

Conditional Use Permit CUP-25-39	407 S Stagecoach Trl Ste 201 Balcon Comedor y Bar
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Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Javier Magana Project LLC 44 East Avenue #2408 Austin, TX 78701	Property Owner:	Carson Diversified Land 1, LCC 407 S Stagecoach Trail, #203 San Marcos, TX 78666
CUP Expiration:	January 24, 2024	Type of CUP:	Mixed Beverage
Interior Floor Area:	2,064 sq. ft.	Outdoor Floor Area:	550 sq. ft.
Parking Required:	26 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Monday- Thursday: 11 a.m. – 9 p.m. Friday – Saturday: 11 .a.m. – 10 p.m. Sunday: 11 a.m. – 3 p.m.		

Notification

Posted:	7/25/2025	Personal:	7/25/2025
Response:	None as of the date of this report		

Property Description

Legal Description:	South End San Marcos, Section One Final Plat, Lot 2.		
Location:	Northeast corner of Stagecoach Trail and Key Street		
Acreage:	0.370 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Dunbar	Sector:	Sector 1
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:	CD-5	Mixed Use/ Retail/ Restaurants	Mixed Use Medium
South of Property:	CD-5	Bank/ Office	Mixed Use Medium
East of Property:	CD-5	Vacant	Mixed Use Medium
West of Property:	CD-5	Car Wash/ Retail	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 six (6) months, provided standards are met; and 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
Staff: Craig Garrison	Title : Planner	Date: 8/6/2025

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History

Balcon received their first Conditional Use Permit (CUP) approval on January 24, 2023, for one year. The CUP expired on January 24, 2024.

Planning staff provided notices of the CUP expiration to the applicant via email, mail, and hand-delivery to the business on June 14, 2024 and August 7, 2024. The Neighborhood Enhancement Department assisted Planning staff in further notification to the applicant of the expired CUP (please see attached Memorandum for additional details).

Additional Analysis

Due to the CUP being expired over 20 months and violations with the City's Neighborhood Enhancement Department, staff is recommending a 6-month CUP approval. This will allow the restaurant to show continued conformance with all city codes and ordinances.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Neighborhood Enhancement	See attached Neighborhood Enhancement Memorandum.

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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. <i>Studies were not complete at the time of the request.</i>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
<u>X</u>			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
<u>X</u>			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
		<u>X</u>	The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.
<u>X</u>			The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
<u>X</u>			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
<u>X</u>			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.