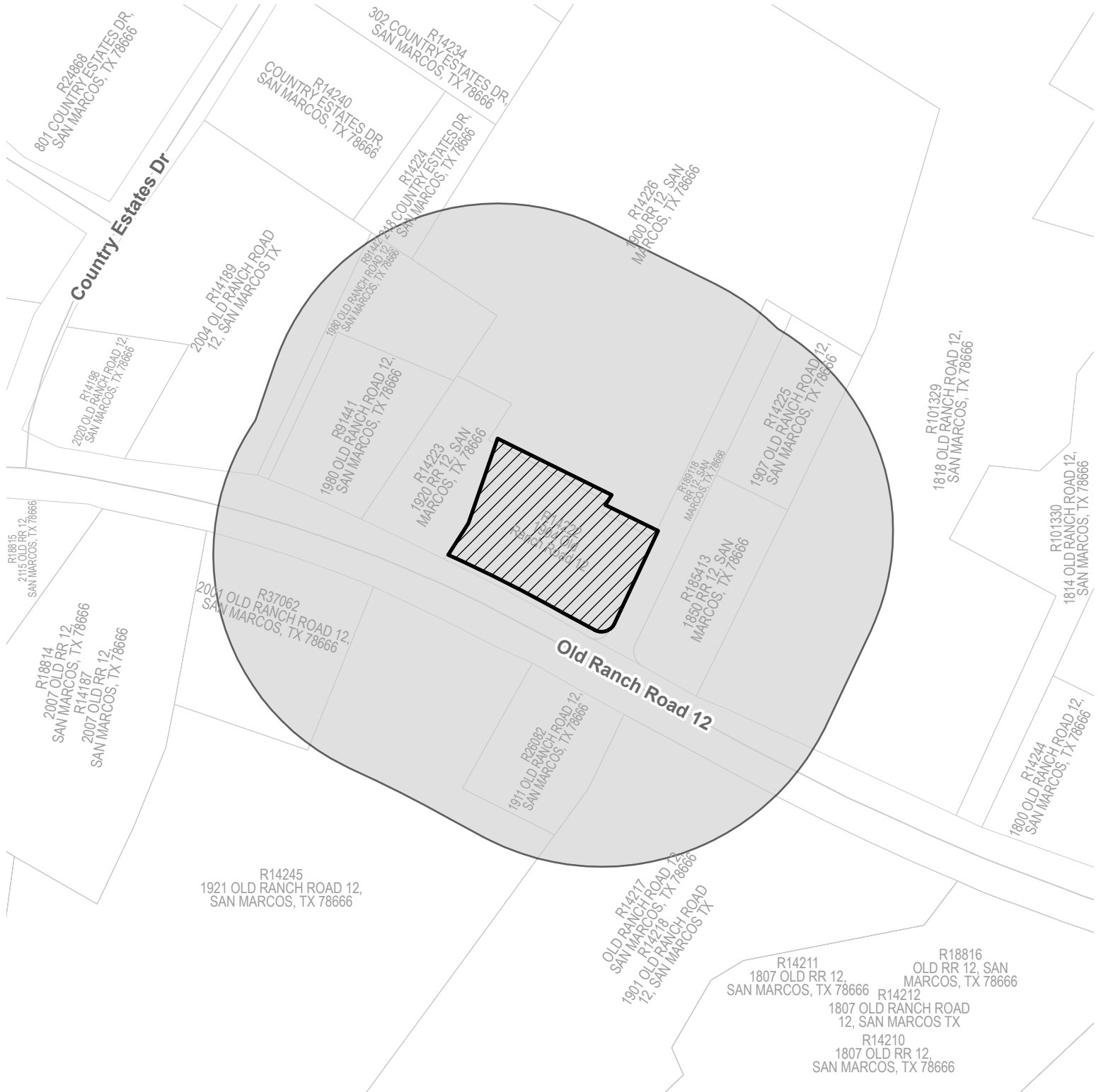
- |                  |       |
|------------------|-------|
| Subject Property | MF-24 |
| CC               | P     |
| FD               | PDD   |
| GC               | SF-6  |
| LI               | CM    |
| MF-12            |       |



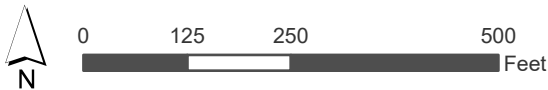
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 7/20/2026





-  Subject Property
-  400 ft. Buffer
-  Parcel



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: 7/20/2026

Site Location



PLANNING AND DEVELOPMENT SERVICES

7/24/2026



CUP-26-37

**Notice of Public Hearing  
Conditional Use Permit Request  
Sale of Mixed Beverages  
1904 Old Ranch Road 12, Suite 107 and 108**

*CUP-26-37 (Saloon 1904) Hold a public hearing and consider a request by Bill Good, on behalf of Saloon 1904, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1904 Old Ranch Road 12, Suite 107 and 108. (C. Garrison)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, August 11, 2026** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

**For Planning & Zoning Commission**

Planning and Development Services  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

For more information regarding this request, contact the case manager, **Craig Garrison**, at **512.805.2649** or [cgarrison@sanmarcostx.gov](mailto:cgarrison@sanmarcostx.gov). When calling, please refer to case number **CUP-26-37**.

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

PLANNING AND DEVELOPMENT SERVICES  
Enclosure: Map (See Reverse)



# Saloon 1904

## Business Details

### Business Description

Saloon 1904 is a neighborhood bar serving beer, wine, and spirits. There is no kitchen on site. The establishment provides a television plus streaming music (fully licensed) for entertainment. Streaming music is played through two (2) speakers, one on either side of the room (left to right). The television is mounted on the wall behind the bar.

Please see the floor plan for more details.

### Entity Information

**Business Name:** P & B Hospitality LLC

**Assumed Name:** Saloon 1904

**Trade Name:** Saloon 1904

**Type of Business:** Limited Liability Corporation

### Business Contact Information:

**Phone:** [REDACTED]  
[REDACTED]

**Mailing Address:**

P & B Hospitality LLC  
13501 Ranch Road 12 Ste 103  
Wimberley, TX 78676

**Physical Address (of Saloon 1904):**

Saloon 1904  
1904 Old Ranch Road 12 Ste 107  
San Marcos, TX 78666

### Personal Contact Information:

Pamela Tise, Chief Operating Officer

P [REDACTED]

Email: [REDACTED]

Bill Good, Chief Management Officer

Phone: [REDACTED]

Email: [REDACTED]

## Note

Please address all postal mail to:

P & B Hospitality LLC  
13501 Ranch Road 12 Ste 103  
Wimberley, TX 78676

Please send all email to [REDACTED]

# TEXAS ALCOHOLIC BEVERAGE COMMISSION

**MB -200173151**

**Expires:10/9/2027**

**MIXED BEVERAGE PERMIT (MB)**

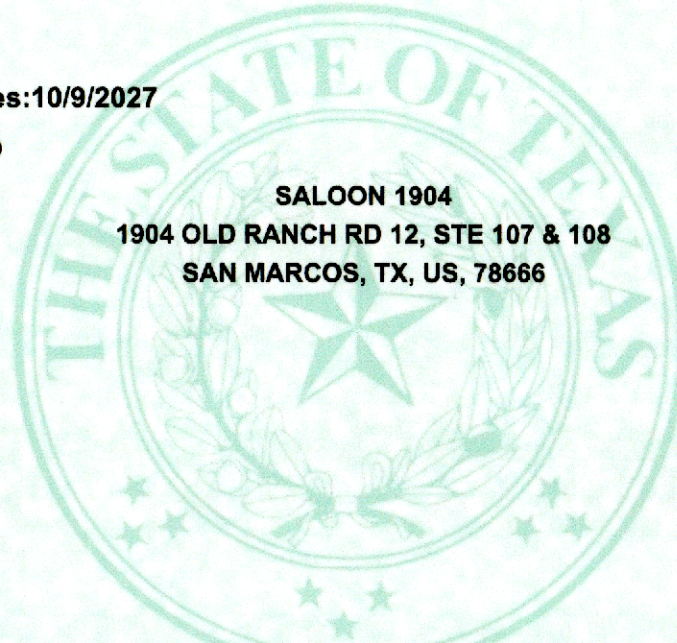


**SALOON 1904**

**1904 OLD RANCH RD 12, STE 107 & 108**

**SAN MARCOS, TX, US, 78666**

**P & B HOSPITALITY, LLC**



A handwritten signature in black ink, likely belonging to the Executive Director.

**EXECUTIVE DIRECTOR**

THIS PERMIT IS NOT TRANSFERABLE, MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN PLACE OF BUSINESS INDICATED HEREON THE ACCEPTANCE HEREOF CONSTITUTES AN EXPRESS AGREEMENT TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON PERMITEES TO PERFORM ANY DUTY IMPOSED UPON HIM.

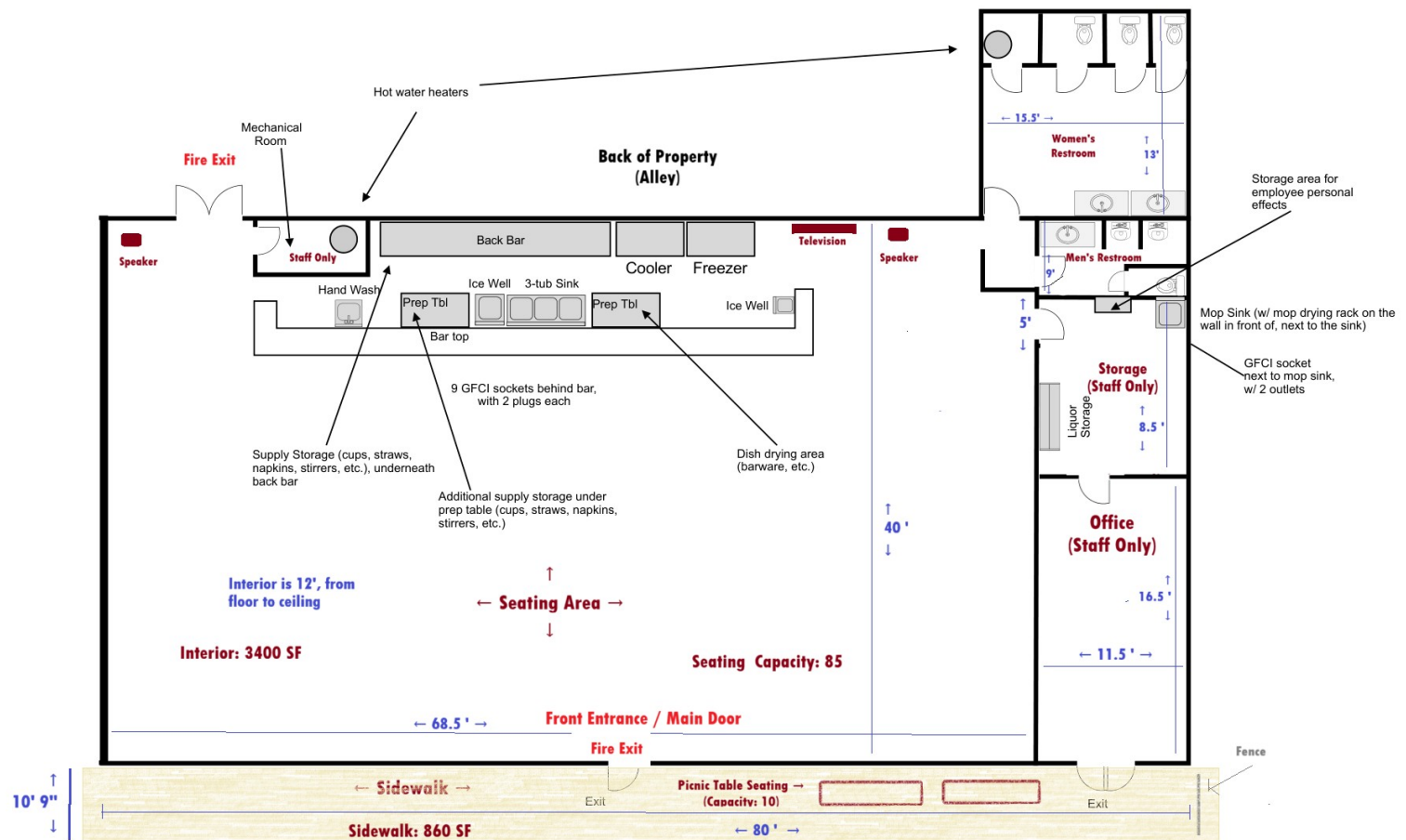


# Saloon 1904

## Entertainment Facilities Detail

The establishment provides a television plus streaming music (fully licensed) for entertainment. Streaming music is played through two (2) speakers, one on either side of the room (left to right). The television is mounted on the wall behind the bar.

Please see the floor plan for more information.



**Front of Property  
(Parking Lot)**

**TABC Mixed Beverage Permit  
Covers both the interior  
plus the sidewalk**

# Saloon 1904

## Drink Menu (Opening)

Below is the proposed opening drink menu for Saloon 1904.

