

Conditional Use Permit CUP-26-07	216 North Street North Street Curry Shop
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Summary

Request:	Renewal of a Conditional Use Permit (CUP)		
Applicant:	Chase Katz 216 North Street San Marcos, TX 78666	Property Owner:	Kevin Katz Katz Development LLC 719 Aquifer Oaks Trail San Marcos, TX 78666
CUP Expiration:	April 14, 2026	Type of CUP:	Beer and Wine
Interior Floor Area:	1350 sq ft	Outdoor Floor Area:	40 seats
Parking Required:	28 spaces	Parking Provided:	Yes – 60 shared spaces
Days & Hours of Operation:	Monday-Sunday: 11am-10pm		

Notification

Posted:	March 27, 2026	Personal:	March 27, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	D P Hopkins #1 Block 3, Lot 1A		
Location:	Located on North Street, south of the intersection of North Street and West Hutchison.		
Acreage:	0.16 acres	PDD/DA/Other:	N/A
Existing Zoning:	Character District-5D (CD-5D)	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	Sector 8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes and Medium

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District-5D (CD-5D)	Single Family Residential/ Student Housing	Mixed Use Medium
South of Property:	Character District-5D (CD-5D)	Bar	Mixed Use Medium
East of Property:	Character District-5D (CD-5D)	Single Family Residential/ Hotel	Mixed Use Medium
West of Property:	Character District-5D (CD-5D)	Retail/ Restaurant/ Office	Mixed Use Medium

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions	<input type="checkbox"/>	Denial
<ol style="list-style-type: none"> The permit shall be valid for three (3) years, commencing on April 14, 2026, provided that standards are met; No outdoor Amplified Sound, Background Sound, and/or Acoustic music shall be permitted after the closing of the business but in no case later than 10:00 pm Sunday-Thursday, and 11:00pm Friday and Saturday; The Occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; The business is responsible for cleaning the area within 100 feet of an exit (LDC Section 5.1.5.2.D); The permit shall be posted in the same manner as the Certificate of Occupancy 				
Staff: Craig Garrison		Title: Planner		Date: 4/8/2026

History

2016: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, with conditions. The initial CUP did not become active until 2019 with the issuance of the Certificate of Occupancy.

2020: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

2024: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years, commencing on April 14, 2023, with conditions.

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.

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>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>
<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.
<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.