

<b>Conditional Use Permit CUP-24-52</b>	<b>1350 S Old Bastrop Hwy, Ste 101 Matas Restaurant</b>
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**Summary**

<b>Request:</b>	New Conditional Use Permit		
<b>Applicant:</b>	Erika Mata 159 Holly's Way San Marcos, TX 78666	<b>Property Owner:</b>	Pierre Elbayeh 4302 Callaghan Rd San Antonio, TX 78228
<b>CUP Expiration:</b>	N/A	<b>Type of CUP:</b>	Mixed Beverage
<b>Interior Floor Area:</b>	1,118 sq ft	<b>Outdoor Floor Area:</b>	N/A
<b>Parking Required:</b>	12 spaces	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Monday: Closed    Tuesday: 6am-12am    Wednesday-Saturday: 12am-12am Sunday: 12am-3pm		

**Notification**

<b>Posted:</b>	October 25, 2024	<b>Personal:</b>	October 25, 2024
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Lot 50, Block F, in the El Camino Real Phase 2 Section 3 Subdivision (2004)		
<b>Location:</b>	Northwest corner of S Old Bastrop Highway and Redwood Road		
<b>Acreage:</b>	2.982 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	General Commercial (GC)	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Gas Station	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Existing Neighborhood	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	El Camino Real	<b>Sector:</b>	5
<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>	Character District 5 (CD-5)	Vacant	Low Intensity Zone
<b>South of Property:</b>	Extra-Territorial Jurisdiction (ETJ)	Vacant	Low Intensity Zone
<b>East of Property:</b>	Extra-Territorial Jurisdiction (ETJ)	Vacant	Low Intensity Zone
<b>West of Property:</b>	Single Family 6 (SF-6)	Single Family Residential	Existing Neighborhood

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**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	<input type="checkbox"/> Denial
<ol style="list-style-type: none"> <li>1. The permit shall be valid for one (1) year, provided standards are met; and</li> <li>2. The applicant shall not pursue a late hour's license from the Texas Alcoholic Beverage Commission (TABC); and</li> <li>3. Any addition of outdoor seating on the site shall necessitate an amendment to this CUP; and</li> <li>4. No outdoor amplified music shall be permitted; and</li> <li>5. The permit shall be effective upon issuance of the Certificate of Occupancy; and</li> <li>6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol>		
<b>Staff:</b> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> November 6, 2024

**History**

This is a new request.

**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

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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. <b>Studies were not complete at the time of the request.</b>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <b>Restaurant/Prepared Food Sales is permitted by right in the General Commercial Zoning District.</b>
<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. <b>Staff has included conditions 2, 3, and 4, to mitigate any negative adverse impacts to the single-family residences located behind the building.</b>
<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>N/A</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. <b>No improvements are being proposed as the subject structure is an existing development.</b>
<u>X</u>			The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <b>No visual impacts are expected to cause adverse effects on adjacent properties.</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. <b>The subject property is directly adjacent to several single-family residences; however, these residences are more than 300 feet when measured door-to-door.</b>
<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 1.5.1.1.