

<b>Conditional Use Permit</b>	<b>311 E Hopkins St</b>
<b>CUP-26-17</b>	<b>Sabor Y Vida</b>



**Summary**

<b>Request:</b>	Renewal of a Conditional Use Permit (CUP)		
<b>Applicant:</b>	Elvia Grandos Leon 311 E Hopkins St San Marcos, TX 78666	<b>Property Owner:</b>	William Backus 8820 Business Park Dr, Ste 400 Austin, TX 78759
<b>CUP Expiration:</b>	May 27, 2026	<b>Type of CUP:</b>	Beer & Wine
<b>Interior Floor Area:</b>	1,014 sq ft	<b>Outdoor Floor Area:</b>	N/A
<b>Parking Required:</b>	10	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Monday-Saturday: 7am-8pm      Sunday: 7am-3pm		

**Notification**

<b>Posted:</b>	April 10, 2026	<b>Personal:</b>	April 10, 2026
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Block 4, Lot 8-A in the Original Town of San Marcos		
<b>Location:</b>	North side of E Hopkins Street, Approximately 70 feet East of N Edward Gary Street		
<b>Acreage:</b>	0.2 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Character District-5 Downtown (CD-5D)	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Mixed Use Medium	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Downtown	<b>Sector:</b>	8
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	Yes, Preservation Priority Low

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Character District-5 Downtown (CD-5D)	Multi-Family Residential (The Local)	Mixed Use Medium
<b>South of Property:</b>	Character District-5 Downtown (CD-5D)	Bank (Bank of America)	Mixed Use Medium
<b>East of Property:</b>	Character District-5 Downtown (CD-5D)	Professional Office (Paramount Tax & Bookkeeping)	Mixed Use Medium
<b>West of Property:</b>	Character District-5 Downtown (CD-5D)	Convenience Store with Gas Sales (Yellow Store)	Mixed Use Medium

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**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	<input type="checkbox"/> Denial
<ol style="list-style-type: none"> <li>1. The permit shall be valid for three (3) years, and shall expire on May 27, 2029, provided standards are met;</li> <li>2. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);</li> <li>3. The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and</li> <li>4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol>		
<b>Staff:</b> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> April 22, 2026

**History**

**2025:** The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

**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 cannot enforce conditions related to noise added to this CUP, and can only enforce the existing noise ordinance.

**Comments from Other Departments**

<b>Police</b>	No Calls Reported
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Health/Code Compliance</b>	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. <b><i>The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan.</i></b>
<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. <b><i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</i></b>
<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. <b><i>No improvements are being proposed as the subject structure is an existing development.</i></b>
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <b><i>No visual impacts are expected to cause adverse effects on adjacent properties.</i></b>
<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.