

Conditional Use Permit	1207 South IH 35
CUP-19-13	Twin Peaks



Summary

Request:	New Conditional Use Permit for the sale of beer, wine, and mixed beverages		
Applicant:	Twin Restaurant San Marcos, LLC 5151 Beltline Road, #1200 Dallas, TX 75254	Property Owner:	CCP Carino San Marcos LP 8333 Douglas Avenue, Suite 1500 Dallas, TX 75225
Square Feet:	7,753 square feet	Type of CUP:	Beer and Wine, Mixed Beverage
Interior seating:	246	Outdoor seating:	30
Parking Required:	69	Parking Provided:	126
Days & Hours of Operation:	Sunday – Saturday: 11 a.m. – 12 a.m.		

Notification

Posted:	April 25, 2019	Personal:	April 25, 2019
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1C Quarters Addition		
Location:	Intersection of I-35 and State Highway 123 (Guadalupe Street)		
Acreage:	2.30	Central Business Area:	No
Existing Zoning:	General Commercial (GC)	Preferred Scenario:	High Intensity
Existing Use:	Restaurant	Proposed Use:	Restaurant
CONA Neighborhood:	Sunset Acres	Sector:	5
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	GC	I-35 Frontage Road	High Intensity
South of Property:	P	San Marcos Electric Utility	High Intensity
East of Property:	GC	Restaurant	High Intensity
West of Property:	GC	Restaurant	High Intensity

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History

Johnny Carino’s is the current occupant at this location and received a Specific Use Permit in 2003 for on-premise consumption of mixed beverages.

Additional Analysis

The building is currently 6,497 square feet with a seating capacity of 216. The applicant intends to construct an 816 square foot building addition and a 440 square foot patio addition which would allow for an additional 60 seats. The applicant is proposing an open-air patio enclosed with stone piers and metal railing. Based on the total number of proposed seats, 69 parking spaces are required. Currently 126 spaces exist on this site. Entertainment facilities at the restaurant include televisions and speakers with two televisions and one speaker being proposed for the patio addition. No live music is being proposed by the applicant and the proposed hours of operation are Sunday-Saturday 11 am-12 am.

The closest residential use in the vicinity is in the Sunset Acres subdivision and is located approximately 600 feet away. The San Marcos Development Code includes noise standards for all establishments holding a valid Conditional Use Permit for the on-premise sale and consumption of alcohol. The activities of the establishment selling alcohol beverages for on-premises consumption shall not produce noise levels:

- In excess of 85 decibels for a period exceeding one minute between the hours of 11 am and 10 pm
- In excess of 75 decibels for a period exceeding one minute between the hours of 10 pm and 11 am
- In excess of 63 decibels at any time as measured from within the property line of any residential zoning or use

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial	<input type="checkbox"/>
<ol style="list-style-type: none"> 1. Permit shall be valid for one (1) year, provided standards are met. 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy. 					
Staff: Shavon Caldwell		Title : Planner		Date: May 9, 2019	

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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 neighborhood character study for the area. <i>Studies have not been completed at the time of this 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 as outlined in section 5.1.5.5.
<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(E)(3).