City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda

Planning and Zoning Commission

Tuesday, June 9, 2026 | **6:00 PM** | **City Council Chambers**

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 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 May 26, 2026

PUBLIC HEARINGS

Interested persons may participate in the Public Hearings items #2-7:
1) To participate/speak remotely (online) during the Public Hearings, email 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-26-26 (Tumble 22) Hold a public hearing and consider a request by Amber Gibson,

on behalf of Tumble 22, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1104 Thorpe Lane Suite D. (C. Garrison)

3. CUP-26-27 (Toro Ramen and Poke Bar) Hold a public hearing and consider a request by Anton Hartono, on behalf of Toro Ramen and Poke Bar, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 700 N LBJ Drive Suite 114. (C.Garrison)

4. CUP-26-28 (Stripes) Hold a public hearing and consider a request by Tim Llaoa, on behalf of Stripes, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 3936 S IH 35. (K. Buck)

5. CUP-26-29 (7-Eleven) Hold a public hearing and consider a request by Tim Llaoa, on behalf of 7-Eleven, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1550 N IH 35. (K. Buck)

6. CUP-26-30 (Crafthouse Kitchen and Tap) Hold a public hearing and consider a request by Sean Neal, on behalf of Crafthouse Kitchen and Tap, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 242 N LBJ Drive. (C. Garrison)

7. CUP-26-33 (The Kickback) Hold a public hearing and consider a request by Brian Baker, on behalf of The Kickback, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 312 University Dr, Ste D. (K. Buck)

NON-CONSENT AGENDA

8. PDA-22-03 (Sedona South Development Agreement) Receive a staff presentation, and discuss a proposed development agreement requested by the City of San Marcos, and Carlson, Brigance & Doering, Inc, on behalf of JLBC 710 Investments, LLC, for approximately 643 acres out of the Charles Henderson, Andrew Mitchell, and S.A & M.G.R.R Co Surveys in Hays and Guadalupe Counties, generally located on SH 123 northeast of the intersection of SH 123 and FM 1978.(J. Cleary)

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 time frame, 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

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

File #: ID#26-340, **Version:** 1

AGENDA CAPTION:
Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on May 26, 2026
Meeting date: June 9, 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

Tuesday, May 26, 2026 | **6:00 PM** | **City Council Chambers**

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, May 26, 2026 via hybrid meeting.

II. Roll Call

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

Absent 1 - Commissioner Lupe Costilla

III. Chairperson's Opening Remarks

Chair Case welcomed the audience and gave opening remarks detailing the meeting rules and guidelines.

IV. Citizen Comment Period

Chair Case opened the Citizen Comment Period.

There were no speakers.

Chair Case closed the Citizen Comment Period.

CONSENT AGENDA

1. Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on May 12, 2026

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

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Costilla

PUBLIC HEARINGS

2. CUP-26-14 (Swing Station) Hold a public hearing and consider a request by Tyler Gescheidle, on behalf of Swing Station, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1900 N IH 35, Ste 104. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-26-14.

Staff recommended approval of the request with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on May 26, 2027, provided standards are met;
2. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted;
3. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);
4. The maximum 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.

1) Tyler Gesheidle - 1900 N IH 35, in favor

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Agnew, seconded by Commissioner Van Oudekerke to approve the request with staff conditions.

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Costilla

3. CUP-26-19 (Freddy C's Lounge) Hold a public hearing and consider a request by Sean Neal, on behalf of Freddy C's Lounge, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 141 E Hopkins Street. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-26-19.

Staff recommended approval of the request with the following conditions;

1. This permit shall be valid for one (1) year, and shall expire March 1, 2027, provided standards are met.
2. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10pm Sunday – Thursday;
3. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11pm Friday – Saturday;
4. The business is responsible for cleaning the area within 100 feet of exit (LDC Section 5.1.5.5.E.2.D)
5. The maximum 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;
6. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

1) Sean Neal - 1003 Stagecoach Trl., in favor

Chair Case closed the Public Hearings.

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

After discussion, A motion was made by Commissioner Dunn, seconded by Commissioner Burleson to amend condition #1 to the following.

- **This permit shall be valid for three (3) years, and shall expire March 1, 2029, provided standards are met.**

The motion to amend carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Costilla

The vote on the main motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Costilla

4. CUP-26-20 (Beans and Buns) Hold a public hearing and consider a request by Victor Cruzalta, on behalf of Beans and Buns, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 420 University Dr. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-26-20.

Staff recommended approval of the request with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on May 26, 2027, provided standards are met;
2. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10pm Sunday – Thursday;
3. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11pm Friday – Saturday;
4. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);

5. The maximum 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) Victor Cruzalta - 420 University Dr. in favor

Chair Case closed the Public Hearings.

A motion was made by Commissioner Bryan, seconded by Vice-Chair Agnew to approve the request with staff conditions.

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Costilla

5. CUP-26-22 (Jack's Roadhouse) Hold a public hearing and consider a request by Hallucivision LLC, on behalf of Jack's Roadhouse, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1625 Hunter Road. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-26-22.

Staff recommended approval of the request with the following conditions;

1. The permit shall be valid for one (1) year, and shall expire May 26, 2027, provided standards are met;
2. The business is responsible for cleaning the area with 100 feet of exit (LDC Section 5.1.5.5.E.2.D);
3. The maximum 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;

4. No outdoor background or amplified sound shall be permitted on the property; and
5. The permit shall be posted in the same area and manner as the certificate of occupancy.

1) Rocko Moses - 480 Mill Road, in favor
2) Mia Hernandez - 208 Shimmering Cove, in favor

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Agnew, seconded by Commissioner Burleson to approve the request with the following modification to condition #1.

- **This permit shall be valid for one (1) year, and shall expire March 6, 2027, provided standards are met.**

A motion was made by Chair Case, seconded by Commissioner Van Oudekerke to amend condition #1 to the following.

- **This permit shall be valid for three (3) years, and shall expire March 6, 2029, provided standards are met.**

The motion failed with the following vote.

For:	3 -	Commissioner Case, Commissioner Van Oudekerke and Commissioner Hardy
Against:	5 -	Commissioner Agnew, Commissioner Dunn, Commissioner Johnson, Commissioner Bryan and Commissioner Burleson
Absent:	1 -	Commissioner Costilla

The vote on the main motion carried by the following vote.

For:	8 -	Commissioner Agnew, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy
Against:	0	
Absent:	1 -	Commissioner Costilla

6. CUP-26-23 (Axis) Hold a public hearing and consider a request by R&B South Sisters Inc., on behalf of Axis, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 202 N LBJ Drive Suite A. (C. Garrison)

Chair Case opened the Public Hearings.

Craig Garrison, Planner, gave a presentation on request CUP-26-23.

Staff recommended approval of the request with the following conditions;

1. This permit shall be valid for three (3) years, and shall expire May 26, 2029, provided standards are met.
2. The business is responsible for cleaning the area within 100 feet of exit (LDC Section 5.1.5.5.E.2.D)
3. The maximum 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;
4. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment;
5. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours;
6. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served;
7. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

1) Henry Hogensen - 300 Alpine Trl., in favor

Chair Case closed the Public Hearings.

A motion was made by Vice-Chair Agnew, seconded by Commissioner Dunn to approve the request with the following modification to condition #1.

- **This permit shall be valid for six (6) months, and shall expire December 6, 2026, provided standards are met.**

The motion carried by the following vote.

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

Against: 0

Absent: 1 - Commissioner Costilla

V. Question and Answer Session with Press and Public.

Chair Case opened the Question and Answer Session.

There were no speakers.

Chair Case 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 Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

Absent: 1 - Commissioner Costilla

The meeting adjourned at 7:13 p.m.

Recording Secretary, Enrique Velasquez **Chair, David Case**

Legislation Text

File #: CUP-26-26, **Version:** 1

AGENDA CAPTION:

CUP-26-26 (Tumble 22) Hold a public hearing and consider a request by Amber Gibson, on behalf of Tumble 22, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1104 Thorpe Lane Suite D. (C. Garrison)

Meeting date: June 9, 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]

N/A

N/A

N/A

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

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - 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:

2024: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, with conditions. The CUP became active with the approval of the Certificate of Occupancy on June 11, 2025.

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 the conditions related to noise added to this CUP.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

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

1. This permit shall be valid for three (3) years, and shall expire June 11, 2026, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);
3. The maximum 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. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Conditional Use Permit	1104 Thorpe Lane Suite D
CUP-26-26	Tumble 22

Summary

Request:	Renewal of a Conditional Use Permit (CUP)		
Applicant:	Amber Gibson 3005 S Lamar Blvd Suite D109 #422 Austin, TX 78704	**Property Owner:**	Carson Diversified Properties 407 S Stagecoach Trail, Suite 203 San Marcos, TX 78666
CUP Expiration:	June 11, 2026	**Type of CUP:**	Mixed Beverage (Outside CBA)
Interior Floor Area:	5,689 sq ft	**Outdoor Floor Area:**	890 sq ft
Parking Required:	57	**Parking Provided:**	Yes - Shared
Days & Hours of Operation:	Monday – Saturday: 11am-10pm Sunday: 11am- 9pm		

Notification

Posted:	5/22/2026	**Personal:**	5/22/2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Juan M Veramendi Survey #2		
Location:	Located at the eastern corner of Hopkins Street and Thorpe Lane.		
Acreage:	2.16 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	General Commercial (GC)	**Proposed Zoning:**	Same
Existing Use:	Restaurant	**Proposed Use:**	Same
Preferred Scenario:	Mixed-Use Medium	**Proposed Designation:**	Same
CONA Neighborhood:	Millview Neighborhood	**Sector:**	Sector 7
Utility Capacity:	Adequate	**Floodplain:**	Yes
Historic Designation:	N/A	**My Historic SMTX Resources Survey:**	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	General Commercial (GC)	Retail Sales/ Restaurants	Commercial/Employment Medium
South of Property:	General Commercial (GC) and Public and Institutional (P)	Single-Family Residential	Mixed-Use Medium/ Commercial/Employment Medium
East of Property:	General Commercial (GC)	Retail Sales/ Restaurants	Mixed-Use Medium
West of Property:	General Commercial (GC)	Grocery Store	Commercial/Employment Medium

Conditional Use Permit	1104 Thorpe Lane Suite D
CUP-26-26	Tumble 22

Staff Recommendation

	Approval as Submitted	X	Approval with Conditions		Denial

1. This permit shall be valid for three (3) years, and shall expire June 11, 2029, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);
3. The maximum 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. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Craig Garrison	**Title:** Planner	**Date:** June 3, 2026

History

2024: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, with conditions. The CUP became active with the approval of the Certificate of Occupancy on June 11, 2025.

Additional Analysis

See additional analysis below.

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 the conditions related to noise added to this CUP.

Comments from Other Departments

Police	See Police Report
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

Conditional Use Permit	1104 Thorpe Lane Suite D
CUP-26-26	Tumble 22

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		N/A	The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***Studies were not complete at the time of the request.***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
X			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.
X			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.
X			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.
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			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.
X			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.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
X			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.

CUP-26-26

Tumble 22 - 1104 Thorpe Lane

Aerial Map

Subject Property

Parcel

N

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: 5/20/2026

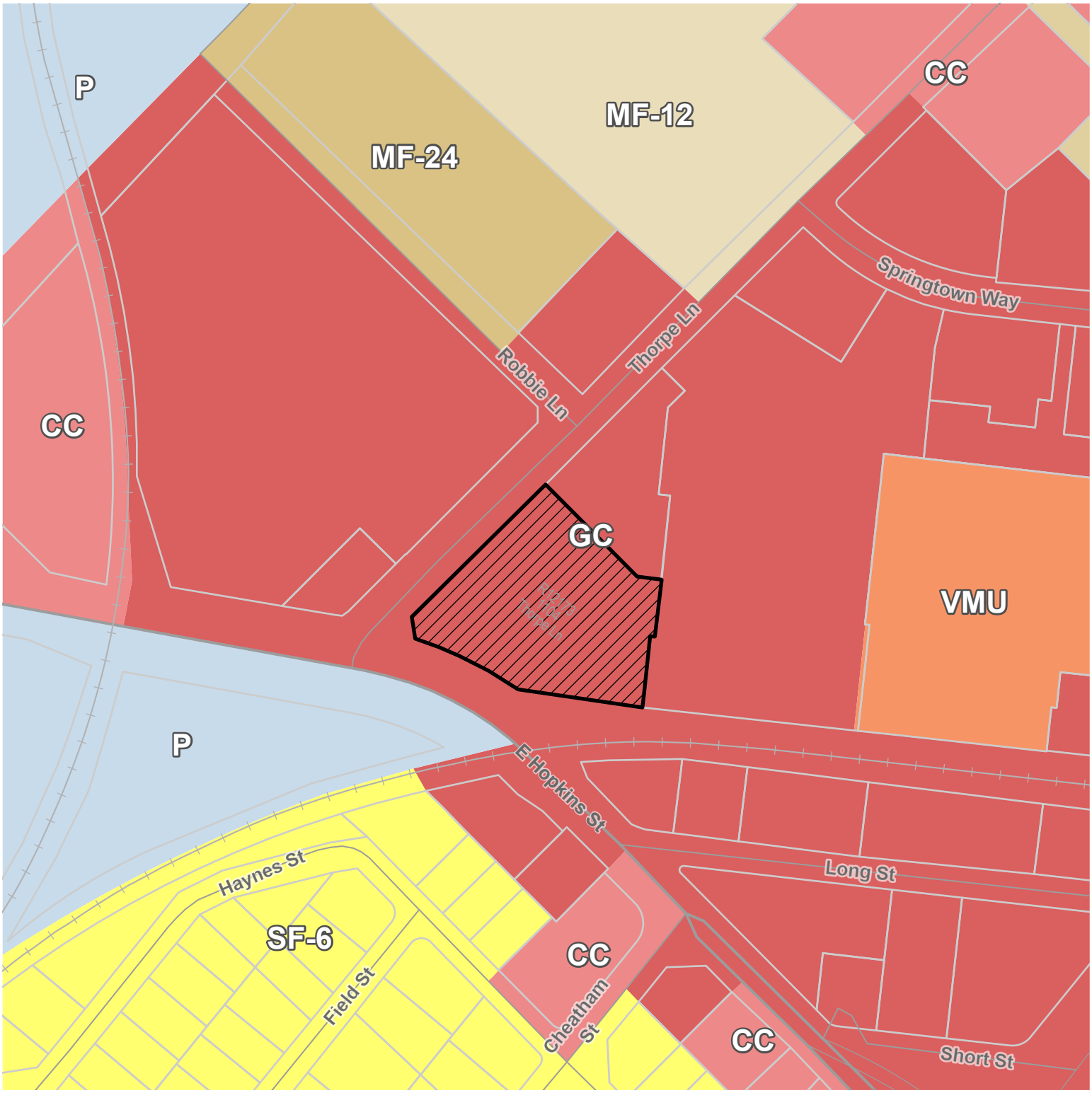
SAN MARCOS Planning and Development Services

Site Location

CUP-26-26

Tumble 22 - 1104 Thorpe Lane

Zoning Map



Subject Property
CC
GC
MF-12
MF-18
MF-24
P
SF-6
VMU

N

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: 5/20/2026

SAN MARCOS Planning and Development Services

Site Location

CUP-26-13

Tumble 22-
1104 Thorpe Lane

Notification Map

400 ft. Buffer
Subject Property
Parcel

N

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: 5/20/2026

SAN MARCOS Planning and Development Services

Site Location

5/22/2026 **CUP-26-26**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Mixed Beverages
1104 Thorpe Lane Suite D

CUP-26-26 (Tumble 22) Hold a public hearing and consider a request by Amber Gibson, on behalf of Tumble 22, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1104 Thorpe Lane Suite D. (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, June 9, 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 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

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

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

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

Property ID	Site Address	Owner	Owner Adress	Owner City/ State/ Zip
23151	1518 W HOPKINS ST, SAN MARCOS, TX 78666	ANGLIN, EDNA K	1518 W HOPKINS ST	SAN MARCOS, TX 78666
23163	1533 BELVIN ST, SAN MARCOS, TX 78666	CONTRERAS RAQUEL KATHERINE	9705 SWANSONS RANCH RD	AUSTIN, TX 78748-1423
23162	1531 BELVIN ST, SAN MARCOS, TX 78666	DIETZ MICHAEL P & LUCY E	1215 W SAN ANTONIO ST	SAN MARCOS, TX 78666-4136
33362	1625 W HOPKINS ST, SAN MARCOS, TX 78666	HALLUCIVISION LLC	111 NICHOLS DR	SAN MARCOS, TX 78666-3005
136050	W SAN ANTONIO ST, SAN MARCOS, TX 78666	HAYS COUNTY EMERGENCY SERVICES DISTRICT N	3528 HUNTER RD	SAN MARCOS, TX 78666-3776
24742	1521 W HOPKINS ST, SAN MARCOS, TX 78666	LARA NICK	1519 W HOPKINS ST	SAN MARCOS, TX 78666
45534	1621 W SAN ANTONIO ST, SAN MARCOS, TX 78666	MOTORSAGEN LLC	315 AYERS	KYLE, TX 78640-5607
23153	1530 HOPKINS ST, SAN MARCOS, TX 78666	PACHECO ELBIRA & PACHECO JOHN ESTATE	1530 W HOPKINS	SAN MARCOS, TX 78666
23152	1528 W HOPKINS ST, SAN MARCOS, TX 78666	PEREZ, LUCY	6383 FM 621	MARTINDALE, TX 78655
23156	1536 W HOPKINS ST, SAN MARCOS, TX 78666	SAUCEDO MARIO	1534 W HOPKINS ST	SAN MARCOS, TX 78666-4123
33361	1627 W HOPKINS ST, SAN MARCOS, TX 78666	SILVA MIGUEL & ANGELICA	1019 MONTELL RD	WIMBERLEY, TX 78676-9705
62165	1701 B HUNTER RD, SAN MARCOS, TX 78666	SINAI PENTECOSTAL CHURCH	TRUSTEE OF	SAN MARCOS, TX 78666
143013	HUNTER RD, SAN MARCOS, TX 78666	STATE OF TEXAS	125 E 11TH ST	AUSTIN, TX 78701
11933	1701 HUNTER RD, SAN MARCOS, TX 78666	V F W POST 3413	ATTN ARRON BROWN	SAN MARCOS, TX 78666-5202
23155	1534 W HOPKINS ST, SAN MARCOS, TX 78666	VILLARREAL MARIO SAUCEDO	1534 W HOPKINS ST	SAN MARCOS, TX 78666-4123
23160	BELVIN ST, SAN MARCOS, TX 78666	WRIGHT JOHN J & WRIGHT SHAWN E	1517 BELVIN ST	SAN MARCOS, TX 78666-4109
		Samantha Benavides	455 Lindsey St	SAN MARCOS, TX 78666
		Robert Eby	1007 Dale Dr	SAN MARCOS, TX 78666
		Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666
		Amy Thomaides	1131 W MLK Dr	SAN MARCOS, TX 78666
		Jim Bagget	726 W Hopkins S	SAN MARCOS, TX 78666
		Jean Bagget	726 W Hopkins S	SAN MARCOS, TX 78666
		Betsy Robertson	1410 Progress St	SAN MARCOS, TX 78666

Incident Search Result

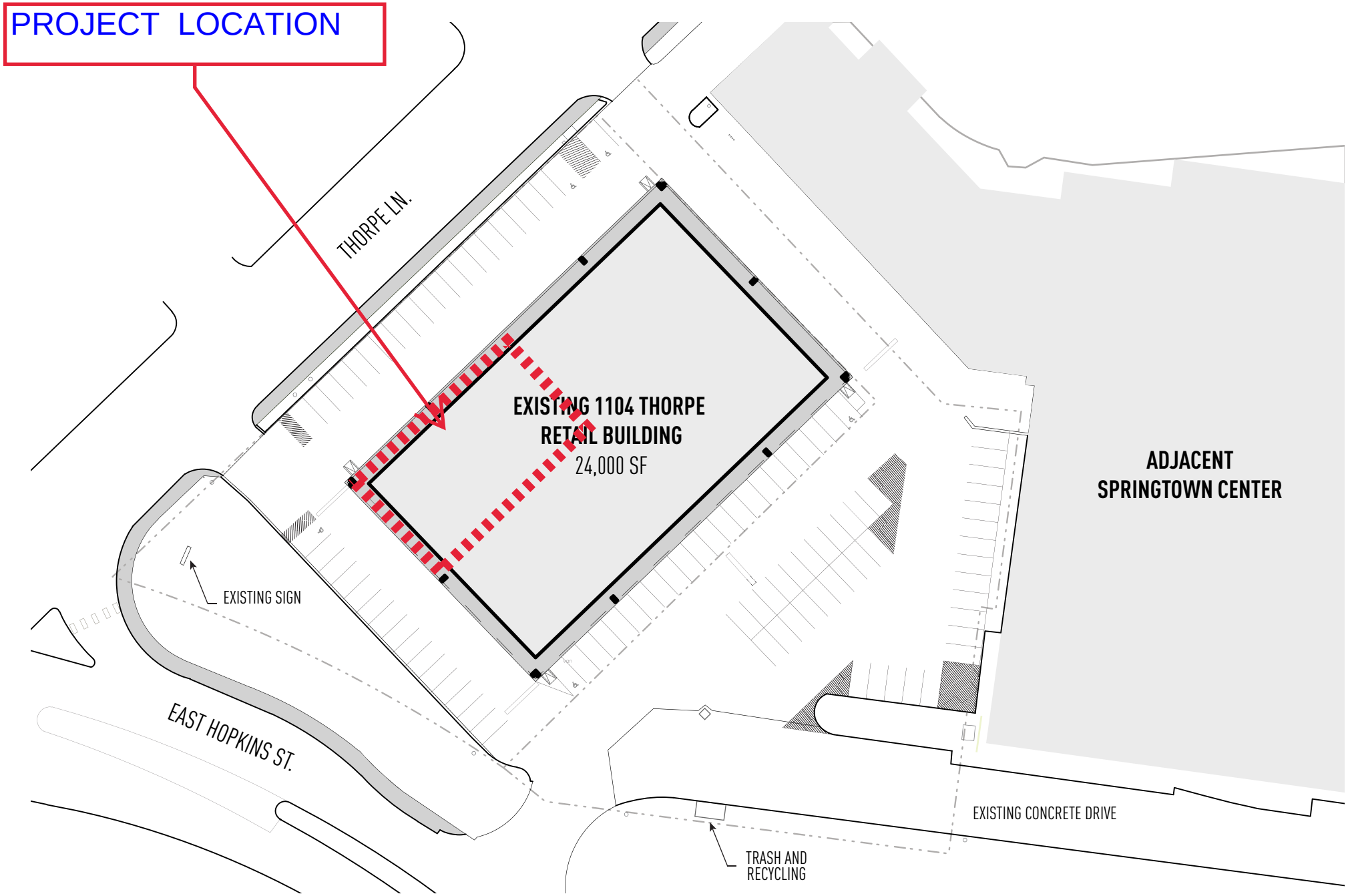
Results

Agency: SMPD

Print Date/Time: 5/26/2026 13:27

Agency #: TX1050100

Incident #	Call Date/Time	Type	Officers	Location	Common Name	Dispositions	Description
2026-00009935	3/1/2026 6:47:28 PM	Alcohol Violation	smpd13730 - George, Daniel *, smpd13984 - Teuscher, Derek *, smp	1104 THORPE LN, SAN MARCOS, TX 78666	TUMBLE22 SM	UTL - 2	TUMBLE STAFF REPORTED CUSTOMER LEFT VERY INTOX, SHOULDN'T BE DRIVING, THEY NEVER SERVED HIM, MALE ALSO NEVER PAID BILL
2025-00044789	10/10/2025 9:05:48 PM	Suspicious Activity	smpd12832 - Sarver, Stephen *, smpd13572 - Crum, Tyler *, smpd13	1104 THORPE LN, SAN MARCOS, TX 78666	TUMBLE22 SM	No Report - 2, UTL - 1	male in mask followed female into Tumble then stared at a family at a near by table and then was asked to leave by managment. The male initially bowed up to the manager, but then shook his hand and left the area. Officers attempted to find the male but were not able to do so



1104 THORPE LANE RETAIL CENTER

EXISTING SITE PLAN 10/25/2023

1/64" = 1'-0"

Exhibit is illustrative only. Not for regulatory approval, permitting, or construction.

EXISTING PARKING SPACES: 95 | TOTAL RESTRIPED PARKING SPACES: 96 (INCLUDING 4 ACCESSIBLE SPACES)

N

A1

1/64" = 1'-0"

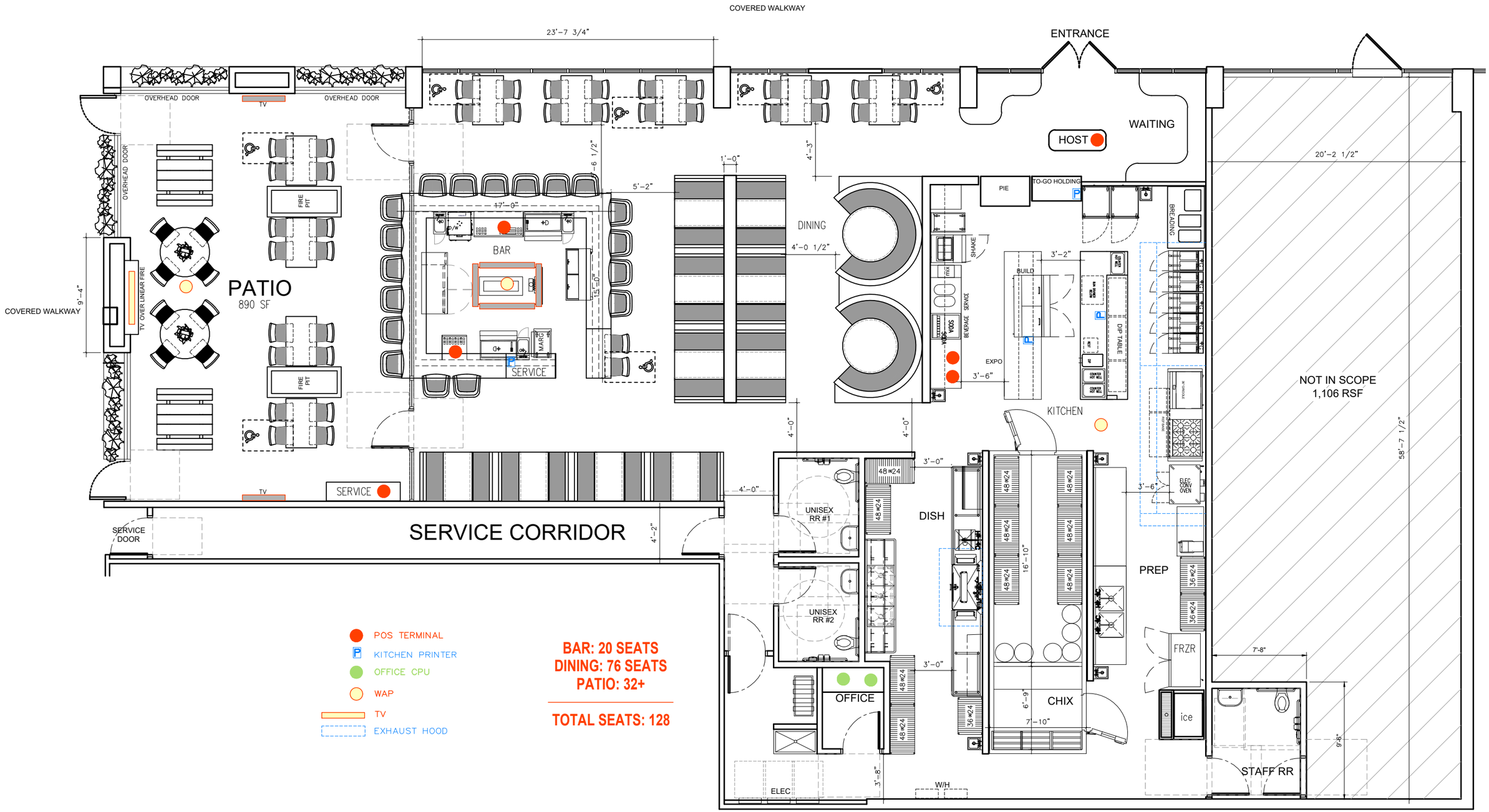
10/25/2023

color space

1104 THORPE LANE RETAIL CENTER

PROPOSED PARKING LOT RESTRIPING + GREENING PLAN

Exhibit is illustrative only. Not for regulatory approval, permitting, or construction.



POS TERMINAL
KITCHEN PRINTER
OFFICE CPU
WAP
TV
EXHAUST HOOD

BAR: 20 SEATS
DINING: 76 SEATS
PATIO: 32+

TOTAL SEATS: 128

WEST NORTH

1 Floor Plan
5,689.6 RSF

TUMBLE 22 SAN MARCOS

6.1

MtrBoxes
Hydrants
Gate Valve
Parcels
Water Service Line
Fire Hydrant Lead

N

Water Line
STATUS
Potable
Proposed
Cleanout
Sample Port
WW Valve
Lift Station
Manholes
WW Service Line
WW Main
Gravity
Force

Cleanout
Sample Port
Lift Station
Manholes
WW Service Line
WW Main
Gravity
Force
Runway

THORPE LN
E HOPKINS ST
10"
8"
6"
12"
4"
1160
1180
1104
649
648
651

NEW SEPTIC SEWER CONNECTION

City of San Marcos
Water / Wastewater Department
630 E. Hopkins St.
San Marcos, TX 78666

0 30 60 Feet

This a digitally generated static output map and should be used for general reference only.
Data layers that appear on this map may or may not be accurate.

TUMBLE 22
TEXAS CHICKEN JOINT
TEX ★ USA

SANDWICHES *(ADD ANY SIDE - $2)*

THE O.G. $12.49
all-natural breast, topped with coleslaw,
bread-n-butter pickles, duke's mayo

LIL' O.G. $8.49
all-natural breast, **grilled** or **legendary crispy**, topped with
coleslaw, bread-n-butter pickles, duke's mayo

THE SOUTHERN. $9.99
crispy boneless chicken thigh,
bread-n-butter pickles, duke's mayo

KOREAN-STYLE O.G. $11.95
korean style thigh with a gochujang kick,
bread-n-butter pickles, kimchi carrot slaw, duke's mayo

SANDWICH ADD-ONS
white american cheese - $1 · fried egg - $1
avocado - $1.50 · bacon - $1.50 · mac n cheese - $1.50

TEXAS BORN TEXAS BREADED

BONE-IN CHICKEN
(LEGENDARY CRISPY OR KOREAN STYLE)

1 / 4 DARK *(1 THIGH & 1 LEG)*. $9.49
choose 2 sides & bread-n-butter pickles

1 / 4 WHITE *(1 BREAST & 1 WING)*. $10.49
choose 2 sides & bread-n-butter pickles

1 / 2 MIXED *(LEG, BREAST, THIGH & WING)*. . . $15.49
choose 2 sides & bread-n-butter pickles

2 PIECE BONELESS THIGHS. . . . $7.79
choose 1 side & bread-n-butter pickles

3 PIECE BONELESS THIGHS. . . . $8.99
choose 1 side & bread-n-butter pickles

QUICK-PICS

HEAVENLY EGGS $6
deviled eggs with candied bacon

DIRTY FRIES $7.99
pulled hot chicken,
pickles & white queso

SZECHUAN FRIES $7.99
pulled hot chicken, szechuan mustard sauce,
sriracha hot honey, cilantro, scallions

TENDERS & BITES
(LEGENDARY CRISPY, GRILLED, OR KOREAN STYLE)
(ADD ANY SIDE - $2)

2 PIECE JUMBO TENDERS. $8.99
choose 1 sauce

3 PIECE JUMBO TENDERS. $11.29
choose 2 sauces

8 PIECE CHICKEN BITES. $8.99
choose 1 sauce

12 PIECE CHICKEN BITES. $11.29
choose 2 sauces

GET ANY CHICKEN KOREAN-STYLE 매콤하다

SALADS
(LEGENDARY CRISPY, GRILLED, OR KOREAN STYLE)

HALF COBB / COBB . . . . . $8.49 / $12.49
choice of **jumbo tenders, bites,** or **breast**, romaine,
heavenly eggs, avocado, tomato, bacon, cheddar
cheese, hard boiled egg, choice of dressing

CAESAR SALAD. $12.49
choice of **jumbo tenders, bites,** or **breast**,
romaine, dried cranberries, green pumpkin seeds,
caesar dressing, parmesan

MADE IN-HOUSE DAILY SIDES
BROCCOLI SALAD · MAC-N-CHEESE · COLESLAW · RANCH BEANS · SEVE'S COLLARD GREENS · FRIES

HEAT LEVELS

PAINLESS
(TRADITIONAL)

HOT
(DE-SEEDED JALAPEÑO)

MO' HOT!
(JALAPEÑO)

DANG HOT!!
(SERRANO)

CLUCKIN' HOT!!!
(HABANERO)

STUPID HOT!!!!
(GHOST)

CHEAP, STIFF DRINKS - FROM OUR FULL BAR!

ROCKS MARGARITA $7.99
texan swagger
tequila, house made mix, rocks

HOUSE FROZEN MARGARITA $7.99
frozen fire
tequila, triple sec, blood orange

BIG LARRY $8.99
turbocharged margarita
frozen blood orange, grand marnier float

LIL' LARRY $5.50
a lil' version of the big larry when you have a round of golf to play

PALOMA $7.99
bold fusion
grapefruit, tequila, fizzy soda

60 / 40 $7.99
citrus kick
frozen blood orange margarita, beer

MOSCOW MULE $7.99
ice-cool power
vodka, ginger beer, lime juice

JOHN DALY $7.99
champ sip
sweet tea vodka, lemonade

ADULT LEMONADE $7.99
wild upgrade
spiked lemonade

BLOODY MARY $9.99
spicy wake-up
blue cheese olive, hot chicken bite

CHECK OUT OUR ROTATING CRAFT & DOMESTIC BEERS

HOUSEMADE SIDES

BROCCOLI SALAD
regular - $3 · large - $6

COLESLAW
regular - $3 · large - $6

SEVE'S COLLARD GREENS
regular - $3 · large - $6

MAC-N-CHEESE
regular - $4 · large - $8
MAKE IT LARGE & DIRTY - $1.50
(pulled hot chicken & ranch)

FRIES $5.50

RANCH BEANS
regular - $3 · large - $6

HOUSEMADE SAUCES

(ALL SAUCES ARE 50¢)

MARIA'S BBQ · RANCH · COMEBACK HONEY MUSTARD

KIDS ITEMS

(CHOOSE ONE SAUCE · SERVED WITH FRIES & SMALL DRINK)

1 JUMBO TENDER $5

3 CHICKEN BITES $5

HOUSEMADE PIES

PECAN CHOCOLATE TOFFEE
slice- $5.50 · whole - $27.50

KEY LIME PIE
slice- $5 · whole - $25

BUTTERMILK PIE
slice- $5 · whole - $25

CHOCOLATE CREAM
slice- $5 · whole - $25

PEANUT BUTTER CHOCOLATE MOUSSE PIE
slice- $5 · whole - $25

HAVE FUN. DO GOOD. BE LEGENDARY.

CHECK OUT OUR REWARDS!
FREE ITEMS FOR ENROLLMENT, B-DAYS, ETC.

HAVE A FUNDRAISER OR CAUSE TO SUPPORT?
WE PLEDGE OURSELVES TO BE GREAT MEMBERS OF OUR COMMUNITY. SEND US AN EMAIL AND WE WILL BE IN TOUCH: [redacted]

CONSUMING RAW OR UNCOOKED MEATS, POULTRY, SHELLFISH OR EGGS MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS.

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	Amber Gibson	**Property Owner**	Carson Diversified Properties
Company	Tumble 22 San Marcos, LLC	**Company**	Carson Diversified Properties
Applicant's Mailing Address		**Owner's Mailing Address**	
Applicant's Phone #	[redacted]		
Applicant's Email			

PROPERTY INFORMATION

Subject Property Address: 1104-D Thorpe Ln, San Marcos Tx 78666

Zoning District: San Marcos **Tax ID #: R** 93-3788498

Legal Description: Lot _____ **Block** _____ **Subdivision** _____

Number of Parking Spaces: shared

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

DESCRIPTION OF REQUEST

Business Name: Tumble 22 San Marcos, LLC **CUP Permit Type:** ☑ ***Eating Establishment*** ☐ ***Bar***

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

Hours of Operation (ex. Mon 12pm-1am): Mon 11am-10pm **Tue** 11am-10pm **Wed** 11am-10pm

Thurs 11am-10pm **Fri** 11am-11pm **Sat** 11am-11pm **Sun** 11am-10pm

Indoor Seating Capacity: 45 **Outdoor Seating Capacity:** 65 **Gross Floor Area:** 1500

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.

DocuSign Envelope ID: 01DD2D54-4838-4688-94D2-082C6AA9548A

PROPERTY OWNER AUTHORIZATION

I, John David Carson (owner name) on behalf of Carson Diversified Properties 1, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 1104 Thorpe Lane (address).

I hereby authorize Mitch Liggett (agent name) on behalf of Tumble22 (agent company) to file this application for CUP (Alcohol Outside CBA) (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: DocuSigned by: 97F18996420A402... Date: 3/13/2024

Printed Name, Title: John David Carson, COO of GP of Sole Mbr

Signature of Agent: Date: 4/3/24

Printed Name, Title: MITCH LIGGETT VP DEVELOPMENT

Form Updated October, 2019

DocuSign Envelope ID: 01DD2D54-4838-4688-94D2-082C6AA9548A

AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

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

- Notification Signs: 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.***

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.***

- 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 $150 plus a $15 technology fee.***

I have read the above statements and agree to the required public notification, 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 notification and public hearing and hereby submit the attached application for review by the City.

DocuSigned by:

Signature: _____ 97F18996420A402

Date: 3/13/2024

Print Name: John David Carson

Form Updated March, 2023

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.

	CBA BAR	**CBA RESTAURANT**	**300 FEET OF SF USE**	**ALL REQUESTS**
Term	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.
Amplified Sound (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 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.
Amplified Sound (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.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (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.	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.
Background Sound (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.	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.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	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
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	The maximum 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 maximum 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 maximum 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 maximum 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.
Posting	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.

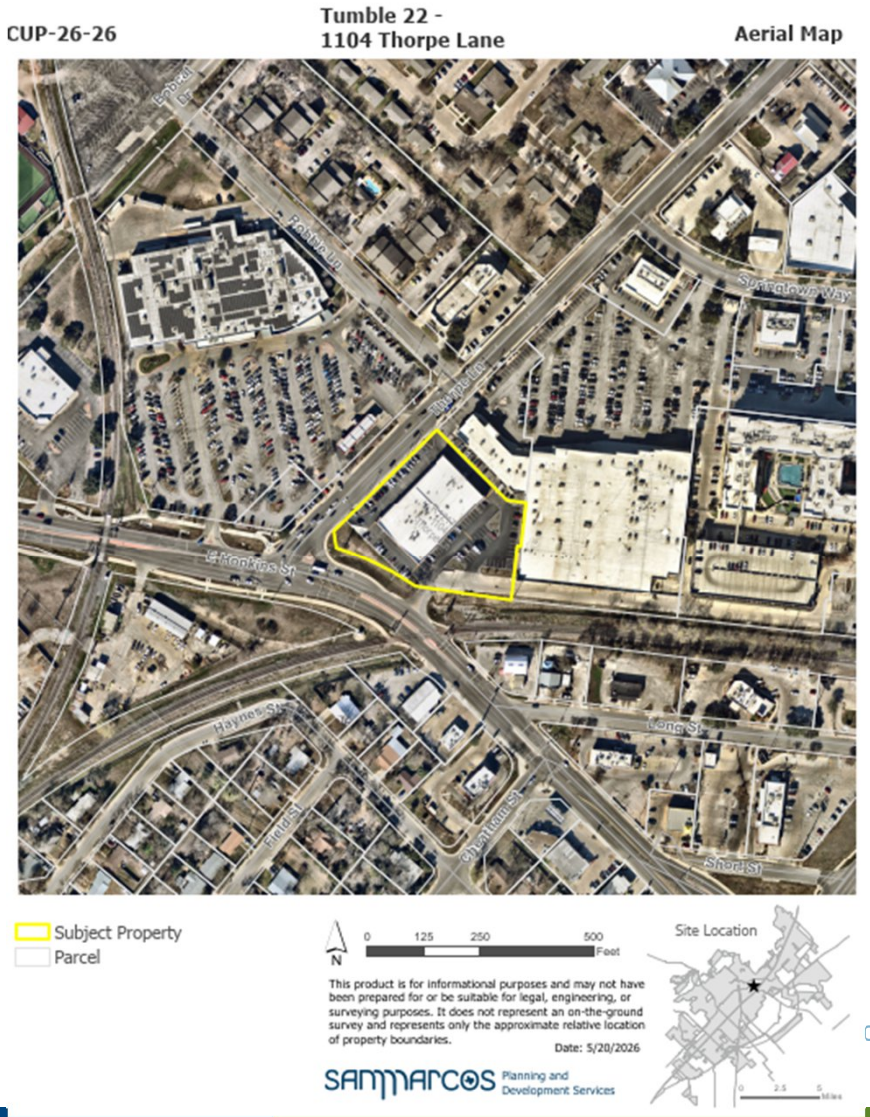
Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-26
Tumble 22

CUP-26-26 (Tumble 22) Hold a public hearing and consider a request by Amber Gibson, on behalf of Tumble 22, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1104 Thorpe Lane Suite D. (C. Garrison)

Property Information

- Approximately 2.16 acres
- Located at the eastern corner of Hopkins Street and Thorpe Lane.

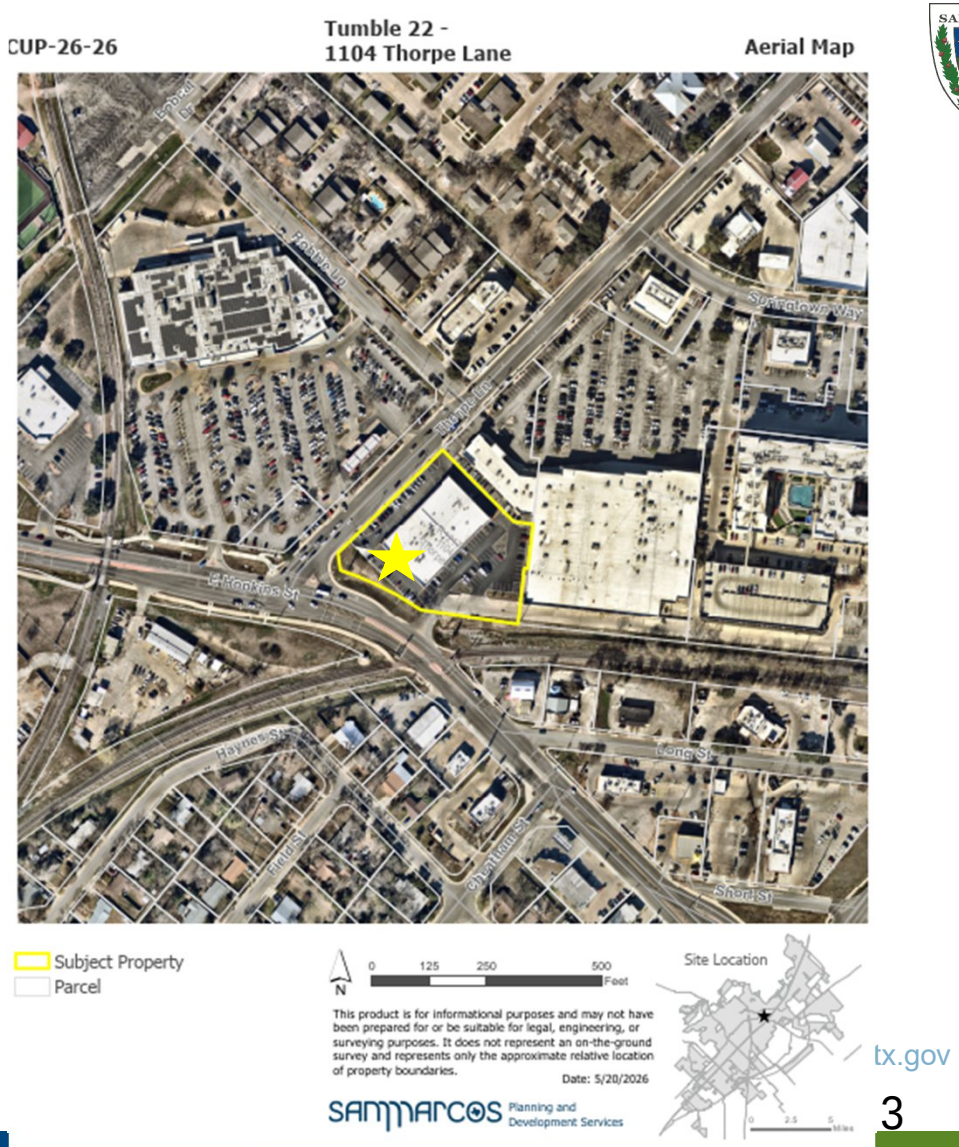


ostx.gov

2

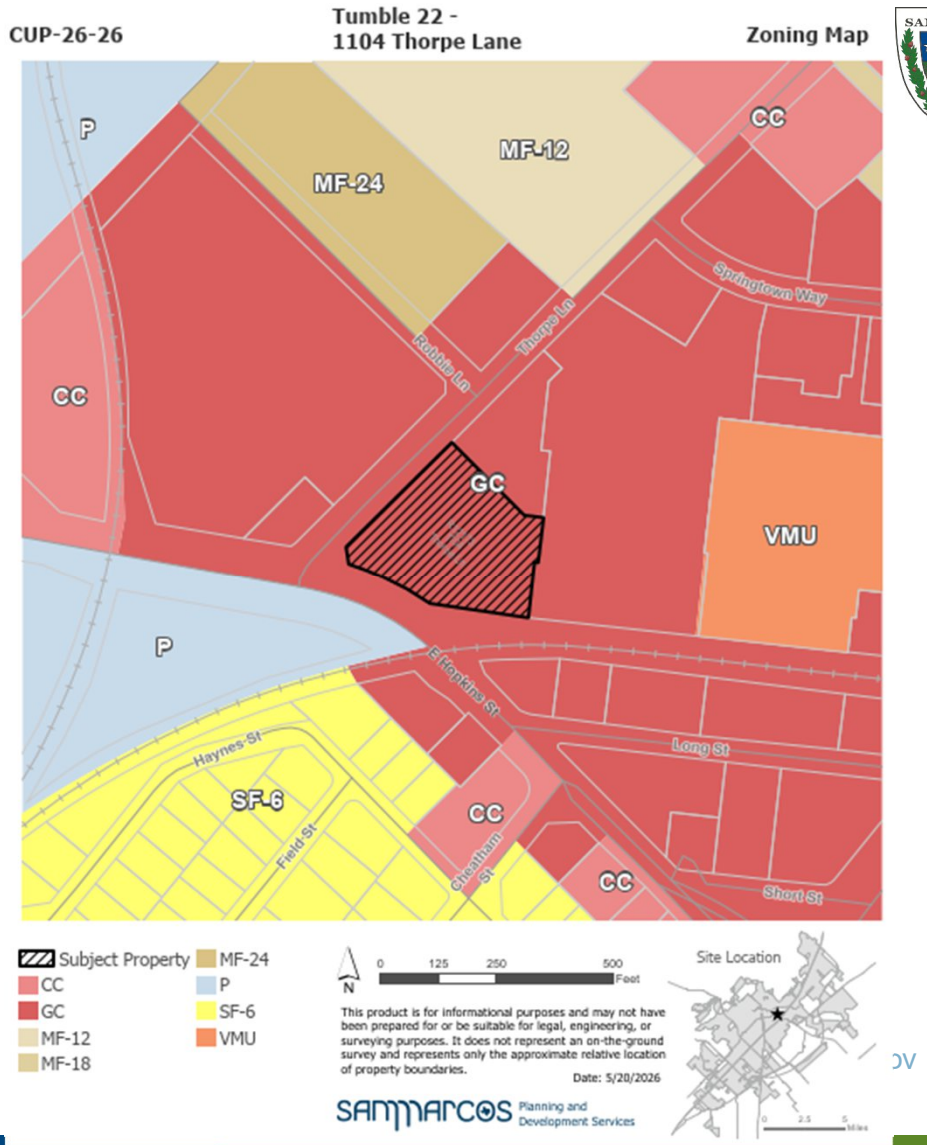
Context & History

- Currently a Restaurant use with on-premise consumption of alcohol.
- The business has held a Restaurant CUP since 2024.
- Surrounding Uses include Retail Sales, Retail Services, Restaurants, and Single-Family Residential



Context & History

- **Existing Zoning:** General Commercial (GC)
- **Proposed Use:** Restaurant
  - Monday – Saturday: 11am-10pm
  - Sunday: 11am- 9pm
- **CUP Expiration Date:** June 11, 2026
- **Police Calls:** 2



Criteria for Approval

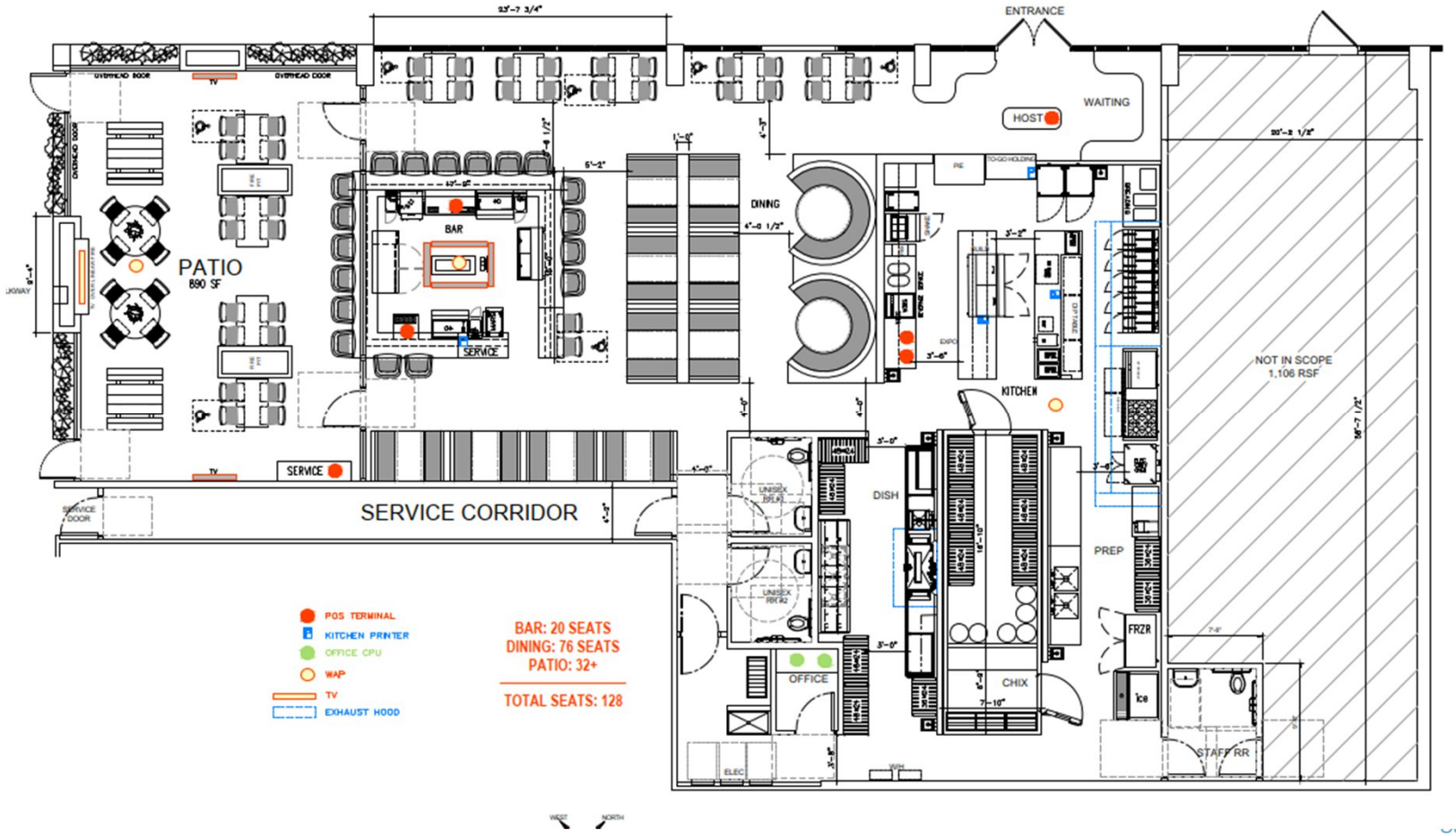
C	I	N/A	Criteria for Approval – Sec. 2.8.3.4
X			Aligns with the adopted comprehensive plan?
		N/A	Complies with any applicable small area plan or neighborhood studies?
X			Meets the purpose and intent of the current zoning district regulations?
X			Preserves surrounding character and mitigates impacts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

Criteria for Approval

C	I	N/A	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

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

Floor Plan


ENTRANCE
HOST
WAITING
DINING
BAR
PATIO
890 SF
SERVICE
SERVICE CORRIDOR
KITCHEN
DISH
PREP
NOT IN SCOPE
1,106 RSF
OFFICE
CHIX
FRZR
STAFF RR
POS TERMINAL
KITCHEN PRINTER
OFFICE CPU
WAP
TV
EXHAUST HOOD
BAR: 20 SEATS
DINING: 76 SEATS
PATIO: 32+
TOTAL SEATS: 128

Recommendation

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

1. This permit shall be valid for three (3) years, and shall expire June 11, 2029, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);
3. The maximum 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. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Legislation Text

File #: CUP-26-27, **Version:** 1

AGENDA CAPTION:
CUP-26-27 (Toro Ramen and Poke Bar) Hold a public hearing and consider a request by Anton Hartono, on behalf of Toro Ramen and Poke Bar, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 700 N LBJ Drive Suite 114. (C.Garrison)
Meeting date: June 9, 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]

N/A

N/A

N/A

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

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - 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:

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

2020: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

2023: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

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 the conditions related to noise added to this CUP.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** with the following conditions:
1. This permit shall be valid for three (3) years, and shall expire June 13, 2029, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);
3. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted;
4. The maximum 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. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Conditional Use Permit	700 N LBJ Drive Suite 114
CUP-26-27	Toro Ramen and Poke Bar

Summary

Request:	Renewal of a Conditional Use Permit (CUP)		
Applicant:	Anton Hartono 790 Ladera Verde Drive Austin, TX 78739	**Property Owner:**	Fleming Hjorting, Hjorting Family Trust 926 San Rogue Road Santa Barbara, CA 93105
CUP Expiration:	June 13, 2026	**Type of CUP:**	Beer & Wine (Outside CBA)
Interior Floor Area:	2,952 sq. ft.	**Outdoor Floor Area:**	N/A
Parking Required:	28 spaces	**Parking Provided:**	Yes - Shared
Days & Hours of Operation:	Monday – Sunday: 11am-9pm		

Notification

Posted:	May 22, 2026	**Personal:**	May 22, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1 of Center 1 Centre		
Location:	Northeast intersection of Sessom and N. LBJ		
Acreage:	3.003 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	Community Commercial (CC)	**Proposed Zoning:**	Same
Existing Use:	Restaurant	**Proposed Use:**	Same
Preferred Scenario:	Mixed Use Medium	**Proposed Designation:**	Same
CONA Neighborhood:	N/A	**Sector:**	Sector 3
Utility Capacity:	Adequate	**Floodplain:**	Yes
Historic Designation:	N/A	**My Historic SMTX Resources Survey:**	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Multifamily-18 (MF-18)	Multifamily Apartments	Neighborhood High
South of Property:	Public and Institutional District (P)	Texas State University	Commercial/ Employment Medium
East of Property:	Public and Institutional District (P)	Texas State University	Neighborhood High
West of Property:	General Commercial (GC)	Multifamily Apartments and Gas Station	Mixed Use Medium

Conditional Use Permit	700 N LBJ Drive Suite 114
CUP-26-27	Toro Ramen and Poke Bar

Staff Recommendation

	Approval as Submitted	X	Approval with Conditions		Denial

1. This permit shall be valid for three (3) years, and shall expire June 13, 2029, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);
3. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted;
4. The maximum 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. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

History

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

2020: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

2023: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

Additional Analysis

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

Comments from Other Departments

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

Staff: Craig Garrison	**Title:** Planner	**Date:** June 3, 2026

Conditional Use Permit	700 N LBJ Drive Suite 114
CUP-26-27	Toro Ramen and Poke Bar

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
X			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***The proposed business meets goals, such as fostering small businesses, written in the North of Campus Neighborhood Area Plan.***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
X			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.
X			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.
X			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.
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			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.
X			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.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
X			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.

CUP-26-27

Toro Ramen and Poke Bar - 700 N LBJ Suite 114

Aerial Map

Subject Property

Parcel

N

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: 5/20/2026

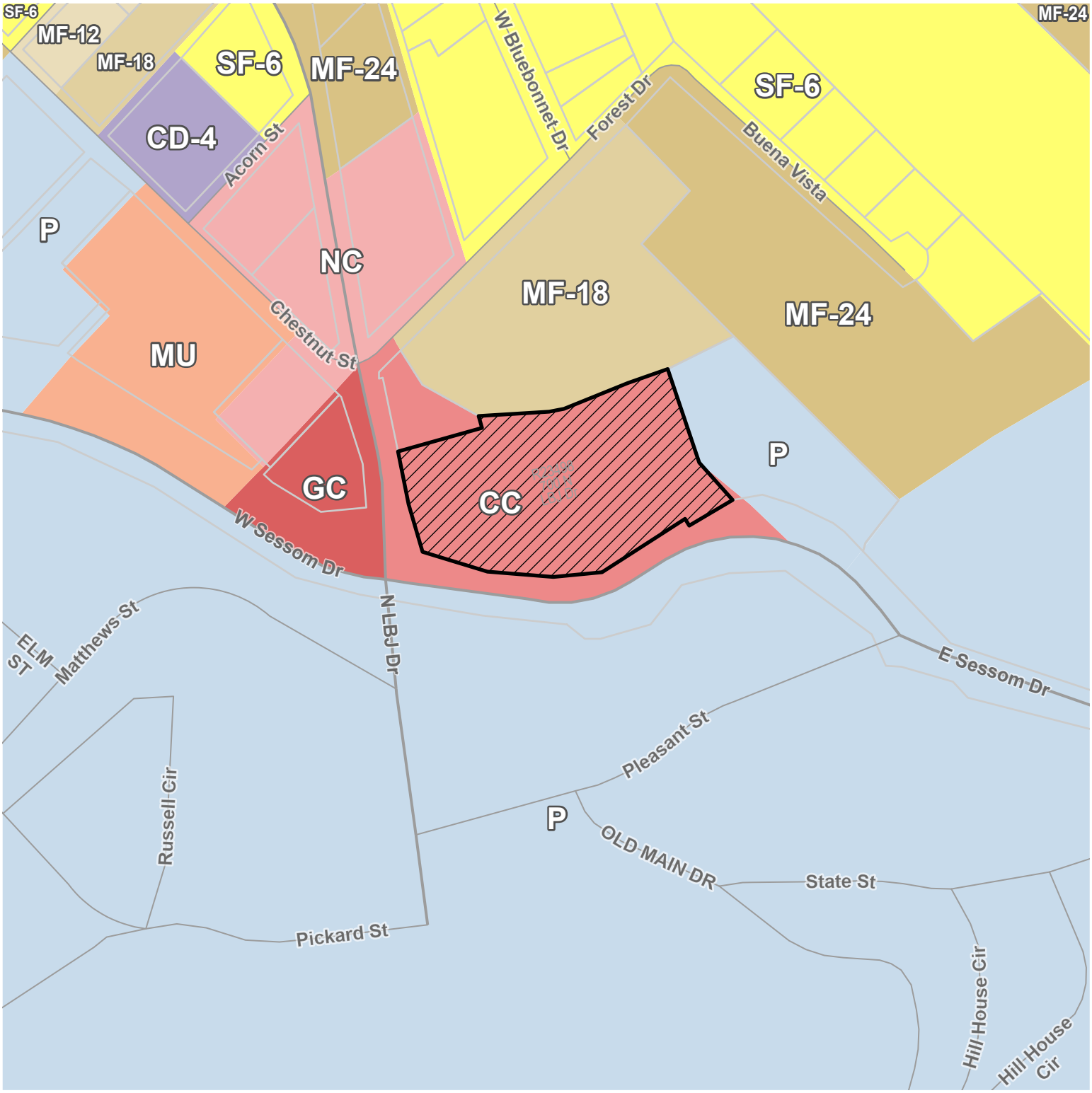
SAN MARCOS Planning and Development Services

Site Location

CUP-26-27

Toro Ramen and Poke Bar - 700 N LBJ Suite 114

Notification Map



- Subject Property
- CC
- CD-4
- GC
- MF-12
- MF-18
- MF-24
- MU
- NC
- P
- SF-6

N

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: 5/20/2026

SAN MARCOS Planning and Development Services

Site Location

CUP-26-27

Toro Ramen and Poke Bar - 700 N LBJ Suite 114

Notification Map

Subject Property
400 ft. Buffer
Parcel

N

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: 5/20/2026

SAN MARCOS Planning and Development Services

Site Location

5/22/2026 **CUP-26-27**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Beer & Wine
700 N LBJ Drive Suite 114

CUP-26-27 (Toro Ramen and Poke Bar) Hold a public hearing and consider a request by Anton Hartono, on behalf of Toro Ramen and Poke Bar, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 700 N LBJ Drive Suite 114. (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. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. 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, June 9, 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 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

For more information regarding this request, contact the case manager, **Craig Garrison,** at **512.805.2649 or cgarrison@sanmarcostx.gov**. When calling, please refer to case number **CUP-26-27.**

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

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

Property ID	Site Address	Owner	Owner Address	Owner City/ State/ Zip
60406	802 N LBJ DR, SAN MARCOS, TX 78666	802 N LBJ DR LLC	802 N LBJ DR	SAN MARCOS, TX 78666-4666
37724	801 CHESTNUT ST, SAN MARCOS TX	APANTE INVESTMENTS LP	PO BOX 160788	AUSTIN, TX 78716-0788
140973	817 CHESTNUT ST, SAN MARCOS, TX 78666	ELLA LOFTS FUNDING COMPANY LLC	VIE MANAGMENT	MIAMI, FL 33130-3040
23498	700 N LBJ DR, STE #110-114, 110C &113A, SAN MARCOS, TX 78666	HJORTING FAMILY TRUST	HJORTING FLEMMING & MAY	SANTA BARBARA, CA 93105-2023
131659	801 W BLUEBONNET DR, SAN MARCOS, TX 78666	HOFMANN DONALD R	801 W BLUEBONNET DR	SAN MARCOS, TX 78666-3638
37722	804 CHESTNUT ST, SAN MARCOS TX	LIN ANDREW A ETAL	CHRISTOPHER A LIN- MANAGING DIRECTOR	LAKE FOREST, IL 60045-2934
10365	800 N LBJ DR, SAN MARCOS, TX 78666	NEXT DOOR APARTMENTS - SAN MARCOS LLC	57 VIA DEL CIELO	RANCHO PALOS VERDES, CA 90275-2511
37721	829 N LBJ DR, SAN MARCOS, TX 78666	OWEN TECH LLC	PO BOX 82653	AUSTIN, TX 78708-2653
37725	799 N LBJ DR, SAN MARCOS TX	SUSSER PETROLEUM OPERATING CO LLC	1300 MAIN ST	HOUSTON, TX 77002-6803
		Paul Murray	102 Barclay	SAN MARCOS, TX 78666
		Sharon O'Neil	421 E. Hillcrest	SAN MARCOS, TX 78666
		Samantha Benavides	455 Lindsey St.	SAN MARCOS, TX 78666
		Rick Kennedy	212 Sierra Ridge Drive	SAN MARCOS, TX 78666
		Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666
		Amy Thomaides	1131 W MLK Dr	SAN MARCOS, TX 78666

[redacted]

Date: Thursday, May 28, 2026 7:35:37 PM

Hi Craig,

I can not come to scheduled CUP meeting in June.
I am owner and operator/manager/cook and I am in the restaurant everyday, 6 days a week.
With recent graduation and part timer left town, I am even short of staff and my task is more than I used to have.
Thank you for your help and understanding.

Best regards,

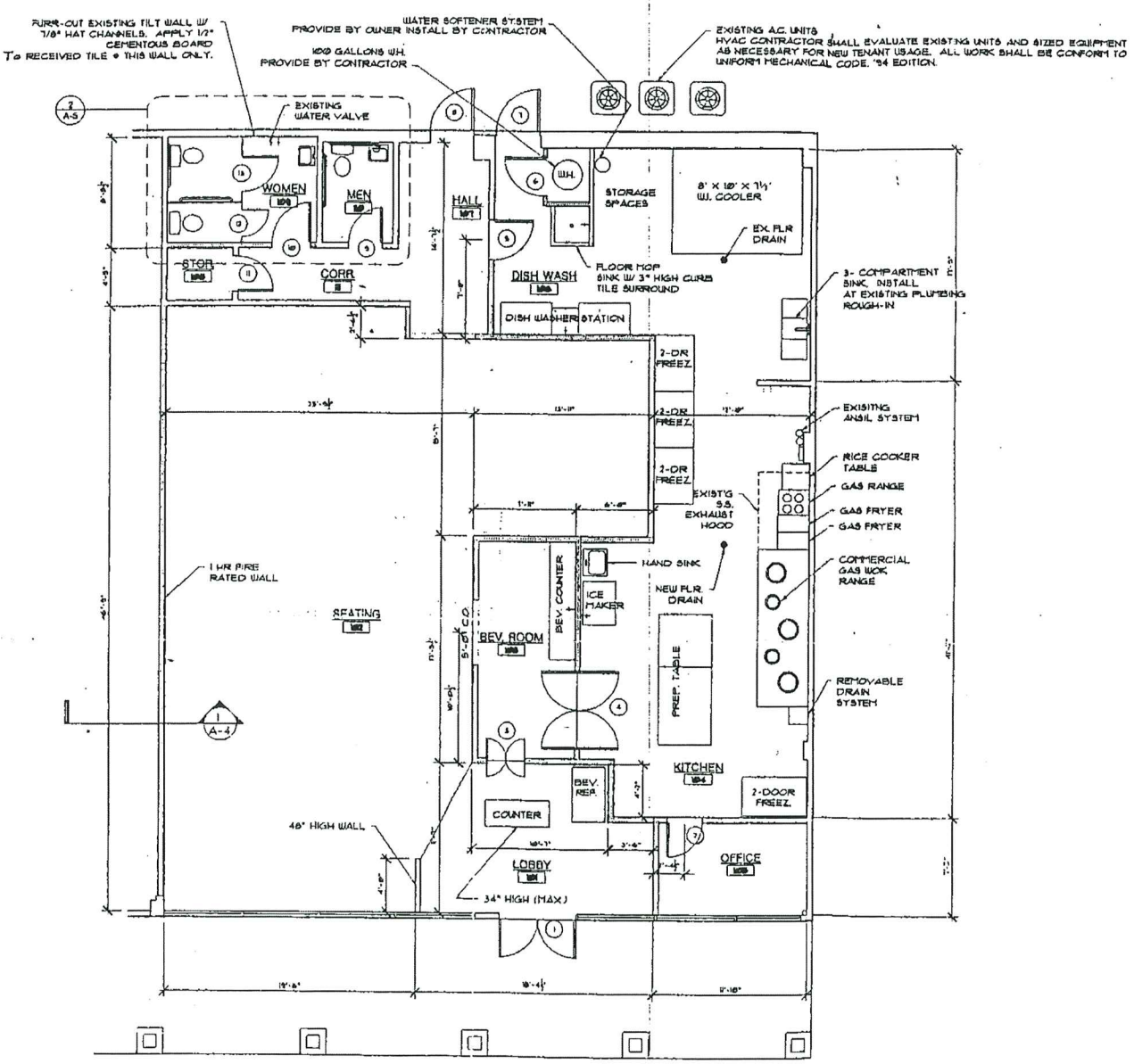
Anton Hartono
Toro Ramen & Poke Barn

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Spam/Phishing button in the Mimecast tab if you think this email is malicious.

SESSOM DRIVE (R.O.W. VARIES)
± 3.06 ACRES
ONE STORY CINDER BLOCK BUILDING / CONCRETE SLAB
LOT 1, THE CENTRE AT SAN MARCOS SUBDIVISION
BEARING BASIS
LEGEND
ORIGINAL SCALE
PLAT OF LOT 1, THE CENTRE AT
SAN MARCOS SUBDIVISION, SAN
HAYS COUNTY, TEXAS
ENGINEERS

Rose Garden

Suite 114 Floor Plan



TEXAS ALCOHOLIC BEVERAGE COMMISSION

BG -106196353 **Expires:5/2/2027** 17% WINE

WINE AND MALT BEVERAGE RETAILER'S ON-PREMISE PERMIT (BG)

FOOD AND BEVERAGE CERTIFICATE (FB)

TORO RAMEN & POKE BARN
700 N LBJ DR STE 114
SAN MARCOS, TX, US, 78666

TORO-TANAKA INC.

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.

