



Public Hearing

VR-25-01

Bird Dog

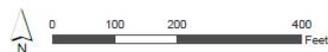
VR-25-01 (Bird Dog Variance) Hold a public hearing and consider a request by Michael Delacruz, on behalf of Bird Dog, for a variance to Section 5.1.5.5 of the San Marcos Development Code, regarding the Sale and On Premise Consumption of Alcohol within 300 feet of a public or private school, located at 1701 S IH 35. (K. Buck)

Context & History

- Variance request accompanies Conditional Use Permit CUP-24-65 (see previous item)
- Restaurant entrance is approximately 900 feet to the entrance of Mendez Elementary School
- Application meets requirements of relief procedure set out in Section 2.8.3.7 of LDC
 - Letter from School District
 - More than 200' between primary entrances
 - Less than 25% of revenue anticipated to be generated from alcohol sales

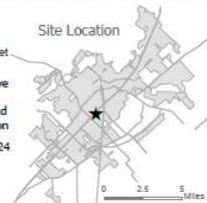


Subject Property
 Parcel



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Date: 11/19/2024



Public School Distance Map

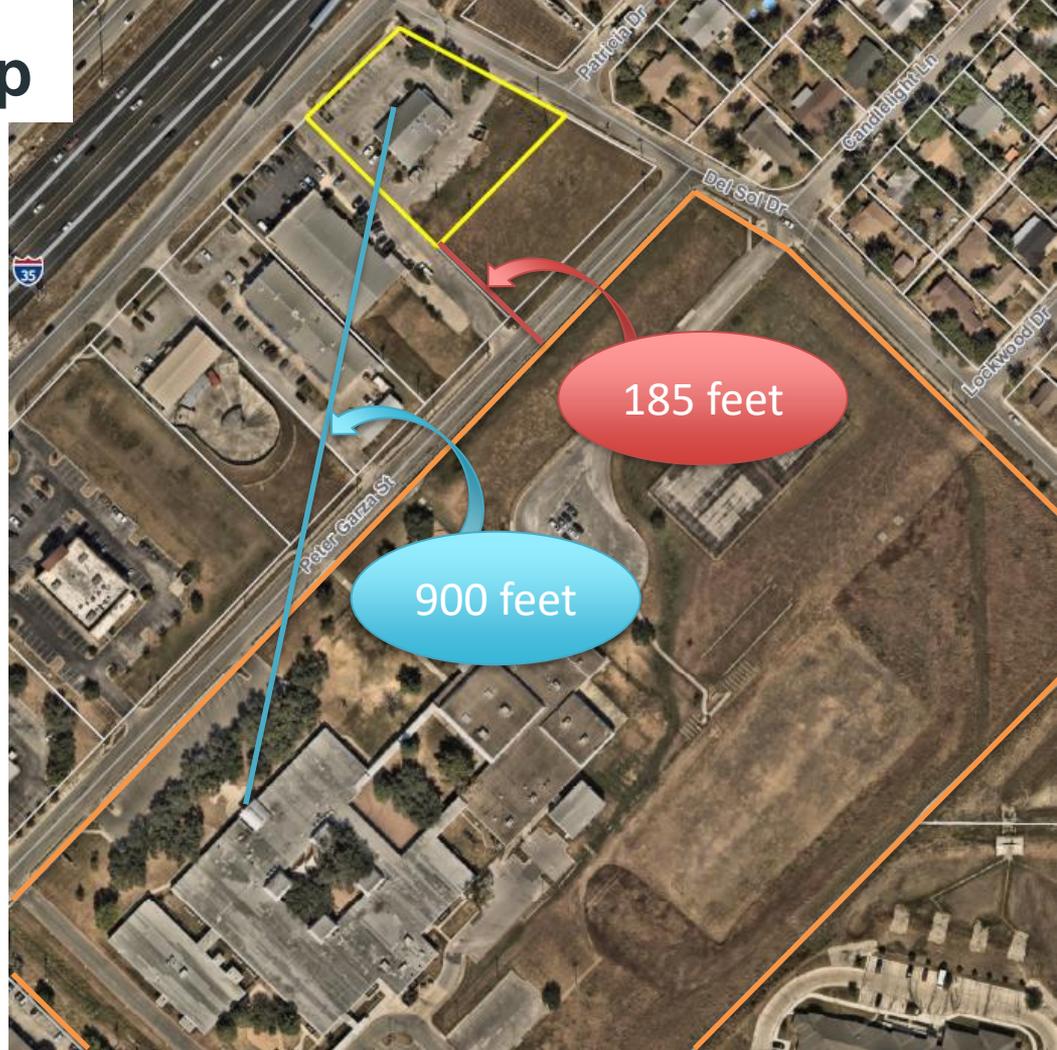
Section 5.1.5.5

Measurement. The measurement of the distances regulated in this Section 5.1.5.5 shall be as follows:

- b. Between a place of business where alcoholic beverages are sold and the public or private school shall be:
 1. In a direct line from the property line of the place of business, and in a direct line across intersections.

Section 2.8.3.7

- C. Variance from the distance requirements For On-Premises Alcoholic Beverage Consumption.** Certain businesses applying for a conditional use permit for on-premises alcoholic beverage consumption may seek a variance from the distance requirements set forth in Section 5.1.5.5, if the business meets all of the following:
3. There is a distance of a least two hundred (200) feet from the primary entrance of the applicant business to the primary entrance of the church or school measured using a straight line.





Recommendation

Staff recommends **approval** of VR-25-01 with the following conditions:

1. The Variance shall be valid for one (1) year (concurrent with the associated Conditional Use Permit), provided standards are met; and
2. 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
3. The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met.