

Conditional Use Permit CUP-23-11	1130 Highway 123 Real San Marcos
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Summary

Request:	New Conditional Use Permit		
Applicant:	Chago and Jessica Serratos 223 Lakeside Pass New Braunfels, TX 78130	Property Owner:	Denny Rivas 205 Knox Drive Buda, TX 78610
CUP Expiration:	N/A	Type of CUP:	Mixed Beverage
Interior Floor Area:	3000 sq ft	Outdoor Floor Area:	300 sq ft
Parking Required:	15 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Sunday - Friday: 3pm-12am Saturday 3pm-1am		

Notification

Posted:	5/5/2023	Personal:	5/5/2023
Response:	None as of the date of this report		

Property Description

Legal Description:	ABS 17-1 TR 55 J M Veramendi Survey 164 X 169 28,052 Sq. Ft.		
Location:	Ebony Street and TX Highway 123		
Acreage:	0.6478 acres	PDD/DA/Other:	N/A
Existing Zoning:	GC	Proposed Zoning:	Same
Existing Use:	Vacant Church	Proposed Use:	Dance Hall
Preferred Scenario:	Medium Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	Sunset Acres	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:	GC	Commercial/Residential	Medium Intensity Zone
South of Property:	GC	Commercial	Medium Intensity Zone
East of Property:	HC	Commercial	Medium Intensity Zone
West of Property:	MU	Commercial	Existing Neighborhood Zone

Staff Recommendation

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	<input type="checkbox"/> Denial
Staff recommends approval of this CUP request with the following conditions: <ol style="list-style-type: none"> 1. No outdoor amplified music after 10pm 2. The permit shall be valid for a (1) year, provided standards are met. 3. The Conditional Use Permit shall be effective upon issuance of the Certificate of Occupancy. 4. The permit shall be posted in the same area and manner as the Certificate of Occupancy. 		
Staff: Craig Garrison	Title : Planner	Date: 5/17/2023

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History

This is a new request

Additional Analysis

The proposed use of a dance hall is permitted within General Commercial. The applicant seeks to serve alcoholic beverages during events.

Comments from Other Departments

Police	No Calls Reported
Fire	Comment or No Comment
Public Services	Comment or No Comment
Engineering	Comment or 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. <i>Studies were not complete at the time of the request.</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.
<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. <i>The proposed use of a dance hall generates traffic that should be accommodated by the parking provided by the venue and the adjacent highway.</i>
		<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. <i>There are nearby residential uses and staff found it necessary to limit the hours of outdoor music.</i>
<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. <i>Surrounding zoning with residential use which permits commercial and residential uses.</i>
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital. <i>The prior use was a church which is now being converted into the dance hall/ event space use.</i>