* DOMESTIC BEER * $ 3.99

BLUE MOON	12 OZ
SHINER BOCK	12 OZ
MICHELOB ULTRA	12 OZ

* IMPORT BEER * $ 4.99

ASAHI	11.2 Oz
KIRIN ICHIBAN	12 OZ
KIRIN LIGHT	12 OZ
SAPPORO	12 OZ
CORONA	12 OZ
DOS EQUIS	12 OZ
MODELO	12 OZ
MODELO NEGRO	12 OZ
HEINEKEN ORIGINAL	12 OZ

* SAKE *

HANA SAKE FUJI APPLE	375 ML	$13.50
HANA SAKE LYCHEE	375 ML	$13.50
HANA SAKE WHITE PEACH	375 ML	$13.50
HANA SAKE PINEAPPLE	375 ML	$13.50
SHO CHIKU BAI GINJO	300 ML	$15.50
SHO CHIKU BAI GINJO	375 ML	$11.50
YUKI NIGORI	375 ML	$17.00

(Mango,White Peach, Lychee,Stawberry)

NOODLE & RICE

NO.	NOODLE & RICE		PRICE
1	**BUTAYAKI MEN**	Dry (broth-less) ramen, served with shredded pork chasu, sunny set up egg or scrambeled egg, scallion & pickles (red onion & cucumber), choice of PORK OR CHICKEN OR TOFU	$13.50
2	**YAKISOBA**	Japanese fried noodle, served with assorted vegetable (cabbage, onion & scallions), scrambled egg, - choice of PORK OR CHICKEN OR TOFU	$13.50
3	**FRIED RICE**	Mild spicy fried rice, served with assorted vegetables (carrot, peas, cabbage, scallions), scrambled egg, pickles (red onion & cucumber) - choice of PORK OR CHICKEN OR TOFU	$12.50
4	**POKE A (2 PROTEINS)**	Hawaiian food combining spring mix, marinated raw fish and rice topped with edamame, cucumber, masago, seaweed salad, immitation crab, scallion & red ginger - choice of 2 proteins	$12.99
5	**POKE B (3 PROTEINS)**	Hawaiian food combining spring mix, marinated raw fish and rice topped with edamame, cucumber, masago, seaweed salad, immitation crab, scallion & red ginger - choice of 3 proteins	$15.99
6	**SPICY TONKOTSU RAMEN**	Our specialty, Hakata style **Spicy** ramen with pork broth cooked to perfection for 12 to 17 hours, served with straight white noodle, pork chasu, boiled egg, scallion, black mushroom,red ginger & dry seaweed	$14.75
7	**TONKOTSU RAMEN**	Our specialty, Hakata style ramen with pork broth cooked to perfection for 12 to 17 hours, served with straight white noodle, pork chasu, boiled egg, scallion, black mushroom, red ginger & dry seaweed	$14.25
8	**SHOYU RAMEN**	Soy base broth, served with curly yellow noodle, pork chasu, boiled egg, scallion, black mushroom, red ginger & dry seaweed	$13.99
9	**CHICKEN RICH RAMEN**	Chicken soup broth, served with curly yellow noodle, chicken karage, boiled egg, scallion, black mushroom, red ginger & dry seaweed	$13.99
10	**MISO VEGAN RAMEN**	Fermented soybean base broth, served with straight white noodle, fried tofu, vegy gyosa, corn, scallion, black mushroom,red ginger & dry seaweed	$14.75
11	**CREAMY VEGY RAMEN**	Thick and creamy vegetarian broth, served with straight white noodle, boiled egg, fried tofu, corn, scallion, black mushroom, red ginger & dry seaweed	$14.25
12	**TOKYO MISO RAMEN**	Fermented soybean base mix with tonkotsu base, pork broth & Toro Chilli, served with curly yellow noodle, pork chasu, boiled egg, spicy corn, scallion, naruto fish cake, red ginger & dry seaweed	$15.25
13	**TOKYO SHOYU RAMEN**	Soy base sauce with mix tonkotsu base and pork broth, served with curly yellow noodle, pork chasu, fried- boiled egg, scallion, bokchoi, corn, red ginger & dry seaweed	$15.25
14	**BEEF GYUDON**	Sliced tender beef marinated with cooking wine, onion and soy sauce, served steam rice with sunny side up egg & red ginger	$13.99
15	**CHICKEN TERIYAKI**	Hibachi fried rice (egg, peas&carrot, butter) top with Grilled marinated chicken & grill vegy (onion, broccoli, carrot & zucchini) and glazed with in house teriyaki sauce.	$13.99
*	**POKE PROTEIN**	SALMON, TUNA, YELLOW TAIL, SPICY TUNA, TOFU	

NO.	COMBO	PRICE
1	Choose 1 of: EDAMAME, AGEDASHI TOFU, VEGGIE ROLL	$3.75
2	Choose 1 of: CHICKEN KARAAGE, SPICY GARLIC EDAMAME, BEEF GYOZA, PORK GYOZA,TAKOYAKI, or SQUID LEGS	$4.75
3	3 pcs chicken wings	$5.75
4	SMALL POKE (1 PROTEIN. Choose 1 of: SALMON, TUNA, YELLOW TAIL or SPICY TUNA)	$6.95

APPETIZERS & SALADS

NO.	APPETIZERS		PRICE
1	EDAMAME	Steamed Whole soy bean, lightly sprinkled with garlic powder and salt	$5.50
2	SPICY GARLIC EDAMAME	Steamed Whole soy bean, sauted with Toro Chili paste and garlic power	$6.99
3	SPICY GARLIC TOFU	Deep fried tofu, sauted with Toro Chili paste and garlic powder	$6.99
4	AGEDASHI TOFU	Deep Fried lightly breaded soft tofu served with tempura sauce	$6.99
5	BEEF GYOZA	Deep fried Japanese beef dumpling, served with Toro sauces	$6.75
6	PORK GYOZA	Deep fried Japanese pork dumpling, served with Toro sauces	$6.75
7	TAKOYAKI	Battered Octopus filled egg tartar, served with Bonito flake and Toro sauces	$6.99
8	SQUID LEGS	Battered small squid legs, served with bonito flakes and Toro sauces	$6.99
9	CHICKEN WING	Battered chicken wings, mild spicy, served with Toro sauces	$8.99
10	CHICKEN KARAGE	Light breaded chicken cut, served with Toro sauces	$7.50
11	VEGY ROLLS	Vegetarian filled Asian roll, served with Toro sauces	$5.50
12	VEGY GYOZA	Vegetarian filled Japanese dumpling, served with Toro sauces	$6.75

NO.	SALADS		PRICE
1	SEAWEED SALAD	Fresh spring mix topped with marinated seaweed, sprinkle with seasoned sesame seed and fried shallot.	$6.99
2	CUCUMBER SALAD	Fresh spring mix topped with sliced fresh cucumber, Toro salad sauce,sprinkle with seasoned sesame seed and fried shallot.	$5.99

NO.	DESSERTS		PRICE
1	MOCHI ICE CREAM	Ice cream filled mushy mochi dough, served with white cream and chocolate syrup, in Green tea, manggo & strawberry	$3.99

NO.	DRINKS		PRICE
1	ICE THAI TEA	Thai style ice tea, served with half&half milk, no refill	$2.99
2	FOUNTAIN SODA	CLASSIC COCA COLA,DIET COKE, SPRITE, DR PEPPER, LEMONADE, SWEET TEA, UNSWEATENED TEA & RASHBERRY TEA, free refill	$3.49
3	RAMUNE	Japanese soda in a bottle	$3.25
4	CAN SODA	CLASSIC COCA COLA, SPRITE, DIET COKE, DR PEPPER, ROOTBEER	$1.50
5	BOTTLE WATER		$0.99
6	HOT GREEN TEA	Organic green tea bag	$0.99

NO.	EXTRA		PRICE
1	BOILED EGG	MARINATED EGG, WHOLE EGG	$1.99
2	PORK CHASU	MARINATED PORK BELLY, 3 SLICES	$3.25
3	NOODLE white/yellow	1 PORTION OF WHITE (STRAIGHT & SOFT or YELLOW & CHEWY)	$2.99
4	NOODLE - KALE	1 PORTION OF KALE NOODLE (EGGLESS NOODLE, MADE OUT OF KALE)	$3.25
5	VEGETABLE	CHOICE OF RED GINGER, EAR MUSHROOM, SCALLION, SEAWEED, CORN	$1.15
6	CHILI PASTE	HOUSE SPECIAL CHILI BLEND FOR RAMEN	$1.50

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	Anton Hartono	Property Owner	Fleming Hjorting, Hjorting Family Trust.
Company	Toro Tanaka	Company	HJORTING FAMILY TRUST
Applicant's Mailing Address	7901 Ladera Verde dr. Austin, TX 78739	Owner's Mailing Address	926 SAN ROGUE ROAD, SANTA BARBARA, CA 93105
[redacted]			

PROPERTY INFORMATION

Subject Property Address: 700 N. LBJ dr # 114, SAN MARCOS, TX 78666

Zoning District: _____ **Tax ID #: R** 82-1878573

Legal Description: Lot 1 **Block** _____ **Subdivision** _____

Number of Parking Spaces: 121

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

DESCRIPTION OF REQUEST

Business Name: Toro Ramen x Poke Barn **CUP Permit Type:** ☒ *Eating Establishment* ☐ *Bar*

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

Hours of Operation (ex. Mon 12pm-1am): Mon 11am - 9:30pm **Tue** 11am - 9:30pm **Wed** 11am - 9:30pm

Thurs 11am - 9:30pm **Fri** 11am - 9:30pm **Sat** 11am - 9:30pm **Sun** 12pm - 9:30pm

Indoor Seating Capacity: 100 **Outdoor Seating Capacity:** 0 **Gross Floor Area:** 2952 sqft.

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.

PROPERTY OWNER AUTHORIZATION

I, Flemming Hjorting (owner) acknowledge that I am the rightful owner of the property located at 700 North LBJ San Marcos Texas 78666 (address).

I hereby authorize Keith Whittington (agent name) to file this application for _____ (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: Flemming Hjorting Date: 1-28-2019

Printed Name: Hjorting Family Trust, Trustee

Signature of Agent: Keith Whittington, CPM Date: 1-28-2019

Printed Name: Keith Whittington, as agent, Lynx Property Services

AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

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

- Notification Signs: 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.***

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $88 plus an $12 technology fee.***

- 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 $88 plus a $12 technology fee.***

I have read the above statements and agree to the required public notification, 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 notification and public hearing and hereby submit the attached application for review by the City.

Signature: Keith Whittington Date: 1-28-2019

Print Name: KEITH WHITTINGTON, as agent for owner

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: 4/2/2026.

Print Name: ANTON HARTONO

Form Updated December, 2025

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.

	CBA BAR	**CBA RESTAURANT**	**300 FEET OF SF USE**	**ALL REQUESTS**
Term	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.
Amplified Sound (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 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.
Amplified Sound (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.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (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.	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.
Background Sound (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.	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.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	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
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	The maximum 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 maximum 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 maximum 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 maximum 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.
Posting	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.

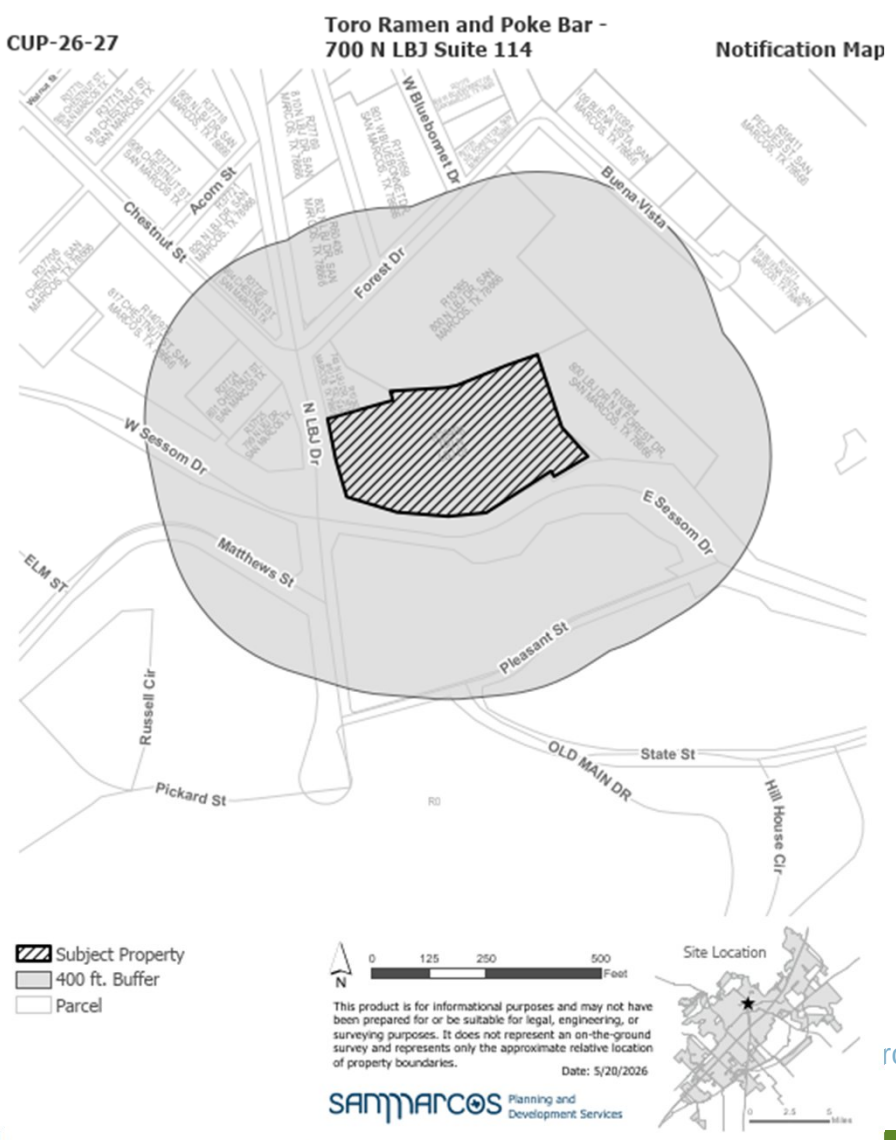
Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-27
Tor Ramen and Poke Bar

CUP-26-27 (Toro Ramen and Poke Bar) Hold a public hearing and consider a request by Anton Hartono, on behalf of Toro Ramen and Poke Bar, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 700 N LBJ Drive Suite 114. (C.Garrison)

Property Information

- Approximately 3.003 acres
- Located at the northeast intersection of Sessom Drive and North LBJ Drive

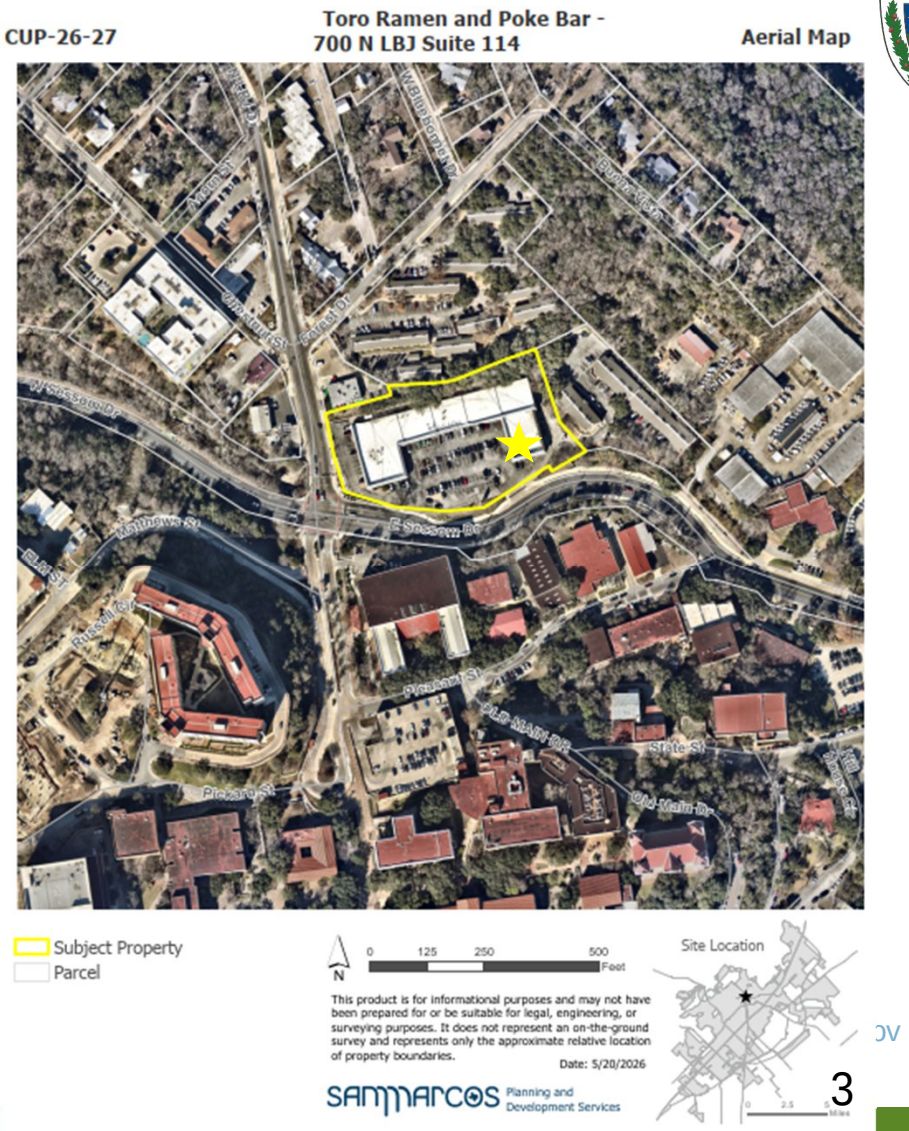


rcostx.gov

2

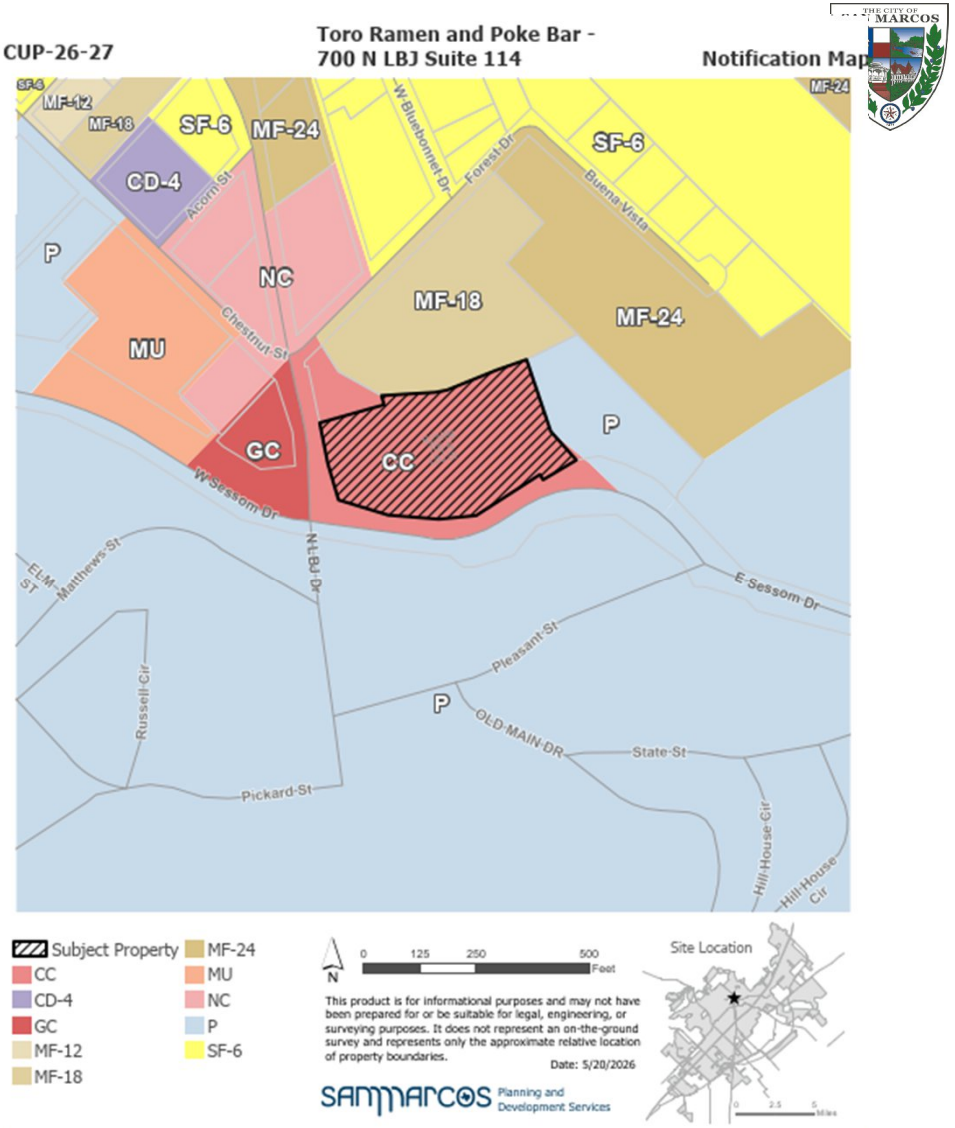
Context & History

- Currently a Restaurant use with on-premise consumption of alcohol.
- The business has held a Restaurant CUP since 2019.
- Surrounding Uses, Retail Sales, Restaurants, Multifamily Apartments, Texas State University



Context & History

- **Existing Zoning:** Community Commercial (CC)
- **Current Use:** Restaurant
  - Monday – Sunday: 11am-9pm
- **CUP Expiration Date:**
  June 13, 2026
  Police Calls: None
- **Code Compliance/Env Health:** None



Criteria for Approval

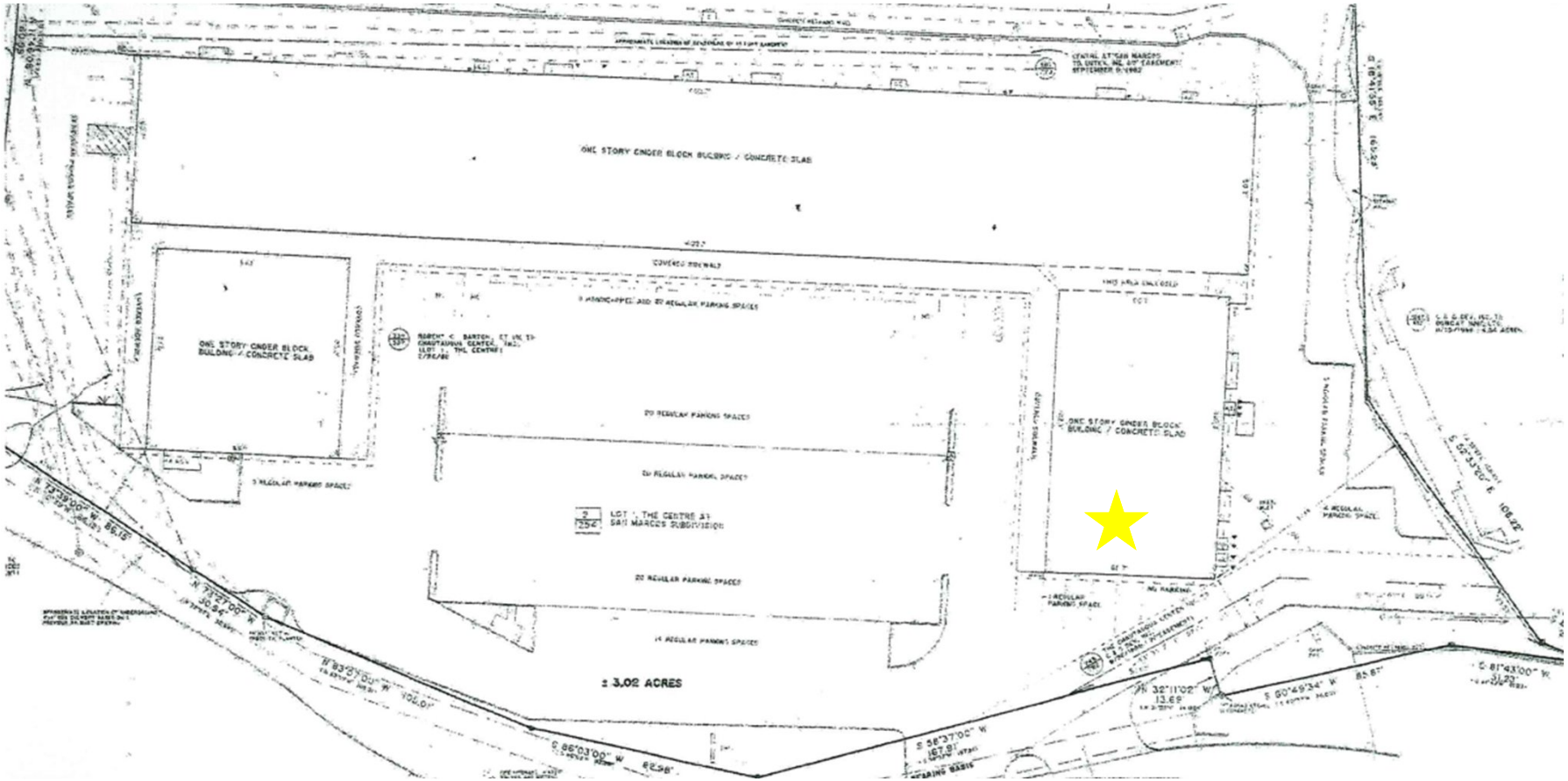
C	I	N/A	Criteria for Approval – Sec. 2.8.3.4
X			Aligns with the adopted comprehensive plan?
X			Complies with any applicable small area plan or neighborhood studies?
X			Meets the purpose and intent of the current zoning district regulations?
X			Preserves surrounding character and mitigates impacts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

Criteria for Approval

C	I	N/A	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

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

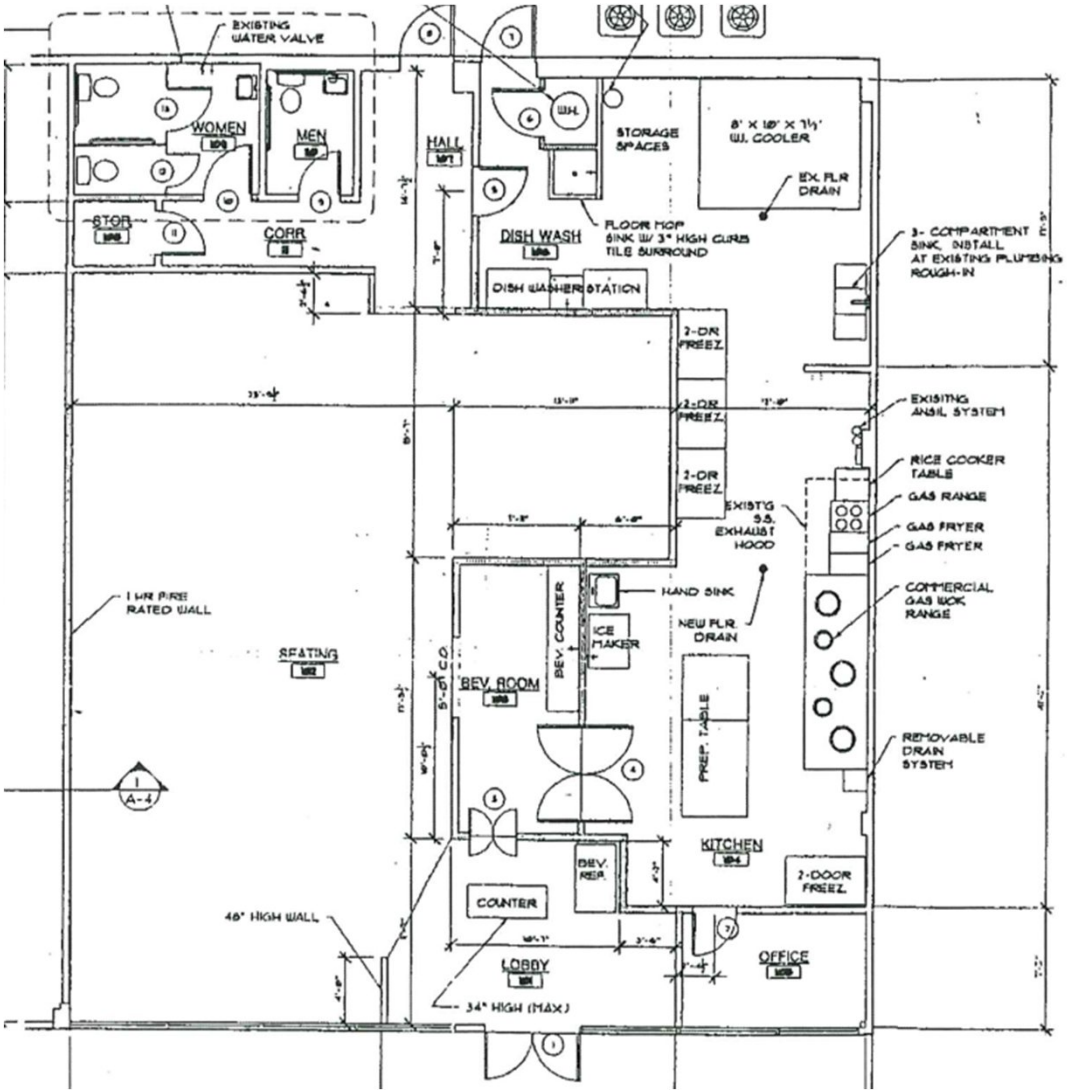
Site Plan



N

sanmarcostx.gov

Floor Plan


EXISTING WATER VALVE
WOMEN
MEN
HALL
STOR
CORR
DISH WASH
DISH WASHER STATION
FLOOR MOP SINK W/ 3" HIGH CURB TILE SURROUND
STORAGE SPACES
8' X 18' X 7½' W.I. COOLER
EX. FLR DRAIN
3- COMPARTMENT SINK, INSTALL AT EXISTING PLUMBING ROUGH-IN
2-DR FREEZ.
2-DR FREEZ.
2-DR FREEZ.
EXISTING ANSUL SYSTEM
RICE COOKER TABLE
GAS RANGE
GAS FRYER
GAS FRYER
EXISTG S.S. EXHAUST HOOD
HAND SINK
NEW FLR. DRAIN
COMMERCIAL GAS WOK RANGE
1 HR FIRE RATED WALL
SEATING
BEV. COUNTER
ICE MAKER
BEV. ROOM
PREP. TABLE
REMOVABLE DRAIN SYSTEM
KITCHEN
BEV. REF.
2-DOOR FREEZ.
COUNTER
46" HIGH WALL
LOBBY
OFFICE
34" HIGH (MAX.)
1
A-4

N

Recommendation

Staff recommends **approval** of CUP-26-27 with the following conditions:

1. This permit shall be valid for three (3) years, and shall expire June 13, 2029, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);
3. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted;
4. The maximum 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. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Legislation Text

File #: CUP-26-28, **Version:** 1

AGENDA CAPTION:

CUP-26-28 (Stripes) Hold a public hearing and consider a request by Tim Llaoa, on behalf of Stripes, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 3936 S IH 35. (K. Buck)
Meeting date: June 9, 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:

N/A

N/A

N/A

Comprehensive Plan Element (s):

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan:

Choose an item.

Background Information:

The business currently holds a Wine and Beer Retailer's Off-Premise TABC Permit (BQ). A Certificate of Occupancy was issued in May of 2018 for the use of "Convenience Store with Gas Sales" on the subject property. The North side of the building is a Restaurant, Laredo Taco Company. There are fourteen (14) tables located on the inside of the building and zero (0) proposed outside.

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 the conditions related to noise added to this CUP.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** of CUP-26-28 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on June 9, 2027, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
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.

Conditional Use Permit	3936 S IH 35
CUP-26-28	Stripes

Summary

Request:	New Conditional Use Permit (CUP)		
Applicant:	Tim Llaoa 217 E Mani St #819 Royse City, TX 75189	**Property Owner:**	7-Eleven Inc 3200 Hackberry Rd Irving, TX 75063
CUP Expiration:	N/A	**Type of CUP:**	Beer & Wine (Outside CBA)
Interior Floor Area:	5,500 sq ft	**Outdoor Floor Area:**	N/A
Parking Required:	22 spaces	**Parking Provided:**	Yes
Days & Hours of Operation:	Monday-Sunday: Open 24 Hours		

Notification

Posted:	May 22, 2026	**Personal:**	May 22, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 2 in the Sac-N-Pac Centerpoint Subdivision (2014)		
Location:	Along IH 35 Frontage Road, approximately 250 feet North of Centerpoint Road		
Acreage:	2.9 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	General Commercial (GC)	**Proposed Zoning:**	Same
Existing Use:	Convenience Store with Gas Sales	**Proposed Use:**	Same
Preferred Scenario:	Commercial/Employment Medium	**Proposed Designation:**	Same
CONA Neighborhood:	N/A	**Sector:**	4
Utility Capacity:	Adequate	**Floodplain:**	No
Historic Designation:	N/A	**My Historic SMTX Resources Survey:**	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	General Commercial (GC)	Restaurant (Bill Miller BBQ)	Commercial/Employment Medium
South of Property:	General Commercial (GC)	Restaurant & Retail (Tanger Outlets)	Commercial/Employment Medium
East of Property:	General Commercial (GC)	Retail & Restaurants (Premium Outlets)	Commercial/Employment Medium
West of Property:	Character District 5 (CD-5)	Vacant	Conservation/Cluster

Conditional Use Permit	3936 S IH 35
CUP-26-28	Stripes

Staff Recommendation

	Approval as Submitted	X	**Approval with Conditions**		Denial

1. The permit shall be valid for one (1) year, and shall expire on June 9, 2027, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
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.

Staff: Kaitlyn Buck	**Title:** Planner	**Date:** June 3, 2026

History

This is a new request.

Additional Analysis

The business currently holds a Wine and Beer Retailer's Off-Premise TABC Permit (BQ). A Certificate of Occupancy was issued in May of 2018 for the use of "Convenience Store with Gas Sales" on the subject property. The North side of the building is a Restaurant, Laredo Taco Company. There are fourteen (14) tables located on the inside of the building and zero (0) proposed outside. Although the store operates 24-hours per day, the business is required to remain compliant with state law and stop alcohol sales at 2am.

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 the conditions related to noise added to this CUP.

Comments from Other Departments

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

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		N/A	The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***The subject property is not located within a neighborhood character study area.***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
		X	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. ***The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.***
X			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.
		X	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. ***No improvements are being proposed as the subject structure is an existing development.***
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			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.
X			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.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
X			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

N

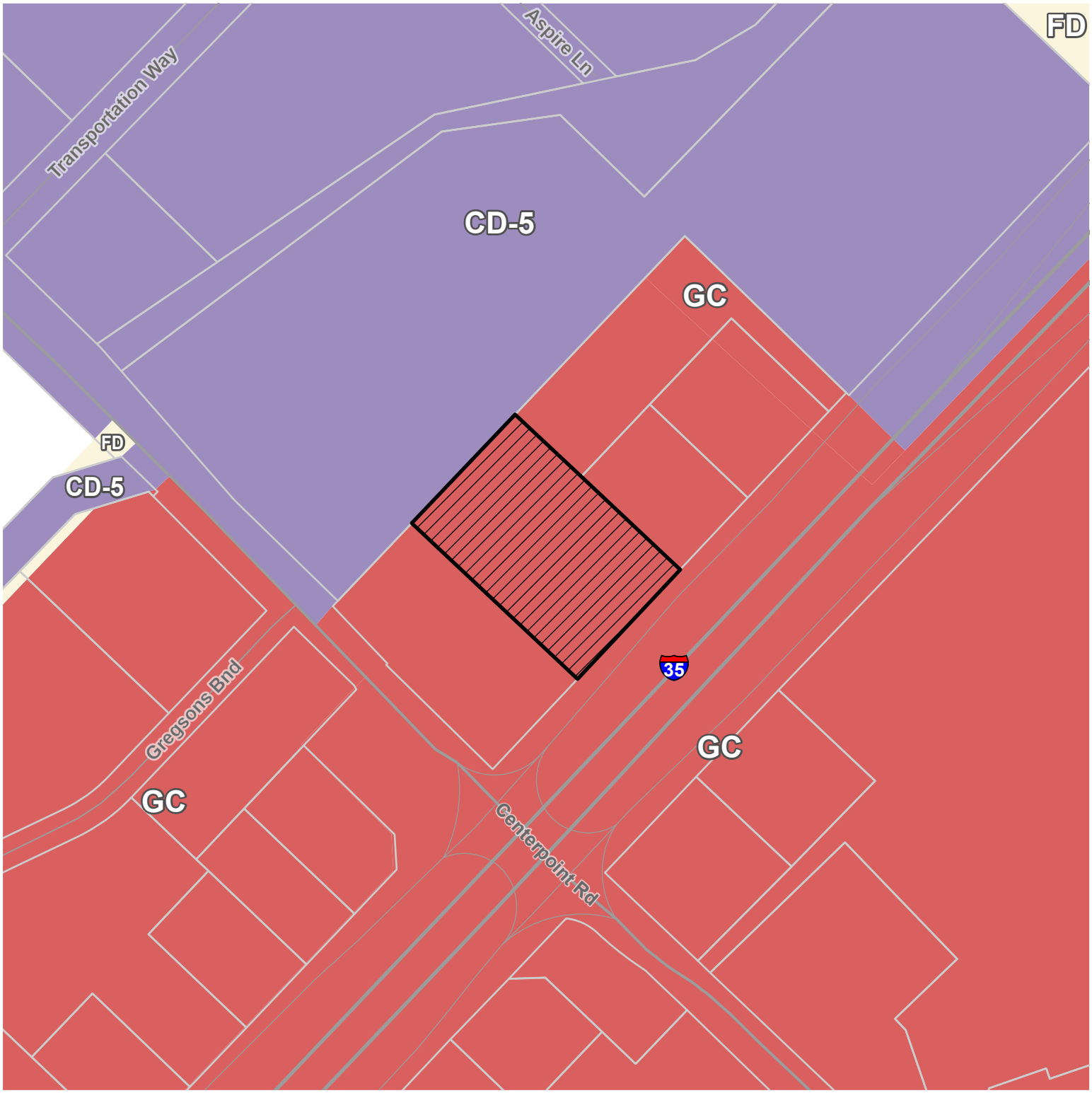
0 140 280 560
Feet

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: 5/19/2026

SAN MARCOS Planning and Development Services

Site Location



Subject Property
CD-5
FD
GC

N

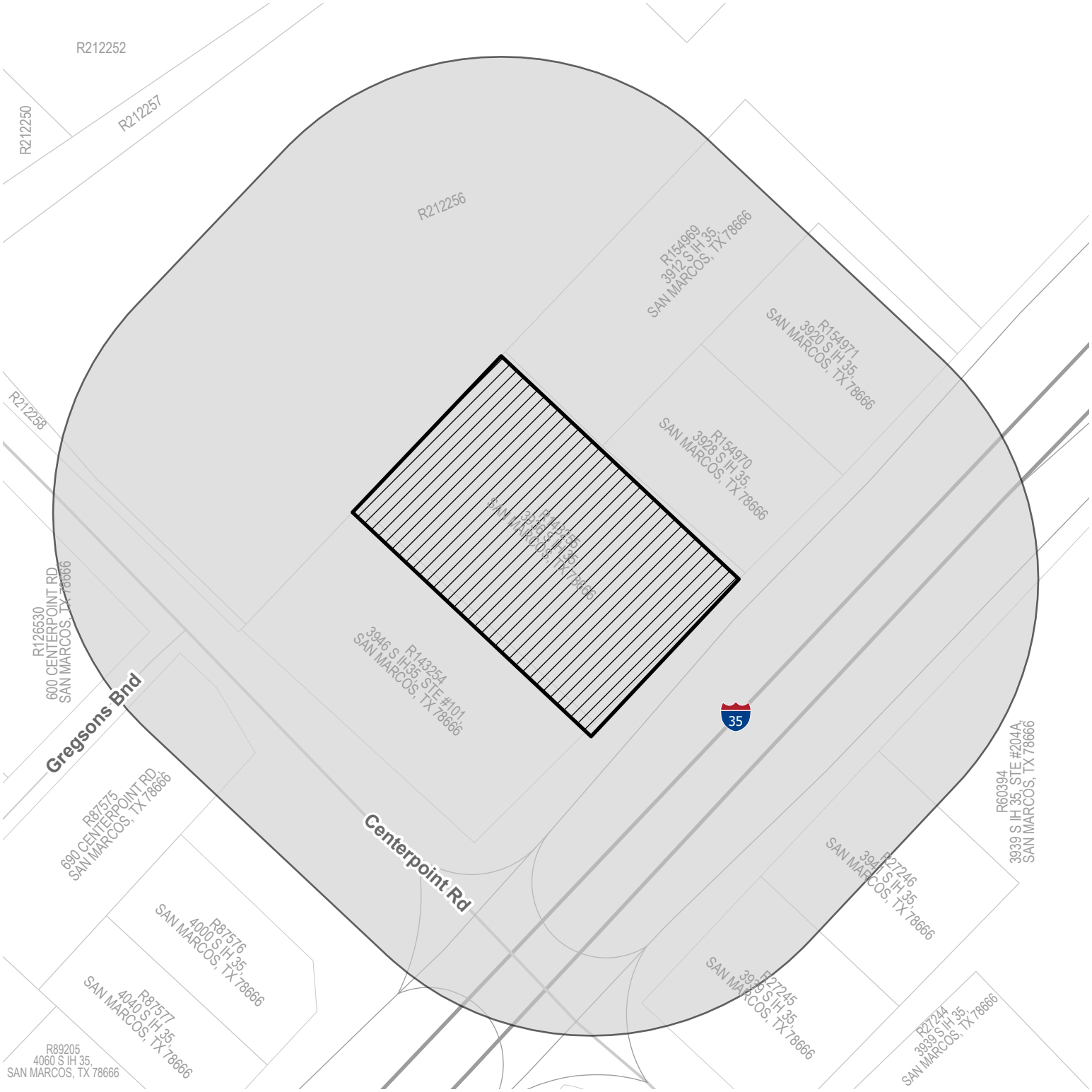
0 140 280 560 Feet

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: 5/19/2026

SAN MARCOS Planning and Development Services

Site Location



Subject Property
400ft Buffer
Parcel

N

0 95 190 380 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: 5/19/2026

SAN MARCOS Planning and Development Services

Site Location

PLANNING AND DEVELOPMENT SERVICES

05/22/2026 **CUP-26-28**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Beer & Wine
3936 S IH 35

CUP-26-28 (Stripes) Hold a public hearing and consider a request by Tim Llaoa, on behalf of Stripes, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 3936 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, June 9, 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 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

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-26-28.**

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

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

Notification List

Property ID	Name of Owner	Owner Mailing Address	Owner City/State/Zip	Site Address
39295	1113-15 HAYNES SAN MARCOS LLC	1508 GLENCREST DR	AUSTIN, TX 78723-1154	1113-15 HAYNES, SAN MARCOS, TX 78666
39332	C&O MARGARITA PORTFOLIO LLC	P.O. BOX 91065	SAN ANTONIO, TX 78209	656 E HOPKINS ST, SAN MARCOS, TX 78666
99955	CARLTON FAMILY SURVIVOR'S TRUST	620 BENOWE SCOTIA RD	GLENDALE, CA 91207-1018	127 LONG ST, SAN MARCOS, TX 78666
12173	CARSON DIVERSIFIED PROPERTIES 1 LLC	407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063	1104 THORPE LN, STE #D, SAN MARCOS, TX 78666
166781	CH RETAIL FUND II/SAN MARCOS LYNDON I LP	3819 MAPLE AVE	DALLAS, TX 75219-3913	200 SPRINGTOWN WAY, SAN MARCOS, TX 78666
101389	COLE WY PORTFOLIO TX LLC	4288 W DUBLIN GRANVILLE RD	DUBLIN, OH 43017-2093	701 E HOPKINS ST, SAN MARCOS, TX 78666
164741	GOMEZ SEPARATE PROPERTY TRUST	40 CINNAMON CT	HILLSBOROUGH, CA 94010-6212	1180 THORPE LN, SAN MARCOS, TX 78666
137003	H E BUTT GROCERY CO LP	PO BOX 839999	SAN ANTONIO, TX 78283-3999	641 E HOPKINS ST, SAN MARCOS, TX 78666
70820	HAOLE II LLC	8705 WHITE CLIFF DR	AUSTIN, TX 78759-7725	115 LONG ST, SAN MARCOS, TX 78666
138482	HARTUNIAN DEVELOPMENT LLC	911 SPRING TIDE DR	NEWPORT BEACH, CA 92660-8210	660 E HOPKINS ST, SAN MARCOS, TX 78666
92454	HOUSING AUTHORITY OF THE CITY OF SAN MARCOS	1201 THORPE LN	SAN MARCOS, TX 78666-6565	1201 THORPE LN, SAN MARCOS, TX 78666
166780	HSRE LYNDON LP	444 W LAKE ST, STE 2100	CHICAGO, IL 60606-0069	200 SPRINGTOWN WAY, STE #114, 116 & 118, SAN MARCOS, TX 78666
91797	JWJ ASSOCIATES LLC	1010 W 11TH ST	AUSTIN, TX 78731	1160 THORPE LN, SAN MARCOS, TX 78666
39334	LONDON-GRAY BILLI J & LONDON DANIEL GRAY	710 E GIBBON ST	LARAMIE, WY 82072-2639	1203 HAYNES, SAN MARCOS, TX 78666

25367	MOTHERS WINDOW TINT & ALARMS	16274 SAN PEDRO AVE	SAN ANTONIO, TX 78232-3070	651 E HOPKINS ST, SAN MARCOS, TX 78666
39333	POWERS, SARAH	1303 HAYNES ST	SAN MARCOS, TX 78666-7043	1303 HAYNES ST, SAN MARCOS, TX 78666
39304	SINK, TERI M	1131 FIELD ST	SAN MARCOS, TX 78666	1131 FIELD ST, SAN MARCOS, TX 78666
39331	SLACKERS INVESTMENTS LLC	714 BURLESON ST	SAN MARCOS, TX 78666-4335	1305 HAYNES ST, SAN MARCOS, TX 78666
27104	SM ENGLEBROOK LP	3517 CYPRESS WAY	SANTA ROSA, CA 95405	200 ROBBIE LN, SAN MARCOS, TX 78666
27105	TIANUS CORP	8000 W INTERSTATE 10, STE 1010	SAN ANTONIO, TX 78230-3869	1101 THORPE LN, STE #101, 103, 105, 107, SAN MARCOS, TX 78666
39335	WARNER FAMILY LLC	3804 Deep Pocket DR	Leander, TX 78641	650 E HOPKINS ST, SAN MARCOS, TX 78666
	Neighborhood Rep Heidi Mckitrick	325 Durata	SAN MARCOS, TX 78666	
	Neighborhood Rep Bobbie Garza-Hernandez	122 Riviera St.	SAN MARCOS, TX 78666	
	Neighborhood President Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666	
	CONA Rep Ana Mendoza	1114 Field St	SAN MARCOS, TX 78666	
	CONA President Amy Thomaides	1131 W. MLK St	SAN MARCOS, TX 78666	

STEWART TITLE GUARANTY COMPANY
COMMITMENT NO. 17000331259 - SCHEDULE A:

Tract 1:

Lot 2 of Soc-N-Pac Centerpoint Subdivision, an addition in Hays County, Texas, according to the map or plat thereof recorded in/under Volume 17, Page 231 of the Map/Plat Records of Hays County, Texas.

Tract 2:

Together with and subject to those rights contained in Sign Easement Agreement by and Soc-N-Pac Stores, Inc., a Texas corporation and Stripes LLC, a Texas limited liability company, dated January 29, 2014 and recorded on February 7, 2014, under Clerk's File No. 2014-14003186, of the Real Property Records of Hays County, Texas.

Tract 3:

Together with and subject to those access rights granted by Plat recorded under Clerk's file No. 2014-14000579 , Map/Plat Records of Hays County, Texas.

STEWART TITLE GUARANTY COMPANY
COMMITMENT NO. 17000331259 - SCHEDULE B, SECTION II:

Numbers correspond with survey-related Schedule B exception items contained in the above referenced Title Commitment.

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

a. Those recorded in/under Volume 17, Page 231 of the Plat Records of Hays County, Texas; but omitting any covenants, condition, or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin or (b) relates to handicap, but does not discriminate against handicapped persons.
(AFFECTS THE SUBJECT PROPERTY – BLANKET IN NATURE)

10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):

b. Easement granted to the State of Texas, by instrument recorded in/under Volume 170, Page 275 of the Deed Records, Hays County, Texas.
(DOES NOT AFFECT THE SUBJECT PROPERTY)

c. Sign Easement granted to Stripes, LLC, by instrument recorded in/under Volume 4853, Page 42 of the Official Public Records, Hays County, Texas.
(AFFECTS THE SUBJECT PROPERTY – CONTAINS NO PLOTTABLE ITEMS)

d. Electric Easement granted to Bluebonnet Electric Cooperative, Inc., by instrument recorded in/under Volume 5183, Page 258 of the Official Public Records, Hays County, Texas.
(AFFECTS THE SUBJECT PROPERTY – PLOTTED AND SHOWN HEREON)

e. And and all easements, building lines, and conditions and covenants as recorded in/under Volume 17, Page 231 of the Plat Records of Hays County, Texas.
(AFFECTS THE SUBJECT PROPERTY – PLOTTED AND SHOWN HEREON)

MISCELLANEOUS NOTES:

1. There is direct access to the subject property via Interstate 35 Frontage Road, being a public right-of-way.
2. With regard to Table A Item 11, an 811 utility locate request was made and markings found at the site, if any, have been noted. All underground utilities may not be shown and markings found at the site may not depict underground features accurately. Lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response.
3. The posted address on site is 3936 South Interstate 35 and Centerpoint, San Marcos, Texas.
4. At the time of this survey, there was no observable surface evidence of earth moving work, building construction or building additions within recent months.
5. At the time of this survey, there was no observable evidence of the subject property being used as a solid waste dump, sump or sanitary landfill.
6. At the time of this survey, there was no observable evidence of any recent changes in street right-of-way lines either completed or proposed, and available from the controlling jurisdiction.
7. At the time of this survey, there was no observable evidence of any recent street or sidewalk construction or repairs.
8. The Property surveyed and shown hereon is the same property described in Schedule A of Stewart Title Guaranty Company Title Commitment No. 17000331259 with an effective date of May 4, 2017.
9. Table A Item 21(d): Appurtenant easements as referenced in Schedule B of the Title Commitment are plotted on the face of the survey (where plottable).
10. The improvements shown hereon were not depicted from Rectified Orthophotography.
11. All walls are plumb and do not extend over the boundary line.

BASIS OF BEARING:

The basis for all bearings shown hereon is the southeast line of subject property, known as being S 43°35'28" W, per Volume 17, Page 231 of the Map/Plat Records of Hays County, Texas.

SURVEYOR'S OBSERVATIONS:

At the time of this survey, there was no visible evidence of encroachments or visitation.

FLOOD ZONE:

By scaled map location and graphic plotting only, the subject property appears to lie partially in Zone X-Unshaded (Areas determined to be outside the 0.2% annual chance floodplain), partially in Zone X-Shaded (Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood), & partially in Zone AE (Special Flood Hazard Area; Base flood elevations determined) according to the Flood Insurance Rate Map for the County of Hays, State of Texas, Community Panel No. 48209C0470F, Effective Date September 2, 2005.

ZONING:

Zoning Classification: CC (General Commercial District)
Current Use: Gas Station
Permitted Use: Permitted by Right; §4.3.1.2
Building Setbacks: Front=20', Side=0' (Interior), 15' (Corner), Rear=0'
Maximum Building Height: None
Parking Ratio: Retail and other commercial uses outside the central business area, unless otherwise described in this Section, including but not limited to department stores, clothing stores, grocery stores, pharmacies, convenience stores, bookstores, auto parts stores, general merchandise stores, business support services, laundry services, product repair services, barber and beauty shops, etc.
1 space per 250 sf GFA
6,820 sf/250 sf
27.28 spaces required

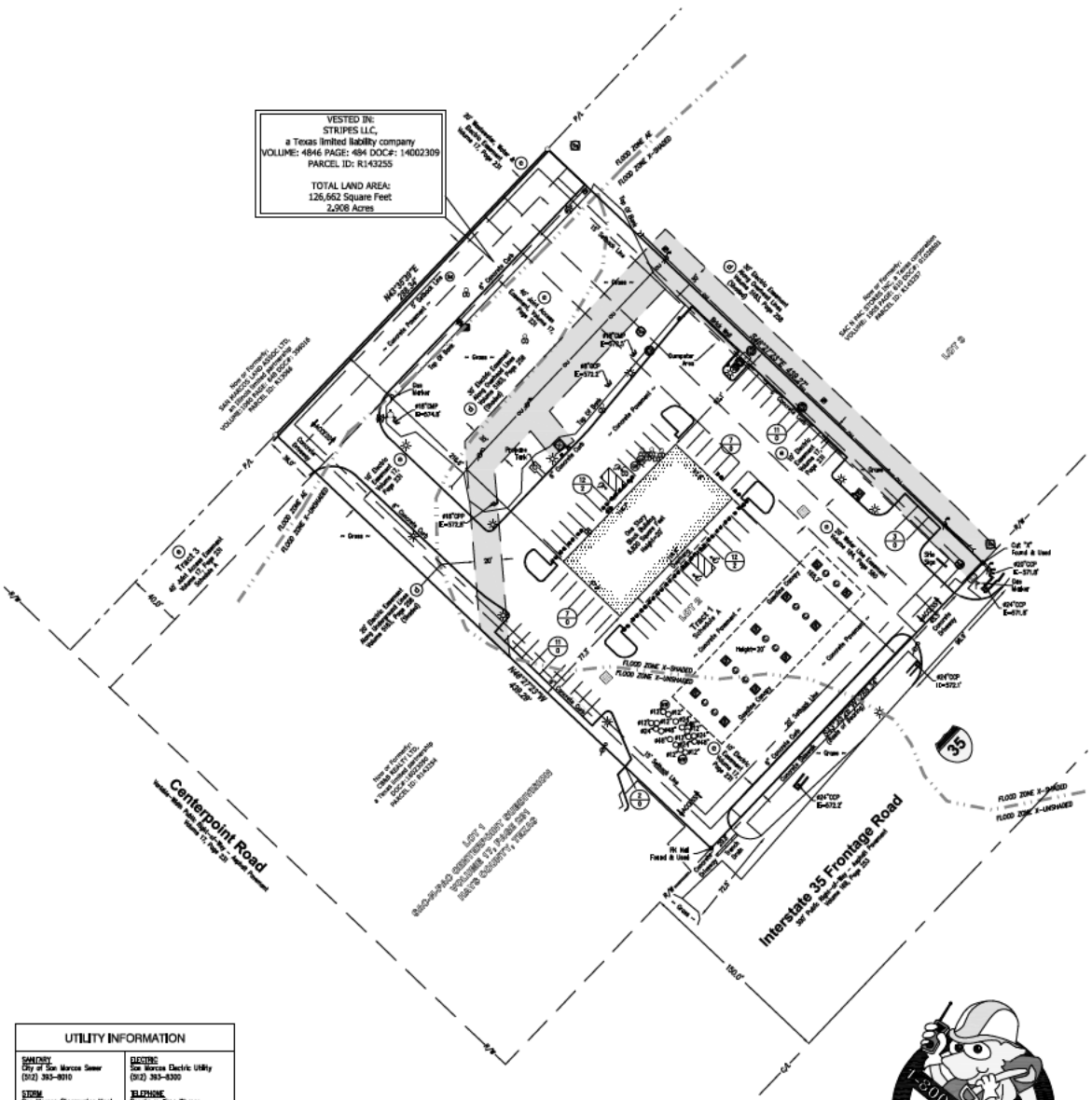
This zoning information is taken from a zoning report compiled by Millman National Land Services under MZ #15718, dated July 14, 2017.

PARKING:

69 Parking Spaces
4 Handicapped Spaces
69 Total Parking Spaces

TOTAL LAND AREA:

126,662 Square Feet
2.908 Acres



UTILITY INFORMATION

SANITARY City of San Marcos Sewer (512) 393-8010	ELECTRIC San Marcos Electric Utility (512) 393-8300
STORM San Marcos Stormwater Mngt. (512) 393-8010	TELEPHONE Spectrum Time Warner (877) 262-9144
WATER City of San Marcos Water (512) 393-8010	CABLE T.V. Spectrum Time Warner (877) 262-9144
GAS CenterPoint Energy (800) 427-7142	FIBEROPTIC Spectrum Time Warner (877) 262-9144

VICINITY MAP
NOT TO SCALE

SYMBOL LEGEND

- R/W – Right-of-Way
- P/L – Adjoiner Property Line
- C/L – Centerline
- ● – Monumentation Found as Noted
- ○ – 5/8" Iron Pin w/Cap Set Stamped "MILLMAN 3303420723"
- 10 / 90 – No. of Regular Parking Spaces / No. of Handicap Parking Spaces
- – Handicap Space
- – Curb Inlet Basin w/ Grate
- – Catch Basin
- – Cleanout
- – Sanitary Manhole
- – Fire Hydrant
- – Water Valve
- – Water Meter
- – Bollard Post
- – Sign
- – Water Vault
- – Irrigation Control Valve
- – Gas Meter
- – Monitoring Well
- – Electric Box
- – Cable T.V. Pedestal
- – Electric Transformer
- – Groove Manhole
- – Cable TV Vault
- – Water Meter
- – Cable T.V. Pedestal
- – Utility Vault
- – Underground Utility Marker
- – Air Pump
- – Gas Pump
- – Canopy Support Post
- – Light Pole
- – Utility Pole
- – Guy Wire
- – Wall (As Noted)
- – Concrete Area
- – No Parking Area
- – Building Area
- – Shaded Easement Area

CERTIFICATION:

To: 7-Eleven, Inc., a Texas corporation, its successors and assigns; Sunoco LP, a Texas Limited Partnership, its successors and assigns; Stripes LLC, its successors and assigns; and Stewart Title Guaranty Company, its successors and assigns as follows:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Millman Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1 (except in States that require record monument plotting), 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 15, 16, 17, 20 and 21(a) of Table A thereof. The field work was completed on July 7, 2017.

Date of Plat or Map: July 10, 2017.

By: _____
Lee Bond, RPLS
Texas Registered Professional Land Surveyor No. 5763
For and on behalf of Millman Surveying, Inc.

REVISION HISTORY

BY:	DATE:	COMMENT:
FGB	8/16/2017	CLIENT COMMENTS & REVISED TITLE
FGB	8/18/2017	ZONING & UTILITY INFORMATION
FGB	11/8/2017	EXCEPTION 10-D PLOTTED
SMS	01/24/2018	CERTIFICATION

millman
National Land Services
Transforming the Industry
Surveying
Zoning
Environmental
Real Support - Title Review

Millman Surveying, Inc.
Corporate Headquarters
4111 Bradley Circle NW
Canton, OH 44718
Phone: 800-520-1010
Fax: 330-342-0834
www.millmanland.com

ALTA/NSPS LAND TITLE SURVEY PREPARED FOR:

7-ELEVEN, INC.
3200 Hackberry Road
Irving, Texas 75063

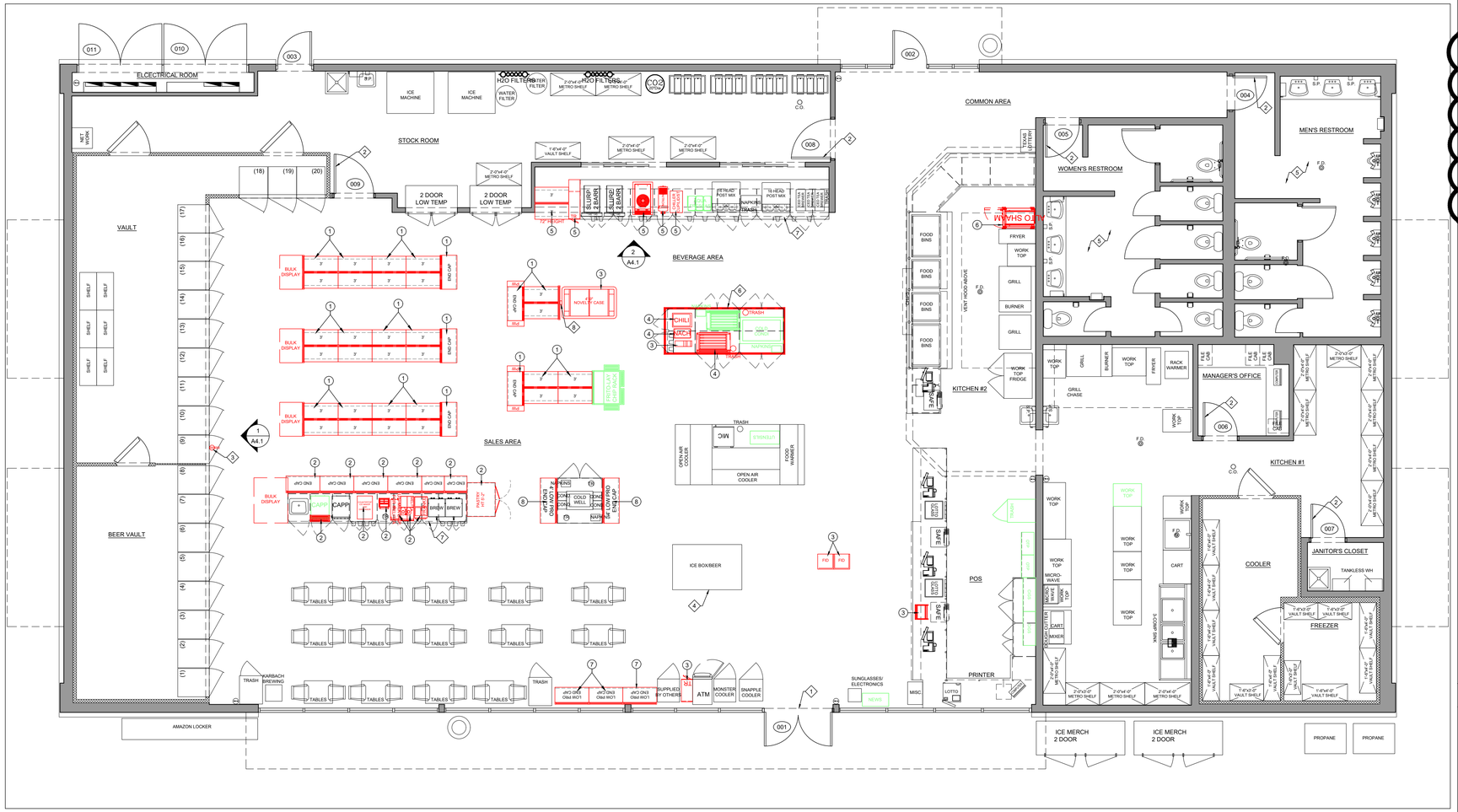
7-Eleven #40576
Sunoco #832
3936 S. IH 35 and Centerpoint
City of San Marcos
County of Hays
State of Texas

NORTH
GRAPHIC SCALE
0 40' 80'
1 INCH = 40 FT.

Surveyor's Seal

Sheet No. 1 of 1

MSI Project No. 40693
PC: CLA
PM: EPS Drafter: JLO



1 PROPOSED NOTED FLOOR PLAN

SCALE: 3/16" = 1'- 0"

CONSTRUCTION KEY NOTES

1. INSTALL NEW DOOR ANNOUNCER, WEATHER STRIPPING, AND SWEEPS
2. PAINT INTERIOR DOORS AND FRAMES
3. INSTALL NEW OUTLET IN CEILING FOR FUTURE CLOCK & TRISTRIPE CENTERED ABOVE VAULT DOORS; SEE DETAIL 1/A4.1
4. ADD VINYL WRAP ON BEER BINS/ICE DOWNS
5. DEEP CLEAN AND CAULK WOMEN'S AND MEN'S RESTROOMS
6. INSTALL NEW COUNTER TOP ON SALSA BAR; PROVIDE CUTOUTS FOR RELOCATED SALSA COLD WELL, NAPKINS, AND TRASH HOLES
7. PAINT ALL EXISTING CABINETS
8. INSTALL NEW POWER POLE
10.

EQUIPMENT KEY NOTES

1. INSTALL NEW T-SECTIONS, ENDSCREENS, END CAPS, AND EXTENDERS ON ALL T-SECTIONS AND ENDCAPS
2. INSTALL NEW SOLID BACK END CAPS, PASTRY, FRANKE, TEA MERCH, COUNTER TOP ICE DISPENSER, MILK DISPENSER, DRIP PAN, AND MELITTA
3. INSTALL (2) NEW FID DISPLAYS, MULTI-DAY BAKERY RACK, 1'-0" TRASH, NOVELTY CASE, AND HEINZ CONDIMENT RACK
4. INSTALL NEW 3'-0" ROLLER GRILL, CHILI, AND NACHO
5. INSTALL NEW CHILLER CUP/LID/STRAW, NITRON, FROZEN COFFEE UNIT, 1'-0" TRASH, AND T-SECTION AT 72" HEIGHT.
6. INSTALL NEW ALTO SHAAM, COOLING RACK, AND SMALL WARES
7. INSTALL NEW 3' LOW PRO ENDCAPS
8. INSTALL NEW 4' LOW PRO ENDCAPS
10.

WALL/FLOOR LEGEND

- EXISTING WALL
- NEW 3 5/8" 20GA METAL STUD WALL TO 6" ABOVE FINISH CEILING WITH 5/8" GYP. BD. APPLIED BOTH SIDES (UNLESS NOTED OTHERWISE).
- EXISTING VAULT WALL

LINE TYPE LEGEND

- NEW CONDITIONS
- RELOCATE EXISTING CONDITIONS (WITHIN STORE)
- RELOCATE EXISTING CONDITIONS (ANOTHER OUTSIDE LOCATION)
- EXISTING CONDITIONS

1 A/E REVISION
1 FIELD REVISION
1 CODE REVISION

DATE	REV#	SUMMARY	INITIAL
06-07-2019	5	CONSTRUCTION SET	LAH
06-15-2019	6	SITE NOTES REVISED	ANM
07-31-2019	7	FINISH CHANGES	LBL
08-19-2019	8	ALTO SHAAM ADD	DEV
08-21-2019	9	DUMPSTER ENCLOSURE	ANM
08-23-2019	10	FOOTPRINT REVISED	ANM

7-ELEVEN
STORE # 40576
3936 SOUTH IH 35
SAN MARCOS, TX 78666

SOS Retail Services, LLC
201 Rosa Helm Way I Franklin, TN. I 37067
Phone: 615.550.4343 I Fax 615.550.4364

REGISTERED ARCHITECT DOUGLAS E. DEVORE 23435 STATE OF TEXAS
06-14-2019
SEAL

SOS RETAIL SERVICES

Store Number 40576
Scale 3/16" = 1'-0"
DRAWN BY: LAH
CHECKED BY: DEV
Date 11-08-2018
Sheet 6 OF 10

A1.1

Original BREAKFAST TACOS

2/$2 Singles $1.19
ADD-ONS: 39¢ EACH

BACON & EGG 540 cal
POTATO & EGG 510 cal
CHORIZO & EGG 530 cal
BEAN & CHORIZO 505 cal
BEAN & CHEESE 470 cal
HAM & EGG 530 cal

Add Ons 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · BACON 45 cal · SALSA RANCHERA 15 cal

Specialty BREAKFAST

POTATO & CHORIZO 490 cal
SAUSAGE & EGG 530 cal
CHICHARRON 500 cal
HUEVOS A LA MEXICANA 510 cal
MACHACADO CON HUEVO 560 cal

2/$3 Singles $1.79
ADD-ONS: 39¢ EACH

BARBACOA 740 cal $2.49
BREAKFAST PLATE 1020-1140 cal $3.49
• Served *with* two sides and a tortilla

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

LAREDO TACO COMPANY

TACOS

BEEF FAJITA 400 cal
CHICKEN FAJITA 380 cal
CARNITAS BRAVAS 570 cal
CARNITAS 540 cal
CARNE GUISADA 450 cal
PICADILLO 430 cal
MOLLEJAS 570 cal

$2.19 per TACO
ADD-ONS: 39¢ EACH

FAJITA QUESADILLAS 710-730 cal $3.79
(BEEF OR CHICKEN)
FAJITA NACHOS 830-850 cal..... $4.99
(BEEF OR CHICKEN)
CHIPS & QUESO 520 cal $1.99

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

PLATES

SERVED WITH TWO SIDES AND A TORTILLA

BEEF FAJITA 820-900 cal
CHICKEN FAJITA 780-860 cal
CARNE GUISADA 920-1000 cal
PICADILLO 880-960 cal
CARNITAS 1100-1180 cal
CARNITAS BRAVAS 1160-1240 cal
HALF CHICKEN 1560-1640 cal
MOLLEJAS 1160-1240 cal
3 PC CHICKEN TENDERS 1000-1080 cal

$4.69 per PLATE
ADD-ONS: 39¢ EACH

TACO PLATE 1060-1865 cal $5.49
• Choice *of* two tacos and two sides
ENCHILADAS 1140-1310 cal $4.25

ADD-ONS: 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · JALAPEÑOS 15 cal · QUESO 60 cal

LAREDO

Original BREAKFAST TACOS

BACON & EGG 540 cal
POTATO & EGG 510 cal
CHORIZO & EGG 530 cal
SAUSAGE & EGG 530 cal
BEAN & CHEESE 470 cal

$1.19 per TACO
ADD-ONS: 39¢ EACH

Add Ons 39¢ EACH

BEANS · CHEESE · BACON
60 cal · 110 cal · 45 cal

Specialty BREAKFAST

POTATO & CHORIZO 490 cal
CHICHARRON 500 cal
HUEVOS A LA MEXICANA 510 cal

$1.79 per TACO
ADD-ONS: 39¢ EACH

BARBACOA 740 cal $2.49
BREAKFAST PLATE 1020-1140 cal $3.49
• Served *with* two sides and a tortilla

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

LAREDO TACO COMPANY

TACOS

BEEF FAJITA 400 cal
CHICKEN FAJITA 380 cal
CARNITAS BRAVAS 570 cal
CARNITAS 540 cal
CARNE GUISADA 450 cal
PICADILLO 430 cal

$2.19 per TACO
ADD-ONS: 39¢ EACH

FAJITA QUESADILLAS 710-730 cal $3.79
(BEEF OR CHICKEN)
FAJITA NACHOS 830-850 cal..... $4.99
(BEEF OR CHICKEN)
CHIPS & QUESO 520 cal $1.99

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

PLATES

SERVED WITH TWO SIDES AND A TORTILLA

BEEF FAJITA 820-900 cal
CHICKEN FAJITA 780-860 cal
CARNE GUISADA 920-1000 cal
PICADILLO 880-960 cal
CARNITAS 1100-1180 cal
CARNITAS BRAVAS 1160-1240 cal
HALF CHICKEN 1560-1640 cal
3 PC CHICKEN TENDERS 1000-1080 cal

$4.69 per PLATE
ADD-ONS: 39¢ EACH

TACO PLATE 1060-1865 cal $5.49
• Choice *of* two tacos and two sides
ENCHILADAS 1140-1310 cal $4.25

ADD-ONS: 39¢ EACH

BEANS · CHEESE · JALAPEÑOS · QUESO
60 cal · 110 cal · 15 cal · 60 cal

REGION 100-200

REGION 100-200 LITE

Original BREAKFAST TACOS

$1.19 per TACO
ADD-ONS: 39¢ EACH

BACON & EGG 540 cal
POTATO & EGG 510 cal
CHORIZO & EGG 530 cal
BEAN & CHORIZO 505 cal
BEAN & CHEESE 470 cal
HAM & EGG 530 cal

Add Ons 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · BACON 45 cal · SALSA RANCHERA 15 cal

Specialty BREAKFAST

$1.79 per TACO
ADD-ONS: 39¢ EACH

POTATO & CHORIZO 490 cal
SAUSAGE & EGG 530 cal
CHICHARRON 500 cal
HUEVOS A LA MEXICANA 510 cal
MACHACADO CON HUEVO 560 cal

BARBACOA 740 cal $2.49
BREAKFAST PLATE 1020-1140 cal $3.49
• Served *with* two sides and a tortilla

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

LAREDO TACO COMPANY

TACOS

$2.19 per TACO
ADD-ONS: 39¢ EACH

BEEF FAJITA 400 cal
CHICKEN FAJITA 380 cal
CARNITAS BRAVAS 570 cal
CARNITAS 540 cal
CARNE GUISADA 450 cal
PICADILLO 430 cal
ASADO DE PUERCO 510 cal
MOLLEJAS 570 cal

FAJITA QUESADILLAS 710-730 cal $3.79
(BEEF OR CHICKEN)
FAJITA NACHOS 830-850 cal $4.99
(BEEF OR CHICKEN)
CHIPS & QUESO 520 cal $1.99

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

PLATES

SERVED WITH TWO SIDES AND A TORTILLA

$4.69 per PLATE
ADD-ONS: 39¢ EACH

BEEF FAJITA 820-900 cal
CHICKEN FAJITA 780-860 cal
CARNE GUISADA 920-1000 cal
CARNITAS 1100-1180 cal
CARNITAS BRAVAS 1160-1240 cal
ASADO DE PUERCO 1040-1120 cal
PICADILLO 880-960 cal
HALF CHICKEN 1560-1640 cal
MOLLEJAS 1160-1240 cal
3 PC CHICKEN TENDERS 1000-1080 cal

TACO PLATE 1060-1865 cal $5.49
• Choice *of* two tacos and two sides
ENCHILADAS 1140-1310 cal $4.25

ADD-ONS: 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · JALAPEÑOS 15 cal · QUESO 60 cal

REGION 300

REGION 300-400-500 LITE

Original BREAKFAST TACOS

$1.19 per TACO
ADD-ONS: 39¢ EACH

BACON & EGG 540 cal
POTATO & EGG 510 cal
CHORIZO & EGG 530 cal
BEAN & CHORIZO 505 cal
BEAN & CHEESE 470 cal
HAM & EGG 530 cal

Add Ons 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · BACON 45 cal · SALSA RANCHERA 15 cal

Specialty BREAKFAST

$1.79 per TACO
ADD-ONS: 39¢ EACH

POTATO & CHORIZO 490 cal
SAUSAGE & EGG 530 cal
CHICHARRON 500 cal
HUEVOS A LA MEXICANA 510 cal
MACHACADO CON HUEVO 560 cal

BARBACOA 740 cal $2.49
BREAKFAST PLATE 1020-1140 cal $3.49
• Served *with* two sides and a tortilla

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

LAREDO TACO COMPANY

TACOS

$2.19 per TACO
ADD-ONS: 39¢ EACH

BEEF FAJITA 400 cal
CHICKEN FAJITA 380 cal
CARNITAS BRAVAS 570 cal
CARNITAS 540 cal
CARNE GUISADA 450 cal
PICADILLO 430 cal
MOLLEJAS 570 cal

FAJITA QUESADILLAS 710-730 cal $3.79
(BEEF OR CHICKEN)
FAJITA NACHOS 830-850 cal $4.99
(BEEF OR CHICKEN)
CHIPS & QUESO 520 cal $1.99

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

PLATES

SERVED WITH TWO SIDES AND A TORTILLA

$4.69 per PLATE
ADD-ONS: 39¢ EACH

BEEF FAJITA 820-900 cal
CHICKEN FAJITA 780-860 cal
CARNE GUISADA 920-1000 cal
PICADILLO 880-960 cal
CARNITAS 1100-1180 cal
CARNITAS BRAVAS 1160-1240 cal
HALF CHICKEN 1560-1640 cal
MOLLEJAS 1160-1240 cal
3 PC CHICKEN TENDERS 1000-1080 cal

TACO PLATE 1060-1865 cal $5.49
• Choice *of* two tacos and two sides
ENCHILADAS 1140-1310 cal $4.25

ADD-ONS: 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · JALAPEÑOS 15 cal · QUESO 60 cal

REGION 400

Original BREAKFAST TACOS

$1.19 per TACO
ADD-ONS: 39¢ EACH

BACON & EGG 540 cal
POTATO & EGG 510 cal
CHORIZO & EGG 530 cal
BEAN & CHORIZO 505 cal
BEAN & CHEESE 470 cal
HAM & EGG 530 cal

Add Ons 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · BACON 45 cal · SALSA RANCHERA 15 cal

Specialty BREAKFAST

$1.79 per TACO
ADD-ONS: 39¢ EACH

POTATO & CHORIZO 490 cal
SAUSAGE & EGG 530 cal
CHICHARRON 500 cal
HUEVOS A LA MEXICANA 510 cal

BARBACOA 740 cal $2.49
BREAKFAST PLATE 1020-1140 cal $3.49
• Served *with* two sides and a tortilla

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

LAREDO TACO COMPANY

TACOS

$2.19 per TACO
ADD-ONS: 39¢ EACH

BEEF FAJITA 400 cal
CHICKEN FAJITA 380 cal
CARNITAS BRAVAS 570 cal
CARNITAS 540 cal
CARNE GUISADA 450 cal
PICADILLO 430 cal
MOLLEJAS 570 cal

FAJITA QUESADILLAS 710-730 cal $3.79
(BEEF OR CHICKEN)
FAJITA NACHOS 830-850 cal $4.99
(BEEF OR CHICKEN)
CHIPS & QUESO 520 cal $1.99

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

PLATES

SERVED WITH TWO SIDES AND A TORTILLA

$4.69 per PLATE
ADD-ONS: 39¢ EACH

BEEF FAJITA 820-900 cal
CHICKEN FAJITA 780-860 cal
CARNE GUISADA 920-1000 cal
PICADILLO 880-960 cal
CARNITAS 1100-1180 cal
CARNITAS BRAVAS 1160-1240 cal
HALF CHICKEN 1560-1640 cal
MOLLEJAS 1160-1240 cal
3 PC CHICKEN TENDERS 1000-1080 cal

TACO PLATE 1060-1865 cal $5.49
• Choice *of* two tacos and two sides
ENCHILADAS 1140-1310 cal $4.25

ADD-ONS: 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · JALAPEÑOS 15 cal · QUESO 60 cal

REGION 500

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.)**
   7-Eleven Inc.

