

Conditional Use Permit	1716 HW 123
CUP-25-27	SH 123 Wonderworld LLC



Summary

Request:	New Conditional Use Permit		
Applicant:	Mirza T Baig 2205 West Parmer Lane Suite 201 Austin, Texas, 78727	Property Owner:	SH 123 Wonderworld LLC 5808 Balcones Drive Suite 200 Austin, Texas, 78731
CUP Expiration:	N/A	Type of CUP:	Use – Gasoline Sales
Interior Floor Area:	9,000 sq ft	Outdoor Floor Area:	N/A
Parking Required:	36 spaces	Parking Provided:	42 spaces

Notification

Posted:	N/A	Personal:	6/6/2025
Response:	None as of the date of this report		

Property Description

Legal Description:	Barnett O Kane Survey, Tract Part 1, Acres 20.084		
Location:	Northwest corner of Wonder World Drive and SH 123.		
Acreage:	2.5 acres	PDD/DA/Other:	Ord. # 2022-52
Existing Zoning:	CM*	Proposed Zoning:	Same
Existing Use:	Undeveloped	Proposed Use:	Gasoline Sales
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	Sector 5
Utility Capacity:	By Developer - Sanitary Sewer extension required	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	OP/ NC	Undeveloped	Neighborhood Low/ Commercial/ Employment Medium
South of Property:	FD/ MF-24	Undeveloped/ Multifamily Apartments	Mixed Use Medium/ Neighborhood High
East of Property:	CD-5	Undeveloped	Mixed Use Medium
West of Property:	P/ MF-24	Church/ Assisted Living	Conservation/ Cluster/ Neighborhood High

Staff Recommendation

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	<input type="checkbox"/> Denial
1. All uses associated with a Truck Stop, per Section 5.1.5.4.D, will not be allowed; 2. Provided standards are met, the conditional use permit shall not expire.		
Staff: Craig Garrison	Title : Planner	Date: 6/18/2025

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History

The subject property was rezoned to "EC" Employment Center District in September of 2021 (Ord.# 2021-77). EC was renamed to Commercial "CM" in August of 2021. The property was placed under a *Restrictive Covenant in August of 2022 (Ord.# 2022-52) prohibiting Warehouse and Truck Stop uses and limiting the Hotel/ Motel use.

Additional Analysis

The property currently has a subdivision plat under review (PC-25-09).

Section 5.1.5.4.C of the San Marcos Development Code defines Gasoline Sales as "A facility where fuel pumps that may sell vehicle fuel."

Section 5.1.5.4.D of the San Marcos Development Code defines Truck Stop as "A facility for the parking, refueling or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

The applicant is proposing a convenience store with gasoline sales.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code	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.
<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.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use 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.