

Conditional Use Permit	1701 S IH 35
CUP-24-65	Bird Dog



Summary

Request:	New Conditional Use Permit		
Applicant:	Michael Delacruz 1701 S IH 35 San Marcos, TX 78666	Property Owner:	Justin Pearson 510 Lazy Lane San Marcos, TX 78666
CUP Expiration:	N/A	Type of CUP:	Beer & Wine
Interior Floor Area:	4,536 sq ft	Outdoor Floor Area:	N/A
Parking Required:	38 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Monday-Sunday: 10am – 11pm		

Notification

Posted:	12/20/24	Personal:	12/20/24
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1 in the Goodnight Business Center Subdivision (2004)		
Location:	Southeast corner of Del Sol Dr and IH 35 Frontage		
Acreage:	1.052 acres	PDD/DA/Other:	N/A
Existing Zoning:	General Commercial (GC)	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Mixed Use Low	Proposed Designation:	Same
CONA Neighborhood:	Sunset Acres	Sector:	5
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:	Single-Family-6 (SF-6)	Single-Family Homes (Sunset Acres Subdivision)	Neighborhood Low Intensity Zone
South of Property:	General Commercial (GC)	Service (RiverCity Screen printing)	Mixed Use Low Intensity Zone
East of Property:	Public and Institutional (P)	Public School (Mendez Elementary)	Neighborhood Medium Intensity Zone
West of Property:	Heavy Commercial (HC)	Auto Repair (Dealer Alternative Auto Care)	Commercial/Employment Medium Intensity Zone

Conditional Use Permit	1701 S IH 35
CUP-24-65	Bird Dog



Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<ol style="list-style-type: none"> 1. This permit approval is subject to the Commission’s approval of the Distance Variance VR-25-01; and 2. The permit shall be valid for one (1) year, provided standards are met; and 3. Any addition of outdoor seating on the site shall necessitate an amendment to this CUP; and 4. No outdoor amplified music shall be permitted; and 5. The following statement shall be included on all restaurant menus: “Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages”; and 6. The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of the total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met; and 7. The permit shall be effective upon issuance of the Certificate of Occupancy; and 8. The permit shall be posted in the same area and manner as the Certificate of Occupancy. 		
Staff: Kaitlyn Buck	Title: Planner	Date: 1/8/2025

History

This is a new request.

Additional Analysis

This Conditional Use Permit accompanies a Variance application (VR-25-01) as the subject business is located less than 300 feet from a public school, Mendez Middle School, as measured “in a direct line from the property line of the place of business, and in a direct line across intersections”. Please note, this is the first instance an alcohol CUP is being requested at this location.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Conditional Use Permit
CUP-24-65

1701 S IH 35
Bird Dog



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>This property is not within the boundaries of any neighborhood character study.</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 proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</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 is not within 300 ft. of a detached single-family residence located in a zoning district that only permits detached single family residences. <i>Measuring door-to-door, the closest single-family residence is located approximately 400 feet from the subject business.</i>
	<u>X</u>		The proposed use is not within 300 ft. of a church, public or private school, or public hospital. <i>The subject property is approximately 185 feet, measured from property line to property line, from Mendez Middle School. A variance application accompanies this CUP request.</i>
	<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.