

Conditional Use Permit CUP-26-20	420 University Dr Beans and Buns
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Summary

Request:	New Conditional Use Permit (CUP)		
Applicant:	Victor Cruzalta 3621 Sweet Watermelon Lane Buda, TX 78610	Property Owner:	SM Block 21 LLC 3300 Bee Caves Rd, Ste 650 Austin, TX 78746
CUP Expiration:	N/A	Type of CUP:	Mixed Beverage
Interior Floor Area:	2,500 sq ft	Outdoor Floor Area:	700 sq ft
Parking Required:	11 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Monday-Sunday: 7am-10pm		

Notification

Posted:	May 8, 2026	Personal:	May 8, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 4 & Part of 3, Block 21, in the Original Town of San Marcos		
Location:	On the Southwest corner of University Drive and C M Allen Parkway		
Acreage:	0.277 acres	PDD/DA/Other:	N/A
Existing Zoning:	Character District 5 Downtown (CD-5D)	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Restaurant
Preferred Scenario:	Mixed Use Medium - Regional Center	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	Yes
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes Low Preservation Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Public and Institutional District (P)	Texas State University	Commercial/Employment Medium
South of Property:	Character District - 5 Downtown (CD-5D)	Office / Law Firm	Mixed Use Medium
East of Property:	Public and Institutional District (P)	City Parks & San Marcos River	Conservation/Cluster
West of Property:	Character District - 5 Downtown (CD-5D)	Restaurant	Mixed Use Medium

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<ol style="list-style-type: none"> The permit shall be valid for one (1) year, and shall expire on May 26, 2027, provided standards are met; No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10pm Sunday – Thursday; No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11pm Friday – Saturday; The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d); 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; and The permit shall be posted in the same area and manner as the Certificate of Occupancy. 		
Staff: Kaitlyn Buck	Title: Planner	Date: May 20, 2026

History

This location has formerly been multiple businesses including The Eskimo Hut, Jalapenos Mexican Food, Urban Bricks Pizza, and Sea Barra, all of which have held a CUP with the sale of beer and wine and/or mixed beverages and have served food. The most recent business at this location, Sea Barra received a Restaurant CUP for Mixed Beverages in 2024. The business permanently closed in Spring of 2026.

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 and the conditions related to noise added to this CUP.

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. <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 5.1.5.5.