2. **Owner of Business/Applicant (Name of Corporation, LLC, etc.)**
   7-Eleven New SSP Beverage, LLC

3. **Type of Owner**
   ☐ Corporation ■ Limited Liability Company ☐ Partnership
   ☐ Limited Partnership ☐ Limited Liability Partnership ☐ Other: _____

4. **Location Address**
   3936 S. Interstate 35

City	County	State	Zip Code
San Marcos	Hays	TX	78666

5. **Mailing Address**
   P.O. Box 139044

City	County	State	Zip Code
Dallas	Dallas	TX	75313-9044

6. **Business Telephone Number**: pending | **Alternate Telephone Number**: 972-828-6896 | **E-mail Address**: [redacted]

7. **Application for:**

■ Original	☐ Reinstatement	License/Permit Number	☐ Reinstatement and Change of Trade Name	License/Permit Number
	☐ Change of Location	License/Permit Number	☐ Change of Location and Trade Name	License/Permit Number

8A. Type of Off-Premise Retailer License/Permit:

☐	BF	Retail Dealer's Off-Premise License	☐	E	Local Cartage Permit	☐	P Package Store Permit
☐	BQ	Wine and Malt Beverage Retail Dealer's Off-Premise Permit	☐	ET	Third-Party Local Cartage Permit	☐	Q Wine Only Package Store
☐	LP	Local Distributor's Permit					

8B. Type of On-Premise Retailer License/Permit

☐	BE	Retail Dealer's On-Premise License	☐	E	Local Cartage Permit	☐	MB Mixed Beverage
☑	BG	Wine and Malt Beverage Retail Dealer's On-Premise Permit	☐	FB	Food and Beverage Certificate	☐	WP Waterpark Permit
☐	BP	Brewpub License	☐	LH	Late Hours Certificate		

8C. Type of Wholesaler's, Distributor's, or Manufacturer's License/Permit

☐	BB	General Distributor's License	☐	D	Distillers and Rectifiers Permit - allows on-premise consumption	☐	S Nonresident Seller's Permit
☐	BC	Branch Distributor's License	☐	DS	Out-of-State Winery Direct Shipper's Permit	☐	SD Brewer's Self-Distribution License
☐	BN	Nonresident Brewer's License	☐	G	Winery - allows on-premise consumption	☐	W Wholesaler's Permit
☐	BW	Brewer's License	☐	J	Bonded Warehouse	☐	X General Class B Wholesaler Permit
☐	JD	Bonded Warehouse (Dry Area)					

9. For On or OFF-Premise Applicants, Indicate Primary Business Type at this Location

☐ Bar	☐ Grocery/Market	☐ Package Store		☐ Sexually Oriented
☐ Civic Center	☐ Hotel	☐ Public Entertainment Fac. (PEF *as defined in Sec. 108.73*)		☐ Sporting Arena
■ Convenience Store	☐ Motel	☐ Racetrack		
☐ Delivery Company	☐ Movie Theater	☐ Restaurant		

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL Outside CBA)

Updated: August, 2023

CONTACT INFORMATION

Applicant's Name	Tim Ilaoa	**Property Owner**	7-Eleven Inc.
Company	2214 TLWP LLC	**Company**	
Applicant's Mailing Address	[redacted]	**Owner's Mailing Address**	[redacted]
Applicant's Phone #		**Owner's Phone #**	
Applicant's Email		**Owner's Email**	

PROPERTY INFORMATION

Subject Property Address: 3936 S IH 35 San Marcos TX

Zoning District: Retail **Tax ID #: R** 143255

Legal Description: **Lot** 2 **Block** _____ **Subdivision** Sac-N-Pac Centerpoint

Number of Parking Spaces: _____

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

DESCRIPTION OF REQUEST

Business Name: Stripes Store 40576H ☐ **Restaurant** ☐ **Bar** ☐ **Other:** Convenience Store with Gas and Laredo Taco

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

Hours of Operation(ex. Mon 12pm-1am): Mon 24 Hour/ 7 Days **Tue** _____ **Wed** _____

Thurs _____ **Fri** _____ **Sat** _____ **Sun** _____

Indoor Seating Capacity: 20 **Outdoor Seating Capacity:** 0 **Gross Floor Area:** 5,500

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 1,000* Technology Fee $15 ***TOTAL COST $1,015***

Renewal/Amendment Filing Fee $750* Technology Fee $15 ***TOTAL COST $765***

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

AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

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

- Notification Signs: 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.***

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.***

- 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 $150 plus a $15 technology fee.***

I have read the above statements and agree to the required public notification, 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 notification and public hearing and hereby submit the attached application for review by the City.

Signature: Tim Ilaoa Date: 4/6/26

Print Name: Tim Ilaoa

Form Updated March, 2023

PROPERTY OWNER AUTHORIZATION

I, James Baker (owner name) on behalf of

7-Eleven Inc (company, if applicable) acknowledge that I/we

am/are the rightful owner of the property located at

3936 S IH 35 San Marcos TX (address).

I hereby authorize Tim Ilaoa (agent name) on behalf of

2214 TLWP LLC (agent company) to file this application for

BG - Wine an Malt Bev. Retail Dealers On Premise (application type), and, if necessary, to work with

the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 4/6/2026

Printed Name, Title: James Baker, VP Tax & Licensing

Signature of Agent: _____ Date: 4/6/2026

Printed Name, Title: Tim Ilaoa

Form Updated October, 2019

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.

	CBA BAR	**CBA RESTAURANT**	**300 FEET OF SF USE**	**ALL REQUESTS**
Term	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.
Amplified Sound (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 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.
Amplified Sound (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.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (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.	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.
Background Sound (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.	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.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	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
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	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.
Posting	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.

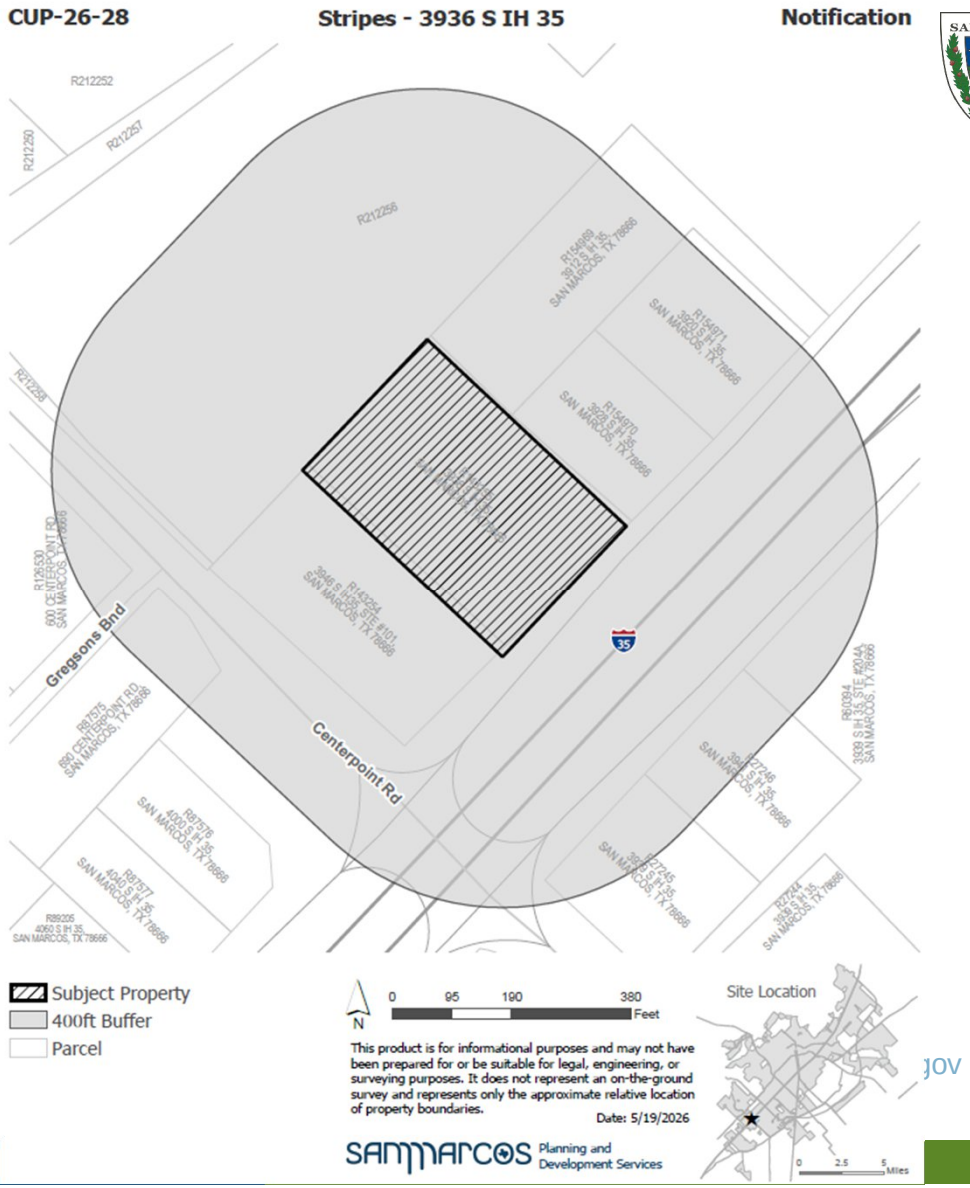
Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-28
Stripes

CUP-26-28 (Stripes) Hold a public hearing and consider a request by Tim Llaoa, on behalf of Stripes, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 3936 S IH 35. (K. Buck)

Property Information

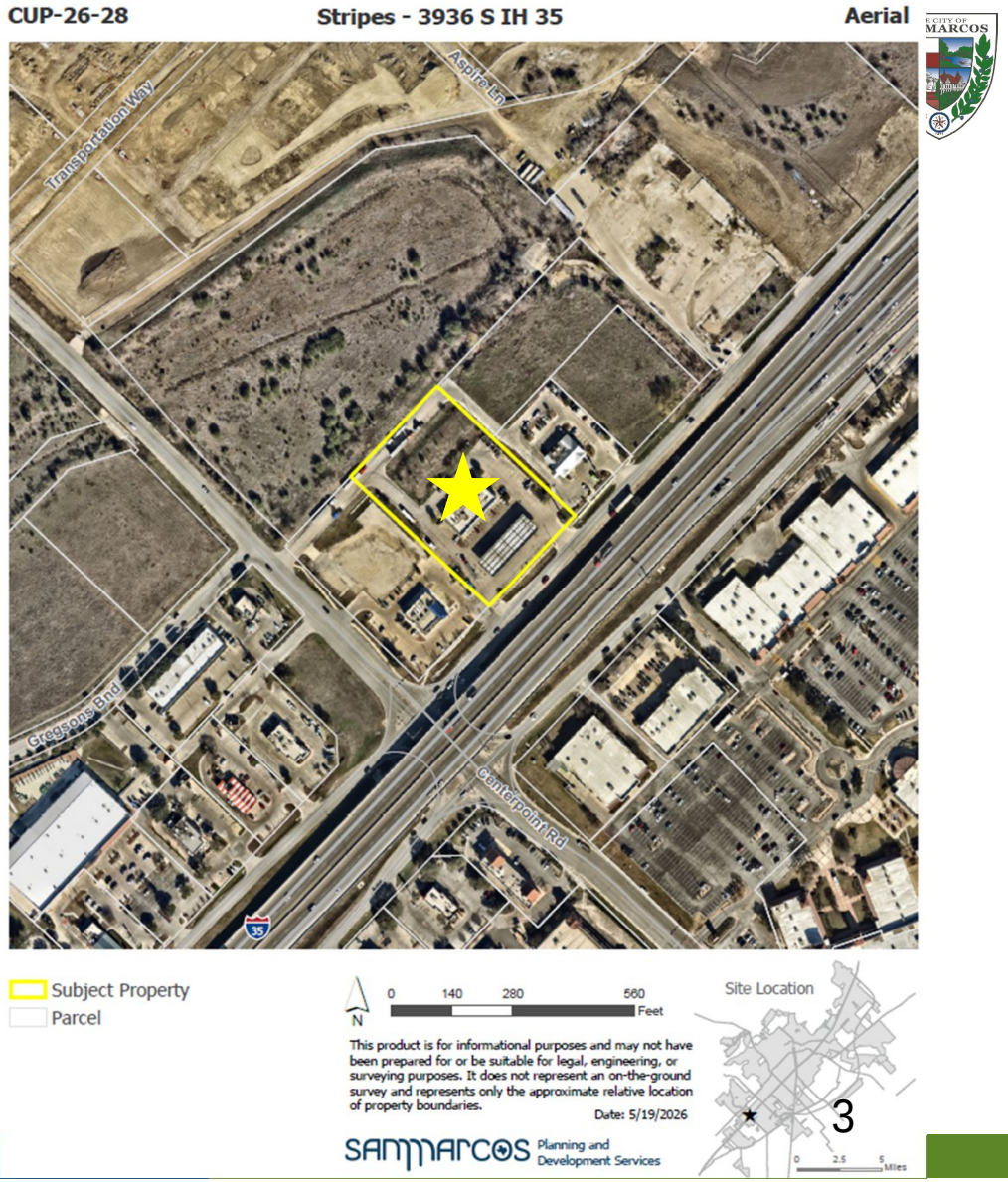
- Approximately 2.9 acres
- Location: Along IH 35 Frontage Road, approximately 250 feet North of Centerpoint Road



Context & History

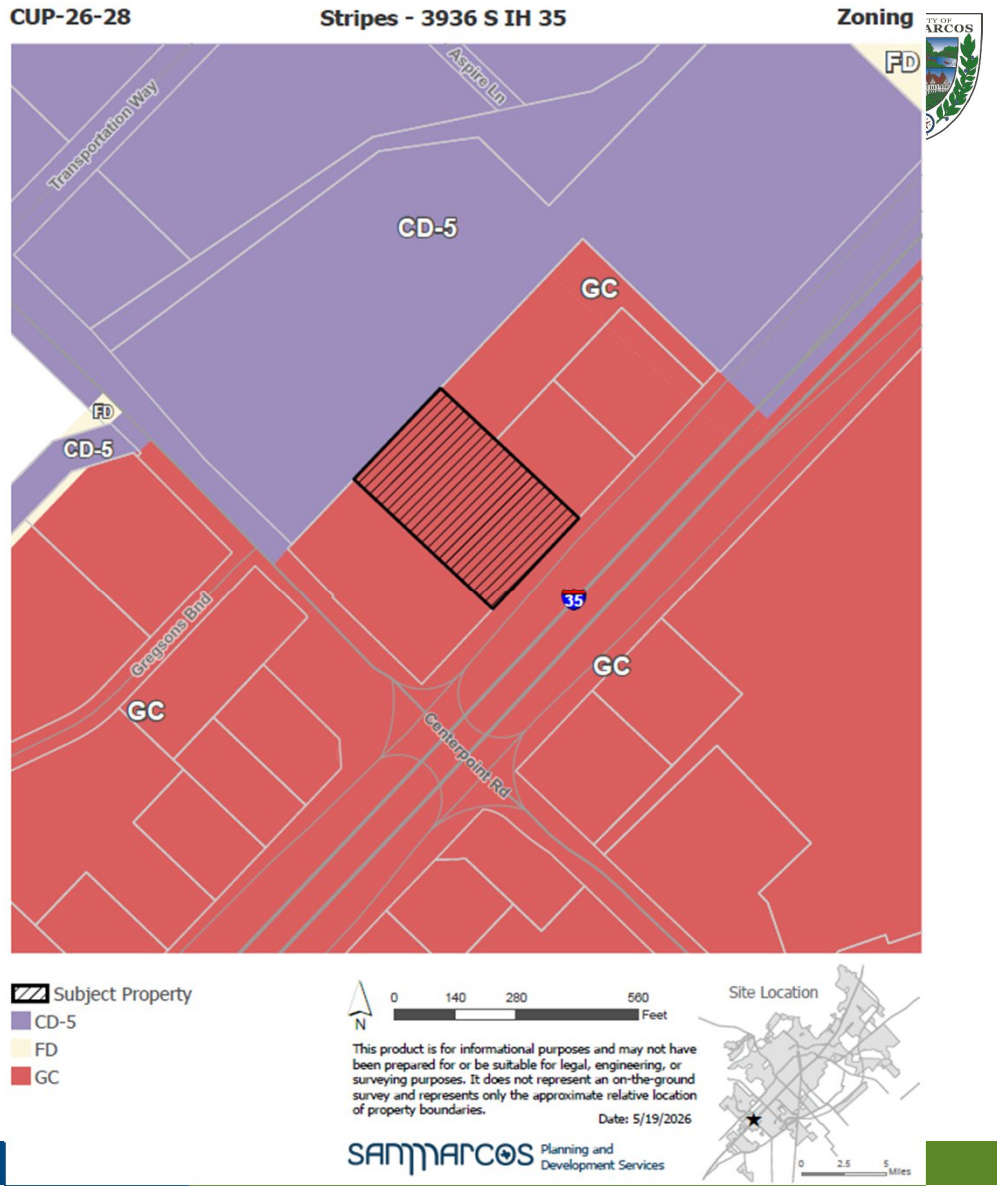
- Current Use: Convenience Store with Gas Sales

- Surrounding Uses:
  - Restaurants
  - Retail



Context & History

- **Existing Zoning:** General Commercial (GC)
- **Proposed Use:** Restaurant (Eating Establishment) with On-Premise Consumption of Alcohol
- **Hours of Operation:**
  - Mon-Sun: 24 Hours
- **CUP Expiration Date:** N/A this is a new request



Criteria for Approval

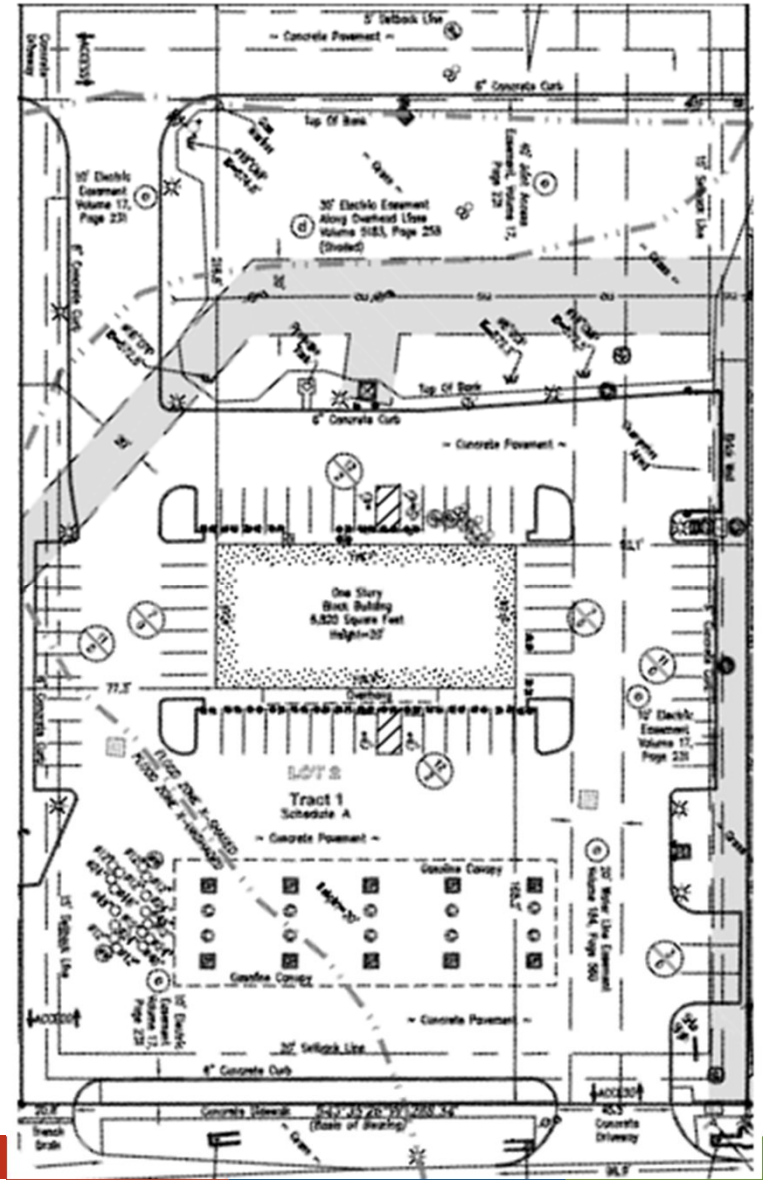
C	I	N/A	Criteria for Approval – Sec. 2.8.3.4
X			Aligns with the adopted comprehensive plan?
		N/A	Complies with any applicable small area plan or neighborhood studies?
X			Meets the purpose and intent of the current zoning district regulations?
		X	Preserves surrounding character and mitigates impacts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

Criteria for Approval

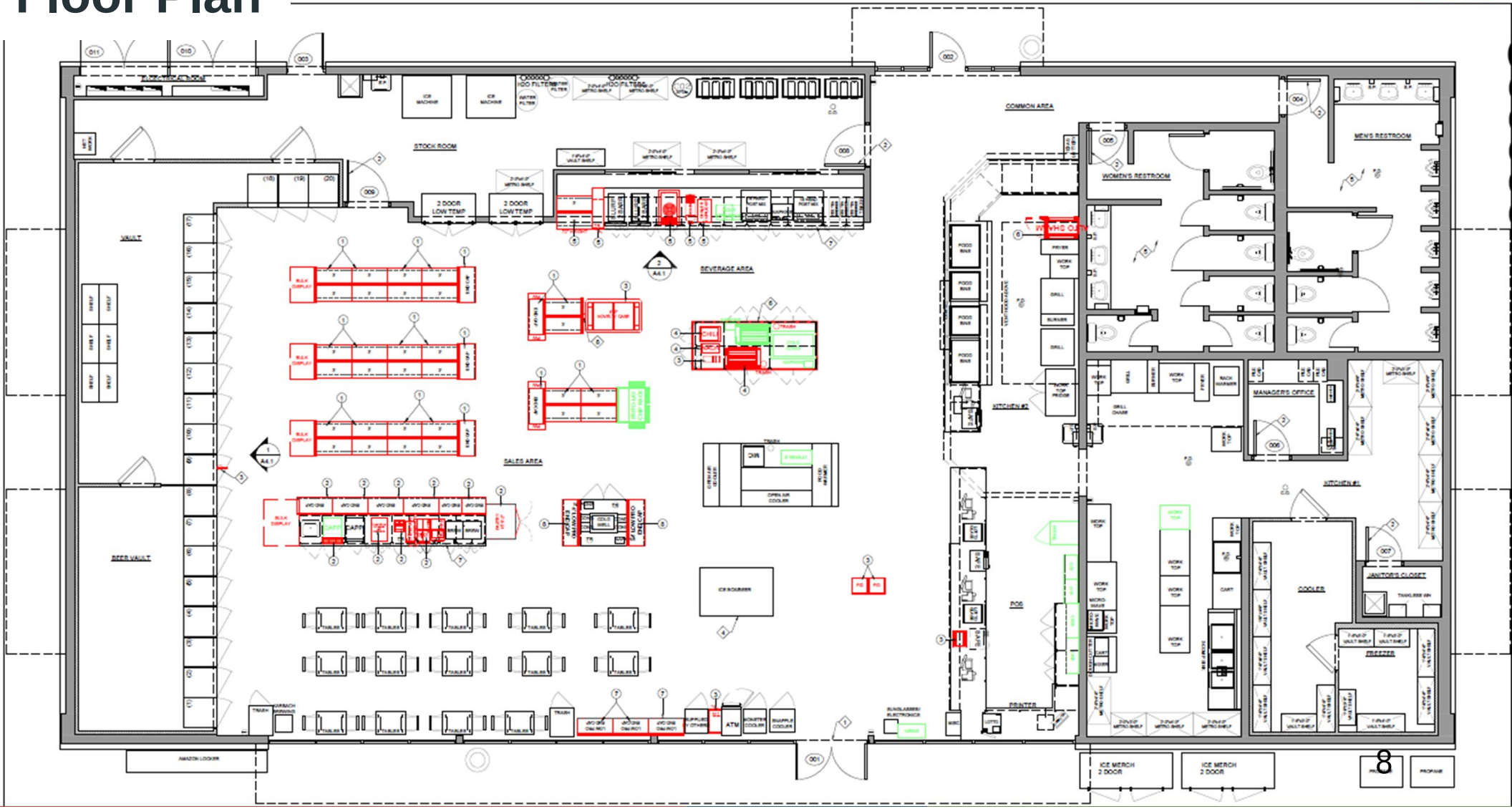
C	I	N/A	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

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

Site Plan


Concrete Pavement
6" Concrete Curb
Top Of Bank
30' Electric Easement Along Overhead Lines Volume 5183, Page 258 (Shaded)
10' Electric Easement Volume 17, Page 231
One Story Brick Building 6,820 Square Feet Height=20'
LOT 2
Tract 1
Schedule A
Gasoline Canopy
20' Setback Line
Concrete Driveway

Floor Plan


STOCK ROOM
VAULT
BEER VAULT
BEVERAGE AREA
SALES AREA
COMMON AREA
WOMEN'S RESTROOM
MEN'S RESTROOM
MANAGER'S OFFICE
KITCHEN #2
KITCHEN #1
COOLER
FREEZER
JANITOR'S CLOSET
POS
PRINTER
ICE MERCH 2 DOOR
ICE MERCH 2 DOOR
AMAZON LOCKER
2 DOOR LOW TEMP
2 DOOR LOW TEMP
8

Recommendation

Staff recommends **approval** of CUP-26-28 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on June 9, 2027, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
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.

Legislation Text

File #: CUP-26-29, **Version:** 1

AGENDA CAPTION:

CUP-26-29 (7-Eleven) Hold a public hearing and consider a request by Tim Llaoa, on behalf of 7-Eleven, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1550 N IH 35. (K. Buck)
Meeting date: June 9, 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:

N/A

N/A

N/A

Comprehensive Plan Element (s):

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan:

Choose an item.

Background Information:

The business currently holds a Wine and Beer Retailer's Off-Premise TABC Permit (BQ). A Certificate of Occupancy was issued in May of 2018 for the use of "Convenience Store with Gas Sales" on the subject property. The North portion of the building is a Restaurant, Laredo Taco Company. No tables are being proposed within or outside of the building.

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 the conditions related to noise added to this CUP.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** of CUP-26-29 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on June 9, 2027, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
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.

Conditional Use Permit	1550 N IH 35
CUP-26-29	7-Eleven

Summary

Request:	New Conditional Use Permit (CUP)		
Applicant:	Tim Llaoa 217 E Main St #819 Royse City, TX 75189	**Property Owner:**	MDC Coast 10 LLC 3200 Hackberry Rd Irving, TX 75063
CUP Expiration:	N/A	**Type of CUP:**	Beer & Wine (Outside CBA)
Interior Floor Area:	3,600 sq ft	**Outdoor Floor Area:**	N/A
Parking Required:	15 spaces	**Parking Provided:**	Yes
Days & Hours of Operation:	Monday-Sunday: 5am-6pm		

Notification

Posted:	May 22, 2026	**Personal:**	May 22, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1 in the Section 5 Interpark East Subdivision (1986)		
Location:	Southeast corner of Aquarena Springs Dr and IH 35 Frontage Road		
Acreage:	0.94 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	General Commercial (GC)	**Proposed Zoning:**	Same
Existing Use:	Convenience Store with Gas Sales	**Proposed Use:**	Same
Preferred Scenario:	Mixed Use Medium	**Proposed Designation:**	Same
CONA Neighborhood:	Two Rivers East	**Sector:**	6
Utility Capacity:	Adequate	**Floodplain:**	Yes
Historic Designation:	N/A	**My Historic SMTX Resources Survey:**	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Multiple Family Residential 12 (MF-12)	Health Service (San Marcos Rehabilitation & Health Care)	Neighborhood Medium
South of Property:	General Commercial (GC)	Restaurants (Chipotle, First Watch, Starbucks)	Mixed Use Medium
East of Property:	Multiple Family Residential 24 (MF-24)	Multi-Family (Autumn Chase)	Neighborhood High
West of Property:	General Commercial (GC)	Restaurants (Hawaii Bros, In-N-Out, Chic-Fil-A)	Commercial/Employment Medium

Conditional Use Permit	1550 N IH 35
CUP-26-29	7-Eleven

Staff Recommendation

	Approval as Submitted	X	**Approval with Conditions**		Denial

1. The permit shall be valid for one (1) year, and shall expire on June 9, 2027, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
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.

Staff: Kaitlyn Buck	**Title:** Planner	**Date:** June 3, 2026

History

This is a new request.

Additional Analysis

The business currently holds a Wine and Beer Retailer's Off-Premise TABC Permit (BQ). A Certificate of Occupancy was issued in May of 2018 for the use of "Convenience Store with Gas Sales" on the subject property. The North portion of the building is a Restaurant, Laredo Taco Company. No tables are being proposed within or outside of the building.

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 the conditions related to noise added to this CUP.

Comments from Other Departments

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

Conditional Use Permit	1550 N IH 35
CUP-26-29	7-Eleven

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		N/A	The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***The subject property is not located within a neighborhood character study area.***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
		X	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. ***The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.***
X			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.
		X	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. ***No improvements are being proposed as the subject structure is an existing development.***
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			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.
X			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.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
X			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

N

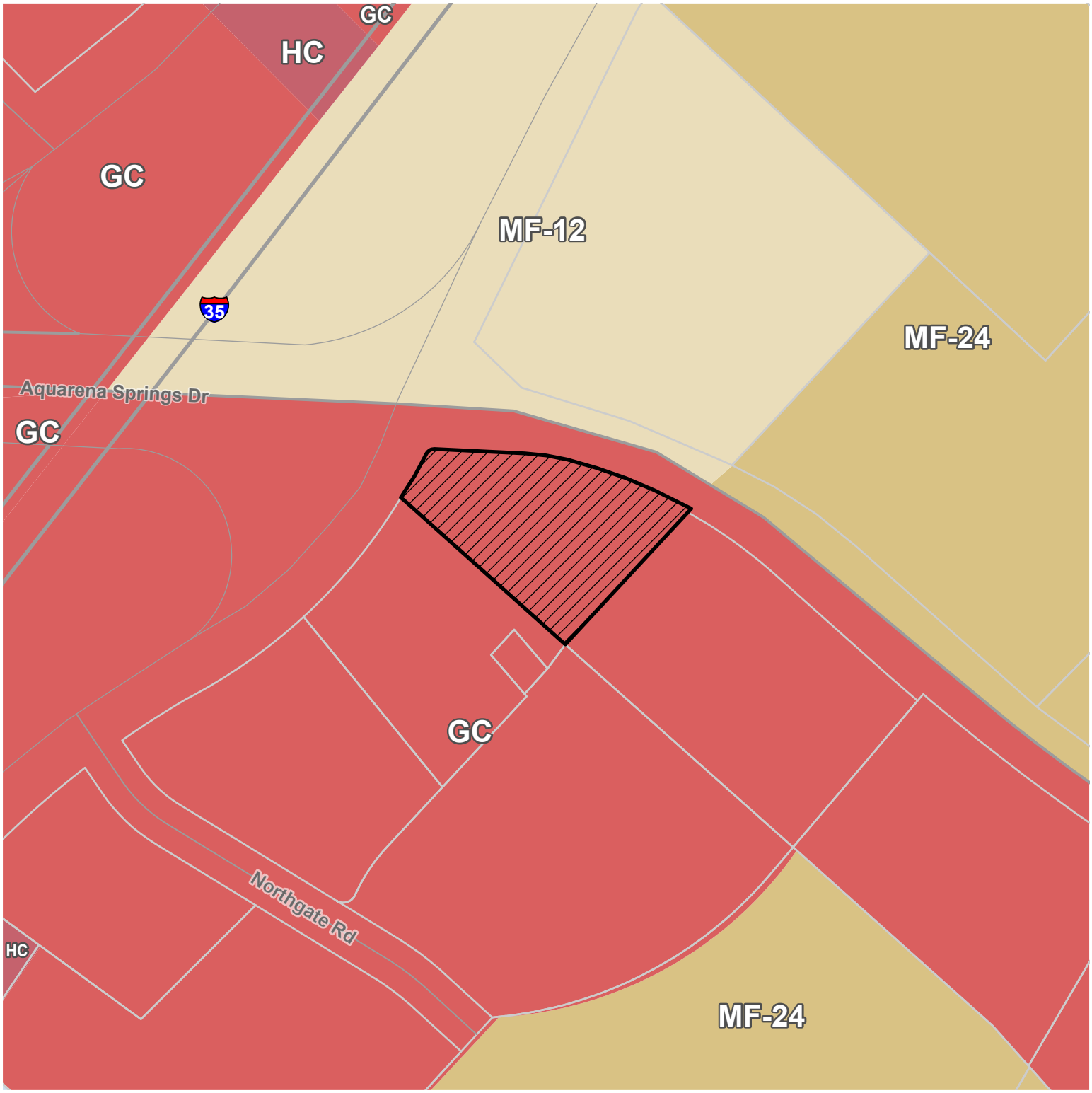
0 100 200 400 Feet

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

Date: 5/19/2026

SAN MARCOS Planning and Development Services

Site Location



Subject Property
GC
HC
MF-12
MF-24
P

N

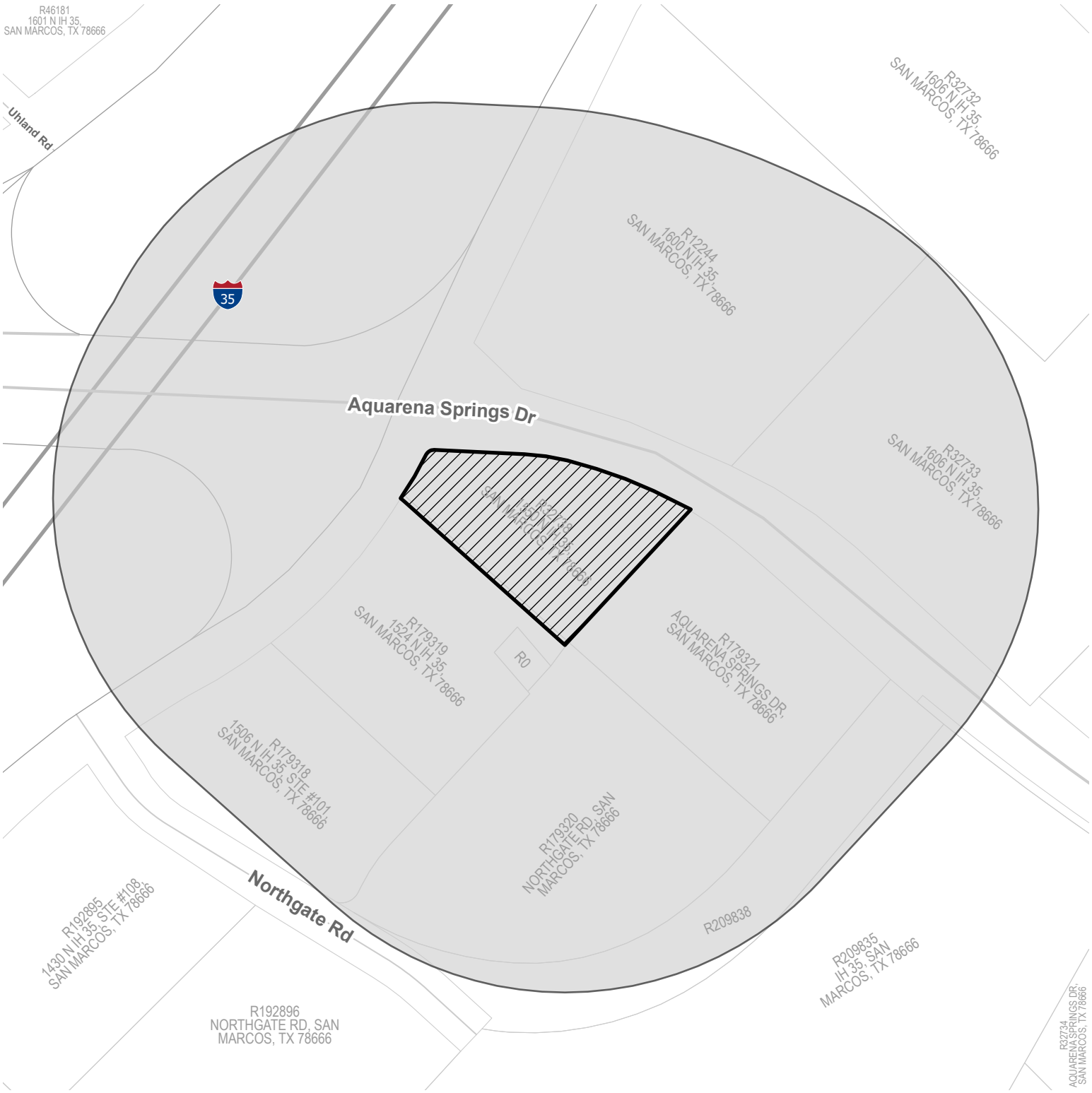
0 85 170 340 Feet

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: 5/19/2026

SAN MARCOS Planning and Development Services

Site Location



Subject Property
400ft Buffer
Parcel

N

0 85 170 340 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: 5/19/2026

SAN MARCOS Planning and Development Services

Site Location

05/22/2026 **CUP-26-29**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Beer & Wine
1550 N IH 35

CUP-26-29 (7-Eleven) Hold a public hearing and consider a request by Tim Llaoa, on behalf of 7-Eleven, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1550 N 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, June 9, 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 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

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-26-29.**

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

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

Notification List

Property ID	Name of Owner	Owner Mailing Address	Owner City/State/Zip	Site Address
179318	AQUARENA CROSSING 1B LTD	4314 MEDICAL PKWY, STE 200	AUSTIN, TX 78756-3332	1506 N IH 35, STE #101, SAN MARCOS, TX 78666
179320	AQUARENA SPRINGS LAND HOLDINGS LTD	4314 MEDICAL PKWY, STE 200	AUSTIN, TX 78756-3332	NORTHGATE RD, SAN MARCOS, TX 78666
179319	CFT NV DEVELOPMENTS LLC	1120 N TOWN CENTER DR, STE 150	LAS VEGAS, NV 89144-6303	1524 N IH 35, SAN MARCOS, TX 78666
12244	IVES HEALTH HOLDINGS LLC	P O BOX 128109	NASHVILLE, TN 37212-8109	1600 N IH 35, SAN MARCOS, TX 78666
32738	MDC COAST 9 LLC	11995 EL CAMINO REAL	SAN DIEGO, CA 92130	1550 N IH 35, SAN MARCOS, TX 78666
32733	ROSE-AUTUMN CHASE LP	8801 RIVER CROSSING BLVD, STE 340	INDIANAPOLIS, IN 46240-2394	1606 N IH 35, SAN MARCOS, TX 78666
209835	SMHA OPERATING PUBLIC FACILITY CORPORATION	1201 THORPE LN	SAN MARCOS, TX 78666-6508	IH 35, SAN MARCOS, TX 78666
	Neighborhood Rep Heidi Mckitrick	325 Durata	SAN MARCOS, TX 78666	
	Neighborhood Rep Michael Vernon	601 Barbara Drive	SAN MARCOS, TX 78666	
	Neighborhood Rep Ruah Gleason	909 Conway	SAN MARCOS, TX 78666	
	Neighborhood President Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666	
	CONA President Amy Thomaides	1131 W. MLK St	SAN MARCOS, TX 78666	

STEWART TITLE GUARANTY COMPANY
COMMITMENT NO. 17000331264 - SCHEDULE A:

Lot 1 of Section 5, Interpark East, an addition in Hays County, Texas, according to the map or plat thereof recorded in/under Volume 4, Page 246, of the Map/Plat Records of Hays County, Texas.

STEWART TITLE GUARANTY COMPANY
COMMITMENT NO. 17000331264 - SCHEDULE B, SECTION II:

Numbers correspond with survey-related Schedule B exception items contained in the above referenced Title Commitment.

10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):

b. Easement for Highway Purposes granted to the State of Texas, by instrument recorded in/under Volume 189, Page 379 of the Deed Records, Hays County, Texas, in the location shown on the survey dated July 3, 2017, last revised _____, prepared by Leo Bond (TX # 5793)
(AFFECTS THE SUBJECT PROPERTY – PLOTTED AND SHOWN HEREON)

c. Electric Easement granted to LCRA, by instrument recorded in/under Volume 191, Page 137 of the Deed Records, Hays County, Texas, in the location shown on the survey dated July 3, 2017, last revised _____, prepared by Leo Bond (TX # 5793)
(AFFECTS THE SUBJECT PROPERTY – PLOTTED AND SHOWN HEREON)

d. Electric Line Easement and Right of Way granted to LCRA, by instrument recorded in/under Volume 391, Page 723 of the Deed Records, Hays County, Texas, in the location shown on the survey dated July 3, 2017, last revised _____, prepared by Leo Bond (TX # 5793)
(AFFECTS THE SUBJECT PROPERTY – PLOTTED AND SHOWN HEREON)

e. Electric Easement granted to LCRA, by instrument recorded in/under Volume 120, Page 101 of the Deed Records, Hays County, Texas.
(AFFECTS THE SUBJECT PROPERTY – CONTAINS NO PLOTTABLE ITEMS)

f. Waterline Easement granted to the City of San Marcos, by instrument recorded in/under Volume 1513, Page 100 of the Official Public Records, Hays County, Texas.
(AFFECTS THE SUBJECT PROPERTY – PLOTTED AND SHOWN HEREON)

g. All easements and building set back lines as shown by plat recorded in/under Volume 4, Page 246 of the Plat Records of Hays County, Texas.
(AFFECTS THE SUBJECT PROPERTY – PLOTTED AND SHOWN HEREON)

h. The Plat recorded in Volume 4, Page 246 of the Plat Records of Hays County, Texas states (i) that sidewalks are required along the I-35 frontage road and Aquarena Springs Drive at the time of construction of improvements and (ii) that a protion of the tract is Zones A and C according to the FEMA Flood Insurance Rate Map.
(AFFECTS THE SUBJECT PROPERTY – CONTAINS NO PLOTTABLE ITEMS)

i. The possible righs of others in the Gravel Road Crossing the property along the west corner as shown on the Plat recorded in Volume 4, Page 246 of the Plat Records of Hays County, Texas, in the location shown on the survey dated July 3, 2017, last revised _____, prepared by Leo Bond (TX # 5793)
(AFFECTS THE SUBJECT PROPERTY – PLOTTED AND SHOWN HEREON)

j. Waterline Easement recorded under Clerk's File No. 9905993, of Official Records, Hays County, Texas, in the location shown on the survey dated July 3, 2017, last revised _____, prepared by Leo Bond (TX # 5793)
(AFFECTS THE SUBJECT PROPERTY – PLOTTED AND SHOWN HEREON)

MISCELLANEOUS NOTES:

1. There is direct access to the subject property via Interstate 35 Frontage Road and Aquarena Springs Drive, both being public right-of-ways.
2. With regard to Table A Item 11, an 811 utility locate request was made and markings found at the site, if any, have been noted. All underground utilities may not be shown and markings found at the site may not depict underground features accurately. Lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response.
3. The posted address on site is 1550 Interstate 35 North, San Marcos, Texas.
4. At the time of this survey, there was no observable surface evidence of earth moving work, building construction or building additions within recent months.
5. At the time of this survey, there was no observable evidence of the subject property being used as a solid waste dump, sump or sanitary landfill.
6. At the time of this survey, there was no observable evidence of any recent changes in street right-of-way lines either completed or proposed, and available from the controlling jurisdiction.
7. At the time of this survey, there was no observable evidence of any recent street or sidewalk construction or repairs.
8. The Property surveyed and shown hereon is the same property described in Schedule A of Stewart Title Guaranty Company Title Commitment No. 17000331264 with an effective date of May 4, 2017.
9. Table A Item 21(a): Appurtenant easements as referenced in Schedule B of the Title Commitment are plotted on the face of the survey (where plottable).
10. The improvements shown hereon were not depicted from Rectified Orthophotography.
11. All walls are plumb and do not extend over the boundary line.

BASIS OF BEARING:

The basis for all bearings shown hereon is the Southwest boundary line, known as being S47°43'09"E, per Volume 4, Page 246, of the Hays County Records.

SURVEYOR'S OBSERVATIONS:

(A) Subject's Site Sign appears to lie a maximum distance of 0.82 feet over the Southeast property line.

(B) Sidewalk appears to lie a maximum distance of 1.79 feet over the Northern property line.

(C) Building appears to lie a maximum distance of 25.7 feet over shown Easement Lines.

FLOOD ZONE:

By scaled map location and graphic plotting only, the subject property appears to lie partially in Zone AE (Special Flood Hazard Area; Base flood elevations determined) & partially in Zone X-Unshaded (Areas determined to be outside the 0.2% annual chance floodplain) according to the Flood Insurance Rate Map for the County of Hays, State of Texas, Community Panel No. 48209C0393F, Effective Date September 2, 2005.

ZONING:

Zoning Classification: GC General Commercial District
Permitted Use: Yes
Minimum Building Setbacks:
Front: 20 feet
Side: 5 feet (interior); 15 feet (corner)
Rear: 5 feet
Maximum Building Height: None
Parking: Retail and other commercial uses outside the central business area, unless otherwise described in this Section, including but not limited to department stores, clothing stores, grocery stores, pharmacies, convenience stores, bookstores, auto parts stores, general merchandise stores, business support services, laundry services, product repair services, barber and beauty shops, etc.
1 space per 250 sf GFA

This zoning information is based upon current zoning regulations. These conditions may not reflect the zoning regulations at the time of building or site construction.

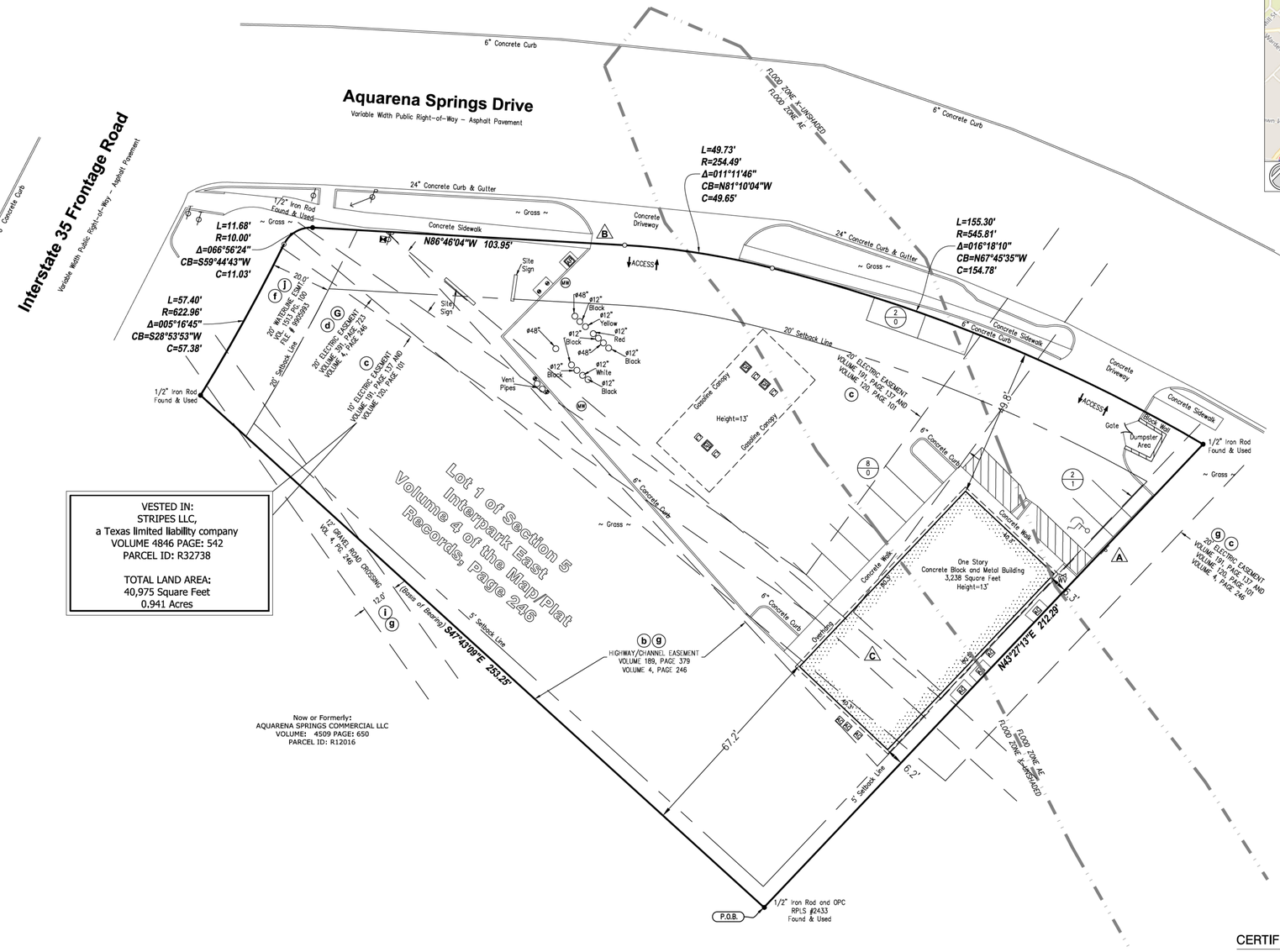
Source: This zoning information is taken from a zoning report compiled by Millman National Land Services under MZ#: 15721, dated July 11, 2017.

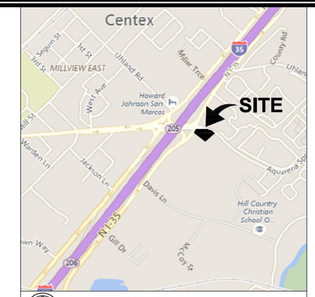
PARKING:

12 Parking Spaces
1 Handicapped Spaces
13 Total Parking Spaces

TOTAL LAND AREA:

40,975 Square Feet
0.941 Acres





VICINITY MAP
NOT TO SCALE

SYMBOL LEGEND

- R/W – Right-of-Way
- P/L – Adjoiner Property Line
- – Centerline
- – Monumentation Found as Noted
- – 5/8" Iron Pin w/Cap Set Stamped "MILLMAN 3303420723"
- XX – No. of Regular Parking Spaces
- XX – No. of Handicap Parking Spaces
- MH – Manhole
- SI – Storm Manhole
- WV – Water Valve
- AC – Air Condition Unit
- EM – Electric Meter
- AIR – Air Pump
- CP – Canopy Support Post
- MW – Monitoring Well
- VLT – Utility Vault
- – Bollard Post
- – Handicap Space
- – Sign
- – Traffic Pole
- – Light Pole
- – Utility Pole
- – Guy Wire
- X – Fence (As Noted)
- – Wall (As Noted)
- – Concrete Area
- – No Parking Area
- – Building Area

millman
National Land Services
Transforming the Industry
Surveying
Zoning
Environmental
Real Support - Title Review
Millman Surveying, Inc.
Corporate Headquarters
4111 Bradley Circle NW
Canton, OH 44718
Phone: 800-520-1010
Fax: 330-342-0834
www.millmanland.com

ALTA/NSPS LAND TITLE SURVEY PREPARED FOR:

7-ELEVEN, INC.
3200 Hackberry Road
Irving, Texas 75063

7-Eleven #40581
Sunoco #837
1550 Interstate 35 North
City of San Marcos
County of Hays
State of Texas

NORTH

GRAPHIC SCALE
0 20' 40'
1 INCH = 20 FT.

CERTIFICATION:

To: 7-Eleven, Inc., a Texas corporation, its successors and assigns; Sunoco LP, a Texas Limited Partnership, its successors and assigns; Stripes LLC, its successors and assigns; and Stewart Title Guaranty Company, its successors and assigns as follows:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1 (except in States that require record monument platting), 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 15, 16, 17, 20 and 21(a) of Table A thereof. The field work was completed on June 22, 2017.

Date of Plat or Map: July 3, 2017.

By: _____
Leo Bond, RPLS
Texas Registered Professional Land Surveyor No. 5793
For and on behalf of Millman Surveying, Inc.

STATE OF TEXAS REGISTERED LEO S. BOND 5793 PROFESSIONAL LAND SURVEYOR

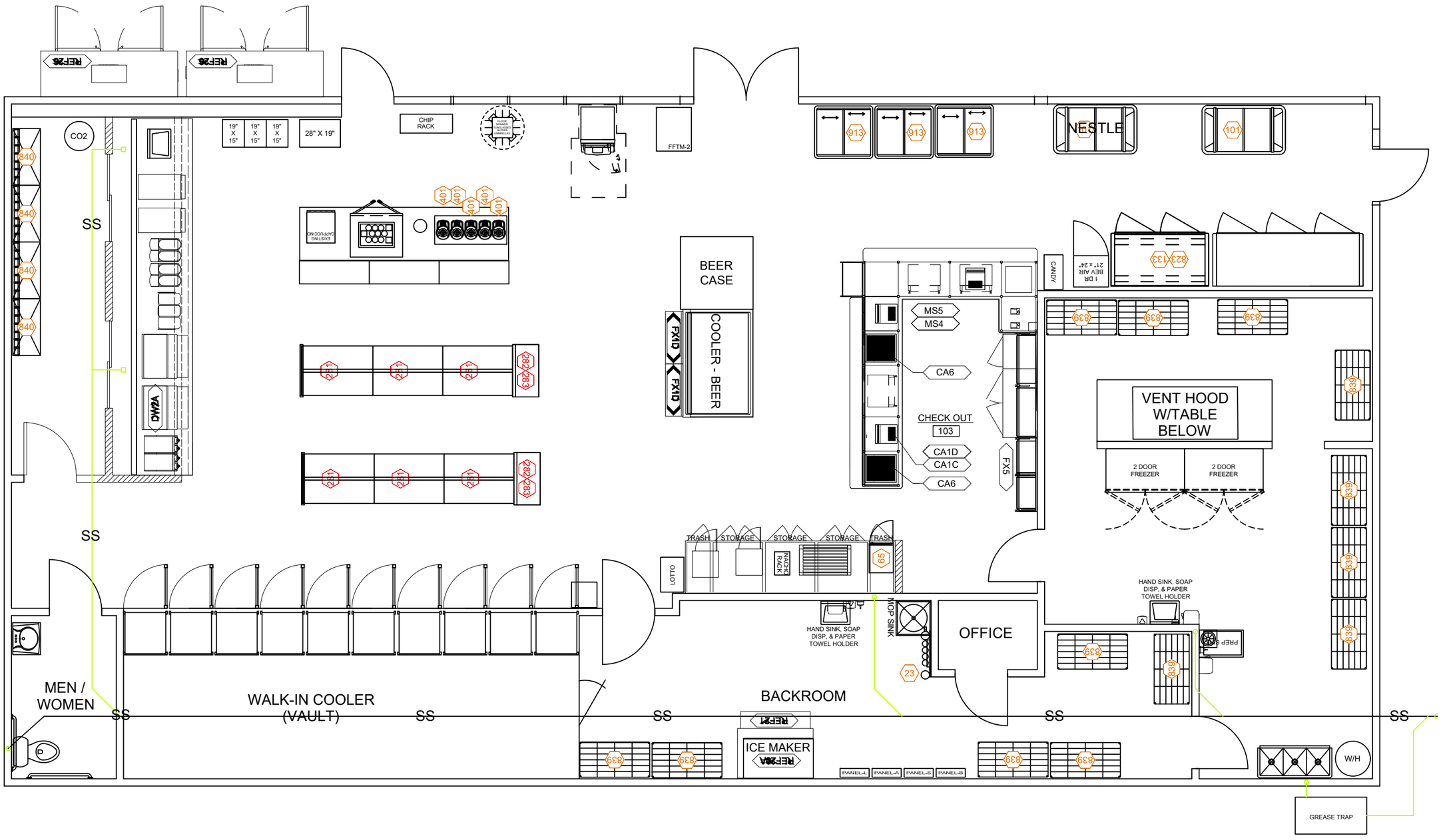
Surveyor's Seal

REVISION HISTORY

BY:	DATE:	COMMENT:
SHS	01/24/2018	CERTIFICATION

Sheet No. 1 of 1

MSI Project No. 40698
PC: CLA
PM: EPS Drafter: CRI



01 EXISTING FLOOR PLAN
SCALE: NTS

STRUCTURE USA
CORPORATE OFFICE:
2221 E. CONTINENTAL BLVD.
SUITE 140
SOUTHLAKE, TX. 76092
PH: (817) 488-0077

128

REVISIONS

CONSULTANT

SEAL

CUSTOMER

PROJECT DESCRIPTION
STORE #40581
EXISTING
LAYOUT

PROJECT LOCATION
1550 IH 35 NORTH
SAN MARCOS, TX.
78666

SHEET TITLE
EXISTING

SHEET MANAGEMENT

PROJECT NO:	#40581
DATE ISSUED:	10/15/2018
DRAWN BY:	J. RUSSELL
REVIEWED BY:	M. REISING

SHEET NUMBER
D100

Original BREAKFAST TACOS

2/$2 Singles $1.19
ADD-ONS: 39¢ EACH

BACON & EGG 540 cal
POTATO & EGG 510 cal
CHORIZO & EGG 530 cal
BEAN & CHORIZO 505 cal
BEAN & CHEESE 470 cal
HAM & EGG 530 cal

Add Ons 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · BACON 45 cal · SALSA RANCHERA 15 cal

Specialty BREAKFAST

POTATO & CHORIZO 490 cal
SAUSAGE & EGG 530 cal
CHICHARRON 500 cal
HUEVOS A LA MEXICANA 510 cal
MACHACADO CON HUEVO 560 cal

2/$3 Singles $1.79
ADD-ONS: 39¢ EACH

BARBACOA 740 cal $2.49
BREAKFAST PLATE 1020-1140 cal $3.49
• Served *with* two sides and a tortilla

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

LAREDO TACO COMPANY

TACOS

BEEF FAJITA 400 cal
CHICKEN FAJITA 380 cal
CARNITAS BRAVAS 570 cal
CARNITAS 540 cal
CARNE GUISADA 450 cal
PICADILLO 430 cal
MOLLEJAS 570 cal

$2.19 per TACO
ADD-ONS: 39¢ EACH

FAJITA QUESADILLAS 710-730 cal $3.79
(BEEF OR CHICKEN)
FAJITA NACHOS 830-850 cal..... $4.99
(BEEF OR CHICKEN)
CHIPS & QUESO 520 cal $1.99

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

PLATES

SERVED WITH TWO SIDES AND A TORTILLA

BEEF FAJITA 820-900 cal
CHICKEN FAJITA 780-860 cal
CARNE GUISADA 920-1000 cal
PICADILLO 880-960 cal
CARNITAS 1100-1180 cal
CARNITAS BRAVAS 1160-1240 cal
HALF CHICKEN 1560-1640 cal
MOLLEJAS 1160-1240 cal
3 PC CHICKEN TENDERS 1000-1080 cal

$4.69 per PLATE
ADD-ONS: 39¢ EACH

TACO PLATE 1060-1865 cal $5.49
• Choice *of* two tacos and two sides
ENCHILADAS 1140-1310 cal $4.25

ADD-ONS: 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · JALAPEÑOS 15 cal · QUESO 60 cal

LAREDO

REGION 100-200

REGION 100-200 LITE

Original BREAKFAST TACOS

$1.19 per TACO
ADD-ONS: 39¢ EACH

BACON & EGG 540 cal
POTATO & EGG 510 cal
CHORIZO & EGG 530 cal
BEAN & CHORIZO 505 cal
BEAN & CHEESE 470 cal
HAM & EGG 530 cal

Add Ons 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · BACON 45 cal · SALSA RANCHERA 15 cal

Specialty BREAKFAST

$1.79 per TACO
ADD-ONS: 39¢ EACH

POTATO & CHORIZO 490 cal
SAUSAGE & EGG 530 cal
CHICHARRON 500 cal
HUEVOS A LA MEXICANA 510 cal
MACHACADO CON HUEVO 560 cal

BARBACOA 740 cal $2.49
BREAKFAST PLATE 1020-1140 cal $3.49
• Served *with* two sides and a tortilla

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

LAREDO TACO COMPANY

TACOS

$2.19 per TACO
ADD-ONS: 39¢ EACH

BEEF FAJITA 400 cal
CHICKEN FAJITA 380 cal
CARNITAS BRAVAS 570 cal
CARNITAS 540 cal
CARNE GUISADA 450 cal
PICADILLO 430 cal
ASADO DE PUERCO 510 cal
MOLLEJAS 570 cal

FAJITA QUESADILLAS 710-730 cal $3.79
(BEEF OR CHICKEN)
FAJITA NACHOS 830-850 cal $4.99
(BEEF OR CHICKEN)
CHIPS & QUESO 520 cal $1.99

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

PLATES

SERVED WITH TWO SIDES AND A TORTILLA

$4.69 per PLATE
ADD-ONS: 39¢ EACH

BEEF FAJITA 820-900 cal
CHICKEN FAJITA 780-860 cal
CARNE GUISADA 920-1000 cal
CARNITAS 1100-1180 cal
CARNITAS BRAVAS 1160-1240 cal
ASADO DE PUERCO 1040-1120 cal
PICADILLO 880-960 cal
HALF CHICKEN 1560-1640 cal
MOLLEJAS 1160-1240 cal
3 PC CHICKEN TENDERS 1000-1080 cal

TACO PLATE 1060-1865 cal $5.49
• Choice *of* two tacos and two sides
ENCHILADAS 1140-1310 cal $4.25

ADD-ONS: 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · JALAPEÑOS 15 cal · QUESO 60 cal

REGION 300

REGION 300-400-500 LITE

Original BREAKFAST TACOS

$1.19 per TACO
ADD-ONS: 39¢ EACH

BACON & EGG 540 cal
POTATO & EGG 510 cal
CHORIZO & EGG 530 cal
BEAN & CHORIZO 505 cal
BEAN & CHEESE 470 cal
HAM & EGG 530 cal

Add Ons 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · BACON 45 cal · SALSA RANCHERA 15 cal

Specialty BREAKFAST

$1.79 per TACO
ADD-ONS: 39¢ EACH

POTATO & CHORIZO 490 cal
SAUSAGE & EGG 530 cal
CHICHARRON 500 cal
HUEVOS A LA MEXICANA 510 cal
MACHACADO CON HUEVO 560 cal

BARBACOA 740 cal $2.49
BREAKFAST PLATE 1020-1140 cal $3.49
• Served *with* two sides and a tortilla

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

LAREDO TACO COMPANY

TACOS

$2.19 per TACO
ADD-ONS: 39¢ EACH

BEEF FAJITA 400 cal
CHICKEN FAJITA 380 cal
CARNITAS BRAVAS 570 cal
CARNITAS 540 cal
CARNE GUISADA 450 cal
PICADILLO 430 cal
MOLLEJAS 570 cal

FAJITA QUESADILLAS 710-730 cal $3.79
(BEEF OR CHICKEN)
FAJITA NACHOS 830-850 cal $4.99
(BEEF OR CHICKEN)
CHIPS & QUESO 520 cal $1.99

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

PLATES

SERVED WITH TWO SIDES AND A TORTILLA

$4.69 per PLATE
ADD-ONS: 39¢ EACH

BEEF FAJITA 820-900 cal
CHICKEN FAJITA 780-860 cal
CARNE GUISADA 920-1000 cal
PICADILLO 880-960 cal
CARNITAS 1100-1180 cal
CARNITAS BRAVAS 1160-1240 cal
HALF CHICKEN 1560-1640 cal
MOLLEJAS 1160-1240 cal
3 PC CHICKEN TENDERS 1000-1080 cal

TACO PLATE 1060-1865 cal $5.49
• Choice *of* two tacos and two sides
ENCHILADAS 1140-1310 cal $4.25

ADD-ONS: 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · JALAPEÑOS 15 cal · QUESO 60 cal

REGION 400

Original BREAKFAST TACOS

$1.19 per TACO
ADD-ONS: 39¢ EACH

BACON & EGG 540 cal
POTATO & EGG 510 cal
CHORIZO & EGG 530 cal
BEAN & CHORIZO 505 cal
BEAN & CHEESE 470 cal
HAM & EGG 530 cal

Add Ons 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · BACON 45 cal · SALSA RANCHERA 15 cal

Specialty BREAKFAST

$1.79 per TACO
ADD-ONS: 39¢ EACH

POTATO & CHORIZO 490 cal
SAUSAGE & EGG 530 cal
CHICHARRON 500 cal
HUEVOS A LA MEXICANA 510 cal

BARBACOA 740 cal $2.49
BREAKFAST PLATE 1020-1140 cal $3.49
• Served *with* two sides and a tortilla

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

LAREDO TACO COMPANY

TACOS

$2.19 per TACO
ADD-ONS: 39¢ EACH

BEEF FAJITA 400 cal
CHICKEN FAJITA 380 cal
CARNITAS BRAVAS 570 cal
CARNITAS 540 cal
CARNE GUISADA 450 cal
PICADILLO 430 cal
MOLLEJAS 570 cal

FAJITA QUESADILLAS 710-730 cal $3.79
(BEEF OR CHICKEN)
FAJITA NACHOS 830-850 cal $4.99
(BEEF OR CHICKEN)
CHIPS & QUESO 520 cal $1.99

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutrition information available upon request.

PLATES

SERVED WITH TWO SIDES AND A TORTILLA

$4.69 per PLATE
ADD-ONS: 39¢ EACH

BEEF FAJITA 820-900 cal
CHICKEN FAJITA 780-860 cal
CARNE GUISADA 920-1000 cal
PICADILLO 880-960 cal
CARNITAS 1100-1180 cal
CARNITAS BRAVAS 1160-1240 cal
HALF CHICKEN 1560-1640 cal
MOLLEJAS 1160-1240 cal
3 PC CHICKEN TENDERS 1000-1080 cal

TACO PLATE 1060-1865 cal $5.49
• Choice *of* two tacos and two sides
ENCHILADAS 1140-1310 cal $4.25

ADD-ONS: 39¢ EACH

BEANS 60 cal · CHEESE 110 cal · JALAPEÑOS 15 cal · QUESO 60 cal

REGION 500

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.)**
Stripes Store 40581H

2. **Owner of Business/Applicant (Name of Corporation, LLC, etc.)**
7-Eleven New SSP Beverage, LLC

3. **Type of Owner**
☐ Corporation ■ Limited Liability Company ☐ Partnership
☐ Limited Partnership ☐ Limited Liability Partnership ☐ Other: _____

4. **Location Address**
1550 S. Interstate 35, Ste. 100

City	County	State	Zip Code
San Marcos	Hays	TX	78666

5. **Mailing Address**
P.O. Box 139044

City	County	State	Zip Code
Dallas	Dallas	TX	75313-9044

6. Business Telephone Number	Alternate Telephone Number	E-mail Address
pending	972-828-6896	[redacted]

7. Application for:

■ Original	☐ Reinstatement	License/Permit Number	☐ Reinstatement and Change of Trade Name	License/Permit Number
	☐ Change of Location	License/Permit Number	☐ Change of Location and Trade Name	License/Permit Number

8A. Type of Off-Premise Retailer License/Permit:

☐	BF	Retail Dealer's Off-Premise License	☐	E	Local Cartage Permit	☐	P	Package Store Permit
☐	BQ	Wine and Malt Beverage Retail Dealer's Off-Premise Permit	☐	ET	Third-Party Local Cartage Permit	☐	Q	Wine Only Package Store
☐	LP	Local Distributor's Permit						

8B. Type of On-Premise Retailer License/Permit

☐	BE	Retail Dealer's On-Premise License	☐	E	Local Cartage Permit	☐	MB	Mixed Beverage
☑	BG	Wine and Malt Beverage Retail Dealer's On-Premise Permit	☐	FB	Food and Beverage Certificate	☐	WP	Waterpark Permit
☐	BP	Brewpub License	☐	LH	Late Hours Certificate			

8C. Type of Wholesaler's, Distributor's, or Manufacturer's License/Permit

☐	BB	General Distributor's License	☐	D	Distillers and Rectifiers Permit - allows on-premise consumption	☐	S	Nonresident Seller's Permit
☐	BC	Branch Distributor's License	☐	DS	Out-of-State Winery Direct Shipper's Permit	☐	SD	Brewer's Self-Distribution License
☐	BN	Nonresident Brewer's License	☐	G	Winery - allows on-premise consumption	☐	W	Wholesaler's Permit
☐	BW	Brewer's License	☐	J	Bonded Warehouse	☐	X	General Class B Wholesaler Permit
☐	JD	Bonded Warehouse (Dry Area)						

9. For On or OFF-Premise Applicants, Indicate Primary Business Type at this Location

☐ Bar	☐ Grocery/Market	☐ Package Store		☐ Sexually Oriented
☐ Civic Center	☐ Hotel	☐ Public Entertainment Fac. (PEF *as defined in Sec. 108.73*)		☐ Sporting Arena
■ Convenience Store	☐ Motel	☐ Racetrack		
☐ Delivery Company	☐ Movie Theater	☐ Restaurant		

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL WITHIN CBA)

Updated: August, 2023

CONTACT INFORMATION

Applicant's Name	Tim Ilaoa	**Property Owner**	MDC Coast 10 LLC
Company	2214TLWP LLC	**Company**	7-Eleven Inc
Applicant's Mailing Address	[redacted]	**Owner's Mailing Address**	[redacted]
Applicant's Phone #		**Owner's Phone #**	
Applicant's Email		**Owner's Email**	

PROPERTY INFORMATION

Subject Property Address: 1550 IH 35N Suite 100

Zoning District: HAYS **Tax ID #: R**32738

Legal Description: Lot 1 **Block** _____ **Subdivision** INTERPARK EAST

Number of Parking Spaces: 14

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

DESCRIPTION OF REQUEST

Business Name: Stripes Store 40581H ☒ **Restaurant** ☐ **Bar** ☒ **Other:** C-Store

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

Hours of Operation(ex. Mon 12pm-1am): Mon 5am-6pm **Tue** 5am-6pm **Wed** 5am-6pm

Thurs 5am-6pm **Fri** 5am-6pm **Sat** 5am-6pm **Sun** 5am-6pm

Indoor Seating Capacity: NA **Outdoor Seating Capacity:** na **Gross Floor Area:** 3600

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 1,000* **Technology Fee $15** ***TOTAL COST $1,015***

Renewal/Amendment Filing Fee $750* **Technology Fee $15** ***TOTAL COST $765***

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

PROPERTY OWNER AUTHORIZATION

I, James Baker (owner name) on behalf of

_____ (company, if applicable) acknowledge that I/we

am/are the rightful owner of the property located at

1550 IH 35N Suite 100, San Marcos, TX. 78666 (address).

I hereby authorize Tim Ilaoa (agent name) on behalf of

2214 TLWP LLC (agent company) to file this application for

BG - Wine an Malt Bev. Retail Dealers On Premise (application type), and, if necessary, to work with

the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 4/6/26

Printed Name, Title: James Baker, VP Tax & Licensing

Signature of Agent: _____ Date: 4/6/26

Printed Name, Title: Tim Ilaoa

Form Updated October, 2019

AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

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

- Notification Signs: 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.***

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.***

- 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 $150 plus a $15 technology fee.***

I have read the above statements and agree to the required public notification, 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 notification and public hearing and hereby submit the attached application for review by the City.

