



# Public Hearing

## CUP-26-23

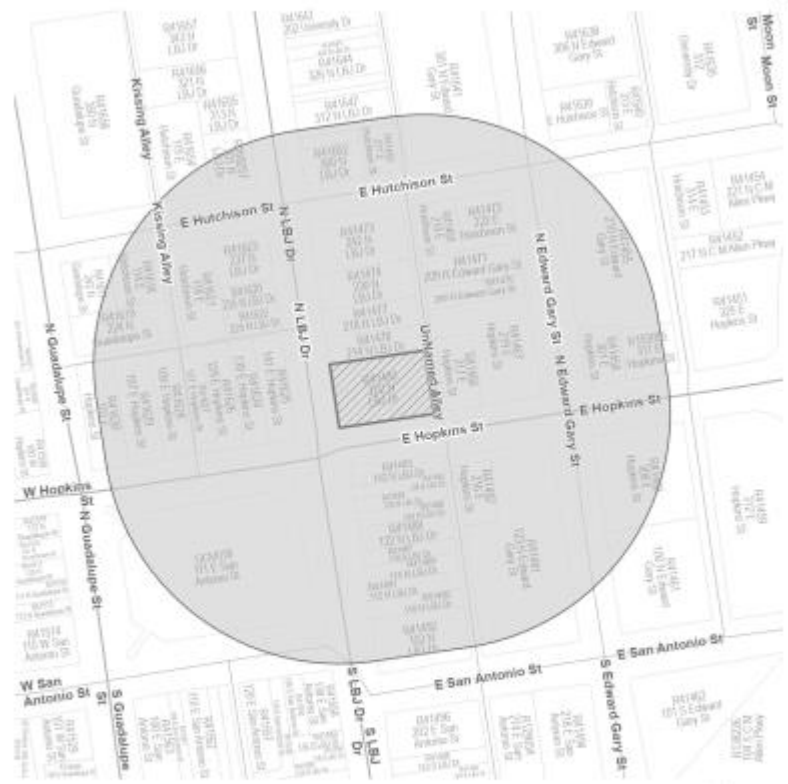
### Axis



CUP-26-23 (Axis) Hold a public hearing and consider a request by R&B South Sisters Inc., on behalf of Axis, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 202 N LBJ Drive Suite A. (C.Garrison)



# Property Information

- Approximately 0.303 acres
- Located on the northeast corner of E Hopkins Street and N LBJ Drive



 400ft Buffer  
 Subject Property



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/16/2025

**SAN MARCOS** Planning and Development Services





# Context & History

- **Existing Zoning:** Character District-5D (CD-5D)
- **Proposed Use:** Restaurant (CBA)
  - Monday-Sunday: 6pm-2am
- **CUP Expiration Date:** June, 10, 2026
- **Police Calls:** 15 calls
- **Code Compliance/Env Health:** Code/Health concerns attached.

CUP-26-23

Axis - 202 N LBJ Dr

Zoning Map



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Date: 11/15/2024

SAN MARCOS Planning and Development Services

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# Criteria for Approval

| C        | I | N          | Criteria for Approval – Sec. 2.8.3.4   |
|----------|---|------------|--|
| <u>X</u> |   |            | Aligns with the adopted comprehensive plan?  |
|          |   | <u>N/A</u> | Complies with any applicable small area plan or neighborhood studies?                                  |
| <u>X</u> |   |            | Meets the purpose and intent of the current zoning district regulations?                               |
| <u>X</u> |   |            | Preserves surrounding character and mitigates impacts (traffic, noise, drainage, visual effects, etc)? |
| <u>X</u> |   |            | Does not create hazardous pedestrian or vehicle traffic conflicts?                                     |
| <u>X</u> |   |            | Includes roadway improvements or controls to reduce neighborhood traffic impacts?                      |



# Criteria for Approval

| C        | I | N        | Criteria for Approval – Sec. 2.8.3.4 Continued  |
|----------|---|----------|---|
|          |   | <u>X</u> | Incorporates design features to reduce visual and other negative effects on adjacent properties?    |
| <u>X</u> |   |          | Meets district standards, or any requested variations are necessary for neighborhood compatibility? |

