

Conditional Use Permit CUP-25-64	1350 S Old Bastrop Hwy, Ste 101 Matas Restaurant
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Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Erika Mata 159 Holly's Way San Marcos, TX 78666	Property Owner:	Pierre Elbayeh 4302 Callaghan Rd San Antonio, TX 78228
CUP Expiration:	December 12, 2025	Type of CUP:	Mixed Beverage
Interior Floor Area:	1,118 sq ft	Outdoor Floor Area:	N/A
Parking Required:	12 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Monday-Saturday: 10am-12am Sunday: 11am-10pm		

Notification

Posted:	November 21, 2025	Personal:	November 21, 2025
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 50, Block F, in the El Camino Real Phase 2 Section 3 Subdivision (2004)		
Location:	Northwest corner of S Old Bastrop Highway and Redwood Road		
Acreage:	2.982 acres	PDD/DA/Other:	N/A
Existing Zoning:	General Commercial (GC)	Proposed Zoning:	Same
Existing Use:	Gas Station & Restaurant	Proposed Use:	Same
Preferred Scenario:	Commercial/Employment Low	Proposed Designation:	Same
CONA Neighborhood:	El Camino Real	Sector:	5
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:	Character District 5 (CD-5)	Multifamily Residential	Neighborhood High
South of Property:	Extra-Territorial Jurisdiction (ETJ)	Vacant	Conservation/Cluster
East of Property:	Extra-Territorial Jurisdiction (ETJ)	Vacant	Neighborhood High
West of Property:	Single Family 6 (SF-6)	Single Family Residential	Neighborhood Low Existing

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
1. The permit shall be valid for three (3) years, provided standards are met; and 2. The applicant shall not pursue a late hour's license from the Texas Alcoholic Beverage Commission (TABC); and 3. Any addition of outdoor seating on the site shall necessitate an amendment to this CUP; and 4. No outdoor amplified music shall be permitted; and 5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
Staff: Kaitlyn Buck	Title: Planner	Date: December 3, 2025

History

In November of 2024, the Planning and Zoning Commission approved a Conditional Use Permit for Matas Mexican Restaurant, valid for one (1) year upon issuance of a Certificate of Occupancy.

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.

See additional analysis below.

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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CUP-25-64**

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Matas Restaurant**



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. The subject property is not located within a neighborhood character study area.
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. Restaurant/Prepared Food Sales is permitted by right in the General Commercial Zoning District.
<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. Staff has included conditions 2, 3, and 4, to mitigate any negative adverse impacts to the single-family residences located behind the building.
<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>N/A</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. No improvements are being proposed as the subject structure is an existing development.
<u>X</u>			The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. No visual impacts are expected to cause adverse effects on adjacent properties.
<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. The subject property is directly adjacent to several single-family residences; however, these residences are more than 300 feet when measured door-to-door.
<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.