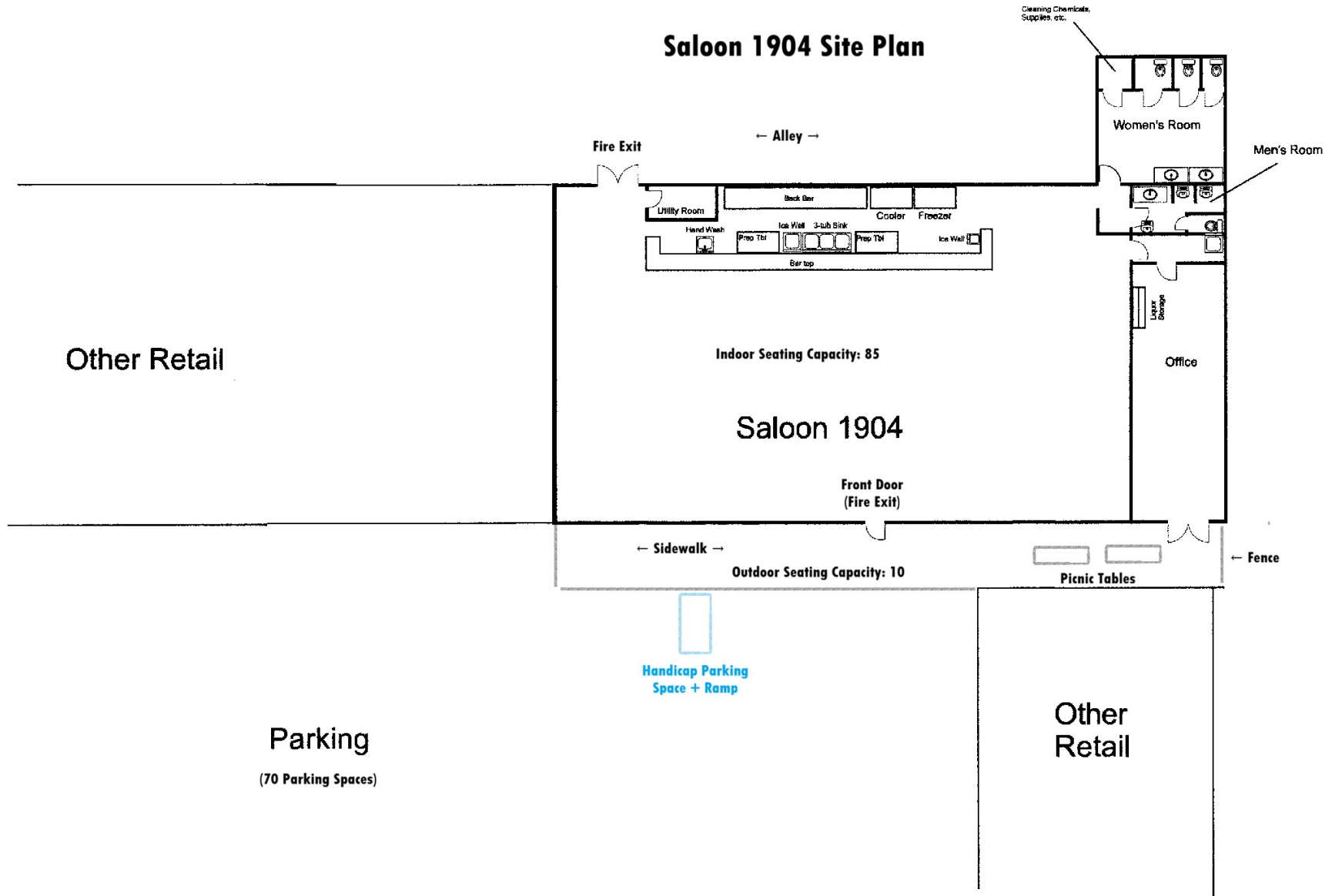
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div data-bbox="315 508 669 630">  </div> <div data-bbox="328 634 667 676"> <h3>FEATURED COCKTAILS</h3> </div> <div data-bbox="293 680 703 758"> <p><b>Jalapeno Pineapple Margarita</b><br/>Pineapple &amp; Jalapeno -infused Tequila, Orange Liqueur, Lime Juice, Agave Syrup</p> </div> <div data-bbox="289 764 683 819"> <p><b>Buckle Bunny</b><br/>Gin, Squirt Soda, Crushed Peppermint Candy</p> </div> <div data-bbox="271 821 725 898"> <p><b>YooTini</b><br/>Yoohoo Chocolate Drink, Ghirardelli Dark Chocolate Syrup, Vodka, Aztec Mole Bitters, Coco Powder Rim</p> </div> <div data-bbox="365 896 631 949"> <p><b>The Arnie</b><br/>Iced Tea, Lemonade, Bourbon</p> </div> <div data-bbox="347 959 669 1039"> <p><b>House Old Fashioned</b><br/>Bourbon, Demerara Syrup<br/>Angostura Bitters, Luxardo Cherries,</p> </div> <div data-bbox="352 1050 644 1125"> <p><b>1904 Espresso Martini</b><br/>Vodka, Espresso, Coffee Liqueur,<br/>Orgeat, Orange Bitters</p> </div> <div data-bbox="393 1134 604 1176"> <h3>BEER &amp; WINE</h3> </div> <div data-bbox="310 1173 686 1226"> <p><b>Ask about our selection of domestic &amp; imported beers, plus wines.</b></p> </div> <div data-bbox="303 1230 693 1270"> <p><small>Please let us know of any allergies or food sensitivities of which we should be aware before we prepare your drink.</small></p> </div> <div data-bbox="453 1337 542 1371"> <p><b>Front</b></p> </div> | <div data-bbox="932 508 1286 630">  </div> <div data-bbox="896 644 1343 686"> <h3>NON-ALCOHOLIC BEVERAGES</h3> </div> <div data-bbox="959 728 1276 804"> <p><b>We have a variety of no-alcohol beverages:</b></p> </div> <div data-bbox="917 814 1255 1041"> <ul style="list-style-type: none"> <li>• Mocktails</li> <li>• Sweet Leaf Tea</li> <li>• New Mexico Piñon Coffee</li> <li>• Soft Drinks</li> <li>• Ginger Beer / Ginger Ale</li> <li>• Juices</li> <li>• Sparkling &amp; Still Water</li> </ul> </div> <div data-bbox="998 1064 1234 1104"> <h3>STAY IN TOUCH!</h3> </div> <div data-bbox="899 1110 1344 1146"> <p> saloon1904smtx  Saloon 1904</p> </div> <div data-bbox="920 1169 1317 1209"> <p><small>Please let us know of any allergies or food sensitivities of which we should be aware before we prepare your drink.</small></p> </div> <div data-bbox="1071 1333 1159 1365"> <p><b>Back</b></p> </div> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Food Menu

There is no kitchen and, thus, no food menu.



# Saloon 1904 Site Plan



# CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: December, 2025



## CONTACT INFORMATION

|                             |                                                |                         |                                                  |
|-----------------------------|------------------------------------------------|-------------------------|--------------------------------------------------|
| Applicant's Name            | Bill Good                                      | Property Owner          | James Umstattd                                   |
| Company                     | P & B Hospitality LLC                          | Company                 | UC2, Ltd.                                        |
| Applicant's Mailing Address | 13501 Ranch Rd 12 Ste 103, Wimberley, TX 78676 | Owner's Mailing Address | 3355 Bee Caves Road, Suite 700, Austin, TX 78746 |

## PROPERTY INFORMATION

Subject Property Address: 1904 Old Ranch Rd 12, Ste 107, San Marcos, TX 78666

Zoning District: Commercial District (CM) Tax ID #: R14222

Legal Description: Lot Tract A Block            Subdivision THOMAS H W FORSITH SURVEY, A0173

Number of Parking Spaces: 70

Is property more than 300' from church, school, hospital, or residential district? ☒ Y ☐ N

## DESCRIPTION OF REQUEST

Business Name: Saloon 1904 CUP Permit Type: ☐ Eating Establishment ☒ Bar

☒ NEW ☐ RENEWAL/AMENDMENT ☒ Mixed Beverage ☐ Beer & Wine ☐ Late Hours

Hours of Operation (ex. Mon 12pm-1am): Mon 11 AM - 12 AM Tue 11 AM - 12 AM Wed 11 AM - 12 AM

Thurs 11 AM - 12 AM Fri 11 AM - 12 AM Sat 11 AM - 12 AM Sun 11 AM - 12 AM

Indoor Seating Capacity: 85 Outdoor Seating Capacity: 10 Gross Floor Area: 4260 SF

## AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

|                                     |                     |                           |
|-------------------------------------|---------------------|---------------------------|
| Initial Filing Fee 1,050*           | Technology Fee \$15 | <u>TOTAL COST \$1,065</u> |
| Renewal/Amendment Filing Fee \$788* | Technology Fee \$15 | <u>TOTAL COST \$803</u>   |

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

Apply Online at [MGOCONNECT.ORG](https://MGOCONNECT.ORG)

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230

## PROPERTY OWNER AUTHORIZATION

I, JAMES UmSTATT, GP mbr (owner name) on behalf of  
UC2 Ltd (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
1904 Old Ranch Rd 12, Ste 107, San Marcos, TX 78666 (address).

I hereby authorize Bill Good (agent name) on behalf of  
P & B Hospitality LLC (agent company) to file this application for  
Conditional Use Permit (Alcohol Debit CDD) (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:

James Umstatt, GP

Date:

May 27, 2026

Printed Name, Title:

JAMES Umstatt General Partner Member

Signature of Agent:

Bill Good

Date:

May 27, 2026

Printed Name, Title:

Bill Good, Chief Management Officer

Form Updated December, 2025



## AGREEMENT TO THE PLACEMENT OF POSTED NOTICE AND ACKNOWLEDGEMENT OF PERSONAL REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of posted signs on the subject property, and personal notice presented to the Planning Commission and / or City Council.

- **Posted Notice:** if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- **Personal Notice:** if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$158 plus a \$ 15 technology fee.***

*I have read the above statements and agree to the required posted notice, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of Posted/ Personal Notices and public hearing and hereby submit the attached application for review by the City.*

Signature: Bill R. Good III

Date: 6/3/26

Print Name: Bil R Good III

Form Updated December, 2025

## AGREEMENT TO THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE

The establishment must hold a valid Conditional Use Permit for the on-premise sale and consumption of alcohol issued and effective under [Section 2.8.3.1](#), [Section 5.1.5.5](#) and any conditions of such permit.

Where an **"Eating Establishment"** includes the sale of alcohol for on premise consumption the following standards shall apply:

- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in [Section 7.4.2.1](#) so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Where a **"Bar"** that primarily sells alcohol beverages for on premise consumption and may include the sale of food, the following standards shall apply:

- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in [Section 7.4.2.1](#) so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

**Not all standards are listed, please review [Land Development Code Section 5.1.5.5 Restaurant/Bar](#) for more information.**

*I have read the above standards and agree to follow City of San Marcos Land Development Code. I understand that if I do not follow the requirements, my Conditional Use Permit could be revoked. Please notify staff of any changes to the business operation.*

Signature: Bill R. Good III

Date: 6/3/26

Print Name: Bill R Good III

Form Updated December, 2025

Apply Online at [MGOCONNECT.ORG](https://mgconnect.org)

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230

## Conditions Matrix

### *Conditional Use Permits for Sale of Alcohol for on-premise consumption*

The guidance below was recommended by the Joint City Council / Planning and Zoning Commission Conditional Use Permit Committee in February 2026 and will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

|                                            | <b>CBA BAR</b>                                                                                                                     | <b>CBA RESTAURANT</b>                                                                                                              | <b>300 FEET OF SF USE</b>                                                                                                          | <b>ALL REQUESTS</b>                                                                                                                |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>Term</b>                                | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               |
| <b>Amplified Sound (Sunday – Thursday)</b> | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday. | No outdoor Amplified Sound shall be permitted Sunday – Thursday.                                                                   | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday. |
| <b>Amplified Sound (Friday – Saturday)</b> | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. |



|                                             | <b>CBA BAR</b>                                                                                                                                                                                                                                                                                                                                                                              | <b>CBA RESTAURANT</b>                                                                                                                                                                                                                                                                                                                                                                     | <b>300 FEET OF SF USE</b>                                                                                                                                                                                                                                                                                                                                                                   | <b>ALL REQUESTS</b>                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Background Sound (Sunday – Thursday)</b> | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                         | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                           |
| <b>Background Sound (Friday – Saturday)</b> | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.                                                                                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.                                                                                                                                                                                                                                                                             | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.                                                                                                                                                                                                           |
| <b>Cleanliness</b>                          | 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C) | 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 another alcohol CUP holder's maintenance area (LDC Section 5.5.5.B.3.b.7 | 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C) | 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C) |

|                         |                                                                                                                                                                         |                                                                                                                                                                         |                                                                                                                                                                         |                                                                                                                                                                         |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Food</b>             | N/A                                                                                                                                                                     | Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.                                        | N/A                                                                                                                                                                     | N/A                                                                                                                                                                     |
| <b>Hours</b>            | The business shall not pursue or hold a TABC Late Hours permit.<br><i>(Note: For new CUP requests only)</i>                                                             | The business shall not pursue or hold a TABC Late Hours permit.<br><i>(Note: For new CUP requests only)</i>                                                             | The business shall not pursue or hold a TABC Late Hours permit.<br><i>(Note: For new CUP requests only)</i>                                                             | N/A                                                                                                                                                                     |
|                         | <b>CBA BAR</b>                                                                                                                                                          | <b>CBA RESTAURANT</b>                                                                                                                                                   | <b>300 FEET OF SF USE</b>                                                                                                                                               | <b>ALL REQUESTS</b>                                                                                                                                                     |
| <b>Occupancy (Fire)</b> | 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. | 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. | 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. | 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. |
| <b>Posting</b>          | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                |

## Definitions

The following definitions will be used when interpreting the above conditions:

**CBA Bar:** “A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food” (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

**CBA Restaurant:** “A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption” (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

**300 feet of SF Use:** A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence’s structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

**Sound Amplifying Equipment:** any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

**Amplified Sound:** instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

**Acoustic Sound:** instrumental or vocal sounds which are not amplified using sound amplifying equipment.

**Background Sound:** amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

**Plainly Audible:** any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

**Outdoor:** any unconditioned areas of the business such as a patio or rooftop.

**Entrée:** a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.





# **Public Hearing**

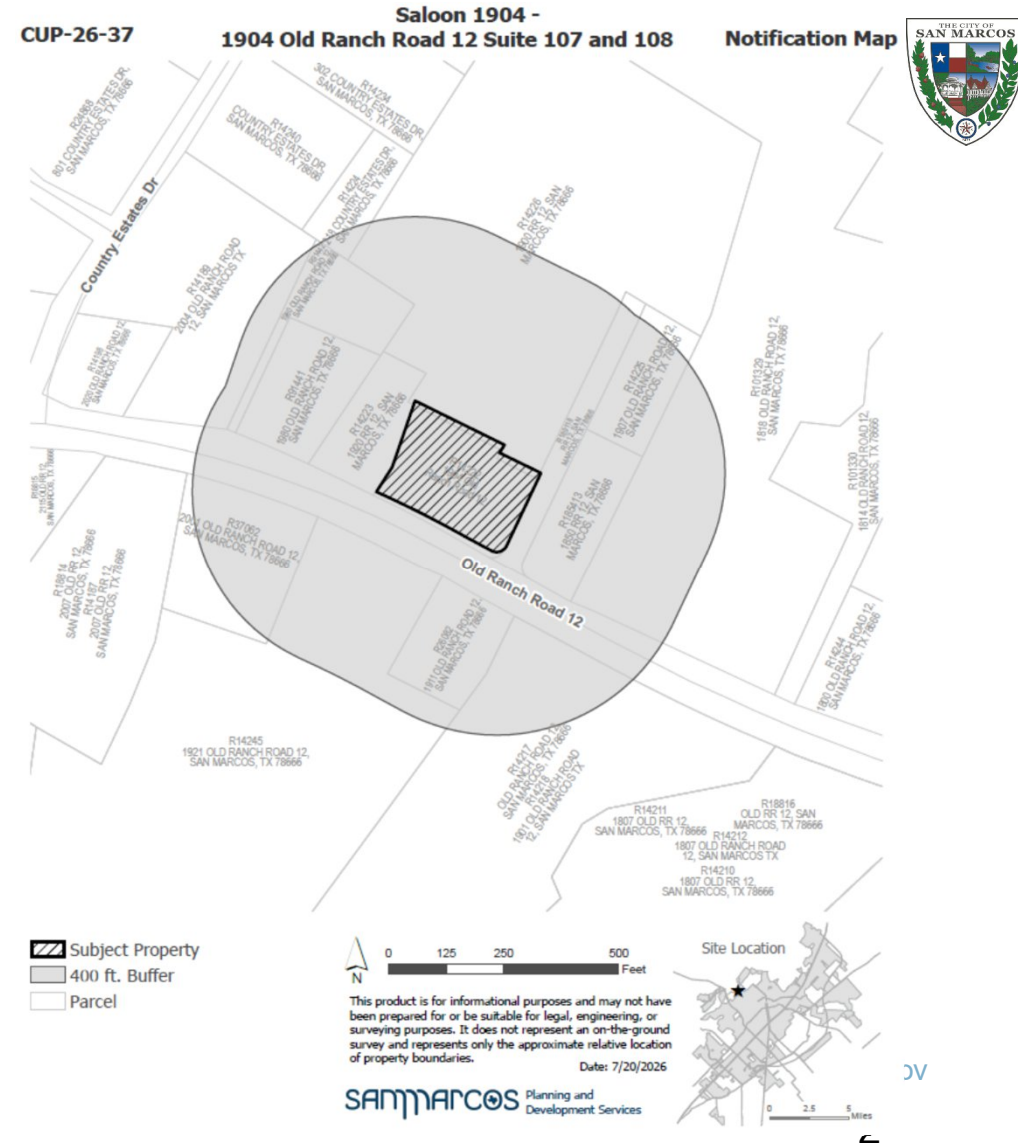
## **CUP-26-37**

### **Saloon 1904**

CUP-26-37 (Saloon 1904) Hold a public hearing and consider a request by Bill Good, on behalf of Saloon 1904, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1904 Old Ranch Road 12, Suite 107 and 108. (C. Garrison)

