

Conditional Use Permit	316 N Edward Gary Suite D
CUP-26-12	Sylvia Pizza



Summary

Request:	Renewal of a Conditional Use Permit (CUP)		
Applicant:	Greg Zepeda 4 Elmwood Circle Wimberley, TX 78676	Property Owner:	Sayers Real Estate Advisor 906 Rio Grande Street Austin, TX 78701
CUP Expiration:	May 27, 2026	Type of CUP:	Beer & Wine
Interior Floor Area:	1,400 sq ft	Outdoor Floor Area:	24 seats
Parking Required:	14 spaces	Parking Provided:	Yes, shared
Days & Hours of Operation:	Wednesday-Thursday: 4:30pm-9pm Friday: 11am-9pm Saturday: 1pm-9pm Sunday: 1pm – 8pm		

Notification

Posted:	March 27, 2026	Personal:	March 27, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Southeast corner of N Edward Gary Street and University Drive		
Location:	Original Town of San Marcos, Block 22, Lot 6-7		
Acreage:	0.628	PDD/DA/Other:	N/A
Existing Zoning:	Character District-5D (CD-5D)	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown (Not CBA)	Sector:	Sector 8
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:	Character District-5D (CD-5D)	Texas State University	Commercial/Employment Medium
South of Property:	Character District-5D (CD-5D)	Retail Services and Restaurants	Mixed Use Medium
East of Property:	Character District-5D (CD-5D)	Retail Services and Restaurants	Mixed Use Medium
West of Property:	Character District-5D (CD-5D)	Retail Services and Restaurants	Mixed Use Medium

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions	<input type="checkbox"/>	Denial
<ol style="list-style-type: none"> The permit shall be valid for three (3) years, shall expire May 27, 2029, provided standards are met; The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d); The Occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and The permit shall be posted in the same area and manner as the Certificate of Occupancy. 				
Staff: Craig Garrison		Title: Planner		Date: 4/8/2026

History

In December 2024, the business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, with conditions. The CUP became effective on May 27, 2025 with the issuance of the TABC License.

Additional Analysis

Senate Bill 1008 provides provisions on the city's ability to prohibit amplified sound at a restaurant. Per this bill and staff's analysis, the City can enforce the existing noise ordinance.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	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 Downtown 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. <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.
<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.