Signature: Tim Ilaoa Date: 4/6/26

Print Name: Tim Ilaoa

Form Updated March, 2023

To Whom It May Concern,

Our Team at 7-11 is currently expanding our Laredo Taco Margarita concept throughout South Texas. To comply with Texas ABC requirements, we have applied for an on-premises BG permit. We will legally be allowed to serve for on-premises consumption, but we have found that most of our consumers purchase this with the intention of consumption at home.

The "Margarita" is a wine-based product distributed by L&F Distributors and manufactured by MPACT Beverages out of Houston. This is a Texas made product. This wine based ready-to-drink product has a 10.5% ABV for Strawberry and a 9.5% ABV for Classic. This product has already rolled out in several communities quite successfully.

Employees will complete Texas ABC training that includes age verification & safe serving recommendations. As a responsible retailer, we have also set up age verifications prompts at our point of sales to require age verification for every purchase.

Thanks,

Adrian Poulisse
Senior Store Innovation Analyst
Cypress Waters | 3200 Hackberry Road | Irving, Texas | 75063
W 972.828.1820 |C 615.306.8615 | [redacted]

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.

	CBA BAR	**CBA RESTAURANT**	**300 FEET OF SF USE**	**ALL REQUESTS**
Term	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.
Amplified Sound (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 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.
Amplified Sound (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.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (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.	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.
Background Sound (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.	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.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	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
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	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.
Posting	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.

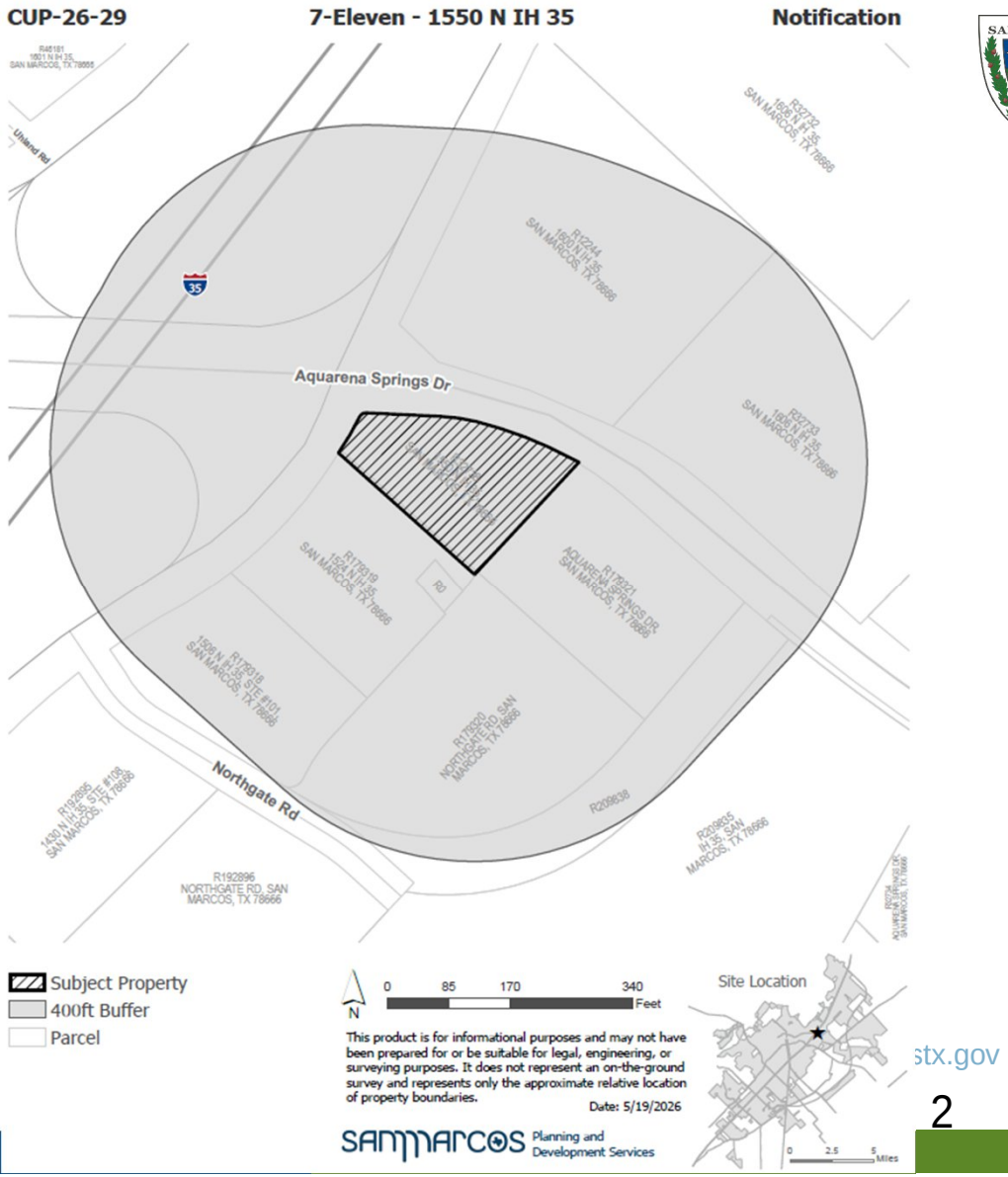
Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-29
7-Eleven

CUP-26-29 (7-Eleven) Hold a public hearing and consider a request by Tim Llaoa, on behalf of 7-Eleven, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1550 N IH 35. (K. Buck)

Property Information

- Approximately 0.94 acres
- Location: Southeast corner of Aquarena Springs Dr and IH 35 Frontage Road

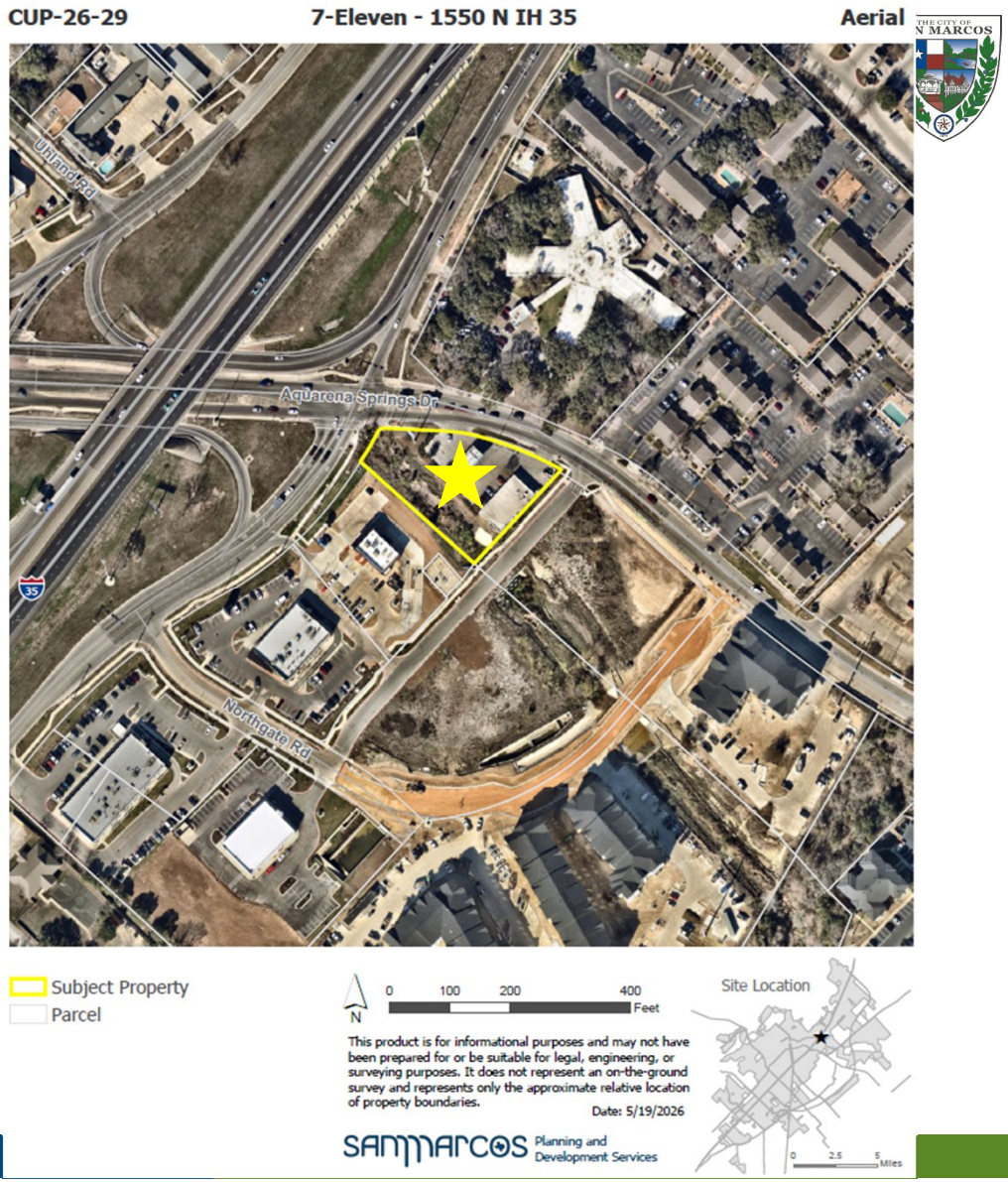


stx.gov

Context & History

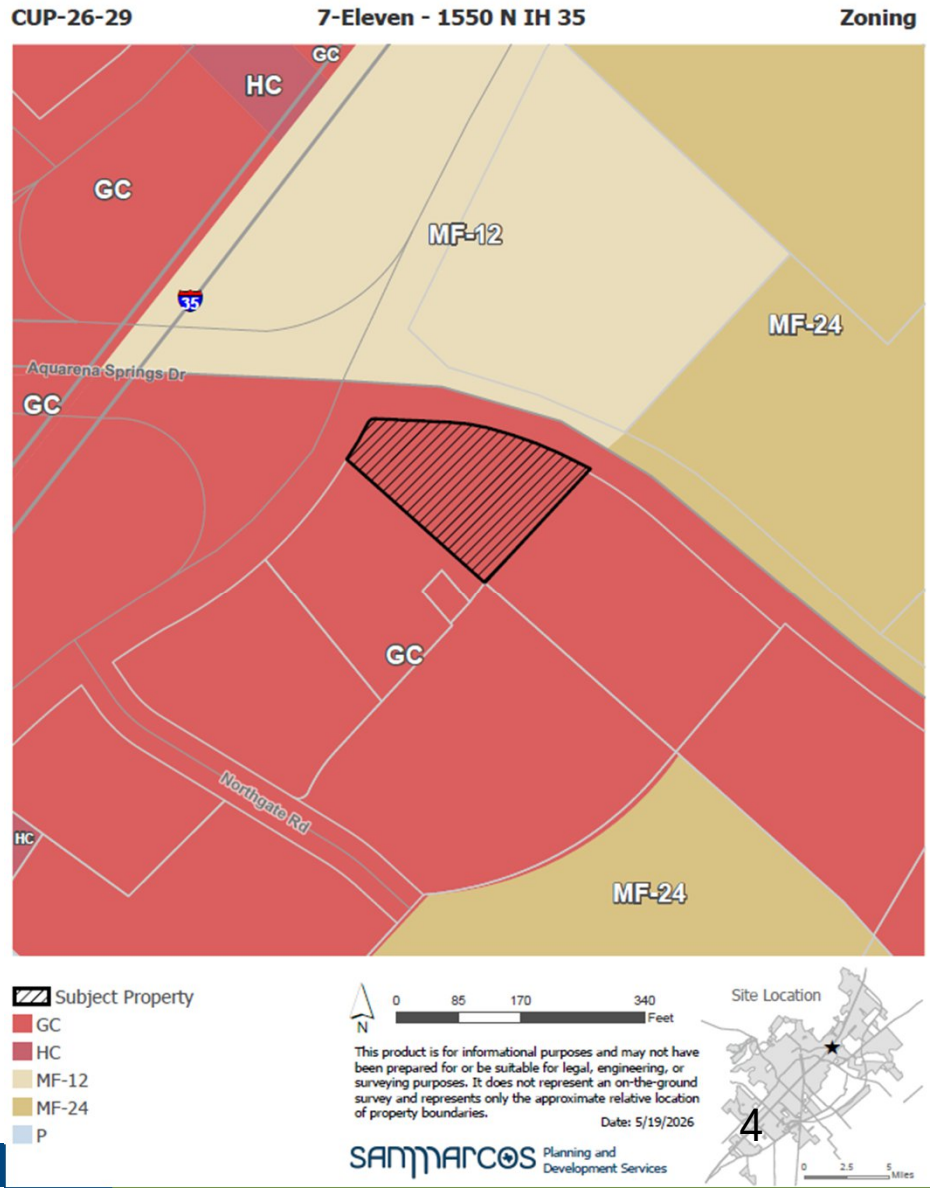
- Current Use: Convenience Store with Gas Sales

- Surrounding Uses:
  - Restaurants
  - Multi-Family Residential
  - Health Care Facility



Context & History

- **Existing Zoning:** General Commercial (GC)
- **Proposed Use:** Restaurant (Eating Establishment) with on-premise consumption of alcohol
- **Hours of Operation:**
  - Monday-Sunday: 5am-6pm
- **CUP Expiration Date:** N/A this is a new request



Criteria for Approval

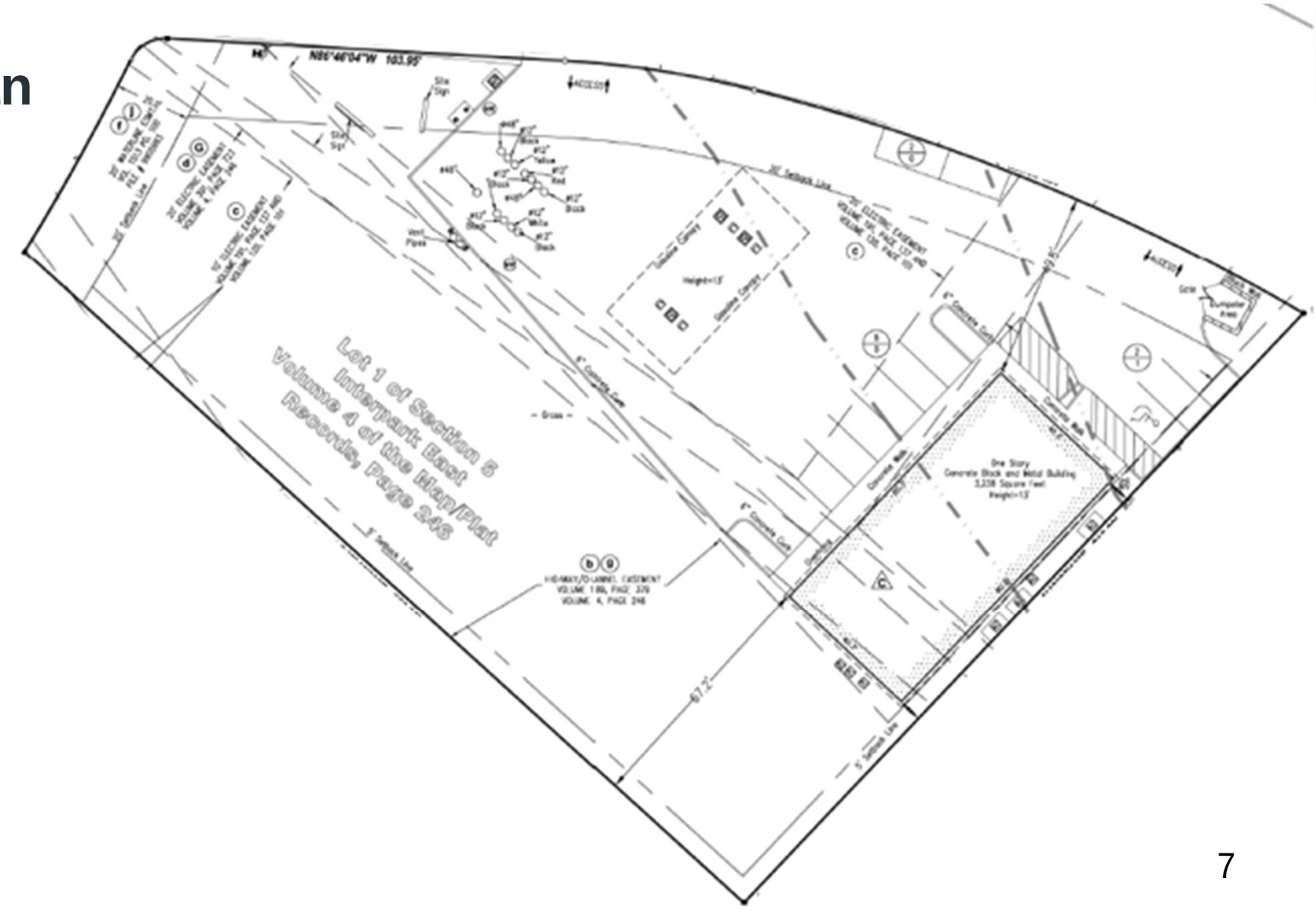
C	I	N/A	Criteria for Approval – Sec. 2.8.3.4
X			Aligns with the adopted comprehensive plan?
		N/A	Complies with any applicable small area plan or neighborhood studies?
X			Meets the purpose and intent of the current zoning district regulations?
		X	Preserves surrounding character and mitigates impacts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

Criteria for Approval

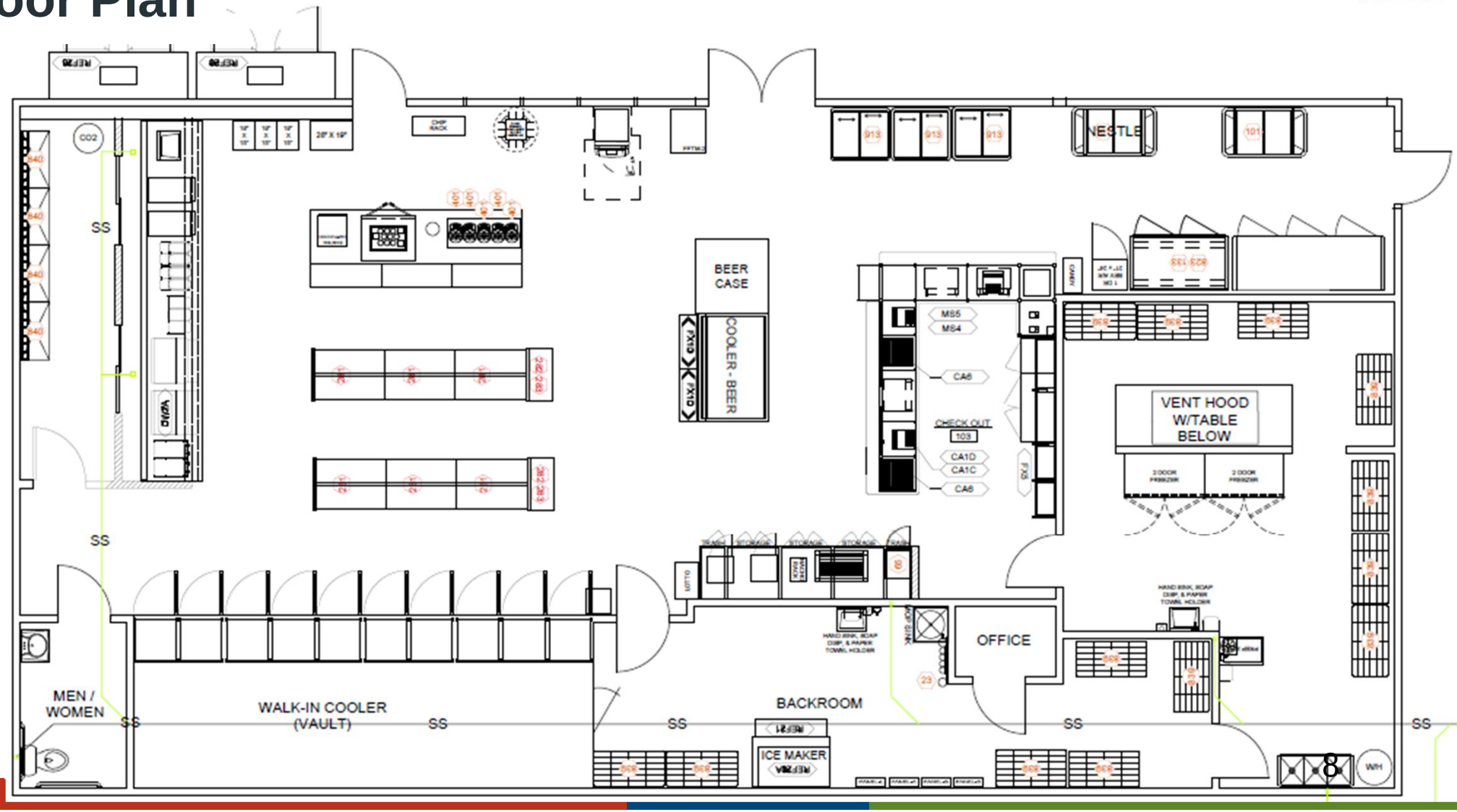
C	I	N/A	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

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

Site Plan


N86°46'04"W 163.95'
Lot 1 of Section 6
Interpark East
Volume 4 of the Map/Plat
Records, Page 246
One Story
Concrete Block and Metal Building
3,238 Square Feet
Height=13'
Gazebo
Height=13'
Gazebo Canopy
Gazebo Canopy
Site Sign
Stair Sign
Vent Pipes
6" Concrete Curb
5' Setback Line
20' ELECTRIC EASEMENT
VOLUME 591, PAGE 137 AND
VOLUME 1126, PAGE 159
20' ELECTRIC EASEMENT
VOLUME 591, PAGE 223
VOLUME 4, PAGE 246
HIGHWAY/DRAINAGE EASEMENT
VOLUME 1186, PAGE 370
VOLUME 4, PAGE 246
617.2'

Floor Plan


BEER CASE
COOLER - BEER
VENT HOOD W/TABLE BELOW
OFFICE
BACKROOM
WALK-IN COOLER (VAULT)
MEN / WOMEN
ICE MAKER
NESTLE
CHECK OUT
SS

Recommendation

Staff recommends **approval** of CUP-26-29 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on June 9, 2027, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
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.

Legislation Text

File #: CUP-26-30, **Version:** 1

AGENDA CAPTION:
CUP-26-30 (Crafthouse Kitchen and Tap) Hold a public hearing and consider a request by Sean Neal, on behalf of Crafthouse Kitchen and Tap, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 242 N LBJ Drive. (C. Garrison)
Meeting date: June 9, 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]

N/A

N/A

N/A

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

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - 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:

Crafthouse has held a “Restaurant (Eating Establishment)” Conditional Use Permit (CUP) since 2016. In accordance with the Development Code, a “Restaurant (Eating Establishment)” located within the Central Business Area (CBA) must meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.

The purpose of this Conditional Use Permit amendment is to expand the business into the neighboring 2,750 square feet suite and the additional 156 sq. ft. outdoor sidewalk cafe. Crafthouse has an existing sidewalk café on LBJ Drive which provides private seating for the business in an outdoor area in accordance with City Code. A remodel permit will be required.

2016: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

2017: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions. Amendment to the CUP to expand Crafthouse to the neighboring suite.

2018: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

2021: 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 with conditions.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** with the following conditions:
1. This permit shall be valid for three (3) years, and shall expire June 9, 2029, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);
3.The maximum 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. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Conditional Use Permit	242 N LBJ Drive
CUP-26-30	Crafthouse Kitchen and Tap

Summary

Request:	Renewal and Amendment of a Conditional Use Permit (CUP)		
Applicant:	Sean Neal 242 N LBJ San Marcos, TX 78666	**Property Owner:**	Allen Shy 2826 Black Bear Dr New Braunfels, TX 78132
CUP Expiration:	April 13, 2027	**Type of CUP:**	CBA Restaurant Mixed Beverages
Interior Floor Area:	Approximately 8,000 sq. ft. total. (2,750 sq. ft. expansion)	**Outdoor Floor Area:**	400 sq. ft. (including 156 sq. ft. expansion)
Parking Required:	0 spaces	**Parking Provided:**	No
Days & Hours of Operation:	Monday – Sunday: 11am-2am		

Notification

Posted:	May 22, 2026	**Personal:**	May 22, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Original Town of San Marcos, Block 7, Lot 5		
Location:	Southeast Corner of N LBJ Drive and E Hutchison Street		
Acreage:	0.3 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	Character District – 5D (CD-5D)	**Proposed Zoning:**	Same
Existing Use:	Restaurant – CBA	**Proposed Use:**	Same
Preferred Scenario:	Mixed Use Medium	**Proposed Designation:**	Same
CONA Neighborhood:	Downtown (CBA)	**Sector:**	Sector 8
Utility Capacity:	Adequate	**Floodplain:**	No
Historic Designation:	N/A	**My Historic SMTX Resources Survey:**	Yes and Medium Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District – 5D (CD-5D)	Retail Sales	Mixed Use Medium
South of Property:	Character District – 5D (CD-5D)	Restaurants/ Retail Sales	Mixed Use Medium
East of Property:	Character District – 5D (CD-5D)	Office/ Public Park	Mixed Use Medium
West of Property:	Character District – 5D (CD-5D)	Retail Sales/ Retail Services	Mixed Use Medium

Conditional Use Permit	242 N LBJ Drive
CUP-26-30	Crafthouse Kitchen and Tap

Staff Recommendation

	Approval as Submitted	***X***	Approval with Conditions		Denial

1. This permit shall be valid for three (3) years, and shall expire June 9, 2029, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);
3. The maximum 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. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Craig Garrison	**Title:** Planner	**Date:** June 3, 2026

Conditional Use Permit	242 N LBJ Drive
CUP-26-30	Crafthouse Kitchen and Tap

History

Crafthouse has held a “Restaurant (Eating Establishment)” Conditional Use Permit (CUP) since 2016. In accordance with the Development Code, a “Restaurant (Eating Establishment)” located within the Central Business Area (CBA) must meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.

The purpose of this Conditional Use Permit amendment is to expand the business into the neighboring 2,750 square feet suite and the additional 156 sq. ft. outdoor sidewalk cafe. Crafthouse has an existing sidewalk café on LBJ Drive which provides private seating for the business in an outdoor area in accordance with City Code. A remodel permit will be required.

2016: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

2017: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions. Amendment to the CUP to expand Crafthouse to the neighboring suite.

2018: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

2021: 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 with conditions.

Additional Analysis

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

Comments from Other Departments

Police	See Attached Police Report
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
X			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
X			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.
X			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.
X			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.
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			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.
X			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.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
X			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.

CUP-26-30

Crafthouse Kitchen and Tap
242 N LBJ Drive

Aerial Map

Subject Property
Parcel

N

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: 5/20/2026

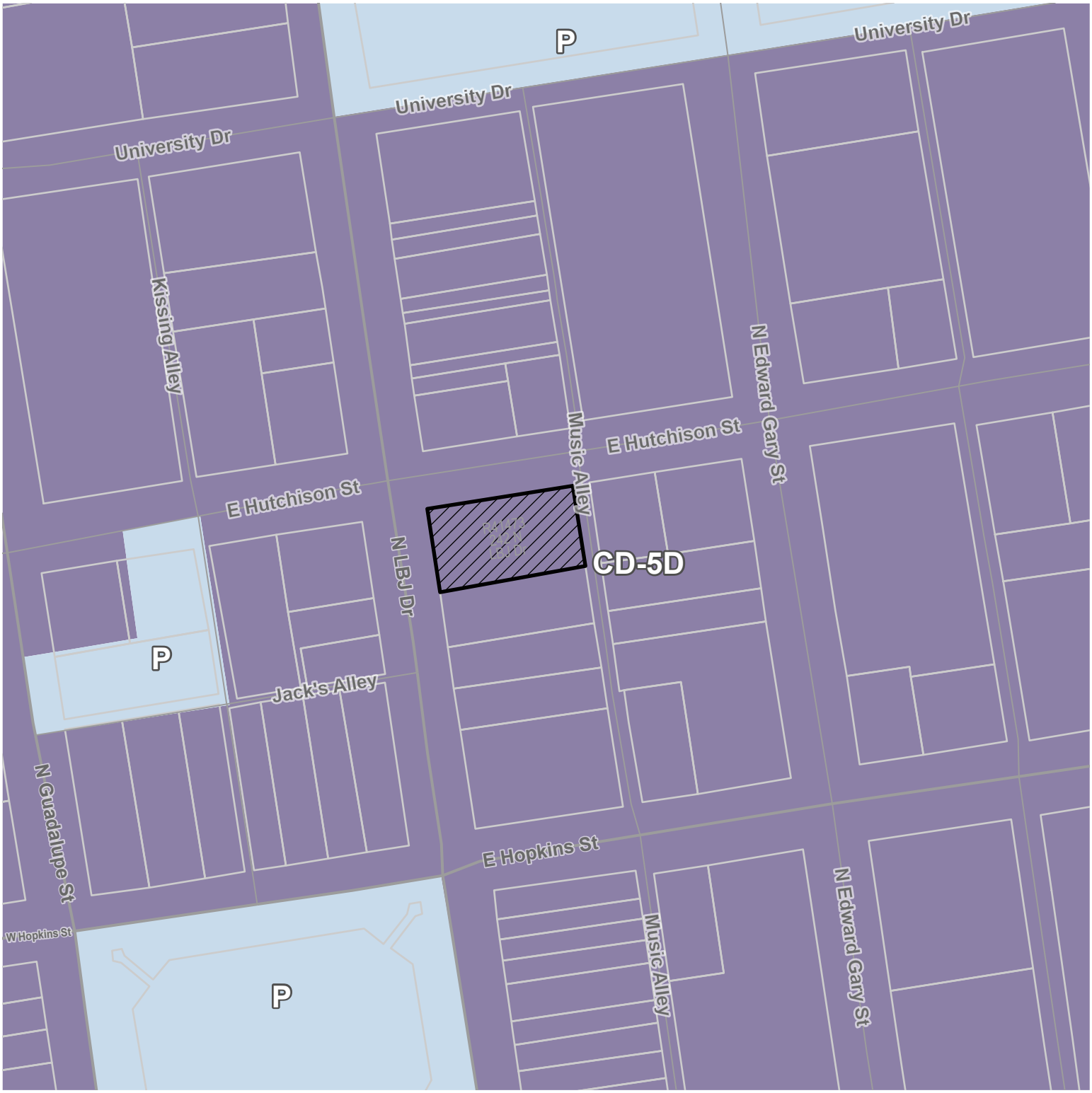
SAN MARCOS Planning and Development Services

Site Location

CUP-26-30

Crafthouse Kitchen and Tap - 242 N LBJ Drive

Zoning Map



Subject Property
CD-5D
P

N

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: 5/20/2026

SAN MARCOS Planning and Development Services

Site Location

CUP-26-30

Crafthouse Kitchen and Tap
242 N LBJ Drive

Notification Map

Subject Property
400 ft. Buffer
Parcel

N

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: 5/20/2026

SAN MARCOS Planning and Development Services

Site Location

5/22/2026 **CUP-26-30**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Mixed Beverages
242 N LBJ Drive

CUP-26-30 (Crafthouse Kitchen and Tap) Hold a public hearing and consider a request by Sean Neal, on behalf of Crafthouse Kitchen and Tap, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 242 N LBJ Drive. (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, June 9, 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 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

For more information regarding this request, contact the case manager, **Craig Garrison,** at **512.805.2649 or cgarrison@sanmarcostx.gov**. When calling, please refer to case number **CUP-26-30.**

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

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

Property ID	Site Address	Owner	Owner Address	Owner City/ State/ Zip
41484	126 N LBJ DR, SAN MARCOS, TX 78666	126 & 138 N LBJ SERIES	901 E CESAR CHAVEZ ST	AUSTIN, TX 78702-4205
41480	202 N LBJ DR, SAN MARCOS, TX 78666	202 NORTH LBJ VENTURE GROUP LP	2606 RANCH ROAD 620 N	AUSTIN, TX 78734-2628
41469	214 E HUTCHISON ST, SAN MARCOS, TX 78666	214HUTCHISON LLC	407 S STAGECOACH TRL	SAN MARCOS, TX 78666-5063
41475	230 N LBJ DR, APT #201, SAN MARCOS, TX 78666	230 N LBJ LLC	912 NARANJO DR	GEORGETOWN, TX 78628
103995	311 E HOPKINS ST, SAN MARCOS, TX 78666	311 EAST HOPKINS LLC	4330 GAINES RANCH LOOP	AUSTIN, TX 78735-6758
41646	318 N LBJ DR, SAN MARCOS, TX 78666	318 HOLDINGS LLC	215 N LBJ DR	SAN MARCOS, TX 78666-5621
41630	101 E HOPKINS ST, SAN MARCOS, TX 78666	AIKEN, C H	242 WHITNEY RUN	BUDA, TX 78610-3008
41641	301 N EDWARD GARY ST, SAN MARCOS, TX 78666	AURELIUS LTD	216 SKIPPING CEDAR ST	SAN MARCOS, TX 78666-3854
41625	145 E HOPKINS ST, SAN MARCOS, TX 78666	B L SCOFIELD INC	127 E Hopkins ST	San Marcos, TX 78666-5611
41478	212 N LBJ DR, SAN MARCOS, TX 78666	CARSON FAMILY PROPERTIES	407 S STAGECOACH TRL	SAN MARCOS, TX 78666-5063
41623	237-245 N LBJ DR, SAN MARCOS, TX 78666	CASEY MANAGEMENT TRUST	CASEY JAMES NEWMAN TRUSTEE	AUSTIN, TX 78731
41476	232 N LBJ DR, STE #101, SAN MARCOS, TX 78666	CHAD BACCUS REAL ESTATE II LLC	PO BOX 609	GEORGETOWN, TX 78627
41622	225 N LBJ DR, SAN MARCOS, TX 78666	CHRYSTAL JANAA & TOM	1447 FRIENDLY PATH	NEW BRAUNFELS, TX 78132-4608
41643	330 N LBJ DR, SAN MARCOS, TX 78666	CJJUICE LLC	330 N LBJ DR	SAN MARCOS, TX 78666-5624
41645	328 N LBJ DR, SAN MARCOS, TX 78666	CONDOR RAICES LLC	208 E MIMOSA CIR	SAN MARCOS, TX 78666-3708
41628	109-119 E HOPKINS ST, SAN MARCOS, TX 78666	EAST HOPKINS LLC	1801 CHALK ROCK CV	AUSTIN, TX 78735-1733
41458	301 E HOPKINS ST, SAN MARCOS, TX 78666	GEAUXNU HOLDINGS LLC	3267 BEE CAVES RD	AUSTIN, TX 78746-9996
41651	308 N LBJ DR, SAN MARCOS, TX 78666	GOMEZ JESSE G & MARTINA	308 N LBJ DR	SAN MARCOS, TX 78666
41617	242 N GUADALUPE ST, SAN MARCOS, TX 78666	GREATER TEXAS FEDERAL CREDIT UNION	12544 RIATA VISTA CIR	AUSTIN, TX 78727-6431
41652	300 N LBJ DR, SAN MARCOS, TX 78666	HARTNETT ENTERPRISES SAN MARCOS LLC	2407 BALLANTRAE DR	COLLEYVILLE, TX 76034-5304
41467	219 E HOPKINS ST, SAN MARCOS, TX 78666	HAYSCO SM LLC	407 S STAGECOACH TRL	SAN MARCOS, TX 78666-5063
41640	313 E HUTCHISON ST, SAN MARCOS, TX 78666	HOUSE OF INK INC	604 MOUNTAIN VIEW DR	SAN MARCOS, TX 78666-4907
41657	343 N LBJ DR, SAN MARCOS, TX 78666	JACK IN THE BOX PROPERTIES LLC	9357 SPECTRUM CENTER BLVD	SAN DIEGO, CA 92123-1444
41620	235 N LBJ DR, SAN MARCOS, TX 78666	JG AND EM BURNSIDE LLC	2631 GALWAY CIR	IDAHO FALLS, ID 83404-7392
41650	211/215 E HUTCHISON ST, SAN MARCOS, TX 78666	KEYSTONE REAL ESTATE INVESTMENT TX LLC	18695 PONY EXPRESS DR	PARKER, CO 80134-1564
41649	312 N LBJ DR, SAN MARCOS, TX 78666	KND'S BOUTIQUE LLC	312 N LBJ DR	SAN MARCOS, TX 78666
41472	222 E HUTCHISON ST, SAN MARCOS, TX 78666	MATT PATTERSON INS AGENCY INC	222 E HUTCHISON ST	SAN MARCOS, TX 78666-5682
41626	129 E HOPKINS ST, SAN MARCOS, TX 78666	ONIONS R US LLC	710 ARROW POINT DR	CEDAR PARK, TX 78613-6655
41658	350 N GUADALUPE ST, SAN MARCOS, TX 78666	OS BOBCAT LLC	2420 GARNETFIELD LN	FRIENDSWOOD, TX 77546-4668
41483	142 N LBJ DR, SAN MARCOS, TX 78666	OUSEY, MICHAEL	211 CLAREMONT DR	SAN MARCOS, TX 78666-7335
41466	217 E HOPKINS ST, SAN MARCOS, TX 78666	PIPER JAMES M & TAMARA P	186 PICO CT	SAN MARCOS, TX 78666-1847
41479	214 N LBJ DR, SAN MARCOS, TX 78666	SAN MARCOS COMMUNITY PARTNERS LLC	LATIPAC COMMERCIAL	AUSTIN, TX 78716-2304
41455	210 N EDWARD GARY ST, SAN MARCOS, TX 78666	SAN MARCOS TX STUDENT HOUSING LLC	999 SHADY GROVE RD S	MEMPHIS, TN 38120-4130
41647	314-316 N LBJ DR, SAN MARCOS, TX 78666	SERUR JOHN & JUDITH L LIVING TRUST	SERUR JOHN & JUDITH L CO-TRUSTEES	AUSTIN, TX 78737-8856
41644	326 N LBJ DR, SAN MARCOS, TX 78666	SERUR, TERRY W	P O BOX 874	SAN MARCOS, TX 78667-0874
41656	321-323 N LBJ DR, SAN MARCOS, TX 78666	SHOW PLACE CINEMA	C/O LONE STAR THEATER INC	SAN MARCOS, TX 78666-7530
41654	119 E HUTCHISON ST, SAN MARCOS, TX 78666	SHYPENN LTD	2686 BLACK BEAR DR	NEW BRAUNFELS, TX 78132-4179
41624	139 E HOPKINS ST, SAN MARCOS, TX 78666	SLOAN JAMES LLC	139 E HOPKINS ST	SAN MARCOS, TX 78666-5678
41477	218-220 N LBJ DR, SAN MARCOS, TX 78666	TARRANT, LINDA LEWIS	P O BOX 199	HUNT, TX 78024-0199
41482	216 E HOPKINS ST, SAN MARCOS, TX 78666	TEXAS P B REAL ESTATE LP	113 W PUBLIC SQUARE STE 200	GLASOW, KY 42141-2413
41619	224 N GUADALUPE ST, SAN MARCOS, TX 78666	TEXAS STATE UNIVERSITY - SAN MARCOS	Attn: VP FOR FINANCE AND SUPPORT SERVICES	SAN MARCOS, TX 78666
41474	226 N LBJ DR, SAN MARCOS, TX 78666	TWMJ INTEREST LLC	Attn: MARY WILLIAMS	SAN MARCOS, TX 78666-3252
41481	123 EDWARD GARY ST, SAN MARCOS, TX 78666	VICTORIA BANK & TRUST	100 CONGRESS AVE STE 1900	AUSTIN, TX 78701-2750
41638	306-316 N EDWARD GARY ST, SAN MARCOS, TX 78666	VILLA PARK	SAYERS FAMILY LTD PARTNERSHIP	AUSTIN, TX 78716-0655
		Samantha Benavides	455 Lindsey St.	SAN MARCOS, TX 78666
		Amy Thomaides	1131 W MLK Dr	SAN MARCOS, TX 78666
		Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666

Incident Search Result

Results

Agency: SMPD

Print Date/Time: 5/26/2026 14:54

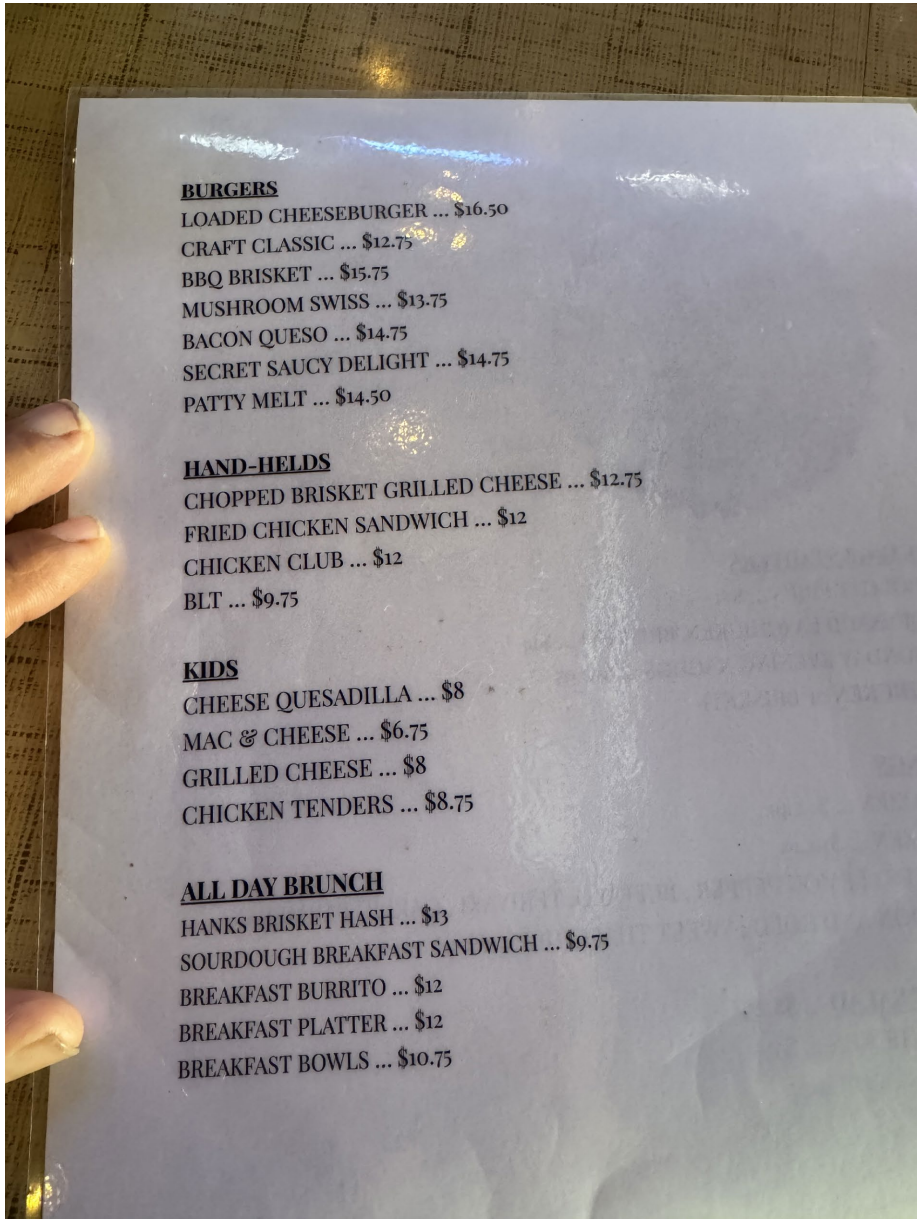
Agency #: TX1050100

Incident #	Call Date/Time	Type	Officers	Location	Common Name	Dispositions	Description
2026-00017825	4/18/2026 2:43:30 AM	Assault	smpd13540 - Bonfantini, Bart *	242 N LBJ DR 103, SAN MARCOS, TX 78666	CRAFTHOUSE KITCHEN & TAP SM	Arrest - 1	People fighting outside entrance of Crafthouse. 1 arrested for assault cause bodily injury.
2026-00015461	4/4/2026 1:34:05 AM	Assault	smpd11926 - Mueller, Justin *, smpd12683 - Pierce, Basil *, smpd	242 N LBJ DR 103, SAN MARCOS, TX 78666	CRAFTHOUSE KITCHEN & TAP SM	Report Taken - 8, No Report - 13	verbal disturbance inside of CraftHouse that turned into a physical disturbance outside
2026-00015408	4/3/2026 6:59:24 PM	Citizen Assist/Service Call	smpd13540 - Bonfantini, Bart *, smpd14420 - Olsen, Rachael *	242 N LBJ DR 103, SAN MARCOS, TX 78666	CRAFTHOUSE KITCHEN & TAP SM	No Report - 1	Staff did "bend test" on CA ID and accidently snapped it in half upsetting customer.
2026-00007311	2/14/2026 7:16:10 AM	Citizen Assist/Service Call	smpd13292 - Williamson, Jamie *, smpd13615 - Davis, Felicia *	242 N LBJ DR 103, SAN MARCOS, TX 78666	CRAFTHOUSE KITCHEN & TAP SM	No Report - 1, Report Taken - 1, Citation Issued - 1, Arrest - 1	welfare concern for a male subject passed out in a vehicle at 242 N LBJ Dr. O1 was arrested for Public Intoxication.
2025-00041357	9/21/2025 12:51:04 AM	Alcohol Violation	smpd14266 - Spiars, Caleb *	242 N LBJ DR 103, SAN MARCOS, TX 78666	CRAFTHOUSE KITCHEN & TAP SM	No Report - 1	released to responsible party
2025-00032100	7/27/2025 5:37:35 PM	Assault	smpd14200 - Martin, Jonathan *, smpd14418 - Leonard, Warren *, s	242 N LBJ DR 103, SAN MARCOS, TX 78666	CRAFTHOUSE KITCHEN & TAP SM	No Report - 2, Report Taken - 1, Arrest - 1	male was inside the business being a disturbance, and was asked to leave multiple times which he refused to do. As a result, employees had to forcibly escort the male out of the business. male was placed under arrest for public intoxication.
2025-00012989	3/26/2025 7:36:13 PM	Trespass	smpd12772 - Contreras, Ysidro *, smpd14263 - Lauritzen, Christop	242 N LBJ DR 103, SAN MARCOS, TX 78666	CRAFTHOUSE KITCHEN & TAP SM	UTL - 1, No Report - 1	male wont leave, keeps harassing customers and tablesmale walked off
2024-00033053	8/20/2024 1:51:32 AM	Suspicious Activity	smpd13983 - Large, Kyle *, smpd14199 - Marschall, Josiah *, smpd	242 N LBJ DR 103, SAN MARCOS, TX 78666	CRAFTHOUSE KITCHEN & TAP SM	Arrest - 1, Report Taken - 1	suspicious vehicle with a male inside asleep. Male was arrested for DWI admitted to drinking at Crafthouse.
2024-00030662	8/3/2024 2:39:58 AM	Assault	smpd13730 - George, Daniel *, smpd13906 - Scott, Robert *, smpd1	242 N LBJ DR 103, SAN MARCOS, TX 78666	CRAFTHOUSE KITCHEN & TAP SM	No Report - 4	Verbal only, parties sep when LE arrived. no offense.

From: [redacted]

Subject: [EXTERNAL] Food/Drink menu

Date: Friday, May 22, 2026 8:38:10 AM



BURGERS
LOADED CHEESEBURGER ... $16.50
CRAFT CLASSIC ... $12.75
BBQ BRISKET ... $15.75
MUSHROOM SWISS ... $13.75
BACON QUESO ... $14.75
SECRET SAUCY DELIGHT ... $14.75
PATTY MELT ... $14.50

HAND-HELDS
CHOPPED BRISKET GRILLED CHEESE ... $12.75
FRIED CHICKEN SANDWICH ... $12
CHICKEN CLUB ... $12
BLT ... $9.75

KIDS
CHEESE QUESADILLA ... $8
MAC & CHEESE ... $6.75
GRILLED CHEESE ... $8
CHICKEN TENDERS ... $8.75

ALL DAY BRUNCH
HANKS BRISKET HASH ... $13
SOURDOUGH BREAKFAST SANDWICH ... $9.75
BREAKFAST BURRITO ... $12
BREAKFAST PLATTER ... $12
BREAKFAST BOWLS ... $10.75

* Required field

License Information

License Number:
200058235

License Type:
Mixed Beverage Permit (MB)

Status:
Active

Trade Name:
Crafthouse Kitchen & Tap

Location Address:
242 N LBJ Dr
San Marcos, TX

License Name:
WILLY JACK LLC

Expiration Date:
04/21/2028

Subordinates

Sent from Yahoo Mail for iPhone

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Report Spam/Phishing button in the Mimecast tab if you think this email is malicious.

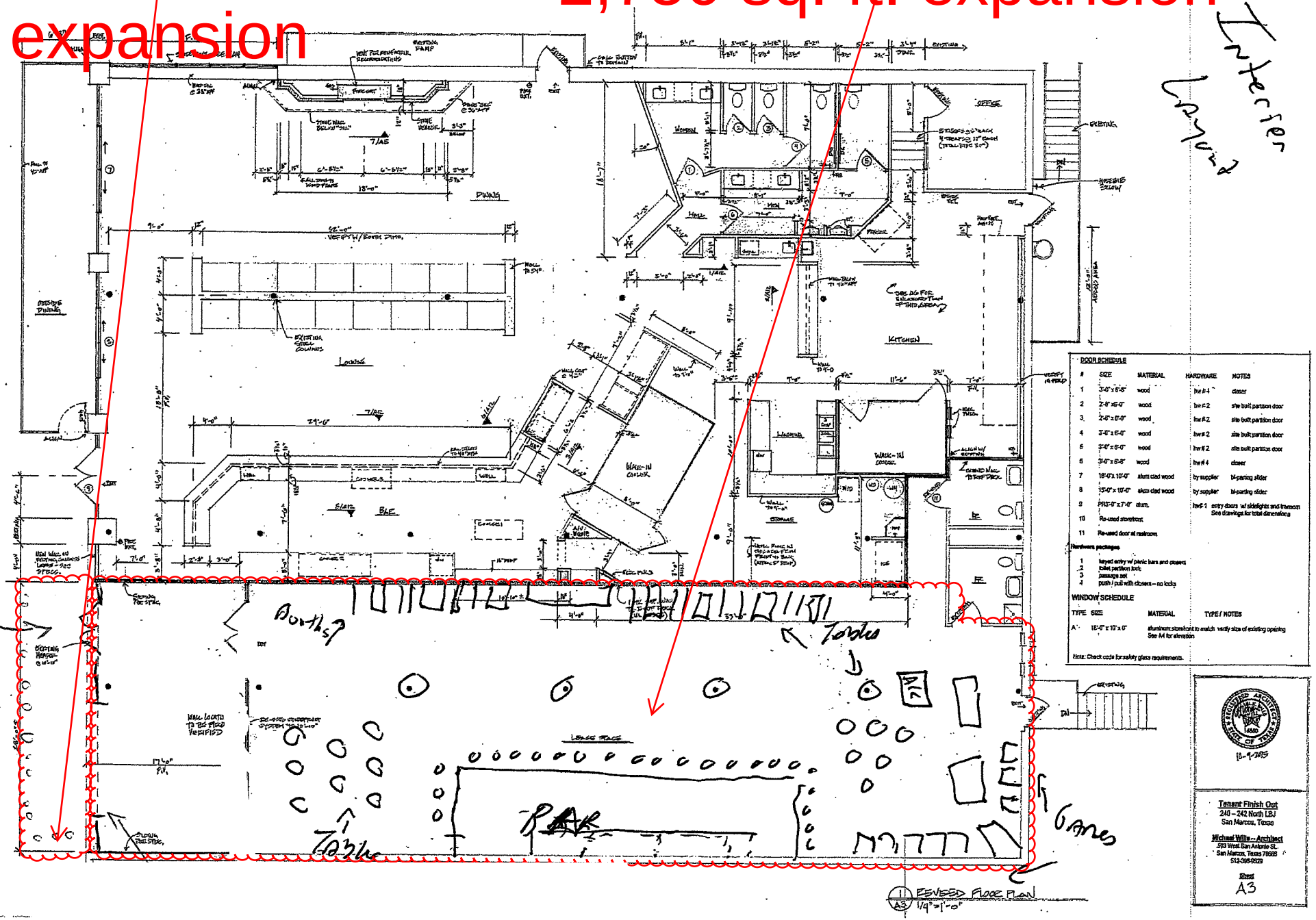
Business Details

WillyJackLLC
242 N. LBJ Dr
San Marcos, TX 78666

Sean Neal

156 sq. ft. outdoor expansion

2,750 sq. ft. expansion



CONDITIONAL USE PERMIT APPLICATION (ALCOHOL WITHIN DOWNTOWN CBA)

Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	SEAN NEAL	Property Owner	Allen Shy
Company	Willy Jack LLC	Company	Shy Pecan LTD
Applicant's Mailing Address	242 N. LBJ San Marcos, Tx 78666	Owner's Mailing Address	2826 Black Bear Dr New Braunfels, Tx 78132
Applicant's Phone	[redacted]		
Applicant's Email			

PROPERTY INFORMATION

Subject Property Address: 242 N. LBJ DR San Marcos, Tx 78666

Zoning District: CD - 5D Tax ID #: R 47404771

Legal Description: Lot _____ Block _____ Subdivision _____

Number of Parking Spaces: 12

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

DESCRIPTION OF REQUEST

Business Name: Willy Jack LLC CUP Permit Type: ☐ *Eating Establishment* ☐ *Bar*

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

Hours of Operation (Ex. Mon 12pm-1am): Mon 11a - 2:00a Tue 11a - 2a Wed 11a - 2a

Thurs 11a - 2a Fri 11a - 2a Sat 11a - 2a Sun 11a - 2a

Indoor Seating Capacity: _____ Outdoor Seating Capacity: _____ Gross Floor Area: _____

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

PROPERTY OWNER AUTHORIZATION

I, Allen Sly (owner name) on behalf of Sly Penn LTD (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 242 N. LBJ Dr. San Marcos, TX 78666 (address).

I hereby authorize Sean West (agent name) on behalf of Willy Jack LLC (agent company) to file this application for Amendment (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: [signature] Date: 4-12-26

Printed Name, Title: Allen Sly, Partner

Signature of Agent: [signature] Date: 4/12/26

Printed Name, Title: Sean West owner

Form Updated December, 2025

AGREEMENT TO THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE
DOWNTOWN CENTRAL BUSINESS AREA (CBA) REQUIREMENTS

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 of the Development Code and any conditions of such permit. Within the Downtown Central Business Area (CBA) the establishment can either request an *"Eating Establishment"* or a *"Bar"* Conditional Use Permit, subject to the maximum allowed permits, and in accordance with the Development Code.

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

- In the Downtown Central Business Area (CBA) boundary, the total number of eating establishments which include the sale and on-premise consumption of alcohol is limited to 25.
- The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.
- The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.
- The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within **50** 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.

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

- In the Downtown Central Business Area (CBA) boundary, the total number of bars is limited to 14.
- 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 may be revoked. Please notify staff of any changes to the business operation.

Signature: _____ Date: 4/11/26

Print Name: Sean Nicol

Form Updated December, 2025

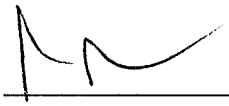
AGREEMENT TO THE PLACEMENT OF POSTED NOTICE AND ACKNOWLEDGEMENT OF PERSONAL NOTICE REQUIREMENTS

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 Signs:** 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 public notification, 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 notification and public hearing and hereby submit the attached application for review by the City.

Signature:  Date: 5/22/26

Print Name: Sean Neal

Form Updated December, 2025

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.

	CBA BAR	**CBA RESTAURANT**	**300 FEET OF SF USE**	**ALL REQUESTS**
Term	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.
Amplified Sound (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 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.
Amplified Sound (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.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (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.	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.
Background Sound (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.	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.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	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
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	The maximum 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 maximum 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 maximum 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 maximum 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.
Posting	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.

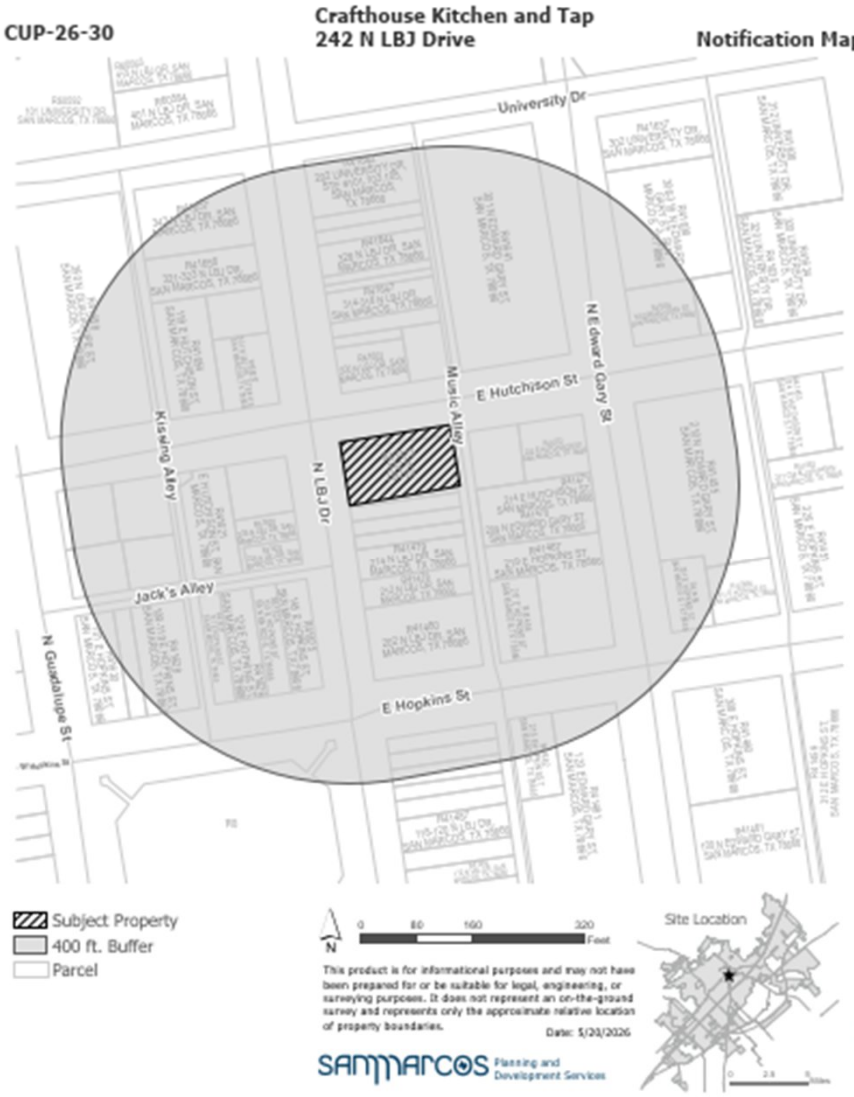
Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-30
Crafthouse Kitchen and Tap

CUP-26-30 (Crafthouse Kitchen and Tap) Hold a public hearing and consider a request by Sean Neal, on behalf of Crafthouse Kitchen and Tap, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 242 N LBJ Drive. (C. Garrison)

Property Information

- Approximately 0.3 acres
- Located at the southeast corner of N LBJ Drive and E Hutchison Street.



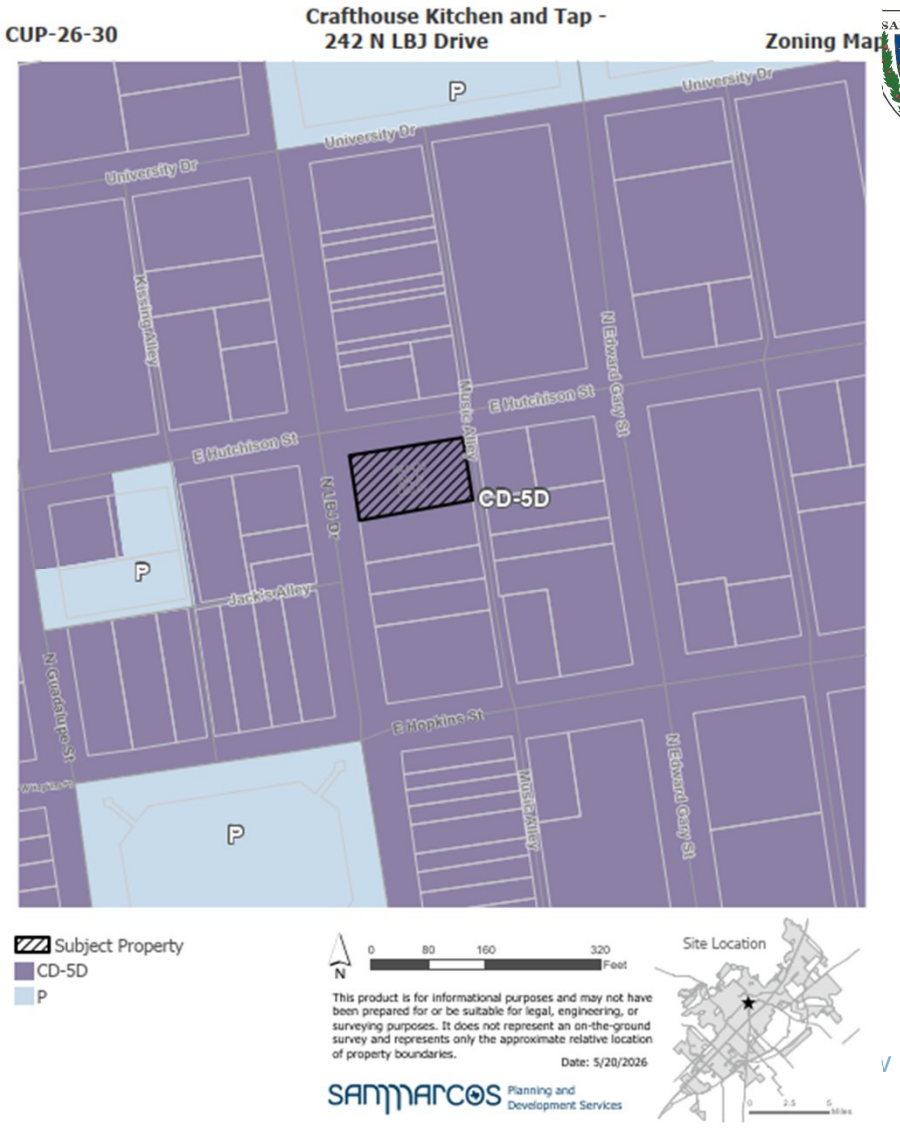
stx.gov

Context & History

- Currently a Restaurant (Eating Establishment) use with on-premise consumption of alcohol.
- Located within the Central Business Area (CBA)
    - “Restaurant (Eating Establishment)” uses within the CBA are required to meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.
- The business has held a Restaurant CUP since 2016.
- Received a Sidewalk Café License in 2015 and 2018

Context & History

- **Existing Zoning:** Character District-5D (CD-5D)
- **Proposed Use:** Restaurant
  - Monday – Sunday: 11am – 2am
- Surrounding Uses include Restaurants, Bars, Retail Sales and Services, Offices, and a Public Park
- **CUP Expiration Date:** April 13, 2027
- **Police Calls:** 9
- **Code Compliance/Env Health:** No Concerns
- Renewal required due to approximately 3,000 square foot expansion



Criteria for Approval

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

Criteria for Approval

C	I	N/A	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

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

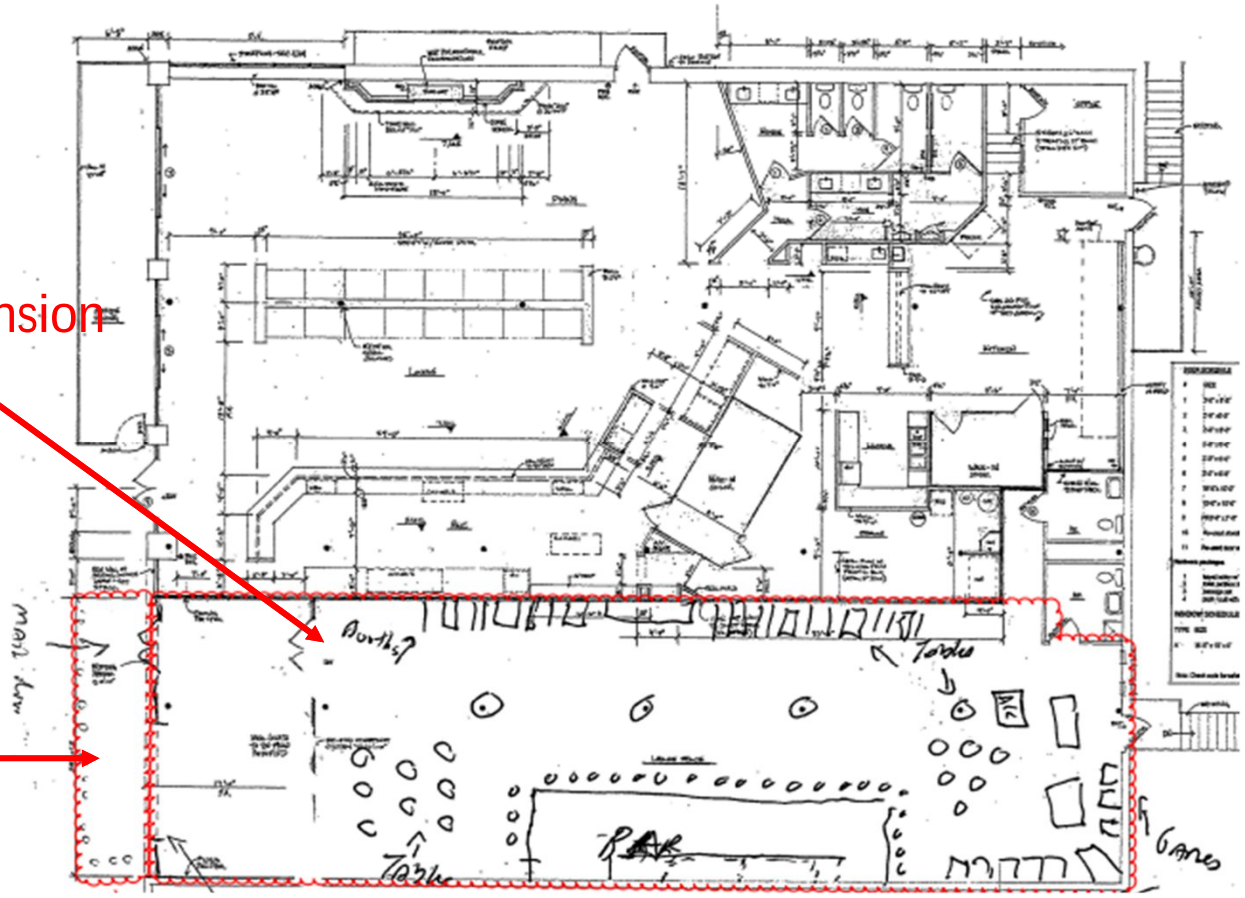
Criteria for Eating Establishments within CBA

C	I	N/A	CBA Boundary – Eating Establishment (Sec. 5.1.5.5.B.4.b)
X			Does the business include a properly equipped commercial kitchen with adequate food storage and heavy food preparation equipment?
X			Does the business serve meals during at least two four-hour meal periods each day it is open, with a minimum of three entrée options available during each period?
X			Is the business used, maintained, and advertised to the public as a restaurant where meals are prepared and served?
X			Is the business maintaining the sidewalk, gutters, parking areas, areas within 50 feet of exits, and the permitted property in a clean and sanitary condition at all times?

Site/Floor Plan

3,000 sq. ft. expansion

100 sq. ft. outdoor sidewalk cafe



N

Recommendation

Staff recommends **approval** of CUP-26-30 with the following conditions:

1. This permit shall be valid for three (3) years, and shall expire May 27, 2029, provided standards are met;
2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D);
3. The maximum 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. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Legislation Text

File #: CUP-26-33, **Version:** 1

AGENDA CAPTION:

CUP-26-33 (The Kickback) Hold a public hearing and consider a request by Brian Baker, on behalf of The Kickback, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 312 University Dr, Ste D. (K. Buck)

Meeting date: June 9, 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:

N/A

N/A

N/A

Comprehensive Plan Element (s):

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan:

Choose an item.

Background Information:

A Certificate of Occupancy was issued in April of 2026 for the use of “Indoor Recreation” on the subject property. The Kickback is an indoor event venue to provide small-scale entertainment. According to the applicant, the venue will host activities such as stand-up comedy performances, small live acoustic music events, art exhibitions, workshops, and similar creative programming designed for seated or standing audiences in an intimate setting. The applicant stated that the venue is not intended to function as a nightclub, large concert venue, or high-occupancy dance hall.

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.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** of CUP-26-33 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on June 9, 2027, provided standards are met;
2. No outdoor amplified, acoustic, and/or background sound shall be permitted;
3. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
4. The business shall not pursue or hold a TABC Late Hours permit;
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.

Conditional Use Permit	312 University Dr, Ste D
CUP-26-33	The Kickback

Summary

Request:	New Conditional Use Permit (CUP)		
Applicant:	Brian Baker 312 University Dr, Ste C San Marcos, TX 78666	**Property Owner:**	Adam Ahmed 312 University Dr, Ste C San Marcos, TX 78666
CUP Expiration:	N/A	**Type of CUP:**	Beer & Wine (Outside CBA)
Interior Floor Area:	2,342 sq ft	**Outdoor Floor Area:**	N/A
Parking Required:	24 spaces	**Parking Provided:**	Yes
Days & Hours of Operation:	Saturday-Monday: Closed Thursday & Friday: 1pm-2am		

Notification

Posted:	May 22, 2026	**Personal:**	May 22, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1A in the Original Town of San Marcos Subdivision		
Location:	Southwest corner of University Drive and Moon Street		
Acreage:	1.21 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	Character District 5 Downtown (CD-5D)	**Proposed Zoning:**	Same
Existing Use:	Indoor Recreation	**Proposed Use:**	Same
Preferred Scenario:	Mixed Use Medium/Regional Center	**Proposed Designation:**	Same
CONA Neighborhood:	Downtown	**Sector:**	8
Utility Capacity:	Adequate	**Floodplain:**	No
Historic Designation:	N/A	**My Historic SMTX Resources Survey:**	Yes, Low Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Public and Institutional (P)	Institution (Texas State University)	Commercial/Employment Medium/Regional Center
South of Property:	Character District 5 Downtown (CD-5D)	Personal Services (Hair Salon)	Mixed Use Medium/Regional Center
East of Property:	Character District 5 Downtown (CD-5D)	Personal Services (Broadway Bank)	Mixed Use Medium/Regional Center
West of Property:	Character District 5 Downtown (CD-5D)	Restaurants (Sylvia's Pizza, Kasian Garden)	Mixed Use Medium/Regional Center

Conditional Use Permit	312 University Dr, Ste D
CUP-26-33	The Kickback

Staff Recommendation

	Approval as Submitted	X	**Approval with Conditions**		Denial

1. The permit shall be valid for one (1) year, and shall expire on June 9, 2027, provided standards are met;
2. No outdoor amplified, acoustic, and/or background sound shall be permitted;
3. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
4. The business shall not pursue or hold a TABC Late Hours permit;
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.

