

Conditional Use Permit CUP-26-09	801 Chestnut Street Siren's San Marcos
---	---



Summary

Request:	New Conditional Use Permit (CUP)		
Applicant:	Manuel Alfau 801 Chestnut Street San Marcos, TX 78666	Property Owner:	Virgilio Altamirano POBox 160788 Austin, TX 78716
CUP Expiration:	N/A	Type of CUP:	Beer & Wine
Interior Floor Area:	1,800 sq ft	Outdoor Floor Area:	1,500 sq ft
Parking Required:	12 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Sunday-Thursday: 8am-10pm Friday & Saturday: 8am-11pm		

Notification

Posted:	July 10, 2026	Personal:	July 10, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 117 in the Park Addition Subdivision		
Location:	Southwest corner of N LBJ Dr and Chestnut Street		
Acreage:	0.53 acres	PDD/DA/Other:	N/A
Existing Zoning:	Neighborhood Commercial (NC)	Proposed Zoning:	Same
Existing Use:	Food Truck Park	Proposed Use:	Same
Preferred Scenario:	Mixed Use Medium Neighborhood Center	Proposed Designation:	Same
CONA Neighborhood:	Sessom Creek	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)	Restaurants	Mixed Use Medium
South of Property:	Public and Institutional (P)	Texas State University	Commercial/Employment Medium
East of Property:	General Commercial (GC)	Convenience Store with Gas Sales	Mixed Use Medium
West of Property:	Mixed Use (MU)	Multi-Family and Restaurant	Mixed Use Medium

Conditional Use Permit	801 Chestnut Street
CUP-26-09	Siren's San Marcos



Staff Recommendation

Approval as Submitted	☒ Approval with Conditions	Denial
1. The permit shall be valid for one (1) year, and shall expire July 28, 2027, provided standards are met; 2. No outdoor Amplified, Acoustic, and/or Background Sound shall be permitted after the closing of the business but in no case later than 10 pm Sunday-Thursdays; 3. No outdoor Amplified, Acoustic, and/or Background Sound shall be permitted after the closing of the business but in no case later than 11 pm Friday – Saturday; 4. The business shall be responsible for the subject property and the abutting right-of-way, excluding the public street or alley pavement, within 50 feet of any entrance and exit, in a clean and sanitary condition, free from litter or refuse at all times. The maintenance responsibilities shall not overlap another alcohol CUP Holder's maintenance area. (LDC Section 5.1.5.5.E.2.c); 5. The number of people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and 6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
Staff: Kaitlyn Buck	Title: Planner	Date: July 22, 2026

History

This location has formerly been Red Bus Food Park, which has held a Restaurant CUP with the on-premise consumption of beer & wine since 2019. The business changed ownership in early 2026 and is now Siren's San Marcos.

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 add any conditions related to noise.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

Conditional Use Permit CUP-26-09	801 Chestnut Street Siren's San Marcos
-------------------------------------	---



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>X</u>			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. <i>The proposed business meets recommendations, such as to encourage diverse land use along N LBJ Dr and convert strategic portions of the parking lot into public patio spaces, written in the North of Campus Area Plan.</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. <i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</i>
<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.