

|                               |                                   |
|-------------------------------|-----------------------------------|
| <b>Conditional Use Permit</b> | <b>700 N LBJ Drive Suite 102B</b> |
| <b>CUP-25-62</b>              | <b>Patos The Taco Shop</b>        |



### Summary

|                                       |                                                                        |                            |                                                                            |
|---------------------------------------|------------------------------------------------------------------------|----------------------------|----------------------------------------------------------------------------|
| <b>Request:</b>                       | Renewal of a Conditional Use Permit                                    |                            |                                                                            |
| <b>Applicant:</b>                     | Monica Ruiz<br>Xokol, LLC<br>2101 Montopolis Drive<br>Austin, TX 78741 | <b>Property Owner:</b>     | Hjorting Family Trust<br>1006 San Roque Road<br>Santa Barbara, CA<br>93105 |
| <b>CUP Expiration:</b>                | January 14, 2026                                                       | <b>Type of CUP:</b>        | Beer & Wine                                                                |
| <b>Interior Floor Area:</b>           | 1,100 sq. ft.                                                          | <b>Outdoor Floor Area:</b> | 4 Chairs                                                                   |
| <b>Parking Required:</b>              | 10 spaces                                                              | <b>Parking Provided:</b>   | Yes - Shared                                                               |
| <b>Days &amp; Hours of Operation:</b> | Mon – Friday: 11am – 9pm    Saturday 9am – 9pm    Sunday 9am – 5pm     |                            |                                                                            |

|                  |                                    |                  |                  |
|------------------|------------------------------------|------------------|------------------|
| <b>Posted:</b>   | October 24, 2025                   | <b>Personal:</b> | October 24, 2025 |
| <b>Response:</b> | None as of the date of this report |                  |                  |

### Property Description

|                              |                                                           |                                           |          |
|------------------------------|-----------------------------------------------------------|-------------------------------------------|----------|
| <b>Legal Description:</b>    | The Centre at San Marcos, Lot 1                           |                                           |          |
| <b>Location:</b>             | The northeast corner of Sessom Drive and North LBJ Drive. |                                           |          |
| <b>Acreage:</b>              | 3 acres                                                   | <b>PDD/DA/Other:</b>                      | N/A      |
| <b>Existing Zoning:</b>      | Community Commercial                                      | <b>Proposed Zoning:</b>                   | Same     |
| <b>Existing Use:</b>         | Restaurant                                                | <b>Proposed Use:</b>                      | Same     |
| <b>Preferred Scenario:</b>   | Mixed Use Medium                                          | <b>Proposed Designation:</b>              | Same     |
| <b>CONA Neighborhood:</b>    | N/A                                                       | <b>Sector:</b>                            | Sector 3 |
| <b>Utility Capacity:</b>     | Adequate                                                  | <b>Floodplain:</b>                        | No       |
| <b>Historic Designation:</b> | N/A                                                       | <b>My Historic SMTX Resources Survey:</b> | No       |

### Surrounding Area

|                           | <b>Zoning</b>        | <b>Existing Land Use</b>                             | <b>Preferred Scenario</b>        |
|---------------------------|----------------------|------------------------------------------------------|----------------------------------|
| <b>North of Property:</b> | Multifamily - 18     | Multifamily Apartments                               | Neighborhood High                |
| <b>South of Property:</b> | Public Institutional | Texas State University                               | Commercial<br>Employment/ Medium |
| <b>East of Property:</b>  | Public Institutional | Multifamily Apartments                               | Neighborhood High                |
| <b>West of Property:</b>  | General Commercial   | Food Truck Park/ Gas Station/ Multifamily Apartments | Mixed Use Medium                 |

### Staff Recommendation

|                                                                                                                                                                                                             |                                                              |                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|---------------------------------|
| Approval as Submitted                                                                                                                                                                                       | <input checked="" type="checkbox"/> Approval with Conditions | <input type="checkbox"/> Denial |
| 1. The permit shall be valid for three (3) years, commencing on January 14, 2026, provided standards are met;<br>2. The permit shall be posted in the same area and manner as the Certificate of Occupancy. |                                                              |                                 |
| <b>Staff:</b> Craig Garrison                                                                                                                                                                                | <b>Title:</b> Planner                                        | <b>Date:</b> November 5, 2025   |

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### **History**

Pato's initial Conditional Use Permit approval was on January 14, 2025. The restaurant serves breakfast, lunch and dinner, and serves beer and wine.

### **Additional Analysis**

See Additional Analysis Below.

### **Comments from Other Departments**

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

|                        |                            |
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| Evaluation |              |            | Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)                                                                                                                                                                                                                                                                                                                                               |
|------------|--------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consistent | Inconsistent | Neutral    |                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>X</u>   |              |            | The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.                                                                                                                                                                                                                                                                       |
|            |              | <u>N/A</u> | The proposed use is consistent with any adopted small area plan or neighborhood character study for the area.                                                                                                                                                                                                                                                                                |
| <u>X</u>   |              |            | The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.                                                                                                                                                                                                                                                                            |
| <u>X</u>   |              |            | The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods. |
| <u>X</u>   |              |            | The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.                                                                                                                                                                                                                      |
|            |              | <u>X</u>   | The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.<br><b><i>No improvements are being proposed as the subject structure is an existing development.</i></b>                           |
|            |              | <u>X</u>   | The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.<br><b><i>No visual impacts are expected to cause adverse effects on adjacent properties.</i></b>                                                                                                                                       |
| <u>X</u>   |              |            | The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.                                                                                                                                       |
| <u>X</u>   |              |            | The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.                                                                                                                                                                                                                               |
| <u>X</u>   |              |            | The proposed use is not within 300 ft. of a church, public or private school, or public hospital.                                                                                                                                                                                                                                                                                            |
| <u>X</u>   |              |            | The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5                                                                                                                                                                                                                                                                                    |