Staff: Kaitlyn Buck	**Title:** Planner	**Date:** June 3, 2026

History

This is a new request.

Additional Analysis

A Certificate of Occupancy was issued in April of 2026 for the use of “Indoor Recreation” on the subject property. The Kickback is an indoor event venue to provide small-scale entertainment. According to the applicant, the venue will host activities such as stand-up comedy performances, small live acoustic music events, art exhibitions, workshops, and similar creative programming designed for seated or standing audiences in an intimate setting. The applicant stated that the venue is not intended to function as a nightclub, large concert venue, or high-occupancy dance hall.

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

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

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
X			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan.***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
		X	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. ***The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.***
X			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.
		X	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. ***No improvements are being proposed as the subject structure is an existing development.***
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			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.
X			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.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
X			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

N

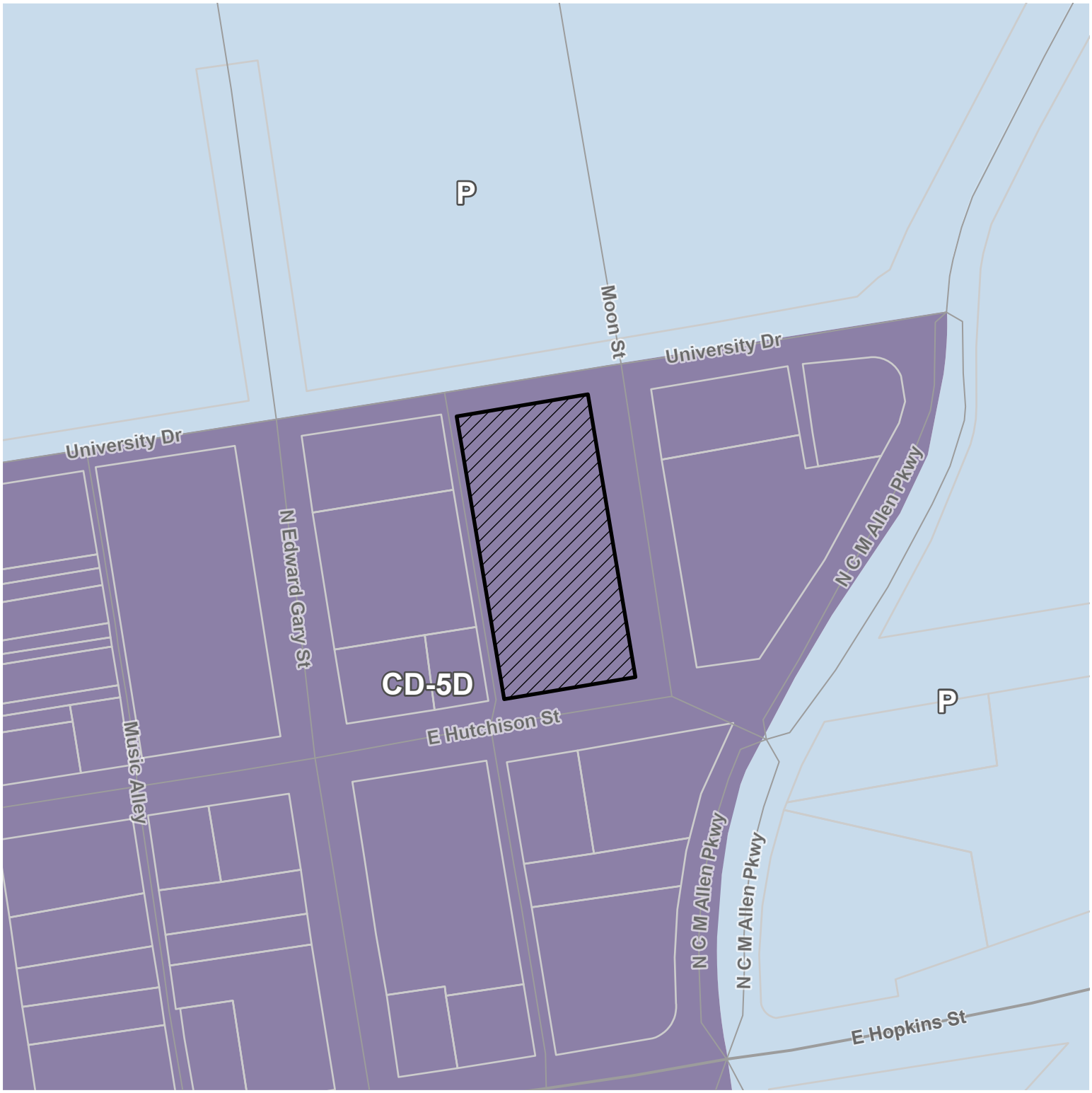
0 105 210 420 Feet

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: 5/19/2026

SAN MARCOS Planning and Development Services

Site Location



Suject Property
CD-5D
P

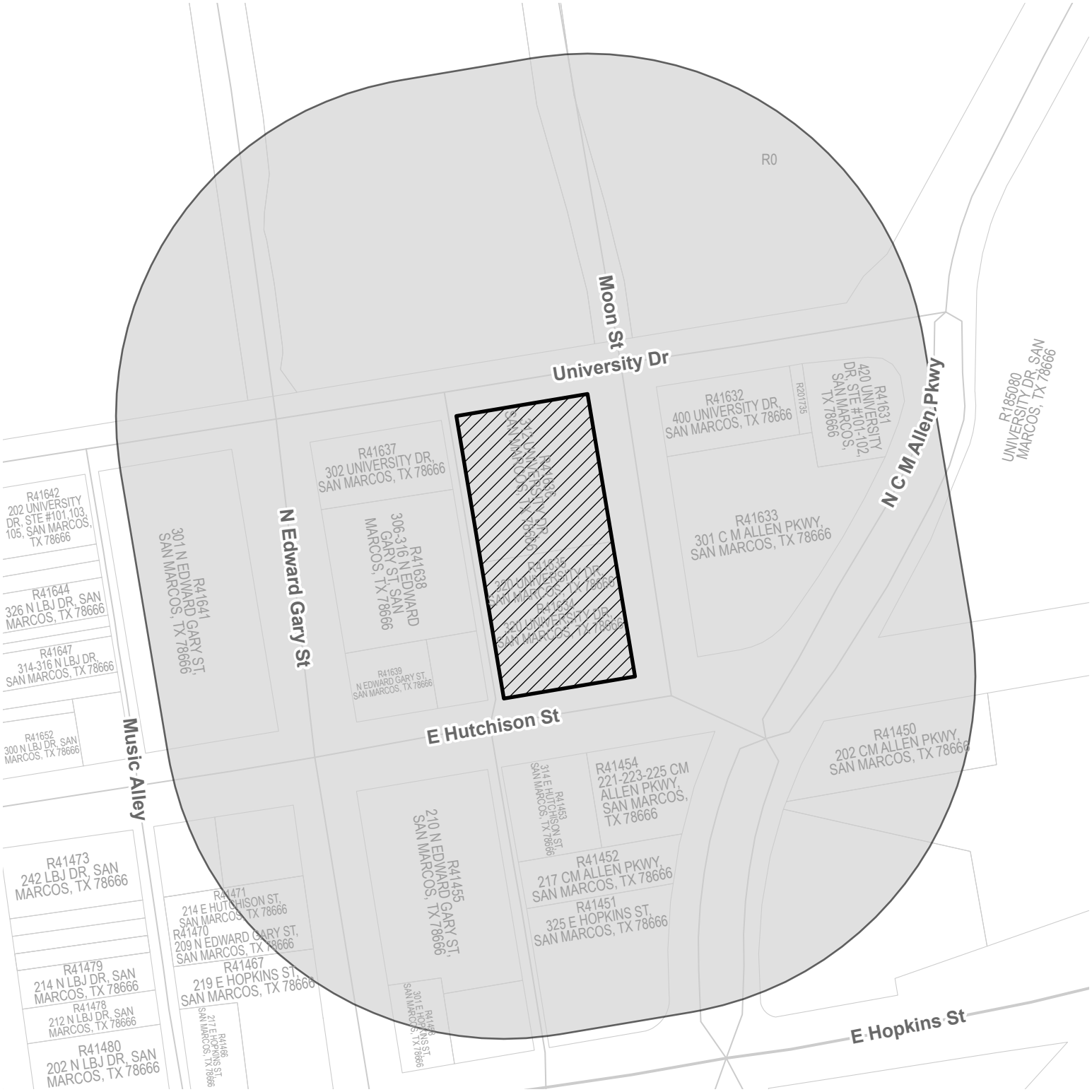
N

0 85 170 340 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: 5/19/2026

SAN MARCOS Planning and Development Services



Subject Property
400ft Buffer
Parcel

N

0 85 170 340 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: 5/19/2026

SAN MARCOS Planning and Development Services

Site Location

05/22/2026 **CUP-26-33**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Beer & Wine
312 University Dr, Ste D

CUP-26-33 (The Kickback) Hold a public hearing and consider a request by Brian Baker, on behalf of The Kickback, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 312 University Dr, Ste D. (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, June 9, 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 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

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-26-33.**

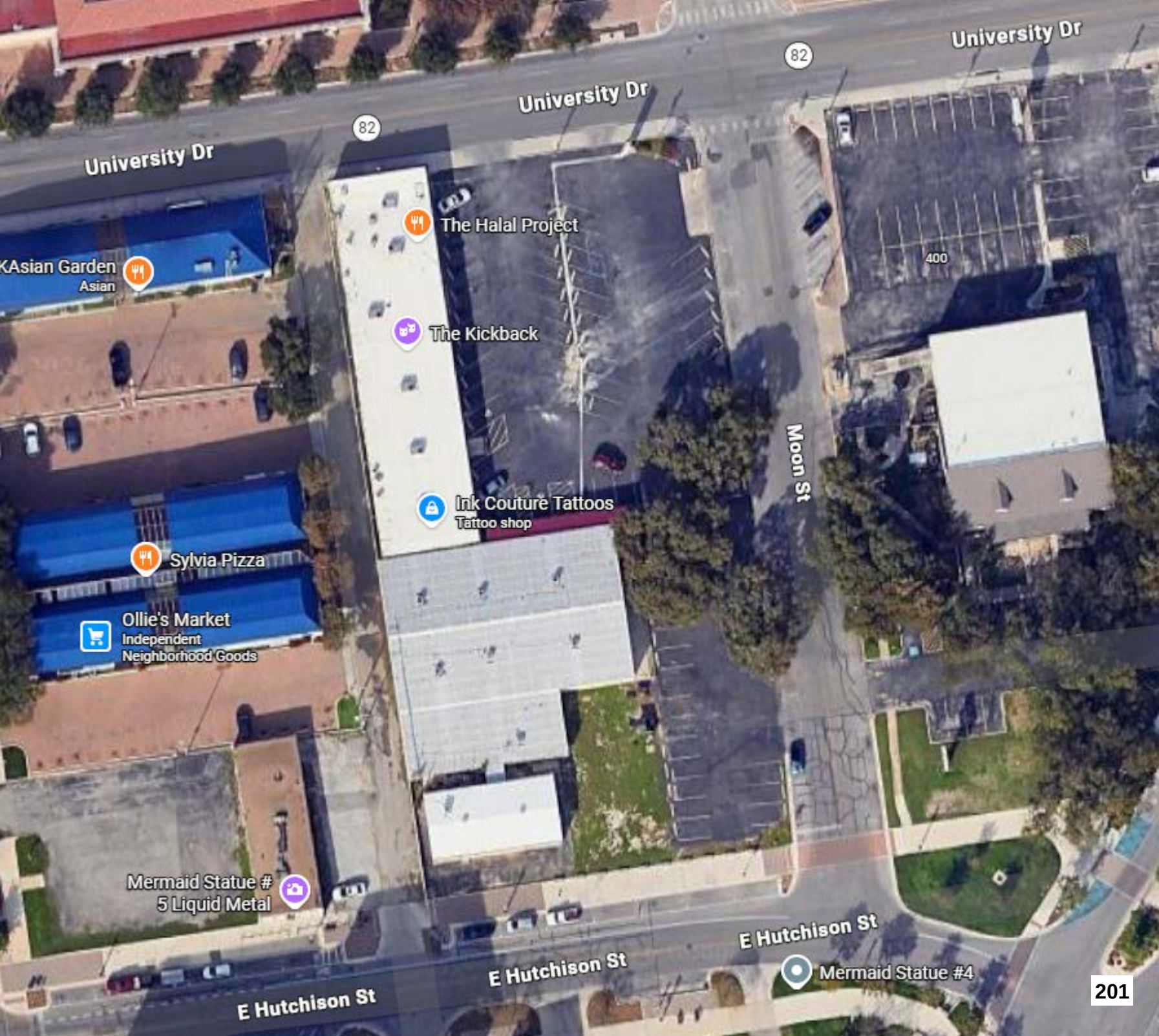
The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas 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

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

Notification List

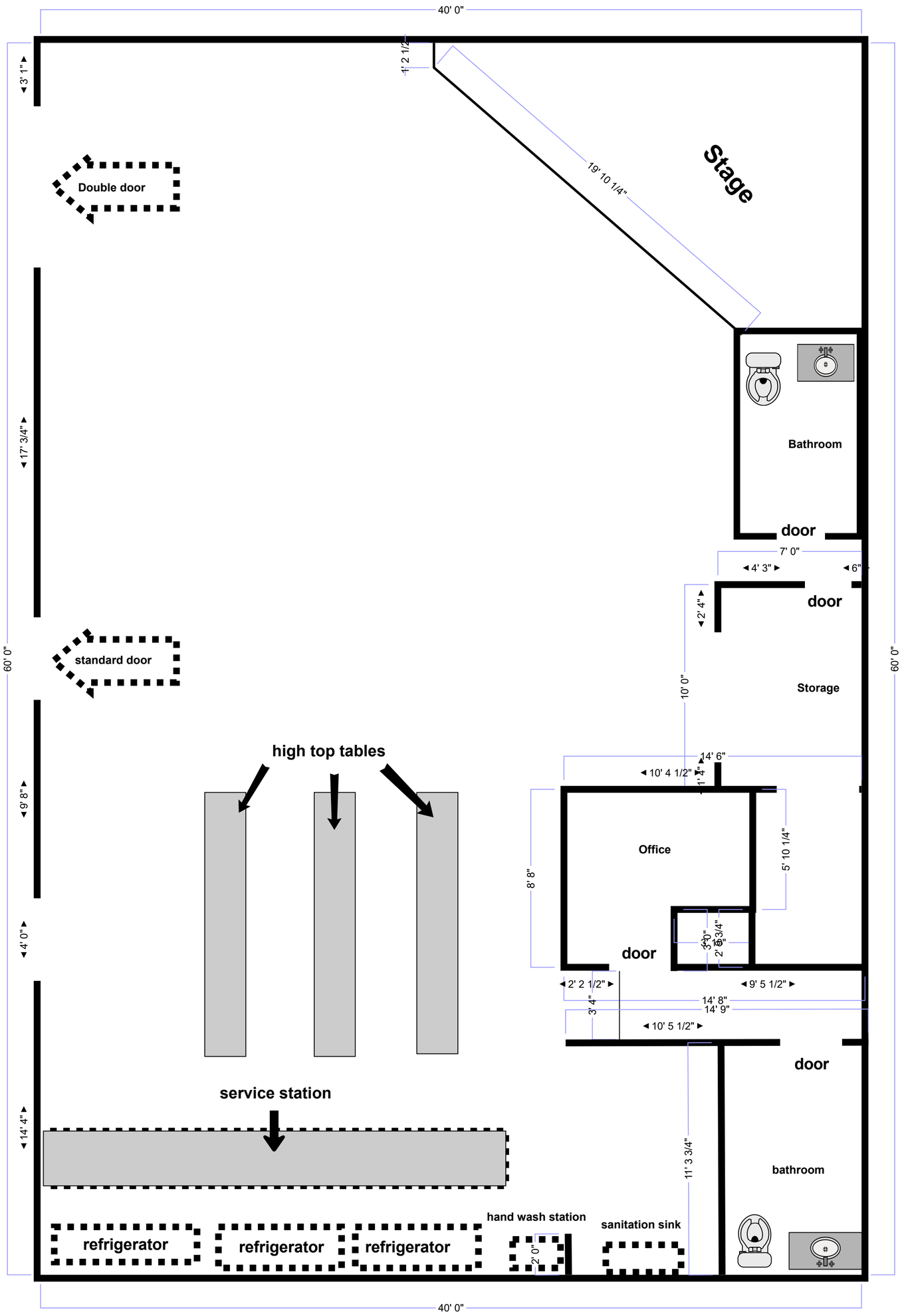
Property ID	Name of Owner	Owner Mailing Address	Owner City/State/Zip	Site Address
41469	214HUTCHISON LLC	407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063	214 E HUTCHISON ST, SAN MARCOS, TX 78666
103995	311 EAST HOPKINS LLC	4330 GAINES RANCH LOOP, STE 150	AUSTIN, TX 78735-6758	311 E HOPKINS ST, SAN MARCOS, TX 78666
41635	AM PETROLEUM INC	1900 E ANDERSON LN, STE 103	AUSTIN, TX 78752-1979	320 UNIVERSITY DR, SAN MARCOS, TX 78666
41641	AURELIUS LTD	216 SKIPPING CEDAR ST	SAN MARCOS, TX 78666-3854	301 N EDWARD GARY ST, SAN MARCOS, TX 78666
41450	CHAMBER OF COMMERCE	202 N C M ALLEN PKWY	SAN MARCOS, TX 78666-5732	202 CM ALLEN PKWY, SAN MARCOS, TX 78666
41458	GEAUXNU HOLDINGS LLC	3267 BEE CAVES RD, STE 107-62	AUSTIN, TX 78746-9996	301 E HOPKINS ST, SAN MARCOS, TX 78666
41451	HART, RONALD K	P O BOX 11	SAN MARCOS, TX 78667-0011	325 E HOPKINS ST, SAN MARCOS, TX 78666
41467	HAYSCO SM LLC	407 S STAGECOACH TRL, STE 203	SAN MARCOS, TX 78666-5063	219 E HOPKINS ST, SAN MARCOS, TX 78666
41640	HOUSE OF INK INC	604 MOUNTAIN VIEW DR	SAN MARCOS, TX 78666-4907	313 E HUTCHISON ST, SAN MARCOS, TX 78666
41454	ICON PROPERTIES LTD	1801 CHALK ROCK CV	AUSTIN, TX 78735-1733	221-223-225 CM ALLEN PKWY, SAN MARCOS, TX 78666
41472	MATT PATTERSON INS AGENCY INC	222 E HUTCHISON ST	SAN MARCOS, TX 78666-5682	222 E HUTCHISON ST, SAN MARCOS, TX 78666
41453	PEGGY JONES PROPERTIES	314 E HUTCHISON ST	SAN MARCOS, TX 78666	314 E HUTCHISON ST, SAN MARCOS, TX 78666
41452	SAARWA LLC - SERIES A	1171 LAKE ISLAND DR	CANYON LAKE, TX 78133-3254	217 CM ALLEN PKWY, SAN MARCOS, TX 78666
41455	SAN MARCOS TX STUDENT HOUSING LLC	999 SHADY GROVE RD S, STE 600	MEMPHIS, TN 38120-4130	210 N EDWARD GARY ST, SAN MARCOS, TX 78666

201735	SM BLOCK 21 LLC	2100 SEVEN WINS DR	AUSTIN, TX 78733-5713	
41637	VILLA PARK	P O BOX 160655	AUSTIN, TX 78716-0655	302 UNIVERSITY DR, SAN MARCOS, TX 78666
	Neighborhood Rep Samantha Benavides	455 Lindsey St.	SAN MARCOS, TX 78666	
	Neighborhood President Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666	
	CONA President Amy Thomaides	1131 W. MLK St	SAN MARCOS, TX 78666	


University Dr
82
University Dr
82
University Dr
The Halal Project
KAsian Garden
Asian
400
The Kickback
Moon St
Ink Couture Tattoos
Tattoo shop
Sylvia Pizza
Ollie's Market
Independent
Neighborhood Goods
Mermaid Statue #
5 Liquid Metal
E Hutchison St
E Hutchison St
E Hutchison St
Mermaid Statue #4
201

The Kickback Blueprint

312 university dr suite D, san marcos Texas 78666



Site: 9910 Administration Sq.		Drawing: 801506	Project: 0000416	Drawn: Name	Notes:	Acme Builders Corp 1234 Oak Road Yorktown, NY 10598
Title: 1st Floor Office Remodel		Scale: 1/4":1'0"	Date: 01/30/2017	Rev: A		

The Kickback

Beverage Menu — City License Review

SAN MARCOS, TEXAS

BOTTLED & CANNED BEER

Lone Star Lager *Texas pride, crisp & light*	4.65% ABV	12 oz	**$5**
Shiner Bock *Spoetzl Brewery, Shiner TX — malty amber*	4.40% ABV	12 oz	**$6**
Karbach Hopadillo IPA *Houston craft, citrus-forward hops*	6.20% ABV	12 oz	**$7**
Modelo Especial *Pilsner-style lager, balanced & clean*	4.40% ABV	12 oz	**$6**
Dos Equis Lager *Mexican lager, smooth & refreshing*	4.20% ABV	12 oz	**$5**
Bud Light *American light lager*	4.20% ABV	12 oz	**$4**
Coors Light *American light lager*	4.20% ABV	12 oz	**$4**
Blue Moon Belgian White *Wheat ale, orange peel, coriander*	5.40% ABV	12 oz	**$5**
Corona Extra *Mexican lager, light & refreshing*	4.60% ABV	12 oz	**$5**

WINE

RED

Cabernet Sauvignon *Bota Box, CA — dark fruit, oak*	13.5% ABV	6 oz	**$8**
Merlot *Black Box, CA — smooth, plum*	13.5% ABV	6 oz	**$8**

WHITE & ROSé

Pinot Grigio *Santa Margherita, Italy — crisp, citrus*	12.0% ABV	6 oz	**$9**

Chardonnay *Kendall-Jackson, CA — buttery, vanilla*	13.5% ABV	6 oz	**$9**
Rosé *Whispering Angel, France — dry, floral*	13.0% ABV	6 oz	**$10**

All wine served by the glass (6 oz). Bottle service available upon request.

SELTZERS & HARD BEVERAGES

White Claw Hard Seltzer *Mango, black cherry, or lime*	5.00% ABV	12 oz	**$5**
Topo Chico Hard Seltzer *Tangy lemon-lime, crisp & refreshing*	4.70% ABV	12 oz	**$5**
Twisted Tea *Original hard iced tea, smooth & sweet*	5.00% ABV	12 oz	**$5**
BeatBox Party Punch *Fruit punch, bold & ready to party*	11.1% ABV	500 ml	**$7**

NON-ALCOHOLIC

Coca-Cola, Diet Coke, Sprite, Dr Pepper *Fountain soft drinks*		20 oz	**$3**
Topo Chico Sparkling Water *Mineral water, plain or with lime*		12 oz	**$3**
Still Water *Dasani bottled*		16.9 oz	**$2**
Sweet / Unsweet Tea *House-brewed, Texas-style*		20 oz	**$3**
Lemonade *Freshly squeezed daily*		16 oz	**$4**
Athletic Brewing N/A Beer *Run Wild IPA — non-alcoholic craft beer*	<0.5% ABV	12 oz	**$5**

All alcoholic beverages served to guests 21+ with valid ID · Prices subject to applicable Texas sales tax
The Kickback · San Marcos, TX · TABC License Application

Document reference ID : 611156

Licensing Application Summary

You must review your application and confirm that the information displayed here is correct. Select **Review and Confirm** to continue and make the payment. If the information is not correct, select **Back** to return to the application, edit the data as needed and finalize the submission. If you need to store the application packet for your records, select **Download**.

Application ID:	611156
Applicant Name:	KB SanMo Holdings LLC
License Type applied for:	Wine and Malt Beverage Retailer's On-Premise Permit (BG)

Entity Information

Business Structure:	Limited liability company
FEIN/SSN Number:	[redacted]
Member Managed or Manager Managed:	Member Managed
Historically Underutilized Business:	No
Veteran-owned business:	No
Fraternal Owned:	No
Secretary of State Filing Number:	806350220
Date Filed:	12/16/2025
Filing State:	TX

Primary Business Entity Contact Information

Legal First Name:	Brian
Legal Middle Name:	Baker
Email Address:	[redacted]
Phone Number:	512-815-1345

The Kickback

312 university dr suite D san marcos Texas 78666

Business Name: The Kickback
Business Type: Event Space / Assembly (Small Venue)
Location: 312 university dr suite D san marcos Texas 78666

Description of Use:
The Kickback is an indoor event space intended for small-scale entertainment and community programming. The facility will host stand-up comedy shows, small live music performances, art exhibitions, workshops, and similar creative events. Activities are designed for seated or standing audiences in an intimate setting and will not involve large-scale concerts, dancing events with high occupancy loads, or nightclub operations.

Food Service:
The business will offer prepackaged food items. No on-site food preparation or cooking will occur. All consumables will be commercially packaged and sold in compliance with applicable health regulations.

Alcohol Policy: The Kickback will operate as an on-premise beer and wine retailer.

Operational Characteristics:

- Events will be scheduled and curated programming rather than continuous open nightclub use
- Sound levels will be consistent with small performance venues and managed to comply with local noise ordinances
- Seating and floor layout will be flexible to accommodate comedy shows, acoustic music, and art displays
- The space will function as a community-oriented creative venue supporting local artists and performers

Occupancy & Safety:
Occupancy limits, egress pathways, fire protection requirements, and accessibility standards will be followed in accordance with City of San Marcos building and fire codes. Interior layout will maintain clear exits and appropriate spacing for assembly use.

Summary:
The Kickback is a small assembly event space focused on comedy, live acoustic music, and art programming. The operational model emphasizes low-impact service, controlled attendance, and community cultural use with alcohol service and no on-site food preparation.

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	Brian Baker	Property Owner	Adam Ahmed
Company	KB SanMo Holdings LLC	Company	AM Petroleum
Applicant's Mailing Address	312 University Dr Suite C&D San Marcos, Texas 78666	Owner's Mailing Address	
Applicant's Phone #		Owner's Phone #	
Applicant's Email	[redacted]	Owner's Email	[redacted]

PROPERTY INFORMATION

Subject Property Address: 312 University Dr Suite C&D San Marcos, Texas 78666

Zoning District: CD-5D **Tax ID #: R**41636

Legal Description: **Lot** ORIGINAL TOWN OF SAN MARCO **Block** 22 **Subdivision** LOT PT OF 1A (Lots 3 -4)

Number of Parking Spaces: 25

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

DESCRIPTION OF REQUEST

Business Name: _____ **CUP Permit Type:** ☐ *Eating Establishment* ☐ *Bar*

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

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

Thurs 1pm -2am **Fri** 1pm -2am **Sat**_____ **Sun**_____

Indoor Seating Capacity: _____ **Outdoor Seating Capacity:** _____ **Gross Floor Area:** 2,342

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.

Docusign Envelope ID: A2BF7F98-9997-8FCF-83A7-F8113366B070

PROPERTY OWNER AUTHORIZATION

I, Adam Ahmad (owner name) on behalf of A M PETROLEUM INC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 312 University Dr Suite C & D San Marcos, Texas 78666 (address).

I hereby authorize Brian Baker (agent name) on behalf of KB SanMo Holdings LLC (agent company) to file this application for Conditional Use Permit Application - Outside CBA (TABC) (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Signed by: Adam Ahmad 4D0E501E7C04463... Date: 5/1/2026

Printed Name, Title: Adam Ahmad President

Signature of Agent: Signed by: CAEC63B194E14D2... Date: 4/29/2026

Printed Name, Title: Brian Baker KB SanMo Holdings LLC

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: Signed by: Brian Baker 7622DCE3F802414... Date: 5/2/2026

Print Name: Brian Baker

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.

Signed by:

Signature: Brian Baker 7622DCE3F802414... Date: 5/2/2026

Print Name: Brian Baker

Form Updated December, 2025

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.

	CBA BAR	**CBA RESTAURANT**	**300 FEET OF SF USE**	**ALL REQUESTS**
Term	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.
Amplified Sound (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 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.
Amplified Sound (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.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (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.	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.
Background Sound (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.	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.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	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
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	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.
Posting	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.

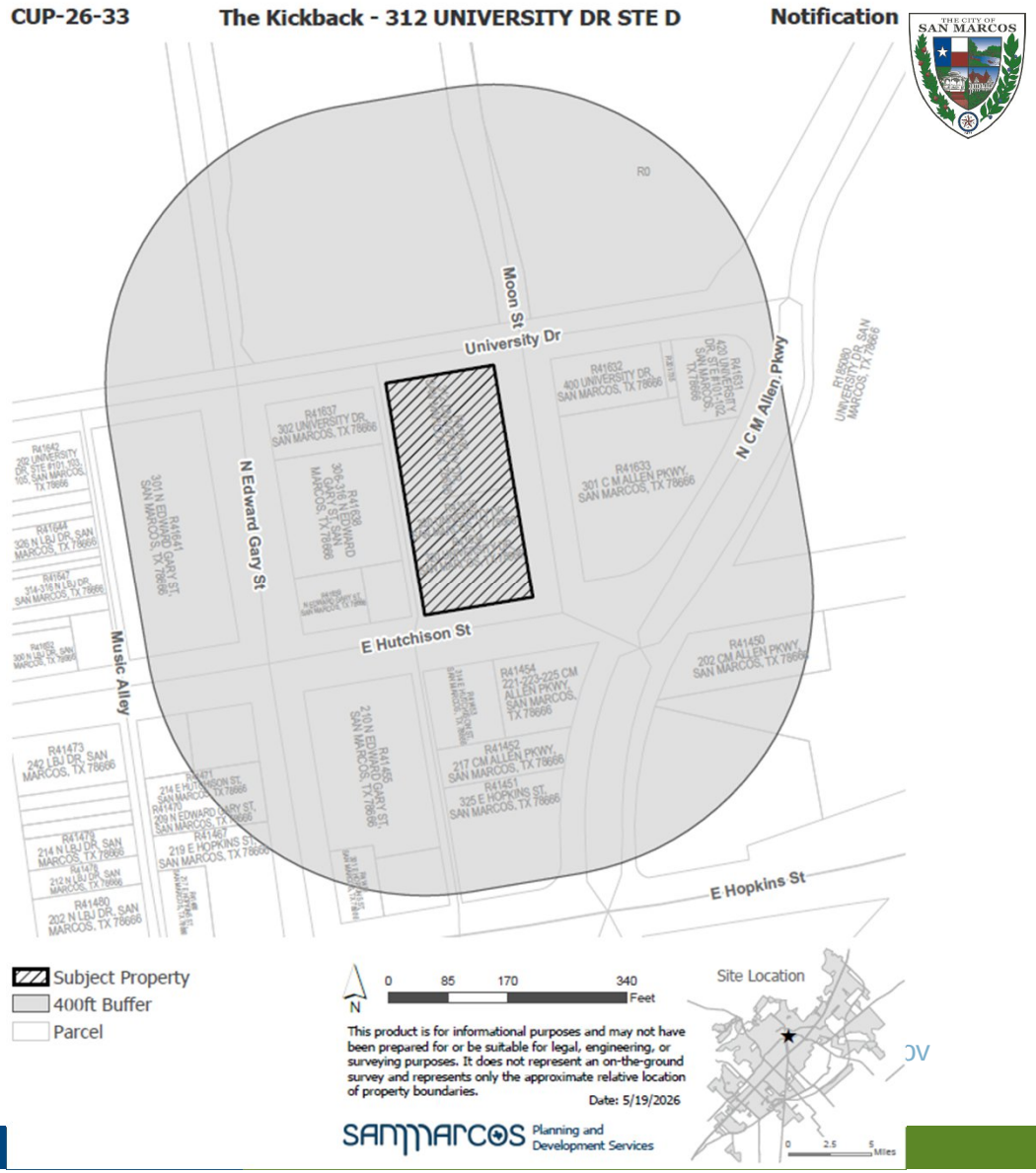
Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-33
The Kickback

CUP-26-33 (The Kickback) Hold a public hearing and consider a request by Brian Baker, on behalf of The Kickback, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 312 University Dr, Ste D. (K. Buck)

Property Information

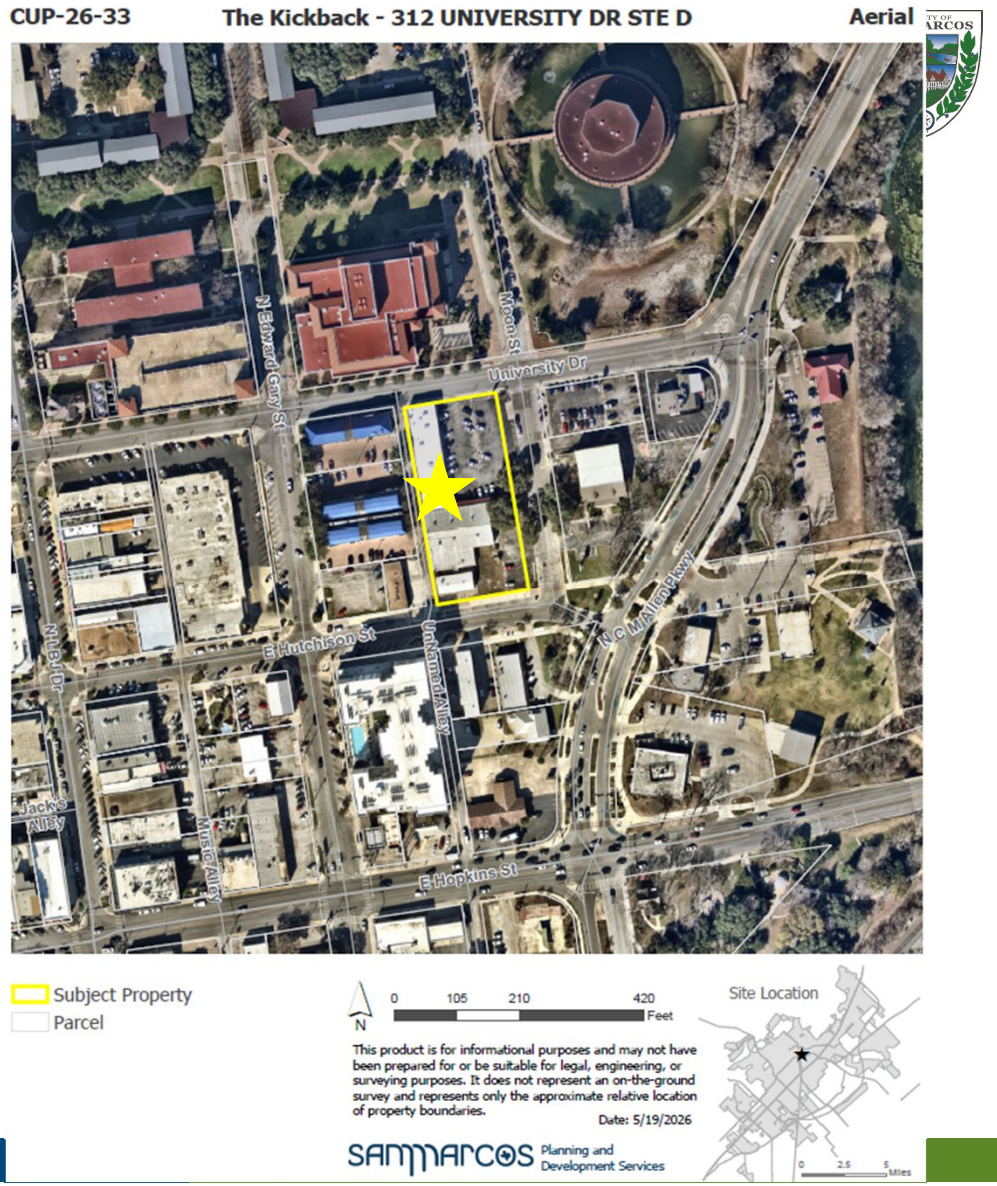
- Approximately 1.21 acres
- Location: Southwest corner of University Drive and Mono Street



Context & History

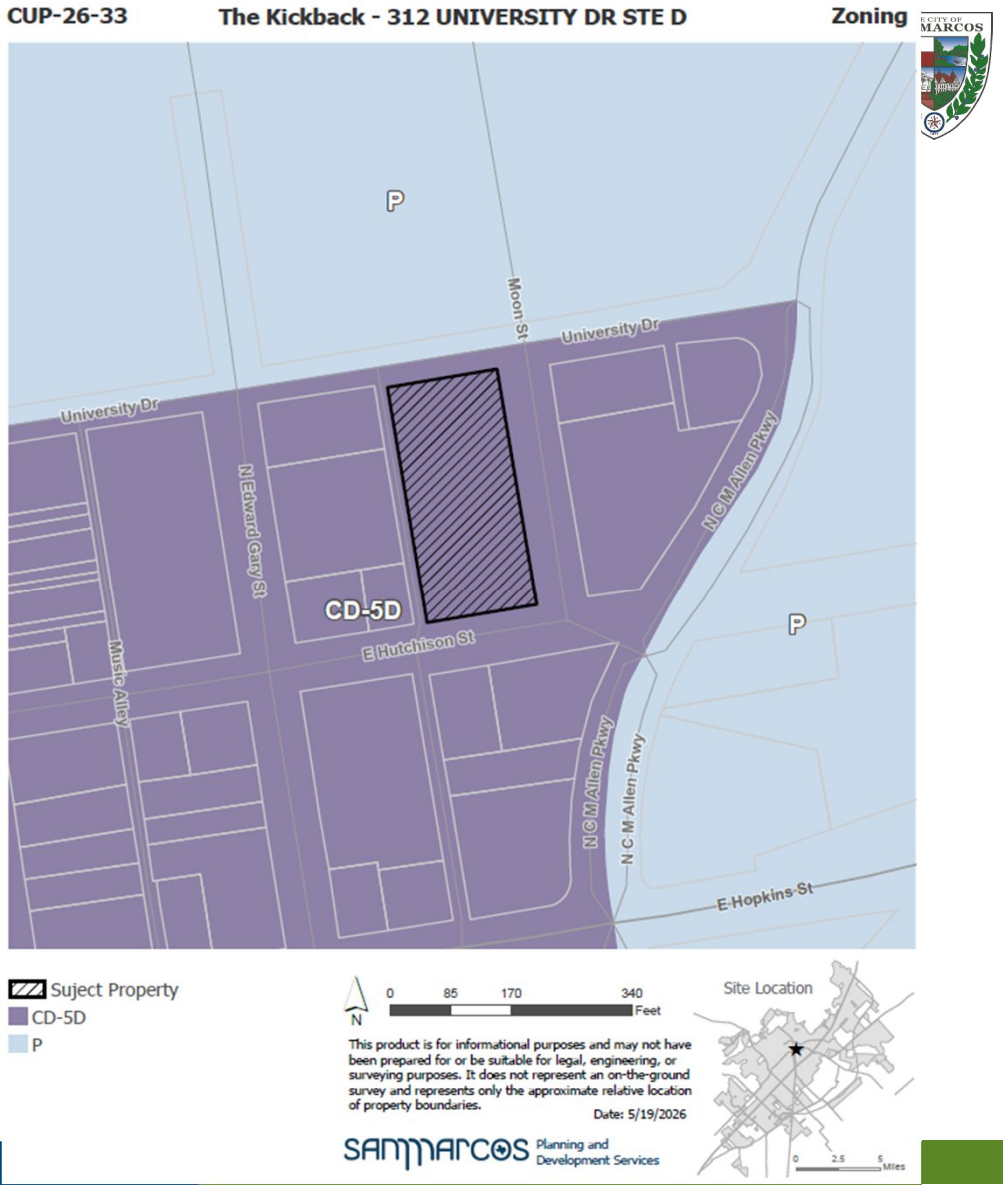
- Current Use: Indoor Recreation

- Surrounding Uses:
  - Restaurants
    - (Sylvia's Pizza, Kasian Garden)
  - Personal Services
    - (Hair Salon, Bank)
  - Institution
    - (Texas State University)



Context & History

- **Existing Zoning:** Character District 5 Downtown (CD-5D)
- **Proposed Use:** Indoor Recreation with on-premise consumption of alcohol
- **Hours of Operation:**
  - Thursday & Friday: 1pm-2am
  - Saturday-Monday: Closed
- **CUP Expiration Date:** N/A this is a new request



Criteria for Approval

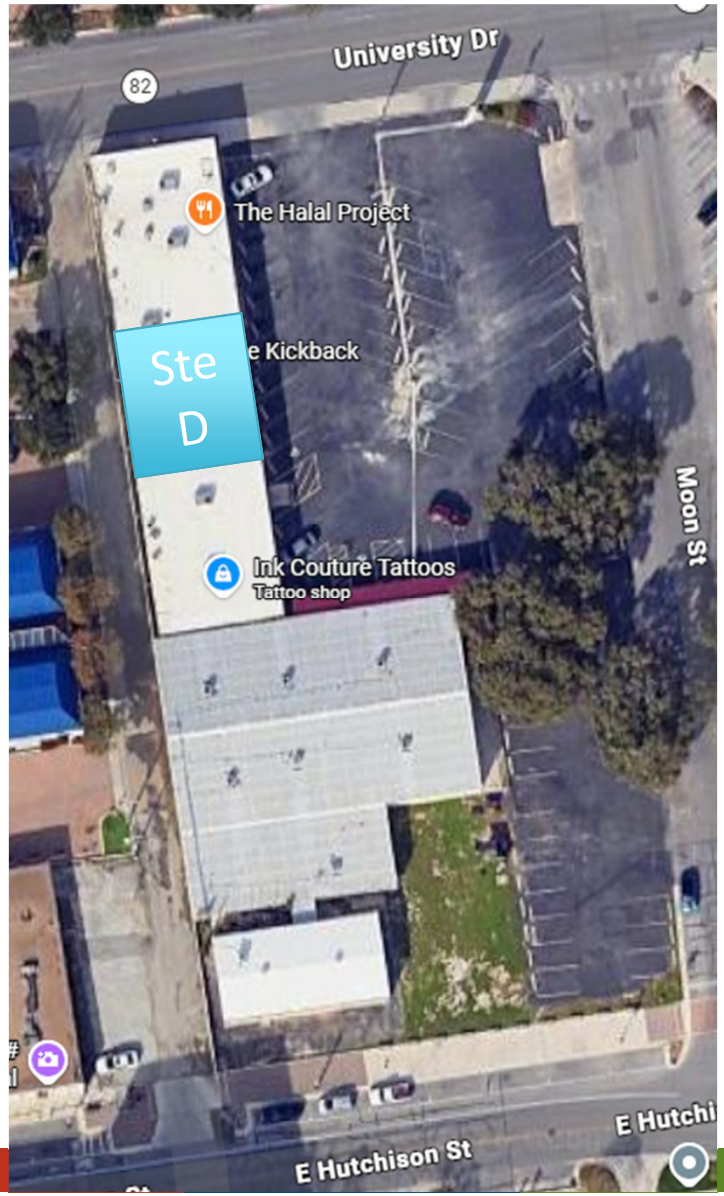
C	I	N/A	Criteria for Approval – Sec. 2.8.3.4
X			Aligns with the adopted comprehensive plan?
X			Complies with any applicable small area plan or neighborhood studies?
X			Meets the purpose and intent of the current zoning district regulations?
		X	Preserves surrounding character and mitigates impacts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

Criteria for Approval

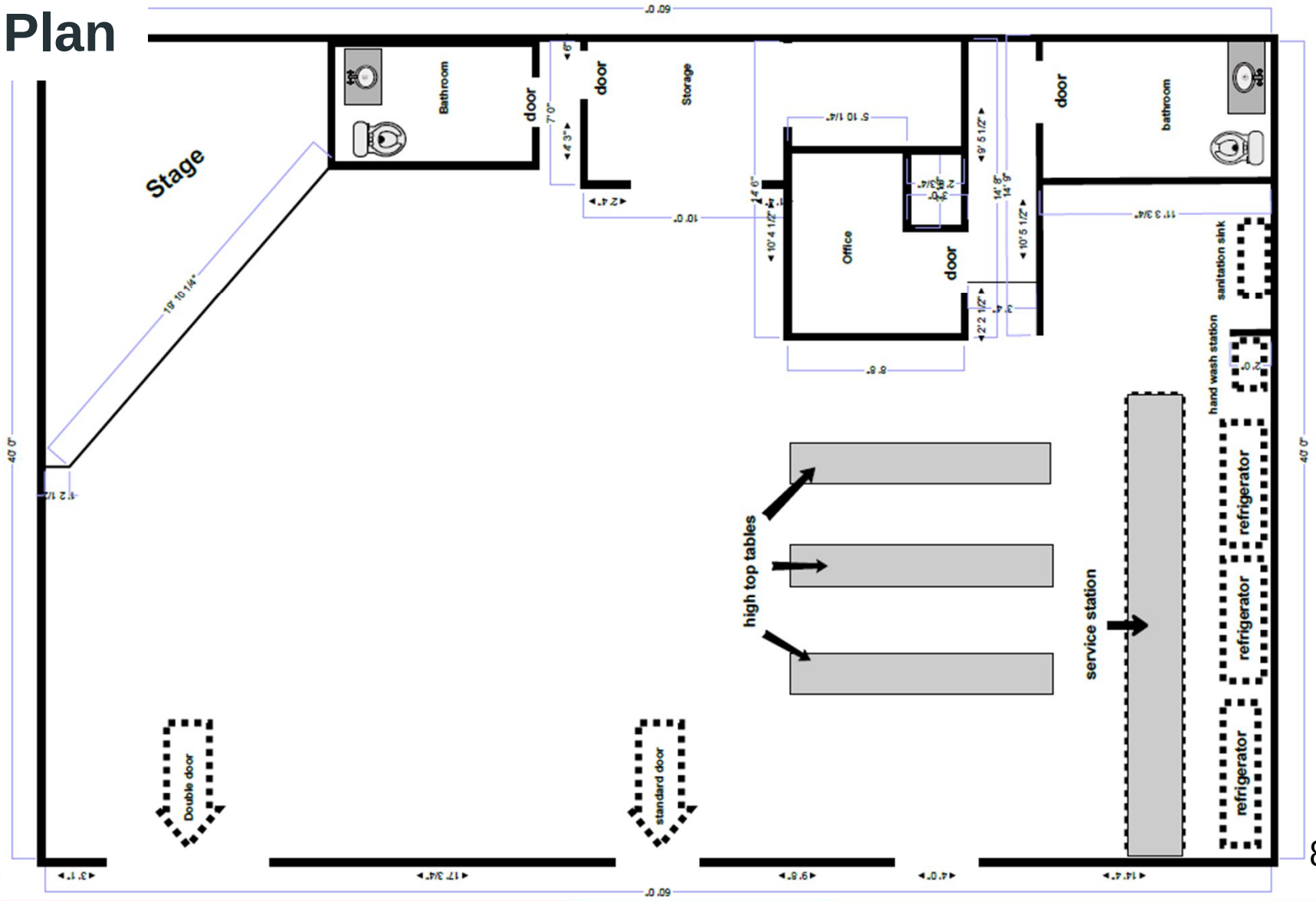
C	I	N/A	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

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

Site Plan


University Dr
82
The Halal Project
Ste
D
e Kickback
Ink Couture Tattoos
Tattoo shop
Moon St
E Hutchison St
E Hutchi

Floor Plan



.gov

Recommendation

Staff recommends **approval** of CUP-26-33 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on June 9, 2027, provided standards are met;
2. No outdoor amplified, acoustic, and/or background sound shall be permitted;
3. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
4. The business shall not pursue or hold a TABC Late Hours permit;
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.

Legislation Text

File #: PDA-22-03, **Version:** 1

AGENDA CAPTION:
PDA-22-03 (Sedona South Development Agreement) Receive a staff presentation, and discuss a proposed development agreement requested by the City of San Marcos, and Carlson, Brigance & Doering, Inc, on behalf of JLBC 710 Investments, LLC, for approximately 643 acres out of the Charles Henderson, Andrew Mitchell, and S.A & M.G.R.R Co Surveys in Hays and Guadalupe Counties, generally located on SH 123 northeast of the intersection of SH 123 and FM 1978.(J. Cleary)
Meeting date: June 9, 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]

N/A

N/A

N/A

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

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☒ Not Applicable

Master Plan:

Vision San Marcos - A River Runs Through Us

Background Information:

Sedona South is an approximately 643-acre site located primarily within Guadalupe County and is bounded by SH-123 to the west and FM 1978 to the south. It abuts the Cottonwood Creek neighborhood and “Sedona North” which was annexed into the City in 2022 and is currently under construction. The property is subject to a funding agreement with the City for the second wastewater treatment plant (2024-78R) approved in 2024, which allows developments to receive city wastewater service outside the City limits and ETJ subject to agreed financial contributions and, in the case of Sedona South, the contribution of land for the construction of the second wastewater treatment plant, which will serve properties both within and outside the city limits. The 25.013 acres of land was transferred to the City of San Marcos on October 30, 2024, meaning that the City is now officially also an "applicant" in this Development Agreement.

The property is proposed as a mixed-use development, with approximately 47 acres of commercial/industrial and multifamily proposed along SH-123, a 50-acre open space/ greenway with a trail encompassing the floodplain, approximately 530 acres of single family, and the approx. 25-acre wastewater treatment plant site. There is also an approx. 1-acre historic cemetery surrounded by the site - no development is proposed within the cemetery. Except for the wastewater treatment plant site, the development will not be annexed into the City and will remain in the unincorporated area of Guadalupe County and will also be subject to the interlocal agreement with Guadalupe County regarding the processing of plat applications. The development will include 2 Municipal Utility Districts (MUDs) which will finance and maintain the infrastructure - Council approved ordinances consenting to the creation of these MUDs in 2024 (Ord.2024-034 & Ord. 2024-033).

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

This is an informational item only - no action is required by the Commission.

DEVELOPMENT AGREEMENT

This **DEVELOPMENT AGREEMENT** (this "**Agreement**") is made and entered into as of the _____ day of _____, 2026 (the "**Effective Date**"), by and between the **CITY OF SAN MARCOS, TEXAS**, a Texas home-rule municipal corporation (the "**City**"), and **JLBC 710 Investments, LLC**, a Texas limited liability company ("**Owner**"). The **City** and **Owner** are sometimes hereinafter referred to individually as "**Party**", and collectively as the "**Parties**". The Parties agree as follows:

PURPOSES AND CONSIDERATIONS

WHEREAS, Owner currently owns 618.058 acres (the "**Property**") located in Hays and Guadalupe Counties, Texas that is within the Extraterritorial Jurisdiction ("**ETJ**") of the City, and more particularly described by metes and bounds on **Exhibit "A"**, which is attached hereto and incorporated herein for all purposes; and

WHEREAS, on or around October 30, 2024, by Special Warranty Deed recorded under Document No. 202499026872, Official Public Records of Guadalupe County, Texas, Owner conveyed to the City that certain 25.013 acres located adjacent to the Property, more particularly described on Exhibit "A-2" hereto and incorporated herein (the "**Plant Site**"), on which the City is to construct and operate a regional wastewater treatment plant to serve the Property and other properties pursuant to the Wastewater Services Agreement (as defined below); and

WHEREAS, Owner desires to develop the Property in accordance with the San Marcos Development Code (the "**SMDC**") regulations and standards that apply to land within the City's ETJ, as such regulations and standards exist on the Effective Date of this Agreement, subject to the modifications set forth herein, and generally in accordance with the Conceptual Land Use Plan attached as **Exhibit "B"** hereto and incorporated herein; and

WHEREAS, the City is authorized to make and enter into this Agreement with Owner in accordance with SUBCHAPTER G, CHAPTER 212, LOCAL GOVERNMENT CODE and Chapter 2, Article 4, Division 3 of the SMDC, to accomplish the following purposes:

A. extend the City's planning authority over the Property by providing a development plan under which certain general uses and development of the Property are authorized; and

B. authorize enforcement by the City of the Applicable Regulations, as defined below; and

C. provide for development of an estimated 2,600-3,000 single family residential lots, approximately 47 acres of proposed multi-family or commercial or industrial development, all as more specifically set forth below; and

D. pursuant to Section 2.4.3.1 of the SMDC, to prescribe certain land uses, environmental standards, development standards, and public facilities

standards governing development of the Property during the term of this Agreement, as more particularly set forth herein.

NOW THEREFORE, the City and Owner in consideration of the premises, the mutual covenants and agreements of the Parties hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, agree as follows:

SECTION 1. GENERAL TERMS AND CONDITIONS

1.01 Conceptual Land Use Plan.

A. The Conceptual Land Use Plan depicts the Property, the Plant Site and the 1.23-acre cemetery surrounded by the Property (the "**Cemetery**"), and prescribes the general use and development of the Property and the Plant Site, agreed to by the Parties, subject to applicable processes and procedures. The Conceptual Land Use Plan shall constitute the land use plan under Section 2.4.3.3 of the SMDC. The Conceptual Land Use Plan may be amended from time to time in accordance with the processes and procedures outlined in Section 2.4.3.7.C of the SMDC or as stated in Section 2.04 below. Development applications for the Property shall be consistent with the Conceptual Land Use Plan.

B. The Conceptual Land Use Plan calls out four (4) separate Land Uses which are defined as follows:

1. Residential: Includes single family homes, duplexes, zero lot line homes, townhomes (1 house per lot) and cottage courts. Accessory dwelling units are permitted within this residential designation. In addition, the following uses shall also be permitted within this Residential designation:
   a. schools;
   b. churches;
   c. childcare facilities;
   d. police, fire, EMS stations;
   e. parkland, community gardens, greenways, and open space;
   f. Limited Home Occupations, as defined in Section 5.1.3.4 of the SMDC;
   g. Family Home Care, as defined in Section 5.1.3.5 of the SMDC; and
   h. Limited Community Homes, as defined in Section 5.1.4.12 of the SMDC.

2. Multi-Family: Includes multi-family, apartment residences at not more than 24 units per acres. No more than fifty percent (50%) of the approximately 47 acres on which Multi-Family/Commercial/Industrials uses are permitted pursuant to the Conceptual Land Use Plan may be developed and used for Multi-Family.

3. Commercial: Includes any use involving, in part or in whole, the sale of merchandise, materials or services. Commercial uses shall not include the following, which are specifically prohibited within this Commercial designation:
   a. Adult Oriented Businesses, as defined in Section 18, Article 6 of the SMDC;

DRAFT

b. Pawnshops, as defined in Section 5.1.5.4 of the SMDC;
c. Crematorium;
d. Storage of flammable materials; provided, however, that Gasoline Sales and Truck Stops, as each are defined in Section 5.1.5.4 of the SMDC, shall be permitted; and
e. Glass manufacturing.

4. Industrial: Includes any uses defined as Industrial Uses in Sections 5.1.7.1 through 5.1.7.8 of the SMDC unless excluded in Sections 1.03.B.3(a) thru (e) above. In addition, industrial uses shall not include the following, which is prohibited within this Industrial designation:
   a. Storage of flammable materials; provided, however, that Vehicle Service, as defined in Section 5.1.7.3 of the SMDC, shall be permitted; and
   b. Wrecking/Junk Yards, as defined in Section 5.1.7.9 of the SMDC.

5. Public and Institutional Uses: Includes any uses defined as Public and Institutional Uses in Sections 5.1.6.1. through 5.1.6.3 of the SMDC, including without limitation, the Major Utilities uses defined in Section 5.1.6.3.B of the SMDC.

1.02 Proposed Phasing.

A. Development of the Property in general accordance with the Conceptual Land Use Plan shall occur in numerous phases, which phases will be established in the preliminary plat approved by the City pursuant to the Applicable Regulations and this Agreement.

1.03 Applicable Regulations.

A. Only the SMDC regulations and standards that apply to land within the City's ETJ, as such regulations and standards exist on the Effective Date of this Agreement, subject to the modifications set forth herein, and generally in accordance with the Conceptual Land Use Plan, shall apply to the development of the Property. Such SMDC regulations and standards, as so modified, are referred to herein as the "**Applicable Regulations**". For the avoidance of doubt, the Parties acknowledge and agree that the Applicable Regulations do not establish any minimum lot size requirement. In the event of a conflict between this Agreement and the SMDC or the City's Codes and Ordinances, this Agreement shall control.

B. This Agreement does not exempt the Property from any Hays County or Guadalupe County development standards and required approvals that are applicable to land within the City's ETJ.

C. Sidewalks shall be constructed along all new streets (as well as a sidewalk along and adjacent to Lovelady Lane adjacent to the northwestern boundary of the Property if such sidewalk, or any portion thereof, is not constructed with the Sedona North subdivision infrastructure), as well as in the locations depicted and

described on the Trail Exhibit attached as **Exhibit "C"** hereto and incorporated herein. The sidewalks along all new streets shall be maintained by a homeowner's association, a property owner's association, or a municipal utility district approved by Hays County or Guadalupe County, as applicable. The sidewalks on the Trail Exhibit shall be maintained a homeowner's association, a property owner's association, or a municipal utility district, at Owner's election, and shall be installed: (i) on or before completion of site development pursuant to an approve site plan, with respect to the sidewalks located on portions of the Property subject to such site plan and proposed for multi-family or commercial or industrial development, as shown on the Conceptual Land Use Plan; and (ii) on or before the date on which the final plat containing the 2,000th single family residential lot within the Property is recorded in the Official Public Records of Hays County or Guadalupe County, Texas, with respect to the sidewalks located on portions of the Property proposed for parkland, as shown on the Conceptual Land Use Plan.

D. Variations and modifications to the SMDC regulations and standards that apply to land within the City's ETJ, as to the Property, and the City's corporate limits, as to the Plant Site, are hereby granted and allowed on the Property and the Plant Site, as applicable, as follows:

1. City of San Marcos – Land Development Code
    a. Section 3.6.4.2.D.2 Site Access, which states that all lots forty feet (40') or less in width are required to take vehicular access from an alley shall not apply.
    b. Section 3.6.3.1.C.2 Lot Dimensions, which requires that all lots in the ETJ have a minimum of 50' street frontage and width unless accessed by an alley, is modified as follows:
        i. "Lots that are occupied or intended to be occupied shall have a minimum lot width and lot frontage of 40 feet. If such lots are accessed by an alley, the minimum lot width and lot frontage shall be 25ft."
    c. Table 3.1 Block Perimeter, which requires a dead-end street maximum of four hundred feet (400') for development in the ETJ shall be modified to allow dead end streets up to five hundred feet (500') long.
    d. Section 3.6.2.2 Dead End Streets, which requires that an eyebrow must have a landscaped island shall not apply.
    e. Section 3.6.3.1 Lot Standards, which requires provides that triangular, tapered or flag lots shall not be permitted except for use as dedicated parkland lots shall not apply.
    f. Section 3.6.2.1B Block Standards, which requires that Residential Blocks must have sufficient width to provide two (2) tiers of residential lots, shall not apply.
    g. Section 3.1.10.1.2 Parkland Dedication, which requires a parkland dedication of 5.7 Acres x (Population/1000), is to be modified as follows:
        i. Parkland dedication shall be in accordance with Section 1.07.B of this Agreement.
    h. Section 6.1.2.2 Cut and Fill Standards, which provides that cuts or other excavation on a tract of land may not exceed four feet (4') of depth is

modified as follows:

i. Cuts or other excavations on a tract of land may not exceed twelve (12) feet of depth.

i. Section 6.1.2.2 Cut and Fill Standards, which provides that fill on a tract of land may not exceed four feet (4') in depth is modified as follows:
   i. Fill on a tract of land may not exceed twelve feet (12') of depth.

j. Article 6, Blocks, Lots, Access shall not apply to the Plant Site. The Plant Site shall serve as a block perimeter waiver for the purposes of Section 3.6.2.1.C.6.

E. Right-of-way will be dedicated and roadway improvements will be constructed within the Property as generally depicted on the Thoroughfare Plan Exhibit attached as **Exhibit "D"** and incorporated herein and in accordance with the Applicable Regulations.

F. A Traffic Impact Analysis shall be required for the Property, which shall include an assessment of impacts to all adjacent roads and meet Texas Department of Transportation, Guadalupe County, and the City of San Marcos requirements, as applicable. Sedona South Sections 1-5,1-6 and 1-7, as generally shown on **Exhibit "F"** attached hereto and incorporated herein, shall not be developed until the earlier to occur of: (i) Rattler Road has been extended from Farm to Market Road 1978 through the Fleming Farms subdivision to the southeastern boundary of the Property, thereby providing access to the Property from Farm to Market Road 1978; or (ii) Monterrey Oak has been extended to connect Lovelady Lane and Farm to Market Road 1978, thereby providing access to the Property from Farm to Market Road 1978 in combination with the development of Sedona South Sections 1-1 through 1-4 and 2-1 through 2-6, as generally shown on **Exhibit "F"**.

G. An Owner developed and prepared roadway maintenance program shall be approved by Guadalupe County prior to the recordation of the first Final Plat in the Property.

H. In addition to the SMDC regulations and standards that apply to land within the City's ETJ, as such regulations and standards exist on the Effective Date of this Agreement, subject to the modifications set forth herein, and generally in accordance with the Conceptual Land Use Plan, the development of the Property shall comply with the Wastewater Services Agreement.

I. The foregoing variations are not subject to review or modification by the Zoning Board of Adjustments or the Planning and Zoning Commission under the SMDC regulations for variances or alternative compliance, nor are they subject to administrative adjustments approved by the Director of Planning and Developments Services as "minor changes" as defined in this Agreement. Any adjustments to the foregoing variations shall be addressed via mutually agreed amendments to this Agreement.

1.04 Application Procedures.

A. Development of the Property shall be governed by the following:

1. All procedures outlined in the SMDC regulations and standards that apply to land within the City's ETJ, as such regulations and standards exist on the Effective Date of this Agreement, shall apply to development of the Property unless alternative procedures are expressly stated herein.
   a. Applications: The Parties agree that the applications for each final plat of portions of the Property shall be consistent with the Conceptual Land Use Plan.

1.05 Public Facilities Schedule & Financing.

A. An Out of City Utility Connection / Extension application will not be required for the development of the Property, provided that the terms of this Agreement are met.

B. Owner shall be responsible for the payment of all costs associated with the extension and improvements of the infrastructure required to properly serve development of the Property.

C. Provisions for providing Water Service to the Property

1. Crystal Clear Special Utility District is the water service provider and has the necessary CCN to serve the Property.

D. Provisions for providing Wastewater Service to the Property

1. The City of San Marcos is the wastewater service provider and has the necessary CCN to serve the Property.
2. Owner agrees to dedicate to the City necessary right-of-way and install infrastructure (purple pipe) on the Property for the City's future provision of reclaimed / reuse water both on or through the Property.

E. Provisions for providing Electric Service to the Property

1. The Property is within the Bluebonnet Electric Service Area, thus, the City will not provide service to the area.

1.06 Annexation.

A. No annexation is proposed for the Property.

B. The City, at its election, may annex the Plant Site and zone it Light Industrial (LI) or another less intense zoning district. Permitted uses for the Plant Site are defined in the Conceptual Land Use Plan and Section 1.01.B.5 above.

DRAFT

1.07 Dedication of Land.

A. Parkland shall be conveyed to and maintained by a homeowner's association, a property owner's association, and/or a municipal utility district in accordance with the Parks and Open Space Master Plan attached as **Exhibit "E"** hereto and incorporated herein. The ±50 acre tract of parkland located in the western portion of the Property and depicted on the Parks and Open Space Master Plan shall be submitted to a permanent easement, of a form approved by the City Attorney, permitting use by the public as a greenway. The ±3 acre tract of parkland located in the eastern portion of the Property and depicted on the Parks and Open Space Master Plan shall not be submitted to a permanent easement permitting use by the public and shall remain a private amenity for use by residents of the Property.

1.08 The Cemetery shall be provided with vehicular access and not less than three (3) on-street parking spaces, surrounded by a perimeter fence, and identified with informational signage.

SECTION 2. MISCELLANEOUS PROVISIONS

2.01 Term.

A. The term of this Agreement will commence on the Effective Date and continue for thirty (30) years thereafter ("**Initial Term**"), unless sooner terminated under this Agreement. After the Initial Term, the Agreement may be extended by Owner for an additional term of fifteen (15) years, with the City's approval, not to be unreasonably withheld, conditioned or delayed, by entering into an amendment to this Agreement for such purpose on or before the expiration of the Initial Term.

2.02 Enforcement and Default and Remedies for Default.

A. The Parties agree that the City shall be entitled to enforce the Applicable Regulations. If either Party defaults in its obligations under this Agreement, the other Party must, prior to exercising a remedy available to that Party due to the default, give written notice to the defaulting Party, specifying the nature of the alleged default and the manner in which it can be satisfactorily cured, and extend to the defaulting Party at least thirty (30) days from receipt of the notice to cure the default. If the nature of the default is such that it cannot reasonably be cured within the thirty (30) day period, the commencement of the cure within the thirty (30) day period and the diligent prosecution of the cure to completion, within the shortest time period within which it can reasonably be cured, will be deemed a cure within the cure period. The City may issue Stop Work Orders for violations arising under this Agreement or the Applicable Regulations, as applicable.

B. If either Party defaults under this Agreement and fails to cure the default within the applicable cure period, the non-defaulting Party will have all rights and remedies available under this Agreement or applicable law, including the right to institute legal action to cure any default, to enjoin any threatened or attempted violation of this Agreement or to enforce the defaulting Party's obligations under this

Agreement by specific performance or writ of mandamus, or to terminate this Agreement or other enforcement remedies the City may possess under its municipal regulatory authority.

C. Notwithstanding anything herein to the contrary, no party shall be deemed to be in default hereunder until the passage of the cure period set out above after receipt by such party of notice of default from the other party. Upon the passage of the cure period set out above without cure of the default in accordance with the terms above, such party shall be deemed to have defaulted for purposes of this Agreement upon written notice by the other party of the failure to cure.

D. **The City reserves all immunity from suit and liability not expressly waived by the City under Local Government Code Chapter 212 or other applicable law. The Parties acknowledge that the City, in executing and performing this Agreement, is a governmental entity acting in a governmental capacity.**

2.03 Authority, Applicable Rules and Right to Continue Development.

A. This Agreement is entered under the statutory authority of Sections 42.042, 43.0672 and 212.172 of the Texas Local Government Code and pursuant to Chapter 2, Article 4, Division 3 of the SMDC. The Parties intend that this Agreement guarantee the continuation of the extraterritorial status of portions of the Property as provided in this Agreement; authorize certain land uses and development on the Property; provide for the uniform review and approval of plats and development plans for the Property; provide exceptions to certain ordinances; and provide other terms and consideration.

B. Execution of this Agreement, under Section 212.172 of the Texas Local Government Code, constitutes a permit under Chapter 245 of the Texas Local Government Code. In addition, the City acknowledges and agrees that (1) the uses and development contemplated in and authorized by this Agreement were planned for the Property more than ninety (90) days prior to the Effective Date of this Agreement and, therefore, more than ninety (90) days prior to the effective date of any annexation of the Property, and (2) Owner has filed a completed application for the initial authorization with the City prior to the institution of any annexation proceedings related to the Property. As a result of the foregoing sentence, Section 43.002 of the Texas Local Government Code applies to the uses and development of the Property contemplated in and authorized by this Agreement.

C. In consideration of Owner's agreements hereunder, the City agrees that, during the term of this Agreement, it will not impose or attempt to impose: (a) any moratorium on building or development within the Property, or (b) any land use or development regulation that limits the rate or timing of land use approvals, whether affecting preliminary plans, final plats, site plans, building permits, certificates of occupancy or other necessary approvals, within the Property. No City-imposed moratorium, growth restriction, or other limitation affecting the rate, timing or

sequencing of development or construction of all or any part of the Property will apply to the Property if such moratorium, restriction or other limitation conflicts with this Agreement or would have the effect of increasing Owner's obligations or decreasing Owner's rights and benefits under this Agreement. This Agreement on the part of the City will not apply to temporary moratoriums uniformly imposed throughout the City's ETJ due to an emergency constituting an imminent threat to the public health or safety, provided that the temporary moratorium continues only during the duration of the emergency or a moratorium authorized by Subchapter E, Chapter 212 of the Texas Local Government Code.

2.04 Exhibits/Amendment.

A. All exhibits attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Wherever appropriate, words of the masculine gender may include the feminine or neuter, and the singular may include the plural, and *vice-versa*. Each of the Parties has been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not be employed in interpreting this Agreement or its exhibits. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts, individually or taken together, bear the signatures of all the Parties.

B. Owner may make minor changes to the Conceptual Land Use Plan and other attachments to this Agreement with approval from the Director of Planning & Development Services and may make major changes with approval by the City Council. Minor changes are defined as:

1. a change that does not materially affect a change of lot or unit density contemplated by this Agreement by more than 10%; or
2. changes to accommodate tree preservation or the protection of karst features.

C. Owner may appeal the Planning and Development Services Director's determination of a minor change to the City Manager within 10 days of the date of notification of the decision.

D. Major changes are limited to:

1. the addition of land area;
2. density beyond what is permitted under the Applicable Regulations;
3. changes in roadway alignments more than what is necessary to meet Applicable Regulations;
4. change in the land use designation; and
5. Any change not listed as a minor change above.

E. The City may remove the Plant Site from this Development Agreement upon written notice to the parties without the need of the consent or authorization of the other parties to this agreement.

2.05 Recordation.

A. Pursuant to the requirements of Section 212.172(f), Texas Local Government Code, this Agreement shall be recorded in the official public records of Hays and Guadalupe Counties, Texas. The terms of this Agreement shall be binding upon: (a) the Parties; (b) the Parties' successors and assigns; (c) the Property; and (d) future owners of all or any portion of the Property, provided, however, that this Agreement will not be binding upon, or create any encumbrance to title as to, any ultimate consumer who purchases a fully developed and improved lot within the Property.

B. Owner agrees that all restrictive covenants for the Property shall not be inconsistent with the requirements herein. Owner further agrees to memorialize the terms of this Agreement through inclusion in the plat notes. Owner shall provide a copy of all such restrictive covenants to the City prior to filing.

2.06 Assignment and Binding Effect Upon Successors.

A. Owner may assign this Agreement, and the rights and obligations of Owner hereunder, in whole or in part, to a subsequent purchaser of all or a portion of the undeveloped property within the Property or to an affiliate of Owner, provided that the assignee assumes all of the obligations hereunder, without any consent of the City being required. Any assignment must be in writing, specifically describe the property in question, set forth the assigned rights and obligations and be executed by the proposed assignee. A copy of the assignment document must be delivered to the City and recorded in the real property records as may be required by applicable law. Upon any such assignment, the assignor will be released of any further obligations under this Agreement as to the property sold and obligations assigned.

B. The provisions of this Agreement shall run with the land, will be binding upon, and inure to the benefit of the Parties, future owners of the Property, and their respective successors and assigns. This Agreement will not, however, be binding upon, or create any encumbrance to title as to, any ultimate consumer who purchases a fully developed and improved lot within the Property.

2.07 Miscellaneous.

A. **Force Majeure.** The term "force majeure" as used herein shall mean and refer to Acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemies, orders of any kind of the government of the United States, the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquake, fire, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, devil disturbances, explosions, breakage or

accidents to machinery, pipelines, or canals, or other causes not reasonably within the control of the party claiming such inability. If, by reason of force majeure, any party hereto shall be rendered wholly or partially unable to carry out its obligations under this Agreement, then such party shall give written notice of the full particulars of such force majeure to the other party within ten (10) days after the occurrence thereof. The obligations of the party giving such notice, to the extent effected by the force majeure, shall be suspended during the continuance of the inability claimed, except as hereinafter provided, and the party shall endeavor to remove or overcome such inability with all reasonable dispatch.