# Property Information

- Approximately 1.45 acres
- Location 1904 Old Ranch Road 12 Suite 107 & 108



# Context & History

- Request to be a Bar use with on-premise consumption of alcohol.
- Surrounding Uses include Retail Sales and Services, Personal Storage, Texas State University, Retail Services, and Funeral Home

CUP-26-37      Saloon 1904 -  
1904 Old Ranch Road 12 Suite 107 and 108      Aerial Map



Subject Property



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: 7/20/2026

**SAN MARCOS** Planning and Development Services



[x.gov](http://x.gov)

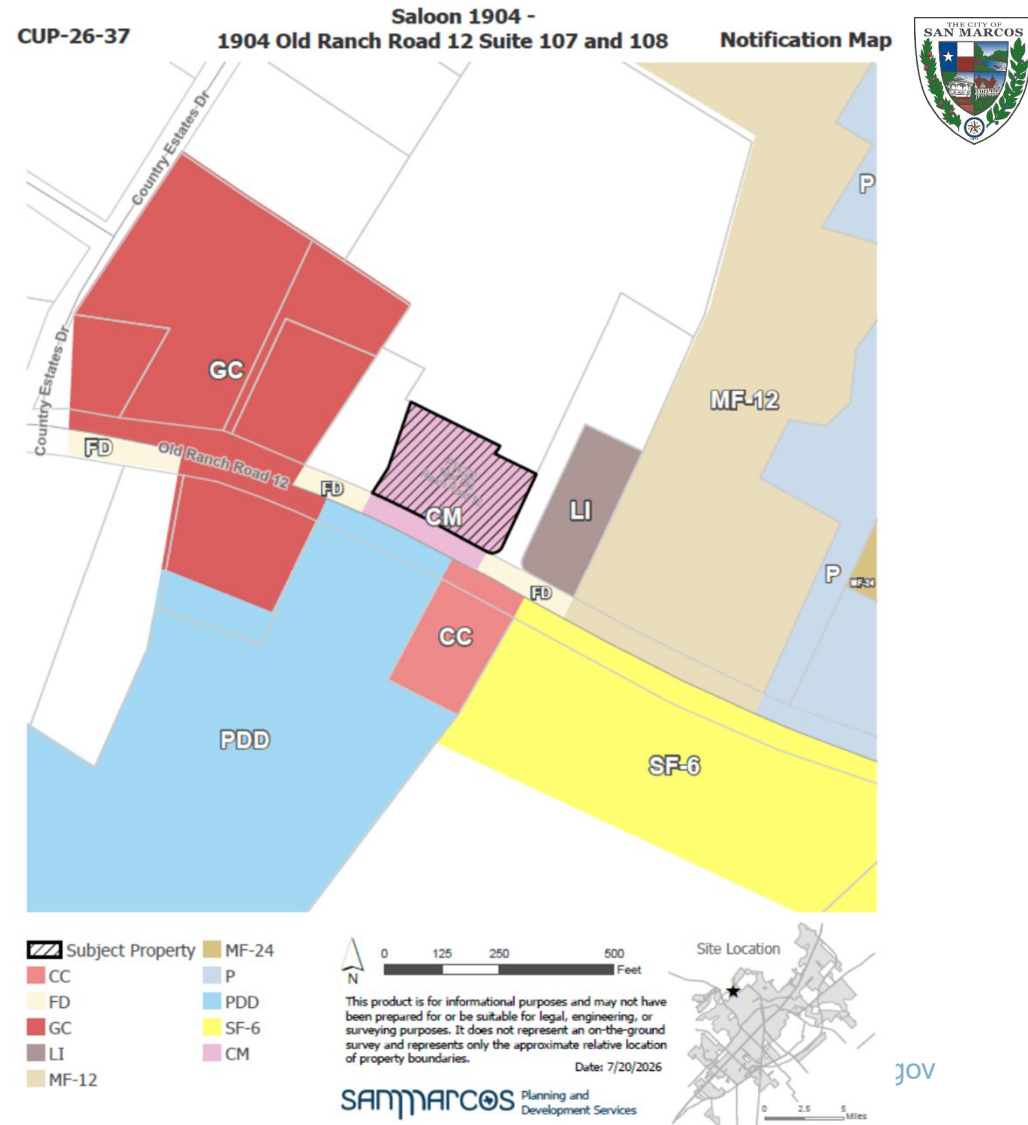
3





# Context & History

- **Existing Zoning:**  
Commercial District (CM)
- **Proposed Use:** Bar
  - Monday – Saturday:  
11am – 12am





## 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. |

[sanmarcos.tx.gov](http://sanmarcos.tx.gov)

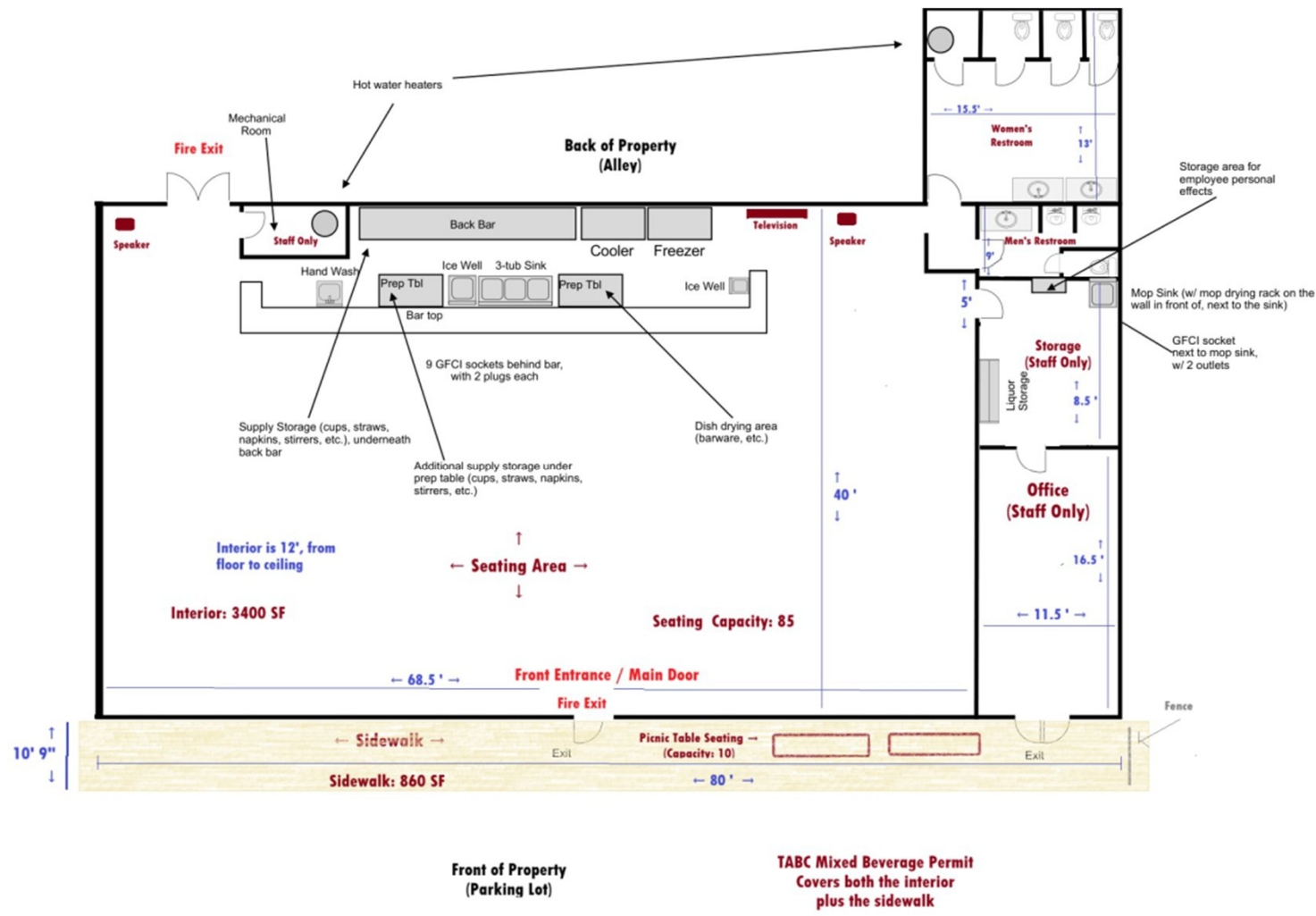




## Criteria for Approval

| 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



.gov



## Recommendation

Staff recommends **approval** of CUP-26-37 with the following conditions:

1. This permit shall be valid for one (1) year, and shall expire August 11, 2027, 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 list; and
4. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

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## Legislation Text

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**File #:** CUP-26-40, **Version:** 2

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**AGENDA CAPTION:**

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)

**Meeting date:** August 11, 2026

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account or Project Number (C = CIP funds):** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

N/A Arts and Culture - Choose an item.

N/A Economic Development - Choose an item.

N/A Environment & Resource Protection - Choose an item.

N/A Housing + Neighborhoods - Choose an item.

N/A Land Use + Community Design and Character - Choose an item.

N/A Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

N/A Transportation - Choose an item.

N/A Core Services

N/A Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

The applicant is requesting to amend their existing beer & wine permit to allow the on-premise consumption of mixed beverages.

Entertainment facilities at Hat Creek Burger Company include four mounted television sets, two of which are located in the restaurant's lobby and two on the patio.

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 and restricted conditions related to noise added to this CUP.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** 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.

|                               |                            |
|-------------------------------|----------------------------|
| <b>Conditional Use Permit</b> | <b>4206 S IH 35</b>        |
| <b>CUP-26-40</b>              | <b>Hat Creek Burger Co</b> |



### Summary

|                                       |                                                                                 |                            |                                                                                 |
|---------------------------------------|---------------------------------------------------------------------------------|----------------------------|---------------------------------------------------------------------------------|
| <b>Request:</b>                       | Amendment of a Conditional Use Permit (CUP)                                     |                            |                                                                                 |
| <b>Applicant:</b>                     | Hat Creek Beverage Company LLC<br>4407 Bee Cave Rd, Ste 212<br>Austin, TX 78746 | <b>Property Owner:</b>     | Hat Creek Beverage Company LLC<br>4407 Bee Cave Rd, Ste 212<br>Austin, TX 78746 |
| <b>CUP Expiration:</b>                | August 27, 2028                                                                 | <b>Type of CUP:</b>        | Mixed Beverage                                                                  |
| <b>Interior Floor Area:</b>           | 2,223 sq ft                                                                     | <b>Outdoor Floor Area:</b> | 1,551 sq ft                                                                     |
| <b>Parking Required:</b>              | 34 spaces                                                                       | <b>Parking Provided:</b>   | Yes                                                                             |
| <b>Days &amp; Hours of Operation:</b> | Friday-Saturday: 11am-9:30pm      Sunday-Thursday: 11am – 9pm                   |                            |                                                                                 |

### Notification

|                  |                                    |                  |               |
|------------------|------------------------------------|------------------|---------------|
| <b>Posted:</b>   | July 24, 2026                      | <b>Personal:</b> | July 24, 2026 |
| <b>Response:</b> | None as of the date of this report |                  |               |

### Property Description

|                              |                                                                  |                                           |      |
|------------------------------|------------------------------------------------------------------|-------------------------------------------|------|
| <b>Legal Description:</b>    | Lot 1E, Section 1, in Lowman Ranch Subdivision (2005)            |                                           |      |
| <b>Location:</b>             | IH 35 frontage, approximately 740 feet South of Centerpoint Road |                                           |      |
| <b>Acreage:</b>              | 1 acre                                                           | <b>PDD/DA/Other:</b>                      | N/A  |
| <b>Existing Zoning:</b>      | General Commercial (GC)                                          | <b>Proposed Zoning:</b>                   | Same |
| <b>Existing Use:</b>         | Restaurant                                                       | <b>Proposed Use:</b>                      | Same |
| <b>Preferred Scenario:</b>   | Commercial/Employment Medium                                     | <b>Proposed Designation:</b>              | Same |
| <b>CONA Neighborhood:</b>    | N/A                                                              | <b>Sector:</b>                            | 4    |
| <b>Utility Capacity:</b>     | Adequate                                                         | <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> | General Commercial (GC)       | Restaurant & Coffee Shop<br>(Whataburger, Zaxby's, Starbucks) | Commercial/Employment Medium |
| <b>South of Property:</b> | General Commercial (GC)       | Retail<br>(Harbor Freight)                                    | Commercial/Employment Medium |
| <b>East of Property:</b>  | General Commercial (GC)       | Retail<br>(Tanger Outlets)                                    | Commercial/Employment Medium |
| <b>West of Property:</b>  | Character District – 5 (CD-5) | Hotel<br>(Baymont Inn & Suites)                               | Commercial/Employment Medium |



|                               |                            |
|-------------------------------|----------------------------|
| <b>Conditional Use Permit</b> | <b>4206 S IH 35</b>        |
| <b>CUP-26-40</b>              | <b>Hat Creek Burger Co</b> |



### Staff Recommendation

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                     |                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------|
| Approval as Submitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> <b>Approval with Conditions</b> | Denial                      |
| <ol style="list-style-type: none"> <li>1. The permit shall be valid for three (3) years, and shall expire on August 11, 2029, provided standards are met;</li> <li>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);</li> <li>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</li> <li>4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol> |                                                                     |                             |
| <b>Staff:</b> Kaitlyn Buck                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Title:</b> Planner                                               | <b>Date:</b> August 5, 2026 |

### History

**2017:** The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

**2019:** The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

**2024:** The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years, commencing on August 27, 2022, with conditions.

**2025:** The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

### Additional Analysis

The applicant is requesting to amend their existing beer & wine permit to allow the on-premise consumption of mixed beverages.

Entertainment facilities at Hat Creek Burger Company include four mounted television sets, two of which are located in the restaurant's lobby and two on the patio.

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 and restricted conditions related to noise added to this CUP.

