

Conditional Use Permit	1700 S IH 35
CUP-26-16	One Time Tavern



Summary

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

Notification

Posted:	July 24, 2026	Personal:	July 24, 2026
Response:	None as of the date of this report		

Property Description

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

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Staff Recommendation

Approval as Submitted	☒	Approval with Conditions	Denial
1. This permit shall be valid for three (3) years, and shall expire August 11, 2029, provided standards are met; 2. No outdoor Amplified Sound shall be permitted; 3. The business is responsible for the subject property and the abutting right-of-way, excluding the public street or alley pavement, within 50 feet of any entrance and exit, in a clean and sanitary condition, free from litter and refuse at all times. The maintenance responsibilities shall not overlap another alcohol CUP holder's maintenance area. (LDC Section 5.1.5.5.E.2.C); 4. The number of people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and 5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.			
Staff: Craig Garrison	Title: Planner		Date: August 5, 2026

History

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

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

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

Additional Analysis

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

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

Comments from Other Departments

Police	See Attached Police Report
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	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. <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. <i>The diverse zoning districts within this area create potential nuisance and conflicts between the bar and neighboring Single-Family Residential Use.</i>
<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. <i>No improvements are being proposed as the subject structure is an existing development.</i>
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <i>No visual impacts are expected to cause adverse effects on adjacent properties.</i>
<u>X</u>			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
<u>X</u>			The proposed use does not contribute to any factors which shall substantially affect public safety.
<u>X</u>			The proposed use does not contribute to any factors which shall substantially affect public health.
<u>X</u>			The proposed use does not contribute to any factors that may contribute to a strain on natural resources, such as water or similar.
<u>X</u>			The proposed use does not contribute to strain on public services or utilities, such as electricity, water or wastewater, or similar.
<u>X</u>			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences. <i>Measured as 360 feet away.</i>
<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.