

<b>Conditional Use Permit</b>	<b>2550 Hunter Road, Ste. 1106</b>
<b>CUP-18-24</b>	<b>Komal Latin Kitchen + Bar</b>



**Summary**

<b>Request:</b>	Consider a request by Komal Latin Kitchen + Bar to renew a Conditional Use Permit to allow the continued sale of mixed beverages for on premise consumption at 2550 Hunter Road, Ste. 1106.		
<b>Applicant:</b>	Rolando Osario 2550 Hunter Road Ste. 1106 San Marcos, TX 78666	<b>Property Owner:</b>	David Chiu 311 Laurel Hill San Marcos, TX 78666
<b>CUP Expiration:</b>	August 17, 2018	<b>Type of CUP:</b>	Mixed Beverages
<b>Total Floor Area:</b>	5000 sq. ft.	<b>Seating Capacity:</b>	80 – indoor 30 - outdoor
<b>Parking Required:</b>	20	<b>Parking Provided:</b>	Parking within the multitenant site is adequate for all uses.
<b>Days &amp; Hours of Operation:</b>	Monday: 11am-9pm Thursday: 11am-9pm Sunday: 11am – 3pm	Tuesday: 11am-9pm Friday: 11am-10pm	Wednesday: 11am-9pm Saturday: 11am-10pm

**Notification**

<b>Application:</b>	N/A	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	N/A	<b># of Participants:</b>	N/A
<b>Posted:</b>	July 27, 2018	<b>Personal:</b>	July 27, 2018
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Hunters Hill, Section 1, Block 1, Lot 3A		
<b>Location:</b>	Hunter Road		
<b>Acreage:</b>	1.92 acres	<b>Central Business Area:</b>	No
<b>Existing Zoning:</b>	Community Commercial (CC)	<b>Preferred Scenario:</b>	Low Intensity
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Same
<b>CONA Neighborhood:</b>	Hunters Hill	<b>Sector:</b>	9
<b>Utility Capacity:</b>	Adequate		

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	CC	Vacant	High Intensity Zone
<b>South of Property:</b>	MF-24	Mariposa Apartments	High Intensity Zone
<b>East of Property:</b>	GC	Vacant	Employment Center
<b>West of Property:</b>	P	Miller Middle School	High Intensity Zone

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**History**

The business is located on the ground floor of a multitenant mixed use building. Komal Latin Kitchen + Bar was granted a one (1) year CUP for mixed beverages in June of 2017 which became effective upon the issuance of the Certificate of Occupancy in July of 2017.

Due to close proximity to Miller School, the restaurant was required to apply for a variance to the distance requirements from a school. This variance was approved by City Council on June 6, 2017 and is effective for the lifetime of the business.

**Additional Analysis**

Because the business holds a variance for the distance requirement from a school, the Commission cannot grant a Conditional Use Permit for a period longer than one year. Also, all recommendations listed below are directly related to the approved variance and must be placed on any approved Conditional Use Permit for this Business.

**Comments from Other Departments**

<b>Police</b>	No concerns associated with the request.
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>The permit shall be valid for (1) year, provide standards are met.</li> <li>The permit shall be posted in the same area and manner as the certificate of occupancy.</li> <li>The following statement shall be included on all restaurant menus: “Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages”; and</li> <li>The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met.</li> </ul>					
<b>Staff:</b> Tory Carpenter, CNU-A			<b>Title :</b> Planner		<b>Date:</b> August 9, 2018

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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.
<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.
<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. <b>A variance was granted by City Council for this requirement.</b>
	<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. <b>A variance was granted by City Council for this requirement.</b>