

Conditional Use Permit	217 W Hopkins St
CUP-24-41	Tantra



Summary

Request:	Appeal of a renewal of a restricted Conditional Use Permit to allow the sale of mixed beverages for on premise consumption.		
Applicant:	Jeffrey Colasurd 217 W Hopkins St. San Marcos, TX 78666	Property Owner:	Jeffrey Colasurd 1006 Barbara Dr San Marcos, TX 78666
CUP Expiration:	10/10/2024	Type of CUP:	Mixed Beverage
Interior Floor Area:	1,978 sq ft	Outdoor Floor Area:	1,834 sq ft
Parking Required:	7 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Sunday & Monday: 8am-10pm Tuesday: Closed Wednesday-Saturday: 8am-12am		

Notification

Posted:	11/1/2024	Personal:	11/1/2024
Response:	Staff has received three (3) letters for the original CUP renewal (attached) and no comments for the appeal as of the date of this report.		

Property Description

Legal Description:	Lot 6, Block 15, in the Original Town of San Marcos		
Location:	Approximately 75 feet East of the intersection of W Hopkins St and N Comanche St		
Acreage:	0.227 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	High Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes, Medium Preservation Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District-5 Downtown (CD-5D)	Retail (HEB)	High Intensity Zone
South of Property:	Public and Institutional (P)	Civic (Price Center & Garden)	High Intensity Zone
East of Property:	Character District-5 Downtown (CD-5D)	Restaurant (Urban Bird)	High Intensity Zone
West of Property:	Character District-5 Downtown (CD-5D)	Medical (Carus Dental)	High Intensity Zone

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
1. The permit shall be valid for three (3) years, commencing on October 10, 2024, provided standards are met; and 2. The establishment shall not pursue nor hold a TABC Late Hours permit; and 3. Outdoor amplified music shall be limited to the hours between 10am and 10:30pm on Saturday and Sunday, and 2pm and 10:30pm on weekdays; and 4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
Staff: Kaitlyn Buck	Title: Planner	Date: 11/04/2024

History

Tantra Coffee received their initial CUP to allow the sale of beer and wine for on premise consumption in 2006. In 2007, the CUP was renewed for three (3) years. In March 2012 the Commission approved a six (6) month renewal based on the volume of noise complaints received by the Police Department and the fact that the previous permit had been expired for more than a year. Following the six-month approval, the Commission approved a three (3) year renewal. In 2015, the Planning and Zoning Commission approved a CUP, valid for the life of the TABC license.

In 2022, staff administratively approved an amendment to the existing CUP due to the business changing ownership, valid for one (1) year. At that time, the business underwent renovations. This permit became in effect when the Certificate of Occupancy was issued in October of 2023.

Additional Analysis

No changes are being made to the business at this time. See additional analysis below.

Comments from Other Departments

Police	See Attached Police Report
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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Commission Recommendation

Approval as Submitted	<u>X</u>	Approval with Conditions / Alternate	Denial
<p>Speakers in favor or opposed:</p> <ul style="list-style-type: none"> 1) Jeffrey Colasurd, in favor 2) Lisa Marie Coppoletta, in opposition <p>Recommendation from the Planning and Zoning Commission Meeting held September 24, 2024: A motion was made by Commissioner Garber, second by Commissioner Agnew to recommend approval of the request with staff conditions and the following addition: all outdoor music shall be limited to no more than 60 decibels.</p> <p>The vote passed with a 9-0 vote For: 9 Commissioner Agnew, Commissioner Costilla, Commissioner Kelsey, Commissioner Case, Commissioner Burleson, Commissioner Meeks, Commissioner Spell, Commissioner Garber, and Commissioner Dunn Against: 0 Absent: 0</p> <p>Discussion Topics: The following topics were discussed: (a) various Cities decibel level limits, (b) the City's noise ordinance regarding consistency with the goals in the downtown area plan, (c) how the business may not be family friendly in accordance with the downtown area plan.</p>			

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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 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. <i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</i>
<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 1.5.1.1.