### Comments from Other Departments

|                               |                   |
|-------------------------------|-------------------|
| <b>Police</b>                 | No Calls Reported |
| <b>Fire</b>                   | No Comment        |
| <b>Public Services</b>        | No Comment        |
| <b>Engineering</b>            | No Comment        |
| <b>Health/Code Compliance</b> | No Comment        |

|                        |                     |
|------------------------|---------------------|
| Conditional Use Permit | 4206 S IH 35        |
| CUP-26-40              | Hat Creek Burger Co |

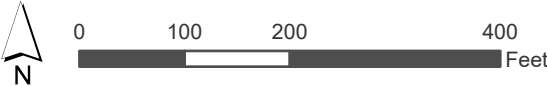


| Evaluation |              |            | Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------|--------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.<br><b>The subject property is not located within a neighborhood character study area.</b>                                                                                                                                                                                                                                                                                                                                                    |
| <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.<br><b>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</b> |
| <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.<br><b>No improvements are being proposed as the subject structure is an existing development.</b>                                                                                                                                                                                                |
|            |              | <u>X</u>   | The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.<br><b>No visual impacts are expected to cause adverse effects on adjacent properties.</b>                                                                                                                                                                                                                                                                                                            |
| <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.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <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.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |





 Subject Property  
 Parcel

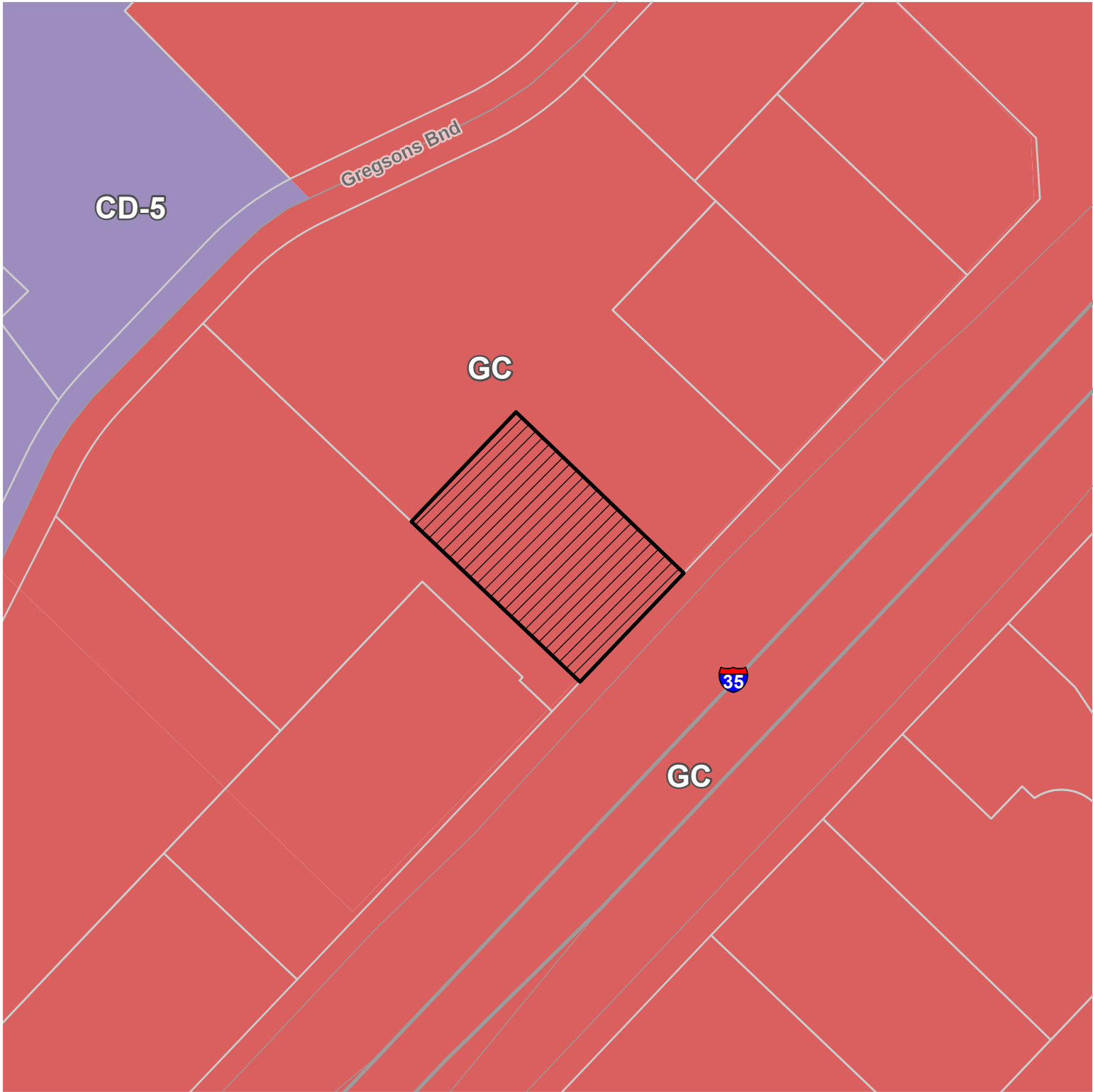


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 7/6/2026







-  Subject Property
-  CD-5
-  GC

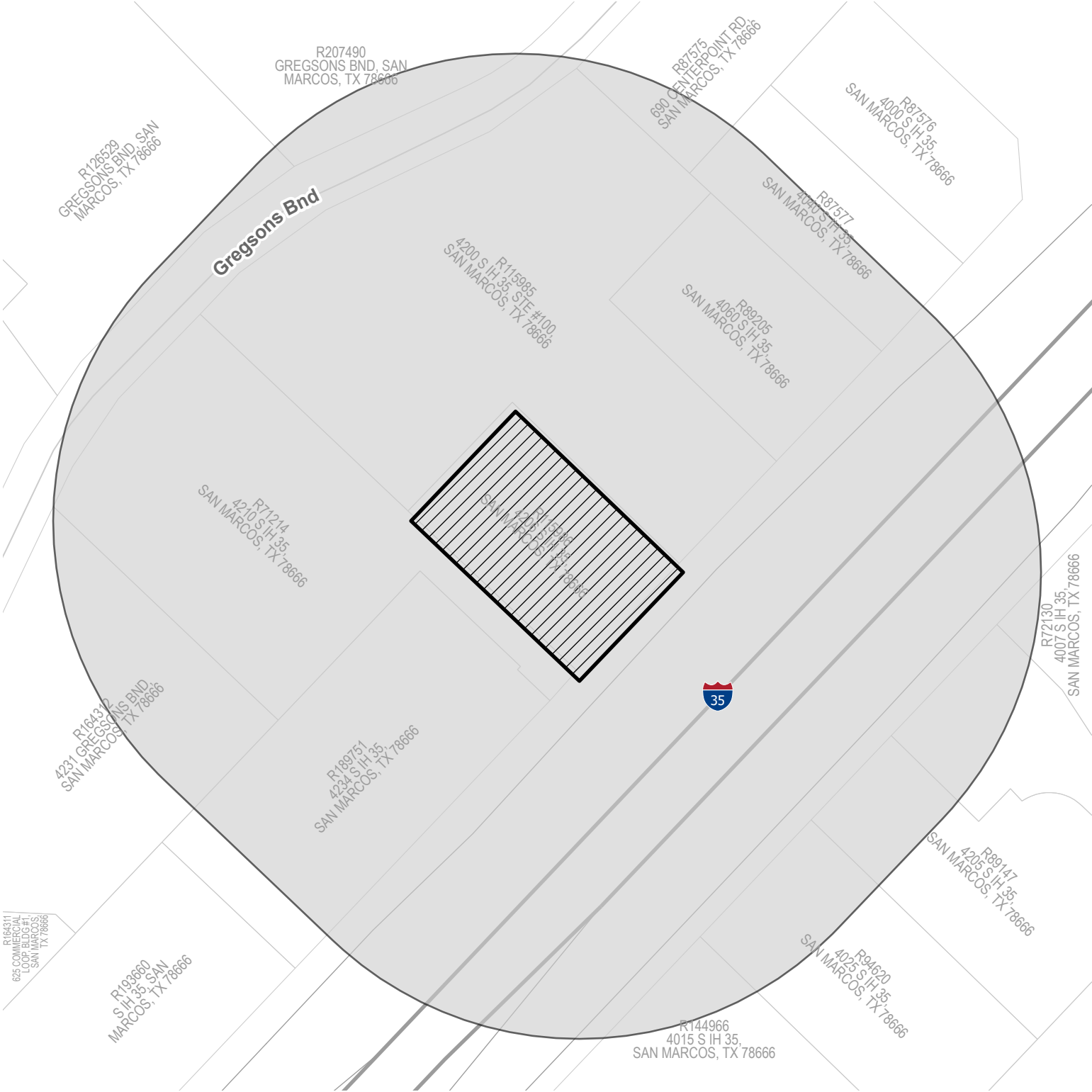


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Date: 7/6/2026







-  Subject Property
-  400ft Buffer
-  Parcel



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Date: 7/6/2026



PLANNING AND DEVELOPMENT SERVICES

07/24/2026



CUP-26-40

**Notice of Public Hearing  
Conditional Use Permit Request  
Sale of Mixed Beverages  
4206 S IH 35**

*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)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, August 11, 2026**, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

**For Planning & Zoning Commission**

Planning and Development Services  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

For more information regarding this request, contact the case manager, **Kaitlyn Buck**, at **512.393.8234** or **kbuck@sanmarcostx.gov**. When calling, please refer to case number **CUP-26-40**.

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

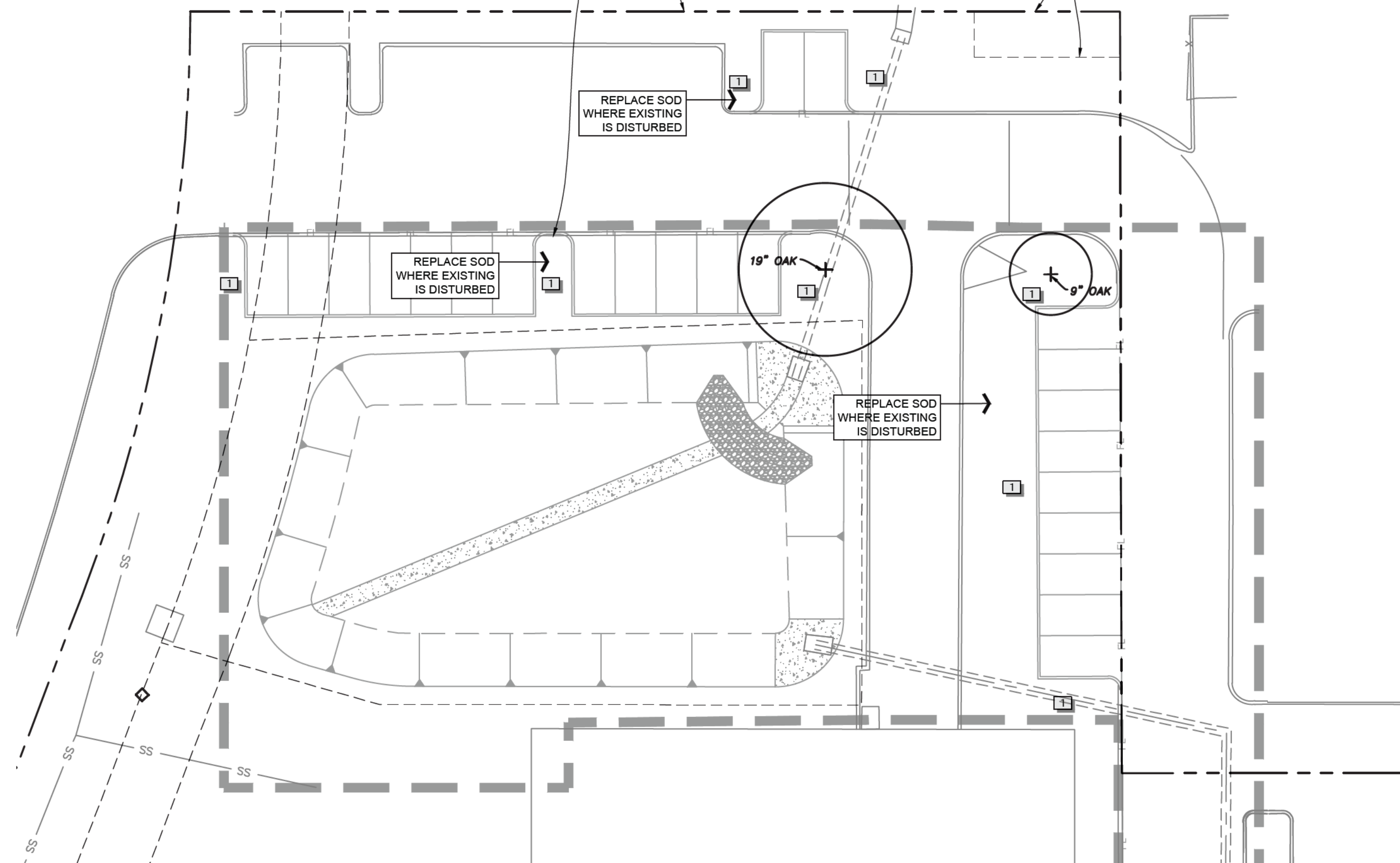
PLANNING AND DEVELOPMENT SERVICES

Enclosure: Map (See Reverse)

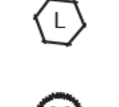
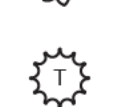
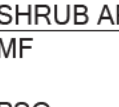
## Notification List

| Property ID | Name of Owner                           | Owner Mailing Address           | Owner City/State/Zip           | Site Address                                 |
|-------------|-----------------------------------------|---------------------------------|--------------------------------|----------------------------------------------|
| 72130       | AUSTACO II REAL ESTATE PARTNERS LTD     | 425 ROUND ROCK WEST DR, STE 105 | ROUND ROCK, TX 78681-5097      | 4007 S IH 35, SAN MARCOS, TX 78666           |
| 144966      | TANGER SAN MARC LLC                     | 225 VARICK ST, RM 301           | NEW YORK, NY 10014-5816        | 4015 S IH 35, SAN MARCOS, TX 78666           |
| 87577       | WHATABURGER, INC                        | 300 CONCORD PLAZA DR            | SAN ANTONIO, TX 78216-6903     | 4040 S IH 35, SAN MARCOS, TX 78666           |
| 89205       | MCDONALDS USA LLC                       | 110 N CARPENTER ST              | CHICAGO, IL 60607              | 4060 S IH 35, SAN MARCOS, TX 78666           |
| 115985      | SMP TEXAS PARTNERS LLC                  | 11760 GEE NORMAN RD             | BELGRADE, MT 59714-8415        | 4200 S IH 35, STE #100, SAN MARCOS, TX 78666 |
| 89147       | DNOMAID 4205 LLC                        | 8296 S LA CIENEGA BLVD          | INGLEWOOD, CA 90301-1521       | 4205 S IH 35, SAN MARCOS, TX 78666           |
| 115986      | HAT CREEK BURGER SAN MARCOS LLC         | 4407 BEE CAVES RD, STE 212      | AUSTIN, TX 78746               | 4206 S IH 35, SAN MARCOS, TX 78666           |
| 71214       | SHIVAM HOTELS INVESTMENTS LTD           | 3013 N HWY 123 BYPASS           | SEGUIN, TX 78155               | 4210 S IH 35, SAN MARCOS, TX 78666           |
| 164312      | SAN MARCOS INVESTMENT TWO LLC           | 6903 CONGRESS ST                | NEW PORT RICHEY, FL 34653-2704 | 4231 GREGSONS BND, SAN MARCOS, TX 78666      |
| 189751      | SAN MARCOS HFT DEVELOPMENT, LLC         | 272 W HANCOCK AVE               | ATHENS, GA 30601               | 4234 S IH 35, SAN MARCOS, TX 78666           |
| 87575       | # 1 BLESSED ROYALTY INC                 | PO BOX 741328                   | DALLAS, TX 75374               | 690 CENTERPOINT RD, SAN MARCOS, TX 78666     |
| 126529      | CENTERPOINT COMMONS LLC                 | 244 HOPPING PEACH               | SAN MARCOS, TX 78666           | GREGSONS BND, SAN MARCOS, TX 78666           |
| 207490      | GALLERIA SAN MARCOS LLC                 | 16515 BLANCO RD                 | SAN ANTONIO, TX 78232-1903     | GREGSONS BND, SAN MARCOS, TX 78666           |
|             | Neighborhood Rep Bobbie Garza-Hernandez | 122 Riviera St.                 | SAN MARCOS, TX 78666           |                                              |
|             | Neighborhood Rep Michael Adams          | 106 Losoya Drive                | SAN MARCOS, TX 78666           |                                              |
|             | Neighborhood Rep Roland Saucedo         | 211 Ebony St.                   | SAN MARCOS, TX 78666           |                                              |
|             | CONA President Amy Thomaides            | 1131 W. MLK St                  | San Marcos, TX 78666           |                                              |

