

Conditional Use Permit	1250 N IH 35
CUP-25-40	Fairfield Inn & Suites



Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Frank Chen 1250 N IH 35 San Marcos, TX 78666	Property Owner:	Ruoshu Chen 3009 Maravillas Loop Austin, TX 78735
CUP Expiration:	2/14/2024	Type of CUP:	Beer & Wine
Interior Floor Area:	1000 sq ft	Outdoor Floor Area:	1000 sq ft or N/A
Parking Required:	50 spaces	Parking Provided:	Yes or No
Days & Hours of Operation:	Monday-Sunday: 7am-12am		

Notification

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

Property Description

Legal Description:	Lot 1C in the Dennis P McCoy Memorial Subdivision (1992)		
Location:	On the North corner of McCoy Circle and IH 35 Frontage		
Acreage:	2.754 acres	PDD/DA/Other:	N/A
Existing Zoning:	General Commercial (GC) & Mixed Use (MU)	Proposed Zoning:	Same
Existing Use:	Hotel	Proposed Use:	Same
Preferred Scenario:	Commercial/Employment Medium	Proposed Designation:	Same
CONA Neighborhood:	Two Rivers East	Sector:	6
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)	RV Park	Neighborhood Medium
South of Property:	General Commercial (GC)	Truck Rental	Commercial/Employment Medium
East of Property:	Mixed Use (MU)	Retail	Neighborhood Medium
West of Property:	General Commercial (GC)	Restaurant	Commercial/Employment Medium

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	<input type="checkbox"/> Denial
1. The permit shall be valid for one (1) year, provided standards are met; and 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy		
Staff: Kaitlyn Buck	Title: Planner	Date: 8/6/2025

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History

In 2015 a Conditional Use Permit to allow beer and wine sales was approved for Fairfield Inn & Suites. This permit expired on December 8, 2016. In late 2022 Fairfield Inn & Suites changed ownership. In February of 2023, the Planning and Zoning Commission approved a renewal, valid for one year. This CUP expired on February 14, 2024.

Code Compliance

- June 14, 2024 – Planning Staff emailed, mailed, and hand delivered 1st Notice Letter.
- August 7, 2024 – Planning Staff emailed, mailed, and hand delivered 2nd Notice Letter.
- June 4, 2025 – Code Compliance Staff noticed the applicant, Chen, of the violation and provided him with a copy of the CUP Application.
- June 12, 2025 – Code Compliance Staff met with Chen in person and provided a formal Notice of Violation. The CUP Renewal Application was subsequently submitted in person.

Additional Analysis

Beer and Wine sales are proposed at the hotel within the concessions area of the lobby for consumption in their rooms.

Comments from Other Departments

Police	See Attached Police Report. Note: All calls reported are related to the hotel use, not alcohol sales.
Fire	No Comment
Public Services	No Comment
Engineering	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. The subject property is not located within a neighborhood character study area.
<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. The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.
<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. No improvements are being proposed as the subject structure is an existing development.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. No visual impacts are expected to cause adverse effects 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 1.5.1.1.