B. **Governing Law, Jurisdiction and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, as it applies to contracts performed within the State of Texas and without regard to any choice of law rules or principles to the contrary. The Parties acknowledge that this Agreement is performable in Hays and Guadalupe Counties, Texas and hereby submit to the jurisdiction of the courts of those Counties, and hereby agree that any such Court shall be a proper forum for the determination of any dispute arising hereunder.

C. **Severability.** If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible. The Parties agree to reasonably cooperate to effectuate the intent of this Agreement.

D. **Notices.** All notices, demands and requests required hereunder shall be in writing and shall be deemed to have been properly delivered and received (i) as of the date of delivery to the addresses set forth below if personally delivered or delivered by facsimile machine, with confirmation of delivery (in the event a facsimile is sent after 5:00 p.m. local San Marcos, Texas time, it shall be deemed to have been received on the next day), or email (as indicated below); (ii) three (3) business days after deposit in a regularly maintained receptacle for the United States mail, certified mail, return receipt requested and postage prepaid; or (iii) one (1) business day after deposit with Federal Express or comparable overnight delivery system for overnight delivery with all costs prepaid. All notices, demands and requests hereunder shall be addressed as follows:

If to the City: City of San Marcos
Attn: City Manager
630 East Hopkins Street
San Marcos, Texas 78666

DRAFT

With a copy to: City of San Marcos
Attn: City Attorney
630 East Hopkins Street
San Marcos, Texas 78666

If to Owner: JLBC 710 Investments, LLC
Attn: John S. Lloyd, Manager
6504 W. Courtyard Drive
Austin, Texas 78730

With a copy to: Armbrust & Brown, PLLC
Attn: Kevin M. Flahive
100 Congress Avenue, Suite 1300
Austin, Texas 78701

Any party may change the address for notice to it by giving notice of such change in accordance with the provisions of this Section.

E. **Wastewater Services Agreement.** The City and Owner are parties to that certain Regional Wastewater Services and Facilities Cost Sharing Agreement dated effective May 14, 2024, as amended by that certain Amendment No. 1 to Regional Wastewater Services and Facilities Cost Sharing Agreement dated effective April 3, 2025 (as amended, the "**Wastewater Services Agreement**"). In the event of any conflict between the terms of this Agreement and the Wastewater Services Agreement, the Wastewater Services Agreement shall control.

F. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument.

[COUNTERPART SIGNATURE PAGES FOLLOW]

DRAFT

COUNTERPART SIGNATURE PAGE TO DEVELOPMENT AGREEMENT

EXECUTED to be effective as of the Effective Date first stated above.

CITY OF SAN MARCOS, TEXAS

By:_____
STEPHANIE REYES, City Manager

Date:_____, 2026

STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the __ day of _____ 2026, by STEPHANIE REYES, City Manager of the City of San Marcos, in such capacity, on behalf of said entity.

_____
Notary Public, State of Texas

DRAFT

COUNTERPART SIGNATURE PAGE TO DEVELOPMENT AGREEMENT

EXECUTED to be effective as of the Effective Date first stated above.

JLBC 710 INVESTMENTS, LLC,
a Texas limited liability company

By:_____
JOHN S. LLOYD, Manager

Date:_____, 2026

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the __ day of _____ 2026, by JOHN S. LLOYD, Manager of JLBC 710 Investments, LLC, a Texas limited liability company, in such capacity, on behalf of said entity.

_____
Notary Public, State of Texas

DRAFT

Exhibit “A”

Description of the Property

All of that certain 618.058 acre of land located in Hays and Guadalupe Counties, Texas, being that certain 643.071 acre tract of land located within the Charles Henderson Survey Number 55, Abstract Numbers 147 and 226, the Andrew Mitchel Survey Number 62, Abstract Number 220, and the John Wells Survey, Abstract Number 509, being more particularly described by metes and bounds on Exhibit “A-1” attached hereto and incorporated herein, SAVE AND EXCEPT that certain 25.013 acre tract of land located within the Andrew Mitchel Survey Number 62, Abstract Number 220, being more particularly described by metes nad bounds on Exhibit “A-2” attached hereto and incorporated herein.

Exhibit “A-1”

Description of 643.071 Acre Tract

643.071 ACRE PARCEL
CHARLES HENDERSON SURVEY NUMBER 55, ABSTRACT NUMBER 226,
CHARLES HENDERSON SURVEY NUMBER 55, ABSTRACT 147,
ANDREW MITCHEL SURVEY NUMBER 62, ABSTRACT NUMBER 220,
JOHN WELLS SURVEY, ABSTRACT NUMBER 509
HAYS COUNTY AND GUADALUPE COUNTY, TEXAS

METES AND BOUNDS

BEING ALL OF THAT CERTAIN 644.301 ACRE TRACT OF LAND SITUATED IN THE CHARLES HENDERSON SURVEY NUMBER 55, ABSTRACT NUMBER 226, HAYS COUNTY, TEXAS, AND THE CHARLES HENDERSON SURVEY NUMBER 55, ABSTRACT NUMBER 147, THE ANDREW MITCHEL SURVEY NUMBER 62, ABSTRACT NUMBER 220, AND THE JOHN WELLS SURVEY, ABSTRACT NUMBER 509, GUADALUPE COUNTY, TEXAS, BEING A PORTION OF A CALLED 510.282 ACRE TRACT OF LAND TRACT OF LAND (EXHIBIT A-1) CONVEYED TO JLBC 710 INVESTMENTS, LLC BY DEED RECORDED IN DOCUMENT NUMBER 202199026066, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, ALL OF A CALLED 134.473 ACRE TRACT CONVEYED TO JLBC 710 INVESTMENTS, LLC BY DEED RECORDED IN DOCUMENT NUMBER 202199026067, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, ALL OF A CALLED 1.230 ACRE TRACT OF LAND (EXHIBIT A-2) (LONG BRANCH CEMETERY) RECORDED IN DOCUMENT NUMBER 202199026066, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS AND A PORTION OF AN APPARENT ABANDONED GUADALUPE COUNTY ROAD, SAID 644.301 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS,

BEGINNING, at a 1/2 inch iron rod found at the intersection of the east right-of-way line of State Highway 123 (R.O.W. Varies) and the north right-of-way of F.M. Highway 1978 (80’ R.O.W.), being at the southwest corner of said 510.282 acre tract of land, for the southwest corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with said east line of said Highway 123 and the west line of said 510.282 acre tract, the following two (2) courses, numbered 1 and 2,

1) N04°24’01”E, a distance of 3,338.99 feet to a capped 1/2 inch iron rod set stamped “CBD SETSTONE”, and,
2) N01°29’59”E, a distance of 239.42 feet to a capped 1/2 inch iron rod set stamped “BMB ESMT” on the south line of a called 1.80 acre tract described in the annexation to the City of San Marcos, Ordinance Number 2023-57, for the northwest corner of the herein described tract,

THENCE, over and across said 510.282 acre tract, and with the south and east lines of said 1.80 acre annexation tract, the following four (4) courses, numbered 1 through 4,

1) N89°02'30"E, a distance of 230.78 feet to a capped 1/2 inch iron rod found stamped ““BMB ESMT” for corner, being at the beginning of a curve to the left,
2) Along said curve to the left, having a radius of 269.90 feet, an arc length of 191.68 feet, and a chord that bears N68°48'50"E, a distance of 187.68 feet to a capped 1/2 inch iron rod set stamped ““BMB ESMT” for corner,
3) N48°28'43"E, a distance of 1,467.45 feet to a capped 1/2 inch iron rod set stamped ““BMB ESMT” for corner, and
4) N41°31'17"W, a distance of 94.32 feet to a capped 1/2 inch iron rod set stamped “BMB PROPERTY CORNER” at a corner on the south line of a called 66.017 acre tract of land conveyed to JLBC 710 Investments, LLC by deed recorded in Document Number 21040821, Official Public Records, Hays County, Texas, for corner,

THENCE N48°40'12"E, with the south line of said 66.017 acre tract of land, a distance of 365.05 feet to a capped 1/2 inch iron rod set stamped “CBD SETSTONE” for corner,

THENCE, S41°14’15”E, passing the west corner of a called 0.907 acre tract conveyed to Jonathan Garner Kraak by deed recorded in Document Number 2015015713, Official Public Records, Guadalupe County, Texas, being at a corner on the north line of said 510.282 acre tract of land, and continuing for a total

distance of 323.75 feet to a 1/2 inch iron rod found at the south corner of said 0.907 acre tract of land, being at a corner on the north line of said 510.282 acre tract of land, for corner,

THENCE, N47°05'59"E, with the common line of said 510.282 acre tract and said 0.907 acre tract of land, a distance of 136.34 feet to a 1/2 inch iron rod found at the east corner of said 0.907 acre tract, being at an interior corner of said 510.282 acre tract, same being on the west line of a called 5.00 acre tract of land conveyed to Jonnie Lynn Kraak McClellan by deed recorded in Volume 943, Page 640, Deed Records, Guadalupe County, Texas, for corner,

THENCE, with the west line of said 5.00 acre tract and said north line of said 510.282 acre tract, the following five (5) courses, numbered 1 through 5,

1) S41°38'54"E, a distance of 80.30 feet to a 1/2 inch iron rod found for corner,
2) N48°58'18"E, a distance of 500.10 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" for corner,
3) N41°53'08"W, a distance of 30.21 feet to a 1/2 inch iron rod found for corner,
4) N48°38'20"E, a distance of 94.77 feet to a 1/2 inch iron rod found for corner, and,
5) N41°19'44"W, passing the north corner of said 5.00 acre tract of land, being at a corner on the north line of said 510.282 acre tract of land, same being on the south line of said apparent abandoned county road, and continuing for a total distance of 357.31 feet to a capped 1/2 inch iron rod set stamped "CBD SETSTONE" on the north line of said apparent abandoned county road, being on the south line of Lot 1, Block V, Cottonwood Creek Phase 3 Unit 3, a subdivision recorded in Document Number 19029834, Official Public Records, Hays County, Texas, for corner,

THENCE, N48°40'14"E, with the south line of said Cottonwood Creek Phase 3 Unit 3, the south line of Cottonwood Creek Phase 3 Unit 4, a subdivision recorded in Document Number 20015032, Official Public Records, Hays County, Texas, and the south line of Cottonwood Creek Phase 3 Unit 5, a subdivision recorded in Document Number 20043156, Official Public Records, Hays County, Texas, a distance of 1738.01 feet to a capped 1/2 inch iron rod found stamped "PAPE DAWSON" on the north line of said apparent abandoned county road, being on the south line of Lot 23, Block W, said Cottonwood Creek Section 3 Unit 5, for the north corner of the herein described tract of land,

THENCE, S41°20'52"E, passing at a distance of 14.08 feet a 1" iron pipe found at the north corner of said 510.282 acre tract, being at the west corner of a called 100.734 acre tract conveyed to CCSM, LLC by deed recorded in Document Number 202199009636, Official Public Records, Guadalupe County, Texas, and continuing with the common line of said 510.282 acre tract and said 100.734 acre tract, a distance of 2203.13 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" at the southwest corner of said 100.734 acre tract, same being at a north exterior corner of said 134.473 acre tract, for corner,

THENCE, N48°36'09"E, with the common line of said 134.473 acre tract and said 100.734 acre tract, a distance of 1988.59 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" at the northernmost corner of said 134.473 acre tract, being the southeast corner of said 100.734 acre tract, same being on the west line of a called 100.55 acre tract conveyed to Moeller Family Limited Partnership by deed recorded in Volume 1156, Page 741, Deed Records, Guadalupe County, Texas, for corner,

THENCE, with the common line of said 134.473 acre tract and said 100.55 acre tract, the following two (2) courses, numbered 1 and 2,

1) S41°43'29"E, a distance of 1388.64 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" at an east interior corner of said 134.473 acre tract, being at the southwest corner of said 100.55 acre tract, for corner, and
2) N48°46'41"E, a distance of 653.09 feet to a 1/2 inch iron rod found on the south line of said 100.55 acre tract, being at the northeast corner of said 134.473 acre tract, same being at the northwest corner of a called 1.497 acre tract conveyed to Gloria D. Garza by deed recorded in Volume 2542, Page 916, Deed Records, Guadalupe County, Texas, for the northeast corner of the herein described tract of land,

THENCE, S41°18'07"E, with the east line of said 134.473 acre tract, the west line of said 1.497 acre tract, and the west line of a called 16.743 acre tract conveyed to Gregorio and Maris Jimenez Mata by deed recorded in Document Number 2016011032, and corrected in Document Number 2016013013, Official Public Records, Guadalupe County, Texas, a distance of 497.81 feet to a capped 1/2 inch iron rod found stamped "B&A 2633" at the southeast corner of said 134.473 acre tract, being at the northeast corner of a called 7.002 acre tract conveyed to Stephen Thomas Fleming by deed recorded in Document Number 202199000056, Official Public Records, Guadalupe County, Texas, for the easternmost corner of the herein described tract,

THENCE, S48°38'30"W, with the south line of said 134.473 acre tract, the north line of said 7.002 acre tract, the north line of a called 9.16 acre tract conveyed to Daryl Payton Fleming by deed recorded in Volume 596, Page 818, Deed Records, Guadalupe County, Texas, the north line of a called 8.09 acre tract conveyed to Michael Fleming by deed recorded in Document Number 201899025066, Official Public Records, Guadalupe County, Texas, the north line of a called 5.69 acre tract (Tract 1) conveyed to Delbert Max Ottmers, III by deed recorded in Document Number 202299013800, Official Public Records, Guadalupe County, Texas, the north line of a called 5.02 acre tract conveyed to Michael Fleming by deed recorded in Volume 596, Page 826, Deed Records, Guadalupe County, Texas, the north line of a called 5.11 acre tract conveyed to Robert Fleming by deed recorded in Volume 596, Page 828, Deed Records, Guadalupe County, Texas, and the north line of a called 64.57 acre tract conveyed to Clint E. Jones by deed recorded in Document Number 201999019538, Official Public Records, Guadalupe County, Texas, a distance of 4031.45 feet to a capped 1/2 inch iron rod found stamped "MEDINA BAIN" at the southwest corner of said 134.473 acre tract, being at the northwest corner of said 64.57 acre tract, same being at the northeast corner of a called 11.1738 acre tract conveyed to Jose DeJesus Juarez, et al. by deed recorded in Document Number 202399017401, Official Public Records, Guadalupe County, Texas, also being at the southeast corner of a called 10.00 acre tract conveyed to Larry M. Sanders and Loretta Sanders by deed recorded in Volume 1364, Page 782, Deed Records, Guadalupe County, Texas, for corner,

THENCE, with the common line of said 134.473 acre tract, said 510.282 acre tract, and said 10.00 acre tract, the following three (3) courses, numbered 1 through 3,

1) N41°31'52"W, a distance of 1278.71 feet to a 1/2 inch iron rod found,
2) S48°37'28"W, a distance of 340.97 feet to a capped 1/2 inch iron rod found stamped "DAM 5348", and,
3) S41°31'22"E, a distance of 901.37 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" at a south exterior corner of said 510.282 acre tract, being at the northeast corner of a called 0.45 acre tract, also called Lot 27, conveyed to Silvia Benitez by deed recorded in Volume 2177, Page 79, Official Public Records, Guadalupe County, Texas, for corner,

THENCE, S49°01'23"W, with the south line of said 510.282 acre tract, the north line of an unrecorded subdivision commonly known as Glenn Price, the north line of said 0.45 acre tract, the north line of a called 0.419 acre tract, also called Tract 26, conveyed to Robert Deleon and Nancy Deleon by deed

recorded in Volume 1807, Page 573, Official Public Records, Guadalupe County, Texas, the north line of a called 0.42 acre tract, also called Lot 25, conveyed to Oscar Leonard Deleon, et ux. by deed recorded in Document Number 202399011194, Official Public Records, Guadalupe County, Texas, the north line of a called 0.42 acre tract conveyed to Jesus R. Mendez, Jr. et al. by deed recorded in Volume 1221, Page 131, Official Public Records, Guadalupe County, Texas, the north line of a called 0.42 acre tract conveyed to Jose Luis Sustaita et ux. by deed recorded in Volume 745, Page 76, Deed Records, Guadalupe County, Texas, the north line of a called 0.42 acre tract (Tract One) conveyed to Robert Deleon by deed recorded in Document Number 2016022234, Official Public Records, Guadalupe County, Texas, the north line of a called 0.844 acre tract (Tract 6) conveyed to Unruh Property Development, LLC by deed recorded in Document Number 202099021246, Official Public Records, Guadalupe County, Texas, the north line of a called 0.422 acre tract, also called Lot 19, conveyed to Josie Deleon by deed recorded in Document Number 2018002787, Official Public Records, Guadalupe County, Texas, the north line of a called 0.429 acre tract conveyed to Graceann Elizabeth Cornwall by deed recorded in Document Number 202399027128, Official Public Records, Guadalupe County, Texas, the north right-of-way line of Columbia Circle (50' Right-of-Way) as dedicated by Skyline Ridge Subdivision, Section 1, recorded in Volume 3, Page 71, Plat Records, Guadalupe County, Texas, and the north line of a called 0.50 acre tract, also called Lot 8, conveyed to Olivia Contreras by deed recorded in Document Number 20150002177, Official Public Records, Guadalupe County, Texas, a distance of 1558.88 feet to a 1/2 inch iron rod found at a south interior corner of said 510.282 acre tract, being at the northwest corner of said 0.50 acre tract, for corner,

THENCE, S41°22'39"E, along said east line of said 510.282 acre tract, the west line of an unrecorded subdivision commonly known as Kraak Subdivision, the west line of said Olivia Contreras 0.50 acre tract, the west line of a called 0.50 acre tract, also called Lot 7, conveyed to Alfredo Marmolejo by deed recorded in Volume 1685, Page 839, Official Public Records, Guadalupe County, Texas, the west line of a called 0.50 acre tract, also called Lot 6, conveyed to Freddy and Frances Marmolejo by deed recorded in Volume 1661, Page 944, Official Public Records, Guadalupe County, Texas, the west line of a called 0.50 acre tract, also called Lot 5, conveyed to Mary T. Alvarado by deed recorded in Document Number 202299024336, Official Public Records, Guadalupe County, Texas, the west line of a called 0.50 acre tract, also called Lot 4, conveyed to Angel and Norma Baez by deed recorded in Volume 1692, Page 21, Official Public Records, Guadalupe County, Texas, the west line of a called 0.4999 acre tract, also called Lot 3, conveyed to Jackie Wayne House by deed recorded in Volume 1830, Page 581, Official Public Records, Guadalupe County, Texas, and the west line of a called 0.50 acre tract, also called Lot 2, conveyed to Ronald Weidman by deed recorded in Volume 1740, Page 422, Official Public Records, Guadalupe County, Texas, a distance of 820.61 feet to a 1/2 inch iron rod found on the west line of said Lot 2, for corner,

THENCE, S56°23'57"E , with the east line of said 510.282 acre tract, the west line of said Kraak Subdivision, the west line of said Lot 2, and the west line of a called 0.50 acre tract, also called Lot 1, conveyed to Jessica Lozano Rivera by deed recorded in Document Number 202399009746, Official Public Records, Guadalupe County, Texas, a distance of 198.95 feet to a 1/2 inch iron rod found at the southwest corner of said Lot 1, being the northwest corner of a called 0.98 acre tract conveyed to Richard Campbell by deed recorded in Document Number 202399005503, Official Public Records, Guadalupe County, Texas, for corner,

THENCE, S41°27'17"E, with the east line of said 510.282 acre tract and the west line of said 0.98 acre tract of land, a distance of 310.02 feet to a 1/2 inch iron rod found on the north line of said F.M. 1978, being at a south exterior corner of said 510.282 acre tract, same being at the southwest corner of said 0.98 acre tract, for the southeast corner of the herein described tract,

THENCE, with the common line of said F.M. 1978 and said 510.282 acre tract of land, the following eleven (11) courses, numbered 1 through 11,

1) S78°51'23"W, a distance of 144.22 feet to a 1/2 inch iron rod found for corner,
2) N82°58'39"W, a distance of 73.57 feet to a 1/2 inch iron rod found for corner,
3) S84°56'39"W, a distance of 143.40 feet to a 1/2 inch iron rod found for corner,
4) S81°16'38"W, a distance of 160.68 feet to a 3/4 inch iron pipe found for corner,
5) S73°34'12"W, a distance of 39.81 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" for corner,
6) S68°10'55"W, a distance of 223.80 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" for corner,
7) S78°49'32"W, a distance of 1301.47 feet to a concrete monument found for corner, being at the beginning of a curve to the right,
8) Along said curve to the right, having a radius of 2824.97 feet, an arc length of 246.54 feet, and a chord that bears S81°19'46"W, a distance of 246.46 feet to a capped 1/2 inch iron rod set stamped "CBD SETSTONE" for corner,
9) S83°49'55"W, a distance of 1169.73 feet to a capped 1/2 inch iron rod set stamped "CBD SETSTONE" for corner,
10) S84°49'09"W, a distance of 1246.31 feet to a 1 inch iron pipe found for corner, and,
11) N51°33'51"W, a distance of 65.48 feet to the **POINT OF BEGINNING** and containing 644.301 acres of land, as shown on the attached sketch.

SAVE AND EXCEPT
LONG BRANCH CEMETERY

BEING ALL OF THAT CERTAIN 1.230 ACRE TRACT OF LAND SITUATED IN THE CHARLES HENDERSON SURVEY NUMBER 55, ABSTRACT NUMBER 147, GUADALUPE COUNTY, TEXAS, BEING ALL OF A CALLED 1.230 ACRE TRACT OF LAND (EXHIBIT A-2) (LONG BRANCH CEMETERY) RECORDED IN DOCUMENT NUMBER 202199026066, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS,

COMMENCING at a 1/2 inch iron rod found at the intersection of the east right-of-way line of State Highway 123 (R.O.W. Varies) and the north right-of-way line of F.M. Highway 1978 (80' R.O.W.), being at the southwest corner of a called 510.282 acre tract of land (Exhibit A-1) conveyed to JLBC Investments by deed recorded in Document Number 202199026066, Official Public Records, Guadalupe County, Texas, for the **POINT OF COMMENCEMENT** of the herein described tract,

THENCE, N54°59'45"E, over and across said 510.282 acre tract of land, a distance of 3963.72 feet to a calculated point at the northwest corner of said 1.230 acre tract of land, for the northwest corner and the **POINT OF BEGINNING** of the herein described tract of land,

THENCE, with the common line of said 1.230 acre tract and said 510.282 acre tract, the following four (4) courses and distances, numbered 1 through 4,

1) N48°43'13"E, a distance of 191.41 feet to a calculated point at the northeast corner of said 1.230 acre tract, for the northeast corner of the herein described tract of land, from which a capped 1/2 inch iron rod found stamped "DAM 5348" at a south interior corner of said 510.282 acre tract of land, being at the northwest corner of a called 10.00 acre tract of land conveyed to Larry M. and Loretta Sanders by deed recorded in Volume 1364, Page 782, Official Public Records, Guadalupe County, Texas, bears N48°37'53"E, a distance of 1350.42 feet,
2) S41°13'41"E, a distance of 279.77 feet to a calculated point at the southeast corner of said 1.230 acre tract of land, for the southeast corner of the herein described tract of land,

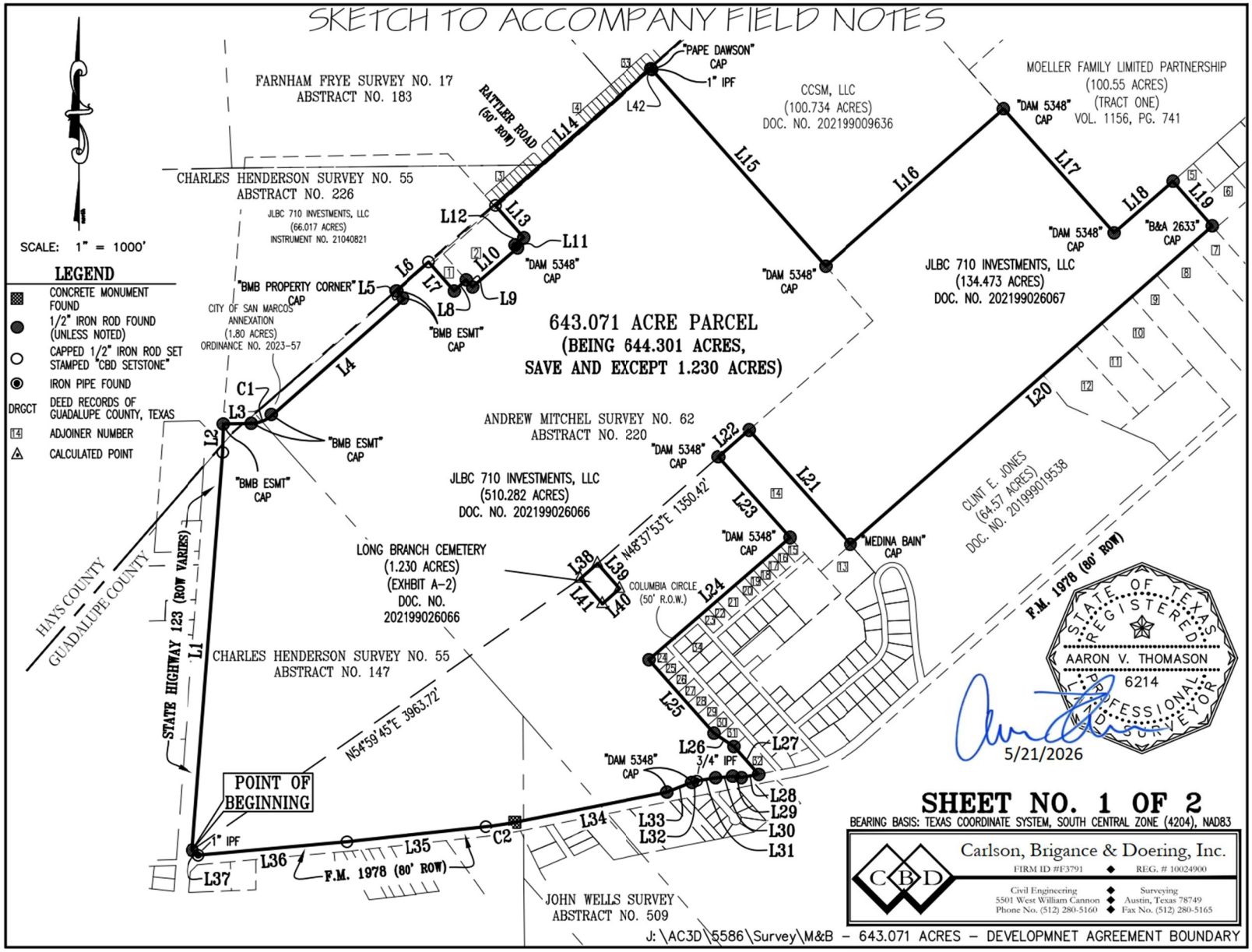
3) S48°28'49"W, a distance of 191.18 feet to a calculated point at the southwest corner of said 1.230 acre tract of land, for the southwest corner of the herein described tract of land,
4) N41°16'34"W, a distance of 280.57 feet to the **POINT OF BEGINNING** and containing 1.230 acres of land, as shown on the attached sketch.

ACREAGE TABLE:
GROSS AREA = 644.301 ACRES
SAVE AND EXCEPT TRACT = 1.230 ACRES
NET AREA = 643.071 ACRES

Surveyed by, _____ 5/21/2026

Aaron V. Thomason, R.P.L.S. NO. 6214
Carlson, Brigance & Doering, Inc.
REG. # 10024900
5501 W. William Cannon
Austin, TX 78749
Ph. 512.280.5160
[redacted]

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83


SKETCH TO ACCOMPANY FIELD NOTES
SCALE: 1" = 1000'
LEGEND
CONCRETE MONUMENT FOUND
1/2" IRON ROD FOUND (UNLESS NOTED)
CAPPED 1/2" IRON ROD SET STAMPED "CBD SETSTONE"
IRON PIPE FOUND
DRGCT DEED RECORDS OF GUADALUPE COUNTY, TEXAS
ADJOINER NUMBER
CALCULATED POINT
643.071 ACRE PARCEL
(BEING 644.301 ACRES,
SAVE AND EXCEPT 1.230 ACRES)
FARNHAM FRYE SURVEY NO. 17
ABSTRACT NO. 183
CHARLES HENDERSON SURVEY NO. 55
ABSTRACT NO. 226
CHARLES HENDERSON SURVEY NO. 55
ABSTRACT NO. 147
ANDREW MITCHEL SURVEY NO. 62
ABSTRACT NO. 220
JOHN WELLS SURVEY
ABSTRACT NO. 509
RATTLER ROAD (50' ROW)
STATE HIGHWAY 123 (ROW VARIES)
F.M. 1978 (80' ROW)
COLUMBIA CIRCLE (50' R.O.W.)
HAYS COUNTY
GUADALUPE COUNTY
JLBC 710 INVESTMENTS, LLC
(66.017 ACRES)
INSTRUMENT NO. 21040821
CCSM, LLC
(100.734 ACRES)
DOC. NO. 202199009636
MOELLER FAMILY LIMITED PARTNERSHIP
(100.55 ACRES)
(TRACT ONE)
VOL. 1156, PG. 741
JLBC 710 INVESTMENTS, LLC
(134.473 ACRES)
DOC. NO. 202199026067
JLBC 710 INVESTMENTS, LLC
(510.282 ACRES)
DOC. NO. 202199026066
CLINT E. JONES
(64.57 ACRES)
DOC. NO. 201999019538
CITY OF SAN MARCOS
ANNEXATION
(1.80 ACRES)
ORDINANCE NO. 2023-57
LONG BRANCH CEMETERY
(1.230 ACRES)
(EXHIBIT A-2)
DOC. NO.
202199026066
"PAPE DAWSON" CAP
1" IPF
"DAM 5348" CAP
"BMB PROPERTY CORNER" CAP
"BMB ESMT" CAP
"B&A 2633" CAP
MEDINA BAIN" CAP
3/4" IPF
POINT OF BEGINNING
N48°37'53"E 1350.42'
N54°59'45"E 3963.72'
L1 L2 L3 L4 L5 L6 L7 L8 L9 L10 L11 L12 L13 L14 L15 L16 L17 L18 L19 L20 L21 L22 L23 L24 L25 L26 L27 L28 L29 L30 L31 L32 L33 L34 L35 L36 L37 L38 L39 L40 L41 L42
C1 C2
AARON V. THOMASON
6214
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS
5/21/2026
SHEET NO. 1 OF 2
BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83
Carlson, Brigance & Doering, Inc.
FIRM ID #F3791 ◆ REG. # 10024900
Civil Engineering ◆ Surveying
5501 West William Cannon ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165
J:\AC3D\5586\Survey\M&B – 643.071 ACRES – DEVELOPMNET AGREEMENT BOUNDARY

SKETCH TO ACCOMPANY FIELD NOTES

ADJOINER LIST

1. JONATHAN GARNER KRAAK
   0.907 ACRE
   DOC. NO. 2015015713
2. JONNIE LYNN KRAAK MCCLELLAN
   5.00 ACRES
   VOL. 943, PG. 640
3. COTTON WOOD PHASE 3 UNIT 3
   DOC. NO. 19029834
4. COTTON WOOD CREEK
   PHASE 3 UNIT 4
   DOC. NO. 20015032
5. GLORIA D. GARZA
   1.497 ACRES
   VOL. 2542, PG. 916
6. GREGORIO AND MARIA JIMENEZ MATA
   16.743 ACRES
   DOC. NO. 2016011032,
   CORRECTED IN DOC. NO. 2016013013
7. STEPHEN THOMAS FLEMING
   7.002 ACRES
   DOC. NO. 202199000056
8. DARYL PAYTON FLEMING
   9.16 ACRES
   VOL. 596, PG. 818
9. MICHAEL FLEMING
   8.09 ACRES
   DOC. NO. 201899025066
10. DELBERT MAX OTTMERS, III
    5.69 ACRES (TRACT 1)
    DOC. NO. 202299013800
11. MICHAEL FLEMING
    5.02 ACRES
    VOL. 596, PG. 826
12. ROBERT FLEMING
    5.11 ACRES
    VOL. 596, PG. 828
13. JOSE DeJESUS JUAREZ, ET UX
    11.1738 ACRES
    DOC. NO. 202399017401
14. LARRY M. SANDERS & LORETTA SANDERS
    10.00 ACRES
    VOL. 1364, PG. 782
15. SILVIA BENITEZ
    CALLED LOT 27 – 0.45 ACRE
    VOL. 2177, PG. 79
16. ROBERT AND NANCY DELEON
    CALLED TRACT 26 – 0.419 ACRE
    VOL. 1807, PG. 573
17. OSCAR LEONARD DELEON, ET UX
    CALLED LOT 25 – 0.42 ACRE
    DOC. NO. 202399011194
18. JESUS R. MENDEZ, JR. ET AL.
    0.42 ACRE
    VOL. 1221, PG. 131
19. JOSE LUIS SUSTAITA, ET UX.
    0.42 ACRE
    VOL. 745, PG. 76
20. ROBERT DELEON
    TRACT ONE – 0.42 ACRE
    DOC. NO. 2016022234
21. UNRUH PROPERTY DEVELOPMENT, LLC
    TRACT 6 – 0.844 ACRE
    DOC. NO. 202099021246
22. JOSIE DELEON
    CALLED LOT 19 – 0.422 ACRE
    DOC. NO. 2018002787
23. GRACEANN ELIZABETH CORNWALL
    0.429 ACRE
    DOC. NO. 202399027128
24. OLIVIA CONTRERAS
    CALLED LOT 8 – 0.50 ACRE
    DOC. NO. 20150002177
25. ALFREDO MARMOLEJO
    CALLED LOT 7 – 0.50 ACRE
    VOL. 1685, PG. 839
26. FREDDY AND FRANCES MARMOLEJO
    CALLED LOT 6 – 0.50 ACRE
    VOL. 1661, PG. 944
27. MARY T. ALVARADO
    CALLED LOT 5 – 0.50 ACRE
    DOC. NO. 202299024336
28. ANGEL AND NORMA BAEZ
    CALLED LOT 4 – 0.50 ACRE
    VOL. 1692, PG. 21
29. JACKIE WAYNE HOUSE
    CALLED LOT 3 – 0.4999 ACRE
    VOL. 1830, PG. 581
30. RONALD WEIDMAN
    CALLED LOT 2 – 0.50 ACRE
    VOL. 1740, PG. 422
31. JESSICA LOZANO RIVERA
    CALLED LOT 1 – 0.50 ACRE
    DOC. NO. 202399009746
32. RICHARD CAMPBELL
    0.98 ACRE
    DOC. NO. 202399005503
33. COTTONWOOD CREEK
    PHASE 3 UNIT 5
    DOC. NO. 20043156
34. SKYLINE RIDGE
    SUBDIVISION, SECTION 1
    VOL. 3, PAGE 71

STATE OF TEXAS
REGISTERED
AARON V. THOMASON
6214
PROFESSIONAL
LAND SURVEYOR

5/21/2026

Line Table		
Line #	Direction	Length
L1	N04°24'01"E	3338.99
L2	N01°29'59"E	239.42
L3	N89°02'30"E	230.78
L4	N48°28'43"E	1467.45
L5	N41°31'17"W	94.32
L6	N48°40'12"E	365.05
L7	S41°14'15"E	323.75
L8	N47°05'59"E	136.34
L9	S41°38'54"E	80.30
L10	N48°58'18"E	500.10
L11	N41°53'08"W	30.21
L12	N48°38'20"E	94.77
L13	N41°19'44"W	357.31
L14	N48°40'14"E	1738.01
L15	S41°20'52"E	2203.13
L16	N48°36'09"E	1988.59
L17	S41°43'29"E	1388.64
L18	N48°46'41"E	653.09
L19	S41°18'07"E	497.81
L20	S48°38'30"W	4031.45
L21	N41°31'52"W	1278.71

Line Table		
Line #	Direction	Length
L22	S48°37'28"W	340.97
L23	S41°31'22"E	901.37
L24	S49°01'23"W	1558.88
L25	S41°22'39"E	820.61
L26	S56°23'57"E	198.95
L27	S41°27'17"E	310.02
L28	S78°51'23"W	144.22
L29	N82°58'39"W	73.57
L30	S84°56'39"W	143.40
L31	S81°16'38"W	160.68
L32	S73°34'12"W	39.81
L33	S68°10'55"W	223.80
L34	S78°49'32"W	1301.47
L35	S83°49'55"W	1169.73
L36	S84°49'09"W	1246.31
L37	N51°33'51"W	65.48
L38	N48°43'13"E	191.41
L39	S41°13'41"E	279.77
L40	S48°28'49"W	191.18
L41	N41°16'34"W	280.57
L42	N41°20'52"W	14.08

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	191.68	269.90	N68°48'50"E	187.68
C2	246.54	2824.97	S81°19'46"W	246.46

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

Carlson, Brigance & Doering, Inc.
FIRM ID #F3791 ◆ REG. # 10024900
Civil Engineering ◆ Surveying
5501 West William Cannon ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

SHEET NO. 2 OF 2

J:\AC3D\5586\Survey\M&B – 643.071 ACRES – DEVELOPMNET AGREEMENT BOUNDARY

Exhibit “A-2”

Description of 25.013 Acre Tract

DESCRIPTION OF 25.013 ACRES, MORE OR LESS, IN THE ANDREW MITCHELL SURVEY, ABSTRACT NO. 220 AND BEING A PORTION OF THAT TRACT DESCRIBED AS 134.473 ACRES IN A DEED FROM JONNIE LYNN MCCLELLAN ET AL TO JLBC 710 INVESTMENTS, LLC DATED JULY 26, 2021 AND RECORDED IN GUADALUPE COUNTY DOCUMENT NUMBER 202199026067 OF THE GUADALUPE COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set in the common northeast line of the JLBC 710 Investments, LLC tract and the southwest line of that tract described as Tract One - 100.55 acres in a deed from Leonard Oscar Moeller et ux to Moeller Family Limited Partnership dated July 17, 1995 and recorded in Volume 1156, Page 741 of the Guadalupe Official Public Records and for the north corner of this description, from which an iron rod found with an illegible plastic cap found in the southwest line of the Moeller Family Limited Partnership tract and for the north corner of the JLBC 710 Investments, LLC tract bears, S 41° 43' 33" W 649.92 feet;

THENCE leaving the **PLACE OF BEGINNING** as shown on that plat numbered 28291-24-2-d dated July 3, 2024, as prepared for the City of San Marcos by Byrn & Associates, Inc. of San Marcos, Texas with the common northeast and north line of the JLBC 710 Investments, LLC tract and the southwest and southeast line of the Moeller Family Limited Partnership tract the following two courses:

1. **S 41° 43' 33" E 738.56 feet** to an iron rod found with a plastic cap stamped “RPLS 5318”, and

2. **N 48° 45' 59" E 652.96 feet** to a 1/2” iron rod found in the southeast line of the Moeller Family Limited Partnership tract and for a common north angle point of the JLBC 710 Investments, LLC tract and the west corner of that tract described as 1.4970 acres in a deed from Guillermo De La Rosa and Juan De La Rosa to Gloria D. Garza dated October 10, 2007 and recorded in Volume 2542, Page 916 of the Guadalupe County Official Public Records;

THENCE leaving the Moeller Family Limited Partnership tract with a northeast line of the JLBC 710 Investments, LLC tract and the southwest line of the Garza tract, **S 41° 42' 30" E 286.94 feet** to a 1/2" iron rod found for the common south corner of the Garza tract and the west occupied corner of a remaining portion of that tract described as 127.198 acres in a deed from Leila Alva Fleming to Malcolm Fleming dated November 8, 1971 and recorded in Volume 447, Page 633 of the Guadalupe County Deed Records;

THENCE leaving the Garza tract with a northeast line of the JLBC 710 Investments, LLC tract and the southwest line of a remaining portion of the Fleming 127.198 acre tract, **S 40° 50' 37" E 210.62 feet** to a 1/2" iron pipe found for the common east corner of the JLBC 710 Investments, LLC tract and the north corner of that tract described as 7.002 acres in a deed from Gregory Scott Fleming to Stephen Thomas

Fleming dated December 29, 2020 and recorded in Guadalupe County Document Number 202199000056 of the Guadalupe Official Public Records;

THENCE leaving a remaining portion of the Fleming 127.198 acre tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Fleming 7.002 acre tract, **S 48° 32' 14" W 224.80 feet** to a 1/2" iron rod found for the common west corner of the Fleming 7.002 acre tract and the north corner of that tract described as 9.16 acres in a deed from Malcolm Fleming et ux to Daryl Payton Fleming dated February 23, 1980 and recoded in Volume 596, Page 818 of the Guadalupe County Deed Records;

THENCE leaving the Fleming 7.002 acre tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Fleming 9.16 acre tract, **S 48° 41' 07" W 394.86 feet** to a 1/2" iron rod found for the common west corner of the Fleming 9.16 acre tract and the north corner of that tract described as 8.09 acres in a deed from Michael Fleming, executor to Michael Fleming dated October 29, 2018 and Guadalupe County Document Number 201899025066 of the Guadalupe County Official Public Records;

THENCE leaving the Fleming 9.16 acre tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Fleming 8.09 acre tract, **S 48° 37' 31" W 294.23 feet** to a 1/2" iron rod found for the common west corner of the Fleming 8.09 acre tract and the north corner of that tract described as 5.69 acres in a deed from Malcolm Fleming et ux to Frances Fleming Ottmers dated February 23, 1980 and recoded in Volume 596, Page 830 of the Guadalupe County Deed Records;

THENCE leaving the Fleming 8.09 acre tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Ottmers tract, **S 48° 37' 35" W 317.76 feet** to a 1/2" iron rod found for the common west corner of the Ottmers tract and the north corner of that tract described as 5.02 acres in a deed from Malcolm Fleming et ux to Michael Fleming dated February 23, 1980 and recoded in Volume 596, Page 826 of the Guadalupe County Deed Records;

THENCE leaving the Ottmers tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Fleming 5.02 acre tract, **S 48° 37' 46" W 281.90 feet** to a 1/2" iron rod found for the common west corner of the Fleming 5.02 acre tract and the north corner of that tract described as 5.11 acres in a deed from Malcolm Fleming et ux to Robert Fleming dated February 23, 1980 and recoded in Volume 596, Page 828 of the Guadalupe County Deed Records;

THENCE leaving the Fleming 5.02 acre tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Fleming 5.11 acre tract and its extension, **S 48° 38' 41" W 377.94 feet** to a capped iron rod found with an illegible cap for the common north corner of that tract described as 64.57 acre in a deed from Fleming Partners, LP to Clint E. Jones dated August 22, 2019 and recorded in Guadalupe County Document Number 201999019538 of the Guadalupe County Official Public Records and for a common west corner of a remaining portion of the Fleming 127.198 acre tract and the west corner of a 50 foot wide road easement from Malcolm Fleming et ux to Arthur V. Kraak dated January 2, 1973 and recorded in Volume 462, Page 666 of the Guadalupe County Deed Records, pass at 326.24 feet the record west corner of the Fleming 5.11 acre tract and the north corner of the 50 foot wide road easement;

THENCE leaving a remaining portion of the Fleming 127.198 acre tract and the 50 foot road easement with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Jones tract, **S 48° 37' 59" W 8.68 feet** to a 1/2" iron rod set for the south corner of this description, from

which a 1/2" iron rod found for a common southwest angle point of the JLBC 710 Investments, LLC tract and a northwest angle point of the Jones tract bears, S 48° 37' 59" W 767.86 feet;

THENCE leaving the Jones tract and crossing the JLBC 710 Investments, LLC tract the following four courses:

1. **N 41° 24' 54" W 119.70 feet** to a 1/2" iron rod set,
2. **N 48° 37' 38" E 699.92 feet** to a 1/2" iron rod set,
3. **N 41° 43' 28" W 1117.57 feet** to a 1/2" iron rod set, and
4. **N 48° 36' 01" E 549.95 feet** to the **PLACE OF BEGINNING**. There are contained within these metes and bounds 25.013 acres, more or less, as prepared from public records and a survey made on the ground on July 3, 2024 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey".

Kyle Smith, R.P.L.S. #5307

STATE OF TEXAS REGISTERED KYLE SMITH 5307 PROFESSIONAL LAND SURVEYOR

Client: City of San Marcos
Date: July 3, 2024
Survey: Mitchell, A. A-220
County: Guadalupe
Job No: 28291-24
FND 25.013 ac

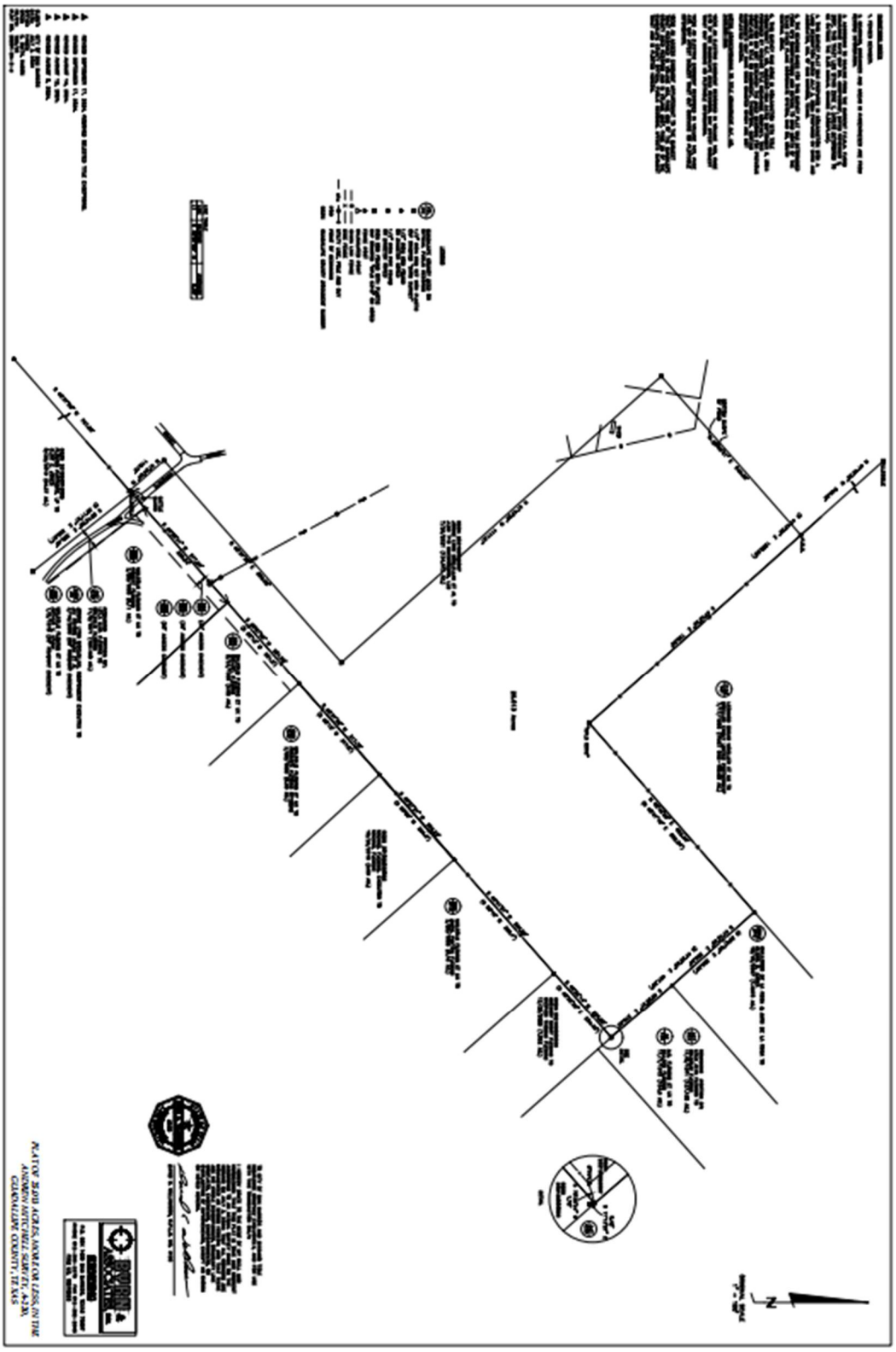


Exhibit "B"

Conceptual Land Use Plan

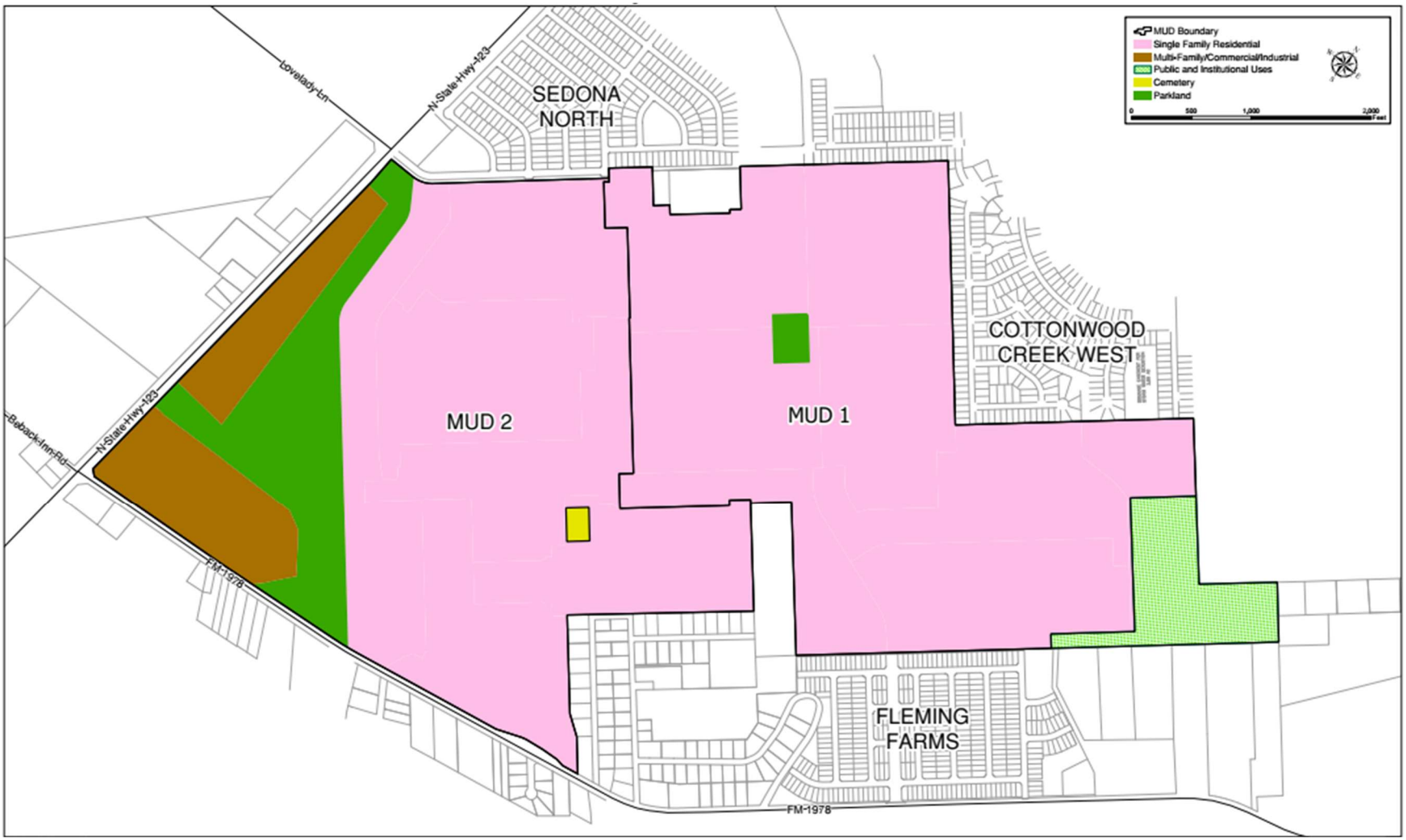


Exhibit "C"
Trail Exhibit

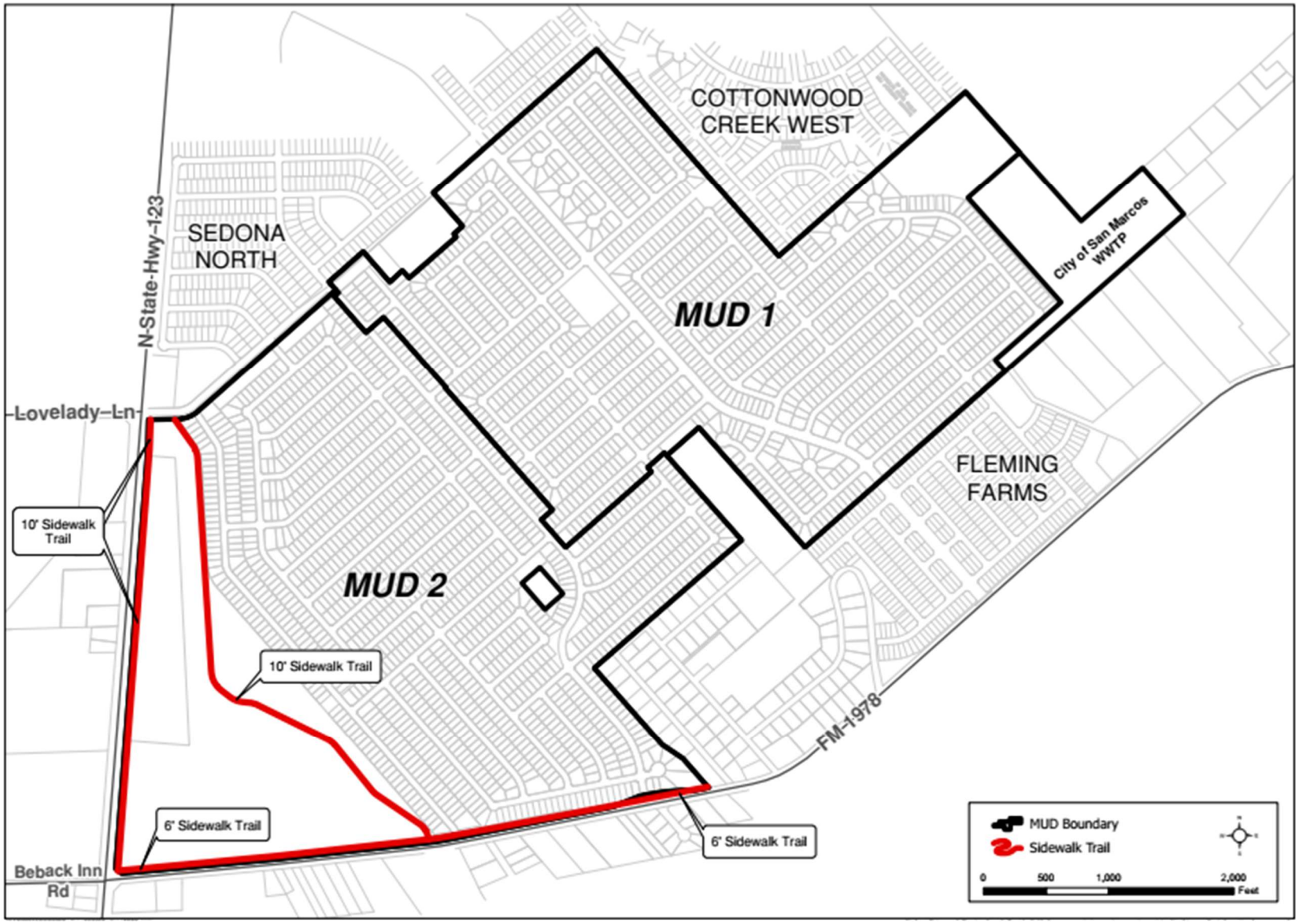


Exhibit "D"

Thoroughfare Plan Exhibit

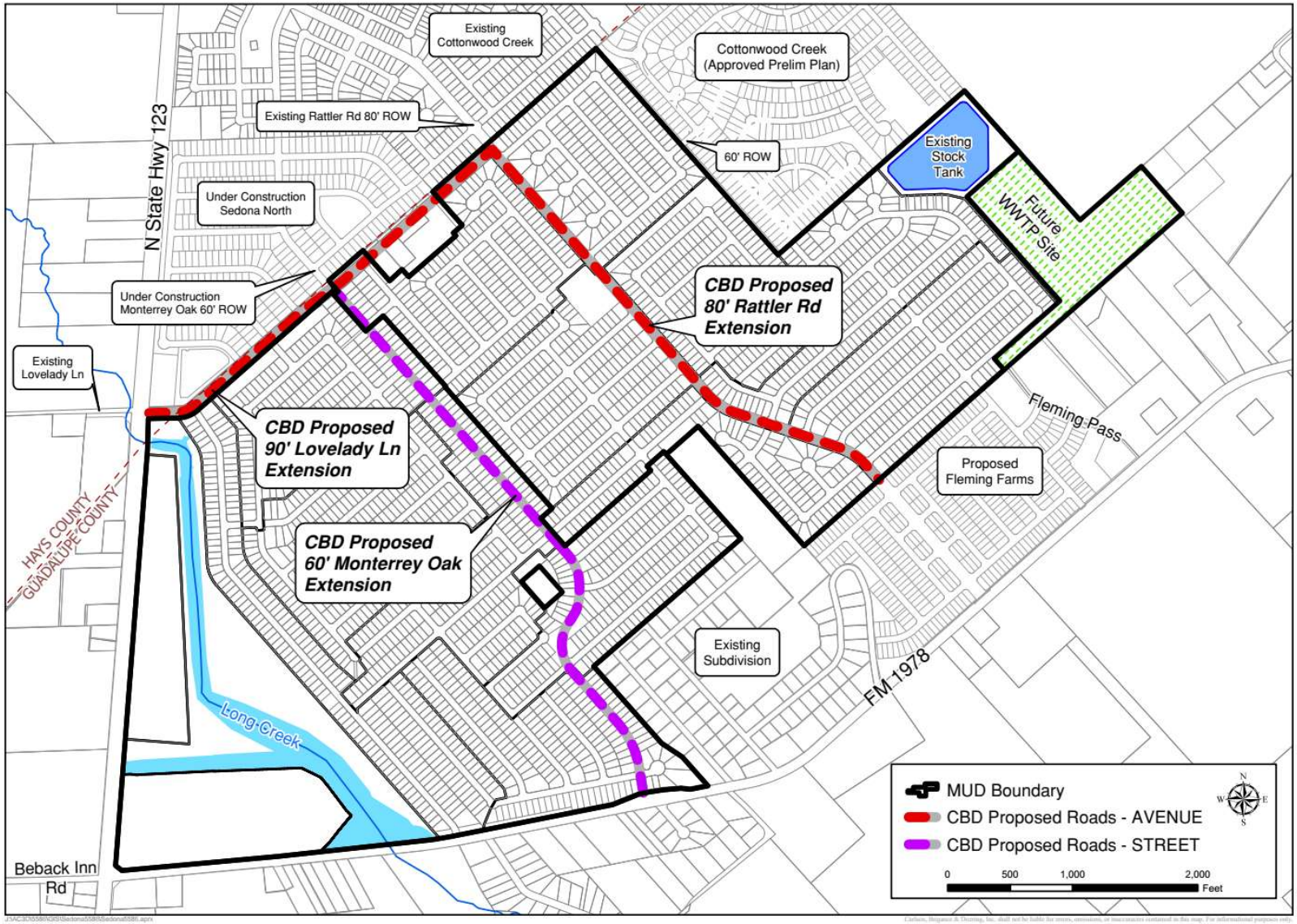
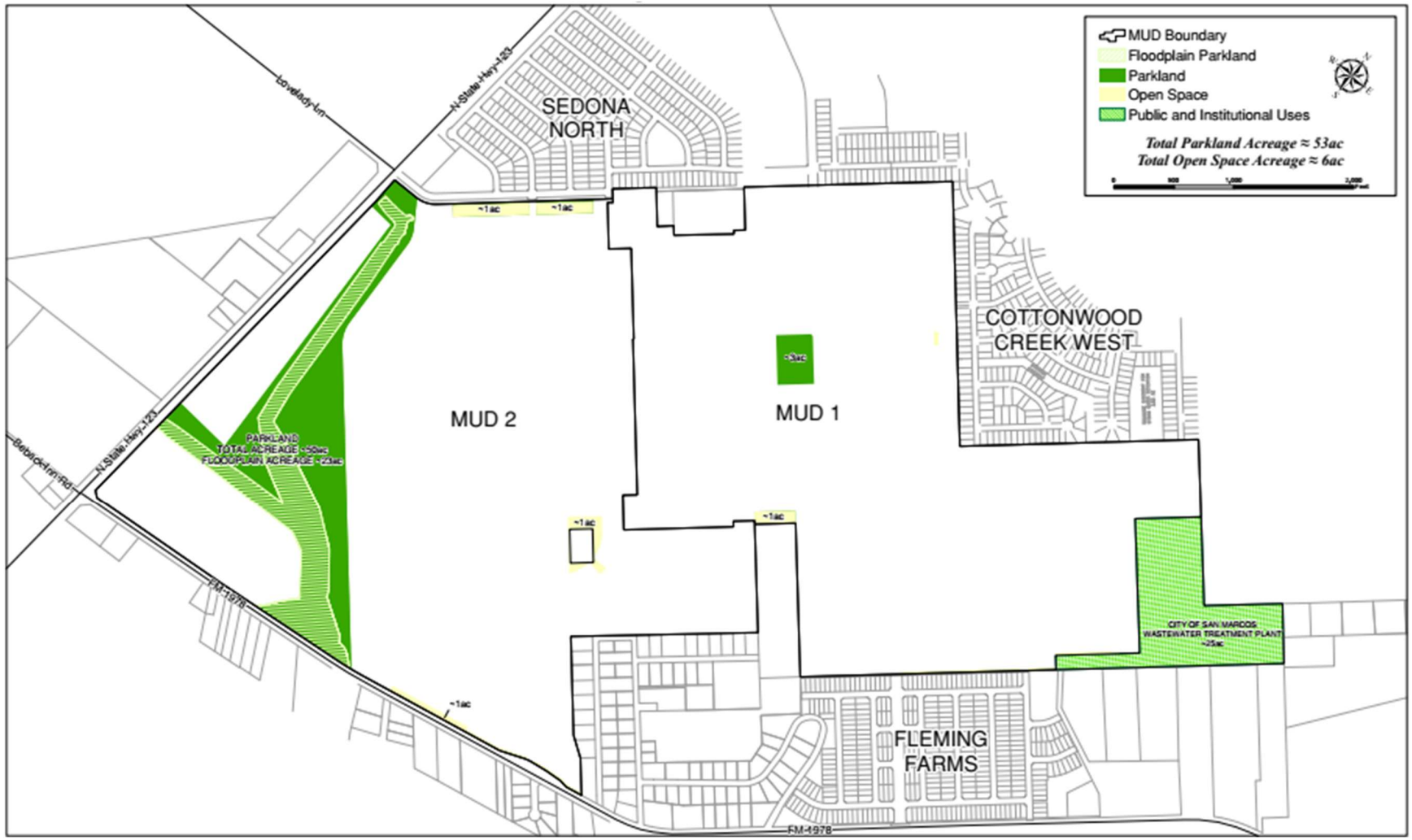


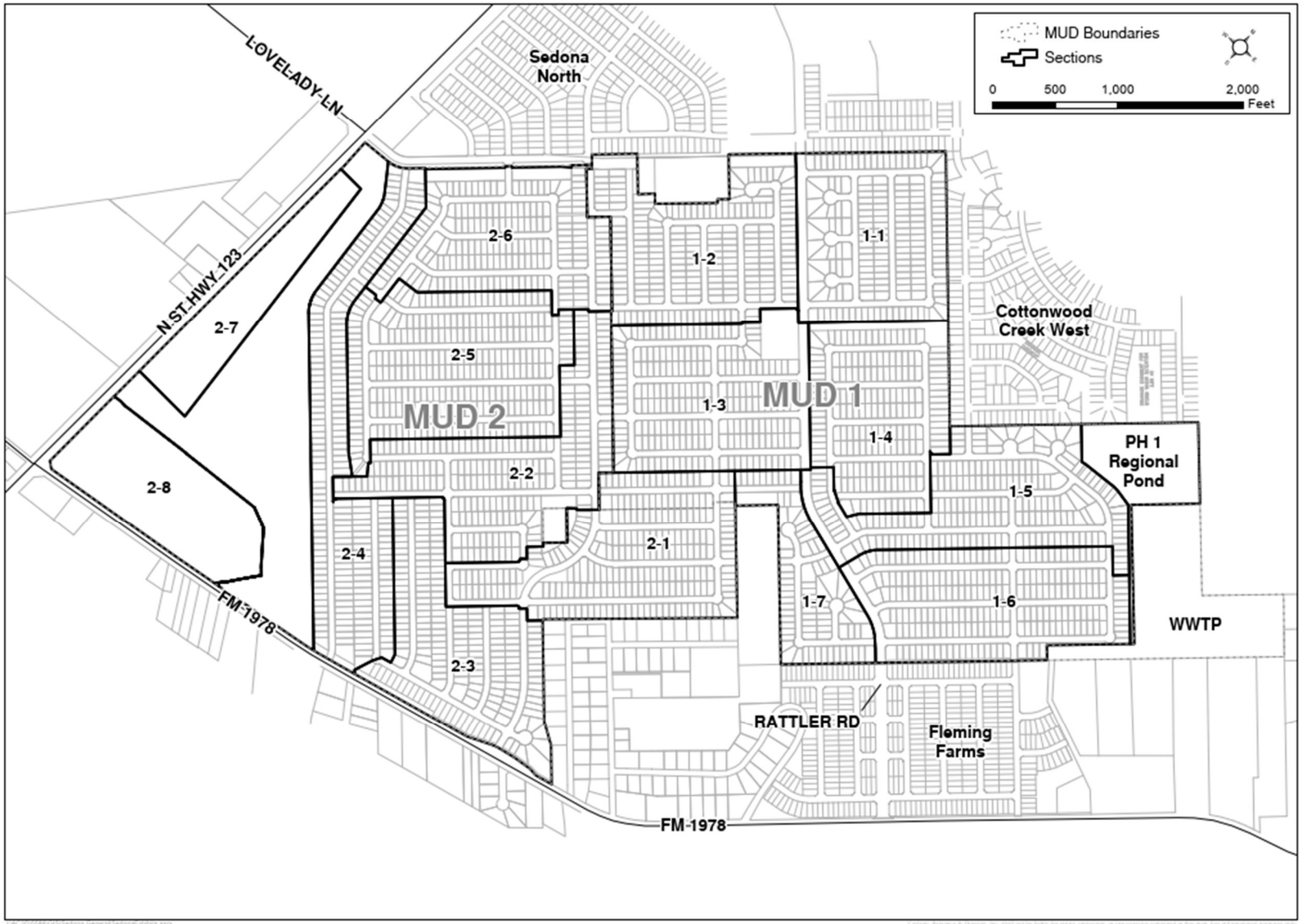
Exhibit "E"

Parks and Open Space Master Plan



Carlson, Brigance & Doering, Inc.
Civil Engineering ❖ Surveying

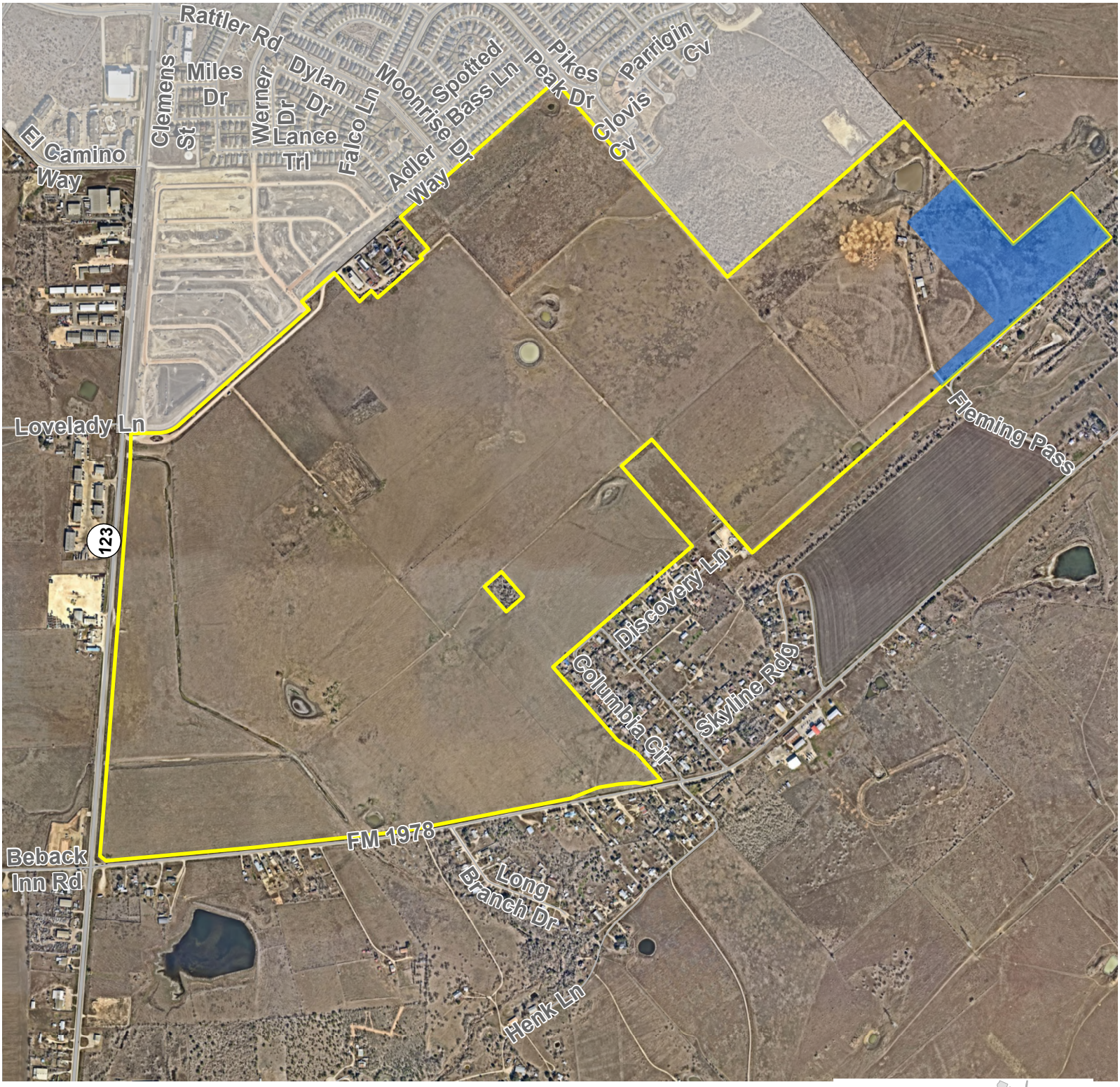
EXHIBIT "F"
PHASE PLAN



PDA-22-03

Sedona South Development Agreement - FM 1978/SH 123

Aerial



Wastewater Treatment Plant Site (City Owned)