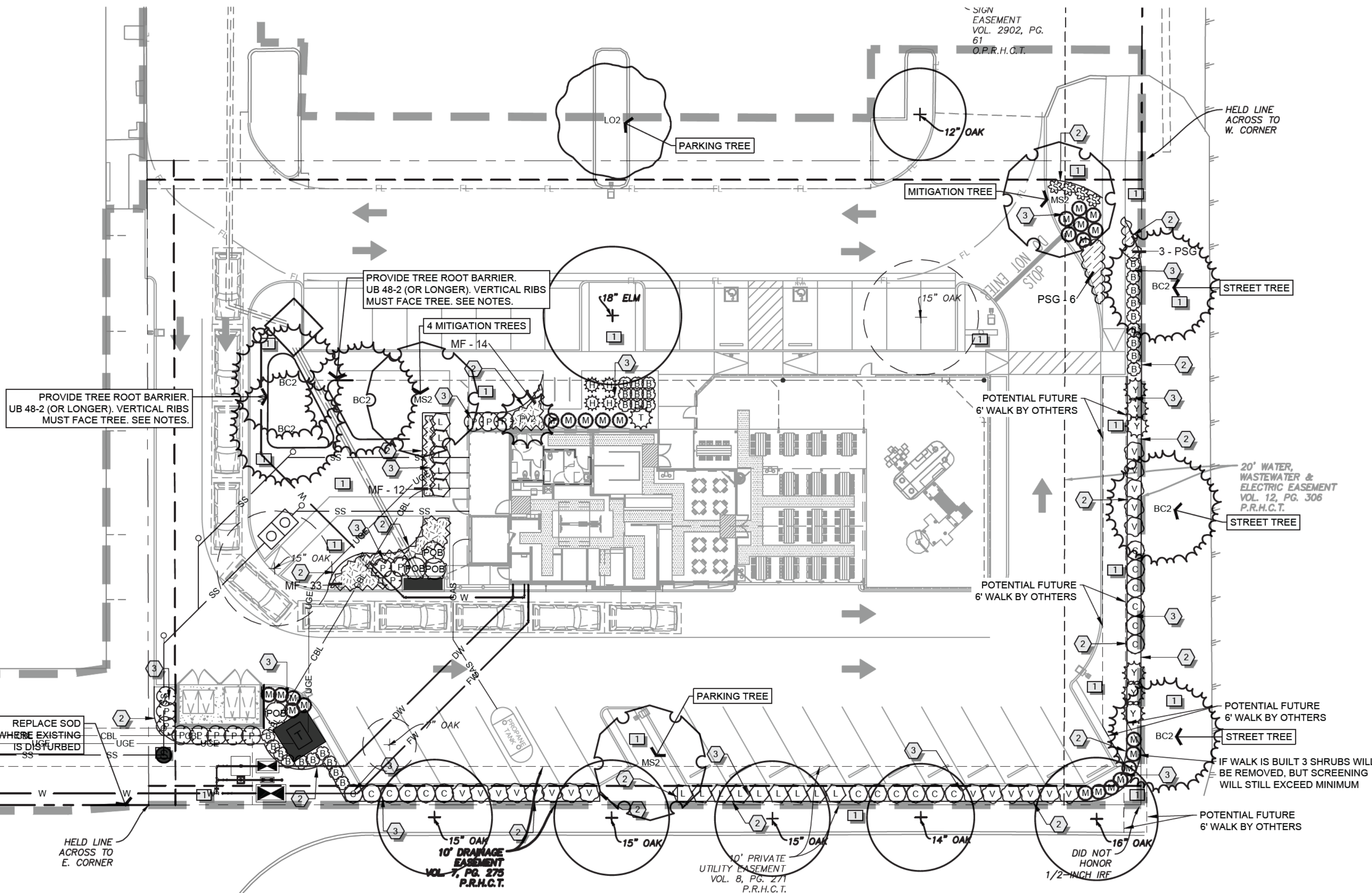




## PLANT SCHEDULE

| TREES                                                                               | CODE                  | COMMON NAME                     | BOTANICAL NAME                     | CONT   | CAL    | SIZE     | QTY |
|-------------------------------------------------------------------------------------|-----------------------|---------------------------------|------------------------------------|--------|--------|----------|-----|
|    | BC2                   | Bald Cypress                    | Taxodium distichum                 | -      | 2\"Cal | 6' H min | 6   |
|    | LO2                   | Live Oak                        | Quercus virginiana                 | -      | 2\"Cal | 6' H min | 1   |
|   | MS2                   | Mexican Sycamore                | Platanus mexicana                  | -      | 2\"Cal | 6' H min | 3   |
| ORNAMENTAL TREES                                                                    | CODE                  | COMMON NAME                     | BOTANICAL NAME                     | CONT   | CAL    | SIZE     | QTY |
|  | PV2                   | Desert Museum Palo Verde        | Parkinsonia x 'Desert Museum'      | 15 gal | 2\"Cal | 6' H min | 1   |
| SHRUBS                                                                              | CODE                  | COMMON NAME                     | BOTANICAL NAME                     | CONT   |        |          | QTY |
|  | B                     | Blue Plumbago                   | Plumbago auriculata                | 5 gal  |        |          | 28  |
|  | C                     | Cotoneaster, Bearberry          | Cotoneaster dammeri 'Coral Beauty' | 5 gal  |        |          | 18  |
|  | H                     | Havard Agave                    | Agave havardiana                   | 5 gal  |        |          | 4   |
|  | L                     | Loropetalum, Plum Delight       | Loropetalum chinense rubrum        | 5 gal  |        |          | 14  |
|  | M                     | Maiden Grass                    | Miscanthus sinensis 'Gracillimus'  | 5 gal  |        |          | 24  |
|  | P                     | Dwarf Palmetto                  | Sabal minor                        | 5 gal  |        |          | 14  |
|  | POB                   | Pride of Barbados               | Caesalpinia gilliesii              | 5 gal  |        |          | 4   |
|  | S                     | Soft Leaf Yucca                 | Yucca pendula                      | 5 gal  |        |          | 4   |
|  | T                     | Thompson's Yucca 3'+ Tall Trunk | Yucca thompsoniana                 | 15 gal |        |          | 1   |
|  | V                     | Sandankwa Viburnum              | Viburnum suspensum                 | 5 gal  |        |          | 19  |
|  | Y                     | Beaked Yucca, 'Blue Velvet'     | Yucca rostrata 'Blue Velvet'       | 5 gal  |        |          | 6   |
| SHRUB AREAS                                                                         | COMMON NAME           | BOTANICAL NAME                  | CONT                               |        |        |          | QTY |
| MF                                                                                  | Mexican Feather Grass | Stipa tenacissima               | 1 gal                              |        |        |          | 66  |
| PSG                                                                                 | Salvia Greggii, Pink  | Salvia greggii 'Pink'           | 5 gal                              |        |        |          | 9   |

\*Tree caliper to be measured 6" above top of root ball



## LANDSCAPE CALCULATIONS

| LANDSCAPED AREA                        | REQUIRED         | PROVIDED         |
|----------------------------------------|------------------|------------------|
| • Total Area                           |                  | 43,607sf         |
| • Landscaped Area                      | 4,361sf (10%)    | 7,467sf (17%)    |
| • Trees                                | 5                | 5                |
| • 1 per 1,000sf of req. landscape      |                  |                  |
| • 1 Existing + 4 Proposed = 5 Provided |                  |                  |
| • Shrubs                               | 13               | 13               |
| • 3 per 1,000sf of req. landscape      |                  |                  |
| STREET TREES                           | REQUIRED         | PROVIDED         |
| • Street Trees, IH 35 (168 lf / 50=4)  | 4                | 4                |
| • 1 Existing + 3 Proposed = 4 Provided |                  |                  |
| REPLACEMENT TREES                      | REQUIRED         | PROVIDED         |
| • Required Replacement                 | 5                | 5                |
| • 2 removed X 2.5 replacement= 5       |                  |                  |
| PARKING LANDSCAPE                      | REQUIRED         | PROVIDED         |
| • Parking Landscape Area (20,420sf)    | 1,021sf          | 2,646sf          |
| • 5% of parking area                   |                  |                  |
| • Parking Trees                        | 4                | 5                |
| • 1 Tree per 250sf req. landscape      |                  |                  |
| • 3 Existing + 2 Proposed = 5 Provided |                  |                  |
| SCREENING                              | REQUIRED: 206 lf | PROVIDED: 352 lf |
| • Parking Screening (342 lf X 60%)     |                  |                  |
| • 60% Cover with evergreen shrubs      |                  |                  |

## TREE LIST

CALIPER | SPECIES | STATUS

|     |      |        |
|-----|------|--------|
| 18" | Elm, | Keep   |
| 15" | Oak, | Remove |
| 15" | Oak, | Remove |
| 7"  | Oak, | Remove |
| 19" | Oak, | Keep   |
| 9"  | Oak, | Keep   |

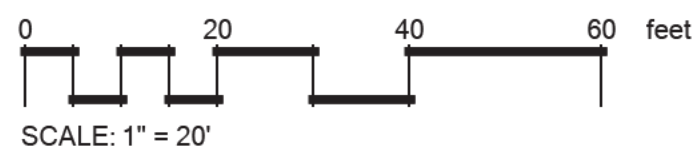
## TREE ROOT BARRIER NOTES

TREES/TREE WELLS SHALL NOT CONFLICT WITH EXISTING OR PROPOSED WATER OR WASTEWATER LINES OR APPURTENANCES AND SHALL NOT BE INSTALLED WITHIN A MINIMUM HORIZONTAL DISTANCE OF FIVE FEET (5') FROM THE OUTSIDE EDGE OF THE TREE.

ALL TREES/SHRUBS INSTALLED WITHIN A HORIZONTAL SEPARATION DISTANCE OF TEN FEET (10') MAXIMUM TO FIVE FEET (5') MINIMUM FROM EXISTING OR PROPOSED WATER OR WASTEWATER LINES OR APPURTENANCES SHALL INCLUDE DEEP ROOT UP 48-2 ROOT BARRIER OR APPROVED EQUAL TO BE INSTALLED VERTICALLY, 48" FROM TOP OF GROUND 2' FROM THE OUTER DIAMETER OF THE UTILITY PIPE/APPURTENANCE, AND 8' TO 3' FROM THE OUTSIDE EDGE OF THE TREE/SHRUB.

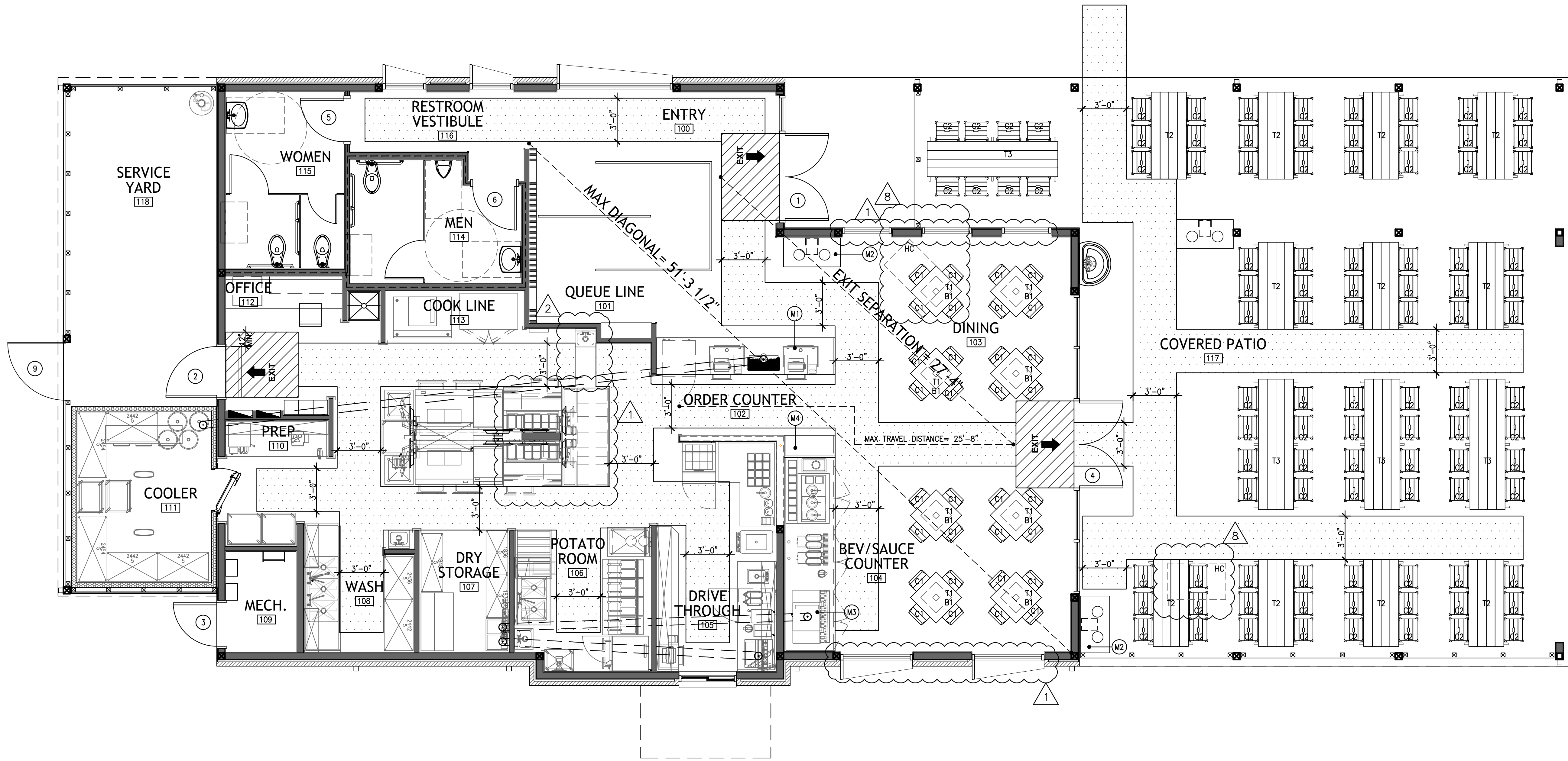
## REFERENCE NOTES SCHEDULE

| SYMBOL                                                                              | DESCRIPTION                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Lawn, Bermuda "Latitude 36" Sod, provide 2" of topsoil tilled into existing. Top of lawn 1" below top of adjacent concrete/hardscape. Flatten sod with lawn roller. Provide spray irrigation. Temporary irrigation only within septic fields or Right of Way (R.O.W.). Pre emergent weed treatment recommended. |
|  | Steel edge, 3/16" x 4" landscape edging as manufactured by Ryerson, or equal, dark green and furnished with steel stakes. Install edging in smooth curves free of kinks. Final height of edging to be 1" above height of soil mat of sod.                                                                       |
|  | Mulch, Native Hardwood. 3" deep with 6" of "Growers Mix" soil (40% compost, 40% loam, 10% sand) tilled into existing soil in all areas of the bed. Drip irrigation. Ensure that drip line is placed above rootballs.                                                                                            |



|      |          |             |                          |
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| Rev  | 1        | 08/01/18    | Update per City Comments |
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**GENERAL NOTES**

- ALL DIMENSIONS ARE SHOWN TO FACE OF STUD UNLESS NOTED OTHERWISE.
- REFER TO FINISH SCHEDULE AND DETAILS FOR APPLIED FINISHES.
- WALLS TO STRUCTURAL DECK MUST BE THOROUGHLY SEALED.
- ALL PICNIC TABLES SHALL BE PROVIDED BY OWNER
- PROVIDE ONE ADA COMPLIANT PICNIC TABLE AS INDICATED ON PLAN

**BUILDING DATA**

|                     |               |
|---------------------|---------------|
| GROSS BUILDING AREA | 2,223 SQ. FT. |
| PATIO               | 1,551 SQ. FT. |
| SERVICE YARD/COOLER | 384 SQ. FT.   |
| TOTAL:              | 4,158 SQ. FT. |

