

**Conditional Use Permit
CUP-25-68**

**748 N LBJ Dr, Ste 102
Stoner's Pizza Joint**



Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Tobbie Lee May 9121 Sunpool Schertz, TX 78154	Property Owner:	Kirby Soffer 800 N LBJ San Marcos, TX 78666
CUP Expiration:	January 14, 2026	Type of CUP:	Beer & Wine
Interior Floor Area:	1,877 sq ft	Outdoor Floor Area:	950 sq ft
Parking Required:	14 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Sunday-Thursday: 11am-11pm Friday & Saturday: 11am-1am		

Notification

Posted:	December 19, 2025	Personal:	December 19, 2025
Response:	None as of the date of this report		

Property Description

Legal Description:	Tract A in the A0002 Thomas J Chambers Survey		
Location:	On the Southeast corner of Forest Dr and N LBJ Dr		
Acreage:	0.342 acres	PDD/DA/Other:	N/A
Existing Zoning:	Community Commercial (CC)	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	3
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Neighborhood Commercial (NC)	Restaurant (Grins)	Mixed Use Medium
South of Property:	Community Commercial (CC)	Restaurants (Dos Gatos, Mochas & Javas)	Mixed Use Medium
East of Property:	Multiple Family Residential (MF-18)	Multi-Family Residential (Treehouse Apartments)	Neighborhood High
West of Property:	General Commercial (GC)	Convenience Store with Gas Sales (Shell)	Mixed Use Medium

Staff Recommendation

<input type="checkbox"/>	Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	<input type="checkbox"/>	Denial
1. The permit shall be valid for three (3) years, provided standards are met; 2. No outdoor amplified sound shall be permitted after 10pm; and 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.				
Staff: Kaitlyn Buck		Title: Planner	Date: January 7, 2026	

**History**

The previous business, Double Dave's, was issued their first CUP in 2019. In 2024, Double Dave's closed and Stoner's Pizza Joint opened. The conditions of approval proposed for Stoner's Pizza Joint are the same as the previous business.

In January of 2025, the Planning and Zoning Commission approved a Conditional Use Permit for Stoner's Pizza Joint, valid for one (1) year.

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 condition related to noise on this CUP.

Comments from Other Departments

Police	See Attached Police Report
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment



Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
<input checked="" type="checkbox"/>			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 small area plan or neighborhood character study for the area. <i>Studies were not complete at the time of the request.</i>
<input checked="" type="checkbox"/>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
<input checked="" type="checkbox"/>			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>
<input checked="" type="checkbox"/>			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.
<input checked="" type="checkbox"/>			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>
<input checked="" type="checkbox"/>			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>
<input checked="" type="checkbox"/>			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.
<input checked="" type="checkbox"/>			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.
<input checked="" type="checkbox"/>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<input checked="" type="checkbox"/>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.