

<b>Conditional Use Permit</b>	<b>205 W Hopkins St</b>
<b>CUP-23-07</b>	<b>Local Joe's Kitchen</b>



### Summary

<b>Request:</b>	New Conditional Use Permit		
<b>Applicant:</b>	Joseph Perricone 205 W. Hopkins St. San Marcos, TX 78666	<b>Property Owner:</b>	Catherine Nair 4211 Long Champ Dr. Austin, TX 78746
<b>CUP Expiration:</b>	N/A	<b>Type of CUP:</b>	Beer & Wine
<b>Interior Floor Area:</b>	3,536 sq ft	<b>Outdoor Floor Area:</b>	1,200 sq ft
<b>Parking Required:</b>	15 spaces	<b>Parking Provided:</b>	22 spaces
<b>Days &amp; Hours of Operation:</b>	Monday-Friday: 10:30am-9pm    Saturday: 11am-9pm    Sunday: 10:30am-2pm		

### Notification

<b>Posted:</b>	March 10, 2023	<b>Personal:</b>	March 10, 2023
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	Original Town of San Marcos, Block 15, Lot 7-8		
<b>Location:</b>	Southwest corner of W Hopkins St & N Fredericksburg St		
<b>Acreage:</b>	0.48 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	CD-5D	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Vacant Restaurant	<b>Proposed Use:</b>	Restaurant
<b>Preferred Scenario:</b>	Downtown High Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Downtown	<b>Sector:</b>	8
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	Yes – Low (Not Historic)

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	CD-5D	H.E.B.	Mixed Use Medium Intensity Zone
<b>South of Property:</b>	CD-5D	Gym & Barber Shop	Mixed Use Medium Intensity Zone
<b>East of Property:</b>	CD-5D	Apartments	Mixed Use Medium Intensity Zone
<b>West of Property:</b>	CD-5D	Tantra / Coffee Shop	Mixed Use Medium Intensity Zone

### 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 one (1) year provided standards are met; 2. The permit shall be effective upon issuance of the Certificate of Occupancy; 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
<b>Staff:</b> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> March 22, 2023

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### **History**

This is a new request.

### **Additional Analysis**

In addition to this Conditional Use Permit to allow the sale of beer & wine, the applicant is requesting an Alternative Compliance (see AC-23-02).

### **Comments from Other Departments**

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</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. <b><i>The CD-5D Zoning District allows "eating establishment" as a permitted use, in order to serve alcoholic beverages for on premise consumption, a conditional use permit is required.</i></b>
<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.
<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>The applicant has constructed a fence along the North and West sides of the property.</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. <b><i>This measurement is from front door to front door. The primary entrance of First United Methodist Church is located on Hutchison.</i></b>
<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.