**SEATING COUNT**

|                 |    |   |     |
|-----------------|----|---|-----|
| 4 TOP TABLE x   | 8  | = | 32  |
| INTERIOR TOTAL: |    |   | 32  |
| 6 TOP BENCH x   | 12 | = | 72  |
| 8 TOP TABLE x   | 4  | = | 32  |
| PATIO TOTAL:    |    |   | 104 |
| TOTAL DINING:   |    |   | 136 |

**H.C. SEATING REQUIRED**

ALL LOOSE SEATING = 1 SPACES REQ'D

**EGRESS LAYOUT NOTES**

1 TACTILE EXIT SIGNS SHALL BE PROVIDED AT THE FOLLOWING LOCATIONS.

A) EACH GRADE LEVEL EXTERIOR DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT WITH THE WORD "EXIT"

B) EACH EXIT, EXIT ACCESS DOOR FROM AN INTERIOR ROOM OR AREA TO A CORRIDOR OR HALLWAY THAT IS REQUIRED TO HAVE A VISUAL EXIT SIGN, SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS, "EXIT ROUTE"

**EGRESS CALCULATION**

|          |     |     |
|----------|-----|-----|
| REQUIRED | 47  | IN. |
| PROVIDED | 186 | IN. |

**OCCUPANCY LOAD CALCULATION**

| AREA                      | SQUARE FOOTAGE | OCCUPANT LOAD FACTOR | OCCUPANCY AMOUNT |
|---------------------------|----------------|----------------------|------------------|
| ASSEMBLY                  |                |                      |                  |
| STANDING                  | 408            | 5                    | 82               |
| UNCONCENTRATED            | 387            | 15                   | 26               |
| KITCHEN                   | 807            | 200                  | 5                |
| OFFICE                    | 15             | 100                  | 1                |
| MECHANICAL                | 36             | 300                  | 1                |
| INTERIOR OCCUPANCY AMOUNT |                |                      | 115              |

**OCCUPANCY LOAD CALCULATION**

|                        |      |    |     |
|------------------------|------|----|-----|
| ASSEMBLY               |      |    |     |
| UNCONCENTRATED         | 1442 | 15 | 97  |
| PATIO OCCUPANCY AMOUNT |      |    | 97  |
| TOTAL OCCUPANCY AMOUNT |      |    | 212 |

**EXIT OCCUPANCY LOADS**

| DOOR | EGRESS WIDTH | OCCUPANCY LOAD |
|------|--------------|----------------|
| #    | IN.          |                |
| 1    | 72           | 82             |
| 2    | 42           | 7              |
| 4    | 72           | 26             |

**FURNISHING NOTES**

- HEIGHT OF TABLES AND COUNTERS SHALL BE 28" MINIMUM-34" MAX.
- MANEUVERING CLEARANCE SHALL BE 30"x48"
- KNEE CLEARANCE SHALL BE 27" HIGH, 19" DEEP AND 30" WIDE

\*FIXED SEATING DETERMINED USING FOLLOWING FORMULA:  
24 LINEAR INCHES=1 OCCUPANT

CLEAR FLOOR EXIT SPACE

EXIT PATH

**FURNITURE SCHEDULE (BY OWNER)**

| TAG       | SIZE     | DESCRIPTION                       |
|-----------|----------|-----------------------------------|
| TABLE TOP |          |                                   |
| T1        | 30"x30"  | INTERIOR DINING TABLE             |
| T2        | 29"x72"  | EXTERIOR PICNIC TABLE, RE: 6/A3.6 |
| T3        | 29"x114" | EXTERIOR PICNIC TABLE, RE: 7/A3.6 |
| SEATING   |          |                                   |
| C1        | 18"      | 18" LOW DINING CHAIR              |
| C2        | 18"      | 18" EXTERIOR SEATING, RE: 11/3.6  |
| BASES     |          |                                   |
| B1        | 30"      | 30" HIGH BASE                     |

**MILLWORK SCHEDULE**

| TAG | DESCRIPTION                                |
|-----|--------------------------------------------|
| M1  | ORDER COUNTER                              |
| M2  | STEEL ENCLOSURE FOR TRASH CANS, RE: 7/A3.8 |
| M3  | BEVERAGE AND SAUCE COUNTER                 |
| M4  | FOOD PICK UP COUNTER                       |

1431 GREENWAY RD SUITE 510  
AUSTIN, TEXAS 78746  
TEL: 512.707.0288  
WWW.IDSTUDIO.COM

CORPORATE:

HAT CREEK BURGER COMPANY  
4407 Bee Caves Road, Suite 212  
Austin, Texas 78746  
www.hatcreekburgers.com

**ISSUE FOR CONSTRUCTION**

HAT CREEK BURGER COMPANY  
SAN MARCOS, TX  
4206 SOUTH I.H. 35  
SAN MARCOS, TX 78666

CLIENT: HAT CREEK BURGER COMPANY  
4407 BEE CAVES ROAD, SUITE 212  
AUSTIN, TEXAS 78746

| DATE       | DESCRIPTION            |
|------------|------------------------|
| 10.27.2017 | ISSUE FOR PERMIT       |
| 12.08.2017 | ISSUE FOR BID          |
| 02.15.2018 | ISSUE FOR CONSTRUCTION |

| DATE | DESCRIPTION                |
|------|----------------------------|
| 1    | 11.27.2017 OWNER CHANGES   |
| 2    | 12.08.2017 CITY COMMENTS   |
| 3    | 02.15.2018 OWNER CHANGES 1 |
| 4    |                            |
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SHEET TITLE:

**FURNISHINGS/EGRESS PLAN**

SHEET NUMBER:

**A1.2**

PROJECT NUMBER:

**HC17004**



# BURGERS

All **COMBO** meals come with **FRIES** and a **20oz DRINK**

## The Big Hat \$7<sup>49</sup>

Double meat hamburger with lettuce, tomato, pickles, diced onions and mustard.

## The Classic \$8<sup>79</sup>

Double meat hamburger with American cheese, bacon, grilled onions and Hat Sauce.

## The Southwest \$8<sup>49</sup>

Double meat hamburger with Pepper Jack cheese, jalapeños, grilled onions and Yellowbird Serrano Sauce.

## The Cowboy \$8<sup>99</sup>

Double meat hamburger with shredded cheddar, bacon, diced onions, pickles and BBQ sauce.

## The Pretzel Jack \$9<sup>29</sup> **NEW**

Double meat hamburger with Pepper Jack cheese, pickles, avocado and honey mustard all on a pretzel bun.

## The Fredericksburger \$9<sup>49</sup>

Double meat hamburger with American cheese, spicy sauerkraut and Happy Sauce.

## The Little Hat \$4<sup>99</sup>

Single meat hamburger with lettuce, tomato, pickles, diced onions and mustard.

*Go Bunless!*

Order any burger or sandwich as a **LETTUCE WRAP** or **BOWL**.

## Chicken Sandwich \$6<sup>49</sup>

**FRIED** Served with pickles and mayo.

**GRILLED** Served with lettuce, tomato, diced onions, pickles and mayo.

## Turkey Burger \$6<sup>49</sup>

Ground turkey patty with lettuce, tomato, pickles, diced onions and mustard.

## Veggie Burger \$7<sup>99</sup>

Black bean and quinoa patty with lettuce, tomato, pickles, diced onions and mustard.

### MAKE IT YOUR OWN

#### Jalapeños

#### Grilled Onions

#### Diced Onions

#### Sauces

Hat Sauce

Happy Sauce

Fry Sauce

Mayonnaise

Mustard

Ketchup

BBQ Sauce

Buffalo Sauce

Honey Mustard

Ranch Dressing

Yellowbird

Serrano Sauce

#### ADD-ONS \$1<sup>19</sup>

#### Cheese

American

Pepper Jack

Cheddar

#### ADD-ONS \$1<sup>49</sup>

#### Bacon

#### Avocado

#### Spicy Sauerkraut

SUB for **(GF)** gluten-free bun + \$2<sup>00</sup>

SUB for pretzel bun + \$1<sup>50</sup>





# SALADS & BOWLS

## Crispy Chicken Cobb Salad \$9<sup>99</sup> *NEW*

Buttermilk fried chicken, avocado, grape tomatoes, crispy bacon, boiled egg and shredded cheddar cheese served on a bed of fresh spring mix and chopped romaine with your choice of balsamic, honey mustard, vinaigrette or ranch dressing.

## Chicken Caesar Salad \$8<sup>99</sup>

Grilled chicken, shaved parmesan cheese, croutons and Caesar dressing served on a bed of chopped romaine.

## Keto Burger Bowl \$8<sup>79</sup>

Two beef patties with cheddar cheese, crispy bacon and avocado served on a bed of baby spinach.

## Vegan Burger Bowl \$8<sup>29</sup>

Veggie burger patty with avocado, sweet potatoes and grape tomatoes served on a bed of baby spinach.

## Paleo Burger Bowl \$7<sup>59</sup>

Single beef patty with diced sweet potatoes and avocado served on a bed of baby spinach.

# NUGGETS

All of our nuggets are  gluten-free!

MAKE IT A *Combo!* + \$4<sup>29</sup> All **COMBO** meals come with **FRIES** and a **20oz DRINK**

### Chicken Nuggets

Hand-cut, hand-breaded chicken marinated in buttermilk for 24 hours and flash fried. Always gluten-free!

### Buffalo Chicken Nuggets

Tossed in Buffalo sauce and served with a side of our ranch dressing.

|         | ENTREE            |
|---------|-------------------|
| 4-piece | \$4 <sup>99</sup> |
| 6-piece | \$6 <sup>29</sup> |
| 8-piece | \$7 <sup>29</sup> |

# SIDES & SHAREABLES

All of our sides are  gluten-free!

### French Fries

\$2<sup>99</sup>

### Side Salad

\$4<sup>99</sup>

### Tater Tots

\$3<sup>29</sup>

### Loaded Fries

\$6<sup>29</sup>

Fries with bacon, shredded cheddar and ranch dressing.

### Sweet Potato Fries

\$3<sup>29</sup>

### Loaded Tots

\$6<sup>29</sup>

Tots with bacon, shredded cheddar and ranch dressing.

### Fried Pickles

\$5<sup>99</sup>

# KIDS MEALS

All kids meals come with a choice of fries, tater tots, sweet potato fries, applesauce or fruit cup and a 12oz drink, milk or apple juice.

### Tiny Hat

A kid-sized slider. **ADD Cheese + 59¢**

### Grilled Cheese

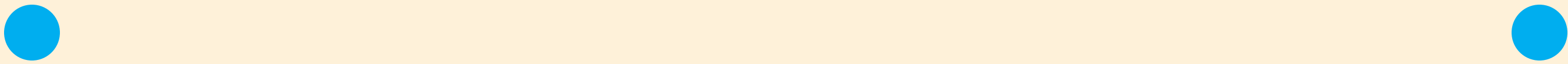
Made with American cheese.

### 3pc Nuggets

Hand-cut, hand-breaded, gluten-free chicken nuggets.

### Hat Dog

All-beef hot dog with your choice of ketchup or mustard. Fix it up with add-ons to make it your own!





# DRINKS

## SOFT DRINKS

Coke, Diet Coke, Dr Pepper, Sprite, Root Beer, Sweet Tea, Unsweetened Tea, Lemonade

| 20oz  | 32oz  |
|-------|-------|
| \$219 | \$279 |

## BEER

Seasonal offerings vary, ask your cashier what's available.

|                     |       |
|---------------------|-------|
| Domestic Draft Beer | \$399 |
| Craft Draft Beer    | \$599 |
| Canned Beer         | \$359 |

## WINE

|          | GLASS | BOTTLE |
|----------|-------|--------|
| Red Wine | \$799 | \$2199 |

Pinot Noir - Cono Sur - Chile

White Wine

Sauvignon Blanc - Naturalis - Australia

Rosé

Grenache Rosé - Bonterra Vineyards - California

# MILKSHAKES

|          | SMALL | REGULAR | LARGE |
|----------|-------|---------|-------|
| ORIGINAL | \$329 | \$429   | \$529 |

All original shakes are topped with whipped cream.

Chocolate

Vanilla

Strawberry

Cookies & Cream



|           | REGULAR | LARGE |
|-----------|---------|-------|
| SPECIALTY | \$499   | \$599 |

Dirt Worm

Oreo® cookies, chocolate and gummy worms.

Grasshopper

Mint syrup and Oreo® cookies.

Peanut Butter Cup

Peanut butter and chocolate.

Nutella Bacon

Scoop of Nutella and a strip of bacon.

Cotton Candy

Cotton candy syrup and a garnish of fluffy cotton candy.

# Group Orders AVAILABLE

Ask your cashier about group orders!

50

NUGGET PLATTER

100

NUGGET PLATTER

30

BIG HAT BOX

30

LITTLE HAT BOX

### **Proposed Alcohol Listing**

- 1) Domestic Draft Beer (varies based upon offerings)
- 2) Craft Draft Beer (varies based upon offerings)
- 3) Wine by the glass (varies based upon offerings)
- 4) Frozen margarita by the glass

**Beer & Wine**

Only available with the purchase of a food item and must be over 21 and present valid ID. Alcoholic beverages are available for pick up only.

**Beer**



**Cono Sur Pinot Noir Bottle**  
\$22.99



**Naturalis Sauvignon Blanc Bottle**  
\$22.99



**Bonterra Rose Bottle**  
\$22.99







**TEXAS ALCOHOLIC  
BEVERAGE COMMISSION**  
*Texans Helping Businesses & Protecting Communities*

**Required  
Certifications**

**Join TABC in the fight against human trafficking**

L-CERT (7/2025)

Submit this form to the proper officials to obtain certification for the type of license/permit for which you are applying as required by TX Alc. Bev. Code, Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13. This Required Certifications form must be submitted with your Initial Application form.

Contact your local TABC office for assistance.