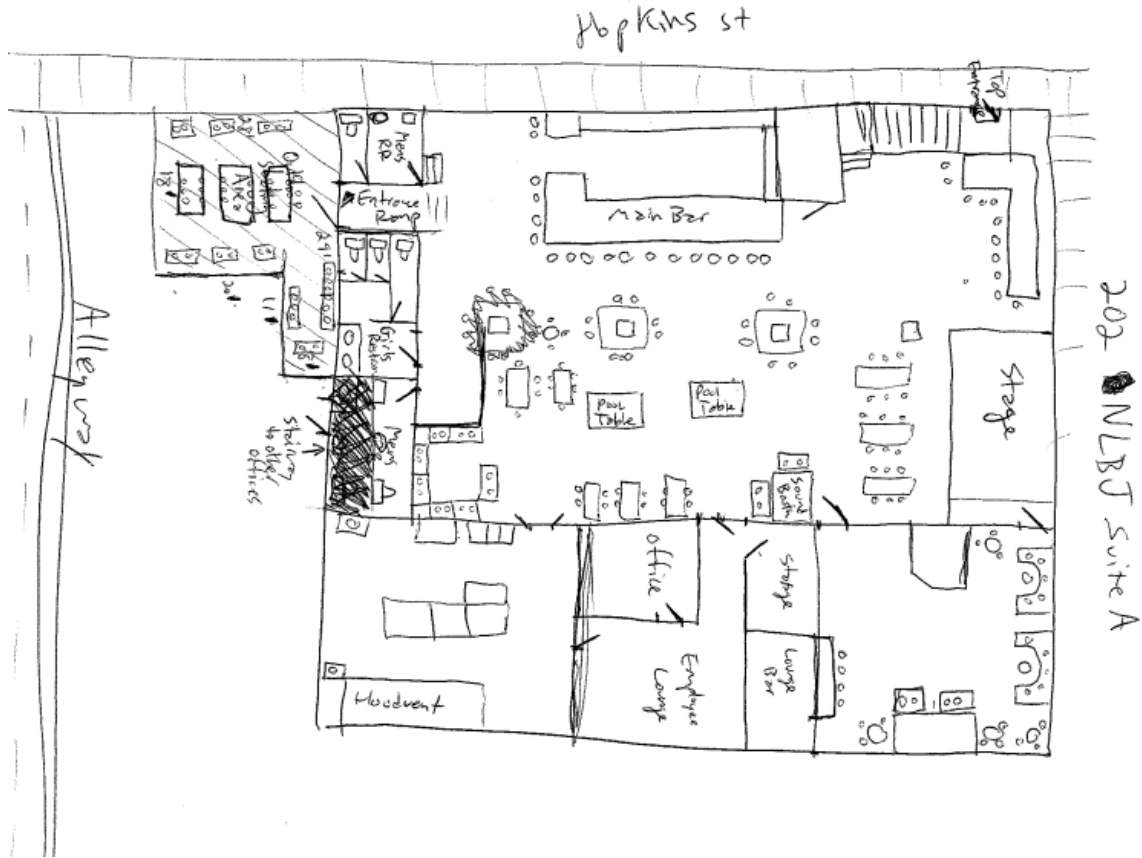
| C        | I | N | Criteria for Approval – Sec. 5.1.5.5   |
|----------|---|---|--|
| <u>X</u> |   |   | Located at least 300 feet from detached single-family homes in single-family-only districts? |
| <u>X</u> |   |   | Located at least 300 feet from churches, schools, and public hospitals?                      |
| <u>X</u> |   |   | Located at least 1,000 feet from any public or private school?                               |



# Criteria for Eating Establishments within CBA

| C        | I | N | CBA Boundary – Eating Establishment (Sec. 5.1.5.5.B.4.b)  |
|----------|---|---|---|
| <u>X</u> |   |   | Does the business include a properly equipped commercial kitchen with adequate food storage and heavy food preparation equipment?   |
| <u>X</u> |   |   | Does the business serve meals during at least two four-hour meal periods each day it is open, with a minimum of three entrée options available during each period?          |
| <u>X</u> |   |   | Is the business used, maintained, and advertised to the public as a restaurant where meals are prepared and served?   |
| <u>X</u> |   |   | Is the business maintaining the sidewalk, gutters, parking areas, areas within 50 feet of exits, and the permitted property in a clean and sanitary condition at all times? |

# Site Plan/Floor Plan



# Recommendation



Staff recommends **approval** of CUP-26-23 with the following conditions:

1. This permit shall be valid for three (3) years, and shall expire May 26, 2029, provided standards are met.
2. The business is responsible for cleaning the area within 100 feet of exit (LDC Section 5.1.5.5.E.2.d)
3. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels;
4. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment;



## Recommendation cont.

5. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours;
6. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served;
7. This permit shall be posted in the same area and manner as the Certificate of Occupancy.