Subject Property

City Limit

N

0 600 1,200 2,400 Feet

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

Date: 5/21/2026

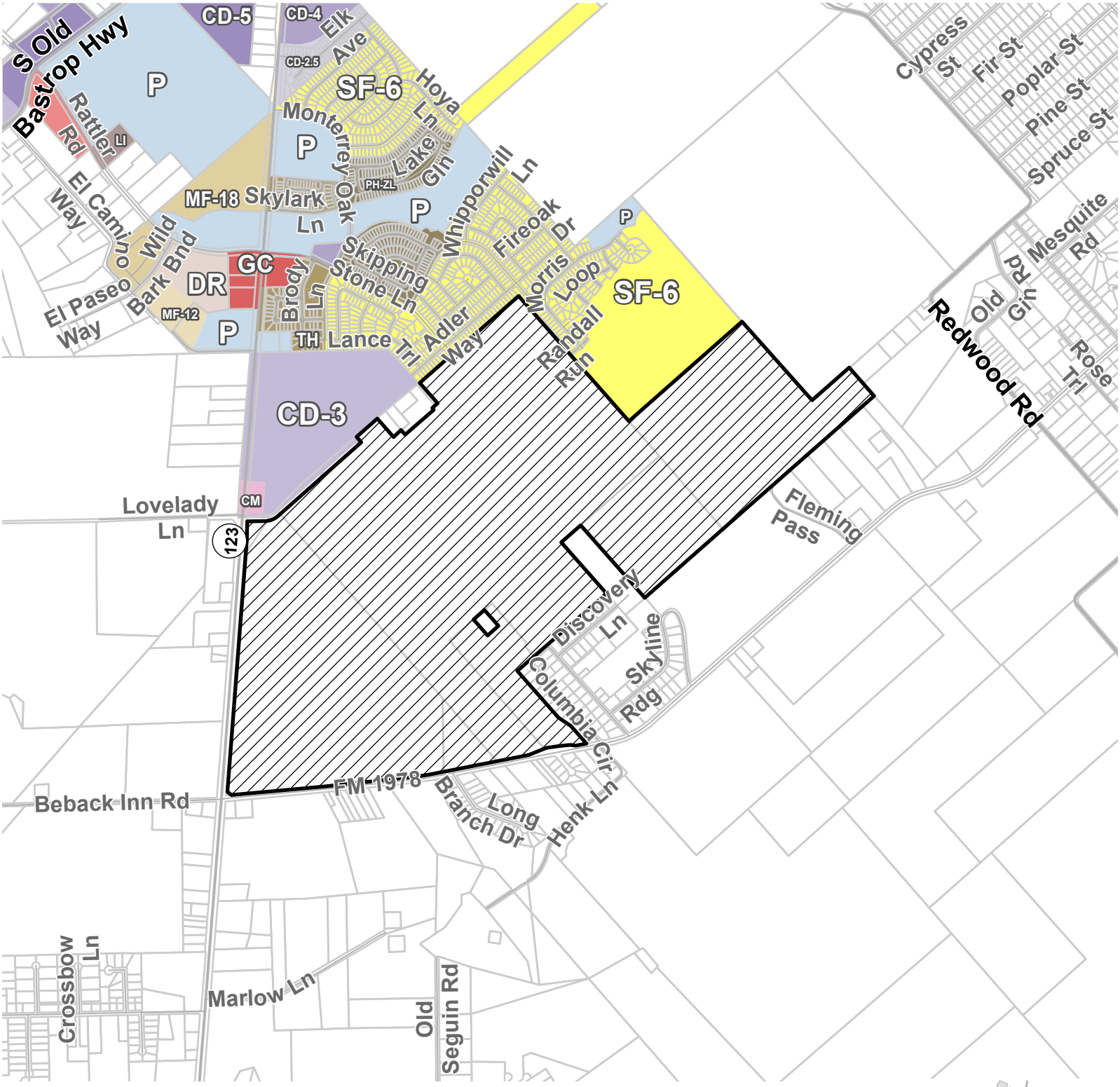
SAN MARCOS Planning and Development Services

Site Location

PDA-22-03

Sedona South Development Agreement - FM 1978/SH 123

Zoning



Subject Property
CC
CD-2.5
CD-3
CD-4
CD-5
DR
FD
GC
LI
MF-12
MF-18
P
PH-ZL
SF-6
TH
CM

N

0 950 1,900 3,800 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: 5/21/2026

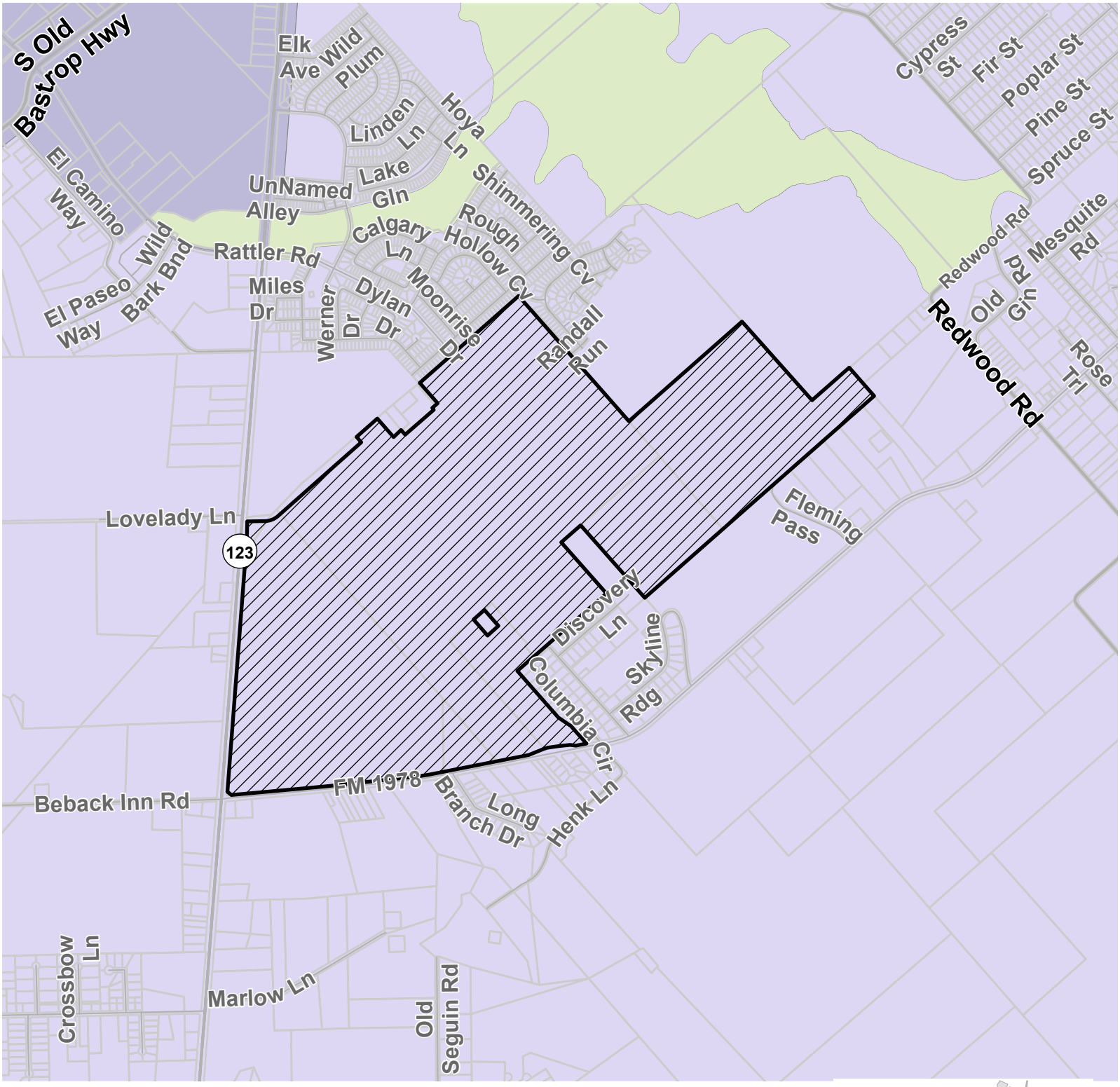
SAN MARCOS Planning and Development Services

Site Location

PDA-22-03

Sedona South Development Agreement - FM 1978/SH 123

Preferred Scenario (at time of submittal)



- Subject Property
- Parcels
- MediumIntensity
- Low Intensity
- Open Space

N

0 950 1,900 3,800 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: 5/21/2026

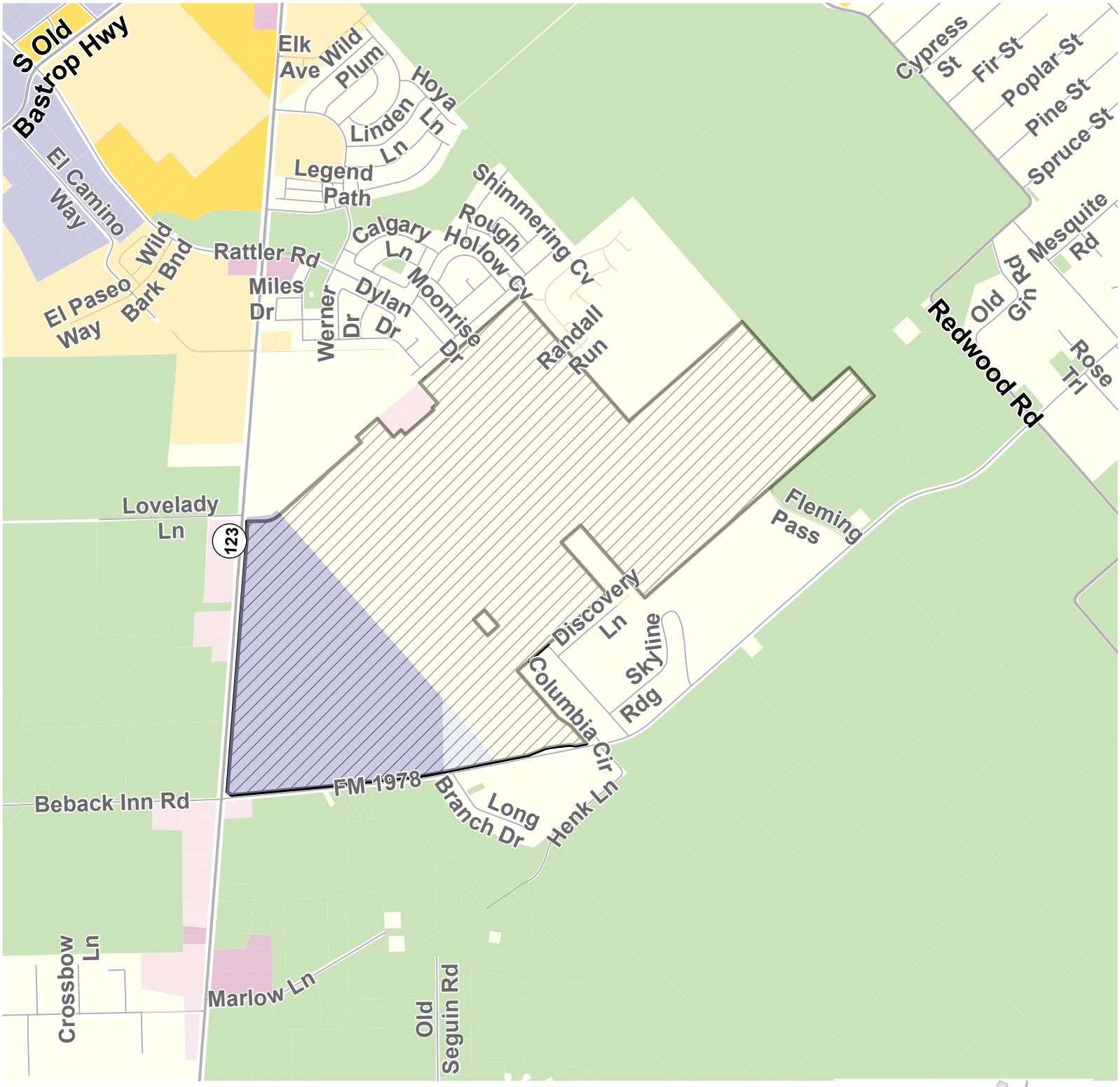
SAN MARCOS Planning and Development Services

Site Location

PDA-22-03

Sedona South Development Agreement - FM 1978/SH 123

Preferred Scenario (VisionSMTX)



- Neighborhood High
- Neighborhood Medium
- Neighborhood Low
- Mixed Use Medium
- Mixed Use Low
- Commercial/Employment Medium
- Commercial/Employment Low
- Conservation/Cluster
- Subject Property

N

0 950 1,900 3,800 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: 5/21/2026

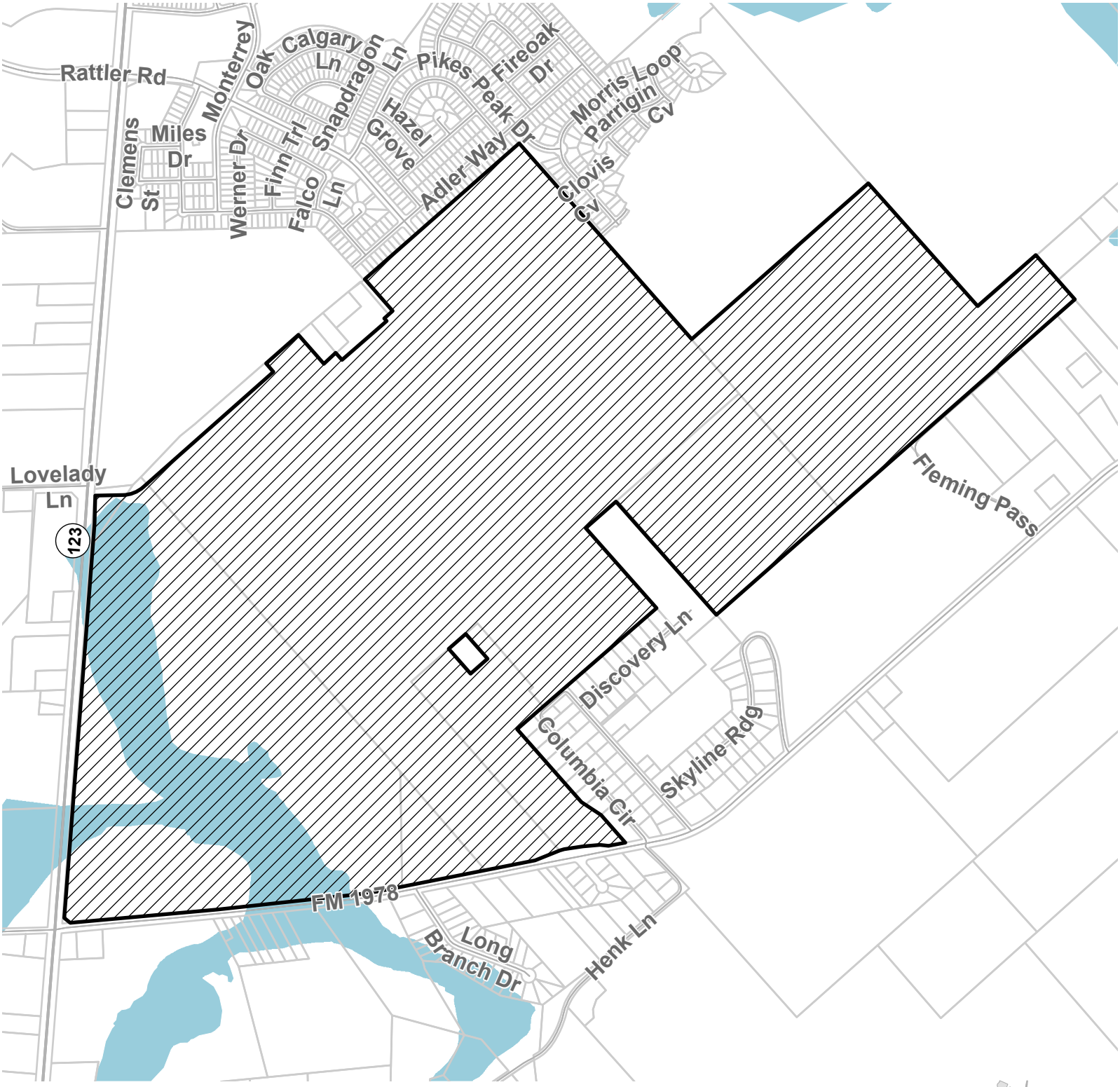
SAN MARCOS Planning and Development Services

Site Location

PDA-22-03

Sedona South Development Agreement - FM 1978/SH 123

Environmental Features



- Subject Property
- Parcels
- Floodway
- 100 Year Floodplain
- Highway
- Minor

N

0 600 1,200 2,400 Feet

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

Date: 5/21/2026

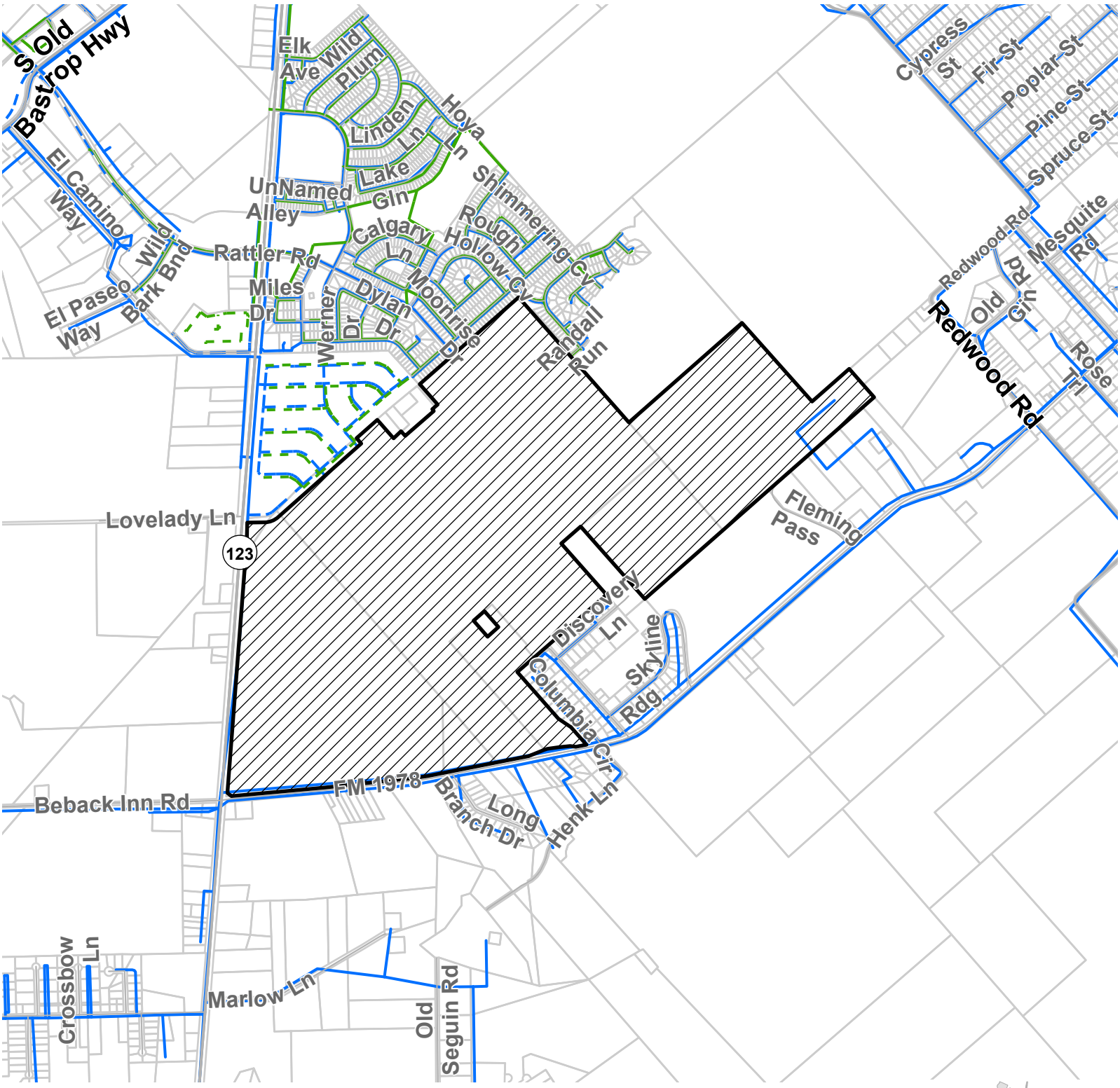
SAN MARCOS Planning and Development Services

Site Location

PDA-22-03

Sedona South Development Agreement - FM 1978/SH 123

Water and Wastewater



- Subject Property
- Sanitary Main Active
- Sanitary Main Proposed
- Potable Water Main Active
- Potable Water Main Proposed
- Parcels

N

0 950 1,900 3,800 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: 5/21/2026

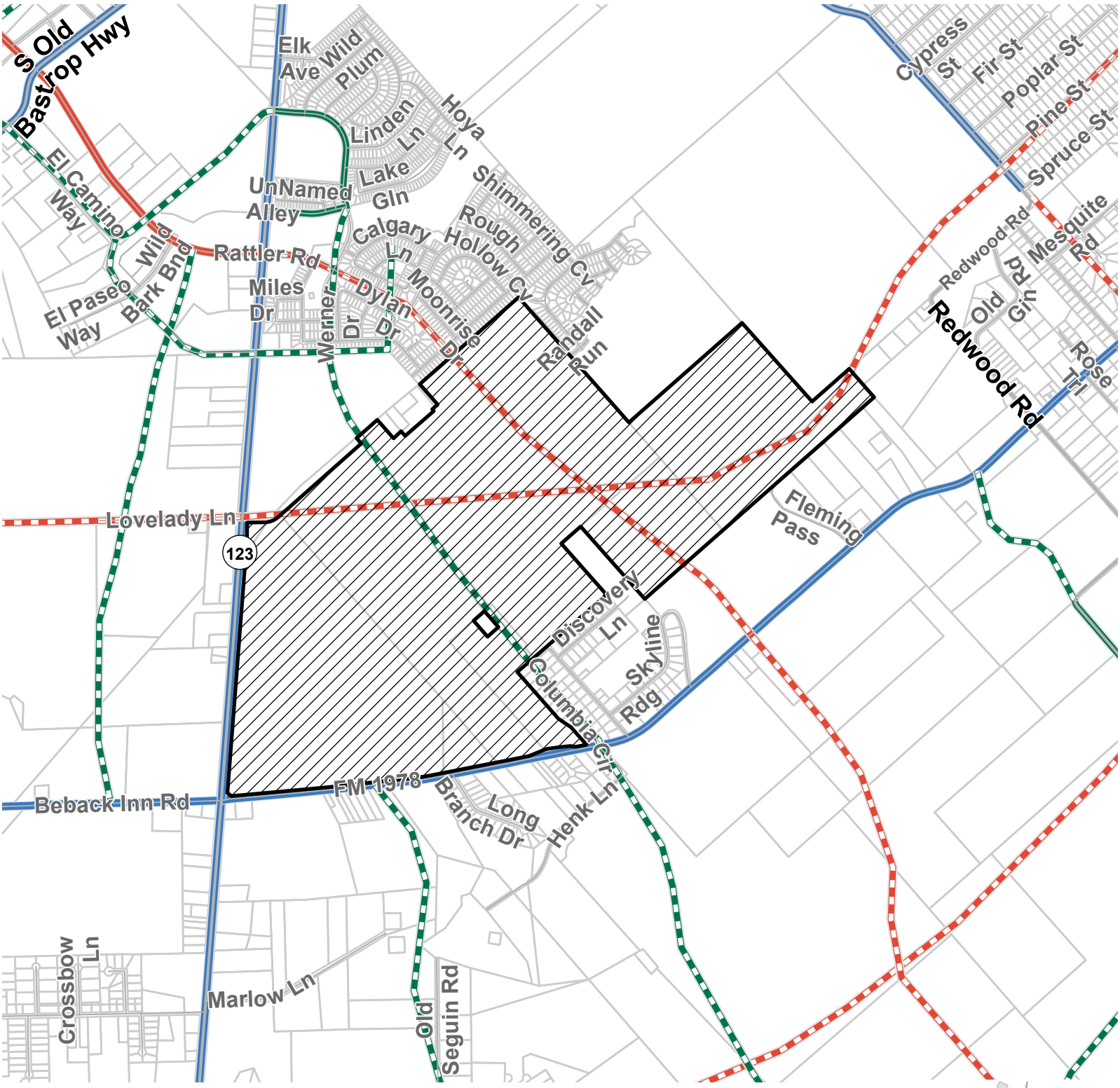
SAN MARCOS Planning and Development Services

Site Location

PDA-22-03

Sedona South Development Agreement - FM 1978/SH 123

Thoroughfare Plan



- Subject Property
- Enhanced, Ave
- Enhanced, Blvd
- Enhanced, HW
- Enhanced, Pkwy
- Enhanced, St
- Proposed, Ave
- Proposed, Blvd
- Proposed, Pkwy
- Proposed, St

N

0 950 1,900 3,800 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: 5/21/2026

SAN MARCOS Planning and Development Services

Site Location

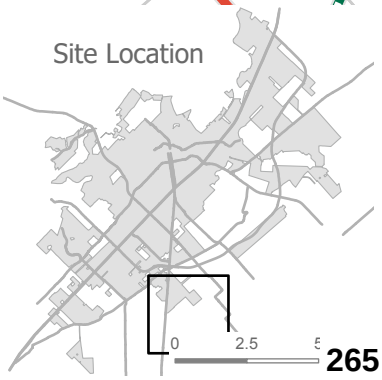
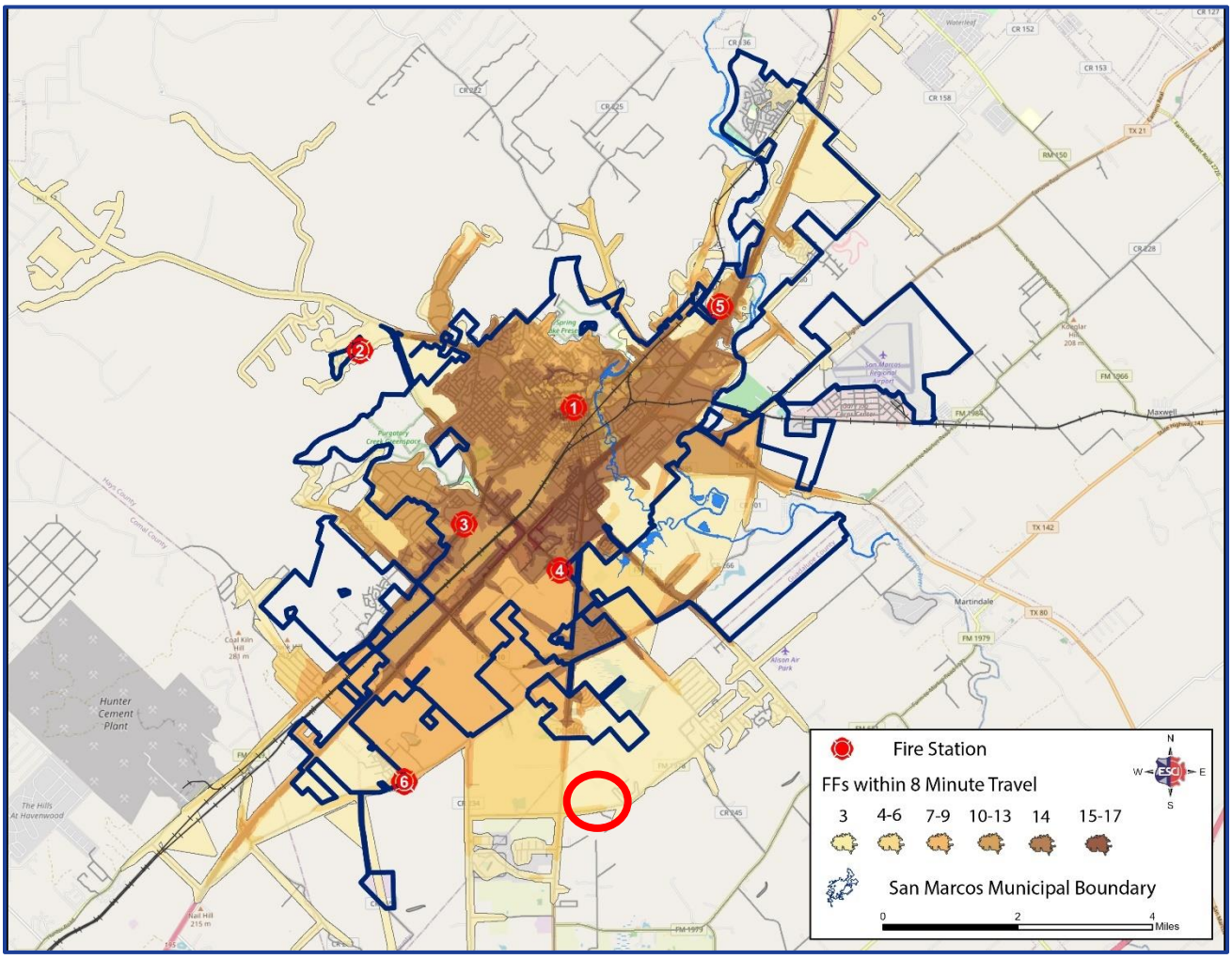


Figure 112: SMFD 8-Minute Effective Response Force

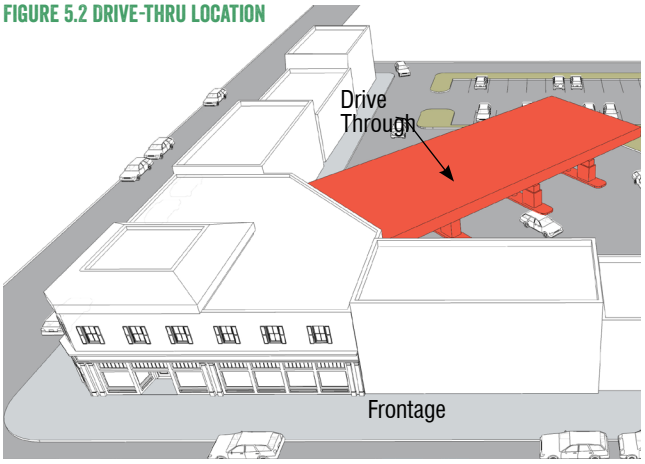
Six fire stations with Station 2 relocated to Centerpoint, and Station 6 at Old Bastrop west of Posey with minimum staffing of 20 personnel.



PDA-22-03 APPROXIMATE LOCATION

associated building. Drive-thru windows and lanes associated with buildings must be placed to the side or rear of the building;

FIGURE 5.2 DRIVE-THRU LOCATION



b. Where drive-thru windows and lanes are placed to the side of a building adjacent to a secondary street the entire length of the drive-thru lane, located between the drive-thru lane and the adjacent right-of-way (not including an alley), must be screened;

c. Screening must be a continuous compact evergreen hedge. At the time of installation, such screening must be at least 36 inches in height and reach a height of 48 inches within 3 years of planting;

d. In lieu of compact evergreen hedge, a screening wall with a minimum height of 48 inches may be installed. The wall must be compatible with the principal building in terms of texture, quality, material and color; and

e. No drive-thru window is permitted on the side of a building facing any residential district and any speakers shall face away from a property line adjacent to a residential district.

(This Section Approved by Ord. No. 2021-47 on 8-3-21)

Section 5.1.3.3 Temporary Uses.

A. Defined. Buildings, structures, and other associated appurtenances that are temporary in nature and shall be removed upon the earlier of the cessation of the temporary use or 6 months.

Section 5.1.3.4 Home Occupations

A. Purpose. Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

B. Definition. An occupation carried on by a resident of the premises, which occupation is clearly incidental and secondary to the residential purposes and does not change the character thereof.

C. Use Standards.

1. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the Street;

2. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding 20 percent of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 600 square feet);

3. The occupation shall not employ more than one person who is not a member of the household in which the home occupation occurs;

4. Not more than one business-related vehicle shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the Use is located;

5. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;

6. One commercial vehicle, having a gross vehicle weight capacity of one ton or less, according to the manufacturer's classification, may be used, or parked

behind the front building line on the property, in connection with the home occupation, but the vehicle may not be parked in the street;

7. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries (more than twice per day) by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;

8. The home occupation use/activity shall take place primarily within the dwelling, and there shall be no outside storage, including trailers, or outside display related to the home occupation use;

9. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home office environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;

10. The home occupation shall not generate noise, vibration, glare, fumes or odors, heat or electrical interference beyond what normally occurs within a residential district;

11. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;

12. The home occupation shall be permitted one advertising sign for the home occupation that is a maximum of two square foot in size and is attached to the front facade such that it is flush with the facade;

13. The occupation shall not offer any commodity for sale on the premises unless the commodity is made or assembled on-site, including arts and crafts items, handmade clothing; and

14. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

D. **Applicability of Other Regulations.** Home occupations shall also be subject to any and all other provisions of local, state and federal regulations and laws that govern such uses.

E. **Allowed Home Occupations.** Subject to the provisions of this division, allowed home occupations are the following:

1. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;

2. Author, artist, artisan, or sculptor;

3. Dressmaker, seamstress or tailor;

4. Music or dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than two pupils at a time;

5. Individual tutoring and home schooling;

6. Office facility of a minister, rabbi, priest or other cleric;

7. Home crafts, such as rug weaving, model making, etc.;

8. Office facility of a salesman, sales or manufacturer's representative, provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;

9. Repair shop for small electrical appliances, cameras, watches and clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;

10. Food preparation establishments such as cake making, decorating or catering, provided that there is no on-Premises consumption by customers, and provided that all aspects of the business comply with all state and local health regulations;

11. Registered family homes, in compliance with applicable state laws, which are incorporated herein by reference, with no more than six children or adults;

12. Barber shop or beauty salon or manicure studio, provided that no more than one customer is served on the premises at any one time;

13. Swimming lessons and water safety instruction, provided that such instruction involves no more than two pupils at any one time; and

14. Any other use which is not prohibited under Section 5.1.3.4(F) and is approved by Administrative Adjustment.

F. **Prohibited Home Occupations.** Home occupations shall not, in any event, be deemed to include the following uses:

1. Animal hospitals or clinics, commercial stables having more than two horses per acre or kennels;

2. Restaurants or on-premises food or beverage, including private clubs, consumption of any kind, except for limited food or meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;

3. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;

4. On-premises retail or wholesale sales of any kind where multiple customers patronize the sales business on-site, except for items that are produced entirely on the premises in conformance with this development code, and except for occasional garage sales (no more than three per calendar year);

5. Commercial clothing laundering or cleaning;

6. Mortuaries or funeral homes;

7. Trailer, vehicle, tool or equipment rentals;

8. Repair shops for any items having internal combustion engines; and

9. Any use that would be defined by the building code as an assembly, factory or industrial, hazardous, institutional or mercantile occupancy.

Section 5.1.3.5 Family Home Care

A. **Family Home (Adult Care in Place of Residence).** A facility that regularly provides care in the caretaker's own residence for not more than six adults at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

B. **Family Home (Child Care in Place Of Residence).** A facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed 12 at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Texas Human Resources Code, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

Section 5.1.3.6 Short Term Rental

A. **Defined.** Short term rental means a primary residence having fewer than five bedrooms, or portion thereof, or an accessory dwelling on premisses with a primary residence that is offered for use or is used for accommodations or lodging of guests for a period of less than thirty consecutive days. A short term rental does not include a bed and breakfast.

B. **Use Standards.** All short term rentals shall:

1. Be clearly incidental and customary to and commonly associated with the operation of the primary residential household living use;

2. Be operated by the person or persons maintaining the dwelling unit use as their primary residence. For purpose of this provision "person or persons" shall not include any corporation, limited liability company, partnership, firm, association, joint venture, or other similar legal entity. For purposes of this Section 5.1.3.6, the term "primary residence" shall have the meaning prescribed thereto in Chapter 34 of the City Code.

3. Hold a valid short term rental registration with the City pursuant to Chapter 34 of the City Code.

4. Not include rentals where the length of stay of any individual is 30 or more consecutive days during the calendar year; and

7. A parking buffer in accordance with Section 7.1.4.4 shall be required in all instances.

8. The single-family preservation buffer shall be calculated in accordance with Section 4.1.2.5.D. An affirmative vote of six members of Planning and Zoning Commission and five members of City Council will be required to approve the request in instances where the single-family preservation buffer calculated in accordance with Section 4.1.2.5.D results in 50% or more single family zoning.

(Ord. No. 2020-60, 9-1-2020)

DIVISION 6: PUBLIC AND INSTITUTIONAL USES

Section 5.1.6.1 Civic

A. Civic Use Category. Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes but is not limited to the following uses:

1. Cemetery.
2. College, community college, university.
3. Civic club non-profit
4. Museum, library.
5. Public Use.
6. Places of worship including church, mosque, synagogue, temple.
7. Police, fire, EMS station.
8. School, public or private (K-12).

B. Use Standards. Where a civic use is limited the property shall be subject to a transitional protective yard A/B in compliance with Section 7.2.2.3.

C. Day Care Center. A facility providing care, protection and supervision of more than seven children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

1. **Use Standards.** Where a day care facility is limited the following standards apply:
   a. Supervision of no more than twelve children or adults is permitted without a conditional use permit; and
   b. A transitional yard A/B subject to the standards in Section 7.2.2.3 is required.

Section 5.1.6.2 Parks, Open Space and Greenways

A. Parks, Open Space and Greenways Use Category. Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas and having few structures. Parks, open space and greenways include but are not limited to the following uses.

1. Botanical garden, nature preserve, recreational trail, greenway.
2. Game preserve, wildlife management area, refuge, animal sanctuary.
3. Park, recreation field. A public park may contain civic uses such as a community center, museum or library.
4. Reservoir, control structure, water supply, water well.

Section 5.1.6.3 Utilities

A. Minor Utilities Use Category. Public or private infrastructure serving a limited area with no on-site personnel. Minor utilities include but are not limited to the following uses.

1. On-site stormwater retention or detention facility.
2. Renewable energy systems
3. Neighborhood-serving cable, telephone, gas or electric facility.
4. Water and wastewater pump station or lift station.
5. Electrical substation.
6. Utility service.

B. Major Utilities Use Category. Public or private infrastructure serving the general community and possibly having on-site

personnel. Major utilities includes but is not limited to the following uses.

1. Electric or gas generation plant.
2. Communications antennas and support structures/towers.
3. Water or sanitary sewer treatment plant.

C. Communications Antennas and Support Structures/Towers

1. **Use Standards.**
2. These regulations apply to all commercial and amateur antennas and antenna support structures, unless exempted.
3. **Exempt.** Direct broadcast antennas or satellite dish antennas, multi-channel multi-point distribution (as defined by the FCC) antennas, television reception antennas, and amateur radio antennas meeting the following requirements do not require a permit unless mounted on a pole or mast that is 20 feet or more in height:
   - **a.** Antennas that are three feet or less in diameter;
   - **b.** Antennas designed to only receive television broadcasts;
   - **c.** Amateur radio antennas concealed behind or located upon or within Attics, eaves, gutters or roofing components of a building; and
   - **d.** Amateur radio ground-mounted whips and wire antennas, mounted on a pole or mast less than 20 feet in height.
   - **e.** Antennas and antenna support structures operated by public safety or other emergency service providers
4. Support structures or antennas legally installed before the effective date of this Development Code are not required to comply with this Development Code, but must meet all applicable State, Federal and local requirements, building codes and safety standards.
5. Unused or abandoned antennas or antenna support structures must be removed at the owner's expense upon notification by the City.

D. General Requirements:

1. Antennas and antenna support structures may be considered either as a principal use or as an accessory use.
2. No commercial antenna support structure shall be closer to any residential district or existing residential dwelling than a distance equal to twice the height of the support structure.
   - **a.** Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of the district boundary line or existing residential dwelling. Setbacks from residentially zoned property do not apply to antennas placed wholly within or mounted upon a building.
3. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area.
4. A building permit is required to erect or install an antenna.
5. Temporary antennas shall only be allowed in the following instances:
   - **a.** In conjunction with a festival, carnival, rodeo or other special event/activity;
   - **b.** In case of an emergency (e.g., severe weather, etc.) or a news coverage event;
   - **c.** When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth day following initial placement of the antenna.
6. Co-location is greatly encouraged by the City.
   - **a.** All new antenna support structures over 50 feet in height shall be constructed to support antennas for at least two carriers, unless the structure is an alternative or stealth design, or the support structure

is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.

b. An antenna support structure which is modified or reconstructed in order to accommodate co-location shall be of the same type, design and height as the existing structure, and it may be moved on the same property within 50 feet of its original location if it is not moved any closer to property in any Conventional Residential Zoning District or any Neighborhood Density District (if the structure was allowed by conditional use permit, then its new location shall be within the physical/land boundaries of the conditional use permit). The original (i.e., former) support structure shall be removed from the property within 90 days following completion of the new structure.

c. Where an additional antenna is to be attached to an existing antenna support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.

7. Antenna support buildings and equipment storage areas/ buildings shall be screened from public view, shall meet all applicable front, side and rear yard setback requirements, and shall be of a neutral color and use exterior finish colors and materials that are compatible with nearby Structures. They shall be screened from public view by a dense, opaque evergreen landscaped screen with an initial planting height of at least three feet, and which shall attain an ultimate height of at least six feet at maturity. A six-foot solid wall or fence may be used in lieu of the landscaped screen provided exterior finish colors and materials are compatible with nearby structures. The use of chain-link for screening is prohibited, except that wrought iron, chain link, or similar screening may be used in conjunction with a landscaped screen as specified above.

8. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support Structure.

9. In Special Districts other than MH, commercial antennas and antenna support structures are allowed as follows:

a. Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by conditional use permit provided the structure conforms in all other aspects of the base zoning district regulations, and provided that all applicable setback requirements are satisfied. In all non-residential zoning districts, antenna support structures must meet all setback requirements, particularly from residential zoning districts.

b. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) Provided that the utility structure exceeds 50 feet in height, and provided that the antenna does not extend more than ten feet above the height of the utility structure.

c. A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/ or disguised to integrate into the overall architectural design in accordance with established technology, and it is not readily visible/identifiable as an antenna from public roadways or from neighboring residential properties.

DEVELOPMENT AGREEMENT APPLICATION

Updated: March, 2023

CONTACT INFORMATION

Applicant's Name	Charlotte Hodges	**Property Owner**	John Lloyd
Company	Carlson, Brigance & Doering, Inc	**Company**	JLBC710 LLC
Applicant's Mailing Address	5501 W WIlliam Cannon Drive	**Owner's Mailing Address**	
Applicant's Phone #	[redacted]	**Owner's Phone #**	
Applicant's Email	[redacted]	**Owner's Email**	[redacted]

PROPERTY INFORMATION

Subject Property Address(es): See attached site map exhibit

Legal Description: **Lot** _____ **Block** _____ **Subdivision** _____

Total Acreage: 646 **Tax ID #: R**87-0912331

Preferred Scenario Designation: Single Family/ Commercial **Existing Use of Property:** Agricultural

DESCRIPTION OF REQUEST

Proposed New Preferred Scenario Designation, if any: Single Family/Commercial

Proposed Base Zoning Districts: CD 3/ CD 5

Proposed Land Uses: Single Family Residential/ Light Commercial

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.

Filing Fee $2,500 plus $200 per acre **Technology Fee $15** ***MAXIMUM COST $7,515***

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

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

PROPERTY OWNER AUTHORIZATION

I, John Lloyd (owner name) on behalf of JLBC710 LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at See attached exhibit- Sedona South (address).

I hereby authorize Charlotte Hodges (agent name) on behalf of Carlson, Brigance & Doering, Inc (agent company) to file this application for Development Agreement (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: 0e363007-322a-4d12-82cb-1ce59fa1b6dd Digitally signed by 0e363007-322a-4d12-82cb-1ce59fa1b6dd DN: CN=0e363007-322a-4d12-82cb-1ce59fa1b6dd Reason: I am the author of this document Location: John Lloyd Date: 2024-02-27 07:27:57 Foxit PhantomPDF Version: 9.7.0 Date: 2/26/2024

Printed Name, Title: John Lloyd

Signature of Agent: 0e363007-322a-4d12-82cb-1ce59fa1b6dd Digitally signed by 0e363007-322a-4d12-82cb-1ce59fa1b6dd DN: CN=0e363007-322a-4d12-82cb-1ce59fa1b6dd Reason: I am the author of this document Location: Charlotte Hodges Date: 2023-12-01 15:06:13 Foxit PhantomPDF Version: 9.7.0 Date: 12/1/23

Printed Name, Title: Charlotte Hodges, Planning Director

Form Updated October, 2019

AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

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

- Notification Signs: 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.***

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $150 plus a $15 technology fee.***

- 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 $150 plus a $15 technology fee.***

I have read the above statements and agree to the required public notification, 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 notification and public hearing and hereby submit the attached application for review by the City.

Signature: 0e363007-322a-4d12-82cb-1ce59fa1b6dd Digitally signed by 0e363007-322a-4d12-82cb-1ce59fa1b6dd DN: CN=0e363007-322a-4d12-82cb-1ce59fa1b6dd Reason: I am the author of this document Location: Charlotte Hodges Date: 2024-02-27 07:30:00 Foxit PhantomPDF Version: 9.7.0

Date: 2/26/24

Print Name: Charlotte Hodges

Form Updated March, 2023

Carlson, Brigance & Doering, Inc.
Civil Engineering ❖ Surveying

May 14, 2026

Terry Floyd
Director of Planning and Development Services
City of San Marcos
630 East Hopkins
San Marcos, TX 78666

Re: Sedona South Development Agreement

Mr. Floyd,

On behalf of our client, we are requesting City of San Marcos consideration and approval of a Development Agreement to create Sedona South Municipal Utility District (MUD) for the development of a 646 acre tract for single family residential and commercial use.

After working with staff and the Development Agreement Review Committee, the Development Agreement consists of a Conceptual Land Use Plan, Phasing Plan, Parks and Open Space Master Plan and Thoroughfare Plan that we feel meets the character and desires of the San Marcos Community.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Charlotte Hodges

Charlotte Hodges
Planning Director, Carlson, Brigance & Doering

METES AND BOUNDS

BEING ALL OF THAT CERTAIN 644.301 ACRE TRACT OF LAND SITUATED IN THE CHARLES HENDERSON SURVEY NUMBER 55, ABSTRACT NUMBER 226, HAYS COUNTY, TEXAS, AND THE CHARLES HENDERSON SURVEY NUMBER 55, ABSTRACT NUMBER 147, THE ANDREW MITCHEL SURVEY NUMBER 62, ABSTRACT NUMBER 220, AND THE JOHN WELLS SURVEY, ABSTRACT NUMBER 509, GUADALUPE COUNTY, TEXAS, BEING A PORTION OF A CALLED 510.282 ACRE TRACT OF LAND TRACT OF LAND (EXHIBIT A-1) CONVEYED TO JLBC 710 INVESTMENTS, LLC BY DEED RECORDED IN DOCUMENT NUMBER 202199026066, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, ALL OF A CALLED 134.473 ACRE TRACT CONVEYED TO JLBC 710 INVESTMENTS, LLC BY DEED RECORDED IN DOCUMENT NUMBER 202199026067, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, ALL OF A CALLED 1.230 ACRE TRACT OF LAND (EXHIBIT A-2) (LONG BRANCH CEMETERY) RECORDED IN DOCUMENT NUMBER 202199026066, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS AND A PORTION OF AN APPARENT ABANDONED GUADALUPE COUNTY ROAD, SAID 644.301 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS,

BEGINNING, at a 1/2 inch iron rod found at the intersection of the east right-of-way line of State Highway 123 (R.O.W. Varies) and the north right-of-way of F.M. Highway 1978 (80’ R.O.W.), being at the southwest corner of said 510.282 acre tract of land, for the southwest corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with said east line of said Highway 123 and the west line of said 510.282 acre tract, the following two (2) courses, numbered 1 and 2,

1) N04°24’01”E, a distance of 3,338.99 feet to a capped 1/2 inch iron rod set stamped “CBD SETSTONE”, and,
2) N01°29’59”E, a distance of 239.42 feet to a capped 1/2 inch iron rod set stamped “BMB ESMT” on the south line of a called 1.80 acre tract described in the annexation to the City of San Marcos, Ordinance Number 2023-57, for the northwest corner of the herein described tract,

THENCE, over and across said 510.282 acre tract, and with the south and east lines of said 1.80 acre annexation tract, the following four (4) courses, numbered 1 through 4,

1) N89°02'30"E, a distance of 230.78 feet to a capped 1/2 inch iron rod found stamped ““BMB ESMT” for corner, being at the beginning of a curve to the left,
2) Along said curve to the left, having a radius of 269.90 feet, an arc length of 191.68 feet, and a chord that bears N68°48'50"E, a distance of 187.68 feet to a capped 1/2 inch iron rod set stamped ““BMB ESMT” for corner,
3) N48°28'43"E, a distance of 1,467.45 feet to a capped 1/2 inch iron rod set stamped ““BMB ESMT” for corner, and
4) N41°31'17"W, a distance of 94.32 feet to a capped 1/2 inch iron rod set stamped “BMB PROPERTY CORNER” at a corner on the south line of a called 66.017 acre tract of land conveyed to JLBC 710 Investments, LLC by deed recorded in Document Number 21040821, Official Public Records, Hays County, Texas, for corner,

THENCE N48°40'12"E, with the south line of said 66.017 acre tract of land, a distance of 365.05 feet to a capped 1/2 inch iron rod set stamped “CBD SETSTONE” for corner,

THENCE, S41°14’15”E, passing the west corner of a called 0.907 acre tract conveyed to Jonathan Garner Kraak by deed recorded in Document Number 2015015713, Official Public Records, Guadalupe County, Texas, being at a corner on the north line of said 510.282 acre tract of land, and continuing for a total

distance of 323.75 feet to a 1/2 inch iron rod found at the south corner of said 0.907 acre tract of land, being at a corner on the north line of said 510.282 acre tract of land, for corner,

THENCE, N47°05'59"E, with the common line of said 510.282 acre tract and said 0.907 acre tract of land, a distance of 136.34 feet to a 1/2 inch iron rod found at the east corner of said 0.907 acre tract, being at an interior corner of said 510.282 acre tract, same being on the west line of a called 5.00 acre tract of land conveyed to Jonnie Lynn Kraak McClellan by deed recorded in Volume 943, Page 640, Deed Records, Guadalupe County, Texas, for corner,

THENCE, with the west line of said 5.00 acre tract and said north line of said 510.282 acre tract, the following five (5) courses, numbered 1 through 5,

1) S41°38'54"E, a distance of 80.30 feet to a 1/2 inch iron rod found for corner,
2) N48°58'18"E, a distance of 500.10 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" for corner,
3) N41°53'08"W, a distance of 30.21 feet to a 1/2 inch iron rod found for corner,
4) N48°38'20"E, a distance of 94.77 feet to a 1/2 inch iron rod found for corner, and,
5) N41°19'44"W, passing the north corner of said 5.00 acre tract of land, being at a corner on the north line of said 510.282 acre tract of land, same being on the south line of said apparent abandoned county road, and continuing for a total distance of 357.31 feet to a capped 1/2 inch iron rod set stamped "CBD SETSTONE" on the north line of said apparent abandoned county road, being on the south line of Lot 1, Block V, Cottonwood Creek Phase 3 Unit 3, a subdivision recorded in Document Number 19029834, Official Public Records, Hays County, Texas, for corner,

THENCE, N48°40'14"E, with the south line of said Cottonwood Creek Phase 3 Unit 3, the south line of Cottonwood Creek Phase 3 Unit 4, a subdivision recorded in Document Number 20015032, Official Public Records, Hays County, Texas, and the south line of Cottonwood Creek Phase 3 Unit 5, a subdivision recorded in Document Number 20043156, Official Public Records, Hays County, Texas, a distance of 1738.01 feet to a capped 1/2 inch iron rod found stamped "PAPE DAWSON" on the north line of said apparent abandoned county road, being on the south line of Lot 23, Block W, said Cottonwood Creek Section 3 Unit 5, for the north corner of the herein described tract of land,

THENCE, S41°20'52"E, passing at a distance of 14.08 feet a 1" iron pipe found at the north corner of said 510.282 acre tract, being at the west corner of a called 100.734 acre tract conveyed to CCSM, LLC by deed recorded in Document Number 202199009636, Official Public Records, Guadalupe County, Texas, and continuing with the common line of said 510.282 acre tract and said 100.734 acre tract, a distance of 2203.13 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" at the southwest corner of said 100.734 acre tract, same being at a north exterior corner of said 134.473 acre tract, for corner,

THENCE, N48°36'09"E, with the common line of said 134.473 acre tract and said 100.734 acre tract, a distance of 1988.59 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" at the northernmost corner of said 134.473 acre tract, being the southeast corner of said 100.734 acre tract, same being on the west line of a called 100.55 acre tract conveyed to Moeller Family Limited Partnership by deed recorded in Volume 1156, Page 741, Deed Records, Guadalupe County, Texas, for corner,

THENCE, with the common line of said 134.473 acre tract and said 100.55 acre tract, the following two (2) courses, numbered 1 and 2,

1) S41°43'29"E, a distance of 1388.64 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" at an east interior corner of said 134.473 acre tract, being at the southwest corner of said 100.55 acre tract, for corner, and
2) N48°46'41"E, a distance of 653.09 feet to a 1/2 inch iron rod found on the south line of said 100.55 acre tract, being at the northeast corner of said 134.473 acre tract, same being at the northwest corner of a called 1.497 acre tract conveyed to Gloria D. Garza by deed recorded in Volume 2542, Page 916, Deed Records, Guadalupe County, Texas, for the northeast corner of the herein described tract of land,

THENCE, S41°18'07"E, with the east line of said 134.473 acre tract, the west line of said 1.497 acre tract, and the west line of a called 16.743 acre tract conveyed to Gregorio and Maris Jimenez Mata by deed recorded in Document Number 2016011032, and corrected in Document Number 2016013013, Official Public Records, Guadalupe County, Texas, a distance of 497.81 feet to a capped 1/2 inch iron rod found stamped "B&A 2633" at the southeast corner of said 134.473 acre tract, being at the northeast corner of a called 7.002 acre tract conveyed to Stephen Thomas Fleming by deed recorded in Document Number 202199000056, Official Public Records, Guadalupe County, Texas, for the easternmost corner of the herein described tract,

THENCE, S48°38'30"W, with the south line of said 134.473 acre tract, the north line of said 7.002 acre tract, the north line of a called 9.16 acre tract conveyed to Daryl Payton Fleming by deed recorded in Volume 596, Page 818, Deed Records, Guadalupe County, Texas, the north line of a called 8.09 acre tract conveyed to Michael Fleming by deed recorded in Document Number 201899025066, Official Public Records, Guadalupe County, Texas, the north line of a called 5.69 acre tract (Tract 1) conveyed to Delbert Max Ottmers, III by deed recorded in Document Number 202299013800, Official Public Records, Guadalupe County, Texas, the north line of a called 5.02 acre tract conveyed to Michael Fleming by deed recorded in Volume 596, Page 826, Deed Records, Guadalupe County, Texas, the north line of a called 5.11 acre tract conveyed to Robert Fleming by deed recorded in Volume 596, Page 828, Deed Records, Guadalupe County, Texas, and the north line of a called 64.57 acre tract conveyed to Clint E. Jones by deed recorded in Document Number 201999019538, Official Public Records, Guadalupe County, Texas, a distance of 4031.45 feet to a capped 1/2 inch iron rod found stamped "MEDINA BAIN" at the southwest corner of said 134.473 acre tract, being at the northwest corner of said 64.57 acre tract, same being at the northeast corner of a called 11.1738 acre tract conveyed to Jose DeJesus Juarez, et al. by deed recorded in Document Number 202399017401, Official Public Records, Guadalupe County, Texas, also being at the southeast corner of a called 10.00 acre tract conveyed to Larry M. Sanders and Loretta Sanders by deed recorded in Volume 1364, Page 782, Deed Records, Guadalupe County, Texas, for corner,

THENCE, with the common line of said 134.473 acre tract, said 510.282 acre tract, and said 10.00 acre tract, the following three (3) courses, numbered 1 through 3,

1) N41°31'52"W, a distance of 1278.71 feet to a 1/2 inch iron rod found,
2) S48°37'28"W, a distance of 340.97 feet to a capped 1/2 inch iron rod found stamped "DAM 5348", and,
3) S41°31'22"E, a distance of 901.37 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" at a south exterior corner of said 510.282 acre tract, being at the northeast corner of a called 0.45 acre tract, also called Lot 27, conveyed to Silvia Benitez by deed recorded in Volume 2177, Page 79, Official Public Records, Guadalupe County, Texas, for corner,

THENCE, S49°01'23"W, with the south line of said 510.282 acre tract, the north line of an unrecorded subdivision commonly known as Glenn Price, the north line of said 0.45 acre tract, the north line of a called 0.419 acre tract, also called Tract 26, conveyed to Robert Deleon and Nancy Deleon by deed

recorded in Volume 1807, Page 573, Official Public Records, Guadalupe County, Texas, the north line of a called 0.42 acre tract, also called Lot 25, conveyed to Oscar Leonard Deleon, et ux. by deed recorded in Document Number 202399011194, Official Public Records, Guadalupe County, Texas, the north line of a called 0.42 acre tract conveyed to Jesus R. Mendez, Jr. et al. by deed recorded in Volume 1221, Page 131, Official Public Records, Guadalupe County, Texas, the north line of a called 0.42 acre tract conveyed to Jose Luis Sustaita et ux. by deed recorded in Volume 745, Page 76, Deed Records, Guadalupe County, Texas, the north line of a called 0.42 acre tract (Tract One) conveyed to Robert Deleon by deed recorded in Document Number 2016022234, Official Public Records, Guadalupe County, Texas, the north line of a called 0.844 acre tract (Tract 6) conveyed to Unruh Property Development, LLC by deed recorded in Document Number 202099021246, Official Public Records, Guadalupe County, Texas, the north line of a called 0.422 acre tract, also called Lot 19, conveyed to Josie Deleon by deed recorded in Document Number 2018002787, Official Public Records, Guadalupe County, Texas, the north line of a called 0.429 acre tract conveyed to Graceann Elizabeth Cornwall by deed recorded in Document Number 202399027128, Official Public Records, Guadalupe County, Texas, the north right-of-way line of Columbia Circle (50' Right-of-Way) as dedicated by Skyline Ridge Subdivision, Section 1, recorded in Volume 3, Page 71, Plat Records, Guadalupe County, Texas, and the north line of a called 0.50 acre tract, also called Lot 8, conveyed to Olivia Contreras by deed recorded in Document Number 20150002177, Official Public Records, Guadalupe County, Texas, a distance of 1558.88 feet to a 1/2 inch iron rod found at a south interior corner of said 510.282 acre tract, being at the northwest corner of said 0.50 acre tract, for corner,

THENCE, S41°22'39"E, along said east line of said 510.282 acre tract, the west line of an unrecorded subdivision commonly known as Kraak Subdivision, the west line of said Olivia Contreras 0.50 acre tract, the west line of a called 0.50 acre tract, also called Lot 7, conveyed to Alfredo Marmolejo by deed recorded in Volume 1685, Page 839, Official Public Records, Guadalupe County, Texas, the west line of a called 0.50 acre tract, also called Lot 6, conveyed to Freddy and Frances Marmolejo by deed recorded in Volume 1661, Page 944, Official Public Records, Guadalupe County, Texas, the west line of a called 0.50 acre tract, also called Lot 5, conveyed to Mary T. Alvarado by deed recorded in Document Number 202299024336, Official Public Records, Guadalupe County, Texas, the west line of a called 0.50 acre tract, also called Lot 4, conveyed to Angel and Norma Baez by deed recorded in Volume 1692, Page 21, Official Public Records, Guadalupe County, Texas, the west line of a called 0.4999 acre tract, also called Lot 3, conveyed to Jackie Wayne House by deed recorded in Volume 1830, Page 581, Official Public Records, Guadalupe County, Texas, and the west line of a called 0.50 acre tract, also called Lot 2, conveyed to Ronald Weidman by deed recorded in Volume 1740, Page 422, Official Public Records, Guadalupe County, Texas, a distance of 820.61 feet to a 1/2 inch iron rod found on the west line of said Lot 2, for corner,

THENCE, S56°23'57"E , with the east line of said 510.282 acre tract, the west line of said Kraak Subdivision, the west line of said Lot 2, and the west line of a called 0.50 acre tract, also called Lot 1, conveyed to Jessica Lozano Rivera by deed recorded in Document Number 202399009746, Official Public Records, Guadalupe County, Texas, a distance of 198.95 feet to a 1/2 inch iron rod found at the southwest corner of said Lot 1, being the northwest corner of a called 0.98 acre tract conveyed to Richard Campbell by deed recorded in Document Number 202399005503, Official Public Records, Guadalupe County, Texas, for corner,

THENCE, S41°27'17"E, with the east line of said 510.282 acre tract and the west line of said 0.98 acre tract of land, a distance of 310.02 feet to a 1/2 inch iron rod found on the north line of said F.M. 1978, being at a south exterior corner of said 510.282 acre tract, same being at the southwest corner of said 0.98 acre tract, for the southeast corner of the herein described tract,

THENCE, with the common line of said F.M. 1978 and said 510.282 acre tract of land, the following eleven (11) courses, numbered 1 through 11,

1) S78°51'23"W, a distance of 144.22 feet to a 1/2 inch iron rod found for corner,
2) N82°58'39"W, a distance of 73.57 feet to a 1/2 inch iron rod found for corner,
3) S84°56'39"W, a distance of 143.40 feet to a 1/2 inch iron rod found for corner,
4) S81°16'38"W, a distance of 160.68 feet to a 3/4 inch iron pipe found for corner,
5) S73°34'12"W, a distance of 39.81 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" for corner,
6) S68°10'55"W, a distance of 223.80 feet to a capped 1/2 inch iron rod found stamped "DAM 5348" for corner,
7) S78°49'32"W, a distance of 1301.47 feet to a concrete monument found for corner, being at the beginning of a curve to the right,
8) Along said curve to the right, having a radius of 2824.97 feet, an arc length of 246.54 feet, and a chord that bears S81°19'46"W, a distance of 246.46 feet to a capped 1/2 inch iron rod set stamped "CBD SETSTONE" for corner,
9) S83°49'55"W, a distance of 1169.73 feet to a capped 1/2 inch iron rod set stamped "CBD SETSTONE" for corner,
10) S84°49'09"W, a distance of 1246.31 feet to a 1 inch iron pipe found for corner, and,
11) N51°33'51"W, a distance of 65.48 feet to the **POINT OF BEGINNING** and containing 644.301 acres of land, as shown on the attached sketch.

SAVE AND EXCEPT
LONG BRANCH CEMETERY

BEING ALL OF THAT CERTAIN 1.230 ACRE TRACT OF LAND SITUATED IN THE CHARLES HENDERSON SURVEY NUMBER 55, ABSTRACT NUMBER 147, GUADALUPE COUNTY, TEXAS, BEING ALL OF A CALLED 1.230 ACRE TRACT OF LAND (EXHIBIT A-2) (LONG BRANCH CEMETERY) RECORDED IN DOCUMENT NUMBER 202199026066, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS,

COMMENCING at a 1/2 inch iron rod found at the intersection of the east right-of-way line of State Highway 123 (R.O.W. Varies) and the north right-of-way line of F.M. Highway 1978 (80' R.O.W.), being at the southwest corner of a called 510.282 acre tract of land (Exhibit A-1) conveyed to JLBC Investments by deed recorded in Document Number 202199026066, Official Public Records, Guadalupe County, Texas, for the **POINT OF COMMENCEMENT** of the herein described tract,

THENCE, N54°59'45"E, over and across said 510.282 acre tract of land, a distance of 3963.72 feet to a calculated point at the northwest corner of said 1.230 acre tract of land, for the northwest corner and the **POINT OF BEGINNING** of the herein described tract of land,

THENCE, with the common line of said 1.230 acre tract and said 510.282 acre tract, the following four (4) courses and distances, numbered 1 through 4,

1) N48°43'13"E, a distance of 191.41 feet to a calculated point at the northeast corner of said 1.230 acre tract, for the northeast corner of the herein described tract of land, from which a capped 1/2 inch iron rod found stamped "DAM 5348" at a south interior corner of said 510.282 acre tract of land, being at the northwest corner of a called 10.00 acre tract of land conveyed to Larry M. and Loretta Sanders by deed recorded in Volume 1364, Page 782, Official Public Records, Guadalupe County, Texas, bears N48°37'53"E, a distance of 1350.42 feet,
2) S41°13'41"E, a distance of 279.77 feet to a calculated point at the southeast corner of said 1.230 acre tract of land, for the southeast corner of the herein described tract of land,

3) S48°28'49"W, a distance of 191.18 feet to a calculated point at the southwest corner of said 1.230 acre tract of land, for the southwest corner of the herein described tract of land,
4) N41°16'34"W, a distance of 280.57 feet to the **POINT OF BEGINNING** and containing 1.230 acres of land, as shown on the attached sketch.

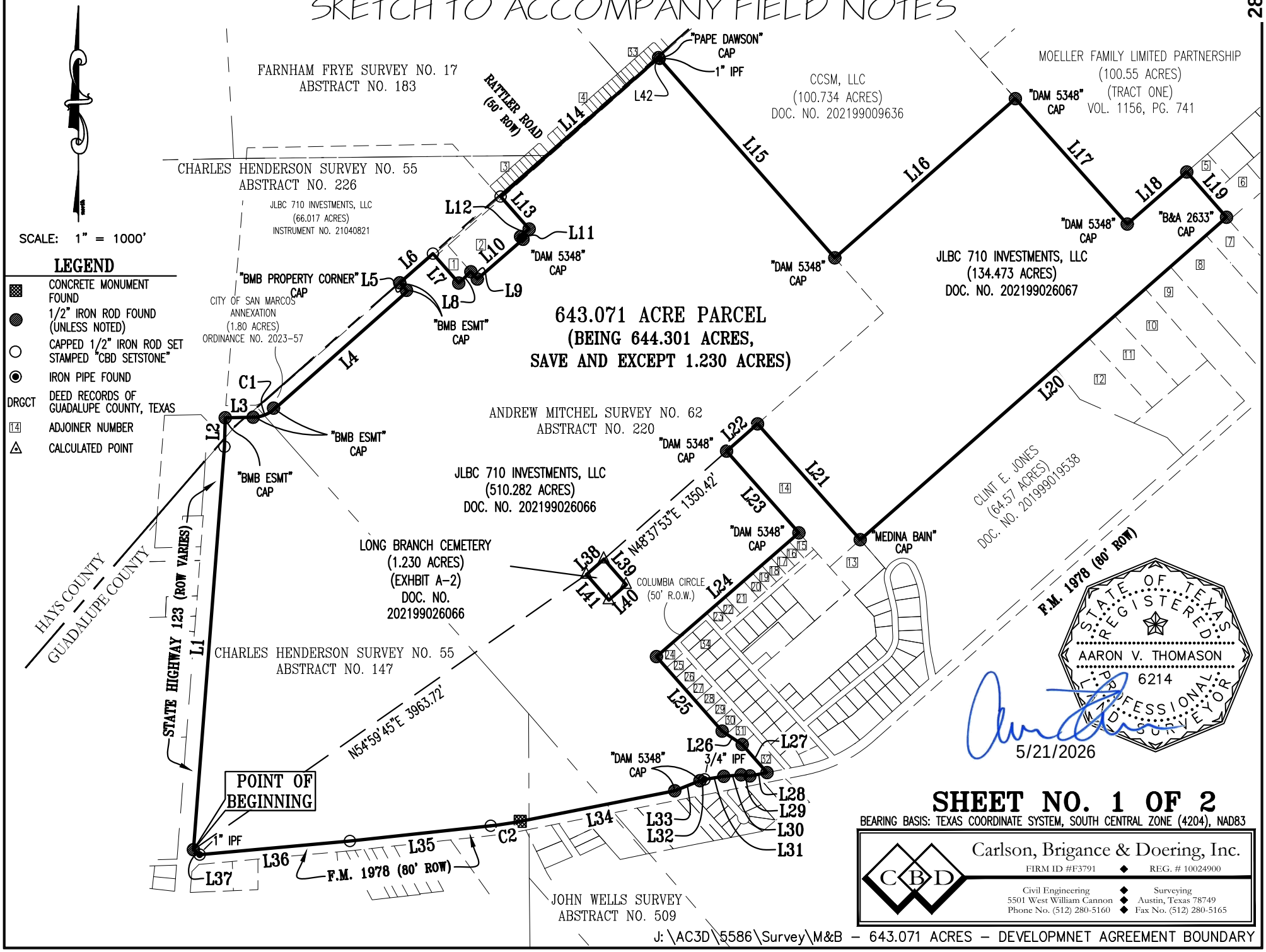
ACREAGE TABLE:
GROSS AREA = 644.301 ACRES
SAVE AND EXCEPT TRACT = 1.230 ACRES
NET AREA = 643.071 ACRES

Surveyed by, _____ 5/21/2026

Aaron V. Thomason, R.P.L.S. NO. 6214
Carlson, Brigance & Doering, Inc.
REG. # 10024900
5501 W. William Cannon
Austin, TX 78749
Ph, 512-280-5160
[redacted]

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

SKETCH TO ACCOMPANY FIELD NOTES



STATE OF TEXAS
REGISTERED
AARON V. THOMASON
6214
PROFESSIONAL
LAND SURVEYOR

5/21/2026

SHEET NO. 1 OF 2

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

Carlson, Brigance & Doering, Inc.
FIRM ID #F3791 ◆ REG. # 10024900
Civil Engineering ◆ Surveying
5501 West William Cannon ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

J:\AC3D\5586\Survey\M&B – 643.071 ACRES – DEVELOPMNET AGREEMENT BOUNDARY

SKETCH TO ACCOMPANY FIELD NOTES

ADJOINER LIST

1. JONATHAN GARNER KRAAK
   0.907 ACRE
   DOC. NO. 2015015713
2. JONNIE LYNN KRAAK MCCLELLAN
   5.00 ACRES
   VOL. 943, PG. 640
3. COTTON WOOD PHASE 3 UNIT 3
   DOC. NO. 19029834
4. COTTON WOOD CREEK
   PHASE 3 UNIT 4
   DOC. NO. 20015032
5. GLORIA D. GARZA
   1.497 ACRES
   VOL. 2542, PG. 916
6. GREGORIO AND MARIA JIMENEZ MATA
   16.743 ACRES
   DOC. NO. 2016011032,
   CORRECTED IN DOC. NO. 2016013013
7. STEPHEN THOMAS FLEMING
   7.002 ACRES
   DOC. NO. 202199000056
8. DARYL PAYTON FLEMING
   9.16 ACRES
   VOL. 596, PG. 818
9. MICHAEL FLEMING
   8.09 ACRES
   DOC. NO. 201899025066
10. DELBERT MAX OTTMERS, III
    5.69 ACRES (TRACT 1)
    DOC. NO. 202299013800
11. MICHAEL FLEMING
    5.02 ACRES
    VOL. 596, PG. 826
12. ROBERT FLEMING
    5.11 ACRES
    VOL. 596, PG. 828
13. JOSE DeJESUS JUAREZ, ET UX
    11.1738 ACRES
    DOC. NO. 202399017401
14. LARRY M. SANDERS & LORETTA SANDERS
    10.00 ACRES
    VOL. 1364, PG. 782
15. SILVIA BENITEZ
    CALLED LOT 27 – 0.45 ACRE
    VOL. 2177, PG. 79
16. ROBERT AND NANCY DELEON
    CALLED TRACT 26 – 0.419 ACRE
    VOL. 1807, PG. 573
17. OSCAR LEONARD DELEON, ET UX
    CALLED LOT 25 – 0.42 ACRE
    DOC. NO. 202399011194
18. JESUS R. MENDEZ, JR. ET AL.
    0.42 ACRE
    VOL. 1221, PG. 131
19. JOSE LUIS SUSTAITA, ET UX.
    0.42 ACRE
    VOL. 745, PG. 76
20. ROBERT DELEON
    TRACT ONE – 0.42 ACRE
    DOC. NO. 2016022234
21. UNRUH PROPERTY DEVELOPMENT, LLC
    TRACT 6 – 0.844 ACRE
    DOC. NO. 202099021246
22. JOSIE DELEON
    CALLED LOT 19 – 0.422 ACRE
    DOC. NO. 2018002787
23. GRACEANN ELIZABETH CORNWALL
    0.429 ACRE
    DOC. NO. 202399027128
24. OLIVIA CONTRERAS
    CALLED LOT 8 – 0.50 ACRE
    DOC. NO. 20150002177
25. ALFREDO MARMOLEJO
    CALLED LOT 7 – 0.50 ACRE
    VOL. 1685, PG. 839
26. FREDDY AND FRANCES MARMOLEJO
    CALLED LOT 6 – 0.50 ACRE
    VOL. 1661, PG. 944
27. MARY T. ALVARADO
    CALLED LOT 5 – 0.50 ACRE
    DOC. NO. 202299024336
28. ANGEL AND NORMA BAEZ
    CALLED LOT 4 – 0.50 ACRE
    VOL. 1692, PG. 21
29. JACKIE WAYNE HOUSE
    CALLED LOT 3 – 0.4999 ACRE
    VOL. 1830, PG. 581
30. RONALD WEIDMAN
    CALLED LOT 2 – 0.50 ACRE
    VOL. 1740, PG. 422
31. JESSICA LOZANO RIVERA
    CALLED LOT 1 – 0.50 ACRE
    DOC. NO. 202399009746
32. RICHARD CAMPBELL
    0.98 ACRE
    DOC. NO. 202399005503
33. COTTONWOOD CREEK
    PHASE 3 UNIT 5
    DOC. NO. 20043156
34. SKYLINE RIDGE
    SUBDIVISION, SECTION 1
    VOL. 3, PAGE 71

STATE OF TEXAS
REGISTERED
AARON V. THOMASON
6214
PROFESSIONAL
LAND SURVEYOR

5/21/2026

Line Table		
Line #	Direction	Length
L1	N04°24'01"E	3338.99
L2	N01°29'59"E	239.42
L3	N89°02'30"E	230.78
L4	N48°28'43"E	1467.45
L5	N41°31'17"W	94.32
L6	N48°40'12"E	365.05
L7	S41°14'15"E	323.75
L8	N47°05'59"E	136.34
L9	S41°38'54"E	80.30
L10	N48°58'18"E	500.10
L11	N41°53'08"W	30.21
L12	N48°38'20"E	94.77
L13	N41°19'44"W	357.31
L14	N48°40'14"E	1738.01
L15	S41°20'52"E	2203.13
L16	N48°36'09"E	1988.59
L17	S41°43'29"E	1388.64
L18	N48°46'41"E	653.09
L19	S41°18'07"E	497.81
L20	S48°38'30"W	4031.45
L21	N41°31'52"W	1278.71

Line Table		
Line #	Direction	Length
L22	S48°37'28"W	340.97
L23	S41°31'22"E	901.37
L24	S49°01'23"W	1558.88
L25	S41°22'39"E	820.61
L26	S56°23'57"E	198.95
L27	S41°27'17"E	310.02
L28	S78°51'23"W	144.22
L29	N82°58'39"W	73.57
L30	S84°56'39"W	143.40
L31	S81°16'38"W	160.68
L32	S73°34'12"W	39.81
L33	S68°10'55"W	223.80
L34	S78°49'32"W	1301.47
L35	S83°49'55"W	1169.73
L36	S84°49'09"W	1246.31
L37	N51°33'51"W	65.48
L38	N48°43'13"E	191.41
L39	S41°13'41"E	279.77
L40	S48°28'49"W	191.18
L41	N41°16'34"W	280.57
L42	N41°20'52"W	14.08

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	191.68	269.90	N68°48'50"E	187.68
C2	246.54	2824.97	S81°19'46"W	246.46

BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

Carlson, Brigance & Doering, Inc.
FIRM ID #F3791 ◆ REG. # 10024900
Civil Engineering ◆ Surveying
5501 West William Cannon ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

SHEET NO. 2 OF 2

J:\AC3D\5586\Survey\M&B – 643.071 ACRES – DEVELOPMNET AGREEMENT BOUNDARY

9
of 22

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
§
COUNTY OF GUADALUPE §

15/ITC/2127524 -COM/GMH
KNOW ALL MEN BY THESE PRESENTS:

THAT **JONNIE LYNN MCCLELLAN**, **JONATHAN GARDNER KRAAK**, who acquired title as JONATHAN GARNER KRAAK, **JAY PATON KRAAK**, who acquired title as Jay Payton Kraak, and **TAMMIE KRAAK SIPES**, who acquired title as TAMMY KRAAK SIPES (collectively, "Grantor"), for and in consideration of the sum of TEN DOLLARS ($10.00) and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto **JLBC 710 INVESTMENTS, LLC**, a Texas limited liability company ("Grantee"), that certain real property situated in Guadalupe County, Texas, which is more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), together with all appurtenances pertaining to the Property, including all mineral rights, if any, rights-of-way, and easements, strips and gores, rights of ingress and egress, and water rights, solely as they relate to and are appurtenant to the Property.