**LOCATION INFORMATION**

|                                                                                                                                                                                                                                                                                                          |                                         |                                                                                             |                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. Trade Name of Location (Name of restaurant, bar, store, etc.)<br><b>Hat Creek Burger Company</b>                                                                                                                                                                                                      |                                         |                                                                                             |                                                                                       |
| 2. Owner of Business/Applicant (Name of Corporation, LLC, etc.)<br><b>Hat Creek Beverage Company LLC</b>                                                                                                                                                                                                 |                                         |                                                                                             |                                                                                       |
| 3. Type of Owner<br><input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership<br><input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Other: _____ |                                         |                                                                                             |                                                                                       |
| 4. Location Address<br><b>4206 S Interstate 35</b>                                                                                                                                                                                                                                                       |                                         |                                                                                             |                                                                                       |
| City<br><b>San Marcos</b>                                                                                                                                                                                                                                                                                |                                         | County<br><b>Hays</b>                                                                       | State<br><b>TX</b>                                                                    |
| Zip Code<br><b>78666</b>                                                                                                                                                                                                                                                                                 |                                         |                                                                                             |                                                                                       |
| 5. Mailing Address<br><b>4407 Bee Caves Rd., Ste. 212</b>                                                                                                                                                                                                                                                |                                         |                                                                                             |                                                                                       |
| City<br><b>West Lake Hills</b>                                                                                                                                                                                                                                                                           |                                         | County<br><b>Travis</b>                                                                     | State<br><b>TX</b>                                                                    |
| Zip Code<br><b>78746</b>                                                                                                                                                                                                                                                                                 |                                         |                                                                                             |                                                                                       |
| 6. Business Telephone Number<br><b>( )</b>                                                                                                                                                                                                                                                               |                                         | Alternate Telephone Number<br><b>( )</b>                                                    | E-mail Address<br><b>( )</b>                                                          |
| 7. Application for:                                                                                                                                                                                                                                                                                      |                                         |                                                                                             |                                                                                       |
| <input checked="" type="checkbox"/> Original                                                                                                                                                                                                                                                             |                                         | <input type="checkbox"/> Reinstatement License/Permit Number                                | <input type="checkbox"/> Reinstatement and Change of Trade Name License/Permit Number |
| <input type="checkbox"/> Change of Location License/Permit Number                                                                                                                                                                                                                                        |                                         | <input type="checkbox"/> Change of Location and Trade Name License/Permit Number            |                                                                                       |
| 8A. Type of Off-Premise Retailer License/Permit:                                                                                                                                                                                                                                                         |                                         |                                                                                             |                                                                                       |
| <input type="checkbox"/> BF Retail Dealer's Off-Premise License                                                                                                                                                                                                                                          |                                         | <input type="checkbox"/> E Local Cartage Permit                                             | <input type="checkbox"/> P Package Store Permit                                       |
| <input type="checkbox"/> BQ Wine and Malt Beverage Retail Dealer's Off-Premise Permit                                                                                                                                                                                                                    |                                         | <input type="checkbox"/> ET Third-Party Local Cartage Permit                                | <input type="checkbox"/> Q Wine Only Package Store                                    |
| <input type="checkbox"/> LP Local Distributor's Permit                                                                                                                                                                                                                                                   |                                         |                                                                                             |                                                                                       |
| 8B. Type of On-Premise Retailer License/Permit                                                                                                                                                                                                                                                           |                                         |                                                                                             |                                                                                       |
| <input type="checkbox"/> BE Retail Dealer's On-Premise License                                                                                                                                                                                                                                           |                                         | <input type="checkbox"/> E Local Cartage Permit                                             | <input checked="" type="checkbox"/> MB Mixed Beverage                                 |
| <input type="checkbox"/> BG Wine and Malt Beverage Retail Dealer's On-Premise Permit                                                                                                                                                                                                                     |                                         | <input checked="" type="checkbox"/> FB Food and Beverage Certificate                        | <input type="checkbox"/> WP Waterpark Permit                                          |
| <input type="checkbox"/> BP Brewpub License                                                                                                                                                                                                                                                              |                                         | <input type="checkbox"/> LH Late Hours Certificate                                          |                                                                                       |
| 8C. Type of Wholesaler's, Distributor's, or Manufacturer's License/Permit                                                                                                                                                                                                                                |                                         |                                                                                             |                                                                                       |
| <input type="checkbox"/> BB General Distributor's License                                                                                                                                                                                                                                                |                                         | <input type="checkbox"/> D Distillers and Rectifiers Permit - allows on-premise consumption | <input type="checkbox"/> S Nonresident Seller's Permit                                |
| <input type="checkbox"/> BC Branch Distributor's License                                                                                                                                                                                                                                                 |                                         | <input type="checkbox"/> DS Out-of-State Winery Direct Shipper's Permit                     | <input type="checkbox"/> SD Brewer's Self-Distribution License                        |
| <input type="checkbox"/> BN Nonresident Brewer's License                                                                                                                                                                                                                                                 |                                         | <input type="checkbox"/> G Winery - allows on-premise consumption                           | <input type="checkbox"/> W Wholesaler's Permit                                        |
| <input type="checkbox"/> BW Brewer's License                                                                                                                                                                                                                                                             |                                         | <input type="checkbox"/> J Bonded Warehouse                                                 | <input type="checkbox"/> X General Class B Wholesaler Permit                          |
| <input type="checkbox"/> JD Bonded Warehouse (Dry Area)                                                                                                                                                                                                                                                  |                                         |                                                                                             |                                                                                       |
| 9. For On or OFF-Premise Applicants, Indicate Primary Business Type at this Location                                                                                                                                                                                                                     |                                         |                                                                                             |                                                                                       |
| <input type="checkbox"/> Bar                                                                                                                                                                                                                                                                             | <input type="checkbox"/> Grocery/Market | <input type="checkbox"/> Package Store                                                      | <input type="checkbox"/> Sexually Oriented                                            |
| <input type="checkbox"/> Civic Center                                                                                                                                                                                                                                                                    | <input type="checkbox"/> Hotel          | <input type="checkbox"/> Public Entertainment Fac. (PEF as defined in Sec. 108.73)          | <input type="checkbox"/> Sporting Arena                                               |
| <input type="checkbox"/> Convenience Store                                                                                                                                                                                                                                                               | <input type="checkbox"/> Motel          | <input type="checkbox"/> Racetrack                                                          |                                                                                       |
| <input type="checkbox"/> Delivery Company                                                                                                                                                                                                                                                                | <input type="checkbox"/> Movie Theater  | <input checked="" type="checkbox"/> Restaurant                                              |                                                                                       |

# CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)



Updated: December, 2025

## CONTACT INFORMATION

|                             |                                           |                         |                                           |
|-----------------------------|-------------------------------------------|-------------------------|-------------------------------------------|
| Applicant's Name            | Hat Creek Burger Company                  | Property Owner          | Drew Gressett                             |
| Company                     | Hat Creek Beverage Company LLC            | Company                 | Hat Creek Burger San Marcos LLC           |
| Applicant's Mailing Address | 4407 Bee Cave Rd Ste 212 Austin, TX 78746 | Owner's Mailing Address | 4407 Bee Cave Rd Ste 212 Austin, TX 78746 |
| Applicant's Phone #         |                                           | Owner's Phone #         |                                           |
| Applicant's Email           |                                           | Owner's Email           |                                           |

## PROPERTY INFORMATION

Subject Property Address: 4206 S Interstate 35, San Marcos, TX 78666  
Zoning District: GC Tax ID #: R 3-21920-2716-1  
Legal Description: Lot 1D + 1E Block Subdivision Lowman Ranch Subdivision  
Number of Parking Spaces: 71  
Is property more than 300' from church, school, hospital, or residential district? ☒ Y ☐ N

## DESCRIPTION OF REQUEST

Business Name: Hat Creek Burger Company CUP Permit Type: ☒ Eating Establishment ☐ Bar  
NEW ☒ RENEWAL/AMENDMENT ☒ Mixed Beverage ☐ Beer & Wine ☐ Late Hours  
Hours of Operation (ex. Mon 12pm-1am): Mon 11 to 9 Tue 11 to 9 Wed 11 to 9  
Thurs 11 to 9 Fri 11 to 9:30 Sat 11 to 9:30 Sun 11 to 9  
Indoor Seating Capacity: 39 Outdoor Seating Capacity: 97 Gross Floor Area: 4158

## AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

|                                     |                     |                           |
|-------------------------------------|---------------------|---------------------------|
| Initial Filing Fee 1,050*           | Technology Fee \$15 | <u>TOTAL COST \$1,065</u> |
| Renewal/Amendment Filing Fee \$788* | Technology Fee \$15 | <u>TOTAL COST \$803</u>   |

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

Apply Online at [MGOCONNECT.ORG](https://MGOCONNECT.ORG)

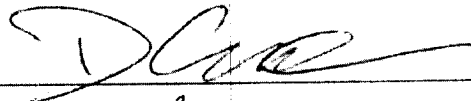
Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230

## PROPERTY OWNER AUTHORIZATION

I, Drew Gressett (owner name) on behalf of  
Hat Creek Burger San Marcos LLC (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
4206 Interstate 35, San Marcos TX 78666 (address).

I hereby authorize Marcus Schwartz/Catherine Chamblee (agent name) on behalf of  
BrackinSchwartz PLLC (agent company) to file this application for  
CUP - Amendment to CBA Permit to Allow MB Sales (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:



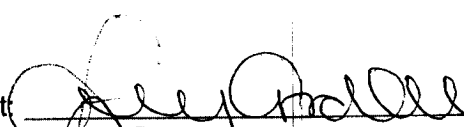
Date:

6/11/24

Printed Name, Title:

Drew Gressett, CEO

Signature of Agent:



Date:

6.11.24

Printed Name, Title:

Catherine Chamblee Attorney Representative for Applicant

Form Updated December, 2025



## AGREEMENT TO THE PLACEMENT OF POSTED NOTICE AND ACKNOWLEDGEMENT OF PERSONAL REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of posted signs on the subject property, and personal notice presented to the Planning Commission and / or City Council.

- **Posted Notice:** if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- **Personal Notice:** if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$158 plus a \$ 15 technology fee.***

*I have read the above statements and agree to the required posted notice, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of Posted/ Personal Notices and public hearing and hereby submit the attached application for review by the City.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Form Updated December, 2025

## AGREEMENT TO THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE

The establishment must hold a valid Conditional Use Permit for the on-premise sale and consumption of alcohol issued and effective under [Section 2.8.3.1](#), [Section 5.1.5.5](#) and any conditions of such permit.

Where an **"Eating Establishment"** includes the sale of alcohol for on premise consumption the following standards shall apply:

- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in [Section 7.4.2.1](#) so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Where a **"Bar"** that primarily sells alcohol beverages for on premise consumption and **may** include the sale of food, the following standards shall apply:

- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within **100** feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in [Section 7.4.2.1](#) so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

**Not all standards are listed, please review [Land Development Code Section 5.1.5.5 Restaurant/Bar](#) for more information.**

*I have read the above standards and agree to follow City of San Marcos Land Development Code. I understand that if I do not follow the requirements, my Conditional Use Permit could be revoked. Please notify staff of any changes to the business operation.*

Signature: 

Date: 6/11/26

Print Name: Drew Gressett

Form Updated December, 2025

Apply Online at [MGOCONNECT.ORG](https://MGOCONNECT.ORG)

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230

## Conditions Matrix

### *Conditional Use Permits for Sale of Alcohol for on-premise consumption*

The guidance below was recommended by the Joint City Council / Planning and Zoning Commission Conditional Use Permit Committee in February 2026 and will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

|                                            | <b>CBA BAR</b>                                                                                                                     | <b>CBA RESTAURANT</b>                                                                                                              | <b>300 FEET OF SF USE</b>                                                                                                          | <b>ALL REQUESTS</b>                                                                                                                |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>Term</b>                                | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               | This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.                               |
| <b>Amplified Sound (Sunday – Thursday)</b> | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday. | No outdoor Amplified Sound shall be permitted Sunday – Thursday.                                                                   | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday. |
| <b>Amplified Sound (Friday – Saturday)</b> | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. | No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday. |



|                                             | <b>CBA BAR</b>                                                                                                                                                                                                                                                                                                                                                                              | <b>CBA RESTAURANT</b>                                                                                                                                                                                                                                                                                                                                                                     | <b>300 FEET OF SF USE</b>                                                                                                                                                                                                                                                                                                                                                                   | <b>ALL REQUESTS</b>                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Background Sound (Sunday – Thursday)</b> | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                         | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.                                                                                                                                                                                                           |
| <b>Background Sound (Friday – Saturday)</b> | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.                                                                                                                                                                                                                                                                           | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.                                                                                                                                                                                                                                                                             | Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.                                                                                                                                                                                                           |
| <b>Cleanliness</b>                          | 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C) | 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 another alcohol CUP holder's maintenance area (LDC Section 5.5.5.B.3.b.7 | 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C) | 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 another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C) |

|                         |                                                                                                                                                                         |                                                                                                                                                                         |                                                                                                                                                                         |                                                                                                                                                                         |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Food</b>             | N/A                                                                                                                                                                     | Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.                                        | N/A                                                                                                                                                                     | N/A                                                                                                                                                                     |
| <b>Hours</b>            | The business shall not pursue or hold a TABC Late Hours permit.<br><i>(Note: For new CUP requests only)</i>                                                             | The business shall not pursue or hold a TABC Late Hours permit.<br><i>(Note: For new CUP requests only)</i>                                                             | The business shall not pursue or hold a TABC Late Hours permit.<br><i>(Note: For new CUP requests only)</i>                                                             | N/A                                                                                                                                                                     |
|                         | <b>CBA BAR</b>                                                                                                                                                          | <b>CBA RESTAURANT</b>                                                                                                                                                   | <b>300 FEET OF SF USE</b>                                                                                                                                               | <b>ALL REQUESTS</b>                                                                                                                                                     |
| <b>Occupancy (Fire)</b> | 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. | 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. | 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. | 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. |
| <b>Posting</b>          | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                | This permit shall be posted in the same area and manner as the Certificate of Occupancy.                                                                                |

## Definitions

The following definitions will be used when interpreting the above conditions:

**CBA Bar:** “A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food” (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

**CBA Restaurant:** “A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption” (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

**300 feet of SF Use:** A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence’s structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

**Sound Amplifying Equipment:** any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

**Amplified Sound:** instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

**Acoustic Sound:** instrumental or vocal sounds which are not amplified using sound amplifying equipment.

**Background Sound:** amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

**Plainly Audible:** any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

**Outdoor:** any unconditioned areas of the business such as a patio or rooftop.

**Entrée:** a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.





# **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)

[sanmarcostx.gov](http://sanmarcostx.gov)

