

Conditional Use Permit	179 S LBJ Drive
CUP-25-33	Toma Taco



Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Oscar Hernandez 179 S LBJ Dr San Marcos, TX 78666	Property Owner:	Fred Bost P.O. Box 629 San Marcos, TX 78666
CUP Expiration:	December 14, 2024	Type of CUP:	CBA Restaurant
Interior Floor Area:	2049 sq. ft.	Outdoor Floor Area:	N/A
Parking Required:	N/A	Parking Provided:	19 spaces
Days & Hours of Operation:	Tuesday-Sunday: 7 a.m. – 10 p.m.		

Notification

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

Property Description

Legal Description:	M E Coffield Lot 1 Block 9		
Location:	Northeast corner of S LBJ Drive and S Edward Gary Street		
Acreage:	0.10 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown (CBA)	Sector:	Sector 8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes and Medium Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Retail Services	Mixed Use Medium
South of Property:	CD-5D	Restaurant/ Union Pacific Railroad	Mixed Use Medium
East of Property:	CD-5D	Retail Services	Mixed Use Medium
West of Property:	CD-5D	Proposed Fire Station	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 three (3) years, commencing on December 14 th , 2024, provided standards are met; 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
Staff: Craig Garrison	Title : Planner	Date: August 6 th , 2025

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History

Toma Taco received their initial approval in 2018 by Planning and Zoning Commission for one year. Toma Taco had their CUP renewed in 2021 for three years. This CUP expired on December 12, 2024.

Additional Analysis

See additional analysis below.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code	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>X</u>			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. <i>The proposed business meets goals, such as fostering small businesses, written in the Downton Area Plan.</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.