This Special Warranty Deed is made and accepted subject and subordinate to the matters set forth on Exhibit B attached hereto and incorporated herein by reference (collectively, the "Permitted Exceptions"). Grantee assumes and agrees to perform each of the obligations arising under the Permitted Exceptions which are applicable to the Property.

TO HAVE AND TO HOLD the Property and Grantor's right, title and interest in and to all rights and appurtenances to said Property unto Grantee, its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise, and subject to the Permitted Exceptions and the matters set forth in this Special Warranty Deed.

Grantee, by its acceptance of this Special Warranty Deed, hereby assumes payment of ad valorem taxes for the year 2021 and subsequent years and shall be responsible for and shall pay when due any taxes (including open space and/or roll back taxes and any applicable penalties or interest) imposed because of a change in use or ownership of the Property.

GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN THE WARRANTY OF TITLE AS SET OUT IN THIS SPECIAL WARRANTY DEED OR AS EXPRESSLY STATED IN THE FARM AND RANCH CONTRACT BETWEEN GRANTOR AND GRANTEE RELATING TO THE PROPERTY), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY

UNOFFICIAL

WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY, OR (G) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE EXISTENCE IN OR ON THE PROPERTY OF HAZARDOUS MATERIALS (AS DEFINED BELOW). GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY, GRANTEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY GRANTOR AND ACCEPTS THE PROPERTY AS IS WHERE IS, WITH ALL FAULTS, AND WAIVES ALL OBJECTIONS OR CLAIMS AGAINST GRANTOR (INCLUDING, BUT NOT LIMITED TO, ANY RIGHT OR CLAIM OF CONTRIBUTION) ARISING FROM OR RELATED TO THE PROPERTY OR TO ANY HAZARDOUS MATERIALS ON THE PROPERTY.

As used in the foregoing paragraph, "Hazardous Materials" means any substance which is or contains "hazardous substance" as now or hereafter defined in §101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.) ("CERCLA") or any regulations promulgated under CERCLA; (ii) any "hazardous waste" as now or hereafter defined in the Resource Conservation and Recovery Act (42 U.S.C. §6901 et seq.) ("RCRA") or regulations promulgated under RCRA; (iii) any substance regulated by the Toxic Substances Control Act (15 U.S.C. §2601 et seq.); (iv) gasoline, diesel fuel, or other petroleum hydrocarbons; (v) asbestos and asbestos containing materials, in any form, whether friable or non-friable (vi) polychlorinated biphenyls; (vii) radon gas; and (viii) any additional substances or materials which are now or hereafter classified or considered to be hazardous or toxic under any applicable federal or state laws relating to any of the Property. Hazardous Materials shall include, without limitation, any substance, the presence of which on the Property, (a) requires reporting, investigation or remediation under applicable law, (b) causes or threatens to cause a nuisance on the Property or adjacent property or poses or threatens to pose a hazard to the health or safety of persons on the Property or adjacent property, or (c) which, if it emanated or migrated from the Property, could constitute a trespass.

EXECUTED on the date of the acknowledgment set forth below, to be effective as of the 27th day of July, 2021.

See Attached Signature Page

UNOFFICIAL

GRANTOR:

Jonnie Lynn McClellan
(being one and the same Person identified as Jonnie Lynn McLellan in that certain Correction Deed recorded in Volume 4135, Page 170, in the Official Public Records of Guadalupe, County, Texas)

Jonathan Gardner Kraak
(being one and the same Person identified as Jonathan Garner Kraak in that certain Document No. 2015015712, recorded in the Official Public Records of Guadalupe, County, Texas)

Jay Paton Kraak
(being one and the same Person identified as Jay Payton Kraak in that certain Correction Deed recorded in Volume 4135, Page 170, in the Official Public Records of Guadalupe, County, Texas)

Tammie Kraak Sipes
(being one and the same Person identified as Tammy Kraak Sipe in that certain Executor's Deed recorded in Volume 2287, Page 22, in the Official Public Records of Guadalupe, County, Texas)

UNOFFICIAL

GRANTOR:

Jonnie Lynn McClellan
(being one and the same Person identified as Jonnie Lynn McLellan in that certain Correction Deed recorded in Volume 4135, Page 170, in the Official Public Records of Guadalupe, County, Texas)

Jonathan Gardner Kraak
(being one and the same Person identified as Jonathan Garner Kraak in that certain Document No. 2015015712, recorded in the Official Public Records of Guadalupe, County, Texas)

Jay Paton Kraak
(being one and the same Person identified as Jay Payton Kraak in that certain Correction Deed recorded in Volume 4135, Page 170, in the Official Public Records of Guadalupe, County, Texas)

Tammie Kraak Sipes
(being one and the same Person identified as Tammy Kraak Sipe in that certain Executor's Deed recorded in Volume 2287, Page 22, in the Official Public Records of Guadalupe, County, Texas)

UNOFFICIAL

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the 26th day of July, 2021, by Jonnie Lynn McClellan, an individual.

DAYRI ALEJANDRA VARGAS-OSORIO
Notary Public, State of Texas
Comm. Expires 06-26-2023
Notary ID 132067644

Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 23 day of July, 2021, by Jonathan Gardner Kraak, an individual.

GAY M. HEAVILIN
My Notary ID # 11286814
Expires July 15, 2022

Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 22 day of July, 2021, by Jay Paton Kraak, an individual.

GAY M. HEAVILIN
My Notary ID # 11286814
Expires July 15, 2022

Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 22 day of July, 2021, by Tammie Kraak Sipes, an individual.

GAY M. HEAVILIN
My Notary ID # 11286814
Expires July 15, 2022

Notary Public, State of Texas

GRANTEE'S ADDRESS AND
AFTER RECORDING, PLEASE RETURN TO:

JLBC 710 INVESTMENTS, LLC
_____
_____
_____

UNOFFICIAL

THE STATE OF TEXAS §
§
COUNTY OF_____ §

This instrument was acknowledged before me on the __ day of July, 2021, by Jonnie Lynn McClellan, an individual.

_____
Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF Travis §

This instrument was acknowledged before me on the 23 day of July, 2021, by Jonathan Gardner Kraak, an individual.

GAY M. HEAVILIN
My Notary ID # 11286814
Expires July 15, 2022

_____
Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF Travis §

This instrument was acknowledged before me on the 22 day of July, 2021, by Jay Paton Kraak, an individual.

GAY M. HEAVILIN
My Notary ID # 11286814
Expires July 15, 2022

_____
Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF Travis §

This instrument was acknowledged before me on the 22 day of July, 2021, by Tammie Kraak Sipes, an individual.

GAY M. HEAVILIN
My Notary ID # 11286814
Expires July 15, 2022

_____
Notary Public, State of Texas

GRANTEE'S ADDRESS AND
AFTER RECORDING, PLEASE RETURN TO:

JLBC 710 INVESTMENTS, LLC
_____
_____
_____

UNOFFICIAL

Exhibit A
Legal Description

D·A·MAWYER
LAND SURVEYING

METES AND BOUNDS DESCRIPTION
FOR A
134.473 ACRE TRACT OF LAND

BEING a 134.473 acre tract of land situated in the Andrew Mitchell Survey, Abstract No. 220, in Guadalupe County, Texas, being all of a called 40.418 acre tract of land (Tract One) and all of a called 94.13 acre tract of land (Tract Two), as conveyed to Jay Payton Kraak, Jonnie Lynn McLellan and Tammie Kraak Sipes, recorded in Correction Deed in Volume 4135, Page 170, of the Official Public Records of Guadalupe County, Texas, and also conveyed to Jonathan Garner Kraak, and recorded in Document No. 2015015712, of the Official Public Records of Guadalupe County, Texas, and said 134.473 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron pipe found for the most Westerly Southwest corner of a called 16.743 acre tract of land, as conveyed to Gregorio Mata, et al, and recorded in Document No. 2016013013, of the Official Public Records of Guadalupe County, Texas, same being the most Southerly corner of the remaining portion of a called 127.198 acre tract of land, as conveyed to Malcolm Fleming, and recorded in Volume 447, Page 633, of the Deed Records of Guadalupe County, Texas, and being the most Easterly corner of said 94.13 acre tract of land and this herein described tract of land;

THENCE with the Southeasterly line of said 94.13 acre tract of land, and with the Northwesterly line of the following tracts of land: a called 7.0 acre tract of land, as conveyed to Gregory Scott Fleming, and recorded in Volume 2355, Page 73, of the Official Public Records of Guadalupe County, Texas (OPRGCT); a called 9.16 acre tract of and, as conveyed to Daryl P. Fleming, and recorded in Volume 596, Page 818, of the Deed Records of Guadalupe County, Texas (DRGCT); a called 8.09 acre tract of land, as conveyed to Michael Fleming, and recorded in Document No. 201899025066, OPRGCT; a called 5.69 acre tract of land, as conveyed to Francis F. Ottmers, and recorded in Volume 596, Page 826, DRGCT; a called 5.02 acre tract of land, as conveyed to Michael Fleming, and recorded in Volume 596, Page 826, DRGCT; a called 5.11 acre tract of land, as conveyed to Robert Fleming, and recorded in Volume 596, Page 828, DRGCT; and a called 64.57 acre tract of land, as conveyed to Clint E. Jones, and recorded in Document No. 201999019538, OPRGCT; S 48° 37' 52" W, at a distance of 2,659.34 feet passing a ½" iron pin found in the Northwesterly line of said 64.57 acre tract of land, being the most Southerly corner of said 94.13 acre tract of land, same being the most Easterly corner of said 40.418 acre tract of land, and continuing with the common line between said 64.57 acre tract of land and said 40.418 acre tract of land, for a total distance of 4,031.65 feet to a bent ½" iron pin found for the most Northerly corner of a called 12.38 acre tract of land, as conveyed to James Rivera, et al, and recorded in Volume 4087, Page 554, of the Official Public Records of Guadalupe County, Texas, same being the most Southerly Southeast corner of a called 10.00 acre tract of land, as conveyed to Larry M. Sanders, et al, and recorded in Volume 1364, Page 782, of the Official Public Records of Guadalupe County, Texas, being the most Westerly corner of said 64.57 acre tract of land, and being the most Southerly Southwest corner of said 40.418 acre tract of land and this herein described tract of land;

THENCE with the common line between said 40.418 acre tract of land and said 10.00 acre tract of land, N 41° 30' 57" W, a distance of 1,278.81 feet to a ½" iron pin found in the Southeasterly line of a called 511.299 acre tract of land, as conveyed to JK Ranch Partners, Inc., and recorded in Volume 1634, Page 964, of the Official Public Records of Guadalupe County, Texas, being the most Northerly Northwest corner of said 10.00 acre tract of land, and being the most Westerly corner of said 40.418 acre tract of land and this herein described tract of land;

THENCE with the common line between said 511.299 acre tract of land and said 40.418 acre tract of land, N 48° 38' 52" E, a distance of 1,382.62 feet to a wood fence corner post found for a Southeasterly corner of said 511.299 acre tract of land, being in the Southwesterly line of said 94.13 acre tract of land, same being the most Northerly corner of said 40.418 acre tract of land, and being a Northwesterly interior corner of this herein described tract of land;

1

UNOFFICIAL

THENCE with the common line between said 511.299 acre tract of land and said 94.13 acre tract of land, N 41° 06' 03" W, a distance of 608.20 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Northeasterly line of said 511.299 acre tract of land, being the most Southerly corner of a called 100.71 acre tract of land, as conveyed to Cottonwood Creek JDR, Ltd., and recorded in Volume 2008, Page 867, of the Official Public Records of Guadalupe County, Texas, being the most Westerly corner of said 94.13 acre tract of land, and being a Northwesterly corner of this herein described tract of land;

THENCE departing the Northeasterly line of said 511.299 acre tract of land, and with the common line between said 94.13 acre tract of land and said 100.71 acre tract of land, N 48° 36' 08" E, a distance of 1,988.15 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the most Easterly corner of said 100.71 acre tract of land, being in the Southwesterly line of a called 100.55 acre tract of land, as conveyed to Moeller Family Limited Partnership, and recorded in Volume 1156, Page 741, of the Official Public Records of Guadalupe County, Texas, and being the most Northerly corner of said 94.13 acre tract of land and this herein described tract of land;

THENCE with the common line between said 100.55 acre tract of land and said 94.13 acre tract of land, S 41° 43' 36" E, a distance of 1,388.50 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the most Southerly corner of said 100.55 acre tract of land, and being a Northeasterly interior corner of said 94.13 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said 94.13 acre tract of land and said 100.55 acre tract of land, N 48° 47' 10" E, a distance of 652.84 feet to a ½" iron pin found in the Southeasterly line of said 100.55 acre tract of land, being the most Westerly corner of a called 1.497 acre tract of land, as conveyed to Gloria D. Garza, and recorded in Volume 2542, Page 916, of the Official Public Records of Guadalupe County, Texas, and being a Northeasterly corner of said 94.13 acre tract of land and this herein described tract of land;

THENCE departing the Southeasterly line of said 100.55 acre tract of land, with the Northeasterly line of said 94.13 acre tract of land, with the Southwesterly line of said 1.497 acre tract of land, and with the Southwesterly line of the remaining portion of aforementioned 127.198 acre tract of land, S 41° 20' 50" E, a distance of 497.35 feet to the POINT OF BEGINNING, and containing 134.473 acres of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

Exhibit prepared this the 16th day of July, 2021.

Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W. SH 46, NEW BRAUNFELS, TX 78132
MOE411-134.473 ACRES- REV 071621

UNOFFICIAL

Exhibit B
Permitted Exceptions

1. Easement to Texas Power & Light Company, by A.H. Flemming recorded in Volume 163, Page 432, Deed Records, Guadalupe County, Texas.

2. Easement to Texas Power & Light Company, by Mrs. J.W. Rylander recorded in Volume 163, Page 433, Deed Records, Guadalupe County, Texas.

3. Easement to Crystal Clear Water Supply, by Malcom Fleming Co. recorded in Volume 375, Page 527, Deed Records, Guadalupe County, Texas.

4. Easement to Crystal Clear Water Supply, by John Kraak recorded in Volume 842, Page 791, Official Records, Guadalupe County, Texas.

5. Rights of others to use of access easement as granted in deeds recorded in Volume 596, Page 828, Deed Records and Volume 2287, Page 22, Official Public Records, Guadalupe County, Texas.

6. A 1/64th mineral interest in and to all coal, lignite oil, gas and other minerals recorded in Volume 254, Page 450, Deed Records, Hays County, Texas, and Volume 460, Page 438, Deed Records, Guadalupe County, Texas.

7. A 1/64th mineral interest in and to all coal, lignite oil, gas and other minerals recorded in Volume 292, Page 304, Deed Records, Guadalupe County, Texas.

8. Oil, Gas and Mineral Lease recorded in Volume 604, Page 313, Deed Records, Guadalupe County, Texas.

9. Rights of Milton Salmon, as tenant only, under any and all unrecorded leases or rental agreements.

10. Standby fees, taxes and assessments by any taxing authority for the year 2021 and subsequent years and subsequent taxes and assessments for prior years due to change in land usage or ownership.

11. Shortages in area.

UNOFFICIAL

202199026067
I certify this instrument was FILED and RECORDED
in the OFFICIAL PUBLIC RECORDS
of Guadalupe County, Texas on
07/28/2021 12:16:10 PM PAGES: 9 REBECCAM
TERESA KIEL, COUNTY CLERK

Teresa Kiel

Independence Title/GF# 2432350 -SMA/ 185

Project: Wastewater Treatment Plant - 2nd Site (571)
Parcel: 00048.0006

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Date: October 30, 2024

Grantor: JLBC 710 Investments, LLC, a Texas limited liability company

Grantor's Mailing Address: 3701 Long Champ Drive, Austin, Travis County, Texas 78746

Grantee: City of San Marcos, Texas, a Texas municipal corporation

Grantee's Mailing Address: 300 East Hopkins Street, San Marcos, Hays County, Texas 78666

Consideration: TEN DOLLARS ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements): Being 25.013 acres, more or less, in the Andrew Mitchell Survey, Abstract No. 220 and being a portion of that tract described as 134.473 acres in a deed from Jonnie Lynn McClellan, et al to JLBC 710 Investments, LLC dated July 26, 2021 and recorded in Guadalupe County Document Number 202199026067 of the Guadalupe County Official Public Records, and being more particularly described by metes and bounds in Exhibit "A," attached hereto and made a part hereof for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:

a) Easement to Texas Power & Light Company, by A. H. Fleming recorded in Volume 162, Page 578, Deed Records, Guadalupe County, Texas.

b) Easement to Texas Power & Light Company, by Mrs. J.W. Rylander recorded in Volume 163, Page 433, Deed Records, Guadalupe County, Texas.

c) An access easement appurtenant to the subject tract recorded in Volume 462, Page 666, Deed Records, Guadalupe County, Texas, and in Volume 2287, Page 22, Official Public Records, Guadalupe County, Texas.

d) A 1/64th interest in and to all coal, lignite oil, gas and other minerals recorded in Volume 460, Page 438, Deed Records, Guadalupe County, Texas.

e) A 1/64th interest in and to all coal, lignite oil, gas and other minerals recorded in Volume 292, Page 304, Deed Records, Guadalupe County, Texas.

f) Terms, Conditions, and Stipulations in Oil, Gas and Mineral Lease recorded in

Volume 604, Page 313, Deed Records, Guadalupe County, Texas.

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend all and singular the Property unto Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

Taxes and assessments are prorated and Grantee assumes no liability for any taxes and assessments due and unpaid through the date of this deed by Grantee and Grantor agrees to indemnify, defend and hold harmless Grantee against and from any such unpaid taxes and assessments.

Grantor and Grantee are parties to that certain Regional Wastewater Service and Facilities Cost Sharing Agreement dated effective May 14, 2024 (as it may be amended and/or assigned, from time to time, the "**Regional Wastewater Agreement**"). Notwithstanding any contrary provision of this instrument, and in accordance with the terms and provisions of Article IV., Section 3 of the Regional Wastewater Agreement, Grantor hereby retains a right of reversion of title (the "**Right of Reverter**") to the Property on the terms and conditions contained herein. In the event Grantee is in Major Default (as defined in Article VI., Section 7 of the Regional Wastewater Agreement) and fails to cure the Major Default in accordance with Article VI. of the Regional Wastewater Agreement, Grantor, at its option, may deliver written notice to Grantee ("**Major Default Notice**") of such Major Default. If, within sixty (60) days after the Major Default Notice has been delivered to Grantee in accordance with Article VII., Section 23 of the Regional Wastewater Agreement, Grantee does not cure the Major Default, or Grantee disputes the occurrence of a Major Default and, after good faith negotiation, Grantor and Grantee fail to agree that a Major Default did not occur or that it did occur and has been timely cured, Grantor may exercise the Right of Reverter by the delivery of written notice to Grantee ("**Reverter Notice**") at the same address and by filing a sworn affidavit in the Real Property Records of Guadalupe County, Texas ("**Major Default Affidavit**") specifying such uncured Major Default. Upon delivery of such Reverter Notice and the recordation of the Major Default Affidavit, title to the Property shall automatically revert to Grantor, or its designee, if any, identified in the Major Default Affidavit in accordance with Article VI., Sections 1. through 4. of the Regional Wastewater Agreement, subject only to such exceptions as existed on the date of this conveyance, together with any exceptions reasonably necessary for Grantee's performance of its obligations under the Regional Wastewater Agreement. Except for any encumbrance(s) reasonably necessary for Grantee's performance of its obligations under the Regional Wastewater Agreement, Grantee shall not allow any liens or encumbrances to attach to the Property. Grantor's rights to enforce the Right of Reverter shall inure to the benefit of Grantor's successors and assigns. The foregoing is not intended to and shall not have the effect of modifying the terms of or waiving Grantee's right to dispute the occurrence of a Major Default under the Regional Wastewater Agreement.

When the context requires, singular nouns and pronouns include the plural.

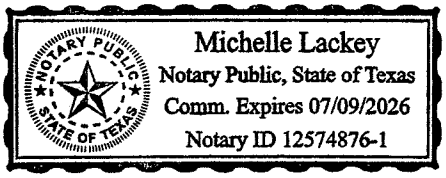
GRANTOR:

JLBC 710 Investments, LLC,
a Texas limited liability company

By: _____
Bruce W. Cash, Manager

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on October 30, 2024 by Bruce W. Cash, Manager of JLBC 710 Investments, LLC, a Texas limited liability company, in such capacity, on behalf of said entity.



_____
Notary Public, State of Texas

After recording, return to:

City of San Marcos
630 East Hopkins Street
San Marcos, Texas 78666

EXHIBIT "A"

Description of Property

[attached]

DESCRIPTION OF 25.013 ACRES, MORE OR LESS, IN THE ANDREW MITCHELL SURVEY, ABSTRACT NO. 220 AND BEING A PORTION OF THAT TRACT DESCRIBED AS 134.473 ACRES IN A DEED FROM JONNIE LYNN MCCLELLAN ET AL TO JLBC 710 INVESTMENTS, LLC DATED JULY 26, 2021 AND RECORDED IN GUADALUPE COUNTY DOCUMENT NUMBER 202199026067 OF THE GUADALUPE COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set in the common northeast line of the JLBC 710 Investments, LLC tract and the southwest line of that tract described as Tract One - 100.55 acres in a deed from Leonard Oscar Moeller et ux to Moeller Family Limited Partnership dated July 17, 1995 and recorded in Volume 1156, Page 741 of the Guadalupe Official Public Records and for the north corner of this description, from which an iron rod found with an illegible plastic cap found in the southwest line of the Moeller Family Limited Partnership tract and for the north corner of the JLBC 710 Investments, LLC tract bears, S 41° 43' 33" W 649.92 feet;

THENCE leaving the **PLACE OF BEGINNING** as shown on that plat numbered 28291-24-2-d dated July 3, 2024, as prepared for the City of San Marcos by Byrn & Associates, Inc. of San Marcos, Texas with the common northeast and north line of the JLBC 710 Investments, LLC tract and the southwest and southeast line of the Moeller Family Limited Partnership tract the following two courses:

1. **S 41° 43' 33" E 738.56 feet** to an iron rod found with a plastic cap stamped "RPLS 5318", and

2. **N 48° 45' 59" E 652.96 feet** to a 1/2" iron rod found in the southeast line of the Moeller Family Limited Partnership tract and for a common north angle point of the JLBC 710 Investments, LLC tract and the west corner of that tract described as 1.4970 acres in a deed from Guillermo De La Rosa and Juan De La Rosa to Gloria D. Garza dated October 10, 2007 and recorded in Volume 2542, Page 916 of the Guadalupe County Official Public Records;

THENCE leaving the Moeller Family Limited Partnership tract with a northeast line of the JLBC 710 Investments, LLC tract and the southwest line of the Garza tract, **S 41° 42' 30" E 286.94 feet** to a 1/2" iron rod found for the common south corner of the Garza tract and the west occupied corner of a remaining portion of that tract described as 127.198 acres in a deed from Leila Alva Fleming to Malcolm Fleming dated November 8, 1971 and recorded in Volume 447, Page 633 of the Guadalupe County Deed Records;

THENCE leaving the Garza tract with a northeast line of the JLBC 710 Investments, LLC tract and the southwest line of a remaining portion of the Fleming 127.198 acre tract, **S 40° 50' 37" E 210.62 feet** to a 1/2" iron pipe found for the common east corner of the JLBC 710 Investments, LLC tract and the north corner of that tract described as 7.002 acres in a deed from Gregory Scott Fleming to Stephen Thomas

Fleming dated December 29, 2020 and recorded in Guadalupe County Document Number 202199000056 of the Guadalupe Official Public Records;

THENCE leaving a remaining portion of the Fleming 127.198 acre tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Fleming 7.002 acre tract, **S 48° 32' 14" W 224.80 feet** to a 1/2" iron rod found for the common west corner of the Fleming 7.002 acre tract and the north corner of that tract described as 9.16 acres in a deed from Malcolm Fleming et ux to Daryl Payton Fleming dated February 23, 1980 and recoded in Volume 596, Page 818 of the Guadalupe County Deed Records;

THENCE leaving the Fleming 7.002 acre tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Fleming 9.16 acre tract, **S 48° 41' 07" W 394.86 feet** to a 1/2" iron rod found for the common west corner of the Fleming 9.16 acre tract and the north corner of that tract described as 8.09 acres in a deed from Michael Fleming, executor to Michael Fleming dated October 29, 2018 and Guadalupe County Document Number 201899025066 of the Guadalupe County Official Public Records;

THENCE leaving the Fleming 9.16 acre tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Fleming 8.09 acre tract, **S 48° 37' 31" W 294.23 feet** to a 1/2" iron rod found for the common west corner of the Fleming 8.09 acre tract and the north corner of that tract described as 5.69 acres in a deed from Malcolm Fleming et ux to Frances Fleming Ottmers dated February 23, 1980 and recoded in Volume 596, Page 830 of the Guadalupe County Deed Records;

THENCE leaving the Fleming 8.09 acre tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Ottmers tract, **S 48° 37' 35" W 317.76 feet** to a 1/2" iron rod found for the common west corner of the Ottmers tract and the north corner of that tract described as 5.02 acres in a deed from Malcolm Fleming et ux to Michael Fleming dated February 23, 1980 and recoded in Volume 596, Page 826 of the Guadalupe County Deed Records;

THENCE leaving the Ottmers tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Fleming 5.02 acre tract, **S 48° 37' 46" W 281.90 feet** to a 1/2" iron rod found for the common west corner of the Fleming 5.02 acre tract and the north corner of that tract described as 5.11 acres in a deed from Malcolm Fleming et ux to Robert Fleming dated February 23, 1980 and recoded in Volume 596, Page 828 of the Guadalupe County Deed Records;

THENCE leaving the Fleming 5.02 acre tract with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Fleming 5.11 acre tract and its extension, **S 48° 38' 41" W 377.94 feet** to a capped iron rod found with an illegible cap for the common north corner of that tract described as 64.57 acre in a deed from Fleming Partners, LP to Clint E. Jones dated August 22, 2019 and recorded in Guadalupe County Document Number 201999019538 of the Guadalupe County Official Public Records and for a common west corner of a remaining portion of the Fleming 127.198 acre tract and the west corner of a 50 foot wide road easement from Malcolm Fleming et ux to Arthur V. Kraak dated January 2, 1973 and recorded in Volume 462, Page 666 of the Guadalupe County Deed Records, pass at 326.24 feet the record west corner of the Fleming 5.11 acre tract and the north corner of the 50 foot wide road easement;

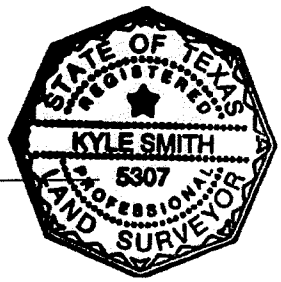
THENCE leaving a remaining portion of the Fleming 127.198 acre tract and the 50 foot road easement with the common southeast line of the JLBC 710 Investments, LLC tract and the northwest line of the Jones tract, **S 48° 37' 59" W 8.68 feet** to a 1/2" iron rod set for the south corner of this description, from

which a 1/2" iron rod found for a common southwest angle point of the JLBC 710 Investments, LLC tract and a northwest angle point of the Jones tract bears, S 48° 37' 59" W 767.86 feet;

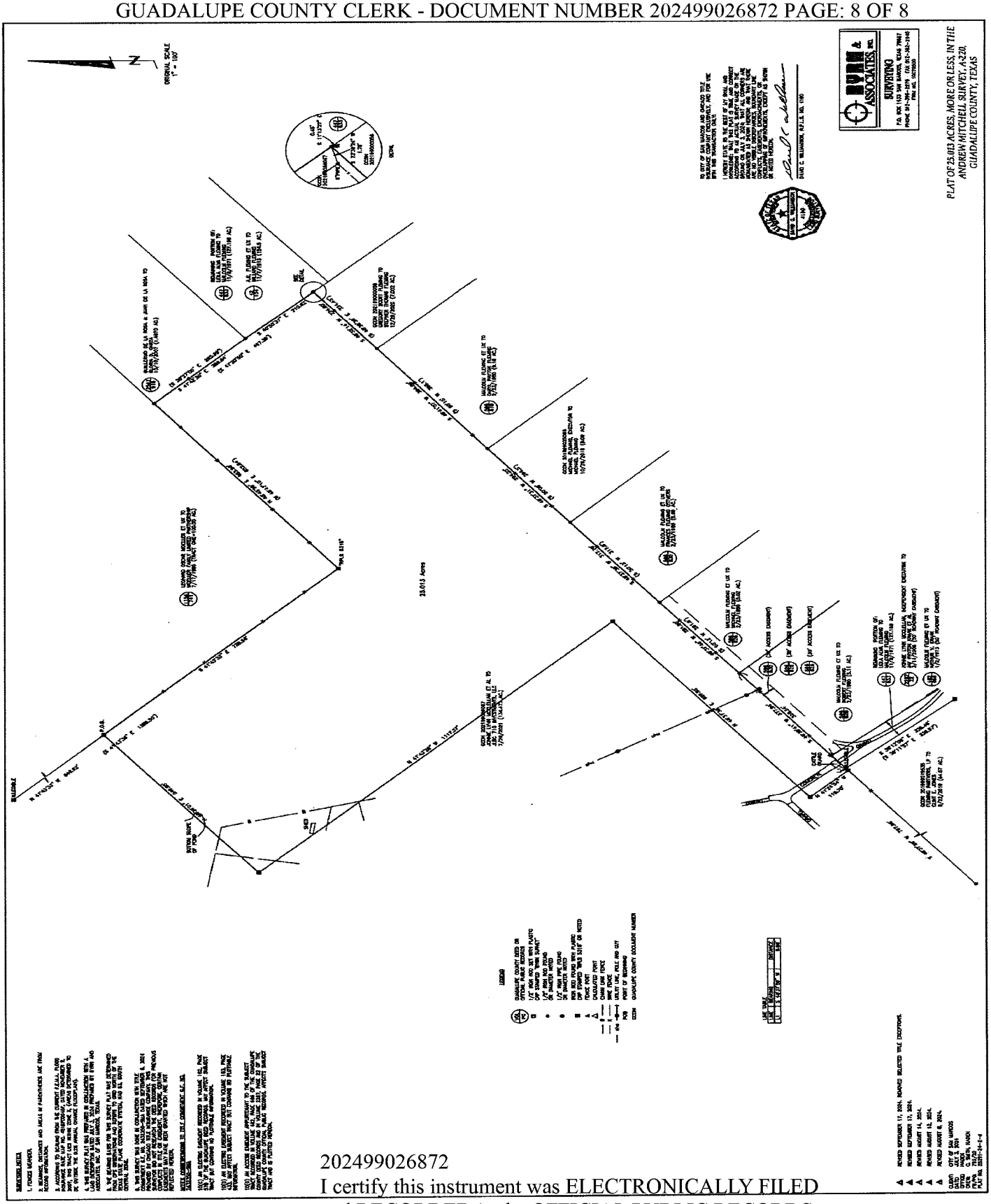
THENCE leaving the Jones tract and crossing the JLBC 710 Investments, LLC tract the following four courses:

1. **N 41° 24' 54" W 119.70 feet** to a 1/2" iron rod set,
2. **N 48° 37' 38" E 699.92 feet** to a 1/2" iron rod set,
3. **N 41° 43' 28" W 1117.57 feet** to a 1/2" iron rod set, and
4. **N 48° 36' 01" E 549.95 feet** to the **PLACE OF BEGINNING**. There are contained within these metes and bounds 25.013 acres, more or less, as prepared from public records and a survey made on the ground on July 3, 2024 by Byrn & Associates, Inc. of San Marcos, Texas. The Bearing Basis for this description was determined from GPS observations and refers to Grid North of the Texas State Plane Coordinate System, N.A.D. 83, South Central Zone. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey".

Kyle Smith, R.P.L.S. #5307



Client: City of San Marcos
Date: July 3, 2024
Survey: Mitchell, A. A-220
County: Guadalupe
Job No: 28291-24
FND 25.013 ac



202499026872
I certify this instrument was ELECTRONICALLY FILED and RECORDED in the OFFICIAL PUBLIC RECORDS of Guadalupe County, Texas on 11/01/2024 08:39:26 AM PAGES: 8 LEAH TERESA KIEL, COUNTY CLERK

COUNTY COURT GUADALUPE COUNTY TEXAS

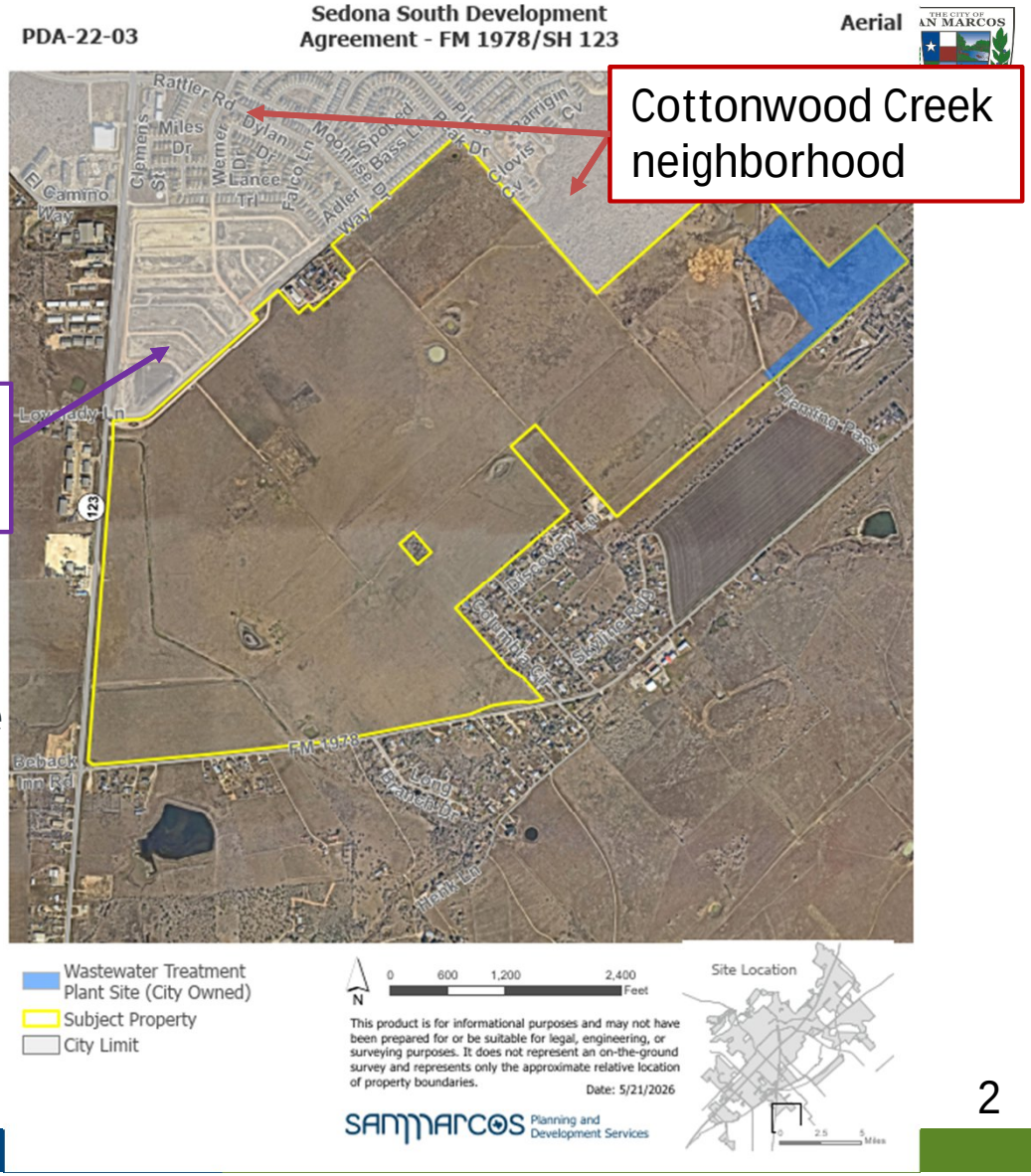
Teresa Kiel

Presentation
PDA-22-03
Sedona South Development Agreement

Receive a staff presentation, and discuss a proposed development agreement requested by the City of San Marcos, and Carlson, Brigance & Doering, Inc, on behalf of JLBC 710 Investments, LLC, for approximately 643 acres out of the Charles Henderson, Andrew Mitchell, and S.A & M.G.R.R Co Surveys in Hays and Guadalupe Counties, generally located on SH 123 northeast of the intersection of SH 123 and FM 1978.

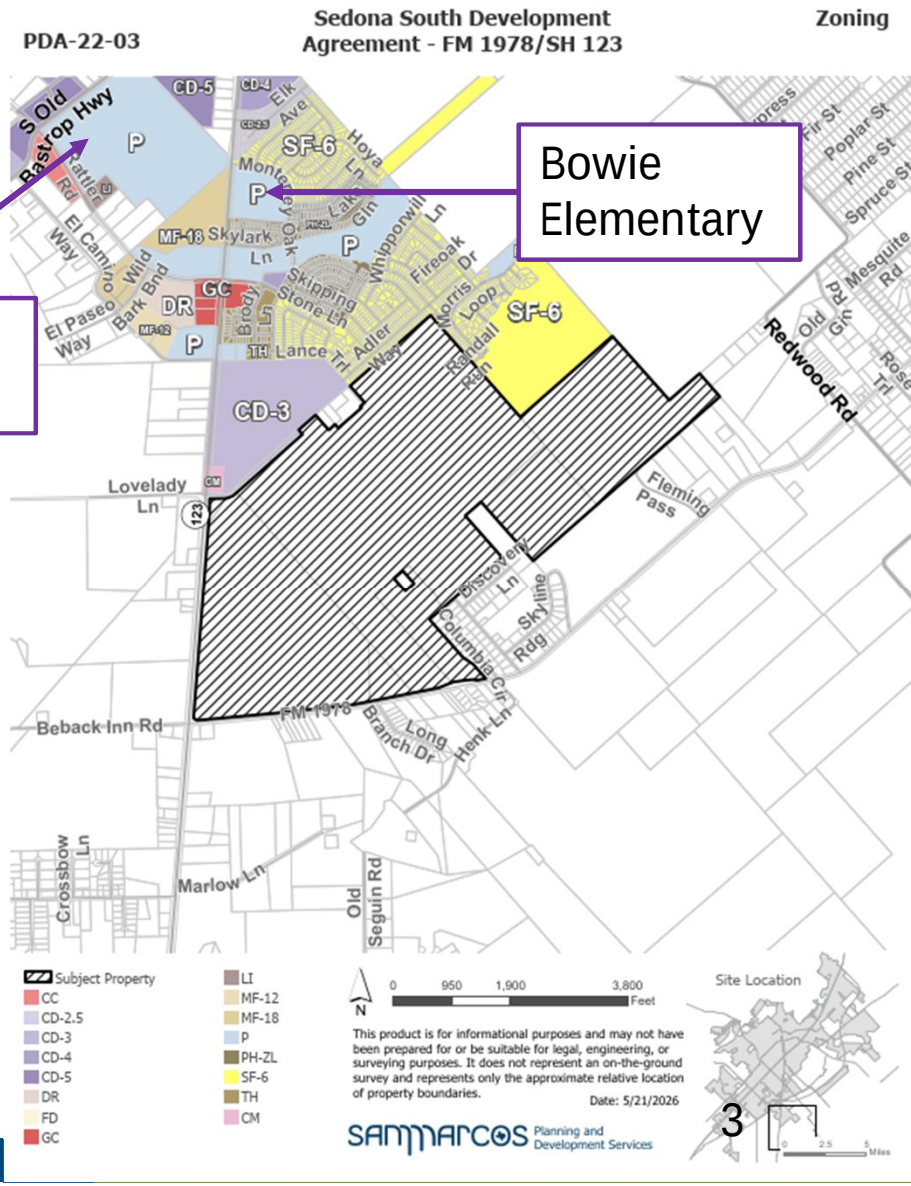
Property Information

- Approximately 643 acres
- Located near the intersection SH 123 and Beback Inn Rd/ FM 1978 (Guadalupe County).
- Surrounding Uses
  - Residential
  - Commercial
  - Vacant/ agricultural
- Developer proposing predominantly single family with some commercial/ light industrial/multifamily along 123 and 1978.
- Includes the now city owned land for the second wastewater treatment plant (donated to City by developer per separate wastewater funding agreement).



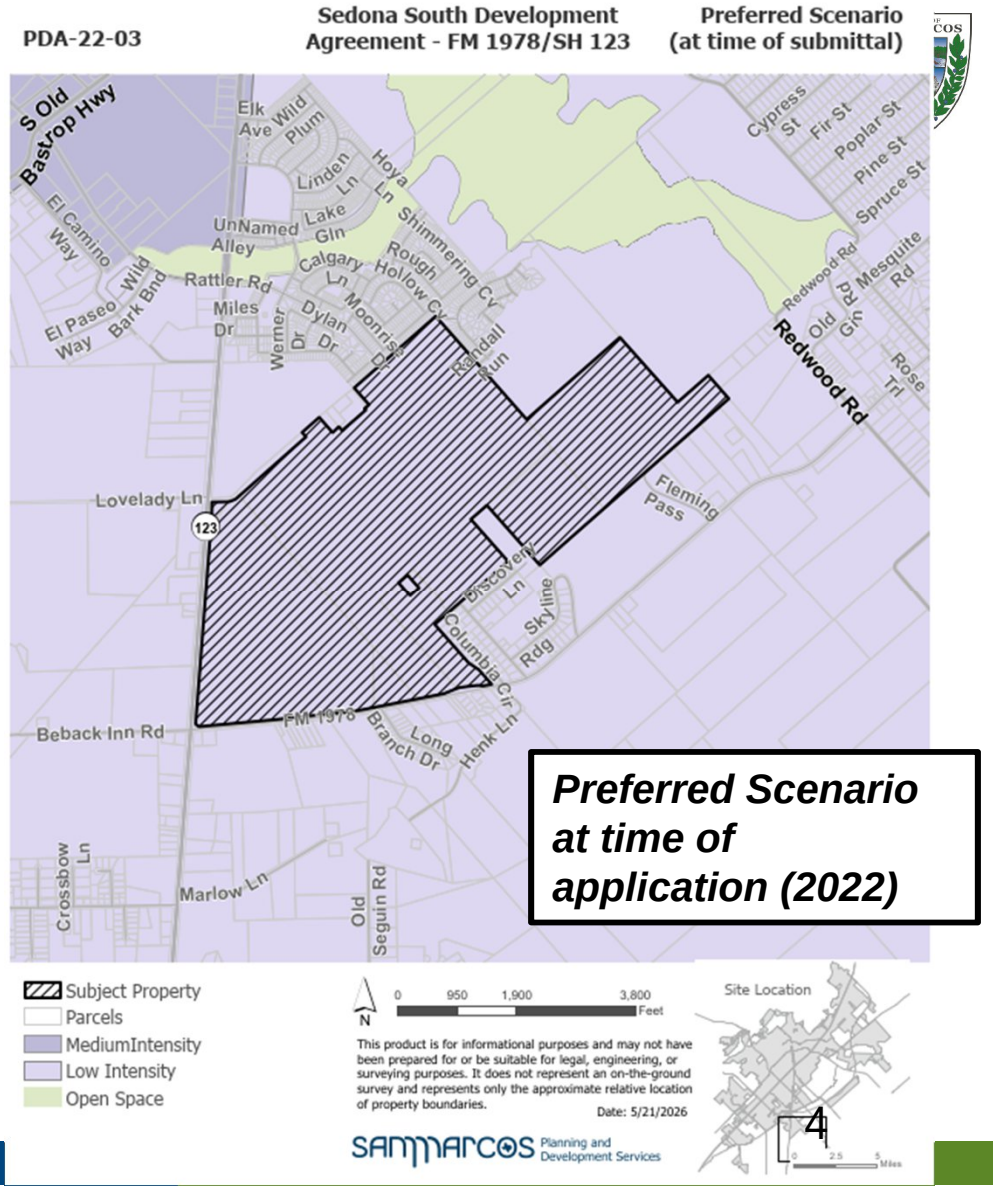
Surrounding Zoning

- Character District-3 (CD-3)
- Commercial (CM)
- Single-Family-6 (SF-6)
- Future Development (FD)
- Outside city limits (no zoning)



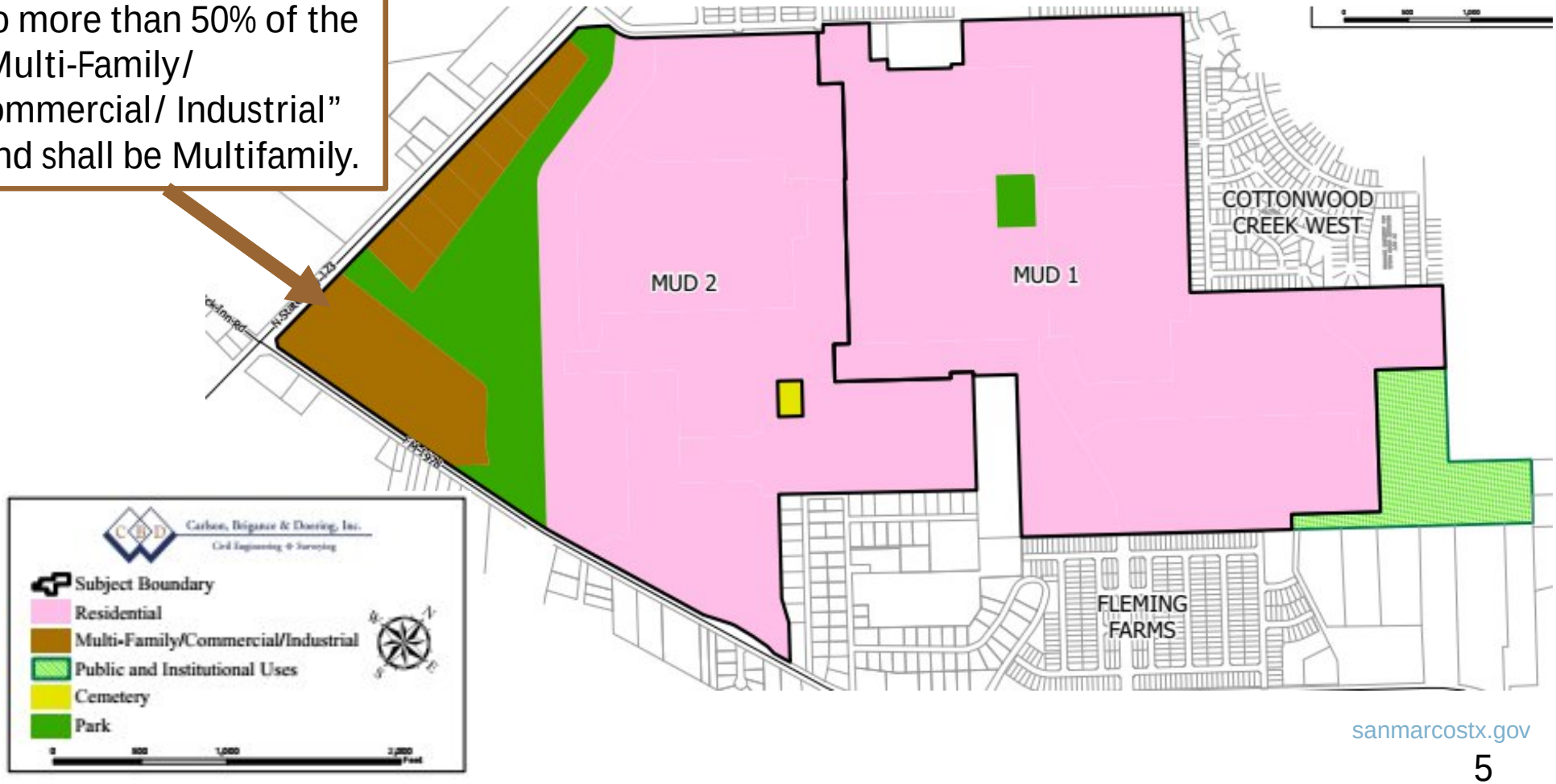
Comprehensive Plan Analysis (Pre-Vision SMTX)

- **Existing Preferred Scenario:** Low Intensity
- “Being located in an area of stability does not mean that these areas should or will not change. It means that any changes, whether new developments, zoning requests, or public improvements, should be carefully planned and implemented so that the character of the area remains.” (Vision San Marcos)



Concept Plan

No more than 50% of the "Multi-Family/ Commercial/ Industrial" land shall be Multifamily.



DA Terms – Allowed Uses in Concept Plan

- **Residential uses**
  - Single family homes, duplexes, zero lot line homes, townhomes (1 house per lot), cottage courts and ADUs.
  - Churches;
  - Childcare facilities;
  - Police, fire, EMS stations;
  - Parkland, community gardens, greenways, and open space;
  - Limited Home Occupations
  - Family Home Care
  - Limited Community Homes
- **Multifamily**
  - Includes multi-family, apartment residences at not more than 24 units per acres.
- **Public and Institutional**
  - Includes any uses defined as Public and Institutional Uses in Sections 5.1.6.1. through 5.1.6.3 of the SMDC, including without limitation, the Major Utilities uses defined in Section 5.1.6.3.B of the SMDC. This allows the Wastewater Treatment Plant site now owned by the City.

DA Terms – Allowed Uses (cont.)

- **Industrial Uses**
  - Any uses defined as Industrial Uses in Sections 5.1.7.1 through 5.1.7.8 of the San Marcos Development Code.
  - **Exclusions**
    - Wrecking/ Junk Yards
    - Storage of flammable materials (exception for Vehicle Services)

- **Commercial Uses**
  - Any use involving, in part or in whole, the sale of merchandise, materials or services.
  - **Exclusions**
    - Adult Oriented Businesses
    - Pawnshops
    - Crematorium
    - Storage of flammable materials (exception for gas stations and truck stops)

Development Agreement (DA) Terms

Processes

- Using current code processes – platting, watershed, etc.
- Per the adopted Interlocal Agreement (ILA) with Guadalupe County, all parcels greater than 5 acres are subject solely to Guadalupe County platting standards.
- No building permits required by the City in the ETJ.
- Roadway maintenance plan to be approved by Guadalupe County prior to platting.

Annexation & Zoning

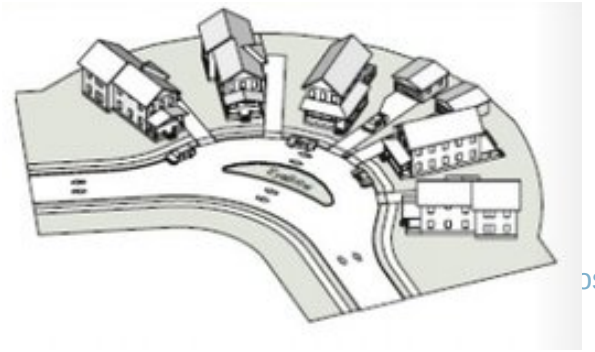
- No annexation proposed except for the City owned Wastewater Treatment Plant site (proposed Light Industrial Zoning with Major Utilities allowed by right).
- Remainder of site will remain in the ETJ – Guadalupe County standards will also apply.

Modified Uses

- Land uses defined in the development agreement per the Concept Plan (the City does not have the authority to regulate land use in the ETJ).

DA Terms – Waivers

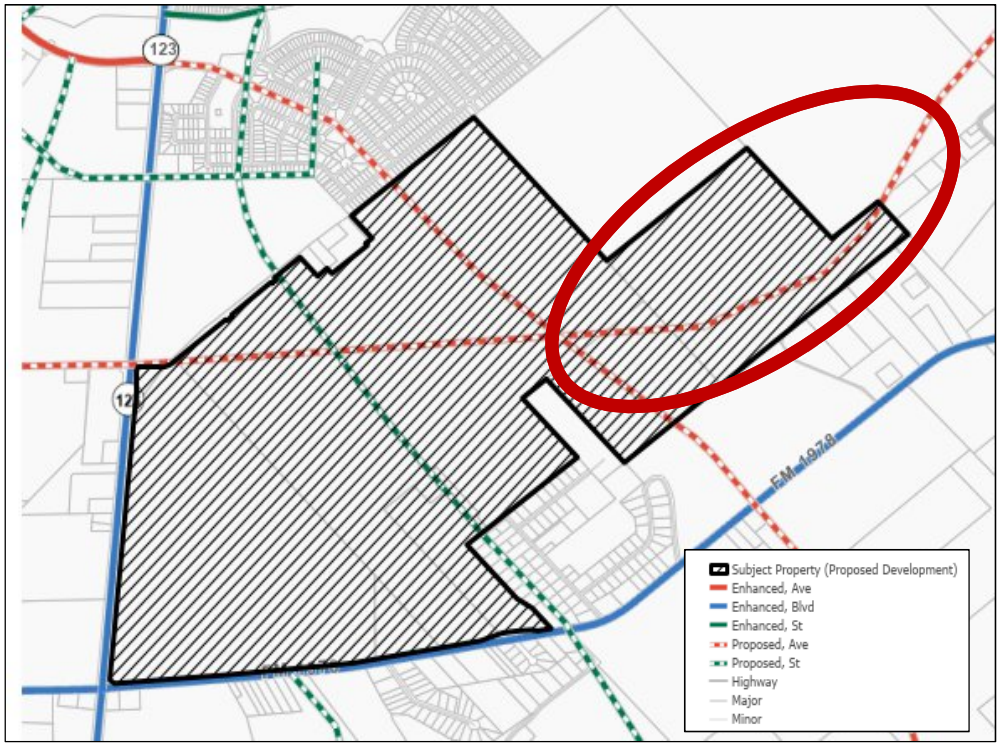
- **Site access**
  - Code requires: All lots 40 ft wide or less to be accessed from an alley.
  - Request: Remove requirement.
- **Dead-end street maximum length**
  - Code requires: Dead end street length cannot exceed 400 ft.
  - Request: Increase maximum length to 500 ft.
- **Landscape islands**
  - Code requires: Street “eyebrows” must have a landscaped island.
  - Request: Remove requirement.
- **Minimum Lot Width/Frontage**
  - Code requires: Minimum 50’ in ETJ.
  - Request: Minimum of 40’.

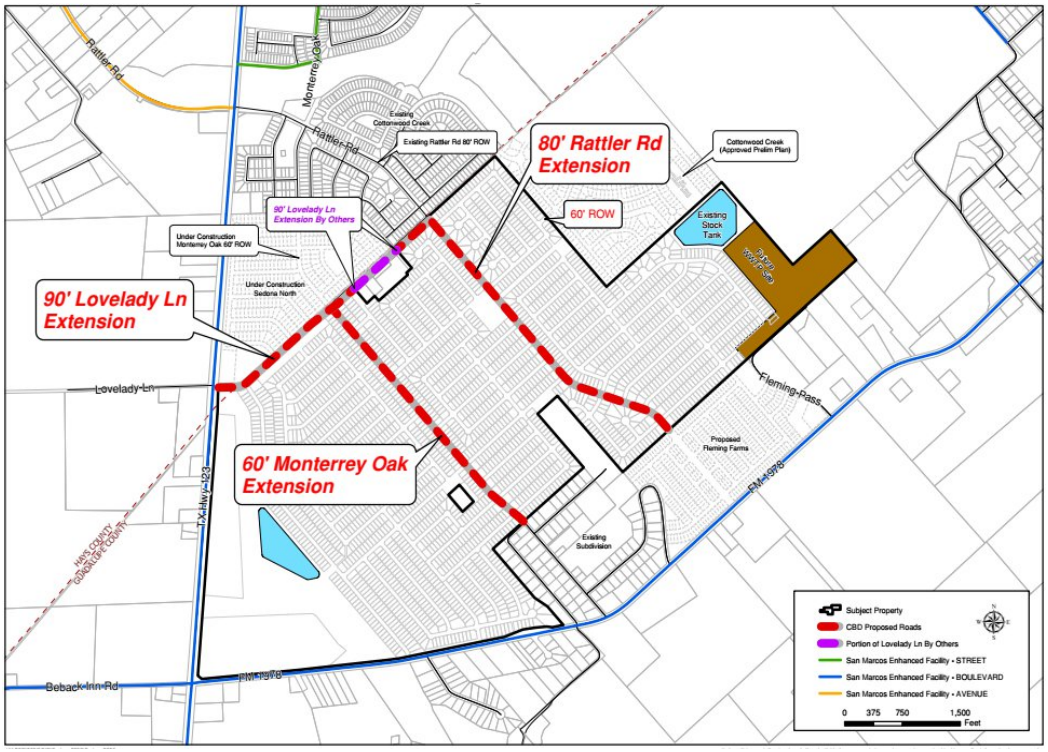


DA Terms – Waivers (cont.)

- **Cut and Fill Standards**
  - Code requires: cut (excavation) and fill on a tract of land may not exceed four feet (4').
  - Request: Increase to 12 ft
- **Two-tiered residential blocks**
  - Code requires: Residential blocks must have sufficient width to provide two (2) tiers of residential lots (unless a 32 ft greenway is provided). Request: Remove requirement.

DA Terms (Thoroughfare Plan)



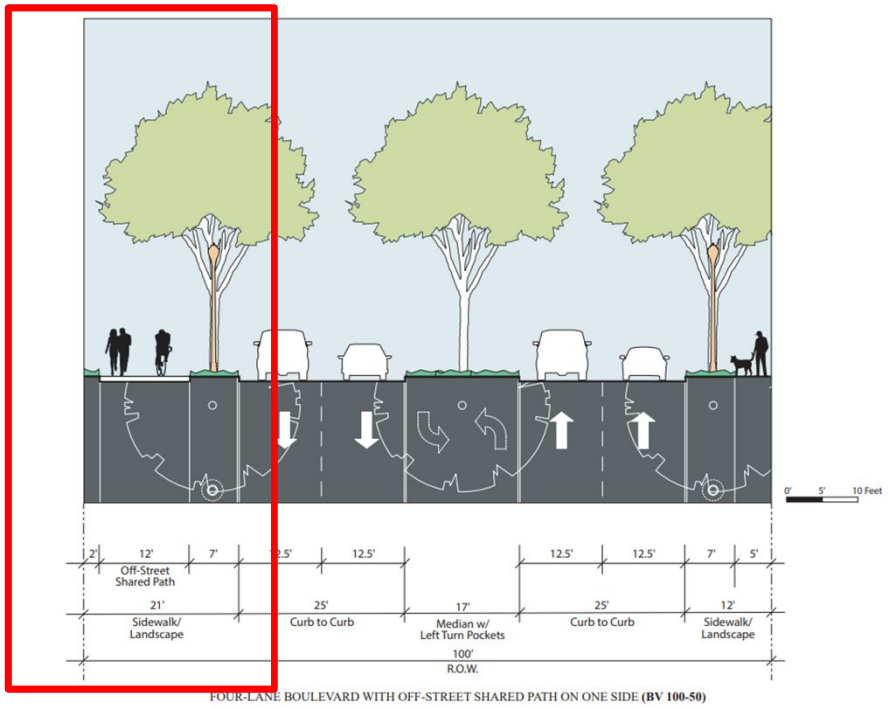


Code requires: Inclusion of all Thoroughfares in the City's Transportation Master Plan

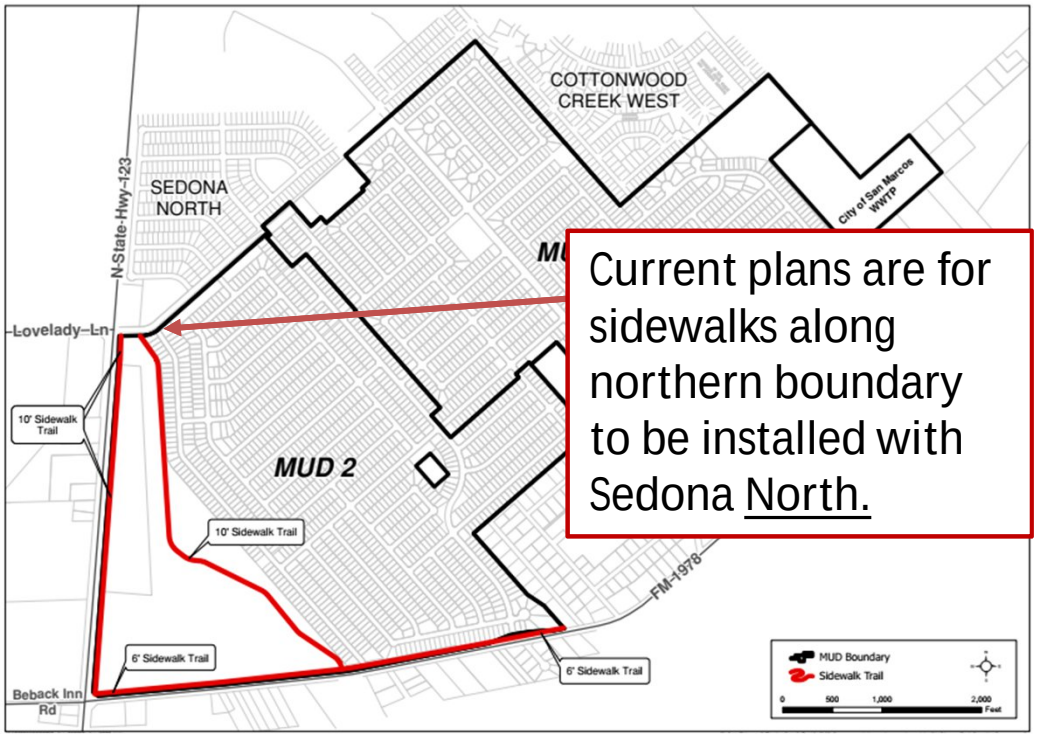
Request : ROW construction per the exhibit above.

DA Terms (Sidewalks on adjacent streets)

- **TMP (2018) requirements**
  - FM 1978 and SH-123 are “Boulevard” sections (BV 100-50) with a 12’ shared use path on one side.



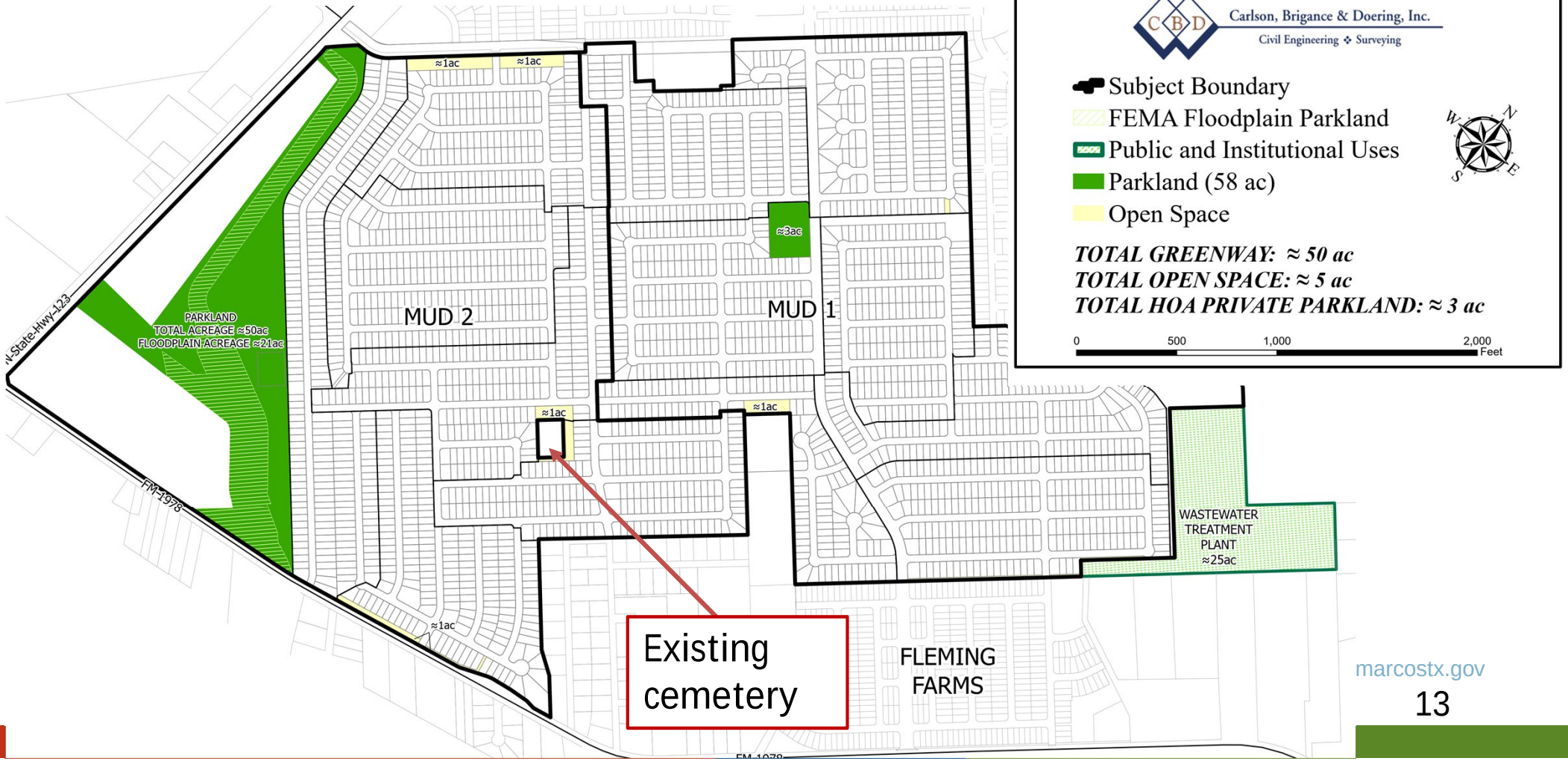
FOUR-LANE BOULEVARD WITH OFF-STREET SHARED PATH ON ONE SIDE **(BV 100-50)**



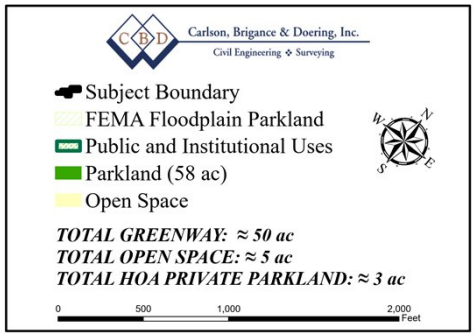
Current plans are for sidewalks along northern boundary to be installed with Sedona North.

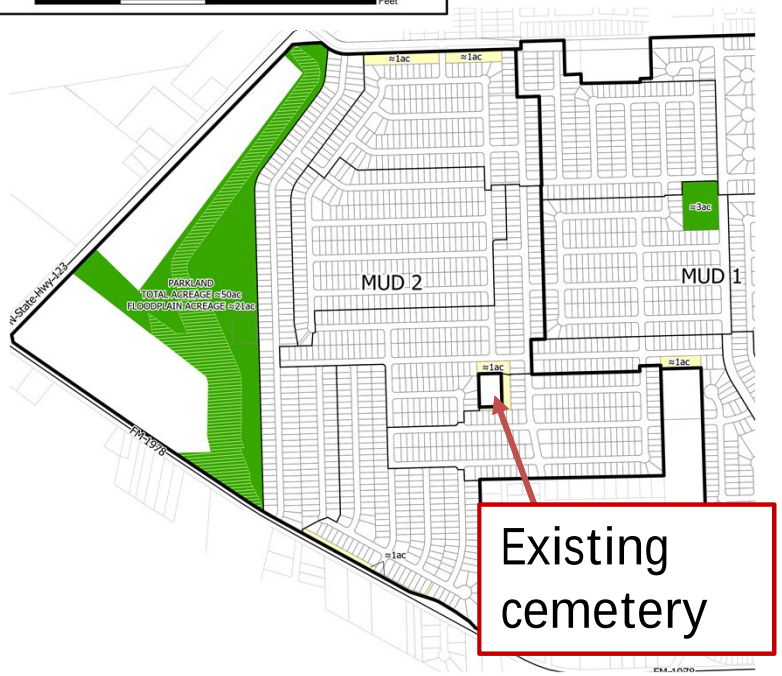
Request : Sidewalks per the exhibit above.

DA Terms (Parks and Open Space)



DA Terms (Parks and Open Space)





- **Parkland Dedication**
  - Code requires: Public parkland dedication (5.7 acres x Population/1000) or fee in lieu.
  - Request: Privately maintained parkland to be provided per the Parks and Open Space Plan.
- Trail to be provided within the greenway connecting FM 1978 and SH 123.
- Existing cemetery to be provided with vehicular access and on-street parking, surrounded by a perimeter fence, and identified with informational signage.

Discussion
(*no action required by Commission*)