

<b>Conditional Use Permit</b>	<b>1208 S IH 35</b>
<b>CUP-25-43</b>	<b>La Fonda Restaurant</b>



### Summary

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Sergio Valadez PO Box 968 San Marcos, TX 78666	<b>Property Owner:</b>	Dezte Group Inc. PO Box 968 San Marcos, TX 78666
<b>CUP Expiration:</b>	August 27, 2025	<b>Type of CUP:</b>	Restaurant Beer & Wine
<b>Interior Floor Area:</b>	2,400 sq ft	<b>Outdoor Floor Area:</b>	N/A
<b>Parking Required:</b>	24 spaces	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Thursday – Sunday: 11am-8pm / Closed Monday, Tuesday, & Wednesday		

### Notification

<b>Posted:</b>	August 22, 2025	<b>Personal:</b>	August 22, 2025
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	Lot 1A, Block 43, in the Victory Gardens #2 Subdivision (2010)		
<b>Location:</b>	Along IH-35 frontage, approximately 260 feet South of Patton St		
<b>Acreage:</b>	0.56 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	GC	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Commercial/Employment Medium	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Victory Gardens	<b>Sector:</b>	4
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	Yes
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	Yes, Low Preservation Priority

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Community Commercial (CC)	Civic Center (Cuauhtemoc Hall)	Neighborhood Medium
<b>South of Property:</b>	General Commercial (GC)	Restaurants (Olive Garden & 54 <sup>th</sup> Street)	Commercial/Employment Medium
<b>East of Property:</b>	Community Commercial (CC)	Restaurant (Taqueria La Fonda)	Commercial/Employment Medium
<b>West of Property:</b>	Community Commercial (CC)	Restaurant (Taqueria Mazaltan)	Commercial/Employment Medium

### Staff Recommendation

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	<input type="checkbox"/> Denial
1. The permit shall be valid for three (3) years provided standards are met; & 2. The permit shall be posted in the same area and manner as the certificate of occupancy.		
<b>Staff:</b> Will Rugeley, AICP	<b>Title:</b> Planner	<b>Date:</b> September 3, 2025

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### **History**

La Fonda Restaurant received its first Conditional Use Permit for the sale and on-premise consumption of beer and wine in July of 2011, valid for one year. In March of 2014, La Fonda renewed their permit, valid for 1 year. In March of 2015, the Planning and Zoning Commission approved a Conditional Use Permit for La Fonda Restaurant, valid for the life of the TABC permit. La Fonda's TABC permit expired May 9, 2024; however, the applicant subsequently achieved CUP approval on August 27, 2024 and that approval is set to expire August 27, 2025.

### **Additional Analysis**

While this site is surrounded by commercial uses, the Victory Gardens neighborhood is located within walking distance from the restaurant. This restaurant acts as a buffer from the IH 35 corridor and can service this adjacent neighborhood. Please note, live music is not currently proposed.

### **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>N/A</u>	The proposed use is consistent with any adopted neighborhood character study for the area. <b><i>Studies were not complete at the time of the request.</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; however, 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.