1

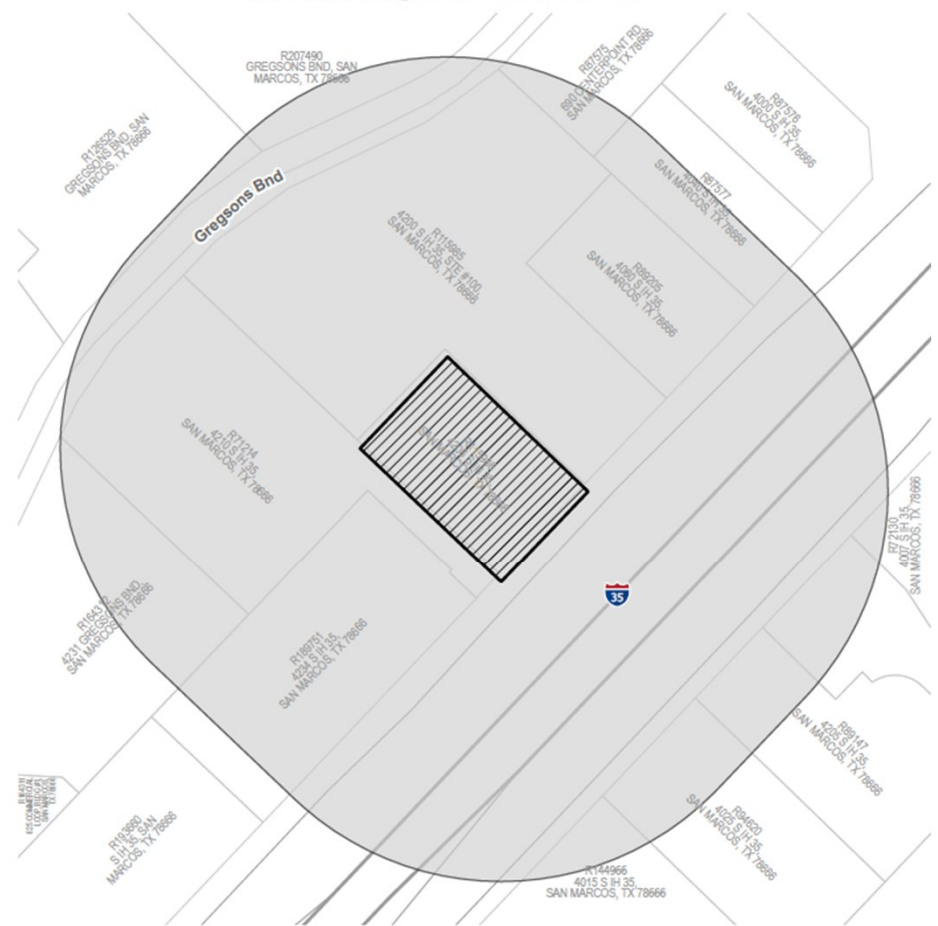
# Property Information

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

CUP-26-40

Hat Creek Burger Co - 4206 S IH 35

Notice



Subject Property  
 400ft Buffer  
 Parcel

0 80 160 320 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

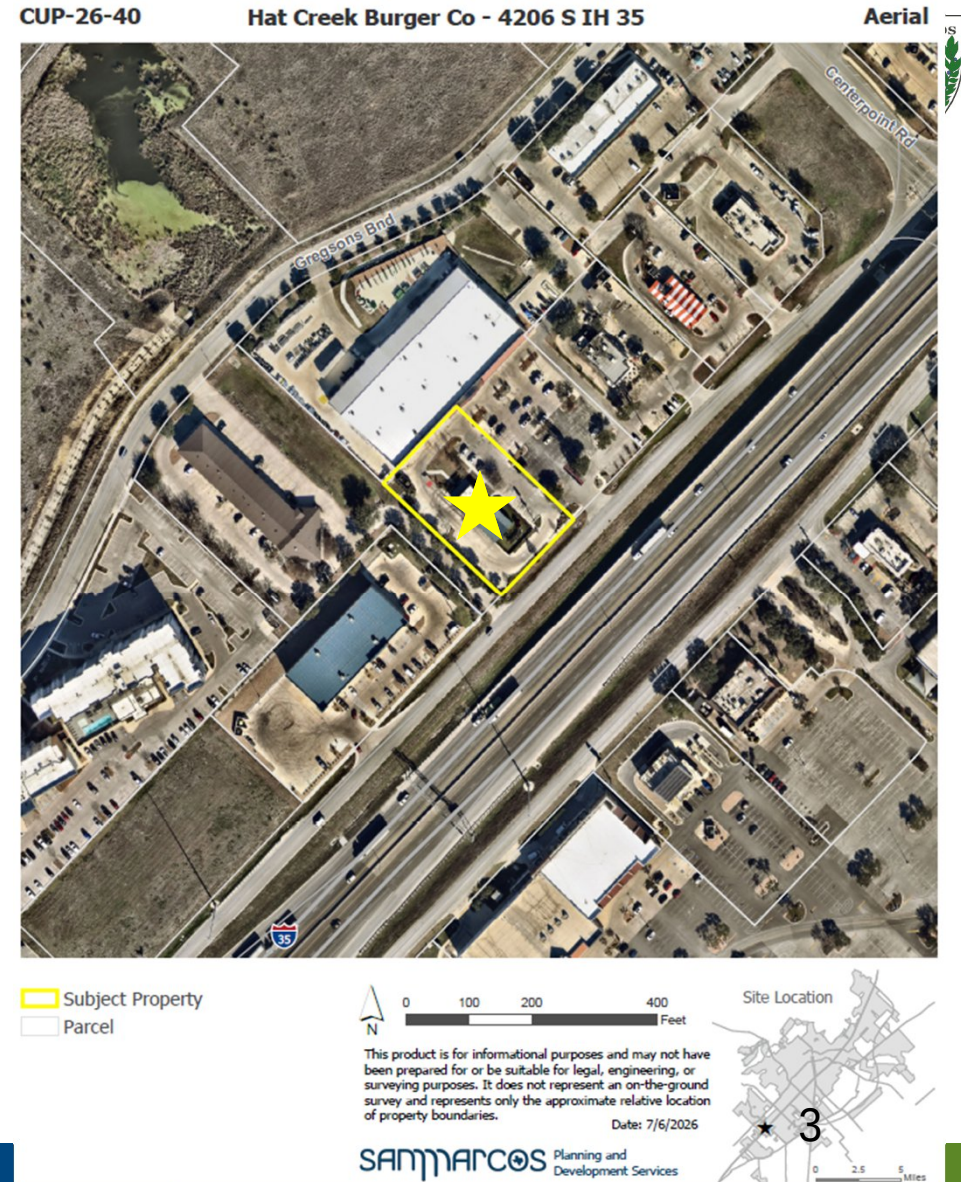


x.gov

2

## Context & History

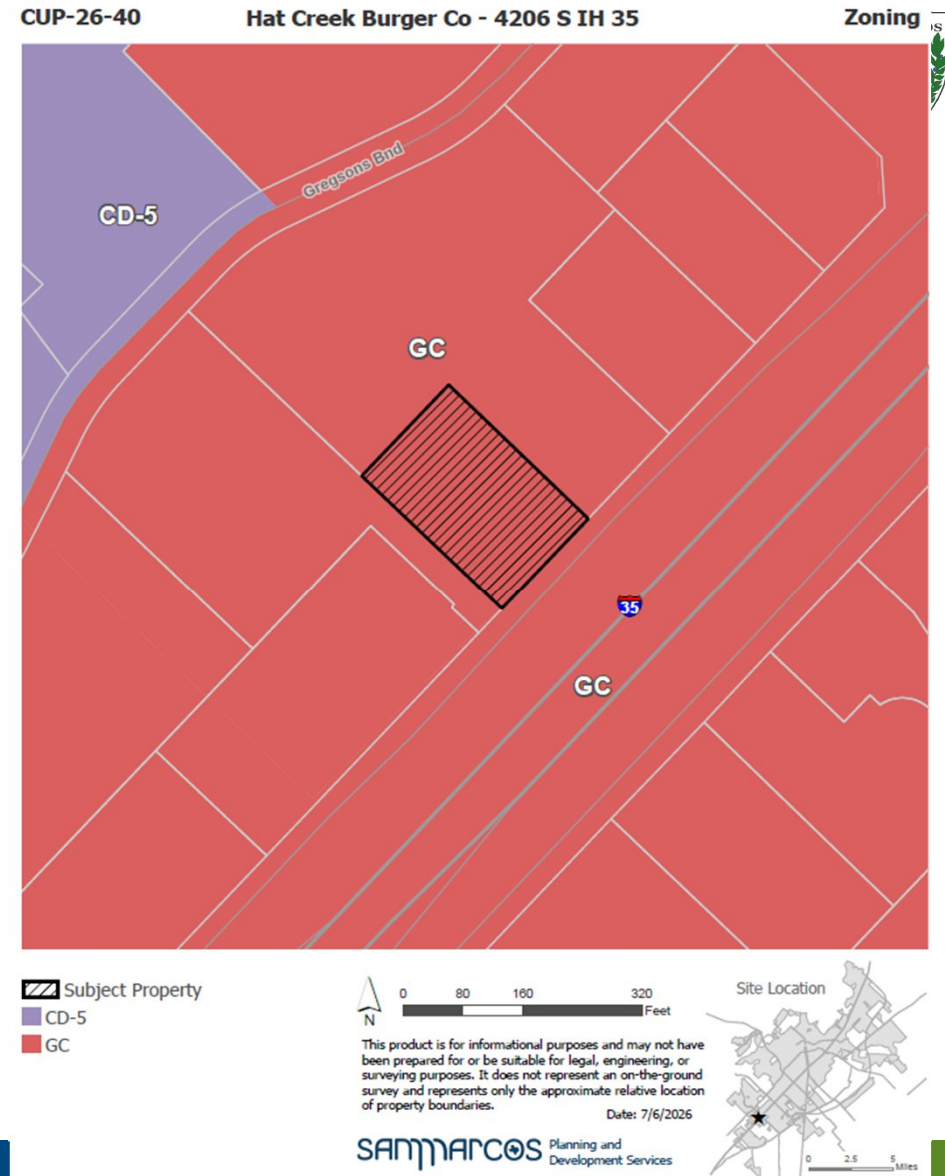
- Currently a Restaurant (Eating Establishment) use with on-premise consumption of alcohol.
- The business has held a Beer & Wine CUP since 2017.
- Surrounding Uses:
  - Retail-Tanger Outlets
  - Hotels
  - Restaurants





## 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. |

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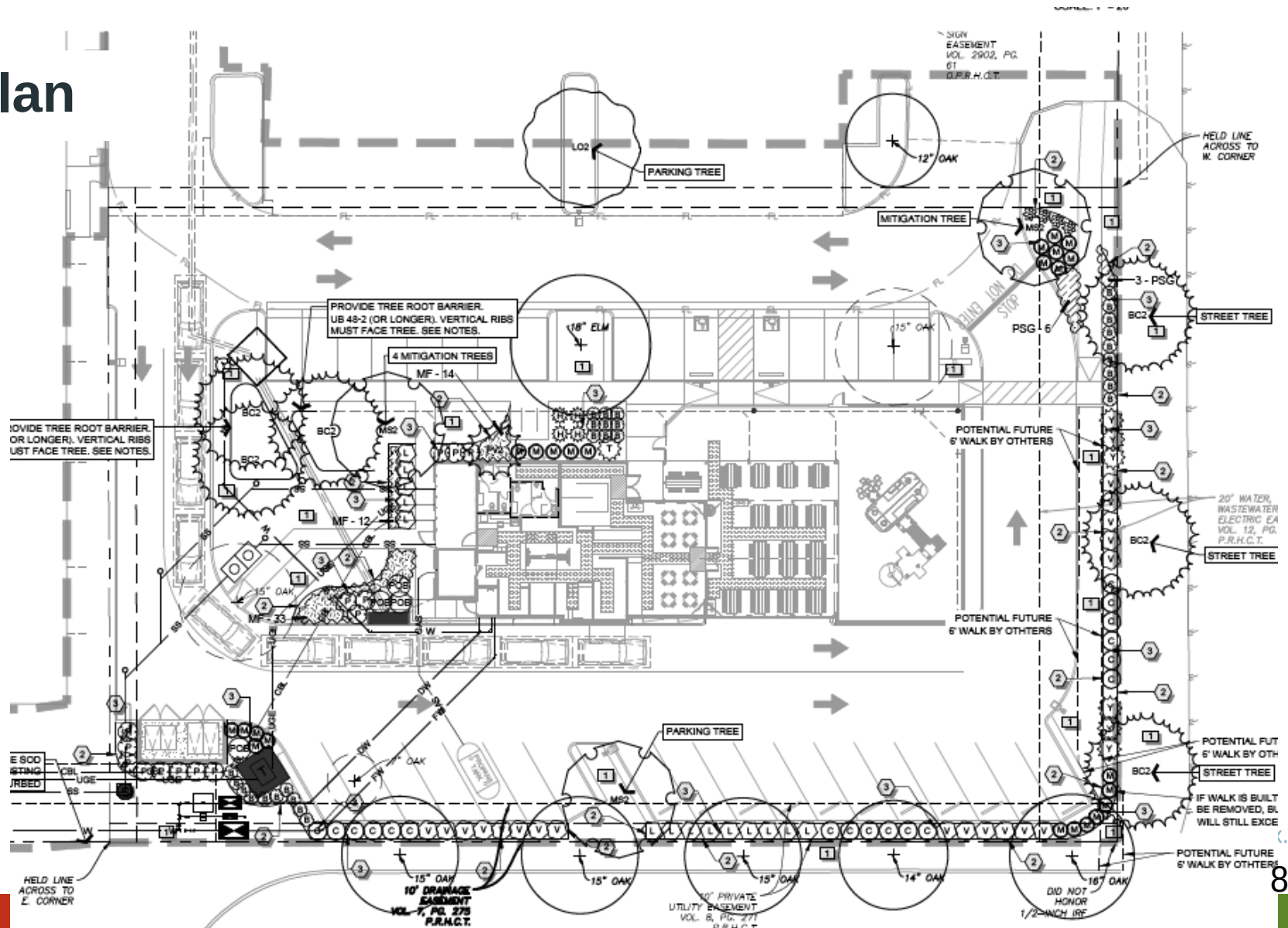




## Criteria for Approval

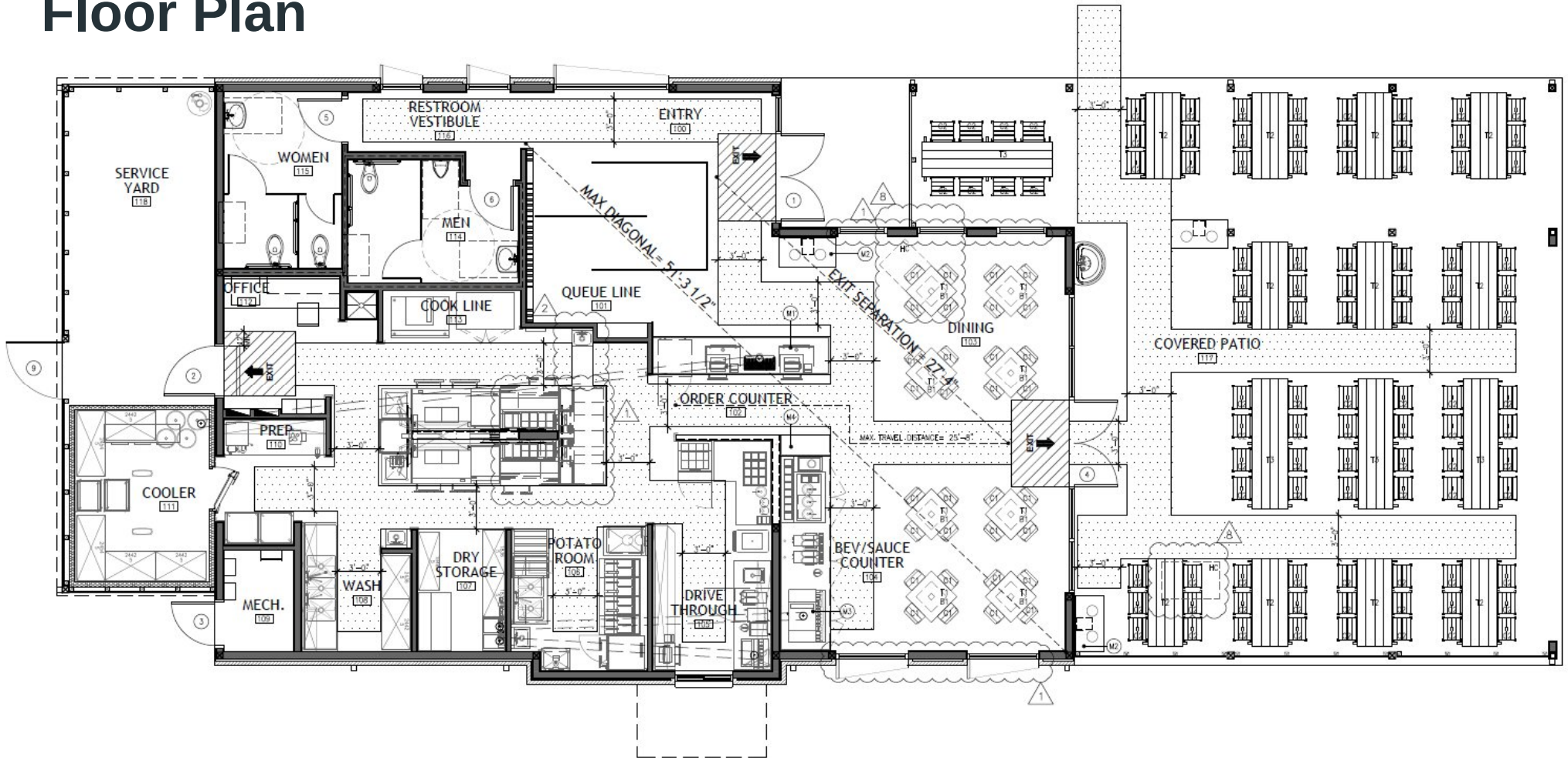
| C        | I | N | Criteria for Approval – Sec. 5.1.5.5                                                         |
|----------|---|---|----------------------------------------------------------------------------------------------|
| <u>X</u> |   |   | Located at least 300 feet from detached single-family 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?                               |

# Site Plan



city.gov

# 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.

[sanmarcostx.gov](http://sanmarcostx.gov)