

<b>Conditional Use Permit</b>	<b>1328 N IH 35</b>
<b>CUP-24-63</b>	<b>Texas Bean and Brew House</b>



**Summary**

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Niyazi Colak 1328 N IH 35 San Marcos, TX 78666	<b>Property Owner:</b>	Jeff Van Kleef 75 Mission Dr New Braunfels, TX 78130
<b>CUP Expiration:</b>	12/14/24	<b>Type of CUP:</b>	Beer & Wine
<b>Interior Floor Area:</b>	2,400 sq ft	<b>Outdoor Floor Area:</b>	+/- 5,200 sq ft
<b>Parking Required:</b>	23 spaces	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Monday-Sunday: 7am – 4pm		

**Notification**

<b>Posted:</b>	11/22/24	<b>Personal:</b>	11/22/24
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Lot 2 in the Luis Gil Addition Subdivision (1985)		
<b>Location:</b>	Along IH 35 Frontage Road, approximately 750 feet north of McCoy Circle		
<b>Acreage:</b>	0.887 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	General Commercial (GC)	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Commercial/Employment Medium Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Two Rivers East	<b>Sector:</b>	6
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	No

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	General Commercial (GC)	Hotel (Motel 6)	Commercial/Employment Medium Intensity Zone
<b>South of Property:</b>	Heavy Commercial (HC)	Hotel (Fairfield Inn & Suites)	Neighborhood Medium Intensity Zone
<b>East of Property:</b>	General Commercial (GC)	Office (McCoy Headquarters)	Commercial/Employment Medium Intensity Zone
<b>West of Property:</b>	Multiple Family Residential (MF-24)	Apartments (Uptown Square)	Neighborhood High Intensity Zone

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**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	<input type="checkbox"/> Denial
<ol style="list-style-type: none"> <li>1. The permit shall be valid for three (3) years, commencing on December 14, 2024, provided standards are met;</li> <li>2. No speakers or live music shall be allowed outdoors or in other unconditioned areas; and</li> <li>3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol>		
<b>Staff:</b> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> 10/4/24

**History**

Texas Bean and Brew House received their first Conditional Use Permit in 2019, valid for 1 year. In December 2021, the Planning and Zoning Commission approved a renewal to their Conditional Use Permit, valid for 3 years.

**Additional Analysis**

The restaurant offers a total of 168 seats, 92 of which are located outdoors. Considering the large amount of outdoor seating and the site's location being surrounded by residential uses, staff is recommending continuing the outdoor music restriction.

**Comments from Other Departments**

<b>Police</b>	See Attached Police Report
<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.
<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. <b><i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</i></b>
<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. <b><i>No improvements are being proposed as the subject structure is an existing development.</i></b>
		<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>No visual impacts are expected to cause adverse effects on adjacent properties.</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.
<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.